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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAGGIE ROE, N/K/A MAGGIE) Supreme Court Case No: 84893
COX,) District Court Case No.: D-11-450074-D
)
Appellant,)
)
v.)
)
JASON ROE,)
)
Respondent.)
)
)

**APPELLANT'S APPENDIX
VOLUME IV OF IX**

**ROBERTS STOFFEL FAMILY LAW
GROUP**

/s/ Melvin R. Grimes, Esq.
Melvin R. Grimes, Esq.
State of Nevada Bar No. 12972
4411 South Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorney for Appellant, Maggie Cox

APPENDIX

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Christina A. Harrison
CLERK OF COURT

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TRANS

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

MAGGIE COX,)	APPEAL NO. 84893
)	
Plaintiff,)	CASE NO. D-11-450074-D
)	
vs.)	DEPT. U
)	
JASON ROE,)	(SEALED)
)	
Defendant.)	
)	

BEFORE THE HONORABLE DAWN R. THRONE
DISTRICT COURT JUDGE

TRANSCRIPT RE: EVIDENTIARY HEARING

THURSDAY, MARCH 10, 2022

APPEARANCES:

The Plaintiff:	MAGGIE COX
For the Plaintiff:	MELVIN R. GRIMES, ESQ. 4411 S. Pecos Road Las Vegas, NV 89121 (702) 474-7007
The Defendant:	JASON ROE
For The Defendant:	FRED C. PAGE, ESQ. 6930 S. Cimarron Road Las Vegas, NV 89113 (702) 469-3278

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I N D E X O F W I T N E S S E S

					VOIR
<u>PLAINTIFF'S</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
<u>WITNESSES:</u>					

(None presented)

DEFENDANT'S
WITNESSES:

SHELLY COOLEY	14	21	35	38
JASON ROE	42	83	162,196	181,198
ALEXANDRA ROE	201	221	242,246	244

* * * * *

I N D E X O F E X H I B I T S

<u>PLAINTIFF'S</u>	<u>ADMITTED</u>
<u>EXHIBITS:</u>	

2	5
14	5
15	5
16	5
17	5
22	5
23	5

DEFENDANT'S
EXHIBITS:

B	5
C	5
G	5
L	5
M	69
N	73

1 LAS VEGAS, NEVADA

THURSDAY, MARCH 10, 2022

2

P R O C E E D I N G S

3

(THE PROCEEDINGS BEGAN AT 9:11:00)

4

5

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

6

7

THE COURT: Good morning. This is the time set for Case D-11-450074-D. If we can have counsel, make your appearances, please?

8

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10

11

MR. GRIMES: Good morning, Your Honor. Melvin Grimes, Bar No. 12972 for the Plaintiff, Maggie Cox. She is present, located to my left.

12

13

MR. PAGE: Good morning, Fred Page, bar number 6080, on behalf of Jason Roe who is present.

14

15

THE COURT: All right. So let's start with my housekeeping list. Any issues been resolved?

16

17

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19

MR. PAGE: No, Your Honor.

THE COURT: And we have no stipulation to exhibits. What about even Maureen Zelensky's, you're not going to stipulate to that one?

20

21

22

MR. PAGE: I -- it's part of our exhibit book. He declined to stipulate to it. If it's part of his exhibit book, we'll stipulate to that.

23

24

MR. GRIMES: Sorry. They make me clean my pockets when I come through security.

1 THE COURT: It's okay. Either -- either way --

2 MR. GRIMES: Plaintiff will stipulate to Exhibit B,
3 Exhibit C, Exhibit G, Exhibit L. That will be it.

4 (Defendant's Exhibits B, C, G, and L admitted)

5 THE COURT: All right. Are there any of plaintiff's
6 you were able to --

7 MR. PAGE: Sure, Judge.

8 THE COURT: -- stipulate to?

9 MR. PAGE: Just one moment. I'm send -- I'm going
10 to forward the link to Ms. Oshe (ph), apparently she needs
11 that.

12 (Pause)

13 MR. PAGE: Okay. I just sent that to her so she
14 could log in.

15 THE COURT: Okay. Do you have plaintiff's list?

16 MR. PAGE: 2, 14, 15, 16, 17, 22, 23.

17 (Plaintiff's Exhibits 2, 14-17, 22 & 23 admitted)

18 THE COURT: All right. So on witnesses as far as
19 planning, you said you have Ms. William, I'm going to take her
20 out of order today. Now, I'll explain what I mean out of
21 order. And Dr. Collins tomorrow morning. Do we have other --

22 MR. PAGE: We have Alexandra Roe. She is waiting
23 outside, so --

24 THE COURT: Okay.

1 MR. PAGE: -- she'll be called later today.

2 THE COURT: All right. Any other housekeeping you
3 want to bring up?

4 MR. PAGE: I don't believe so.

5 MR. GRIMES: I don't believe so.

6 THE COURT: I don't think -- I mean, technically,
7 you probably have about six hours each. I'm hopeful that you
8 won't need that much time, but I'll keep track to make sure
9 we're keeping things fair. If there's anything you need at
10 the end of the time.

11 And now, I looked at both of your pre-trial
12 memorandums very carefully, didn't find there what I needed.
13 So I went back into the complicated procedural history of this
14 case to find the last custody order was entered on November
15 21st, 2017 by stipulation, as you guys were supposed to have
16 an evidentiary hearing. I think in like April or something,
17 of 2017.

18 MR. PAGE: It -- it was, and it sort of did go
19 forward, didn't go forward. It was -- it was what it was.

20 THE COURT: Right. And then there was briefing
21 regarding the school issue then. All right. So that is what
22 I find to be the most recent custody -- final custody order,
23 which also affects the fact that I'm not going to consider
24 anything before that. So some of the things that you guys had

1 planned, according to pre-trial memorandums, wouldn't be
2 necessary such as the people from Green Valley Christian.

3 MR. PAGE: Understood. And I know I list them as
4 witnesses, so it wasn't there -- because there were some
5 events that occurred after the evidentiary hearing that were
6 relevant, but in order to economize things, we wouldn't call
7 them. And some of the other things I had left in the
8 pre-trial memorandums because the Court doesn't have the
9 institutional knowledge that Judge Henderson had, so I'm
10 trying to make sure that you hopefully know as much of the
11 case as you can from its inception.

12 MR. GRIMES: And to address that, Your Honor, I
13 believe the Court is quite aware, you don't even get to
14 consider anything that occurred before that date. And I -- I
15 would, well, the rest would be opening. So I would ask the
16 Court that they only consider the evidence that is properly
17 admitted and submitted over the next two days that occurred
18 after that order.

19 THE COURT: Well, and if there's something that
20 either party wants to offer that occurred before that, I'll
21 consider -- I'll consider the issue at the time and the
22 arguments at that time. But that's our baseline of the last
23 custody order. They stipulated a joint legal, joint physical
24 week on, week off.

1 And then I looked again, technically mom filed the
2 first motion to change custody on July 7th or 27th --
3 sorry -- 2020. Dad filed an opposition and then counter
4 motion to change custody in August. So I believe that the
5 plaintiff should go first, but we're going to take, I told
6 them we would accommodate any other witnesses, so we'll take
7 Ms. Cooley first and we have her. So, Mr. Page, you called
8 her, right?

9 MR. PAGE: Yes, I did.

10 THE COURT: All right. So then, we'll -- did you
11 guys want to do any openings?

12 MR. PAGE: I'll do a brief one. Since they're
13 plaintiff, they may wish to go first, but I'm certainly happy
14 to go first.

15 MR. GRIMES: And, Your Honor, I prepped this because
16 the calendar call, you did say that it was defendant's motion
17 we were going to trial on and that it was their burden of
18 proof, and I prepped this case accordingly. And I don't know,
19 I -- based on the witnesses that were -- that are being set
20 up, I believe Mr. Page did as well.

21 THE COURT: Okay. It's not -- it's probably not
22 going to make a difference. Okay. Because I -- because they
23 both have asked to change the custody and they both have the
24 burden on that request, obviously. So if -- if you guys want

1 to go the way you prepped it, that -- that's fine with me.

2 MR. PAGE: You're right, Your Honor, they're
3 plaintiff, she filed the first motion. And I was
4 contemplating that as I did my prep work for this case, so
5 free to -- if they don't want to give an opening statement,
6 they don't have to, I'll give my opening statement and they
7 can proceed.

8 THE COURT: Well, you called Ms. Cooley, so I expect
9 you're going to go first at least to get that witness --

10 MR. PAGE: Yeah. We'll get her out of the way, of
11 course.

12 THE COURT: Yeah. Perfect. All right. Go ahead.

13 MR. PAGE: This trial has been a long time in
14 coming. This issue regarding Hunter needs to be finally put
15 to rest. The evidence and testimony is going to show that
16 there has been a material change in circumstances affecting
17 Hunter's best interest and that it is Hunter's best interest
18 that custody to be modified. The evidence and testimony going
19 to show you today that Hunter prefers to be with Jason.

20 The evidence and testimony will show that as to
21 which parent is more likely to allow frequent associations and
22 continuing relationship with the other parent, the evidence
23 should be overwhelming to you, Your Honor, that Maggie will do
24 nothing to facilitate a relationship between Jason and Hunter.

1 The level of conflict between these parents, the
2 Court can take into consideration the history of this case.
3 Even though it has not had this case since 2011, I have. This
4 is one of the highest conflict cases this Court is ever going
5 to want to see. It has been near constant conflict that has
6 been ongoing since 2011. The evidence will be institutionally
7 that almost all of the litigation has been instigated by
8 Ms. Cox. Because all of the incidents -- all of the
9 litigation has been instigated by Ms. Cox, you should find
10 that she is at fault for the conflict in this case. The
11 evidence and testimony will show that there is absolutely no
12 ability to cooperate to meet the best interests of the child.
13 The Court will be asked to find, because this is what the
14 evidence is going to support, that the fault of the
15 non-cooperation lies squarely with Ms. Cox.

16 You'll receive evidence and testimony as to the
17 mental and physical health of the parents. The evidence and
18 testimony will show that Jason is physically and mentally
19 healthy. The evidence will be that Ms. Cox appears to be
20 physically healthy, but the evidence and testimony will be
21 that there's something terribly wrong with Ms. Cox mentally.

22 The evidence and testimony will show that the
23 physical developmental emotions of the children are such that
24 Mr. Roe provides a stable environment for Hunter and that is

1 in his best interest. The evidence and testimony will show
2 that Hunter is getting good grades and has good behavior at
3 school and at home.

4 As to the nature of the relationship with the --
5 with each parent, the evidence and testimony will show that
6 Hunter's relationship with his father is quite good. The
7 evidence in -- evidence and testimony will show that Hunter's
8 relationship with Ms. Cox is poor and Ms. Cox has done nothing
9 to improve that relationship. There'll be evidence as to that
10 Hunter has two siblings with Jason and has one sibling with
11 Ms. Cox and his relationship with that sibling is poor.

12 As to any history of abuse, of parental abuse or
13 neglect of a child or a sibling of a child, the evidence and
14 testimony will show that the emotional dysregulation by
15 Ms. Cox is such that it constitutes abuse. As to whether
16 there's been acts of domestic violence, there will be
17 testimony as to evidence that the witnesses have reported as
18 to marks that Hunter comes back with when he returns from
19 visitations with Ms. Cox and as to any abduction this is not
20 applicable.

21 Based upon those factors, we are going to ask, Your
22 Honor, to enter orders, and the evidence, that Mr. Roe should
23 receive sole legal and sole physical custody. The evidence
24 and testimony will show that it's in Hunter's best interest

1 that Ms. Cox have no contact with Hunter until such time as
2 she engages in reunification therapy with Dr. Collins and
3 successfully completes that. We're also going to ask for an
4 adjustment in child support. Ms. Cox's gross monthly income
5 is \$6,053, at 16 percent, that would be \$960. For the
6 remaining amount, it's \$4.28 cents, for a total of \$964.28
7 cents. And we're going to ask that Mr. Roe's health insurance
8 be listed as being primary with -- with Hunter. And with
9 that, we leave it to your Court's consideration, and we will
10 call Ms. Cooley, if opposing counsel does not wish to make an
11 opening statement.

12 MR. GRIMES: As the Court is aware and opposing
13 counsel is aware, that since we were last before this Court,
14 the Nevada Supreme Court came down with the decision
15 that says all changes of custody require a substantial change
16 in circumstances affecting the well-being of the child. As a
17 result of that, I have consulted with my client, we cannot
18 meet that burden and we will not be asking the Court to modify
19 custody.

20 Counsel presented to this Court that the evidence is
21 going to show a material change in custody. That isn't the
22 standard. The Supreme Court has made it abundantly clear the
23 standard is elevated and it is now the same standard that is
24 set forth prior.

1 MR. PAGE: Counsel, I didn't reference the normal
2 standards. I'm aware of a reference to a normal standard.

3 MR. GRIMES: As I said, opposing counsel is aware.

4 The evidence will show that this has been an 11-year
5 attack of exactly the same conduct at my client, and that's
6 what it's been an attack. They have repeatedly in every
7 motion to modify custody. And they'd like to point out that
8 my client filed motions. She has, we're not going to argue.
9 She has, I wasn't her attorney. I might have taken a
10 different approach. But every counter motion filed has
11 alleged the exact same facts that there's a mental health
12 issue with Ms. Cox. And no mental health professionals that
13 they're going to call in this case, other than outsource
14 providers here.

15 What the evidence is going to show is that there has
16 been parental alienation and that the parental alienator
17 pursuant to every psychological study should not be rewarded.
18 We are going to ask this Court to maintain the status quo,
19 meaning joint legal, joint physical custody, and to put
20 specific orders in place regarding reunification and
21 therapeutic treatment for both the child and both parents to
22 deal with the alienation that has gone on. That was not our
23 position coming in, but when the Supreme Court comes down and
24 changes the standard, we have to address it. My client has

1 agreed that that's the appropriate path, and that's how we're
2 going to proceed.

3 With that, Your Honor, I'm prepared to proceed.

4 MR. PAGE: All right. I'm ready to call Ms. Cooley.

5 THE COURT: All right.

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

10 THE WITNESS: I do. Sorry. I had to unmute myself.
11 I forgot to do that. Yes, I do.

12 THE CLERK: No problem. Can you please state your
13 name and spell your first and last name for the record,
14 please?

15 THE WITNESS: My name is Shelly Cooley. First name
16 Shelly, S-H-E-L-L-Y. Last name Cooley, C-O-O-L-E-Y.

17 THE CLERK: Thank you.

18 SHELLEY COOLEY

19 called as a witness on behalf of the Defendant, having been
20 first duly sworn, did testify upon her oath as follows:

21 DIRECT EXAMINATION

22 BY MR. PAGE:

23 Q Ms. Cooley, this is attorney Fred Page. What was
24 your role in this case?

1 A I was appointed as the Guardian ad Litem for the
2 minor child Hunter.

3 Q Approximately, when were you appointed as the
4 guardian ad litem for Hunter?

5 A I believe it was in spring of 2021.

6 Q About March 22, 2021, does that sound about right?

7 A Sure. I don't remember the exact date.

8 Q After you were appointed as guardian ad litem, what
9 steps did you take in order to determine what is going on with
10 Hunter?

11 A I -- because we were in the middle of COVID, I did
12 everything with Hunter in this matter via telephone and/or, I
13 guess, a virtual app so that we could video conference. I had
14 telephone conferences with Maggie and Jason. Each telephone
15 conference was about an hour and a half, and I explained the
16 process to them and that I would be helping the Court
17 determine the best interest of Hunter. And that I -- I asked
18 them for input and background on Hunter and just their insight
19 into what was going on with him. And after those telephone
20 conferences with the parents, then I began my calls with
21 Hunter.

22 Q How many calls do you estimate that you had with
23 Hunter?

24 A I believe approximately six.

1 Q What would you say -- how did -- what was the length
2 of those calls on average?

3 A They were probably close to an hour. I think one of
4 the phone calls was shorter, but we established rapport very
5 quickly. Hunter was very forthcoming with his thoughts and
6 ideas and told me all about what he was doing in school and
7 his extracurricular activities.

8 During our first conversation, he went into great
9 detail about the dog bite attack, which I was surprised
10 because based on my conversations with Jason and Maggie, that
11 was quite traumatic, and I didn't think that he would be
12 comfortable opening up to me about that, but he did.

13 Q What were some of the thoughts and ideas that Jay --
14 that Hunter had as it relates to custody? I'll just cut right
15 to the chase.

16 MR. GRIMES: Objection. Calls for hearsay.

17 MR. PAGE: She's the guardian ad litem.

18 MR. GRIMES: Pursuant to *Gordon v. Geiger*, that's
19 not permitted.

20 THE COURT: I believe as the guardian litem has to
21 rely on the statement, from both parents and the child. I
22 think that is -- does come in under a hearsay objection.
23 Overruled.

24 BY MR. PAGE:

1 Q What were Hunter's thoughts as it relates to
2 custody?

3 A Given the issues that had occurred between Hunter
4 and his mom, specifically the fact that there had been
5 physical incidents that mom had called the police and Hunter
6 had been arrested and had spent some time in -- as he called
7 it jail.

8 And the cameras that were everywhere in Maggie's
9 home, based on comments that Hunter said -- Hunter had a
10 different preference to reside primarily with his father
11 Jason.

12 Q When you were speaking to Hunter, did he appear
13 sufficiently mature for his age? Did he express himself well?

14 A He did.

15 MR. GRIMES: Objection. Lack of foundation.

16 THE COURT: Overruled.

17 BY MR. PAGE:

18 Q You can go ahead. Based upon your conversations
19 with Hunter, did he seem sufficiently mature for his age? Was
20 he able to express himself well?

21 A Yes, he -- he expressed himself quite well.

22 Q Did you have any concerns after your discussions
23 with Hunter that he was being coached in any way?

24 A I did not. Shall I explain further?

1 Q I'm sorry?

2 A Shall I explain or --

3 Q Yes, you can certainly go ahead and explain.

4 A Okay. With my initial contact with Hunter, he very
5 much wanted to have a relationship with his mom, Maggie, and
6 he was very saddened by it. He felt that he had been betrayed
7 by her when she called the police, because it -- he believed
8 that Maggie antagonized the situation and would get physical
9 first and then would catch him and then he would get in
10 trouble in that manner. But he very much wanted to have
11 contact with his mom and seemed very interested in -- in
12 repairing that relationship.

13 And my recommendations to the Court based upon my
14 conversations with Hunter reflected that initially we -- we
15 tried some weekend time and some telephone calls and the
16 reports from Hunter were that Maggie was very much focused on
17 blaming Hunter for the problems and finding fault with him.
18 And Hunter claims during the -- the visits, that, again, more
19 blame of Hunter for what was going on. And that when she
20 wasn't blaming him, she wasn't really paying attention to him.
21 So he believes that she wasn't really interested in spending
22 time to him.

23 Q Because of that, did Hunter's interest in
24 reestablishing a relationship with Maggie decline?

1 A Based on my --

2 MR. GRIMES: Your Honor, I have to object. This --
3 this is hearsay. It calls for hearsay. *Gordon v. Geiger*
4 clearly states that here -- that -- that child testimony must
5 be subject to cross-examination.

6 THE COURT: Well, we can -- back -- backing into
7 that, you can ask her her opinion regarding Hunter's best
8 interest, and then you -- one or both of you are going to
9 examine her on why she has that opinion so -- and then you're
10 going to be based on hearsay.

11 As *Abid* (ph) points out, it's about what people in
12 this position as guardian ad litem or as a custody evaluator,
13 or things like that, they rely on hearsay to form their
14 opinions, but you want them to go -- go that way and -- and
15 work backwards they're still going to get to the same place.

16 BY MR. PAGE:

17 Q You can go ahead. Well, I asked you a question
18 whether Hunter's interest in reestablishing a relationship
19 with Maggie declined as a result?

20 A Based on my communications with him, yes,
21 unfortunately, they did.

22 Q Was there an incident that occurred on or about July
23 25 when Hunter ran away during a visitation?

24 A Yes, that is correct.

1 Q Did you speak to Hunter after that incident?

2 A Yes, I did.

3 Q What did Hunter relay to you as to what occurred?

4 A I would have to look through my notes to be able to
5 give great detail, but generally there was a -- if I recall,
6 Hunter and Maggie were -- got into an argument, a verbal
7 argument about something, and Hunter got upset and was
8 concerned about Maggie calling the cops on him again and going
9 back to, quote, jail. So he went into a Target and hid in the
10 bathroom until his father arrived.

11 Q Okay. As a result of that incident, did you
12 recommend that any contact between Hunter and Maggie be
13 paused?

14 A I believe so, yes. And we went in the reunification
15 direction or there -- I'm sorry, we went in the therapeutic, I
16 think, counsel -- maybe therapeutic reunification direction.

17 Q After July 25, have you had any additional meetings
18 with Hunter?

19 A May I look briefly at my notes just for dates?

20 Q Sure.

21 A Pardon?

22 Q I said yes.

23 A Okay.

24 Q If you want to refresh your recollection?

1 A Yes, please. Yes, I had -- and I -- my notes are on
2 my desk turned over so that I cannot see them. So my last
3 contact with Hunter was on August 2nd of 2021.

4 Q Okay. So that would've been shortly after the
5 incident that occurred where Hunter ran away?

6 A Correct. Was that a question? I'm sorry.

7 Q Yeah, that was. Was that the -- that was -- the
8 last meeting you had was shortly after Hunter ran away during
9 a visitation with Maggie?

10 A Yes.

11 Q Okay. The last communication that you had with
12 Hunter, would it be fair to say that he preferred to reside
13 primarily with his father?

14 A Correct.

15 MR. PAGE: Okay. I'll pass the witness.

16 CROSS-EXAMINATION

17 BY MR. GRIMES:

18 Q Morning, Ms. Cooley.

19 A Morning, Mel.

20 Q Do you prefer Shelly or Ms. Cooley for testimony?

21 A You know the answer to that, Mel.

22 Q Okay.

23 A Shelly.

24 Q All right. Shelly, as part of your preparation as

1 guardian ad litem, have you gone through specialized training?

2 A No, not for guardian ad litem training.

3 Q And what does that entail?

4 A I -- I have not.

5 Q Oh, you have not gone through guardian ad item
6 training? Okay.

7 A I have not.

8 Q Do you have any training other than law school?

9 A With regard to guardian of item?

10 Q With -- that you believe assists you in serving as a
11 guardian ad litem? I apologize. That was poorly phrased.

12 A I was a teacher before I became an attorney for five
13 years. I also have a -- my educational background in my
14 undergrad was psychology with a minor in human development.
15 I have done a various CLEs on children and the law and
16 interviewing children and those types of issues, but I haven't
17 participated in a formal guardian ad litem training. I am not
18 aware if one exists.

19 Q Do you have any specialized training in parental
20 alienation?

21 A I do not.

22 Q Are you --

23 A -- other than --

24 Q Go ahead.

1 A -- CLEs that I've -- other than CLEs that I've
2 attended.

3 Q Okay. Did you review the pleadings in preparation
4 for your duties as guardian ad litem?

5 A Absolutely.

6 Q So you're aware of the assertions that have been
7 made in -- in everybody's motions, correct?

8 A I am.

9 Q Okay. Did you review the videos of any events?

10 A Of the child or of the hearings?

11 Q Of the child.

12 A Yes, I did.

13 Q Okay. Did you review any police records?

14 A I did.

15 MR. GRIMES: Court's indulgence and my apologies.

16 BY MR. GRIMES:

17 Q In reviewing the police records, did you come to
18 find out whether or not Maggie ever called the police?

19 A I believe the police records that I reviewed and was
20 provided, were related to the dog attack.

21 Q Okay. In reviewing the dog attack, were you
22 concerned at all that mom wasn't notified?

23 A My recollection from those records, and I haven't
24 reviewed them in some time, is that they don't indicate who

1 was contacted. I know that Hunter was with Jason's wife
2 and I know that Jason was with Hunter at the hospital, and I
3 know the -- the allegations regarding contact by the parents,
4 but I don't recall a police report indicating who was
5 contacted.

6 Q Okay. So I -- I want to clear this up. You didn't
7 review a police report re -- regarding the arrest of, or the
8 detainment of the child, of Hunter?

9 A Not that I recall. If you'd like, I can take a look
10 at my electronic file real quickly and answer that with
11 certainty.

12 Q I -- I would appreciate if you would refresh your
13 recollection.

14 A Okay. If you could just give me a moment?

15 Q Absolutely.

16 A Okay. So I'm looking in my file that was provided
17 by counsel and I didn't document whether it was provided by
18 plaintiff's or defendant's counsel, so my apologies for that,
19 but I have Our Family Wizard records from January 2020 to
20 April 2021.

21 I have photos of Peggy's bruised face, Peggy's arm,
22 Maggie's bruise, Hunter bruise. I have a number of videos of
23 Hunter interacting with his mother. I have the Our Family
24 Wizard exchange regarding the dog attack, the Las Vegas Police

1 Department records -- let me see -- regarding the dog attack.

2 Q Okay. So you did not review any police records
3 regarding the March 16th incident? I'm sorry, let -- I just
4 want a clean record. March 16th, 2021 incident?

5 A I don't believe so. I don't think that that was
6 provided to me.

7 Q In -- in your discussions with Hunter, did he
8 express to you that he believed his mother contacted the
9 police?

10 A Regarding the dog bite or regarding --

11 Q No. This is the March 16th domestic violence
12 incident.

13 A It -- yes. It was his understanding that his mother
14 or his grandmother contacted the police.

15 Q Do you think it would've been important for him to
16 know that it was actually his father who contacted the police?

17 A Yes, I do.

18 Q Do you think that would've impacted his position?

19 MR. PAGE: Objection. Incomplete hypothetical.

20 MR. GRIMES: Or at --

21 THE COURT: Well, I believe -- I believe your own
22 client's statement is that her or her mother called the police
23 the first time.

24 MR. GRIMES: The first time, this is March 16th.

1 THE COURT: And then -- and then Mr. Roe, so --
2 well, they occurred close in time, so I don't -- I don't -- so
3 we're talking about the second time he was detained. He
4 did -- did he talk to you at all about who he thought called
5 the police on the second time?

6 THE WITNESS: I don't recall Hunter differentiating
7 who called the police in either incident. He -- he was very
8 hurt that his mom had allegedly called the police and he had
9 ended up in jail.

10 Does that answer your question?

11 THE COURT: Yes.

12 THE WITNESS: Okay.

13 THE COURT: Mr. Grimes, I'm sorry. Go ahead.

14 BY MR. GRIMES:

15 Q And my question to you, Shelly, is, do you believe
16 Hunter's knowledge of who actually called the police could
17 have impacted his opinions that were expressed to you?

18 MR. PAGE: Objection. Foundation and incomplete
19 hypothetical.

20 THE COURT: Overruled.

21 THE WITNESS: Yes. I think that it may have -- have
22 impacted it. I don't know that it would have changed his
23 final conclusion because of the -- the conduct that was
24 occurring between the two of them. But I think it would have

1 lessened the -- the -- the sense of betrayal that -- that he
2 had.

3 BY MR. GRIMES:

4 Q Okay. To your knowledge, since March 16th, has
5 any -- and, again, only what you know -- since March 16th, has
6 anyone informed Hunter that it was actually his father that
7 called the police that day?

8 A I don't know.

9 Q You stated that initially Hunter wanted to repair
10 the relationship with mother -- with Maggie; is that correct?

11 A Yes, that is my understanding.

12 Q Okay. So you testified regarding the runaway
13 incident on -- in July of 2021. You recall your testimony on
14 that?

15 A I do.

16 Q The way I wrote it down was that he was concerned
17 that Maggie would call the cops again; is that correct?

18 A I believe so. Yes.

19 Q Okay.

20 A My understanding is that that was a -- a common --
21 for lack of a better word, threat that was made is that if he
22 didn't behave a certain way, then she would have to call the
23 police. And he was terribly afraid of going back to -- as he
24 called it, jail.

1 Q Okay. And whose custody was he in at your last
2 contact of August 22 of 2021?

3 A That -- that would have been Jason and at that --

4 Q And who --

5 A Go ahead.

6 Q Who facilitated that interview with you?

7 A Hunter had his own cell phone, and he had my phone
8 number. So neither parent. After my first with both of the
9 parents, they were not involved in our -- our scheduling.
10 Hunter and I did that together. And when we were talking, it
11 was -- it was in his room often or a -- a private location.

12 Q Okay. And did Hunter appear to be aware of the
13 Court proceedings?

14 A I'm not certain.

15 Q Was he aware that his statements made to you would
16 be presented to the Court?

17 A Yes, because when he and I spoke, as I do during my
18 initial meeting with -- with my clients who are children, I
19 explained the process in that it was my job to help the Court
20 determine what was in his best interests, and that what we
21 talked about would be reported to the Court. So yes, he
22 was -- he was very much aware that our conversations would be
23 related to the Court.

24 As far as was he aware of what mom and dad were

1 doing litigation wise? I'm not certain. I -- that, I
2 don't -- I don't know.

3 Q Okay. Were there any things stated by Hunter of
4 concern to you? Let me rephrase that. I don't -- I don't
5 even like the way it sounded.

6 A Yeah. I'm -- I'm not sure -- I'm -- I have no idea
7 what to do with that question.

8 Q Were there any statements made by Hunter regarding
9 Maggie that brought concern for his safety?

10 A Yes.

11 Q And specifically, what were those statements?

12 A Hunter felt and believed that Maggie antagonized him
13 and that she would get physical with him first and then would
14 catch things on the recordings, showing him acting poorly.

15 And I can use that word because Hunter and I
16 discussed those recordings and I requested that he watched
17 them with his father and that they talk about them. And
18 Hunter was embarrassed by his behavior and alarmed by it, but
19 his -- his position was that mom -- it -- it was a gotcha-type
20 moment that mom was setting him up and then once he reacted,
21 she filmed it.

22 Q Were there any similar concerns expressed by Hunter
23 regarding his father, Jason? And again, specifically to
24 safety.

1 A No. There -- there weren't any concerns with regard
2 to safety in his father's care.

3 Q Were there any statements made by Hunter regarding
4 his perceived comfort at his mother's home?

5 A He was very uncomfortable with the cameras that, as
6 he said, were everywhere. I don't know, obviously, where they
7 were. But there were enough cameras that it made him very
8 uncomfortable, and he didn't -- he didn't feel like it was his
9 home because he felt like it was a gotcha situation all the
10 time.

11 Q Okay. Any similar expressions of un -- of
12 discomfort regarding his home with his father, Jason?

13 A No. He referred to his home with his father as his
14 home.

15 Q Were there any expressions of concern by Hunter
16 regarding his education at his mother's?

17 A No.

18 Q Any expressions of concern at his father's home?

19 A No.

20 Q Was there any expression of any discom -- of
21 anything that he did not like about his father's home?

22 A Not that I recall, no.

23 Q Did you find any concern with that?

24 A I'm unable to answer that yes or no without

1 providing -- without explaining if I may.

