

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS,)
)
 Petitioner,)
)
 -vs-) No. 2022-OP-66
) 2022-DC-15
 LUKE A. THOMAS,)
)
 Respondent.)
)

REHEARING

REPORT OF PROCEEDINGS from the electronically recorded
hearing held on the 21st day of October, 2022, before the
HONORABLE JERRY J. HOOKER.

APPEARANCES:

MS. GWENDOLYN M. THOMAS
Attorney at Law

The Petitioner, on her own behalf.

MR. LUKE A. THOMAS
Attorney at Law

The Respondent, on his own behalf.

Electronically recorded proceedings transcribed by:

SHANNON M. NIEKAMP, CSR
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521 Vermont Street
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(The following proceedings were electronically recorded. A court reporter was not present.)

THE COURT: All right. The Court is going to take up 22-OP-66. This is in re the order of protection of Gwen and Luke Thomas. The petitioner, Gwen Thomas, appears in person, pro se. The respondent, Luke Thomas, appears in person, pro se. Both parties are attorneys and they are representing themselves.

The Court called the matter for a rehearing on a motion by the respondent on an emergency order of protection that was allowed by Judge Thomson of Havana. The Court, by phone, had made some modifications to that with both parties on the line. We recessed a hearing where Ms. Thomas was on the stand as an adverse witness to the respondent in his petition for rehear.

Before we get started, I just want to kind of see where we're at for when we recessed. I wanted -- we were going to exchange the computers. Were the computers -- not exchange. Mr. Thomas, did you retrieve computers from Ms. Thomas?

THE RESPONDENT: I did and I did follow up. One of the computers is missing the hard drive and I asked if she could bring that today with her.

THE COURT: Okay. So with those computers, were you able to -- to get on and do anything you were needing to do with them?

1 THE RESPONDENT: Well, I wanted to, one, verify the
2 inventory for the firearms. Without having the hard drive on the
3 computer that was provided to me and the fact that the ability
4 subscription has lapsed, I can't open a PDF file that has that
5 information in it.

6 THE COURT: So as far as the guns, you don't have -- you
7 don't -- you weren't able to get on and get any information --

8 THE RESPONDENT: I wasn't able to get on and print it. I
9 can pull it up, look at it --

10 THE COURT: Okay.

11 THE RESPONDENT: But it says you need to pay the bill and
12 then it blanks it out so, I mean, at least one of them is on this
13 computer, the one I brought here today. The main one I use at
14 the office was missing a hard drive.

15 THE COURT: Okay. So and do we know where that hard --

16 THE PETITIONER: I haven't had a chance to look for it.

17 THE COURT: Okay. All right.

18 THE PETITIONER: He described it for me so hopefully I'll be
19 able to (indiscernible).

20 THE COURT: Okay. So with, I mean, looking at the inventory
21 and stuff, I mean, did you have any contact with ATF to see what
22 you can and can't do?

23 THE RESPONDENT: I mean, it was provided yesterday afternoon
24 so no, I didn't have an opportunity to contact them for any

1 reason at this point.

2 THE COURT: Okay.

3 THE RESPONDENT: Hoping to be able to open the file, get a
4 list of what I think is there.

5 THE COURT: From the -- from the inventory like estimate. I
6 mean, how many guns are we talking about do we think?

7 THE PETITIONER: About 100, 102.

8 THE COURT: Okay. Does that sound about right, I mean, give
9 or take?

10 THE RESPONDENT: Yeah. Roughly.

11 THE COURT: All right. No. I'm not holding you to it. I
12 just kind of get an idea. Okay.

13 THE RESPONDENT: I would note the inventory provided to me
14 did not include the ammunition, did not provide descriptions of
15 the various parts and scopes and everything (indiscernible).

16 THE COURT: Okay. Then we'll have to figure that out.

17 All right. And so where are we at on the ability to get on
18 whatever and send bills out and collect money and stuff?

19 THE PETITIONER: He said that he sent me what the password
20 is to log on -- to log on but I haven't logged on yet.

21 THE COURT: Okay.

22 THE PETITIONER: So.

23 THE COURT: Okay. You probably need to do that so you can
24 start getting --

1 THE PETITIONER: Yeah. Yeah (indiscernible).

2 THE RESPONDENT: I provided that promptly and Ms. Thomas did
3 disclose she is holding 2,600 and some change in the Beardstown
4 Savings account. I did ask her to bring half of that today. She
5 told me she would not do so.

6 THE COURT: All right. But that was my next question.
7 There is a -- I asked you to check on bank accounts. So there's
8 2,600, roughly 2,600.

9 THE PETITIONER: Yeah. If I may approach, Judge?

10 THE COURT: You may.

11 THE PETITIONER: I'm handing a copy of the bank statements
12 to Luke. There are three accounts at Beardstown Savings.

13 THE COURT: Okay. Okay. So the first one I'm looking at
14 shows \$1,109.66.

15 THE PETITIONER: No.

16 THE COURT: No. Oh, that's what --

17 THE PETITIONER: That's the account opening.

18 THE COURT: That's the opening. I got you. Now it is
19 showing 7 -- well.

20 THE PETITIONER: No. 26. Just over 2,600.

21 THE COURT: 2,649. All right. Okay. And then what about
22 the -- that's one account. What's the other account?

23 THE PETITIONER: The other account has \$50.55.

24 THE COURT: Okay.

1 THE PETITIONER: And the third account, the third account is
2 the McClure, Thomas and Thomas account and that's \$270.35.

3 THE COURT: Okay. All right. Okay. And where -- did we
4 ever -- did anybody check on confirmation as where we're at as
5 far as proof of insurance on the vehicles? Is there -- do we
6 know? I know there was some talk that it was paid up through
7 October 11th but we weren't sure whether anything had been paid
8 after that. Do we have any information on the vehicles'
9 insurance?

10 THE RESPONDENT: Judge, the payment cleared I believe on the
11 17th of October. I promptly provided her a copy of the insurance
12 card after court so she could have it for --

13 THE COURT: So does the truck have insurance on it, as well?

14 THE RESPONDENT: Yeah, through November 11th.

15 THE COURT: Okay. So they both have insurance. And then I
16 guess as a side, I mean, where are we at on -- at one point there
17 was a life insurance policy. Is it -- is it paid?

18 THE RESPONDENT: That was not paid and it's lapsed.

19 THE COURT: Okay. So the life insurance has lapsed. Is
20 that -- do you have any --

21 THE PETITIONER: I wasn't aware of that.

22 THE COURT: Okay. How much is the life insurance per -- per
23 month?

24 THE RESPONDENT: It's \$128, Judge, for one policy. The

1 other policy is completely lapsed. It cannot be reinstated. I
2 did provide her and she has had access to the bank statements.
3 Since my departure, I've advised her multiple times that those
4 were going to lapse.

5 THE COURT: Okay.

6 THE RESPONDENT: So I don't know how we can say we didn't
7 know.

8 THE COURT: So if the 128 is paid.

9 THE RESPONDENT: No. It has not been paid.

10 THE COURT: But I mean if it was, would that keep the policy
11 in standing or do we know?

12 THE RESPONDENT: It was due on the 11th. I don't know if I
13 can do that.

14 THE COURT: And what does that life insurance policy does
15 what? What amount for who?

16 THE RESPONDENT: It is currently I believe either 25 or 50
17 thousand dollar whole life. Gwen was named beneficiary of that
18 policy. I did inform her I was going to change that beneficiary
19 at one point in time which was not accomplished but.

20 THE COURT: Okay. And then where are we at on medical
21 insurance? First, for the children. What, what kind of coverage
22 do the four children have?

23 THE PETITIONER: Medical Card.

24 THE COURT: There's a Medical Card. Okay. Do you have any

1 health insurance?

2 THE PETITIONER: The Medical Card.

3 THE COURT: The Medical Card.

4 THE PETITIONER: He also has Medical Card.

5 THE RESPONDENT: I do not have access to that. I was
6 provided by Sheriff Ornin RIN number. I attempted to use that.
7 They told me that was insufficient. I asked for a copy of the
8 card so I could (indiscernible).

9 THE COURT: It's your understanding he is on the Medical
10 Card at this point?

11 THE PETITIONER: Yeah, he is.

12 THE RESPONDENT: And they won't provide me with a card, the
13 card itself.

14 THE COURT: Do we have a -- is there --

15 THE PETITIONER: There is no physical card.

16 THE COURT: Okay.

17 THE PETITIONER: So if he goes to the DHS Office on Ash
18 Street in Springfield.

19 THE RESPONDENT: That was never informed to me.

20 THE COURT: All right. Just hold on.

21 THE PETITIONER: They will print out the sheet that has the
22 information on it. It's a piece of paper. At the top of it, it
23 has what the RIN -- they call it the RIN -- is and that's what is
24 used to look up information so if he had a prescription sent to

1 Walgreens or something, then that's the number that they would
2 use.

3 THE COURT: Okay.

4 THE RESPONDENT: Judge, I went to Walgreens and attempted to
5 fill a prescription. They told me that was insufficient. I
6 needed the card. The provider was Moderna. That they could not
7 fill the prescription based on the information provided.

8 THE COURT: But if she doesn't have a --

9 THE RESPONDENT: But I needed to have a card.

10 THE COURT: She, I guess, I mean.

11 THE RESPONDENT: She has the card because she has obtained
12 the public aid insurance in the past. It's the same insurance
13 carrier as the past. There's a physical card at the house with
14 all of our names on it.

15 THE PETITIONER: Well, I am unfamiliar with a physical card.
16 I have a piece of paper. That's what I have taken into
17 Walgreens. I can get you a copy of the piece of paper.

18 THE COURT: Let's do that. Give him a piece of paper. If
19 that doesn't work, then I don't know what else to do, Luke. I
20 mean, if she says she doesn't have a card and she's not using a
21 card, I mean, somebody is not -- I mean, either Walgreens is
22 misinformed or someone is misunderstanding because.

23 THE PETITIONER: But I will say that if the provider is an
24 out-of-state provider like let's say it's your Mayo Clinic

1 provider that was -- that called in the prescription, sent in the
2 prescription, the Illinois Medical Card will not cover it with an
3 out-of-state physician and that's the issue that I ran into with
4 Grant's insulin and so I had to work with the pediatrician's
5 office who then worked with SIU endocrinology in order to
6 prescribe him insulin because the Medical Card would not pay for
7 the insulin prescribed from the Mayo Clinic physician.

8 THE RESPONDENT: The prescription I was trying to get filled
9 was by Dr. Pittman of Springfield Clinic on 6th Street in
10 Springfield, Illinois.

11 THE COURT: Okay. All right.

12 THE PETITIONER: I don't know.

13 THE COURT: Okay. Well, I just wanted to see where we were
14 at on all of that.

15 Okay. I went through the petition again. We spent a lot of
16 time last or Tuesday. I mean, you know, I've gone through the
17 petition and, you know, it seems like going from most recent
18 back, there's an incident alleged that occurred I call it late on
19 September 10th. It was actually early on the 11th where Grant
20 had an episode with his sugar. Luke dealt with that and then
21 Gwen allegedly went up and there was a 40 minute altercation.
22 That's one allegation. That's the most recent. Then there's an
23 allegation of -- of between 9/8 and 9/10 that I think the
24 allegation is Luke kept money and car keys from her. That's the

1 allegation. And then before that on 9/5, had to do with the
2 Expedition. Gwen alleged that Luke wanted it turned in.

3 Gwen, I think the evidence, I think we heard evidence on
4 this that Gwen sold it, paid the loan off and there was \$1,700
5 left over-ish.

6 THE PETITIONER: Roughly.

7 THE COURT: Okay. Kept the proceeds.

8 THE PETITIONER: No. Well --

9 THE COURT: Well.

10 THE PETITIONER: It was deposited into my checking account
11 which was overdrawn.

12 THE COURT: Okay. All right. So that money paid overdue.
13 All right.

14 THE PETITIONER: Yeah.

15 THE COURT: That was --

16 THE RESPONDENT: Her personal debts, yes.

17 THE COURT: Okay.

18 THE PETITIONER: Which you told -- you told me to deposit.

19 THE COURT: Okay. Well, and we'll get to that. That's
20 really the -- that's the crux of the most recent things that led
21 up to her going and obtaining an emergency order from Judge
22 Thomson.

23 Then there was one allegation was since November of '21,
24 Luke has gotten more angry, made, you know, comments like you're

1 never going to practice in Cass County, these are allegations.
2 Talks in the community about her and to the kids saying things he
3 shouldn't say. No specific times. Just numerous times. And we,
4 I think -- I think, Luke, you were cross and trying to I guess
5 trying to lay a foundation that none of that stuff was true and I
6 get all that but we spent a lot of time on that.

7 And then it also another allegation was since January of
8 '22, Luke has awakened her numerous times demanding to talk. It
9 causes her distress, can't sleep. Once again, she doesn't say
10 what particular days and time, dates. She just states numerous
11 times. We didn't get much into that so that's -- that's kind of
12 the crux of it so as far as, I mean, I would like to kind of get
13 -- I would really like to start if we can. I'm not -- I'm trying
14 not to try your cases for you. I don't need to do that. You're
15 both very accomplished attorneys but I would like to kind of, you
16 know, focus on that, almost focus with the most recent stuff and
17 go backwards and see where we're at on everything.

18 As I said before, I mean, this is a rehear and this is not
19 the plenary. I'm not going to rule on that. I'm hoping we can
20 resolve all that through the divorce and the law case. I am
21 going to appoint a guardian ad litem for all four children. I'm
22 going to do that today. And regardless of how I rule, I'm going
23 to modify the EOP to deal with the children and the vehicles and
24 the money and all of that so, I mean, Luke, can we, I mean, can

1 we start with that? I just, I think that's -- I think that's
2 kind of the important stuff right off the bat. The other stuff,
3 I understand where you're going with it but I mean.

4 THE RESPONDENT: I think, Judge, if you say there's an
5 escalation of behavior, then having the understanding of past and
6 going forward, I'm fine if the Court -- if the Court doesn't find
7 that important for an emergency basis to have those allegations
8 stricken so I don't have -- I have a clean record. I don't want
9 to just focus on one thing and not address those on the record
10 and then have a record if I decided to appeal saying that I
11 waived any -- any issue (indiscernible).

12 THE COURT: Right. No. And I wouldn't -- I'm not asking
13 you to waive anything. I --

14 THE RESPONDENT: The Court can't have an understanding if
15 you have one isolated event where she has a tape recorder or is
16 knowingly holding it and using it to record me, to not have the
17 history of how it got to that point.

18 THE COURT: No, and I understand that. And yeah. I guess
19 the argument is is one isolated -- if that was all there was, is
20 that enough and I mean I can make a ruling on that. I'm not
21 going to. I want to -- I want to at least focus on that, the
22 week of 9/8 when she is saying you kept money and car keys from
23 her as well as 9/5. Those are all pretty recent things.

24 As far as the numerous times, I mean, I guess I should ask

1 you. She said numerous times over the last year. I mean, are
2 you going to question her on that? What are you bringing out? I
3 mean, it would seem like you would just say, okay, what -- tell
4 me how many times. And, yeah, I think she needs to give an idea
5 and that goes to weight, not admissibility. I mean if she says I
6 don't remember. It was a lot. You can say, well, that doesn't
7 narrow it down. If she says I know it was at least twice a month
8 for the last year, that is 25 times you did it, you can question
9 her on that. And either I am going to believe it happened or
10 it's not. I assume you'll present evidence that it didn't and I
11 got to make a decision. But so I mean.

12 THE RESPONDENT: I can focus on that if the Court will say
13 it will allow me to present evidence going backwards to keep the
14 record clean.

15 THE COURT: Oh, yeah. Sure.

16 THE RESPONDENT: That's fine, too.

17 THE COURT: Oh, no, no, no, no.

18 THE RESPONDENT: Because I don't want to waive those right
19 because this has got a lot (indiscernible) to that.

20 THE COURT: That's fine. But let's -- let's start with the
21 most recent. Yes. No. I'm going to give you latitude. If --
22 if her position is it's the escalation into several times and you
23 have evidence to the contrary, yes, I'm not going to prohibit you
24 from doing it so.

1 THE RESPONDENT: Okay.

2 THE COURT: So I would like to start with the -- with that
3 incident and work backwards and I'll, you know, I'll let you go
4 back as far as we need to and at some point, Gwen, if you want to
5 object to where we are at, you certainly pose the objection and
6 we will make a record and that way either one of you can give the
7 Appellate Court what you feel you need to do.

8 So are you going to continue at this point continuing
9 questioning Gwen?

10 THE RESPONDENT: Yes, that would be fine, Judge.

11 THE COURT: Okay. Gwen, raise your right hand.

12 (Witness sworn.)

13 THE COURT: All right. Go ahead and come back up here. You
14 bring any papers or documents you think you need or I'll let you
15 get down and get them.

16 THE PETITIONER: And, Judge, just some procedural issues
17 before we get started. There's a couple in the courtroom and I
18 don't know if they're potential witnesses.

19 THE COURT: Oh, okay.

20 UNIDENTIFIED SPEAKER: No. We were told to be in court
21 today for a ticket.

22 THE COURT: Oh, you're here for you think a ticket?

23 UNIDENTIFIED SPEAKER: Uh-huh.

24 THE COURT: Well, I'm glad you said something or you might

1 have been here for a while. That's okay.

2 UNIDENTIFIED SPEAKER: That's what I thought it said
3 (indiscernible).

4 THE COURT: I'll tell you what you should do. Why don't
5 you, you want to go down to the Clerk's Office and see what the
6 ticket says. Go down to the Circuit Clerk's Office, tell them
7 what you think you're there for. They'll pull the file.

8 UNIDENTIFIED SPEAKER: Okay. Sorry about that.

9 THE COURT: They'll give you the date. No, no, no, no.

10 UNIDENTIFIED SPEAKER: (Indiscernible).

11 THE COURT: You're fine. If -- if it says you're supposed
12 to be here today at this time, you may want to check in with the
13 State's Attorney's Office.

14 UNIDENTIFIED SPEAKER: Okay.

15 THE COURT: If they got -- if they want to do something, I'm
16 here. I'm covering for Judge Wessel.

17 UNIDENTIFIED SPEAKER: And I might have misread the ticket.

18 THE COURT: Okay. Check on it. If you need someone, come
19 back up.

20 UNIDENTIFIED SPEAKER: Sorry about that.

21 THE COURT: You're fine. Thank you. I just assumed it was
22 somebody's --

23 THE PETITIONER: I didn't recognize them.

24 THE COURT: Okay. I certainly didn't. Okay.

1 Mr. Thomas, whenever you are ready, you may proceed.

2 GWENDOLYN THOMAS

3 the Petitioner, called as a witness on behalf of the
4 Respondent, being first duly sworn, was examined and testified as
5 follows:

6 DIRECT-EXAMINATION

7 BY THE RESPONDENT:

8 Q. As far as the Ford Expedition, what was the payment
9 on that?

10 A. I got to step down and get the bank statements.

11 THE COURT: Okay. Go ahead.

12 A. The Expedition I think that one was 508.11. There
13 was another payment that I had for the Cadillac and I think that
14 one might have been 472 roughly and I'm not sure which is which.

15 Q. So -- so roughly about a thousand dollars a month?

16 A. For both vehicle payments.

17 Q. For both vehicles?

18 A. Roughly.

19 Q. Okay. And how much did you make as the
20 (indiscernible) Beardstown Savings?

21 A. Well, for typically about 740. I think it might have
22 started at 690 and then went up to 740.

23 Q. So is it fair to say --

24 A. And now it's --

1 THE COURT: Let her finish. Let her finish.

2 Q. I'm sorry.

3 A. And now it's gone up to 750 apparently and then I
4 receive if I have a committee meeting, then I receive \$40 for
5 that.

6 Q. Is it fair to say when you pay for both vehicles that
7 you actually had to pay additional moneys into the savings
8 account to cover your payments or have you used moneys that were
9 already there to cover the payments?

10 A. Yes.

11 Q. So it's fair to say that that wasn't a profitable
12 occupation for you at that -- in August of 2022?

13 A. Well, I don't think that's a fair characterization.

14 Q. As far as net household income to cover the expenses
15 such as toilet paper, paper towels and things you've alleged you
16 paid for in change.

17 A. Well, the -- my director's fees supplemented and paid
18 for a majority of the vehicle payments so that was better than
19 not having any income.

20 Q. And that's why you wanted to get rid of one of two
21 vehicles back in January of 2021, correct, because it made no
22 sense to have two car payments?

23 A. Well, it made no sense to have a car sitting in our
24 yard not being used. That's what made no sense.

1 Q. So if they were used, then it made sense to continue
2 paying or continue as a director using the moneys and having less
3 income based on your occupation as director on the board;
4 correct?

5 A. It contributed to the payment.

6 Q. Was that the payments paid when you filed this the
7 week of September 5th more important than having necessities for
8 the household?

9 A. I'm going to object.

10 THE COURT: Okay.

11 THE PETITIONER: Relevance.

12 THE COURT: Yeah. Tell me, Luke, what you're trying to
13 establish here.

14 THE RESPONDENT: She's saying I withheld income for
15 necessities for the family.

16 THE COURT: Okay. Say that again.

17 THE RESPONDENT: That I was -- that my actions by insisting
18 she resign from the board and turn the vehicle in was detrimental
19 to cause her to have to use change to pay for necessities for the
20 household.

21 THE COURT: Okay.

22 THE RESPONDENT: Creating an emergency which it has to go to
23 court in order to get relief.

24 THE COURT: Okay. And so and so what's your question?

1 Where are you going with it? That she shouldn't have used the
2 money to make the vehicle payments?

3 THE RESPONDENT: No. That there was no emergency present at
4 that time and if there was, it was created by her own action. It
5 was nothing to do with me withholding moneys. She had, as she
6 stated, \$750 a month available through her director's fees to
7 cover these expenses.

8 THE COURT: Then you can ask her, you know, what was the
9 emergency if she was using it. I think she answered that but you
10 can ask her again but I mean.

11 BY THE RESPONDENT:

12 Q. In the same week, you sold the vehicle you said you
13 netted approximately \$1,700?

14 A. Pardon?

15 Q. When you sold the Ford Expedition, you netted
16 approximately between 17 and \$1,900?

17 A. Roughly.

18 Q. And you used none of that money for the necessities
19 of the house?

20 A. You had instructed me to get it deposited before
21 2 o'clock at West Central Bank into my personal checking.

22 Q. For what purpose?

23 A. Because it -- I was in the negative.

24 Q. Was it to cover the house payment that was coming out

1 of your board account?

2 A. I don't -- I don't recall what it was to cover but it
3 was to cover any payments that had resulted in my account being
4 negative.

5 Q. Okay. So did you make me aware of what the amount
6 was you were overdrawn?

7 A. I would assume.

8 Q. Do I have access to your account information, your
9 bank statements, your login information for your personal
10 information to know how much that 17 to \$1,900 was going to be
11 used to clear your deficiencies?

12 A. You do because I have a sheet of paper that has all
13 the account information and all login credentials.

14 Q. Where is that located and when would I have had
15 access to it?

16 A. Well, it is located in the -- in my desk, bottom left
17 drawer on yellow legal-size paper. There's like five sheets of
18 paper.

19 Q. Isn't it true you prepared that approximately four
20 years ago when we were going on vacation to inform your parents
21 in case we got in a plane wreck how to access your account
22 information and our life insurance?

23 A. I actually prepared it long before that and then I
24 update it periodically.

1 Q. So that sheet was current as of September of 2022
2 with all your login information?

3 A. I think so.

4 Q. West Central Bank didn't make you change your
5 password periodically?

6 A. Well, I actually had lost account access
7 electronically through West Central Bank because I hadn't logged
8 into it for so long so I wasn't in the system.

9 Q. So it would be impossible. If you weren't able to
10 access it, then I couldn't have accessed it either; correct?

11 A. Well, for the personal account, that -- that -- that
12 would be -- that would be correct, yeah. That would be correct.

13 Q. Okay. So I didn't have access to it?

14 A. It is whatever mail.

15 Q. Okay. So do you have any specific knowledge of me
16 knowing the account balances or any proof that I knew it -- how
17 much that 17 to \$1,900 was going to be used to pay the house
18 payment of \$650 a month?

19 A. I would assume. You're the one that controlled all
20 the money.

21 Q. Did I direct you then, if I control the money, did I
22 direct you to change our accounts, our joint savings account at
23 Beardstown Savings to your own personal account on or about
24 August 9th or 29th of this year?

1 A. I did that on my own.

2 Q. And you also had payments that were made into the
3 McClure, Thomas and Thomas business account transferred into your
4 personal account at various times to pay your personal loans with
5 the board or with the bank for your car payments, the vehicles
6 you claimed were yours?

7 A. Say that again.

8 Q. Isn't it true that you had moneys I won't say
9 frequently but you've had at least on more than one occasion had
10 moneys transferred from the McClure, Thomas and Thomas business
11 account to either our joint savings account or ultimately to your
12 personal account to cover your -- your loan obligations with the
13 bank?

14 A. No. What happened was when I ran out of money in our
15 joint personal account, then after our discussions, then I
16 changed it with the bank so that the automatic payment would come
17 out of the McClure, Thomas and Thomas savings account so it was
18 an automatic payment to Beardstown Savings.

19 Q. So the McClure, Thomas and Thomas savings account,
20 isn't it true that any fees earned by McClure, Thomas and Thomas
21 were work performed for Beardstown Savings deposited into that
22 account?

23 A. That is true.

24 Q. And what -- and when you say you had these

1 conversations, who did you have those conversations with?

