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1 WEDNESDAY, AUGUST 29, 2018

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

3 **THE COURT:** On the record. The Court is now calling line 1
4 on the 8:30 calendar, and line 1 on the nine o'clock calendar.
5 Court No. FPT-18-377425; Steven Russell and Tara Walsh.

6 Appearances, please, beginning with the Petitioner.

7 **MS. POOLE:** Good morning, Your Honor. Stacey Poole on
8 behalf of the Petitioner, Stephen Russell, who is present.

9 **MS. COURSON:** Good morning, Your Honor. Audrey Courson on
10 behalf of Tara Walsh, Respondent, who is also present.

11 **MS. GORDON:** Amanda Gordon on behalf of Tara Walsh,
12 Respondent, who is present.

13 **THE COURT:** Thank you. And I apologize again for the delay
14 in getting a start. Fortunately we were able to secure the
15 court reporter this morning.

16 The matter is on calendar for several issues. It's on
17 calendar for Petitioner's request for domestic violence
18 restraining order, and it's on for Respondent's request to
19 dismiss for lack of jurisdiction related to the parentage
20 action.

21 The Court did issue a tentative ruling on the parentage
22 action, and the related matters, including Petitioner's request
23 for custody and visitation following a judicial conference with
24 the judge in New York, Judge Gordon-Oliver. And at this time
25 the Court is going to adopt the tentative ruling in regard to
26 the parentage action and related motions and stay those
27 proceedings for the New York court to hold a factual hearing to
28 determine jurisdiction.

1 And, Ms. Courson, you said that you would do the findings
2 and orders after the hearing related to those matters.

3 **MS. COURSON:** Yes.

4 **THE COURT:** Thank you.

5 Turning now to the domestic violence restraining order
6 request. While we were off the record, the Court and counsel
7 had a conversation about several pretrial issues, and the Court
8 is now going to put that on the record.

9 First, the parties agreed to the admissibility of several
10 exhibits from both the Petitioner's list and Respondent's list.
11 Those exhibits were premarked as Petitioner's 1 through 8, and
12 at this time, do the parties stipulate that Petitioner's 1
13 through 8 may be admitted?

14 **MS. POOLE:** Yes.

15 **MS. COURSON:** Yes.

16 **THE COURT:** And in addition to that, the parties stipulated
17 to the admissibility of a document from Respondent's exhibit
18 list, and that document was marked for identification as
19 Respondent's A. At this time do the parties stipulate that
20 Respondent's A may be admitted? Ms. Poole, that's a text
21 message between Respondent and --

22 **MS. POOLE:** Yes.

23 **THE COURT:** Ms. Courson?

24 **MS. COURSON:** Yes.

25 **THE COURT:** Okay. Then Petitioner's 1 through 8 and
26 Respondent's A are hereby admitted.

27 (Petitioner's Exhibit 1 though 8 admitted into evidence.)

28 (Respondent's Exhibit A admitted into evidence.)

1 **THE COURT:** The Court ruled on motions *in limine* related to
2 Petitioner's witness list. The Court denied the motion to
3 exclude the testimony of Abrehet -- A-B-R-E-H-E-T -- Tedla --
4 T-E-D-L-A, Pat Williams, and Bryan -- B-R-Y-A-N -- Crutcher --
5 C-R-U-T-C-H-E-R. The Court tentatively granted the motion to
6 exclude the testimony of Ronan -- R-O-N-A-N -- Shlomo --
7 S-H-L-O-M-O.

8 Ms. Poole indicated that she does not intend to call
9 Mr. Shlomo, but if that changes I will request a new offer of
10 proof and rule on whether or not he may testify at that time.
11 The testimony of Ms. Tedla, Mr. Williams, and Mr. Crutcher will
12 be by live testimony. Their declarations are not admitted, but
13 may be used by either counsel for other purposes.

14 All right. I think I covered all of the issues that we
15 discussed off the record. Ms. Poole or Ms. Courson, did you
16 have anything to add?

17 **MS. POOLE:** No, Your Honor.

18 **MS. COURSON:** No, Your Honor.

19 **THE COURT:** Okay. Then we will begin the hearing on the
20 restraining order request. And we will first hear Petitioner's
21 case, and then I will hear Respondent's case and then rebuttal
22 evidence, if you wish. At this time anyone who is testifying
23 as a witness or may be testifying as a witness will need to
24 wait outside the courtroom.

25 Does either counsel have any witnesses in the courtroom?

26 **MS. POOLE:** No.

27 **THE COURT:** Ms. Courson?

28 **MS. COURSON:** Sorry. No, Your Honor.

1 **THE COURT:** Okay then. Ms. Poole, why don't you call your
2 first witness?

3 **MS. POOLE:** Petitioner calls Stephen Russell, the
4 Petitioner.

5 **THE COURT:** Mr. Russell, please come up to the witness
6 stand on my left.

7 **THE PETITIONER:** May I bring my notes?

8 **THE COURT:** You may but --

9 **MS. COURSON:** I would object that he brings notes up to the
10 witness stand with him.

11 **THE COURT:** Your testimony has to be through your
12 recollection and your notes may only be used, for example, to
13 refresh your recollection if you do not recall. So given the
14 objection, why don't you leave your notes at counsel table, and
15 if there's an issue that comes up, Ms. Poole will let me know.

16 **THE PETITIONER:** Okay.

17 **THE COURT:** Mr. Russell, please come up to the witness
18 stand. Before you have a seat, please remain standing and
19 raise your right hand.

20 **THE CLERK:** Do you solemnly state, under the penalty of
21 perjury, that the testimony you shall give in this matter shall
22 be the truth, the whole truth, and nothing but the truth?

23 **THE WITNESS:** I do.

24 **THE CLERK:** Can I have your name for the record?

25 **THE WITNESS:** Stephen Grant Russell.

26 **THE CLERK:** Thank you.

27 **THE COURT:** Mr. Russell, before we begin your testimony,
28 let me give you a -- you may have a seat. Let me give you a

1 few ground rules. We are making a record of the proceedings,
2 so only one person can talk at a time; therefore, please let
3 the attorney finish her question before you begin your answer.
4 And also, because we're making a record, all of your responses
5 must be out loud. Yes needs to be yes, and no needs to be no
6 because the court reporter cannot capture a nodding or shaking
7 of the head. And, finally, if either lawyer makes an
8 objection, please stop, let me rule on the objection, and I'll
9 let you know whether or not you can answer the question, okay?

10 **THE WITNESS:** Okay.

11 **THE COURT:** All right. Ms. Poole?

12 **DIRECT EXAMINATION OF MR. RUSSELL BY MS. POOLE:**

13 Q. Good morning, Mr. Russell.

14 A. Mr. Russell.

15 Q. Where do you currently reside?

16 A. 301 Mission Street in San Francisco.

17 Q. How long have you lived there?

18 A. Getting on three or four months now.

19 Q. And how old are you?

20 A. I'm 44.

21 Q. What's your relationship with the Respondent, Tara Walsh?

22 A. We have a daughter together.

23 Q. And how old is your daughter?

24 A. 7 months.

25 Q. And her name?

26 A. Evelyn Grace.

27 Q. And how long have you known Ms. Walsh?

28 A. We met, I believe, in May of 2016 or thereabouts. Began

1 dating in the end of 2016 early 2017. Actually, I think I'm
2 off by one year.

3 Q. So would you like to correct your testimony?

4 A. Yeah. Well, I'm trying to do the math back. I think it
5 might have been May 2015 or 2016. I apologize.

6 Q. Okay. And where was your daughter Evie (phonetic) born?

7 A. She was born in New York at Columbia Presbyterian.

8 Q. Were you present at her birth?

9 A. I was.

10 Q. Thereafter, did you and Ms. Walsh have discussions about
11 her -- strike that.

12 At that time was Ms. Walsh living in New York?

13 A. Ms. Walsh and I had an apartment in Brooklyn.

14 Q. And at some point did you discuss the two of you and Evie
15 moving to San Francisco?

16 A. We did.

17 Q. When was that?

18 A. Discussions probably began before Evie was born, but began
19 in earnest approximately two weeks -- one to two weeks after
20 Evie was born. She was born on January the 27th of this year.

21 Q. And at some point did Ms. Walsh agree to move to San
22 Francisco?

23 A. She did, yeah.

24 Q. And when was that?

25 A. Discussions really went on right up until just a couple
26 days before she decided to finally come. I think that was
27 probably first week in March.

28 Q. And what did you do to assist her in moving here?

1 A. Lots of different things. We bought a bunch of furniture
2 for the house --

3 **MS. COURSON:** Objection. Relevance. This isn't about the
4 jurisdiction question. Why is it relevance what he did to help
5 her move?

6 **MS. POOLE:** Your Honor, Ms. Walsh has stated in her
7 declaration that she was forced to come to San Francisco
8 against her will.

9 **THE COURT:** Okay. Overruled.

10 You may continue.

11 **THE WITNESS:** We did a number of things. One, Evie was
12 still pretty young at that point in time, we were concerned
13 about her traveling on a commercial aircraft, so we arranged
14 for private transportation. We secured medical care for both
15 Tara and Evie through a group called Private Medical. Private
16 Medical is a concierge private medical service in San Francisco
17 which you pay for the year, so we paid approximately \$45,000
18 for both Evie and Tara to get doctors here. We transferred our
19 mail here. We began looking for places to live. We put a bid
20 on a home in Presidio Heights -- a lovely house in Presidio
21 Heights. We did not get that offer. And then later, did a
22 year lease at the Millennium Tower.

23 **BY MS. POOLE:**

24 Q. And where did you first live when Ms. Walsh moved here?

25 A. At my mother's house. Sorry. This is in North Beach in
26 San Francisco.

27 Q. How long did you live there?

28 A. Not terribly long. I think it was about a month.

1 Q. And where did you move thereafter?

2 A. We moved to the Millennium Tower. We had put an offer on a
3 penthouse there. The penthouse was not ready yet, and we
4 wanted to do some decorations and buy furniture and things like
5 that, so we moved into a different apartment, 10G.

6 Q. In the Millennium Tower?

7 A. Uh-huh.

8 Q. So when did you move to your current residence?

9 A. Can I have some water?

10 **MS. POOLE:** Sure. Can I get some water for my client?

11 **THE COURT:** You may.

12 **THE WITNESS:** I don't have the dates in front of me, but
13 early April.

14 **BY MS. POOLE:**

15 Q. Of 2018?

16 A. Uh-huh.

17 Q. You moved into a different unit at the Millennium Tower?

18 A. Yeah. I have to look to see exactly how many weeks we
19 stayed in 10G. It wasn't the full month. The new apartment
20 was quite a bit nicer, and it was only delayed, I think, a week
21 or two.

22 Q. Did you involve Ms. Walsh in determining where you guys
23 would live?

24 A. Yes. We looked at places together and listings and, you
25 know, she visited the house we put an offer on and liked it
26 quite a bit, and told her friends and family about it.

27 **MS. COURSON:** Objection. Speculation.

28 **THE COURT:** Ms. Poole?

1 **MS. POOLE:** I don't believe there is anything speculative
2 in there. He told --

3 **MS. COURSON:** She told her friend about it assumes facts
4 not in evidence.

5 **THE COURT:** Let's clarify that.
6 Who told her family about it?

7 **THE WITNESS:** Tara. I observed -- was present for Tara
8 communicating with friends and family about the house. It was
9 a big event in our lives.

10 **THE COURT:** The speculative objection is overruled.

11 **BY MS. POOLE:**

12 Q. How would you describe your relationship with Ms. Walsh?

13 A. It's -- it has its ups and downs.

14 Q. And what do you believe to be the cause of the ups and
15 downs in your relationship?

16 A. At the core, I believe, is a family dynamic that's very
17 difficult for Tara, and a fairly tough upbringing with them.
18 As well as issues with mental illness and medication.

19 Q. Can you give some examples of how Tara's behavior affected
20 your relationship?

21 A. Tara and I had an on-again and off-again relationship that
22 was characterized by generally -- periods that generally ended
23 with a stormy or even violent outburst from Tara. The first
24 real significant step in our relationship, when Tara came out
25 to San Francisco for a longer period of time, ended with her
26 throwing a --

27 **MS. COURSON:** Objection. Calls for a narrative, Your
28 Honor.

1 **THE COURT:** Why don't you finish your sentence and then
2 I'll ask for the next question.

3 **THE WITNESS:** She threw a full bottle of wine at me,
4 hitting me in the chest.

5 **THE COURT:** Ms. Poole?

6 **BY MS. POOLE:**

7 Q. What was your response when she threw the bottle of wine at
8 you?

9 A. It hurt a lot. I was stunned and just mostly tried to
10 remain calm and not escalate the situation. It was, for me, I
11 thought a serious end to our relationship. And I -- you know,
12 I asked her to go back to New York.

13 Q. So this occurred in San Francisco?

14 A. This did, yeah.

15 Q. And was -- did Tara ever yell at you?

16 A. Often, for long periods of time.

17 Q. What was she yelling about?

18 A. Sometimes it wasn't anything in particular, but the general
19 themes had to do with things like our relationship persisting
20 or getting married. The -- my breaking up with her, you know,
21 in the year, or in the several months prior to when our
22 daughter was born, you know. After, you know, attempting to go
23 to New York and rekindle the relationship --

24 **MS. COURSON:** Nonresponsive, Your Honor. Asked and
25 answered.

26 **THE COURT:** Overruled. You may complete your answer.

27 **THE WITNESS:** Often it was just events of the day, and she
28 would, you know, begin at, you know, 10:00, 11:00 in the

1 morning with, you know, yelling in a one-sided manner, and it
2 wasn't uncommon for that to go on for several hours. Even as
3 long as, you know, five to eight hours.

4 **BY MS. POOLE:**

5 Q. At some point did you communicate your concerns about
6 Tara's behavior and wellbeing to her father?

7 A. I did. After an incident that happened in, I believe,
8 early May.

9 Q. What was that incident?

10 A. Tara thought that I had a gun and was, you know, chasing
11 her around the house or threatening her. She had told her
12 family this and friends, and one day she called me into the
13 bathroom and handed me the phone, and it was her mother. And
14 she had -- Tara had told her mother that she had a delusional
15 episode. Her mother said --

16 **MS. COURSON:** Objection. Hearsay.

17 **THE COURT:** Sustained.

18 **THE WITNESS:** Okay.

19 **THE COURT:** So next question, please.

20 **BY MS. POOLE:**

21 Q. Based on your conversation with her mother, did you attempt
22 to seek any help or treatment for Ms. Walsh?

23 A. Based on the conversation, I felt I had no other choice but
24 to contact Tara's doctor. And I was present while Tara spoke
25 to her doctor, and I was present while the doctor recommended a
26 person for Tara to see.

27 Q. And there should be a binder in front of you.

28 A. Uh-huh.

1 Q. Can you turn to tab 9, please?

2 A. This is Steven Walsh, Tara's father, and Russell texts.

3 Q. And --

4 **THE COURT:** Ms. Poole, hang on one second, please.

5 **MS. COURSON:** And I'll just object to the text messages
6 from her father being admitted. Those are hearsay, Your Honor.

7 **THE COURT:** Well, nothing is being offered in evidence yet.
8 But we should probably mark the documents for identification.

9 **THE CLERK:** This is going to be Petitioner's 9.

10 **THE COURT:** Okay. Well, that coincided well. The
11 documents -- looks like nine pages of text messages -- I guess
12 I should say screenshots of text messages. The first page has
13 a time marking of 12:10 p.m. This would be marked as
14 Petitioner's 9, and it's tab 9 in the binder.

15 Go ahead, Ms. Poole.

16 (Petitioner's Exhibit 9 marked for identification.)

17 **BY MS. POOLE:**

18 Q. Do you recognize this communication?

19 A. I do.

20 Q. And is it you communicating with another party?

21 A. They're text messages between myself and Tara's father,
22 Steve Walsh.

23 Q. And can you read what you texted him on May 15th at
24 approximately 12:57 p.m.?

25 A. "Tara's meds were recently changed by her doc, and she's
26 been having a very hard time since then. She is talking to
27 doc, but she is also in a very bad place. The nanny, myself,
28 and others here are just giving her space and hoping she calms

1 down. If you want/need to talk, please don't hesitate to reach
2 out."

3 Q. And you continued communication with her father, updating
4 him on Tara's behavior, correct?

5 A. Correct.

6 Q. Okay. And did he seem concerned about Tara's behavior?

7 **MS. COURSON:** Objection. Calls for speculation.

8 **THE COURT:** Overruled. The witness can testify as to his
9 understanding.

10 **THE WITNESS:** I felt he was seriously concerned.

11 **BY MS. POOLE:**

12 Q. What other types of information did you relay to him?

13 A. In text message or verbally?

14 Q. Start with -- in these text messages?

15 A. In text messages -- would you like me to read the next text
16 messages?

17 Q. Yes, please.

18 A. "Tara just dropped the baby on the floor."

19 Next day, "Was going to give you a quick update. Call any
20 time."

21 Later, "Please call me when you can."

22 Q. And -- sorry. Go ahead.

23 A. "Letting you guys know that Tara has been having ups and
24 downs. Jessie (phonetic) is here, and I think it would be a
25 good idea for you to touch base with him too. Right now she
26 still plans to come back, but she has changed her mind several
27 times. I'll keep you guys posted. Evie is happy and doing
28 great with the nanny."

1 Q. Did you also have verbal communication with Tara's father?

2 A. Often.

3 Q. And what did you communicate to her father, verbally?

4 A. I asked him or Tara's mom to come to San Francisco.

5 Q. And did they ever come to San Francisco?

6 A. They did not.

7 Q. Okay. On June 4, 2018 did you file a petition to establish
8 parentage of Evie?

9 A. I think that's the right date, yes.

10 Q. And why did you file this petition?

11 A. There were events that day that led me to think it was the
12 only thing I could do to protect my daughter.

13 Q. What were the events that day?

14 A. After going back and forth about whether or not Tara would
15 go to New York City, I felt we had come to a good place where
16 that was not going to happen. And had, I believe, a draft
17 agreement in place at that time relating to Tara's treatment
18 and other issues. I received a call that Tara had gotten in a
19 taxi and was headed to the airport, and I made two phone calls;
20 one was to Tara's father, and the other was to you.

21 And as a result of that, we filed an emergency order along
22 with an included order to, you know, attempt to keep Tara and
23 Evie in San Francisco and have a mediation. The --

24 **MS. COURSON:** Objection. Nonresponsive.

25 **THE COURT:** Sustained. Next question, please.

26 **BY MS. POOLE:**

27 Q. You're referring to a summons that states that once the
28 parentage action is filed or served, that a parent cannot

1 remove a child from the state, correct?

2 A. Correct.

3 Q. What was Ms. Walsh's reaction when she was served with the
4 petition?

5 A. It was --

6 **MS. COURSON:** Lacks foundation.

7 **MS. POOLE:** Strike that.

8 **BY MS. POOLE:**

9 Q. Were you present when Ms. Walsh was served with the
10 petition?

11 A. I was.

12 Q. What was her reaction?

13 A. Tara was angry.

14 Q. Did you and Ms. Walsh later have a discussion about the
15 status of your relationship?

16 A. We had several discussions.

17 Q. And at one point did Ms. Walsh ask your permission to take
18 Evie to New York?

19 A. She did, though I would say it's more accurate to say we
20 attempted to outline an agreement around a temporary vacation
21 with her to visit her parents.

