

ORIGINAL

State Ex., Rel. Amanda Wilson Iler
121 E. Sixth Street.
Seaman Ohio 45679

Relator

VS.

Judge Brett M. Spencer
110 West Main Street
West Union Ohio 45693

&

Michael Farahay
1200 Mineral Springs Rd.
Peebles Ohio 45660

&

Judges of the Fourth Court of Appeals
14 South Paint Street.
Chillicothe Ohio 45601

Respondents.

Case No. 2015-0146

Original Actions for Writs
of Habeas, Mandamus &
Prohibition

VOLUME IV

FILED
MAY 19 2015
CLERK OF COURT
SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was issued
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Judges of the Fourth District Court of Appeals

14 South Paint Street

Chillicothe, Ohio 45601

Respondent(s)

My signature certifies the document(s) were issued, as indicated above
this 19th day of May, 2015.



Amanda Wilson Iler, Pro Se Relator

Original Action(s), Case No. 2015-0146

Vol. IV

EXHIBIT

K

12/3/13
Transcripts

COURT OF COMMON PLEAS
JUVENILE DIVISION
ADAMS COUNTY, OHIO

FILED
ADAMS COUNTY PLEAS
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2014 APR 15 AM 8:02
Boots in person
Judge

Hearing
Continuation
"in progress"
transcripts
of
Dec. 3rd, 2013

AMANDA WILSON (NKA ILER)

CASE NO. 20035123

Plaintiff

VS.

MICHAEL FARAHAY

TRANSCRIPT

Defendant

* * * * *

APPEARANCES:

JON HAPNER
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HILLSBORO, OH 45133

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ATTORNEY FOR DEFENDANT
307 N. MARKET ST.
WEST UNION, OH 45693

MICHAEL FARAHAY
1200 MINERAL SPRING ROAD
PEEBLES, OH 45660

WHEREUPON, THE MATTER CAME BEFORE THE HONORABLE
JAMES SCHLUETER, MAGISTRATE, ADAMS COUNTY COMMON PLEAS
COURT OF ADAMS COUNTY, OHIO, COMMENCING ON THE 3rd DAY OF
DECEMBER, 2013. APPEARING WERE THE ABOVE NAMED PARTIES
AND/OR COUNSEL.

LISA L. FIZER
DEPUTY COURT REPORTER

Re:
M.F.
Case:
20035123

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>RE-DIRECT</u>	<u>RE-CROSS</u>
<u>PLAINTIFF/ AMANDA WILSON (NKA ILER) :</u>				
NICKI CHANDLER	4	6		
LISA TAYLOR	9	12		
BEATRICE BALL	14	17		
MONICA CRAWFORD	20	26	29	
CONSTANCE BURCHETTE	31	36	38	
DEBORAH SPRATT	39	43		
ANTHONY TAMBASH	45			
VIRGINIA TAMBASH	51			
DAVID HUGHES	55	64		
AMANDA ILER	69	96	129	139/140
MICHAEL TODD FARAHAY		142		

EXHIBITS

	MARKED	OFFERED	ADMITTED
<u>PLAINTIFF:</u>			
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DEFENDANT:

EXHIBIT "A" (receipt)	**	2	3
EXHIBIT "B" (assignments/parent access)	**	2	3
EXHIBIT "C" (text messages)	**	2	3

** Refer to transcript of the hearing held on November 5th, 2013

1 HEARING HELD ON DECEMBER 3RD, 2013/CONTINUATION
2 OF THE NOVEMBER 5TH, 2013, HEARING

3 COURT: Okay, we're back on the record on the
4 Amanda Iler and Michael Farahay matter. Parties are
5 present with counsel.

6 Uh, previously in November we uh, commenced the
7 proceedings. Ms. uh, Drinnon called uh, five
8 witnesses, and the guardian ad litem.

9 And Ms. Drinnon, were you finished with the
10 guardian ad litem? Did we finish with that witness?

11 ATTY DRINNON: Yes, Your Honor.

12 COURT: Okay.

13 ATTY DRINNON: We finished testimony with the
14 guardian ad litem. And I have no further witnesses.
15 And I would just like to uh, admit at this time...
16 and I'm not even sure how many exhibits I had, Your
17 Honor... but my exhibits.

18 COURT: If they hadn't been admitted they would
19 have been returned to you. Do you have them?

20 ATTY DRINNON: No. No, the Court kept them.

21 COURT: Oh! Is that right?

22 COURT REPORTER: I can't remember. I wasn't in
23 here that time.

1 COURT: Okay.

2 ATTY DRINNON: Yeah, it was Mi- It was
3 Michelle.

4 COURT REPORTER: They would be in the evidence
5 room.

6 COURT: Can you uh- Can you go get'em?

7 COURT REPORTER: Mm-hmm.

8 COURT: Okay.

9 So we'll take a short recess and do that.

10 ATTY DRINNON: Thank you, Your Honor.

11 COURT ADJOURNS FOR RECESS

12 COURT RECONVENES

13 COURT: Okay, we're on the record in the
14 Iler/Farahay matter.

15 Ms. Drinnon, what's the situation with our
16 exhibits?

17 ATTY DRINNON: Um, Your Honor, at this time um,
18 all the exhibits have been identified, and are-
19 they're- and I would um, offer to the Court exhibits
20 "A", "B" and "C".

21 COURT: Okay. Thank you.

22 And Mr. Hapner, what's the objection?

23 ATTY HAPNER: They- As I understand, "A", "B",

1 and "C" are medical bills?

2 ATTY DRINNON: No, "A" is medical bills, "B" is
3 progress reports, and "C" is text messages.

4 ATTY HAPNER: Okay. "C" - We object to "C",
5 Your Honor. Uh, the origin wasn't established, and
6 it'd be hearsay.

7 COURT: Do what?

8 ATTY HAPNER: Be hearsay.

9 COURT: Oh!

10 Uh, Ms. Drinnon, you wish to be heard?

11 ATTY DRINNON: Well, I don't think it's
12 necessarily hearsay. We had the witness in here who
13 received the message, and she said she could
14 identify the phone number in her phone if needed,
15 and um, that it was in her contact, and the name
16 Amanda on there.

17 COURT: Okay.

18 So, Exhibits "A", "B", and "C" will all be
19 admitted, uh, Mr. uh, Hapner.

20 ATTY HAPNER: Note our exceptions, Your Honor.

21 COURT: Sure.

22 And Ms. Drinnon, you're resting?

23 ATTY DRINNON: Yes, Your Honor. I'm sorry. Um,

1 we would rest our case.

2 COURT: Okay.

3 Mr. Hapner, go right ahead.

4 ATTY HAPNER: Okay.

5 EXITS COURTROOM TO SUMMONS HIS WITNESS

6 WITNESS ENTERS COURTROOM

7 COURT: Miss, we need you to come around the
8 court reporter over here, to the witness chair.

9 And then I need you to raise your right hand
10 and be sworn in before you testify.

11 Do you solemnly swear the testimony you're
12 about to give today to be the truth, the whole
13 truth, and nothing but the truth, so help you God?

14 MS. CHANDLER: Yes.

15 COURT: Thank you very much.

16 Just have a seat there.

17 Ma'am, we need you to talk really loud so we
18 all can hear you.

19 MS. CHANDLER: Okay.

20 COURT: Okay. Thank you.

21 Mr. Hapner, go right ahead.

22 WHEREUPON, direct examination of Nicki Chandler
23 was conducted by Attorney Jon Hapner. The said

1 Nicki Chandler having previously been sworn.

2 Q: Ma'am, would you state your name, please?

3 A: Nicki Chandler.

4 Q: And uh, are you- What's your occupation,
5 ma'am?

6 A: I'm a Social Studies teacher, sixth grade,
7 at North Adams Elementary.

8 Q: Okay.

9 And calling your attention to the year 2012-
10 2013. Was one of your students one Mackenzie uh,
11 Farahay?

12 A: Yes.

13 Q: And uh, do you recall her attendance and
14 progress in your class?

15 A: Yes.

16 Q: And would you describe it, please?

17 A: Um, Mackenzie was at school. Um, she's a
18 very hard worker. Uh, she struggles. She- she knew
19 when she would have problems, but she would always
20 work hard to overstep those problems. Um, I had her
21 just for Social Studies. Um, she got.... I want to
22 say B's, mainly B's in my Social Studies class.

23 Q: B's? Okay.

1 A: Yes.

2 Q: And uh, you would not describe her as
3 failing in school?

4 A: No.

5 Q: Okay.

6 And uh, did- did she seem to make at least
7 normal progress uh, in your class?

8 A: Yes.

9 Q: And uh, was she delinquent in any- any math
10 in your class?

11 A: No.

12 Q: Okay.

13 Was she ever a problem in behavior?

14 A: No, not at all.

15 ATTY HAPNER: No further questions.

16 THEREAFTER, direct examination of Nicki
17 Chandler by Attorney Jon Hapner was concluded.

18 COURT: Ms. Drinnon.

19 ATTY DRINNON: Thank you.

20 WHEREUPON, cross examination of Nicki Chandler
21 was conducted by Attorney Tanya Drinnon.

22 Q: Uh, Ms. Chandler, did you have her for Math?

23 A: No, I did not.

1 Q: Did you have her for Language Arts, English?

2 A: No.

3 Q: Okay.

4 Just Social Studies?

5 A: Social Studies.

6 Q: Okay.

7 And was she a child that you knew just by being
8 in your Social Studies class?

9 A: Yes.

10 Q: Okay.

11 A: Yes.

12 ATTY DRINNON: Nothing further.

13 THEREAFTER, cross examination of Nicki Chandler
14 by Attorney Tanya Drinnon was concluded.

15 COURT: Mr. Hapner?

16 ATTY HAPNER: Nothing further.

17 COURT: Ma'am-

18 ATTY HAPNER: Will you ask Lisa to come in,
19 please?

20 MS. CHANDLER: Yes.

21 COURT: Ma'am, you're excused. Thank you.

22 MS. CHANDLER: Thank you.

23 ATTY HAPNER: May she be excused, Your Honor?

1 COURT: Yes, sir.

2 Mr. Hapner and Ms. Drinnon, could you come up
3 here a second?

4 ATTY DRINNON: Sure.

5 COURT: The (unclear) got the subpoenas, they
6 didn't know what to do with these checks.

7 ATTY HAPNER: Well, they're entitled to'em.
8 They're the witness fees.

9 COURT: Right.

10 ATTY HAPNER: (inaudible...)

11 COURT: So, who was that last witness? What
12 was her name?

13 ATTY DRINNON: Nicki Chandler (inaudible)

14 ATTY HAPNER: Nicki Chandler.

15 COURT: Oh, Lisa Taylor?

16 ATTY DRINNON: Nicki Chandler.

17 COURT: Oh, Nicki Chandler. I'm sorry.

18 ATTY DRINNON: Yeah.

19 ATTY HAPNER: (inaudible...)

20 ATTY DRINNON: That's okay.

21 COURT: Nicki Chandler. If she's still here
22 you can give that to her.

23 ATTY HAPNER: (speaking to next witness) Go on

1 up and take the witness stand, and I'll
2 (inaudible....)

3 COURT: Yes, ma'am. Right around here.

4 And ma'am, before you sit down there we need
5 you to uh, raise your right hand and be sworn in.

6 Do you solemnly swear the testimony you're
7 about to give today to be the truth, the whole
8 truth, and nothing but the truth, so help you God?

9 MS. TAYLOR: Yes.

10 COURT: Thank you. Just have a seat.

11 And uh, we'll get going in just a minute, as
12 soon as Mr. uh, Hapner returns.

13 ATTY HAPNER ENTERS COURTROOM

14 ATTY HAPNER: I'm sorry.

15 WHEREUPON, direct examination of Lisa Taylor
16 was conducted by Attorney Jon Hapner. The said Lisa
17 Taylor having previously been sworn.

18 Q: Would you state your name, please?

19 A: Lisa Taylor.

20 Q: Ms. Taylor, what's your occupation?

21 A: I'm a Title Reading Intervention teacher at
22 North Adams Elementary.

23 Q: And in the year of 2000- school year of

1 2012-2013, did you have a student, one Mackenzie
2 Farahay?

3 A: Yes, I worked with her.

4 Q: Uh, did uh- Do you recall her beha- her
5 achievements in your class?

6 A: Um, I had her in small groups for a reading
7 intervention time, where I worked with her on
8 certain skills and everything that maybe she needed
9 extra support in. And she always performed- I
10 mean- She performed at level, or a little below,
11 but she always put forth a lot of effort and worked
12 hard.

13 Q: Okay.

14 And uh, did you get a uh, parental involvement
15 in her efforts?.... to your knowledge.

16 A: Um, not during that, cause I only had her...
17 I worked with her half an hour a day. So, no, not
18 during my time, during that year.

19 Q: Okay.

20 Did you s- Uh, how did you find her to be as a
21 student?

22 A: She's a very hard worker. She's very
23 conscientious of her academics and her grades.

1 Q: And uh, did you- Was she ever delinquent in
2 anything in your- during your course of study?

3 A: Not for me, no.

4 Q: Was she ever a behavioral problem?

5 A: No, not for me.

6 Q: Okay.

7 And did you find her- uh, that she was
8 progressing in school?

9 A: Yes.

10 Q: Okay.

11 And uh, no chance of.... uh, she was not failing?

12 A: She was not failing, no.

13 Q: Okay.

14 And she was studious in her work?

15 A: Yes.

16 Q: Was she studious in her work?

17 A: Yes.

18 ATTY HAPNER: I'll rephrase that properly.

19 No further questions.

20 THEREAFTER, direct examination of Lisa Taylor
21 by Attorney Jon Hapner was concluded.

22 COURT: Thank you.

23 Ms. Drinnon.

1 WHEREUPON, cross examination of Lisa Taylor was
2 conducted by Attorney Tanya Drinnon.

3 Q: Uh, Ms. Taylor, I'm sorry, what is it that
4 you did with her?

5 A: I was a Reading Intervention teacher.

6 Q: Okay.

7 So is that extra help....

8 A: Yes.

9 Q: ... with reading?

10 A: Yes.

11 Q: So she struggles with reading?

12 A: She struggles. She wasn't to the failing
13 point, but um, she did need a little extra support.

14 ATTY DRINNON: Okay. Nothing further.

15 THEREAFTER, cross examination of Lisa Taylor by
16 Attorney Tanya Drinnon was concluded.

17 COURT: Thank you.

18 ATTY HAPNER: Your Honor, want me to get her the
19 check so she can get-

20 COURT: That would be fine. (inaudible) there.

21 Ma'am, thank you. We appreciate it.

22 ATTY HAPNER: Thank you.

23 Uh, this is your witness fees (inaudible...)

1 MS. TAYLOR: Oh, okay.

2 Thank you.

3 COURT: You're excused, ma'am.

4 ATTY HAPNER: I guess all these teachers came
5 together, Your Honor. So I'll-

6 COURT: Next?

7 ATTY HAPNER: Uh, Beatrice uh, Bell.

8 MS. TAYLOR: Okay.

9 ATTY HAPNER: (inaudible...)

10 WITNESS ENTERS COURTROOM

11 COURT: Ma'am, come on around. We need you to
12 come around the court reporter, up to the witness
13 chair.

14 Ma'am, I need to swear you in before you
15 testify. I need you to raise your right hand.

16 Do you solemnly swear the testimony you're
17 about to give today to be the truth, the whole
18 truth, and nothing but the truth, so help you God?

19 MS. BALL: I do.

20 COURT: Thank you. Just have a seat there.

21 And ma'am, we need you to speak really loud,
22 okay?

23 MS. BALL: Okay.

1 COURT: Thank you.

2 Mr. Hapner, go right ahead.

3 WHEREUPON, direct examination of Beatrice Ball
4 was conducted by Attorney Jon Hapner. The said
5 Beatrice Ball having previously been sworn.

6 Q: Good af- Good- Well, I guess it's good
7 afternoon.

8 A: Mm-hmm.

9 Q: Okay. Uh, would you state your name,
10 please?

11 A: I'm Beatrice Ball.

12 Q: Uh, Ms. Ball, what is your occupation?

13 A: I'm a teacher.

14 Q: Is that at North Adams Elementary?

15 A: Yes, sir.

16 Q: And were you teaching there in the year
17 2012-2013?

18 A: Yes.

19 Q: How long (unclear) school year run?.... from
20 September 2- uh, 2013 to uh, June of 2012? Pardon
21 me, from September-

22 A: The last of August, yeah, until the last of
23 the year, la- uh, last of May, first of May, in

1 there.

2 Q: Well past April of this year, is that
3 correct?

4 A: Yeah.

5 Q: And what were your duties at the North Adams
6 Elementary?

7 A: Um, I had early bus duty. The kids got off
8 the bus and came to the gym, and they wait um, until
9 everybody gets there, then we release'em. And then,
10 I have reading. I'm a reading specialist.

11 Q: And as a reading specialist did you have a
12 student named Mackenzie Farahay?

13 A: Yeah, I had Mackenzie for a few years.

14 Q: Yeah.

15 A: I al-

16 Q: Did you- Go ahead.

17 A: Sorry. I also tutored her some.

18 Q: Okay.

19 Now, when you say you had Mackenzie for a few
20 years, what was that for?

21 A: Um, reading.

22 Q: And how was she as a student?

23 A: She's a good kid. She's a hard worker. She

1 behaves.

2 Q: Okay.

3 And did you- Uh, you say you did some tutoring
4 for her?

5 A: Mm-hmm.

6 Q: Uh, when was that tutoring done?

7 A: Um, if I'm remembering right, I think it was
8 first, second grade, and then after that I would
9 have her in classes.

10 Q: Mm-hmm.

11 And did you have any private tutoring last year
12 with her?

13 A: Not last year.

14 Q: Okay.

15 Did you have any parental involvement with
16 Mackenzie's parents?

17 A: Yeah. Yes. Sorry.

18 Q: Could you tell us what that was, please?

19 A: Um, Amanda and I have known each other for
20 quite some time. Um, she- she hired me to tutor
21 Mackenzie for a while. Um, she brought her to my
22 church some. Um, she's been to my house.

23 Q: Okay.

1 Now how often would you see Todd Farahay as-

2 A: I- I don't know if we've ever met. I can't
3 remember. But I'm-

4 Q: Okay.

5 A: Don't know.

6 Q: And uh, would you say Mackenzie uh, was
7 progressing well in school?

8 A: Um, everything that Mackenzie did she worked
9 hard, but I think she's gonna have to work hard.
10 Um, but she struggles.

11 Q: Mm-hmm.

12 But she works to overcome that, is that
13 correct?

14 A: Yes.

15 Q: Okay.

16 A: She does.

17 ATTY HAPNER: Okay. Thank you.

18 THEREAFTER, direct examination of Beatrice Ball
19 by Attorney Jon Hapner was concluded.

20 COURT: Ms. Drinnon.

21 WHEREUPON, cross examination of Beatrice Ball
22 by Attorney Tanya Drinnon was conducted.

23 Q: Uh, Ms. Ball, you said that you had first

1 and second grade, is that correct?

2 A: Mm-hmm.

3 Q: Okay.

4 How old is Mackenzie now?

5 A: Um, I'm like a floater, sort of. Uh, I go
6 to different grades.

7 Q: Okay.

8 A: Um, at that time I was only teaching first
9 and second grade.

10 Q: Okay.

11 A: Now-

12 Q: So it's been some time ago?

13 A: Um, yeah, but now in the years after, I go
14 to all the grades.

15 Q: Uh-huh.

16 So when did you tutor?

17 A: Uh, during first and second grade.

18 Q: Okay.

19 A: Mm-hmm.

20 ATTY DRINNON: Thank you. Nothing further.

21 MS. BALL: Okay.

22 THEREAFTER, cross examination of Beatrice Ball
23 by Attorney Tanya Drinnon was concluded.

1 COURT: Thank you very much, ma'am. You're
2 excused.

3 MS. BALL: You're welcome.

4 COURT: Uh, you can go ahead and leave.

5 MS. BALL: Alright. Thank you.

6 COURT: And Mr. Hapner there has a check for
7 you.

8 ATTY HAPNER: Uh, these are your witness fees
9 that should have been served with the subpoena.

10 MS. BALL: Oh, thank you.

11 ATTY HAPNER: Mm-hmm.

12 Will you ask Monica Crawford to come in,
13 please?

14 MS. BALL: I will.

15 WITNESS ENTERS COURTROOM

16 COURT: Ma'am, I need you to come on up here
17 around the uh, court reporter here, and right up to
18 the witness chair.

19 And ma'am, before you sit down there, I need
20 you to be sworn in.

21 Could you raise your right hand?

22 Do you solemnly swear the testimony you're
23 about to give today to be the truth, the whole

1 truth, and nothing but the truth, so help you God?

2 MS. CRAWFORD: Yes.

3 COURT: Thank you very much.

4 Just have a seat there.

5 Mr. Hapner here is gonna ask you some
6 questions. (inaudible)-

7 MS. CRAWFORD: Okay.

8 COURT: Need to ask you to speak really loud so
9 we all can hear you.

10 MS. CRAWFORD: Okay.

11 COURT: Thank you.

12 WHEREUPON, direct examination of Monica
13 Crawford by Attorney Jon Hapner was conducted. The
14 said Monica Crawford having previously been sworn.

15 Q: Would you state your name, please?

16 A: Monica Crawford.

17 Q: And what's your occupation, ma'am?

18 A: Teacher, sixth grade.

19 Q: And is that at North Adams Elementary
20 School?

21 A: Yes.

22 Q: And were you a teacher there in the uh,
23 school year of 2012-2013?

1 A: Yes.

2 Q: And what were- What did you- subjects did
3 you entail?

4 A: I taught Math and Language Arts.

5 Q: Okay.

6 And did you uh, remember a student named
7 Mackenzie Farahay?

8 A: Yes.

9 Q: And uh, was Mackenzie one of your uh,
10 students in your classes?

11 A: Yes.

12 Q: Did you have an occasion to observe her all
13 the time?

14 A: Yes.

15 Q: And uh, pursuant to request by mother, did
16 you write a letter-- which I'm handing you now,
17 marked Plaintiff's Exhibit "6"-- did you write this
18 letter?

19 A: Yes, I did.

20 Q: Okay.

21 And uh, were the statements in that true?

22 A: Yes.

23 Q: And uh, when you taught Mackenzie, uh, would

1 you describe what type of student she was, please?

2 A: Mackenzie's a very hard working student.
3 She'd try really hard. She did lack self confidence
4 at times, and she would need some help. But she-
5 she did her best on most occasions.

6 Q: And uh, did you have any parental
7 involvement with uh, Mackenzie's efforts?

8 A: With- I'm sorry?

9 Q: Parental involvement, either from the mother
10 or father.

11 A: Yes, I actually saw both parents.

12 Q: And how often did you see-

13 A: I- I'm not sure how many times I spoke or
14 actually- I saw dad a couple times. I saw mom a
15 few times. And we also emailed back and forth.

16 Q: Okay.

17 And uh, did uh, either one of them seem to take
18 interest in Mackenzie's progress?

19 A: Both of them.

20 Q: Okay.

21 And did you find that uh, uh, she had troubles
22 with math?

23 A: Yes.

1 Q: Which I identify with.

2 A: Yes.

3 Q: Is this modern math?

4 A: Yes. Yes, it is.

5 Q: Well, it's too modern for me.

6 Uh, I'm gonna ask you some other questions off
7 this.

8 A: Sure.

9 Q: Uh, what's safety patrol?

10 A: It's a group of sixth graders who basically
11 take care of various jobs throughout the building.
12 They are to maintain good behavior, maintain good
13 grades, because it's a very independent job.

14 Q: Mm-hmm.

15 A: And then they work throughout the year to
16 try to earn a trip then at the- in the summer time.

17 Q: Okay.

18 And do your better students, for the most part,
19 be the- uh, on the safety patrol?

20 A: Yes.

21 Q: And did Mackenzie make that?

22 A: Yes.

23 Q: And- and did she do well?

1 A: She worked hard, because they had to
2 maintain a C average.

3 Q: Okay.

4 Now, uh, do you have something called a
5 progress book....

6 A: Yes.

7 Q: at North Adams?

8 Uh, did either of the parents take any interest
9 in that progress book?

10 A: I know I saw from mom checking in on
11 progress book, yes.

12 Q: Okay.

13 And uh, did mom come in for conferences on
14 Mackenzie?

15 A: Yes.

16 Q: And uh, did you find that Mackenzie has some
17 uh, text- uh, test stress problems?

18 A: Yes, she has anxiety when it comes to
19 independently showing what she knows, yes.

20 Q: Now in math, would you describe her
21 struggles in math, please?

22 A: Mackenzie gets very frustrated when math
23 becomes more than one step, and she has to try to

1 figure out what's the next thing that I need to do,
2 and then she becomes discouraged. And then she has
3 a hard time moving forward.

