

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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**APPELLANT'S APPENDIX
VOLUME 22**

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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
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1 TRANS

2 ORIGINAL

FILED

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Deborah A. Johnson
CLERK OF COURT

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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)

BEFORE THE HONORABLE MARY PERRY
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: TRIAL

17 THURSDAY, MARCH 3, 2022

18 APPEARANCES:

19 The Plaintiff: ADAM MICHAEL SOLINGER
20 For the Plaintiff: CHARLES R. GOODWIN, ESQ.
21 3100 W. Charleston Blvd., #100
Las Vegas, Nevada 89102
(702) 472-9594
22 The Defendant: CHALESE MARIE SOLINGER
23 For the Defendant: MICHANCY M. CRAMER, ESQ.
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24 (702) 483-8544

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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>	<u>VOIR</u> <u>DIRE</u>
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(None presented)

DEFENDANT'S _
WITNESSES:

CHALESE SOLINGER	4	15	76	85	78
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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

THURSDAY, MARCH 3, 2022

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

3 (THE PROCEEDINGS BEGAN AT 10:08:51)

4
5 THE COURT: Good morning. We are on the record in
6 case number D-19-582245-D, Solinger versus Solinger. Ms.
7 Cramer, may I please have your appearance?

8 MS. CRAMER: Good morning, Your Honor. Michancy
9 Cramer, bar number 11545, for the Defendant who is with us
10 here today.

11 THE COURT: All right, welcome. And -- and your
12 attorney's going to be coming in --

13 THE PLAINTIFF: He'll be coming in at --

14 THE COURT: -- when he's --

15 THE PLAINTIFF: -- some point.

16 THE COURT: -- done.

17 THE PLAINTIFF: He's --

18 THE COURT: Okay.

19 THE PLAINTIFF: -- on his way, yeah.

20 THE COURT: All right. And I recognize that you --
21 you are a good attorney.

22 THE PLAINTIFF: Thank you.

23 THE COURT: All right. Okay. Let's put somebody
24 back in the hot seat.

1 MS. CRAMER: That's you.

2 THE COURT: Mom.

3 (WITNESS SUMMONED)

4 THE COURT: And remain standing. We'll put you back
5 under oath.

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

9 THE WITNESS: Yes.

10 THE COURT: All right. Are -- Mr. Cramer, you may
11 proceed.

12 MS. CRAMER: Okay.

13 CHALESE SOLINGER

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

16 DIRECT EXAMINATION

17 BY MS. CRAMER:

18 Q All right, so Chalese when you were in labor with
19 Michael can you describe Adam's behavior during that very
20 intensive labor for you?

21 A When he was at the hospital, my mother was there and
22 then partially my sister came at some point and they were
23 comforting me while Adam was sleeping on the couch. When he
24 woke up, he asked if he could go home and shower, and that's

1 what I thought he was doing. It turned out he had gone for a
2 bike ride and they had called for my emergency C-section and
3 we couldn't get hold of Adam and he probably would have missed
4 it had it not been for the anesthesiologist was also MIA at
5 the time helping out with another stupid problem.

6 Q Okay. So because the anesthesiologist couldn't get
7 there in time, there was time for him to get back to the
8 hospital?

9 A Yes.

10 Q Okay. So I would like you to tell the Court about
11 what Adam did and what you and Michael did while Adam was
12 studying for the bar.

13 A While I was pregnant with Michael still, I would
14 often be sent away to my mother's house or my aunt's house, or
15 my grandma's ranch for weeks or months at a time so that he
16 could study without any interferences. And once Michael was
17 born I was still having a lot of issues and it resulted in
18 another surgery a year later. But taking care of a newborn
19 and helping me heal from a C-section was too much for him.
20 And so for the first month-and-a-half of Michael's life, we
21 lived in Idaho at my aunt's house at my grandmother's ranch.

22 Q Okay. Alright. What kind of car do you drive?

23 A Currently I drive a GMC pickup.

24 Q Okay. And what year is it?

1 A I believe it's a 2012.

2 Q Okay. And where did you get that truck?

3 A My mom had to get it for me after Adam had taken my
4 vehicle away and she bought it secondhand from some ranch in
5 Florida.

6 Q Okay. So you have a secondhand farm truck?

7 A Yes.

8 Q Okay. And you and Josh go up to Utah and go
9 camping, correct?

10 A Correct.

11 Q Okay. And what is the speed limit on the freeway in
12 Utah?

13 A 80.

14 Q Okay. And how does your truck do on the freeway in
15 Utah?

16 A You can hear every noise, every bump in the road
17 you feel and it starts to shake.

18 Q Okay. So does your truck have an easy time doing 80
19 miles an hour?

20 A I wouldn't say so.

21 Q Okay. So in reading the filings in this case, I
22 read over and over and over and over and over again about how
23 you drove a hundred miles an hour. Do you think your truck
24 can even sustain a hundred miles an hour?

1 A No.

2 Q Okay. Did -- were you aware that you were being
3 followed?

4 A Yes.

5 Q Okay. So do you ever recall in 2019, I believe
6 that's when it was, driving a hundred miles an hour on the
7 freeway?

8 A No.

9 Q Okay. Alright. I'm going to ask you about property
10 now. With regard to Adam's retirement accounts, are you
11 requesting that you be awarded your community interest in
12 those accounts?

13 A Yes, I am.

14 Q With regard to any bank accounts, including savings,
15 money market, or any other liquid accounts, are you requesting
16 your community interest in those accounts?

17 A Yes, I am.

18 Q And with regard to your respective homes, are you
19 requesting that each of you be rewarded -- be awarded your
20 homes?

21 A Yes.

22 Q Okay. Do you and Adam have any personal property
23 that needs to be divided any further, like any kind of
24 jewelry, furniture, any kind of knickknacks, pots and pans,

1 anything like that that needs to be divided?

2 A No.

3 Q Okay. So you should each keep what you have?

4 A Yes.

5 Q Okay.

6 THE PLAINTIFF: For the record, I'd stipulate to

7 that to make it easy.

8 THE COURT: On what you each have?

9 THE PLAINTIFF: Yeah, on what we each have. That --

10 that's -- I -- I don't want to interrupt, but I would

11 stipulate to that so we can --

12 THE COURT: Okay.

13 THE PLAINTIFF: -- make it easy.

14 MS. CRAMER: Thank you.

15 Q Would you agree that you and Adam are incompatible

16 in marriage?

17 A Yes.

18 Q Would you agree that there's no chance of

19 reconciliation?

20 A Absolutely.

21 Q And do you want the Court to divorce you here today?

22 A Yes.

23 Q Okay.

24 THE COURT: You know, I can't necessarily do it

1 because I can't make the findings.

2 MS. CRAMER: Well, that doesn't mean she doesn't
3 want you to do it.

4 THE WITNESS: Fairy godmother of mine, please.

5 Q Alright. So is -- and is it your request that you'd
6 be returned to your former name of Anderson?

7 A It is.

8 Q So your name would be returned to Chalese Marie
9 Anderson?

10 A Yes.

11 THE PLAINTIFF: I'd stipulate Your Honor can do that
12 today.

13 THE COURT: I can't.

14 THE PLAINTIFF: You can't.

15 THE COURT: I have to determine custody before I can
16 actually divorce.

17 THE PLAINTIFF: And then name change could be
18 construed as ancillary to the proceedings, just --

19 THE COURT: Oh, to -- to let her have a name change?

20 THE PLAINTIFF: Yeah. I -- I'm trying to be as
21 accommodating as possible given the trial --

22 MS. CRAMER: Well, it's --

23 THE PLAINTIFF: -- and everything.

24 MS. CRAMER: That's not really up for debate --

1 THE COURT: It just --
2 MS. CRAMER: -- anyway.
3 THE COURT: It just goes into a decree.
4 THE PLAINTIFF: It -- it does.
5 THE COURT: That way you only have to get one
6 certified copy for everything.
7 THE COURT: Hold on. Hold on. Chalese Marie --
8 THE WITNESS: Would --
9 THE COURT: -- Anderson.
10 THE WITNESS: Anderson.
11 THE COURT: And it was Marie, right?
12 THE WITNESS: Yes.
13 THE COURT: Okay. Because everyone talks about
14 Marie, not --
15 THE WITNESS: Yes.
16 THE COURT: -- Maria.
17 THE WITNESS: Well, it actually stems from Mary, my
18 Aunt Mary, but Mary didn't like her name. She liked Marie.
19 So I got the middle name Marie. I wanted to name Marie a
20 whole bunch of things, but we settled on Marie, so --
21 THE COURT: I even joked around about me calling my
22 daughter, what was it, Magnolia? What was some of those other
23 -- hibiscus, because my mom wanted a flowery name.
24 THE WITNESS: I wanted to name her Amethyst and call

1 her Amy.

2 THE COURT: It's a pretty name. Okay, go ahead.
3 Please proceed.

4 MS. CRAMER: Thank you, Your Honor.

5 BY MS. CRAMER:

6 Q With regard to child custody, Chalese, do you ha --
7 has the week on, week off been working?

8 A Yes.

9 Q Okay. And how are the children doing in your home
10 since you guys have had week on, week off starting in January?

11 A It was a rough first couple days getting used to
12 everything being there longer than, you know, two or three
13 days. But since then, it's been great. We've gotten into a
14 nice routine and everybody seems to like it.

15 Q Okay. I want to ask you about Josh's marijuana use.
16 Why does Josh use marijuana the way he does?

17 A With the amount of pain that he's in. The medicine
18 that he has been given for his back is no longer really
19 helping as much as just a little bit of marijuana would relax
20 his muscles enough that he's not in so much pain from his torn
21 discs.

22 Q Okay. And given that he's been prescribed pain
23 medication in the past, have you had an opportunity to observe
24 him taking pain medication?

1 A I have.

2 Q And what is his demeanor? What is his behavior like
3 when he's on prescribed pain meds?

4 A He gets sleepy and kind of loopy.

5 Q Okay. And what is his behavior like when he smokes
6 a little bit of marijuana?

7 A It's like he's calm and relaxed and can function.

8 Q Okay. And would you ever allow Josh to drive your
9 children around after he had gotten high?

10 A Never.

11 Q Okay. Have you and Josh discussed alternatives?

12 A We have.

13 Q Okay. And does marijuana remain the -- what the two
14 of you believe is the best alternative?

15 A It's -- as of now, it is the best alternative for
16 him, but he is looking into other avenues such as -- I forget
17 -- they're -- they're -- it's kind of like an epidural into
18 his nerves every now and then before we can do any surgery.

19 Q Okay. And he is also considering surgery?

20 A Yes. First we have to get his heart surgery done so
21 that he could be cleared to have back surgery.

22 Q Okay.

23 THE COURT: Let's take a short time so we can
24 recognize the esteemed Counsel.

1 MR. GOODWIN: Yes, Your Honor. Charles Goodman, bar
2 number 14879. I -- I apologize, Your Honor. Weird situation.
3 Justice Court 15 called me and said that yesterday I told them
4 I'd be available for the preliminary hearing today which I
5 find impossible cause I was here the entire day. I just --
6 I'm going to try and get on the BlueJeans and straighten that
7 out, but they're saying that I was in court yesterday saying
8 that I'm prepared to go and I don't know where that came from.

9 THE MARSHAL: Are you prepared to go?

10 MR. GOODWIN: I don't even know who the client is.
11 It was appointed, I guess, yesterday and I said yeah, it's
12 okay; leave it on I guess in the minutes. So they're trying
13 to figure out what's going on in the minutes. If I can just
14 pop on their BlueJeans, I might be able to get --

15 THE COURT: That's fine.

16 MR. GOODWIN: -- some clarification. If necessary,
17 Your Honor, I'll just call you as a witness that I was not in
18 Justice Court 15 yester --

19 THE COURT: You know what, I would have no problem
20 saying nope, he was here with me all day.

21 MR. GOODWIN: Thank you Your Honor. I apologize.

22 THE COURT: Okay.

23 BY MS. CRAMER:

24 Q So I know -- I hate to beat a dead horse, but I just

1 want to touch on this briefly. I know that Lou Schneider's
2 office had some devices which there was an allegation made
3 that there was some kind of child pornography on there. Did
4 you ever observe any child pornography or any drawings of
5 child pornography or any anime of child pornography?

6 A Lou Schneider asked if I would like to look and I
7 said I would not.

8 Q Okay. So you de declined to look at it?

9 A Yes.

10 Q Okay. So, with regard to the FaceTime calls, has
11 Josh arranged FaceTime calls between Adam and the children?

12 A I think he might have once or twice.

13 Q Okay. So he would have to have Adam's phone number
14 to do that?

15 A Yes.

16 Q Okay. And you know, Your Honor, I'll -- I'll pass
17 the witness.

18 THE COURT: Okay.

19 THE PLAINTIFF: Yeah.

20 THE COURT: That was rather abrupt.

21 MS. CRAMER: Yes, I know. I'm just going through my
22 notes and I'll just -- I'll pass the witness.

23 THE PLAINTIFF: Might I suggest we take a -- a brief
24 recess and then at the -- I -- I guess myself --

1 THE COURT: Well --

2 THE PLAINTIFF: -- and Mr. --

3 THE COURT: -- we only have an hour-and-a-half --

4 THE PLAINTIFF: I --

5 THE COURT: -- left.

6 THE PLAINTIFF: Five -- five minutes. I -- I guess
7 what I want to do is this. Can we approach off record to
8 inquire procedurally about something?

9 THE COURT: Correct. Yes, we can. We can go off.

10 (COURT RECESSED AT 10:21 AND RESUMED AT 10:23)

11 THE CLERK: We're back on.

12 THE COURT: Okay. We are back on the record.

13 CROSS EXAMINATION

14 BY THE PLAINTIFF:

15 Q Chalese, you testified that I took a truck away from
16 you?

17 A Yes.

18 Q Do you know who owned that truck?

19 A Your father.

20 Q And do you know whether that was my decision or his
21 decision?

22 A I can't say.

23 Q Do you recall a conversation where I relayed to you
24 that Josh had been driving the truck and my dad wasn't okay

1 with that because he was the one carrying the insurance on it?

2 A Yes, I do.

3 Q And do you recall your response to that?

4 A Briefly.

5 Q What was that?

6 A Something along the line of Your dad had let me
7 borrow the truck and if he wanted to put restrictions on it, I
8 could hear from him and that until then I would continue to do
9 as I see fit.

10 Q And so you wouldn't agree to my dad's request to not
11 let Josh drive a truck that he was insured on, that my dad was
12 carrying the insurance on?

13 A Can you ask the question again?

14 Q Of course. So you would not agree to prohibit Josh
15 from driving a vehicle that somebody else was carrying the
16 insurance on?

17 A I would have agreed, yes.

18 Q So --

19 A I had mentioned if I had heard from your dad because
20 the truck was an agreement between not just you and your dad,
21 but me as well.

22 Q When you say an agreement between you and my father
23 as well, can you expand on that?

24 A From my understanding, the vehicles were given to

1 you and I, one for you, one for I.

2 Q And so your understanding is that his request to not
3 let Josh drive it couldn't be conveyed through me? You wanted
4 to hear from directly?

5 A Well, considering that what you were saying at the
6 time, I didn't know what was truth or not. I didn't believe
7 that that was coming from your father and not from you.

