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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

JAMES COLE,)	
)	
Petitioner,)	
)	
vs.)	CASE NO. 23-FAM-01674
)	
BRITTINY LITTLE,)	
)	
Respondent.)	
)	

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REPORTER'S TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE CHINHAYI C. CADET, JUDGE  
DEPARTMENT 5

JANUARY 2, 2024

APPEARANCES:

|                 |                                                                                                                                        |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------|
| FOR PETITIONER: | KARINA P. POZSAR, ESQ.<br>WADE LAW GROUP, APC<br>262 East Main Street<br>Los Gatos, CA 95030-6107<br>Email: kpozsar@wadelitigation.com |
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| FOR RESPONDENT: | ANDREW G. WATTERS, ATTORNEY AT LAW<br>555 Twin Dolphin Drive, Suite 135<br>Redwood City, CA 94065-2139<br>Email: andrew@andrewwatters.com |
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| REPORTER: | THERESA A. NARDELLO<br>Official Court Reporter<br>CSR No. 9966 |
|-----------|----------------------------------------------------------------|



1 the orders that are currently in place via the temporary  
2 restraining order, which is legal custody and physical  
3 custody to my client, Mr. Cole, with no visitation at the  
4 current moment to Ms. Little remain in place until the  
5 hearing on the restraining order, which is January 25th. And  
6 I'm hopeful that by then -- and again, I apologize, I've been  
7 sick, so I haven't had a meaningful opportunity to meet and  
8 confer with Mr. Watters, although that was my goal, I'm  
9 hoping that we can by that time resolve the issue of custody  
10 and visitation, and perhaps the restraining order itself as  
11 well.

12 THE COURT: All right. And Mr. Watters?

13 MR. WATTERS: Thank you, Your Honor. Obviously, the  
14 parties vehemently disagree over the grounds of the  
15 restraining order application. My client actually filed her  
16 own DV application, but ultimately voluntarily dismissed it.  
17 We're making a general appearance today to resolve these  
18 claims in California. My client was splitting her time  
19 between California and Washington, but has now elected to do  
20 waive service and appear in this action and submit papers in  
21 response to the petition, which we did on Friday the 29th.

22 I also tried to reach out and meet and confer with  
23 Ms. Pozsar. I haven't heard back, but no judgments here. At  
24 this time, we propose that there is a 2-2-3 rotating schedule  
25 of non-professionally supervised visitation until the pending  
26 DV case is resolved. And I think optimistically by January

1 25th may not be enough time if it's only a half day. I think  
2 maybe a full day may be required.

3 We have two non-professional supervisors nominated,  
4 Ms. Katerin Nochez (phonetic) is the existing -- or a prior  
5 child care provider for Ms. Little. She is able to do two  
6 days per week. She lives in Millbrae. And also Antoinette  
7 Randall Smith, who's present in the courtroom as an emotional  
8 support person, who is Respondent's sister. Although she  
9 lives in Washington, she's perfectly willing to fly down on  
10 weekends to cover for any time the Court may order. So a  
11 2-2-3 is our suggestion, and perhaps we can't resolve the DV,  
12 but I think more time be required than the current set of the  
13 afternoon the 25th.

14 THE COURT: All right. Any response, Ms. Pozsar?

15 MS. POZSAR: Yes. Well, obviously, we -- we  
16 disagree. We believe that Ms. Little is a flight risk and  
17 she -- this took months to get this baby back to California,  
18 and Ms. Little did not cooperate with law enforcement. We  
19 would -- if the Court is inclined to grant visitation, we  
20 would request that it is supervised and that it is  
21 professionally supervised.

22 And we also have grave concerns vis-a-vis the  
23 restraining order about alcohol abuse on Ms. Little's part,  
24 and we would request that there would be alcohol testing  
25 as well.

26 THE COURT: All right, so --

1 MS. POZSAR: I just have an issue with friends doing  
2 it considering that the quote, unquote, friends that law  
3 enforcement reached out to were extremely uncooperative and  
4 were basically helping conceal Ms. Little as well.

5 THE COURT: All right.

6 MR. WATTERS: May I had been heard on one further  
7 point, Your Honor?

8 THE COURT: Yes, you may.

9 MR. WATTERS: I just want to note that my client was  
10 never served with the restraining order. The existing motion  
11 to quash that we have pending, we do intend to withdraw that,  
12 but service via e-mail outside the borders of California is  
13 not valid service under Pennoyer vs. Neff.