4 Q: Okay.

5 And uh, would you uh- Did you discuss this
6 with both parents?

7 A: Yes.

8 Q: And what, if any, was their response?

9 A: With both. With mom we discussed um, some
10 things that she needed to be doing in the classroom,
11 some re-teaching. We told her how she was in a
12 small group. And she also met with the math tutor a
13 couple times a week. And then with dad we spoke
14 that I sent some books home for the summer-- (hits
15 microphone) excuse me-- with a lady named- to a lady
16 named Laura, to work on some skills with her as
17 well.

18 Q: Uh, speaking of Laura, is there any way that
19 uh, you can block information to the parents uh,
20 from North Adams School, as far as reports and so
21 forth?

22 A: I honestly don't know.

23 Q: Okay.

1 Uh, do you uh- Now, handing you again-- this
2 is redundant--

3 A: Mm-hmm.

4 Q:the statements you made in Plaintiff's
5 Exhibit "6", are true and correct?

6 A: Yes.

7 Q: Okay.

8 And you did sign that and prepare it?

9 A: Yes.

10 ATTY HAPNER: Okay.

11 I have no further questions.

12 THEREAFTER, direct examination of Monica
13 Crawford by Attorney Jon Hapner was concluded.

14 COURT: Very well. Thank you.

15 Ms. Drinnon.

16 WHEREUPON, cross examination of Monica Crawford
17 was conducted by Attorney Tanya Drinnon.

18 Q: Ms. Crawford, uh...

19 A: Yes, ma'am?

20 Q: did- why did you prepare that letter?

21 A: Actually I was asked to po- we could be
22 possibly going to court.

23 Q: Uh-huh.

1 A: And we were going on a school trip.

2 Q: Okay.

3 A: And I was nervous that I would be
4 subpoenaed, and then not be able to go on my school
5 trip that I'm in charge of.

6 Q: Okay.

7 A: So I said, I will write up some information.

8 Q: Who was you asked by?

9 A: And so- Mom.

10 Q: Okay.

11 And uh, you know my client? You know Mr.
12 Farahay?

13 A: Yes.

14 Q: Okay.

15 And um, is he a concerned parent about
16 Mackenzie?

17 A: Yes. He did come in a couple of times
18 concerned about her grades and work habits, and to
19 see how she was doing.

20 Q: And did you communicate by email with uh,
21 Laura Applegate, who was tutoring...

22 A: Yes.

23 Q: Mackenzie?

1 A: Yes, I had a couple of emails through- with
2 her as well.

3 Q: Okay.

4 And uh, did you say that you do math and
5 language arts with her?

6 A: Yes.

7 Q: Okay.

8 Um, does Mackenzie not turn in assignments?

9 A: We had a couple of occasions that was not
10 the beginning of the year, it was fall, closer to
11 Thanksgiving or Christmas, and when we saw that
12 there was some issues we did contact mom, and she
13 did get it back together. She was starting to get
14 discouraged and frustrated. And we did have a few
15 occasions where she didn't turn in some work.

16 Q: Okay.

17 And was this last year's?

18 A: Yes.

19 Q: You had her last year, right?

20 A: Mm-hmm.

21 Q: You don't have her this year?

22 A: No.

23 ATTY DRINNON: Okay.

1 Nothing further, Your Honor.

2 THEREAFTER, cross examination of Monica
3 Crawford by Attorney Tanya Drinnon was concluded.

4 WHEREUPON, redirect examination of Monica
5 Crawford was conducted by Attorney Jon Hapner.

6 Q: Would you describe Mrs. Iler, uh, uh,
7 Amanda, as being appropriately involved with
8 Mackenzie's progress?

9 A: Yes.

10 ATTY HAPNER: Okay.

11 No further questions.

12 THEREAFTER, redirect examination of Monica
13 Crawford by Attorney Jon Hapner was concluded.

14 COURT: Thank you.

15 Miss, you're excused.

16 Thank you very much.

17 MS. CRAWFORD: Thank you.

18 Do I do anything with this?

19 COURT: Uh, just leave it there.

20 Thank you.

21 ATTY HAPNER: This is your witness fees
22 (inaudible).

23 MS. CRAWFORD: Oh, thank you.

1 ATTY HAPNER: All the teachers can go now.

2 MS. CRAWFORD: Okay. Thank you.

3 ATTY HAPNER: Would you call uh, (unclear)

4 Connie Burchette to come in?

5 MS. CRAWFORD: Yes.

6 WITNESS ENTERS THE COURTROOM

7 COURT: Ma'am, we need you to come on up here
8 and around the court reporter here, up to the
9 witness chair.

10 And then I need to ask you to be sworn in.

11 Could you raise your right hand and be sworn
12 in?

13 Do you solemnly swear the testimony you're
14 about to give today to be the truth, the whole
15 truth, and nothing but the truth, so help you God?

16 MS. BURCHETTE: Yes.

17 COURT: Thank you very much.

18 Just have a seat.

19 Ma'am, we need you to speak really loud so we
20 all can hear you.

21 MS. BURCHETTE: Excuse me?

22 COURT: We need you to speak really loud so we
23 all can hear you.

1 MS. BURCHETTE: Okay.

2 COURT: Thank you.

3 Mr. Hapner, go right ahead.

4 WHEREUPON, direct examination of Constance
5 Burchette was conducted by Attorney Jon Hapner. The
6 said Constance Burchette having previously been
7 sworn.

8 Q: Good afternoon.

9 Would you state your name and address, please?

10 A: Uh, Constance Jean Burchette, and I live at
11 235 Vine Street, Seaman, Ohio.

12 Q: And you're here under subpoena?

13 A: Yes.

14 Q: Okay.

15 Were you uh- Do you know Mackenzie Farahay,
16 the child?

17 A: Yes, I do.

18 Q: How long have you known her?

19 A: Uh, on and off for ten years.

20 Q: Okay.

21 And uh, what relation- Pardon me. What
22 relationship have you had with her?

23 A: Uh, very good relationship. I took care of

1 her. I- I'm her babysitter.

2 Q: Okay.

3 And how long have you been her babysitter?

4 A: Uh, about ten years.

5 Q: Okay.

6 And during that time, would you describe her
7 actions and behavior, please?

8 A: Um, she's a very well balanced little girl.
9 Um, she's happy, and I can- When she's with me she
10 was happy. Uh, I had no problems with her. Uh,
11 she's very intelligent. She's a good girl.

12 Q: Okay.

13 Have you ever noticed any uh, exhibition of her
14 attitude towards her parents, either her mother or
15 her father?

16 A: Uh, towards her father.

17 Q: Okay.

18 And what would that be, ma'am?

19 A: She uh- She- She's bitter towards him, I
20 think. Um, I'm not, you know, real sure of what the
21 problem is. Uh, but she- Her attitude when she
22 comes back from his home is- is not good.

23 Q: Okay.

1 And when you say- What makes you say that?
2 What have you observed uh, to make you say that?

3 A: Um, well she's down on herself. She thinks
4 she's ugly. She thinks she's not very smart, and
5 she's fat. And uh, my husband and I have tried to
6 tell her, you know, she's beautiful, she's not fat,
7 and she's very intelligent.

8 Q: And uh, have you ever seen her in person
9 with her father?

10 A: No.

11 Q: Would you know her father...

12 A: No.

13 Q: if you saw her right now?.... saw him
14 right now.

15 A: I've seen him one time.

16 Q: Okay.

17 A: And that was when he come to my house about
18 six/seven years ago. I think he come to pick her
19 up. I'm not real sure. But yes, I've only met- I-
20 Well, when I walked up and seen him sitting over
21 there, I asked Mackenzie, I said... who's that
22 gentleman over there? She said... that's my dad.

23 Q: Now, what about her relationship with her

1 mother, that you've seen?

2 A: They have a good relationship.

3 Q: And how- Would you describe what a good
4 relationship is?

5 A: Um, she's- she loves her mom very much. Her
6 mom and her have a, you know, good relationship...
7 good mother/daughter relationship. Um, I don't know
8 how else to explain it.

9 Q: And how often do you babysit for Mackenzie
10 now?

11 A: Um, every- Not very often. Every now and
12 then. I had her through the summer of last year uh,
13 three or four times. Other than that-

14 Q: When you say summer of last year, do you
15 mean this...

16 A: This past year.

17 Q: ... immediate past summer?

18 A: Yeah.

19 Q: How did she behave those times?

20 A: Well, she was fine, you know. I had no
21 problems with her. She's very well behaved little
22 girl.

23 Q: Were you aware of when she would go visit

1 her father?

2 A: Oh, yeah.

3 Q: And uh, would you describe her behavior
4 either before or after the visits?

5 A: Well, I've never- I- She wasn't at my
6 house after the visit, but before the visit she
7 would, you know, really be down on herself and she
8 hated to go for some reason. Um, she- You know, I
9 would say... Mackenzie, why, why don't you want to go
10 with your dad? I just don't like being there. I
11 said... well... I said... you need to go and be with
12 your dad.

13 Q: And uh, has uh, uh- Does- Has Mackenzie,
14 in the last year, shown any signs of being
15 inappropriately uh, involved in anything?

16 A: No.

17 Q: Has she been consistently well behaved in
18 your presence?

19 A: Yes.

20 ATTY HAPNER: Okay. No further questions.

21 THEREAFTER, direct examination of Constance
22 Burchette by Attorney Jon Hapner was concluded.

23 COURT: Ms. Drinnon, go right ahead.

1 WHEREUPON, cross examination of Constance
2 Burchette was conducted by Attorney Tanya Drinnon.

3 Q: Uh, Ms. Burchette, um, are you- who hired
4 you?

5 A: Amanda.

6 Q: Okay.

7 So you're Amanda's babysitter for Mackenzie?

8 A: Yes.

9 Q: Okay.

10 Do you babysit any of the other children?

11 A: I uh- All of'em. I- She has- Well, she
12 has three. But she was married to Matt and he had a
13 child.

14 Q: Mm-hmm.

15 A: So I watched all four of their children.

16 Q: Okay.

17 And so- But you're not Todd's babysitter, are
18 you?

19 A: No.

20 Q: Okay.

21 So would it be accurate to say that you
22 wouldn't have communication with Todd, because he's
23 not who hired you to babysit?

1 A: No. Um, he, you know, just that one time
2 come and picked her up.

3 Q: Right. Right.

4 And do you know their actual visitation
5 schedule?

6 A: Uh, in the summer he gets her like two or
7 three weeks of summer.

8 Q: Mm-hmm.

9 A: And then uh, every other weekend, I think
10 that's what their visits are.

11 Q: When do you normally babysit?

12 A: Uh, in the summer. And then when they have,
13 you know, uh, something they want to do, and uh,
14 like after school she can't get off she'll call me,
15 can you go pick the kids up.

16 Q: Mm-hmm.

17 A: Stuff like that.

18 Q: Okay.

19 So it's you babysit according to Amanda's
20 schedule, cause you're the babysitter?

21 A: Right. Right.

22 ATTY DRINNON: Okay. Nothing further.

23 THEREAFTER, cross examination of Constance

1 Burchette by Attorney Tanya Drinnon was concluded.

2 COURT: Mr. Hapner.

3 WHEREUPON, redirect examination of Constance
4 Burchette was conducted by Attorney Jon Hapner.

5 Q: Uh, has Mackenzie uh, exhibited any uh,
6 unusual traits uh, when you're watching her?

7 A: Uh-

8 Q: Defiant, or uh, want her own way, or
9 anything like that?

10 A: No.

11 Q: Okay.

12 And she seems to be happy with her mother?

13 A: Oh, yeah.

14 ATTY HAPNER: Okay. No further questions.

15 THEREAFTER, redirect examination of Constance
16 Burchette by Attorney Jon Hapner was concluded.

17 COURT: Ms. Drinnon?

18 ATTY DRINNON: (inaudible)

19 COURT: Ma'am, thank you very much.

20 MS. BURCHETTE: Thank you.

21 COURT: You're excused.

22 ATTY HAPNER: That's your witness fees.

23 (inaudible)

1 MS. BURCHETTE: Oh! Thank you.

2 COURT: Mr. Hapner, you have another witness?

3 ATTY HAPNER: I have another one.

4 COURT: Very well.

5 WITNESS ENTERS COURTROOM

6 COURT: Ma'am, I need you to come right around
7 the court reporter, up to the witness chair.

8 I need you to be sworn in.

9 I ask you to raise your right hand and be sworn
10 in.

11 Do you solemnly swear the testimony you're
12 about to give today to be the truth, the whole
13 truth, and nothing but the truth, so help you God?

14 MS. SPRATT: I do.

15 COURT: Thank you.

16 Just have a seat there.

17 And ma'am, we need you to speak really loud so
18 everyone can hear you.

19 MS. SPRATT: Okay.

20 COURT: Thank you.

21 Mr. Hapner, go right ahead.

22 WHEREUPON, direct examination of Deborah Spratt
23 was conducted by Attorney Jon Hapner. The said

1 Deborah Spratt having previously been sworn.

2 Q: Would you state your name, please?

3 A: Deborah Spratt.

4 Q: What's your address, ma'am?

5 A: 2410 Fairview Road, Seaman, Ohio.

6 Q: Okay.

7 And do you uh- Are- Do you know Amanda Iler?

8 A: Yes, sir.

9 Q: Are you acquainted with her daughter,
10 Mackenzie?

11 A: Yes, sir.

12 Q: And will you tell us what uh, uh, the basis
13 of that acquaintance is?

14 A: I have watched her several times. I've just
15 been friends, and been over several times... more
16 than several.

17 Q: And have you had occasion to observe the
18 interaction between Mackenzie and her mother,
19 Amanda?

20 A: Yes, we've been shopping numerous times.
21 We've been out. We've just stayed around the house.
22 Yes.

23 Q: And would you describe Amanda's attitude

1 towards Mackenzie, please?

2 A: You can tell she loves her. She's uh- You
3 know, she does- Mackenzie does what... like my
4 daughter... just normal teenage stuff.

5 Q: Okay.

6 When you say normal teenage stuff, how does
7 Mackenzie behave towards her mother?

8 A: Uh, she's- Teenager. (laughs) She's okay.
9 She, you know, she'll kind of raze her, but they
10 raze each other.

11 Q: Okay.

12 And when you say that, have you ever heard
13 Amanda put her down as being fat, dumb, or stupid?

14 A: No. In fact, I've heard her yell at her...
15 not yell at her... but tell her... don't say that
16 about yourself. Cause she'll say, you know, she
17 needed to lose weight, or her butt was too big, and
18 she'll tell her no, don't... no, it's not, you're
19 okay. I've seen that happen.

20 Q: Would you say Amanda encourages her s- uh,
21 self esteem?

22 A: Yes.

23 Q: And uh, have you heard Mackenzie uh, talk

1 herself down? If you understand that question. Uh,
2 demean herself?

3 A: Uh, yes, I have.

4 Q: And what, if any, would be Amanda's reaction
5 when she does that?

6 A: She gets uh, you know, upset at her, and
7 tells her no, you- you- why are you talking like
8 that, you can do it, you're- you're uh,.... I'm
9 trying to think of the... you know, she doesn't
10 understand why she's- why she's doing that to
11 herself.

12 Q: Okay.

13 And uh, are you a parent?

14 A: Yes, sir.

15 Q: How many children do you have?

16 A: Two.

17 Q: Okay.

18 Have you observed Amanda's interaction and
19 behavior towards Mackenzie?

20 A: Yes.

21 Q: And based on your experience as a parent,
22 would you describe her parenting skills, please?

23 A: She's a- To me, she's a very good mom. She

1 gives her everything. Gives her what she- what she
2 wants, when she wants it, how she wants it. She
3 tries to, at least, as long as the money's there.

4 Q: Would you describe her as a good mother?

5 A: Yes, sir.

6 ATTY HAPNER: Okay. No further questions.

7 THEREAFTER, direct examination of Deborah
8 Spratt by Attorney Jon Hapner was concluded.

9 COURT: Thank you.

10 Ms. Drinnon.

11 WHEREUPON, cross examination of Deborah Spratt
12 was conducted by Attorney Tanya Drinnon.

13 Q: Ms. Spratt, ...

14 A: Yes?

15 Q: ... um, are you uh, friends with Amanda?

16 A: Yes.

17 Q: Okay.

18 You have a child around the same age, or-

19 A: My daughter just turned seventeen.

20 Q: Oh, okay.

21 A little older?

22 A: Just- Yeah.

23 Q: Okay.

1 Um, and then how long have you known Mackenzie?

2 A: I've known Mackenzie several years.

3 Q: Okay.

4 So you know her in a um, a friendly manner,
5 correct?

6 A: Mm-hmm.

7 ATTY DRINNON: Okay.

8 Nothing further, Your Honor.

9 THEREAFTER, cross examination of Deborah Spratt
10 by Attorney Tanya Drinnon was concluded.

11 COURT: Okay.

12 Ma'am, hold on, there may be another question.

13 ATTY HAPNER: I'm sorry?

14 COURT: Any more questions of this witness, Mr.
15 Hapner?

16 ATTY HAPNER: Not of this witness, Your Honor.

17 COURT: Oh, very well. Thank you.

18 Ma'am, you're excused.

19 Thank you very much.

20 MS. SPRATT: Thank you.

21 WITNESS ENTERS COURTROOM

22 COURT: Sir, we need you to come around this
23 table here, and around the court reporter. Right

1 over there. And up to the witness chair.

2 ATTY HAPNER: Witness chair over there.

3 MR. TAMBASH: Oh, (inaudible). I'm sorry.

4 COURT: And then before you sit down there we
5 need you to raise your right hand and be sworn in.

6 Do you solemnly swear the testimony you're
7 about to give today to be the truth, the whole
8 truth, and nothing but the truth, so help you God?

9 MR. TAMBASH: Yes, sir.

10 COURT: Thank you. Just have a seat there.

11 And sir, we need to ask you to speak really
12 loud so everyone can hear you.

13 MR. TAMBASH: Alright.

14 COURT: Thank you.

15 Mr. uh, Hapner, go right ahead.

16 WHEREUPON, direct examination of Anthony
17 Tambash was conducted by Attorney Jon Hapner. The
18 said Anthony Tambash having previously been sworn.

19 Q: Good afternoon, sir.

20 Would you state your name, please?

21 A: Anthony Tambash.

22 Q: How do you spell your last name?

23 A: T as in Tom, A-M- B as in boy, A-S-H.

1 Q: And do you know Amanda Iler?

2 A: Well, yes, sir.

3 Q: And uh, you're her grandfather, is that
4 correct?

5 A: Amanda?

6 Q: No, uh, Mackenzie. Sor- I'm sorry.

7 A: Yeah, grandfather. Yes, sir. Okay. No
8 problem.

9 Q: Okay.

10 And uh, you're Amanda's father?

11 A: Correct.

12 Q: Okay.

13 And of course you've known Amanda all her life?

14 A: Pretty much so, yes, sir.

15 Q: And sir, uh, have you ever seen- observed
16 the interaction between Amanda and Mackenzie?

17 A: Correct, yes.

18 Q: How often?

19 A: Um, sometimes once a month. We kind of live
20 further away.

21 Q: Okay.

22 Where do you live?

23 A: Uh, right there off- off Beechmont Avenue.

1 Q: Okay.

2 And that's in Cincinnati area?

3 A: Correct, sir.

4 Q: Okay.

5 And how far is that from Seaman, if you know
6 off-hand?

7 A: A good forty-five hour- hour drive... forty-
8 five minutes to an hour, probably.

9 Q: Forty-five minutes to an hour. Okay.

10 Uh, do you- What's your occupation, sir?

11 A: I'm a finance manager, sir.

12 Q: Okay.

13 And do you know Todd Farahay?

14 A: Uh, yes.

15 Q: Okay.

16 How did you happen to meet or know Todd
17 Farahay?

18 A: Uh, years ago him and Amanda were together.

19 Q: Okay.

20 Uh, have you ever observed any interaction
21 between Mackenzie and Todd?

22 A: Um, actually only once. It was probably
23 five years ago.

1 Q: And-

2 A: He was at- I was at a different lot as a
3 manager at Kings Dodge, and I seen him and I seen
4 Mackenzie, and I wanted to say hi and stuff, and he
5 grabbed her by the arm and pulled her away from me.

6 Q: Okay.

7 A: And there was no interaction at all between
8 us at that point.

9 Q: Okay.

10 Did he show any animosity towards you?

11 A: No, he just looked at me and looked at her,
12 and then grabbed her arm and walked away.

13 Q: Did she want to go with him, or rather talk
14 to you?

15 A: I- By the arm and gone. That's all it was.

16 I-

17 Q: Have you s- You've seen Mackenzie
18 frequently since that time, have you not?

19 A: When Amanda brings her to the house, yes.

20 Q: Okay.

21 And uh, have you observed the interaction
22 between Mackenzie and uh, her mother, Amanda?

23 A: Yes, sir.

1 Q: Would you describe it, please?

2 A: Uh, it's wonderful. I mean, there's- They
3 kid around, they laugh. They enjoy each other's
4 company.

5 Q: Okay.

6 And uh, does- In your opinion, does uh,
7 Mackenzie seem to be well cared for?

8 A: Yes, sir.

9 Q: Okay.

10 And does she seem to be dissatisfied, or having
11 problems living with Amanda?

12 A: No, none whatsoever.

13 ATTY HAPNER: Okay.

14 No further questions.

15 THEREAFTER, direct examination of Anthony
16 Tambash by Attorney Jon Hapner was concluded.

17 COURT: Very well.

18 ATTY DRINNON: I have no questions of this
19 witness, Your Honor.

20 COURT: Very well.

21 Thank you, sir. You're excused.

22 MR. TAMBASH: Thank you, sir.

23 COURT: Thank you very much. We appreciate it.

1 ATTY HAPNER: Will you ask Jenny to come in,
2 please?

3 MR. TAMBASH: Alright, sir. No problem.

4 WITNESS ENTERS COURTROOM

5 COURT: Ma'am, I need you to come on up here,
6 and around the uh, court reporter over here, and up
7 to the witness chair.

8 MS. TAMBASH: It's a maze.

9 COURT: Yes, it is.

10 Now I need to ask you to raise your right hand
11 and be sworn in.

12 Do you solemnly swear the testimony you're
13 about to give today to be the truth, the whole
14 truth, and nothing but the truth, so help you God?

15 MS. TAMBASH: Yes.

16 COURT: Thank you. Just have a seat there.

17 MS. TAMBASH: Okay.

18 COURT: And ma'am, we need to ask you to speak
19 really loud.

20 MS. TAMBASH: Okay.

21 COURT: So we all can hear.

22 Thank you.

23 Mr. Hapner, go right ahead.

1 WHEREUPON, direct examination of Virginia
2 Tambash was conducted by Attorney Jon Hapner. The
3 said Virginia Tambash having previously been sworn.

4 Q: Would you state your name, please?

5 A: Virginia Tambash.

6 Q: Uh, Virginia, uh, would you state your
7 address, please?

8 A: 3977 Brandy Chase Way.

9 Q: Is that in Cincinnati area?

10 A: Yes.

11 Q: And uh, are you the uh, mother of Amanda
12 Iler, and the grandmother of Mackenzie Farahay?

13 A: Yes.

14 Q: And uh, I take it then you've had occasion
15 to see the two of'em together?

16 A: Yes.

17 Q: And how often do you visit with them, or
18 they visit with you?

19 A: Um, once, twice a month. Uh, there's been a
20 couple times that Mackenzie's spent the weekend.

21 Q: Okay.

22 Uh, would you describe the interaction between
23 Amanda and Mackenzie in your presence, please?

1 A: Normal.

2 Q: When you say normal, what do you mean?

3 A: Nothing out of the ordinary. I mean, they
4 get along fine.

5 Q: Okay.

6 And uh, has Mackenzie- Have you ever seen the
7 interaction between Mackenzie and Todd Farahay?

8 A: I haven't seen Todd in years.

9 Q: Okay.

10 And does Mackenzie ever express any feelings....
11 don't say specifically.... but any feelings in general
12 about Todd?

13 A: Uh, yeah.

14 Q: And what would that be, ma'am?

15 A: Um, she loves him. Uh, she's perplexed by
16 things.

17 Q: Pardon?

18 A: She seems to be perplexed by events.

19 Q: Okay.

20 And what do you mean perplexed by events?

21 A: Um, I- I don't know what I can say, and what
22 I can't say. Uh, there's been times when she's told
23 me about incidents that's kind of upset her. And

1 I've asked her.... why don't you talk to your dad?

2 And she said.... I can't.

3 Q: I'm sorry, would you repeat that last
4 sentence, please?

5 A: No, I've asked her, you know, when she's
6 been upset about things that have happened, you
7 know, have you talked to your dad, and she says.... I
8 can't. So, I- You know, I don't know.

