

STATE OF MICHIGAN
6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MAYA EIBSCHITZ-TSIMHONI,

Plaintiff,

v

File No. 2009-766749-DM

OMER TSIMHONI,

Defendant.

SHOW CAUSE HEARING

BEFORE THE HONORABLE LISA O. GORCYCA, CIRCUIT COURT JUDGE

Pontiac, Michigan - Wednesday, June 24, 2015

APPEARANCES:

For the Plaintiff:

ANDREW M. BOSSORY (P74364)
Lorandos Joshi
2400 S. Huron Pkwy.
Ann Arbor, MI 48104
(734) 327-5030

For ██████████:

JEFFREY G. SCHWARTZ (P32076)
28411 Northwestern Hwy., Suite 930
Southfield, MI 48034
(248) 965-8168

TRANSCRIBED BY:

THERESA'S TRANSCRIPTION SERVICE
Sally Fritz, CER #7594
P.O. Box 21067
Lansing, Michigan 48909-1067

APPEARANCES, Continued:

For [REDACTED]: KAREN GULLBERG COOK (P26141)
18149 Kirkshire Avenue
Beverly Hills, MI 48025
(248) 644-7678

For [REDACTED]: MICHAEL P. DEAN (P32631)
PO Box 725041
Berkley, MI 48072
(248) 914-0699

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WITNESSES: PLAINTIFF

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None

WITNESSES: DEFENDANT

None

OTHER MATERIAL IN TRANSCRIPT:

None

EXHIBITS:

INTRODUCED ADMITTED

None

1 Pontiac, Michigan

2 Wednesday, June 24, 2015 - 12:07:13 p.m.

3 THE CLERK: The court calls Tsimhoni versus
4 Tsimhoni, 09-766749-DM.

5 THE COURT: Do you need another deputy? Do
6 you want me to call for another one?

7 Will you call for another deputy?

8 THE COURT: Good mor -- good afternoon.

9 MR. SCHWARTZ: Good afternoon, your Honor.
10 My name is Jeffrey Schwartz, I've been called to the
11 courtroom to represent [REDACTED]. It's my
12 understanding that the court is on the verge of holding him
13 in contempt. I had a long discussion with him. I
14 explained that he has basically two choices, that he could
15 apologize to the Judge for not following orders and
16 communicate with his father and submit to supervised
17 visits, or the court's intention was that he's going to be
18 held in contempt and he's going to be placed in Children's
19 Village until he complies.

20 So I'll let him speak for himself and
21 indicate to the court what his intention is.

22 THE COURT: All right, Sir, what is your name
23 for the Record?

24 MR. [REDACTED]: [REDACTED].

25 THE COURT: What is -- what's -- what do you

1 want to say to the court, if anything?

2 MR. [REDACTED]: Okay, so I -- I do apologize
3 if I -- I didn't understand that the rules of the -- like
4 the -- with -- with -- like apologize to whatever I did to
5 you, but I do not apologize for -- for not talking to him
6 because I have a reason for that and that's because he's
7 violent and he -- I saw him hit my mom and I'm not gonna
8 talk to him.

9 THE COURT: All right. Well, the court finds
10 you in direct contempt. I ordered you to have a healthy
11 relationship with your father. I witnessed your mother at
12 11:30 tell you very impassionedly that she wants you to
13 talk to your dad, to talk to your dad, that he loves you,
14 that he's not gonna hurt you, that he's not gonna hurt her.
15 You are a defiant, contemptuous young man and I'm ordering
16 you to spend the rest of the Summer -- and we'll review it
17 -- we'll review it when school starts, and you may be going
18 to school there. So you're going to be -- I'm ordering you
19 to Children's Village. Is there anything you'd like to say
20 about that?

21 MR. [REDACTED]: I didn't do anything wrong,
22 so.

23 THE COURT: No, you did. You -- I ordered
24 you to talk to your father. You chose not to talk to your
25 father. You defied a direct court order. It's direct

1 contempt so I'm finding you guilty of civil contempt.

2 MR. [REDACTED]: But he was the one that --
3 something wrong.

4 THE COURT: Pardon?

5 MR. [REDACTED]: How come -- I thought there
6 was like rules when -- rules for like not, you know, not
7 hitting someone, why am I going to the --

8 THE COURT: I ordered you -- I will say this
9 again, and apparently you're -- you're supposed to have a
10 high IQ, which I'm doubting right now because of the way
11 you act, you're very defiant, you have no manners, I
12 ordered you to have a relationship with your dad -- with
13 your dad. I ordered you to talk to your father. Your mom
14 told you to talk to your father. There is no reason why
15 you do not have a relationship with your father.

