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IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO  
DIVISION OF DOMESTIC RELATIONS  
JUVENILE BRANCH

- - -

IN THE MATTER OF:

KATHY J. HERNANDEZ, : 12JU-14479  
PLAINTIFF :  
VS :  
ARISTIDES JURADO, :  
DEFENDANT :

- - -

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE MAGISTRATE JILL MATTHEWS  
HEARD ON MARCH 26, 2014

- - -

APPEARANCES BY:

ERIKA SMITHERMAN, ATTORNEY AT LAW ON BEHALF OF  
THE PLAINTIFF, KATHY J. HERANDEZ

RONALD PETROFF, ATTORNEY AT LAW AS COUNSEL ON  
BEHALF OF THE PLAINTIFF, KATHY J. HERNANDEZ

BLYTHE BETHEL, ATTORNEY AT LAW AS GUARDIAN AD  
LITEM ON BEHALF OF THE MINOR CHILD

OTHER APPEARANCES:

KATHY J. HERNANDEZ, PLAINTIFF  
ARISTIDES JURADO, DEFENDANT, PRO SE

1 MAGISTRATE MATTHEWS: Are these the - - -  
2 there's no more pages after this?

3 COURT OFFICER: There was only three  
4 pages.

5 MAGISTRATE MATTHEWS: Can you print off  
6 the motions that have been filed since January 21<sup>st</sup>?

7 COURT OFFICER: January 21<sup>st</sup>?

8 MAGISTRATE MATTHEWS: Yes.

9 COURT OFFICER: Uh-huh (affirmative  
10 response).

11 MAGISTRATE MATTHEWS: Just the names of  
12 them if you can do that that would be fabulous. All  
13 right.

14 ATTORNEY PETROFF: Your Honor, I've  
15 already done that if you just want to look at this  
16 for your reference?

17 MAGISTRATE MATTHEWS: What is this?

18 ATTORNEY PETROFF: This is a procedural  
19 pretrial notebook.

20 MAGISTRATE MATTHEWS: I just want a list  
21 of motions that have been filed since January 21<sup>st</sup>.

22 MR. JURADO: Do you have it?

23 ATTORNEY PETROFF: Uh-huh (affirmative  
24 response).

25

1           MAGISTRATE MATTHEWS: Because I have a 124  
2 for all of the previously filed motions. Where does  
3 your final Guardian recommendation go in this trial  
4 notebook?

5           ATTORNEY SMITHERMAN: I believe it is tab  
6 8, Your Honor.

7           MAGISTRATE MATTHEWS: 8, okay. Alrighty.

8           ATTORNEY PETROFF: This is - - - this was  
9 everything that has been filed since January.

10          MAGISTRATE MATTHEWS: All right. All  
11 right. So I don't block my vision.

12          MR. JURADO: What about my motion filed -  
13 - - the motion to -

14          MAGISTRATE MATTHEWS: All right. Let's  
15 try and get started here today. This is case 12JU-  
16 14479, Kathy J. Hernandez versus Aristides Jurado,  
17 is that right? Okay.

18          MR. JURADO: Yes, Your Honor.

19          MAGISTRATE MATTHEWS: I am Magistrate  
20 Matthews. I have before me both of the parties to  
21 the case as well as counsel for mother and the  
22 Guardian ad Litem. So, counsel for mother, if you  
23 want to put in an appearance for the record, please?

24          ATTORNEY PETROFF: Thank you, Your Honor,  
25

1 Ronald Petroff, 0081267 on behalf of  
2 petitioner/mother, Kathy Hernandez who is present in  
3 the courtroom and seated to my right, along with co-  
4 counsel. I'll let her make an appearance for the  
5 record as well.

6 MAGISTRATE MATTHEWS: Certainly.

7 ATTORNEY SMITHERMAN: Thank you. Erika  
8 Smitherman, 0072383.

9 MAGISTRATE MATTHEWS: All right, thank you  
10 very much. Mr. Jurado, could you state your name  
11 for the record, please?

12 MR. JURADO: My name is Aristides Jurado;  
13 I am the respondent in this case.

14 MAGISTRATE MATTHEWS: All right, thank you  
15 very much. And you are representing yourself at  
16 this time, correct?

17 MR. JURADO: Involuntarily, yes.

18 MAGISTRATE MATTHEWS: All right. And the  
19 Guardian ad Litem?

20 ATTORNEY BETHEL: Thank you, Your Honor,  
21 Blythe Bethel, Supreme Court registration number  
22 0001373 on behalf of the minor child, Noah Gabriel  
23 Jurado.

24 MAGISTRATE MATTHEWS: All right, thank you  
25

1 very much. We are here on Mother's complaint for  
2 the Allocation of Parental Rights and  
3 Responsibilities which was filed November 5<sup>th</sup>, 2012,  
4 as well as a number of motions, and I want to work  
5 through these motions because we have a lot. I want  
6 to try and see what we can clean up today, take care  
7 of today. I'm - - - I don't know, but we'll find  
8 out. It's my understanding you folks went up to see  
9 the Judge?

10 ATTORNEY PETROFF: Yes, Your Honor. We  
11 were previously here -

12 MAGISTRATE MATTHEWS: And I appreciate it,  
13 you don't need to stand anymore, Mr. Petroff.

14 ATTORNEY PETROFF: Okay.

15 MAGISTRATE MATTHEWS: If you feel more  
16 comfortable sitting please feel free.

17 ATTORNEY PETROFF: Sure, Your Honor.  
18 We've - - - we went up to see the Judge; we were  
19 here previously on some pre-trial motions that pet -  
20 - - or respondent/father filed and we were told that  
21 he could not go forward on those motions because the  
22 - - - among other reasons, the Guardian ad Litem had  
23 not been paid in full. I had to spout some other  
24 reasons why I don't believe he could have gone  
25

1 forward; the Court failed to address those other  
2 reasons and continued those motions to today's date.  
3 We went upstairs today; I wanted to have those tied  
4 off so we could proceed -

5 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
6 response).

7 ATTORNEY PETROFF: - with the substance of  
8 the -

9 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
10 response).

11 ATTORNEY PETROFF: - what's before the  
12 Court and Her Honor suggested that we come down here  
13 and meet with you.

14 MAGISTRATE MATTHEWS: Okay. What - - -  
15 what motions are you referring to specifically?

16 ATTORNEY PETROFF: The specific motions  
17 I'm referring to are Mr. Jurado's Motion for  
18 Protective Order, Mr. Jurado's -

19 MAGISTRATE MATTHEWS: Which was filed - -  
20 - the one on February 18th?

21 ATTORNEY PETROFF: Yes, Your Honor.

22 MAGISTRATE MATTHEWS: Okay.

23 ATTORNEY PETROFF: And his motion to  
24 remove the Guardian ad Litem which was -

25

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1 MAGISTRATE MATTHEWS: Okay.

2 ATTORNEY PETROFF: - also I believe filed  
3 under an expedited hearing.

4 MR. JURADO: Your - - - Your Honor, may I?

5 MAGISTRATE MATTHEWS: Oh, thank you so  
6 much. I'm sorry?

7 MR. JURADO: May I?

8 ATTORNEY PETROFF: On February 18<sup>th</sup>.

9 MAGISTRATE MATTHEWS: Yes, one moment.

10 MR. JURADO: Okay.

11 MAGISTRATE MATTHEWS: Just one moment. On  
12 February 18<sup>th</sup>, I see the Motion for Emergency Motion  
13 for Removal of Guardian.

14 ATTORNEY PETROFF: That's right.

15 MAGISTRATE MATTHEWS: And also a Motion to  
16 Expedite the Hearing without referring for Removal  
17 of Guardian.

18 ATTORNEY PETROFF: Yes.

19 MAGISTRATE MATTHEWS: I'm - - - I'm reading  
20 the 124 not the actual motion itself so if it  
21 doesn't make sense maybe that's why. So go ahead  
22 and correct me if that's somehow wrong.

23 ATTORNEY PETROFF: Those two Judge Jamison  
24 set for a hearing which we did not go forward on.

25

1 MAGISTRATE MATTHEWS: When were they set  
2 for?

3 ATTORNEY PETROFF: They were set for a  
4 hearing -

5 MR. JURADO: March 13<sup>th</sup>.

6 ATTORNEY PETROFF: Thank you, Mr. Jurado,  
7 that's correct, March 13<sup>th</sup>.

8 MAGISTRATE MATTHEWS: Okay.

9 ATTORNEY PETROFF: We were anticipating a  
10 dismissal of those motions but instead Her Honor  
11 continued them to today, which we anticipated to be  
12 dismissed and tied off. So the 124 we were hoping,  
13 like, this Court probably would need to clean up or  
14 tie off, as it will, a lot of these pending motions  
15 and so our anticipation this morning - - - or this  
16 afternoon was to go upstairs and get those  
17 dismissals so that we could clean up your docket.

18 MAGISTRATE MATTHEWS: Okay.

19 MR. JURADO: And - - - and for the record  
20 I thought that we weren't supposed to approach the  
21 Judge without the other or - - - or any of the  
22 other.

23 ATTORNEY PETROFF: We went upstairs to  
24 check in.

25

1 MR. JURADO: Okay.

2 ATTORNEY PETROFF: The Judge told us to  
3 come downstairs.

4 MR. JURADO: I see.

5 MAGISTRATE MATTHEWS: So were you in front  
6 of the Judge on the 13<sup>th</sup>?

7 ATTORNEY PETROFF: Yes.

8 MR. JURADO: Yes.

9 MAGISTRATE MATTHEWS: You were? Okay.

10 MR. JURADO: Yes, and -

11 MAGISTRATE MATTHEWS: And at that time  
12 what happened with the three motions we've talked  
13 about that were filed on the 18<sup>th</sup> of -

14 MR. JURADO: She -

15 MAGISTRATE MATTHEWS: - February?

16 MR. JURADO: Yeah, she specifically says  
17 that they were going - - - they were being  
18 continued, she did not say that they were being  
19 referred to you so she - - - she set for continuance  
20 for them today.

21 ATTORNEY PETROFF: They -

22 MR. JURADO: So I think - - - all I'm  
23 saying is I think there's implied conflict of  
24 scheduling here.

25

1 MAGISTRATE MATTHEWS: Okay.

2 ATTORNEY PETROFF: It - - - it was  
3 unclear. She c - - - she - - - she continued it,  
4 that's correct.

5 MR. JURADO: Yes, and there's no order of  
6 reference or anything to the - - - to that effect.

7 ATTORNEY PETROFF: And it was our  
8 understanding we were going to go upstairs today -

9 MR. JURADO: Actually, to be honest, that  
10 day I brought up that - - - my concern that nobody  
11 could answer.

12 ATTORNEY PETROFF: No one answered it for  
13 me as well, which is why we went there today. We  
14 didn't talk to her, she just said "Come - - - go  
15 downstairs".

16 MR. JURADO: Yes. And - - - and I do have  
17 to point out that the one - - - the one initial  
18 motion that you had just read for the expedite - - -  
19 expedite hearing -

20 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
21 response).

22 MR. JURADO: - and with that referral that  
23 has to be denied before those motions get set to  
24 hearing today because what - - - what it's asking.  
25

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1 It's asking for the Judge to address them, so if  
2 that's not - - - if that doesn't get denied I don't  
3 think they can be addressed down here.

4 ATTORNEY PETROFF: So, Your Honor, again  
5 this is form over substance but it shouldn't have  
6 even come to that because - - - for reasons why we  
7 will argue today, we don't believe respondent has  
8 standing to even be before the Court and Judge  
9 Jamison said basically "Thank you for your  
10 dissertation". I went into this whole long spiel  
11 about court orders and following case management  
12 plans and she thanked me for my dissertation and  
13 said "We're not even going to get to that, he hasn't  
14 followed - - - he hasn't paid the Guardian, I'm not  
15 hearing this today" and continued the case.

16 MR. JURADO: And -

17 ATTORNEY PETROFF: And so we kind of left  
18 it in purgatory.

19 MAGISTRATE MATTHEWS: Okay.

20 MR. JURADO: And, Your Honor, I - - - I  
21 would like to make a - - - a reference to the  
22 Judgment Entry filed on January 22<sup>nd</sup> or 23<sup>rd</sup> where she  
23 makes reference to - - - she orders me to deal with  
24 my obligations.

25

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1                   MAGISTRATE MATTHEWS: Uh-huh (affirmative  
2 response).

3                   MR. JURADO: And the wording specifically  
4 says that I need to start paying the Guardian ad  
5 Litem, that's it and that - - - they also said to  
6 make arrangements for - - - for the reimbursement of  
7 the psychological evaluation fees that Mrs.  
8 Hernandez put up the money for all of those and I  
9 have met those requirements. Mrs. Bethel can  
10 confirm that I have paid since then \$2300.00 since  
11 then over five different payments.

12                   MAGISTRATE MATTHEWS: Okay.

13                   MR. JURADO: And that's what is in the  
14 paper. There's nothing on record that anything else  
15 was said or ordered. And for all the reasons that I  
16 wanted to present as part of my motion for the  
17 removal of the Guardian, we should not be even  
18 starting this trial until my - - - my due process  
19 rights gets restored.

20                   ATTORNEY PETROFF: It -

21                   MAGISTRATE MATTHEWS: Okay. I'm going to  
22 back everybody up just a little bit. I want to go  
23 through all of these motions. I'm not even - - -  
24 well, service of these motions has to be addressed  
25

1 too. There's been a lot of motions filed and so  
2 we're going to have to deal with them.

3 MR. JURADO: Uh-huh (affirmative  
4 response).

5 ATTORNEY PETROFF: Let's do it.

6 MAGISTRATE MATTHEWS: Thank you. All  
7 right. Is this right? Okay. I guess there have  
8 been different attorneys on earlier, is that  
9 correct?

10 MR. JURADO: Correct.

11 MAGISTRATE MATTHEWS: I'm seeing who filed  
12 this and these aren't even names in front of me  
13 anymore. Okay. After the initial complaint was  
14 filed on November 13<sup>th</sup>, 2011, dad, you filed a Motion  
15 for Custody, correct?

16 MR. JURADO: That was in response to the -  
17 - - to the initial complaint, yes.

18 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
19 response). Okay. Then we have a Motion to Modify  
20 Temporary Orders, that must have been dealt with.  
21 We can tie that off can't we?

22 ATTORNEY PETROFF: Yes.

23 ATTORNEY SMITHERMAN: Yes.

24 MAGISTRATE MATTHEWS: Does everyone agree?  
25

1 That was filed back in - - - July 1<sup>st</sup>, 2013, orders  
2 have been modified since then; I think we can get  
3 rid of that one. All right. Another motion that  
4 was filed July 1<sup>st</sup>, 2013 for - - - father filed for  
5 the minor child to see a new pediatrician.

6 ATTORNEY SMITHERMAN: That's been -

7 ATTORNEY PETROFF: That's been deal with  
8 in the sense -

9 MAGISTRATE MATTHEWS: Has that -

10 ATTORNEY PETROFF: - that - - - we appr -  
11 - - Emir Bonson (phonetic) and I approached you -

12 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
13 response).

14 ATTORNEY PETROFF: - informally -

15 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
16 response).

17 ATTORNEY PETROFF: - we were not in front  
18 of - - - on the docket, there was no parties  
19 present, it was just counsel and you said this was  
20 something in the purview of the Guardian.

21 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
22 response).

23 ATTORNEY PETROFF: It was never set for a  
24 hearing I don't believe and it was just kind of  
25

1 something that the Guardian would consider and you  
2 said frankly that -

3 MAGISTRATE MATTHEWS: But we did discuss  
4 it at the next hearing, I believe.

5 MR. JURADO: And, Your Honor, the - - -  
6 the sequence of those - - - of those events are - -  
7 - are not in order.

8 MAGISTRATE MATTHEWS: All right. Well,  
9 let me - - - I'll deal with you one at a time. I'll  
10 let you speak but -

11 MR. JURADO: All right.

12 MAGISTRATE MATTHEWS: - let's not muddy  
13 these waters anymore than they're already muddy.

14 MR. JURADO: I understand.

15 MAGISTRATE MATTHEWS: I want to keep  
16 everything as straight as I can.

17 ATTORNEY PETROFF: This is - - - the - - -  
18 the filing of that motion, Your Honor, is when the -  
19 - - when the conflict in this case escalated and - -  
20 - and this is when the - - - this is when the  
21 proverbial - - - this is when it all started.

22 MAGISTRATE MATTHEWS: Right.

23 ATTORNEY PETROFF: And so I believe the  
24 direction of the Court was you guys - - - this is

25

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1 not something that needs to be before the Court,  
2 this is something that needs to be worked with the  
3 Guardian and dealt with by the parties and - - - and  
4 - - - and that's something that you said - - - in  
5 fact I remember this now, that you'll consider at  
6 trial as part of the Guardian Reports and the  
7 3109.04 factors -

8 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
9 response).

10 ATTORNEY PETROFF: - is what you said.

11 MAGISTRATE MATTHEWS: Okay. So, that  
12 motion, was that ever addressed in any of the  
13 temporary orders as far as seeing a pediatrician?  
14 No?

15 MR. JURADO: No.

16 MAGISTRATE MATTHEWS: Okay. All right.  
17 Mom's Motion to Modify Temporary Orders filed  
18 October 22<sup>nd</sup>, 2013.

19 MR. JURADO: I'm sorry, so are you going  
20 to give me the chance and the end -

21 MAGISTRATE MATTHEWS: Yeah, go ahead.

22 MR. JURADO: Okay.

23 MAGISTRATE MATTHEWS: Go ahead.

24 MR. JURADO: So, initially when this  
25

1 motion for his medical care was first addressed in  
2 front of you was informally and of the - - - the  
3 counsel at the time came in front of you, you  
4 actually suggested that you didn't want to  
5 micromanage the parents and each of them could have  
6 their own pediatrician if they wanted to, that was  
7 your first statement. Since then, the motion was  
8 filed because, you know, that really leads up to a  
9 lot of issues, I agree, and then I just wanted to  
10 verify for the record, but at the end it just makes  
11 sense that we address that all at the time of trial.

12 MAGISTRATE MATTHEWS: Okay. But there is  
13 no resolution of that motion?

14 MR. JURADO: No.

15 MAGISTRATE MATTHEWS: That's all I want to  
16 find out about. I don't want to try these motions  
17 while I'm going through them, I just want to find  
18 out if they were resolved so we can clean up the  
19 124. We need to get it down to a couple pages.

20 MR. JURADO: Okay.

21 MAGISTRATE MATTHEWS: All right. Mom's  
22 Motion to Modify Temporary Orders filed October 22<sup>nd</sup>,  
23 2013.

24 ATTORNEY PETROFF: No, that has not been  
25

1 tied off.

2 MAGISTRATE MATTHEWS: But has it been  
3 addressed?

4 ATTORNEY PETROFF: No.

5 MR. JURADO: No.

6 MAGISTRATE MATTHEWS: No, all right.  
7 Mom's Motion - - - no, I'm sorry, Father's Motion to  
8 Modify Child Support which was filed October 23<sup>rd</sup>,  
9 2013?

