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SUPREME COURT
STATE OF WASHINGTON
May 22, 2015, 8:56 am
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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

In re the Marriage of:
SAMANTHA J. BADKIN,
Respondent,
and
VINCENT L. BADKIN,
Petitioner.

No. 91424-9

PETITIONER'S MOTION
TO SUPPLEMENT RECORD

1. IDENTITY OF MOVING PARTY

Petitioner, Vincent Badkin (Vincent), asks for the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT

Vincent moves the Court, pursuant to RAP 9.10, to supplement the record with the following documents:

1) Vincent's partial narrative report of proceedings of the trial court's entry of amended findings of fact on Aug. 3, 2012. A copy is in the appendix attached to this motion. The report has been transcribed verbatim from the trial court's audio recording of the proceedings by Vincent's attorney's office.

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2) The verbatim report of proceedings of the default trial on May 7, 2012. A copy is in the appendix attached to this motion.

3) The verbatim report of proceedings of the child's trial testimony on Sept. 10, 2012. A copy is in the appendix attached to this motion.

3. FACTS RELEVANT TO MOTION

Vincent has made a good faith effort to provide a sufficient record necessary for review, but has overlooked the foregoing documents due to the extensive nature of this case, which has had three trials, more than 300 entries in the trial court docket, including about 50 motions, and has spanned more than four years. The foregoing documents are relevant for the following reasons:

1) The partial narrative report of proceedings of the trial court's entry of amended findings of fact on Aug. 3, 2012, shows that Vincent objected to the trial court's amendment of the default findings of fact, and shows that the trial judge considered but denied Vincent's request that she recuse herself. This is relevant to issues nos. 2 and 5 in Vincent's Petition for Review.

2) The verbatim report of proceedings of the default trial on May 7, 2012, shows that the trial court attempted to make a telephone call to Vincent when he did not appear, but then

immediately proceeded with a default trial; it also shows that respondent Samantha's attorney made an oral argument as to the amount of the alleged IRS debt instead of Samantha testifying to it. This is relevant to issues nos. 1 and 3 in Vincent's Petition for Review.

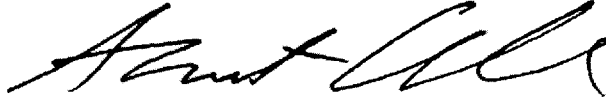
3) The verbatim report of proceedings of the child's trial testimony on Sept. 10, 2012, is relevant to issue no. 6 in Vincent's Petition for Review relating to the parenting plan and child support.

The latter two reports of proceedings listed above were attached to Vincent's briefs in the Court of Appeals, but it appears they were not directly transmitted to the Court of Appeals.

4. GROUNDS FOR RELIEF

This motion is made pursuant to RAP 9.10, which provides that the appellate court may on motion of a party direct the supplementation of the report of proceedings. RAP 9.10 further provides that if a party has made a good faith effort to provide those portions of the record required for review, the appellate court will not ordinarily dismiss or affirm a trial court's decision because of the failure to provide the appellate court with a sufficient record of the proceedings below.

Respectfully submitted on this 22nd day of May, 2015.



Ahmet Chabuk
Attorney for Petitioner
WSBA No. 22543
11663 Ivy Lane NW
Silverdale, WA 98383
(360) 692-0854

APPENDIX

1. Partial Narrative Report of Proceedings of the trial court's entry of amended findings of fact on Aug. 3, 2012. (Transcribed verbatim from the trial court's audio recording of the proceedings by Vincent's attorney's office.) (15 pages)
2. Verbatim Report of Proceedings of the default trial on May 7, 2012. (22 pages)
3. Verbatim Report of Proceedings of the child's trial testimony on Sept. 10, 2012. (30 pages)

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2 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
3 IN AND FOR THE COUNTY OF KITSAP

4 In re the Marriage of:
5 SAMANTHA J. BADKIN,
6 Petitioner,
7 and
8 VINCENT L. BADKIN,
9 Respondent.

Superior Ct. No. 10-3-00847-6
Ct. of Appeals No. 43900-0-II
Supreme Court No. 91424-9

10 PARTIAL NARRATIVE REPORT OF PROCEEDINGS
11 [Transcribed Verbatim from Audio Recording]

12 August 3, 2012

13 Court's Entry of Amended Findings of Fact and Conclusions of Law

14 Judge Anna M. Laurie
15 Department No. 3
16 Kitsap County Superior Court

17 APPEARANCES:

18 FOR THE PETITIONER: JOHN GROSECLOSE
19 Attorney at Law

20 FOR THE RESPONDENT: AHMET CHABUK
21 Attorney at Law

22 PREPARED FOR RESPONDENT BY:

23 Erkan Chabuk
24 11663 Ivy Lane NW
Silverdale, WA 98383
(360) 692-0854

1 THE COURT: In re the Marriage of Samantha and Vincent
2 Badkin. Good afternoon. We're here today for presentation of
3 findings, conclusions, decree of dissolution, order of child
4 support, and a parenting plan, after a trial on May 7th. I have
5 had a chance to read the transcript of that trial which was
6 presented to me, and Mr. Chabuk I'm assuming you got a copy of
7 that as well?

8 MR. CHABUK: Transcript, correct.

9 THE COURT: Alright. In addition, I received and reviewed
10 the proposed decree of dissolution, the proposed final order
11 parenting plan, the proposed order of child support, the proposed
12 worksheets, and proposed amended findings of fact and conclusions
13 of law. I also received from something that seemed to me to be
14 something that I would call wild filing, i.e., not attached to
15 the reason we were here today, the declaration of Samantha Badkin
16 addressing current difficulties with Mr. Badkin's compliance with
17 the parenting plan and attached emails. I did review it.

18 I also received from Mr. Chabuk the same sort of filing, a
19 28-page declaration that didn't seem to have anything to do with
20 the presentation of the orders today but rather was the
21 historical perspective of Mr. Chabuk relating to the procedural
22 aspect of this case. In that declaration he makes a variety of
23 allegations that frankly I found some of them a bit absurd, but
24 nonetheless they are made and they now are of record. Mr. Chabuk,

1 it's clear to me you don't want me to hear this case. You have
2 made that point. However, the declaration that you've submitted
3 today contains nothing new, nothing of merit, and I'm not going
4 to recuse myself. Certainly I want to conclude this matter and
5 enter findings, conclusions, decrees, parenting plan, and the
6 like. And that's what I want to address today.

7 So what I am going to focus our attention on is the verbatim
8 report of proceedings and the proposed documents that I have in
9 front of me here. Madam clerk, do you have a staple remover?
10 Thank you. And so Mr. Chabuk, what I'm going to do is go through
11 Mr. Groseclose's proposals and learn if you have any objections
12 to those proposals based on the transcript that was submitted as
13 well as of course substantive law. So going in no particular
14 order but just from the top of the stack that he gave me to the
15 bottom, I'd like to start with the decree of dissolution. And do
16 you have that in front of you?

17 MR. CHABUK: I think, well I should have it here but, Your
18 Honor, since they are not based on the findings of fact, we
19 should start, with all due respect to the court, we should start
20 with the findings. Because that is the mother of all documents as
21 Your Honor would I think agree with me.

22 THE COURT: Well then let's go to the amended findings of
23 fact and conclusions of law. Now Mr. Groseclose these are amended
24 findings of fact and conclusions of law, so if you could briefly

1 point us to the modifications from your initial presentation.

2 MR. GROSECLOSE: First Your Honor, line 21 contains
3 something I need to ask the court clarification about.

4 THE COURT: Line 21 of what page?

5 MR. GROSECLOSE: First page, line 21. At the hearing that we
6 had I asked -- we told the court that we'd had a previous trial
7 and one of the trial exhibits brought over and near the end of
8 the hearing the trial exhibits actually made it to you, and so on
9 line 21 I've indicated that the court considered the trial
10 exhibits but I really don't know whether that's true.

11 And in my review of the transcript, I did not formally ask
12 for them to be admitted, and so we either need to strike the
13 trial exhibits from that sentence or if the court did review
14 those while we were doing the presentation then it would stay.
15 But I don't know the answer to that question. I do know that they
16 weren't formally asked to be admitted. I did ask for them and
17 they weren't in the courtroom. Sort of unusual to previously have
18 a trial and the clerk retrieved them and you indicated that you'd
19 received them.

20 THE COURT: Madam clerk, do you have them with you in the
21 file now?

22 MADAM CLERK: I do not.

23 THE COURT: I'd have to look at them to refresh my
24 recollection. It's been several months. Let me set aside this

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1 matter, retrieve those exhibits, and then we can start up again
2 in a few moments.

3 MR. CHABUK: May I add something Your Honor?

4 THE COURT: Of course.

5 MR. CHABUK: Okay well there are -- I reviewed the
6 transcript -- there are no exhibits submitted to court, there's
7 no court's findings and conclusions, no ruling, there's nothing
8 in the record submitted to support the findings of fact,
9 conclusions of law. And Your Honor, the previous order very
10 clearly stated that findings of fact stands as it was signed,
11 submitted, prepared by this attorney, submitted to court, the
12 court signed it, and a subsequent motion, this court, Judge
13 Laurie, denied motion to vacate them, and we are willing to live
14 it.

15 And in the transcript, I don't see anything where clerical
16 error occurred in such a way that the court might have
17 jurisdiction. Otherwise, as Your Honor last time we stated, court
18 doesn't have jurisdiction to modify, to amend the existing
19 findings of fact because it's more than 10 days past since then.
20 Right now, looking at the transcript, there's nothing to
21 contradict -- as a finding of the court's ruling and exhibits --
22 there's nothing to contradict the existing findings of fact, and
23 we're willing to live with it, and there's nothing to give the
24 authority to the judge to amend it.

