

1 Q. And you feel, you believe that that's working
2 well?

3 A. It's amazing, sir. Yes, it's working very well.

4 Q. And you think that that's in Jonas's best
5 interest?

6 A. Yes, sir.

7 Q. And this has been in effect since in or about
8 February of 2016, is that correct?

9 A. Yes, sir.

10 Q. Before - Let me ask it this way. You left
11 the marital home about September 1st of 2015, is that
12 correct?

13 A. Yes, sir.

14 Q. Did you continue to contribute money to the
15 upkeep of that house?

16 A. Yes, sir.

17 Q. How did you do that?

18 A. I made a deposit into the bank account and
19 pursuant to the agreement between Mr. Gabage and you.

20 Q. And how much money were you paying on a
21 monthly basis if you remember?

22 A. At that time it was exactly \$4,000 a month.

23 Q. Was that similar to what it was during the
24 marriage?

25 A. No. A little bit more during the marriage.

1 Q. And what's your recollection of how much you
2 deposited into the joint account during the marriage?

3 A. Anywhere between \$6,000 and \$7,000 per month is
4 typically what we would -

5 Q. Sandy was working, was she not?

6 A. Sandy's always worked like two half days a week.

7 Q. And where did her income go, if you knew?

8 A. I don't really know.

9 Q. Now you see in paragraph 2 and paragraph 3
10 that Judge Light gave you certain overnights. Is that
11 correct?

12 A. Yes, sir.

13 Q. And did you, did you have parenting time with
14 Jonas for the overnights that are reflected in Judge
15 Light's order?

16 A. Yes, sir. We did that.

17 Q. And how did that work out?

18 A. We went to the mediation thing -

19 Q. No. No.

20 A. Okay.

21 Q. Listen to my question.

22 A. It worked out well.

23 Q. How did the overnights work out with you and
24 Jonas?

25 A. Wonderful.

1 Q. Now -

2 A. Very wonderful.

3 Q. And then in paragraph 4 is the, it was the
4 temporary support, is that correct?

5 A. Yes, sir.

6 Q. And you're asking the Court if you're
7 divorced in 2016 to allocate in some fair way the
8 \$1,600 a week, as some of it alim - temporary alimony
9 and some of it is child support, is that correct?

10 A. Yes, sir.

11 Q. Now how are you, how are you making out? How
12 much money after you pay Sandy the \$1,600 a week, how
13 much money do you have left over from your paycheck?

14 A. I believe the checks speak for themselves sir.

15 Q. Well, tell us -

16 A. Not much.

17 Q. Tell us what it is, if you know.

18 A. About, about - One week I paid \$3,400 one pay
19 period and the next one I paid \$3,900 to cover Mr.
20 Gabage's fees. I usually end up with about \$2,000
21 left.

22 Q. Per month or per, or per pay period?

23 A. Well, now that I'm taking out the loan, I have to
24 pay the loan back, I've got about, only about \$3,600 a
25 month left, yeah.

1 Q. All right.

2 A. Maybe \$3,800. I have to pay them back.

3 Q. The -

4 THE COURT: Well, that didn't exist at the
5 time I entered that order, did it?

6 MR. MATISON: That's correct, Your Honor.

7 That, -

8 THE WITNESS: It did not, Your Honor.

9 MR. MATISON: - that loan was subsequent to
10 your -

11 **BY THE COURT:**

12 Q. Right. So after the order you would have had
13 about another thousand dollars a month.

14 A. Would have been closer to - Yeah, about \$4,000 a
15 month, sir.

16 THE COURT: Thank you.

17 **BY THE WITNESS:**

18 A. We were just getting by.

19 THE COURT: All right.

20 **BY MR. MATISON:**

21 Q. Now after, after Judge Light put this order
22 into effect did you and Sandra attend mediation with
23 the Community Mediation Services?

24 A. Yes, sir, in Egg Harbor.

25 Q. In Egg Harbor.

1 A. Yes, sir.

2 Q. And how many times did you go?

3 A. We went the one night and sat down and hammered
4 out a plan over about a two-hour period.

5 Q. And was that in or about March of 2016?

6 A. Yes, sir.

7 Q. And I want you to look at P-7 -

8 A. Oh, there it is.

9 Q. - for identification.

10 A. Yes, sir, that's it.

11 Q. Do you recognize that document?

12 A. Yes, sir.

13 Q. You see there's initials on the bottom of the
14 first page. Do you -

15 A. Yes.

16 Q. - recognize the initials?

17 A. They are my initials and Sandy's initials, sir.

18 Q. And if you look on the second page do you
19 recognize any of the signatures?

20 A. Those are my signature and Sandy's signature, sir.

21 Q. And is that a fair and accurate
22 representation of the agreement that you and Sandy
23 reached at mediation?

24 A. That's the exact agreement, sir.

25 **Exhibit P-7 Identified**

1 MR. MATISON: Your Honor, I'd like to offer
2 P-7 into evidence.

3 THE COURT: Ms. Regnaert, any objection to
4 P-7 in evidence?

5 MS. REGNAERT: No, sir.

6 THE COURT: P-7 is in evidence.

7 **Exhibit P-7 in Evidence**

8 **BY MR. MATISON:**

9 Q. Now P-7, Dr. Regnaert has certain overnights
10 for -

11 A. Yes, sir.

12 Q. - you and Jonas to spend together, is that
13 correct?

14 A. Yes, sir.

15 Q. And that went into effect in or about March
16 of 2016, correct?

17 A. Yes, sir.

18 Q. And did you have the overnights that are
19 reflected in this agreement?

20 A. Yes, sir.

21 THE COURT: Is the - I don't see a date on
22 P-7.

23 MR. MATISON: I don't see one either, Your
24 Honor. It his recollection that they went in March.

25 THE WITNESS: Went the first part of March,

1 sir.

2 **BY THE COURT:**

3 Q. In March of 2016?

4 A. Yes, sir. I think it was March 10th, sir.

5 Q. March -

6 A. Of - There is no date on here.

7 Q. - two-thousand -

8 A. Look at that. That was, yes, sir, definitely
9 March.

10 Q. All right.

11 A. Very first part.

12 Q. All right. Thank you.

13 A. You're welcome.

14 **BY MR. MATISON:**

15 Q. So did you have the overnights that are
16 reflected in (a) of this agreement?

17 A. Yes, sir.

18 Q. And, and how long did that go on until it
19 changed, if it ever did change?

20 A. We used this format for approximately three or
21 four weeks, and then we just changed one or two of the
22 nights just because Sandy wanted him to be home on a
23 different night. And so I agreed to what we're doing
24 now, the current schedule we've been following.

