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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT CE2 HON. MAREN E. NELSON, JUDGE

MARIEKE VEKEMANS,)
)
)
)
PETITIONER,)
)
)
VS.) CASE NO. BH010760
)
)
REED RANDOY,)
)
)
RESPONDENT.)
)
)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TUESDAY, JULY 12, 2016

APPEARANCES:

FOR THE PETITIONER:

MARIA VEKEMANS,
APPEARING IN PRO PER PERSONA

DEANNE CASTORENA
DEPUTY DISTRICT ATTORNEY

FOR THE RESPONDENT:

SALICK FAMILY LAW GROUP
BY: NICHOLAS A. SALICK, ATTORNEY AT LAW
9595 WILSHIRE BOULEVARD, SUITE 900
BEVERLY HILLS, CA 90212

PRISCILLA MIRELES, CSR NO. 14080
OFFICIAL REPORTER

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INDEX FOR JULY 12, 2016

CHRONOLOGICAL INDEX OF WITNESSES

WITNESSES: DIRECT CROSS REDIRECT RECROSS
NONE

ALPHABETICAL INDEX OF WITNESSES

WITNESSES: DIRECT CROSS REDIRECT RECROSS
NONE

EXHIBITS

NONE

1 CASE NUMBER: BH010760
2 CASE NAME: MARIEKE VEKEMANS
3 VS.
4 REED RANDOY
5 LOS ANGELES, CALIF. TUESDAY, JULY 12, 2016
6 DEPARTMENT CE2 HON. MAREN E. NELSON, JUDGE
7 REPORTER: PRISCILLA MIRELES, CSR NO. 14080
8 TIME: A.M. SESSION
9

10 APPEARANCES:

11 THE PETITIONER, MARIEKE VEKEMANS,
12 PRESENT IN PROPRIA PERSONA; THE
13 RESPONDENT, REED RANDOY, PRESENT
14 WITH COUNSEL, NICHOLAS SALICK,
15 ATTORNEY AT LAW.
16
17

18 THE COURT: MARIEKE VEKEMANS AND REED RANDOY. THIS
19 IS BH010760.

20 MAY I HAVE APPEARANCES, PLEASE.

21 MR. SALICK: GOOD MORNING, YOUR HONOR. NICHOLAS
22 SALICK FOR THE RESPONDENT, REED RANDOY, WHO IS PRESENT AT
23 THE COUNSEL TABLE.

24 THE PETITIONER: GOOD MORNING. I'M MARIEKE
25 VEKEMANS, AND I'M REPRESENTING MYSELF.

26 MS. CASTORENA: DEANNE CASTORENA, DEPUTY DISTRICT
27 ATTORNEY, APPEARING PURSUANT TO FAMILY CODE SECTION 3455.

28 THE COURT: ALL RIGHT. GOOD MORNING. HAVE A SEAT,

1 EVERYONE.

2 THIS IS HERE ON THE PETITIONER'S REQUEST BY
3 ORDER THAT THE MINOR CHILD BE RETURNED FORTHWITH TO
4 CANADA, IT BEING ALLEGED THAT CHILD WAS WRONGFULLY REMOVED
5 FROM THE COUNTRY OF HABITUAL RESIDENCE IN VIOLATION OF A
6 HAGUE CONVENTION.

7 CAN I HAVE THE PARTIES SWORN, PLEASE.

8 THE CLERK: PLEASE STAND AND RAISE YOUR RIGHT HAND.

9 DO YOU BOTH SOLEMNLY STATE THE TESTIMONY YOU
10 MAY GIVE IN THE MATTER NOW PENDING BEFORE THIS COURT SHALL
11 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
12 SO HELP YOU GOD?

13 THE RESPONDENT: YES.

14 THE PETITIONER: YES.

15 THE CLERK: THANK YOU. BE SEATED.

16 THE COURT: WE HAVE THE -- I READ THE PETITION, I
17 READ THE RESPONSE, AND I ALSO PERUSED THE FAMILY LAW FILE,
18 AND IT WOULD SEEM TO ME THAT THERE'S A LEGAL QUESTION THAT
19 PRECEDES EVERYTHING ELSE IN THIS CASE, WHICH IS WHETHER
20 JUDGE HALL HAS MADE A FINDING AS TO WHAT THE CHILD'S
21 COUNTRY OF HABITUAL RESIDENCE IS.

22 SHE HAS MADE A FINDING AS TO THE CHILD'S HOME
23 STATE, BUT THAT IS DIFFERENT THAN COUNTRY OF HABITUAL
24 RESIDENCE. AND AT LEAST LOOKING BRIEFLY IN THE FAMILY LAW
25 FILE, WHICH IS VOLUMINOUS, I DID NOT FIND ANY SUCH FINDING
26 BY JUDGE HALL IN THE FAMILY LAW CASE.