1 THE COURT: Alright, any response to that Mr. Groseclose?

2 MR. CHABUK: He has to live with that.

3 MR. GROSECLOSE: I don't actually know how to quite respond
4 to that because the findings of fact and conclusions of law in a
5 divorce case are a combination of more than one type of document
6 and the court took testimony and the document that he's talking
7 about living with doesn't actually address the findings for child
8 support order, the findings for a parenting plan. They -- the
9 findings of fact, conclusions of law, where there is an error
10 mostly address -- relate to monetary relief which is only one of
11 the reasons that we're here. So I don't believe that that's an
12 accurate characterization of what should occur.

13 MR. CHABUK: We have a new motion to modify, or what do you
14 call it, amendment of the parenting plan anyway based on the
15 circumstances. And the court and the parties we can address to
16 that parenting plan, etc. based on new developments and
17 undisputed facts, or perhaps court might want to take additional
18 testimony as far as the parenting plan. By the findings of fact
19 prepared by this attorney, submitted to court, and court signed
20 it, reaffirmed it in a subsequent order. And if I had done that,
21 now let's be fair I guess, right, if I had done that, would I get
22 away with it? No. Now, he has to live with it.

23 THE COURT: Mr. Chabuk, nonetheless I am going to have the
24 clerk retrieve the exhibits that are part of this court file. I'm

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1 going to take a look at them to refresh my recollection about
2 them, and so I'm going to ask you all to step back and I'll call
3 this matter again.

4 RECESS

5 COURT RECONVENED

6 THE COURT: Mr. Groseclose is back at the bar together with
7 his attorney Ms. Badkin. Mr. Chabuk is back at the bar together
8 with -- or with his client Ms. Badkin -- and Mr. Chabuk is here
9 together with his client Mr. Badkin. I had a chance to look at
10 the exhibits from the trial before Judge Spearman and I recollect
11 looking at them but not reviewing them. So Mr. Groseclose I'm
12 afraid that your record is going to have to depend upon the
13 transcript, the verbatim report of proceedings, that was
14 presented. Now Mr. Chabuk, before we broke for me to get the
15 exhibits and refresh my recollection about them, you were saying
16 that your client is willing to live with the initial proposed
17 findings of fact, is that -- I want -- remind me where we were.

18 MR. CHABUK: No, I'm talking about what has actually been
19 entered by the court on May 7th. When I filed my motion to
20 initially reconsideration within 10 days -- and I understand Your
21 Honor denied that, okay, came back with 60(b) motion, and at that
22 time the court denied. And then my amended 60(b) motion, the
23 court agreed that the orders were improperly entered. That's why
24 we're here, but Your Honor said findings of fact is properly
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1 entered. You had -- your court had the discretion, well of course
2 I realize, I acknowledge that I was not happy that I wouldn't
3 have the benefit of the discretion. But then, I looked at it,
4 well then we can live with it. So right now, that findings of
5 fact is something that we can live, and now in all fairness, as I
6 said awhile ago, if I had done these things, I wouldn't get away
7 with it. So now, I would like this court, Judge Laurie, be fair,
8 and stick with the actually findings of fact entered by the
9 court. Now --

10 THE COURT: Okay, Mr. Chabuk, I got that position from you.
11 I want to hear from Mr. Groseclose on his position on that. And
12 Mr. Groseclose, I think you were also speaking at the end of our
13 last session about this so I want you to bring me up to speed on
14 what you were saying as well.

15 MR. GROSECLOSE: Your Honor, I think that Mr. Chabuk has
16 indicated that he objects to filing an amended findings, period.
17 And so, the substantive changes that are between the findings
18 that are filed and the amended findings as presented -- I believe
19 the amended findings conform to the evidence that was placed on
20 the record. And to the best of my knowledge, the things that are
21 impacted -- the primary one that's incomplete or wrong or
22 misstated -- paragraph 2.8 of the findings, which is page 2 in
23 the one that was signed, says that the parties do not have real
24 or personal community property.

1 And that means that they don't have clothes on their back
2 and they're standing before the court naked for all intensive
3 purposes. It's wrong. I know it's wrong and I apologize, I
4 drafted that, I bear the responsibility for that being wrong. It
5 doesn't conform to the evidence. Should the court take Mr.
6 Chabuk's suggestion at heart, I think that the only impact on the
7 decree to that would be -- I'm not sure what the impact would be,
8 but it doesn't really have anything to do with the parenting plan
9 or the child support order or anything else, which -- so I'm
10 unclear about that. And so it appears that it would go towards
11 the only substantive things which were really granted by the
12 court which 50 percent of the pension and 50 percent of the
13 thrift savings account.

14 So it's my belief that the findings -- that particular
15 paragraph was drafted in error. It's -- the evidence of what the
16 community property was -- there's evidence contained on the
17 record about a pension, there's evidence contained on the record
18 about a thrift savings plan, there's some evidence about, I
19 believe, respective vehicles that the parties owned and so I see
20 this as my responsibility, my fault. I placed a sentence in there
21 that is just flat out wrong.

22 Mr. Chabuk's argument also is that this petition when it was
23 filed indicated that the personal property had already been
24 separated and that everything's agreed. That's the premise behind

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1 one of the arguments that he makes. I don't have a problem with
2 that being an argument, but it doesn't change the fact that even
3 Mr. Badkin would admit that he had personal property, whether it
4 was community and separate, and that the argument is that it was
5 just already divided, that's what Mr. Chabuk is saying. So the
6 findings are really that the parties did in fact have property
7 subject to division.

8 THE COURT: Mr. Groseclose, I'm going to interrupt you.

9 MR. GROSECLOSE: Sorry.

10 THE COURT: My initial question to you was, in these amended
11 findings in fact, what is different from your initial
12 presentation? And you've identified paragraph 2.8 as being
13 different.

14 MR. GROSECLOSE: That's correct.

15 THE COURT: What else is different?

16 MR. GROSECLOSE: Paragraph 2.9 said that the husband had the
17 following real or personal separate property. It says pension and
18 for the wife it said not applicable. The amended I presented was
19 a GMC Hummer. I added the GMC Hummer because in fact Mr. Badkin
20 has a GMC Hummer. And I added that the wife had a 2006 Nissan
21 Sentra. Both those vehicles were acquired after the date of
22 separation and nobody was going to divide them. I just put it in
23 there because it was reflected in the decree -- sorry, in the
24 transcript.

25

1 Paragraph 2.10, I added as liability incurred by the parties
2 -- the transcript had a discussion about a 2007 IRS obligation so
3 I added that as a creditor. Paragraph 2.11 talked about separate
4 liabilities. The one that was signed indicated that neither party
5 had any separate liabilities. Since I added the two vehicles as
6 separate property, I added the loans associated with both
7 vehicles as separate property. It doesn't change the allocation
8 to who those were in any way but information only.

9 And I believe that, for paragraph 3.7, I added a sentence
10 that says the day care costs of the mother should be paid by the
11 father in the proportionate share from the child support
12 worksheet. That language is adopted from a previous temporary
13 order, where that's what the court had ordered. And since the day
14 care costs were interlineated above, I added a sentence there
15 related to the day care costs, also from the transcript.

16 MR. CHABUK: I'm sorry, what happened to 3.4?

17 THE COURT: Was there a change to 3.4 as well?

18 MR. GROSECLOSE: I don't think I changed 3.4.

19 THE COURT: Do you believe he did Mr. Chabuk?

20 MR. CHABUK: I thought that wasn't in there. Oh yes well
21 apparently it's the same however it is like -- I use the
22 expression putting the cart ahead of the horse -- meaning,
23 talking about decree, so we don't agree with that one anyway, but
24 it would be null and void anyway.

25

1 THE COURT: Okay, I just want to make sure I know which
2 parts of this he's changed, and so that hasn't been changed.

3 MR. CHABUK: Yes, but we are not consenting to it.

4 THE COURT: I understand. Alright, now, since we're on the
5 amended findings of fact and conclusions of law, I've reviewed
6 the verbatim report of proceedings, and I recollect from our last
7 hearing that I was unhappy and expressed my displeasure with Mr.
8 Groseclose for the mistake that he freely admitted that he'd made
9 in preparing findings of fact and conclusions of law that were
10 wrong. I had granted him leave to proposed -- propose amended
11 findings of fact and conclusions of law and had directed him to
12 get the verbatim report of proceedings since Mr. Chabuk and Mr.
13 Badkin hadn't done that. And since this happened on May 7th, my
14 recollection was not clear as to what I had actually said. We now
15 have -- or what was said. We now have the verbatim report of
16 proceedings and the proposed amended findings of fact and
17 conclusions of law. I've listened to both sides and their
18 positions on this and I am adopting in part both of their
19 positions and declining to adopt some of each of their positions.

20 First, going to page 2, paragraph 2.8, the amendment
21 regarding the community property, I'm going to permit that
22 amendment. It does reflect the evidence that was presented and I
23 understand the inadvertence in eliminating it as well as the
24 absurdity of eliminating it. Paragraph 2.9, on the separate

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1 property, frankly, adding that in is of less legal consequence
2 than some of the others, since it simply identifies property that
3 was earned by the parties after their date of separation, but it
4 does clarify that and it was contained in the transcript and I'm
5 going to permit that amendment. Paragraph 2.10 is the community
6 liabilities and that also was specifically from the transcript.
7 It does accurately reflect the evidence and I'm going to permit
8 that amendment. Paragraph 2.11 is the separate liabilities.
9 Again, this has lesser legal consequence than the community
10 liabilities being listed, however it does clarify that the loans
11 associated with the respective separate vehicles --

12 MR. CHABUK: Which item?

13 THE COURT: 2.11. It does clarify that the loans associated
14 with the two separate vehicles go with the vehicles and with the
15 parties whose vehicles they are. Turning to paragraph 3.4, it's
16 the same and I appreciate that Mr. Badkin doesn't agree to it but
17 nonetheless I am including it in the conclusions of law. On
18 paragraph 3.7, attorney's fees and costs, attorney's fees are
19 reserved was my ruling from the May 7th hearing and should be
20 included. The day care costs of the mother being paid by the
21 father in proportionate share was from a previous day care
22 temporary order and that was not addressed at the hearing on May
23 7th and consequently the doctrine of merger prevents the
24 amendment to include that language and it will not be included in

1 the findings and conclusions.