8 Q Ultimately, did you return the truck?

9 A I did. Excuse me. I did.

10 Q Have you taken Ambien previously?

11 A Yes.

12 Q What's your reaction when you take Ambien?

13 A I have a typical -- they call it acute amnesia.

14 Q Has anyone ever told you what's happened when you
15 take Ambient?

16 A Yes, you have.

17 Q Anyone else?

18 A My mother.

19 Q And what has she said?

20 A That it was not a good fit and I have not been on it
21 since 2013.

22 Q And you told Dr. Paglini that you had been -- that
23 you'd taken Ambien previously?

24 A Yes.

1 Q Did you tell him about your reaction?
2 A Yes, I did.
3 Q Did you tell Dr. O'Donahue (ph)?
4 A Dr. O'Donahue did not ask.
5 Q You had three interviews with Dr. O'Donahue?
6 A Yes, he wasn't concerned about any past medication.
7 He was concerned about current medication.
8 Q So his conclusion that there was no issue with you
9 taking the medications, including Ambien, do you agree with
10 his conclusion about Ambien?
11 A I never said that I was taking Ambien. I said that
12 I had taken it in the past in 2013.
13 Q And you've read his report?
14 A No, actually, I have not read his report.
15 Q You've never read Dr. O'Donahue's report?
16 A I've briefed over it, but I have not been on Ambien
17 and I never once testified to being on Ambien previously. I
18 -- not currently. I had been on it previously, but I am not
19 currently.
20 Q You talked about FaceTime and how I don't let you
21 FaceTime with the kids.
22 A Correct.
23 Q And you recall when the Court modified the time to
24 8:00 a.m.?

1 A Yes.

2 Q And your position here is that you have tried to
3 call every time and I've never let you?

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

5 Q Well, what did you say? Could you clarify?

6 A I said the times that I did try, you didn't answer.

7 Q Okay. So how often did you try?

8 A I don't know, off of the top of my head.

9 Q Well --

10 THE COURT: Once, twice, once a week?

11 THE WITNESS: I tried for the --

12 THE COURT: Ten times?

13 THE WITNESS: -- first -- first little bit --

14 THE COURT: Give an approximate.

15 THE WITNESS: -- when the time changed -- when the
16 time changed, I tried for the first maybe week or two and when
17 I was getting no response, I stopped calling. It's -- I
18 figured it's 8:00 a.m. I know it's a hassle for me in the
19 morning to get kids ready for school to get me ready for work,
20 and I imagine it's -- they're doing the same thing.

21 THE COURT: So you tried for a week and when he
22 didn't answer, you stopped.

23 THE WITNESS: Yes.

24 THE COURT: Okay.

1 MS. CRAMER: And Your Honor, I have to say just as
2 an aside, giving a FaceTime at 8:00 a.m. is bonkers. She's
3 right.

4 THE COURT: I think -- I think that was a time
5 though that we knew everybody could fit.

6 MS. CRAMER: It did -- did, but -- but everybody
7 getting the kids ready --

8 THE COURT: Was that my order or --

9 THE PLAINTIFF: That was --

10 THE COURT: Okay.

11 THE PLAINTIFF: -- your order at --

12 THE COURT: Okay.

13 THE PLAINTIFF: -- the --

14 MS. CRAMER: It's -- that's, that's -- that a --

15 THE COURT: That is a bonkers time.

16 MS. CRAMER: It is a crazy time when you have young
17 ones getting them to school. Kids are crazy and getting them
18 to --

19 THE COURT: Did I do that on summertime? I thought
20 I did summer.

21 MS. CRAMER: Oh, summer would make more sense.

22 THE PLAINTIFF: I don't remember whether there was a
23 temporal limitation on it because it was previously 7:00 and
24 Mr. Fleeman (ph) --

1 THE PLAINTIFF: 7:00 a.m., then I changed it to --
2 to 8:00 a.m.

3 THE PLAINTIFF: It was --

4 THE WITNESS: No.

5 THE PLAINTIFF: -- 7:00 p.m.

6 THE WITNESS: 7:00 p.m.

7 THE COURT: 7:00 p.m.

8 THE PLAINTIFF: And Mr. Fleeman made the argument
9 that my alleged continued refusal to allow her to FaceTime
10 constituted such a lack of co-parenting that it would go
11 against the return to primary that Your Honor ordered I
12 believe in approximately of July of last year. And so, Your
13 Honor offered the alternative of 8:00 a.m. and there was no
14 objection or complaints during that time. And then I think it
15 made its way into the order. I think --

16 THE COURT: Well --

17 THE PLAINTIFF: -- Jack drafted.

18 THE COURT: -- you know, I -- and I -- and I -- and
19 -- and I don't know why I was thinking that Mom only had -- or
20 Mom had every weekend, not every other weekend.

21 MS. CRAMER: Okay. Weekends makes more sense, but
22 -- and summer makes me more sense.

23 THE COURT: Well, no, she had weekends for her
24 visitation.

1 THE PLAINTIFF: It was --

2 THE COURT: Dad had the rest of the time.

3 THE PLAINTIFF: It was every other weekend and then
4 every other Wednesday through Friday was the schedule.

5 THE COURT: Okay.

6 THE PLAINTIFF: So it was -- it was equivalent of
7 two days a week. It just wasn't every weekend.

8 THE COURT: Okay.

9 THE PLAINTIFF: It was --

10 THE COURT: All right.

11 THE PLAINTIFF: -- so --

12 MS. CRAMER: Yeah, the school days, I just don't see
13 that being workable. But if it was summer, it was summer.

14 THE COURT: But I -- it -- well, yeah. You know, I
15 -- I -- that may have been one of the things that I was
16 thinking. I -- you know, you're asking me to try to remember
17 what I did and why in this case. I was trying to make
18 something.

19 MS. CRAMER: Understood.

20 THE COURT: All right, go ahead, please.

21 BY THE PLAINTIFF:

22 Q Chalese, do you recall saying also I'll drop the
23 issue with the hand drawn child porn in return for you
24 dropping the laughable drug and alcohol screenings because you

1 and I both know I don't like taking prescription drugs because
2 of what it does to my head, let alone be a drug and alcohol
3 abuser?

4 A Yes.

5 Q Sorry, to return to the FaceTime. I got a little
6 sidetracked. You said that you stopped trying approximately
7 two weeks ago when you were on direct?

8 A No, I didn't say approximately two weeks ago.

9 Q So there was no testimony about you not trying
10 within the last two weeks?

11 THE COURT: Not trying what?

12 THE PLAINTIFF: Not trying to FaceTime.

13 THE COURT: Okay.

14 A I tried for the first little bit and then I stopped.

15 Q Well, I'm asking what your testimony was yesterday.
16 Do you recall testifying about FaceTime?

17 A Yes, I do.

18 Q And do you recall saying that you had stopped trying
19 to FaceTime about two weeks ago or something to the effect
20 that you had not tried to FaceTime within the past two weeks?

21 A I said that I tried at the beginning and when you
22 didn't answer, then I stopped trying.

23 THE COURT: I think her testimony was she tried for
24 a couple of weeks and then stopped.

1 THE PLAINTIFF: I -- I could swear it was that it
2 had been the last two weeks that she hadn't tried and that's
3 coincidentally the time frame that an iPhone call log
4 typically goes back to. So that's why I'm trying to hone in
5 on that specific point.

6 Q Do you recall a CPS investigation?

7 A Yes.

8 Q Do you recall somebody contacting you?

9 A Yes.

10 Q Do you recall hanging up on that person?

11 A No.

12 Q So if the CPS report says that they contacted you
13 and you told them it wasn't a good time, they have to call you
14 back, and then you hung up on them, that would not be
15 accurate?

16 A I said, This isn't a good time, I'll have to call
17 you back, and we hung up the phone.

18 Q And do you recall them coming to try to do a home
19 visit and no one answering?

20 A Yes, I recall being at the WIC office trying to get
21 assistance through the government for food and missing her by
22 about five minutes and calling her as soon as I got home
23 explaining everything and she was completely fine with it and
24 came back.

1 Q And so if I were to proffer to you that that didn't
2 make it into the report, would the report be inaccurate?

3 A I'm not sure. I don't know what the report says.
4 I'm just letting you know what I had said in the conversations
5 I had with the CPS investigation Renee (ph) -- I believe her
6 name is Renee.

7 Q So to be clear, your testimony is that you missed
8 her.

9 A Yes.

10 Q And you called her back?

11 A Yes.

12 Q And then she came and did the home visit.

13 A After we had a phone call. Eventually she --
14 somebody came and did a home visit and deemed it incredible --
15 or that's not the word. I'm sorry.

16 Q Unsubstantiated.

17 A Unsubstantiated. Thank you very much for that.

18 Q As it relates to --

19 THE COURT: I'm --

20 Q -- my --

21 THE COURT: -- coughing a bit.

22 Q As it relates to Michael's pregnancy. Obviously you
23 recall that?

24 A Yes.

1 Q And do you recall the fact that they actually
2 induced you with Pitocin?

3 A No, they did not use Pitocin.

4 Q They induced you in some way, shape, or form?

5 A Yes, after being in active labor for two weeks at
6 home without progressing any, they finally decided to try to
7 speed things up.

8 Q And --

9 A I was already two weeks late.

10 Q As they induced you, you started to make progress.

11 A Yes.

12 Q But then the mechanism they used to induce you
13 caused an allergic reaction?

14 A Yes.

15 Q And as a result, you failed to make progress.

16 A Yes.

17 Q And that is why emergency C-section was called.

18 A That among many other reasons, that was the reason
19 that the doctor thought was the most immediate and could get
20 me into a C-section the fastest.

21 Q And so your testimony is I was not there for any of
22 that and walked in to be dressed to take part in the
23 C-section? I --

24 THE COURT: Go ahead. You're --

1 A To be fair, you know what? I don't know the exact
2 timeline. I had been in the hospital for how many days
3 completely drugged up on who knows what. So the parts that I
4 remember, any time that I was lucid enough and needing
5 support, you were either asleep on the chair and my mom and
6 sister were there holding my hand through contractions helping
7 me breathe or you were not there and I could not get a hold of
8 you because you were riding a bicycle.

9 Q But to be clear, I think your testimony on direct
10 minutes ago was that I almost missed it because I was gone.

11 THE COURT: No.

12 A Yes.

13 THE COURT: You almost missed it because you were
14 MIA.

15 A The only reason that you were able to attend the
16 C-section was because the anesthesiologist was helping
17 somebody else and could not come to me.

18 Q So to be very clear, your position is that all of
19 that information I just relayed about how Michael was born
20 with the induction, with the allergic reaction, with the
21 failure to make progress, that I don't have firsthand
22 knowledge of that, that you don't know how I know that?

23 A No, it's all -- I would expect you to know that.
24 It's the fact that you weren't there. So I'm not sure what

1 you're trying to ask me.

2 Q Well, I -- I don't want to play semantics, but if
3 I'm asking how I know that and if it's not via a firsthand
4 knowledge and then you said you expect me to know that, are
5 you saying somebody told me that or that I wasn't there?

6 A I'm saying you were my husband at the time and this
7 was our first child. You obviously knew what was going on.
8 You were getting text messages from my mom and sister about my
9 progress along the way if you were not there. Now, whether
10 you were there to listen to it afterwards, hearing the nurses
11 talk about it, the doctors talk about it, putting it through
12 to -- you know, to and to through with text messages or you
13 being there for brief moments at a time hearing these things.

14 Q So this is obviously an important point to you
15 because you're talking about it.

16 A Because you brought it up. Yes.

17 Q To be fair, you testified of -- about it on direct
18 which implies you probably strategized about with your
19 attorney.

20 A No, absolutely not.

21 MS. CRAMER: Objection. Don't answer that. Don't
22 answer things when he asks you about what we talked about.

23 THE WITNESS: Yes, ma'am.

24 MS. CRAMER: That's privileged.

1 THE COURT: Yeah, don't ask her what she's discussed
2 with her attorney.

3 THE PLAINTIFF: Understood.

4 THE COURT: You're an attorney and you know better.

5 THE PLAINTIFF: I -- I'm not trying to --

6 MS. CRAMER: And that's exactly what it was. That
7 was --

8 THE COURT: And --

9 MS. CRAMER: -- so blatant.

10 THE COURT: No, let's just -- you know, let's give
11 him the benefit of a doubt unless he keeps doing it.

12 MS. CRAMER: Fair enough, Your Honor.

13 BY THE PLAINTIFF:

14 Q Your testimony is that your truck cannot drive
15 faster than 80 miles an hour?

16 A No, I said it has a hard time going up to 80 miles
17 an hour.

18 Q And so it can go up to 80 miles an hour.

19 A Yes, it absolutely can.

20 Q What's the fastest you've driven your truck?

21 A I think I -- going down a hill cruising made it up
22 to 91.

23 Q I'd like to talk about August 27th of 2019. Does
24 that day stick out to you for any reason?

1 A That was the day before Marie's birthday.
2 Q Okay. What did you do that day?
3 A You -- I -- I don't quite understand. I don't
4 remember.
5 Q I'll be more direct. You came to the house to pick
6 up Marie.
7 A Okay.
8 Q I'm sorry, is that a yes?
9 A Yes, I did.
10 Q And you had Ariel (ph) with you.
11 A Okay. Yes.
12 Q And --
13 A Possibly.
14 Q Is that a yes?
15 A It's --
16 Q I --
17 A -- poss --
18 Q I don't want you to --
19 A I could have, yes. I don't remember exactly if I
20 had another child with me or not.
21 Q And do you recall Jessica bringing Marie up to you?
22 A Somebody brought Marie up to me.
23 Q Did I bring --
24 A I don't -- I don't recall who.

1 Q Do you recall that Michael was not there at that
2 time?

3 A Yes, I do.

4 Q Do you know where Michael was?

5 A I was later told he was at speech therapy. But at
6 the time, no.

7 Q So your testimony is that if we go through the
8 AppClose messages, there won't be a message from me telling
9 you that Michael and I are at speech therapy?

10 MS. CRAMER: No, that's not what her -- objection,
11 Your Honor. That misstates her testimony. And this was --

12 THE COURT: You do keep misstating her testimony. I
13 have caught onto it twice that she's not said anything. Don't
14 misstate her testimony unless you're saying I'm paraphrasing
15 it.

16 THE PLAINTIFF: I -- I will add the paraphrase.

17 THE COURT: Thank you.

18 BY THE PLAINTIFF:

19 Q You said I was later told that.

20 A Yes.

21 Q You're saying I was later told that because you are
22 -- correct me if I'm wrong, but that you were not informed at
23 the time you went to pick up Marie that Michael and I were in
24 speech therapy.

1 A We communicate through AppClose. If I'm driving,
2 I'm not looking at these messages through AppClose.

3 Q After you picked up Marie, did you drive towards the
4 speedway?

5 A Yes.

6 Q And you ultimately dropped Marie off with someone.

7 A Yes.

8 Q And you went to the parenting class that Judge Moss
9 ordered that you attend?

10 A Yes.

11 Q So you came to pick up Marie just to take her to a
12 babysitter?

13 A No.

14 Q Okay. You came to pick up Marie?

15 A Yes.

16 Q And then you dropped her off with somebody?

17 A Yes.

18 Q And then you went to your parenting class?

19 A Yes.

20 Q And then you went back to get Marie?

21 A Yes, we were camping.

22 Q So you were camping out by the speedway?

23 A Yes.

24 Q And do you recall approximately what time you picked

1 up Marie?

