

CAUSE NO. DF-13-06713

IN THE INTEREST OF	*	IN THE DISTRICT COURT
	*	
L.L.C., IV	*	256TH JUDICIAL DISTRICT
	*	
A CHILD	*	DALLAS COUNTY, TEXAS

ORAL DEPOSITION OF
JENNIFER FRENDLE, LPC

OCTOBER 29, 2019

VOLUME 1 OF 1

ORAL DEPOSITION OF JENNIFER FRENDLE, LPC, produced as a witness at the instance of the Petitioner, and duly sworn, was taken in the above-styled and -numbered cause on the 29th day of October, 2019, from 10:32 a.m. to 5:36 p.m., before Amy Massey, CSR in and for the State of Texas, reported by machine shorthand, at the Criminal District Attorney's Offices, Administration Building, Fifth Floor, 411 Elm Street, in the City of Dallas, County of Dallas, State of Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

A P P E A R A N C E S

FOR THE PETITIONER, LAURISTON LEE CROCKETT, III:

MR. RANDY J. ESSENBURG
Attorney at Law
4230 Lyndon B. Johnson Freeway
Suite 320
Dallas, Texas 75244
972-789-1484
randy@randylaw.com

FOR THE RESPONDENT, NIKKI NGO:

MS. KRIS BALEKIAN HAYES
MR. JUSTIN WHIDDON
Balekian Hayes, PLLC
4144 North Central Expressway
Suite 1200
Dallas, Texas 75204
214-828-2800
kris@bh-pllc.com
jwhiddon@bh-pllc.com

FOR THE WITNESS, JENNIFER FRENDE, LPC:

MR. EARL S. NESBITT
Assistant District Attorney
Civil Division
Criminal District Attorney's Office
Dallas County, Texas
Administration Building
411 Elm Street
Fifth Floor
Dallas, Texas 75202
214-653-7358
Earl.Nesbitt@dallascounty.org

Also Present:

Mr. Robert Cottingham

Mr. Mario Zelaya

1	INDEX	
2		PAGE
3		
4	Appearances	2
5	Stipulations	1
6	JENNIFER FRENDLE, LPC	
7	Examination by Mr. Essenburg	7
8	Examination by Mr. Nesbitt277
9	Further Examination by Mr. Essenburg284
10	Signature and Changes289
11	Reporter's Certificate291
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

JENNIFER FRENDEL, LPC - December 4, 2019

Page 4

EXHIBIT INDEX			
DEPOSITION EXHIBIT	DESCRIPTION	PAGE MARKED/IDENTIFIED	
NUMBER 1	Crockett Social Study	10	
	Robert		
NUMBER 102	Subpoena for Witness	9	
	Deposition/Subpoena Duces Tecum		
NUMBER 104	March 27, 2019, Letter	39	
	to Mr. Ramon de Jesus		
	Rodriguez from		
	Dr. Jeffrey C. Siegel, Ph.D.,		
	ABPP		
NUMBER 105	Email String Regarding	253	
	"Your Continued Alienation"		
NUMBER 106	May 21, 2019, Letter	147	
	to Jennifer Frendle, Vickie		
	M. Alexander, and Rochelle		
	Ritzi from Randy J.		
	Essenburg		
NUMBER 107	Business Records Affidavit	32	
NUMBER 108	Audio Transcription from	135	
	January 12, 2019		
NUMBER 111	Excerpts from Shared	260	
	Physical Custody: Does		
	It Benefit Most Children?		
NUMBER 112	August 14, 2019, Letter	260	
	Jennifer Frendle from		
	Randy J. Essenburg		
NUMBER 119.1	Photograph of Bong	28	
NUMBER 119.2	Photograph of Bottle	28	
NUMBER 119.3	Photograph of Pills	28	
	and Pill Bottles		
NUMBER 120.1	Photograph of Bare	78	
	Back		

817-447-6721

Amy Massey & Associates
1-866-4MASSEY

817-447-6491 FAX

JENNIFER FRENDEL, LPC - December 4, 2019

Page 5

EXHIBIT INDEX			
DEPOSITION EXHIBIT	DESCRIPTION	PAGE MARKED/IDENTIFIED	
NUMBER 120.2	Photograph of Bare Arm and Stomach	78	
NUMBER 120.3	Photograph of Bare Back	78	
NUMBER 8.4	Photograph of Bare Back	78	
NUMBER 126	Incident Report Regarding Indecency With a Child Exposure	29	
NUMBER 127	Allegation Detail from Intake Report of Child Protective Services	121	
NUMBER 129.1	Photographs of Two People on Bed	116	
NUMBER 129.2	Photograph of Two People On Chair	116	
NUMBER 129.3	Photograph of Three People on Couch	116	
NUMBER 130	October 9, 2017, Letter to Justin Whiddon from Randy J. Essenburg Regarding Out of Pocket Medical	239	
NUMBER 132	Rule 11 Agreement	198	
NUMBER 137	HP DPS Case Report Summary from Highland Park Department of Public Safety	148	
NUMBER 139	Medical Center of Plano Emergency Report of Three Views of the Left Elbow	149	

Amy Massey & Associates
1-866-4MASSEY

817-447-6721

817-447-6491 FAX

EXHIBIT INDEX

DEPOSITION EXHIBIT	DESCRIPTION	PAGE MARKED/IDENTIFIED
NUMBER 144	July 27, 2017, Letter to Mr. Crockett from Scott Santarosa, Provincial, with Standards of Conduct Attached	103
NUMBER 146	Subpoena for Witness Deposition/Subpoena Duces Tecum	8
NUMBER 178	October 30, 2018, Letter to Whom It May Concern from Art G. Arauzo, MD	37

1 (All exhibits, except for Number 1, marked
2 prior to the deposition commencing.)

3 (On the record at 10:32 a.m.)

4 MR. ESSENBURG: My name is Randy Essenburg,
5 attorney for Lauriston Crockett. For the record, present
6 today are Jennifer Frendle and her -- the DA's office
7 representing her, Mr. Earl Nesbitt; and Ms. Kris Balekian
8 Hayes; and Rob Cottingham; my employee, Mario Zelaya. Not
9 present is Vickie Alexander.

10 EXAMINATION

11 BY MR. ESSENBURG:

12 Q. Jennifer, you understand we're on the record?

13 A. Yes.

14 Q. Please state your name for the record, please.

15 A. Jennifer Frendle.

16 Q. And you're here pursuant to a notice of
17 deposition?

18 A. Correct.

19 Q. And you understand, then, that this deposition is
20 being taken under oath, under penalty of perjury?

21 A. Yes.

22 Q. That it's just as if you were before the judge and
23 jury?

24 A. Correct.

25 Q. If you were to lie under oath, that criminal

1 charges could be filed against you?

2 A. Yes.

3 Q. Any reason you cannot understand the questions
4 here today?

5 A. No.

6 Q. Are you under the influence of any medication,
7 drugs, or alcohol?

8 A. No.

9 Q. Can we have an agreement that if you don't
10 understand my questions, that you can ask me to rephrase it
11 or restate it so that you do understand the questions and
12 that I can clarify them?

13 A. Yes.

14 Q. The court reporter cannot take down uh-huh or
15 huh-uh. If you can just say yes or no, that would be
16 helpful for her.

17 A. I will.

18 Q. You are obligated, under the Rules, to provide
19 complete answers, as best you can. If you don't answer a
20 question, I can object to you being nonresponsive to the
21 question.

22 You understand that?

23 A. Yes.

24 Q. We had -- let me show you what's marked as
25 Petitioner Exhibit 146, which I've given you a copy of.

1 You're here pursuant to that notice of deposition and
2 subpoena?

3 A. This says Petitioner's Exhibit 102 --

4 Q. I'm sorry.

5 A. -- the one you handed me.

6 Q. I'm sorry. Is that -- I'm sorry, let me give you
7 a different one. It's the same thing, just with a
8 different date.

9 A. Correct.

10 Q. And you were to bring certain documents with you
11 that were -- that were not part of the -- your social
12 study, your custody evaluation. Did you bring anything
13 today pursuant to the deposition notice?

14 A. I have --

15 MR. NESBITT: I have provided those via
16 email.

17 MR. ESSENBURG: You did? When did you do
18 that?

19 MR. NESBITT: Last night.

20 MR. ESSENBURG: Last night?

21 MR. NESBITT: Yes.

22 MR. ESSENBURG: Okay. And can you tell me
23 what they are? I haven't seen it.

24 MR. NESBITT: 434 pages Bates labeled.
25 They're the -- the documents responsive to the subpoena

1 duces tecum.

2 Q. (BY MR. ESSENBURG) Okay. Other than -- Jennifer,
3 I've given you what I'll mark -- let's mark this
4 Petitioner's Exhibit 1.

5 MR. ESSENBURG: Can we do that?

6 MR. NESBITT: You want to mark this whole --

7 MR. ESSENBURG: Yes.

8 (Exhibit 1 marked.)

9 Q. (BY MR. ESSENBURG) -- and represent to you that
10 is our printout of your electronic version of what you sent
11 to us.

12 So have you looked at it?

13 A. Yes.

14 Q. Does it reasonably appear to be the electronic
15 version of what you sent to us?

16 A. Yes.

17 Q. And so that one has 403 pages, so you added
18 33 pages or so, something -- or 30 pages to -- above and
19 beyond that?

20 MR. NESBITT: No. This is her evaluation
21 report.

22 MR. ESSENBURG: Yes.

23 THE WITNESS: And the attachments.

24 MR. NESBITT: We provided an additional
25 434 pages --

1 MR. ESSENBURG: Oh, an additional?

2 MR. NESBITT: -- in addition to this.

3 We did not provide this again --

4 MR. ESSENBURG: I got you.

5 MR. NESBITT: -- since you already got it.

6 MR. ESSENBURG: Okay. So this --

7 MR. NESBITT: Did you need us to send that?

8 MR. ESSENBURG: No, no, no.

9 MR. NESBITT: Okay.

10 MR. ESSENBURG: We talked about that.

11 Q. (BY MR. ESSENBURG) So essentially there's
12 800-and-some-odd pages that are now produced; is that
13 correct?

14 A. Yes.

15 Q. And the extra 400 pages you sent last night, being
16 October 28th --

17 A. Correct.

18 Q. -- 2019?

19 And these you produced back in, what was it,
20 July or August?

21 A. July.

22 Q. July of 2019.

23 What is it that you provided extra 400 pages
24 of that you didn't provide in July of 2018?

25 A. My notes; documents, such as the releases that the

1 parties signed; there was duplicate information that is
2 also included in the attachments but was given to me
3 several times; there were various court orders provided to
4 me by the parties.

5 I don't recall what else.

6 Q. Okay.

7 A. It is my entire file.

8 Q. Okay. Did you provide any communications between
9 you and Dr. Jeff Siegel?

10 A. I -- in the secondary email was a copy of his
11 child custody evaluation from 2013. That was the only
12 communication I received from him.

13 Q. So you had that as -- you had your -- as part of
14 your, let's call it, July 2019 publication, some
15 information from Jeff Siegel?

16 A. Yes.

17 Q. Did you provide information in your October 2018
18 publication that was not part of your July 2018?

19 A. Yes.

20 Q. And what was that?

21 A. That was the copy of his custody evaluation from
22 2013.

23 Q. You didn't have that before making the
24 recommendation?

25 A. I did, but I included it in -- under the

1 subsection of "attached but" -- I mean, "read but not
2 attached" --

3 Q. Okay.

4 A. -- to the --

5 Q. So you did have it before you made the publication
6 of your July 2018 (sic) custody evaluation?

7 A. Yes.

8 Q. Okay. Did you have --

9 A. It's July 2019.

10 Q. Sorry, July 2019.

11 Did you have any additional notes or contact
12 information that you provided in October of 2019 from
13 Rochelle Ritzi?

14 A. Possibly emails. I don't recall.

15 Q. So you may or may not have; you're not sure?

16 A. What I believe was in there were emails between
17 the parties and Rochelle Ritzi that she forwarded to
18 Vickie Alexander and I.

19 Q. Did you ever put those in the July 2019
20 publication of what you sent to us?

21 A. No.

22 Q. Did you have them in -- at the time, in July of
23 2019?

24 A. Yes. Everything that was in the October 28th
25 email to you were things that I had at the time I wrote the

1 report --

2 Q. Okay.

3 A. -- but decided not to include as an attachment to
4 what I mailed out to everyone.

5 But I read it. All of it.

6 Q. Okay.

7 A. It wasn't attached.

8 Q. Did she provide -- did Rochelle Ritzi provide you
9 a -- your form filled out that you had sent to her?

10 A. No.

11 Q. And do you know any reason why she wouldn't have
12 done that?

13 A. No.

14 Q. So all she did was email you and talk with you?

15 A. Yes.

16 Q. And how many times did you talk with Rochelle
17 Ritzi?

18 A. I believe twice.

19 Q. For what period of time?

20 A. Probably 15 minutes or so each time.

21 Q. Okay. So email -- a couple of emails? Bunch of
22 emails?

23 A. It was the same email forwarded with comments by
24 the -- Rochelle. It was the same email from the parents
25 sent a few times with comments by Vickie Alexander or

1 Rochelle Ritzi regarding the conflict between the parents.

2 Q. Did you ask her to fill out the form and send it
3 to you, that you normally do for a child's therapist?

4 A. Yes.

5 Q. And your position is you don't know why she didn't
6 complete that?

7 A. No, I don't.

8 Q. Did you have any information from a therapist
9 named Guy Chandler?

10 A. I requested a form, I believe. That was one of
11 the things I did not receive back.

12 Q. So you requested a form of a second child
13 therapist, Guy Chandler, and you didn't receive any form
14 back from them?

15 A. Correct.

16 Q. Did you call them?

17 A. No.

18 Q. And why is that?

19 A. I didn't think it was pertinent.

20 Q. You didn't think the information that -- Guy
21 Chandler, a child's therapist, was pertinent?

22 A. It may --

23 MS. HAYES: Objection to form.

24 A. It may have been.

25 Q. (BY MR. ESSENBURG) Okay. Did you receive any

1 information or communications from the amicus attorney,
2 Vickie Alexander?

3 A. I spoke with her again in the context of the email
4 chain between the parents. There were a couple of emails
5 regarding that issue. And then a few times after a
6 hearing, she or one of the other attorneys would come down
7 to just let me know what the result of the hearing was.

8 Q. Was there anything -- did you produce all your
9 communications with Vickie Alexander in your subsequent
10 October 2019 publication?

11 A. The emails, yes.

12 Q. And did you make notes of any phone conferences
13 anywhere?

14 A. No.

15 Q. Okay. And the phone conferences with Vickie
16 Alexander, what was the nature of that discussion?

17 A. Well, I don't know that I had a phone conference
18 with Vickie Alexander.

19 Q. Okay. So you just received information about
20 results of courts and nothing else?

21 A. Correct.

22 Q. You didn't call or talk with her?

23 A. Not that I recall.

24 Q. At any time?

25 A. No.

1 Q. Did you have any notes or written documents from
2 Kathleen Turlington?

3 A. I don't know who that is.

4 Q. That is the amicus that formerly represented the
5 child.

6 A. No.

7 Q. Were you not aware there was a former amicus
8 attorney?

9 A. No.

10 Q. So you got no information from or didn't even know
11 who Kathleen Turlington was, the former amicus; is that
12 correct?

13 A. Correct.

14 MS. HAYES: Objection --

15 MR. NESBITT: Objection, form.

16 MS. HAYES: -- form.

17 MR. NESBITT: Excuse me.

18 Q. (BY MR. ESSENBURG) Did you have any additional
19 information from the CPS worker named Chastity Williams?

20 A. Not other than the CPS records, no.

21 Q. Okay. The October 2019 publication that you did
22 yesterday, did that include any communications with
23 Chastity Williams-Bazile, the CPS worker?

24 A. No.

25 Q. And they were all -- so all your communications or

1 all the information that you had from her is in what's
2 marked as Petitioner's Exhibit Number 1, the custody
3 evaluation that you electronically sent to us July of 2019?

4 MR. NESBITT: Objection, form.

5 You can answer.

6 A. Yes.

7 Q. (BY MR. ESSENBURG) Okay. Did you ever pick up
8 the phone and call her?

9 A. No.

10 Q. And why is that?

11 A. I don't make it a habit to call the CPS workers.
12 I rely on the written record.

13 Q. Okay. Did you have any notes or communications
14 from Ms. Ngo's attorney?

15 A. No, not other than she or one of her associates
16 telling me the outcome of a hearing --

17 Q. Okay.

18 A. -- at my office.

19 Q. So there was no communications other than that?

20 A. Not that I recall.

21 Q. And that would include Ms. Hayes sitting here
22 today and/or Justin Whiddon?

23 A. Correct.

24 Q. Did you ever have any written or verbal
25 communications with a woman named Mary Lee Taylor, the

1 **former nanny?**

2 A. I received a written -- I believe it was a
3 personal reference form or a letter from her that I
4 included in the July 2019 information.

5 Q. Other than the letter that you included in the
6 July 2019 information, did you have any other
7 communications --

8 A. No.

9 Q. -- with her?

10 Did you ever pick up the phone and call her?

11 A. No.

12 Q. Or communicate with her in any other way other
13 than just reading her letter?

14 A. No.

15 Q. Okay. So your entire file consists of the
16 publication that you have there as -- identified as
17 Petitioner's Exhibit Number 1 and what you supplemented
18 last night, October 28th of 2019; is that correct?

19 A. Yes.

20 Q. Do you want me to call you Jennifer or --

21 A. That's fine.

22 Q. -- Ms. Frendle or how --

23 A. That's fine.

24 Q. -- do you -- however you want to do it?

25 Jennifer, tell the Court where you work?

1 A. Dallas County Family Court Services.

2 Q. And how long have you been employed there?

3 A. Over 13 years.

4 Q. And tell the Court what your education and
5 qualifications are.

6 A. I have a bachelor's in psychology and a master's
7 in educational psychology/community counseling.

8 Q. A bachelor's in psychology and what else?

9 A. A master's in educational psychology. It's an
10 M.Ed.

11 Q. Are you a psychologist?

12 A. No.

13 Q. So what's the difference between your degree and a
14 psychologist?

15 A. A psychologist is usually a four-year degree, a
16 PhD and they can call themselves a psychologist. They
17 usually do testing. That's the main difference between how
18 they can bill and such.

19 Q. Are you able to do testing?

20 A. No.

21 Q. And you said you worked for Dallas County for the
22 last 13 years?

23 A. Yes.

24 Q. And do you have any other licenses or
25 qualifications to work at the Family Court Services?

1 A. Yes.

2 Q. And what is that?

3 A. I'm a licensed professional counselor with the
4 State of Texas.

5 Q. And when were you licensed?

6 A. 2000.

7 Q. And when did you get your psychology -- BA
8 psychology degree?

9 A. That would be 1993.

10 Q. Is that a three-year or four-year?

11 A. Four-year.

12 Q. Okay. Are you required to do continuing
13 education?

14 A. Yes.

15 Q. And did you -- how many hours a year are you
16 required to do?

17 A. It's -- now the license is required every two
18 years, so it's --

19 Q. Okay.

20 A. -- 24 hours for the 2-year period.

21 Q. So, like, an average of 12 a year?

22 A. Yes.

23 Q. Okay. And did you meet those requirements in
24 2018?

25 A. Yes.

1 Q. Have you done any family violence training?

2 A. Yes.

3 Q. Do you -- how many hours a week do you work at the
4 Family Court Services?

5 A. Over 40 usually.

6 Q. Okay. And how many custody evaluations would you
7 say that you have completed, from start to finish?

8 A. Over 450.

9 Q. Okay. How many hours of family violence training
10 have you had in the last 12 months?

11 A. We did an 8-hour training, but I believe that was
12 2 years ago.

13 Q. Okay. Do you have any previous knowledge of
14 Ms. Ngo or Mr. Crockett or the attorneys before this case?

15 A. No.

16 Q. Is there any pecuniary relationship that you have
17 either with the attorneys or anybody else associated with
18 this case?

19 A. No.

20 Q. Is there anybody involved in this case that you
21 have some sort of family relationship with?

22 A. No.

23 Q. Under the rules of forensic evaluations, are you
24 supposed to treat the father and the mother equally,
25 without bias?

1 A. Correct.

2 Q. Do you feel like you did that?

3 A. Yes.

4 Q. You published the custody evaluation July 8th of
5 2019; is that correct?

6 A. Yes.

7 Q. At that time, was there an emergency?

8 MR. NESBITT: Excuse me? Pardon me? I
9 didn't hear you. What did you say?

10 MR. ESSENBURG: At that time, was there an
11 emergency.

12 A. Not that I know of.

13 Q. (BY MR. ESSENBURG) Okay. Is it fair to say that
14 Pages 1, 2, and 3 of what's been marked as Petitioner's
15 Exhibit Number 1 identified the things that the -- the
16 activities of your custody evaluation, from your contacts
17 with people to documents provided to just kind of an
18 outline of what your activities were?

19 A. Yes.

20 Q. And then your October 2019 notes kind of
21 supplement or is the more detailed stuff, but it's all
22 incorporated into what you did in Pages 1, 2, and 3?

23 MR. NESBITT: Objection, form.

24 Q. (BY MR. ESSENBURG) You can answer that.

25 Or did you do stuff that's not listed in that

1 Pages 1, 2, and 3 that you did not identify?

2 A. No.

3 Q. So does Pages 1, 2, and 3 identify all your
4 activities in this custody evaluation?

5 A. Other than hearings and this deposition, yes.

6 Q. Okay. Nothing's been left out?

7 A. Not that I know of.

8 Q. Okay. Did you omit any conversations with third
9 parties?

10 A. Not that I know of.

11 Q. And that would include any conversations you had
12 with Ms. Ritzi or Ms. Alexander or the mother or the
13 father?

14 A. Correct.

15 Q. Okay. You did the home -- your -- the home visit
16 or your last contact with the father, was that done in
17 October 2018?

18 A. Correct.

19 Q. And was that the last time you saw the father and
20 the child together, October 29th of 2018?

21 A. I believe so, yes.

22 Q. That was 10 months ago from today?

23 A. Yes.

24 Q. October, what is this, the 29th --

25 A. Yes.

1 Q. -- of 2019?

2 At that time, was there any sort of emergency
3 going on between the father and the child in October 29th
4 of 2018 --

5 MR. NESBITT: Objection, form.

6 Q. (BY MR. ESSENBURG) -- from your perspective?

7 MR. NESBITT: Objection, form.

8 A. Not that I know of.

9 Q. (BY MR. ESSENBURG) Okay. You received three
10 personal references from the father?

11 A. Yes.

12 Q. And did you review -- the father brought in some
13 documents, did he not, when you first met him?

14 A. Yes.

15 Q. He brought a notebook?

16 A. Yes.

17 Q. And did you -- you asked him to take out some of
18 the documents and -- out of the notebook and give you kind
19 of something different than what he had in his notebook; is
20 that correct?

21 A. I always ask clients to take out the paper because
22 anything they give me has to fit into my Manila folder. So
23 I asked him to remove the binder part, and then I believe
24 we went through the documents to see what I would -- I
25 thought I would need.

1 Q. So help me understand. You can't accept documents
2 unless they fit in your Manila folder?

3 A. Well, I don't need the binder, so I usually take
4 the documents and, yes, fit them in my -- in my folder.

5 Q. Did you take all the documents that were in his
6 notebook and put them, all of them, in your Manila folder?

7 A. I don't recall. If he gave them to me, then I
8 would have -- they would either be included as an
9 attachment in the July 2019 or they would have been read
10 but not attached in the documents from October 2019.

11 Q. Did you provide a copy of the documents that he
12 gave you in your publication of Petitioner's Exhibit
13 Number 1 and/or your publication of your documents of
14 October 28th, 2019?

15 A. Did I provide a list? Is -- I'm sorry, is that --

16 Q. No. A copy of them.

17 A. A copy of them?

18 Q. A copy.

19 A. Yes.

20 Q. Okay. Are you aware that he gave you -- he took
21 back -- are you sure that you didn't hand him back some
22 documents at that time?

23 A. I may have.

24 Q. Okay. So it's fair to say it's been a while, but
25 you may have handed back some documents, may not have

1 handed back some documents; you don't recall one way or
2 another?

3 A. I usually filter through the documents that
4 parties want to give me as to what I think is pertinent to
5 the case.

6 Q. And what's your criteria in filtering through the
7 documents?

8 A. Anything that I think is important to the issues
9 that have been already presented to me or -- and usually I
10 don't accept court orders and things that I'm able to look
11 up on my computer. I don't need another copy of those to
12 be given to me, so I filter those out.

13 Q. Are you able to recall what you filtered out back
14 when you first received or he proposed to give you a
15 notebook?

16 A. No.

17 Q. Did you ever receive any information from a man
18 named Kevin Rachel?

19 A. I don't recall.

20 Q. Did you ever receive information from a man named
21 Tom Lima?

22 A. I -- I don't recall.

23 Q. So you may or may not have received information
24 from Kevin Rachel or Tom Lima; you're not able to say?

25 A. Correct.

1 Q. Okay. Do you recall receiving photographs from
2 when Mr. -- the father brought in his notebook of
3 photographs of a bong in the mother's possession?

4 A. I don't recall.

5 MS. HAYES: Objection to form.

6 Q. (BY MR. ESSENBURG) When you -- brought by the
7 father, you identify in your Petitioner Exhibit Number 1
8 updates and -- with attachments. Do you recall ever
9 receiving any photographs of drug issues?

10 MR. NESBITT: Objection, form.

11 A. I may have.

12 Q. (BY MR. ESSENBURG) Okay. Let me show you what's
13 marked as 119.1, 119.2, -3 -- and -3 and ask you if you
14 recognize that as part of the notebook that he provided --
15 documents that he provided you when he handed you the
16 notebook?

17 A. I don't recall seeing these, no.

18 Q. When did you -- when did you have the meeting with
19 him when he handed you the notebook?

20 A. That likely would have been the individual
21 interview, which was the second appointment.

22 Q. Can you give me a month, day, and year?

23 A. Yes. 6-28-18 is when the father's individual
24 appointment was.

25 Q. Okay. So that's 6 -- June 28th of 2018, that's

1 when he brought his notebook, to your best recollection?

2 A. Yes.

3 Q. And you don't recall receiving that out of his
4 notebook?

5 A. No, I don't.

6 MR. NESBITT: Objection, form.

7 Q. (BY MR. ESSENBURG) When I say "that," I mean
8 Petitioner's Exhibit 119.1, 119.2, and 119.3.

9 MR. NESBITT: Objection, form.

10 Q. (BY MR. ESSENBURG) You can --

11 A. No.

12 Q. -- answer.

13 Do you recall receiving a police report from
14 Mr. Crockett in June of 2018 that was part of his notebook?

15 A. Can you be more specific?

16 Q. Yes. Let me show you what's marked as Petitioner
17 Exhibit 126 and I ask you if you recall receiving that back
18 then?

19 A. No, I don't recall seeing this.

20 Q. Did you ever tell Mr. Crockett that you don't take
21 emails?

22 A. I usually try not to communicate by email because
23 then that makes me print out the documents using the County
24 paper. So I usually try to have people bring in physical
25 copies to me, so I may have said that, yes.

1 Q. Did you ever tell him, I only work with what's in
2 this folder?

3 A. I may have.

4 Q. Did you accept an article from the mother that was
5 identified as Criteria Narcissistic Personality Disorder?

6 A. Yes.

7 MR. ESSENBURG: I'm going to put this as part
8 of the deposition, hand the court reporter all these
9 exhibits there so you'll get a copy of it.

10 MR. NESBITT: Has that been marked as an
11 exhibit in deposition.

12 MR. ESSENBURG: Petitioner Exhibit 126, yes.

13 Q. (BY MR. ESSENBURG) And under the Family Code, if
14 you perceive somebody to have a serious mental illness that
15 is potentially undiagnosed, are you -- is one of your
16 abilities or powers to refer one of the parties to a mental
17 health evaluation?

18 MR. NESBITT: Objection, form.

19 A. Yes.

20 Q. (BY MR. ESSENBURG) And did you do that regarding
21 Mr. Crockett?

22 A. Yes, in my recommendations.

23 Q. In your recommendations published July of 2019?

24 A. Yes.

25 Q. Why didn't you refer him prior to July of 2019?

1 MS. HAYES: Objection to form.

2 A. Because I didn't collect that data and come to
3 that conclusion until I wrote my report.

4 Q. (BY MR. ESSENBURG) And when did you write your
5 report?

6 A. It took me a while to write, so I likely began
7 writing it in June of 2019. I don't recall the exact date.

8 Q. Okay. So before that time, you had not formulated
9 that idea that you -- to potentially refer Mr. Crockett to
10 an evaluator for mental illness?

11 MR. NESBITT: Objection --

12 A. Correct.

13 MR. NESBITT: -- to form.

14 Sorry.

15 THE WITNESS: That's all right.

16 A. Correct.

17 Q. (BY MR. ESSENBURG) So once you -- so is it one of
18 your recommendations now to do that?

19 A. Yes, I -- yes.

20 Q. You received from a licensed counselor an
21 evaluation of him, did you not, from -- that he did not --
22 was not diagnosed with a narcissistic personality; isn't
23 that correct?

24 MS. HAYES: Objection to form.

25 A. I don't know to which person you're referring.

1 Q. (BY MR. ESSENBURG) Fair enough.

2 Let me show you what's been marked as
3 Petitioner Exhibit 107, which is a business records
4 affidavit containing the records of a Forrest Macfarlane, a
5 counselor. Did you ever receive this that was filed --
6 that's been filed with the court and sent to you?

7 A. No, I've never seen this.

8 Q. Okay. It says that you reviewed -- reviewed --

9 MR. NESBITT: Excuse me, Counsel. For the
10 record, the business records affidavit is 30 August, 2019.
11 The date on the document is 26 August, 2019.

12 MS. HAYES: Thank you.

13 MR. NESBITT: Sorry.

14 MR. ESSENBURG: Okay.

15 Q. (BY MR. ESSENBURG) It says you reviewed the Texas
16 Department of Family and Protective Services record.

17 A. Yes.

18 Q. Did you ever review the forensic video by the
19 Dallas police on the son's interview of sexual abuse
20 allegations?

21 A. No. I didn't receive records from the Dallas
22 Police Department.

23 Q. You never reviewed the video of the forensic
24 evaluation?

25 A. No.

1 MR. NESBITT: Objection, form.

2 Q. (BY MR. ESSENBURG) Did you ever look at it?

3 A. No.

4 MS. HAYES: Objection to form.

5 A. No.

6 Q. (BY MR. ESSENBURG) Do you -- are you aware or not
7 aware of -- of what he told the police in the forensic
8 interview?

9 MS. HAYES: Objection to form.

10 MR. NESBITT: Objection, form.

11 A. No, not specifically.

12 Q. (BY MR. ESSENBURG) You did have as part of your
13 custody evaluation, prior to July of 2019, a -- the custody
14 evaluation of Dr. Jeff Siegel; is that correct?

15 A. Yes.

16 Q. And did you read his custody evaluation?

17 A. Yes.

18 Q. And what is your opinion of Dr. Siegel's
19 credentials?

20 MS. HAYES: Objection to form.

21 A. He meets the criteria for someone who can complete
22 a child custody evaluation.

23 Q. (BY MR. ESSENBURG) Okay. Is he a psychologist?

24 A. I believe so, yes.

25 Q. In your opinion, is he a pretty high-end expert?

1 A. Yes.

2 Q. Do you -- in your profession, do you-all consider
3 him kind of a top-end psychologist?

4 MR. NESBITT: Objection, form.

5 A. Yes.

6 Q. (BY MR. ESSENBURG) Regarding the child's former
7 therapist, a Dr. Chandler, it says that you asked for
8 information -- and let me bring that up on the screen for
9 you there -- mental health information from Dr. Chandler
10 for Lauriston, III, and Lauriston, IV.

11 Do you see that?

12 A. Yes.

13 MS. HAYES: Objection to form.

14 Q. (BY MR. ESSENBURG) You asked for information, but
15 you never received it?

16 A. Correct.

17 Q. Did you ever call him to talk to him?

18 A. Not that I recall.

19 Q. And never got the records --

20 A. Correct.

21 Q. -- of Dr. Chandler?

22 A. Correct.

23 MR. NESBITT: Objection, form.

24 Q. (BY MR. ESSENBURG) Is it fair to say that you
25 testified earlier that you never got the form also from

1 Rochelle Ritzi, the other child therapist?

2 A. Yes.

3 Q. And you wrote the -- and published your
4 recommendations in July of 2019 without ever receiving that
5 form from the child's therapist?

6 MR. NESBITT: Objection, form.

7 Q. (BY MR. ESSENBURG) Is that correct?

8 A. Yes.

9 Q. Did you ever ask the amicus, Vickie Alexander, to
10 fill out any form or send it to you?

11 A. No.

12 Q. And why is that?

13 A. That's not standard practice.

14 Q. Did you ever talk with her about what her feelings
15 are or what her opinion is regarding the parent/child
16 relationship between the father and the child?

17 A. Yes.

18 Q. And what was your understanding?

19 A. She had concerns about both parents placing the
20 child in the middle of the conflict.

21 Q. So it wasn't just one parent; it was both parents
22 she had concerns about?

23 A. Yes.

24 Q. And how did that impact your custody evaluation?

25 A. That was in line with what I was also seeing.

1 Q. Okay. In your custody evaluation -- and let me --
2 on Page 4, you write in there, "The mother states the
3 father was afraid of ghosts at the hospital and because of
4 his agoraphobia, he would not go to the birth room, which
5 was on the sixth floor."

6 Did you believe that the -- what the mother
7 said about the father, that he had agoraphobia?

8 MR. NESBITT: Objection, form.

9 A. As I stated in my report, I mean, he was diagnosed
10 with that, but I did not consider it an important factor
11 into what's going on now with the family.

12 Q. (BY MR. ESSENBURG) Did you receive from any
13 doctor or psychologist, psychiatrist a diagnosis of that?

14 A. Yes.

15 Q. And who was that?

16 A. In Dr. Siegel's report, he stated that the father
17 had been diagnosed by the psychiatrist that both parents
18 had seen. I believe it was Art Arauzo.

19 THE REPORTER: I'm sorry?

20 THE WITNESS: Art, and his last name is
21 A-r-a-u-z-o.

22 Q. (BY MR. ESSENBURG) And you're looking there at
23 one of the pages, is that correct, of Dr. -- for lack of a
24 better pronunciation -- Arauzo; is that correct?

25 A. Yes.

1 That may not have been -- let's see.

2 Q. When you were looking at that page of
3 Dr. Arauzo -- let me show you what's marked as Petitioner
4 Exhibit 178. Is that a true and correct copy of that being
5 part of your social study, what's been identified as
6 Petitioner Exhibit 178?

7 A. Yes.

8 Q. And isn't it fair to say that Dr. Arauzo said he
9 did not have agoraphobia?

10 MS. HAYES: Objection to form.

11 A. Yes.

12 Q. (BY MR. ESSENBURG) So how did you reach the
13 opinion that he did have it?

14 MR. NESBITT: Objection, form.

15 A. Because in Dr. Siegel's report, he spoke to the
16 professional, and that professional stated that the father
17 had, indeed, been diagnosed with that.

18 Q. (BY MR. ESSENBURG) So did you elect to believe
19 what Dr. Siegel said versus what Dr. Arauzo said on what's
20 marked as Petitioner Exhibit 178?

21 A. It --

22 MR. NESBITT: Objection, form.

23 A. It may have been a different provider that Dr.
24 Siegel spoke with. I don't recall the name.

25 Q. (BY MR. ESSENBURG) But you chose to believe what

1 Dr. Siegel's -- in his report and his provider; is that
2 correct?

3 MR. NESBITT: Objection, form.

4 A. Yes.

5 Q. (BY MR. ESSENBURG) And you chose not to believe
6 Dr. Arauzo, is that correct, on his opinion on what's been
7 marked on Petitioner Exhibit 178?

8 A. As I mentioned, I didn't comment on or diagnose
9 the father with any phobia. As I stated, it was not -- I
10 didn't think it was pertinent to the issues I was
11 discussing, and so I said I would not make a comment on it.

12 Q. So did what's marked as Petitioner's Exhibit 178
13 as part of your social study, did that have any impact on
14 your custody evaluation?

15 A. No.

16 Q. Did you feel anything rose to the level that you
17 should refer Mr. Crockett to any mental health evaluator?

18 A. What time period are we referring?

19 Q. When you read the October 30th, 2018, letter from
20 Dr. Arauzo or when you read Dr. Siegel's custody evaluation
21 that you referred to describing some agoraphobia issues.