27 BUT LET ME START WITH THE DISTRICT ATTORNEY
28 AND INQUIRE AS TO WHETHER YOU AGREE THAT THAT'S THE FIRST

1 ORDER OF BUSINESS.

2 MS. CASTORENA: YES, YOUR HONOR. I DO. AND, IN
3 FACT, I HAVE TALKED TO BOTH RESPONDENT'S COUNSEL AND THE
4 PETITIONER SEVERAL TIMES IN PREPARATION FOR TODAY'S
5 HEARING, AND I DID EXPLAIN TO THEM THAT THE HOME STATE
6 DOES NOT HAVE THE SAME DEFINITION AS HABITUAL RESIDENCE,
7 ALTHOUGH I THINK IN THIS CASE MANY OF THE FACTORS WOULD BE
8 SIMILAR. I CAN REPRESENT TO THE COURT, AFTER DISCUSSING
9 WITH COUNSEL AND THE PARTIES, THAT THEY AGREE TO ALL
10 ASPECTS OF THE PRIMA FACIE CASE, BUT FOR THE HABITUAL
11 RESIDENCE ISSUE.

12 THERE'S NO QUESTION THAT THESE ARE THE
13 PARENTS. THEY BOTH HAD CUSTODY RIGHTS. THEY WERE
14 EXERCISING THOSE CUSTODY RIGHTS. THE CHILD IS UNDER 16.
15 THE MOTHER'S POSITION IS THAT, AS A FAMILY, THEY HAD
16 CHANGED THE CHILD'S HABITUAL RESIDENCE TO CANADA. I KNOW
17 THE FATHER'S POSITION IS NOT IN AGREEMENT WITH THAT; AND
18 FURTHERMORE, I THINK HE WOULD ARGUE. ALTHOUGH, COUNSEL,
19 CORRECT ME IF I'M WRONG, THAT THE CHILD WAS NOT WRONGFULLY
20 RETAINED IN THE U.S. OR REMOVED TO THE U.S., BUT RETURNED
21 UPON COURT ORDER, WHICH MAKES THE RETURN TO THE U.S. NOT
22 WRONGFUL AS REQUIRED IN THE TREATY.

23 SO I DO THINK THAT'S THE FIRST ORDER OF
24 BUSINESS. I HAVE NOT LOOKED AT THE WHOLE FILE, ALTHOUGH
25 BOTH PARTIES HAVE PROVIDED ME MANY COPIES OF DOCUMENTS
26 THERE -- AND JUST THIS MORNING I LODGED, I THINK, FOUR
27 DATES OF TRANSCRIPTS ON BEHALF OF THE PETITIONER.

28 THE COURT: I HAVE NOT SEEN THOSE.

1 LET ME START WITH THE PETITIONER. THE --

2 MR. SALICK: ACTUALLY, YOUR HONOR --

3 THE COURT: JUST A MOMENT, MR. SALICK.

4 MA'AM, INsofar AS YOU'RE AWARE, HAS JUDGE
5 HALL MADE A FINDING AS TO WHAT THE CHILD'S COUNTRY OF
6 HABITUAL RESIDENCE IS?

7 THE PETITIONER: SHE ENDED UP SAYING THAT IT WAS
8 CALIFORNIA.

9 THE COURT: IS THERE ANYTHING -- WELL, CALIFORNIA IS
10 NOT A COUNTRY, SO SHE COULD NOT HAVE SAID --

11 THE PETITIONER: EXACTLY.

12 THE COURT: -- THAT CALIFORNIA IS THE COUNTRY OF
13 HABITUAL RESIDENCE. SHE MAY HAVE SAID THAT CALIFORNIA IS
14 THE HOME STATE.

15 THE PETITIONER: THAT'S TRUE. YOU'RE ABSOLUTELY
16 RIGHT.

17 THE COURT: AND I READ THAT. BUT MY QUESTION IS:
18 DID SHE MAKE A FINDING --

19 THE PETITIONER: NO.

20 THE COURT: -- THAT THE UNITED STATES IS THE COUNTRY
21 OF HABITUAL RESIDENCE?

22 THE PETITIONER: SHE DID NOT, TO MY KNOWLEDGE, NO.

23 THE COURT: MR. SALICK, DO YOU HAVE ANYTHING THAT
24 INDICATES THAT JUDGE HALL MADE A FINDING AS TO WHAT THE
25 CHILD'S COUNTRY OF HABITUAL RESIDENCE IS?

26 MR. SALICK: ABSOLUTELY. THERE'S A FINDING --

27 THE COURT: WHAT IS THE DATE AND THE SIGNED ORDER
28 FINDING --

1 MR. SALICK: IT'S A FINDINGS ORDER AFTER HEARING
2 FILED SEPTEMBER 30TH, 2015.

3 THE COURT: SEPTEMBER 30TH OF '15?

4 MR. SALICK: YES. AND IT'S THE FINDINGS ORDER AFTER
5 HEARING FROM THE JULY 31ST, 2015 HEARING. AND ON 2 --

6 THE COURT: JUST A SECOND.

7 MR. SALICK: -- LINES 11 TO 12, AND I QUOTE, "THE
8 COURT FINDS THAT THE UNITED STATES OF AMERICA IS THE MINOR
9 CHILD'S COUNTRY OF HABITUAL RESIDENCE."

10 THE COURT: WHAT'S -- GIVE ME THAT AGAIN. 9/30/15?

11 MR. SALICK: 9/30/2015.

12 THE COURT: OKAY. HOLD ON.

13 THE PETITIONER: IS THAT INCLUDED IN YOUR
14 ATTACHMENTS, COUNSEL?

15 MS. CASTORENA: YES.

16 MR. SALICK: AND ALSO, YOUR HONOR, THE TRANSCRIPT
17 THAT WAS JUST LODGED WITH THE COURT THIS MORNING FROM
18 JULY 31ST, 2015, ON PAGE 29 OF THE TRANSCRIPT, LINES 24 TO
19 25 SAYS, "THE COUNTRY OF RESIDENCE OF THE CHILD IS THE
20 UNITED STATES OF AMERICA."