16 Your father has never been charged with
17 anything, your father's never been convicted of anything.
18 Your father doesn't have a personal protection order
19 against him. Your father is well liked and loved by the
20 community, his co-workers, his family, his colleagues.
21 You, young man, have got it wrong. I think your father is
22 a great man who has gone through hoops for you to have a
23 relationship with you. You are in contempt and you are
24 going to live in Children's Village. Remind me how old you
25 are?

1 MR. [REDACTED]: Fifteen.

2 THE COURT: You may stay in there until you
3 graduate from high school.

4 MR. BOSSORY: And Judge, just for the Record,
5 I'd like to make clear that my client, mother, did comply
6 with the court's directives. The court asked mother to
7 speak with the children about the -- the necessity of the
8 relationship with their father and I believe she did so to
9 the court's satisfaction. So as far as that -- that aspect
10 of it, I would just like to put that on.

11 THE COURT: And that was very well said.

12 Mother, I appreciate that you did say that.
13 It may have been way too late. It probably was way too
14 late. Your children -- you need to do a research program
15 on Charlie Manson and the cult that he has. Your behavior
16 in the hall with me months ago, your behavior in this
17 courtroom, your behavior back there, is unlike any I've
18 ever seen in any 46,000 cases. You, young man, are the
19 worst one. So you have bought yourself living in
20 Children's Village, going to the bathroom in public, and
21 maybe Summer school, I don't know, but you and mom, the
22 only person allowed on his -- in his -- well, I'll it in
23 here, you're not allowed to visit him, it's only your
24 father and any therapist your -- and anyone your dad
25 chooses to bring in. And your attorney.

1 MR. BOSSORY: Just --

2 THE COURT: Mr. Schwartz, I appreciate you
3 accepting the court's appointment, you're an excellent
4 lawyer. I know you did your best, just like you would try
5 to do in every case. You had very simple choices and
6 you're clearly -- clearly very messed up.

7 MR. BOSSORY: Judge, just for the Record --

8 THE COURT: Very messed up.

9 MR. BOSSORY: -- I'd like to place an
10 objection that mom would like to visit the child to the
11 extent approved by Children's Village. She did comply with
12 the court today and I know that it's very important for her
13 to maintain as much contact with her son as permissible by
14 both the court and -- and then the Village.

15 THE COURT: All right, I -- I accept your
16 objection for the Record.

17 MR. SCHWARTZ: Your Honor, just for the
18 Record, I do have a sentence set for 1:15 in --

19 THE COURT: You are released. We're done --
20 we're --

21 MR. SCHWARTZ: I was just going to indicate
22 to the court I'm going to be in Judge Potts at 1:15, I'm
23 going to be in Referee Racey at 1:30, I'll be in the
24 building until about 2:30 if anything changes.

25 THE COURT: Okay. So, I'm sentencing you to

1 Children's Village, I guess Mandy's Place, pending you
2 following the court's direct order. When you can follow
3 the court's direct order and have a normal, healthy
4 relationship with your father I would review this. I mean,
5 it might be one day, it might be -- it might be three
6 years. It might be til you're 18.

7 This is over your dad's objection. I want
8 this to be heard. Obviously, it's over your mother's
9 objection. Your dad -- I wanted to do this because of your
10 horrific behavior a long time ago and your dad begged me
11 not to. He begged me not to. So it was only because of
12 your dad -- I would have switched custody and they would
13 have appealed because I find it's against -- it's hurting
14 -- you are so mentally messed up right now and it's not
15 because of your father. And one day you are going to
16 realize what's going on in this case and you're gonna
17 apologize to your dad.

18 So, that's my order. We'll set a review
19 hearing I guess what, September 1st? Unless you, for
20 whatever reason, talk to your dad and your dad comes to me
21 and says, "Oh, my gosh" -- oh, and he needs to have
22 counseling in Children's Village. And your dad says,
23 "Judge Gorcyca, I -- my son has seen the light and he's
24 changed and can -- can you let him out? And he's -- wants
25 to have a relationship with me." And then I'll do it, so.