9 Q: Okay.

10 And do- Are you around her when she goes to
11 see her dad?

12 A: No. Uh, I've seen her a couple times after
13 she's been there for the weekend.

14 Q: Okay.

15 Would you describe her attitude and behavior
16 then?

17 A: Subdued.

18 Q: And does she appear to be upset or nervous,
19 or uh-

20 A: Not upset as far as vocalizing, but just
21 very quiet and withdrawn.

22 Q: And would you say that- that- then that
23 visit went well?

1 A: Who's to say? I don't know. She's just,
2 you know, very subdued the couple times I've seen
3 her afterwards.

4 Q: Okay.

5 And uh, she appeared to be subdued and
6 withdrawn?

7 A: Yes.

8 ATTY HAPNER: No further questions.

9 THEREAFTER, direct examination of Virginia
10 Tambash by Attorney Jon Hapner was concluded.

11 COURT: Thank you.

12 Ms. Drinnon?

13 ATTY DRINNON: No questions, Your Honor.

14 COURT: Ma'am, you're excused.

15 Thank you very much.

16 MS. TAMBASH: Okay. Thank you.

17 ATTY HAPNER: Can you ask David to come in,
18 please?

19 MS. TAMBASH: Okay.

20 WITNESS ENTERS COURTROOM

21 COURT: Sir, come on up here. You need to go
22 around the uh, court reporter, and up to the witness
23 chair.

1 And then I need to ask you to be sworn in.
2 Could raise your right hand and be sworn in?
3 Do you solemnly swear the testimony you're
4 about to give today to be the truth, the whole
5 truth, and nothing but the truth, so help you God?

6 MR. HUGHES: I do.

7 COURT: Thank you. Just have a seat there.

8 MR. HUGHES: Thank you.

9 COURT: And sir, we need to ask you to really
10 speak really loud.

11 MR. HUGHES: Sure.

12 COURT: So we all can hear you.

13 Mr. Hapner-

14 WHEREUPON, direct examination of David Hughes
15 was conducted by Attorney Jon Hapner. The said
16 David Hughes having previously been sworn.

17 Q: Would you state your name, please?

18 A: David Hughes.

19 Q: And David are uh- do you know Amanda uh,
20 Iler?

21 A: Yes.

22 Q: Okay.

23 And uh, the two of you are living together, is

1 that correct?

2 A: That's correct.

3 Q: Uh, how long have you been living together?

4 A: Um, that's um- I think since about
5 September of 2011. Trying to think.

6 Q: Okay.

7 A: I think that's- that's right.

8 Q: Now, uh, there's been allegations made that
9 you and Amanda do not get along. Is that correct?

10 A: That's incorrect.

11 Q: Okay.

12 Have you ever physically abused or beat her, or
13 anything like that?

14 A: No, sir.

15 Q: Have you ever been charged with any type of
16 domestic violence with Amanda?

17 A: No. Nor with anybody.

18 Q: Okay.

19 Have you ever been charged with assault on her,
20 or on Mackenzie, or anyone else?

21 A: No, or no one.

22 Q: Okay.

23 A: No.

1 Q: Have you ever had any criminal charges uh,
2 involving domestic violence, or so forth, uh,
3 against you?

4 A: No criminal charges at all.

5 Q: Okay.

6 Now then, Mr. Hughes, uh, have you had occasion
7 to observe uh, Mackenzie?

8 A: Oh, yes.

9 Q: And uh, would you describe your relationship
10 with Mackenzie?

11 A: Um, I- Yeah, we spend a lot of time in-
12 every day. Obviously, it's just uh, just a uh, a
13 pretty close family, so to speak. I mean, I'm not-
14 not related to her in- in- in a legal sense, but I
15 consider her to be like a daughter to me. She uh-
16 We spend a lot of time- We uh, had her in softball
17 this spring, spent time going to the ballgames and
18 practices, and that sort of thing. Take'em to
19 school, pick'em up from school... or, take'em to
20 school occasionally, pick'em up from the school bus.

21 Q: Okay.

22 A: Quite regularly.

23 Q: Well, do you uh, work near uh, where you

1 live?

2 A: Yes, um, less than a quarter of a mile.

3 Q: Okay.

4 A: Yeah.

5 Q: And do you know when the kids get home from
6 school?

7 A: Yes, they get home.... they get off the bus at
8 three o'clock, so they get to the house at uh,
9 probably about two- two or three minutes after 3:00,
10 within just a few minutes.

11 Q: And uh-

12 A: If the weather's bad, I pick'em up at the
13 school bus stop. And then I- I come home every day
14 between 3:00 and 3:30 to make sure that they're-
15 they're doing okay and got everything that they
16 need, and I go back to work till 4:30 or 5:00.

17 Q: Okay.

18 Have they ever called- Has uh, Mackenzie or
19 Caleb ever called you when uh, something went wrong
20 at the house when they were there?

21 A: Yes. Oh, yeah. Yes.

22 Q: And how long does it take you to respond?

23 A: Less than a minute, or two minutes. I mean,

1 it's a quarter of a mile, so...

2 Q: Okay.

3 A: Just as quick as I can get in a vehicle and
4 drive straight there. I have cell phone service and
5 a business phone there, so they can reach me at any
6 time.

7 Q: Okay.

8 A: And they have. It's always been something
9 petty. Uh, somebody's got the cookies that's not
10 supposed to have'em, or chips, or something to that
11 effect. It's never been- There's never been any
12 kind of emergency.

13 Q: Okay.

14 Uh, would you say Mackenzie gets along with her
15 mother?

16 A: Yes.

17 Q: Does Amanda seem to love Mackenzie?

18 A: Oh, yes, more than anything, besides Caleb.

19 Q: And uh, were you interviewed this past uh,...
20 well, in the last month or so... by the uh, the
21 guardian ad litem in this case?

22 A: No. He was at the house. I'm not sure the
23 date. Um, he was there probably roughly thirty

1 minutes. Uh, the reason I can say that is because
2 we was watching the same television show uh, when he
3 come through the door-- and he made the comment on
4 what we had on, and- and- uh, which was just a- a
5 reality- Pawn Stars, if you're familiar with that,
6 he- he made mention that it was a good show-- and-
7 and- and it was still on when he left. So I know it
8 was within thirty- thirty to forty-five minutes.
9 And no, he never particularly interviewed me at all.
10 He never asked me any questions whatsoever.

11 Q: Mm-hmm.

12 A: He uh, never even really acknowledged that I
13 was there. He did introduce himself, and shook- I
14 shook his hands and- and uh, we talked just
15 generally with the family sitting there, when we was
16 watching TV, but he never asked me any questions
17 about Mackenzie or our situation at all.

18 Q: Did he ask you about the kids coming, or
19 particularly Mackenzie, coming home from school?

20 A: No. No, the daily-

21 Q: Or how long she-

22 A: I'm sorry. I didn't mean to cut you off.

23 Our daily schedule wasn't mentioned at all, as

1 to what uh, what we done in- That's- I was a
2 little taken back, because when we got the- the- the
3 report from- the guardian ad litem report it said
4 that they were just kind of turned loose after
5 school, and that couldn't be further from the truth.
6 They come in- Like I said, I check with'em be-
7 between- If the weather's bad I'll pick'em right up
8 at three o'clock, so I don't want'em- so they don't
9 have to walk home in the rain, or snow, or cold, or
10 whatever. But if not, I'll come in between 3:00 and
11 3:30. And they're- they're at leisure for- for an
12 hour or so. They're either on uh- Mackenzie will
13 mess with her phone or she'll watch TV, and- and
14 Caleb's playing games or something, until they get
15 home. And then- Or, I'm- I'm sorry. Until one of
16 us gets home. And then they have to put their phone
17 or game away, and they do their homework. Well
18 actually we eat, and then they'll do their homework
19 and stuff the rest of that evening. And if there's
20 any time left then we'll play games or uh, they'll
21 watch TV or something to that effect.

22 Q: Um, when does Amanda usually get home from
23 work?

1 A: Uh, probably ten after 5:00. Just- I mean,
2 usually about always. She gets off work at 4:30,
3 and the traffic is a- a little bit of a factor. But
4 it's usually about ten after 5:00. And I'm home
5 between 4:30 and 5:00 every day. My cha- My hours
6 never change.

7 Q: Okay.

8 A: Or earlier. (unclear)

9 Q: Have you ever had to help Mackenzie with her
10 school work?

11 A: Oh, yeah. I mean, what I can. I uh- We've
12 done quite a bit of school work together. Uh, her
13 and Caleb both. Uh, I'm not the best at math. I
14 wish I could help her more than I do. Uh, but, you
15 know, I've- I've helped her- I- I'm better with the
16 word problems. She's had a lot of the word problems
17 here lately, uh, where you're- She kind of
18 struggles with that some, where they're doing the-
19 the, you know, the word problems. And I- I can
20 understand them and help her- help her get to that,
21 done that a lot, get to the answers for- for those.

22 Q: Okay.

23 But you- you do it the old fashion way, or do

1 you use modern math?

2 A: No, I just- I do it the old fashion way, I
3 guess.

4 Q: Uh-huh.

5 Uh, do you uh- Is Mackenzie being tutored?

6 A: Oh, yeah. She's uh- She's been tut- She
7 gets tutoring at school on Thursdays, after school
8 for... I'm not exactly sure how long. I think it's-
9 it's about a half hour or an hour. I've picked her
10 up from the tutoring uh, on- on Thursday afternoons.

11 And Amanda works with her every night on- on her
12 math, and... well, anything she struggles with.

13 Everything else seems to be going pretty s- smooth,
14 but she's really having... she's had trouble with
15 the- the Algebra part of her- her math in this last-
16 this last year.

17 Q: Okay.

18 And uh, when she's being tutored, do you pick
19 her up or Amanda picks her up?

20 A: I pick her up, because it's before Amanda
21 gets home from work.

22 Q: Okay.

23 A: It's roughly uh... I think it's about 3:30.

1 So I guess it would be about forty-five minutes of
2 tutoring, roughly, is what she gets.

3 Q: Mm-hmm.

4 A: I pick her up at the high school.

5 Q: Was the tutoring included in- in her uh...
6 last April?

7 A: I'm sorry?

8 Q: Was she being tutored last April?

9 A: She- she was tutored some, yes. I don't
10 remember how much last- last year, but uh, she was
11 tutored some.

12 Q: Okay.

13 And has tutoring been consistent this- this
14 fall?

15 A: Yes.

16 ATTY HAPNER: Okay. No further questions.

17 THEREAFTER, direct examination of David Hughes
18 by Attorney Jon Hapner was concluded.

19 COURT: Thank you.

20 Ms. uh, Drinnon.

21 ATTY DRINNON: Um, thank you.

22 WHEREUPON, cross examination of David Hughes
23 was conducted by Attorney Tanya Drinnon.

1 Q: Uh, Mr. Hughes, you said that you started
2 living with Amanda in September 2011?

3 A: That's a rough estimate, yes. I-

4 Q: Was she still married at that time?

5 A: Um, I'm not exactly sure when she got her
6 divorce. It would have been right around that time.

7 Q: Okay.

8 And uh, have you been living on again, off
9 again?

10 A: No. We've lived-

11 Q: It's been continuing?

12 A: Yes.

13 Q: Okay.

14 Has she ever left the home, and then come back
15 later?

16 A: Oh, yes. I- Yeah, several times. She's
17 went to her mom's before and stayed all night, and-
18 You mean like as in leaving to stay-

19 Q: Period of time?

20 A: No.

21 Q: Uh-huh. Okay.

22 Um, did you know if she ever went back to her
23 um, ex-husband's house, Matt Iler's house, and

1 stayed for a little while?

2 A: Not that I'm aware of, no.

3 Q: Okay.

4 And um, the tutoring that you mentioned,...

5 A: Yes?

6 Q: ... is this the tutoring that started like
7 two weeks ago, that you started picking her up at
8 3:30?

9 A: No, she's had tutoring, this same tutoring,
10 after school for... she had it some at the end of
11 last year... or, well, throughout last year. It
12 wasn't every week last year, but we've been- she's
13 been doing it this year ongoing for I'm not exactly
14 sure how many weeks, but it has been some time.

15 Q: Okay.

16 So it's been a few weeks?

17 A: Yes.

18 Q: Okay.

19 And you pick her up, is that correct?

20 A: That's correct.

21 Q: And then do you help the children with
22 homework?

23 A: I do some. What I can. I'm not as much as

1 what Amanda does.

2 Q: Mm-hmm.

3 A: Uh, she's with'em- I can help Caleb more
4 than I can Mackenzie with the math. I just-
5 Algebra's not my thing.

6 Q: Okay.

7 Do you have children?

8 A: No, I don't.

9 Q: Okay.

10 So is this the first time you've lived with
11 children?

12 A: No, it's not.

13 Q: Okay.

14 Uh, and how old are Mackenzie and Caleb?

15 A: Mackenzie's thirteen, and Caleb just turned-
16 had a birthday, he just turned eight.

17 Q: Okay.

18 And uh, are you de- You're denying any
19 allegations of abuse or anything going on in the
20 household?

21 A: Absolutely, yes.

22 Q: And uh, the last time that we were here for
23 court, I think... were you present then?

1 A: That's correct, yes.

2 Q: Uh-huh.

3 Did you uh, submit to a voluntary drug test
4 after court?

5 A: I didn't, but I will. I mean, I-

6 Q: Uh, but you didn't last time though?

7 A: Nobody was a- Nobody asked me to.

8 ATTY DRINNON: Okay. Nothing further, Your
9 Honor.

10 THEREAFTER, cross examination of David Hughes
11 by Attorney Tanya Drinnon was concluded.

12 COURT: Thank you.

13 Mr. Hapner?

14 ATTY HAPNER: Nothing further, Your Honor.

15 COURT: Thank you.

16 Sir, you're excused.

17 MR. HUGHES: Thank you.

18 COURT: Thank you very much.

19 We'll call Amanda Iler.

20 COURT: Thank you.

21 Miss, I need you to stand and raise your right
22 hand, and be sworn in.

23 Do you solemnly swear the testimony you're

1 about to give today to be the truth, the whole
2 truth, and nothing but the truth, so help you God?

3 MS. ILER: Yes.

4 COURT: Thank you.

5 Just have a seat there. You can speak from
6 there.

7 Uh, please speak loudly.

8 Mr. Hapner, go right ahead.

9 WHEREUPON, direct examination of Amanda Iler
10 was conducted by Attorney Jon Hapner. The said
11 Amanda Iler having previously been sworn.

12 Q: Would you state your name and address,
13 please?

14 A: Amanda Iler, 121 East Sixth Street, Seaman,
15 Ohio 45679.

16 Q: And are you the mother of- of Mackenzie
17 Farahay?

18 A: Yes.

19 Q: And uh, Mackenzie's lived with you uh, since
20 she's been born?

21 A: Yes, consistently.

22 Q: And uh, has she consistently uh, lived with
23 you, never lived with Todd by himself?

1 A: Other than their uh, weekend exchanges as
2 the Court's order, no.

3 Q: Okay.

4 Now, have you ever noticed anything strange
5 about Todd's relationship with uh, Mackenzie?

6 A: I- I feel like I may be bias in answering
7 that, because where I'm with Mackenzie I may not
8 perceive things as a third party that would be more
9 neutral.

10 Q: Okay.

11 Uh, was there ever- Did Mackenzie ever discuss
12 with you a matter of buying her a birthday gift when
13 she was at her dad's?

14 A: Can you repeat that?

15 Q: Did Mackenzie ever discuss with you a matter
16 of buying a- a birthday gift for Mackenzie when she
17 was staying with Todd?.... or visiting Todd.

18 A: Oh, she uh, relayed that she doesn't get
19 gifts for special occasions like birthdays or
20 Christmas. She's expected to buy her own with money
21 that she works for. But that's all that I have
22 knowledge of. I don't-

23 Q: Now last summer, did Mackenzie call you when

1 she was staying at Todd's, a- about feeling bad?

2 A: Um, there was a time that I spoke to her. I
3 think it was in July of last year, while she was on
4 her extended time with Mr. Farahay. And yes, she
5 did relay to me that her throat was swollen, her
6 ears hurt, and she was starting to get a fever. So,
7 I had asked her to put Mr. Farahay on the phone, and
8 I, you know, said I think she may be getting strep,
9 you might want to get her to the doctor. Because I
10 know that uh, Mr. and Mrs. Farahay have a young
11 child, and just from experience it's like the domino
12 effect, it goes from one kid then it just goes
13 rampant. So uh- In speaking with him, I just
14 wanted him to acknowledge that he was aware that she
15 was sick, because maybe she hadn't told him. So I-
16 That's the only purpose of me talking to him, was to
17 just make sure that he was aware.

18 Q: Did he take her to the doctor?

19 A: No, she came home four days later. I mean,
20 she- she looked horrible. She was sick. And then,
21 uh, I think it was either the day that she returned,
22 or the day after, that I took her to the doctor's
23 office, and she did in fact have strep.

1 Q: Okay.

2 How long did it take her to get over the strep?

3 A: Um, she started feeling better after about
4 two days of being on the antibiotics.

5 Q: Okay.

6 Now, did uh, you provide Mackenzie with a cell
7 phone?

8 A: Uh, yes.

9 Q: And whatever happened to the cell phone on
10 visits to Todd?

11 A: I quit allowing it to go with her, because
12 she was told that she's not allowed to use it, and
13 Mr. Farahay has even approached me and told me that
14 when she's there it's his property, and it's his
15 right to keep it from her, and she gets it upon
16 returning.

17 Q: Uh, did you ever find anything different in
18 the settings of the cell phone, after- particularly
19 after a visit?

20 A: Mackenzie had relayed that she felt like
21 they were deleting pictures and stuff. I- I don't
22 remember. I don't know.

23 Q: Okay.

1 Uh, were you- Is she allowed to talk to you by
2 herself when she's at her dad's?

3 A: No.

4 Q: Okay.

5 Uh, school progress reports. Has there been
6 any problem getting school progress reports?

7 A: Uh, yes. Typically, the child will keep
8 their same student I.D. number consecutively, year
9 after year. That's like their lunch number. That's
10 just their uniform identification for school
11 purposes. And it also applies to the online uh,
12 parental access. And every year it stays the same.
13 Most parents are encouraged to share the one
14 account, because the school doesn't want to get into
15 grandma wants one, dad wants one, mom wants one,
16 because those are, you know, three and four
17 different accounts, whereas, if everybody works
18 together they only need one. However, they're not
19 saying they won't make an exception. Um, so the
20 last two or three years Mr. Farahay and I have had
21 separate accounts, because I would go to log in to
22 monitor her grades to see if she had got a low grade
23 on something, or had a missing assignment, and I was

1 blocked access. I had to call the school, then they
2 referred me to the uh, administration office. They
3 had to get a technical person to go in and monitor,
4 and they could validate that I had to have that
5 separate account, because somebody was going in
6 there and deleting my information as a parent so I
7 wasn't getting notified of anything, nor could I
8 even access the account to stay in touch with what
9 was going on, if something was late or she was, you
10 know, slipping in one area. So they gave me a new
11 private account. And then at the beginning of this
12 school year the whole district reset the whole
13 parental access and everybody had to get a new
14 account made and registered, and such. And the same
15 thing happened. Mr. Farahay, instead of working
16 with me and sharing the account with me like he was
17 supposed to, he completely blocked all access, and I
18 had to have another one set.

19 Q: Okay.

20 How do you know it was Mr. Farahay?

21 A: Because due to the nature of confidential
22 children's records the school requires that you show
23 up in person to pick up that registration key, to

1 make that new account, and there was only one other
2 person that could have went to the school and got
3 it. It has to be a parent.

4 Q: Okay.

5 Now, so you had a problem getting information
6 on uh, Mackenzie at school?

7 A: This year, yeah.

8 Q: Okay.

9 Now, uh, do- in the matter of tutoring, uh,
10 what steps are you taking to get tutoring for
11 Mackenzie?

12 A: Uh, if the school offers extra we definitely
13 jump on that. Um, I- I've hired private. Um, and
14 then, just from having been fortunate and having
15 good relationships with all of the school uh,
16 intervention specialists and so forth, you know,
17 they give me guides to do stuff at home with her
18 that a tutor would do anyway. I mean, I've- I've
19 took every measure that I knew possible, as far as,
20 you know, assisting her outside of another tutor,
21 so, I mean... We- Some of it's trial and error,
22 where she'll have too many folders, a take home
23 folder, a turn in folder, and we have to eliminate

1 one of those, because it's too confusing and it
2 creates a mess, and it's hard, when she's not
3 organized, to remember what paper goes in where.
4 And then that- I feel like that results in some of
5 the assignments getting turned in late, because
6 she's completely forgot. She put it in the eighth
7 folder, and just assumes that she doesn't have it
8 when asked for it, and then two days later we find
9 it in the folder that she didn't look in.

10 Q: Now, uh, have you ever uh, tried to get
11 counseling for uh, Mackenzie?

12 A: Um, yeah, I- I did. I think it was back in
13 2011, I had her see Gene Smiley, um, at my request,
14 just because I was concerned with some of her uh, I
15 guess displayed exhibits, as far as panic and
16 stress, when it come to visits with Mr. Farahay, and
17 to remain in compliance and be supportive of that
18 relationship. I felt like it was necessary for
19 someone to maybe talk to her outside of a mom and
20 dad that are obviously gonna only see things in
21 their own perspective.

22 Q: Did you convey the information you wanted
23 her to see Dr. Smiley...

1 A: No.

2 Q: to Mr. Farahay?

3 A: Oh, uh, yes, several different occasions.

4 Q: What happened, if anything?

5 A: Nothing. I mean, I- Nothing. I just made
6 mention of it, because he's court ordered to pay
7 fifty percent of medical that's not covered by
8 health insurance, and well, it's three years later
9 and I've not been presented with any of that.

10 Q: Okay.

11 You mentioned medical insurance and- and
12 medical bills. Have you had a number of medical
13 bills?

14 A: I wouldn't say a number. The tonsil thing
15 was probably the most, like the biggest amount. But
16 she doesn't have like ongoing medical like concerns,
17 other than just her routine visits with the doctor,
18 whether it be for her annual or, you know, just an
19 illness like strep throat.

20 Q: Okay.

21 And uh, have you conveyed uh, those bills, or
22 those incidents to Mr. Farahay?

23 A: Yes.

1 Q: Handing you what's marked as Plaintiff's
2 Exhibit "1". Could you tell us what that is,
3 please?

4 A: This is an itemized.... I wouldn't say bill....
5 it's an itemized summary of services rendered for
6 Mackenzie.

7 Q: And what- Uh, when and where, and why?

8 A: Um, I believe the February- No. Let's see.
9 The April date, and all the uh, services listed for
10 that, I think that was the actual surgery itself.
11 Now, there was an appointment before that, because
12 before you can do like a major surgery like that you
13 have to have a consultation. And it's, I'm
14 thinking, February or March of that same year... of
15 2012.

16 Q: Uh, and was that bill eventually submitted
17 to Mr. Farahay?

18 A: Um, yes. I don't think I submitted it to
19 him though until I want to say May or June, because
20 I didn't get the bill until then. It takes the
21 hospital, you know, a couple weeks to process it
22 after the services.

23 Q: Mm-hmm.

1 A: So....

2 Q: Hand you what's been marked for
3 identification Plaintiff's Exhibit "2". Would you
4 tell us what that is, please?

5 A: Um, this was the first uh, pair of
6 eyeglasses for Mackenzie.

7 Q: And who did that? Who provided those?

8 A: Provided the bill, or the glasses, or what?

9 Q: Provided the glasses, first.

10 A: Uh, I took her to the appointment, and got
11 the glasses, if that's what you're asking.

12 Q: Okay.

13 What doctor was that?

14 A: Um, McConnaughey in Hillsboro.

15 Q: Okay.

16 And there's handwriting on that exhibit. Who's
17 handwriting is that?

18 A: That would be mine.

19 Q: Okay.

20 Did you submit that bill to Mr. Farahay?

21 A: Yes.

22 Q: And what, if anything, happened?

23 A: I mean, I've- I asked him about it in

1 person, because if I sent him a text he claims he
2 doesn't get it, or has no knowledge or memory of it.
3 But- So when I ask him in person he literally just
4 turns and walks away from me like I'm not standing
5 there. So...