2 A. I believe it would have been Rich Eckert, the
3 president of the bank.

4 Q. You never discussed that with me, correct?
5 Especially not in August or September of 2022.

6 A. No. When I -- when I opened a personal savings, no,
7 I did not discuss it with you.

8 Q. Why not?

9 A. Because your behavior had escalated as such that I
10 was afraid that you were going to go and withdraw all the funds
11 from the account so what I did was I asked the bank to set up a
12 personal account to transfer the funds from the joint savings
13 account into my personal account where you were named as the
14 primary beneficiary and the kids were the secondary beneficiary.
15 That way, those loan payments would continue just as they had
16 always been paid.

17 Q. So on August 29th of this year, that's when you
18 listed me as the beneficiary of the account?

19 A. It was, you know, roughly, roughly that time period.

20 THE COURT: How much money was -- are we talking about? On
21 August 29th, what was taken out of the joint account and put in
22 your personal account?

23 THE PETITIONER: So \$1,109.66.

24 THE COURT: Okay. And that money sat there and it was

1 automatically taken out for payments or did you take --

2 THE PETITIONER: So and it's in the stack of papers that you
3 have.

4 THE COURT: Okay. So that's reflected in what you --

5 THE PETITIONER: Correct. So the date -- so on the top page
6 of that packet, the bottom entry, 8/27.

7 THE COURT: I see that the 1,109.66.

8 THE PETITIONER: Yep. So that's the amount that opened the
9 account and that was transferred, if you turn to the next page on
10 8/27/22, it shows the withdraw.

11 THE COURT: Okay.

12 THE PETITIONER: So it was withdrawn from the joint passbook
13 savings account and moved to the personal account.

14 THE COURT: But even with that -- okay. But it showed that
15 account that the 1,109.66, it now shows that there's 2,649.85 so
16 -- so that's -- that's counting the 1,109 being withdrawn and put
17 in your personal?

18 THE PETITIONER: So the, the joint account now has \$50.55 in
19 it.

20 THE COURT: Okay.

21 THE PETITIONER: If you're looking at the top. I left \$50
22 in it because that's the minimum amount required to keep that
23 account open.

24 THE COURT: Okay. All right. Okay. All right. So you

1 took that out. All right. Okay. All right. Go ahead. Sorry.

2 BY THE RESPONDENT:

3 Q. So besides the West Central Bank partnership and the
4 joint savings account, are you aware of any other accounts I
5 would have had access to subsequent to September 11th in order to
6 have money to survive?

7 A. Well, actually, since you have not been at the house,
8 I have learned that you opened a credit card in my name, a
9 Capital One Wal-Mart card in my name so I presume you have access
10 to that.

11 Q. No, I don't and I did not but anyways, what's the
12 credit limit on that credit card?

13 A. I have no idea.

14 Q. So you have no knowledge of needing groceries and
15 saying we needed to get credit in order to purchase groceries at
16 Wal-Mart in let's say June or July of 2022?

17 A. No.

18 Q. You don't recall going to Wal-Mart presently with me
19 having a Samsung phone and paying for the groceries with that
20 credit card?

21 A. I mean, you were always paying with all sorts of
22 electronic stuff.

23 Q. So back to your -- other than that credit card you
24 allege I had access to to survive on, are you aware of any other,

1 any other accounts, any other funds I would have had available on
2 September 11th after you transferred those moneys out and refused
3 to deposit any moneys on the business account?

4 A. Well, honestly, Luke, I thought that you were sitting
5 on a stack of cash because the West Central Bank partnership
6 account shows that you have written numerous checks to yourself
7 since we closed on the office building and you had also at one
8 point acknowledged to me that you had transfer funds into some
9 online bank and I don't know what. You always seem to have money
10 but yet our accounts were always overdrawn so I have no idea. I
11 thought you had --

12 THE RESPONDENT: Judge, can we stick to the questions posed?
13 I'm happy to explain that on direct but that's not -- that was
14 not the question that was posed to her. I asked if she was aware
15 of any other accounts. She is saying I had stacks of cash.
16 Those aren't accounts.

17 THE PETITIONER: Well, you had an Ameritrade account, you
18 had transferred, apparently transferred money from our
19 partnership account to some online bank.

20 THE COURT: So that -- she's saying --

21 THE RESPONDENT: Okay.

22 THE PETITIONER: You always have -- there's tons of credit
23 card type stuff that you always had. I have no idea.

24 BY THE RESPONDENT:

1 Q. So you have access to the West Central Bank accounts
2 and you could see the transfers in and out; correct?

3 A. Well, I don't have online access to those accounts.

4 Q. Isn't it true that you had all of the business
5 account statements mailed to the Beardstown office which you had
6 exclusive access to at least until January of 2022?

7 A. No, I didn't have exclusive access.

8 Q. Because all the statements were in paper form up to
9 that point; correct?

10 A. They were, yeah.

11 Q. And the mail was sent to Beardstown?

12 A. To our post office box that has been --

13 Q. Where you would go --

14 A. -- the post office box since the history of the firm.

15 Q. Where you would personally insist on going to get the
16 mail out of the box at least once if not twice a week?

17 A. I would go once, once a week, once every seven to ten
18 days.

19 Q. Did you open the bank statements --

20 A. To get the mail.

21 Q. -- and look at them at that time?

22 A. Actually, no, I did not.

23 Q. You're aware of the checks in the amounts that were
24 allegedly transferred out of that account since January of 2022,

1 correct, out of the West Central Bank business partnership
2 account?

3 A. Say what?

4 Q. So you said that you've discovered that there were
5 numerous checks and transfers out of the West Central Bank. How
6 did you learn of that?

7 A. Well, I'm learning things now because I'm going
8 through the finances. What I would do is get the mail and sit it
9 on the table so that you can go through it and do whatever it is
10 that you do.

11 Q. I'm not talking about the paper mail.

12 A. So I'm learning all sorts of stuff now.

13 Q. I'm talking about the transfers in and out of the
14 account that you've just referenced, the (indiscernible), TD
15 Americard (phonetic) from the West Central Bank partnership to
16 the TD Ameritrade account, how did you learn of that and when did
17 you learn of it?

18 A. Well, because the -- I had seen that you had
19 Ameritrade mail.

20 Q. And isn't it true I have had that account for at
21 least the last 15 years?

22 A. Well, I have no idea.

23 Q. Do you not sign your own tax returns?

24 A. I don't know whether I sign them or you sign them for

1 me. I don't -- I've not ever looked at our tax returns.

2 Q. So you submit information under oath hoping that
3 people sign it for you? Is that your testimony today?

4 A. I submit it trusting that you're going to do it
5 correctly. I have relied on you exclusively financially with
6 that office.

7 Q. And when you've relied on me exclusively so when I
8 was determined disabled, who took over at that point?

9 A. In terms of what?

10 Q. In terms of the finances at the office. If you
11 relied on me exclusively and I was found to be disabled by
12 Northwestern Mutual from April of 2019 to September of 2020, who
13 handled the finances at the office at that point?

14 A. You did. You would -- you would take care of that.
15 What I would do is when a payment would -- a client would make a
16 payment, I would prepare the deposit slips and make photo copies
17 of everything and put it in a packet and leave it there for you
18 to input the data into the software and that -- that part never
19 got done.

20 Q. Isn't it true that each withdraw from the West
21 Central Bank partnership to the TD Ameritrade account or the
22 Varo, V-a-r-o, online bank account were ultimately transferred
23 right back into that account to cover the necessities of the
24 house and --

1 A. I have no idea. You're going to have a lot of
2 explaining to do on these finances. I have no idea.

3 Q. Then if you have no idea, why do you make the
4 allegation that I have mounds of cash and I had some nefarious
5 reason to transfer the moneys in and out of the account?

6 A. I didn't say you had a nefarious reason. I said I
7 thought that you were -- you had cash available because you
8 always -- you always took us out to eat, there -- you were --
9 money was going everywhere, buying the kids stuff. But with the
10 order of protection, leading up to that, you would not give me
11 any money. In fact, at Vivian's ball game which would have been
12 the Saturday before the order of protection, I went to Dollar
13 General to get some bread and stuff to make peanut butter and
14 jelly to take to the ball game because you didn't give me any
15 money, that way we could eat something.

16 Q. Isn't it true I didn't have any money at the time to
17 give you?

18 A. Well, that's what you said but then when we got to
19 the ball game, you bought the kids their drinks and snacks and, I
20 mean, you're constantly spending money but you don't give it to
21 me. I only get money when you give it to me so I have been
22 spending money leading up to that digging through change jars to
23 go over to Dollar General and buy necessities for the house but
24 yet you got money just to give to the kids and for yourself.

1 Q. What have I purchased for myself since January of
2 2022?

3 A. Oh, I would be --

4 Q. Clothing wise, healthcare wise, glasses, anything?

5 A. Well, it's my understanding that you have spent a lot
6 of money gambling. That's one thing. You have recently
7 purchased kayaks for all of -- so six kayaks. You've purchased
8 --

9 THE COURT: When did that happen?

10 THE PETITIONER: That was around Easter.

11 THE RESPONDENT: That was Easter at her suggestion. She
12 wanted kayaks for the family, for her and I and that was an
13 Easter present for the children.

14 THE COURT: So that's like March or April of this past year?

15 THE PETITIONER: Uh-huh. Uh-huh.

16 THE COURT: All right.

17 THE PETITIONER: Well, at that time, we were doing
18 counseling and his thing was that I wasn't spending enough time
19 with him so I said that would be a way that we could spend time
20 together. Again, I didn't know what our finances were. And so
21 it turned into I just wanted it for he and I. Well, then he
22 wanted it for -- for everybody. Turns out, you know, the kids
23 don't even enjoy it. It was a waste.

24 THE COURT: All right.

1 THE PETITIONER: But.

2 THE COURT: All right. Luke, go on.

3 BY THE RESPONDENT:

4 Q. So isn't it true that in December of or in January of
5 2022, moneys we received from the sale we also, we went and
6 purchased necessities, new clothes, shoes, medical devices for
7 the children?

8 A. Well, so what happened after that. You initially
9 said that --

10 Q. Isn't it true or not?

11 THE COURT: Is this the sale of the business?

12 THE PETITIONER: The business.

13 THE RESPONDENT: The sale of the business. That's where the
14 moneys that we're referencing in this West Central Bank.

15 THE COURT: What and so tell me what did you -- what did you
16 clear on the building? What was your --

17 THE RESPONDENT: 170 thousand.

18 THE COURT: Okay.

19 THE RESPONDENT: Was the rough amount.

20 THE COURT: And is that -- how much of that would have been
21 subject to tax?

22 THE RESPONDENT: We've got a capital gains due on it. If --

23 THE COURT: It sounds like nothing has been filed so there's
24 a capital gains?

1 THE RESPONDENT: Oh, yeah. There's a capital gains tax that
2 will be due on it.

3 THE COURT: Okay. Do you have any idea what the capital
4 gain on the property was?

5 THE RESPONDENT: I would say roughly \$100,000.

6 THE COURT: Okay. That's a chunk of change there, folks.
7 Okay. All right. So you had 170,000 after this so you're now
8 questioning on where that money went or how you guys spent that
9 because that -- because there is none of that money left I'm
10 guessing.

11 THE RESPONDENT: That's correct.

12 THE PETITIONER: Apparently not.

13 THE COURT: Okay. All right. Go ahead. Go ahead. Ask
14 what you're going to ask.

15 BY THE RESPONDENT:

16 Q. So isn't it true that's what we used the money for
17 initially to buy the kids clothes for the winter, to buy jackets,
18 to buy medical devices in let's say January of 2022; correct?

19 A. I don't know what the money was spent on, Luke.

20 Q. You don't know that you went with us and went
21 shopping with the kids and bought those items including yourself
22 a new coat?

23 A. Yes, I recall that.

24 Q. So you do recall going shopping at Kohls and buying a

1 coat?

2 A. Uh-huh.

3 Q. And those but did I buy a new coat?

4 A. No.

5 Q. Did I buy new shoes?

6 A. Not that time.

7 Q. When is the last time -- you bought a pair of new
8 running shoes with the moneys, did you not? \$180 shoes?

9 THE COURT: Was there any -- let me interrupt here because,
10 I mean, not to minimize those purchases, I'm sure they add up,
11 but, I mean, we're talking 170,000. Were there like major --

12 THE RESPONDENT: Oh, yeah.

13 THE COURT: Major purchases or major payoffs on stuff that
14 we're getting to on this?

15 THE PETITIONER: I mean, he did pay like \$7,000 for Vivian's
16 orthodontia.

17 THE COURT: Okay.

18 THE RESPONDENT: We also had roughly \$3,000 a month for
19 health insurance premiums.

20 THE COURT: Okay. All right. So when and those -- that 3
21 thousand a month went to what point because it sounds like --

22 THE RESPONDENT: It went -- well, the -- what is we had -- I
23 had a policy with myself, Grant, Vivian and Ivana on one policy
24 and that premium was \$4,975 every two months.

1 THE COURT: Okay.

2 THE RESPONDENT: There's a second policy that had Gwen and
3 Lucy on it that was roughly \$900 a month.

4 THE COURT: So about --

5 THE RESPONDENT: That -- the one with the four of us on it
6 was terminated due to nonpayment in June of this year. The one
7 that had Gwen on it and Lucy on it continued to be paid all the
8 way until October of this year.

9 THE COURT: Okay. So all right. Okay. That still that
10 accounts for some thousand. Same with the orthodontia. All
11 right. I'm just trying to get a feel where most of this went.
12 But okay. Keep going.

13 BY THE RESPONDENT:

14 Q. Isn't it also true those moneys that basically paid
15 all of the household expenses; correct?

16 A. Yes.

17 Q. Including all the food?

18 A. Yes.

19 Q. The house payment?

20 A. Yeah.

21 Q. The insulin? Isn't it true Grant's long-acting
22 insulin was no longer covered by insurance?

23 A. Once -- once the insurance terminated.

24 Q. No, that's -- so you're not aware that his or that

1 his long-acting insulin, Lantus, was no longer covered by
2 provider in January of 2022 going forward?

3 A. Well, then you had talked with the pharmacist and
4 switched it so it was switched to a generic, a generic brand.

5 Q. Isn't it true that his noncovered insulin was
6 approximately \$700 a month?

7 A. That -- that may have been the case. Of course, I
8 didn't find that out until well after the fact. Otherwise, I
9 would have been on the phone with providers coming up with a
10 different asking if we could have a different form of insulin
11 that insurance would cover.

12 Q. Were you present at the home during that time?

13 A. Yeah.

14 Q. Were you -- what were you doing from January of 2022
15 until September? Were you working out of the house? What were
16 you doing that prevented you from following up on this type of
17 stuff?

18 A. Well, you didn't tell me a lot. I think a lot of
19 information was kept hidden from me.

20 Q. You've had -- isn't it true you've had access to
21 Grant's medical information from the day one when he started
22 treating at Mayo?

23 A. No. I don't have access to his online portal.

24 Q. Isn't it true even when I left, I left you a list of

1 the household bills including the amount of the -- the insulin
2 and the amount of other expenses?

3 A. Well, you did. You did. You did do that.

4 Q. And I provided that to you on September 10th before
5 you sought the order of protection; correct?

6 A. Yeah, I think it probably was.

7 Q. So prior to that, you're saying you had no knowledge
8 of any of the medical expenses, no expenses? It was all on me;
9 correct?

10 A. You were the one that -- you would make so many trips
11 to Springfield in a week and during those trips, you would come
12 back with his medicine so you were the one that was directly
13 dealing with the pharmacist.

14 Q. So if I was going several times a week out of the
15 house and that was an issue for you; correct? You complained
16 about that?

17 A. What was an issue was not knowing where you were,
18 getting upset when I questioned you, finding out that you're
19 coming back from Maribus or whatever the cannabis place. Going
20 to the -- the -- playing the slot machines, that was a problem.

21 Q. So when did you -- when did that allegedly occur?

22 A. What?

23 Q. Whatever you said the slot machines and the Maribus
24 or whatever you're trying to allege.

1 A. You were always doing that. You were always doing
2 that. That was a problem. All of your addictions have been a
3 problem.

4 Q. Do you have any specific dates? Do you know of any
5 substances that I abused that has not been prescribed to me?

6 A. Well, as far as I know, that you do not have
7 marijuana prescribed to you and that's a substance that you have
8 used repeatedly and getting the marijuana-infused vape pens that
9 you would leave around the house for your son to take to school
10 and use.

11 Q. When did that occur?

12 A. Well, if I can look at my phone, I could probably
13 because I took a picture of your vape pen.

14 Q. Let me -- (indiscernible) back in 2022?

15 THE COURT: She's checking.

16 A. I don't know. I'm going to have to -- I'm going to
17 have to check because I took a picture of that vape pen or, no, I
18 think I asked Sheriff Orn for a picture of it so I knew what it
19 looked like since it was confiscated from the school and you
20 acknowledged that it was your pen and it was marijuana-infused
21 and that is when our son took it to school and apparently another
22 kid took a hit off of it and ended up passing out and had to go
23 to the hospital or something. You were probably called. Do you
24 know the time frame?

1 THE RESPONDENT: Objection, Judge.

2 THE COURT: Yeah. No. That's sustained.

3 A. Let me try a different way. That would have been
4 October 19th, 2021.

5 Q. Did you seek an order of protection at that time?

6 A. No.

7 Q. Isn't it true you didn't seek an order of protection
8 at that time because the -- it was left in your care upstairs
9 during that time period? You were going to help with his
10 diabetes management and supervise him when he slept.

11 THE PETITIONER: Objection. Relevance.

12 THE COURT: October 2021 when this allegedly occurred.

13 THE PETITIONER: I think.

14 THE COURT: You're saying that she didn't get an OP at that
15 time because she was actually the one at fault? You weren't
16 involved in the care of Grant?

17 THE RESPONDENT: No. I'm saying that I don't understand
18 that that line of questioning. She just testified to an event in
19 October of 2021.

20 THE COURT: Right. A year ago.

21 THE PETITIONER: It was October 19th.

22 THE RESPONDENT: A year ago.

23 THE COURT: And that was -- that was the deal with the pen
24 that Grant had at school and -- and.

1 THE RESPONDENT: Yeah. There's no allegations in this
2 petition regarding any of this.

3 THE COURT: Okay.

4 THE RESPONDENT: So I move to strike the testimony. She
5 can't provide dates, she can't provide a foundation.

6 THE COURT: She's provided October 19th.

7 THE RESPONDENT: That's beyond the November date of the
8 petition.

9 THE COURT: But you asked the question on it -- on the
10 cannabis. Do you have a date and she found one so I'm not going
11 to strike it. I mean, I mean, my -- my point was -- was you
12 asked her a question is the reason she didn't go with the order
13 of protection then was because Grant was in her care.

14 THE RESPONDENT: Yes.

15 THE COURT: All right. So all right.

16 BY THE RESPONDENT:

17 Q. Did you not go get it because Grant was in your care?

18 A. Whether I received an order of protection or sought
19 one previously is not relevant to a motion to rehear.

20 THE RESPONDENT: Judge, I would ask the witness to answer
21 the question or make a proper objection.

22 THE COURT: She made an objection on relevance and I'm going
23 to sustain it. The fact that she didn't go get one in October
24 2021 doesn't mean she would be precluded or can't -- can't bring

1 it up later. If you want to argue that -- that what happened at
2 your house in September wasn't an emergency because she didn't go
3 get one in October, you can make that argument and I'll put
4 weight on it but, no, it stands. So I'll sustain the objection.
5 Move on.

6 BY THE RESPONDENT:

7 Q. Isn't it true that in November of 2021 as alleged in
8 your petition, that Grant slept upstairs with you during that
9 time period?

10 A. Yeah, he slept upstairs during that time period.

11 Q. Now isn't it also true that during that same time
12 period, he was taking your alcohol and prescription drugs in his
13 bedroom while you were in charge of watching him upstairs while I
14 slept downstairs?

15 A. No.

16 Q. As far as drug use, isn't it true you take
17 approximately one milligram of Xanax, a full shot of NyQuil and
18 20 milligrams of melatonin every night to go to sleep during that
19 same time period?

20 A. No.

21 Q. So you don't -- you've never -- you've never taken
22 that? Are you prescribed Xanax?

23 A. I am.

24 Q. Isn't it true you take one half to one milligram of

1 Xanax every night in order to sleep in that time period?

2 A. I take one -- I don't even know what the prescription
3 is. It's a half a milligram and I am prescribed to take one
4 tablet by mouth twice daily as needed and may take two tablets by
5 mouth at bedtime. Typically I would only take one tablet per day
6 and that was at bedtime. And I haven't needed it very often
7 since you have been out of the home.

8 Q. Isn't it also true that you take one full cup of
9 either NyQuil or Dollar General cough together with that and 20
10 milligrams of melatonin every single night when you went to bed?

11 A. I would do a cup of NyQuil and I would do generally
12 ten milligrams of melatonin. And I have -- and I haven't taken
13 --

14 Q. Isn't it also true you would often brag to family
15 members and people in the community that you had to take enough
16 sleep medicine to tranquilize an elephant to go to sleep?

17 A. I wouldn't brag about that. That's not something to
18 be proud of.

19 Q. Why would you tell people that jokingly and laugh
20 about it?

21 A. Just when you are talking to other people about, I
22 mean, once you get to a certain point in life, I think a lot of
23 people have difficulty sleeping and need some sort of a sleep
24 aid. But the interesting fact is I haven't needed that stuff

1 since you have been out of the house.

2 Q. So isn't it often true you were the first person in
3 the house to sleep before the children and before me each night
4 from January 2022 to the time I was removed?

5 A. No.

6 Q. So you were awake to take care of Grant's blood
7 sugars and ensure that he was supervised at night?

8 A. Yeah. I mean, I would sleep. I wouldn't be up all
9 night long.

10 Q. Isn't it true that often times --

11 THE PETITIONER: I'm going to object on relevance.

12 THE COURT: I mean, Luke.

13 THE RESPONDENT: She's opened the door as far as the
14 marijuana use. She is trying to act like that's something,
15 again, nefarious or something improper that took place or a waste
16 of money. She's taking this (indiscernible) as care of the
17 children.

18 THE COURT: Which isn't illegal and is prescribed so I mean,
19 okay, you both have been taking stuff. I mean, if your question
20 is is the medicine got her conked out so she's not moving all
21 night but if you were in the house, I mean, I don't know -- I
22 don't know that we -- I mean, if you weren't able to take care of
23 the kids, I assume she was there so I mean --

24 THE RESPONDENT: That would be a wrong assumption. If I was

1 able to take care of them, they were taken care of and I was
2 there to take care of them.

3 THE COURT: Okay. Well, let's -- let's move on from this.
4 Okay. You have established what she has taken at night. She
5 said what she took. Let's -- let's -- let's get moving on this,
6 okay?

7 THE RESPONDENT: So --

8 THE COURT: I mean, let me interrupt. I mean, once again on
9 this rehear, the fact that she's here said that -- that you
10 allege you were gambling and taking pot, that -- I'm not
11 considering that as -- as why -- why the rehear should be
12 disallowed. I mean, I want to know -- the fact that she took
13 NyQuil or Xanax and you may have gambled or taken pot, that's not
14 -- I mean, that's not making my decision here.

15 THE RESPONDENT: Okay.

16 THE COURT: I mean, I'm not.

17 THE PETITIONER: All this is part of the divorce case, not
18 this.

19 THE COURT: Exactly. I'm not saying that some of this stuff
20 isn't going to be relevant. I mean it probably will be if we
21 don't reach some agreement but I'm not sure at this point it is
22 for whether there should have been an emergency order granted and
23 if so, whether -- whether the home and the children and all that
24 ex parte should have been done and whether, after I have heard

1 everything, not necessarily this stuff, whether I think I need to
2 modify it and I have told you I am going to -- if I rule to keep
3 the EOP in place until we get this thing resolved, I am going to
4 modify it so, I mean, but anyway, I don't think we have to keep
5 going on the Xanax and the pot. That's not -- those are
6 allegations you guys can make in the divorce when we get down to
7 it. I'm not -- that's not -- that's not moving the needle.

8 THE RESPONDENT: Okay. I just wanted to be sure because
9 that was a direct answer to my line of questioning. I didn't
10 believe it was relevant either.

11 THE COURT: Okay. So I will sustain your objection for the
12 record and then let's kind of move on.

13 BY THE RESPONDENT:

14 Q. So back to the week of September 5th. Again, you
15 netted money from the sale of the vehicle; correct?

16 A. Yes.

17 Q. Before you -- before you allegedly used nickels or
18 quarters, whatever you've alleged to pay for paper towels;
19 correct?

20 A. Correct.

21 Q. Isn't it true you also then had eleven hundred -- at
22 least \$1,100 in a savings account that you were aware of that you
23 could have used for those necessities at that time; correct?

24 A. No, I wasn't aware.

1 Q. You weren't aware of your own personal savings
2 account or your Beardstown Savings account that you had those
3 moneys available?

4 A. No. I didn't know how much. Well --

5 Q. You sit on the board; correct?

6 A. On -- I sit on the board but I'm not always
7 necessarily monitoring these accounts. I would have known, yeah,
8 that there was \$1,100 but it is in Beardstown so I don't -- I
9 don't have it available to just -- I would have to drive to
10 Beardstown to withdraw it and come back to do any shopping. I
11 didn't -- I don't have access to it. We live across from West
12 Central Bank, not Beardstown Savings.

13 Q. You could have had the money transferred from
14 Beardstown Savings to West Central Bank; correct?

15 A. Well, I didn't do that because I wanted the money to
16 -- to make the vehicle payments just has customarily been done.

17 Q. Isn't it true you didn't disclose you had a
18 nonmarital IRA that had approximately \$4,500 in the middle of
19 August when I opened the mail and discovered it?

