

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

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JAMES COLE, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
BRITTINY E. LITTLE, )  
 )  
Respondent. )

CASE NO. 23-FAM-01674



REPORTER'S TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE CHINHAYI C. CADET, JUDGE  
COURTROOM 7D

MARCH 26, 2024

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

FOR THE PETITIONER: JAMES COLE  
In Propria Persona

FOR THE RESPONDENT: LAW OFFICE OF ANDREW G. WATTERS  
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REPORTED BY: JANIE M. ESPINOZA  
Official Court Reporter  
CSR No. 13794

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1 MARCH 26, 2024 - AFTERNOON SESSION

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

3 THE COURT: All right. Good afternoon everyone. Let me  
4 first call the Cole/Little case, Case No. 23-FAM-01674, the  
5 plain case and the C extension case.

6 If the parties could please step forward and state your  
7 appearances for the record.

8 MR. COLE: Respondent -- in the lead case for the  
9 respondent.

10 THE COURT: All right.

11 MR. WATTERS: Your Honor, Andrew Watters for respondent  
12 in the lead case, Brittny Little, who's also present.

13 THE COURT: All right. Welcome to you both.

14 MR. COLE: And good morning, Your Honor. James Cole,  
15 petitioner.

16 THE COURT: All right. Welcome as well.

17 All right. So we're on today for receipt of the SCS  
18 report as well as status on the hearing for the competing  
19 request for DVRO's.

20 So I understand that there was going to be a request for  
21 a continuance on one issue.

22 MR. WATTERS: Yes, on the DVRO petition. The parties  
23 agree that this should be continued, that is the C case should  
24 be continued to January 13th, 2025, to be heard alongside the  
25 related B case.

26 THE COURT: All right. So they're both on calendar to

1 be heard in January of 2025.

2 MR. COLE: Actually, Your Honor, under that phone call,  
3 I was under a different impression as to what was going to be  
4 pushed backed on to that continuance.

5 THE COURT: All right.

6 MR. COLE: I don't think there's a reason to push this  
7 back until that far. I think we can get to this and finish  
8 this out today.

9 THE COURT: Oh, okay. Well, let me ask this: So I  
10 understand -- so to be clear, with respect to the evidentiary  
11 hearing that's set in this case for January of 2025, the  
12 evidentiary hearings, they're not going to be held separately.  
13 There will not be one hearing on Mr. Cole's request and then  
14 another hearing on Ms. Little's request. The competing  
15 request will be heard together. They're already set for  
16 January 2025.

17 So, I guess, I'm not clear on what the question is  
18 there.

19 MR. WATTERS: I just want to confirm they're set for the  
20 same date, Your Honor.

21 THE COURT: All right. Mr. Cole.

22 MR. COLE: If that's the case, then, we'll go for that,  
23 then.

24 THE COURT: Yes, we do need to hear them together.

25 Now, I would ask this: The matter was set out so far in  
26 part because of a pending criminal case against Ms. Little.

1           Has that case resolved such that you're ready to see if  
2 we have any earlier dates available for the competing request  
3 for domestic violence restraining orders?

4           MR. WATTERS: Yes, Your Honor, I can report on the  
5 status of the criminal case, if you'd like.

6           THE COURT: Yes, please.

7           MR. WATTERS: So the matter was granted misdemeanor  
8 diversion that is pursuant to an agreement with the DA. The  
9 charges were -- are being dropped to a misdemeanor with  
10 diversion granted under Penal Code section 1001.95. The case  
11 will be dismissed and expunged after 12 months of compliance  
12 and 20 hours of community service.

13           I have a copy of the conditions here if you'd like to  
14 review them.

15           THE COURT: I understand. Your oral representation is  
16 sufficient.

17           So from your perspective is there an Fifth Amendment  
18 issue with respect to proceeding with the hearings before the  
19 expiration of that 12-month period?

20           MR. WATTERS: No, Your Honor. We're prepared to proceed  
21 much earlier.

22           THE COURT: All right. So let's go off the record for a  
23 moment so we can discuss possible dates. I don't want the  
24 court reporter have to go back and forth on dates. So one  
25 moment, please.

26                           (Whereupon, off the record.)

1 THE COURT: Okay. So let's go back on the record. All  
2 right. So during the off-the-record discussion, we discussed  
3 possible dates. There was one earlier date that was  
4 unavailable for counsel. The competing DVR0's remain set for  
5 January 13th, 2025 and January 14th, 2025.