22 Q. When did you guys come up with that agreement?

23 A. I'd have to look at the dates or emails to see, but very
24 shortly after.

25 Q. Shortly after the parentage action was filed?

26 A. Uh-huh.

27 Q. Okay. What were the conditions of your agreement?

28 A. Without it being in front of me, I can give you just the

1 broad brushstrokes. One, Tara was to go to her parents' and be
2 with her parents at their home in Chappaqua. Two, she was to
3 come back to San Francisco in two to three weeks. And three,
4 she and her parents were going to try to help Tara.

5 Q. Help her how?

6 A. Let her -- spend time with her, and talk about, you know,
7 the recent medical diagnosis. Talk about -- talk with Tara's
8 doctors about what might be right for her, as well as just
9 create some peace and space in our relationship.

10 Q. Can you turn to tab 8 in the binder in front of you?

11 **THE COURT:** Let's mark that for identification as well.

12 This appears to be a one-page email document; is that correct?

13 **MS. POOLE:** Yes.

14 **THE COURT:** Between or -- from Mr. Russell. I think at the
15 top of the document -- it appears to be an email that was
16 forwarded by Mr. Russell to Ms. Poole on June 8th -- sorry.

17 June 9, 2018. That will be marked for identification as

18 Petitioner's 10 and is at tab 8 of Petitioner's binder.

19 (Petitioner's Exhibit 10 marked for identification.)

20 **BY MS. POOLE:**

21 Q. Do you recognize this document?

22 A. I do.

23 Q. What is it?

24 A. It's the final agreement relating to Tara's trip to see her
25 parents in Chappaqua.

26 Q. What was Mr. Walsh's response?

27 A. "Works for us. I appreciate your flexibility Steve."

28 Q. And did Tara also verbally agree to these conditions?

1 A. She did.

2 Q. Did Ms. Walsh ask you to come to New York for Father's Day,
3 2018?

4 A. She did.

5 Q. Okay. And can you turn to tab 17 in the binder?

6 **THE COURT:** Okay. We'll mark this for identification as
7 Petitioner's 11.

8 (Petitioner's Exhibit 11 marked for identification.)

9 **THE COURT:** Tab 17 is a one-page document with three text
10 messages with the time stamp of 4:47 p.m. That's marked for
11 identification as Petitioner's 11.

12 **BY MS. POOLE:**

13 Q. Mr. Russell, do you recognize these text messages?

14 A. Yes.

15 Q. And what are they?

16 A. These are text messages between myself and Tara Walsh.

17 Q. Okay. And in the third screenshot of the text messages, at
18 the bottom, is that where Tara asked you to come to New York
19 for Father's Day?

20 A. It is.

21 Q. Okay. If you could turn to tab 10.

22 **THE COURT:** We'll mark for identification as Petitioner's
23 12. It's a one-page document under tab 10, which is an image
24 of a text message. The top of the document has the number "63"
25 and "Walsh."

26 (Petitioner's Exhibit 12 marked for identification.)

27 **BY MS. POOLE:**

28 Q. Do you recognize this document?

1 A. I do.

2 Q. What is it?

3 A. These are another text message between myself and Tara
4 Walsh.

5 Q. Can you read the top text message from Tara to you?

6 A. "Well, I won't give any statement until you allow me to
7 return to our home and be a normal human being and start my DBT
8 therapy. It will take me two hours from here to get there.
9 Aren't you exhausted from this because I am? We both have
10 other stuff to do. I'd rather be doing things with Evie."

11 Q. When was this text message sent to you approximately?

12 A. I don't know an exact date.

13 Q. Was it while she was living -- after she returned to New
14 York?

15 A. Yes.

16 Q. Okay. After Ms. Walsh had returned to New York, did the
17 two of you have a discussion about a wedding you had invited
18 her to?

19 A. I did.

20 Q. And was Ms. Walsh upset that she could not return for that
21 June 30th wedding?

22 A. She was.

23 Q. And did you uninvite her to the wedding?

24 A. I don't remember the exact conversation, but we did not end
25 up going together.

26 Q. Okay. Did you and Ms. Walsh hire a nanny?

27 A. We did.

28 Q. Who is that?

1 A. Abby Telda -- T-E-L-D-A [sic].

2 Q. How many hours was Abby employed by the two of you?

3 A. She was initially employed to be a night nanny, and the
4 hours were just in the evening hours, initially. And then
5 later, it extended.

6 Q. Was she living at the residence?

7 A. She was.

8 Q. And who did Abby take direction from?

9 A. Both Tara and myself.

10 Q. Why was Abby hired?

11 A. Tara's medication prevents her from staying up at night,
12 and it was something designed to help Tara and I.

13 Q. At any point did Ms. Walsh request that you fire Abby?

14 A. She did. Actually, that's technically -- at one point --
15 yes, that's true, and she also fired the nanny.

16 **MS. COURSON:** Objection. Lacks foundation.

17 **THE COURT:** Would you like to lay a foundation, Ms. Poole?

18 **MS. POOLE:** Sure.

19 **BY MS. POOLE:**

20 Q. At -- was Abby's employment ever terminated?

21 A. It was.

22 Q. And were you the party who terminated her employment?

23 A. I was not.

24 Q. Okay. Do you know who did?

25 A. I do.

26 Q. Who was that?

27 A. Tara Walsh.

28 Q. Do you know why?

1 A. I know the reasons Tara expressed to me.

2 Q. What was that?

3 A. The primary reason was that Tara didn't trust Abby anymore.

4 Q. Ms. Walsh has filed a temporary restraining order against
5 you in Westchester County, correct?

6 A. Correct.

7 Q. And have you ever physically hit or struck Ms. Walsh?

8 A. Never.

9 Q. Have you ever threatened her with physical harm?

10 A. Never.

11 Q. Were the police ever summoned to your residence?

12 A. No.

13 Q. Ms. Walsh states -- has stated in declarations that she was
14 required to come to San Francisco in March because you had cut
15 off all of her financial support.

16 Who paid for her apartment in Brooklyn?

17 A. I did.

18 Q. Was that prepaid by you?

19 A. I prepaid for the apartment for one year.

20 Q. How much was that?

21 A. I believe it was roughly \$2,600 a month, maybe a little
22 more than that.

23 Q. You previously testified as to an incident when Ms. Walsh
24 threw a bottle of wine at you. Were there any other acts in
25 which she acted abusive towards you?

26 A. Many.

27 Q. Can you just --

28 **MS. COURSON:** Leading question, Your Honor.

1 **THE COURT:** Overruled.

2 **MS. COURSON:** Calls for a legal conclusion as well.

3 **THE COURT:** I don't think it does. But, Ms. Poole, watch
4 the form of the question, okay? All right, please continue.

5 **BY MS. POOLE:**

6 Q. In addition to the incident where she threw the bottle of
7 wine at you, what other acts did she do that you would describe
8 as abusive?

9 A. The most recent was Tara admitting to putting drugs -- her
10 medication, without my knowledge, into my wine, and telling me
11 that she had been doing that for some time. And my recognizing
12 that it had likely been going on fairly consistently since
13 early 2017.

14 Q. Did Ms. Walsh ever threaten to take Evie away from you?

15 A. She did.

16 Q. Approximately how many times?

17 A. Many times.

18 Q. Were there any other acts that you'd describe as physical
19 abuse or violence towards you?

20 A. Tara was only directly physically violent with me in the
21 incident where she threw the wine bottle. She was indirectly
22 physically violent in an incident I believe in mid March, when
23 she broke some devices at the house.

24 Q. What type of devices?

25 A. My iPad, my phone, other mobile device.

26 Q. And how did you learn that Ms. Walsh had put her
27 prescription medication in your drink?

28 A. Abby came to me and said she needed to have a talk with me.

1 **MS. COURSON:** Objection. Hearsay.

2 **THE COURT:** Overruled.

3 You may continue.

4 **THE WITNESS:** Abby then said two things: One, that Tara
5 would -- had put some something in my wine.

6 **MS. COURSON:** Objection. Hearsay.

7 **THE COURT:** Is this being offered for the truth of the
8 matter asserted or how Mr. Russell came to know?

9 **MS. POOLE:** The question was: How did he -- the question
10 was: How did he learn prescription medication was put in his
11 drink?

12 **THE COURT:** The answer will be admitted for non-hearsay
13 purpose.

14 **THE WITNESS:** Abby said that Tara had put something in my
15 drink and had asked her to lie to social services.

16 **THE COURT:** Let me pause you there for the next question.

17 **BY MS. POOLE:**

18 Q. Approximately when did Abby tell you about this?

19 A. I'd have to look at the dates from the exhibit to see the
20 exact date, but, again, very -- in a relatively dense period
21 before Tara going to New York.

22 Q. Do you believe that the prescription medication being put
23 in your alcoholic drink affected you?

24 A. Absolutely.

25 Q. How so?

26 A. In complicated ways. The admitted drug was Seroquel, so
27 I'll start with that, though I think there were other drugs.
28 Seroquel is an antipsychotic --

1 MS. COURSON: Nonresponsive.

2 THE COURT: Sustained.

3 Would you repeat the question? And, Mr. Russell, I'm going
4 to ask you to only answer the question that's being asked of
5 you.

6 THE WITNESS: Okay.

7 BY MS. POOLE:

8 Q. The question was: How do you believe that the prescription
9 medication affected you?

10 A. The medication directly made me very tired, and I could
11 pass out from it. It indirectly made me very panicked, not
12 knowing why I felt drugged. It also indirectly gave withdrawal
13 symptoms.

14 Q. And are you aware of the specific -- strike that.

15 Did you ever seek medical attention because you believed
16 you'd been drugged?

17 A. Many times.

18 Q. And did you obtain an emergency protective order from the
19 police on this issue?

20 A. I did.

21 Q. Okay. And that was granted?

22 A. Yes.

23 Q. And you filed for a temporary restraining order with this
24 Court, correct?

25 A. Correct.

26 Q. And do you remain concerned about your safety with regard
27 to Ms. Walsh?

28 A. I do.

1 Q. And why did you file this restraining order?

2 A. Mostly, I was hoping for this chapter of my life to pass
3 and not have any more things like this happen to me.

4 Q. And did you file this restraining order in retaliation for
5 the fact that Ms. Walsh had filed one in New York?

6 A. No.

7 Q. And you currently have security and staff at your
8 residence, correct?

9 A. I do.

10 Q. Are they there 24 hours?

11 A. They are.

12 Q. Did Ms. Walsh ever complain to you about their presence?

13 A. She did.

14 Q. And what were her complaints?

15 A. She didn't like them coming up into the apartment.

16 Q. And they also provide concierge-type services for you as
17 well, correct?

18 A. They provide cleaning, cheffing, driving, for a while they
19 also managed our nanny, Abby.

20 Q. And did Ms. Walsh take advantage of those services?

21 A. She did.

22 Q. Okay. And did you ever instruct the security detail to be
23 untruthful about anything related to this litigation?

24 A. No.

25 Q. You ever been diagnosed with any mental illness?

26 A. No.

27 Q. Are you requesting that this Court issue a permanent
28 restraining order in this case?

1 A. I am.

2 Q. And for how long would you like that restraining order to
3 be in effect?

4 A. I would like it to be at least in effect until Tara
5 finishes her treatment and is given a clean bill of health.

6 Q. In terms of duration, specifically, in months or years, how
7 long would you like the restraining order to be in effect?

8 A. I was told the process would take one to two years, and
9 that's what I would like the restraining order to be in place
10 for.

11 Q. Okay.

12 **MS. POOLE:** Nothing further at this time, Your Honor.

13 **THE COURT:** Very well. Ms. Courson or Ms. Gordon?

14 **CROSS-EXAMINATION OF MR. RUSSELL BY MS. COURSON:**

15 Q. Mr. Walsh [sic], isn't it true that you were disappointed
16 when Tara told you she was pregnant?

17 A. Mr. Russell.

18 Q. Excuse me. I apologize. Mr. Russell?

19 A. I didn't believe she was pregnant.

20 Q. Why didn't you believe she was pregnant?

21 A. She had -- I believe she faked the pregnancy on two
22 previous occasions.

23 Q. When she confirmed that she was pregnant with your now
24 daughter Evie, isn't it true that you were disappointed that
25 she was pregnant?

26 A. Not true that I was only disappointed, and it's probably
27 not true that I was disappointed.

28 Q. Isn't it true that you sent her text messages that she

1 shouldn't keep the baby?

2 A. Probably. I'd have to look at the context of it. There
3 were a lot of ups and downs in our conversations around that
4 time.

5 Q. Why didn't you agree to have Evie take your last name?

6 **MS. POOLE:** Objection. Relevance.

7 **THE COURT:** Hang on one second.

8 Ms. Courson?

9 **MS. COURSON:** Your Honor, I'm trying to establish the
10 foundation of their relationship and the history of the
11 conflict and abuse.

12 **THE COURT:** I'll give you some latitude.

13 You can answer the question.

14 **THE WITNESS:** Tara and her sister, on my trip there, were
15 engaging in a number of items -- a number of things designed to
16 keep me separated from Evie. Among them --

17 **BY MS. COURSON:**

18 Q. Nonresponsive. I asked you why you didn't want Evie to
19 take your last name.

20 A. It was one of the things that Tara asked for on that trip,
21 and I just agreed to it.

22 Q. Do you believe that you have security threats against you?

23 A. Well, not anymore.

24 Q. So you did believe at one time that you had security
25 threats against you?

26 A. I did have security threats against me.

27 Q. Can you describe what those threats were?

28 A. Most recently, there was a security person who has turned

1 out to be con man, who is now under investigation by the FBI.

2 Q. But that -- so that was the security threat?

3 A. The gentleman -- I don't know how much it's important to go
4 into the active case, but he is a threatening person.

5 Q. This was a security guard you hired?

6 A. This was an individual that I hired.

7 Q. Why did you hire him initially?

8 A. A device was found at my home in December of 2017. The
9 images in that device are also currently with the FBI.

10 Q. So after you found a device in December 2017, you hired
11 security?

12 A. I actually hired a driver who was a retired, or -- rotating
13 driver I should say. I had a 24-hour driver that consisted of,
14 for the most part, not exclusively, retired police officers.

15 And I did that, maybe --

16 Q. So this driver was supposed to be your security?

17 A. He was both security and a driver, yeah.

18 Q. And you felt you needed security because why?

19 A. Over the course of -- the primary reason was over the
20 course of that year, I felt like I was being drugged on five,
21 six, seven occasions.

22 Q. I thought you just said it was because something related to
23 your company?

24 A. You asked if I -- we're going backwards in time, and --

25 Q. Yeah. I ask you why you hired security personnel?

26 A. In November, when I had the first security people I hired,
27 I hired because I had felt like I was being drugged. And I
28 erroneously, or partially attributed that to a security issue

1 at my company a year earlier that is not related to this at
2 all.

3 Q. So you thought being drugged was related to a security
4 issue at your company?

5 A. I didn't know why I was feeling like I was being drugged
6 and --

7 Q. How did that relate to your company?

8 A. It was a false explanation for a series of events I didn't
9 understand.

10 Q. Isn't it true that you believed Russian agents are spying
11 on you?

12 A. I do not believe Russian agents are spying on me.

13 Q. Can you turn to -- do you have a binder in front of you, a
14 white binder?

15 A. I do, yeah.

16 **THE COURT:** There's only one binder. It's Petitioner's
17 binder.

18 **MS. COURSON:** Your Honor, may I approach?

19 **THE COURT:** You may.

20 **THE WITNESS:** Is this different from this one? Okay.
21 Where would you like me to turn?

22 **BY MS. COURSON:**

23 Q. Can you turn to tab 8, please?

24 **THE COURT:** Okay. Let's mark it.

25 **MS. COURSON:** Can you turn to "Walsh 0081."

26 **THE COURT:** Ms. Courson?

27 **MS. COURSON:** Yes.

28 **THE COURT:** What number is this on your exhibit list?

1 **THE CLERK:** It's tab 8, Your Honor.

2 **MS. COURSON:** This is --

3 **THE COURT:** It doesn't appear to correspond to an exhibit
4 list.

5 **MS. COURSON:** Sorry. It does not correspond to the exhibit
6 list, Your Honor.

7 **THE COURT:** Okay.

8 **MS. COURSON:** These are the pictures of -- if you look
9 to --

10 **THE COURT:** Why don't you give me a brief description?
11 We're going to mark the documents, all of them.

12 **MS. COURSON:** Just the first one, 0081.

13 **THE COURT:** Okay. The first we're going to mark as
14 Respondent's B, as in boy, a one-page document which is a color
15 image, and I guess we'll identify it by the notation on the
16 bottom right corner, "Walsh 0081."

17 (Respondent's Exhibit B marked for identification.)

18 **THE COURT:** Please continue.

19 **BY MS. COURSON:**

20 Q. Is this a picture of you?

21 A. It is.

22 Q. Does this accurately depict you?

23 A. It's a picture of me.

24 Q. What are you doing here? Can you describe what you're
25 doing?

26 A. I'm probably doing -- I guess I don't know what I'm doing
27 in that picture.

28 Q. You have no idea what you're doing?

1 A. I can guess.

2 Q. You appear to be looking at something with a flashlight?

3 A. Yeah. Pretty typical during this period.

4 Q. What's typical?

5 A. During the period which I now know that I was being
6 drugged, I attributed that feeling to an earlier security event
7 at my company. I then spent time looking for evidence of some
8 connection to that earlier thing, that I now know is not
9 connected. This is not the least of the things that I did
10 panicked or not knowing --

11 Q. Just to clarify, you thought you were being drugged because
12 of a breach at your security company --

13 A. And I know --

14 Q. -- and because of that, you proceeded to do things like
15 take a flashlight to certain devices?

16 A. I thought I was being drugged because I felt the effects of
17 drugs.

18 Q. Can you describe what you mean by that?

19 A. There are three different drugs, I think, that were given
20 to me. The first, your client admitted to which is Seroquel,
21 and the sensation feels like being knocked out. It's like
22 needing to go to sleep right away.

23 Q. So that would force you to do things like look for spying
24 devices?

25 A. No. The panic or concern, about not knowing why you felt
26 drugged or making an erroneous conclusion about who is drugging
27 you would and did.

28 Q. Do you have any prescriptions for any medication?

1 A. I do.

2 Q. What are those?

3 A. Ambien and Adderall.

4 Q. Do you take Ambien on a regular basis?

5 A. I've taken Ambien, roughly, nightly for perhaps 10 to 15
6 years.

7 Q. Why do you take Ambien?

8 A. To help me sleep.

9 Q. Why do you have a prescription for Adderall?

10 A. After Stanford, I was diagnosed with ADHD, and I was given
11 a prescription by a Dr. Allen Brown in Palo Alto, and I have
12 taken it largely consistently since --

13 Q. Were you aware that Tara had a prescription to Adderall?

14 A. When I met Tara she had a 90 milligram a day prescription,
15 I believe.

16 Q. Did you ever ask Tara for her Adderall?

17 A. On occasion.

18 Q. Did you ever take it without her knowledge?

19 A. No.

20 Q. Can you turn to -- sorry. We're on tab 8. If you can just
21 flip to the next page, "Walsh 0082"?

22 **THE COURT:** All right. This will be marked for
23 identification as Respondent's C, as in cat, and it is also a
24 one-page color image.

25 (Respondent's Exhibit C marked for identification.)

26 **MS. COURSON:** 0082.

27 **THE COURT:** Okay. Marking on the bottom right corner,
28 Walsh 0082. It's a one-page color image.

