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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

CERTIFIED TRANSCRIPT

JAMES COLE,)
Petitioner,)
vs.)
BRITTINY LITTLE,) No. 23-FAM-01674-B
Respondent.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE CHINHAYI CADET, JUDGE

DEPARTMENT 5

MONDAY, JANUARY 22, 2024

A P P E A R A N C E S:

For the Petitioner: IN PROPRIA PERSONA

For the Respondent: ANDREW G. WATTERS
BY: ANDREW G. WATTERS, ESQ.
555 Twin Dolphin Dr., Ste. 135
Redwood City, CA 94065

1 Monday, January 22, 2024

Redwood City, CA

2 MORNING SESSION

3 P R O C E E D I N G S

4 THE COURT: Calling the case of Cole and Little this
5 is case number 23-FAM-01674-B.

6 If the parties could please state their appearances
7 for the record.

8 MR. WATTERS: Good morning, Your Honor,
9 Andrew Watters for respondent Brittiny Little who is
10 present.

11 THE COURT: Welcome to you both. And I understand
12 that Mr. Cole and his attorney are not here today, is that
13 because you've all reached an agreement?

14 MR. WATTERS: We thought we had an agreement on
15 Friday, Your Honor, but I have not heard anything back since
16 Friday at 1:30 p.m., so I'm a little concerned about where
17 they are and what their intentions are.

18 THE COURT: Okay. Friday at 1:00 p.m. All right.
19 So I've been presented an -- wow, so what was the status of
20 the negotiation, I've been presented with an order on request
21 to continue hearing asking that this be put over to
22 January 13th, 2025, and that supervised visitation take place
23 in the interim. So what were the circumstances of your
24 negotiations as of Friday?

25 MR. WATTERS: The agreement is as stated in DV-116
26 as of Friday, the only issue remaining was the number of

1 hours per week of supervised visitation and the identity of
2 the professional supervisor. Protero does provide supervised
3 visitation, so it should be no big deal to implement that.

4 But the issue is we sent them the proposed
5 supervisor, who is an approved provider in the Alameda County
6 system, and she's available, her name is Laura Inzunza, her
7 information is attached to the last page of the DV-116.

8 THE COURT: Okay. You can continue.

9 MR. WATTERS: As of Friday afternoon based on the
10 pending criminal case, we had agreed on what is stated in the
11 DV-116, except the number of hours per week.

12 THE COURT: All right. I do see that a TRO provides
13 for supervised visitation and the TRO states that this is to
14 be arranged by the parties as no information was provided to
15 the Court as to who would be supervising any benefit -- I'm
16 sorry, any visits with the mother. The parties may contact
17 Rally Family Services for services related to supervised
18 visitation.

19 So is your proposed supervisor with Rally?

20 MR. WATTERS: I'm not sure whether she's with Rally,
21 Your Honor. She's on the Alameda County approved provider's
22 list.

23 THE COURT: All right. Well, I guess with respect
24 to -- well, it says, "Parties stipulate to professionally
25 supervised visitation as stated on the record." I'm a little
26 uncomfortable with some of this since the other side isn't

1 here and you said you're not sure about their position.

2 MR. WATTERS: I didn't realize they wouldn't be
3 attending today, Your Honor. I had proposed by e-mail that
4 we discussed the number of hours per week before court this
5 morning or during the hearing, and I have not received any
6 response.

7 I'm also prepared to accept a dismissal for failure
8 to prosecute if that's acceptable.

9 THE COURT: No, that will not be acceptable. All
10 right. Good morning.

11 MR. COLE: Good morning.

12 THE COURT: Is this James Cole?

13 MR. COLE: This is he.

14 THE COURT: So the record will reflect that James
15 Cole is here. Thank you for being here we were getting a
16 little concerned about where you were.

17 MR. COLE: Traffic and teething baby.

18 THE COURT: No problem. In the future you can feel
19 free to e-mail the Clerk of the Department so at least we
20 know you're coming.