22 A. No.

23 Q. Let me show you here Page 4 of your custody
24 evaluation. You wrote, "The mother and father have
25 different perspectives about the incident that occurred on

1 April 16th, 2013. The outcome was that the mother was run
2 over by her vehicle."

3 Do you recall that?

4 A. Yes.

5 Q. And you received the letter from Dr. Siegel, did
6 you not, regarding that issue?

7 A. Yes.

8 Q. Did you read it?

9 A. Yes.

10 Q. Let me show you what I've identified as
11 Petitioner's Exhibit 104. Is this a true and correct copy
12 of the letter that you received from Dr. Siegel?

13 A. Yes, it appears to be.

14 Q. And would you agree with me that Dr. Siegel
15 believed that she was committing perjury and she was lying
16 about that incident?

17 MS. HAYES: I'm sorry --

18 MR. NESBITT: Objection, form.

19 MS. HAYES: -- Counselor, can I see a copy of
20 that, please?

21 MR. ESSENBURG: It's in the social study,
22 just so you know, part of the custody evaluation.

23 Q. (BY MR. ESSENBURG) Do you agree with that?

24 MR. NESBITT: Hold on until the exhibit gets
25 back to you.

1 THE WITNESS: Okay.

2 MS. HAYES: March 27.

3 If we could just have dates on the record
4 too, that would be great, Randy.

5 MR. ESSENBURG: Yeah.

6 THE WITNESS: Okay.

7 MR. ESSENBURG: Be glad to.

8 Q. (BY MR. ESSENBURG) Petitioner's Exhibit 104,
9 Dr. Siegel's letter, is dated March 27th, 2019.

10 Do you have that -- this Petitioner
11 Exhibit 104 is part of your custody evaluation records; is
12 it not?

13 A. Correct.

14 Q. So you had it before you wrote up the evaluation?

15 A. Yes.

16 Q. And tell the Court -- am I reading his letter
17 correctly dated March 27th, 2019 -- this is his affidavit,
18 is it not, that you received?

19 A. Yes.

20 Q. And did he say, "As part of the evaluation, I
21 interviewed Ms. Ngo regarding an April 16, 2013, incident
22 when she was injured from being run over by her car; it was
23 my understanding from the interviews that Mr. Crockett was
24 not involved in the accident"?

25 A. Yes.

1 Q. Did you read that?

2 A. Yes.

3 Q. Before you made the recommendations?

4 A. Yes.

5 Q. And did -- tell me if I'm reading this correctly.

6 Part of Petitioner Exhibit, Exhibit 104, he states, "I have
7 been made aware that Ms. Ngo recently claimed that

8 Mr. Crockett pulled her from the car and he ran over her;

9 this is inconsistent with the information and description

10 she provided to me during the interviews during the custody
11 evaluation."

12 Did you read that?

13 A. Yes.

14 Q. He states that, "The allegations by Ms. Ngo that

15 Mr. Crockett pulled her from the car and ran over her

16 would, in my opinion, have a negative effect on the

17 parent/child relationship between father and son and would

18 contribute to alienation."

19 Did you read that portion of it?

20 A. Yes. Yes.

21 Q. Did you believe that?

22 A. If the child knew --

23 MR. NESBITT: Objection --

24 A. -- about it, yes.

25 Q. (BY MR. ESSENBURG) He states in his Petitioner

1 Exhibit 104, "In my opinion, a parent that falsely accuses
2 the other parent of such behavior, an attempt to cause
3 serious bodily harm is being untruthful; such behaviors are
4 very serious and raise significant concerns about the
5 parent's ability to serve as the primary parent."

6 Do you recall reading that before you wrote
7 your recommendations?

8 A. Yes.

9 Q. What impact did this letter have on your published
10 report of July of 2019?

11 A. I read it and considered it, along with the other
12 information I received.

13 Q. And did it have any impact on your evaluation?

14 MS. HAYES: Objection --

15 Q. (BY MR. ESSENBURG) If so, what?

16 MS. HAYES: Objection to form.

17 A. As I mentioned about this incident as well, I was
18 not going to make a determination about what happened in
19 2013, although I recognize that both parents have vastly
20 different versions of this event. I believe both parents
21 have made incorrect claims about this event, which is not
22 good, but telling the child about it is the -- my issue
23 with this incident.

24 Q. (BY MR. ESSENBURG) Did you believe Dr. Siegel's
25 lying or misrepresenting something in some way?

1 MS. HAYES: Objection to form.

2 MR. NESBITT: Objection, form.

3 A. No.

4 Q. (BY MR. ESSENBURG) So if the mother's version is
5 that the father attempted to kill her by pulling her out of
6 a car and running her over, that wasn't a significant issue
7 for you in your custody evaluation?

8 MR. NESBITT: Objection to form.

9 MS. HAYES: Objection to form.

10 A. Whether or not it happened and how it happened are
11 not my concern because I can't determine that six years
12 later.

13 Q. (BY MR. ESSENBURG) If she was lying to you, would
14 that impact your recommendation?

15 A. It might. I don't believe she's lying.

16 Q. You believed her?

17 A. No. I believe that's what she believes.

18 Q. Okay. So you don't know one way or the other, it
19 didn't matter; you looked at other things?

20 A. Correct.

21 Q. But if you were made aware she was lying, it would
22 have impacted your recommendation?

23 A. It may have.

24 Q. Are you able to award custody to a liar?

25 MS. HAYES: Objection to form.

1 MR. NESBITT: Objection, form.

2 A. I don't -- that's a very broad question. I don't
3 know how to answer that.

4 Q. (BY MR. ESSENBURG) If somebody's lying to you
5 about all these different things as part of your custody
6 evaluation, are you able to disregard the lies and award
7 custody to them?

8 MS. HAYES: Objection to form.

9 MR. NESBITT: Objection, form.

10 A. It depends on what the other party is doing.

11 Q. (BY MR. ESSENBURG) So it's possible?

12 A. It's possible.

13 Q. Did you receive as -- let me see here. Bear with
14 me just a moment. You received as part of your records
15 actually a police incident report, did you not? It's
16 already here, I think, 126. Do you recall this being part
17 of your records actually? I think you might have misstated
18 that you didn't have that as part of your records, but you
19 actually do in your Petitioner Exhibit Number 1.

20 A. I don't know where that is. I don't recall seeing
21 this.

22 Q. You can certainly look for it. I'll represent to
23 you that I found it in Petitioner's Exhibit Number 1,
24 Deposition Exhibit Number 1.

25 Did you read that Petitioner Exhibit --

1 MR. NESBITT: Hold on, Counsel. Why don't
2 you find that, make sure it's as represented.

3 MR. ESSENBURG: Can we go off the record
4 while she looks for that?

5 MR. NESBITT: Certainly.

6 (Recess from 11:17 a.m. to 11:23 a.m.)

7 MR. NESBITT: Mr. Essenburg has shown the
8 deponent Petitioner's Exhibit 126. At one point, it was
9 represented that this document was not included in
10 Petitioner's Exhibit 1; another point in the deposition it
11 was represented that it was included in Petitioner's
12 Exhibit 1. I think we have concluded that it is not
13 included in Petitioner's Exhibit 1. If we find it, we will
14 again correct the record.

15 Thank you. Go ahead.

16 Q. (BY MR. ESSENBURG) Jennifer, did you hear your
17 attorney say that you did not have Petitioner's Exhibit 126
18 in your record?

19 A. Correct. Yes.

20 Q. And is it fair to say that you also don't have it
21 in your supplemental publication of October of 2019?

22 A. I don't believe so, no.

23 Q. So this would be missing from the information that
24 you received from -- that you had available to you before
25 you made the recommendation; is that correct?

1 MS. HAYES: Objection, form.

2 MR. NESBITT: Objection, form.

3 A. Yes.

4 Q. (BY MR. ESSENBURG) Okay. Let me show you what
5 is -- did you take a look at Petitioner's Exhibit 126,
6 then?

7 A. Briefly.

8 Q. And you see the name up there listed, Burgess?

9 A. Yes.

10 Q. Are you aware that's the forensic evaluator
11 of the -- and a member of the Dallas Police Department
12 that did the forensic investigation of the sexual
13 abuse/molestation issues?

14 MS. HAYES: Objection to form.

15 A. No, I didn't know that.

16 Q. (BY MR. ESSENBURG) And that was part of the
17 temporary orders trial that the parties had in 2018?

18 MR. NESBITT: Objection, form.

19 A. No, I didn't know about that.

20 Q. (BY MR. ESSENBURG) Okay. Were you ever aware
21 from either the mother or the father that, in fact, the
22 police had testified and submitted what's been identified
23 as Petitioner Exhibit 126 into the Court's evidence in 2018
24 when they -- when they were fighting over that issue?

25 MS. HAYES: I'm going to --

1 MR. NESBITT: Objection, form.

2 MS. HAYES: -- object to form.

3 And I can't identify on the record how she
4 could answer that question.

5 MR. ESSENBURG: That's not a lawful
6 objection.

7 Q. (BY MR. ESSENBURG) You can answer the question,
8 please.

9 A. No, I didn't know about it.

10 Q. You were aware there was a forensic interview of
11 the child, is that correct, by CPS and the police?

12 MS. HAYES: Object to form.

13 A. Not directly, no.

14 Q. (BY MR. ESSENBURG) You never understood in the
15 entire time you were doing a custody evaluation that this
16 child was being interviewed for possible molestation
17 charges by Uncle Buck?

18 MS. HAYES: Objection to form.

19 A. I assumed that there had been a forensic
20 interview, but I didn't know the specifics as the parents
21 didn't tell me that.

22 Q. (BY MR. ESSENBURG) Did you ever ask for the
23 police records on that allegation?

24 MS. HAYES: Objection to form.

25 A. Yes.

1 Q. (BY MR. ESSENBURG) And does Petitioner
2 Exhibit 126 appear to be part of those police records?

3 MR. NESBITT: Objection, form.

4 MS. HAYES: Objection to form.

5 A. Yes.

6 Q. (BY MR. ESSENBURG) And it's not part of your
7 records; is that correct?

8 A. Correct.

9 MS. HAYES: Objection to leading.

10 Q. (BY MR. ESSENBURG) Would that concern you that
11 you're making recommendations without reviewing the police
12 information regarding that allegation?

13 MS. HAYES: Objection to form.

14 A. Possibly, yes.

15 Q. (BY MR. ESSENBURG) Could that impact your custody
16 evaluation?

17 A. It might.

18 MS. HAYES: Objection to form.

19 Q. (BY MR. ESSENBURG) May I see that, please?

20 A. (Witness tenders exhibit to Counsel.)

21 Q. You agree with me that Petitioner's Exhibit 126,
22 the offense is indecency with a child --

23 MS. HAYES: Objection to --

24 Q. (BY MR. ESSENBURG) -- exposure?

25 MS. HAYES: -- form.

1 Q. (BY MR. ESSENBURG) You understand that?

2 MR. NESBITT: Objection, form.

3 A. Yes.

4 Q. (BY MR. ESSENBURG) And you never got those
5 records?

6 MR. NESBITT: Objection, form.

7 MS. HAYES: Objection to form.

8 A. I didn't get the forensic interview records, but I
9 got the CPS records in which this case was a part of.

10 Q. (BY MR. ESSENBURG) Okay.

11 MS. HAYES: Randy, while she's not my
12 witness, it is concerning to me that we're continuing to
13 talk about documents that haven't been tendered in this
14 case and that I can't ascertain to be true and --

15 MR. ESSENBURG: That --

16 MS. HAYES: -- correct documents related to
17 this case.

18 MR. ESSENBURG: That's a subject of cross,
19 but it's not a proper objection.

20 MS. HAYES: I'm letting you know --

21 MR. ESSENBURG: Okay.

22 MS. HAYES: -- if you're going to continue
23 going forward under this line of questioning, I'm going to
24 continue objecting to every question as improper.

25 Q. (BY MR. ESSENBURG) Read -- tell me, Petitioner's

1 Exhibit 126 states, on July 26th, 2017, "The complainant
2 was forensically interviewed and talked about how his
3 mother made him take a bath with his uncle; the complainant
4 did not give details to explain sexual gratification;
5 therefore, recommends this offense be unfounded."

6 MS. HAYES: Objection to form.

7 Q. (BY MR. ESSENBURG) Do you see that, that part of
8 the police report?

9 MS. HAYES: Objection to form.

10 A. Yes.

11 Q. (BY MR. ESSENBURG) So the allegation -- is it
12 your understanding that the allegation by the child was
13 that the -- he was -- mother made him take a bath with his
14 uncle? That was --

15 MR. NESBITT: Objection, form.

16 MS. HAYES: Objection to form.

17 Q. (BY MR. ESSENBURG) -- the allegation?

18 A. That was the allegation, yes.

19 Q. Was that your understanding from the parties?

20 MS. HAYES: Objection to form.

21 Q. (BY MR. ESSENBURG) Or from the -- from the --
22 anybody in the -- any litigant?

23 MS. HAYES: Objection to form.

24 MR. NESBITT: Objection, form.

25 A. The parents stated that there was a CPS case

1 regarding that incident, yes.

2 Q. (BY MR. ESSENBURG) What did you understand that
3 the allegation was against Mr. Buck, from talking to all
4 the -- whomever you spoke with?

5 MS. HAYES: Objection to form.

6 A. Initially that it began with an allegation of the
7 mother biting -- the mother and/or uncle biting the child
8 or popping his knuckles, holding him upside down, and that
9 it -- later there was a secondary allegation of the uncle
10 being in the bathroom with the child when he was bathing.

11 Q. (BY MR. ESSENBURG) Naked or clothed?

12 MS. HAYES: Objection to form.

13 A. There were several pieces of information I
14 received and I don't recall who said what, but at some
15 points it was -- it was unclear.

16 Q. (BY MR. ESSENBURG) Okay. I'm showing you what's
17 marked as Petitioner's Exhibit 126 that are the forensic
18 interview notes. Have you ever seen these before or read
19 these before --

20 MS. HAYES: Objection to form.

21 MR. NESBITT: Objection --

22 Q. (BY MR. ESSENBURG) -- today?

23 MR. NESBITT: -- to form.

24 A. No.

25 Q. (BY MR. ESSENBURG) Why didn't you request the

1 forensic interview by the police before you made your
2 recommendation?

3 MS. HAYES: Objection to form.

4 A. I did request Dallas Police Department records
5 specifically listing the parties and child's name. I have
6 never, in my 13 years, received a copy of the forensic
7 interview. It's usually not part of the records that they
8 allow us to have.

9 Q. (BY MR. ESSENBURG) When you requested it and
10 didn't receive it, why didn't you follow up, asking for
11 that police report?

12 MR. NESBITT: Objection, form.

13 MS. HAYES: Objection to form.

14 Q. (BY MR. ESSENBURG) Or did you follow up to ask
15 for the police report?

16 MS. HAYES: Objection to form.

17 A. I didn't know that there were specific -- I
18 assumed there was a forensic interview, but I didn't know
19 of its existence specifically, have dates, or other
20 information regarding it.

21 Q. (BY MR. ESSENBURG) So you understood there was a
22 forensic interview, and you believed it wasn't necessary to
23 chase down that information?

24 MS. HAYES: Objection to form.

25 MR. NESBITT: Objection, form.

1 A. I had the CPS records which listed the information
2 as well as the disposition in the case, which is
3 information I did receive.

4 Q. (BY MR. ESSENBURG) Did you ever have this CPS
5 information that was attached to the police report?

6 MS. HAYES: Objection to form.

7 Q. (BY MR. ESSENBURG) And that's -- I'm handing you
8 what's marked as Petitioner's Exhibit 126 --

9 MS. HAYES: Objection to form.

10 Q. (BY MR. ESSENBURG) -- the CPS records, Tab
11 Number 3.

12 A. I don't recall if this case was -- let me see
13 here.

14 Q. Do you want to take a moment to take a look at
15 Petitioner's Exhibit Number 1 to see if it's in your
16 records?

17 A. Yes.

18 MR. ESSENBURG: Let's go off the record and
19 give her the opportunity.

20 (Recess from 11:32 a.m. to 11:32 a.m.)

21 MR. NESBITT: Why don't you repeat your
22 question, Counsel.

23 Q. (BY MR. ESSENBURG) Do you have the CPS report as
24 part of your record that's identified in Petitioner's
25 Exhibit 126?

1 A. Yes. What I received from CPS was an abbreviated
2 form of this call narrative, along with the outcome, as
3 part of the records I received.

4 Q. So --

5 MS. HAYES: Objection, nonresponsive.

6 Q. (BY MR. ESSENBURG) -- do you have that or have a
7 different version of that?

8 A. I have a different version of this with the
9 information abbreviated --

10 Q. Okay.

11 A. -- and the disposition outcome listed.

12 Q. So what's been identified Petitioner's
13 Exhibit 126, and you don't really have a copy of that in
14 your records?

15 A. Not this --

16 Q. You have an abbreviated version, not that one?

17 A. Correct.

18 Q. Okay. Are you aware that in this one, the call
19 narrative, that it states that -- and this is an interview
20 of Ms. Ngo -- that she was at home and managed to run over
21 herself, which she admitted to? Do you see that?

22 MS. HAYES: Objection to form.

23 MR. NESBITT: Objection, form.

24 We're -- Counsel, you're asking her about --
25 you're reading from a document that she's never seen

1 before.

2 MR. ESSENBURG: Well, she's got --

3 MR. NESBITT: The document speaks for itself,
4 so if you want to -- that's in evidence. If you want to --

5 MR. ESSENBURG: Yeah.

6 MR. NESBITT: -- ask her about this --

7 MR. ESSENBURG: But it -- but it's --

8 MR. NESBITT: She has not spoken to it.

9 MR. ESSENBURG: I don't know --

10 MR. NESBITT: We're spending 30 minutes
11 having you read from a document --

12 MR. ESSENBURG: I don't know whether --

13 MR. NESBITT: -- that she's never seen.

14 MR. ESSENBURG: I don't know if the
15 abbreviated version has that or doesn't have that. I'm --

16 MR. NESBITT: But you're asking her about
17 this document (indicating).

18 Q. (BY MR. ESSENBURG) Okay. So I'm asking, does
19 your abbreviated version have that sentence, in the one
20 that you received?

21 MR. NESBITT: Objection, form.

22 MS. HAYES: Objection, form.

23 A. The call narrative is the person who's making the
24 allegation. So I have that information; I don't recall if
25 I have that exact sentence listed.

1 Q. (BY MR. ESSENBURG) So you may or may not have;
2 you don't recall?

3 A. Correct.

4 Q. Did you ever receive any police reports from
5 anybody where the father was charged criminally for running
6 over the mother?

7 A. No.

8 Q. Did you ever receive any hospital records that
9 evidenced any claim by the mother that the father pulled
10 her out of the car and ran over -- had the car run over
11 her?

12 A. No.

13 Q. Part of the -- you received the letter from the
14 nanny, did you not?

15 A. Yes.

16 Q. And she was present at the time of the
17 running-over incident?

18 A. She stated she was, yes.

19 Q. And did you ever pick up the phone and call her
20 and ask her what her perspective was on the running-over
21 incident?

22 A. No, because, again, I felt it was so distant in
23 the past that I wasn't going to be able to figure out what
24 happened, and it wasn't pertinent to what was going on now
25 with the child.

1 Q. It wasn't pertinent that the father possibly did
2 attempted murder of the mother?

3 MR. NESBITT: Objection, form.

4 Q. (BY MR. ESSENBURG) Or either that or lying?

5 MR. NESBITT: Objection, form.

6 A. It was an issue that I was not going to be -- I --
7 I was not going to be able to confirm or deny, so I focused
8 on how the parents' perspectives about the event relate to
9 what's going on now, not the actual event.

10 Q. (BY MR. ESSENBURG) Did -- you had the nanny's
11 email address, did you not?

12 A. It may have been on her form.

13 Q. Did you email her, asking her about the
14 running-over incident?

15 MS. HAYES: Objection to form.

16 A. No.

17 Q. (BY MR. ESSENBURG) In your opinion, do you
18 believe the father pulled her out of the car and caused her
19 to be run over?

20 MR. NESBITT: Objection, form.

21 A. I -- I'm not sure what happened.

22 Q. (BY MR. ESSENBURG) So you don't take any
23 position, one way or the other?

24 A. I -- I believe it was an accident. I don't
25 believe it was a intentional harming by either party of the

1 mother.

2 Q. The mother stated expressly to you that she
3 believed the father tried to kill her; did she not?

4 A. Yes.

5 Q. How did those two -- how did that impact your
6 custody evaluation?

7 MR. NESBITT: Objection, form.

8 A. How did what impact the custody evaluation?

9 Q. (BY MR. ESSENBURG) The fact that you believed it
10 was an accident and she told you, He tried to kill me?

11 A. I believe that's the mother's perspective after
12 the fact, and that doesn't necessarily impact my study one
13 way or the other.

14 Q. Okay. Page 11, you describe the mother's concerns
15 regarding the father. It's up on the screen there --

16 A. Yes.

17 Q. -- if it's easier for you.

18 Pick whichever one you want.

19 She believes the father teaches him, the boy,
20 to lie; is that correct?

21 A. Yes.

22 Q. Did you believe the father teaches him to lie?

23 A. Not in the way the mother intended that, no.

24 Q. Do you believe the father teaches the boy to lie
25 in any way?

1 A. I don't believe that's what he thinks he's doing.

2 Q. You wrote on Page 11 of your custody evaluation --
3 and let me see if I can make it easier for you -- "The
4 father has psychological issues; he projects his own fears
5 onto Logan; elevators, escalators, heights. Now Logan
6 says, "I'm afraid of heights." The father is prejudiced
7 against blacks. Logan acts like he has Stockholm syndrome;
8 he is bound to the father in this way. The father carries
9 a gun when Logan is around, all the time. He told Logan
10 people would try to snatch him."

11 Is that part of the mother's concerns?

12 A. Yes.

13 Q. Did you believe that the father is a racist?

14 A. I don't know that I made that determination or
15 not.

16 Q. Do you believe it? Do you believe the father is a
17 racist?

18 MR. NESBITT: Objection, form.

19 A. I'm not sure I came to a conclusion on that.

20 Q. (BY MR. ESSENBURG) Okay. He dated and had a
21 child with an Asian woman; is that correct?

22 A. Yes.

23 Q. Are you aware he dated a black girl?

24 MS. HAYES: Objection to form.

25 A. No.

1 Q. (BY MR. ESSENBURG) Did you ever ask him?

2 MS. HAYES: Objection to form.

3 A. No.

4 Q. (BY MR. ESSENBURG) Did you ever ask him if he was
5 a racist in some way?

6 A. No.

7 Q. When she described him in those manners, that he's
8 got some psychological issues and prejudiced, in your
9 opinion was she putting herself in a superior position of
10 truth, that she's not that way and he is?

11 MR. NESBITT: Objection, form.

12 A. Yes, somewhat. Yes.

13 Q. (BY MR. ESSENBURG) I'm better than he is?

14 MS. HAYES: Objection to form.

15 A. The -- I believe her intention was more to
16 describe things she perceives as making it difficult to
17 parent.

18 Q. (BY MR. ESSENBURG) Well, she didn't describe
19 herself as racist, did she?

20 A. No.

21 MS. HAYES: Objection to form.

22 A. No.

23 Q. (BY MR. ESSENBURG) And she described him as
24 racist, didn't she?

25 A. Yes.

1 Q. Is one of the symptoms of a narcissistic
2 personality that "I'm in a superior position of truth; I'm
3 better than the other person"?

4 A. Yes.

5 Q. Was she doing some of that?

6 A. Yes, she may be.

7 Q. On Page 12, you described -- the mother described
8 the father as a -- the father is, quote, a con man.

9 Do you see that?

10 A. Yes.

11 Q. Did you believe that the father's a con man?

12 A. That wasn't within the scope of my custody
13 evaluation, so I didn't make a determination about that.

14 Q. But if he was deceptive, misleading, showing you
15 one thing, doing another, would -- isn't that kind of what
16 a con man does, would be concerning from a parenting
17 standpoint?

18 MS. HAYES: Objection to form.

19 A. Yes, I did find examples of some of those things.

20 Q. (BY MR. ESSENBURG) Did you investigate to see if
21 he was a con man, then?

22 A. I -- that would --

23 Q. For example, she stated that he screwed and
24 defrauded people for money.

25 Do you recall that?

1 A. Yes.

2 Q. Did you investigate that?

3 A. I think "investigate" would be a strong word. I
4 did read documents that said that the father was sued for
5 some -- something about his business, breach of contract or
6 something.

7 Q. Did you determine if, in fact, he had screwed
8 anybody out of money?

9 MS. HAYES: Objection, form.

10 A. No.

11 Q. (BY MR. ESSENBURG) Was it your understanding,
12 when she's making these allegation against the father, that
13 she characterizes him as a con man and she is not a con
14 person or conning person?

15 MR. NESBITT: Objection, form.

16 A. Yes.

17 Q. (BY MR. ESSENBURG) Isn't that a superior position
18 that she's taking?

19 A. It may be.

20 Q. Isn't that one of the symptoms of a narcissistic
21 personality?

22 A. Yes.

23 Q. Isn't she, in her descriptions, maligning the
24 father's character and reputation?

25 A. Absolutely.

1 Q. Did you have concerns that the mother would malign
2 the father's character and reputation?

3 A. Yes.

4 Q. How did that -- your opinion of her maligning the
5 father's character and reputation impact your custody
6 evaluation?

7 A. It was -- it's a concern because ultimately it
8 leads her to behave in a certain way because of her fears.
9 It makes her fearful of the father, which impacts her
10 parenting.

11 Q. You wrote in there on Page 12 -- and I'll pull
12 that up so you can read it easier. "The father owns a
13 Corvette, Trans Am, two-door Mercedes, and a Ford truck."

14 Do you see that? You can see it up on the
15 screen if it's easier for you.

16 A. Yes.

17 Q. It was almost as if -- did you investigate whether
18 he, in fact, owns all of those cars?

19 A. There -- two of those cars were in the house at
20 the time of the home visit, and I had seen a photograph of
21 the other car.

22 Q. Being parked in somebody's driveway, does that
23 mean they own them --

24 MS. HAYES: Objection to form.

25 Q. (BY MR. ESSENBURG) -- in your opinion?

1 MS. HAYES: Objection to form.

2 A. It was in his garage.

3 MR. ESSENBURG: Objection, nonresponsive.

4 Q. (BY MR. ESSENBURG) Does that mean, if it's in his
5 garage, that he owns them --

6 MR. NESBITT: Objection, form.

7 A. I --

8 Q. (BY MR. ESSENBURG) -- in your opinion?

9 A. I assumed that, yes.

10 Q. Are you aware that the father does not own those
11 cars?

12 A. No.

13 Q. On Page 12 -- let me see if I can highlight that
14 for you there -- you wrote in there, "Since I remembered
15 about the accident I get anxiety when I talk to the father;
16 I believe he pulled me out of the vehicle when it was in
17 gear and it ran over me; I'm afraid for Logan to talk back
18 to the father or to have his own voice."

19 Do you see that?

20 A. Yes.

21 Q. Did you believe her?

22 A. I believe that's her perspective.

23 Q. Do you believe that -- do you have concerns that
24 the father would somehow hurt this child in some way?

25 A. I don't know.

1 Q. So if the -- there's either an attempted murder by
2 the father or she's lying.

3 Would you agree with that?

4 A. No.

5 MR. NESBITT: Objection, form.

6 Q. (BY MR. ESSENBURG) You don't believe that those
7 are not mutually exclusive?

8 A. Correct.

9 Q. Okay. What do you believe then? Tell --
10 explain -- help me understand.

11 A. There's a middle ground in which the mother is not
12 outwardly lying. She believes that that's what occurred.
13 That doesn't mean that I believe that's what occurred, but
14 that's her perspective and that's why it's in the section
15 where she's listing her concerns.

16 Q. So her description of that, she's legitimately
17 fearful of father hurting the child?

18 A. Yes.

19 Q. Do you -- do you believe that to be true?

20 MS. HAYES: Objection to form.

21 A. Not because of this incident with the vehicle.

22 Q. (BY MR. ESSENBURG) Okay. Do you believe this
23 child -- this father would hurt this child physically?

24 A. I don't know what the father is capable of.

25 Q. So he may or may not; you're not able to say?

1 A. Correct.

2 Q. If she has this attitude that the father has
3 the -- right or wrong in her mind, that this father could
4 hurt this child, wouldn't that impact her attitude about
5 the father?

6 MR. NESBITT: Objection, form.

7 A. Yes.

8 Q. (BY MR. ESSENBURG) And do you believe she might
9 make decisions to protect this child from the father?

10 A. Yes.

11 Q. One way is to keep this child away from the
12 father, would it not, to protect him?

13 A. Yes.

14 Q. Wouldn't that be a form of alienation?

15 MS. HAYES: Objection to form.

16 A. It may be, yes.

17 Q. (BY MR. ESSENBURG) Let me turn your attention to
18 Page 13, and I'll put the relevant portion here up on the
19 screen so you can read it a little easier. You want to --
20 let me see here. There was a dispute about what this boy
21 would be called between the mother and a father; is that
22 correct?

23 A. Yes.

24 Q. Did you ever -- the father wants him to be called
25 Lauriston, by his name; and the mother wants him to be

1 **called Logan; is that correct?**

2 A. Yes.

3 **Q. Did you ever ask this boy what he wanted to be**
4 **called?**

5 A. I didn't ask him specifically. He told me
6 outright.

7 **Q. What did he say?**

8 A. "Logan is not my real name; my mom wants me to be
9 called that for some reason; I don't like it that much."

10 **Q. How did that impact your social study when the boy**
11 **tells you that?**

12 A. Well, I took that into consideration, which is why
13 I recommended that, for record's sake, his -- all of his
14 documents show his legal name.

15 **Q. Do you believe if the mother wants to call this**
16 **boy by a name other than his legal name that that's in any**
17 **way a form of alienation?**

18 A. No. I think that was chosen when he was born as a
19 preference.

20 **Q. The father didn't choose that, did he?**

21 MS. HAYES: Objection to form.

22 **Q. (BY MR. ESSENBURG) What was the father's position**
23 **about what name his son should be called?**

24 MR. NESBITT: Objection, form.

25 A. I was told that there was an agreement that the

1 child would be named after the father but that she would
2 call him Logan.

3 Q. (BY MR. ESSENBURG) Did you ask the father if
4 there was an agreement to be -- for the boy to be called
5 Logan?

6 A. He denies that.

7 Q. So did he, the father, tell you that he wanted his
8 son to be called Lauriston?

9 A. Yes.

10 Q. So the mother says there was an agreement; the
11 father says there wasn't an agreement, in fact, I wanted
12 him called Lauriston?

13 Is that your understanding?

14 A. Yes.

15 Q. Did you consider that a form of alienation, then,
16 if that was the position of the mother?

17 A. No. That didn't factor in.

18 Q. Let me turn your attention to Page 13. I'll put
19 it on the screen here so you don't have to search it quite
20 as well -- as hard.

21 The son told his friends that he's returning
22 to Hightower and he "does not want to lie to them because
23 it will make them sad." You wrote that as part of your
24 report; is that --

25 A. Yes.

1 Q. -- correct?

2 A. Yes.

3 Q. And tell the Court where you believe, in your
4 opinion, the boy wants to go to school?

5 A. I believe he felt like Hightower was where he had
6 friends, where he'd been going, and that's where he wanted
7 to go.

8 Q. Did Lauriston, the son, tell you that he wanted to
9 live with his father?

10 A. Not outright.

11 Q. Did he do it in some other way other than
12 outright?

13 A. Yes.

14 Q. What did he say?

15 A. He said, Living in -- I'm paraphrasing, but living
16 in two homes is hard; I only want to live in one.

17 Q. And was it your understanding he wanted to live
18 with his father?

19 A. Yes.

20 Q. How did that impact your recommendation?

21 A. I took it into consideration, his wishes.

22 Q. Okay. Let me turn your attention to Page 13, a
23 different place. I'll kind of highlight this so you don't
24 have to hunt it down quite so hard.

25 You wrote in there on Page 13, he states the

1 mother told him, "when you're at your dad's house you can't
2 bother me and the same with here." Lauriston reports, "she
3 (the mother) made me in trouble because I didn't have my
4 phone and I wanted to text my Dad; she was mad and she
5 wouldn't let me; she took my phone for one day; Lauriston
6 states the father tells him, 'let's call your Mom'."

7 Was that information you received as part of
8 your custody evaluation?

9 A. Yes.

10 Q. Was it your understanding -- and did you get that
11 from the mother, or where all did you get that information
12 from?

13 A. This is in the interview with the child.

14 Q. Okay. Did you ask the mother about that?

15 A. Yes.

16 Q. And what did she say?

17 A. I didn't talk to her directly after I interviewed
18 the child, but it was a topic that we discussed. The
19 mother's perspective is that they should do parallel
20 parenting. In other words, when the child is with her,
21 then she parents and there's no communication with the
22 father; and then when the child is with the father, he
23 parents and there's no communication with the mother.

24 Q. Okay. So was it your understanding the mother did
25 not want the son to call or text his father during her

1 periods of possession?

2 A. Yes.

3 Q. What weight did you give to this in your custody
4 evaluation?

5 A. That's concerning. I understood the reason why
6 that Rochelle Ritzi later recommended the parents to do
7 parallel parenting, but it causes conflict for the child
8 because he has to live in two separate entities without the
9 parents communicating and that's not the ideal situation
10 for any child.

11 Q. Is the mother's attitude that she doesn't want the
12 boy calling or texting the father during her periods of
13 possession a form of alienation?

14 A. No, because she expects the same thing when he's
15 with his father, that she will not receive any.

16 Q. Is it fair to say that the father did not have the
17 same prohibition that the mother had?

18 A. Correct.

19 Q. So the father's allowing the mother to be called
20 and texted, but the mother's not call- -- allowing the son
21 to call or text the father?

22 MR. NESBITT: Objection, form.

23 Q. (BY MR. ESSENBURG) Was that your understanding?

24 MR. NESBITT: Objection, form.

25 A. Yes.

1 Q. (BY MR. ESSENBURG) And do you consider that a
2 form of alienation?

3 MR. NESBITT: Objection, form.

4 A. Again, I think it leads more to the mother's rigid
5 way of thinking in that her expectation that was not that
6 she would receive preferential treatment, but that she
7 would receive the same treatment as far as communication in
8 both -- for the child in both homes.

9 Q. (BY MR. ESSENBURG) But you were concerned about
10 that, were you not?

11 A. Yes.

12 Q. Okay. Let me turn your attention to Page 14.
13 I'll put on there the relevant portion there which states,
14 Lauriston states -- asked about his stepfather, Rob,
15 Lauriston states, "he's nice but he says my dad bullies
16 them, but that is not true; my dad would never do that; he
17 states the mother told him that the father bullies her and
18 she tried to make me live with her."

19 Did you write that in your custody
20 evaluation?

21 A. Yes.

22 Q. Page 14?

23 A. Yes.

24 Q. What weight did you give that statement, that the
25 mother told him that the father bullies her? What weight

1 did you --

2 A. That's concerning. Again, it's an example of one
3 of the parents putting the child -- giving the child
4 information that's negative about the other parent, which
5 is not good.

6 Q. Was the -- when the mother's describing the father
7 as bullying her and the stepfather, is that maligning the
8 father --

9 A. Yes.

10 Q. -- in your opinion?

11 Is that alienating behavior?

12 A. Could be.

13 Q. Could be or is?

14 A. It could be, depending on the context.

15 Q. What context did you see that as?

16 A. An isolated incident doesn't necessarily mean that
17 there's a pattern of alienation.

18 Q. Did you see that as an isolated incident?

19 A. One of several incidents.

20 Q. Does "several" mean not isolated to you?

21 A. Yes.

22 Q. He said, "and he tried to make me live with her."

23 What impact did you -- what did you
24 understand this boy saying and what impact did it have on
25 your custody evaluation?

1 MR. NESBITT: Objection, form.

2 A. It was concerning.

3 Q. (BY MR. ESSENBURG) And why is that?

4 A. Because, again, it's putting the child in the
5 middle of the parents' conflict.

6 Q. And are you describing the mother at times putting
7 the child in the middle of the parent conflict?

8 A. Yes.

9 MS. HAYES: Objection to form.

10 Q. (BY MR. ESSENBURG) Let me show you -- Page 14
11 states there, "he wishes the mother would change the way
12 'she's not letting my dad see my hockey'."

13 A. Yes.

14 Q. See that? Did you determine whether or not the
15 mother was permitting the father to see the hockey that he
16 was involved in?

17 MS. HAYES: Objection to form.

18 Q. (BY MR. ESSENBURG) Or not permitting him to see
19 the hockey?

20 A. Initially I think the mother and stepfather
21 didn't -- may not have provided information about the
22 schedule, but then once they did provide the schedule the
23 father was attending events --

24 Q. What weight --

25 A. -- is my understanding.

1 Q. What weight did you give the fact that they didn't
2 initially provide the hockey information so the father
3 could attend?

