

Speaker 1: This is Docket FV031946-22. This is the matter of Lisa F. Flax v.

Speaker 0: Glenn H. Taun. I'm Judge Ambrose.

Speaker 1: Today's date is June 6, 2022. The time is 1.44 p.m Counsel, may I have your appearance on behalf of the plaintiff?

Speaker 3: Do you swear or affirm that the testimony you are about to give the court will be the truth, the whole truth, and nothing but the truth?

Speaker 1: Ms. Flax? I do. And your name?

Speaker 4: Lisa Flax.

Speaker 1: Thank you. Mr. Haun? Glenn Haun and I do. Thank you, sir.

Speaker 0: Thank you.

Speaker 1: So this is a continuation of the trial. The plaintiff has rested, and Mr. Haun, it's your opportunity to cross-examine the plaintiff, and you may begin, sir.

Speaker 0: Thank you very much. If you don't mind, I'm just here. We have one, Mr. Haun, so it's a matter of changing the input. Now, there is a part where I may need to use my laptop, Your Honor.

Speaker 1: General Housekeeping, I got a hearing at 3 o'clock. It's probably going to take me 20 minutes, and then we'll come back.

Speaker 3: Thank you, sir.

Speaker 0: So as we're queuing up this video, correct me if I'm wrong, Mr.

Speaker 3: Kurtz and Ms.

Speaker 0: Flax's testimony that this particular video was shot right after we had that morning thing, I guess it was April 6th, right? And then they went into the backyard and discovered they started pulling stuff out of the ground.

Speaker 1: I'm not sure which video, Ms. Flax.

Speaker 0: Should I begin? Just let's get the correct exhibit number.

Speaker 3: so you're asking questions.

Speaker 0: I believe it was 19. 11 is the house, 19 is the... Is burying stuff in the back yard?

Speaker 1: So you want to start with 11? That one? He wants to start with 19. 19. Okay, Mr. Haun, exhibit 19 is on the screen, and you may

question Ms. Flax about that video. So remember, sir, this is cross-examination. It's not your chance to testify.

Speaker 3: Correct.

Speaker 1: You have to ask questions relevant to hard direct testimony.

Speaker 3: That is correct, sir. Okay.

Speaker 0: Did you shoot this video on April 6th?

Speaker 4: No.

Speaker 3: Can you please tell me what day did you shoot this video?

Speaker 4: I didn't.

Speaker 3: Can you tell me who shot this video?

Speaker 0: Pamela. Okay, so she shot it.

Speaker 3: Can you tell me what day it was shot on? April 6th.

Speaker 4: What is it? April 6th.

Speaker 3: April 6th. Okay. Fair enough. So, picture. And remember, you have to show it to...

Speaker 0: I am. I'm giving her a copy.

Speaker 1: And you can show it presented to the officer when you want to approach the bench, okay?

Speaker 0: That's fine. Do you want to show this to Ms.

Speaker 3: Flax, Ms. Berger, for which... Okay.

Speaker 0: Okay. So, this picture was sent to me by Max Haun on July 8th, 17th, 16th. Yeah, okay. Hold on.

Speaker 1: When you hear the hearsay objection, or any objection, just let me rule on it.

Speaker 3: I'm sorry. I didn't hear that. My apology. Ms.

Speaker 1: Berger is objecting as to hearsay because Max is your son, right? That is correct. And he shot this. He made a camera shot of this?

Speaker 0: He actually sent it to me via text message. So, I'm more than happy to give you my phone for examination, which will show clearly that I received this picture from Max Haun on April 6th at 7 or 6 p.m Ms.

Speaker 1: Berger, do you have any objection to that? He personally wasn't there. That's correct. So, Mr. Haun, this is an out-of-court statement. It's a picture, but it's depicting a video or a camera shot of somebody else. That's not here in this courtroom. Can I show you the text message I got from Max? It's still an out-of-court statement. Okay. Yeah. Okay. So, if you want to ask about what's on the screen, that's fine.

Speaker 3: Okay. Yes. Okay. So...

Speaker 0: Do you want me to play it? So, I sustained the objection. Can you please play this video, please?

Speaker 3: Sure. Do you want me to play it?

Speaker 4: For the first 90 seconds.

Speaker 0: For the first 90 seconds. Let's play it in full, please.

Speaker 4: Can I try this a little?

Speaker 1: Yes, and that's still on.

Speaker 3: Yes, ma'am. So, Ms. Black, where were you at the time that this was being taken? In the house. You were in the house. Okay. Please continue. Oh, my God. It's a picture. She doesn't wrap it. Yeah, but I bet they're... I bet they're my... Lisa's old pictures or something. Yeah. Everything you put in there is ruined, and to make light of course there's a bug in there. Looks like it came from this container. Yeah, maybe it was in there. Well, it wasn't in there anymore. Well, there's not a whole lot of water in there, so I don't think it's been there. Well, I think that's probably it.

Speaker 0: Ms. Berger, when was this particular video delivered to you in your possession?

Speaker 3: Uh, Mr. Hahn, your question right now...

Speaker 1: I'm sorry. I'm sorry.

