

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 24-265

---

Judge:

Complainant:

---

**ORDER**

January 17, 2025

The Complainant alleged a superior court judge conducted an independent investigation and discussed a case with a family member.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 17, 2025.

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

2024-265

**COMPLAINT AGAINST A JUDGE**

Name:  Judge's Name:

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I currently represent \_\_\_\_\_ who is the Petitioner in a case entitled \_\_\_\_\_ v. \_\_\_\_\_  
This case is extremely high profile due to the Repondent, \_\_\_\_\_ being a  
former TV celebrity who appeared on \_\_\_\_\_

As explained in the attached Notice of Change of Judge For Cause, I have evidence which proves the  
trial judge assigned to this matter, Hon. \_\_\_\_\_ violated Rules 2.9(A) and 2.9(C) of the Code of  
Judicial Conduct, among other rules.

Specifically, there is clear and irrefutable proof showing that Judge \_\_\_\_\_ conducted an independent  
investigation into the facts of the case, and following a bench trial on \_\_\_\_\_ she issued a ruling  
(filed \_\_\_\_\_ in which some of her factual "findings" were not based on any evidenced admitted at  
trial. Rather, there is no question the judge made factual findings based on comments copied from social  
media websites regarding this case. At no time did Judge \_\_\_\_\_ ever disclose the fact that she had  
conducted an independent investigation into the facts of this case to the parties or to counsel.

Second, due to the extremely high-profile nature of this case, the trial was attended by at least 100  
spectators. As explained in the affidavit submitted in support of my Notice of Change of Judge, after the  
trial many spectators reported (on video) that Judge \_\_\_\_\_ personally attended  
the trial, and at least one participant claimed that \_\_\_\_\_ told them he had discussed the facts of this  
case with \_\_\_\_\_ and this individual claimed (again, on video) that \_\_\_\_\_ told him Judge  
printed out documents from this case and shared them with \_\_\_\_\_

Upon hearing this information, recorded on video in the parking lot after the trial, one spectator urged  
others not to repeat these comments because: " \_\_\_\_\_ "

Based on this information, I have filed a Notice of Change of Judge for Cause, and I will be fillgn  
additional motions seeking to vacate Judge \_\_\_\_\_ ruling based on her misconduct.

My client, \_\_\_\_\_ has been EXTREMELY traumatized by these events, and by Judge \_\_\_\_\_ ;allous  
disregard for her rights. \_\_\_\_\_ will agree to provide any additional information regarding this matter,  
and will cooperate in any investigation the Commission deems appropriate.

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

**COMPLAINT AGAINST A JUDGE**

Name:

Judge's Name:

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Tel.:

Attorney for Petitioner

**COUNTY SUPERIOR COURT  
STATE OF ARIZONA**

**In Re Matter of:**

Case No:

**Petitioner,**

**NOTICE OF CHANGE OF JUDGE  
FOR CAUSE; MEMORANDUM &  
AFFIDAVIT IN SUPPORT**

**And**

**(Noticed Judge – Hon. )**

**Respondent.**

**(Presiding Judge – Hon. )**

Pursuant to Rule 6.1 Ariz. R. Fam. L.P. Petitioner (“ ” or “Petitioner”) submits the following Notice of Change of Judge for Cause, and memorandum and affidavit in support thereof.

As explained below, there is clear and convincing evidence demonstrating the judge currently assigned to this matter – Hon. – is biased, prejudiced, and has engaged in conduct which violates both right to due process of law under both the United States and Arizona Constitutions, and which separately violated Rules 2.9(A) and 2.9(C) of the Arizona Rules of Judicial Conduct by, *inter alia*: 1.) performing an independent investigation into the facts of this case; 2.) considering (and relying upon) information posted on the Internet about this case; and 3.) engaging in *ex parte* communications regarding this case with her .

1 This conduct, while sufficient to warrant additional other relief (including, but not  
2 limited to, a new trial), establishes grounds to disqualify Judge on the basis of bias  
3 and prejudice within the meaning of A.R.S. § 12-409(5). For these reasons,  
4 respectfully requests the Family Court Presiding Judge, Hon. review this  
5 matter and to find that grounds exist to disqualify Judge, and to promptly reassign  
6 this matter to a new judge.

7 In the event Judge disputes the allegations set forth below, requests  
8 that the Family Court Presiding Judge set this matter for an evidentiary hearing pursuant  
9 to Family Law Rule 6.1(d)(2), and that upon doing so, the Court approve the issuance of  
10 subpoenas *ad testificandum* to Judge and her.

11 **I. CASE SUMMARY/BACKGROUND**

12 The facts of this matter are set forth in detail in the affidavit of counsel submitted  
13 herewith. In short, this case began as a simple paternity establishment action, with one  
14 uncommon wrinkle — Respondent (“ ” or “Respondent”) is a  
15 minor celebrity as a result of his appearance on  
16 . did not merely appear as a , he was the star  
17 of his season, appearing on the show from

18 **\_\_\_\_\_**

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                   claims she had a one-night sexual encounter with                   in                   on  
2                   , and she learned she was pregnant 11 days later.                   claims she tested  
3 positive for pregnancy on **five separate occasions** before this case was filed:                   ,  
4                   and                   The first test taken on                   was an at-home  
5 type pregnancy test which was positive. The next day, on                   went to a  
6                   for a professional pregnancy test. The test at                   was also positive.  
7                   After                   informed                   of these positive tests, on  
8 invited                   to his home to discuss the situation. Upon arrival,                   surprised  
9 with a home pregnancy test he had purchased, and he demanded she take the test  
10 immediately in front of him                   claims she took the test as                   watched, while  
11                   claims she went to the bathroom and took the test behind a closed, or partially  
12 closed door). In any event, this third test was also positive.

13                   After the parties were unable to reach an agreement on how to deal with the  
14 situation, and after two more positive tests,                   filed this action, on                   .  
15 Upon filing and through the present, this matter was assigned to Hon.                   .

16                   On                   filed a *pro se* response denying paternity. In his  
17 response,                   claimed “                   ” occurred between the parties, not sexual  
18 intercourse, and he further alleged “                   ”

19                   claims that while the matter was pending, she had a blood test done on  
20                   which confirmed, yet again, she was pregnant, but the test results  
21 suggested the pregnancy was not viable (i.e., it was likely to end in miscarriage). About a  
22 month later, on                   was seen by an OB/GYN facility called  
23                   where it was confirmed she was no longer pregnant.

24                   After learning she was no longer pregnant,                   filed nothing further in this case,  
25 and she took no actions to prosecute the matter any further. Because                   is not an  
26 attorney, she was not familiar with the process for seeking a voluntary dismissal. On  
27                   , court administration issued a notice placing this matter on the inactive  
28 calendar and scheduling the matter for dismissal on                   .

1                   claims she had a one-night sexual encounter with                   in                   on  
2                   , and she learned she was pregnant                   later.                   claims she tested  
3 positive for pregnancy on                   separate occasions before this case was filed:                   ,  
4                   and                   The first test taken on                   was an at-home  
5 type pregnancy test which was positive. The next day, on                   went to a  
6                   for a professional pregnancy test. The test at                   was also positive.  
7                   After                   informed                   of these positive tests, on                   ,  
8 invited                   to his home to discuss the situation. Upon arrival,                   surprised  
9 with a home pregnancy test he had purchased, and he demanded she take the test  
10 immediately in front of him                   claims she took the test as                   watched, while  
11                   claims she went to the bathroom and took the test behind a closed, or partially  
12 closed door). In any event, this third test was also positive.

13                   After the parties were unable to reach an agreement on how to deal with the  
14 situation, and after                   more positive tests,                   filed this action, on                   .  
15 Upon filing and through the present, this matter was assigned to Hon.                   .

16                   On                   ,                   filed a *pro se* response denying paternity. In his  
17 response,                   claimed “                   ” occurred between the parties, not sexual  
18 intercourse, and he further alleged “                   .”

19                   claims that while the matter was pending, she had a blood test done on  
20                   which confirmed, yet again, she was pregnant, but the test results  
21 suggested the pregnancy was not viable (i.e., it was likely to end in miscarriage). About a  
22 month later, on                   ,                   was seen by an OB/GYN facility called  
23                   where it was confirmed she was no longer pregnant.

24                   After learning she was no longer pregnant,                   filed nothing further in this case,  
25 and she took no actions to prosecute the matter any further. Because                   is not an  
26 attorney, she was not familiar with the process for seeking a voluntary dismissal. On  
27                   court administration issued a notice placing this matter on the inactive  
28 calendar and scheduling the matter for dismissal on





1 On \_\_\_\_\_, a minute entry order was issued explaining the Court had  
2 intended to *grant* \_\_\_\_\_ request to withdraw his Motion for Sanctions, but “  
3 \_\_\_\_\_...” Despite the Motion for  
4 Sanctions being withdrawn, and despite no other sanctions or fees motions pending, the  
5 case proceeded to trial on \_\_\_\_\_.

6 On \_\_\_\_\_ (filed \_\_\_\_\_), Judge \_\_\_\_\_ issued an order finding in  
7 favor of \_\_\_\_\_ as to substantially all issues in the case, and awarding attorney’s fees in  
8 an amount to be determined by later application. The post-trial order also purported to  
9 find \_\_\_\_\_ lied about being pregnant in this case, as well as \_\_\_\_\_ other matters, and that  
10 she may have committed perjury in this case, or elsewhere (the order is not entirely  
11 clear). Based on those findings, Judge \_\_\_\_\_ referred this matter to the  
12 \_\_\_\_\_.

13 Since receiving the post-trial decision, \_\_\_\_\_ has discovered evidence of  
14 extremely serious misconduct by Judge \_\_\_\_\_ which is more than sufficient to remove her  
15 from this case for cause. \_\_\_\_\_ will also seek, by separate motion, a new trial and a  
16 complete reversal of *all* prior rulings issued in this case by Judge \_\_\_\_\_ due to her  
17 misconduct, in addition to other relief.

## 18 II. LEGAL STANDARD

19 Family Law Rule 6.1(a) provides: “(a) **Grounds.** A party seeking a change of  
20 judge for cause must establish grounds by affidavit as required by A.R.S. § 12–409.”  
21 Among other reasons, A.R.S. § 12–409 permits disqualification of a judge by showing:  
22 “the party filing the affidavit has cause to believe and does believe that on account of the  
23 bias, prejudice, or interest of the judge he cannot obtain a fair and impartial trial.”

24 It is important to note A.R.S. § 12–409 does not contain any express time limits  
25 for seeking a change of judge, but Arizona courts have read that statute as containing an  
26 implicit limit – a party cannot ask to disqualify a judge under A.R.S. § 12–409 after a  
27 trial has begun. *See Del Castillo v. Wells*, 523 P.2d 92, 94 (App.Div. 1 1974) (explaining  
28 under A.R.S. § 12–409, “if a judge is allowed to receive evidence which of necessity is to

1 be used and weighed in deciding the ultimate issues, it is too late to disqualify him on the  
2 ground of bias and prejudice.”)

3 At the same time, the *Del Castillo* court also noted requests to disqualify a judge  
4 made under *other authority*, not A.R.S. § 12–409 (such as Civil Procedure Rule 42(f)) are  
5 not subject to the same implicit restrictions as requests under § 12–409. Instead, *Del*  
6 *Castillo* explains if a request is made under *other* authority, the outcome is controlled by  
7 the text and substance of the specific rule invoked; “Clearly in enacting [Civil Procedure]  
8 Rule 42(f) providing for a specific procedure for a change of judge, the Supreme Court  
9 ‘modified or suspended’ the then existing procedure for a change of judge as a matter of  
10 right outlined in § 12-409.” *Del Castillo*, 523 P.2d at 95. Thus, for example, in a civil  
11 matter, a party may waive his or her right to a change of judge as a matter of right if “the  
12 judge rules on any contested issue ....” Ariz. R. Civ. P. 42.1(d)(2).

13 Here, Family Law Rule 6.1 does not contain the same waiver language. On the  
14 contrary, Rule 6.1 only requires that a party seek a change of judge for cause within 20  
15 days after discovering the basis for the request, and the rule expressly provides “Case  
16 events or actions taken before that discovery do not waive a party’s right to a change of  
17 judge for cause.” (emphasis added). This broader rule (which permits a change of judge  
18 *after* trial) makes sense given that family law cases are, unlike civil matters, often  
19 continuing in nature. Because a family court judge may hold multiple trials and/or  
20 evidentiary hearings in the same case over a span of many years, it would make no sense  
21 to interpret Rule 6.1 as depriving a party of their right to disqualify a judge for cause  
22 simply because that judge held one or more earlier hearings before the grounds for  
23 disqualification were discovered. Rather, the text of the rule merely requires a party to  
24 raise the issue promptly, even if that occurs after a trial or hearing is completed.

25 As explained in the concurrently filed affidavit of counsel, the grounds upon  
26 which a change of judge are requested in this case are primarily based on misconduct  
27 committed by Judge [redacted] which shows her post-trial ruling (filed [redacted])  
28 contained findings that were not based on the evidence admitted at trial. Rather, Judge

1 made findings based on an improper *ex parte* investigation she conducted which  
2 included reviewing information posted on the Internet about this case. Until Judge [redacted]  
3 post-trial ruling was issued on [redacted] (less than [redacted] days ago), [redacted] did not know  
4 and could not possibly have known of the judge's misconduct in this regard.

5 Although this single issue is sufficient to grant the relief requested, there is also  
6 evidence showing *other* misconduct committed by Judge [redacted], including the fact she  
7 engaged in an improper *ex parte* discussion of the facts of this case with  
8 [redacted], in violation of Rule 2.9(A) of the Arizona Code of Judicial Conduct. Although  
9 [redacted] (and undersigned counsel) heard rumors about [redacted] appearing at the trial on  
10 [redacted], the specific details of exactly what occurred, and proof to establish these facts,  
11 was not fully known until undersigned counsel returned from his pre-planned vacation on  
12 [redacted].

13 For those reasons, this request is timely pursuant to Family Law Rule 6.1(c)  
14 because it has been brought within 20 days of discovering the grounds upon which the  
15 request is based.

### 16 III. DISCUSSION

#### 17 a. Clear And Convincing Evidence Shows Judge [redacted] Conducted An 18 Improper *Ex Parte* Investigation Into The Facts

19 The details of the grounds for disqualification are set forth in the affidavit of  
20 counsel submitted herewith. To summarize those grounds, this request is primarily based  
21 on the fact there is clear, irrefutable evidence that Judge [redacted] conducted an *ex parte*  
22 investigation into the facts of this case AND, even worse, at least one of her post-trial  
23 factual findings on a critically important issue was based *solely* on information posted on  
24 the Internet and not based on the evidence admitted at trial.

25 Because episodes of such brazen and blatant judicial misconduct are thankfully  
26 rare, comparable examples in Arizona are difficult to find. However, something very  
27 similar occurred in *Reprimand of Judge B. Carlton Terry, Jr*, North Carolina Judicial  
28 Standards Commission Inquiry No. 08-234 (April 1, 2009) (a copy of which is submitted

1 herewith).<sup>1</sup> That case, like this matter, involved a family court proceeding. In *Terry*, the  
2 assigned judge posted comments about the case on Facebook, and he also “used the  
3 internet site ‘Google’ to find information about [a party’s] photography business.” The  
4 judge also visited the website of a party, and copied a poem from that party’s website  
5 which he recited at trial.

6 Upon discovering these facts, one of the parties moved to disqualify the judge,  
7 asked to vacate the judge’s post-trial orders, and to have the case reassigned. Those  
8 requests were granted in their entirety, and the North Carolina Judicial Standards  
9 Commission later publicly reprimanded the judge for this conduct, finding he committed  
10 multiple violations of the Canons of Judicial Conduct, including by “conducting [an]  
11 independent *ex parte* online research about a party presently before the Court” and by  
12 having *ex parte* discussions about the case. The Commission found the judge’s actions  
13 were “prejudicial to the administration of justice that brings the judicial office into  
14 disrepute.”

15 Exactly the same rules and standards apply here. It is axiomatic that in civil cases  
16 in the State of Arizona, juries are *never* permitted to conduct “*trial by Google*”:

17 Research related to the case, including internet research, is strictly  
18 forbidden. Do not do any research or conduct any type of investigation  
19 about the case, the facts, the parties, the witnesses, the attorneys, or any  
20 person or entity related to the case. Do not look for information on the  
21 internet, or from any other source, about the case or about the facts or  
22 issues related to the case. In other words, do not try to find out information  
23 from any source outside this courtroom. The reason for this is that you  
24 must base any decision only on the evidence that is produced here in the  
25 courtroom. You must base any decision only on the evidence that is  
26 produced here in the courtroom, because the fairness of the trial depends  
27 on both parties knowing exactly what evidence you are considering so that  
28 they can respond to it or address it in their arguments.