2 MR. GRIMES: I'll withdraw the question or at least
3 delay the question.

4 BY MR. GRIMES:

5 Q Are you familiar with a dynamic called resist/refuse
6 dynamic?

7 A I absolutely am.

8 Q Have you read the literature on that dynamic?

9 A Some of it.

10 Q Okay. In any of the questioning and answering, did
11 it ever concern you that there was a resist/refuse dynamic
12 within this parental relationship?

13 A It did not. And the reason is, is that one of
14 Hunter's wishes was that his parents would get along and be
15 friends. And, for instance, his soccer games, he wanted
16 everybody to attend his soccer games to support him. So I
17 don't think that that was the -- the dynamic; however, I am
18 not trained in -- in -- in that specifically.

19 Q No, I understand.

20 A So I'm -- I'm -- I'm answering as an attorney
21 professional who -- who has been appointed guardian ad litem.

22 Q Perfect. Thanks, Shelly.

23 A Not an expert in that.

24 Q Perfect. Thanks, Shelly.

1 MR. GRIMES: I'll pass the witness.

2 THE COURT: All right. I have a couple questions
3 for you. How many guardian ad litem assignments have you had
4 in your career, including this one?

5 THE WITNESS: At least 10. Minimum of 10.

6 THE COURT: And those were all appointed by judges?

7 THE WITNESS: Correct. Only appointed by judges.

8 THE COURT: I know it's been a while because of the
9 dynamic and we paused your services, so you may -- may not, do
10 you have -- currently have an opinion regarding what custodial
11 schedule is in Hunter's best interest?

12 THE WITNESS: Not necessarily a custodial schedule,
13 but the -- a living arrangement, yes.

14 THE COURT: And what is that opinion?

15 THE WITNESS: And may I provide some, I guess,
16 some -- some information with that opinion?

17 THE COURT: Sure.

18 THE WITNESS: Or do you just -- okay. I think that
19 given the -- the current dynamic between Hunter and his
20 mother, whether it's Hunter is the issue or Maggie is the
21 issue, or the likely is it's -- it's both of them, I think
22 that the -- the schedule that would make the most sense would
23 be Hunter residing primarily with his -- his father, Jason,
24 and that a -- a -- a -- a timeshare be developed between

1 Hunter and mom, because I think that that relationship is
2 important. And I think that relationship is important to
3 Hunter as well.

4 I think in many respects, he feels abandoned by
5 Maggie because, for instance, with the dog bite incident, and
6 one of the -- the comments that he made is that Maggie, her
7 focus is the fact that Jason didn't contact her directly about
8 this incident -- and this is all from Hunter's perspective --
9 instead of asking how Hunter was, and from Hunter's
10 perspective, he almost died. And based on the medical
11 information, it appears that that is the case. And he was
12 just trying to survive this incident, he didn't care who was
13 called and who wasn't called.

14 So I think that for Hunter, his mom's focus, in his
15 opinion, is on things that are insignificant to him and don't
16 allow them to move forward and repair their relationship.

17 THE COURT: And what do you think can be done to
18 help Hunter improve his relationship with his mom?

19 THE WITNESS: I think that the dog bite incident,
20 coupled with the -- the jail incidents, I think that they both
21 need to be able to communicate with each other in a safe space
22 facilitated by a professional because I don't think that it is
23 a -- I don't think it's -- I don't think it's safe for Hunter
24 for his mom and him to have these conversations on their own.

1 I think it -- it has to be facilitated, because obviously it's
2 unacceptable for Hunter to get physical with his mom. But --
3 and -- and we need to keep mom safe, but we also need to help
4 Hunter and mom address the issues that are harming their
5 relationship so that they can repair it. I'm not certain that
6 I answered your question.

7 THE COURT: To summarize that, it sounds like that
8 having professional help with reunification between the two of
9 them with somebody who's experienced with doing that?

10 THE WITNESS: Yes. And it needs to be someone --
11 someone very experienced. Hunter's a bright kid. He
12 expresses himself well, and whether he has a -- whether it's
13 the correct read on things, he has very strong opinions as to
14 this situation, what the causes of this situation are and
15 needs someone that can help guide him toward a better
16 relationship with his mom.

17 Because most of our conversations were Hunter
18 stating that he wanted to have a relationship with his mother,
19 but that he was very hurt by actions and a perceived belief
20 that mom favored his little sister. And I have -- I have
21 kids. I understand that, you know, that's often a complaint
22 of children. But there's some perceived beliefs that Hunter
23 has that are making it hard for Hunter and mom to move
24 forward. And I think -- I think mom has some of those beliefs

1 as well, and I also don't think that dad is perfect in this
2 situation either. If we had two stellar parents, I wouldn't
3 be involved as guardian ad litem. We know that going into
4 this.

5 THE COURT: Mr. Page, I think it's your turn.

6 MR. PAGE: Thank you. You asked a question, I was
7 going to ask anyway, so saved me some time.

8 REDIRECT EXAMINATION

9 BY MR. PAGE:

10 Q Ms. Cooley, how long have you been a licensed
11 attorney?

12 A Since 2004.

13 Q Are you a certified family law specialist by the
14 Nevada State Bar?

15 A I am.

16 Q Are you a member of the American Academy of
17 Matrimonial Lawyers?

18 A I am.

19 Q Okay. Are you also a fellow of the Academy of
20 Adoption Attorneys?

21 A It's actually -- and I'm sorry because I'm very
22 proud of this --

23 Q Oh, it's --

24 A -- but I'm a dual fellow of the Academy and -- of

1 Adoption and Assisted Reproduction Attorneys. So it's both
2 adoption and art fellow.

3 Q Has anyone ever questioned your qualifications for
4 being a guardian ad litem?

5 A No.

6 Q In your time, has any judge ever not given your
7 reports and recommendations weight as to what your -- what you
8 told the Court?

9 MR. GRIMES: Objection. Calls for a conclusion that
10 she likely wouldn't even know.

11 MR. PAGE: I'll withdraw the question.

12 BY MR. PAGE:

13 Q Has a judge ever told you, you did not give them the
14 information they wanted as it relates to being a guardian ad
15 litem?

16 A I've never been told that, but I don't know that
17 that's something -- I -- I think that goes to weight that a
18 judge gives -- gives my information. And like Mel said, I
19 don't know what the -- what the result of -- of my
20 recommendations are.

21 Q In your conversations with Ms. Cox, did she ever
22 take any responsibility for the lack of a relationship between
23 her and Hunter?

24 MR. GRIMES: Objection. Beyond the scope. He's on

1 redirect.

2 MR. PAGE: She's talked -- she's testified as to the
3 level of communication between them and the level of
4 communication would necessarily deal with whether Maggie takes
5 any responsibility.

6 THE COURT: I'm going to sustain that objection.

7 MR. PAGE: Okay.

8 BY MR. PAGE:

9 Q You've testified that Hunter is a bright child and
10 expresses himself well. Do you believe Hunter is a sufficient
11 age in capacity to form an intelligent preference as to his
12 custody?

13 A I do.

14 Q Has Hunter expressed any unhappiness in residing
15 primarily with Mr. Roe?

16 MR. GRIMES: Objection. Beyond the scope.

17 THE COURT: Sustained.

18 THE WITNESS: I'm sorry. I didn't hear.

19 THE COURT: I sustained that.

20 MR. PAGE: She sustained that.

21 THE WITNESS: Again, you were both talking, I -- I
22 didn't hear. I apologize.

23 MR. PAGE: That's fine. I'll pass the witness.

24 MR. GRIMES: I only have a couple of questions.

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REXCROSS EXAMINATION

BY MR. GRIMES:

Q Shelly, you have testified now that, when the judge was questioning you, that you're also a -- a parent, correct?

A I am.

Q And then that -- and counsel just went through your -- your awards and other things regarding matrimonial law, correct?

A Yes.

Q Do you believe it is appropriate, given those two factors that I just went over, appropriate for a -- a parent to not inform the other parent, which they share joint custody, regarding this vicious attack of the dog until a day later?

MR. PAGE: It goes beyond the scope of my cross or my redirect.

MR. GRIMES: It stays within the -- the questioning of the judges, though. And that's where I can -- got it from.

THE COURT: Overruled.

MR. GRIMES: Okay.

BY MR. GRIMES:

Q Yeah.

A It --

Q It was -- oh, I'm sorry.

1 A You -- you have a lot of -- you have a -- a lot of
2 different questions there.

3 Q Okay. You want me to break it down?

4 A Yes. If you could, please.

5 Q Okay. Do you believe it's appropriate for a
6 co-parent to not inform their other co-parent about an
7 emergency where the child is in the hospital for 24 hours?

8 A Absolutely not.

9 MR. PAGE: Objection --

10 THE WITNESS: Absolutely not.

11 MR. PAGE: -- hypothetical.

12 THE COURT: Overruled.

13 BY MR. GRIMES:

14 Q Do you believe it is appropriate to not inform the
15 other parent of an incident that involves two gunshots going
16 off near their child until 24 hours later?

17 MR. PAGE: Objection.

18 THE WITNESS: Absolutely not.

19 MR. PAGE: That completely exceeds any party's line
20 of questioning.

21 THE COURT: Sustained.

22 THE WITNESS: Sorry. I will wait to -- I will pause
23 before I answer. I apologize.

24 MR. GRIMES: No worries, Shelly. She sustained it

1 in case you didn't hear that, so I'm -- okay.

2 THE WITNESS: Thank you.

3 BY MR. GRIMES:

4 Q And, finally, do you believe Hunter's opinions are
5 being influenced at all by outside sources?

6 A I don't believe so. He had very strong reasons for
7 his opinions. And I -- I -- I believed that those opinions
8 were his own.

9 Q Okay. Thank you.

10 MR. GRIMES: I have nothing further. Thanks,
11 Shelly.

12 THE COURT: Thank you very much, Ms. Cooley.

13 THE WITNESS: You're welcome.

14 MR. PAGE: Thank you, Ms. Cooley.

15 THE WITNESS: You're welcome. I can log out and --

16 MR. PAGE: Yes.

17 THE WITNESS: Okay. Perfect. Thank you.

18 THE COURT: All right. Mr. Page, you're -- you --
19 since you prepared to go first, what --

20 MR. PAGE: Well, I -- I mean, that you --
21 technically, they're supposed to go first, so they -- they can
22 go first. I mean, that's -- that would be the proper
23 procedure.

24 THE COURT: Well, now they've withdrawn the motion

1 to change custody, so you're --

2 MR. PAGE: I am prepared to go forward so.

3 THE COURT: Yes. Who's your next witness, Mr. Page?

4 MR. PAGE: I call Jason Roe. Oh, Jason, you have to
5 stand up.

6 THE WITNESS: Oh.

7 THE BAILIFF: Watch your step. Face the clerk.

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

12 THE WITNESS: I do.

13 THE CLERK: You may be seated. Please state your
14 name and spell your first and last name for the record,
15 please?

16 THE WITNESS: My name is Jason Roe. First name
17 Jason, J-A-S-O-N. Last name Roe, R-O-E.

18 THE CLERK: Thank you.

19 MR. GRIMES: Your Honor, I would just like to know
20 procedurally and I -- the Court knows I don't care either way,
21 whether or not with the principles we are waiving scope, so
22 that we don't have to recall him, and I will defer to
23 Mr. Page, I just wanted to know at this point.

24 MR. PAGE: I like to stay in scope.

1 MR. GRIMES: Okay.

2 MR. PAGE: I -- it's just something that helps and I
3 developed over the years.

4 THE COURT: All right.

5 MR. PAGE: I used to be -- just to be -- I used to
6 be just the opposite and then as I've gotten more experience,
7 I'd rather stay within the scope.

8 MR. GRIMES: I actually agree with you so.

9 THE COURT: All right. Now that we have that
10 cleared up --

11 MR. PAGE: Because you're sort of like -- you kind
12 of frowned.

13 JASON ROE

14 the Defendant, having been first duly sworn, did testify
15 upon her oath as follows:

16 DIRECT EXAMINATION

17 BY MR. PAGE:

18 Q Mr. Roe, what's your address?

19 A It's 5521 Eagle Claw Avenue, that's Las Vegas,
20 Nevada 89130.

21 Q When were you and Ms. Cox married to each other?

22 A It was -- it started in 2006.

23 Q When was Hunter born?

24 A He was born in 2009.

1 Q Okay.

2 A November 9th, 2009.

3 Q Okay. How old are you?

4 A I am 47.

5 Q Do you have any children by a prior marriage?

6 A Yes, I do.

7 Q What are their names and ages?

8 A I have -- my oldest son is Taylor Roe and he is 19.

9 And my daughter, Tori Roe, and she is 16.

10 Q Do you know approximately when you were divorced
11 from Ms. Cox?

12 A I believe it ended up in 2012, maybe '13. It took
13 quite a while.

14 Q In the decree of divorce, were you and Ms. Cox
15 awarded joint physical and joint legal custody?

16 A Yes.

17 Q Okay. Since the decree of divorce has been filed,
18 have there been motions filed in this case?

19 A Many.

20 Q Who is the person that's filed the motions?

21 A Maggie has.

22 Q While the case has been pending post-divorce, did
23 you get remarried?

24 A Yes, I did.

1 Q Who did you get married to?

2 A To my wife, Alexandra Roe.

3 Q When did you get married to Alexandra?

4 A In June of 2016.

5 Q We were last before Judge Henderson in 2017

6 regarding competing requests for changes in custody. Do you
7 recall that?

8 A Yes.

9 Q During that proceeding, Judge Henderson called the
10 principal of Green Valley Christian School and asked that
11 Maggie be given another chance. Do you recall that?

12 MR. GRIMES: Objection.

13 THE WITNESS: Yes, I do.

14 MR. GRIMES: Objection. Precluded under *McMonigle*
15 and relevance.

16 MR. PAGE: I'm laying a foundation.

17 THE COURT: I'll allow some leeway.

18 BY MR. PAGE:

19 Q Now, did Green Valley Christian Academy principal
20 give Maggie another chance?

21 A Yes, she did.

22 Q Then, was the evidentiary hearing, as it was, held
23 on the competing claims for custody?

24 A Yes.

1 Q After that occurred, what happened to Maggie as it
2 relates to Green Valley Christian School?

3 A She was --

4 MR. GRIMES: Objection. Relevance. Precluded under
5 *McMonigle*.

6 MR. PAGE: It's after the -- the order was filed,
7 Counsel.

8 MR. GRIMES: In 2017?

9 MR. PAGE: Yeah.

10 THE COURT: Yeah. The problem is how long it took
11 to get that order entered. Wasn't entered until the end of
12 2017, but the -- I believe it was in April. No. Maybe --
13 June was your -- there. And I believe that Hunter being
14 kicked out of Green Valley Christian School happened in early
15 '17 and then he had to go to what, Estes McDoniel?

16 MR. PAGE: It's an interesting --

17 THE COURT: So it -- it's a part because it took so
18 long, they were in litigation a long time in 2017.

19 MR. PAGE: Right. The -- the question then becomes
20 whether events that occurred after the evidentiary hearing,
21 but before the order is filed, whether that can be -- come
22 into evidence. It's a similar argument to *Forest*
23 where, does the community continue after the trial is held
24 until the decree is filed? I think there's a distinction here

1 because we are talking about the best interest of the child.

2 THE COURT: And I'm going to, based on my
3 understanding, the timeline regarding the Green Valley
4 Christian School and all that occurring before June 15th,
5 2017, I'm going to sustain the objection as to -- to
6 relevance.

7 BY MR. PAGE:

8 Q In 2018, did Maggie file a application to try and
9 prevent from Alexandra from being present at any medical
10 appointments?

11 A Yes, she did.

12 Q What happened with that application?

13 A Nothing really happened with it.

14 Q Now, during this time, and counsel's alluded to
15 this, was Hunter involved in an incident where he was attacked
16 by a dog?

17 A Yes.

18 Q Could you tell the Court what happened?

19 A He was helping his grandmother out to take groceries
20 upstairs. The dog got out, didn't seem to be a problem, and
21 then just attacked him. He made his way downstairs to
22 AlexandrA A neighbor was then attacked by the dog who then
23 shot him. The police and paramedics were already called by
24 multiple people on the scene and including Alexandra,

1 including his grandmother. And they showed up and they took
2 him to UMC where I met him.

3 Q Was Ms. Cox informed of the attack?

4 A Yes, she was.

5 Q When was she informed of the attacked?

6 A She was informed late that evening and it could have
7 gone over into the next technical day. But since I didn't
8 have my phone with me and she has my wife's phone number
9 blocked at the time, we e-mailed her via Wizard.

10 Q Was it you that did the e-mail or was it Alexandra?

11 A I did.

12 Q Because it was an emergency, did you notify Ms. Cox
13 as quickly as you could given the circumstances?

14 A Yes.

15 Q As a result of this dog attack, do you believe that
16 Hunter's exhibited any trauma emotionally as a result of the
17 attack?

18 A No. He, initially, was cautious towards other dogs.
19 We have two dogs at home, and it didn't bother him at all.

20 Q Now, you recall that in July of 2020, that Ms. Cox
21 filed a motion to modify custody. She also requested that
22 Hunter be removed from social media. What is your
23 understanding as to why Ms. Cox requested that Hunter be
24 removed from social media?

1 A Because he was Facebook friends with Alexandra

2 Q Have you reviewed the report from the Brief Focused
3 Assessment from Maureen Zelensky?

4 A Yes, I have.

5 Q Okay. What concerns do you have about Ms. Cox's
6 behavior as documented by Ms. Zelensky?

7 A That she can't separate herself or redirect when
8 there's something going on, she gets out of control type of
9 thing.

10 Q What concerns did you have as to Hunter's reaction
11 when Ms. Cox exhibited emotional dysregulation?

12 A Per the report, she said he didn't do anything.
13 Hardly even looked up. That he sees this on a regular basis.

14 Q Because Maggie exhibits this behavior when she's
15 supposed to be on her best behavior, what concerns do you have
16 as a result?

17 MR. GRIMES: Objection. Leading.

18 MR. PAGE: As to what?

19 THE COURT: Overruled.

20 THE WITNESS: That the behavior's most likely far
21 worse when there's no one around.

22 BY MR. PAGE:

23 Q Now, on March 7th, 2021, Ms. Cox had Hunter
24 arrested?

1 MR. GRIMES: Objection. That is absolutely an
2 untruth, and it needs to stop.

3 MR. PAGE: My --

4 MR. GRIMES: Fact's not in evidence.

5 THE COURT: Sustained.

6 BY MR. PAGE:

7 Q On March 7th, 2021, Hunter was arrested. What did
8 you do the following day?

9 A I went down to the Child Haven and waited for him to
10 be released.

11 Q When you were there in the morning, what time did
12 you get there?

13 A It was early because I didn't know what time he
14 would be released. I was there probably approximately 4:00
15 Am.

16 Q When you got there, who else was there?

17 A Maggie was there.

18 Q Did Maggie have all of her binders with her?

19 A Yes.

20 MR. GRIMES: Objection, relevance.

21 THE COURT: Overruled.

22 BY MR. PAGE:

23 Q What was Maggie's response when you asked to be able
24 to take Hunter home?

1 A That it was her time and that they would -- he was
2 hers and he couldn't go with me. Look at me, hug me,
3 anything.

4 Q What time were you supposed to have your normal
5 custody exchange on that Monday?

6 A When -- when school ended, which is approximately
7 3:30.

8 Q When you picked up Hunter that day after school,
9 what was his demeanor?

10 A He was sunken. He just -- he was a different person
11 at that time.

12 Q What is your understanding as to what Maggie told
13 him if -- as a result of him being arrested?

14 A That he would never have a job, that he would never
15 be able to get into the military, that he'd have trouble with
16 the rest of his life.

17 MR. GRIMES: Your Honor, I'm going to object. Move
18 to strike. It's hearsay.

19 THE COURT: Sustained. And that'll be stricken.

20 BY MR. PAGE:

21 Q Did you make a request to Maggie's counsel that --
22 that there'd be a timeout between her and Hunter until things
23 cooled off?

24 A Yes, I did.

1 Q Okay. What was the response that you received back?

2 MR. GRIMES: Objection. Calls for hearsay.

3 THE COURT: No. Overruled.

4 THE WITNESS: That they said no.

5 BY MR. PAGE:

6 Q Approximately, on March 16th, was Hunter arrested
7 again?

8 A Yes.

9 MR. GRIMES: Objection. Facts not in evidence.

10 THE COURT: Overruled.

11 BY MR. PAGE:

12 Q How did you find out that Hunter needed assistance?

13 A He texted me.

14 Q What did Hunter text you?

15 A He texted me that Maggie was putting a stick to his
16 throat, and he needed help.

17 Q Did you go to Maggie's house as a result?

18 A Yes. I also asked him if he needed me to call the
19 police.

20 Q Did you call the police?

21 A Yes, I did.

22 Q When you got to Ms. Cox's house, who was present?

23 A The -- there was paramedics, I believe it's
24 Henderson and Henderson PD.

1 Q After you got there, was Hunter taken away?

2 A Yes, he was.

3 MR. PAGE: May I take a -- a brief moment for a
4 pause, Your Honor?

5 (Pause)

6 THE COURT: Sure.

7 BY MR. PAGE:

8 Q On the following day, did you go to Child Haven to
9 see if you could get Hunter early again?

10 A Yes, I did.

11 Q What was the reason you went to Child Haven to try
12 and get Hunter early?

13 A Because I didn't think, if this is the second time
14 now he needed to be with her again.

15 Q Okay. Was it your hope that you -- that the
16 situation would cool down again?

17 A Yes.

18 Q When you got there and you walked into the lobby,
19 what did Maggie state?

20 A That I have a gun.

21 Q Did she say that in a low voice or a loud voice?

22 A It -- it was very audible. It was loud.

23 Q Okay. Who was there when you -- she stated that?

24 A The police and whoever, the marshals, or I don't --

1 their bailiffs or marshals or whoever works the front.

2 Q Did they pat you down?

3 A Yes.

4 Q Okay. Did you have a weapon on you?

5 A No.

6 Q Did you, again, request that -- did you, again,
7 request of Maggie, that Hunter stay with you for a while to
8 allow things to settle down?

9 A Yes, I did.

10 Q What was the response you received back?

11 A That it's not my time, that she is his, and I could
12 get him when it's my time.

13 Q As a result of that second arrest, did you end up
14 receiving interim sole legal and sole physical custody?

15 A Yes.

16 Q Since that has occurred, how has Hunter been doing?

17 A He's been doing great. He's playing two sports. He
18 is taking guitar. His grades are great. He still
19 participates in the St. Baldrick's where he raises money for
20 childhood cancer. He is doing excellent.

21 Q Is Hunter still involved in soccer?

22 A Yes, he is. He just made the middle school soccer
23 team and he's one of two sixth graders that made the team.

24 Q Okay. Is Hunter also involved in lacrosse?

1 A Yes, he is.

2 Q What responsibilities does Hunter have around your
3 house?

4 A He does his own laundry. He picks up dog poop. He
5 cleans the bathroom, which is the kids' bathroom or guest
6 bathroom. He does his homework. He helps with dishes. He
7 helps with cooking. He does everything.

8 Q Okay. What, if any, behavioral problems do you have
9 with Hunter when he's at your house?

10 A None.

11 Q What friends does Hunter have in the neighborhood?

12 A He has friends that go to school with him.
13 Sometimes when they're waiting for their parents, they come
14 over to our house. He rides bikes with his friends in the
15 neighborhood.

16 Q How long have you been residing in your current
17 house?

18 A Since he was born.

19 Q Since this -- well, since 2017, how many different
20 residences has Maggie had?

21 A It's -- since 2017? Probably several.

22 Q I'm sorry?

23 A Several.

24 Q Several. Based upon everything you've seen with

1 Hunter, if he had a choice, where would he prefer to reside,
2 in your -- your opinion?

3 A In my --

4 MR. GRIMES: Objection.

5 THE WITNESS: -- opinion.

6 MR. GRIMES: Hearsay.

7 MR. PAGE: It's an opinion. I didn't ask for what
8 Hunter said.

9 THE COURT: Overruled.

10 THE WITNESS: In -- in my opinion, he would prefer
11 to live with me.

12 BY MR. PAGE:

13 Q Okay. Now, let's talk about some things such as
14 whether Maggie's willing to allow you to have a relationship
15 with Hunter. Tell the Court about the cell phone situation
16 with Hunter?

17 A Well, we -- we got him a cell phone. He -- at the
18 time he was at a school that wasn't in a very good
19 neighborhood and that if either one of us were to be late to
20 pick him up, we wanted him to be able to call us.

21 It -- just fine. He had it just for those reasons.
22 He didn't do much at the time when he got it. He asked if he
23 could take his phone to Maggie's house and we said, that's
24 fine. And when he was there, he was told that he could not

1 bring his phone there anymore.

2 Q So if -- I want to make sure understand this
3 correctly, when Hunter's at your house, he has his cell phone?

4 A Correct.

5 Q When Hunter goes to Ms. Cox's house, he has to leave
6 his cell phone at your house?

7 A Correct.

8 Q Is that because Maggie will not allow him to bring
9 his -- your cell phone into her house?

10 A Correct.

11 Q Now, tell me about the custody schedule here. What
12 accommodations has Maggie ever allowed for you to have Hunter
13 on your birthday?

14 A None. No accommodations whatsoever. She's denied
15 it every time.

16 Q So she -- you -- you've asked her and she's just
17 what ignored you and said no?

18 A Yes. Correct.

19 Q What about Father's Day? Have you been able to have
20 Hunter on Father's Day?

21 A Unless I had already previously scheduled a vacation
22 during Father's Day, she would deny those as well.

23 Q Let's talk about the soccer games. What's -- what's
24 going on with Hunter's soccer games when he was younger,

1 not -- now that he's in middle school?

2 A He would only be able to attend half the games and
3 practices.

4 Q What would Maggie do as it relates to practices and
5 games when it was her custodial time?

6 A She refused to bring him.

7 Q At one point, were you the coach for the soccer
8 team?

9 A Sadly, yes.

10 Q Was the fact that you were the coach of the soccer
11 team, would that make any difference as to whether Maggie
12 would bring Hunter to the soccer game during her custodial
13 time?

14 A No, she wouldn't -- still wouldn't bring him.

15 Q If Maggie did attend a soccer game, what was her
16 response when she would see Alexandra?

17 A She -- or myself, she would leave. He -- she
18 brought him to one soccer game and then the other time she saw
19 me there and turned around and left before he even got to play
20 the game.

21 MR. GRIMES: You -- I -- I'm going to object. I'd
22 like foundation. Dates.

23 THE COURT: Sustained.

24 BY MR. PAGE:

1 Q Okay. When would that occur, approximately?

2 A I think this was in the late spring, so it was
3 pretty warm. And she came in, saw that we were sitting there
4 on the sideline waiting for the game, saw us, turned around
5 and walked out.

6 MR. GRIMES: Again, I'm still asking for foundation.
7 I don't have a date -- a year or a date.

8 THE WITNESS: Probably 2018.

9 MR. GRIMES: Okay.

10 BY MR. PAGE:

11 Q What's Hunter's response when he has to remove
12 himself from social media or did he?

13 A He didn't.

14 Q Never argued. Okay. Let's talk a little bit about
15 the level of conflict in this case. Has there ever been a
16 time where you've been able to exchange Hunter in something
17 other than a public place?

18 A No. Not that I can think of. It's always either
19 been at the police station, McDonald's, which was down the
20 street from the police station. Later, in the last few years,
21 it was at the school. So we almost hardly ever saw each other
22 during the school year.

23 Q Is there a standing order in this case as what
24 Maggie has to do before she can file another CPS report?

1 A Yes. She has to go through a chain of command, call
2 her attorney and her attorney has to approve of it before she
3 could do that.

4 Q Let's talk about the ability of you and Maggie to
5 cooperate with each other regarding Hunter's needs. While
6 this trial has been pending, what happened as it relates to
7 Hunter's glasses?

8 A He had broken his glasses at school -- something
9 rather, you know. We requested that Maggie provide the
10 insurance which took a very long time for her to do. We
11 requested multiple times. Finally, this had -- went ahead and
12 made the appointment because he couldn't see. He couldn't
13 hold them on his head. And so we made the appointment. She
14 did finally provide the insurance card, which we should have
15 months prior, and he was able to get the glasses.

16 Q Are you aware of any reason why Ms. Cox could not
17 have provided that information promptly?

18 A She doesn't read e-mails in a timely fashion.

19 Q Okay. But you sent the request to her via Our --
20 Our Family Wizard?

21 A Correct.

22 Q When you say that Ms. Cox does not read the e-mails
23 in a timely fashion, could you give the Court some specifics?

24 A Well, there's a lot. But one in -- major --

1 specific, is the dog attack. She didn't read it that e-mail
2 until five days later.

3 Q Since she didn't read that e-mail until five days
4 later, how did she otherwise find out about the dog attack?

5 A I don't think she looked. She -- I mean, we
6 didn't -- I mean, can't call, you know, when she has our
7 numbers blocked.

8 Q She has your number blocked?

9 A Well, at the time and I -- at that night, I didn't
10 have my phone because I had ran out of work in a panic.

11 Q And she has Alexandra's phone number blocked?

12 A Correct.

13 Q Are you aware of any reason why Ms. Cox would have
14 to block your number and Alexandra's number?

15 A Not that I'm aware of.

16 Q Do you call her to excess?

17 A No. We were told to communicate only via Wizard.

18 Q Okay. Have you ever texted Ms. Cox to excess?

19 A No.

20 Q Let's go ahead and talk about your health. Do you
21 believe that you are physically and mentally healthy?

22 A Yes.

23 Q Do you have any concerns as to Maggie's physical
24 health?

1 A No.

2 Q What concerns do you have with Maggie's mental
3 health?

4 MR. GRIMES: Objection. Calls for professional
5 opinion.

6 MR. PAGE: He can give a lay opinion, just like
7 anyone else.

8 THE COURT: Yeah. Overruled.

9 THE WITNESS: I believe it's a decline in -- over
10 the years since this has happened, with all the incidents that
11 have happened, even prior to the divorce, her mental stability
12 has declined.

13 BY MR. PAGE:

14 Q Again, you've indicated that you've seen Ms.
15 Zelensky's Brief Focused Assessment?

16 A Yes.

17 Q Would the behaviors that are documented by Ms.
18 Zelensky in her Brief Focused Assessment be consistent with
19 your concern that there are mental health issues with Ms. Cox?

20 A Yes.

21 Q Okay. Have you ever seen anyone act in the way that
22 Ms. Cox acts?

23 A No.

24 Q Do you -- because of that, do you find it be highly

1 unusual and concerning?