6 Q: Okay.

7 A: Nothing results.

8 Q: Has he ever paid you half of it that- that
9 you had to pay?

10 A: No.

11 Q: Okay.

12 Handing you what's been marked as Plaintiff's
13 Exhibit "3". Would you tell us what that is,
14 please?

15 A: Um- Oh, this is the actual bill from where
16 Mackenzie had to be taken to- to the doctor when she
17 got home from being on her extended time, because
18 she wasn't provided for the strep throat issue, or-
19 so when she got home this is the date and it shows
20 that I was the one that took her.

21 Q: Okay.

22 Uh, how much uh, did you have to pay outside
23 insurance?

1 A: Well, the way it works now is, where she
2 doesn't have technical insurance anymore, uh, you
3 don't pay up front like you do like a co-pay, like
4 Twenty Dollars, like you typically would. You don't
5 pay anything at first, uh, because they have to bill
6 the insurance. And unless you meet the... I don't
7 know what it is exactly... the Four Thousand Dollar
8 deductible they don't apply any of it. So instead
9 of me going there and paying Twenty Dollars and
10 being done, I get the bill a month later and I have
11 to pay just like I'm self pay, which I think it was
12 the Fifty-Eight Dollars, I- I'm assuming.

13 Q: Okay.

14 Have you presented that bill to Mr. Farahay?

15 A: Yes.

16 Q: Have you ever been paid half of it?

17 A: No.

18 Q: Okay.

19 Hand you what's been marked Plaintiff's Exhibit
20 "4". Would you tell us what that is, please?

21 A: These are just numerous um, visit- I guess,
22 receipts or bills for Mackenzie.

23 Q: Okay.

1 Uh, were they submitted to Mr. Farahay?

2 A: Uh, yes, these have all- You know, after
3 each visit to the doctor I make, you know, note of
4 the next time he sees me, to pick up or drop off
5 Mackenzie, that she was seen, for the physician this
6 was what the bill is, and uh, no response. I just
7 make mention of it and that's it.

8 Q: Okay.

9 Handing you what's been marked for
10 identification as Plaintiff's Exhibit "5". You-
11 Now there's handwriting on it again. Could you tell
12 us what that is, please?

13 A: Um, this is the statements, uh, various
14 months, because I had to go on a payment plan for
15 the uh, tonsil surgery that Mackenzie uh, had done,
16 April. So this kind of coincides with that very
17 first itemized thing... bill. Sorry.

18 And that's just my scratch on there from where
19 I was, I guess, adding and subtracting after
20 payments were made on that account.

21 Q: Okay.

22 Now uh, you- Had you made a de- a request of
23 Mr. Farahay to help pay on the counseling with Dr.

1 Smiley?

2 A: Yeah, I think I even had uh- I think I even
3 had you send something to him, or his attorney. I
4 can't remember.

5 Q: Okay.

6 Uh, hand you what's marked for identification
7 Exhibit "7", which consists of uh, three pages.
8 Could you examine those for a minute, please?

9 And uh, do you re- remember requesting that uh,
10 Mr. Farahay uh, pay: bay- a) for counseling; and 2)
11 for his share of the medical bills?

12 A: Yeah.

13 Q: Have you ever received anything from either?

14 A: No.

15 Q: Uh, has he re- at- told you flatly he's not
16 gonna pay it, or he just doesn't pay?

17 A: The only- the only response I've ever got
18 out of him was I don't have any money right now.
19 But, I mean, he didn't say that he wouldn't give it
20 to me, but he just didn't offer it either.

21 Q: Okay.

22 How much is outstanding on these medical
23 bills?.... if you remember.

1 A: Um, I don't know. I know the tonsil
2 surgery, after the insurance... actually two, a
3 primary and a secondary insurance... it was over a
4 Thousand Dollars, if I remember correctly.

5 Q: And uh, that's in Exhibit "6".

6 A: Oh! You need those or- (inaudible...)

7 Q: Now, handing you what's been marked for
8 identification as Plaintiff's Exhibit "6". I'm
9 sorry... uh, the other exhibit I mentioned is Exhibit
10 "5".

11 A: Okay.

12 Q: Uh, do you recall seeing that before?

13 A: Yes.

14 Q: And uh, the teacher who wrote that was on
15 the stand, we heard her today.

16 A: Yes.

17 Q: And did you request that letter?

18 A: Uh, yes.

19 Q: And uh, did everything she say in there is-
20 is what she told you?

21 A: Yeah.

22 Q: Mm-hmm.

23 Now, are you employed?

1 A: Yes.

2 Q: Okay.

3 Where- where are you employed?

4 A: Uh, I work for Highland County Department of
5 Job and Family Services, an Eligibility Caseworker.
6 And I'm also a Court Appointed Special Advocate GAL
7 for Clermont County.

8 Q: Okay.

9 A: Juvenile. But I'm not paid for that job.
10 It's just volunteer.

11 Q: Okay.

12 Handing you what's marked for identification as
13 Plaintiff's Exhibit- Oh, I'm sorry.

14 ATTY DRINNON: That's okay.

15 ATTY HAPNER: (inaudible...) (speaking with
16 Attorney Drinnon)

17 Q: Plaintiff's Exhibit "8".

18 And would you tell us what that is, please?

19 A: Uh, this is my uh, end of the year summary
20 for my employer. I think it's a W-2.

21 Q: And have you had a raise this year?

22 A: Um, I don't believe so. If I have it's just
23 been longevity, which may have been a couple cents,

1 but I- to tell you the truth I don't know if I even
2 get that every year. I- I think I do. It's not
3 very much. One year it was um, Seventeen Cents, and
4 then every year after that it gets a little bit
5 smaller.

6 Q: Mm-hmm.

7 A: It's like Three Cents, Five Cents, and so
8 forth, I think.

9 Q: So- And what's- what's the amount you earn?

10 A: Um, well, what box specifically do you want
11 me to go by? Cause there's a wages and tips, and
12 then there's a Medicare wages and tips number, and
13 they're a little bit different from each other.

14 Q: Uh, take the wages and tips.

15 A: Um, it looks like Thirty-One Thousand Nine
16 Hundred Twenty Dollars and Twenty-Three Cents.

17 Q: Okay.

18 Now, do you have any uh, uh- Do you have any
19 dependents living at home?.... children.

20 A: Uh, two children.

21 Q: Uh, Mackenzie and- and Caleb?

22 A: Yes.

23 Q: And are you paying child support on

1 Christopher?

2 A: Uh, Christian, yes.

3 Q: And how much do you pay on Christian?

4 A: If I remember the exact amount, I think it
5 was One Forty Three every two weeks.

6 Q: Okay.

7 And you're still paying that? That's being
8 withheld?

9 A: Right.

10 Q: Okay.

11 And do you pay health insurance on uh,
12 Mackenzie?

13 A: Uh, I don't pay health insurance. I have to
14 pay like... it's like self pay, because the insurance
15 that is provided through his employ- Mr. Farahay's
16 employment doesn't cover anything unless I meet the
17 Four Thousand Dollar, I guess, deductible.

18 Q: Okay.

19 And (unclear) - uh, Exhibit "8" is a copy of
20 your W-2, 2012?

21 A: Okay.

22 COURT: Mr. Hapner, what number was that?

23 ATTY HAPNER: 8.

1 COURT: 8. Thank you.

2 ATTY HAPNER: (inaudible...)

3 DIRECT EXAMINATION OF AMANDA ILER CONTINUED:

4 Q: Handing you what's marked for identification
5 as Plaintiff's Exhibit "9". I'm sorry, just a
6 second. (inaudible...)

7 You- uh, you have your withholding for uh, uh,
8 Christopher. You also have a med-pay on there.
9 What's that?

10 A: That's some kind of tax. Um, I asked about
11 that once too. Uh, see... I don't know. I- I'm
12 afraid to answer, cause I don't remember what the HR
13 lady told me that was for. Um, it's some kind of
14 tax.

15 Q: Okay.

16 Is it- Uh, so your take home pay then uh, as a
17 rule is Nine Hundred and Fifty-Five Dollars?

18 A: The net?

19 Q: Yeah.

20 A: Yes, that's correct.

21 Q: Is that every two weeks?

22 A: Yes, bi-weekly.

23 Q: Okay.

1 And uh, do you have- You're paying a city
2 income tax at Hillsboro?

3 A: If it's on there.

4 Q: Yeah. Four- It shows uh, uh, Twenty
5 Dollars and Thirty-Seven Cents every two weeks.

6 A: Okay. Yes.

7 Q: Okay.

8 Now, handing you what's marked for
9 identification as Plaintiff's Exhibit "9".

10 COURT REPORTER: It was "10".

11 Q: It was "10"? I'm sorry. Plaintiff's
12 Exhibit "10".

13 Would you tell us what this is, please?

14 A: This, I think, is what I was talking about
15 earlier. This was the- This is an itemization of
16 uh, the speech appointment that she had to have with
17 the uh, audio specialist, because they want to do-
18 they had to conduct like a before and after their
19 tonsils to see what changed, if anything. So, this
20 had to occur. This was the bill, and that visit was
21 Two- Yeah, this is right. This was- It was Two
22 Hundred and Forty-Five Dollars and (unclear)
23 obviously after insurance, cause it lists it there

1 too, so yeah.

2 Q: Okay.

3 Uh, has Mr. Iler paid you anything on that?

4 A: You mean Farahay?

5 Q: Farahay. I'm sorry.

6 A: Uh, no.

7 Q: Okay.

8 Uh, have you submitted a bill to him on it?

9 A: Yeah.

10 Q: Are you paying any health insurance on

11 Mackenzie?

12 A: No.

13 Q: Okay.

14 A: I just pay a self- a self pay.

15 Q: Okay.

16 And uh, (inaudible)- Uh, you have- You're
17 paying One Forty-Three a month for uh, Caleb?

18 A: It's One Forty-Three every two weeks.

19 Q: Every two weeks. Okay.

20 And uh, are you paying any spousal support to
21 anyone?

22 A: No.

23 Q: Any uh- You're paying what, Ten Dollars

1 every two weeks uh, local income tax?

2 A: I- That's what my pay indicated.

3 Q: Okay.

4 And do you have any mandatory work reductions?

5 A: Uh, not- No, we don't- I don't believe so.

6 Q: Okay.

7 Do you have any child care exense- uh, expenses
8 for Mackenzie?

9 A: Uh, not so much anymore. Just in the
10 summertime when she's not with the extended uh, time
11 with her father. Just a little bit. It's not-
12 It's not much.

13 Q: Okay.

14 You're not worried about it then?

15 A: Well, I would-

16 Q: Now, you've indicated there's been some
17 health insurance provided with Mr. Farahay. Uh,
18 would you describe that, please, what it is?

19 A: Um, health savings account, I think. I'm
20 not sure what it's actually called. It's uh, until
21 you meet the deductible they don't really apply
22 anything.

23 Q: Did you have to do some immunizations for

1 Mackenzie to start school last year?

2 A: Uh, I think it was this year, and they sent
3 us everyone a letter at like sometime in September
4 to say... we're sorry for just now conducting a
5 review of each child's immunizations, but because of
6 the age and grade that she is, she has to have this
7 specific one by this deadline. So uh, I tried to
8 take her to her local doctor, which is right there
9 in Seaman, but they were out of that specific uh,
10 immunization, so I had to take her to I think it was
11 a mobile clinic of some kind.

12 Q: Okay.

13 What did that cost you?

14 A: I think Twenty Dollars.

15 Q: Okay.

16 Uh, look at that. Is that (unclear)-

17 A: Uh, yes, it was the Appalachian Hope Van, is
18 where I took her.

19 Q: Okay.

20 Have you inquired a- as to the uh, health
21 benefits Mr. uh, Farahay is providing?

22 A: What do you mean?

23 Q: Uh, go online, see what he's got?

1 A: Um, yeah. The- the plan that he has allows
2 me to have a (unclear) an account be- as the parent
3 of Mackenzie. Um, and I- I did create one as they
4 allowed me, the company, and I mean, it gives an
5 itemized of everything from since 2011, I think.

6 Q: Okay.

7 Now you indicated that uh, the one- some of the
8 correspondence in this matter that it was over
9 Seventeen Hundred Dollars outstanding bills, outside
10 the insurance?

11 A: I believe so, yes.

12 Q: Has he paid any of that?

13 A: No.

14 Q: Okay.

15 Now, (inaudible...)- Uh, have you provided him
16 notice on those?

17 A: Uh, yes.

18 Q: Uh, the uh- One more question before-
19 before I finish. Uh, there have been some text
20 messages on telephones. Uh, would you describe how
21 that can be done?

22 A: Actually, I wanted to show this to Tyler,
23 who I thought would be present, as I thought it

1 would be required. But he's not. Um, he appears to
2 be swayed by something I think is very, very
3 questionable, because I was-

4 Q: The question is, uh, have- would you
5 describe, please, what you can do to make a
6 counterfeit message?

7 A: There's actually a website. It's called
8 Phone Text Clone. And I actually went to it and
9 printed off step by step instructions of how I can
10 say Jon Hapner, or so and so, I can make them the
11 receiver or sender of the message. I can make my
12 phone an AT&T. I can make it Verizon. It's
13 basically a falsified screen shot of a phone to
14 try... I don't know what people use'em for... but it's
15 basically a screen shot, and it looks real. This is
16 a step by step process from the website itself on
17 how to do this. And in addition, you can change the
18 shapes and sizes, and so forth.

19 Q: Uh, you- Are- You work with a computer?

20 A: Oh, yeah, every day.

21 Q: Okay.

22 And you're familiar with this sort of thing?

23 A: Yes.

1 Q: And did you send those messages that were
2 testified to?

3 (speaking to Attorney Drinnon) You got'em?

4 ATTY DRINNON: I'm sorry?

5 ATTY HAPNER: (inaudible...)

6 DIRECT EXAMINATION OF AMANDA ILER CONTINUED:

7 Q: Handing you what's been marked for exhibit
8 as Plaintiff's Exhibit "11". Would you look at it,
9 please?

10 A: Okay.

11 Q: Okay.

12 Uh, are those instructions you got off line for
13 phone texts?

14 A: Yeah.

15 Q: Does that show how to uh, make an improper
16 or counterfeit message?

17 A: Oh, yeah. And there's actually apps on your
18 phone. You don't even have to have an iPhone to do
19 this. Anything that is a Smartphone of any source
20 will allow you to do this.

21 Q: Okay.

22 And uh, the- there was uh, messages uh, I
23 believe to Chase in particular. Did you send those?

1 A: Absolutely not.

2 Q: Okay.

3 May I have that, please?

4 No further questions.

5 THEREAFTER, direct examination of Amanda Iler
6 by Attorney Jon Hapner was concluded.

7 COURT: Thank you.

8 Ms. Drinnon.

9 ATTY DRINNON: Thank you, Your Honor.

10 WHEREUPON, cross examination of Amanda Iler was
11 conducted by Attorney Tanya Drinnon.

12 Q: How long have you uh, resided where you
13 currently are?

14 A: Um, let's see... a little over a year now.

15 Q: Okay.

16 So since 2012?

17 A: I believe so.

18 Q: September of 2011, that Mr. Hughes testified
19 to, was inaccurate?

20 A: Actually he corrected himself. He said 2012
21 after that.

22 Q: Okay.

23 And where did you live before that?

1 A: Uh, before that I had stayed and rented a
2 mobile home in the same- in- in Seaman.

3 Q: Okay.

4 And um, where did Mackenzie live at that time?

5 A: With me.

6 Q: Okay.

7 And before that then, where were you staying?

8 A: Before moving to the mobile home that I had
9 rented, I- me and Mackenzie had resided at the
10 marital property of myself and Mr. Iler, the 380
11 Broadway, also in Seaman.

12 Q: Okay.

13 So when did you leave there?

14 A: Leave Broadway?

15 Q: Mm-hmm.

16 A: I want to say April, May of 2012, but I
17 don't remember the exact date.

18 Q: And you went to the mobile home then?

19 A: Yes, I rented it.

20 Q: And then where did you go from the mobile
21 home?

22 A: I moved out of the mobile home and in with
23 Mr. Hughes.

1 Q: Okay.

2 And did both of your children go with you?

3 A: Yes.

4 Q: Okay.

5 In the mobile home, and then into Mr. Hughes's
6 home?

7 A: Yes.

8 Q: Okay.

9 And so you're currently residing in uh, Mr.
10 Hughes- It's Mr. Hughes's home, is that correct?

11 A: Yes, he's the legal owner.

12 Q: Okay.

13 And uh, what's your relationship to Mr. Hughes?

14 Are you just boyfriend, girlfriend? Engaged?

15 What's the status?

16 A: Um, I would say significant other.

17 Q: Not engaged?

18 A: I didn't say that. I said significant
19 other.

20 Q: Are you engaged?

21 A: Not currently, no.

22 Q: Okay.

23 And so you're denying that there's any violence

1 in the home?

2 A: Yes, I deny that.

3 Q: Okay.

4 And the text messages that were sent to Chase-
5 Do you- Do you know Chase?

6 A: Uh, a little bit. I don't know her very
7 well.

8 Q: Did you see them?

9 A: Are those the same ones that she brought?
10 Cause I thought hers were cut into little pieces.

11 Q: Mm-hmm, that's the same ones.

12 A: Okay.

13 Then yes, I did see these.

14 Q: Okay.

15 And what's it say at the top of it?

16 A: It says Amanda.

17 Q: Okay.

18 And what's just the first line?

19 A: Hell, yes, Dave can't get me tonight.

20 Q: Okay.

21 And what do you call- Do you have nicknames
22 for your children?

23 A: Yeah.

1 Q: What do you call'em?

2 A: Uh, Mackenzie is often referred to as Roo,
3 and Caleb is often reter- referred to as Goey.

4 Q: Okay.

5 And how many people knows the nicknames?

6 A: Most anyone that has any kind of
7 relationship. Even the teachers refer to my kids as
8 their nicknames.

9 Q: Okay.

10 So you use those nicknames all the time. So
11 someone would have to know you to know what the
12 nickname was?

13 A: Or at least know the children.

14 Q: Mm-hmm.

15 And in the text messages here- You're saying
16 you never sent these, right?

17 A: (inaudible)

18 Q: So you never said... what does that say?

19 A: Says... Roo came in. But that doesn't say
20 that Matt or his girlfriend wouldn't know to call
21 her that, to present this as falsified evidence.

22 Q: Okay.

23 And um, so there's been no incidents where

1 you've gone back to Mr. Iler's home because of
2 abuse?

3 A: I've babysat for him up there, his son, when
4 my children were up there also, but just a couple
5 hours. It wasn't like an overnight.

6 Q: Okay.

7 And you never showed them bruises that were on
8 you?

9 A: Bruises to who? About-

10 Q: On you. Don't you remember they testified
11 that you held up your shirt to say where the bruises
12 were?

13 A: I don't recall that, no.

14 Q: Okay.

15 So you're saying Mackenzie's never seen
16 violence?

17 A: I'm not saying that she's never seen
18 violence. Um, you can turn on the TV at three
19 o'clock and see violence.

20 Q: She's never seen violence between you and
21 Mr. Hughes?

22 A: No. Maybe a couple arguments, but as far as
23 physical violence, absolutely not.

1 Q: Do you or uh, Mr. Hughes any- use any drugs?

2 A: Absolutely not.

3 Q: Did you submit to the drug test last
4 time?....that the Court ordered?

5 A: Uh, no, they kind of referred- or, thought
6 about it and it was not.... they weren't.... didn't
7 require anybody to. I offered- Um, I think as we
8 were closing you had said something about would you
9 submit, and I said I don't have a problem with it by
10 any means.

11 Q: I believe what the Judge ordered was that
12 the parties had to submit, and then if the
13 significant others wanted to he could not order them
14 but they could.

15 ATTY HAPNER: I'm sorry, I don't think he made
16 any such order.

17 MS. ILER: I don't-

18 ATTY DRINNON: Um, I believe it was made, the
19 order was made.

20 ATTY HAPNER: Uh, we'll do it if there is such
21 an order. I don't have any problem with it.

22 CROSS EXAMINATION OF AMANDA ILER CONTINUED:

23 Q: So you didn't do any drug test last time?

1 A: No.

2 Q: Let's go to Mackenzie's school activities.

3 And do you feel that Mackenzie is struggling in
4 school?

5 A: I feel that she has- she has challenges that
6 some kids aren't faced with, yes, I would say so.

7 Q: So how do you correct that?

8 A: Um, it depends on the subject, and the
9 method or concepts, specifically. I mean, that's
10 kind of a- Um, I don't know what you- what- Are we
11 talking about Language Arts, reading comprehension,
12 what she absorbs? We talking about Math, or we-

13 Q: Well, I'm just saying that year after year
14 she seems to be having the same problem. Um, she's
15 missing school assignments, and then her progress
16 report will go up, and then uh, she'll turn'em in at
17 the very end. Are you aware of this?

18 A: Yeah.

19 Q: You are?

20 A: Well when I'm not locked out of the account,
21 yeah, I am.

22 Q: Well how- What do you do? I mean, if she's
23 at your home the majority of the time at this point,

1 why are you not checking assignments?

2 ATTY HAPNER: Object. There is no such
3 evidence.

4 ATTY DRINNON: Uh, you- I'll-

5 COURT: We'll overrule.

6 You- Ma'am, you can answer the question if you
7 understand it, and you know the answer.

8 A: Could you rephrase that?

9 Q: Yes.

10 Why are you not checking her assignments to see
11 when she's turning them in?

12 A: I do check them. You didn't ask me if I was
13 checking them. You asked me what I did to remedy
14 it.

15 Q: Well what are you doing to remedy it, if
16 she's missing assignments?

17 A: If I find out that there was an assignment
18 that was in her folder for example and it wasn't
19 turned in on Monday when she was supposed to turn it
20 in, when she gets home I inquire with her, okay,
21 this was in your folder when you left the house, why
22 did you not hand it to the teacher. It's different,
23 various reasons. Sometimes it's just like I was

1 explaining earlier, she is so consumed with trying
2 to get right, because people are being too critical
3 of her, she- she'll present eight folders when in
4 fact she only needs four subjects, or, you know, one
5 for each subject. She may need four and she'll put
6 eight in there, and then she'll put one paper here
7 and there. So when the teacher approaches her and
8 says do you have the worksheet that was due today
9 she looks in the first folder or two, and- because
10 Mackenzie's kind of um, shy, she doesn't like for
11 the teacher to be calling her out in front of
12 everybody, it embarrasses her, when she goes to the
13 first folder or two and doesn't see it she just said
14 I'll turn it in tomorrow, because she's embarrassed
15 because everybody's looking at her.

16 Q: How do you know this?

17 A: She's told me that.

18 Q: Okay.

19 So this is just what you think is happening.

20 Um-

21 A: No, the teachers have confirmed as well.

22 She- she doesn't like confrontation. It's- it's
23 scary to her.

1 Q: Sure. As it would be, I'm sure, for any
2 child.

3 But it's the same problem that's reoccurring
4 year after year. What are you doing to help this?

5 A: I can only try to remedy it after the fact.
6 I can't remedy something in the future.

7 Q: What happened to tutoring? How long have
8 you done tutoring?

9 A: I've done tutoring off and on, depending on
10 what I feel like her needs are... consistently. I
11 mean, the teachers testified to it. She's in it
12 now. She was in there April, when this was filed.

13 Q: And my client had tried to get her tutoring
14 with Laura Applegate. And did you do anything to
15 try to help that?

16 A: I wasn't made aware of that until- until the
17 last hearing. I had no knowledge of that, because
18 he refuses to communicate with me.

19 Q: Mm-hmm.

20 A: I've never objected to it by any means.

21 Q: So you think that it's appropriate then for
22 what Mackenzie's doing now she's gonna continue to
23 do so, and that her grades will improve?

1 ATTY HAPNER: Objection.

2 ATTY DRINNON: I think- Let me rephrase, Your
3 Honor.

4 COURT: Very well. Go right ahead.

5 ATTY DRINNON: Thank you.

6 CROSS EXAMINATION OF AMANDA ILER CONTINUED:

7 Q: Uh, are things going to change?

8 A: I can't answer that. A child that's
9 struggling, I can't predict her abilities. I-

10 Q: Well, here's my thing. The guardian ad
11 litem report, do you recall that report?

12 A: Yes.

13 Q: In his report, do you recall where he talks
14 about that he thinks Mackenzie's falling through the
15 cracks at her mother's home?

16 A: Let me get mine out, so I can refer to it.

17 Q: Certainly.

18 I'm looking at the supplement report as well.

19 A: Okay. Here it is. (unclear)-

20 Go ahead. I have it.

21 Q: Could you please refer to page 9?

22 A: Okay.

23 Q: Under conclusion.

1 A: Okay.

2 Q: And it states that he believes Mackenzie's
3 falling through the cracks at her mother's home.
4 And then it says... I believe that by the time Ms.
5 Iler comes home from work, and Mackenzie eats
6 dinner, that there is not time for studying and
7 homework.

