SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

IN RE THE MATTER OF:

REBECCA S. LOHMAN,

Petitioner,

and

COREY C. LOHMAN,

Respondent.

Case No. FAMSB2207189

CERTIFIED TRANSCRIPT

REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS

BEFORE THE HONORABLE NATALIE S. KELLER, COMMISSIONER
DEPARTMENT S-43
SAN BERNARDINO, CALIFORNIA
THURSDAY, SEPTEMBER 19TH, 2024

APPEARANCES:

THE PETITIONER: JOHN N. VEGA
Attorney at Law

THE RESPONDENT: In Propria Persona

REPORTED BY: TERESA A. HIGH, CSR No. 11048
OFFICIAL COURT REPORTER

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SAN BERNARDINO, CALIFORNIA; THURSDAY, SEPTEMBER 19TH, 2024

MORNING SESSION

DEPT. NO. S-43, HON. NATALIE S. KELLER, COMMISSIONER

APPEARANCES:

The Petitioner, REBECCA S. LOHMAN, with her counsel, JOHN N. VEGA, Attorney at Law; The Respondent, COREY C. LOHMAN, In Propria Persona.

(Teresa A. High, Official Court Reporter, CSR No. 11048)

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THE COURT: All right. We'll go on the record on 4-A in the matter of Rebecca S. Lohman and Corey C. Lohman.

Good morning everybody.

MR. VEGA: Good morning, your Honor.

THE RESPONDENT: Good morning, your Honor.

THE COURT: Good morning, sir.

And, Mr. Vega, do you mind placing your appearance on the record?

MR. VEGA: Yes. Thank you, your Honor.

John Vega on behalf of Rebecca Lohman. She is present and seated at counsel table.

THE COURT: All right. Thank you.

And, Mr. Lohman, do you mind stating your name for the record?

THE RESPONDENT: Corey Lohman.

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THE COURT: All right. Thank you.

And so today was set for a few things. The first was Receipt of Ruling to Request for Renewal on the DVRO, filed by Ms. Lohman on October 13th, 2023.

And then what was trailing the Request for Renewal was the Request for Order to modify custody and visitation, filed by Mr. Lohman on March 19th, 2024, and the second Request for Order to modify custody and visitation, filed by Ms. Lohman on March 5th, 2024, and a hearing regarding receipt of the 730 report.

And so for today's purposes, we are set for a Receipt of Ruling. We had concluded an evidentiary hearing on the matter of a Request for Renewal, and both Counsel and Mr. Lohman did present closing arguments to the Court.

And the Court asked for some additional time just to review the exhibits and the pleadings so I could make my ruling based upon that information.

And so based on the information that I reviewed for today's hearing, the Court will grant a Renewal of the Restraining Order.

Specifically, for the Court to grant that Renewal of the Restraining Order, Ms. Lohman had a burden of the preponderance of evidence to show that, as a protected party, she had reasonable apprehension of future abuse.

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And because the restraining order may be renewed without a showing of any further abuse since the issuance of the original order, the Court did go through the file and did see that there was still concern, based upon Ms. Lohman's testimony, that even though there's not a need to have a showing of any further abuse, Ms. Lohman testified as to her concerns that without the restraining order, things would only escalate and therefore have further abuse related to her relationship with Mr. Lohman.

A violation of the current restraining order is not required for the renewal of the restraining order, but upon going through the file and the pleadings and testimony, Mr. Lohman had indicated that he had, in fact, violated the restraining order, and that was specifically with regard to the incident of the sign for Addison's happy birthday on the top of Ms. Lohman's vehicle in close proximity to her home, and there is a stay away of 100 yards away from her home.

The protected party does not need to show fear of future physical abuse for the Court to renew a restraining order, and I believe Mr. Lohman had indicated that there was never physical abuse in the relationship.

And so I do appreciate that fact, Mr. Lohman, but because the Court does not have to have any showing of future physical abuse, the Court is still able to renew the restraining order.

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The protected party may seek a renewal of the restraining order because that protected party believes it is achieving its purpose.

And so after significant testimony by Ms. Lohman and Mr. Lohman, it was clear to the Court that at this point in time, it doesn't seem that an absence of a restraining order would make the parties' relationship any better amongst themselves or in their parenting of Addison, and so the Court has decided to grant the renewal for a period of five years.