21 THE COURT: OKAY. I'M LOOKING AT THE FINDINGS ORDER
22 AFTER HEARING IN BD621137, LINES 11 AND 12. "THE COURT
23 FINDS THAT THE UNITED STATES OF AMERICA IS THE MINOR
24 CHILD'S COUNTRY OF HABITUAL RESIDENCE."

25 SO THEN THE QUESTION -- AND THE PETITIONER
26 WAS REPRESENTED BY COUNSEL AT THE TIME THAT ORDER WAS
27 ENTERED; CORRECT?

28 MR. SALICK: CORRECT. AND NOT PRESENT.

1 THE COURT: ALL RIGHT. SO IT WOULD SEEM TO ME THAT
2 THE QUESTION -- THE LEGAL QUESTION IS THIS: JUDGE HALL
3 HAS MADE THAT FINDING. THAT'S AN APPEALABLE ORDER. NO
4 APPEAL WAS TAKEN FROM THAT ORDER. THE ORDER'S TEN MONTHS
5 OLD. THERE'S BEEN LOTS OF LITIGATION SINCE THEN. ISN'T
6 THE PETITIONER BOUND UNDER THE DOCTRINES OF COLLATERAL
7 ESTOPPEL AND RES JUDICATA?

8 WITH THAT FINDING, I'M GOING TO START WITH
9 THE DISTRICT ATTORNEY.

10 MS. CASTORENA: YES, YOUR HONOR. BASED ON THE
11 LANGUAGE THAT JUDGE HALL USED, I DON'T THINK THIS COURT
12 CAN SIT IN REVIEW OF A COURT OF EQUIVALENT POWER.

13 THE COURT: THAT'S MY PRELIMINARY THINKING, BUT --

14 THE PETITIONER: I --

15 THE COURT: JUST A MINUTE, MA'AM.

16 BUT IF THE COURT -- WHETHER JUDGE HALL WAS
17 RIGHT OR WRONG IN HER FINDING, THE PETITIONER IS BOUND BY
18 THAT FINDING. THIS COURT IS NOT THE COURT OF APPEAL. IF
19 YOU DISAGREED WITH THAT FINDING, IT WOULD SEEM TO ME,
20 MA'AM, THAT YOUR ALTERNATIVE WAS TO MAKE AN APPEAL.

21 LET ME HEAR FROM YOU BRIEFLY ABOUT THAT.

22 THE PETITIONER: IN CANADA, I WAS EXERCISING MY
23 RIGHTS AS A RESIDENT OF CANADA. I'VE BEEN LIVING THERE
24 FOR OVER A YEAR WITH MY SON AND MY HUSBAND. AFTER AN
25 ALTERCATION IN FRONT OF MY SON, I WANTED A DIVORCE. HE
26 DECIDED TO GO BACK DOWN TO CALIFORNIA AND FILE A PETITION
27 FOR DIVORCE, AND HE CLAIMED -- THIS WAS BEFORE HE RETAINED
28 COUNSEL.

1 ON THE PETITION FOR DIVORCE, HE PUT UNDER THE
2 UCCJEA THE ADDRESS OF, ALL THREE OF US, OUR SOLE FAMILY
3 RESIDENCE AS VANCOUVER, BRITISH COLUMBIA FOR 14 MONTHS
4 PRIOR TO COMMENCEMENT OF PROCEEDINGS. THE ADDRESS
5 UNDERNEATH WAS A UPS MAILBOX IN MARINA DEL REY. HE THEN
6 PROCEEDED TO CLOSE DOWN MY BANK ACCOUNT, LEFT ME WITH \$18,
7 AND DID AN EX PARTE HEARING WHERE HE CLAIMED THAT I
8 KIDNAPPED MY SON AND FLED TO CANADA. HE DIDN'T LET ME GO
9 TO THE EX PARTE HEARING. JUDGE HALL HAS JURISDICTION IN
10 LOS ANGELES, CALIFORNIA. WHEN SHE DID EX PARTE ORDER, SHE
11 MADE ORDERS COMPLETELY OUT OF HER JURISDICTION. SHE MADE
12 ORDERS -- IF YOU LOOK AT THE --

13 THE COURT: LET ME STOP YOU THERE.

14 I SUPPOSE YOU DON'T AGREE WITH JUDGE HALL'S
15 RULING. I DON'T HAVE AUTHORITY TO OVERRULE HER.

16 THE PETITIONER: I UNDERSTAND. BUT IF I MAY, IN
17 CANADA, REED, MY HUSBAND, BY LAW, HE BROKE THE LAW OF
18 CANADA. IN CANADA, HE TOOK MY SON WITHOUT MY CONSENT.
19 THAT IS CHILD ABDUCTION. HE WAS OBLIGATED TO GET A COURT
20 ORDER. IF HE COULD NOT GET MY WRITTEN CONSENT, HE HAD TO
21 GET A COURT ORDER TO TAKE MY SON OUT OF THE COUNTRY.

