

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

3 DEPARTMENT NO. PSB HON. SARAH J. HEIDEL, JUDGE
4

5 JAMES GIBSON, III,)
6 PETITIONER,)
7 VS.) CASE NO.
8 KARRIE GIBSON,) 17PSFL00745
9 RESPONDENT.)
10 -----)

11
12 REPORTER'S TRANSCRIPT OF PROCEEDINGS

13 THURSDAY, MARCH 14, 2019

14
15 APPEARANCES:

16 FOR PETITIONER: CKB VIENNA LLP
17 BY: ARIEL CARTER, ESQ.
18 10390 COMMERCE CENTER DRIVE
19 SUITE C-110
RANCHO CUCAMONGA, CA 91730

20 FOR RESPONDENT: IN PROPRIA PERSONA

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22
23
24
25 CHANI D. LUDWIG, CSR NO. 13017
26 OFFICIAL REPORTER
27
28

1 CASE NUMBER: 17PSFL00745
2 CASE NAME: JAMES GIBSON VS. KARRIE GIBSON
3 POMONA, CALIFORNIA THURSDAY, MARCH 14, 2019
4 DEPARTMENT NO. PSB HON. SARAH J. HEIDEL, JUDGE
5 REPORTER: CHANI D. LUDWIG, CSR 13017
6 TIME: 10:00 A.M.
7 APPEARANCES: (SEE TITLE PAGE)

8
9 THE COURT: ITEM 1, GIBSON V GIBSON, 17PSFL00745.
10 MS. CARTER: GOOD MORNING, YOUR HONOR. ARIEL
11 CARTER ON BEHALF OF JAMES GIBSON, WHO IS PRESENT AT
12 COUNSEL TABLE.

13 THE COURT: GOOD MORNING.

14 MA'AM, CAN YOU STATE YOUR NAME FOR THE
15 RECORD, PLEASE.

16 THE RESPONDENT: YES, MA'AM. GOOD MORNING, JUDGE
17 HEIDEL. MY NAME IS KARRIE GIBSON. THIS IS A -- THIS
18 LAST TIME I CAME BEFORE YOU, MY SOUL WAS DISRUPTED BY
19 THE PRETRIAL CONFERENCE WITH MS. CARTER.

20 THE COURT: I DIDN'T CATCH THAT WORD. YOU SAID
21 YOUR SOUL?

22 THE RESPONDENT: I HAVE A CONCUSSION SO IT TAKES
23 ME LONGER. I SPEAK FAST, BUT I STILL HAVE A CONCUSSION.
24 BUT SOMETIMES I'M DELAYED IN MY THOUGHTS. SO I HAVE TO
25 WRITE --

26 THE COURT: HOLD ON. I HAVE TO ASK YOU NOT TO
27 SPEAK QUICKLY BECAUSE THE COURT REPORTER WON'T BE ABLE
28 TO KEEP UP.

1 THE RESPONDENT: I UNDERSTAND. I TRY MY BEST.

2 THE COURT: YOU MENTIONED PREVIOUSLY YOU HAD A
3 CONCUSSION. DO YOU NEED AN ACCOMMODATION?

4 THE RESPONDENT: YOU KNOW WHAT I ONLY WOULD LIKE
5 IS AN ACKNOWLEDGMENT. I'M COHERENT AND I'M HERE. MY
6 MAJOR ISSUE IS I HAVE A PROBLEM WITH TRAIN OF THOUGHT.
7 IT TAKES ME LONGER TO PROCESS THOUGHTS. AT TIMES YOU'VE
8 SAID SOMETHING, I DIDN'T GET IT UNTIL I LEFT. SO I JUST
9 -- I'M DOING THE BEST THAT I CAN.

10 THE COURT: ALL RIGHT.

11 THE RESPONDENT: SO I'M JUST DELAYED. AND I'M
12 FORGETFUL AND SOMETIMES I HAVE TO GRASP FOR WORDS. SO
13 WHEN YOU SAY DO I WANT ACCOMMODATIONS, IN WHAT WAY? HOW
14 CAN YOU ACCOMMODATE ME OTHER THAN PATIENCE?

15 THE COURT: WELL, I WILL DO MY BEST TO BE PATIENT.
16 THERE'S NO -- THERE IS NO DOCUMENTATION THAT YOU HAVE A
17 CONCUSSION. YOU'VE BEEN SAYING THIS FOR SEVERAL
18 MONTHS --

19 THE RESPONDENT: I SUBMITTED TO YOU, MA'AM. I
20 SUBMITTED MY DOCUMENTATION --

21 THE COURT: I'M GOING TO ACTUALLY CUT YOU OFF
22 BECAUSE NOW WE'RE GETTING FAR AFIELD. THIS IS NOT WHY
23 WE'RE HERE TODAY. I UNDERSTAND YOUR POSITION. YOU HAVE
24 A CONCUSSION. BUT LET'S GET BACK TO THE MATTER ON
25 CALENDAR.

26 THE RESPONDENT: BUT YOU WANT TO KNOW WHAT THE
27 DOCUMENTATION -- I SUBMITTED WITH THE COURT WHAT MY
28 RESPONSE IS. SO FOR FUTURE REFERENCE, DO YOU WANT TO

1 KNOW WHICH EXHIBIT IT IS?

2 THE COURT: YES.

3 THE RESPONDENT: SO THE MEDICAL CONCUSSION IN A
4 RESPONSE TO ATTORNEY IS EXHIBIT G. THE SECOND -- IT
5 SAYS (UNINTELLIGIBLE).

6 THE REPORTER: I DIDN'T UNDERSTAND.

7 THE RESPONDENT: IT SAYS "SPOUSAL SUPPORT
8 RECONFIGURATION." I SUBMITTED THAT --

9 THE COURT: THAT'S NOT -- THAT HEARING IS NOT
10 BEFORE THE COURT TODAY.

11 THE RESPONDENT: I'M LETTING YOU KNOW I HAVE
12 DOCUMENTATION FOR THAT. SO CONCUSSION IS G. I ALSO
13 HAVE A SEVERE BACK INJURY, WHICH IS EVEN A LITTLE BIT
14 MORE SEVERE THAN MY CONCUSSION. AND JUST TO LET YOU
15 KNOW, I THINK LAST TIME I SAT DOWN, YOU KIND OF GOT
16 ANNOYED WITH ME. I WAS NOT AWARE OF THE PROCEDURE. I
17 DID THAT BECAUSE I HAVE A SEVERE BACK INJURY AND
18 SUFFERED FOR A BACK INJURY FOR ALMOST TEN YEARS NOW.

19 THE COURT: MS. GIBSON, I DID NOT GET ANNOYED WITH
20 YOU BECAUSE YOU SAT DOWN.

21 THE RESPONDENT: I'M LETTING YOU KNOW --

22 THE COURT: I JUST NEED TO CORRECT THE RECORD. I
23 CANNOT LET YOU SAY THINGS THAT ARE FALSE.

24 THE RESPONDENT: THAT'S WHAT IT FELT LIKE.

25 THE COURT: WELL, I'M LETTING YOU KNOW THAT'S NOT
26 WHAT HAPPENED.

27 THE RESPONDENT: YES, MA'AM.

28 THE COURT: SO WHY DON'T WE SWEAR IN PARTIES.

1 THE CLERK: PLEASE RAISE YOUR RIGHT HANDS TO BE
2 SWORN. DO YOU AND EACH OF YOU SOLEMNLY STATE THAT THE
3 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE
4 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND
5 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

6 THE PETITIONER: I DO.

7 THE RESPONDENT: YES, MA'AM.

8 THE COURT: ALL RIGHT. YOU CAN SIT OR STAND.

9 THE RESPONDENT: I DIDN'T CATCH YOU?

10 THE COURT: YOU CAN SIT OR YOU CAN STAND.

11 THE RESPONDENT: I'M GOING TO SIT, YOUR HONOR, IF
12 THAT'S OKAY. REALLY QUICKLY --

13 THE COURT: MS. GIBSON, HERE ARE SOME GROUND
14 RULES. YOU CAN ONLY SPEAK WHEN IT'S YOUR TURN. THAT'S
15 PROPER ETIQUETTE. IT'S NOT YOUR TURN RIGHT NOW --

16 THE RESPONDENT: HOW DO I KNOW WHEN IT'S MY TURN?

17 THE COURT: I WILL LET YOU KNOW.

18 THE RESPONDENT: YES, MA'AM. THANK YOU.

19 THE COURT: THIS MATTER IS SET FOR HEARING ON TWO
20 MATTERS. THERE'S A REQUEST FOR ORDER FILED BY
21 PETITIONER ON DECEMBER 27, 2018. THAT IS REGARDING A
22 REQUEST FOR VOCATIONAL EXPERT UNDER FAMILY CODE SECTION
23 4331.

24 AND THERE IS ALSO A REQUEST FOR ORDER FILED
25 BY RESPONDENT ON DECEMBER 31, 2018. THAT IS REGARDING A
26 REQUEST FOR ATTORNEY'S FEES.

27 WHY DON'T WE START WITH THE ISSUE OF THE
28 VOCATIONAL EXPERT BECAUSE THAT WAS THE REQUEST FOR ORDER

1 FILED FIRST AND THEN WE'LL TURN TO THE ATTORNEY'S FEES.

2 AND FOR CLARITY, I AM GOING TO DESCRIBE THE
3 ORDER -- THE SEQUENCE FOR THIS HEARING. SO WE'RE GOING
4 TO START WITH PETITIONER BECAUSE THAT WAS HIS REQUEST
5 FOR ORDER.

6 AND I'M GOING TO SEE IF THEY HAVE ANYTHING
7 THEY WANT TO ADD TO THEIR PAPERS. AND THEN I WILL TURN
8 TO YOU. THAT WILL BE YOUR TURN. UNTIL THEN, IT IS NOT
9 YOUR TURN TO SPEAK. AND I'M GOING TO ASK THAT NEITHER
10 PARTY INTERRUPT THE OTHER. THANK YOU.

11 THE RESPONDENT: THANK YOU.

12 THE COURT: ALL RIGHT.

13 MS. CARTER: GOOD MORNING, YOUR HONOR. ON THE
14 REQUEST FOR THE VOCATIONAL EVALUATION, AT THIS POINT,
15 THERE'S NOTHING TO REALLY ADD. THE RESPONDENT DIDN'T
16 FILE A RESPONSE OR ANY OPPOSITION AT THIS POINT.

17 SO I BELIEVE THAT SHE'S IN AGREEMENT TO DO
18 THIS, BUT I WOULD SUBMIT ON THE PLEADINGS ON THIS ONE.

19 THE COURT: SO, MS. GIBSON, NOW I'M GOING TO ASK
20 YOU A QUESTION AND THEN IT WILL BE YOUR TURN TO SPEAK.
21 YOU DID NOT FILE A RESPONSE. IS THERE ANYTHING YOU WISH
22 TO ADD AT THIS POINT?