20 A. I had forgotten about that. You're the one that --
21 you knew about it and brought it to my attention and so once you
22 brought it to my attention and told me you wanted me to cash it
23 in, I did and then we received the money like three or four days
24 later.

1 THE COURT: When was this?

2 THE RESPONDENT: In probably about August 20th or 2022,
3 about a week --

4 THE COURT: Okay.

5 THE RESPONDENT: -- before these allegations.

6 THE COURT: And that was about 4 or \$5,000.

7 THE PETITIONER: Uh-huh.

8 THE COURT: What did we do with that money?

9 THE PETITIONER: I gave it to him.

10 THE RESPONDENT: It got deposited and it was used to pay the
11 firm expenses.

12 THE COURT: All right. Okay. All right. So there's none
13 of that money around, that five thousand.

14 THE RESPONDENT: Currently now, no.

15 THE COURT: Well, okay.

16 THE RESPONDENT: I mean, it's went to pay for firm expenses,
17 software, whatever other. I mean, there's approximately 2 to
18 \$3,000 each month that we've been losing paying for this firm to
19 be open that we're not generating any money so it goes into the
20 West Central Bank business account and all the fees, all the
21 subscriptions for the software, for billing software to maintain
22 client practice all comes out of that.

23 THE COURT: Okay. All right.

24 THE RESPONDENT: And that's a good chunk of where the money

1 went from.

2 THE COURT: All right. And like I said, that's -- we're
3 going to come to a head on all of that but let's -- all right.
4 So --

5 THE RESPONDENT: I guess the point trying to be, Judge, and
6 I think it has been made that there were moneys available more
7 than just change. That I didn't withhold moneys from her. She
8 had access to it.

9 THE COURT: And you'll be able to make that argument. I am
10 going to give her an opportunity to respond when it is
11 appropriate so okay.

12 BY THE RESPONDENT:

13 Q. You indicated I informed the bank about our financial
14 situation to embarrass you and to prevent you from being on the
15 board; is that correct?

16 A. That is correct.

17 Q. Beardstown Savings is an active client of McClure,
18 Thomas and Thomas, is it not?

19 A. Well, I don't know that I would say active since we
20 haven't done work. They were a client of McClure, Thomas and
21 Thomas. In fact, a long-time client of McClure, Thomas and
22 Thomas.

23 Q. And you're doing business with them on a personal
24 basis and also directing accounts be changed; correct?

1 A. Yeah, I directed that the one account be changed.

2 Q. And you're supposed to annually file with them a
3 personal financial statement stating your debts and obligations
4 and that's done under federal penalties and federal perjury;
5 correct?

6 A. That's correct. And you've always prepared it for
7 me.

8 Q. I don't sit on the board; correct?

9 A. No, you don't. I also don't know our finances. You
10 have always prepared it for me.

11 Q. Okay. So I informed -- did I ever informed you that
12 you're misstating your finances? In one regard, that you're
13 destitute and the other that you're overstating your assets?

14 A. Yeah. Since all -- since all this has gone on or
15 since I -- I guess it was since I told you that I wanted a
16 divorce, then you bring all of this stuff up saying how I'm a
17 criminal, how my conduct is criminal, everything I'm doing is
18 wrong, I'm going to go to jail.

19 Q. Isn't it true that I have not prepared those
20 financial statements or and refused to sign any tax returns since
21 2019 because of not having the information provided by you to me
22 in order to prepare this?

23 A. I don't know. There just haven't been -- you haven't
24 prepared them.

1 Q. So you're saying I never told you that I refused to
2 sign the tax returns, prepare your financial statements based on
3 information I couldn't verify personally?

4 A. Yeah, you have here very recently had said that you
5 --

6 Q. When you say very recently, how recent are you
7 talking about? In 2021? 2020? 2022? What year did I tell you
8 that?

9 A. Well, what I'm recalling as I'm sitting here is like
10 since the summer you have indicated that.

11 Q. And you're required to file those statements annually
12 but you haven't filed one until 2022. You missed three years
13 filing personal financial statements with the bank; correct?

14 A. No. You recently prepared one and that was through
15 December of 2021 I thought.

16 Q. What did I prepare for you and how did I prepare it?

17 A. I think you went off one that you had previously
18 prepared.

19 Q. Isn't it true you provided all the information as far
20 as the vehicles, the debts, the obligations to me via email and I
21 simply inputted the data based on what you provided me because I
22 have a template saved from two years prior?

23 A. Well, I would -- I would know what the debt was on
24 the vehicles because of the Beardstown Savings accounts. That's

1 where the loan for each vehicle was. And I don't know where this
2 is going.

3 Q. You've alleged that I had some sort of reason to
4 embarrass you. For purpose, Judge, what exhibit did we leave off
5 on?

6 UNIDENTIFIED SPEAKER: (Indiscernible) it would be exhibit
7 five.

8 THE COURT: Yeah. We have had four exhibits so this would
9 be exhibit five.

10 BY THE RESPONDENT:

11 Q. I'm going to mark this exhibit as Respondent's
12 Exhibit No. 5 and ask you to identify it. What is it?

13 A. That appears to be the financial statements.

14 Q. And, in fact, your signature is on that; correct?

15 A. Well, my signature is actually on the third page and
16 that is the statement of related interest for year end 2021.

17 Q. So that's --

18 A. You put -- you put the date on it. That's your
19 handwriting and you also dated and signed for me the financial
20 statement.

21 Q. May I approach? That's not true.

22 A. That is true.

23 Q. That is not my signature. That is your signature.

24 A. This is my signature.

1 THE COURT: Okay. And you're testifying that the other
2 signature that purports to be yours, you did not make that one?

3 THE PETITIONER: No, I did not. I did not make -- Luke, he
4 prepared this and told me to -- I signed that part and --

5 THE COURT: So, Luke, this is in response to her saying that
6 -- so where are you going with this one, too? Once again, we're
7 getting into all this financial stuff as opposed to what --
8 what's the purpose of this financial statement? You're using it
9 to show that what?

10 THE RESPONDENT: That there was a reason other than to
11 embarrass her. I told her I guess --

12 THE COURT: And this goes to --

13 (Simultaneous speaking.)

14 THE RESPONDENT: The reason for informing --

15 THE COURT: The one allegation since November '21 Luke has
16 told me I'm not going to practice law in Cass and he talks to the
17 community about --

18 THE RESPONDENT: No, Judge.

19 THE COURT: No, not that one. So which one is --

20 THE RESPONDENT: It goes to the email that was sent she said
21 I sent to embarrass her to have her removed from the board.

22 THE COURT: Okay.

23 THE RESPONDENT: Which would have been allegedly sent when
24 --

1 THE COURT: And you're alleging -- you're putting this
2 forward to say that you didn't send it to embarrass her. You
3 sent it because it needs --

4 THE RESPONDENT: She's made fraud on a bank and she needed
5 to get off the board before it snowballed.

6 THE COURT: Okay. And she's testified she didn't sign one
7 thing. So okay. Let's -- you will be able to argue that. Let's
8 -- let's move on. I mean, she's -- she's saying she signed one
9 page, she didn't sign the other. I assume you're going to tell
10 me she did and I'll decide how much weight to put to that.

11 BY THE RESPONDENT:

12 Q. Did you not forward the personal financial statement
13 plus the ownership interest of McClure, Thomas and Thomas to Rich
14 Eckert on or about April 20th of this year?

15 A. Yes. So even if I didn't sign it, it was -- I gave
16 it to the bank as if it was a correct financial statement.

17 THE COURT: All right. All right. Okay.

18 BY THE RESPONDENT:

19 Q. And that was sent via email; correct?

20 A. I think so.

21 Q. And it would have come from your email account;
22 correct?

23 A. I would guess, yeah.

24 Q. Did you review it before you sent it?

1 A. No.

2 Q. And the information contained in that affidavit was
3 provided by you; correct? Or in that statement, you provided the
4 information in order to prepare it; correct?

5 A. No. I mean, I would have -- I could have provided
6 you with the vehicles.

7 Q. The loan payoffs?

8 A. I would have no idea. For the loan payoffs for the
9 vehicle, yeah, I would have provided that but anything else, I
10 have no idea.

11 Q. The \$80,000 in good accounts receivable, you never
12 had any conversation with me about what your outstanding accounts
13 would be and what they would be as far as good accounts you could
14 actually collect on?

15 A. We probably discussed it. This amount would have
16 been inflated. I mean we know that these -- the accounts
17 receivables we haven't collected on them so they're not good.

18 Q. So your testimony you submitted a personal financial
19 statement to a federal institution that had inflated numbers; is
20 that correct?

21 A. I plead the fifth.

22 THE COURT: Okay. Next question. Let's move on.

23 BY THE RESPONDENT:

24 Q. You also have an outstanding SBA loan in the amount

1 of \$150,000; correct?

2 A. I don't know. You told me we have an SBA loan.

3 Q. You signed the loan documents as a managing partner
4 and submitted that from your email; correct?

5 THE COURT: Okay. And once again, the purpose of this? I
6 have no doubt that this is going to become really relevant in all
7 the other stuff but what does this got to do on the rehear on
8 whether I should keep the two of you apart which, quite frankly,
9 guys, is going to happen. But anyway, let's -- what's at this
10 point --

11 THE RESPONDENT: It goes to weight, Judge, as far as her not
12 having either she overinflated her financial statements or those
13 are true and accurate or she didn't have money available and she
14 was forced to pay the paper towels with quarters.

15 THE COURT: Okay. So if -- if your position is she
16 overinflated something that she says she doesn't really read that
17 you always prepared.

18 THE RESPONDENT: That's not -- that's not my position,
19 though. I'm asking her what's accurate.

20 THE PETITIONER: What is accurate is what I said. That you
21 always have cash that you are spending and giving to the kids and
22 then you give me nothing and leading up to this, I had nothing.

23 THE COURT: And you're saying that this shows that there was
24 money.

1 THE RESPONDENT: I'm saying that what she is testifying to
2 is, one, not correct. That she has had access to money. She had
3 the same access to the same bank accounts.

4 THE COURT: Well, then ask her -- ask her -- I mean, let's
5 get down to it. What access to money do you think she had and
6 ask her why she didn't use that money and let her give an answer
7 she can as opposed to all this other stuff.

8 BY THE RESPONDENT:

9 Q. Isn't it true that you're a signatory on West Central
10 Bank account, business account 16446?

11 A. I am.

12 Q. Isn't it true you have often times drawn checks on
13 that account since January of 2022?

14 A. Only if you say that I can do that. I have never
15 just gone and taken money out of that account.

16 Q. So you have never written checks for household items,
17 personal items without asking me for permission?

18 A. I have if you said it's okay.

19 Q. So every check that would have your signature on it
20 from January of 2022 was done with my permission? Only with my
21 permission?

22 A. It -- from January.

23 Q. Of 2022 to the present, all checks drawn that would
24 bear your signature were only done with my permission?

1 A. Yeah. I think that's true. I do think that's true.

2 Q. So paying filing fees and expenses out of that
3 account for clients that I insist that you not take on because
4 the firm is closed, those were done with my permission, as well?

5 A. Well, which case are you talking about?

6 Q. Which one? That's --

7 (Simultaneous speaking.)

8 A. What are you talking about?

9 Q. Answer the question.

10 THE COURT: Well, she is asking to be specific. What -- you
11 said you mean the cases I said I didn't want you to take, you use
12 that money to -- without -- without my permission. She is asking
13 which case are you -- are you talking about. I mean, that's
14 fair. Is there, I mean, your question is not -- not irrelevant
15 at this point but for her to answer it, she is wanting to know do
16 you have particular clients that you remember saying no that you
17 know she wrote checks.

18 THE RESPONDENT: I made a list out. There is probably about
19 60 clients that she has taken on since the firm closed that would
20 have been done without my permission, filing fees.

21 THE COURT: Okay. And so, Gwen, then as far as that goes, I
22 think his question is you're saying that you didn't write any
23 checks on that without his say so. He's asking you did you write
24 checks to pay filing fees that he had told you on clients that he

1 didn't want to take. Doesn't mean he didn't tell you he couldn't
2 do it but he is asking did he do that.

3 THE PETITIONER: No. I -- I -- no.

4 THE COURT: Okay. She's saying no.

5 THE PETITIONER: No.

6 THE COURT: So there you go.

7 BY THE RESPONDENT:

8 Q. So any filing fees that the Cass County Circuit
9 Clerk's Office shows paid from that account from January of 2022
10 that would have been debited from that account, you're saying I
11 would have given you express permission to practice law and then
12 have those fees taken from that account?

13 A. Yeah. You know, it seemed like you were okay if I
14 took on cases if it was convenient for you. Like if you knew
15 that I was going to generate money. And you're very -- one
16 minute you'll say I can do something. The next minute you say
17 that I can't.

18 Q. Isn't it true that just as of yesterday, you were
19 asking to perform work for a 1031 exchange under the name of
20 McClure, Thomas and Thomas?

21 A. I did ask if I could do that. I have an opportunity
22 to perform a 1031 exchange for a client and I would like to be
23 able to do it to generate income.

24 Q. Isn't it true that you attempted to do so in October

1 of 2021 and was fired by Kevin Detwilers (phonetic) for failing
2 to meet the deadlines of that and failing to meet the deadlines
3 as stated to you because you don't have the experience to perform
4 a 1031 exchange?

5 A. No. I have done other 1031 exchanges.

6 Q. So did you -- were you retained by the Detwilers to
7 perform a 1031 exchange?

8 A. I didn't -- I wasn't retained in the sense that I
9 don't believe I received any retainer fee.

10 Q. You were hired to perform work for them that you
11 couldn't perform; correct?

12 A. I didn't perform it at their pace so --

13 Q. You took over a month long in order to get -- get --
14 before they fired you and hired (indiscernible)?

15 THE COURT: All right. Let's move on. Once again, this is
16 not whether -- that happened or not is not -- is not a huge
17 concern of mine. Like I said, there's, I mean, there's ton of
18 questions here as to why things weren't done by both of you and
19 we're going to get to that, not today, but yeah, we've got some
20 things to sort out here. So let's move on.

21 BY THE RESPONDENT:

22 Q. So after selling your car, your Ford Expedition, the
23 vehicle, the only vehicle you said you had access to was the
24 Cadillac Escalade?

1 A. That is correct and then you had --

2 Q. That I withheld the keys and wouldn't allow you to
3 use it?

4 A. You would not. That's correct. You withheld the
5 keys and would not let me use --

6 THE COURT: And when about was that? When did that
7 allegedly happen?

8 THE PETITIONER: That was leading up to the --

9 THE COURT: Okay.

10 THE PETITIONER: September 11th.

11 THE COURT: That's like -- in the petition, it says like
12 between September 8th and September 10th.

13 THE PETITIONER: Yep.

14 THE COURT: Luke kept money and car keys from you.

15 THE PETITIONER: Uh-huh. Yes.

16 THE COURT: That's an allegation. You can certainly
17 question on that.

18 BY THE RESPONDENT:

19 Q. The vehicle was sold to Carmax on September 7th,
20 2022; correct?

21 A. I think that's correct.

22 Q. And I had a telephone appointment with Mayo Clinic on
23 September, the morning of September 8th, 2022; correct?

24 THE PETITIONER: Objection. Relevance.

1 THE RESPONDENT: You got to give me some leeway.

2 THE COURT: Well.

3 THE PETITIONER: We got into the -- and asked and answered.

4 (Simultaneous speaking.)

5 THE RESPONDENT: Got to establish foundation --

6 THE PETITIONER: We discussed this last time.

7 THE COURT: Okay. So all right. So, Luke, what's the
8 reason for the question that you had an appointment at Mayos on
9 September the 8th?

10 THE RESPONDENT: If she could answer that question, Judge,
11 the next question.

12 THE COURT: Okay.

13 THE RESPONDENT: Get to the point.

14 THE COURT: Okay. So the question was is it true that he
15 had an appointment at Mayos on September the 8th.

16 THE PETITIONER: It was around that -- appointment or the
17 phone appointment?

18 THE RESPONDENT: The phone appointment.

19 THE PETITIONER: Around that time, yes.

20 THE COURT: Okay.

21 BY THE RESPONDENT:

22 Q. Isn't it true that morning that you were gone with
23 the Cadillac taking Rebecca Waylin (phonetic) to a cancer
24 treatment in Springfield using the Cadillac and the keys?

1 A. I think on that day, I did take Becky to her biopsy.

2 Q. And isn't it true the day before I filled the tank up
3 for you so you'd have access to the vehicle in order to use it?

4 A. I don't know. You might have.

5 Q. So at least --

6 A. That's the only way gas would get in the car because
7 you're the one with the money so if it had gas, you would have
8 done it.

9 Q. So you did have access to the car because you freely
10 traveled with the vehicle on September 8th to Springfield and
11 back?

12 A. Actually, you were -- you threw a fit that I took
13 Becky to have her -- her biopsy.

14 Q. That wasn't the question. Did you have the keys and
15 did you travel freely with the car on September 8th?

16 A. It would have been on whatever day I took her for her
17 biopsy.

18 Q. It would have been after the Ford Expedition was
19 sold; correct?

20 A. Yes.

21 Q. Did you seek -- were you restricted in any way of
22 seeking an order of protection or anything at that point in time?

23 A. At the time that I took Becky for her -- for her
24 biopsy, no. I took the vehicle. You allowed me access to the

1 keys. Then at some point after that, you refused to allow me to
2 have access to the keys and actually one time, it might have been
3 on the Friday, a Thursday or a Friday leading up to that, I
4 grabbed the keys and ran out to the car to go for a ride --

5 THE RESPONDENT: Judge, ask that -- there's a specific --

6 THE PETITIONER: And you said --

7 (Simultaneous speaking.)

8 THE RESPONDENT: There's a specific --

9 THE PETITIONER: No, you've opened the door.

10 THE RESPONDENT: There's a specific question pending.

11 THE COURT: I'm going to continue, Luke, because she gets to
12 redirect or she gets to cross herself so I'm going to let her
13 finish. Go ahead.

14 THE PETITIONER: You told me that I could not leave and that
15 you hopped into the passenger seat of the car and you said the
16 only way you're getting out of the car is if I called the police
17 and I picked up my phone because I was going to call and then you
18 got out of the car.

19 BY THE RESPONDENT:

20 Q. And when was that?

21 A. So I went for a ride just to get away from you.

22 THE COURT: When did that happen?

23 THE PETITIONER: That would have been like the Thursday or
24 Friday before the order of protection.

1 THE COURT: So after the 8th but before the 11th.

2 THE PETITIONER: Yeah.

3 THE COURT: All right. Okay. Next question.

4 THE PETITIONER: And, so, oh, I guess.

5 THE COURT: All right.

6 BY THE RESPONDENT:

7 Q. Isn't it true I had a Mayo Clinic appointment
8 scheduled for the Monday I needed the vehicle because my truck
9 was disabled?

10 THE COURT: What day was that, Luke?

11 THE RESPONDENT: Whatever day she is claiming which I guess
12 for testimony September 8th or September 9th this allegedly
13 occurred.

14 THE COURT: Okay.

15 THE RESPONDENT: Because I was without a vehicle and any
16 means providing for myself.

17 THE COURT: All right. Are you aware that he had an
18 appointment at Mayos? So are you -- are you asking the day that
19 whatever she said it occurred is the day you had the appointment
20 or if you had one coming up?

21 THE RESPONDENT: I had one coming up and that was the only
22 vehicle to transport the kids.

23 THE COURT: All right. Okay. And so next question is were
24 you aware he had that appointment around that time?

1 THE PETITIONER: I was aware that he had a Mayo appointment.

2 THE COURT: Okay.

3 THE PETITIONER: But I also was aware that he was canceling
4 it.

5 THE COURT: All right. Next question.

6 BY THE RESPONDENT:

7 Q. Isn't it also true that I informed you that the
8 vehicle had to remain there because that was the only means of
9 transporting the children to and from school and that you had --
10 you could borrow your parent's vehicle because they have offered
11 it to you in the past?

12 A. Well, I don't know when I had borrowed my parent's
13 vehicle in the past but you one morning --

14 THE RESPONDENT: Again, Judge, foundation then for the time
15 period if it's one morning.

16 THE COURT: Can you --

17 THE PETITIONER: Well, I'm getting there. So I think -- I
18 think it was the Friday -- Friday morning before the order of
19 protection, I had gotten up to -- got the kids to school, came
20 back and he was asleep and I had laid down because I was -- I had
21 not slept and within 15 minutes, he was screaming for me to get
22 up and start working and screaming and I had texted my parents to
23 see if they would come and get me.

24 THE RESPONDENT: Is --

1 THE PETITIONER: And he -- they came to get me and then I
2 had asked about because my parents have said they would give him
3 some money to go stay in a hotel for a cooling off period and he
4 said if they wanted to be helpful, then they should let me borrow
5 their car so I had to come back, they let me borrow their car so
6 that's how I had a vehicle. So he forced me to get rid of one of
7 our vehicles because it was either he was going to drive it down
8 to Beardstown Savings or I had to sell it.

9 THE COURT: Okay.

10 THE PETITIONER: Otherwise, we would have had two, you know
11 --

12 THE COURT: So at that point, you did get your -- one of
13 your mom and dad's vehicles.

14 THE PETITIONER: Yeah. I did.

15 THE COURT: All right. Okay. Luke, go ahead.

16 BY THE RESPONDENT:

17 Q. Isn't it true that Grant was hospitalized on August
18 16th? He was taken by emergency to St. John's Hospital of 2022
19 for extremely low diabetic episode?

20 THE PETITIONER: Relevance.

21 THE RESPONDENT: Reason --

22 THE COURT: You kind of jumped back from the -- we were
23 talking about the September and the car so all right. So -- so
24 we're going back to the 16th for?

1 THE RESPONDENT: For the purpose of wanting the vehicle and
2 her having access to another vehicle, why I wanted the vehicle
3 present at the home. I wasn't going to have a diabetic son who
4 was hospitalized and had four diabetic episodes without reliable
5 transportation when she could borrow her parent's vehicle.

6 THE COURT: Okay. Well --

7 THE PETITIONER: But that was never -- asking to borrow my
8 parent's vehicle was not done before you demanded that I get rid
9 of, specifically, the Ford Expedition.

10 THE RESPONDENT: Because I couldn't afford the insulin to
11 pay for his care. Instead of wasting it on Beardstown Savings, I
12 would much rather purchase his insulin.

13 THE COURT: Okay. Let's -- all right. So the -- all right.
14 I think you have -- okay. I'll sustain the objection because, I
15 mean, you're going to be able to testify to that if you want to
16 that that's the reason so let's keep moving.

17 BY THE RESPONDENT:

18 Q. Isn't it true on September 7th, he had a diabetic
19 episode where his blood sugar went to 40 and remained at 40 until
20 he had Glucagon in the nighttime?

21 A. That might have been the date.

22 Q. Isn't it true he also had another one on Friday,
23 September 9th where he again had Glucagon administered to him in
24 the late morning hours?

1 THE COURT: Would that be like then early morning 10th?
2 Late the 9th, early the 10th?

3 THE RESPONDENT: He had three episodes.

4 THE COURT: Yeah. He told me. For the record, I did speak
5 to Grant in chambers and he did -- he told me about those. He
6 wasn't exactly sure the exact dates but the timeframe sounds
7 about right.

8 THE RESPONDENT: From the --

9 THE COURT: One of the times, as I understand it, you were
10 already staying at your parent's house.

11 THE PETITIONER: That's correct.

12 THE COURT: Because he remembers the phone call and the
13 arguing so I think that was the last, the very latest time,
14 wasn't it?

15 THE RESPONDENT: Yeah. He had from the time she sold the
16 vehicle until she had me removed, he had three episodes.

17 THE COURT: And the second one then would be the one where
18 you were home asleep and that's when allegedly Luke came up. So
19 there was one like on the 7th and then one on the late, late --
20 late on the 10th, early 11th.

21 THE PETITIONER: Early morning. Yeah.

22 THE COURT: All right.

23 THE RESPONDENT: And there was one on the morning that she's
24 alleged I woke her up and demanded she wake up to work. I was up

1 all night long (indiscernible).

2 THE COURT: Okay. So then ask her if that's -- okay. Ask
3 her that then. I mean, if that's --

4 BY THE RESPONDENT:

5 Q. Isn't it true that he had a diabetic episode that
6 night, as well?

7 A. That as I sit here, I don't -- I mean, there's times.
8 He has to be monitored all night long so, I mean, there's times
9 when he does drop low.

10 Q. In monitoring him during that time period --

11 A. He didn't have Glucagon that night.

12 THE COURT: He did indicate that on one of the times, he
13 didn't need the Glucagon. I mean, he got something. A sugar
14 pill or something.

15 THE RESPONDENT: Yeah, he had five vials of Glucagon and he
16 went through all of them in a very short period of time. That
17 night, he needed monitored and that's why I was up until 9:15 in
18 the morning asking if you were going to actually work.

19 THE COURT: Okay. Well, once again, you can -- all right.
20 Okay.

21 BY THE RESPONDENT:

22 Q. So you're not aware if he had a diabetic episode that
23 night, the night prior to you alleging I asked you to get up to
24 work?

1 A. As I sit here, I don't. I don't recall.

2 Q. You say he requires constant monitoring for his
3 diabetes at night. What system is in place from September 7th
4 until my removal to monitor, monitor him?

5 A. What system was in place?

6 Q. Yes.

7 A. Well, the system wasn't a very good system until he
8 had his Dexcom.

9 Q. What system if you're aware of any?

10 A. He would check his blood before bed. You know and
11 that was part of the problem. That -- that -- that's what led to
12 these extreme low blood sugar events that we almost lost him
13 because we did not get his Dexcom up and going.