1 **BY MS. COURSON:**

2 Q. Does this accurately depict you, Mr. Russell?

3 A. It's a picture of me.

4 Q. What are you doing here?

5 A. I'm attempting to test if my pills are radioactive.

6 Q. What pills are these?

7 A. These are my Adderall pills.

8 Q. Why would you attempt to test if you have radioactive
9 Adderall pills?

10 A. The primary reason was that I had got a set of sensors for
11 my iPhone that plug in and test things like UV light and
12 infrared light, so I had the gizmos handy. The second is I,
13 like on many other occasions, thought I had been drugged, and
14 this time I erroneously attributed it to someone had messed
15 with my pills.

16 Q. And you believe Tara drugged you?

17 A. Tara admitted to me to drugging me, and it -- I didn't
18 suspect it until she admitted it.

19 Q. So you believe Tara put Seroquel in your wine on two
20 occasions caused you to do things like test your Adderall for
21 radioactivity?

22 A. I'm certain Tara gave me more than just Seroquel and did so
23 on dozens of occasions.

24 Q. Were you present on Evie's birth?

25 A. I was.

26 Q. What did you do following her birth? Where did you stay?

27 A. The first night I stayed at our apartment in Brooklyn.

28 Q. Your apartment, or Tara's apartment?

1 A. I'd always considered it our apartment. The lease is in
2 Tara's name.

3 Q. Isn't it true that you left the hospital and went to that
4 apartment and started tearing it apart looking for spying
5 devices?

6 A. That is not an accurate description of what happened.

7 Q. Isn't it true that Tara could not go home from the hospital
8 because you had destroyed the apartment so bad?

9 A. That is also not true.

10 Q. Did you ever go to the emergency room because you thought
11 you were poisoned?

12 A. I never went to the emergency room because I thought I was
13 poisoned. I went to the emergency room because I felt drugged,
14 and I didn't understand --

15 Q. And, again, you're blaming Tara for this feeling you're
16 having?

17 A. Your client admitted to drugging me and her explanation --

18 Q. Nonresponsive.

19 A. Yes. I'm certain she drugged me on multiple occasions.

20 Q. Can you turn to Walsh 0087, please?

21 A. Where do I turn?

22 Q. Same tab, Walsh 0087?

23 **THE COURT:** Hold on one second.

24 **BY MS. COURSON:**

25 Q. Does this --

26 **THE COURT:** Hold on one second.

27 **THE WITNESS:** I don't know where you are.

28 **THE COURT:** Under the same tab, the page numbers are on the

1 bottom right, and the one-page color image, with identifier
2 bottom right corner of Walsh 0087, will be marked for
3 identification as Respondent's D, as in David.

4 (Respondent's Exhibit D marked for identification.)

5 **BY MS. COURSON:**

6 Q. Does this accurately depict you?

7 A. It's a picture of me.

8 Q. Where were you here?

9 A. The emergency room.

10 Q. Do you recall the date?

11 A. It says April 7, 2018, and I believe that's correct.

12 Q. Why did you go to the emergency room?

13 A. I became red and flushed, and, again, didn't understand
14 what was going on. Upon arriving, I concluded I had been given
15 niacin and recognized that from previous times I'd taken that
16 supplement.

17 Q. So you didn't go to the ER because you thought you had been
18 poisoned by Russian agents?

19 A. No. I went to the ER because my face started turning
20 bright red with a flush like one gets taking niacin, and I
21 didn't take any niacin, so I didn't understand why that had
22 happened.

23 Q. Can you turn to 0085, please?

24 **THE COURT:** Let's mark that one as well. It's a --

25 **MS. COURSON:** Does this -- I apologize, Your Honor.

26 **THE COURT:** -- one-page color image with identifier "Walsh
27 0085," will be marked for identification as Respondent's E.

28 (Respondent's Exhibit E marked for identification.)

1 **BY MS. COURSON:**

2 Q. Does this accurately depict you?

3 A. It's not the most flattering picture, but yes.

4 Q. What are you wearing in this picture?

5 A. That is an EMF protective hoodie.

6 Q. Can you describe what -- excuse me. What does EMF stand
7 for?

8 A. Electromagnetic force.

9 Q. What is an EMF hoodie?

10 A. It's designed to -- it's an -- it's a non-useful item one
11 should say, but it's designed to protect you from things like
12 WiFi signals or your cell phone.

13 Q. Why were you wearing that?

14 A. I erroneously attributed my sensation of being drugged,
15 or -- that's not actually accurate. I was running an
16 experiment to see if the sensation I was feeling was because of
17 proximity to electromagnetic frequency.

18 Q. Can you elaborate? What do you mean by that?

19 A. I didn't know I was being drugged. I didn't know what that
20 feeling was, and I began a systemic checklist to cross off
21 items that it could be. One of those turned out not to be was
22 that I had a sensitivity to EMF. In retrospect it seems silly,
23 but I was desperate to understand what was happening to me.

24 Q. And you believe you -- you started feeling these
25 sensations -- when was this?

26 A. On -- around, you know -- early 2017 was the first time I
27 went to the doctor feeling like I was drugged, and the first
28 time tests were performed which showed I was.

1 Q. And what did those tests show?

2 A. The tests showed I had something on the order of 10x the
3 reference range of lithium in my system.

4 **THE COURT:** Sorry. Can --

5 **BY MS. COURSON:**

6 Q. And that was the first --

7 **THE COURT:** Just to clarify the response, Tenex the drug
8 or --

9 **THE WITNESS:** I'm sorry. Ten times the test's declared
10 reference rage for lithium.

11 **THE COURT:** Thank you for the clarification.

12 Ms. Courson?

13 **BY MS. COURSON:**

14 Q. So this was -- the first time that you felt weird was when
15 you went to the doctor, and then, apparently had tests done
16 that showed you were -- had high levels of lithium in your
17 blood?

18 A. It's been a while, so I don't remember exactly. But around
19 that time is the first point that I was really alarmed enough
20 to try to go get medical tests relating to toxicology.

21 Q. Lithium toxicology?

22 A. Well, I had also previous to this, that was done, I had
23 gotten a test for Borrelia, Babesia after a tick bite I got in
24 Nantucket, and so I went back to the same doctor that had done
25 those tests in December-ish timeframe, 2016. And I got a
26 series of other tests for, amongst other things, lithium in my
27 system.

28 **THE COURT:** Ms. Courson, I'd like to give the staff a short

1 break, so can we take a 10 minute-recess and come back and
2 resume?

3 **MS. COURSON:** Sure.

4 **THE COURT:** Mr. Russell, you may step down during the
5 break.

6 We'll clear the courtroom briefly and resume at 11:25.

7 (A brief pause was taken off the record.)

8 **THE COURT:** Back on record. Court No. FPT-18-377425;
9 Stephen Russell and Tara Walsh. Both parties are present with
10 their attorneys. Mr. Russell is still on the witness stand.

11 Mr. Russell, I'll remind you you're still under oath, and
12 we'll continue with cross-examination by Ms. Courson.

13 **BY MS. COURSON:**

14 Q. Mr. Russell, earlier you testified that you were tested --
15 you had a blood test done, and that it showed ten times the
16 amount of lithium that should have been in your blood; is that
17 correct?

18 A. I believe 10X is the right number. It might have been 5X.

19 Q. And that was in early 2017?

20 A. The test was done in March 2017, I believe.

21 Q. That's a pretty serious thing, wouldn't you say?

22 A. I think the whole situation was very serious, yes.

23 Q. Did you ever go back for further testing?

24 A. I did.

25 Q. When?

26 A. Over the course of 2017, I was tested each time I would go
27 to the emergency room. And then later on two occasions, my
28 primary care physician, Ron Strauss, ordered a larger panel of

1 tests.

2 Q. So when you realized, or -- when these tests came back that
3 you had all this lithium in your blood, did you do anything to
4 investigate?

5 A. Well, it was the -- there's two answers. One, yes; with my
6 doctors, we continued to try to find an explanation why that
7 was, and other than taking lithium, there was no environmental
8 explanation for that level.

9 Q. So they said you must be ingesting lithium somehow?

10 A. They did. And I approached Tara, and I asked her if she
11 had any prescription for lithium and if it might have
12 accidentally been given to me. And she said she did not. And
13 I asked her if she had access to lithium, and she said she did
14 not.

15 Q. Nonresponsive. Thank you.

16 Have you ever taken Seroquel willingly?

17 A. I did.

18 Q. When?

19 A. Tara would call it her sleeping pill, and at night before
20 bed on some occasions, if I didn't have my Ambien with me, Tara
21 would give me her sleeping pill.

22 Q. So you willingly took Seroquel?

23 A. I did.

24 Q. Were you and Tara living together at any point in 2017?

25 A. I'd have to go look at the exact dates that Tara flew back
26 in early 2017 to New York. I believe so, in San Francisco very
27 early in the year, but I'm not certain. And then, briefly --
28 then twice, briefly, in 2017 at the Brooklyn apartment.

1 Q. Isn't it true that she was in New York most of 2017, and
2 you were in San Francisco?

3 A. That is true.

4 Q. So isn't it true Tara would not have the opportunity to
5 allegedly drug you, because you weren't living together?

6 A. Tara was with me in the time directly -- during the time I
7 felt effects like that, of lithium, and the tests --

8 Q. I thought you felt effects all throughout 2017 though?

9 A. I felt three different independent effects from what I
10 believe are three different medications that were given to me.
11 In early 2017, I felt symptoms consistent with what I now know
12 were consistent with the lithium that was tested in my blood.

13 Q. How do you know that those weren't effects that you were
14 feeling from your Ambien or Adderall that you were taking all
15 the time?

16 A. The effects of lithium, per my doctors that I consulted
17 with, are fairly specific and differentiated from any other
18 medications that --

19 Q. Sorry to interrupt. I thought it was Seroquel?

20 A. I believe I was given three different drugs over the course
21 of 2017, and one of them was lithium, and that that was the
22 first drug that was tested positively for, in my bloodstream,
23 in March 2017.

24 Q. When did Tara allegedly throw a wine bottle at you?

25 A. I don't know the exact date. I believe very early in 2017.

26 Q. Very early when? Can you try to narrow that down?

27 A. I don't know. I would guess, you know, January timeframe.

28 Q. Okay. Can you turn to -- I'm sorry.

1 **MS. COURSON:** His request for domestic violence restraining
2 order, was that marked yet?

3 **THE COURT:** It was, I believe. The request for a
4 restraining order is -- I'm sorry. It actually has not been
5 marked yet. It's item 20 on Ms. Poole's list. Should we mark
6 it now?

7 **MS. COURSON:** Yes, please.

8 **THE COURT:** I guess we're on Respondent's list. We'll call
9 it Respondent's -- I guess it might get confusing. Anyone
10 object if I mark it as a Petitioner's exhibit?

11 **MS. POOLE:** That's fine.

12 **THE WITNESS:** Where am I looking?

13 **THE COURT:** Hang on one second. You're going to end up on
14 tab 20 of the other binder. The binder from Ms. Poole, and
15 we'll mark for identification -- I think next in order is
16 Petitioner's 13.

17 **THE CLERK:** That is correct.

18 **THE COURT:** The request for domestic violence restraining
19 order filed on July 16, 2018, and that's tab 20 in Ms. Poole's
20 binder.

21 (Petitioner's Exhibit 13 marked for identification.)

22 **BY MS. COURSON:**

23 Q. Could you turn to page 6, please?

24 A. I'm looking at it.

25 Q. You're looking at page 6?

26 A. Yes.

27 Q. Could you read under the number 27, it says: Date of
28 abuse?

1 A. The date listed here is incorrect. It says September 7,
2 2017.

3 Q. So you're now changing your mind and saying it was early
4 2017?

5 A. I know -- not changing my mind. I noticed the incorrect
6 date this morning and told my counsel.

7 Q. Okay. So you maintain that she threw a bottle of wine at
8 you in early 2017?

9 A. Correct.

10 Q. Did you tell anyone about the incident where Tara threw a
11 bottle of wine at you?

12 A. Immediately, I got my brother on the phone right after it
13 happened.

14 Q. Did you take any steps to protect yourself after Tara threw
15 a bottle of wine at you?

16 A. I did. The first was to call my brother, and I left the
17 phone on and let Tara know that I had my brother on the phone.
18 The second, I asked Tara to remove herself from the situation,
19 and then later I did.

20 Q. What about steps to protect your from allegedly being
21 drugged -- if you knew you weren't taking lithium, and it
22 wasn't from an environmental factor why did you -- what did you
23 do to protect yourself?

24 A. All manner of things that turned out to be a waste of time
25 and money and energy. I sought multiple doctors' opinions. I
26 was given MRIs. I was looked at for, you know, nerve issues.
27 I --

28 Q. This was all done because of the affects of the drugs?

1 A. I -- not knowing what was happening. It was a mystery and
2 it, you know, dramatically and negatively affected my life.

3 Q. How many security personnel have you gone through in terms
4 of, how many of them have you hired?

5 A. It's been a tremendous cost and a huge number. In terms of
6 different security groups, there have been two or three groups,
7 depending on how you define the associations. And then beyond
8 that, I paid for things like bug sweeps at my house. I paid
9 for --

10 Q. Thank you.

11 Why have you been through two or three different groups or
12 numerous groups?

13 A. Because there was no -- a combination of reasons. The
14 primary reason has been that there was no external group doing
15 any of this to me, and the contrast between what I was
16 experiencing and an explanation that it was directly related to
17 my business, just turned out not to be true. Second --

18 Q. So -- sorry. That's the reason why you went through
19 various different security companies?

20 A. You'd have to be more specific, and I could answer the
21 question on each one. But, generally, the security companies
22 were failing, and I was failing to correctly understand what
23 was happening. And that manifested in different groups and
24 people doing different things, and I can talk about any one of
25 them individually.

26 Q. What date did you find out that -- what date did you find
27 out that Tara had put Seroquel in your wine?

28 A. I don't know the exact date. Very shortly before she left

1 and mid, late May, I'm guessing. I'd have to look at one of
2 the witness's statements to give you an exact date.

3 Q. What was your reaction?

4 A. Internally or externally?

5 Q. How did you react to Tara?

6 A. Again, are you asking for how did I react internally, or
7 what did I do?

8 Q. What were the conversations you had with Tara?

9 A. The first thing I did was effectively call a house meeting
10 to bring Tara and Abby into the room, and I believe there was
11 also one other person there as well. And I calmly asked about
12 it, hoping to get more information.

13 Q. Why did you not ask Tara to leave your apartment at that
14 point if you found out she had allegedly been drugging you?

15 A. I did, but not in a precipitous way that would cause harm
16 to my daughter.

17 Q. When did you file for your emergency protective order?

18 A. Again, I'd have to look at the exact date. Is it early
19 June timeframe, late May? Do you have an exhibit to point me
20 to, and I can answer from that.

21 **THE COURT:** It's attached to the DVR0, under tab 20. All
22 right, sir, if you want to look at your request for domestic
23 violence restraining order, previously marked as Petitioner's
24 13, to refresh your recollection. Let us know after you
25 reviewed it and if your recollection is refreshed.

26 **BY MS. COURSON:**

27 Q. Could you look at line item 8, please?

28 When was the order for emergency protective order -- when

1 was it granted?

2 **THE COURT:** Ms. Courson, he's not on the same page as you.

3 **MS. COURSON:** I'm sorry.

4 **BY MS. COURSON:**

5 Q. I'm look at the emergency protective order, Exhibit A to
6 your --

7 **THE COURT:** If you keep turning through the document,
8 you'll come across the emergency protective order.

9 **THE WITNESS:** Okay. Is this the --

10 **THE COURT:** No. Keep going.

11 **THE WITNESS:** Okay.

12 **THE COURT:** After your declaration. There you go.

13 **THE WITNESS:** Okay. I'm sorry. I'm looking at the
14 emergency protective order and you said line?

15 **BY MS. COURSON:**

16 Q. No. 8. It says it was granted on -- can you read that,
17 please?

18 A. 7/3.

19 Q. So not early June. It was actually in July. Why did you
20 wait over a month before you filed for an emergency protective
21 order after finding out that she had allegedly been drugging
22 you?

23 A. We went to -- there were several reasons. The first one is
24 that knowing I had been drugged, I wasn't going to take any
25 more drinks from her. And second reason was, we have a baby,
26 and I wanted to try to resolve the issue in a helpful way. The
27 third issue is Tara has suffered her whole life with
28 significant mental illness and --

1 Q. Thank you for your answer.

2 Can you turn to tab 20, please?

3 A. Which? Your 20 or --

4 **THE COURT:** Are we in the same binder?

5 **MS. COURSON:** Sorry. Yeah. In Respondent's binder.

6 **THE COURT:** So the DVRO -- oh. Respondent's binder.

7 Okay. You're going to switch binders, sir. And while
8 you're looking for it, the Court will mark it for
9 identification. Is this the --

10 **MS. COURSON:** Temporary order for protection, tab 20.

11 **THE COURT:** Okay. We'll mark as Respondent's next in
12 order.

13 **THE CLERK:** F, Your Honor.

14 **THE COURT:** Respondent's F. A two-page temporary order of
15 protection in the New York Family Court. Docket
16 No. 0-06917-18.

17 (Respondent's Exhibit F marked for identification.)

18 **MS. COURSON:** Your Honor, can the Court take judicial
19 notice that the temporary order for protection was granted
20 protecting Respondent and Evie on June 25, 2018?

21 **THE COURT:** Any objection, Ms. Poole?

22 **MS. POOLE:** No.

23 **THE COURT:** All right. The Court will take judicial notice
24 of the temporary order of protection, marked for identification
25 as Respondent's F.

26 Please continue.

27 **BY MS. COURSON:**

28 Q. When did you find out that Tara filed this order for

1 protection?

2 A. I don't remember the exact date. I would assume right
3 around when she filed it.

4 Q. Was it before you filed for your protective order?

5 A. It was filed before I filed for our protective order.

6 Q. And you were aware of this protective order before you
7 filed for a protective order?

8 A. Yes.

9 Q. Why did you feel you needed a protective order if Tara
10 already had a protective order in place, and she was all the
11 way across the country?

12 A. Tara and I had largely come to an agreement for her to
13 enter into treatment, and take vacation with her parents. And
14 I had agreed to hold off on any of these actions while she was
15 taking positive steps to do that.

16 Q. Nonresponsive. I ask you why you needed a protective order
17 protecting yourself when she already had a protective order
18 where you two were not supposed to communicate or come in
19 contact with one another?

20 A. I don't understand how, or -- I felt that I needed a
21 protective order to protect me. I don't understand the --

22 Q. Isn't it true that you filed yours in retaliation against
23 Tara because she had already filed hers?

24 A. No. That's not true.

25 Q. Can you turn to tab -- sorry.

26 A. This is in your binder?

27 **THE COURT:** Ms. Courson, which binder?

28 **MS. COURSON:** In my binder, Your Honor.

1 Sorry. 14, please.

2 **THE COURT:** All right. The document under tab 14 is --
3 there's different documents under the tab; Ms. Courson, are you
4 just asking about --

5 **MS. COURSON:** Your Honor, it's one document, but those are
6 the exhibits, and it's a petition for violation of protective
7 order. And I would request that the Court take judicial notice
8 that this petition was filed on August 13, 2018.

9 **THE COURT:** Okay. So just to be clear, pages 42 through --

10 **MS. COURSON:** Those are the exhibits to the protective
11 order.

12 **THE COURT:** The text messages?

13 **MS. COURSON:** Yes.

14 **THE COURT:** All right.

15 Ms. Poole, any objection to the Court taking judicial
16 notice of the date of filing of the petition?

17 **MS. POOLE:** No.

18 **THE COURT:** So first of all, I'm going to mark this
19 document as Respondent's G. And this is a seven-page document
20 titled "Petition for violation of order of protection in the
21 New York Family Court." Docket No. 0-06917-18/18B, as in boy.
22 And the Court will take judicial notice of the date of filing.