4 A. It made sense to me according to mother's
5 perspective of being fearful of the father. But, again,
6 it's not good for the father not being allowed to
7 participate in the child's events.

8 Q. And your understanding of the mother being fearful
9 against the father is primarily from the fath- -- that he
10 caused her to get run over by a car?

11 MS. HAYES: Objection to form.

12 MR. NESBITT: Objection, form.

13 A. That's one of the incidents. The retaliation and
14 incidents with CPS, the allegations, that's -- that's more
15 of the more recent fears the mother has, I believe.

16 Q. (BY MR. ESSENBURG) So your understanding of the
17 mother's fear stems from the running-over incident and/or
18 the CPS allegations recently? Anything --

19 MS. HAYES: Objection --

20 Q. (BY MR. ESSENBURG) -- else?

21 I'm sorry, is that part of the -- what you
22 believe the mother's fears are derived from?

23 A. Yes.

24 Q. Any other incidences besides what you've
25 described?

1 A. Just the way she believes he's manipulating the
2 child, her fears of what that will do for the child
3 long-term.

4 Q. Is that kind of encapsulated when she describes
5 him as a, quote, con man, unquote?

6 A. Yes.

7 Q. In that page, the son described -- it said that he
8 would not change anything about his father. Do you recall
9 the son saying that?

10 A. Yes.

11 Q. How did that strike you?

12 A. Children frequently say that --

13 Q. In your --

14 A. -- about one parent or the other.

15 Q. Did it describe to you as this fath- -- this son
16 loving his father?

17 A. Sure.

18 Q. Let me see here. Let me, on Page 14 -- you want
19 to look there, if it's easier for you? There was a
20 description that -- by the boy that Uncle Buck bit him on
21 his right arm and left a mark.

22 Do you recall that?

23 A. Yes.

24 Q. Did you receive photos of the son's bite marks?

25 A. I received a photo of the bite mark.

1 Q. Okay. Did you believe that -- did the mother say
2 that someone else did that?

3 A. That's what was reported to me.

4 Q. By whom?

5 A. The child.

6 Q. Okay. So the child said that the mother said
7 someone else did that?

8 MS. HAYES: Objection to form.

9 A. Yes.

10 Q. (BY MR. ESSENBURG) And did the boy say that the
11 mother was lying about that?

12 A. He said the father told him the mother was lying,
13 yes.

14 Q. Okay. Did you believe the mother was lying about
15 that?

16 A. I don't know.

17 Q. You agree with me that there were photographs that
18 showed marks on the back of this boy?

19 A. I don't know that that's the boy, but if I -- I
20 can't even tell in that picture, actually, what that is, so
21 I don't know.

22 Q. You agree with me that there was an allegation in
23 a CPS investigation about the mother biting the boy?

24 A. Yes.

25 MS. HAYES: Objection --

1 Q. (BY MR. ESSENBURG) And there were photographs
2 provided to CPS or provided to you as well of the bite
3 marks?

4 A. Yes.

5 Q. Do you believe the mother was doing that, that she
6 bit the boy?

7 A. I don't know who bit him.

8 Q. The boy said his mother bit him, didn't he --

9 MS. HAYES: Objection to form.

10 Q. (BY MR. ESSENBURG) -- to you?

11 A. Well, at one part he said that Uncle Buck did it,
12 and then that Buck may have been playing.

13 Q. Okay. And another -- was there another time where
14 the boy accused the mother -- not Uncle Buck but the mother
15 of having bit him, and that resulted, in part, of a CPS
16 investigation?

17 A. Yes.

18 Q. Let me show you what's marked as Petitioner's
19 Exhibit 120.1 through 1- -- well, 120.2, 120.3, and 8.4.
20 Don't know why.

21 MR. ESSENBURG: I've got my own numbering
22 system.

23 MR. NESBITT: I understand.

24 MR. ESSENBURG: You've got copies of all of
25 this, Kris.

1 Q. (BY MR. ESSENBURG) That's part of your
2 photographs, part of your custody evaluation?

3 A. Yes.

4 Q. Did you have concerns this boy was getting bit by
5 the mother or family members?

6 A. Sure.

7 Q. And did you investigate and determine -- make any
8 opinion as to, in fact, if this was going on?

9 A. Well, I -- it wasn't going on during my study, so
10 I've reviewed the records of the time period when it was
11 going on, including CPS reports.

12 Q. And when was this going on?

13 A. June of 2017.

14 Q. Okay. Is it fair to say, if you observe physical
15 abuse, under the law, you're supposed to -- of a child,
16 that you're supposed to report the physical abuse? You
17 have -- you're compelled to do that under the law, as you
18 understand it?

19 A. Yes.

20 Q. Did you believe the mother was -- bit this boy?

21 A. I don't know. I couldn't make a -- it was --

22 Q. But you knew there was something happening on his
23 back, did you not?

24 A. There was a mark.

25 Q. Okay. Did you believe -- did the -- did you ask

1 the mother whether she had done this -- whether she had bit
2 this boy?

3 A. I don't recall if I asked that specifically.

4 Q. You don't recall asking her whether or not she
5 physically abused the boy?

6 MR. NESBITT: Objection, form.

7 A. We discussed that there was a CPS case regarding
8 it, but I don't know that I asked her straight out. She
9 said that the case was ruled out because it didn't happen,
10 but I didn't ask her specifically about whether she ever
11 bit the child.

12 Q. (BY MR. ESSENBURG) Did you believe this never
13 happened?

14 A. I --

15 MS. HAYES: Objection to form.

16 A. I don't know. It was ruled out by CPS.

17 Q. (BY MR. ESSENBURG) Did you talk with the CPS
18 investigator that talked to the boy and made -- and made
19 findings in her CPS report?

20 A. No. I received CPS records.

21 Q. So you never picked up the phone and called her
22 about the biting?

23 A. No.

24 Q. You're aware she interviewed this child?

25 A. I don't know who "she" is, but I'm assuming

1 someone interviewed the child.

2 Q. Chastity Bazile -- I believe you've got it. Let
3 me tell you who it is. Chastity Williams-Bazile, the CPS
4 worker.

5 A. She was the worker for the second case and they
6 were merged together, so I wasn't sure if she was the
7 interviewer for the first case.

8 Q. Did you ever ask her?

9 A. I never spoke with her by phone.

10 Q. Let me show you what's been marked as Petitioner's
11 Exhibit 126, the Child Protective Services report and the
12 conclusions in the CPS report. Read, if you would,
13 Petitioner's Exhibit 126 and tell me whether or not, in
14 your summary from CPS, that same statement that you're
15 reading there was included in your summarized CPS reports.

16 A. This is a summary of the allegation, and I don't
17 think that this was included in my -- the copy of my
18 report, but I -- I don't recall.

19 Q. Are you aware that, in fact, that's not a summary
20 of the allegations; that's her findings, conclusions?

21 MS. HAYES: Objection to form.

22 MR. NESBITT: Objection, form.

23 A. No, it's not.

24 Q. (BY MR. ESSENBURG) Okay. But at the end of the
25 day, your CPS summary did not contain what's been marked in

1 Petitioner's Exhibit 126, the CPS report under the heading
2 "Conclusions"; is that correct?

3 A. I don't --

4 MS. HAYES: Objection to form.

5 A. I don't recall.

6 Q. (BY MR. ESSENBURG) Okay. So it may or may not
7 have, you're not able to recall?

8 A. Correct.

9 Q. And just for the record, Conclusions: "MO and AU
10 have demonstrated bizarre physical punishment by biting and
11 causing injuries to a vulnerable aged six-year-old in
12 vital, non-vital bodily areas; MO's ongoing issues with
13 substance abuse impair MO's ability to provide adequate
14 care and supervision of six-year-old."

15 MS. HAYES: Objection to form.

16 Can we get a date on that?

17 MR. ESSENBURG: It's the record, so I don't
18 know.

19 MS. HAYES: Well, surely --

20 MR. ESSENBURG: You've got --

21 MS. HAYES: -- the record --

22 MR. ESSENBURG: You've got a copy of that.

23 MS. HAYES: For the record, I would like a
24 date on the record.

25 MR. ESSENBURG: I'll let you look at it.

1 MR. NESBITT: Can I see the exhibit,
2 please --

3 MR. ESSENBURG: Yeah. You can look at it.

4 MR. NESBITT: -- if you're going to ask my
5 client about it.

6 MR. ESSENBURG: (Tenders exhibit to
7 Mr. Nesbitt.)

8 A. That is not a summary.

9 Q. (BY MR. ESSENBURG) Okay. Did you ever call --
10 determine whether this CPS investigator believed exactly
11 what was written on there?

12 MS. HAYES: Objection to form.

13 A. I know what she believed because the disposition
14 says "ruled out," it didn't happen.

15 Q. (BY MR. ESSENBURG) So you believe there was no
16 biting -- or, I'm sorry, you believe that some CPS
17 investigator said there was no biting; is that correct?

18 MS. HAYES: Objection to form.

19 A. What the worker said was it doesn't meet the
20 statute for physical abuse; therefore, the evidence shows
21 that the disposition is ruled out.

22 Q. (BY MR. ESSENBURG) Okay. Do you know what
23 forms -- what's the standard in order for CPS to find that
24 there was physical abuse or, for example, reason to
25 believe?

1 A. I don't have the exact wording of the statute, but
2 basically it is that there were -- there was the potential
3 for or injury to a child in a -- especially in a vital body
4 area or a child under a certain age and that injury did
5 occur or potentially could have occurred.

6 Q. Okay. Is it -- are you aware that it's, in fact,
7 quote, serious bodily injury, unquote?

8 MS. HAYES: Objection to form.

9 A. What is?

10 Q. (BY MR. ESSENBURG) That the standard for them to
11 have reason to believe for physical abuse requires serious
12 bodily injury.

13 MS. HAYES: Objection to form.

14 A. I don't recall.

15 Q. (BY MR. ESSENBURG) Okay. So you didn't know, one
16 way or the other?

17 A. I knew what the disposition was for the case.

18 Q. Okay. Are you aware that, in fact, the
19 disposition was not that it didn't have the biting, but
20 that the biting was not, quote, serious bodily injury,
21 unquote?

22 MS. HAYES: Objection to form.

23 Q. (BY MR. ESSENBURG) Are you aware of that?

24 MS. HAYES: Objection to form.

25 A. I don't remember how it was worded exactly.

1 Q. (BY MR. ESSENBURG) Okay. So from CPS's
2 perspective, unless the injury rises to that level, such as
3 the bite mark, in their opinion, did not rise to the level
4 of a, quote, serious bodily injury, then they ruled it out.

5 Are you aware of that?

6 MS. HAYES: Objection to form.

7 MR. NESBITT: Objection, form.

8 A. Yes.

9 Q. (BY MR. ESSENBURG) Not that it didn't happen.
10 Are you aware that they're not finding that it didn't
11 happen?

12 MS. HAYES: Objection to form.

13 A. Yes.

14 Q. (BY MR. ESSENBURG) What did this boy tell you --
15 and let me bring your attention here to Page 14. On
16 Page 14 you wrote in your custody evaluation,
17 "Lauriston" -- that's the boy -- "states the father told
18 him about the abuse that happened to him when he was five
19 years old 'but I remember'; he states he and the father"
20 (sic) "Facetimed the" -- "the mother Facetimed the father,
21 and the mother 'started biting me and I slapped her in the
22 face to defend myself; my dad said, 'Nikki, stop' and she
23 hanged up'; he was unable to give further specifics about
24 this incident."

25 Did you get that information from the boy,

1 the son?

2 A. Yes.

3 Q. So from the son's perspective, the mother bit him;
4 is that -- was that your understanding?

5 A. That's what the father told him that happened.

6 Q. Okay.

7 A. Yes.

8 Q. But he said in there, "but I remember;" did he
9 not?

10 A. Yes.

11 Q. So did you understand the boy saying that it was
12 also coming from him?

13 A. That's what --

14 MS. HAYES: Objection --

15 A. -- he said.

16 MS. HAYES: -- to form.

17 Q. (BY MR. ESSENBURG) Did you believe this boy?

18 MS. HAYES: Objection to form.

19 A. No, not necessarily.

20 Q. (BY MR. ESSENBURG) Okay. Are you aware that the
21 mother, at a temporary orders hearing, admitted that she
22 did that?

23 MS. HAYES: Objection to form.

24 A. Did what?

25 Q. (BY MR. ESSENBURG) Bit the boy.

1 MS. HAYES: Objection to form.

2 A. I was told that, yes.

3 Q. (BY MR. ESSENBURG) By whom?

4 A. By the father.

5 Q. Did you ask the mother whether she did that?

6 A. I don't recall specifically.

7 Q. Let me bring your attention to Page 14. This
8 particular statement says, "Lauriston reports the father
9 brings his gun with him when they leave the house 'to take
10 up for anyone'; he states the gun is 'in his pocket all the
11 time' and it is black."

12 You wrote that in your evaluation?

13 A. Yes.

14 Q. And you would agree with me it's not illegal to
15 carry guns in Texas?

16 A. Correct.

17 Q. He has a license to carry? Did you determine
18 that?

19 MS. HAYES: Objection to form.

20 A. He told me he had a license to carry, yes.

21 Q. (BY MR. ESSENBURG) So he wasn't doing anything
22 illegal to carry a gun?

23 MS. HAYES: Objection to form.

24 A. Not that I know of.

25 Q. (BY MR. ESSENBURG) Does he have -- did you find

1 any criminal record of the father in your -- in the custody
2 evaluation?

3 A. No.

4 Q. Did you find any assault charges or arrest ever of
5 the father?

6 A. No.

7 Q. Were there any allegations -- criminal allegations
8 of threats, like a terroristic threat or something like
9 that?

10 A. Not that I know of.

11 Q. Did you in your custody evaluation make any
12 findings or receive any emails, texts, or other written
13 communications by the father threatening to hurt the mother
14 or her husband?

15 MS. HAYES: Objection to form.

16 A. No.

17 Q. (BY MR. ESSENBURG) Are you aware of any verbal
18 threats by the father to hurt anybody ever?

19 MS. HAYES: Objection to form.

20 A. The mother stated that the father told her at the
21 time of their separation that he would, something like,
22 make your life miserable.

23 Q. (BY MR. ESSENBURG) I'm talking about threats of
24 physical violence.

25 A. Not that I recall, no.

1 Q. Did you, in the course of your evaluation, receive
2 any mental health evaluations that he's some sort of
3 physical danger to anyone?

4 A. Not that I know of, no.

5 Q. Or a threat to anyone?

6 A. No.

7 Q. Do you have some perception that this father could
8 be a physical threat to anyone?

9 A. Possibly, yes.

10 Q. Tell the Court all the reasons you believe this
11 father, in your mind, would be a physical threat to anyone.

12 A. I think he has convinced himself that the mother
13 is a danger to the child, that she poses risks, that he has
14 to win in this situation. And I don't know to what he's
15 capable if he doesn't win. His whole world revolves around
16 this child, and it's a big part of his own persona; and,
17 therefore, it concerns me if he were to legally lose any
18 part of his persona.

19 Q. Would you agree with me that you don't have
20 anything other than your thoughts and concerns about him
21 posing a threat because there's no criminal records,
22 there's no assault records, there's no mental health
23 records, there's no witnesses to family violence, is there?

24 MR. NESBITT: Objection, form.

25 A. Yes, that's true.

1 Q. (BY MR. ESSENBURG) You said one of the -- the
2 basis, as I understand it, that he could pose a danger to
3 the child because of his -- I'm sorry, mis- -- I don't mean
4 to mischaracterize it. If I do, restate it, if you would.
5 But poses a danger to the child if he loses the custody
6 case because his life revolves around the child because
7 that's his persona?

8 Is that a bad way of characterizing what you
9 just said?

10 A. That's accurate.

11 Q. The mother believes that the father poses a danger
12 to this child, doesn't she, with the running-over incident?

13 A. Yes.

14 Q. And isn't it in her persona that she be the
15 mother --

16 MS. HAYES: Objection --

17 Q. (BY MR. ESSENBURG) -- and have primary custody of
18 the child?

19 A. That's her wish, yes.

20 Q. (BY MR. ESSENBURG) Isn't the perception of the
21 mother and father similar in that they both feel the other
22 is a danger to the child?

23 A. It's not expressed the same way, but they both
24 have that fear of the other person.

25 Q. Okay. Why is his impactful in your perception but

1 her's not impactful in your perception?

2 MR. NESBITT: Objection, form.

3 A. The mother's reaction is to retreat, to withdraw,
4 to be fearful, to shut down emotionally; and the father's
5 way of handling it appears to be to use other resources to
6 get back at, to make allegations that would impact the
7 mother or people around her to, you know, denigrate the
8 mother in the community, to try to receive people on his
9 side such as professionals, counselors, those types of
10 people to convince them that he is correct in his view of
11 the situation. The mother doesn't do all of that work.
12 She does the opposite, tends to retreat.

13 Q. (BY MR. ESSENBURG) Tell the Court all the
14 resources you believe the father has used to -- well, I'm
15 sorry, you didn't describe anything that was -- constitute
16 a physical threat to the mother, did you?

17 MS. HAYES: Objection to form.

18 Q. (BY MR. ESSENBURG) Just using resources; is that
19 correct?

20 A. Yes.

21 Q. So how do you get from using physical resources to
22 physical threat?

23 MS. HAYES: Objection to form.

24 A. Well, if the object of involving CPS and the
25 police and talking negatively to the child about the

1 mother, the intent is to -- is to cause the mother harm, if
2 the father's campaign were to be thwarted by the legal
3 system, I just don't know what he's capable of, and that
4 may include physical threats or physical violence.

5 Q. (BY MR. ESSENBURG) Where -- tell the Court all
6 the facts you believe that it would -- could entail, quote,
7 physical violence.

8 MR. NESBITT: Objection, form.

9 A. I don't understand what you're asking.

10 Q. (BY MR. ESSENBURG) You said that it could entail
11 physical violence if he doesn't get his way, did you not?

12 A. Yes.

13 Q. Tell the Court all the facts that forms the basis
14 of your belief that could -- he could -- if he doesn't get
15 his way, it could entail physical violence.

16 A. Because the father is used to getting his way he
17 believes he's going to get his way, and he's willing to be
18 vindictive enough to use any resource possible, I believe,
19 to make that happen.

20 Q. So you believe if somebody's used to getting their
21 way, and not getting their way -- and uses resources and --
22 then that translates to violence?

23 A. It could because he's -- he's okay with even using
24 the child to get what he wants, which tells me that the
25 boundary issues are problematic.

1 Q. Is it fair to say that you really don't know?

2 MS. HAYES: Objection to form.

3 MR. NESBITT: Objection, form.

4 A. No. I don't know for sure, no. No one can
5 predict future violence.

6 Q. (BY MR. ESSENBURG) Has -- if the mother -- you're
7 saying their personalities are different: the mother
8 withdraws and the father goes and does a bunch of action
9 things to help himself, and if he doesn't get his way then
10 he could potentially be physically violent? Is that your
11 perspective?

12 A. Yes.

13 MR. NESBITT: Objection, form.

14 Counsel, when we get to a break, I need to
15 use the restroom.

16 MR. ESSENBURG: Yeah. Sure. We can do it
17 any time you want.

18 MS. HAYES: Prior to going off the record,
19 I'd like to stipulate on the record that the date of the
20 records that you were discussing previously where I'd asked
21 that a date be published is 6-15 of 2017.

22 Is that your understanding as well,
23 Mr. Nesbitt, Mr. Essenburg?

24 MR. NESBITT: I think it's the June and July
25 time frame --

1 MR. ESSENBURG: Yeah.

2 MR. NESBITT: -- of 2017.

3 THE WITNESS: Yeah, it's -- there's several
4 records in there --

5 MR. ESSENBURG: Yeah.

6 THE WITNESS: -- but that's the time frame.

7 MS. HAYES: Great. Thank you.

8 MR. ESSENBURG: Okay. Let's go off the
9 record.

10 (Lunch taken from 12:21 p.m. to 1:13 p.m.)

11 (Ms. Hayes leaves deposition and Mr. Whiddon
12 joins deposition.)

13 (Mr. Cottingham leaves deposition.)

14 Q. (BY MR. ESSENBURG) Jennifer, we're back on the
15 record. You understand you're back under oath?

16 A. Yes.

17 Q. And let me show you -- let's see here -- Page 15
18 of your interrogatory. I've -- in particular -- I've kind
19 of highlighted for you the particular portion of the page
20 that I'm -- why don't you take a look at that portion that
21 I've highlighted there.

22 A. Yes.

23 Q. Was it your understanding, Jennifer, that this boy
24 likes his father's house?

25 A. Yes.

1 Q. He liked going to the school he'd always gone to?

2 A. Correct.

3 Q. And what weight did you give to that?

4 A. It was a concern.

5 Q. It was -- was it important?

6 A. It's important to keep stability, yes.

7 Q. And did the boy's school represent stability, in
8 your mind?

9 A. Yes.

10 Q. Would this boy not continuing at that school that
11 he was going near his father's house create, in your mind,
12 some instability for him?

13 MR. WHIDDON: Objection, form.

14 A. It may.

15 Q. (BY MR. ESSENBURG) Let's see here. Take a look
16 at Page 15 there. I've highlighted a portion there that
17 states -- this is the boy talking. "He states now the
18 mother and her family are mean to the father. Lauriston
19 states the father gave him this information. As an example
20 of 'meanness' he states the father came to pick him up from
21 the mother's parents and it was raining. He states the
22 mother 'made my dad stand in the rain'."

23 Did you -- did you get that from the boy?

24 A. Yes.

25 Q. And did you believe him?

1 A. I believe that he was told that.

2 Q. Okay. Do you believe that happened, that the
3 father was made to stand in the rain?

4 MR. WHIDDON: Objection, form.

5 A. I don't know.

6 Q. (BY MR. ESSENBURG) So it may or may not have
7 happened; you don't know, one way or the other?

8 MR. NESBITT: Objection, form.

9 A. The -- yes. The important part to me was that the
10 father gave him this information that was negative about
11 the mother.

12 Q. (BY MR. ESSENBURG) If the truth of the matter was
13 that the mother made him stand in the rain while waiting
14 for his son, would that have been important?

15 MR. NESBITT: Objection, form.

16 A. No, not likely.

17 Q. (BY MR. ESSENBURG) In your mind, that would not
18 be any form of alienation or meanness?

19 A. It may be, but I thought that was a minor thing.

20 Q. Let me have you take a look at Page 15. I'll
21 highlight the portion that I'm looking at there. It
22 says -- Page 15, it says, "Lauriston states" -- that's the
23 boy -- "the mother is angry and when he texts the father,
24 the mother says 'you're grounded' and takes away his
25 phone."

1 Do you see that?

2 A. Yes.

3 Q. Did you write that in your report?

4 A. Yes.

5 Q. Did you get that from the boy?

6 A. Yes.

7 Q. Did you believe this boy?

8 MR. WHIDDON: Objection, form.

9 A. I believe that he thought that, yes.

10 Q. (BY MR. ESSENBURG) If the mother was angry at the
11 father and took away the phone, would that be, in your
12 mind, a form of alienation?

13 MR. WHIDDON: Objection, form.

14 A. It's certainly not good coparenting.

15 Q. (BY MR. ESSENBURG) Is it alienation?

16 A. It could be.

17 Q. Do you have any doubt?

18 MR. WHIDDON: Objection, form.

19 MR. NESBITT: Objection, form.

20 A. Doubt about -- I don't --

21 Q. (BY MR. ESSENBURG) Whether or not that's
22 alienation if she takes away the phone, can't talk with his
23 father?

24 A. Well, that alone -- one incident is not
25 alienation.

1 Q. Do you have any information or knowledge that it
2 was just one incident?

3 A. No.

4 Q. Let me show you Page 16 and where you wrote in the
5 report, "When asked if Lauriston believes that his mother
6 also tries to 'help him understand things about his
7 parents' he states, 'I think my mom has a little bit of
8 problems with being mean to my dad; he thinks that too'."

9 Did you write that?

10 A. Yes.

11 Q. Did you believe that the boy said that?

12 A. He said it to me, so yes.

13 Q. Okay. Is this boy able to read?

14 A. Yes.

15 Q. And how old was he when he told you that,
16 approximately?

17 A. He would have been seven still, I believe.

18 Q. Okay. Did you believe or have some understanding
19 that the father showed him some sort of legal documents?

20 A. Yes.

21 Q. Do you believe he's able to read and understand
22 legal documents at seven?

23 MR. WHIDDON: Objection, form.

24 A. Not in -- not likely understand them, no.

25 Q. (BY MR. ESSENBURG) Let me turn your attention to

1 Page 16, this particular sentence there.

2 Do you see that (indicating)?

3 A. Yes.

4 Q. "When asked if the father ever says anything nice
5 about the mother, Lauriston states, 'No, because my mom
6 hasn't done anything nice'."

7 Did you get that from the boy?

8 A. Yes.

9 Q. Did you ask him if the mother ever says anything
10 nice about his dad?

11 A. Yes. I always ask the question both ways.

12 Q. And what did he say?

13 A. He -- I believe he said, "I don't know."

14 Q. Was he able to articulate anything nice that the
15 mother says about the father?

16 A. No.

17 Q. What impact did that have, the fact that he wasn't
18 able to articulate anything nice about the father?

19 MR. WHIDDON: Objection, form.

20 A. That's not unusual for a seven-year-old.

21 Q. (BY MR. ESSENBURG) The fact that his father had
22 not said anything nice about the mother, did that impact
23 your evaluation?

24 MR. NESBITT: Objection, form.

25 A. No, not necessarily. Again, a seven-year-old

1 isn't always able to answer those questions.

2 Q. (BY MR. ESSENBURG) Okay. Was it your
3 understanding that Rob Cottingham is on his third marriage?

4 A. Yes.

5 Q. Okay. Let me show you Page 16. Let me see if I
6 can pull that up so it's easier for you to find. On
7 Page 17 it says, "In the first case June" -- "from June
8 2017, the allegation was made" -- "was that the mother's
9 brother" -- I can't pronounce that.

10 A. Nguyen.

11 Q. -- "Nguyen, called Buck by the fam-" -- called
12 Buck by the family, had held Lauriston and in scissor hold
13 and upside down, which the boy" -- (sic) -- "did not like."

14 Did you get that information from the boy
15 directly?

16 A. No.

17 Q. Who did you get that from?

18 A. From the CP- -- excuse me, from the CPS records.

19 Q. Okay. Did you believe the CPS records?

20 A. Yes.

21 Q. Did you believe that happened?

22 MR. WHIDDON: Objection, form.

23 A. I believe that it was the allegation.

24 Q. (BY MR. ESSENBURG) Did you ever determine or did
25 you ever form an opinion as to whether that happened?

1 A. No.

2 MR. NESBITT: Objection, form.

3 A. I wasn't able to.

4 Q. (BY MR. ESSENBURG) You didn't form an opinion,
5 one way or the other?

6 A. No.

7 Q. Okay. Let me turn your attention to Page 17.

8 "The second case, from July 2017, alleged the mother's
9 brother Eddie took a bath with the child and hugged him
10 tightly, making him feel uncomfortable."

11 Did you ever -- did you get information
12 regarding that issue; and, if so, from whom and when?

13 A. Both parents discussed it in the joint interview
14 that CPS had been involved, and they gave their versions of
15 the story. And then in the individual interview, I always
16 ask a question about when CPS has been involved, what --
17 the specifics. And then I got the Child Protective
18 Services' records from CPS directly.

19 Q. Did you get the summary or did you get the full
20 report?

21 A. We get -- it's not the entire report. It's the --
22 the allegation, the reporter, the case notes, drug testing
23 results, phone calls, summaries, any services the parents
24 completed, contact notes, and disposition.

25 Q. Okay. Did you ever get any -- what was your

1 understanding that happened? Did you understand that the
2 brother, Uncle Eddie, got naked into a bathtub with the
3 boy?

4 A. The allegation said just what I wrote here, but
5 then when --

6 Q. Took a bath with the child? You said --

7 A. That's --

8 Q. -- the allegation is Eddie took a bath with the
9 child.

10 A. That's what --

11 Q. Is that --

12 A. Yes, that's what the allegation said. But then
13 when -- I listed out here what various people said
14 regarding that.

15 Q. Was it your understanding, then, when you wrote
16 that that he got in the bathtub naked with the boy?

17 MR. NESBITT: Objection, form.

18 A. That that was the allegation, yes.

19 Q. (BY MR. ESSENBURG) Okay. And did you understand
20 that he was a priest in training?

21 A. Yes.

22 Q. What was -- what opinion, if any, did you have as
23 to whether or not a priest should be getting naked in a
24 bathtub with a eight- -- seven-year-old boy?

25 MR. WHIDDON: Objection, form.

1 MR. NESBITT: Objection, form.

2 A. He would have been five at the time, and I don't
3 necessarily think that any adult should be doing that. It
4 didn't -- him being a priest or not a priest didn't have
5 much to do with my concern.

6 Q. (BY MR. ESSENBURG) Are you aware that there are
7 rules from priests and priests in training as to how they
8 should conduct themselves around young children?

9 A. Oh, I'm sure there are.

10 Q. Let me show you what's marked as Petitioner's
11 Exhibit Number 144, a letter from the Jesuits about the
12 standards of conduct for priests, in particular the second
13 page has the standards of conduct.

14 A. Okay.

15 Q. Do you see the second page? Read that highlighted
16 or circled portion.

17 A. "Prohibited Behaviors: Being nude in the presence
18 of minors; changing and showering facilities for Jesuits
19 are to be separate from such facilities for minors."

20 Q. Okay. Did the mother or any of her family ever
21 explain what their brother was doing in the bathtub with
22 this boy?

23 A. Yes.

24 Q. What did they say?

25 A. The -- Eddie, in his interview with CPS, stated

1 that the mother wants -- he was visiting from out of town,
2 the family was getting ready to go somewhere, the mother
3 asked him to make sure that the child's hair was rinsed of
4 shampoo, and that he went into the bathroom, touched the
5 child's head to make sure there was no shampoo, and that he
6 left the bathroom and that at no time was he naked.

7 Q. Did you ever review the forensic interview of the
8 child by the police regarding what the police forensic
9 interview stated?

10 MR. NESBITT: Objection, form.

11 A. No.

12 Q. (BY MR. ESSENBURG) You never asked for it; is
13 that correct?

14 MR. NESBITT: Objection, form.

15 A. I asked for Dallas Police Department records, but
16 I did not receive the forensic interview.

17 Q. (BY MR. ESSENBURG) And even though you didn't
18 receive the forensic interview, you went ahead and
19 published your evaluation; is that correct?

20 A. Yes.

21 Q. Did you pick up the phone and ask the CPS worker
22 as to what her opinion was of what happened regarding Uncle
23 Eddie, the priest in training, getting in naked in the
24 bathtub with a boy?

25 MR. WHIDDON: Objection, form.

1 A. No.

2 Q. (BY MR. ESSENBURG) Why not?

3 A. Because I had the records, which was -- they were
4 written by her.

5 Q. Do you know what the standard is for what they
6 require in order to proceed forward with criminal
7 prosecution?

8 MR. NESBITT: Objection, form.

9 A. Not specifically, no.

10 Q. (BY MR. ESSENBURG) Okay. Are you aware that, in
11 fact, in order for them to proceed forward, they had to
12 have in the interview that there was sexual gratification
13 by the Jesuit priest in order to go forward with a criminal
14 case?

15 MR. NESBITT: Objection, form.

16 A. I -- I don't know what the standard is.

17 Q. (BY MR. ESSENBURG) So that you could be naked in
18 a bathtub with a boy inappropriately, and if they can't
19 prove beyond a reasonable doubt sexual gratification that
20 they will rule it out?

21 MR. NESBITT: Objection, form.

22 Q. (BY MR. ESSENBURG) Are you aware of that?

23 MR. NESBITT: Objection, form.

24 A. I'm aware that sexual gratification is a component
25 of the CPS standards for whether it is ruled out or not.

1 Q. (BY MR. ESSENBURG) Would you agree with me it
2 might be difficult for a five- or six-year-old boy to
3 express sexual gratification to a police officer
4 interviewing him?

5 MR. WHIDDON: Objection, form.

6 A. Yes.

7 Q. (BY MR. ESSENBURG) So when they're ruling it out,
8 they're not finding that it didn't happen, they just have
9 to have the evidence of sexual gratification? Without it,
10 even if he was molested or not, they're not going to go
11 forward without the evidence, you understand that --

12 MR. NESBITT: Objection, form.

13 Q. (BY MR. ESSENBURG) -- of sexual gratification?

14 MR. NESBITT: Sorry. Objection, form.

15 Q. (BY MR. ESSENBURG) You understand that?

16 A. Yes.

17 Q. So is it your understanding that ruling it out
18 doesn't mean it didn't happen?

19 MR. NESBITT: Objection, form.

20 A. Yes.

21 Q. (BY MR. ESSENBURG) It's just a standard as to
22 whether or not they can prove their criminal case?

23 MR. WHIDDON: Objection, form.

24 A. As to whether they can prove their CPS case.

25 Q. (BY MR. ESSENBURG) Yes. I'm sorry.

1 A. To me, my understanding is the criminal case is a
2 separate --

3 Q. Yes.

4 A. -- process.

5 Q. Yes, prove their criminal case.

6 What is your understanding of what the father
7 alleged to have happened between the son and Uncle Eddie?
8 What facts did he allege?

9 A. It depends which time he was spoken --

10 Q. Okay.

11 A. -- to.

12 Q. Give me all of them.

13 A. Okay. So initially the allegation, his father
14 said the child made an outcry that Eddie took a bath with
15 the child and hugged him tightly, making him feel
16 uncomfortable.

17 Then it was alleged that the father -- more
18 details that the father was -- that the uncle was nude,
19 that he touched the child with a soapy hand on his
20 genitals.

21 Then there were several more phone calls
22 after the case was completed, I believe, in which there
23 were additional details.

24 Q. What details?

25 A. That -- hang on. That he had -- that the child

1 told the father lots of times that Eddie had gotten into
2 the tub with him and washed his penis, that -- and then
3 there were phone calls after the fact to the police
4 investigator in which the father reportedly had the child
5 get on the phone and add more details personally to --
6 through the phone call to the police officer investigator.

7 Q. What details?

8 A. I don't know. Those weren't listed specifically.

9 Q. Okay. Anything else?

10 A. That's all I know of that -- regarding what
11 occurred in that incident supposedly.

12 Q. So let me make sure I understand your testimony
13 here to the Court today.

14 Your understanding of the allegations the
15 father made was that Eddie, the uncle, got in nude into the
16 bathtub with this five-year-old boy; is that correct?

17 A. It was just that he had gotten in the tub, was --

18 Q. Yeah.

19 A. -- the first allegation.

20 Q. And then, secondly, he touched the boy and washed
21 his genitals with a soapy hand?

22 A. Yes.

23 Q. And then there were other details, but they're
24 unknown?

25 A. Yes.

1 Q. Okay. At any time, did you understand the father
2 alleged that the Uncle Eddie had sexual gratification with
3 the boy?

4 A. No.

5 Q. So the father just alleged that the -- the Uncle
6 Eddie, then, just got nude in the bathtub, kind of
7 inappropriate, but didn't allege sexual gratification.

8 MR. WHIDDON: Objection, form.

9 Q. (BY MR. ESSENBURG) Is that fair or unfair to say?

10 MR. NESBITT: Objection, form.

11 A. He wasn't specific about that topic.

12 Q. (BY MR. ESSENBURG) Okay. Can you understand that
13 a father might get a little alarmed if a Jesuit priest
14 that's not supposed to be getting naked in a bathtub is
15 getting naked in a bathtub with his five-year-old boy?

16 MR. NESBITT: Objection, form.

17 A. Yes.

18 Q. (BY MR. ESSENBURG) Do you think that's
19 unreasonable?

20 A. His alarm or the incident?

21 Q. Both.

22 MR. NESBITT: Objection, form.

23 A. If he believed that happened, sure, he should be
24 alarmed by that.

25 Q. (BY MR. ESSENBURG) In your mind, is it

1 appropriate to make a referral to CPS if there was
2 inappropriate sexual contact?

3 A. Yes.

4 Q. Let me turn your attention here to Page 17, and
5 there -- by Dr. Chandler. Dr. Chand- -- it says on
6 Page 17, "Dr. Guy Chandler, a counselor paid for by Sacred
7 Heart Center and he was interviewed; Dr." -- "interviewed;
8 Dr. Chandler stated the father 'does not have a good filter
9 and he can be hyperfocused on certain things'; he reported
10 that he had been working with the father on this behavior."

