

Starting Speech-to-Text conversion...  
Video file detected: /home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1.mp4, file size: 1082.75 MB  
File size exceeds limit, converting to audio (64kbps)...  
Converting video to audio (bitrate: 64k)...  
Audio conversion completed. Saved to:  
/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706.mp3  
Audio file size (61.1MB) exceeds limit (5MB), downsampling audio file...  
Source audio bitrate: 64 kbps  
Audio file size: 61.15 MB, duration: 8014.5 seconds  
Splitting into 13 chunks (each ~616.5 seconds, max 5 MB)...  
Successfully split into 13 chunks  
Audio file split into 13 chunks for batch processing  
Transcribing audio file:  
/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706.mp3, file size: 61.15 MB  
Transcription may take some time depending on file size and audio length...  
Starting batch transcription of 13 chunks...

Transcribing chunk 1/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_000.mp3  
Chunk 1 completed (duration: 616.5s)

Transcribing chunk 2/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_001.mp3  
Chunk 2 completed (duration: 616.5s)

Transcribing chunk 3/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_002.mp3  
Chunk 3 completed (duration: 616.5s)

Transcribing chunk 4/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_003.mp3  
Chunk 4 completed (duration: 616.5s)

Transcribing chunk 5/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_004.mp3  
Chunk 5 completed (duration: 616.5s)

Transcribing chunk 6/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_005.mp3  
Chunk 6 completed (duration: 616.5s)

Transcribing chunk 7/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_006.mp3  
Chunk 7 completed (duration: 616.5s)

Transcribing chunk 8/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_007.mp3  
Chunk 8 completed (duration: 616.5s)

Transcribing chunk 9/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_008.mp3  
Chunk 9 completed (duration: 616.5s)

Transcribing chunk 10/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_009.mp3  
Chunk 10 completed (duration: 616.5s)

Transcribing chunk 11/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_010.mp3  
Chunk 11 completed (duration: 616.5s)

Transcribing chunk 12/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_011.mp3  
Chunk 12 completed (duration: 616.5s)

Transcribing chunk 13/13:  
/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_012.mp3  
Chunk 13 completed (duration: 616.4s)

All chunks transcribed successfully!

MERGED TRANSCRIPTION RESULT:

Total Duration: 8014.1 seconds

Language: english

Total Chunks: 13

Timestamped segments:

[00:00.0 - 00:16.2] Good morning.

[00:16.2 - 00:19.2] Time of the record is 10.35 AM.

[00:19.2 - 00:22.9] Today is November 7th, 2022.

[00:22.9 - 00:28.1] My name is Alex Sanchez of Pearson Reporting and Video Mitigation Services.

[00:28.1 - 00:33.7] The court report today, sorry, the court report today is Bridget Mastro Battista

[00:33.7 - 00:42.0] of Pearson's Reporting located at 583 Street 350, San Diego, California, 92101.

[00:42.0 - 00:46.8] This begins a video recording position of Brian Mineo testifying in the matter

[00:46.8 - 00:50.1] of Courtney G. Clifford Mineo versus Brian R.

[00:50.1 - 00:56.8] Mineo in the Superior Court of the State of California for the County of San Diego.

[00:56.8 - 01:04.7] Case number is 21FL004542N.

[01:04.7 - 01:11.4] This position is taken at 402 West Broadway, San Diego, California, 92101.

[01:11.4 - 01:14.8] The video and the recordings will take place at all times during this position,

[01:14.8 - 01:17.6] unless all counselors need to go off the record.

[01:17.6 - 01:20.6] The beginning and the end of each meeting will be announced.

[01:20.6 - 01:24.2] Will counsel please identify yourselves and the state whom you represent?

[01:24.3 - 01:27.2] Timothy Miranda for Courtney Clifford.

[01:27.2 - 01:30.6] Raj Mitani for Brian Mineo.

[01:30.6 - 01:34.0] The court report will now show you the recorded witness.

[01:34.0 - 01:36.1] Do you mind raising your right hand for me, thank you.

[01:36.1 - 01:40.5] Do you solemnly swear that the testimony that you're about to give will be the truth,

[01:40.5 - 01:42.3] the whole truth, and nothing but the truth?

[01:42.3 - 01:44.0] I do.

[01:44.0 - 01:48.6] Mr. Mineo, please state your full name for the record and spell your last name.

[01:48.6 - 01:52.2] Brian Richard Mineo, M-I-N-E-O.

[01:52.2 - 01:55.7] And do you understand the oath that was just administered to you by the court reporter?

[01:55.7 - 01:57.0] Yes.

[01:57.0 - 02:00.4] And is there any reason why you cannot give truthful answers today?

[02:00.4 - 02:02.4] No.

[02:02.4 - 02:06.7] You recall that I took your deposition on November 2nd of 2021

[02:06.7 - 02:10.9] as the person most knowledgeable for one with the ocean?

[02:10.9 - 02:11.6] Yes.

[02:11.6 - 02:14.4] Have you told any lies since then?

[02:14.4 - 02:16.3] Not that I can recall.

[02:16.3 - 02:17.8] What does that mean, you may have?

[02:17.8 - 02:19.4] I don't remember.

[02:19.4 - 02:20.6] Why not?

[02:20.6 - 02:22.7] I can't remember everything.

[02:22.7 - 02:23.5] Sorry?

[02:23.5 - 02:25.7] I can't remember everything. I don't recall.

[02:25.7 - 02:28.0] I cannot think of one.

[02:28.0 - 02:28.6] Okay.

[02:28.6 - 02:30.6] What's your current employment?

[02:30.6 - 02:32.4] Employed.

[02:32.4 - 02:33.0] Okay.

[02:33.0 - 02:34.9] With one with the ocean.

[02:34.9 - 02:36.2] What do you do for one with the ocean?

[02:36.2 - 02:39.0] I'm the president.

[02:39.0 - 02:41.1] Are there any other employees of one with the ocean?

[02:41.1 - 02:42.5] No.

[02:42.5 - 02:45.4] You don't have a director of business development at one with the ocean?

[02:45.4 - 02:48.5] No.

[02:48.5 - 02:50.3] Are you the only paid employee there?  
[02:50.3 - 02:53.4] Yes.  
[02:53.4 - 02:55.4] Where else do you work?  
[02:55.4 - 02:58.6] I freelance work and I do swim coaching.  
[02:58.6 - 03:03.0] Okay. What's the name of your employer for freelance work?  
[03:03.0 - 03:05.9] I work under my own name. I don't have an employer.  
[03:05.9 - 03:10.9] I also work for the YMCA about 60 hours a month.  
[03:10.9 - 03:15.1] Okay. Who else do you work for as a freelancer?  
[03:15.1 - 03:18.7] That's it.  
[03:18.7 - 03:24.5] And you said YMCA. What about swim mechanic? What is that?  
[03:24.5 - 03:28.3] It's just a name that I use. It's not a LLC.  
[03:28.3 - 03:32.2] So when you say you work under your own name, are you referring also to swim mechanic?  
[03:32.2 - 03:34.0] Correct.  
[03:34.0 - 03:37.6] So is your testimony that the only employment that you have  
[03:37.6 - 03:40.6] is one with the ocean and then yourself, which  
[03:40.6 - 03:44.6] you may operate under the name of swim mechanic?  
[03:44.6 - 03:46.6] The YMCA as well.  
[03:46.6 - 03:49.8] Okay. And YMCA, what do you do with the YMCA?  
[03:49.8 - 03:52.0] I'm a swim coach.  
[03:52.0 - 03:56.1] And you have no other sources of employment other than the ones you just mentioned?  
[03:56.1 - 04:02.6] I'll get contract work here and there to do a swim clinic, but otherwise no employment.  
[04:02.6 - 04:08.1] When's the last time you got a contract here or there to do some kind of swim work?  
[04:08.1 - 04:10.0] You said here or there?  
[04:10.0 - 04:12.4] What did you say? Here or there?  
[04:12.4 - 04:13.8] I asked you what you said.  
[04:13.8 - 04:17.0] Right. But I'm taking your deposition. So I'll ask you again.  
[04:17.0 - 04:19.0] That's what I'm asking you. Please repeat the question.  
[04:19.0 - 04:21.8] When's... Yeah, listen to your attorney.  
[04:21.8 - 04:28.1] So when's the last time that you got contract work, period?  
[04:28.1 - 04:32.0] Recently, as of one month ago.  
[04:32.0 - 04:34.8] Okay. Contract work with whom?  
[04:34.8 - 04:38.5] It's a resort in Grand Cayman. It's called Palm Heights.  
[04:38.5 - 04:40.6] Palm Heights?  
[04:40.6 - 04:43.0] And it was a contract for one appearance?  
[04:43.0 - 04:44.9] Correct.  
[04:44.9 - 04:47.7] And when was that date?  
[04:47.7 - 04:55.1] It was a week long from November 1 to 6, I believe.  
[04:55.1 - 04:56.6] October, yeah.  
[04:56.6 - 04:59.5] Monday through Friday of last week.  
[04:59.5 - 05:03.6] That's the only time that you've done any contract work for Palm Heights?  
[05:03.6 - 05:08.6] I had a previous one as well that was... The first one was August.

[05:08.6 - 05:12.3] I don't remember the dates, but it was the same week long as well in early August.

[05:12.3 - 05:13.7] August what?

[05:13.7 - 05:17.3] I just said I don't remember the dates. I can look it up in the calendar, but I don't remember the exact dates.

[05:17.3 - 05:18.6] What year?

[05:18.6 - 05:21.2] 22, this year.

[05:21.2 - 05:25.7] And those are the only two contract work appearances that you've done for Palm Heights?

[05:25.7 - 05:27.7] Where I was paid, yes.

[05:27.7 - 05:33.9] That wasn't my question. The question was, are those the only two contract appearances you've done for Palm Heights?

[05:33.9 - 05:36.6] I'm unclear on what the difference is.

[05:36.6 - 05:41.2] Okay. Well, you said for which you were paid, correct?

[05:41.2 - 05:42.1] Correct.

[05:42.1 - 05:46.4] So you've done other contract work for Palm Heights that was unpaid?

[05:46.4 - 05:53.6] I had an additional trip to go out there to work on developing what would be the contract.

[05:53.6 - 05:58.8] And that was, they paid for accommodations and flight.

[05:58.8 - 06:00.3] Whose day? Palm Heights?

[06:00.3 - 06:01.3] Correct.

[06:01.3 - 06:04.6] When was that? When did you go do that?

[06:04.6 - 06:07.9] April of 2022.

[06:07.9 - 06:12.6] So they paid for accommodations. What did that include aside from flights?

[06:12.6 - 06:16.1] Food and stay, like the hotel.

[06:16.1 - 06:19.7] Did you do any swim coaching when you were there?

[06:19.7 - 06:26.9] Not paid, no. Just there practicing and getting an idea of what I would do for the offering this year, future.

[06:26.9 - 06:34.0] So you said not paid. That means you did unpaid swim coaching when you were there in April of 2022?

[06:34.0 - 06:37.2] It wasn't one-on-one swim coaching. It was us doing group stuff.

[06:37.2 - 06:41.7] But it was unstructured and mostly impromptu for that matter.

[06:41.7 - 06:47.2] So you did unstructured impromptu group swim coaching in April of 2022 at Palm Heights?

[06:47.2 - 06:48.0] Correct.

[06:48.0 - 06:52.1] And you were not compensated aside from what you said were accommodations?

[06:52.1 - 06:53.0] Correct.

[06:53.0 - 06:57.4] Are those the only times that you've been to Palm Heights?

[06:57.4 - 06:59.6] That I can recall, yes.

[06:59.6 - 07:06.2] Well, can you recall having gone there any other time than the times you just testified to?

[07:06.2 - 07:08.8] No.

[07:08.8 - 07:12.8] And you also give private swim lessons, correct?

[07:12.8 - 07:14.2] Correct.

[07:14.2 - 07:17.9] And you didn't mention that. Is that part of YMCA?

[07:17.9 - 07:23.9] Objection. Misstates the testimony. He testified that he does private swim coaching and he does YMCA coaching.

[07:23.9 - 07:29.5] Great. Thank you. So I'm asking you, you still do private swim coaching, correct?

[07:29.5 - 07:32.0] That's what I said before under the name Swim Mechanic.

[07:32.0 - 07:40.3] Okay. How many private swim coaching sessions do you give per month on average in 2022?

[07:40.3 - 07:46.8] Per month?

[07:46.8 - 07:50.6] 8 to 16 one-hour sessions per month.

[07:50.6 - 07:55.0] 8 to 16 one-hour sessions per month? Is that your testimony?

[07:55.0 - 07:56.2] Yes.

[07:56.2 - 08:00.5] And how many people are in a session?

[08:00.5 - 08:02.5] Most often one-to-one.

[08:02.5 - 08:06.8] And where do you give these sessions?

[08:06.8 - 08:12.5] At a pool that's in Carlsbad and also at the beach in the ocean.

[08:12.5 - 08:14.8] Okay. What beach?

[08:14.8 - 08:16.1] Moonlight Beach.

[08:16.1 - 08:17.6] So in Encinitas?

[08:17.6 - 08:18.8] Correct.

[08:18.8 - 08:29.1] And didn't you testify in November of last year that you also gave personalized swim instruction in Los Angeles County?

[08:29.1 - 08:31.9] I don't recall, but I have in the past, yes.

[08:31.9 - 08:38.8] Past meaning when's the last time you've done that?

[08:38.8 - 08:43.0] Earlier this year at the most recent. I can't recall the last date.

[08:43.0 - 08:47.6] Was it before you went to Palm Heights in April of 2022?

[08:47.6 - 08:49.2] I don't recall.

[08:49.2 - 08:50.8] Why not?

[08:50.8 - 08:53.5] I can't remember the dates of everything very well.

[08:53.5 - 08:56.0] Do you have a recall issue?

[08:56.0 - 08:56.6] No.

[08:56.6 - 08:57.9] Memory problem?

[08:57.9 - 09:01.1] No. Not that I'm aware of.

[09:01.1 - 09:03.0] Have you had that checked out?

[09:03.0 - 09:03.2] No.

[09:03.2 - 09:06.8] Objection not relevant to testimony today.

[09:06.8 - 09:09.1] Not a valid objection, but noted.

[09:09.1 - 09:13.4] I'm making an objection for the record and the court can decide whether my objection was valid.

[09:13.4 - 09:18.4] Good job. Okay. What's your current residential address?

[09:18.4 - 09:24.2] 316 A Street, Encinitas, California, 92024.

[09:24.2 - 09:26.9] And what's your current monthly rent?

[09:26.9 - 09:28.4] \$3,600 a month.

[09:28.4 - 09:34.3] Did you fill out a credit application when you leased your current residence?

[09:34.3 - 09:38.7] It was through Zillow, so it would have been through their platform.

[09:38.7 - 09:41.5] So that's a yes?

[09:41.5 - 09:43.8] I believe so, yes.

[09:43.8 - 09:45.8] So I'm asking for yes or no.  
[09:45.8 - 09:55.7] So do you remember if you filled out a credit application when you leased that address or not?  
[09:55.7 - 09:57.1] Please don't talk to your attorney.  
[09:57.1 - 10:03.3] If you need to talk to your attorney after you answer the question, we can stop the deposition so you can go speak to him.  
[10:03.3 - 10:03.9] I'm sorry?  
[10:03.9 - 10:06.4] I didn't say anything to him.  
[10:06.4 - 10:09.0] Okay. Do you have an answer?  
[10:09.0 - 10:10.9] I know the platform requires that.  
[10:10.9 - 10:15.3] I can't really remember doing that, so yes, I would have had to have done a credit application through Zillow.  
[10:15.3 - 10:15.9] It's required.  
[10:16.5 - 10:20.0] You produced documents in conjunction with today's deposition, correct?  
[10:20.0 - 10:20.5] Yes.  
[10:20.5 - 10:25.0] You didn't produce the credit application for your current residential address, right?  
[10:25.0 - 10:26.0] No.  
[10:26.0 - 10:27.5] Why not?  
[10:27.5 - 10:30.5] I wasn't aware that that was required.  
[10:30.5 - 10:35.0] Did you review the document request that was served upon you for today's deposition?  
[10:35.0 - 10:37.5] I did, yeah.  
[10:37.5 - 10:39.0] Did you understand it?  
[10:39.0 - 10:40.5] Yes.  
[10:40.5 - 10:45.5] And what did you represent to your current landlord your monthly income was  
[10:45.5 - 10:49.5] when you filled out that application for your current residential address?  
[10:49.5 - 10:52.0] I don't recall.  
[10:52.0 - 10:55.0] You filled that out in October, correct?  
[10:55.0 - 10:56.5] No.  
[10:56.5 - 11:01.0] Okay. When did you complete the application for your current residential address?  
[11:01.0 - 11:06.5] I don't recall an exact date, but it would have been in December of 2021.  
[11:06.5 - 11:15.0] Okay. And when does your current lease end?  
[11:15.0 - 11:19.5] October of 2023.  
[11:19.5 - 11:25.0] So you just did a renewal in October of 2022, correct?  
[11:25.0 - 11:26.0] Yes.  
[11:26.0 - 11:29.5] This month. I'm sorry, last month, excuse me, right?  
[11:29.5 - 11:30.5] Yes.  
[11:30.5 - 11:35.5] And did you indicate your monthly income at the time you did a renewal in October of 2022?  
[11:35.5 - 11:37.5] No.  
[11:37.5 - 11:41.0] Do you have any estimate of what you told the landlord your monthly income was  
[11:41.0 - 11:44.5] at the time that you first rented your current residential address?  
[11:44.5 - 11:45.5] No.  
[11:45.5 - 11:47.5] What's your landlord's name?

[11:47.5 - 11:49.5] His name is Oliver Baker.  
[11:49.5 - 11:51.5] And his wife's name?  
[11:51.5 - 11:53.5] I've never met her. I'm not sure.  
[11:53.5 - 11:57.0] And where do they live, if you know?  
[11:57.0 - 11:59.0] I don't know.  
[11:59.0 - 12:00.5] Do you send rental checks?  
[12:00.5 - 12:01.5] No.  
[12:01.5 - 12:03.0] How do you pay them?  
[12:03.0 - 12:06.0] There's an online platform called eRentPayment.  
[12:06.0 - 12:09.0] And is it your testimony that you don't know their address?  
[12:09.0 - 12:10.0] Yes.  
[12:16.0 - 12:23.5] How many hours per week are you currently working for one with the ocean?  
[12:23.5 - 12:26.5] An average of 30 to 40 hours a week.  
[12:26.5 - 12:28.5] 30 to 40 hours per week?  
[12:28.5 - 12:30.0] Yes.  
[12:30.0 - 12:33.0] How long has that been the average?  
[12:33.0 - 12:37.0] For my full-time employment.  
[12:37.0 - 12:39.0] Okay. My question was...  
[12:39.0 - 12:42.0] Maybe it wasn't a good question, so I'll ask it again.  
[12:42.0 - 12:48.0] For how long have you worked an average of 30 to 40 hours per week at one with the ocean?  
[12:48.0 - 12:50.0] My full employment.  
[12:50.0 - 12:55.5] Okay. So your full employment means since you started?  
[12:55.5 - 12:57.0] Correct.  
[12:57.0 - 12:59.5] Okay. And when did you start?  
[12:59.5 - 13:01.5] January of 2020.  
[13:01.5 - 13:07.5] So since January of 2020, you've worked an average of 30 to 40 hours per week for one with the ocean?  
[13:07.5 - 13:08.5] Yes.  
[13:08.5 - 13:14.5] And when I say one with the ocean, is that different from Smog Incorporated?  
[13:14.5 - 13:15.5] No.  
[13:24.5 - 13:27.5] How many square feet is your current residence?  
[13:27.5 - 13:29.5] I'm unsure.  
[13:31.5 - 13:34.5] Well, can you give me an estimate?  
[13:34.5 - 13:37.5] 900 square feet, give or take.  
[13:37.5 - 13:41.5] Okay. And what do you base that estimate upon?  
[13:41.5 - 13:44.5] Well, I would guess as far as square footage goes. I have no other way to...  
[13:44.5 - 13:47.5] You asked an estimate. That's my guess.  
[13:47.5 - 13:54.5] Is the square footage of your current residence included in your rental application?  
[13:54.5 - 13:55.5] Yes.  
[13:55.5 - 13:57.5] Or your lease agreement, if you know?  
[13:57.5 - 13:59.5] Likely so.  
[13:59.5 - 14:03.5] Do you know if it was included when you renewed your lease in October of this year?  
[14:03.5 - 14:05.5] I don't know.  
[14:05.5 - 14:07.5] How many bedrooms does it have?  
[14:07.5 - 14:08.5] Two bedrooms.



[14:08.5 - 14:09.5] How many bathrooms?  
[14:09.5 - 14:10.5] One.  
[14:15.5 - 14:18.5] You currently have a girlfriend, Emily Hammond?  
[14:18.5 - 14:19.5] Yes.  
[14:19.5 - 14:21.5] She lives with you at the residence, your current residence?  
[14:21.5 - 14:23.5] No.  
[14:23.5 - 14:28.5] How many days per week does she come to that residence and stay overnight?  
[14:28.5 - 14:30.5] Hard to say.  
[14:30.5 - 14:31.5] Why?  
[14:31.5 - 14:33.5] It's not the same every week.  
[14:33.5 - 14:35.5] Okay. On average?  
[14:35.5 - 14:37.5] Two days per week.  
[14:37.5 - 14:41.5] Does she pay for any of the expenses in your residence?  
[14:41.5 - 14:42.5] No.  
[14:42.5 - 14:45.5] Pay for food at your residence?  
[14:45.5 - 14:46.5] No.  
[14:46.5 - 14:49.5] She's an employee of One with the Ocean, is she not?  
[14:49.5 - 14:50.5] No.  
[14:50.5 - 14:53.5] She's not the director of business development of One with the Ocean?  
[14:53.5 - 14:54.5] No.  
[14:54.5 - 14:57.5] Are you aware that she has that on her LinkedIn profile?  
[14:57.5 - 14:59.5] Yes.  
[14:59.5 - 15:02.5] Okay. So you know that to be untrue?  
[15:02.5 - 15:05.5] She was a volunteer but never an employee.  
[15:05.5 - 15:09.5] So is she the director of business development or not?  
[15:09.5 - 15:10.5] No.  
[15:10.5 - 15:16.5] Okay. When did you first realize that she had that on her LinkedIn profile?  
[15:17.5 - 15:21.5] Probably would have been early 2020, February or March.  
[15:21.5 - 15:25.5] So she was a volunteer director of business development?  
[15:25.5 - 15:29.5] It was a title created for what could be a potential job in the future.  
[15:29.5 - 15:36.5] Has she ever served as a volunteer director of business development?  
[15:36.5 - 15:41.5] I mean, she volunteered. I guess that would be the role that was created, yes.  
[15:41.5 - 15:45.5] And when did she stop volunteering if she has in fact stopped?  
[15:45.5 - 15:55.5] I don't recall the exact date, but it would have been July or August of 2020.  
[15:55.5 - 16:01.5] So do you know when she created the profile that indicates that she's the director of business development for One with the Ocean?  
[16:01.5 - 16:04.5] No.  
[16:04.5 - 16:08.5] And you testified earlier today that you're the only employee, correct?

[16:08.5 - 16:09.5] Yes.

[16:09.5 - 16:13.5] Are there any other volunteers currently for One with the Ocean?

[16:13.5 - 16:17.5] We have a board of directors that would be considered volunteers at times as well.

[16:17.5 - 16:19.5] Are they employees?

[16:19.5 - 16:21.5] No, I'm the only employee, as I stated.

[16:21.5 - 16:27.5] Okay. And what is your current compensation from One with the Ocean?

[16:27.5 - 16:33.5] The salary depends on what we have in the account, which we've talked about before.

[16:33.5 - 16:39.5] My salary is at this point to be determined month to month.

[16:39.5 - 16:47.5] So let me ask again, what is your current salary with One with the Ocean? Do you know?