23 THE RESPONDENT: I AM NOT CONSENTING TO A
24 VOCATIONAL, WHATEVER THEY'RE ASKING, AT THIS TIME. ONE,
25 BECAUSE I'M NOT REPRESENTED. AND I DON'T KNOW THE
26 REPERCUSSIONS OF IT. TWO, I DON'T KNOW WHO THIS
27 VOCATIONAL -- THE BUSINESS, I DON'T KNOW WHAT KIND OF
28 RELATIONSHIP THEY HAVE. MOVING FORWARD, ONCE I GET

1 COUNSEL, IT WOULD BE SOMETHING I WOULD BE OPEN TO. BUT
2 I WOULD LIKE IT TO BE AN INDEPENDENT AGENCY THAT WE BOTH
3 AGREE ON. AND AT THIS POINT, I CANNOT REALLY SPEAK TO
4 IT BECAUSE I'M NOT AN ATTORNEY.

5 NOW, I'M AT AN EXTREME DEFICIT BECAUSE I'M
6 NOT BEING REPRESENTED TODAY.

7 THE COURT: OKAY.

8 THE RESPONDENT: YOU KNOW, I HAVE ANOTHER
9 STATEMENT. IS IT OKAY IF I READ THE STATEMENT REAL
10 QUICKLY?

11 THE COURT: NOT AT THIS MOMENT. HOLD ON.

12 THE RESPONDENT: YES, MA'AM.

13 THE COURT: ALL RIGHT. WHAT IS THE SCOPE OF THE
14 ORDER GOING TO LOOK LIKE? WHAT EXACTLY ARE YOU GOING TO
15 ASK FOR? I KNOW YOU PROPOSED AN EVALUATOR.

16 MS. CARTER: CORRECT.

17 THE COURT: THAT IS DAVID L. LANE (PHONETIC). BUT
18 I DON'T KNOW WHAT EXACTLY THE ORDER WOULD LOOK LIKE OR
19 WHAT HE WOULD BE DIRECTED TO DO.

20 MS. CARTER: SO THE PROPOSED ORDER IS ACTUALLY
21 ATTACHED TO THE RFO AS EXHIBIT B.

22 THE COURT: LET ME PULL IT UP.

23 I SEE. SO, MS. GIBSON, THIS ORDER WOULD
24 REQUIRE YOU TO MEET WITH MR. DAVID L. LANE TO ASSESS
25 YOUR ABILITY TO OBTAIN EMPLOYMENT BASED ON AGE, HEALTH,
26 EDUCATION, MARKETABLE SKILLS, EMPLOYMENT HISTORY, AND
27 CURRENT AVAILABILITY OF EMPLOYMENT OPPORTUNITIES.

28 PETITIONER IS GOING TO ADVANCE THE COST OF

1 THE EXAMINATION, SUBJECT TO REALLOCATION. WHAT THAT
2 MEANS IS THAT HE WOULD PAY FOR IT UP FRONT AND THEN AT
3 THE END OF THE CASE, YOU MAY BE REQUIRED OUT OF DIVISION
4 OF ASSETS TO REPAY HALF OF IT OR ALL OF IT OR SOME
5 PORTION OF IT, DEPENDING ON HOW ASSETS ARE DIVIDED,
6 OKAY?

7 THE RESPONDENT: AM I ABLE TO RESPOND NOW?

8 THE COURT: YOU'VE ALWAYS BEEN ABLE TO RESPOND.

9 THE RESPONDENT: I WANT TO MAKE SURE I'M NOT
10 SPEAKING OUT OF TURN, MA'AM. BEFORE I MOVE FORWARD,
11 IT'S VERY IMPORTANT TO ME I SAY THIS STATEMENT TO YOU.

12 THE COURT: IS IT RESPONSIVE TO THE REQUEST --

13 THE RESPONDENT: IT'S REGARDING RESPONSE TO THE
14 REQUEST --

15 THE COURT: MS. GIBSON, LET ME FINISH MY SENTENCE
16 AND I'LL LET YOU FINISH YOURS. I WAS ASKING IS IT
17 RESPONSIVE TO THE REQUEST FOR A VOCATIONAL EXPERT?

18 THE RESPONDENT: MA'AM, IT'S IN RESPONSE TO MY
19 RIGHTS AND MY -- THE CASE -- THE COURT IN GENERAL.

20 I'M A BLACK WOMAN. MY HUSBAND IS A WHITE
21 MALE. I HAVE VERY STRONG CONCERNS I'M NOT GOING TO BE
22 TREATED FAIRLY IN THIS COURT BASED ON A JURISDICTION. I
23 LIVE IN HACIENDA HEIGHTS. MY HUSBAND WORKS IN HIGHLAND
24 PARK.

25 I THINK HE STRATEGICALLY PICKED THIS
26 JURISDICTION. AS I'VE NOTICED EACH TIME I'VE COME IN
27 HERE, I'VE NEVER SEEN ANY AFRICAN AMERICAN LITIGANTS.
28 I'VE ONLY SEEN AFRICAN AMERICAN EMPLOYEES. I HAVE SOME

1 CONCERNS I'M NOT GOING TO BE TREATED FAIRLY IN THIS CASE
2 AND POSSIBLY NEED TO BE MOVED TO A DIFFERENT
3 JURISDICTION.

4 THE COURT: WELL, IF YOU FEEL THAT WAY, YOU CAN
5 FILE SOMETHING TO MOVE THE CASE. BUT I HAVE TO SAY THAT
6 YOU'VE NOT POINTED TO ANYTHING THAT WOULD SUGGEST THAT'S
7 IN FACT WHAT'S HAPPENING HERE.

8 THE RESPONDENT: WELL, I DON'T WANT TO GO DOWN
9 THAT ROUTE. IF I NEED TO I COULD. I WANT TO RESPOND TO
10 YOUR REQUEST REGARDING THE VOCATIONAL. REGARDING THE
11 VOCATIONAL, MA'AM, WHAT I AM RECOGNIZING IS MS. CARTER
12 IS NOT TRYING TO RESOLVE ISSUES. HER MOTIVATION IS
13 BILLABLE HOURS. I WAS A HOUSEWIFE FOR OVER 15 YEARS.
14 MY MARKETABILITY AND EMPLOYMENT, LACK THEREOF, HAS
15 LITTLE TO DO WITH MY SKILLS AND MY ABILITY.

16 I TRIED VERY HARD AND I SUBMITTED MULTIPLE
17 E-MAILS WHERE I ATTEMPTED -- I BEGGED FOR JOBS. AND I
18 DID NOT GET THEM BECAUSE I HADN'T WORKED IN 10 YEARS.

19 SO AT THIS TIME, AGAIN, IT'S NOT SOMETHING I
20 DON'T THINK I WOULD LIKE TO DO IN THE FUTURE, BECAUSE
21 I'M NOT REPRESENTED. I THINK IT'S BEST THAT WE
22 READDRESS THAT WHEN I HAVE PROPER COUNSEL.

23 THE COURT: OKAY. ALL RIGHT. WELL, I'M GOING TO
24 FIND THERE IS GOOD CAUSE FOR THE VOCATIONAL EXAMINATION.
25 AND I UNDERSTAND THAT THERE IS A PROPOSED ORDER. AND I
26 AM INCLINED TO GRANT THE ORDER AS PROPOSED. BUT I DO
27 HAVE A QUESTION ABOUT WHETHER OR NOT YOU'VE SUBMITTED
28 THE QUALIFICATIONS OF MR. LANE. HAVE YOU DONE THAT OR

1 DO YOU HAVE THEM?

2 MS. CARTER: I DON'T HAVE A COPY AT THIS MOMENT,
3 BUT I CAN GET A COPY OF THAT BEFORE WE LEAVE TODAY.

4 THE COURT: THE REASON BEING THAT UNDER 4331, THE
5 VOCATIONAL TRAINING COUNSELOR HAS TO HAVE CERTAIN
6 QUALIFICATIONS THAT ARE SPECIFIED IN THE STATUTE. SO
7 BEFORE WE PROCEED WITH ANY FINAL ORDER, I NEED TO
8 CONFIRM THAT'S IN FACT THE CASE.

9 MS. CARTER: YES, YOUR HONOR. AND I CAN ACTUALLY
10 STEP AWAY AND DO THAT THIS MORNING, IF YOUR HONOR WOULD
11 ALLOW?

12 THE COURT: ALL RIGHT. WELL, WE'RE GOING TO
13 RETURN TO THE ISSUE THEN OF THE ATTORNEY'S FEES. ALL
14 RIGHT. MS. GIBSON, THIS IS YOUR REQUEST FOR ORDER.

15 THE RESPONDENT: IT IS. THANK YOU.

16 THE COURT: IN THIS REQUEST FOR ORDER, YOU'RE
17 GOING TO GO FIRST. I REVIEWED YOUR PAPERS. IS THERE
18 ANYTHING YOU WISH TO ADD TO THOSE?

19 THE RESPONDENT: I HAVE A WHOLE PRESENTATION, IF
20 YOU'LL ALLOW ME?

21 THE COURT: IS IT RELATED TO YOUR REQUEST FOR
22 ATTORNEY'S FEES?

23 THE RESPONDENT: YES, MA'AM. IT'S DIRECTLY TO MY
24 CASE.

25 THE COURT: I WILL PERMIT IT AS LONG AS IT'S
26 DIRECTLY RELATED TO YOUR REQUEST FOR ATTORNEY'S FEES.
27 IF IT'S ABOUT OTHER THINGS, THEN I'M GOING TO CUT YOU
28 OFF. I WANT YOU TO KEEP IT RELEVANT.

1 THE RESPONDENT: OKAY. WITH THAT SAID, MA'AM, AND
2 THIS IS WHAT MY CONCERN ABOUT ME BEING A BLACK WOMAN AND
3 NOT BEING TREATED EQUALLY OR FAIRLY, IF I HAVE
4 COMMENTARY, MA'AM, IT'S RELATED TO THE CASE. THE ISSUE
5 IS MS. CARTER AND MY HUSBAND --

6 THE COURT: LET ME STOP YOU RIGHT THERE BECAUSE
7 YOU SAID THIS NOW TWICE. YOU'RE RAISING THE ISSUE OF
8 RACE IN THIS HEARING, AND IT'S CONCERNING TO ME THAT YOU
9 KEEP DOING THAT WITHOUT TYING IT TO THE POINT THAT YOU
10 RAISED IN YOUR PAPERS, WHICH IS YOUR REQUEST TO
11 ATTORNEY'S FEES. SO LOTS OF THINGS ARE RELEVANT TO YOUR
12 CASE THAT ARE NOT NECESSARILY RELEVANT TO YOUR REQUEST
13 FOR ATTORNEY'S FEES. RIGHT NOW I'M ASKING YOU TO JUST
14 ADDRESS THE ISSUES OF ATTORNEY'S FEES.