2 A No, I do not.

3 Q Do you recall the time your parenting class was
4 scheduled for?

5 A No, I do not off the top of my head.

6 Q So if the holiday order in place states that pick up
7 on children's birthdays is -- is is the day before at I
8 believe 4:00 o'clock, would that comport with your
9 recollection of what time?

10 A No, I believe I had to get off of work and yes, the
11 pick up time was starting at 4:00, but I would pick them up
12 when I got off of work.

13 Q And you started your testimony discussing a -- a
14 Ring camera out in front of the former marital house?

15 A Yes.

16 Q And you -- I don't want to put words in your mouth
17 and I don't want to directly quote you, but you said something
18 to the effect that there was hours of footage of myself
19 sitting in front of the house.

20 MS. CRAMER: I object to that too that -- because
21 she never said there was hours of footage. She said she
22 observed it on the video.

23 THE COURT: She said she observed it multiple times.

24 MS. CRAMER: Yes.

1 THE COURT: That's all she said. She didn't say
2 hours.

3 THE PLAINTIFF: And -- and I'm --

4 THE COURT: She said she observed it multiple times.

5 THE PLAINTIFF: I'm really not trying to do anything
6 other than rephrase the testimony the best --

7 MS. CRAMER: You know --

8 THE PLAINTIFF: -- I can.

9 MS. CRAMER: -- Your Honor, I'm going to object. It
10 -- he has -- he tries to explain his -- his intentions
11 virtually every time he asks a question. I would like that to
12 stop and I would like him to just ask her a question. I would
13 also like him to stop misstating her testimony. She said she
14 saw him on the Ring camera numerous times. She did not say
15 there was hours of footage. I know he's implying that she has
16 this footage somewhere or where is it? She never testified
17 that she saved it. She never testified that she had it in her
18 possession. So --

19 THE PLAINTIFF: We're -- we're not even --

20 THE COURT: The --

21 THE PLAINTIFF: -- there yet and --

22 THE COURT: The -- the key -- but the problem is is
23 you both misstate what the witnesses has said and I've got a
24 good enough memory where I pick up every time the questions

1 you all have asked misstates what has been said. And I take
2 that into consideration. I -- you know, she is right. She
3 never said hours. And I'm not sure where you're leading on
4 this, but I'm sure you have a point. So let's get to it
5 because we have an hour and 15 minutes left.

6 THE PLAINTIFF: Absolutely.

7 BY THE PLAINTIFF:

8 Q You never saved that footage?

9 A No.

10 Q You had Lou Schneider as your attorney at the time?

11 A Correct.

12 Q And you still didn't think to save the footage?

13 MS. CRAMER: Objection. Relevance. What does Lou
14 Schneider being her attorney have to do with saving Ring
15 footage?

16 THE COURT: Other than the fact that he may be --
17 nevermind. I'm not going to say what I was going to say.

18 MS. CRAMER: I know what you're going to say.

19 THE PLAINTIFF: Now I'm curious.

20 THE COURT: Off the record, I may. You'd be
21 surprised at how many people, even with great attorneys, don't
22 tell their clients to save text messages.

23 BY THE PLAINTIFF:

24 Q There's been ample communication throughout this

1 case between the two of us.

2 A Yes. And at times, have you ever claimed to have
3 saved videos?

4 A What -- what kind of videos?

5 Q Just in general.

6 A Possibly.

7 Q And -- strike that. Regarding speech therapy, did
8 you -- you testified yesterday about the steps you took with
9 Michael to work on speech therapy.

10 A Yes.

11 Q And you essentially I believe made the
12 representation that you worked with him on the worksheets, but
13 didn't just sit him in front of the worksheet.

14 A I didn't show him the worksheet. I worked on the
15 sounds and letters and words that were on the worksheet. Yes.

16 Q Did you tell Dr. Paglini that that's what you did?

17 A Yes, I did.

18 Q Have you read Dr. Paglini's report?

19 A Briefly, yes.

20 Q Do you believe he accurately conveyed what you told
21 him about speech therapy?

22 A No.

23 Q As far as putting Michael back in speech therapy, do
24 you recall that portion of your testimony?

1 A Yes.

2 Q And in essence, you say that you were cut out of
3 getting him back into speech therapy.

4 A Meaning what?

5 Q That you testified yesterday that I did not consult
6 with you I think was the phrase.

7 A Beforehand?

8 Q Correct.

9 A Correct. I had asked for somewhere more neutral.
10 And you took it upon yourself to once again choose where to
11 go.

12 Q Do you believe that speech therapies -- that you can
13 walk in?

14 A No, and that's why I said I would like to get him
15 enrolled in CCSD program when I did.

16 Q Did you find a more neutral place and suggest it?

17 A No, I was researching them.

18 Q You would agree that getting Michael back in speech
19 therapy as quickly as possible is important?

20 A Not as quickly as possible. I was told that it
21 would be all right to figure some other things out.

22 Q Who told you that?

23 A Margo (ph), the speech therapist.

24 Q And so if the speech therapy discharge note didn't

1 have that message in there, how would you react?

2 A Well, I had a personal connection with the speech
3 therapist and maybe when she's telling me things as
4 mother-to-mother, woman-to-woman, as I'm going through a hard
5 time, my husband just left me and she's telling me you can --
6 you know, this is okay for right now. Let's work on getting
7 him in this, look through CCSD and get him enrolled when he
8 goes into school.

9 Q What's your understanding of Michael's speech level
10 at the time you exited him from speech therapy?

11 A That he had progressed well and with the fact that I
12 was working with him the way that I was, that we would be okay
13 until I could enroll him in a CCSD program.

14 Q Did he have a speech delay?

15 A Yes, he did.

16 Q Do you recall how severe the speech delay was?

17 A It was a pretty severe speech delay.

18 Q Can you quantify that?

19 A Well, he had a severe tongue tie that went
20 unrecognized, so he didn't know how to use his tongue.

21 Q He also had partial hearing, which you're -- are
22 well aware of. We had to go to multiple audiologist
23 appointments, ENT appointments, and I had to fight to get
24 tubes put in his ears so that all the liquid could drain out

1 so that he could properly hear enough to annunciate and
2 pronounce words.

3 Q If -- Michael's speech was delayed by about a year.

4 A Yes.

5 Q So at four he had these speech levels of
6 three-year-old.

7 A I can't say yes or no.

8 Q Well, he had a year speech delay.

9 A I'm not a doctor. I can't say.

10 Q You just agreed he had year speech delay.

11 A About a year speech delay, but I can't go into
12 anything more than my knowledge as a mother.

13 Q And I'm not trying to badger this point, but --

14 THE COURT: Yes, you are.

15 THE PLAINTIFF: I'm -- I'm trying to get a
16 concession.

17 THE COURT: The -- the concession is as a mother,
18 that's the only experience she can talk about and you're
19 trying to get her to testify to something medical. She's not
20 a doctor. She's --

21 Q Did --

22 THE COURT: -- not a speech therapist either.

23 THE PLAINTIFF: I -- I can rephrase.

24 Q Did Margo ever give you an understanding of what a

1 year speech delay was?

2 A No, she never put it that way as a year speech
3 delay.

4 Q Who put it as a year speech delay then?

5 A You did.

6 Q Then why did you agree with it?

7 A Because it was about a year that he was not talking
8 and instead we did sign language.

9 Q You testified yesterday that you found out Michael
10 had a new pediatrician based on him coming home to tell you?

11 A Yes, where his pediatrician was and who it was.

12 Q So he told you where it was?

13 A Not me directly, but yes.

14 Q And I think you testified that your mother took
15 Michael to speech therapy?

16 A She did.

17 Q Do you have a receipt for that?

18 A She does somewhere. Yes.

19 Q And did you submit it pursuant to the 30/30 rule
20 for reimbursement?

21 A No, my mom said that it was her treat.

22 Q I'd like to talk about New Year's and your
23 understanding of the New Year's holiday.

24 THE PLAINTIFF: I don't know if the Court wanted to

1 follow along.

2 THE COURT: The problem is is I can't even
3 understand what that meant. If the Court can't understand it,
4 I can see how a layman could not understand it either.
5 Telling her to read it without discussing it was --

6 THE PLAINTIFF: I --

7 THE COURT: -- not good.

8 THE PLAINTIFF: I think --

9 THE COURT: You don't want to --

10 THE PLAINTIFF: I --

11 THE COURT: -- badger her on it.

12 THE PLAINTIFF: I think we're assuming that that's a
13 fact --

14 THE COURT: We --

15 THE PLAINTIFF: -- that's true.

16 THE COURT: -- don't want to harass her on something
17 that even the Court cannot understand. I read it into the
18 record yesterday because it was extremely confusing.

19 MS. CRAMER: And the fact remains that Dad kept the
20 kids for two years in a row.

21 THE COURT: I'm not --

22 THE PLAINTIFF: And on --

23 THE COURT: -- going --

24 THE PLAINTIFF: -- once --

1 THE COURT: I'm not going to go there.
2 THE PLAINTIFF: Counsel's --
3 THE COURT: I'm --
4 THE PLAINTIFF: -- testifying.
5 THE COURT: -- just saying --
6 THE PLAINTIFF: The facts --
7 THE COURT: I -- I know.
8 THE PLAINTIFF: -- don't support that and I'd like
9 to impeach on this point. I'm -- I'm sorry. There's certain
10 things that are just -- we're taking the representations of
11 Counsel and uncross examined testimony as a fact and then
12 we're acting on them.
13 THE COURT: No, no, no, no. No, no, no, no. I'm
14 just saying I read it. You can ask her questions about it,
15 but don't badger her about it. Okay?
16 THE PLAINTIFF: Understood.
17 THE COURT: Okay.
18 BY THE PLAINTIFF:
19 Q On December 31st of 2019 at 2:39 p.m., you said you
20 don't get to keep them away from me like this.
21 A Okay.
22 Q Is that a yes?
23 A Probably.
24 Q And my response was, read the order. It clearly

1 states that it's defined as beginning on December 31st. You
2 can pick them up Friday at 6:00 from my house.

3 A And then what was -- what happened --

4 Q That's --

5 A -- next? Let's finish reading this.

6 Q I'm asking the question. I'll get to it.

7 A Okay. I could have possibly -- you --

8 Q Then --

9 A -- could have possibly said that. I --

10 Q And --

11 A -- don't recall exactly.

12 Q You responded with and I get them January 1st at
13 10:00 a.m.

14 A Okay.

15 Q So you had an understanding of how New Year's
16 functioned.

17 A Okay.

18 Q And I didn't just say read the order.

19 A Yes, I do believe you still kept the children from
20 me.

21 Q When you say kept the children from me, is it your
22 position that you were entitled to the children for the New
23 Year's holiday going from December 31st of 2019 to January 1st
24 of 2020?

1 A Isn't that what you just said?

2 Q I'm -- I'm asking you what --

3 A I know and I'm asking for clarification because now

4 you're confusing me with all these different things and I

5 can't keep it straight.

6 THE COURT: I -- I think he's saying you were

7 supposed to have gotten them at 10:00 a.m. by your own words.

8 You said so I get them at 10:00 a.m. Friday -- I think Friday

9 is what you said on the 1st.

10 A I could have, yes.

11 MS. CRAMER: And the 1st was not Friday. And --

12 THE COURT: But I -- I may have thought Friday there

13 for some reason, but --

14 MS. CRAMER: No, he said Friday.

15 THE PLAINTIFF: I --

16 THE COURT: Okay.

17 THE PLAINTIFF: -- said that she can pick them up

18 Friday at 6:00 from my house.

19 MS. CRAMER: Yeah, December of 2019. Friday was

20 January 3rd.

21 THE COURT: Okay.

22 THE PLAINTIFF: And here's the problem.

23 MS. CRAMER: That's --

24 THE COURT: Let me pull -- let -- let me -- let --

1 let me pull. I'm going to pull it back up.

2 THE PLAINTIFF: Okay.

3 THE COURT: Okay. I want to -- I want to be able to

4 -- I -- I think I need to look at it because it was confusing.

5 THE PLAINTIFF: Well, the --

6 THE COURT: So --

7 THE PLAINTIFF: -- the problem is is that the New

8 Year's holiday does not have two parts. And that's where the

9 confusion stems from on her part is that she believed it was

10 like Christmas with a Christmas Eve --

11 THE COURT: Parts.

12 THE PLAINTIFF: -- and Christmas day, but it's --

13 THE COURT: Okay.

14 THE PLAINTIFF: -- not. And so my message is

15 relaying the fact that there is no at --

16 THE COURT: Then why could --

17 THE PLAINTIFF: -- 10:00 a.m. --

18 THE COURT: -- you have not --

19 THE PLAINTIFF: -- is the second part.

20 THE COURT: -- just said that this does not have two

21 parts? I get them for New Year's this year, next year will be

22 your turn?

23 THE PLAINTIFF: I -- I can keep going with my

24 responses --

1 THE COURT: Okay.

2 THE PLAINTIFF: -- here, because --

3 THE COURT: Go ahead.

4 THE PLAINTIFF: -- she said and I get them January
5 1st at 10:00 a.m. My response first then why would you say
6 that you get them at 10:00 a.m. today? Secondly, no, you
7 don't. It says nothing like that. You get them on your
8 normal scheduled time which is Friday at 6:00. Her response,
9 you cannot keep them from me. My response, I'm not keeping
10 them from you. I'm following the holiday schedule. You're
11 the only one that keeps the children when it's not your time.
12 I don't play those games because I don't play with the kids'
13 emotions or use them as pawns.

14 I -- I recognize and I'm reading the complete quote
15 for the sake of the record. And then it keeps going. I will
16 be there. She said I will be there 10:00 a.m. and I responded
17 with that's not how it works. When the holiday schedule's
18 over, it resumes the normal schedule. This is not the week
19 when you get them Friday to -- or Wednesday to Friday. That's
20 next week.

21 THE COURT: This is still just so screwy.

22 BY THE PLAINTIFF:

23 Q The point being, Chalese, is that I didn't just tell
24 you to read the order and ignore you.

1 A Is that a question?

2 Q Yes.

3 A Point being you didn't just tell me and ignore me,
4 how is that a question? I don't understand.

5 Q Ma'am, you've answered leading questions like that
6 this entire time. I'm not trying to --

7 MS. CRAMER: Okay.

8 Q -- make this difficult --

9 MS. CRAMER: Okay.

10 Q -- and it's taking long.

11 MS. CRAMER: Your Honor, I object.

12 THE COURT: What -- what he -- no, he's actually
13 making a very deal. Her testimony was that his only response
14 was read the order.

15 MS. CRAMER: No.

16 THE COURT: When he is reading from what the true
17 conversation was.

18 MS. CRAMER: No, Your Honor, you --

19 THE COURT: Yeah, that --

20 MS. CRAMER: He is reading from 2019.

21 THE COURT: Yeah.

22 MS. CRAMER: He -- this has happened three years in
23 a row apparently because he kept them 2020 and he kept them
24 New Year's Eve on 2021.