11 Do you see that?

12 A. Yes.

13 Q. That was the Jesuit priest counselor that they
14 paid for; is it not?

15 A. Yes, that's what I was told.

16 Q. Did you ever pick up the phone and call him about
17 that incident?

18 A. No.

19 MR. NESBITT: Objection, form.

20 Q. (BY MR. ESSENBURG) Do you believe you have any
21 obligation to verify that type of collateral information?

22 A. Yes.

23 Q. So why didn't you pick up the phone and call and
24 do further investigation on that?

25 A. Because I can't --

1 MR. WHIDDON: Objection, form.

2 A. I can't always track down every single lead for
3 time sake.

4 Q. (BY MR. ESSENBURG) But doesn't inappropriate
5 sexual contact or nude -- bathing nude, isn't that a pretty
6 big ticket item or somebody being run over by a car?
7 Aren't those pretty big ticket items that maybe should be
8 investigated?

9 MR. WHIDDON: Objection, form.

10 A. They were. I received records regarding those
11 investigations.

12 Q. (BY MR. ESSENBURG) Let me turn your attention to
13 Page 17. You wrote in there -- and I'm not sure I put a
14 context under here, but it says --

15 A. That's 18. Yeah.

16 Q. I highlighted it and I crossed out the -- the boy
17 got -- referred to a large African-American woman because
18 he stated the child had issues with a large
19 African-American woman at school?

20 A. That was the worker that came to the house.

21 Q. Uh-huh.

22 A. The father called her directly and asked her not
23 to interview the child at the mother's house for the CPS
24 case because she would be asleep because she takes too much
25 Xanax, and so he should be interviewed at the father's

1 house. So she said that was fine.

2 So she showed up to the father's house, as
3 agreed upon, and the father wouldn't answer the door. Then
4 he called the worker back later to ask if she was a large
5 African-American woman because he was explaining that
6 that's why he didn't answer the door.

7 **Q. Do you believe he was racist in some way in that**
8 **episode?**

9 A. I'm not sure. That's kind of rude. I'm not sure
10 it rises to the level of racist.

11 **Q. Do you think it's rude if people don't answer the**
12 **door of their own home?**

13 MR. WHIDDON: Objection, form.

14 A. If they had an appointment and he was expecting
15 her, yes.

16 **Q. (BY MR. ESSENBURG) Do you know whether there was**
17 **an appointment and he was expecting her?**

18 MR. WHIDDON: Objection, form.

19 A. They had agreed to do the interview at the
20 father's residence that next day, so I'm assuming that
21 they -- he knew of it.

22 **Q. (BY MR. ESSENBURG) Do you know whether or not**
23 **they had a set appointment time?**

24 MR. WHIDDON: Objection, form.

25 A. No, I don't.

1 Q. (BY MR. ESSENBURG) So you assumed that she went
2 there at the agreed-upon time and knocked on the door, and
3 he just didn't answer?

4 A. Or that -- I mean, he should have been expecting a
5 worker. They all have to have a badge and they all show
6 their badge, so I'm assuming there's another reason why he
7 didn't want to answer the door. I'm not sure what that
8 was, though.

9 Q. But you don't know whether there was a set
10 appointment, do you?

11 A. No.

12 Q. Do you believe he was racist in some way?

13 MR. NESBITT: Objection, form.

14 A. No, not necessarily.

15 Q. (BY MR. ESSENBURG) Let me show you Page 18 here
16 in this particular -- it says, "The mother was engaged to
17 Rob Cottingham and he lives in Oak Lawn, which the father
18 called 'gay town'."

19 Who did you get that information from?

20 A. From the CPS worker.

21 Q. Okay. Did he believe that the father was
22 homophobic or didn't like gay people?

23 A. I -- I don't know. I'm not sure why else you
24 would point that out to the CPS worker.

25 Q. So did you write it up because you believe -- and

1 you put "gay town" in quotes. Did you write it up because
2 you believed he was against gays?

3 A. No. I --

4 MR. NESBITT: Objection, form.

5 A. I wrote it up because it was what -- the
6 information about all the father's phone calls. My --
7 my -- my reasoning was that I needed to show how many times
8 the father contacted the CPS worker after the interview and
9 about what topics. That was my intent.

10 Q. (BY MR. ESSENBURG) Do you believe he's against
11 gay people?

12 MR. NESBITT: Objection, form.

13 MR. WHIDDON: Objection, form.

14 A. I don't know.

15 Q. (BY MR. ESSENBURG) Or prejudiced?

16 A. I don't know.

17 MR. NESBITT: Objection, form.

18 Q. (BY MR. ESSENBURG) Did you ask him if he had any
19 gay friends?

20 A. No.

21 Q. Or if he -- did you ask him if he didn't like gay
22 people?

23 A. No.

24 Q. In your opinion, does Oak Lawn have a large gay
25 population?

1 MR. NESBITT: Objection, form.

2 A. Yes.

3 Q. (BY MR. ESSENBURG) Do you have any family members
4 that are gay?

5 A. Yes.

6 Q. Let me turn your attention to Page 18, and I'll
7 highlight for you the relevant portion on that page. "The
8 father reported that the mother was a swinger, and her
9 first husband" -- "with her first husband and that the
10 hairdresser told him that the mother was the best Ecstasy
11 dealer in the area; the father stated that he purchased
12 AK47s and AR15s."

13 Do you see that?

14 A. Yes.

15 Q. Did you form an opinion as to whether or not the
16 mother had had a swinging lifestyle in the past?

17 A. I asked her about those concerns because they were
18 listed in the father's concerns about the mother.

19 Q. And what was her response?

20 A. She denied that that had been an issue for her.

21 Q. Did he ever provide you photos of that?

22 A. He provided, I think, a photo of the mother
23 sitting on a couch with two men. That was all that I
24 recall.

25 Q. Do you recall him bringing that notebook when he

1 first came to talk with you having those photos?

2 A. Yes.

3 Q. Let me show you what's marked as 129.1, 129.2, and
4 129.3 and ask you if you recall receiving those photos when
5 you first walked in?

6 A. I don't recall.

7 I remember this one (indicating).

8 Q. Do you remember 129.1 and 129.2?

9 A. No.

10 Q. So did you -- did that cause any concern for you
11 about her lifestyle in the past?

12 A. No.

13 Q. So from your perspective, it didn't matter if she
14 had a swinging lifestyle or not?

15 MR. NESBITT: Objection, form.

16 A. I don't know that it didn't.

17 Q. (BY MR. ESSENBURG) In terms of impacting your
18 custody recommendations.

19 A. I don't know that it didn't matter, it's that that
20 doesn't prove that.

21 Q. Okay. If it was true, would it -- would it impact
22 your recommendation?

23 A. No. The dad is alleging that's something that
24 happened over 10 years ago, before the child's birth. So
25 those things usually don't impact very much.

1 Q. Okay. "The father stated he has purchased the
2 AK47s and AR15s." Did you believe that the father had
3 done something illegal, buying these guns?

4 A. No.

5 Q. Did you believe he was some sort of mass shooter
6 or posed a violent threat owning these guys?

7 A. No.

8 MR. NESBITT: Objection, form.

9 A. No.

10 Q. (BY MR. ESSENBURG) Did you consider him some sort
11 of threat to the mother, to son, or others by virtue of the
12 fact that he had these guns?

13 A. No.

14 Q. Were you aware that he worked as a DEA agent in
15 the past?

16 A. That's what he stated, yes.

17 Q. And that, in fact, they were not automatic
18 weapons, they were semi-automatic weapons?

19 A. I didn't make that distinction, no.

20 Q. How do you feel about guns, in general?

21 A. I own one. Don't have a problem with it.

22 Q. When's the last time you shot one?

23 A. It's been a couple of years.

24 Q. Let me turn your attention to Page 18. "The
25 mother stated the father has agoraphobia."

1 **Do you see that?**

2 A. Yes.

3 **Q. Did you believe that?**

4 A. It was documented in one of the reports, but,
5 again, it didn't really impact what's going on with the
6 family now, so I don't know if I believe it or not.

7 **Q. If the mother was either lying or not**
8 **understanding the truth, would that impact your -- impact**
9 **your custody evaluation?**

10 MR. WHIDDON: Objection, form.

11 MR. NESBITT: Objection, form.

12 A. I believe where she got it from was Dr. Siegel's
13 report in which he states that he has been diagnosed with
14 that. That's where the mother got it from, which is
15 where --

16 **Q. (BY MR. ESSENBURG) We previously showed you**
17 **Petitioner's Exhibit 178, which was Dr. Arauzo's --**

18 A. Right. But it wasn't in that; it was in
19 Dr. Siegel's custody evaluation --

20 **Q. I understand.**

21 A. -- which is on the disk.

22 **Q. Yeah.**

23 A. It's not -- I don't have paper of it.

24 **Q. Did you have any reason to disbelieve Dr. Arauzo?**

25 A. No.

1 Q. Okay. Let me show you Page -- on Page 18,
2 Lauriston was interviewed and he stated, "Mommy lies a lot
3 and she is mean to her fam-" -- "mean to her family." "He
4 stated he does not want to go to mother's house sometimes
5 because he is bored."

6 You wrote that up on Page 18; is that
7 correct?

8 A. Yes.

9 Q. Did you believe -- did this statement come from
10 the boy?

11 A. Yes.

12 Q. Did you believe that the boy was lying about his
13 mother?

14 MR. WHIDDON: Objection, form.

15 A. I didn't interview him directly. I was getting
16 this from when CPS interviewed him, so I don't have a lot
17 of context about, you know, how he -- how he said that. I
18 don't have a lot of the other indicators.

19 Q. (BY MR. ESSENBURG) Did you ever find any
20 instances where the mother was lying in your custody
21 evaluation?

22 A. Not that I can specifically think of.

23 Q. So if -- when she was telling her side of the
24 story about getting run over by the car, you don't believe
25 she was lying?

1 A. No. I believe she was telling her version of what
2 she believes happened.

3 Q. When she was denying she bit her son, do you
4 believe -- you believe -- do you believe her that -- you
5 don't believe she was lying?

6 MR. NESBITT: Objection, form.

7 A. I don't know on that one. I don't know.

8 Q. (BY MR. ESSENBURG) When she stated to you that
9 the father had never traveled 15 years away from -- from
10 his home, did you believe that she was lying --

11 MR. WHIDDON: Objection, form.

12 Q. (BY MR. ESSENBURG) -- or not?

13 A. I don't know a way to prove that or disprove that,
14 so I don't know that I considered it.

15 Q. So you didn't consider it, one way or the other?

16 MR. WHIDDON: Objection --

17 A. Correct.

18 MR. WHIDDON: -- form.

19 A. Correct.

20 Q. (BY MR. ESSENBURG) Did she deny doing drugs?

21 A. No.

22 Q. She admitted doing drugs?

23 A. In the past, yes.

24 Q. Okay. Did she tell you that she did Xanax?

25 A. She said she was prescribed Xanax, yes.

1 Q. Did she tell you she used cocaine?

2 A. She said she used Ecstasy in the past.

3 Q. Did she say that she had used cocaine?

4 A. Not that I know of.

5 Q. Let me show you what's marked as Petitioner's
6 Exhibit 127 and ask you if that was a part of your CPS
7 report, as a general or specific that you received from
8 CPS?

9 MR. NESBITT: I'm going to interject here.
10 By statute, we are prohibited from disclosing CPS records.
11 I'm going to caution the witness to be very careful about
12 disclosing what's in the records. We have not produced
13 those records for the record and will not produce them.
14 But I just want to caution the witness, be very careful
15 about disclosing what's in records that we are prohibited
16 by statute from disclosing.

17 THE WITNESS: Uh-huh.

18 A. I'm sorry, what was your question?

19 Q. (BY MR. ESSENBURG) Did you receive that CPS
20 report that's identified as Exhibit 127?

21 A. I -- we already talked about this one. This
22 was -- I received information about this allegation detail,
23 yes.

24 Q. Okay. Did you specifically receive in your report
25 from CPS any information about mother's drug use?

1 A. That's what the allegation was.

2 Q. Okay. Did you receive that in your report?

3 MR. NESBITT: Report or --

4 MR. ESSENBURG: She said --

5 MR. NESBITT: -- or the record?

6 MR. ESSENBURG: She said she got a --

7 MR. NESBITT: CPS records.

8 MR. ESSENBURG: -- summarized report,
9 summarized CPS --

10 THE WITNESS: CPS records in the --

11 MR. ESSENBURG: So she's not able to verify
12 whether 127 is the full content or just general or
13 something in between, so I'm asking the specific question.

14 MR. NESBITT: I'm going to direct the witness
15 not to answer as to what was contained in CPS records based
16 on the statutory exception --

17 MR. ESSENBURG: Okay.

18 MR. NESBITT: -- for disclosure and
19 dissemination of those records.

20 MR. ESSENBURG: So --

21 MR. NESBITT: I believe it also covers
22 disclosure and dissemination of information within those
23 records.

24 If you want to ask her about specific items
25 of which she was aware, that's fine.

1 MR. ESSENBURG: Okay.

2 Q. (BY MR. ESSENBURG) Jennifer, were you aware
3 whether there was drug paraphernalia found, including a
4 marijuana bong, in the mother's possession?

5 A. The father alleged that during the study.

6 Q. Irrespective of what the father alleged, were you
7 aware that there was drug paraphernalia found, including a
8 marijuana bong, in the mother's possession that was tested
9 positive for residue?

10 A. That's the person making the report alleging that.
11 So the father also alleged that, and the mother -- at some
12 point. I didn't talk to them about it, but it was in
13 another record -- I believe Dr. Siegel's old custody
14 evaluation -- that he said the mother admitted at that time
15 to having a bong that was an ex -- her ex-husband's.

16 Q. Okay.

17 A. I believe that's the information.

18 Q. Were you aware that that bong tested positive for
19 cocaine?

20 A. No.

21 Q. Were you aware that the bong tested positive for
22 marijuana?

23 A. I don't know either of those to be true.

24 Q. Okay. Did you ever investigate or try to find out
25 the truth of whether that -- whether that was true or not?

1 A. No. CPS examined that issue.

2 Q. Did you feel that you had no obligation to find
3 out that truth as to whether or not she had been abusing
4 cocaine?

5 A. I -- I don't know how I could have found that.
6 This report was in 2017, and I was doing my report a full
7 year later.

8 Q. Okay. Did you ever say, Ms. Ngo, did you ever do
9 cocaine?

10 A. I asked the question about drugs, drug history --

11 Q. And what --

12 A. -- for all clients.

13 Q. What was her response?

14 A. That she used Ecstasy as a younger person.

15 Q. Did she list "I used cocaine" ever or make a
16 statement to that effect?

17 MR. NESBITT: Objection, form.

18 A. No.

19 Q. (BY MR. ESSENBURG) Let me turn your attention
20 to -- I think this is Page 18, Jennifer.

21 A. Uh-huh.

22 Q. He -- I'm assuming "he" being the son. Is that
23 what you're referring to there? "He stated the mother
24 'eats'" --

25 A. Yes.

1 Q. -- "'sleeping pills'" --

2 A. Yes.

3 Q. -- "and he knows this because the father told him;
4 Lauriston asked the worker what the mother said during her
5 CPS interview and was told that she could not share that
6 with Lauriston."

7 Do you see -- did you write all of that?

8 A. Yes.

9 Q. Did you believe this boy when he said mother ate
10 sleeping pills?

11 A. I believe that the father told him that.

12 Q. Do you believe the mother ate sleeping pills?

13 MR. WHIDDON: Objection, form.

14 MR. NESBITT: Objection, form.

15 A. She said she had been prescribed something for
16 sleep, so yes, or something for anxiety that she took at
17 bedtime.

18 Q. (BY MR. ESSENBURG) Do you agree that custody
19 evaluators are not any better of assessing the truth than
20 other people?

21 A. Well, I know the bias is that we think we're
22 probably better just from repetition, but statistically
23 we're probably not better than anyone else, no.

24 Q. Have you ever been wrong before?

25 A. Sure.

1 Q. Ever made wrong recommendations?

2 A. I'm sure I have.

3 Q. Are all your recommendations from custody
4 evaluations right, in your opinion?

5 MR. NESBITT: Objection, form.

6 A. No.

7 Q. (BY MR. ESSENBURG) Sometimes you guys get it
8 wrong, fair to say?

9 MR. WHIDDON: Objection, form.

10 MR. NESBITT: Objection, form.

11 A. Sure.

12 Q. (BY MR. ESSENBURG) Let me turn your attention to
13 Page 19. I'll put the highlight up here so it's easier for
14 you to read. "The staff at the advocacy" -- on Page 19 it
15 states, "The staff at the advocacy center noted the father
16 left the facility with the child in the front seat of his
17 car without any safety seat or booster seat."

18 Did you ever see that?

19 A. Yes.

20 Q. What is the date of this allegation, or at least
21 the year if you don't know any --

22 A. So -- I'm sorry, where is it on Page 19?

23 Q. I can go back and --

24 A. Okay. Here it is. So -- okay. So this would
25 have been -- the advocacy center is who does the forensic

1 interview, which is how I knew that the child had been
2 forensically interviewed, and that would have been in the
3 July 2017 investigation. I don't know if it was --

4 Q. And how --

5 A. -- that month or subsequent.

6 Q. How old is the boy in July of 2017?

7 A. He would have been five, I believe, because he was
8 born in -- no, six.

9 Q. Six years?

10 A. Would have been six, yes.

11 Q. Do you normally have a six-year-old ride in a
12 booster seat?

13 A. Yes.

14 Q. Okay.

15 A. And he should have been in the backseat.

16 Q. Okay. And who was -- did you find out who, quote,
17 the staff was that said that?

18 A. No.

19 Q. Did you believe that was the routine and practice
20 of the father?

21 A. Yes.

22 Q. Did you ever see this boy yourself not having a
23 seatbelt on?

24 A. I saw him in the front seat of a vehicle with no
25 booster seat.

1 Q. Okay. When did you do that?

2 A. On the video on Channel 8 when he had the cookies
3 and --

4 Q. Okay.

5 A. -- the interview.

6 They showed him putting the child in the
7 front seat.

8 Q. What month and year?

9 A. That would have been when my report was issued, so
10 that would have been -- I don't know when the interview was
11 taped, but it was on or about the end of June 2019 or the
12 beginning of July 2019.

13 Q. Okay. Did you see him yourself, other than that
14 one time?

15 A. No. I did see photographs, though, other
16 photographs where that had occurred.

17 Q. Do you have that as part of your records in the --

18 A. Yes, I believe so.

19 Q. -- part of your publication of July of 2019 or
20 part of your publication of October of 2019?

21 A. I believe it's in the photographs for July of
22 2019.

23 Q. Okay. Do you believe that the father has been
24 making up these things to get the mother in trouble? For
25 example, getting into the bathtub naked with her brother or

1 biting the boy directly on the back, do you think the
2 father was making that up?

3 MR. WHIDDON: Objection, form.

4 A. I have my suspicion that the sexual abuse
5 allegation is greatly exaggerated and --

6 Q. (BY MR. ESSENBURG) Let me stop you there a
7 second.

8 Do you believe the father made an accusation
9 of sexual abuse?

10 A. Yes.

11 Q. What forms the basis of your facts that leads you
12 to conclude that he made a sexual abuse allegation?

13 A. Because I think the child may have said something
14 about the uncle washing his hair out, and he used that as a
15 way to retaliate against the mother. He was very upset
16 with her at that time.

17 Q. What was your -- you said he made a sexual abuse
18 allegation. Specifically, factually, what is the act of
19 the sexual abuse alleged by the father?

20 A. That instead of the uncle washing his hair out,
21 that he was naked in the tub with him.

22 Q. You understand that's not a sexual abuse
23 allegation?

24 A. It was --

25 MR. NESBITT: Objection, form.

1 A. It was behavior of a sexual nature that I think
2 the father hoped would lead to an investigation --

3 Q. (BY MR. ESSENBURG) How do you --

4 A. -- in retaliation.

5 Q. Okay. You believe that if the father says a
6 priest in training is naked in the bathtub with a five-,
7 six-, seven-year-old boy, that's a sexual abuse allegation?

8 A. It's enough to get a CPS case investigating, which
9 is, I think, what his intention was.

10 Q. Do you think that was inappropriate?

11 MR. WHIDDON: Objection, form.

12 A. To make up an allegation? Yes.

13 Q. (BY MR. ESSENBURG) Do you think he made up that
14 allegation that the priest was naked in the bathtub with a
15 boy?

16 A. Yes.

17 Q. What facts do you have to -- tell this Court what
18 facts that you have that forms your belief.

19 A. That when the father saw the original thing that
20 was told to CPS didn't work, he continued to change --

21 Q. I'm sorry, I don't know what you -- "that didn't
22 work," can you explain what you mean by that?

23 A. So the father made these allegations; CPS got
24 involved.

25 Q. What are the allegations, as to your

1 **understanding?**

2 A. That the uncle was in the tub with the child.

3 **Q. Okay.**

4 A. That opened an investigation. I think he believes
5 that the workers weren't taking that seriously enough. It
6 wasn't having the intended effect, which is why he made all
7 these phone calls to the worker in an attempt to sway her.

8 Then when that didn't work, he started
9 calling the police investigator and putting the child on
10 the phone with what the investigator described, he didn't
11 say specifically, but increasingly serious allegations. In
12 other words, the story was changing in a more serious
13 fashion in an attempt to get the police to file charges
14 criminally against the uncle. That was the father's
15 intent.

16 **Q. Did the uncle admit giving this boy a bath?**

17 A. No.

18 **Q. He didn't even say that he was participating in a**
19 **bath with the boy?**

20 A. He said the mother asked him to walk in after the
21 child was bathing, check to make sure he had rinsed all the
22 shampoo out of his hair, and he left the bathroom.

23 **Q. You understand that the boy specifically**
24 **contradicted all of that?**

25 A. Yes.

1 Q. So as I understand it, you believe this father
2 tried to get the mother in trouble with CPS authorities by
3 alleging that this man was in the bathtub with his son
4 naked; and then when that didn't work, he added additional
5 facts of soaping his privates or something to that effect?

6 MR. WHIDDON: Objection, form.

7 Q. (BY MR. ESSENBURG) Is that right?

8 A. Yes.

9 Q. And when -- and then there were other stuff, but
10 you don't know what the other things were, just increasing
11 communications with the investigators and workers?

12 A. The investigator -- the police investigator was so
13 upset that I believe he may have contacted CPS to make a
14 claim of emotional abuse by the father.

15 Q. Did they ever investigate the father for emotional
16 abuse, to your --

17 A. No.

18 Q. -- knowledge?

19 Okay. Did you ever look at the
20 investigator's notes or video of him and the boy talking?

21 A. There was no video; it was phone calls.

22 Q. No. I'm talking about the forensic interview that
23 the investigator conducted with the boy, the subject of
24 this suit.

25 MR. WHIDDON: Objection, form.

1 A. No.

2 Q. (BY MR. ESSENBURG) Wouldn't that have been
3 prudent of one of the things for you to find out and
4 investigate?

5 MR. NESBITT: Objection, form.

6 A. I would love to get that. As I said before, in
7 the 13 years I've been doing this, I have never received
8 video or notes from a forensic investigation ever. They
9 don't like to release those.

10 Q. (BY MR. ESSENBURG) Let me show you Page 20, in
11 particular a highlighted portion here. When the boy came
12 in with his stepfather, you wrote on Page -- what did I
13 say?

14 A. 20.

15 Q. 22?

16 A. 20.

17 Q. I'm sorry, 20?

18 A. Uh-huh.

19 Q. "When choosing games, Logan made the comment
20 'these are baby games' and the stepfather said, "no,
21 they're big kid games'."

22 Is it the stepfather that said that?

23 A. Yes.

24 Q. Let me turn your attention to Page 21. Well,
25 that's actually not it. You wrote in there, "There's" --

1 on Page 21, "There is no way there can be resolution to the
2 facts after so much time has passed, yet both parents are
3 still affected by their narrative about the incident."

4 And in there you're describing the mother
5 getting run over by the car; is that correct?

6 A. Yes.

7 Q. So you did not find Dr. Siegel's letter persuasive
8 that she was committing perjury, what I'd --

9 MR. NESBITT: Object- --

10 Q. (BY MR. ESSENBURG) -- previously marked as
11 Petitioner's Exhibit 104 --

12 MR. NESBITT: Object- --

13 Q. (BY MR. ESSENBURG) -- is that correct?

14 MR. NESBITT: Objection, form.

15 Q. (BY MR. ESSENBURG) You can answer that. And let
16 me put it in your --

17 A. Okay. And, I'm sorry, what was your question
18 about this document?

19 Q. You took the position that there's no way there
20 can be a resolution of the facts as to whether or not the
21 mother had run over herself or the father committed that,
22 and one of the reasons, you did not find Dr. Siegel's
23 letter identified as Petitioner's Exhibit Number 104
24 persuasive; is that correct?

25 A. I believe what Dr. Siegel says in this as far as

1 what he -- his understanding of the incident is likely the
2 truth of what happened because his custody evaluation was
3 done close in proximity in time to the actual incident. So
4 I believe that what he understood happened is likely what
5 happened.

6 Q. Okay. And then you would agree with me you had an
7 audio as part of your social study -- sorry, part of your
8 social study that -- where the mother admitted that it was
9 an accident, did you not?

10 It's toward the back, if it helps you. Yeah,
11 right there.

12 A. Yeah.

13 Q. Let me show you what I marked as Petitioner's
14 Exhibit 108, which purports to be a copy of what you're
15 looking at there at the back --

16 A. Right.

17 Q. 108 to -- the green tab there --

18 A. Yeah.

19 Q. -- is where the conversation is.

20 A. All right.

21 Q. Page 5, if you want to --

22 A. Uh-huh.

23 Q. -- turn your attention to that.

24 You received that as part of your custody
25 evaluation?

1 A. Yes.

2 Q. And did the mother provide that to you?

3 A. Yes.

4 Q. And so she had a transcript that she provided to
5 you, and the transcript appears to be dated January 12th,
6 2019, on what's been marked Petitioner's Exhibit 108.

7 And she says -- Mother -- she says, "Listen
8 to mom; I get in" -- something -- "maybe I didn't close it
9 right."

10 Do you see that?

11 A. Yes.

12 Q. So she, at least her words talking to her son,
13 is -- she's not claiming the father ran over her; she says
14 that she might have not closed the door right, to her son?

15 A. Yes. And my -- my point about this is that she
16 shouldn't have told the child that information. If the
17 child already knows about this information, her perspective
18 is protecting the father by not saying what she believes to
19 have happened. She's actually telling the child a scrubbed
20 version of what she believes happened.

21 Q. Okay. Alternatively she could be using the
22 inflammatory version saying, at the point of the custody
23 evaluation, that he tried to run over and kill me --

24 MR. WHIDDON: Objection --

25 Q. (BY MR. ESSENBURG) -- right?

1 MR. WHIDDON: -- form.

2 A. She could be, but it sounds like in this that
3 she's doing what's best for the child.

4 Q. (BY MR. ESSENBURG) So Dr. Siegel says it's an
5 accident; she describes it to her child as an -- it was an
6 accident about getting run over; is that correct?

7 A. Yes.

8 Q. And there's CPS records where she admitted to
9 being run over as an accident; is there not?

10 A. I believe so.

11 Q. Okay. And also Dr. Siegel's own social study
12 described it, not in a letter like I showed you in
13 Petitioner's Exhibit 104, but in his social study narrative
14 that it was an accident; is that correct?

15 A. Yes.

16 Q. There's no police allegations of attempted murder?

17 A. There was a police report, but it was just about
18 the car --

19 Q. Yeah.

20 A. -- hitting the fence.

21 Q. Yeah.

22 Was there ever a police allegation or
23 statements where -- alleging that the father tried to pull
24 the mother out of the car and run her over?

25 MR. NESBITT: Objection, form.

1 A. Not that I know of.

2 Q. (BY MR. ESSENBURG) Okay. No hospital records
3 backing the mother's story up?

4 MR. WHIDDON: Objection, form.

5 MR. NESBITT: Objection, form.

6 A. Not that I know of.

7 Q. (BY MR. ESSENBURG) You didn't contact the nanny
8 that was there at the time?

9 MR. NESBITT: Objection, form.

10 A. I had information from her about the incident.

11 Q. (BY MR. ESSENBURG) And what was the information
12 you had?

13 A. Well, the father stated that she was present and
14 that he -- she made a claim and I think it was in
15 Dr. Siegel's report as well that she was inside the house
16 with the father when they heard the loud noise, which was
17 the accident occurring.

18 Q. So let me understand this. You've got an
19 eyewitness that was there that says the father was inside
20 the house when it happened?

21 A. Yes.

22 Q. You've got Dr. Siegel saying that she committed
23 perjury, that didn't -- that's not what she reported;
24 you've got an audio where the mother says that --
25 explaining to the child that it was an accident, that she

1 didn't close the door right; you've got a CPS report that
2 says she admitted to getting run over by herself; you've
3 got a social study of Dr. Siegel saying that it was an
4 accident; you've got no police allegation, no hospital
5 records to contradict that; and your position to the Court
6 today is there's no way there can be a resolution to the
7 facts after so much time has passed, yet both parents are
8 still affected by their narrative about the incident? Is
9 that your position to the Court?

10 MR. WHIDDON: Objection, form.

11 MR. NESBITT: Objection, form.

12 A. Yes.

13 Q. (BY MR. ESSENBURG) Okay.

14 A. I don't believe it's what either parent believes
15 now, which is the father believes the mother was attempting
16 suicide, is what he says now, which I don't think is
17 accurate; the mother says it was the father trying to kill
18 her. Again, don't think that's accurate either, which is
19 why I mentioned that I'm not going to be the decider in
20 that issue with this case.

21 Q. She took that position after this -- the mother
22 took the position that the father took her out of the car
23 and allowed the car to run over her after the custody
24 evaluation started in 2018; is that correct?

25 A. I -- I don't know the timeline on that. I know

1 that she was going to a counselor, and the counselor said
2 that she and the mother were working on it, but I don't
3 know the time frame for that counseling.

4 Q. And as a matter of fact, it certainly was after
5 this lawsuit got started for custody, isn't it? Isn't that
6 correct?

7 A. I don't --

8 MR. WHIDDON: Objection, form.

9 A. I don't know.

10 Q. (BY MR. ESSENBURG) Okay.

11 A. It was after 2013 when the incident occurred, and
12 I don't know the timeline on that.

13 Q. Okay. And you agree with me that the custody
14 issue was resolved by Dr. Siegel in an agreed order back in
15 2015?

16 MR. WHIDDON: Objection, form.

17 A. 2014 or '15, that sounds correct.

18 MR. ESSENBURG: Okay. Do y'all want to take
19 a bathroom break?

20 MR. NESBITT: Sure do.

21 (Recess from 2:10 p.m. to 2:14 p.m.)

22 Q. (BY MR. ESSENBURG) Jennifer, we're back on the
23 record.

24 A. Okay.

25 Q. Rochelle Ritzi, she didn't fill out the forms that

1 you asked her to send back, but you-all communicated with
2 emails; is that right?

3 A. Yes.

4 Q. And are -- those emails, did you say, were part of
5 the published October 2019 documents?

6 A. Yes.

7 Q. Can you remind me what the -- as best you can
8 recall, the content of those emails were?

9 A. Yes.

10 There were a couple of topics specifically
11 regarding the mother's and father's communication with each
12 other. As I understand it, both parents had a shared
13 access schedule, so week on/week off so that they were each
14 bringing the child to the counselor, to Rochelle Ritzi, on
15 their weeks. So she would have contact with both parents
16 at the time of their week of access for the child's
17 appointments, so -- and then they also communicated to her,
18 and then they would cc the other parent so that it was a
19 three-way communication.

20 So some of those conversations were forwarded
21 to me and to Vickie Alexander for informational purposes;
22 in other words, what kind of issues were going on currently
23 with the parents. One of them was regarding a field day
24 for the child and the conflict the parents were having,
25 just so that we would have that information.

1 And then another one was about another issue
2 with the child, and I can't recall exactly right now. And
3 then she would -- a couple of times she wrote a little
4 paragraph about kind of what she's seeing as far as what
5 she's telling them to do, how she's directing them for that
6 specific issue.

7 **Q. What was she seeing?**

8 A. She was seeing that both parents were -- had
9 instances where they put the child in the middle of the
10 conflict, and that that was a concern for her, and that she
11 was giving them direct feedback on how to not do that.

12 **Q. Did it impact you in any way that the mother**
13 **was -- let's assume the father was, but did it impact you**
14 **that the mother was putting the child in the conflict?**

15 A. Sure. Yes.

16 **Q. And that was from the child's therapist?**

17 A. Yes.

18 **Q. Did she describe what the mother was doing?**

19 A. I don't -- I think it was a broad statement about
20 how she sees that both parents are doing that on occasion.

21 **Q. Okay. Did she make any recommendations to you**
22 **about possession periods or how much time each spent with**
23 **the other?**

24 A. Oh, no, nothing like that.

25 **Q. Okay. Did you get the sense from Ms. Ritzi that**

1 she didn't like the father?

2 A. No. No. I think she found the father to be
3 challenging. He was more challenging of the rules that she
4 had set up and the boundaries for how to make contact with
5 her, for example.

6 Q. Okay. Let me turn your attention to Page 21 of
7 your custody evaluation where it states that, "The father's
8 perspective appears to be that only he can meet all of the
9 child's needs."

10 Do you see that?

11 A. Yes.

12 Q. Do you believe the mother's able to meet all of
13 the child's need?

14 A. Not every parent is able to meet all of the
15 child's needs of any child.

16 Q. Is it your position that the child needs both
17 parents --

18 A. Yes.

19 Q. -- to meet the child's needs?

20 A. Absolutely.

21 Q. What role does the father have in fulfilling the
22 child's needs?

23 A. I think both parents have an equal role in
24 guidance; in providing physical, emotional, mental support;
25 in financially supporting the child; in providing learning

1 and guidance, love and material things; all kinds of
2 parenting lessons. I think both parents have different
3 parts of that to provide to children.

4 Q. What forms the factual basis of your belief that
5 you believe the father believes he's the only one that can
6 meet the child's needs?

7 MR. NESBITT: Objection, form.

8 MR. ESSENBURG: That was badly worded, wasn't
9 it?

10 Q. (BY MR. ESSENBURG) Let me restate that so it's
11 not so goobered up and embarrassing on the transcript.

12 What forms your belief that the father
13 believes he's the only one that can meet the child's needs?

14 A. He states that -- not in those exact words, but he
15 states that he is the better parent, he knows more, he --
16 in various forms, he's stated that himself to me.

17 Q. Anything else?

18 A. Not that I can think of.

19 Q. When did he state that?

20 A. In his written materials that he provided, in the
21 interviews, when he talked to CPS. I mean, he seems to
22 communicate that to others routinely, not just in the -- in
23 the custody evaluation.

24 Q. So we could look to see -- did he write you a
25 narrative as to what his perspective is about why he should

1 be primary?

2 A. Yes.

3 Q. And is that one of the places -- that was his big
4 expression of why he should be primary, as you understood
5 it?

6 A. Yes.

7 Q. And so did you interpret that document where
8 his -- he's giving you the reasons why he should be primary
9 as where he can meet all the child's needs?

10 A. That along with, I mean, he wrote me a letter,
11 there were emails. That's how he speaks about the child to
12 the counselor.

13 Q. Is the narrative a big piece of his attitude?

14 A. I would say it's part.

15 Q. Okay. Would you surmise that if he's writing you
16 a narrative for all of the reasons he should be primary,
17 that would be a pretty big representative of his attitude
18 about -- and his perspective?

19 A. Sure.

20 MR. WHIDDON: Objection, form.

21 A. Sure. I expect it to be.

22 Q. (BY MR. ESSENBURG) Let me show you Page 21. Let
23 me put that up on the screen there. It says on Page 21,
24 "It is clear the father's focus is on proving the mother to
25 be a detriment to the child and to use any means possible

1 to do this; he often engages professionals in order to use
2 them to prove and document some facet of his agenda
3 regarding the mother; furthermore, the father appears to
4 say one thing and do another in an attempt to bait and
5 manipulate others."

6 You wrote that?

7 A. Yes.

8 Q. Okay. And when you described "engages
9 professionals," you're describing him talking to CPS and
10 the police and counselors; is that correct?

11 A. Yes.

12 Q. And you think --

13 A. Primarily. Also schools.

14 Q. And schools?

15 A. Uh-huh.

16 Q. Anybody else?

17 A. Nobody that I could think of offhand.

18 Q. And CPS had to do with the investigations that
19 were ruled out; and the police, the sexual abuse that was
20 not prosecuted; is that correct?

21 A. Yes.

22 Q. And then I'm not understanding or aware of
23 anything regarding teachers. What -- who did he talk to as
24 a teacher?

25 A. The mother indicated that the -- that the father's

1 made allegations about her that he -- to the school, trying
2 to say that the child doesn't want to visit the mother,
3 that he tries to convince people of the school of his
4 wishes over the mother's wishes.