And, specifically, the acts that the Court was concerned with was the -- in the domestic violence restraining order 130, there was a very specific order to not abuse, which included harassing, stalking, keeping under surveillance, annoying by phone or other electronic means, including repeatedly contacting the protected party.

And so based on the testimony, the Court did have specific examples of harassing behavior, allegations of stalking, at least with two times Ms. Lohman had indicated she had seen Mr. Lohman's car parked just past the hundred yard distance from her home, but that the events surrounding parking his vehicle, his truck, in close proximity to the home made no sense to her, as they were going to Addison's gymnastics event, and Mr. Lohman had to park in her neighborhood and then walk a mile in

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the rain to attend the gymnastics event, and she felt that that had been there for intimidation or stalking purposes.

Additionally --

THE BAILIFF: Stop.

THE COURT: -- the concern was keeping under surveillance and also annoying by phone or other electronic means, including repeatedly contacting.

And so the domestic violence restraining order was very specific as to what could be discussed in TalkingParents only.

There was allegations that Mr. Lohman had texted instead of TalkingParents only, which is a violation of the restraining order terms.

The specific topics that would be included that were within the exception of the existing restraining order was custody and visitation, educational, medical and mental health issues of Addison.

After reviewing many, many messages, there were many, many messages that were outside of those parameters, which would be a violation of the restraining order.

And so at this point in time, the Court will approve the DV renewal.

And, Mr. Vega, I have a proposed order to renew the domestic violence restraining order. Did you have one that you wanted the Court to consider?

MR. VEGA: We do not, your Honor. We would --

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the Court did hear our argument that we're requesting that the Court include --

THE COURT: Yes. I did review the request to modify that was attached in the request to renew; however, my interpretation of the process for modifying an existing restraining order based on the renewal is that the Court would be limited in just ordering the renewal of the existing restraining order without modification, and should either party seek to modify or terminate the terms in the restraining order, either party would have to file a Request for Order and specifically put the other party on notice of that request to modify.

And so I'm just going to approve the existing restraining order in place, and then either party can seek to modify it if they feel that's appropriate. And so we do have the proposed order, and I will go ahead and sign it at this time.

All right. And then now that we have addressed the issue of the restraining order, now we can move on to the issues of custody and visitation.

And, Mr. Lohman, I did review your documentation that you filed with the Court. It appears to have been filed yesterday, September 18th, 2024. And it was a motion to retract the 730 report from evidence and a motion to dismiss the restraining order and a motion for full sole and physical custody of Addison.

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And, Mr. Vega, did you have a chance to review this document?

MR. VEGA: Yes, we did, as did our client.

THE COURT: Okay. Understood.

And so at this point in time, we will go -- as far as the last Request for Order that was filed, that was Mr. Lohman, and the first was Ms. Lohman. We'll start with the first Request for Order to modify custody and visitation filed by Ms. Lohman and hear argument from Mr. Vega.

And then, Mr. Lohman, I'll give you the same opportunity as well.

MR. VEGA: Your Honor, I'm going to ask the Court consider in -- in the context of our application, the Court considered the 730 evaluation, which the Court indicated to us the Court had an opportunity to review upon its receipt.

And so I'm going to ask the Court to consider that report in the context of this application, our RFO.

THE COURT: Okay. Understood.

And you're asking that the Court adopt the recommendations of the 730 evaluation?

MR. VEGA: Could I have just one minute?

THE COURT: Of course.

MR. VEGA: Your Honor, we are in agreement substantially with the recommendations; however, I

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don't -- we're not seeking to have a full hearing. I would ask the Court to rule on our pleadings as well as the 730 evaluation.

I think now having heard all of the information the Court heard within the renewal hearing, and the Court's aware that there's been not only violations, but circumstances which we think could substantially affect the well-being of the child, we believe that the commencement of contact, in-person contact, between the child and the father should occur in a therapeutic setting.

The Court is well-aware of the impact this child's had, the suffering the child's had as a consequence. We don't believe that even a professional supervisor may appreciate the kinds of signals that can be sent to a child meant to undermine the relationship between Mother and child, meant to disrupt the child's mental well-being. So we think it should begin there.

We do have -- I have another request for consideration, and that is an argument that I frequently make in courts where there is a recommendation that one parent not consume any alcohol during the time that they're with the child.