8 A: Okay. What's your question?

9 Q: So, he said... I know that Mackenzie tries,
10 however the situation is not working and there must
11 be some changes.

12 A: Well, if Tyler...

13 Q: What's going to change?

14 A: ... had been thorough and asked of myself and
15 my family, as far as our routines. It was never
16 inquired. He never asked me what steps I took, as a
17 parent, with school faculty people, to remedy it.
18 If he would have asked that he wouldn't have had to
19 make statements to that. When he assumed that I
20 hadn't had her tutored, I mean, he was left with
21 clouded judgment, I think, because he never asked
22 any of us, you know. When he was at our house he
23 was more concerned with watching TV than discussing

1 any of Mackenzie's education (unclear). We had
2 talked about how we do flashcards with her, and
3 things of that. But he never asked me, have you
4 ever had um, tutoring for Mackenzie, or uh, or any
5 other remedies that- He never inquired, so how can
6 he make an assertion, like a factual ma- like
7 statement when he didn't inquire and that's his job.
8 It's inaccurate.

9 Q: Well- So you're saying his report's
10 inaccurate?

11 A: Yes, it's very inaccurate.

12 Q: Okay.

13 And we were in here last time, and you heard
14 his testimony about how he does believe that there
15 is violence in the home? Do you remember that?

16 A: Yeah.

17 Q: And do you remember that he based his
18 opinion, he said- In his report....

19 A: Mm-hmm.

20 Q: he said that he thought that there might
21 be some violence, he just couldn't tell.

22 A: Yes.

23 Q: And then after testimony, he testified that

1 he believed there was violence. Therefore... do you
2 recall what his recommendation was?

3 ATTY HAPNER: Object.

4 A: Yes, but he's- I mean, (inaudible)-

5 COURT: Overruled. Hold on. Overruled.

6 Ma'am, you can answer the question.

7 A: What was the question exactly?

8 Q: Do you recall what his recommendation was?

9 A: What his verbal recommendation was, yes.

10 But I also feel like it was inappropriate, because
11 he did not inquire thoroughly with both parties to
12 the- to the allegations in the original complaint.
13 He never asked me about these allegations about
14 violence. He never asked David. How can I defend
15 that when I was never inquired. He took one party's
16 side and ran with it. I mean, to put in here that
17 Ms. Iler needs to get her tutoring. Had he been
18 thorough in his job as assigned, he would have
19 approached me with that, and then actually talked to
20 the people at the school to see, you know, what
21 their stance is. I mean, that's- that's really
22 unfair. It's an actual misrepresentation.

23 Q: So have you had Mackenzie tested in any

1 shape, as far as any learning disabilities?

2 A: Um, they- Yes, actually, I have. Um, I met
3 with them November 18th, and I have the papers to
4 verify that. The teacher said-

5 Q: I'm sorry... November 18th of when?

6 A: Um, this year.

7 I met with the school psychologist and every
8 seventh grade teacher who are all her current
9 teachers now, and they came to the conclusion that
10 everybody needs to quit being critical and actually
11 praise her when she gets something decent, or higher
12 than expected, rather than, you know, criticize her,
13 because a child that's already struggling with self
14 confidence um, and the academics themselves, by
15 being demanding, that's not gonna help matters,
16 you're only gonna complicate.

17 Q: I'm confused. Who criticizes her?

18 A: I don't. I don't criticize her. I mean, I-
19 I don't-

20 Q: You keep referring to her being criticized.
21 Who's criticizing?

22 A: I think maybe we should let Mackenzie answer
23 that privately.

1 Q: So you don't know if she's being criticized?

2 A: I have reason to believe. I don't know that
3 for a fact, no.

4 Q: Okay.

5 But you're saying you don't criticize?

6 A: No.

7 Q: Ever?

8 A: I'm very supportive of her.

9 Q: Would you describe yourself as a caring
10 parent?

11 A: By all means.

12 Q: Let's go back to her tonsil surgery. When
13 she had her surgery, uh, when was that?

14 A: It was April of 2012, if I remember
15 correctly.

16 Q: Okay.

17 And did you get a bill from the um, surgery?

18 A: Yes.

19 Q: Who is the bill from?

20 A: Um, if I remember correctly, uh, I got one
21 from the provider, then a hospital, and then it was
22 later combined, and I get a monthly statement from
23 Children's. So I don't remember the initial bill,

1 what the exact vender of it was.

2 Q: Mm-hmm.

3 Did you ever give a copy of that bill to my
4 client?

5 A: Um, I gave it to Mr. Farahay, I believe,
6 like I said earlier, sometime after May, after I had
7 got the first bill on it.

8 Q: Do you recall in June, June 24th to be
9 specific, where he requested copies of bills from
10 the tonsil surgery?

11 A: Uh, I do remember a conversation about that.
12 He had asked for uh- Prior to that he had asked for
13 an itemization, and then when he was either picking
14 up or dropping off Mackenzie he again said, you
15 know, he wanted a copy of it. Yeah, he did ask.

16 Q: Okay.

17 A: That was Ju-

18 Q: Did you give a copy?

19 A: I don't think I did that day, cause he
20 wanted an itemized, what he had told me before that.
21 So when he asked me about it again I knew that he
22 didn't want just a general bill, he wanted a
23 breakdown of it. That's why I got the other ones.

1 Q: What- what other ones? I don't know what
2 you're referring to.

3 A: The ones that were marked as an exhibit.
4 It's the- It wasn't a bill, it was an itemization
5 of every service rendered that date.

6 Q: Right. From the insurance company?

7 A: Um, actually I think that come from
8 Children's, but I can't swear to which one it was
9 from.

10 Q: Well, was that ever given to my client?

11 A: Um, I believe so, yes. Here, and again
12 today it was presented.

13 Q: Well it was presented as an exhibit, but was
14 it ever given to my client?

15 A: I'm thinking it was a July- er, it was gave
16 to him in July, because when he asked me in June
17 about it, I said okay, I'll get one for you. And I
18 had to call Children's and whoever and ask them for
19 that itemezi- itemized whatever, and I- it took'em a
20 couple of weeks. (unclear)-

21 Q: So you don't recall if you gave it to him?

22 A: I know- I'm pretty sure I did in July,
23 because, I mean, I have no reason to not ask because

1 it's fifty percent of debt removed from me. I don't
2 have anything to gain by not.

3 Q: Sure. But don't you mostly just send him a
4 text saying I paid this for a bill, I need you to
5 give me half?

6 A: I don't hardly ever text him, because....

7 Q: Mm-hmm.

8 A: I never get a response. I mean-

9 Q: So you don't send texts saying I just paid
10 Twenty Dollars in a co-pay, you need to pay your
11 half?

12 A: I have a long time ago, yes. But I don't
13 anymore. I do it in person, because he denies that
14 he ever receives the texts.

15 Q: Do you ever give him a bill?

16 A: If he asks for one, yes.

17 Q: But how does he know to ask for a bill?

18 A: When he picks her up or drops her off,
19 that's when I'm like, oh, by the way I took her to
20 such and such for her glasses, or- or whatever the
21 appointment was for, and then that's- that's the end
22 of it. The only time he's asked was about the
23 Children's bill, and that was May or June. And

1 then, like I said, he had already inquired of me
2 previously that he didn't want just a basic bill, he
3 wanted a breakdown of it, so I didn't get it until
4 July.

5 Q: So I guess I'm confused on this too then.
6 So you're taking her to the doctor, and there may be
7 a copay copay, and then how does he know that
8 there's a a co-pay, and then how does he know that
9 there's a co-pay if you're not saying... by the way,
10 here's the bill?

11 A: Because I don't get charged when I first
12 take her to the doctor. They don't charge a co-pay.
13 After she- the service has been rendered they submit
14 that to their billing office. That's when they say,
15 oh, this person has a deductible that has to be met.
16 Then they generate a bill to me for the Fifty-Eight
17 Dollars for each visit. So I don't even know right
18 away, sometimes.

19 Q: I understand that. But how does my client
20 know what his half is if you're just sending a text
21 saying you need to pay me Twenty-Five Dollars?

22 ATTY HAPNER: Object. She already said she
23 doesn't send texts, because he won't respond to'em.

1 ATTY DRINNON: I would like to show you. I can
2 enter it as an exhibit, Your Honor.

3 COURT: So- Hold on. The Court'll overrule
4 the objection.

5 Ms. uh, Drinnon, you can restate your question,
6 or...

7 ATTY DRINNON: Thank you.

8 COURT: proceed however you wish.

9 ATTY DRINNON: Thank you, Your Honor.

10 CROSS EXAMINATION OF AMANDA ILER CONTINUED:

11 Q: So you're deny- I guess what I'm confused
12 about, you're denying that you don't send a text
13 saying you owe me "X" amount of dollars for a co-
14 pay?

15 A: I'm not saying that I've never, but it's not
16 consistent with (unclear) communication.

17 Q: Okay, so you have done that?

18 A: Yes.

19 Q: You do do that?

20 A: Not- not frequently, but yes.

21 Q: Okay.

22 What about her eyeglasses? That was a big
23 issue I think last time. Um, did you take her to

1 somebody in the insurance company's network?

2 A: I don't know if they were in network or not.
3 I know I had taken her there....

4 Q: Well, why not?

5 A: ... in 2012, and his insurance had applied
6 certain portions to each. So taking her this
7 following year, that's when I was told that it's got
8 to meet this deductible amount or they can't really
9 apply anything to it. So, I mean, I'm not an
10 insurance specialist for billing. I don't know.

11 Q: Well, no, but you said you get on the
12 insurance company website, right? You have an
13 account?

14 A: Yeah, but I don't get on it until I pay a
15 bill, to see if it's been acknowledged.

16 Q: Okay.

17 So why not get on the- the account to check and
18 see who's on the insurance?

19 A: What do you mean?

20 Q: Well, I guess what I'm confused about is
21 like, again, you're asking for half of the bill but
22 the fact is the insurance was explained to you how
23 it works. Did you not check and see if the

1 insurance would cover any of it?

2 A: I don't know until the end- the provider
3 submits it for billing. I don't-

4 Q: Okay.

5 So you don't know if the insurance covers it?

6 A: Not until after, no. Not usually.

7 Q: How much did you pay out-of-pocket?

8 A: For what specifically?

9 Q: The eyeglasses.

10 A: The first or second pair?

11 Q: Whichever.

12 A: Uh, the first pair, I didn't hardly have to
13 pay anything, because the insurance had applied
14 amounts to it. And then the second uh, pair of
15 glasses was Three Hundred and something. But that
16 also included her uh,...

17 ATTY HAPNER: Examination.

18 A: ... her exam. So the glasses themselves, I
19 don't know the exact amount, but it was Three- right
20 around Three Hundred Dollars.

21 Q: Okay.

22 So then why did you ask for Two Hundred Dollars
23 from my client?

1 A: Because he never paid me for the first pair.

2 Q: Which was how much?

3 A: I don't know. It's marked in the exhibit.

4 Q: I guess what I'm getting at here, I mean,
5 we're going through these bills and you're wanting
6 payment for bills, but my client's not seeing bills.
7 Where are the bills?

8 A: Why did he give me Twenty-Five Dollars for
9 the Children's bill, for example, if he had no
10 knowledge? That kind of don't make sense.

11 Q: No, I- I say he has knowledge that there's
12 bills due. I'm just saying he- when are you giving
13 the actual bill to him?

14 A: The only bills that I've gave to him are the
15 ones for the glasses, the ones for the Children's
16 thing. And then, when I inquire as far as a
17 co-payment, I know that I'm not ever gonna get that
18 collected, because he doesn't say okay, give me
19 that. I- I mean, he has access, per his guidelines,
20 that he can get records, whether it be medical or
21 school, if he says Amanda said Mackenzie was here at
22 this date or time and it's within reason, like in
23 Seaman, he can inquire of them and get it. I mean,

1 I- If I make the statement to him that I paid for a
2 medical service out of my pocket, that's all I can
3 do. That- I can't go bill collect. I just have to
4 leave it at that.

5 Q: I understand that. But I guess what I'm
6 confused about is, if you're asking him for money I
7 think he needs proof. Do you not agree?

8 ATTY HAPNER: Object. We've gone over this
9 repeatedly.

10 COURT: Overruled.

11 Ma'am, you can answer the question.

12 A: He doesn't ask for the bill, because he
13 doesn't acknowledge that I took her to the doctor
14 when I bring it to his attention, so....

15 Q: Has he ever given you any bills for co-pays?

16 A: No, never. Er- No.

17 Q: Okay.

18 What insurance is she on? What is Mackenzie
19 on?

20 A: She's on the one through Mr. Farahay's uh,
21 employment.

22 Q: Okay.

23 And who's that with? Do you know?

1 A: Um, let me get the card out.

2 Q: Is it United Healthcare?

3 A: Yes, I believe so.

4 Q: Okay.

5 Is that the insurance that you're using then?

6 A: Uh, yes.

7 Q: You have no additional?

8 A: No. I did at one time, through my husband,
9 but not now, no.

10 Q: Okay.

11 Did you at the time of the glasses or the
12 tonsil surgery?

13 A: Um, yes, uh, both of those. The first pair
14 of glasses, my husband's insurance, uh, I think, or
15 believe, paid a portion of it, and then they did
16 also on the Children's uh, surgery, as a secondary,
17 yes.

18 Q: Okay.

19 Who- I'm- I'm sorry... who was the secondary
20 insurance?

21 A: Um, Anthem Blue Cross/Blue Shield, I
22 believe.

23 Q: I mean, was that Matt's, or was that-

1 A: Yes, that was through Matt.

2 Q: Okay.

3 How would you describe yours and Todd's
4 relationship?

5 A: Sad.

6 Q: Do you communicate well?

7 A: I don't believe so, no.

8 Q: Okay.

9 Don't you think that's a problem when it
10 concerns Mackenzie?

11 A: Absolutely, it's a big problem.

12 Q: How do you describe your and Mackenzie's
13 relationship?

14 A: I don't know what you're asking.

15 Q: Is it good? Is it bad?

16 A: It's got its ups and downs. I mean, good
17 for the most part, but, you know, there's days that
18 I'm sure she hates my face. And-

19 Q: More like a friend?

20 A: No, not at all.

21 Q: Do you encourage a relationship with Todd?

22 A: Absolutely.

23 Q: How do you do that?

1 A: For example, when she comes home upset about
2 whatever's occurred at her dad's, I try to offer a
3 different perspective. Because sometimes I feel
4 like she gets stuck in the mindset of this occurred
5 and she wants to hold or blame somebody. Instead of
6 doing that, I try to say, you know, what if your
7 friend had this same problem, would you maybe see it
8 that it was all this person's fault, like a dad, you
9 know, looking on- the outside looking in, what would
10 you say to that friend, or how would you explain to
11 them to take a different perspective. That's when
12 the light bulb goes off, ah-ha, you know. Instead
13 of saying my dad's meaner, he said this. Well,
14 Mackenzie, there was other factors that occurred
15 before, after and during, so put this situation and
16 that of your friend that you're viewing this whole
17 problem, and how would you come at it with a
18 different perspective to maybe not be so negative
19 about it. I mean-

20 Q: So are you opposed to Todd and Mackenzie
21 having a better and extended relationship?

22 A: That's not my decision.

23 Q: Well, I mean, you- you object every time

1 that he's filed in the past to get extended
2 visitation, have you not?

3 A: Yes, I have objected, yes.

4 Q: So wouldn't that mean that you're opposed to
5 Todd and Mackenzie having a better relationship?

6 A: That has nothing to do with that statement.
7 That's two different things.

8 Q: Well, I mean, if she wants to spend more
9 time with her father why are you opposed to that?

10 A: She doesn't. That was put in her mouth.

11 Q: Okay.

12 A: Her wishes were not even ascertained in this
13 report. They were not. They were implied. They
14 were not specifically stated, as required by the
15 superintendent rules. They were not.

16 Q: So you're disputing the entire guardian ad
17 litem report?

18 A: Um, yes. Actually, yes. This is the danger
19 zone of why I think he should be here so I could
20 further inquire of why things... what methodology he
21 used, what his reasoning or rationing was for
22 certain analysis of things. It's not fair. It's
23 almost a violation of due process. I wasn't served

1 on this until the day of the hearing. And him not
2 being here for the second half, how can I inquire as
3 to his reasoning, when it relates to my child. I
4 mean-

5 ATTY DRINNON: Could I have just a moment, Your
6 Honor.

7 COURT: Sure.

8 ATTY DRINNON: Thank you.

9 CROSS EXAMINATION OF AMANDA ILER CONTINUED:

10 Q: Is Mackenzie currently on any medication?

11 A: Um, actually she began uh, I think the end
12 of October.

13 Q: What's she on?

14 A: Um, she is on a ADHD medicine. It's um,
15 Adderall, I believe, is the- the brand name, but we
16 get that generic.

17 Q: So she's been diagnosed with ADHD?

18 A: The psychiatrist said based on the school
19 papers that we showed to him about not turning in
20 assignments, and then teacher conferences where it
21 was told to me that in study hall instead of using
22 that time to focus on something, she's struggling,
23 and she's sitting here doing this (shuffling papers)

1 and not really actually doing anything as far as
2 school work, so took her down there and yeah, it's-

3 Q: Did you make my client aware of her
4 diagnosis?

5 A: I can't say that she's officially been
6 diagnosed. This was something to try to see if it's
7 helped, and we're still on the stages of seeing if
8 it is gonna be something beneficial to her.

9 Q: How often does she take medicine?

10 A: Um, in the morning, and then at 2:30- er,
11 3:00 in the afternoon.

12 Q: Is she- Is she taking that medicine when
13 she's at her dad's?

14 A: Uh, no. Fortunately, that medicine is not
15 something that has to be taken every day. And that
16 was actually the um, psychologist. He said that on
17 the weekends, unless she's working on school work,
18 she doesn't have to take it. So...

19 Q: So you didn't think that you should share
20 that with Todd?

21 A: He was made aware through the GAL, because I
22 told Tyler, and Tyler said something about it. It
23 was the last hearing, and Mackenzie had only gone a

1 week before that. So, I mean, he was present for
2 the hearing, so he had to be aware.

3 Q: Has the school been notified of her being
4 ADHD?

5 ATTY HAPNER: I'm sorry... has what?

6 A: I-

7 ATTY DRINNON: The school.

8 ATTY HAPNER: (unclear)

9 A: Um, the school hasn't been notified that she
10 has ADHD, because I don't know that she actually has
11 a diagnosis. I'm not the psychologist, and until he
12 actually says that I'm not going to tell other
13 people that. Um, I have made all the seventh grade
14 teachers aware, yes, that she has been put on
15 medication. We had a meeting on the 18th, and then
16 one prior to that, when I told'em about it. And
17 they are actually gauging and monitoring, to see if-

18 Q: So the school is aware?

19 A: Absolutely.

20 Q: Okay.

21 Well then, I thought you said you just didn't
22 want to share it with anybody.

23 So you made the school aware of it, but you

1 didn't make her father aware of it?

2 A: I didn't make him aware of it. Not with-
3 She'd only been a week before that, before Tyler
4 testified on the thing. I mean, Ty- Todd has had,
5 well, over a month to inquire of me if he had any
6 questions. He hasn't.

7 Q: Do you communicate at all with Mr. Farahay?

8 A: I try. I really do. But I mean, I'm only
9 part of the equation.

10 ATTY DRINNON: Nothing further at this time,
11 Your Honor.

12 THEREAFTER, cross examination of Amanda Iler by
13 Attorney Tanya Drinnon was concluded.

14 COURT: Thank you.

15 Mr. uh, Hapner, redirect?

16 ATTY HAPNER: Yes.

17 WHEREUPON, redirect examination of Amanda Iler
18 was conducted by Attorney Jon Hapner.

19 Q: Amanda, does uh, uh, Mackenzie complain
20 about what her father or- or his family says to her
21 when she's over there?

22 A: Off and on. I mean, I don't know that it's
23 like every visit. But it's been consistent as far

1 as... I don't know... 2008 through current. I mean,
2 the belittling and negativity that surrounds their
3 opinion of me is made very, very vocal in her
4 presence.

5 Q: Okay.

6 A: I believe.

7 Q: Now uh, do you know uh, is there- You are
8 residential parent, are you not?

9 A: Yes.

10 Q: Uh, when you had uh, uh, you were trying to
11 get her to see Dr. Smiley, what was uh, Todd's
12 response to that? He didn't approve of it?

13 A: Oh, gosh, that's been back in 2011. I
14 don't- I don't know that he approved or disapproved
15 of it. I just know that he-

16 Q: In other word- He wouldn't pay for anything
17 unless he approved it?

18 A: I don't know that I would say that. I just
19 know that it was brought to his attention, and never
20 talked about again. So I don't know. I guess
21 everybody can interpret that differently.

22 Q: Okay.

23 Now uh, to get down to the nitty-gritty on

1 this, uh, do you uh, have you submitted a number of
2 medical bills to him?

3 A: Other than- I don't submit one of the
4 doctor visits every single time. But generally
5 speaking, yeah.

6 Q: And uh, has he- Other than that Twenty-Five
7 Dollars, has he ever paid anything either on the co-
8 pays, or on the Children's Hospital?

9 A: Not- No. Not to my recollection, no.

10 Q: Okay.

11 Has he ever uh- Did you go online to find out
12 what United Healthcare has provided Mackenzie?

13 A: As far as provided-

14 Q: Paid for.

15 A: Uh, no, but they have a summary, because
16 every time I have an expense and I present that
17 insurance card, even though I'm paying like Fifty-
18 Eight Dollars out-of-pocket for the visit, that
19 applies to the duc- deductible that needs to be met
20 for them to, I guess, start paying on things.

21 Q: Uh, did you receive a summary from United
22 Healthcare on what Mackenzie's paid?

23 A: Um, I-

1 Q: Or, paid on her behalf.

2 A: I think that's when I called the insurance
3 companies- er, insurance company and they had told
4 me how to make an account, as the parent, to access
5 that, and that's what that is.

6 Q: And uh, did you get that from United Health
7 company?

8 A: Uh, I went online and created an account,
9 and printed it off. So no, that wasn't mailed to me
10 from them. It was ac-

11 Q: (inaudible)-

12 A: Right.

13 Q: It was printed online?

14 A: Yes.

15 Q: Handing you what's marked Plaintiff's
16 Exhibit Number "12", here in a second.

17 Is that from United Healthcare?

18 A: It's a print-off of online account through
19 that company, yes.

20 Q: Okay.

21 Would that same thing be available to Todd,
22 since he's the principal uh, payor?

23 A: Yes.

1 Q: Okay.

2 And does- That does not include the optical
3 uh, in the summer of 2013, does it?

4 A: Uh, I don't see it on here, but let me make
5 sure before I- No, I don't think it does.

6 Q: Okay.

7 A: No.

8 Q: Now that's available either to the recipient
9 or to the payor of the United Healthcare policy?

10 A: Yes.

11 Q: And you got that off line, on Mackenzie's
12 account?

13 A: I got that to create the account, because I
14 called and asked'em what I should do, because I
15 needed, you know, to understand how the insurance
16 worked, cause I've never not really had insurance
17 that worked like that. So that's when they told me
18 about the online, and I talked to the customer
19 service person, they told me how to make that
20 account, and that's what I did.

21 Q: Okay.

22 And uh, the (unclear) amount charge that you
23 owe, which is what it says, uh, ha- Todd hasn't paid

1 you anything, is that correct?

2 A: Other than the Twenty-Five Dollars on the
3 Children's, no.

4 Q: Okay.

5 And have you uh, uh, discussed with Mackenzie
6 the problem she has after she visits her father?

7 A: Um, yeah.

8 Q: And uh, has her attitude towards her father
9 improved any the last two or three years?

10 A: Yeah, it's improved. I wouldn't say that
11 it's as it's portrayed in this report by any means.
12 But I mean, they- it doesn't happen over night, it
13 takes a while.

14 Q: Okay.

15 Have you ever noticed uh, when she comes back
16 whether Todd's been treating her better?

17 A: I mean, I don't know. I'm not present to
18 account for how he treats her. I can only gauge
19 what's been told to me by one party that sometimes
20 maybe doesn't filter things the way I would. I- I
21 don't know.

22 Q: Are you talking about Mackenzie?

23 A: Yes.

1 Q: Okay.

2 And uh, so you- you're allowing for some
3 exaggeration on her part?

4 A: Sometimes I- Yeah, I would- I'm pretty sure
5 some of it's not accurate. I don't know that she
6 does it deliberately, but sometimes being, you know,
7 a child, you don't know to look through a different
8 lens.