26 REVISED JURY INSTRUCTIONS (CIVIL), 7<sup>TH</sup> (PRELIMINARY 9 – Admonition).

27 \_\_\_\_\_  
28 <sup>1</sup> Available at: <https://www.nccourts.gov/assets/inline-files/Public-Reprimand-08-234-Terry.pdf>

1 Notwithstanding all their other powers and responsibilities, judges acting as fact  
2 finders in a bench trial are subject to exactly the same rule as jurors – a judge may never  
3 “investigate facts in a matter independently, and shall consider only the evidence  
4 presented and any facts that may properly be judicially noticed.” Ariz. Sup. Ct. Rule 81,  
5 Code of Judicial Conduct Rule 2.9(C) (and comment 6, explaining, “The prohibition  
6 against a judge independently investigating the facts in a matter extends to information  
7 available in all mediums, including electronic.”)

8 As explained in the affidavit of counsel submitted herewith, there is no question  
9 Judge \_\_\_\_\_ violated this most basic core requirement of fairness. She did so by making a  
10 critical factual finding – that “ \_\_\_\_\_ ” – and by falsely  
11 attributing that finding to a trial witness ( \_\_\_\_\_ medical expert, \_\_\_\_\_ ) who said  
12 no such thing. Rather than basing this finding of the evidence admitted at trial, the only  
13 possible source of this information was an independent investigation into the facts of this  
14 case by the judge, which included looking at social media and/or other website comments  
15 (it is irrelevant exactly which sites Judge \_\_\_\_\_ viewed or when she viewed them, because  
16 *any such ex parte* investigation was *per se* a violation of \_\_\_\_\_ right to fundamental  
17 fairness).

18 Furthermore, although Judicial Conduct Rule 2.9(C) does allow a judge to base  
19 findings on facts which “may properly be judicially noticed”, the business hours of  
20 \_\_\_\_\_ locations in \_\_\_\_\_ in \_\_\_\_\_ is *not* a fact subject to judicial notice  
21 (nor did Judge \_\_\_\_\_ claim she took judicial notice of that fact). This exact issue was  
22 discussed in ABA Formal Opinion 478 which offered the following hypothetical:

23 **Hypothetical #1:** In a proceeding before the judge in a case involving  
24 overtime pay, defendant’s counsel explains that the plaintiff could not have  
25 worked more than 40 hours per week because defendant’s restaurant is in  
26 an “industrial area” and only open for breaks and lunch during the work-  
27 week and not on weekends. The judge is familiar with the area and  
28 skeptical of counsel’s claims. The judge checks websites like Yelp and  
Google Maps, which list the restaurant as being open from 7 am to 10 pm,

1 seven days each week. Does this search violate Rule 2.9(C) of the Model  
2 Code of Judicial Conduct?

3 **Analysis #1:** This search violates Rule 2.9(C) of the Model Code of  
4 Judicial Conduct because the restaurant’s hours of operation are key to  
5 whether the plaintiff could prevail on a claim of unpaid overtime. The judge  
6 should ask the parties and their counsel to provide admissible evidence as to  
7 the restaurant’s hours of operation.

7 ABA Formal Opinion 478, *Independent Factual Research by Judges Via the Internet*  
8 (Dec. 8, 2017) (emphasis added).<sup>2</sup>

9 Again, because such blatant misconduct is rare, there is no directly controlling  
10 comparable Arizona precedent on this issue (of course the Code of Judicial Conduct as  
11 adopted by the Arizona Supreme Court is controlling here). However, courts in other  
12 states have consistently agreed – this type of judicial misconduct is *per se* unlawful and it  
13 entitles the movant to automatic relief regardless of whether the error was harmless. *See,*  
14 *e.g., Davis v. United States*, 567 A.2d 36, 42 (D.C.Cir. 1989) (reversing conviction and  
15 ordering new trial where judge asked a law clerk to perform independent investigation  
16 into the facts of the case, and explaining, “under our system of laws, a judge is not an  
17 investigator; the investigative function belongs to the parties and their agents. Laudable  
18 goals and lofty purposes cannot be attained when the cost is the loss, or even the  
19 appearance of loss, of judicial impartiality.”) (emphasis added) (citing *Kennedy v. Great*  
20 *Atlantic & Pacific Tea Co.*, 551 F.2d 593, 596 (5th Cir. 1977) (reversing conviction and  
21 ordering new trial where the trial judge’s law clerk personally visited the scene of the  
22 slip-and-fall accident, and clerk later testified about the outcome of his investigation; “It  
23 was unacceptable that the most damaging evidence against the defendants in this case  
24 was brought about by the intervention of a court official in the accumulation of evidence.  
25 . . . It was the law clerk’s duty as much as that of the trial judge to avoid any contacts  
26 outside the record that might affect the outcome of the litigation[.]” and further  
27 explaining, “the law clerk’s ‘private view of an accident in litigation’ was a prohibited *ex*

28 <sup>2</sup> Available at: [https://www.abajournal.com/images/main\\_images/FO\\_478\\_FINAL\\_12\\_07\\_17.pdf](https://www.abajournal.com/images/main_images/FO_478_FINAL_12_07_17.pdf)

1 *parte* communication that violated Code of Judicial Conduct); *State v. Dorsey*, 701  
2 N.W.2d 238, 249-50 (Minn. 2005) (reversing conviction and ordering a new trial after  
3 judge independently investigated facts of case; noting such conduct constitutes a *per se*  
4 violation of due process which requires *automatic* reversal without applying harmless  
5 error analysis; “when a defendant has been deprived of an impartial judge, automatic  
6 reversal is required .... This deprivation constituted a structural error, which precludes  
7 harmless-error analysis ....”) (emphasis added) (citing *Arizona v. Fulminante*, 499 U.S.  
8 279, 309 (1991)).

9 Based on this authority, Judge must be disqualified on the basis of bias and  
10 prejudice as reflected by her gross misconduct. There is no question one of the most  
11 critical factual findings in this case was the issue of whether “

12 ” (the specific reasons why that fact was critical are explained in greater  
13 detail in the affidavit of counsel submitted herewith). In her post trial ruling, Judge  
14 made a specific finding that “ ”, and she  
15 attributed that statement to the testimony of medical expert,

16 But the trial transcript leaves ZERO question – never testified to this  
17 fact, nor did any other witness. Moreover, on the day of trial, this fact WAS *repeatedly*  
18 and broadly published on social media sites and by anonymous third party comments  
19 appearing on the personal website of undersigned counsel.

20 These facts demonstrate that Judge did exactly what the rules expressly  
21 prohibit – she conducted her own independent investigation into the facts, and then used  
22 the results of that investigation to reach an adverse decision. This is a *profound* violation  
23 of rights, and of the rights of the people of County who trust their  
24 disputes will settled by impartial jurists according to law; “To be impartial, the fact-finder  
25 must base its conclusions on the facts in evidence and must not reach conclusions based  
26 on evidence sought or obtained beyond that adduced in court. When the fact-finder  
27 violates this principle, the result is structural error requiring automatic reversal.” *State v.*  
28 *Foote*, 2020 WL 54282, \*4 (Minn.App. 2020) (cleaned up) (quoting *Dorsey*, 701 N.W.2d

1 at 249-50)); *see also Tribbitt v. Tribbitt*, 963 A.2d 1128, 1131 (Del. 2008) (“we hold that  
2 ... the Family Court committed reversible error when it rejected unrefuted testimony by  
3 the Husband’s expert and substituted for that testimony *the results of its own internet*  
4 *search.*”) (emphasis added)).

5 **b. Other Evidence Supports A Finding Of Judicial Bias**

6 The law is clear – a single instance of misconduct by a trial judge is sufficient to  
7 establish bias and require disqualification of the judge. As explained above, the evidence  
8 proves Judge [redacted] undertook an independent investigation into the facts, and by doing  
9 so, she manifested bias sufficient to require her disqualification.

10 But the evidence of bias and misconduct is not limited to just the “  
11 [redacted]” issue. Rather, as explained in the affidavit of counsel  
12 submitted herewith, another separate issue also establishes Judge [redacted] bias – there is  
13 evidence showing the judge shared information about this case with  
14 [redacted], and that he not only appeared at the trial as a spectator, he later socialized with  
15 [redacted] cult-like supporters, telling them, comically, “ [redacted]. ”

16 It is difficult to image a more disrespectful, disreputable, and disgraceful act for  
17 any judge to commit than inviting [redacted] to attend a high-profile trial *in support of a*  
18 *party*, while also privately engaging in prohibited *ex parte* discussions about the case  
19 with [redacted]. These actions made a mockery of these proceedings. As shown in the  
20 video clips submitted herewith, [redacted] supporters *gleefully* celebrated Judge  
21 [redacted] participation in the case, even going so far as to laughingly ask people not to  
22 spread information about his participation because, after all, “

23 [redacted].” For once, those followers were exactly right – the conduct of Judge [redacted] and  
24 [redacted] absolutely warrant a mistrial (or more accurately, a retrial, before a different,  
25 unbiased judge).

26 This shameful conduct not only violated [redacted] rights, it raises serious questions  
27 regarding Judge [redacted] fitness as a Judge of the Superior Court. Any reasonable  
28 objective observer in [redacted] position would be justified in wondering, “



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

!”

Assuming the published allegations of Judge [redacted] are true (as documented, on video, by [redacted] own followers), this proves Judge [redacted] separately violated Rule 2.9(A) of the Code of Judicial Conduct. And Judge [redacted] blatant, pervasive disregard for her ethical duties and her disrespect for [redacted] fundamental rights helps explain the judge’s numerous (and otherwise heretofore inexplicable) adverse rulings during this action.

As a general rule, prejudice or bias is “a hostile feeling or spirit of ill-will, or undue friendship or favoritism, towards one of the litigants.” *In re Guardianship of Styer*, 24 Ariz. App. 148, 151, 536 P.2d 717 (1975). At the same time, “To prove prejudice or bias, an appellant must point to relevant facts *other than adverse judicial rulings*.” *In re Marriage of Kintopp*, 2022 WL 223743, \*3 (App.Div. 2 2022) (emphasis added) (citing *Stagecoach Trails MHC v. City of Benson*, 232 Ariz. 562, ¶ 21 (App.Div. 2 2013); *Smith v. Smith*, 115 Ariz. 299, 303, 564 P.2d 1266 (App. 1977) (“bias and prejudice necessary to disqualify a judge must arise from an extra-judicial source.”))

In the vast majority of disqualification requests when the movant argues judicial bias, they can point to no evidence to support that claim other than adverse rulings. *See Simon v. Maricopa Med. Ctr.*, 225 Ariz. 55, 63 (App.Div. 1 2010) (finding no proof of bias where movant “has alleged no facts supporting his claim the judge was biased except that the judge consistently ruled against him.”)

The unique facts and circumstances described above make this case one of the exceedingly rare exceptions in which the trial judge manifested clear prejudice and/or bias *early* in the proceedings, in the form of multiple, unexplained adverse rulings (described in the affidavit of counsel submitted herewith), but unlike 99% of cases, here there is clear *extra-judicial* evidence showing the true reason for those rulings was, in fact, “a

1                   .” The evidence of Judge                    misconduct  
2 discovered only after the trial, supports a finding of bias which *does* arise from an extra-  
3 judicial source, and not merely the adverse rulings themselves, and disqualification may  
4 be separately supported on that basis.

5                   **IV. CONCLUSION**

6                   For the reasons stated above,                    respectfully requests the Family Court  
7                   , review this matter and find that grounds exist to  
8 disqualify Judge                   , and to promptly reassign this matter to a new judge.

9                   In addition, given the clarity of the evidence and the severity of the misconduct,  
10 and the harm caused to the judiciary as a result,                    further requests that the  
11 Judge refer this matter to the Arizona Commission on Judicial Conduct for further  
12 investigation and action as may be appropriate.

13 DATED                   .

14  
15  
16                   Attorney for Petitioner  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **Original** e-filed and **COPIES** delivered

2

3

4

5

Attorneys for Respondent

6 **Via ECF & Email**

7

Hon.

8

9

10

**By Hand-Delivery**

11

12

13

14

**By Hand-Delivery**

15

Hon.

16

17

18

**Via ECF & Email**

19

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Tel.:  
Fax:

Attorney for Petitioner

**COUNTY SUPERIOR COURT  
STATE OF ARIZONA**

**In Re Matter of:**

Case No:

**AFFIDAVIT OF**

**IN SUPPORT OF PETITIONER'S  
NOTICE OF CHANGE OF JUDGE FOR  
CAUSE**

**Petitioner,**

**And**

**Respondent.**

**(Noticed Judge – Hon. )**

**(Presiding Judge – )**

GINGRAS LAW OFFICE, PLLC  
4802 E RAY ROAD, #23-271  
PHOENIX, ARIZONA 85044

**AFFIDAVIT OF**

I, \_\_\_\_\_ hereby swear and affirm under penalty of perjury as follows:

1. My name is \_\_\_\_\_. I am a United States citizen, a resident of the State of Arizona, am over the age of 18 years, and if called to testify in court or other proceeding I could and would give the following testimony which is based upon my own personal knowledge.

2. I am an attorney licensed to practice law in the States of Arizona (since \_\_\_\_\_) and \_\_\_\_\_ (since \_\_\_\_\_). I am an active member in good standing with the \_\_\_\_\_ and I am admitted to practice and in good standing with the \_\_\_\_\_

1 3. This affidavit is submitted pursuant to Rule 6.1(a) of the Arizona Rules of  
2 Family Law Procedure and A.R.S. § 12-409.

3 4. As explained below, I have cause to believe, and on these grounds I do  
4 believe, that on account of bias, prejudice, or other interests the judge currently assigned  
5 to this matter, Hon. \_\_\_\_\_, is unable to act fairly and impartially, and is unable to  
6 provide Petitioner \_\_\_\_\_ (“ \_\_\_\_\_ ” or “ \_\_\_\_\_ ”) with a fair trial, including a  
7 fair retrial which \_\_\_\_\_ is concurrently requesting.

8 5. For these reasons, \_\_\_\_\_ requests that the Family Court \_\_\_\_\_,  
9 Hon. \_\_\_\_\_, find that Judge \_\_\_\_\_ is disqualified from all further proceedings in this  
10 action, and that the case be immediately reassigned to a new judge pursuant to Family  
11 Law Rule 6.1(d)(4).

12 **CASE SUMMARY & PROCEDURAL BACKGROUND**

13 6. This case began with a petition to establish paternity filed *pro se* by \_\_\_\_\_  
14 on \_\_\_\_\_

15 7. In her petition, \_\_\_\_\_ claimed she had sexual relations with Respondent  
16 \_\_\_\_\_ (“ \_\_\_\_\_ ” or “ \_\_\_\_\_ ”) in \_\_\_\_\_ on or about \_\_\_\_\_ and  
17 that she learned she was pregnant eleven days later on or around \_\_\_\_\_.

18 8. Before filing this establishment action, \_\_\_\_\_ claims she tested positive for  
19 pregnancy on **separate occasions**:

20 The first test taken on \_\_\_\_\_ was an at-home type pregnancy test which was  
21 positive. The next day, on \_\_\_\_\_ went to a \_\_\_\_\_ facility for a  
22 professional medical test. The test at \_\_\_\_\_ was also positive.

23 9. After \_\_\_\_\_ informed \_\_\_\_\_ of these positive tests, on \_\_\_\_\_  
24 invited \_\_\_\_\_ to his home to discuss the situation. Upon arrival,  
25 surprised \_\_\_\_\_ with a home pregnancy test that he had purchased, and he demanded she  
26 take the test immediately in front of him \_\_\_\_\_ claims she took the test as  
27 watched, while \_\_\_\_\_ claims she went to the bathroom and took the test behind a  
28 closed, or partially closed door). In any event, this \_\_\_\_\_ test was also positive.

1           10. After two more positive tests, the parties were unable to reach an agreement  
2 on how to deal with the situation, so           filed this action, *pro se*, on

3           11. On           filed a *pro se* response denying paternity. In  
4 his response,           claimed “           ” occurred between the parties, not sexual  
5 intercourse, and he further alleged “           .”

6           12.           claims that while the matter was pending, she had a blood test done  
7 on           which confirmed, yet again, she was pregnant, but the test results  
8 also suggested the pregnancy was not viable (i.e., it was likely to end in miscarriage).

9           13. On           was seen by an OB/GYN facility called  
10           where it was confirmed she was no longer pregnant.