10 ATTORNEY PETROFF: No.

11 MR. JURADO: No.

12 MAGISTRATE MATTHEWS: Mom's Motion for  
13 Immediate Reallocation of Guardian ad Litem fees?

14 ATTORNEY PETROFF: No.

15 MAGISTRATE MATTHEWS: No?

16 ATTORNEY BETHEL: What was the date of  
17 that?

18 MR. JURADO: No, it hasn't been addressed.

19 MAGISTRATE MATTHEWS: I'm so sorry,  
20 October 30<sup>th</sup>, 2013.

21 MR. JURADO: Yeah, it hasn't been  
22 addressed.

23 MAGISTRATE MATTHEWS: Okay. Mom's Motion  
24 for Contempt filed November 15, 2013. What was that  
25

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1 contempt for? And was - - - I don't know - - - I  
2 tried to look at one time and didn't see service.

3 ATTORNEY PETROFF: That was child support,  
4 Your Honor.

5 MR. JURADO: Child support, yes.

6 MAGISTRATE MATTHEWS: Okay.

7 MR. JURADO: Agreed.

8 MAGISTRATE MATTHEWS: Do we know if we  
9 have service on that?

10 ATTORNEY PETROFF: Yes.

11 MAGISTRATE MATTHEWS: Okay.

12 MR. JURADO: Yes, I agree, this one when I  
13 look at it.

14 MAGISTRATE MATTHEWS: Well, let me look in  
15 the file.

16 MR. JURADO: Your Honor - - - Your Honor,  
17 I - - - I would be the only party that would be  
18 objecting to such lack of service and I don't  
19 object.

20 MAGISTRATE MATTHEWS: Well, I understand  
21 on - - - you know -

22 MR. JURADO: Just trying to help.

23 MAGISTRATE MATTHEWS: We might have to  
24 have you sign a waiver or something.

25

1 MR. JURADO: I understand.

2 MAGISTRATE MATTHEWS: I - - - I want to  
3 show there's good service on all of these motions.

4 MR. JURADO: All right.

5 MAGISTRATE MATTHEWS: Because my concern  
6 is there has been so much filed -

7 MR. JURADO: I agree.

8 MAGISTRATE MATTHEWS: - that there is  
9 going to be some confusion of service and I don't  
10 want that to become an issue at some point.

11 MR. JURADO: All right.

12 ATTORNEY PETROFF: Is - - - is this all  
13 being recorded right now or do we need a -

14 MAGISTRATE MATTHEWS: You should always  
15 plan on it being recorded when you are in the  
16 courtroom -

17 ATTORNEY PETROFF: No, I'm just saying do  
18 we -

19 MAGISTRATE MATTHEWS: - but yes.

20 ATTORNEY PETROFF: - but for record  
21 purposes -

22 MAGISTRATE MATTHEWS: The recording system  
23 is on.

24 ATTORNEY PETROFF: Okay. And when we begin  
25

1 trial is that going to be with a stenographer or on  
2 the -

3 MAGISTRATE MATTHEWS: Court reporter.

4 ATTORNEY PETROFF: - recording? Court  
5 reporter? Okay.

6 MAGISTRATE MATTHEWS: Yes. Don't call the  
7 court reporters stenographers they don't take kindly  
8 to it.

9 ATTORNEY PETROFF: Okay.

10 MAGISTRATE MATTHEWS: All right. We are  
11 up to Mother's November 15<sup>th</sup>, 2013 Motion for  
12 Immediate Reallocation of Doctor Smalldon's Custody  
13 Evaluation Fees.

14 MS. HERNANDEZ: That is not resolved.

15 MAGISTRATE MATTHEWS: That was not  
16 resolved, I'm assuming?

17 ATTORNEY PETROFF: No.

18 MAGISTRATE MATTHEWS: Okay. The Guardian  
19 filed a motion on December 17<sup>th</sup>, 2013 and it doesn't  
20 show what it was for. Do you know?

21 MR. JURADO: What was it?

22 ATTORNEY PETROFF: I believe -

23 ATTORNEY BETHEL: December 17<sup>th</sup>.

24 ATTORNEY PETROFF: - - oh it was January  
25

FTR

1 16<sup>th</sup> -

2 MAGISTRATE MATTHEWS: December 17<sup>th</sup> of '13.

3 MR. JURADO: Can you repeat the motion?

4 MAGISTRATE MATTHEWS: I don't -

5 ATTORNEY PETROFF: Guardian -

6 MAGISTRATE MATTHEWS: - know what it is,  
7 it just says "motion". It was filed by the Guardian  
8 on December 17<sup>th</sup>, 2013.

9 MR. JURADO: Oh that was addressed, that  
10 was for an emergency protective order.

11 ATTORNEY PETROFF: No, it was for a trial  
12 deposit.

13 ATTORNEY BETHEL: No.

14 MR. JURADO: No. The 17<sup>th</sup>? No.

15 ATTORNEY BETHEL: I -

16 MR. JURADO: Oh, probably, yes.

17 ATTORNEY PETROFF: November 17<sup>th</sup> -

18 MS. HERNANDEZ: December.

19 ATTORNEY PETROFF: December 17<sup>th</sup>, probably  
20 trial deposit.

21 ATTORNEY BETHEL: I'm getting my - - - I  
22 filed a motion requesting fees and trial  
23 advancement.

24 MAGISTRATE MATTHEWS: And was an entry put  
25

1 on?

2 ATTORNEY BETHEL: An entry was put on,  
3 Your Honor, on December 19.

4 MAGISTRATE MATTHEWS: All right. And that  
5 was granted?

6 ATTORNEY BETHEL: Yes.

7 MAGISTRATE MATTHEWS: All right. All  
8 right. The next is a motion filed by father's  
9 attorney to set aside the Magistrate's Order of - -  
10 - it doesn't say when.

11 MR. JURADO: That was dealt with.

12 MAGISTRATE MATTHEWS: I'm assuming this is  
13 the motion where I limited time at trial?

14 ATTORNEY PETROFF: Yes.

15 MAGISTRATE MATTHEWS: Okay. And was that  
16 set in front of the Judge? It would have to be. I  
17 can't decide that.

18 MR. JURADO: Yeah, it's - - - it's - - -  
19 it's in her entry from January 23<sup>rd</sup>, she addressed it  
20 there.

21 MAGISTRATE MATTHEWS: All right.

22 ATTORNEY PETROFF: Is her entry in there?  
23 She only had one entry.

24 MS. HERNANDEZ: It's not hers.

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1           ATTORNEY PETROFF: Yeah, it is. Because  
2 she continued the trial.

3           MAGISTRATE MATTHEWS: When was that - - -  
4 was that continued to the March 13<sup>th</sup> trial date - - -  
5 or date in front of the Judge, the Motion to Set  
6 Aside?

7           MR. JURADO: No, she -

8           ATTORNEY PETROFF: No.

9           MR. JURADO: - no, she just addressed - -  
10 - she addressed it - - - she made a decision on it.

11           ATTORNEY PETROFF: And continued the  
12 trial, right?

13           MR. JURADO: Yeah, she -

14           MS. HERNANDEZ: No, she did not.

15           MR. JURADO: - made a decision and then -  
16 - - and then continued it and set all of the dates  
17 for trial to be five days or more if needed.

18           MAGISTRATE MATTHEWS: Okay. So do you  
19 have a court date for that, for the Motion to Set  
20 Aside?

21           MR. JURADO: No, that's already dealt  
22 with.

23           ATTORNEY PETROFF: It was tied off on her -

24           MR. JURADO: She - - - she -  
25

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1 MAGISTRATE MATTHEWS: It was?

2 MR. JURADO: Yes.

3 ATTORNEY PETROFF: It was tied off.

4 MR. JURADO: She -

5 MAGISTRATE MATTHEWS: Oh okay.

6 MR. JURADO: - she made a decision.

7 MAGISTRATE MATTHEWS: I'm sorry I didn't  
8 know that you said she made a decision.

9 ATTORNEY PETROFF: It was after - - -  
10 remember the night we were there until six o'clock?

11 MRS. HERNANDEZ: But she didn't address  
12 the specific -

13 ATTORNEY PETROFF: Just for verification  
14 purposes, I b - - - the time limits are still intact  
15 by your order. She just - - - she just changed the  
16 trial dates.

17 MR. JURADO: Absolutely not.

18 MAGISTRATE MATTHEWS: Just a minute.

19 ATTORNEY PETROFF: Let me see a copy of  
20 that order, please?

21 MAGISTRATE MATTHEWS: I'm looking at the  
22 order right now and I don't see any reference to  
23 that Motion to Set Aside my order but I haven't  
24 gotten to the end of it yet I'm still looking.

25

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1 MR. JURADO: She - - - she specified that  
2 - - - I think that it's implied when she says that  
3 if additional time is required -

4 MAGISTRATE MATTHEWS: Oh okay.

5 MR. JURADO: - then it -

6 ATTORNEY PETROFF: It says - - - but it  
7 said additional time up to the Court -

8 MAGISTRATE MATTHEWS: Oh I see.

9 ATTORNEY PETROFF: - though. It said -

10 MR. JURADO: No.

11 ATTORNEY PETROFF: Yeah.

12 MAGISTRATE MATTHEWS: "Magistrate Matthews  
13 may increase the -

14 ATTORNEY PETROFF: May increase.

15 ATTORNEY BETHEL: May -

16 ATTORNEY PETROFF: It gives her all the  
17 authority.

18 MAGISTRATE MATTHEWS: Well, I said the  
19 same thing in my order.

20 ATTORNEY PETROFF: Yeah, of course you  
21 did.

22 ATTORNEY SMITHERMAN: Right.

23 ATTORNEY PETROFF: That's what we've been  
24 arguing with this with the other side for months.

25

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1 MR. JURADO: Well, but I - - - I - - -  
2 Your Honor, I think it's a moot point. We already  
3 have five days set aside and like you - - - you or -  
4 - - you suggested in your order if we wait until the  
5 last - - - until the end and we determine - - - you  
6 decide that motion - - - so I think it's a moot  
7 point already. We already have the dates set.

8 MAGISTRATE MATTHEWS: Well, it would need  
9 to be for a good reason. It just can't be gee I  
10 talked a little too long and I need -

11 ATTORNEY PETROFF: No -

12 MAGISTRATE MATTHEWS: - more time.

13 ATTORNEY PETROFF: - this all came up - -  
14 - let me just back up because it - - - this was  
15 between Mr. Golden and I. There's always different  
16 people so - - - I can speak to this first hand. The  
17 reason why this case up, and it was a good idea, we  
18 were concerned about the Brooks Edge (phonetic) case  
19 coming in here and Mr. Golden said if we could bring  
20 up any - - - and this is just for purposes of  
21 reminding everyone why this came up - - - this has  
22 no other bearing on this but why this even became an  
23 issue, Your Honor, was if we brought up - - - if we  
24 brought up - - - brought the Brooks Edge (phonetic)  
25

1 case into this Mr. Golden threat - - - made a vale  
2 threat in the sense that he said "I'm going to  
3 litigate that case into this case if we open the  
4 door and it's going to take us at least two weeks".

5 MR. JURADO: And I brought it up to him  
6 and -

7 MAGISTRATE MATTHEWS: All right. Just wait  
8 - - - just wait.

9 MR. JURADO: - I agree.

10 ATTORNEY PETROFF: And so that's when you  
11 said "Okay, we're not dealing with that" and you  
12 limited the time and then that caused all of these  
13 due process and constitutional concerns on Mr.  
14 Golden's side and that's what necessitated all of  
15 the discussions about limiting the time and limiting  
16 the witnesses. We dealt with that - - - we're not -  
17 - - the Brooks Edge (phonetic) issue is going to be  
18 dealt with. She can only come today anyway, it's  
19 going to be a two hour testimony, we're not going to  
20 be dealing with it and that's it.

21 MR. JURADO: And, Your Honor, and that was  
22 not the only issue. Also the other issue is what  
23 usually takes time to - - - contact the  
24 psychological evaluator and also to bring expert  
25

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1 witnesses into account, that also takes a lot of  
2 time.

3 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
4 response).

5 ATTORNEY PETROFF: Yeah, and it was their  
6 psych -

7 ATTORNEY BETHEL: But to my knowledge no  
8 one has named Doctor Smallldon -

9 ATTORNEY PETROFF: It was their witness.  
10 It was their expert to bring.

11 MR. JURADO: It was.

12 ATTORNEY BETHEL: Right.

13 MR. JURADO: He was already subpoenaed on  
14 the other dates.

15 ATTORNEY BETHEL: But you did not give a  
16 disclosure of the witness.

17 ATTORNEY PETROFF: Yeah, you can't - - -  
18 yeah.

19 MAGISTRATE MATTHEWS: All right.

20 MR. JURADO: Well then that's another  
21 issue.

22 MAGISTRATE MATTHEWS: We'll get there.  
23 We'll get there.

24 ATTORNEY PETROFF: Exactly, it's a moot  
25

1 point; we think we have plenty of time.

2 MR. JURADO: Yes. Let's get it over. And  
3 to be honest - - - and to be honest -

4 MAGISTRATE MATTHEWS: All right. So do  
5 you both agree that that Motion to Set Aside the  
6 order I put out limiting trial time was resolved by  
7 the Judge's January 23<sup>rd</sup>, 2014 entry?

8 ATTORNEY PETROFF: Yes.

9 MR. JURADO: Yes.

10 ATTORNEY PETROFF: Yes.

11 MAGISTRATE MATTHEWS: Okay. All right.

12 ATTORNEY PETROFF: First agreement.

13 MAGISTRATE MATTHEWS: All right. The  
14 Guardian filed a Motion for Contempt on January 16,  
15 2014.

16 ATTORNEY BETHEL: That's correct.

17 MAGISTRATE MATTHEWS: Was that resolved?  
18 We still have that?

19 ATTORNEY BETHEL: Yep.

20 MAGISTRATE MATTHEWS: Okay. And then  
21 another motion that you filed on January 16th and  
22 only again it just says "motion".

23 ATTORNEY BETHEL: It's a Motion to  
24 Preclude Evidence.

25

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1 MAGISTRATE MATTHEWS: That was filed by  
2 you?

3 ATTORNEY BETHEL: Yes.

4 MAGISTRATE MATTHEWS: Okay.

5 ATTORNEY BETHEL: And that has not been  
6 resolved.

7 MAGISTRATE MATTHEWS: All right. I think  
8 father's Motion for Emergency Custody filed January  
9 21<sup>st</sup> that was addressed in the Judge's January 20 - -  
10 - okay.

11 MR. JURADO: Yes.

12 MAGISTRATE MATTHEWS: All right. Mr.  
13 Petroff's Motion for Dismissal that was filed  
14 January 22<sup>nd</sup> is that still active?

15 ATTORNEY PETROFF: That was resolved.

16 MAGISTRATE MATTHEWS: That was resolved  
17 how?

18 ATTORNEY PETROFF: She dismissed my Motion  
19 for Dismissal.

20 MAGISTRATE MATTHEWS: Okay.

21 ATTORNEY PETROFF: And then subsequently  
22 over -

23 MAGISTRATE MATTHEWS: All right. Father  
24 filed a Motion for Emergency Removal of Guardian ad

25

1 Litem on January 22, 2014, so there are two  
2 Emergency Motions to remove the Guardian ad Litem?

3 MR. JURADO: Correct. But then I - - -  
4 just procedurally I filed a motion to withdraw that  
5 first motion because of lack of service. There was  
6 so much confusion over the scheduling of that, so  
7 you can -

8 MAGISTRATE MATTHEWS: Okay. So did you  
9 actually withdraw that January 22<sup>nd</sup> -

10 MR. JURADO: On a motion, yeah. I filed a  
11 motion - - - you will run into it later - - - later  
12 on your list to withdraw that motion. I submitted a  
13 proposed order about -

14 MAGISTRATE MATTHEWS: Well, you don't need  
15 to do a motion to withdraw a motion.

16 MR. JURADO: I underst -

17 MAGISTRATE MATTHEWS: We actually have a  
18 voluntarily -

19 MR. JURADO: I learned that after.

20 MAGISTRATE MATTHEWS: - a voluntary  
21 dismissal form.

22 MR. JURADO: Yeah, I learned that after the  
23 fact, yes.

24 MAGISTRATE MATTHEWS: Did you want to fill  
25

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1 out a voluntary dismissal form to get rid of the  
2 January 22, 2014 motion?

3 MR. JURADO: Yes.

4 MAGISTRATE MATTHEWS: Okay.

5 MR. JURADO: Or if you're kind to accept  
6 my verbal motion, I think that satisfies counsel?

7 MAGISTRATE MATTHEWS: You know I just - -  
8 - a soon clean it up with the -

9 MR. JURADO: Yep.

10 MAGISTRATE MATTHEWS: - and my court  
11 officer will fill it out.

12 MR. JURADO: As you wish.

13 MAGISTRATE MATTHEWS: She'll have you - - -  
14 have you do that. All right. Mom filed a motion on  
15 January 22, 2014 and again it just says "motion"; I  
16 don't know what it is.

17 MS. HERNANDEZ: The Motion in limine.

18 ATTORNEY PETROFF: The - - - on what - - -  
19 what date?

20 MAGISTRATE MATTHEWS: January 22, 2014.

21 MR. JURADO: In limine.

22 ATTORNEY PETROFF: Motion - - - that's one  
23 of our two Motions in limine's to preclude evidence.

24 MAGISTRATE MATTHEWS: Okay. And that has  
25

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1 not been resolved. Was that set before me?

2 ATTORNEY PETROFF: It was set before you.

3 MAGISTRATE MATTHEWS: Okay.

4 ATTORNEY PETROFF: Both of them are set  
5 before you.

6 MAGISTRATE MATTHEWS: Okay. Mom filed a  
7 Contempt Motion January 23, 2014, what was that for?

8 MR. JURADO: For the case - - - case  
9 management schedule that I have not - - - have not -

10 ATTORNEY SMITHERMAN: I'm sorry, you said  
11 January what?

12 MAGISTRATE MATTHEWS: January 23<sup>rd</sup>.

13 ATTORNEY SMITHERMAN: January 23<sup>rd</sup> was for  
14 Doctor Smalldon's fees.

15 MR. JURADO: No. That - - - a case  
16 management schedule I haven't -

17 ATTORNEY PETROFF: That was a Motion in  
18 limine, the first one I talked about.

19 COURT OFFICER: Which motion? Because  
20 there's a couple on the 22<sup>nd</sup>?

21 MAGISTRATE MATTHEWS: It was January 22<sup>nd</sup>,  
22 2014 -

23 COURT OFFICER: There's three of them.

24 MAGISTRATE MATTHEWS: Dad's Motion for  
25

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1 Emergency Removal of Guardian ad Litem.

2 COURT OFFICER: Oh, thank you.

3 MAGISTRATE MATTHEWS: You're welcome. The  
4 next one - - - all right. Dad filed a motion  
5 February 13, 2012, and again it just says "motion".

6 ATTORNEY BETHEL: 2014?

7 MAGISTRATE MATTHEWS: February 13, 2014.  
8 There's the Motion in limine that mom filed. A  
9 Motion to Withdraw - - - oh that's his motion to  
10 withdraw pending motion for removal -

11 MR. JURADO: Yeah, that's correct.

12 MAGISTRATE MATTHEWS: You can probably put  
13 that motion on there too.

14 MR. JURADO: Yeah. We can attach to that,  
15 right.

16 MAGISTRATE MATTHEWS: Sure. Right, right.  
17 Okay. It's a - - - we can add on there, it's a  
18 February 13, 2014 motion. You're absolutely right.  
19 All right. And that takes me up to the three  
20 motions filed on February 18<sup>th</sup>, the Motion for  
21 Protective Order filed by dad; the Motion for  
22 Emergency Removal of Guardian filed by the dad and  
23 the Motion to Expedite the Hearing Without Referring  
24 for Removal of Guardian that was filed by dad.