23 (Respondent's Exhibit G marked for identification.)

24 **BY MS. COURSON:**

25 Q. Do you know what this is --

26 **THE COURT:** What is date of filing?

27 **MS. COURSON:** New York does it differently than us, but it
28 looks to me, if you turn to 41, that it was on August 13th.

1 THE COURT: On the verification?

2 MS. COURSON: Yeah. Where the deputy clerk of the court
3 signed.

4 THE COURT: Ms. Poole, would you agree that the date of
5 verification is August 13, 2018?

6 MS. POOLE: Yes.

7 THE COURT: Okay. The Court will take judicial notice of
8 that then. I'm sorry, please continue.

9 BY MS. COURSON:

10 Q. Do you know what this document is, Mr. Russell?

11 A. Am I looking -- is this "Walsh 0040" on the bottom of it?

12 Q. Yes.

13 A. I'm not exactly sure.

14 Q. Can you read the caption where it says "petition"? What is
15 the title of the document? Does it say "petition for --

16 A. Yeah. Petition-violation order protection.

17 Q. Were you aware that Tara filed a petition for your violation
18 of the temporary order for protection that's in place in New
19 York?

20 A. I was aware of that.

21 Q. Can you turn to page 0045, please?

22 Is that your name at the top of this text message?

23 A. It is.

24 Q. Can you read what it says? The date's a little off, but
25 where it says "Thursday," underneath, what does it say?

26 A. "Going to save you. Hold tight."

27 Q. Is that a text message that you sent to Tara?

28 A. (Answer stricken from the record.)

1 **MS. POOLE:** Your Honor, I'm going to instruct my client not
2 to answer the question.

3 **THE COURT:** Sustained. Do you want a moment to advise your
4 client?

5 **MS. POOLE:** Yes.

6 **THE COURT:** Okay. Why don't I just take the lunch break,
7 and then, Ms. Poole, you'll have a chance to instruct your
8 client. And the witness's last response is stricken.

9 **MS. POOLE:** Thank you.

10 **THE COURT:** Okay. We'll take a break and see you back at
11 1:30 p.m. and continue this cross-examination.

12 You may step down. See you at 1:30.

13 (Lunch recess taken at 11:53 a.m.)

14 *****

15 (The proceedings resumed at 1:32 p.m.)

16 **THE COURT:** Okay. Let's go back on the record then. Court
17 No. FPT-18-377425, Stephen Russell and Tara Walsh. Both
18 parties are present with attorneys.

19 Mr. Russell, I'm going to ask you to return to the witness
20 stand, please. I'll remind you you're still under oath. Right
21 before we broke for lunch, an issue came up that the Court does
22 need to advise you that if you have a criminal matter, or may
23 have a criminal matter that is based on the same facts as the
24 matters that we're dealing with today, you do have a 5th
25 Amendment constitutional right against self-incrimination.
26 That means that you do not have to say anything concerning the
27 matters that may result in criminal liability for you. If you
28 do choose to say anything about those matters, anything you say

1 in this hearing can be used against you in any criminal case.

2 Do you understand that?

3 **THE WITNESS:** I do.

4 **THE COURT:** All right. Are we ready to continue?

5 **MS. COURSON:** Yes.

6 **MS. POOLE:** Yes, Your Honor.

7 **THE COURT:** I think we're still in cross-examination then?

8 **MS. COURSON:** Yes.

9 **CONTINUED CROSS-EXAMINATION OF MR. RUSSELL BY MS. COURSON:**

10 Q. Mr. Russell, you testified earlier that you might have told
11 Tara you didn't want her to keep the baby, correct?

12 A. I have to read back the testimony.

13 Q. Did you tell Tara you did not want her to keep the baby?

14 A. I don't remember if I did or didn't.

15 Q. Could you turn to tab 1, please?

16 **THE COURT:** Which binder?

17 **MS. COURSON:** The white binder -- my binder.

18 **THE COURT:** Okay. Let me mark it for identification,
19 please.

20 **MS. COURSON:** If you could turn to 006.

21 **THE COURT:** So, Ms. Courson --

22 **THE WITNESS:** 006?

23 **THE COURT:** Ms. Courson, in terms of marking an exhibit for
24 identification, is it's the single page, or is it --

25 **MS. COURSON:** Sorry. Just the single page, Your Honor.

26 **THE COURT:** Even though it's kind of --

27 **MS. COURSON:** Yeah. If you just find 006.

28 **THE COURT:** Okay. We'll mark -- I guess --

1 **MS. COURSON:** So it's my fault for not separating them all.
2 I apologize.

3 **THE COURT:** It appears that the documents under this tab
4 have different dates. Should I mark everything that's dated
5 May 31, 2017 as one exhibit? Or should I mark the entire
6 section as one exhibit?

7 **MS. COURSON:** You can -- can we not just mark the text
8 individually?

9 **THE COURT:** You want to mark the single page?

10 **MS. COURSON:** Yeah.

11 **THE COURT:** All right. We'll mark it Respondent's next in
12 order, which will be H. A single-page screenshot of a text
13 message with identifying page number Walsh 005.

14 (Respondent's Exhibit H marked for identification.)

15 **BY MS. COURSON:**

16 Q. Is that your name at the top of the text message?

17 A. Can we verify -- am I looking at the right place; Walsh
18 005?

19 Q. 006.

20 A. 006. Is this the one that's got cut off, "Everything she
21 touches"?

22 Q. Do you see "Walsh 006" in the bottom right hand corner?

23 A. I do, yeah. And it says, "Everything she touches."

24 Q. I'm sorry. I was looking at the bottom. Yes, you are
25 correct.

26 A. I'm sorry. I'm looking at it.

27 **THE COURT:** I marked the wrong document. Walsh 006 is
28 Respondent's H.

1 MS. COURSON: Yeah.

2 BY MS. COURSON:

3 Q. Could you read -- do you recall sending these text messages
4 to Tara?

5 A. I don't.

6 Q. Could you read what it says, starting with "No. I'm
7 blocking you"?

8 A. "No, I'm blocking you, and I'll check in in seven weeks.
9 It's also fairly clear, since you're only four weeks pregnant,
10 the child is not mine."

11 Q. Do you recall sending that text message?

12 A. I do not.

13 Q. Can you turn to the next page, 007?

14 THE COURT: I need to mark this one now?

15 MS. COURSON: Yes, Your Honor.

16 THE COURT: Will there be more pages after this one?

17 MS. COURSON: Yes. There's going to be a lot more, but
18 different questions.

19 THE COURT: Off the record.

20 (Off the record.)

21 THE COURT: Back on the record.

22 We've had an off-the-record conversation to discuss the
23 marking of exhibits. At this time, Respondent's H is going to
24 be pages Walsh 0005 through 0011, which are screenshots of text
25 messages with a date of May 31, 2017.

26 BY MS. COURSON:

27 Q. So looking at 0007, is that your name at the top?

28 A. It is.

1 Q. Do you recall sending these text messages to Tara?

2 A. I recall the text messages just prior to this and assume
3 this is -- is my text.

4 Q. Could you read from, "And your stuff is thrown out,"
5 please?

6 A. From there?

7 Q. Yes.

8 A. "And your stuff is thrown out, and you should not keep this
9 child, and you are a self-destructive moron."

10 Q. And the next one?

11 A. "You can't go one day without imploding your life."

12 Q. Why were you saying these things to Tara?

13 A. In the previous text -- these were said in response to Tara
14 saying these things; that I was literally insane, that my sperm
15 was defective, that I have thrown out stuff. It was simply an
16 exasperated retelling of -- or summary of our conversation.

17 Q. Okay. Can you turn to Walsh 010 [sic], so number 10,
18 please?

19 A. Walsh 0 --

20 Q. 0010?

21 A. 001 -- okay.

22 Q. Can you read from -- starting with "no"?

23 A. No --

24 Q. Excuse me. Do you recall sending this text message to
25 Tara?

26 A. Can you give me a second just to read it and see?

27 Q. Okay.

28 A. I don't recollect it, but I assume it's mine.

1 Q. Sorry. Can you read starting with "If you decide"?

2 A. Which part? "If you decide" -- "If you decide to keep the
3 child, I want there to be a paternity test before talking about
4 any support or custody sharing arrangement. In any case, I
5 will be blocking you on this phone and in my email, so please
6 use postal mail home address for any necessary communication."

7 Q. So Tara was pregnant, and you told her you were going to
8 block her and that she would need to use postal mail to
9 communicate with you; is that correct?

10 A. I didn't believe she was pregnant.

11 Q. Is that correct? Is that what this text message says?
12 It's a "yes" or "no" question.

13 A. You're --

14 **THE COURT:** What was the question, I'm sorry?

15 **THE WITNESS:** You assert Tara -- repeat the question for
16 me.

17 **BY MS. COURSON:**

18 Q. So you decided to block Tara, and that -- and tell her she
19 can only communicate with you only via postal mail; is that
20 correct?

21 A. As I said, I don't remember that text, but, yes. That
22 seems to be the gist of the text.

23 Q. You testified earlier that Tara yelled at you all day.
24 Throughout your relationship with Tara, did you ever say mean
25 or hurtful things to her?

26 A. I'm sure I did.

27 Q. Could you turn to 005 in the same exhibit? Please read
28 from "I don't love you."

1 A. "I don't love you. I don't want to be with a person like
2 you."

3 Q. And then could you turn to 009, please?

4 A. Okay.

5 Q. And read from "I'll check in with you today."

6 A. "I'll check in with you today, but after that I really do
7 need to move on. You are so self-destructive."

8 Q. Do you recall sending this text to her?

9 A. I don't recall sending it, but I assume it's mine.

10 Q. And can you read the text below that as well?

11 A. "I have really bad morning sickness today."

12 Q. Sorry. I was referring to your text message?

13 A. Sorry. "That's not an appropriate conversation" --

14 Q. Sorry. The one below "I have really bad morning sickness."

15 A. Oh. "Well, you can have all the people you want in your
16 life, just not me."

17 Q. Can you turn to Walsh 0013, please?

18 **THE COURT:** Okay. So now we're on another date, right?

19 **MS. COURSON:** Yes, Your Honor. This is June 18, 2017.

20 **THE COURT:** Okay. So we will mark for identification as
21 Respondent's I, the text messages contained on pages Walsh 12
22 and 13, and the document has a date of June 18, 2017 on it.
23 It's two pages.

24 Go ahead.

25 (Respondent's Exhibit I marked for identification.)

26 **BY MS. COURSON:**

27 Q. Do you recall sending these text messages to Tara?

28 A. Again, I don't. It's very hard without the context.

1 Q. Can you read the text at the very bottom?

2 A. "Okay. I'm going to block you."

3 Q. Isn't it true that you would block Tara from contacting you
4 quite frequently?

5 A. Routinely.

6 Q. Isn't it true that you blocked her when she was pregnant
7 with your child?

8 A. I know now that to be true, yes.

9 Q. How many times do you recall blocking her when she was
10 pregnant with Evie?

11 A. I don't know, several.

12 Q. Can you turn to Walsh 0017, please?

13 **THE COURT:** Hang on one minute, please. Okay. Marking for
14 identification as Respondent's J, it's a one-page document that
15 contains a text message with identifier Walsh 0017.

16 (Respondent's Exhibit J marked for identification.)

17 **BY MS. COURSON:**

18 Q. Do you recall sending these text messages to Tara?

19 A. I don't.

20 Q. Can you read from "I just asked you to stop talking"?

21 A. "I just asked you to stop talking. It's still my primary
22 requirement of you."

23 Q. And then the one below that?

24 A. "Stop talking."

25 Q. Isn't it true that you often told her to "Stop talking. Be
26 quiet"?

27 A. That and other similar things along that line.

28 Q. And then could you turn to page 21, please?

1 **THE COURT:** Okay. Let's mark it for identification. Next
2 in order is Respondent's K. Respondent's K will be text
3 messages with identifying page numbers from Walsh 18 through
4 Walsh 21.

5 You may proceed.

6 (Respondent's Exhibit K marked for identification.)

7 **BY MS. COURSON:**

8 Q. Do you recall sending this text message to Tara?

9 A. I don't.

10 Q. In December 2017, was Tara, or -- would you agree that Tara
11 was eight months pregnant?

12 A. She was.

13 Q. Can you read what you texted her in December 2017, starting
14 with "Good job, Honey"?

15 A. "Good job, Honey, horrifying everyone, and that's one of
16 the reasons I'm leaving you. You're not a partner; you're a
17 selfish parasite, and you aren't even human enough to have the
18 self-control to stop talking when you know you should."

19 Q. And then 22, please?

20 **THE COURT:** Okay. Now on Respondent's L, one-page document
21 with identifying page number, Walsh 0022.

22 (Respondent's Exhibit L marked for identification.)

23 **BY MS. COURSON:**

24 Q. Do you recall sending these text messages to Tara?

25 A. I do not.

26 Q. Could you read the text you sent starting with "We are
27 never"?

28 A. "We are never going to be a couple or together in a

1 romantic way. How would you like us to raise our child?"

2 Q. And then, sorry, this is out of order. If you can go to
3 tab 16; the first page, 0048?

4 A. Okay. Here we are.

5 Q. So do --

6 **THE COURT:** Hang on a second. Mark that as Respondent's M.

7 **BY MS. COURSON:**

8 Q. Do you recall --

9 **THE COURT:** Hang on. It's -- question: There are four
10 pages under this tab --

11 **MS. COURSON:** If you could just mark this one separately,
12 Your Honor.

13 (Respondent's Exhibit M marked for identification.)

14 **THE WITNESS:** Is this one marked May 31, 2017?

15 **MS. COURSON:** Yes.

16 **THE COURT:** Respondent's M is a one-page document with
17 identifying page number Walsh 0048. It's a screenshot of a
18 text message.

19 **BY MS. COURSON:**

20 Q. Do you recall sending this -- these text messages to Tara
21 in 2017?

22 A. I don't remember them specifically, but I believe I
23 remember the circumstance.

24 Q. Can you read from "You are just so stupid"?

25 A. "You are just so stupid that it makes me feel gross to talk
26 to you. Just when I think you can't get any dumber, you
27 completely surprise me."

28 Q. And then down at the bottom?

1 A. "Okay. Well, please don't talk to me anymore. I have a
2 strong suspicion that this pregnancy will not work out, but if
3 you are still pregnant in 12 weeks, let me know. I'm blocking
4 you until then."

5 Q. Isn't it true that you would often call Tara stupid
6 throughout your relationship?

7 A. That is not true.

8 Q. You testified earlier that Tara agreed to move to San
9 Francisco in March 2018, correct?

10 A. Correct.

11 Q. Did she tell you specifically she wanted to go or -- excuse
12 me -- she wanted to move to San Francisco?

13 A. Yes. Multiple times.

14 Q. Can you -- thank you. Can you turn to tab 19, please?

15 **THE COURT:** We'll need to mark it.

16 **MS. COURSON:** Yes, Your Honor.

17 **THE COURT:** Both pages?

18 **MS. COURSON:** Yes.

19 **THE COURT:** Okay. Respondent's N is a two-page document.
20 They don't have page numbers on it, but they are both -- it's
21 two pages of screen shots of text messages with dates in the
22 margin of February 17, 2018, and February 18, 2018.

23 Go ahead.

24 (Respondent's Exhibit N marked for identification.)

25 **BY MS. COURSON:**

26 Q. Can you read from "Stop blaming other people"?

27 A. "Stop blaming other people for your choices. Just make
28 better choices going forward. SF is beautiful now, and your

1 life will be better, and happier, and easier here."

2 Q. Isn't it true that you were trying to convince Tara, and
3 demand that she move to San Francisco?

4 A. Can you -- the first part of your question is true. I
5 didn't demand it.

6 Q. Can you turn to the next page, please? Can you read
7 from -- do you recall sending these text messages to Tara in
8 February 2018?

9 A. I don't specifically.

10 Q. Can you read the text at the bottom?

11 A. "You will leave first week of March."

12 Q. Doesn't that sound like a demand to you?

13 A. I could see how you'd think that, but it's not.

14 Q. You testified earlier that Tara threatened to take Evie
15 from you, correct?

16 A. She did more than that; she did.

17 Q. Could you please turn to tab 16?

18 **THE COURT:** My tab 16 is previously marked for
19 identification as, which page?

20 **MS. COURSON:** So we just did the single page. Now I'm
21 looking at 0049, Your Honor.

22 **THE COURT:** Okay. Hang on a second. Can I mark the next
23 three pages as Respondent's 0?

24 **MS. COURSON:** Yes, Your Honor.

25 **THE COURT:** Okay. Respondent's 0 will be screenshots of
26 text messages, with identifying page numbers of Walsh 0049
27 through --

28 **MS. COURSON:** Sorry. Just 49 and 50, Your Honor.

1 **THE COURT:** Are you planning to use the third and final
2 page?

3 **MS. COURSON:** The -- 57? Yeah. We can move that in too.

4 **THE COURT:** So the three-page document in Respondent's 0
5 have the identifying page numbers of Walsh 0049, 0050, and
6 0057; that's Respondent's 0.

7 (Respondent's Exhibit 0 marked for identification.)

8 **BY MS. COURSON:**

9 Q. Do you recall sending these text messages to Tara in June
10 2018?

11 A. This is Walsh 0049?

12 Q. Yes.

13 A. I don't specifically, but I assume they're mine.

14 Q. Could you start reading from "You are a little girl"?

15 A. "You are a little girl because you only think about what
16 others put you through and never about what you put them
17 through."

18 Q. Next?

19 A. "Well then I can take her from you and raise her without
20 you."

21 Q. Who are you referring to when you say "I can take her from
22 you"?

23 A. I don't know. The sentence is a non sequitur.

24 Q. Well, "I can take her from you and raise her without
25 you" -- who were you planing on raising?

26 A. As I said, I don't know, and the sentence doesn't make
27 sense to me.

28 Q. Isn't it true that you were referring to Evie in this

1 sentence?

2 A. I would assume that's what it is, but I don't think so.

3 Q. Isn't it true that you were threatening to take Evie away
4 from Tara?

5 A. No. I don't think so.

6 Q. In your exhibit list, you list Tara's Citibank statement
7 from May 22, 2018, as a proposed exhibit.

8 A. Where am I looking? Am I looking at that, or it's just a
9 question?

10 Q. No. It's just a question.

11 How did you get a copy of this Citibank statement?

12 A. It arrived at Millennium Tower.

13 Q. And it was addressed to who?

14 A. It was addressed to Tara.

15 Q. So you opened Tara's mail?

16 A. I did not.

17 Q. Then how do you know what was inside of it?

18 A. All of the mail goes to my assistant in 10G.

19 Q. So your assistant opened Tara's mail?

20 A. I would assume so.

21 Q. Why would your assistant open Tara's mail?

22 A. I wouldn't speculate, but all mail is opened then presented
23 to me -- things that are not junk mail.

24 Q. Aren't you aware that it's a felony to open someone's mail?

25 A. I didn't open somebody's mail.

26 Q. Isn't your assistant aware?

27 **MS. POOLE:** Objection. Speculation.

28 **THE WITNESS:** I honestly don't --

1 **THE COURT:** It's okay, sir. Sustained.

2 **BY MS. COURSON:**

3 Q. Isn't it true that you were threatening to sue Tara's
4 father?

5 A. I'm not threatening to sue Tara's father, no.

6 Q. Isn't it true that you are suing Tara's father?

7 A. I'm in the process of --

8 Q. It's a yes or no question.

9 A. Well, I guess I don't know the answer to the question at
10 this point. I've asked Tara's father to preserve records
11 relating to Nir Maman, the FBI -- the civil side of the FBI
12 investigation I mentioned earlier.