22 BY LAW, I WAS EXERCISING MY RIGHTS AS A
23 RESIDENT AND CITIZEN OF CANADA AND A RESIDENT OF B.C.,
24 CANADA. TO HAVE A JUDGE FROM ANOTHER COUNTRY MAKE ORDERS
25 BECAUSE AN ATTORNEY ASKS FOR THEM -- I'M NOT PRESENT; I'M
26 IN ANOTHER COUNTRY. THE JUDGE KNOWS THAT. IT'S --

27 THE COURT: LET ME JUST STOP YOU AND ASK YOU A
28 COUPLE OF QUESTIONS.

1 THE PETITIONER: YEAH. I'M SORRY, YOUR HONOR.

2 THE COURT: IS IT NOT THE CASE, AND MAYBE I
3 MISUNDERSTOOD THE FACTS. ISN'T IT THE CASE THAT JUDGE
4 HALL HAD A SEVERAL-DAY EVIDENTIARY HEARING ON THE QUESTION
5 OF WHETHER SHE HAS JURISDICTION OR NOT?

6 THE PETITIONER: SHE DID NOT HAVE JURISDICTION.

7 THE COURT: THAT'S NOT THE QUESTION. DID SHE HAVE A
8 SEVERAL-DAY EVIDENTIARY HEARING?

9 THE PETITIONER: NO.

10 THE COURT: THAT DIDN'T TAKE PLACE? I MEAN --

11 THE PETITIONER: NO. NO.

12 THE COURT: I'M LOOKING AT THE TRANSCRIPTS THAT WERE
13 JUST HANDED TO ME.

14 THE PETITIONER: PLEASE. IF YOU TAKE THE TIME TO
15 READ THEM, YOUR HONOR --

16 THE COURT: IT LOOKS TO ME -- BEAR WITH ME IF I'M
17 WRONG, BUT IT LOOKS TO ME THAT ON JUNE 26TH OF 2015,
18 JULY 1ST OF 2015, JULY 31ST OF 2015, JUDGE HALL --

19 THE PETITIONER: SHE ORDERED --

20 THE COURT: -- TOOK TESTIMONY AND THEN MADE
21 FINDINGS, YES?

22 THE PETITIONER: YES, SHE DID.

23 THE COURT: AND YOU WERE REPRESENTED BY COUNSEL?

24 THE PETITIONER: NO.

25 THE COURT: "NO"?

26 THE PETITIONER: I HAD NO MONEY, NO. HE CLOSED DOWN
27 MY BANK ACCOUNTS. I HAD NO MONEY.

28 THE COURT: ALL RIGHT. MR. SALICK, LET ME HEAR FROM

1 YOU BRIEFLY.

2 MR. SALICK: THANK YOU. PETITIONER WAS REPRESENTED
3 BY COUNSEL ON JULY 31ST, 2015, WHICH IS REFLECTED IN THE
4 TRANSCRIPTS AND ALSO THE FINDINGS ORDER AFTER HEARING.
5 WITHOUT GOING AND REBUTTING EVERYTHING THAT SHE SAID, ONE
6 VERY IMPORTANT FACT OR MISSTATEMENT WHICH NEEDS TO BE
7 CORRECTED IS MY CLIENT NEVER WENT TO CANADA AND "ABDUCTED"
8 HUNTER. HUNTER WAS ORDERED BY JUDGE HALL TO BE RETURNED
9 BY PETITIONER TO LOS ANGELES FOR THE HEARING; SO THERE WAS
10 NO ABDUCTION. MY CLIENT NEVER WENT OUT THERE AND ABDUCTED
11 OR IMPROPERLY TOOK HUNTER. THE COURT ORDERED PETITIONER
12 TO BRING HUNTER BACK TO LOS ANGELES BECAUSE PETITIONER HAD
13 VIOLATED THE ATROS.

14 BUT BECAUSE OF WHAT SHE HAD DONE WAS -- AND
15 MY CLIENT CAN TESTIFY ABOUT THIS -- IS THAT SHE, WHILE MY
16 CLIENT WAS AT WORK AND HUNTER WAS IN LOS ANGELES -- AND I
17 DON'T RECALL THE EXACT DATE, BUT IT WAS SOMETIME BETWEEN
18 JUNE 26, 2015, AND JULY 1ST, 2015, SHE WENT TO -- MY
19 CLIENT WAS STAYING WITH A FRIEND. SHE WENT TO THE HOUSE
20 AND SAID THAT SHE WANTED TO TAKE HUNTER TO THE PARK. SHE
21 INSISTED ON TAKING THE CAR SEAT AND TAKING HER CAR, EVEN
22 THOUGH THE PARK WAS A BLOCK OR TWO AWAY. THEN SHE WENT TO
23 THE AIRPORT AND TOOK HUNTER -- BROUGHT HIM TO CANADA. AND
24 THAT WAS THE BASIS OF OUR ALLEGATION OF THE ABDUCTION.
25 THERE WAS NO REQUEST BY --

26 THE COURT: ALL RIGHT. SO --

27 MR. SALICK: IT WAS AFTER THAT THAT JUDGE HALL
28 ORDERED PETITIONER TO BRING HUNTER BACK.

1 THE COURT: IT WOULD SEEM TO ME --

2 THE PETITIONER: YOUR HONOR, IF YOU TAKE A MOMENT TO
3 READ THE TRANSCRIPTS, IT WOULD BE VERY, VERY --

4 THE COURT: THIS IS THE PROBLEM, MA'AM. I MEAN, I'M
5 HAPPY TO READ THE TRANSCRIPTS, AND I'LL TAKE THE TIME TO
6 READ THEM IF YOU'D LIKE, BUT UNLESS YOU CAN EXPLAIN TO ME
7 IN A LEGALLY SUFFICIENT REASON WHY YOU WEREN'T BOUND BY
8 JUDGE HALL'S FINDINGS WHETHER YOU AGREE WITH THEM OR
9 DISAGREE WITH THEM --