Speaker 3: Ms. Flax, when did you turn over this video to Ms. Berger? I don't remember.

Speaker 0: Did you amend the TRO based on this information by any chance?

Speaker 4: Do you remember what date that was? No.

Speaker 0: You don't remember?

Speaker 4: I don't remember the exact date.

Speaker 3: It's in here. Okay. Um, can I please have the exhibit bags?

Speaker 0: I'll put it in my laptop, please, Ms. Berger. Can I please have your CD? I want to put it in my laptop, please.

Speaker 3: Thank you very much. You just put it right down there. Thank you.

Speaker 4: I don't need to put this on right now, right?

Speaker 3: Since... You need to go back. You can always go back.

Speaker 0: Just give me a second here, Your Honor. Actually... Oh, I'm sorry, but as part of my cross motion with her, maybe I forgot to give you this, so you can follow along, please. Can you please give a copy of this to the judge, sir?

Speaker 3: We're examining her.

Speaker 1: I'll look at it, but...

Speaker 0: Yes. Sir, you said cross motion. I'm not sure you remember that. Okay. So, Your Honor, by any chance, are you familiar with the term metadata?

Speaker 1: I've heard of it, sir.

Speaker 0: Okay.

Speaker 4: It's sort of a...

Speaker 0: It's to educate the court. It is considered a fingerprint of a file.

Speaker 2: Judge, I'm going to object only because we don't have an expert here about metadata or what have you, so I don't know if Mr. Hahn is intending to bring an expert in.

Speaker 0: This is very relevant, Your Honor.

Speaker 1: Is that the purpose of you setting up your laptop?

Speaker 0: Yes, because, Your Honor...

Speaker 1: I'll give you a little leeway, sir.

Speaker 0: The expert

Speaker 4: testimony

Speaker 1: about electronic

Speaker 0: discovery

Speaker 1: is going to need to be

Speaker 3: in the realm of an expert.

Speaker 0: Okay, and if I have to bring in an expert, I will, if you feel that.

Speaker 2: Just so under... It's Rule 702, Judge.

Speaker 3: The New Jersey Rules of Evidence, 702.

Speaker 0: Thank you. Excuse me, sir. Can you help me hook this up to the TV set, if you mind?

Speaker 1: We might have a cord, Mr. Hahn, that reaches there. Yes, there's a cord. You can just pop it onto our line. And we'll bring it to you, Mr. Hahn. Oh, okay. We'll get right in there.

Speaker 0: Okay, thank you. And, Your Honor, if you feel that I need to bring in an expert witness on this, I'll be more than happy to get an expert witness on this, but this is critical to this case.

Speaker 1: Mr. Hahn, this is cross-examination. I know.

Speaker 3: Your case entry is next.

Speaker 1: You can do what you need for your case.

Speaker 0: Okay. So, Ms. Flax, do you still contend that this particular video was shot on April the 6th, sometime before 7 or 6 p.m.?
?

Speaker 4: Objection, Your Honor. That wasn't the testimony.

Speaker 2: Is that a question?

Speaker 1: Hold on, let her object. Let her object. So, the time, sir. I think she said it was April 6th. She didn't testify to the time.

Speaker 3: Okay, so...

Speaker 1: I'm going to sustain the objection. You can clarify.

Speaker 3: Yes.

Speaker 0: Okay, so, could you please clarify what time on April 6th.

Speaker 4: this video was shot at? After the court session. So, somewhere from...

Speaker 3: Can you please repeat that?

Speaker 4: After court. I don't remember the exact time.

Speaker 3: Okay.

Speaker 4: I was going to say after court.

Speaker 0: Okay, so your contention is sometime after court. So, Ms.

Speaker 3: Flax, according to this analysis, this video actually was shot on April the 11th at 3.44 p.m., and he gathers the why, the fingerprint of the father saying that it was shot on April the 11th?

Speaker 2: I would object, Your Honor. I don't know what he's referring to.

Speaker 0: The creation date. that's on the screen.

Speaker 3: I'm sorry, Ms. Flax.

Speaker 1: Well, let's do this, sir. What is on the screen?

Speaker 3: Okay.

Speaker 0: So, every file that gets written to a computer, and quite frankly, Ms. Berg will tell you, I'm a computer expert, has a date.

Speaker 3: When you create a file, it has a creation date. If you go into Word, it shows the date that the file was created. If you go into Excel, it shows Excel.

Speaker 0: If you go on and create a picture.

Speaker 3: You ever create a picture on your phone?

Speaker 1: Yeah, I understand the concept, but what am I seeing on the screen?

Speaker 3: Okay, what you are seeing on the screen is an analysis of the file, and basically what it's telling you, that this file was not created on April 6th as Ms. Flax is contending, but this file was actually created on April the 11th at 3.54 or 3.44 in the afternoon.

Speaker 2: Again, I would object. Number one, he's not an expert. Number two, he was the one in the house. He didn't leave the house until... At the end of the day, this is an expert issue. If you want to bring an expert in under 702, this is outside the realm of anybody's normal lay witness language. I have absolutely no idea whether he's messed with the file. I have no idea what he's done. It's not a file, Mr. Hahn.