[16:47.5 - 16:51.5] No, there's no way of knowing right now. It's month to month.

[16:51.5 - 16:55.5] So you don't know what salary you might get in any given month that you work?

[16:55.5 - 16:56.5] Correct.

[16:56.5 - 16:58.5] Who would know that?

[16:58.5 - 17:01.5] Nobody would. It's based off of revenue.

[17:01.5 - 17:02.5] What revenue?

[17:02.5 - 17:04.5] It's based off of money we have in the account.

[17:04.5 - 17:06.5] What account?

[17:06.5 - 17:08.5] I've already talked about this in my last deposition.

[17:08.5 - 17:14.5] Right, but we're here on this deposition, so I'm asking you again. So please answer my questions today.

[17:14.5 - 17:19.5] I'm not here to speak about it. I'd have to have my board approval to speak about finances with One with the Ocean.

[17:19.5 - 17:23.5] I'm not asking about your finance. I'm asking about your income.

[17:23.5 - 17:30.5] You signed an income and expense declaration. The last one was August 24th of 2022. Do you remember that?

[17:30.5 - 17:31.5] Yeah.

[17:31.5 - 17:34.5] You indicated your income there, correct?

[17:34.5 - 17:35.5] Correct.

[17:35.5 - 17:39.5] And you provided some pay stubs from One with the Ocean for today's deposition, right?

[17:39.5 - 17:40.5] Correct.

[17:40.5 - 17:44.5] Okay. Did you get board approval for the pay stubs you provided this morning?

[17:44.5 - 17:45.5] Yes.

[17:45.5 - 17:47.5] How'd you do that?

[17:47.5 - 17:50.5] Through a vote for the board through messaging.

[17:50.5 - 17:52.5] When was that vote taken?

[17:52.5 - 17:53.5] I don't recall.

[17:53.5 - 17:55.5] It was through messaging. What does that mean?

[17:55.5 - 17:58.5] Through text messaging.

[17:58.5 - 18:06.5] There was a text message vote for One with the Ocean as to whether or not you could provide the pay stubs that you provided for today's deposition.

[18:06.5 - 18:11.5] I received approval to submit any of that for this purpose.

[18:11.5 - 18:22.5] There was a text message vote for you to provide the pay stubs that you provided for today's deposition from One with the Ocean.

[18:22.5 - 18:27.5] Please don't just look at your attorney for answers. I'm asking you. I'm not deposing him.

[18:27.5 - 18:30.5] So, yes is your testimony?

[18:30.5 - 18:31.5] Yes.

[18:31.5 - 18:38.5] Okay. You waved your hand. You gesticulated like yes when you said that. What does the gesticulation mean?

[18:38.5 - 18:40.5] I've already answered yes.

[18:40.5 - 18:42.5] Well, what does it mean when you raise your hand like that?

[18:42.5 - 18:44.5] Unsure.

[18:44.5 - 18:45.5] You're unsure?

[18:45.5 - 18:46.5] Yes.

[18:46.5 - 18:52.5] Okay. Who was part of this text message vote that you just testified about?

[18:52.5 - 18:56.5] It would have been Angela Lee and Carrie Stever.

[18:56.5 - 18:59.5] Angela Lee and Carrie Stever?

[18:59.5 - 19:00.5] Mm-hmm.

[19:00.5 - 19:04.5] Stever is spelled S-T-O-E-V-E-R?

[19:04.5 - 19:05.5] Correct.

[19:05.5 - 19:08.5] Her first name is spelled K-E-R-R-Y?

[19:08.5 - 19:09.5] No.

[19:09.5 - 19:10.5] How do you spell it?

[19:10.5 - 19:11.5] K-A-R-I.

[19:11.5 - 19:15.5] Okay. And then Ms. Lee, how do you spell her last name? L-E-E?

[19:15.5 - 19:16.5] L-E-E.

[19:16.5 - 19:17.5] Yes?

[19:17.5 - 19:19.5] I spelled it L-E-E.

[19:19.5 - 19:31.5] Okay. Can you approximate when this text vote occurred that you received board approval to provide your pay stubs in conjunction with the document request for today's proceeding?

[19:31.5 - 19:32.5] No.

[19:32.5 - 19:33.5] Why not?

[19:33.5 - 19:37.5] Because we have ongoing conversations about this often. I can't recall dates.

[19:38.5 - 19:49.5] Okay. And you said that you also received board authorization to provide that information for your income and expense declaration that was filed on August 24th of 2022?

[19:49.5 - 19:57.5] Objection misstates the testimony. The answer he gave was that he got board approval to release his pay stubs for this deposition.

[19:57.5 - 20:03.5] Okay. So let me ask you about your income and expense declaration that you filed on August 24th of 2022.

[20:03.5 - 20:06.5] You attached pay stubs from one with the ocean to that, correct?

[20:06.5 - 20:07.5] Yes.

[20:07.5 - 20:10.5] Okay. Did you receive board approval for that?

[20:10.5 - 20:19.5] I received board approval to release those things for this case, a divorce case.

[20:19.5 - 20:23.5] Okay. The question I ask you is about your income and expense declaration.

[20:23.5 - 20:32.5] So regarding that income and expense declaration filed on August 24th of 2022, did you receive board approval to attach your pay stubs?

[20:32.9 - 20:38.3] stubs for one with the ocean? Yes, we discussed that on the phone. So you

[20:38.3 - 20:42.7] received verbal approval over the phone to produce those with your income and

[20:42.7 - 20:48.2] expense declaration? Yes. Who did you speak to? The two names I've already given you. And

[20:48.2 - 20:56.3] when did you have that verbal discussion? I don't recall. Okay. Do you review your

[20:56.3 - 21:01.1] pay stubs before you attach them to your income and expense declaration? Review

[21:01.1 - 21:06.0] them in what regard? Do you review them? It's automated through the payroll

[21:06.0 - 21:10.6] system. I don't know what I'd have to review. Okay, well I'll tell you. When you sign

[21:10.6 - 21:15.0] your income and expense declaration and you attach your pay stubs to it, do you

[21:15.0 - 21:21.1] review the pay stubs before you attach them? Yes, in the regard that I look at

[21:21.1 - 21:27.1] each one and produce the document. Okay. And what about the two that you produced

[21:27.1 - 21:34.1] for today's proceeding? What? Pay stubs. What about them? Did you review them?

[21:34.1 - 21:41.1] Same, yes. Okay, when did you review them? I don't recall the date. When did you

[21:41.1 - 21:47.3] produce them? Within the past week. I don't recall the date. And were they

[21:47.3 - 21:50.2] accurate when you reviewed them? I'm talking about the ones for today's

[21:50.2 - 21:55.1] proceeding. Yes, there's nothing I can change about. All I'm doing is producing

[21:55.2 - 22:01.6] the statement that's on the payroll system. Okay, but the information

[22:01.6 - 22:05.5] contained within the ones that were provided for today's proceeding, that

[22:05.5 - 22:11.5] information was accurate? Information regarding what I was paid? The information

[22:11.5 - 22:15.4] contained in the pay stub, is it accurate? All of the information? To my knowing, yes.

[22:15.4 - 22:19.8] Okay, and what about the ones attached to your income and expense declaration that

[22:19.8 - 22:27.7] you filed on August 24th of 2022? To my knowledge, yes. Okay.

[22:27.7 - 22:53.2] I'd like to show you what I'm going to mark as exhibit number one.

[22:57.7 - 23:22.9] Is that your car depicted in exhibit number one? Yes. What year is that Subaru?

[23:22.9 - 23:30.8] 2022. Did you buy a Subaru during your marriage to Miss Clifford? No. Did you

[23:30.8 - 23:36.5] own a Subaru prior to your marriage to Miss Clifford? No. What vehicle, if any,  
[23:36.5 - 23:39.6] did you purchase during your marriage to Miss Clifford? I did not purchase any  
[23:39.6 - 23:47.7] vehicles. And is that your residence where the vehicle is parked? Yes. That's  
[23:47.8 - 23:55.0] 316A Street in Encinitas? Yes. And is that a rear alley where your vehicle is  
[23:55.0 - 24:03.0] parked? Yes. And if you turn to the second page in exhibit number one, is that your  
[24:03.0 - 24:08.9] residence? Yes. And are you on the top or the bottom of what is depicted in the  
[24:08.9 - 24:15.3] image on exhibit number one? The top. And is that a balcony that appears to be to  
[24:15.3 - 24:21.9] the right-hand side of the image? Not my balcony, but yes. So you do not have a  
[24:21.9 - 24:27.9] balcony on the right-hand side? That's a different unit. How many units comprise  
[24:27.9 - 24:35.6] 316A Street, if you know? One. And so if that's not your balcony, who does that  
[24:35.6 - 24:40.2] balcony belong to, if you know? It's a different address. So that would be the  
[24:40.2 - 24:46.5] neighbor's balcony? Correct. And so do you occupy both the upstairs and the  
[24:46.5 - 24:52.3] downstairs of 316A Street? No. Who occupies the downstairs, if you know? I  
[24:52.3 - 24:59.7] do not know. Is there a different tenant there? Yes. So the square footage of your  
[24:59.7 - 25:05.3] portion of 316A Street would be limited to the upstairs, is that correct? To my  
[25:05.3 - 25:11.1] portion of the upstairs. So you don't have the entire upstairs of 316A Street?  
[25:11.1 - 25:16.1] No, we just saw there's a balcony upstairs that's not mine, so I have part  
[25:16.1 - 25:22.7] of the upstairs. Oh, okay. So upstairs, there's two units upstairs? Incorrect.  
[25:22.7 - 25:26.9] There's one unit upstairs, there's one unit that is both upstairs and downstairs. So  
[25:26.9 - 25:34.7] the balcony belongs to the downstairs unit? Correct. Okay. And please turn to the  
[25:34.7 - 25:42.5] third page in. Do you see that gate that's depicted? Yes. Where is that gate  
[25:42.5 - 25:48.7] in relation to the stairwell leading up to your unit? It's just in front of that.  
[25:48.7 - 25:54.9] Does it have a lock on it? Yes. Do you know why it's a jar in this picture? No, I  
[25:54.9 - 25:58.4] don't know when the photo was taken. Is it usually kept open, like in this  
[25:58.4 - 26:03.9] picture? No. Does it have a lock with a padlock or any type of locking mechanism?  
[26:03.9 - 26:11.7] Yes, it has a locking mechanism. Does it actually have a lock? No. Turn the page  
[26:11.7 - 26:17.1] again, please, to the fourth end. Do you know what is depicted in this picture?

[26:17.1 - 26:24.9] Yes. What is that? It's a backyard space. And that is the yard behind what appears

[26:24.9 - 26:33.2] to be the first fence in the picture? Not really, no. It's a yard behind the entire

[26:33.2 - 26:38.5] building. And do you have access to that yard as part of your lease agreement?

[26:38.5 - 26:45.3] Yes. And what do we see in the picture in terms of what is in that yard? Is that a

[26:45.3 - 26:54.0] table and chairs? Yes. Are those candles, if you know? I can't tell. Is there any

[26:54.0 - 27:02.9] grass in that yard? No. It's dirt and concrete? No. Okay, what is on the floor

[27:02.9 - 27:11.5] of the backyard or the ground? Pebbles. And are there any children's toys in that

[27:11.5 - 27:17.7] backyard? Not that I can see in the photo. And what about, to the best of your

[27:17.7 - 27:23.7] knowledge since you live there, are there any as of today? I have some box toys

[27:23.7 - 27:28.5] that are brand new that are unopened behind, but not within this photo. So is

[27:28.5 - 27:32.5] there any children's play equipment that's in that backyard that you're

[27:32.5 - 27:40.1] aware of? In the photo? No. Today, at the residence. What I just said. I have some

[27:40.1 - 27:44.3] box toys that have been unopened that are currently residing behind the shed in

[27:44.3 - 27:51.1] the backyard. Okay, so are the box toys, are they playground equipment? No.

[27:51.3 - 28:04.2] Are they the type of toys that you might see in a playground? No. And would you

[28:04.2 - 28:09.4] turn please to the fifth page in? Do you know what it is that is depicted in the

[28:09.4 - 28:15.5] fifth page in of exhibit number one? Yes. What is that? That's a stairwell and

[28:15.5 - 28:19.7] there's a screen door. And so is that the stairwell that leads up to your unit?

[28:19.7 - 28:24.6] Yes. Do you know your neighbor downstairs? No, they moved in this past

[28:24.6 - 28:30.5] week while I was away. How many people moved in downstairs if you know? I don't

[28:30.5 - 28:34.9] know. And how do you know they moved in while you were away? My landlord told me.

[28:34.9 - 28:44.7] You talk to your landlord often? No. And do those stairs that we see in the

[28:44.7 - 28:51.4] fifth page in of exhibit number one have any type of gate that leads down

[28:51.4 - 28:56.0] the stairs if you're exiting your unit? So for example, to make sure you

[28:56.0 - 29:01.3] understand my question, if you were to walk out door of your unit and

[29:01.3 - 29:05.4] head to the stairs, do you have to open up any type of gate to go down the

[29:05.4 - 29:09.7] stairs? Yes, you can see it in the photo open right there. Okay, do you know why

[29:09.7 - 29:14.1] it's a jar in this photo? No, I don't know when the photo was taken. And is there  
[29:14.1 - 29:22.4] some locking mechanism on that gate? Yes. Does it actually have a lock? No. And so  
[29:22.4 - 29:26.5] you're saying you don't know when this photo was taken. How often would you say  
[29:26.5 - 29:31.6] that that gate is left open? One percent of the time. It's very uncommon. Okay, but  
[29:31.6 - 29:35.4] you'd agree that in the photographs I showed you in exhibit one, both the gate  
[29:35.4 - 29:40.3] from the exterior leading into the property and then the gate at the top of  
[29:40.3 - 29:45.5] your stairs are a jar, correct? Yes.  
[29:48.6 - 29:55.7] Is your home toddler proof? Yes. What does that mean to you? I have plugs in all the  
[29:55.7 - 30:00.0] outlets. I built a bedroom for them with their own beds and toys and books,  
[30:00.0 - 30:05.7] everything they need. Okay, so let's start with the first part. You have plugs in  
[30:05.8 - 30:12.8] all the outlets, so you have, what do you mean by plug? Plastic toddler proof plugs.  
[30:12.8 - 30:19.2] Okay, and then you said you built them a bedroom, but I was asking about child  
[30:19.2 - 30:24.7] proofing or toddler proofing. So let's focus on that part of the question first.  
[30:24.7 - 30:30.1] Aside then from putting plugs in the outlets, what other toddler proofing has  
[30:30.1 - 30:34.3] been done to your residence? I have soft rug and carpeting throughout the entire  
[30:34.3 - 30:39.0] place. There's no hard surfaces to fall on. There's no sharp corners exposed  
[30:39.0 - 30:44.6] anywhere. I have a small step for them to get up to the toilet and inside the  
[30:44.6 - 30:51.6] bathroom. So when did you first undertake the toddler  
[30:49.4 - 30:51.4] Proofing that you just testified about  
[30:52.3 - 30:54.3] The minute I move into the place  
[30:55.0 - 30:57.0] so last week  
[30:58.2 - 31:00.2] You were at a hearing for  
[31:00.8 - 31:05.8] Your current custody and visitation orders, but you were in Grand Caymans, correct, correct  
[31:05.8 - 31:11.8] And the court for the first time made an order and that was in October 31 of 2022  
[31:12.4 - 31:17.3] That you could have a visit per month in San Diego, correct  
[31:17.5 - 31:23.0] And you're saying that when you first rented this place in October of  
[31:24.0 - 31:25.1] 2021  
[31:25.1 - 31:27.3] You did toddler proofing  
[31:27.8 - 31:34.3] Objection, that's compound. It's asking multiple things at the same time. Did you understand my question? I didn't that's the incorrect date  
[31:34.8 - 31:42.9] Okay, so you remember that part? When did you first move into the place January 2022? Okay, so in January of 2022

[31:42.9 - 31:48.3] That's when you first began the toddler proofing that you just testified about. Yes, and

[31:49.1 - 31:53.0] Where did you obtain these plugs from that are in the outlets?

[31:53.3 - 31:58.3] We bought them together when we lived the previous house. I had a bag of probably 15 or 20 of them

[31:58.7 - 32:05.4] Okay, and what else did you do? What else did you personally do to toddler proof the residents in January of 2022?

[32:05.4 - 32:10.2] Put rugs down had an exterminator come out and do any of the testing to see if there's any

[32:10.8 - 32:12.8] rodents

[32:12.9 - 32:16.3] And made sure there's no sharp corners got stairs for the toilet

[32:17.7 - 32:24.2] Okay, so the exterminator when did the exterminator come out? I don't recall. He's been multiple times

[32:25.4 - 32:32.2] Do you have a problem with insects? No. So why have you brought the exterminator multiple times to your place?

[32:32.2 - 32:34.6] It's a routine and that's what the landlord does

[32:35.8 - 32:40.6] Landlord does it? Well, he scheduled it. Yes. It's his property. Okay, you don't pay for it

[32:40.6 - 32:47.3] No, but you said that you had someone come out in January of 2022. I don't recall the date

[32:47.9 - 32:55.1] Okay, you actually brought an exterminator out to your place. No, the landlord scheduled it for childproofing

[32:55.7 - 32:57.7] No to do a routine

[32:58.2 - 32:59.6] visit

[32:59.6 - 33:05.1] Okay, and then do you have carpeting or I think you said rugs?

[33:06.4 - 33:08.4] Well, it's wood flooring

[33:08.8 - 33:12.7] So there are hard surfaces on the floor you've just covered them with rugs

[33:13.4 - 33:19.9] Correct. The entirety of the floor is covered by rugs. Of course not but the majority of the walking areas

[33:19.9 - 33:22.8] yes, well you say of course not but

[33:24.0 - 33:26.2] Tell me then how much of the floor?

[33:26.8 - 33:32.7] Percentage wise is covered by soft rugs. I'd have to measure it and do the math but over 50%

[33:33.3 - 33:40.3] Okay, so over half how much over half is covered by rugs, I don't know and

[33:41.3 - 33:46.8] Do the children in your house? Are they going to have a separate bedroom? Yes. They have a second better

[33:47.8 - 33:52.7] So in approximately 900 square feet, there's two bedrooms, correct?

[33:54.3 - 33:57.3] And is there a living room yes and

[33:58.3 - 34:04.2] Both children, where are they going to sleep when they're at your house? They'll be in bed with me. That's what they're used to

[34:05.9 - 34:12.7] When you when are you gonna have your first visit in San Diego with your children it'll start this coming Sunday and

[34:14.1 - 34:21.2] Your plan is to have them stay at your house. Yes this house that's depicted in exhibit one. Yes

[34:21.9 - 34:25.8] Do you believe that house is safe for your children? Yes, why?



[34:26.8 - 34:29.8] Because it's a safe place in a very safe neighborhood

[34:31.7 - 34:33.7] Okay, any other reasons

[34:35.0 - 34:40.8] It's it's the perfect depiction of their father I'm around my community where I work right next to the beach

[34:40.8 - 34:44.7] I have everything there. I need to provide a fun and safe atmosphere for them

[34:45.8 - 34:49.8] What is a perfect depiction of you have to do with safety? I don't understand

[34:50.0 - 34:54.5] What has to do with their relationship with their father and if it is asking you about safety

[34:55.2 - 34:58.5] Okay, it is it is safe yes, there's locks and all the doors

[34:59.5 - 35:01.1] It's safe

[35:01.1 - 35:03.5] There's no lock on the front gate, right?

[35:04.0 - 35:08.8] Objection misstates the testimony my client stated. There is a locking mechanism on the gate. Is that what you said?

[35:09.0 - 35:13.0] There's a locking mechanism on all the gates, but you also said there's no lock, right?

[35:13.8 - 35:19.0] Well, what kind of a locker a padlock or are we talking about here? Okay, so, you know what locks are?

[35:19.0 - 35:22.6] Yeah, something like that. That's what I'm talking about here. That would not be

[35:23.2 - 35:25.8] Common or efficient to use on a gate of the such

[35:26.6 - 35:29.3] Says who just myself I live there

[35:30.1 - 35:34.7] Okay, and then the one at the top of your stairs doesn't have a lock either, right?

[35:35.0 - 35:38.2] Correct to be the same issue would not make sense to have a padlock on that

[35:39.0 - 35:43.1] Okay, so it wouldn't make sense to have a padlock on that if you have your children there

[35:43.9 - 35:47.4] no for myself for anybody in any circumstance to be

[35:48.4 - 35:52.8] Impractical to have a padlock on it locks very securely. There's no way to get into it

[35:53.2 - 35:60.0] Otherwise as locking mechanism. Well when I ask you about child proofing you didn't mention either of these gates, correct? I

[36:00.9 - 36:02.9] Consider there'd be a locking mechanism to be childproof

[36:03.7 - 36:09.5] So you don't believe that either of your children could open the locking mechanism on these gates by themselves

[36:09.7 - 36:11.7] Absolutely, not not the one at the top of the stairs, especially

[36:11.7 - 36:18.2] Why not because it's a very complex. It's a the bar the way it works. It's not easy to get unlocked. You just be out of reach

[36:18.7 - 36:22.1] Okay, you just it would be out of reach. It's too high

[36:23.3 - 36:26.4] We're it's position. It's a bit too high and it's kind of behind some plants

[36:26.4 - 36:30.3] You have to reach over the top of the gate to get to it. That's by design

[36:30.8 - 36:36.4] What's your daughter's name? Sophia? How tall is Sophia? She's like three feet tall

[36:37.2 - 36:39.2] When's the last time you measured her?

[36:39.2 - 36:41.2] When's the last time you measured her?

[36:41.3 - 36:45.3] I don't recall. Have you ever measured her for her height? Yes

[36:45.9 - 36:50.6] You don't recall the last time you did that? No, it's not something I do when I have my limited time with them

[36:51.5 - 36:57.4] Okay, how tall is that gate at the top of your stairs that's depicted in the fifth page in of exhibit number one?

[36:57.4 - 37:01.7] I am not sure. I've never measured it. Well, you said it was out of reach, right?

[37:02.3 - 37:07.1] Correct. You have to reach over the top of it and reach behind to get to the locking mechanism

[37:08.1 - 37:12.4] So again, you just gestured with your hand so your gesture was an over I

[37:13.3 - 37:17.2] Don't understand. Are you talking about when you go up the stairs or when you go down the stairs?

[37:17.2 - 37:21.8] You have to reach over on what side let me ask back up and ask you a better question. Excuse me on

[37:22.4 - 37:30.0] What side of the gate at the top of your stairs is this locking mechanism on the side? That would be

[37:31.0 - 37:36.4] Going up towards your front door or going down towards the street walking up the steps

[37:36.4 - 37:38.4] It's going to be closest to the street in the steps

[37:39.1 - 37:45.0] Okay, so if you are walking out of your home to go down the stairs towards the street

[37:45.2 - 37:51.9] you have to reach your arm over and make some movement with a locking mechanism on what would be the

[37:52.3 - 37:55.0] Front side of the gate. Is that accurate?

[37:55.9 - 38:01.5] Correct facing the gate. You'd have to reach over and pull bar like eight inches to one direction to unlock it

[38:02.1 - 38:08.3] Okay, and so are you saying that that's out of reach for your daughter that's what I said, yes, okay and

[38:09.2 - 38:16.1] What's your son's name River? And how tall is River currently? I'm not sure. I've measured him. You've never measured River

[38:16.1 - 38:18.6] I haven't the doctor but it's been a long time

[38:19.4 - 38:22.8] When did you measure him at the doctor's office? I don't recall

[38:24.1 - 38:26.7] How long ago was it? I don't recall

[38:27.7 - 38:29.1] Okay

[38:29.1 - 38:31.1] When's the last time you took him to the doctor?

[38:31.7 - 38:33.7] I haven't had to in my care

[38:34.2 - 38:37.0] So, how do you know that he was measured at the doctor?