10 THE PETITIONER: BECAUSE I'M NOT -- I DIDN'T LIVE IN
11 HER JURISDICTION.

12 THE COURT: WELL, BUT THAT'S BEING -- TO DISAGREE
13 WITH HER FINDING. IF YOU DISAGREE WITH WHAT SHE DID, IT
14 WOULD SEEM TO ME THAT YOUR REMEDY IS TO MAKE AN APPEAL.

15 THE PETITIONER: YEAH, BUT I DON'T LIVE THERE.

16 THE COURT: WHETHER YOU LIVE THERE OR YOU DON'T LIVE
17 THERE, I DON'T THINK YOU CAN AVOID HER RULINGS BY BRINGING
18 A HAGUE PETITION, WHICH -- WHEN YOU'RE LEGALLY BOUND BY
19 HER FINDING. THIS ISN'T A -- TO ME, AND THAT'S WHY I'M
20 GIVING YOU AN OPPORTUNITY TO BE HEARD ON THIS AS A LEGAL
21 MATTER, MA'AM -- SHE MADE A FINDING OF COUNTRY OF HABITUAL
22 RESIDENCE. YOU HAD A FULL OPPORTUNITY TO LITIGATE THAT
23 MATTER. IT WAS LITIGATED, APPARENTLY.

24 SO IT WOULD APPEAR TO ME THAT UNDER THE
25 DOCTRINES OF COLLATERAL ESTOPPEL AND RES JUDICATA, WHETHER
26 YOU AGREE OR DISAGREE AND WHETHER SHE'S RIGHT OR SHE'S
27 WRONG, YOU WERE BOUND BY THOSE FINDINGS. AND IN A MINUTE,
28 I'M GOING TO GIVE YOU THE CASE LAW ON THAT. SO IF YOU

1 HAVE SOME OTHER LEGAL POINT OF VIEW, I'D BE HAPPY TO HEAR
2 IT, BUT IT SEEMS TO ME THAT YOU'RE BOUND BY THAT AND THAT
3 YOUR REMEDY WAS TO MAKE AN APPEAL, AND YOU DIDN'T DO THAT.

4 THE PETITIONER: YOUR HONOR, I DIDN'T WANT TO PRESS
5 CRIMINAL CHARGES AGAINST HIM IN CANADA.

6 THE COURT: CRIMINAL CHARGES HAVE NOTHING DO TO WITH
7 THIS. THIS HAS TO DO WITH WHETHER JUDGE HALL MADE A
8 CORRECT LEGAL FINDING OR NOT. YOU SEEM TO DISAGREE WITH
9 THAT, BUT I CAN'T OVERRULE THEM.

10 THE PETITIONER: YOUR HONOR, I BELIEVE IF YOU JUST
11 TAKE A MOMENT TO -- SHE WRONGFULLY TOOK JURISDICTION. SHE
12 DID NOT HAVE THE LEGAL RIGHT --

13 THE COURT: THAT'S FOR THE COURT OF APPEAL TO
14 DECIDE.

15 THE PETITIONER: WHICH I DO NOT HAVE THE MONEY TO
16 APPEAL.

17 THE COURT: THE SAME PROCEDURES THAT WERE USED HERE
18 CAN BE USED IN A COURT OF APPEAL, FRANKLY.

19 THE PETITIONER: NO.

20 THE COURT: YOU KNOW, THAT'S A -- ALTHOUGH THE
21 DISTRICT ATTORNEY WON'T ASSIST IN THAT --

22 THE PETITIONER: I'VE BEEN -- LEGALLY SPEAKING, MY
23 SON WAS TAKEN FROM ME WITHOUT MY CONSENT AND WITHOUT A
24 CANADIAN COURT ORDER.

25 THE COURT: OKAY.

26 THE PETITIONER: LEGALLY, THE UNITED STATES AND
27 CANADA, THEY HAVE TO RESPECT EACH OTHER'S LAWS AND
28 JURISDICTION. AND ONE JUDGE CAN'T MAKE CUSTODY ORDERS

1 ABOUT A CHILD THAT LIVES IN ANOTHER COUNTRY. MY HUSBAND
2 LIED TO THE COURT, SUBMITTED FALSE EVIDENCE, COMMITTED
3 FRAUD ON THE COURT, AND I CAN PROVE IT. IF YOU GIVE ME
4 THE TIME, I CAN PROVE IT.

5 THE COURT: SHOULDN'T THAT HAVE BEEN DONE IN FRONT
6 OF JUDGE HALL?

7 THE PETITIONER: I DID. AND I HAVE NO IDEA, YOUR
8 HONOR, BUT IF YOU TAKE THE TIME, YOU WILL SEE THAT MY SON
9 WAS WRONGFULLY REMOVED BECAUSE I WAS EXERCISING MY
10 CUSTODIAL RIGHTS IN CANADA UPON THE REMOVAL OF MY SON.
11 WHETHER IT WAS A JUDGE THAT DID IT IS ACTUALLY IRRELEVANT,
12 BECAUSE AT THE TIME OF THE REMOVAL, I WAS EXERCISING MY
13 RIGHTS.