21 MR. COLE: Thank you.

22 THE COURT: I can see that you look a little rushed
23 and whatnot, take a breath you're fine.

24 MR. COLE: Thank you.

25 THE COURT: All right. So, Mr. Cole, just to
26 summarize what's taken place thus far, Ms. Little and her

1 counsel have presented me with a proposed DV-116, which is an
2 order on request to continue hearing. The record will
3 reflect it appears that Mr. Watters has just handed Mr. Cole
4 a copy. So first this would provide a new court date of
5 January 13th, 2025 at 9:00 a.m., is that agreeable to you?

6 MR. COLE: 2025.

7 THE COURT: Or would you like an earlier date?

8 MR. COLE: Earlier the better.

9 THE COURT: All right. So the issue is that, let's
10 see, it says here at Number 6, "Restrained party has a
11 pending criminal case in this County with a first court date
12 of February 7, 2024. And the parties agree that the criminal
13 case should be resolved before hearing this trial."

14 So on what basis was the January 13th, 2025 date
15 chosen?

16 MR. WATTERS: The dates from your clerk, Your Honor,
17 is the first available.

18 THE COURT: For hearing, I would like to put it on
19 prior to that. Are you still both estimating two days -- or,
20 I'm sorry, two half days?

21 MR. WATTERS: One full day would be accurate, Your
22 Honor, I think. Certainly we would like this heard earlier,
23 we just thought the first available date was next year.

24 THE COURT: All right. Let's go off the record for
25 a moment.

26 (A brief recess was taken.)

1 THE COURT: All right. So we're back on the record.
2 After checking the dates, all right, so we have
3 January 13th, 2025 at 9:00 a.m. Is that for six hours?

4 MR. WATTERS: It appeared it was January 13th and
5 14th for two half days, Your Honor.

6 THE CLERK: Yes, two half days.

7 THE COURT: All right. So January 13th and I will
8 write in January 14, 2025. And the TRO will now expire on
9 January 14, 2025. So in the interim, though, Mr. Cole you
10 have your temporary restraining order, your restraining order
11 stays in effect until the evidentiary hearing.

12 MR. COLE: Okay.

13 THE COURT: And to the extent that you all would
14 like earlier dates, one strategy is to perhaps reach out to
15 the clerk four to six months from now and see if you can get
16 on the two set calendar, which I have on Friday afternoons,
17 and that's an informal calendar where we just discuss
18 scheduling. So if in the interim some other trial dates have
19 been vacated, that would be a way for you to possibly take
20 those trial dates, makes sense?

21 MR. COLE: Contact clerk on Fridays.

22 THE COURT: Not on Fridays, you can send an e-mail
23 and ask to get on the Friday calendar.

24 MR. COLE: Got it. Thank you.

25 MR. WATTERS: Once we know where the criminal case
26 stands, Your Honor, we would be in a better position to

1 check-in. It might take six months or so to resolve.

2 THE COURT: I hear you, so how about this: Once the
3 criminal case resolves, if you all could reach out to the
4 clerk. And, Mr. Watters, obviously, if you reach out, you
5 need to CC Mr. Cole and his attorney. And, Mr. Cole, if you
6 reach out, you also have to CC Ms. Little's attorney.

7 Mr. Cole, is your attorney still representing you?

8 MR. COLE: Yes.

9 THE COURT: Oh, okay, just not here today?

10 MR. COLE: We had planned on everything coming and
11 then we heard about the criminal case, that was the first
12 time I heard about that on Friday, so whatever my attorney
13 and Mr. Watters were talking about going into the weekend,
14 there was no communication with me. I was just supposed to
15 make sure to be here.

16 THE COURT: All right. Understood. All right so we
17 have dealt with the issue of a continuance, so there's been a
18 request for supervised visitation, the TRO had allowed for
19 supervised visitation, your thoughts, Mr. Cole?

20 MR. COLE: I'm open to supervised visitation as long
21 as we can come to an agreement that matches with my
22 scheduling as well.

23 THE COURT: All right. So what I will do is, so
24 I'll make an interim order regarding supervised visitation,
25 but I would also like to send you all to family court
26 services for custody and visitation recommending counseling,

1 and we can get you a short turnaround date, and then we'll
2 return for that for receipt of that family court services'
3 report. So let's pick a date for an appointment for them to
4 see family court services, it would be, it would be via Zoom
5 and the parties.