25 Q. All right. So when did this - The schedule

1 that you're - Let me ask it this way.

2 A. Yes, sir.

3 Q. What's the schedule that you're presently
4 following of the overnights of Jonas spending with you?

5 A. Sunday night, Tuesday night, and Friday night.

6 Q. All right. And so let's go to Sunday night.
7 When do you pick up Jonas?

8 A. Sandy goes to church with him and then they go out
9 to eat, and he usually comes over around three-thirty,
10 four o'clock.

11 Q. And when - and how - and then when do you
12 return him?

13 A. Either she comes by and picks him up in the
14 morning on Monday at 7:30 or I drop him off at 7:30.

15 Q. At her house.

16 A. Yes, sir.

17 Q. All right. And when is the next overnight?

18 A. The next overnight is Tuesday.

19 Q. And how does that work?

20 A. Quite well. I -

21 Q. All right. So tell me about it.

22 A. Okay. I - that's my night I get out of work
23 theoretically at five. So I try and get there between
24 5:30 and it's twenty after five and 5:40, pick him up.
25 We go to my house and eat.

1 Q. And when does he leave your house?

2 A. 7:30 the next morning, quarter to eight. And I -
3 Either Sandy picks him up or I drop him off.

4 Q. And when is the next overnight?

5 A. Friday night.

6 Q. And how does that work?

7 A. I do the same thing. I go to her house and pick
8 him up about 5:30, usually five - usually 5:30 on a
9 Friday night because I usually get a little fall and
10 attrition in the schedule because people are wanting to
11 start their weekend and no one wants to be numb. You
12 know? And so I pick him up and then he stays over my
13 house until usually about three-thirty or four on
14 Saturday, and then I usually drop him back off at
15 Sandy's.

16 Q. And that's three or four in the afternoon?

17 A. Yes, sir.

18 Q. All right. That's the, that's the usual.

19 Then it's -

20 A. That's almost exactly how it is always.

21 Q. And then that could be slightly modified if
22 there is some other change in schedule.

23 A. Yeah. If one of us has to go shopping or
24 something like that, yeah, that's fine.

25 Q. The - In (c) there's an issue in, when you

1 have to serve your military obligation. How does this
2 overnight schedule work out if you have a weekend to
3 do, to go some place?

4 A. I have to go this weekend, and this Friday night I
5 will not have Jonas, but usually Sunday night I pick
6 him up after military duty and we lose the one day.
7 But it's just -

8 Q. But you don't make it up, do you?

9 A. No, I can't. There's no time.

10 Q. All right. I'm just asking.

11 A. Yes, sir.

12 Q. How about holidays? This agreement does talk
13 about holidays. Have you and - have you had Jonas on
14 any particular holidays since this went into effect?

15 A. Well, since this went into effect we haven't had
16 much in terms of a major holiday with the exception of
17 Easter. And so, yeah, pretty much it's working okay.

18 Q. Are you asking the Court to adopt the court
19 holiday schedule and vacation schedule that the Court
20 normally adopts?

21 A. Yes, sir.

22 Q. All right. So basically it's going to flip
23 flop -

24 A. Yes, sir.

25 Q. - with the major holidays.

1 A. Like Christmas and Easter, yes, sir, Thanksgiving.

2 Q. And also vacation time, is that correct?

3 A. Yes, sir.

4 **BY THE COURT:**

5 Q. Well, the holiday schedule also incorporates
6 President's Day and Martin Luther King's Day, and all
7 that.

8 A. Yes, sir.

9 Q. I mean are you requesting that that be
10 included as well?

11 A. Yes, sir

12 Q. Are you typically off on those days?

13 A. We were off on Martin Luther King day. We were
14 off on Memorial Day, those type of holidays, yeah, 4th
15 of July.

16 Q. All right. Thank you.

17 A. You're welcome, sir.

18 **BY MR. MATISON:**

19 Q. Now you said that the mediation time stayed
20 in effect for about three or four weeks. Is that
21 correct?

22 A. That's - Yes, sir.

23 Q. So is it fair to say that the schedule that
24 you presently described went into effect in or about
25 April of 2016?

1 A. That's a very accurate description, sir. Yes,
2 sir.

3 Q. And that that continues through today.

4 A. Yes, sir.

5 Q. So you are having on an average three
6 overnights a week.

7 A. That's what we had agreed on and that's what is
8 happening.

9 Q. Do you feel that it is in Jonas's best
10 interest to spend these three overnights with you?

11 A. Yes, sir. He even knows what nights he's coming.
12 "I'm coming tonight, right, Daddy?" "Yes, you are."

13 Q. And how is he interacting with Joshua?

14 A. They interact quite well. Josh is a busy kid.
15 He's gone. He's lifeguarding at night, and the nights
16 Jonas isn't there, to be honest with you, he's got this
17 old car we're always wrenching on. So that's why my
18 hands look like this. I'm a dentist and - but they
19 interact very well, sir.

20 Q. Dr. Regnaert, I want you to look at P-8 for
21 identification. Is that your 2015 joint tax return?

22 A. P-8 says it is a W-2 earnings -

23 Q. It - No, just keep, keep on turning through
24 it, sir.

25 A. Oh, okay. I'm sorry. Yes.

1 Q. I want you to identify it as your 2015
2 federal and state tax return and your W-2.

3 A. Yes, sir.

4 Q. Yes, it is?

5 A. Yes.

6 **Exhibit P-8 Identified**

7 Q. All right. I want you to look at P-9. Is
8 that your 2014 joint tax returns with W-2s?

9 A. Yes, sir.

10 **Exhibit P-9 Identified**

11 Q. I want you to look at P-10. Is that your
12 2013 joint tax returns with W-2s?

13 A. Yes, sir.

14 **Exhibit P-10 Identified**

15 Q. I want you to look at P-11. Is that your
16 2012 joint tax returns with W-2s?

17 THE COURT: I notice the W-2s are just Dr.
18 Regnaert's. There are no W-2s for Ms. Regnaert.

19 MR. MATISON: That's correct, Your Honor.
20 She'll, she has some, but they're - and I recognize,
21 these were - obviously they're from our side, so - But
22 she - I have seen W-2s -

23 THE COURT: Because there's some income
24 attributable to her in each of these years -

25 MR. MATISON: That's correct, Your Honor.

1 There's no -

2 THE COURT: - as I understand the testimony.

3 So I just -

4 MR. MATISON: That's not in dispute.

5 THE COURT: All right.

6 MR. MATISON: I understand or I expect that
7 the defendant will put some of that in in her case, and
8 if not, I'll use it to cross examine her with and we
9 can identify it then.