15 THE RESPONDENT: AND I'M ATTEMPTING. AND THE
16 PROBLEM IS EACH TIME I SPEAK, I'M CUT OFF.

17 THE COURT: THAT'S NOT TRUE.

18 THE RESPONDENT: I RESERVE THE COURT SPEAK TO
19 PEOPLE OF NON-BLACK DESCENT AND ALLOW THEM TO SPEAK
20 WITHOUT BEING CUT OFF. EACH TIME I COME IN YOUR COURT,
21 JUDGE HEIDEL, I'M CUT OFF. I'M ASKING YOU TO ALLOW ME
22 TO SHARE MY EXPERIENCE.

23 THE COURT: MS. GIBSON, YOUR EXPERIENCE -- FIRST
24 OF ALL, THAT'S NOT TRUE, THAT I ALWAYS CUT YOU OFF. I
25 LET YOU GO ON AND ON IN THIS COURTROOM. AND SECOND OF
26 ALL, WHAT I NEED YOU TO DO RIGHT NOW IS ADDRESS THE
27 REQUEST YOU MADE. IF YOU'RE NOT ABLE TO DO THAT OR NOT
28 WILLING TO DO THAT --

1 THE RESPONDENT: I'M VERY MUCH READY --

2 THE COURT: WHY DON'T YOU GO AHEAD AND DO THAT.

3 THE RESPONDENT: THE ISSUE IS IF YOU WOULD LET ME
4 READ THIS, OKAY?

5 THE COURT: AS LONG AS IT'S RELATED TO ATTORNEY'S
6 FEES.

7 THE RESPONDENT: IT'S RELATED TO ATTORNEY'S FEES.
8 MS. CARTER DID A SECOND RESPONSE. SHE WAS OUTSIDE THE
9 PROCEDURE. SHE RESPONDED WAY OUT OF THE TIME ALLOTTED.
10 THAT'S NOT THE FIRST TIME SHE'S DONE THAT. SHE DID THAT
11 WITH THE SPOUSAL SUPPORT. SHE'S GOING WAY OUT OF THE
12 LINE. AND WHAT I WOULD LIKE TO ASK YOU TODAY,
13 MS. HEIDEL, BECAUSE THE TRUTH WILL COME TO LIGHT, WHEN
14 YOU SEE THEY'RE NOT PLAYING FAIR, I'M HOPING YOU'RE
15 GOING TO SANCTION THEM.

16 I DON'T KNOW WHAT THE COURT CONSIDERS WHEN
17 SHE MAKES HER JUDGMENT, BASED ON MY PAST EXPERIENCE, IT
18 DID NOT SEEM LIKE IT WAS (UNINTELLIGIBLE).

19 THE REPORTER: PLEASE REPEAT.

20 THE COURT: WE'RE HAVING A HARD TIME
21 UNDERSTANDING. WHAT WAS THAT LAST BIT YOU SAID?

22 THE RESPONDENT: WELL, I'M GOING TO READ THIS TO
23 YOU AND I HOPE I'M NOT INTERRUPTED IN MY CASE.

24 THE COURT: MS. GIBSON --

25 THE RESPONDENT: MA'AM?

26 THE COURT: IF IT'S RELATED TO YOUR REQUEST FOR
27 ATTORNEY'S FEES, THEN I WILL PERMIT IT. IF IT IS NOT,
28 I'M GOING TO STOP YOU. THAT'S THE WAY THIS IS GOING TO

1 WORK. I WANT TO GIVE YOU A HEADS-UP. I'M NOT LOOKING
2 OR HOPING TO INTERRUPT YOU, BUT IF YOU'RE GOING TO SPEAK
3 TO MATTERS THAT AREN'T RELEVANT --

4 THE RESPONDENT: I AM ASKING THE COURT TO ORDER MY
5 HUSBAND JAMES GIBSON TO PAY -- ORDER FEES UNDER CODE
6 3.5, ATTORNEY'S FEES AND COSTS, 230.

7 IN A PROCEEDINGS FOR DISSOLUTION OF
8 MARRIAGE --

9 THE COURT: IF YOU'RE GOING TO READ, YOU'RE GOING
10 TO HAVE TO SPEAK SLOWLY.

11 THE RESPONDENT: IN A PROCEEDING -- I'M SO SORRY.
12 IN A PROCEEDING -- THIS IS MY LIFE. THIS IS A
13 PROCEEDING OF DISSOLUTION OF MARRIAGE, NULLITY OF
14 MARRIAGE, A LEGAL SEPARATION OF THE PARTIES, AND IN
15 PROCEEDINGS SUBSEQUENT TO ENTRY OF RELATED JUDGMENT, THE
16 COURT SHALL ENSURE EACH PARTY HAS ACCESS TO LEGAL
17 REPRESENTATION, INCLUDING ACCESS TO EARLY -- ACCESS
18 EARLY IN THE PROCEEDINGS TO PRESERVE EACH PARTY'S RIGHT
19 BY ORDERING, IF NECESSARY, BASED ON INCOME AND NEED
20 ASSESSMENT.

21 WHEN A REQUEST FOR AN ATTORNEY'S FEES AND
22 COSTS IS MADE, THE COURT SHALL MAKE FINDINGS ON WHETHER
23 AN AWARD OF ATTORNEY'S FEES AND COSTS UNDER THIS SECTION
24 IS APPROPRIATE.

25 WHEN THERE'S A DISPARITY IN THE ACCESS TO
26 FUNDS, COUNSEL -- AND WHETHER ONE PARTY IS ABLE TO PAY
27 FOR THE LEGAL REPRESENTATION OF BOTH PARTIES, THE
28 (UNINTELLIGIBLE) DEMONSTRATED THIS VERY ACCESS AND

1 ABILITY TO PAY THE COURT SHALL MAKE AN ORDER AWARDING
2 ATTORNEY'S FEES AND COSTS.

3 A PARTY WHO LACKS THE FINANCIAL ABILITY TO
4 HIRE AN ATTORNEY MAY REQUEST AND AN IN PRO LITIGANT, THE
5 COURT ORDER THE OTHER PARTIES, IF THE OTHER PARTY HAS
6 FINANCIAL ABILITY, TO PAY A REASONABLE AMOUNT TO ALLOW
7 THE UNPROCEEDING (PHONETIC) PARTIES TO RETAIN AN
8 ATTORNEY IN A TIMELY MANNER BEFORE PROCEEDING IN THE
9 MANNER GOING FORWARD.

10 I AM REQUESTING ATTORNEY'S FEES OF \$20,000.
11 I SUBMITTED THE REQUEST ON A FORM 319. I CAME UP WITH
12 THE FIGURE BASED ON ESTIMATES I RECEIVED FROM TWO
13 DIFFERENT FIRMS.

14 ON THE PETITIONER'S MOST RECENT FL-150, A
15 DOCUMENT THAT HE HAS ALREADY PAID, IS \$6,000 COSTS IN
16 ATTORNEY'S FEES.

17 AND I WOULD LIKE TO MENTION THAT MS. CARTER
18 STATES HE PUT IT ON A CREDIT CARD. CREDIT CARDS
19 PROCESSING, HE PUT IT ON A CHARGE CARD --

20 THE COURT: YOU'RE SPEAKING TOO QUICKLY.

21 THE RESPONDENT: HE PUT \$5,000 ON AN AMERICAN
22 EXPRESS CHARGE CARD. THE DIFFERENCE BETWEEN A CHARGE
23 CARD AND A CREDIT CARD, A CREDIT CARD IS REVOLVING
24 INSTALLMENTS. A CHARGE CARD, YOU HAVE 17 DAYS TO PAY
25 AND THEY GIVE YOU A 10-DAY GRACE PERIOD. MY HUSBAND'S
26 CREDIT IS EXCELLENT. MINE HAS DECLINED SUBSTANTIALLY.

27 I HAVE AN E-MAIL FROM ONE OF MY CREDIT CARD
28 COMPANIES THAT SAID MY CREDIT SCORE HAS DROPPED 120

1 POINTS AS OF FEBRUARY.

2 REGARDING ATTORNEY'S FEES, I'D LIKE TO POINT
3 OUT MS. CARTER REJECTED MY REQUEST FORM INTERROGATORIES
4 THAT SUBMITTED THEM -- INCORRECTLY DEMONSTRATED MY
5 DEFICIENCY AND MY NEED FOR EQUAL REPRESENTATION. AND I
6 ALSO WOULD LIKE THE COURT TO REALIZE SHE COULD HAVE
7 WAIVED IT AND ACKNOWLEDGED IT, BUT HER GOAL IS BILLABLE
8 HOURS, NOT RESOLVING THE MATTER.

9 THERE'S A DISPARITY IN MY ACCESS TO FUNDS.
10 I HAVE NO MONEY. I DON'T HAVE MONEY TO PAY MY
11 UTILITIES. I HAVE RECENTLY BEEN APPROVED FOR CALFRESH
12 BECAUSE I DID NOT HAVE MONEY FOR FOOD. AND MY HUSBAND
13 MAKES \$180,000. AND I WAS MARRIED TO HIM FOR 23 YEARS.

14 THE COURT: YOU'RE SPEAKING TOO QUICKLY.

15 THE RESPONDENT: I WAS MARRIED TO MY HUSBAND FOR
16 23 YEARS. AND HE WAS THE SOLE PROVIDER FOR THE LAST 12.
17 AND I DON'T HAVE MONEY FOR FOOD.

18 I DON'T HAVE MONEY TO PAY MY UTILITIES. AND
19 I HAVE RECENTLY BEEN APPROVED FOR CALFRESH BECAUSE I
20 DON'T HAVE MONEY FOR FOOD -- TO BUY FOOD. THE
21 PETITIONER SUBMITTED A FORM FL-150 ON JANUARY 22, 2019,
22 WITH A CHECK STUB DATED 12-07-2018, DOCUMENTING HIS
23 SALARY TO BE 170,000 -- 172,700 ANNUALLY. EQUIVALENT TO
24 14,000 --

25 THE COURT: MS. GIBSON, YOU'RE SPEAKING TOO
26 QUICKLY.

27 THE RESPONDENT: I APOLOGIZE PROFUSELY. IT'S MY
28 ENTIRE LIFE. I'M SO SORRY, CHANI -- EQUIVALENT TO

1 \$14,391.67 A MONTH FROM OPTIMIST YOUTH HOME.

2 HE ALSO SUBMITTED TO HIS INCOME STATEMENT
3 FOR HIS PRIVATE PRACTICE WITH AN ANNUAL BASE BALANCE OF
4 900 AND -- EXCUSE ME, \$9,272.81.