In cases where there's a clear abuse of alcohol or drugs, I think that's appropriate. In cases where the parents share the children equally or on somewhat equal

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timeshares where one parent is having weekends, I think it may be appropriate. Where it is, as in this case, a situation that this mother, at least for the moment, has 99.9 percent of the time with the child, I think it unreasonably imposes a restriction on that person's normal life.

Most of us, as responsible persons in our society, enjoy a glass of wine with dinner, enjoy going to a party where you might have a champagne or a beer with your friends after work. That particular order would be, I think, unreasonably restrictive upon our client.

I would ask for an order that -- as the order relates to our client, that it indicate that it be -- that there not be unreasonable consumption of alcohol while the child is in her care for the reasons I've just explained.

Those are the two modifications to the recommendations that we request, your Honor.

THE COURT: All right. Thank you.

And, Mr. Lohman, if you would like to be heard.

THE RESPONDENT: Your Honor, good morning.

THE COURT: Good morning.

THE RESPONDENT: Your Honor, I have a copy of -- I'm sorry. It's been a long morning. Actually, I had a copy of the current custody arrangement. I apologize. I don't have it on me. We've all seen it.

That stipulation that Ms. Lohman stated that I

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was misquoting at the last hearing, it does state that if the parties cannot come to an agreement by May 15th, the parties will refer back to the original. The original states that we get half of the break, so approximately three weeks in summer, three weeks in winter.

Ms. Lohman, once again, took the law into her own hands. The way that she depicted it and refused to give me any more custody over the summer break, over the spring break, over the December break, that was her and Mr. Vega's interpretations of it. And, once again, I did not see Addison for summer and winter and spring.

Ms. Lohman, instead, said that I did not get back to her by May 15th, so therefore she went to the YMCA and after school programs, even though I am a full-time student and could have had her all day until Ms. Lohman gets out of work.

Your Honor, we saw the exhibits. Mr. Vega, Ms. Lohman, they don't have any exhibits. They had some for the messages. I totally understand your ruling, your Honor, and I respect that.

But, your Honor, Ms. Lohman has led the police on. We've seen the police reports. We've seen Ms. Lohman's testimony go from --

THE COURT: Mr. Lohman, I don't mean to interrupt you, but I want to protect your record, so I think if you could slow down a little bit so the court

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reporter can keep up.

THE RESPONDENT: Yes, ma'am.

THE COURT: Thank you.

THE RESPONDENT: Your Honor, we've seen through the memorandum that I sent you, we've seen through the 730 report, we've seen from Ms. Lohman's supplemental declaration that was done on 4-17, her original testimony was that she was calm, and when she saw Ms. Gauger, my fiancé, she walked over to Addison to make sure that Addison was okay. She then walked over to the principal. That was her first description of her testimony.

Her second testimony was that she was frantic. She walked over to Addison on the other side of the room frantic. She then walked over to the principal frantic. That was her second testimony.

When I showed her her first, Ms. Lohman stated, "Oh, I remember now. I walked over to Addison first, and then I walked over to the principal frantic," which contradicts the 730 report.

Because Ms. Castorena, in the 730 report, states that Ms. Lohman was physically shaking and that Ms. Lohman was a frantic mess. That contradicts all of it.

When asked how Ms. Castorena got the false information as to the indirect and direct communication, which is not stated on the ex parte, Ms. Lohman could not tell us how Ms. Castorena got that false information.

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When asked how Ms. Castorena got that false information, Ms. Lohman stated, "I don't know."

Ms. Castorena stated on the 730 report, that she received on March the 5th, which is the day that we had court, she received new custody orders. My assumption is that Ms. Lohman gave her the false information.

Ms. Lohman stated that day of the false arrest in her first testimony that she spoke to the deputy after the arrest, which is incomprehendible (as said), due to the fact that the deputy has to interview the parties before somebody is arrested.

When asked, Ms. Lohman, on the stand, if her mother had committed a false arrest, she stated that she -- no. She stated that my intent was not to be at the talent show; however, Ms. Lohman does not know my intent.

I was down the street getting Little Caesars, and I got a text message to pick up Jamie. Ms. Lohman's testimony says that I said no to the arresting officer, and that was because I didn't know what was going on.