1 MR. BOSSORY: Judge, before you --

2 THE COURT: So dad, just let us know when

3 that happens.

4 MR. BOSSORY: Judge --

5 THE COURT: And if it doesn't happen --

6 actually, you know what, we're just going to set a review

7 hearing when you're 18. Dad, if you ever think that he has

8 changed and therapy has helped him and he's no longer like

9 Charlie Manson's cult, then you let us know and we can do

10 it.

11 MR. BOSSORY: Judge, may -- may my client

12 speak or say -- say some words to [REDACTED] before he's taken --

13 (multiple speakers) --

14 THE COURT: I mean, there's nothing but what

15 she's saying, no.

16 MR. BOSSORY: Just possibly a good bye, talk

17 to your dad, that type of thing.

18 THE COURT: She's already done that. He's a

19 defiant child. He's your child and you're defiant.

20 MS. TSIMHONI: Can I try one more time?

21 MR. BOSSORY: May she try one more time in

22 the court -- in the court? I think [REDACTED] is maybe a little

23 bit more appreciative of all the pressure that --

24 THE COURT: No.

25 MR. BOSSORY: -- is being put on him right

1 now.

2 THE COURT: No.

3 MR. BOSSORY: It may be worthwhile to do it.

4 THE COURT: I have said this to you over and
5 over and over again, this deputy right here, Deputy
6 Maloney, has been amazing in trying to help you. He tried
7 you -- again today He tried last couple months ago. My
8 court -- my family counselor, nothing is getting through to
9 you so you're going to -- you're liv --

10 MS. TSIMHONI: Can I try one more time?

11 THE DEPUTY: All set, your Honor?

12 THE COURT: We're all set.

13 MR. SCHWARTZ: Thank you, your Honor.

14 THE COURT: (Undecipherable) -- paperwork.

15 MR. DEAN: May I approach, your Honor?

16 THE COURT: Yes, Mr. Dean.

17 All right, can we -- Andrew, could you
18 approach?

19 MR. BOSSORY: Yes, Judge.

20 THE COURT: Dad, approach?

21 (At 12:15:28 p.m., hearing recessed)

22 (At 12:15:45 p.m., hearing resumed)

23 THE COURT: Andrew will tell you.
24 would like to talk to his dad so we're going to see how
25 that goes before we have that one. Ms. Chase --

1 (undecipherable) -- would you go back on your lunch hour?
2 UNIDENTIFIED SPEAKER: (Inaudible).
3 THE COURT: Thank you.
4 UNIDENTIFIED SPEAKER: Judge, is there --
5 THE COURT: We're waiting for someone for --
6 for --
7 UNIDENTIFIED SPEAKER: She's already in the
8 back, I'm sorry.
9 UNIDENTIFIED SPEAKER: Oh, okay --
10 (inaudible).
11 UNIDENTIFIED SPEAKER: ██████████, your
12 attorney's here.
13 THE COURT: Review September. We'll say the
14 day after Labor Day. ██████████ is in direct civil contempt,
15 sentenced to Children's Village, Mandy's Place, review
16 September 8th, 9:00 a.m. That work? Is that good, Deputy?
17 UNIDENTIFIED SPEAKER: Yes.
18 THE COURT: There's two other little kids
19 that are -- that are very well going too.
20 UNIDENTIFIED SPEAKER: Oh, are they?
21 THE COURT: Yeah.
22 (At 12:17:40 p.m., hearing concluded)
23 (At 12:33:58 p.m., hearing recalled)
24 THE CLERK: The court recalls Tsimhoni versus
25 Tsimhoni, case number 09-766749-DM.

1 MS. COOK: Morning, your Honor. Karen Cook.
2 I was just appointed as attorney for [REDACTED].

3 THE COURT: Is mom here? Dad's here, is
4 mom's attorney here?

5 All right, good afternoon. Thank you for
6 accepting the court appointment.

7 MS. COOK: Oh, thank you. Your Honor, I've
8 had an opportunity to talk to [REDACTED] and told her the
9 consequences of not being respectful to the court and to
10 court orders, and told her what Children's Village was
11 like, which I have a very good acquaintance with, and told
12 her my best legal advice would be for her to apologize for
13 whatever she did. I don't have a complete narrative on
14 everything she's done, and she's absolutely refusing to
15 cooperate even with me.