5 HIS MONTHLY INCOME IS APPROXIMATELY
6 \$15,164.40.

7 MY INCOME IS ZERO.

8 THE PETITIONER CLAIMS HE HAS WORKED -- HE
9 WOULD BE WORKING LESS DUE TO A MANDATORY FURLOUGH.
10 ACCORDING TO THE MEMO, IT STATES THE FURLOUGH ENDS IN
11 JUNE. THE MEMO MENTIONED THAT LAST TIME THE AGENCY HAD
12 A MANDATORY FURLOUGH THEY WERE ALL REIMBURSED -- ALL THE
13 MONEY WAS REIMBURSED TO THE EMPLOYEES.

14 ON THE SAME FL-150, THE PETITIONER REPORTED
15 A MUTUAL FUND OF \$25,000.

16 AND, AGAIN, JUDGE HEIDEL, YOU'RE GOING TO
17 SEE -- THERE'S GOING TO BE A RUNNING THEME THAT HE --
18 THERE ARE BLATANT LIES, WHICH IS A LIE. EXHIBIT 1
19 DOCUMENTS A MUTUAL FUND OF \$31,699.80, BALANCE OF
20 HILLARD -- FROM HILLARD LYLE (PHONETIC) PORTFOLIO
21 SUMMARY.

22 I ALSO INCLUDED A MUTUAL FUND FROM TENNESSEE
23 BANK, WHICH VALUED OVER \$50,000. FIRST TENNESSEE BANK,
24 JAMES' LATE FATHER, JAMES GIBSON, JR., WAS PART OWNER OF
25 THIS BANK.

26 IN THE FIRST 10 YEARS OF OUR MARRIAGE, I
27 OBSERVED SEVERAL DIFFERENT FINANCIAL INSTRUMENTS. I
28 NEVER REALLY PROBED BECAUSE JAMES IS VERY TOUCHY ABOUT

1 MONEY. HE ALWAYS HAS BEEN. SO I AM CONFIDENT THAT HE
2 HAS MORE THAN HE'S ADMITTING, WHICH IS WHY I NEED AN
3 ATTORNEY TO EXECUTE A PROPER SUBPOENA.

4 I AM NOT RECEIVING CASH PAYMENT OF SUPPORT
5 AFTER BEING IN A 23-YEAR MARRIAGE, WHERE HE WAS THE SOLE
6 PROVIDER FOR ALMOST THE ENTIRE LENGTH OF OUR MARRIAGE.

7 THE PETITIONER HIGHLIGHTS THAT HE IS PAYING
8 THE FIRST AND SECOND MORTGAGE ENTIRELY.

9 HE PAID THE MORTGAGE ENTIRELY SINCE 2008. I
10 HAVE BEEN A HOUSEWIFE FOR MOST OF OUR MARRIAGE. THE
11 FACT THAT OUR HOME IS COMMUNITY PROPERTY, HIS MONTHLY
12 PAYMENT IS AN INVESTMENT IN REAL PROPERTY, WHICH HE HAS
13 AN INTEREST IN EQUITY AND HOME APPRECIATION. I BELIEVE
14 ONLY HALF OF HIS PAYMENT TOWARD HIS MORTGAGE SHOULD BE
15 VIEWED AS SPOUSAL SUPPORT.

16 AGAIN, HIS PAYMENT IS ALSO AN INVESTMENT IN
17 A HOME HE OWNS THAT IS APPRECIATING.

18 RELATING TO THE LACK OF FINANCIAL ABILITY TO
19 PAY AN ATTORNEY, I WAS DENIED MY REQUEST FOR SPOUSAL
20 SUPPORT BECAUSE I DID NOT HAVE LEGAL REPRESENTATION. I
21 DO NOT AND DID NOT HAVE A KNOWLEDGE OF HOW SPOUSAL
22 SUPPORT IS CALCULATED. I WAS NOT ABLE TO ARTICULATE TO
23 THE COURT THAT I CURRENTLY HAVE ZERO INCOME.

24 AND I HAVE HAD -- I HAVE NOT HAD INCOME
25 SINCE NOVEMBER.

26 IF I HAD A LEGAL REPRESENTATION, A QUALIFIED
27 ATTORNEY COULD HAVE SPOKEN ON MY BEHALF. UNDER THE
28 FAMILY CODE SECTION 2030, I SHOULD HAVE EQUAL ACCESS TO

1 REPRESENTATION.

2 I HAVE NOT EARNED A SUSTAINABLE INCOME SINCE
3 2008. THAT'S THE LAST TIME I HAD A REGULAR JOB. IN
4 2008, I SEVERELY INJURED MY BACK. AND MY BACK RECORDS
5 ARE SUBMITTED IN ONE OF THE EXHIBITS.

6 I SEVERELY INJURED MY BACK WORKING FOR CHASE
7 PAYMENT TECH. I WAS INVOLVED IN A WORKERS' COMP CASE UP
8 UNTIL 2012. I RECEIVED AN AWARD OF \$20,000.

9 MR. GIBSON CLAIMS THAT I SPENT THE MONEY
10 FRIVOLOUSLY. I HAVE A COPY OF OUR JUNE, 2012 BANK
11 STATEMENT THAT DOCUMENTS JAMES TRANSFERRED \$5,000 OF THE
12 MONEY TO HIS PERSONAL ACCOUNT.

13 THE REMAINDER OF THE MONEY WAS IN OUR JOINT
14 ACCOUNT, WHICH WE USED TO PAY HOUSEHOLD BILLS.

15 MY HUSBAND HAS A SEPARATE ACCOUNT THAT WAS
16 SUPPOSED TO BE A SAVINGS FOR THE FAMILY.

17 THE POINT IS TO DEMONSTRATE THAT MY HUSBAND
18 WILL LIE AND MISLEAD THE COURT.

19 I WOULD LIKE TO ALERT THE COURT THERE WILL
20 BE ONGOING THEMES WITH LIES FROM MY HUSBAND.

21 AND I WOULD ALSO LIKE TO ADMIT THAT HE DOES
22 NOT TELL THE TRUTH, BUT IT'S NOT HIS NATURE TO LIE IN A
23 FORUM SUCH AS THIS. THE ONLY REASON -- ONLY WAY HE
24 FEELS COMFORTABLE WITH DOING THAT IS POSSIBLY HE'S BEEN
25 COACHED TO DO SO.

26 REGARDING MY HUSBAND'S ABILITY TO PAY FOR
27 COUNSEL FOR BOTH PARTIES, MY HUSBAND JAMES GIBSON HAS A
28 HISTORY OF HIDING FUNDS AND TRYING TO AVOID LEGAL

1 OBLIGATION. IN 2005, JAMES WAS --

2 THE COURT: YOU'RE SPEAKING TOO QUICKLY. HOW MUCH
3 MORE DO YOU HAVE THERE TO READ?

4 THE RESPONDENT: ONE MORE PAGE AFTER THAT. IT'S
5 MY COMPLETE CASE. AND THAT'S MY CONCERN. THIS IS A
6 MATTER OF 23 YEARS --

7 THE COURT: DON'T START ON A TANGENT AGAIN. JUST
8 FINISH YOUR STATEMENT.

9 THE RESPONDENT: I JUST WOULD LIKE TO BE HEARD.

10 THE COURT: AND YOU ARE BEING HEARD. SO PLEASE
11 CONTINUE.

12 THE RESPONDENT: REGARDING MY HUSBAND'S ABILITY TO
13 PAY FOR COUNSEL, FOR BOTH PARTIES, MY HUSBAND JAMES
14 GIBSON HAS A HISTORY OF HIDING FUNDS AND TRYING TO AVOID
15 HIS LEGAL OBLIGATION.

16 IN 2005, JAMES GIBSON WAS SUED FOR CHILD
17 SUPPORT IN THE STATE OF TENNESSEE. HE HAD A DAUGHTER
18 OUT OF WEDLOCK, LYNDSEY RYAN (PHONETIC). JAMES TRIED TO
19 EVADE PAYING CHILD SUPPORT. THIS IS ONE OF THE REASONS
20 WHY WE MOVED TO CALIFORNIA. WHEN HE APPLIES FOR A JOB
21 AS A PROBATION OFFICER, THROUGH THE BACKGROUND CHECK,
22 HIS DAUGHTER'S MOTHER ROSO RYAN (PHONETIC) OBTAINED HIS
23 SOCIAL SECURITY NUMBER. THUS HE WAS LOCATED.

24 I THINK IT IS IMPORTANT THAT I MENTION JAMES
25 WAS DENIED FOR THAT JOB BECAUSE HE DID NOT REPORT AN
26 ARREST RELATING TO ALCOHOL USE.

27 THE INNOCENT (PHONETIC) SPOUSAL SUPPORT -- I
28 SUBMITTED A COPY OF AN INNOCENT SPOUSAL SUPPORT THAT I

1 HAD TO FILE BECAUSE THEY WERE SEIZING OUR TAXES. I WAS
2 ALSO ABLE TO LOCATE AN E-MAIL THAT JAMES FORWARDED ME IN
3 2003 THAT HIS BANK ACCOUNT WAS FROZEN. AND I HAVE THOSE
4 DOCUMENTS IF YOU NEED TO SEE THEM. I BELIEVE IT WAS THE
5 SAME ACCOUNT. HIS PASSPORT WAS REVOKED. MY HUSBAND
6 WILL EVADE FINANCIAL RESPONSIBILITY AT ALL COSTS, IF
7 IT'S NOT BENEFITING HIS PERSONAL GAIN, LIKES, OR
8 DESIRES.

9 THIS RELATES TO MY ABILITY TO OBTAIN MONEY,
10 A JOB, AND INCOME. AFTER I LEFT THE BANK, MY BACK -- I
11 BECAME A HOUSEWIFE. MY HUSBAND APPRECIATED ME BEING
12 HOME. HE LIKED THAT I WAS ABLE TO BOND WITH OUR
13 DAUGHTER. OUR DAUGHTER WAS INVOLVED IN MANY ACTIVITIES.
14 SHE TOOK DANCE, ACTING, IMPROV LESSONS. SHE'S PLAYED
15 COMPETITIVE SPORTS. OUR DAUGHTER PLAYED A VARSITY
16 BASKETBALL TEAM AS A FRESHMAN, BECAUSE I WAS AVAILABLE,
17 BECAUSE I WAS A MOM. WHILE YOU TWO LADIES WERE BUILDING
18 YOUR CAREERS, I WAS BEING A MOTHER.