25

1 Those three you believe should have been tied off  
2 after speaking to the Judge. Dad, you believe that  
3 the Judge continued those to today's date?

4 MR. JURADO: But not necessarily referred  
5 - - - she didn't make an order of reference.

6 ATTORNEY BETHEL: I can't understand what  
7 he just said.

8 MAGISTRATE MATTHEWS: I think he said that,  
9 and correct me if I'm wrong, that the Judge re - - -  
10 continued them to today's date but there was no -

11 ATTORNEY PETROFF: Order -

12 MAGISTRATE MATTHEWS: - order of reference  
13 where it was sent down to me.

14 MR. JURADO: Yeah.

15 MAGISTRATE MATTHEWS: I'm trying to see -  
16 - - you were up there three -

17 ATTORNEY BETHEL: That's inconsistent with  
18 what she was saying -

19 MR. JURADO: And I do want to point out  
20 that we all signed that continuance form and you  
21 know how usually that all of the information gets  
22 filled out after we sign it, so after we signed it,  
23 then it was - - - we came down to your courtroom.

24 ATTORNEY PETROFF: That's her decision.  
25

1 MR. JURADO: No, it's -

2 ATTORNEY PETROFF: Who filled it out?

3 MAGISTRATE MATTHEWS: Hang on, I'm going  
4 to get the continuance right now.

5 ATTORNEY PETROFF: Joe or -

6 MR. JURADO: Joe, yeah.

7 ATTORNEY PETROFF: - Benita? Yeah, I mean  
8 he fill - - - I mean I didn't fill it out.

9 MR. JURADO: But she wasn't - - - he  
10 wasn't -

11 ATTORNEY BETHEL: But she made very clear  
12 what her decision was that day -

13 MAGISTRATE MATTHEWS: Okay.

14 ATTORNEY BETHEL: - I mean she told you  
15 specifically she was not going to remove me -

16 ATTORNEY PETROFF: I think -

17 ATTORNEY BETHEL: - that I had done my job  
18 and that you needed to go -

19 MR. JURADO: She -

20 ATTORNEY BETHEL: - and pay me. That's -  
21 - - that's what I heard.

22 ATTORNEY SMITHERMAN: Right.

23 MR. JURADO: She - - - within the context  
24 of paying you not with the context of dismissing or  
25

1 denying my motion.

2 ATTORNEY BETHEL: I respectfully disagree.

3 MR. JURADO: All right.

4 COURT OFFICER: Would you just initial?

5 MR. JURADO: Uh-huh (affirmative  
6 response).

7 ATTORNEY BETHEL: She referenced that  
8 Superintendent's Rule.

9 COURT OFFICER: That's removing that other  
10 motion that we were talking about.

11 MAGISTRATE MATTHEWS: This is when you  
12 were up there on January 23<sup>rd</sup>?

13 MR. JURADO: I think she wants you to  
14 attach it to this one.

15 ATTORNEY BETHEL: This was last week or -

16 ATTORNEY PETROFF: No, this was two weeks  
17 ago.

18 ATTORNEY SMITHERMAN: A couple weeks ago.

19 COURT OFFICER: It's - - - she said the  
20 Motion on February 13<sup>th</sup> -

21 MAGISTRATE MATTHEWS: Do you remember the  
22 date?

23 COURT OFFICER: - is the Motion to  
24 withdraw pending motion.

25

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1 MR. JURADO: Yeah -

2 ATTORNEY PETROFF: Yeah, it was -

3 MR. JURADO: - and she wants you to attach  
4 it to this one.

5 ATTORNEY SMITHERMAN: March 13<sup>th</sup>.

6 ATTORNEY PETROFF: It was March 13<sup>th</sup>, Your  
7 Honor.

8 COURT OFFICER: No, that's not what we do.

9 ATTORNEY PETROFF: March 13<sup>th</sup>.

10 MR. JURADO: Okay. That's fine.

11 COURT OFFICER: This is how they know and  
12 then I withdraw it.

13 MR. JURADO: All right.

14 COURT OFFICER: I'm going to give you both  
15 a copy.

16 MAGISTRATE MATTHEWS: I don't even see a  
17 continuance filed then.

18 ATTORNEY BETHEL: I don't think it is - - -  
19 it was filed. As Joe said, we went up there this  
20 afternoon, it - - - it's not been e-filed.

21 ATTORNEY PETROFF: It's - - - it's not on  
22 the docket. It should have been tied off.

23 MR. JURADO: No.

24 ATTORNEY PETROFF: That's the problem is  
25

1 that there's been all this form shopping -

2 MR. JURADO: It shouldn't have been tied  
3 off.

4 ATTORNEY PETROFF: - and there hasn't been  
5 all this - - - there hasn't been communication and  
6 it's literally been form shopping on every motion.  
7 I mean I heard there was even an approach to the  
8 Administrative Magistrate, so there hasn't been a  
9 meeting of the minds with the - - - with the Court  
10 because everyday we're within - - - we're before a  
11 different tribunal.

12 MAGISTRATE MATTHEWS: All right. Well - -  
13 - okay. I guess the problem is you believe - - - it  
14 sounds like mom's counsel believes and the Guardian  
15 believes that that was addressed by the Judge and  
16 dad believes it was not.

17 MR. JURADO: And there's no record of it.  
18 There's a record that it was set for hearing, that  
19 is -

20 MAGISTRATE MATTHEWS: Okay.

21 MR. JURADO: - for sure.

22 ATTORNEY BETHEL: There is no record of  
23 those motions being continued to today. If you had  
24 been here on time this afternoon, Mr. Jurado, we

25

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1 went upstairs and talked to Joe and Joe said that he  
2 did not file that continuance.

3 MR. JURADO: I understand. It doesn't mean  
4 that she denied it. It doesn't -

5 ATTORNEY BETHEL: It means that - - - we  
6 all heard the same thing -

7 ATTORNEY PETROFF: Well -

8 ATTORNEY BETHEL: - she dealt with the  
9 motions that day. I heard her loud and clear.

10 ATTORNEY PETROFF: Did - - - did the - - -  
11 did this Court talk to the Court upstairs by any  
12 chance?

13 MAGISTRATE MATTHEWS: I spoke briefly with  
14 the Judge, yes. I didn't ask her that question or  
15 issue on those motions. I don't know. I - - - I  
16 don't know what happened. You said you guys were up  
17 there last week?

18 ATTORNEY BETHEL: Two weeks ago, Your  
19 Honor.

20 MR. JURADO: Uh-huh (affirmative  
21 response).

22 MAGISTRATE MATTHEWS: I didn't talk to her  
23 about that; I don't know.

24 ATTORNEY BETHEL: Was it two weeks ago?  
25

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1 ATTORNEY SMITHERMAN: I think it was March  
2 13<sup>th</sup>.

3 ATTORNEY PETROFF: March 13<sup>th</sup>. Either way,  
4 I mean, it - - - if the continuance wasn't filed -

5 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
6 response).

7 ATTORNEY PETROFF: - I mean -

8 MR. JURADO: That means it's still  
9 pending.

10 ATTORNEY BETHEL: No it doesn't.

11 ATTORNEY PETROFF: No it doesn't.

12 MAGISTRATE MATTHEWS: Well, let's keep  
13 going through the motions; we're not done.

14 MR. JURADO: Okay.

15 ATTORNEY PETROFF: I mean we need to -

16 MAGISTRATE MATTHEWS: January 21<sup>st</sup> - - - oh  
17 that was your - - - is that when Keith withdrew,  
18 January 21<sup>st</sup>; does that sound right?

19 ATTORNEY SMITHERMAN: Yes.

20 MR. JURADO: Yes.

21 MAGISTRATE MATTHEWS: Motion for attorney  
22 withdraw?

23 MR. JURADO: Uh-huh (affirmative  
24 response).

25

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1 MAGISTRATE MATTHEWS: All right. Did the  
2 Judge sign that? I don't think I even saw it. Did  
3 he -

4 MR. JURADO: She did.

5 MAGISTRATE MATTHEWS: - take it straight  
6 to her?

7 MR. JURADO: She did.

8 MAGISTRATE MATTHEWS: Okay.

9 MR. JURADO: No - - - no, he filed it and  
10 she - - - there's something on the docket for her  
11 signed -

12 MAGISTRATE MATTHEWS: Yeah, but those  
13 usually - - - they have to come to me first so he  
14 must have somehow bypassed me because I don't think  
15 I saw it.

16 MR. JURADO: It's all in the - - - in the  
17 e-flex system.

18 ATTORNEY PETROFF: She - - - I can tell  
19 you what happened if you want to know?

20 MAGISTRATE MATTHEWS: No, not nec - - -  
21 he's not -

22 ATTORNEY PETROFF: Okay.

23 MAGISTRATE MATTHEWS: - on the case now,  
24 so -

25

1 ATTORNEY PETROFF: Okay.

2 ATTORNEY BETHEL: No.

3 MAGISTRATE MATTHEWS: It's moot; I don't  
4 need to know.

5 ATTORNEY PETROFF: Okay.

6 MAGISTRATE MATTHEWS: All right. Dad  
7 filed a Motion for Emergency Custody January 21<sup>st</sup> - -  
8 - is this a repeat? Yes. Motion for Dismissal - -  
9 - that's a repeat. Motion for TRO, I don't think  
10 I've gotten there. Dad filed that on 1-22-14; a  
11 Motion for a Temporary Restraining Order.

12 MR. JURADO: Uh-huh (affirmative  
13 response).

14 MAGISTRATE MATTHEWS: What happened with  
15 that? That would have been in front of the Judge.

16 MR. JURADO: Temporary -

17 ATTORNEY PETROFF: That was the same - - -  
18 that was the same day as the Motion for Emergency  
19 Custody that was dismissed or dealt with - - - that  
20 was -

21 MR. JURADO: No -

22 ATTORNEY PETROFF: - yes, it was. You  
23 would have been -

24 MR. JURADO: - she -  
25

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1           ATTORNEY PETROFF: - she said "Don't bring  
2 me anymore motions". Blythe and I were there until  
3 six o'clock that night.

4           ATTORNEY BETHEL: 6:30.

5           ATTORNEY PETROFF: 6:30.

6           MR. JURADO: Yes, but she doesn't say she  
7 - - - she's denying it. She said "I'm not going to  
8 hear it today".

9           ATTORNEY PETROFF: She said "Don't file  
10 anything else in this case". It might be in the  
11 entry.

12           MR. JURADO: It was already filed.

13           ATTORNEY SMITHERMAN: It's in the entry.

14           ATTORNEY PETROFF: She might have - - -  
15 she might have been dealt - - - it might have been  
16 dealt with in the entry actually, the January - - -  
17 the next day she - - - she -

18           MAGISTRATE MATTHEWS: Yeah.

19           ATTORNEY PETROFF: Okay.

20           MAGISTRATE MATTHEWS: All right. It's - -  
21 - just more - - - it just says "Motions" again, I  
22 don't know what was filed. Another one by dad on  
23 the 22<sup>nd</sup> and then one by mom?

24           ATTORNEY BETHEL: On January 22<sup>nd</sup>?  
25

1 MAGISTRATE MATTHEWS: Yeah, but I already  
2 got that one. I got that one -

3 ATTORNEY PETROFF: That might be the  
4 Emergency Custody?

5 MAGISTRATE MATTHEWS: Yeah, yeah, yeah -

6 ATTORNEY PETROFF: Yeah.

7 MAGISTRATE MATTHEWS: - I got it - - -  
8 those are the - - - okay, now I can back up -

9 ATTORNEY PETROFF: Okay.

10 MAGISTRATE MATTHEWS: - to here. There's  
11 some overlap. January 23<sup>rd</sup>, mom filed another Motion  
12 for Contempt; have we talked about that one?

13 ATTORNEY PETROFF: Yeah.

14 ATTORNEY BETHEL: We've got that one  
15 already. Wasn't that one Smalldon's fees?

16 ATTORNEY PETROFF: Uh-huh (affirmative  
17 response).

18 MAGISTRATE MATTHEWS: Yeah, yeah, yeah, I  
19 got it. I'm sorry. All right. February 12<sup>th</sup>, is  
20 this - - - yeah, this is the second Motion in  
21 limine?

22 ATTORNEY PETROFF: Yes, this might be  
23 dealing with discovery. We filed two Motions in  
24 limine's.

25

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1 MAGISTRATE MATTHEWS: Okay.

2 ATTORNEY PETROFF: One dealt with failure  
3 to comply with the case management order and one  
4 dealt with failure to disclose discovery. We  
5 received nothing to prepare for this trial.

6 MAGISTRATE MATTHEWS: Okay. All right.  
7 Then 2-13 there's another motion by dad.

8 ATTORNEY BETHEL: 2-13 was the Motion to  
9 withdraw pending motion for removal of Guardian  
10 filed by Mr. Jurado.

11 MAGISTRATE MATTHEWS: Oh okay and that's  
12 the one - - - we just dealt with that too, didn't  
13 we?

14 ATTORNEY PETROFF: No, that's was -

15 ATTORNEY SMITHERMAN: We did.

16 MAGISTRATE MATTHEWS: Yes, yes, yes.

17 ATTORNEY PETROFF: Oh okay, yeah, yeah,  
18 yeah.

19 MAGISTRATE MATTHEWS: It is.

20 ATTORNEY PETROFF: Sorry. Yeah, yeah,  
21 yeah.

22 MAGISTRATE MATTHEWS: No, it's alright.  
23 There's some overlap in what I've got here and  
24 what's on here. 2-18 that's what we dealt with - -  
25

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1 - the three motions on 2-18.

2 MR. JURADO: Am I allowed to look at my  
3 calendar on my phone?

4 MAGISTRATE MATTHEWS: Of course.

5 MR. JURADO: Okay.

6 MAGISTRATE MATTHEWS: Yes, absolutely.

7 MR. JURADO: Thank you.

8 MAGISTRATE MATTHEWS: All right. Which  
9 brings us, I think, to the most recent, March 19,  
10 2014, dad filed a Motion for Appointment of Counsel.

11 ATTORNEY PETROFF: Standby counsel.

12 MAGISTRATE MATTHEWS: Okay. So, dad, tell  
13 me about the motion you have filed for appointment  
14 of standby co-counsel?

15 MR. JURADO: Yes. So, yes, so that - - -  
16 that motion is to help me with my financial  
17 constraints to allow the opportunity to be - - - to  
18 have properly representation without having to incur  
19 in fees that I'm unable to cover obviously for  
20 having not covered the Guardian ad Litem fees and  
21 how I went - - - this is a creative way to - - - to  
22 allow me to get counsel appointed and reduce my - -  
23 - my legal fees because they don't have to be, you  
24 know, up to speed with every motion if I am also

25

1 continuing to be pro se. It's a hybrid solution,  
2 Your Honor.

3 MAGISTRATE MATTHEWS: Okay.

4 ATTORNEY BETHEL: May I ask a question?

5 MAGISTRATE MATTHEWS: Certainly.

6 ATTORNEY BETHEL: I'm not certain I  
7 understand your motion, whether you have an  
8 expectation for the Court to not only appoint you  
9 counsel but also that the Court would pay for this  
10 counsel?

11 MR. JURADO: No - - - yes, and that's a  
12 good question and I want to clarify that. I - - -  
13 I'm not asking the Court to appoint me one, I'm  
14 asking the Court to allow hybrid representation.

15 MAGISTRATE MATTHEWS: I guess I'm still  
16 not clear then.

17 MR. JURADO: Okay.

18 MAGISTRATE MATTHEWS: You want to hire an  
19 attorney?

20 MR. JURADO: Uh-huh (affirmative  
21 response), but to - - - but to allow me to act as  
22 counsel too.

23 MAGISTRATE MATTHEWS: So if you did that,  
24 would your attorney be sitting beside you?

25

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1 MR. JURADO: Correct.

2 MAGISTRATE MATTHEWS: Would he put in an  
3 appearance for the record -

4 MR. JURADO: Yes.

5 MAGISTRATE MATTHEWS: - or she?

6 MR. JURADO: Yes.

7 MAGISTRATE MATTHEWS: Okay. But they  
8 wouldn't be representing you unless you told them  
9 to?

10 MR. JURADO: No, they would be still be  
11 representing me but in a - - - under specific issue  
12 that we're addressing in front of the Court, if they  
13 are not familiar with the facts or issues then I am  
14 - - - have the option to - - - to - - - for the  
15 record for direct examination that otherwise they  
16 would only be able to do.

17 MAGISTRATE MATTHEWS: All right. I'm  
18 still not certain what it is you want. This is a  
19 privately filed custody docket -

20 MR. JURADO: Uh-huh (affirmative  
21 response).

22 MAGISTRATE MATTHEWS: - so generally there  
23 are two scenarios: either a person represents  
24 themselves and they're considered pro se -

25

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1 MR. JURADO: Uh-huh (affirmative response).

2 MAGISTRATE MATTHEWS: - or they're  
3 represented by counsel and their counsel puts in an  
4 appearance for the Court. Certainly when someone  
5 has an attorney, as you're aware of because you did  
6 until recently, -

7 MR. JURADO: Uh-huh (affirmative  
8 response).

9 MAGISTRATE MATTHEWS: - you work in  
10 conjunction with your attorney to -

11 MR. JURADO: Correct.

12 MAGISTRATE MATTHEWS: - to help present  
13 your case.

14 MR. JURADO: Correct.

15 MAGISTRATE MATTHEWS: I'm not sure I  
16 understand what you want the Court to allow you to  
17 do?

18 MR. JURADO: Yeah, well bec -

19 MAGISTRATE MATTHEWS: That you need our  
20 permission for?

21 MR. JURADO: If it wasn't for my - - - my  
22 - - - the hardship that I'm going through, I would  
23 just go with the appointment of counsel and I  
24 usually do but given that I have already accrued so  
25

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1 much debt and I'm still not able to cover 100% of my  
2 obligations, I'm asking the Court to make an  
3 exception and - - - and allow me to go with this  
4 third option that is not one of the two that you  
5 mentioned. That has been done before, not  
6 necessarily in this same Court -

7 MAGISTRATE MATTHEWS: Do you have any legal  
8 authority to where you see that's been done before  
9 in this Court?

10 MR. JURADO: Yes. No, no, sorry, I didn't  
11 say - - - not in this Court.

12 MAGISTRATE MATTHEWS: Oh, okay. And where  
13 was it done before that you're aware of?

14 MR. JURADO: At - - - within Ohio - - -  
15 let's see if I have it here. Am I allowed to access  
16 my computer?

17 MAGISTRATE MATTHEWS: But what I - - - I  
18 guess -

19 ATTORNEY BETHEL: Your Honor, I - - - I -

20 ATTORNEY PETROFF: Your Honor, we're  
21 taking up -

22 ATTORNEY BETHEL: - let's just clear this  
23 up.

24 MAGISTRATE MATTHEWS: Just wait. Just  
25

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1 wait.

2 ATTORNEY BETHEL: If we use - - - I think  
3 it referenced in his brief is to a - - - a death  
4 penalty case, a criminal case.