5 Q. You believe -- your belief was that the father was
6 trying to manipulate the system?

7 A. Yes.

8 Q. Do you believe the mother was trying to manipulate
9 the system?

10 A. I don't know in what way you mean.

11 Q. In the same way that the father was trying to
12 manipulate the system.

13 MR. WHIDDON: Objection, form.

14 A. No.

15 Q. (BY MR. ESSENBURG) Okay. Are you aware that the
16 mother and the stepfather reported the -- to the police
17 that the father had potentially physically abused the
18 child?

19 A. Yes. I was given that information just prior to
20 filing the report, I believe.

21 Q. As a matter of fact, I sent you a letter saying,
22 Hey, I've got some concerns, did I not?

23 A. Yes.

24 Q. Let me show you what's marked as Petitioner's
25 Exhibit 106 and ask you if you recognize the letter that I

1 sent to you regarding the issue of the mother and
2 stepfather alleging physical abuse by the father.

3 A. Yes. This is the other issue that Rochelle Ritzi
4 forwarded, was the -- the narrative between the parents
5 regarding this issue.

6 Q. Did you -- let me show you the police report
7 regarding that incident that's been marked Petitioner
8 Exhibit 137 and ask to see if you recognize this.

9 A. Yes.

10 Q. Have you seen that before?

11 A. Yes. I was provided this document.

12 Q. What was your understanding that -- of the mother
13 and stepfather's allegation on May 1st -- I believe it's
14 May 1st.

15 A. May 6th is the --

16 Q. May 6th.

17 A. -- is the --

18 Q. The police incident report?

19 A. Uh-huh. Yes.

20 Q. Okay. What was your understanding of the
21 allegation by the mother and stepfather on May 6th of --

22 A. I apologize, it was printed on May 6th. The
23 incident was taken down on 4-17, April 17th, 2019.

24 Q. Okay. What was your understanding of the
25 allegation by the mother and the stepfather in April 2019?

1 A. That Mr. Cottingham said he found an injury on the
2 child and --

3 Q. Was the mother also reported as a complainant?

4 A. Yes.

5 Q. Okay. So the mother and stepfather are both
6 complainants in the incident report?

7 A. Correct.

8 Q. And what was -- explain to me again what the
9 allegation was.

10 A. That the child had an injury to his upper left
11 forearm, minor swelling and bruising, and that the incident
12 was noticed after an exchange from the father.

13 Q. Okay. And they complained to the Highland Park
14 Police?

15 A. Yes.

16 Q. Okay. Let me show you what's marked as
17 Petitioner's Exhibit 139, a hospital report on the --

18 A. Yes.

19 Q. -- same incident.

20 Did you recognize that?

21 A. Yes.

22 Q. Did the mother and stepfather take this child to
23 the hospital?

24 A. Reportedly, yes.

25 Q. And did they investigate or examine his injury?

1 A. Medical Center of Plano, yes.

2 Q. Did that result in a potential CPS investigation?

3 A. Potentially, yes.

4 Q. Okay. Now, you had concerns about the father
5 engaging professionals to harass or abuse the mother.

6 Would you agree with me that if that was unfounded that the
7 mother is doing the same thing of using the professionals
8 to harass the father?

9 MR. WHIDDON: Objection, form.

10 MR. NESBITT: Objection, form.

11 A. She may be.

12 Q. (BY MR. ESSENBURG) Why is her use of calling the
13 police and putting this child through another hospital
14 interview any different than what is reported that the
15 father's using the professionals in the same way? Why is
16 hers different from his?

17 MR. NESBITT: Objection, form.

18 A. It's not, although there was an actual injury.
19 But other than that, I don't --

20 Q. (BY MR. ESSENBURG) There was an actual injury for
21 the bite marks, wasn't there?

22 A. I thought you were referring to the sexual abuse
23 allegation.

24 Q. No. Well, all of them, but --

25 A. Okay.

1 Q. -- I'm asking if there's -- you determined in the
2 bite marks you couldn't tell.

3 You determined in the sexual abuse that it
4 was just ruled out but that he was engaging professionals.

5 Here they're engaging the Highland Park
6 Police and the hospital. Why is the mother's exercise of
7 the police department and hospital any different than what
8 the father's was?

9 A. It's not, in this instance.

10 Q. I did not see this part of it written up anywhere
11 in your custody evaluation.

12 A. No.

13 Q. Why is that?

14 A. I was already primarily done with the report.

15 Q. So you didn't feel the need to supplement your
16 report to account for these facts?

17 A. No, I didn't add these specific facts.

18 Q. Well, would --

19 THE REPORTER: I'm sorry, did you say --

20 THE WITNESS: I didn't add these specific
21 facts.

22 Q. (BY MR. ESSENBURG) You would agree with me that
23 you published the report on July 8th of --

24 A. Yes.

25 Q. -- 2019 and you received my letter on May 21st of

1 2019, did you not?

2 A. Yes.

3 Q. So why didn't you insert these facts or account
4 for these facts in your custody evaluation?

5 A. I don't know.

6 Q. Is it possible the mother's guilty of the same
7 things the father is doing in using professionals to her
8 agenda to prove and document her problems with the father?

9 MR. WHIDDON: Objection, form.

10 A. She may be.

11 Q. (BY MR. ESSENBURG) And that it's -- is it
12 possible the mother is also manipulating the professionals?

13 MR. WHIDDON: Objection, form.

14 A. I don't know.

15 Q. (BY MR. ESSENBURG) You seem to know that about
16 the father.

17 MR. NESBITT: Objection, form.

18 A. I had a lot more evidence for the father.

19 Q. (BY MR. ESSENBURG) Okay. Let me turn your
20 attention to Page 22 of your report, and in particular this
21 sentence here: "Over time" -- it says, "Over time, the
22 stepfather has frequently become the one communicating with
23 and interacting with the father, which he has done at times
24 in an angry manner."

25 Do you see that?

1 A. Yes.

2 Q. Did you believe that?

3 A. Yes.

4 Q. Is it an unhealthy part of the mother's
5 circumstances to have a stepfather that dislikes the
6 father?

7 A. Yes, it's not the optimal situation at all.

8 Q. In your opinion, is it possible that the
9 stepfather may express alienating behavior towards the
10 father because he doesn't like him?

11 MR. WHIDDON: Objection, form.

12 MR. NESBITT: Objection, form.

13 A. It may.

14 Q. (BY MR. ESSENBURG) What impact did that have on
15 your custody evaluation?

16 MR. WHIDDON: Objection, form.

17 A. Well, I raised it as a concern about the mother
18 because -- and her household for that reason --

19 Q. (BY MR. ESSENBURG) So --

20 A. -- talked about it specifically.

21 Q. So it was a concern for you?

22 A. Absolutely.

23 Q. And it was a negative concern that the mother had
24 that type of -- that the stepfather was angry and,
25 therefore, the child would be exposed to an angry

1 **stepfather?**

2 MR. WHIDDON: Objection, form.

3 A. Yes.

4 Q. (BY MR. ESSENBURG) Would giving the mother more
5 time with the child put the son in a position to be exposed
6 more to the stepfather?

7 A. Yes.

8 Q. Wouldn't giving the father more time and away from
9 the stepfather and the mother kind of offset that?

10 A. No, because the --

11 MR. WHIDDON: Objection, form.

12 A. The instances in which the stepfather is angry is
13 when the father is present. So whether the child -- the
14 child's access schedule is -- is beside the point there.
15 It's not related to that.

16 Q. (BY MR. ESSENBURG) The truth is, you don't know
17 that to be a fact, do you?

18 MR. NESBITT: Objection, form.

19 A. Well, the instances that I had in which the
20 stepfather was outwardly angry in front of the child,
21 the -- the information I had about that were times when the
22 father was present.

23 Q. (BY MR. ESSENBURG) Who did you get that
24 information from?

25 A. From both parents in regards to the hockey

1 situation.

2 Q. And did the father say, I went and provoked the
3 stepfather? Or did that come from the mother or
4 stepfather?

5 A. Neither one of them used that language.

6 Q. Did they use words to that effect?

7 A. Not really. I was the one who, after receiving
8 information about both perspectives, determined that it was
9 that type of exchange.

10 Q. Let me turn your attention to Page 22 of your
11 custody evaluation where you write, "The child appears to
12 have been prepped by the father in order to make this
13 'choice' himself, and to tell others about it at the
14 father's direction."

15 Do you see that?

16 A. Yes.

17 Q. What forms the basis of facts that made you --
18 that -- wherein you typed that sentence up?

19 A. Because when I interviewed the child, every single
20 time I asked him, How do you know that, he said, My dad
21 told me.

22 But then sometimes he would say, Oh, and I
23 remember it too; or, I think I remember that.

24 But he clearly stated that the father had
25 told him the negative information about the mother.

1 Q. So you believed it all came from the father or
2 mostly came from the father?

3 A. I believe the -- the negative perception about the
4 mother came from the father, yes.

5 Q. Okay. You would agree with me that you weren't
6 there to know, one way or the other --

7 A. No.

8 Q. -- what the father did or what the father told the
9 son, other than what you perceived to be when you're
10 talking to him?

11 MR. WHIDDON: Objection, form.

12 A. I mean, he told me. I believed the child when he
13 said the father told him that information because there was
14 no other way -- some of the information, there was no other
15 way for him to know it. He was telling me things that
16 occurred before his birth --

17 Q. (BY MR. ESSENBURG) So when --

18 A. -- for example.

19 Q. -- he's saying "I remember it," what keeps you
20 from believing that he did remember it?

21 A. Because the way he said it was that he didn't
22 remember it. It was very questioning and unsure, is how he
23 sounded when he said that. I think the father is telling
24 him, You remember that, don't you. And I think that's what
25 is prompting him to use that sentence with me.

1 Q. Were you ever present when the father --

2 A. No.

3 Q. -- was saying, And you remember that, don't you?

4 A. (Witness shakes head.)

5 Q. So you're guessing that the father said that and
6 told the son. Is that fair to say?

7 A. I'm using my --

8 MR. NESBITT: Objection --

9 A. -- clinical opinion to surmise that, yes.

10 Q. (BY MR. ESSENBURG) But you don't have personal
11 knowledge of that; is that correct?

12 A. I wasn't present, so no.

13 Q. No, you don't have personal knowledge?

14 A. Correct.

15 MR. WHIDDON: Objection, form.

16 MR. NESBITT: Objection, form.

17 Q. (BY MR. ESSENBURG) Have you talked with others
18 that have spent a lot more time with the child and father
19 other than the -- other than the mother and the father?
20 For example, friends of Lauriston Crockett or teachers that
21 were around the mother and the child or family members of
22 Lauriston Crockett?

23 A. I mean, I received three personal references from
24 each of the adults who -- and in those they talked about
25 what they have observed between the child and the adults.

1 Q. Did any of them say, of the father's personal
2 references, that he -- the father manipulates this boy?

3 A. None of the father's said that.

4 Q. I'm sorry?

5 A. None of the father's personal references said
6 that.

7 Q. Did the mother's personal references say that the
8 father manipulated this boy?

9 A. I don't recall specifically. Well, one of the
10 personal references was the stepfather, so he talked a lot
11 about specific instances.

12 Q. He's the one that's angry, right?

13 MR. WHIDDON: Objection, form.

14 MR. NESBITT: Objection, form.

15 A. He's angry at the father, yes.

16 Q. (BY MR. ESSENBURG) Okay. Would you consider
17 that, the fact that the stepfather's angry, a potential for
18 a lot of alienation in the future?

19 MR. WHIDDON: Objection, form.

20 A. Possibly.

21 Q. (BY MR. ESSENBURG) Do you need some time to chase
22 that down? We can take a break.

23 A. Yes.

24 MR. ESSENBURG: So let's go off the record,
25 give her an opportunity to chase her references down.

1 (Recess taken from 2:37 p.m. to 2:39 p.m.)

2 Q. (BY MR. ESSENBURG) We're back on the record. Did
3 any of the mother's three references allege that the father
4 manipulated the child?

5 A. Yes.

6 Q. And who's that?

7 A. Natasha Sate, S-a-t-e.

8 Q. And who is that?

9 A. That is a mother of another child that Lauriston
10 goes to school with.

11 Q. Okay.

12 A. And she --

13 Q. What did she say about that?

14 A. She said that, based on what she has seen, the
15 father has an abnormal need for control and he wants to
16 inflict emotional pain and punishment toward the mother,
17 that he's created/manipulated scenarios to alienate the
18 child from his mother.

19 Q. Did she give any specifics?

20 A. No.

21 Q. Is she a psychologist?

22 A. No.

23 Q. Did you talk with her?

24 A. No.

25 And then Guadalupe Ortega who is -- they've

1 known each other for 19 years, and she talked about the
2 father's anger issues, his toxic behavior and emotional
3 abuse. She said, My main concern is that his hate for her,
4 meaning the mother, is so much greater than his love for
5 the child.

6 Q. Okay. Do you believe the mother dislikes the
7 father?

8 A. Yes.

9 Q. Hates him?

10 A. I don't know if I would use that word, but
11 probably, yes.

12 Q. Let me turn your attention to Page 22, in
13 particular the statement that says, "The mother appears to
14 be insistent on calling the child Logan for two reasons."
15 And the second reason you list is, "it further removes the
16 child from the influence of the father."

17 Do you see that?

18 A. Yes.

19 Q. Isn't that alienating behavior?

20 MR. WHIDDON: Objection, form.

21 A. It's -- yes, it's a way for her to remove what she
22 sees as the father's negative influence from the child,
23 yes.

24 Q. (BY MR. ESSENBURG) What weight did you give to
25 the mother having an attitude that she wants to remove the

1 child from the influence of the father?

2 A. The same weight I gave to the father who has the
3 same kind of ideas.

4 Q. Okay. So they're kind of similar in their
5 expressing behaviors that are alienating of the other?

6 A. Similar, but the intensity is different.

7 Q. Okay. Would you agree with me that the father
8 cannot have a disagreement with himself? In other words,
9 if he wants to call this child Lauriston and the mother
10 agrees, then there's not much of a fight; if the mother
11 disagrees, then there can be a fight, right?

12 A. Correct.

13 Q. And is that -- is the mother part of the problem
14 on insisting that this child be called not his legal name
15 but Logan?

16 A. Well, I think the problem that comes in is that,
17 according to all of the records from when the child was
18 young, everyone called the child Logan except the father,
19 but he didn't seem to be upset by it. In other words, when
20 the mother lived in his home and the child lived in his
21 home, the nanny, who he employed -- he and the mother
22 employed, called the child Logan; the school he was
23 enrolled in initially he was called Logan.

24 So the father didn't seem to have as much of
25 an issue with the name until it became an issue, and I

1 don't know at what time frame that happened, but at some
2 point around the time that this case was filed.

3 So it's not that Mother started being
4 insistent about it; it's that Father started being
5 insistent about it more recently because everybody in the
6 child's early development called the child Logan.

7 Q. Okay. In reviewing Dr. Siegel's custody
8 evaluation, do you -- did you determine that, in fact, he
9 did some psychological testing on the parties?

10 A. Yes.

11 Q. And would you agree with me that, in his
12 psychological testing, after all the smoke cleared,
13 Dr. Siegel recommended these parties have equal custody?

14 A. Yes.

15 Q. What weight did you give to Dr. Siegel's
16 psychological testing and recommendation of equal custody?

17 A. It was very helpful for me to see.

18 Q. And you did not feel the need to request a mental
19 health evaluation of the parties?

20 A. I suggested they both do counseling, which is also
21 what Dr. Siegel had recommended.

22 Q. But that's not my question.

23 My question is: You did not feel the need to
24 request a mental health evaluation of the two parties?

25 A. No.

1 Q. Okay. One of the concerns that you had was -- and
2 let me turn your attention to Page 23 of your report here,
3 make it easier for you. You said the first concern of the
4 father was that -- his narcissistic personality traits that
5 he evidences.

6 Do you see that?

7 A. Yes.

8 Q. Would it concern you if the mother had
9 narcissistic qualities?

10 A. No. That's what Dr. Siegel's testing showed.

11 Q. So help the Court understand, if the mother's
12 expressing narcissistic qualities and the father expresses
13 narcissistic qualities, why isn't -- why aren't you giving
14 weight to the mother's narcissistic qualities?

15 MR. WHIDDON: Objection, form.

16 MR. NESBITT: Objection, form.

17 A. It's not that I'm not giving weight to it; it's
18 that how they're impacting the child is much different.

19 Q. (BY MR. ESSENBURG) Okay. And how do you believe
20 her narcissistic qualities are impacting the child?

21 MR. WHIDDON: Objection, form.

22 A. As he described in his report, the mother tends to
23 be -- she tends to look toward a strong personality to gain
24 self worth; and then when -- if she is disappointed by that
25 person or that relationship sours, then she tends to be

1 more passive and critical of herself. And in that manner,
2 she's -- he described a narcissistic trait in that being
3 kind of self-centered about those issues.

4 He used some of the exact same words I use in
5 describing the father's more outward traits of narcissistic
6 personality, the self-aggrandizing, the being superior and
7 arrogant and haughty. Those were actually terms that I
8 noticed were actually in Dr. Siegel's report specifically.

9 Q. (BY MR. ESSENBURG) And you didn't see any of
10 those qualities in the mother?

11 A. I saw the passivity and how that impacts her
12 relationship with others. Yes, I did.

13 Q. You did see -- I'm sorry, what did you determine
14 to be narcissistic personality traits?

15 A. I mean, I --

16 MR. WHIDDON: Objection, form.

17 A. I'm just saying that I understand why Dr. Siegel
18 saw that in the testing. I didn't see as many indicators
19 of that issue currently.

20 Q. (BY MR. ESSENBURG) Did your -- did you believe
21 that the mother had narcissistic traits?

22 A. Yes.

23 Q. And you defined them in your custody evaluation,
24 did you not?

25 A. Yes.

1 Q. And you took the position that he has narcissistic
2 personality traits --

3 A. Yes.

4 Q. -- is that correct?

5 A. Yes.

6 Q. And you defined those in your custody evaluation?

7 A. Yes.

8 Q. You just believe that her narcissistic qualities
9 weren't as bad as the father's narcissistic qualities; is
10 that correct?

11 MR. WHIDDON: Objection, form.

12 A. Not as noticeable and not impacting the child.
13 That's my primary source of issue with the father's traits,
14 is that they currently are directly impacting the child in
15 a negative way.

16 Q. (BY MR. ESSENBURG) And when you say it impacted
17 the child, you're referring to, are you not, the fact that
18 the father has had some alienating behaviors?

19 A. That, and the -- I mean, all the specifics I
20 listed about how -- what he's -- how he's putting the child
21 in the middle and the negative talking about the mother,
22 all of those things.

23 Q. So I'm trying to get a handle on that. So how --
24 his narcissism impacts it because he has more -- he has
25 alienating behaviors?

1 A. Yes.

2 Q. Putting child in the middle?

3 A. Uh-huh.

4 Q. And what else?

5 A. Getting -- making these allegations that I believe
6 he knew were false but doing them anyway.

7 Q. Making allegations --

8 A. Uh-huh.

9 Q. -- he knew were false?

10 Which allegations did he know were false?

11 A. I think the sexual abuse allegation.

12 Q. Any others?

13 A. The -- making the child question his relationship
14 with the mother. That's really damaging to children.

15 Q. Anything else?

16 A. Trying to include, you know, other people in his
17 denigrating the mother so that all of the people in the
18 child's world have the same view of the mother, which is
19 negative.

20 Q. Anything else?

21 A. Interrupting people that the child does get a
22 benefit from, such as the counselor.

23 Q. What does that mean, interrupting the counselor?

24 A. So the -- it appeared to me that the father's
25 pattern was that he would take the child to counseling with

1 an idea that the -- that the counselor would speak for the
2 father or the child's wishes in court.

3 And then when -- when they were calling the
4 father on his behaviors, he didn't like that. He would
5 stop seeing that counselor and get another counselor, and
6 that that's what Rochelle indicated, that the father's --
7 when she started setting limits with him and boundaries
8 about how he was to communicate with her, then he stopped
9 coming to -- bringing the child to appointments, making
10 excuses that didn't seem to be realistic, and it's because
11 the father didn't like the way that the boundaries were set
12 with him. It wasn't anything about was the counseling
13 benefiting the child; it was, was it benefiting the father.

14 Q. Okay. So let me understand, make sure I'm -- I've
15 got some clarity on what your position is.

16 Your position is that the father's
17 narcissistic qualities impacts the child more, and you gave
18 several reasons for that; is that correct?

19 A. Yes.

20 Q. The reasons are his alienating behavior is one;
21 his putting the child in the middle is two; making false
22 allegations is three and using third parties or
23 professionals to be --

24 A. Uh-huh.

25 Q. -- involved is three?

1 A. Yes.

2 Q. Number four, he causes the child to question the
3 relationship with the mother; and, five, he includes other
4 people and disparages the mother?

5 A. Yes.

6 Q. And, six, he interrupts counseling or doesn't keep
7 boundaries that the counselor directs?

8 A. Yes.

9 Q. And that is different from the mother; is that
10 correct?

11 A. Yes.

12 The father's focus is on -- to me is on
13 what's best for the father, not necessarily what's best for
14 the child. I believe the father has difficulty seeing the
15 difference.

16 Q. You would agree with me that the mother has
17 exhibited alienating behaviors?

18 A. Somewhat, yes.

19 Q. You would agree with me that you've testified that
20 the mother has put the child in the middle?

21 A. Yes.

22 Q. You would agree with me that she's disparaged the
23 father?

24 A. Yes.

25 Q. You would agree with me that she has made

1 allegations to police and hospitals that the father
2 physically abused the child?

3 A. I don't know that she said that there -- they said
4 there was no history of abuse, but, yes, they -- they
5 alluded to that.

6 Q. They made a police report?

7 A. Yes.

8 Q. Said, Child's hurt, right?

9 A. Yes.

10 Q. You would agree with me that the counseling has
11 been court ordered, or, if there was a concern, it's
12 reasonable for Father to be concerned about possible sexual
13 molestation, it's reasonable to take a child to a
14 counselor?

15 A. Yes.

16 Q. Why are her actions and narcissistic behaviors not
17 impacting the child when she's doing a lot of the same
18 thing that he's doing?

19 MR. WHIDDON: Objection, form.

20 MR. NESBITT: Objection, form.

21 A. Because her focus is -- appears to be fear of --
22 she's afraid of the father. She's not trying to teach the
23 child to be afraid of the father or to dislike the father
24 or to not be a child of the father, and that is the
25 difference.

1 Q. (BY MR. ESSENBURG) I'm confused because one of
2 the things you said that she -- when she was describing
3 being run ov- -- by the father, that she was concerned that
4 someday he might cause physical harm to the child. Do you
5 recall that as part of your custody evaluation.

6 A. Yes.

7 Q. So isn't she also focused on the father
8 potentially hurting the child?

9 A. But she's not telling the child that; the father
10 is.

11 Q. So the difference is the father said some things
12 directly to the child, and the mother --

13 A. He's said --

14 Q. -- has not?

15 A. -- so many things directly to the child.

16 Q. And is it your position that the mother has not
17 said things to the child?

18 MR. NESBITT: Objection, form.

19 A. She has said negative things to the child.

20 Q. (BY MR. ESSENBURG) Okay.

21 A. Not --

22 Q. So --

23 A. -- in the same way that the father has.

24 Q. Okay. So it's quantity and quality, not
25 differences?

1 MR. NESBITT: Objection, form.

2 A. I would agree.

3 Q. (BY MR. ESSENBURG) You had had some concerns
4 about his self-aggrandizement or talking himself up in the
5 custody evaluation; is that correct?

6 A. Yes.

7 Q. And he described a bunch of stuff that was --
8 appeared to be pretty impressive, but it didn't impress you
9 a lot, did it?

10 MR. NESBITT: Objection --

11 Q. (BY MR. ESSENBURG) Is that --

12 MR. NESBITT: -- form.

13 Q. (BY MR. ESSENBURG) -- fair to say?

14 Or --

15 A. Well --

16 Q. -- let me strike that.

17 That's an unfair question.

18 He listed that he worked with SEAL Team 2?

19 A. Six. I don't know why --

20 Q. Six?

21 A. -- I wrote 2.

22 Q. All right. And with Chris Kyle?

23 A. Yes.

24 Q. And he did pet longevity vitamins?

25 A. Yes.

1 Q. That K-9 unit -- worked with the K-9 unit of the
2 Garland Police Department?

3 A. Yes.

4 Q. And he had an anti-aging pet show?

5 A. Yes.

6 Q. And you said that -- let me pull this up so you
7 can see what you wrote here -- "the father likely listed
8 these accomplishments and others in order to convince this
9 counselor or his high value and esteem in the community"?

10 A. Yes.

11 Q. If it's truthful -- it's not bragging if it's the
12 truth, is it?

13 MR. WHIDDON: Objection, form.

14 MR. NESBITT: Objection, form.

15 A. It's the -- it's not one thing that he said, it's
16 the way that he said it in combination with the number of
17 name droppings and highlights of his life he gave that were
18 unusual.

19 Q. (BY MR. ESSENBURG) So even if it's true, just the
20 way he said it caused you problems?

21 A. Caused me -- it got my attention, let's say.

22 Q. Yeah.

23 But what if it was true?

24 MR. WHIDDON: Objection, form.

25 A. I don't know that it isn't true.

1 Q. (BY MR. ESSENBURG) Okay. So it didn't make any
2 difference to you whether it was true or not; it's kind of
3 the way he said it?

4 A. Yes.

5 Q. Put you off?

6 MR. WHIDDON: Objection, form.

7 A. He was entertaining. I enjoyed talking to him
8 actually.

9 Q. (BY MR. ESSENBURG) Okay. Is it fair to say that
10 evaluators under Texas Family Code 107, 108, Subsection E,
11 must verify each fact and shall note the sources of
12 verification in the report prepared under 107.113?

13 A. Yes.

14 Q. So you're supposed to figure out whether people
15 are being truthful or not. Is that fair to say?

16 MR. NESBITT: Objection, form.

17 A. In a general way. That doesn't mean I have to
18 validate every single thing that they have said to me.

19 Q. (BY MR. ESSENBURG) Okay.

20 A. That's impossible.

21 Q. Did you validate whether or not he had worked with
22 the SEAL Team?

23 A. I don't know of a way to verify that. They're not
24 going to give me that information.

25 Q. Is it fair to say you did not?

1 A. No, I did not.

2 Q. Did you verify whether or not he worked with the
3 K-9 unit at the Garland Police Department?

4 A. No.

5 Q. Or was contacted by radio stations for his
6 anti-aging pet show?

7 A. Well, I believe that's true. He had that show. I
8 saw documents regarding that.

9 Q. Okay. So some of that you believe was true?

10 A. All of it may have been true. I have no
11 information to the contrary.

12 Q. You wrote in there, "He insisted that the child be
13 interviewed by CPS when having access at his home because
14 the mother takes Xanax and she's asleep."

15 A. Yes.

16 Q. Did you have information that, in fact, she did
17 take Xanax?

18 A. Yes.

19 Q. So that was true, was it not?

20 A. It was. But the reason why he was telling CPS was
21 to denigrate the mother and also to manipulate to have the
22 interview at his house.

23 Q. So what your position is, if somebody's abusing
24 drugs, it doesn't matter if you're denigrating somebody?

25 MR. WHIDDON: Objection, form.

1 MR. NESBITT: Objection, form.

2 A. There's no indication she was abusing anything.
3 That's not what he said.

4 Q. (BY MR. ESSENBURG) Okay.

5 A. He was trying to force the interview to be at his
6 house where he can control the situation. That's what I
7 believe.

8 Q. How do you know that? What facts form your
9 belief?

10 A. Because why else would you say that, I need the
11 interview to be at my house, if it weren't for a reason
12 other than you needed to supervise the interview.

13 Q. So you surmised the fact that he insisted on the
14 interview being at the house, that was --

15 A. Yes. Usually CPS doesn't let you choose. So I
16 don't know why she did let him, but she went along with
17 that. Usually they interview children at school without
18 either parent knowing, and it's for that reason, so that
19 neither parent can have influence over what happens or
20 they're prepped for the interview.

21 Q. And so you didn't question the fact that the
22 mother had taken Xanax? And was it your opinion that she
23 had taken Xanax in the past?

24 MR. NESBITT: Objection, form.

25 A. Yes, she had been prescribed that.

1 Q. (BY MR. ESSENBURG) Did the father test negative
2 for all drugs?

3 A. I didn't do a drug test.

4 Q. Did you receive drug tests or drug testing --

5 A. I --

6 Q. -- information?

7 A. -- believe so for both parents, and they were
8 negative, I believe.

9 Q. Did you receive drug testing for the father, that
10 he tested negative for all drugs?

11 A. Yes.

12 MR. NESBITT: Objection, form.

13 A. Yes, I believe so.

14 Q. (BY MR. ESSENBURG) You reported on Page 24 -- you
15 stated in there, "After the child was interviewed, the
16 father repeatedly called the CPS worker to tell her
17 increasingly bizarre stories about the mother, in an
18 apparent attempt to influence the worker's disposition of
19 case."

20 Do you know what, quote, bizarre stories were
21 told?

22 A. Yes.

23 Q. And what are they?

24 A. Well, it's listed above.

25 Q. Okay.

1 A. And then also --

2 Q. What are they?

3 A. That the mother and stepfather live in Oak Lawn,
4 which he called "gay town"; that Rob is bisexual; that the
5 mother was a swinger and she hung out with men and used
6 drugs and was an Ecstasy dealer; and that the worker --
7 that the work- -- that he needed a counselor to testify in
8 court in four days and that CPS needed to find him somebody
9 to do that, see the child and then be able to testify; and
10 that the worker -- he told the -- the CPS worker that the
11 mother's attorney was, like, a really bad person who went
12 big game hunting in Africa and shot wild animals and killed
13 them and that he's a good person and saves animals.

14 Q. Anything else?

15 A. That's all I can remember.

16 Q. Okay. Did you consider those all bizarre stories?

17 A. The African game hunting thing was a little
18 bizarre. And just the extremes was the nature that I was
19 referring to; not that they were, you know, not something
20 that could happen, but that -- the extremes the father
21 would go to to talk negatively about the mother in these
22 repeated phone calls to the worker. That was very unusual.
23 I don't know that I've ever seen that in CPS records.

24 Usually the parents call -- maybe call CPS to
25 follow up or to get information, maybe to give information,

1 but I'd never seen the amount of phone calls and the type
2 of information that the father provided to the worker.

3 Q. They did live in gay town -- I'm sorry, they did
4 not -- I don't mean to -- strike "gay town."

5 They did live in Oak Lawn?

6 A. Yes.

7 Q. You did verify that she took Xanax?

8 A. Yes.

9 Q. And you did have CPS reports that her bong tested
10 positive for cocaine and marijuana?

11 A. Well, that was the allegation. That wasn't --

12 Q. Okay.

13 A. -- proven by anyone.

14 Q. But you didn't ask the mother whether or not that
15 was --

16 A. She said --

17 Q. -- she had done that?

18 A. She said she didn't use anything but Ecstasy.

19 Q. Okay. Was that a legal drug?

20 A. No.

21 Q. It was an illegal drug?

22 A. Yes.

23 Q. That -- you just thought it was weird that her
24 attorney went African big game hunting, is that correct --

25 A. No.

1 Q. -- and that --

2 A. I thought it was weird that the father would call
3 a caseworker to say that. What -- why? Why would somebody
4 do that? It's very unusual.

5 Q. What -- why should that impact your custody
6 evaluation if most of those things are true?

7 A. Because it shows the extent that the father is
8 willing to go to.

9 Q. By telling the truth about things?

10 A. I don't know that those things are the truth --

11 Q. You don't --

12 A. -- at all.

13 Q. You don't know they're lies, do you?

14 MR. WHIDDON: Objection, form.

15 A. No, I guess I don't.

16 Q. (BY MR. ESSENBURG) So you don't know they're
17 lies, you don't know they're the truth, but, yet, you label
18 it as bizarre and innumerable stories and that was your
19 characterization; is that correct?

20 A. Yes.

21 MR. NESBITT: Objection, form.

22 Q. (BY MR. ESSENBURG) Let me show you Page 24. You
23 state in there, "In these ways, the father appears to be
24 teaching the child that because the father is special, the
25 child is also special and he deserves to be treated that

1 way."

2 A. Yes.

3 Q. Is that a negative, in your mind?

4 A. If it affects his relationship with others, then
5 yes.

6 Q. Could it be a positive?

7 A. It could be.

8 Q. Did you treat it as a negative?

9 A. I treated it as a negative in the way that
10 "special" means sometimes that you don't have to go by all
11 the rules, which causes conflicts with peers, and in that
12 way it might be a problem for -- to teach that to a child.

13 Q. You didn't want to have a junior narcissist?

14 MR. NESBITT: Objection, form.

15 A. Yes.

16 Q. (BY MR. ESSENBURG) You were concerned that he
17 could be a junior narcissist --

18 MR. NESBITT: Objection, form.

19 Q. (BY MR. ESSENBURG) -- is that correct?

20 A. Yes.

21 Q. (BY MR. ESSENBURG) If a boy has high self-esteem,
22 that's kind of a -- the -- at times, the mental makeup of
23 future business leaders, isn't it?

24 MR. WHIDDON: Objection, form.

25 A. It could --

1 Q. (BY MR. ESSENBURG) They believe that -- I'm
2 sorry, go ahead.

3 A. It could be, but there's a way to feel good about
4 yourself without denigrating others. There's a difference.

5 Q. So you didn't just like the way his style was to
6 teach the child that he's special. Is that fair to say?
7 That didn't strike you as appropriate parenting, the way he
8 did it?

9 A. In that context, no, I didn't -- I didn't think
10 that was appropriate.

11 Q. Let me show you what's Page 24 where you state,
12 "The father appears to have an agenda not only to make
13 himself seem superior, but also to malign the mother; to
14 achieve this end, the father has a narrative that changes
15 and appears to worsen with time."

16 Do you recall that?

17 A. Yes.

18 Q. You testified earlier that you believe the mother
19 has maligned the father, did you not?

20 A. Yes.

21 Q. If I recall that she had called him, on Page 7, a
22 con man; is that correct?

23 A. Yes.

24 Q. On Page 6, teaches his son to lie?

25 A. Yes.

1 Q. Page 2, calls him a narcissist, but not herself?

2 A. Yes.

3 Q. Claims the father attempted to kill her by running
4 over her?

5 A. Yes.

6 Q. Believes it?

7 A. Yes.

8 Q. And she said all of those things, didn't she?

9 A. Yes.

10 Q. Aren't those maligning the father?

11 A. Yes, but she was telling them to me in the context
12 of the custody evaluation.

13 Q. So you don't believe she's told any negative
14 things to other people?

15 A. Oh, she's -- I'm sure she has.

16 Q. Doesn't her articulating those things present
17 herself as being superior?

18 MR. NESBITT: Objection, form.

19 A. She doesn't present herself as being superior.
20 That's not her demeanor.

21 Q. (BY MR. ESSENBURG) Well, if she says he's a con
22 man, he's a liar, teaches his son to do all this bad stuff,
23 but I don't, isn't that a claim of being superior?

24 A. Well, the --

25 MR. NESBITT: Objection, form.

1 A. The absence of bad things doesn't mean you're
2 better. She admitted that she has faults and things that
3 she's working on for herself.

4 Q. (BY MR. ESSENBURG) Would it be fair to say that
5 you gave greater weight to his maligning than her
6 maligning?

7 A. I -- I gave it greater weight because there was
8 more of it and to more people and specifically, as I've
9 restated many times, to the child.

10 Q. Okay. Bear with me, Jennifer.

11 Let me turn your attention to Page 25. I'll
12 put it up on the screen for you so it's easier. "It's
13 clear that the father has set out and developed a carefully
14 curated image of himself as a superior father and the
15 mother as inferior; this image appears to be carefully
16 controlled and specifically communicated to Lauriston, as
17 well as the father's friends and business associates; the
18 father seems to believe this image is the truth."

19 Do you recall that?

20 A. Yes.

21 Q. What are your top three reasons to believe that
22 that statement is true?

23 A. The -- that's very difficult to water down into
24 three things.

25 Q. You can have more, if you want. Do top five.

1 A. Okay. The way the father talks about himself and
2 talks about the mother. The mother never says the father
3 is optional, but the father seems to give that -- I mean,
4 that's an option for him, for the mother just not to be
5 involved. He doesn't say that, but when you look at his
6 behavior that's what he is attempting to do, I believe.

7 He is vindictive in the manner in which he
8 attempts to get this agenda accomplished, including giving
9 information to Lauriston to tell others to -- to maintain
10 the father's story through the child, which is very
11 damaging.