2 MR. CHABUK: Item what, Your Honor?

3 THE COURT: In paragraph 3.7, the second sentence, talking
4 about day care costs. That will not be included in the amended
5 findings of fact and conclusions of law. However, I will sign
6 amended findings of fact and conclusions of law that reflect
7 those rulings. And Mr. Groseclose, I'm hopeful that you have
8 originals that can be modified.

9 MR. GROSECLOSE: I do, Your Honor. I also made a mistake,
10 Your Honor. Paragraph 2.21, I failed to identify as a change. The
11 original one indicated that federal tax exemptions for the child
12 shall alternate between the parties every other year. So my
13 amended one strikes that language because it doesn't really
14 belong in the findings, it belongs in the child support order.
15 And then paragraph 2.21 in the amended one that I offered talks
16 about a therapist bill which I believe is in the transcript but
17 it's also from a previous order and based on the merger
18 indication it seems like that should be struck as well.

19 MR. CHABUK: Your Honor, these IRS claim, YMCA -- no
20 exhibits, receipts, bills were submitted in court.

21 THE COURT: I understand that Mr. Chabuk.

22 MR. CHABUK: So, you are, Your Honor, still upholding it?

23 THE COURT: Yes, I heard testimony regarding it.

24 MR. CHABUK: Okay, number two is that of course, you know
25

1 this is not a clerical error so I'm going to renew my objection
2 to the fact that the court has no authority to amend the findings
3 of fact beyond the 10 days without a clerical error, or an
4 obvious oversight.

5 THE COURT: I understand that Mr. Chabuk.

6 MR. CHABUK: Okay, so --

7 THE COURT: Now, going -- I need to finish up with his
8 point, the 2.21. However, that was testified to at trial. The
9 therapist bill, isn't that right?

10 MR. GROSECLOSE: It was testified to -- it -- but -- it was.
11 My client was not very specific in the transcript about what was
12 owed to be honest, Your Honor. My recollection is that she used
13 -- I couldn't tell from the transcript exactly what the number
14 was.

15 THE COURT: Then you're right, the doctrine of merger would
16 preclude that from being part of this as well and that should be
17 stricken as well.

18 MR. CHABUK: Stricken?

19 THE COURT: Yeah, 2.21 stricken in its entirety. And Mr.
20 Chabuk has, on behalf of Mr. Badkin, preserved his objections to
21 the entries -- entry of these amended findings of fact and
22 conclusions of law.

23 END OF PARTIAL NARRATIVE REPORT OF PROCEEDINGS
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP

In re the Marriage of:)
SAMANTHA BADKIN,)
Petitioner,)
and)
VINCENT L. BADKIN,,)
Respondent.)

ORIGINAL

No. 10-3-00847-6

VERBATIM REPORT OF PROCEEDINGS
[Stenographically transcribed via Audio Recording]

May 7, 2012

Honorable Anna M. Laurie
Department No. 3
Kitsap County Superior Court

APPEARANCES

For the Petitioner: John Groseclose
GS Jones
Samantha Badkin
Petitioner

CARISA GROSSMAN, CCR, RPR
OFFICIAL COURT REPORTER
KITSAP COUNTY SUPERIOR COURT
614 DIVISION STREET
PORT ORCHARD, WA 98366
(360) 337-7140

1 THE COURT: In re the matter of Badkin
2 versus Badkin.

3 MR. GROSECLOSE: Your Honor, Samantha Badkin
4 and counsel are present and ready.

5 THE COURT: You can step up, Mr. Groseclose.

6 I heard through the grapevine that Mr. Chabuk
7 filed some sort of notice of unavailability. I don't
8 have the file, so I'm not certain when it was filed
9 or what the situation is. It was also a bit

10 confusing to me from the reports I got from my court
11 scheduler.

12 So, Mr. Groseclose, if you can fill me in on
13 what's going on, it would be appreciated.

14 MR. GROSECLOSE: Your Honor, I think we were
15 here in front of Judge Haberly on April 23rd for what
16 we had anticipated was a call-only matter.

17 However, Judge Haberly had finished her jury
18 trial, I think, at 5:30 on a Friday, and she was
19 prepared to start trial on the 23rd, with day one
20 being the 23rd and day two being May 3rd of a two-day
21 trial.

22 Mr. Chabuk was -- indicated that he wasn't
23 really barely able to stand, and he had to go to the
24 emergency room, and he asked for a continuance. At
25 which time, I believe, Judge Haberly indicated the

1 next real time that we would be potentially available
2 for a judge would be May 7th.

3 Some time last week, and I don't recall exactly
4 when, Mr. Chabuk dropped off a notice of
5 unavailability at our office -- probably Monday or
6 Tuesday -- indicating that he was going to be gone
7 and unavailable for some sort of an emergency on the
8 East Coast, I think is what the notice of
9 unavailability said, from May 4th for some period of
10 time.

11 MS. BADKIN: 31st.

12 MR. GROSECLOSE: 31st.

13 And then about Wednesday, I e-mailed the court
14 scheduler and Mr. Chabuk, indicating that I thought
15 maybe he should make a motion for a continuance. And
16 I checked with the court scheduler to see if
17 Judge Haberly could fit us into her schedule, if at
18 all possible, on Thursday to hear a motion for
19 continuance, but I didn't hear back from that e-mail
20 response. And I understand that the court scheduler
21 maybe e-mailed him. I did not call Mr. Chabuk last
22 week. And I hadn't actually spoken with him since
23 the day of trial -- sorry, April 23rd. So I
24 didn't -- I don't know the status of his health,
25 other than he appeared at our office to hand us a

notice of unavailability.

So I'm prepared and ready to move forward. I haven't heard from Mr. Chabuk. I could step out and call his office or attempt to track him down, but I checked my e-mails this morning before I came here, and I hadn't received any responses. It's not uncommon for Mr. Chabuk to not respond to my e-mails in a short timeframe. I don't know what he does otherwise, but he does things other than just being an attorney. And so sometimes even though we've active -- I've been involved in this case for a little over a year, sometimes it takes 24 hours for him to respond to an e-mail when he's actively in and out of his office. But I haven't received any response or telephone calls from him. I'm a little bit surprised.

THE COURT: I'm more than a little bit surprised. I'm not happy about this situation. We have a judge, we're ready to go, but I don't see either Mr. Chabuk or his client.

Ms. Badkin, have you heard from your soon-to-be ex-husband at all in the interim?

MS. BADKIN: No. We have exchange with our child but no mention was made, no comment from her there being any situation. All quiet on the western

1 front is good in my world.

2 THE COURT: Of course.

3 Are you going to be asking for a default then,
4 Mr. Groseclose?

5 MR. GROSECLOSE: Yes, Your Honor. It's the
6 day of trial. We've been on standby for two weeks.
7 Although Mr. Chabuk asked for a continuance, he
8 didn't ask for a continuance beyond the next
9 available potential court date, at least that's my
10 understanding from the court ruling we're at. I
11 think the court minutes would reflect what was
12 granted or not granted.

13 We -- I'm not allowed to call Mr. Badkin, but
14 he might actually answer the phone if the court
15 scheduler were to call him. If his attorney is
16 really unavailable on the East Coast, Mr. Badkin
17 probably isn't on the East Coast. He's probably
18 here.

19 THE COURT: Before I take that step, which I
20 will be prepared to do if the efforts of finding
21 either of them are fruitless, let's at least try to
22 call.

23 So, Mr. Groseclose, if you could step out and
24 attempt to call Mr. Chabuk. And madam clerk, if you
25 can e-mail Ms. Kluver and see if she can call

Mr. Badkin to determine what his status is. And then everybody come back in a few minutes, and we'll see where we go from there.

MR. GROSECLOSE: Thank you, Your Honor.

MS. BADKIN: Thank you, Your Honor.

(Recess.)

THE COURT: We're here again in re the marriage of Badkin. Cause number 10-3-00847-6.

As I understand the situation, Judge Haberly set this for trial on today's date, May 7th, when the parties were last in front of her on April 23rd. It's now 9:20.

The court scheduler has attempted to call Mr. Badkin, but the message on his voice mail is that the party to whom you've directed this call is not accepting calls at this time.

Mr. Groseclose, have you had any success in locating Mr. Chabuk?

MR. GROSECLOSE: No, Your Honor. I left him a voice mail. I got his voice mail and left him a voice mail, but I haven't heard from him.

THE COURT: Well, a notice of nonavailability has no legal consequence. I don't know that there's a rule that permits that, and it certainly doesn't operate as some sort of poor man's

1 continuance without court approval once a trial has
2 been set.

3 So it is appropriate at this point to do a
4 default.

5 Are you and your client prepared for that?

6 MR. GROSECLOSE: Yes, Your Honor.

7 THE COURT: All right. Ms. Badkin, if you
8 can raise your right hand.

9 * * * * *

10 SAMANTHA BADKIN, having been first duly sworn, was
11 examined and testified as
 follows:

12
13 MS. BADKIN: Yes, Your Honor.