[38:37.3 - 38:42.1] Well last time would have been when I was with him and we were still together here in San Diego

[38:43.1 - 38:45.1] That was what April of

[38:45.5 - 38:53.6] 2021? Correct. So since then you haven't measured? No. Okay, but you believe that that mechanism is also out of his reach?

[38:54.1 - 38:56.1] Correct. He's shorter than Sophia

[38:56.2 - 38:58.5] How much shorter? I've not measured them

[38:59.5 - 39:00.7] And

[39:00.7 - 39:04.8] The locking mechanism on the other gate meaning the gate that is at the street

[39:04.8 - 39:07.0] Is that on the front of the gate?

[39:07.2 - 39:10.6] Meaning if I'm at the street and I want to enter your yard

[39:10.6 - 39:15.9] The mechanism is there or is it on the side on the inside of the inside makes sense?

[39:16.4 - 39:19.9] Okay inside being the side where your yard is. Yes

[39:20.1 - 39:26.7] Okay, is it the same type of locking mechanism as you have on the gate at the top of the stairs? No

[39:27.1 - 39:28.7] How is it different?

[39:28.7 - 39:33.1] It's similar. It's also a bar, but has like a hook on it

[39:33.1 - 39:38.9] The bar is bent and you slide it and then slide it down onto the little latch that that piece goes into

[39:39.9 - 39:46.6] And so if your children are the on the inside of that yard that we saw depicted in exhibit one

[39:46.8 - 39:48.6] They could reach that

[39:48.6 - 39:50.6] locking mechanism, correct

[39:51.3 - 39:56.1] Likely they could reach it. Yes. Okay, they wouldn't have to reach over anything meaning reach over

[39:56.7 - 40:01.8] The gate to get out of the gate. Correct. Okay, and by that I mean the gate

[40:01.8 - 40:05.2] That's the one at the street where the yard is. Correct. Okay

[40:08.9 - 40:15.9] When did you buy the rugs that you put down on the flooring? I don't recall. Where did you buy them from?

[40:17.2 - 40:19.0] I don't think I bought them. I think they were donated

[40:19.0 - 40:22.6] I think one I had from our previous house and they're always given to me as a gift

[40:23.1 - 40:27.5] Who gave it to you as a gift? It was through a Facebook like group. I'm not sure

[40:29.3 - 40:33.8] Okay, you're unsure of what the group or the person or? The person's name

[40:34.6 - 40:38.7] So someone just gave you a rug for your home and you don't know who it is?

[40:38.7 - 40:46.5] That's the entire group is it's it's people get gifting free things to each other as a community local to a certain area zip codes

[40:47.3 - 40:49.3] What's the name of that group?

[40:49.7 - 40:51.7] I

[40:51.8 - 40:53.8] Look at my phone. I don't recall

[40:53.8 - 40:56.9] Would you look on your phone when we take our first break? Sure

[40:57.4 - 41:02.4] Okay, and so someone in that group gave you a free rug. Yes, and

[41:03.2 - 41:05.5] How did they know to give you a rug if you know?

[41:05.9 - 41:12.9] The way the group works is you post things that you're giving away, people comment on it, and they choose someone to give it to.

[41:13.9 - 41:18.9] Okay. So did you comment on someone giving away a rug?

[41:18.9 - 41:19.9] Yes.

[41:19.9 - 41:22.9] Okay. And...

[41:24.9 - 41:25.9] Okay.

[41:25.9 - 41:26.9] Okay.

[41:32.9 - 41:36.9] You said that there's no sharp edges in your house?

[41:36.9 - 41:37.9] Correct.

[41:37.9 - 41:41.9] Why is that? Meaning, how are there no sharp edges in your house?

[41:41.9 - 41:52.9] There's very little cabinetry as it is. There's one corner in the kitchen, but it's rounded with like a faux marble or something.

[41:53.9 - 41:55.9] Okay. Do you have any tables?

[41:55.9 - 41:57.9] Yes.

[41:57.9 - 41:59.9] Okay. Do they have round edges?

[41:59.9 - 42:02.9] I think a soft edge.

[42:02.9 - 42:04.9] Soft edge table?

[42:04.9 - 42:07.9] Yeah, like a... Yeah, it's not like a point.

[42:07.9 - 42:11.9] Okay. What about nightstands?

[42:11.9 - 42:12.9] Yes.

[42:12.9 - 42:16.9] Okay. What are the edges like on those?

[42:16.9 - 42:28.9] I don't recall. It's not something I think about very often. But it's not like a sharp edge, the one I kept picturing. It's wood and sanded down.

[42:28.9 - 42:39.9] So did you go through and verify that all of the 90-degree angles on, say, furniture in your home are rendered childproof?

[42:39.9 - 42:48.9] I'm not aware if there's a way to do that through an official organization, if that's what you're asking, but I did buy what I deemed to be safe, yes.

[42:48.9 - 42:51.9] Okay. So you did do that?

[42:51.9 - 42:52.9] Yes.

[42:52.9 - 42:57.9] So what did you do with any 90-degree angle furniture that you have in your house?

[42:57.9 - 43:04.9] I don't currently have anything that has any sharp corners. I don't have a whole lot of furniture. It's not a massive place.

[43:05.9 - 43:09.9] And you said that your children are going to sleep with you?

[43:09.9 - 43:10.9] Correct.

[43:10.9 - 43:12.9] What size bed do you have?

[43:12.9 - 43:14.9] It's a queen-size bed.

[43:14.9 - 43:17.9] So you and two children are going to sleep together?

[43:17.9 - 43:19.9] Yes.

[43:19.9 - 43:22.9] What's in their bedroom?

[43:22.9 - 43:27.9] Two small beds, toys, a rug.

[43:27.9 - 43:31.9] Are they different toys than the ones you have in the backyard in boxes?

[43:31.9 - 43:33.9] Yes.

[43:33.9 - 43:36.9] Okay. And are they bunk beds?

[43:36.9 - 43:38.9] No.

[43:38.9 - 43:41.9] So two beds fit in their room?

[43:41.9 - 43:51.9] It's two small kid-size mattresses without any bed frame. I'm aware that's what they have at their mother's house, something similar to that.

[43:51.9 - 43:54.9] So you have mattresses on the floor?

[43:54.9 - 43:56.9] Yes.

[43:56.9 - 43:59.9] And kid-size, what does that mean?

[44:00.9 - 44:05.9] They're small-size beds that are made for kids.

[44:05.9 - 44:08.9] So those are on the floor, and then there's toys on the floor?

[44:08.9 - 44:14.9] There's toys in little basket bins, like organizational things.

[44:14.9 - 44:19.9] So when did you get the mattresses for the children?

[44:19.9 - 44:30.9] I bought cribs, and I bought all new stuff for the kids in April of 21, when she left.

[44:30.9 - 44:39.9] So let me back up. So April of 21, Ms. Clifford left, and then you bought cribs and mattresses?

[44:39.9 - 44:49.9] Yes. We provided photos in previous hearings of me setting up an entire bedroom for them in the previous house within two weeks after her leaving in May of 21.

[44:49.9 - 44:51.9] Okay. But I'm talking about this house.

[44:51.9 - 44:53.9] I've kept the same things.

[44:53.9 - 44:55.9] Okay. What did you do with the cribs?

[44:55.9 - 45:01.9] I got rid of the cribs. I gave them on that same marketplace. I gifted them.

[45:01.9 - 45:06.9] So you brought these mattresses with you from your previous residence?

[45:06.9 - 45:07.9] Yes.

[45:07.9 - 45:08.9] What was that address?

[45:08.9 - 45:15.9] 7206 Lantana Terrace, Carlsbad, 92011.

[45:15.9 - 45:22.9] And why did you set them up in a bedroom if the children are going to sleep in your bed?

[45:22.9 - 45:32.9] Because before she left, Sophia had been sleeping on her own for over a year, and the intention was to keep them in that direction for that.

[45:32.9 - 45:35.9] Then why are they going to sleep with you in the bed if she sleeps on her own?

[45:35.9 - 45:40.9] Because Mother has conditioned them to sleep in bed with her every night since she left.

[45:40.9 - 45:45.9] So you're doing what Ms. Clifford is doing in terms of sleeping?

[45:45.9 - 45:50.9] Correct. I'd like to co-parent in a way that's consistent with the way she's parenting when she's with them.

[45:50.9 - 45:55.9] Do you think that's the best idea to copy what Ms. Clifford does?

[45:55.9 - 45:58.9] In this specific instance, yes.

[45:58.9 - 46:02.9] Well, you're their father, right?

[46:02.9 - 46:04.9] Yes.

[46:04.9 - 46:06.9] And how old is Sophia now?

[46:06.9 - 46:08.9] She's three and a half.

[46:08.9 - 46:14.9] And there have been allegations made against you, inappropriate allegations made against you with Sophia, correct?

[46:14.9 - 46:15.9] Yes.

[46:15.9 - 46:16.9] In the state of Arizona?

[46:16.9 - 46:17.9] Yes.

[46:17.9 - 46:21.9] And notwithstanding those allegations, do you think it's a good idea to sleep with her in the same bed?

[46:21.9 - 46:26.9] Absolutely. I took a polygraph test, and all things have been dismissed regarding those cases.

[46:26.9 - 46:31.9] DCS came and visited. They closed the case. Scottsdale Police closed the case.

[46:31.9 - 46:37.9] Yes, it's very appropriate. There's nothing that's been done wrong in my doing, in my care for them.

[46:37.9 - 46:40.9] Okay. I'll be asking you about that later, but my question was,

[46:40.9 - 46:44.9] now, you think that given all of that, it's appropriate for you to sleep in the same bed with her?

[46:44.9 - 46:48.9] Allegations are allegations. Nothing happens, so 100% it's appropriate.

[46:48.9 - 46:52.9] And you're just doing that because Ms. Clifford is doing that?

[46:52.9 - 46:55.9] Correct, to keep consistency, yes.

[46:55.9 - 47:01.9] So, why don't you do your own parenting, where you make your own decisions, instead of copying Ms. Clifford?

[47:01.9 - 47:05.9] I will. I've taken two parenting courses, and I'm very capable of making my own decisions as well.

[47:05.9 - 47:08.9] This is one instance, and one specific thing you've asked about.

[47:08.9 - 47:11.9] You haven't asked about every single part of parenting.

[47:11.9 - 47:20.9] Okay. So, if Ms. Clifford were to represent to you today that the children are sleeping in their own beds, you would follow that lead?

[47:20.9 - 47:21.9] Yes.

[47:21.9 - 47:28.9] But because you believe that they sleep with her in the same bed, that's why you want to sleep with your daughter and your son in the same bed?

[47:28.9 - 47:30.9] Yes. My goal is to create a smooth transition from home to home.

[47:30.9 - 47:34.9] Now that they have two homes, I want it to be easiest and best for them.

[47:34.9 - 47:36.9] Do they have two homes?

[47:36.9 - 47:40.9] Yes, they do. They have one home in San Diego, and one home in Scottsdale.

[47:40.9 - 47:42.9] Okay.

[47:43.9 - 47:56.9] So, let me ask you about that. On October 31 of 2022, the court granted your request, but actually you'd requested both visits be in San Diego, correct?

[47:56.9 - 47:57.9] Yes.

[47:57.9 - 48:00.9] And the court only granted one?

[48:00.9 - 48:09.9] I think we actually, it was worded that we would prefer both, and we were open to the idea of doing one of the two visits in San Diego.

[48:09.9 - 48:13.9] Unfortunately, I wasn't there, but what did the court order, do you know?

[48:13.9 - 48:20.9] Yes, for altering visits to San Diego and Arizona every other week, so it's two per month.

[48:20.9 - 48:24.9] So the court only ordered one visit per month in San Diego?

[48:24.9 - 48:26.9] Correct.

[48:26.9 - 48:34.9] And so you're going to be making your other visit, that is in Scottsdale, Arizona, on the second visit per month?

[48:34.9 - 48:36.9] Correct.

[48:36.9 - 48:38.9] Correct, meaning you're going to?

[48:38.9 - 48:40.9] Correct. Yes.

[48:40.9 - 48:49.9] Okay. And so when are you going to have your first visit in San Diego? I believe you testified it was this coming weekend?

[48:49.9 - 48:51.9] This coming Sunday through Wednesday.

[48:51.9 - 49:02.9] Okay. And so that means that the second weekend of each month, you plan on having that visit in San Diego?

[49:02.9 - 49:03.9] Yes.

[49:03.9 - 49:07.9] And the fourth weekend of each month, that visit will be in Scottsdale?

[49:07.9 - 49:13.9] Yes.

[49:13.9 - 49:25.9] At your current child exchanges for visitation with Ms. Clifford, do you remove the toys that your children have in their hands at the time you exchange them?

[49:25.9 - 49:28.9] They would rarely have toys in their hands when we exchange them.

[49:28.9 - 49:31.9] But if they do, do you remove them from their hands?

[49:31.9 - 49:34.9] I can't recall an instance like that.

[49:35.9 - 49:40.9] What about the shoes off their feet during those child exchanges? Do you ever do that? Do you remove them from your children?

[49:40.9 - 49:41.9] No.

[49:41.9 - 49:45.9] You never do that and say, those are mine, or something to that effect?

[49:45.9 - 49:46.9] No.

[49:46.9 - 49:52.9] So if someone were to say that that happens at a child exchange between you and Ms. Clifford, that would be a lie?

[49:52.9 - 49:59.9] Yes. The shoes, I don't even have their current size shoes. I've asked her for four days what their shoe sizes are, and she's ignored me on that.

[49:59.9 - 50:02.9] So I don't have shoes of theirs to take off.

[50:02.9 - 50:04.9] You don't even buy your children's shoes?

[50:04.9 - 50:09.9] Yeah, I have sandals, but I'm asking what their newest size are. They're too small now, so I'm asking what their new size is.

[50:09.9 - 50:11.9] And you don't know that yourself?

[50:11.9 - 50:14.9] That's why I've asked her. I do not know it myself.

[50:14.9 - 50:19.9] So you've never taken them to go buy shoes when you were in Scottsdale, Arizona?

[50:19.9 - 50:21.9] Not shoes, but other clothing, yes.

[50:21.9 - 50:27.9] Okay. And you could take them to go buy shoes and measure them at the shoe store, couldn't you?

[50:27.9 - 50:34.9] Yes, I asked the question when I was notâ€they weren't in my care, so I would have no way of measuring their feet when I'm not with them.

[50:34.9 - 50:40.9] So I'm hoping to get new shoes for them on their first visit to San Diego, and she's yet to respond about their shoe sizes.

[50:40.9 - 50:43.9] Do you use high chairs with either of your children?

[50:43.9 - 50:45.9] No, booster seats.

[50:45.9 - 50:48.9] Booster seats. Do you strap the children into the booster seat?

[50:48.9 - 50:49.9] Yes.

[50:49.9 - 50:50.9] Both of them?

[50:50.9 - 50:51.9] Yes.

[50:51.9 - 50:54.9] Do you believe that both of them still require booster seats?

[50:54.9 - 50:55.9] Yes.

[50:55.9 - 50:56.9] Why do you say that?

[50:56.9 - 50:58.9] Because of their height.  
[50:58.9 - 51:02.9] But you've never measured the height of River, correct?  
[51:02.9 - 51:07.9] No, but you can visualize relative to the table to a child, it's pretty easy to see the difference in height.  
[51:07.9 - 51:12.9] So can you visualize relative to the gate at the top of your stairs to the height of your children?  
[51:12.9 - 51:15.9] Yes, and they could not reach over the top of the gate.  
[51:15.9 - 51:20.9] Does Sophia have normal-sized arms, whatever that means, for her height?  
[51:20.9 - 51:22.9] Objection. Question is vague.  
[51:22.4 - 51:26.4] What do her arms look like to you? Are they in proportion with her height?  
[51:26.4 - 51:27.4] Yes.  
[51:27.4 - 51:30.4] Okay. And you don't believe she can reach over the gate?  
[51:30.4 - 51:33.4] I already said no, she cannot.  
[51:33.4 - 51:40.4] Okay, thanks. So, how long do you keep them in high chairs? Let's start with Sophia, if you put them in.  
[51:40.4 - 51:42.4] I don't put them in high chairs.  
[51:42.4 - 51:45.4] I'm sorry, booster seat. Kind of the same thing, isn't it?  
[51:45.4 - 51:46.4] Not at all.  
[51:46.4 - 51:48.4] Oh. What's the difference?  
[51:48.4 - 51:53.4] They're two separate things. The booster seat goes on top of a chair. A high chair is a stand-alone thing.  
[51:53.4 - 51:56.4] Okay. And the booster seat has a strap?  
[51:56.4 - 51:57.4] Yes, I already answered that.  
[51:57.4 - 51:59.4] You actually haven't asked and answered. You already said that the strap is in.  
[51:59.4 - 52:00.4] Where does the strap go?  
[52:00.4 - 52:05.4] It goes around their waist and buckles in the middle and between their legs. It's two buckles.  
[52:05.4 - 52:12.4] Okay. How often do you buckle Sophia into a high chair when you have visits with her? I'm sorry, booster.  
[52:12.4 - 52:15.4] Whenever she's in the booster eating, I buckle her in.  
[52:15.4 - 52:18.4] When is that, though? Eating only?  
[52:18.4 - 52:23.4] Yes, if she's at the table eating or doing something, she's in the booster seat buckled.  
[52:23.4 - 52:28.4] And what's the longest time that you've ever kept Sophia buckled in a booster seat?  
[52:28.4 - 52:30.4] I don't recall.  
[52:30.4 - 52:31.4] Why not?  
[52:31.4 - 52:36.4] I don't time and measure everything that happens in my life. I don't recall.  
[52:36.4 - 52:40.4] When's the last time you buckled her into a booster seat, her being Sophia?  
[52:40.4 - 52:44.4] My pastime in Arizona less than two weeks ago. Two weeks ago.  
[52:44.4 - 52:48.4] Well, last time in Arizona, when was that, that you were there?  
[52:48.4 - 52:50.4] Two weeks ago.



[52:50.4 - 52:58.4] Two weeks ago. Okay. And how long was she in the booster seat during that time, if you can recall?

[52:58.4 - 53:00.4] At the longest you're asking?

[53:00.4 - 53:04.4] During that last visit that you just testified about is what I'm asking.

[53:04.4 - 53:09.4] Cumulative, longest amount of time, how many times, what's the question? I don't understand.

[53:09.4 - 53:12.4] Okay, I'll ask it again to make sure you do.

[53:12.4 - 53:19.4] During your last visit in Scottsdale, what you said was a couple of weeks ago, you put Sophia into a booster chair, yes?

[53:19.4 - 53:20.4] Correct.

[53:20.4 - 53:22.4] You buckled her in when you put her in the chair, correct?

[53:22.4 - 53:23.4] Yes.

[53:23.4 - 53:25.4] How long did she stay in?

[53:25.4 - 53:29.4] I have no way of knowing. I was there for multiple days and they're in and out of the chair throughout the day.

[53:29.4 - 53:32.4] I don't measure and time these kind of things.

[53:32.4 - 53:37.4] Isn't it true that you actively restrain them in the booster chair to keep them from moving around?

[53:37.4 - 53:38.4] Yes.

[53:38.4 - 53:43.4] And you don't recall the longest period during the last visit that that happened?

[53:43.4 - 53:44.4] No.

[53:44.4 - 53:49.4] Do you think it's good to restrain them in a booster chair to keep them from moving around?

[53:49.4 - 53:51.4] It's safe, yes.

[53:51.4 - 53:55.4] Okay, any other reason you can think of why you believe that's good or positive?

[53:55.4 - 53:57.4] Safety.

[53:57.4 - 54:00.4] All right, so no other reason?

[54:00.4 - 54:02.4] Not that I can think of at the moment.

[54:02.4 - 54:07.4] Does Ms. Clifford put the children into a booster seat and strap them in like you do?

[54:07.4 - 54:09.4] I'm not aware. I don't know.

[54:09.4 - 54:12.4] Well, how do you know about her sleeping patterns with the children?

[54:12.4 - 54:17.4] Because FaceTimes often happen in bed when they're waking up together in bed.

[54:17.4 - 54:24.4] Okay, so if she didn't strap the children into a booster seat, then would you copy that too?

[54:24.4 - 54:29.4] No, I can think for myself, but the one instance about sleeping, I am copying.

[54:29.4 - 54:32.4] What one instance about sleeping? I don't understand.

[54:32.4 - 54:35.4] Sleeping arrangements.

[54:35.4 - 54:40.4] Okay, so you're going to copy that one so you can sleep with your daughter and your son in the same bed,

[54:40.4 - 54:45.4] but you're not going to follow any of her other parenting suggestions?

[54:45.4 - 54:47.4] Objection asked and answered.

[54:47.4 - 54:52.4] He's studied multiple times that he's making his own parenting decisions in certain aspects.

[54:52.4 - 54:54.4] So can you answer my question?

[54:54.4 - 54:57.4] It's too vague. You're not referring to anything specific.

[54:57.4 - 54:58.4] What's too vague?

[54:58.4 - 55:01.4] What you're saying, you're generalizing our entire parenting.

[55:01.4 - 55:06.4] There's five million things with parenting that you could be specific about that I'm going to copy or not copy,

[55:06.4 - 55:12.4] and I would answer, but I can't say yes or no to a vague question like that.

[55:12.4 - 55:16.4] Okay, so you copy her on the sleeping,

[55:16.4 - 55:22.4] and I believe you testify that if she stopped sleeping with your children, you would still do it?

[55:22.4 - 55:23.4] That's not what I said.

[55:23.4 - 55:27.4] Okay, so if she tells you today at the break that she's no longer sleeping with the children,

[55:27.4 - 55:30.4] you won't sleep with them this weekend?

[55:30.4 - 55:31.4] Not necessarily.

[55:31.4 - 55:36.4] I'd love to transition them to their own beds at some point whenever they're ready for that, yeah.

[55:36.4 - 55:38.4] When would that be?

[55:38.4 - 55:39.4] I'm not sure.

[55:39.4 - 55:41.4] Have you given that any thought?

[55:41.4 - 55:42.4] I have, yeah.

[55:42.4 - 55:46.4] It's tough to communicate with her, so it's difficult to know when that might be.

[55:46.4 - 55:50.4] What time does Sophia wake up in the morning?

[55:50.4 - 55:53.4] With me, it's around 637 a.m.

[55:53.4 - 55:55.4] What time does she go to bed with you?

[55:55.4 - 55:58.4] 830 p.m., give or take.

[55:58.4 - 56:01.4] And what about River? What time does he wake up in the morning?

[56:01.4 - 56:04.4] About the same, with me.

[56:04.4 - 56:06.4] Okay, and what time does he go to bed?

[56:06.4 - 56:09.4] He'll fall asleep a half an hour before her a lot of times.

[56:15.4 - 56:19.4] What was your date of separation from Ms. Clifford?

[56:19.4 - 56:21.4] I don't recall the exact date.

[56:21.4 - 56:25.4] Do you recall filing a response in this marital dissolution proceeding?

[56:25.4 - 56:27.4] Yes.

[56:27.4 - 56:29.4] Do you recall indicating a date of separation there?

[56:29.4 - 56:32.4] I could guess, but I don't recall the exact date.

[56:32.4 - 56:33.4] Okay, guess.

[56:33.4 - 56:35.4] April 28th, 2021.

[56:35.4 - 56:37.4] Okay.

[56:37.4 - 56:44.4] And where were you when you separated on April 28th of 2021?

[56:44.4 - 56:47.4] The exact moment that I filed?

[56:47.4 - 56:49.4] You didn't file, did you?

[56:49.4 - 56:51.4] I don't understand the question. Where was I?

[56:51.4 - 56:56.4] On April 28th of 2021, where were you?

[56:56.4 - 56:58.4] I don't recall.

[56:58.4 - 57:00.4] Weren't you in L.A. County?

[57:00.4 - 57:02.4] Not that I remember.

[57:02.4 - 57:05.4] You weren't in San Diego, right, when you separated from her?

[57:05.4 - 57:08.4] I was home. I don't remember the date.