6 The Court notes that the Odyssey entry for the plain  
7 case does indicate the trial on January 13th and January 14th,  
8 2025. And the Court will ask that the Odyssey entries also  
9 reflect that the C extension case is also set on those same  
10 dates. Those matters will be heard together.

11 All right. And so the next item we had was the receipt  
12 of the Family Court Services report. I read, reviewed, and  
13 considered the Family Court Services report. I see that there  
14 are a number of agreements that the parties made as set forth  
15 on page 4 through 5 of the report, and then there's some  
16 recommendations.

17 My inclination would be to congratulate the parties on  
18 reaching agreements.

19 MR. COLE: Your Honor?

20 THE COURT: Yes.

21 MR. COLE: There's been new information that's occurred  
22 since mediation.

23 THE COURT: Oh, yes.

24 MR. COLE: And I don't feel comfortable with anything  
25 that I agreed upon in mediation any longer.

26 THE COURT: All right. What new information has come

1 up, sir?

2 MR. COLE: New information from another close -- whether  
3 current or former close friend of Ms. Little has now voiced  
4 their concerns about her mental well-being as well as our  
5 son's physical well-being around her at this point.

6 THE COURT: All right. So to break this down, Mr. Cole,  
7 I see that the agreement -- and it's pretty much in line with  
8 what the Court had previously ordered which is supervised  
9 visitation through a private visitation supervisor.

10 MR. COLE: Correct.

11 THE COURT: The visits are two times a week during  
12 weekdays for 2.5 hours and one time on the weekend for 3 hours  
13 for a total of 8 hours per week.

14 So, sir, if you could just explain to me how it is your  
15 concerns about Ms. Little's mental well-being would mitigate  
16 against supervised visitation.

17 MR. COLE: What I was open to in mediation was actually,  
18 during these supervised visitations outside of the building,  
19 I'm no longer agreeing to that anymore. It needs to be done  
20 inside of a building.

21 THE COURT: All right. Well, it can be inside of a  
22 building. I mean, that's usually how the supervised  
23 visitation takes place.

24 I would note, do you have a copy of the report?

25 MR. COLE: Uh, yes, I have a copy.

26 THE COURT: All right. I don't see anything in here

1 about outside of a building. Under "supervised visitation,"  
2 what I see is the mother -- well, what I just read, with  
3 respect to the fact that it's supervised and the number of  
4 hours per week. I see that the parent shall provide the  
5 private visitation supervisor with a copy of this report and  
6 previous reports upon request.

7 The Court is respectfully requested to make a  
8 determination about the financial responsibility of the  
9 supervised visitation.

10 The father shall be responsible for transporting the  
11 minor to and from the visit location.

12 And there's a list of providers that may provide  
13 supervised visitation services.

14 So there's nothing in here about inside or outside. Did  
15 you want a specific provision that it needs to be inside?

16 MR. COLE: Yes, because what we had spoke about with  
17 Matt Gibson, the mediator, he had made statements that Rally's  
18 was an option, but we could, in his words, "do better." I was  
19 open to that idea of doing -- allowing supervised visitation  
20 with the supervisor in agreed upon areas outside -- you know,  
21 due to circumstances. However, what's been new information  
22 that's occurred now, I'm really good on that, and it needs to  
23 be done inside of a supervised building.

24 THE COURT: All right. Well, I guess -- I just -- so  
25 you're requesting that the order indicate that it must be  
26 inside, can't be outside with the child?

1 MR. COLE: Correct.

2 THE COURT: All right. Mr. Watters.

3 MR. WATTERS: Your Honor, the new information that he's  
4 referring to is attached to his responsive declaration, that  
5 is all the hearsay and screenshots of text messages with an  
6 unknown third party. So we respectfully object to  
7 consideration of that reported evidence.

8 We're okay with the agreements and recommendations in  
9 the report with one important change. For the legal custody  
10 section also impacted visitation, there is important new  
11 information, and we need the Court to consider; but then in  
12 regard to my client's criminal case which I just summarized  
13 earlier is being diverted and dropped to a misdemeanor.

14 So with misdemeanor diversion, it will be dismissed after  
15 12 months in compliance with all laws and 20 hours of  
16 community service.

17 I should note that Ms. Little continues to assert her  
18 sincere belief that the criminal case was based on a false and  
19 malicious police report from Mr. Cole and that she is not  
20 guilty of the charges. Either way, the status of the criminal  
21 case drastically alters the situation in terms of legal  
22 custody.