2 A Very.

3 Q Have you reviewed the reports from Dr. Collins?

4 A Yes.

5 Q What concerns do you have based upon the -- your
6 review of Dr. Collins' reports?

7 MR. GRIMES: I'm going to object. Those reports
8 have not been stipulated to admission.

9 THE COURT: It does state his concerns, so
10 overruled.

11 THE WITNESS: That -- that she shows this behavior
12 that I believe is detrimental in front of these professionals,
13 that it's -- she can't fake it even in front of these
14 professionals.

15 BY MR. PAGE:

16 Q What concerns did you have that she involved Danica
17 in these behaviors?

18 A In the report, it says that she was grabbing and
19 pushing Danica And I believe Danica is probably in danger as
20 well.

21 Q What concerns did you have because Ms. Cox indicated
22 that she was videotaping on her phone Dr. Collins videotaping
23 her?

24 A I highly doubt that -- that Dr. Collins was holding

1 a phone videotaping. I don't know if the whole video session
2 records itself or not. But it states in there that she was
3 making violent motions towards her.

4 MR. GRIMES: Okay. Your Honor, he's now stating
5 what's in a report that has not been admitted and I move to
6 strike.

7 THE COURT: I'm going to sustain and will be
8 stricken.

9 MR. PAGE: I'll withdraw the question, subject to
10 recall after the report's admitted.

11 BY MR. PAGE:

12 Q Now, you're aware that Maggie's only attend --
13 attended a few reunification sessions with Dr. Collins.

14 What concerns do you have as to Maggie's seriousness
15 about engaging in reunification therapy?

16 A I don't think she has any intention of it. It was
17 made clear in the last hearing what she needed to do, and
18 she's done the exact opposite.

19 Q Okay. Have you reviewed these bank statements that
20 Ms. Cox has provided?

21 A Yes.

22 Q Based upon your review of the bank statements that
23 Ms. Cox has provided, what things has she spent monies on
24 other than reunification therapy?

1 A She spends, approximately, a couple hundred dollars
2 a month on a guru/shaman self-help life coach kind of a person
3 out of California; hundreds of dollars on Fiji water to be
4 delivered to her house; Massage Envy, hundreds of dollars per
5 month on that. It's -- the Amazon purchases per day. I -- I
6 mean, it's unbelievable.

7 Q Based upon your review of Ms. Cox's records, would
8 she have been able to afford to see Dr. Collins if she had cut
9 these items out?

10 MR. GRIMES: Objection. Lack of foundation. Calls
11 for an accountant.

12 MR. PAGE: No, it doesn't.

13 THE COURT: Overruled.

14 THE WITNESS: Yeah, she would be able to afford a
15 lot of things.

16 BY MR. PAGE:

17 Q If you were required to engage in unification
18 therapy with Hunter, what would you do to make sure that
19 happened?

20 A Everything possible. I would be sick to my stomach
21 if I could not be around Hunter.

22 Q I'd like you to go ahead and turn to the exhibit
23 book you have up there.

24 A To what page?

1 Q I'll get to that --

2 A And that was what --

3 Q -- here in just a minute.

4 A -- what page.

5 Q Go to Exhibit L, please.

6 A L.

7 Q Could you identify as to what this document is?

8 A This is his report card.

9 Q Okay.

10 A Am I on the right --

11 Q Yeah.

12 A Yeah.

13 Q Okay. And this was generated on which date? It's

14 at the very top.

15 A I'm sorry. I couldn't --

16 Q What date was this printed on?

17 A This is -- yeah, February 20th, 2022.

18 Q Then as we look down here, as far as the grade

19 report, what sort of grade is Hunter getting in English?

20 A In English, he is quarter -- B and an A Quarter

21 one, a B; quarter two, an A

22 Q And for math, what kind of grade is Hunter getting?

23 A A's. He's always gotten A's in math.

24 Q What kind of grade is Hunter getting in science?

1 A A's.

2 Q What kind of grade is Hunter getting in gateway
3 design and modeling?

4 A B's.

5 Q Yeah. What is gateway design and modeling?

6 A It's kind of like the beginning of the, the whole
7 stem movement. It's getting him in, you know, interested in
8 like a little bit of engineering, a little bit of, you know,
9 design, and build and stuff like that.

10 Q What is his grade in guitar?

11 A In guitar, he had a B.

12 Q Okay. And on the next grade, what is his grade
13 in -- in languages?

14 A Languages were B and that's French that he's taking.

15 Q French?

16 A Yes.

17 Q Now, it's listed that Lied is a STEM Academy. What
18 does that mean?

19 A It's focus is on science technology, engineering,
20 mathematics, and then some people put extra things in there
21 too, but it -- that's the main.

22 Q Is the school within walking distance of your house?

23 A Yes, it is.

24 Q Does Hunter appear to be happy there?

1 A Very.

2 Q Okay. When you first proposed that Hunter attend
3 the school, what was Maggie's reaction?

4 A She said no.

5 Q Okay. Who is on the advisory board of Lied STEM
6 Academy?

7 A Maggie.

8 Q So you're saying that Maggie objected to Hunter
9 attending the school upon which she is a member of the
10 advisory board?

11 A Correct.

12 Q Now, we had asked before about Maggie's expenditures
13 and I'd like you to turn to Exhibit M. Is this a summary of
14 the bank statements that Maggie has provided as part of her
15 discovery responses?

16 A Yes.

17 MR. GRIMES: Your Honor, I'm going to stop at this
18 point, we have filed a formal objection to him, that it's
19 strictly demonstrative, that it's not an actual document of
20 any kind; and therefore, object to its reference or admission.

21 MR. PAGE: Counsel well knows that at the underlying
22 documents are admitted into evidence, which they are because
23 they're bank statements, that any summaries are admissible as
24 well.

1 THE COURT: I hadn't heard it offered yet, so I -- I
2 think the objection is premature.

3 MR. GRIMES: Okay.

4 THE COURT: Continue.

5 BY MR. PAGE:

6 Q Mr. Roe, could you tell me what these three pages
7 are?

8 A They -- on dates of water delivery for FIJI water
9 and the total amounts per those dates. Epic Love Self Care
10 Group and Life Coach, corresponding dates and how much was
11 spent. And total con- -- next page is continued, a
12 hairdresser and totals; doTERRA oils, corresponding dates, and
13 totals; Massage Envy, corresponding dates and totals. And
14 that -- yep. That's about it.

15 Q How did you help create this document?

16 A The bank statements that Maggie provided.

17 Q Okay. So did you look at each bank statement,
18 determine the amount and then reference the base number of the
19 bank statement --

20 A Yes.

21 Q -- that Maggie provided?

22 And then once you got all those together, you
23 provided this -- this summary?

24 A Correct.

1 MR. PAGE: Move for admission of Exhibit M.

2 MR. GRIMES: Same objection previously stated.

3 MR. PAGE: Again, it's a summary. The underlying
4 documents are in evidence. Therefore, the summary comes into
5 evidence.

6 MR. GRIMES: And Your Honor, if you were --

7 MR. PAGE: We've properly documented both the amount
8 and the (indiscernible) reference.

9 MR. GRIMES: And if you'll reference the objection
10 that was filed, that was disclosed after the close of
11 discovery.

12 MR. PAGE: It can be -- a summary can be provided at
13 any time. We could walk our way through it and spend hours
14 here or we could look at a summary.

15 THE COURT: And the -- you said the bank statements,
16 those are based on, are which exhibit?

17 MR. PAGE: It will be Exhibit J.

18 THE COURT: Exhibit M will be admitted.

19 (Defendant's Exhibit M admitted)

20 BY MR. PAGE:

21 Q Mr. Roe, can you take a look at the first page of
22 the summary? At the very top here, it has a charge on March
23 16, '21 for Gen Korean BBQ for \$109.15. What happened that
24 day?

1 A Hunter was arrested.

2 Q So after Hunter was arrested, she went out and got
3 Korean barbecue?

4 A That's -- that's what it appears, yes.

5 Q How much money did Ms. Cox spend on FIJI water
6 delivery?

7 A Per time or total?

8 Q Between March 8, 2021 and October 22, 2021?

9 A \$710.40.

10 Q Based upon your understanding, would that have paid
11 for a couple of sessions with Dr. Collins?

12 A Approximately two, I think it would.

13 Q And let's take a look here at the next one, which
14 would be Epic Love Self Care Group and Life Coach, \$2,055.
15 That covers the period from March 22 to July 12th, 2021.

16 A To 9/20, goes on the next page.

17 Q Oh, I'm sorry. Thank you. Oh yeah, it does through
18 9 -- thank you.

19 The amount that was spent there of \$2,055, do you think
20 that would've paid for some sessions with Dr. Collins?

21 A Yes.

22 Q Then, let's take a look at Gianna Christine
23 Hairdresser for the period of March 15, 2021 through September
24 20, 2021 in the amount of 90 -- \$1,090.06. Do you feel that

1 that would've covered a few sessions with Dr. Collins?

2 A Yes.

3 Q Then we have doTERRA oils that covers the period
4 from March 11, 2021 through November 17, 2021, the amount of
5 \$1,386.19. Do you believe that would've covered some sessions
6 with Dr. Collins?

7 A Yes.

8 Q Let's take a look at Massage Envy, from March 12,
9 2021 to November 18, 2021 in the amount of \$1,082. Do you
10 believe that that would've covered some sessions with Dr.
11 Collins as well?

12 A Yes.

13 Q Were there other things and activities, travel, that
14 Ms. Cox did that you believe could also been deferred to cover
15 for reunification therapy with Dr. Collins?

16 A Yes. She went on several trips is -- I don't know,
17 conferences.

18 Q Okay. Was one in Cincinnati?

19 A Yes.

20 Q Was one in New Orleans?

21 A Yes.

22 Q Did she also go to the wine country with her father?

23 A Yes.

24 Q Did she go to Cal --

1 MR. GRIMES: Objection. Leading.

2 MR. PAGE: I'll rephrase the question. No problem.

3 BY MR. PAGE:

4 Q Where did she go with her father in the fall of
5 2021?

6 MR. GRIMES: Objection. It's still leading.

7 MR. PAGE: I asked where. That's not -- it's an
8 open-ended question.

9 THE COURT: It's overruled.

10 THE WITNESS: To various wineries.

11 BY MR. PAGE:

12 Q Did Ms. Cox also go to her former college?

13 A Yes.

14 Q What did she get there?

15 A She purchased multiple items for her and Danica from
16 the college gift store.

17 Q Now, let's go ahead and turn to Exhibit N if we
18 could, please?

19 A To N?

20 Q N as in Nancy. Okay. Are you there?

21 A Yep. I'm here. Sorry.

22 Q Could you identify what this document is, please?

23 A All of Hunter's either orthodontist, eye doctor and
24 sports fees, summary of all of those.

1 Q How did you send this to Ms. Cox?

2 A We sent these via Wizard.

3 Q So you sent these to Ms. Cox from April 21 through
4 February 18, 2022?

5 A Correct.

6 MR. PAGE: Move for admission of Exhibit N.

7 THE COURT: Exhibit N will be admitted.

8 (Defendant's Exhibit N admitted)

9 BY MR. PAGE:

10 Q What was the reason Maggie has refused to pay? What
11 reason was provided by --

12 A I don't believe there is one. It's just -- she just
13 clicks refuse. Or she has stated in -- in past of -- I was
14 never notified of these, or she didn't agree to them.

15 Q Do you think that orthodontic treatment is necessary
16 for Hunter?

17 A Yeah.

18 Q Do you think that eyeglass frame replacement is
19 necessary for Hunter?

20 A Yes.

21 Q Do you think that contributing to the school fees
22 for his lacrosse uniform is necessary?

23 A Yes.

24 Q Do you think the school fees for his guitar class

1 are necessary?

2 A Yes.

3 Q As we look at the top of the page here, what is the
4 total of the monies that Ms. Cox has refused to pay to you?

5 A 1,300 and that looks like it might be a typo.

6 Q It's probably --

7 A I don't think it's \$13,363.

8 Q I think it's probably \$1,363 --

9 A \$363.89. Yeah.

10 Q Could you turn to Exhibit D, please?

11 A B? B as a bully?

12 Q D as in dog.

13 A D as in dog. Okay. Sorry.

14 Q Could you identify this document, please? Is this

15 --

16 A This is the homepage for the Maggie Cox on Lied STEM
17 Academy.

18 Q So this indicate -- this particular exhibit
19 indicates that Maggie's on the advisory board for Lied STEM
20 Academy?

21 A That's correct.

22 MR. PAGE: Move for admission Exhibit D if it's not
23 in already.

24 MR. GRIMES: Your Honor, I haven't agreed to this

1 because -- and I don't know what the Court has, I only have
2 what I have. It's -- it's illegible.

3 THE COURT: It's two pages?

4 MR. GRIMES: It's two pages. Clearly has her name,
5 but her face is cut. We can't -- and -- and, again, we
6 received it late and so it was just a case of, I can't agree
7 to admit something that I can't read or verify.

8 MR. PAGE: Well, I -- I -- I guess is she -- is she
9 denying that she's a member of the advisory board?

10 MR. GRIMES: I believe she will testify at her time
11 that she is on the advisory board.

12 MR. PAGE: So then the exhibit should come in.

13 THE COURT: Then we don't need Exhibit D. Then, I
14 do agree. It's not a complete copy because it says there's
15 three pages, but there's only two in here.

16 MR. PAGE: And it's -- that's the best it would
17 print out.

18 THE COURT: I get it. But I don't think that fact
19 is in dispute.

20 BY MR. PAGE:

21 Q Could you turn to Exhibit C, please?

22 A C. Yes, go ahead.

23 Q Could you identify this document, please?

24 A This is a text message that I received from Hunter.

1 Q Was this on March 16?

2 A I believe so, yes.

3 Q Okay. And is this where Hunter is telling you that,
4 Mom, just stabbed me in the throat with a stick?

5 A Yes.

6 Q And your response is, are you okay?

7 A Correct.

8 Q Since Hunter's not able to have your cell phone in
9 her house, how did he contact you?

10 A He says he doesn't have his -- he didn't have his
11 phone. He's on his computer.

12 MR. GRIMES: Objection. Move to strike. It's
13 hearsay.

14 THE COURT: Overruled. I think you already
15 stipulated this exhibit coming in, right?

16 MR. GRIMES: I did. You're right. Never mind. I
17 withdraw the objection.

18 BY MR. PAGE:

19 Q And in this exhibit is Hunter -- you're asking
20 Hunter, if you have -- if -- if he has any marks where she
21 stabbed you and he indicates that, I don't know because she
22 stabbed me in the throat, but I can feel it.

23 A Yes.

24 Q And then you told him that you're on my way --

1 you're on your way?

2 A Correct.

3 Q And you also asked him, why did she stab you?

4 A Correct.

5 Q I'm going to jump around here just a little bit.

6 Tell me about Hunter's involvement with St. Baldrick's. What
7 is that?

8 A St. Baldrick's is a charity organization. They
9 donate 100 percent of proceeds and donations strictly to
10 childhood cancer.

11 Q So what do -- what efforts does Hunter do when he's
12 with you to raise money for St. Baldrick's?

13 A He does a lot. He -- he raises money on his own,
14 either through social media or through friends and family,
15 and -- and going around, asking everyone. He sells their hats
16 and their bracelets and their buttons to -- to promote
17 awareness of childhood cancer and finding a cure.

18 Q About how much money you think Hunter's raised at
19 one of these?

20 A He raised last -- this last time, over \$7,000. And
21 each year it's approximately that with his first year starting
22 at \$250.

23 Q What also does Hunter do to show support for the
24 kids with chemotherapy?

1 A He shaves his head.

2 Q Does he do that every year?

3 A Yes, he does. He is now a Squire since he's done it
4 four years in a row.

5 Q Could you turn to Exhibit A, please, in this --
6 yeah. Turn to Exhibit A Is this exhibit where the -- the
7 photocopy's not good on the first page, then the second page,
8 is this where Hunter's being made a Squire of Hope?

9 A That's correct.

10 MR. PAGE: Move for admission of page 2 of Exhibit A

11 MR. GRIMES: I'm going to object as to relevance.
12 And Your Honor, again, I can only deal with what I received.
13 It's illegible. Every last page of it.

14 MR. PAGE: Well, that's why I only want to admit
15 exhibit -- page 2.

16 MR. GRIMES: I can't read page 2. This is what I
17 received.

18 MR. PAGE: It says he's a Squire in St. Baldrick's.
19 A Squire of Hope.

20 MR. GRIMES: Your Honor --

21 THE COURT: The problem is, it's not -- not
22 readable. It might not be the most relevant either, but
23 I'm -- I'm not going to admit that, but his testimony will
24 stand.

1 MR. GRIMES: Thank you.

2 BY MR. PAGE:

3 Q How would you describe your relationship with
4 Hunter?

5 A We have a great relationship. We -- we like to joke
6 with each other. He does have good sense of humor. We -- we
7 do a lot of things together. We camp. We fish. You know, he
8 helps me in the yard. He helps me cook. You know, he does
9 every -- we do a lot of things together.

10 Q How would you describe Hunter's relationship with
11 Maggie?

12 A I believe it's very dysfunctional.

13 Q How would you describe the ability -- well, how
14 would you describe Hunter's relationship with Tori and Taylor?

15 A It's great. And as they've gotten older, the
16 relationship has evolved into a better relationship as well.

17 Q Based upon your experience with Hunter, how would
18 you describe his relationship with Danica?

19 A He does not have a very good relationship with her.

20 Q Now, let's talk about whether either parent is
21 engaging in the fact of domestic violence. Have you noticed
22 marks on Hunter when he's returned from his visitations with
23 Ms. Cox?

24 A Yes.

1 Q Could you describe those marks to the Court, please?

2 A Bruises of on his upper arms, scratches on his back,
3 grab marks, like scratch bruise, kind of like a slash scratch
4 bruise on his arms.

5 Q Are you requesting that you receive sole legal
6 custody?

7 A Yes.

8 Q What is the reason why you're requesting you receive
9 sole legal custody?

10 A I believe that it's in Hunter's best interest
11 because nothing can be agreed upon for -- from schooling to
12 doctors, to anything.

13 Q What are you requesting for physical custody?

14 A Sole physical custody.

15 Q What is the reason you're asking for sole physical
16 custody?

17 A For Hunter's safety.

18 Q Are you asking that Ms. Cox be ordered to pay child
19 support?

20 A Yes.

21 Q Would you ask that child support be paid based upon
22 what she has listed in her financial disclosure from as far as
23 income is concerned?

24 A Yes.

1 Q Does your wife provide health insurance for Hunter?

2 A Yes, she does.

3 Q Okay. Is it your request that your wife's health
4 insurance be primary for Hunter?

5 A Yes.

6 Q If your wife's health insurance is primary for
7 Hunter, would you run into issues as has occurred, say, with
8 the broken glasses?

9 A No.

10 MR. PAGE: I believe I will pass the witness.

11 Your Honor, this be a good time for a natural break.

12 THE COURT: Yes. We're a little late, but yes.

13 MR. PAGE: I have an 11 o'clock here that I'm going
14 to try to sneak in.

15 THE COURT: Sneak in. Okay. Can we take a -- a
16 break till 11:20?

17 MR. PAGE: Yeah. It's in front of Judge Henderson.
18 So if he's not -- if he doesn't get me by 11:20, then we'll do
19 it during lunch because he'll probably run late.

20 THE COURT: Possibility, it goes -- goes that long.

21 MR. GRIMES: 11:20.

22 MR. PAGE: And it's not -- and it's not a bad thing.
23 It's just, it's how his --

24 THE COURT: And that -- that probably means we're

1 going to break up your cross, but I'd rather just --

2 MR. GRIMES: So you would like me to find a natural
3 spot to break for lunch?

4 THE COURT: Yes, please.

5 MR. GRIMES: I would do my best.

6 THE COURT: If you -- if you can, please. I know it
7 breaks up, but I'd rather not --

8 MR. GRIMES: I'd rather know that going in --

9 THE COURT: -- I'd rather not go to lunch now.

10 MR. GRIMES: I'd rather know that and try to pick a
11 spot that is appropriate within a 10-minute window than to not
12 know that and have you just stop me.

13 THE COURT: Okay.

14 MR. GRIMES: So I will try to do that.

15 THE COURT: All right. Thank you. Let's go ahead
16 and take a break. All you have to leave but you can leave
17 stuff in here, it will be locked though.

18 MR. PAGE: Okay. It's only going to be a 10-minute
19 break.

20 (COURT RECESSED AT 11:10 AM. AND RESUMED AT 11:25 AM.)

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

22 THE COURT: All right. Mr. Roe, if you could come
23 back up here, then we'll get started on cross exam.

24 MR. GRIMES: Okay. I see lights. We good to go?

1 THE CLERK: Yep.

2 THE COURT: Yep. We're good to go.

3 MR. GRIMES: Okay. Sorry.

4 CROSS-EXAMINATION

5 BY MR. GRIMES:

6 Q Good after -- or good morning, Mr. Roe. How are you
7 today?

8 A Good. Yourself?

9 Q I am in trial. It's always work. How do you prefer
10 to be referred to for testimony, Mr. Roe or Jason?

11 A Jason's fine.

12 Q Okay. Jason, let's start with the incident
13 revolving -- regarding the dog bite. Do you remember the date
14 in which that occurred?

15 A Not exactly the date. It was in November.

16 Q Okay. That would be November of 2020 --

17 A Correct.

18 Q -- not 2021?

19 A 2020.

20 Q Okay. Your testimony was that -- at least if I
21 wrote it down right, so if I have it wrong, please correct it,
22 all right. Your testimony was that you forgot your phone at
23 home or at work; is that correct?

24 A Correct.

1 Q Is -- is that common for you to do?

2 A I've forgotten my phone many of times, yes.

3 Q Okay. You arrived at what is it? Azure Avenue.

4 The apartments on Azure Avenue where the event occurred?

5 A I did not go to where the event occurred, no.

6 Q You didn't?

7 A No.

8 Q Where did you go?

9 A To UMC Hospital.

10 Q Okay. So you went directly to UMC?

11 A Correct.

12 Q Okay. And when you arrived at UMC was Hunter in

13 trauma treatment?

14 A Not yet. He was still coming in via ambulance.

15 Q Okay. So he was being transported by ambulance?

16 A Correct.

17 Q How long did you wait?

18 A I -- I don't know. It was probably 15, 20 minutes.

19 Q Okay. During that 15, 20 minutes, why didn't you

20 call Maggie?

21 A Because I didn't have my phone.

22 Q You were at UMC?

23 A Yes.

24 Q Was there an intake desk?

1 A Yes.

2 Q Are there multiple phones?

3 A Correct.

4 Q Okay. Why not pick up a phone and call Maggie?

5 A Because I don't have her phone number memorized.

6 Q Okay. Do you have your wife's phone number

7 memorized?

8 A Yes.

9 Q Why didn't you call her and get Maggie's phone

10 number?

11 A Because I was busy trying to get doctors that I knew

12 that were there to get Hunter treated quickly.

13 Q Okay. So you know certain physicians at UMC?

14 A Yes.

15 Q Okay. You reached out to them?

16 A I had to have them paged. Yes.

17 Q Okay. So you thought to have doctor's paged, but

18 you never thought to pick up a phone and -- and find a way to

19 reach the mother of your child?

20 A I was concerned about Hunter, so, no.

21 Q Okay. All right. Once he was in the ER, your wife

22 was present at that time?

23 A She was in the building, yes.

24 Q Okay. Why not call Maggie then?

1 A Because I was standing next to Hunter and worried
2 about him.

3 Q Okay. At some point in his treatment, they -- and
4 again, only if you know, okay? They -- to your knowledge, was
5 he administered an anesthetic or not an -- anesthesia?

6 A It's not really considered -- well, I guess it might
7 be considered anesthesia, yes. I was standing right there at
8 the time.

9 Q Do you know what -- what they gave him?

10 A Ketamine.

11 Q Can it knock -- kind of knocks him out, correct?

12 A Basically, yes.

13 Q Okay. And the point of that was?

14 A So they can do multiple suture sites at once.

15 Q Okay. And he had multiple punctures, correct?

16 A Correct.

17 Q Including the eye?

18 A Yeah. On his eyelid and on his ear were the -- the
19 ones that required the most attention.

20 Q Okay. Initially, the biggest concern was the eye,
21 correct?

22 A If he could see, correct.

23 Q In fact, there was a great concern that the gouge --
24 and, again, I read it -- the gouge may have gone through to

1 the eyeball itself?

2 A Not -- not really. They opened it up and looked and
3 it was -- there was no --

4 Q Okay.

5 A -- wound there.

6 Q And they ruled that out, correct?

7 A Correct.

8 Q Okay. Then, the concern became the ear?

9 A Yes.

10 Q Because that was sort of the worst one?

11 A If you -- by how many stitches, I guess.

12 Q Reading it -- and, again, it's -- you're testifying
13 not me -- did it -- did it appear to you at the time that once
14 they were relaxed on the eyes, yes, it became about where the
15 most stitches were going to be?

16 A Nah, I mean, two plastic surgeons working on the
17 head at the same time is, you know --

18 Q Okay.

19 A -- just how it is.

20 Q Let me ask you a question. This had been going on
21 and it was the roles were reversed, would you be upset that
22 you were not contacted?

23 A Yeah, I -- yeah, I probably would.

24 Q In fact, this wasn't the first time that you had not

1 contacted Maggie regarding an emergency, is it?

2 A No, it is.

3 Q Wasn't there an incident several years or a couple
4 of years earlier where --

5 A We did contact her.

6 Q Did you contact her during the emergency treatment?

7 A I contacted her when I had the availability to
8 contact her.

9 Q Okay. Which was after?

10 MR. PAGE: Objection. Foundation. Did it occur
11 before the 2017 order or after?

12 MR. GRIMES: I would stipulate that it occurred
13 before the 2017 order.

14 MR. PAGE: Okay.

15 MR. GRIMES: That's why I referred to it
16 generically. I don't know if she --

17 MR. PAGE: The objection is it predates the prior
18 order.

19 THE COURT: All right. Overruled.

20 MR. GRIMES: Okay.

21 BY MR. GRIMES:

22 Q Is it fair to say that if your child was in the
23 emergency room, you would want to be contacted at the earliest
24 possible chance?

1 A Yes.

2 Q Okay. The reality is Maggie was not notified until
3 the next morning, correct, by I -- Our Family Wizard?

4 A Well, it depends on what you consider the morning.
5 Yeah. It was the next -- technically, the next morning.

6 (Pause)

7 Q If you would turn to Exhibit 2. And I believe the
8 bind -- both of yours black and both of mine white. Are you
9 there?

10 A Yes.

11 Q Okay. I'd like you -- I -- I'd like to ensure that
12 you're on the same page. At the bottom right-hand corner,
13 it's Bates stamped PLT0155.

14 A Correct.

15 Q Is that what you're looking at?

16 A Yes.

17 Q Okay. I'd like you to look at the message you sent
18 on November 7th, 2020 at 9:32. Oh, I'm sorry. At -- on 11/3
19 at 8:03. Okay?

20 A Yes.

21 Q Okay. What's the subject?

22 A Hunter 11/2.

23 Q Okay. And the time of that message?

24 A 8:03 p.m.

1 Q Okay. And is this your notice to Maggie?

2 A Yes.

3 Q So it wasn't even the next morning, was it?

4 A It was that night.

5 Q Actually, you -- the event occurred on the 2nd,
6 didn't it?

7 A Yeah.

8 Q So you didn't notify her until the 3rd at 8 o'clock
9 at night, correct?

10 A Apparently.

11 Q Okay. How would you feel if somebody had waited
12 that long to notify you?

13 A I don't know, because I -- it's never happened, but
14 I -- I wouldn't be very happy, but my concern is the child.

15 Q Okay. So let's talk about the events of that night.
16 What time did the dog bite occur?

17 A It was later in the afternoon.

18 Q Okay. What time did Hunter get to the hospital,
19 approximately? We don't need exact.

20 A 30 to 40 minutes afterwards, at least.

21 Q Okay. When did his treatment cease?

22 A It was close to midnight. By the time they got him
23 in, prepped and other kids had to go before him and such and
24 forth.

1 Q Was he admitted to the hospital after treatment in
2 the ER?

3 A He spent the night. I don't know if they
4 technically admit him or not, but he was tired from Ketamine.

5 Q Okay. Did they leave him in the ER or did they move
6 him to a room?

7 A They moved him to a room.

8 Q Okay. So he was admitted, right?

9 A Yes.

10 Q Okay. What happened next?

11 A I stayed the night with him.

12 Q All night?

13 A Yes.

14 Q Okay. What about your wife? Did she stay as well?

15 A She couldn't. They only allowed one parent in
16 there.

17 Q Because of COVID?

18 A I'm assuming so, or just because it's an emergency
19 room.

20 Q Okay. Fair enough.

21 All right. Did she remain at the hospital or go home?

22 A She went home.

23 Q Okay. What did you do the rest of the night?

24 A Watched Hunter.

1 Q Okay. And at what point was Hunter discharged to go
2 home?

3 A It's in the morning, I believe.

4 Q Early morning, late morning, lunch-ish?

5 A By the time they discharged him, and they give you
6 the papers, I can't even tell you. It's a nightmare.

7 Q Do you know approximately when you got home?

8 A Mid-morning-ish.

9 Q Okay. Did you have your phone yet?

10 A No. It's still locked up at work.

11 Q Okay. You still haven't notified Maggie, though,
12 correct?

13 A As far as I know, not -- no, we have not.

14 Q All right.

15 A She's attempted to be called multiple times.

16 Q Well, let's talk about that. Why didn't you
17 simply text her?

18 A Because we were trying to off Alexandra's phone, but
19 she has her phone number blocked.

20 Q Well, you keep stating that. Do you know that to be
21 a fact?

22 A Oh, but it says undeliverable.

23 Q Mm-hmm.

24 A Yes, I do know that to be a fact.

1 Q So you think by blocking someone, it becomes
2 undeliverable?

3 A Yes.

4 Q All right. Any other reasons that -- that text
5 messages might be undeliverable?

6 A Other than not having service, I --

7 Q That would be the one I was referring to.

8 A But it would never -- the bar would never go through
9 on our end, not the text goes through and then says
10 undeliverable.

11 Q All right. So looking at Maggie's response on the
12 7th, the third line, can you read what that says?

13 A I have not blocked Alexandra's number.

14 Q She continuously asserts to you throughout this that
15 she hasn't blocked Alexandra, correct?

16 A Yes. She asserts that all the time, yes.

17 Q Okay. I'm interested. Do you have Alexandra's
18 phone records showing an attempted phone call?

19 A Yes. Well, I don't know if they're in here, but
20 we -- we have had them. We've looked them up.

21 Q To your knowledge, have they ever been disclosed to
22 my office? To your knowledge, are they in the admitted
23 exhibits today?