14 THE COURT: What is a Dexcom?

15 THE RESPONDENT: A Dexcom is a continuous glucose monitoring
16 system. He has a device that he did monitor it with but also --

17 THE COURT: Does it -- let me ask this then. So I assume
18 that's so if it -- is there some kind of warning sign or alarm?
19 I mean, if he is sleeping and it goes way down, the two of you
20 guys are asleep. I mean, how do you know when his sugar goes way
21 down? Does the Dexcom give some kind of alert or?

22 THE PETITIONER: So here's an example. So if there is WI-FI
23 connectivity, then you can see so his blood sugar right now is
24 202 so you can -- which is high.

1 THE COURT: That's high but, I mean, it has been higher.

2 THE PETITIONER: He would have eaten breakfast at school so
3 with all of us, if we -- when we eat, our blood sugar rises and
4 falls so that shows the natural curve so what his normal range is
5 would be the 80 to 180 but once he starts getting to 100 and
6 below a 100, he starts feeling different so he likes to be at
7 least 100 or higher. But in the night, you know, once he starts
8 dropping, then he's got to, you know, you got to give him --

9 THE COURT: But how do you guys know that he is dropping in
10 the middle of the night if you are not up?

11 THE RESPONDENT: You stay awake and watch him and make sure
12 he is okay when it alerts. You actually have to be awake to --

13 THE COURT: So like will your phone give you at least an
14 audio?

15 THE PETITIONER: It does. It does.

16 THE COURT: Okay. All right.

17 THE PETITIONER: It beeps. So what I do is I set my alarm
18 for every hour-and-a-half and so I get up every hour-and-a-half
19 and check his blood sugar.

20 THE COURT: You would think they would come with --

21 THE PETITIONER: Sometimes it is not that loud.

22 THE RESPONDENT: You just got to be awake and alert. You've
23 got to be able to -- you can't -- you can't be passed out.

24 THE COURT: And I'm familiar with that. As I told -- I

1 actually told Grant. Both my parents, my father was an
2 insulin-dependent diabetic. My mother is a diabetic now. My
3 brother is diabetic. I have a niece that was a juvenile diabetic
4 and I realize the difference, adult and juvenile. I know
5 juvenile is extremely difficult to deal with. She, I mean, she
6 had some of these things as well so I'm somewhat familiar and I'm
7 certainly familiar with sugar levels and where they should be at.
8 Okay. I kind of got off track there so okay.

9 THE PETITIONER: So when he didn't have his Dexcom, then,
10 you know, he would check his blood before bed and then it
11 wouldn't be checked again until the morning.

12 THE COURT: So when did he -- when did this Dexcom?

13 THE RESPONDENT: His Dexcom has been in place since August
14 of 2022.

15 THE COURT: Okay.

16 THE RESPONDENT: It wasn't attached to his phone until after
17 I was removed.

18 THE COURT: Okay. All right. Okay. So next question.

19 THE RESPONDENT: I don't even know what the question was
20 pending at this point because we got sidetracked.

21 THE COURT: I was hoping you did because I don't remember.
22 We were talking -- oh, you asked about he had the three episodes.
23 You asked whether she was aware of -- of one of them and she said
24 she didn't recall.

1 THE PETITIONER: Well, I thought he had said like on a
2 different day so.

3 BY THE RESPONDENT:

4 Q. So September, between September 8th and September
5 12th, do you have any reason to doubt that he had three episodes
6 where he had extreme lows and had to had Glucagon administered?

7 A. So the -- the weekend, the days leading up to this
8 order of protection, on the -- the night of the 10th, morning of
9 the 11th, he needed Glucagon, at least you gave it to him. And
10 then the night of the 11th, morning of the 12th, you also
11 administered Glucagon. And the night of the 11th, morning of the
12 12th, that's when I was staying at my parents'. Those are the
13 events that I know about.

14 Q. So on September 9th, that's when you said your
15 parents came to our home and you went to stay with them?

16 A. I mean, it was either that Thursday or Friday.

17 Q. And prior to going to your parents' house, did you
18 not forward a copy of the petition for dissolution of marriage
19 and have the order of protection information available at that
20 time?

21 A. Pardon?

22 Q. Isn't it true when you went to your parents' and then
23 returned to the home, the only thing you did that morning was
24 forward a copy of a petition for dissolution and the order of

1 protection information to your parents' email address at their
2 house on Friday, the morning of Friday, September 9th?

3 A. I did forward the petition for dissolution of
4 marriage because I was going to work on a petition for temporary
5 relief and getting the divorce moving.

6 Q. And --

7 A. I never wanted to get an order of protection until I
8 absolutely felt like I had to. Frankly, as an attorney who
9 practices in family law, I don't like orders of protections. I
10 try to deal with everything in a family law or a dissolution
11 case. But your behavior, your conduct --

12 THE RESPONDENT: Judge, there's no question pending.

13 THE PETITIONER: -- made it unsafe.

14 THE COURT: Okay. Sustained.

15 BY THE RESPONDENT:

16 Q. So sometime between then September 9th when you
17 forwarded the petition to your parents' house and the time you
18 filed for the order of protection on September 11th, that's when
19 you thought you needed the order of protection; correct?

20 A. After the incident that happened on October or the
21 night of the 10th, morning of the 11th, that's when I felt like I
22 had no choice because if I didn't, I was afraid that things
23 weren't going to end well for me.

24 Q. So when you returned on September 9th to the home,

1 was that early afternoon Friday?

2 A. Uh-huh.

3 Q. And you returned with your parents' vehicle?

4 A. Yes.

5 Q. And you had access, exclusive access to their vehicle
6 from September 9th until the time I was removed; correct?

7 A. I did. I did not have -- you would not let me --
8 even though I had their vehicle, I had asked for to use the
9 Escalade. I shouldn't have to use my parents' vehicle. You
10 refused to let me use the Escalade. In fact, you refused. You
11 told the kids that they were not allowed to get in a vehicle, to
12 go anywhere with me, or go anywhere with my parents.

13 Q. So you had access to a vehicle from September 8th
14 until September 12th. There was the Escalade that you drove on
15 September 8th to Springfield freely or on September 9th when you
16 had your parents' vehicle and had full access and use of it;
17 correct?

18 A. The only vehicle that I had access to was my
19 parents'.

20 Q. And you were fearful of me when? On September 10th?

21 A. Well, I have been afraid of you actually for a long
22 time.

23 Q. And then you road with me to the ball game on
24 September 10th in the Cadillac Escalade?

1 A. I had to because you said that if I stayed home, you
2 said that you weren't going to let me stay home by myself so if I
3 didn't go to the game, that we were all staying home.

4 Q. When did I say that and where did I say that?

5 A. At home in our house because I just wanted to stay
6 home.

7 | Q. So you --

8 | A. I didn't want to go with you to the game.

9 Q. You didn't want to go to the game?

10 | A. Not with you.

11 THE COURT: Let's take a break here. I got to take this
12 call so let's take ten.

13 | (Whereupon, a recess was taken.)

14 THE COURT: Thank you. Please be seated. We're back on the
15 record in in re the order of protection of Thomas v. Thomas.
16 Same parties are present. Ms. Thomas is on the witness stand
17 still under oath. Okay. Let's continue on.

18 BY THE RESPONDENT:

19 Q. Hand you what I have marked as Respondent's Exhibit
20 No. 9. Isn't it true that's an email from your firm account to
21 your parents' personal account at 9:11 a.m. or thereabouts on
22 Friday, September 9th forwarding the dissolution docs to your
23 parents' email address?

24 | A. That is correct. Are you logging into my email

1 address?

2 Q. If you knew, I would be logging into your -- I get a
3 copy of all emails as a super administrator of the firm's Google
4 domain. That's why I asked you in March provide you with three
5 different email addresses to forward your emails there so I
6 wouldn't have access to your personal emails.

7 THE COURT: All right. So the answer is yes.

8 THE PETITIONER: Yes. Uh-huh.

9 THE COURT: Okay. Next question.

10 BY THE RESPONDENT:

11 Q. I think I skipped what would be Respondent's Exhibit
12 No. 8. Isn't that a true and correct photograph of Grant's
13 Dexcom device on September 17th of this year?

14 A. Oh, that I would have no idea.

15 Q. Does the document have a date -- a date stamped when
16 the photograph was taken superimposed next to it?

17 A. Yeah, there's a date on that but I have no idea. You
18 can testify to this. I have -- I didn't prepare this.

19 Q. Are you familiar -- are you familiar that he used
20 that type of Dexcom device?

21 A. I am familiar with that.

22 Q. And that he didn't have his -- you didn't have it
23 connected to his phone until some point after September 17th,
24 2022?

1 A. That would probably be correct.

2 THE RESPONDENT: Okay. I can lay foundation of the
3 photograph later but I would move to admit Respondent's Exhibit
4 No. 9.

5 THE PETITIONER: Then I'm going to object on relevance.

6 THE COURT: What is the relevance?

7 THE RESPONDENT: That was the morning of September 9th when
8 she stated that she didn't have access to the -- the purpose of
9 being harassed and not working, she forwarded the dissolution
10 docs to show that the emergency order wasn't necessary because it
11 was preplanned in order to obtain it. Sometime between September
12 9th --

13 THE COURT: So your argument is that document, you're
14 wanting to argue that that shows that she -- she was using this
15 as an advantage in the divorce?

16 THE RESPONDENT: Yes.

17 THE COURT: I'll let it in over your objection, Gwen.

18 THE PETITIONER: That would be this one?

19 THE COURT: Yeah.

20 THE PETITIONER: Yeah.

21 THE COURT: Yeah. That would be weight versus
22 admissibility.

23 UNIDENTIFIED SPEAKER: So that would be No. 9?

24 THE COURT: This is No. 9 so it will come in over objection.

1 The Court will place whatever weight, not admissibility.

2 (Whereupon, Respondent's Exhibit No.
3 9 was admitted into evidence.)

4 THE COURT: So as far as the other one, are you objecting to
5 that coming in?

6 THE PETITIONER: This is what I'm objecting to, not
7 necessarily that one.

8 THE COURT: All right. Okay. So there's no objection on 9
9 but there is an objection on 10 at this point.

10 THE PETITIONER: On relevance.

11 THE RESPONDENT: And I can take it back and lay the
12 foundation.

13 THE COURT: All right. Well, yeah.

14 UNIDENTIFIED SPEAKER: Is that 8 or 10? I'm getting
15 confused here a little bit.

16 THE RESPONDENT: It's marked as 8.

17 UNIDENTIFIED SPEAKER: We have Respondent's Exhibit 8.

18 THE COURT: Oh, I'm sorry. I got ahead. 8 is the picture
19 of the blood result and 9 is the -- is the email.

20 UNIDENTIFIED SPEAKER: Okay. So we've admitted 9 over
21 objection?

22 THE COURT: Yes. And we'll -- no. 9 is, yeah, no objection
23 on 9.

24 UNIDENTIFIED SPEAKER: And 8?

1 THE COURT: At this point, 8 is not submitted yet. I'll let
2 Mr. or let Luke, he'll lay a foundation. I'll let Gwen argue
3 relevance as to that.

4 And that's on the 7th -- you're alleging that's -- that's
5 Grant's Dexcom blood result on September 17th?

6 THE RESPONDENT: Yeah. Evidence that he was still using the
7 same device that didn't have mobile connectivity after.

8 THE COURT: And what's the -- I mean.

9 THE RESPONDENT: She made a statement about me not allowing
10 him -- that she got it sorted out using the phone and I think
11 just to make the record clear that there was no change for future
12 hearings if nothing else, that there was no change in his
13 diabetic care plan even after I left.

14 THE COURT: All right. Okay. Well, we'll bring it up
15 later. Okay. Next question.

16 BY THE RESPONDENT:

17 Q. And the firearms that were in the home, they were in
18 the home when you left on September 9th in the morning; correct?

19 A. Yes.

20 Q. And they were in the home when you left on September
21 11th; correct?

22 A. Yes.

23 Q. And you left the care of the children with me during
24 that time period?

1 A. Regretfully, yes.

2 Q. And you had frequently leave the children in my care
3 with the firearms in the home; correct?

4 A. Correct.

5 Q. So is it fair to say then you had access to a vehicle
6 and to a cell phone from at least September 7th through the time
7 of my removal on September 12th; correct?

8 THE COURT: It's asked and answered. She said she did, just
9 not hers. She had to use her parents' so this has been asked and
10 answered.

11 THE RESPONDENT: So I'm not going out of line here with what
12 the Court is going to consider but after the week of September
13 5th regarding the vehicle?

14 THE COURT: Sure. Yep. And we've talked about the week of
15 the 8th up to the 10th about the money and the car keys from you
16 and you and you can testify more to that but you kind of
17 established your side as well so really I think we're pretty much
18 to the one incident where there's the alleged, the yelling and
19 stuff for 40 minutes or so.

20 BY THE RESPONDENT:

21 Q. Okay. I mean, I'm not trying to ask the same
22 questions but as far as the diabetic episodes, he had at least
23 two episodes prior to the morning of September 11th within a
24 short period of time; correct?

1 A. Well, I knew that there was one where he was
2 administered Glucagon prior to that event.

3 Q. In fact, he was administered Glucagon on the event of
4 September 11th when you took the audio; correct?

5 A. Yes. But you were asking prior to that.

6 THE COURT: Isn't and maybe I'm wrong from talking to Grant,
7 if there's three, there was -- there was one and then the second
8 one is when the incident -- no. Yeah. The second one was when
9 the incident allegedly occurred and then the last one, she was
10 already at her -- he had another one.

11 THE RESPONDENT: He had another one.

12 THE COURT: And whatever happened was on the phone but you
13 were at your parents'.

14 THE PETITIONER: Right.

15 THE COURT: Okay. So there were three episodes. She would
16 have been in the home for two of them.

17 THE RESPONDENT: Correct.

18 THE COURT: Okay. I mean, does that -- does that sound
19 right?

20 THE PETITIONER: That is. That is correct.

21 THE COURT: Okay. All right.

22 BY THE RESPONDENT:

23 Q. There is one immediate the day before. There were
24 two episodes back to back; correct? The second one is when you

1 took the audio; correct?

2 A. No. The -- yeah. The second of the three.

3 Q. Yes.

4 A. Was when I took the audio.

5 THE COURT: Okay. All right.

6 BY THE RESPONDENT:

7 Q. And you indicated that Grant was present during that
8 time period and heard everything that was going on; correct?

9 A. He was in an adjacent room.

10 Q. Isn't it true neither Lucy nor Grant were awake
11 during any of that?

12 A. He was awake. In fact, he was sitting on the bed
13 down in the family room on his computer when you were going
14 through your 45 minute tirade but Lucy was asleep next to me when
15 you barged through the room telling me that my fucking cunt mom,
16 that's how you woke me up talking about my fucking cunt mom.
17 You're down there dealing with a dying son and my fucking cunt
18 mom is all worried about going to a softball game. That's how
19 you wake me up.

20 Q. So that's how you alleged you were woken up but Lucy
21 was still sound asleep upstairs?

22 A. Yeah, she was next to me. She was asleep.

23 Q. And Grant was laying downstairs with me on an air
24 mattress?

1 A. No, he wasn't on the air mattress. He was like on
2 the bed and you and I were in the seating area.

3 Q. Subsequently when he woke up, he was on the bed;
4 correct?

5 A. When you made me go downstairs, you and I were in the
6 seating area and he was in the adjacent room -- it's an open
7 concept -- on the bed.

8 Q. Did he have a comment saying he heard anything that
9 he was actually truly awake after having Glucagon and coherent to
10 hear what was going on?

11 A. Actually, you've got these kids so brainwashed. I
12 did ask if he had heard anything and he did say he did.

13 Q. When did he say that?

14 A. It was some time after the fact but.

15 Q. You said I have them brainwashed. How do I have them
16 brainwashed?

17 A. Well, he said that he heard it and that I deserved --
18 I might not have deserved all of it but I deserved most of it.

19 Q. When did that conversation take place?

20 A. That was some time after the order of protection.

21 Q. Isn't it true your relationship with him is horrible
22 and it's been horrible for years?

23 A. No, it's not horrible. It's a difficult relationship
24 for sure.

1 Q. Isn't it true that Mayo Clinic, as part of his care
2 plan, asked that we assist him with putting together his diabetes
3 bag, his supplies, making sure all of that is checked and
4 actually assisting him with those types of items?

5 A. Yeah.

6 Q. And isn't it true you refuse to do that saying it is
7 a basic task that he needs to learn to do despite his healthcare
8 providers telling him that?

9 A. That's not true.

10 Q. It's not true?

11 A. That's not true.

12 Q. Isn't it true that you stopped being able to go to
13 his Mayo appointments because he asked you not to because you put
14 him on the hot seat at each appointment blaming him for any
15 shortcomings in his blood readings and saying that he was
16 disorganized and that's why it was. It was nothing that we were
17 doing at home that was the problem?

18 A. No, that's not true. I would stay back with the
19 girls and you would take him. In fact, I encouraged you to take
20 him because he has daddy issues so it was an opportunity for you
21 two to spend time together and I stayed back with the girls.

22 Q. Isn't it true that he has told you multiple times
23 since I have left that he wanted to see me because it's the only
24 person he trusts to take care of him?

1 A. Say what?

2 Q. Isn't it true that he has told you multiple times
3 since I left that why he is so upset is because I'm the only
4 person he will trust that will actually take care of him?

5 A. The only person that he trusts that will actually
6 take care of him?

7 Q. That will actually take care of him, yes.

8 A. No. He has said you're the only person he trusts and
9 that's because you always talk in front of the kids about how
10 untrustworthy everybody else is.

11 Q. So isn't it true you left him alone last Friday by
12 himself for six hours while you went to a concert with the girls?

13 A. No, that's not true.

14 Q. So you left him at your parents' house that time;
15 correct?

16 A. He stayed with -- he stayed with my parents.

17 Q. And they have no experience with dealing with his
18 lows (indiscernible)?

19 A. They do have experience. My gosh, he was diagnosed
20 when he was six years old. He has been staying all night at
21 their house since then, Luke. You haven't had a problem until
22 you all of a sudden in your own mind started developing a thought
23 that they're bad people and they're out to get you. Prior to
24 that, you had no problems with them.

1 Q. Isn't it true until I was removed that he did not
2 stay all night for at least a period of two years because you
3 said you didn't feel comfortable with them? You didn't want to
4 put that burden on them but you insisted the girls stay with them
5 to go to church and that they could take the girls?

6 A. No, that's not true.

7 Q. In January of 2022 when we got the carpet removed and
8 we were going to repair the floors, isn't it true that I insisted
9 he stay with them so they didn't have the separation between the
10 two -- between the children, the dynamic with the girls were
11 being favored over him and you said that you didn't want him to
12 go there because he was too much to handle for them?

13 A. Well, there was a period of time, especially when he
14 was going through the phase of sneaking out, joyriding, vaping, I
15 felt and he was his blood sugar was way out of whack, I did say
16 that based on all of that, he didn't need to go there.

17 Q. And what changed between then -- in fact, he has only
18 spent the night since I have been gone one time, correct, to your
19 parents?

20 A. Since the entry of this --

21 Q. Since the entry of this order, he has spent the time
22 with them last Friday?

23 A. That is correct.

24 Q. And that's when you went to the concert; correct?

1 A. That is correct but he was -- he had a ticket. It
2 was a Christian concert at the -- I don't know if you listen to
3 Christian music but it was the Sidewalk Prophets. They were
4 playing at the Methodist Church in Springfield and my friend,
5 Sarah, she purchased a bunch of tickets and she was giving them
6 to people and so she had five tickets to give to me and the kids
7 to go. So the plan was that she was going to take the girls to
8 the concert, I was going to take Grant to football since he is
9 prohibited from riding the activity bus and so the only way he
10 can get to practice is if somebody transports him so I was going
11 to take him to practice and then he and I were going to go to the
12 concert, we were going to show up late, but we were going to be
13 there. That was the plan.

14 THE COURT: So the girls went to the concert?

15 THE PETITIONER: Well, it turned out Grant's behavior was
16 atrocious and I -- my parents were in Springfield and so I asked
17 them if they would be willing to come and get him and just let
18 him stay with -- with them because he was so rude and negative
19 from the minute that I picked him up from school, he -- I was
20 supposed to -- he was supposed to run into the house and grab his
21 football gear and then we were going to buzz on over to Porta so
22 he could get to practice. He refused to get back in the car,
23 would not go. And he didn't want to go to the concert.
24 Ultimately said he would go to the concert but not -- not to

1 football. But I didn't want anybody to have to deal with his
2 negative attitude so he -- my parents came and he did not want to
3 stay with my parents but they took him, they took him home and
4 then that also allowed -- I had made arrangements for him to get
5 to ride, do like a farm experience day with Chet Aster (phonetic)
6 and so Saturday morning it was scheduled that Grant would go over
7 and meet with Chet at 10 and get to ride in the combine and so
8 forth. So then the next day, I drove down to Beardstown, took
9 him over to Chet's shed just across the bridge that way he could
10 spend the day with Chet so it all -- it all worked out.

11 BY THE RESPONDENT:

12 Q. Isn't it true that Chet Aster has no diabetic
13 training for Type 1 diabetic, his ups and downs have been out of
14 whack for the past month?

15 A. I don't know what training Chet has.

16 Q. So you're sending him there out on a combine rural
17 Schuyler County as being beneficial to him?

18 A. Actually, it was beneficial to him. Chet is a very,
19 very good guy.

20 Q. I don't doubt that. I'm not here to say anything
21 negative about it.

22 A. And Grant --

23 Q. I'm just saying just as far as Grant's diabetic care,
24 why would it be that that's appropriate, too, when you're every

1 hour and a half you're checking his blood?

2 A. Well, I had packed a cooler for him so that he had
3 his lunch packed, he had juice boxes, he had glucose tabs, he had
4 a Gatorade, he had everything that he needed in case his blood
5 sugar started dropping. Not to mention his Dexcom worked. Chet
6 was able to, I mean, he sent me pictures of Grant driving the
7 combine.

8 Q. Isn't it true the night that he was spending the
9 night at your parents', I contacted you at approximately 10:30 at
10 night saying Grant's blood sugar was 396 when (indiscernible) was
11 up. What's the plan?

12 A. You did contact. We talked about this last time,
13 Luke.

14 THE COURT: Yeah. I mean, I heard that the sugars were way
15 high. She was at a concert and he was apparently out with your
16 folk's vehicle.

17 THE PETITIONER: So that's -- I would like to get to that.

18 THE COURT: Oh, that's not what we're talking about?

19 THE PETITIONER: Well, he said during that time he was out
20 with my folks. According to Grant and my parents, he slept most
21 of the time that he was there. He was exhausted which I would
22 bet because he's got some serious anger issues and he was so
23 angry at me before he left the house, I'm sure he was exhausted
24 and.

1 THE COURT: So what, I mean, tell me about this. Why do you
2 -- why do we think Grant was out either joyriding or whatever in
3 the middle of the night with high sugar?

4 THE PETITIONER: He wouldn't -- I asked him during break.
5 He won't tell me.

6 THE COURT: I mean --

7 THE RESPONDENT: Judge.

8 THE COURT: No, I'm just -- no, I'm not -- guys, I'm letting
9 you guys do this kind of probably more informal than I should but
10 I'm not -- I'm not considering some of the banter as evidence.
11 I'm just trying to get a picture of what we're doing here so I
12 can do what's best for these four kids and get you guys figured
13 out on this divorce and the financials and the IRS and all that
14 stuff but yeah. I took it that you've had some kind of posting
15 or something that showed that Grant was out because she didn't
16 know anything about it and that was your point was how come she
17 didn't know anything about it. She was at the parents. But so
18 you weren't going back to -- you were going back to your parents
19 that night or no, you had the girls and you were going back?

20 THE PETITIONER: No. We got back to Ashland probably about
21 10:00 o'clock.

22 THE COURT: Okay. So Grant was --

23 THE PETITIONER: Grant was -- he was staying the night.

24 THE COURT: Okay.

1 THE PETITIONER: My parents picked him up before the concert
2 and --

3 THE COURT: I don't want to jump.

4 THE PETITIONER: -- took him home.

5 THE COURT: If you are going to present that in your own or
6 if you are going to question her further on it, I just --

7 THE RESPONDENT: I guess I'm just trying to figure out why
8 if the girls were already at the concert, we've got a 42-year-old
9 adult that is not wanting to stay home with her kid who needs
10 diabetic management, why he has been sent off and there's no
11 response to me when I'm asking about his blood sugars. I asked
12 all night long --

13 THE PETITIONER: I was --

14 THE COURT: All right. Well then okay.

15 THE PETITIONER: I can respond to that.

16 THE COURT: All right. Please do.

17 THE PETITIONER: I'm going to pull up your text messages
18 because I was in bed when you started texting me.

19 BY THE RESPONDENT:

20 Q. As was I.

21 A. Okay. So it was just before 11 o'clock and Vivian
22 came in and said Grant's blood sugar is high and I said yes, I
23 know that. How do you know that? Well, dad told me to let you
24 know that his blood sugar is high. So I sent you a text message

1 at 10:56. This is Friday, October 14th. I said it is almost
2 11:00 p.m. Stop texting Vivian asking her to communicate your
3 concerns regarding Grant's blood sugar to me. She is a child and
4 does not need to be put in the middle. And then you said check
5 your email. I said he is in bed but was awakened to have his
6 seven unit correction. Don't want to overcorrect. Your response
7 was when. I said about 20 minutes ago. I further said should
8 start coming down soon. If not, he will receive another
9 correction.