23 In light of the recommendations that the Court finds  
24 what is in the best interest of the minor child, our view is  
25 that the presumption of joint legal custody applies for now  
26 pending resolution of the domestic violence cases at a future



1 date.

2 On that issue, we had agreed to move this to  
3 January 2025 as discussed. But due to the changes in  
4 circumstances, we're asking you to reconsider the terms of the  
5 TRO or the recommendations to the extent possible to set  
6 appropriate visitation to mom.

7 On that issue, in light of the agreement we reached at  
8 mediation which Mr. Cole is now branching on, and the changed  
9 circumstances I mentioned, we are proposing 24 hours per week  
10 of nonprofessionally supervised visitations spent over three  
11 days. I think that's in the best interest of the child. And  
12 the mom hasn't seen the child in three months, so something  
13 needs to happen here.

14 THE COURT: All right. Do you have an opinion with  
15 respect to Mr. Cole's request that all the visits be inside?

16 MR. WATTERS: Inside the building?

17 THE COURT: Yes.

18 MR. WATTERS: I believe he's referring to an agreement  
19 that I reached with his counsel for visitation in a public  
20 place and that counsel's representation was a public place  
21 visitation was acceptable, so...

22 THE COURT: Okay. So what do you suggest -- what are  
23 you suggesting that the orders be? Because the proposed  
24 agreements here are silent on outside of a building or inside  
25 of a building. Should I add a provision stating it needs to  
26 be inside of a building?

1 MR. WATTERS: No, Your Honor. I think you should hold  
2 Mr. Cole to his agreement reached at mediation.

3 THE COURT: And Mr. Cole, what is your concern with  
4 visitation outside of a building?

5 MR. COLE: There's now information that not only are the  
6 -- there's another close friend or a loved one that's  
7 concerned about her mental well-being. There's now other  
8 people who aren't necessarily friendly or concerned about her  
9 mental well-being and have now made claims about our son's --  
10 what they would intend to do if she keeps pressing the issue  
11 with them and, you know...

12 THE COURT: Okay. I'm not understanding what you're  
13 saying. So are you saying --

14 MR. COLE: So --

15 THE COURT: -- it's unsafe for the child to be --

16 MR. COLE: Yes.

17 THE COURT: Okay.

18 MR. COLE: Yes, I'm saying that I believe it's very  
19 unsafe for our child to be seen with her outside of a  
20 building.

21 THE COURT: Because?

22 MR. COLE: Because of the circumstances of her  
23 communications with these loved ones and --

24 THE COURT: Okay, sir, are you saying you're afraid  
25 she's going to kidnap the baby if she's outside? Are you  
26 saying she's going to --

1 MR. COLE: Not kidnap the baby. I'm also afraid that  
2 there's now people that are upset with her that may come and  
3 try to find her and harm her while she's on one of these  
4 visits with our child. That puts our child in harm's way, in  
5 danger. I'm afraid of everything that's done outside of  
6 supervised visitation within -- that would be based on the  
7 circumstances that have occurred.

8 The four months between the time that I was separated  
9 from our son and the time that authorities assisted in me  
10 having to fight -- that would be Washington -- to have him  
11 replaced back into my custody.

12 MR. WATTERS: Your Honor, we don't know what he's  
13 talking about with these concerns from third parties and --

14 MR. COLE: Well, it's in the -- it's in the --

15 THE COURT: Okay. Wait a minute. That's not proper  
16 courtroom decorum, okay?

17 MR. COLE: I apologize, Your Honor.

18 THE COURT: So you were speaking -- were you finished  
19 speaking on --

20 MR. COLE: No.

21 THE COURT: -- that issue?

22 MR. COLE: No.

23 THE COURT: Okay. Please continue.

24 MR. COLE: I don't know if Mr. Watters is familiar with  
25 this, but these communications have also come from Brittny  
26 herself, to my loved ones, while she was looking -- trying to

1 figure out who -- witnesses were that had come to me.

2 So I don't know if he's familiar with this, but these  
3 communications have come from her phone to my family members;  
4 have screenshots from the people that were looking for her.

5 THE COURT: All right. Mr. Watters.

6 MR. WATTERS: Your Honor, I, of course, reviewed  
7 everything that was attached to Mr. Cole's response to the DV  
8 petition, and we're objecting based on hearsay because these  
9 purported concerns that are not set forth in anyone's  
10 declaration. They're just interpretation of text messages  
11 that are sent between Mr. Cole and this anonymous third party  
12 or other persons who may or may not have personal knowledge of  
13 my client's mental state. And that's subject to -- I  
14 respectfully object to Mr. Cole bringing her mental health  
15 into it without sufficient basis which would be a violation of  
16 his attorney were to do it. So he is a party. He's not  
17 subject to the ethical rules of attorneys, but he's going to  
18 round that by not sending himself, so I respectfully object.