13 (Reporter asks for clarification.)

14 **THE WITNESS:** I sent a letter to Tara's father and others
15 asking to preserve records relating to a civil action around
16 Nir Maman -- N-I-R M-A-M-A-N.

17 **BY MS. COURSON:**

18 Q. Why are you investigating a lawsuit against Tara's father?

19 A. I'm investigating a lawsuit from --

20 Q. Bringing a lawsuit?

21 A. It's -- at this point, I've simply asked Tara's father to
22 preserve any records and communications between himself, Nir
23 Maman, Donald Ackerman (phonetic) and Joe Prendergast
24 (phonetic).

25 Q. So you sent him a litigation hold notice?

26 A. My attorney sent a preserve letter for those documents
27 relating to our civil case.

28 **THE COURT:** May I see counsel at the bench for a moment,

1 please. Off the record.

2 (Sidebar discussion held off the record.)

3 **THE COURT:** Back on record.

4 **MS. COURSON:** Wait, Your Honor. I'm sorry.

5 **THE COURT:** Before I go off the record again, I'm having a
6 conversation with counsel around scheduling and completion of
7 the trial, and some logistics that are necessary if we do not
8 finish today. So, Ms. Courson, let me give you a moment to
9 talk to your client, and we'll go off the record for a minute.

10 (Off the record.)

11 **THE COURT:** Back on the record.

12 I'm going to reserve or request a reporter for tomorrow
13 morning, and if we don't finish this afternoon, we'll continue
14 with the trial tomorrow morning.

15 Okay, Ms. Courson, sorry to have interrupted you. Please
16 continue.

17 **MS. COURSON:** Your Honor, could we repeat the last question
18 please.

19 **THE COURT:** Sure. Madam Reporter, can we get a read back
20 of the last question?

21 **MS. COURSON:** And you answered that question, I believe.

22 (Record read.)

23 **BY MS. COURSON:**

24 Q. What does your civil case against Tara's father involve?

25 A. I don't have a civil case against Tara's father.

26 Q. Your potential civil case.

27 A. I don't know that I have a potential civil case against
28 Tara's father.

1 Q. Isn't it true you also sent the same letter to her sister?

2 A. I did.

3 **MS. COURSON:** No further questions.

4 **THE COURT:** Okay. Ms. Poole, redirect?

5 **MS. POOLE:** Yes, Your Honor.

6 **REDIRECT EXAMINATION OF MR. RUSSELL BY MS. POOLE:**

7 Q. Mr. Russell, earlier in the cross-examination you were
8 shown various pictures of yourself doing various activities,
9 correct?

10 A. Yes.

11 Q. Were you aware that Ms. Walsh was taking these picture of
12 you?

13 A. No.

14 Q. Have you become aware that she's distributed these photos
15 to people?

16 A. Yes.

17 Q. Has that caused any issues for you?

18 A. Certainly.

19 Q. How so?

20 A. Tara, in a systemic way, shared these photos along with
21 other accusations to her coworkers, my family, security team,
22 her friends, and in nearly every case without ever speaking to
23 me about the events or the images.

24 Q. And you previously testified as to reasons you potentially
25 delayed requesting an emergency protective order. Were you
26 able to finish your response during the cross-examination?

27 A. I wasn't.

28 Q. Okay. Is there something you would like to add?

1 A. In addition to working with Tara's parents to move Tara
2 into treatment for --

3 **MS. COURSON:** Objection. Lacks foundation.

4 **THE COURT:** Overruled. You may continue.

5 **THE WITNESS:** So in addition to working -- actively working
6 with Tara's parents and also speaking with Rita Mercante,
7 Tara's therapist, and Dr. Abilash Gopal about treatment options
8 for Tara. We were also investigating what went on, and it was
9 only when both we learned a fair bit more through the
10 investigation and Tara filed a TRO, and said she did not intend
11 to come back to San Francisco as previously agreed.

12 **BY MS. POOLE:**

13 Q. Was Tara admitting the fact that she drugged you in her
14 court papers a further reason in which why you filed for the
15 emergency protective order?

16 **MS. COURSON:** Objection. Assumes facts not in evidence.
17 Calls for a conclusion by using the word "drugged."

18 **THE COURT:** It's leading, so why don't you rephrase the
19 question, please?

20 **BY MS. POOLE:**

21 Q. Okay. At some point did you review court papers filed by
22 Tara in which she admitted giving you Seroquel?

23 A. I did.

24 Q. And did the fact that she admitted to that play into your
25 decision to request the EPO?

26 A. It was part of that.

27 Q. And you testified previously that you would sometimes block
28 communication from Tara. Why did you do that?

1 A. Tara, like I testified, in person, once she gets going on a
2 topic, there's no stopping. And that results in one-sided
3 conversations or texts that go on forever and ever, and ever.
4 Generally escalating, in terms of the tone and the, you know,
5 lack of constructiveness. Sometimes saying "stop talking" was
6 said out of exasperation.

7 Tara and I also, in a constructive way, try to work on just
8 skills so that when she became upset, to pause, and not
9 continue those one-sided conversations. Generally, the wording
10 I used would be kinder than "stop talking."

11 Q. Who is Albert Timen?

12 A. Albert Timen is the owner of Six Points Security in New
13 Jersey and served on my San Francisco protective detail for a
14 couple of months of this year.

15 **THE COURT:** May I have the spellings of last name, please?

16 **THE WITNESS:** T-I-M-E-N.

17 **THE COURT:** Thank you.

18 **BY MS. POOLE:**

19 Q. And did Mr. Timen recently get in touch with you?

20 A. He did.

21 Q. And for what purpose did he get in touch with you?

22 A. He forwarded me text conversations between Tara and himself
23 in which Tara asked to meet him at some place like a cafe or
24 something like this.

25 Q. Did he indicate to you that Ms. Walsh had asked him to be
26 in touch with you?

27 **MS. COURSON:** Objection. Calls for hearsay.

28 **THE COURT:** Sustained.

1 **THE WITNESS:** He --

2 **THE COURT:** Sorry. Wait for the next question. Thank you.

3 **MS. POOLE:** I have no further questions.

4 **THE COURT:** Okay. Any recross based on the redirect?

5 **MS. COURSON:** No, Your Honor.

6 **THE COURT:** Okay. Then, Mr. Russell, you may step down and
7 return to your seat next to your lawyer.

8 **THE WITNESS:** Should I leave these up here?

9 **THE COURT:** Yes. Please leave the two binders up there.

10 **MS. COURSON:** Your Honor, I'd like to reserve my right to
11 recall Mr. Russell depending on how the testimony with the
12 other witnesses go.

13 **THE COURT:** That should be fine.

14 Okay. Ms. Poole?

15 **THE PETITIONER:** Petitioner calls Tara Walsh.

16 **THE COURT:** Okay. Ms. Walsh, please come to the witness
17 stand.

18 **THE WITNESS:** Can I fill up my water first?

19 **THE COURT:** You may.

20 **THE WITNESS:** Thank you.

21 **MS. COURSON:** Your Honor, can we take just a short quick
22 break?

23 **THE COURT:** Before I do that, that's fine, but I just
24 needed a clarification.

25 The exhibit that we marked as Respondent's A, the text
26 messages between Respondent and Dr. Gopal, which tab are they
27 under?

28 And, Ms. Walsh, you can actually sit down next to your

1 lawyer because we'll take a short break.

2 **MS. COURSON:** Tab 5.

3 **THE COURT:** How long do you need, Ms. Courson?

4 **MS. COURSON:** Five minutes.

5 **THE COURT:** Okay. We'll take a five-minute recess.

6 (A recess was taken at 2:10 p.m.)

7 (The proceedings resumed at 2:18 p.m.)

8 **THE COURT:** Back on the record.

9 Ms. Walsh, why don't you come up to the witness stand.

10 Before you have a seat, please remain standing and raise your
11 right hand.

12 **THE CLERK:** Do you solemnly state, under the penalty of
13 perjury, that the testimony you shall give in this matter shall
14 be the truth, the whole truth, and nothing but the truth?

15 **THE WITNESS:** I do.

16 **THE CLERK:** Can I have your name, please?

17 **THE WITNESS:** Tara Walsh.

18 **THE CLERK:** Thank you.

19 **THE COURT:** Okay. Please, have a seat. There's a standard
20 admonition that I normally give in all domestic violence
21 hearings that you probably heard on your first appearance in
22 Department 404. I gave the admonition to Mr. Russell, and I'll
23 give it to you now, Ms. Walsh, which is this; if you have an
24 underlying criminal matter that has to do with the same facts
25 as the restraining order that we're dealing with today, you do
26 have a 5th Amendment constitutional right against
27 self-incrimination. That means that you do not have to say
28 anything about the facts of the restraining order today. If

1 you do choose to say anything, anything you say can be used
2 against you in any criminal case.

3 Do you understand that?

4 **THE WITNESS:** Yes.

5 **THE COURT:** And at any point if you need a chance to talk
6 to your lawyer, please let me know.

7 **THE WITNESS:** Okay.

8 **THE COURT:** Okay. Ms. Poole?

9 **DIRECT EXAMINATION OF MS. WALSH BY MS. POOLE:**

10 Q. Good afternoon, Ms. Walsh.

11 Are you and Mr. Russell parents of a minor child?

12 A. We are.

13 Q. And who is that child?

14 A. Evelyn Grace Walsh.

15 Q. When was she born?

16 A. January 27, 2018.

17 Q. Okay. And when did you and Evie come to San Francisco?

18 A. We came, I believe it was March 4th, five weeks after
19 birth.

20 Q. Okay. And you were served with a parentage action on June
21 5, 2018, correct?

22 A. It was June 4th.

23 Q. And --

24 A. Or I was served, but he filed it on June 4th.

25 Q. And what day were you served with it?

26 A. I was served in our bedroom. Mr. Russell handed me the
27 papers himself, and I didn't realize that I had been served
28 until I told my lawyer, Audrey, that he had handed me the

1 documents himself, and she actually said that was improper
2 service.

3 Q. So the question was, when were you served?

4 A. June 5th; in the morning.

5 Q. And did you understand that there were restraining orders
6 preventing you from removing Evie from the State of California?

7 A. I did, yes.

8 Q. And did you discuss with Mr. Russell you taking Evie to New
9 York?

10 A. I did. And I gave him -- I made it clear to him before I
11 tried to leave on the 4th that I really wanted to go back to
12 New York on numerous occasions.

13 Q. Did he give you some conditions in order to leave?

14 A. He gave me written permission to leave, to come back to New
15 York with conditions, but I've been told that he's not -- all I
16 really needed was written permission; that conditions didn't
17 have to be a part of it.

18 Q. Did you agree to the conditions Steve put on you?

19 A. Verbally, yes.

20 Q. Did you have any intention of abiding by those conditions?

21 A. Yes.

22 Q. Did you -- do you recall filing a responsive declaration in
23 regard to his motion for emergency orders?

24 A. Can you repeat that?

25 Q. Do you recall filing a responsive declaration -- strike
26 that.

27 Are you aware that Steve filed a request for emergency
28 orders and orders related to the jurisdiction?

1 A. Yes.

2 Q. And you filed -- did you file a response to that?

3 A. Yes, I did.

4 Q. Can you turn to page -- excuse me, tab 27 in Petitioner's
5 exhibit binder?

6 A. Which one? Okay.

7 **THE COURT:** All right. And the document behind tab 27 was
8 previously marked for identification and admitted as
9 Petitioner's 6.

10 **THE WITNESS:** I would like to go back on something I said
11 because I think I didn't hear the question clearly. I said
12 that I intended to abide by Mr. Russell's conditions. I said
13 that I did because in order to leave, I had to say that I would
14 abide by them, but I had no intention to come back to
15 California. So I just wanted to clarify that.

16 **THE COURT:** Thank you.

17 **BY MS. POOLE:**

18 Q. Do you recall what his conditions were?

19 A. Yeah. They were -- I thought that they were kind of
20 unfair. He said that I had to stay with my parents. There are
21 a bunch of other, like, controlling things I had to abide by.
22 I don't remember all of them. One was that my parents had to
23 pick me up from the airport; the stay was two to three weeks.
24 Stuff like that.

25 Q. So you lied to -- did you lie to Steve when you told --

26 A. I did because I was desperate to leave California.

27 Q. On two occasions you gave Mr. Russell the drug Seroquel,
28 correct?

1 A. Mr. Russell took my Seroquel willingly for about two years.

2 **MS. POOLE:** Objection. Nonresponsive.

3 **THE COURT:** Sustained. Please answer the question as asked
4 of you.

5 **THE WITNESS:** What was the question again?

6 **BY MS. POOLE:**

7 Q. On at least two occasions you gave Mr. Russell the drug
8 Seroquel, correct?

9 A. Yes.

10 Q. Was he aware that you were giving him this drug?

11 A. No, he was not.

12 Q. And were you giving it to him to affect his behavior?

13 A. I was because I was really concerned.

14 Q. And how did it affect Mr. Russell?

15 A. It made him sleepy, and it made him come out of a manic
16 delusional state and calm down.

17 Q. And who's Dr. Gopal?

18 A. He's a psychiatrist I saw for two weeks, and who Steve, I
19 think, is seeing on a long-term basis.

20 Q. Did you text Dr. Gopal and tell him that you had
21 administered Seroquel to Mr. Russell?

22 A. Yes, I did. And I told a few other people that I had done
23 it, and I actually had the intention to one day tell
24 Mr. Russell as well, but at the time, like, I did it because I
25 felt like I had no choice. But one day I also intended to tell
26 him.

27 Q. Can you turn to tab 31 in Petitioner's exhibit list?

28 **THE COURT:** Is this the one that -- hang on a second. Is

1 this Respondent's A.

2 **MS. COURSON:** Yes, Your Honor.

3 **THE COURT:** Okay. That's fine.

4 **BY MS. POOLE:**

5 Q. Is this a true and correct copy of your text to Dr. Gopal?

6 A. Yes.

7 Q. And you sent that on May 22?

8 A. Yes.

9 Q. And can you read that text out loud, please?

10 A. "So I came home and the nanny told Steve about another
11 thing I told her in confidence. Sometimes when he is out of
12 his mind on drugs and won't sleep, I put Seroquel in his wine
13 because I don't know what to do. The nanny has been throwing
14 me under the bus every night. Last night she told him I wanted
15 her to say he was a bad dad. I told Steve I was sick of the
16 nanny throwing me under the bus; didn't feel comfortable with
17 her working here and sent her home."

18 Do you want me to read the next one too?

19 Q. Yes.

20 A. "So Steve is saying I'm having another episode, but I'm
21 totally calm and not emotional. I don't feel comfortable with
22 someone taking care of my daughter who is looking to throw me
23 under the bus to Steve. Also for a bunch of other reasons,
24 I've been asking to get rid of her for like a month."

25 Q. So you told Dr. Gopal that you sometimes gave Mr. Russell
26 the drug?

27 A. Yes.

28 Q. So this could have been more than twice?

1 A. No. It was definitely only twice.

2 Q. Why did you tell Dr. Gopal -- strike that.

3 What was Steve doing prior to your administering the
4 Seroquel to him?

5 A. (Answer was stricken from the record.)

6 **MS. POOLE:** Objection. Speculation.

7 **THE COURT:** Sustained.

8 **THE WITNESS:** He was up --

9 **THE COURT:** One second, please. And that answer will be
10 stricken.

11 Why don't you repeat your question, Ms. Poole?

12 **BY MS. POOLE:**

13 Q. I think it was: What was Steve doing prior to you
14 administering the Seroquel?

15 A. Both times that I administered the Seroquel, Steve hadn't
16 slept all night, and he was in what I can best describe as a
17 psychotic episode. He was hallucinating, seeing things that
18 weren't there, including poisonous gases coming out of the wall
19 in the vents of the ceiling. He also was doing a bunch of
20 other really disturbing behaviors and I was concerned for my
21 safety and my daughter's safety.

22 Q. So you thought giving him more drugs would resolve that
23 problem?

24 A. It's a drug he took himself to help him sleep.

25 **MS. POOLE:** Objection. Nonresponsive.

26 **THE COURT:** Overruled.

27 Please continue, or do you want to repeat the question
28 again?

1 **BY MS. POOLE:**

2 Q. So you thought giving him more drugs would resolve the
3 situation?

4 A. So he was high on stimulants, so he -- a drug like
5 Seroquel, that would make him sleepy; it would help calm him
6 down and make him less dangerous and psychotic.

7 Q. Didn't you have any concern about mixing that with alcohol?

8 A. I did not because he's a heavy drinker, and he still takes
9 Seroquel.

10 Q. You didn't tell Dr. Gopal that Steve was abusive towards
11 you before giving him the drugs, correct?

12 A. I did tell Dr. Gopal Steve was abusive.

13 Q. In this text?

14 A. Not in this text.

15 Q. Who else was present when you were -- when you administered
16 Seroquel to Steve?

17 **MS. COURSON:** Vague. What -- when are you talking about?

18 **THE COURT:** Okay. So there are two incidents that I've
19 heard about so far. So why don't you break it down, Ms. Poole?

20 **BY MS. POOLE:**

21 Q. Do you recall the dates which you administered Seroquel to
22 Mr. Russell?

23 A. Early, mid May.

24 Q. So at earliest May?

25 A. Like from, like, the 8th on, so more so mid May. There is
26 a week period where things were really bad.

27 Q. So the first time you administered Seroquel to Mr. Russell,
28 was anyone else present?

1 A. Yes. The nanny was present, and I assumed the security
2 person on the first time.

3 **MS. POOLE:** Objection. Speculation.

4 **THE COURT:** About the security guard?

5 **MS. POOLE:** Yes.

6 **THE COURT:** Sustained as to the security guard.

7 **THE WITNESS:** And Mr. Russell was present, obviously.

8 **BY MS. POOLE:**

9 Q. And the second time you administered the Seroquel, who was
10 present?

11 A. The nanny, who helped me put the Seroquel in the wine, and
12 his head of security, Bryan Crutcher, who poured himself a
13 glass of wine. And I asked him why, and he said to --

14 **THE COURT:** Let me pause you for a moment, please. Please
15 wait for the next question.

16 **THE WITNESS:** Okay.

17 **BY MS. POOLE:**

18 Q. While you were in a relationship with Mr. Russell, did he
19 ever go to hospital because he believed he'd been poisoned?

20 A. Yes, but not from Seroquel.

21 **MS. POOLE:** Objection. Speculation.

22 **THE COURT:** Overruled. The answer can stand.

23 **BY MS. POOLE:**

24 Q. And on these two instances where you administered the
25 Seroquel to Mr. Russell, did you contact the police about his
26 behavior?

27 A. I didn't. In hindsight I could have, but I was terrified
28 to make Mr. Russell angry at me, and if I did call the police

1 that would start a huge war with him.

2 Q. And is it your position that the nanny and Mr. Crutcher
3 were complicit?

4 A. Absolutely.

5 Q. When Steve was purportedly acting this way, did you attempt
6 to leave the apartment?

7 A. I cannot leave the apartment because me and my daughter
8 have nowhere else to go in San Francisco. We now no longer
9 have friends or family.