24 A Not that I'm aware of.

1 Q Okay. So the only thing we have is you saying that
2 it's blocked, Maggie saying it's not, correct?

3 A Yes.

4 Q All right. Again, your -- your son is now home.
5 Things are relaxed. If it was you, would you want your
6 co-parent to find a way to -- to communicate with you
7 regarding what's going on?

8 A Yes.

9 Q And did you find a way?

10 A No, I went to the medical supply store to get
11 bandages and -- to take care of his wounds.

12 Q Okay. If you were un -- unable to reach Maggie,
13 could you have at least driven to her home to notify her
14 what's going on, left her a note?

15 A I didn't know exactly where she lived at the time.
16 I didn't know. I've never been there before, and I was caring
17 for Hunter.

18 Q Okay. Would you have wanted someone to take those
19 steps to ensure you were notified?

20 A Sure.

21 Q Okay. You testified about the issue of the cell
22 phone that you purchased for Hunter. Do you remember your
23 testimony?

24 A Yes.

1 Q And there wasn't a lot of it, but I want to make
2 sure it's correct. You said that Hunter was prohibited from
3 bringing it to Maggie's house?

4 A After the first time, yes.

5 Q Okay. Let me ask you a question. Did you discuss
6 buying the phone with Maggie before providing Hunter a phone?

7 A I can't remember if there was a -- a -- a Wizard
8 e-mail or not.

9 Q Okay. So you unilaterally made the decision to
10 provide a phone, correct?

11 A Yes, I guess I -- I don't remember if there was ever
12 a discussion.

13 Q You testified that Maggie has never made
14 accommodations for your birthday. Do you remember that
15 testimony?

16 A Yes.

17 Q Is it in your order?

18 A I thought so, but --

19 Q We can pull it out. Would it shock you that your
20 original decree makes no accommodations for your birthday?

21 A Okay. Yeah.

22 Q Okay. Would it shock you that same decree doesn't
23 make accommodations for Father's Day?

24 A Well, that's probably because no one could ever

1 agree upon a holiday schedule.

2 Q I understand. But your decree doesn't accom --
3 provide for it, does it?

4 A No.

5 Q Okay. So Maggie in no way violated any order of the
6 Court by not accommodating those, correct?

7 A I guess not.

8 Q Okay. You made -- you testified about an issue
9 regarding soccer in 2019. Do you recall your testimony?

10 A Yes.

11 Q You were the coach?

12 A Yes.

13 Q And Alexandra played a -- a role with the team as
14 team mom or something, was always there?

15 A I guess if there is a team mom, she helped with
16 organization of snacks and so forth.

17 Q Okay. Are you aware of the contents of the
18 controlling order?

19 A Of where she can't attend if Maggie is there and so
20 forth, that?

21 Q That actually isn't what it says.

22 A What's that? Is that what you're referring to?

23 Q I'm referring to your controlling order from the
24 June 15th, 2017 hearing filed November 21st, 2017.

1 A I -- okay. I don't know what the controlling order
2 is. I don't understand what that is.

3 Q Per -- I -- I -- the last formal order, as opposed
4 to temporary order.

5 A Okay.

6 Q Okay. Are you aware of the contents?

7 A Roughly.

8 Q Okay. Paragraph -- I have a copy.

9 MR. GRIMES: Your Honor, may I approach just to
10 provide him a copy?

11 THE COURT: Sure.

12 MR. PAGE: May I see it?

13 MR. GRIMES: Sure.

14 BY MR. GRIMES:

15 Q Mr. Roe, looking at the front page, upper left-hand
16 corner, who drafted this order?

17 A My attorney.

18 Q Okay. I'd like you to turn to page 3 and read
19 paragraph 6 out loud for me, please.

20 A Jason's current spouse, ex-wife -- well, Marianne.
21 It's supposed to go. I think it was supposed to be Marianne,
22 it says Marlene -- or significant others shall not be at the
23 child -- at the minor child's school during Maggie's time
24 share at any extracurricular activities and/or sporting events

1 where the minor child as ordered in a previous hearing in this
2 case. Upon defendant's request, the issue shall be revisited
3 with Dr. Ponzo in six months from today's hearing.

4 Q Your wife was at the extracurricular events, wasn't
5 she?

6 A Not during her time share.

7 Q You testified that Maggie showed up with Hunter, saw
8 that she was there and left in the spring of 2019. That's
9 what I wrote down.

10 A I believe '18 or '19, I said. I can't remember.

11 Q Either way, it's after this order.

12 A Okay.

13 Q Okay. She wasn't supposed to -- your wife wasn't
14 supposed to be there, was she, because if Hunter was with
15 Maggie, that's her custodial time, isn't it? So you did
16 violate the order, didn't you?

17 A If that's how you see it, yes, I guess so.

18 Q Okay. You raised on direct that Maggie has called
19 CPS numerous times for you, correct?

20 A Yes.

21 Q Do you have any proof of that?

22 A Yes.

23 Q Well, what would that proof be?

24 A CPS --

1 MR. PAGE: What was the question?

2 MR. GRIMES: Does he have any proof of it?

3 MR. PAGE: Proof of what?

4 MR. GRIMES: That Maggie called CPS.

5 MR. PAGE: Well, it's part of the Court record, it
6 happened before the '17 hearing order.

7 BY MR. GRIMES:

8 Q Weren't the CPS records pulled?

9 A I don't know if they were pulled -- the records are
10 pulled.

11 MR. PAGE: It's -- I'm going to object. It's prior
12 to the most recent custodial order. It's also the law of the
13 case that she was ordered by Judge Henderson not to call CPS
14 unless she first had clearance from her attorney because she's
15 vexatious.

16 MR. GRIMES: And, again, I'm going to -- there's
17 never been a finding of vexatious. And I'm just going to
18 clarify what was found at that hearing.

19 MR. PAGE: Well, I -- if that was the order would be
20 more the reason other than she's vexatious, I'll put it that
21 way.

22 THE COURT: All right. So I'm confused. Is there
23 an objection?

24 MR. PAGE: Objecting --

1 THE COURT: You're objecting --

2 MR. PAGE: The objection would be relevance. The
3 relevance is because it's prior to the most recent custodial
4 order.

5 MR. GRIMES: They opened the door by direct
6 examination.

7 THE COURT: Overruled.

8 BY MR. GRIMES:

9 Q The 2017 order that you have, that was actually a
10 negotiated order, correct?

11 A Kind of, I guess. Yeah.

12 Q What -- what do you mean by kind of?

13 A Well, Dr. Ponzo was involved or -- well, everyone
14 was involved, so yes, apparently. Yeah.

15 Q But the judge didn't make a decision after the
16 evidentiary hearing, correct?

17 A Well, as far as I know, I don't think he did.

18 Q Okay.

19 A I don't know if he ever really made a decision.

20 Q Fair enough.

21 A Safe to say.

22 Q Fair enough. Okay. The fact is you guys met out in
23 the ante rooms or back at offices and you ultimately agreed to
24 these terms, correct?

1 MR. PAGE: Objection. Misstates the record. Your
2 Honor, if I can -- a little bit of allowance on your part. I
3 was there. Judge Henderson said, this is pretty much what I'm
4 going to do, you better agree to it.

5 MR. GRIMES: I wasn't going to go that far, but I
6 would agree that's exactly what the record says.

7 THE WITNESS: That sounds familiar.

8 THE COURT: Okay. All right. So what -- what's
9 the -- the question?

10 BY MR. GRIMES:

11 Q Part of that was that in reviewing the CPS records,
12 it was very clear Maggie hadn't called them, correct?

13 MR. PAGE: I'm sorry, for what?

14 THE WITNESS: No, that she had been calling multiple
15 times.

16 BY MR. GRIMES:

17 Q Okay.

18 A Or she -- someone that she instructed to call.

19 Q And that's your opinion, correct?

20 A Other than seeing the report on my kitchen table.

21 Q You signed Hunter up for soccer?

22 A Yes.

23 Q Did you get Maggie's permission?

24 A She wouldn't agree to it.

1 Q So the answer is no?

2 A That -- yes.

3 Q And you did it anyway?

4 A Yes.

5 Q Okay. You signed Hunter up for lacrosse?

6 A Yes.

7 Q Did you get Maggie's permission?

8 A I -- I don't believe it was necessary at that time.

9 Q I understand.

10 MR. GRIMES: And I, for the record, I will simply
11 state, and I agree that he is correct that that was done
12 after.

13 BY MR. GRIMES:

14 Q But did you discuss it with Maggie?

15 A He -- it was -- had been discussed with her because
16 he wanted to start playing lacrosse in middle school.

17 Q Okay. But there was no discussion between you and
18 Maggie, correct?

19 A Exactly, no.

20 Q Okay.

21 A Because it wasn't necessary.

22 Q Orthodontia care. Did you discuss that with Maggie
23 before signing up for it?

24 A Wasn't necessary.

1 Q What do you mean? Let's clarify.

2 A I had full legal and -- physical and legal custody
3 at the time.

4 Q Did you send any notice --

5 A Yes.

6 Q -- by Our Family Wizard that you wanted to do this
7 or did you only tell her that you were doing?

8 A I believe we said we were going to do it --

9 Q Okay.

10 A -- because it was recommended by his dentist.

11 Q I understand. But it was not a discussion that you
12 had with Maggie at all, was it?

13 A Yeah.

14 Q Okay. You enrolled him in Lied Middle School,
15 correct?

16 A Yes.

17 Q Again, did you have Maggie's permission?

18 A No, because we were still in the court trying to
19 discuss this. You can't try and get into a (indiscernible)
20 school without an application on the very last second. So we
21 did apply for it during that time, yes.

22 Q Okay. But again, it was a unilateral decision,
23 correct?

24 A We discussed it, but there is never an agreement,

1 so, yes.

2 Q Okay.

3 A It's unilateral. I don't know if that's how you
4 want it said, it just --

5 Q Thank you. Sometimes I have to pull this stuff out
6 of people, at least -- all right. Let's go to Exhibit N,
7 please.

8 A N as in Nancy?

9 Q N as in Nancy, yes, please.

10 A You don't have N's in yours.

11 Q These would be yours.

12 A Oh, okay. I just want to make sure.

13 Q All right. This has already been admitted. You
14 include in here lacrosse fees, soccer fees, those two,
15 correct?

16 A Yes.

17 Q In the 11 years since your divorce, has Maggie ever
18 paid the -- the -- half of the athletic expenses?

19 A No.

20 Q Okay. So this is not something that she has
21 previously paid for, correct?

22 A She's never paid for anything.

23 Q Okay. With regard to the guitar, did you discuss
24 that with her?

1 A No.

2 Q Okay. So, again, it was a decision you made, but
3 then you want her to pay for it; is that fair?

4 A I wasn't a -- a requirement for me to tell her
5 because I had full legal, full --

6 Q I understand. Thank you.

7 A Okay.

8 Q All right. Let's go to Exhibit M, please.

9 A M as in Mary?

10 Q M as in Mary.

11 A Okay.

12 Q Are you there?

13 A Yeah.

14 Q Okay. So let's look at the first one, the FIJI
15 water.

16 A Mm-hmm.

17 Q Okay. When did this start?

18 A On this date, March 8th.

19 Q Of which year?

20 A '20 -- what are we in? '22. '21.

21 Q '21, correct?

22 A Yes.

23 Q And according to your report, ended in October; is
24 that fair?

1 A Yes, that's the last bank statement we had.

2 Q When was the decision made that you would have sole
3 legal, sole physical?

4 A In March.

5 Q March. Okay.

6 A Of that year.

7 Q Do you think things just stop immediately?

8 A I -- like what do you -- I don't understand the
9 question.

10 Q If you're signed up for recurring charges or
11 subscriptions, do you think you can just call and stop them?

12 A Yes.

13 Q You do?

14 A Yeah.

15 Q Okay. When was the order? And again, you probably
16 know better than I, although I have reviewed all, when was the
17 order for referral to Dr. Collins?

18 A I think it was discussed in the March thing that she
19 should seek reunification therapy. I think it had all been
20 discussed during that time, but I don't think the order
21 actually physically was put into place until September.

22 Q September. And it ends a month later, correct?

23 A What ends a month --

24 Q The FIJI water?

1 A That's all -- that's the last thing we have as far
2 as bank statements go.

3 Q Okay. But we agree that, according to the bank
4 statements, that's the last time that you have them.

5 A Correct.

6 Q Okay. Looking at the Epic Love Self Care, that ends
7 in September, correct?

8 A Is -- yes, as far as --

9 Q Again, prior to that order, correct?

10 A I guess, yeah.

11 Q Okay. The hairdresser, same thing? Ends in
12 September?

13 A Yep.

14 Q DoTERRA oils ends in November --

15 A Yep.

16 Q -- in November? Do you know what doTERRA oils are?

17 A My personal opinion or what they actually are?

18 Q Do you know what they are?

19 A They're essential oils.

20 Q Okay. And, again, Massage Envy, do you know how
21 that works?

22 A And as a certified massage therapist, yes, I do know
23 how it works.

24 Q How does Massage Envy work?

1 A It's like a -- a gym. You just pay monthly. And
2 then if you want -- and then when you show up, you pay again.

3 Q Okay. To your knowledge, and only if you know,
4 because it sounds like might, Massage Envy, isn't it you have
5 a minimum timeframe and then you can end it?

6 A I don't know. I've never seen their exact
7 contracts.

8 Q Fair enough. All right. All right. Last thing I
9 want to look at. Let's go back to the first page of your
10 exhibit, the 3/16/21.

11 A Mm-hmm.

12 Q Okay. Does that one bother you?

13 A Very much so.

14 Q Why?

15 A I couldn't eat that nice.

16 Q Mm-hmm.

17 A And I certainly wouldn't go -- going out to a
18 restaurant spending over \$100 eating.

19 Q Okay. So my question to you is, did you draft this
20 document?

21 A I gave it -- after reviewing the bank statements --

22 Q Mm-hmm.

23 A -- gave it to my attorney.

24 Q Okay. But you drafted it?

1 A Well, not in this exact form, but I gave him the --
2 the bullet points of it.

3 Q Okay. So you didn't type it up, but you actually
4 wrote this out, reviewed the bank records yourself, and that
5 was your concern --

6 A Yes.

7 Q -- correct?

8 A One of them. Yeah.

9 Q All right. Okay. I would like you to turn to
10 Exhibit J. I would've sworn that last night I tabbed this
11 page, but apparently either I ran the tab out -- and I would
12 like you to turn to the page within Exhibit J marked PLF0694?

13 A 94?

14 Q 0694. Correct.

15 A Hold on a second. Okay. I'm there.

16 Q Okay. I'd like you to go about three quarters of
17 the way down where it says March 16th, debit purchase Visa,
18 Gen Korean BBQ H. Do you find that?

19 A Yes.

20 Q Is that the transaction you're concerned about?

21 A I believe so.

22 Q Okay. I'd like you to look across to the second
23 column and read what it says?

24 A 13 -- 031321 Henderson, Nevada

1 Q So the purchase was actually on the 13th, wasn't it?

2 A I don't know how her bank works. Mine shows up when
3 I bought it.

4 Q It says on 3/13, correct?

5 A On 03/13/21, it does say that.

6 Q But your natural assumption when you went through
7 this was that Maggie would just abandon her son and go to
8 dinner, correct?

9 A I saw the March 16th debit purchase Gen Korea --
10 Korean BBQ That's what I saw.

11 Q My point is, you like to assume the worst of Maggie,
12 don't you?

13 A I didn't assume. I just pointed out what I saw on
14 the left-hand side.

15 Q Would you turn to Exhibit M?

16 A N or M?

17 Q M as in Mary.

18 A Mary. Okay.

19 Q The very top there, under that 3/16 listing that you
20 put, what's your comment there?

21 A Hunter was in juvenile hall that day and night and
22 she is out eating Korean barbecue.

23 Q And you stand by that statement?

24 A Because that's what I believe she was doing on March

1 16th.

2 Q Because you believe that she would do something like
3 that?

4 A I guess, I actually would. I -- I see what else
5 she's done.

6 Q Okay. Let's talk about St. Baldrick's.

7 A Mm-hmm.

8 Q How long has he been involved?

9 A I think this is his fifth year.

10 Q When did you get Maggie's permission to engage him
11 in St. Baldrick's?

12 A It's a volunteer thing. I didn't know we had to.

13 Q So you didn't know that you needed to co-parent
14 regarding activities of the child?

15 MR. PAGE: Objection. It's not an extracurricular
16 activity. It's a volunteer activity.

17 THE COURT: Overruled.

18 BY MR. GRIMES:

19 Q I want to go through the incident of March 16th.

20 A Mm-hmm.

21 Q Okay. You remember approximately what time you
22 received a text from Hunter?

23 A I want to say it was -- I can't even say if it was
24 mid-morning, early afternoon, right around there.

1 Q Okay. And the text, while poorly typed, what --
2 what did you take it to mean?

3 A That she was hurting him with a stick.

4 Q Okay. And what was your response?

5 A I asked if he was okay. Does he need help?

6 Q Okay. And then what did you do?

7 A I texted him, do -- can you call the police?

8 Q Okay. And then what did you do?

9 A I called the police.

10 Q And then what did you do?

11 A I raced to her house.

12 Q Okay. During any of that time, did you pick up a
13 phone and call Maggie?

14 A No, I didn't.

15 Q You didn't think it was important to maybe call your
16 co-parent and find out what was going on?

17 A And that term I'm not trying to be sarcastic, but
18 co-parent has never happened. I -- no, I didn't. I was
19 concerned for Hunter's safety.

20 Q So you immediately assumed the worst, correct?

21 A No, I didn't assume, he told me she was stabbing him
22 with a stick in the neck.

23 Q Okay. And you assumed that was true?

24 A If he tells me something I'm pretty much going to

1 believe what he says.

2 Q You've seen the video of that event, correct?

3 A I've seen portions of the video. Yes.

4 Q Okay. When you arrived, the police were already
5 there?

6 A Yes.

7 Q Had Hunter been taken into custody?

8 A Not yet.

9 Q Okay. Have you at any time read Hunter's statement
10 that he gave to the police?

11 A No, I've never seen it.

12 Q You've never seen that statement?

13 A Not that I'm aware -- I don't think so, no.

14 Q Okay. Did you give a statement?

15 A Yes, I did.

16 Q Okay. Have you ever read the police report?

17 A I believe some, you know, basically what happened.
18 Yeah. Domestic violence, child taken away type of thing.
19 Yes.

20 Q Okay. Who was charged?

21 A Hunter.

22 Q Why?

23 MR. PAGE: Objection. Foundation. Asks for
24 speculation.

1 MR. GRIMES: I asked if he read the police report.
2 He said he did. I'm asking him what he read.

3 THE COURT: Well, I think you have them in as
4 exhibits, right?

5 MR. GRIMES: I do.

6 THE COURT: Okay. Overruled.

7 THE WITNESS: I have not seen what he said or what
8 she said. I just know what I gave the police.

9 BY MR. GRIMES:

10 Q Mm-hmm. And based on all of that, the police made
11 the determination to take Hunter into custody, correct?

12 A Yes.

13 Q And as a result of that, you, in fact, told Hunter
14 his mother had him arrested, correct?

15 A No.

16 Q What did you tell him?

17 A I couldn't talk to him at all while I was there.

18 Q You had him the next day, correct?

19 A No. Actually, no. It was -- was it the next day or
20 the day after? I can't -- it was close.

21 Q All right.

22 A Yeah.

23 Q I'll help you. Would you be shocked that it was the
24 next day at about 3:30?

1 A Well, that's normally when I exchange time. I
2 couldn't remember that the 16th was on a Sunday, a Saturday,
3 whatever. Yes.

4 Q You received him, though, at your next exchange --

5 A Correct.

6 Q -- correct? There was no interference with your
7 custodial time?

8 A No.

9 Q Okay.

10 THE COURT: I don't think that's correct.

11 MR. GRIMES: I --

12 THE WITNESS: I think it was over a day on it. I --

13 THE COURT: It was her custodial time.

14 MR. GRIMES: That's correct.

15 THE COURT: March 16th, right?

16 MR. GRIMES: That's correct.

17 THE COURT: Her week. She had him the whole week?

18 THE WITNESS: Yeah, I believe -- it was -- it wasn't
19 like right then.

20 BY MR. GRIMES:

21 Q Okay.

22 A Not -- not like the first time he was arrested,
23 correct.

24 Q Okay. That -- I want it right. Okay?

1 A That's fine.

2 Q But your custodial time wasn't interfered with,
3 correct?

4 A No.

5 Q Okay. When you next saw Hunter, what did you tell
6 him?

7 A When -- like I saw him in the morning after he was
8 being released or -- or when I got him on my custodial time?

9 Q When you received on your custodial time?

10 A I just hugged him.

11 Q Okay. You haven't discussed the incident at all?

12 A Yes, I have.

13 Q What have you told him?

14 A I asked him what happened. And he explained to me
15 what happened. I asked if he hit her. He said, no, he pushed
16 her. I asked, what had happened. You know, tell me the whole
17 story. He told me the whole story.

18 Q Mm-hmm.

19 A He knows I called the police. I told him I called
20 the police.

21 Q Okay.

22 MR. PAGE: Your Honor, I was going to ask -- are
23 we -- I didn't quite follow what you said before the break.

24 Are we going to take a break for lunch or --

1 THE COURT: Yes, we are going to take a break for
2 lunch. Are you going to go --

3 MR. GRIMES: I'm going to spend more time on this
4 and -- and I didn't see that it was there, or I would've asked
5 you to stop just before I started it so --

6 THE COURT: No, no problem.

7 MR. GRIMES: I'm going to spend considerable time on
8 this. So this is probably a good place to stop for lunch.

9 THE COURT: Okay. So let's go ahead and do that and
10 we'll pick up at 1:30. You can just leave those in. You can
11 go ahead, sir.

12 THE WITNESS: Okay. Thank you.

13 THE COURT: Thank you.

14 (COURT RECESS AT 12:03 P.M. AND RESUMED AT 1:34 p.m.)

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

16 THE COURT: All right. We're back from the lunch
17 break and we were in the middle of the cross-examination of
18 the defendant, so if you want come back up here.

19 Is there any -- any new housekeeping before we get
20 right back into the trial?

21 MR. PAGE: I don't think so.

22 THE COURT: All right. Mr. Grimes, if you're ready
23 to continue.

24 CROSS-EXAMINATION

1 BY MR. GRIMES:

2 Q Jason, you understand you're still under oath,
3 correct?

4 A Yes, sir.

5 Q Okay. All right. When we left, I was asking you
6 about March 16th. Okay. And honestly, I should have stopped
7 at that point, so I need to make sure I'm caught up as well.
8 I was asking you about receiving the text. Do you recall
9 receiving the text?

10 A From Hunter?

11 Q Okay.

12 A Yes.

13 Q Did Hunter tell you how he was texting you?

14 A He -- I believe on -- he said he was texting me from
15 his computer.

16 Q Okay. How did he know how to do that?

17 A I don't know.

18 Q Had you showed it?

19 A No.

20 Q Okay.

21 A Kids are pretty -- kid shows me how to use my phone,
22 so.

23 Q Okay. And I believe I finished up with, I asked
24 you, did you at any point call Maggie to see what was going

1 on?

2 A Yes, correct. That's correct.

3 Q Okay. And -- and you had -- you did not?

4 A No.

5 Q Okay. When you arrived at Maggie's, what occurred
6 next?

7 A I parked little down the way then, because all the
8 cops and paramedics were there, and the officer told me to
9 wait in my truck.

10 Q Okay. And did you ultimately have a conversation
11 with the officers?

12 A Yes.

13 Q Okay. What was the ultimate outcome at -- at
14 Maggie's home?

15 A Hunter was arrested.

16 Q Okay. And to be clear, was he arrested or was he
17 placed in custody?

18 A They took him to Child Haven or -- or whatever it's
19 called.

20 Q Okay.

21 A You know.

22 Q To your knowledge, were there criminal charges
23 filed?

24 A I believe so because he had to take courses to

1 rectify that.

2 Q Okay. That evening, or I guess that morning you had
3 -- you stated on direct, I believe that you arrived at Child
4 Haven and Maggie was already there?

5 A Around that same time, yes.

6 Q And your testimony was that when you came to the
7 door that she said, he's got a gun?

8 A I was already in the building, and she came in and
9 stated that.

10 Q In your emergency motion -- that isn't what you
11 stated in your emergency motion. You stated that you arrived,
12 and Maggie was already there. Are you changing that statement
13 today?

14 A I -- no, I'm not. She was -- I -- she was already
15 there outside, not inside the building.

16 Q All right. So when -- why were you there?

17 A Because I wanted to pick up Hunter to make sure he
18 was going to be safe and not have to go back and risk going to
19 jail again.

20 Q Okay. Did you have a conversation with Maggie
21 regarding that decision?

22 A I believe we did send an e-mail for that.

23 Q Okay. And was there an agreement?

24 A No. She -- I don't believe she even read it until

1 after she'd already taken him back.

2 Q Okay. Would you deem that an emergency?

3 A Well, it depends on what you consider an emergency.
4 It's not life-threatening at that moment. However, to
5 Hunter's case, it may have been. But she doesn't answer phone
6 calls, let alone e-mails, so it doesn't really matter.

7 Q Did you try?

8 A No, I did not try --

9 Q Okay.

10 A -- to call her. We've been instructed to only use
11 Wizard.

12 Q Except in emergencies, correct? I can refer you
13 back to the order.

14 A Yes.

15 Q It does say in an emergency make a phone call,
16 correct?

17 A Yes.

18 Q Okay. Did you make any comments regarding Maggie
19 when she arrived?

20 A I'm sure I did because I was very mad.

21 Q And why were you angry?

22 A Because now Hunter's been in jail twice.

23 Q And you blame Maggie for that?

24 A I believe it's -- he's a big part of it, but, as a

1 parent, you should be able to deescalate that situation.

2 Q Okay. Do you believe it would've been easier for
3 her to deescalate if she had a co-parent that -- that worked
4 together?

5 A I don't think there is such a thing for her on that.

6 Q Okay. But to be clear, it was you that called the
7 police that day?

8 A Yes, I said that. Yeah.

9 Q And not Maggie?

10 A I don't know if they called the police or not, but I
11 did.

12 Q No, I understand. You never made a phone call and
13 tried to work with Maggie to deescalate Hunter at that point,
14 did you?

15 A I didn't know it was happening until after Hunter
16 had already texted me.

17 Q You made an assertion that Maggie said you had a
18 gun?

19 A Mm-hmm. That's correct. Yes.

20 Q And you still believe that is what was asserted?

21 A Yes.

22 Q Okay. And then, how long did you wait in the
23 parking lot?

24 A I don't know. A while. I -- I don't remember the

1 exact amount of time, but they saw me sitting there. My
2 lights are on it because the -- the engine was running, and
3 they came out and asked what was going on and I told them and
4 they said, come on in.

5 Q And did you videotape that evening?

6 A I didn't.

7 Q Would you be surprised if there's evidence that you
8 did?

9 A That I videotaped once I was in the building? I
10 believe I tried to. Yes.

11 Q What do you mean you tried to once --

12 A I mean, like got my phone out to -- to do it.

13 Q Okay.

14 A But not out sitting outside.

15 Q No, that's what I'm talking about.

16 A Oh, okay. Fine. Yes.

17 Q So you did videotape portion of that evening,
18 correct?

19 A A portion of it, yes.

20 Q Okay. Was that ever disclosed?

21 A No, because I -- actually, I never hit the record
22 button on it.

23 Q All right. Fair enough.

24 A I thought I did, but.

1 Q Did you make any derogatory comments about Maggie?

2 A I'm sure I did because I don't really remember. I
3 was very upset at the time.

4 Q Okay. So when you're upset, you make derogatory
5 statements about Maggie?

6 A No, not all the time.

7 Q Okay. But you had previously?

8 A I think that's the only time I could remember.

9 Q In your conver -- well, I want to stay focused.
10 We're going to come back to that. Okay?

11 A Okay.

12 Q Did the police release Hunter to you?

13 A No.

14 Q In fact, did Metro have to get involved that
15 evening?

16 A Maggie had called them and showed them the divorce
17 decree and said it was her time. And so they said they can't
18 get involved in it because it's a civil matter.

19 Q Okay. Were you patted down?

20 A Yes.

21 Q Was a knife removed from your presence?

22 A Yes. I had actually told them that I had forgotten
23 the pocketknife.

24 Q Okay.

1 A Before they've patted me down.

2 Q Fair enough. Do you have a concealed carry permit?

3 A Currently?

4 Q At the time.

5 MR. PAGE: Objection, relevance.

6 MR. GRIMES: Your Honor, much of what they've raised
7 is Maggie's mental health and her beliefs and her statements.

8 I need to get into her state of mind, and this gets into it.

9 THE COURT: So you're asking he had what?

10 MR. GRIMES: A concealed carry permit.

11 THE COURT: Oh, okay. For what it's worth, I'll
12 overrule.

13 MR. GRIMES: Okay.

14 THE WITNESS: Is that I can answer?

15 THE COURT: Yeah.

16 THE WITNESS: Yes, I did.

17 BY MR. GRIMES:

18 Q Okay. I -- I want the Court (indiscernible).

19 Do you currently?

20 A No, I don't.

21 Q So you've let it expire?

22 A On my accident. Yes.

23 Q Okay. Fair enough. And as the -- did you regularly
24 carry an -- a weapon?

1 A No, not regularly.

2 Q Did you keep one in your vehicle?

3 A Sometimes.

4 Q Okay. And just to be clear, Hunter was released to
5 Maggie's care and custody that night, correct?

6 A Correct. The morning, I believe.

7 Q All right. You're right.

8 MR. PAGE: You keep saying the evening, I think it's
9 morning.

10 MR. GRIMES: Yeah.

11 BY MR. GRIMES:

12 Q It's just -- if you -- I don't -- let's agree, it
13 was very early in the morning?

14 A Whatever time it happened, yes.

15 Q Yeah. All right. All right. You've asserted on
16 direct that you believe Maggie has mental health issues,
17 correct?

18 A Yes.

19 Q What did -- what have you observed that makes you
20 believe that?

21 A Her behavior. Her behavior in front of school
22 officials, in front of Hunter, in front of me, in front of my
23 wife. I've never seen a parent act like that at any school
24 function. I've worked at high schools before, I've never seen

1 that happen.

2 Q Let's be specific. Act like what?

3 A The way she does. The screaming, the yelling, the
4 calling Alexandra, nothing -- that she's nothing to Hunter
5 right in front of him. The pushing and shoving. Having her
6 mother --

7 Q When did this occur?

8 A At Green Valley Christian. Multiple times. I mean,
9 we're talking almost every single occasion there could have
10 been.