16 THE COURT: Oh, it's so interesting. So
17 interesting. Is dad -- is mom here and mom's attorney?

18 MR. LANSAT: They're coming right now, your
19 Honor.

20 THE COURT: Okay.

21 MR. LANSAT: Can you just put in the order,
22 your Honor, that I at least be able to see them at the --
23 (multiple speakers) --

24 THE COURT: Oh, yes.

25 MR. LANSAT: -- please? Thank you.

1 THE COURT: On the other one can you add --
2 yeah.

3 MR. LANSAT: I did tell Mr. Dean to come in
4 with [REDACTED].

5 THE COURT: All right. We're -- oh.

6 MR. DEAN: I appreciate that -- on behalf --
7 [REDACTED] right here. Stand right next to me.

8 THE COURT: All right, will you state your
9 name?

10 MR. DEAN: Thank you, your Honor. Good af --
11 or good afternoon. Michael Dean, P32631, appointed to
12 represent [REDACTED], how do you pronounce your last name again?

13 MR. [REDACTED]: Tiphoni (ph).

14 MR. DEAN: Tiphoni in the -- in the matter
15 here before your Honor. I appreciate on behalf of my
16 client all the time that you've given me to talk with my
17 client about the action that you're looking for and the
18 possible consequences. I've -- I've -- basically, I've
19 apprised him of what he needs to do today before your Honor
20 and basically, he's going to tell you right now -- I have
21 no idea.

22 THE COURT: Okay. Sir, since you're older --
23 what, you're older, right?

24 MR. DEAN: Yes.

25 MR. BOSSORY: He's the middle, yes.

1 THE COURT: What's your name, Sir?
2 MR. [REDACTED]: [REDACTED].
3 THE COURT: How old are you?
4 MR. [REDACTED]: Ten.
5 THE COURT: What's your name, Ma'am?
6 MS. COOK: [REDACTED]?
7 MISS [REDACTED]: [REDACTED].
8 THE COURT: How old are you?
9 MISS [REDACTED]: Nine.
10 THE COURT: All right. All right, what do
11 you want to say, [REDACTED]?
12 MR. [REDACTED]: Judge, I'm sorry for my
13 behavior, and dad, I'm sorry for my behavior --
14 MR. DEAN: Look in his eyes I told you,
15 remember to look --
16 MR. [REDACTED]: Dad, the Judge wanted me
17 to talk to you so here is something about myself. I enjoy
18 soccer and I hope to be on the soccer team --
19 (undecipherable).
20 MR. DEAN: And what do you hope -- do you
21 mind, your Honor? What do you -- what is the thing that
22 you're --
23 THE COURT: Oh, it's impressive.
24 MR. DEAN: -- we talked about, what do you --
25 you're going to tell the Judge that you're going to be

1 doing from this point forward when you get together with
2 your dad, what was the "C" word we talked about?

3 MR. [REDACTED]: Communicate.

4 MR. DEAN: Communicate. That means dialogue,
5 back and forth. Remember I told you not to be just a stick
6 in the mud, your dad asks you a question, you respond.
7 That's how one develops a relationship, starting through
8 communication. Are you in agreement with starting to
9 communicate with your father so that you can build a
10 relationship?

11 MR. [REDACTED]: Yes.

12 MR. DEAN: Look at your father's eyes and say
13 that.

14 MR. [REDACTED]: Yes.

15 MR. DEAN: Look at the Judge's eyes and say
16 that.

17 MR. [REDACTED]: Yes.

18 THE COURT: Let me hold off with you. What
19 do you want to say, [REDACTED]?

20 MS. COOK: I'm just asking her now that her
21 brother's apologized if she would reconsider?

22 Would you like to apologize now that your
23 brother has?

24 MISS [REDACTED]: (No audible
25 response).

1 THE COURT: I'm taking that as a no. All
2 right, ██████ doesn't want to say anything --

3 MS. COOK: I apologize, I was trying to get
4 her to reconsider.

5 THE COURT: No, you're so sweet, but
6 obviously -- no, no, ██████ don't read what your brother
7 wrote. You're your own person. Do you know what? I know
8 you're kind of religious. God gave you a brain. He
9 expects you to use it. You have a brain, you are not your
10 brother. You are not your big, defiant brother who's
11 living in jail. Do you want to live in jail? Just tell me
12 this right now.