10 Q. Didn't Steve have an apartment on the 10th floor?

11 A. That was occupied by all of his security people, who I did
12 not feel comfortable having my daughter around.

13 Q. You filed for a protective order in New York?

14 A. I did.

15 Q. Okay. Did you ever try to file for a protective order in
16 San Francisco?

17 A. I didn't because I had no intention to live in San
18 Francisco for a long period of time.

19 Q. Did you give Mr. Russell any notice that you were seeking a
20 protective order?

21 A. I did not.

22 Q. On what basis did you file for this restraining order in
23 New York?

24 A. Well, I was originally told by my psychiatrist when I was
25 pregnant to file for an order of protection against
26 Mr. Russell, but unfortunately I wasn't ready at that time to
27 do it. I've been told that he's highly dangerous and unsafe
28 due to his mental instability and drug usage --

1 **MS. POOLE:** Objection.

2 **THE WITNESS:** -- and he also --

3 **THE COURT:** I'm sorry. I don't think I gave you my three
4 basic ground rules before you started. One of which is, when a
5 lawyer makes an objection, please stop and let me rule on the
6 objection. And after I rule on the objection, I will let you
7 know whether or not you can answer the question.

8 Now, what was the basis of your last objection, Ms. Poole?

9 **MS. POOLE:** Nonresponsive.

10 **THE COURT:** The objection is sustained. And the portion of
11 the answer that begins with up until that through the end the
12 answer will be stricken.

13 The other two ground rules, by the way, are reminders about
14 the fact that we're making a record of the proceedings, and
15 therefore, only one person can speak at the time. Please wait
16 for the attorneys to complete their question before you begin
17 your answer. And secondly, all of your responses need to be
18 out loud, so "yes" needs to "yes" and "no" needs to be "no"
19 because the reporter cannot capture a nodding or shaking of
20 your head.

21 **THE WITNESS:** Okay.

22 **THE COURT:** Ms. Poole, you may continue.

23 Hang on one second, please. I'm sorry.

24 I've just been informed that there is no reporter available
25 tomorrow morning, so I'm going to take a break at 3:00, and
26 then I'm going to end today's session around 4:15 so we can
27 spend time planning next dates, okay? Thank you.

28 Please continue.

1 BY MS. POOLE:

2 Q. Were there specific instances that you perceived to be
3 abuse that you cited in your New York restraining order?

4 A. Yes.

5 Q. What were those instances?

6 A. Well, the worst of those incidents was when Steve
7 physically hurt me when I was still recovering from my
8 C-section and was very violent and rough with me, which I never
9 expected from him.

10 Q. When was that?

11 A. That was around March 18, 2018.

12 Q. And you actually described an accident that occurred on
13 March 8th?

14 A. I guess it was March 8th, yeah.

15 Q. Okay. And this is an incident whereby you claimed Steve
16 broke your computer?

17 A. He broke my computer and my two cell phones.

18 Q. Okay. Did you provide the court with all the information
19 related to that situation in --

20 A. Yes, I did.

21 Q. Can I finish my question?

22 A. Okay. Sorry.

23 Q. Did you provide the New York court all the information
24 related to that incident when you filed the restraining order
25 there?

26 A. I did.

27 Q. Okay. Do you keep an online or -- excuse me. An
28 electronic journal?

1 A. No. I write notes in my phone, if that's what --

2 Q. Okay. In your responsive declaration you filed in this
3 case, you attached a document titled "Steve journal incidents
4 of major mental health episodes"?

5 A. Yes. That's a journal that I have been keeping. I thought
6 you meant a personal journal.

7 Q. Is everything in that document true and correct?

8 A. Yes. It's accumulation of what I've witnessed and what
9 Steve's mother has witnessed.

10 Q. Okay. On March 8th -- strike that.

11 You write this in the third person, correct?

12 A. Yes.

13 Q. Okay. And --

14 **THE COURT:** Ms. Poole, just for the record the document
15 titled "Steve's journal" is marked as for identification and
16 admitted as Petitioner's 8.

17 **BY MS. POOLE:**

18 Q. Can you turn to tab 30 in Petitioner's exhibits, please?

19 **THE COURT:** This is Petitioner's 8?

20 **MS. POOLE:** Correct.

21 **BY MS. POOLE:**

22 Q. Can you turn to about the fourth page where the March 8th
23 incident is described?

24 A. Yes.

25 Q. Is it true that you wrote, "Tara was sitting on couch in
26 living room on computer. Evie, daughter, was sleeping in her
27 room. Steve came into room and told Tara she could not use her
28 computer that it was" --

1 A. Wait. Hold on. Let me -- around which line?

2 Q. Starting at the --

3 A. "Sitting on the couch, Tara"?

4 Q. Yes.

5 A. "Grew very angry at the bad situation."

6 Q. No. Not there yet.

7 A. Okay.

8 Q. Starting with first part of that paragraph?

9 A. Okay. Got it.

10 Q. "Steve came into the room and told Tara she could not use
11 her computer that it was bugged. Tara said don't be
12 ridiculous. Steve grew very angry and disconnected the only
13 WiFi in the house. Steve said he was taking a shower and
14 leaving her to go to work. Tara was then left with no WiFi in
15 a strange house, no cell phone, no way to do work or
16 communicate with anyone.

17 "Sitting on the couch, Tara grew very angry at the bad
18 situation and the fact that Steve would willingly leave her
19 alone in a house with no way to contact the outside world or do
20 work. She didn't even want to be in San Francisco and felt
21 forced against her will. Tara went to Steve's bedroom and
22 broke one of his several cell phones and his iPad. Steve came
23 out of the shower and saw what she did. He came up to the
24 living room, where she was in a full rage."

25 Is that correct?

26 A. I was referring that he was in a full rage.

27 Q. You didn't tell the -- in any of your declarations that you
28 filed in this case or the New York case, you didn't describe

1 the fact that you broke Steve's electronics?

2 A. I told the full story to the lawyer that wrote up the order
3 of protection, and she said that Steve's -- the things that I
4 broke, Steve's devices, didn't have to be in my order of
5 protection. I gave the full story like I did right here.

6 Q. But you admit that you first broke Steve's electronics?

7 A. No. Steve had broken my cell phone the night before, and
8 I, exactly like I describe here, was left in the house with no
9 cell phone, no WiFi. I grew angry, and I broke two of his
10 devices.

11 Q. In your declarations in California, did you describe that
12 you broke Steve electronics?

13 A. Again, I wasn't told that that had to be part of it. All
14 my lawyers had seen these full statements, like you're reading
15 right now.

16 Q. When you were in San Francisco, you and Mr. Russell had a
17 full-time nanny, correct?

18 A. She was originally hired to just work at night, and she
19 turned into -- it turned into, depending on the time, more
20 full-time, but sometimes just at night as well.

21 Q. So how many hours a week was she with you?

22 A. She was not being honest about the hours she was working.

23 **MS. POOLE:** Objection. Speculation.

24 **THE COURT:** Sustained. Would you just answer the question
25 that's been asked?

26 **THE WITNESS:** Yeah.

27 She was probably working anywhere from 12 to 15 hours a
28 day.

1 BY MS. POOLE:

2 Q. Did she live with you at times?

3 A. She stayed with us, yes.

4 Q. Have you been diagnosed as bipolar two disorder?

5 A. Yes.

6 Q. And have you been diagnosed with anxiety disorder?

7 A. Yes.

8 Q. And have you been diagnosed with borderline personality
9 disorder?

10 A. I have not.

11 Q. Do you currently take medications for bipolar disorder?

12 A. I do.

13 Q. And for depression?

14 A. I do. Well, for anxiety more so than depression.

15 Q. What day did you leave to New York with Evie?

16 A. June 9, 2018.

17 Q. And on June 12 did you -- didn't you invite Steve to New
18 York to visit Evie for Father's Day?

19 A. I did. I've always encouraged Steve to be a part of Evie's
20 life.

21 Q. Did you in fact text him and say, "I want to be able to see
22 you and for us to be together"?

23 A. I did.

24 Q. Did you -- on June 14, 2018 did you text Steve, "I still
25 love you. It hurts to think of breaking up, but this will
26 never affect you seeing Evie. I would still love to have
27 another child and give Evie a sibling"?

28 A. Yes. I did say that, but I no longer feel that way.

1 Q. Did you text Steve, "My whole family just wants to be
2 close, but living with my parents is honestly not good for my
3 mental health. You know the background very well"?

4 A. Yes.

5 Q. What background were you referring to?

6 A. Me and my parents had a very tumultuous relationship when I
7 was a teenager. They're very strict. Their household; they
8 have no TV. I say it's like an Amish household, so it's kind
9 of hard to live there. To go from a place with really nice TVs
10 and food and everything else, like junk food.

11 Q. Did you ever text Steve, "I want help but seriously cannot
12 handle losing my daughter"?

13 A. I did.

14 Q. What kind of help were you referring to?

15 A. At that time I thought that I was more mentally ill than I
16 now know that I am. Steve -- the term for it is gaslighted me
17 to believe I was more mentally ill than I actually am, and
18 that's what I was referring to.

19 Q. Did you text Steve, "I only acted that way because I love
20 you deeply and my mind is messed up"?

21 A. Yes.

22 Q. What -- when you referred to "I only acted that way," what
23 were you referring to?

24 A. The fact that I wanted to leave and be back in New York and
25 really was unhappy being there.

26 Q. Did you text Steve, "Yes, it is true. Someone told me my
27 emotions don't matter now that I'm a mother. All that matters
28 is Evie; that I could risk losing her if I can't control

1 myself"?

2 A. Yes.

3 Q. Were you upset that Steve uninvited you to a wedding on
4 June 30th?

5 A. He didn't necessarily uninvite me.

6 Q. But you wanted to attend, correct?

7 A. I told him that I wanted to attend to appease him. I
8 actually had no intention of attending. I intentionally was
9 telling him things to appease him that I had no intention of
10 following through at all.

11 Q. Why would you have to do that when you're already in New
12 York?

13 A. Because I was desperately trying to come to an agreement
14 with him regarding our daughter, and where we could live, and
15 the custody we would have. And I was doing anything to make
16 him happy so that he would come to some reasonable agreement.

17 Q. Is it your position that you were financially abused by
18 Steve?

19 A. Absolutely.

20 Q. And didn't Steve pay for your apartment in Brooklyn?

21 A. He did, but when --

22 **MS. POOLE:** Objection.

23 **THE WITNESS:** Okay. He did.

24 **BY MS. POOLE:**

25 Q. And Steve provided you health insurance?

26 A. He did.

27 Q. And did Steve give you access to a credit card?

28 A. He did.

1 Q. And you used that credit card to book numerous flights back
2 to New York, correct?

3 A. I have; I no longer do.

4 Q. Did you always tell him you were going to book a flight
5 back to New York?

6 A. Most of the time, but he also gave me free rein on what I
7 did with the credit card.

8 Q. So there were times that you booked flights back to New
9 York with Evie that you didn't tell him about?

10 A. I did.

11 Q. And you hired your attorney using Steve's credit card,
12 correct?

13 A. I did because Steve told me he would pay for all my legal
14 fees.

15 Q. When did he tell you this?

16 A. Back right before I left, he said he had no problem paying
17 all my legal fees. He encouraged me to pursue legal action,
18 and he would pay for everything. But, obviously, that didn't
19 happen.

20 Q. So you had the ability -- strike that.

21 So Steve gave you free rein with his credit card?

22 A. Yes. But a credit card can only pay for so many things.
23 Like it cannot pay for a nanny.

24 Q. Wasn't Steve paying for the nanny?

25 A. Not in New York. He stopped paying for the nanny, which
26 was our agreement.

27 Q. Did you ever file for child support in New York?

28 A. I did not. Oh. I recently did, but we haven't had any

1 hearing on it yet.

2 Q. But when you were living back there before you came to San
3 Francisco, you never --

4 A. No. I never filed anything.

5 Q. Can you turn to tab 16 in Petitioner's exhibit binder?

6 **THE COURT:** I need to mark these for identification,
7 please. Tab 16 is one sheet of paper with two text messages on
8 it. I think this will be Petitioners next in order, 13?

9 **THE CLERK:** 14, Your Honor.

10 **THE COURT:** Thank you. So Petitioner's 14 is a one-page
11 document. I think the best way to identify is, it has a
12 marking in the bottom right-hand corner that says "Exhibit F"
13 page 22 of 33.

14 Please continue.

15 (Petitioner's Exhibit 14 marked for identification.)

16 **BY MS. POOLE:**

17 Q. Do you recognize this document?

18 A. Yes.

19 Q. And what is it?

20 A. It's a text message between me and Steve sometime, I
21 believe, in June of 2018.

22 Q. Okay. And in this Steve accuses you of what he considered
23 to be plotting [sic] evidence, correct?

24 A. Yes.

25 Q. What did you -- what was that with regard to?

26 A. I'm not really sure. I don't really know what he means by
27 plotting or planting evidence. I never planted evidence
28 anywhere, so...

1 Q. Okay. So you've indicated that in response to his text
2 messages saying that you said you called the abuse hotline 500
3 times, you said -- you responded, "like, one time," correct?

4 A. Yup.

5 Q. And then you said, "No, that's the truth. Rashmi made me
6 do it" -- or "made me."

7 So had you told your friend Rashmi that you called a
8 domestic violence hotline?

9 A. I did, and I called many more times than one time.

10 Q. So you were lying to Steve?

11 A. I was, to appease him.

12 **THE COURT:** And Rashmi, that's R-A-S-H-M-I?

13 **MS. POOLE:** Correct.

14 **THE COURT:** Thank you.

15 **BY MS. POOLE:**

16 Q. When you left on -- when you attempted to leave on June
17 4th, did you try to take an Uber to the airport?

18 A. I did.

19 Q. And did the police end up getting involved in that
20 situation?

21 A. Yes, because me and the Uber driver were frightened.

22 Q. And did the police officer ask you if you needed any
23 assistance or services?

24 A. Yes. I told them I was in an abusive situation.

25 Q. And in fact didn't you decline any services?

26 A. They asked me if I wanted them to come to the apartment and
27 confront Steve, or they asked me if I wanted to go to a
28 shelter. And I was terrified of getting Steve angry, so I

1 declined both offers, and I was scared to go to a shelter.

2 Q. Can you turn back to tab 27 in Petitioner's exhibit list?

3 **THE COURT:** That's document -- that's Petitioner's 6.

4 **BY MS. POOLE:**

5 Q. Did you ask your sister, Brienne, to do a statement for
6 you?

7 A. She wrote a letter; not like an official statement.

8 Q. Okay. Do you believe everything in her statement --

9 A. She said --

10 Q. Can I finish my question, please?

11 A. Sure.

12 Q. Did you have a chance to review her statement?

13 A. Yes, I did.

14 Q. Is there anything in her statement that you know to be
15 untrue?

16 A. I thought her statement was beautifully written and very
17 true, except for one point. She said Steve had beaten me
18 unconscious, and I can explain why she thought that.

19 Q. So Steve has never beaten you unconscious?

20 A. No, he hasn't.

21 Q. Did any of your family members ever visit you when you were
22 in San Francisco?

23 A. No. Because I was --

24 **MS. POOLE:** Objection.

25 **THE WITNESS:** No, okay.

26 **THE COURT:** Thank you.

27 **BY MS. POOLE:**

28 Q. Did your friend Rashmi ever come to San Francisco to visit

1 you?

2 A. No. I had asked her but she never came.

3 Q. And Rashmi was your friend that you -- that you were
4 telling all the purported violence?

5 A. A lot of it, yes, for the past three years.

6 Q. Do you recall sending Rashmi a text message on May 17th
7 stating, "The situation you tell them is that I was only here
8 for a vacation"?

9 A. Uh-huh.

10 Q. Was that your attempt to coach Rashmi as to what to say?

11 A. No. I was just reiterating the obvious to her.

12 Q. Did you recently contact Albert Timen?

13 A. Albert contacted me.

14 Q. Did you ask Albert to get in contact with Steve?

15 A. I did not.

16 Q. And did -- were you recently in contact with Steve's
17 mother?

18 A. Briefly, yes.

19 Q. Okay. Did you send her a text saying, "Is Steve doing okay
20 with the security stuff?"

21 A. I did, yes.

22 Q. Did you send Steve's mom a text message that says, "Just
23 tell Steve it's super important to get this agreement done so I
24 can leave"?

25 A. Yes.

26 Q. Okay. What was your -- what was that in reference to?

27 A. Can you repeat the first part of that again?

28 Q. First part of my question?

1 A. Of the text.

2 Q. "Just tell Steve it's super important to get this agreement
3 done so I can leave."

4 A. Yes, I did. And Steve would send mutual texts like that to
5 my father.

6 Q. And do you understand that the restraining order against
7 you prevents you from contacting third parties to communicate
8 messages to Steve?

9 A. I was later told that, but I'm a novice to this whole
10 process, and I understood the language and the order of
11 protection I got in New York -- I wasn't officially run through
12 all the language and the restraining order here, so I didn't
13 realize that a third-party interaction was not allowed, and I
14 didn't really exactly understand what that actually meant in
15 terms of the third party.

16 **MS. POOLE:** I have no further questions, Your Honor.

17 **THE COURT:** All right. Why don't I take the midafternoon
18 break a little early. So we'll take a 15-minute recess and
19 come back at 3:10, and we'll do -- I guess, technically it's
20 cross-examination.

21 Alternatively, Ms. Courson, if you want to reserve your
22 questions for Ms. Walsh to your case-in-chief, we can do that
23 as well.

24 **MS. COURSON:** I prefer to reserve and just have Ms. Poole
25 finish up.

26 **THE COURT:** Okay. So in that event we'll have Ms. Walsh
27 step down for now, and she will be back during the Respondent's
28 case-in-chief. At which time Ms. Poole will also have an

1 opportunity to ask any follow-up questions, okay?

2 So let's take the midafternoon break. See you back at
3 3:10, and we'll continue with the next witness.

4 **MS. POOLE:** Thank you.

5 (A recess was taken at 2:56 p.m.)

6 (The proceedings resumed at 3:19 p.m.)

7 **THE COURT:** Back on the record in the Russell and Walsh
8 matter. Both parties are present with their attorneys.
9 Next witness, please.

10 **MS. POOLE:** Petitioner calls Pat Williams.

11 **THE COURT:** Mr. Williams may come in.

12 Good afternoon, Mr. Williams. Could you please come up to
13 the witness stand to my left?

14 **THE WITNESS:** Yes.

15 **THE COURT:** Before you have a seat, would you please remain
16 standing and raise your right hand?

17 **THE CLERK:** Do you solemnly state, under the penalty of
18 perjury, that the testimony you shall give in this matter shall
19 be the truth, the whole truth, and nothing but the truth?

20 **THE WITNESS:** Yes.

21 **THE CLERK:** Can I have you spell your name?

22 **THE WITNESS:** Patrick Williams, W-I-L-L-I-A-M-S. Do you
23 need my first name spelled also?

24 **THE CLERK:** That's fine.

25 **THE COURT:** Mr. Williams, before we begin; a few requests.
26 One is, only one person can speak at a time, so please let the
27 lawyers finish their questions before you begin your answer.
28 All of your answers need to be verbal -- "yes" needs to be

1 "yes," "no" needs to be "no." The court reporter cannot take
2 down a nodding or shaking of a head. And if either lawyer
3 makes an objection, please stop and let me rule on the
4 objection before you answer. After I rule on the objection, I
5 will let you know whether or not you can answer the question.
6 Okay?

7 **THE WITNESS:** Yes.

8 **THE COURT:** All right. Ms. Poole?