5 MAGISTRATE MATTHEWS: Okay.

6 ATTORNEY BETHEL: The Supreme Court in the  
7 case that Mr. Jurado is referencing in his brief  
8 indicated that the Supreme Court was not even in  
9 favor of this hybrid representation. But I would  
10 point out two things to this Court, first of all, a  
11 custody case, albeit extraordinarily an important  
12 issue that's being tried to the Court, does  
13 certainly not rise to the standard of a death  
14 penalty case. The other issue is, if this Court  
15 starts making special exceptions for this particular  
16 litigant, the door that is going to open for every  
17 other litigant who says I - - - I - - - you know, I  
18 don't have the money right now and I need to have  
19 this - - - this hybrid counsel is going to create a  
20 disaster for this Court.

21 MAGISTRATE MATTHEWS: I understand that  
22 and I just want to see if I understand exactly where  
23 dad was coming from with the motion that he filed.

24 MR. JURADO: Okay.

25

1 MAGISTRATE MATTHEWS: We'll get -

2 MR. JURADO: There is a state -

3 ATTORNEY PETROFF: Your Honor, may I say -  
4 - - I haven't said anything - - - may I say  
5 something?

6 MAGISTRATE MATTHEWS: Sure.

7 ATTORNEY PETROFF: Okay. We're taking up  
8 valuable court time on this where I don't think  
9 that, number one, there is any precedent, number  
10 two, dad doesn't have standing if we go forward on  
11 some of the other motions that are pending to even  
12 bring this up, and to allow father to even continue  
13 to argue, bring up his laptop, talk about some of  
14 these other things that could take on fifteen to  
15 twenty minutes, we've got four witnesses outside.  
16 I'm just wondering if we can, you know, possibly,  
17 you know - - - maybe if we - - - if we go - - - if  
18 we - - - if we go to some of our other pre-trial  
19 motions it would make a - - - if we move forward on  
20 what dad can and cannot argue it would tie up a lot  
21 of the other things.

22 MAGISTRATE MATTHEWS: I'm not arguing the  
23 merits of his motion; I'm just trying to get a  
24 handle on -

25

1 ATTORNEY PETROFF: Okay.

2 MAGISTRATE MATTHEWS: - what he's asking  
3 for and what his expectation is.

4 ATTORNEY BETHEL: Okay.

5 ATTORNEY SMITHERMAN: Got ya (sic).

6 ATTORNEY PETROFF: Got ya (sic).

7 MR. JURADO: And - - - and this motion has  
8 a lot to do with Ohio Revised Code 30 - - - 3109.04,  
9 "when allocating parental rights and responsibility  
10 for the care of the children, the Court should not  
11 give preference to a parent because of parent's  
12 financial status or condition". And of course  
13 another dis - - - disadvantage here, you know,  
14 because some of this - - - my motions addresses the  
15 fact that, you know, Mrs. Hernandez has been able to  
16 financially secure, you know, representation and one  
17 of my claims is she also, you know, gets the  
18 advocacy of the Guardian and affords an attorney  
19 that is not even here.

20 ATTORNEY BETHEL: Well, Your Honor, I  
21 would just say that the reference to 3109.04  
22 regarding that the Court should not give preference  
23 to a parent because of that parent's financial  
24 status or condition has nothing to do with the legal  
25

1 representation. It has everything to do with - - -  
2 the Court is not going to say that one parent should  
3 be given preference because they have more money  
4 than the other as far as that's the more appropriate  
5 parent for this child to be with and I would ask  
6 that you provide case law that would say that it has  
7 anything to do with the legal representation in that  
8 particular statute. That statute deals with the  
9 allocation of parental rights and responsibilities -

10 MR. JURADO: Correct.

11 ATTORNEY BETHEL: - not with legal  
12 representation.

13 MR. JURADO: And it - - - it has been  
14 already established that the Court preferred the  
15 parties to be - - - to have legal representation, is  
16 that true?

17 MAGISTRATE MATTHEWS: Well, we're not  
18 going to get into that argument. I'm just trying to  
19 find out what affid - - - affidavits we've got pen -  
20 - - or, I'm sorry, motions we've got pending.

21 MR. JURADO: Okay. So I have four cases,  
22 State versus Rhon -

23 MAGISTRATE MATTHEWS: All right, hold onto  
24 those because you might want them later.

25

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1 MR. JURADO: All right.

2 MAGISTRATE MATTHEWS: I'm - - - March  
3 24th, day before yesterday, dad, you filed a Motion  
4 to Set Aside my decision to deny your request.

5 MR. JURADO: Yeah.

6 MAGISTRATE MATTHEWS: Okay. And I know  
7 that you brought a motion - - - apparently you tried  
8 to file an actual motion -

9 MR. JURADO: Yeah.

10 MAGISTRATE MATTHEWS: - for a continuance  
11 which is not how we normally do it here -

12 MR. JURADO: I understand -

13 MAGISTRATE MATTHEWS: - at Court.

14 MR. JURADO: - the reason that I  
15 approached the Magistrate - - - the Administrative  
16 Magistrate -

17 MAGISTRATE MATTHEWS: Okay.

18 MR. JURADO: - for procedural questions.

19 MAGISTRATE MATTHEWS: All right.

20 ATTORNEY BETHEL: I did not get a cop - -  
21 - I was not given -

22 MAGISTRATE MATTHEWS: I don't think it was  
23 actually filed. I think you brought it down and  
24 attempted to file it and I don't think the Clerk's  
25

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1 Office took it, am I right, or no? What happened?

2 MR. JURADO: I attached it to my - - - to  
3 my Motion to Set Aside your - - - that's all - - -  
4 that's all I could do, so my - - - my last - - -  
5 ever last motion was to set aside your decision to  
6 the continuance -

7 MAGISTRATE MATTHEWS: Okay.

8 MR. JURADO: - and then I - - - I attached  
9 those (inaudible) to that one.

10 MAGISTRATE MATTHEWS: All right. Had you  
11 contacted counsel for mother and the Guardian to see  
12 if they would agree to a continuance?

13 ATTORNEY BETHEL: Yes.

14 MR. JURADO: Well, I assume they have  
15 already answered that question in prior times -

16 ATTORNEY BETHEL: I was not contacted.

17 MR. JURADO: - so I assumed that they  
18 would - - - and actual write over objection assuming  
19 that you were going to object.

20 ATTORNEY PETROFF: I was not contacted  
21 specifically -

22 ATTORNEY SMITHERMAN: I was not -

23 MR. JURADO: And then you all objected -

24 ATTORNEY PETROFF: I was - - - the answer  
25

FTR

1 to the question was I was not contacted  
2 specifically.

3 MAGISTRATE MATTHEWS: Okay. All right.  
4 There's a lot of stuff pending before the Court.  
5 Some of those issues I believe need to be addressed  
6 before we can adequately start trial.

7 MR. JURADO: I agree.

8 MAGISTRATE MATTHEWS: The Motions in  
9 limine, for a start -

10 ATTORNEY SMITHERMAN: Absolutely.

11 MAGISTRATE MATTHEWS: - I mean that's a  
12 big - - - big issue.

13 ATTORNEY SMITHERMAN: Right.

14 MAGISTRATE MATTHEWS: I think that some of  
15 these motions that dad has filed could also be  
16 addressed and cleaned up before we can get started.  
17 I guess the only thing I'm a little curious about is  
18 the motions before the Judge that you say should  
19 have been tied off, the Guardian and counsel for mom  
20 and dad says no.

21 ATTORNEY PETROFF: Well, I have two  
22 thoughts, number one, they're either tied off or  
23 they're ref - - - Joe wrote your courtroom so by - -  
24 - by implication it's in front of you.

25

1 MAGISTRATE MATTHEWS: Okay.

2 ATTORNEY PETROFF: And furthermore, when  
3 we went upstairs from Judge's Jamison's own mouth,  
4 she said -

5 MAGISTRATE MATTHEWS: Okay.

6 ATTORNEY PETROFF: - Judge - - -  
7 "Magistrate Matthews is handling all of this, go  
8 downstairs".

9 MAGISTRATE MATTHEWS: All right.

10 ATTORNEY PETROFF: So, now I believe - - -  
11 my argument is this, Your Honor, both from the  
12 bailiff's own ratification on the continuance, which  
13 is a judicial entry, okay?

14 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
15 response).

16 MR. JURADO: But it's not on the record.

17 ATTORNEY PETROFF: I - - - let me finish  
18 please, sir - - - which is a judicial entry as this  
19 Court knows, it says "order" on it - - - and  
20 furthermore an oral instruction from this Court  
21 specifically stating two weeks later to instruct  
22 counsel to come down here and have you hear these  
23 things, I believe that gives you both implicit and  
24 explicit authority - - - judicial authority to hear  
25

1 those motions and we should go forward on those  
2 today, immediately.

3 MR. JURADO: First, I wasn't present -

4 ATTORNEY PETROFF: That's your fault.

5 MR. JURADO: - when - - - when the - - -  
6 no, I - - - I have waited for you guys -

7 MAGISTRATE MATTHEWS: Just wait - - - just  
8 wait.

9 MR. JURADO: - before.

10 MAGISTRATE MATTHEWS: Go ahead, dad.

11 MR. JURADO: I wasn't present. In every  
12 single instance that I have tried to approach the  
13 Judge, I have given courtesy calls and I have waited  
14 for all parties to respond before I have approached  
15 her, and we are making reference here of a Judge's  
16 Entry and nobody has seen it - - - nobody - - - I  
17 mean has s - - - where is it? It's not here, it's  
18 not on the docket; it's not on the record.

19 MAGISTRATE MATTHEWS: Aren't there two  
20 Motions in limine?

21 ATTORNEY BETHEL: Yes.

22 MAGISTRATE MATTHEWS: Why am I only  
23 finding one now? I've got the January 22<sup>nd</sup> -

24 ATTORNEY BETHEL: And then 2-14 - - - 2-12  
25

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1 of '14.

2 MAGISTRATE MATTHEWS: 2-12-14?

3 ATTORNEY BETHEL: Yeah, it's that right  
4 there.

5 ATTORNEY PETROFF: Oh here they are. 2-20  
6 - - - 1-22 and -

7 MAGISTRATE MATTHEWS: Yeah, I got that  
8 one.

9 ATTORNEY PETTROFF: - 2-12.

10 MAGISTRATE MATTHEWS: That one is not even  
11 showing up on the docket or on the 124.

12 ATTORNEY BETHEL: It's right here, Your  
13 Honor.

14 ATTORNEY PETROFF: It's called "Second  
15 Motion in limine".

16 ATTORNEY BETHEL: Second Motion in limine  
17 to exclude evidence at trial due to the -

18 MAGISTRATE MATTHEWS: Yeah, it sure it is.  
19 It's not even showing up on the 124. All right.  
20 All right. I want to go through here and see these  
21 contempts that have been filed on dad because he's  
22 un - - - unrepresented now. We've got - - - mom  
23 filed a 11-15-13 contempt and you said it was on  
24 child support, correct?

25

1 ATTORNEY PETROFF: Yes - - - yes, Your  
2 Honor.

3 MAGISTRATE MATTHEWS: All right. The  
4 Guardian's January 16, 2014 contempt, that was on -

5 ATTORNEY BETHEL: A motion to - - - that  
6 was against - - - that was against Mr. Jurado.

7 MAGISTRATE MATTHEWS: And you said that's  
8 still active?

9 ATTORNEY BETHEL: That's still pending.

10 MAGISTRATE MATTHEWS: And I'm sorry, you  
11 said that was on fees?

12 ATTORNEY BETHEL: That is on fees and then  
13 the same day I also filed a Motion to Preclude  
14 Evidence.

15 MAGISTRATE MATTHEWS: Right, I've got  
16 that. I'm just looking at the contempts.

17 ATTORNEY BETHEL: Okay.

18 MAGISTRATE MATTHEWS: All right. So I  
19 just have two contempts, is that right? No? What  
20 am I missing?

21 ATTORNEY SMITHERMAN: The contempt -

22 ATTORNEY BETHEL: 11-15-13 the motion - -  
23 - Mother's Motion with Compliance.

24 MAGISTRATE MATTHEWS: No, I got that.  
25

1 ATTORNEY SMITHERMAN: No, 1-23-14.

2 MAGISTRATE MATTHEWS: Oh, you're right,  
3 I'm sorry.

4 MR. JURADO: Can you repeat the date?

5 ATTORNEY BETHEL: Smalldon's fees.

6 ATTORNEY SMITHERMAN: Right.

7 MAGISTRATE MATTHEWS: Yep.

8 MR. JURADO: Can you repeat the dates?

9 MAGISTRATE MATTHEWS: 1-23-14 -

10 MR. JURADO: And the last one?

11 MAGISTRATE MATTHEWS: Mom's Motion for  
12 Contempt on Doctor Smalldon's fees.

13 MR. JURADO: What was the date on the last  
14 one, do you have it?

15 MAGISTRATE MATTHEWS: January 23, 2014.

16 MR. JURADO: Oh. Okay.

17 MAGISTRATE MATTHEWS: All right, is that  
18 it?

19 ATTORNEY PETROFF: Yes, Your Honor.

20 MAGISTRATE MATTHEWS: All right. All  
21 right. Has the Guardian been paid?

22 ATTORNEY BETHEL: Nope.

23 MAGISTRATE MATTHEWS: Who still owes you  
24 money and how much?

25

1           ATTORNEY BETHEL: Mr. Jurado owes money as  
2 of yesterday, he has an outstanding balance of  
3 \$2798.20 and Ms. Hernandez has a credit of \$330.24.

4           MAGISTRATE MATTHEWS: And that was as of  
5 yesterday you said?

6           ATTORNEY BETHEL: Yes.

7           MAGISTRATE MATTHEWS: Okay.

8           MR. JURADO: For clarification was that  
9 balance, the \$2700, does that include the fees for  
10 your time committed to the civil law suit?

11          ATTORNEY BETHEL: No, it does not. The  
12 civil law suit I have a little over \$800 that's due  
13 from Mr. Jurado.

14          MAGISTRATE MATTHEWS: Okay.

15          MR. JURADO: All right.

16          MAGISTRATE MATTHEWS: All right. Here's  
17 what I want to do: I think there's just too many  
18 issues for this to start in trial at this point and  
19 I realize that it's been continuous and there's been  
20 multiple motions filed all the way around and this  
21 has to be reined in somehow.

22          ATTORNEY PETROFF: Your Honor, we can do  
23 the contempts during the trial. We have witnesses  
24 that are -

25

1           MAGISTRATE MATTHEWS: He has - - - he has  
2 to have an opportunity to screen for counsel if he  
3 wants counsel on the contempt.

4           ATTORNEY PETROFF: He's has two years to  
5 do that.

6           MAGISTRATE MATTHEWS: I understand that.  
7 He's unrepresented now. There's other issues. This  
8 isn't the only issue here. I want to submit a lot  
9 of these pre-trial motions on affidavit. This isn't  
10 ready to go to trial at this point.

11           ATTORNEY PETROFF: This is playing right  
12 into his hand. I mean this is exactly what he  
13 wanted because if the - - - the writing on the wall  
14 -

15           MAGISTRATE MATTHEWS: What exactly are you  
16 saying?

17           ATTORNEY PETROFF: I'm saying that  
18 delaying the process is going to - - - is going to  
19 assist his - - - I believe that filing one motion -

20           MAGISTRATE MATTHEWS: My intention is not  
21 to favor any side but it's to make sure that this is  
22 fully ready and prepared to go to trial. There are  
23 multiple, multiple, multiple motions on here that  
24 need to be addressed.

25

1 MR. JURADO: It just makes sense. Thank  
2 you, Your Honor.

3 ATTORNEY BETHEL: Your Honor, I think that  
4 - - - Your Honor, I would ask - - - I'm going to  
5 make an oral request for a modification of the  
6 interim orders. I cannot in good conscience as the  
7 Guardian of this child and given my recommendation  
8 that I have submitted and given my investigation and  
9 given Doctor Smalldon's report agree to allow the  
10 interim orders to continue as they are. This is - -  
11 - I - - - I - - - with the deepest respect to this  
12 Court, and I have a great deal of respect for this  
13 Court, this gentleman has been able to manipulate  
14 the process. He has known for how long that we were  
15 set to go to trial. He - - - he says he can't pay  
16 anybody h - - - that's sitting in this room that he  
17 owes money to; he - - - he is now going to somehow  
18 miraculously come up with money to find a lawyer? I  
19 - - - it's going to be the same thing because that  
20 lawyer will leave the case when that lawyer is not  
21 continuing to get paid -

22 MAGISTRATE MATTHEWS: I'm not giving him a  
23 continuance -

24 ATTORNEY BETHEL: - and it's going to be  
25

1 the same thing.

2 MAGISTRATE MATTHEWS: - in order to retain  
3 an attorney, I'm giving him a con - - - there - - -  
4 I'm not giving him the continuance, I'm giving the  
5 continuance for multiple reasons. I want a lot of  
6 these issues set for affidavits. A lot of this  
7 stuff you can submit affidavits to me and I'll make  
8 decisions on those and we'll get it cleaned up.

9 MR. JURADO: Yep.

10 MAGISTRATE MATTHEWS: Dad has the  
11 opportunity to screen for counsel; he's unemployed.

12 ATTORNEY BETHEL: He's employed.

13 ATTORNEY PETROFF: He's employed.

14 MAGISTRATE MATTHEWS: I'm sorry, I didn't  
15 mean unemployed, I'm sorry, I meant he's  
16 unrepresented. I slipped, that's not what I meant.  
17 He's unrepresented.

18 ATTORNEY SMITHERMAN: Your Honor, we need  
19 to stop there's a witness in the room.

20 ATTORNEY PETROFF: We need to go forward  
21 on the Motion to tem - - - to modify temporary  
22 orders then.

23 MR. JURADO: Your Honor -

24 ATTORNEY PETROFF: We have to go forward  
25

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1 on that today.

2 MR. JURADO: - Your Honor, bef -

3 MAGISTRATE MATTHEWS: I'll put it on  
4 affidavits.

5 MR. JURADO: - Your Honor, before - - -  
6 and I for the record - - - before we take the  
7 opinion of the Guardian ad Litem, we should wait at  
8 least - - - at least through affidavits hear my  
9 Motion for Removal of the Guardian ad Litem.

10 MAGISTRATE MATTHEWS: We'll include that  
11 on affidavits.

12 MR. JURADO: Also - - - and for the  
13 record, the - - - the - - - the Offices of the  
14 Disciplinary Counsel of the Supreme Court of Ohio  
15 denied or dismissed my -

16 ATTORNEY BETHEL: Your complaint against  
17 me.

18 MR. JURADO: - yeah, the complaint - - -  
19 because he said that it was the jurisdiction of this  
20 Court to address any misconduct.

21 MAGISTRATE MATTHEWS: Okay.

22 MR. JURADO: Okay, after I filed a  
23 grievance of more than 500 pages.

24 ATTORNEY PETROFF: So is that motion  
25

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1 before you then, the removal of the Guardian?

2 MAGISTRATE MATTHEWS: Yes.

3 ATTORNEY BETHEL: Your Honor -

4 ATTORNEY PETROFF: Okay. So we need to -  
5 - - can we get a de - - - can we - - - how do we tie  
6 that off that we know it's in front of you?