6 And so if the parties, there's pieces of paper there
7 and pencils for you to write your contact information for
8 family court services, so that would include your telephone
9 number and your e-mail address. So if you could each fill
10 that out and then pass it along to the deputy, we will
11 forward that information to family court services.

12 MR. COLE: I do have a question in regards to there
13 is a part of the TRO where I was supposed to get my property,
14 that has yet to take place. My attorney has reached out to
15 Mr. Watters, they've tried to get that accommodated. I had
16 seven days at the time from Ms. Little being served and that
17 was back in November, we're now approaching February and I
18 still have not been able to get an exact date of when I can
19 go get the rest of my property.

20 THE COURT: All right. Before we move onto that
21 issue, let's finish this issue. Thank you for flagging that
22 and I will ask about that.

23 All right. So the Court has received that
24 information, the information is legible and now she will let
25 you know the potential dates for your appointment.

26 THE CLERK: We could do Thursday, April 25th, 2024

1 at 1:30 p.m.

2 MR. COLE: I'm okay with that.

3 MR. WATTERS: That's fine, Your Honor.

4 THE COURT: All right. That's for the return date.
5 And then do we have a date for short time turnaround for FCS?

6 THE CLERK: Let me call.

7 THE COURT: Okay. So we'll go off the record for a
8 moment, we need to call family court services to get a short
9 turnaround date for you all so that you have the date before
10 you leave.

11 MR. COLE: Thank you.

12 (A brief recess was taken.)

13 THE COURT: Back on the record in this case.
14 Everyone who was previously here is still here.

15 So with respect to a meeting with family court
16 services on a short turnaround, you all have available
17 February 20, 2024 at 9:00 a.m., or February 22, 2024 at
18 9:00 a.m., which date works best for the parties whether
19 you're at family court services recommending counseling.

20 MR. WATTERS: That's fine, Your Honor.

21 MR. COLE: I can do the 22nd.

22 THE COURT: You can do the 22nd?

23 MR. COLE: Yes.

24 THE COURT: So we will set your appointment with
25 family court services to take place on February 22, 2024 at
26 9:00 a.m., and the family court services will likely reach

1 out to you prior to that date to give you information
2 regarding orientation for the family court services process,
3 so please do respond to any communications from them.

4 All right. And then back to our return date, I'm
5 going to vacate the April 25, 1:30 p.m. and instead, are you
6 all available on March 26, 2024 at 2:00 p.m.?

7 MR. COLE: What day is that, Your Honor.

8 THE COURT: It's a Tuesday.

9 MR. COLE: That should work.

10 MR. WATTERS: I'm just checking my calendar, Your
11 Honor, March 22nd.

12 THE COURT: No, March 26th.

13 MR. WATTERS: March 26th at 2:00 p.m.?

14 THE COURT: Yes, and that would be for return to
15 court here for receipt of the FCS report.

16 MR. WATTERS: That's fine, Your Honor.

17 THE COURT: And that works for you as well,
18 Mr. Cole?

19 MR. COLE: Yes, Your Honor.

20 THE COURT: Okay. All right. And then next I see
21 at Number 6 of the proposed DV-116, it states, "Restrained
22 party has a pending criminal case and has the case number in
23 this County with the first court date of February 7, 2024,
24 and the parties agree that the criminal case should be
25 resolved before this trial," that's fine.

26 At Number 9, it states, "Party stipulates to

1 professionally supervised visitation as stated on the
2 record." Then there's additional verbiage about restrained
3 party reserving her right to appeal the TRO. My inclination
4 is to strike that, if she wants to appeal she can appeal, but
5 that's not part of the Court's order. So I'm going to take
6 that additional verbiage out.

7 MR. WATTERS: Understood, Your Honor.

8 THE COURT: All right. So with respect to the
9 professionally supervised visitation as stated on the record,
10 Mr. Cole, what is your position. So what was represented
11 before you arrived is that as of Friday the parties were
12 discussing the terms of the supervised visitation and that
13 there were a couple of things that still needed to be
14 resolved, first of all, the number of hours per week for the
15 supervised visitation, and also who would be doing the
16 supervised visitation.