14 THE COURT: All right. Mr. Groseclose, if
15 you would like to inquire.

16 EXAMINATION

17 BY MR. GROSECLOSE:

18 Q. Ms. Badkin, can you please state your name and your
19 date of birth for the record?

20 A. Samantha Jane Badkin. January 6, 1970.

21 Q. ~~And is your husband Vincent L. Badkin with a birth~~
22 date of November 24, 1958?

23 A. Correct.

24 Q. Did you and he have a daughter -- sorry.

25 Do you and he have a daughter, McKenna B. Badkin?

A. Yes, we do.

Q. And what's her date of birth?

A. July 16, 1996.

Q. Does that make her 15?

A. That does.

Q. Were you married to Mr. Badkin on October 14, 1995, in Portland, Oregon?

A. Correct.

Q. Were you separated on or about May 23, 2008?

A. Correct.

Q. Is the marriage irretrievably broken?

A. Yes.

Q. Any hope of reconciliation?

A. No hope.

Q. Is there -- sorry.

At the time that you separated, have you and Mr. Badkin essentially separated all of your personal property?

A. Yes, we have, essentially.

Q. To your understanding, there isn't anything in his possession, personal property-wise, that you desire to have?

A. No.

Q. And it's your belief that there isn't anything in your possession that he desires to have?

A. No.

Q. With respect to maintenance in this case, when you filed the petition, did you request that maintenance be paid?

A. No, I did not.

Q. Is there continuing restraining order requests been made?

A. No, there isn't.

Q. Protection order requests been made?

A. Nope.

Q. Are you pregnant?

A. No.

Q. Has the court previously entered a child support order in this matter?

A. Temporary child support order and a parenting plan.

Q. Has your income, or to your knowledge Mr. Badkin's, changed substantially since then?

A. No.

MR. GROSECLOSE: Your Honor, I have proposed final paperwork. I can take testimony on all of those things. ~~There's some more specifics. Can I~~ hand that up to the court?

THE COURT: You may so long as you don't need it to inquire of your client.

MR. GROSECLOSE: I don't, I believe.

1 THE COURT: All right. And you handed me
2 the trial brief.

3 MR. GROSECLOSE: Sorry. Attached to the
4 trial brief are some exhibits.

5 THE COURT: You've handed me the proposed
6 findings of fact, conclusions of law, the proposed
7 decree of dissolution, the proposed order of child
8 support, and I don't see a parenting plan.

9 ~~MR. GROSECLOSE: Your Honor, the parenting~~
10 plan that we were going to ask be proposed is marked
11 as an exhibit and is in the care of the clerk. It
12 places the child predominantly in the care of
13 Ms. Badkin, and it differs from the current temporary
14 parenting plan.

15 If I could get someone to bring the exhibits
16 over because they're marked and so they're in the --
17 sorry.

18 There was a previous trial in this matter. And
19 because there was a previous trial in this matter,
20 the exhibits stayed with the clerk of the court, and
21 we were going to use the same exhibits for trial.

22 THE COURT: This was Judge Spearman's case
23 earlier?

24 MR. GROSECLOSE: Yes, Your Honor.

25 THE COURT: All right. I think I knew that

1 and didn't track down the exhibits, which I should
2 have done.

3 So, madam clerk, if you can find them, then
4 we'll address that proposed parenting plan as the one
5 that you're asking me to sign today.

6 MR. GROSECLOSE: Yes, Your Honor.

7 BY MR. GROSECLOSE:

8 Q. With respect to the marital assets, Your Honor, it's
9 ~~my understanding -- I'm sorry, Ms. Badkin -- that~~

10 Mr. Badkin has a GMC Hummer in his care?

11 A. Yes, correct.

12 Q. And you're asking that be awarded to him?

13 A. Correct.

14 Q. And that the financial obligation for the loan
15 associated with that be his responsibility?

16 A. Correct.

17 Q. And Mr. Badkin has a community property portion of
18 his pension?

19 A. Correct.

20 Q. And you're asking for 50 percent of the community
21 property portion of his pension?

22 A. Correct.

23 Q. Do you remember the name of his pension?

24 A. I do not.

25 Q. Is that associated with his civilian employment?

1 A. Through Lockheed Martin, yes.

2 Q. He also had at the time of your separation, I
3 believe, a 401(k) thrift savings plan?

4 A. Correct.

5 Q. And my recollection is that he made very few
6 contributions to that after the date of separation?

7 A. Correct.

8 Q. And you're asking for 50 percent award of the 401(k)
9 thrift savings plan?

10 A. Yes, I am.

11 Q. There was a YMCA day care bill that Mr. Badkin
12 submitted at the previous trial, do you recall that?

13 A. He mentioned the bill but he never actually submitted
14 an actual bill. He claimed it was \$600,
15 approximately.

16 Q. What would you like the court to do with that bill?

17 A. I haven't seen the bill. It's been four years. It's
18 up to the court.

19 MR. GROSECLOSE: Your Honor, the paperwork I
20 had prepared suggested a pro rata share of the debt
21 distribution for the YMCA child care bill. That
22 would be our request this morning.

23 BY MR. GROSECLOSE:

24 Q. There's a 2007 IRS tax liability that you guys had?

25 A. Yes, there is.

1 Q. What was the amount of that?

2 A. 15 and change. I don't have the actual number. It's
3 in one of your exhibits.

4 Q. What would you like to have -- how would you like to
5 have that to be apportioned, if at all, by the court?

6 A. To share 50/50.

7 MR. GROSECLOSE: Your Honor, I've
8 interlineated in the decree of dissolution 50 percent
9 of that liability, which I had as 1557 or
10 thereabouts, which would be 778.50 to each party.

11 Your Honor, I don't know whether this should be
12 reserved or not. But Ms. Badkin has -- at the trial,
13 we were prepared to ask for an award of attorney
14 fees. The relationship between Ms. Badkin and our
15 firm is that she works at our firm, and we had agreed
16 to represent Ms. Badkin for no cost to herself.
17 However, whatever attorney fees were going to be
18 awarded, would -- we would get paid that, so limited
19 means representation, Your Honor.

20 And so I'd like to reserve a motion for an
21 award of attorney fees and provide a fee bill for
22 that so the court can make a decision on that one way
23 or another.

24 However, the paperwork that I put forward
25 interlineates an attorney fee cost, and I would

1 request that that be scratched out, portions of that
2 be scratched out and reserved.

3 And the portions that should not be scratched
4 out would be -- there was three awards of attorney
5 fees previously in this matter: Once on June 3, 2011
6 in the amount of \$300.00; once on August 26, 2011 in
7 the amount of \$50; once on, it looks like September
8 26, 2011 in the amount of 175. And those three
9 ~~amounts should be carried forward and placed into the~~
10 decree so that the judgments and the temporary orders
11 expire with the entry of the decree.

12 BY MR. GROSECLOSE:

13 Q. Ms. Badkin, was there a counseling bill associated
14 with the visits to -- on the child's therapist?

15 A. Yes, there was.

16 Q. And Mr. Badkin was previously ordered to pay his
17 proportionate share of that counseling bill?

18 A. Yes, he was.

19 Q. Would 75.60 represent the amount he owed you and
20 hadn't paid?

21 A. I don't do math in my head well. But I believe the
22 original bill was 120, or his portion was 120. So
23 66 percent is his, I think, something like that.

24 MR. GROSECLOSE: Your Honor, also in the
25 decree of dissolution on page 2, paragraph B,

Mr. Chabuk was previously found in contempt of court. And I pulled from that temporary order the amount of the original sanction and placed it in the decree because the temporary order would expire.

BY MR. GROSECLOSE:

Q. Ms. Badkin, are you owed any back child support, to the best of your knowledge?

A. Yes, I am.

Q. I have down here that it was 1,335.46 through December 31st?

A. Correct.

Q. How did you verify that number?

A. Through the Division of Child Support arrearage on my monthly bill.

Q. Is the division of debts that we've talked about fair and equitable?

A. Yes.

Q. Sorry.

Mr. Chabuk has claimed that you own the family home that you currently reside in; is that a true and accurate statement?

A. No, it is not.

Q. Do you own any vehicles that are in your possession?

A. I do.

Q. What's the vehicle?

A. It's a Nissan Sentra 2006.

Q. And when was that acquired?

A. April.

Q. Of 2000 --

A. No. 2012, just recently.

Q. Are you asking that that vehicle and that loan associated with that vehicle be assigned to yourself?

A. Yes.

~~Q. The parenting plan that you had submitted previously to the court indicated that McKenna should be in your primary care from, I want to say -- well, why don't you tell the judge what the parenting plan -- I apologize.~~

A. It is with her in my primary care. Visitation every other weekend from Thursday through Sunday. On the opposing weeks, he can have a Thursday overnight visit.

Q. And, Ms. Badkin, you've been doing an alternate week arrangement with McKenna since, I want to say, August of 2010?

A. Roughly. It seems like it's been a little over a year.

Q. Can you tell the court why you think it's appropriate to change from that arrangement to the one you're proposing today?

1 A. Her behavior and grades have gone down ever since
2 we've started. We've got criminal activity that
3 she's now doing. She's getting Fs in school. I do
4 believe her schedule needs to be structured more and
5 that she stays in one home, and she can visit her
6 father for visits and time together.