7 MAGISTRATE MATTHEWS: I - - - because I'm  
8 going to write an order today -

9 ATTORNEY PETROFF: Okay.

10 MAGISTRATE MATTHEWS: - setting affidavits  
11 and I'm going to list all of the motions -

12 ATTORNEY PETROFF: Okay.

13 MAGISTRATE MATTHEWS: - that can be -

14 ATTORNEY PETROFF: Okay.

15 MAGISTRATE MATTHEWS: - addressed on the  
16 affidavit.

17 ATTORNEY PETROFF: Okay.

18 MAGISTRATE MATTHEWS: And if you want to  
19 add something, the other motions that I have  
20 neglected, absolutely, I want you to say something.

21 ATTORNEY PETROFF: So we can - - - we're  
22 going to be submitting - - - just to be - - - I want  
23 to - - - we can submit a motion - - - our motion to  
24 modify temporary orders on temporary visitation of

25

1 this child -

2 MAGISTRATE MATTHEWS: Your motion from 10-  
3 22-13?

4 ATTORNEY PETROFF: Okay.

5 MAGISTRATE MATTHEWS: Is that what you  
6 want to -

7 ATTORNEY PETROFF: Yes, absolutely.

8 MAGISTRATE MATTHEWS: We can include it.

9 ATTORNEY PETROFF: Okay.

10 MAGISTRATE MATTHEWS: Absolutely.

11 MR. JURADO: I would like to ask a  
12 question for the record for - - - from opposing  
13 counsel and the Guardian ad Litem, do you object to  
14 my motion to request hybrid representation?

15 ATTORNEY PETROFF: Yes.

16 MR. JURADO: You object?

17 ATTORNEY PETROFF: Yes.

18 MR. JURADO: Okay. You object?

19 ATTORNEY BETHEL: Yes, it's not done.

20 MR. JURADO: All right.

21 ATTORNEY BETHEL: It's not done.

22 MR. JURADO: Okay, other than it's not  
23 done, do you have specific reasons why that affects  
24 your client -

25

1           ATTORNEY BETHEL: Mr. Jurado, why should  
2 you be given special treatment over anybody else -

3           MR. JURADO: There has to be a reason -

4           ATTORNEY BETHEL: - that is a litigant in  
5 this Court?

6           MAGISTRATE MATTHEWS: If you - - - if you  
7 want to spend some time negotiating things with  
8 them, you can certainly do that but don't - - -  
9 let's not do that with me in the courtroom.

10          MR. JURADO: All right. Thank you - - -  
11 thank you, Your Honor.

12          ATTORNEY BETHEL: Your Honor, I would  
13 respectfully ask if you're going to be issuing an  
14 order today regarding the submission of affidavits  
15 that you limit the number of pages. This Court is  
16 going to be inundated with thousands and thousands  
17 of pages of - - - of stuff which will only delay the  
18 decision even more.

19          MAGISTRATE MATTHEWS: Uh-huh (affirmative  
20 response).

21          ATTORNEY BETHEL: Because I know you are a  
22 very thorough Magistrate and you will read every  
23 page, but I'm telling you I - - - I know what has  
24 been submitted to the Supreme Court.

25

1 MAGISTRATE MATTHEWS: Okay.

2 MR. JURADO: So that's - - - so she wants  
3 to prevent you to read what - - - everything that I  
4 sent to the Supreme Court. Why didn't you just ask  
5 for that?

6 ATTORNEY BETHEL: You know what, Ari,  
7 please.

8 MR. JURADO: Okay.

9 MAGISTRATE MATTHEWS: What would be your  
10 suggestion for limiting page numbers?

11 ATTORNEY BETHEL: I would limit it to 25  
12 pages each.

13 ATTORNEY PETROFF: Well then you have - -  
14 - I mean if we're going to do that we need to talk  
15 about exhibits because we all know the way around  
16 the page numbers.

17 ATTORNEY BETHEL: Well, yeah -

18 ATTORNEY PETROFF: You know how you -

19 MAGISTRATE MATTHEWS: Sure. Right. Yeah,  
20 absolutely.

21 ATTORNEY PETROFF: Yeah.

22 ATTORNEY BETHEL: Right.

23 ATTORNEY PETROFF: Including exhibits.

24 MAGISTRATE MATTHEWS: You know, I - - - I -  
25

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1 - - I generally don't limit people on their page  
2 number in affidavits because I feel if you want to  
3 submit it you can.

4 ATTORNEY PETROFF: Okay.

5 MAGISTRATE MATTHEWS: But, you know,  
6 that's - - - that's up to you. That doesn't mean  
7 the more pages the more weight your argument has.

8 MR. JURADO: Correct.

9 MAGISTRATE MATTHEWS: Sometimes it works  
10 conversely.

11 MR. JURADO: Yes, I agree. Everyone  
12 should take their risk.

13 ATTORNEY PETROFF: So, I - - - okay, so  
14 what are we - - - what exactly are we doing then? I  
15 -

16 MAGISTRATE MATTHEWS: All right.

17 ATTORNEY PETROFF: I'm - - - I'm confused  
18 and I just - - - I need to understand - - - we spent  
19 thousands of dollars preparing -

20 MAGISTRATE MATTHEWS: I understand and this  
21 isn't something that I take lightly. I would prefer  
22 that we could have gotten started today and get this  
23 thing moving. It's been going on for a long time  
24 and it's delinquent and it's not getting less

25

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1 delinquent.

2 ATTORNEY BETHEL: Are we going to be  
3 addressing my motion for amendment of - - - or  
4 modification of the interim order?

5 ATTORNEY PETROFF: Ron said that he wanted  
6 to include his 10-22 Motion to Modify Temporary  
7 Orders and I said we can go through all of these  
8 motions that we're going to include on affidavits  
9 and get this stuff cleaned up and stop the bleeding  
10 so we can get to the substance of this issue.

11 ATTORNEY PETROFF: If we dismiss our  
12 contempts - - - both of our contempts and the  
13 Guardian dismisses her contempt -

14 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
15 response).

16 ATTORNEY PETROFF: - if - - - could we - -  
17 - could we start our trial today?

18 MAGISTRATE MATTHEWS: No, I'm still setting  
19 affidavits on all of the other issues.

20 ATTORNEY PETROFF: Okay. All right. Just  
21 out of curiosity.

22 MAGISTRATE MATTHEWS: Yeah.

23 ATTORNEY PETROFF: I just wanted to know if  
24 that was the reason?

25

1 MAGISTRATE MATTHEWS: No, no.

2 ATTORNEY PETROFF: Okay.

3 ATTORNEY BETHEL: Why couldn't we first  
4 address -

5 MR. JURADO: And, Your Honor, to prevent -

6 ATTORNEY BETHEL: - the fact that he's -

7 MR. JURADO: - to prevent me -

8 ATTORNEY BETHEL: - not complied with any  
9 of the court orders -

10 MAGISTRATE MATTHEWS: Just wait -

11 ATTORNEY BETHEL: - that we were set to go  
12 to trial today and he's not complied with the  
13 orders, why wouldn't we address those motions?

14 MAGISTRATE MATTHEWS: Aside -

15 ATTORNEY BETHEL: I don't understand why -

16 MAGISTRATE MATTHEWS: - aside from him - -  
17 - dad having a balance with you, what else has not  
18 been complied with?

19 ATTORNEY BETHEL: He's not complied with  
20 the case management order. He's not submitted any  
21 discovery.

22 ATTORNEY SMITHERMAN: Right.

23 ATTORNEY BETHEL: He's not provided a  
24 trial notebook. He's not disclosed his witnesses.

25

1 You know, the -

2 MR. JURADO: I mean -

3 ATTORNEY BETHEL: - petitioner and her  
4 counsel have -

5 ATTORNEY PETROFF: We're financing -

6 MR. JURADO: Your - - - your -

7 ATTORNEY BETHEL: - spending amazing  
8 amount - - - I'd like to finish.

9 MR. JURADO: Okay.

10 ATTORNEY BETHEL: The petitioner and her  
11 counsel have spent ungodly sums of money -

12 ATTORNEY PETROFF: \$40,000.00.

13 ATTORNEY BETHEL: - and have prepared to  
14 go to trial; I've done my recommendation and now  
15 we're going to allow - - - I mean, the Court's  
16 orders mean nothing to this gentleman.

17 MR. JURADO: Your Honor, I would like to  
18 request Mrs. Bethel to stick with the code of  
19 Guardian ad Litem role as opposed to advocating for  
20 opposing counsel.

21 ATTORNEY BETHEL: Mr. Jurado, I am  
22 representing the best interest of my ward.

23 MR. JURADO: Okay.

24 MAGISTRATE MATTHEWS: I - - - I think that  
25

1 -

2 ATTORNEY BETHEL: I can assure you.

3 MAGISTRATE MATTHEWS: - Ms. Bethel is  
4 familiar with what her responsibilities are and I -  
5 - - I don't think this needs to be ramped up anymore  
6 than it already is.

7 MR. JURADO: I understand. So what I was  
8 going to ask Your Honor, to - - - I wouldn't like to  
9 ever ask for a continuance again, I do want to make  
10 the - - - my - - - with the case - - - with the  
11 management order, so in order for me not to have  
12 ever ask for a continuance I would like to ask if  
13 you would consider in your order a decision on my  
14 request for - - - for legal counsel - - - my special  
15 request for the type of legal counsel?

16 MAGISTRATE MATTHEWS: We'll include that.

17 MR. JURADO: Thank you.

18 MAGISTRATE MATTHEWS: I'm going to take a  
19 break to see if I can make a list of these motions  
20 in the back.

21 MR. JURADO: All right. Thank you.

22 (Thereupon, the Magistrate took a recess and exited  
23 the courtroom. The recording system remained on  
24 while the Magistrate was off the bench.)

25

1 ATTORNEY BETHEL: This is (inaudible).

2 ATTORNEY SMITHERMAN: Uh-huh (affirmative  
3 response).

4 ATTORNEY BETHEL: I think that's the wrong  
5 thing to do.

6 ATTORNEY PETROFF: Huh?

7 ATTORNEY BETHEL: I think that's the wrong  
8 thing to do. Mr. Jurado, are you recording these  
9 proceedings?

10 MR. JURADO: No, why? I asked - - - I  
11 asked for permission from the - - - from the Honor  
12 earlier to look at my calendar on my phone.

13 ATTORNEY BETHEL: To what?

14 MR. JURADO: To look at my calendar on my  
15 phone.

16 ATTORNEY BETHEL: And so you have your  
17 phone sitting up there?

18 MR. JURADO: Yes, I was just looking at  
19 the cale -

20 ATTORNEY BETHEL: Why is it beeping?

21 MR. JURADO: Huh?

22 ATTORNEY BETHEL: Why is it beeping?

23 MR. JURADO: Maybe somebody text me.

24 ATTORNEY BETHEL: I hope you're not  
25

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1 recording these proceedings. You shouldn't be  
2 allowed to have your phone out during the  
3 proceedings anyhow, none of us do.

4 MR. JURADO: And that's why I asked the  
5 Court to allow me to - - - to bring it up.

6 ATTORNEY BETHEL: To bring up your  
7 calendar and you did, do you still have to have it  
8 out?

9 MR. JURADO: If I wanted to record I  
10 couldn't record on my phone -

11 ATTORNEY BETHEL: You know, Ari, you come  
12 to my office and record it. You did it the last  
13 time you were at my office.

14 MR. JURADO: I didn't.

15 ATTORNEY BETHEL: Right here?

16 MR. JURADO: Yes, I didn't.

17 ATTORNEY BETHEL: Okay.

18 MR. JURADO: Okay.

19 ATTORNEY BETHEL: Okay.

20 MR. JURADO: I'll even show you the  
21 camera, okay?

22 ATTORNEY BETHEL: I don't - - - I don't  
23 agree with you.

24 MR. JURADO: Okay? All right. I know.

25

1 ATTORNEY BETHEL: I don't agree with you.

2 MR. JURADO: All right. The record - - -

3 I mean this -

4 ATTORNEY BETHEL: By the way, who is  
5 ghostwriting your briefs for you?

6 MR. JURADO: - proceeding - - - the record  
7 - - - the record -

8 ATTORNEY BETHEL: Who is ghostwriting your  
9 briefs for you?

10 MR. JURADO: Wow, I'm getting credit for  
11 something.

12 ATTORNEY BETHEL: No, I'm not giving you  
13 credit for anything.

14 MR. JURADO: Okay.

15 ATTORNEY BETHEL: Who is ghostwriting?  
16 Mr. Golden's office? It's funny, isn't it?

17 MR. JURADO: Yes, it is funny.

18 ATTORNEY BETHEL: Really?

19 MR. JURADO: Yes.

20 ATTORNEY BETHEL: I think it's very sad  
21 that you think something so serious is this funny.

22 MR. JURADO: And I think that you have  
23 proved yourself so that I - - - to actually accuse  
24 me of having somebody ghostwriting. I'm not getting  
25

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1 credit for anything.

2 ATTORNEY BETHEL: Really? Don't have to  
3 pay anybody or do anything that the Court says you  
4 have to do because you're special, really special.

5 MR. JURADO: Mr. Petroff?

6 ATTORNEY PETROFF: I want to know what the  
7 reason is for the continuance?

8 ATTORNEY SMITHERMAN: I know.

9 ATTORNEY PETROFF: That - - - that's what  
10 the reason is?

11 ATTORNEY SMITHERMAN: (inaudible).

12 ATTORNEY PETROFF: We have five days. If  
13 he can't do it -

14 ATTORNEY PETROFF: Yes?

15 MRS. HERNANDEZ: Ron?

16 MR. JURADO: Just to let you know, I do  
17 want to follow the case management order. I just  
18 need to (inaudible). So if she issues a new court  
19 order I'd like to do it.

20 MRS. HERNANDEZ: Ron?

21 ATTORNEY PETROFF: She did and she can.  
22 She has the authority to do so. Do you want to ask  
23 again?

24 MRS. HERNANDEZ: (inaudible).

25

1           ATTORNEY PETROFF: I don't know what to  
2 tell you.

3           MR. JURADO: And is that still recording  
4 or did she stop it when she left?

5           COURT OFFICER: I have no idea. I don't  
6 know. I can't see that.

7           MR. JURADO: I always thought the  
8 Magistrate's courtrooms to be too small but I guess  
9 I like them better than the Judge's courtrooms  
10 because -

11          COURT OFFICER: Well, this one used to be  
12 a storage area and they made this into a courtroom  
13 because we needed the courtroom, so -

14          MR. JURADO: Are all the other ones on  
15 this floor this small or are they bigger?

16          COURT OFFICER: They're bigger.

17          MR. JURADO: I was going to say actually I  
18 like it that it is small because -

19          COURT OFFICER: It is very small.

20          MR. JURADO: - if it's more private or - -  
21 - I don't know.

22          COURT OFFICER: Yeah, the other ones have  
23 offices too, I don't have one of those.

24          MR. JURADO: I'm sorry.  
25

1 COURT OFFICER: No, I'm okay with it. I'm  
2 okay with it. I can hear better.

3 MR. JURADO: It's just for somebody like  
4 me that I don't have - - - with or without  
5 attorneys, it's more intimate then to be not bigger  
6 - - - to be in a bigger setting. So were you  
7 Magistrate Tsitouris' assistant before?

8 COURT OFFICER: I'm sorry?

9 MR. JURADO: Were you the assistant to  
10 Magistrate Tsitouris before?

11 COURT OFFICER: She's doing better.

12 MR. JURADO: Yeah?

13 COURT OFFICER: They have her off the  
14 chemo and they're going to give her a little time  
15 without it so - - - because she was on chemo every  
16 three weeks.

17 MR. JURADO: For how long - - - she's been  
18 -

19 COURT OFFICER: Almost a year.

20 MR. JURADO: - going at it like for a  
21 year, right?

22 COURT OFFICER: Almost a year, yeah.

23 MR. JURADO: I want to say no, it would  
24 have to be more because - - - because when this case  
25

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1 started she had just been diagnosed, I think.

2 COURT OFFICER: Well, it was November of  
3 20 -

4 MR. JURADO: 12.

5 COURT OFFICER: 12.

6 MR. JURADO: Yeah.

7 COURT OFFICER: I think it was. She - - -  
8 she worked - - - it was before Christmas is when she  
9 stopped working but yet it's been over a year that  
10 every two weeks she went to chemo and just last  
11 month they stopped it to give her a break and see  
12 what happens and they stopped it to see if it comes  
13 back, see if it doesn't. But if she - - - I  
14 actually just talked to her just the other day and  
15 she's in good spirits, so, it's not much you can do.  
16 I loved her.

17 MR. JURADO: Does she have a husband?

18 COURT OFFICER: What's that?

19 MR. JURADO: Does she have a husband?

20 COURT OFFICER: Uh-huh (affirmative  
21 response).

22 MR. JURADO: I know when (inaudible) our  
23 family and friends, situations like that is when you  
24 hate to be wasting time with things like this - - -  
25

1 to have a solution and those that don't have a  
2 solution, like, hey there's so many more bigger  
3 things to deal with in life or just enjoy it then be  
4 here. Then after - - - after a year and a half of  
5 this case starting, this is only my second time in  
6 front of - - - in front of -

7 COURT OFFICER: Matthews?

8 MR. JURADO: Huh?

9 COURT OFFICER: Magistrate Matthews?

10 MR. JURADO: Yeah. It was mostly like  
11 teleconferences. (inaudible)?

12 COURT OFFICER: What's that?

13 MR. JURADO: Can I ask you a question? So  
14 the continuance form that was denied did it ever get  
15 signed for a denial or just - - - or just not signed  
16 and it was denied?

17 COURT OFFICER: You did it - - - we don't  
18 do it the way you did it.

19 MR. JURADO: That's fine.

20 COURT OFFICER: So I can't answer that  
21 question.

22 MR. JURADO: What I'm saying is the form -  
23 - - would that be - - - just a form -

24 COURT OFFICER: They don't get - - - they  
25

1 don't get signed.

2 MR. JURADO: Okay.

3 COURT OFFICER: Yes, that form, right, the  
4 Magistrate won't sign it.

5 MR. JURADO: Okay.

6 (Thereupon the Magistrate re-entered the courtroom)

7 ATTORNEY MATTHEWS: All right. I think  
8 I've gotten everything and I want to go over it and  
9 see if there is anything anyone else wants to add.

10 ATTORNEY SMITHERMAN: Your Honor, can I  
11 just ask -

12 MAGISTRATE MATTHEWS: Yes.

13 ATTORNEY SMITHERMAN: - just procedurally  
14 for further clarification?

15 MAGISTRATE MATTHEWS: Sure.

16 ATTORNEY SMITHERMAN: The two Motions in  
17 limine -

18 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
19 response).

20 ATTORNEY SMITHERMAN: - that we have filed

21 -

22 MAGISTRATE MATTHEWS: Right.

23 ATTORNEY SMITHERMAN: - those are not  
24 going to be part of the affidavits, correct?

25

1 MAGISTRATE MATTHEWS: They were.

2 ATTORNEY SMITHERMAN: Oh they were?

3 MAGISTRATE MATTHEWS: Yeah.

4 ATTORNEY SMITHERMAN: Okay. Is it  
5 possible to at least proceed forward on those today  
6 because they pretty much speak for themselves with  
7 everything and that would help, we feel, minimize,  
8 you know, the things that would have to come in the  
9 future through affidavits and things of that nature?

10 ATTORNEY PETROFF: And they're set for  
11 today.

12 ATTORNEY SMITHERMAN: So if we could  
13 proceed forward on the Motions in limine today that  
14 would be very helpful to, I think, everyone here,  
15 and if not, could I get some further edification on  
16 why we wouldn't be going forward on the Motions in  
17 limine to try to circumvent some of the other stuff?