11           14. After learning she was no longer pregnant,           filed nothing further in  
12 this case, and she took no actions to prosecute the matter any further.

13           15. On           court administration issued a notice placing this  
14 matter on the inactive calendar and scheduling the matter for dismissal on

16           16. As noted above, when the case was initially filed, neither party was  
17 represented by counsel. Both           and           remained *pro se* throughout the  
18 proceedings until           when           retained counsel,

19           (“           ”) appeared in this case.           immediately began  
20 filing pleadings including a motion to amend           Answer to the petition (filed on  
21           , and a Motion for Rule 26 Sanctions (filed on

22           filed these pleadings without making any attempt to meet and confer with  
23           as required by Family Law Rule 9(c), and he moved for Rule 26 sanctions without  
24 ever providing written notice to           of her right to withdraw her petition as required by  
25 Family Law Rule 26(c)(2)(B).

26           17. Shortly thereafter,           retained counsel           who appeared  
27 on           and filed a Motion to Dismiss on           . Days later,  
28           withdrew from this matter, with           consent, on

1 18. I was first retained to represent on . Prior to  
2 this, I did not know and had not represented her in any other matters. I also  
3 did not know Respondent , and I knew nothing about this matter or any  
4 other disputes between and

5 **SUMMARY OF MEDIA/PUBLIC ATTENTION**

6 19. Despite being an otherwise simple and short-lived paternity matter, this  
7 case quickly gained local, national, and even international media attention and massive  
8 public scrutiny. There appear to be two main reasons for this. First, is arguably  
9 famous as a result of his recent appearance on

10  
11 20. This media attention is relevant and important to understanding the basis  
12 for this Notice, because it appears the trial judge, , allowed the significant  
13 media hype and public attention to overwhelm her better judgment, eventually causing  
14 her to engage in conduct which violated right to due process including her right  
15 to have this matter heard by a fair and impartial jurist. Because that issue is key to  
16 understanding what happened here and the grounds for disqualification raised by  
17 this subject is discussed in some detail below.

18 21. For anyone who is not familiar with is a  
19 . The  
20  
21 “ In addition to  
22  
23 including

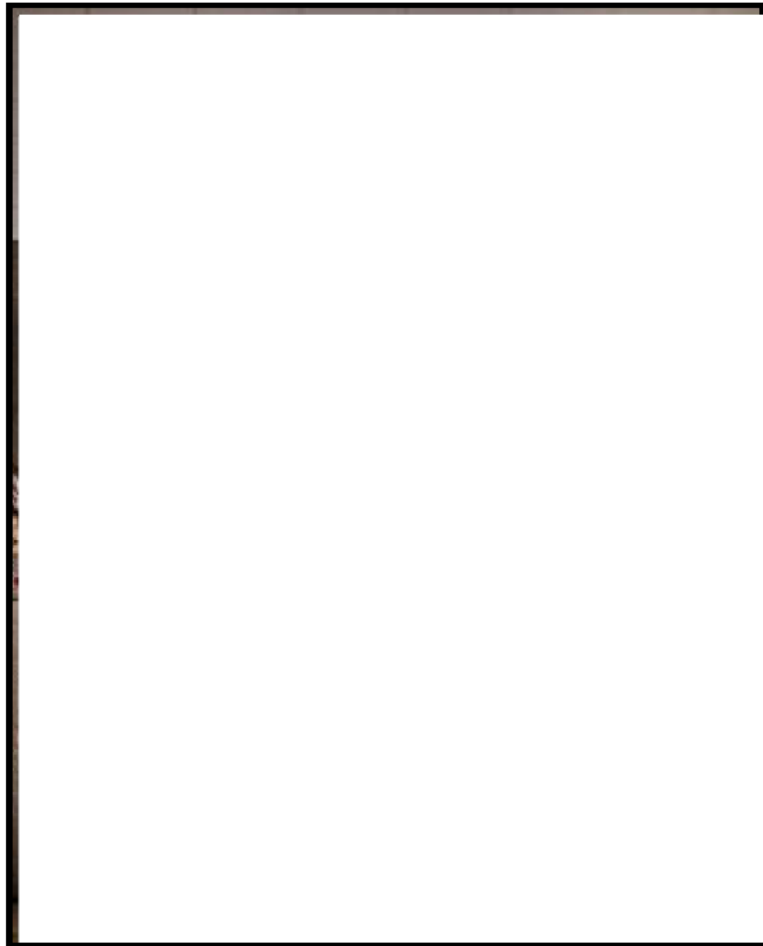
24 22. Over the course of a  
25  
26  
27

28 Ideally, a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

23.

As a result of his



24. This leads to the second aspect of this case which caused it to gain far more media and public attention than normal – as the previous has a large and , including many followers on social media. For example, followers on , *see* and more than followers on

<sup>1</sup> See .



1           25.    These facts —                   fame and the huge popularity of  
2 coupled with the extremely odd allegations in this case (i.e., that           “           ” being  
3 pregnant with           ) have caused this otherwise simple case to gain a massive amount  
4 of public scrutiny and attention from local, national, and international news media.

5           26.    In addition to being widely covered by traditional news outlets, this case  
6 has also received massive attention on social media, including sites like           ,  
7 and           , among others. For instance, anonymous “           ” of           have created  
8 social media pages focused entirely on this case, including a           account using the  
9 hubristic sobriquet “           ” or           ”. The           account has posted  
10 obsessively about this case nearly           times; one example of which is shown below:



11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1           27. In addition to posts on \_\_\_\_\_, anonymous fans of \_\_\_\_\_ have created  
2 websites devoted solely to this case, and to promoting their belief that \_\_\_\_\_ is  
3 somehow a “ \_\_\_\_\_ ” who deserves \_\_\_\_\_”. One such pro- \_\_\_\_\_ fansite is  
4 \_\_\_\_\_ which contains copies of all, or substantially all, pleadings  
5 filed in this case. This site also contains a one-sided narrative which highlights *only* those  
6 facts favorable to \_\_\_\_\_ version of events, while carefully avoiding any discussion of  
7 facts unfavorable to \_\_\_\_\_ narrative.

8           28. In addition to social media posts from his fans, \_\_\_\_\_ himself has been  
9 extremely personally active in publicly promoting this case, giving countless media  
10 interviews in which he tells his side of the story. \_\_\_\_\_ attorney, \_\_\_\_\_ has  
11 also published statements regarding this case, including a press release issued on  
12 \_\_\_\_\_ in which \_\_\_\_\_ accused \_\_\_\_\_ of fraud, suggesting she “

13 \_\_\_\_\_”  
14 \_\_\_\_\_”  
15           29. In an attempt to respond to some of this one-sided narrative, acting at  
16 \_\_\_\_\_ request and with her written permission, I have occasionally posted comments  
17 about this case online, primarily on my personal website:

18 and on my \_\_\_\_\_ account: \_\_\_\_\_ The purpose of these  
19 comments has been, primarily if not exclusively, to *respond* to information being  
20 circulated about this case by \_\_\_\_\_ his lawyers, and/or his fans/supporters.

21           30. When I post comments on either \_\_\_\_\_ or my personal website, members  
22 of the public can, and often do, post responses/comments/replies. This point is important,  
23 for reasons I will describe further below.

24                               “ \_\_\_\_\_ - \_\_\_\_\_  
25                               Before discussing the specific issues and conduct giving rise to  
26 request to disqualify Judge \_\_\_\_\_ it is important to understand some of the other  
27 participants who will be mentioned further below. Two such participants are individuals  
28 named \_\_\_\_\_ and \_\_\_\_\_.

1           32. I do not personally know either           or           , but during the  
2 course of this proceeding I have become generally familiar with them. According to his  
3           channel,           is a  
4 stand up comedian who lives in           also creates and publishes videos on  
5           (nearly every day).           videos often focus on           and people, like  
6           , who have

7           33. Over the last several months,           has obsessively published  
8 *hundreds* of hours of videos regarding this case (again, often on a daily basis), as  
9 reflected on his           channel below. These videos are generally, almost universally,  
10 devoted to viciously attacking           and often me), and to proclaiming that           is a  
11           who deserves “           ”. Notably,           has personally appeared in several of  
12           videos, and it is clear that           is *not* covering this case as a neutral  
13 journalist, but rather as a passionate, obsessive, advocate for

1 34. Another “ ” following this case is an individual using the name  
2 “ ” who I believe is a resident of . I do not personally know  
3 (I believe that name to be a pseudonym), but she has contacted me via email  
4 several times during this case, and I understand that she claims to be a ” who  
5 publishes stories on an website.

6 35. Like also creates and publishes videos on her  
7 channel here: Like ,  
8 is a passionate supporter of the “ ” cause, and her videos are  
9 overwhelmingly devoted to “ ” and destroying , while promoting the  
10 narrative that is an innocent victim who deserves ”.

11 36. and are mentioned because they are relevant to the  
12 issues raised herein. This is so because they attended the trial held in this matter on  
13 , and after the trial, both appeared on video claiming to have, or speaking with  
14 others who claimed to have, direct knowledge regarding certain improper conduct  
15 committed by Judge during the trial, including the fact that Judge allegedly  
16 engaged in improper *ex parte* discussions about this case with  
17 (who also personally group).  
18 Those points are explained further below.

19 **SUMMARY OF PRE-TRIAL JUDICIAL BIAS**

20 37. Shortly after I became involved in this case in late , several  
21 events occurred which initially caused concern regarding Judge possible bias and  
22 lack of neutrality.

23 38. Specifically, immediately after retained me to represent her in this  
24 matter, I attempted to obtain a copy of her file from her previous counsel.

25 39. Unfortunately, prior counsel did not promptly respond to this  
26 request. This made it impossible for me to respond to a Motion to Compel filed by  
27 before I was retained (the response to the Motion to Compel was due mere days  
28 after I was retained).

1           40.    Because I could not respond to the Motion to Compel without a complete  
2 copy of           file, and because           refused to agree to an extension of time,  
3 on           , I filed a lengthy and well-supported motion seeking an extension of  
4 time to respond to the Motion to Compel. That motion explained the request was  
5 primarily based on the fact that I did not have a complete copy of           file because her  
6 previous counsel did not promptly provide the file to me.

7           41.    Despite the fact good cause existed for my request for an extension, and  
8 despite the fact           did not oppose the motion, just days later on  
9           , Judge           issued a one-sentence minute entry order (file           ) denying  
10 my extension request without any explanation.

11           42.    As a lawyer who has practiced exclusively civil litigation for more than 20  
12 years, it is *extremely* unusual (essentially unheard of) in my experience for a judge to  
13 deny an unopposed request for a short extension of time regarding a simple discovery  
14 matter, when good cause clearly exists for the request, when no prior extension requests  
15 had been made, and when the other party would not be prejudiced by the request. In fact,  
16 having litigated hundreds of matters in state and federal court over the course of my  
17 career, I cannot recall a single prior instance where a similar request was denied.

18           43.    Of course, I am also well-aware that as a matter of law, adverse “[j]udicial  
19 rulings alone do not support a finding of bias or partiality without a showing of an  
20 extrajudicial source of bias or a deep-seated favoritism.” *Stagecoach Trails MHC, L.L.C.*  
21 *v. City of Benson*, 232 Ariz. 562, 568 (App. Div. 2 2013) (citing *State v. Schackart*, 190  
22 Ariz. 238, 257, 947 P.2d 315, 334 (1997)).

23           44.    For that reason, I determined that although Judge           unexplained and  
24 apparently baseless denial of my extension request raised concerns about possible bias,  
25 the adverse ruling, standing alone, could not support a finding of bias. As such, I took no  
26 action at that time.

27           45.    Shortly thereafter, I discovered that in the Motion to Compel,  
28 counsel,           , made multiple statements to the Court which appeared to be

1 knowingly false. After I confronted [redacted] with these concerns, he refused to  
2 speak to me by telephone for several weeks. Given the fact I was newly retained and not  
3 familiar with the complicated history of this case, [redacted] refusal to speak with  
4 me made it *much* more difficult to prepare this matter for trial.

5 46. For that reason, on [redacted], I filed a motion entitled “  
6 [redacted]”. In that motion, I informed the Court that  
7 [redacted] was refusing to speak to me by phone, despite multiple rules of procedure and  
8 professional conduct which required counsel to meet and confer by phone. As a result, I  
9 asked the Court to order [redacted] to speak with me, in addition to other alternative  
10 relief.

11 47. To support that request, my motion cited an earlier ruling from Hon.  
12 [redacted] (deceased) in *Physicians Choice of Ariz., Inc. v. Miller*, Case No.  
13 cv2003–020242, in which Judge [redacted] granted a virtually identical request,  
14 noting, “  
15 [redacted].”

16 48. Unfortunately, as she did with my request for an extension of time to  
17 respond to the Motion to Compel, on [redacted] (filed [redacted]), Judge  
18 issued a single-sentence minute entry order denying my Motion to Compel [redacted]. The  
19 order denied my request without any analysis or explanation.

20 49. Later that same day (on [redacted]), I learned for the first time that  
21 [redacted] counsel intended to use previously undisclosed evidence and witnesses at trial.  
22 Due to the untimely and extremely late disclosure, within an hour of this discovery, I  
23 filed an *emergency* motion bringing the issue to the Court’s attention, and I requested an  
24 immediate scheduling conference to discuss the issue further.

25 50. Despite the fact Rule 76.1 provides the Court “must” order a scheduling  
26 conference when requested, on [redacted], Judge [redacted] issued a minute entry order  
27 denying my request for a scheduling conference, again without any explanation or  
28 analysis.

1           51. Taken together, Judge           single-sentence, zero-explanation denial of  
2 these three motions: 1.) the request for an extension of time to respond to the Motion to  
3 Compel; 2.) the request for an order requiring           to speak with me, and 3.)  
4 the request for a scheduling conference, caused me to have serious concerns regarding  
5 Judge           possible bias and lack of neutrality. However, I continued to believe that  
6 despite the existence of what appeared to be apparent bias and hostility, Judge  
7 adverse rulings alone would not support a finding of bias sufficient to seek her  
8 disqualification because of the rule “[a] party challenging a trial judge's impartiality must  
9 overcome the presumption that trial judges are 'free of bias and prejudice[.]’ *Simon v.*  
10 *Maricopa Med. Ctr.*, 225 Ariz. 55, ¶ 29, 234 P.3d 623, 631 (App. 2010), and the  
11 corollary standard that adverse “rulings alone do not support a finding of bias or partiality  
12 without a showing of an extrajudicial source of bias or a deep-seated favoritism.”  
13 *Stagecoach Trails*, 232 Ariz. at 568.

14                           **SUMMARY OF JUDICIAL MISCONDUCT & BIAS AT TRIAL**

15           52. This matter proceeded to a bench trial before Judge           on

16           53. Prior to trial, I learned that           and           (among other  
17 supporters) were planning to attend the trial in support of           . It is my personal belief  
18 that courts are publicly-funded fora, trials and legal proceedings belong to the public, and  
19 should always remain open to the public. I further believe, as a matter of law, that  
20 members of the public have a near-absolute right to observe and report on events which  
21 take place in court, so I viewed the public interest in attending and observing the trial as a  
22 good thing.

23           54. However, when I arrived at court on the morning of trial, I was surprised to  
24 see dozens if not hundreds of people waiting to watch the trial. Before trial began, Judge  
25           spoke to counsel in her chambers and informed us that she had created an  
26 “overflow room” for at least 50 observers to watch the trial, and the seating in the  
27 courtroom itself was packed with spectators. Judge           informed counsel that she had  
28 taken certain security precautions due to the large crowd of spectators.

1           55. I found Judge           comments about the crowd surprising, because prior  
2 to the morning of trial, there was nothing filed in this matter (aside from a small number  
3 of media requests for filming) that would suggest such a large crowd was likely to attend.  
4 Based on this, it appeared Judge           gained some personal knowledge regarding the  
5 likely crowd size that was not obtained from, nor shared with, the parties or counsel.

6           56. Shortly before trial began, I become aware that           intended to  
7 call a witness named           is an           . The  
8           while living in           .

9           57. During the relationship,           claimed           violently assaulted  
10 her, causing           that eventually resulted in           developing  
11           . Based on this abuse,           sought and obtained a domestic violence restraining  
12 order from the           Court, a copy of which is attached hereto  
13 as **Exhibit A**. That order, later renewed, remains valid and in effect as of today.