17 So first with respect to the number of hours per
18 week, how many number of hours on the -- are you agreeable
19 to?

20 MR. COLE: Anywhere between, I would say, 10 to 20
21 hours a week. I don't know if that's -- my attorney and
22 Mr. Watters were discussing, so I'm coming in just, you know,
23 saying to show up.

24 THE COURT: All right. Mr. Watters, what did you
25 discuss with the attorney?

26 MR. WATTERS: It was up to eight hours per day,

1 three times per week.

2 THE COURT: Eight hours a day.

3 MR. WATTERS: Eight hours per three days per week,
4 so 24 hours total per week.

5 THE COURT: Okay.

6 MR. WATTERS: And we found a supervisor who is the
7 person indicated who was going to do that.

8 THE COURT: All right. My inclination is to provide
9 for eight hours per week, pending the family court services
10 recommendation. So eight hours total per week.

11 MR. WATTERS: Your Honor, if I may request, may I
12 ask for an appropriate findings or whatever reasoning you
13 have behind that decision?

14 THE COURT: This is what I think is in the best
15 interest of the child at this time. All right. So eight
16 hours total per week of professionally supervised visitation.

17 And then the next issue was who was going to be
18 supervising. Mr. Cole, did you have any information about
19 the proposed supervisor?

20 MR. COLE: I proposed a service somewhere in the
21 Santa Clara County just always it helps with the scheduling
22 for me with going to work, again, I have no intention of
23 keeping our son away from Ms. Little. It's his mother, I
24 want that relationship, however, I need to make sure that it
25 fits within my scheduling as well, that I'm not going out of
26 my way and missing work or anything of that sort.

1 So I did request that my attorney reach out to
2 Mr. Watters and state that he get something in Santa Clara
3 County, so that way when the hours kind of fixate here, you
4 know, sometime before work and I have family members that can
5 get him there and then get him back, or if it's a situation
6 where it's a little later during the day, I am at least
7 around the area to get him going away from traffic on the way
8 back home.

9 THE COURT: All right. So what has been proposed by
10 Ms. Little is it appears to be supervised visitation by a
11 person named Laura Inzunza (sic), located on Santa Clara
12 Street in Hayward, California, is that where the supervised
13 visitation that you proposed to take place?

14 MR. WATTERS: No, Your Honor, we're requesting
15 in-home supervised visitation. The child has his own room,
16 he's got a crib, he's got a whole setup there and the
17 supervisor can travel over and provide supervision there.

18 THE COURT: I'm sorry, I don't understand, you said
19 in home, in Ms. Little's home?

20 MR. WATTERS: Correct, with the supervisor.

21 THE COURT: Oh, no, that is not granted. I'm not
22 going to grant that. So I will direct the parties to reach
23 out to Rally Visitation Services as the TRO had provided,
24 reach out to Rally Visitation Services to schedule supervised
25 visitation will not be in home, given the circumstances of
26 this case.

1 All right so with that, oh, yes, and then with
2 respect to the property, the TRO says Petitioner may request
3 a civil standby to collect his personal belongings from the
4 property located at 333 Main Street, Apartment 109, Redwood
5 City, California 94063, within seven days of this order. So
6 did you reach out for the civil standby?

7 MR. COLE: My attorney reached out to Mr. Watters to
8 try to go over where they were going. I think there was some
9 communication, but there was nothing that was set.
10 Ms. Little reached out to my mom and actually said that my
11 property was in a storage because there was a time we didn't
12 know if the apartment was still in use, the lease was
13 renewed, so if I could just get the for sure whereabouts of
14 my belongings, in addition to our son's because if this is
15 going to go on for another six months, there's items that he
16 needs before he actually grows out of them, like a swing set
17 and numerous other items as well. So I just want to know the
18 exact location and I'm available as early as this Saturday
19 and I can make the accommodations and arrangements to go get
20 proceedings and get them all situated immediately.

21 THE COURT: All right. Mr. Watters, where are
22 Mr. Cole's belongings and the baby's belongings.

23 MR. WATTERS: We discussed this, my client and I
24 discussed this, Your Honor, Sunday the 28th would be
25 appropriate. The belongings are at the apartment storage
26 unit, so we can accommodate him this weekend.

1 THE COURT: And where is the apartment storage unit
2 located?

3 MR. WATTERS: In the apartment complex, Your
4 Honor.

5 THE COURT: When you say "the apartment complex,"
6 you mean the apartment located at 333 Main Street, Apartment
7 109 in Redwood City?

