

1 CASE NUMBER: 17PSFL00745
2 CASE NAME: JAMES GIBSON, III VS. KARRIE
3 GIBSON
4 POMONA, CALIFORNIA THURSDAY, FEBRUARY 7, 2019
5 DEPARTMENT NO. PSB HON. SARAH J. HEIDEL, JUDGE
6 REPORTER: CHANI D. LUDWIG, CSR 13017
7 TIME: 9:43 A.M.
8 APPEARANCES: (SEE TITLE PAGE)
9

10 THE COURT: ITEM 2, GIBSON VERSUS GIBSON,
11 17PSFL00745.

12 MS. CARTER: GOOD MORNING, YOUR HONOR. ARIEL
13 CARTER ON BEHALF OF THE PETITIONER JAMES GIBSON,
14 PRESENT, MAKING HIS WAY TO COUNSEL TABLE.

15 THE RESPONDENT: DO I HAVE TO SAY MY NAME?

16 THE COURT: YES, YOU DO.

17 THE RESPONDENT: MY NAME IS KARRIE GIBSON.

18 THE COURT: GOOD MORNING. THIS IS A MATTER SET --
19 IT'S A HEARING ON A REQUEST FOR ORDER FOR SPOUSAL
20 SUPPORT FILED BY RESPONDENT NOVEMBER 21, 2018.

21 I'VE REVIEWED THE MOVING PAPERS, THE
22 RESPONSIVE DECLARATIONS FILED JANUARY 23, 2019.

23 IS THERE -- ARE THE PARTIES READY TO PROCEED
24 THIS MORNING?

25 MS. CARTER: YOUR HONOR, IF I MAY?

26 THE RESPONDENT: DO I GET TO GO FIRST SINCE I'M
27 PETITIONING?

28 THE COURT: I'M ASKING IF YOU'RE READY TO GO?

1 THE RESPONDENT: I AM READY, MA'AM. MY HUSBAND
2 LEFT ME A YEAR AGO. I WAITED FOR HIM FOR ONE YEAR. HE
3 WAS THE PRIMARY WAGE EARNER. HE MADE \$180,000. I MADE
4 \$20,000.

5 THE COURT: GOT IT.

6 THE RESPONDENT: BECAUSE OF MEDICAL REASONS --

7 THE COURT: GO AHEAD.

8 MS. CARTER: JUST PROCEDURALLY, YOUR HONOR. WE
9 HAVE A REQUEST FOR ORDER FOR A VOCATIONAL EVALUATION
10 MARCH 13, 2019. RESPONDENT FILED A REQUEST FOR ORDER
11 FOR ATTORNEY'S FEES WHICH IS SET FOR MARCH 14, 2019.

12 AT THIS POINT, I'D BE ASKING THE COURT TO
13 HEAR ALL MATTERS ON THE SAME DATE, WHETHER IT'S THE 13TH
14 OR 14TH. I DON'T MIND ADVANCING HER ATTORNEY FEE RFO.
15 MY CLIENT IS PAYING CLOSE TO \$3,000 RIGHT NOW FOR THE
16 MORTGAGE AND THE HOME EQUITY LINE FOR THE HOUSE THAT
17 RESPONDENT IS IN EXCLUSIVELY.

18 SO IT'S ALREADY OVER WHAT I PROPOSE IS A
19 SUPPORT ORDER. AND HE'S WILLING TO CONTINUE TO PAY THAT
20 BECAUSE HE'S -- IF HE DOESN'T, THEN IT'S NOT GOING TO
21 GET PAID. SO I WOULD JUST ASK THE COURT AT THIS POINT
22 TO RESERVE AND JUST HEAR ALL MATTERS AT THE SAME TIME.
23 THEY'RE ALL FINANCIAL ISSUES. THERE'S NO REASON TO HAVE
24 THREE MATTERS HEARD SEPARATELY.

25 THE RESPONDENT: HE MADE OVER \$15,000 A MONTH.

26 THE COURT: MA'AM, HOLD ON. I'M GOING TO SPEAK
27 NOW. I HAVE A PROPOSED DISSOMASTER, XSPOUSE, THAT SHOWS
28 GUIDELINE SUPPORT IN THE AMOUNT OF 146- -- \$1,464. DO I

1 UNDERSTAND YOUR POSITION TO BE THAT IS -- DOES NOT --
2 THAT DOES NOT TAKE INTO ACCOUNT THE MORTGAGE HE'S
3 ALREADY PAYING?

4 MS. CARTER: CORRECT. SO WE WOULD BE ASKING
5 ANYWAY THAT HE CONTINUE TO PAY THE MORTGAGE AND HELOC IN
6 LIEU OF SUPPORT, WITH REIMBURSEMENTS RESERVED OVER AS
7 WELL, SO EITHER WAY, RESERVING OVER THE ISSUE OF SPOUSAL
8 SUPPORT IS NOT GOING TO PREJUDICE THE RESPONDENT.
9 OTHERWISE, SHE'S NOT GOING TO ABLE TO MAKE THE PAYMENT
10 ON THE MORTGAGE OR THE HELOC.

11 THE COURT: OKAY.

12 SO, MS. GIBSON, LET ME HEAR FROM YOU. I
13 KNOW YOU'RE ANXIOUS TO SPEAK.

14 THE RESPONDENT: NOW, YOU KNOW WHAT, I JUST NEED
15 RELIEF. FIRST OF ALL, I NEED TO BE CLEAR, HE LEFT A
16 YEAR AGO. I DID NOT KNOW WHAT TO DO. I DIDN'T WANT TO
17 END MY MARRIAGE. I WAITED FOR HIM FOR ONE YEAR. HE
18 FLIPPED AND FLOPPED ABOUT GOING TO COUNSELING.

19 HE SAID HE WANTED TO MEDIATE. IN DECEMBER,
20 I GOT A THING THAT SHE WAS GOING TO BE HIS ATTORNEY. I
21 DIDN'T KNOW WHAT TO DO. I DIDN'T KNOW HOW TO DO IT. I
22 THOUGHT YOU GUYS WAS GOING TO HEAR IT ON JANUARY 2ND.