9 **DIRECT EXAMINATION OF MR. WILLIAMS BY MS. POOLE:**

10 Q. Good afternoon, Mr. Williams.

11 A. Hi.

12 Q. Where are you currently employed?

13 A. I'm an executive protection agent with CAR, which is
14 Crutcher & Associates Resource Group.

15 Q. How long have you been an employee there?

16 A. Approximately six months.

17 Q. And does Mr. Russell -- has Mr. Russell employed Crutcher &
18 Associates to provide assistance to him?

19 A. Yes.

20 Q. And can you describe the services that you performed for
21 Mr. Russell?

22 A. Mainly, it's watching the front door. And on occasion, if
23 he's going to leave, or prior times Tara and the baby were
24 going to leave and I would escort them.

25 Q. Okay. And can you provide the Court with information
26 regarding your professional background prior to joining
27 Crutcher & Associates?

28 A. Professional background -- I'm a retired police officer

1 with the City of Vacaville. I was employed there for 28 years.
2 During that time period, I've held several assignments from
3 patrol, working a traffic car, traffic motorcycle, collision
4 investigations, undercover narcotics, field training officer,
5 SWAT team member, then I was promoted to sergeant. I was also
6 a defensive tactic instructor and a supervisor for a crime
7 suppression team.

8 Q. Did you ever receive any domestic violence training while
9 you were employed as a police officer?

10 A. Yes.

11 Q. What did that entail?

12 A. It was -- usually, with our department it was many times
13 every year, but POST requires every other year training, and it
14 goes through the current laws pertaining to domestic violence
15 and the Penal Code sections. Different resources that we could
16 utilize to pass down to both parties of domestic violence.

17 Q. And, I'm sorry, when did you say you started working with
18 Mr. Russell?

19 A. I believe I was employed with Crutcher & Associates in
20 April. I believe I first met Mr. Russell probably at the end
21 of April, maybe middle of April.

22 Q. 2018?

23 A. Yes.

24 Q. And is there a typical number of hours per week you would
25 work with Mr. Russell or his family?

26 A. It would depend. Some weeks it would be -- I worked two
27 days -- usually two days a week, sometimes three days a week.
28 And then it may be four hours in their residence, sometimes a

1 little longer. Just depended on the day.

2 Q. Okay. Were you at the residence on May 15, 2018?

3 A. Yes.

4 Q. Was there an incident that day in which their child, Evie,
5 ended up going to the doctor's office?

6 A. Yes.

7 Q. Can you describe that incident?

8 A. We just -- I say "we," Abby and I had just gotten back from
9 walking with the baby and there seemed to be an argument going
10 on or yelling going on within the apartment. Part of that
11 argument was because a baby crib was removed from the
12 apartment, and Tara asked me to call Bryan -- who is my boss,
13 Bryan Crutcher -- to bring the baby crib back. So during that
14 time period, while they were bringing the crib back, Tara had
15 taken the baby into the master bedroom and then Steve walked in
16 afterwards and was talking with the baby.

17 Next thing I knew, Steve was backpedaling out of the,
18 master bedroom, and Tara was pushing him, trying to kick him on
19 his legs, trying to get him to go out of the bedroom. Then the
20 door was closed, and then we heard the baby start to cry.
21 Steve ran back in and asked if Tara had dropped the baby, and
22 she said, no. The baby fell off the bed. And then Steve
23 called me into the bedroom.

24 I asked Tara where the baby had fallen --

25 **MS. COURSON:** Objection. Calls for a narrative.

26 **THE COURT:** It has become a narrative so let me pause you
27 for a moment and take the next question.

28 //

1 **BY MS. POOLE:**

2 Q. Did the parties request that Evie seek medical care at that
3 point?

4 A. Yes.

5 Q. Okay. During that situation, what was Mr. Russell's
6 demeanor?

7 A. When? After the baby fell?

8 Q. Or just during the altercation between the parties?

9 A. During the altercation, Mr. Russell was calm; he was trying
10 to talk with Tara. Nothing aggressive; like I said, he was
11 backpedaling out of the master bedroom.

12 Q. What was Ms. Walsh's demeanor?

13 A. She was upset. She was yelling at him to get out.

14 Q. Is that the only time you witnessed Ms. Walsh yelling at
15 Mr. Russell?

16 A. During that day, yes.

17 Q. On any other occasions?

18 A. Might have been one other time, but it was just -- it was
19 an argument again where she was yelling at him and he was
20 trying to talk to her but...

21 Q. Were you concerned for anyone's safety during the
22 situation?

23 A. During the altercation or yelling?

24 Q. Yes.

25 A. No.

26 Q. Okay. At any point were you concerned about Evie's safety?

27 A. No.

28 **MS. POOLE:** I have no further questions of this witness,

1 Your Honor.

2 **THE COURT:** Okay. Ms. Courson?

3 **CROSS-EXAMINATION OF MR. WILLIAMS BY MS. COURSON:**

4 Q. You testified that you're an employee of Crutcher. Sorry,
5 was that Crutcher company?

6 A. Crutcher & Associates Resource Group.

7 Q. Who pays you?

8 A. Bryan Crutcher, the company.

9 Q. And does Mr. Walsh pay Mr. Crutcher for his services --
10 sorry, Mr. Russell. Does Mr. Russell pay Mr. Crutcher for his
11 security services to your knowledge?

12 A. I'd assume. I don't know the ins and outs of how their pay
13 scale goes or how their payment goes. I know that Crutcher and
14 Associates pay me.

15 Q. So you're technically on Mr. Russell's payroll?

16 **MS. POOLE:** Objection. Assumes facts not in evidence.

17 **THE COURT:** Overruled. You may answer.

18 **THE WITNESS:** No. I'm on Crutcher and Associates' payroll.
19 Bryan can send me anyplace and have me do another job. This
20 just happens to be where I'm assigned to right now -- or at
21 that time.

22 **BY MS. COURSON:**

23 Q. How does -- to your knowledge how is Mr. Crutcher
24 compensated for the security services that you and he provide
25 to Mr. Russell?

26 A. I'm sorry, say that one more time.

27 Q. How are you and Mr. Crutcher compensated for the security
28 service you provide to Mr. Russell?

1 A. I'm compensated through Bryan Crutcher and his group.

2 Q. And who pays Bryan Crutcher to your knowledge?

3 A. I assume that it's Mr. Russell.

4 Q. You testified that you began working for Mr. Crutcher as
5 Mr. Russell's security detail at the end of May, correct?

6 A. No. I think it was in April.

7 Q. I think you said at the end of April or May, so which one
8 is it?

9 A. I believe it was April.

10 Q. So how long -- for what period of time were you there while
11 Tara was living with Mr. Russell?

12 A. What do you mean "what period of time"? Hours-wise, per
13 day, or from --

14 Q. No. Was it a month? Five weeks?

15 A. I'm going to -- because there was some weeks that I did not
16 work, I'm going to guess maybe a month.

17 Q. So you were only around Tara and Steve for about a month,
18 correct?

19 A. Not Steve. Tara, I wasn't around her that much. We went
20 on walks -- when she went on walks with the baby I went with
21 her, but as far as spending a lot of time with Tara, I didn't.

22 Q. Did you bother to ask Tara why she was so upset that day on
23 May 15th?

24 A. I don't remember if I did or not.

25 Q. Do you know how old Evie was on that -- on May 15th?

26 A. No.

27 Q. Would you say that she was a newborn?

28 A. Months old. Not newborn, newborn but several months old,

1 I'm guessing.

2 Q. Did Steve escort Tara and the baby to the ER?

3 A. No.

4 **MS. COURSON:** Thank you. No further questions, Your Honor.

5 **THE COURT:** The Court has a clarifying question, Ms. Poole,
6 before I give it back to you.

7 **MS. POOLE:** Sure.

8 **THE COURT:** Mr. Williams, in regards to the May 15, 2018
9 incident, I believe you testified that you were not concerned
10 for anyone's safety during that incident. Can you tell me why?

11 **THE WITNESS:** They were arguing. It was just -- at that
12 point, it was just arguing, and then I saw Tara push him on the
13 shoulder a couple times and kick his shin to try to get his
14 foot away from the door, but other than that I didn't think
15 that anyone was in danger at that point.

16 **THE COURT:** Thank you very much.

17 **THE WITNESS:** As far as, you know -- as far as -- are you
18 talking about the baby portion, or are you talking about the
19 argument portion?

20 **THE COURT:** I guess both. So up until the part where the
21 baby started crying, did you have any concern that anyone was
22 in danger.

23 **THE WITNESS:** When the baby started crying, I thought
24 something happened to the baby. When I heard Steve say, you
25 know, "Did you drop the baby?" She said, "No. The baby fell
26 off the bed." Then I became concerned and asked where she had
27 fallen, and Tara said it was by some shoes and a purse and
28 hopefully, possibly, cushioned the baby's fall.

1 **THE COURT:** I understand.

2 **THE WITNESS:** So that was the only time that I felt the
3 baby might need to go to the doctor, but the baby was crying
4 and alert so -- I say "alert" but crying and not unconscious.

5 **THE COURT:** Thank you very much.

6 Ms. Poole?

7 **MS. POOLE:** No further questions.

8 **THE COURT:** Ms. Courson, did you have follow-up on the
9 Court's question?

10 **MS. COURSON:** No further questions.

11 **THE COURT:** May the witness be excused?

12 **MS. POOLE:** Yes.

13 **THE COURT:** Mr. Williams, thank you for your testimony.
14 You're excused.

15 **THE WITNESS:** Thank you.

16 **MS. POOLE:** Petitioner calls Abby Tedla.

17 **THE COURT:** All right. Please bring her in.

18 Come up to the witness stand, please. Before you have a
19 seat, please remain standing and raise your right hand.

20 Madam clerk?

21 **THE CLERK:** Do you solemnly state, under the penalty of
22 perjury, that the testimony you shall give in this matter shall
23 be the truth, the whole truth, and nothing but the truth?

24 **THE WITNESS:** Yes.

25 **THE CLERK:** And can I have your name, please?

26 **THE WITNESS:** Abrehet Tedla.

27 **THE CLERK:** Can you spell that, please?

28 **THE WITNESS:** A-B-R-E-H-E-T.

1 **THE CLERK:** And your last name?

2 **THE WITNESS:** T-E-D-L-A.

3 **THE COURT:** You may have a seat Ms. Tedla. Thank you for
4 being here today. A few ground rules before you begin.

5 First, we're making a record of the proceedings, so it's
6 very important that only one person speak at a time. Please
7 wait for the lawyers to complete their questions before you
8 begin. Likewise, all of your answers need to be out loud, so
9 "yes," need to be "yes" and "no" need to be "no" because the
10 court reporter cannot capture the nodding or shaking of your
11 head. And if either attorney makes an objection, please do not
12 answer the question. Let me rule on the objection, and I will
13 let you know whether or not you can answer the question, okay?

14 **THE WITNESS:** Okay.

15 **THE COURT:** Have you testified before?

16 **THE WITNESS:** This is my first time being in court.

17 **THE COURT:** It's also very important that you not speak too
18 quickly so that the court reporter can capture every word that
19 you say.

20 **THE WITNESS:** Okay.

21 **THE COURT:** Thank you very much.

22 Ms. Poole?

23 **DIRECT EXAMINATION OF MS. TEDLA BY MS. POOLE:**

24 Q. Good afternoon, Ms. Tedla. What is your profession?

25 A. Nanny.

26 Q. Okay. And how long have you been a nanny?

27 A. 18 years.

28 Q. And did you have any sort of formal training in order to

1 become a nanny?

2 A. Yeah.

3 Q. What was that training?

4 A. It's like back home, a little bit.

5 Q. Okay. And at some point were you employed by Steve Russell
6 and Tara Walsh?

7 A. Yes.

8 Q. When was that?

9 A. March 6th.

10 Q. 2018?

11 A. Yes.

12 Q. Okay. And you were compensated for your time by
13 Mr. Russell?

14 A. I'm sorry?

15 Q. Were you -- were you or are you compensated for your time
16 by Mr. Russell for your services?

17 A. Yes. I was getting paid.

18 Q. Okay. Does the fact that Mr. Russell paid you affect your
19 ability to tell the truth in this case?

20 A. No.

21 Q. What was the -- what was your understanding of your duties
22 when you were first hired?

23 A. To look after Evie.

24 Q. Was there a specific period of time during the day or night
25 you were supposed to do that?

26 A. I was hired as night shift.

27 Q. Okay. And how long were you their night nurse?

28 A. I was there for, like about, maybe three weeks. I'm not

1 sure exactly. Then I end up doing daytime as well because she
2 needed help.

3 Q. Okay. So after about three weeks you ended up working both
4 day and evening shifts?

5 A. Yes. Most of the time, yes.

6 Q. And were you staying overnight --

7 A. Yes.

8 Q. -- at their residence?

9 A. Yes.

10 Q. So approximately how many hours per day were you staying at
11 their residence?

12 A. Including the night shift, sometimes 24, 18, 17, 15 hours.

13 Q. Okay. And how many days per week was that?

14 A. Seven days a week.

15 Q. So would you say that you got to know this family very well
16 while you were living with them?

17 A. Yes.

18 Q. And did you ever witness Ms. Walsh calling Mr. Russell
19 names?

20 A. Yeah, I did.

21 Q. How many times?

22 A. Lots of times.

23 Q. What kind of names would she call him?

24 A. Like you know fat, stupid, and drug addict.

25 Q. And did you ever see her yell at Mr. Russell?

26 A. Yes.

27 Q. How many times?

28 A. A lot of times. I lost count.

1 Q. Okay. More than 10?

2 A. Maybe more.

3 Q. And was her -- when she was yelling, did you ever feel
4 concerned about your safety?

5 A. No.

6 Q. Okay. Did you have concern about Mr. Russell's safety?

7 A. There was times that, you know, I wanted him to take a
8 break because the fight was going on more than four or five
9 hours a day, and I used to text Bryan.

10 Q. You would text Bryan what?

11 A. Come take him out, like, you know?

12 Q. In order to remove him from the situation?

13 A. Yeah.

14 Q. Do you know how many times that occurred?

15 A. Maybe like two or three times that I text Bryan; I'm not
16 sure exactly.

17 Q. Would you describe Ms. Walsh's yelling as abusive?

18 **MS. COURSON:** Objection. Calls for a legal conclusion.

19 **THE COURT:** I'll sustain that objection. You can rephrase
20 your question.

21 **MS. POOLE:** Okay.

22 **BY MS. POOLE:**

23 Q. And -- strike that.

24 How did Mr. Russell respond when Ms. Walsh was yelling at
25 him?

26 A. He's quiet all the time. He doesn't say much.

27 Q. Okay. Did you ever witness Mr. Russell yelling at
28 Ms. Walsh?

1 A. No.

2 Q. Did you ever witness Mr. Russell hitting or assaulting
3 Ms. Walsh?

4 A. No.

5 Q. Did you ever see Ms. Walsh strike or hit Mr. Russell?

6 A. No.

7 Q. Okay. Was Ms. Walsh ever -- did Ms. Walsh ever yell at
8 you?

9 A. She hasn't yelled at me at all, but I heard her say, "I
10 hate that fucking nanny," one time when she was mad.

11 Q. And were you ever concerned about Evie's care while
12 Ms. Walsh was watching her?

13 A. No.

14 Q. In previous testimony, Ms. Walsh has stated that on
15 approximately March 18th, there was a physical altercation
16 between the parties which caused her to limp for approximately
17 two weeks. Did you ever witness Ms. Walsh limping?

18 A. No.

19 Q. Did you ever witness any -- strike that. You already
20 answered.

21 Did you ever have any concerns about Ms. Walsh's mental
22 health while you were employed by them?

23 A. It's like, I see her -- her mood goes up and down so...

24 Q. Did Ms. Walsh ever tell you she'd been diagnosed as
25 bipolar?

26 A. Yes.

27 Q. Did you ever witness Ms. Walsh administer drugs to
28 Mr. Russell?

1 A. I saw her putting some pills on his drink one time.

2 **MS. COURSON:** Vague. What drugs?

3 **THE COURT:** Well, you can follow up on that. I'll let the
4 answer stand.

5 **BY MS. POOLE:**

6 Q. Do you recall when this was?

7 A. I'm sorry?

8 Q. Do you recall when this was?

9 A. I don't remember exactly the date.

10 Q. Okay. Do you remember approximately when it was?

11 A. I would say like -- starting from now or?

12 Q. Do you recall when she was -- when you witnessed her
13 putting --

14 A. Yeah. It was like about maybe two months or three
15 months -- I don't exactly.

16 Q. Okay. How many times did you witness that?

17 A. One time.

18 Q. Okay. And what did you see her do?

19 A. She put some stuff in his drink.

20 Q. Okay. Did you know what the stuff was?

21 A. No.

22 Q. Okay. Before she put it in his drink, did you see her get
23 the medication from anywhere or do anything with the drug
24 before she put it in there?

25 A. She had it out in the kitchen standing next to her, so I
26 don't know where she got it.

27 Q. Did she put the whole pill into the drink or --

28 A. I don't know how many pills because I wasn't paying

1 attention all the way. I just saw.

2 Q. Did you ask her what she was doing?

3 A. Yeah.

4 Q. What was her response?

5 A. To calm him down.

6 Q. Were you concerned about Mr. Russell's behavior just prior
7 to the drugs being administered to him?

8 A. Yeah. A couple times, like after 30 minutes, he went to
9 sleep.

10 Q. What was that?

11 A. He went back to sleep.

12 Q. After he was given the drug?

13 A. Yeah.

14 Q. Just prior to being given the drugs, was there anything
15 unusual about his behavior?

16 A. He was out of it.

17 Q. He was what?

18 A. Out of it.

19 Q. Okay. Did you ask Ms. Walsh what the drug was?

20 A. No, I didn't ask her.

21 Q. Okay. Did she tell you what they were?

22 A. No.

23 Q. Okay. Did she tell you why she was putting this drug in
24 his wine?

25 A. Like I said, he was different; like, was acting weird.

26 Q. She told you he was acting weird?

27 A. Yeah. He was out of it, like, you know?

28 Q. And did Ms. Walsh ask you to keep this secret from him?

1 A. She didn't say anything, so I just...

2 Q. And what did you do thereafter?

3 A. Like me and Dan was together, she said I do it all the
4 time. That's when I call my brother and ask him what I should
5 do, and he told me to tell him right away.

6 **MS. COURSON:** Objection. Hearsay.

7 **THE COURT:** To the statement from the brother?

8 **MS. COURSON:** Yes.

9 **THE COURT:** Is that being offered for the truth of the
10 matter?

11 **MS. POOLE:** No; what she did after.

12 **THE COURT:** The hearsay objection is overruled. I'm not
13 sure the statement from the brother is being offered for the
14 truth or has any particular relevance other than to describe
15 the witness' conduct after.

16 **BY MS. POOLE:**

17 Q. So Ms. Walsh told you that she did this all the time?

18 A. Yeah. We were two people; I was not the only one.

19 Q. And at any point did you assist Ms. Walsh in putting this
20 drug into his alcoholic beverage?

21 A. No.

22 **MS. COURSON:** Your Honor, could I just ask for a
23 clarification for the record. She said, "We were two people,"
24 I'm not sure.

25 **THE WITNESS:** Don Ochoa (phonetic) was there with us when
26 she said, "I do it all the time."

27 **THE COURT:** Who was?

28 **THE WITNESS:** Don Ochoa.