14           58. On           posted a video on           standing  
15 next to           (he appears on the right as shown here). In this video (and  
16 elsewhere),           suggested           intended to appear at the trial in this  
17 matter, despite the           issued against him.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

59. On the morning of \_\_\_\_\_ informed me that she saw \_\_\_\_\_  
\_\_\_\_\_ it the courthouse with \_\_\_\_\_ and \_\_\_\_\_. Based on this, \_\_\_\_\_ told  
me she was too terrified to participate in the trial, and she told me she intended to leave  
unless the \_\_\_\_\_ was enforced. Having no other available option, I immediately  
contacted court security and asked them to enforce the \_\_\_\_\_ court’s order by  
removing \_\_\_\_\_ from the facility.

60. \_\_\_\_\_ Court Security officers informed me they did not believe they had  
authority to enforce the order, and they suggested the only option was to call 911 and ask  
\_\_\_\_\_ to enforce the order. Based on that suggestion, I called 911, explained the  
situation, and asked for officers to enforce the order.

61. After a few minutes, \_\_\_\_\_ responded. They reviewed the  
\_\_\_\_\_ court’s order, and I explained to them that pursuant to federal law (the  
\_\_\_\_\_), they were required to  
enforce the \_\_\_\_\_ court’s order as-written. I provided the officers with a copy of the  
specific provisions of \_\_\_\_\_ which made interstate enforcement of the order *mandatory*,  
and I directed their attention to the specific language of the order, shown here, that  
required the order to be enforced in all 50 states.



23  
24  
25  
26  
27  
28

62. I also explained that by travelling from \_\_\_\_\_ to \_\_\_\_\_ for the  
purpose of violating the order, \_\_\_\_\_ committed a federal crime pursuant to  
\_\_\_\_\_, and that \_\_\_\_\_ desired his arrest and prosecution.

63. Despite this, \_\_\_\_\_ indicated they believed they had no choice but  
to defer to Judge \_\_\_\_\_ on this issue. As a result, immediately prior to the start of trial, I

1 asked Judge [redacted] on the record to enforce the [redacted] court's order by removing  
2 [redacted] from the courtroom.

3 64. As she had done with substantially every other request, Judge [redacted] denied  
4 my request without any explanation. As a result, [redacted] was forced to sit in court just feet  
5 away from [redacted] which caused her to nearly become overwhelmed by fear,  
6 panic, and anxiety.

7 65. At the conclusion of the trial, I informed Judge [redacted], on the record, that I  
8 was leaving the country later that evening for a family vacation in [redacted] to celebrate my  
9 [redacted] birthday. I left [redacted] the evening of [redacted], and I remained in  
10 [redacted] until I returned home on [redacted]. The majority of this time was spent on a cruise ship in  
11 [redacted] with my family, and during that time, my Internet access was  
12 extremely limited. The ship's WiFi connection was so slow that I was unable to view  
13 videos posted on any medium (including [redacted]) during the cruise.

14 66. While I was on vacation, [redacted] contacted me and told me about some  
15 extremely disturbing information being shared on social media by [redacted] and  
16 [redacted]. Specifically, [redacted] and [redacted] appeared in several live-streamed and other  
17 videos in which they claimed Judge [redacted], was present in the  
18 overflow room during the trial, and they claimed [redacted] spoke with several of  
19 [redacted] supporters during and after the trial, proclaiming, [redacted].”  
20 Another individual claimed Judge [redacted] father sat “ [redacted] ” and expressed that he  
21 was “ [redacted] ”.

22 67. [redacted] assembled excerpts of some of these videos which are available for  
23 viewing here: [redacted]. A CD containing these videos is also  
24 lodged herewith.

25 68. As unusual as this may be, the mere fact Judge [redacted] attended the  
26 trial (if true) is not the primary concern. The concern is that according to comments from  
27 [redacted], and others appearing on video with them, [redacted] stated Judge  
28 discussed the facts of this case with him prior to trial. One such specific statement

1 was made by a person named “ ” (who speaks between 0:00 and 0:40 in the  
2 above video compilation). In her remarks, claims that she spoke with Judge  
3 at, or immediately after, the trial. stated that was  
4 (which, based on her comments, may have been  
5 Request for Findings of Fact and Conclusions of Law). further claims .  
6 told her Judge showed Request for Findings of Fact and  
7 Conclusions of Law, and she (Judge ) told him, “  
8 ...”

9 69. In the course of making these remarks, also made statements  
10 which appeared to imply that Judge told her father that she intended to rule in favor  
11 of before the case was tried. The discussion of that point is brief and not entirely  
12 clear, but my belief is based on claim “ ”, that  
13 “ ”, then she mentions Request for Findings of Fact and  
14 Conclusions of Law, finally asking “ ?” prior to trial.

15 70. What is also extremely disturbing is that in the video compilation, upon  
16 hearing remarks regarding Judge and laughingly commented  
17 (to paraphrase): “ !” That specific comment from .  
18 appears between 0:40 and 1:00 in the above video compilation.

19 71. I understood those remarks from as a signal to the person  
20 speaking that they should *not* disclose further information regarding comments they  
21 claim to have received from Judge father, because her believed they would expose  
22 judicial misconduct and bias on Judge part, requiring a new trial if those facts  
23 were exposed.

24 72. Assuming Judge did, in fact, share information about this case with  
25 , that conduct would appear to be a *per se* violation of Rule 2.9(A) of the  
26 Arizona Code of Judicial Conduct.

27 73. Despite these allegations, my personal view (based on the past several  
28 months) is that followers are generally not honest or reliable, and I considered

1 the possibility the claims made regarding Judge \_\_\_\_\_ may be fabricated, either in  
2 whole or in part.

3 74. Given how serious the issues were, I did not believe I could ethically make  
4 a formal accusation of judicial impropriety without taking some reasonable steps to verify  
5 the truth of what happened. *See, e.g.*, Arizona Rules of Professional Conduct, ER 8.2(a)  
6 (providing, “A lawyer shall not make a statement that the lawyer knows to be false or  
7 with reckless disregard as to its truth or falsity concerning the qualifications or integrity  
8 of a judge ....”) (emphasis added).

9 75. In an effort to ascertain the truth, while on vacation on the morning of  
10 \_\_\_\_\_ (before I received the post-trial decision), I sent an email to Judge  
11 \_\_\_\_\_ division in which I raised concerns regarding Judge \_\_\_\_\_ and the alleged  
12 statements made by \_\_\_\_\_ and \_\_\_\_\_ (at that time, I had not yet seen  
13 \_\_\_\_\_ remarks). A true and correct copy of this email is attached hereto as **Exhibit B**.

14 76. In this email, while noting the highly unusual circumstances, I asked Judge  
15 \_\_\_\_\_ to promptly provide a response to the allegations regarding \_\_\_\_\_. I further  
16 explained that if these allegations were true, I believed they may support a change of  
17 judge for cause.

18 77. A few hours later, I received an email response from Judge  
19 \_\_\_\_\_ stating: “\_\_\_\_\_,  
20 \_\_\_\_\_.” A true and correct copy  
21 of this email is attached hereto as **Exhibit C**. Other than this brief response, Judge  
22 did not admit or deny the allegations concerning \_\_\_\_\_.

23 78. About 14 hours later, on the morning of \_\_\_\_\_, I received the  
24 Court’s post trial ruling on the merits, a copy of which is attached hereto as **Exhibit D**.

25 79. After reviewing the \_\_\_\_\_ decision (which found in favor of  
26 \_\_\_\_\_ as to virtually all issues), \_\_\_\_\_ and I immediately noticed something truly  
27 shocking – **the ruling contained “findings” that were NOT based on any evidence at**  
28 **trial**. Instead, **those findings were clearly copied from posts on social media**.

1           80. Specifically, and to cite just one obvious example, on page       of the  
2 decision, Judge       made certain findings that were purportedly based on the trial  
3 testimony of       medical expert witness,       is an  
4       who previously worked for       .

5           81. As shown below, Judge       made a specific factual finding that *according*  
6 *to the trial testimony of*       “       .”



14           82. Without belaboring the details of the entire history of that issue, the  
15 question of whether       was (or was not) “       ” was  
16 relevant and extremely important. This is so because at trial,       testified she sought  
17 care from       in       on       As it  
18 happens,       was       . Therefore, if       was not open on  
19       , absent some other explanation, that would appear to disprove  
20       claim that she sought care there on that day.

21           83. But here’s the problem –       **never testified about this issue at**  
22 **trial, or at any other time.** To prove that point, attached hereto as **Exhibit E** is a true  
23 and complete copy of the court report’s official trial transcript. As the index reflects, the  
24 entirety of       ’ testimony covers a total of six (6) pages.

25  
26           Direct Examination by  
27           Voir Dire Examination by  
28           Direct Examination Continued by  
          Cross-Examination by

1 84. As the transcript clearly shows, at no time during her brief testimony did  
2 (or anyone else) ever address the question of whether was  
3 (or was not) ”; that question was never asked, nor was it answered.

4 85. If did not testify that “  
5 ”, where did Judge finding on that issue come from? The answer is, once  
6 again, absolutely shocking – **Judge** **copied that finding from posts on social**  
7 **media.**

8 86. As noted above, during the course of my involvement in this matter, I have  
9 published a small number of comments (approximately 15 posts) regarding this case on  
10 my personal website, .com. This is a tiny, insignificant fraction of the  
11 commentary published by and his followers. As noted above, the  
12 has posted nearly about this case, and the number of other posts on  
13 social media is certainly in the tens or hundreds of thousands, if not millions.

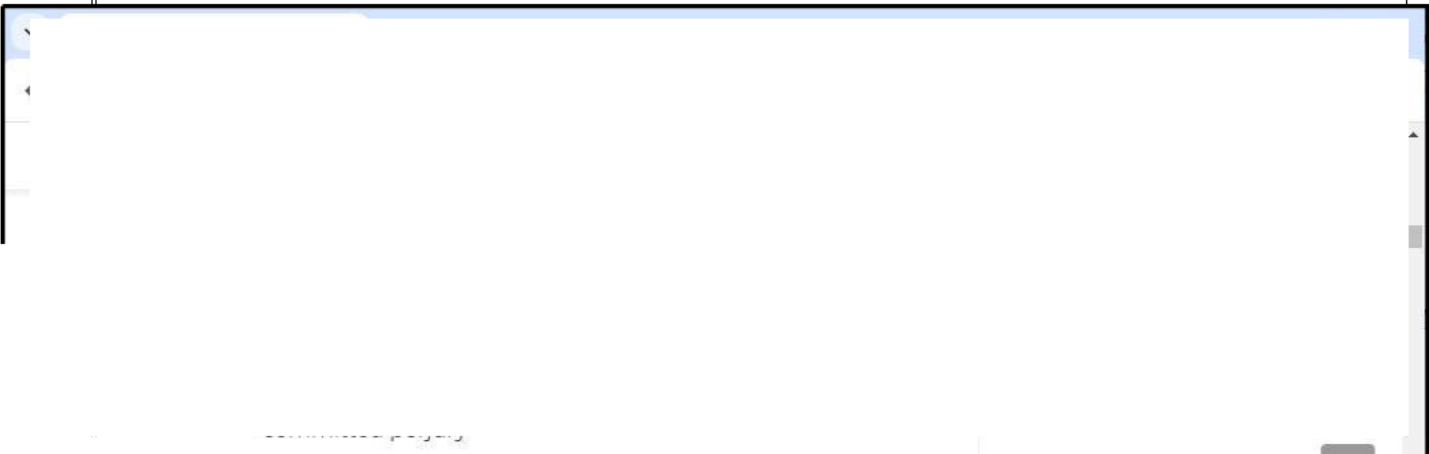
14 87. As limited as my online involvement in this case has been, I believe Judge  
15 conducted her own independent research into the facts of this case, and that this  
16 involved her reviewing comments posted on my website or other social media pages.  
17 That belief is based on the following facts.

18 88. First, throughout this case (and repeatedly at trial), counsel  
19 vociferously complained to Judge about the fact that I was  
20 making public statements about this case via my website and , and  
21 specifically provided copies of articles I wrote and posted on .com about this  
22 case. I found complaints in this regard confusing, because the  
23 information and comments I posted about this case were not improper in any way, and  
24 because and his supporters (including ) had also posted public  
25 comments online about this case suggesting that fully understood I had a  
26 right to inform the public of side of the story.

27 89. Based on what I know now, I believe that by pointing to comments on my  
28 website, was not actually concerned about the contents of those posts.

1 Instead, I believe he was suggesting or hinting to Judge [redacted] that she should go online  
2 and perform an *ex parte* review my site, and I believe that is exactly what she did.

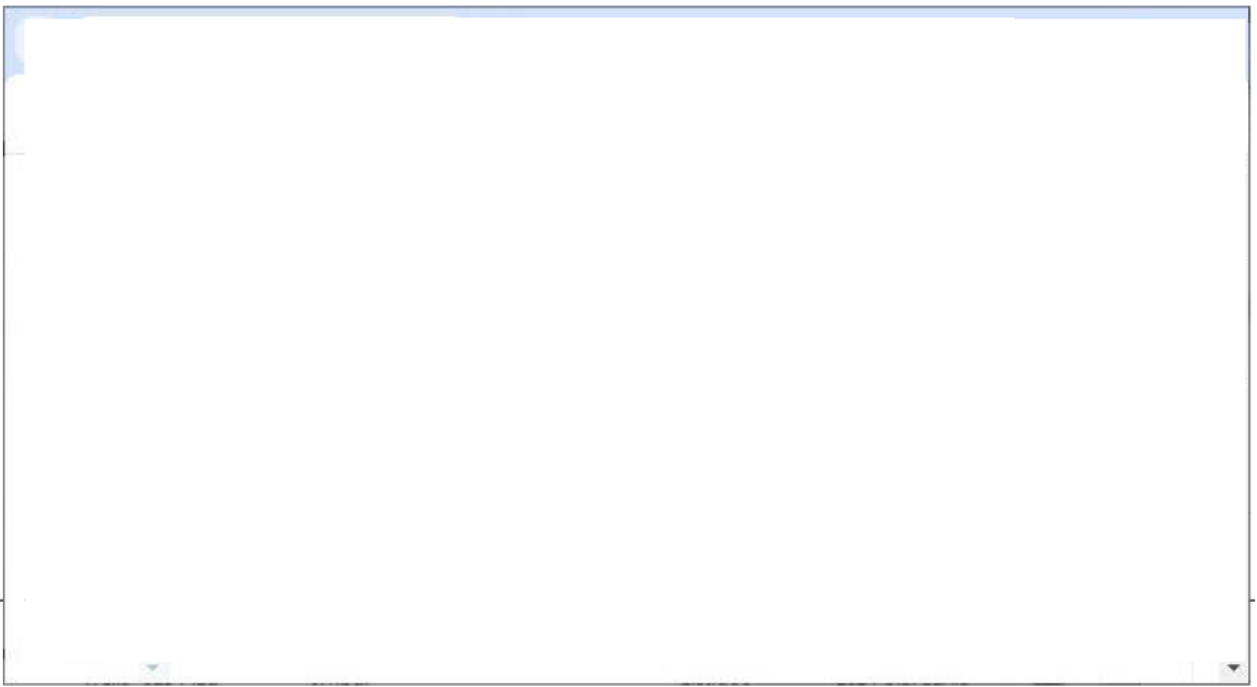
3 90. That belief is based on the fact that immediately after [redacted] finished  
4 testifying at trial, literally later that same day, anonymous supporters of [redacted] began  
5 posting comments on my website and also on social media, asserting [redacted] committed  
6 perjury when she claimed to have sought care from [redacted] on  
7 because that [redacted], and “  
8 ....” This specific comment was posted by an anonymous user on my website on  
9 [redacted], a week before Judge [redacted] issue her post-trial decision.



17

18 91. Similar comments were also posted by anonymous users on [redacted], one  
19 example of which is shown here:

20  
21  
22  
23  
24  
25  
26  
27  
28







# Exhibit A

Clerk stamps date here when form is filed.

FILED

B

Deputy Clerk

Fill in court name and street address:

[Empty box for court name and street address]

Fill in case number:

Case Number:

[Empty box for case number]

2 Name of Restrained Person:

Description of restrained person:

[Large empty box for description of restrained person]

3 Hearing

4 Renewal and Expiration

The attached order will expire on:

(date)

(Child custody, visitation, and support orders may have been modified and may be different from those issued on the attached restraining order).

b.  DENIED. The attached restraining order expires as stated in that order.

Number of pages attached:

Date:

**This is a Court Order.**

Clerk stamps date here when form is filed.

FILED

Fill in court name and street address:

S

S

Clerk fills in case number when form is filed.