23 THE LADY BEFORE SAID TO WAIT TO TODAY. I
24 HAVE OVERDUE BILLS. I HAVE NO INCOME. MY HUSBAND MAKES
25 OVER \$15,000 A MONTH EASILY. I HAVE NOTHING. I CAN
26 PULL UP MY CHECKING ACCOUNT. SEE, I HAVE PROBABLY \$25.
27 I HAVE ALL THESE OVERDUE BILLS.

28 THE COURT: I READ YOUR PAPERS AND I SAW YOUR

1 REQUEST --

2 THE RESPONDENT: BUT I DIDN'T DO IT PROPERLY
3 BECAUSE I WAS NOT ADVISED. I DID NOT KNOW.

4 THE COURT: CAN YOU LET ME FINISH MY SENTENCES?

5 THE RESPONDENT: I APOLOGIZE.

6 THE COURT: YOU DON'T NEED TO APOLOGIZE. YOU JUST
7 NEED TO LET ME SPEAK. I READ YOUR PAPERS AND YOU SAID
8 IN THOSE PAPERS THAT YOU BELIEVE PETITIONER MAKES
9 \$14,583. YOU MADE A BUNCH OF ALLEGATIONS ABOUT MONEY.
10 YOU BELIEVE THAT HE MAKES 1,800 OR 18,000. IT WAS NOT
11 TOTALLY CLEAR, FROM SOMETHING, AND THEN A \$25,000 ANNUAL
12 GIFT. SO I'M AWARE OF WHAT YOU'RE CLAIMING HE MAKES.
13 THE PROBLEM --

14 THE RESPONDENT: I HAVE EVIDENCE.

15 THE COURT: WHAT EVIDENCE?

16 THE RESPONDENT: I HAVE -- MA'AM, I HAVE EVIDENCE
17 OF BANK ACCOUNTS, TAXES. ANYTHING YOU WANT TO SEE, I
18 HAVE HERE. I SPENT TWO DAYS PUTTING IT TOGETHER. I
19 DIDN'T ANTICIPATE HIM DENYING IT. THIS ISN'T MADE UP.
20 I'VE BEEN MARRIED FOR 25 YEARS. I HAVE NO MONEY. I
21 HAVE NOTHING. MY BILLS ARE OVERDUE. I STILL LOVE MY
22 HUSBAND. I GOT A NOTICE ON THE 26TH OF JANUARY HE WAS
23 DENYING IT. I THOUGHT WE WERE GOING TO GO TO COURT --

24 THE REPORTER: YOUR HONOR.

25 THE COURT: OKAY. WHAT THE COURT REPORTER IS
26 INDICATING IS YOU'RE SPEAKING TOO QUICKLY.

27 THE RESPONDENT: I'M SO SORRY. I'M REALLY AFRAID.
28 I HAVE NO MONEY. I HAVE NO INCOME. I HAVEN'T WORKED IN

1 OVER 60 DAYS. I MADE LESS THAN \$20,000 LAST YEAR. MY
2 BILLS ARE AT LEAST \$1,500. THAT'S LIGHTING AND BILLS,
3 THE HEATING AND EVERYTHING. THAT'S WHY I ASKED HER FOR
4 HIM TO PAY THE GARDENER. SHE SAYS HE'S NOT PAYING
5 ANYTHING ELSE.

6 THE COURT: SO THIS IS WHAT I'M GOING TO SAY.
7 BASED ON THE INFORMATION PRESENTED, I DON'T FIND ANY
8 SUPPORT FOR THE ALLEGATIONS YOU'RE MAKING ABOUT THE
9 INCOME, BUT I AM GOING TO ORDER --

10 THE RESPONDENT: I HAVE EVIDENCE, IF YOU WANT TO
11 SEE. I HAVE HIS MONEY THAT HE'S GOTTEN -- HIS MOTHER
12 GIVES HIM \$25,000 A YEAR IN DECEMBER. MY HUSBAND HAS
13 \$30,000 IN MUTUAL FUNDS --

14 THE COURT: MA'AM, WHAT'S YOUR EVIDENCE --

15 THE RESPONDENT: (UNINTELLIGIBLE.)

16 THE COURT: STOP SPEAKING. YOU SAID YOU HAVE
17 EVIDENCE. WHAT'S YOUR EVIDENCE?

18 THE RESPONDENT: DO YOU WANT TO SEE HIS PAYCHECKS?

19 THE COURT: NO. HERE'S THE WAY THIS WORKS. I
20 DON'T WANT TO SEE ANYTHING. YOU HAVE THE BURDEN OF
21 ESTABLISHING CERTAIN THINGS. SO IF YOU HAVE EVIDENCE,
22 TELL ME WHAT IT IS.

23 THE RESPONDENT: I'LL BE HAPPY TO SHOW YOU. I CAN
24 SHOW YOU OUR TAX PAPERS WITH THE -- MA'AM, I'M SO SORRY.
25 I DON'T KNOW. THIS IS MY HUSBAND. I LOVE MY HUSBAND.
26 I DIDN'T ANTICIPATE HIM DOING THIS TO ME. AND I IN NO
27 WAY WANT TO BE DISRESPECTFUL TO YOU. I HAVE NO MONEY.
28 I HAVE NO WAY TO FEED MYSELF.

1 THE COURT: I NEED YOU TO STICK TO --

2 THE RESPONDENT: I UNDERSTAND, MA'AM. THIS IS MY
3 TAX PAPERS.

4 THE COURT: HAVE YOU SHOWED THIS TO COUNSEL?

5 MS. CARTER: I HAVE NOT SEEN THEM.

6 THE RESPONDENT: SHE SHOULD HAVE THEM. IN 2016,
7 MA'AM, I MADE NOTHING. HE MADE 149,000.

8 THE COURT: WHAT DO YOU HAVE FOR EVIDENCE OF HIS
9 INCOME?

10 THE RESPONDENT: HIS PAYCHECKS. HIS PAYCHECKS.
11 AND I THINK HE SUBMITTED IT TO THE COURT, DIDN'T HE?

12 MS. CARTER: YOUR HONOR, IF I MAY?

13 THE RESPONDENT: I HAVE IT --

14 THE COURT: HOLD ON. JUST LET HER --

15 THE RESPONDENT: I DEFINITELY HAVE IT, MA'AM.

16 IF YOU WOULD JUST BEAR WITH ME. HE -- I'M
17 FLABBERGASTED. I AM NOT BELIEVING WHAT THIS GUY IS
18 DOING THIS TO ME. I RAISED HIS CHILDREN --

19 THE COURT: MA'AM --

20 THE RESPONDENT: YES, MA'AM. I APOLOGIZE.

21 THE COURT: I UNDERSTAND YOU HAVE A LOT ON YOUR
22 MIND, BUT YOU NEED TO, FOR PURPOSES OF THIS HEARING,
23 KEEP IT TO THINGS THAT ARE RELEVANT TO THIS HEARING.