I didn't know why Jamie had been locked out. I didn't know why the police were there. And so when he asked me if I would go, I said, "No. I want to know what's going on. Why are we being treated this way? It's on video." And that is when he arrested me.

Ms. Lohman states that she was not by her mom when this happened, so therefore there were two people

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involved with this in the talent show. And Ms. Lohman's ideal of protecting Addison from Ms. Gauger actually contradicts the fact that Ms. Castorena stated that she was frantic, she was shaking, and she was a mess.

Ms. Lohman knows nothing about that day. She knows the fear that she has, once again, she knows how to come after my character, once again, but there is nothing in any of this that states that I did anything wrong at all in regards to this.

Deputy Rodriguez, the arresting officer, approximately a month ago, has filed police reports against Ms. Lohman and her mother, Christine Check. Again, he was the arresting officer.

Lieutenant Smith, his lieutenant, stated that I am to speak to him because he knows more about the incident than anybody else. If Deputy Rodriguez believed that nothing -- if Lieutenant Smith believed that nothing had occurred incorrectly, she would have never gotten me in touch with Deputy Rodriguez, the arresting officer.

He then spoke to Christine Check. I do not know if he got in touch with Ms. Lohman, but nothing that Ms. Lohman --

THE COURT: Mr. Lohman, I don't mean to interrupt you, but it sounds as if what you're stating is you are contesting the recommendations of the 730 evaluation.

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THE RESPONDENT: Well, your Honor, this goes into play -- this happened at Addison's school. Ms. Lohman states in one statement that the police were in there talking to her. Her concern --

THE COURT: The only thing I needed to know is if you're requesting a hearing on -- an evidentiary hearing or a hearing on the 730 evaluation to point out -- it would give the opportunity to --

THE RESPONDENT: I apologize, your Honor.

THE BAILIFF: Don't interrupt. Let her finish.

THE COURT: You and Mr. Vega would have the opportunity then to present your arguments and if there was any cross-examination that needed to be done.

It sounds as if you're indicating that the report is inaccurate, and you're trying to show that to the Court today; however, today was just to determine if there was any recommendations that both parties were agreeable to or if everyone submitted on the recommendations.

And if you're contesting the report, what the Court would have to do is set it for a hearing to go over specifically which portions of the evaluation you're contesting.

And is that what you're asking for --

THE RESPONDENT: I am.

THE COURT: -- is to --

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Oh, no. That's fine. A lot of times, the procedure is somewhat complicated to know which stage you are, especially with the 730 evaluation.

But what I would be interested in today is getting some temporary orders in place so there can be some visitation with Addison.

And what has been recommended is what is essentially conjoint therapy where you and Addison and a therapist spend time together, kind of work out your concerns and your feelings and your frustrations with someone who's qualified to do that, versus a professional supervisor who would just sit there and observe all of your communications and have no input.

And so sometimes, based on -- especially in this case, after seeing Addison on the video, the level of emotion and trauma she has, sometimes it's nice for the two of you to discuss that with someone who can both walk you through those steps and process.

And then what I would do is just set a temporary order today and then set it for a hearing on the 730 evaluation.

And then what you were presenting to the Court sounded as if you were contesting either testimony of witnesses or the credibility of the 730 evaluator and reflecting on what was advised to her in those meetings.

And so did you have an idea as far as what

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temporary order you were asking for today?

THE RESPONDENT: I apologize, your Honor. Are you speaking to me?

THE COURT: Yes.

THE RESPONDENT: I apologize.

Temporary orders, I think based off the video that we've watched, I think based off of the exhibits that have been sent to the Court, I would ask the Court for as much custody as I can get, your Honor.

I would ask that Addison and I go through therapy perhaps for the next two months, and then we can, based on the therapist's recommendation, as we get to have that time together, I would ask if that time that -- I'm sorry. I'm going to cry.

THE COURT: I do think what you're suggesting is reasonable. And typically what we would do with the conjoint therapy -- again, what I reviewed in the 730 evaluation, I know it has been a considerable length of time that you have not seen Addison. And so really the thing that we needed to address first was the restraining order.

Now that we have that already decided, I want to make sure that we provide to your family a very safe and neutral place for you to express your feelings and emotions and the trauma that you feel that you have gone through, and that's why I think it would be appropriate,

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what Mr. Vega had indicated, is someone who has that training to help start the healing process.

THE RESPONDENT: Absolutely, your Honor. I completely agree with you, and I thank you for your time.