Speaker 0: Hold on, Mr.

Speaker 3: Hahn.

Speaker 1: I'm sustaining this objection because what you're introducing, you're trying to introduce, is data that I am not familiar with, and you have your defense. So you could bring in your... At the time of your defense, if you have an expert, you could bring in...

Speaker 3: Okay, so I could bring in part of my defense.

Speaker 1: Let me ask you this. What's the issue?

Speaker 3: What's the issue?

Speaker 0: Okay, the issue is...

Speaker 4: Is it four days later or five days later?

Speaker 0: Because, Your Honor, the issue is a lot because she manufactured this whole thing as evidence against me, okay?

Speaker 3: This thing, April 6th, we had a coup. April 6th is when I told you we had a time capsule, okay?

Speaker 0: That night, Max took pictures of the hole.

Speaker 3: There was nothing in the hole. As a matter of fact, in another picture that...

Speaker 0: I don't want to see the picture, sir.

Speaker 3: There's a dog leash in this picture.

Speaker 1: It's not in there.

Speaker 0: What I'm saying is...

Speaker 1: Mr. Hahn, just wait for me to finish, please. Okay. Unless that evidence was introduced during the case that Ms. Berger's put on, I'm not considering it. So you have your case coming up to defend your matter, okay? Okay, so I can bring an extra witness in to talk about metadata.

Speaker 0: If you think it's that necessary...

Speaker 4: It is that and that.

Speaker 2: And we may be able to resolve this if I go back and look on when the actual file was sent to me, which probably was April 11th, which I'm going to see if I can try to log into my computer.

Speaker 1: Ms. Berger, the thing is she didn't take the picture you're playing. She did not. It was her brother, I believe.

Speaker 3: Her brother-in-law. Her brother-in-law.

Speaker 0: Her sister-in-law. On April 11th. On April 11th. On April 11th.

Speaker 1: Sorry, just tell me again, why is there a big difference between April 6th and April 11th?

Speaker 0: Okay. She's saying that you pulled it out of the ground on April 6th.

Speaker 3: Max will certify that it was never in the ground April 6th, okay? There was nothing in the ground on April 6th, meaning if it wasn't in the ground April 6th, it never existed in the ground on April 11th.

Speaker 0: This is something that they manufactured, okay? And in order to present this into court, she is telling you that she pulled out of the ground on April 6th. There's no way that she did that.

Speaker 1: So how about if it was done on April 11th?

Speaker 3: Okay, so why isn't there an empty hole on April 6th?

Speaker 0: I was in the house.

Speaker 2: I was out of the house in the middle of March. Judge, number one, Max can't certify to anything. He is a child, and we've already been through a number --. I'm sorry, I don't mean to be disrespectful to you.

Speaker 3: No, no, no.

Speaker 2: We have already been through this a number of times that a 16-year-old is not coming in as a witness for Mr. Hahn. We've already been through this. Number two, I can certainly bring in or find the email of when this file was actually sent to me so that we can address this issue. But number three, I don't know where this is going. He can certainly make whatever argument he wants with respect to that, but let's just assume, for argument's sake, that the file was sent to me on April 11th. It doesn't matter. That's not the creation date. It's when it was sent. So at the end of the day, it requires expert testimony anyway, and he cannot tell me what Max said or what didn't say. He can make whatever argument he wants. It's certainly up to Your Honor. It's a credibility issue.

Speaker 0: It goes by all testimony, but Mr.

Speaker 2: Hahn needs to understand that he's been in court and represented himself multiple times.

Speaker 3: He's aware of the rules of evidence.

Speaker 2: He's aware he has to follow those guidelines, and he's certainly aware of that now.

Speaker 1: So first things first, Mr. Hahn.

Speaker 0: Max can't come into the court. You know that. Okay, yes.

Speaker 1: He's your child. He's a child between you and Max.

Speaker 0: That's fine, Your Honor.

Speaker 1: Any of these pictures with Max, I don't want them, and I'm not going to introduce them into the record. In addition, Ms. Berger is correct. This is in the realm of expert testimony. And three, in the big picture, you're trying to establish what you just said, that this whole didn't occur on April 6th. So you're trying to say that Ms. Flax isn't telling the truth.

Speaker 3: Correct.

Speaker 1: Okay? Yeah. I understand that concept, and I'm going to judge her credibility. Ask her some more questions about it. If you think so, but this part of your direct examination, let's move on.

Speaker 0: Okay, so let's talk about other things, Ms. Flax, in the backyard. What day did you enter the house for the first time since I moved out?

Speaker 3: March 30th. Okay.

Speaker 0: How many times between March 30th and April 6th did you go into the backyard?

Speaker 3: Zero. Did anyone go into the backyard? No.

Speaker 4: Not that I'm aware of.

Speaker 3: Okay.

Speaker 0: Did you remove any objects other than that from the backyard? Did anyone remove any other objects besides that in the backyard?

Speaker 4: Not that I'm aware of. At what time, actually? Like when we were cleaning out, we removed the barbecue.

Speaker 0: You said you removed the barbecue?