12 And the -- he doesn't have a lot of other
13 sources of emotional connection, so he -- it's kind of all
14 riding on the child in that the boundary between what the
15 child needs and what the father wants, there isn't -- to
16 him, those are the same thing, and that's very concerning
17 because that doesn't take into account the child's best
18 interest. The father thinks he's doing that, I believe,
19 but I don't think that he is.

20 **Q. Anything else?**

21 A. Not that I can think of.

22 **Q. So I'm trying to understand what you've said, so**
23 **I'm going to say back what I understood you to --**

24 A. Uh-huh.

25 **Q. -- say, and please correct me if I'm wrong.**

1 I've got four reasons, and tell me if it's
2 more.

3 The top three, four, five reasons that you
4 believe that the father has set out and developed a
5 carefully curated image of himself as a superior father and
6 the mother inferior is because -- the way he talks about
7 himself as if the mother is optional and he's not optional,
8 he's more of a necessity, for lack of a better term?
9 That's one.

10 A. Yes.

11 Q. Number two, he's vindictive, and his vindictive
12 expression is he uses his son to maintain his story of what
13 he believes to be the truth and passes that on to his son?

14 A. Yes.

15 Q. And number three, the father has no other sources
16 of emotional connection other than his son; therefore,
17 there's few boundaries between him and his son; therefore,
18 he doesn't take into account his son's need for personal
19 growth. Is that fair --

20 A. Yes.

21 Q. -- or unfair to say?

22 A. Yes.

23 Q. And those are your top four, I -- four, I would
24 say? Three? Four?

25 A. Yes.

1 Q. I'm sure there are others, but those are the top
2 ones?

3 A. Probably, yes.

4 Q. Okay. Let me turn your attention to Page 25. And
5 he describes in there -- or you write on Page 25, "In his
6 attachments the father stated that his bond of 'myself and
7 my son is unusual and close'?"

8 A. Yes.

9 Q. Do you believe that was true?

10 A. Yes.

11 Q. If it was close -- and you agree that the son
12 loves his father?

13 A. Of course.

14 Q. Your recommendation was to almost eliminate the
15 father/son visitation schedule, save and except for three
16 hours per week supervised --

17 MR. WHIDDON: Objection, form.

18 Q. (BY MR. ESSENBURG) -- is that correct?

19 A. That was my recommendation about access, yes.

20 Q. Okay. Did you base that recommendation on any
21 peer-reviewed articles or research recognized by any
22 psychological studies?

23 MR. NESBITT: Objection, form.

24 A. I mean, I used all of my knowledge about those
25 things in determining, but I didn't base that

1 recommendation on any one specific study.

2 MR. ESSENBURG: Okay. Objection,
3 nonresponsive.

4 Q. (BY MR. ESSENBURG) Did you base it on any
5 specific studies?

6 MR. NESBITT: Objection, form.

7 A. No.

8 Q. (BY MR. ESSENBURG) Is it just your clinical
9 opinion?

10 A. It's based on a number of studies in general that
11 I've read over the years, but nothing specific that I
12 can --

13 Q. Okay.

14 A. -- quote.

15 Q. Tell me the ones that you base it on that are not
16 specific.

17 A. I mean, all of the research I've read about shared
18 parenting schedules, we've had trainings -- we have a
19 training once a month about different custody evaluation
20 issues. We have guest speakers talk about things. I can't
21 think of any names right this second. I've read, you know,
22 Divorce Poison recently, re-read it again.

23 Q. By Stan- -- by Warshak?

24 A. Yes.

25 Q. I've read Between Two Homes again recently because

1 we have new people in our office and it was sitting there,
2 so I re-read it again. Mom's House, Dad's House. You
3 know, several articles that I can't quote the author, but
4 I -- you know, we're reading all the time.

5 Each time I have an issue in my case that I'm
6 unfamiliar with as far as things that the parties are
7 involved in or a specific allegation, then I look up and
8 find research articles about that topic, so I'm doing that
9 constantly.

10 Q. Did you specifically research this set of fact
11 situations and match it up with any peer-reviewed
12 scientific articles by psychologists or psychological
13 studies?

14 A. No.

15 MR. NESBITT: Objection, form.

16 A. I thought of another thing to add to that list of
17 factors, is, according to other sources such as Rochelle
18 Ritzi, such as, you know, information I received from the
19 parties during the case, the mother appears to be much more
20 willing to take information about how she's behaving and
21 put it into place.

22 The father, when he's given the same kind of
23 information about how maybe to change his behavior, it --
24 it doesn't seem able to recognize that he is doing those
25 things. He just disagrees and then continues to do the

1 same behavior.

2 So in that way, to put it in very basic
3 terms, the mother is teachable and the father isn't as
4 much, possibly because he doesn't recognize that the things
5 he is doing are damaging, which is a large concern of mine.

6 Q. (BY MR. ESSENBURG) Okay. Let me call your
7 attention to Page 25. It says (as read), "The father's
8 personality traits is, by definition, long standing and
9 likely causes significant impairments in interpersonal
10 relationships through his lifetime, including romantic
11 relationships and those involved in parenting."

12 Do you see that?

13 A. Yes.

14 Q. Is that your description, after identifying him
15 having narcissistic traits?

16 A. Yes.

17 Q. And so I'm clear, you did not test the mother nor
18 the father for any personality profiles, did you?

19 A. No.

20 Q. And you didn't refer them to any psychologist or
21 others for evaluation for personality disorders or mental
22 health issues?

23 A. I'm capable of making determinations about
24 diagnoses, so I used my collective information about that.

25 Q. So you felt like you were in a superior position

1 to make your own determination of whether somebody was a
2 narcissist?

3 MR. WHIDDON: Objection, form.

4 MR. NESBITT: Objection, form.

5 A. I didn't say that.

6 Q. (BY MR. ESSENBURG) Okay. Just an equal position
7 or make your own opinion of whether or not they were
8 narcissistic?

9 MR. WHIDDON: Objection, form.

10 MR. NESBITT: Objection, form.

11 A. I have the clinical knowledge and license in order
12 to be able to do that, yes.

13 Q. (BY MR. ESSENBURG) Did the mother allege that
14 it's mostly the father's fault that all of this is
15 happening?

16 MR. NESBITT: Objection, form.

17 A. I -- I don't recall her saying that.

18 Q. (BY MR. ESSENBURG) Okay. When I say "that this
19 is happening," that there's a custody fight and all the
20 angst that's gone with the custody fight.

21 A. I mean, she may have that opinion. I don't know.
22 She didn't -- I don't remember her expressing that directly
23 to me.

24 Q. In your report that I read, I didn't see any place
25 in there where the mother valued the role of the father in

1 the son's life. Am I mistaken on that? Is there some
2 place in there that you believe it is expressed in there
3 that the mother values the father's role in his life?

4 MR. WHIDDON: Objection, form.

5 A. I don't know that -- that that is ever asked
6 specifically. Occasionally I'll ask parties to tell me
7 something good about the other party, but I -- I don't
8 believe I did that in this case.

9 Q. (BY MR. ESSENBURG) Let me turn your attention to
10 Page 26 where it states that, "The father appears to view
11 the child as 'perfect' only if he agrees with and behaves
12 as the father wishes; any deviation from the father's
13 wishes for his behavior will likely be seen by the father
14 as traitorous."

15 Do you see where you wrote that?

16 A. Yes.

17 Q. You're not able to know what's in the father's or
18 the child's mind, do you?

19 A. No.

20 Q. You don't know what the father's thinking?

21 A. Only what he tells me he's thinking.

22 Q. Okay. Did he tell you that?

23 A. No.

24 Q. Let me turn your attention to Page -- still at 26.
25 I'll put that there where it says, "Even the father's

1 personal references mentioned that father has few outlets
2 for his own interests except the child."

3 See that?

4 A. Yes.

5 Q. Is it possible that the father loves his child and
6 that's where he chooses to spend his time?

7 A. Sure, but most parents have -- especially because
8 the father works from home, he has so much free time that,
9 times when the child is with the mother, it would seem he
10 would have developed another interest. That's why I
11 mentioned it. It seems unusual in that -- especially in a
12 split schedule, he has only half the time with the child;
13 the other half of the time he doesn't -- you know, the
14 father's references mention that he doesn't have a lot of
15 interests. In fact, it was stated somewhere that he tells
16 the child things like, While you're gone, I miss you and
17 all I do is wait for you to come back, things like that
18 that are damaging.

19 Q. Okay. It could be kind of a positive, could it
20 not, if somebody is devoted to your well-being and
21 emotional well-being and physical well-being? Couldn't
22 that be a positive also?

23 A. I don't think it's good for anybody to have a
24 singular devotion to one person and only that. No, I don't
25 think that's healthy.

1 Q. Is it your position that he has only a singular
2 devotion, and that's his son?

3 A. Based on what I know, other than his work, yes,
4 that's what I -- I -- how I view it.

5 Q. So he's got his work and his son?

6 A. Pretty much.

7 Q. And you consider that unusual?

8 A. Somewhat, yes.

9 Q. Do you know how much time he works?

10 A. Not specifically. He wasn't able to give me a
11 timeline of how many hours of his day he spends doing
12 various work activities.

13 Q. He's got more than one business, does he not?

14 A. Yes.

15 Q. So he's got several businesses, and then he spends
16 time with his son. Is that your understanding?

17 A. Yes.

18 Q. Are you aware that the social study report on
19 Page 20 describes the mother as taking Xanax? I'm speaking
20 to Jeff Siegel's --

21 A. Oh.

22 Q. -- custody evaluation.

23 A. Yeah. She told me that she was prescribed that, I
24 believe.

25 Q. All right. Did you feel the father was

1 denigrating the mother when he described her as doing
2 drugs, cocaine, and had swinging parties?

3 A. Yes.

4 Q. What if it was true?

5 MR. WHIDDON: Objection, form.

6 MR. NESBITT: Objection, form.

7 A. To me, the fact -- whether it was true or not was
8 not the point. The fact is, is that this is something that
9 happened way before the child was born, something he likely
10 knew about the mother prior, but he's bringing it up in the
11 context of this setting in order to make the mother appear
12 negative in some way to me or to others.

13 Q. (BY MR. ESSENBURG) Isn't that a negative, in your
14 mind?

15 A. That's why he's saying it.

16 Q. No. I'm asking, in your mind, is it a negative to
17 do drugs, cocaine, and have swingers' parties and then ask
18 for custody of a child.

19 MR. WHIDDON: Objection, form.

20 MR. NESBITT: Objection, form.

21 A. I don't -- I can't speak about people's sexual
22 practices at all. I'm not going to get into that. But, I
23 mean, drug use is -- is not appropriate when you're
24 parenting. But the father is not alleging that the mother
25 was doing it while parenting; he's alleging that she was

1 doing it as a single person.

2 Q. (BY MR. ESSENBURG) It was your understanding that
3 she wasn't doing drugs or illegal drugs while she was
4 parenting?

5 A. Correct. I don't believe that's what he was
6 alleging.

7 Q. How many --

8 A. He was alleging it was something prior to his
9 relationship with her.

10 Q. How many -- did you get any -- how many drug tests
11 did you have of the mother?

12 A. I have no -- I didn't do any, so I don't know.

13 Q. So you were depending on people's words?

14 A. Yes.

15 Q. But you were concerned because of -- your concern
16 was the father's denigrating the -- the mother because he's
17 alleging she did drugs, cocaine, and had swingers' parties,
18 and it really wasn't relevant in your mind, given the --
19 how old it was?

20 MR. NESBITT: Objection, form.

21 A. Yes.

22 Q. (BY MR. ESSENBURG) But you don't know how old it
23 was or wasn't, do you?

24 A. Well, the father said when she was with her first
25 husband, so that gives me a time frame that it was before

1 the relationship with the father. That's in the context of
2 when he mentioned those things occurring.

3 Q. Okay. Let me turn your attention to Page 26. And
4 that doesn't really give you enough there. Can you find
5 that --

6 A. Uh-huh. "The father persists in his claims that
7 the mother 'permitted her brother to bathe naked with my
8 son,' even though this was clearly ruled out by CPS."

9 Q. Okay. So your understanding -- was it your
10 understanding when it was ruled out by CPS that it didn't
11 happen or it didn't rise to the level of the standards
12 required for a reason to believe?

13 MR. NESBITT: Objection, form.

14 A. It didn't rise to the standards of even unable to
15 determine and clearly not reason to believe, but the
16 content was that -- I believe that it didn't even occur,
17 that the father is stuck on that claim.

18 Q. (BY MR. ESSENBURG) You're not able to -- you're
19 not able to know whether it did occur or it did not occur.
20 Isn't that fair to say --

21 MR. NESBITT: Objection, form.

22 Q. (BY MR. ESSENBURG) -- Jennifer?

23 A. I mean, I wasn't present.

24 Q. Right. So you don't have any knowledge?

25 A. But neither does the father who --

1 MR. ESSENBURG: Objection --

2 A. -- says --

3 MR. ESSENBURG: -- nonresponsive.

4 Q. (BY MR. ESSENBURG) You don't have any personal
5 knowledge?

6 A. No.

7 MR. NESBITT: Objection, form.

8 Q. (BY MR. ESSENBURG) You'd be guessing?

9 MR. NESBITT: Objection, form.

10 A. I wouldn't call it "guessing."

11 Q. (BY MR. ESSENBURG) What would you call it?

12 A. I would call it analyzing all of the data and
13 coming to a conclusion.

14 Q. Is that kind of like getting run over by the car?

15 MR. NESBITT: Objection, form.

16 A. I don't know what you mean.

17 Q. (BY MR. ESSENBURG) You surmised you couldn't
18 determine whether or not the father had pulled her out of
19 the car and tried to kill her or suicide or whether she ran
20 over herself because you -- you analyzed all of the data
21 and couldn't determine that; is that correct?

22 A. Well, I think I know what happened, but it's not
23 up for me to determine that so I let that go.

24 Q. So tell me again what you think happened.

25 A. With what?

1 Q. Getting run over by a car.

2 A. I think it was likely an accident. I don't think
3 it was purposeful behavior on anyone's part.

4 Q. Let me turn your attention to Page 27. "The
5 father alleged the mother admitted in court to 'stealing
6 financial information from my company'."

7 Do you see that?

8 A. Yes.

9 Q. Was that dispar- -- was that your belief that he
10 was disparaging the mother?

11 A. No. I think he really believes that that's
12 occurring.

13 Q. Okay. Do you believe that was true?

14 A. I -- I don't know. I said straight out I -- I
15 wasn't going to make any determination about the financial
16 information because that's beyond my capabilities.

17 Q. Are you aware that they went to court and
18 addressed that issue in court?

19 A. I know there were hearings about it, yes. There
20 was a civil suit and some other stuff.

21 Q. Let me show you what's marked as Petitioner's
22 Exhibit 132 and ask to see if you recognize that document,
23 if you've seen that document before, which purports to be
24 an agreement of the civil suit in court about stealing
25 documents.

1 MR. WHIDDON: Objection, form.

2 A. I know I saw some documents. I don't recall if I
3 saw this Rule 11 Agreement, but I know that I saw something
4 regarding this case.

5 Q. (BY MR. ESSENBURG) You would agree with me that
6 at least this document states that "the Parties agree that
7 all documents in Defendant's possession" -- and the
8 Defendant being Nikki Ngo -- "containing Plaintiffs'
9 customer transaction information have been returned to
10 Plaintiffs," that being the father?

11 A. I don't know what it says. I don't --

12 Q. Okay. Well --

13 A. I don't pretend to interpret that legal stuff.

14 Q. Do you -- do you see that as being what is --
15 exactly what was said in that document that's been
16 identified as Petitioner's Exhibit 132?

17 A. That's what it says.

18 Q. Okay. You think she would have signed a document
19 like that unless she had some of his papers and his
20 valuable business information?

21 MR. NESBITT: Objection, form.

22 A. I don't know. I can't speak to her.

23 Q. (BY MR. ESSENBURG) Did you believe the father --
24 I'm sorry, you said you didn't believe he was lying about
25 that?

1 A. No.

2 Q. Okay. Let me turn your attention to Page 27.

3 "The father described the mother as having chronic pain,
4 arthritis, and she relies on her boyfriend to take care of
5 her, due to making 17,000 yearly income."

6 Was that your understanding of what her
7 income was that she made?

8 A. That's what the father described.

9 Q. Did you ask her, How much do you make?

10 A. She wasn't working currently, so her income was
11 zero at the time that I --

12 Q. Okay.

13 A. -- was doing my study.

14 Q. Did you believe the father was in some way
15 denigrating the mother when he made that statement?

16 A. In some way. He -- he -- as was a focus of
17 Dr. Siegel's report, he talks about the mother in a
18 negative way, that she has to rely on others, meaning, in
19 this case, the stepfather or her boyfriend at the time or
20 her family members when she was living with the father.
21 But in the same way, the father used nannies in order to
22 help him with the child. So, to me, continuously pointing
23 that out is -- the reason he's doing that is to try to make
24 her seem inferior, that she has a low income and that she
25 relies on people. That's -- that way, yes, he's -- that's

1 what he's trying to do with that statement.

2 Q. But isn't it true?

3 A. Whether it's true or not is beside the point.

4 It's the -- the reason the father is using it and telling
5 me about it, telling everybody about it.

6 Q. So I'm trying to understand, if the father tells
7 you something that's true, but if it puts down the mother,
8 even if it's true, then you're observing him denigrate the
9 mother, not paying -- not giving much value to whether it's
10 true or not?

11 MR. NESBITT: Objection, form.

12 Q. (BY MR. ESSENBURG) Is that what I'm hearing?

13 MR. NESBITT: I'm sorry. Objection, form.

14 A. I mean, I did consider whether that was true or
15 not.

16 Q. (BY MR. ESSENBURG) Does having not very much
17 money impact whether or not you can raise a child and have
18 a certain quality of life for a child?

19 MR. WHIDDON: Objection, form.

20 A. It -- it could, yes.

21 Q. (BY MR. ESSENBURG) So isn't that a relevant thing
22 to express to a custody evaluator, for example, saying,
23 Hey, I can provide a little higher quality of life for a
24 child than the mother can?

25 A. It could, yes.

1 Q. And so if he expresses that to you, even though
2 it's denigrating and -- in fact, it could be factual and a
3 relevant factor for the custody evaluator to actually pay
4 attention to?

5 A. It could be, yes.

6 Q. In your opinion, can you raise a child on 17,000 a
7 year and live in Highland Park?

8 A. Not live in --

9 MR. WHIDDON: Objection, form.

10 A. Not live in Highland Park, but you can certainly
11 do that. Lots of people do, I guess.

12 Q. (BY MR. ESSENBURG) And let me turn your attention
13 to Page 27. You said, "He's condescending and derogatory
14 about the mother's 'reliance on' her family, even in the
15 time period when she was recovering from the accident and
16 major surgery."

17 We just agreed that somehow finances or the
18 ability to provide for yourself is relevant in a custody
19 evaluation; do you agree?

20 A. Yes.

21 Q. So if she's dependent on her family and that
22 family support goes south or if she's dependent on her
23 boyfriend and the boyfriend or husband's relationship goes
24 south, isn't that child vulnerable to have dramatic changes
25 in his life?

1 MR. WHIDDON: Objection, form.

2 A. He could be, yes.

3 Q. (BY MR. ESSENBURG) And isn't that relevant in a
4 custody evaluation?

5 A. It is, yes.

6 Q. So why is your focus about the condescending and
7 derogatory attitude --

8 A. Because --

9 Q. -- if it's relevant?

10 A. It's relevant, but that doesn't account for child
11 support to help even out those things and to account for,
12 you know, meeting the child's needs.

13 Q. So if the facts are you've got zero income and
14 \$1,200 a month, do you think that's changed the equation?

15 A. I don't understand what you're asking.

16 Q. If the facts are that the father's paying \$1,200 a
17 month child support and she's got, as you say, zero income,
18 does that change the circumstances where the child is
19 vulnerable because the mother is dependent on her boyfriend
20 or husband or family?

21 MR. NESBITT: Objection, form.

22 A. I mean, it may, but there's no -- there was no
23 indication to me that those things were in jeopardy or at
24 risk, which the father -- I think the father is just --
25 he's not talking about it for -- thinking that it's at

1 risk; he's talking about it because he thinks the mother
2 should live independently.

3 Q. (BY MR. ESSENBURG) Okay.

4 A. That's his cultural norm, is for people to live
5 independently and live on their own income.

6 Q. Did he say that to you, and did you quote that in
7 that report, what you just said?

8 MR. NESBITT: Objection, form.

9 A. No.

10 MR. NESBITT: Sorry.

11 Q. (BY MR. ESSENBURG) So he didn't say it and you
12 didn't put it down; that was just your feeling?

13 A. The father had mentioned several times, Why can't
14 she just live on her own. He did say that.

15 MR. ESSENBURG: Objection, nonresponsive.

16 Q. (BY MR. ESSENBURG) Was it just your feeling that
17 was his attitude?

18 MR. NESBITT: Objection, form.

19 A. No. He said it.

20 Q. (BY MR. ESSENBURG) He said it to you?

21 A. He said that he thought she should live on her own
22 and that was what was right, yes.

23 Q. Did he say it to you?

24 A. Yes.

25 Q. When did he do it?

1 A. When we were talking about concerns, I believe.

2 Q. Okay. You are aware, were you not, that when the
3 mother got run over by her car she went to the hospital?

4 A. Yes.

5 Q. She sustained serious medical injuries?

6 A. Yes.

7 Q. And she was in the hospital a long time?

8 A. Yes.

9 Q. And you were aware, while that was going on, the
10 father was taking care of this boy?

11 A. Yes.

12 Q. And you're also aware that the father works from
13 home?

14 A. Yes.

15 Q. And so that when the father is -- was always there
16 present with his child early on every time he had the
17 child, he's at home with the child?

18 A. That's my understanding, yes.

19 Q. And that he had a disproportionate amount of time
20 with the child when the mother was injured?

21 A. Sure.

22 MR. WHIDDON: Objection, form.

23 Q. (BY MR. ESSENBURG) And after the custody
24 evaluation, the father had equal possession, pursuant to an
25 Agreed Order?

1 A. Yes, that's my understanding.

2 Q. So most of the child's life, the father has been
3 present in the child's life either at home during his
4 possession and equal possession after the Order was signed?

5 MR. NESBITT: Objection, form.

6 A. Yes.

7 Q. (BY MR. ESSENBURG) Did that carry any weight with
8 you in terms of determining whether or not the father and
9 son have an unusual bond?

10 MR. WHIDDON: Objection, form.

11 A. I mean, I would expect a child to be bonded with
12 both parents, especially if they have equal access time.

13 MR. ESSENBURG: Objection, nonresponsive.

14 A. I'm not sure what you're asking.

15 Q. (BY MR. ESSENBURG) I didn't ask about the mother;
16 I asked about the father.

17 Did that carry weight with you, the fact that
18 the father stayed at home -- works from home, spent a lot
19 of extra time at home when the mother was injured with the
20 child, and the fact that after the -- that they had equal
21 possession after their legal disagreements were worked out?

22 MR. NESBITT: Objection, form.

23 A. No, I guess it didn't surprise me.

24 Q. (BY MR. ESSENBURG) Did that carry weight for you
25 in your custody evaluation?

1 A. Yes.

2 Q. Let me turn your attention to Page 27, and I'll
3 put it up on the screen there so you can read it easier.
4 "The father has the ability to provoke others into reacting
5 emotionally which will make them look unstable; he appears
6 to have intentionally utilized this tactic several times in
7 public places with the mother and stepfather, usually with
8 the child present."

9 You wrote that on Page 27?

10 A. Yes.

11 Q. And what forms the basis of your opinion that the
12 father has the ability to provoke others?

13 A. The incident that comes to mind specifically is
14 the incident at the hockey rink about the child's name, how
15 it was written on his helmet.

16 Q. What happened?

17 A. So the -- it was the -- as I understand, it was
18 the mother's parenting time. Father -- mother and
19 stepfather were present. Father was also present, and he
20 walked over -- the father walked over to the child and
21 his -- they had tape on the -- on their helmets -- hockey
22 helmets, and it said "Logan." And the father -- I don't
23 know the specifics, whether the father took it off or
24 that -- he says that the coach asked him to put a sticker
25 on. I'm not sure, but in some instance there was a -- a

1 debate about which name should be placed on there.

2 The stepfather came down to have a discussion
3 with the father about what he thought should happen, and he
4 states that the father made a degrading comment about the
5 mother, that, You're just mad because you married the town
6 bicycle.

7 The father -- the -- the coach then saw that
8 the two parties were angry and said, I'm -- I'm out; I
9 don't want to take a part in this, and so none of the other
10 adults were agreeing to participate in the incident.

11 What ended up happening was -- of course, all
12 of this was in front of the child -- was that the mother
13 and stepfather were going to leave and take the child with
14 them, and then I believe the father said he would leave as
15 long as the child could stay and play.

16 But the father, of course, denied that he
17 said anything. Everyone agrees that the -- the
18 stepfather's comment to him was, He called my wife a whore,
19 but the father denies that he said anything to elicit that.

20 **Q. Why didn't the stepfather stay in his seat?**

21 A. I don't know, which is why I listed my concern
22 about him becoming involved with --

23 **Q. So as I understand this hockey incident -- and, by**
24 **the way, what year did that occur?**

25 A. That was this year.

1 Q. 2019?

2 A. Yes.

3 Q. Any month in particular?

4 A. I think it was this season, so it would have been
5 in the early part of the year. Playoffs were in March
6 maybe. January to March --

7 Q. Spring of -- spring of 2019?

8 A. I believe so.

9 Q. Okay. So the father didn't go up to where the
10 mother and stepfather were seated; it was the stepfather
11 that came down to speak to the father; is that correct?

12 A. Yes.

13 MR. NESBITT: Objection, form.

14 Q. (BY MR. ESSENBURG) Why isn't the stepfather's
15 action the one that's provoking it?

16 A. I believe they --

17 MR. NESBITT: Objection, form.

18 A. -- were both provoking it.

19 Q. (BY MR. ESSENBURG) But you list, "The father has
20 the ability" -- not the stepfather; it says, "The father
21 has the ability to provoke others" -- you didn't mention
22 the stepfather.

23 A. Because I believe the comment that was made and
24 the going over to do -- do anything with the helmet was the
25 father's --

1 Q. But if the father (sic) is the one that came out
2 of the stands and went down to confront the father, isn't
3 that a provocation?

4 MR. NESBITT: Objection, form.

5 A. I mean, what started it was the father interacting
6 with the child about his name.

7 Q. (BY MR. ESSENBURG) So let me get this straight.
8 The provocation is the father wanted his son to have his
9 real legal name, his name? Is that the provocation?

10 A. Yes. And then saying --

11 Q. And what's not -- excuse me.

12 MR. WHIDDON: Objection, form.

13 MR. NESBITT: Objection. Please let the
14 witness finish her answer --

15 MR. ESSENBURG: Yeah.

16 A. And then --

17 MR. NESBITT: -- before you start another
18 question, Counselor.

19 MR. ESSENBURG: Okay. But let me object as
20 nonresponsive.

21 MR. NESBITT: Okay.

22 Q. (BY MR. ESSENBURG) What's not --

23 MR. NESBITT: You can assert an objection,
24 but you need to let her finish her --

25 MR. ESSENBURG: Okay. I will.

1 MR. NESBITT: -- answer.

2 Q. (BY MR. ESSENBURG) What's non- -- I'm sorry, what
3 is nonprovoking is the stepfather coming down out of the
4 stands to confront the father?

5 A. That is also provoking.

6 Q. So why didn't you list there that the stepfather
7 has the ability to provoke others?

8 A. I didn't list it there because those are concerns
9 about the father. I did list as a concern about the
10 stepfather that he is engaging in that in front of the
11 child. That is a concern of mine, and I did --

12 Q. Isn't the --

13 A. -- list it.

14 Q. -- stepfather stepping out of the stands, coming
15 down provoking the father in the presence of the child?

16 A. Yes.

17 Q. So why wasn't that mentioned in your custody
18 evaluation?

19 A. It was.

20 Q. I didn't see anywhere where you said the
21 stepfather provoked the father by coming out of the stands
22 at the hockey game.

23 A. Okay. Well, I --

24 MR. WHIDDON: Objection, form.

25 A. I didn't list that specific thing. But under

1 the --

2 Q. (BY MR. ESSENBURG) Okay.

3 A. -- concerns about the mother, I listed that the
4 stepfather is allowing his anger to cross the line and get
5 in- --

6 Q. Okay.

7 A. -- -to that altercation in front of the child,
8 which is a bad thing.

9 Q. Would you agree with me that the stepfather
10 provoked -- was equally responsible for coming down out of
11 the stands and confronting the father at the hockey game,
12 provoking him?

13 A. I think it was reactionary, is what I would
14 describe that more as.

15 Q. You wouldn't characterize that as provoking a
16 fight?

17 A. I think the father does those things in order to
18 provoke the response that he ends up getting.

19 MR. ESSENBURG: Objection, nonresponsive.

20 Q. (BY MR. ESSENBURG) You wouldn't characterize him
21 coming out of the stands as provoking a fight?

22 A. He was provoking a confrontation, yes.

23 Q. Okay.

24 A. And it was in September of 2018. I just found
25 the --

1 Q. Okay. September --

2 A. It's the -- the hockey schedule was the 2018/2019
3 season.

4 Q. Fair enough.

5 A. So it was --

6 Q. Now, as I understand your facts as you understand
7 them, it was the father that left the ice skating rink so
8 his son wouldn't have to miss the hockey game or have a
9 problem?

10 MR. WHIDDON: Objection, form.

11 A. I don't remember what ended up happening. That's
12 what the father offered to do --

13 Q. (BY MR. ESSENBURG) But --

14 A. -- but I think that actually the -- the child and
15 mom and stepfather actually left.

16 That's what it says here.

17 Q. So I'm confused because I thought I heard you say
18 that it was the father that left. So I'm trying to
19 understand. Who left?

20 A. I think the father offered to leave, but I think
21 the stepfather and mother went ahead and just left and took
22 the child --

23 Q. Okay.

24 A. -- to end the --

25 Q. Did --

1 A. -- issue.

2 Q. -- the step- -- did the mother ever say or did you
3 ever hear the mother say, Hey, Stepfather, don't go down
4 there and confront him; let him -- let the father put his
5 son's nametag as Lauriston?

6 A. No.

7 Q. Do you believe that contributes somewhat to the
8 confrontation?

9 A. Yes.

10 Q. Let me turn your attention to 27. It says,
11 "Lauriston" -- on Page 27 it says (as read),
12 "'Lauriston...forced to go to his mother's even though it's
13 clear that abuse is happening...'; another personal
14 reference for the father used similar language about how
15 the mother 'needed two nannies, a maid and a cook' although
16 the information appears to be false."

17 So I'm trying to understand that. What
18 information is false?

19 A. Oh, that -- the -- that phrase, the "two nannies,
20 a maid, and a cook" was repeated multiple times.

21 Q. By whom?

22 A. By the father and the father's references.

23 Q. Okay.

24 A. But I was never able to verify that that actually
25 occurred. The -- there -- the parents did employ a

1 nanny, and then they employed a different nanny, but it was
2 not at the same time, is my understanding; and that they
3 did have a maid, not somebody who lived there, but somebody
4 who came to clean once a week, or something like that.

5 Q. So you did an investigation of those facts?

6 A. I asked the parties what -- you know, what they
7 were talking about, and that's what -- that's the --
8 what -- the information that I understood.

9 Q. So you just kind of asked them?

10 A. I asked them, yes.

11 Q. Okay. Let me turn your attention to Page 27 here,
12 and it says, "The mother took the child away (by lying to
13 the father)" --

14 A. Yes.

15 Q. Do you see that?

16 So the mother admitted to you that she lied
17 to the father?

18 A. I don't know that she used that word, but she
19 described the situation, and she --

20 Q. Well, why did you write, "by lying to the father"?

21 A. Because that's what I'm determining it to be.

22 Q. Okay. So that was kind of your understanding?

23 A. My summation of that --

24 Q. Okay.

25 A. -- incident, yes.

1 Q. Did that cause you any concerns, that the mother
2 would lie to the father?

3 A. That whole incident caused me concerns for both
4 parties.

5 Q. Would you agree with me, that in your opinion at
6 least, sometimes the mother lies to the father?

7 A. Yes.

8 Q. Do you have concerns that she would lie to you?

9 A. Possibly. Sure.

10 The father also lied by telling the ship's
11 captain that she didn't have legal guardianship, which was
12 an attempt to, again, cause -- disrupt the --

13 Q. Did you get that from him or from her?

14 A. From the notes of the ship's doctor.

15 Q. Ship's doctor? You got the ship's doctor's notes?

16 A. Yes.

17 Q. Who would -- how would the father have talked to
18 the ship's doctor?

19 A. He told me he called him.

20 Q. Okay.

21 A. He called him directly because he was trying to
22 get the mother -- he was trying to get -- initially get the
23 mother to not be able to board. But then once he realized
24 she was already on the ship, so then he called to ask to
25 speak with the ship's doctor, saying that the mother was --

1 did not have legal guardianship of the child and she should
2 not be having him on the vacation, and then saying the
3 child was too sick to go and he had gone to the doctor and
4 he had a spastic colon.

5 Q. Do you know --

6 A. So then that --

7 Q. -- whether or not there was a doctor's report
8 diagnosing the son with a spastic colon?

9 A. I got the doctor's information and it said the
10 father reports that, but that the exam is always within
11 normal limits.

12 Q. Did the -- any doctor's report ever characterize
13 the son as -- a diagnosis by the doctor as him having a
14 spastic colon?

15 A. No.

16 MR. NESBITT: Objection, form.

17 Q. (BY MR. ESSENBURG) Okay. So this was all by the
18 father to the doctor? Is that your opinion?

19 A. I --

20 MR. NESBITT: Objection, form.

21 A. I need to clarify.

22 Q. (BY MR. ESSENBURG) Okay.

23 A. The --

24 Q. Go ahead.

25 A. The doctor's notes indicate that multiple times

1 the father came in reporting to the doctor that the child
2 had stomach issues, and he also reported that to the ship's
3 doctor, but in the documentation, there was never testing
4 or verification by the doctor that that was occurring.

5 Q. So in your opinion, at least your understanding
6 was there was never any diagnosis of this boy having a
7 spastic colon?

8 A. Correct.

9 Q. Let me turn your attention to Page 28.

10 THE REPORTER: When you get to a spot, could
11 we take a quick break?

12 MR. ESSENBURG: Yeah, we can take one now.

13 (Recess taken from 3:52 p.m. to 4:03 p.m.)

14 Q. (BY MR. ESSENBURG) We're back on the record.
15 Jennifer, you understand we're back on the record?

16 A. Yes.

17 Q. Let me show you what's marked -- I'm sorry,
18 Page 28. It states that -- on 28 (as read), "The father
19 stated the child has had four counselors over the past few
20 years; Dr. Le, Bergthold, Sauer, and Chandler for
21 'anxiety;' that he has made outcries"?

22 A. Yes.

23 Q. "He stated the child 'made an outcry about the
24 mother biting him'."

25 Do you -- are you aware that Dr. Chandler was

1 recommended by the Jesuit -- by the Jesuit priest to go to
2 counseling after the issue of the priest in training being
3 naked in the bathtub with him?

4 A. I only learned that from the other document that
5 you provided today.

6 Q. Yeah.

7 A. So I didn't know that.

8 Q. Would you --

9 A. I knew that he was a counselor the child was
10 seeing for that allegation, but I didn't realize that the
11 Jesuits were involved in the payment.

12 Q. Well, do you have any concerns or any problems
13 with the father taking the child to the Jesuit priest
14 counselor?

15 A. No.

16 Q. And then -- let's see here. The -- let me show
17 you Page 28, and it states in there that, "Another example
18 occurred when the father attempted to influence the CPS
19 worker by telling her he needed a therapist that would
20 'testify before the Judge in four days'."

21 You wrote that?

22 A. Yes.

23 Q. Did that cause you -- did you believe that he was
24 trying to manufacture some evidence to -- for court?

25 A. No.

1 Q. Did you believe he was trying to be able to have
2 somebody tell the child's story in court, whatever it was?

3 A. I -- I don't know what his intention was there.

4 Q. Why did you write that as an example of him
5 overusing counselors?

6 A. I -- I don't --

7 MR. WHIDDON: Objection, form.

8 A. I don't think that's what I intended.

9 Q. (BY MR. ESSENBURG) Okay. Did you attribute any
10 negativity to the father talking to a CPS worker to come
11 testify if there was a hearing within four days of the time
12 of him talking to the CPS worker?

13 A. The reason why I wrote it was because it was that
14 the father was trying to kind of intimidate her, say that
15 whatever she was saying, that she was going to have to
16 appear in court to talk about it, that he was kind of
17 utilizing that person for court.