18 MAGISTRATE MATTHEWS: Right, well -

19 MR. JURADO: And - - - and can I add - - -  
20 can I - - - just one thing? My -

21 MAGISTRATE MATTHEWS: Quickly.

22 MR. JURADO: - my - - - my hearing for the  
23 removal of the Guardian ad Litem is directly related  
24 to those Motions in limine -

25

1 MAGISTRATE MATTHEWS: Okay.

2 MR. JURADO: - so, you know if we hear one  
3 I think we should hear the other one.

4 MAGISTRATE MATTHEWS: All right. I want to  
5 submit on affidavits because next time we come back  
6 we're going to have a status before I set the trial  
7 dates.

8 MR. JURADO: Okay.

9 MAGISTRATE MATTHEWS: So I want to deal  
10 with it all in affidavits, it will save your client  
11 money.

12 ATTORNEY SMITHERMAN: I - - - I guess I'm  
13 not - - - I'm not trying to be difficult, please  
14 understand that, I don't want to be argumentative  
15 with you at all, but I am struggling to figure out  
16 how that is going to save our client money when we  
17 are here today and we can just argue the Motions in  
18 limine today and then -

19 MAGISTRATE MATTHEWS: I - - - I  
20 understand. I don't want to. I want to set it all  
21 on affidavits and deal with it all at one time.

22 ATTORNEY SMITHERMAN: Okay. Can we set it  
23 then, because we had these five afternoons set aside  
24 -

25

1                   MAGISTRATE MATTHEWS: Uh-huh (affirmative  
2 response).

3                   ATTORNEY SMITHERMAN: - can we please set  
4 them to be due by close of business on April 2<sup>nd</sup> and  
5 we'll use the time that we had set aside for trial  
6 to prepare those affidavits?

7                   MAGISTRATE MATTHEWS: Only if everyone  
8 agrees.

9                   MR. JURADO: I - - - I don't agree.

10                  MAGISTRATE MATTHEWS: You don't? How much  
11 time do you need?

12                  MR. JURADO: As soon as I can get - - -  
13 assuming that you would rule on my special request  
14 for special counsel -

15                  MAGISTRATE MATTHEWS: I'm going to deal  
16 with them all at once -

17                  MR. JURADO: I understand.

18                  MAGISTRATE MATTHEWS: - so I'm going to  
19 get affidavits on the motions that we're going to go  
20 through in just a minute, hopefully -

21                  MR. JURADO: Uh-huh (affirmative  
22 response).

23                  MAGISTRATE MATTHEWS: - and I'm going to  
24 deal with it all at once.

25

1 MR. JURADO: Yeah. Obviously I don't have  
2 an attorney that would help me. I have to do it all  
3 on my own -

4 MAGISTRATE MATTHEWS: Right.

5 MR. JURADO: - and draw up on everything,  
6 I will need to -

7 MAGISTRATE MATTHEWS: Well and you - - -  
8 you don't get special consideration for being pro se  
9 -

10 MR. JURADO: I understand.

11 MAGISTRATE MATTHEWS: - in that respect.  
12 You're representing yourself and you're held to the  
13 same standard as an attorney.

14 MR. JURADO: I understand.

15 MAGISTRATE MATTHEWS: So I can't give you  
16 any special consideration -

17 MR. JURADO: I understand.

18 MAGISTRATE MATTHEWS: - because you're  
19 representing yourself and you have a job.

20 MR. JURADO: Yeah.

21 MAGISTRATE MATTHEWS: I was going to give  
22 everyone two weeks -

23 ATTORNEY SMITHERMAN: No.

24 MR. JURADO: Okay, May - - - April -  
25

FTR

1           ATTORNEY PETROFF: We have five afternoons  
2 off - - - we have - - - everyone had five afternoons  
3 off and we're supposed to be here -

4           MR. JURADO: Okay.

5           MAGISTRATE MATTHEWS: I understand.

6           ATTORNEY SMITHERMAN: Yeah.

7           MAGISTRATE MATTHEWS: Unless you're in  
8 agreement, I'm going to set it for two weeks.

9           MR. JURADO: April 15<sup>th</sup>?

10          MAGISTRATE MATTHEWS: No, two weeks.

11          MR. JURADO: Okay.

12          ATTORNEY SMITHERMAN: Would you consider  
13 seven days?

14          MR. JURADO: Are you asking me?

15          MAGISTRATE MATTHEWS: Just - - - two weeks.  
16 Two weeks.

17          ATTORNEY SMITHERMAN: And, Your Honor,  
18 with that being said, about how long do you think it  
19 would take to reach a decision on that - - - on all  
20 those motions?

21          MAGISTRATE MATTHEWS: I cannot give you an  
22 answer; I don't know. All right.

23          COURT OFFICER: This is on how to do an  
24 affidavit.

25

1 MR. JURADO: Okay.

2 COURT OFFICER: I'll give you what I give  
3 to him.

4 ATTORNEY BETHEL: Your Honor, what was the  
5 date to get -

6 MAGISTRATE MATTHEWS: That's what I'm  
7 trying - - - I thought I had it written down but I  
8 didn't in my calendar - - - oh wait, I have one  
9 here. Suzanne doesn't have one in here. Every  
10 courtroom is different. And it's going to be in  
11 your order so don't feel this is your only chance  
12 you're going to hear it.

13 ATTORNEY BETHEL: Okay.

14 MAGISTRATE MATTHEWS: 9<sup>th</sup> - - - April 9<sup>th</sup>.

15 ATTORNEY BETHEL: I assume that what I  
16 will be submitting it will be mostly in the form of  
17 another interim recommendation.

18 MAGISTRATE MATTHEWS: In whatever you  
19 think is appropriate to submit will be absolutely  
20 fine. All right. So here is what I have written  
21 down on the order: Father's given the opportunity  
22 to screen for counsel on your contempt motions.  
23 This is not, as I understand it, what you put  
24 forward in the motion where you're requesting an  
25

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1 appointment of some sort of co-counsel. Contempts  
2 are considered quasi criminal matters and so that is  
3 one of the few times in this Court where you do have  
4 an opportunity to screen for court appointed  
5 counsel.

6 MR. JURADO: Okay.

7 MAGISTRATE MATTHEWS: If you qualify - - -  
8 if you choose you screen for counsel and you qualify  
9 that attorney will only represent you on those  
10 contempt motions -

11 MR. JURADO: I understand.

12 MAGISTRATE MATTHEWS: - it will not be on  
13 any other pending motions or on the complaint.  
14 Also, that both parties shall pay the Guardian ad  
15 Litem forthwith with any funds due and only to her.

16 ATTORNEY SMITHERMAN: Define "forthwith".

17 MAGISTRATE MATTHEWS: The following  
18 motions will be submitted on affidavit, I have,  
19 father's July 1<sup>st</sup> - - - I went ahead and put your  
20 July 1, 2013 motion for the child to see a new  
21 pediatrician -

22 MR. JURADO: Okay.

23 MAGISTRATE MATTHEWS: - it's just been  
24 hanging out there forever and if you say it's not  
25

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1 dealt with, let's go ahead and deal with it.

2 MR. JURADO: Okay.

3 MAGISTRATE MATTHEWS: Mom's October 22,  
4 2013 Motion to Modify Temporary Orders; the  
5 Guardian's January 16, 2014 Motion to Preclude  
6 Evidence; Mother's January 22, 2014 Motion in  
7 limine; Father's February 18, 2014 Emergency Motion  
8 for Removal of Guardian ad Litem; Father's February  
9 18, 2014 Motion to Expedite Hearing Without  
10 Referring for Removal of Guardian ad Litem; Father's  
11 February 18, 2014 Motion for a Protective Order and  
12 Father's March 19, 2014 Motion for Appointment of  
13 Counsel. Is there anything else somebody wants to  
14 include?

15 ATTORNEY SMITHERMAN: I would like some  
16 clarification, please? I would like to clarify the  
17 term "forthwith" on payment to the G.A.L.?

18 MAGISTRATE MATTHEWS: Well, your client  
19 has a credit so I guess -

20 ATTORNEY SMITHERMAN: Correct.

21 MAGISTRATE MATTHEWS: - it's not much for  
22 her. That would mean forthwith, immediately.

23 ATTORNEY SMITHERMAN: As - - - Blythe, I'm  
24 going to defer to you on that if you think that's

25

1 sufficient?

2 MAGISTRATE MATTHEWS: We're coming back  
3 for a status -

4 ATTORNEY BETHEL: Well, I would -

5 MAGISTRATE MATTHEWS: - we have a pending  
6 motion to remove the Guardian, I'm saying that you  
7 should all pay; you're all under a continuing  
8 obligation to pay the Guardian.

9 MR. JURADO: Okay.

10 ATTORNEY BETHEL: I - - - I would like to  
11 know, you mean that the current balance when the  
12 next billing statement goes out needs to be paid by  
13 the time we file - - - we submit affidavits?  
14 Because this is going to continue to ramp up and  
15 ramp up and I'm going to hear the same argument from  
16 Mr. Jurado which is "it's a moving target".

17 MR. JURADO: And you -

18 MAGISTRATE MATTHEWS: I understand. I  
19 understand.

20 MR. JURADO: - for the record I have to  
21 state that my - - - my financial condition is not  
22 going to change overnight but I'll continue to do my  
23 best.

24 MAGISTRATE MATTHEWS: And I understand and  
25

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1 we're going to go ahead and submit these affidavits  
2 and we're going to have a status and then we'll have  
3 trial -

4 MR. JURADO: Uh-huh (affirmative  
5 response).

6 MAGISTRATE MATTHEWS: - and I'm going to  
7 try and make some order out of this so we know -

8 MR. JURADO: Yeah.

9 MAGISTRATE MATTHEWS: - what's going and  
10 we have things set up properly and we can move  
11 forward.

12 MR. JURADO: Yeah.

13 MAGISTRATE MATTHEWS: But right now things  
14 are all over the place and we can't do that.

15 ATTORNEY PETROFF: Your Honor -

16 MR. JURADO: Two questions?

17 ATTORNEY BETHEL: I also have -

18 MAGISTRATE MATTHEWS: Case in point.

19 ATTORNEY BETHEL: - I have a question  
20 regarding -

21 MAGISTRATE MATTHEWS: You first.

22 ATTORNEY BETHEL: - the - - - the motion  
23 to remove me.

24 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
25

1 response).

2 ATTORNEY BETHEL: I have no idea because  
3 the Supreme Court does not share with me what Mr.  
4 Jurado filed so I can only assume he's going to  
5 share with the Court that, am I - - - do I get a  
6 response time or do I just - - - I'm not sure what  
7 I'm supposed to do. I think he's dealing mostly  
8 with constitutional issues.

9 MAGISTRATE MATTHEWS: Okay. I think that  
10 would be appropriate. Would you like a week later  
11 than the parties to submit yours?

12 ATTORNEY BETHEL: No, I - - - I'm just  
13 going to submit and deal with that.

14 MAGISTRATE MATTHEWS: Okay.

15 ATTORNEY BETHEL: I will put my faith in  
16 this Court.

17 MAGISTRATE MATTHEWS: All right.

18 MR. JURADO: Your Honor, the question about  
19 your - - - my screening for counsel for the -

20 MAGISTRATE MATTHEWS: Contempts.

21 MR. JURADO: - contempts, would I - - -  
22 would I get extra time or am I supposed to do that  
23 within the two weeks?

24 MAGISTRATE MATTHEWS: That's your - - -  
25

1 it's on you. If you want to screen for counsel, we  
2 have an information sheet we can give you about  
3 that, it's up on the fifth floor.

4 MR. JURADO: Okay.

5 MAGISTRATE MATTHEWS: If you want to go up  
6 there and see if you qualify -

7 MR. JURADO: Okay.

8 MAGISTRATE MATTHEWS: - you - - - you can.  
9 When you do that, if it's today or tomorrow or next  
10 week, that's up to you.

11 MR. JURADO: All right.

12 MAGISTRATE MATTHEWS: But I'm giving you  
13 the opportunity to screen for counsel.

14 MR. JURADO: All right. And then - - -  
15 but that's not for the - - - for the contempt or  
16 part of this -

17 MAGISTRATE MATTHEWS: The affidavits are  
18 not on the contempt it's on the motions that I  
19 listed.

20 MR. JURADO: Oh, I see.

21 MAGISTRATE MATTHEWS: But I've written all  
22 of this out on an order and everybody's going to get  
23 a copy.

24 MR. JURADO: Okay.

25

1 MAGISTRATE MATTHEWS: Okay?

2 ATTORNEY PETROFF: Your Honor?

3 MAGISTRATE MATTHEWS: Yeah.

4 ATTORNEY PETROFF: There was one issue  
5 that needs to be in - - - in your order as well.

6 MAGISTRATE MATTHEWS: Okay.

7 ATTORNEY PETROFF: Currently Mr. Jurado  
8 owes Ms. Hernandez or my firm -

9 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
10 response).

11 ATTORNEY PETROFF: - \$3380.00 for  
12 reimbursement for Doctor Smalldon and I was  
13 wondering if you could include that in your order?

14 MAGISTRATE MATTHEWS: I thought I -

15 ATTORNEY PETROFF: There was -

16 MAGISTRATE MATTHEWS: - yeah, go ahead.

17 ATTORNEY PETROFF: - but there wasn't  
18 sufficient specificity in the Judge's Order with  
19 that. It just said "make arrangements" which is why  
20 I think my co-counsel is getting frustrated when - -  
21 - when she was talking about the word "forthwith".

22 MAGISTRATE MATTHEWS: Right.

23 ATTORNEY PETROFF: I was wondering if you  
24 could put in a timeline because although I give

25

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1 respect to Mr. Jurado -

2 MAGISTRATE MATTHEWS: Well, I said the  
3 Guardian, I wasn't talking -

4 ATTORNEY PETROFF: No, no, I know - - - I  
5 know - - - I know - - - I know, but I'm saying is  
6 when you do - - - if you would be so inclined to  
7 speak to the \$3380.00 Mr. Jurado owes, if you could  
8 actually put in timelines by which he would pay  
9 because -

10 MAGISTRATE MATTHEWS: All right.

11 ATTORNEY PETROFF: - and I believe we  
12 worked out an agreement that he would pay \$500.00 -

13 MAGISTRATE MATTHEWS: Is this in the 1-23-  
14 entry by the Judge?

15 ATTORNEY PETROFF: It is.

16 MR. JURADO: It is.

17 MAGISTRATE MATTHEWS: Okay.

18 ATTORNEY PETROFF: It just says  
19 "arrangements" and I've tried my hardest to - - - to  
20 make an order that he could follow but I need it  
21 codified by the Court.

22 MR. JURADO: And, Your Honor, the only  
23 reason why she used that specific wording is because  
24 of the payment of that obligation will never equate  
25

1 to the - - - the prior obligation of child support  
2 and the payment of the Guardian ad Litem. So I'm  
3 struggling to keep up with them as it is, why deal  
4 with - - - why can't we deal with first things  
5 first?

6 ATTORNEY PETROFF: I -

7 MAGISTRATE MATTHEWS: I'm - - - I'm sorry,  
8 I'm just finally getting to the part of the order -  
9 - - "The Court further orders Defendant to make  
10 arrangements to reimburse Plaintiff for the cost of  
11 the psychological custody evaluation performed by  
12 Doctor Smalldon". Have you made arrangements?

13 MR. JURADO: Yes.

14 ATTORNEY PETROFF: But the - - - while I  
15 appreciate Judge Jamison -

16 MAGISTRATE MATTHEWS: I - - - you know,  
17 and I don't want to put words in the Judge's mouth  
18 or - - - or interpret -

19 ATTORNEY PETROFF: I need -

20 MAGISTRATE MATTHEWS: - her entry -

21 ATTORNEY PETROFF: It's caused further back  
22 and forth.

23 MAGISTRATE MATTHEWS: - I can understand  
24 why. I can understand why.

25

1           ATTORNEY PETROFF: So I'm asking you,  
2 would you be so inclined to make specific orders  
3 with respect to those arrangements and here's what  
4 I'm saying -

5           MAGISTRATE MATTHEWS: Well - - - go ahead.

6           ATTORNEY PETROFF: - he - - - he's already  
7 agreed to \$500.00 the first week of every month;  
8 he's already agreed to that. Can you just put it in  
9 an order, please, so we have some more teeth?  
10 That's all I'm asking for.

11           MAGISTRATE MATTHEWS: You - - - you - - -  
12 you - - - you've got the contempt -

13           ATTORNEY PETROFF: But -

14           MAGISTRATE MATTHEWS: - on Smalldon's fees  
15 - - - I know. I just - - - you want me to interpret  
16 the Judge's Entry?

17           ATTORNEY PETROFF: No, I - - - if Mr.  
18 Jurado will agree to it, he's already done it in an  
19 email -

20           MAGISTRATE MATTHEWS: Okay.

21           ATTORNEY PETROFF: - can you just include  
22 it in your order?

23           MAGISTRATE MATTHEWS: Well, if you have  
24 agreed to - - - what have you agreed to?  
25

1 MR. JURADO: Exactly. So it's working, so  
2 why -

3 MAGISTRATE MATTHEWS: What have - - - what  
4 have you agreed to?

5 MR. JURADO: \$500.00 a month.

6 MAGISTRATE MATTHEWS: \$500.00 a month?

7 MR. JURADO: Yes.

8 MAGISTRATE MATTHEWS: Okay. Do you want  
9 to just put that in an agreed Magorder and we'll all  
10 sign it and that will take care of it?

11 MR. JURADO: Well that was assuming when I  
12 did it - - - that was assuming of my obligations at  
13 the time but they keep changing; they keep  
14 increasing.

15 MAGISTRATE MATTHEWS: Right.

16 MR. JURADO: All of them.

17 MAGISTRATE MATTHEWS: That doesn't take  
18 away the obligation that you have -

19 MR. JURADO: I understand.

20 MAGISTRATE MATTHEWS: - even though you  
21 might incur a - - - additional obligations -

22 MR. JURADO: I understand.

23 MAGISTRATE MATTHEWS: - that doesn't take  
24 away what - - - the money that you owe and your  
25

1 responsibility to pay it.

2 MR. JURADO: But she -

3 MAGISTRATE MATTHEWS: You agreed to pay -

4 MR. JURADO: - she -

5 MAGISTRATE MATTHEWS: - you agreed to pay  
6 \$500.00 a month?

7 MR. JURADO: (non-verbal response).

8 MAGISTRATE MATTHEWS: How many times have  
9 you done that?

10 MR. JURADO: Since - - - since I did it -

11 ATTORNEY PETROFF: Once.

12 MR. JURADO: - yes.

13 MAGISTRATE MATTHEWS: Okay. And when did  
14 you -

15 MR. JURADO: So I did it once.

16 MAGISTRATE MATTHEWS: You guys - - - this  
17 is part of the agreement in January that was your  
18 making arrangements -

19 ATTORNEY PETROFF: There was one payment  
20 for \$200 -

21 MAGISTRATE MATTHEWS: Okay. And so did  
22 you make a payment in February?

23 ATTORNEY PETROFF: March.

24 MAGISTRATE MATTHEWS: March.  
25

1 MR. JURADO: Yes.

2 ATTORNEY PETROFF: There was \$200.00 in  
3 February and \$500.00 in March.

4 MAGISTRATE MATTHEWS: Okay.

5 ATTORNEY PETROFF: Hoping - - - we're  
6 hoping next week he makes a payment -

7 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
8 response).