THE COURT: Of course. Of course.

MR. VEGA: If the Court would hear from our side, your Honor.

THE COURT: Sure.

MR. VEGA: I think we're not shifting gears. The Court's indicated that it is inclined to give the full hearing to the receipt of the 730 evaluation.

THE COURT: Yes.

MR. VEGA: I think there's a couple of important considerations.

THE COURT: Sure.

MR. VEGA: First, Mr. Lohman seems to believe that the video, which this Court reviewed, demonstrated --

THE RESPONDENT: Thank you, your Honor. I appreciate it. I gotta go.

THE COURT: All right. And so, Mr. Lohman, as you're leaving, I will still make orders today, so I just want you to be aware of that.

(Whereupon, Mr. Lohman left the courtroom.)

MR. VEGA: This is very difficult. I -- what I began to say was, I was so concerned with what I saw

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happening in that video. And it's very concerning to our client to hear that Mr. Lohman believes that that demonstrates that the Court should change all of these orders.

And the Court's earlier heard that the Court should throw out the 730 and instead consider -- what he has done to this child is, he so manipulated the child, she was saying things that she knew not to be true. That's really scary.

I know this Court's seen a lot of cases. In my many years, I've seen a lot of cases. I don't know that I've ever seen such a complete manipulation of a child.

This child's suffering now because she must have this intense guilt by having done what she did when she is, underneath all of this, a very outgoing, natural, normal child.

So to hear the continued delusion that that is the state of reality from Mr. Lohman, I think, points up some of the things that are considerations for Dr. Moody.

Dr. Moody recommends a full medical and psychological workup by someone trained to the extent that they can deal with psychological problems, as complicated as they are, in this case.

This Court has to balance the rights of parents and the rights of children. In this case, the right of this child to a normal life, I think, is paramount.

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The child has a safe haven in a home of her mother. The conduct has been so egregious, this Court has suspended all but telephonic contact. I think that's a status quo.

That's a status quo which should continue until we have, each of us, both sides, an opportunity to address Dr. Moody's serious concerns. This is a very thorough and extensive report.

But I think -- I don't agree with the recommendation that the visits commence two times a month in the recommendation. I think that's the cart in front of the horse.

I think it should be, first, you get a full psychological and medical workup by someone who is -- who is talented enough to assess Mr. Lohman, and then, perhaps, go to what the Court suggests, have a therapist, likely not the therapist that Addison's attending, but a third therapist now to work on the two of them together when it's appropriate. The latitude should be given that therapist to determine when it's appropriate.

So in terms of an order going forward, I'm asking the Court to continue the existing order. If the Court's to make an order along the lines of what the Court's intended seems to be, I would ask that it be preceded by the full medical and psychological workup.

THE COURT: Okay. Thank you, Mr. Vega.

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MR. VEGA: Thank you, your Honor.

THE COURT: Absolutely.

And just for the benefit of Ms. Lohman, when I did review the video, and I did review it that evening once I was provided the thumb drive to review it, which was approximately an hour, I did read -- I did review the entire video in length.

And so what I saw was very concerning to the Court. I have been doing family law over 20 years, and I have never seen a video that was so damaging for such a long period of time.

I have seen videos in the past that were short in nature and improper things being said, but never had I seen one that had amounted to what appeared to be an interrogation.

And I could see that Addison was very uncomfortable. And from what I've heard from Addison as far as the parents' representation, she is a very mature, smart, well thought out young lady.

And in that video, I could see her struggling and oftentimes hitting her head trying to remember, and so that made me think that she was under a lot of stress and anxiety of being in that moment.

Also, I could see in her eyes that when her father was happy, she was happy. And so that was what I had interpreted, was that she was feeling Mr. Lohman's

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pain, which is still evident today, and trying in some way to fill that hole that he currently has after the breakup of the relationship, and that is a lot to put on any nine-year-old girl.

And so I don't want anyone to think that after watching the video that I thought that what Addison was saying was the truth and an example of what a bad parent you were, ma'am.

And just for the fact that you were able to watch that video in its entirety, and when you testified, you did so in a very professional manner and very methodically, and you did not in any way believe that what Addison had said was the truth.