19 THE COURT: All right. What about the overall context  
20 in this case? Does Mr. Cole have reasonable fears of  
21 abduction of the child given that law enforcement was required  
22 to go to another state to bring the child back to him?

23 MR. WATTERS: His concerns are unfounded because my  
24 client was never served with any order setting forth  
25 parameters of the custody visitation situation. His police  
26 report on August 14th 2023, was presumably referring to the

1 temporary restraining order he had been granted by this Court;  
2 however, my client was not served, had no knowledge of the  
3 order, and then acted accordingly.

4 So she was not bound by any order at that time and  
5 therefore his concerns are unfounded.

6 THE COURT: All right. And with respect to the  
7 supervised visitation, the report indicates that the Court's  
8 requested to make a determination about the financial  
9 responsibility for the supervised visitation fees.

10 Was -- Mr. Cole, your view as to who should pay for the  
11 supervised visitation fees.

12 MR. COLE: Ms. Little should be able to cover all these  
13 visitations.

14 THE COURT: Okay. Mr. Watters.

15 MR. WATTERS: I think they should be split equally, Your  
16 Honor.

17 THE COURT: And what's your basis for saying they should  
18 be split equally?

19 MR. WATTERS: It's already a -- it's a personal burden  
20 on my client to not see her son and to have her pay for the  
21 entirety of it would be unfair.

22 THE COURT: All right. And your argument for why she  
23 should pay for 100 percent of it.

24 MR. COLE: We offered Ms. Little several opportunities  
25 to actually care for our child while he's been in my custody.  
26 And up to this point, she's actually refused to contribute

1 anything.

2 THE COURT: All right.

3 MR. WATTERS: My client indicates that's not true.

4 THE COURT: All right. Any other comments on the  
5 supervised visitation request?

6 MR. WATTERS: No, Your Honor.

7 MR. COLE: Uh, I would like to point out Mr. Watters  
8 said that his client was not served. That's actually  
9 incorrect.

10 On November 3rd she was actually served electronically.  
11 When she had made several attempts and contacted me, and all  
12 of a sudden those attempts stopped; and she had a family  
13 member contact me at which point I then contacted authorities,  
14 they then came to the household and ran a report.

15 I played a recording for them showing that it was her on  
16 the phone with me, she had officially been served. They  
17 recognized that service was legit and official. And a part of  
18 that service meant that since the temporary restraining order  
19 was put in to play, that our child was to be returned back  
20 into my custody, and then he was not at that time.

21 So she knew -- well, aware -- she was well aware that  
22 the restraining order was in place, and it still took maybe  
23 five or six more weeks until our child was back into my  
24 custody.

25 MR. WATTERS: Your Honor, if I may be heard on the  
26 service issue.

1 THE COURT: Yes.

2 MR. WATTERS: As I mentioned, one prior proceeding here,  
3 service by e-mail, persons outside the State of California is  
4 not a valid service, even though the Court had authorized  
5 alternative new service, my client was outside the State of  
6 California. E-mail service beyond the state order is invalid  
7 -- *Pennoyer versus Neff* (phonetic).

8 THE COURT: All right. So I heard enough with respect  
9 to supervised visitation.

10 So Mr. Cole, you indicated you no longer agree with the  
11 agreements other than visitation being inside a building to  
12 avoid the increased possibility of any abduction of the child.

13 Any other changes you wanted to the supervised  
14 visitation?

15 MR. COLE: I think for now the -- it's up to the eight  
16 hours, and I think that should suffice.

17 But I think at this point for his development, because  
18 his schedule is -- he's on a very time constraint schedule  
19 right now. One day during the week and one weekend day would  
20 suffice rather than to --

21 THE COURT: All right.

22 MR. COLE: Going -- since the conditions were up to  
23 eight hours, not a mandatory eight hours.

24 THE COURT: All right. With respect to the second  
25 agreement, there was an agreement that individual counseling  
26 for the father continue.

1           And Agreement Number 3 was that individual counseling  
2 for the mother continue.

3           Are you, Mr. Cole, now --

4           MR. COLE: I am between therapists, and so I have been  
5 taken that into -- finish up and get to my next therapist  
6 within the next few weeks.