7 Q. In general, you had asked for joint decision making
8 in that parenting plan; is that correct?

9 A. Yes. Joint decision-making.

10 Q. You hadn't proposed that there be any limitations on
11 Mr. Badkin?

12 A. No.

13 Q. It's your position that he's a pretty good father?

14 A. Yes.

15 Q. Do you think that the parenting plan that you're
16 proposing is in the best interest of McKenna?

17 A. Oh, yes.

18 Q. And the division of debt and assets we talked about
19 today, those are equitable?

20 A. Yes.

21 MR. GROSECLOSE: Your Honor, I don't think I
22 have anything else.

23 THE COURT: Ms. Badkin, where do you
24 currently live?

25 MS. BADKIN: I live, like, address-wise?

1 THE COURT: Just city, county.

2 MS. BADKIN: Bremerton.

3 THE COURT: All right. Is that where you
4 lived when the petition was filed?

5 MS. BADKIN: Yes.

6 THE COURT: During the time that you and
7 Mr. Badkin lived together as husband and wife, from
8 October 14, 1995 to May 23, 2008, did you live
9 together as husband and wife in the State of
10 Washington?

11 MS. BADKIN: Yes, we did.

12 THE COURT: Now, Mr. Groseclose, you've
13 talked about the division of the pensions.

14 Are you going to submit a qualified domestic
15 relations order to accomplish those divisions?

16 MR. GROSECLOSE: Your Honor, I believe we
17 have those. If we set a presentation date, I'll do a
18 motion for attorney fees and presentation of those
19 all at the same time. I didn't draft -- I think I
20 have them drafted, but I didn't bring them with me.
21 I anticipated that we would be at trial.

22 THE COURT: And then in terms of the
23 parenting plan, Madam Clerk, where are we with
24 getting those exhibits?

25 THE CLERK: The exhibit clerk is getting it

1 now. She's on her way.

2 THE COURT: All right.

3 MR. GROSECLOSE: Your Honor, if I could step
4 away from the bench and interlineate those changes
5 that I talked about on the decree unless you already
6 did it.

7 THE COURT: I've done them.

8 MR. GROSECLOSE: I can find -- I think I
9 ~~have a child support worksheet, then.~~

10 And, Your Honor, I put forward the worksheets
11 that were filed April 22, 2011. I believe that they
12 reflect the same information that we're asking the
13 court to enter today.

14 THE COURT: And that is a child support
15 payment from Mr. Badkin to Ms. Badkin at \$634.46?

16 MR. GROSECLOSE: Is that correct?

17 MS. BADKIN: Correct. That's correct.

18 THE COURT: That's different from the child
19 support order you had by roughly \$21.

20 MR. GROSECLOSE: Is the amount on the child
21 support order lower?

22 THE COURT: Higher.

23 MR. GROSECLOSE: Can I have the order back,
24 and I'll make it match the worksheets? Obviously I
25 made a mistake.

1 Oh, I think the father had a --

2 THE COURT: I just looked at the first page,
3 so it may match later.

4 MR. GROSECLOSE: Your Honor, I believe that
5 the father has a --

6 THE COURT: A credit for medical.

7 MR. GROSECLOSE: Yeah. Does he pay medical
8 for McKenna?

9 MS. BADKIN: Yeah.

10 MR. GROSECLOSE: Do you remember the amount?

11 MS. BADKIN: I want to say 18, but that's
12 totally off the top of my head. I want to say \$18.

13 MR. GROSECLOSE: I've changed it to 634,
14 Your Honor, which reflects the child support
15 worksheets.

16 THE COURT: Ms. Badkin, based on your
17 testimony today, the showing is sufficient and I have
18 signed the findings of fact, conclusions of law, the
19 decree of dissolution, the final parenting plan, the
20 order of child support and the attached worksheets.

21 Your marriage is now dissolved.

22 Now, Mr. Groseclose, you mentioned a notice of
23 presentation of the QDROs and the attorney's fees
24 request. I assume that will be on my May 18th
25 calendar. If it's not, I'm on vacation for the

1 following two Fridays and won't be available then
2 until June 8th.

3 MR. GROSECLOSE: Is June 8th acceptable,
4 Your Honor?

5 THE COURT: Of course.

6 MR. GROSECLOSE: I won't be available on the
7 18th. Someone from my office can present. It might
8 be better just to do it on the 8th.

9 THE COURT: That will be in the clerk's
10 minutes, and I will expect you to note it up.

11 MR. GROSECLOSE: Thank you, Your Honor.

12 THE COURT: All right.

13 MR. GROSECLOSE: Your Honor, counsel has
14 reminded me maybe we need to review a JIS? I'm
15 sorry, I didn't order one. If you take the next
16 matter, I'll go order one.

17 THE COURT: Go order one. The parenting
18 plan needs to be left here then.

19 (End of recording.)
20

21

22

23

24

25


C E R T I F I C A T E

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STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

I, Carisa Grossman, an official court reporter
for Kitsap County Superior Court, do hereby certify
that the foregoing is a true and accurate transcript
of the proceedings as taken by me in the
above-entitled matter.

DATED: July 27, 2012


CARISA GROSSMAN, CCR, RPR
OFFICIAL COURT REPORTER
WASHINGTON LICENSE NO. 2018

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 2 IN AND FOR THE COUNTY OF KITSAP

3
 4 In re the Marriage of:

5)	
)	
6	SAMANTHA BADKIN,)	
)	
)	
	Petitioner,)	
7	and)	No. 10-3-00847-6
)	
)	
8	VINCENT BADKIN,)	
)	
)	
9	Respondent.)	

10 VERBATIM REPORT OF PROCEEDINGS

11
 12
 13 September 10, 2012

14 Trial Testimony of McKenna Badkin

15
 16 Before the Honorable ANNA M. LAURIE,
 17 a Kitsap County Superior Court Judge,
 sitting in Department 3 thereof.

18 APPEARANCES:

19 FOR THE PETITIONER: JOHN GROSECLOSE
 20 Attorney at Law

21 FOR THE RESPONDENT: AHMET CHABUK
 22 Attorney at Law

23 Nickoline M. Drury, CCR, RMR
 24 Official Court Reporter
 25 CCR# 2622
 614 Division Street, MS-24
 Port Orchard, Washington 98366

1 MS. McKENNA BADKIN: Hi.

2 THE COURT: Hi, McKenna. Come on up. Have you
3 ever been in a courtroom before?

4 MS. McKENNA BADKIN: No, I haven't.

5 THE COURT: It's kind of -- It makes you nervous.
6 But come on up.

7 MS. McKENNA BADKIN: It does.

8 THE COURT: All right. Thank you.

9 Now, before you sit down, I want to put you under oath,
10 and then after you have sat down, I will ask you some
11 questions about it, okay?

12 MS. McKENNA BADKIN: Okay.

13 THE COURT: Please raise your right hand. Do you
14 swear or affirm that everything you are about to tell me is
15 the truth, the whole truth, and nothing but the truth?

16 MS. McKENNA BADKIN: Yes.

17 THE COURT: Have a seat.

18 MS. McKENNA BADKIN: Thank you.

19 * * * * *

20 MCKENNA BADKIN, being first duly sworn on
21 oath, was examined and
testified as follows:

22 EXAMINATION

23 BY THE COURT:

24 Q. McKenna, how old are you?

25 A. I'm 16.

1 Q. What's your date of birth?

2 A. July 16th, 1996.

3 Q. Okay. Because you are under 18, I have to ask you some
4 questions, and these may sound insulting to you, but it's
5 the questions that we ask minors to make sure they under-
6 stand the difference between a truth and a lie. I suspect
7 you are much better at this than many of the four- or
8 five-year-olds that I see, so I want you to relax and
9 understand this is just the form that we go through. It's
10 nothing personal --

11 A. Right.

12 Q. -- relating to you.

13 Can you tell me an example of what a lie is?

14 A. Something that's made up, that is not the truth.

15 Q. Can you give me an example of a lie?

16 A. Um, I'm six foot.

17 Q. Okay. I saw you walk in and you are not six foot.

18 A. Exactly.

19 Q. All right. And what does it mean to you when I ask you if
20 you swear to tell the truth?

21 A. That means that I give you a promise to not lie.

22 Q. Okay. Now, lies can be many things. There can be lies of
23 omission, which means you leave out something that really
24 you should have said; there's lies of commission, where you
25 tell something that's completely not true; and there's also

1 things that you say that may not be lies but may not be
2 completely accurate because your memory is bad or you didn't
3 have a good chance to observe what was going on. And so I
4 want you to understand that the promise you have made is the
5 promise to try your best to tell the truth.

6 A. All right.

7 Q. I don't expect anybody to be 100 percent accurate. I think
8 that's unrealistic.

9 A. Right.

10 Q. Now, your folks are in here and they're getting a divorce,
11 and it's a sad thing, I think.

12 A. Uh-huh.

13 Q. But I know that you wanted to come in and talk to me. And I
14 also know that you talked to Judge Spearman back in his
15 office quite some time ago. I want you to tell me what you
16 think I need to hear. It doesn't have to be the same thing
17 you told Judge Spearman -- things may have changed since you
18 talked to him -- it can be whatever you want.

19 But I want to ask you a question before I talk to you.
20 As you can see, you are being recorded by the official court
21 reporter. Do you remember that process?

22 A. Yes.

23 Q. It's kind of magic in my mind, how she can take down every
24 word that we say.

25 A. Yeah.

1 Q. Right.

2 And you start watching her screen and you kind of get
3 distracted, so don't do that. But what she does can be
4 turned into a transcript, a written document, that
5 identifies what I have said, what you have said, and the
6 like.

7 My interest in talking with you is to get the most
8 honest truth, that is, the truth in which you are not
9 pressured by either parent, that you don't have to worry
10 about hurting anybody's feelings, you don't have to worry
11 about them.

12 And so I'm going to ask you a difficult question, and I
13 want you to try to be honest. If your dad or your mom asks
14 for a transcript of this and I give it to them, does that
15 mean that I won't necessarily get the best truth from you?