9 Q: Okay.

10 Now, you- are you a GAL for Clermont County?

11 A: Yes, I am.

12 Q: And you're familiar with the uh, uh, Supreme
13 Court Superintendent's Rules for GAL?

14 A: Absolutely.

15 Q: And uh, when Mr. uh, uh... I can't even think
16 of his name. When the GAL was there talking to you,
17 did he uh, go into the- the comments that he made in
18 that GAL report?

19 A: Well no, because when I met with Mr.
20 Cantrell this hadn't been presented to me.

21 Q: Okay.

22 And uh, do you feel that uh, that report is
23 fair and accurate?

1 A: Actually, no. And-

2 Q: Okay.

3 A: I just- No. Like, okay, for example,
4 review of records, it says he reviewed the school
5 reports. And that's fine. But had he done a little
6 bit better and actually went and talked to the
7 seventh grade teachers, which he's- you know, that's
8 actually in the minimum standards is to interview
9 the school personnel, and it's especially
10 appropriate here, where school is part of the
11 complaint. He refers in here to Mackenzie- He had-
12 Here it is. Page 8 of the report. Um, he has
13 observed reports from the latest parent/teacher
14 conferences. It is reported that Mackenzie is not
15 studying well and not turning in all of her
16 assignments. Had he met the minimum standards by
17 the Superintendent's Rule, he would have went to the
18 school and said, hey, we notice...

19 Q: Do you have- Do you have-

20 A: this comment was there.

21 Q: Do you have a copy of that parent/teacher's
22 report?

23 A: Um, I don't know if this is the one he was

1 referring to. But that comment on page 8 or 9 that
2 I was just talking about,....

3 Q: Mm-hmm.

4 A: it actually is on the a- Mackenzie's uh,
5 online school progress report. That had Tyler spoke
6 to the teachers, they would have told him that was-

7 Q: Will you- Will you find that progress
8 report, please?

9 A: Yes, I will. That comment was made by the
10 teacher because Mackenzie gets a study hall period
11 every day, and instead of using it to help what
12 she's struggling in, she's in there, you know,
13 looking at her fingernails. But I feel like Tyler
14 took Michael Farahay's negative stance of accusing
15 well, the kid's just not doing well cause she's not
16 getting help. But if he had talked to the teachers,
17 they would have told him exactly that was the
18 referral about her not using that study hall.

19 Q: Okay.

20 Will you get me that parent/teacher report?

21 A: It's right here. (unclear...) Right here's
22 the comment he's referring to.

23 Q: You received this in uh, Adams County?

1 A: No, that's an account that me and Mr.
2 Farahay both have access to for her progress in
3 school, and such.

4 Q: Will you read the comment on that Exhibit
5 "13", please?

6 A: Um, it's September 27th, and it's a teacher
7 comment. Mackenzie needs to put in some extra time
8 studying. Some days it seems she is detached and
9 quiet, other days she is smiling and participating.
10 There's still plenty of time to bring up her grade.
11 And the subject for that was Language Arts.

12 Q: Okay.

13 A: Her Language Arts teacher.

14 Q: Is she failing in Language Arts this year?

15 A: Um, no.

16 Q: Did she fail it last year?

17 A: Hmm-mm.

18 Q: Okay. Let me have "13".

19 This is what you received uh, from-

20 A: Well, this is what I printed off, and this
21 is what that comment in the report was referring to.

22 Q: Okay.

23 She's getting a C average in Language Arts?

1 A: Um, yeah, I would say that's fair, a fair-

2 ATTY HAPNER: Okay. No further questions.

3 THEREAFTER, redirect examination of Amanda Iler
4 by Attorney Jon Hapner was concluded.

5 COURT: Any re-cross, Ms. Drinnon?

6 ATTY DRINNON: Briefly, Your Honor.

7 WHEREUPON, re-cross examination of Amanda Iler
8 was conducted by Attorney Tanya Drinnon.

9 Q: Did you submit the uh, insurance printout to
10 my client?

11 ATTY HAPNER: I'm sorry? What-

12 A: Which-

13 Q: The insurance printout.

14 A: The United Health?

15 Q: Mm-hmm.

16 A: No, not that one, no.

17 Q: Okay.

18 And-

19 Nothing further, Your Honor.

20 THEREAFTER, re-cross examination of Amanda Iler
21 by Attorney Tanya Drinnon was concluded.

22 COURT: So, Miss, who's the child's
23 psychiatrist?

1 MS. ILER: I didn't hear you.

2 COURT: Who's the child's psychiatrist?

3 MS. ILER: Um, Code Murthy. I think it's M-U-
4 R-T-H-Y. Down in Milford.

5 COURT: Cody Murthy?

6 MS. ILER: Yes.

7 COURT: How many times has the child seen him?

8 MS. ILER: Um, twice so far. And since the
9 medicine appears to uh, really help as far as
10 schooling, um, she's gonna go every other month,
11 because that- they have- I guess that's required.

12 COURT: And how many times did the psychiatrist
13 see the child before he prescribed the Adderall?

14 MS. ILER: Um, I want to say twice.

15 COURT: Okay.

16 Uh, Mr. Hapner, any questions based on my
17 questions?

18 ATTY HAPNER: No. No, Your Honor.

19 COURT: Likewise, Ms. Drinnon.

20 WHEREUPON, re-cross examination of Amanda Iler
21 was conducted by Attorney Tanya Drinnon.

22 Q: I think you said the child's been there
23 twice?

1 A: Twice before he prescribed uh, medicine.

2 Q: So how many times has she been there?

3 A: I think four now, because once he put her on
4 the medicine he only did it in like a two week
5 increment uh, just to make sure that it wasn't gonna
6 have like an allergic reaction, and I guess just to
7 monitor it. And then we went back, I guess, the
8 last time, which was actually.... I think it was on
9 my... hmm... want to say... I don't remember the exact
10 date-

11 Q: So she's been there four times?

12 A: I believe so, yes.

13 ATTY DRINNON: Nothing further, Your Honor.

14 THEREAFTER, re-cross examination of Amanda Iler
15 by Attorney Tanya Drinnon was concluded.

16 COURT: Mr. Hapner, next witness.

17 ATTY HAPNER: Would call Todd Farahay as on
18 cross.

19 COURT: Oh! Very well.

20 Uh, sir, I need you to stand and raise your
21 right hand and be sworn in.

22 Do you solemnly swear the testimony you're
23 about to give today to be the truth, the whole

1 truth, and nothing but the truth, so help you God?

2 MR. FARAHAY: Yes.

3 COURT: Thank you.

4 Just have a seat.

5 You can testify right there.

6 ATTY HAPNER: Mr. Fara-

7 COURT: Mr. Hapner, go right ahead.

8 ATTY HAPNER: I'm sorry.

9 COURT: Go right ahead.

10 WHEREUPON, cross examination of Michael Todd
11 Farahay was conducted by Attorney Jon Hapner. The
12 said Michael Todd Farahay having previously been
13 sworn.

14 Q: Mr. Farahay, I'm handing you what you
15 provided in discovery, which are your W-2's for
16 2010, 2011 and 2012.

17 Would you examine those for a moment, please?

18 Now what was your, uh, not med- not counting
19 Medicare but- wages, but other wages in 2010?

20 A: Fifty-Eight Thousand.

21 Q: Okay.

22 Uh, what was the odd number?

23 A: 2011, be Sixty-Two Thousand.

1 Q: What was the number in uh, 2012?

2 A: Seventy-One Thousand.

3 Q: Okay.

4 So, when is the last time your child support
5 was calculated?

6 ATTY DRINNON: Objection, Your Honor. Didn't
7 we go over this when my client testified? I think
8 you submitted the exhibits at that time.

9 ATTY HAPNER: Well, we're putting on our case
10 now.

11 COURT: Well, I think we did go over it. So,
12 we're, you know, sort of not too far from the end of
13 the day again, Mr. Hapner. So, let me ask you just
14 to go through what new information or anything you
15 have.

16 CROSS EXAMINATION OF MICHAEL TODD FARAHAY
17 CONTINUED:

18 Q: How many children do you have?

19 A: I have two.

20 Q: One lives with you, and Mackenzie?

21 A: LeAnn lives with us, and Mackenzie lives
22 with her mother.

23 Q: Uh, your account, United Healthcare, is that

1 a health savings account or straight insurance?

2 A: United Healthcare is insurance.

3 Q: Okay.

4 Uh, handing you what's a uh... I think I gave
5 it-

6 (speaking to Amanda) It's not that one. It's a
7 printout. No, that's not it. (inaudible...)

8 Have you ever gone online to see what uh, uh,
9 been paid and what you owe on it?

10 A: I'm sorry. Restate the question.

11 Q: On- on your insurance for Mackenzie, have
12 you ever gone online and seen what you've paid or
13 what you owe on it?

14 A: The insurance don't tell me what I owe, or
15 what I paid.

16 Q: Handing you Plaintiff's Exhibit "12".

17 Would you examine that, please?

18 A: It's- The bills come from the provider,...

19 Q: Well, you have some-

20 A: ... not the insurance.

21 Q: Do you- Have you examined it?

22 A: Yes, I've seen this.

23 Q: Okay.

1 And the insurance uh, indicates what is paid
2 and what is owed after insurance?

3 A: It says amount billed, amount owed, yes.

4 Q: Okay.

5 And there are two billings in there, one for
6 Nineteen Hundred and one for Seventeen Hundred,
7 would- is that correct?

8 A: For how much?

9 Q: Make it easier for you.

10 Over here and over here.

11 A: Oh, you said amount billed.

12 Q: Amount paid, and how much is owed beyond
13 that.

14 (Attorney Drinnon speaking to Mr. Farahay)
15 (inaudible)

16 A: (speaking to Attorney Drinnon) Yes, I see
17 it, but I don't know how much Matt's insurance paid.

18 Yes, I see it.

19 Q: Okay.

20 Have you paid any of that?

21 A: No, I have not.

22 Q: Okay.

23 And have you ever checked on what uh, your

1 insurance company is paying out for your daughter?

2 A: My insurance pays out? I- Matt had
3 insurance on her then. I don't know what Matt's
4 insurance paid on Mackenzie.

5 Q: Well, you know what your insurance has paid.

6 A: Mine was a primary. It goes first, and it
7 gets kicked back and then goes to Matt's.

8 Q: Have you seen what uh, is left owing on
9 that?

10 A: That was from United Healthcare?

11 Q: Mm-hmm.

12 A: Like I said, United Healthcare's a primary,
13 and then Matt's insurance would be secondary.

14 Q: Have you re- Why haven't you paid on uh,
15 Mackenzie's tonsils?

16 A: I have not received a bill.

17 Q: Uh, can't you read?

18 A: Yes, I can read.

19 Q: Okay.

20 And do you get paid overtime?

21 A: If I work it.

22 Q: Okay.

23 Uh, do you- You still claiming you never-

1 you've never been billed for any of this, or never
2 discussed it with Amanda, or uh, had she told you
3 how much is due?

4 A: Ms. Iler has told me about bills, and I've
5 asked for copies of bills.

6 Q: Okay.

7 Did you refuse to pay any of the counseling for
8 Dr. Smiley?

9 A: Yes, cause I had mental health coverage.

10 Q: Okay.

11 Why didn't you uh, uh, advise Dr. Smiley? You
12 knew he would not take insurance.

13 A: I had no idea.

14 Q: Okay.

15 But do you feel you can determine who- what
16 you're gonna pay, and you're not gonna pay, for
17 Mackenzie's care?

18 A: Do I determine?

19 Q: Yeah.

20 A: No. Unless I receive a bill I cannot pay
21 anything.

22 Q: Okay.

23 A: I have to pay the provider.

1 Q: And the uh, the insurance company pays the
2 provider, do they not?

3 A: The insurance company negotiates a rate with
4 the provider.

5 Q: And you're saying even though you now have a
6 summary of what uh, your insurance company's paid
7 out, you don't have any idea what's due uh, beyond
8 co-pay?

9 A: Correct. I have no idea what's due, cause
10 I've never received a bill.

11 Q: Okay.

12 That's saying- You're saying that under oath?

13 A: I have never received a bill, so I have no
14 idea what is due.

15 Q: But you don't dispute, do you, that uh, the
16 uh, there's over Seventeen Hundred Dollars in
17 unpaid... uh, uncovered medical expenses?... that's a
18 better term for it.

19 A: Oh, I have no idea how much there is.

20 Q: So you're not that interested in Mackenzie's
21 welfare?

22 A: Oh, I am. I've- I've taken Mackenzie to the
23 doctor.

1 Q: When?

2 A: When?

3 Q: When?

4 A: I've taken her to the ER before. I've taken
5 her to doctor's offices.

6 Q: When did you go to the ER with her?

7 A: Been a few years ago.

8 Q: Hmm?

9 A: It's been a few years ago. Matter of fact,
10 I do believe we have the bill... or we did.

11 Q: Now you have any- You haven't taken her to
12 the ER since uh, 2008?

13 A: I can't tell you what year it was, but I
14 have taken her before, yes.

15 Q: Okay.

16 And you're now making uh, Seventy-One Thousand
17 a year?.... round figures.

18 A: No, my- that's not my gross pay, no. That
19 was based off overtime.

20 Q: Um, and no- Uh, nothing- You don't pay
21 local income tax, do you?

22 A: I don't know. I'd have to look at my pay
23 stub.

1 Q: Um, if you take Mackenzie to the doctors,
2 why didn't you take her last July when she had that
3 sore throat and sick?

4 A: Mackenzie, she just had a scratchy throat
5 when she was at the house, and we were keeping an
6 eye on her. And there was- There was no reason to
7 take her to the doctor at the time.

8 Q: That's- that's your opinion?

9 A: Yes.

10 ATTY HAPNER: No further questions.

11 THEREAFTER, cross examination of Michael Todd
12 Farahay by Attorney Jon Hapner was concluded.

13 ATTY HAPNER: I am assuming, Your Honor, that
14 you have the evidence on his income and deductions,
15 prior.

16 COURT: I believe it's in the exhibits.

17 ATTY HAPNER: Okay.

18 COURT: In the exhibits. I think so.

19 Ms. Drinnon, any questions?

20 ATTY DRINNON: No, Your Honor.

21 COURT: Okay.

22 Mr. Hapner, any other witnesses?

23 ATTY HAPNER: No, Your Honor. We'll rest.

1 Uh, we offer our exhibits "1" through "12".

2 COURT: Uh-huh.

3 Objection, Ms. Drinnon?

4 ATTY DRINNON: There's- I- I don't remember
5 all of them. So, I um, I think most of'em aren't
6 they medical bills and so forth?

7 Is it okay if I take a glance at them, Your
8 Honor?

9 COURT: Sure.

10 ATTY DRINNON: No objection, Your Honor.

11 COURT: Okay.

12 ATTY DRINNON: Thank you.

13 COURT: They'll all be admitted.

14 Thank you.

15 Ms. Drinnon, argument?

16 ATTY DRINNON: Uh, yes, Your Honor.

17 Your Honor, uh, after the two days that we've
18 been in here, um, I would have to say obviously my
19 client is asking to be the custodial and residential
20 parent of uh, Mackenzie Farahay. We've heard a lot
21 of evidence. Uh, there's been a lot of exhibits
22 admitted. You know, my client is still concerned
23 obviously about the welfare of the child, about the

1 grades of the child, and of course he wants her to
2 come and live with him um, so that he can insure
3 that both will be taken care of.

4 We heard testimony from Mr. Farahay as to that
5 there has been prior strained relationship between
6 he and Mackenzie. In all reality, I mean, being a
7 thirteen year old girl with her dad, I don't know
8 that that's so unusual. Uh, also, we've heard that-
9 He probably said that, you know, Mackenzie may not
10 want to actually go live with him at first. So I
11 think there's gonna be some rough patches for dad if
12 that happens. But due to the other factors that we
13 also heard in testimony, Your Honor, we do have some
14 significant concerns. We have, of course, the
15 testimony of Chase Gleason, who testified to the
16 text messages that there was physical abuse going
17 on, there is physical abuse going on in the
18 household... Ms. Iler's household. Um, you know, she
19 is residing with a uh,... well, a significant other.
20 So, I mean, this is a stranger that's been brought
21 into her life, that she's in this household with.
22 Due to that, and due to the testimony of what the
23 uh, danger, the abuse that could be going on in that

1 household, and what she's witnessing, we have great
2 concerns about her being in that household, Your
3 Honor.

4 We also heard the testimony from the Guardian
5 Ad Litem, who knows all the parties involved, and
6 his recommendation, of course, is that my client be
7 the residential parent, because he did fear that
8 there may have been some allegations of abuse, and
9 upon hearing the testimony, and I believe he stated
10 his reaction to Ms. Iler while that testimony was
11 going on, he did feel that there is abuse going on
12 in the household that the child's witnessing. We're
13 not saying the abuse is directed towards Mackenzie,
14 but she's witnessing this, and no thirteen year old
15 needs to witness this.

16 We've also heard testimony also from Lindsey
17 Farahay, just to show, Your Honor, the household
18 that Mackenzie will be going to.

19 And then of course, the actions that my client,
20 on his limited parenting schedule, tries to get some
21 tutoring from Laura Applegate so that he can try to
22 help Mackenzie when they can. Uh, when he has
23 summer visitation she tutors. And there was

1 evidence from both Ms. Crawford and Laura Applegate
2 to that. So my client is trying, when he has access
3 to her, to help her, but she struggles. And every
4 child struggles, so that's not the issue. The issue
5 is just the fact that-- and the guardian ad litem
6 report uh, referred to it too-- that if Mackenzie
7 doesn't get help soon though to get past this
8 struggling, she's probably not gonna be able to pass
9 the test in high school, and she's gonna have some
10 serious problems. So, that's why we're trying to do
11 this now, in order to change environment and get her
12 some help, and hopefully things will improve.

13 Uh, like I said, there's been a lot of
14 testimony about medical bills and so forth. That's
15 pretty simple. I'll wrap that up for you, Your
16 Honor. My client has not received bills. It's not
17 been ever proven that this bill was given to my
18 client. It's just stated that I think I gave it to
19 him... or, uh, no, I think he has that... or, yes, I
20 think I gave that. But that doesn't prove that he
21 ever has received a bill. My client, unfortunately,
22 can't pay bills until he knows the amounts. So,
23 it's not that he doesn't want to pay bills. It's

1 not that he's not wanting to take responsibility.
2 He will do so. It's the fact that he has not seen
3 any proof. And let's face it, there's not a great
4 relationship between the parties. So
5 communication's not the answer to this. It's just
6 the fact of we need proof of it, Your Honor.

7 So, with all of that, and everything that
8 you've heard here, we would ask that you take into
9 consideration um, all the evidence, and that you
10 would grant my client custody of Mackenzie Farahay,
11 Your Honor.

12 Thank you.

13 COURT: Thank you.

14 Mr. Hapner.

15 ATTY HAPNER: Your Honor, the uh, grounds for
16 this uh, motion, the change of custody, where mother
17 is no longer able to provide a safe environment for
18 the minor child, there's no evidence of that.
19 Mother's behavior does not provide a good example
20 for ma- uh, minor child, there's no evidence of
21 that. Minor uh, child's school progress has rapidly
22 declined, there's no evidence of that. Nearly all
23 of her teachers from the uh, uh, sixth grade-- and

1 this was filed on April 11th, so that's when uh, the
2 time involved is concerned-- uh, said that she's
3 advancing, she has to work hard, she's uh, uh, takes
4 more application than the rest.

5 We submit that uh, Mr. Cantrell's testimony uh,
6 basically was just plain wrong. Uh, he's claiming
7 that there's violence in the home. He's convinced
8 of that. Yet no one told him that. He has no facts
9 to base that on. Uh, he also uh, forgot the uh,
10 basic rules of uh, what a guardian ad litem should
11 be doing. Uh, he didn't file that thing till the
12 day before the hearing, and uh, he changed his mind
13 uh, on the witness-- well, not on the witness stand--
14 -in the courtroom. He's not here this afternoon.

15 We point out to you that first of all uh, if
16 Todd Farahay's so concerned about Mackenzie's
17 welfare, why didn't he take her to the doctor last
18 summer when she was sick. If Todd Farahay's so
19 concerned about a child's welfare, why doesn't he
20 pay her shares of medical bills as he's ordered. To
21 say that he never got'em, beggars uh, belief. Uh,
22 there's a suspension belief when you hear that
23 statement. But simply, why would uh, Amanda Iler

1 uh, not give him bills when she's ordered- being
2 ordered to pay it. The correspondence here to his
3 attorney at the time would indicate that demands
4 were being made on him. Uh, he didn't- Uh, he
5 hasn't responded to'em yet to this day.

6 Uh, there's no showing of any of the
7 allegations here. As I recall, they also claim
8 there was drug uh, abuse, and there's absolutely no
9 evidence of that.

10 The uh- They failed to show a change of
11 circumstances. They failed to show that it would be
12 in her uh, best- uh, Mackenzie's best interest to
13 uh, uh, change custody. Even uh, Cantrell, on the
14 stand, said he's hesitant to say that.

15 Uh, the uh- There's no evidence of the change
16 of circumstances. There's no evidence of a- uh,
17 that it would be in the best interest of the child
18 to change it. Therefore, the motion should be
19 overruled. We should reconsider the child support.
20 And uh, uh, that's about it.

21 I'll sit down.

22 COURT: Very well.

23 Any final portion of final argument?

1 ATTY DRINNON: No, Your Honor. But I just have
2 one issue that I was wanting to bring up. That was
3 the court ordered drug test.

4 COURT: Yes, we're gonna have uh, Ms. Iler drug
5 screened right after the hearing.

6 ATTY DRINNON: Thank you.

7 ATTY HAPNER: I'm sorry?

8 COURT: Have Ms. Iler drug screened right after
9 the hearing.

10 ATTY HAPNER: Oh, yeah, we'll do it.

11 COURT: Is- is-

12 ATTY HAPNER: We'll have Mr. Hughes if you
13 want.

14 COURT: Is Mackenzie here?

15 MS. ILER: Mm-hmm.

16 ATTY HAPNER: Yeah.

17 Now, Your Honor, we have some suggested
18 questions for uh, Mackenzie. The uh- In Highland
19 County we're uh, that's suggested, and uh, the- I'm
20 not saying these are (unclear) questions. We're
21 simply saying-

22 COURT: Wait a minute. Has Ms. Drinnon seen
23 these?

1 ATTY DRINNON: No, Your Honor.

2 COURT: And Ms. Drinnon, could you look at
3 those quickly and see if there's any objection for
4 the Magistrate just to consider those, not
5 necessarily to have to ask those in uh, detail, in
6 verbatim, but for the Magistrate to consider those
7 questions.

8 ATTY DRINNON: Your Honor-

9 ATTY HAPNER: I'm sorry, Your Honor? I didn't
10 hear that last statement.

11 COURT: Just asked Ms. Drinnon if she has any
12 objection to the Magistrate considering these
13 questions.

14 ATTY HAPNER: Okay.

15 COURT: The Court would never ask these
16 questions directly, verbatim, of the child.

17 ATTY HAPNER: Well, in our county the practice
18 is that they'll ask you if you want to ask'em.

19 ATTY DRINNON: I would object to that, Your
20 Honor. I- I just think you need to conduct the
21 hearing. Some of these, especially number one, I- I
22 don't agree with at all. I think it's a little bit
23 uh, bias. So I would have to say I just don't think

1 these questions need to be submitted.

2 COURT: Okay.

3 Mr. Hapner, we don't really do that. We rely
4 on the Magistrate's and the Judge's discretion
5 regarding the interview of the child, the children.
6 So, I'd rather uh, not even look at these questions,
7 because uh....

8 ATTY HAPNER: You're the Judge, Your Honor.

9 COURT: ... I- I have my own ideas about the-
10 the questions.

11 ATTY HAPNER: Note our exceptions, but you're
12 the Judge.

13 COURT: I'm sorry?

14 ATTY HAPNER: Note our exceptions, but you're
15 the Judge.

16 COURT: Okay.

17 So- so ordered.

18 So that'll conclude the hearing.

19 ATTY HAPNER: Do you want'em to go down to the
20 uh, probation officer- office?

21 COURT: No. Ms. Iler, just have a seat out
22 there in the hallway. You'll be contacted shortly,
23 hopefully, by a uh, probation department person.

1 MS. ILER: Um, is there a fee with this?

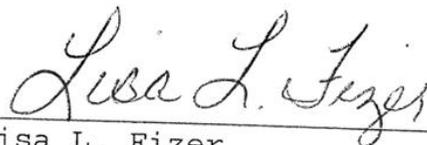
2 And I would ask that the other party incur it
3 since I'm doing it at their request.