7           THE COURT: All right. So it sounds like you're still  
8 willing to engage in individual counseling as-needed.

9           MR. COLE: Absolutely, Your Honor.

10          THE COURT: All right. Any objection to mother  
11 continuing to engage in individual counseling as-needed?

12          MR. COLE: I would request that she continue counseling.

13          THE COURT: All right. Mr. Watters, any objections to  
14 the agreements regarding counseling for both mother and  
15 father?

16          MR. WATTERS: No. Those are both acceptable, Your Honor.

17          THE COURT: All right. The fourth agreement was Talking  
18 Parents. That the parents would communicate through and  
19 coordinate their schedules and/or the matters regarding the  
20 minor using Talking Parents.

21          Any objection to that, Mr. Cole?

22          MR. COLE: My only -- I have no objection to it. If  
23 anything further, my one request would be that once this  
24 communication starts -- we made it very, very clear, this is  
25 only in regards to our child. I want to make it very clear, I  
26 have no interest in Ms. Little's personal life or what she



1 does outside of dealing with our child, and I do not want her  
2 to know anything about my personal life as well.

3 In addition to that, she's continuously made contact  
4 with my family members who are either in the know of the  
5 situation or have removed themselves from the situation and  
6 don't have anything to do with this anymore and yet she  
7 continues to do so.

8 So I would like to ask that once this communication  
9 starts, everything that goes through about our child, goes  
10 directly through me. There's no need to contact my family  
11 members anymore.

12 THE COURT: So a point of clarification. Has Ms. Little  
13 contacted your family members since we've been in court?

14 MR. COLE: Yes.

15 THE COURT: All right. And what is within the nature of  
16 that contact to your understanding?

17 MR. COLE: Very -- I want to watch my words -- but not  
18 the best experiences, we'll just say that.

19 THE COURT: All right. Mr. Watters, any objection to  
20 the agreement to use Talking Parents?

21 MR. WATTERS: No, Your Honor.

22 And I'd like to clarify. My client denies any  
23 impropriety with communicating with Mr. Cole's family. Some  
24 of these communications, if they were, were initiated by  
25 Mr. Cole's family members. So there may be an inaccuracy  
26 issue on his perceptions there.

1 THE COURT: All right. And any objection to adding to  
2 the Talking Parents provision that the communication is to be  
3 limited to brief and peaceful contact regarding the child  
4 only?

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

6 THE COURT: Would that work, Mr. Cole?

7 MR. COLE: That's fine with me.

8 THE COURT: And I hear what you're saying, Mr. Watters,  
9 regarding Ms. Little's denials of any statements made to  
10 Mr. Cole's family. I'm not making a finding either way here.  
11 We don't have the witnesses here. We're not going through  
12 that.

13 But I would indicate is that there is a temporary  
14 restraining order. And I would impress upon Ms. Little that  
15 any types of activities that might disturb Mr. Cole's peace  
16 may be in violation, all right?

17 MR. WATTERS: We understand.

18 THE COURT: All right. And then with respect to the  
19 recommendations, those were for legal or physical custody or  
20 domestic violence programs, all of which depend upon whether  
21 there's a finding of domestic violence against the mother or  
22 against the father, either or, or both.

23 All right. So I won't be adopting those today.

24 And I hear Mr. Watters' request that the custody be  
25 changed.

26 Anything else you all want to say regarding custody?

1 Yes.

2 MR. COLE: There's still a follow-up in regard to my  
3 visits -- or go get my belongings back on January 28th.

4 THE COURT: Oh, I remember when we were last here, I had  
5 set a date for civil standby for you to be able to come by to  
6 get your things.

7 What happened?

8 MR. COLE: I went to the apartment complex; I was  
9 allowed in. Some of my property and some of our son's  
10 property was put outside the door, which is fine, not a big  
11 deal. But when I went up into the storage unit, everything  
12 was put in the boxes, so I didn't know what was mine or how I  
13 would go about that.

14 Officer Montemayor and Officer DaSilva were there as  
15 civil standby. And when I inquired them about furniture for  
16 our son, Ms. Little looked at them and said he is not allowed  
17 to touch anything that I purchased.

18 The problem with that is that there were things that not  
19 only she purchased but gifts from loved ones on both sides of  
20 the families that were received from baby -- from the baby  
21 shower -- in addition to my property that I still could not  
22 locate or see, in addition to actual purchases for our son  
23 that I purchased myself. So as a result, I'm still missing  
24 property. Our son probably came away with very minimal of  
25 what his property is.