11 Q So your assertion about her decline in mental health
12 relates to the events at Green Valley Christian, correct?

13 A And then -- and keep going. Also, the fact that
14 she's accused my oldest son of sexual abuse towards --

15 Q Which was in 2015, correct?

16 A Yes.

17 Q Okay.

18 A Now she promoting him going to jail; however, she
19 wants to claim however it happened, who called who didn't, she
20 still sat there and showed video evidence that they collected
21 of portions of the eve -- that day.

22 Q Okay. So let's go there.

23 So you believe that Maggie should have lied to cover
24 for your son?

1 A No, I believe she should have deescalated the
2 situation where it would never have happened like that.

3 Q Okay. Tell me what you would do if Hunter picked up
4 a four-foot-long stick, three quarters in diameter and began
5 swinging it at your wife?

6 A Well, first of all, that would never happen at my
7 house because we have rules.

8 Q I understand.

9 A Secondly, I would go remove that stick from him.

10 Q Okay.

11 A Throw the stick away and take him through -- not
12 through the wall, but with great haste into his room.

13 Q Okay.

14 A And get him away from where -- whoever he was
15 swinging at that end.

16 Q So you would've used physical force, if necessary,
17 to protect your wife or your son?

18 A Well, describe physical force?

19 Q Well, what you just --

20 A He would've walked there.

21 Q But you would've physically removed the stick?

22 A Yes. From his hand, yes.

23 Q You would've escorted him to his room?

24 A Correct.

1 Q Even if that required physically taking him to the
2 room?

3 A Well, he listens to me. I don't have to physically
4 do anything.

5 Q Okay. But let's assume he isn't listening to you.

6 MR. PAGE: My objection, incomplete hypothetical.
7 Asks for a narrative response.

8 THE COURT: Overruled.

9 THE WITNESS: I would walk him there.

10 BY MR. GRIMES:

11 Q Okay. How would you respond if subsequent to that,
12 he texted his mother and said, dad just stabbed me in the
13 throat.

14 A Well, I know that I hadn't and because I wouldn't be
15 leaving his room until he's calmed down.

16 Q Okay. So you wouldn't have granted him the
17 opportunity to text?

18 A Well, we wouldn't really be a grant or not grant, we
19 would've discussed the situation until he was in a calm,
20 collective manner.

21 Q Okay. Let's assume for a second that the police
22 were called by Maggie to your home with that directive.

23 A Mm-hmm.

24 Q Okay? Would you expect the police to show up and

1 take you to the ground and tell you not to move?

2 A What? I -- I don't even know what that means.

3 Q All right. So, again, let's make sure that my
4 question's clear, because I -- I want to be very clear.

5 Hunter has assaulted you or your wife with the stick --

6 A Mm-hmm.

7 Q -- you have removed the stick.

8 A Okay.

9 Q He has now contacted Maggie --

10 A Okay.

11 Q -- and informed her that you stabbed him in the
12 throat.

13 A Okay.

14 Q Maggie has called the police and they arrive at your
15 home --

16 A Mm-hmm.

17 Q -- and they detain you. They don't arrest you, but
18 they detain you.

19 A Right.

20 Q Would you cooperate with the police at that point?

21 A A hundred percent.

22 Q Would you provide them any video that may or may not
23 have been taken of the event?

24 A I wouldn't have video of it because I'd be trying to

1 dis -- deescalate the situation.

2 Q Okay. Would you cooperate fully and provide
3 anything that you had to the police?

4 A Yes.

5 Q Okay. And if the -- would you permit the police to
6 physically examine whether or not you had been hit,
7 whether or not there were strike marks?

8 A I didn't know I was hit or struck, so I didn't.

9 Q But would you cooperate?

10 A Yes.

11 Q And if the police made the determination to take
12 Hunter into custody, what would you do then?

13 A Well, I'd ask for them not to.

14 Q Okay.

15 A To release him into my custody because the problem
16 at that point I would've had resolved.

17 Q Okay. What if it was your wife? Would you have
18 done the same thing?

19 A If he was trying to hit her?

20 Q Let's say he did hit her.

21 A Well, there would be a problem for one, but I would
22 also deescalate the situation.

23 Q I understand.

24 A And we would all discuss it.

1 Q And the police have arrived because someone else
2 called the police --

3 A Okay.

4 Q -- and they want to take him into custody, what
5 would you do?

6 A I would, again, ask, ask them to release him into my
7 custody. I don't believe Child Haven or jail or whatever you
8 want to call it, is any place for a child.

9 Q Fair enough. Okay. And what if the police said no?

10 A Well, they have that right to say no.

11 Q Thank you.

12 A And if they believe that there is domestic violence,
13 state law says they have to take someone.

14 Q Okay. And if you had been contacted -- and we'll
15 just say hypothetically again by my office -- and said, hey,
16 because of this, let's temporarily do a timeout. Why don't
17 you sign over custody for a while? Would you have agreed to
18 that?

19 A Well, if it was a -- a situation like that
20 describing where he's hitting people, including myself and my
21 wife with a stick and I sent him to jail, I don't think that
22 going back to the domestic abuse is the best situation.
23 That's the -- that's the story of the wife going back to the
24 husband that beats her. Why? Why do you keep going back?

1 Q So, so you're stating that at that point, yes, you
2 would've directed your counsel to say, yeah, let's -- let's --

3 A Let's a break. Yeah. Something's obviously a
4 problem.

5 Q All right. Let's move on. How long were you
6 married to Maggie?

7 A I -- technically, I'm sure it came out to be about
8 six years, but five, I guess. You know, right around five to
9 six years, depending on when the ink dried.

10 Q You've met her parents?

11 A Yes.

12 Q You know where they live?

13 A Yes.

14 Q They live in wine country, don't they?

15 A No, they live in Atascadero.

16 Q Would it surprise you that they live in wine
17 country?

18 A Well, there's wine country in Paso Robles, but I
19 don't know if any wineries in Atascadero.

20 Q Okay. So it's distinctly possible that Maggie's
21 trips to wine country, as you put it on direct, were to see
22 her parents?

23 A I'm just going off what I see on social media

24 Q I -- I understand. But it is completely possible

1 that she was going to see her parents?

2 A I don't know if her parents -- if she's going to
3 visit her parents or going to a winery with her parents. I
4 don't know.

5 Q Okay. Again, reviewing all of it. And then, so if
6 you don't know, that's fine. Was Maggie teaching when you
7 guys got divorced or did she begin teaching after?

8 A I think it was right around the time of the filing,
9 she started teaching.

10 Q Okay. So if you know, great, but professional
11 conferences, are you aware whether or not those are typically
12 reimbursed by the employer?

13 A Usually portions of them are, not all of them and
14 none of them are required.

15 Q Do you know that for a fact for teachers?

16 A Yes. My first wife is a teacher.

17 Q And you're saying that professional development and
18 conferences aren't -- weren't required?

19 A Depends upon the professional development. If it's
20 to -- for your degree or for your certain certification,
21 that's one thing.

22 Q Okay.

23 A If it's not, it's another thing. And some schools,
24 some principals are one way or the other, if they reimburse.

1 Q But it's distinctly possible that they could have
2 been reimbursed, correct?

3 MR. PAGE: Objection. Foundation.

4 THE WITNESS: I -- I don't know if they could or are
5 or were, or -- I don't know.

6 BY MR. GRIMES:

7 Q Okay. Since you were granted sole custody, have you
8 removed Hunter from any school days to take vacations?

9 A Maybe one or two with prior notice, yes.

10 Q Prior notice to who?

11 A To the school.

12 Q At any time, did you inform Maggie of this?

13 A I didn't know I had to due to the -- I had sole
14 legal, physical.

15 Q Okay.

16 A But I did believe we said that we were going to
17 wherever we went.

18 Q Okay.

19 A We sent an e-mail saying that we would be out of
20 school.

21 Q And did you take a trip to Hawaii?

22 A Yes.

23 Q Okay.

24 A Because that was planned prior to COVID and all of

1 this and we were running out of time.

2 Q Okay. But, again, did you notify Maggie or ask for
3 her opinion regarding missing school to travel to Hawaii?

4 A I didn't know that I had to, so no.

5 Q Let's assume you didn't have to, if you were the
6 other parent, would you want to be aware that your child was
7 going to miss school?

8 A Well, yes. I believe we did say that in the e-mail.

9 Q Okay. Did you take a subsequent vacation to, I
10 believe it was Idaho?

11 A In November, yes.

12 Q And did the child miss any days of school as a
13 result?

14 A Not really because he was able to do it all online.

15 Q Oh, so rather than going in person, he simply
16 attended school online?

17 A Yes. Same with Hawaii.

18 Q And, again, did you discuss it with Maggie at all?

19 A No.

20 Q Okay. So if I understand this right, that's the
21 order you want the Court to enter, is that you have sole
22 legal, sole physical custody?

23 A Yes.

24 Q And you want to be able to continue to make those

1 decisions without discussing them with Maggie at all, correct?

2 A It depends upon the -- the situation, I -- I'd
3 imagine.

4 Q But you want the discretion to make those decisions,
5 correct?

6 A Yes. Because there's never been an agreement or
7 able to be discussed or anything like that.

8 Q Okay. You talked about your wife's insurance.

9 A Yes.

10 Q Why do you wish to use your wife's insurance?

11 A Because it's better than mine and it's better than
12 Maggie's. It's really good.

13 Q Have you ever provided that to Maggie for review?

14 A Yes. And it's all on Wizard and everything else.

15 Q And when did that occur?

16 A Every time we get updated on insurance; it's always
17 updated into -- into Wizard as we're required to do.

18 Q Oh, I -- I'm sorry. I may have misstated. Do you
19 guys maintain joint insurance?

20 A She has insurance on him as well. At one point he
21 had three insurances.

22 Q Okay.

23 A So -- when I lost my job, I lost that insurance.

24 Q Right.

1 A But she's always maintained -- she maintains
2 insurance for my oldest two, as well.

3 Q Okay. Have you dealt with any of the issues that
4 now come from multiple insurances --

5 A Yes.

6 Q -- under the Affordable Care Act? Or did you even
7 know that it was caused by the Affordable Care Act?

8 A Sadly being in the medical field, I know a lot of
9 things that have been caused by the Affordable. And
10 affordable is a loosely used term.

11 Q Yeah. Fair enough. But the reality is there's been
12 issues regarding whose insurance would cover certain things
13 and because of birthdays --

14 A Yes.

15 Q Okay. You've dealt with that, correct?

16 A Yes.

17 Q So would you agree that it is appropriate the
18 Court -- well, more appropriately that the parents but, if
19 necessary, the Court, look at all of the potential insurances
20 and make a decision?

21 A Sure. If they want to do that, that's fine.

22 Q And, again, I don't know, but do you agree that it
23 should probably be one insurance so that this conflict ends?

24 A I -- well, one is designated as the primary, yes.

1 If -- if one is all it needs, then one is all it needs. It
2 has saved hundreds of thousands of dollars having two.

3 Q Okay. All right. What's the benefit then of
4 designating your wife's as -- as primary?

5 A Well, because then there's not the fight of, oh, I
6 need your insurance card, which is never provided. Oh,
7 your -- the Affordable Care Act or whatever says, oh, you're
8 because you were born on a week that ended in Q or something,
9 it -- now this month it changes and all that.

10 Q And I think it's safe to say that most of us that
11 have done these in the last five years know of the problems
12 they --

13 A Yeah. Insurance monies are to deny not to pay.

14 Q Okay. Correct. I won't disagree with you there.

15 All right. Let's talk about that insurance card.

16 Since your divorce, Maggie has worked for Clark County School
17 District, correct?

18 A Yes.

19 Q Okay. Since your divorce, then Maggie has been
20 under Teacher's Health Trust, correct?

21 A Correct.

22 Q Until this school year, correct?

23 A I don't know when it changed, but it was in the last
24 year or two, it changed to something even worse.

1 Q She transferred to a charter school?

2 A Well, I think that the whole insurance changed
3 before she transferred. Like it became almost like an HMO
4 versus a PPO and all this other stuff. Because this was a
5 couple years ago that the mother of my two older children came
6 to us and said, hey, this insurance just -- Teacher's Health
7 Trust used to be the best of town. She asked, Hey, can I have
8 you be primary and even probably drop them because if the
9 rates and everything else went up? Alexandra and I agreed.
10 Sure. Fine.

11 Q Right. And -- and, again, I won't argue either of
12 those, but my -- my point is, she was with Teacher's Health
13 Trust through the '21 school year, correct?

14 A As far as I know, yes.

15 Q Which means it was exactly the same card throughout
16 all of that, correct?

17 A Yes, but that wasn't what we were discussing, if not
18 having a card.

19 Q Well, but you said that there was always this
20 trouble of getting a copy of the card?

21 A Uploaded onto Wizard or anything like that, yes.
22 There's always been.

23 Q My point is, it didn't change until this last school
24 year, correct?

1 A I don't know if this -- the prescription things
2 change all the time, almost yearly. Those all little things
3 change every year. You get a new card every year. The whole
4 thing.

5 Q Okay.

6 A I get a -- we get new cards every year.

7 Q Do you remember your conver -- your testimony
8 regarding Maureen Zelensky's report?

9 A Yes.

10 Q I'd like you to turn to Exhibit B?

11 A B. Yes.

12 Q Do you recognize this?

13 A Yes.

14 Q How do you recognize it?

15 A I've read it.

16 Q When was it provided to you?

17 A Shortly before one of the last hearings.

18 Q Okay.

19 A I -- I had to go to Fred's office.

20 Q All right. Fair enough. In your earlier testimony,
21 you talked about being concerned about some of Maggie's
22 behaviors, correct?

23 A Yes.

24 Q And you expressed no concern regarding Hunter's

1 behaviors, correct?

2 A In the -- during her meeting with -- Ms. Zelensky's
3 meeting with that?

4 Q Mm-hmm.

5 A Well, I did express concern about that.

6 Q Okay.

7 A The time when she ran out of the -- are you talking
8 about that time when I said that she ran out of the room,
9 screaming, carrying on, calling her mother and Hunter just sat
10 there, like -- that is concerning to me. I said, I believe I
11 said that.

12 Q Correct. That's what I'm asking.

13 A Okay. Okay.

14 Q Okay. In reading this report, did you have any
15 concerns about Hunter?

16 A Yes.

17 Q Did you have any concerns about your own behavior?

18 A In this report?

19 Q Yes.

20 A I don't remember seeing anything about my own
21 behavior as far as me meeting with Zelensky.

22 Q Okay.

23 A I don't remember --

24 Q But there was nothing in here about yourself that

1 made you go, hmm, What am I doing?

2 A I didn't recall anything in there.

3 Q All right. Fair enough.

4 Let's go to page 13 at that report, please.

5 A It wasn't that long either. Okay.

6 Q All right. On page 13, would you -- this is under
7 the summary section. That's what you're looking at, right?

8 A Okay.

9 Q Okay. So after it says, summary -- one, two,
10 three -- the fourth paragraph, would you take a look at that?

11 A Mm-hmm.

12 Q All right. Can you read that paragraph out loud for
13 me, please?

14 A Hunter has clear memories of transitions --
15 transitions that have gone awry when his mother intended to
16 leave with him during father's custodial time. While Hunter
17 hasn't been given an explanation by his mother, he reported
18 that his stepmother Alex was present both times. Maggie
19 shared with me that Alex wasn't supposed to be present during
20 exchanges -- which I don't -- okay -- which is why she
21 attempted to leave with Hunter. However, she appropriately
22 hasn't shared that information with Hunter due to not wanting
23 to burden him with court matters or speak of ways in which the
24 other parent had violated prior orders.

1 Q Why was Alex at the exchanges?

2 A Because she did most of the exchanges.

3 Q Isn't it true that your controlling order from 2017
4 says Alex is only to be at the exchanges for an emergency?

5 A I don't believe so. I'm not sure, but I don't
6 believe so. And that I believe that instance or in --
7 discussion was prior to that 2017 but because I think that was
8 talking about when she was trespassed from Green Valley.

9 Q Let's -- do you still have this order up there that
10 I provided earlier?

11 A Yes.

12 Q Would you look at page 2?

13 A Okay.

14 Q Okay. And read paragraph 3?

15 A Section 3?

16 Q Yes.

17 A Okay. Jason's spouse, Alexandra, shall continue to
18 exchange the minor child with Maggie during summer months or
19 holidays in emergency situations only as ordered in previous
20 hearing in this case. Jason shall text message Maggie within
21 two hours should an emergency situation arise or immediately
22 if it is a traffic issue.

23 Q So clearly, Alexandra is not supposed to be there,
24 is she?

1 A If I can't make it, then we text and say that
2 Alexandra's going to be doing the exchange.

3 Q Okay. And yet this talks about you being there with
4 Alexandra?

5 A Let's see. It says, during my custodial time, while
6 Hunter has been given an explanation as mother reported that
7 Alex was present at both times. It -- it doesn't say that I
8 was there. It just says that she was there.

9 Q Okay. So is it your assertion that these were
10 emergency situations?

11 A I don't know about what specific instances it's
12 about.

13 Q Okay. I'd like you to now turn to page 14?

14 A On?

15 Q Same report, just one page over.

16 A Okay.

17 Q And this time, rather than counting from the top,
18 I'll ask you to count from the bottom. So it would be the
19 third paragraph.

20 A Some of the stories which Hunter has shared without
21 prompting involved negative memories of happenings between he
22 and his mother. These were not necessarily related directly
23 to the topic at hand, which made this specialist wonder if
24 Hunter had been coached or at the minimum, others had

1 conversed with him repeatedly about those instances in an
2 effort to negatively influence Hunter's view of his mother.

3 Q That didn't concern you?

4 A It did, but it -- I know what happens in my house,
5 so it doesn't.

6 Q So you're just claiming that this specialist is
7 wrong?

8 A I'm claiming she's wrong about coaching him. Yes.

9 Q Okay. Or discussions?

10 A Correct.

11 Q Isn't it true that you've admitted that your wife --
12 that Hunter overheard your wife venting about certain things?

13 A I don't know if I'd said that or not. He -- I'm
14 sure he may have, but not directly to him or discussing it
15 with him.

16 Q But in a manner in which he could hear it?

17 A I guess.

18 Q Okay. And, in fact, wasn't the exact res -- issue,
19 some affidavits that had been signed by Maggie's sister and
20 mother?

21 MR. PAGE: Objection. Asks for hearsay. Predates
22 the 2017 order.

23 MR. GRIMES: These are his statements in the report.
24 I can keep reading.

1 MR. PAGE: There are no affidavits in this report.

2 MR. GRIMES: I understand. I'm talking about the
3 discussion, not the actual contents of the affidavits.

4 MR. PAGE: Honestly, I think the discussion you're
5 referring to also predates the 2017 order. This has been --
6 this has been raised before, and he's going to a place that's
7 not permitted.

8 MR. GRIMES: I am referring to the comments that are
9 contained within this report and nothing more.

10 MR. PAGE: No, you're referring to some affidavit
11 that doesn't exist.

12 THE COURT: No. I know I read it somewhere that --
13 that dad admitted that Hunter overheard Alex venting about the
14 affidavits and those did occur before the 2017 order.

15 MR. PAGE: I recall that as well, but I think it
16 came prior in 2017.

17 THE WITNESS: I -- I know it was a while ago.

18 THE COURT: Yeah. But I believe that was while the
19 mom was going through her divorce with Mr. Cox, that that
20 motion was filed too. So yes, I'm going to sustain it as
21 to --

22 MR. GRIMES: Okay.

23 THE COURT: -- that being prior to the last order.

24 BY MR. GRIMES:

1 Q Have you taken steps to ensure that nobody does
2 overhear discussions of the Court matters?

3 A Correct. That's correct.

4 Q Okay. Do you believe it's appropriate for Hunter to
5 call his mother a delusional lunatic?

6 A I heard that he had said that to her at some point,
7 but I don't believe that's appropriate, no.

8 Q Okay. And was he disciplined for that conduct?

9 A At my house?

10 Q Correct.

11 A Yes.

12 Q Okay. That came up because there was concern that
13 Hunter needed therapy due to anger issues. Do you recall
14 that?

15 A That's what she claims that he had anger issues
16 prior to him being arrested. Yes.

17 Q Okay. And you don't believe he does?

18 A I've never seen it. I've never even seen that kid
19 get a yellow card on the soccer field.

20 Q Okay. But you do know he called his mother a
21 delusional --

22 A Well, that's --

23 Q -- lunatic?

24 A -- that's what they report. I don't -- I wasn't

1 there, so I don't know.

2 Q Okay.

3 A And I believe that was after the time that she
4 wanted to go celebrate after his dog died.

5 MR. GRIMES: I'm going to move to strike.

6 Nonresponsive.

7 THE COURT: That'll be stricken.

8 MR. PAGE: I'll ask it later.

9 MR. GRIMES: Okay.

10 BY MR. GRIMES:

11 Q You were asked questions regarding your mental and
12 physical health?

13 A Mm-hmm.

14 Q Do you recall those?

15 A Yes.

16 Q And you stated that there's no mental or physical
17 issues --

18 A No.

19 Q -- that you're dealing with? Okay. I'd like you to
20 look at Ms. Zelensky's report. And again, looking from the
21 bottom --

22 A On what page?

23 Q I'm sorry, page 15.

24 A Okay. Mm-hmm.

1 Q I'd like you to go from the bottom, the third
2 paragraph up, starting with additionally.

3 A Yep.

4 Q Can you read that one?

5 A Yep. Additionally, Jason reported being on
6 medication for the past 10 years, which is after he and Maggie
7 separated, it is possible that his behavior prior to being on
8 psychotropic medications was, in fact, erratic and abusive as
9 reported by Maggie.

10 Q Okay. So I -- I'm more worried about the -- what
11 psychotropics do you take?

12 A I don't know what psycho -- I take sleeping pills.
13 One of them is an antidepressant apparently, according to the
14 package.

15 Q Okay. Do you know what that medication is?

16 A Effexor.

17 Q Okay.

18 A Or whatever the generic name is for it. I don't
19 know.

20 Q Fair enough. Why are you so opposed to -- let's
21 back up. Ultimately, there was a decision that Hunter could
22 attend counseling, correct?

23 A I was never asked if he should.

24 Q Actually, didn't it go to court? Wasn't there a

1 motion?

2 A No, he was in counseling before this happened.

3 Q Okay.

4 A But then he was to continue with it for the Court,
5 yes.

6 Q Okay. All right. Wasn't my understanding, but
7 that's fine. Is he still receiving counseling?

8 A No. Ms. Miller and Ms. Cooley and Dr. Collins all
9 agreed that three, four times a week is a little too much for
10 anyone. And it was just to be focused with Dr. Collins.

11 Q Okay. And is he currently having sessions with
12 Dr. Collins?

13 A No.

14 Q When was the last time he had sessions with Dr.
15 Collins?

16 A I believe it was in right around September, maybe
17 August in that time frame to establish, you know, the base --

18 Q Okay.

19 A -- whatever it's called.

20 Q And at this point, there's no doc -- or actually, I
21 don't want to call her Dr. Miller, because it's an MFD, but
22 he's not seeing Ms. Miller?

23 A No, that was stopped on agreeance (sic) of everyone.

24 Q Okay. Not seeing Dr. Collins?

1 A Correct. Because she said -- she stopped or
2 whatever.

3 Q Okay. And not seeing any other therapist, correct?

4 A That's correct.

5 Q All right. I don't want to spend a lot of time on
6 this one, but have you changed your shopping at all since
7 COVID overtook everything?

8 MR. PAGE: Objection, relevance.

9 MR. GRIMES: They raised the issue of Amazon and
10 that's what I'm questioning about.

11 THE WITNESS: No. I -- no, I still go to the
12 grocery store.

13 BY MR. GRIMES:

14 Q Okay. Do you know if people --

15 MR. GRIMES: I -- I need to wait for a ruling.

16 THE COURT: Oh, I'm sorry. He already answered it,
17 so overruled.

18 THE WITNESS: Sorry. Okay.

19 BY MR. GRIMES:

20 Q Do you know of people who have done more of their
21 shopping for their basic necessities around the house at
22 Amazon or other onlines rather than going to the store?

23 A I don't personally.

24 Q All right.

1 MR. GRIMES: Nothing further. I'll pass the
2 witness.

3 THE COURT: Okay. Now it's my turn.
4 I've got lots of questions for you. My read of the file says
5 that there have been three different parenting coordinators
6 appointed for you and Maggie; is that right, three different
7 ones?

8 THE WITNESS: Well -- okay. So we've had the Dr. --
9 or Dr. Ponzo was the original one.

10 THE COURT: No, before that was Ms. Schwartz, right?

11 THE WITNESS: No, we never went to Schwartz.

12 THE COURT: You never went to Schwartz. That's what
13 the orders say. And her -- and Ms. Schwartz's letters say you
14 didn't ever do it. In fact, you cussed out somebody in her
15 office and left.

16 THE WITNESS: I never cussed anyone out. My card
17 was declined and that was the last time I saw her.

18 THE COURT: Yeah. So there was two years of
19 Ms. Schwartz being the parenting coordinator and you didn't
20 participate in that, correct?

21 THE WITNESS: No, I never saw her like -- yeah.

22 THE COURT: That's what I mean, you never saw her?

23 THE WITNESS: Correct.

24 THE COURT: All right. And before that, there was

1 somebody else, right? There's been three appointed. Oh, no.
2 You have one currently. That's right.

3 THE WITNESS: Yeah, it was -- I -- well, Schwartz
4 was then, then it got changed to Dr. Ponzo and then Price.

5 THE COURT: Yes. All right. So -- so you have had
6 services from two of them, you and Maggie, Mr. Ponzo?

7 THE WITNESS: Yeah.

8 THE COURT: And Ms. Price?

9 THE WITNESS: Correct.

10 THE COURT: And why hasn't that helped your
11 co-parenting relationship?

12 THE WITNESS: Because the -- we came up with like a
13 holiday schedule with Dr. Ponzo. He came to court, he
14 discussed it, everything was fine. And then that -- she
15 stopped following the holiday schedule.

16 THE COURT: But when did you -- I guess when did you
17 two stop seeing Mr. Ponzo for parenting coordination?

18 THE WITNESS: Oh, when she stopped paying him.

19 THE COURT: Oh, so he stopped services cause he
20 wasn't being paid?

21 THE WITNESS: Yeah.

22 THE COURT: And then -- so -- but you've had two
23 parenting coordinators that you've worked with?

24 THE WITNESS: Mm-hmm.

1 THE COURT: And doesn't seem to have improved
2 anything.

3 THE WITNESS: Well, Mrs. Price, I think, we stopped
4 it because it's just not necessarily needed at this time.
5 While we were going through all this court and everything
6 else.

7 THE COURT: I believe I read somewhere that you and
8 Maggie also went to the UNLV Cooperative Parenting course,
9 correct?

10 THE WITNESS: That's correct.

11 THE COURT: Not together.

12 THE WITNESS: Not together, correct?

13 THE COURT: Did you find any help from that?

14 THE WITNESS: Yes, I did.

15 THE COURT: Did it help your co-parenting
16 relationship?

17 THE WITNESS: Yes. Because I've looked at some of
18 the things and looked at some e-mails and said, well, maybe I
19 worded that wrong.

20 THE COURT: Going to Hunter's attack with the dog.
21 Was that your mother's dog that attacked him or somebody
22 else's?

23 THE WITNESS: Well, it -- my mother-in-law was -- is
24 living with her son, my brother-in-law, and it was his dog.

1 THE COURT: I think the last time Hunter saw his mom
2 was in July of last year?

3 THE WITNESS: Yes. And I -- it may be the very next
4 weekend that he walked out to the car and says, I'm not
5 getting in. But face to face, correct, July.

6 THE COURT: And has he expressed that he misses his
7 mom?

8 THE WITNESS: No. He's -- he says he doesn't want to
9 see her.

10 THE COURT: Is he able to call her on his cell phone
11 if he wants to?

12 THE WITNESS: If he wants to, yes.

13 THE COURT: She's not blocked on there?

14 THE WITNESS: No. And the -- but the -- miss --
15 Dr. Collins says he's not to do that right now.

16 THE COURT: When you and Ms. Cox got married in
17 2006, what was the custody order you had regarding Taylor and
18 Tori?

19 THE WITNESS: We had joint custody.

20 THE COURT: So they were with you half the time?

21 THE WITNESS: Yeah.

22 THE COURT: And --

23 THE WITNESS: Maryann.

24 THE COURT: And how old were they at the time?

1 THE WITNESS: They were fairly young. Probably the
2 same, Tori was two or three-ish and -- and TJ, Taylor, was,
3 you know, he's three years older so, five-ish, six-ish.

4 THE COURT: And prior to Hunter being born --

5 THE WITNESS: Mm-hmm.

6 THE COURT: -- Ms. Cox stayed home with your two
7 children?

8 THE WITNESS: That's correct.

9 THE COURT: And you worked?

10 THE WITNESS: Correct.

11 THE COURT: And you had no issue with -- with her
12 taking care of them?

13 THE WITNESS: Hindsight, yes. During, at the time,
14 no.

15 THE COURT: And what did Taylor and/or Tori call
16 Ms. Cox?

17 THE WITNESS: She forced them to call her mom.

18 THE COURT: Well, you're the dad. Did you do
19 anything about that?

20 THE WITNESS: I said, if you guys want to call her
21 mom, I -- I kind of believe -- I called my stepdad dad, and
22 I -- I think it's up for the kids, honestly so.

23 THE COURT: Yeah, obviously --

24 THE WITNESS: It didn't really bother me if they --

1 if they call her mom or not.

2 THE COURT: Did it bother your ex-wife, their
3 mother?

4 THE WITNESS: A little bit in the beginning, yeah.

5 THE COURT: I don't think it's disputed that your
6 co-parenting relationship with Ms. Cox is a high conflict.

7 THE WITNESS: That's correct.

8 THE COURT: What have you done that is contributed
9 to that conflict over the years?

10 THE WITNESS: I -- I would say I probably -- the
11 tone of my e-mails has probably not helped anything. I --
12 after frustration, after frustration of not getting anywhere,
13 it does get hard. I would admit that, yes, it has not
14 contributed.

15 After never becoming, you know, getting to an
16 agreement or even being able to discuss that, I mean, we can't
17 even discuss on the phone, we have to be everything through
18 Wizard, it's hard to have a conversation.

19 THE COURT: Anything else you've done over the years
20 to -- to -- and contribute to that conflict?

21 THE WITNESS: I don't -- not that anything I could
22 think of that's, you know, overly bad. I mean, we've
23 discussed at length calling her quicker or something when
24 something bad happens, that's -- yes, I -- yes, I should have,

1 if I could have, I would've.

2 THE COURT: Did Hunter have his phone when he was
3 bit by the dog?

4 THE WITNESS: No, I don't believe he did. Or if he
5 did, it stayed at the scene. Sometimes if he was in the car,
6 he might not have had it with him.