Speaker 4: Before the end of April. It was well after this period.

Speaker 0: So, it is your contention that, as far as you know, no one moved any of those objects in the backyard at any time?

Speaker 4: As far as I know.

Speaker 0: Okay.

Speaker 4: Was there a dog leash in the backyard? I think there was. I think someone pointed that out.

Speaker 0: Okay. So there was a dog leash in the backyard. Okay. The dog leash is not on that video.

Speaker 1: It's a question, sir.

Speaker 0: Yeah, I'm asking you a question.

Speaker 3: So, when did you remove the dog leash?

Speaker 4: I didn't. Who did? I don't know.

Speaker 3: So, there was a dog leash in the backyard, but you don't know who removed it? Okay.

Speaker 0: So, can you take a yes at who made it?

Speaker 2: No.

Speaker 1: Objection, Your Honor. Okay. Sustained.

Speaker 0: Okay. So, there was a dog leash in the backyard, but you don't know who moved it. How did you discover that there was a dog leash in the backyard? I think Max may have pointed it out. What was that? I think Max may have pointed it out.

Speaker 3: Well, Max can't be here to testify for that, Your Honor.

Speaker 1: That's correct, but that's what she thinks.

Speaker 3: Okay.

Speaker 1: That's her answer.

Speaker 3: Okay. So, the video, as far as you know, was shot on April 6th. You don't know who removed the dog leash from the backyard, and you don't know when you sent it to your attorney.

Speaker 0: Is that correct?

Speaker 3: Correct. Did you e-mail it to your attorney? Yes. Yes. Okay.

Speaker 0: So, how did you get a hold of the file that you e-mailed to your attorney?

Speaker 3: Actually, I think I had trouble e-mailing it.

Speaker 4: I think my sister may have e-mailed it to her.

Speaker 0: So, Ms. Kurtz e-mailed the file?

Speaker 4: I think so.

Speaker 3: Okay.

Speaker 4: Or my brother-in-law.

Speaker 0: One of those, I don't know. Okay.

Speaker 3: So, your contention is that does your sister own an iPhone?
Yes.

Speaker 0: Do you know what series iPhone?

Speaker 3: I have no idea. Okay.

Speaker 0: So, let's continue with some more cross-referencing on questions then. Give you a second here. So, have you had any conversations with Max about this TRO?

Speaker 3: Um, yes.

Speaker 0: And what sort of conversations did you have with Max about it?

Speaker 4: Max asked when he can see you.

Speaker 3: Max's biggest concern. When I drop Max off, do you interrogate him on my activities with him?

Speaker 2: I would object. What is the relevance to anything I've asked? This is not about the divorce issues. He's got pending motions. He's just fired.

Speaker 3: Okay, fine.

Speaker 0: Um, Ms. Flax, you made reference that I was geo-tracking you?

Speaker 3: Is that what you called it?

Speaker 0: That I was tracking your location?

Speaker 3: Tracking, yes.

Speaker 0: And how was it that I was tracking your location?

Speaker 4: I believe we provided a sample of the tracking device and on the phone.

Speaker 0: And what was the tracking device? I don't remember what it was called. Hold on for a second. I want to see if I can pull out a copy so I can refresh your memory on it.

Speaker 3: Here we go.

Speaker 0: So you said it was a product called Speed Caulk.

Speaker 3: Is that correct?

Speaker 4: I don't remember what it was called.

Speaker 0: Okay. So, but you are certain that I was using that device to track you?

Speaker 4: I'm certain that I found the packaging and that it seemed like it, and that you knew where I was.

Speaker 0: Based on the fact that you, you made an assumption?

Speaker 3: Yes. Okay. I put the pieces together. Okay, so you made an assumption. Can I introduce this, Your Honor?

Speaker 1: Is it related to what was put into the record already?

Speaker 0: Is it part of the exhibit?

Speaker 3: Yes, this is about the Speed Caulk account that Ms. Flax was saying that I was tracking her whereabouts with.

Speaker 2: What number, or in your packet that you just handed us, what are you referencing?

Speaker 3: It might have been 10 or 11.

Speaker 1: And for the record, I'm looking at P46, which is in plaintiff's evidence that was removed. This guy talks about the device.

Speaker 3: You got it?

Speaker 2: No, he's going to have to identify what he's talking about.

Speaker 1: Yeah, what do you want to...

Speaker 2: He's showing us a document for the record.

Speaker 1: What is the document?

Speaker 0: It is the activity report of that SIM card from Speed Caulk, Your Honor.

Speaker 1: Your Honor, so if I didn't have the SIM card identification, I just have a picture of the address, not the address, the box. Speed Caulk, correct? GPS tracker SIM by Speed Caulk. Yes. I don't have anything else, sir.

Speaker 3: Okay, I guess I'll have to put that in there.

Speaker 0: Okay, you have made reference to that.

Speaker 3: I threw your things away, is that correct? Yes. Okay, and can you please explain

Speaker 0: to me what I threw away

Speaker 4: of yours? Some of the things that we've gathered and found, clothing, pictures.

Speaker 0: Outside of what was contained within the time capsule? Yes.

