

1 did you use?

2 A: Mosier.

3 Q: Thank you. What's your occupation?

4 A: I'm a therapist.

5 Q: For how long?

6 A: 22 years.

7 Q: Do you consider yourself a mental health professional?

8 A: Yes, I do.

9 Q: Are you registered as one?

10 A: I am listed in the data base.

11 Q: As what?

12 A: As a psychotherapist.

13 Q: Not an unlicensed psychotherapist?

14 A: Yes, unlicensed psychotherapist.

15 Q: O.k. Tell me about your education. Where are your
16 degrees from?

17 A: I went to Wichita State University from 1975 until
18 1984, so I have 9 years of -- of college experience or college
19 education. My undergraduate degree is in gerontology. My
20 graduate degree is in gerontology and counseling.

21 Q: O.k. And, before this motion to disqualify was filed,
22 I called you and told you I was filing it, didn't I?

23 A: Yes, you did.

24 Q: O.k. And, I told you I'd send you a copy of the
25 exhibits?

1 A: Yes, you did.

2 Q: Did I do that?

3 A: Yes, you did.

4 Q: And, I presumed that the response that you prepared
5 and sent to the Court is based in part on the motion that I
6 filed and the attachments --

7 A: -- that's correct --

8 Q: -- that I -- that I sent you?

9 A: That's correct.

10 Q: Now, in the book in front of you --

11 A: -- yes.

12 Q: If you turn to -- to the second tab please -- marked
13 Exhibit B, you see this stipulated case management order under
14 stipulated temporary orders?

15 A: Yes.

16 Q: Did you get a copy of that after -- after the hearing
17 on that -- on that stipulation?

18 A: I am not certain. It does not look familiar to be
19 honest.

20 Q: O.k.

21 A: So, I don't believe I did.

22 Q: O.k. Would you turn to the second page of that?

23 A: Yes.

24 Q: And, look at the very bottom, the last paragraph. The
25 -- where the parties are agreeing to allow you to have

1 discretion to modify the parenting plan during temporary orders?

2 A: Yes.

3 Q: And, it goes on to the next page too. Request an
4 emergency hearing if either party is dissatisfied with the
5 parenting plan changes at that time. Are you in agreement that
6 that was part of what you were asked by the Court to do?

7 A: Yes.

8 Q: O.k. Now, if you look at the next tab. It's a
9 reporter's transcript. It's marked Exhibit C. And, that
10 involves the case of (inaudible), Cortez, and (inaudible). Do
11 you remember that case?

12 A: Yes.

13 Q: And, in that case you were the C.F.I., right?

14 A: That's correct.

15 Q: And -- and Ms. Marrison, from our firm, questioned you
16 in that case regarding your educational status?

17 A: That's correct.

18 Q: O.k. Would you agree that this -- look at the next
19 page. Would you agree that this transcript is what it purports
20 to be -- a transcript in that case?

21 A: Yes.

22 Q: Thank you. Would you turn to the next tab? You see
23 this letter that was sent to Elizabeth Paterson (phonetic) from
24 Wichita State?

25 A: Yes.

1 Q: Dated last -- last month?

2 A: Yes.

3 Q: O.k. And, I'm sure this is -- this is not comfortable
4 for you or you'd rather not be here because of this. But, I
5 believe you've already testified that you're answer to the quote
6 or response to the quote was based in part on this letter, is
7 that correct?

8 A: That's correct.

9 Q: O.k. And, also in the following tab the pages that
10 were taken from the -- the bulletin in 1981 and 1982 graduate
11 school bulletin --

12 A: -- yes.

13 Q: If -- if I were to do this over again, I would have
14 put this all together as one exhibit. I'm sorry for the
15 confusion that I've made it two exhibits. But, would you agree
16 that -- that that's what this is?