1 THE PLAINTIFF: Your Honor, we'll get to --
2 MS. CRAMER: And he has told her --
3 THE COURT: Let's -- let's let him get to that,
4 because right now he's only on 2019. But I do think her
5 testimony was only on 2020 and 2021.
6 MS. CRAMER: Yes.
7 THE COURT: I think those were the only two years
8 she was talking about.
9 MS. CRAMER: Well, I'm -- I'm --
10 THE COURT: So we need to move --
11 MS. CRAMER: Yes, because --
12 THE COURT: -- to those two years.
13 THE PLAINTIFF: Sure. Let's get to 2020. I'll --
14 I'll --
15 THE COURT: Yeah.
16 THE PLAINTIFF: -- shortcut this because there's
17 inaccurate representations being made.
18 THE COURT: Yeah, I -- I do believe that the primary
19 stuff was 2020 and 2021, so --
20 MS. CRAMER: I didn't even know that he had withheld
21 all three years in a row.
22 THE PLAINTIFF: I -- I don't know.
23 MR. GOODWIN: He didn't withhold --
24 THE COURT: He --

1 MR. GOODWIN: -- all --
2 THE PLAINTIFF: It's --
3 MR. GOODWIN: -- three years.
4 THE COURT: Hold on.
5 THE PLAINTIFF: It's -- it's --
6 THE COURT: Hold on, hold on, hold on. He did not
7 withhold them because it was his time. You can't say he
8 withheld them when the -- when this does not break it up into
9 two parts.
10 MS. CRAMER: No, I understand it doesn't break them
11 up into two parts. I don't --
12 THE COURT: So he did not withhold because odd years
13 were Dad's.
14 MS. CRAMER: What -- and I also acknowledge that
15 that -- that order that was issued about the holiday is
16 virtually un -- unreadable. You can't understand it.
17 THE COURT: Yeah. Well -- well, because they never
18 defined if we were going to look -- what, are we going to
19 define it by New Year's Day or are we going to define it --
20 THE PLAINTIFF: The --
21 THE COURT: -- by New Year's Eve?
22 THE PLAINTIFF: The --
23 MS. CRAMER: Exactly.
24 THE PLAINTIFF: -- order --

1 THE COURT: There is nothing in here that stated how
2 you were going to define it, so it's not even enforceable.

3 THE PLAINTIFF: Respectfully, I -- I think it is
4 enforceable. I think it's --

5 THE COURT: How?

6 THE PLAINTIFF: -- confusing, but clear.

7 THE COURT: Where does it tell me what -- what year
8 Mom was supposed to get -- get these kids? Because one year
9 you could have said no. The -- the -- you know, we're in
10 2019. It's an odd year, so it's mine. And then the next
11 year, no, January -- Jan -- January 1st is an odd year. So
12 it's mine.

13 MR. GOODWIN: Your -- Your Honor, may I --

14 THE COURT: So you could have done it the same way
15 every single time. So no, that portion is un -- the -- it's
16 -- it's unenforceable. But it's going to be changed because
17 we are now going to take Christmas week, we're going to take
18 the winter break and it's going to be equally divided between
19 the two.

20 THE PLAINTIFF: And -- and that --

21 THE COURT: And it's going to be defined by the
22 Christmas --

23 THE PLAINTIFF: And --

24 THE COURT: -- year.

1 THE PLAINTIFF: And I understand. I just -- for --
2 for the sake of -- of clarifying my argument, the --

3 THE COURT: Yeah.

4 THE PLAINTIFF: -- New Year's holiday reads the
5 parents agree that the New Year's holiday shall be defined as
6 beginning on December 31st at --

7 THE COURT: Correct.

8 THE PLAINTIFF: -- 10:00 a.m., concluding January
9 1st. The New Year's holiday shall be alternated on a yearly
10 basis with the children residing with the father in odd
11 numbered years and with the mother --

12 THE COURT: Correct.

13 THE PLAINTIFF: -- in even numbered years. Odd and
14 even numbered years should be defined as -- as determined
15 whether the holiday is defined as beginning on New Year's Eve
16 or New Year's Day.

17 THE COURT: We --

18 THE PLAINTIFF: The preceding definition about the
19 parents agreed that --

20 THE COURT: But the --

21 THE PLAINTIFF: -- it's defined as beginning --

22 THE COURT: -- problem is is that it wasn't defined
23 on -- if you were looking at New Year's Eve or New Year's Day.
24 So somebody who was -- who -- who is trained to talk could

1 confuse somebody.

2 THE PLAINTIFF: And -- and I will get to --

3 THE COURT: You don't want to push this point
4 because you're trained to talk and you could have convinced
5 her every single year it was your time. Don't go there.
6 Don't go there because she was the one who's misunderstanding.
7 Unless you've got other text messages that say hey, are you
8 picking the kids up today? It's your year. It's your
9 holiday. Did you do it in 2020?

10 THE PLAINTIFF: And no, I -- I can proffer for the
11 Court in 2020 she did not come pick up. And then the way --

12 THE COURT: Why? Did you ask her why are you not
13 coming and picking up the children on your holiday?

14 THE PLAINTIFF: I did not, because the pattern to
15 that point had been just not --

16 THE COURT: But it hasn't.

17 THE PLAINTIFF: -- show up. And so --

18 THE COURT: Because it's confusing.

19 THE PLAINTIFF: I -- I can --

20 THE COURT: It's -- you know, it's just best for us
21 to move on from that point. I recognize it's confusing. It's
22 not going against you. It's not going for you. Okay. I
23 promise you that, because it is confusing.

24 THE PLAINTIFF: I just -- for the sake -- I -- I

1 just want to add one last thing.

2 THE COURT: You -- we have got one hour left.

3 You're --

4 THE PLAINTIFF: I do.

5 THE COURT: -- spending how much time on something
6 that none -- none of us agree on. For -- I -- and just how
7 it's defined. I don't find -- I will not find that you
8 withheld the children on New Year's. Okay. I will not find
9 that because it's not properly defined.

10 BY THE PLAINTIFF:

11 Q My -- My last question on this point, just to be
12 very quick, is that on December 1st, 2021 at 10:24 a.m., I
13 messaged you and said no, it was your New Year's and you never
14 showed up. I had New Years last year. Remember?

15 A No, because I -- I remember briefly the
16 conversation, but the year before I was -- it -- it was --
17 everything was confusing.

18 Q So you don't recall receiving that message from me
19 on January 1st, 2021 at 10:24 a.m. and that you viewed that
20 message at 10:32 a.m.?

21 A No, you're -- sorry, I'm --

22 MS. CRAMER: Your Honor --

23 A -- sorry, I don't --

24 THE COURT: Well, hold on.

1 A -- remember that exact --

2 THE COURT: Hold on. Hold on. No, my question is

3 why would you wait until after the fact and not -- not, you

4 know, at 10:24 a.m. December 31st why are you not here to pick

5 up your children? This is your year. Instead, you did not

6 pick up your children on your holiday.

7 MS. CRAMER: And -- and Your Honor, I want to object

8 to this because this is the problem with a -- an attorney who

9 wants to represent himself. He is -- he is both testifying --

10 THE COURT: Suck it up.

11 MS. CRAMER: -- and -- and badgering her.

12 THE COURT: Becau -- suck it up, because we have pro

13 per litigants doing it all the time.

14 MS. CRAMER: Yes.

15 THE PLAINTIFF: And he's pro per. I'm not going

16 to --

17 MS. CRAMER: But he --

18 THE COURT: -- limit him anymore --

19 THE PLAINTIFF: Well, it's --

20 THE COURT: -- than I would any --

21 THE PLAINTIFF: -- it's also --

22 THE COURT: -- other pro per.

23 THE PLAINTIFF: -- proper impeachment evidence. I

24 do --

1 THE COURT: Correct.

2 THE PLAINTIFF: -- this all the time in my criminal.

3 This is not improper in any way, shape, or form.

4 THE COURT: Yeah, it is not improper.

5 MS. CRAMER: It's unseemly.

6 THE PLAINTIFF: And that's not --

7 THE COURT: Now --

8 THE PLAINTIFF: -- an objection.

9 THE COURT: -- you know, that's -- you know, it's --

10 MS. CRAMER: In light of his --

11 THE COURT: It's his right.

12 THE PLAINTIFF: Under the Rules of Evidence, it's

13 proper impeachment based on a past statement and it's --

14 THE COURT: Yeah.

15 THE PLAINTIFF: -- it's --

16 THE COURT: You know, the statements are there. It

17 is what it is. The timing -- the timing I feel is weird on

18 when you sent the message.

19 THE PLAINTIFF: There's conversation --

20 THE COURT: But --

21 THE PLAINTIFF: -- preceding --

22 THE COURT: -- you know --

23 THE PLAINTIFF: -- that, but I --

24 THE COURT: But there's --

1 THE PLAINTIFF: -- didn't want to --
2 THE COURT: -- conversa --
3 THE PLAINTIFF: -- beat the horse.
4 THE COURT: I -- I see where you're going. We are
5 --
6 THE PLAINTIFF: I know you're not going to hold it
7 against. I just --
8 THE COURT: I'm not going to hold it against you.
9 So let's just -- you know, you don't always have to have the
10 last word.
11 THE PLAINTIFF: Understood.
12 BY THE PLAINTIFF:
13 Q Chalese, you testified about not taking vacation
14 time with the children?
15 A Yes.
16 Q Your testimony was that you need to -- I don't want
17 to put words in your mouth and I'm going to paraphrase, but I
18 believe your rationale for not taking vacation time with the
19 children was that you're on a tight budget.
20 A Yes.
21 Q And that you have to work as much as possible.
22 A Yes.
23 Q And your typical days off are Saturdays and Sundays.
24 A Yes.

1 Q And so you under the old primary schedule had every
2 other weekend with the children?

3 A Yes.

4 Q So in theory, nothing prevented you from taking the
5 weekends. You didn't have them as vacation with kids because
6 you weren't working.

7 A I did pick up Saturdays on those days.

8 Q So you did that every single weekend?

9 A No, not every single weekend.

10 Q But there were weekends you could have done that.

11 THE WITNESS: Well, I also had a baby in the NICU
12 and that took time and sometimes I would go and spend the day
13 with my brand new preemie baby.

14 Q You said you were sent away from months at a time?

15 A Yes.

16 Q When was that?

17 A Throughout our whole relationship.

18 Q Do you have a sister named Alyssa (ph)?

19 A Yes, I do.

20 Q And does she live in Colorado Springs?

21 A No, she does not.

22 Q Did she live in Colorado Springs?

23 A At one point, yes.

24 Q And did you go visit her?

1 A Multiple times, yes.

2 Q Did she have children?

3 A Yes.

4 Q Did you visit her to assist her with her children?

5 A At one point, yes, I did, while she had her second

6 baby, I got to be there.

7 Q So do you consider that being sent away to go there?

8 A Not that instance. No.

9 Q You said that you were sent away to your

10 grandmother's ranch.

11 A Yes.

12 Q And you obviously had grandparents there.

13 A At -- at that time, yes.

14 Q And at that time you had a grandfather and a

15 grandmother.

16 A Yes.

17 Q And you went there to help them as well.

18 A I helped them while I was there. Yes.

19 Q Okay. So would this once again be a time that I

20 sent you away or that you went to go help them?

21 A It's a time that you sent me away and while I was

22 there I was helping out.

23 Q So -- strike that. You said something about

24 Jessie's (ph) birthday and wanting to swap time?

1 A Yes.

2 Q Which birthday was that?

3 A I'm not sure which year it was.

4 Q Okay. And if I were to proffer to you that I don't
5 see in the AppClose messages at least that are discoverable
6 anything about Jesse's birthday, your reaction to that would
7 be --

8 A Maybe when the instance that I'm talking about was
9 after discovery was closed.

10 Q Okay, so discovery closed -- when's Jesse's
11 birthday?

12 A It's April 2nd.

13 Q Okay. So discovery closed as of April 11th. So --
14 and it is not April of 2022 yet, right?

15 A Right.

16 Q So you would expect to see a message about that in
17 AppClose?

18 A If I were the one that had messaged you, yes, but at
19 this particular time, I do believe I told Michael that it was
20 your time and he asked to call you and see if he could stay
21 for Jessie's birthday and then you could have one of my days.

22 Q So you had Michael call to ask me if I would agree
23 to a custody modification.

24 A I told him no and he asked if he could call and ask

1 you.

2 Q And -- and you didn't insist on telling him no, he
3 couldn't do it, and then messaging me privately?

4 A I -- my son is asking to call his dad and ask a
5 question. I'm not going to deprive him of that.

6 Q So if Michael asked you to call me to find out why
7 he couldn't be with you equal time, you'd let him do that?

8 A I think if our son is confused and wants to talk to
9 you, maybe you can explain it better to him. Then yes, I
10 would absolutely let him call you.

11 Q You're --

12 THE COURT: Just -- just to be sure, are you asking
13 to switch days so that the children could equally in --
14 involved in possible step siblings' activities? It's not a
15 change in -- it's not a modification in custody. It's just
16 trying to be a cooperative parent.

17 THE PLAINTIFF: I'm -- I'm -- I don't want to draw
18 an objection from -- I -- I --

19 THE COURT: Yeah.

20 THE PLAINTIFF: Your -- your point is well taken.

21 I --

22 THE COURT: Okay.

23 THE PLAINTIFF: -- do have a response, but I'm --

24 THE COURT: I do also want to point out that you had

1 already told me when I asked the question that you probably
2 would not have allowed it even if she did ask. So --

3 THE PLAINTIFF: Correct.

4 THE COURT: -- you know --

5 THE PLAINTIFF: No.

6 THE COURT: So you really don't need to go in there.
7 You yourself gave the answer.

8 THE PLAINTIFF: Right? The Court's brief
9 indulgence. I know we're pressed for time. Can we take a
10 five minute recess? I drank too much --

11 THE COURT: Yes we --

12 THE PLAINTIFF: -- water --

13 THE COURT: -- can.

14 THE PLAINTIFF: -- this morning.

15 THE COURT: Yes we can, because I was sitting
16 there --

17 (COURT RECESSED AT 11:06 AND RESUMED AT 11:19)

18 THE COURT: All right. We are back on the record.

19 THE PLAINTIFF: May I resume, Your Honor?

20 THE COURT: Yes, please.

21 BY THE PLAINTIFF:

22 Q On September 13th, 2019, I notified you about some
23 vacation time I was going to take in December.

24 A That sounds about right.

1 Q And then the day before that vacation time on
2 December 6th, I brought it up again.

3 A You did.

4 Q Do you recall your response to that?

5 A Briefly, but not enough to quote it.

6 Q I said, just a reminder, I would be there tomorrow
7 at 3:00 to pick up the kids as mentioned previously. Your
8 response was we have plans.

9 A Okay.

10 Q Does that comport with what you recall?

11 A It could.

12 Q And then you also said I haven't had them in two
13 weeks, I get them for two days, let me have time with my
14 children for fuck's sake.

15 A Yes.

16 Q And I also said you've known about this for months.
17 I told you the first time I brought up Christmas Eve to you.

18 A Yes.

19 Q And ultimately on December 7th, did you allow me to
20 pick up the kids?

21 A I believe you picked the -- I -- I don't believe --
22 I don't recall. I don't remember what day.

23 Q Okay. Did I -- the date with Josh and the truck,
24 did I pick up the kids that day?

1 A I don't believe so.

2 Q Did you ultimately bring the kids over the next day?

3 A Yes, I did.

4 Q And you did that early because you said that you had

5 rodeo tickets?