10 THE COURT: All right.

11 BY MR. MATISON:

12 Q. I believe I'm on P-11. Is that the 2012
13 joint tax return?

14 A. Yes, sir.

15 **Exhibit P-11 Identified**

16 Q. Look for P-12 for identification, is that
17 your 2011 joint tax return?

18 A. Yes, sir.

19 **Exhibit P-12 Identified**

20 MR. MATISON: Your Honor, I would like to
21 offer P-8, P-9, P-10, P-11, and P-12 in evidence.

22 THE COURT: All right. So these are the
23 joint tax returns from 2011, '12, '13, '14, and '15.

24 Ms. Regnaert, any objection to those?

25 MS. REGNAERT: No, sir.

1 THE COURT: All right. So they will all be,
2 all be admitted.

3 **Exhibits P-8 through P-12 In Evidence**

4 MR. MATISON: Your Honor, can the witness
5 take a short bathroom break?

6 THE COURT: Yes. Just hold on a second.

7 THE WITNESS: Yes, sir.

8 THE COURT: All right. Why don't we all -
9 we'll all take a break. We'll come back in about ten
10 minutes and then we'll go to 12:30. Then we'll break
11 for lunch at 12:30. All right?

12 MR. MATISON: I understand, Your Honor.
13 Thank you.

14 THE WITNESS: Thank you, sir.

15 (Off the record. Back on the record as follows:)

16 THE COURT: Be seated. All right. We're
17 back on the record.

18 Dr. Regnaert, you're still under oath.

19 DR. REGNAERT: Yes, sir.

20 Mr. Matison?

21 MR. MATISON: Thank you, Your Honor.

22 **BY MR. MATISON:**

23 Q. Dr. Regnaert, I'd like you to look at P-14
24 for identification.

25 A. Yes, sir. Quit claim deed.

1 Q. Would you turn to the second page?

2 A. Yes.

3 Q. Do you recognize the signature on that page.

4 A. My wife's signature? Yes, sir.

5 Q. And this is the deed for the marital home?

6 A. Yes, sir.

7 **Exhibit 14 Identified**

8 Q. Now your date of marriage was in 2007, is
9 that correct?

10 A. Yes, sir.

11 Q. And the deed, and, and this particular deed
12 is dated January of '09, is that correct?

13 A. Yes, sir.

14 MR. MATISON: Your Honor, I would like to
15 offer P-14 into evidence.

16 THE COURT: Let me just - let's see, because
17 there are a number of, there's a deed - there's a deed,
18 there is an Affidavit of Consideration, and there's a
19 seller's residency certification filed with the deed,
20 apparently filed with the deed.

21 MR. MATISON: That's correct, Your Honor.
22 This is something that, that either we received in
23 discovery or we got it directly from the clerk's
24 office. It's on the form, it's on the, on the marital
25 home, it's -

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THE COURT: Now the -

MR. MATISON: I don't think there's anything in, in this particular piece of evidence that's in, that's in dispute.

THE COURT: I'm just trying to understand what it is.

MR. MATISON: Okay.

THE COURT: Who is Sean Dillon?

MS. REGNAERT: Can I just -

BY MR. MATISON:

Q. Do you know who Sean -

A. Sean Dillon was Sandy's boyfriend that she lived with before I met her.

THE COURT: Oh. They're both in Florida.

MS. REGNAERT: Would you like me to explain?

BY THE WITNESS:

A. Yes, sir. They had a home in Florida they lived in, and then they had this second house up there as a, like a vacation home.

THE COURT: All right. Well, I guess we'll, we'll get to this zero consideration. Interesting. All right.

So is there any objection to P-14 in evidence?

MS. REGNAERT: No, sir.

1 THE COURT: All right. P-14 is in evidence.

2 **Exhibit P-14 In Evidence**

3 **BY MR. MATISON:**

4 Q. Dr. Regnaert, I'd like you to look at, look
5 at P-15 for identification.

6 A. Yes, sir.

7 Q. Have you ever seen that document before?

8 A. Yes, sir.

9 Q. Look at page 4. Do you recognize any
10 signatures on page 4?

11 A. I recognize -

12 THE COURT: I'm sorry. What are you looking
13 - Mr. Matison what are you looking -

14 MR. MATISON: P-15, Your Honor, for
15 identification.

16 THE COURT: Oh, it's a mortgage?

17 MR. MATISON: Yes, sir.

18 **Exhibit P-15 Identified**

19 **BY THE WITNESS:**

20 A. I see Sandy's signature on there and mine.

21 **BY MR. MATISON:**

22 Q. Do you know Sean Dillon's signature?

23 A. I have seen it, sir.

24 Q. Do you -

25 A. That looks, that looks like it, sir.

1 Q. Okay. And what was your understanding of
2 what this mortgage was?

3 A. Sandy acquired the house, went from - I mean she
4 had to take out a mortgage from Sean. My father's law
5 firm was the one that did this, separated them out, and
6 something he did on the side, help people, and he
7 helped Sean's attorney and Sean and Sandy worked
8 through an agreement in order to - that she had to
9 obtain their own mortgage within a given period of
10 time. If I recall, that's how that was, sir.

11 Q. Okay. And you -

12 THE COURT: I'm not understanding this.
13 There's a deed. The deed and the mortgage of the same
14 date by which Sean Dillon conveyed his interest in this
15 property to Ms. Regnaert.

16 **BY THE COURT:**

17 Q. And you were, were you married already at the
18 time?

19 A. Yes, sir.

20 Q. And then there's a mortgage from, from Ms.
21 Regnaert and you and Mr. Dillon borrowing money from
22 Charter One, which seems to be some sort of
23 institutional lender. But at that point he no longer
24 had an interest in the property. So ...