24 THE RESPONDENT: I UNDERSTAND.

25 HERE IS -- CAN I BRING THIS TO YOU?

26 THE COURT: NO. YOU CAN SHOW IT TO COUNSEL FIRST.
27 WHAT IS IT?

28 THE RESPONDENT: THIS IS ONE OF HIS PAYCHECKS. SO

1 HIS PAYCHECK, NOVEMBER, 2018 -- AS OF NOVEMBER, 2018, HE
2 MADE \$150,000 -- AS OF NOVEMBER, 2018. MY HUSBAND ALSO
3 HAS A PRIVATE PRACTICE. PRIVATE PRACTICE -- IT SHOWS
4 \$5,000 HE MADE LAST YEAR IN PRIVATE PRACTICE. MY
5 HUSBAND ALSO WORKS FOR A COMPANY. HE'S A TEACHER, I
6 PROBABLY HAVE SOMETHING IN HERE WHERE IT SHOWS THAT HE
7 PROBABLY MADE -- I THINK HE MADE \$10,000 TEACHING AT
8 UNIVERSITY OF PHOENIX. WITH HIS PRIVATE PRACTICE, HE
9 GETS CO-PAYS THAT HE DOESN'T EVEN SHOW. HE CAN'T -- HE
10 DOES NOT -- IT'S LIKE EVIDENCE OF IT.

11 I'M SO SORRY. I GOT A CONCUSSION IN
12 DECEMBER. SO I HAVE A HARD TIME THINKING AND
13 REMEMBERING AND PROCESSING THOUGHTS. I'M OVERWHELMED
14 BECAUSE I DIDN'T ANTICIPATE THIS HAPPENING. I
15 ANTICIPATED YOU LOOKING AT OUR INCOME FROM MY TAXES AND
16 YOU COMING UP WITH AN AMOUNT. WHEN I CAME TO COURT,
17 WHEN I FILED THIS, IT'S BECAUSE HE DID NOT GIVE ME ANY
18 MONEY FOR MONTHS --

19 THE COURT: MA'AM, HERE'S A DIFFERENT QUESTION.
20 YOU FILED -- YOU HIRED AN ATTORNEY NOW?

21 THE RESPONDENT: NO. I DON'T HAVE ANY MONEY.

22 THE COURT: YOU HAD FILED A REQUEST FOR ATTORNEY'S
23 FEES THAT WAS PREPARED BY AN ATTORNEY; CORRECT?

24 THE RESPONDENT: NO. THE SELF-HELP -- THAT'S WHAT
25 I'M SAYING SELF-HELP DID. WHEN SHE DID THE PAPERS, SHE
26 DID IT WRONG. SHE DIDN'T DO IT PROPERLY BECAUSE SHE
27 DIDN'T INCLUDE HOW MUCH OUR ACTUAL MORTGAGE IS. OUR
28 FIRST IS 2,200 AND OUR SECOND IS 550.

1 THE COURT: LET ME MAKE THIS OBSERVATION. YOU
2 SAID YOU HAVE EVIDENCE OF INCOME THAT IS NOT INCLUDED ON
3 THE INCOME AND EXPENSE DECLARATION; IS THAT RIGHT?

4 THE RESPONDENT: IN THE INCOME AND EXPENSE
5 DECLARATION SUBMITTED BY WHO?

6 THE COURT: BY YOUR HUSBAND?

7 MS. CARTER: YOUR HONOR --

8 THE RESPONDENT: THE INCOME AND EXPENSE
9 DECLARATION IS NOT ACCURATE, MA'AM. HE CLAIMS HE PAYS
10 2,200 FOR CAR EXPENSES. HE OWNS HIS CAR.

11 THE COURT: I'M TALKING ABOUT HIS INCOME.

12 THE RESPONDENT: I'M SORRY?

13 THE COURT: HIS INCOME. IS HIS INCOME INCORRECT
14 ON THAT INCOME AND EXPENSE DECLARATION? WHILE YOU'RE
15 LOOKING AT THAT, I'M GOING TO HEAR FROM COUNSEL.

16 GO AHEAD.

17 MS. CARTER: I WANTED TO INDICATE TO THE COURT
18 THAT THE ITEMS I WAS JUST SHOWN WERE FILED WITH HIS
19 INCOME AND EXPENSE DECLARATION, WHICH THE COURT HAS
20 BEFORE IT.

21 THE COURT: OKAY.

22 THE RESPONDENT: I NEED TO FIND HIS INCOME AND
23 EXPENSE DECLARATION. I THOUGHT WE WERE GOING TO HAVE A
24 TRIAL AND I GO OVER THIS.

25 THE COURT: THAT'S WHAT WE'RE DOING.

26 THE RESPONDENT: YES, MA'AM. I'M SO SORRY. I PUT
27 TOGETHER -- SO THE -- I'M SO SORRY. I DON'T KNOW WHERE
28 IT SHOWS WHAT HIS INCOME IS.

1 THE COURT: WELL, THEN HOW CAN YOU DISPUTE WHAT'S
2 ON HIS INCOME AND EXPENSE DECLARATION IF YOU DON'T KNOW
3 WHAT HIS INCOME AND EXPENSE DECLARATION IS?