19 THE COURT: WHO ARE YOU SPEAKING TO?

20 THE RESPONDENT: ANYONE WHO WAS WORKING WHEN I WAS
21 BEING A MOM.

22 THE COURT: MS. GIBSON, YOU NEED TO KEEP IT
23 RELEVANT. THAT'S NOT RELEVANT.

24 THE RESPONDENT: I APOLOGIZE IF YOU DON'T THINK
25 SO. OUR DAUGHTER PLAYED ON THE VARSITY TIME. SHE WON
26 VALUABLE -- MOST VALUABLE PLAYER. SHE ALSO WON AN
27 ACADEMIC SCHOLARSHIP TO COLLEGE. I'M A STRICT
28 DISCIPLINARIAN. WHEN IT COMES TO ACADEMICS, I TUTOR

1 MY DAUGHTER IN HISTORY AND MATHEMATICS.

2 THE COURT: YOU'RE SPEAKING TOO QUICKLY.

3 THE RESPONDENT: I'M SORRY. SO SORRY. I AM A
4 STRICT DISCIPLINARIAN WHEN IT COMES TO ACADEMICS. I
5 TUTOR MY DAUGHTER IN HISTORY, MATHEMATICS. I WAS ABLE
6 TO DO SUCH A GREAT JOB BECAUSE I WAS HOME WITH HER. MY
7 HUSBAND WAS PROUD THAT I WAS ABLE TO BE AVAILABLE FOR
8 HER. OUR DAUGHTER WAS ORIGINALLY PRE-MED. BUT WHEN
9 JAMES FILED FOR DIVORCE, SHE CHANGED HER AMBITION.

10 AND I ALSO WOULD LIKE TO SPEAK TO HER
11 TUITION. MY DAUGHTER RECEIVES A MERIT SCHOLARSHIP. HER
12 TUITION --

13 THE COURT: IS THIS RELEVANT TO SPOUSAL SUPPORT?

14 THE RESPONDENT: IT IS RELEVANT THAT HER TUITION
15 IS \$20,000 A SEMESTER. AND HE IS CLAIMING DISPARITY AND
16 ALSO CLAIMING THAT HE'S PAYING IT. HE'S NOT PAYING IT.
17 HE'S PAYING IT WITH A GIFT THAT HE RECEIVES FROM HIS
18 MOTHER OF \$25,000. HE'S GOING TO LIE AND TELL YOU THAT
19 HE DOESN'T. BUT WHEN I GET AN ATTORNEY AND SUBPOENA HIS
20 BANK RECORDS, YOU'RE GOING TO SEE HE HAS RECEIVED IN
21 EXCESS OF \$25,000 ANNUALLY FROM HIS MOTHER -- ANNUALLY.

22 AROUND 2014, MY BACK BEGAN TO FLARE UP. I
23 WAS IN SEVERE CHRONIC PAIN. EACH MOMENT OF MY LIFE, I
24 EXPERIENCED PAIN.

25 MY LEGS ACHED. I COULD BARELY STAND FOR
26 MORE THAN 15 MINUTES. DURING THIS TIME, MY HUSBAND
27 BEGAN TO BECOME VERBALLY ABUSIVE. HE WOULD ALSO -- WAS
28 A DRINKER. HE HAD BEEN AN ANGRY DRUNK. MY HUSBAND IS A

1 HIGHLY FUNCTIONAL ALCOHOLIC. THIS IS -- WAS NOT --

2 MS. CARTER: OBJECTION. THIS IS ALL WITHOUT
3 FOUNDATION.

4 THE COURT: SUSTAINED.

5 THE RESPONDENT: IF I'M ALLOWED TO CROSS-EXAMINE
6 THE WITNESS, I CAN PROVE MY HUSBAND IS ALCOHOLIC.

7 THE COURT: YOU ARE THE WITNESS, MA'AM.

8 THE RESPONDENT: AT ANY POINT IN THIS HEARING, CAN
9 I CROSS-EXAMINE HIM?

10 THE COURT: HE'S NOT TESTIFIED HERE TODAY. SO YOU
11 CAN'T CROSS-EXAMINE HIM.

12 THE RESPONDENT: WELL, IF HE'S GOING TO SAY HE'S
13 NOT AN ALCOHOLIC, WHEN I HAVE ABILITY TO PROVE IT --

14 THE COURT: OKAY.

15 THE RESPONDENT: -- BY JUST QUESTIONING HIM?

16 THE COURT: I DON'T KNOW IF HIS ALCOHOLISM,
17 WHETHER IT'S REAL OR NOT, IS RELEVANT TO YOUR REQUEST
18 FOR SPOUSAL SUPPORT.

19 THE RESPONDENT: IT'S RELEVANT BECAUSE WHAT
20 THEY'RE CLAIMING IS THAT I MISAPPROPRIATED FUNDS. THAT
21 THE DIVORCE WAS BASED ON ME SPENDING MONEY. THE DIVORCE
22 WAS BASED ON HIM NOT GIVING ME ENOUGH MONEY TO PAY THE
23 BILLS. ME HAVING TO PUT BILLS ON CREDIT CARDS BECAUSE
24 EACH TIME THE LIGHT BILL WAS MORE THAN \$200 OR THE
25 PLUMBER CAME, HE WOULD ATTACK ME IF I ASKED FOR MORE
26 MONEY. SO INSTEAD --

27 THE COURT: MA'AM --

28 THE RESPONDENT: THE POINT I'M MAKING --

1 THE COURT: WHY DON'T YOU FINISH YOUR STATEMENT.

2 THE RESPONDENT: THE POINT I'M MAKING ABOUT HIS
3 BACK, MS. HEIDEL --

4 THE COURT: I'VE ALLOWED THIS FOR A WHILE. I'M
5 GOING TO PUT ON THE RECORD YOU'RE BEING EXTREMELY
6 DISRESPECTFUL.

7 THE RESPONDENT: I APOLOGIZE --

8 THE COURT: YOU SAY YOU'RE APOLOGIZING. YOU MAKE
9 A FACE THAT MAKES IT SUGGEST YOU'RE NOT ACTUALLY
10 APOLOGIZING. I'M GOING TO PUT THAT ON THE RECORD AS
11 WELL. IF YOU WANT TO APOLOGIZE, I'LL TAKE YOU AT YOUR
12 WORD. I WANT YOU TO CALL ME "JUDGE HEIDEL" OR "YOUR
13 HONOR." STOP CALLING ME "MS. HEIDEL."

14 THE RESPONDENT: I APOLOGIZE. THAT'S WHY I NEED
15 AN ATTORNEY. I DON'T KNOW THAT.

16 THE COURT: YOU DON'T NEED AN ATTORNEY FOR ME TO
17 EXPLAIN THAT TO YOU. YOU CAN PROCEED.

18 THE RESPONDENT: I WOULD LIKE TO SPEAK TO THE
19 POINT YOU'RE SAYING I'M DISRESPECTFUL AND I HAD TO -- IF
20 I WAS A WHITE LITIGANT, WOULD YOU FIND ME DISRESPECTFUL?

21 THE COURT: IF WERE YOU INTERRUPTING ME AND MAKING
22 FACES AT ME, I WOULD. AND I'M GOING TO PUT THAT ON THE
23 RECORD. YOU ARE ACCUSING ME OF CUTTING YOU OFF AND NOT
24 TREATING YOU FAIRLY. AND I WANT THE RECORD TO BE VERY
25 CLEAR, YOU HAVE BEEN VERY DISRESPECTFUL, AND YOU'VE
26 BEEN -- AND I JUST WANT THE RECORD TO BE CLEAR ON THAT.

27 WHY DON'T YOU FINISH YOUR STATEMENT.

28 THE RESPONDENT: I WANT TO RESPOND. I HAVE BEEN

1 CLINICALLY DEPRESSED FROM BEING IN AN ABUSIVE
2 RELATIONSHIP WITH MY HUSBAND FOR OVER 15 YEARS.

3 THE COURT: WHY DON'T YOU FINISH YOUR STATEMENT.

4 THE RESPONDENT: I'M RESPONDING TO YOU SAYING THAT
5 I'M BEING DISRESPECTFUL. MAYBE I'M NOT AWARE. I'M
6 SAYING I I'M DEPRESSED. YOU MIGHT FIND I'M HOSTILE.
7 I'M HOSTILE BECAUSE I HAVE NO MONEY TO PAY MY BILLS.
8 AND MY HUSBAND IS WHITE AND PRIVILEGED. AND HE TRAVELS
9 THE WORLD AND DOES WHATEVER HE WANTS. AND I DON'T HAVE
10 FOOD. SO MAYBE MY FEAR IS YOU PERCEIVE AS HOSTILITY.
11 SO I'M GOING TO MOVE FORWARD, OKAY?

12 THE COURT: PLEASE.

13 THE RESPONDENT: AROUND 2014, MY BACK BEGAN TO
14 FLARE UP AGAIN. I WAS IN SEVERE CHRONIC PAIN. EVERY
15 MOMENT OF MY LIFE, I EXPERIENCED PAIN. MY LEGS ACHED.
16 I COULD BARELY STAND FOR MORE THAN 15 MINUTES. DURING
17 THIS TIME, MY HUSBAND BECAME VERBALLY ABUSIVE. AND, YOU
18 KNOW, IF THE COURT WILL ALLOW ME, I HAVE SEVERAL CARDS
19 THAT HE SUBMITTED TO ME AFTER HE WOULD BE ABUSIVE. I
20 HAVE ONE THAT SAYS, "I'D LIKE TO -- I'M SORRY THAT I'M
21 BLOWING OFF STEAM. I APOLOGIZE."

22 I HAVE MULTIPLE CARDS WHERE HE APOLOGIZED
23 AND HE ACKNOWLEDGED BEING LESS THAN KIND TO HIS WIFE.
24 IF YOU --

25 MS. CARTER: OBJECTION. RELEVANCE.

26 THE RESPONDENT: IT'S RELEVANT TO THE POINT --

27 THE COURT: SUSTAINED. KEEP -- FINISH YOUR
28 STATEMENT.

1 THE RESPONDENT: I'M MOVING FORWARD. IT'S FINE.
2 I SERVE A MIGHTY GOD. HE'S GOING TO SHOW UP FOR ME.

3 I WAS RAISED BY A HIGHLY FUNCTIONAL
4 ALCOHOLIC --

5 MS. CARTER: OBJECTION. RELEVANCE. WITHOUT
6 FOUNDATION.

7 THE COURT: SUSTAINED.

8 THE RESPONDENT: IT HAS TO DO WITH MY ABILITY TO
9 EARN --

10 THE COURT: MA'AM --

11 THE RESPONDENT: AM I ALLOWED TO SPEAK? I THINK
12 I'M INTERPRETING --

13 THE COURT: I THINK YOU MIGHT BE CONFUSED ABOUT
14 WHAT HAPPENS WHEN THERE'S AN OBJECTION. WHEN THERE'S AN
15 OBJECTION, YOU HAVE TO WAIT FOR THE COURT TO RULE. IF
16 THE COURT RULES IT'S SUSTAINED, YOU HAVE TO STOP WITH
17 WHAT YOU'RE -- WITH THAT LINE OF TOPIC AND MOVE ON.

18 AND SO WE'RE ASKING YOU TO KEEP MOVING ON
19 NOW. GO AHEAD.

20 THE RESPONDENT: WHAT YOU JUST SAID SPEAKS TO THE
21 POINT THAT I NEED AN ATTORNEY. THIS WHOLE PAST EVENT,
22 ME BEING REPRIMANDED, SPEAKS TO THE POINT I NEED AN
23 ATTORNEY.