25 **BY MR. MATISON:**

1 Q. Dr. Regnaert, do you know what happened to
2 the hundred, the purported \$100,000 that was loaned to
3 you all?

4 A. For the mortgage?

5 Q. Yes.

6 A. That all went to acquire the home, as she had to
7 require - acquire the home from Sean.

8 Q. So Shawn got the \$100,000?

9 A. Or whatever it was, yes, to the best of my
10 knowledge, sir.

11 THE COURT: Yes. I'm just cur - I'm just
12 not understanding why Mr. Dillon would be on the
13 mortgage. He transfers his interest to Ms. Regnaert on
14 January 28th. There's a mortgage taken out to pay him,
15 and I don't understand how he becomes a borrower. I
16 don't know that it's critical in this, to the issues,
17 but it is confusing to me anyway.

18 MR. MATISON: Your Honor, I'd like to offer
19 P-15 into evidence. Their signatures have been
20 identified.

21 THE COURT: I suppose. Any objection to P-15
22 in evidence?

23 MS. REGNAERT: No, sir.

24 Did you want me to explain anything or just
25 wait?

1 THE COURT: You know, I guess you'll wait,
2 because I don't - I don't know the meaning of, of the
3 documents.

4 BY MR. MATISON:

5 Q. Let me show you P-16 for identification, Dr.
6 Regnaert.

7 A. Yes, sir. Yes, sir.

8 Q. Have you ever seen this document before? If
9 you look on page 7 you may recognize some signatures.

10 A. Yes sir.

11 Q. Yes, you know?

12 A. Yes, sir.

13 Q. And do you recognize your signature on page
14 7?

15 A. Yes, sir.

16 Q. So is this another mortgage that was taken
17 out on the former marital home?

18 A. It says loan number. To the best of my knowledge
19 it would be.

20 **Exhibit P-16 Identified**

21 Q. So this was for \$150,000, is that correct?

22 A. Yes, sir.

23 Q. And if you look at P-17 for identification.

24 A. Which one, sir?

25 Q. That's the - shows that that first mortgage

1 has now been — has been paid off, the mortgage to
2 Charter One. P-17 for identification, I'm sorry.

3 A. P-17 — I'm sorry.

4 Q. P-17 for identification. Was that your
5 understanding as to what happened?

6 A. Yes, sir. Satisfaction, sir, discharge of
7 mortgage.

8 **Exhibit P-17 Identified**

9 Q. And then P-18 for identification, if you look
10 at that, Sandra took out another mortgage, is that
11 correct?

12 THE COURT: Well, I'm just trying to — Hold
13 on. The date of P-17, February 5th.

14 So the P-16 was used to pay off the first
15 mortgage? Is that —

16 MR. MATISON: Yes, Your Honor.

17 THE COURT: Is that how it worked?

18 **BY THE WITNESS:**

19 A. Yes, sir.

20 **BY THE COURT:**

21 Q. Is that, is that right?

22 A. To the best of my knowledge, sir.

23 THE COURT: They were around the same time.

24 MR. MATISON: The recordation date, Your
25 Honor, within — are within days of each other.

1 THE COURT: Okay. Okay. All right. Go
2 ahead, Mr. Matison.

3 BY MR. MATISON:

4 Q. Would you look at P-18? Have you ever seen
5 that document before?

6 A. Yes, I've seen that one.

7 Q. On page 8, do you recognize the signature?

8 A. Yes, sir. It's Sandy's.

9 Q. And what is your understanding as to what
10 this open-ended mortgage represents?

11 A. I don't have this - That was when we were
12 finishing some construction on the house. That would
13 have been an additional bit of funding to finish some
14 of the additional renovations. It would have been
15 what -

16 Q. So it was like a line, a line of credit.

17 A. Yes, sir.

18 **Exhibit P-18 Identified**

19 MR. MATISON: Your Honor, I'd like to offer
20 16, 17, and 18 into evidence.

21 THE COURT: Ms. Regnaert, any objection?

22 MS. REGNAERT: No, sir.

23 THE COURT: 16, 17, and 18 are in evidence.

24 **Exhibit P-16, P-17, P-18 In Evidence**

25 BY MR. MATISON:

1 Q. From 2009 -

2 A. Yes, sir.

3 Q. - through the time that you left the marital
4 home September 1 of 2015, who had the lion's share of
5 the income in your family?

6 A. Myself. I worked like a machine, sir. Me.

7 Q. And that's reflected in the tax returns.

8 A. Absolutely, sir. Yes, sir.

9 Q. So how were the carrying charges covered on
10 the marital home?

11 A. My income, sir. Income is income.

12 **BY THE COURT:**

13 Q. So I think, - Dr. Regnaert, so I understand
14 it, that this home was owned by, by Ms. Regnaert and
15 Mr. -

16 A. Dillon.

17 Q. - Dillon. And when tying this together, your
18 appraiser indicated that around the time it was
19 probably worth like \$200,000, he has a 50-percent
20 interest which he's bought out for \$100,000.

21 A. Yes, sir.

22 Q. Is that sort of how this ties together?

23 A. I believe that's how that ties together.

24 Q. Right. Because you've got \$100,000, just by
25 coincidence, I mean you're - no, I don't want to - but

1 your appraiser indicated property was worth \$200,000 at
2 the date of the marriage. So that makes sense. He was
3 at \$100,000. Then there's various other loans, but
4 you're, it was your income - your position is that your
5 income primarily paid, paid him back and paid for the
6 improvements to the property over time.

7 A. Yes.

8 Q. Okay.

9 A. That is my position.

10 Q. All right. Thank you.

11 A. Thank you, sir.

12 MR. MATISON: Your Honor, I just want to be
13 sure I've covered all the questions I want to ask Dr.
14 Regnaert.

15 **BY MR. MATISON:**

16 Q. Dr. Regnaert, I want you to turn to P-5 for
17 identification, and I want you to look at page 6.

18 THE COURT: Thank you. P-5 is in evidence.

19 MR. MATISON: Yes, sir.

20 THE COURT: Yeah.

21 **BY THE WITNESS:**

22 A. Okay.

23 **BY MR. MATISON:**

24 Q. Page 6 and 7 is what Sandy says is, is a
25 marital budget, is that correct?

1 A. Yes, sir. That's what she said.

2 Q. That's what she said.

3 A. Yes, sir.

4 Q. Now in paragraph 24 of the trial memorandum,
5 you have to go back to, to the beginning -

6 A. All the way to the end?

7 Q. - or the, the written narrative. If you look
8 at page, at paragraph 24. No, all the way to the
9 beginning.

10 A. Way up front, huh?

11 Q. Yeah, way up front.

12 A. Okay.

13 Q. No, forward.

14 A. More forward.

15 Q. No, go all the way up to the front.

16 A. Okay.

17 Q. That's it.

18 A. Very good.

19 Q. Look at paragraph 24.

20 A. Yeah.

21 Q. See paragraph 24?

22 A. Yes, sir.

23 Q. Did you go through each and every line item
24 of her budget?

25 A. Yes, sir. Back in, when we started this process I

1 went through it, yeah.

