

STATE OF NEW HAMPSHIRE

9TH CIRCUIT COURT - FAMILY DIVISION - NASHUA

GAIL ROSIER,)	
)	
Petitioner,)	Family Division Case No.
)	226-2006-DM-00655
and)	
)	Nashua, New Hampshire
JEFFREY STROBEL,)	March 9, 2010
)	9:29 a.m.
Respondent.)	
_____)	

MOTION FOR CONTEMPT
BEFORE THE HONORABLE JACALYN A. COLBURN
JUDGE OF THE CIRCUIT COURT - FAMILY DIVISION

APPEARANCES:

For the Petitioner: (Not Present)
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For the Respondent: Catherine E. Shanelaris
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I N D E XWITNESS (ES)DIRECTCROSSREDIRECTRECROSSFOR THE PETITIONER:

None

FOR THE RESPONDENT:

None

MISCELLANEOUSPAGE

Court's Orders

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1 (Proceedings commence at 9:29 a.m.)

2 THE COURT: The next matter will be Rosier versus
3 Strobel. Do I have parties and counsel or counsel on Rosier
4 versus Strobel?

5 MS. SHANELARIS: Just Respondent and counsel.

6 THE COURT: Good morning.

7 MS. SHANELARIS: Good morning, Your Honor. My name
8 is Cathy Shanellaris. It's nice to meet you.

9 THE COURT: Nice to meet you. I understand that this
10 matter -- I looked at this file yesterday. It appears that you
11 had originally filed a petition for contempt and request for
12 show cause, and it looks like that was continued because
13 Ms. Rosier is incarcerated in Arizona; is that right?

14 MS. SHANELARIS: Yes. Our understanding, Your Honor,
15 she sent another letter. We were here in December. She sent a
16 letter saying she was going to be released on February 9th.

17 THE COURT: I saw that.

18 MS. SHANELARIS: She was in fact released.
19 Mr. Strobel just received this morning via Fed Ex another
20 letter saying she can't be here. However, it's his
21 understanding that, according to her mom, she's working in New
22 York City. And in fact, the Fed Ex envelope was sent from New
23 York City and not Arizona, so she's not in Arizona.

24 I would be happy, Your Honor, to briefly go through
25 some of the facts in this case. It's essentially been pending

1 since 1997 when Ms. Rosier had decided that she couldn't pay
2 support. They had an agreement that --

3 THE COURT: I reviewed all that, so you don't need to
4 go through it.

5 MS. SHANELARIS: Okay.

6 THE COURT: And as I understand it --

7 MS. SHANELARIS: Thank you.

8 THE COURT: -- the agreement was that she would pay
9 for the child's college education --

10 MS. SHANELARIS: Correct.

11 THE COURT: -- in lieu of support that she wasn't
12 making along the way, right?

13 MS. SHANELARIS: Part of our problem, Your Honor, is
14 that, to be blunt, I mean she is not a truthful person. I
15 mean, she has -- just the tip of the iceberg, as my client
16 said, you know, there's been police reports for theft, for
17 theft by deception, forgery, fraud, all kinds of criminal
18 offenses like that. Everything she has said to the Court in
19 her letters has turned out not to be true.

20 There's a pending probate case where she keeps
21 saying, well, she's going to have money to pay for the college
22 then. It's Mr. Strobels understanding that she was, in fact,
23 denied any part of that probate case. It's on appeal right
24 now.

25 She sold property that the Court had ordered in 2006

1 to pay support. She has not paid a dime in support, Your
2 Honor. And we have been -- this is my third time with
3 Mr. Strobel coming to court, and still no receipt of any
4 support whatsoever, and anything she has said has turned out
5 not to be true.

6 I do have a proposed order.

7 THE COURT: Okay.

8 MS. SHANELARIS: Part of our problem, Your Honor, is
9 we would love to adjudicate a figure, which has been our
10 concern. In December when she was found in contempt, she was
11 ordered to pay some attorney's fees. She's not done that. I
12 am asking for an additional \$350 in attorney's fees.

13 Let me provide you with the order, Your Honor. May I
14 approach?

15 THE COURT: Yes.

16 MS. SHANELARIS: The other part of my concern for
17 Mr. Strobel, Your Honor, is that if Connor, who is now 18,
18 he'll graduate in June, if we don't get an order for the
19 Division of Child Support Services before his son turns 18,
20 they're not going to collect this amount at all.

21 And so it's -- it's been pending for a long time now.
22 The amount that we have alleged that she owes in support is
23 based on several factors. One is the property that she
24 liquidated in Massachusetts. First she said it was worth
25 150,000, then she said 105,000. Essentially, she's not paid

1 any child support in almost 13 years.