1 THE COURT: Donna?

2 THE WITNESS: His name is Don Ochoa, was his last name.

3 THE COURT: Do you know how to spell the last name?

4 THE WITNESS: No, I don't.

5 THE COURT: What was that person's position?

6 THE WITNESS: He works with Steve.

7 THE COURT: Okay. Thank you.

8 BY MS. POOLE:

9 Q. I think you testified that Mr. Russell was acting -- did
10 you say weird or out of it?

11 A. He was out of it. He was not himself.

12 Q. Okay. Was he acting abusive?

13 A. No.

14 MS. GORDON: Objection. Calls for a legal --

15 THE COURT: This is where I want --

16 MS. GORDON: Sorry. Sorry. Sorry.

17 THE COURT: The objection is that it calls for a legal
18 conclusion.

19 Why don't you rephrase your question, Ms. Poole?

20 BY MS. POOLE:

21 Q. Was Mr. Russell being threatening in any way just prior to
22 the drug being administered to him?

23 A. What do you mean by that?

24 Q. Was he threatening you or Ms. Walsh or anyone else in the
25 room?

26 A. No.

27 Q. Okay. Were you concerned about your safety?

28 A. No, I was not concerned.

1 Q. At some point did you report to Bryan Crutcher what you
2 witnessed?

3 A. Yeah. I asked for advice.

4 Q. What did he tell you to do?

5 A. "Do the right thing."

6 Q. So at some point did you disclose to Mr. Russell that
7 Ms. Walsh had put this drug in his drink?

8 A. Yeah, I told him.

9 Q. What was his response?

10 A. He was calm.

11 Q. Okay. Did you have any concerns thereafter about other
12 food or drink in the house?

13 A. One time I was worried, like, when her friend came.

14 Q. Worried about what?

15 A. Like, you know, once you said I do it all the time, I was
16 worried about the way he was acting, behaving, I thought it
17 could be from the drugs, so I told Bryan to throw away the
18 food. But that's my own opinion, it's not other stuff.

19 **THE COURT:** I'm sorry. What did you -- repeat that answer
20 for me.

21 **THE WITNESS:** It's my fault, you know? Like, I was
22 worried.

23 **THE COURT:** What were you worried about?

24 **THE WITNESS:** Like something on the food.

25 **THE COURT:** Whose food?

26 **THE WITNESS:** The food at the house.

27 **THE COURT:** Okay. All right. Please continue.

28 I'm going to ask you to please try to speak into that

1 microphone as much as you can.

2 **THE WITNESS:** Okay.

3 **THE COURT:** Thank you.

4 **MS. POOLE:** I have no further question.

5 **THE COURT:** Any cross-examination?

6 **MS. GORDON:** Yes. So I'm going to handle
7 cross-examination.

8 **THE COURT:** That's fine.

9 **CROSS-EXAMINATION OF MS. TEDLA BY MS. GORDON:**

10 Q. Did you sign any written paperwork when you started working
11 for Mr. Russell and Ms. Walsh?

12 A. At the beginning, no.

13 Q. Did you sign any written paperwork when you concluded your
14 work with Mr. Russell and Ms. Walsh?

15 A. Yes, I did.

16 Q. What was that paperwork?

17 A. Not to speak to media.

18 Q. Do you know what a nondisclosure agreement is?

19 A. Yeah. Not to talk about stuff happened at the house.

20 Q. Is it your understanding that you're not allowed to speak
21 of anything?

22 A. What do you mean by that?

23 Q. Was it your understanding that you're not allowed to say
24 negative things about Mr. Russell?

25 A. Yeah, outside that building.

26 Q. And do you believe that today you are allowed to say
27 negative things about Mr. Russell?

28 A. I'm here to tell the truth, like, whatever I saw.

1 Q. But you signed a nondisclosure agreement?

2 A. Yeah.

3 Q. Did you receive any compensation for signing that
4 nondisclosure agreement?

5 A. What is that?

6 Q. Did you receive any money --

7 A. No. I haven't --

8 Q. -- for signing the nondisclosure agreement?

9 A. No.

10 Q. Did you receive any severance payment?

11 A. Yeah, for two months. If she was going to come back in
12 two, three weeks, and he had me stay for emergency if she comes
13 back.

14 Q. You explained previously when Ms. Poole was asking you
15 questions that you had training as a nanny; is that correct?

16 A. I have experience.

17 Q. Have you ever called the police in your work as a nanny?

18 A. I'm sorry?

19 Q. Have you ever called the police in your work?

20 A. No, I haven't.

21 Q. Okay. Have you ever received payment for services outside
22 of being a nanny for Mr. Russell?

23 A. Outside of being a nanny?

24 Q. Uh-huh.

25 A. Explain. I'm sorry, what do you mean by that?

26 Q. So other than the payment that you got for severance, have
27 you received any other payments outside of working for
28 Mr. Russell and Ms. Walsh?

1 A. No.

2 Q. Okay. Is it true that Mr. Russell paid you to continue on
3 as a nanny after Ms. Walsh left to New York?

4 A. No. I got paid before she moved because I had fight with
5 her, so they paid me before that.

6 Q. You testified this afternoon that you've never witnessed
7 Mr. Russell yell or say negative things to Ms. Walsh; is that
8 correct?

9 A. Yeah, I haven't seen him.

10 Q. Okay. Do you remember -- can I turn your attention --
11 there's binders in front of you.

12 A. This one?

13 Q. Yeah. It's marked. It says on the front -- it looks like
14 that.

15 **THE COURT:** Okay, so --

16 **THE WITNESS:** I don't see it. It's not here.

17 **THE COURT:** Right hand --

18 **THE WITNESS:** This one?

19 **THE COURT:** No. The other one.

20 **THE WITNESS:** This one?

21 **THE COURT:** Yes.

22 **MS. GORDON:** Can you turn to tab 10?

23 **THE COURT:** Okay. Let me mark the exhibit, please.

24 **THE WITNESS:** I don't know where. It doesn't say numbers
25 here.

26 **THE COURT:** There should be tabs inside the binder.

27 **MS. GORDON:** Yellow.

28 **THE WITNESS:** Or the other ones?

1 **THE COURT:** While you're looking for that; Ms. Gordon, what
2 are we marking?

3 **MS. GORDON:** We're marking a text message between the
4 witness --

5 **THE WITNESS:** Okay. I'm looking at number 10.

6 **THE COURT:** Hold on one second, please.

7 Is it all the pages behind the tab?

8 **MS. GORDON:** Yes.

9 **THE COURT:** Okay. So we'll mark as Respondent's next in
10 order -- and I've lost track.

11 **THE CLERK:** That will be P, Your Honor.

12 **THE COURT:** Respondent's T.

13 **THE CLERK:** P, as in Peter.

14 **THE COURT:** P. I'm sorry. P, as in Peter. And this is
15 five pages that have identifying page numbers as Walsh 72
16 through Walsh 76.

17 Okay, please continue.

18 (Respondent's Exhibit P marked for identification.)

19 **BY MS. GORDON:**

20 Q. Ms. Tedla, will you turn to 76, which is the last page in
21 that tab?

22 A. Did you say 76?

23 Q. Uh-huh.

24 A. I see 21.

25 **THE COURT:** Not the tab number. On the bottom right corner
26 of the pages there's page numbers.

27 **THE WITNESS:** Okay.

28 //

1 **BY MS. GORDON:**

2 Q. Do you recognize this picture?

3 A. Which picture? I'm on 76; I see text.

4 Q. The text message. Do you recognize that text message?

5 A. Okay. I don't -- which one is that? "I know I trust you"?

6 Q. Did you send these text messages?

7 A. Which one are you talking about? I'm confused.

8 Q. So there is white --

9 A. "I know I trust you" right?

10 Q. Yes. Did you send those text messages?

11 A. Yes. I sent those text messages.

12 Q. Can you read out loud for --

13 A. "I know. I trust you. I feel bad the way he talked to
14 you."

15 Q. Uh-huh. Can you read that again slower for the record?

16 A. I said my bad. I meant to say that's why.

17 Q. So when you said, "I know -- trust -- why I feel bad the
18 way he talk to you," [sic] who are you referring to?

19 A. First of all can I say something before I answer that?

20 Q. No. I'd like you to answer the question, please.

21 A. Okay. I was talking about Steve.

22 Q. So the "he" in this sentence is Steve. And why did you
23 feel bad -- the way that Steve was talking to Tara?

24 A. I was new at that time, and --

25 Q. So this --

26 A. Yeah.

27 Q. This text message was sent on April 26, 2018. You
28 testified earlier that you started --

1 A. Six months ago, but they were living at the --

2 **THE COURT:** Only one person can speak at a time.

3 Ms. Gordon, would you finish your question, please?

4 **BY MS. GORDON:**

5 Q. It's correct that you started work for Mr. Russell and

6 Ms. Walsh on March 6th, correct?

7 A. Yes, I did.

8 Q. And this text message was sent on April 26th; is that

9 correct?

10 A. April 26. Yeah, I see it.

11 Q. So that was a month and a half after you started working?

12 A. Uh-huh. Honestly, I can't remember everything --

13 everything that I sent because I was stressed out. She was --

14 every time she had a fight, she has to come and I was --

15 Q. Thank you. Is it possible that -- strike that.

16 Previously you testified that Mr. Russell sometimes was out

17 of it.

18 A. Yes.

19 Q. Had you ever witnessed Mr. Russell ingest any prescription

20 medication?

21 A. Take medication stuff? I didn't.

22 Q. You did not witness Mr. Russell ever take any medication?

23 A. No. Not in front of me.

24 Q. Not his own medication?

25 A. I don't know if he takes medication.

26 Q. When you -- when Mr. Russell was out of it, did you ever

27 contact any of the security personnel?

28 A. Yeah. I ask Bryan to come.

1 Q. And did they -- what did they do?

2 A. They came.

3 Q. And did they take Mr. Russell to the hospital? Do you know
4 if they took Mr. Russell out of --

5 A. Yeah. One time he went to the hospital -- I mean twice he
6 went to the hospital.

7 Q. And to your recollection, was he acting out of it before he
8 went to the hospital?

9 A. To my -- what do you mean?

10 Q. Do you remember if he was acting out of it or weird, like
11 you testified before, before they took him to the hospital?

12 A. Yeah.

13 Q. And previously you testified that you saw Ms. Walsh put
14 something in Mr. Russell's beverage?

15 A. Yes.

16 Q. What happened afterwards?

17 A. After, he went to sleep.

18 Q. Were you there when Mr. Russell woke up the next morning?

19 A. No. He got up, like, maybe -- I'm not sure exactly. Two
20 or three hours later.

21 Q. Okay. Did you -- when you told Mr. Russell that you had
22 witnessed Ms. Walsh putting something in his drink, did he act
23 concerned?

24 A. I didn't tell him the same day. I told him -- I don't
25 remember exactly the time that I told him, but it wasn't the
26 same day.

27 Q. How many days later do you think it was?

28 A. I don't remember exactly.

1 Q. And did he act concerned?

2 A. I mean, he's home all the time; I can never figure him out.
3 I never seen him getting mad. I never seen him react to
4 anything, so I really don't know if he was concern or not.

5 Q. Did you ever witness Mr. Russell stay up all night long?

6 A. Yes, I did.

7 Q. How frequently did he stay up all night long?

8 A. I see him up until midnight because I don't go until
9 midnight because Evie used to wake up three or four times. The
10 last time I went to the kitchen is like midnight, so I seen him
11 up until midnight. But I don't know what time he goes to bed
12 afterwards.

13 Q. But you just said you saw him up all night long?

14 A. No. I didn't say that. I say I don't know because like
15 the time I go to bed is around twelve o'clock. So after that I
16 don't know if he's out or asleep.

17 Q. What other types of disturbing -- did you ever witness any
18 disturbing behavior by Mr. Russell?

19 A. I don't know if I call it disturbing because there was a
20 hole in the wall one time. I got up in the morning and asked
21 what was wrong. He told me there was water leaking. So my job
22 is to look after the baby, not to question him. It's not my
23 place.

24 Q. Did you ever witness Mr. Russell dismantling any --

25 A. I'm sorry?

26 Q. Did you ever witness him taking apart anything in the
27 apartment?

28 A. Taking apart?

1 Q. Unscrewing?

2 A. Yup. I saw him.

3 Q. Did you know why he was unscrewing things?

4 A. I don't know.

5 Q. Do you know why there was security personnel?

6 A. No. I told -- I don't know they were his bodyguard --

7 **MS. POOLE:** Objection. Speculation.

8 **BY MS. GORDON:**

9 Q. Did you ever tell Mr. Russell --

10 **THE COURT:** I'm sorry. You have to let me rule on the
11 objection.

12 It was -- previous was, do you know an answer, and the
13 answer was no; so the objection is overruled and the answer
14 will stand.

15 **BY MS. GORDON:**

16 Q. Did Mr. Russell ever cook while you were there?

17 A. Did he cook? Yes.

18 Q. Did you ever witness the stove being left on in the
19 apartment?

20 A. Yeah, it was on.

21 Q. Was it left on all night?

22 A. I got up in the morning. I don't know. I wasn't up all
23 night, so I got up to make coffee and it was on.

24 Q. So you went to bed at night and the stove was on?

25 A. I don't know. I don't check the stove every minute.

26 Q. But when you got up in the morning, the stove was on?

27 A. Yes.

28 Q. And was there anything on the stove, like a pot?

1 A. No.

2 Q. So did you ever express any concern about Ms. Walsh to any
3 of the security personnel?

4 A. Did I -- I'm sorry?

5 Q. Did you express concern about Ms. Walsh to the security?

6 A. Like what kind of concern? About what?

7 Q. Did you ever -- were you -- did you ever say to the
8 security personal that you thought Ms. Walsh was dangerous to
9 Mr. Russell?

10 A. I didn't say anything.

11 Q. Did you ever fear for your safety with either -- with
12 Mr. Russell?

13 A. No.

14 Q. Did you ever fear for you safety with Ms. Walsh?

15 A. No.

16 **MS. GORDON:** That's it. No further questions.

17 **THE COURT:** Okay. Can I -- the Court is going to ask a
18 question or two.

19 Ms. Tedla.

20 **THE WITNESS:** Yes?

21 **THE COURT:** I'm trying to understand your testimony about
22 the day when you saw Ms. Walsh put pills in Mr. Russell drink.

23 **THE WITNESS:** Yes.

24 **THE COURT:** Can you describe what you were seeing when you
25 say that Mr. Russell did not seem himself, or was out of it?
26 Like, what did that look like to you?

27 **THE WITNESS:** It was like he's there but he's not there.

28 **THE COURT:** And can you describe what he was doing --

1 **THE WITNESS:** He was walking.

2 **THE COURT:** -- sitting or standing.

3 **THE WITNESS:** Walking around; going back and forth.

4 **THE COURT:** And did you notice anything else that he was
5 doing while he was walking around?

6 **THE WITNESS:** No. Like sometimes I go back to check out to
7 see the baby.

8 **THE COURT:** No, I understand. I just want to understand
9 what you saw that led you to feel like he was acting weird.

10 **THE WITNESS:** Yeah. He was walking back and forth, you
11 know? Some people, they are there but seems like they're
12 somewhere else.

13 **THE COURT:** Okay. That's helpful. Thank you.

14 Ms. Poole?

15 **REDIRECT EXAMINATION OF MS. TEDLA BY MS. POOLE:**

16 Q. You mentioned that you were -- just a few questions, sorry.

17 You mentioned that you were paid a severance after

18 Ms. Walsh went back to New York?

19 A. No. Before she went.

20 Q. Before she --

21 A. Because I went to pick up my check and when she was,
22 like -- there was a couple times she was -- she wanted to go
23 buy a ticket; she cancel her ticket, that's one of the time,
24 you know? One minute she's telling me she's going; the second
25 she's not going, and I'm going to start looking for a job. He
26 was like, you know what, I'll pay you for two months just for
27 emergency. Because at that time I can't find a job, you know?

28 Q. So you accompanied Ms. Walsh to New York with Evie?

1 A. Yes, I did. Am I allowed to explain? No, because I came
2 to pick up my check, and she asked me if I can come with her.
3 I said okay.

4 Q. Was that your first time your employment had been
5 terminated?

6 A. Twice she fired me.

7 Q. When was the first time Ms. Walsh fired you?

8 A. I don't remember exactly, but --

9 Q. Do you recall under what circumstances it was?

10 A. I think after I told him about the pill I got fired. And
11 before that, I think she told me to leave too, as well, but I
12 don't remember exactly.

13 Q. Okay. Did she later call you back and ask you to come back
14 to work with the family?

15 A. That night she asked me to come back because she said that
16 she can't take care of Evie, you know? She asked me if I can
17 come back.

18 **MS. POOLE:** No further questions.

19 **THE COURT:** Ms. Gordon?

20 **RE-CROSS-EXAMINATION OF MS. TEDLA BY MS. GORDON:**

21 Q. So previously you said to Ms. Poole that you overheard
22 Ms. Walsh saying "I hate that fucking nanny" --

23 A. Yeah, because --

24 **THE COURT:** Sorry, again, one person at the time.

25 **THE WITNESS:** Sorry.

26 **THE COURT:** Did you finish your question, Ms. Gordon?

27 **MS. GORDON:** No.

28 **THE COURT:** Go ahead.

1 **BY MS. GORDON:**

2 Q. Did that make you upset?

3 A. No.

4 Q. And do you know if this was before or after you witnessed
5 Ms. Walsh putting things in the wine?

6 A. I honestly don't remember exactly what time it was because
7 there is -- you got to understand, there is times that the baby
8 was up all night. I'm not going to remember all the dates.

9 **MS. GORDON:** Thank you. No further question.

10 **THE COURT:** Ms. Poole?

11 **MS. POOLE:** No further questions.

12 **THE COURT:** May the witness be excused?

13 **MS. POOLE:** Yes.

14 **THE COURT:** Thank you for your testimony, Ms. Tedla. You
15 may step down and you're now excused.

16 **THE WITNESS:** Thank you.

17 **THE COURT:** Do you want to start picking dates, or we have
18 Mr. Crutcher next, right?

19 **MS. POOLE:** I thought we were going to do tomorrow morning?

20 **THE COURT:** No, sorry. The Court does not have a reporter
21 available. I guess I can do it if -- the Court normally
22 provides a reporter on a domestic violence case; if you really
23 want to do it tomorrow and be out a reporter we can do it.
24 But, I'm sorry, the Court was unable to provide a reporter
25 tomorrow morning.

26 Counsel, do you think one more half day is enough time?

27 **MS. COURSON:** Well, my fear is if we try to finish
28 tomorrow, we won't finish because we're both appearing tomorrow

1 in 404, and then we have her direct testimony and Crutcher, and
2 I have to leave, and I don't think we'll finish tomorrow.

3 **THE COURT:** If I have a solid half-day we can finish?

4 **MS. COURSON:** Yeah, that's fine.

5 **THE COURT:** It's Mr. Crutcher and Ms. Walsh and then any
6 potential rebuttal evidence, correct?

7 **MS. POOLE:** Yes.

8 **MS. COURSON:** Yes.

9 **THE COURT:** Okay. Why don't I find you a full half-day
10 recognizing that tomorrow we wouldn't have the benefit of the
11 full three hours in the morning. So we'll look for a half-day
12 session to finish up the trial and go off the record while I
13 coordinate your calendars.

14 (Off the record.)

15 **THE COURT:** Back on the record.

16 Due to the hour, I'm going to continue this for one
17 additional half-day session that will be on September 19th, at
18 1:30 p.m. in this department. The Court will provide a
19 reporter and a temporary restraining order will be reissued
20 until that time.

21 And, Ms. Poole, if you can do the re-issuance of a
22 restraining order for me?

23 **MS. POOLE:** Yeah. Will you be here for a few minutes?

24 **THE COURT:** Yes, I will be.

25 So we'll finish it up on September 19th then at 1:30 p.m.

26 (Whereupon, the proceedings adjourned at 4:11 p.m.)

27 --o0o--

28