Speaker 4: And what were those items? Clothes. Clothes, pictures.

Speaker 0: Can you be a little more specific with pictures, please?

Speaker 3: There were some dance pictures.

Speaker 0: Dance pictures of?

Speaker 4: I can't tell you exactly when.

Speaker 0: But you're just guessing then? No.

Speaker 2: Judge, I think Mr. Hahn needs to, and I'm a little bit confused, the objection in the sense that I don't, is he talking about when were the pictures taken, when did she find them? I'm not sure.

Speaker 0: She's alleging that I threw things out, and once again I'll have to put this in my defense, which would be I guess the police records.

Speaker 1: So, Mr. Hahn, I'm going to sustain the objection because I don't know what the details are. What are you trying to elicit at this point?

Speaker 0: So, Ms. Flax made the accusation that I threw her stuff away, so I guess it will be part of my defense where I can introduce the police reports when the police came out to the house validating that I never threw anything of hers away.

Speaker 1: Mr. Hahn, just be careful of that cord, sir. Because you have your cane there. Yeah, I will, sir. So, we know that she testified, sorry, that clothes, we're not sure of the pictures, but they were pictures, okay? Okay, that they were pictures.

Speaker 4: And there were items, too. There were things that were picked. There's no question, sir.

Speaker 3: Okay.

Speaker 0: You also put into evidence something that I did something to Morgan's phone?

Speaker 3: Yes.

Speaker 0: What did I do to Morgan's phone? Cleared it.

Speaker 3: At the time that the device was cleared, where was the device at? With Morgan.

Speaker 0: Was I with Morgan at the time that the device was cleared?

Speaker 4: No.

Speaker 0: Then how could I have cleared the device? It wasn't in my possession.

Speaker 4: Electronically.

Speaker 3: Can't be done. Objection, your honor.

Speaker 1: He's already in with the witness. Yeah. Okay. Mr. Hahn, I sustain the objection. And so, part of my defense... I'm just trying to figure out what should be part of my defense and what shouldn't be. I'm trying to figure things out accordingly, but the cross-examination has to be done in a certain format. Okay.

Speaker 0: Okay. Ms. Flax, have you ever accessed Credit Karma?

Speaker 4: Yes.

Speaker 3: Have you ever set up an account on my information with Credit Karma? No.

Speaker 0: Have you ever received alerts to your phone from Credit Karma based on my credit report history? No. Is your telephone number still, at the time, 856-266-1502?

Speaker 3: Yes. So, at no given point, starting on October 17, 2018, through December 15, 2021, you never received any alerts to that phone?

Speaker 0: That phone number, 856-266-1502?

Speaker 3: I do not recall.

Speaker 0: But you're saying that you never set up an account with my information?

Speaker 4: Not that I recall.

Speaker 0: Your memory is a little bit ambiguous sometimes.

Speaker 2: Objection, your honor. Argumentative.

Speaker 3: Just saying. According to Credit Karma, there was a phone number that was used to register this account. May I please give you the telephone number to see if you recognize it?

Speaker 1: Yes, your honor. You have to ask in the form of a question.

Speaker 0: Okay. 856-266-1502 was the phone number that was used to register a Credit Karma account based on my information.

Speaker 3: Is that your telephone number? That's my phone number.

Speaker 4: Can you speculate as to any reasons as to why?

Speaker 2: Objection, your honor. Speculation. I don't know what he's referring to. Credit Karma is not here.

Speaker 1: This is what I wanted to point out. Why are we discussing Credit Karma?

Speaker 0: Because it was brought up.

Speaker 2: Your honor, I don't remember any testimony about Credit Karma.

Speaker 1: I just was reviewing the TRO and the amendment. I don't see anything about that, Mr. Hahn. I do recall that it may be part of the other litigation, but it wasn't part of this. Okay. Okay, so I'm sustaining it.

Speaker 3: So, Ms.

Speaker 0: Black, can you tell me about your relationship with Max?

Speaker 1: Oh, Mr. Hahn, where are you going with this? Sorry, did you hear me?

Speaker 0: Oh, no, I'm sorry, your honor.

Speaker 1: Where are you going? Your listening device isn't on.

Speaker 3: Oh, I'm sorry, your honor.

Speaker 1: This isn't about custody. This is about domestic violence.

Speaker 0: It's not custody.

Speaker 3: It's not custody.

Speaker 1: Okay.

Speaker 3: Okay. This goes back to that.

Speaker 0: she, were you happy that you followed this TRO, Ms. Black?

Speaker 2: Objection, your honor. What is the role of this happy, not happy? Is he talking about this current TRO?

Speaker 0: Is that what we're talking about? Yeah, we're talking about this particular current TRO.

Speaker 4: I'm going

Speaker 0: to remove

Speaker 2: my objection. I know, your honor, I did some leeway. Yeah.

Speaker 1: So I see where, yes, so she's going to reserve her objection, but I'm just trying to understand what does it matter if she was happy, sad, or different about filing the TRO, Mr.

Speaker 3: Hahn?

Speaker 0: Because it goes into the truth, the overall integrity, the truthfulness to me of this whole TRO.