13 MS. COOK: Do you want to go to jail?

14 THE COURT: Mom, you must step away.

15 THE DEPUTY ONE: Go ahead and step over here,
16 Ma'am.

17 THE DEPUTY TWO: Step away.

18 THE DEPUTY ONE: Step towards the back.
19 Thank you.

20 THE DEPUTY TWO: Step up. There you go.

21 MS. COOK: Okay, I'm urging you to apologize
22 and say you will go and try to work with your father at
23 visits. Can you do that?

24 MISS ██████: I'm sorry, I'll try to work
25 with my father at visits.

1 THE COURT: Well, you're going to stay here
2 all day and it's going to be up to your dad. I'm going to
3 see how you two act. Maybe the three of you should go to
4 lunch in the cafeteria? If you have any hesitation at all
5 you're living in Children's Village. You're living in
6 Children's Village.

7 You know what that would do to your mother,
8 going home, riding down the elevator without you? Can you
9 guys think about someone besides yourself? You should be
10 thinking about your father and what your father has gone
11 through unnecessarily because of I don't why? And it
12 despises -- it's despicable to me what your father has gone
13 through when he loves you and he loves you, and he wants to
14 be in your life. He wants you to be in his life. I'm so
15 upset with you, I'm so upset with you, I'm even more upset
16 with your brother, and I won't say what I think about your
17 mother. I think your mom did something nice in the jury
18 room for once. And I like your dad. And I -- you have me
19 as your Judge for five and a half years.

20 How old will you be, [REDACTED]? Let's see,
21 you're going to be a teenager. You want to have your --
22 you want to have your birthdays in Children's Village? Do
23 you like going to the bathroom in front of people?

24 MS. COOK: She said no, thank you.

25 THE COURT: Is your bed soft and comfortable

1 at home?

2 MISS [REDACTED]: Yes.

3 MS. COOK: You need to talk. Speak up.

4 THE COURT: I'll tell you this, you two don't
5 have a nice lunch with your dad and make this up to your
6 dad you're going to come back here at 1:30 and I'm going to
7 have the deputies take you to Children's Village.

8 So, Ms. Chase -- (undecipherable) -- Mr.
9 Lansat, is he even here? Who do you suggest have -- Mr.
10 Art, can --

11 MR. LANSAT: Mr. Gallagher, can we -- we can
12 come -- I think he can go with those two --

13 THE COURT: Dad, what do you think? What is
14 your suggestion, dad? And I want you to know, I wanted to
15 do this to you all many times, your dad said, "Don't, Judge
16 Gorcyca, please don't do this, Judge Gorcyca." It was
17 because of your dad that I didn't do it. Your mom didn't
18 want me to either, but the ball is in your dad's court.
19 Your dad is in charge. Unless you want to live in
20 Children's Village. It's up to you. I have put other
21 children in Children's Village. You guys can all hang out
22 together.

23 Dad, what do you suggest for lunch?

24 MR. TSIMHONI: Maybe downstairs?

25 THE COURT: Everything is recorded and I'm

1 going to watch. You walk -- the minute you pull into this
2 courtroom -- courthouse, you're video'd. Outside, they can
3 get you walking in, they can get you everywhere except in
4 the bathroom.

5 MR. DEAN: What do you have to say?

6 MR. [REDACTED]: I'll go with my brother
7 then.

8 THE COURT: Pardon?

9 MR. [REDACTED]: I'll go with my brother.

10 THE COURT: What does that mean?

11 MR. [REDACTED]: Children's Village.

12 THE COURT: So you don't want to have
13 parenting time with your father?

14 MR. BOSSORY: Do they realize that they would
15 not be seeing their siblings?

16 THE COURT: You're not even going to be with
17 your brother. That's cool. You won't be in the same cell.
18 I'll put in there "Stay away from your brother."

19 All right, so you're admitting you won't have
20 parenting time with your dad?

21 MR. [REDACTED]: (No audible response).

22 THE COURT: Okay. Is that a yes?

23 MR. [REDACTED]: Mm-hmm.

24 MR. DEAN: You have to say your words.

25 MS. COOK: You want to go to lunch with your

1 dad?