18 Q. And who is the CPS worker that you're referring
19 to?

20 A. The one that was involved in the June and July
21 2017 case, which was --

22 Q. Is that Bazile?

23 A. I believe so, yes.

24 Q. Ms. --

25 A. Williams-Baz- -- -Brazil --

1 Q. Yes.

2 A. -- -Bazile.

3 Q. Are you aware of the one -- that she's the one
4 that recommended he go to court?

5 A. No, I didn't know that.

6 Q. Did you ever talk to her?

7 A. No.

8 Q. So it's possible you got that flipped and totally
9 wrong, isn't it?

10 A. Maybe, yes.

11 Q. Let me turn your attention to Page 29 where you
12 state, "The mother's fear of the father is based on the
13 father's history of vindictive behaviors towards her, such
14 as repeated allegations of sexual abuse to the child by the
15 mother's boyfriend/now husband and her two brothers."

16 Do you see that?

17 A. Yes.

18 Q. Are you aware that the father has never alleged
19 sexual abuse, ever? He's alleged that the uncle got in
20 naked with -- in the bathtub, which is not sexual abuse;
21 and that the boyfriend slept in the bed naked with the
22 mother, which is not sexual abuse. Are you aware of that?

23 A. I -- maybe I should have said "sexual incidence."

24 Q. Okay. You used the word "sexual abuse."

25 A. Because that's what CPS -- that's one of their

1 determining word, is --

2 Q. Yeah.

3 A. -- "neglectful supervision" --

4 Q. But you would agree with me that CPS can conduct
5 its own different investigation, independent of the
6 father's recitation of what facts occurred?

7 A. Yes.

8 Q. So you're not attributing you -- even if CPS
9 investigated sexual abuse, that doesn't mean the father
10 alleged sexual abuse?

11 A. No. It -- I --

12 Q. Do you agree with that or disagree --

13 A. Yes.

14 Q. -- with that?

15 A. I agree.

16 Q. And if the father said, Hey, CPS, naked uncle got
17 in bed -- bed -- excuse me, in a bathtub with my son and
18 washed him, that would be a reasonable concern, if it's a
19 priest in training -- catholic priest in training, would it
20 not?

21 A. It would be a reason- --

22 MR. WHIDDON: Objection, form.

23 A. It would be a reasonable concern at any point.

24 I should have used the word "sexual
25 allegation," "sexual inappropriate behavior." I should

1 have used another word, but that's what I intended.

2 Q. (BY MR. ESSENBURG) Okay. Did you believe at the
3 time you wrote it that the fact that he was -- that the
4 father was alleging sexual abuse?

5 A. No. I intended for the meaning I stated.

6 Q. Okay. So to be clear in the position to the Court
7 today, your position is not that the father alleged sexual
8 abuse, that the father alleged inappropriate behavior of
9 the uncle getting naked into a bathtub with a
10 seven-year-old boy as a priest in training; is that
11 correct? That's one of the incidences?

12 A. I would just call that "sexually inappropriate
13 behavior."

14 Q. Okay.

15 A. I would say -- I would term that broadly about the
16 allegations were concerning the mother's boyfriend/now
17 husband and her two brothers.

18 Q. And were you aware that the other alleged incident
19 that went to CPS is that the boyfriend got in the bed naked
20 with Ms. Ngo and the child was sleeping in the bed?

21 A. So I was told that there was another allegation
22 regarding Rob Cottingham, but when I requested records I
23 didn't receive any narrative of that. So that's why I
24 didn't list it, because I couldn't substantiate it.

25 Q. So if you didn't know there was more than one, you

1 still articulated that there were repeated allegations of
2 sexual abuse by the boyfriend and husband and her two
3 brothers.

4 A. Because both parties told me that there were more
5 than one case in which sexually inappropriate behavior was
6 the subject. That's what I intended.

7 Q. Okay. So you're clear, in fact, now that there
8 wasn't sexual abuse alleged, that was -- the allegations
9 were getting in bed naked with a child in -- the child
10 being in the bed with the mother; and, secondly,
11 uncle/priest in training getting into a bathtub naked
12 with a young boy?

13 A. Those are the allegations, correct.

14 Q. Were there any others other than that?

15 A. Not that I know of, other than the biting and the
16 holding upside down.

17 Q. I'm talking about sexual abuse --

18 A. No.

19 Q. -- only.

20 A. None of -- none of the other ones I knew of.

21 Q. So when you refer to "repeated sexual abuse,"
22 those are the two incidences that you were referring to,
23 the bathtub and the getting in bed naked?

24 A. Yes.

25 Q. No others?

1 A. Not that I know of, no.

2 Q. Okay. Did you believe that, when the father's
3 describing these inappropriate sexual behaviors or just
4 "inappropriate behaviors," for lack of a better term, that
5 that's vindictive?

6 A. If they're not true.

7 Q. Do you know that they're not true?

8 A. I suspect that they're not.

9 Q. Okay. But you said you'd characterize them as
10 vindictive behaviors towards the mother.

11 A. Right.

12 Q. Why did you do that?

13 A. Because I don't believe that they're true.

14 Q. That -- that the boyfriend didn't get in naked and
15 that the uncle didn't get in the bathtub naked with the
16 young boy? You don't believe they're true?

17 A. Correct.

18 Q. Did you ever ask the boy?

19 A. I asked him about abuse, yes.

20 Q. What did he say?

21 A. He said --

22 Q. Did he --

23 A. He --

24 Q. Did he say his uncle got in the bathtub --

25 MR. NESBITT: Objection --

1 Q. (BY MR. ESSENBURG) -- with him --

2 MR. NESBITT: -- form.

3 Q. (BY MR. ESSENBURG) -- naked?

4 A. He denied sexual abuse specifically and emotional
5 abuse.

6 Q. Let's agree that we -- nobody has ever alleged
7 sexual abuse, that he --

8 A. Okay.

9 Q. -- the statement of fact was, Uncle got in bed --
10 in the bathtub naked with me.

11 And that was the allegation, not abuse.

12 A. Okay. What he said about that was --

13 Q. Do you need some time to chase it down, Jennifer?

14 A. I'm almost there. He -- he never talked about
15 those incidents. He talked about -- to me directly,
16 although he was interviewed by CPS and he talked about them
17 at that time.

18 Q. Did you ask him directly yourself?

19 A. Yes.

20 Q. What did he say?

21 A. I -- when I talk -- I use the term "sexual abuse,"
22 but when I describe that to a child it's -- it's not the
23 CPS definition. It's a broad definition of any
24 sexually-inappropriate --

25 Q. What did you --

1 A. -- behavior.

2 Q. Sorry.

3 What did you ask him; what did he say?

4 A. I ask all children, Has anyone ever --

5 MR. ESSENBURG: Let me object. Objection,
6 nonresponsive.

7 A. Okay.

8 Q. (BY MR. ESSENBURG) I'm not asking you what you
9 ask all children.

10 A. I don't --

11 Q. I'm asking you specifically, what did you ask
12 Lauriston Crockett, IV; what did he, Lauriston Crockett,
13 IV, say.

14 A. Okay. I asked him, Has anyone -- at first I
15 substantiate that he understands what private parts are,
16 and he did understand that. So I asked him if anyone had
17 ever touched his private parts, and he said, No.

18 I asked him if he has ever touched anyone
19 else's private parts, and he said, No.

20 I asked him has anyone ever made him feel
21 uncomfortable when he was naked. What I'm trying to get at
22 is privacy issues. So is he allowed private time when he
23 is in the bathroom, when he is changing clothes, and he
24 said, Yes, to those things, that he's allowed private time
25 in those occasions.

1 Q. Okay. Anything else?

2 A. If he's afraid of anyone or has anyone ever hurt
3 his body in any way.

4 Q. Okay. Let me show you what's marked as
5 Petitioner's Exhibit Number 126, and in particular the
6 document entitled Forensic Interview Notes of Dr. (sic)
7 Blayne Burgess, Badge Number 9721, Dallas Police
8 Department, Child Abuse Unit.

9 And in there -- tell me if I'm reading this
10 right. This is the -- does Dad tell him not to lie, at
11 least according to that report?

12 A. That's what --

13 MR. NESBITT: Objection --

14 A. -- it says.

15 MR. NESBITT: -- form.

16 Q. (BY MR. ESSENBURG) Okay. And does it say that,
17 Uncle went in the bathtub with me naked?

18 A. Yes.

19 Q. I'm sorry, let me -- does it say, "He even did my
20 private parts"?

21 MR. WHIDDON: Objection, form.

22 A. Yes.

23 Q. (BY MR. ESSENBURG) Okay. And this is the police
24 detective interviewing the boy, Lauriston Crockett, IV; is
25 that correct?

1 A. It is -- the interviewer is Janeth Peterson. I'm
2 assuming she is a forensic interviewer.

3 Q. Okay.

4 A. And the detective was present, it looks like.

5 Q. Do you have any reason to doubt their notes?

6 MR. WHIDDON: I'm going to object to form.

7 A. No.

8 Q. (BY MR. ESSENBURG) All right. Okay. It says,
9 "He got in the tub first; he was naked."

10 Do you see that?

11 MR. NESBITT: Objection, form.

12 Q. (BY MR. ESSENBURG) Did the forensic interview say
13 that?

14 A. Yes.

15 Q. Do you have any reason to doubt that forensic
16 interview?

17 A. No.

18 Q. Did you ever get a copy of this forensic interview
19 notes of -- dated July 26th, 2017?

20 A. We've already substantiated that I did not.

21 Q. Okay. Do you feel like you should have?

22 A. Yes.

23 MR. WHIDDON: Objection, form.

24 MR. NESBITT: Objection, form.

25 Q. (BY MR. ESSENBURG) Do you feel that that would

1 have impacted your custody evaluation?

2 A. It could have, yes.

3 Q. Does it --

4 MR. WHIDDON: Objection, form.

5 Q. (BY MR. ESSENBURG) -- right now as we speak?

6 A. Possibly, yes.

7 Q. Let me turn your attention to Page 29. And it
8 states in your report, "It is extremely concerning and
9 likely another veiled threat for intimidation, that the
10 father has a permit to carry a concealed weapon, that he
11 reportedly carries it loaded at all times and he makes sure
12 people know about it."

13 Did you write that?

14 A. Yes.

15 Q. So we've established he has no criminal record, he
16 worked for the DEA, he doesn't have any mental health
17 evaluations that are concerning about violence, he has a
18 license to carry a gun, he's not doing anything illegal,
19 not assaulted anybody.

20 What forms the basis of your writing, "It is
21 extremely concerning and likely another veiled threat for
22 intimidation, the father has a permit to carry a concealed
23 weapon" --

24 A. Because of how focused he is and how angry he is
25 at the mother and his willingness to -- to win this case.

1 Q. So it's his focus?

2 A. Yes.

3 Q. And you believe he could potentially do it at all
4 cost?

5 A. Yes.

6 Q. Okay. But you don't have any basis in terms of
7 criminal history, in terms of his legal -- complying with
8 legal requirements of the law regarding criminal laws, or
9 any mental health evaluations that would raise concerns
10 about what you are concerned about?

11 MR. WHIDDON: Objection, form.

12 A. Correct.

13 Q. (BY MR. ESSENBURG) Just your gut reaction or
14 your -- your hunch?

15 MR. NESBITT: Objection, form.

16 A. It's based on all of the material put together
17 about the father's behaviors.

18 Q. (BY MR. ESSENBURG) But it's your hunch?

19 MR. NESBITT: Objection, form.

20 A. It's my clinical opinion.

21 Q. (BY MR. ESSENBURG) Okay. And you did not do or
22 request a psychological evaluation; is that correct?

23 A. Correct.

24 Q. You didn't feel there was a basis or a need for
25 doing that?

1 A. No.

2 Q. So how do you reconcile that?

3 A. A psychological evaluation, to me, is for the
4 purposes of determining if and what are they, any major
5 mental illness or personality disorders a person has.

6 Q. Assume for a moment it could discover that he's
7 paranoid, right?

8 MR. NESBITT: Objection, form.

9 Q. (BY MR. ESSENBURG) Could it not?

10 A. It could.

11 Q. And if it doesn't, if he's not paranoid, then
12 maybe your hunches might not be right --

13 MR. NESBITT: Objection, form.

14 Q. (BY MR. ESSENBURG) -- is that correct?

15 MR. NESBITT: Objection, form.

16 A. I think those two are unrelated.

17 Q. (BY MR. ESSENBURG) Okay. You stated on Page 29
18 (as read), "This presents a risk to the mother, stepfather,
19 and child, as well as anyone with whom the father has a
20 significant conflict, especially who have given negative
21 information to the Court in this case."

22 What forms the basis of your statement there?

23 A. Again, all of the professionals that talked about
24 the father's, you know, vindictiveness, his anger, his
25 focus on the mother and her negatives, his -- the fact that

1 his world is this child, that he really needs to win.

2 The -- all of the dedication he has toward this one goal --

3 Q. Is --

4 A. -- is overwhelming and frightening.

5 Q. Overwhelming and frightening to whom?

6 A. To anyone who gets in the father's way.

7 Q. Okay. Did you ask -- who are -- who are you
8 referring to? Anybody? The whole population of Dallas if
9 they're getting in -- is that your perspective?

10 MR. NESBITT: Objection, form.

11 A. No. I said specifically who was maybe at risk.

12 Q. (BY MR. ESSENBURG) Okay. Is it unusual for a
13 parent in a custody evaluation to want to, quote, win
14 custody, unquote?

15 A. No.

16 Q. So it's kind of what you see almost every time you
17 see a custody evaluation?

18 A. That that is their wish, yes.

19 Q. Let me turn your attention to Page 29 here, and
20 let me put that up there so it's easier for you to read.
21 "He seems to twist facts in order to present them in way
22 that favors him and seems logical and makes the mother
23 appear negligent and inappropriate in some way."

24 See that?

25 A. Yes.

1 Q. What facts did he twist?

2 A. That -- the allegations about the sexual -- the
3 inappropriate behavior, the --

4 THE WITNESS: I'm getting tired.

5 MR. ESSENBURG: Take your time.

6 A. The interactions he has with CPS, with the
7 counselors. He -- he goes into meetings with a person who
8 he sees as possibly beneficial to his cause, which is
9 convincing them that he needs to be primary of this child,
10 and he goes into this professional with an agenda, with
11 some facts that may not be completely true, maybe they're
12 based on some fact, and he exaggerates them to the point
13 that it makes the mother appear -- that it's just such a
14 clear choice, that the mother is clearly wrong for this
15 child.

16 Q. (BY MR. ESSENBURG) Okay.

17 A. And it's -- it's in everything that he does and
18 the people he talks to, and they talked about it. I mean,
19 the counselors talked about how the father's -- you know,
20 that he came in saying, I need you to speak for me in court
21 for the child, and this is what I want. And that they
22 described him as putting the child in the middle, very
23 pushy, he's alienating the school professionals with his
24 demandingness, that he's believing that the child should be
25 called this name and that I need to tell the Court that for

1 him, that he pressures the child, that --

2 Q. Let me -- let me pause you for just a second.

3 I'm not asking opinions about stuff; I'm
4 asking for facts. And so my question to you was, what
5 facts did he twist? What I've heard from you is one set of
6 facts, which is the sexual abuse allegations and/or CPS
7 allegations, whatever genre that is.

8 A. Right.

9 Q. And I've heard no other facts. What other facts
10 has he twisted.

11 MR. NESBITT: Objection, sidebar; objection
12 to the form of the question.

13 I'm going to instruct the witness that you
14 answer the question the way you feel necessary and don't
15 listen to Mr. Essenburg's way that you should answer the
16 question.

17 THE WITNESS: Okay.

18 MR. NESBITT: If you don't like the answer,
19 make your objection.

20 MR. ESSENBURG: Okay.

21 A. So he cherry picks things from the past, such as
22 these allegations about the mother's sexual practices, the
23 mother's, you know, possible drug use, those things, and
24 uses those as if they're present examples of mom's
25 unfitness. And those aren't reputable, countable things,

1 but he convinces others that they are.

2 He -- the statements he makes about the
3 mother are negative to the point of untruthfulness. He
4 exaggerates the negativity aspect of what he believes about
5 the mother in order to convince whomever he's talking to
6 that she's a bad person.

7 Q. (BY MR. ESSENBURG) What -- any other facts?

8 A. I mean --

9 Q. I'm asking what facts has he twisted? I'm hearing
10 you -- CPS referrals --

11 A. Right.

12 Q. -- about sexual allegations and physical abuse,
13 sexual practices of the mother, and possible drug use.

14 Any other facts?

15 MR. NESBITT: Objection, form.

16 A. Her -- just her care of the child, such as the --
17 I was trying to think of some -- there was a physical
18 health issue. Well, the -- the stomach issues that only
19 the father has reported; medical professionals have not
20 reported it, the mother has not found that to be an issue
21 for her. When the father reports it, he states as if it is
22 a fact that the doctor diagnosed it, that the child has it,
23 and that it's relat- -- he's stated specifically it's
24 because the child is anxious about going to the mother's
25 house, that when the stomach issue occurs it's because he

1 doesn't want to see the mother, and that's just wholly not
2 true.

3 Q. (BY MR. ESSENBURG) Okay. Anything else?

4 A. Nothing that I can think of right now.

5 Q. Okay. So let me make sure I'm clear on what
6 you're saying.

7 The twisted facts are his referrals to CPS,
8 whether it be abuse for inappropriate sexual behavior or
9 physical abuse. That's one twisted fact.

10 The other one is the mother's sexual --
11 personal sexual life is two.

12 The third is the mother's possible drug use.

13 And fourth is the stomach medical issues with
14 the child.

15 A. Yes.

16 Q. Any others?

17 A. I mean, he alleges that the mother was trying to
18 kill herself in the truck incident -- in the vehicle
19 incident.

20 Q. That's --

21 A. The mother states that -- you know, and there was
22 audio that the child said that the father told him that.

23 Q. So she tried to kill herself is five?

24 A. Yeah.

25 Q. Okay. Any others?

1 A. Not that I can think of.

2 Q. Okay.

3 MR. NESBITT: Excuse me, Counsel --

4 THE WITNESS: No, I just thought it was the
5 six-hour rule.

6 MR. NESBITT: It is the six-hour rule --

7 THE WITNESS: Okay.

8 MR. NESBITT: -- but we got started late.

9 THE WITNESS: Yeah.

10 Q. (BY MR. ESSENBURG) Let me show you -- let me --

11 A. Yeah.

12 Q. -- Jennifer, bring your attention to Page 30.

13 A. Uh-huh.

14 Q. And you have the fourth concern is the father's
15 general lack of regard for safety and the father's
16 reluctance to adhere to rules and court orders.

17 Do you see that?

18 A. Yes.

19 Q. Do you have the same concern about the mother's
20 failure to adhere and follow court orders?

21 A. Yes, and I mentioned that.

22 Q. Okay. Was it brought to your attention that she
23 had not paid some of the child support, as she was ordered
24 to pay, on out-of-pocket medical expenses?

25 A. That wasn't the issue I was thinking of. No, I

1 don't -- I don't know about that.

2 Q. What issue were you thinking of?

3 A. Just that she was not following -- there was an
4 order about communication, about phone calls when the child
5 was in the other parent's presence, and that the mother
6 wasn't allowing that. That was the one I knew of -- about.

7 Q. And -- okay. Let me show you Petitioner's Exhibit
8 Number 130, which is a letter from me to, I believe,
9 Mr. Whiddon over here --

10 A. Uh-huh. Yes.

11 Q. -- about paying out-of-pocket medical expenses;
12 that is, I'll represent to you, is child support.

13 A. October 2017.

14 Q. Uh-huh.

15 Are you aware that she did not pay the
16 out-of-pocket medical expenses --

17 A. No.

18 Q. -- to this day --

19 A. I wasn't aware of that.

20 Q. -- from October of 2017 through October of 2019?

21 A. No, I didn't.

22 Q. If she agreed not to steal company secrets and she
23 stole company secrets, would that create some concern for
24 you?

25 MR. NESBITT: Objection, form.

1 A. Sure.

2 Q. (BY MR. ESSENBURG) So in your opinion, does -- is
3 the mother -- do you have a concern that the mother has a
4 reluctance to adhere to rules and court orders as well?

5 A. Yes.

6 Q. Let me turn your attention to Page 30, and I'll
7 put on the screen there what I'm referring to. "The mother
8 alleged the child and the father" -- "and the father
9 confirmed the child continues to sleep in the father's bed
10 at his home, even though there was an order enjoining the
11 father from having the child sleep in his bed."

12 Do you see that?

13 A. Uh-huh. Yes.

14 Q. And when is the last time that you're aware that
15 happened?

16 A. I don't have a date. The father -- or, excuse me,
17 the child stated, when I interviewed him, that --

18 Q. When was that?

19 A. That would be in -- either in -- it would be in
20 August of 2018 -- that he likes to sleep in the father's
21 bed because it's cozy.

22 Q. Okay. Do you -- are you concerned about that?

23 A. Somewhat. If there -- if there is something that
24 enjoins that is, I -- don't have proof of that, but
25 that's -- allegedly that's been an issue between the

1 parents, that he's had difficulty sleeping in his bed at
2 the mother's house; the mother asked the father if she
3 would -- if he would, you know, have the child sleep in his
4 own bed over there, and the father indicated that he had
5 agreed to that but that it sometimes still happens.

6 Q. Okay. Let me turn your attention to Page 30 where
7 you state, "If true, the mother may have had this reaction
8 due to her (likely true) fears that the father would
9 utilize any communication to attempt to 'remind Lauriston'
10 about the message he has encouraged him to believe about
11 his mother."

12 Do you see that?

13 A. Yes.

14 Q. Is it your position to this Court today that
15 you're able to know what the father's intent is?

16 A. I can make guesses about the father's intent, but
17 I don't know.

18 Q. So you can make guesses, but you don't know?

19 A. Yes.

20 Q. Your guess is that he's going to say something to
21 poison up the child against the mother? Is that your
22 guess?

23 A. Yes.

24 MR. NESBITT: Objection, form.

25 Q. (BY MR. ESSENBURG) And the mother's the one that

1 said that, My time is my time; you don't get to talk to the
2 father; is that correct?

3 A. Yes.

4 Q. Or spirit to that effect?

5 A. Something similar, yes.

6 Q. It says there was a discussion about the mother
7 and interactions with her family, that they were never
8 good, but this perspective is likely influenced by the
9 father's opinion of the mother as well, but it also appears
10 that Lauriston has clearly received the message that the
11 mother and father do not get along and do not like each
12 other.

13 A. Yes.

14 Q. Is that your -- is it your opinion that the mother
15 does not like the father?

16 MR. WHIDDON: Objection, form.

17 A. Yes.

18 Q. (BY MR. ESSENBURG) You stated on Page 31, "The
19 mother, like the father, places the child in the middle of
20 the parental conflict with her actions."

21 Do you stand by your words?

22 A. Yes.

23 Q. I want to go back to a moment that you stated that
24 the mother believed that the -- she had -- that the father,
25 at some point, had pulled her out of the car where she got

1 run over. You agree with me that, at least at the point of
2 Judge Siegel's custody evaluation, she did not say that
3 to -- Dr. Siegel -- but after this case started, she took
4 the position that she got pulled out of the car and got run
5 over due to the father's actions?

6 MR. NESBITT: Objection, form.

7 A. I -- to the first part of your question, yes, I
8 believe that that was the case. That was her -- the
9 mother's belief about the acc- -- that it was an accident
10 at the time of Dr. Siegel's report.

11 I don't know when the time frame was that she
12 started having a different opinion about the father being
13 involved. That was when she was seeing a counselor, and
14 that was at some point after 2013, but, again, I don't know
15 exactly when that was.

16 Q. (BY MR. ESSENBURG) Was it your understanding that
17 she went to see a counselor, and she had a sudden memory
18 recollection?

19 A. My understanding was that the mother began talking
20 about having bad dreams, about, like, reliving the incident
21 or, like, flashbacks when she wasn't asleep, and that when
22 processing those events, that she came to believe that the
23 father had an active role in the accident.

24 Q. Did she take the position that she had a sudden
25 memory recall?

1 MR. NESBITT: Objection, form.

2 A. Yes.

3 Q. (BY MR. ESSENBURG) And did you investigate or
4 find out whether or not she met the personality profile or
5 criteria for sudden memory recall?

6 A. No.

7 Q. Why not?

8 A. I -- I'm not familiar with that term.

9 Q. Okay. You've heard of people that sud- -- go to a
10 therapist, and they remember back some sort of abuse years
11 and years ago and it suddenly comes to light presently,
12 even though it happened years ago? You've heard of that
13 incident?

14 A. Yeah, that's --

15 Q. And that --

16 A. I've heard of that in terms of suggested memory.

17 Q. Okay. And you understand there's profiles for
18 that or certain criteria that either comports to that or
19 doesn't comport to that? Are you aware of that?

20 A. Yes.

21 Q. Did you explore whether or not she -- whatever the
22 criteria are and whether she met that kind of criteria?

23 A. No.

24 Q. You just took her at her word?

25 A. Well, again, I -- this wasn't a topic I was going

1 to be able to resolve, as I determined that they both are
2 going to believe what they believe about it and that the
3 differences in those beliefs are what my issue is with the
4 parents. I wasn't going to be able to do anything about
5 those beliefs.

6 Q. Are you aware that the mother tried to put the
7 father in jail on some money issues? In other words, she
8 brought an enforcement action and asked Judge Lopez to put
9 him in jail.

10 MR. WHIDDON: Objection, form.

11 A. That was alleged to me, but I don't remember the
12 specifics.

13 Q. (BY MR. ESSENBURG) Would that be a possible use
14 of the system to kind of get your way --

15 MR. WHIDDON: Objection, form.

16 Q. (BY MR. ESSENBURG) -- in your opinion?

17 A. It could be.

18 Q. Would that indicate to you some level of anger and
19 a lack of ability to coparent with the other parent?

20 MR. WHIDDON: Objection, form.

21 A. Yes, it could.

22 Q. (BY MR. ESSENBURG) Do you anticipate this boy
23 having anxiety, not being able to see his father --

24 MR. WHIDDON: Objection, form.

25 MR. NESBITT: Object- --

1 Q. (BY MR. ESSENBURG) -- under your recommendation?

2 MR. NESBITT: Objection, form.

3 A. Yes.

4 Q. (BY MR. ESSENBURG) Let me show you Page 32 of
5 your custody evaluation where you say, "The father is
6 involved in a pet health radio show and podcasts and he has
7 gotten the child involved in a podcast called 'Celebrities
8 and Cookies'."

9 See that?

10 A. Yes.

11 Q. In your mind, is that a good thing or a bad thing?

12 A. I -- I don't --

13 Q. Or how would you describe it?

14 A. I don't see it as a black and white issue. I
15 think it's helped the child, you know, public speaking
16 and -- and meeting people, having an -- an idea of a
17 possible career for him. I think those are good things.

18 I think it's bad in the way that -- I mean,
19 the child reportedly indicated to the counselor that he
20 feels like he has to do that to support the father's
21 emotional investment in it, that he can't not do it. That
22 is a problem for me.

23 Q. Did you ask this -- this boy that question, that
24 he -- do you -- that he feels he, quote, has to do it,
25 unquote?

1 A. I don't recall if he was doing it at the time that
2 we -- that I interviewed him or not because it was later in
3 the process.

4 Q. Was this information you exclusively received from
5 Rochelle Ritzi?

6 A. What information?

7 Q. That the boy feels like he has to do it.

8 A. Yes.

9 Q. So you didn't ask him yourself?

10 A. Not that I recall, no.

11 Q. Is it possible that he just wants to please his
12 father and do that?

13 A. Yes.

14 Q. But you haven't made the determination yourself;
15 you've just relied on Rochelle Ritzi and her interviews?

16 MR. NESBITT: Objection, form.

17 A. Correct.

18 Q. (BY MR. ESSENBURG) Okay. You -- let me turn your
19 attention to Page -- let's see here -- Page 33. "The
20 father's Monday visits to the school on the surface seem
21 benign; however, the deeper context is one indirectly
22 saying to the child that his mother may have harmed him
23 during her time."

24 What forms the basis of your statement?

25 A. The -- the mother's description of that event was

1 very specific. She talked about an incident that I think
2 the school may have mentioned about how --

3 Q. So is this the school or the mother talking?

4 A. Both.

5 Q. Okay. What did the mother say?

6 A. She talked about the child contacted her at -- or
7 when she picked him up from school, he said, What -- like,
8 What happened to me on the weekend; Daddy was asking. And
9 that's when she discovered that the father was always doing
10 the Monday lunch visit after her weekends.

11 And then there was an incident where the
12 child reported that he was, like, picking at a hangnail,
13 and the father said, Are you hurting yourself because you
14 don't want to go to your mom's, and that he involved the
15 school personnel who didn't think it was an actual injury
16 but told the mom about it, saying that they believed the
17 father was trying to, you know, manipulate the child to say
18 that he didn't want to go with the mom.

19 Q. Were the -- was the mother there or the school
20 counselor there when that was said with -- between the
21 father and the son?

22 A. The -- a school personnel was called over, and --
23 and the father stated that to the school personnel.

24 Q. Okay. So they didn't actually hear the father say
25 that to -- or ask that question of the boy?

1 A. No, but I believe it was repeated to the school
2 personnel.

3 Q. Okay. When the mother reported to you the son
4 said, What happened -- the father asked, What happened to
5 you over the weekend, what's the difference between that
6 and, say, Hey, what hap- -- what did you do?

7 A. Not that there was anything negative about that,
8 but that's when she learned that the reason why the child
9 was asking that Monday afternoon was because then the child
10 said, Well, Daddy comes to see me every Monday after your
11 weekend. I'm just saying that's when she learned of that.

12 Q. Is it possible that Dad just wants to have lunch
13 with his son?

14 A. Sure.

15 Q. Is it possible that Dad just wants to say, Hey,
16 what's going on?

17 A. Sure.

18 Q. How did we get from there to Dad's doing something
19 evil? Deeper context, I believe is the word.

20 MR. NESBITT: Objection, form.

21 A. Because of the father's pattern of manipulation
22 and vindictiveness and --

23 Q. (BY MR. ESSENBURG) Okay. What --

24 A. -- all the other things I've described about --
25 that other people have described about the behavior.

1 Q. Okay. And what is the pattern of manipulation
2 that you're referring to?

3 MR. NESBITT: Objection, form.

4 A. Trying to engage the child to not want to be with
5 the mother.

6 Q. (BY MR. ESSENBURG) Anything else?

7 A. Trying to engage the school personnel to possibly
8 make another CPS referral because the child was hurting
9 himself.

10 Q. Okay. Kind of professional referrals?

11 A. Yes.

12 Q. Okay. Anything else?

13 MR. NESBITT: Objection, form.

14 A. Not that I can think of.

15 Q. (BY MR. ESSENBURG) So the manipulation in that
16 scenario is professional referrals and trying to convince
17 the child not to be with his mother; is that correct?

18 A. Yes, that he doesn't want to be with his mother.

19 Q. Let me turn your attention to Page 33. And it
20 states, "The most distressing part of the father's agenda
21 about the mother is that Lauriston has reportedly been
22 exposed to ideas about disliking Vietnamese culture; this
23 is extremely damaging to his self-esteem as he is half
24 Vietnamese."

25 What forms the basis of your statement?

1 A. The things that the mother and stepfather describe
2 that the child has told them.

3 **Q. So hearsay?**

4 MR. NESBITT: Objection, form.

5 A. Basically everything I get in my evaluation is
6 hearsay, unless it's a written document. So...

7 **Q. (BY MR. ESSENBURG) What did the mother and**
8 **stepfather report to you that leads you to write that the**
9 **father dislikes the Vietnamese culture?**

10 A. Well, I think he gives them the idea that he's a
11 Crockett and that he's less of what the mom is. The child
12 told me -- he told me something about his culture, that he
13 doesn't want to be -- he doesn't want to be Vietnamese or
14 he doesn't want to be Asian or something of that nature
15 when I spoke with him.

16 **Q. Did he use those words, that he doesn't want to be**
17 **Asian?**

18 A. I don't remember what word he used.

19 **Q. Well, give me your best idea --**

20 A. I think --

21 **Q. -- of what words --**

22 A. -- it was Vietnamese --

23 **Q. -- he used.**

24 A. -- I don't want to be Vietnamese.

25 **Q. Are you able to recall or are you just kind of**

1 **guessing?**

2 A. I'm -- I don't think he used the word "Asian."
3 That was my word.

4 Q. Okay. Give me your best idea of what you can
5 recall.

6 MR. NESBITT: Objection, form.

7 A. That, I -- that he said, I don't want to be
8 Vietnamese.

9 Q. (BY MR. ESSENBURG) How do you link that to the
10 father?

11 A. Because the mother and stepfather's statements
12 that the child just told them things like, I'm a Crockett
13 and I'm high, and you're a Ngo and you're low; and your
14 eyes are chinky, that he reportedly told that to mom.

15 Q. The son told that to Mother?

16 A. Yes.

17 Q. So you linked that to the father because of the
18 mother and stepfather's words?

19 A. Yes, I believe that to be true.

20 Q. Do you believe that they were telling -- they were
21 being truthful to you?

22 A. Yes.

23 Q. All right. Is the son protective of his father?

24 A. Yes.

25 Q. Why do you think that is?

1 MR. WHIDDON: Objection, form.

2 A. All children have a natural protectiveness of
3 their parents, but I believe especially so because the
4 father requires it.

5 Q. (BY MR. ESSENBURG) And what forms the basis of
6 why you say that the father requires it? What facts do you
7 have?

8 A. Because the child does -- is not protective of the
9 mother. He's much more willing to say negative things
10 about the mother, which is unusual, which usually indicates
11 that there's been some influence.

12 It's very unusual for a child to come into my
13 office and consistently say negative things about one
14 parent and only positive things about the other parent.
15 That indicates influence, usually.

16 Q. Let me show you what I've marked as Petitioner's
17 Exhibit 105 and ask you if that was an email that you sent
18 to Mr. Crockett?

19 A. Yes.

20 Q. Is it a true and accurate copy of your email to
21 Mr. Crockett?

22 A. It appears to be, yes.

23 Q. And the date of that is May 29th, 2019?

24 A. Yes.

25 Q. Okay. Did you believe that the father was

1 alienating the mother?

2 A. I sent it to both parents. The subject line was
3 the subject line of the previous message. So I didn't
4 change the subject line, but I cc'd the mother, the -- the
5 ad litem and the counselor and yourself. And --

6 Q. Okay.

7 A. And then I ended up -- I didn't have your email,
8 so I did it again to your email, I believe, or to Chris's.
9 I don't remember.

10 MR. ESSENBURG: Objection, nonresponsive.

11 Q. (BY MR. ESSENBURG) Did you believe the father was
12 alienating the mother?

13 A. I believe they both were.

14 Q. Okay. Is it your opinion that the mother's
15 alienation doesn't matter as much as the father's
16 alienation?

17 MR. WHIDDON: Objection, form.

18 MR. NESBITT: Objection, form.

19 A. All alienation is bad.

20 Q. (BY MR. ESSENBURG) Okay. May I see that?

21 A. (Witness returns document to Counsel.)

22 Q. Would you agree with me that any social studies
23 require that you use evidence-based information in making
24 your recommendations?

25 A. Yes.

1 Q. What does that mean to you?

2 A. That means that you use your collective experience
3 of, you know, clinical information, of child development
4 information, all the research regarding access schedules
5 and parenting plans to provide the best recommendation for
6 children.

7 Q. Did you do that?

8 A. Yes.

9 Q. 107.108 of the Family Code calls for verification
10 of each fact statement made and the sources. Did you do
11 that also?

12 A. Yes, to the extent that I was able to.

13 Q. If the mother lied about certain things or
14 embellished facts about certain things, would that possibly
15 change your recommendation?

16 MR. WHIDDON: Objection, form.

17 A. I don't know that it would change my
18 recommendation.

19 Q. (BY MR. ESSENBURG) So if she lied to you, you
20 would -- you're not sure it would change your
21 recommendation?

22 MR. WHIDDON: Objection, form.

23 A. I don't know.

24 MR. NESBITT: Objection, form.

25 Q. (BY MR. ESSENBURG) Okay.

1 A. It would depend on what the lie was about, I
2 guess.

3 Q. Do you believe it would increase the amount of
4 potential error in your recommendation if you did not look
5 at data?

6 MR. WHIDDON: Objection, form.

7 A. Yes.

8 Q. (BY MR. ESSENBURG) Would that be a limitation on
9 your report if you did not look at data?

10 MR. WHIDDON: Objection, form.

11 A. I don't know what data you're speaking of.

12 Q. (BY MR. ESSENBURG) Evidence received -- received
13 or not received by you, either coming from the mother or
14 the father or other sources.

15 A. I mean, there's always a potential for more
16 information to further hone my recommendation one way or
17 the other. More information is usually better. But I have
18 to base my recommendations on the information I had at the
19 time.