4 THE RESPONDENT: BECAUSE -- WELL, MA'AM, I'M
5 LOOKING -- BECAUSE I WAS MARRIED TO THIS MAN FOR 25
6 YEARS --

7 THE COURT: MA'AM. I'M ASKING YOU A QUESTION.
8 I'M ASKING YOU NOT ELABORATE ON WHAT I'M ASKING. JUST
9 ANSWER THE QUESTION.

10 THE RESPONDENT: ON THE INCOME AND EXPENSE
11 DECLARATION, MA'AM, THE ONLY THING I'M AWARE OF WHAT IT
12 SAYS ABOUT HOW MUCH HE'S PAYING. I DON'T SEE HERE -- IF
13 YOU'RE TALKING ABOUT THE FORM FL-150?

14 THE COURT: THAT'S WHAT I'M TALKING ABOUT.

15 THE RESPONDENT: PLEASE, I APOLOGIZE PROFUSELY.
16 PLEASE, IN THE NAME OF JUSTICE, I'M NOT AN ATTORNEY. I
17 DO NOT KNOW WHAT TO LOOK FOR. IT SAYS HE MADE \$12,000
18 AVERAGE A MONTH AND I DON'T THINK THAT'S ACCURATE.

19 THE COURT: WHAT'S YOUR PROOF THAT'S NOT ACCURATE?

20 THE RESPONDENT: YOU CAN LOOK AT THE W-2 FORM THAT
21 I JUST GAVE YOU. THE W-2 FORM SAYS THAT HE MADE -- -- I
22 JUST GAVE IT TO HER -- THE W-2, MA'AM. I'M SO SORRY.
23 I'M NOT PREPARED, BECAUSE EVERYTHING IS SCATTERED. I'M
24 A LITTLE SHAKEN. HERE, DECEMBER, 2000- -- THIS IS AS OF
25 DECEMBER, 2018. HE HAD MADE \$160,000. I WOULD HAVE TO
26 PULL UP MY PHONE AND CALCULATE IT. IF YOU DIVIDE THAT
27 BY 12, HE STILL HAS ONE MONTH LEFT.

28 ALSO, ON HIS EXPENSES -- THIS IS HIS PRIVATE

1 PRACTICE. THIS IS WHAT HE MADE FOR PRIVATE PRACTICE.
2 HE ALSO DOES TEACHING. HE TEACHES AT THE UNIVERSITY OF
3 PHOENIX. IF I COULD HAVE A SECOND, I COULD FIND HIS W-2
4 FROM THEM. THE LAST THING I REMEMBER HE MADE FROM THEM
5 WAS PROBABLY I THINK MAYBE \$7,000.

6 THE COURT: WE'VE BEEN ON THE RECORD IN THIS CASE
7 FOR PROBABLY AT LEAST TEN MINUTES IN WHICH -- DURING
8 WHICH TIME YOU'VE BEEN TRYING TO LOCATE THE EVIDENCE
9 THAT YOU HAVE --

10 THE RESPONDENT: THIS IS THE EVIDENCE HERE, MA'AM.
11 SO I CAN'T DO THE CALCULATIONS. IF WE LOOK AT \$150,000
12 -- AND I'M NOT SURE IF THIS IS CORRECT, BECAUSE IT'S A
13 LITTLE DISTORTED, \$150,000 AND YOU DIVIDE IT BY 11
14 MONTHS, WHAT IS THAT? THIS IS FOR 11 MONTHS OF THE
15 YEAR.

16 THE COURT: DO YOU AGREE THIS IS THE PAY STUB
17 ATTACHED?

18 MS. CARTER: THIS IS ONE OF THE PAY STUBS THAT ARE
19 ATTACHED TO THE INCOME AND EXPENSE DECLARATION.

20 THE RESPONDENT: CAN I PULL OUT MY PHONE SO I CAN
21 DO THE MATH?

22 THE COURT: I'M GOING TO ASK THE PARTIES TO STEP
23 OUT IN THE HALL AND MEET AND CONFER. YOU NEED TO GATHER
24 YOUR THOUGHTS --

25 MS. CARTER: WE DID TRY TO MEET AND CONFER, YOUR
26 HONOR. SHE WAS RESISTANT.

27 THE RESPONDENT: I WAS NEVER RESISTANT.

28 MS. CARTER: SHE WAS RESISTANT. SHE JUST LOOKED

1 AT ME AND SAID, "OKAY," AND MOVED ON.

2 THE RESPONDENT: YOU KNOW WHAT, SHE ASKED THAT
3 WE --

4 THE COURT: MA'AM, GET OUT YOUR PHONE AND DO THE
5 CALCULATION, PLEASE.

6 THE RESPONDENT: THANK YOU. I APPRECIATE YOU.
7 THANK YOU SO MUCH. SHE SAID SOMETHING ABOUT A DIGI
8 (PHONETIC) MASTER. I DON'T KNOW WHAT THAT IS. IS THAT
9 SOMETHING THAT I NEED?

10 THE COURT: NO. SO, COUNSEL, WHAT IS YOUR
11 POSITION ON THE YEAR-TO-DATE?

12 MS. CARTER: MY POSITION ON THE YEAR-TO-DATE --
13 ONE OF THE MAJOR ISSUES IS NOW MY CLIENT HAS INDICATED
14 HE HAS A FORCED FURLOUGH DAY.

15 THE COURT: I UNDERSTAND.

16 MS. CARTER: THAT'S ONE OF THE INDICATIONS.

17 THE RESPONDENT: CAN I RESPOND TO THAT?

18 THE COURT: NO. NOT YET.

19 THE RESPONDENT: HE'S AN EXECUTIVE. YOU NEED TO
20 STOP LYING. TELL THE TRUTH, JAMES GIBSON.

21 THE COURT: MS. GIBSON, IF YOU CONTINUE TO SPEAK
22 ABOUT MATTERS THAT AREN'T RELEVANT, I'M GOING TO CALL
23 THIS HEARING --

24 THE RESPONDENT: I APOLOGIZE. AM I ABLE TO SPEAK
25 TO THE FURLOUGH DAY SHE'S REFERRING TO?

26 THE COURT: NOT RIGHT NOW. HOLD YOUR THOUGHTS.
27 YOU'RE LOOKING FOR EVIDENCE RIGHT NOW --

28 THE RESPONDENT: I'M SORRY.

1 MS. CARTER: -- AS TO HIS MONTHLY INCOME. I
2 BELIEVE THAT BASED ON THE PAY STUBS WE SHOW HIS MONTHLY
3 INCOME DOESN'T GENERALLY FLUCTUATE. THERE'S BEEN POINTS
4 IN TIME IN 2018 WHERE HE RECEIVED A BONUS. BUT, AGAIN,
5 THOSE AREN'T GUARANTEED IN THE FUTURE. SO I BELIEVE
6 THAT THE INCOME THAT WAS PROVIDED ON HERE ACCURATELY
7 REFLECTS MY CLIENT'S AVERAGE MONTHLY INCOME.