6 A That's what I told you, yes.

7 Q Do you recall a conversation that was persistent

8 throughout the fall of 2019 in an attempt to essentially set

9 Christmas up so that I always had Christmas Eve and you always

10 had Christmas Day?

11 A I remember you bringing that up. Yes.

12 Q Did you ever agree to that?

13 A I'm not sure. I don't remember.

14 THE COURT: I need to interject. Any negotiations

15 is not admissible.

16 THE PLAINTIFF: Well, I understood.

17 THE COURT: Would that -- would be negotiations.

18 THE PLAINTIFF: Understood.

19 THE COURT: Okay. So --

20 THE PLAINTIFF: And -- and it was -- I --

21 THE COURT: I understand the frustrations, but you

22 know --

23 THE PLAINTIFF: It's -- it's not even a --

24 THE COURT: -- you can ask, but it's not necessarily

1 something that --

2 THE PLAINTIFF: Well, and Your Honor has already
3 made clear the holiday schedule's going to be different. It's
4 --

5 THE COURT: Yes.

6 THE PLAINTIFF: -- more about ability to -- I guess
7 it's -- I -- I didn't -- that is a good point. Thank you for
8 bringing that up because I did not see it that way. I saw it
9 --

10 THE COURT: Okay.

11 THE PLAINTIFF: -- a different way. So thank you.

12 BY THE PLAINTIFF:

13 Q With Marie's teeth, and I know we talked about this
14 earlier, but I want to be very specific about it, she had
15 bacteria on her teeth.

16 A In her gums.

17 Q Okay. And it caused her to have cavities on her
18 teeth.

19 A Caused her teeth to come in decayed.

20 Q Okay. And the dentist put a black solution on them,
21 silver something, that sealed them and stopped the decay?

22 A Yes.

23 Q And that was done to try to preserve them?

24 A Yes.

1 Q And at some point, In February of 2019, you wanted
2 to have a procedure done to remove the black?

3 A I did not want it to be done. It was suggested.

4 Q Okay. Was that procedure cosmetic at that time or
5 medically necessary?

6 A I'm not a doctor.

7 Q Okay.

8 A I was going off the doctor's recommendations.

9 Q And do you recall what the procedure -- strike that.
10 The procedure to remove that involved putting Marie under
11 general anesthesia.

12 A Yes.

13 Q And you are aware of the risks of somebody younger
14 than two going under general anesthesia?

15 A I'm aware that the anesthesiologist and multiple
16 doctors talked to me about the risks and the benefits and I
17 believe that ultimately I made the right decision.

18 Q That was the question. The question was you are
19 aware of the risks?

20 A Yes. I was made aware of the risks.

21 Q And your position is is that it was or it was not a
22 cosmetic procedure?

23 A It was recommended by the dentist, so that's what I
24 was going off of whether I consider it cosmetic or not. I

1 can't answer that.

2 Q Did Dr. Hogan (ph) tell you it was medically
3 necessary?

4 A No, not medically necessary.

5 Q At some point, did it become medically necessary?

6 A Yes.

7 Q Was Marie then scheduled for -- strike that. Did
8 you schedule Marie's first surgery date after talking to Dr.
9 Hogan when it was not medically necessary?

10 A I scheduled the first surgery date with Dr. Hogan
11 because that's what she had suggested and I took the first
12 date available. Yes.

13 Q Did you talk to me before you scheduled it?

14 A I let you know soon after. I said she only has a
15 couple appointments. I took the soonest available. Here's
16 what it is. Does that work with your schedule.

17 Q So you saw that in your mind the child had a need
18 and you took action to accommodate that?

19 A Yes. At the time I was the sole caregiver for the
20 children.

21 Q At the time. This was in April of 2019?

22 A Yes.

23 Q This would have been --

24 A Where I was still --

1 Q This would have --
2 A -- taking --
3 Q -- been --
4 A -- the children.
5 Q This would have been after the early case
6 conference?
7 A Okay.
8 Q Yes?
9 A Possibly.
10 Q You don't --
11 A I don't remember.
12 Q You don't recall taking part in an early case
13 conference?
14 A I remember taking part in the early case conference,
15 yes. I do not recall when it was.
16 Q Do you recall being in court in March of 2019?
17 A There was a good possibility, yes.
18 Q So this would have been after that first court date.
19 A Sure.
20 Q And you scheduled that first surgery? Yes?
21 A Yes.
22 Q And then I thought it was not medically necessary
23 and that it was cosmetic and so I canceled it.
24 A You did.

1 Q And then there became a time when that procedure
2 became medically necessary.

3 A It did.

4 Q And once it became medically necessary, then we
5 rescheduled.

6 THE COURT: Let me ask, how -- how long --

7 THE PLAINTIFF: How --

8 THE COURT: -- between the April date which was
9 scheduled the -- to -- when did she actually have the surgery?

10 THE PLAINTIFF: She ended up having it in May, I
11 believe, because what happened was --

12 THE COURT: So in one month when it was suggested,
13 you didn't want it until it became an emergency.

14 THE PLAINTIFF: No.

15 THE COURT: Is that --

16 THE PLAINTIFF: That -- that's not accurate. What
17 happened is -- I don't want to testify and I don't want to
18 draw an --

19 THE COURT: I --

20 THE PLAINTIFF: -- objection.

21 THE COURT: I -- I realize of -- you know -- I'm --
22 I'm just asking -- so, you know, did --

23 THE PLAINTIFF: I will proffer this.

24 THE COURT: Yeah, and -- and you're not the one on

1 the witness stand. I -- I apologize. Go ahead.

2 THE PLAINTIFF: No. I mean, I -- would Your Honor
3 like me to answer? Because I -- I'm not -- I -- I don't know
4 that I can go through it with her questioning.

5 THE COURT: Yeah.

6 THE PLAINTIFF: And so --

7 THE COURT: My -- my question is did you bother to
8 call the doctor up and talk to the doctor yourself?

9 THE PLAINTIFF: Absolutely. I spoke to Dr. Hogan.

10 THE COURT: Okay.

11 THE PLAINTIFF: She said it was cosmetic and not
12 necessary at all. What had happened was about a month or so
13 later the teeth just started to decay.

14 THE COURT: Okay.

15 THE PLAINTIFF: And so this surgery was scheduled as
16 a normal surgery I want to say in June, possibly. But then it
17 became -- no, that -- that's -- I -- I don't want to testify
18 to something --

19 THE COURT: That's fine. That's fine. I just --
20 you know, I'm -- I'm trying to get the general lay -- I mean,
21 if it was six months later, you know, one -- 30 -- 30 days
22 later, you cleared it up. I appreciate it.

23 BY THE PLAINTIFF:

24 Q First surgery that you scheduled on your own was

1 canceled because it was not medically necessary.

2 A You canceled.

3 MS. CRAMER: Objection. Yeah, objection. That's
4 not -- that misstates testimony.

5 THE PLAINTIFF: I didn't say that she --

6 MS. CRAMER: That assumes --

7 THE COURT: It was just canceled --

8 MS. CRAMER: It's --

9 THE COURT: -- period.

10 MS. CRAMER: Yes, it was canceled. And if he'd
11 stopped there, I wouldn't have objected. But he --

12 THE COURT: Yeah.

13 MS. CRAMER: -- couldn't stop there.

14 THE COURT: Yeah.

15 BY THE PLAINTIFF:

16 Q At some point after that first scheduled surgery
17 date, was a second surgery scheduled?

18 A Yes.

19 Q And at that time, did you have Marie?

20 A No.

21 Q So, sorry, let me rephrase. In the time leading up
22 to that second scheduled surgery, did you have Marie?

23 A No, I did not.

24 Q Okay. So your testimony is that you didn't take her

1 to the dentist at all leading up to that second surgery?

2 A No.

3 Q And they did not give you any kind of paperwork

4 related to that surgery?

5 A No, they did not. I did not have the children.

6 THE PLAINTIFF: The Court's indulgence while I find

7 something.

8 Q Ultimately, did she have surgery on that second date

9 that surgery was scheduled?

10 A Yes.

11 Q She had on that second time? So there was no time

12 that surgery was canceled because Marie even attend a pre-op

13 appointment.

14 A You just said the second time surgery was --

15 Q Okay, so we had --

16 A -- scheduled.

17 Q -- the first time that surgery was scheduled and

18 that was canceled.

19 A That you canceled. Yes.

20 Q That was canceled.

21 A Yes.

22 Q Then there was a second surgery date.

23 A Okay.

24 Q I'm asking you.

1 A Yes, there was a second surgery date.

2 Q And did Marie have surgery on that second surgery
3 date?

4 A I believe so.

5 Q So there was no third date that was scheduled?

6 A I -- I don't recall. I know that she had surgery at
7 -- the first one got canceled. I'm not sure what happened in
8 between. They were with you for those two weeks.

9 Q They were -- so there was never a time that Marie
10 did not have a scheduled surgery because she didn't attend a
11 mandatory pre-op through a pediatrician?

12 A Not that I was aware of, no.

13 Q Not that you are aware of.

14 A Correct.

15 MS. CRAMER: Are we going to keep -- objection asked
16 and answered.

17 THE COURT: Sustained.

18 THE PLAINTIFF: Court's indulgence.

19 THE COURT: Yes, sir.

20 THE PLAINTIFF: I apologize, Your Honor. This is --

21 THE COURT: No, that's not you. I'm getting
22 frustrated with my -- not being able to see my cursor.

23 THE WITNESS: Oh, your cursor. I can turn this way
24 though if you'd like. You can look at me instead of your

1 cursor.

2 THE COURT: Yeah, sometimes I have to see my cursor
3 though.

4 THE WITNESS: (Indiscernible).

5 THE COURT: While, he's indulging, didn't you say
6 earlier that when the child was taken in, the doctor just
7 barely had to touch her gums and puss would come out?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Okay. I was pretty sure that's what you
10 had testified to. See, even you're having a hard time finding
11 it.

12 THE PLAINTIFF: I am. The issue is is that it's not
13 a searchable PDF like the AppClose is. It's screenshots of
14 text messages. And so I'm trying to locate a particular one.

15 (PAUSE)

16 THE PLAINTIFF: I'd ask the Defense Counsel not
17 answer requests of the witness, as well; she's on the stand,
18 please.

19 THE COURT: What was that, sir?

20 THE PLAINTIFF: I'd ask the Defense Counsel not
21 whisper and/or communicate with her client while she's on the
22 stand.

23 THE COURT: I've actually --

24 THE PLAINTIFF: I -- I --

1 THE COURT: -- was seeing her -- watching her what's
2 on her screen.

3 MS. CRAMER: What are you talking about?

4 THE PLAINTIFF: I heard whispering and I -- I guess
5 incorrectly --

6 THE COURT: It may have been --

7 THE PLAINTIFF: -- while looking --

8 THE COURT: -- me --

9 THE PLAINTIFF: -- down assumed.

10 THE COURT: -- that you heard --

11 THE PLAINTIFF: It possibly could have.

12 THE COURT: -- cussing the books.

13 MS. CRAMER: I didn't say a word, Your Honor, for
14 the record. I didn't say a word.

15 THE COURT: I -- I know. I -- because I made a
16 comment and I looked up and you were watching your screen
17 and --

18 THE PLAINTIFF: If --

19 THE COURT: -- I'm the one who made the comment.

20 THE PLAINTIFF: If I was incorrect, I apologize.

21 (PAUSE)

22 (COUNSEL AND CLIENT CONFER BRIEFLY)

23 THE PLAINTIFF: I -- I appreciate the indulgence,
24 Your Honor. May I resume?

1 THE COURT: Yes, please.

2 BY THE PLAINTIFF:

3 Q Have you used any marijuana today?

4 A No.

5 Q And did you use any yesterday?

6 A No.

7 Q When was the last time you used marijuana?

8 A I couldn't tell you.

9 Q More than 30 days ago?

10 A Yes.

11 Q So if you were to take a test, it would be clean?

12 THE COURT: I'm --

13 A Yes.

14 THE COURT: -- not going to -- I'm not going to
15 order any more tests.

16 THE PLAINTIFF: I understand. I guess the problem
17 is Your Honor has ordered no marijuana with children in the
18 house, no smoking. And so if that's an order that's for
19 posterity's sake, then I -- I understand. But I just --

20 THE COURT: I mean, I under -- I understand where
21 you're -- where you're going, but there's going to be --
22 there's going to be a lot of controlling in Mom's life that's
23 about to get lifted.

24 THE PLAINTIFF: I understand the Court's position.

1 I'm -- I'm --

2 BY THE PLAINTIFF:

3 Q Do you recall a conversation on June 5th, 2019 at
4 12:21 p.m. where you said I just called the dentist, they have
5 a cancellation, and I can get her in June 12th if that works
6 for you?

7 A That sounds about right.

8 Q You then said that's next week?

9 A Okay.

10 Q And then at 1:22 p.m. you said okay, well, I'm
11 booking it?

12 A Yes.

13 Q So that was again seeing a child with a need and
14 taking action for the child?

15 A As I'm letting you know, yes.

16 THE PLAINTIFF: The Court's indulgence. Your Honor,
17 I pass the witness.

18 REDIRECT EXAMINATION

19 BY MS. CRAMER:

20 Q All right. On your health insurance when he got
21 hired by the AG's Office, what did he tell you you could do
22 with your health insurance?

23 THE PLAINTIFF: Objection, outside the scope. This
24 could have been asked on direct.

1 MS. CRAMER: And this is cross and direct. We
2 agreed to combine them.

3 THE PLAINTIFF: But she could have asked on her
4 direct because --

5 MS. CRAMER: Okay.

6 THE PLAINTIFF: -- it was her witness.

7 MS. CRAMER: We agreed to combine them.

8 BY MS. CRAMER:

9 Q Anyway, what did he --

10 THE COURT: I'll just ask it, so you might as well
11 let her answer it or I'm going to ask it. What did he tell
12 you?

13 Q What did he tell you you could do about your health
14 insurance when he got hired at the AG'S Office?

15 A That I could take over the private health insurance
16 and pay for it myself.

17 Q Okay. The house on Curtsen (ph), there was a
18 problem buying that house, correct?

19 A Correct.

20 Q And what was that problem?

21 A Because I used my portion of the marital funds from
22 the marital home, Adam, and maybe -- I -- I don't want to
23 misstate because I'm not, you know, an attorney or anything
24 like that, but Adam thought that he was entitled to part of it

1 and we had to get a quitclaim signed by him.

2 THE PLAINTIFF: Objection. Completely misstates the
3 record. And this has been briefed ad nauseam. I don't
4 know --

5 THE COURT: I --

6 THE PLAINTIFF: -- the point getting into it.

7 THE COURT: Yeah, skip on over that. He's -- you
8 know, he -- he signed a quitclaim deed, didn't he?

9 THE WITNESS: Yes.

10 THE COURT: Okay. All right. Then -- that -- and
11 that gave up his community property rights to it.

12 THE PLAINTIFF: Yeah, and -- and --

13 MS. CRAMER: Okay. Your Honor, I think that's all I
14 wanted to follow up on. And does the Court have anything else
15 you would like me to explore or do you want to ask her direct?