2 Q. And do you believe that the monthly budget
3 was \$11,800 a month?

4 A. I - No. There's no possible way it could be.
5 It's twice what we bought our home.

6 Q. So the first column is what Sandy put in her
7 budget, is that correct?

8 A. Yes, sir.

9 Q. And the second column represents what?

10 A. I believe more of, closer to what we're actually
11 dealing with.

12 Q. So -

13 A. And that - more accurate representation.

14 Q. Of what the monthly bills were.

15 A. Yeah. I believe the mortgage is about \$1,200 a
16 month, real estate taxes, home mortgages -

17 Q. So the major differences are, for example -
18 food, as an example, she had a \$1,000 and you say it's
19 more reasonable for her and Jonas to have \$600.

20 A. I live on about \$600 to \$800 with food, and I feed
21 Josh who is a growing teenage boy, and I also feed
22 myself and Jonas.

23 Q. So that's an example of, of how you looked at
24 this, is that correct?

25 A. Yes, sir. Yes, sir.

1 Q. So you — So what is your opinion as to what a
2 fair monthly budget is for Sandra and the time that
3 Jonas spends with her? And I invite your attention to
4 the end of paragraph 24.

5 A. I can't see how the household couldn't be
6 maintained on \$6,000 a month or less, sir. I mean I
7 just don't. I mean we're — There's a \$1,200 thing for
8 health insurance in there. I cover that out of my pay
9 from the military. That's \$200 a month, and I cover
10 that.

11 THE COURT: That — Well, if you're divorced
12 you can't cover her. I mean that won't be available to
13 her.

14 **BY THE WITNESS:**

15 A. No, sir, I guess not.

16 Can I carry her for a while to help her?

17 **BY MR. MATISON:**

18 Q. No.

19 THE COURT: Right. You'll have to talk to
20 your attorney about that.

21 **BY THE WITNESS:**

22 A. Okay. I'm sorry. I'm sorry.

23 **BY MR. MATISON:**

24 Q. No, you can't.

25 THE COURT: Not under the present pleadings.

1 BY THE WITNESS:

2 A. Yes, these numbers seem fairly inflated.

3 BY MR. MATISON:

4 Q. So you went through line by line and you feel
5 that the \$5,000 to \$6,000 - you said \$6,000 a month is,
6 is a, a more accurate representation of what her budget
7 is?

8 A. Yeah. That's about right.

9 MS. REGNAERT: Yeah.

10 BY THE WITNESS:

11 A. It's \$5,000 to \$6,000 a month.

12 MS. REGNAERT: Mmhmm.

13 BY THE WITNESS:

14 A. And we did okay with that, and then when we were
15 doing more stuff on the house, I put more money in as
16 we needed it. It always worked out. And I think with
17 just basically her and Jonas, they could do 5,200 bucks
18 a month, something like that, it's just - I mean I'm -

19 BY MR. MATISON:

20 Q. I understand. All right.

21 A. I eke by.

22 MR. MATISON: Your Honor, I believe that
23 that's the extent of my questions.

24 BY THE COURT:

25 Q. Is your son in private school?

1 A. No.

2 Q. No. Okay.

3 A. The snow removal is free. Our neighbor across the
4 street does it.

5 THE WITNESS: And you switched to natural
6 gas, too, didn't you?

7 MS. REGNAERT: Mmhmm.

8 THE WITNESS: So there's no more propane.

9 MR. MATISON: Dr. Regnaert.

10 THE WITNESS: Yes, sir.

11 MR. MATISON: There's no, there's no
12 questions before you.

13 THE WITNESS: Oh, I'm sorry.

14 THE COURT: No, it's not a dialog -

15 MR. MATISON: So you don't have - No - no
16 offense, you and Sandra don't have a dialog here.

17 THE WITNESS: Okay. I'm so sorry, sir.

18 THE COURT: Ms. Regnaert, you're under -
19 Obviously you'll have a chance to testify in a moment,
20 but you have a chance to cross examine Dr. Regnaert on
21 anything he's testified. You have the right to ask him
22 questions. If you have questions, and it's always, it
23 is always difficult to do because you to talk instead
24 of ask questions, and so - But you do have that right
25 to ask him questions about anything he testified about.

1 MS. REGNAERT: Okay. Right now?

2 THE COURT: Yes.

3 MS. REGNAERT: Okay. I'll stand up.

4 THE COURT: Whatever you want to do.

5 MS. REGNAERT: Okay.

6 THE COURT: You can sit down, that's fine,
7 too.

8 MS. REGNAERT: I just wanted to, I wanted to
9 ask him about the \$1,000 that's coming out of his
10 paycheck for the loan.

11 **CROSS EXAMINATION BY MS. REGNAERT:**

12 Q. Because you recently purchased a vehicle.
13 Where did you get the money for the vehicle?

14 A. Which vehicle?

15 Q. The Prowler.

16 A. I took out a loan for the Prowler.

17 Q. Oh. It's in addition to this loan?

18 A. What?

19 Q. That's a separate loan from this?

20 A. Totally different loan. This is a loan I took out
21 when I went to Ed Paller (ph), the owner of the
22 company, he had - we have 34 offices, and I asked Ed
23 and Dan. They saw that I was losing weight and stuff
24 and stressing out because it's extremely expensive, and
25 Danny says to me, "Todd, I'll help you out." He's

1 like, "Buddy, you should have to pay us back." And
2 they gave me an option to, you know, it was a huge
3 amount of interest, or pay it off in one year with zero
4 percent interest, but it's a \$1,000 a pay period.