8 THE COURT: SO LOOKING AT THE YEAR-TO-DATE --

9 THE RESPONDENT: IT'S \$13,644. THAT'S FOR HIS
10 FIRST JOB ONLY. ON HIS INSURANCE CLAIM FOR HIS PRIVATE
11 PRACTICE, THIS DOESN'T INCLUDE HIS CO-PAY. AND HE
12 CHARGED LIKE 40 -- 24 DOLLARS PER PERSON FOR CO-PAY.
13 YOU KNOW WHAT, I APOLOGIZE. I DIDN'T KNOW I NEEDED TO
14 BE THIS -- I THOUGHT WE WOULD SIT DOWN AND GO OVER IT.
15 AND I DON'T WANT TO WASTE YOUR TIME. IT SHOWS HE MAKES
16 ADDITIONAL \$391 A MONTH IN PRIVATE PRACTICE. AND MY
17 HUSBAND ALSO TEACHES AT THE UNIVERSITY OF PHOENIX.

18 AND YOU KNOW WHAT, MA'AM, I'M REALLY
19 CONCERNED ABOUT HIM BEING UNTRUTHFUL AND WONDERING IS HE
20 GOING TO BE SANCTIONED IN THE FUTURE FOR TELLING THE
21 TRUTH. IF YOU ASK HIM WHAT HE DID LAST YEAR, IF YOU ASK
22 HIM SPECIFICALLY, HE WON'T LIE TO YOU IN COURT. I DON'T
23 THINK HE WILL, BECAUSE HE WOULDN'T WANT TO RISK BEING
24 SANCTIONED BECAUSE HIS POSITION -- MY HUSBAND IS A C.O.
25 (PHONETIC) OF A COMPANY. HE ALSO TEACHES PRIVATE
26 PRACTICE FOR -- HE ALSO TEACHES CLASSES AT THE
27 UNIVERSITY OF PHOENIX. AND HE GOES TO UNIVERSITY OF
28 PHOENIX.

1 MS. CARTER: YOUR HONOR, THESE PARTIES HAVE BEEN
2 SEPARATED SINCE 2017.

3 THE RESPONDENT: THAT'S NOT TRUE.

4 MS. CARTER: AND I THINK SOME OF THE DOCUMENTS
5 THAT THE RESPONDENT IS REFERRING TO ARE FROM 2016, YEARS
6 PRIOR. MY CLIENT HASN'T TEACHED (SIC) A CLASS AT THE
7 UNIVERSITY OF PHOENIX AT ALL IN 2018. DOESN'T INTEND
8 TO --

9 THE RESPONDENT: I HAVE HIS W-2 AT HOME.

10 MS. CARTER: WE'VE PROVIDED HIS PAY STUBS. WE'VE
11 PROVIDED HIS SELF-EMPLOYMENT INCOME AND CONSIDERED THE
12 SAME IN THE XSPOUSE THAT WAS PROVIDED TO THE COURT.

13 THE RESPONDENT: MAY I RESPOND?

14 THE COURT: NOT QUITE. SHE'S STILL SPEAKING.

15 THE RESPONDENT: IF YOU ASK HIM IF HE WORKED LAST
16 YEAR AT UNIVERSITY OF PHOENIX, IF YOU ASK HIM DIRECTLY,
17 HE WON'T LIE TO YOU. ASK HIM, DID HE WORK LAST YEAR? I
18 GOT A W-2 AT HOME AND I MISPLACED IT.

19 SOME ATTORNEY TOLD HIM TO STOP MAKING SO
20 MUCH MONEY. SO HE STOPPED TEACHING CLASS.

21 THE COURT: I'M GOING TO USE THE NUMBERS BASED ON
22 THE EVIDENCE THAT'S BEEN PROVIDED. IT DOES LOOK TO ME
23 LIKE THE YEAR-TO-DATE IS SLIGHTLY UNDERSTATED. USING
24 THE YEAR-TO-DATE ON THE PAY STUB -- CAN YOU PROVIDE ME
25 THAT NUMBER OF THE YEAR TO DATE ON THE PAY STUB, THE
26 CURRENT PAY STUB?

27 MS. CARTER: WELL, THE MOST CURRENT PAY STUB THAT
28 WE HAD WAS FOR JANUARY. SO IT DOES NOT REALLY ACCOUNT

1 FOR -- ARE YOU LOOKING AT DECEMBER, 2018?

2 THE COURT: DECEMBER, 2018.

3 MS. CARTER: OKAY. FOR THE LAST PAY CHECK IN
4 DECEMBER OF 2018, YEAR-TO-DATE IS 166,392.57.

5 THE RESPONDENT: MAY I ASK THE DATE ON THAT ONE,
6 MA'AM? 166,392? MAY I ASK THE DATE ON THAT, PLEASE?

7 THE COURT: WHAT'S THE DATE ON IT?

8 MS. CARTER: DECEMBER 21, 2018. THAT WOULD HAVE
9 BEEN THE LAST PAY CHECK FOR --

10 THE RESPONDENT: NO.

11 MS. CARTER: -- FOR 2018.

12 THE RESPONDENT: SO HE WOULD EXCLUDE MAYBE THREE
13 WEEKS IN A YEAR. SO WE WOULD DO -- SO MAYBE DIVIDE IT
14 BY 49 WEEKS.