14 THE COURT: All right, so one moment, please.

15 So for the plain numbered case, Case No.  
16 23-FAM-01674, I do see that you had filed a request for order  
17 to quash the Petitioner's November 3, 2023 proof of  
18 electronic service. So is that at this time withdrawn?

19 MR. WATTERS: Yes, Your Honor.

20 THE COURT: All right. So the request for order is  
21 dismissed as withdrawn, and the date set for that request for  
22 order on April 4, 2024 is vacated.

23 With respect to the hearing on Mr. Cole's request  
24 for a domestic violence restraining order set for January 25,  
25 2024, you're stating you don't think a half day is  
26 sufficient?

1 MR. WATTERS: That's correct, Your Honor. I think  
2 it may require a full day to consider all the evidence.

3 THE COURT: All right. Well, I did have some things  
4 that fell off the calendar for next week if you all are  
5 available for a full day.

6 MR. WATTERS: Let me just consult with my client for  
7 a moment, Your Honor.

8 THE COURT: All right.

9 And Ms. Pozsar, do you think you'll be feeling  
10 better by next week?

11 MS. POZSAR: I'm not sure, and next week is not a  
12 good week for me.

13 THE COURT: All right. And do you agree this is  
14 going to take more than half a day?

15 MS. POZSAR: I don't think it should, but if  
16 Mr. Watters needs a day, I understand.

17 THE COURT: All right. Let's go off the record for  
18 a moment so we can discuss scheduling, and the court reporter  
19 doesn't have to take down all the back and forth.

20 (Discussion off the record.)

21 THE COURT: All right. So I've read, reviewed, and  
22 considered all the documents and evidence that have been  
23 presented in the case and the arguments of counsel set forth  
24 today. I will order that the matter -- the domestic violence  
25 restraining order matter filed by Mr. Cole will be set for a  
26 full-day hearing; one half day on January 22nd, 2024, at 9

1 a.m. and then again on January 23rd, 2024, at 9 a.m. for two  
2 half days, so a total of one day.

3 And in the interim the father, James Cole, retains  
4 full legal and physical custody, and there will be no  
5 visitation with Mother until further order of the Court.

6 After the hearing on the domestic violence  
7 restraining order, I intend to send the parties to Family  
8 Court Services for recommending counseling. It will be more  
9 efficient to have a finding with respect to Mr. Cole's DVRO  
10 before you all go to recommending counseling because the  
11 decision there may impact the visitation that is recommended,  
12 all right.

13 And so with that, everyone's ordered back on January  
14 22nd and January 23rd for the DVRO hearing. All prior orders  
15 with respect to custody and visitation remain in full force  
16 and effect. In other words, Mr. Cole retains full legal and  
17 physical custody, no visitation until further order of the  
18 Court.

19 Ms. Pozsar, can you please prepare the Findings and  
20 Order After Hearing?

21 MS. POZSAR: Yes, Your Honor.

22 THE COURT: All right. That concludes this matter  
23 for today.

24 MR. WATTERS: Thank you, Your Honor.

25 MS. POZSAR: Thank you Your Honor.

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| JAMES COLE,      | ) |                       |
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| vs.              | ) | CASE NO. 23-FAM-01674 |
|                  | ) |                       |
| BRITTINY LITTLE, | ) |                       |
|                  | ) |                       |
| Respondent.      | ) |                       |
|                  | ) |                       |

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STATE OF CALIFORNIA)
) SS
 COUNTY OF SAN MATEO)

I, THERESA A. NARDELLO, A CERTIFIED SHORTHAND
 REPORTER AND OFFICIAL REPORTER OF THE STATE OF CALIFORNIA,
 COUNTY OF SAN MATEO, DO HEREBY CERTIFY THAT THE FOREGOING
 PAGES 1 THROUGH 8, COMPRISE A TRUE, ACCURATE AND CORRECT
 COMPUTER-AIDED TRANSCRIPTION OF THE PROCEEDINGS THAT I
 REPORTED ON JANUARY 2, 2024, IN THE MATTER OF THE ABOVE-
 ENTITLED CAUSE.

DATED FEBRUARY 16, 2024.

Theresa A. Nardello

THERESA A. NARDELLO, CSR 9966
 OFFICIAL COURT REPORTER