5 **BY THE COURT:**

6 Q. So you're paying it back. This is a loan to
7 fund your attorneys fees and costs for the litigation.

8 A. I have to, yeah.

9 THE COURT: All right.

10 **BY MS. REGNAERT:**

11 Q. And you have another loan on the Prowler?

12 A. It's a \$300 a month payment. My dad and I talked
13 about it. I like - I've always messed with cars.

14 Q. Mhmm.

15 A. And that's okay. I mean I -

16 Q. Okay. Well, you were saying you needed to
17 take a loan out to pay your legal fees.

18 A. Right.

19 Q. So I was wondering what you were paying for
20 the new car with.

21 A. Well, I paid out from my own money I have left
22 over, Sandy.

23 Q. Okay.

24 A. Like regular people do.

25 Q. And also after DCF did their investigation

1 and they said that there was no abuse, no current child
2 abuse and neglect concerns at this time, and you denied
3 the need for any counseling or assistance for us as a
4 family, that's what their -

5 A. We went to Christian Counseling over at Divided
6 Creek Baptist Church for several times, and then you,
7 if you recall, you said the distance was too far, and
8 that one night we left there and I just told Doug, the
9 pastor, that we're going to work through it.

10 Q. Mmhmm.

11 A. So -

12 Q. But actually I asked the DCF worker if they
13 can make the counseling mandatory for us, and she said
14 they didn't see a need.

15 MR. MATISON: Your Honor, I'm going to
16 object. The -

17 **BY THE WITNESS:**

18 A. What does that mean?

19 MR. MATISON: Dr. Regnaert, I'm going to
20 caution you again. If there's no question before you,
21 you have to, you have to be quiet.

22 THE WITNESS: Okay.

23 MR. MATISON: Your Honor, I object to the
24 form of the question. It assumes there's some out-of-
25 court statements, hearsay statements, in that in, in,

1 as part of that question.

2 THE COURT: You can't refer to things that
3 other people have said to you.

4 MS. REGNAERT: Okay. It's in their document,
5 from the Department of Children and Families.

6 THE COURT: Well, all I have in front of me
7 is what's been marked into evidence. I don't -

8 MS. REGNAERT: Okay.

9 THE COURT: I don't go through the file and
10 things, look at things that I think are going to be
11 helpful.

12 MS. REGNAERT: Okay.

13 THE COURT: I look at what's been marked into
14 evidence.

15 MS. REGNAERT: Okay. Can I - When can I do
16 that? Can I give this to you as evidence?

17 THE COURT: Well, when you testify if there's
18 some appropriate place for it you can offer it into
19 evidence and we'll see what happens. I have no opinion
20 as to whether it will go in or not.

21 MS. REGNAERT: Okay. And I have the
22 documents here from Department of Children and Family
23 saying that there was no, let's see, no current child
24 abuse or neglect concerns as they are all false, and I
25 also have a statement from the worker.

1 THE COURT: Okay. Let me go back to my
2 original premise. You have a right to ask him
3 questions about his testimony. You'll be able to
4 present whatever case you want to present when it's
5 time to do that, but now it's your chance to cross
6 examine him on what he had to testify about.

7 MS. REGNAERT: I don't think he can answer
8 any other questions. I mean I can answer all the
9 questions about my mortgages and - I guess I would like
10 to ask him -

11 **BY MS. REGNAERT:**

12 Q. I added up our income just over the past four
13 years, and then I subtracted our household expenses and
14 I came up with a figure, a surplus of \$266,940, and I
15 was just wondering where that went.

16 MR. MATISON: Your Honor, I'm going to object
17 to the form of the question without it, with, with -
18 there's no foundation for that.

19 THE COURT: Yeah. I don't know where that
20 comes from or if that's accurate. So if you want to
21 rephrase that in some way or show him some document
22 that indicates -

23 MS. REGNAERT: Yes. I have the, the W-2s
24 with our combined income because I did, I did always
25 work.

1 THE COURT: Well, there, there's net income
2 and there's gross income.

3 MS. REGNAERT: Yes. I subtracted the taxes
4 from our gross and then I took what was left over and
5 then I subtracted our household expenses, which he said
6 between \$6,000 and \$7,000, so I averaged it at \$6,500,
7 and then I just went down a little bit per year. So
8 that was the - I gave Mr. Matison a copy and I'd like
9 to give you a copy.

10 MR. MATISON: I -

11 MS. REGNAERT: I also have the W-2s.

12 MR. MATISON: I object to it, Your Honor.
13 There's still no foundation for it. I don't, I don't
14 know where she got the numbers and I don't understand
15 it. So I'm not -

16 THE COURT: Well -

17 MR. MATISON: - and there's also, it's also
18 replete with hearsay and argument in the bottom part of
19 this document. So there's multiple things in it -

20 THE COURT: I haven't seen anything and -

21 MR. MATISON: I understand, but I'm -

22 THE COURT: - whether it would be to the
23 degree you want to try to use this on your direct
24 testimony, that would be - you could try to do that.
25 But we're not going to do this on -

1 MS. REGNAERT: Okay.

2 THE COURT: To cross examine him on something
3 like this is not going to work. So I'm going to
4 sustain the objection for now. If you want to try to
5 put that in or use that in some way on direct, -

6 MS. REGNAERT: In my direct testimony?

7 THE COURT: - you can do that.

8 MS. REGNAERT: Okay.

9 THE COURT: All right?

10 MS. REGNAERT: Okay. That's all then.

11 THE COURT: Any redirect?

12 MR. MATISON: No, Your Honor.

13 THE COURT: All right. Dr. Regnaert, you can
14 step down.

15 DR. REGNAERT: Thank you, sir.

16 (Witness Excused)

17 THE COURT: All right.

18 Ms. Regnaert, are you prepared to go forward
19 now? I - It's a little awkward. You don't have an
20 attorney to question you. I guess you have documents.
21 I'm not sure how to - exactly -

22 MS. REGNAERT: Yes, I do.

23 THE COURT: - the way we're going to proceed.
24 Well, tell - Why don't we do this. Let me ask you a
25 couple questions.

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MS. REGNAERT: Okay.

THE COURT: Okay. You can have a seat.

DIRECT TESTIMONY OF SANDRA REGNAERT:

BY THE COURT:

Q. There currently is an order, there's currently a court order establishing joint - talking about your son first, establishing joint legal custody the two of you. The order doesn't establish a parent of primary residence. It established initially a parenting schedule which, as I understand, you then modified the mediation and then modified again to be a schedule that you followed for the past, I don't know, five or six months.