15 THE COURT: OKAY. ALL RIGHT. SO --

16 THE RESPONDENT: HE MADE AT LEAST \$13,500 A MONTH,
17 ACCORDING TO THIS.

18 THE COURT: AND THAT'S THE NUMBER I'M GOING TO
19 USE, THE \$13,500 GROSS MONTHLY. I THINK THAT'S FAIR
20 BASED ON THE PAY STUBS.

21 MS. CARTER: THAT'S UNDERSTANDABLE, YOUR HONOR.
22 BUT IF THE COURT IS GOING TO CONSIDER BONUS AND
23 POTENTIAL OTHER INCOME THAT CORRELATES WITH THE BONUS,
24 SUCH AS OVERTIME OR SOMETHING, I WOULD ASK AN
25 OSTLER-SMITH BE PUT IN PLACE. THERE'S NO GUARANTEE HE'S
26 GOING TO GET THAT AMOUNT. AND IT LOOKS LIKE HE'S
27 CONSISTENTLY MADE THIS 12,16 -- 12,615.

28 THE RESPONDENT: THAT'S NOT TRUE. HE'S AN

1 EXECUTIVE. HE HAS A SALARY, MA'AM, IN ADDITION TO THAT.
2 ACTUALLY, I CAN FIND IT IN HERE BECAUSE HE SUBMITTED --
3 HE ALSO GETS \$300 A MONTH BONUS FOR HIS PHONE AND HIS
4 CAR. AND I SAW THIS THAT YOU SUBMITTED IN HERE. HE'S
5 AN EXECUTIVE. AND THE FURLOUGH DOES NOT ACCOUNT FOR HIM
6 BECAUSE HE'S AN EXECUTIVE. THE FURLOUGH IS ABOUT DAYS.
7 THAT'S ABOUT VACATION DAYS. THEY ARE MAKING HIM TAKE
8 VACATION DAYS. HE'S NOT LOSING ANY MONEY ON THIS.

9 MS. HEIDEL, I'M SO SORRY. I APOLOGIZE,
10 BECAUSE I GOT -- HE'S GOING TO -- IF IN THE FUTURE, IF
11 WE FIND WHAT HE'S SAYING IS NOT ACCURATE, INCORRECT,
12 WILL THE COURT GIVE HIM SANCTIONS AND MAKE ME WHOLE?
13 THAT'S ALL I'M ASKING.

14 THE COURT: RIGHT NOW I UNDERSTAND THAT MR. GIBSON
15 IS PAYING THE MORTGAGE ON THE PROPERTY.

16 AND HOW MUCH IS THAT?

17 MS. CARTER: THE MORTGAGE BY ITSELF IS \$2,218.53.

18 THE COURT: 2,800- --

19 MS. CARTER: 2,218.53. AND THEN THE HELOC IS 600

20 THE COURT: SO THAT'S WHERE YOU GET THE TOTAL,
21 2,818.53?

22 MS. CARTER: CORRECT. YES.

23 THE RESPONDENT: WHEN THE LADY IN THE SELF-HELP
24 HELPED ME, I DON'T THINK SHE REALIZED THE \$550 MISTAKE
25 ON OUR HOUSE. SHE SAID "2,500." I ASKED FOR 2,500
26 MONTHLY, BECAUSE I WAS KILLING MYSELF TO MAKE MONEY. I
27 HAVE NO MONEY. MY SON WAS HELPING ME. MY SON WAS LAID
28 OFF ON THIS PAST TUESDAY. I COULD SHOW YOU MY LIGHT

1 BILLS, MY UTILITY BILLS ALONE. THIS IS WHY WE'RE
2 GETTING DIVORCED, BECAUSE HE DIDN'T WANT TO PAY THE
3 UTILITY BILLS AND I PUT THEM ON CREDIT CARDS.

4 MY HUSBAND IS AN ALCOHOLIC AND VERY ABUSIVE.
5 BUT I LOVED MY HUSBAND AND I WAITED FOR HIM. THE ONLY
6 REASON I'M HERE IS BECAUSE HE DIDN'T GIVE ME MONEY. HE
7 FLIP-FLOPS AND IS EMOTIONALLY UNSTABLE.

8 MS. CARTER: I WOULD OBJECT AT THIS POINT. SHE'S
9 MAKING --

10 THE COURT: I'M --

11 MS. CARTER: -- SEVERAL ASSERTIONS.

12 THE RESPONDENT: (UNINTELLIGIBLE.)

13 THE COURT: MA'AM, YOU'RE NOT TESTIFYING. YOU'RE
14 NOT UNDER OATH. YOU'RE JUST MAKING ARGUMENTS. AND I --

15 THE RESPONDENT: I UNDERSTAND EVERYTHING I SAID TO
16 YOU, MA'AM. I CAN SUPPORT IT. HE'S BEEN TO AA A COUPLE
17 OF TIMES. NOT ENOUGH.

18 THE COURT: SO USING THE NUMBERS PROVIDED -- USING
19 THE 13,500 AND THE HEALTH INSURANCE NUMBER OF 1,610 AND
20 MANDATORY RETIREMENT OF 150, THE GUIDELINE SUPPORT COMES
21 OUT IN THE AMOUNT OF \$3,636.

22 MS. CARTER: WE'RE NOT PUTTING ANYTHING ON THE
23 WIFE'S SIDE AT THIS POINT? BECAUSE IF --

24 THE COURT: THERE WAS NO -- I'M SORRY. I DIDN'T
25 PUT THAT IN YET, NO. OKAY.

26 THE RESPONDENT: I DON'T HAVE ANY INCOME, MA'AM.
27 I HAVE -- I HAVE ALL MY MEDICAL RECORDS. I HAD SEVERE
28 BACK INJURY IN DECEMBER, 2016. THAT'S WHY I'M GETTING

1 DIVORCED. I COULDN'T WORK. AND I COULDN'T HAVE AN
2 INCOME. MA'AM, HE WAS SO ABUSIVE TO ME. I STARTED
3 DRIVING UBER. I CAN SHOW YOU UBER -- I MADE LESS THAN
4 \$9 AN HOUR DRIVING UBER. I SAT IN THE CAR FOR 10 HOURS
5 JUST TO PAY MY LIGHT BILL, MY PHONE BILL, TO GET FOOD.