4 COURT: That- that'll be part of the court
5 costs, ma'am.

6 MS. ILER: Okay.

STATE OF OHIO, COUNTY OF ADAMS SS:

I, Lisa L. Fizer, certify that I am the Deputy Court Reporter/Notary Public for the Court of Common Pleas of Adams County, Ohio, and that the transcript of the within is a complete and accurate transcript of the subject matter to the best of my ability and knowledge. Any omissions and errors are not intentional and would be the result of the audio recording system.



Lisa L. Fizer
Deputy Court Reporter/
Notary Public
State of Ohio
My Commission Expires:
March 3, 2018

NOTE: PURSUANT TO COURT ORDER ADAMS COUNTY COURT OF COMMON PLEAS CASE NO. 2002MISC15, THIS TRANSCRIPT IS NOT TO BE COPIED EXCEPT BY PERMISSION AND CONSENT OF THE COURT REPORTER WHO TRANSCRIBED IT.

Volume
IV

EXHIBIT

L

Verizon
Phone Records
June 05 - July 04, 2013
of Matt Iler
937-515-3963

P.O. BOX 4002
ACWORTH, GA 30101

Manage Your Account & View Your Usage Details	Account Number	Date Due
My Verizon at www.verizonwireless.com	987120188-00001	07/30/13
Address Changed? - go to vzw.com/changeaddress	Invoice Number	2936775471

KEYLINE
/4567995744/

MATTHEW ILER
380 BROADWAY ST
SEAMAN, OH 45679-9574

Quick Bill Summary

Jun 05 - Jul 04

Previous Balance (see back for details)	\$157.96
Payment - Thank You	-\$157.96
Balance Forward	\$0.00
Monthly Charges	\$146.48
Verizon Wireless' Surcharges and Other Charges & Credits	\$4.60
Taxes, Governmental Surcharges & Fees	\$6.88
Total Current Charges	\$157.96

Total Charges Due by July 30, 2013 \$157.96

Simplify Life
Easily manage your account with My Verizon. Pay your bill, check usage, change your calling plan, add features, and much more! Go to www.vzw.com/myverizon for details and get started today.

Pay from Wireless	Pay on the Web	Questions:
#PMT (#768)	My Verizon at www.verizonwireless.com	1.800.922.0204 or *611 from your wireless

VN

Bill Date July 04, 2013
 Account Number 987120188-00001
 Invoice Number 2936775471

Total Amount Due

deducted from bank account on 07/24/13
 DO NOT MAIL PAYMENT \$157.96

MATTHEW ILER
 380 BROADWAY ST
 SEAMAN, OH 45679-9574

P.O. BOX 25505
 LEHIGH VALLEY, PA 18002-5505
 /1800255054/

Check here and fill out the back of this slip if your billing address has changed or you are adding or changing your email address.

2936775471010987120188000010000157960000157969

Get Minutes Used	Get Data Used	Get Balance
#MIN + SEND	#DATA + SEND	#BAL + SEND

Explanation of Charges

Verizon Wireless' Surcharges

Verizon Wireless' Surcharges include (i) a Regulatory Charge (which helps defray various government charges we pay including government number administration and license fees); (ii) a Federal Universal Service Charge (and, if applicable, a State Universal Service Charge) to recover charges imposed on us by the government to support universal service; and (iii) an Administrative Charge, which helps defray certain expenses we incur, including charges we or our agents pay local telephone companies for delivering calls from our customers to their customers, fees and assessments on our network facilities and services, and costs and charges associated with new cell site construction, local number portability, and other government mandates. Please note that these are Verizon Wireless charges, not taxes. These charges, and what's included, are subject to change from time to time.

Taxes, Governmental Surcharges and Fees

Includes sales, excise and other taxes and governmental surcharges and fees that we are required by law to bill customers. These taxes, surcharges and fees may change from time to time without notice.

Late Fee Information

A late payment applies for unpaid balances. The charge is the greater of \$5 or 1.5% per month, or as permitted by law.

Verizon Wireless' Other Charges and Credits

Includes charges for products and services, and credits owing.

Payments

Previous Balance	\$157.96
Payment - Thank You	
Payment Received 06/24/13	-157.96
Total Payments	-157.96
Balance Forward	\$0.00

Total Amount Due will be deducted from your bank account on 07/24/13

Account Charges and Credits

Account Monthly Charges

Nationwide TLK&TXT Share 700	07/05 - 08/04	80.00
15% Access Discount (\$80.00 + \$9.99)	07/05 - 08/04	-13.50
Subtotal		\$66.50
Total Account Charges and Credits		\$66.50

Correspondence Address: Verizon Wireless Attn: Correspondence Team PO Box 5029 Wallingford, CT 06492

Automatic Payment Enrollment for Account: 987120188-00001 MATTHEW ILER

By signing below, you authorize Verizon Wireless to electronically debit your bank account each month for the total balance due on your account. The check you send will be used to setup Automatic Payment. You will be notified each month of the date and amount of the debit 10 days in advance of the payment. I understand and accept these terms. This agreement does not alter the terms of your existing Customer Agreement. I agree that Verizon Wireless is not liable for erroneous bill statements or incorrect debits to my account. To withdraw your authorization you must call Verizon Wireless. Check with your bank for any charges.

1. Check this box.
2. Sign name in box below, as shown on the bill and date.
3. Return this slip with your payment. Do not send a voided check.

Changing your billing address for Account: 987120188-00001 MATTHEW ILER

Use this space or sign in to My Verizon at vzw.com/changeaddress to change the mailing address where we send your bill. If we do not have your most recent email address, provide it below and we'll use it to tell you important information about your Verizon Wireless service. Allow 2 billing cycles for the address change to take effect.

New Address _____
 City _____
 State/Zip _____
 Work Phone _____ Home Phone _____
 Email _____

Confirming or changing your service address

For each of your mobile numbers, in order to bill taxes and surcharges correctly we need a service address - which is a street address (not a PO Box) that is the home or primary business address of the person who uses that number. To confirm or change the service address for any of your mobile numbers, sign in to My Verizon at vzw.com/serviceaddress.

Overview of Lines

Your Account's Plan

Nationwide TLK&TXT Share 700
 \$80.00 monthly charge
 700 monthly allowance minutes
 \$.45 per minute after allowance
 Unlimited Nights and Weekend
 Unlimited National M2M
 Unlimited Messaging
 Beginning on 04/21/12:
 15% Access Discount

Breakdown of Charges

Account Charges & Credits	pg 2	\$66.50
937-515-0820	pg 4	\$45.73
Amanda Iler	pg 13	\$45.73
937-515-3903		
Amanda Iler		
Total Current Charges		\$157.96

Breakdown of Shared Usage

		SharePlan Minutes Used	SharePlan Messaging Used
937-515-0820	pg 4	387	140
937-515-3903	pg 13	228	283
Total Used		615	423
Shared Allowance		700	unlimited
Overage		0	0
Total Shared Usage Charges		\$0.00	\$0.00

p. 4-12 omitted from this document
 since those pages (of a diff phone #)
 are irrelevant in
 relation to MR Iler's
 primary cell line #
 of 937-515-3903

AD

Summary for Amanda Iler: 937-515-3903

Your Plan

Nationwide TLK&TXT Share 700
(see pg 3)

Plan from 6/18 - 7/4
Data Roam USA/Canada

Data Package/2GB
\$30.00 monthly charge
monthly gigabyte allowance
\$10.00 per GB after allowance

Beginning on 03/10/13:
25 Bonus Minutes Available for Use Within 1 Year
25 remaining

Have more questions about your charges?
Get details for usage charges at
www.verizonwireless.com. Sign into My
Verizon to View Online Bill and click on Calls,
Messages & Data.

Monthly Charges

Line Access	07/05 - 08/04	9.99
Data Package/2GB	07/05 - 08/04	30.00
		\$39.99

Usage and Purchase Charges

Voice	Allowance	Used	Billable	Cost
SharePlan	minutes 700 (shared)	228	--	--
Mobile to Mobile	minutes unlimited	207	--	--
Night/Weekend	minutes unlimited	155	--	--
Total Voice				\$0.00

Messaging

Text, Picture & Video	messages	unlimited	283	--	--
Total Messaging					\$0.00

Data

Gigabyte Usage	gigabytes	2	1	--	--
Total Data					\$0.00

Total Usage and Purchase Charges **\$0.00**

Verizon Wireless' Surcharges +

Fed Universal Service Charge	1.14
Regulatory Charge	.16
Administrative Charge	.90
OH TRS Surcharge	.03
OH Reg Fee	.07
Total	\$2.30

Taxes, Governmental Surcharges and Fees +

State/Local E911 (\$0.25/No.)	.25
OH State Sales Tax-Telec	2.50
Adams Cnty Sales Tax-Telec	.69
Total	\$3.44

Total Current Charges for 937-515-3903 **\$45.73**

+Percentage-based taxes, fees, and surcharges apply to charges for this line, including overage charges, plus this line's share of account charges.

Detail for Amanda Iler: 937-515-3903

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
6/05	8:02A	937-515-0090	Peak	M2MAllow	Cincinnati OH	Georgetown OH	13	--	--	--
6/05	9:38A	412-768-0662	Peak	PlanAllow	Cincinnati OH	Incoming CL	1	--	--	--
6/05	11:26A	513-403-4429	Peak	M2MAllow	Cincinnati OH	Incoming CL	1	--	--	--

Detail for Amanda Iler: 937-515-3903

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
6/05	5:02P	937-544-3900	Peak	PlanAllow	Peebles OH	Incoming CL	4	--	--	--
6/05	5:06P	937-544-3900	Peak	PlanAllow	Seaman OH	West Union OH	2	--	--	--
6/05	6:14P	800-669-0102	Peak	PlanAllow	Peebles OH	Toll-Free CL	24	--	--	--
6/05	8:26P	937-386-2144	Peak	PlanAllow	Peebles OH	Seaman OH	1	--	--	--
6/05	8:27P	937-386-2144	Peak	PlanAllow	Peebles OH	Seaman OH	1	--	--	--
6/06	2:49P	937-217-2676	Peak	PlanAllow	Cincinnati OH	Incoming CL	2	--	--	--
6/06	3:26P	937-386-4145	Peak	M2MAllow	Cincinnati OH	Seaman OH	1	--	--	--
6/06	3:45P	937-386-4145	Peak	M2MAllow	Batavia OH	Incoming CL	5	--	--	--
6/06	3:52P	937-386-8088	Peak	PlanAllow	Batavia OH	Incoming CL	3	--	--	--
6/06	3:59P	937-217-2676	Peak	PlanAllow	Batavia OH	West Union OH	1	--	--	--
6/06	4:14P	937-217-2676	Peak	PlanAllow	Mount Orab OH	Incoming CL	3	--	--	--
6/06	4:51P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	1	--	--	--
6/06	6:50P	937-217-2676	Peak	PlanAllow	Peebles OH	Incoming CL	2	--	--	--
6/07	6:05A	513-490-1176	Peak	M2MAllow	Mount Orab OH	Cincinnati OH	1	--	--	--
6/07	8:54A	412-768-0662	Peak	PlanAllow	Cincinnati OH	Incoming CL	3	--	--	--
6/07	9:56A	937-544-3900	Peak	PlanAllow	Cincinnati OH	Incoming CL	1	--	--	--
6/07	3:08P	513-490-1176	Peak	M2MAllow	Cincinnati OH	Incoming CL	1	--	--	--
6/07	3:54P	937-386-8088	Peak	PlanAllow	Mount Orab OH	Incoming CL	3	--	--	--
6/07	4:23P	937-386-8088	Peak	PlanAllow	Seaman OH	Seaman OH	1	--	--	--
6/07	4:24P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	1	--	--	--
6/07	4:51P	513-767-4040	Peak	PlanAllow	West Union OH	Incoming CL	2	--	--	--
6/07	7:37P	937-386-8088	Peak	PlanAllow	Peebles OH	Incoming CL	2	--	--	--
6/08	11:53A	513-767-4040	Off-Peak	N&W	Batavia OH	Newtonsvi OH	2	--	--	--
6/08	12:12P	937-572-6125	Off-Peak	N&W	Batavia OH	Incoming CL	3	--	--	--
6/08	12:23P	513-386-4710	Off-Peak	N&W	Williamsbu OH	Cincinnati OH	1	--	--	--
6/08	12:24P	513-386-4710	Off-Peak	N&W	Batavia OH	Cincinnati OH	1	--	--	--
6/08	12:54P	937-515-0820	Off-Peak	N&W	Seaman OH	Georgetown OH	2	--	--	--
6/08	1:23P	937-217-2676	Off-Peak	N&W	Seaman OH	Incoming CL	3	--	--	--
6/08	2:27P	937-386-4145	Off-Peak	N&W	Peebles OH	Seaman OH	2	--	--	--
6/08	3:31P	937-515-0820	Off-Peak	N&W	Seaman OH	Incoming CL	1	--	--	--
6/08	5:51P	937-587-5000	Off-Peak	N&W	Peebles OH	Peebles OH	1	--	--	--
6/08	6:15P	937-515-0820	Off-Peak	N&W	Peebles OH	Incoming CL	1	--	--	--
6/08	8:30P	937-386-4145	Off-Peak	N&W	Peebles OH	Incoming CL	2	--	--	--
6/08	9:38P	937-217-3535	Off-Peak	N&W	Peebles OH	Incoming CL	6	--	--	--
6/08	11:57P	606-407-5759	Off-Peak	N&W	Seaman OH	Incoming CL	2	--	--	--
6/09	12:11P	937-217-2676	Off-Peak	N&W	Peebles OH	West Union OH	2	--	--	--
6/09	2:46P	937-725-1837	Off-Peak	N&W	Peebles OH	Wilmington OH	3	--	--	--
6/09	6:52P	937-217-2676	Off-Peak	N&W	Seaman OH	Incoming CL	2	--	--	--
6/09	8:00P	937-515-0090	Off-Peak	N&W	Seaman OH	Georgetown OH	1	--	--	--
6/09	8:04P	937-515-0090	Off-Peak	N&W	West Union OH	Incoming CL	7	--	--	--
6/10	12:53P	513-605-8221	Peak	PlanAllow	Cincinnati OH	Cincinnati OH	9	--	--	--
6/10	3:27P	937-515-0820	Peak	M2MAllow	Cincinnati OH	Incoming CL	2	--	--	--
6/10	3:29P	513-767-4040	Peak	PlanAllow,CallWait	Cincinnati OH	Incoming CL	1	--	--	--
6/10	4:21P	937-515-0090	Peak	M2MAllow	Mount Orab OH	Incoming CL	8	--	--	--
6/10	4:44P	937-515-0820	Peak	M2MAllow	Seaman OH	Incoming CL	3	--	--	--

Detail for Amanda Iler: 937-515-3903

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
6/10	4:53P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	1	--	--	--
6/10	6:03P	937-205-5668	Peak	M2MAllow	Peebles OH	Hillsboro OH	11	--	--	--
6/10	6:14P	937-515-1344	Peak	M2MAllow	Peebles OH	Georgetown OH	17	--	--	--
6/10	6:32P	937-798-1379	Peak	PlanAllow	West Union OH	Peebles OH	6	--	--	--
6/12	5:30P	937-515-1344	Peak	M2MAllow	Cincinnati OH	Georgetown OH	2	--	--	--
6/12	8:23P	513-824-2117	Peak	M2MAllow	Milford OH	Cincinnati OH	1	--	--	--
6/12	9:06P	937-798-0241	Off-Peak	N&W	Loveland OH	Incoming CL	1	--	--	--
6/18	3:55P	937-515-0820	Peak	M2MAllow	Batavia OH	Georgetown OH	3	--	--	--
6/18	7:04P	937-587-7153	Peak	PlanAllow	West Union OH	Peebles OH	1	--	--	--
6/18	8:04P	937-515-0820	Peak	M2MAllow	Peebles OH	Incoming CL	2	--	--	--
6/18	9:01P	937-515-0820	Off-Peak	N&W	Seaman OH	Incoming CL	3	--	--	--
6/19	11:34A	513-490-1176	Peak	M2MAllow	Cincinnati OH	Cincinnati OH	1	--	--	--
6/19	1:04P	937-515-0820	Peak	M2MAllow	Cincinnati OH	Georgetown OH	3	--	--	--
6/19	3:27P	937-515-0820	Peak	M2MAllow	Cincinnati OH	Incoming CL	2	--	--	--
6/19	4:41P	800-503-1283	Peak	PlanAllow	Peebles OH	Toll-Free CL	2	--	--	--
6/20	12:36P	513-604-7488	Peak	M2MAllow	Cincinnati OH	Cincinnati OH	1	--	--	--
6/20	1:34P	513-604-7488	Peak	M2MAllow	Cincinnati OH	Cincinnati OH	3	--	--	--
6/20	3:35P	937-515-0820	Peak	M2MAllow	Cincinnati OH	Georgetown OH	3	--	--	--
6/20	4:18P	513-767-4040	Peak	PlanAllow	Batavia OH	Newtonsvl OH	2	--	--	--
6/20	4:27P	937-515-0820	Peak	M2MAllow	Batavia OH	Georgetown OH	2	--	--	--
6/20	4:54P	937-386-8088	Peak	PlanAllow	Mount Orab OH	Seaman OH	1	--	--	--
6/20	4:55P	937-386-8088	Peak	PlanAllow	Winchester OH	Seaman OH	1	--	--	--
6/20	4:58P	937-386-8088	Peak	PlanAllow	Winchester OH	Seaman OH	1	--	--	--
6/20	5:00P	937-386-8088	Peak	PlanAllow	Winchester OH	Seaman OH	1	--	--	--
6/20	5:04P	937-386-8088	Peak	PlanAllow	Seaman OH	Seaman OH	1	--	--	--
6/20	5:51P	937-725-1837	Peak	M2MAllow	West Union OH	Wilmington OH	1	--	--	--
6/20	5:53P	937-725-1837	Peak	M2MAllow	West Union OH	Wilmington OH	1	--	--	--
6/20	5:59P	937-725-1837	Peak	M2MAllow	West Union OH	Wilmington OH	3	--	--	--
6/20	6:38P	937-217-2676	Peak	PlanAllow	West Union OH	West Union OH	1	--	--	--
6/21	7:58A	937-217-2676	Peak	PlanAllow	Cincinnati OH	West Union OH	2	--	--	--
6/21	9:17A	513-767-4040	Peak	PlanAllow	Cincinnati OH	Newtonsvl OH	2	--	--	--
6/21	9:23A	937-515-1539	Peak	M2MAllow	Cincinnati OH	Incoming CL	13	--	--	--
6/21	10:07A	513-767-4040	Peak	PlanAllow	Cincinnati OH	Newtonsvl OH	5	--	--	--
6/21	10:18A	513-898-9688	Peak	PlanAllow	Cincinnati OH	Incoming CL	2	--	--	--
6/21	10:57A	937-515-0090	Peak	M2MAllow	Cincinnati OH	Incoming CL	2	--	--	--
6/21	11:04A	859-802-9313	Peak	PlanAllow	Cincinnati OH	Incoming CL	1	--	--	--
6/21	11:20A	513-898-9688	Peak	PlanAllow	Cincinnati OH	Incoming CL	13	--	--	--
6/21	11:36A	937-386-2144	Peak	PlanAllow	Batavia OH	Incoming CL	2	--	--	--
6/21	12:21P	937-515-0090	Peak	M2MAllow	Mount Orab OH	Georgetown OH	2	--	--	--
6/21	12:28P	937-217-2676	Peak	PlanAllow	Williamsbu OH	Incoming CL	3	--	--	--
6/21	12:41P	937-515-0090	Peak	M2MAllow	Fayettevil OH	Georgetown OH	1	--	--	--
6/21	12:43P	937-515-0820	Peak	M2MAllow	Fayettevil OH	Incoming CL	2	--	--	--
6/21	1:36P	937-515-0820	Peak	M2MAllow	Seaman OH	Incoming CL	1	--	--	--
6/21	2:12P	937-217-2676	Peak	PlanAllow	Peebles OH	Incoming CL	3	--	--	--
6/21	6:41P	937-515-0090	Peak	M2MAllow	Peebles OH	Georgetown OH	6	--	--	--

Detail for Amanda Iler: 937-515-3903

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
6/21	10:04P	606-407-5759	Off-Peak	N&W	Mount Orab OH	Incoming CL	4	--	--	--
6/21	10:07P	606-407-5759	Off-Peak	N&W	Georgetown OH	Maysville KY	1	--	--	--
6/21	10:08P	606-407-5759	Off-Peak	N&W	Mount Orab OH	Incoming CL	2	--	--	--
6/21	11:07P	800-503-1283	Off-Peak	N&W	Winchester OH	Toll-Free CL	2	--	--	--
6/21	11:11P	606-407-5759	Off-Peak	N&W	Winchester OH	Maysville KY	3	--	--	--
6/22	6:01A	859-802-9313	Off-Peak	N&W	Cincinnati OH	Incoming CL	1	--	--	--
6/22	9:47A	937-798-1379	Off-Peak	N&W	Cincinnati OH	Incoming CL	1	--	--	--
6/22	1:08P	937-217-2676	Off-Peak	N&W	Seaman OH	West Union OH	2	--	--	--
6/22	1:26P	513-549-8082	Off-Peak	N&W	Seaman OH	Cincinnati OH	5	--	--	--
6/22	1:46P	937-515-0820	Off-Peak	N&W	Seaman OH	Incoming CL	1	--	--	--
6/22	1:50P	513-490-1176	Off-Peak	N&W	Peebles OH	Cincinnati OH	4	--	--	--
6/22	4:52P	937-515-0090	Off-Peak	N&W	Peebles OH	Georgetown OH	9	--	--	--
6/22	5:01P	513-490-1176	Off-Peak	N&W	West Union OH	Cincinnati OH	1	--	--	--
6/22	5:07P	513-490-1176	Off-Peak	N&W	Peebles OH	Cincinnati OH	1	--	--	--
6/22	5:29P	513-490-1176	Off-Peak	N&W	Mount Orab OH	Incoming CL	3	--	--	--
6/22	9:44P	937-515-0820	Off-Peak	N&W	Peebles OH	Georgetown OH	3	--	--	--
6/23	11:14A	800-503-1283	Off-Peak	N&W	Seaman OH	Toll-Free CL	1	--	--	--
6/23	11:42A	800-503-1283	Off-Peak	N&W	Seaman OH	Toll-Free CL	1	--	--	--
6/23	2:24P	937-515-0820	Off-Peak	N&W	Peebles OH	Georgetown OH	2	--	--	--
6/23	6:42P	937-515-0090	Off-Peak	N&W	Peebles OH	Georgetown OH	8	--	--	--
6/24	12:14P	513-605-8221	Peak	PlanAllow	Cincinnati OH	Cincinnati OH	1	--	--	--
6/24	2:16P	937-217-2676	Peak	PlanAllow	Cincinnati OH	Incoming CL	2	--	--	--
6/24	2:18P	513-605-8221	Peak	PlanAllow	Cincinnati OH	Cincinnati OH	5	--	--	--
6/24	3:56P	513-767-4040	Peak	PlanAllow	Batavia OH	Incoming CL	2	--	--	--
6/24	4:18P	513-605-8181	Peak	PlanAllow	Winchester OH	Incoming CL	1	--	--	--
6/24	4:32P	513-767-4040	Peak	PlanAllow	Seaman OH	Newtonsvl OH	5	--	--	--
6/24	4:36P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	2	--	--	--
6/24	6:21P	513-549-8082	Peak	PlanAllow	Peebles OH	Incoming CL	5	--	--	--
6/24	7:49P	937-217-1983	Peak	M2MAllow	Peebles OH	Incoming CL	8	--	--	--
6/25	8:16A	800-641-4526	Peak	PlanAllow	Cincinnati OH	Incoming CL	1	--	--	--
6/25	9:21A	513-752-0111	Peak	PlanAllow	Cincinnati OH	Incoming CL	6	--	--	--
6/25	3:46P	937-515-0820	Peak	M2MAllow	Milford OH	Incoming CL	2	--	--	--
6/25	4:50P	937-515-0820	Peak	M2MAllow	Seaman OH	Georgetown OH	2	--	--	--
6/25	6:09P	800-641-4526	Peak	PlanAllow	West Union OH	Incoming CL	2	--	--	--
6/25	7:54P	937-515-0820	Peak	M2MAllow	West Union OH	Incoming CL	2	--	--	--
6/25	8:19P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	1	--	--	--
6/25	9:03P	937-667-1518	Off-Peak	N&W	Seaman OH	Tipp City OH	6	--	--	--
6/26	3:27P	937-620-7725	Peak	M2MAllow	Cincinnati OH	Dayton OH	1	--	--	--
6/26	4:19P	513-403-4126	Peak	M2MAllow	Batavia OH	Incoming CL	2	--	--	--
6/26	4:30P	513-767-4040	Peak	PlanAllow	Mount Orab OH	Newtonsvl OH	2	--	--	--
6/26	4:39P	800-503-1283	Peak	PlanAllow	Mount Orab OH	Toll-Free CL	2	--	--	--
6/26	4:41P	800-503-1283	Peak	PlanAllow	Winchester OH	Toll-Free CL	2	--	--	--
6/26	5:04P	513-403-4126	Peak	M2MAllow	Seaman OH	Cincinnati OH	3	--	--	--
6/27	11:07A	513-767-4040	Peak	PlanAllow	Cincinnati OH	Incoming CL	1	--	--	--
6/27	11:13A	513-767-4040	Peak	PlanAllow	Cincinnati OH	Newtonsvl OH	4	--	--	--