10 THE COURT: And this is your parents that are -- would be
11 doing the correction.

12 THE PETITIONER: Uh-huh.

13 THE COURT: Or he does it?

14 THE PETITIONER: My parents. So I had been in communication
15 with my parents because I could see his blood on my phone so my
16 mom had called, I authorized the seven unit correction.

17 THE COURT: Okay.

18 THE PETITIONER: Then Grant ended up -- my dad woke him up
19 to try to get him to use the restroom. When his blood sugar is
20 high, there is bedwetting and he said he didn't have to go but
21 just shortly thereafter, he got up, went to my parents' bedroom
22 and said that he was -- asked if he could go downstairs because
23 he needed a bottle of water and if he could have another
24 correction. So my parents have an alarm system so they disarmed

1 the alarm so he could go downstairs and get the bottom of water,
2 rearmed it when he came back up and he had a five unit
3 correction.

4 THE COURT: Okay. All right. So next question.

5 BY THE RESPONDENT:

6 Q. Isn't it true that his blood sugar continued to rise
7 after you informed me his seven unit correction was administered
8 all the way up until about 1:37 in the morning?

9 A. It did continue to rise and then he had another
10 correction.

11 Q. I guess you wouldn't know if he contacted me or not.
12 So up until 1:37 a.m. from the time I contacted you, his blood
13 continued to rise over a two-and-a-half hour period and then it
14 was finally corrected again?

15 A. I -- I, as I sit here, I don't know what time the
16 five unit correction took place. Sometimes it takes a while for
17 the -- for the insulin to start working and I'm hesitant to do
18 the full correction dose at night because he has been battling
19 lows so sometimes when we have done the full correction dose,
20 then he drop too low and then you're having to wake him up to
21 give him juice boxes to get it back up so sometimes I'll cut the
22 actual correction dose so we're not having then to battle it the
23 other direction so I thought seven was probably going to be too
24 little but I didn't want to drop him too fast and take him.

1 Q. So then I asked Grant at 1:30, any reason to think
2 that Grant didn't have a seven unit, the seven unit correction
3 that you thought was administered between 10:30 and 11:00 a.m. or
4 11:00 p.m. that night?

5 A. I had no reason to believe that. I think my mom
6 actually gave it to him.

7 Q. When he was sleeping?

8 A. Uh-huh. I think she actually gave it to him.

9 Q. Did Grant share with you that he spoke with me that
10 night about 1:30 in the morning?

11 A. Huh-huh.

12 Q. I can ask it now or we can try to --

13 THE COURT: You can ask it.

14 Q. Any reason to doubt that Grant told me at 1:37 that
15 he had -- only had his Lantus at 10:00 o'clock? There was no
16 correction administered up until he finally woke up and responded
17 to me at 1:37 and had a seven unit correction at that time?

18 A. All I know is based on the conversation with -- with
19 my mom and I'm pretty sure she actually administered the first
20 correction dose, the seven units.

21 THE COURT: And what time was that?

22 THE PETITIONER: That, that -- well, so it would have been
23 close to 10:45.

24 THE COURT: And you're saying Grant said he didn't get one

1 until --

2 THE RESPONDENT: Until he woke up at 1:37 a.m. or -- a.m.
3 rather.

4 THE COURT: All right. And then was there an another one
5 after 1:37 or that's the -- you think that's the second one.
6 He's saying that's the first one.

7 THE RESPONDENT: That's the first one.

8 THE PETITIONER: I think that's the second -- I think it's
9 the second one.

10 THE COURT: Okay. All right. Okay.

11 THE PETITIONER: Again, I don't know how this ties to a
12 petition to rehear but.

13 THE COURT: A little out. I'll give him a little latitude
14 on it but okay. Next question.

15 BY THE RESPONDENT:

16 Q. So in the last two years, have there been any part of
17 Grant's diabetic plan where we just simply stick him with a
18 needle without him doing it himself? I mean, I find that hard to
19 believe that your mother is the one that injected him with the
20 insulin, the seven unit correction.

21 A. I personally don't inject him because that's -- he's
22 told me that he wants me to wake him up so that he can give it
23 himself and he's a bear to wake up but I wake him up. I might
24 get the pen ready but then he gives it himself.

1 Q. So have you ever known your mom in the past to ever
2 just poke him with the insulin pen and not have him check his
3 blood or verify that the Dexcom is correct?

4 A. I mean, I trust that she's looking after him --

5 Q. Isn't it true --

6 A. So I have no reason to -- I have no reason to believe
7 that she did not give him a seven unit correction when we talked
8 to each other.

9 Q. Isn't it true that part of his diabetic care plan is
10 whenever his blood sugar is over 300, he is supposed to test for
11 ketones, be woken up, have a urine test to make sure he is not
12 going to DKA?

13 A. Yes, that is part of his --

14 Q. Did they do that or was that part of the --

15 A. I doubt they did that and he -- he doesn't test his
16 urine every time he is above 300 anyway.

17 Q. Why not? It's part of his (indiscernible) --

18 A. It is part. It is part.

19 Q. Diabetic care plan. Why is that not something --

20 A. It is part.

21 Q. -- that is enforced when he is not in your care?

22 A. He is supposed -- he is supposed to do it.

23 Q. He has been hospitalized in intensive care at least
24 six times for DKA because he has not had his ketones tested;

1 correct?

2 A. And that was during times when he had gone with high
3 blood sugars for -- for extended periods of time. If it is just
4 like he is having a bad day, that, I mean, that's different.
5 Diabetics are going to have a bad day.

6 Q. So you're testifying --

7 A. But technically, yeah, he should every time it is
8 above 300, he should be urinating on a ketone stick. Absolutely.

9 Q. And he is also supposed to retest every 30 minutes
10 until his blood sugar is in range and have insulin administered;
11 correct?

12 A. Absolutely. He -- that's what he is supposed to be
13 doing.

14 Q. And that wasn't done and hasn't been done by you in a
15 long time; correct?

16 A. No, it has not and it has not been done by you
17 either.

18 Q. So your parents and Grant deny that he was out
19 joyriding in their car sometime after 1:37 a.m. on what would be
20 October 15th?

21 A. I asked them about it and they said that they don't
22 believe that there's -- that could have been done and I even
23 asked Grant about it and he claims that that has not happened and
24 he claims he has not snuck out of the house since you left.

1 Q. If we could get the contraption working at some point
2 after lunch, I can show you the video if you want to see it but I
3 can get the photo evidence.

4 A. Well, I want to see the video. That's a problem if
5 he is sneaking out.

6 Q. Yeah.

7 THE COURT: Well, with your parents' alarm system, wouldn't
8 he have had to have disarmed the alarm to get out at 1:37?

9 THE PETITIONER: Yeah. And so they -- they check their
10 phones because they can see when it has been armed and disarmed
11 and they said that there's no way. They even contact the alarm
12 company to see if there was any way that he could have gotten out
13 and, you know, they said no because even if -- so my dad said
14 like if -- if when he went down to get bottled water and then
15 came back up, even if he opened up the garage door so that he
16 could sneak out and when he came back up, he would have had like
17 a minute-and-a-half before the alarm would sound so even if he
18 got out, he wouldn't have been able to get back in without the
19 alarm sounding.

20 THE COURT: Okay. I will -- Luke, I'll let you show your
21 pictures and then we can look at whatever video evidence you've
22 got at some point.

23 BY THE RESPONDENT:

24 Q. Hand you what's been marked as Respondent's Exhibit

1 No. 10 and ask if it appears to be a true and correct photograph
2 of you on October 14th at 8:58 p.m. after the concert?

3 A. Uh-huh.

4 THE RESPONDENT: Move to admit Respondent's Exhibit No. 10.

5 THE COURT: All right.

6 THE PETITIONER: I guess I don't care other than I don't
7 understand what the purpose is.

8 THE COURT: All right.

9 THE PETITIONER: So based on relevance. I mean, it just.

10 THE COURT: I'll let it in. It's admissible but I'll let
11 you both argue weight. The Court will place the appropriate
12 weight on it.

13 (Whereupon, Respondent's Exhibit No.
14 10 was admitted into evidence.)

15 THE RESPONDENT: I guess to make it clear, I think part of
16 the Judge's job is going to make -- who is going to have
17 temporary decision-making as far as one if not four children.

18 THE PETITIONER: That's not what we're here for today, Luke.
19 We're on your petition to rehear.

20 THE COURT: This is a rehear. This is whether the emergency
21 order stays in place and I decide who -- who is going to have
22 possession of the children and what kind of parenting time the
23 other is going to have and where that parenting time is going to
24 take place. I know and you guys want to get into

1 decision-making. We'll have to do that in the divorce case. All
2 I'm doing here is whether what -- what Judge Thomson did, whether
3 there should be some type of emergency order in place and if so,
4 whether I think it should be modified and I told you, you know,
5 if I find that way, there's going to be some modifications,
6 absolutely if I find the emergency order should stay in place.
7 Otherwise, we've got to get to the temporary issues which aren't
8 on file yet at this point that I'm aware of.

9 THE PETITIONER: No. I was waiting for him to get served.

10 THE RESPONDENT: I was just recently served with it.

11 THE COURT: Okay.

12 THE RESPONDENT: Last time we were in court.

13 THE COURT: I didn't check Judici this morning so they may
14 be in the stack here so I probably should have looked but and
15 we'll have to get those set and get those in there. But as I
16 indicated, I'm going to appoint the guardian ad litem today. It
17 is going to be Alison Vawter. This is an attorney from Macomb.
18 I called her. She said although she knows who the two of you
19 are, she has not done any work and she doesn't know you on a
20 personal basis. She's done guardian ad litem work for me before.
21 She is going to have access to doctors, medical records, school
22 records. She is going to talk to the kids. She is going to talk
23 to you guys and make some recommendations. I have told the kids
24 that there's going to be a guardian ad litem. They understood

1 all that but that's going to happen today. She's also agreed at
2 this point I'm going to order you pay it equally. She's at this
3 point going to go ahead and just start the process without an
4 upfront retainer. When this whole thing is done, we'll see what
5 the bill is and we'll see what we've got to do what.

6 THE PETITIONER: Because what I don't want to happen with
7 another professional is that -- I mean, I think -- I think it is
8 beneficial for a guardian ad litem to be appointed.

9 THE COURT: There is a guardian ad litem.

10 THE PETITIONER: I just don't want it to be her fees to be
11 discharged in bankruptcy. I don't think that's fair.

12 THE COURT: They won't be.

13 THE PETITIONER: Okay.

14 THE COURT: All right.

15 THE PETITIONER: Okay.

16 THE COURT: They will not be. But I don't want to -- I
17 don't want to foreclose the possibility that you guys having to
18 pay. I mean, you're both attorneys that are capable of working.
19 At least I haven't heard any evidence of not so, I mean, once we
20 find out what the financials are and I understand there may be
21 absolutely nothing. I know you talked about bankruptcy. But, I
22 mean, if by some chance whatever marital assets we do with what
23 or there's an agreement on, if there is some kind of money before
24 it starts getting divided up, I mean, I'll probably make sure the

1 attorney and her fees are paid. If not, they will be paid but so
2 anyway. Okay. That -- let's -- I interrupted you guys.

3 THE PETITIONER: Well, I think we were talking about Grant's
4 sneaking out of my parents' house.

5 THE COURT: Okay. Yeah. You had -- you were showing
6 pictures. You showed this one picture and you have other things
7 you want to at this point to question on that?

8 THE RESPONDENT: If we could go off the record just briefly
9 so I can get some clarification.

10 THE COURT: Okay. We're off the record.

11 (Whereupon, the electronic recording
12 system was muted.)

13 THE COURT: The Court did hold some informal conference with
14 both parties present. They are representing themselves and are
15 both attorneys. We discussed some procedural matters as well as
16 some potential evidentiary matters. So Mr. or Luke, do you want
17 to proceed any further on the line of questioning as far as Grant
18 either leaving the maternal grandparents' house that one night or
19 not at this point?

20 THE RESPONDENT: No, that's all right.

21 THE COURT: All right. And we can maybe off the record at
22 some point discuss what that is, Gwen, for your -- for your
23 satisfaction but I, I mean, let's -- I think we still need to
24 talk to some people before we just go in and say Grant did it and

1 needs to be punished, okay, but that's -- you're the parents.

2 I'm not trying to micromanage that.

3 Okay. So is there further questioning on the incident? I
4 know you asked some question as to where the kids were and what
5 they heard, if anything.

6 BY THE RESPONDENT:

7 Q. As far as on the morning of September 11th when you
8 took the audio, you said you weren't free to leave, you left
9 didn't you shortly after?

10 A. I ran out of the house.

11 Q. You ran out of the house? What time did you run out
12 of the house?

13 A. It was around 9:15, 9:30ish.

14 Q. Okay. So shortly after the audio is taken, you ran
15 out of the house?

16 A. No. Several hours later. I went up -- after you
17 finally let me go upstairs.

18 Q. How did I -- how did I stop you from going upstairs?
19 What did I do?

20 A. Well, I stood up so I could leave and you would stand
21 in front of me so that I couldn't leave.

22 Q. Where were we standing when that took place?

23 A. We were down in the sitting area.

24 Q. And I stood up and precluded you from leaving?

1 A. You did.

2 Q. I wasn't sitting in a chair?

3 A. You were for some of it and then you stood up.

4 Q. And what did I say to tell you you couldn't leave?

5 Did I make any remarks on this audio telling you you're not going
6 anywhere?

7 A. You stood up. So I'm walking to leave, you're
8 preventing me from leaving and then when you finally let me
9 leave, then you said that I better not lock the door or you'll
10 kick the fucking door in.

11 Q. Okay. And you said that you came downstairs and
12 everything that needed to be done with Grant was already done as
13 far as diabetic care at 4:30 in the morning?

14 A. That's what -- that's what you told me so you got me
15 up.

16 Q. So I --

17 A. So I raced downstairs thinking that I needed to tend
18 to him and then when I was trying to ask him if he's okay, you
19 said he didn't need me. That you already had it covered.

20 Q. So at that point in time, I didn't say I was
21 exhausted and I needed some help?

22 A. No. No.

23 Q. Then when I came up with Lucy or when you were in the
24 room with Lucy, I said I need help.

1 A. No. You just started cussing about my cunt mother.
2 Q. And that's on audio, too?
3 A. No, that part was not on audio.
4 Q. So that's your word then?
5 A. That is my word. That is what happened.
6 Q. So I never stated if you could come down, he is
7 having another episode, I'm exhausted?
8 A. No, that is not what took place.
9 Q. And I didn't tell you all day Saturday that I was
10 exhausted from having to stay up with him all night?
11 A. We weren't even talking and that was part of what was
12 getting you so tuned up. I wouldn't talk to you.
13 Q. That's not what I said.
14 THE COURT: Don't talk over each other. I'll let you each
15 talk. Just let her finish and then I'll let you talk.
16 BY THE RESPONDENT:
17 Q. It's a yes or no question.
18 A. What's the question?
19 Q. That I didn't tell you I was exhausted all day
20 Saturday from having to stay up the night before with him.
21 A. No, I don't recall that.
22 Q. Okay. And when we returned from the ball game, you
23 went out to mow the grass; correct?
24 A. I did.

1 Q. And I was taking care of Lucy and Ivana in the house;
2 correct?

3 A. Yeah.

4 Q. And I came out because I was exhausted trying to rest
5 in the chair and told you that or Ivana was starving; correct?

6 A. Yeah. I was in the middle of mowing and you came out
7 and you said --

8 Q. Correct?

9 A. This is what happened.

10 Q. And then --

11 THE COURT: Answer the question. I'll let you -- you'll
12 have a chance.

13 A. So what's the question?

14 Q. That I came out and told you that Lucy was starving
15 or Ivana was starving and you could help make her something to
16 eat; correct?

17 A. Well, you told me that she was starving and demanded
18 that I come in and make her something to eat.

19 Q. And then you reluctantly came in. Before you came
20 in, you said why don't you be a father and make it yourself;
21 correct?

22 A. I did say that to you. Yes, I did. You were just
23 sitting in the chair. I was out mowing the yard, push mowing it.

24 Q. And isn't it true I had stayed up approximately 36

1 hours having stayed up with Grant, his blood sugar needed help.
2 That's what I told you; correct?

3 A. I don't know that you told me that but it was based
4 on things that you would say, you have stayed up for very, very
5 long periods of time without sleep.

6 Q. With Grant's blood sugar, correct, because I said I
7 was petrified he was going to die because he almost died on my
8 mother's birthday on August 16th; correct?

9 A. I don't know. You have started to stay up for long,
10 long hours.

11 Q. Part of that was when --

12 A. And developing paranoia which is part of staying up
13 thinking that somebody is going to come to the house and hurt us.

14 Q. And that's in fact because approximately a year prior
15 after we had a death threat and he attempted to execute on that
16 by Brian Harris?

17 A. I do think that that was a triggering event for you.
18 I do believe that. And then after that happened, you became
19 very, very paranoid about somebody coming to the house even
20 though he was incarcerated.

21 Q. (Indiscernible) --

22 A. So you would case the house at all hours with a gun.

23 Q. No.

24 A. That is true. That is true.

1 THE COURT: All right. Next question.

2 Q. During the episodes where Grant from August 16th to
3 my departure, how many times did you stay up and monitor his
4 blood?

5 A. During that August 16th?

6 Q. From August 16th until September 11th, he had four
7 episodes that were verified. How many of those did you stay up
8 to monitor his blood to make sure he was following the care plan
9 to make sure that he didn't again go into a diabetic coma?

10 A. Are you -- are you saying stay up and just stare at
11 him while he is sleeping?

12 Q. No. I'm saying checking his Dexcom monitor to make
13 sure that it wasn't alarming and also to make sure that his blood
14 sugar went up when he did go low.

15 A. When he was just using the monitor, then I would
16 check his monitor.

17 Q. When?

18 A. In the night time. But then at some point because he
19 was -- Grant was sleeping on the floor in our room for a while
20 and then Luke decided he wanted him to sleep downstairs with
21 Luke.

22 Q. Isn't it true that I wanted him to sleep downstairs
23 because you had him laying where the dog had urinated all over
24 the floor laying on trash bags in the bedroom?

1 A. Grant was laying on trash bags, yeah. Yep.

2 Q. And I said he (indiscernible) bed and gave him the
3 bed that I was sleeping on, had him come sleep downstairs with me
4 and I slept on an air mattress for that month?

5 A. But he had been -- he had been sleeping on the floor
6 in our room for months actually. Months. And we have to put
7 trash bags down because of the bedwetting if his blood sugar is
8 high.

9 Q. Isn't it true from June from his birthday until I was
10 removed that he actually slept downstairs with me? He slept on
11 the futon next to me and I slept on the bed.

12 A. He did sleep like that for a while.

13 Q. Yeah. So he wasn't sleeping on trash bags in the
14 room except for when he was upstairs (indiscernible) --

15 A. He had -- he had trash.

16 Q. Correct?

17 A. He had trash bags on the futon, Luke. He's always
18 had to have something under him.

19 Q. Isn't it true that you refused to make his bed or
20 Lucy's bed during that same time period and refused to assist him
21 with that?

22 A. Nope. That's absolutely not true.

23 Q. How many times did you make his bed from June of 2022
24 until the time I was removed?

1 A. June of 2022?

2 Q. Yeah. From his birthday until the time you had me
3 removed out of the home.

4 A. Probably just a few times.

5 Q. Isn't it true you never made his bed?

6 A. I kind of expect the kids actually to make their own
7 beds. I'm not going in and making their beds, no.

8 Q. Isn't it true part of the Mayo diabetic care plan is
9 to assist him with making his bed so he can focus on his school
10 work and make sure his bags are packed and everything daily and
11 not that he is just some average kid that we're just supposed to
12 tell him to be a man and do it himself?

13 A. Now what?

14 Q. What question didn't you understand? You said you
15 made -- how many times did you make his bed during that time
16 period?

17 A. I've already answered that.

18 Q. A few times?

19 A. Just a few times. Yeah. I mean, I don't -- I don't
20 go in and make the kids' beds. You know that.

21 Q. Including your six-year-old daughter?

22 A. Huh?

23 Q. Including your six-year-old daughter; correct?

24 A. She can pull up the sheets and the comforter. I'm

1 not -- I'm not going to just make beds, no. Those are small
2 responsibilities that they can have if they want their beds made.

3 Q. Isn't it true you wouldn't make the other girls' beds
4 either even when they had bunk beds because you said you didn't
5 do it and you expected them to do it, as well?

6 A. Yeah. The bunk beds are the pain. The biggest pain.

7 THE COURT: Let's -- let's move on from bed making stuff for
8 purposes of this hearing.

9 BY THE RESPONDENT:

10 Q. So you felt as of 4:30 the morning of his episode
11 where you recorded me that everything needed to be done was done;
12 correct? That's what you put in your petition. You didn't say I
13 said it. You said everything (indiscernible) --

14 A. You told me. Yeah. You told me that it was taken
15 care of. You handled it.

16 Q. Isn't it true I woke you up asking to find where his
17 Dario meter and his pricker so he could check his blood was and
18 that's why I came up to ask you for help because I couldn't find
19 it?

20 A. No, that's not true.

21 Q. And after he has a diabetic episode, is there
22 anything that is supposed to be done as far as monitoring him or
23 was everything truly done at 4:30 in the morning that needed to
24 be done?

1 A. You told me he was dying. I ran downstairs and then
2 when I got down there, you said that you had it under control.
3 That everything was taken care of. No. Usually after a diabetic
4 episode, he feels like shit and likes to have his back rubbed and
5 just taken care of.

6 Q. And all those statements, did you have them on audio
7 as well? Is that part of your audio recording?

8 A. What statements?

9 Q. That I said that I didn't ask to help find his
10 pricker and his Dario meter. Was that recorded, as well?

11 A. No. That didn't occur. You asked me. That did not
12 occur.

13 Q. When I said that everything was done, that he could
14 go back to bed, everything is done, was that recorded?

15 A. No.

16 Q. In fact, I told you you could record me because
17 nobody would ever dare think that you could treat a child the way
18 he has been treated and one incident of you recording me wasn't
19 going to cut it; correct?

20 A. I don't recall you saying that but you, I mean, you
21 have always said things about how awful I am.

22 Q. How awful you are about what? How you take care of
23 your son?

24 A. You have said that.

1 Q. And that's dated back to 2019; correct?

2 A. In fact, you told him that I don't care about him, I
3 don't care about his grades, and I don't care about his diabetes.
4 You have told him that. None of which is true. But that's why
5 Grant has so many problems is because of the things that you put
6 into his head.

7 THE RESPONDENT: Now I know, Judge, it is not necessarily
8 relevant to the petition but she has opened the door to more
9 questions.

10 THE COURT: Yeah. I really don't want to go down that path.
11 I'm not -- that's -- I'm not considering that at this point.

12 THE RESPONDENT: Move to strike that part from testimony
13 then.

14 THE COURT: I will move to strike that. I'm not saying at
15 some point it's not -- I think a lot of stuff is going to come
16 out but for just purposes of this hearing, I will strike that.

17 THE RESPONDENT: Of course focus then is primarily on that
18 date, then I have no further questions for her at this point.

19 THE COURT: Okay. Do you want, I mean, at this point, do
20 you want to wait when it is your turn to respond or do you want
21 to, I mean, you can, as you know, this would be
22 cross-examination.

23 THE PETITIONER: Right.

24 THE COURT: But I don't really care. We can --

1 THE PETITIONER: I'll just wait until it is my turn.

2 THE COURT: Okay. All right. You can step down. Okay. So
3 and, Luke, you want to testify?

4 THE RESPONDENT: I do. It probably makes sense if I use the
5 lunch hour just to organize everything and get to the point for
6 (indiscernible) here today.

7 THE COURT: All right. Okay. Let's go ahead and break. It
8 is about 11:45. As far as staff and stuff, if I broke for -- if
9 we -- I don't want to go, I mean, if we broke for one hour, is
10 that enough lunch so we can get back to it or do you want to
11 till, I mean I guess do you want to go to 1:00 o'clock?

12 THE PETITIONER: For me personally, I don't -- I really
13 don't eat lunch but something that's going to be important and I
14 know this is kind of out of -- out of the order but I have some
15 videos or audios that as part of my case and I don't know at what
16 point you want to listen to it or if it is just going to be in
17 here but one of them is 45 minutes. The other one is an hour and
18 six minutes.

19 THE COURT: The -- okay. How long is the one, the incident
20 that took place?

21 THE PETITIONER: It's about 45 minutes.

22 THE COURT: And what's the hour and six minute one?

23 THE PETITIONER: That's the one him sitting me down in front
24 of the kids and going on another tirade.

1 THE COURT: What time frame was that?

2 THE PETITIONER: That was earlier in the week leading up
3 to --

4 THE COURT: Okay.

5 THE PETITIONER: -- the order of protection.

6 THE COURT: All right. Okay. Well, then I would say let's
7 come back at 12:45 and start then. I will let Luke testify and
8 then you can testify if you want to and then we will see where
9 we're at and kind of go from there. Okay. I mean, I would
10 really like -- I don't want to have to recess this again. I
11 would like to, I mean, I really want to get to where there's some
12 contact with the kids but, I mean, you know, let me -- let me
13 hear some more and see what I'm thinking.

14 THE PETITIONER: I note that I had sent Luke at least the 45
15 minute one. Have you listened to it?

16 THE RESPONDENT: For what?

17 THE COURT: We'll go -- we'll go ahead and go off the
18 record. We're going to recess until 11 or 12:45 and then I'll
19 make a record when we go back on.

20 (Whereupon, a recess was taken.)