6 MY HUSBAND IS PRIVILEGED. HE'S PRIVILEGED.
7 HE GETS \$25,000. ON HIS RESPONSE, YOU CAN SEE WHERE HE
8 MADE \$9,000 AMERICAN EXPRESS PAYMENTS ON AMERICAN
9 EXPRESS, BUT HE NEEDS RELIEF? MAY I ASK A QUESTION,
10 MA'AM? MAY I ASK HOW MUCH IS HER RETAINER AND WHAT IS
11 HE PAYING HER AN HOUR?

12 THE COURT: YOU INDICATE ON YOUR INCOME AND
13 EXPENSE DECLARATION -- NO. YOU CAN'T ASK THAT. YOU
14 INDICATED ON YOUR INCOME AND EXPENSE DECLARATION \$6,000
15 AVERAGE MONTHLY?

16 THE RESPONDENT: I MAKE \$6,000? \$800, MA'AM.
17 800. I HAVE EVERYTHING THAT YOU NEED.

18 THE COURT: IT'S YOUR INCOME AND EXPENSE
19 DECLARATION. YOU SAID "6,000."

20 THE RESPONDENT: NO, I DID NOT, MA'AM. SOMEONE --
21 MAYBE THE WRITING IS WRONG. I DID NOT DO -- NO. IF
22 THAT'S ON THERE, THAT'S A MISTAKE. I HAVE MY W-2. I
23 WORKED AT -- I DROVE FOR UBER, 2017. I HAVE MY INCOME
24 STATEMENT. I DROVE FOR LYFT SIX MONTHS OUT OF THE YEAR
25 BECAUSE UBER TOOK ME OFF THE ROLL BECAUSE MY CAR WAS TOO
26 OLD.

27 THE COURT: YOU DID SAY "6,000." I DON'T KNOW
28 WHERE THAT NUMBER CAME FROM.

1 THE RESPONDENT: NO, MA'AM.

2 THE COURT: BE QUIET, PLEASE.

3 COUNSEL, YOU'RE NOT USING THE \$6,000 FIGURE?
4 YOU'RE USING SOMETHING SMALLER. YOU'RE USING SOMETHING
5 OVER MINIMUM WAGE BUT LESS THAN 6,000?

6 MS. CARTER: CORRECT, YOUR HONOR.

7 THE RESPONDENT: CAN I SHOW YOU MY W-2?

8 THE COURT: NO. I HAVE YOUR W-2. WHERE ARE YOU
9 GETTING YOUR INCOME, COUNSEL?

10 MS. CARTER: MY INCOME FIGURE IS FROM HER 2017 TAX
11 RETURN. THAT WAS THE AMOUNT OF MONEY SHE MADE --

12 THE RESPONDENT: IT SAYS --

13 MS. CARTER: -- IN UBER AND LYFT. AND I WOULD
14 ALSO INDICATE SHE HAS A BUSINESS. THE RESPONDENT HAS A
15 BUSINESS. SHE HAS A WEBSITE FOR GIRL'S BEST FRIENDS AND
16 COMPANY. SHE HAS SOCIAL MEDIA PAGES. SHE PRESENTS THAT
17 SHE DOES THAT TYPE OF WORK, AS WELL AS UBER AND LYFT.

18 THE RESPONDENT: ABSOLUTELY. AND THAT'S WHAT --

19 MS. CARTER: MY UNDERSTANDING IS SHE'S MAKING MORE
20 MONEY THAN SHE'S INDICATED SHE'S MAKING.

21 THE RESPONDENT: MS. HEIDEL, THIS IS A FARCE. I
22 REALLY NEED YOU TO LET ME SPEAK TO THAT BECAUSE MY
23 BUSINESS IS ABOUT -- (UNINTELLIGIBLE).

24 THE REPORTER: PLEASE REPEAT.

25 THE RESPONDENT: MY BUSINESS IS ABOUT EMPOWERING
26 AND INSPIRING WOMEN. I WENT THROUGH MENTAL ANGUISH WITH
27 THIS MAN. HE WAS A MENTAL HEALTH WORKER. I --

28 THE COURT: DO YOU MAKE MONEY AT THE BUSINESS?

1 THE RESPONDENT: NO, MA'AM. I'M REFERRING TO THE
2 BUSINESS. HE DIDN'T SUPPORT ME IN THE BUSINESS. I
3 STOPPED DOING THE BUSINESS. THE LAST PAYCHECK I GOT
4 FROM THAT BUSINESS WAS 2016. I GOT A \$450 CHECK THE DAY
5 HE WENT ON A BUSINESS TRIP WITH SOMEONE HE'S HAVING AN
6 AFFAIR WITH. I HAVE NO INCOME. I WOULD NEVER LIE TO
7 YOU. I WOULD NOT COME IN THIS COURT AND LIE TO YOU. IF
8 YOU ASK HIM DIRECTLY, HE WON'T LIE TO YOU. SHE'S NOT
9 TELLING THE TRUTH.

10 THE COURT: ALL RIGHT. SO I'M GOING TO USE THE
11 1,820 AS THE INCOME TO MS. GIBSON.

12 THE RESPONDENT: CAN I SPEAK TO YOU ABOUT --

13 THE COURT: NO.

14 THE RESPONDENT: -- THE W-2? THE UBER PURPORTED
15 31,000. THEY TOOK OUT 10,000.

16 THE COURT: YOU USE A GROSS NUMBER.

17 THE RESPONDENT: AND THE GROSS NUMBER IS THE --
18 MA'AM, IS 21,000. IF YOU LET ME -- I PUT THIS TOGETHER
19 FOR YOU. I HAVE A SUMMARY, AND IT SHOWS YOU ON THE
20 SUMMARY WITH UBER. IT'S MISLEADING.