16 THE COURT: I am going to ask her some questions.

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 Q Why did you not go to parent teacher meetings?

20 A They were either scheduled while I was at work and
21 couldn't get off.

22 Q And why did you not contact the school and try to
23 schedule your own?

24 A Because I was given by Adam the times that were

1 available and that he was going.

2 Q And you never bothered to contact the teacher
3 yourself outside of that stuff to have your own meetings?

4 A Up until this last couple weeks, I was not on any
5 list to contact any teachers no matter how much I tried. So I
6 had to go in and sit down in the office and actually fill out
7 paperwork because I was not included in any of that.

8 Q Why did you not take the order before these last
9 couple of weeks to show that you had legal rights still?

10 A It just -- it was something that honestly I felt had
11 he been with people that were neglecting him and not loving
12 him, it would have been different. I couldn't get off of work
13 and I couldn't make it this year. He did have parents go and
14 I was okay with that.

15 Q Okay. All right. Why did you not go to any of the
16 speech therapy?

17 A They were scheduled on Adam's time and once again
18 while I was in work.

19 Q But A -- Adam -- Adam stated that he had -- he
20 reached out to you so that you could take -- take the children
21 or your son during your time. Why did you not take him up on
22 that?

23 A I am a very strict money schedule. I have to work
24 the hours that I work, otherwise I cannot get anything paid.

1 Q Okay.

2 A And it hurts me that I can't do that to spend time
3 with my children, but at this time, having a roof over their
4 head is extremely --

5 Q But --

6 A -- important.

7 Q -- wasn't this also during a period of time in which
8 you were getting some spousal support?

9 A Yes. And I still have bills and I -- I live on the
10 east side and I work in Silverado Ranch and drive a truck, so
11 that takes a lot.

12 Q Okay.

13 A I'm also -- I don't just stay at that one salon.
14 They send me to other salons as well. I'm a manager, so I
15 have to go and do other things.

16 Q Okay. All right.

17 MS. CRAMER: And -- and Your Honor, I do want to
18 point out, she did testify that when she noticed a vacation
19 they did -- she did take him -- him. So -- or grandma did.

20 THE COURT: Grandma took him.

21 MS. CRAMER: So yeah.

22 THE COURT: Okay. All right. And -- and I got that
23 in my notes.

24 Q But anyway, when the -- could you openly see the

1 private investigators when they were outside your home?

2 A Yes.

3 Q They weren't kind of hidden and trying --

4 A No.

5 Q -- trying to to blend in?

6 A They would park their car the way that our street is

7 set up. it's a lot of street parking -- and they would park

8 the car across the street pointing my house. And we would

9 tell it's them because any time a -- a work van or a truck

10 would move, they would move their car up.

11 Q Okay. Am I mistaken in the fact that you actually

12 saw people following you in the grocery store?

13 A Whether or not --

14 Q Or was it just --

15 A -- that's related --

16 Q -- you thought it was?

17 A Whether or not that's related, but yes, I have been.

18 I've been followed multiple times.

19 Q All right. And was it obvious that you were being

20 followed when you were driving around?

21 A Yes.

22 Q They didn't -- they did not try to conceal the fact

23 they were following you?

24 A No, and actually in a lot of the videos, I have the

1 kids waving to the private investigators.

2 Q Okay. All right. What -- what -- you say you have
3 a pick up truck.

4 A Yes.

5 Q Okay. Ford? Chevy?

6 A GMC.

7 Q It's GMC. What year?

8 A 2012.

9 Q 2012. What's the make, model? Whatever, model. A
10 Si -- it's a Sierra --

11 Q It's --

12 A -- 1500.

13 Q -- a Sierra. How many miles does it have on it?

14 A 98,000, give it some change.

15 Q All right. When did you start taking Xanax?

16 A Xanax, I was prescribed at the very beginning of
17 this location -- litigation. I got taken off of Xanax and
18 recently put back on Clonazepam which --

19 Q Okay.

20 A -- is a little bit different, but --

21 Q All right.

22 A -- kind of the same effect.

23 Q Were you taking anti-anxiety medications or anything
24 during -- while -- while you were still living with Mr.

1 Solinger?

2 A The anxiety part wasn't as present. I had been
3 diagnosed with postpartum depression after both having all --
4 all three of my babies. And so part of the antidepressants
5 was also a mood stabilizer that would help with anxiety and
6 things like that.

7 Q When were you first diagnosed with depression and
8 anxiety?

9 A The first time I was diagnosed with depression was
10 before I had children when I was -- I think it was before Adam
11 and I even got married. It was when we first moved back to
12 Vegas and I didn't -- I couldn't get a job. I was just having
13 a hard time and so I was really depressed. I found a
14 therapist that I really liked and enjoyed. I met with her.
15 She got me started on medications. I found a job. I was able
16 to get myself out of that and taper off of the medication.
17 And then after I had my son it went about seven months where I
18 felt like I just was insane and then I got diagnosed with
19 postpartum depression, postpartum anxiety.

20 I had, you know, a really traumatic birth and
21 everything. They had brought up a lot of PTSD issues from
22 when I was a child. And then I eventually was able to, with
23 the help of my doctors, taper off of that and that was great.
24 And then after I had my daughter, I recognized the signs very

1 early on that it wasn't baby blues. that I once again had
2 depression. So I sought help from the same team that I had
3 been and I'm still with that same team today.

4 Q Okay. The anxiety --

5 A Yes.

6 Q -- when were you first diagnosed with this anxiety?

7 A First day --

8 Q Was it --

9 A -- of diagnos --

10 Q -- after the baby?

11 A I have mild anxiety coping along with my postpartum
12 depression. The anxiety portion didn't come out by itself
13 until after the separation.

14 Q Okay. PTSD -- when Dr. Paglini was sitting there
15 talking to you about PTSD, what symptoms did you have and
16 everything, why could you not describe some of the symptoms,
17 flashbacks, things like that, you know, the things that he
18 discussed?

19 A The things that Dr. Paglini discussed?

20 Q Uh-huh.

21 A It's -- it's hard. It puts me in a bad mindset.

22 Q Okay. All right.

23 A It brings me anxiety.

24 Q All right.

1 A I start to --

2 Q That's okay. That's okay. I -- I see the reaction,
3 so I -- and I understand. So -- because it was -- well, he
4 spent a little bit of time on that. So I just wanted to
5 clarify that.

6 THE COURT: Okay. All right. I don't have anything
7 further. Did I bring up something that you all want to --

8 THE PLAINTIFF: Absolutely.

9 THE COURT: -- discuss with her? Okay.

10 THE PLAINTIFF: Very quickly.

11 RE CROSS EXAMINATION

12 BY THE PLAINTIFF:

13 Q Chalese, on July 1st of 2020. You said -- July 1st,
14 2020 at 9:25 a.m., my mom is coming into town, so I'll be
15 taking vacation time with the kids this month, the 12th
16 through the 17th, so they can spend time with her.

17 A Yes.

18 Q July 14th, 2020, I sent you a message at 5:15.
19 Wait, you're not taking Michael to speech therapy. You viewed
20 that according to this at 5:15, right?

21 A Possibly.

22 Q I followed up at 5:34 and said, question mark,
23 question mark, question mark. You viewed that at 5:50. And
24 then you responded at 5:50, no, I was given no information

1 whatsoever on where it is or time or anything. Enjoy your
2 night. Right?

3 A That's what I told you. Yes.

4 Q Okay. And then I sent screenshots of the preceding
5 message that we just went over, right?

6 A Possibly.

7 Q Would it refresh your recollection to see a printout
8 of the AppClose messages that have the Bates number at the top
9 messages 228 and 233?

10 A You can just read it.

11 Q Well, there are screenshots of preceding things that
12 are on different pages. I then follow up at 5:53 and say
13 there's the date, the time, the rece -- the receipts have the
14 address. Also, when I told you about it when you requested a
15 vacation time, why wouldn't you ask? You saw that at 5:54 and
16 said nothing. I then followed up at 6:53 and -- because
17 unrelated, but just so that the Court doesn't think I'm doing
18 anything untoward, almost forgot, here's the insurance card
19 and then I sent a picture of insurance cards because the kids
20 had updated insurance card. You testified earlier that that
21 time your mom came in, she took him to speech therapy.

22 A Yes.

23 Q Speech therapy's at 6:00 o'clock?

24 A Possibly. So you don't --

1 A When my mom comes into town, she takes the kids
2 overnight.

3 Q She takes them overnight?

4 A Yes.

5 Q Okay. July 1st, 2020 at 1:57, I add on also Michael
6 has speech therapy that Tuesday during your vacation time at
7 6:00.

8 A Okay.

9 Q Yeah?

10 A Sure. I'm sure that's what you said.

11 Q So did he or did he not go to speech therapy?

12 A My mother took him to speech therapy.

13 Q Then why would you -- when I asked whether Michael
14 was going to speech therapy say no?

15 THE PLAINTIFF: I don't understand the objection or
16 the -- guffawing about it. It's a legitimate impeachment
17 question. She testified under oath --

18 MS. CRAMER: It -- it --

19 THE PLAINTIFF: -- that her mother took him and --

20 MS. CRAMER: No --

21 THE PLAINTIFF: -- it's --

22 MS. CRAMER: -- it's -- it's not because you're
23 talking about text messages that predate the event. You sent
24 her the information. Just because she didn't follow up with a

1 barrage of text messages, which he has just read into the
2 record that he admits he does, just because she doesn't
3 engage --

4 THE COURT: Stop --

5 MS. CRAMER: -- in that kind of behavior doesn't --

6 THE COURT: Tone it down.

7 MS. CRAMER: -- mean he didn't go.

8 THE COURT: Tone it down. Tone it down.

9 MS. CRAMER: I apologize to the Court.

10 THE COURT: And if I'm not mistaken -- hold on.
11 Didn't that ask are you taking him or is he going? I don't
12 remember.

13 THE PLAINTIFF: Wait. You are not taking Michael to
14 speech therapy.

15 THE COURT: You're --

16 THE PLAINTIFF: Question.

17 THE COURT: -- not.

18 THE PLAINTIFF: Yes.

19 THE COURT: Okay.

20 THE PLAINTIFF: And then --

21 THE COURT: She didn't.

22 THE PLAINTIFF: No, I was given no information
23 whatsoever on any -- on where is time or anything. Enjoy your
24 night. That message was sent by her at 5:50. Speech

1 therapy's at six o'clock. If her position is that not only is
2 she not taking them, but she has no information. And --

3 THE COURT: Did you immediately get her the
4 information?

5 THE PLAINTIFF: She had the information. I sent her
6 the screenshots at --

7 THE COURT: When did you --

8 THE PLAINTIFF: -- 5:52.

9 THE COURT: -- send her -- you sent it 5:52. Okay.

10 THE PLAINTIFF: I --

11 THE COURT: Okay.

12 THE PLAINTIFF: Yeah.

13 THE COURT: And there's no --

14 THE PLAINTIFF: And --

15 THE COURT: -- absolutely no possibility that her
16 mother could have possibly got them over there in time.

17 THE PLAINTIFF: Within the eight minute time frame?

18 THE COURT: What if she was next door? I mean,
19 you're -- you know, you're sitting here talking about
20 something, why couldn't you have picked up the phone and
21 called last night and said hey, did this happen, which could
22 have clarified a lot of stuff, wouldn't it?

23 THE PLAINTIFF: Because I -- when I --

24 THE COURT: You didn't take a --

1 THE PLAINTIFF: -- read the messages, I think it's a
2 clear --

3 THE COURT: Yeah.

4 THE PLAINTIFF: -- indication.

5 THE COURT: It -- it isn't, because when -- you
6 know, when you put things in people's head, then someone may
7 react to it and -- and they may have called and said hey, can
8 we bring him a couple minutes late? So even though he may
9 have supposed to have been there for eight minutes, you know,
10 it could have happened. Give her a benefit of a doubt.

11 THE PLAINTIFF: I believe my testimony was that I
12 received a call --

13 THE COURT: Your testimony was like she absolutely
14 did not do it. Well, no she didn't. Her mom did.

15 THE PLAINTIFF: Right. Because I had received
16 the --

17 THE COURT: That's the testimony is her mom --

18 MR. GOODWIN: Your Honor --

19 THE COURT: -- did it.

20 MR. GOODWIN: -- her testimony was that she -- he
21 had received a bill for a missed class.

22 THE COURT: No.

23 THE PLAINTIFF: Received a call about a --

24 THE COURT: A --

1 THE PLAINTIFF: -- missed one --
2 THE COURT: -- call --
3 THE PLAINTIFF: -- (indiscernible).
4 THE COURT: -- about --
5 MR. GOODWIN: Right.
6 THE COURT: -- it, but he never paid for what he
7 would normally have had to have paid, which means somebody
8 else had to have paid for it.
9 THE PLAINTIFF: Or the speech therapist waived it
10 because --
11 THE COURT: Yeah.
12 THE PLAINTIFF: -- it was a one time's occurrence.
13 MS. CRAMER: But there's no evidence of that waiver.
14 THE COURT: There -- there is -- there is no ev -- I
15 mean, you all are sitting here. It's a he said, she said.
16 Who am I supposed to believe?
17 MS. CRAMER: Over --
18 THE COURT: Okay.
19 MS. CRAMER: -- one appointment.
20 THE COURT: With all of this stuff --
21 MS. CRAMER: Two years --
22 THE COURT: -- here --
23 MS. CRAMER: -- ago.
24 THE COURT: -- why couldn't --

1 THE PLAINTIFF: The only appointment --
2 THE COURT: No, with all of --
3 THE PLAINTIFF: -- that she had control over.
4 THE COURT: -- this stuff in here --
5 MS. CRAMER: Please don't.
6 THE COURT: -- why do I not have any of the
7 medical --
8 THE PLAINTIFF: What?
9 THE COURT: -- records so that I could have looked?
10 But medical records would have had every appointment time and
11 whether or not the child showed up. So guess what there would
12 never have been a question about? And you're an attorney, you
13 know better.
14 THE PLAINTIFF: I will say that there are the dental
15 records, but not the speech therapy records.
16 THE COURT: I've looked through this here. There's
17 a couple things that I -- well, not this, this is --
18 THE PLAINTIFF: And there's --
19 THE COURT: -- something different.
20 THE PLAINTIFF: There's --
21 THE COURT: But --
22 THE PLAINTIFF: -- Margos' --
23 THE COURT: -- anyway --
24 THE PLAINTIFF: -- speech therapy --

1 THE COURT: -- we have --
2 THE PLAINTIFF: -- notes.
3 THE COURT: -- got five minutes.
4 THE PLAINTIFF: I -- I'm done with my follow up.
5 THE COURT: Okay. I don't have anything else. The
6 -- the April 17th -- 11:00 a.m.?
7 THE CLERK: Yes, Judge.
8 THE COURT: Are you all available?
9 THE PLAINTIFF: Court's indulgence.
10 THE COURT: And I will probably have a written order
11 before then and this would be taken off calendar, but -- but
12 I've -- you know, I want to make sure that you all are
13 available.
14 THE PLAINTIFF: April 17th, Your Honor?
15 THE COURT: April 17th.
16 MS. CRAMER: That's a Sunday.
17 THE PLAINTIFF: Yeah.
18 THE COURT: That's a Sunday. What are you doing
19 giving me a Sunday date?
20 THE CLERK: I'm sure they're available.
21 THE PLAINTIFF: I -- I don't know that the Court's
22 staff is available.
23 MR. GOODWIN: I don't know that --
24 THE COURT: Were we looking at March when we were

1 looking at this?