Case Number:

2) Name of Restrained Person:

Description of restrained person:

§  
I  
P  
(  
I

3)  Additional Protected Persons

In addition to the person named in 1), the following persons are protected by orders as indicated in items 6) and 7) (family or household members):

Full name	Relationship to person in 1)	Sex	Age
_____	_____	_____	_____
_____	_____	_____	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write,

4) Expiration Date

The orders, except as noted below, end on

\_\_\_\_\_

- If no date is written, the restraining order ends three years after the date of the hearing in item 5)(a).
- If no time is written, the restraining order ends at midnight on the expiration date.
- Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18.
- The court orders are on pages 2, 3, 4, and 5 and attachment pages (if any).

**This order complies with VAWA and shall be enforced throughout the United States. See page 5.**

**This is a Court Order.**

Case Number: \_\_\_\_\_

5 f  
a  
b

- The person in (1)       The lawyer for the person in (1) (name): \_\_\_\_\_  
 The person in (2)       The lawyer for the person in (2) (name): \_\_\_\_\_
- c. The people in (1) and (2) must return to Dept. \_\_\_\_\_ of the court on (date): \_\_\_\_\_  
at (time): \_\_\_\_\_  a.m.  p.m. to review (specify issues): \_\_\_\_\_

**To the person in (2):**

The court has granted the orders checked below. Item (9) is also an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6  Personal Conduct Orders

- a. The person in (2) must not do the following things to the protected people in (1) and (3):
- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements.
  - Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.
  - Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.
- c.  Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7  Stay-Away Order

- a. The person in (2) must stay at least (specify): 100 yards away from (check all that apply):
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> The person in (1)                     | <input type="checkbox"/> School of person in (1)               |
| <input checked="" type="checkbox"/> Home of person in (1)                 | <input type="checkbox"/> The persons in (3)                    |
| <input checked="" type="checkbox"/> The job or workplace of person in (1) | <input type="checkbox"/> The child(ren)'s school or child care |
| <input checked="" type="checkbox"/> Vehicle of person in (1)              | <input type="checkbox"/> Other (specify): _____                |
- b.  Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8  Move-Out Order

The person in (2) must move out immediately from (address): \_\_\_\_\_

9 No Guns or Other Firearms or Ammunition

- a. The person in (2) cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

**This is a Court Order.**

Case Number: \_\_\_\_\_

- 9 b. The person in (2) must:
- o Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.
  - o Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. (Form DV-800, Proof of Firearms Turned In, Sold, or Stored, may be used for the receipt.) Bring a court filed copy to the hearing.
- c.  The court has received information that the person in (2) owns or possesses a firearm.
- d.  The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in (2) is not required to relinquish this firearm (specify make, model, and serial number of firearm): \_\_\_\_\_  
The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

10  Record Unlawful Communications

The person in (1) has the right to record communications made by the person in (2) that violate the judge's orders.

11  Care of Animals

The person in (1) is given the sole possession, care, and control of the animals listed below. The person in (2) must stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: \_\_\_\_\_

12  Child Custody and Visitation

Child custody and visitation are ordered on the attached Form DV-140, Child Custody and Visitation Order or (specify other form): \_\_\_\_\_

13  Child Support

Child support is ordered on the attached Form FL-342, Child Support Information and Order Attachment or (specify other form): \_\_\_\_\_

14  Property Control

Only the person in (1) can use, control, and possess the following property: \_\_\_\_\_

15  Debt Payment

The person in (2) must make these payments until this order ends:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Debt Payments" as a title.

16  Property Restraint

The  person in (1)  person in (2) must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. (The person in (2) cannot contact the person in (1) if the court has made a "No-Contact" order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**

Case Number: \_\_\_\_\_

**17**  **Spousal Support**

Spousal support is ordered on the attached Form FL-343, *Spousal, Partner, or Family Support Order Attachment* or (specify other form): \_\_\_\_\_

**18**  **Rights to Mobile Device and Wireless Phone Account**

a.  **Property Control of Mobile Device and Wireless Phone Account**

Only the person in (1) can use, control, and possess the following property:

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-130 Rights to Mobile Device and Wireless Phone Account" as a title.

b.  **Debt Payment**

The person in (2) must make these payments until this order ends:

Pay to (wireless service provider): \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

c.  **Transfer of Wireless Phone Account**

The court has made an order transferring one or more wireless service accounts from the person in (2) to the person in (1). These orders are contained in a separate order (Form DV-900).

**19**  **Insurance**

The person in (1)  the person in (2) is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

**20**  **Lawyer's Fees and Costs**

The person in (2) must pay the following lawyer's fees and costs:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**21**  **Payments for Costs and Services**

The person in (2) must pay the following:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Payments for Costs and Services" as a title.

**22**  **Batterer Intervention Program**

The person in (2) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department under Penal Code § 1203.097. The person in (2) must enroll by (date): \_\_\_\_\_ or if no date is listed, must enroll within 30 days after the order is made. The person in (2) must complete, file and serve Form 805, Proof of Enrollment for Batterer Intervention Program.

**23**  **Other Orders**

Other orders (specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**24** **No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.

**This is a Court Order.**

Case Number: \_\_\_\_\_

**25) Service**

- a.  The people in (1) and (2) were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b.  The person in (1) was at the hearing on the request for original orders. The person in (2) was not present.
- (1)  Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in (2) must be served. This order can be served by mail.
- (2)  Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. The person in (2) must be personally "served" (given) a copy of this order.
- c.  Proof of service of Form FL-300 to modify the orders in Form DV-130 was presented to the court.
- (1)  The people in (1) and (2) were at the hearing or agreed in writing to this order. No other proof of service is needed.
- (2)  The people in  (1)  (2) was not at the hearing and must be personally "served" (given) a copy of this amended order.

**26)  Criminal Protective Order**

- a.  Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_
- b.  Other Criminal Protective Order in effect (*specify*): \_\_\_\_\_  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
(List other orders on an attached sheet of paper. Write "DV-130, Other Criminal Protective Orders" as a title.)
- c.  No information has been provided to the judge about a criminal protective order.

**27)  Attached pages are orders.**

- Number of pages attached to this seven-page form: -1-
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):  
 DV-140  DV-145  DV-150  FL-342  FL-343  DV-900  
 Other (*specify*): Attachment One (1) - stipulation for 2-year Restraining Order After Hearing signature page

Date: \_\_\_\_\_

**Certificate of Compliance With VAWA**

This restraining (protective) order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

**This is a Court Order.**

**Warnings and Notices to the Restrained Person in 2**

**If you do not obey this order, you can be arrested and charged with a crime.**

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

**You cannot have guns, firearms, and/or ammunition.**



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. Unless the court grants an exemption, you must sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.

**Instructions for Law Enforcement****Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date in item ⑤ (a) on page 2, or
- The date next to the judge's signature on this page.

The orders *end* on the expiration date in item ④ on page 1. If no date is listed, they end three years from the hearing date.

**Arrest Required if Order is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

**Notice/Proof of Service**

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**



Case Number: \_\_\_\_\_

### Child Custody and Visitation

The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.

### Enforcing the Restraining Order in

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

### Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

#### —Clerk's Certificate—

Clerk's Certificate

[ seal ]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order**

SHORT TITLE:	CASE NUMBER:
--------------	--------------

ATTACHMENT (Number): One (1)

*(This Attachment may be used with any Judicial Council form.)*

The parties agree that a Two (2) year Restraining Order After Hearing shall be granted protecting and restraining

By signing below, the parties acknowledge that each has read and discussed the terms of this restraining order with his or her respective counsel. Each party understands and accepts the terms of this agreement. Each party warrants that each freely and voluntarily executed this agreement. This agreement may be signed in counterparts. Each counterpart shall be deemed part of the original document. This agreement may also be signed by email and such email signatures shall be valid as originals.

So Agreed.

Dated: \_\_\_\_\_

Protected Party

Dated: \_\_\_\_\_

Attorney for

Dated: \_\_\_\_\_

Restrained Party

Dated: \_\_\_\_\_

Attorney for

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_  
*(Add pages as required)*

SHORT TITLE:	CASE NUMBER:
--------------	--------------

ATTACHMENT (Number): One (1)

*(This Attachment may be used with any Judicial Council form.)*

The parties agree that a Two (2) year Restraining Order After Hearing shall be granted protecting and restraining

By signing below, the parties acknowledge that each has read and discussed the terms of this restraining order with his or her respective counsel. Each party understands and accepts the terms of this agreement. Each party warrants that each freely and voluntarily executed this agreement. This agreement may be signed in counterparts. Each counterpart shall be deemed part of the original document. This agreement may also be signed by email and such email signatures shall be valid as originals.

So Agreed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Protected Party

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for

Dated: \_\_\_\_\_

\_\_\_\_\_  
Restrained Party

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

ATTACHMENT  
to Judicial Council Form

# Exhibit B

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** RE: Response Requested

**Importance:** High

Dear Judge [redacted] Division,

I am writing to raise a potentially urgent issue that has just come to my attention. In short, [redacted] informs me that various individuals have recently posted claims on social media which, if true, may warrant a change of judge for cause pursuant to Family Law Rule 6.1. Before pursuing this further, I wanted to bring this to the Court's attention and request a response from Judge [redacted] directly to verify whether the allegations are true.

In short, [redacted] has informed me of the following:

- 1.) Judge [redacted] was personally [redacted] held in this matter on [redacted] ;
- 2.) After the trial, several individuals ("supporters" of [redacted]) claim to have discussed the case with Judge [redacted]
- 3.) According to these individuals, Judge [redacted] claimed the judge shared information with him about this case, and made comments indicating Judge [redacted] intended to make adverse rulings against [redacted] before trial.

Obviously, if these allegations are true, they raise extremely serious concerns.

However, I am fully aware that similar claims have recently been posted on social media in other unrelated cases, and those claims were later shown to be false.

In this instance, [redacted] has reason to believe the allegations regarding Judge [redacted] are true. She has obtained a video of a least one person making these claims, and that person claims to have directly communicated with Judge [redacted] about this matter. If this claim is true, [redacted] believes this may warrant a change of judge for cause pursuant to Family Law Rule 6.1.

Before proceeding, as unusual as this may be, I am respectfully asking Judge [redacted] to respond directly and explain whether these allegations are true.

As I mentioned in court last week, I am currently in [redacted] on a family vacation. We are currently on a cruise ship (the [redacted]) anchored in [redacted]. We are leaving this evening for [redacted], and we will be on the ship until early next week when it docks in [redacted]. We will have extremely limited phone/internet while the ship is at sea. Currently (as of [redacted]), we are [redacted] time, but that will increase as we move further east.

Again, I fully understand the unusual nature of this message, and as noted above, I understand the allegations may be entirely false. However, given the serious nature of the issue, [redacted] has asked me to move forward with an immediate Notice of Change of Judge for Cause unless the Court confirms the above allegations are false. I hope this will not be necessary given the significant disruption this may cause, but I am ethically obligated to take all appropriate steps to protect [redacted] rights, and I intend to do so.

For that reason, I respectfully request a response from the Court to the issues raised above by \_\_\_\_\_ (time) tomorrow, \_\_\_\_\_. For purposes of clarity, the questions I am propounding are as follows:

1. Was Judge \_\_\_\_\_ (either in court or in any overflow room) for the trial in this matter on \_\_\_\_\_
2. Did Judge \_\_\_\_\_ speak with \_\_\_\_\_ or any of his supporters, including any of his attorneys, at any time;
3. Did Judge \_\_\_\_\_ share any information of any kind with \_\_\_\_\_ regarding this case prior to \_\_\_\_\_, and if so, what specific information was shared.

Thank you for your prompt attention to this request.

Tel.: \_\_\_\_\_  
Fax: \_\_\_\_\_

# Exhibit C

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** RE: Response Requested

Good morning,

To the extent that either party wishes to bring a matter to the Court's attention, the Court respectfully asks that you file the appropriate motion.

Best,

---

**From:**  
**Sent:**  
**To:**  
**Cc:** I

**Subject**  
**Importance:** High

Dear Judge Division,

I am writing to raise a potentially urgent issue that has just come to my attention. In short, informs me that various individuals have recently posted claims on social media which, if true, may warrant a change of judge for cause pursuant to Family Law Rule 6.1. Before pursuing this further, I wanted to bring this to the Court's attention and request a response from Judge directly to verify whether the allegations are true.

In short, has informed me of the following:

- 1.) Judge was at the trial held in this matter on ;
- 2.) After the trial, several individuals ("supporters" of ) claim to have discussed the case with Judge ;
- 3.) According to these individuals, Judge claimed the judge shared information with him about this case, and made comments indicating Judge intended to make adverse rulings against before trial.

Obviously, if these allegations are true, they raise extremely serious concerns.

However, I am fully aware that similar claims have recently been posted on social media in other unrelated cases, and those claims were later shown to be false.

In this instance, has reason to believe the allegations regarding Judge are true. She has obtained a video of a least one person making these claims, and that person claims to have directly communicated with Judge about this matter. If this claim is true, believes this may warrant a change of judge for cause pursuant to Family Law Rule 6.1.



# Exhibit D

SUPERIOR COURT OF ARIZONA  
COUNTY

CLERK OF THE COURT

HONORABLE

IN RE THE MATTER OF

AND

JUDGE

COUNTY ATTORNEY'S

OFFICE

**UNDER ADVISEMENT RULING**

An in-person Evidentiary Hearing was held on \_\_\_\_\_, regarding the issues of sanctions, paternity, attorney's fees, and costs.

**JURISDICTIONAL FINDINGS**

**THE COURT FINDS** at the time this action was commenced at least one of the parties was domiciled in the State of Arizona and that said domicile had been maintained for at least 90 days prior to filing the Petition. There are no minor children common to the parties.

**PROCEDURAL HISTORY**

SUPERIOR COURT OF ARIZONA  
COUNTY

- (“Petitioner”) filed a pro per Petition to Establish Paternity, Legal Decision Making, Parenting Time and Child Support on .
- Petitioner filed a pro per Motion to Communicate on , a Motion to Compel on , and Expedited Consideration Requested! Motion to Communicate filed , and Expedited (!) Motion to Seal Court Record on . All motions were denied.
- (“Respondent”) filed a pro per Answer on . The Court granted Respondent’s Motion for Leave to Amend Response filed by counsel on , and Amended Response to Petition to Establish filed on .
- The parties attended an Early Resolution Conference on , wherein the parties entered into a Rule 69 agreement to comply with a n test on .
- On , Petitioner filed for an ex parte Order of Protection (“OOP”) in . After a hearing, the OOP was affirmed. The same day the results indicated .”
- On , Petitioner filed a Request for Pre-Decree Mediation citing Respondent’s unwillingness to communicate with Petitioner and citing “ . (Dkt. No. ).
- On , the parties appeared before (retired) in in response to the Injunction Against Harassment (“IAH”) filed by Respondent. On the parties’ stipulation, the Court previously reviewed both days of the hearing and identified that the Petitioner, appearing virtually, frequently stood up and rubbed what appeared to be a swollen abdomen. , testimony resumed, and Petitioner testified that she was “ ” and “ ” pregnant with Respondent’s children. She further testified that the . She further testified that due to she was experiencing a high-risk pregnancy and was being cared for by two specialists, namely and . She testified she last saw “ ” prior to the , hearing.
- , the parties appeared before to determine the validity of the contested OOP in . Petitioner’s abdomen again appeared swollen. During this hearing, she testified to the validity of the sonogram sent to Respondent, the media, and a , and further testified the parties were . She later testified she believed she was having , one .

SUPERIOR COURT OF ARIZONA  
COUNTY

- , a second test confirmed “ .”
- A third test was done; however, the test results were lost in transit.
- , Respondent filed a Notice of Filing Affidavit of Non-Paternity.
- , Petitioner filed a Motion to Dismiss Petition to Establish Paternity, Legal Decision Making, Parenting Time and Child Support with Prejudice in conjunction with a Notice Requiring Strict Compliance with Arizona Rules of Evidence, thereby invoking A.R.F.L.P. Rule 2(a). Petitioner cited the basis for the dismissal that she “ .” (Dkt. No. ). The motion was denied as the issue of attorney’s fees, costs, and sanctions remained.
- , Petitioner filed an Expedited Motion to Quash Deposition of Petitioner. , Respondent filed a Response/Objection to Petitioner’s Motion to Dismiss. The Court denied Petitioner’s Motion to Quash.
- Respondent withdrew his Motion for Sanctions Pursuant to Rule 26, on
- Petitioner filed a Motion for Confidentiality and Preliminary Protective Order on
- Respondent participated in a deposition on
- At a Status Conference on , Petitioner was ordered by this Court to comply with Rule 49 disclosure requirements. During the hearing, Petitioner’s counsel advised that the Petitioner had miscarried sometime in or
- Petitioner was deposed on
- On , Petitioner’s prior counsel, filed Ethical Rule 3.3 Notice of Candor, wherein counsel advises the Court that statements made by counsel at the , Status Conference were factually incorrect. Specifically, counsel stated .” (Dkt. No. While counsel believed the statements to be accurate at the time, counsel later determined those statements were not true based on the Petitioner’s deposition taken . (Id. at ).
- Voluminous additional pre-trial pleadings were filed by both parties. Those motions were ruled on separately, by minute entry, and the rulings are not relevant for purposes of this hearing.