17 A: Yes.

18 MR. LASSOTA: O.k. Thank you. Now, Judge, at this time I
19 -- I'd like to move to admit all four of these exhibits.

20 THE COURT: You say all four, what letters are we
21 talking about exactly?

22 MR. LASSOTA: I'm talking about -- well, as for the
23 motion, I don't have to admit -- B, C, and D.

24 THE COURT: B, C, and D.

25 MR. LASSOTA: Yes, the last three exhibits.

1 THE COURT: Any objection?

2 MS. ROTEN-VALDEZ: Well, the one I have a question about,
3 Your Honor, is the letter from Wichita State, which I think is
4 (inaudible) hearsay document.

5 THE COURT: Which letter is that, Counsel?

6 MS. ROTEN-VALDEZ: It's D.

7 THE COURT: What's your response, Mr. Lassota?

8 MR. LASSOTA: My response is that Ms. Bizup just
9 acknowledged the letter and said that her -- part of the basis
10 for her response to the Court is based on what is in this
11 letter.

12 THE COURT: Well, I guess I need to see the letter just
13 to see exactly if it is and who it's from to determine if it's
14 hearsay. Could you bring all three exhibits to the bench
15 please?

16 MR. LASSOTA: Yes, sir.

17 THE COURT: Thank you.

18 MR. LASSOTA: And, also the notice of filing, Judge, that
19 the exhibits from Wichita State were self authenticating
20 documents and an exception to the hearsay rule under 803 and I
21 believe its 902-11. And, my point would be -- regardless of
22 whether or not its hearsay, Ms. Bizup has used those documents
23 and acknowledged those documents. So, therefore it goes to
24 weight more than it does to admissibility.

25 THE COURT: Just a moment. Well, Mr. Lassota, under

1 Rule 902-11, this would have to be certified.

2 MR. LASSOTA: There should be an affidavit on there,
3 Judge, from -- from (inaudible) stating that those documents --
4 I don't know what they (inaudible).

5 THE COURT: Well, the copy you handed me there was no
6 such --

7 MR. LASSOTA: -- I filed it with the Court, Judge.

8 THE COURT: Was it e-filed or paper format?

9 MR. LASSOTA: I believe it was e-filed. I don't know that
10 I have another copy of it.

11 THE COURT: Just a moment.

12 MS. ROTEN-VALDEZ: Your Honor, I do believe that I did see
13 something that said it was purported to be authentic --
14 authentic from -- and signed by (inaudible). And, I do believe
15 that that has come through my office -- just to acknowledge
16 that. I don't think I have it with me (inaudible).

17 THE COURT: Thank you. Well, it does appear to the
18 Court that this -- I -- I've now seen the affidavit of William
19 A. Wynne (phonetic). It does seem like the document does pass
20 muster under Rule 902, but I still don't see how it's not
21 hearsay.

22 MR. LASSOTA: Well, I'm not disputing that it's not
23 hearsay, but I think it's an exception to the hearsay rule as a
24 business record. It says in the affidavit itself that it's --
25 it's made in response to an inquiry that's the normal course of

1 business at -- at the university and that it's contemporaneous
2 and tied to when the request was made.

3 THE COURT: Ms. Roten-Valdez, any response?

4 MS. ROTEN-VALDEZ: Well, I guess that I would challenge
5 whether this type of an inquiry that Dr. Paterson is repeatedly
6 making at Wichita State is the normal course of business. Mr.
7 Wynne says he's the university registrar. I think that normal
8 course of business is something a little different than what's
9 happening here where (inaudible) like real specific and the
10 target is to -- is to have somebody discredited (inaudible)
11 mistake. And, he does say here that if we wanted the -- the
12 specific courses taken by her, all he can do is give very
13 general information. You want the specific courses taken by Ms.
14 Mosier or the nature of any of them, a subpoena will be
15 required. So, he's giving generic -- you know -- response here
16 that I think can be easily misconstrued. And, I doubt that it's
17 the normal course of business to have this type of inquiry
18 everyday.