[57:08.4 - 57:13.4] Did she have a working vehicle on or about the date of separation you just provided?

[57:13.4 - 57:14.4] Yes.

[57:14.4 - 57:17.4] What was her vehicle that was working at that time?

[57:17.4 - 57:20.4] I don't remember the exact model. It was a BMW of some sort.

[57:20.4 - 57:23.4] And it didn't have any mechanical issues?

[57:23.4 - 57:24.4] Not that I recall.

[57:24.4 - 57:29.4] What were you driving at that time as of April 28th of 2021?

[57:29.4 - 57:33.4] A Subaru Ascent.

[57:33.4 - 57:39.4] And so your testimony is that you don't remember on April 28th if you were in San Diego County?

[57:39.4 - 57:43.4] I believe I was. I remember receiving an email from her saying that she took the kids and left,

[57:43.4 - 57:49.4] and I was checking the mail at our place when I read that, so I was in San Diego County.

[57:49.4 - 57:51.4] When did she send you that email?

[57:51.4 - 57:54.4] I don't recall the exact date.

[57:54.4 - 57:59.4] It's the date that I'm assuming is that, but give or take a couple of days, I think.

[57:59.4 - 58:12.4] How many times have you traveled outside of the United States since April 28th of 2021?

[58:12.4 - 58:15.4] I'd have to really think about four times, I believe.

[58:15.4 - 58:17.4] Where did you go?

[58:17.4 - 58:22.4] I went to Grand Cayman. I went to St. Martin.

[58:22.4 - 58:24.4] That's two. What about the other two?

[58:24.4 - 58:27.4] Grand Cayman. Each of those times. Four total trips.

[58:27.4 - 58:30.4] When did you go to St. Martin?

[58:30.4 - 58:33.4] That was Thanksgiving week of last year, 21.

[58:33.4 - 58:36.4] How long were you there?

[58:36.4 - 58:38.4] Four days, I believe.

[58:38.4 - 58:40.4] And that was professional?

[58:40.4 - 58:41.4] No.

[58:41.4 - 58:42.4] Business trip?

[58:42.4 - 58:43.4] That was for fun.

[58:43.4 - 58:46.4] Fun trip. Who paid for that?

[58:47.4 - 58:51.4] A friend's family. They had a house.

[58:51.4 - 58:54.4] A friend's family. What's the friend's name?

[58:54.4 - 58:56.4] Emily Hammond.

[58:56.4 - 58:59.4] Are you guys just friends?

[58:59.4 - 59:01.4] Well, I'm referring to her as a friend as well.

[59:01.4 - 59:03.4] As well as what?

[59:03.4 - 59:06.4] You already asked me in the beginning if we're dating.

[59:06.4 - 59:09.4] Okay. So she's your girlfriend?

[59:09.4 - 59:10.4] Correct.

[59:10.4 - 59:14.4] Okay. But you just said she's a friend. A friend's house.

[59:14.4 - 59:17.4] Sure. She's also a friend.

[59:17.4 - 59:20.4] Okay. And she paid for that?  
[59:20.4 - 59:22.4] No. Her family paid for it.  
[59:22.4 - 59:25.4] Her family paid for you to go to St. Martin?  
[59:25.4 - 59:27.4] For a Thanksgiving holiday.  
[59:27.4 - 59:30.4] Why did her family pay for you to go there?  
[59:30.4 - 59:33.4] Well, they already had this house that was available there.  
[59:33.4 - 59:34.4] Well, you flew there, right?  
[59:34.4 - 59:35.4] Correct.  
[59:35.4 - 59:37.4] They bought you the plane ticket?  
[59:37.4 - 59:38.4] I don't recall. I don't think so.  
[59:38.4 - 59:40.4] Well, what did they pay for?  
[59:40.4 - 59:44.4] The house and the accommodations and food.  
[59:44.4 - 59:46.4] But who paid for the ticket? You can't remember?  
[59:46.4 - 59:47.4] I can't remember.  
[59:47.4 - 59:49.4] What airline did you fly there?  
[59:49.4 - 59:51.4] I can't remember.  
[59:55.4 - 60:04.4] So you were investigated by the Department of Child Services in Arizona on or about January of 2022, correct?  
[60:04.4 - 60:09.4] Correct. I'm not sure if it's considered an investigation, but they came and did a house visit.  
[60:10.4 - 60:12.4] When did they do the house visit?  
[60:12.4 - 60:20.4] I don't recall the exact date, but it was, I believe, late January of 2022.  
[60:20.4 - 60:22.4] Whose house did they visit?  
[60:22.4 - 60:25.4] The hotel that I stayed in every visit in Scottsdale.  
[60:25.4 - 60:29.4] Okay. And when they did the visit, what happened?  
[60:29.4 - 60:34.4] I'm going to invoke my client's Fifth Amendment. I'm going to instruct him not to answer these questions.  
[60:34.4 - 60:40.4] Unfortunately, he just testified that there was absolutely nothing to the allegations and he hasn't been criminal charged.  
[60:40.4 - 60:45.4] He has counsel in Arizona. It's an Arizona matter. It's not part of this California litigation.  
[60:45.4 - 60:49.4] Are you currently facing criminal prosecution in the state of Arizona, Mr. Moneo?  
[60:49.4 - 60:50.4] No.  
[60:50.4 - 60:52.4] For sexually molesting your daughter?  
[60:52.4 - 60:53.4] I'm not.  
[60:53.4 - 60:57.4] So what is your Fifth Amendment privilege that your attorney's invoking, if you have any idea?  
[60:57.4 - 60:59.4] I don't have my attorney here present.  
[60:59.4 - 61:01.4] What's your attorney's name?  
[61:01.4 - 61:07.4] There's multiple names. She's on pregnancy leave, but I can give you the name of the law firm.  
[61:07.4 - 61:12.4] Well, let me just ask you, what is your Fifth Amendment privilege that you believe you're invoking?  
[61:12.4 - 61:14.4] I didn't use those words.  
[61:14.4 - 61:17.4] I know you didn't. You heard your attorney just say that, right?  
[61:17.4 - 61:18.4] Yes.

[61:18.4 - 61:25.4] Do you remember earlier in this deposition when you just told me about all the things that you've been cleared of in the state of Arizona?

[61:25.4 - 61:26.4] Yes.

[61:26.4 - 61:28.4] And why it wouldn't be inappropriate for you to sleep with your daughter?

[61:28.4 - 61:29.4] Yes.

[61:29.4 - 61:31.4] Okay. Was that untrue?

[61:31.4 - 61:32.4] No.

[61:32.4 - 61:39.4] Then what is the possible criminal prosecution that you're facing that would cause your attorney to sue you?

[61:38.9 - 61:40.4] I need to invoke the fifth.

[61:40.4 - 61:42.5] I'm not facing, there's no open investigation

[61:42.5 - 61:44.2] or charges that have ever been held against me.

[61:44.2 - 61:45.5] Thank you very much.

[61:45.5 - 61:47.6] So are you gonna answer my question?

[61:47.6 - 61:49.0] He's not gonna answer your question.

[61:49.0 - 61:50.0] Really, why not?

[61:50.0 - 61:51.6] Because his Arizona counsel is not present.

[61:51.6 - 61:53.0] This is an Arizona matter.

[61:53.0 - 61:53.8] It's not relevant.

[61:53.8 - 61:54.6] No, it's not.

[61:54.6 - 61:55.5] The children live here.

[61:55.5 - 61:57.3] It's not relevant to his litigation.

[61:57.3 - 61:58.5] Absolutely it's relevant.

[61:58.5 - 62:00.3] There's allegations that he raped his daughter.

[62:00.3 - 62:01.8] Of course it's relevant.

[62:01.8 - 62:03.8] I took a polygraph test and passed the polygraph test.

[62:03.8 - 62:05.3] Brian, don't answer the question.

[62:05.3 - 62:06.4] Oh, okay.

[62:06.5 - 62:09.0] So are you going to answer the question?

[62:09.0 - 62:10.5] No.

[62:10.5 - 62:12.4] Mark the transcript, please.

[62:12.4 - 62:16.7] So what's your Arizona criminal attorney's name?

[62:16.7 - 62:17.5] I don't recall it.

[62:17.5 - 62:19.5] I have to look on my phone.

[62:19.5 - 62:21.9] When's the last time that you talked to her?

[62:21.9 - 62:23.6] It's been months.

[62:23.6 - 62:25.7] All the cases were closed.

[62:25.7 - 62:27.7] Okay, so there is currently no open case

[62:27.7 - 62:29.8] in Arizona related to molesting your daughter.

[62:29.8 - 62:30.8] No, there never was.

[62:30.8 - 62:31.6] We're not gonna-

[62:31.6 - 62:33.6] Okay, there never was?

[62:33.6 - 62:34.8] We're stopping this deposition

[62:34.8 - 62:36.2] if we continue going down this line.

[62:37.0 - 62:37.8] Are you really gonna do that?

[62:37.8 - 62:38.7] Yes, I am.

[62:38.7 - 62:39.5] We're not answering any questions.

[62:39.5 - 62:40.3] I dare you to try to do that.

[62:40.3 - 62:41.3] You're gonna release this deposition.

[62:41.3 - 62:42.1] I know you're gonna do it.

[62:42.1 - 62:44.8] I dare you to try to stop it.

[62:44.8 - 62:46.9] I am not allowing my client to participate  
[62:46.9 - 62:48.0] in this public farce.  
[62:48.0 - 62:48.8] So we're not gonna answer-  
[62:48.8 - 62:49.7] Public farce?  
[62:49.7 - 62:52.1] Yeah, we're not gonna answer any questions about  
this.  
[62:52.1 - 62:54.1] We're gonna defer it to his Arizona counsel  
[62:54.1 - 62:57.2] who is the jurisdiction in which these are being  
litigated  
[62:57.2 - 62:59.1] and he's not answering any questions about that.  
[62:59.1 - 63:02.6] Okay, so what's being litigated in Arizona?  
[63:02.6 - 63:04.2] The matter is an Arizona matter.  
[63:04.2 - 63:05.6] I'm not his Arizona attorney.  
[63:06.4 - 63:08.9] You're asking questions about incidences  
[63:08.9 - 63:10.4] not within this jurisdiction.  
[63:10.4 - 63:12.8] His Arizona counsel will answer those questions.  
[63:12.8 - 63:14.9] Do you know what state has jurisdiction  
[63:14.9 - 63:17.2] over the custody of your children?  
[63:17.2 - 63:18.6] California, then.  
[63:18.6 - 63:19.8] Right.  
[63:19.8 - 63:22.3] So what's an Arizona matter?  
[63:22.3 - 63:25.3] The molestation charges with your daughter?  
[63:25.3 - 63:27.6] There's no molestation charges, by the way.  
[63:27.6 - 63:30.5] So if there's no molestation charges,  
[63:30.5 - 63:33.2] then what is your Fifth Amendment that's being  
invoked  
[63:33.2 - 63:35.9] to purportedly prevent you from answering questions  
[63:35.9 - 63:37.9] in this deposition?  
[63:37.9 - 63:39.9] Do you not know?  
[63:39.9 - 63:40.9] I don't practice law,  
[63:40.9 - 63:42.7] so I don't know the exact thing you're asking me.  
[63:42.7 - 63:45.2] Do you practice law, Mr. Mattoni?  
[63:45.2 - 63:46.5] I do, you hired me at one time  
[63:46.5 - 63:48.1] because I have a bar license here.  
[63:48.1 - 63:48.9] Oh, that's right.  
[63:48.9 - 63:50.1] So you know exactly what I do.  
[63:50.1 - 63:50.9] You know that this is an Arizona matter.  
[63:50.9 - 63:52.9] Are you stopping the deposition?  
[63:52.9 - 63:54.9] I'm telling you that we're not answering any  
questions  
[63:54.9 - 63:57.0] about a matter for which he has Arizona counsel  
[63:57.0 - 63:58.7] and which is in Arizona's jurisdiction.  
[63:58.7 - 64:00.2] So we're not answering questions about it.  
[64:00.2 - 64:01.8] If you would like to continue a deposition  
[64:01.8 - 64:03.2] about any other matter,  
[64:03.2 - 64:04.8] we'll sit here and answer those questions,  
[64:04.8 - 64:05.7] but we're not answering questions about that.  
[64:05.7 - 64:07.2] Oh, we're gonna suspend the deposition at the end.  
[64:07.2 - 64:08.6] We won't stop it today, but.  
[64:09.7 - 64:11.8] So are you afraid that this deposition  
[64:11.8 - 64:14.7] might make it into the public domain, Mr. Moneo?  
[64:15.6 - 64:17.8] I have no fear of anything that I'm saying.  
[64:17.8 - 64:20.9] You've released it once before on my first  
deposition.

[64:20.9 - 64:22.6] I released your first deposition?

[64:22.6 - 64:24.6] Yourself or your client did.

[64:24.6 - 64:26.7] The only ones who had the transcript.

[64:26.7 - 64:29.6] Okay, so let's talk about me and let me ask you that.

[64:29.6 - 64:31.6] So why would you say that I did that?

[64:32.4 - 64:33.7] Your law firm, whoever is responsible

[64:33.7 - 64:36.0] for receiving the deposition transcript.

[64:36.0 - 64:38.7] Okay, you didn't lie at your previous deposition

[64:38.7 - 64:41.2] of November 2nd of 2021, did you?

[64:41.2 - 64:42.0] No.

[64:42.0 - 64:44.5] Okay, so what does it matter if you're not lying

[64:44.5 - 64:46.7] that your deposition is viewed by others?

[64:46.7 - 64:48.3] Because a tabloid journalist was hired

[64:48.3 - 64:51.5] to create a smear campaign to affect my business

[64:51.5 - 64:53.7] and directly took from the deposition

[64:53.7 - 64:56.1] without stating that it was regarding divorce

[64:56.1 - 64:59.7] and framed it as if it was my company being under lawsuit

[64:59.7 - 65:02.2] and having a deposition for the company, which was false.

[65:02.2 - 65:04.3] So I don't want there to be any risk

[65:04.3 - 65:06.9] of this being used in an inappropriate way

[65:06.9 - 65:10.0] that could harm my self-reputation that's unfair.

[65:10.0 - 65:11.3] What reputation?

[65:11.3 - 65:13.2] My personal reputation for who I am as a person,

[65:13.2 - 65:16.5] what I do as a business and one with the ocean.

[65:17.5 - 65:20.4] You believe that you have, are you a public figure?

[65:20.4 - 65:22.3] Is that what you believe you are?

[65:22.3 - 65:23.3] No.

[65:23.3 - 65:25.0] So what's your public reputation

[65:25.0 - 65:27.5] that you're afraid of being harmed?

[65:27.5 - 65:29.8] I don't want these to be skewed and released

[65:29.8 - 65:31.9] in a way that is hurtful.

[65:31.9 - 65:34.9] Is that what you believe this tabloid journalist,

[65:34.9 - 65:36.3] as you refer to, did

[65:36.3 - 65:38.7] with the previous deposition transcript?

[65:38.7 - 65:42.8] Yes, and directly used deposition notes in the articles.

[65:42.8 - 65:44.9] And what's that person's name, if you know,

[65:44.9 - 65:47.1] this tabloid journalist?

[65:47.1 - 65:50.6] Michael Volpe.

[65:50.6 - 65:51.4] Okay.

[65:51.4 - 65:53.2] Do you believe that he distorted

[65:53.2 - 65:56.1] your previous deposition transcript?

[65:56.1 - 65:56.9] Yes.

[65:57.3 - 65:59.3] Do you believe that he altered the facts contained

[65:59.3 - 66:01.6] in your previous deposition transcript?

[66:01.6 - 66:02.7] Yes.

[66:02.7 - 66:04.7] Do you believe that he committed fraud

[66:04.7 - 66:08.3] in relation to your previous deposition transcript?

[66:08.3 - 66:11.0] I'm not familiar with the law exactly, so I won't say.

[66:11.0 - 66:13.7] But I'm just asking you for your lay person opinion.

[66:15.5 - 66:17.8] I'm not familiar with the terms of fraud,  
[66:17.8 - 66:18.9] so I'm not gonna say.  
[66:18.9 - 66:21.8] So what do you think that Mr. Volpe did  
[66:21.8 - 66:24.2] with your previous deposition transcript?  
[66:24.2 - 66:28.7] And I'm referring to the one from November 2nd of  
2021.  
[66:28.7 - 66:30.9] That was wrong.  
[66:30.9 - 66:34.4] Meaning, what did he do with it that you don't like?  
[66:34.4 - 66:36.1] Well, he used it in a way to make it sound  
[66:36.1 - 66:38.7] like I'd taken an exorbitant salary, which was  
false.  
[66:38.7 - 66:41.0] And we messaged him and he ended up adjusting the  
article  
[66:41.0 - 66:43.3] after it was released and the damage was done.  
[66:43.3 - 66:46.4] And that we do not do any good work at the  
nonprofit.  
[66:46.4 - 66:49.3] And you yourself are asking the questions here  
[66:49.3 - 66:51.0] about do you use plastic?  
[66:51.0 - 66:53.4] Things that do not have to do with a divorce hearing  
[66:53.4 - 66:56.9] that were then used to try to skew as if we are  
[66:56.9 - 67:00.6] an organization that is false behind what we claim  
to do.  
[67:02.7 - 67:04.2] What organization?  
[67:04.2 - 67:05.9] One with the ocean.  
[67:05.9 - 67:09.6] Is there any other reason why you think his  
publishing  
[67:09.6 - 67:12.5] of your deposition transcript was wrong?  
[67:12.5 - 67:14.3] Yes, I don't see how that's relevant.  
[67:14.3 - 67:17.0] How would he get a hold of a divorce deposition  
[67:17.0 - 67:19.1] that no one knows is going on?  
[67:20.1 - 67:22.1] How do you know who knows what's going on?  
[67:22.1 - 67:26.2] He lives in Chicago and he only writes articles  
largely  
[67:26.2 - 67:28.3] on divorce hearings.  
[67:28.3 - 67:31.3] So do you believe that what Mr. Volpe has printed  
about you  
[67:31.3 - 67:33.5] in any of his articles or written about you,  
[67:33.5 - 67:36.1] I should say in any of his articles is false?  
[67:36.1 - 67:37.8] Many things are false, yes.  
[67:37.8 - 67:40.1] Okay, list them for me, please.  
[67:40.1 - 67:42.1] I'd have to see the article so I can't do that.  
[67:42.1 - 67:43.8] You don't remember today?  
[67:43.8 - 67:46.0] I have not memorized the entire articles now.  
[67:47.2 - 67:51.2] And what story did he change after you contacted  
him?  
[67:51.2 - 67:54.8] He changed the amount of money that I took as a  
salary.  
[67:54.8 - 67:57.1] And you spoke to him?  
[67:57.1 - 67:58.2] No.  
[67:58.2 - 68:00.7] Have you ever given an interview to Mr. Volpe?  
[68:00.7 - 68:02.0] No.  
[68:02.0 - 68:04.8] Have you ever left a voicemail for Mr. Volpe?  
[68:04.8 - 68:06.4] I left a voicemail.  
[68:06.4 - 68:08.4] Okay, and why haven't you spoken to him?



[68:08.4 - 68:09.7] He didn't return my call.  
[68:09.7 - 68:12.6] And he published the article before he responded.  
[68:12.6 - 68:13.7] He didn't respond.  
[68:13.7 - 68:15.2] I said, we'll take a call with you.  
[68:15.2 - 68:17.2] He published the article the next day.  
[68:17.2 - 68:20.1] Did you ever threaten to sue him for defamation?  
[68:20.1 - 68:21.3] No.  
[68:21.3 - 68:22.3] Your lawyer did, right?  
[68:22.3 - 68:24.0] Your lawyer being Mr. Mattani?  
[68:24.0 - 68:25.4] I don't recall.  
[68:25.4 - 68:27.5] Have you ever filed a defamation lawsuit  
[68:27.5 - 68:29.0] against Mr. Volpe?  
[68:29.0 - 68:29.9] No.  
[68:29.9 - 68:31.1] Why not?  
[68:31.1 - 68:32.8] Because I have enough things in my life right now  
[68:32.8 - 68:34.9] that are time-consuming.  
[68:37.3 - 68:38.3] Okay.  
[68:38.3 - 68:41.5] I don't have the resources to do so at the moment.  
[68:41.5 - 68:43.1] Well, what else do you have in your life  
[68:43.1 - 68:45.2] that's time-consuming?  
[68:45.2 - 68:47.1] Work, trying to raise enough money  
[68:47.1 - 68:50.3] to support both my ex and myself,  
[68:50.3 - 68:53.3] and to establish enough time that I can have with my  
kids.  
[68:54.5 - 68:55.4] Anything else?  
[68:56.6 - 68:58.0] Plenty of things.  
[68:58.0 - 68:59.6] Well, tell me what they are, please.  
[68:59.6 - 69:02.1] Sure, developing new business ideas,  
[69:02.1 - 69:04.3] working on my board of directors,  
[69:04.3 - 69:07.7] and building future Things Wrong With the Ocean.  
[69:09.5 - 69:10.7] Anything else?  
[69:10.7 - 69:12.7] No, those things take up a lot of time.  
[69:13.6 - 69:16.1] 30 to 40 hours per week since you started?  
[69:16.1 - 69:17.0] Yes.  
[69:27.8 - 69:31.3] When DCS and Arizona came to your hotel room,  
[69:31.3 - 69:33.7] did you cooperate with their investigation?  
[69:33.7 - 69:34.8] Objection, we've already stated  
[69:34.8 - 69:36.0] we're not answering any questions  
[69:36.0 - 69:37.4] related to the Arizona matter.  
[69:37.4 - 69:39.9] Are you refusing to answer my question, Mr. Manet?  
[69:41.7 - 69:43.4] Am I supposed to answer it, or no?  
[69:43.4 - 69:45.2] You can answer whether or not  
[69:45.2 - 69:46.9] you intend to answer his question.  
[69:48.9 - 69:50.6] Do I want to answer them, or no?  
[69:50.6 - 69:51.4] We're not answering any questions.  
[69:51.4 - 69:52.9] Do you guys need to go have a discussion  
[69:52.9 - 69:55.0] so you can figure out what story to tell?  
[69:55.0 - 69:56.3] We're not answering any questions  
[69:56.3 - 69:58.0] related to the Arizona matter.  
[69:58.0 - 69:59.8] I'm not representing him in that matter.  
[69:59.8 - 70:01.2] I can't advise him as to that matter.  
[70:01.2 - 70:03.1] Is there a matter in Arizona?  
[70:03.1 - 70:04.2] There was.  
[70:04.2 - 70:05.7] Is there currently a criminal matter

[70:05.7 - 70:06.7] in Arizona, Mr. Manet?

[70:06.7 - 70:07.7] No.

[70:07.7 - 70:10.3] Okay, so what matter are we talking about, Mr. Metani?

[70:10.3 - 70:13.0] I don't know what the status of the Arizona matter is.

[70:13.0 - 70:14.4] So how can you vote the fifth?

[70:14.4 - 70:17.9] I don't know if authorities there intend on doing anything.

[70:17.9 - 70:20.8] I'm not gonna provide them with testimony

[70:20.8 - 70:22.7] here in this deposition in any way.

[70:22.7 - 70:25.1] I'm not gonna do that unless he has his Arizona counsel

[70:25.1 - 70:26.6] who can properly advise him

[70:26.6 - 70:28.8] of how he should participate in that.

[70:28.8 - 70:30.7] And so because they are not here,

[70:30.7 - 70:32.3] I'm not gonna allow him to answer those questions

[70:32.3 - 70:33.9] until Arizona counsel can be present.

[70:33.9 - 70:35.5] So are you saying that a question

[70:35.5 - 70:39.4] as to whether or not he cooperated with an investigator

[70:39.4 - 70:43.3] is an attorney-client privilege invocation?

[70:43.3 - 70:44.4] No, it's not an attorney-client privilege.

[70:44.4 - 70:46.2] Okay, so you can answer that then.

[70:46.2 - 70:47.0] Did you cooperate with the Arizona?