20 Q. So would it increase your potential error if you
21 did not look at all the data or the evidence that was
22 presented to you?

23 MR. NESBITT: Objection, form.

24 A. Yes.

25 Q. (BY MR. ESSENBURG) And would that be a limitation

1 on your report if you didn't look at all the information
2 that you were offered?

3 MR. NESBITT: Objection, form.

4 A. It may.

5 Q. (BY MR. ESSENBURG) What is your opinion on the
6 reliability of receiving information from a former spouse
7 or the mother without any mental health records?

8 MR. NESBITT: Objection, form.

9 A. I'm sorry, I don't -- I don't know to what you're
10 referring.

11 Q. (BY MR. ESSENBURG) What is -- what do you
12 perceive to be the reliability of the information you
13 received from the mother and the stepfather?

14 MR. WHIDDON: Objection, form.

15 A. I mean, I don't know how to quantify that.
16 They --

17 Q. (BY MR. ESSENBURG) Do you think they were
18 truthful and reliable in all the information that they gave
19 you?

20 A. Nobody is truthful and reliable by all the
21 information ever.

22 Q. Okay. How would you characterize, in your mind,
23 the information that they gave you? By and large, was it
24 reliable, truthful?

25 MR. WHIDDON: Objection, form.

1 A. I believe so, yes.

2 Q. (BY MR. ESSENBURG) Okay. Do you feel like you've
3 got an obligation to review all the available information
4 so that the Court has the clearest picture possible
5 regarding the child's best interest?

6 MR. NESBITT: Objection, form.

7 A. Yes, but there's no way I can always receive
8 everything I've requested, for example.

9 Q. (BY MR. ESSENBURG) Would you agree with me that
10 it's difficult to know what information is relevant unless
11 you've reviewed it?

12 MR. NESBITT: Objection, form.

13 A. Yes.

14 Q. (BY MR. ESSENBURG) And if you refuse to accept or
15 review it, that this could create a significant error and
16 possibly a violation of the Court's order, per the Texas
17 Family Code 107?

18 MR. NESBITT: Objection, form.

19 A. We've talked about this as an office policy, and
20 our office policy is that we do not always accept every
21 single document that's provided to us. We try to keep
22 things within the range of the time frame and the specifics
23 of the case, and so we, you know, give that determination
24 personally for each case. It's a case-by-case basis.

25 Q. (BY MR. ESSENBURG) You agree with me that if you

1 didn't review certain information, it could result in your
2 recommendation being faulty?

3 MR. NESBITT: Objection, form.

4 A. Yes.

5 Q. (BY MR. ESSENBURG) The last contact that you had
6 with the father and child together was 20- -- October 2018;
7 is that correct?

8 A. Yes.

9 Q. And, if so, that's a year ago?

10 A. Yes.

11 Q. Would you agree with me, to some degree, this
12 custody evaluation now is out of date?

13 MR. NESBITT: Objection, form.

14 A. In -- in some ways, I'm sure it is.

15 Q. (BY MR. ESSENBURG) Would you agree with me that
16 evaluators can't rely on the parties to furnish all the
17 facts?

18 A. Correct. Yes, that's true.

19 Q. I -- I, myself, sent you a international study and
20 a peer-reviewed article, did I not?

21 A. Yes, three times.

22 Q. Did I do it three times?

23 A. Yes.

24 Q. Sorry.

25 Let me show you what's marked as Petitioner's

1 Exhibit 111 and 112. Let me show you Petitioner's
2 Exhibit 112. Is this a letter that I sent to you, that you
3 received and read?

4 A. Yes.

5 Q. And when I sent you the research article, is this
6 the research article that I sent you that's identified as
7 Petitioner's Exhibit 111?

8 A. I don't know that I received the research article,
9 although I did look up some other things on my own. I
10 don't remember whether I was sent --

11 Q. You understand --

12 A. -- this entire --

13 Q. -- that was attached to that email (indicating)?

14 A. I -- it must have been. I did read this.

15 Q. Okay. Would you agree with me that that is a
16 peer-reviewed research article by some of the top
17 psychologists and scientists in the world?

18 A. Yes.

19 Q. And it's titled **Shared Physical Custody: Does It**
20 **Benefit Most Children?**

21 A. Yes.

22 Q. And did you read it?

23 A. Yes.

24 Q. Do you agree that it's supported by
25 111 international experts in psychology?

1 A. That sounds correct.

2 Q. And it consolidated 40 peer-reviewed published
3 studies and academic journals?

4 A. That sounds correct.

5 Q. And among the eminent group of scholars and
6 researchers, there were 11 people who held major
7 professional associations, two former presidents of the
8 American Psychological Association, five university
9 vice presidents and provosts or deans, 14 professors
10 emerita, and 17 department chairs?

11 MR. NESBITT: Objection, form.

12 A. Okay. I don't recall those specific numbers.

13 Q. (BY MR. ESSENBURG) Okay. You realize that's in
14 the article -- that's identified in --

15 A. Yes.

16 Q. -- that article?

17 A. But I don't remember the specific numbers.

18 Q. Fair enough. Fair enough. That's a kind of
19 detail that you might not remember, but you agree -- well,
20 certainly you're free to look at it, and if I misstated
21 something you can correct the deposition if I have
22 misstated the experts in that field that are identified in
23 that article.

24 In the study, it states on Page 137 that,
25 Finally, even though most children acknowledge that living

1 in two homes is sometimes an inconvenient hassle, they feel
2 the benefits outweigh the inconvenience; one of the most
3 beneficial outcomes linked into shared parenting is the
4 children maintaining a loving, meaningful relationship with
5 both parents; given this, we need to keep in mind that this
6 particular benefit may not become apparent until later in
7 the children's lives; so although the children who are
8 living almost exclusively with one parent may appear to be
9 doing, quote, just fine, unquote, at present the
10 relationship with the other parent is more likely to be
11 weakened or to be irreparably damaged as time goes by, and
12 that disadvantage may last a lifetime.

13 A. Yes.

14 Q. Did you understand that?

15 A. Yes.

16 Q. Did you believe that the mother and father in this
17 scenario is a high-conflict case?

18 A. Yes.

19 Q. Did you believe -- Dr. Siegel recommended equal
20 possession; you've recommended the mother have everything
21 but three hours a week. Do you agree with that?

22 A. Yes.

23 Q. Do you have any research that undermines this
24 article by these experts?

25 MR. NESBITT: Objection, form.

1 A. My intent writing the report was not to undermine
2 an article, so I don't think that could be characterized --

3 Q. (BY MR. ESSENBURG) Okay. Do you have any
4 research that backs up yours that contradicts their -- the
5 article that I gave you?

6 MR. NESBITT: Objection, form.

7 A. What I know, two things: One is that the shared
8 custody schedule that Dr. Siegel recommended was
9 implemented because the child was doing so well in both
10 homes. The child was barely verbal at the time.

11 What has changed over time is that the father
12 has worked on this child for years to -- for the child to
13 be against the mother and to be sided with the father.
14 That has begun to damage this child in an irreversible way.

15 In those cases, I would never recommend
16 shared parenting schedules.

17 MR. ESSENBURG: Let me object to you as being
18 nonresponsive.

19 THE WITNESS: Okay.

20 Q. (BY MR. ESSENBURG) Do you have any peer-reviewed
21 research articles that backs up your position and your
22 recommendation consistent with the facts of this case?

23 A. No.

24 MR. NESBITT: Objection, form.

25 Q. (BY MR. ESSENBURG) It's just your clinical

1 opinion?

2 A. Yes.

3 MR. NESBITT: Objection, form.

4 Q. (BY MR. ESSENBURG) Are you able to report to any
5 reliability on your recommendations and research behind it?

6 MR. NESBITT: Objection, form.

7 A. Not any specific articles that I can quote to you,
8 but children don't do well when they're taught to hate the
9 other parent. I know that for a fact.

10 Q. (BY MR. ESSENBURG) What methodology did you use
11 to arrive at your recommendations?

12 A. I mean, I used the standards of care outlined in
13 the AFCC guidelines. I used Best Interest of The Child
14 guidelines from the --

15 Q. I'm sorry, A- -- can you identify --

16 A. Yes, I'm sorry.

17 Q. -- not use initials and --

18 A. American Family and Conciliatory Courts -- I'm
19 sorry, I can't say that word. Conciliatory, yes --

20 Q. I think that's pretty good.

21 A. -- courts.

22 Their best practices guidelines and then also
23 the Family Code, Best Interest of The Child guidelines, and
24 then the -- I'm sorry, my mind is -- I can't think of the
25 other guideline that our office always uses.

1 Q. Did you use the American Psychological Association
2 Ethics Code?

3 A. I didn't not use it, but specifically we don't
4 practice under that guideline because I'm not an APA
5 member. I go by the LPC code of conduct, licensed
6 professional counselor code of conduct.

7 Q. If you assumed that the father was narcissistic,
8 did you check collateral persons that had hands-on
9 experience when he and the child were parenting? When I
10 say "check collateral persons," did you call them and talk
11 to them?

12 A. I -- I'm not understanding how that has to do with
13 the personality disorder issue.

14 Q. You assumed he had a narcissistic personality; is
15 that correct?

16 MR. NESBITT: Objection, form.

17 A. I didn't assume it. I collected that
18 information --

19 Q. (BY MR. ESSENBURG) You --

20 A. -- from lots of --

21 Q. I'm sorry.

22 A. -- different sources.

23 Q. I misspoke. You collected information and made a
24 diagnosis that he could be exhibiting narcissistic traits?

25 A. Yes.

1 Q. And did you check with collateral persons or other
2 people with hands-on experience with him and the child and
3 his parenting to corroborate those narcissistic traits?

4 A. Yes. I got lots of documentation of those things.

5 Q. And who are those?

6 A. The child's three counselors, the school.

7 Q. They -- they all said that he had a narcissistic
8 personality

9 A. They described his controlling, manipulative
10 behavior. They described facets of the narcissistic
11 pattern. They didn't diagnose that.

12 Q. Anybody else other than the three counselors?

13 A. The school.

14 Q. And who are the -- by the way, who are the three
15 counselors again?

16 A. Rochelle Ritzi, Becky Berg (sic), and what --
17 what -- I always get her name wrong. Becky Bergthold,
18 B-e-r-g-t-h-o-l-d, and Dr. Sauer.

19 Q. When did you -- when was their exposure to him?
20 What year did Dr. Sauer have interaction with him and what
21 year did Becky Bergthold --

22 A. Uh-huh.

23 Q. -- have interaction with him?

24 A. It was --

25 MR. WHIDDON: Hey, Randy, can we go off the

1 record real quick?

2 MR. ESSENBURG: I'm getting pretty close to
3 finishing.

4 MR. WHIDDON: Well, how much longer do you
5 think you'll need?

6 MR. ESSENBURG: I've just got a few pages,
7 and we're done.

8 MR. WHIDDON: I mean --

9 MR. NESBITT: Is that 30 minutes or two
10 hours?

11 MR. WHIDDON: Yeah, that's what I need to
12 know.

13 MR. ESSENBURG: Yeah, less than 30 minutes.

14 MR. WHIDDON: Well, then, I mean, I don't
15 think there's any need for me to stick around if you're
16 going to be asking -- well, are we on the record? Can we
17 just go off the record?

18 MR. ESSENBURG: No. Let's finish -- why
19 don't we finish? It's 30 -- I'm within 30 minutes.

20 MR. NESBITT: Let's go off the record because
21 I need to use the restroom. I'm sorry.

22 MR. ESSENBURG: All right. Fine.

23 (Recess taken from 5:09 p.m. to 5:14 p.m.)

24 MR. WHIDDON: So it is my understanding
25 Respondent -- Respondent -- Counsel Justin Whiddon here for

1 Nikki Ngo -- that we have an agreement of Counsel that I
2 would reserve all my questioning of Ms. Frendle for future
3 hearing or trial.

4 MR. NESBITT: No opposition from us.

5 MR. ESSENBURG: No objection.

6 MR. WHIDDON: All right. Then that is our
7 agreement.

8 MR. NESBITT: Thank you.

9 MR. ESSENBURG: Are we back on the record?

10 MR. NESBITT: Yes.

11 MR. ESSENBURG: I guess we were on the
12 record.

13 (Mr. Whiddon leaves deposition room.)

14 Q. (BY MR. ESSENBURG) Jennifer, we're back on the
15 record. You understand that?

16 A. Yes.

17 Q. Do you assume that if somebody has narcissistic
18 traits, that he or she is a bad parent?

19 A. No, not necessarily.

20 Q. Okay. So you can be narcissistic and not be a bad
21 parent?

22 A. Yes.

23 Q. Is it fair to say in your custody evaluation you
24 did not make -- you did not find the father committed any
25 family violence; is that correct?

1 A. Correct.

2 Q. And in your evaluation, you did not find the
3 father abused drugs?

4 A. Correct.

5 Q. And in your evaluation, you did not find the
6 father abused alcohol?

7 A. Correct.

8 Q. At some point, you found the father's behavior
9 abusive?

10 A. I don't know to what you're referring.

11 Q. Did you get to a place where you didn't like the
12 things that the father did or you considered his actions
13 alienating?

14 A. Yes.

15 Q. To the point that it's abusive?

16 A. Yes.

17 Q. Did you come to a place where you disliked the
18 father as a person?

19 A. No.

20 Q. Do you find the DSM-5 manual authoritative?

21 A. Yes.

22 Q. Are you aware that the DSM-5 manual cautions
23 forensic evaluators from using a diagnosis in forensic
24 settings --

25 A. Yes.

1 Q. -- stating that there are significant risks the
2 diagnosis information will be misused or misunderstood?

3 A. Yes.

4 Q. And on Page 19 of the DSM-5 manual that a
5 personality disorder is not established by merely attaching
6 the disorder's diagnostic criteria to cherry pick the
7 events formed in the litigant's life?

8 MR. NESBITT: Objection, form.

9 A. Yes.

10 Q. (BY MR. ESSENBURG) Do you agree with that?

11 A. Yes.

12 Q. For example, a brain surgeon might be very
13 particular and detail-oriented and fussy in all the things
14 they need to be fussy about, in other words compulsive, and
15 that in and of itself, being compulsive, could be a good
16 thing?

17 MR. NESBITT: Objection, form.

18 A. Yes.

19 Q. (BY MR. ESSENBURG) In brain surgeons, for
20 example?

21 A. Yes.

22 Q. That actresses may be more emotionally expressive
23 than your typical population; in other words, having a
24 histrionic personality?

25 A. They may be on that spectrum, yes.

1 Q. Would you agree that -- in your experience, that,
2 under litigation stress, particularly family law cases,
3 that each parent and fathers may express extreme
4 characteristics of a personality style in the middle of
5 their custody evaluation?

6 A. Yes.

7 Q. How did you apply the DSM-5 diagnosis to
8 distinguish normal personality traits during litigation
9 from a personality disorder?

10 A. Well, first of all, I didn't diagnose him with a
11 personality disorder; I said he had traits suggestive of
12 those features. But I would say a specific answer would be
13 the extremes in each of the father's behaviors met the
14 standard that was, you know, deviant from normal behavior.
15 In other words, it wasn't just that he likes himself, it
16 was excessive admiration, need for approval. Everything
17 that met that standard was excessive in nature.

18 Q. If the mother did some of the following, for
19 example, called him a con man, believes that he attempted
20 to kill her by running over her with a car, did Ecstasy,
21 doesn't let the son talk to the father, the boyfriend is
22 angry at the father in your social study, and they report
23 to police possible abuse, doesn't that indicate a lot of
24 anger by the mother and stepfather towards the father?

25 MR. NESBITT: Objection, form.

1 A. I mean, some of those things do.

2 Q. (BY MR. ESSENBURG) Any of them don't?

3 A. Well, I don't know how the mother using Ecstasy in
4 the past has to do with being angry at the father.

5 Q. Other than that one?

6 A. No.

7 MR. NESBITT: Objection, form.

8 Q. (BY MR. ESSENBURG) How do you -- you would agree
9 with me that the mother exhibited some anger and some
10 alienating behaviors?

11 MR. NESBITT: Objection, form.

12 A. Yes.

13 Q. (BY MR. ESSENBURG) So how do you reconcile giving
14 sole managing conservator to a mother that exhibited
15 alienating behaviors and recommended that the recipient of
16 some of the alienating behaviors receive three hours a week
17 supervised?

18 A. Because I only had these two parents to choose
19 from, and --

20 Q. So -- sorry, go ahead.

21 A. -- so I chose the parent that was less influential
22 on -- directly on the child.

23 Q. Do you -- given the state of mind of the mother
24 and the stepfather, do you anticipate in the future more
25 alienating behaviors?

1 MR. NESBITT: Objection, form.

2 A. I think it will actually relieve the situation.

3 Q. (BY MR. ESSENBURG) How?

4 A. Because the father is not working on the child,
5 which is what the mother sees as a threat. If he doesn't
6 have any access but supervised, then that issue won't be as
7 prominent for the mother.

8 Q. But didn't you describe the mother's -- some of
9 her behavior as being alienating of father: she calls him
10 a con man, believes he attempted to hurt her, had -- she
11 has to protect the child from him, doesn't let the son talk
12 to his father? How do you expect that person completely in
13 charge of the son's possession period to cooperate and
14 enhance the father/child relationship?

15 MR. NESBITT: Objection, form.

16 A. I don't know that she can, but I know the -- the
17 father definitely cannot.

18 Q. (BY MR. ESSENBURG) Okay. So if you have one that
19 definitely cannot and one that may or may not, how do you
20 make a recommendation that the one that may or may not
21 get -- get all the time except three hours?

22 A. Because it's to limit the -- the conflict is what
23 is harming the child so greatly, the conflict and the --
24 the tension between the two households. That's what I
25 believe makes the father work so hard on the child to

1 choose him, is it's this battle. If the battle is removed,
2 then the child is removed from the middle of that scenario.

3 Q. So if mother wins, this child is going to be
4 better?

5 A. I wouldn't characterize it as that.

6 Q. If the mother gets all hours of the week, save and
7 except three hours, this child is going to be better?

8 MR. NESBITT: Objection, form.

9 A. I would hope so.

10 Q. (BY MR. ESSENBURG) Okay. Do you know so?

11 A. Of course not. I don't know anything for a fact.

12 Q. And you don't have any research to back up your
13 clinical position, do you?

14 A. I didn't say I didn't have research; I said I
15 can't think of a name or cite a specific article to you.

16 Q. Would you think about it and then, with time,
17 produce that research -- peer-reviewed scientific research
18 that says, under these similar-type circumstances, this
19 child is going to be better with the father only receiving
20 three hours a week?

21 A. I'll --

22 MR. NESBITT: Objection. We'll take that
23 request under advisement. I don't think that's an
24 appropriate request in a deposition.

25 Q. (BY MR. ESSENBURG) Was there -- did you have the

1 ability to recommend something other than three hours a
2 week for the father to cure the problem with the father,
3 such as recommending an equal possession but reduce the
4 access in the event the father commits further alienating
5 behaviors? Was that a possibility as a recommendation for
6 you?

7 A. No.

8 Q. Why is that?

9 A. I don't think the father can. He hasn't been able
10 to stop so far. I don't know what would make him want to
11 stop.

12 Q. So your position is you have made the clinical
13 judgment call that you just don't think he can do it?

14 MR. NESBITT: Objection, form.

15 A. Correct.

16 Q. (BY MR. ESSENBURG) And do you believe that when
17 you make that judgment call and this child sees his father
18 three hours a week, do you believe there will be any
19 emotional damage for that judgment call?

20 A. Likely, yes.

21 Q. Do you believe the damage is short-term,
22 medium-term, long-term?

23 A. I hope it's short-term.

24 Q. Okay. Do you have any research to back that up?

25 A. Not that I can quote specifically to you.

1 Q. Did you use any research before you wrote down
2 your recommendations on your custody evaluation?

3 A. Yes.

4 Q. What research did you use before you wrote down
5 your evaluations?

6 A. Well, I looked at the plan that Warshak has talked
7 about with alienation cases in which basically one parent
8 is removed from the situation.

9 Q. So does Warshak ever discuss a scenario where you
10 have two parents that are both actively alienating?

11 A. Sure. Yes.

12 Q. What did he recommend?

13 A. I don't recall.

14 Q. So even though you don't recall, you still made
15 that recommendation knowing there's one parent that is
16 alienating that is getting dominant time?

17 A. Because I don't believe the alienation is equal,
18 so I didn't see it as an equal scenario.

19 Q. But you do see emotional damage for this boy to be
20 away from his father?

21 A. Yes. It will be difficult for him.

22 Q. Do you believe you -- your recommendation is
23 draconian in scope?

24 MR. NESBITT: Objection, form.

25 A. No, I wouldn't describe it as such.

1 Q. (BY MR. ESSENBURG) You recommended the father not
2 have access to a concealed weapon; is that correct?

3 A. Yes.

4 Q. So you were fearful of him?

5 A. Yes.

6 Q. Any reason you didn't recommend more than three
7 hours per week? In other words, some stepped-up, graduated
8 scale to something different than three hours per week.

9 A. Not specifically. That specific time frame comes
10 from what the places that provide supervised access are
11 usually able to do, unfortunately. I wish it were more
12 time.

13 MR. ESSENBURG: I'll pass the witness.

14 (Witness passed at 5:26 p.m.)

15 EXAMINATION

16 BY MR. NESBITT:

17 Q. Ms. Frenkle, in your report, in addition to the
18 recommendation that Counsel has focused on relative to the
19 possession, you did recommend other things, correct?

20 A. Yes.

21 Q. And that includes counseling?

22 A. Yes.

23 Q. Counseling for the father?

24 A. Yes.

25 Q. And counseling for the mother?

1 A. Yes.

2 Q. Why did you recommend counseling for both the
3 mother and the father?

4 A. Because they both have issues that they need to
5 work on to be better people and better parents.

6 Q. Did you recommend counseling because you believe
7 that, with counseling, they can both improve on their
8 behavior?

9 A. Yes.

10 Q. And become better parents?

11 A. Yes.

12 Q. That goes for the mother and the father?

13 A. Correct.

14 Q. Earlier this morning, in response to a question
15 from Counsel about producing your file, he asked you if you
16 produced your entire file.

17 Do you recall that?

18 A. Yes.

19 Q. And you said that you had?

20 A. Yes.

21 Q. In fact, we have withheld certain documents based
22 on your -- the advice of counsel, correct?

23 A. Yes.

24 Q. And those were primarily the CPS records?

25 A. That is the only record I know of that was

1 withheld.

2 Q. All right. So with respect to producing the
3 entire file, we just wanted to clarify that we haven't
4 produced the entire file?

5 A. Correct.

6 Q. All right. In response to some of Counsel's
7 questions, he kept asking you whether this was a hunch or
8 that was a hunch. Is your report based on hunches?

9 A. No, not hunches and not guesses. It's based on my
10 clinical experience, my collective information, sources I
11 reviewed, all of the information put together.

12 Q. And just for the record, the word "hunch" was
13 Counsel's word, not yours, correct?

14 A. Yes.

15 Q. Do you remember when Mr. Essenburg showed you a
16 document, I think it came out of your report or a quote,
17 regarding father reporting that the mother had stole --
18 stealing trade secrets or stealing documents? Do you
19 remember that?

20 A. Yes.

21 Q. All right. And then he also showed you a document
22 relative to that discussion.

23 A. Yes.

24 Q. Do you remember that?

25 That was marked as an exhibit, I believe; is

1 **that correct?**

2 A. Yes.

3 MR. ESSENBURG: Earl, can I interject
4 something real quick?

5 MR. NESBITT: Certainly.

6 MR. ESSENBURG: Are you going to have a
7 fairly long discussion?

8 MR. NESBITT: No. This and two other
9 questions.

10 MR. ESSENBURG: Okay.

11 MR. NESBITT: But I can stop if you need to.

12 MR. ESSENBURG: No, it's okay. Go ahead.

13 MR. NESBITT: Okay. I just need to find that
14 one document. It's the Rule 11.

15 MR. ESSENBURG: Yes, I think I know where it
16 is.

17 **Q. (BY MR. NESBITT) I'm going to show you what**
18 **Counsel marked as Exhibit 132.**

19 A. Yes.

20 **Q. Do you remember Mr. Essenburg showing you that in**
21 **the context of the quote from your report about the**
22 **allegation that the father made about the mother stealing**
23 **documents?**

24 A. Yes.

25 **Q. All right. And he showed you -- on Page 2, he**

1 highlighted the quote.

2 Do you see that?

3 A. Yes.

4 Q. And does that highlighted portion that he had you
5 read and confirm that was in the document, does that say
6 anything about stealing documents?

7 A. No.

8 Q. All right. Is there -- and I'm just going to ask
9 you just to briefly look through that Rule 11 Agreement and
10 see if there's -- anywhere in there there's talk about the
11 word stealing. Is that used anywhere in that document?
12 Feel free to take a second.

13 A. No.

14 Q. Okay. And to be clear, you don't know what this
15 lawsuit involved, what allegations were made?

16 A. No, I don't.

17 Q. Do you understand what a Rule 11 Letter Agreement
18 is?

19 A. It's -- I understand in the context of it's an
20 agreement between the parties to settle the case or to
21 confirm some facts of the case.

22 Q. All right. And, in fact, on Page 3, it says here,
23 The Plaintiffs agree to nonsuit the above-styled and
24 numbered cause with prejudice?

25 A. Yes.

1 Q. You understand that basically means the case was
2 over and dismissed?

3 A. Yes.

4 Q. One other thing. Counsel asked you about an
5 affidavit by Mr. -- Dr. Siegel, I believe.

6 A. Yes.

7 Q. Do you remember that?

8 A. Yes.

9 Q. And he showed you that, what's been marked as
10 Exhibit 104, correct?

11 A. Yes.

12 Q. And that is actually not an affidavit; that is a
13 letter in which --

14 MR. ESSENBURG: Objection, form. That is an
15 affi- --

16 Q. (BY MR. NESBITT) Do you understand what that
17 letter, what that --

18 MR. ESSENBURG: That is an affidavit.

19 Q. (BY MR. NESBITT) Do you understand that that is
20 an affidavit?

21 MR. ESSENBURG: Yes.

22 A. It says --

23 MR. NESBITT: Excuse me.

24 A. -- "text of the affidavit."

25 Q. (BY MR. NESBITT) Yeah. It's -- it is not

1 notarized, is it?

2 A. No.

3 Q. Okay. This appears to me to be a letter on
4 Dr. Siegel's letterhead. Is that what it appears to be to
5 you?

6 A. Yes.

7 Q. And it's addressed to Ramon de Jesus Rodriquez?

8 A. Yes.

9 Q. Do you know Mr. -- who Mr. de Jesus Rodriquez is?

10 A. No.

11 Q. All right. In response -- and in his questions to
12 you, Counsel, in asking you about Petitioner's Exhibit 104,
13 asked you about concerns -- would you have concerns if the
14 Respondent -- I'm sorry, I think it's the Respondent, the
15 mother, had committed perjury.

16 A. Yes, I remember that.

17 Q. All right. Anywhere on that -- and he was
18 specifically focusing on the last page.

19 Do you see that?

20 A. Yes.

21 Q. And there's three paragraphs on the last page
22 which appears to be from Dr. Siegel. Does Dr. Siegel say
23 anywhere in there that the respondent had committed
24 perjury?

25 A. No.

1 Q. All right. He talks about falsehoods and
2 untruths, but he doesn't say "perjury," does he?

3 A. Correct.

4 Q. Again, that's Counsel's word, not yours?

5 A. Yes.

6 Q. And it's not even Dr. Siegel's words, is it?

7 A. I --

8 MR. ESSENBURG: I'm going to object as to
9 form.

10 A. I don't know whose words it is.

11 MR. NESBITT: All right. Pass the witness.

12 (Witness passed at 5:32 p.m.)

13 MR. ESSENBURG: Redirect here.

14 FURTHER EXAMINATION

15 BY MR. ESSENBURG:

16 Q. Ms. -- or Jennifer, you got this letter, didn't
17 you, Petitioner's Exhibit 104?

18 A. Yes.

19 Q. March 27th, 2019?

20 A. Yes.

21 Q. Before you wrote the custody evaluation?

22 A. Yes.

23 Q. And it was from Dr. Siegel making statements, was
24 he not?

25 A. That's what it appears to be.

1 Q. And he says "affidavit" in there, does he not, of
2 Dr. Siegel?

3 A. It says, "Text of the affidavit," yes.

4 Q. Did you doubt that was from Dr. Siegel?

5 A. No.

6 Q. Did you believe it was from Dr. Siegel?

7 A. Yes.

8 Q. And so the words that you read here you believe
9 were from Dr. Siegel?

10 A. Yes.

11 Q. Did Dr. Siegel write, "In my opinion, a parent
12 that falsely accuses the other parent of such behavior, an
13 attempt to cause serious bodily harm is being untruthful;
14 such behaviors are very serious and raise significant
15 concerns about the parent's ability to serve as a primary
16 parent"?

17 Did he say that?

18 A. That's what it says.

19 Q. Do you have some sort of disagreement about what
20 it means to lie and not lie? Do you believe that
21 Dr. Siegel believes she was lying? Lying.

22 A. I believe he thinks that, yes.

23 Q. Okay. If she made these statements to you under
24 oath, that would be perjury, wouldn't it?

25 MR. NESBITT: Objection, form.

1 A. I guess.

2 Q. (BY MR. ESSENBURG) Did you pick up the phone and
3 call Dr. Siegel and say, Hey, Dr. Siegel, in your opinion,
4 was she lying?

5 A. No.

6 Q. Why not?

7 A. Because I -- I don't believe it to be the truth,
8 but I believe that Mom believes it is the truth.

9 Q. Okay. Part of your recommendation is that, in
10 this -- the three hours for the dad and the rest of the
11 time for the mother during the week, that that -- in your
12 mind, that kind of cures the alienation by the father
13 against the mother?

14 MR. NESBITT: Objection, form. It's beyond
15 the scope.

16 Q. (BY MR. ESSENBURG) You can answer.

17 A. I mean, I don't know that I'd classify it as that,
18 no.

19 Q. Well, it addresses or minimizes the alienation; is
20 that correct?

21 A. Yes.

22 Q. And if you -- turns out you're sending that child
23 to an alienator and they have 167 hours a week or 164 hours
24 a week and the other parent has 3 hours a week, but turns
25 out the alienator has 164 hours a week, that would not

1 remedy the situation, would it?

2 A. No.

3 Q. In fact, it could make it worse, could it not?

4 MR. NESBITT: Objection, form.

5 A. It could.

6 Q. (BY MR. ESSENBURG) And your custody evaluation is
7 based on the mother telling you the truth; is that
8 correct --

9 MR. NESBITT: Objection, form.

10 Q. (BY MR. ESSENBURG) -- in -- in -- in large
11 part --

12 MR. NESBITT: Objection, form.

13 Q. (BY MR. ESSENBURG) -- that she wasn't lying --

14 MR. NESBITT: Sorry.

15 Q. (BY MR. ESSENBURG) -- to you?

16 A. I wouldn't -- I wouldn't minimize it that much. I
17 wouldn't --

18 Q. So she could lie to you, and you'd be okay with
19 all of that? I mean, it's just --

20 MR. NESBITT: Objection, form.

21 A. I wouldn't narrow the definition of whether my
22 report is based on lies or truths to be the sum total of
23 what I'm doing.

24 Q. (BY MR. ESSENBURG) So if the mother said, Hey,
25 that guy -- the father's got 25 child molestation

1 convictions and that's not true, that wouldn't impact your
2 evaluation?

3 A. Well, that likely would.

4 Q. Okay.

5 A. That's not what she said, though.

6 Q. And Dr. Siegel told you she was lying, didn't he?

7 A. He said he felt she was lying, yes.

8 Q. Okay. You disregarded this, didn't you?

9 MR. NESBITT: Objection, form.

10 A. No.

11 MR. ESSENBURG: Okay. Pass the witness.

12 MR. NESBITT: No questions.

13 (End of proceedings at 5:36 p.m.)
14
15
16
17
18
19
20
21
22
23
24
25

JENNIFER FRENDE, LPC - December 4, 2019

Page 289

1 WITNESS: JENNIFER FRENDE, LPC

2 DATE TAKEN: OCTOBER 29, 2019

3 CORRECTIONS AND SIGNATURE

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

817-447-6721

Amy Massey & Associates
1-866-4MASSEY

817-447-6491 FAX

1 I, JENNIFER FRENDE, LPC, have read the foregoing
2 deposition and hereby affix my signature that same is true
and correct, except as noted above.

3 _____
JENNIFER FRENDE, LPC

4
5 THE STATE OF _____)

6 COUNTY OF _____)

7 Before me, _____, on this day personally
8 appeared JENNIFER FRENDE, LPC, known to me (or proved to
me under oath or through _____) (description of
9 identity card or other document) to be the person whose
name is subscribed to the foregoing instrument and
acknowledged to me that they executed the same for the
10 purposes and consideration therein expressed.

11 Given under my hand and seal of office this ____ day of
12 _____ A.D., _____.

13 _____
NOTARY PUBLIC IN AND FOR
14 THE STATE OF _____

15 My Commission Expires:
16
17
18
19
20
21
22
23
24
25

CAUSE NO. DF-13-06713

IN THE INTEREST OF * IN THE DISTRICT COURT
*
L.L.C., IV * 256TH JUDICIAL DISTRICT
*
A CHILD * DALLAS COUNTY, TEXAS

REPORTER'S CERTIFICATION

ORAL DEPOSITION OF JENNIFER FRENDEL, LPC

OCTOBER 29, 2019

I, Amy Massey, Certified Shorthand Reporter in and for
the State of Texas, hereby certify to the following:

That the witness, JENNIFER FRENDEL, LPC, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by the
parties;

That the deposition transcript was submitted on
December 5, 2019, to the witness or to the attorney for the
witness for examination, signature and return to me by
December 30, 2019;

That the amount of time used by each party at the
deposition is as follows:

Mr. Randy J. Essenburg: 05:38
Ms. Kris Balekian Hayes: 00:00
Mr. Justin Whiddon: 00:00
Mr. Earl S. Nesbitt: 00:06

That pursuant to information given to the deposition
officer at the time said testimony was taken, the following
includes all parties of record:

FOR THE PETITIONER, LAURISTON LEE CROCKETT, III:

MR. RANDY J. ESSENBURG
Attorney at Law
4230 Lyndon B. Johnson Freeway
Suite 320
Dallas, Texas 75244
972-789-1484

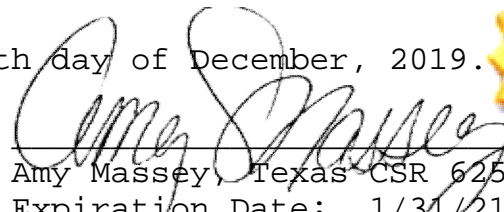
1 FOR THE RESPONDENT, NIKKI NGO:
2 MS. KRIS BALEKIAN HAYES
MR. JUSTIN WHIDDON
3 Balekian Hayes, PLLC
4144 North Central Expressway
4 Suite 1200
Dallas, Texas 75204
5 214-828-2800
kris@bh-pllc.com
6 jwhiddon@bh-pllc.com

7 FOR THE WITNESS, JENNIFER FRENDEL, LPC:
8 MR. EARL S. NESBITT
Assistant District Attorney
9 Civil Division
Criminal District Attorney's Office
10 Dallas County, Texas
Administration Building
11 411 Elm Street
Fifth Floor
12 Dallas, Texas 75202
214-653-7358
13 Earl.Nesbitt@dallascounty.org
14

15 I further certify that I am neither counsel for,
related to, nor employed by any of the parties or attorneys
16 in the action in which this proceeding was taken, and
further that I am not financially or otherwise interested
17 in the outcome of the action.

18 Further Certification requirements pursuant to
Rule 203 of TRCP will be certified to after they have
19 occurred.

20 Certified to by me this 4th day of December, 2019.

21 
Amy Massey, Texas CSR 6254
22 Expiration Date: 1/31/21
Amy Massey & Associates
23 HIPAA Certification
Firm Registration Number 404
24 6724 Kirk Lane
Burleson, Texas 76028
25 PHONE: 817-447-6721



FURTHER CERTIFICATION UNDER RULE 203 TRCP

The Original deposition was/was not returned to the deposition officer on _____.

If returned, the attached Changes and Signature Page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to Mr. Randy J. Essenburg, Custodial Attorney;

That \$_____ is the deposition officer's charges to Petitioner for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on and filed with the Clerk.

Certified to by me this ____day of _____, 2019.

Amy Massey, Texas CSR 6254
Expiration Date: 1/31/21
Amy Massey & Associates
HIPAA Certification
Firm Registration Number 404
6724 Kirk Lane
Burleson, Texas 76028
PHONE: 817-447-6721
FAX: 817-447-6491