7 THE COURT: What about contacting Mr. Cox's wife
8 twice and offering her information regarding Maggie, do you
9 think that contributed to the conflict between you and mom?

10 THE WITNESS: He -- oh, Clint's ex-wife.

11 THE COURT: Yes.

12 THE WITNESS: We both contacted each other, and we
13 didn't know what was going on because I didn't know she was
14 married and moved again. She didn't know -- he was buried and
15 living with someone in her house.

16 THE COURT: So you contacted her -- her before Mr.
17 and Mrs. Cox separated. Yeah, we were -- they were all in
18 school together. They were all in Green Valley Christian
19 together.

20 THE COURT: They all?

21 THE WITNESS: Oh, their -- his two kids with his
22 four, fifth wife, and then Hunter and they were all at
23 school -- at the same school.

24 THE COURT: And Danica also went to that same school

1 at some point, right?

2 THE WITNESS: I don't know if she did or not. I
3 don't know if she was even born when Hunter was still there.

4 THE COURT: Now, the complaints about Facebook with
5 Hunter, right, his mom, wasn't just that he was friends with
6 Alex on Facebook, right?

7 THE WITNESS: As far as I know, that's what it was.
8 I don't know if there's more complaints. I haven't seen
9 anything that says there's more.

10 THE COURT: What -- did you read the Facebook posts
11 that she provided to the Court?

12 THE WITNESS: I don't remember saying it off the top
13 of my head.

14 MR. PAGE: It -- it was back from July of 2020. He
15 doesn't remember. I don't remember. I probably haven't
16 looked at the exhibit in well over a year's time and he
17 certainly hasn't looked at it after I --

18 THE WITNESS: I don't know which one it is. If I
19 see it, I could tell you --

20 THE COURT: There was bad stuff said about Ms. Cox
21 by your wife and her friends on Facebook, right?

22 THE WITNESS: I don't know -- I don't know which one
23 is talking -- if you could re -- or if I could see it, I
24 would I'll comment on it. I don't know which one it is or if

1 it was even directed at her.

2 THE COURT: Why would you even allow Hunter to have
3 Facebook before he turned 13?

4 THE WITNESS: One, to document his sports and -- and
5 his St. Baldrick's and everything to have that for him when he
6 does get older. And he is limited in what he could see on
7 Facebook. We make that very clear with him. He -- there is
8 parental controls on there that he cannot take off.

9 THE COURT: What do you think you could do to
10 improve your co-parenting relationship with Ms. Cox?

11 THE WITNESS: I -- I think I'm trying to ask him if,
12 if he wants to call his mom, we could go through, you know, if
13 we have to go talk to the -- the -- Dr. Collins, we'll go do
14 that. If he wants to continue that relationship -- I ask him
15 all the time, if he wants to continue, I am 100 percent
16 supportive of what he wants to do.

17 THE COURT: But I'm talking more about your ability
18 to communicate effectively and cooperate with his mother.

19 THE WITNESS: I -- I think we've been trying, we've
20 been sending all the -- the sports information, like his game
21 schedule, his practice schedule, where they're at, when
22 they're going. We -- we try to update it as -- as soon as we
23 get it, so she has the opportunity to -- to attend. Before
24 she was not allowed to. But yes, we've been doing that.

1 THE COURT: I think that was everything.

2 All right. Mr. Page, you're up.

3 REDIRECT EXAMINATION

4 BY MR. PAGE:

5 Q Mr. Roe, you've been asked a few questions about
6 what you can do to maybe improve your relationship with Ms.
7 Cox, at least as far as it relates to co-parenting. What
8 issues do you have in co-parenting with Marianne?

9 A I don't have any.

10 Q Have you ever had any?

11 A In the very, very beginning, obviously, but since --
12 since Maggie and I are no longer, we haven't had any.

13 Q So you only had conflict with Marianne and your
14 co-parenting relationships during the time you were parent --
15 you were married to Maggie, correct?

16 MR. GRIMES: Objection. Leading.

17 MR. PAGE: Well, I'll rephrase it.

18 THE COURT: Overruled.

19 MR. PAGE: Okay. It was overruled.

20 BY MR. PAGE:

21 Q While you were married to Maggie, was there another
22 sexual abuse allegation made?

23 A Yes.

24 MR. GRIMES: Objection. Relevance. Precluded under

1 *McMonigle.*

2 MR. PAGE: The Court's ask these questions about the
3 co-parenting relationship and I'm going into that.

4 THE COURT: It's probably -- I'm making -- you want
5 to make an offer proof?

6 MR. PAGE: Yes. It's -- the conflict only exists in
7 the co-parenting relationship with Maggie's involved. As part
8 of that conflict, she made an allegation that Marianne's
9 boyfriend was sexually abusing the kids. As soon as Maggie
10 was out of the picture, all the conflict between Jason and
11 Marianne disappeared.

12 THE COURT: I'm going -- I'm going to sustain the
13 objection. I -- I think I got the picture of what -- what
14 he's trying to say about the history of his co-parenting
15 relationship with Marianne. Marianne, right?

16 THE WITNESS: Yeah. Marianne. It's spelled wrong.
17 Marianne. Poor lady. Marianne.

18 BY MR. PAGE:

19 Q So as it relates to Marianne, are you able to meet
20 socially?

21 A Yes.

22 Q Are you able to celebrate holidays together?

23 A Yes.

24 Q Are you able to celebrate birthdays together?

1 A Yes.

2 Q Are you able to exchange the children without
3 conflict?

4 A Yes.

5 Q Is any of that possible with Maggie?

6 A No.

7 Q Why do you believe that's not possible with Maggie?

8 A She -- she absolutely refuses to have any sort of
9 normalcy with any of our situations.

10 Q You -- you were asked by the Court as to what you
11 could do to make things better, but the fact that Maggie won't
12 communicate with you outside of Our Family Wizard, you can't
13 celebrate birthdays or holidays together, whose fault is that?

14 A Certainly not mine. I -- point to Maggie on that.

15 Q You're able to do those sorts of holidays, birthdays
16 and other things with Marianne. Is there any reason you
17 should not be able to do that with Maggie?

18 A No, there's no reason.

19 Q Who has been the only person that's prevented those
20 sorts of interactions from taking place?

21 A Maggie.

22 Q You were asked about the dog bite incident, and you
23 were also asked why didn't you speak to Maggie about it
24 sooner. Who were you first trying to make sure that was taken

1 care of first?

2 A Hunter.

3 Q Why did you do that?

4 A Because I want to make sure he's okay. I -- my
5 responsibility is to Hunter at that time, not to make a phone
6 call.

7 Q You were asked some question about Exhibit 2. Could
8 you go ahead and turn to that exhibit, please, in the black
9 book?

10 A Yeah. Okay.

11 Q Okay. Now, you see here where you're being asked --
12 or Maggie sends an e-mail to you on Saturday, November 20 at
13 9:32?

14 A Yes.

15 Q And it says, Jason, this was an emergency. You
16 should have called me directly from your phone and that she
17 has not -- and she has not blocked Alexandra's number. At any
18 point in there in her e-mail to you, did she ever ask how
19 Hunter was doing?

20 A No.

21 Q Was that a concern to you?

22 A Yes.

23 Q Okay. So could you look at your response in the
24 e-mail, in the block right above there, on November 11th at --

1 or November 7 at 20 -- at 9:14 p.m.?

2 A Mm-hmm.

3 Q And your response is, wow. Just wow. You can't
4 even bother to ask if he's okay. Your priorities as a mother
5 are laughable. No wonder he didn't ask for you.

6 Are these some of the types of e-mails that you're --
7 you're expressing your frustration?

8 A Yes.

9 Q Is this something that you're trying to learn from
10 --

11 A Yes.

12 Q -- and do better?

13 A Yes.

14 Q However, that being said, would you have hoped that
15 she would've had more concern about Hunter rather than
16 herself?

17 A I would hope so, yes.

18 Q Did you also mention to Maggie in this e-mail that
19 you blocked her number, the -- block Alexandra's number --
20 that the calls go straight to voicemail and the texts are
21 undeliverable?

22 A Yes.

23 Q Now, I'm going to jump back down to the e-mail right
24 below that where Maggie said that she spoke to Hunter on the

1 phone several times, but he had not said anything about that.
2 Are you concerned about whether Hunter's having a good
3 relationship with Maggie at that point even?

4 A Yeah. He did say something about that on the phone
5 to her. He asked her to please read the e-mail. He was still
6 very upset at the time and did not really want to discuss it
7 over the phone. And he did tell her, please read the e-mail.

8 Q And when you say, please read the e-mails at the
9 e-mail from you or --

10 A Yes.

11 Q Okay.

12 A Yes.

13 Q And I think because -- I want to make sure to
14 refresh your recollection and the Court's recollection, when
15 did she eventually read the e-mail that you sent to her about
16 the dog bite?

17 A It was five days later.

18 Q Is this the sort of situation where she's not asking
19 anything about Hunter, that she put Hunter's priorities before
20 her own?

21 A Say that -- I --

22 Q That she puts Hunter's -- that she puts her --
23 Hunter's need before that of her own?

24 A No, she does not.

1 Q Let's go ahead and talk about St. Baldrick's. You
2 were asked by counsel as to whether you asked Maggie's
3 permission as to whether you can -- whether Hunter could be
4 involved with St. Baldrick's.

5 A Mm-hmm.

6 Q Do you ever ask that Maggie be involved with
7 St. Baldrick's during Hunter's time?

8 A Well, when he's with -- almost every single one has
9 been on my time and I didn't know that I had to, for something
10 he volunteers to do.

11 Q Okay. Was there any expectation that Maggie have to
12 devote some portion of her time to St Baldrick's?

13 A No. When we sent her this -- the information about
14 it when she could attend.

15 Q Has Maggie ever sent any objection to you saying, I
16 don't want my child involve in St Baldrick's?

17 A No.

18 Q Has Maggie ever stated, I don't want Hunter to shave
19 his head in support of children with cancer?

20 A No.

21 Q Has Maggie ever made any comment as to the amounts
22 of money that Hunter's been able to raise on behalf of these
23 kids?

24 A Not to me, no.

1 Q Who decided that Hunter was going to be involved in
2 St. Baldrick's?

3 A He did.

4 Q Do you know how he came about that decision?

5 A A friend of mine from when I was with the Olympic
6 Team was in town visiting. And we were at -- at dinner at the
7 place where they hold this particular event. He was in a full
8 leg cast and just had ear surgery and he read the flyer on the
9 table and said, wow, I thought I had it rough. He says, how
10 do I get involved?

11 The owner was -- happened to be behind. We asked.
12 He said, well, you could start, you know, anytime you want,
13 raise money, show up. If you could shake your head or not.
14 And he says, I want to do it. And I believe Alexandra made a
15 post that night and we -- he raised 250 bucks that night. He
16 came back down to the next thing and shaved his head.

17 Q At any point in the five or so years that Hunter's
18 been involved, has -- outside of today, has Maggie ever made
19 any mention of St. Baldrick's?

20 A No.

21 Q So as far as you can tell, has Maggie cared about
22 St. Baldrick's outside of today?

23 A No.

24 Q You were asked by counsel as to the differences

1 between emergencies and sending things by e-mail and should
2 call for emergencies and e-mail can be regular things. What
3 are the difficulties you have in ever trying to contact Maggie
4 telephonically?

5 A Either -- or we've been blocked. Alexandra's been
6 blocked. Leaving a message. She never had -- it's always
7 e-mail is full, or messages are full; messages are full. You
8 can't even leave a message.

9 Q You heard the line of questioning, or you're
10 involved in line of questioning regarding whether you should
11 have found a way to contact Maggie while Hunter was going
12 through surgery. At that time, what was more important to
13 you, Hunter's health, or Maggie's needs?

14 A I was standing right next to him when they were
15 sewing him up and I was more concerned about Hunter.

16 Q You recall the line of questioning about, well, what
17 if Hunter did this? What if Hunter did that? What if Hunter
18 hit you with a big stick or hit Alexandra with a big stick?
19 What discipline problems do you have with Hunter?

20 A I don't. Very rarely does he even talk back. If he
21 slips under a B in a grade, which is rare, things are removed.
22 It's not even a problem. I mean, he's 12 going on 20 and the
23 sarcasm, it's just a look down. That's enough. You know, I
24 don't have any discipline problems. He's never acted out.

1 Q What is the reason you think that Maggie's unable to
2 handle Hunter at your -- at her house?

3 A I think she antagonizes him and there's no set
4 rules, or if this happens, X, Y, and Z happens, or vice versa
5 I don't think that any of that exists over there.

6 Q Since this divorce initiated back in 2011, have you
7 been -- ever been able to communicate with Maggie in any
8 meaningful way?

9 A No. No. Sadly.

10 Q What agreements have you been able to come with Mag
11 -- to with Maggie regarding healthcare for Hunter?

12 A None. It -- and at all. I mean -- and doctor --
13 doctor -- same doctor, he needs to have this ear surgery.
14 Okay. That's it. But it wasn't discussed amongst each other.

15 Q Were you or are you able to discuss those things,
16 sorts of things with Marianne?

17 A Yes.

18 Q What is the difference in your opinion as to why you
19 can discuss those things with Marianne, but why you can't
20 discuss those with Maggie?

21 A Because she isn't causing a problem. She isn't
22 creating a problem that's there. I mean, just pick up the
23 phone or, I mean, at the time she lived down the street, so it
24 wasn't what you -- back and forth. She could knock on the

1 door.

2 Q Right now, all exchanges have to be done in public.
3 What do you think would happen if the exchanges of Hunter
4 weren't in public?

5 A I think there would be a situation where police were
6 called at -- well, they'd been called when they were in public
7 too, so I guess, never mind. I don't know. They wouldn't be
8 good.

9 Q Did you ever have to have your exchange with
10 Marianne in public?

11 A No. I'm trying to think, but I don't believe so.

12 Q You were asked also questions about whether you do
13 the -- the exchanges with Hunter. Where do most of the
14 exchanges occur now anyway?

15 A At the school.

16 Q If they didn't at occur at the school, it would be
17 during, say, winter break or the summer?

18 A Correct.

19 Q You were asked a question, your response was about
20 Maggie's behavior. You've never seen a parent act that way,
21 screaming, yelling, pushing, and shoving. What are the sorts
22 of things that Maggie screams and yells about?

23 MR. GRIMES: Objection. Lack of foundation.

24 BY MR. PAGE:

1 Q After 2017, what are the sorts of things Maggie
2 screams and yells about?

3 A That Alexandra is nothing to him. She shouldn't be
4 around him, that she's his mother. Alexandra's not his
5 mother. That we've never discussed this and screaming and
6 yelling at event or whatever. Never -- it's always something
7 blown out of proportion.

8 Q Has Hunter ever been present for some of these
9 outbursts?

10 A Almost all of them.

11 Q What impact do you think that has on Hunter?

12 A A lot.

13 Q About Alexandra, what problem do you think Maggie
14 has with Alexandra?

15 A Probably that Hunter has such a great relationship
16 with her that, you know, it's -- they do a lot of things
17 together. They -- we do a lot of things together, but she's
18 there for a lot of his time also. I mean, she works from
19 home, so, you know, she's there.

20 Q What issues have Marianne ever had with Alexandra?

21 A None. They talk more than I talk with her.

22 Q What are some examples of where you've seen Maggie
23 pushing and shoving?

24 A At exchanges at Green Valley Christian. Anytime

1 there is a face-to-face type of thing. Not anytime, I take
2 that back. At some points when she wants to get in front of
3 Alexandra who's trying to take a picture. She's pushed her
4 way in front to do those kind of things.

5 Q So Alexandra's trying to take a picture and she
6 blocks it?

7 A Yes.

8 Q Who's Alexandra taking a picture of?

9 A Hunter.

10 Q Do you know why Maggie refuses to allow Alexandra to
11 take a picture of Hunter?

12 A I don't know. If -- she thinks she shouldn't be
13 there, I guess. I don't know.

14 Q Does Marianne ever prevent Alexandra from taking a
15 photograph?

16 A No. She asks her to send them.

17 Q Now, you were asked some questions about whether
18 Maggie can attend professional development?

19 A Yeah. Oh, yes.

20 Q Okay. You saw the dates that Maggie has traveled to
21 Cincinnati and New Orleans?

22 A Mm-hmm.

23 Q Do those travel dates appear to you, at least, to be
24 during the school year?

1 A Yes.

2 Q If those travel -- if that travel during the school
3 year appears that Maggie is missing time from her classroom in
4 order to -- to do that?

5 A Yes.

6 Q When you were with Marianne, did she -- when she did
7 professional development, did she travel out of state during
8 the school term?

9 A No. In fact, I -- I think she did all of hers
10 online.

11 Q Are you aware of any reason why Maggie couldn't do
12 the profession development online?

13 A Uh-huh.

14 Q You were asked some questions about a trip to Hawaii
15 and some of the details, I think, were a bit left out. What
16 was the reason for the trip to Hawaii, so the Court
17 understands?

18 A Well, we had a -- a trip planned for quite some
19 time. Also, because Hunter had graduated from fifth grade, we
20 wanted to reward him with something nice. We had planned it
21 for that. However, that, you know, he knew he was going to
22 go, it was just when. And he, you know, has done well in
23 school. We wanted to do that. We never really got a
24 honeymoon either type of thing. It was like a whole

1 combination of things that -- you know, he's always wanted to
2 go see Hawaii. So we planned it.

3 Q What communication did you send to Maggie about the
4 trip to Hawaii?

5 A I believe we sent her the flight information and the
6 hotel that we were staying at, the island we were staying on.

7 Q And how much before the trip did you send that to
8 her?

9 A I don't remember, but it -- I didn't know it had
10 mattered at that point.

11 Q And this is when you had sole legal custody?

12 A That's correct.

13 Q When Hunter was in Hawaii, was he still able to keep
14 up with his schoolwork?

15 A Oh, yeah.

16 Q How was able to do that?

17 A He has his laptop, and we got the Wi-Fi at the
18 hotel.

19 Q Did he actually spend a portion of his days doing
20 schoolwork?

21 A Yes.

22 Q And similarly, some of the details about the trip to
23 Idaho may be missing. Could you explain to the Court what
24 happened there?

1 A Well, he also was there to raise money, again, for
2 St. Baldrick's. And we were originally supposed to cook for
3 the restaurant. It didn't happen just because of weather.
4 But he did raise money. He goes up there and that's part of
5 his thing, he likes to raise money up there. They -- they
6 support him. They send him a check if he's not there. They
7 do -- they do a lot of the fundraising for him. It's a place
8 where my father retired to. And we've been going up there
9 every year.

10 Q For that trip, did you let Maggie know that you were
11 going to travel?

12 A Yes.

13 Q Did Hunter miss any school for that?

14 A No. Well, he did it online. Was he --

15 Q Okay, good. As to school choice, have you and
16 Maggie ever been able to agree on the school for Hunter?

17 A No.

18 Q Tell me about some things about the schools that
19 Maggie always wanted to choose?

20 MR. GRIMES: I'm going to object. It's beyond the
21 scope of my cross.

22 MR. PAGE: You did ask about schools.

23 MR. GRIMES: I don't believe I did.

24 MR. PAGE: Well, you asked about joint legal

1 custody, and this has to do with joint legal custody. Also
2 has to do with the factors under 125C.10035, the ability of
3 the parties cooperate.

4 THE COURT: I'm going to -- I'm going to sustain it
5 because they did -- you did finally agree on something,
6 because I have a stipulation in order about the school he's
7 currently going to. So I'm going to sustain that.

8 BY MR. PAGE:

9 Q You were asked about the insurance cards. For the
10 insurance cards, were those supposed to be updated annually?

11 A Yes.

12 Q Describe for the Court, what difficulties you had in
13 getting those insurance cards from Maggie?

14 A We sent multiple e-mails. I believe we even text or
15 at some point because we weren't getting -- she doesn't read
16 the e-mails and getting close to an appointment time where he
17 has to get his glasses done, still haven't -- I believe we
18 text and said, can you please provide the insurance. A day or
19 so later still went by before she even did that.

20 Q If Alexandra's insurance is primary, do you think
21 you'd have those problems in the future?

22 A No, none at all.

23 Q You were asked about whether Hunter referred to
24 Maggie as a delusional lunatic. Has he ever referred to

1 either you or Alexandra in that way?

2 A Not that I'm aware of.

3 Q Okay. What did you say to -- well, did you find out
4 that Hunter had said something like that?

5 A I had heard that, yes, through -- I can't remember
6 whose report I heard that, and I asked him about it. And he
7 said this, yes, he did call her that. And I explained to him
8 that that is not appropriate, that you're not allowed to talk
9 to your mother about or to her face like that.

10 Q And what was Hunter's reaction and response?

11 A He agreed. And he did say he was sorry to me. I
12 don't know if he ever said it to her, but he agreed that that
13 was not appropriate.

14 Q As far as you know, has anything like that ever
15 cropped up again?

16 A I don't think so. Not that I'm aware of.

17 Q Did Hunter explain why he called his mother that?

18 A This -- I believe this was after -- when his dog
19 died, Zoey was dying. I did call or text Maggie and ask if he
20 could see Zoey via zoom or whatever, because he wanted to be
21 there if we were going to put her down. She was going to die
22 that day; we had an appointment in a half an hour. She let
23 him watch. I turned the camera away right before she died.
24 It was over with. Thank you.

1 Then she, according to what I've heard, is that they
2 went out to celebrate and he was told that that's not her --
3 that's wasn't his dog, that was Alexandra's dog, and let's go
4 pick out donuts.

5 Q Did Hunter regard Zoey as his dog?

6 A Yes, very much so. That dog never left his room.

7 Q Do you think that hurt Hunter for Maggie to tell him
8 that the dog was really Alexandra's dog and not really his
9 dog?

10 A Yes. He feeds the dogs.

11 Q I'm sorry?

12 A He feeds them.

13 Q If Hunter has issues with Maggie as to whether she
14 acknowledges his viewpoint, that may contribute to some of the
15 strain in their relationship?

16 A I agree.

17 Q You see in Ms. Zelensky's report that Hunter related
18 -- rated his relationship with Maggie as being a four?

19 A Yes.

20 Q What concerns does that give you?

21 A They -- it gives me a lot of concerns. I -- I -- I
22 never thought when I grew up, my relationship with my mom was
23 poor or with my father was poor or with my stepdad or with my
24 stepmom. I thought it was great the whole time. I think

1 that's a -- an alarm.

2 MR. PAGE: I'll pass the witness.

3 RE CROSS EXAMINATION

4 BY MR. GRIMES:

5 Q Jason, would you turn to Exhibit 2, please? You're
6 there?

7 A Yep.

8 Q All right. And we're, for the record, we're looking
9 at PLTF0155, correct?

10 A Yes.

11 Q Okay. Can you identify the very first e-mail that
12 you sent to Maggie?

13 A Yes. I believe that's -- unless there's another
14 page. I -- just on that page? 11/3, 11/7. Yeah. The bottom
15 one.

16 Q The bottom one, correct?

17 A Yep.

18 Q Can you read that out loud, please?

19 A Hunter was attacked by a pit bull last night. The
20 dog was euthanized on site. I did not have any phone of -- I
21 did not have my phone and was unable to call or Wizard without
22 it. Alexandra tried to call you multiple times. Your phone
23 goes straight to voicemail, or the voicemail is full.
24 Apparently, you still have her number blocked. It just picked

1 my phone up from the -- I just picked my phone up from the
2 office and is able to e-mail. He was treated for dog bites at
3 UMC. He has a few spots with stitches, no major damage.
4 Antibiotics and Tylenol were given for pain. He's in good
5 spirits. He's asleep right now. I'll have him call tomorrow.

6 Q Okay. In reading that, does that sound like an
7 emergency?

8 A I don't know how -- I mean, I could put it in all
9 caps, but I didn't.

10 Q All right. Let's break it down. The dog with was
11 euthanized. What does that mean?

12 A The dog was put down. He was killed.

13 Q And, in fact, there was two shots fired, correct?

14 A I don't know how many shots were fired, but I've
15 heard that. I wasn't there, so.

16 Q Okay. Let's put it a different way. The dog wasn't
17 euthanized, he was shot at the scene, correct?

18 A Yes.

19 Q And you didn't tell Maggie that, did you?

20 A I didn't know if I needed to tell her how the dog
21 was killed.

22 Q Okay. He had -- I just want to make sure I get this
23 correct. He has a few spots with stitches.

24 A Mm-hmm. Four.

1 Q Okay. Your earlier testimony was that he had two
2 plastic surgeons working with him?

3 A Correct.

4 Q Okay. That's a little different than a few
5 stitches, isn't it?

6 A Well, considering anything on the face or the eyes,
7 I would recommend a plastic surgeon --

8 Q Okay.

9 A -- doing it. Yeah.

10 Q He was also admitted to the hospital that night,
11 correct?

12 A Because he couldn't wake up, correct.

13 Q And your testimony, you remained with him throughout
14 the night, correct?

15 A That's correct.

16 Q Okay. That's not mentioned is it?

17 A Okay. I didn't know that I had to say that I was
18 there with him all night either, but.

19 Q Okay. So we've already gone through Maggie's
20 response a few days later, correct? You read that previously?

21 A Yes.

22 Q Okay. And then we got into your response. Can you
23 read your response? Just the first line first.

24 A Wow. Just wow. You can't even bother to ask if

1 he's okay. Your priorities as a mother are laughable.

2 No wonder he did not ask for you.

3 Q So I want to stop there. What -- what, in your
4 notification, indicated that he was -- that -- that she needed
5 to check on his well-being? You said he was fine. A few
6 marks with stitches.

7 A Well, he had talked to her almost every night that
8 week and he expressed multiple times per conversation that she
9 needs to read the e-mail.

10 Q Okay.

11 A You would think someone would say what's wrong? She
12 actually said I'll get to it when I get to it, I'm busy.

13 Q Okay. At one point didn't you even take the phone
14 away from him and hang it up because you didn't like the tone
15 of the conversation?

16 A She started yelling at him and telling him, it's
17 none of his business what e-mails are sent are not sent.

18 Q Okay. So she was telling him that what was going on
19 in OFW was not -- none of his business, correct?

20 A I don't know if she said OFW. She says, that's none
21 of your business --

22 Q Okay.

23 A -- and was screaming at him.

24 Q All right. All right. Let's turn the page again.

1 Let's go down to -- because they're in reverse order. You
2 sent an e-mail on Sunday, November 8th at 6:36, correct?

3 A Mm-hmm.

4 Q Can you read that e-mail?

5 A Hunter has an appointment on 11/10 to -- at 2:00
6 p.m. to have his stitches removed.

7 Q Then you give the address?

8 A Yep.

9 Q Okay. Before making that -- by the way, whose
10 custodial time would that have been?

11 A I can't remember if we had him or -- or -- or she
12 had him. I -- I want to say she was going to have him, but --

13 Q Okay.

14 A -- I cannot remember if this was on a Sunday, I'm
15 assuming on Monday it was her.

16 Q Fair enough. Okay. Did you discuss making that
17 appointment with Maggie?

18 A I don't believe we even made the appointment. I
19 believe they did that in the hospital.

20 Q Okay. So the answer is no, correct?

21 MR. PAGE: Objection, misstates his testimony.

22 MR. GRIMES: The question was, did he discuss this
23 with Maggie?

24 MR. PAGE: And his answer was that it's the

1 doctor --

2 MR. GRIMES: I don't believe we even did. So the
3 answer would be no, he did not discuss it. That's --

4 MR. PAGE: The answer was the hosp -- the
5 physician's office made the appointment, not him.

6 THE COURT: Getting in a pissing match over -- over
7 a little thing there.

8 MR. GRIMES: I'll withdraw the question and move on.

9 BY MR. GRIMES:

10 Q Let's assume you're correct and the hospital made
11 the appointment. That means you left the hospital on the 3rd
12 with that appointment in hand; is that correct?

13 A Yes.

14 Q And the first notice that you sent Maggie was on the
15 10th or on the 8th, correct?

16 A That's correct.

17 Q Okay. So five days before you notified her of an
18 appointment, correct?

19 A Yes.

20 Q All right. Can you read Maggie's response, please?

21 A Jason, this is the first I am being informed of this
22 appointment following the potential -- what potentially was a
23 terrible dog attack. I have no information about the injury,
24 documentation has not been sent to me, and I do not know this

1 doctor. Was this doctor who evaluated him and did the
2 stitches. Please send documents, appointment. I am very
3 concerned, but I have no information until I see Hunter
4 tomorrow.

5 Q Okay. And your response?

6 A I want to see if I -- take him to his appointment at
7 Tuesday, 2:00 p.m. to have his stitches removed. If you are
8 unable to get him there, please let me know and I will make
9 other arrangements.

10 Q Do you consider that appropriate language?

11 A Looking back, probably not.

12 Q Do you consider that appropriate tone?

13 A Probably not.

14 Q Would you appreciate being treated that way if the
15 roles were reversed?

16 A It really wouldn't affect me much at all. It
17 doesn't.

18 Q Fair enough. All right. On redirect, you were
19 asked about outbursts. Okay?

20 A About what --

21 Q Maggie's outburst and yelling.

22 A Mm-hmm.

23 Q I want you to be specific, since June of 2017, what
24 outbursts have you witnessed?

1 A Exchanges at the McDonald's, multiple times where
2 she called the police and had them do standbys. She would
3 scream and yell, tell them I have a gun there. Those kind of
4 things. Yes. I've seen those.

5 Q Okay.

6 A Almost every single time we exchanged.

7 Q You're telling me that there are -- that every time
8 since 2017, there's -- that there's been an exchange she's
9 called the police?

10 A Almost every time.

11 Q And yet there's not a single blue card or incident
12 where I --

13 A There are red cards and we have submitted them
14 before.

15 Q I understand. They're not here today, are they?

16 A It -- it doesn't really matter at this point,
17 honestly.

18 Q Okay.

19 A Like it's -- I mean, it's going to happen. It's
20 still going to continue to happen.

21 Q All right. You referred to an incident where Maggie
22 didn't let your wife take photos.

23 A Mm-hmm.

24 Q Okay. Isn't that raised in your motion in 2017, as

1 well?

2 A I believe so.

3 Q So that's actually prior to 2017?

4 A It's happened multiple times.

5 Q Okay. But, again, we have no exhibits other than
6 your testimony today to back that up, correct?

7 A Correct.

8 Q In fact, I find it interesting in your motion in
9 2017, which -- I'm sorry, let's rephrase that. Your
10 opposition and encounter motion --

11 A Mm-hmm.

12 Q -- you assert that Maggie blocked the view and
13 wouldn't let you take pictures. Do you recall that?

14 A Yes.

15 Q And you said that you were going to attach those as
16 exhibits. Do you recall that?

17 A Yes.

18 Q Would it shock you they were never attached as
19 exhibits?

20 A I don't know.

21 Q Okay. You stated I don't -- and if -- if I'm
22 misstating, I want you to fix me. I have to write fast and
23 the questions come fast -- I don't think rules exist at
24 Maggie's.