[70:47.0 - 70:48.3] He's being instructed not to answer that,

[70:48.3 - 70:49.6] and I've told you, we are not answering

[70:49.6 - 70:52.1] any questions related to anything in Arizona.

[70:52.1 - 70:54.6] Well, because you did it, right?

[70:54.6 - 70:56.6] Didn't you molest your daughter, Sophia?

[70:56.6 - 70:58.0] No.

[70:58.0 - 70:59.5] If you wanna go down that road

[70:59.5 - 71:02.6] with the grotesque allegation and line of questioning

[71:02.6 - 71:07.6] that puts it on the record as to any of that language,

[71:07.8 - 71:09.3] we're gonna walk out.

[71:09.3 - 71:10.6] Okay.

[71:10.6 - 71:12.7] Are you walking out or are you just threatening me again?

[71:13.1 - 71:14.3] I'm telling you, if you continue down this line

[71:14.3 - 71:16.9] related to any of the issues in Arizona

[71:16.9 - 71:19.9] pertinent to that allegation,

[71:19.9 - 71:21.9] we will stop at that position and we'll walk out.

[71:21.9 - 71:24.8] If you wanna talk about anything else, fair game.

[71:24.8 - 71:27.8] This is a dissolution action in California.

[71:27.8 - 71:30.1] If you wanna ask questions relevant to that,

[71:30.1 - 71:31.6] you can ask questions relevant to that.

[71:31.6 - 71:33.7] If you wanna go into any other matters

[71:33.7 - 71:35.4] for which he's represented by another counsel

[71:35.4 - 71:37.9] in another jurisdiction, you can deal with them.

[71:37.9 - 71:39.7] But we're not gonna answer those today.

[71:39.7 - 71:43.9] Okay, but your threat before that lengthy soliloquy

[71:43.9 - 71:46.5] was that you're gonna walk out, right?

[71:46.5 - 71:48.4] Are you threatening me again, Mr. Mattoni?  
[71:48.4 - 71:49.5] I'm not threatening you.  
[71:49.5 - 71:51.9] I'm telling you that we have asserted  
[71:51.9 - 71:53.4] that we are not answering questions  
[71:53.4 - 71:55.4] that I've asserted my client's objection.  
[71:55.4 - 71:59.1] If we have a difference of opinion, we can go back  
to the court and resolve this with  
[71:59.1 - 72:02.8] either a protective order on that issue, or let the  
court resolve whether you're allowed  
[72:02.8 - 72:05.9] to ask questions on that issue, and then we'll deal  
with whatever the court says.  
[72:05.9 - 72:10.8] Boy, if my memory serves me correctly, you tried to  
limit what I could ask at this deposition  
[72:10.8 - 72:14.7] at your failed motion for a protective order, isn't  
that correct?  
[72:14.7 - 72:18.0] I asked the court for a protective order before  
this, yes, that's true.  
[72:18.0 - 72:22.2] So there were allegations made against you in the  
state of Arizona that you molested  
[72:22.2 - 72:26.8] your daughter, Sophia, in 2022, correct?  
[72:26.8 - 72:30.2] We're not answering questions related to any of  
those incidents, no.  
[72:30.2 - 72:31.8] So you don't want to answer that question?  
[72:31.8 - 72:35.4] He's not answering any questions related to that  
without his Arizona counsel present.  
[72:35.4 - 72:38.1] You didn't digitally penetrate your daughter,  
Sophia?  
[72:38.1 - 72:42.2] He's not answering any questions related to that  
without Arizona counsel present.  
[72:42.2 - 72:43.2] Okay.  
[72:43.2 - 72:46.8] Do you happen to know the name of his Arizona  
counsel?  
[72:46.8 - 72:47.8] Yeah.  
[72:47.8 - 72:50.8] Okay, what's her name?  
[72:50.8 - 72:51.8] I don't know.  
[72:51.8 - 72:58.5] The specific attorney is on maternity leave as I've  
found out right now, but it's Cantor  
[72:58.5 - 73:00.9] Law Group in Phoenix, Arizona.  
[73:00.9 - 73:03.6] Does that sound right to you, Mr. Moneo?  
[73:03.6 - 73:04.6] Yes.  
[73:04.6 - 73:07.8] And you paid Cantor Law Group to represent you?  
[73:07.8 - 73:08.9] Yes.  
[73:08.9 - 73:13.3] Or did someone else pay them on your behalf?  
[73:13.3 - 73:16.2] My father paid for the attorney's loan.  
[73:16.6 - 73:22.3] I think you indicated on your income and expense  
declaration dated August 24th of 2022 that  
[73:22.3 - 73:27.3] it was \$37,500 paid to them?  
[73:27.3 - 73:28.7] Yes.  
[73:28.7 - 73:31.0] So Gregory Moneo is your father?  
[73:31.0 - 73:32.0] Yes.  
[73:32.0 - 73:33.0] And he paid that?  
[73:33.0 - 73:34.0] Yes.  
[73:34.0 - 73:35.0] Okay.  
[73:35.0 - 73:41.2] Thank you.

[73:41.2 - 73:46.5] Did you ever give any interviews to the Arizona Department of Child Services on or about January  
[73:46.5 - 73:47.5] of 2022?  
[73:47.5 - 73:53.7] We're not answering any questions related to any matters in Arizona.  
[73:53.7 - 73:59.5] And did you ever give any interviews to the police in Arizona on or about January of 2022?  
[73:59.5 - 74:05.0] We're not answering any questions about any incidences, police matters, DCFS matters.  
[74:05.0 - 74:08.1] Whether he was present for an interview, who he spoke to, when he spoke to them.  
[74:08.1 - 74:11.9] We're not answering any of those questions without his Arizona Council presence.  
[74:11.9 - 74:17.9] Well, your daughter Sophia's leg was broken on a visit with you on or about January 11th  
[74:17.9 - 74:20.4] of 2022, correct?  
[74:20.4 - 74:21.4] Yes.  
[74:21.4 - 74:22.4] Okay.  
[74:22.4 - 74:23.4] You broke her leg?  
[74:23.4 - 74:24.4] No.  
[74:24.4 - 74:25.4] Okay.  
[74:25.4 - 74:27.2] You were there when her leg was broken?  
[74:27.2 - 74:30.2] Yes, in public on a playground.  
[74:30.2 - 74:31.2] Public on a playground?  
[74:31.2 - 74:32.2] Yes.  
[74:32.2 - 74:33.2] Okay.  
[74:33.2 - 74:34.2] What playground?  
[74:34.5 - 74:40.5] It was at Scottsdale Links Resort Playground, and it was on a slide.  
[74:40.5 - 74:46.5] So it was on a playground, like on the dirt?  
[74:46.5 - 74:48.7] I just said on a slide.  
[74:48.7 - 74:49.7] Right.  
[74:49.7 - 74:55.3] And I'm asking you, so the slide, what was the slide affixed to?  
[74:55.3 - 74:56.9] The ground.  
[74:56.9 - 74:59.3] So it wasn't a pool slide?  
[74:59.3 - 75:00.6] No.  
[75:00.6 - 75:05.2] But you previously testified that she broke her leg going down the pool slide, didn't  
[75:05.2 - 75:06.2] you?  
[75:06.2 - 75:07.2] No.  
[75:07.2 - 75:08.2] Okay.  
[75:08.2 - 75:10.2] There's no pool slide there.  
[75:10.2 - 75:13.4] So there was no pool slide, it was on a regular slide?  
[75:13.4 - 75:14.4] Yes.  
[75:14.4 - 75:15.6] Okay.  
[75:15.6 - 75:18.0] And where were you when her leg was broken?  
[75:18.0 - 75:19.9] She was in my lap.  
[75:19.9 - 75:21.8] And where was River when her leg was broken?  
[75:21.8 - 75:23.8] In my lap.  
[75:23.8 - 75:28.4] So you went down a slide with your two children, and her leg was broken, Sophia's?  
[75:28.4 - 75:29.4] Yes.

[75:29.4 - 75:30.4] How?  
[75:31.1 - 75:34.0] I have a video of it, I can show you since he doesn't believe me, but the slide takes  
[75:34.0 - 75:38.6] a curve, and her foot caught the slide as it curved, and that's what happened.  
[75:38.6 - 75:39.6] You have a video of it?  
[75:39.6 - 75:40.6] Yeah.  
[75:40.6 - 75:41.6] Okay.  
[75:41.6 - 75:42.6] Can you play it for us today?  
[75:42.6 - 75:44.7] Is that necessary or helpful?  
[75:44.7 - 75:47.3] I'm asking you, you don't need to ask him, I'm asking you.  
[75:47.3 - 75:48.3] Do you have it?  
[75:48.3 - 75:49.3] Yes.  
[75:49.3 - 75:50.3] Okay.  
[75:50.3 - 75:51.3] Where is it?  
[75:51.3 - 75:52.3] On my phone.  
[75:52.3 - 75:53.3] Okay.  
[75:53.3 - 75:54.3] So will you play that for us at some point today?  
[75:54.3 - 75:55.3] Sure.  
[75:55.3 - 75:56.3] Okay.  
[75:56.3 - 75:59.2] So you were going down the slide, and her leg got caught?  
[75:59.2 - 76:00.2] I just told you what happened.  
[76:00.2 - 76:03.0] Well, tell me again, because I didn't understand.  
[76:03.0 - 76:04.6] So her leg got caught how?  
[76:04.6 - 76:05.8] It's pretty clear.  
[76:05.8 - 76:11.9] I said the slide turns, her foot got caught at the turn, and then we turned.  
[76:11.9 - 76:14.2] Her foot got caught at the turn?  
[76:14.2 - 76:16.9] On the wall of the slide.  
[76:16.9 - 76:18.8] And what happened to River when that happened?  
[76:18.8 - 76:19.8] Nothing.  
[76:19.8 - 76:21.4] He was in my lap.  
[76:21.4 - 76:23.7] Did you hear a sound when her leg broke?  
[76:23.7 - 76:24.7] No.  
[76:24.7 - 76:26.2] How did you know that she'd broken her leg?  
[76:26.2 - 76:27.2] I didn't know that.  
[76:27.2 - 76:30.5] She was crying, and I didn't know she'd broken her leg.  
[76:30.5 - 76:33.1] When did you first determine that her leg was broken?  
[76:33.1 - 76:35.0] I didn't determine that.  
[76:35.0 - 76:37.6] When did you first come to understand that her leg had been broken?  
[76:37.6 - 76:42.9] I don't remember the date, but she knows the date because we were at the doctor there.  
[76:42.9 - 76:44.4] She being Miss Clifford?  
[76:44.4 - 76:45.4] Yes.  
[76:45.4 - 76:46.4] Okay.  
[76:46.4 - 76:47.4] Do you know the date?  
[76:47.4 - 76:48.4] I don't recall.  
[76:48.4 - 76:50.6] I could figure it out, but I don't recall off the top of my head.

[76:50.6 - 76:57.6] So I'm assuming that after her leg broke, when her foot got caught, she made her way  
[76:57.6 - 77:01.0] down to the bottom of the slide with you?  
[77:01.0 - 77:02.0] They didn't leave my lap.  
[77:02.0 - 77:05.1] We were together, and we went together.  
[77:05.1 - 77:09.0] And so you saw her foot get caught on the side of the slide?  
[77:09.0 - 77:12.2] I did not really see it, no.  
[77:12.2 - 77:14.4] Then how do you know it happened that way?  
[77:14.4 - 77:16.8] Because that's what, it like slowed us down.  
[77:16.8 - 77:21.4] That's the only explanation, that it was her foot there, and then we kept going.  
[77:21.4 - 77:25.0] So the videotape that you just spoke to, who created that videotape?  
[77:25.0 - 77:27.0] I did.  
[77:27.0 - 77:31.6] So where was your camera when you were making this videotape?  
[77:31.6 - 77:32.9] In my hand.  
[77:32.9 - 77:33.9] Which one?  
[77:33.9 - 77:36.9] I don't recall.  
[77:36.9 - 77:37.9] Okay.  
[77:37.9 - 77:38.9] Are you right-handed or left-handed?  
[77:38.9 - 77:39.9] Right-handed.  
[77:39.9 - 77:40.9] Okay.  
[77:40.9 - 77:44.0] And you don't recall which hand was holding the camera?  
[77:44.0 - 77:45.2] No.  
[77:45.2 - 77:46.2] Okay.  
[77:46.7 - 77:50.7] And then you had a camera in one hand, and then your other hand was where?  
[77:50.7 - 77:54.4] I had both in my lap, and my arms were on both of them, and the camera in one of these  
[77:54.4 - 77:55.4] two hands.  
[77:55.4 - 77:59.5] They were in my arms like this, in my lap.  
[77:59.5 - 78:00.6] Okay.  
[78:00.6 - 78:04.8] And so you had your camera facing which direction?  
[78:04.8 - 78:06.8] Facing us, our faces.  
[78:06.8 - 78:07.8] Okay.  
[78:07.8 - 78:12.7] So does the camera, have you reviewed this video that you just testified about?  
[78:12.7 - 78:14.2] Not in a very long time.  
[78:14.2 - 78:15.2] Okay.  
[78:15.2 - 78:22.0] And does the video show where Sophia's foot gets caught against the wall of the slide?  
[78:22.0 - 78:25.9] It shows us going down at the bottom of the slide, and her starting to cry.  
[78:25.9 - 78:29.1] Does it show where her foot gets caught against the slide?  
[78:29.1 - 78:30.1] No.  
[78:30.1 - 78:34.1] Did you show that video to Department of Child Services in Arizona?  
[78:34.1 - 78:39.7] He's not answering any questions related to any conversations with any entity in Arizona,  
[78:39.7 - 78:43.0] without Arizona Council present.

[78:43.0 - 78:45.4] Okay.  
[78:45.4 - 78:49.6] And is that something you commonly do when you're going down the slide with both children,  
[78:49.6 - 78:51.1] videotape it?  
[78:51.1 - 78:52.1] No.  
[78:52.1 - 78:53.1] Okay.  
[78:53.1 - 78:56.4] So you got to the bottom, and she started crying.  
[78:56.4 - 79:01.6] How would you rate her crying in terms of gravity, with one being the slightest and  
[79:01.6 - 79:03.4] ten being the most extreme?  
[79:03.4 - 79:06.2] Like an eight or nine, probably.  
[79:06.2 - 79:09.7] So you'd agree that it was very extreme?  
[79:09.7 - 79:13.3] It was a different kind of crying than she normally would about something else.  
[79:13.3 - 79:14.3] Okay.  
[79:14.3 - 79:15.3] So then what'd you do?  
[79:15.3 - 79:20.6] I immediately called Courtney, couldn't get a hold of her, so got her in the car, I got  
[79:20.6 - 79:26.0] a bag of ice, put ice on her leg, and started driving directly towards Courtney's house,  
[79:26.0 - 79:33.6] called her multiple times, finally got a hold of her, within 30 minutes at most, and discussed  
[79:33.6 - 79:36.4] with her what the best plan of action was.  
[79:36.5 - 79:40.6] She said, why don't you go ahead and bring them home, and I'll take them to, I'll keep  
[79:40.6 - 79:41.6] an eye on it.  
[79:41.6 - 79:44.7] She kept an eye on it for a number of hours, and then later decided in the evening, several  
[79:44.7 - 79:49.7] hours later, to take her to urgent care.  
[79:49.7 - 79:52.8] How'd you know to get ice?  
[79:52.8 - 79:58.7] It's something that I've learned, I guess, through life.  
[79:58.7 - 80:02.0] So how did you know what was wrong with her?  
[80:02.0 - 80:06.4] What was the genesis of her crying at an eight or a nine?  
[80:06.4 - 80:09.1] She pointed to her leg, we didn't know exactly what happened.  
[80:09.1 - 80:12.8] We thought it was her ankle, I think, at first, we didn't know if it was like, we didn't know  
[80:12.8 - 80:13.8] what happened.  
[80:13.8 - 80:15.7] So you put the ice on her ankle?  
[80:15.7 - 80:20.0] I put ice on her entire lower leg, her legs are pretty small, so it covers a pretty good  
[80:20.0 - 80:21.5] area.  
[80:21.5 - 80:26.2] Did you personally see her foot get caught against the side of the slide, as you previously  
[80:26.2 - 80:27.2] described?  
[80:27.2 - 80:30.5] No, out of the corner of my eye, I noticed that's what happened as we slowed down our  
[80:30.5 - 80:34.1] speed as we turned, and her foot was sticking out.  
[80:34.1 - 80:36.5] Did she tell you that her leg hurt?  
[80:36.5 - 80:37.5] Yes.  
[80:37.5 - 80:40.1] What did she tell you?

[80:40.1 - 80:44.2] She was crying, I mean, it was obvious, like, she was pointing to her leg, and I was asking  
[80:44.2 - 80:46.5] her what's wrong, and she was pointing to her leg.  
[80:46.5 - 80:48.0] Could she stand up?  
[80:48.0 - 80:49.0] Yes.  
[80:49.0 - 80:50.0] Could she walk?  
[80:50.0 - 80:52.8] I didn't allow her to walk, I held her the whole time.  
[80:52.8 - 80:53.8] What'd you do with River?  
[80:53.8 - 80:56.1] I held him as well.  
[80:56.1 - 80:59.6] So how'd you hold Sophia?  
[80:59.7 - 81:02.2] I don't recall, in my arms like this.  
[81:02.2 - 81:04.9] Okay, how'd you hold River?  
[81:04.9 - 81:08.0] The same, you can hold both kids like this.  
[81:08.0 - 81:09.8] Did you film that part too?  
[81:09.8 - 81:10.8] No.  
[81:10.8 - 81:12.7] When did you turn off your camera?  
[81:12.7 - 81:15.8] At the bottom of the slide when she started crying.  
[81:15.8 - 81:19.7] Did you turn it off because she started crying, because you know that she got hurt?  
[81:19.7 - 81:20.7] Yes.  
[81:20.7 - 81:24.5] Why didn't you want to have a record of that?  
[81:24.5 - 81:28.2] That's not how you think in real time, I want to take care of my daughter as fast as possible,  
[81:28.3 - 81:31.8] and so I put my phone in my pocket to take care of my daughter.  
[81:31.8 - 81:34.8] But you did stop and think to turn off your camera at that point.  
[81:34.8 - 81:41.7] I probably just pressed power and put it in my pocket, which would also stop the camera.  
[81:41.7 - 81:44.6] Did you turn your phone off, did you power it off then?  
[81:44.6 - 81:46.0] My phone?  
[81:46.0 - 81:48.0] Was it your camera or your phone?  
[81:48.0 - 81:51.4] I don't have a camera, the cell phones have cameras in them.  
[81:51.4 - 81:55.0] Right, so that's what we're talking about when we're talking about camera, the camera  
[81:55.0 - 81:56.9] on your phone, correct?  
[81:56.9 - 81:59.6] I turned off my phone and put it in my pocket.  
[81:59.6 - 82:00.6] Is that what you did?  
[82:00.6 - 82:01.6] At the bottom?  
[82:01.6 - 82:04.5] From what I remember, yes.  
[82:04.5 - 82:08.6] So why would you turn your phone off if your daughter was crying at an 8 or a 9 at the  
[82:08.6 - 82:09.6] bottom of the slide?  
[82:09.6 - 82:11.8] To take care of my daughter.  
[82:11.8 - 82:17.3] He's already said that he used the power button to close the camera function and the camera and the phone was still on  
[82:18.3 - 82:20.5] He testified that he called her multiple times  
[82:21.1 - 82:26.8] Wait and didn't get a call back for 30 minutes. So you it's clear that the phone was active. Thanks for your testimony. Mr  
[82:26.8 - 82:33.3] Mitani, I'm asking you and I'm pointing at you for the record. I'm stating that you are misstating my client's testimony



[82:33.3 - 82:38.3] Okay, we'll keep going till I get it right. I usually takes me a few tries. So tell me again

[82:38.6 - 82:41.6] So, how did you stop recording at the bottom of the slide

[82:42.4 - 82:47.5] Press the right button as the power button closes screen put in my pocket and picked up my two kids

[82:48.0 - 82:52.5] What power button the button for the phone? I just said the right button on the cell phone

[82:52.5 - 82:55.2] It turns a screen on or off does not turn the phone off

[82:56.5 - 83:01.8] Okay, so you that's what you clicked. Yes when I remember so you remember that part

[83:02.8 - 83:08.5] When things happen that are scary and traumatic it's difficult in the moment to remember every single detail

[83:08.7 - 83:10.3] That's it. We can watch the video

[83:10.3 - 83:16.5] But I either turned off or I press stop recording or press the power button back put the phone in my pocket and tend to

[83:16.5 - 83:17.6] my kids

[83:17.6 - 83:21.2] Immediately period I appreciate that. I'm looking forward to watching the video

[83:21.9 - 83:23.3] so

[83:23.3 - 83:29.5] You said then I if I'm not incorrect, you said that you called Courtney miss Clifford. Yes

[83:30.1 - 83:33.4] Why'd you call her because she's a mother and we co-parent together

[83:34.3 - 83:38.0] Well, there was an emergency, right? Correct. I'd like to include her as quickly as possible

[83:39.0 - 83:40.5] Okay

[83:40.5 - 83:46.4] Why did you make her your first call as opposed to say 9-1-1 because it didn't seem like a 9-1-1 thing

[83:46.4 - 83:48.4] She cried she'd stopped crying within a couple of minutes

[83:49.6 - 83:55.1] Okay, so you called miss Clifford and then she your testimony was that she didn't answer or she didn't pick up

[83:55.1 - 83:59.6] She didn't pick up for a couple of calls and she did pick up within some time 30 minutes or so

[84:00.4 - 84:04.3] Okay. So what'd you do for those first 30 minutes or so that she didn't pick up?

[84:04.3 - 84:07.4] I've already told you but you don't need to say again the whole thing

[84:07.6 - 84:08.1] Yeah

[84:08.1 - 84:13.6] I'd like to know the first 30 minutes from the time that you determined that she was crying

[84:14.0 - 84:18.6] To the 30 minutes or so that miss Clifford picked up the phone. What did you do?

[84:18.7 - 84:21.2] So for a second time, I'll say I'll tell you the same thing again

[84:21.6 - 84:23.6] Picked up my kids carried them like this

[84:24.2 - 84:29.6] Rivers over here walk directly to my car put them in the chair happened to be right next to an ice machine

[84:29.6 - 84:31.2] I got a plastic bag of ice

[84:31.2 - 84:35.0] I had a plastic bag already in my car and I have extra bags on there with the kids for things

[84:35.3 - 84:37.1] Put ice in that put on her leg

[84:37.1 - 84:42.0] I gave her my other phone to watch videos to help distract her to hopefully ease the pain a little bit and

[84:42.2 - 84:48.9] Then we immediately started driving and I was calling according from the car. What other words our house what other phone?

[84:49.0 - 84:52.4] I have two cell phones. I have one for business and one for personal

[84:53.7 - 84:55.6] What business?

[84:55.6 - 84:57.6] one with the ocean

[84:57.8 - 85:03.3] You had a one with the ocean cell phone at that time that time being January of

[85:04.2 - 85:08.9] 2022 yes paid for by one with the ocean. I personally pay for it

[85:10.0 - 85:15.7] Okay, then why do you say it's a one with the ocean phone because the cell phone number I make it our business number and

[85:15.7 - 85:17.7] The voicemail is one with the ocean

[85:18.1 - 85:20.1] And you pay for that personally, yeah

[85:21.5 - 85:22.9] Okay

[85:22.9 - 85:27.7] So you gave her that phone the business phone to watch videos. That's what I commonly do

[85:28.5 - 85:30.5] Okay, and then what?

[85:30.6 - 85:36.8] We started driving towards Courtney house called her two to three times. I don't have the call log without an answer

[85:37.4 - 85:39.7] got an answer and then talked to her and

[85:40.7 - 85:45.7] We cooperatively co-parented and said she said why don't you bring them home now? I'll keep an eye on her

[85:45.8 - 85:48.9] Let you know what's going on and I said, thank you and

[85:50.1 - 85:55.0] When she let me know she's one at Urgent Care. I asked her where and I met them at Urgent Care

[85:56.0 - 85:58.2] What did Courtney say to you during that phone call?