24 THE COURT: YOU'RE NOT BEING REPRIMANDED.

25 THE RESPONDENT: OKAY. MY HUSBAND'S DAD WAS
26 DIAGNOSED WITH CANCER SOMETIME IN 2014. DURING THIS
27 TIME, JAMES BECAME INCREASINGLY ABUSIVE.

28 MS. CARTER: OBJECTION. RELEVANCE AND LACKS

1 FOUNDATION. I DON'T UNDERSTAND --

2 THE COURT: SUSTAINED.

3 MS. CARTER: -- WHAT THAT TOPIC HAS TO DO WITH THE
4 REQUEST FOR ATTORNEY'S FEES.

5 THE COURT: MS. GIBSON, SINCE YOU'RE READING THIS
6 STATEMENT, WHAT I'M GOING TO ASK YOU TO DO IS FILE THIS
7 WITH THE COURT SO YOU DON'T HAVE TO READ THE WHOLE THING
8 BECAUSE THIS IS NOW TAKING QUITE SOME TIME.

9 THE RESPONDENT: WELL, LET ME JUST GET TO THE
10 THING ABOUT MY INCOME. CAN I DO THAT?

11 THE COURT: YES.

12 THE RESPONDENT: SO REALLY BRIEFLY, JUST LIKE --
13 I'M GOING TO STOP READING. WHAT I WAS TRYING TO DO,
14 JUDGE, YOUR HONOR HEIDEL, IS GIVE YOU BACKGROUND ABOUT
15 OUR CASE BECAUSE YOU WILL BE THE JUDGE ON THE CASE
16 MOVING FORWARD.

17 AND, AGAIN, I'M GOING TO SAY THAT I HAVE
18 SOME CONCERNS THAT YOU POSSIBLY MIGHT HAVE PRECONCEIVED
19 NOTIONS ABOUT MY BEHAVIOR AND MY ATTITUDE BASED ON THE
20 COLOR OF MY SKIN VERSUS THE COLOR OF MY HUSBAND'S SKIN.

21 I DID NOT WORK AT ALL. I EXPERIENCED
22 DEPRESSION. AND DEPRESSION I'M TRYING TO TELL YOU ABOUT
23 BECAUSE I TRIED TO CREATE A BUSINESS RELATED TO THE
24 DEPRESSION CALLED FASHION THERAPY, AROUND 2014, 2016. I
25 WAS SAD. I WAS DEPRESSED, I HAD MY JOURNAL TO SHOW YOU
26 MY STATE OF MIND. THE RELEVANCE IS I TRIED TO CREATE A
27 BUSINESS TO HELP OTHER WOMEN LIKE ME. AND THAT WAS ME
28 TRYING TO EARN A LIVING.

1 WHEN I DID THAT, MY HUSBAND WAS NOT VERY
2 HELPFUL. I TRIED TO BUILD A WEBSITE. AND MY HUSBAND
3 ALWAYS HAD TONS OF MONEY. I WENT TO DIFFERENT WOMEN
4 GROUPS. THEIR HUSBANDS PAID FOR THEIR WEBSITE. I SPENT
5 EIGHT MONTHS TO A YEAR TEACHING MYSELF TO BUILD
6 WEBSITES, OKAY.

7 SO WE WENT BACK AND FORTH ABOUT MONEY. AND
8 YOU DON'T THINK THAT THE ALCOHOLISM IS RELEVANT, BUT
9 IT'S RELEVANT TO THE EXPLOSION OF MY MARRIAGE AND WHAT
10 HAPPENED WITH THE INCOME. IN 2015, I START LOOKING FOR
11 WORK.

12 I SUBMITTED 10, 15 E-MAILS, JUDGE HEIDEL,
13 THAT I'M BEGGING FOR JOBS.

14 I'M SENDING TWO, THREE, FOUR REQUESTS. AND
15 THE POINT I'M MAKING IS WHAT THEY ARE ALLUDING TO IS
16 THAT I WAS UNEMPLOYED PURPOSELY. I'VE BEEN AMBITIOUS MY
17 WHOLE LIFE. I CHOSE TO BE A WIFE AND A MOTHER BECAUSE
18 MY HUSBAND MADE ME BELIEVE HE WOULD TAKE CARE OF ME AS
19 LONG AS I RAISED HIS DAUGHTER AND I WAS AVAILABLE FOR
20 HIM.

21 SO I COULDN'T GET A JOB. WE HAD ISSUES WITH
22 MY BACK. HE WAS VERY -- AND YOU DON'T WANT TO SEE IT,
23 BUT MOVING FORWARD SOMETIME IN THE FUTURE, I HAVE
24 E-MAILS WHERE HE ACKNOWLEDGED BEING NASTY AND RUDE ABOUT
25 MY BACK. SO I COULDN'T GET A JOB. HE YELLED AT ME
26 ABOUT THE BACK. I FINALLY HAD BACK SURGERY. I HAD BACK
27 SURGERY ABOUT MARCH, 2016.

28 I'M A TROOPER AND I -- YOU KNOCK ME DOWN AND

1 I STAND UP.

2 I COULD NOT GET A JOB SO I STARTED DRIVING
3 UBER.

4 THIS IS AFTER HAVING A DEBILITATING BACK
5 ISSUE WHERE I CAN BARELY WALK.

6 I SAT IN A CAR FOR TEN HOURS A DAY TO MAKE
7 LESS THAN MINIMUM WAGE.

8 AND ONCE I START EARNING THAT MONEY, HE'D
9 START WANTING SOME OF THAT MONEY. THE MONEY -- AND YOU
10 MAKE REFERENCE TO MY 2017 TAX RETURN. IF YOU NOTICE,
11 THAT'S THE ONLY YEAR YOU SEE INCOME FROM ME. YOU ALSO
12 SEE \$10,000 IN FEES TO UBER. YOU ALSO SEE OVER \$10,000
13 IN REPAIR. THAT'S ON MY CREDIT CARD THAT MY HUSBAND
14 SAYS HE PAID OFF, THAT I LIVED ON FOR THE PAST THREE
15 YEARS. AT ANY RATE, IN JANUARY, 2017, AFTER MY HUSBAND
16 FILED FOR DIVORCE -- I'M SORRY, CHANI. I KNOW I'M ON A
17 MISSION. I'LL GO SLOWER.

18 THE COURT: PLEASE DON'T REFER TO THE COURT
19 REPORTER BY NAME.

20 THE RESPONDENT: I'M SORRY. I KNOW I TALK FAST.
21 I APOLOGIZE, MA'AM.

22 IN 2017 -- AM I SAYING THIS RIGHT HERE?
23 JANUARY, 2018, UBER RETIRED MY VEHICLE.

24 AND I WAS NO LONGER ABLE TO DRIVE MY
25 SEQUOIA.

26 AND SO THIS WAS WHEN JAMES WAS GONE. HE
27 JUST LEFT. HE STOPPED PAYING THE LIGHT BILLS. AND HE
28 STOPPED PAYING EVERYTHING. HE LEFT EVERYTHING FOR ME.

1 WHAT I ENDED UP DOING, I BORROWED MONEY FROM
2 PEOPLE RELIGIOUSLY. I OVER -- I OWE OVER \$4,000 IN
3 PERSONAL LOANS. I HAVE A GIRLS GROUP. WHEN I WAS ABLE
4 TO PAY FOR THEM, THEY APPRECIATED -- SO MANY OF THEM
5 HAVE HELPED ME WITH MY LIGHT BILL. AS A MATTER OF FACT,
6 THEY DIDN'T PICK MY TRASH UP YESTERDAY BECAUSE I DON'T
7 HAVE MONEY TO PAY THE TRASH.

8 SO WHAT ENDED UP HAPPENING, MA'AM -- LONG
9 STORY SHORT, MS. JUDGE HEIDEL, I WAS REAR-ENDED IN
10 DECEMBER. SO I STARTED DRIVING LYFT. BUT I RENTED A
11 CAR. IT WAS \$250 TO RENT A CAR.

12 I SUBMITTED A DOCUMENT SHOWING MY LYFT
13 INCOME. IT WAS \$14,000. AND IF YOU DO THE ACTUAL MATH
14 OF DEDUCTING THEIR FEES AND MILEAGE, I ENDED UP MAKING
15 NEGATIVE \$1.58 LAST YEAR. AFTER I WAS REAR-ENDED,
16 DECEMBER 7, 2018, I SUSTAINED A CONCUSSION AND WHIPLASH.
17 I HAVE SUBMITTED MY MEDICAL RECORDS. MY DOCTOR REFERRED
18 ME TO PHYSICAL THERAPY AND CONCUSSION THERAPY. I CAN'T
19 ATTEND THOSE THERAPIES BECAUSE I DON'T HAVE MONEY FOR A
20 COPAYMENT.

21 I WOULD LIKE TO SPEAK TO HIS FL-150 AND HIS
22 EXPENSES.

23 THE COURT: I'M GOING TO STOP YOU THERE. I'M
24 GOING TO ASK FOR PETITIONER TO RESPOND.

25 THE RESPONDENT: SURE.

26 MS. CARTER: THANK YOU, YOUR HONOR.

27 I'D ASK THE COURT TO TAKE JUDICIAL NOTICE OF
28 MR. GIBSON'S RESPONSIVE DECLARATION FILED JANUARY 23,

1 2019. THAT'S REGARDING THE RESPONDENT'S REQUEST FOR
2 SPOUSAL SUPPORT.

3 IT ADDRESSES SOME OF THESE ISSUES THAT HAVE
4 BEEN RAISED TODAY.

5 I'D LIKE TO NOTE FOR THE COURT THAT OUR
6 OFFICE WAS NEVER SERVED WITH THIS RFO FOR ATTORNEY'S
7 FEES. THE REASON WHY WE HAVE A COPY IS BECAUSE WE
8 PICKED UP A COPY FROM THE COURT.

9 AND I'M FINE WITH THAT. AND I'M READY TO
10 RESPOND TODAY. I WOULD JUST LIKE TO INDICATE THERE'S
11 NOTHING IN THE FL-300 OR THE FL- --

12 THE COURT: I'M GOING TO STOP YOU. I'M GOING TO
13 PUT ON THE RECORD MS. GIBSON IS LAUGHING ABOUT NOT
14 HAVING SERVED THE DOCUMENT OR IN RESPONSE TO A
15 COMMENT --

16 THE RESPONDENT: THAT'S BECAUSE SHE WANTS BILLABLE
17 HOURS. I DON'T UNDERSTAND HOW IT'S RELEVANT --

18 THE COURT: I'M PUTTING THAT ON THE RECORD.

19 THE RESPONDENT: THAT I LAUGHED?

20 THE COURT: YEAH.

21 THE RESPONDENT: IS THAT DISRESPECTFUL?

22 THE COURT: IT IS, YES.

23 THE RESPONDENT: I'M SORRY YOU FEEL THAT WAY. I
24 NEED AN ATTORNEY. I DON'T KNOW THE RULES OF BEING IN
25 COURT.

26 THE COURT: GO AHEAD.

27 MS. CARTER: THE FL-300 AND THE FL-319 THAT WE
28 PICKED UP FROM THE COURT DO NOT HAVE ANYTHING IN THEM.

1 THERE'S NO REQUEST. THERE'S NO SUPPORTING
2 DECLARATION. THERE'S NO COMPLIANCE WITH THE LOS ANGELES
3 LOCAL RULE 5.9 OR THE CALIFORNIA RULE OF COURT 5.427(B)
4 OR (D).