1 Was that your testimony?

2 A I -- that's correct. I don't think they do.

3 Q What is that based on?

4 A The fact that there's issues over there with Hunter
5 and her and not issues at my house. If there were rules and
6 set examples of punishment or not, I don't think those
7 problems would exist.

8 Q Okay. So if she did it your way, everything would
9 be better?

10 A I didn't say my way was the correct way. I'm just
11 saying if there was an established rapport of right and wrong
12 or rules and consequences, I don't believe a lot of these
13 things would exist.

14 Q Do you believe that if you and Maggie cooperated in
15 decision making --

16 A I don't believe that's possible.

17 Q That's not my question.

18 A Okay.

19 Q If you did cooperate, do you believe that would
20 alleviate some of the problems?

21 A I don't actually think that would alleviate some of
22 the problems or any of them.

23 Q You've stated -- and, again, if I get it wrong,
24 please, correct me -- you believe she antagonizes him?

1 A Yes.

2 Q Thank you. What's that based on?

3 A The videos that she presented of him or his mother,
4 or -- see his, excuse me, her mother in his face with the
5 camera or he -- like having the phone and putting it behind
6 her back. And so I think that's antagonistic or having
7 someone always there filming him, that's antagonistic.

8 Q Okay.

9 A I mean, you see it with the paparazzi.

10 Q Have -- have you ever reached out to Maggie and
11 said, Maggie, let's talk about this videoing?

12 A No, because there is no reaching out.

13 Q Okay. The issue of St. Baldrick's was brought up
14 again. And I -- I just want to clarify this. I -- you
15 enrolled him in it with -- without discussing that with
16 Maggie, correct?

17 A I didn't enroll him in anything. He signed up.

18 Q All right. I'll rephrase.

19 A Okay.

20 Q You permitted him --

21 A Yes.

22 Q -- to begin working in -- in the St Baldrick's
23 program without discussing it with Maggie, correct?

24 A That's correct.

1 Q Okay. And you stated further that Maggie never
2 objected?

3 A Not that I'm aware of.

4 Q Okay. In fact, didn't she exchange a weekend with
5 you to permit a St Baldrick's event?

6 A No. She exchanged a -- a weekend with me because my
7 nephew was going to get married that weekend.

8 Q So it wasn't St. Baldrick's?

9 A Well, it also happened to be St. Baldrick's, but
10 that's why we did that.

11 Q Okay. But she has actually cooperated with you,
12 correct?

13 A There has been a couple times, yes.

14 Q Okay. I -- because I just want to make clear my
15 point was that you enrolled him without discussing it?

16 MR. PAGE: He didn't -- objection, misstates his
17 testimony.

18 MR. GRIMES: It doesn't misstate the way you
19 rephrased it. That's all I want to clarify.

20 THE WITNESS: I didn't know I needed to discuss with
21 her if he was volunteering to do something.

22 BY MR. GRIMES:

23 Q And I left that off. Okay.

24 A I just don't -- I don't know what --

1 Q All right. The issue on redirect was brought up
2 regarding Facebook and if I wrote down your comment, correct,
3 you said we limit what he can see on Facebook?

4 A That's correct.

5 Q Who's we?

6 A My wife and I.

7 Q So the parental decision is being made by you and
8 your wife and not by you and Maggie, correct?

9 A Well, because the phone is at our house and his
10 Facebook account is through us.

11 Q Okay. You also stated that you're 100 percent
12 supportive of what he wants to do. Do you recall that
13 testimony?

14 A Yes.

15 Q Okay. And -- and I just want to make sure it's
16 clear, that was relating to what he wants to do as far as his
17 relationship with his mother, correct?

18 A Yes.

19 Q Okay. So is it your testimony that if Hunter wants
20 to never see his mother again, you will support that?

21 A I will support it to it to a limit. I would still
22 encourage it. If it were ordered that he -- if she seeks
23 counseling or -- or whatever joint therapy or reunification
24 therapy, I will support that as well.

1 Q Okay. But you're going to support what Hunter
2 wants, correct?

3 A Yes.

4 Q How do you know what Hunter wants?

5 A He's pretty intelligent kid and pretty mature for
6 his age I believe through all of this.

7 Q The reality is you're having conversations with him
8 about it, aren't you?

9 A No --

10 MR. PAGE: Objection.

11 THE WITNESS: -- I don't --

12 MR. PAGE: Argumentative.

13 THE COURT: Overruled. Go ahead and answer.

14 THE WITNESS: Okay. I don't believe -- you know, he
15 can't hear anything. Can't see anything. He knows when she's
16 doing things. Obviously, he's heard, I've testified to that.
17 He's heard -- overheard things. He's not dumb.

18 BY MR. GRIMES:

19 Q Okay.

20 A But I don't bring up conversations with him if he
21 wants to talk about something. As I've said before, we'll
22 talk about it.

23 Q Okay.

24 A I don't discuss specifics in court cases.

1 Q I understand that.

2 But you do discuss what he wants to do regarding his
3 mother, correct?

4 A Because we were -- yes, we were told to.

5 Q Okay. Yeah. The last thing you raised was that
6 with your ex-wife, you're able to spend holidays and birthdays
7 and --

8 A Mm-hmm.

9 Q Okay.

10 A Yes. I'm sorry. I nodded or I didn't say yes yet.

11 Q That's fine. It's been 11 years. In 11 years, have
12 you ever invited Maggie to Christmas?

13 A It's not been possible.

14 Q In 11 years, have you ever invited Maggie to a
15 birthday party?

16 A It has never been possible.

17 Q In 11 years, have you ever invited Maggie to your
18 home?

19 A No. And be -- because there's a reason for that.

20 Q I understand. I'm just simply -- so when you say
21 it's not your fault that Maggie and you can't spend the
22 holidays together, that's what I wrote down, is that what you
23 stated on --

24 A It's --

1 Q -- or does it re- -- or does it reasonably summarize
2 your testimony on direct?

3 A I believe because of all the problems, they, these
4 are the reasons we cannot even go to a soccer game together.

5 Q Okay. But none of that is your fault, correct?

6 A I don't -- I don't believe I don't contribute to it
7 at all. I mean, it takes two, but I believe the majority of
8 it lies on Maggie.

9 Q Okay. And to be clear, there has not been a single
10 invitation to Maggie from you or your wife, correct?

11 A That's correct. That -- oh, I believe we invited
12 her to go to St. -- or to St. Baldrick's and stuff like that.

13 Q I'm talking about holidays.

14 A Holidays, no.

15 Q Okay. Thank you.

16 MR. GRIMES: I have no further questions.

17 THE COURT: I have nothing. I think we each got two
18 rounds. You have more for him?

19 MR. PAGE: Yeah.

20 THE COURT: What?

21 MR. PAGE: There's just a couple of things.

22 REDIRECT EXAMINATION

23 BY MR. PAGE:

24 Q What are the limits you put on Facebook for Hunter?

1 A Posts that he can and cannot see. He cannot see
2 posts that Maggie makes or jokes or not Maggie, makes
3 Alexandra makes or adult jokes, stuff like that. Stuff like
4 those kind of things.

5 Q So he can't see the posts Alexandra makes?

6 A Correct. Not all of them. Some of them. If it's a
7 picture of all of us, some -- those kind of things you can,
8 yes or no.

9 Q So you're asked here now about whether you've
10 invited Maggie over for birthdays or Christmases. Has she
11 ever invited you over for anything?

12 A No.

13 Q What has been the reaction of Maggie whenever
14 Alexandra has been present?

15 A It's a problem. It's screaming or yelling or -- or
16 removing Hunter. Anything. Yeah.

17 Q Okay. Because there's a problem whenever
18 Alexandra's present, what -- what point is there in you
19 inviting her to a family function?

20 A There isn't because I don't want Hunter to see that.

21 Q Has there ever been anything that Maggie's ever
22 invited you for since the divorce started?

23 A No.

24 Q If she wanted to have a better relationship, she

1 could have invited you as well, right?

2 A Correct.

3 MR. PAGE: No further questions.

4 THE COURT: All right.

5 MR. GRIMES: I -- I have one just on the last
6 portion.

7 THE COURT: All right.

8 RE CROSS EXAMINATION

9 BY MR. GRIMES:

10 Q There was a time where Hunter was enrolled in
11 Taekwondo by Maggie, correct?

12 MR. PAGE: Objection. Prior to 2017.

13 MR. GRIMES: Opened the door by saying whether or
14 not he had ever been invited to anything and he said no.

15 MR. PAGE: Actually, he opened the door and -- and I
16 followed up.

17 THE COURT: Okay. Overruled. I'll allow it.

18 BY MR. GRIMES:

19 Q There was --

20 A I do believe he was enrolled.

21 Q And very quickly, you were actually invited to belt
22 tests, correct?

23 A No, I was told that he was doing belt test. An
24 e-mail of this is the time and place for his belt test, not,

1 hey, would you like to come see his -- do his belt test.

2 Q Okay. Poor wording. But you were notified,
3 correct?

4 A Say -- yes.

5 MR. GRIMES: Okay. Nothing further.

6 THE COURT: All right. If you want to turn your
7 seat.

8 THE WITNESS: Okay.

9 THE COURT: We're done, right?

10 MR. PAGE: Mr. Roe is, yes. We're done subject to
11 recall.

12 THE COURT: Okay. I don't watch tennis matches for
13 that very reason. Sorry. Ping pong. The ping pong back and
14 forth. All right. Let's take our afternoon break, and then,
15 Mr. Page, you can go on with who your next witness is.

16 MR. PAGE: Yes, I believe I going to call Alexandra
17 Roe.

18 THE COURT: Okay. But let's take a -- a break. I
19 don't know how far the bathrooms are. Is 10 -- 10 minutes
20 enough or you guys want until 3:25.

21 MR. PAGE: Ten minutes is enough. I'm done with
22 Judge Henderson's hearing so.

23 THE COURT: Finally. Sorry.

24 MR. PAGE: I'm --

1 MR. GRIMES: I just need enough time to get bottle
2 of water. I can't figure out why I didn't do that at lunch.

3 THE COURT: All right. We -- we will come back at
4 3:25 then.

5 MR. GRIMES: All right. Thank you.

6 (COURT RECESSED AT 3:12 P.M AND RESUMED AT 3:27 P.M.)

7 THE COURT: On the record.

8 THE CLERK: We are back on the record.

9 THE COURT: Mr. Page, your next witness.

10 MR. PAGE: We would like to -- we'd like to next
11 call Alexandra Roe, please.

12 THE COURT: Okay. Anybody going to get her. Just
13 wondering?

14 MR. GRIMES: Hey, if we can't have fun doing some
15 this stuff, why do we do it, right?

16 THE COURT: I don't know certain people and jury
17 trials say, we're not having fun, we're not doing it right.

18 MR. GRIMES: Jury trials are not fun.

19 THE COURT: Some people think they are.

20 MR. GRIMES: Oh.

21 THE COURT: Have you watched some video recently in
22 recent jury trials, some people are having lots of fun.
23 Lots of fun. I was watching for learning how because we could
24 do jury trials, obviously, we can.

1 THE BAILIFF: You have to get up there and before
2 you sit down you, you can face the clerk.

3 THE CLERK: You can go ahead to the stand. Thank
4 you. Please raise your right hand. You do solemnly swear the
5 testimony you're about to give in this action shall be the
6 truth, the whole truth, and nothing but the truth, so help you
7 God?

8 THE WITNESS: I do.

9 THE CLERK: You may be seated. Please state your
10 name and spell your first and last name for the record,
11 please.

12 THE WITNESS: Alexandra Roe, A-L-E-X-A-N-D-R-A
13 R-O-E.

14 THE CLERK: Thank you.

15 ALEXANDRA ROE

16 called as a witness on behalf of the Defendant, having
17 been first duly sworn, did testify upon her oath as follows
18 on:

19 DIRECT EXAMINATION

20 BY MR. PAGE:

21 Q Alexandra, could you state your address for the
22 record, please?

23 A 5521 Eagle Claw Avenue, Las Vegas, Nevada 89130.

24 Q You are the husband of Jason -- you are the wife of

1 Jason Roe?

2 A Yes.

3 Q When did you and Jason get married to each other?

4 A June 11, 2016.

5 Q During that time, do you feel like you've been able
6 to -- well, first of all, did you know Jason for a while
7 before you married him?

8 A Yes.

9 Q About how long did you know him before you got
10 married?

11 A We've been together 10 years and we worked together
12 for two or three years prior so.

13 Q So do you feel based upon the amount of time that
14 you've known Mr. Roe, you've kind of know Hunter pretty well?

15 A Yes.

16 Q Right now, Hunter is staying exclusively with you
17 and Mr. Roe, how has that been going?

18 A It's been going well. He's happy. He's well
19 behaved. He's active. He's doing well in school. He is able
20 to engage with his friends. We don't have any issues.

21 Q Over the time that you've known Hunter, at least --
22 at least since June of 2017, what are some of the things here
23 that you've seen Maggie do to try and prevent a relationship
24 between Jason and Hunter?

1 A She's withheld Hunter from holidays, from Jason's
2 birthday, from Father's Day. When Jason's dad passed away, we
3 asked if we were able to switch days so he would be able to go
4 and say goodbye to his grandfather, who we knew had roughly 48
5 hours left. She refused that. Phone calls, anything that
6 Jason's involved in, as far as showing up at school, she tries
7 to take him away. There's not a -- she doesn't promote a
8 relationship with Jason.

9 Q You'll probably be asked some questions by counsel
10 as to whether, under the current court order, whether Jason's
11 allowed to have Hunter on his -- on Father's Day or on his
12 birthday. Do you know whether that's the case?

13 A After the updated holiday schedule, yes.

14 Q When you have to interact with Maggie what -- how
15 would you describe Maggie's behavior toward you?

16 A It's never pleasant. It's always screaming,
17 yelling. There's -- it's never -- it's never easy. It's --
18 it's always a fight. It's every -- it's always escalated.

19 Q Do you have an opinion as to why Maggie does that?

20 A I think Maggie is extremely jealous of me. I think
21 she's extremely jealous of my relationship with Hunter. I
22 think her hate for Jason takes precedence over what's best for
23 Hunter.

24 Q How would you describe your relationship with

1 Marianne?

2 A I have a great relationship with Marianne. We talk
3 often. We took Tori to go homecoming dress shopping together.
4 We do birthdays together, holidays together. We have a very
5 stable relationship.

6 Q What is your opinion as to why you have a good
7 relationship or a stable relationship with Marianne and -- and
8 not Maggie?

9 A Marianne's not high conflict. Maggie is extremely
10 high conflict. Maggie, if she doesn't get her way, it's
11 nobody's way. Marianne is very open to my thoughts, opinions,
12 suggestions.

13 Q You've been an observer and somewhat a participant,
14 how would you describe the level of conflict between Jason and
15 Maggie?

16 A It's outrageous. In the 10 years that I've been in
17 the picture, it's -- it's bad. It's -- cops are called
18 constantly. Exchanges are withheld. It got to the point
19 where we were in my vehicle, she wouldn't exchange Hunter.
20 Once exchanges were moved from the police station, she would
21 call and have Metro show up to standby for exchanges. It's
22 constantly a fight.

23 Q Do you know why Maggie felt she had to call Metro to
24 be present on standby for exchanges?

1 A I do not. They don't get out of the vehicle.
2 Hunter gets out of one vehicle and walks to the other.

3 Q In your opinion, is that -- does that require Metro
4 to be there on standby?

5 A Absolutely not.

6 Q In your time, have you ever seen any other parent
7 act in the way Maggie does?

8 A No.

9 Q Now, let's talk a little bit here about the ability
10 of the parents to cooperate regarding Hunter. How would you
11 describe Maggie and Jason's ability to cooperate to meet
12 Hunter's needs?

13 A They can't because they can't agree on anything.
14 It's -- if you tell Maggie the sky is blue, she'll say it's
15 purple. There is no cooperation.

16 Q When you look at the -- the conflict, who -- in your
17 opinion, who do you believe is the source of the conflict?

18 A Maggie is absolutely the source.

19 Q Why do you believe that?

20 A Just because she's withheld him from things that
21 were Jason's time. She's -- Hunter's missed out on a lot of
22 his childhood just because of her withholding him from games,
23 from school events, from friends, from birthday parties.
24 She's constant high conflict. She's always the victim.

1 Q Did there come a time when it was that you weren't
2 able to attend Hunter's soccer games?

3 A Yes. She actually had it to where I was not allowed
4 to attend games on her time, which was fine. If she was
5 actually going to bring him, then I absolutely wouldn't go.
6 But the fact that she wouldn't bring him, that she would get
7 what she wanted and then would still come up with a reason why
8 Hunter couldn't go to games.

9 Q Because of that, did Hunter have to miss one half of
10 his soccer games?

11 A Yes.

12 Q Now, Maggie appears to be physically healthy. Do
13 you have concerns about Maggie's mental health?

14 A I do.

15 Q What are those concerns that you have and why?

16 A Just the -- the interaction that I've had with her
17 over the years, she's not mentally stable. There's been
18 schools put on lockdown. Police have been called to school.
19 She's been trespassed out of school. She's tried to make
20 physical contact with me during this -- school.

21 I fear for Hunter. I actually fear for Danica, and
22 I feel fear for the children in her classroom because she is a
23 loose cannon and will go off instantly.

24 Q Okay. Could you tell me what -- what are the

1 concerns you have for Hunter that -- that Maggie might do?

2 A I fear that she will physically harm him. I fear
3 for his life. I would not put it past her to kill him, to be
4 honest with you. She's that unbelievable.

5 Q Now, let's talk about Hunter's physical development
6 and emotional needs. He's about 12 years of age now. When he
7 gets off from school, do you sometimes pick up Hunter?

8 A Yes.

9 Q Why is it that you sometimes pick up Hunter from
10 school?

11 A If he has guitar, I will typically pick him up just
12 so he doesn't have to walk home with his guitar. We live less
13 than a while from the school. So he does like to ride his
14 bike to school, but carrying a backpack and the guitar makes
15 it difficult.

16 Q Does sometimes Hunter bring his friends home from
17 school?

18 A He does. We have become the hangout house. He has
19 a few friends whose parents get off later and if they're not
20 taking the bus home, then he'll bring two or three of his
21 friends over and I'll make snacks and they'll work on
22 homework. They'll play video games until their parents get
23 home or get there to pick them up.

24 Q About how many times a week do you think that

1 occurs?

2 A I wouldn't say weekly, I'd say maybe two to three
3 times a month.

4 Q Based upon what you observed, are there any
5 behavioral problems with Hunter when he's at home?

6 A No, we don't have issues. The school doesn't have
7 issues since he's been with us. We've never been notified --
8 he's actually never been notified in any of the schools of any
9 behavioral issues nor with sports.

10 Q You're familiar with what's happened at Maggie's
11 house?

12 A Yes.

13 Q What is your take on why that is happening?

14 MR. GRIMES: Objection. Lack of foundation.

15 MR. PAGE: I asked for her opinion.

16 THE COURT: I'm going to sustain that because she
17 doesn't -- unless you establish she has personal knowledge.

18 BY MR. PAGE:

19 Q Are you familiar with the -- the pleadings in this
20 case and the arguments that have been made?

21 A Yes.

22 Q Okay. Based upon your familiarity with this case
23 and arguments that have been made, what is your opinion as to
24 why what's going on at Maggie's house is going on?

1 MR. GRIMES: Again, I'm going to object. Now he's
2 asking for a conjecture, either on other people's statements,
3 which would require a professional expert opinion, or for
4 hearsay.

5 MR. PAGE: One, it requires -- it's a layperson;
6 two, it's the Maggie statements that exist in the pleadings;
7 And three, she is aware of what's going on. She is to a
8 certain degree is a percipient witness and she does -- she's
9 able to give her layperson opinion.

10 THE COURT: Not without personal knowledge, so I'm
11 going to sustain that.

12 BY MR. PAGE:

13 Q Are you able to assist Hunter with this homework?

14 A Yes.

15 Q Do you assist Hunter with this homework?

16 A From time to time. He doesn't really ask for
17 assistance, but when he does, he'll either ask me or his
18 father and one of us, or both of us, depending on what it is.

19 Q How would you describe Hunter's relationship with
20 Jason?

21 A They have a great relationship.

22 Q What are some of the things about the relationship
23 that makes you believe it's a great relationship?

24 A They have open communication. Hunter's very

1 comfortable with his dad. He's -- they go and do things
2 together. They just -- they have a great bond. Jason's
3 coached him for years. It's -- they just -- they have a very
4 good relationship.

5 Q How would you describe your relationship --

6 A Not a toxic relationship.

7 Q I'm sorry, go ahead.

8 A It's not a toxic relationship.

9 Q Okay. How would you describe your relationship with
10 Hunter?

11 A I feel like I have a very good relationship with
12 Hunter as well.

13 Q What are the things that happen that make you
14 believe you have a good relationship with him?

15 A I've never had behavioral problems with him. Again,
16 he's open, communicating with me. He doesn't have a problem
17 expressing himself. I've always been around to support him in
18 anything that he's asked for, needed support in. We -- we
19 have a very good relationship.

20 Q Based upon your observations, how would you describe
21 Hunter's relationship with Maggie?

22 A I don't think it's very good. Again, the 10 years,
23 it's -- I think it's gotten worse since he's gotten older.
24 He's been withheld from things. And, again, with her mental

1 instability, it's -- it's toxic.

2 MR. GRIMES: Objection. Move to strike.

3 It's an expert -- without foundation.

4 MR. PAGE: She's able to give a layperson opinion.

5 THE COURT: Overruled.

6 BY MR. PAGE:

7 Q How would you describe Hunter's relationship with
8 Tori and Taylor?

9 A He has a great relationship with them as well.
10 T.J.'s moved to Colorado and in college, but they have a
11 standing couple hours on Mon -- I think Mondays that they play
12 video games and when T.J.'s home from college, he takes them
13 out.

14 They go to bowling, they go to movies, they do all
15 the sibling things. Obviously, there's a huge age difference,
16 but T.J. will take him to dinner with his girlfriend. They
17 have a really good relationship.

18 And same with Tori. Tori's 16, so she's very active
19 in volleyball and busy with her life, but they talk all the
20 time. They have a great relationship, and they always have.

21 Q Do you know if Hunter's able to have a relationship
22 with Taylor and Tori when he is with her -- with his mother?

23 A Absolutely not.

24 Q And how do you know that?

1 A There's been times where the kids have been at the
2 house and Jason has called on the court ordered call time.
3 They've tried to say hi, Maggie, automatically disconnect the
4 call. If Hunter's at her house during their birthday, he's
5 not allowed to call and wish happy birthday. She doesn't,
6 again, promote a relationship with them either.

7 Q In the past few years, have you noticed that Hunter
8 would come back to your house with marks on him?

9 A Yes.

10 Q How would you describe those marks that Hunter comes
11 back with?

12 A He's had bruises and scratches on him to the point
13 where we've actually questioned Maggie through Our Family
14 Wizard about where they've come from. He's said that Maggie
15 has made physical contact with him. He's also said that
16 Danica has hit him, scratched him. She did reply to one
17 e-mail saying that Danica did scratch him pretty bad, and she
18 separated him. But when we picked him up, the scratches were
19 a lot worse than what we were expecting to see. They weren't
20 typical little kid nail scratches.

21 Q What concerns does that give you about Hunter being
22 in Maggie's care?

23 A Major concerns because she cannot control her
24 household. She can't control the two kids. She can't -- she

1 obviously let's harm happen between them or with her.

2 Q What has Jason done to try and promote a
3 relationship between Hunter and Maggie?

4 A I think he's all -- he's always supported the
5 relationship. I think they're definitely more paralleled
6 parents. It's just easier because there is no co-parenting.
7 When Hunter's with Maggie, they do their thing. When Jason's
8 with -- or when Hunter's with Jason, he does his thing with
9 him, but when Hunter's come home and made comments, we've
10 never allowed him to badmouth her. We would just kind of shut
11 it down unless it got to the point where he was trying to
12 express things that were going on at the house.

13 We've always sent her the soccer schedules, school
14 schedules, events that he was doing. So she's -- she's always
15 been able to be included. She chooses not to be.

16 Q Okay. One of the questions of being asked of
17 Mr. Roe when he was on the stand was what he's done to invite
18 Maggie to birthdays, Christmases, holiday events, things like
19 that. Is it possible to invite Maggie?

20 A Absolutely not.

21 Q And why do you believe that?

22 A Because it's -- it's just a disaster waiting to
23 happen. There's -- they can't even be in the same room
24 together, let alone have a holiday or a birthday party

1 together. She can't walk in a classroom without him being
2 there and screaming and causing a scene.

3 Q Are you able to invite Marianne to birthdays,
4 Christmases, and holidays?

5 A Yes. We actually hosted Tori's Sweet 16 at our
6 house and Marianne was there. We do holidays with her all the
7 time.

8 Q What do you think the difference is between Marianne
9 and Maggie?

10 A Marianne's not high conflict. Maggie is very high
11 conflict and is the victim for everything.

12 Q Well, let's move on to an incident that happened I
13 believe was in November of 2020, there was a dog attack on
14 Hunter?

15 A Yes.

16 Q Can you tell us your understanding of what happened
17 when, I believe, you and Hunter were taking groceries to your
18 mother?

19 A Yes. I actually stayed in the car. I had ran into
20 my mom at Target. She was actually going over to my brother's
21 to babysit the kids. I was running to Target to pick up a
22 birthday present. And I had told her that I would just follow
23 her over there to drop the stuff off. And Hunter said that he
24 would help her take the bags up, so she didn't have to make

1 two trips. We had somewhere else to be, so I was like, okay,
2 hurry up, make it quick. And he ran up and apparently during
3 that time, the dog got out and had attacked Hunter.

4 Q Eventually, the -- the dog was put down?

5 A Yes. On --

6 Q I'm sorry?

7 A On site.

8 Q Yeah. Metro and an ambulance were called?

9 A Correct.

10 Q Hunter was taken to the hospital?

11 A Correct.

12 Q Did you attempt to contact Maggie?

13 A I did later. I got ahold of Jason first. Once we
14 got to the hospital, I did try to call Maggie later that
15 evening after he was stabilized. Maggie's had my phone number
16 blocked for years, so nothing was able to go through. Jason
17 did not have his phone, he left it at work just in the rush of
18 trying to get there. So there was a Our Family Wizard since
19 later that evening, I believe, or wee hours of the morning and
20 it took her almost a week to read it.

21 Q How do you know that Maggie's blocked your number?

22 A Typically, when you call a phone number, it doesn't
23 go straight to voicemail. And when you try to send a text
24 message, it shows that it's delivered. She has an iPhone. So

1 the fact that it doesn't show delivered.

2 We've been in Idaho, and he had tried calling off of
3 my phone because I had cell service. It would not go through,
4 go straight to voicemail, but then we were able to use
5 somebody else's phone and it went through within minutes.

6 Q And because of those distinctions, you believe that
7 she has your number just blocked?

8 A Yes.

9 Q Do you know why she would block your number?

10 A There were times when Hunter would call off of my
11 phone for the nightly phone calls and she had an issue with
12 that. She would say that it was court ordered that he was
13 only allowed to call off of Jason's phone and she refused to
14 take phone calls from me so she just, at that point, I
15 believe, blocked it because if calls would no longer go
16 through, they would just go through if he called off of
17 Jason's phone.

18 Q So did you ever call Maggie too much?

19 A No.

20 Q Did you --

21 A I would never call her. The only time there would
22 be a call off of my phone is if Hunter was doing his nightly
23 call off on my phone, whether Jason not be there at the time,
24 or we were out and busy and you looked at the time and it was,

1 like, oh, he's got a call. Call really quick. I don't think
2 it should really matter what he -- what number or what phone
3 he calls off of as long as he's calling the parent.

4 Q Did you text Maggie too much?

5 A No.

6 Q Would Jason have trouble getting phone calls from
7 Maggie's house when Hunter was there?

8 A Yes.

9 Q Could you describe that?

10 A I would say 90 percent of the time calls weren't
11 answered and they were never returned within 24 hours.
12 There's probably hundreds of Family Wizard's documenting that.

13 Q Do you know why Maggie would not allow Hunter to
14 call Jason from her house?

15 A My guess is because she doesn't want him to talk to
16 his dad.

17 Q Was Hunter on your -- a friend with you on Facebook?

18 A Yes.

19 Q Okay. Were there limits placed upon Hunter as to
20 what he could see on Facebook?

21 A There were. And basically, Hunter's Facebook
22 account was created so he was able to message his
23 grandparents. My parents live in Tennessee, so they were able
24 to send him little messages.

1 Really, Hunter wasn't active on Facebook. It was
2 just more of a way for them to have a communication with him.
3 And we could show him, look, Grammy said this, or gram sent a
4 message. Do you want to -- you can FaceTime Paul through
5 messenger. My dad and stepmom do not have iPhones. So that
6 was a way for him to talk to them.

7 Q What ability does Hunter have to see any of your
8 posts?

9 A Nothing, because he's listed as an acquaintance.

10 Q What kind of insurance do you have? Well, first of
11 all, where do you work?

12 A I work for Tesla Energy.

13 Q What kind of insurance do you have?

14 A We have Aetna, I believe. It just changed this year
15 to AetnA

16 Q Would you describe the insurance as good?

17 A Yes.

18 Q Okay. Are Tori and Taylor covered on the insurance?

19 A Yes. And they have been for years.

20 Q Is Hunter covered on the insurance?

21 A Yes.

22 Q Would you be okay if your insurance was listed as
23 primary for Hunter?

24 A Yes.

1 Q What issues have you run across in Maggie providing
2 insurance or providing updates regarding that?

3 A We've constantly run into issues. Most recent was
4 he broke his glasses at school. I believe it was in November.
5 Her insurance changed in August or September. I don't recall.
6 She did not provide the correct card. She only provided a
7 medical card.

8 Because of the urgency, Hunter wears glasses full
9 time, we had sent a text asking if she could provide the
10 updated vision insurance. She said she would look for it and
11 get back to us that evening. She never did. A couple days
12 went by, and she still hadn't provided it. There were
13 multiple our Family Wizard's sent.

14 About, almost a week later, there was another text
15 saying that we were going to have to just make an appointment
16 and pay out of pocket because her insurance was primary and
17 without the card or even knowing what the insurance was,
18 because when she took her new job, her insurance completely
19 changed. It was no longer through Teacher's Trust, so we
20 couldn't even guess what it was through. She finally decided
21 to send it almost a week later.