[85:59.0 - 86:01.0] Do you remember that?

[86:01.4 - 86:05.6] What I just stated it's a paraphrasing bet that what I just stated well

[86:06.7 - 86:11.9] I don't think you told me what she said to you aside from Urgent Care. Is that all she said?

[86:12.8 - 86:15.8] You check the record I said that she said why don't you go ahead and bring them home

[86:15.8 - 86:19.1] I'll keep an eye on them and let you know or I on her and let you know

[86:19.6 - 86:22.2] What happens and progresses if I'm gonna take an urgent care or not?

[86:23.0 - 86:25.4] Okay. Why didn't you take them to a hospital?

[86:26.2 - 86:32.6] Because I said she stopped crying and I wanted to decide together with my co-parents of my children

[86:34.1 - 86:37.0] Do you believe that you co-parent effectively with Courtney?

[86:37.8 - 86:44.2] In certain cases, yes, and you believe that was true as of January of 2022. Yes

[86:45.1 - 86:49.6] Okay, so you wanted her to tell you what to do, right? Didn't say that

[86:50.4 - 86:56.2] Okay, but you couldn't make a decision on your own at that time. Didn't say that. I know you didn't I'm asking you

[86:56.6 - 87:01.5] Absolutely not emergencies. It's very important for both parents to know what's going on. Keep them abreast and decide together

[87:02.5 - 87:10.3] Okay, so you then turn the children over to Courtney, yes, and you went back to your hotel room

[87:10.3 - 87:12.5] Yes, and I waited until I heard from her

[87:13.3 - 87:18.8] Were you doing anything else during that stay in Phoenix, but visiting with your children? I don't recall

[87:20.0 - 87:21.5] Why not?

[87:21.5 - 87:23.9] It was ten months ago. I don't remember everything

[87:24.8 - 87:26.9] Did you have something else to do that?

[87:27.8 - 87:32.2] Prevented you from taking the lead here as to what would happen next with your daughter

[87:33.4 - 87:34.7] No

[87:34.7 - 87:38.6] You wanted Courtney to take the lead. I took the lead put ice on him

[87:38.6 - 87:42.9] I had her in the car ready to take her urgent care. I looked up urgent cares already until I heard from her

[87:42.9 - 87:48.8] I did take the lead. Well if she broke her leg during a visit with you

[87:49.2 - 87:54.4] Correct me if I'm wrong, but that was your visitation time then with your daughter, correct?

[87:54.7 - 87:58.5] Yes, but I dropped her off just minutes before I was supposed to drop her off at that time

[87:58.5 - 88:01.2] I didn't know how to have overnights. So I dropped her off within 30 minutes

[88:01.9 - 88:05.4] Give or take of my normal drop-off time. That's part of the court order

[88:05.7 - 88:09.8] So I would could have maximized our 30 minutes nothing. That's where we decided together

[88:10.0 - 88:12.5] Just go ahead and bring them home now, and I'll keep an eye

[88:13.1 - 88:18.9] What time of day did this? I'm sorry. I cut you off. Did you want to say something else? Yes, so I didn't

[88:19.9 - 88:23.0] Bypass time that could have had with them. That was what the court order was at that moment

[88:23.7 - 88:29.3] What time of day was this that you dropped them off with Courtney, I believe I'd have to look at the record

[88:30.6 - 88:32.6] 5 p.m. Give or take

[88:33.0 - 88:37.2] So approximately what time of day did her leg break? I think about 4 30 p.m

[88:38.1 - 88:40.7] Again, the video will show that I don't recall the exact time

[88:44.5 - 88:47.9] And she told you that she was going to take them to urgent care

[88:48.6 - 88:50.5] She did after we had decided together

[88:50.5 - 88:55.7] She had waited for a while and wanted to keep an eye on her from what she told me and decided that she wanted to

[88:56.5 - 88:59.8] I said, okay, and I asked her what urgent care was and I met them that urgent care

[89:00.8 - 89:06.1] Okay, where was the urgent care? I don't recall the name. It was within a mile of her house in Scottsdale

[89:06.8 - 89:09.4] And you went to the urgent care facility. Yes

[89:10.0 - 89:13.8] Did you pay for the treatment? Yes, when I

[89:14.8 - 89:17.8] Don't remember that date it was at the end of the appointment

[89:19.4 - 89:21.5] Okay, I think we split the cost of it

[89:22.5 - 89:26.9] So you paid then for half the cost of that half for full cost. I don't remember exactly

[89:27.6 - 89:31.8] It was one of the other and what was wrong with her leg if you know

[89:31.8 - 89:36.3] Meaning what was diagnosed by the physicians if you know, it was not a broken leg at that point

[89:36.3 - 89:42.0] And so for you to misquote my perception of a broken leg, we had no idea. She had a broken leg in the moment

[89:42.2 - 89:47.2] Well, hold on I'm not asking you I said what are the physicians diagnosed her with at that time

[89:47.2 - 89:50.6] I think a sprain pardon me at the urgent care a

[89:51.4 - 89:52.9] sprain

[89:52.9 - 89:59.0] so she went to urgent care and I'm asking you if this is correct you were present there and

[89:59.7 - 90:05.3] The doctor came out and said she has a sprain. Is that what happened? It's exactly what happened

[90:05.8 - 90:08.7] Take two aspirin. Call me in the morning. I

[90:09.4 - 90:13.0] Don't think he said take two aspirin call me in the morning, but they diagnosed as a sprain

[90:13.3 - 90:21.3] So the doctor was a he a male. I don't recall. Okay. What did that person doctor say then if you can recall?

[90:21.3 - 90:27.3] I don't recall but it was diagnosed as a sprain and we were to check back and I believe it was a

[90:27.7 - 90:34.6] Couple of days later. We decided to do a follow-up visit and we got a an x-ray and that's when they discovered it was a break

[90:35.3 - 90:37.3] Okay, what did they

[90:37.5 - 90:42.6] Prescribe for her if anything at the urgent care. I don't recall some sort of pain medication

[90:43.6 - 90:46.4] And who filled the prescription if you know, I don't know

[90:47.1 - 90:49.3] So you didn't right? No

[90:50.4 - 90:51.6] and

[90:51.6 - 90:53.1] you left

[90:53.1 - 90:59.2] Back for San Diego after she hurt her leg and went to urgent care, correct? No, I stayed that night

[90:59.8 - 91:02.4] You stayed that night and you left the next morning

[91:02.4 - 91:06.6] Sometime the next day. Yes. What was the next day meaning? What day of the week was it? I

[91:08.2 - 91:10.7] Believe Wednesday. I don't recall

[91:13.8 - 91:15.5] And

[91:15.5 - 91:18.5] You left the next morning, even though you had additional

[91:19.3 - 91:22.1] Court-ordered visitation that was scheduled, correct. I

[91:23.0 - 91:29.8] Did because as co-parents we decided to be the best interest of the kids like Sophia stay on the couch and her home with her mother

[91:29.8 - 91:33.2] What time did you leave that day that you can't remember? I don't recall

[91:34.1 - 91:37.0] Okay, but you left in the morning, right? I don't recall

[91:38.6 - 91:40.6] And you did what when you left

[91:41.5 - 91:45.4] Drove home in San Diego. Okay, and you're saying you did that because

[91:46.0 - 91:49.3] You and miss Clifford agreed that it would be best

[91:50.0 - 91:53.8] For her to stay on the couch. Yes, exactly. That was a phone call that we had

[91:54.8 - 91:56.2] so

[91:56.2 - 92:00.9] Why didn't you want your daughter to stay on a couch with you? I want her to be most comfortable

[92:00.9 - 92:03.2] She was in a lot of pain. I'm not gonna change that for her

[92:03.2 - 92:07.6] It's way more important for her to be comfortable than for me to have my maximum time with him in that instance

[92:08.5 - 92:12.4] Well, she got some kind of medication that was prescribed for her, right?

[92:13.1 - 92:21.9] Correct. Was that for pain? Yes, and you didn't think that being her father that it would be important for you to also be there with her

[92:21.9 - 92:23.6] When she was in pain

[92:28.3 - 92:31.4] in this injury that you thought was a sprain?

[92:31.4 - 92:32.6] I'm not welcome into their home,

[92:32.6 - 92:35.6] so there's no way for me to be there with her in their home.

[92:35.6 - 92:37.5] I've never been inside their house.

[92:37.5 - 92:40.5] But the hotel room that you were staying at

[92:40.5 - 92:43.5] at Scottsdale Lynx, did that have a couch?

[92:43.5 - 92:44.4] Yes.

[92:44.4 - 92:46.4] So you could have laid her on the couch

[92:46.4 - 92:47.7] in your hotel room.

[92:47.7 - 92:49.6] We chose not to transfer her

[92:49.6 - 92:51.2] out of caution for our daughter,

[92:51.2 - 92:53.8] who was incurring an injury.

[92:53.8 - 92:56.1] So it'd be most beneficial for her to be comfortable

[92:56.1 - 92:57.7] and feel safe in the home

[92:57.7 - 92:59.1] that she's used to on the couch.

[92:59.1 - 93:00.4] So we didn't transfer her.

[93:00.4 - 93:02.9] That was when we decided together as co-parents.

[93:02.9 - 93:04.8] But you as the father,

[93:04.8 - 93:06.4] you didn't wanna spend more time

[93:06.4 - 93:08.2] with your injured daughter before you left

[93:08.2 - 93:09.5] back to San Diego?

[93:09.5 - 93:11.0] I wanna spend every day with my children.

[93:11.0 - 93:13.4] I fight for every moment with my kids I can.

[93:13.4 - 93:15.5] I've gone broke over these past 19 months

[93:15.5 - 93:18.8] because of your litigation and excessive litigations,

[93:18.8 - 93:20.3] and this is a perfect example.

[93:20.3 - 93:22.2] I want as much time with my kids as possible.

[93:22.2 - 93:23.6] I'm fighting for that.

[93:23.6 - 93:26.4] So yes, I would want every moment possible with my children.

[93:26.4 - 93:27.9] So when you say that,

[93:27.9 - 93:30.0] thank you, by the way, for mentioning me again.  
 [93:30.0 - 93:32.2] Maybe I'll make the article next time.  
 [93:32.2 - 93:35.9] So you're saying that you've done everything you can  
 [93:35.9 - 93:37.2] when you say you,  
 [93:37.2 - 93:38.4] and I'll note for the record  
 [93:38.4 - 93:40.4] that Mr. Mittani is shaking his head.  
 [93:40.4 - 93:41.2] Thank you.  
 [93:41.2 - 93:44.9] So you're saying that you've fought as much as you  
 can  
 [93:44.9 - 93:47.2] for your children since the date of separation?  
 [93:47.2 - 93:49.4] I'm doing the best I can.  
 [93:49.4 - 93:51.8] But you haven't even exercised 100%  
 [93:51.8 - 93:53.8] of your court-ordered visitation, have you?  
 [93:53.8 - 93:55.7] I can't afford to do so.  
 [93:55.7 - 93:57.3] So it's only a question of money,  
 [93:57.3 - 93:60.0] why you don't see your children as much as your  
 court order?  
 [93:60.0 - 94:02.4] When my kids have been moved to a different state,  
 [94:02.4 - 94:05.1] it requires a significant cost for me to go see  
 them.  
 [94:05.1 - 94:07.6] There's no free or cheap way to do this for myself.  
 [94:07.6 - 94:09.8] I've made the best situation for my kids.  
 [94:09.8 - 94:11.1] I stay in the same resort,  
 [94:11.1 - 94:13.1] same hotel every time for consistency,  
 [94:13.1 - 94:14.9] which is very important to me and the kids.  
 [94:14.9 - 94:16.9] That's been dad's home up until now.  
 [94:16.9 - 94:17.7] And for the first time now,  
 [94:17.7 - 94:20.1] I get to have them at dad's proper home in San Diego  
 [94:20.1 - 94:22.7] that's set up for them as a home.  
 [94:22.7 - 94:24.3] So I can only do as much as I can  
 [94:24.8 - 94:28.5] but my money allows me to.  
 [94:31.8 - 94:33.5] Okay.  
 [94:33.5 - 94:36.6] So if your daughter were to break her leg  
 [94:36.6 - 94:39.6] this coming weekend in your backyard,  
 [94:39.6 - 94:41.5] would your first call be to Courtney?  
 [94:42.5 - 94:44.4] Absolutely, I would call her and let her know what  
 happened  
 [94:44.4 - 94:46.2] and I would take her to Urgent Care.  
 [94:48.4 - 94:51.2] This time you'd take her to Urgent Care?  
 [94:51.2 - 94:53.4] Yes, because Courtney would not be present.  
 [94:54.3 - 94:55.2] Okay.  
 [94:59.0 - 94:59.9] Okay.  
 [94:59.9 - 95:01.1] When did you first realize  
 [95:01.1 - 95:02.9] that your daughter had a broken leg?  
 [95:02.9 - 95:06.0] Not until the doctor did the x-rays days later.  
 [95:06.0 - 95:07.8] Where were you when this happened?  
 [95:07.8 - 95:09.2] In San Diego.  
 [95:09.2 - 95:10.0] Okay.  
 [95:10.0 - 95:12.2] So how do you know about the x-rays?  
 [95:12.2 - 95:13.4] Courtney told me about them.  
 [95:13.4 - 95:14.9] I asked her to tell me,  
 [95:14.9 - 95:16.6] I asked her to FaceTime me during the doctor visits,  
 [95:16.6 - 95:17.4] which did not happen,  
 [95:17.4 - 95:19.0] but she called me right afterwards each one

[95:19.0 - 95:20.9] and told me what had happened.

[95:20.9 - 95:24.1] Did anybody ask you at the Urgent Care

[95:24.8 - 95:25.7] what had happened,

[95:25.7 - 95:26.9] meaning how your daughter was there

[95:26.9 - 95:29.2] with some kind of leg injury?

[95:29.2 - 95:31.2] Did not ask me directly, no.

[95:31.2 - 95:33.0] Did they ask you indirectly?

[95:33.0 - 95:35.2] They must have asked Courtney.

[95:35.2 - 95:36.8] But did they ask you at all?

[95:36.8 - 95:38.1] No.

[95:38.1 - 95:40.1] And what about after it was determined

[95:40.1 - 95:41.4] that her leg was broken?

[95:41.4 - 95:43.3] Did the hospital ask you what happened?

[95:43.3 - 95:44.8] I had no contact with the hospital.

[95:44.8 - 95:45.8] I was in San Diego.

[95:46.8 - 95:50.7] So you didn't contact the hospital independently yourself?

[95:50.7 - 95:54.0] I would have no reason to contact the hospital independently.

[95:54.9 - 95:55.7] And what was the,

[95:55.7 - 95:58.7] was anything prescribed for Sophia

[95:58.7 - 96:01.0] after her leg was determined to be broken?

[96:01.0 - 96:01.8] I don't recall.

[96:02.8 - 96:04.9] Did you fill any prescriptions?

[96:04.9 - 96:05.7] No.

[96:05.7 - 96:07.6] Did you administer any medication to her

[96:07.6 - 96:10.6] during your next visit after her leg had been broken?

[96:10.6 - 96:12.2] I don't recall.

[96:12.2 - 96:13.6] When's the last, or excuse me,

[96:13.6 - 96:17.5] when's the next time after January 11th, 2022

[96:17.5 - 96:19.3] that you had visitation with Sophia?

[96:20.2 - 96:21.6] Would have been two weeks after that.

[96:21.6 - 96:23.9] I just don't recall the dates.

[96:24.6 - 96:25.8] And those two weeks after that,

[96:25.8 - 96:29.6] then you didn't administer anything to her during the visit?

[96:29.6 - 96:30.4] I don't recall.

[96:33.2 - 96:35.0] What's her date of birth, Sophia's?

[96:35.0 - 96:37.2] May 13, 2019.

[96:43.5 - 96:45.3] Do you currently smoke marijuana?

[96:45.3 - 96:46.9] No.

[96:46.9 - 96:48.4] You have in the past though, right?

[96:48.4 - 96:49.9] Yes.

[96:49.9 - 96:52.2] And you did that during your marriage to Ms. Clifford?

[96:52.2 - 96:53.0] No.

[96:54.1 - 96:56.7] Oh, well, at one point, yes.

[96:56.7 - 96:57.9] But not the whole time.

[96:59.0 - 97:01.6] And when's the last time you smoked marijuana?

[97:03.5 - 97:06.0] It's been a very long time, I don't recall a date.

[97:06.0 - 97:08.2] Do you currently use any illegal narcotics?

[97:08.2 - 97:09.3] No.

[97:09.3 - 97:11.0] You have in the past though, right?

[97:11.0 - 97:12.8] What are legal narcotics?  
[97:12.8 - 97:13.8] What do you call it?  
[97:13.8 - 97:14.6] Marijuana?  
[97:14.6 - 97:15.5] You think it's not legal?  
[97:15.5 - 97:17.1] I've never done illegal drugs.  
[97:18.0 - 97:18.8] Never?  
[97:18.8 - 97:19.7] No.  
[97:20.7 - 97:23.0] Are you currently in a 12-step program?  
[97:23.0 - 97:24.2] No.  
[97:24.2 - 97:26.2] You have been though, right?  
[97:26.2 - 97:31.2] For codependency and for something called  
[97:31.2 - 97:33.5] ACA, Adult Children of Alcoholics  
[97:33.5 - 97:35.0] and Dysfunctional Families.  
[97:36.5 - 97:37.9] What's the codependency?  
[97:37.9 - 97:39.2] What does that mean?  
[97:39.2 - 97:43.2] There's a program called CODA that I tried for two  
sessions.  
[97:44.0 - 97:45.8] Why did you try that?  
[97:45.8 - 97:48.1] I thought I would be able to do it.  
[97:48.7 - 97:51.6] I thought I had an issue with codependency,  
[97:51.6 - 97:56.2] with a person codependency, not with a substance.  
[97:56.2 - 97:57.2] Who's the person?  
[97:58.3 - 98:00.3] It's not like that, it's a trait  
[98:00.3 - 98:01.6] and it's something that I was exploring  
[98:01.6 - 98:03.2] to see if I could benefit from  
[98:03.2 - 98:05.4] because I was pursuing greater mental health.  
[98:07.1 - 98:09.7] Why did you feel the need to pursue greater mental  
health?  
[98:09.7 - 98:12.6] I always wanted to pursue greater mental health.  
[98:12.6 - 98:14.4] Are you doing it now?  
[98:14.4 - 98:16.6] Yes, I talked to a therapist.  
[98:16.6 - 98:18.0] How frequently?  
[98:18.9 - 98:21.2] Right now, just only once a month.  
[98:21.2 - 98:23.2] Is that covered by your insurance?  
[98:23.2 - 98:24.4] Only a portion of it.  
[98:26.2 - 98:28.8] How much do you pay out of pocket then each month?  
[98:28.8 - 98:30.8] I think it's \$50 for a session.  
[98:32.4 - 98:34.9] And what's the name of your therapist?  
[98:34.9 - 98:39.6] Well, Jessie, I'd have to look,  
[98:39.6 - 98:40.9] I don't know her last name.  
[98:40.9 - 98:42.8] I don't refer to her as a last name.  
[98:42.8 - 98:43.7] It's a female?  
[98:43.7 - 98:44.7] Yes.  
[98:44.7 - 98:46.5] How do you pay Jessie?  
[98:46.5 - 98:47.6] With a card.  
[98:48.2 - 98:49.0] A credit card?  
[98:49.0 - 98:49.9] Yes.  
[98:49.9 - 98:50.7] Which one?  
[98:51.5 - 98:53.4] My bank, my debit card.  
[98:54.4 - 98:57.6] The debit card from your Bank of America account?  
[98:57.6 - 98:58.6] Yes.  
[98:58.6 - 99:00.0] Your personal debit card?  
[99:00.0 - 99:00.9] Yes.  
[99:01.9 - 99:03.3] Do you pay her any other way?



[99:04.9 - 99:05.8] Not that I can remember.  
[99:05.8 - 99:08.9] I paid our therapist the past through like cash app  
[99:08.9 - 99:11.2] but I don't believe so with her.  
[99:11.2 - 99:12.4] What is ACA?  
[99:12.4 - 99:15.0] What does that acronym stand for again?  
[99:15.0 - 99:18.2] Adult Children of Alcoholics and Dysfunctional Families.  
[99:19.2 - 99:21.6] So you're an adult child of alcoholics?  
[99:21.6 - 99:22.8] No.  
[99:22.8 - 99:25.3] You're an adult child of a dysfunctional family?  
[99:25.3 - 99:26.2] We all are.  
[99:27.4 - 99:28.8] I'm asking you.  
[99:28.8 - 99:31.7] Yes, I believe every family has dysfunction.  
[99:31.7 - 99:33.7] How long did you attend that program?  
[99:35.2 - 99:37.4] Less than two years.  
[99:37.4 - 99:39.6] When, from when to when?  
[99:39.6 - 99:40.4] I don't recall.  
[99:40.4 - 99:42.6] It was introduced to me by Courtney Clifford.  
[99:43.5 - 99:45.7] In fact, I went with her at first  
[99:45.7 - 99:48.4] and then I went by myself after that.  
[99:48.4 - 99:50.4] So sometime before our marriage.  
[99:50.4 - 99:52.2] You attended for two years?  
[99:53.0 - 99:54.5] I think less than two years.  
[99:55.6 - 99:56.9] How much less?  
[99:56.9 - 99:57.7] I don't recall.  
[99:59.2 - 100:01.3] More than one year?  
[100:01.3 - 100:02.5] Correct.  
[100:02.5 - 100:04.4] More than 18 months?  
[100:04.4 - 100:05.3] I don't recall.  
[100:06.4 - 100:08.6] When's the last time you went?  
[100:08.6 - 100:09.7] It's been a long time.  
[100:13.6 - 100:15.1] Almost two years.  
[100:15.1 - 100:18.9] I have not gone since our divorce.  
[100:18.9 - 100:22.9] So going back to illegal narcotics question,  
[100:22.9 - 100:26.5] so aside from marijuana, which is now legal in this state,  
[100:28.0 - 100:31.2] are you currently using any illegal narcotics?  
[100:31.2 - 100:32.2] No.  
[100:32.2 - 100:34.2] Have you within the past five years?  
[100:34.2 - 100:35.0] No.  
[100:36.0 - 100:38.6] And are you an alcoholic?  
[100:38.6 - 100:39.6] No.  
[100:39.6 - 100:41.8] Do you believe you've ever had a drinking problem?  
[100:41.8 - 100:42.7] No.  
[100:43.7 - 100:47.2] Have you ever told anybody that you had a drinking problem?  
[100:47.2 - 100:49.3] I think I thought that I had a drinking problem  
[100:49.3 - 100:51.5] during the early part of the divorce  
[100:51.5 - 100:54.1] because I was so depressed and unhappy.  
[100:54.1 - 100:57.7] And I came to realize I did not, and I have not since.  
[100:57.7 - 101:00.8] You think you thought you had a drinking problem?  
[101:00.8 - 101:03.0] Yep, I was in an unhappy marriage  
[101:03.0 - 101:05.1] and I was looking for ways to find happiness

[101:05.1 - 101:07.0] and addiction seemed like a label  
[101:07.0 - 101:09.4] that her and her family were tagging on to me  
[101:09.4 - 101:12.7] because her father has alcoholism.  
[101:12.7 - 101:15.2] And so I wanted to take that path  
[101:15.2 - 101:16.1] and see if that was something  
[101:16.1 - 101:18.8] that I was suffering from as well, and it was not.  
[101:19.8 - 101:22.6] I've never done a 12-step program for my own  
addictions.  
[101:22.6 - 101:25.8] I don't have addictions like alcohol or drugs.  
[101:29.2 - 101:33.9] So you thought you had an alcohol problem  
[101:33.9 - 101:36.3] because her family told you you did,  
[101:36.3 - 101:37.9] is that your testimony?  
[101:37.9 - 101:39.9] No, I did not think I had an alcohol problem.  
[101:39.9 - 101:43.5] My idea was to not have alcohol in my life at all.  
[101:43.5 - 101:45.8] And so I didn't have a drop of alcohol  
[101:45.8 - 101:49.2] our entire time from Sophia's birth  
[101:49.2 - 101:51.4] until the separation of us.  
[101:51.4 - 101:53.2] I stayed completely sober that entire time  
[101:53.2 - 101:56.0] to be the most clear-headed father as much as  
possible.  
[101:57.0 - 101:59.8] But after separation, you started drinking?  
[101:59.8 - 102:02.4] Socially here and there, very occasionally.  
[102:02.4 - 102:05.0] When did you have your bourbon collection?  
[102:05.0 - 102:06.9] That was previous before the marriage.  
[102:07.8 - 102:08.8] That was before the marriage?  
[102:08.8 - 102:10.9] Or before Sophia was born, rather.  
[102:12.5 - 102:13.9] And do you think that was indicative  
[102:13.9 - 102:15.4] of you having a drinking problem,  
[102:15.4 - 102:18.0] the quote-unquote bourbon collection?  
[102:18.0 - 102:21.3] No, having eight to 10 bottles  
[102:21.3 - 102:23.4] that lasted for five to eight years,  
[102:23.4 - 102:25.3] I would not consider to be a problem.  
[102:25.3 - 102:26.9] Did you ever represent anybody  
[102:26.9 - 102:29.2] that the bourbon collection  
[102:29.2 - 102:32.7] was some indicia of your drinking problem?  
[102:32.7 - 102:33.8] No.  
[102:33.8 - 102:35.3] Do you remember giving a podcast  
[102:35.3 - 102:37.1] where you talked about that?  
[102:37.1 - 102:38.6] No.  
[102:38.6 - 102:40.5] Have you ever given a podcast  
[102:40.5 - 102:43.5] where you mentioned the bourbon collection?  
[102:43.5 - 102:44.3] I don't recall.  
[102:44.8 - 102:56.8] If requested by Ms. Clifford, would you agree to  
submit to random drug testing?  
[102:56.8 - 102:59.8] Sure.  
[102:59.8 - 103:02.8] Okay.  
[103:02.8 - 103:07.8] Did you ever attend a 12-step program for alcohol  
abuse?  
[103:07.8 - 103:09.8] I already said no.  
[103:09.8 - 103:13.8] Right, it was ACA and codependency, but...  
[103:13.8 - 103:17.8] So you're saying you've never attended for alcohol  
abuse?  
[103:17.8 - 103:21.8] No.