14 THE FACT THAT HE GOT A CUSTODY ORDER 30 DAYS
15 LATER -- THE WHOLE POINT OF THE HAGUE CONVENTION IS TO
16 PREVENT PARENTS FROM GRABBING CHILDREN AND TAKING THEM TO
17 ANOTHER VENUE. THIS IS WHAT THIS IS ALL ABOUT, IS TAKING
18 FROM THE PARENT THAT DOESN'T HAVE THE MONEY AND RUNNING TO
19 A FAVORABLE JURISDICTION WHERE THEY'RE GOING TO GET
20 CUSTODY ORDERS THAT ARE GOING TO SUIT THEM. AND THAT IS
21 PRECISELY WHAT MY HUSBAND DID. AND THAT IS WHY I HAVE
22 GONE TO THE HAGUE TO PETITION. SINCE THE UNITED STATES
23 AND CANADA HAVE SIGNED OUR SIGNATORIES TO THE HAGUE
24 CONVENTION, YOU KNOW, THE CUSTODY DISPUTE, I FILED AN
25 ACTION IN CANADA --

26 THE COURT: SO, MA'AM, LET ME STOP YOU THERE.

27 THE PETITIONER: YES.

28 THE COURT: I'M LOOKING AT THE RESPONSE TO THE

1 PETITION. IT WAS FILED IN THE DISSOLUTION CASE SIGNED
2 UNDER PENALTY OF PERJURY. THE RESPONSE TO THE PETITION IN
3 THE DISSOLUTION CASE ASKS THE COURT TO MAKE CUSTODY
4 FINDINGS REGARDING THE CHILD, ASKS THE COURT TO GRANT A
5 DISSOLUTION, ASKS -- AS TO THE UCCJEA STATEMENT THAT THE
6 CHILD HAS BEEN LIVING IN VANCOUVER SINCE APRIL OF '14, AND
7 IT ALSO ASKS --

8 THE PETITIONER: YOUR HONOR --

9 THE COURT: JUST A MINUTE.

10 -- THAT CANADA BE FOUND THE APPROPRIATE
11 JURISDICTION. JUDGE HALL RULED ON ALL THOSE ISSUES;
12 CORRECT?

13 THE PETITIONER: ON JUNE 17TH, WHEN I FINALLY HAD
14 THE OPPORTUNITY TO SEE JUDGE HALL, I FILED A SPECIAL
15 APPEARANCE RESPONSE.

16 THE COURT: NO. THERE'S A FULL RESPONSE, NOT A
17 SPECIAL APPEARANCE RESPONSE.

18 THE PETITIONER: YOUR HONOR, I WAS BAMBOOZLED.
19 I CAME TO CALIFORNIA BECAUSE I WAS AFRAID OF BEING CHARGED
20 WITH KIDNAPPING IN ANOTHER COUNTRY. MY BIGGEST MISTAKE
21 WAS BEING AFRAID OF MY HUSBAND AND WHAT HE WAS GOING TO DO
22 TO ME. MY BIGGEST MISTAKE WAS COMING BACK TO CALIFORNIA
23 AND GETTING TRAPPED. I MEAN, ULTIMATELY, THIS ENTIRE
24 THING -- HE LIED ON THE EX PARTE WHEN HE CLAIMED THAT I
25 FLED TO CANADA. HE HAD ALREADY FILED FOR A DIVORCE AND
26 CUSTODY, BUT INSTEAD OF DOING A REGULAR DIVORCE AND
27 CUSTODY, BEFORE I COULD EVEN GET MY BEARINGS STRAIGHT, HE
28 FILED AN EX PARTE, DIDN'T ALLOW ME TO GO TO THE HEARING.

1 THIS IS --

2 THE COURT: SO I'M READING THE TRANSCRIPT --

3 THE PETITIONER: -- ILLEGAL.

4 THE COURT: -- OF JUNE 26TH. YOU WERE PRESENT THERE;
5 CORRECT?

6 THE PETITIONER: YES. THERE, I WAS PRESENT, AND I
7 HAD FILED MY SPECIAL APPEARANCE RESPONSE.

8 THE COURT: YOU ACTUALLY HAD FILED A FULL RESPONSE,
9 BUT GO AHEAD.

10 THE PETITIONER: AND I SAID, "I SUBMIT THIS
11 DECLARATION IN RESPONSE TO THE PETITION AS FALSE AND
12 SLANDEROUS ALLEGATIONS MADE IN HIS EX PARTE APPLICATION
13 EXECUTED JUNE 5TH." AND I GAVE THE ENTIRE EXPLANATION OF
14 WHAT HAPPENED. AND I SAID, "I DO NOT ACCEPT JURISDICTION.
15 I'M JUST HERE TO CLEAR MY NAME."