Speaker 1: Okay, go ahead and ask your question.

Speaker 0: Okay. So I'm going to ask the question one more time, if I can. Okay. Did you tell Max that you were glad that you filed the TRO against me?

Speaker 3: No.

Speaker 0: So no, you never said that to Max?

Speaker 3: No. Okay.

Speaker 0: On, um, why then? would, do you have any idea, okay, call for speculation, but, and since I can't ask Max the question, I guess I'll ask you. Do you, have you ever woken, or on April 6th, did you wake Max up to tell him how happy you were that you filed for this TRO?

Speaker 4: I don't recall, and I certainly doubt that.

Speaker 0: Are you considering taking Max back to therapy?

Speaker 4: Objection or relevance?

Speaker 1: Why is that relevant, Mr.

Speaker 3: Hahn, in this domestic violence case?

Speaker 0: Okay, once again it goes into her relationship, so.

Speaker 1: So, her, Ms. Berger, will you, do you want me to have him rephrase it?

Speaker 2: He can rephrase it.

Speaker 1: Okay, rephrase it then, Mr.

Speaker 3: Hahn. Okay.

Speaker 0: Are you finding that this TRO is weighing heavily on Max, that Max should go back to therapy?

Speaker 2: Judge, again, objection, what, whatever's going on with Max is an issue for the custody, like, this is not relevant to the domestic violence action. Whether or not Mr. Hahn committed an act of domestic violence, or any of the prior history of domestic violence, I know that

Mr. Hahn's sole focus is in the custody matter as well as in this matter, Max, but that's not what the issue is.

Speaker 3: Mr.

Speaker 0: Hahn, let me just speak.

Speaker 1: I agree with Ms. Berger, but I understand that you're trying to establish some type of motive here.

Speaker 3: Yes.

Speaker 1: Alright, and I've read through the TRO, I've read through the addendum, and I also know about the other litigation, but I don't find that that's appropriate in this TRO, in this set of facts. Okay. There's nothing in here about that.

Speaker 0: Okay, so. So, I'm going to sustain, but if you want to rephrase it in another way, you may do so. Okay, let me ask you then a process question, because I'm running into situations where I need to defend myself, meaning, I need to get an expert witness to come in to testify about the creation date of a fire.

Speaker 1: Mr. Hahn.

Speaker 0: Yes.

Speaker 1: You have to do your own research for your defense.

Speaker 3: No, no, no, I realize that.

Speaker 1: Do you think that that issue is that material?

Speaker 0: Yes, it is.

Speaker 1: To all of these allegations that have been made against you?

Speaker 0: Yes, it is.

Speaker 1: Then you should do what you think is necessary.

Speaker 0: And then the second part is, there's other allegations that were there, which during my defense I can introduce. the police records, right?

Speaker 1: Sir, police records are generally hearsay. You can introduce certain things, but if you want to introduce the police report, I suggest you do your due diligence and be prepared for an objection about hearsay, unless the police officers are here. Giving you any legal advice, sir. I'm just letting you know you have to do your own reparation, and this is a problem and you don't have a lawyer.

Speaker 0: Well, yes, I realize that, Your Honor.

Speaker 3: Okay.

Speaker 0: Yes, I could afford an attorney, but unfortunately I can't.

Speaker 1: Okay? So, where are you going now with the cross-examination? Are you going to another subject area?

Speaker 3: Yes, I'm going to be going to another subject area. Okay.

Speaker 0: So, any communication I got from Apple, AT&T, all that is hearsay. I just want to make sure I'm reading it correctly, the rule.

Speaker 1: I don't know about AT&T and Apple. All that I know is that you were trying to introduce evidence that wasn't admitted and moved in the plaintiff's case in chief. So, to the extent that those pieces of paper reflected items that were outside of this court, yes, they were hearsay, and I believe I already made some rulings about that.

Speaker 0: Yes, I'm just making sure because I'm trying to figure out here, considering that everything I want to put in here is "hearsay," you're not allowing me to introduce text messages that I received from the phone, which is time and date stamped. You're not allowing me to enter that into the record.

Speaker 1: I don't know what you're speaking about. I haven't got to that point. Do you want to ask some questions about text messages, Mr.

Speaker 0: Hahn? I don't recall you asking about text messages.

Speaker 1: I know you said something about conversations with Max, and it was answered. But I don't recall anything about text messages.

Speaker 2: I don't have anything on my notes.

Speaker 3: No.

Speaker 0: There was another video that was presented.

Speaker 1: Are you asking the court?

Speaker 0: No, I want to give our DVD back to Ms.

Speaker 1: Berger. There were two videos. One was the home video. I believe that was 11. And then there was the backyard video. Are you referring to the home video, sir?

Speaker 0: Yes.

Speaker 3: I can put it on here. Can you name the fight, Mr. Hahn?

Speaker 0: Yeah, please.

Speaker 3: Did you happen to find that email yet, or are you now looking for it at the moment?

Speaker 2: I would have to go into my office because my family does not...

Speaker 0: Can you pause that for a second? Ms. Flax, was this video taken the first day that you went into the house?

Speaker 3: Yes.