5 THERE WAS NO INCOME AND EXPENSE DECLARATION.
6 THERE'S NOTHING HERE FOR US TO RESPOND TO. HOWEVER,
7 ANTICIPATING WHAT THE REQUEST WAS AND ANTICIPATING
8 RESPONDENT'S TESTIMONY HERE TODAY, WE DID PREPARE A
9 RESPONSE.

10 I DON'T BELIEVE THAT THE REPLY DECLARATION
11 THAT THE RESPONDENT FILED ON FEBRUARY 27TH IS TIMELY.

12 AND, AGAIN, BECAUSE THERE WAS NO INFORMATION
13 IN THE INITIAL PLEADINGS, I DON'T THINK THAT THE COURT
14 SHOULD CONSIDER IT. WE DON'T HAVE PROPER NOTICE FOR
15 THAT PLEADING.

16 OUTSIDE OF THAT, RESPONDENT HAS INDICATED
17 SEVERAL TIMES TODAY THAT SHE'S WITHOUT MONEY. SHE'S
18 WITHOUT FOOD. THE FACTS SAY DIFFERENTLY. THIS IS A
19 WOMAN WHO GOES OUT TO EAT CONSISTENTLY. THIS IS A WOMAN
20 WHO GOES ON TRIPS. THIS IS EVIDENCED BY PETITIONER'S
21 TESTIMONY.

22 THE COURT: MS. GIBSON, I'M GOING TO CONTINUE TO
23 PUT ON THE RECORD EVERY TIME YOU LAUGH --

24 THE RESPONDENT: SHE'S LYING. YOU KNOW, IT'S A
25 LITTLE DISTURBING THAT YOU ARE REALLY BEING VERY
26 CRITICAL TO ME. I'VE SAID TO YOU -- EVERYTHING SHE'S
27 SAYING SHE'S LYING. WHAT I WOULD LIKE YOU TO DO, THE
28 THINGS SHE SAY, I WOULD LIKE YOU TO ASK HER TO PROVE IT.

1 PROVE THAT I HAVE MONEY, PROVE THAT I WENT OUT AND ATE.
2 PROVE I HAVE FOOD. I WOULD LIKE HER TO PROVE IT.

3 THE COURT: MS. GIBSON, I'M GOING TO ASK YOU NOT
4 TO INTERRUPT AND ASK YOU NOT TO LAUGH OR MAKE LARGE
5 GESTURES BECAUSE THAT IS NOT APPROPRIATE FOR COURT.

6 THE RESPONDENT: I APPRECIATE YOU TELLING ME THAT.

7 MS. CARTER: YOUR HONOR, I DO HAVE SOME DOCUMENTS
8 THAT SHOW RESPONDENT'S TRIPS, HER PLAN TO GO TO
9 COACHELLA THIS YEAR. I ACTUALLY HAVE A VIDEO WHERE
10 SHE'S WORKING OUT. SO SHE SAYS SHE HAS, YOU KNOW,
11 ISSUES WITH HER MOBILITY --

12 THE RESPONDENT: (UNINTELLIGIBLE.)

13 MS. CARTER: I ALSO HAVE AN ACCOUNT INDICATING
14 THAT SHE DEPOSITED \$1,100 LAST MONTH AND TOOK \$1,100
15 OUT, BUT SHE CONTINUOUSLY INDICATES SHE HAS NO MONEY.
16 MY CLIENT IS PAYING SPOUSAL SUPPORT. AND HE'S PAYING IT
17 AS ORDERED BY THE COURT. 20 -- ALMOST \$2,800 FOR A HOME
18 THAT RESPONDENT IS LIVING EXCLUSIVELY IN AND HAS BEEN
19 FOR A YEAR AND A HALF NOW. SHE'S NOT MADE ANY EFFORTS
20 TO EARN INCOME. THAT'S WHY WE'RE HERE FOR VOCATIONAL
21 EVALUATION TODAY.

22 BUT FOR SOMEONE WHO HAS -- IS ABLE TO GO ON
23 TRIPS, IS ABLE TO DO THESE MEET-UPS SHE'S INDICATED SHE
24 DOES WITH HER WOMEN'S SUPPORT GROUP, SHE'S NOT WITHOUT
25 MONEY. SHE HAS MONEY. AND SHE'S HID THAT FROM THE
26 COURT.

27 I DON'T HAVE AN INCOME AND EXPENSE
28 DECLARATION WITH THIS RFO TO SPEAK TO ANY INCOME RIGHT

1 NOW BUT -- SO WE DON'T HAVE ANYTHING CURRENT FROM HER
2 REGARDING FINANCES.

3 AND IN ADDITION TO THAT, THE COURT DID DO A
4 DISSOMASTER WHEN MAKING THE ORDER FOR SPOUSAL SUPPORT.

5 AND IF YOU LOOK AT THAT DISSOMASTER, THEN
6 THE NET SPENDABLE INCOME BETWEEN THE PARTIES, THERE'S A
7 VERY LOW DISPARITY. IF THE COURT DOES CONSIDER THIS
8 REQUEST, WITHOUT ANY SPECIFIC REQUESTS FOR AN AMOUNT,
9 WITHOUT AN INCOME AND EXPENSE DECLARATION, WITHOUT A
10 SUPPORTING DECLARATION OF FACTS, BETWEEN -- MY CLIENT'S
11 NET SPENDABLE INCOME AFTER SUPPORT IS 5,641.

12 RESPONDENT'S NET SPENDABLE INCOME AFTER
13 SUPPORT IS 4,052. HE DOES NOT HAVE THE ABILITY TO PAY
14 FOR ATTORNEYS' FEES FOR HIMSELF AND FOR HER. THERE'S NO
15 ABILITY HERE. THESE PARTIES DO HAVE A HOME. AND
16 THERE'S EQUITY IN THE HOME. BUT AT THIS POINT,
17 RESPONDENT IS LIVING IN THE HOME. WE HAVE NOT TALKED
18 ABOUT THE SALE OR ANYTHING REGARDING THAT MATTER. BUT I
19 HAVE HAD CONVERSATIONS WITH RESPONDENT REGARDING TRYING
20 TO SETTLE THIS CASE, WHICH HAVE GONE NOWHERE.

21 BUT I DO HAVE SEVERAL DOCUMENTS I WOULD LIKE
22 THE COURT TO SEE WITH REGARD TO HER BANK ACCOUNT, WITH
23 REGARD TO HER ACTIVITIES, BECAUSE THEY ARE DIRECTLY IN
24 OPPOSITION TO WHAT SHE'S SAYING HERE TODAY. SHE'S NOT
25 WITHOUT FOOD. SHE'S NOT WITHOUT MONEY. SHE ENJOYS HER
26 LIFE. SHE REFUSES TO WORK.

27 AND THAT'S REALLY JUST THE FACTS HERE TODAY.

28 THE COURT: ALL RIGHT. I AM PREPARED TO RULE.

1 THE RESPONDENT: CAN I PLEASE RESPOND TO WHAT SHE
2 SAID? AM I NOT ALLOWED TO RESPOND? SHE MAKES --

3 THE COURT: YOU CAN RESPOND BRIEFLY.

4 THE RESPONDENT: WHAT CONCERNS ME IS YOU DON'T
5 LOOK AT HER DOCUMENTS. THIS IS MY CALFRESH FOOD STAMP
6 CARD. IF HE SEES 1,100 IN MY ACCOUNT, I WOULD LIKE HER
7 TO GIVE YOU THE WHOLE BANK STATEMENT.

8 THE COURT: PLEASE DON'T POINT YOUR FINGER AT
9 ME --

10 THE RESPONDENT: THAT --

11 THE COURT: LET ME FINISH. THAT IS ALSO
12 DISRESPECTFUL. POINTING AT PEOPLE IS DISRESPECTFUL.

13 THE RESPONDENT: I WAS RECENTLY APPROVED FOR THIS.
14 AND I DID NOT GO AND APPLY FOR \$180 A MONTH IN FOOD IF I
15 HAD MONEY. I SAID TO THE COURT THAT I OWE \$4,000.
16 SOMEONE LOANED ME MONEY. AS WE MOVE FORWARD, I WAS LATE
17 BECAUSE I DID NOT HAVE GAS MONEY. IF SHE HAS MY BANK
18 STATEMENTS, I WOULD LIKE YOU TO REVIEW IT AND SEE WHAT I
19 DID WITH IT. I PAID MY BILLS.

20 ALSO, SHE MADE REFERENCE TO MY CREDIT CARDS.
21 I HAVE ALL MY CREDIT CARD STATEMENTS. THEY'RE ALL MAXED
22 OUT AND PAST DUE. AND I'M A LITTLE DISTURBED -- PLEASE
23 ALLOW ME. HOWEVER YOU RULE, I NEED AN ATTORNEY. WHAT'S
24 GOING TO HAPPEN, IF YOU RULE AGAINST ME, I JUST HAVE TO
25 START AGAIN. WHAT'S HAPPENING IS SHE'S GETTING BILLABLE
26 HOURS.

27 THE COURT: OKAY. ALL RIGHT. SO I AM NOT GOING
28 TO LOOK AT THE DOCUMENTS BECAUSE I'VE ALREADY IMPUTED

1 INCOME TO YOU IN THE AMOUNT OF \$1,820 PER MONTH. WE DID
2 THAT AT A PRIOR HEARING. AND I'M GOING TO RELY ON THAT
3 NUMBER GOING FORWARD.

4 THE RESPONDENT: FROM INCOME THAT I EARNED ONCE IN
5 10 YEARS?

6 THE COURT: NO. THAT WAS IMPUTED INCOME YOU COULD
7 BE EARNING --

8 THE RESPONDENT: I DON'T KNOW WHAT THAT MEANS.
9 CAN YOU EXPLAIN?

10 THE COURT: MA'AM, CAN YOU STOP INTERRUPTING ME.
11 I'M TRYING TO EXPLAIN.

12 THE RESPONDENT: REMEMBER, I HAVE AN ISSUE WITH MY
13 BRAIN.

14 THE COURT: THE RULE IS WHEN I'M SPEAKING, IT'S
15 NOT YOUR TURN TO SPEAK. AND I'LL TELL YOU WHEN IT'S
16 YOUR TURN TO SPEAK.