2 THE CLERK: Into -- oh, let me see if she wants --

3 THE COURT: I bet you it was March 17th --

4 THE CLERK: Yes.

5 THE COURT: -- when she was looking.

6 THE MARSHAL: St. Patrick's Day.

7 THE WITNESS: Better wear green --

8 THE COURT: No.

9 THE WITNESS: -- or I'm after you.

10 THE COURT: We're not going to have it done by March

11 17th.

12 THE WITNESS: My eyes are green.

13 THE COURT: Oh, because I'm not going to -- I -- you

14 know, I won't able to spend a lot of time the 4th -- I'm now

15 -- I'm now down in May. How did I get there?

16 THE CLERK: I'm going to shut the date.

17 THE COURT: April 14th.

18 THE CLERK: Oh.

19 THE COURT: At 11:30. Yeah.

20 MS. CRAMER: I am available on April 14th.

21 THE PLAINTIFF: I'm likewise available.

22 THE COURT: Okay. All right. Fantastic. Then it

23 will -- it will be by BlueJeans unless I have the order out

24 prior to that, then it will be vacated.

1 MS. CRAMER: And Your Honor, do -- are we going to
2 be allowed to present closing or can we brief that separately?

3 THE COURT: You can brief -- you know what, you can
4 brief the closing. Let's -- let's brief it that way you've
5 got the time to actually put the stuff together, think about
6 it. And that may be a little bit easier. I want both of them
7 -- what's two -- would two weeks be --

8 THE PLAINTIFF: Should be sufficient.

9 MS. CRAMER: Yes, that would be -- yeah, that would
10 be plenty of time.

11 THE COURT: Okay. Then -- then we're going to do
12 two weeks and we'll do the brief. In that, if you have not
13 agreed to what to do with financials, whether you have or have
14 not brief it, okay, if you've -- if you've agreed to it, put
15 it in the brief. that way I see it. If you have not, then
16 brief your side of it. I'll have your financial disclosure
17 forms. I've got the books here. And then we will go from
18 there.

19 MS. CRAMER: And Your Honor, on the 14th, what was
20 the date or the time?

21 THE CLERK: 11:30.

22 THE COURT: 11:30.

23 MS. CRAMER: All right. Thank you. I'm sorry if I
24 missed that.

1 THE COURT: That's okay. I understand. You may --
2 you -- you may go back over there. You don't have to continue
3 sitting there.

4 THE WITNESS: I like the princess chair.

5 THE COURT: You like the princess chair?

6 THE WITNESS: I like the princess chair. All eyes
7 on me.

8 (WITNESS EXCUSED)

9 THE PLAINTIFF: Your Honor, I'd -- I'd offer the
10 following stipulation that each party have their own debts as
11 set forth in the Defendant's property offer that --

12 MS. CRAMER: That was never -- no, I --

13 THE PLAINTIFF: That --

14 MS. CRAMER: -- didn't make that offer.

15 THE PLAINTIFF: You --

16 MS. CRAMER: And I've --

17 THE PLAINTIFF: -- absolutely did.

18 THE COURT: Well, here's --

19 MS. CRAMER: No. No. No.

20 THE COURT: Here -- here -- here's one of the
21 situations. Usually agreements are made as a whole or they're
22 negotiated. I'm -- I'm not going to piecemeal, you know,
23 because she may, she may have been getting something extra in
24 the property that you're not going to be willing to do if

1 that's the key.

2 MS. CRAMER: And --

3 THE COURT: You all are still married other than her
4 home. Anything she may have charged unless it deals with her
5 third child, it's still community, just like yours is.

6 THE PLAINTIFF: I -- I understand. I'm just
7 confused because I -- I've got the offer here.

8 MS. CRAMER: No, he -- there was an offer between
9 Jack and him like I don't know how long ago, because I wasn't
10 involved in this case. They didn't accept it until it became
11 more fruitful and now they want it.

12 THE PLAINTIFF: It's --

13 MS. CRAMER: And I --

14 THE PLAINTIFF: It's inaccurate and I'm looking at
15 --

16 MS. CRAMER: And I'm --

17 THE PLAINTIFF: -- Ms. Cramer's email here.

18 MS. CRAMER: I am --

19 THE PLAINTIFF: It's --

20 THE COURT: There's not an agreement on it. So
21 brief it unless you come to an agreement.

22 THE PLAINTIFF: Thank you, Your Honor.

23 THE COURT: You're welcome. You know, I mean, until
24 it's a signed order by me or we prove it up, it's just

1 negotiations.

2 THE COURT: I understand.

3 MS. CRAMER: And it's a stale order that -- or it's
4 a stale offer that was never accepted for I don't even know
5 how long. So it's -- it's stale.

6 THE COURT: No, I'm not going to do that in March.
7 All right. The -- I've got a couple minutes still here. One
8 of the things that I have done -- did you buy the house from
9 your dad --

10 THE PLAINTIFF: No.

11 THE COURT: -- that you all sold? Why is it that I
12 have a grant bargain sale deed in here -- from your -- your --
13 from what, it appears to --

14 THE PLAINTIFF: Sorry.

15 THE COURT: -- be your mom and dad to you.

16 THE PLAINTIFF: Let -- let me be -- are -- I thought
17 you were talking about my current residence.

18 THE COURT: No, not --

19 THE PLAINTIFF: You mean --

20 THE COURT: -- your current residency.

21 THE PLAINTIFF: The former marital one?

22 Absolutely --

23 THE COURT: Yeah.

24 THE PLAINTIFF: -- I did.

1 THE COURT: You did.

2 THE PLAINTIFF: Yes, I did.

3 THE COURT: Okay.

4 THE PLAINTIFF: That's the separate property
5 interest in dispute with the 85,000 --

6 THE COURT: All right.

7 THE PLAINTIFF: -- that you had my dad --

8 THE COURT: The problem is --

9 THE PLAINTIFF: -- testify about.

10 THE COURT: -- is it was -- it was given to both of
11 you as an entirety. So no, I'm not going to recognize a
12 separate property on that. I --

13 MS. CRAMER: Your Honor --

14 THE COURT: I just looked it up. I mean, it was
15 very obvious that it was granted to both of you --

16 MS. CRAMER: Your --

17 THE COURT: -- as community property in its entirety
18 there. There are -- you know --

19 MS. CRAMER: Your Honor --

20 THE PLAINTIFF: -- it was not any portion of it
21 withheld. Yes, ma'am.

22 MS. CRAMER: I would -- I would ask the Court to
23 make some specific findings because there is a page in that,
24 it's the last page, where it says to my son. And I know that

1 there is case law that says, you know, we can do quitclaims
2 and we can do things like that and it still makes it community
3 property and some for credit worthiness type of calculations
4 and things like that. I would just ask if Your Honor is going
5 to make that award that you make the appropriate findings
6 because I am already --

7 THE COURT: I know how to do my job.

8 MS. CRAMER: -- I'm predicting an appeal.

9 THE COURT: I already know there's going to be an
10 appeal.

11 MS. CRAMER: All right.

12 THE COURT: It -- you know, if -- you know, I -- I
13 can tell by the look on his face.

14 MS. CRAMER: I know.

15 THE COURT: The way he's holding his mouth and his
16 eyes.

17 MS. CRAMER: I know.

18 THE COURT: And withholding his grin. No, now he's
19 grinning.

20 MS. CRAMER: Can -- are -- should we pack up, Your
21 Honor?

22 THE COURT: Yes.

23 THE CLERK: Go off the record?

24 THE COURT: I have -- I have a trial that starts in

1 an hour-and-a-half. Do you want me to be in a trial with you
2 all cranky.

3 MS. CRAMER: I'm never cranky, Your Honor. I am
4 a --

5 THE COURT: Oh, I am.

6 MS. CRAMER: -- ray of sunshine. Chip (ph) told me.
7 He said I'm a ray of sunshine.

8 THE MARSHAL: It's true.

9 THE DEFENDANT: She brightens --

10 THE PLAINTIFF: Are --

11 THE DEFENDANT: -- everybody's day.

12 THE PLAINTIFF: Are we off record?

13 THE COURT: We are. We -- let's go off the record.

14 (PROCEEDINGS CONCLUDED AT 11:58:57)

15 * * * * *

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

19
20 

21 _____
22 Adrian N. Medrano

23
24

FILED

NOV 02 2022

Sharon A. Hoffman
CLERK OF COURT

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ADAM MICHAEL SOLINGER,) CASE NO. D-19-582245-D
)
Plaintiff,) APPEAL NO. 84832, 81787,
) 84795, 84832
vs.) DEPT. P
)
CHALESE MARIE SOLINGER,)
) (SEALED)
Defendant.)

BEFORE THE HONORABLE MARY PERRY
DISTRICT COURT JUDGE

TRANSCRIPT RE: ALL PENDING MOTIONS

THURSDAY, APRIL 14, 2022

APPEARANCES:

The Plaintiff: ADAM MICHAEL SOLINGER, ESQ.
(Tel.)
For the Plaintiff: PRO SE

The Defendant: CHALESE MARIE SOLINGER
For the Defendant: MICHANCY M. CRAMER, ESQ.
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(702) 483-8544

1 LAS VEGAS, NEVADA

THURSDAY, APRIL 14, 2022

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

3 (THE PROCEEDINGS BEGAN AT 11:39:10)

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

6 THE COURT: All right. Good morning. We are on the
7 record case number D-19-582245-D, Solinger versus Solinger.
8 Mr. Solinger, good morning. How are you doing?

9 THE PLAINTIFF: I'm well. How about yourself, Your
10 Honor?

11 THE COURT: I'm doing pretty good. I'm going to
12 take Ms. Cramer's appearance.

13 MS. CRAMER: Good morning, Your Honor. Ms. Michancy
14 Cramer, 11545, for the Defendant who's with me here today.

15 THE COURT: Welcome. Mr. Solinger, I actually had
16 someone tell me the other day that they had you as an attorney
17 and I can't remember their name. They said you did an awesome
18 job for them. So just wanted to let you know.

19 THE PLAINTIFF: Thank you.

20 THE COURT: Yeah. Okay. So we are here. We were
21 supposed to come in here for a decision, but I've decided to
22 kind of put the decision off in case something happens today
23 that may make a difference. So we're going to come back in 30
24 days for that decision because I -- because whatever is said

1 today, I want to be able to think about it and give it the --
2 the due thought. I don't know if I'm going to reopen for more
3 -- more evidence and stuff. I don't know if it rises to that,
4 but I do want to hear what both sides have to say about this.
5 Okay.

6 MS. CRAMER: All right.

7 THE PLAINTIFF: All right. It's Mom's motion.

8 MS. CRAMER: All right. Your Honor, I'm just making
9 these representations as an offer of proof. So I -- forget
10 the exact night, but there was an incident in March at Chalese
11 and Josh's home. And --

12 THE COURT: Josh's home or her home?

13 MS. CRAMER: They lived together at the time.

14 THE COURT: Okay.

15 MS. CRAMER: So they had had a birthday party, Josh
16 and his sister were fighting, his sister was making some
17 remarks that were kind of --

18 THE COURT: His sister?

19 MS. CRAMER: Yes.

20 THE COURT: Okay.

21 MS. CRAMER: And they had guests over, so Chalese
22 was just going to wait until they all left so she could talk
23 to him about what his sister was saying because it did cause
24 her some concerns. It involved drug use. And they went to

1 bed. The next morning, it was Monday morning -- it was
2 Monday, right?

3 THE DEFENDANT: Yes.

4 MS. CRAMER: Monday morning. She was getting the
5 kids ready. Josh got kind of belligerent, started throwing a
6 bit of a hissy fit, got angry, started yelling, knocked the TV
7 over. Chalese took the children outside, put them in the car,
8 called the cops. He was arrested. There is currently a TPO
9 in place. It expires, I believe, in two more weeks. And
10 then --

11 THE COURT: Are you going to move --

12 MS. CRAMER: -- there is a --

13 THE COURT: -- to extend it?

14 MS. CRAMER: Huh?

15 THE COURT: Are you going to move to extend it?

16 MS. CRAMER: No, Your Honor. There is a criminal no
17 contact order.

18 THE COURT: Okay.

19 MS. CRAMER: And so since that time Josh has moved
20 out of the home. Him and his -- his two older children are
21 living with his father and his father is facilitating a
22 visitation with Cheyenne (ph), the baby.

23 THE COURT: Okay.

24 MS. CRAMER: And there have been no violations.

1 Also I have been in contact with Josh myself. Chalese has not
2 except regarding the child obviously. I do have here a drug
3 test from ATI. He tested negative on all the drugs that he
4 was tested for which were amphetamines, cocaine, opiates
5 and --

6 THE COURT: Pretty much the gambit that we would
7 normally test for.

8 MS. CRAMER: The scary ones, yes.

9 THE COURT: Okay.

10 MS. CRAMER: I also have here the email. He
11 forwarded it directly from ATI to me so that it shows the
12 email traffic. I also have an email -- or a letter that he
13 sent me that it was prepared by his treating physician for his
14 criminal case regarding his mental health treatment. And
15 apparently he was being transferred from one medication to
16 another and there was a period of decompensation. The doctor
17 here indicates that he has follow up appointments or he did in
18 March. He is transitioning and readjusting to his medication
19 and that he is consistent and compliant with all his treatment
20 and his appointments.

21 THE COURT: My big question, Mom, are you intending
22 on taking him back or is it over?

23 THE DEFENDANT: I don't have a definite answer at
24 this time. I want things to -- I need things to be different.

1 I'm not going to be in a situation, put myself or my children
2 in a situation where I am with another abusive partner. I was
3 doing that for years. If he can follow the correct steps and
4 we can maybe rekindle, I can't promise there's a relationship,
5 maybe a friendship. I'm not sure at this moment.

6 THE COURT: Okay.

7 THE DEFENDANT All -- all I know is I'm taking the
8 time to make sure me and my children are okay, that I'm doing
9 the best for my daughter Cheyenne and making sure that none of
10 this ever happens again.

11 THE COURT: She -- she does not need to be a part of
12 that.

13 THE DEFENDANT No.

14 THE COURT: No, that's not a good for -- for her or
15 for Michael and Marie. I mean, it's --

16 THE DEFENDANT I's not --

17 THE COURT: -- not a --

18 THE DEFENDANT -- for any --

19 THE COURT: -- good --

20 THE DEFENDANT -- of them.

21 THE COURT: -- example for you to be around that and
22 put up with it because you're showing your kids this is proper
23 behavior if you do. So --

24 THE DEFENDANT Yes, Your Honor.

1 THE COURT: -- you know. Okay. Dad.
2 MS. CRAMER: Your Honor, may we be seated?
3 THE COURT: Yes, please be seated. You don't have
4 to ask.
5 MS. CRAMER: Well, I'm going to. Sorry.
6 THE PLAINTIFF: I -- I mean, I'm not sure to comment
7 about another abusive relationship.
8 THE COURT: I --
9 THE PLAINTIFF: Obviously --
10 THE COURT: You -- you not --
11 THE PLAINTIFF: -- raise --
12 THE COURT: -- you know --
13 THE PLAINTIFF: -- several concerns.
14 THE COURT: You know, I let things go over my head.
15 You know, I know what she said, but doesn't -- you know, this
16 is the only one that I -- Josh is the one I'm concerned with
17 right now, because she's not living with you anymore.
18 THE PLAINTIFF: I understood. I -- I guess based on
19 that offer of proof, what's complicated is that Chalese had
20 asked me to pick the kids up that Sunday night. So obviously
21 she knew there was an issue. I have been out of town at the
22 time and I wasn't --
23 THE COURT: Yeah.
24 THE PLAINTIFF: -- able to come pick them up. But

1 if I would have known the severity of the issue, I obviously
2 would have driven back through the night to get there.