2 So we don't believe that that figure to be --
3 although it's high, not to be -- to be completely reasonable
4 based on the things that she's presented to the Court and
5 financial affidavits and made representations to.

6 Mr. Strobel has certainly made a claim in the Arizona
7 probate court to try to get something, but as I said, I don't
8 think that's going to be helpful, Your Honor. So he's looking
9 at there being no money whatsoever.

10 I've asked -- in the hearing notice for today's
11 hearing, it was very clear to her that a capias was going to
12 issue if she didn't appear. It's a little disingenuous for her
13 to send a Fed Ex, you know, the day before the hearing and say,
14 oh, I can't be there.

15 THE COURT: Well, she actually asked for this hearing
16 date because she said this was subsequent to --

17 MS. SHANELARIS: She did, Your Honor.

18 THE COURT: -- her release in Arizona.

19 MS. SHANELARIS: Correct, correct. And we asked the
20 Court to schedule it after she was released.

21 What I think most important, Your Honor, is I ask
22 that there be \$25,000 on the capias and that she not be
23 released until she pays that amount. Mr. Strobel would --

24 THE COURT: The problem is going to be effecting
25 that, right, if she's in New York or Arizona or somewhere else?

1 I mean, I can issue that, and that I will issue that, but
2 realistically, I'm not quite sure what it will get me until she
3 steps foot in New Hampshire.

4 MS. SHANELARIS: Right. But do us a little hope,
5 Your Honor, that maybe --

6 THE COURT: Okay.

7 MS. SHANELARIS: -- if something happens and, you
8 know, she gets arrested for blowing through a stop sign or
9 something, that someone might see that.

10 But it's very difficult for Mr. Strobel. He would
11 testify that his son is ready to go to college and he's been
12 extremely gracious and fair to her, and she's returned that
13 with nothing.

14 THE COURT: Marsha, do you have a capias form?

15 And just remind me again how you arrived at the
16 number? Were you using the original uniform support order
17 amount to arrive --

18 MS. SHANELARIS: That, Your Honor, the representation
19 that she owned \$150,000 worth of property, which she told
20 Master Forrest in 2006 that she was selling to liquidate to
21 provide to Connor, which we believe she did sell and took the
22 money.

23 The other thing the Court should know is that my
24 client believes, on information and belief he's received from
25 the probate court, that she received last year \$150,000 in life

1 insurance proceeds from her ex-husband who passed away. She
2 got that last year. Not one cent was spent on child support.

3 THE COURT: But I just want to be clear, the
4 \$202,500, as of 10/31/09 --

5 MS. SHANELARIS: Yes.

6 THE COURT: -- is a calculation based on a prior
7 uniform support order approved by Master Forrest. Is that
8 right?

9 MS. SHANELARIS: Yes. Prior uniform support order --

10 THE COURT: I haven't done the math, that's why I'm
11 asking.

12 MS. SHANELARIS: Yes. That, Your Honor, as well as
13 the property and the life insurance proceeds, so she far could
14 exceed that figure in paying for college. But yes, we've done
15 calculations to show it was the property she owned and the
16 child support she should have paid, yes.

17 THE COURT: I guess my question is I understand that
18 there's some property issue, but let's just say she had that in
19 liquidated damages. Would she have been required to pay that
20 in child support?

21 MS. SHANELARIS: She was ordered to pay that, Your
22 Honor, in child support, she was.

23 THE COURT: Okay.

24 MS. SHANELARIS: She was ordered to liquidate it
25 immediately and turn it over to Mr. Strobel, which she didn't

1 do.

2 THE COURT: Okay. And as I understand it, Connor is
3 in his senior year of high school; is that right?

4 MR. STROBEL: Yes.

5 THE COURT: So he's getting ready to engage in the
6 college application process?

7 MS. SHANELARIS: He's already doing that, yes, Your
8 Honor.

9 THE COURT: All right. I'm going to issue an order
10 for her arrest in the amount of \$25,000 and I'm going to
11 approve your proposed order. I'll take a look at the uniform
12 support order more closely when I have a few more moments --

13 MS. SHANELARIS: Thank you, Your Honor.

14 THE COURT: -- but I anticipate that I'll sign that
15 as well.

16 MS. SHANELARIS: Okay.

17 THE COURT: Okay.

18 MS. SHANELARIS: Thank you very much, Your Honor.

19 (Proceedings concluded at 9:37 a.m.)
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CERTIFICATE

I, Misty R. Peto, CET-612, a court approved proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONIST: LISA HULM, CET-783

MISTY R. PETO, CET-612
Proofreader

December 6, 2015