16 A. No.

17 Q. Okay. So if I decide that they can have a transcript, how
18 is that going to play out with what you tell me? And I
19 haven't made that decision yet.

20 A. I don't think it is going to have much of an effect on it
21 because I want both parties to know how I feel about this
22 situation because, being it's custody, I feel like just
23 taking in my, like, my feelings into consideration means a
24 lot to me and both of them because they're fighting for
25 what's best for me, so ...

1 Q. They are.

2 And my job is kind of odd. There's a law book -- and I
3 don't have one here, but it looks something like this -- and
4 in it, it tells me what things I have to look at to make a
5 decision about custody.

6 A. Right.

7 Q. And one of those things, one of those ten factors, is the
8 wishes of the child, if the child is old enough to express a
9 wish, and you are.

10 A. Right.

11 Q. But that's not the only factor and it's not the most
12 important factor, but it is a factor that I have to look at.

13 So I guess what I'm going to let you know ahead of time
14 is that I am going to listen to you, and I definitely want
15 to hear what you have to say, but what you say isn't going
16 to be my only guide.

17 A. I understand.

18 Q. Does that make sense?

19 A. Yes, it does.

20 Q. Okay. So what do you want to tell me?

21 A. I guess I could start with, I just -- I want to make sure
22 that the decision you make is the best decision for me and
23 my well-being with school and my happiness and what is best
24 for me, for a living environment for me. And I'm not saying
25 I don't want to live with my mother ever. I just don't feel

1 at this point in time, in both of our lives, it's a good
2 point for me to live with her most of the time because we
3 have -- I don't know how to put this. I just think me and
4 my dad have a better relationship. It's more of a trusting
5 relationship, but it's not a totally non -- We have a
6 parent-to-child relationship along with a friendship and he
7 respects me, which I think a big thing in having a relation-
8 ship with your child is respect. And I will give respect.
9 I will always give respect to my parent, but I believe they
10 should give me respect back that is necessary.

11 But I feel I get more school work done at my dad's house
12 just because he takes time to help me and make sure he
13 pushes me to get most -- get all of my work done and to help
14 me. And he talks to my counselors.

15 I have had my counselor tell me in a meeting that we
16 have had, me and the counselor --

17 Q. Is that Mr. Boyett?

18 A. No.

19 Q. Okay.

20 A. It's a school counselor.

21 Q. Okay.

22 A. Not -- So I was talking to my school counselor, and she told
23 me that she's never met my mother before and has never
24 talked to my mother and the only person she's ever had
25 verbal conflict -- contact with is my father and that he's

1 the only one who's come to school and asked about classes,
2 how I'm doing in school and who's really involved with
3 school work and with my school work.

4 I know for a fact that he's trans -- he's sent e-mails
5 back and forth between my teachers asking if I'm doing my
6 work, if all of my work is getting turned in, how I am in
7 class. And I feel like that's very helpful for me because I
8 am a teenager, so focusing on school can be really hard
9 sometimes. So I believe him pushing me gives me a lot more
10 just security, knowing that I have someone there to help me.
11 And when I'm at my mom's house, it's kind of I do it on my
12 own, I have to push myself to do it, which I do believe is
13 important for me to be able to push myself, but I do need a
14 little bit of guidance because I am young and it's hard to
15 keep focused. So it's hard for me to get work done there
16 because I don't have someone who takes time to ask me if I
17 need help, not for me to ask them. Because sometimes it's
18 hard to ask for help because -- It gets hard sometimes,
19 so ...

20 And I just feel like, for my well-being at this point in
21 time, that living with my father is best for me and my mom's
22 relationship and my school work and everything just because
23 I believe me and my mom's relationship isn't as strong as it
24 could be and will be in the future. And I hope we get a
25 better relationship. And I have no problem with spending

1 . time with my mom, long amounts of time with my mom, but I
2 just don't see me living there as helpful for me.

3 Q. When you say long periods of time with your mom, are you
4 talking about visitation kind of time?

5 A. Yeah. Yes. Uh-huh.

6 Q. Okay. Now, if the Court orders that you go visit your mom,
7 will you follow that court order?

8 A. Yeah. Yes.

9 Q. You can say "yeah," that's okay.

10 A. Okay.

11 Q. I know what you mean.

12 A. Uh-huh.

13 Q. That's one of the things I'm worried about.

14 I understand that you are on a diversion for
15 shoplifting?

16 Oh. We have motion sensors out there, so if we don't
17 move around, the lights go off.

18 So how long is that diversion for? Is it two years? Do
19 you remember?

20 A. I don't exactly remember. But I did go to a diversion class
21 which got it off my record.

22 Q. It will once you --

23 A. It will, yeah. It will once it goes through.

24 So I don't remember how long it is.

25 Q. Okay. It's probably a year or two years.

- 1 A. Right.
- 2 Q. Do either one of those sound familiar?
- 3 A. Yeah.
- 4 Q. Okay. Because part of that diversion plan is that you have
5 . to stay out of trouble for that period of time.
- 6 A. Right.
- 7 Q. And part of that court order from juvenile is that you have
8 to live in a court-approved placement.
- 9 A. Uh-huh.
- 10 Q. So I don't want you getting in trouble with your diversion
11 because if I enter an order in this case that you don't
12 like, whether it's longer visitation with your mom or
13 custody with your mom, I want you to be able to commit to me
14 that you will follow it so you don't get in trouble out at
15 . juvy.
- 16 A. Correct.
- 17 Q. Do you see what I'm saying? Does that make sense?
- 18 A. Yes.
- 19 Q. Okay. Now, I want to get to know you a little bit so that I
20 can gauge who you are. So tell me what the most important
21 thing about you is. What about you are you most proud?
- 22 A. I believe I'm a very insightful person, so I have a very
23 good knowledge of how people act and just -- I'm very
24 observant and very mature for my age, I would say. I'm not
25 . trying to toot my own horn or anything. But I just, out of

1 experience with other people and kids my age and being at
2 school, I believe I have way more mature -- I have matured
3 more than they have.

4 Q. Where do you go to school?

5 A. Klahowya Secondary.

6 Q. So you are in tenth grade now?

7 A. I'm in eleventh.

8 Q. Eleventh grade now?

9 A. Uh-huh.

10 Q. Okay. I guess that's right. You just turned 16 in July?

11 A. July, uh-huh.

12 Q. So you are a little younger than some of your classmates?

13 A. I am, yes.

14 Q. How is that?

15 A. It gets hard when all your classmates start driving and you
16 are stuck on the bus. But it's not too bad.

17 Q. So how are you doing in school this year? I understood you
18 had some struggles last year.

19 A. I had some struggles last year. And I'm going to focus a
20 lot more this year because next year is senior year for me,
21 so it's very crucial for me to do a good job with this year.
22 And I did have summer school over the summer for three weeks
23 for a HSPE testing. I didn't pass my reading HSPE by three
24 points, so I went to the class, which wasn't mandatory, but
25 I wanted to improve my testing skills because I'm a good

1 reader, but I get nervous during testing, so I don't test as
2 well. So I wanted to learn some new ways to learn how to
3 test and take tests and stuff like that. And I got an A in
4 that class, which proves to myself that I'm capable of
5 getting good grades and doing, if I work really, really hard
6 and put my best effort forward, to -- I can achieve A's and
7 B's and higher grades. So I'm going to push myself even
8 more than I ever have this year to get back on track with
9 school and all that stuff so I can get into a college or
10 something after high school.

11 Q. What are your goals?

12 A. I really don't know what I'm interested in doing after high
13 school. I do want to get a higher education afterwards, but
14 I'm not really sure what I want to major in because I
15 just ...

16 Q. Well, you are too young to decide that.

17 A. Yeah. Yeah.

18 Q. Now, there was a question I wanted to ask you. Oh. There's
19 been a lot of talk about some declarations that you filed.
20 And I haven't read them because my job isn't to go through
21 and read the file. My job is to meet the people and listen
22 to what they say and how they say it.

23 So is there anything in those declarations that you
24 think I should know as part of this decision?

25 A. I have them right here. Can I --

1 Q. You can look at them --

2 A. I can look at them. I can't read them all.

3 Q. -- but I can't look.

4 Yes.

5 A. All right. Okay.

6 Q. So I just don't want you to be caught flat-footed. If
7 there's something you think is really important for me to
8 know, that's what I want to hear.

9 A. Okay. Thank you. Just a second.

10 There is a part in one of these letters where I say --
11 where I talk about how most of my needs, like buying things
12 for me, school clothes, school -- all of the needs I have to
13 be bought are mostly -- I have seen them being taken care of
14 by my father, which kind of confuses me in the fact that my
15 mom is getting my child support from my father. So when I
16 ask my mom for things, like I need a new notebook or I need
17 some things for school or if I need new pants or something
18 of my needs -- not all of my needs I don't expect to be
19 met -- but I expect here and there to get a little bit more
20 than just the home, groceries, all of that, living expenses,
21 you know, but I don't -- And I'm seeing my father support me
22 a lot more in that area than my mom has. So I was just --
23 And from my understanding, that's what child support is used
24 for, but I'm 16, so I don't really know all the specifics.
25 And I am considering all of the living expense, the

1 electricity, all of those things. But all of my school
2 clothes, all of -- everything that I have asked for has been
3 taken care of either by my grandma or my father. My mom has
4 bought me a few items here and there, but not as much as I
5 would expect her being paid for, if that makes sense.