2 MISS [REDACTED]: No.

3 THE COURT: Okay. The court finds --

4 MS. COOK: Now she's refusing because her
5 brother is.

6 MISS [REDACTED]: I'm not refusing
7 because my brother is.

8 MS. COOK: Why are you refusing?

9 MISS [REDACTED]: I'm refusing because
10 I want to refuse.

11 THE COURT: That's ridiculous, I have to say.

12 MS. COOK: I told her --

13 THE COURT: I've never seen anything like
14 this. One day you can watch this video and realize that
15 you two have been brainwashed. Your dad is a good man.
16 Your dad is a good man who loves you. You have been
17 brainwashed. You are brainwashed. This is not normal
18 behavior. Only -- no adult in this courtroom, except one,
19 thinks this is normal. Every single adult in this
20 courtroom thinks you have been brainwashed. Your dad is a
21 good man. And wipe that smirk off your face, [REDACTED].

22 MR. [REDACTED]: It's not a smirk.

23 THE COURT: I don't know what that is. I've
24 never seen anything like it. You're a defiant,
25 contemptuous young man and the court finds both of you in

1 direct contempt. You both are going to live in Children's
2 Village. Your mother is not allowed to visit, no one on
3 your mom's side is allowed to visit. Only your father and
4 therapist and Mr. Lansat. When you are ready to have lunch
5 with your dad, to have dinner with your dad, to be normal
6 human beings, I will review this when your dad tells me you
7 are ready. Otherwise, you are living in Children's Village
8 til you graduate from high school. That's the order of the
9 court. Good bye.

10 MS. COOK: Will I be released or do you want
11 me to --

12 THE COURT: Yes, thank you.

13 MS. COOK: Okay, thank you, your Honor.

14 MR. DEAN: Thank you, your Honor.

15 THE COURT: The court appreciate --

16 MS. COOK: I apologize for not getting any
17 farther.

18 THE COURT: I need to write on the other one
19 no one from mom's side is allowed to visit.

20 MR. BOSSORY: Judge, will the court be
21 appointing attorneys for the children longer term for their
22 review hearing dates?

23 THE COURT: Yes. Yes, I'll keep the attorney
24 -- I'll -- actually, I'm going to keep the attorneys for
25 the review date, which will be September 8th at 9:00,

1 unless, dad, you come earlier. Because you -- you're going
2 to -- you're going to be on the approved list with Mr.
3 Lansat. When the children say they're ready to have a
4 relationship with you I will -- when you're ready to come
5 in I'll do it that day. We can do it ex parte. Not ex
6 parte, but --

7 MS. COOK: So attorneys are staying on?

8 THE COURT: Yes, is that okay?

9 MS. COOK: Okay. And can we get a copy of
10 the order -- can I get a copy of the order then?

11 MR. BOSSORY: I'll get in touch.

12 MR. TSIMHONI: Do you have a card?

13 MR. BOSSORY: I don't have one because I'm
14 attorney for mom. I'm Andy. We haven't even had a chance
15 to meet.

16 MS. COOK: Andy?

17 MR. BOSSORY: Bossory.

18 MS. COOK: Okay.

19 MR. BOSSORY: Nice to meet you. I'll get in
20 touch with an e-mail --

21 MS. COOK: Okay.

22 MR. BOSSORY: -- (inaudible) -- information.

23 MS. COOK: Okay, I'm sorry. Yeah, I just got
24 some new cards. Hold on.

25 MR. BOSSORY: I made the transition to the

1 pocket web so I don't even have room for cards.

2 MS. COOK: Oh, okay.

3 MR. TSIMHONI: (Inaudible) -- another one?

4 MS. COOK: Oh, yeah. Sure.

5 (Inaudible Discussion)

6 (At 12:45:20 p.m., hearing concluded)

7

CERTIFICATION

This is to certify that the attached electronically recorded proceeding, consisting of twenty-five (25) pages, before the 6th Judicial Circuit Court, Oakland County in the matter of:

MAYA EIBSCHITZ-TSIMHONI

v

OMER TSIMHONI

_____/

Location: Circuit Court

Date: Wednesday, June 24, 2015

was held as herein appeared and that this is testimony from the original transcript of the electronic recording thereof, to the best of my ability.

I further state that I assume no responsibility for any events that occurred during the above proceedings or any inaudible responses by any party or parties that are not discernible on the electronic recording of the proceedings.

10/ Sally Fritz
Sally Fritz, CER #7594
Certified Electronic Recorder

Dated: June 27, 2015

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