21 THE COURT: All right. Thank you. Please be seated. Okay.
22 We are back on the record in 22-OP-66, in re the order of
23 protection of Thomas. The parties are present. We had broke for
24 lunch. Luke Thomas is the process of presenting evidence in

1 support of his rehear and so at this point, Mr. or Luke, do you
2 wish to testify and present further evidence?

3 THE RESPONDENT: Yes, Judge.

4 THE COURT: Okay. Need you to stand and raise your right
5 hand.

6 (Witness sworn.)

7 THE COURT: Okay. You can come on up here and bring
8 whatever documents you need.

9 LUKE THOMAS

10 The Respondent, called as a witness on his own behalf, being
11 first duly sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 THE COURT: Okay. You are Luke Thomas?

14 THE RESPONDENT: That's correct, Judge.

15 THE COURT: And you are the respondent in this case?

16 THE RESPONDENT: Yes.

17 THE COURT: All right. Go ahead and you may testify at this
18 point.

19 THE RESPONDENT: Okay. I know the Court has indicated that
20 there's a certain timeframe that they're more focused on for
21 today's hearing as far as the emergency order. I guess to
22 preserve the record and the petition has not -- certain parts of
23 the petition haven't been stricken, there's been testimony in
24 regard to that. I don't know how formal you want to be as far as

1 offers of proof if that needs to become necessary. I think I can
2 go through this in a time line.

3 THE COURT: Okay.

4 THE RESPONDENT: From November to present and the Court can
5 consider whatever they want to consider.

6 THE COURT: Let's start with that and see where we go.

7 THE RESPONDENT: All right, Judge. I've been married to
8 Gwen Thomas since April 18th, 2009. We have four children
9 together, one of which, as the Court has heard, is Grant. He is
10 a Type 1 diabetic. Up until April of 2019, Gwen and I worked
11 together in the Law Office of McClure, Thomas and Thomas, at
12 which time I had to take a leave of absence and ultimately never
13 returned to the firm to practice law.

14 THE COURT: And that was approximately what? What time did
15 you leave? What month in 2019?

16 THE RESPONDENT: I was diagnosed technically in April 25th
17 of 2019.

18 THE COURT: Okay.

19 THE RESPONDENT: I continued to wrap up what cases I could
20 wrap up through the month of May, I believe, May 17th, 18th would
21 have been the last court dates that I had from that time period.
22 I did appear in one federal bankruptcy case from that time period
23 until today. It was Chapter 7 bankruptcy for Diana Sarge
24 (phonetic) and the event was in Quincy, Illinois. Also appeared

1 in court as a victim in a case in this county with People versus
2 Brian Harris but other than that, I haven't appeared in any court
3 practicing law since that time period.

4 THE COURT: All right.

5 THE RESPONDENT: Where we left off on the exhibit list. I
6 have introduced or present to the Court for admission would be an
7 email drawn on my business account of McClure, Thomas and Thomas
8 just advising the courts and attorneys in the area of my
9 condition and that's made of record.

10 THE COURT: When was that email?

11 THE RESPONDENT: Email was sent on May 12th, 2019 to various
12 clients, various members of the bar, and judges I have practiced
13 before.

14 THE COURT: And you've seen that Ms. or, Gwen, have you seen
15 that document? He is offering it into -- you're offering it into
16 evidence at this point?

17 THE RESPONDENT: Yes, Judge.

18 THE COURT: Okay. Let's let her --

19 THE RESPONDENT: I've got a copy for her if you want.

20 THE COURT: Okay. Let her have a copy of it, see if she has
21 any objection to it. And this is exhibit.

22 THE RESPONDENT: I wanted to see where we left off on.

23 THE COURT: Well, we never did get a 6 and a 7, did we?

24 UNIDENTIFIED SPEAKER: No, we did not.

1 THE RESPONDENT: We can call that one 6 then, Judge.

2 THE COURT: All right. This would be No. 6.

3 THE PETITIONER: This is Exhibit 6?

4 THE COURT: I believe that's correct. Is there any
5 objection?

6 THE PETITIONER: No.

7 THE COURT: All right. It will be admitted.

8 (Whereupon, Respondent's Exhibit
9 No. 6 was admitted.)

10 THE RESPONDENT: Mark that one 6.

11 THE COURT: Okay.

12 THE RESPONDENT: I tried to have copies for everyone.

13 THE COURT: Okay All right. So this is No. 6. It will be
14 admitted. All right.

15 THE RESPONDENT: Testify that I had surgery in Mayo Clinic.
16 I want to say I returned home on or about June 3rd of 2021 at
17 which time I was in very bad shape. I had ileostomy. I
18 underwent radiation.

19 THE COURT: And that was June of 2021?

20 THE RESPONDENT: June of 2019.

21 THE COURT: 2019. All right.

22 THE RESPONDENT: I had not had any surgeries or really had
23 any problems with my health up and to that point. I represented
24 to Gwen that I would try to get back to the office as quick as I

1 could knowing that there was a lot to do and so forth. I never
2 anticipated and I think referenced in the exhibit that was
3 entered, I hoped to be back in six weeks, eight weeks or
4 whatever. It was quite the shock after that point.

5 I was surprised to learn during that same time period the
6 words of encouragement that were provided to me is that God must
7 have had a plan with you having cancer because had you won the --
8 Ms. Thomas said had you won the election, I was going to divorce
9 you. So that's where I -- that was the tone that was set at the
10 onset of my care. She then returned to work on June 10th of 2019
11 never to return home to provide any care to me or the kids for an
12 extended period of time.

13 THE COURT: Okay. Okay. On so you're saying on June 10th
14 of 2019.

15 THE RESPONDENT: She took her first appointment back at the
16 office.

17 THE COURT: Okay. So she went back, your testimony is she
18 went back to work then.

19 THE RESPONDENT: Yes.

20 THE COURT: Okay.

21 THE RESPONDENT: Leaving the care of the four children and
22 the dog that we purchased in my exclusive care.

23 THE COURT: All right.

24 THE RESPONDENT: She was gone five if not six days a week

1 from that point forward until the office was closed in 2021.
2 During that year, though, especially it was especially difficult
3 because I kept asking her to come back home to assist with the
4 house and I noticed at that very point in time, the record
5 keeping and so forth had fallen off the track.

6 THE COURT: When did the office close?

7 THE RESPONDENT: Well, the office building sold I want to
8 say December 19th of 2021.

9 THE COURT: Okay.

10 THE RESPONDENT: The doors closed where we basically were
11 trying to get everything moved out in late November of 2021.

12 THE COURT: All right.

13 THE RESPONDENT: So that first year I was left with four
14 kids in my care. I provided all their care day in and day out.
15 Ms. Thomas would come home frequently 6 or 7 o'clock at night
16 demanding why the house wasn't cleaned to her specifications,
17 insisting that Vivian and that's part of the reason why I wanted
18 the Court to talk to them after they heard the evidence to see
19 what questions are there, asking Vivian to vacuum the house,
20 clean the house for at least five hours a day every day to the
21 point then she told Vivian she couldn't vacuum the house any
22 longer, she would take over. That, in turn in that same summer
23 turned into the laundry. The laundry couldn't be done
24 appropriate to her standards so she is going to take over the

1 laundry. The dishes, the same thing to the point where our house
2 ended up in disarray in 2021 because no one could do it to the
3 satisfaction but we weren't getting any help from Gwen on any of
4 it. She kept insisting no matter what my condition was that I
5 could return to the office and work and she just didn't
6 understand why I was unable to come in and perform at the level I
7 did before or manage the firm and manage the children and these
8 dogs that we had going because after June of 2019, we ended up
9 taking on two more dogs.

10 This continued until and I want to say about September of
11 2019, I was -- the insurance company found me to be disabled,
12 backdated my date of disability to April 25th of 2019 so at the
13 same time period, I was drawing disability, we were saving on
14 daycare because the kids were in my care during that time period
15 because we didn't have the money or the cash available to pay for
16 it and all the money that would come from the disability payments
17 were either going to the firm account or into Gwen's personal
18 account. One of the things we felt was appropriate when we
19 didn't know what my outcome was going to be was to focus putting
20 the moneys in whatever we had to preserve Gwen's credit instead
21 of mine. My student loans, my debts, my checking account because
22 those would all be something that would be forgiven if I die if
23 they are contracted in my name and not hers.

24 That continued until or I take that back. The disability

1 payments and basically the kids in my care continued until
2 September of 2020 because the private insurance carrier told me
3 in order to continue getting the disability payments, I had to
4 apply for Social Security Disability which I did in want to say
5 roughly July of 2020. That decision on my Social Security
6 Disability I want to say it was denied maybe June or January or
7 February of 2021. I didn't seek a reconsideration of the denial
8 because, again, I was trying to do some work at home, some work
9 with Gwen, and I didn't want to be fraudulent with the Social
10 Security Administration not reporting income and we had also not
11 filed those year's tax returns so I didn't know what the income
12 was going to actually reflect.

13 Early on into my disease or my recovery, we had to close our
14 Virginia office, we had to let go staff, we had to change our
15 office hours all because we couldn't keep up with the demand and
16 that was something I insisted upon the office changes and whatnot
17 as far as the hours so Gwen would have more time available to
18 come home and help with the kids, help with me, and also not
19 overburden herself. At that time, she had a lot on her plate.
20 She was literally overwhelmed and I was hoping if we did that,
21 that would give her a chance. I don't know if it was lack of
22 communication, lack of just our marriage was probably in a bad
23 spot, I don't know, but she continued to work outside of the home
24 and kept on taking more and more cases to the point I had the

1 books balanced in March of 2020 as far as the trust accounts are
2 concerned and it looked like we finally could start getting our
3 bills under control but I insisted that we had to keep or stop
4 from taking on more and more clients and that just fell on deaf
5 ears. By that point, I think she was so disappointed in me for
6 not returning that she really didn't want to listen to what I had
7 to say about anything to do with the office.

8 THE COURT: So March of 2020, you were -- I mean, you had
9 looked over all the books and stuff and you believed you had the
10 trust accounts any way balanced to where any incoming or outgoing
11 was accounted for?

12 THE RESPONDENT: Yes. Yes, I believe it was all balanced.
13 The only thing we didn't have at that time was her time reports
14 because each time I would be able to go in and, again, this is
15 talking about very limited times. We've got four kids who've
16 either during the summer they're in your care or having to get
17 them to school and we've got three dogs. By the time I would be
18 able to do all that because Gwen either had court or had to get
19 to the office, by the time I would get out of there, it would be
20 10:30 or 11:00 to show up at the Beardstown office to have to
21 turn around and come back home to pick kids up from school so
22 you're talking about a two or three hour time period. And I'm
23 not saying I did that every day because it was a good period of
24 time where I simply wasn't able to go down there. But the times

1 I would, I would ask for certain things to be prepared, reports,
2 client billing statements, things that I could also, we could
3 bill out. There was none of that done. The attorney Jessica
4 Range was an attorney there. She would do all of her time
5 reports. Susan, our legal assistant that had cancer, and Heather
6 and I think we had another assistant even at the time all were
7 trained at the same time Gwen was on the software and they all
8 offered and were asked to help her but, again, it was coming from
9 me. There was a butting of heads that she wasn't going to listen
10 to me about it or felt that they had a new system in place that
11 was going to take place of whatever I was asking to be done.

12 None of this is -- long into the background of that's kind
13 of where things stood until we got to the point of the writing
14 was on the wall. We did another year of that of things being out
15 of balance to even in June of 2021, Gwen and I had a serious
16 discussion about closing the office and she seemed agreeable at
17 that time. We talked about the method of closing the office, one
18 of which was to send out client letters telling them that the
19 client or the office was going to be closed. And I sent that
20 email to her email address of record on June 9th or 29th of 2021
21 at 12:23 p.m. The email is kept in the ordinary course of
22 business. I would say just briefly I have enclosed a proposed
23 letter to same clients once we pull the trigger, give some
24 thought to any info you want to be included and it includes a

1 draft of the letter similar to what we've used in prior times
2 when attorneys would leave the office or go to the bench or
3 whatever. I don't have an extra copy of that if Gwen wants to
4 see it. She is more than welcome to.

5 THE COURT: Is this No. 7?

6 UNIDENTIFIED SPEAKER: This would be 7.

7 THE COURT: No. 7. Is there any objection?

8 THE PETITIONER: Relevance.

9 THE COURT: I'm going to let it in over your objection but I
10 don't disagree with you. I mean, you can argue the weight of it
11 and the Court will determine what weight this goes as far as this
12 hearing is concerned. It's admitted.

13 (Whereupon, Respondent's Exhibit

14 No. 7 was admitted into evidence.)

15 THE COURT: Go ahead.

16 THE RESPONDENT: Some of the struggles we were having in
17 there was also making sure that there was sufficient moneys in
18 the payroll. I had an appointment in November of 2020 of where
19 Grant was present at her parents' house because he got in trouble
20 at school. I had been -- I did not process the payroll until
21 that day at which time Gwen, in Grant's presence, continued to
22 refuse to go with me on the trip. (Indiscernible) how
23 irresponsible I was, there's no good excuse for it.

24 THE COURT: No excuse for what?

1 THE RESPONDENT: For missing or not processing the payroll
2 until the day of payroll.

3 THE COURT: Okay.

4 THE RESPONDENT: Become belligerent to the point her dad had
5 to tell her to calm down. That was inappropriate with Grant
6 present and encouraged her --

7 THE PETITIONER: Objection.

8 THE RESPONDENT: Encouraged her.

9 THE COURT: There's an objection. I'll sustain that. Let's
10 keep moving.

11 THE RESPONDENT: I would like to make an offer of proof on
12 that then, Judge.

13 THE COURT: Well, what's -- okay. So there was this
14 incident November 2020. She, I mean, Grant was -- what's the
15 purpose of it as far as the rehearing goes?

16 THE PETITIONER: Luke wasn't even present so he has no
17 personal knowledge.

18 THE COURT: Okay. So okay. I thought -- I thought you were
19 there and Grant was there and his -- her dad and her were there.

20 THE RESPONDENT: I mean, I guess the offer of proof would be
21 had Grant been allowed to testify after the fact that he would
22 have been questioned about this. This has been a big issue in
23 our marriage as far as whether this conversation took place.
24 Gwen called him a liar and said he was trying to destroy our

1 marriage for telling.

2 THE COURT: Well but okay. And so how does that relate to
3 whether the incident she's alleged you did in support of an
4 emergency order of protection, how does that -- how is that a
5 meritorious defense?

6 THE RESPONDENT: Because, again, this would be cumulative as
7 far as the motive for recording me the day of after having stayed
8 up 36 hours to make a recording and why my behavior wouldn't have
9 been totally out of line considering the factors of three years
10 of having this kind of mistreatment of Grant, of myself, and I'll
11 testify I guess I can go to the testimony that was told to Gwen
12 on September 10th when she decided she was going to apply for the
13 order of protection.

14 THE COURT: All right. Let's go to that.

15 THE RESPONDENT: On December 10th, on the way to the
16 softball game that we referenced earlier --

17 THE PETITIONER: What's the date?

18 THE RESPONDENT: September 10th of 2022.

19 THE COURT: Okay.

20 THE RESPONDENT: I asked Gwen why she kept continuing to try
21 to gaslight me into arguing with her. Why and I guess I need to
22 go back even further.

23 THE COURT: So okay. On September 10th, this is -- this is
24 the day of before the one incident, the incident.

1 THE RESPONDENT: Yes.

2 THE COURT: This is the day of. Okay. So this is on the
3 way to the softball game or is this at the softball game? Paint
4 the picture for me here.

5 THE RESPONDENT: Okay. On August, well, I'll paint the
6 picture for you. We were driving to the softball game.

7 THE COURT: On September 10th.

8 THE RESPONDENT: On September 10th to Jacksonville.

9 THE COURT: Okay. All right. Okay.

10 THE RESPONDENT: Two weeks prior, the kids returned to
11 school. All summer long, Gwen testified to me that she was
12 ultimately going to start working on billing matters once the
13 kids were in school because she couldn't find time to do it with
14 the kids present.

15 THE COURT: Okay. All right.

16 THE RESPONDENT: So up and to that point, I believed her.
17 On the first Friday that they were in school and I want to say it
18 was the 23rd if I have my calendar here, I could tell you. It
19 was Grant's first football game and Gwen went to Beardstown
20 instead of working on her work. Under the guise of her mom sent
21 her a text message the day before that she needed to have a
22 family meeting with Gwen and her siblings and Gwen told me that
23 night she hadn't had a clue why they were going to be meeting and
24 she was worried sick that her mother had health issues. I asked

1 Gwen point blank is this something that you're planning to meet
2 to plan your exit for the divorce and she assured me absolutely
3 not. That they would -- that that's not the point of the
4 meeting. She had no clue. She is just worried her mom is sick.
5 So on that Friday, I kept -- I texted Gwen, asked her how's your
6 mom. Everybody okay?

7 THE COURT: Which -- which Friday? Is this the 10th or is
8 this the August date?

9 THE RESPONDENT: This is the August date.

10 THE COURT: All right. Okay.

11 THE RESPONDENT: I asked her if her mom was okay, what was
12 going on. I got no response until about 2 o'clock in the
13 afternoon of which her mom sent me a picture of Gwen, her
14 brother, and sister drinking margaritas at the Mexican restaurant
15 in Beardstown. Again, I asked, sent Gwen a text saying is your
16 mom okay. She shows up intoxicated from Beardstown after I had
17 went to Springfield to get Vivian's softball supplies, to get
18 Grant his pads that go underneath his outfit. They were also
19 concerned this was the first softball game of a thousand that
20 Vivian had to go to by herself on the school bus so I made sure
21 to prepare a special bag from her and her mother that had candy
22 to not only support her, love her, whatever. I was obviously
23 exhausted as I had made several trips back and forth and picked
24 the kids up from school.

1 She comes in and she's intoxicated and I said what was the
2 meeting about and she wouldn't tell me and I said this is just
3 ridiculous. You are running me ragged again. I said I'm not
4 doing this for another year because that's what had taken place
5 the year prior. Always gone, never there to assist with the
6 kids. I got some story that was simply to talk about her
7 parents' investments. I don't even know what the truth of it is.
8 I presume it's exactly what took place two weeks later.

9 THE COURT: Okay. All right. So that happened. How does
10 that lead in to what happened September 10th on the way to the
11 softball game?

12 THE RESPONDENT: On that Friday when I -- between that time
13 period and September 9th, Gwen performed no work for the office,
14 did not bill any work out during that time period. I kept
15 wondering why I'm going without health insurance, why we're
16 saying we're scraping for pennies when we have got accounts
17 receivable and we're paying thousands of dollars a month in
18 expenses for an office that's defunct.

19 So on September 10th or on September 9th, I asked her I said
20 it's obvious what you're wanting to do because she had already
21 handed me a divorce petition maybe a week prior and left it open
22 on the computer for the kids to see. She agreed that if she is
23 going to file, she is absolutely going to file, and she agreed
24 she would do it in Sangamon County, do it all in Sangamon County

1 so we're not airing our dirty laundry out in Cass because of all
2 the conflicts.

3 So on the 10th, again, we had the incident on the 9th where
4 she said she called her parents to get rest. I contend it was
5 for the dissolution documents so they could plan on filing it.
6 But be that as it may, I attempted to call her parents and ask
7 what's the purpose of them coming. Her mom wouldn't answer the
8 phone. Her dad answered the phone and I said what are you guys
9 coming to the home for and he said we're coming to get Gwen for
10 some rest. I said that's fine. I don't -- it's been tense
11 around here. I don't want you guys coming up here. I don't want
12 any problems. Gwen can go out there.

13 When they came to the house, they were parked by the end of
14 our driveway and I said I can send Gwen out and Gwen kept saying,
15 no, no, they're coming in and she came out trying to get them to
16 come up and they were coming up to the house and I said please,
17 just don't. It's not a good time. She can go with you,
18 whatever. And they came up on the porch and at the time, I had a
19 scalp infection. I'm standing at the door. I'm saying what's
20 going on and I said something about Grant. I can't think of the
21 exact words I used but something about Grant. If they cared
22 about Grant, they would help out more. This isn't the kind of
23 help that we need and she referenced me grabbing Grant's arm some
24 time ago and said you're the one that has been abusive. You

1 grabbed Grant's arm. I said hold on, please. I don't want to
2 argue with you. I said do you remember at least what Gwen told
3 you, you told my father that you would look after me and Grant
4 like we were your own kids. I don't want that kind of
5 relationship with you. I don't want to fight with you. She
6 looked at me and said, oh, you're just pulling things out of your
7 hair real smart assy with me just trying to needle me and I said
8 I don't want any problems and Gwen ended up leaving.

9 Prior to that, I asked Gwen, I said why don't you just go
10 stay with them. I have no place to go. I have no money, I have
11 no relation in the area. The only one vehicle we have that would
12 transport the kids, especially Grant if there is an emergency,
13 that's what I needed. My truck was dismantled. I wouldn't have
14 any way of getting any care. To me, it made the perfect sense.
15 Her parents have always been supportive of her and of me up until
16 a certain point and I just felt like, I mean, up until that
17 point, I had no reason to doubt that they wouldn't be supportive
18 of me except for their behavior, especially her mother's behavior
19 changed as far as when she would see me. And she would walk
20 right past me at ball games and this went on for like six months.
21 Wouldn't say hi. Wouldn't say anything. I kept asking what is
22 the issue, what has changed, and she swore for two years that she
23 had not ever shared anything about me out of the home with them,
24 that they have no reason not to like me and it just seemed very

1 bizarre that all of a sudden we're doing that again and that was
2 the issue with the summer games or with the game that's going to
3 take place or was going to take place on September 10th is Vivian
4 had mentioned how awkward it was to see her grandma sitting up at
5 the fence at the ball games and leaving me back there behind.
6 Her dad was kind enough, he would walk by, he would sit down with
7 me and shake my hand and not treat me like a stranger but this
8 was something well into the works up until that point.

9 So on that evening, I said I'm not going there because they
10 have already fought with us. I said these ball games are ball
11 games. We're underwater with our finances. We got clients to
12 answer for. We're overstretched. Why is it that we have to go
13 to every single ball game because I've asked the kids and asked
14 Vivian specifically does it matter if we go to every single game
15 because they've got a school bus they take there, they get to
16 visit with their friends. She didn't care if we were there at
17 every game or not so I was leading up to that ball game and I had
18 asked Gwen why are your parents insisting and I have response
19 saying I skipped half of the ball games to stay home to take care
20 of Grant and the kids. Why is it this one game here only, her
21 regional game that they insist that knowing all these tensions
22 that they have to be there. I don't want any problems. And they
23 kept telling me how or Gwen kept telling me that they're entitled
24 to be there, they're going to be there, and I eventually had to

1 threaten saying, well, if it is going to make it a scene in front
2 of Vivian, then Vivian just simply won't go. As hard as that
3 would be to make a little girl not go to her regional ball game,
4 to me that made more sense than causing a scene.

5 THE COURT: What scene were you afraid was going to happen
6 if they showed up? I mean --

7 THE RESPONDENT: They were going to confront me again just
8 like they did on my own porch when I asked them not to come to
9 the house.

10 THE COURT: Well, I mean, them coming into your house and
11 not wanting confrontation but what -- I mean, what -- what
12 authority would you have to tell them they can't come to a public
13 place? I mean, they can't bother you.

14 THE RESPONDENT: No, I wouldn't have any authority but I
15 would have authority to tell my daughter she's not going to avoid
16 the scene.

17 THE COURT: All right.

18 THE RESPONDENT: So that was the option that finally allowed
19 me to go watch the game without having any sort of confrontation
20 because I had -- I could not understand why they thought they had
21 the right to come up after I asked them not to be there twice.
22 They were -- Gwen had a place to go, she was free to go, to come
23 up and lecture me on my own property and that's where we are at
24 here with this.

1 So on September 10th, on the way to the ball game, I
2 explained to Gwen because she was not talking to me and I said we
3 can file for divorce and all that, we can do that. I don't want
4 to fight with you but I said I'm not going to -- we're going to
5 have an issue with custody I said because you can't not take care
6 of Grant and have this kind of stuff going on and I said here is
7 the evidence I have. I said I present the fact that you told
8 Grant at the (indiscernible) ball game in front of your parents
9 --

10 THE PETITIONER: I'm going to object to that. Lack of
11 personal knowledge.

12 THE RESPONDENT: You told me it.

13 THE PETITIONER: He wasn't there and that is not what I told
14 you.

15 THE COURT: You can testify to what you're saying she said.
16 She can rebut it or disagree but, yeah, I'm not going to go any
17 more with that one.

18 THE RESPONDENT: Make an offer of proof then, Judge.

19 THE COURT: Well, it's not -- all right.

20 THE RESPONDENT: I'll preserve the record. I would testify
21 that on or about November 20th of 2021, our two minor children,
22 Ivana Thomas and Vivian or Lucy Thomas were playing basketball
23 (indiscernible). I was present at the time of the ball game
24 starting. I had transported Lucy and I believe one other

1 daughter. Gwen had transported Grant to the ball game at which
2 time Grant's diabetes, Grant did not eat breakfast and her father
3 had slipped him some crackers which were unaccounted for. By the
4 time I left to go pick up Grant's prescription in Walgreens, an
5 incident took place wherein Gwen called me saying Grant was out
6 of control, that they needed my help, come back. When I spoke to
7 Grant that day, he said his mother had pinned him against the
8 wall choking him and yelling at him in the middle of the school
9 and he was very upset with her about that.

10 I would also testify that the strong hand in the way she
11 dealt with his diabetes when it was high, that was a pattern of
12 conduct that was certainly up to that point in November of 2021
13 as when my behavior allegedly changed and the petition was
14 certainly a pattern of conduct that had been a concern, that I
15 shared those concerns with Gwen numerous times not to do that.