**FINDINGS OF FACT**

SUPERIOR COURT OF ARIZONA  
COUNTY

**Petitioner,**

- Petitioner contacted Respondent through \_\_\_\_\_.
- Petitioner and Respondent met on \_\_\_\_\_, to locate potential investment properties in \_\_\_\_\_.
- Petitioner has a \_\_\_\_\_ (Ex. B. \_\_\_\_\_).
- Between \_\_\_\_\_, the parties viewed some properties in \_\_\_\_\_.
- On the evening of \_\_\_\_\_, Respondent invited Petitioner over to his home, which she accepted.
- After Petitioner arrived, Respondent told her he was “\_\_\_\_\_” on cannabis “\_\_\_\_\_” and he offered one to her, which she accepted.
- During the late evening of \_\_\_\_\_, and early morning of \_\_\_\_\_ both parties agree that Petitioner performed oral sex on Respondent “\_\_\_\_\_”.
  
- Petitioner testified she did not want to have sexual intercourse, but that Respondent “\_\_\_\_\_” briefly.
- Petitioner’s implication that Respondent initiated sexual intercourse without consent was not alleged initially in the court filings. It was not alleged until \_\_\_\_\_ (Ex. B. \_\_\_\_\_).
- At trial, Petitioner testified that the parties had sexual intercourse, and that it was rape.
- Petitioner testified Respondent was too high to remember sexual intercourse, due to his voluntary intoxication.
- Petitioner believes she became pregnant on \_\_\_\_\_. She testified that after \_\_\_\_\_,
  
- Petitioner has had \_\_\_\_\_ since the age of \_\_\_\_\_ and does not \_\_\_\_\_ (Ex. A. 11).
- Petitioner has a history of \_\_\_\_\_. (*Id.*).
- Petitioner testified she has been pregnant \_\_\_\_\_. Each time, the alleged father believed she fabricated the pregnancy, and doctored medical records.
- On \_\_\_\_\_, Petitioner asked Respondent to prepare written purchase offers for two properties Petitioner wanted to purchase in \_\_\_\_\_ – one was located at \_\_\_\_\_ (offer amount was \_\_\_\_\_) and the other was located at \_\_\_\_\_ (offer amount was \$ \_\_\_\_\_).

SUPERIOR COURT OF ARIZONA  
COUNTY

- Petitioner asked Respondent, as her realtor, to prepare these purchase offers and to submit them to the seller or the seller's agent.
- Respondent prepared the purchase offers, which Petitioner signed on or around \_\_\_\_\_, but Respondent never submitted them to the seller or the seller's agent.
- Petitioner later asked Respondent if he had heard anything from the seller in response to \_\_\_\_\_ offers.
- Respondent advised he had not heard back from the seller.
- Petitioner testified that she advised the \_\_\_\_\_ and action was taken.
- On \_\_\_\_\_, Petitioner took a home pregnancy test which showed a faint positive result.
- Petitioner testified that after multiple positive pregnancy tests, she told the Respondent she was pregnant.
- Petitioner denies using hormones, someone else's urine, or altering the test at all.
- Petitioner found Respondent's reaction to be hostile and dismissive.
- On \_\_\_\_\_, Petitioner went to \_\_\_\_\_ at \_\_\_\_\_ she informed the nurse that she believed she may be pregnant, and she asked for a test to determine whether she was, in fact, pregnant. (Ex. A. 2).
- The test result from \_\_\_\_\_ was positive for pregnancy. (*Id.*).
- Petitioner testified that for more than \_\_\_\_\_ prior to \_\_\_\_\_, she was not \_\_\_\_\_. Based on this, Petitioner testified that she believed she was pregnant, and Respondent was the only potential father.
- \_\_\_\_\_, Petitioner went to Respondent's home at his request.
- Respondent provided a pregnancy test for Petitioner to take. Conflicting testimony makes it difficult to ascertain whether the test was taken in front of the Respondent or with the bathroom door closed due to a shy bladder. Both parties agree the test was positive.
- In the " \_\_\_\_\_ " email the Court finds the language to imply Respondent was attempting to buy into the idea that \_\_\_\_\_ might have led to a pregnancy. (Ex. A. 2). The Court, however, does not find the email conclusive that Respondent believed her to be pregnant with his children, but rather an attempt to consider her ascertainment.
- In the " \_\_\_\_\_ " email Respondent maintains that the \_\_\_\_\_ would preclude him from being the father of the fetuses. The email does not deny the pregnancy test was positive. (Ex. A. 2).
- In the email, Respondent suggested that the positive test was the result of Petitioner's \_\_\_\_\_ medication.

SUPERIOR COURT OF ARIZONA  
COUNTY

- Petitioner emailed \_\_\_\_\_ from \_\_\_\_\_ on \_\_\_\_\_ (Ex. A. 3). The subject of the email is “ \_\_\_\_\_ ” (*Id.*).
- Petitioner denies sending Respondent an ultrasound video, citing instead that \_\_\_\_\_ hacked into her email and sent the video to Respondent. (Ex. A. \_\_\_\_\_) (Ex. B. \_\_\_\_\_).
- Petitioner testified that \_\_\_\_\_, she anonymously sought care at a \_\_\_\_\_ . While she failed to provide records of any \_\_\_\_\_ appointment, anonymous or under an alias, Respondent presumably sought records from all \_\_\_\_\_ as that is where, up until today, Petitioner disclosed she sought care. (Ex. B. \_\_\_\_\_, line \_\_\_\_\_). Petitioner testified that she had the sonogram at a \_\_\_\_\_ in \_\_\_\_\_ either anonymously or under a pseudonym and changed the location to prevent Respondent from tracking down the records. The Court was not provided with those records at trial.
- Petitioner testified that on \_\_\_\_\_ she experienced \_\_\_\_\_ and sought telehealth assistance.
- Petitioner testified that she texted a \_\_\_\_\_ assistance.
- The telehealth provider told Petitioner it was \_\_\_\_\_ and she should monitor the situation and seek further care as needed. Petitioner chose not to seek in person care that would have confirmed if \_\_\_\_\_  
The Court finds the “ \_\_\_\_\_ ” component of the telehealth visit was due to the nature of telehealth and the inability to provide care in the form of an exam, hCG test, blood test, ultrasound, or sonogram.
- Instead of seeking in-person care, Petitioner chose to take another hCG home pregnancy test on \_\_\_\_\_, which was positive.
- Petitioner again took an at home test instead of seeking care on \_\_\_\_\_.
- Petitioner testified that she made multiple appointments to see \_\_\_\_\_. Three of the four appointments were rescheduled and then cancelled when the Petitioner \_\_\_\_\_ records indicate f \_\_\_\_\_ pages of records confirming making and cancelling appointments.
- The Court was not provided with evidence of the \_\_\_\_\_ test but maintains that the nature of her high-risk pregnancy would warrant a visit to the emergency room who would be equipped to care for a high-risk pregnancy wherein the Mother was \_\_\_\_\_.

SUPERIOR COURT OF ARIZONA  
COUNTY

- In \_\_\_\_\_, the parties agreed to a DNA test through \_\_\_\_\_.
- Petitioner paid \$ \_\_\_\_\_ to \_\_\_\_\_ for the test, but Respondent failed to provide a sample and Petitioner canceled the test on \_\_\_\_\_. (Ex. A. 5).
- The Court does not find the sexual contact between Petitioner and Respondent resulted in a pregnancy.
- The Court finds that if the Petitioner was pregnant, it is profoundly unlikely that conception occurred \_\_\_\_\_.
- During this litigation, if Petitioner had maintained consistently an allegation of sexual assault, coupled with a police report, or physical exam, the Court may find differently. Evidence and testimony, however, do not support this inconsistent contention.
- Petitioner admitted to changing an hCG test result to reflect \_\_\_\_\_. (Ex. B. 17). She further testified she altered the document using \_\_\_\_\_, but not \_\_\_\_\_.
- In late \_\_\_\_\_ or \_\_\_\_\_, both parties submitted samples to \_\_\_\_\_ for DNA testing.
- \_\_\_\_\_, the Petitioner's blood was drawn, and the results were hCG levels of \_\_\_\_\_ (Ex. A. 9). Petitioner changed the results to reflect \_\_\_\_\_.
- Petitioner testified that on \_\_\_\_\_, she was aware the alleged pregnancies were not viable and filed the Request for Pre-Decree Mediation in the hopes that at mediation she could tell the Respondent that the pregnancy was no longer viable.
- Upon denial of her Request, however, she did not file a Motion to Dismiss or make other arrangements to advise Respondent of the development.
- The Court finds this testimony incredible and a misuse of judicial resources.
- Petitioner was not treated by \_\_\_\_\_ as testified to in her \_\_\_\_\_, hearing on the IAH.
- Petitioner's alleged pregnancy was not treated by \_\_\_\_\_, or any other in-person obstetrician or gynecologist.
- The Court finds failure to seek in person care for a high-risk pregnancy to be both unreasonable and uncreditable.
- The Court further finds that going to \_\_\_\_\_ for a pregnancy test, but not the \_\_\_\_\_ to be unreasonable and uncreditable. A reasonable person, if seeking emergency room care to confirm a pregnancy, would not rely on telehealth to confirm the non-viability of the pregnancies.
- Petitioner testified that on \_\_\_\_\_, she sought OB/GYN services from a facility, \_\_\_\_\_, to determine whether she was allegedly still pregnant.



SUPERIOR COURT OF ARIZONA  
COUNTY

(Ex. A. 11). At that appointment, Petitioner took two pregnancy tests that were both negative.

- Petitioner testified that she currently weighs     pounds but weighed     in     during her     appointment. She experienced significant swelling in her abdomen and felt pregnant.
- The Court was presented with videos dated     , Petitioner sent Respondent of her abdomen as evidence of pregnancy. (Ex. A. 6, 7).     testified that while she appeared pregnant, that alone was not conclusive of pregnancy.
- Petitioner denies tampering with hCG tests but does admit to altering and fabricating ultrasounds and sonograms. She further testified that she changed the hCG numbers on two of the results. The Court finds little, if any difference, in altering the test itself for which she denies, and altering the results which she did tamper with by her own admission.
- During Petitioner's cross-examination, it became profoundly obvious that counsel for the Petitioner was attempting to coach her answers.
- Respondent's counsel, identifying the issue, moved between counsel and the Petitioner.
- From that point forward, the Petitioner began to exhibit extreme anxiety and unwillingness to answer questions.
- The Court had to remind the Petitioner twice that counsel would ask a question and she needed to answer it.
- At this time, Petitioner pushed back her chair and advised the Court she did not believe she was being treated fairly. The Court attempted to redirect Petitioner to no avail.
- At this time, Petitioner became emotional and asked for a brief recess, which the Court granted.
- The Court finds this interaction between counsel and Petitioner, diminishes the creditability and veracity of the Petitioner's responses during cross-examination.
- The Court finds it is impossible to determine the date of any alleged miscarriage, not because it is impossible, but rather because she failed to seek even a minimal level of care for her high-risk condition. Failure to demonstrate confirmation of ongoing pregnancy is a purposeful way to ensure Respondent would not be able to determine if she was pregnant and if so, for how long the pregnancy lasted.

SUPERIOR COURT OF ARIZONA  
COUNTY

, a retired OB/GYN and prior  
, testified that pregnancy is possible without sexual intercourse.  
testified that he delivered 30,000 babies during his practice and saw  
many patients for miscarriages.

- testified that he reviewed approximately 200 pages of Petitioner's medical records from that included summaries of Petitioner's medications. He did not, however, review primary care or historical OB/GYN records.
- testified that none of the medication records he reviewed would cause a false positive home pregnancy test.
- testified that a false positive hCG test could be the result of medication, anxiety medication, , horse urine, or IVF prescribed injections ("trigger shots").
- When asked by the Court, testified he did not review any records from or
- testified that a home pregnancy can detect pregnancy eleven days after conception.
- testified that he is 99.9% sure that the Petitioner was pregnant based on the hCG tests. He did not change his perspective after Petitioner's admissions on the stand that she altered more than one test to reflect higher, viable hCG numbers.
- The Court finds testimony that .1% chance that Petitioner received a false positive due to several medications she is in fact taking, possible trigger shot for hCG, and a prior history of to diminish his creditability. Especially given that records that the Petitioner testified existed were not presented to her own expert for review and consideration.
- testified that a blood hCG level of 102 is proof of a non-viable pregnancy. While testified that a non-viable pregnancy is still a pregnancy, the Court finds that altering the number to reflect 102,000 which would be a viable pregnancy to indicate that she intended for the Respondent to believe that she was still pregnant with viable fetuses.
- concluded that the Petitioner became pregnant on , and ended with a " " late , or possibly sooner in Given the alterations of the only records to indicate pregnancy the Court does not accept this conclusion.
- testified that woman may expel tissue during a spontaneous abortion, or the pregnancy might remain in her body, ultimately being reabsorbed.

SUPERIOR COURT OF ARIZONA  
COUNTY

Given that the Petitioner testified under oath at a prior hearing that she was absolutely pregnant and had seen her doctor (presumably in-person) the Court does not accept that would be reabsorbed into a mother's body. The Court further finds a miscarriage at that stage of pregnancy would result in emergency medical care and corresponding death certificates. If what testified to is true, and she miscarried much sooner, negating the need for the death certificates, then Petitioner perjured herself at a prior hearing.

- , MD, MPH, reviewed Petitioner's records and provided her analysis of the hCG results. (Ex. B. ). Additionally, she was the prior
- She testified that does not accept . They do not accept patients . Patients are a is not , when Petitioner testified, she sought care
- testified that hCG does not confirm pregnancy. There must be serial hCG or an ultrasound and examination, which were never done, or never disclosed to the Court, the Respondent,
- reviewed the , telehealth instructions that Petitioner “ .” (Ex. B. , p. ). The instructions were not followed but Petitioner called the Abortion and Miscarriage Hotline which also recommended and encouraged the Petitioner to seek in-person medical care. (*Id.*).
- testified that there is no data to indicate a conception date.
- After reviewing the records, determined that the hCG tests were never dispositive of pregnancy and that the related miscarriage timeline, which included detailed analysis of the likely origin of hCG in Petitioner's blood and urine was not indicative of human gestational norms.
- testified that heterophilic autoimmune responses due to exposure to animals could produce a positive hCG test, but the confirmation blood test would be negative.
- A prior history of cancer could also produce a positive hCG result. Petitioner has a prior history of that prompted the

SUPERIOR COURT OF ARIZONA  
COUNTY

- Familial hCG Syndrome can also produce a false positive hCG test. testified that syndrome is very rare with only ten known cases in the world.
- Horse tranquilizers can create a positive hCG result.

**Respondent,**

- Respondent denies all allegations of sexual intercourse.
- Respondent confirms both parties were under the influence of marijuana but denies being “ ” and further denies memory loss because of the marijuana ingestion.
- Respondent testified that around “ ”, he realized his behavior with Petitioner was unprofessional and he intended to discontinue a sexual relationship with the Petitioner. He testified that upon hearing this, the Petitioner became very emotional.
- Respondent testified that he told Petitioner he had submitted the offers to the seller. Respondent testified he did not believe the Petitioner was really interested in the properties.
- When asked if he had received any response, Respondent told Petitioner that he had not, but he never told Petitioner the reason why no response had been received – i.e., because the offers had never been submitted.
- Respondent made knowingly false statements to “ ” about the real estate purchase offers.
- Respondent testified that Petitioner sent him approximately 500 texts message using thirteen different phone numbers threatening to leak information to the media. (Ex. B. ).
- Respondent testified that Petitioner reached out to “ ”, called his family, co-workers, and prior girlfriends accusing him of being a deadbeat for not supporting her and “ ”.
- Respondent testified that he received the video from Petitioner and continued to correspond with her over that email string which would reasonably prompt Petitioner to advise she did not send the video, but she did not advise of that at the time. (Ex. B. ).
- Petitioner emailed Respondent

” (Ex. B. ). The email continues “ ”

” (Id.).