6 Q. Do you know how much child support she gets?

7 A. Not exactly, no.

8 Q. Okay. Do you know if she gets it on a regular basis?

9 A. I'm guessing she gets it monthly, but I'm not positive.

10 Q. Okay. Anything else in there you wanted to make sure I
11 heard about?

12 A. Another point I would like to bring up is, a few months ago,
13 there was -- my mom came to me and told me that I was --
14 she was going to be giving custody to my dad and that she
15 was settling and that I was going to be living with him most
16 of the time. And this was before any court order was made.
17 So she told me before any court order was made that my dad
18 was going to have custody.

19 Q. Do you remember when that was? Was it before school got
20 out?

21 A. Yeah, it was before school got out.

22 Q. Okay.

23 A. And so I started living with my dad. And after a few weeks
24 of living with him, my mom told me, or told my father -- she
25 didn't tell me; she went through my dad -- and told me that

1 I was not going to be living with him anymore and that she
2 had custody. I really don't know what happened in that
3 situation or time span that made the change.

4 And she told me the reason why she was giving custody to
5 my dad was because she believed that it would better our
6 relationship. And I did agree with that because us living
7 together just wasn't working. We weren't coinciding very
8 well. And so we both agreed that me living with my dad and
9 visiting her on a regular basis was going to be better for
10 me and her -- our relationship and for us to grow. And so
11 when she, a few weeks later, when she changed what she said,
12 it confused me.

13 And so when I went back to go live with her, all of the
14 things in my room had been packed up, all of my --
15 Everything that I had in my room was packed up except for my
16 bed and a few things. And I asked her why and she told me
17 that she thought I was going to want them at my dad's house.
18 But it just made me feel like I didn't have a place there
19 after I left; like after I went back to my dad's house, that
20 I wasn't going to have a place for myself at her home or a
21 place where I belonged. And I just -- For her to tell me
22 that I was going to be living with my dad without a court
23 order set and without that -- without it being assured,
24 really, I just don't -- I felt like it, was kind of just
25 toying me around and it wasn't fair for me.

1 Q. In your declarations there, can you pin down a better date
2 for when that conversation happened?

3 A. Yes. Let me see if I can.

4 No. I just have "a few months" in the letter.

5 Q. When was the letter written then?

6 A. This -- I don't have the official letter, so I don't have
7 the date on this one.

8 Q. Give me a ballpark.

9 A. That was probably -- It was around Christmas. It was right
10 after Christmas.

11 Q. So if you wrote the letter around Christmas and that
12 happened a few months ago, are you talking --

13 A. No. This letter was written a few months. This was -- This
14 letter was written in that time. So this is going back,
15 saying, when I wrote this letter, "a few months ago."

16 Q. Okay.

17 A. I made that confusing. I'm sorry.

18 Q. That's okay. We will get it sorted out.

19 So the conversation with your mom about that was around
20 Christmastime?

21 A. It was right after Christmas break where we had that
22 conversation and that she told me I would be going to stay
23 with him, and then two or three weeks after I started living
24 with my dad and started getting on a schedule with my dad,
25 she informed me I wasn't going to be living with him anymore

and so ...

Q. When was the last time you saw your mom before today?

A. Before today, probably the beginning of summer.

Q. Okay. Do you know how come?

A. Well, we had confrontation about -- or she disagreed with some of my reasonings in a letter I did send to the court and she said -- She called me when I was over spending the night at my friend's house on a week that was my dad's and told me that she wanted me to meet her at her work and that she would be taking me to go stay with my grandma. And when I asked why, she told me I wasn't welcome in her home anymore. And so after she told me that, I told her if I wasn't welcome in her home, that I would be staying with my father because I'm welcome in his home. And I didn't feel that it was right for her to say I need to go stay in Portland with my grandma when I had a perfectly welcoming father who told me that I could always -- I always have a place there. So I felt that it was, for me, a step where I needed to go stay with my father because my mom told me that I was not welcome in her home.

Q. It sounds like one of you needs to reach out the olive branch at this point.

A. Yeah. I mean, we have sent e-mails back and forth.

Q. Okay.

A. And I have no problem with having any -- any -- spending

1 time with her. I'm open with spending time with her. But
2 she has made no effort in trying to call me, which I think
3 is a little strange. And she's e-mailed me, but she hasn't
4 made any effort and tried to call me or anything like that.
5 So I just -- I have been e-mailing her and telling her how
6 summer school went and I informed her on my classes and my
7 test and how all of that went. So I have been keeping in
8 contact with her. But we just haven't had any time where
9 we've spent time together over the summer, which is
10 unfortunate, because I do like spending time with my mom.
11 But I just wish we didn't have to go through this because it
12 complicates a lot of things.

13 Q. It does.

14 And I will tell you the truth, that I'm going to make a
15 court order, but oftentimes parents, after the dust settles
16 of all the lawsuits, sometimes parents work things out.

17 A. I hope they do.

18 Q. It's amazing to me that they get -- Because your mom is in
19 here now fighting for custody, your dad is in here fighting
20 for custody. They both, as you said, desperately love you
21 and desperately want the best for you. They just disagree
22 what that is. And it's up to me to sort it out. But it's
23 clear to me you have two parents who love you very much.

24 A. Absolutely.

25 Q. I don't see that all the time.

1 A. I'm very lucky.

2 Q. You're lucky and --

3 A. And not so lucky at the same time.

4 Q. -- and not so lucky.

5 . Now, if you don't mind, I would like to ask you a
6 personal question.

7 A. Uh-huh.

8 Q. You strike me today as you sit here on the stand very
9 articulate and very mature, as you said, but I understand
10 that you had an IEP at school.

11 A. Uh-huh.

12 Q. What's that all about?

13 A. I have an IEP because I'm just -- I don't learn things as
14 fast as other kids in class. It takes more explaining for
15 me to really get the hang of actually doing things. Like in
16 math, I really struggle in math, and I needed someone who's
17 willing to sit down with me and explain how this works and
18 explain all the steps and then I get it. And with -- I
19 have -- I think when I got the IEP, I was less good at
20 taking tests and things like that. And I have grown as a
21 person and I have grown intellectually and I believe that I
22 am starting to grow out of the IEP. But I do still have
23 troubles in comprehending things. That's my problem, is
24 comprehension.

25 Q. So do you have to have the IEP for next year and this year

1 then, or do you know how that works?

2 A. I really don't know much on how it works. I do know when it
3 comes to taking tests, I use my IEP as in I'm allowed to go
4 outside of the classroom with an assistant teacher and they
5 can write for me or they can read questions for me. If I
6 don't understand it, they can re-read it and things like
7 that. So that's mostly what I use the IEP for. And I'm
8 also allowed to, on some tests, I'm allowed to take notes
9 and use notes for my tests so I understand the questions
10 better.

11 Q. Okay. That makes sense.

12 A. Uh-huh.

13 Q. Because you don't strike me as somebody who needs an IEP for
14 the most part.

15 A. Uh-huh.

16 Q. So what you have said makes sense.

17 When is your next test then, your retest on the HSPE?

18 A. I think they do it every two years. If I'm wrong, I'm not
19 really sure. But I had one last year, so they might do it
20 next year. But I'm not really sure.

21 Q. Okay. Now, McKenna, really, is there anything else that you
22 want to tell me that you think is going to be helpful to me
23 in making a decision?

24 A. I really think my dad has the best interests for me. I'm
25 really scared to see what's going to happen with schooling

1 next year if I don't -- if I'm not with him, because he
2 really, really helps with my schooling and really is
3 involved with it and has really helped me get my -- The
4 past, the last -- The last year, at the end of the year, he
5 worked a lot with my history teacher because I was having a
6 very hard time in history.

7 Q. Is that Mr. Cliffy or --

8 A. Mr. Kreifels.

9 Q. Kreifels. Okay.

10 A. Uh-huh.

11 And I particularly don't like history that much just as
12 a subject. So it was really hard for me to just concentrate
13 on that. And he really helped me buckle down and get all of
14 my missing work turned in. And my teacher told me that I
15 was the most improved student he's ever had. So just that
16 fact alone made me feel more confident about myself. But it
17 makes me think that having my dad's help really, in the long
18 run, will help me in the future.

19 Q. How far apart do your folks live?

20 A. Not that -- My dad lives in Seabeck and my mom lives on
21 Seabeck Highway. We live right off of Holly. So they're
22 like 15 minutes away from each other.

23 Q. Oh. Okay. That's not bad.

24 A. So not far.

25 Q. And your dad gets home from work a lot sooner than your mom

1 does, as I understand it?

2 A. Yeah. My dad gets off at 4:00 -- or 3:30, but he gets home
3 at 4:00.

4 Q. Yeah. And then your mom gets off at 5:30 and gets home
5 around 6:00?

6 A. Uh-huh.

7 Q. You have given me a lot to think about.

8 A. Thank you for listening to me.

9 Q. Now, I can't promise that I am going to do what you want
10 because, as I said, there are these other factors I have to
11 look at.

12 A. Of course.

13 Q. But I'm very glad that you came in today to talk to me.

14 Anything else you want to tell me?

15 A. I can't really think of anything right now. There's a lot
16 of things going through my --

17 Q. Flying through your head?

18 A. Yeah.

19 Q. Well, just take a deep breath. And would you mind -- I can
20 ask you some questions; I can let you just sit there and
21 think.

22 A. You can ask me some questions. That would probably be
23 better.

24 Q. That would be better?

25 A. Uh-huh.

1 Q. Okay. It's pretty early in the trial, so some of these
2 questions might not seem -- they might seem like I should
3 know the answers, but I have only been talking to your folks
4 for an hour or so.