Detail for Amanda Iler: 937-515-3903

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
6/27	12:38P	513-605-8340	Peak	PlanAllow	Cincinnati OH	Cincinnati OH	1	--	--	--
6/27	4:28P	513-767-4040	Peak	PlanAllow	Seaman OH	Newtonsvl OH	1	--	--	--
6/27	4:32P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	2	--	--	--
6/27	4:52P	513-403-4126	Peak	M2MAllow	Seaman OH	Cincinnati OH	4	--	--	--
6/27	4:59P	800-669-0102	Peak	PlanAllow	Seaman OH	Toll-Free CL	2	--	--	--
6/27	5:39P	937-779-6637	Peak	M2MAllow	Peebles OH	Incoming CL	5	--	--	--
6/27	5:44P	937-779-6637	Peak	M2MAllow	Peebles OH	Incoming CL	3	--	--	--
6/27	6:00P	937-725-1837	Peak	M2MAllow	Peebles OH	Wilmington OH	1	--	--	--
6/27	9:01P	937-515-0820	Off-Peak	N&W	Peebles OH	Incoming CL	1	--	--	--
6/27	9:11P	937-205-2744	Off-Peak	N&W	Peebles OH	Hillsboro OH	8	--	--	--
6/28	5:07A	513-767-4040	Off-Peak	N&W	Winchester OH	Incoming CL	2	--	--	--
6/28	11:47A	513-767-4040	Peak	PlanAllow	Cincinnati OH	Newtonsvl OH	4	--	--	--
6/28	2:20P	937-515-0090	Peak	M2MAllow	Cincinnati OH	Georgetown OH	1	--	--	--
6/28	3:03P	937-515-0090	Peak	M2MAllow	Cincinnati OH	Incoming CL	3	--	--	--
6/28	5:19P	800-669-0102	Peak	PlanAllow	Seaman OH	Toll-Free CL	4	--	--	--
6/28	5:39P	937-779-6637	Peak	M2MAllow	Seaman OH	Incoming CL	1	--	--	--
6/28	9:13P	937-205-2744	Off-Peak	N&W	Seaman OH	Incoming CL	2	--	--	--
6/29	10:13A	937-620-7725	Off-Peak	N&W	Cincinnati OH	Dayton OH	1	--	--	--
6/29	10:39A	513-767-4040	Off-Peak	N&W	Cincinnati OH	Newtonsvl OH	3	--	--	--
6/29	10:56A	937-620-7725	Off-Peak	N&W	Cincinnati OH	Dayton OH	2	--	--	--
6/29	12:51P	513-767-4040	Off-Peak	N&W	Batavia OH	Newtonsvl OH	2	--	--	--
6/29	1:15P	937-217-2676	Off-Peak	N&W	Winchester OH	Incoming CL	3	--	--	--
6/29	6:51P	513-767-4040	Off-Peak	N&W	Peebles OH	Incoming CL	3	--	--	--
6/30	5:16P	937-205-2744	Off-Peak	N&W	Peebles OH	Incoming CL	2	--	--	--
6/30	6:18P	937-515-0820	Off-Peak	N&W	Peebles OH	Incoming CL	2	--	--	--
6/30	7:04P	513-532-9552	Off-Peak	N&W	Peebles OH	Incoming CL	2	--	--	--
6/30	8:13P	937-725-1837	Off-Peak	N&W	Peebles OH	Incoming CL	2	--	--	--
6/30	8:20P	937-515-0820	Off-Peak	N&W	Peebles OH	Incoming CL	1	--	--	--
6/30	8:49P	937-205-2744	Off-Peak	N&W	West Union OH	Incoming CL	1	--	--	--
7/01	11:56A	513-767-4040	Peak	PlanAllow	Cincinnati OH	Newtonsvl OH	5	--	--	--
7/01	12:22P	937-217-2676	Peak	PlanAllow	Cincinnati OH	Incoming CL	2	--	--	--
7/01	4:42P	513-549-8082	Peak	PlanAllow	Mason OH	Cincinnati OH	2	--	--	--
7/01	4:44P	513-767-4040	Peak	PlanAllow	Mason OH	Newtonsvl OH	5	--	--	--
7/01	5:02P	937-217-2676	Peak	PlanAllow	Loveland OH	West Union OH	4	--	--	--
7/01	5:06P	937-515-0820	Peak	M2MAllow	Mulberry OH	Georgetown OH	2	--	--	--
7/01	5:21P	513-767-4040	Peak	PlanAllow	Batavia OH	Newtonsvl OH	3	--	--	--
7/01	5:41P	937-205-2744	Peak	M2MAllow	Williamsbu OH	Incoming CL	26	--	--	--
7/01	6:08P	937-416-9252	Peak	M2MAllow	Seaman OH	Dayton OH	2	--	--	--
7/01	6:39P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	1	--	--	--
7/01	6:40P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	1	--	--	--
7/01	6:50P	937-402-7495	Peak	M2MAllow	West Union OH	Incoming CL	3	--	--	--
7/01	8:37P	877-280-8418	Peak	PlanAllow	Seaman OH	Toll-Free CL	9	--	--	--
7/01	8:51P	937-725-1837	Peak	M2MAllow	Seaman OH	Wilmington OH	4	--	--	--
7/02	8:38A	513-490-1176	Peak	M2MAllow	Cincinnati OH	Incoming CL	1	--	--	--
7/02	9:02A	937-544-3900	Peak	PlanAllow	Cincinnati OH	Incoming CL	4	--	--	--

Detail for Amanda Iler: 937-515-3903

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
7/02	3:43P	513-767-4040	Peak	PlanAllow	Batavia OH	Newtonsvl OH	1	---	---	---
7/02	3:46P	513-767-4040	Peak	PlanAllow	Batavia OH	Incoming CL	1	---	---	---
7/02	6:36P	800-503-1283	Peak	PlanAllow	Peebles OH	Toll-Free CL	1	---	---	---
7/02	7:10P	937-515-0820	Peak	M2MAllow	Peebles OH	Incoming CL	1	---	---	---
7/02	9:07P	937-217-2676	Off-Peak	N&W	Peebles OH	Incoming CL	1	---	---	---
7/03	7:21A	937-572-6125	Peak	M2MAllow	Cincinnati OH	Dayton OH	6	---	---	---
7/03	9:46A	513-767-4040	Peak	PlanAllow	Cincinnati OH	Newtonsvl OH	1	---	---	---
7/03	3:26P	513-509-1681	Peak	M2MAllow	Loveland OH	Cincinnati OH	2	---	---	---
7/03	4:30P	800-503-1283	Peak	PlanAllow	Seaman OH	Toll-Free CL	1	---	---	---
7/03	5:05P	937-798-1379	Peak	PlanAllow	Seaman OH	Incoming CL	1	---	---	---
7/03	7:57P	937-515-0820	Peak	M2MAllow	West Union OH	Georgetown OH	1	---	---	---
7/03	8:53P	937-515-0820	Peak	M2MAllow	Peebles OH	Georgetown OH	1	---	---	---
7/03	9:04P	937-205-2744	Off-Peak	N&W	Peebles OH	Incoming CL	6	---	---	---
7/03	9:18P	877-625-6946	Off-Peak	N&W	Peebles OH	Toll-Free CL	1	---	---	---
7/03	9:18P	877-625-6946	Off-Peak	N&W	Peebles OH	Toll-Free CL	1	---	---	---
7/03	9:18P	877-625-6946	Off-Peak	N&W	Peebles OH	Toll-Free CL	1	---	---	---
7/04	11:46A	937-798-1379	Peak	PlanAllow	Seaman OH	Peebles OH	3	---	---	---
7/04	1:23P	937-217-0460	Peak	PlanAllow	Seaman OH	Incoming CL	1	---	---	---
7/04	6:53P	937-798-1379	Peak	PlanAllow	Seaman OH	Peebles OH	1	---	---	---
7/04	6:54P	937-798-1379	Peak	PlanAllow	West Union OH	Peebles OH	1	---	---	---
7/04	7:55P	937-798-1379	Peak	PlanAllow	Peebles OH	Incoming CL	3	---	---	---
7/04	8:14P	937-205-2744	Peak	M2MAllow	West Union OH	Incoming CL	2	---	---	---
7/04	9:32P	937-205-2744	Off-Peak	N&W	Seaman OH	Hillsboro OH	1	---	---	---

Need-to-Know Information

Limiting Notations On Payments

Written notations included with or on your payment cannot be reviewed when bills are processed and will not be honored. Please send such notated payment and any accompanying correspondence to the Correspondence Address on Page 2 of your bill.

Electronic Fund Transfer (EFT)

Your check authorizes us either to make a one-time electronic funds transfer (EFT) from your account or process as a check. An EFT may be withdrawn from your account the same day you make your payment and your check is not returned to you. If you want to be excluded from EFT, please call 1-866-544-0401. If payment is returned unpaid, you authorized us to collect an additional \$25 fee through EFT from your account.

Notice Of Change To Regulatory Charge

Beginning August 1, 2013, the monthly Regulatory Charge for voice and email plans will change from \$0.16 per line each month to \$0.21 per line each month. For Mobile Broadband plans, the Regulatory Charge will remain at \$0.02 per line each month. For information regarding the Regulatory Charge, call 1-888-684-1888.

Revisions To Customer Agreement

Verizon Wireless is updating certain provisions of your Customer Agreement, including reinforcing the existing requirement that if you fail to pay on time and we refer your account for collection, a collection fee will be imposed and due at the time we refer your account for collection. To view the updates and your complete, revised Customer Agreement, please go to www.verizonwireless.com.

FUSC Change

The Federal Universal Service Charge (FUSC) is a Verizon Wireless charge that is subject to change each calendar quarter based on contribution rates prescribed by the FCC. On July 1, the FUSC decreased to 3.60 percent of assessable wireless charges, other than separately billed interstate and international telecom charges. The FUSC on separately billed interstate and international telecom charges decreased to 15.10 percent. For more details, please call 1-888-684-1888.

Stay Connected – Even A World Away

When your travels take you on a relaxing cruise, international business, or a semester studying abroad, Verizon makes it easy to stay connected to the important things at home. Share pictures and videos, check email, update your Facebook status and surf the Internet from around the globe. We have a variety of global devices and pricing options to meet your needs. For more information, visit your nearest Verizon Wireless store or go to www.vzw.com/global today.

Become An Expert On Your Device

Attend a complimentary online or in-store wireless workshop to learn all about your device. Find out how to preserve battery life, manage usage, get the latest apps, transfer data from your phone to computer and much more. Visit www.vzw.com/workshops to enroll today. Also check out our online phone resources at www.vzw.com/support anytime day or night, right from the comfort of your home or office.

Save Time – Pay Your Bill Online

It's fast, easy and secure. Best of all, you can do it from your home, office or any computer with an Internet connection. Go to www.vzw.com/myverizon.

Volume
IV

EXHIBIT

M

Shupent
Ad litem report

COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
ADAMS COUNTY, OHIO

FILED
ADAMS COUNTY
CLERK OF COURTS
2009 JAN -7 PM 3:19

Shupert, Raymond
Plaintiff

-vs-

Shupert, Jennifer
Defendant

CASE NO: 20070604

MOTION FOR
EXTRAORDINARY FEES

Now comes the Guardian Ad Litem herein and respectfully requests this Court order the parties to pay the Guardian Ad Litem bill attached hereto, less the deposit that has been made with the Clerk. The undersigned has conducted a substantial number of personal interviews with the parties and other related parties and due to the time commitment requests extraordinary fees as the Court deems fit and necessary. A time log was previously submitted and is attached to this motion. This time log is not inclusive and does not indicate several hours beyond the time that was listed. However, the undersigned has kept notes which will justify the time log in this matter.

Respectfully submitted,



Lisa Rothwell, # 0083311
Guardian Ad Litem
307 N. Market St.
West Union, Ohio 45693
937-544-2581

REQUEST FOR SERVICE:

Please serve a copy of the foregoing pleading upon Ken Armstrong, Attorney for Plaintiff at 107 East Main Street, West Union, Ohio 45693 and upon Cecelia Potts, Attorney for Defendant at PO Box 474, Mt. Orab, Ohio 45154.



Lisa Rothwell, # 0083311
Guardian Ad Litem

10/17/08: Initial appointment, interview with Judge, Cecelia Potts, Ken Armstrong & Kate Shupert (6.0)
10/22/08: Coordinated efforts between Jennifer Shupert to take Kate to Dr. in Maysville. (1.5)
10/22/08: Interview with [REDACTED] (2.0)
10/22/08: Interview with [REDACTED] (.30)
10/27/08: Interview with [REDACTED] (1.0)
10/27/08: Interview with [REDACTED] (1.5)
10/28/08: Interview with [REDACTED] (1.0)
10/28/08: Interview with [REDACTED] (1.0); review their notes (.20)
10/29/08: Interview with [REDACTED] (1.0)
10/29/08: Interview with [REDACTED] (.30)
10/31/08: Drafted and filed a motion for psychological and psychiatric assessment (.30)
10/31/08: Interview with [REDACTED] (2.0)
11/03/08: Interview with [REDACTED] (1.0)
11/03/08: Interview with [REDACTED] (.20)
11/03/08: Reviewed letter from [REDACTED] (.15)
11/04/08: Interview with [REDACTED] (.30)
11/04/08: Interview with [REDACTED] (.45)
11/04/08: Interview with [REDACTED] (1.30)
11/04/08: Interview with [REDACTED] (.30)
11/04/08: Interview with [REDACTED] (.15)
11/05/08: Interview with [REDACTED] (.15)
11/05/08: Interview with [REDACTED] (.30)
11/06/08: Interview with [REDACTED] (.30)
11/06/08: Arrangements for a weekend visit (.15)
11/06/08: Interview with [REDACTED] (.20)
11/07/08: Reviewed [REDACTED] med records (.15)
11/07/08: Interview with [REDACTED] (.30)
11/07/08: Interview with [REDACTED] (.20)
11/10/08: Phone with [REDACTED] (.20)
11/11/08: Interview with [REDACTED] (.30)
11/11/08: Conference with [REDACTED] (.30)
11/12/08: met with Judge Spencer (.45)
11/12/08: Phone with [REDACTED] (.20)
11/14/08: Phone call with [REDACTED] (.30)
11/15/08: Interview with [REDACTED] (1.0)
11/19/08: Phone with [REDACTED] (.15)
11/21/08: Phone with [REDACTED] (.15)
11/24/08: arranging visitation Thanksgiving visitation (1.0)
12/03/08: phone with [REDACTED] (.15)

12/04/08: arranged weekend visitation (.35)
12/08/08: phone call with [REDACTED] regarding past weekend visitation (.20)
12/08/08: phone call concerning upcoming weekend visitation (.10)
12/09/08: office visit with [REDACTED] (.30)
12/10/08: phone call concerning upcoming weekend visitation (.10)
12/10/08: office with [REDACTED] (.20)
12/10/08: phone calls with [REDACTED] (.45)
12/16/08: draft and file final Guardian Ad Litem report (.45)
12/16/08: reviewed fax regarding holiday visitation (.15)
12/16/08: phone call with [REDACTED] (20)
12/16/08: phone calls with attorneys (.30)
12/18/08: phone call with [REDACTED] (.45)

TOTAL hours: 46 hours and 50 minutes

Generally, my hourly rate is \$125.00 and would result in a bill of \$5,854.16. However, I have reduced this amount by half to make the balance due \$2927.08.

Respectfully submitted,



Lisa Rothwell, # 0083311

Guardian Ad Litem

J262 P374
JAN - 9 2009

COURT OF COMMON PLEAS
ADAMS COUNTY, OHIO

RAYMOND SHUPERT
PLAINTIFF
VS
JENNIFER SHUPERT
DEFENDANT

CASE NO. 20070604

JOURNAL ENTRY

FILED
ADAMS COUNTY
CLERK OF COURTS
2009 JAN - 9 AM 8:12
Brynn M. Spencer
CLERK

* * * *

This matter having come before the Court upon the motion of Lisa Rothwell, as Guardian Ad Litem for the minor children herein. The motion requesting approval for the payment of Extraordinary Fees in this matter.

From a review of the motion and it's attachment, it appears the Guardian Ad Litem's request for the additional fees is justifiable and fair. By reason thereof, the Court finds the motion well taken.

In checking this case, it appears both parties were previously ordered to pay the sum of \$250.00 each, (total \$500.00), as the initial deposit towards the GAL fees. The Clerk of Court's Office advises this sum is available on deposit.

It is hereby ORDERED, that Lisa Rothwell, as Guardian Ad Litem, be paid the sum of \$2,927.08 as and for her services.

Both, plaintiff and defendant are ORDERED to deposit with the Clerk of Courts on or before FEBRUARY 2, 2009, the sum of \$1,213.54. This sum represents \$2,927.08, less the \$500.00 previously deposited by the parties.

The clerk is instructed to pay to the Guardian Ad Litem these funds, as they are paid into the Clerk's Office. Further, the clerk is instructed to deliver a copy of this Entry to counsel, the parties, and to the GAL.

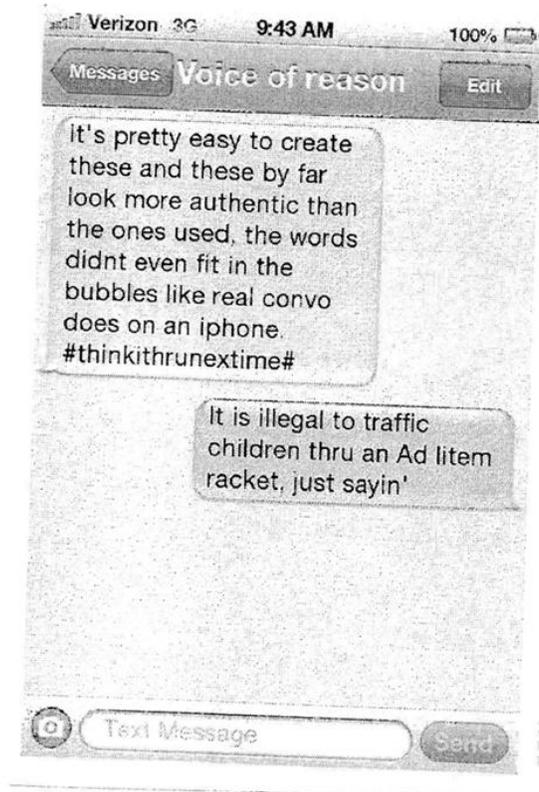
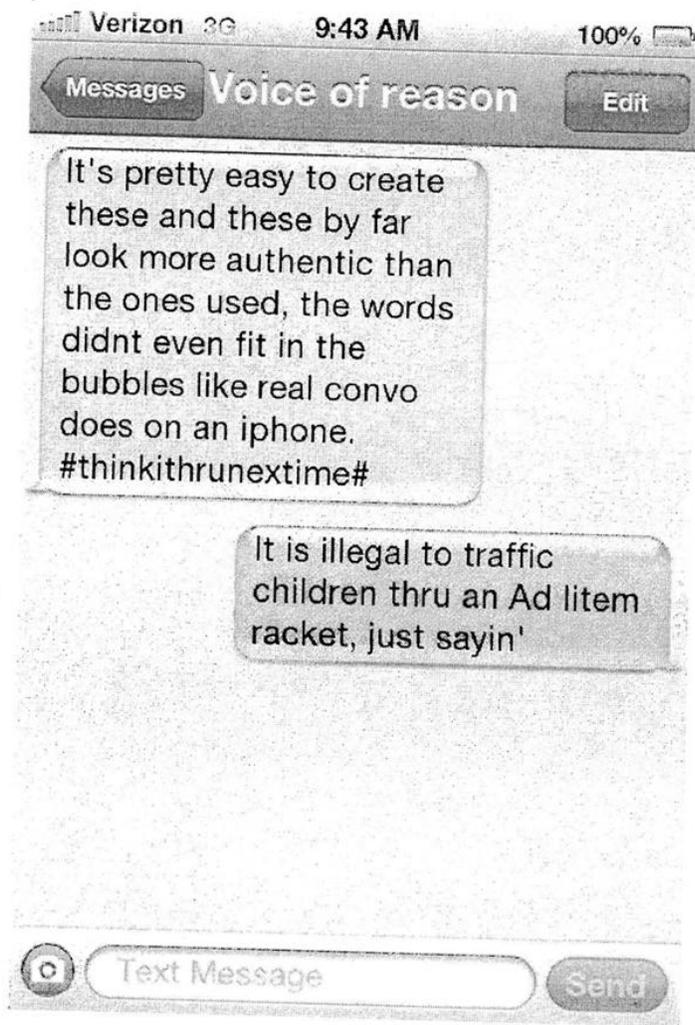
Dated:

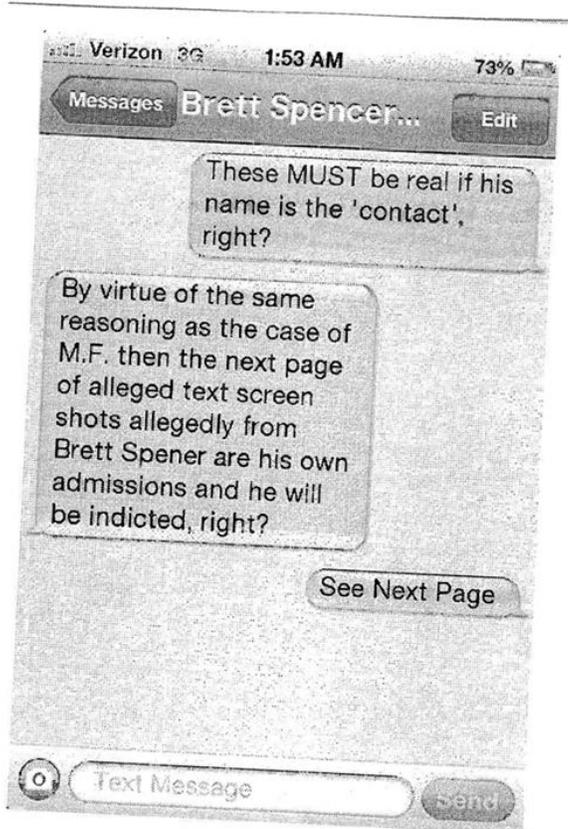

BRETT M. SPENCER, JUDGE
01/08/09

Volume
IV

EXHIBIT

N





Verizon 3G 1:53 AM 73%

Messages Brett Spencer... Edit

These MUST be real if his name is the 'contact', right?

By virtue of the same reasoning as the case of M.F. then the next page of alleged text screen shots allegedly from Brett Spener are his own admissions and he will be indicted, right?

See Next Page

Text Message send

Messages Brett Spencer Edit

Grimes, hey buddy, heard you have a new client that is willing to pay for "our" services.

Not yet, on "appeal" I will be the new atty and work my magic by delaying it since I am "new" to the case. Yea then we shall talk \$\$\$\$

That's my boy!

Text Message Send

Messages David Grimes Edit

Hey boss! I am in the game, now. I basically know that \$7k is the minimum he is willing to pay for this case but I think we can get more later.

Just don't forget to scrub those transcripts before they go to court of appeals, Tyler would have a stroke if you send them as they are.

Hey, he helped me getting this far, I aint gonna let him hang. TTYL got half today like we talked abt

Text Message Send

Messages 5442921 Edit

Can ya believe she actually checked on that kids in camera intrvw wtf man we listed it online in case she was gonna check up on it. Thats crazy!

Omg Spencer just mailed her a letter saying some BS about not public records, etc. That was a close one!!

You owe me, this is risky biz, gimme \$5k for scaring me to death. Next one is on you!

Text Message Send