Speaker 0: And what date again was that?

Speaker 4: March 30th. Okay.

Speaker 0: Please continue. Okay, stop. Ms. Flax, were you aware of outdoor security cameras that I put in that house?

Speaker 3: Yes.

Speaker 0: Did you remove those security cameras?

Speaker 4: No.

Speaker 0: So the cameras were still there?

Speaker 4: Not when I was there.

Speaker 0: So I think I might have not heard you right. Not when I was not there. So you are familiar that there were security cameras at the house, right?

Speaker 3: Yes.

Speaker 0: When you went into the house on March 30th, were the cameras at the house?

Speaker 4: I think they were there, but taken down.

Speaker 0: So, who took the cameras down? Scott first. On March 30th? I think March 30th. Do you think it was there until March 30th?

Speaker 4: No.

Speaker 0: But it was sometime on March 30th?

Speaker 4: I think so.

Speaker 0: Okay. When you arrived at the house for the first time, the cameras were there?

Speaker 4: No.

Speaker 3: They may have been on the porch or something, down.

Speaker 0: So the cameras then were removed prior to March 30th?

Speaker 4: No. It may have been earlier that day.

Speaker 0: I don't remember. But Mr. Kurtz was the one you took?

Speaker 4: It was earlier that day.

Speaker 0: So Mr. Kurtz was the one who removed the cameras? What happened to those cameras? Do you know?

Speaker 3: I have no idea.

Speaker 0: But they were removed, you think, on March 30th?

Speaker 3: I think so.

Speaker 0: Okay. Can you please continue, Ms. Boder? Okay. Stop. Can you rewind a couple of seconds? Try to stop when you see the outside of the door, please. Right there.

Speaker 3: Okay.

Speaker 0: Okay. So when did you remove the barbecue?

Speaker 4: Probably the last week of April.

Speaker 0: So the last week of April, you removed the barbecue. Do you mind if I just approach the video for a second?

Speaker 3: Go ahead.

Speaker 0: And this video was taken on March 30th, correct? Yes. Can you please continue, please, Ms.

Speaker 3: Boder? So you're the one who's taking this video, correct? I think I did take this one. Okay. Well, your reflection's in the mirror.

Speaker 4: Okay. All right.

Speaker 3: Then it was me. Okay. And that was the phone you were using? Okay. Can you please continue? In your testimony, in your testimony, you said that no one else lives at the house. Did I hear that correctly?

Speaker 0: I don't remember being asked that.

Speaker 3: As far as you were concerned? I don't remember that part of the testimony.

Speaker 4: As far as you know, was I the only one living in the house? As far as I know, yes.

Speaker 3: Okay. So as far as you know, someone else could be living in there that you may not have been aware of? Could be. I wouldn't

surprise the court to know, and I can put this into the defense, I guess, doesn't actually advertise.

Speaker 1: It's here to say, go on. Mr. Hahn, at that point in the proceeding where you want to explain your defense, you can tell me about that. At this point, no, sir.

Speaker 3: Okay. Can you explain to me, stop?

Speaker 4: Explain to me what we're looking at? The laundry room cabinet is breaking up.

Speaker 0: Okay. Why is that relevant?

Speaker 3: Why, what's the importance of the cabinet being spray painted?

Speaker 1: Hold on, hold on, hold on, Mr. Hahn. Ms. Berger?

Speaker 4: Judge, Your

Speaker 2: Honor, it was

Speaker 3: an act of domestic

Speaker 4: violence, alleged

Speaker 2: flax, and what he's asking

Speaker 3: technically is a legal finding.

Speaker 2: As to relevance, that would go to Your Honor's judgment, not with respect to what Ms.

Speaker 1: Flax thought. Justice Hahn, you could rephrase that question. Do you believe that it was me who did that?

Speaker 3: Yes.

Speaker 1: Repeat that, sir, because she spoke over one of the speakers.

Speaker 3: I'm sorry.

Speaker 1: You want him to repeat, right? Yes, just what she answered.

Speaker 0: Do you believe that it was me who did that?

Speaker 3: Yes. Why?

Speaker 4: There was also, what's it called, air paint, air brush, capsules, if you looked on the green table when we were out, the vials of paint that just Glenn had bought years ago. And it looked like that was what was used to do that with.

Speaker 3: Can you please rewind that Ms. Berger to the green table?

Speaker 4: Air brush devices?

Speaker 1: No. I don't think so. You're making a guess? Hold on.

Speaker 0: She said she didn't.

Speaker 3: You're making a guess?

Speaker 0: Hold on, Mr.

Speaker 1: Hahn, I'm going to sustain the objection. Rephrase the question again.

Speaker 0: Why do you believe that air brush equipment?

Speaker 2: There was a box out there too.

Speaker 4: I don't know where it is now. Maybe it was on the floor or something. But there was a box of the air brush equipment.

Speaker 3: On that table or near that table. Maybe on the ant wall.

Speaker 4: I don't know where it is now.

Speaker 3: Speculation here. This is not...

Speaker 1: Hold on, hold on.

Speaker 4: Did I hear anything from you, Ms. Berger? No.