And so for today's purposes, I really wanted to explain to Mr. Lohman -- and I am sad that he had left, because I do see he is in pain, I do see Addison is in pain, and I do believe counseling would have helped heal, because at this point in time, there has been no healing.

And that's why someone who is trained in that field, hopefully, would make sure this case can come to a peaceful end so everyone is not having to continue to live like this.

But after Mr. Lohman indicating that he was in agreement with what I had suggested and it made sense, and then he abruptly left the courtroom, and as he pushed the door open, almost hit people in the hallway, who were

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frightened by it, the Court, at this point in time, is not going to change the current order.

And so the current order, I believe, is no visitation to Mr. Lohman and a 15-minute call on Sunday.

Is that correct, Mr. Vega?

MR. VEGA: That is correct, your Honor.

THE COURT: And so I'm going to keep that the order. And Mother would have sole legal, sole physical custody of Addison, and we're going to keep all existing orders in place.

As far as discussing the terms of the 730 evaluation, I feel that we are very -- just, it's too premature to even discuss step-up plans at this point in time until Mr. Lohman is able to work on his own emotions first.

Otherwise, if I put Addison in conjoint therapy with her father, and should the counselor or therapist indicate something that Mr. Lohman didn't want to hear, I'm trying to protect Addison from seeing what the Court just saw this morning.

And so then I wouldn't set any future hearings. If there was a need to change this order, either party can come back in and file that request.

And anything further, Mr. Vega?

MR. VEGA: Yes. We would like to get an order that the -- to authorize the release of the 730 evaluation

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to Dr. Moon -- I'm sorry -- to the therapist, Moon-Perez. We think that would be helpful.

THE COURT: Claudia Moon-Perez?

MR. VEGA: Claudia Moon-Perez, yes.

THE COURT: Sure. Of course.

So the Court will authorize that either parent provide Ms. Claudia Moon-Perez with the confidential 730 evaluation.

And, yes, Mr. Vega?

MR. VEGA: One last thing.

THE COURT: Sure.

MR. VEGA: The Court earlier made an order restricting the contact between Joe Barrell and Addison. The Court has read the report. Addison really wants to be able to see Joe Barrell.

I would ask the Court to terminate that prior order, which was made out of an abundance of caution, we're aware.

THE COURT: Absolutely.

And I do recall when the issue arose. And I believe Addison had mentioned that she had felt uncomfortable. And, certainly, in this courtroom, when a child says they feel uncomfortable, I do listen to that in an abundance of caution until someone can show me otherwise.

And so after reading the 730 evaluation, she had

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indicated that she does feel comfortable with Mr. Barrell, and I believe both Mr. Vega and Ms. Lohman, at the evidentiary hearing, had shown how that order had been weaponized to possibly give one of the parties the understanding and ability to wrongfully withhold the child against court orders.

And so the Court will remove any restrictions from Mr. Joe Barrell to be in the presence of Addison. And I think, specifically, I said not be left alone with Addison, but at this in point, we will strike any order regarding Addison and Mr. Barrell's contact.

MR. VEGA: I think that's it.

THE COURT: All right. And, Mr. Vega, do you mind preparing the Findings and Order After Hearing?

MR. VEGA: We will prepare it.

THE COURT: All right. Thank you both.

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(Whereupon, the proceedings were concluded for the day.)

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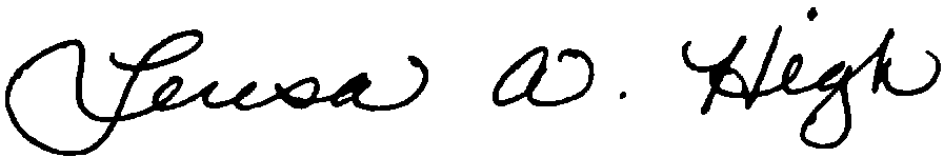
REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN BERNARDINO)

I, TERESA A. HIGH, CSR, Official Court Reporter of the above-entitled court, do hereby certify:

That I am a Certified Shorthand Reporter of the State of California, duly licensed to practice; that I did report in Stenotype oral proceedings had upon hearing of the aforementioned cause at the time and place hereinbefore set forth; that the foregoing page numbers 2 to 27, inclusive, constitute to the best of my knowledge and belief a full, true and correct transcription from my said shorthand notes so taken for the date of September 19th, 2024.

Dated at San Bernardino, California, this 11th day of October, 2024.



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