21 THE COURT: OKAY.

22 THE RESPONDENT: THEY --

23 THE COURT: NOW IS THE TIME -- I'VE HEARD ENOUGH
24 FROM YOU.

25 THE RESPONDENT: THIS IS IMPORTANT.

26 THE COURT: NO. YOU'VE HAD A LOT OF TIME HERE
27 THIS MORNING. I'VE GIVEN YOU A LOT OF OPPORTUNITY TO
28 SHOW BOTH YOUR EVIDENCE AS TO PETITIONER'S INCOME AND

1 YOUR EVIDENCE AS --

2 THE RESPONDENT: I BEG YOU TO LET ME EXPLAIN TO
3 YOU ABOUT THE UBER. IT'S REALLY IMPORTANT.

4 THE COURT: THE BOTTOM LINE IS I'M GOING TO USE
5 THIS NUMBER.

6 THE RESPONDENT: WHICH NUMBER?

7 THE COURT: THE 1,820.

8 THE RESPONDENT: \$1,800?

9 THE COURT: YES.

10 THE RESPONDENT: I DON'T MAKE \$1,800, MA'AM. THE
11 31- YOU SEE FOR UBER, YOU'RE LEASING A TECHNOLOGY. THEY
12 TOOK OUT \$10,000 IN FEES. I DON'T GET THAT. BEFORE --
13 THIS IS A GROSS. WE'RE NOT EVEN TALKING ABOUT THE GAS.
14 WHAT I'M REFERRING TO, I MADE LESS THAN \$15,000, BEFORE
15 TAX MONEY. MY BACKGROUND IS FINANCE, MA'AM. I
16 UNDERSTAND WHAT YOU'RE ASKING. IT'S RIDESHARE. IT'S --
17 I CAN SHOW YOU. I HAVE A SUMMARY. I HAVE A SUMMARY --

18 THE COURT: MA'AM.

19 THE RESPONDENT: I UNDERSTAND IT'S TAKEN A LONG
20 TIME. I WAS MARRIED TO THIS MAN FOR 25 YEARS. WE CAN'T
21 SUM IT UP IN 20 MINUTES.

22 THE COURT: WE DON'T NEED TO SUM IT UP. I'M READY
23 TO MAKE A DECISION. THE GUIDELINE SUPPORT, USING THE
24 CALCULATION, IS \$2,787. AND RIGHT NOW THAT IS -- ALMOST
25 LINES UP SQUARELY WITH WHAT PETITIONER IS PAYING ON THE
26 MORTGAGE. SO I'M GOING TO ORDER HIM TO CONTINUE MAKING
27 THAT MORTGAGE PAYMENT ON THE FIRST AND THE HELOC IN LIEU
28 OF SPOUSAL SUPPORT. AND NO ADDITIONAL SPOUSAL SUPPORT

1 BASED ON THE INFORMATION PRESENTED.

2 MS. CARTER: YOUR HONOR, I WOULD -- JUST VERY
3 QUICKLY. I DON'T THINK THAT WE SPOKE ABOUT THE \$500
4 THAT HER SON IS PAYING OF HER EXPENSES --

5 THE RESPONDENT: HE'S NOT.

6 MS. CARTER: -- INDICATED ON PAGE 3 OF HER INCOME
7 AND EXPENSE DECLARATION --

8 THE RESPONDENT: MA'AM --

9 MS. CARTER: -- WHICH I THINK CONSTITUTES A GIFT
10 UNDER MARRIAGE OF ALTER. AND I WOULD ASK THAT THE COURT
11 ADD THAT IN AS NON-TAXABLE INCOME AS WELL.

12 THE RESPONDENT: IF YOU ADD THAT IN, MA'AM, I NEED
13 YOU TO LET YOU SEE MY EVIDENCE ABOUT MY SON, PLEASE.

14 MS. CARTER: THIS IS ON HER --

15 THE RESPONDENT: (UNINTELLIGIBLE.)

16 THE REPORTER: YOUR HONOR --

17 THE COURT: WE CAN'T TAKE DOWN A RECORD. BUT
18 WE'RE DONE. THAT'S THE COURT'S ORDER --

19 THE RESPONDENT: WHEN WE COME BECOME BACK --

20 THE COURT: MA'AM, I NEED TO FINISH SPEAKING,
21 OKAY? THE COURT MADE ITS ORDER. I'M NOT GOING TO TAKE
22 INTO ACCOUNT ANY ADDITIONAL ARGUMENTS AT THIS TIME.

23 MS. CARTER: THANK YOU, YOUR HONOR.

24 THE RESPONDENT: HE'S GOING TO SHOW UP --

25 THE COURT: WE'RE DONE, MA'AM. MS. GIBSON, WE'RE
26 DONE.

27 MS. CARTER: YOUR HONOR, AS FOR THE TWO UPCOMING
28 HEARINGS, CAN WE PUT THOSE ON THE SAME DATE?

1 THE COURT: WE CAN CONSOLIDATE THOSE. YOU WANT TO
2 ADVANCE THEM TO THE 13TH?

3 MS. CARTER: THAT'S FINE WITH ME.

4 THE COURT: WE'LL ADVANCE THE VOCATIONAL --

5 MS. CARTER: THE REQUEST FOR ATTORNEY'S FEE WOULD
6 BE ADVANCED. THAT WOULD BE RESPONDENT'S REQUEST. AND
7 I'M FINE WITH THAT. IT'S A --

8 THE COURT: DO YOU MIND HAVING YOUR HEARING MOVED
9 UP A DAY?

10 THE RESPONDENT: TO WHAT DAY?

11 THE COURT: THE DAY PRIOR.

12 THE RESPONDENT: YES. AM I --

13 THE COURT: WE'LL CONTINUE THAT A DAY THEN. WE'LL
14 HAVE THEM ON THE 14TH. BOTH MATTERS WILL BE ON THE
15 14TH.

16 THE RESPONDENT: AM I ALLOWED TO REQUEST REVIEW OF
17 THIS AGAIN?

18 THE COURT: NO.

19 THE RESPONDENT: WHEN I HAVE EVIDENCE IN THE
20 FUTURE?

21 THE COURT: MA'AM, WE'RE DONE HERE TODAY.

22 THE RESPONDENT: THANK YOU, MA'AM. I HOPE YOU
23 HAVE A GOOD DAY.

24 MS. CARTER: THANK YOU, YOUR HONOR.

25

26 (THE PROCEEDINGS WERE CONCLUDED AT 10:11
27 A.M.)

28