16 THE COURT: OKAY. JUDGE HALL DIDN'T ACCEPT THAT; IS
17 THAT CORRECT?

18 THE PETITIONER: WHAT'S THAT?

19 THE COURT: SHE DIDN'T ACCEPT THAT. SHE FOUND THAT
20 THERE WAS JURISDICTION.

21 THE PETITIONER: WELL, THIS IS WHAT WAS INTERESTING
22 IS SHE ACTUALLY DID. WHAT WAS STRANGE WAS SHE WENT FROM
23 DOING AN EX PARTE WHERE SHE HAD GIVEN MY HUSBAND SOLE,
24 LEGAL CUSTODY AND ME NO CONTACT WITH MY CHILD, STRIPPED ME
25 OF MY PARENTAL RIGHTS, SET A HEARING FOR THREE WEEKS
26 LATER, AND GAVE -- FROM ANOTHER COUNTRY. AND I WOULD HAVE
27 THREE WEEKS BEFORE I WAS EVEN ABLE TO HAVE A MOMENT TO
28 ADDRESS THE ISSUE? IT'S ABSOLUTELY ABSURD.

1 THE COURT: ALL RIGHT. MR. SALICK?

2 MR. SALICK: YES, YOUR HONOR.

3 THE COURT: ANYTHING ELSE FROM YOU?

4 MR. SALICK: NO. THIS COURT COLLECTIVELY POINTED
5 OUT THAT THE PROPER PROCEDURE WOULD HAVE BEEN TO APPEAL.
6 AND ACTUALLY, IN THE HAGUE PETITION ON THE BATES STAMPED
7 NO. 13 ON LINES 15 TO 18, IT SPECIFICALLY STATES THAT
8 "BECAUSE SHE COULD NOT AFFORD TO APPEAL THAT DECISION, AND
9 AT THE SUGGESTION OF HER ATTORNEY, SHE OPTED TO REQUEST
10 THE RETURN OF THE CHILD PURSUANT TO THE HAGUE CONVENTION.

11 THE PETITIONER: YOUR HONOR --

12 THE COURT: EXCUSE ME, MA'AM.

13 PEOPLE HAVE ANYTHING FURTHER?

14 MS. CASTORENA: NO, YOUR HONOR.

15 THE COURT: ALL RIGHT. LET ME TAKE A RECESS AND
16 READ THESE TRANSCRIPTS, AND WE'LL TAKE UP THE QUESTION OF
17 WHETHER THE PETITIONER SHOULD BE BOUND BY JUDGE HALL'S
18 FINDINGS.

19 MS. CASTORENA: YOUR HONOR, THE PETITIONER HAS ONE
20 MORE DOCUMENT SHE'S ASKING YOU TO READ. IT LOOKS
21 LIKE --

22 THE COURT: WHAT'S THAT?

23 THE PETITIONER: BEFORE ALL OF THIS HAPPENED, I
24 EMAILED PETITIONER'S ATTORNEY [SIC] EXPLAINING EVERYTHING.
25 EXPLAINING WHERE WE LIVE, ABSOLUTELY EVERYTHING. BEFORE
26 HE DECIDED TO PULL OFF THE KIDNAPPING --

27 THE COURT: LET'S NOT --

28 THE PETITIONER: YOUR HONOR, WHAT -- I WOULD REALLY

1 LIKE YOU TO SEE THIS BECAUSE IT'S REALLY SAD THAT AFTER A
2 YEAR -- PLEASE. IF YOU WOULDN'T MIND JUST TAKING A LOOK
3 AT THIS, BECAUSE IT'S REALLY --

4 THE COURT: GIVE IT TO THE COUNSEL, AND I'LL TAKE A
5 LOOK AT IT.

6 THE PETITIONER: THANK YOU. OH, AND IT'S ACTUALLY
7 HIS EXHIBIT A IN HIS EX PARTE FILING. HIS EXHIBIT A WAS
8 MY LETTER TO HIM WHERE I EXPLAINED TO HIM THAT WE LIVE IN
9 VANCOUVER, CANADA. AND PLEASE ASK HIM -- ASK MY HUSBAND
10 TO STOP THREATENING TO ACCUSE ME OF KIDNAPPING AND CUTTING
11 ME OFF FINANCIALLY AND EVERYTHING ELSE. AND THIS WAS TWO
12 WEEKS BEFORE THEY DID JUST THAT.

13 THE COURT: ALL RIGHT. THANK YOU. WE'LL TAKE A
14 SHORT RECESS.

15 MR. SALICK: THANK YOU, YOUR HONOR.

16 MS. CASTORENA: THANK YOU, YOUR HONOR.

17

18 (RECESS.)

19

20 THE COURT: OKAY. BACK ON THE RECORD.

21 THE COURT HAS HAD AN OPPORTUNITY TO READ THE
22 EMAIL OF MAY 26TH OF '15, THE TRANSCRIPT OF PROCEEDINGS OF
23 JUNE 26TH OF '15, JULY 1ST OF 2015, JULY 31ST OF '15, AND
24 MAY 4TH, 2016. JULY 31ST, 2015 PROCEEDINGS, PETITIONER IN
25 THIS CASE WAS REPRESENTED BY COUNSEL IN WHICH THE COURT
26 CONSIDERED THE DECLARATIONS OF THE PARTIES, THE ARGUMENTS
27 OF COUNSEL, AND MADE THE FOLLOWING FINDING ON PAGE 28
28 STARTING AT LINE 11: "BASED ON THE COURT'S REVIEW OF THE

1 RESPECTIVE POINTS AND AUTHORITIES THAT COUNSEL HAVE
2 SUBMITTED, THE COURT FINDS THAT CALIFORNIA IS THE HOME
3 STATE OF THE CHILD."