9 ATTORNEY PETROFF: - but I - - - I need an  
10 order by which to hold -

11 MAGISTRATE MATTHEWS: Okay.

12 ATTORNEY PETROFF: - have teeth.

13 MAGISTRATE MATTHEWS: So if you want to  
14 write this down in an agreed Magorder that would be  
15 a good step to show your good faith that you intend  
16 to pay that?

17 MR. JURADO: I understand, but the  
18 agreement was also that he was not going to move  
19 forward with the contempt and he did.

20 ATTORNEY PETROFF: No.

21 MR. JURADO: Yes.

22 ATTORNEY PETROFF: The contempt was filed  
23 before.

24 MAGISTRATE MATTHEWS: Yeah. No, that  
25

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1 contempt -

2 ATTORNEY PETROFF: Mr. Jurado, listen - -

3 - listen -

4 MAGISTRATE MATTHEWS: The contempt was  
5 filed January 23 -

6 MR. JURADO: Exactly after we were in  
7 front of the Judge.

8 ATTORNEY PETROFF: No.

9 MR. JURADO: And that agreement, we - - -  
10 we did it the next day on the 22<sup>nd</sup>.

11 ATTORNEY PETROFF: No.

12 MR. JURADO: Sir, we went in front of her  
13 on the 20<sup>th</sup>, yeah.

14 MAGISTRATE MATTHEWS: Wait, I'm sorry, I'm  
15 confused. Say that again?

16 ATTORNEY PETROFF: When was the Judge's  
17 Order?

18 MR. JURADO: So we - - - we - - - we  
19 reached that verbal agreement the day after we went  
20 in front of Judge Jamison -

21 MAGISTRATE MATTHEWS: All right.

22 MR. JURADO: - on the -

23 MAGISTRATE MATTHEWS: Do you want -

24 MR. JURADO: You see we need to withdraw  
25

1 that contempt.

2 ATTORNEY PETROFF: Not until it's paid in  
3 full. I'll withdraw it as soon as it's paid in full  
4 or there's a court order.

5 MAGISTRATE MATTHEWS: Do you want to enter  
6 an agreed order stating the payments that you'll  
7 make and perhaps then Mr. Petroff would be willing  
8 to withdraw his contempt?

9 MR. JURADO: That's a question for him.

10 ATTORNEY PETROFF: Yes.

11 MAGISTRATE MATTHEWS: Yes? Are you in  
12 agreement, dad?

13 MR. JURADO: Okay.

14 ATTORNEY PETROFF: Okay.

15 MAGISTRATE MATTHEWS: All right. Write up  
16 the Magorder -

17 ATTORNEY PETROFF: Okay.

18 MAGISTRATE MATTHEWS: Let's do it now.  
19 It'll be separate. I'll sign it.

20 ATTORNEY PETROFF: All right. Let's do  
21 that.

22 ATTORNEY SMITHERMAN: Okay.

23 ATTORNEY PETROFF: Let's do that while  
24 we're here. Oh, one more thing, and I - - - this is

25

1 for my client's clarification. I think I know the  
2 answer to this but I want my client to hear it from  
3 you.

4 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
5 response).

6 ATTORNEY PETROFF: With respect to the  
7 October motion for modification of temporary orders

8 -

9 MAGISTRATE MATTHEWS: Yes.

10 ATTORNEY PETROFF: -I want to be very,  
11 very, very crystal clear on this -

12 MAGISTRATE MATTHEWS: Okay.

13 ATTORNEY PETROFF: - the specific  
14 memorandum in support of that motion speaks to  
15 decision making, not specifically parenting time. I  
16 want to make it an oral motion to modify parenting  
17 time as well and custody. Can you add that to your  
18 order as well? Even though I know -

19 MAGISTRATE MATTHEWS: Okay.

20 ATTORNEY PETROFF: - even though I know  
21 that you would consider that, even though - - - and  
22 it was actually the Guardian made the - - - the Gua  
23 - - - can you say on the Guardian's oral motion - -  
24 - on the Guardian ad Litem's oral motion -

25

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1                   MAGISTRATE MATTHEWS: I think you did,  
2 Blythe, didn't you?

3                   ATTORNEY BETHEL: I made an oral motion  
4 today.

5                   MAGISTRATE MATTHEWS: Yeah.

6                   ATTORNEY PETROFF: She made an or - - -  
7 but that wasn't in your Magistrate's Order.

8                   MAGISTRATE MATTHEWS: No.

9                   ATTORNEY PETROFF: Can you please add  
10 that?

11                   MAGISTRATE MATTHEWS: She made an oral  
12 motion to amend the temporary orders. Yes, I think  
13 that's fair to - - - on the Guardian's -

14                   ATTORNEY PETROFF: Please add it -

15                   MAGISTRATE MATTHEWS: - 3-26-14 oral  
16 motion to amend the current temporary orders.

17                   ATTORNEY PETROFF: Yes.

18                   ATTORNEY SMITHERMAN: Yes.

19                   MAGISTRATE MATTHEWS: Yes, absolutely.

20                   MR. JURADO: And - - - and, Your Honor,  
21 since that -

22                   MAGISTRATE MATTHEWS: Just a minute, let  
23 me write this down because when it's - - - there's  
24 too much confusion and I'm not going to get it  
25

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1 right.

2 MR. JURADO: Okay.

3 MAGISTRATE MATTHEWS: All right. Go  
4 ahead, Mr. Jurado.

5 MR. JURADO: Yeah. Since I have referred  
6 to this in several of my motions but I would like to  
7 - - - to - - - for the Court to accept my oral  
8 motion for consideration to grant me relief for - -  
9 - for expense money since I have been stating that I  
10 am limited with my financial - - - my financial  
11 condition and most of all of this is related to  
12 finances, really. It's not related to the child  
13 it's related to finances.

14 MAGISTRATE MATTHEWS: I'm not  
15 understanding what you want.

16 MR. JURADO: If -

17 MAGISTRATE MATTHEWS: You want expense  
18 money?

19 MR. JURADO: Yes.

20 MAGISTRATE MATTHEWS: From whom?

21 MR. JURADO: From the - - - from the  
22 petitioner.

23 MAGISTRATE MATTHEWS: For?

24 MRS. HERNANDEZ: From you.

25

1 MR. JURADO: To keep up with litigation.  
2 I mean the - - - the cost of the case by - - - by  
3 legislation is not supposed to benefit the parent  
4 that has more purchasing power, financial power, so  
5 I have been here struggling at a disadvantage - - -  
6 I don't know for - - - why.

7 MAGISTRATE MATTHEWS: Well, I understand  
8 that it can be very expensive to litigate on a  
9 privately filed custody docket.

10 MR. JURADO: Uh-huh (affirmative  
11 response).

12 MAGISTRATE MATTHEWS: That's just a fact  
13 of life. I know you keep eluding to resources - - -  
14 financial resources and feeling that you're at a  
15 disadvantage, the Court doesn't look at a litigant's  
16 assets and makes custody decisions based on that.  
17 If they did it would be very quick and we wouldn't  
18 have this protracted litigation.

19 MR. JURADO: Correct.

20 MAGISTRATE MATTHEWS: So I understand it's  
21 difficult. I assure you it's difficult for the vast  
22 majority of people I speak to every day but you'll  
23 have to do the best you can.

24 MR. JURADO: Correct.

25

1 MAGISTRATE MATTHEWS: That's part of the  
2 process.

3 MR. JURADO: Correct.

4 MAGISTRATE MATTHEWS: All right?

5 MR. JURADO: As you said, the best I can,  
6 thank you.

7 MAGISTRATE MATTHEWS: Yep.

8 ATTORNEY BETHEL: No. I - - - I think  
9 that that's - - - that last statement indicates how  
10 Mr. Jurado is interpreting your orders as "I'm going  
11 to do the best I can do" which means I don't have to  
12 comply with due dates.

13 MR. JURADO: No, that's not the same.  
14 She's putting words in my mouth. Until now, and I  
15 will prove it in my affidavits, I'm going to show  
16 that I have always had good faith and I've always  
17 done the best I can even if I haven't complied with  
18 orders.

19 MAGISTRATE MATTHEWS: All right.

20 MR. JURADO: Thank you, Your Honor.

21 MAGISTRATE MATTHEWS: Put it in the  
22 affidavits. All right. So is that all of the  
23 issues that are going to be addressed on affidavits  
24 that we've gone over? The only thing I added other  
25

1 to that ini - - - or other than the initial list I  
2 went through was the Guardian's 3-26-14 oral motion  
3 to amend the current temporary orders, yes?

4 ATTORNEY BETHEL: That's correct.

5 ATTORNEY PETROFF: And that deals with  
6 decision making as well? I mean like - - - because  
7 right now the kid is at two daycares.

8 MAGISTRATE MATTHEWS: Well, your -

9 ATTORNEY PETROFF: Custody - - - there is  
10 temporary custody to mom -

11 MR. JURADO: And there's just an entry  
12 already from the Judge.

13 ATTORNEY PETROFF: - is what we need.

14 MAGISTRATE MATTHEWS: It - - - there's  
15 both your initial Motion to Modify Temporary Orders  
16 and then the Guardian's -

17 ATTORNEY BETHEL: My oral.

18 ATTORNEY PETROFF: Okay.

19 MAGISTRATE MATTHEWS: - which is to modify  
20 current temporary orders.

21 ATTORNEY PETROFF: Okay. That encompasses  
22 everything then -

23 ATTORNEY BETHEL: Right.

24 ATTORNEY PETROFF: - with respect to -  
25

1 MAGISTRATE MATTHEWS: Whatever the current  
2 temporary orders are, yeah.

3 ATTORNEY PETROFF: Okay.

4 MAGISTRATE MATTHEWS: Yeah.

5 MR. JURADO: Okay.

6 MAGISTRATE MATTHEWS: Yep.

7 MR. JURADO: Would there be a new case  
8 management order so I have the -

9 MAGISTRATE MATTHEWS: There will be.

10 MR. JURADO: - opportunity to comply?

11 MAGISTRATE MATTHEWS: We'll do that at the  
12 status -

13 MR. JURADO: Excellent. Thank you.

14 ATTORNEY PETROFF: Whoa, wait - - - wait a  
15 minute.

16 MR. JURADO: Thank you.

17 ATTORNEY PETROFF: It was my understanding  
18 Judge Jamison said there would not be because then  
19 that would give him another bite at the apple to  
20 comply and that would make our Motion in limine's  
21 moot.

22 MAGISTRATE MATTHEWS: Oh I see.

23 MR. JURADO: No, sorry, he -

24 MAGISTRATE MATTHEWS: Well, when did the  
25

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1 Judge say that?

2 MR. JURADO: - the Judge - - - he's -

3 ATTORNEY SMITHERMAN: At the last -

4 ATTORNEY PETROFF: At the last hearing.

5 ATTORNEY SMITHERMAN: March 13th.

6 MR. JURADO: She did not say that. She - -

7 - she -

8 MAGISTRATE MATTHEWS: All right. I wasn't

9 there.

10 ATTORNEY SMITHERMAN: Yeah, I know. March

11 13<sup>th</sup>.

12 MR. JURADO: She did not say that. She

13 did not say that.

14 ATTORNEY PETROFF: Blythe? Blythe?

15 MR. JURADO: And I'll get - - - she said -

16 - - when I asked if the - - - if the existing -

17 MAGISTRATE MATTHEWS: She said that she

18 wasn't going to do -

19 ATTORNEY BETHEL: She said there wasn't

20 going to be anymore continuances.

21 MAGISTRATE MATTHEWS: - another or there

22 wouldn't be or there shouldn't be or there can't be

23 - - - tell me -

24 MR. JURADO: No, she wasn't as -

25

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1           ATTORNEY BETHEL: She said there would not  
2 be any more continuances.

3           MR. JURADO: No, she was answering a  
4 question.

5           ATTORNEY PETROFF: There was - - - she  
6 also said there wouldn't be any more continuances.

7           MAGISTRATE MATTHEWS: All right. All  
8 right. I'll talk to the Judge about that.

9           MR. JURADO: No, but I asked a question, I  
10 said that the existing case management order wasn't  
11 valid because the dates got moved -

12           MAGISTRATE MATTHEWS: All right. I'll  
13 talk to -

14           MR. JURADO: - and then she said -

15           MAGISTRATE MATTHEWS: - the Judge about  
16 that. Anything else?

17           MR. JURADO: Okay.

18           ATTORNEY SMITHERMAN: Your Honor?

19           MAGISTRATE MATTHEWS: What?

20           ATTORNEY SMITHERMAN: At the hearing on  
21 the 13<sup>th</sup>, recognizing that you weren't there, I would  
22 like to state that the Judge was extremely  
23 excruciatingly even clear with everyone, namely Mr.  
24 Jurado, that he needed to get his discovery in and  
25

1 get us a trial notebook and comply with the case  
2 management order -

3 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
4 response).

5 ATTORNEY SMITHERMAN: - before today -

6 MAGISTRATE MATTHEWS: Okay.

7 ATTORNEY SMITHERMAN: - or he would be  
8 precluded from presenting any evidence -

9 MAGISTRATE MATTHEWS: Okay.

10 ATTORNEY SMITHERMAN: - and testimony at  
11 today's hearing and I feel like it would be a  
12 complete disservice to our client to allow him the  
13 quote/unquote, what would this be the third or  
14 fourth bite at the apple. It is not that - - - that  
15 is not how this Court operates traditionally.

16 MR. JURADO: But -

17 ATTORNEY SMITHERMAN: I will not be  
18 interrupted. So something is going to have - - -  
19 something has to give here -

20 MAGISTRATE MATTHEWS: All right.

21 ATTORNEY SMITHERMAN: - I don't know what  
22 that is going to be.

23 MAGISTRATE MATTHEWS: And we've - - -  
24 we've got to wind this up because we're obviously -

25

1     -- this is starting to deteriorate. I will talk to  
2     the Judge about that.

3             MR. JURADO: Thank you. And there's also  
4     too -

5             MAGISTRATE MATTHEWS: Nope, stop. Nope.  
6     Go ahead and start writing up your Magorder for  
7     payments - - - oh you are, okay good. And then if  
8     you want to fill out the voluntary withdraw of the  
9     contempt motion on that one?

10            ATTORNEY PETROFF: All right. I just let  
11     the witnesses go.

12            MAGISTRATE MATTHEWS: Kelly, can you give  
13     Mr. Jurado the standard information we give out on  
14     preparing affidavits for pro se's and make sure you  
15     give Mr. Petroff a copy of it too?

16            COURT OFFICER: I already did.

17            MAGISTRATE MATTHEWS: Wonderful. Thank  
18     you so much. If you want to pass around this, we'll  
19     get signatures and copies. I will get everyone's  
20     next court date for a 9:30 status here to save you  
21     all from going upstairs to Assignment.

22            ATTORNEY SMITHERMAN: Did you hear what  
23     she just said -

24            ATTORNEY PETROFF: What?  
25

1 ATTORNEY SMITHERMAN: - about the status  
2 and the trial dates? Your Honor, can we schedule  
3 the status and the trial dates today?

4 ATTORNEY PETROFF: The -

5 ATTORNEY SMITHERMAN: So we can get on the  
6 Court's docket?

7 MAGISTRATE MATTHEWS: You can.

8 ATTORNEY SMITHERMAN: Okay.

9 MAGISTRATE MATTHEWS: I'll send you  
10 upstairs for the trial dates though -

11 ATTORNEY SMITHERMAN: Yeah.

12 MAGISTRATE MATTHEWS: - I'm not going to  
13 do those.

14 ATTORNEY SMITHERMAN: That's fine.

15 MAGISTRATE MATTHEWS: Yeah.

16 ATTORNEY PETROFF: Are they - - - are they  
17 - - - okay, well, that's just going to be a lot more  
18 - - - are they 1:30's, 9:30 - - - how - - - how do  
19 you want to do it?

20 MAGISTRATE MATTHEWS: The status will be  
21 9:30 and the trials are 1:30.

22 ATTORNEY PETROFF: 1:30?

23 MAGISTRATE MATTHEWS: Yeah.

24 ATTORNEY PETROFF: And how many days?  
25

1 MAGISTRATE MATTHEWS: You had one, two,  
2 three -

3 ATTORNEY SMITHERMAN: Five.

4 MAGISTRATE MATTHEWS: - four, five.

5 ATTORNEY PETROFF: Fiv - - - okay, so the  
6 same thing?

7 MAGISTRATE MATTHEWS: Yeah.

8 ATTRONEY PETROFF: All right. And for the  
9 s -

10 MAGISTRATE MATTHEWS: I've already got a  
11 continuance for the status.

12 COURT OFFICER: Oh did you?

13 MAGISTRATE MATTHEWS: Can we make that one  
14 the continuance for the trials?

15 COURT OFFICER: Yes.

16 ATTORNEY PETROFF: And the status will be  
17 after the decision on the affidavits will come out?

18 MAGISTRATE MATTHEWS: Yeah.

19 ATTORNEY PETROFF: Okay. Thank you.  
20 Thank you.

21 MR. JURADO: So the one for the withdraw  
22 of the motion?

23 ATTORNEY BETHEL: Your Honor, I - - - I'm  
24 going to try to be as brief in my submission to you  
25

1 because -

2 ATTORNEY SMITHERMAN: You have to do that  
3 on another floor.

4 MAGISTRATE MATTHEWS: Sure.

5 ATTORNEY BETHEL: - I - - - I'm just not  
6 going to keep -

7 ATTORNEY SMITHERMAN: For the trial she's  
8 sending us -

9 MAGISTRATE MATTHEWS: No, I understand.

10 ATTORNEY SMITHERMAN: - to the Assignment  
11 - - - for the status she's going to do that.

12 ATTORNEY PETROFF: And we're - - - we're  
13 going to be brief as well. We're going to rely in  
14 large part on the - - - on the court record as well.

15 MAGISTRATE MATTHEWS: How about Friday,  
16 May 9th for the status?

17 ATTORNEY BETHEL: I am not in town.

18 MAGISTRATE MATTHEWS: Okay. When will you  
19 be back in town?

20 MR. JURADO: Is it okay if I add that in?

21 ATTORNEY BETHEL: I'll be back in - - -  
22 let me see, that Monday after -

23 MAGISTRATE MATTHEWS: Monday the 12<sup>th</sup>?

24 ATTORNEY PETROFF: No.

25

1           ATTORNEY BETHEL: Monday the 12<sup>th</sup>. I've  
2 got a 9:30 dissolution hearing upstairs but that  
3 will take five seconds.