5 You don't have any brothers and sisters, do you?

6 A. No, I don't.

7 Q. I didn't think so.

8 When are you talking driver's ed? Do they have that at
9 the school?

10 A. They don't have it at the school anymore, so I have to have
11 money to take the driver's ed class, which is \$300. So I'm
12 going to try to get a job before I do that so I can earn the
13 money to take driver's ed classes on my own.

14 Q. Well, when you are 16, it's time to get a job anyway.

15 A. Exactly. Yeah.

16 Q. So what kind of job would you like? Don't say barista.
17 Everybody says barista.

18 A. I actually am very good with children. So I'm looking into
19 child care maybe. I worked -- I did volunteer work with the
20 Boys and Girls Club here in Port Orchard a few summers and
21 so I have a recommendation from them for child care. And I
22 was thinking about applying for some people who hire 16,
23 so ... And I also have a job offer at a barista stand, but
24 the only reason why I would take that job is because it's
25 right next to my school and it's a family friend. So it

1 would be easy for me to get to and from, because I could
2 just walk and I don't need a car to get there, and it would
3 be a family friend, so it would be easier to get that job.

4 Q. Right. Sometimes it is who you know.

5 A. Uh-huh.

6 Q. Now, your dad told me that he's lived in a couple of
7 different places since this started. It sounds like his
8 landlord is remodeling his apartment.

9 A. Yes.

10 Q. And, also, it sounded like he lived with his attorney for a
11 while.

12 A. For a little bit, yes.

13 Q. Were you there too?

14 A. Yeah. But I was -- It was when I was with my -- my mom had
15 most of the custody.

16 Q. Oh. Okay.

17 . And I also hear you have got a great voice.

18 A. I do. I'm in jazz choir and regular high school choir.

19 Q. And what's all this about going to school at 0-dark-30.

20 A. Oh. Zero hour.

21 Q. Yeah, zero hour. What is that?

22 A. It gives me an extra art curricular credit, which is not
23 something I need, but I do enjoy jazz choir a lot and
24 singing is something I'm very passionate for. And so jazz
25 choir is different than regular choir because we get to --

1 we have more opportunities to do competitions and get out
2 there and we get to go and travel places and really get the
3 big thing of choir, not just choir class and performances.
4 So being in jazz choir really helps just -- It's a step
5 higher than regular choir. But they don't have -- I don't
6 have a period in the day where they take -- where -- that
7 you can take it during the day, so it has to be a zero-hour
8 period.

9 Q. So is that really at six o'clock in the morning?

10 A. At 6:20 it starts.

11 Q. So what time do you get up?

12 A. Normally, I get up around 5:00.

13 Q. That sounds awful to me, but okay.

14 A. I'm used to it. I have been doing it for a few years.

15 Q. Now, tell me what happened with Bill Boyett. You were
16 seeing him and then you didn't see him.

17 A. I just -- Not that I had anything against him as a counselor
18 or anything. I just didn't feel the need that I needed to
19 go there, maybe just because, like I said, I'm a very
20 insightful person and I'm the first to admit when I have
21 done something wrong. And so I just didn't really feel the
22 need to have him to talk to. And I didn't want my parents
23 wasting money on something that I really didn't want to go
24 to and I really didn't need, so ...

25 Q. Have you got a good friend that you talk to or a boyfriend?

1 A. Yeah, I have my best friend and she's a good counselor for
2 me, so ...

3 Q. Okay. Well, I know that's what a lot of teenagers do; they
4 have each other.

5 A. Uh-huh.

6 . And it's easier for me to open up to someone who I'm
7 close to rather than someone who I really don't know that
8 well.

9 Q. Do you think it would have been better if it had been a
10 woman counselor?

11 A. No. My dad had brought me to another counselor who was a
12 woman before Bill Boyett and I just -- Counseling just
13 wasn't my cup of tea.

14 Q. Fair enough.

15 . Do you think you will need it at all or do you think you
16 are pretty well settled now?

17 A. I can't say that I'm never going to need it.

18 Q. Well --

19 A. But right now I'm pretty okay with who I am and how I see
20 things and how things are going. I'm a pretty strong kid
21 for the situation I have been put under. So I don't think I
22 will need to go back to counseling any time soon. And if I
23 do, I would bring it up and I would ask to.

24 Q. So your first line of recourse would be your school
25 counselor because they're probably the person that is around

1 more?

2 A. Right.

3 Q. It sounds like you have a pretty good relationship with him
4 or her. I can't think. Is it a man or a woman?

5 A. It's a her. It was a -- Well, she has -- Initially, it's a
6 her, but she is on -- she just had a baby last year, so she
7 has a fill-in who comes in half the week. So it's a him and
8 a her.

9 Q. Okay.

10 A. But most of the time, I do deal with Ms. Lindberg, who's my
11 counselor. And I do also talk to the school psychologist
12 occasionally if I have a problem that I want to talk to her
13 about. And she's a very nice lady. But I have only talked
14 to her a few times.

15 Q. Okay.

16 A. When it's been to the point where it's affecting my school
17 and --

18 Q. Well, you said something interesting, that you're the first
19 to admit when you do something wrong. And from my per-
20 spective, you have not done anything wrong here. Sometimes,
21 I think, adults don't behave as well as they should towards
22 their children, but they get wrapped up in their own
23 situation and forget that they still have to be parents.
24 And I think that goes for both parents because I think both
25 of your parents are human beings. But it's clear to me

1 that -- You did something wrong when you shoplifted. That's
2 not what I'm talking about.

3 A. Yeah.

4 Q. I'm talking about in your family dynamic, that I don't think
5 anybody has said anything about you doing anything wrong.
6 On the contrary. I heard that you were a live wire, you're
7 outgoing, you're smart, you're friendly. I'll see what the
8 other list was.

9 So you tell me if you think those are all true. Are you
10 a live wire?

11 A. What do you mean by "live wire"?

12 Q. That means outgoing and popular --

13 A. Yeah.

14 Q. -- and people like to be around you.

15 A. Yeah, I would say that. I'm a pretty sparky, outgoing
16 person.

17 Q. Yeah.

18 Let's see. Here we are. Live wire, smart, kind,
19 outgoing.

20 Pretty impressive.

21 A. Thank you.

22 Q. Well, that's what your mom said.

23 A. Oh.

24 Q. And I haven't heard from your dad yet about that. So he
25 just hasn't had a chance. It's not that he didn't say it.

1 It's that that was your mom's chance.

2 A. Yeah.

3 Q. Anything else you can think of?

4 A. Like I said, I'm very insightful, I believe, and my father
5 has told me -- has reassured that fact and he believes that
6 too. And I just -- I want --

7 I'm trying to think of anything else. I don't think --
8 They narrowed it down pretty well.

9 I'm a good listener.

10 THE COURT: Maybe some day you will be a judge.

11 I want to reassure you, McKenna, that I'm not going to
12 tell your parents what you have said, but there is a
13 transcript that might be available and, as I said, they may
14 get that; they may not. It's up to them. But this was an
15 open courtroom, you're over 16, so it's a public record.

16 MS. MCKENNA BADKIN: Of course.

17 THE COURT: I also want to tell you that I'm very
18 glad to hear that you're willing to follow the Court's
19 order. I don't want to do something that's bad for you
20 either in the short term or the long term. And I look at a
21 longer term than maybe you do or certainly more than your
22 parents do. They're looking at trying to get through this
23 trial right now. That is their focus. But I'm glad to have
24 met you. So many times I have to make a decision and I
25 never get to meet the person.

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MS. McKENNA BADKIN: Thank you for taking the time
to get to know me.

Thank you. Nice to meet you.

THE COURT: Now, leave that thing with the yellow
tag.

MS. McKENNA BADKIN: Okay.

THE COURT: And then if you could take the rest.

And then if you would tell your folks and the attorneys
to come back in.

MS. McKENNA BADKIN: All right. Thank you. Have
a good day.

THE COURT: You too.

(Whereupon, McKenna Badkin was
excused from the courtroom.)

* * * * *

OFFICE RECEPTIONIST, CLERK

To: Erkan Chabuk
Cc: john@gsjoneslaw.com
Subject: RE: Case No. 91424-9

Received 5-22-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Erkan Chabuk [mailto:ejchabuk@gmail.com]
Sent: Friday, May 22, 2015 8:49 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: john@gsjoneslaw.com
Subject: Re: Case No. 91424-9

To Supreme Court Clerk:

RE: Case No. 91424-9; In re Marriage of Badkin

Please find attached Petitioner's Motion to Supplement Record, including its appendix.

Sincerely,

Erkan Chabuk
Assistant to Ahmet Chabuk (WSBA # 22543),
Attorney for Petitioner, Vincent Badkin
11663 Ivy Lane NW
Silverdale, WA 98383
(360) 692-0854

On Fri, May 22, 2015 at 8:38 AM, OFFICE RECEPTIONIST, CLERK <SUPREME@courts.wa.gov> wrote:

Yes, you may e-file the whole motion including the appendix.

Supreme Court Clerk's Office

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From: Erkan Chabuk [mailto:ejchabuk@gmail.com]
Sent: Friday, May 22, 2015 8:03 AM
To: OFFICE RECEPTIONIST, CLERK
Subject: Case No. 91424-9

To Supreme Court Clerk:

RE: Case No. 91424-9; In re Marriage of Badkin

Petitioner Vincent Badkin wishes to file by e-mail a 4-page Motion to Supplement Record, along with a 67-page appendix. According to the court's website, electronic filing of any motion with an appendix over 25 pages requires pre-approval by the clerk. Petitioner hereby requests permission to electronically file said document.

Sincerely,

Erkan Chabuk

Assistant to Ahmet Chabuk (WSBA # 22543),

Attorney for Petitioner, Vincent Badkin

11663 Ivy Lane NW

Silverdale, WA 98383

(360) 692-0854