26 So at this point I'm -- I went ahead and spoke with

1 Sergeant Treadway on March the 8th at 11:16 a.m., and I  
2 explained to him the circumstances and the conditions, saying  
3 that's one of the allegations that Ms. Little went ahead and  
4 put in her declaration.

5 And I when I explained to him, he made sure to let me  
6 know, to let you know, Your Honor, that as long as you make  
7 certain words or keywords within the order, they will have to  
8 respect that order and go above and beyond the normal civil  
9 standby, meaning that if there's a request that they are not  
10 allowed to leave me out of their sight for my protection, and  
11 that would be included.

12 That would include if I were to go into the apartment  
13 unit -- of course, with their supervision, to go reclaim mine  
14 and our son's property, that would be honored. If I went to  
15 her to go back one more time and just finally cease and get  
16 this stuff out so I don't have to go back into that apartment  
17 anymore but reclaim all of our property once and for all. So  
18 as long as that was the key words, it would be completed --  
19 they would honor that.

20 THE COURT: All right. Let me ask you this: So which  
21 -- or I'm not sure what you're talking about. Is it a crib?  
22 Is it a bassinet?

23 MR. COLE: So there was a changing -- a changing station  
24 that is also a drawer -- a three-set drawer and a laundry  
25 hamper.

26 THE COURT: I'm sorry. This is going too fast. A

1 changing station.

2 MR. COLE: Yes.

3 THE COURT: A three drawer --

4 MR. COLE: Well, it's -- it's a combination of one.

5 It's a changing station that happens to be a drawer-laundry  
6 set, so it's one set.

7 THE COURT: Okay. Changing station.

8 MR. COLE: Um, then we have his -- his bookshelf.

9 THE COURT: Bookshelf.

10 MR. COLE: There's also, in addition to that, there's  
11 clothes.

12 THE COURT: Child's clothes?

13 MR. COLE: Yes.

14 THE COURT: So basically what happened is when you went  
15 to get the child's belongings, you were told you can't have  
16 anything that you paid for. So she had paid for some of the  
17 child's clothing or for the changing station or the bookshelf,  
18 they couldn't cover?

19 MR. COLE: Correct.

20 There's also a diaper -- a diaper trash unit that my  
21 grandparents had purchased for him at our baby shower. That  
22 would help out in this situation, considering he is growing at  
23 a fast rate now, and he's going through diapers very quickly.

24 And again, I'm still missing some of my property as  
25 well, key property that I now had to go into my own pocket and  
26 to replace because I couldn't put -- I can't continue putting

1 my life on hold.

2 THE COURT: Well, do you have specific property you can  
3 list?

4 MR. COLE: There's a --

5 THE COURT: Because, Ms. Cole, I'm not inclined to just  
6 have you just go through the --

7 MR. COLE: Absolutely.

8 THE COURT: I mean, let's be clear -- and some of the  
9 things you may have replaced. Okay.

10 But are there a few things that you need?

11 MR. COLE: Yes, there's -- there's sports memorabilia  
12 and jerseys.

13 THE COURT: Sports memorabilia.

14 MR. COLE: There are -- there's four shoe containers  
15 that contain -- there's upwards of four shoes, but there are  
16 two specific sets of shoes that are very important to me. One  
17 of those is a pair of Kobe Bryant shoes. Another pair is a  
18 pair of Giannis Antetokounmpo shoes which --

19 THE COURT: How do you spell that?

20 MR. COLE: Giannis, G-i-a-n-n-i-s, Antetokounmpo. You  
21 can -- we can just say 'A' since it's a long spelling -- last  
22 name. That's very important to me since I wore those shoes at  
23 our baby shower as kind of an Easter egg for if we did have a  
24 boy. That's what we're gonna name our son.

25 In addition to that, there's a massage gun that's  
26 missing. I have sciatica, so that -- with the -- you know,

1 would help out with my --

2 THE COURT: So a massage machine. Okay.

3 MR. COLE: Yes. There is a massage stick that my mother  
4 had loaned her while she was massaging outside of her back,  
5 that we need back.

6 Outside of that, the clothes, everything else, at this  
7 point, I've already replaced certain things, so, you know...