3 THE COURT: Well, I think --

4 THE PLAINTIFF: It -- it --

5 THE COURT: -- this would have --

6 THE PLAINTIFF: I don't know that --

7 THE COURT: -- happened even before you would have
8 had a chance to get back. So, you know, certain things are
9 meant to happen. You know, your children were protected, I
10 believe. You know, I want to think about the situation,
11 but --

12 THE PLAINTIFF: Was --

13 THE COURT: -- you know --

14 THE PLAINTIFF: Your Honor, CPS --

15 THE COURT: -- it's --

16 THE PLAINTIFF: -- is also involved at this point
17 because last Thursday, I -- I don't know quite what happened,
18 but Michael had told his -- well, Michael went to school
19 Friday last week, told his friends that he needed to find a
20 knife to kill himself and -- and that he was going to do that.
21 Thankfully, his friends went and told the teacher. The
22 teachers went and talked to him. Apparently he had reported
23 that something had happened the night before that had kind of
24 triggered this. I'm not quite sure what. And, you know, in

1 talking to him, he said that Josh had said he was going to
2 kill him and that he was very upset about that and that that's
3 why he --

4 THE COURT: This Thursday night?

5 THE PLAINTIFF: -- wanted to do this. And so --

6 THE COURT: Was it --

7 THE PLAINTIFF: Pardon?

8 THE COURT: -- this last Thursday night?

9 THE PLAINTIFF: Correct. But he -- he

10 THE COURT: So how would --

11 THE PLAINTIFF: -- had told his teachers --

12 THE COURT: -- Josh have had contact? I mean --

13 THE PLAINTIFF: Well --

14 THE COURT: -- so --

15 THE PLAINTIFF: -- his --

16 THE COURT: -- because, I mean --

17 THE PLAINTIFF: -- if the --

18 THE COURT: -- there's a --

19 THE PLAINTIFF: -- guidance --

20 THE COURT: -- criminal --

21 THE PLAINTIFF: -- counselor --

22 THE COURT: -- no contact.

23 THE PLAINTIFF: -- had asked him --

24 THE COURT: Huh?

1 THE PLAINTIFF: If Josh -- the guidance counselors
2 had asked him if Josh had been around and he said not really.
3 You know, I didn't --

4 THE COURT: Okay.

5 THE PLAINTIFF: -- want to pry, but CPS called me
6 yesterday. They told me that they've been trying to get in
7 touch with Chalese, that they've been unsuccessful in getting
8 in touch with her --

9 MS. CRAMER: That's not true.

10 THE PLAINTIFF: -- and that now --

11 THE COURT: I --

12 THE PLAINTIFF: -- CPS is scheduled to come by my
13 house on Monday to talk to Michael --

14 THE COURT: Okay.

15 THE PLAINTIFF: -- next week, for what it's worth.

16 THE COURT: All right. Just reach out to CPS and
17 get -- would -- would you get the case worker's name and let
18 Ms. Cramer know --

19 MS. CRAMER: And Your Honor, my client's already in
20 contact with CPS, so that's a misrepresentation.

21 THE COURT: Okay. Well, they may not always tell
22 him --

23 THE PLAINTIFF: I'm not --

24 THE COURT: -- that they've been --

1 THE PLAINTIFF: -- misrepresenting --
2 THE COURT: -- in contact.
3 THE PLAINTIFF: -- anything, Your Honor.
4 THE COURT: Yeah. Okay. All right.
5 THE PLAINTIFF: I mean --
6 THE COURT: Well, let's --
7 THE PLAINTIFF: -- I -- I don't know --
8 THE COURT: -- you know --
9 THE PLAINTIFF: -- why -- here --
10 THE COURT: Well --
11 THE PLAINTIFF: -- here's --
12 THE COURT: That's --
13 THE PLAINTIFF: -- the text messages, here's --
14 THE COURT: Sir --
15 THE PLAINTIFF: -- the caseworker.
16 THE COURT: -- that's okay. That's okay. Right
17 now, you know, not really that tells me Josh isn't there. So,
18 you know, I'd like to find out when it was that Josh made this
19 comment.
20 MS. CRAMER: It was a --
21 THE COURT: And it may have been in that transition.
22 It may have been six months ago. It may have been just a
23 couple -- you know, a week before this happened. I don't
24 know. But as long as Josh is not around the children right

1 now and temporarily that's going to be my order that until we
2 know for a fact that he's not going to have anymore outbursts
3 like that, I don't want him around the kids. Okay. That's
4 temporarily. Let's see what happens with the criminal case
5 and then -- then we can go from there. Okay. All right.
6 We're going to come --

7 THE PLAINTIFF: And --

8 THE COURT: -- back on May 26th at 11:00 a.m. for my
9 decision -- or 11:30?

10 THE CLERK: 11:30.

11 MS. CRAMER: Your Honor, I would like to address
12 some of the things he said. So you --

13 THE COURT: You really think it's necessary?

14 MS. CRAMER: I just want to make a really brief
15 record.

16 THE COURT: Okay. Make a brief record --

17 MS. CRAMER: Thank you.

18 THE COURT: -- because I'm hungry.

19 MS. CRAMER: I hear you, Your Honor. My client is
20 in contact with CPS also. CPS's initial investigation is
21 always without the parents at the school.

22 THE COURT: I know.

23 MS. CRAMER: He hasn't had con -- it's a 45 day TPO.
24 So he hasn't had contact with the children for over a month

1 now.

2 THE COURT: I'm wondering if he's having dreams or
3 something like that. So, you know, I'm going to -- I'm going
4 to let this -- you know, the CPS thing needs to play out so
5 that we know hopefully there's not some mental problem in
6 there. Maybe your son's having nightmares. I don't know.
7 You know, let -- let -- you know we're going to let CPS do
8 their job and see what comes out of it. I'm not changing
9 anything right now.

10 THE PLAINTIFF: No, I -- I understand. I'm just not
11 sure how we can come back for a decision on May 26th because
12 Your -- Your Honor had threatened to make a finding of
13 domestic violence based upon a motion that I filed and now
14 there's actual real domestic violence in this case, of which
15 the children were a victim --

16 THE COURT: But it's not in this --

17 THE PLAINTIFF: -- and we're --

18 THE COURT: -- case --

19 THE PLAINTIFF: -- being loosey-goosey.

20 THE COURT: The children were in the car when this
21 stuff took place and Mom --

22 THE PLAINTIFF: They were in the house.

23 THE COURT: -- Mom took proper actions.

24 MS. CRAMER: And Your Honor --

1 THE COURT: I think -- I really think Mom took the
2 proper actions. She got him out of the the way. She tried
3 calling you on Sunday and you weren't available.

4 MS. CRAMER: But Your Honor, this didn't happen on
5 Sunday. There was -- he was squabbling and arguing with his
6 sister at the birthday party, but it was like at the
7 beginning, it ended. And which is why I wanted to offer my
8 client her --

9 THE COURT: Yeah, it was --

10 MS. CRAMER: -- testimony.

11 THE COURT: -- the Monday -- it was the Monday
12 after, you know, it's --

13 MS. CRAMER: Yes, it didn't --

14 THE COURT: -- you know --

15 MS. CRAMER: -- happen on Sunday night.

16 THE COURT: Yeah.

17 MS. CRAMER: And --

18 THE COURT: Well, the arguing started. She tried to
19 call Dad because she sensed him -- she knows Josh. She knew
20 his mood, so, you know, so she tried to --

21 THE PLAINTIFF: Let --

22 THE COURT: -- get in touch with him.

23 THE PLAINTIFF: Let me be very clear. She didn't
24 say anything about Josh, Your Honor. She said the children

1 were sick and throwing up and wanted to meet me at the VA.
2 Nothing about Josh. It was that they were sick and throwing
3 up. I was out of town. If she had said that there's an issue
4 with Josh, that there's a safety issue, that would have been
5 much different.

6 THE COURT: Okay.

7 THE PLAINTIFF: Not to mention --

8 THE COURT: All right.

9 THE PLAINTIFF: -- I would have been back in time.

10 THE COURT: Yeah.

11 MS. CRAMER: There was no safety issue on Sunday.
12 The children had thrown up earlier and that's why she had
13 gotten a hold of him. It was just going to be easier to do it
14 Sunday if he was in town because --

15 THE COURT: Okay.

16 MS. CRAMER: -- Monday morning, everybody's going to
17 work. The -- there's a bunch of kids in the house, kid --
18 getting kids out the door Monday morning when some of them
19 have been sick. It's like herding --

20 THE COURT: Sometimes --

21 MS. CRAMER: -- cats.

22 THE COURT: -- it's hard. Yeah. Well, you know,
23 right now I've got -- I've got to think about this because
24 Josh has been a problem. So I want to think about. And I

1 want go back and review the -- the prior testimonies regarding
2 the problems that Josh had with you and, you know, driving his
3 truck towards you. I want -- I want to look at that. So
4 I'm --

5 THE PLAINTIFF: Can --

6 THE COURT: -- so I'm going to come --

7 THE PLAINTIFF: -- can we do a status check and --

8 THE COURT: We're going to come back on the 26th.
9 I, you know, I -- and because I may need to be making some
10 major changes to the order that I've done.

11 MS. CRAMER: And Your Honor, I -- I do want to let
12 the Court know that the CPS investigator has indicated to
13 Chalese that there is some concern that Michael's story, if
14 you will, is too consistent. We'll see what happens.

15 THE COURT: We'll see -- we will see that they are
16 trained to do their job.

17 MS. CRAMER: Yes.

18 THE PLAINTIFF: They -- they absolutely are. I'm
19 just, I -- I don't understand that the vague illusion towards
20 anything and it's just --

21 MS. CRAMER: They believe --

22 THE PLAINTIFF: -- I --

23 MS. CRAMER: -- that you've --

24 THE PLAINTIFF: Why am I getting --

1 MS. CRAMER: -- coached them.
2 THE PLAINTIFF: -- a call from a --
3 MS. CRAMER: Is that specific --
4 THE PLAINTIFF: -- CPS --
5 MS. CRAMER: -- enough?
6 THE PLAINTIFF: -- investigator? Why --
7 THE COURT: That vague illusion was kind of --
8 THE PLAINTIFF: She was --
9 THE COURT: -- clear to me is that -- that --
10 they're thinking you may have coached him, but I'm -- you know
11 --
12 THE PLAINTIFF: Michael's with her --
13 THE COURT: -- I don't --
14 THE PLAINTIFF: -- when he did this.
15 THE COURT: I --
16 THE PLAINTIFF: Michael was with Chalese.
17 THE COURT: I know.
18 MS. CRAMER: That was a month --
19 THE COURT: I know.
20 MS. CRAMER: -- ago.
21 THE COURT: I'm not --
22 MS. CRAMER: We're talking about a six-year-old.
23 THE COURT: You know, I'm not -- you know, right now
24 we have got vague reasons for this child to be saying what he

1 said. So I will see you all on the 26th of May to -- to get
2 the decision. Now, if -- if -- once -- once it's written, if
3 it's written, and I -- I have it totally finalized next week,
4 it'll be vacated and you all get -- will get the order. As
5 soon as we get this -- get -- get it written and finalized, I
6 -- I will send it off, but I do want to make sure that I give
7 this the consideration that it deserves. Okay. All right.
8 Hopefully I don't have to see you on the 26th of May, because
9 hopefully I have it done sooner. Thank you.

10 MS. CRAMER: What time on the 26th, Your Honor?

11 THE COURT: 11:30.

12 MS. CRAMER: 11:30. And what is that? Are we -- is
13 that for the decision?

14 THE COURT: It's going to be for the decision.

15 MS. CRAMER: And you want us to submit our closing
16 briefs now?

17 THE COURT: Yeah. I was kind of hoping you'd had
18 the closing briefs before now.

19 THE PLAINTIFF: I -- I don't know how I can do a
20 closing brief with this still in the air. CPS is
21 investigating. It just -- it seems like we're putting this
22 order before the children, frankly.

23 THE COURT: Well --

24 THE PLAINTIFF: Like the -- this directly --

1 THE COURT: -- be -- because --
2 THE PLAINTIFF: -- impacts them.
3 THE COURT: -- this is --
4 THE PLAINTIFF: The Court --
5 THE COURT: -- something -- okay. This is something
6 new. Okay. We will have a decision regarding what has been
7 properly before me in an evidentiary hearing. And if
8 something comes up that warrants a change, then we will
9 proceed. But right now, you know, I'm -- I've -- I've
10 listened here, but I'm not -- I'm not concerned about CPS and
11 Josh threatening to stab him because -- because, you know,
12 even he was asked well, has Josh been around you. And he says
13 not really. So that tells me something's in the head. If
14 Josh would have been around, that may have been something
15 different. But your own son stated he wasn't really around,
16 so --
17 THE PLAINTIFF: That's not a no; number one. Number
18 two, they're talking about reconciliation and the standard
19 after you have a final --
20 THE COURT: She has not --
21 THE PLAINTIFF: -- custody order --
22 THE COURT: -- said anything at all --
23 THE PLAINTIFF: -- to modify (indiscernible).
24 THE COURT: -- about reconciliation and until

1 there's a reconciliation and -- and other -- and -- and
2 anything -- anything else, you know, right now I'm going to
3 take her at her word. She wants to make sure that there's not
4 going to be any abuse in that relationship. I'm going -- I'm
5 going to take her at her word. All right. May 26th at the
6 latest will be the decision.

7 MS. CRAMER: Thank you, Your Honor.

8 THE COURT: Thank you. No order is necessary from
9 today since there is no changes.

10 MS. CRAMER: Okay.

11 THE COURT: Minutes will suffice because there is
12 nothing really ordered here.

13 THE PLAINTIFF: Your Honor, there is the change with
14 Josh and the no contact.

15 THE COURT: No, there is. You -- would you like to
16 do an order for me, Mr. Solinger, about that?

17 THE PLAINTIFF: I wouldn't, but I will.

18 THE COURT: Because I don't want to do it. So I'll
19 let you do the quick order.

20 THE PLAINTIFF: I'll do it.

21 THE COURT: Okay. Thank you. And --

22 MS. CRAMER: May I sign --

23 THE COURT: And let Ms. --

24 MS. CRAMER: May I review --

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THE COURT: -- Cramer --

MS. CRAMER: -- and sign off?

THE COURT: -- for review and approve.

THE PLAINTIFF: Yep. Thank you.

THE COURT: Thank you. You do good orders, sir.

(PROCEEDINGS CONCLUDED AT 11:54:17)

* * * * *

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