SUPERIOR COURT OF ARIZONA  
COUNTY

- Petitioner encouraged Respondent to have sexual intercourse with her, citing she was “ ” and already pregnant.
- Petitioner further emailed Respondent that he had control of the outcome of the pregnancy “ ” (Ex. B. On , she said “

” (*Id.*).

- Petitioner told Respondent .
- Petitioner provided Respondent with a sonogram that was posted on ago. Petitioner admitted to this during her deposition (Ex. A. ).
- Petitioner sent a threatening letter to Respondent indicating her intention to sue him for in collateral allegations unless he agreed to dismiss this action that she initiated. (Ex. B. ).
- Petitioner signed a release of records for at . In a letter dated , the provider advised “ ” (Ex. B. , p.

**VALIDITY OF PETITIONER’S ORDER OF PROTECTION**

In this case, the gravamen of Respondent’s position is that Petitioner has fabricated her pregnancy, a condition which cannot have resulted from the parties’ interactions, because according to Respondent they never had sexual intercourse. But he does admit that the pair engaged in oral sex. Respondent seeks to have the protective order invalidated based on the alleged fabrication, while Petitioner essentially argues that even if she was never pregnant, the sexual activity between the two, and Respondent’s subsequent harassing online conduct, are sufficient to sustain the order regardless.

There is a predicate issue that should be addressed which goes to the Court’s authority to reconsider the protective order at all. Put simply, extant appellate authority, namely *Vera v. Rogers*, 246 Ariz. 30 (Ct. App. 2018) and like cases, precludes reconsideration here.

In *Vera*, Mother applied for a protective order in Court, but it was eventually transferred to the superior court after Father petitioned to establish legal decision-making authority, parenting time, and child support here. After a contested hearing, the commissioner handling the order of protection affirmed it in its entirety. Father then filed a

SUPERIOR COURT OF ARIZONA  
COUNTY

special action, asking the court of appeals to order the family court to amend the order of protection to align it with the temporary parenting-time orders it had made in the separate case. The court of appeals accepted the special action, finding it raised a “purely legal issue of first impression that is of statewide importance,” to wit, “the interplay between the procedural rules and statutes governing protective orders and family law proceedings.” (*Id.* at 33).

The court of appeals first recognized that the superior court, pursuant to ARFLP 5(A), has the authority to hold a joint hearing to concurrently consider both actions so that it may harmonize the orders. But having said that, the court noted that the superior court’s “authority to modify an order of protection only exists pursuant to the statutes and rules controlling protective orders.” (*Id.* at 34). And those statutes and rules prevented the relief Father sought in *Vera*, because another superior court officer had already affirmed the contested order of protection. Indeed, the court stated that “[o]nce [a contested] hearing has been held, an affirmed order of protection may be amended or dismissed only in two ways: (1) by a request of the party protected by the order, Ariz. R. Protect. Ord. P. 40(a), 41(a); or (2) by appeal, Ariz. R. Protect. Ord. P. 42(a)(2), (b).” (*Id.* at 35). Because Mother had not requested amendment, and Father did not appeal from what amounted to a final judgment, he could not obtain relief, and the family court had no power to amend the protective order. Put another way, “a superior court judicial officer is not to engage in horizontal appellate review of another judicial officer’s decision to affirm an order of protection.” (*Id.* at 36; *see also Davis v. Davis*, 195 Ariz. 158, 161, ¶ 11) (App. 1999) (holding that “a superior court judge has no jurisdiction to review or change the judgment of another superior court judge when the judgment has become final”).

Just like in *Vera*, absent a move by Petitioner to modify or dismiss the protective order, Respondent’s “sole remedy was to appeal” the final ruling affirming it after the contested hearing. (*Id.* at 36). Although *Vera* did not involve fraud, this Court was unable to identify any cases collaterally challenging a final protective order judgment on Rule 85 grounds in a separate family court proceeding, nor any authority suggesting that *Vera*’s exclusive roadmap (which is rooted in ARPOP 40 & 41) for amending or dismissing a final order of protection judgment is subject to an exception based on Rule 85 review. This Court’s power to invalidate the order is foreclosed by *Vera*.

Even if *Vera* did not foreclose this Court’s review, Respondent cannot prevail here (despite what appears to be a case of serial fabrications here and elsewhere by Petitioner). Under A.R.S. § 13-3601(A)(6), the parties admittedly had a relationship that was “ . . . ,” however fleeting it might have been. Petitioner thus had a statutory avenue to seek a protective order, regardless of whether she fabricated her pregnancy. Moreover, did not issue the order based solely, or even primarily, on the “ of

SUPERIOR COURT OF ARIZONA  
COUNTY

Petitioner’s pregnancy. Indeed, his initial order required that Respondent not contact Petitioner or “

” do the same. (Dkt. No. Case No. filed ). Moreover, Petitioner’s initial Petition referenced a myriad of communications Respondent made to her that could be deemed threatening per the statutory guidelines and appears to have prompted to confirm the order after the hearing. Thus, even if Petitioner’s broader pregnancy allegations are proven untrue, one aspect of the court’s order indicated that it found Respondent had engaged in harassing conduct, so even on the merits there is no cause to invalidate the final judgment.

*Vera v. Rogers* forecloses not only reviewing the orders in principle but also prevents tinkering at the margins as well. If the superior court cannot “engage in horizontal appellate review of another judicial officer’s decision to affirm an order of protection,” 246 Ariz. at 36, there is no way that the Court can otherwise review portions of those decisions piecemeal either. The parties’ remedies as to both decisions were to appeal and have the appellate court review the entirety of those decisions. Both had hearings as to their respective orders, and under ARPOP 42(a)(2), “[a]n Order of Protection, an Injunction Against Harassment, or an Injunction Against Workplace Harassment that is entered, affirmed, modified, or quashed after a hearing at which both parties had an opportunity to appear” is appealable.

**SANCTIONS**

ARFLP 26(b) provides that “by signing a pleading, motion or other document, the attorney or party certifies to the best of the person’s knowledge, information, and belief formed after reasonable inquiry: (1) it is not being presented for any improper purposes, such as to harass . . . (2) the claims, defenses, and other legal contentions are warranted by existing law . . . (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery . . . .” Meanwhile, Rule 26(c) provides that “if a pleading, motion, or other document is signed in violation of this rule, the court—on motion *or on its own*—may impose on the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including a reasonable attorney fee.” (emphasis added).

In this case, Respondent filed a Motion for Sanctions Pursuant to Rule 26 on , arguing that “

.” (Dkt. No. at ). However, after significant motion practice between the parties’

SUPERIOR COURT OF ARIZONA  
COUNTY

attorneys, Respondent filed a Motion to Withdraw Motions for Sanctions Pursuant to Rule 26 on while retaining his other claims under A.R.S. §§ 25-324, 25-415, 25-809. (Dkt. No. . The question thus becomes, can the court still award Rule 26 sanctions, considering Respondent's withdrawal of his motion.

As already noted above, ARFLP 26(c) expressly provides that the court can sanction a party for a violation "on its own." The Court was unable to locate any decisions pertaining to whether the withdrawal of a party's Rule 26 sanctions motion precludes a *sua sponte* court award. But, as a matter of plain meaning and strict interpretation, it would seem not to matter whether a party ever files a motion or even whether that party does file a motion and then withdraws it—a court may still award the sanctions it deems appropriate, based on the conduct it deems to violate the rule. Indeed, if per Rule 26(c) the court can at any time award sanctions of its own accord and on its own findings, absent invitation, the withdrawal of a party's motion to do so would not seem to vitiate or in any way affect that power, as a matter of plain logic. So, for instance, if the Court were to here find that Petitioner fabricated her pregnancy to provide leverage against Respondent in order to secure a long-term relationship with him and all its attendant benefits, Rule 26(c) would appear without doubt to provide it the authority to "order [her] to pay [Respondent his] reasonable expenses . . . including a reasonable attorney fee," regardless of any prior filings by the parties. That is because that fabrication, if adjudicated as such, would have been the predicate for her initial petition and many, indeed all, of the motions that came after it.

Although there is a dearth of case law on this issue, other rules confirm that the family court has the authority to award sanctions on its own. Rule ARFLP 76.2(a)(1), for instance, provides that "[i]n a pre-judgment or post-judgment proceeding, the court upon motion *or its own initiative* may impose sanctions if a party or attorney: (1) fails to obey a scheduling or pretrial order; (2) fails to appear at a Resolution Management Conference, a scheduling conference, an evidentiary hearing, a trial, or other scheduled hearing; (3) is substantially unprepared to participate in a conference, hearing or trial; (4) fails to participate in good faith in a conference, hearing, or trial, or in preparing a resolution statement, scheduling statement, or pretrial statement." (emphasis added). And the remedies available include, in addition to substantive sanctions, ordering the party at fault "to pay reasonable expenses--including attorney fees, an assessment to the clerk, or both--caused by any noncompliance with a court order." ARFLP 76.2(c); *see also Hamby v. Hamby*, No. 1 CA-CV 19-0498 FC, 2020 WL 4717115, at \*2 (Ariz. Ct. App. Aug. 13, 2020) (confirming power of court to award sanctions on its own initiative under ARFLP 76). Rule 71 provides for a similar power in the settlement and ADR context.



SUPERIOR COURT OF ARIZONA  
COUNTY

Additionally, as is evident from their near textual identicality, and per the *Arizona Family Law Rules Handbook*, “ARFLP 26 is based on [Arizona Rule of Civil Procedure] 11.” 3 Comparison with Civil Rules, 13 Ariz. Prac., *Family Law Rules Handbook* Rule 26. And Rule 11 also expressly provides that in the event of a violation “the court—on motion or on its own—may impose on the person who signed it, a represented party, or both, an appropriate sanction.” And in the Rule 11 context, the Court of Appeals has concluded that a trial court may impose sanctions even after a complaint has been dismissed for lack of prosecution. *See Britt v. Steffen*, 220 Ariz. 265 (App. Div.1 2008). This lends credence to the idea that the family court’s inherent authority to award sanctions under ARFLP 26 should not be read to be limited by the course of the case or by the litigation strategy pursued by the parties. The power is there by rule and can be used by the court when necessary and appropriate.

**NON-PATERNITY**

A.R.S. § 25-814(A)(2) provides a man is presumed to be the father of a child if “[g]enetic testing affirms at least a ninety-five percent probability of paternity.” A.R.S. § 25-814 (C) provides a man is presumed to be the father based on DNA testing, that may only be rebutted by clear and convincing evidence. Based on a lack of confirmed pregnancy and repetitive results of “ ” the Court cannot establish that Petitioner was pregnant. The Court cannot establish paternity of a nonconfirmed pregnancy lacking DNA evidence despite testing twice. Here, two test results of “ ” fall woefully short of the 95% required to meet the burden of clear and convincing evidence that Respondent was the father of Petitioner’s alleged pregnancy.

**ATTORNEY FEES AND COSTS**

has requested an award of attorney fees and costs. An award of attorney fees and costs is governed by A.R.S. § 25-324. A.R.S. § 25-324 provides as follows:

A. The court from time to time, after considering the financial resources of both parties and the reasonableness of the positions each party has taken throughout the proceedings, may order a party to pay a reasonable amount to the other party for the costs and expenses of maintaining or defending any proceedings under this chapter or chapter 4, article 1 of this title. On request of a party or another court of competent jurisdiction, the court shall make specific findings concerning the portions of any award of fees and expenses that are based on consideration of financial resources and that are based on consideration of reasonableness of positions. The court may make these findings before, during

SUPERIOR COURT OF ARIZONA  
COUNTY

or after the issuance of a fee award.

B. If the court determines that a party filed a petition under one of the following circumstances, the court shall award reasonable costs and attorney fees to the other party:

1. The petition was not filed in good faith.
2. The petition was not grounded in fact or based on law.
3. The petition was filed for an improper purpose, such as to harass the other party, to cause an unnecessary delay or to increase the cost of litigation to the other party.

C. For the purpose of this section, costs and expenses may include attorney fees, deposition costs and other reasonableness expenses as the court finds necessary to the full and proper presentation of the action, including any appeal.

D. The court may order all amounts paid directly to the attorney, who may enforce the order in the attorney's name with the same force and effect, and in the same manner, as if the order had been made on behalf of any party to the action.

**THE COURT FINDS** there is no substantial disparity of financial resources between the parties. Petitioner did not provide an AFI but testified she and her mother collectively earn \$ \_\_\_\_\_ a year. Respondent filed an AFI on \_\_\_\_\_, citing monthly income of \$ \_\_\_\_\_, and annual income of \$ \_\_\_\_\_.

**THE COURT FURTHER FINDS** that Petitioner acted unreasonably in the litigation. Specifically, Petitioner acted unreasonably when she initiated litigation without basis or merit. Without an authentic ultrasound, sonogram, physical examination, and in conjunction with a belief she \_\_\_\_\_, the Court finds the underlying Petition premature at best. At worst, however, fraudulent and made to incite communication, a relationship, or both, with the Respondent. The Court further finds that filing a motion seeking mediation for the purpose of telling the Respondent that the pregnancies were not viable disingenuous at best but certainly misleading to the Court. If the purpose of the motion was in fact to attend mediation, then the Petitioner perjured herself today when she said the purpose of the mediation was to tell the Respondent about the miscarriage. Either way, Respondent likely incurred costs associated with this litigation prior to retaining counsel and he is entitled to reimbursement for those costs.

**THE COURT FURTHER FINDS** that Petitioner repetitively failed to comply with Rule 49, even on Order of this Court. Further compounded by the fact that on the day of trial, she testified that she \_\_\_\_\_. While she failed to provide records of any \_\_\_\_\_ appointment,

Respondent presumably sought records from all \_\_\_\_\_

Docket Code \_\_\_\_\_

as that \_\_\_\_\_

Page 17

SUPERIOR COURT OF ARIZONA  
COUNTY

where, up until today, Petitioner disclosed she sought care. This undoubtedly, caused Respondent to incur substantial legal fees attempting to locate records that may, or may not exist in \_\_\_\_\_ but now appear to have never existed in \_\_\_\_\_. Additionally, Petitioner acknowledged she altered hCG test results, an ultrasound and sonogram.

**THE COURT FURTHER FINDS** that the provisions of A.R.S. § 25-324(B) do apply because the petition was not filed in good faith, the petition was not grounded in fact or based on law, the petition was filed for an improper purpose, such as to harass the other party, to cause an unnecessary delay or to increase the cost of litigation to the other party. Here, the Court finds Petitioner provided false testimony as to the viability of the pregnancy in all three cases addressed in the procedural history. Additionally, prior to her deposition, Petitioner sent a threatening letter to Respondent indicating her intention to sue him for \_\_\_\_\_ in collateral allegations unless he agreed to dismiss this action that she initiated.

**THE COURT FURTHER FINDS** that \_\_\_\_\_ knowingly presented a false claim, knowingly violated a court order compelling disclosure or discovery such that an award of attorney fees and costs is appropriate under A.R.S. § 25-415.

**IT IS THEREFORE ORDERED granting** \_\_\_\_\_ request for attorney fees and costs associated with F \_\_\_\_\_.

**IT IS FURTHER ORDERED denying** \_\_\_\_\_ request for attorney fees and costs associated with the OOP and IAH hearings referencing the analysis above.

**IT IS FURTHER ORDERED** that \_\_\_\_\_ shall pay \_\_\_\_\_ reasonable attorney fees and costs. Not later than \_\_\_\_\_, Respondent and counsel for \_\_\_\_\_ shall submit all necessary and appropriate documentation to support an application for an award of attorney fees and costs, including a *China Doll* Affidavit and a form of proposed order. By no later than \_\_\_\_\_ shall file any written objection and a form of proposed order. If \_\_\_\_\_ counsel fails to submit the documentation by \_\_\_\_\_, no fees or costs will be awarded. The Court shall determine the award and enter judgment upon review of the Affidavit as well as any objections.

**ADDITIONAL ORDERS**

**IT IS FURTHER ORDERED granting** the Respondent's Petition for Non-Paternity.

**IT IS FURTHER ORDERED**, the Court having determined that \_\_\_\_\_ has a pattern of similar, if not identical behavior, and court involvement, referring this matter to the \_\_\_\_\_ for review of \_\_\_\_\_ actions pursuant to A.R.S § 13-

SUPERIOR COURT OF ARIZONA  
COUNTY

2702 and A.R.S § 13-2809. Accordingly, the  
endorsed on this Order.

will be

The Court must decide the amount of attorney's fees and costs to be awarded but finds there is no just reason to delay making a final order.