A. Two, two months, yes.

Q. And now apparently - at least Mr. Matison said you, you want - I'm not even sure what you wanted. Are you looking to change the custody, -

A. I wanted to limit, -

Q. - the custodial relationship?

A. - limit the overnights.

Q. Are you, are you looking to vary the joint legal custody determination?

A. It's up to you. I just wanted to limit the overnights.

Q. Well, it is up to me. I have to determine

1 what your position is.

2 A. Yeah, I'm sorry. I'm sorry.

3 Q. I mean right now it's, there's an order of
4 joint legal custody.

5 A. Right.

6 Q. Meaning you both have a say as to major
7 issues concerning the health, education, and welfare of
8 the child.

9 A. Right.

10 Q. The alternative is, is sole custody. You
11 would have sole custody and he would have no say in
12 that. Are you looking to change that current
13 situation?

14 A. I'd like to, yes. Yes, and I know -

15 Q. And what would be - you have to, you have
16 to -

17 A. Well, I - as to the information that I submitted
18 to you, and I'll give you another copy today as
19 evidence -

20 Q. You're not going - No, you're not going to
21 give me any copy. You're going to try to put something
22 into evidence and we'll see where it goes.

23 A. Okay, I'll put it into evidence.

24 Q. I'm not taking piles of paper. But you,
25 you've been in this situation for six or eight months.

1 Why is this now not satisfactory?

2 A. No, it was this way from the very beginning. This
3 is what I had discussed with Mr. Gabage, but for some
4 reason he didn't say anything initially. I gave him
5 all my information.

6 Q. Well, so it is unusual to have an order of
7 sole custody given what I understand this case to be.

8 A. Mmhmm.

9 Q. It would be extraordinary to take that
10 authority.

11 A. That's what I hear.

12 Q. Right. So you have to establish under the,
13 under the statute, essentially you'd have to establish
14 why Mr. Regnaert is unfit almost to have any custodial
15 role.

16 A. Well, it's primarily the week, during the school
17 week that I'd like to have him home so I can ensure
18 that he's in bed on time. I -

19 Q. There's custody and parenting time, they're
20 two different things.

21 A. Mmhmm.

22 Q. They're related, but different. Custody is,
23 as I've expressed, is who has, who's going to make
24 decisions about the child's health, education and
25 welfare.

1 A. Mmhmm.

2 Q. Right now you have a legal obligation to
3 consult to do that.

4 A. Yeah, that's fine.

5 Q. You're telling me that you want to eliminate
6 his role in that?

7 A. No. No, I would just like to change the parenting
8 time.

9 Q. And what is it that you're seeking to change?

10 A. The overnights.

11 Q. To be what?

12 A. Where he would spend time with him in the evening
13 and then come home during the week, and then maybe have
14 an overnight on the weekend.

15 Q. So right now, right now Dr. Regnaert has
16 three overnights.

17 A. Right.

18 Q. And as - And why is that a problem?

19 A. Like, like I said, I submitted the documentation.
20 I'll give it to you as evidence today, that he, Dr.
21 Regnaert pretends, I mean he's, he acts totally
22 different in public than he does at home, and I've got
23 evidence to, to support that. I also have like his
24 behavior chart, Jonas - he does, he's sort of like
25 ADHD. He's - you know, he's pretty hyper. For a while

1 there they had him going to the movement room before
2 school, and then they also had him sitting on a
3 deflated ball. So it's very important that he gets to
4 bed on time, and his diet is important. And one of the
5 biggest problems I've had with his father is he puts
6 him to bed late, and then that affects his behavior and
7 his, his grades in school, which that's, you know, in
8 my documentation. And then I also have a recent chart
9 from this past week how it affected him because he
10 stayed up late.

11 Q. So Mr. Regnaert has the child on Sunday
12 night, and what other night? Sunday -

13 A. Sunday night, Tuesday night, and Friday night.

14 Q. All right. So he has him Sunday night,
15 Tuesday night, and Friday night, so that - All right.
16 So that means he goes - So Monday and Wednesday are the
17 days he would go to school following visiting with his
18 father.

19 A. Yes.

20 Q. Friday - It would be Saturday, so it wouldn't
21 affect him on, -

22 A. Right -

23 Q. - on Saturday.

24 A. Right. It still affects my plans with him because
25 he'll be so tired in the afternoon that he's just un -

1 out of control. When he's tired he's out of control
2 and, you know, he doesn't listen at all and, you know,
3 at that point I just have to give him a nap.

4 Q. So what schedule are you requesting?

5 A. I'd like him to, like spend the evening with him
6 on Tuesday and then come back home, and then do like an
7 overnight on Friday. Or if we have special plans,
8 either one of us, where we can, you know, maybe change
9 Friday or Saturday. But then Sunday I would like him
10 to go to church with me.

11 Q. So you're proposing that Dr. Regnaert would
12 have, only he would have Jonas Tuesday after school
13 until the evening, and then overnight on Friday, and
14 that would be it.

15 A. Yes, sir. And then, you know, possibly like
16 Sunday - I've been taking him over there Sunday
17 afternoon so he can spend some extra time with him, you
18 know, like after church, after we go out to lunch, and
19 then I'd like him to come back home for bed.

20 Q. So you -

21 A. That's been working out pretty well between us.

22 Q. Well, except that he had - now has him three
23 overnights.

24 A. Right.

25 Q. And you want to eliminate basically

1 everything.

2 A. No. Just the, the nights that affect his school.

3 Q. Well, there's no other time left.

4 A. Yeah.

5 Q. All right. So that -

6 A. Well, just as far as sleeping over, but he would
7 spend, you know, hours with him, many hours with him,
8 spending time with him.

9 Q. But when would, when would he do that?

10 A. Tuesday evening and then other evenings. You
11 know, like he said, I started taking him to a class at
12 Airborne and he said he'd like to come and, and watch,
13 which he's, you know, welcome to do or even take him if
14 he wants, you know, take him to class. I mean he's
15 always welcomed to see him actually any evening. You
16 know, I'd just like to have him back home at bedtime.
17 And with him living right up the road it's pretty
18 convenient. You know, one of us drops off and the
19 other one picks up. I think as he gets older he maybe
20 could probably ride his bike up there. But I do have
21 this chart. This is just from this past week.