16 I also (indiscernible) would also then would have offered
17 Respondent's Exhibit 7A which would verify the dates and the
18 times of the ball game.

19 THE COURT: This is No. 10. This is -- this is just a
20 document showing that there was a ball game that night?

21 THE RESPONDENT: Yeah.

22 UNIDENTIFIED SPEAKER: We do have an Exhibit 10 that's
23 already been admitted.

24 THE RESPONDENT: I've got it marked as 7A.

1 THE COURT: Oh, 7A.

2 UNIDENTIFIED SPEAKER: 7A.

3 THE COURT: Sorry. I can't read your writing.

4 THE RESPONDENT: I'm sorry.

5 THE COURT: 7A. All right. Ms. Thomas, it's not a -- I
6 think it is like a schedule I guess that shows there was a game
7 the day he is saying.

8 THE PETITIONER: Okay.

9 THE COURT: I mean, I'll, for the record, I'll let this in
10 but as far as, I mean, proceeding on, I'm not going to allow any
11 more testimony on -- on something you weren't at, just what one
12 of the kids told you for purposes of this hearing only. I'm not
13 saying it won't be admissible and, quite frankly, these are all
14 issues that I think the guardian ad litem will discuss with your
15 children and you and give me a recommendation as to what she
16 believed happened. So all right, let's move on.

17 (Whereupon, Respondent's Exhibit

18 No. 7A was admitted into evidence.)

19 THE RESPONDENT: I guess where I'm going with this, Judge,
20 is that all of this is presented to Ms. Thomas up and to the
21 point where she had a vehicle, she had a place to go and then it
22 was disclosed to her she was going and I'll testify I told her
23 during that trip that either she went and got counseling and got
24 help for her anger or find out what was going on to keep her from

1 working.

2 THE COURT: You can -- on that September 10th, you can
3 testify to what you told her and all that.

4 THE RESPONDENT: That's what I'm testifying to, Judge.

5 THE COURT: Okay. I thought you were wanting to bring in
6 evidence that Grant said she choked him and I said at this point,
7 I don't need to hear that. No. You can testify to a
8 conversation the two of you had on September 10th.

9 THE RESPONDENT: This would be part of it. This -- all this
10 evidence and I guess I would need to introduce exhibit. I
11 reiterate this has been the same thing that has been told to her
12 time and time again is either get help in this regard to the
13 children, in regard to the business, or I'm going to have to file
14 to report you to the ARDC and I'm going to have to file for some
15 sort of protective order against you.

16 THE COURT: Okay. So all right. You can testify to that
17 and you can testify that's what you told her. Okay.

18 THE RESPONDENT: I also testified to her as far or also
19 told, explained to her how her treatment and not sharing the mail
20 with me, how not billing until after she found out my insurance
21 lapsed, all of that indicated to me almost a devaluation of the
22 business and a willful deprivation of myself because back in
23 November, I disclosed to her privately and asked her not to tell
24 anyone that the amount of workload that she was putting on me, I

1 felt like I was dying. I was emaciated. I ended up having to
2 move the entire office by myself with Grant's help and she
3 testified literally ripped the server out. I literally had to go
4 in and unplug the server and take it out because she was still
5 taking on cases when there was no possible way of it and it was
6 delaying the closing of the building until after Christmas where
7 we wouldn't have had money for the kids.

8 I had a Mayo appointment in December on December 16th of
9 2021 and that's why I went on December 11th and closed the server
10 down so it would force the hand to close on the building so when
11 I got back, I could do all the Christmas shopping which I did
12 with the moneys that we had.

13 THE COURT: Okay.

14 THE RESPONDENT: That that conduct keep doing it and doing
15 it and withholding the bills until she tells me she is filing for
16 divorce is devaluing the business and she's well aware and it was
17 a lot of discussions about how accounts receivable become almost
18 valueless with the passage of time and why she would withhold
19 doing that and sending out bills for two-and-a-half years until
20 she decides she was leaving me, why that would be appropriate. I
21 just, I told her, I mean, anybody is entitled to a divorce. She
22 could have told me for any reason or whatever reason she wanted
23 two years earlier because I had 43 threats of divorce during the
24 course of our marriage and I explained that to her. This is the

1 43rd time you have told me you are going to divorce me. I said
2 that's fine. If you're going to file for divorce, file for it.
3 I'm not preventing you from doing that but you don't get to try
4 to make me -- to tell me that you love me at one point and make
5 me do all the work and clean up work for two years at the office
6 when I really wasn't even in a position to do it and then only
7 once again say you're going to file for divorce when I'm unable
8 to do it. And that pattern of conduct continued all the way up
9 until that September 10th date.

10 There was also an issue regarding her father that she feared
11 that I had audio or video of her or from a conversation we had in
12 2011 that she expressed concerns.

13 THE PETITIONER: I am going to object to this.

14 THE RESPONDENT: This is the reason why they rushed in to
15 get the order of protection.

16 THE PETITIONER: That is not true.

17 THE COURT: Well, something that happened in 2011, I, at
18 this point, don't need to hear. I don't find that to be
19 relevant. I mean --

20 THE RESPONDENT: She was told that there --

21 THE PETITIONER: Objection.

22 THE COURT: No. I don't need to hear. Sustained at this
23 point.

24 THE RESPONDENT: Can I make an offer of proof, preserve the

1 record?

2 THE COURT: For this rehearing? I'm not talking about this
3 may not come in another --

4 THE RESPONDENT: I'm saying there was no emergency on
5 September 11th to go in and get an emergency order of protection.
6 That they had other reasons why that was --

7 THE COURT: For something that happened in two thousand,
8 allegedly in 2011?

9 THE RESPONDENT: No. No. That she believed there was an
10 audio of her stating information about her father located in the
11 home and that's why they wanted me out of the home. That's why I
12 was left with only a bag of clothes and nothing else and haven't
13 been allowed back in my own house since then.

14 THE COURT: Okay. As far as when did this conversation
15 allegedly occur?

16 THE RESPONDENT: September 10th of this year in the car.

17 THE COURT: Okay. You didn't -- is there a reason you
18 didn't ask her about that when she was your witness? I mean, if
19 you're saying a defense is that she had other motives for her
20 doing the emergency, that it really wasn't an emergency.

21 THE RESPONDENT: It's trying to. I have been handcuffed on
22 asking any questions but about the audio. I mean, that's why I
23 feel I've got to focus only on that date. I'm not here to
24 characterize my behavior as Christian or that was the type of man

1 I wanted to be or any -- any sort of -- any sort of reflection of
2 the way I have been as a husband or father of my children on that
3 day. I'm not denying that.

4 THE COURT: You're saying that in the car, there was a
5 conversation about some -- something that was in the house
6 that --

7 THE RESPONDENT: About evidence that would be used in a
8 custody case. That she's leaving our daughter in care of
9 somebody she didn't trust.

10 THE COURT: And are you -- so, Gwen, what is your objection?
11 I mean, does that not -- I mean, if that's -- if he's saying
12 there was things in the house, wouldn't that be -- I mean, I'm
13 not saying it's what happened but can he not allege that and that
14 have to be rebutted or, I mean, I don't know if that rises to the
15 level of that was your motive. I mean, there's evidence. That's
16 what I'm here. Was there evidence? Was it ex parte?

17 THE PETITIONER: Right.

18 THE COURT: Not whether it is plenary. Whether there were
19 motives and whether that is not going to come out in the divorce
20 and whether that has some reflection but.

21 THE PETITIONER: It's probably a stretch but I, yeah, I can
22 see.

23 THE COURT: I think I'll for this limited purpose, Luke, of
24 if that's your -- you're saying there were other reasons for

1 getting the OP to get you out of the house as a meritorious
2 defense, I'll give you some latitude on that but lay the
3 foundation. You're saying this was in the car on the 10th going
4 to --

5 THE RESPONDENT: Going to Jacksonville in the Cadillac to
6 Vivian's ball game.

7 THE COURT: Who all was in the vehicle?

8 THE RESPONDENT: It would have been Gwen and I.

9 THE COURT: Is that it?

10 THE RESPONDENT: I believe so.

11 THE PETITIONER: Wouldn't the kids have been with us if we
12 were going to Jacksonville to an (indiscernible)?

13 THE RESPONDENT: Ivana would have been in the back, yes.

14 THE COURT: And how old is Ivana?

15 THE PETITIONER: What about Vivian and?

16 THE COURT: Where were they?

17 THE RESPONDENT: Maybe they were all in there but the audio
18 was -- they weren't within ear shot of anything that we were
19 talking about.

20 THE COURT: Inside the vehicle?

21 THE RESPONDENT: Inside the vehicle with the music on, they
22 had their phones on, yeah, they weren't listening. They weren't
23 in ear shot of any of this.

24 THE COURT: Well.

1 THE RESPONDENT: Just like there's many other conversations
2 we have had with them present, too.

3 THE PETITIONER: I don't have very many conversations with
4 you, period.

5 THE COURT: All right. All right. There's a foundation so
6 tell me what you -- tell me what you said and she said allegedly.

7 THE RESPONDENT: I explained to her the fact that I don't
8 know why she is trying to -- why she has withheld the information
9 from the business. That the SBA loans were in her name. That
10 the custody case, all the information about the way she's treated
11 Grant is going to come out. Why can't we just sit down and have
12 an agreement. That she has consistently left after she expressed
13 concerns about her father and the possibly having issues with
14 Vivian in an inappropriate manner when she was younger, that she
15 knew that she said that when we were living in our house next to
16 her parents. That that was on a hard disc together with
17 photographs she showed of me or showed me of her boyfriend at the
18 time trying to --

19 THE COURT: Whose boyfriend?

20 THE RESPONDENT: Of hers at the time but the conversation
21 was regarding the concerns she had about her father being
22 inappropriate with Vivian. She didn't deny it. She knew that
23 that conversation took place and she believed it to be on an HP
24 computer in the house. All that has to come out. Why do we want

1 to air our dirty laundry if that's the case? And I got silence
2 on it. And then that's when the emergency order of protection
3 comes in and all of my electronics, all of my guns, everything is
4 taken out of the house. We're talking about photographs and
5 audio recordings. I have probably eight video cameras inside the
6 house, four outside the house that all recorded that are now no
7 longer functional and I can't have access to in order to present
8 any of these conversations.

9 THE COURT: What electronics were removed from the house?

10 THE RESPONDENT: There should be a two hard drives, none of
11 the cameras are now working.

12 THE COURT: All right. Those weren't removed. They're just
13 not working.

14 THE RESPONDENT: I don't know what's been removed from the
15 house. I know all the guns and all of the hard drives that were
16 in my -- the room where I kept locked with my guns and stuff were
17 all in that room. That's the room they went to. That's the room
18 that everything was taken out of. I have not been allowed back
19 in the home to see anything to see what's missing, what's not. I
20 know my cameras were functioning when I left. The radon detector
21 that I had there was functioning on September 11th. All of those
22 no longer work.

23 THE COURT: How do you know that?

24 THE RESPONDENT: Because I can access them on the Cloud.

1 They're Cloud cameras. Two of them are Cloud cameras. They're
2 Amazon Blink cameras that have Cloud connection. Those no longer
3 are connected. The radon detector is not connected. The
4 physical hard drives for the cameras that are outside that would
5 have recorded the audio of the conversations had with her parents
6 and the conversations that she has also said took place in the
7 hallway or upstairs would have all been on these drives. Now
8 they're not accessible but for her cell phone and that's it.

9 THE COURT: Okay. All right. Go on.

10 THE RESPONDENT: So leading up to that, the health insurance
11 I guess what time frame are you wanting me to focus on at this
12 point?

13 THE COURT: Well, I mean, you were at September 10th going
14 to the softball game so why don't we go on in to what happened on
15 that late that night, early that 11th morning, the incident where
16 Grant bottomed out and you went upstairs.

17 THE RESPONDENT: Okay. As has been the case from April or
18 August 16th of 2022 with his change in his exercise regimen and
19 being intense in football, he traditionally had highs and never
20 had lows. We were starting a battle from that point extreme
21 lows. I think it's uncontroverted that he had at least three
22 lows in a very short period of time leading up to that, two of
23 which occurred, that would have been the second one of three.

24 So on the 10th, I had not slept for 36 hours besides trying

1 to rest in the chair that day which was told that I was not a
2 good father, that I needed to make it myself asking for help.
3 That that night, Grant has -- he had done since he started having
4 lows, slept with me downstairs. I slept on the air mattress. He
5 slept on the bed. I was simply exhausted because he had went low
6 again. He had become unresponsive and then when he did, he had
7 swung at me. He didn't know what he was doing. His jaw was
8 clenched and it was just almost a repeat of what I saw on August
9 16th when he was hospitalized. I went upstairs and I asked Gwen
10 for help. I went upstairs, I said Grant is down there dying. I
11 was in a panic. And she came to. I said nothing about her
12 mother at that point. I said I just need help. Gwen come down
13 there and she seems like she is put off by me waking her up to
14 come down.

15 I was thinking that she would stay down there with him and
16 actually observe him and check his blood. That's where I needed
17 help. I didn't need help getting the (indiscernible). I needed
18 help finding his pricker because I wanted to make sure we could
19 check his blood with his glucose -- his actual glucose meter
20 versus just relying on the Dexcom because it sometimes has a
21 variance of 15 or 20 points when it gets low. Sometimes it will
22 report either 30 or 40 and he might be 60. So I wanted to double
23 check that as well.

24 And she said what else do you need to do and that's, I said

1 I need help. And that once I got the attitude again for having
2 to disturb her sleep, I did whatever was said on the audio. I
3 did not ever. I've never threatened her, never stopped her from
4 leaving, never, just never been that person. I would never do
5 that. If I called her mother a name, I don't know how that rises
6 to the order of protection. There was nothing that kept her from
7 being there because she had been even more belligerent with me in
8 the past. It wasn't like something that was just all of a sudden
9 she was scared to death of me. I mean, on her birthday last year
10 leading up to the November time period.

11 THE PETITIONER: Objection.

12 THE RESPONDENT: Again, it is within the scope of her
13 pleadings and then that -- I didn't file the pleadings from
14 November of 2021 going forward all these random things and I
15 wasn't here for that and I know the Court is narrowing that down
16 but we haven't stricken that from the pleadings but I don't know
17 how that's not relevant if somebody is so scared that they will
18 call you every name but a white man in front of the children and
19 be intoxicated and throw things at her daughter's face and split
20 her lip open.

21 THE COURT: Okay. When? Time frame? When are you saying
22 that happened?

23 THE RESPONDENT: August 16th or October 16th, 2021. It took
24 place in Sherman, Illinois. She had been saying that we want to

1 do something special for her, we took her to a concert. The kids
2 and I took her to a concert in Sherman. She drank excessively at
3 the concert. We were then going to go to a haunted house and the
4 mechanics were done for a couple, three years. We got in the
5 car, she misplaced her phone. Became very agitated, irate,
6 started throwing things and the three kids were sitting in the
7 seat right behind us in her Expedition. I don't know if it was a
8 piece of mail or a book and it hit Ivana right in the mouth and
9 her mouth started bleeding.

10 THE COURT: Okay.

11 THE RESPONDENT: And I asked Gwen, please calm down. Why
12 are you doing this? You have had too much to drink. Let's not
13 do that. She was dead silent until we got home with the kids
14 sitting in the kitchen or the dining area and went on about how I
15 was unsupportive and I was the worst fucking husband that there
16 could ever be. I was the worst father. All of this right in the
17 kids -- right in front of them and they remember that still to
18 this day and the only person that's ever been physical with
19 anybody is she's hit me across the chest and stomach while we've
20 been on vacation. The kids say they remember that, too.

21 THE PETITIONER: Objection. Foundation.

22 THE COURT: All right. Let's --

23 THE RESPONDENT: So to say that she's scared of me because
24 I'm upset after not sleeping for 36 hours and it rises to running

1 out to get an order of protection, I think that's something the
2 Court has to consider. She had no objection -- no protection,
3 called no police for three years about the dangerous firearms in
4 the house because there were no dangerous firearms in the house.
5 They were all in a room locked up. They've all -- and I guess
6 part of the evidence that is I think I've got photographs of it
7 but I don't know that Gwen will deny it, they've all been --
8 Grant's been to multiple handgun and firearm trainings. I've
9 personally trained Vivian firearm safety. They've got that.
10 Grant was part of the 4H Shooters Club. He's a member of the
11 NRA. Gwen had offered to take him shooting but never did. There
12 was nothing dangerous about the way the firearms were in the
13 house because they were there for -- until she decided she needed
14 an order of protection.

15 In fact, I have reached out to Will Sullivan on September
16 3rd wanting to sell even more of the firearms in order to pay for
17 the health insurance and the food and everything. In fact, I
18 believe I have a copy of the email here because I wanted to
19 dispose of about 30 out of my personal collection to him and I
20 know the Court heard some evidence about that the last time we
21 were here but so there was no emergency in regard to the firearms
22 until it became one that was necessary in order to secure an
23 order of protection.

24 As far as moneys and use of moneys she's testified to, I can

1 simply offer Respondent's Group Exhibit whatever number we're on,
2 12, that would be copies of all the bank statements, all the
3 deposits, all the finances. (Indiscernible) shows all the checks
4 that were deposited by her, all the expenditures out of the
5 account.

6 THE COURT: From what period to what period?

7 THE RESPONDENT: From I believe January of this year to the
8 present.

9 THE COURT: What number (indiscernible).

10 UNIDENTIFIED SPEAKER: (Indiscernible) Exhibit 11.

11 THE COURT: 11.

12 THE PETITIONER: This has like --

13 THE RESPONDENT: It's a copy of every check and every
14 transaction drawn on that account from this year.

15 THE PETITIONER: I don't -- I don't know. I don't know if
16 that's -- if this is accurate.

17 THE RESPONDENT: I can testify, Judge, it's a business
18 account. It's kept in the ordinary course of business. All the
19 deposits made into the account and the expenditures are reflected
20 on there.

21 THE PETITIONER: We're -- I will object based on relevance
22 and how he has it titled is intentional deprivation and
23 devaluation of business. That would go into other cases that
24 have been filed but not part of the petition to rehear.

1 THE RESPONDENT: I can testify to the contents of the cover
2 sheet. The cover sheet is simply an exhibit trying to outline
3 the deposits when they were made and then after when the deposits
4 were made. The statement itself shows every expenditure made on
5 the account.

6 THE PETITIONER: And, again, I don't think it's inclusive
7 anyway because it -- it doesn't have copies of checks that were
8 written like a monthly bank statement that would also show all
9 the checks that he had written to himself so I think at some
10 point, we'll certainly get to the (indiscernible).

11 THE COURT: Are you saying this is everything, Luke, or are
12 there checks --

13 THE RESPONDENT: The checks themselves would not be
14 reflected on there.

15 THE COURT: Okay. And did you, I mean --

16 THE RESPONDENT: Those are the business checks, the business
17 deposits.

18 THE COURT: All right.

19 THE RESPONDENT: It reflects every transaction, the check
20 numbers are there.

21 THE COURT: Does that include did you, I mean, did you write
22 checks on these accounts and take money as well?

23 THE RESPONDENT: Yeah.

24 THE COURT: In there.

1 THE RESPONDENT: Yeah. I mean the checks themselves the
2 only things that they are copies of in there are the deposit
3 slips. Show the business income that was deposited into that
4 account.

5 THE COURT: And you're showing this to show that during this
6 last year, there was money there and, I mean, what's the purpose
7 of -- for this rehearing as to the money that was in the bank
8 statement?

9 THE RESPONDENT: To go to the motive of why the -- all the
10 deposits are made after my insurance has lapsed. There's \$14,000
11 worth of deposits made for five months and then --

12 THE COURT: But what's that -- as far as -- I'm not saying
13 that's not something later on but as far as whether there needs
14 to be an emergency order of protection to keep you two apart,
15 what's the fact that she didn't make deposits until after your
16 insurance lapsed, what is that evidence of?

17 THE RESPONDENT: Goes to motive of why, what was discussed
18 in the car on September 10th that she is intentionally trying to
19 devalue the business and deprive me of health insurance.

20 THE COURT: But you didn't say that's what she said she was
21 doing. That's just what you think she's doing.

22 THE RESPONDENT: I can say that's what she was doing. I
23 think it's --

24 THE COURT: But.

1 THE RESPONDENT: I guess I don't know why it wouldn't be
2 allowed into evidence.

3 THE COURT: Because --

4 THE RESPONDENT: She's saying she is paying with pennies or
5 paying with quarters as a basis in her petition that hasn't been
6 stricken, why that isn't relevant that she had moneys that she
7 could bill for and it's obvious she could bill for.

8 THE COURT: Okay. So this -- this is -- I mean -- this is
9 money that you received. This is money that is owed?

10 THE RESPONDENT: No. This is money that was received.

11 THE COURT: Okay.

12 THE RESPONDENT: This was received and billed after my
13 insurance and Grant's insurance lapsed.

14 THE COURT: Okay.

15 THE RESPONDENT: I guess whatever the Court wants to rule
16 on, I would move to admit it.

17 THE COURT: Okay. And why do you think it is not relevant?

18 THE PETITIONER: Because it's -- it is not inclusive of all
19 transactions that had taken place. I don't -- I really don't
20 understand the link between that and the allegation about having
21 to pay like that he didn't provide me with money. I can testify
22 --

23 THE COURT: I guess he's saying that this is proof that
24 there was money and that you didn't need to -- you put in your

1 petition that you had to, you know, scour around for coins
2 because he wouldn't give you money. I guess he is saying that
3 this shows that you had money.

4 THE RESPONDENT: I'm saying that she would have had the
5 ability to -- I mean, if anybody would have inflicted the pain or
6 punishment, it would have been self-inflicted because she could
7 obviously bill for --

8 THE COURT: Well, now there's a difference in saying she
9 could bill for it. I'm saying are you saying when she -- she
10 said she was having to go get coins because you wouldn't give her
11 money, are you saying that she could have gone to this account
12 and pulled out a bunch of money and gone and done it?

13 THE RESPONDENT: No.

14 THE COURT: Okay.

15 THE RESPONDENT: I'm saying that she had the ability to do
16 so. She knew she had it.

17 THE COURT: Okay. So she had the ability to bill, she
18 didn't and, therefore, all right. All right. Then I'm going to
19 sustain the objection.

20 THE RESPONDENT: That wasn't my basis, Judge.

21 THE COURT: Well, but, Luke, I mean, I don't, I mean, if you
22 want to -- if you want to say that at the time she wrote, did
23 this emergency, that she did have, there were money in the
24 accounts and she just didn't go get the money out, I think that's

1 -- I think that's relevant but if you're saying she could have
2 had money if she would have gone out and billed, I think she
3 testified last time she didn't know how to do all the software.
4 Now, whether that's a good reason or not, I mean, that's -- that
5 can be another argument but I'm not going to just make that jump
6 that that particular time she said you would not give her money
7 and she had to ask you for money, that all she had to do was go
8 open up the software, bill it, and get the money collected and
9 she would have had money, I'm not going to --

10 THE RESPONDENT: That wasn't the leap I was trying to make.
11 I was trying to show that she was willfully depriving me of
12 access to health care. At least that's what I was -- now, for
13 the order of protection that was disclosed to her as something
14 that would come out in the divorce case and that would have given
15 her motive in order to seek an order of protection to prevent me
16 from accessing. Again, I was left with a broken phone and she
17 made reference, well, it is unusual to wait so long to have a
18 petition for rehearing. Well, how can you have a petition for
19 rehearing if you are not allowed access to a computer, you're not
20 allowed access to one of four printers she has in the house. I
21 allowed access and I think as far as the money issue, it's
22 uncontroverted she had \$1,100 in the bank account. She had
23 access to in her own personal account so I'm not trying to
24 overcome that.

1 THE COURT: Okay. All right. Well, I made my ruling. I'm
2 not going to let that in at this point.

3 THE RESPONDENT: On, again, during the week of September 5th
4 through the 10th, they talk about mutually agreeing to divorce
5 and doing that outside of Cass County was had. She never gave me
6 a reason why she went to her parents' house on September 9th and
7 why she returned. And like she said, she wouldn't talk to me.
8 Reasonable questions is why are you going and why are you coming.
9 I thought she was going in order to get help, to rest, to get her
10 head together to figure out what's the next step. So on
11 September 10th, I wanted her to be aware of all the bills and, in
12 fact, wrote out the bills we had coming due so she would have an
13 idea of what kind of income we needed to come up with. Do this
14 as a group exhibit. Are we on 13?

15 UNIDENTIFIED SPEAKER: 12.

16 THE COURT: I think we're on 12.

17 THE RESPONDENT: That includes the water bill, the house
18 payment, the insulin cost of \$504, the Humalog of \$1,340, the
19 Dexcom (indiscernible) \$1,000. His Dexcom transmitter, \$242.
20 Monthly food and supplies and school lunches. The fact that I
21 had repairs to be made to my truck that were going to have to be
22 covered. That my Mayo trip and for Grant and I, the expense of
23 that was a \$1,000. Her ongoing health insurance that was going
24 to come due at \$890 a month due on the 27th of each month. The

1 \$400 a month of the billing software for CosmoLex. Our vehicle
2 insurance of \$120 a month. My life insurance which I indicated I
3 take care of that was due on the 10th or the 15th of the month.
4 The cell phone bills that were to do. I also wrote there as far
5 as the plan to keep the peace, I told her I would stay home with
6 the kids through the end of the month to allow her to go to the
7 games and I would work on trying to get the billing software of
8 whatever she needed me to do up and running yet again and this
9 was left for her. She's acknowledged to me since then that she
10 did receive it.