19 THE COURT: Well, perhaps not everyday, Counsel.

20 MS. ROTEN-VALDEZ: Uh-huh.

21 THE COURT: But, it does seem like the registrar does
22 respond to inquiries such of those of Dr. Paterson's. Although
23 it may not be something they do daily, it's probably something
24 -- and the Court would assume and infer something they do with
25 some regular -- on some regular basis. Otherwise the response

1 might have been something like, "Sorry. We don't provide that
2 information." And, so I do think it meets the exception under
3 Rule 803-6 for a business record or record of a regular --
4 regularly conducted activity. So, I think the exception
5 applies, so it -- all three exhibits are admitted.

6 **MR. LASSOTA:** Thank you, Judge. Ms. Bizup, would -- would
7 you look at -- at -- first at Exhibit 3? Well, actually it's
8 considered Exhibit E in the book. I'm sorry.

9 **MS. BIZUP:** Yes.

10 **Q:** Do you recognize that?

11 **A:** The letter?

12 **Q:** The letter, yeah.

13 **A:** Yes.

14 **Q:** Can you tell us what it is?

15 **A:** It looks like a letter to Dr. Paterson from Mr. Wynne.

16 **Q:** O.k.

17 **MS. ROTEN-VALDEZ:** And, Your Honor, I doubt that she has
18 personal knowledge that that's what it is. I think it's more
19 appropriate that Dr. Paterson would introduce this (inaudible)
20 and then state what it is.

21 **THE COURT:** Well, she -- her -- her response was that it
22 looks like a letter from Mr. Wynne. If you want to cross
23 examine her as to whether she knows Mr. Wynne's signature, you
24 may certainly do so. Please proceed, Counsel.

25 **MR. LASSOTA:** Thank you. In the first paragraph there is

1 -- there is four small lettered paragraphs. Would -- would you
2 look at paragraph B please?

3 MS. BIZUP: Yes.

4 Q: What does it say about a master of arts in
5 gerontology? You can -- you can read it if you -- if you like.

6 A: It says Master of Arts in gerontology program offers a
7 specialist option with a 12 hour (inaudible) assistant and other
8 department or discipline.

9 Q: Right. And, at the very end it says an emphasis is
10 not a major, but the difference could be confusing --

11 A: -- correct --

12 Q: -- correct? And, at -- excuse me -- and the second to
13 the last paragraph was that letter -- it said that your emphasis
14 included six courses listed in the S.P.G. section of the
15 graduate school bulletin?

16 A: Well, it -- it does say that it included six --

17 Q: -- thank you --

18 A: -- I can prove on my transcripts there is more than
19 six. But, yes, it does say that there's at least six.

20 Q: But, it would include at least six?

21 A: Yes.

22 Q: And, it lists your -- your master's degree -- a 36
23 hour masters degree as gerontology with a specialist option and
24 student personnel and guidance?

25 A: That's correct. That's the other (inaudible) degree

1 that is counseling.

2 Q: But, its not counseling here, is it? It's not called
3 counseling?

4 A: Well, student personnel and guidance is their
5 counseling department.

6 Q: Would you turn to the next exhibit please?

7 A: Yes.

8 Q: From the bulletin under gerontology -- under
9 gerontology and then when you go to the next page it says degree
10 requirements -- first Master of Arts and then degree
11 requirements on the next page.

12 A: I only have one page, so --

13 MR. LASSOTA: I'm sorry. The exhibit should have had two
14 other pages (inaudible). I'd given to the Court the only other
15 copy that I had. (inaudible). Let me check the books. I
16 thought they were there. May I approach, Your Honor?

17 THE COURT: You may.

18 MR. LASSOTA: You don't have the other copy? Just take a
19 look at it (inaudible). Here's the first page (inaudible).

20 MS. BIZUP: Uh-huh. O.k.

21 Q: And, the second page says Master of Arts, right? And,
22 there's a generalist option and there's a specialist option.