8 MR. WATTERS: That's correct, Your Honor.

9 THE COURT: All right. So Sunday the 28th at what
10 time?

11 MR. WATTERS: 12:00 p.m., Your Honor.

12 THE COURT: All right. Does 12:00 p.m. work for
13 you, Mr. Cole?

14 MR. COLE: I would request it to be on Saturday
15 given the fact that getting the property back to the
16 residence on Sunday would give me a short amount of time to
17 get everything set up and get back to our son before having
18 to go back to work on Monday. At least going in on Saturday
19 gives me a full day on Sunday to get everything situated and
20 organized before going back to work.

21 THE COURT: That seems like a reasonable request in
22 the best interest of the child.

23 MR. WATTERS: Your Honor, my client starts --
24 restarts an old employment on Monday the 29th, she has an
25 extensive amount of processing to do with Kaiser, so she's
26 not available on Saturday the 27th.

1 THE COURT: All right. Sir, she said she's not
2 available, so.

3 MR. COLE: I don't understand how a day before her
4 going back to work is more suitable than two days before her
5 going back to work.

6 THE COURT: I hear what you're saying, why is
7 that?

8 MR. WATTERS: Doesn't have to do anything other than
9 be at the property to let the people into the storage unit,
10 so it doesn't convenience my client to do it on Sunday, but
11 with Saturday all the processing with Kaiser, restarting her
12 job, is just too much.

13 THE COURT: Can you just go on Sunday and get the
14 property?

15 MR. COLE: Sunday it is.

16 THE COURT: All right. So Sunday the 28th at
17 12:00 p.m. Mr. Cole, you'll have a civil standby.

18 MR. COLE: Thank you.

19 THE COURT: And to collect your personal belongings
20 from the storage unit and the apartment complex located at
21 333 Main Street in Redwood City.

22 All right, so, have we taken care of everything for
23 today.

24 MR. WATTERS: Yes, Your Honor.

25 THE COURT: All right. So I'm going to finish up
26 this paperwork and then I'll be presenting it to Mr. Cole to

1 take down to the clerk's office to have it file stamped and
2 then if you all could just wait in the back when Mr. Cole
3 returns from the clerk's office, he will give a copy to the
4 deputy who will then hand you your service copy.

5 MR. WATTERS: Your Honor, is it all right if I
6 accompany Mr. Cole to the clerk's office just to make sure he
7 does it correctly, or --

8 THE COURT: No, you may not.

9 MR. WATTERS: Okay, Your Honor.

10 THE COURT: All right. This is a domestic violence
11 restraining order situation and Mr. Cole can go by himself.
12 I've never even had that request.

13 MR. WATTERS: I just wanted to see if he had trouble
14 filing it or if I can help him in any way.

15 THE COURT: No, thank you.

16 MR. COLE: Your Honor, I've gone through this
17 process since August and I have been to the clerk's office
18 several times while Ms. Little and her attorney actually
19 missed a court date on October 12th. I'm very capable of
20 doing this by myself.

21 MR. WATTERS: I didn't mean to suggest otherwise,
22 Your Honor, I apologize.

23 THE COURT: All right. Mr. Cole, he's capable of
24 filing his documents. All right so we're off the record.

25 Mr. Cole, you're given a purple card so that will
26 get you to the front of the line in the clerk's office.

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MR. COLE: Thank you, Your Honor.

(The proceedings were concluded.)

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IN THE MUNICIPAL/SUPERIOR COURT
OF THE STATE OF CALIFORNIA
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JAMES COLE,)
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) Petitioner,)
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 vs.) No. 23-FAM-01674-B
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 BRITTINY LITTLE,)
) Respondent.)
 _____)

I, La Tasha Peters, a Official Court Reporter of
the Municipal/Superior Court, in and for the County of
San Mateo, State of California, do hereby certify that
foregoing pages 1 through 18, comprise a true, accurate and
correct computer-aided transcription of the proceedings that
I reported on January 22, 2024, in the matter of the
above-entitled cause.

DATED: February 16, 2024

LA TASHA PETERS, CSR 12110