4           MR. JURADO: That's only if the Court  
5 changes that.

6           ATTORNEY PETROFF: What's that?

7           MR. JURADO: Only if the Court - it's  
8 another order of the Court.

9           ATTORNEY SMITHERMAN: It's a decision - -  
10 - she's making a decision to continue the trial.

11           MAGISTRATE MATTHEWS: All right. How  
12 about Monday the 12<sup>th</sup>, would that work then or -

13           ATTORNEY PETROFF: Where do you want to put  
14 that?

15           MR. JURADO: Right there.

16           ATTORNEY PETROFF: He wants to add "or  
17 until -

18           MAGISTRATE MATTHEWS: - you have something  
19 that date when you're back, Blythe?

20           ATTORNEY BETHEL: I'm - - - I'm good. I've  
21 just got a hearing that morning.

22           MR. JURADO: It's standard.

23           ATTORNEY PETROFF: - or until further  
24 order of the Court".

25

1 ATTORNEY BETHEL: But it's a - - - it's a  
2 uncontested so -

3 MAGISTRATE MATTHEWS: Okay. Monday, May  
4 12<sup>th</sup>?

5 ATTORNEY PETROFF: Monday, May 12<sup>th</sup>?  
6 That's fine.

7 ATTORNEY SMITHERMAN: That's fine with me.

8 ATTORNEY PETROFF: That's - - - hold on.

9 ATTORNEY BETHEL: Wait a minute.

10 MR. JURADO: For the status conference?

11 MAGISTRATE MATTHEWS: Uh-huh (affirmative  
12 response). It'll be 9:30.

13 ATTORNEY SMITHERMAN: Blythe, are you  
14 available?

15 ATTORNEY BETHEL: I will make myself  
16 available.

17 MR. JURADO: One second.

18 ATTORNEY PETROFF: Yep, that's fine.

19 MR. JURADO: Hold on a second.

20 ATTORNEY BETHEL: I may be a few minutes  
21 late because I've got a 9:30 uncontested upstairs.

22 MAGISTRATE MATTHEWS: That's fine.

23 MR. JURADO: May - - - that's a Monday.

24 ATTORNEY PETROFF: Hopefully we'll have  
25

1 temporary orders by then and -

2 MR. JURADO: Yeah, I guess so.

3 MAGISTRATE MATTHEWS: All right.

4 MR. JURADO: I don't want to miss a  
5 specific form.

6 ATTORNEY PETROFF: She's not - - - we're  
7 not - - - she's not - - - we're not in agreement on  
8 any language to that, it's - - - it's sufficient.

9 MR. JURADO: It's standard language.

10 MAGISTRATE MATTHEWS: All right. Oh I'm  
11 sorry, Kelly isn't - - - oh I thought you were on  
12 the phone.

13 COURT OFFICER: Oh, no.

14 ATTORNEY PETROFF: It doesn't need to add  
15 anything.

16 MAGISTRATE MATTHEWS: If you'll get  
17 signatures on that one too. I've already signed  
18 that one so we can just give copies on this one.

19 ATTORNEY PETROFF: Ari, it doesn't need  
20 anything. It's just - - - it's very simple.

21 MR. JURADO: I know.

22 ATTORNEY PETROFF: Just - - - it's done.

23 MAGISTRATE MATTHEWS: Has everybody signed  
24 it?

25

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1 COURT OFFICER: Oh this one?

2 MAGISTRATE MATTHEWS: Yeah - - - no, they  
3 need to and -

4 COURT OFFICER: Oh okay.

5 MAGISTRATE MATTHEWS: - then -

6 ATTORNEY PETROFF: That's been the easiest  
7 thing to -

8 MR. JURADO: You know that procedure,  
9 that's not even subsequential.

10 ATTORNEY PETROFF: What - - - what are we  
11 arguing about? I mean -

12 MR. JURADO: I'm going to -

13 ATTORNEY PETROFF: He's adding it. Kathy,  
14 hey -

15 MRS. HERNANDEZ: Well, he asked me after I  
16 - - - after we've already signed it.

17 ATTORNEY SMITHERMAN: Yeah.

18 ATTORNEY PETROFF: He's add - - - he's  
19 adding language.

20 ATTORNEY SMITHERMAN: Yeah, don't write on  
21 the entry after we've already signed it, please.

22 ATTORNEY PETROFF: You can - - - you can  
23 deal with it.

24 ATTORNEY SMITHERMAN: Well this might not  
25

1 be coming off then if he's not in agreement.

2 MR. JURADO: Is this just on the temporary  
3 orders -

4 ATTORNEY PETROFF: I know but what - - -  
5 what is - - - what did it add?

6 MR. JURADO: Huh?

7 ATTORNEY PETROFF: What does it add?

8 ATTORNEY SMITHERMAN: Your Honor, where it  
9 says on your order "the parties shall submit -

10 MR. JURADO: That's just in case -

11 ATTORNEY SMITHERMAN: - affidavits to the  
12 Court in support -

13 MR. JURADO: - something happens and the  
14 Court changes its mind -

15 ATTORNEY SMITHERMAN: - of the following  
16 motions", are -

17 MR. JURADO: - but (inaudible).

18 ATTORNEY SMITHERMAN: - we permitted to  
19 file affidavits against the motions?

20 ATTORNEY PETROFF: Or until further order  
21 of the Court?

22 MR. JURADO: Yes.

23 ATTORNEY SMITHERMAN: - I don't want to  
24 support his motion so can I file an affidavit

25

1 against?

2 MAGISTRATE MATTHEWS: I - - - I can change  
3 that -

4 ATTORNEY SMITHERMAN: Do you mind?

5 MAGISTRATE MATTHEWS: - to "resolution of  
6 the following orders" or -

7 ATTORNEY SMITHERMAN: Do you mind?

8 MAGISTRATE MATTHEWS: - or motions. Nope,  
9 that's fine.

10 ATTORNEY PETROFF: Or unless - - - or  
11 unless further order by the Court.

12 MR. JURADO: Or unless -

13 ATTORNEY BETHEL: What's being added to -  
14 - - I'm - - - is that something that's already been  
15 signed?

16 ATTORNEY SMITHERMAN: Yes.

17 ATTORNEY PETROFF: Yeah, I'm going to  
18 initial it.

19 MAGISTRATE MATTHEWS: That's their agreed  
20 order.

21 ATTORNEY PETROFF: It's just - - - he just  
22 wants to add "or unless further order of the Court",  
23 that's all we're arguing about.

24 MRS. HERNANDEZ: So he's going to try to  
25

1 get the Court to give him extra time to -

2 ATTORNEY SMITHERMAN: I know, I - - - I  
3 understand.

4 ATTORNEY PETROFF: That's fine.

5 MR. JURADO: It's standard language.

6 ATTORNEY SMITHERMAN: That's not -

7 ATTORNEY PETROFF: That's fine. It's an  
8 agreed Magorder and if the Judge is going to - - -  
9 write "pro se". Let me see it. I don't see what  
10 the big deal is.

11 MR. JURADO: Huh?

12 ATTORNEY SMITHERMAN: I don't see what the  
13 big deal is.

14 MR. JURADO: I know. It's standard.

15 ATTORNEY PETROFF: Well, let me see it  
16 again, maybe you're tricking me here. Why would a  
17 Magistrate change an agreed order? Why?

18 ATTORNEY SMITHERMAN: Okay. Whatever.

19 ATTORNEY PETROFF: They can change it any  
20 way.

21 ATTORNEY SMITHERMAN: Okay.

22 MR. JURADO: Am I supposed to sign this?

23 COURT OFFICER: Yes, that's the  
24 continuance.

25

1 ATTORNEY PETROFF: All right. Initial  
2 this, Erika.

3 ATTORNEY SMITHERMAN: I don't agree with  
4 it; you initial it.

5 ATTORNEY PETROFF: It's your signature,  
6 just initial it.

7 ATTORNEY SMITHERMAN: That's for you amend  
8 it and then I'll take it back to sign.

9 MAGISTRATE MATTHEWS: Oh, where?

10 ATTORNEY SMITHERMAN: I'm sorry, right  
11 here.

12 MAGISTRATE MATTHEWS: Oh okay.

13 ATTORNEY PETROFF: Okay.

14 MAGISTRATE MATTHEWS: Thank you.

15 ATTORNEY SMITHERMAN: Thank you.

16 ATTORNEY PETROFF: All right. All right.

17 MR. JURADO: Are we adjourned or are we  
18 setting the Motion for Contempts to a specific date  
19 in this or - - - or not - - - or that's later?

20 MAGISTRATE MATTHEWS: They're continued.

21 ATTORNEY PETROFF: Here, Erika.

22 MR. JURADO: They're continued? Okay.

23 ATTORNEY PETROFF: I need you to -

24 MAGISTRATE MATTHEWS: They're within the  
25

1 continuance.

2 MR. JURADO: Okay.

3 ATTORNEY PETROFF: - oh you signed it - -  
4 - okay. I need you to sign these two. I need you  
5 to sign those.

6 ATTORNEY SMITHERMAN: Not on top of each  
7 other.

8 MAGISTRATE MATTHEWS: Thank you.

9 ATTORNEY PETROFF: Okay. This one I need  
10 you to sign your name and pro se. You're right here,  
11 dad.

12 MR. JURADO: I know.

13 ATTORNEY PETROFF: Oh you're -

14 MR. JURADO: Where's the date?

15 ATTORNEY PETROFF: Oh we have to get it  
16 upstairs.

17 MR. JURADO: Okay, so we don't have a date  
18 yet?

19 ATTORNEY PETROFF: It goes right here.

20 MR. JURADO: Okay.

21 ATTORNEY PETROFF: We'll get it upstairs.

22 MAGISTRATE MATTHEWS: Blythe, do you need  
23 to sign the -

24 ATTORNEY PETROFF: Oh yeah we need to get  
25

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1 the -

2 MAGISTRATE MATTHEWS: I don't know if you  
3 want to sign this regarding Doctor Smallldon's fees?

4 ATTORNEY PETROFF: - this is the Mag  
5 Order.

6 MAGISTRATE MATTHEWS: I'm sorry.

7 ATTORNEY PETROFF: You need to sign this  
8 as well.

9 MR. JURADO: This is for what?

10 ATTORNEY PETROFF: This is what she was  
11 writing, the Mag Order; everything we just talked  
12 about.

13 MR. JURADO: Okay.

14 ATTORNEY PETROFF: Did you sign that alrea  
15 - - - (inaudible), please?

16 MR. JURADO: Where's my - - - the  
17 withdraw?

18 ATTORNEY PETROFF: Oh, yeah, right here,  
19 sir. Which one? Didn't you sign it?

20 MRS. HERNANDEZ: No.

21 ATTORNEY PETROFF: Let me sign it for you,  
22 hold on. I don't even - - - you don't even need to  
23 sign this but here's just a -

24 MR. JURADO: Okay.

25

1           ATTORNEY PETROFF: You can sign that if  
2 you want. And then cross that out and write  
3 Respondent. Then write "pro se" on it also. I'll  
4 have Blythe sign it right here. Can you sign this  
5 for me?

6           ATTORNEY BETHEL: What is that?

7           ATTORNEY PETROFF: The one contempt on the  
8 Guardian - - - or the Smalldon -

9           MAGISTRATE MATTHEWS: 1-23-14.

10          ATTORNEY PETROFF: - he's agreed to pay us  
11 \$500.00 a month.

12          COURT OFFICER: I just need the white.

13          ATTORNEY SMITHERMAN: Okay.

14          COURT OFFICER: And then I don't e-file  
15 it.

16          MR. JURADO: Your Honor, is the recorder  
17 still going?

18          MAGISTRATE MATTHEWS: I'm sorry?

19          MR. JURADO: Is the recorder still going?

20          MAGISTRATE MATTHEWS: Yes.

21          MR. JURADO: All right.

22          ATTORNEY PETROFF: Do you want me to give  
23 this to your officer - - - to -

24          MAGISTRATE MATTHEWS: Yeah, yeah, that  
25

1 would be fine. Thank you. All right. Has  
2 everything been signed and we've got the - - - I  
3 don't think I signed the continuance for the trial  
4 dates yet.

5 ATTORNEY PETROFF: Blythe has it.

6 MAGISTRATE MATTHEWS: Okay. That's fine.  
7 The other one - - - have you guys gotten copies of  
8 the other continuance on the status? And you have  
9 copies of the Mag Order - - - the two Mag Orders?

10 ATTORNEY PETROFF: Let - - - Ari is  
11 signing that right now.

12 MAGISTRATE MATTHEWS: Okay.

13 ATTORNEY PETROFF: Okay, here's this. Here  
14 let me put all of these in this book - - - in this  
15 procedural notebook.

16 ATTORNEY BETHEL: Too many dates.

17 MAGISTRATE MATTHEWS: I know.

18 ATTORNEY PETROFF: Since this is all  
19 procedural today. You can have that, sir.

20 MR. JURADO: Okay. That is minus the  
21 order?

22 ATTORNEY PETROFF: Yes, we've got to get  
23 the Magistrate to sign it.

24 MR. JURADO: Okay.  
25

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COLUMBUS, OHIO 43215

FRANKLIN COUNTY

1 ATTORNEY PETROFF: Okay. Hold on one  
2 second.

3 COURT OFFICER: There's two copies for you  
4 guys.

5 ATTORNEY SMITHERMAN: Thank you.

6 MAGISTRATE MATTHEWS: Did I not sign that  
7 yet?

8 COURT OFFICER: Here's a copy of this.

9 MR. JURADO: Okay.

10 MAGISTRATE MATTHEWS: No, I don't think I  
11 have, not that one but I signed the other Mag Order.  
12 Okay. And we've got Blythe -

13 MR. JURADO: There's a - - - if there's a  
14 way to make available on the e-filing -

15 ATTORNEY SMITHERMAN: Ron, do you have the  
16 Mag Order up there?

17 MR. JURADO: - sometimes they are and  
18 sometimes they aren't.

19 ATTORNEY PETROFF: Yeah.

20 MAGISTRATE MATTHEWS: Yes, right here.

21 ATTORNEY SMITHERMAN: You can strike the  
22 last one -

23 COURT OFFICER: They should all be visible  
24 in e-filing.

25

1 ATTORNEY SMITHERMAN: - since we just  
2 voluntarily dismissed the contempt - - - the 1-23?

3 MR. JURADO: Well there's a couple of them  
4 and I could not see them.

5 COURT OFFICER: Well, it takes a -

6 ATTORNEY PETROFF: That's fine.

7 MAGISTRATE MATTHEWS: Oh.

8 ATTORNEY PETROFF: That's fine.

9 COURT OFFICER: - sometimes it takes a  
10 couple weeks to show for them to image it.

11 MR. JURADO: Oh, I see.

12 MAGISTRATE MATTHEWS: I mean it's just for  
13 screening for counsel, so -

14 ATTORNEY PETROFF: Does it matter?

15 MAGISTRATE MATTHEWS: The third contempt  
16 date for screening for counsel -

17 ATTORNEY PETROFF: Where does it say -

18 MAGISTRATE MATTHEWS: - there should only  
19 be two.

20 ATTORNEY PETROFF: Where does it say -

21 MAGISTRATE MATTHEWS: Up in the first line  
22 - - - the first line of the -

23 ATTORNEY PETROFF: Oh up here?

24 MAGISTRATE MATTHEWS: "Dad will screen for  
25

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FRANKLIN COUNTY

1 counsel".

2 ATTORNEY PETROFF: I can just white it out.  
3 I can just white it out. I'm going to - - - Ari,  
4 I'm going to white out - - - it says "and 1-23" and  
5 we just dismissed that one so I'm going to white it  
6 out or cross -

7 MR. JURADO: Okay.

8 ATTORNEY PETROFF: - should I cross it out  
9 would that be better?

10 MAGISTRATE MATTHEWS: Yeah, and have dad  
11 initial it.

12 ATTORNEY PETROFF: Okay. And that's not  
13 pending anymore, okay?

14 MR. JURADO: Okay. Nice watch.

15 ATTORNEY PETROFF: Thanks. Okay,  
16 initials. Okay. Kathy, will you initial that?  
17 Just cross that out?

18 COURT OFFICER: Has everyone got a copy of  
19 the continuance?

20 MAGISTRATE MATTHEWS: This is the trial  
21 continuance and they're going to take this one  
22 upstairs.

23 COURT OFFICER: Oh okay.

24 MAGISTRATE MATTHEWS: And then the other  
25

1 one you got them all copies of the status one?

2 COURT OFFICER: Did you give him copies,  
3 Erika?

4 ATTORNEY SMITHERMAN: Of the?

5 COURT OFFICER: The continuance?

6 MAGISTRATE MATTHEWS: Status continuance?

7 ATTORNEY SMITHERMAN: Yeah, he's got  
8 copies of everything.

9 COURT OFFICER: Okay.

10 MAGISTRATE MATTHEWS: Okay. All right.

11 ATTORNEY BETHEL: I don't think I got a  
12 copy of the status but I got it down so don't worry  
13 about it.

14 MAGISTRATE MATTHEWS: Okay.

15 ATTORNEY BETHEL: I got it on my calendar.

16 MAGISTRATE MATTHEWS: All right. Thank  
17 you all. I know this is difficult and hopefully  
18 this will help smooth things over a little -

19 MR. JURADO: Thank you.

20 MAGISTRATE MATTHEWS: - and get moving.

21 MR. JURADO: Thank you, Your Honor.

22 MAGISTRATE MATTHEWS: Thank you.

23 MR. JURADO: The - - - whatever date -

24 ATTORNEY PETROFF: So we're going to go  
25

1 and get trial dates now?

2 MAGISTRATE MATTHEWS: Yes.

3 MR. JURADO: Any instructions for - - -  
4 for Assignment, Your Honor?

5 MAGISTRATE MATTHEWS: I'm writing - - -  
6 actually I'm writing on the trial continuance  
7 "please assign five dates".

8 ATTORNEY PETROFF: I'll take it.

9 MAGISTRATE MATTHEWS: Because we have five  
10 dates this time.

11 MR. JURADO: Yeah, but do you want to add  
12 any other instructions as far as how much out from  
13 the status - - - from the status conference that  
14 you're assigned?

15 MAGISTRATE MATTHEWS: I have it scheduled  
16 within 90 days.

17 MR. JURADO: All right.

18 MAGISTRATE MATTHEWS: And that will be it.  
19 There you go. Good luck.

20 COURT OFFICER: I'll give that to you.

21 MRS. HERNANDEZ: Thank you.

22 COURT OFFICER: You're welcome. Sir,  
23 here's a copy of the last temporary order for you.

24 ATTORNEY PETROFF: We'll see you on the  
25

1 fourth floor to get dates for the trial.

2 ATTORNEY BETHEL: Yes.

3 ATTORNEY SMITHERMAN: Go to the fourth  
4 floor.

5 ATTORNEY PETROFF: Fourth floor by the  
6 window, okay?

7 MR. JURADO: Thank you, Your Honor.

8 MAGISTRATE MATTHEWS: Thank you.

9 ATTORNEY SMITHERMAN: Thank you.

10 MAGISTRATE MATTHEWS: Thanks you guys.

11 - - -

12

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CERTIFICATE

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS IN THIS MATTER ON MARCH 26, 2014, EXCEPT FOR CERTAIN INAUDIBLE PORTIONS, WHICH I TRANSCRIBED FROM THE OFFICIAL COURT RECORDING SYSTEM; AND, SAID TRANSCRIPT HAS BEEN DULY COMPARED WITH THE OFFICIAL COURT RECORDING SYSTEM.



SUZANNE M. HARMON, (HARM)  
OFFICIAL COURT TRANSCRIPTIONIST

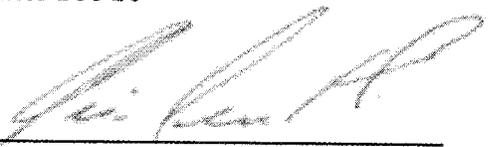
**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served via personal service on this 22<sup>nd</sup> day of July, 2014, upon the following:

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