22 Q. What is this? What is it that -

23 A. This is from his teacher. She has a behavior
24 chart on him.

25 THE COURT: Well, let me do it this way.

1 T.J. could I have that, please?

2 I'll mark this for identification.

3 **BY THE WITNESS:**

4 A. So it would be Wednesday, -

5 THE COURT: Well, I'll mark this for
6 identification and we'll see where we go with this.

7 **BY THE WITNESS:**

8 A. - where he was affected. The three is the best,
9 Your Honor.

10 THE COURT: Well, I don't -

11 MR. MATISON: Your Honor, sorry. What, are
12 we marking this as an exhibit?

13 THE COURT: I'm marking this for
14 identification. I don't know what it is.

15 MR. MATISON: As D-1?

16 THE COURT: D-1.

17 **Exhibit D-1 Marked for Identification**

18 MR. MATISON: Your Honor, I don't believe
19 I've seen that yet.

20 MS. REGNAERT: It was in the package what I
21 gave to you just recently, but there's another copy.

22 MR. MATISON: Your Honor, I object to it as
23 it as being a hearsay document.

24 THE COURT: No, I don't know what it is.

25 **BY THE COURT:**

1 Q. Well, what is D-1?

2 A. It's his, his - like I said, his teacher, we have
3 one every week, she's keeping track of his behavior as
4 far as - mostly it pertains to his listening skills,
5 like him settling down. She has - I also submitted, I
6 have a letter from her where she says he has difficulty
7 settling down and, and focusing, and she says, you
8 know, that -

9 Q. Well -

10 A. - some days are worse than others. And I think a
11 lot of it depends on how much sleep he gets, and I've -
12 you know, I mean this is actually proof that he stayed
13 up late Tuesday night and then it affected him at
14 school on Wednesday.

15 THE COURT: Well, -

16 MR. MATISON: It -

17 THE COURT: - it's not. I don't, I don't -
18 Let me, let me have that back. I don't - Let me see
19 what it is. The problem is these are documents
20 produced by third parties who are not here to testify
21 or provide, -

22 MS. REGNAERT: Mmhmm.

23 THE COURT: - provide evidence. And so these
24 are what we call hearsay documents, -

25 MS. REGNAERT: Mmhmm.

1 THE COURT: - because they're provided, and
2 Mr. Matison doesn't have a chance to ask - First of
3 all, I don't know, I don't know what they mean. I mean
4 this is your interpretation of - I -

5 MS. REGNAERT: This is from his teacher.
6 She's the one that -

7 THE COURT: Well, I know, I know, -

8 MS. REGNAERT: - filled it out.

9 THE COURT: I know what you're telling me.
10 As I look at it -

11 MS. REGNAERT: Mmhmm.

12 THE COURT: I don't know what it means. I
13 mean you - They all have the same words, some have
14 orange lines through them, some have -

15 MS. REGNAERT: Yeah, those are the things
16 that she's grading him on right now.

17 THE COURT: Well, you see, I don't, I don't
18 even - Other than you telling me what you think this
19 means, I have no way of knowing what it means.

20 MS. REGNAERT: Mmhmm.

21 THE COURT: So I don't - And there's nothing
22 - That's the first problem. The second problem is that
23 you've reached a conclusion - First, there no evidence.
24 Secondly, I haven't heard any evidence about him going
25 to bed late. Beyond that I have no, I have no way of

1 concluding that if he did go to bed, go late, that
2 there's, this is, this is the causation of things that
3 you say occurred, which I don't know if they occurred.

4 MS. REGNAERT: Mmhmm.

5 THE COURT: So for that reason I will not
6 admit this into evidence.

7 MS. REGNAERT: Okay. I also -

8 THE COURT: Because I don't, I don't, I
9 don't, I have no idea -

10 MS. REGNAERT: The information that I gave to
11 you that included this that had an audio transcription
12 from what -

13 THE COURT: All right. Let me say again, -

14 MS. REGNAERT: Mmhmm.

15 THE COURT: - the documents you gave me I, I
16 have them, but they're not evidence. I've not - I
17 haven't looked at them.

18 MS. REGNAERT: Okay.

19 THE COURT: They have no meaning in this
20 proceeding unless you have some way of using them in a
21 way that conforms to the Rules of Evidence. So I don't
22 - If you have some other document you want to try to
23 use you can try to use it, but I can't just sort of go
24 through your documents and figure out what your case
25 is.

1 MS. REGNAERT: Mhmm. Well, I tried to
2 explain everything to you basically. And I also gave
3 you audio transcriptions, which I can give you another
4 one right now, which it's just proof that - how he
5 talks when nobody's around, how Todd talks when nobody
6 else is around.

7 THE COURT: It's an audio transcription of
8 what?

9 MS. REGNAERT: I'm sorry, it's him talking.

10 THE COURT: To who?

11 MS. REGNAERT: To himself for the most part,
12 and then me. Can I submit that as evidence?

13 THE COURT: So this isn't - Well, I'll mark
14 it for identification. I have a series of questions.
15 Let me have your document.

16 MS. REGNAERT: It's also in the papers that I
17 gave you.

18 THE COURT: You know, I don't know how many
19 times I need to say this -

20 MS. REGNAERT: I know, I'm sorry.

21 THE COURT: I am not considering the papers
22 you gave me.

23 MS. REGNAERT: Okay.

24 MR. MATISON: Your Honor, I would like to
25 have a copy of what she's submitting to the Court.

1 THE COURT: That's why I'm giving it to you.

2 MR. MATISON: Your Honor, I -

3 THE COURT: I'm sorry.

4 MR. MATISON: I, I -

5 THE COURT: I'm sorry.

6 (Background interruption)

7 THE COURT: I'm sorry. It's important. I
8 have to do a temporary restraining order. But let's
9 continue.

10 MR. MATISON: Your Honor, I have, I have the
11 following objection. I have never seen the original
12 mode of how - of, of what the defendant has purportedly
13 taped. I - So - And so I've never been able to compare
14 the original, what she sent to me via email is she
15 posts on YouTube some type of a conversation.

16 MS. REGNAERT: It's unlisted, Your Honor.

17 MR. MATISON: It's -

18 MS. REGNAERT: It's unlisted.

19 MR. MATISON: It's -

20 MS. REGNAERT: So only the person I'm sending
21 it to can hear it.

22 MR. MATISON: The date of this purported
23 conversation, there's no date on it. I don't have the
24 original device that she claims that she taped it, or
25 whatever she did with it. So there - And, and so