Speaker 1: No. Go ahead, Ms. Flax. You can answer to the extent you can.

Speaker 4: I say yes.

Speaker 1: So you're speculating that it was not who did that. And you're speculating it was me who did that.

Speaker 3: based on if you saw something somewhere in the house?

Speaker 4: And you're the one that was...

Speaker 3: And at the time, how did you know I was living there at the house?

Speaker 4: Max was still going there.

Speaker 0: Does it mean I was living there?

Speaker 3: Objection, Your Honor. Arguing with the witness. Okay, fine.

Speaker 1: I sustain. She answered the question, Mr.

Speaker 3: Hahn.

Speaker 4: So when was Max coming to the house? Every other weekend.

Speaker 3: Saturday and Sunday. Ms. Flax, you have to give the response. Yes. So you're making all these little leaps here.

Speaker 2: So...

Speaker 3: Objection, Your Honor. Can we please continue the video?

Speaker 2: Just so we're clear, Mr. Hahn cannot testify in asking questions. He wants to testify in his case, but certainly any comments should be stricken. That's correct. I sustain.

Speaker 1: Mr. Hahn, please go to questions, not commentary.

Speaker 0: Yes, okay. I did walk into the kitchen. I don't remember the video.

Speaker 3: But you never looked outside. I don't remember. Can you pause that? What was that?

Speaker 4: Cut garage door, automatic garage door wires. Is that it? Are you stating that I did that? Is that what you're trying to say? Uh... Yes.

Speaker 3: So you're stating I did that. Okay. Can you please continue this, please, Ms. Parker? Stop a ladder, right? Yes. Did you bring a ladder? No.

Speaker 0: Did anyone, did you open the ladder there?

Speaker 3: What? No. I never opened the ladder.

Speaker 1: Objection, Your Honor.

Speaker 0: Okay, I'm sorry.

Speaker 3: I'm just trying to figure out where the ladder came from, Your Honor. Okay, well,

Speaker 1: she didn't bring

Speaker 0: the ladder there.

Speaker 4: I'm saying she didn't bring the ladder.

Speaker 3: Can you back up for a second? Stop!

Speaker 0: Go back up for a second. Do you see that, uh, do you see that green thing that's black?

Speaker 3: Yes. Can you... Do you know what that's... Can you tell me what you think that is? I think that's the garbage.

Speaker 4: Okay. Did it burn a dog? For a couple days. And what was that? When you adopted the other cat.

Speaker 3: Okay, stop. Was that what you made testimony with a bag of jewelry that had cat poop in it? Yes.

Speaker 4: Where is that bag now?

Speaker 3: Thrown out. So you threw that whole thing out. Can you please pause it one more time?

Speaker 4: And you said that it was filled with cat poop? Yes. Can you tell me how you came to that conclusion? Uh, there was mookie stuff in the bag with all the jewelry.

Speaker 0: The same brown mookie

Speaker 3: stuff from that stuff that was in that

Speaker 4: bag that you pulled out of the ground?

Speaker 3: I don't know if it's the same or not.

Speaker 4: Where is that bag, please, Your Honor? Ms. Barbour?

Speaker 1: I think it's in the evidence locker. Can you please retrieve it? Why don't we just proceed now? I'm going to have to take a break in ten minutes, then I'll get it for you. And I can go back to this last question?

Speaker 3: And once again, you said... No, I won't. Okay, stop. Ms. Barbour, can you go back a couple seconds, please? Okay, stop. Now, was this the first time you entered the house? Yes. Did anyone enter the house prior to this? I see that the attic thing, the lights on in the attic. Yes.

Speaker 4: Did you pull the stuff down from the attic?

Speaker 3: Not before then. So, you pulled the stuff down, was there anything that you pulled down from the attic?

Speaker 4: Not before we first saw this, not before this video was shot.

Speaker 3: So, you walked in there and the panel from the attic was missing?

Speaker 0: Yes.

Speaker 4: Did you find the panel? I didn't.

Speaker 3: Can you go back for a couple seconds? Back to the bedroom, please. Okay, stop. I'm confused. You said this is the first time that someone's been in that house, right? You were the first one that went in there, right? Yes. Is that what your testimony is? It was on the wall? So, when you walked in the house, that's the way it was? If that's what you're seeing, yes. Actually, we probably walked through it first, then video. So, you walked through it first? And saw the graffiti and then when we saw the... It was off the thing? Yes.

Speaker 0: You know my medical history, right? Would I be capable of lifting a mattress? Yes? No?

Speaker 4: I said I don't know.

Speaker 3: You don't know? Okay. Can you please continue this further?

Speaker 0: Okay, can you stop that one more time?

Speaker 3: I think it was all upstairs. Was there any green paint downstairs? No. Please continue.

Speaker 0: That's it. At this point, Mr.

Speaker 1: Harn, let's take a break and I'll come back in about 20 minutes, okay? And I'll have that other evidence brought out.

Speaker 3: Yeah, please. And then...

Speaker 1: So, if you could just please wait outside and I just had this other hearing and it shouldn't be more than 20 minutes. Thank you very much. Thank you.