17 THE RESPONDENT: I STRONGLY HAVE CONCERNS OF ME
18 BEING TREATED DIFFERENTLY BECAUSE I'M A BLACK WOMAN.

19 THE COURT: I'M SORRY YOU FEEL THAT WAY BUT --

20 THE RESPONDENT: I WANT TO PUT IT ON --

21 THE COURT: I WILL POINT OUT YOU'VE BEEN EXTREMELY
22 DISRUPTIVE AND RUDE THROUGHOUT THIS HEARING.

23 THE RESPONDENT: THAT'S A (UNINTELLIGIBLE) ABOUT A
24 BLACK WOMAN IN AMERICA. WE'RE CONSIDERED TO BE ANGRY
25 AND MAD.

26 THE COURT: SO I'M GOING TO MAKE AN ORDER FOR --
27 BASED ON RESPONDENT'S REQUEST FOR ATTORNEY'S FEES UNDER
28 FAMILY CODE SECTION 2030. THE COURT IS GOING TO GRANT

1 RESPONDENT'S REQUEST FOR ATTORNEY'S FEES UNDER FAMILY
2 CODE SECTION 2030. THE COURT IS AWARE THAT IN
3 CONSIDERING SUCH AN AWARD, IT SHALL ENSURE THAT EACH
4 PARTY HAS ACCESS TO LEGAL REPRESENTATION, INCLUDING
5 EARLY IN THE PROCEEDINGS, TO PRESERVE EACH PARTY'S
6 RIGHTS.

7 THE COURT SHALL MAKE AN ORDER IF ALL THE
8 REQUIREMENTS OF SECTION 2030 ARE MET.

9 FOR A FEE AWARD TO BE GRANTED, ALL THE
10 FOLLOWING ELEMENTS MUST BE MET: ONE, THE COURT MUST
11 DETERMINE WHETHER A DISPARITY EXISTS IN ABILITY TO PAY
12 FOR AND ACCESS TO FUNDS AND RETAIN COUNSEL.

13 THIS ELEMENT HAS BEEN MET.

14 IN SO DETERMINING, THE COURT HAS CONSIDERED
15 THE PARTY'S ACCESS TO FUNDS, ABILITY TO PAY, INCOME, AND
16 NEEDS.

17 THE PROPOSED PAYOR DOES HAVE THE ABILITY TO
18 PAY.

19 THE PAYOR HAS MORE RESOURCES THAN THE PAYEE.

20 SPECIFICALLY, THE PARTIES' NET DISPOSABLE
21 INCOME AFTER PAYMENT OF TAXES AND SUPPORT ORDERS IS
22 \$5,641 FOR THE PETITIONER, PAYOR, AND \$4,052 FOR THE
23 PAYEE.

24 THOSE NUMBERS ARE TAKEN FROM THE DISSOMASTER
25 PREPARED BY THE COURT ON FEBRUARY 7, 2019.

26 TAKING INTO CONSIDERATION THE PARTIES'
27 REASONABLE EXPENSES, INCLUDING LITIGATION COSTS, PAYOR
28 DOES HAVE SUFFICIENT INCOME TO PAY.

1 THE COURT FINDS THAT THE PROPOSED PAYOR IS
2 ABLE TO PAY FOR BOTH PARTIES' LEGAL REPRESENTATION.

3 THE RESPONDENT: THANK YOU.

4 THE COURT: PLEASE DON'T INTERRUPT ME AND PLEASE
5 DON'T THANK ME. THAT'S ALSO NOT APPROPRIATE. I'M NOT
6 DOING ANYBODY ANY FAVORS. I'M JUST APPLYING THE LAW.
7 AND I WANT YOU TO UNDERSTAND THAT.

8 THE COURT MUST DETERMINE THE FEES AND COSTS
9 OF MAINTAINING OR DEFENDING THE PROCEEDING AND WHETHER
10 THEY'RE REASONABLY NECESSARY.

11 IN MAKING THIS DETERMINATION, THE COURT HAS
12 CONSIDERED SEVERAL FACTORS: A, THE LITIGATION NATURE
13 AND DIFFICULTY AND ITS INTRICACIES AND IMPORTANCE. THIS
14 CASE INVOLVES ROUTINE ISSUES REGARDING THE DIVISION OF
15 PROPERTY AND SPOUSAL SUPPORT.

16 EXTENSIVE DISCOVERY IS NOT NECESSARY,
17 ALTHOUGH SOME INVESTIGATION AND THE ASSISTANCE FROM
18 EXPERTS MAY BE NECESSARY.

19 BASED ON THE NATURE AND DIFFICULTY OF THE
20 LITIGATION, SKILLED LEGAL TRAINING AND ABILITY IS
21 NECESSARY.

22 THE ATTORNEY'S SKILL REQUIRED AND EMPLOYED
23 AND THE ATTENTION GIVEN TO HANDLING THE LITIGATION
24 SHOULD BE SOMEWHAT SIGNIFICANT.

25 THE COURT IS APPLYING A RATE OF \$325 PER
26 HOUR IN THIS CASE, WHICH THE COURT DETERMINES IS
27 REASONABLE BASED ON THE ATTORNEY'S SKILL AND EXPERIENCE
28 AND THE AVERAGE NATURE OF THE ISSUES INVOLVED.

1 THE COURT FINDS THAT THE AMOUNT OF AWARD IT
2 DEEMS NECESSARY, BECAUSE AS PETITIONER NOTED, THE FILING
3 WAS DEFICIENT AND DID NOT DETERMINE OR PROPOSE THE WORK
4 THAT NEEDED TO BE PERFORMED. THE COURT FINDS THAT AT
5 LEAST 15 HOURS ARE NECESSARY TO DO THE WORK IN THIS
6 CASE.

7 THE COURT CONCLUDES THAT THE PAYEE'S
8 REASONABLE FEES AND COSTS ARE \$5,000.

9 THE COURT CALCULATED THIS AS FOLLOWS: 15
10 HOURS OF WORK AT \$325 PER HOUR. THIS IS INTENDED TO
11 COVER WORK PERFORMED BETWEEN THE FILING OF THE PETITION
12 AND THROUGH PRETRIAL.

13 FINALLY, THE COURT MUST CONSIDER WHETHER ITS
14 APPORTIONMENT OF OVERALL FEES AND COSTS IS JUST AND
15 REASONABLE, WHETHER IT'S AWARD IS SUFFICIENT TO THE
16 EXTENT PRACTICAL, ENABLE EACH PARTY TO PRESENT THEIR
17 CASE ADEQUATELY, AND HOW TO APPORTION THE FEES AND COSTS
18 BASED ON THE PARTIES' RELEVANT CIRCUMSTANCES, APPLYING
19 RELEVANT FACTORS LISTED IN FAMILY CODE SECTION 4320.

20 BASED ON THIS ANALYSIS, THE COURT CONCLUDES
21 THAT THE PAYEE NEEDS THE FEE AWARD WITHIN THE MEANING OF
22 THE FAMILY CODE.

23 ALL RIGHT. THE FEE AWARD WILL BE PAYABLE
24 NOT TO MS. GIBSON BUT TO HER ATTORNEY. SO SHE'S GOING
25 TO NEED TO RETAIN AN ATTORNEY AND THE FEES WILL BE MADE
26 PAYABLE TO THAT ATTORNEY, ALL RIGHT?

27 MS. CARTER: THANK YOU, YOUR HONOR. WITH REGARD
28 TO THE VOCATIONAL EVALUATION AND MR. LANE'S

1 QUALIFICATIONS, I CAN READ THEM TO YOU OR I CAN PRINT A
2 COPY OF HIS RESUME. WHAT WOULD YOU PREFER?

3 THE COURT: CAN YOU MAKE AN OFFER OF PROOF THAT
4 THE -- THAT HE MEETS THE STATUTORY REQUIREMENTS FOR A
5 VOCATIONAL EXPERT?

6 MS. CARTER: YES. ABSOLUTELY. MR. LANE IS
7 WELL-KNOWN IN THIS COUNTY FOR PROVIDING THIS WORK. AND
8 HE DOES HAVE ALL THE LISTED QUALIFICATIONS REQUIRED TO
9 PERFORM A VOCATIONAL EXAMINATION UNDER FAMILY CODE
10 SECTION 4331.

11 THE COURT: SO WHAT I'M GOING TO ASK YOU TO DO IS
12 I'M GOING TO GRANT THE ORDER FOR VOCATIONAL EXAMINATION,
13 AND I'M GOING TO ASK YOU TO FILE THOSE QUALIFICATIONS
14 BEFORE THE END OF THE DAY.

15 MS. CARTER: OKAY.

16 THE COURT: IN ANY EVENT THAT WE DON'T RECEIVE
17 THOSE -- I'LL MAKE THE ORDER CONTINGENT ON RECEIVING
18 THOSE QUALIFICATIONS.

19 MS. CARTER: UNDERSTOOD. THANK YOU.

20 THE COURT: I THINK THAT RESOLVES THIS MATTER.
21 ALL RIGHT.

22 THE RESPONDENT: MAY I RESPOND TO YOU, PLEASE?

23 MS. CARTER: I ACTUALLY HAVE ONE QUESTION, YOUR
24 HONOR? IS THE \$5,000 DUE ALL AT ONCE ONCE SHE RETAINS
25 AN ATTORNEY?

26 THE COURT: YES.

27 MS. CARTER: IS THAT THE ORDER?

28 THE COURT: YES.

1 THE RESPONDENT: CAN I ACTUALLY ASK THAT MOVING
2 FORWARD THAT ANY INTERACTION WILL BE THROUGH HER AND NOT
3 THROUGH HIM? BECAUSE HE AND I HAVE ISSUES COMMUNICATING
4 AND I WOULD LIKE TO COMMUNICATE -- WE HAVE OUR DAUGHTER,
5 WHATEVER. CAN WE DO IT THROUGH HIS ATTORNEY?

6 THE COURT: YOU CAN COMMUNICATE HOWEVER YOU WOULD
7 LIKE TO. WE'RE GOING TO TAKE A FIVE-MINUTE RECESS AND
8 THEN WE WILL RESUME.

9
10 (THE PROCEEDINGS WERE CONCLUDED AT 10:54
11 A.M.)

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

DEPARTMENT NO. PSB HON. SARAH J. HEIDEL, JUDGE

JAMES GIBSON, III,

PETITIONER,

VS.

KARRIE GIBSON,

RESPONDENT.

)
)
) CASE NO.
) 17PSFL00745
)
) REPORTER'S
) CERTIFICATE

I, CHANI D. LUDWIG, OFFICIAL REPORTER OF
THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID
CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND
THAT THE FOREGOING PAGES 1 THROUGH 39, INCLUSIVE,
COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE
PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE
ABOVE-ENTITLED CAUSE ON THURSDAY, MARCH 14, 2019.

DATED THIS 22ND DAY OF MAY, 2019.

CHANI D. LUDWIG, CSR NO. 13017
OFFICIAL REPORTER, RPR