4 AND IT WAS REPRESENTED TO THE COURT BY THE
5 RESPONDENT THAT A CASE HAS BEEN FILED IN VANCOUVER AND THE
6 COURT WAITED TO HEAR FROM THE JUDGE SO THAT THE COURT
7 COULD HAVE A CONVERSATION. THAT HAS NOT HAPPENED.

8 THERE'S A PROCESS FOR THAT TO HAPPEN. SO PURSUANT TO
9 FAMILY CODE SECTION 3421, NO OTHER COURT HAS JURISDICTION
10 UNDER PARAGRAPH -- TO FAMILY CODE SECTION 2034,
11 ESSENTIALLY, NO OTHER COURT HAS EXERCISED JURISDICTION.

12 "THE COURT KNOWS THAT THE CHILD WAS BORN
13 HERE, RESIDED HERE TWO YEARS BEFORE THE MOVE TO CANADA,
14 AND BASED ON THE EVIDENCE PRESENTED, THE COURT FINDS THAT
15 THE MOVE TO CANADA WAS A TEMPORARY MOVE." SO THE
16 PETITIONER DID NOT ABANDON JURISDICTION IN CALIFORNIA TO
17 BE THE HOME STATE. HE DID NOT ABANDON IT. AND THE COURT
18 GOES ON. ON PAGE 29, "FIND THAT THE COUNTRY OF RESIDENCE
19 OF THE CHILD IS THE UNITED STATES OF AMERICA."

20 SO THESE ISSUES WERE FULLY LITIGATED IN THE
21 MARITAL CASE WHILE THE PETITIONER WAS REPRESENTED BY
22 COUNSEL. THE COURT MADE A FACTUAL FINDING THAT THE
23 RELOCATION OF CANADA WAS FOR TEMPORARY PURPOSES. THE
24 PETITIONER IS BOUND BY THOSE FINDINGS. THIS COURT HAS NO
25 AUTHORITY TO OVERRULE THEM. IN THAT REGARD, I WOULD CITE
26 THE PARTIES TO CALIFORNIA SUPREME COURT CASE MOFFAT,
27 M-O-F-F-A-T, VS. MOFFAT, 27 CAL.3D 645, A 1980 CASE IN
28 WHICH THERE'S A FAIRLY COMPLICATED FACTUAL SCENARIO. BUT

1 THE HOLDING OF APPEAL -- OF THE SUPREME COURT IS THAT A
2 PARTY IS BOUND BY PRIOR ORDERS, WHICH MAY BE RES JUDICATA.
3 BUT EVEN THOUGH THE ORDERS MAY BE ERRONEOUS, CLEARLY,
4 JUDGE HALL HAD JURISDICTION TO DETERMINE HER JURISDICTION
5 THAT'S FUNDAMENTAL. SHE MADE A FACTUAL FINDING.

6 WHETHER THE PETITIONER IN THIS CASE AGREES OR
7 DISAGREES WITH THAT, SHE'S BOUND BY THAT FINDING. THIS
8 COURT IS BOUND BY THAT FINDING. PETITION IS DISMISSED AND
9 HAS COUNTRY OF HABITUAL RESIDENCE AS A MATTER OF LAW OF
10 THE UNITED STATES. THEREFORE, THE PETITIONER CANNOT
11 ESTABLISH A PRIMA FACIE CASE.

12 PEOPLE WISH TO BE HEARD?

13 MS. CASTORENA: NO, YOUR HONOR.

14 THE COURT: MA'AM, DO YOU WISH TO BE HEARD?

15 THE PETITIONER: I REALLY WANTED THIS TO BE DONE
16 CIVILLY.

17 THE COURT: I'M SORRY. I CAN'T HEAR YOU.

18 THE PETITIONER: I REALLY HAD -- I WANTED THIS TO BE
19 DONE IN A CIVIL MANNER, YOU KNOW. I DIDN'T WISH TO PRESS
20 CRIMINAL CHARGES, AND I FEEL REALLY -- IT'S JUST A
21 STATEMENT. I DID NOT WANT TO PRESS CRIMINAL CHARGES
22 AGAINST MY HUSBAND, AND --

23 THE COURT: I'M NOT SURE HOW THAT FOLLOWS HERE,
24 BUT --

25 THE PETITIONER: WELL, IT DOES BECAUSE HE BROKE THE
26 LAWS OF CANADA, YOU KNOW? AND I DIDN'T -- I WANTED THIS
27 TO BE AN AMICABLE DIVORCE. HE HAS KIDNAPPED MY SON AND
28 HAS BROKEN THE LAWS OF CALIFORNIA. THE JULY 31ST CUSTODY

1 DECISION THAT HE GOT, HE'S NOT ALLOWED ME TO SEE MY SON
2 SINCE JULY. IT'S BRUTAL. SO I HAVE PLENTY OF REASON TO
3 JUST PRESS CRIMINAL CHARGES AGAINST HIM, UNFORTUNATELY, IN
4 BOTH CALIFORNIA AND CANADA.

5 THE COURT: MR. SALICK, DO YOU WISH TO BE HEARD?

6 MR. SALICK: NO, YOUR HONOR. THANK YOU.

7 THE COURT: I'D ASK YOU TO PREPARE THE COURT'S
8 FINDINGS, PLEASE. THANK YOU.

9 MR. SALICK: I WILL DO THAT. THANK YOU VERY MUCH.

10
11 (PROCEEDINGS CONCLUDED.)
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