[103:21.8 - 103:31.8] Do you remember the podcast that you gave on January 22nd of 2020 called From Fear to Career?

[103:31.8 - 103:34.8] I don't remember whose podcast that was, no.

[103:34.8 - 103:38.8] Do you remember participating in one, From Fear to Career?

[103:38.8 - 103:41.8] Sounds familiar. I've done multiple podcasts.

[103:41.8 - 103:45.8] If you told me the title of the person's host, I would perhaps remember.

[103:45.8 - 103:50.8] So as you sit here today, you don't remember that particular podcast? Is that your testimony?

[103:50.8 - 103:53.8] I remember that name, but I don't remember exactly who that was with.

[103:53.8 - 103:58.8] So if you remember the name, what was that podcast about?

[103:58.8 - 104:00.8] I don't recall.

[104:00.8 - 104:05.8] So, if it's called From Fear to Career, let's start with the last part.

[104:05.8 - 104:07.8] What's the career, to your understanding?

[104:07.8 - 104:10.8] I'm guessing it was me telling the story about having fear of the open water

[104:10.8 - 104:16.8] and then making my career teaching overcoming the fear of the open water.

[104:16.8 - 104:18.8] You had fear of the open water?

[104:18.8 - 104:19.8] I did.

[104:19.8 - 104:21.8] Starting when?

[104:21.8 - 104:23.8] When I was 18 years old.

[104:23.8 - 104:25.8] And when did that end?

[104:25.8 - 104:28.8] I don't know if I can put a date on that.

[104:28.8 - 104:30.8] Are you still afraid of the open water?

[104:30.8 - 104:31.8] No.

[104:31.8 - 104:33.8] Are you afraid to fly?

[104:33.8 - 104:34.8] No.

[104:42.8 - 104:47.8] Do you take any medication that's prescribed by your current therapist, Jesse?

[104:47.8 - 104:48.8] Yes.

[104:48.8 - 104:49.8] What do you take?

[104:49.8 - 104:51.8] It's an antidepressant.

[104:51.8 - 104:54.8] So you suffer from depression?

[104:54.8 - 104:57.8] No, situational depression at the start of the divorce.

[104:57.8 - 104:59.8] You're still taking it now?

[104:59.8 - 105:02.8] Yes, and we've been weaning off the dosage.

[105:04.8 - 105:06.8] What's the medication you take?

[105:06.8 - 105:08.8] It's called Welbutrin.

[105:13.8 - 105:20.8] So, the motion that in part was heard on October 31 of 2022 that we spoke about,

[105:20.8 - 105:25.8] you filed that on August 24 of 2022, is that correct?

[105:26.8 - 105:28.8] I don't recall the date.

[105:28.8 - 105:33.8] And that was for modification of custody and visitation?

[105:33.8 - 105:35.8] I believe so, yes.

[105:35.8 - 105:38.8] Modification of spousal support?

[105:38.8 - 105:39.8] Yes.

[105:39.8 - 105:42.8] Bifurcate marital status?  
[105:42.8 - 105:43.8] Yes.  
[105:43.8 - 105:52.8] Gavron warning and a work or job contacts order, if you recall?  
[105:52.8 - 105:54.8] I don't recall that part.  
[105:59.8 - 106:07.8] So, aside from the one visit per month in San Diego County,  
[106:07.8 - 106:16.8] how was your custody and visitation order modified on October 31 of 2022 that you can recall?  
[106:16.8 - 106:22.8] That's the only modification. It's the same days and times, but now one of the two is in San Diego.  
[106:23.8 - 106:28.8] So, same days and times. So, when does it start?  
[106:28.8 - 106:32.8] Sunday, I believe, 10 a.m., and it's through Wednesday.  
[106:32.8 - 106:33.8] Wednesday at what time?  
[106:33.8 - 106:40.8] I believe 4 or 6 p.m. I don't recall the exact time.  
[106:40.8 - 106:42.8] You don't know?  
[106:42.8 - 106:44.8] I just said I don't recall the exact time.  
[106:46.8 - 106:48.8] Isn't that important?  
[106:49.8 - 106:52.8] I believe it's 6 p.m. That's important. I just don't recall the exact time.  
[106:55.8 - 107:02.8] Between February 1 of 2022 and June 30 of 2022,  
[107:02.8 - 107:05.8] did you exercise all of your court-ordered visitation with your children?  
[107:05.8 - 107:06.8] No.  
[107:09.8 - 107:12.8] So, let's start with Sophia.  
[107:12.8 - 107:18.8] Did you visit with her during that time period more or less than you did with River?  
[107:18.8 - 107:22.8] More because of River's feeding schedule that was in place.  
[107:23.8 - 107:26.8] And what percentage of the time between those two dates  
[107:26.8 - 107:32.8] would you estimate of your court-ordered visitation that you spent visiting with Sophia?  
[107:32.8 - 107:37.8] Objection. Calls for speculation. He can't estimate as to a time.  
[107:37.8 - 107:39.8] Sure you can, can't you?  
[107:39.8 - 107:41.8] No, I cannot estimate to a time.  
[107:41.8 - 107:47.8] Well, if you had an order and you followed the order, that would be 100%, right?  
[107:47.8 - 107:48.8] Sure.  
[107:48.8 - 107:57.8] Okay. But you just testified that you did not see your children 100% of the time in accordance with the order, correct?  
[107:57.8 - 107:58.8] Correct.  
[107:58.8 - 108:04.8] Okay. So, can you estimate then what percentage, if it's not 100%, it would be during that time period?  
[108:04.8 - 108:06.8] And I'm speaking first about Sophia.  
[108:06.8 - 108:07.8] I cannot.  
[108:08.8 - 108:09.8] Why not?  
[108:09.8 - 108:15.8] There's too many dates and the math would be pretty complex to do on my brain right now. I cannot. Sorry.  
[108:15.8 - 108:18.8] And same question as to River.  
[108:18.8 - 108:19.8] I cannot.

[108:19.8 - 108:25.8] Have you ever sat down to do that calculation, the math as you put it?

[108:25.8 - 108:27.8] I have not.

[108:27.8 - 108:31.8] You're aware that Ms. Clefford has done that calculation, correct?

[108:31.8 - 108:34.8] I'm not aware that she has personally, no.

[108:34.8 - 108:39.8] Well, you're aware that it's included in her pleadings related to custody and visitation, correct?

[108:39.8 - 108:40.8] Yes.

[108:40.8 - 108:41.8] So you read those pleadings?

[108:41.8 - 108:42.8] Yes.

[108:42.8 - 108:52.8] Okay. So, you didn't dispute for this hearing that was recently held, you didn't dispute any percentages that were included in Ms. Clefford's declaration, did you?

[108:52.8 - 108:58.8] Ms. States, the testimony, we testified at the hearing that we disagreed with her calculations and the basis on which they were made.

[108:58.8 - 109:02.8] I'm asking you. You filed a reply declaration for the hearing that just occurred, right?

[109:02.8 - 109:05.8] Yes, and I do disagree with the calculations. They're skewed.

[109:05.8 - 109:07.8] Okay. Skewed how?

[109:07.8 - 109:11.8] Percentages that are not accurate. It's, yeah.

[109:11.8 - 109:13.8] I thought you didn't do the math, sir.

[109:13.8 - 109:16.8] I have not done the math with the calculator.

[109:16.8 - 109:21.8] So you're incapable of giving me an estimate, but you know that her math is skewed?

[109:21.8 - 109:22.8] Yes.

[109:22.8 - 109:24.8] Okay. Why?

[109:25.8 - 109:35.8] Because there was two visits in April that I was unable to go to because of a charge that she had brought on me and didn't allow me to see the kids. She kept the kids from me.

[109:35.8 - 109:37.8] Oh, the molestation charge?

[109:37.8 - 109:46.8] Yes. So there's two visits right there that I should be able to have that those are a lot of hours that should not factor into a percentage like so.

[109:46.8 - 109:48.8] So you did do the math?

[109:48.8 - 109:58.8] No, I'm just saying there's, I don't know what the math would be, but that's two visits, eight days of however many hours, whatever percentage that is, that should not be factored into my time with that.

[109:58.8 - 110:03.8] I've been allotted for my children because she filed a restraining order against me.

[110:03.8 - 110:09.8] Okay. So aside from those two days that you just testified about, what else? What else skewed it?

[110:09.8 - 110:12.8] I'm not sure. I'm just referring to that right now.

[110:12.8 - 110:22.8] Okay. Well, why don't you take a moment and tell me everything else that you believe caused that percentage that has been declared by Ms. Clifford to be skewed?

[110:22.8 - 110:25.8] I'm just going to say I'm not sure.

[110:25.8 - 110:31.8] So it's skewed in addition to what you just testified to, but you're not sure why?

[110:31.8 - 110:36.8] That's the least skewed, that's all I'll say. That's all I can think of at the moment.

[110:36.8 - 110:50.8] Okay. But because I'm taking your deposition and because I intend to use the evidence that I deduce here in court, I'm asking you to give me your best testimony regarding why you say it's, quote, skewed, unquote.

[110:50.8 - 110:53.8] So that's the only reason you can tell me?

[110:53.8 - 110:55.8] That's all I can think of right now.

[110:55.8 - 111:03.8] Okay. So if at any point during this deposition you can think of any other reason why you believe those percentages are skewed, will you tell me?

[111:03.8 - 111:04.8] Yes.

[111:04.8 - 111:05.8] Okay.

[111:11.8 - 111:27.8] So aside from those two days, were there any other days that you left early from a court-ordered visitation between February 1 of 2022 and June 30, 2022?

[111:27.8 - 111:28.8] Yes.

[111:28.8 - 111:29.8] How many days?

[111:29.8 - 111:31.8] I don't recall.

[111:31.8 - 111:37.8] Same question, but now the arrival, that you arrived late for a visitation.

[111:37.8 - 111:49.8] Well, I never arrived late. I always told her when I was showing up, but I would often, there was times when I arrived after the court-ordered date and time, but with her knowing.

[111:49.8 - 111:58.8] So if your visitation were to start by court order at 10 a.m. on a Sunday, you didn't always arrive by 10 a.m. on a Sunday, correct?

[111:58.8 - 112:01.8] Correct. And I communicated that to her beforehand.

[112:01.8 - 112:05.8] Right. But you didn't arrive by 10 a.m. on a Sunday for all of your visits.

[112:05.8 - 112:09.8] Correct. I couldn't afford that many nights of hotel stay.

[112:09.8 - 112:15.8] So when would you generally arrive for a visit during that date range?

[112:15.8 - 112:17.8] Oftentimes it would be on Monday.

[112:17.8 - 112:19.8] Beyond Monday?

[112:19.8 - 112:21.8] It would be on Monday.

[112:21.8 - 112:25.8] Beyond Monday. Okay. What time on Monday?

[112:25.8 - 112:30.8] Often I'd pick them up at 4 p.m., give or take, after their nap time.

[112:30.8 - 112:33.8] 4 p.m. on Monday?

[112:33.8 - 112:36.8] Some of the trips, yes.

[112:36.8 - 112:38.8] For both children?

[112:38.8 - 112:41.8] Yes.

[112:41.8 - 112:47.8] So that would be almost half your visitation, right? Your court-ordered visitation that you didn't exercise.

[112:47.8 - 112:51.8] No, I didn't miss half of it, if that's the scenario.

[112:51.8 - 112:53.8] Well, tell me where I'm wrong.

[112:53.8 - 113:00.8] I mean, if your visitation goes until Wednesday at 4 or 6, and you pick up your children on...

[113:01.3 - 113:03.3] Monday at four

[113:03.7 - 113:06.0] You missed the entire day of Sunday, correct?

[113:06.5 - 113:09.7] Correct, and half would be if I missed both the entire day of Monday as well

[113:09.7 - 113:12.1] Which I did not in the case that we're talking about

[113:13.1 - 113:14.3] but

[113:14.3 - 113:16.7] you would pick up your children at four and

[113:17.8 - 113:20.7] Then what when did they start spending the night with you? I

[113:21.4 - 113:23.4] Don't recall the date. I'd have to look it up

[113:24.3 - 113:31.3] Well, you just wrote declarations about this that were considered at the hearing on October 31 of 2022, right?

[113:31.6 - 113:33.1] Yeah

[113:33.1 - 113:38.9] Didn't they start in August of this year? I'd have to confirm. I don't want to say anything without knowing for certain

[113:39.7 - 113:47.0] Do you remember the first time is after your separation from Miss Clifford that you had an overnight visit with either of your children? I

[113:47.5 - 113:49.4] Don't remember the exact date

[113:49.4 - 113:54.5] Does August of 2022 sound about right to you? It sounds about right. Okay

[113:55.2 - 113:57.5] so prior to August of

[113:58.0 - 114:05.8] 2022 if you would pick the children up at 4 p.m. On a Monday, you wouldn't have an overnight. Would you correct?

[114:06.3 - 114:08.9] So you would return them at what time 6 p.m.

[114:09.8 - 114:15.5] So your first day of visitation on a Monday, you would have two hours, correct?

[114:18.5 - 114:20.2] And

[114:20.2 - 114:26.1] You arrived at 4 p.m. On Mondays if that were the case during that period of time

[114:26.7 - 114:28.3] Because of money

[114:28.3 - 114:30.3] Correct. The hotel is not

[114:30.9 - 114:34.9] It's the area is very expensive and with compromised finances. It was

[114:35.5 - 114:38.7] Two nights of hotel was a stretch much less three to five

[114:39.1 - 114:42.9] It'd be five nights of hotel if I were to exercise an entire four-day visit in

[114:43.9 - 114:49.4] Scottsdale because of nap time I'd need to have the hotel the night before so I'd have it for the morning of

[114:49.7 - 114:52.8] When I check in typically would be safe 4 p.m. On any given

[114:53.3 - 114:55.3] day for a hotel

[114:56.2 - 115:01.7] So aside from financial reasons the ones you just gave me are there any other reasons

[115:02.6 - 115:06.2] Not that I can think of just finances. Yes, and

[115:07.5 - 115:10.5] You said you stayed in Scottsdale. Yes

[115:11.7 - 115:16.6] There's other areas of Phoenix that are cheaper than Scottsdale. Wouldn't you agree?

[115:17.7 - 115:19.7] perhaps but for the practicality of

[115:20.4 - 115:24.2] Making transitions easiest for the kids. I found a place in close proximity to her house

[115:24.8 - 115:29.0] So transitions were only be three to five minute drive it was convenient it made sense

[115:29.0 - 115:31.7] I wanted the stability of a place that was close to where they are and

[115:32.5 - 115:38.3] It was helpful in the case of an emergency. She was close by I didn't have to drive 30 minutes to come meet her

[115:38.4 - 115:43.5] So I thought that was the safest and best bet for co-parenting to be close by to where they live

[115:47.0 - 115:51.0] Except that you missed visits because you said you couldn't afford it, right?

[115:51.4 - 115:56.6] Yes, but do you have hotel rates of our areas that you can show me that would have been cheaper and the differences in cost

[115:57.0 - 116:01.1] When you take my deposition you can ask me for sure thing you want

[116:01.1 - 116:04.1] But since you're the father who missed the visits, let me ask you

[116:04.5 - 116:11.4] How much study did you do of the surrounding areas of Scottsdale to determine those rates in hotel rooms?

[116:11.4 - 116:13.7] I did plenty but again, it wouldn't work early on

[116:13.7 - 116:19.0] We started this in October of 21 when she moved to Arizona give or take two three weeks

[116:19.8 - 116:23.7] River was still breastfeeding often. So we were doing transfers multiple times a day

[116:24.0 - 116:26.7] So to have the kids in the car that often is not

[116:27.2 - 116:30.8] Ideal for for children of that age if you're going back and forth in a car to feed

[116:30.9 - 116:33.3] So what I did is what I thought to be a good father

[116:33.3 - 116:35.9] I made a convenience and efficient of time and

[116:36.2 - 116:40.7] Convenience for the kids to be able to do that quickly and easily as well for the mother

[116:40.7 - 116:43.4] So that's why I decided that which I believe to be good parenting

[116:44.4 - 116:48.5] Well, isn't it true that you've been opposed to miss Clifford?

[116:49.0 - 116:53.8] Taking River for breastfeeding for quite some time. I've not said I'm opposed to that

[116:54.6 - 116:59.5] But isn't it true that you obtained an order so that River would go to you for feeding?

[116:59.7 - 117:03.2] This was back before May of this year if I can recall

[117:04.0 - 117:06.5] I've asked for breast milk or formula

[117:06.5 - 117:08.4] I've never been given breast milk or formula

[117:08.4 - 117:13.8] But you've got an order from the court earlier this year that allowed you to do the feeding of River, correct?

[117:14.0 - 117:19.3] Correct and after that order you still sent River with Miss Bonilla to do the feeding, right?

[117:19.9 - 117:23.1] Correct again as a good co-parent in the best interest of my child

[117:23.6 - 117:28.1] I would rather him have the milk that he's used to and her mother was

[117:29.3 - 117:35.5] Oftentimes almost begging me to be able to do so and would say please please consider weaning him off gently

[117:35.5 - 117:40.3] It'll only be this amount of time. So the co-parent I agreed to it because I love my children



[117:40.3 - 117:44.9] I want them to be comfortable. So no, I'm not gonna resist that order just to have my selfish time with them

[117:44.9 - 117:50.1] I'd rather him be comfortable and have milk that he needs from his mother when he's asking for and when we agreed upon

[117:51.9 - 117:54.2] So it's her fault did not say that

[117:55.7 - 118:00.2] So you didn't tell the court when you requested the order

[118:00.6 - 118:05.3] When you had complained about the breastfeeding of River by Miss Bonilla, Miss Clifford

[118:05.8 - 118:11.6] You didn't tell the court that even if the court ordered you to have the feeding that you would then return

[118:12.1 - 118:14.2] River to Miss Clifford, correct?

[118:15.4 - 118:17.8] Can you say I didn't follow the whole question?

[118:17.9 - 118:24.7] Well, you're the one that made the request so that the breastfeeding would no longer occur during that feeding

[118:24.7 - 118:30.5] It would be you doing the feeding if that makes sense. What I requested was to provide breast milk or formula

[118:31.4 - 118:37.6] Okay, and then she didn't provide it to you so then you couldn't do the feeding she's not provided to me

[118:39.1 - 118:45.0] Wouldn't you agree that that's just another excuse why you didn't spend any time with your kids. I would not say that at all actually

[118:46.1 - 118:52.5] Okay. So where else did you investigate in the greater Phoenix? Why are you shaking your head at my client disgusting?

[118:52.7 - 118:58.0] It's this disgusting if you're disgusting as a father or she's disgusting. What are you saying, sir?

[118:58.0 - 119:03.0] Well, your line of question is disgusting. If you look at our talking parents, can I please speak? No

[119:04.5 - 119:05.6] So

[119:05.6 - 119:09.5] Where else did you you think that's funny? It's very funny. I do

[119:10.1 - 119:16.0] You're funny. I think I think you're funny with how rude you are and how much you like to bully your your people here

[119:16.9 - 119:23.3] My people here who am I bullying here you all myself and my attorney. Do you think I'm bullying you? I do. Yes

[119:23.3 - 119:26.4] Oh, and you think I'm bullying your attorney. I do. Yes

[119:27.2 - 119:33.5] So, what does that make you feel like if you think I can bully you and your attorney in a deposition you can't I

[119:33.9 - 119:40.0] Can't bully you. No, I'm not gonna allow you to bully me. Okay, but you think I am I just I can't do it

[119:40.0 - 119:42.0] Well, you're trying to yes. Oh

[119:42.2 - 119:45.3] So I'm bullying you because you don't see your kids

[119:46.0 - 119:50.8] You're framing questions in ways that are not true. You're putting words into my mouth and to clarify

[119:51.3 - 119:57.7] I'm a wonderful father. And so now are you you're interrupting me? Yes. I am a wonderful father

[119:57.7 - 119:59.9] Have you been there at any moment for us with my kids?