11 THE COURT: Do we know what it will cost to get your truck
12 to where it can be driven?

13 THE RESPONDENT: Well, I drove it with the seat and I had
14 the seat belt. The seat was put in properly from the hotel to my
15 aunt's house in Cantrall but no, I have no clue.

16 THE COURT: And so does it just have the driver's seat or is
17 it -- are the other seats in it, just not hooked in?

18 THE RESPONDENT: Well, the other seats were left in the back
19 of the vehicle but, yeah, I got them inside the vehicle but they
20 all need fastened down.

21 THE COURT: Okay.

22 THE RESPONDENT: The air bag sign is on and since there's no
23 air bags but I'm hoping over the weekend, I can try to get it
24 together.

1 THE COURT: Okay. So.

2 THE RESPONDENT: The door was broke was one of the things
3 that said you need to go to the auto body for.

4 THE COURT: I was going to say, do you have to have somebody
5 -- someone that knows what they're doing have to fasten the seats
6 in to where they're safe or do you think that's something you
7 know?

8 THE RESPONDENT: I can give it my best to make it work.

9 THE COURT: Okay. All right. Okay. So you're offering
10 these and this is number what did we decide?

11 UNIDENTIFIED SPEAKER: 12.

12 THE RESPONDENT: 12.

13 THE COURT: And you're offering this for, okay, these are
14 the different bills and stuff. And what are they offered for?

15 THE RESPONDENT: They're offered to support the fact that
16 she had already agreed that any divorce case was going to filed
17 in Sangamon County up to the point of our conversation and the
18 vehicle about her father and the evidence that we brought out in
19 the custody case.

20 THE COURT: Okay.

21 THE RESPONDENT: While she was gone on the 9th, that was
22 prepared for her so she could have an idea of the bills to take
23 with her if she decided she was going to go get --

24 THE COURT: Okay. So you're saying she had this list before

1 the 9th.

2 THE RESPONDENT: She had that list on the 10th.

3 THE COURT: On the 10th.

4 THE RESPONDENT: I prepared it on the 10th.

5 THE COURT: Okay. All right. Ms. or Gwen, what -- what's
6 your position on this?

7 THE PETITIONER: The bills, that's not relevant to this
8 petition to rehear.

9 THE COURT: I mean, okay. They're obviously bills. There's
10 no question there's bills and we actually talked about some of
11 these I think over the phone. What -- so the purpose of this is
12 showing that she had notice of these bills and what does that --
13 how does that pertain to the order of protection?

14 THE RESPONDENT: I guess I'm at a loss as to what does
15 pertain to the order of protection at this point. If it is only
16 going to be the audio that was taken on the morning of the 10th,
17 then I guess the Court can decide whether or not that one
18 instance is worthy of an emergency order of protection. There's
19 been no medical evidence presented about my mental instability or
20 any concerns about that. I'm up against the unknown I guess.

21 THE COURT: Well.

22 THE RESPONDENT: I don't know how there can be an
23 evidentiary ruling that violating my constitutional rights that
24 the ex parte order should have allowed removal of my personal

1 property from my home.

2 THE COURT: Well, and that's, once again, that can be a side
3 issue. As I read through it, I mean, it doesn't say that the
4 guns could be removed. It doesn't say they couldn't. It gave
5 her the house. I didn't say -- I didn't read the emergency order
6 to say that --

7 THE RESPONDENT: The box is checked for firearms or the
8 officers executing on that order demanded that the firearms stay
9 there. The only things I could take was my clothing and
10 medicine.

11 THE COURT: Well, yeah, I mean, he wasn't giving you
12 possession of the firearms but he wasn't saying you were, as I
13 read it, now whether she should have had them removed from the
14 house, that can be a separate question but I took it that he
15 wasn't having them disposed of. He wasn't taking them away.
16 They were just staying in the house and you couldn't get to the
17 house so you weren't going to be able to get to your guns at that
18 point.

19 THE RESPONDENT: Well, he refused to allow me to take them.
20 I had to turn them over. They went room by room. I had my
21 personal firearm next to me where I slept that they took. It was
22 a Glock 26. Went room to room and insisted the only thing I
23 could take and they were going to let me take an expired credit
24 card that was in my name. That was the only thing I could take

1 with me. As soon as I was gone, they removed -- within an hour
2 of me vacating the home, her parents and uncle and everybody was
3 there hauling the guns out, hauling all the electronics out,
4 hauling all the ammo out. And I want to know why, what authority
5 and what evidence that was presented at that hearing or at this
6 hearing that would allow the Court to do that and it has already
7 been seems like predetermined that those guns are all of a sudden
8 going to be sold off to pay those marital bills.

9 THE COURT: I never said that. I said that the guns weren't
10 going to be disposed of and Gwen indicated that they weren't.
11 They knew where all the guns were and they're going to have been
12 accounted for and no damage done to them and all that. Because I
13 don't know where this is headed. I brought up that there needs
14 to be some money to survive on here and is that an option.

15 THE RESPONDENT: I wonder why a cancer patient has -- a
16 former cancer patient has to go around unarmed and has a
17 concealed carry and has a valid FOID card based on an order that
18 apparently didn't even cause that restriction.

19 THE COURT: Well, okay. Over your objection, I'm going to
20 let this in and I'll let you argue the weight I should be giving
21 to it.

22 (Whereupon, Respondent's Exhibit No.
23 12 was admitted into evidence.)

24 THE COURT: And it is not just -- it's not just, Luke, one

1 isolated incident. She's testified to different events. You may
2 disagree with them. The question is whether, on that date after
3 what occurred, it was appropriate to, first, find that there was
4 an emergency situation and, secondly, whether what the judge
5 ruled was appropriate given what he heard and now there's a
6 rehear. It has been assigned to me and I'm hearing that.

7 So as I indicated and I have said this a bunch of times, I
8 can find that it was necessary but still make exceptions and
9 modifications that, quite frankly, neither one of you are going
10 to like and that's usually what happens in these types of
11 situations so my guess is when we leave here today, neither one
12 of you are going to be happy with -- with my decision but my
13 decision is what I think is best for the four kids right now.
14 I'm not saying that's what's going to be two months from now or
15 six weeks from now but in the interim, it is. So it is not just
16 one incident and I have given you a lot of latitude on a bunch of
17 stuff because you are right, she did put in there there were
18 numerous times so I have given you an opportunity and you have
19 responded to things that you think she has done over that time
20 that led up to why you acted the way you did that night. So I --
21 I'm not just (indiscernible) that one incident but I'm trying to
22 keep us from going way too far out so we can finish this. I
23 think -- I think we should be able to finish this quite frankly
24 but I'm going -- I'm letting it in. Okay.

1 THE RESPONDENT: I appreciate it, Judge. And I don't mean
2 to be difficult. You've always been respectful to me. This is
3 just, it's very personal and I know --

4 THE COURT: It is very personal to both sides. I totally
5 get that.

6 THE RESPONDENT: And I know, aware of the Court's time.

7 THE COURT: That's 12.

8 THE PETITIONER: That's what you're letting in.

9 THE COURT: I'm letting 12 in which apparently is a list of
10 bills that he said he gave to you on the 10th. Okay.

11 THE RESPONDENT: I also know, though, that once the order of
12 protection is extended under an emergency and the Court makes
13 certain findings, that that's going to preclude me from having a
14 valid FOID card, it will cause me to have to under federal law to
15 obtain state relief and I'm saying there is no medical evidence
16 to justify that. The guns in the home up to that point. That
17 they were removed from the home unlawfully and without court
18 order. That that was not allowed under the order. It is not
19 allowed unless she files for divorce and there's supposed to be a
20 dissolution stay. Not allowed to hide and conceal people's
21 assets without their permission. Not allowed to come to court
22 and fail to disclose that once again but that's where we're at
23 and that's, that's so inappropriate.

24 But in any event, as far as keeping her from working, as

1 well, I would offer into evidence Respondent's Exhibit No. 16
2 which is a calendar of all events that she's kept on her calendar
3 through the office which would also include mine. That's kept in
4 the ordinary course of business. I think the Court would see
5 that there are multiple vacations and things that are not
6 preventing her from obtaining work.

7 THE COURT: And this is from what time period to what time
8 period?

9 THE RESPONDENT: From January of this year to I believe
10 through the date of the petition.

11 THE COURT: And so you are offering this to show that there
12 were days that she wasn't working and could have been working?

13 THE RESPONDENT: She has testified that I kept her from
14 working, that I have squandered money. There's vacations to Walt
15 Disney World, there's vacation to Northern Illinois, Great Wolf
16 Lodge.

17 THE COURT: Did you go on these vacations?

18 THE RESPONDENT: Yes, I went on with them.

19 THE COURT: Okay.

20 THE RESPONDENT: The same person that she says she is
21 fearful with and is willing to travel out of state. In fact, the
22 Disney vacation, given the tensions, I told her I was going to
23 use my share to sell the building because the building and the
24 business is nonmarital. There was no co-mingling of funds for

1 the business. I purchased my interest and the interest in the
2 building before we were married from Tom Brannan or yeah, Tom.
3 Tom would have been the one I purchased the building but I had
4 already purchased the accounts receivable prior to that. Same
5 way with her share of the building. The accounts receivable at
6 the time she became a partner in the firm, I had owned 60
7 percent. It's a 60/40 nonmarital split so use of the moneys in
8 the sale of the building I could promise you a lot more than my
9 share or I used more than my fair share of than on expenses for
10 the family.

11 THE COURT: Okay. So, Gwen, what's your position on the
12 holidays you and Luke and the family apparently took since
13 January 1st?

14 THE PETITIONER: We did go to Great Wolf Lodge. We did go
15 to Disney World. I wasn't wanting to go to Disney World but he
16 was going to take the kids whether I went or not. We didn't -- I
17 didn't feel like it was financially prudent to go to Disney. I
18 will say that those -- the tickets we had planned to go in May of
19 2019 and then he was diagnosed with cancer so the tickets don't
20 expire, they just maintain its value. Since the kids have gotten
21 older, there was a lot of expense that did have to be paid, the
22 difference in the rate at that time versus the current rate.

23 THE COURT: Okay. And what number is this? What number are
24 we on? Do we know?

1 THE RESPONDENT: I think it was 14.

2 THE COURT: I've got 12 here was the list of bills. What do
3 you have down? Do you have 13 down for anything?

4 UNIDENTIFIED SPEAKER: The last number I had, Your Honor,
5 was Exhibit 12. I'm not sure (indiscernible).

6 THE COURT: Yeah. I think this is 13. All right. Well.

7 THE PETITIONER: I don't, I mean, I object on relevance.

8 THE COURT: All right. I'll let it in over your objection.

9 (Whereupon, Respondent's Exhibit No.
10 13 was admitted into evidence.)

11 THE RESPONDENT: And while I'm up here and I know it may not
12 for the rehearing but there's been a big issue about the
13 Methylphenidate administration.

14 THE COURT: The what?

15 THE RESPONDENT: The Methylphenidate, why that is or isn't
16 necessary. I think the Court received Dr. Phillips' summary. I
17 don't know if the Court is considering allowing that or not
18 today.

19 THE COURT: I'm not ruling on that today.

20 THE RESPONDENT: Okay.

21 THE COURT: What I am going to do is as soon as I'm going to
22 call Ms. Vawter and tell her that's an important issue and I'm
23 going to have her -- I'm going to have her talk to each of you
24 and whatever doctors you want her to talk to and if you've got

1 doctors or people that you think and then she can make a
2 recommendation and, you know, that's -- I'm going to -- I'm going
3 to look at that recommendation. I'm going to reserve ruling on
4 that but I want to hear -- I want to hear at least this way, you
5 know, quite frankly if she can't -- if the doctor can't go talk
6 to her in person, the guardian ad litem I think can talk to the
7 doctors over the phone and at least look at -- look at different
8 things and report that to me even though it's hearsay. I think
9 the guardian ad litem are allowed to do that to let me help me
10 make a decision so that's what I'm going to do. I'm going to
11 tell her that's the first thing I want her to do so we can
12 resolve that issue as quickly as possible. Okay. You don't have
13 to present any of that.

14 THE RESPONDENT: Okay.

15 THE COURT: I want you to present it to her, quite frankly.

16 THE RESPONDENT: Okay. One of the issues as far as her
17 contacting us is our cell phones are turned off at this point.
18 One of the issues with ATF contacting me as Gwen had indicated is
19 I had no cell phone and no access to email at that time. Wasn't
20 trying to avoid anybody. And same with Ms. Vawter. I hope she
21 can contact us but.

22 THE COURT: So do we have ways to get contacted?

23 THE PETITIONER: By text if we have WI-FI connection.

24 THE COURT: Okay.

1 THE PETITIONER: So the -- Luke was trying to explain this
2 to me and I didn't quite understand it but the bank authorized
3 one of the payment that we had discussed for the cell phone but
4 apparently there's another amount that's due and it has to be
5 paid by debit card or credit card instead of an ACH so I can't
6 contact the bank and say please cover this one.

7 THE COURT: How much is the bill to get both your phones
8 working?

9 THE RESPONDENT: Until November, it will be the same boat.
10 November. It will be \$626 is what will be required to --

11 THE COURT: So but you don't have that now. You need six
12 hundred and some odd dollars to get your cell phone working so
13 you can call people? So you can't get calls?

14 THE PETITIONER: Yeah, I can but I'm not -- when I'm at
15 home. As long as I have cell phone or WI-FI connection.

16 THE COURT: What about you?

17 THE RESPONDENT: I am not able to make WI-FI calling.
18 You're able to get i-messages through Apple but and she should be
19 on a different plan.

20 THE PETITIONER: Oh, that is right. I can't call. No.
21 Because when I do try to call.

22 THE RESPONDENT: Should we go off the record to discuss
23 this?

24 THE COURT: Yeah. Let's go off the record. Can you go

1 ahead and turn that off?

2 (Whereupon, the electronic recording
3 system was muted.)

4 THE COURT: The Court has heard evidence on respondent's
5 motion to rehear the emergency order of protection. As I
6 indicated, they appear pro se but are attorneys. Based on the
7 evidence, the Court does enter a protective order in 22-DC-15.
8 Respondent may not have any unlawful contact with the petitioner.
9 Respondent may not be in the marital home or on the property when
10 petitioner is exercising her parenting time. Respondent will
11 have parenting time on October the 25th, 2022 at 3:00 p.m. to
12 October 27th, 2022 at 8:30 a.m. Respondent may stay in the
13 marital residence during that time. Respondent may not enter the
14 bedroom of petitioner or remove any items from the home.
15 Respondent will also have parenting time every Tuesday at 3:00 to
16 Thursday at 8:30 hereafter. Respondent will also have parenting
17 time on Saturday, October 29th at 12:00 p.m. to October 30th,
18 Sunday, at 6:00 p.m. and every other Saturday, Sunday thereafter.
19 Petitioner to allow respondent to have \$1,275 from petitioner's
20 account. Respondent to pay the phone bill and make the truck
21 safe to transport children.

22 I'm going to vacate the EOP with the conditions in 22-DC-15
23 case pending and the plenary petition remains pending. It has
24 not been entered on. There's no order but you have that petition

1 that you can ask the Court to hear if things get to that level.

2 I'm going to appoint Alison Vawter GAL. Parties to split
3 the cost without prejudice. Parties to contact GAL and set up
4 appointments. I'm going to reserve ruling on the medication
5 issue with minor child. I'm going to talk with Ms. Vawter and I
6 would assume you guys need to be getting with her and let's get
7 that issue looked at.

8 And from here, I think we probably ought to set a status
9 date. Well, I guess while we're here, well, when can we set a
10 status? I want to see how the visits are going. Maybe you guys
11 might find something else out on financial stuff. I mean, what
12 -- is there anything we can do computer-wise that I mean is there
13 stuff you need to look at on computers, Luke, to see?

14 THE RESPONDENT: I think that the hard drive (indiscernible)
15 used back up the server one time for you.

16 THE COURT: Well, Gwen, if you find it there and you're
17 going to give that to him, fine.

18 THE PETITIONER: Yeah. (Indiscernible) you said there was a
19 specific cord that he wants me to look for, too.

20 THE COURT: Okay.

21 THE RESPONDENT: (Indiscernible).

22 THE COURT: I mean, do we -- if we go out -- oh, I need to
23 put in there parties not to dispose of any earned income without
24 court approval. So Gwen, if you do get moneys it, and it can be

1 as quickly, once again, if we can get along here, if you get one
2 of the checks and it's \$5,000 and you guys can come up, I mean,
3 I'll do an order that day if you're saying, well, can we spend
4 this, this, and this and if you agree, I don't want you to come
5 back into court and do all this.

6 THE PETITIONER: Right. Right. Right.

7 THE COURT: Let's -- that way there's a record of it, you
8 both have agreed where the money is going to go and maybe that
9 will get us another month and another month. Parties not to
10 dispose of any earned income without court approval. Okay.

11 As far as let's see. So the one girl's birthday is the
12 12th. That's a Saturday so that's -- I mean it is going to be
13 one of your days and one of your not. As it stands now, someone
14 would have the child until noon on Saturday. I don't know what
15 -- the other one is the 23rd. I would like to maybe get back in
16 here on a status before Thanksgiving and kind of talk about how
17 we're going to work the Thanksgiving holiday. I have -- I could
18 actually, it's a little less than 30 days which isn't a bad thing
19 I guess. I have November the 15th. It's a Tuesday. It would be
20 in the morning maybe. Let's see what they've got here. I mean,
21 even if I don't have a courtroom, we could go in the county board
22 room or something or the jury room.

23 UNIDENTIFIED SPEAKER: We do have small claims that morning
24 starting at 9:00 o'clock.

1 THE COURT: That won't take too long.

2 UNIDENTIFIED SPEAKER: And then the last thing is scheduled
3 at 10:00 o'clock in the morning.

4 THE COURT: Okay.

5 UNIDENTIFIED SPEAKER: So they expect to be over and then
6 one thing in the afternoon.

7 THE COURT: We can do something like 11 o'clock maybe.

8 THE PETITIONER: On November 15th?

9 THE COURT: On November 15th. And really what we'll do
10 there is hopefully things are going okay at least with the kids
11 and stuff. If not, you'll have to let me know what the problems
12 and concerns are. We may have -- we'll probably have something
13 from Alison at that point. We'll see where we're at. We can
14 talk then about the one birthday and Thanksgiving. As far as --
15 as Vivian's that Saturday the 12th, are there already plans made?

16 THE PETITIONER: No. She is wanting to I think have a
17 sleep-over or something.

18 THE COURT: Okay. Let me see how that comes out. So if
19 Luke has the 29th and the 5th, okay. That would be your -- you
20 would have -- you would have the home on Saturday night. You
21 would get the -- so.

22 THE PETITIONER: And I had sent a message to him to see how
23 he was wanting to do birthdays.

24 THE COURT: Okay.

1 THE RESPONDENT: Whatever makes her happy. Whatever makes
2 Vivian happy.

3 THE COURT: Well, if she is having maybe girls over that
4 night.

5 THE RESPONDENT: Yeah.

6 THE COURT: If, Luke, you want to take her out for lunch or
7 something.

8 THE RESPONDENT: Yeah. I can make whatever work.

9 THE COURT: Why don't you find out what her plans are. If
10 they are more of an evening thing, if Luke can come over and get
11 her, that's fine. And if you don't, I mean, you're not required
12 to. It's not --

13 THE RESPONDENT: I'll be there whatever.

14 THE COURT: So I won't put anything in there. If there is a
15 problem, just call me. That's something we will do over the
16 phone. I do it on my other divorces. I don't have you come in.
17 If I listen to both sides and I just tell you over the phone who
18 gets what.

19 THE PETITIONER: Yeah.

20 THE COURT: So.

21 THE PETITIONER: So in terms of the Methylphenidate issue
22 because that's a real issue.

23 THE COURT: As soon as, I mean, I'll move on to absolute
24 quickly as we can.

1 THE PETITIONER: Okay.

2 THE COURT: I just -- I just I'm going to -- I want to do --
3 I talked to Grant a little bit about it and I mean, you know, he
4 was kind of noncommittal. He wasn't like I don't want to do it
5 but he also wasn't like give it to me so I think whatever. I
6 don't think he's going to be crushed if I say he's got to take
7 it. I don't think he's going to be upset if I say he doesn't
8 have to take it.

9 THE PETITIONER: I'm just afraid he is on the high school
10 dropout path.

11 THE COURT: Okay.

12 THE PETITIONER: If we continue on.

13 THE COURT: And that -- and that could be but that's why I'm
14 wanting Alison to talk to any doctors that will talk. If you've
15 got Mayo people that will talk to him.

16 THE RESPONDENT: The big thing with it is that it causes his
17 blood sugars to (indiscernible).

18 THE COURT: And I understand that.

19 THE RESPONDENT: Scientifically proved.

20 THE COURT: But, you know, Alison will talk to -- I'm not a
21 doctor so if -- and I understand that, Luke. But I hope that a
22 pediatrician, even if you think the reasons why she's doing it is
23 because Gwen is one side of it, even at that, a pediatrician
24 would know that, I mean, I wouldn't think she would give it if

1 she thought it was going to harm him sugar wise. I mean, that's
2 and maybe it will but, you know, let -- let her state her case
3 and you can present yours. If there's, I mean, if there is a
4 contact person in Mayo that he was seeing that you think would
5 talk to Alison over the phone, I would make sure Alison had that
6 information.

7 THE RESPONDENT: Sure.

8 THE PETITIONER: So Grant has set up -- I already provided
9 you with the date to see Dr. Bostwick with SIU Pediatrics for
10 endocrinology. I think that's the 27th of this month. You
11 should -- you could go.

12 THE COURT: Okay.

13 THE PETITIONER: Because that way --

14 THE RESPONDENT: Scheduled to see Mayo, too, December 6th.
15 I mean (indiscernible).

16 THE PETITIONER: I canceled it.

17 THE RESPONDENT: Again? They just contacted me to confirm
18 his appointment.

19 THE PETITIONER: They had asked me when I was on the phone
20 with them if he would be coming and I said, well, no.

21 THE RESPONDENT: They just called within like the last four
22 or five days (indiscernible) bringing him on December 6th.

23 THE PETITIONER: I said, no, he is not coming if you don't
24 accept the insurance.

1 THE COURT: Let's get on the same page today. I mean, yeah.
2 If there is no insurance for it, that's, I mean.

3 THE PETITIONER: So if he wants to take him up there and pay
4 for it out-of-pocket, that needs to be on him.

5 THE RESPONDENT: I have ability to by then, I will do so
6 because that's where he went. There's where he is comfortable.
7 He doesn't like Dr. Bostwick.

8 THE COURT: Well, let's --

9 THE PETITIONER: Well, Grant -- Grant is -- he gets a chip
10 on his shoulder and doesn't like all sorts of people.

11 THE RESPONDENT: He liked the people up there.

12 THE PETITIONER: He did. He did like the people at Mayo.

13 THE COURT: Well, let's -- okay. We're going to have a
14 status on November 15th, 2022, at 11:00 a.m. Well, I will try to
15 call Alison today, and Luke, you need to get to the bank before
16 it closes so that will be the order.

17 Guys, I mean, I mean this sincerely. I'm hoping we can get
18 this all worked out because I -- the two of you have -- when I
19 was state's attorney, I worked cases with you guys. When we were
20 -- when I was in private cases, I did cases on the bench. You
21 both are really good lawyers. I mean, you're both smart people
22 and how, I mean, whatever has gotten us in this situation it is
23 financially and I don't know how you get out of it. I hope you
24 do because I mean, like I said, you're both really smart people

1 so I think you should be able to at least work together as much
2 as you can work together on this on your finances and
3 (indiscernible) doesn't get that way, then that's -- that's one
4 thing but let's and like I said, if we can't get things worked
5 out, then I'll -- what you don't want is me micromanaging your
6 family and I'll do it. You know -- you've seen it when you guys
7 are practicing that nothing good comes from the judge.

8 THE PETITIONER: Is there anything in this order with
9 regards to the guns because I don't want it to become an issue
10 where he would go and try to access the guns?

11 THE RESPONDENT: I'm not going anywhere to (indiscernible).

12 THE PETITIONER: Okay.

13 THE COURT: No. I didn't put anything in there but no, at
14 this point.

15 THE PETITIONER: The guns stay where they're at.

16 THE COURT: They're where they're at and let's go from
17 there. They can't be -- there is an order that there is no
18 disposal of any of the guns or anything. There's an inventory.
19 But, no, the guns can't be done anything with, okay?

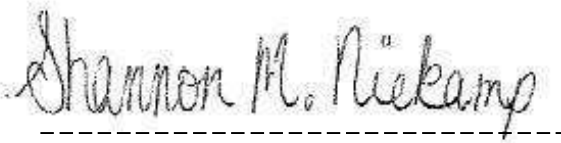
20 THE RESPONDENT: Yep. Thank you.

21 THE COURT: All right. Thank you both.

22 (Which was all the evidence offered and received and all
23 other proceedings had on the electronically recorded hearing of
24 said cause on this date.)

1 IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
2 CASS COUNTY, ILLINOIS
3
4

5 I, Shannon M. Niekamp, an Official Court Reporter for the
6 Circuit Court of Adams County, Eighth Judicial Circuit of
7 Illinois, transcribed the electronic recording of the hearing in
8 the above-entitled cause to the best of my ability and based on
9 the quality of the recording, and I hereby certify the foregoing
10 to be a true and accurate transcript of said electronic
11 recording.
12

13 
14 -----
15

16 OFFICIAL COURT REPORTER
17
18
19
20
21
22

23 Dated this 15th day
24 of June, 2023.