22 Q When you have -- when you're in the presence of
23 Maggie, is she screaming and yelling a lot?

24 A Most of the time, yes.

1 Q What is she screaming and yelling?

2 A What is?

3 Q Yeah. What -- what does she scream and yell?

4 A If it's towards me, I mean, she's told me before
5 that I'm nothing to Hunter. I'm not a stepparent. I've been
6 referred to as a flavor of the week. She's -- she's all --
7 she's -- it's always a screaming -- she's -- there's been -- I
8 want to say maybe in seven or eight years, she's come to two
9 soccer games, and she was screaming at parents, screaming at
10 coaches. There's been -- there was an incident in Hunter's
11 kindergarten classroom where she showed up and I was there and
12 she lost it, screaming and everything.

13 MR. GRIMES: Objection. Move to strike. It's prior
14 to 2017.

15 THE COURT: Sustained.

16 MR. PAGE: I'll move on.

17 BY MR. PAGE:

18 Q Has she ever made physical contact with you?

19 A She has attempted to. Yes.

20 Q Are you able to have an everyday ordinary
21 conversation with Marianne?

22 A Yes.

23 Q Are you able to have an ordinary everyday
24 conversation with Maggie?

1 A No.

2 Q Do you see that changing at any point in the near
3 future?

4 A No.

5 Q Would you like to be able to have an everyday
6 ordinary conversation with Maggie?

7 A I would like to, but at this point it's not
8 possible. I've tried over the past years and there's been
9 zero (indiscernible) from her. So it's really not even in the
10 cards at this point.

11 MR. PAGE: I'll pass the witness.

12 CROSS-EXAMINATION

13 BY MR. GRIMES:

14 Q Good afternoon, Ms. Roe, how are you today?

15 A Good. Yourself?

16 Q I'm fine. How do you prefer to be addressed? Ms.
17 Roe, Alexandra, Alex.

18 A Mrs. Roe.

19 Q Mrs. Roe. Okay. Mrs. Roe, you testified on direct
20 that -- that Maggie has withheld for holidays. Do you recall
21 that testimony?

22 A I do.

23 Q Okay. What holiday has she withheld from?

24 A She withheld Jason's birthday two years ago. She's

1 withheld multiple Father's days.

2 Q Okay. So let's address the birthday two years ago.
3 That would've been what date? 2019? 2020?

4 A It was April 14th, I want to say 2019.

5 Q Okay. Are you aware that there is no designation
6 for his birthday in the holiday schedule?

7 A That has all been changed. There was a holiday
8 schedule.

9 Q I -- I heard you say that. I just reviewed.
10 There's no holiday schedule. Are you aware of that?

11 A No, I'm not.

12 Q Okay. You talked about not permitting something
13 regarding the grandfather's death. When was that?

14 MR. PAGE: It was Jason's father.

15 THE WITNESS: That was Jason's father.

16 BY MR. GRIMES:

17 Q That would be Hunter's grandfather, right?

18 A Correct.

19 Q Okay. That's what I'm referring to. You referred
20 to him -- to Maggie not permitting something. When was that?

21 A I think Bruce passed away probably three years ago,
22 April 1st, March 31st of 2019.

23 Q Okay.

24 A I don't have the date off the top of my head.

1 Q That's close enough. I'll have to address it with
2 Maggie. So that's -- I just needed to know.

3 A There are Family Wizards, but the communication --

4 Q You also testified that there's numerous incidents
5 of cops arriving at exchanges. When was the most recent?

6 A The most recent was probably early 2020 from the
7 McDonald's. I mean, it became -- it was a -- it was a weekly
8 thing.

9 Q Okay.

10 A It lessened once we went to the week off -- week on,
11 week off schedule.

12 Q Okay. So following the custodial change, the police
13 became less of an incident; is that a fair way --

14 A Yes, because we exchanged --

15 Q -- of putting it?

16 A -- at school. So there wasn't --

17 Q Okay. Would you say that your presence was part of
18 the issue?

19 A I don't believe so, no.

20 Q Are you aware that the order says that you are not
21 to be present at exchanges unless it's an emergency?

22 A I am aware of that.

23 Q And yet you would appear anyway, wouldn't you?

24 A No, I would not.

1 Q Wouldn't you be a passenger in the vehicle?

2 A Not after that order was put into place.

3 Q You stated on direct -- and again, if I'm misquoting
4 you, please correct it. I have to write quickly.

5 A Okay.

6 Q You say that they can't agree on anything. If Jason
7 says the sky is blue, she'll claim it's purple. Do you recall
8 that?

9 A I do.

10 Q Okay. Can you give an example?

11 A It -- it's with anything. Anytime you try to get a
12 joint agreement. We can go with the school. For the longest
13 time, Maggie wanted him in a private school. That happened.
14 Once she was trespassed out of the school, we were able to get
15 him in a charter school. Then it was like, absolutely not.
16 He can't be in a charter school. Charter schools are
17 terrible. He has to go to a public school. But prior to
18 that, it was public schools are terrible, he has to be in a
19 private school.

20 Up until most recent, now, after he's been pulled
21 out of a charter school and back into a public school, then
22 she wants to put him in a charter school. It -- it's -- it
23 doesn't matter what you say or do, she wants to complete
24 opposite, even if she's agreed to it previously.

1 Q Okay. Since June of 2017, can you give me a
2 specific example of something Jason has requested that Maggie
3 patently refused to cooperate with?

4 A It's gotten to the point where we just stopped
5 requesting things.

6 Q So is it your testimony, then, that since June of
7 2017, there has been no such incidents?

8 A Outside of schooling and sports, no.

9 Q Okay. You stated that Hunter has been withheld from
10 sports --

11 A Yes.

12 Q -- is that correct?

13 A Yes.

14 Q When?

15 A His entire childhood youth soccer career he wasn't
16 allowed to attend any games that fell during her weeks or
17 weekends or times, custodial time.

18 Q Okay. So, again, I'm going to ask you, when was the
19 last game that he could not attend because he was with Maggie?

20 A I would have to look at a calendar, but it would be
21 up right up until she temporarily lost custody, so it would've
22 been fall of last year or fall of 2020.

23 Q You made the statement that you believe she would
24 even kill Hunter?

1 A I do.

2 Q What do you base that on?

3 A Her -- her behavior, her actions. I -- I honestly
4 think that her hate for Jason is enough to where she would put
5 Hunter in danger, harm him, if not kill him, just to keep him
6 away from his dad. That's my own personal opinion.

7 Q Hunter's never experienced a serious injury in
8 Maggie's care, to your knowledge, has he?

9 A Not that I'm aware of.

10 Q And yet he's had two serious injuries while in yours
11 and Jason's care, correct?

12 A I'm only aware of one and that was a freak accident.
13 I wouldn't call that a -- he wasn't put into harm's way
14 purposely.

15 Q I didn't say anybody was. I simply said he was
16 injured in yours and Jason's care, correct?

17 A Correct.

18 Q Once in a ski trip?

19 A Correct.

20 Q And once was a dog mauling?

21 A Correct.

22 Q Okay. So is it fair to say that your statement that
23 you fear she would actually kill him is -- is more a
24 demonstrative of your dislike for Maggie?

1 A No. I don't have -- I don't dislike Maggie. Is she
2 my favorite person? Absolutely not. But.

3 Q Haven't you placed very derogatory statements on
4 your Facebook page about her?

5 A No, I have not. I've made general Facebook posts
6 about things that I've had to encounter being a stepparent and
7 dealing with her. But, again, these are things that I have to
8 deal with being in the position that I'm in.

9 Q Okay. And regarding your Facebook post, your
10 profile, at least until fairly recently, was public, correct?

11 A Not always.

12 Q So you've made it private at times and public at
13 times?

14 A Some things have been made public; some things have
15 been made private.

16 Q Okay. Is your profile generally public or is it
17 generally private?

18 A It's generally public. I don't have anything to
19 hide.

20 Q You stated on direct that Maggie has disconnected
21 phone calls?

22 A Yes.

23 Q Can you give me a date?

24 A Can I refer to the Wizard e-mails? Because they're

1 --

2 Q Just in general.

3 A Probably every other phone call from 2020 from --

4 Q And why would she disconnect them --

5 A If she could hear --

6 Q -- in your opinion?

7 A -- any background noise, if I was in the background,
8 if the kids were in the background, if anybody's tried to say,
9 hi, she would disconnect them.

10 If she was -- you could always tell that Hunter was
11 on speakerphone and at a distance. So I -- again, my
12 assumption is that she was holding the phone and when she was
13 done with Hunter talking, she would disconnect the calls.
14 Calls would typically be 30 seconds. So you couldn't even
15 have a conversation.

16 Q Okay. So -- and, again, if I'm getting it wrong,
17 just correct -- am I hearing if you were present on the phone
18 call that she -- that, in your opinion, she would disconnect
19 it?

20 A Yes.

21 Q Okay. Just out of interest, if that's the case, why
22 would you try to be in the call?

23 A I wasn't always in the call, but there were times
24 where we were driving and Hunter would say -- ask a question

1 or, oh, what are you and Alexandra doing? Or his birthday,
2 I -- Jason put it on speakerphone so we could tell him happy
3 birthday and the call was immediately disconnected.

4 Typically, I would not engage because I didn't want
5 the call to be disconnected, but I think with holidays,
6 birthdays, I should be able to say happy birthday to my
7 stepson. His sibling should be able to say happy birthday to
8 him.

9 Q Okay. It's been repeatedly asserted that you --
10 that you believe Maggie, has you blocked on her cell phone?

11 A I do.

12 Q Okay. When was your last communication with Maggie?

13 A I believe it was regarding the glasses.

14 Q Okay.

15 A And I think, I do -- I believe that once the change
16 of custody happened in March of last year, I have been
17 unblocked because we did let her know that when she was
18 getting the brief visitation that she would need to notify
19 both of us since Jason wasn't always home to pick up, so at
20 that point, I do believe that I was unblocked.

21 Q Isn't it true that you texted her on November 16th,
22 2020 at 2:44 p.m.?

23 A I don't recall.

24 Q Would it help to remind or to -- to refresh your

1 recollection, to tell you that it regarded the doctor's
2 appointment to remove the stitches?

3 A I don't recall that.

4 Q And didn't you get a response that said, no problem.
5 I'll be on time?

6 A I don't recall. I would have to see.

7 Q Okay. Isn't true that you had communication with
8 her March 7th, 2021 at 4:55 p.m. regarding answering a phone
9 call?

10 A Again, I don't recall. I would actually have to see
11 these.

12 Q Would it refresh your recollection to tell you that
13 you said you need to call Jason immediately. You can't claim
14 that a dog attack is an emergency. Yet you sent a half-ass
15 e-mail about your son being arrested. Does that refresh your
16 recollection?

17 A Yes, it does.

18 Q Did you receive a response from that?

19 A I did not.

20 Q Do you recall sending an e-mail on June 1st, 2021
21 regarding a soccer party?

22 A I do.

23 Q And did you receive a response from that?

24 A I don't believe I received a response.

1 Q Didn't you receive a response within a minute of
2 sending the text that says, I have not spoken to Hunter for
3 three days. Please have him call?

4 A Again, I don't recall. I would have to see these.

5 Q But your testimony is that you believe you've been
6 blocked for years?

7 A I do believe I was blocked for years. It's very
8 easy to unblock somebody too. She could do it in a matter of
9 seconds.

10 Q And receive texts that go back two years?

11 A I still believe that I was blocked for a long time.

12 Q Let's be clear. It's simply your belief you've been
13 blocked, correct?

14 A Yes.

15 Q Okay. You were present at the time Hunter was
16 attacked by the dog, correct?

17 A Correct.

18 Q I want to make sure I got your testimony right. Let
19 me --

20 A Well, I was in the car. I wasn't right there when
21 it was happening.

22 Q Okay. All right. I want to go through the events
23 there. Okay?

24 A Okay.

1 Q So I know you were in the car, so you probably
2 didn't see the events, correct?

3 A No, I did not.

4 Q All right. Did you hear them?

5 A I did. And as soon as I heard I got out of the
6 car --

7 Q Okay.

8 A -- and I was informed that there was a child
9 attacked upstairs, and I ran up there, saw that it was him,
10 called 911 immediately.

11 Q Did you hear the gunshots?

12 A I did.

13 Q Okay. What did you do next?

14 A I called 911. There was a nurse who lived in the
15 apartment over, she was calming Hunter down, trying to clean
16 him up. She said that it -- just because of the blood, it
17 looked worse than what it really was. She was able to tell
18 that. We got him downstairs and loaded in the ambulance.
19 We got -- I -- we went immediately to the hospital once it was
20 cleared. And from there I met Jason and due to COVID, I
21 wasn't allowed in the back. They only allowed one parent in.

22 Q I -- yeah -- I still hate all that, but I get it.
23 Okay. Let's back up a second. When did you call Jason?

24 A I called him from the top floor of the apartment

1 after I got off the phone with 911.

2 Q Okay. I just wanted to clarify because -- and
3 again, that's why I asked -- because when I wrote it down, you
4 said you called Jason at the hospital?

5 A No.

6 Q That was not what --

7 A I may have misspoke that but --

8 Q I get it.

9 A -- I called him immediately.

10 Q Okay.

11 A After they had said that there were -- the 911 calls
12 have already been -- and I hung up and called him immediately.

13 Q Okay. Did you travel in the ambulance with -- with
14 Hunter or did you travel in your vehicle?

15 A I was in the ambulance.

16 Q Okay. When you got to the hospital, did you attempt
17 to call Maggie?

18 A Not immediately, no. It was later on. I spoke to
19 Jason, trying to fill him in on what had happened and then
20 they took him in the back, and I was kind of left in the dark
21 until I heard -- until he came out later to let me know what
22 was going on. I didn't realize he didn't have his phone at
23 that time. So I was not aware that she wasn't informed at
24 that time. Once I did find that out, I did try to call later

1 in the evening.

2 Q That's interesting. Did you ever text her?

3 A No, there was not a text.

4 Q And -- but you did pick up the phone and try to
5 call?

6 A Yes, I did.

7 Q Okay.

8 A And it went straight to voicemail.

9 Q Can you --

10 A And her voicemail was always full.

11 Q Okay. So if it was full, why not text her at that
12 point?

13 A I honestly don't -- well, first of all, everything's
14 supposed to be through Our Family Wizard, and it was not my
15 place, that was Jason's place.

16 Q All right. That's fair. Just out of interest,
17 though. Can you explain why there's no record of that phone
18 call?

19 A Well, I have the screen shots of trying to call her,
20 so I don't know why she doesn't have a record of it.

21 Q Okay. Are you on Our Family Wizard?

22 A Yeah, I do have an account or a -- a login. I
23 haven't used it in years. For years, Maggie would delete me.
24 Every time Jason would create an account for me, she would go

1 in and delete it.

2 So I believe in 2017, Judge Henderson ordered that I
3 was able to have a login in case I needed to reach her, but I
4 don't use it because Our Family Wizard trying to communicate
5 with Maggie as impossible.

6 Q Okay. You made a statement on direct that you don't
7 believe Maggie has control in her home. Do you remember
8 making that statement?

9 A Yes.

10 Q You ever been in Maggie's house?

11 A Have not.

12 Q Do you have any personal observations of how Maggie
13 runs her home?

14 A I do not.

15 Q So what do you base that opinion on?

16 A Her behavior outside of her home, how I've seen her
17 interact with other people, her children.

18 Q Okay. You made a statement about her classroom.
19 Have you ever seen her classroom?

20 A I have not.

21 Q All right. You stated that you have always sent
22 Maggie the soccer schedules; is that correct?

23 A I haven't personally done it, but I've been there
24 when Jason has put them on Wizard. I've been sitting next to

1 him.

2 Q Okay.

3 A She's also on -- or she was on the team e-mail as
4 well.

5 Q Drives me nuts. I do all kinds of crap and tabbing
6 and I can't find what I want. Are you present at the soccer
7 games?

8 A Not all of them.

9 Q When are you not at the soccer games?

10 A Any game that Hunter has during Jason's custodial
11 time, I am at.

12 Q And I'm going to preface this with -- and Mr. Page
13 has been involved with it longer than I -- but I'm going to
14 read to you the exact order. Okay? And this is the
15 controlling order David electronically filed 11/21/2017, but
16 from the June 15th, 2017 hearing. It says, Jason's current
17 spouse -- that would be you -- ex-spouse Marlene -- which is a
18 misspelling -- or significant others shall not be at the minor
19 child's school during Maggie's timeshare, at any
20 extracurricular activities or sporting events for the minor --
21 minor child as ordered in a previous hearing in this case.

22 Don't you read that to be you're not supposed to be
23 at the extracurricular events?

24 A Not during her timeshare.

1 Q That's regarding the school. There's even a comma
2 after that.

3 A Well, that's not what I've been told.

4 Q Okay. But could you see that someone might read it
5 that way?

6 A I can see that someone could read it that way, but
7 it -- if it's during dad's timeshare, then there shouldn't be
8 an issue with me being there.

9 Q Okay.

10 A And she wouldn't even know that I was there because
11 she doesn't go to those games. Nor does she bring him to his
12 games during her timeshare.

13 Q You stated on direct that Maggie can't even -- and
14 again, if I'm misstating, I want you to fix me. I write this
15 stuff quick -- she can't even be in a classroom without her
16 screaming, yelling and making a scene.

17 Do you recall that statement?

18 A I do.

19 Q When was the last time that Maggie was in a
20 classroom, screaming, yelling, or making a scene?

21 A Well, the last time we were in a classroom together
22 that I witnessed this was in kindergarten, and that's the last
23 time -- or no, I'm sorry, first grade. There was another
24 issue in first grade.

1 Q Okay.

2 A But that's the last time we've been in a classroom
3 together for her to have that opportunity.

4 Q And -- and I want to be clear those, those
5 statements referred to events before June 17th, 2017, correct?

6 A Correct.

7 Q Okay. Let's talk about insurance because insurance
8 keeps coming up. You stated on direct that you have Aetna?

9 A Yes.

10 Q Okay. Pretty good insurance policy?

11 A Yes.

12 Q Good program?

13 A As far as I know.

14 Q Okay. The issues that you've run into is that
15 insurance companies keep designating each other as the primary
16 and not wanting to pay; is that a fair way of -- of describing
17 what you've run into?

18 A I've never run into that. She's always been the
19 primary. After I started carrying, Jason used to be the
20 primary. My insurance was better and more affordable, so we
21 dropped his and they went on mine.

22 Q Okay.

23 A And that automatically made her the primary and I
24 the secondary. From what I was told by my insurance company

1 was that she never notified her insurance company of these
2 changes.

3 Q Okay. Are you aware of whether or not Maggie was
4 informed that a job change had occurred, and that the
5 insurance had changed?

6 A I'm not aware. I'm assuming she was.

7 Q Okay. And, again, I only want you to testify what
8 you know, do you know whether or not under the Affordable Care
9 Act, the Court has the ability to designate one insurance or
10 another as primary?

11 A I do not know that.

12 Q Okay. Fair enough. You stated on direct that --
13 that you attempt -- that Maggie attempted to make contact --
14 contact with you. Do you remember that testimony?

15 A I do, but that was prior to 2017.

16 Q Perfect. Thank you. You have stated that over the
17 years, you have tried to have everyday ordinary conversations
18 with Maggie and that that's impossible. Do you recall that
19 testimony?

20 A Yes.

21 Q When was the last time you attempted to have an
22 everyday ordinary conversation with her?

23 A It would be regarding soccer just this past season
24 when she decided to show up to two games. We -- I had sent

1 her a text regarding -- she had actually come up to me during
2 the soccer game, I'm sorry, at the end of the soccer game and
3 asked for an invitation. I handed her an invitation and I
4 believe I had sent her a text a couple days later because we
5 needed a head count asking if she was planning on coming or
6 not if she was bringing Danica. And I don't recall if I got a
7 response or not. I believe there was a follow up sent later
8 and she said that she wasn't coming, that it was unsafe or
9 something along those lines.

10 Q Okay.

11 A Again, trying to give her the opportunity to be
12 involved and engage.

13 Q But it sounds like you had a conversation with her?

14 A I wouldn't really call it a conversation.

15 Q Okay.

16 A I try to keep things very short with her these days.

17 It's --

18 Q Would it be fair to say that she tries to keep
19 things fairly short with you as well?

20 A I don't think she tries to communicate with me at
21 all, but the little bit she does, yes.

22 Q To your knowledge, does Maggie have a problem with
23 you asserting yourself as a mother to Hunter?

24 A I do not know.

1 MR. GRIMES: Okay. We'll pass the witness.

2 THE COURT: I think I have a couple of questions.
3 You said something about her screaming at coaches at a soccer
4 game. Do you mean Jason, as he was the soccer coach?

5 THE WITNESS: There was, prior to Jason coaching,
6 Hunter did play on two teams before where there were other
7 coaches. He wasn't a coach. He actually started coaching
8 because it got to the point where they weren't playing Hunter
9 since he was missing half the practices and half the games.

10 THE COURT: And do you know what she was screaming
11 at these coaches about?

12 THE WITNESS: One, she -- there was with Mine --
13 Minecraft, she was screaming because there was a change of
14 field. She said she wasn't aware of that. I do know that
15 that coach had also informed her of indoor soccer. And she
16 said that she never got that information. And she got in the
17 coach's space with the one game that she did bring Hunter to
18 about not being provided information.

19 THE COURT: Has Hunter ever been physically
20 aggressive with you?

21 THE WITNESS: No.

22 THE COURT: Has he ever threatened you?

23 THE WITNESS: No.

24 THE COURT: Has he ever been disrespectful to you?

1 THE WITNESS: No.

2 THE COURT: All right. Mr. Page?

3 MR. PAGE: Thank you.

4 REDIRECT EXAMINATION

5 BY MR. PAGE:

6 Q You testified that Hunter's grandfather passed away
7 in 2019. What was Hunter's reaction to not being able to
8 attend his grandfather's funeral?

9 A He was devastated. He -- to this day, he still
10 brings that up. He was upset he wasn't able to say goodbye
11 and he was upset he wasn't able to attend the funeral.

12 Q As to these phone calls, you indicated that you were
13 on speakerphone and you -- you and Jason wanted to wish Hunter
14 a happy birthday and the call got disconnected for the simple
15 reason you wished Hunter a happy birthday. Did Hunter ever
16 provide any reaction to you later as to the phone call being
17 disconnected during his -- you wishing him happy birthday?

18 A No, I don't believe so. It's one of those things
19 that we don't bring up so when we do our exchanges, I don't
20 bring up negative things that have happened.

21 Q How does that make you feel then?

22 A How does it make me feel?

23 Q Yeah.

24 A I -- it -- it's sad. It's sad that I can't tell him

1 happy birthday or Christmas, say Merry Christmas. I've been
2 in his life since he was two years old. I feel like I play an
3 important role. I come from a divorced family and have a
4 great relationship with my stepmom. My stepmom and my mom get
5 along great. So these are very weird things for me because
6 it's not how I grew up.

7 Q How do Tori and Taylor react when they're not able
8 to wish Hunter or happy birthday or wish him Merry Christmas
9 or things like that?

10 A They're --

11 MR. GRIMES: Objection, relevance.

12 THE COURT: Overruled.

13 BY MR. PAGE:

14 Q You can go ahead and answer.

15 A They're upset about it. It's their sibling and --
16 and they should be able to call him. They should be able to
17 call him any day of the week if they wanted to say, hey, how
18 was your day at school? Or how was this? I don't think that
19 that should be something that they're denied.

20 Q Has Hunter ever expressed any opinion to you as to
21 him not being able to communicate with Tori and Taylor while
22 he's with his mother?

23 A Yes.

24 Q What is that?

1 A He's just said that he misses them. He wishes he
2 could talk to him especially after T.J. moved to Colorado for
3 college. We obviously don't see him much, so, of course, he
4 wants to be able to talk to his brother more than once a month
5 or when T.J.'s available. He works. He's in school. He's
6 almost 20 years old, so Hunter, he wants to have relationship.

7 Q For the soccer party in June of 2021, did Maggie
8 ever attend?

9 A No, she didn't attend the party. She did attend the
10 last game, which was the same day.

11 MR. PAGE: I'll pass the witness. Thank you.

12 REXCROSS EXAMINATION

13 BY MR. GRIMES:

14 Q The one that's at Colorado --

15 A Yes.

16 Q -- is that T.J.?

17 A Taylor.

18 Q I originally had it as C.J. so --

19 A Yes.

20 Q -- I just want to -- so you were referring to T.J.
21 not C.J., correct?

22 A Correct.

23 Q When did T.J. move to Colorado?

24 A It'll be two years this summer. He moved right

1 after high school when he turned 18.

2 Q Okay. Assuming he's going to college?

3 A Correct.

4 Q Okay. To your knowledge, and only if you know, does
5 T.J. attempt to call Hunter?

6 A Yes, he does.

7 Q Does he call Hunter when he knows Hunter's at -- at
8 Maggie's?

9 A No, because it's not even an option.

10 Q Why would T.J. not think it's an option?

11 A Well, first of all, he would have to call Maggie's
12 phone so T.J.'s not going to do that. T.J. has a very toxic
13 relationship with Maggie as well from his experiences with
14 her.

15 Q So it's not that he's blocked, it's that he makes a
16 choice not to make those calls; is that a fair way of putting
17 it?

18 A I don't think that's a fair way of putting it, no.
19 I think that he doesn't have -- he doesn't have the option to
20 call. He would have to call Maggie's phone and Maggie's not
21 going to allow that.

22 Q And that's your opinion?

23 A That is my opinion.

24 Q Okay. The other sibling?

1 A Tori.

2 Q Tori? To your knowledge, has Tori attempted to call
3 Hunter when Hunter was with Maggie?

4 A No, because it's the same situation.

5 Q Okay. Thank you.

6 MR. GRIMES: No other questions.

7 THE COURT: I have a few. Mom provided Hunter with
8 his cell phone also. Do -- do you and -- and dad have that
9 phone number.

10 THE WITNESS: I do not have that phone number. I
11 know dad had to request that multiple times and she did
12 finally give the phone number but said that phone calls still
13 had to go through her phone. That phone was for him to talk
14 to her family only.

15 THE COURT: That was through OFW?

16 THE WITNESS: That's OFW, yes. And that because it
17 was court ordered, all communications still had to go through
18 her phone.

19 REDIRECT EXAMINATION

20 BY MR. PAGE:

21 Q You said Maggie has a high conflict relationship
22 with T.J. as well?

23 A Yes.

24 Q How -- what makes you describe it as a high conflict

1 relationship?

2 A T.J.'s had his own issues with her. Maggie's made
3 multiple accusations towards him over the years. He wants
4 absolutely nothing to do with her. I obviously wasn't there
5 when they were married or know anything about what went on,
6 but what he has told me. I remember I did find -- we were
7 redoing the kids' room years ago and T.J. actually had drawn a
8 escape plan in case Maggie ever came back to the house and how
9 to keep Hunter and Tori safe.

10 Q Did Maggie also falsely accused Taylor of sexually
11 abusing Hunter?

12 MR. GRIMES: Objection beyond the scope.

13 THE COURT: Overruled.

14 THE WITNESS: Yes, she did.

15 BY MR. PAGE:

16 Q And -- and Taylor is aware of that?

17 A Yes. CPS showed up at his school, then they showed
18 up at the house. Yes. He's very aware of it and was
19 traumatized by those accusations.

20 Q You also indicated that Tori has a high conflict
21 relationship with Maggie as well?

22 A Yes.

23 Q What makes you say that?

24 A Tori was, I believe, taken away from her mother for

1 a bit of time when she was younger due to other accusations
2 that Maggie made about sexual abuse.

3 Q And who did she claim was sexually abusing Tori?

4 MR. GRIMES: Your Honor, this is well beyond scope
5 at this point.

6 THE COURT: No, it'll get into it with -- with your
7 client's testimony. So, yeah, sustained. Okay. Right then I
8 will ask the witness. Thank you.

9 MR. GRIMES: Nothing further, Your Honor.

10 THE COURT: Thank you, ma'am.

11 THE WITNESS: Thank you.

12 THE COURT: All right. Given the time, while we're
13 making good progress, my inclination is to not start. I mean,
14 who would be your next witness?

15 MR. PAGE: Maggie would be.

16 THE COURT: I thought so.

17 MR. GRIMES: Is there a section you can get through
18 in 15 minutes?

19 MR. PAGE: No.

20 MR. GRIMES: I would agree.

21 THE COURT: It just doesn't make sense to start it
22 and then --

23 MR. GRIMES: Yeah.

24 THE COURT: -- then we're going to have Dr. Collins

1 first, right --

2 MR. PAGE: Right.

3 THE COURT: -- tomorrow? And then -- then we can
4 get into mom's. And who else do we have besides mom and Dr.
5 Collins?

6 MR. PAGE: That is, it. It should be --

7 THE COURT: Are you calling -- are you calling
8 Ms. Zelensky?

9 MR. GRIMES: I am not.

10 THE COURT: Okay. All right. Then -- and -- and
11 you guys have been keeping neck and neck on the -- on the time
12 used, so I've just been keeping -- both of you have like a
13 little -- 2:27 for plaintiff and 2 -- 2:24, just in case you
14 care.

15 MR. GRIMES: Dang.

16 THE COURT: I try to keep both here. So at the end,
17 if somebody says, I need more time, I have an -- an
18 understanding of where you guys stand. Because I think we'll
19 finish, especially if we only have two more witnesses with
20 Dr. Collins and then the rest of the time will be with mom and
21 closing.

22 MR. PAGE: Yes.

23 MR. GRIMES: We decided not to go beyond scope. So
24 I'm still reserving the right --

1 THE COURT: To recall.

2 MR. GRIMES: -- to recall for my case in chief.

3 THE COURT: Okay.

4 MR. GRIMES: Because there's areas we did not cover.

5 THE COURT: Okay. Well, you're not going to recall

6 Mrs. Roe, right?

7 MR. GRIMES: I am not.

8 THE COURT: No. Okay.

9 MR. GRIMES: If I recall --

10 THE COURT: She doesn't have to be here tomorrow, is

11 what I'm saying?

12 MR. GRIMES: I -- I just -- so everyone is aware, if

13 I recall anybody, it will be the principals, and I can't see

14 anyone else at this point, given the position we are taking in

15 this case.

16 THE COURT: Okay. All right. Then let's go ahead

17 and knock off for the day and I'll see you both -- all of you

18 at 9:00 o'clock tomorrow morning.

19 MR. PAGE: See you tomorrow.

20 THE COURT: Hopefully we won't have BlueJean's

21 problems delaying us with Dr. Collins.

22 MR. GRIMES: Yeah, is she appearing in person or is

23 she appearing by BlueJeans?

24 MR. PAGE: BlueJeans.

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MR. GRIMES: Okay.

THE COURT: And I've learned -- we can go off the record.

(PROCEEDINGS ADJOURNED AT 4:36:22)

* * * * *

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.

/s/ Kathleen Formicola
Kathleen Formicola