[120:01.5 - 120:06.4] When you take my deposition you I knew you'd say that and you have not so I'll tell you you've not been there for any

[120:06.4 - 120:09.6] of the times with my children or even Courtney with the children

[120:09.6 - 120:14.5] so for you to say things about my level of parenting and my quality of parenting and how much I love my kids is  
[120:15.1 - 120:20.7] Disgusting and it is like I don't know how you sleep at night knowing that you're gonna be doing this to frame a false  
[120:20.7 - 120:28.0] Narrative about a father who's fighting for their kids for 19 months now against a law firm that is ruthless and will win at any cost  
[120:28.2 - 120:30.2] Thank you. So  
[120:31.8 - 120:37.1] If I understood that you think you're the victim here, is that correct not saying that  
[120:37.7 - 120:42.7] Then what the hell are you saying? I'm clarifying false things that you said about me and my character as a father  
[120:43.0 - 120:45.9] Okay, what have I said about you? That's false  
[120:46.1 - 120:49.2] You're claiming that I am choosing not to be with my kids  
[120:49.2 - 120:52.3] I don't that I am NOT make doing my best or I don't want to be with my kids  
[120:53.2 - 120:57.9] False, let's start with that one. That's false. Yes. I'm gonna be with my kids every moment possible  
[120:57.9 - 121:00.3] You just haven't since there's been a court order  
[121:00.3 - 121:03.6] Have you I have no way of being with my every moment because you're the victim  
[121:04.5 - 121:06.6] Financially and otherwise, right? No didn't say that  
[121:06.6 - 121:12.8] Do you ever think about not paying for the company phone personally and putting that towards visitation expenses?  
[121:13.4 - 121:19.6] 30 hours a month. I feel like it's a pretty small cost for a company phone and I put everything I can towards visitation costs  
[121:21.4 - 121:23.4] Okay  
[121:23.5 - 121:28.4] When the Hammond family paid for you to go to st. Martin last year  
[121:28.5 - 121:34.8] Did you consider asking for them to pay for some of your visits because you're such a good dad wouldn't be appropriate  
[121:34.8 - 121:36.3] I'd never consider that  
[121:36.3 - 121:41.8] Taking money from your girlfriend's family wouldn't be appropriate. No, but you did. No, I didn't  
[121:43.8 - 121:45.8] Okay  
[121:46.2 - 121:53.5] There are any other reasons why you haven't had one now that you had some time to think and level various accusations of me  
[121:54.9 - 121:59.6] Any other reason why you haven't been able to exercise all of your court-ordered visitation?  
[122:00.3 - 122:04.9] Finance does not allow me to do so. You said that any other reason? No, is it?  
[122:06.1 - 122:08.3] Anyone else's fault other than your own. I  
[122:08.6 - 122:10.6] I  
[122:10.7 - 122:12.7] Can't answer that why not?  
[122:13.1 - 122:16.6] It's too complex of a situation. It's got me to the financial position. I'm in  
[122:17.3 - 122:23.6] so your dad paid for your Arizona lawyer whom you can't remember the name of but  
[122:24.3 - 122:28.7] You couldn't get money from him to pay for some of your visits. So you could be a better dad

[122:29.6 - 122:32.7] Doesn't work that way. I already have a loan for all the legal costs

[122:33.2 - 122:38.4] How much is the loan? I think it was \$50,000. I don't remember if I don't remember the exact number

[122:39.2 - 122:44.4] So thirty seven five of that went to Arizona. That was separate

[122:45.3 - 122:47.3] For this we're talking about, California

[122:48.1 - 122:52.6] So is the money he paid in Arizona on your behalf alone? Yes

[122:53.2 - 122:59.0] But you didn't produce that loan document for today's deposition. Did you it's not we're not talking about that today

[122:60.0 - 123:04.5] Says who that's what we talked about before it. We're not regarding Arizona law. Oh

[123:05.7 - 123:07.3] Okay

[123:07.3 - 123:10.5] Well, you know that you produce documents for today's deposition

[123:11.0 - 123:17.4] Yes, okay, and you know that one of the requests was for any documents relating to loan agreements. Yes

[123:17.8 - 123:23.8] Do you know that you produced a document for a loan between yourself and Gregory Moneo?

[123:23.8 - 123:24.8] Yes.

[123:24.8 - 123:27.6] And that loan document was authored when?

[123:27.6 - 123:29.1] I don't recall.

[123:29.1 - 123:32.6] But you're saying there's more loans than that document?

[123:32.6 - 123:36.2] He paid for the attorney in Arizona.

[123:36.2 - 123:41.1] Is there a loan for that, meaning a loan document that evidences that payment?

[123:41.1 - 123:42.1] I don't recall.

[123:42.1 - 123:46.4] Well, if there is one, you didn't turn it over today, did you?

[123:46.4 - 123:47.4] No.

[123:48.0 - 123:53.7] And you turned over one from May of 2021 for a \$50,000 loan?

[123:53.7 - 123:56.6] I believe so, yes.

[123:56.6 - 123:59.8] Do you know what you turned over for today's deposition?

[123:59.8 - 124:05.2] I don't remember every detail of every single thing, but I remember turning that over, yes.

[124:05.2 - 124:08.3] You remember turning that loan document over?

[124:08.3 - 124:12.6] Of the hundreds of many documents, there's many things, so I don't remember every single

[124:12.6 - 124:15.8] number in detail.

[124:15.9 - 124:19.1] Are there any other loan documents that exist between you and your father?

[124:19.1 - 124:20.6] Not that I can recall.

[124:20.6 - 124:22.8] Your mother's name is Drusilla Moneo?

[124:22.8 - 124:23.8] Yes.

[124:23.8 - 124:24.8] D-R-U-S-I-L-L-A?

[124:24.8 - 124:25.8] Yes.

[124:25.8 - 124:28.8] Has she loaned you any money?

[124:28.8 - 124:30.3] No.

[124:30.3 - 124:35.8] So the loans have only come from your father?

[124:35.8 - 124:41.1] Yes.

[124:41.1 - 124:48.3] Between July 1 of 2022 and October 12 of 2022, did you exercise all of your court-ordered  
[124:48.3 - 124:50.2] visitation with Sophia?  
[124:50.2 - 124:51.2] No.  
[124:51.2 - 124:52.6] What about River?  
[124:52.6 - 124:53.6] No.  
[124:53.6 - 124:58.0] And what percentage would you estimate that you exercised with Sophia during that time  
[124:58.0 - 124:59.0] period?  
[124:59.0 - 125:00.6] I'm not sure.  
[125:00.6 - 125:02.6] And same question for River?  
[125:02.6 - 125:03.8] Not sure.  
[125:03.8 - 125:09.5] And you're aware that Ms. Clifford presented percentages that were calculated showing what  
[125:09.5 - 125:14.4] she believed had been the time that you had exercised for court-ordered visitation?  
[125:14.4 - 125:15.4] Yes.  
[125:15.4 - 125:16.4] Okay.  
[125:16.4 - 125:17.4] During that time period with Sophia?  
[125:17.4 - 125:18.4] Correct?  
[125:18.4 - 125:23.4] I don't remember what the time period was in the hearing on October 31st, but there  
[125:23.4 - 125:28.0] was some percentages for, I thought, the calendar year up until current.  
[125:28.0 - 125:33.4] And you disagreed with those percentages that were presented for the hearing?  
[125:33.4 - 125:34.4] Internally I didn't say it.  
[125:34.4 - 125:36.9] There's nothing said in court, but yes, I did.  
[125:36.9 - 125:37.9] Okay.  
[125:37.9 - 125:41.2] So internally you disagreed, but nothing was said in court to disagree?  
[125:41.2 - 125:42.2] Objection.  
[125:42.2 - 125:43.2] Mistakes of testimony.  
[125:43.2 - 125:49.1] It was already stated that we, at the hearing, that we disagree with the exhibit your attorney  
[125:49.1 - 125:50.1] provided.  
[125:50.1 - 125:51.1] Well, he's saying we, but he's not a witness.  
[125:51.1 - 125:52.1] I didn't say anything.  
[125:52.1 - 125:53.1] I'm saying you.  
[125:53.1 - 125:54.1] I didn't say anything during the hearing.  
[125:54.1 - 125:56.1] Well, he didn't testify at the hearing.  
[125:56.1 - 125:57.1] It was argument.  
[125:57.1 - 126:03.2] And in argument, it was already stated that Mr. Moneo disputes the calculation.  
[126:03.2 - 126:04.2] Okay.  
[126:04.2 - 126:06.9] How do you dispute the calculation?  
[126:07.0 - 126:08.0] You've already gone over this.  
[126:08.0 - 126:09.0] I'd ask.  
[126:09.0 - 126:10.0] Objection.  
[126:10.0 - 126:11.0] Ask and answer.  
[126:11.0 - 126:14.0] Actually, we haven't, because if you go back, remember how you told me to check the transcript?  
[126:14.0 - 126:16.2] I asked you up to June 30th, 2022.  
[126:16.2 - 126:17.2] It's the same line of questioning.

[126:17.2 - 126:18.2] Actually, it's not.  
[126:18.2 - 126:19.2] Of the same scope.  
[126:19.2 - 126:20.2] Actually, it's not.  
[126:20.2 - 126:23.4] So now I'm talking about July up until December of this year.  
[126:23.4 - 126:24.8] So it's different.  
[126:24.8 - 126:27.8] So how are those percentages incorrect?  
[126:27.8 - 126:31.3] Because there wasn't an April restraining order in July, was there?  
[126:31.3 - 126:32.3] No.  
[126:32.3 - 126:33.3] And I haven't even said they're incorrect.  
[126:33.3 - 126:35.0] I don't know what the percentages are.  
[126:35.1 - 126:38.8] You didn't read her response of declaration before you signed your reply declaration,  
[126:38.8 - 126:39.8] replying to it?  
[126:39.8 - 126:40.8] Yes.  
[126:40.8 - 126:41.8] But I don't recall the numbers.  
[126:41.8 - 126:42.8] Oh.  
[126:42.8 - 126:45.8] Well, do you recall anything about the numbers?  
[126:45.8 - 126:46.8] No.  
[126:46.8 - 126:49.5] I don't know what the numbers are.  
[126:49.5 - 126:52.3] So you don't know if they're true or false?  
[126:52.3 - 126:56.2] I have not done the math myself and what I would believe to be the truth.  
[126:56.2 - 126:57.7] I don't know.  
[126:57.7 - 127:04.4] When Ms. Moneo and you first separated in April of 2021, she went to Reading first,  
[127:04.4 - 127:05.4] correct?  
[127:05.4 - 127:07.3] First, meaning what?  
[127:07.3 - 127:08.7] Before she went to Scottsdale.  
[127:08.7 - 127:09.7] Correct.  
[127:09.7 - 127:13.7] Now, you stipulated to her moving to Scottsdale with your children, correct?  
[127:13.7 - 127:14.7] Yes.  
[127:14.7 - 127:15.7] All right.  
[127:15.7 - 127:20.1] So before you stipulated to her moving to Scottsdale with your children, she was in Reading,  
[127:20.1 - 127:21.7] California with your children?  
[127:21.7 - 127:22.7] Yes.  
[127:22.7 - 127:23.7] Okay.  
[127:23.7 - 127:29.2] Up until what time did you receive your first court order for court-ordered visitation while  
[127:29.2 - 127:30.4] she was still in Reading?  
[127:30.4 - 127:31.8] I don't remember the exact date.  
[127:31.8 - 127:33.8] I believe it was August of 21.  
[127:34.2 - 127:35.2] Okay.  
[127:35.2 - 127:41.6] So between April, maybe April 28, 2021 to August of 2021, how many times did you go  
[127:41.6 - 127:44.0] to Reading to visit with your children?  
[127:44.0 - 127:48.0] Zero, because we could not find a date put in writing that unless we had an agreement  
[127:48.0 - 127:50.1] between the attorneys, I was not to come to Reading.  
[127:50.1 - 127:52.9] So I was not able to go legally.

[127:52.9 - 127:54.8] Who put what in writing?  
[127:54.8 - 127:59.3] Between the two attorneys, her first attorney, I don't remember the name, between Raj and  
[127:59.3 - 128:01.8] I don't remember the attorney's name.  
[128:01.9 - 128:06.3] So you're saying there was an agreement during that time period, April of 21 to August of  
[128:06.3 - 128:12.1] 21, where your attorney and her attorney, Ms. Clifford's attorney, agreed in writing  
[128:12.1 - 128:15.6] that you wouldn't go to Reading absent a court order?  
[128:15.6 - 128:17.1] Is that your testimony?  
[128:17.1 - 128:18.4] We didn't agree to it.  
[128:18.4 - 128:19.5] We said that...  
[128:19.5 - 128:21.4] So it wasn't an agreement?  
[128:21.4 - 128:22.4] There was no agreement.  
[128:22.4 - 128:23.4] They said not until...  
[128:23.4 - 128:25.1] Her attorney said not until there's a court order.  
[128:25.1 - 128:28.4] So we had to wait until August of 21 to get a court order.  
[128:28.4 - 128:29.4] I counted in my head.  
[128:29.4 - 128:31.3] I spent 101 days out seeing my children.  
[128:31.3 - 128:33.3] That must have been tough.  
[128:33.3 - 128:34.6] It was very hard, yeah.  
[128:34.6 - 128:35.6] I bet.  
[128:35.6 - 128:41.5] And so you're saying that you did that because her attorney said so?  
[128:41.5 - 128:42.5] Legally I had to.  
[128:42.5 - 128:43.5] Why?  
[128:43.5 - 128:47.4] Explain to me why legally you would have to.  
[128:47.4 - 128:52.3] Because I don't want to break an order that then she could use against me and file a restraining  
[128:52.3 - 128:57.4] order or have anything to me to show that I'm not abiding by what was in place at the  
[128:57.4 - 128:58.4] time.  
[128:59.4 - 129:00.4] There was no order during that time period?  
[129:00.4 - 129:01.4] There was no order until we went to court.  
[129:01.4 - 129:02.4] That was the problem.  
[129:02.4 - 129:03.4] They wouldn't agree to anything.  
[129:03.4 - 129:06.2] They would not make an agreement until we went to court.  
[129:06.2 - 129:10.8] They wanted me to have like a third party or an observer or something like that.  
[129:10.8 - 129:12.2] And we weren't agreeing to that.  
[129:12.2 - 129:13.8] There's no reason for it.  
[129:13.8 - 129:19.0] But you agree there was no order that prevented you from visiting your children prior to August  
[129:19.0 - 129:20.9] of 2021, correct?  
[129:20.9 - 129:24.6] I understood that it was between the two attorneys and they couldn't come to agreement that if  
[129:24.6 - 129:27.8] I went, they would file a restraining order or something else against me.  
[129:27.8 - 129:29.5] So I was not going to risk that.  
[129:29.5 - 129:31.0] And why did you have that understanding?

[129:31.0 - 129:33.4] Because that's what was in writing between the two of them.

[129:33.4 - 129:34.9] Between the two of who?

[129:34.9 - 129:37.0] The two attorneys.

[129:37.0 - 129:41.5] So the two attorneys said that if you went to Reading to see your children, they would

[129:41.5 - 129:43.1] file a restraining order against you?

[129:43.1 - 129:44.3] I'm paraphrasing.

[129:44.3 - 129:50.5] But in writing, she said, Brian is not to come to Reading until we have a court order.

[129:50.5 - 129:52.5] That's just another excuse, isn't it?

[129:52.5 - 129:53.5] Not at all.

[129:53.5 - 129:54.5] No.

[129:54.5 - 129:58.1] She had this bedroom set up within two weeks after her clearing the house and leaving to

[129:58.1 - 129:59.1] Reading.

[129:59.1 - 130:00.1] I know you said that.

[130:00.1 - 130:02.1] So it's not an excuse at all.

[130:02.1 - 130:03.1] Okay.

[130:03.1 - 130:05.7] So you took the initiative to set up the bedroom.

[130:05.7 - 130:08.0] But let me ask you this.

[130:08.0 - 130:13.6] Why between April and August, why didn't you go to court and ask the judge to make an order

[130:13.6 - 130:17.2] then about you visiting the kids?

[130:17.2 - 130:21.6] I believe we filed an ex parte, which would be an emergency sort of thing.

[130:21.6 - 130:22.6] Exactly what we did.

[130:22.8 - 130:25.8] Do you know what that is?

[130:25.8 - 130:28.1] Is that what it is?

[130:28.1 - 130:29.1] You probably know better than me.

[130:29.1 - 130:30.1] I don't know.

[130:30.1 - 130:31.1] I don't know what you're talking about.

[130:31.1 - 130:34.0] You filed an ex parte for what?

[130:34.0 - 130:37.7] For me to be with the kids, to get them to come back to San Diego.

[130:37.7 - 130:40.9] Oh, so you want them to relocate to stay with you?

[130:40.9 - 130:42.6] No, I wanted them to come home.

[130:42.6 - 130:43.6] I still had our house in place.

[130:43.6 - 130:47.3] I kept our house for 12 months after they left, hoping they would come home.

[130:47.3 - 130:50.1] So when they came home, they'd be in their home.

[130:50.1 - 130:56.7] So your ex parte wasn't an ex parte hearing requesting that you would have visits in Redding.

[130:56.7 - 131:00.1] Your ex parte was to have your children return to San Diego?

[131:00.1 - 131:01.1] I don't remember the exact details.

[131:01.1 - 131:03.1] We'd have to look at it.

[131:03.1 - 131:04.6] Well, sure.

[131:04.6 - 131:07.9] But it was your ex parte, correct?

[131:07.9 - 131:08.9] Yes.

[131:08.9 - 131:14.4] And so you wanted the children to switch from Redding to come live with you?

[131:14.4 - 131:16.3] I wanted them all to come home.

[131:16.3 - 131:18.8] That's where our son was born, in that house.

[131:18.8 - 131:21.0] All they had known at that point was San Diego.  
[131:21.0 - 131:24.3] So if he was also born in San Diego, I wanted them to come home.  
[131:24.3 - 131:25.3] Okay.  
[131:25.3 - 131:30.3] But you didn't make any request for visitation, ex parte or otherwise.  
[131:30.3 - 131:31.3] Objection.  
[131:31.3 - 131:32.3] Misstates the record.  
[131:32.3 - 131:35.5] Boy, I haven't even finished and I don't know what record you're talking about.  
[131:35.5 - 131:36.5] Don't interrupt me.  
[131:36.5 - 131:37.5] It's the court record.  
[131:37.5 - 131:38.5] He filed an order requesting visitation.  
[131:38.5 - 131:39.5] Don't interrupt me interjecting.  
[131:39.5 - 131:40.5] That is the court record.  
[131:40.5 - 131:42.2] You're misstating the court record in answering the question.  
[131:42.2 - 131:43.2] Am I?  
[131:43.2 - 131:44.2] Do you have the court record?  
[131:44.2 - 131:45.2] Thank you.  
[131:45.2 - 131:47.2] So let me ask my questions and don't interrupt me.  
[131:47.2 - 131:48.2] Read your own file, Tim.  
[131:48.6 - 131:50.2] So, oh, okay.  
[131:50.2 - 131:52.5] Let me ask you then, because you're the deponent.  
[131:52.5 - 131:55.1] Your client came here and should have informed you in this deposition.  
[131:55.1 - 131:56.1] Did she really?  
[131:56.1 - 131:57.1] She should have informed you that a motion was filed.  
[131:57.1 - 131:59.5] You should have read what prior counsel filed.  
[131:59.5 - 132:01.5] You know that that's incorrect.  
[132:01.5 - 132:02.5] Okay.  
[132:02.5 - 132:03.5] Thanks.  
[132:03.5 - 132:06.5] And when you take my deposition and then when you're a witness, you can testify.  
[132:06.5 - 132:08.6] But I'm talking to you.  
[132:08.6 - 132:17.3] How many ex partes did you file between April of 2021 to August of 2021 to go have visits  
[132:17.5 - 132:19.3] in Reading with your kids?  
[132:19.3 - 132:20.3] I don't remember.  
[132:20.3 - 132:21.3] Zero.  
[132:21.3 - 132:22.3] Right?  
[132:22.3 - 132:23.3] I don't remember.  
[132:23.3 - 132:24.4] I checked the file.  
[132:24.4 - 132:25.6] So he's right.  
[132:25.6 - 132:26.6] It's zero.  
[132:26.6 - 132:31.5] So you filed the next party to have them move back here because your son was born here?  
[132:31.5 - 132:34.0] No, because this was our home.  
[132:34.0 - 132:38.4] Moving to an upstairs attic in someone's house 11 hours away, as far as possible in the state  
[132:38.4 - 132:41.3] of California, is not healthy for the children.  
[132:41.3 - 132:45.0] When I was asking them to come back home, not move away, there was no discussion between



[132:45.0 - 132:46.7] us about leaving San Diego.  
[132:46.7 - 132:51.4] I got an email that she had taken the kids and left and came home to an empty house.  
[132:51.4 - 132:56.7] I wanted the kids to come back home to what their community is and always has been.  
[132:56.7 - 132:58.1] Okay.  
[132:58.1 - 133:01.3] You live in an upstairs attic now, don't you?  
[133:01.3 - 133:02.3] No.  
[133:02.3 - 133:03.3] Okay.  
[133:03.3 - 133:08.3] I'm going to show you what I'm marking as exhibit number two.  
[133:08.3 - 133:11.9] I need to put money in my meter, so I'm going to have to step out and do that now.  
[133:11.9 - 133:13.2] We're going to request a break.  
[133:13.2 - 133:14.5] It's been over two hours.  
[133:14.8 - 133:17.7] Well, we started at 10.30.  
[133:17.7 - 133:18.7] Yeah.  
[133:18.7 - 133:19.7] And it's 12.48.  
[133:19.7 - 133:20.7] All right.  
[133:20.7 - 133:21.7] Five minutes?  
[133:21.7 - 133:22.7] I need 10 minutes.  
[133:22.7 - 133:24.2] My meter is three blocks away.  
[133:24.2 - 133:26.8] Well, before, let's go ahead and go off the record.  
[133:26.8 - 133:27.8] Okay.  
[133:27.8 - 133:28.8] Time is 12.48.  
[133:28.8 - 133:32.4] We're going to go to number four, which is meter number one.  
[133:32.4 - 133:34.1] How are you guys doing in terms of meters?  
Complete transcription result saved to:  
/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_transcription\_20260620\_071629.json  
Plain text transcription saved to:  
/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_transcription\_20260620\_071629.txt

The video has been automatically converted to an audio file and saved at  
/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706.mp3

[2J [H [3Jmanus-speech-to-text --terminal-max-len-single=5000

/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1.mp4

Starting Speech-to-Text conversion...

Video file detected: /home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1.mp4, file size: 1082.75 MB

File size exceeds limit, converting to audio (64kbps)...

Audio file size (61.1MB) exceeds limit (5MB), downsampling audio file...

Source audio bitrate: 64 kbps

Audio file size: 61.15 MB, duration: 8014.5 seconds

Splitting into 13 chunks (each ~616.5 seconds, max 5 MB)...

Successfully split into 13 chunks

Audio file split into 13 chunks for batch processing

Transcribing audio file:

/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706.mp3,  
file size: 61.15 MB

Transcription may take some time depending on file size and audio length...

Chunk transcription progress:

Starting batch transcription of 13 chunks...

Transcribing chunk 1/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_000.mp3

Chunk 1 completed (duration: 616.5s)

Transcribing chunk 2/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_001.mp3

Chunk 2 completed (duration: 616.5s)

Transcribing chunk 3/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_002.mp3

Chunk 3 completed (duration: 616.5s)

Transcribing chunk 4/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_003.mp3

Chunk 4 completed (duration: 616.5s)

Transcribing chunk 5/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_004.mp3

Chunk 5 completed (duration: 616.5s)

Transcribing chunk 6/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_005.mp3

Chunk 6 completed (duration: 616.5s)

Transcribing chunk 7/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_006.mp3

Chunk 7 completed (duration: 616.5s)

Transcribing chunk 8/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_007.mp3

Chunk 8 completed (duration: 616.5s)

Transcribing chunk 9/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_008.mp3

Chunk 9 completed (duration: 616.5s)

Transcribing chunk 10/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_009.mp3

Chunk 10 completed (duration: 616.5s)

Transcribing chunk 11/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_010.mp3

Chunk 11 completed (duration: 616.5s)

Transcribing chunk 12/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_011.mp3

Chunk 12 completed (duration: 616.5s)

Transcribing chunk 13/13:

/home/ubuntu/legal\_brief/.Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_chunks\_20260620\_071003/chunk\_012.mp3

Chunk 13 completed (duration: 616.4s)

Snippet of transcribed content:

[132:41.3 - 132:45.0] When I was asking them to come back home, not move away, there was no discussion between

[132:45.0 - 132:46.7] us about leaving San Diego.

[132:46.7 - 132:51.4] I got an email that she had taken the kids and left and came home to an empty house.

[132:51.4 - 132:56.7] I wanted the kids to come back home to what their community is and always has been.

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[133:32.4 - 133:34.1] How are you guys doing in terms of meters?

Timestamped segments truncated to fit terminal limit (5000 chars).

The video has been automatically converted to an audio file and saved at

/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706.mp3

Completed transcription, JSON saved to

/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_transcription\_20260620\_071629.json

Plain text transcription saved to

/home/ubuntu/legal\_brief/Bryan\_Mineo\_v1\_1\_converted\_20260620\_070706\_transcription\_20260620\_071629.txt