8 THE COURT: All right. So Mr. Watters, any objection to  
9 another civil standby providing that Mr. Cole not be allowed  
10 to leave the site of the officers and that he be able to  
11 retrieve the changing station, diaper trash unit, bookshelf,  
12 the baby's clothes, the diaper trash unit, four shoe  
13 containers, sports --

14 MR. COLE: I'm sorry. I'm sorry. She also has my  
15 personal baby -- my baby -- so stuff from --

16 THE COURT: Your baby what?

17 MR. COLE: My -- my baby belongings from stuff from when  
18 I was born.

19 So again, I apologize for saying my property, Your  
20 Honor. I have a list -- fill out the folder at some point.

21 Obviously, that stuff is important for me because that  
22 -- that has nothing to do with her, that's my personal  
23 belongings.

24 THE COURT: Okay. All right. Let's try to move this  
25 along, okay?

26 MR. COLE: Sure.

1 MR. WATTERS: So, yes, Your Honor, I have an objection.

2 THE COURT: Okay.

3 MR. WATTERS: Two-fold. First -- this is the first time  
4 I'm hearing any concerns about the last civil standby whether  
5 from counsel or Mr. Cole. No prior concerns were expressed to  
6 me. I've been representing Ms. Little this whole time.

7 This list of property my client indicates, most of it,  
8 or at least the initial part of the list, was purchased solely  
9 by her, so she does object to releasing the property to  
10 Mr. Cole.

11 THE COURT: It was purchased by her for the child,  
12 right? Isn't it in the best interest of the child to have his  
13 furniture?

14 MS. LITTLE: To go in there, and I smell his things,  
15 just remind me of my son.

16 THE COURT: You smell the furniture?

17 MS. LITTLE: Yes, I do. I go in and I pray that he's  
18 gonna come home soon. Yeah.

19 THE COURT: All right. Mr. Cole, at your home, what  
20 furniture do you have of the child?

21 MR. COLE: He has a crib that my mother went to -- and  
22 purchased from -- in Modesto. So there was no crib  
23 beforehand. There was a bedside bassinet, so a crib never  
24 existed. My mother went to purchase a crib. He has his  
25 dresser that I went and purchased.

26 So to mean that just, you know, one more additional



1 similar -- similar additional things, that way he is -- you  
2 know, for that full comfort within our home.

3 MR. WATTERS: Your Honor, one final point. Mr. Cole has  
4 already taken the child from my client, whether that's, you  
5 know, according to law or not -- we'll get into that at the  
6 domestic violence trial -- but now he's trying to take  
7 everything from my client, everything that reminds her of her  
8 son and that's just not fair, Your Honor.

9 You can see my client's emotional reaction of being  
10 deprived of these things that remind her of her son. That's  
11 not fair.

12 THE COURT: Well, sir -- well, certainly, Ms. Little, do  
13 you have an objection to returning father's baby belongings?

14 MR. WATTERS: If he gives me a list -- he can give me a  
15 list so we can determine what my client even has.

16 THE COURT: All right. I'm -- then -- what -- if he  
17 gives you a list, is there a problem with him going through  
18 and finding his baby belongings? Do his baby belongings  
19 remind Ms. Little of Giannis?

20 MR. WATTERS: My client's indicating she doesn't have  
21 those belongings.

22 THE COURT: All right.

23 MR. WATTERS: And communicates that her problem with  
24 this cozy relationship that Mr. Cole apparently has with the  
25 Redwood City Police, whether they're giving him guidance on  
26 what to put in the standby order, that's problematic as well.

1 THE COURT: All right. Any objection to the four shoe  
2 containers?

3 MR. WATTERS: If they -- you're indicating she doesn't  
4 have the shoe containers, Your Honor.

5 THE COURT: All right. Any objection to the Kobie  
6 Bryant shoes or the Giannis A shoes?

7 MS. LITTLE: Your Honor, I told him the moving company  
8 came and moved my house when I was in Seattle and they put it  
9 in storage when they brought my stuff back. Things were  
10 missing from mine as well. I told him he could file a claim  
11 and let me know what's missing and I will tell the moving  
12 company. He never sent me an e-mail. And we sent it to  
13 Korea. We let him know my stuff is missing too, so I could  
14 file a claim with the moving company. I don't have the stuff  
15 he's talking about. I don't even -- I don't have an inventory  
16 list of what he had.

17 THE COURT: All right. Well, this is -- at this point,  
18 it's a bit outside the scope of this hearing.

19 Mr. Cole, can you please file a request for order  
20 outlining in detail all of the things that you are asking for.

21 But with respect to the changing station, the diaper  
22 trash unit, the bookshelf, the child's clothes; so there's an  
23 objection to those things as well. She has those things,  
24 right?