**IT IS THEREFORE ORDERED** pursuant to Rule 78(b), Arizona Rules of Family Law Procedure, that this is a final judgment, and it shall be entered by the Clerk. The time for appeal begins upon entry of this judgment by the Clerk. For more information on appeals, see Rule 8 and other Arizona Rules of Civil Appellate Procedure.

**IT IS FURTHER ORDERED** denying any affirmative relief sought before the date of this Order that is not expressly granted above.

Done in open Court on:

\_\_\_\_\_

HONORABLE

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at:

# Exhibit E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF

)  
)  
Petitioner, )  
)  
and )  
)  
)  
)  
Respondent. )  
\_\_\_\_\_)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

BEFORE THE HONORABLE

CERTIFIED COPY

Prepared for:  
PETITIONER

*Reported by:*

A P P E A R A N C E S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

FOR THE PETITIONER:

FOR THE RESPONDENT:

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESS

PAGE

Direct Examination by

Cross-Examination by

Redirect Examination by

Direct Examination by

Cross-Examination by

Redirect Examination by

Direct Examination by

Voir Dire Examination by

Direct Examination Continued by

Cross-Examination by

Direct Examination by



P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

:

THE COURT:

THE COURT:

THE COURTROOM ASSISTANT:

THE COURT:

.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

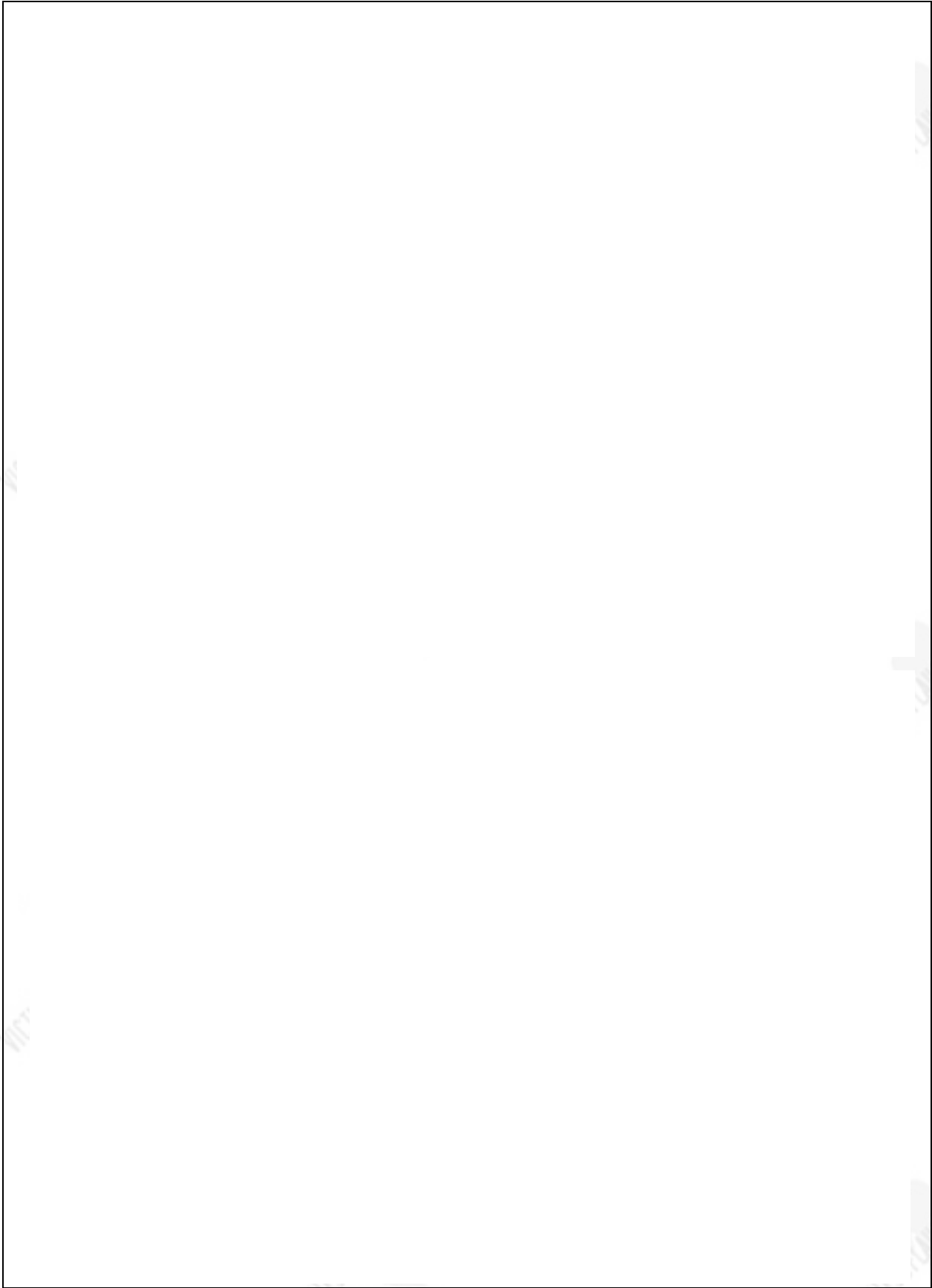
THE COURT:

THE COURT:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

d

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

THE COURT:

THE COURT:

THE COURT:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

THE COURT:

THE COURT:

THE COURTROOM ASSISTANT:

THE COURT:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

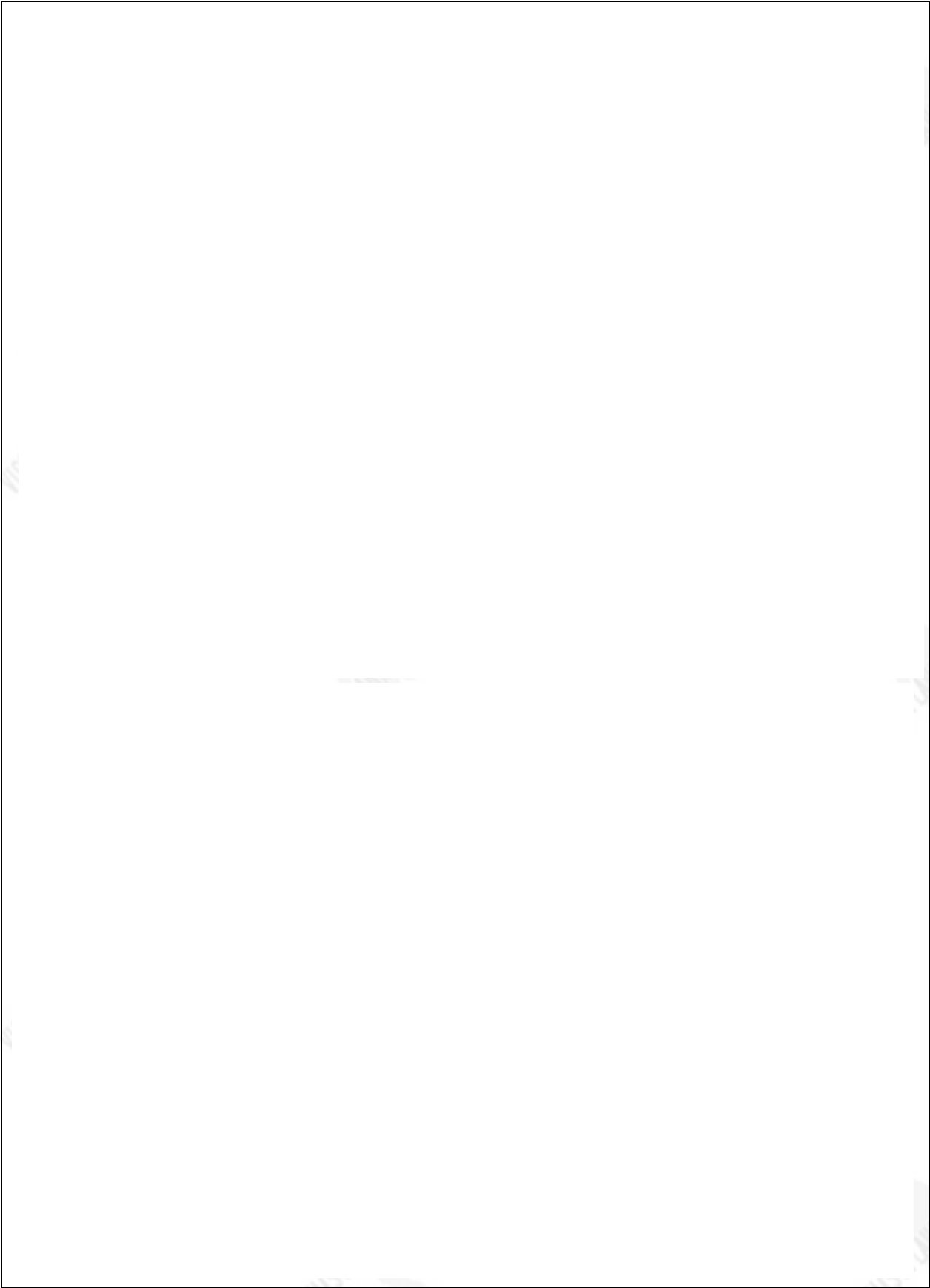
THE COURT:

THE COURT:

THE COURT:

THE COURT:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25





- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

THE COURT:

THE COURT:

1 Yes, Counsel?

2 MR. GINGRAS: Oh, sorry.

3 THE COURT:

4

5

6 THE COURT:

7

8

9

10

11

12

13

14

15 THE COURT:

16

17

18 THE COURT:

19

20

21 THE COURT:

22

23

24

25

DIRECT EXAMINATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.  
A.  
Q.  
A.  
Q.  
A.  
Q.  
A.  
Q.  
A.  
Q.  
A.  
Q.  
A.  
Q.  
A.  
Q.  
A.  
Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.  
  
Q.  
  
A.  
  
Q.  
  
  
  
  
  
A.  
  
Q.  
  
A.  
  
Q.  
  
  
  
  
A.  
  
Q.  
  
A.  
  
Q.  
  
  
  
A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

THE COURT:

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

Q.

THE COURT:

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

THE WITNESS:

THE COURT:

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.  
  
A.  
  
Q.  
  
A.  
  
Q.  
  
A.  
  
Q.  
  
  
  
  
A.  
  
Q.  
  
  
  
  
A.  
  
Q.  
  
  
  
  
A.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

THE COURT:

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1 Q.  
2  
3 A.  
4 Q.  
5 A.  
6 Q.  
7  
8 A.  
9 Q.  
10  
11 A.  
12 Q.  
13 A.  
14 Q.  
15 A.  
16 Q.  
17  
18  
19 A.  
20 Q.  
21  
22  
23 A.  
24 Q.  
25 A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

THE COURT:

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE COURT: --

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

THE COURT:

THE COURT:

////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

MR. :

THE COURTROOM ASSISTANT:

THE WITNESS:

THE COURTROOM ASSISTANT:

THE COURTROOM ASSISTANT:

THE COURTROOM ASSISTANT:

THE COURTROOM ASSISTANT:



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURTROOM ASSISTANT:

.

Q.

THE COURT:

THE COURT: --

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

THE COURT:

THE COURT:

1 BY MR. :

2 Q.

3

4

5 A.

6 Q.

7

8

9 A.

10 Q.

11

12

13

14 A.

15 Q.

16

17

18

19 A.

20 Q.

21

22 A.

23 Q.

24 A.

25 Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

THE COURT:

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

t

A.

Q.

A.

THE COURT:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURTROOM ASSISTANT:

THE COURT:

CROSS-EXAMINATION

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.  
  
A.  
  
Q.  
  
  
  
A.  
  
Q.  
  
  
  
  
  
  
THE COURT:  
  
Q.  
  
A.  
  
Q.  
  
A.  
  
Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE WITNESS:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.  
  
Q.  
  
A.  
  
  
Q.  
  
A.  
  
Q.  
  
  
  
  
  
  
  
  
  
A.  
  
Q.  
  
  
  
  
  
  
A.  
  
  
  
Q.

THE COURT REPORTER:



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

THE COURT:

THE COURT:

THE COURT:

////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.  
Q.  
  
A.  
Q.  
  
A.  
  
Q.  
  
Q.  
  
A.  
  
THE COURT:  
  
THE COURT:  
  
Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

THE COURT:

THE COURTROOM ASSISTANT:

THE COURT:

THE COURTROOM ASSISTANT:

THE COURT:

Q.

A.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.  
  
A.  
  
Q.  
  
  
  
A.  
  
Q.  
  
A.  
  
Q.  
  
  
  
  
  
  
  
  
  
  
  
A.  
  
  
  
Q.  
  
A.  
  
Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

THE COURT:

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

THE WITNESS:

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:  
THE WITNESS

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

THE COURT:

THE WITNESS:

////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

THE WITNESS:

THE WITNESS:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

THE WITNESS:

Q.

A.

Q.

A.

Q.

A.

THE COURT:

THE WITNESS:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

THE COURT:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE COURT:

THE COURT:

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

THE COURT:

THE WITNESS:

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

THE COURT REPORTER:

THE WITNESS:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

Q.

A.

Q.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.  
  
  
  
  
A.  
  
Q.  
  
A.  
  
  
Q.  
  
A.  
  
Q.  
  
  
A.  
  
Q.  
  
  
A.  
  
Q.  
  
A.  
  
Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

Q.

A.

Q.

A.

Q.

THE WITNESS:

THE WITNESS:

THE WITNESS:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

THE COURT:

THE COURT:

REDIRECT EXAMINATION

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURTROOM ASSISTANT:

Q.

A.

THE COURT:

THE COURT:

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

Q.

A.

Q.

THE COURT:

THE COURT:

THE COURT:



DIRECT EXAMINATION

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

THE COURT:

THE COURT:

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.  
Q.  
  
A.  
Q.  
  
A.  
Q.  
A.  
Q.  
A.  
Q.  
A.  
Q.  
  
A.  
Q.  
  
A.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Q.

A.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

THE COURT:

THE COURT:

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

THE COURT:

Q.

THE COURT:

Q.

A.

Q.

A.

Q.

THE COURT:

////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

THE COURT:

THE WITNESS:

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

THE COURT:

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

THE COURT:

CROSS-EXAMINATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

THE COURT:

THE COURT:

////



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

THE WITNESS:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

THE COURT:

REDIRECT EXAMINATION

Q.

A.

Q.

A.

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE WITNESS:

THE COURT:

THE WITNESS:

THE COURT:

THE WITNESS:

THE COURT:

THE WITNESS

THE COURT:

THE WITNESS:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE COURT:

THE COURT:

THE COURT:

THE COURT:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE COURT:

THE COURT:

THE COURT:

THE WITNESS:

THE COURT:



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE WITNESS:

THE COURT:

THE COURT:

THE COURT: Okay.

THE WITNESS:

THE WITNESS:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE WITNESS:

THE COURT:

DIRECT EXAMINATION

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

THE COURT:

THE COURT:

VOIR DIRE EXAMINATION

Q.

A.

Q.

A.

THE COURT:

////

DIRECT EXAMINATION CONTINUED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE COURT:

CROSS-EXAMINATION

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

THE COURT:

THE COURT:

THE WITNESS:

THE COURT:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE WITNESS:

THE COURT:

THE COURT:

DIRECT EXAMINATION

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.  
  
A.  
  
Q.  
  
A.  
  
Q.  
  
A.  
  
Q.  
  
A.  
  
A.  
  
Q.  
  
A.  
  
Q.  
  
A.  
  
Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.  
Q.  
A.  
Q.  
  
A.  
Q.  
  
A.  
Q.  
A.  
  
Q.  
  
A.  
  
Q.  
A.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

THE COURT:

THE COURT:

Q.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

Q.

A.

Q.

THE COURT:

THE COURT:

Q.

A.

Q.

A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q.  
  
A.  
  
  
  
  
Q.  
  
  
  
A.  
  
Q.  
  
  
A.  
  
Q.

THE COURT

1 A.

2 Q.

3 A.

4 Q.

5 A.

6 Q.

7

8 A.

9 Q.

10

11

12 A.

13 Q.

14

15

16 A.

17 Q.

18

19

20 A.

21 Q.

22

23

24

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

A.

Q.

A.

Q.

A.

Q.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A.

Q.

A.

Q.

THE COURT:

THE COURT:

THE COURT:

THE COURT: --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE COURT:

THE COURT:

THE COURT:

THE COURT:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT:

THE COURT:

THE COURT: --

THE COURT:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

THE COURT:

(Matter concluded.)

C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, \_\_\_\_\_, Official Certified Reporter  
herein, hereby certify that the foregoing is a full, true  
and accurate transcript of all proceedings had in the  
foregoing matter, all done to the best of my skill and  
ability.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_

Official Court Reporter  
County Superior Court