25 MS. LITTLE: I have the clothes. I just want to be able  
26 to go in my room and see my son's room. I decorated and

1 picked everything out, like, as my son, as his face. I -- as  
2 his energy. I just want to put something of my son.

3 THE COURT: All right. So, sir, you can file a -- so I  
4 will order that you can set up another civil standby, that the  
5 officers are not allowed to leave you out of their sight.

6 You can have the changing station, the diaper trash  
7 unit, the child's clothes, and your baby belongings. And if  
8 you see your shoe containers or your Giannis A shoes, you can  
9 obtain those as well.

10 MR. COLE: Sure. Thank you.

11 THE COURT: All right. So with that, anything further  
12 before I rule?

13 MR. WATTERS: No, Your Honor.

14 THE COURT: All right. So the Court adopts the  
15 agreements as set forth in the Family Court Services report  
16 for today's hearing with the following changes: Number one,  
17 under supervised visitation, mother shall pay 100 percent of  
18 the financial responsibility for the supervised visitation  
19 fees.

20 I'm denying Mr. Cole's request to reduce the timeshare  
21 set forth in section (1)(a).

22 I will add a subsection (f), that visitation is only  
23 inside a building and not in public.

24 I find that it is in the best interest of the child  
25 given the context of the case and Mr. Cole's concerns  
26 regarding abduction.

1 I adopt Item Numbers 2 and 3, individual counseling for  
2 the father; individual counseling for the mother as stated.

3 I adopt Number 4, Talking Parents, with the following  
4 modification, that brief and peaceful contact regarding the  
5 child only is permitted.

6 And I will give -- I order that Mr. Cole may have  
7 another civil standby where the officers are not allowed to  
8 leave him out of their sight; and he is allowed to retrieve  
9 the child's changing station, diaper trash unit, bookshelf,  
10 the child's baby clothes, the father's baby belongings, if he  
11 sees them, his -- any sports memorabilia of father's, any  
12 jerseys of father's, four shoe containers, Kobe Bryant shoes,  
13 Giannis A shoes, a massage machine, and a massage stick.

14 Mr. Cole, you are admonished that you are not to do  
15 anything like disturb how the home is. And the police  
16 officers will be watching you the entire time.

17 So you are not to destroy anything, you're not to toss  
18 anything. You can make a reasonable look. I want you in and  
19 out within an hour.

20 MR. COLE: Yes, Your Honor. I will -- I will go -- I  
21 will even go and give up golfing, Your Honor, and go get  
22 movers so that way I just direct them, grab stuff, and we can  
23 leave.

24 THE COURT: All right. And, Mr. Watters, can you  
25 prepare the findings and order after hearing?

26 MR. WATTERS: Yes, Your Honor, I can do that.

1 THE COURT: All right. And then I'm not adopting the  
2 recommendations at this time, because, again, they're  
3 dependent upon findings at a domestic violence hearing which  
4 we haven't had yet.

5 So all prior orders remain in full force and effect.  
6 Father maintain sole legal and sole physical custody of the  
7 child. That is -- the Court finds that is in the best  
8 interest of the child.

9 All right. So -- Yes?

10 THE CLERK: (Conferring with the Court.)

11 THE COURT: Yes. And for the C case as well. All prior  
12 orders remain in full force and effect.

13 MR. WATTERS: I'm sorry, Your Honor, my client's upset.

14 THE COURT: All right. So that concludes for today.  
15 Thank you.

16 MR. COLE: Thank you, Your Honor.

17 (Whereupon, the proceedings concluded at  
18 2:53 p.m.)

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IN THE SUPERIOR COURT OF THE State of California  
IN AND FOR THE COUNTY OF SAN MATEO

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JAMES COLE, )  
 )  
 ) Petitioner, )  
 )  
 ) vs. )  
 )  
 ) BRITTINY E. LITTLE, )  
 )  
 ) Respondent. )  
 )

REPORTER'S TRANSCRIPT  
CASE NO. 23-FAM-01674

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State of California )  
 )  
COUNTY OF SAN MATEO )

I, JANIE M. ESPINOZA, 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 30, COMPRISE A TRUE, ACCURATE AND CORRECT  
COMPUTER-AIDED TRANSCRIPTION OF THE PROCEEDINGS THAT I  
REPORTED ON MARCH 26, 2024, IN THE MATTER OF THE  
ABOVE-ENTITLED CAUSE.

DATED THIS 7TH DAY OF MAY, 2024.

  
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JANIE M. ESPINOZA, CSR NO. 13794  
OFFICIAL COURT REPORTER

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