23 A: Correct.

24 Q: O.k. Anywhere on there does it say there's a
25 counseling option?

1 A: Not written in that paragraph. No, it doesn't.

2 Q: And, under the specific courses for graduate schools
3 only --

4 A: -- uh-huh --

5 Q: -- does it say graduate schools only and counseling,
6 does it?

7 A: It doesn't say on anything.

8 Q: O.k. This (inaudible) --

9 A: -- it says graduate students only.

10 Q: O.k. Thank you. So, I guess based on the information
11 that we have from Wichita State and according to what was served
12 by -- due by the registrar? Your master's is in gerontology
13 with a specialist option in student personnel and guidance?

14 A: That's correct.

15 Q: Thank you. Now, in your response to the Court, which
16 I presume that the Court has because I presume that you gave
17 that to him?

18 A: Yes, I did.

19 Q: O.k. You -- your contention is that you have a dual
20 degree in gerontology and counseling, correct?

21 A: That's correct.

22 Q: But, what Wichita State says is your degree is in
23 gerontology with a specialist option in student personnel and
24 guidance?

25 A: That is the technical name of the degree, yes.

1 Q: O.k. Thank you.

2 A: The practical name of the degree is gerontology and
3 counseling. And, I have more hours in counseling than
4 gerontology.

5 Q: But, all of the information that we have from Wichita
6 State doesn't reflect that, does it?

7 A: I don't know what it reflects. I don't think they can
8 tell you about my degree. They can tell you about gerontology
9 with a specialist in counseling, but they cannot tell you about
10 my degree.

11 Q: O.k. Now, would you please look at Exhibit 2, which
12 was the reporter's transcript?

13 A: Yes.

14 Q: O.k. Can I ask you about that case -- if you remember
15 that case?

16 A: Yes, I sure do.

17 Q: And, in that case you testified in front of the Court
18 that you had a double major -- a master's degree in counseling
19 and gerontology, correct?

20 A: Well, I did. And, as Mr. Wynne's letter says under
21 item D, that emphasis is not a major, but the difference could
22 be confusing. And, that's exactly what it was for me. And, so
23 when I said the double major, it really is -- that really is
24 erroneous and it wasn't intentional. It was an inadvertent --
25 you know -- saying double degree or -- or double major -- it's a

1 dual degree. I mean there is a technical difference there.

2 But, it's a degree of two disciplines, but it's not really a
3 double major. And, so I did inadvertently say that. And, yes,
4 Mr. Wynne points out that's easily confused.

5 Q: But, your testimony under oath -- you've been asked
6 about this since then in other hearings and in other disputes
7 regarding your -- your qualifications, correct?

8 A: And, I think I've always said dual. I don't believe
9 there is any instance other than that that I said double. And,
10 I didn't even realize I said double at that time. It's an easy
11 mistake to make --

12 Q: -- but at that time -- at -- under oath in court you
13 said double major?

14 A: Inadvertently, yes, I did.

15 Q: O.k. Look back again at -- at the letter from Wichita
16 State please.

17 A: Yes.

18 Q: Says that you have a Master of Arts -- 36 hours.
19 We've already gone through that?

20 A: Yes.

21 Q: If you look at sub-C of the first paragraph, it says a
22 double major is not possible within 36 hours, right?

23 A: That's correct.

24 Q: O.k. So, you don't have a double major, is that what
25 you're saying (inaudible) --

1 A: -- that's correct. As I said, I inadvertently said
2 double major -- meaning dual degree. As Mr. Wynne says, that's
3 an easy mistake to make.

4 Q: In your response you also reference that there were
5 dismissed complaints to the board that were filed by Ms.
6 Paterson?

7 A: That's correct.

8 Q: And, I presume that all of those complaints had to do
9 with your role as a C.F.I.?

10 A: That's correct.

11 Q: And, some of them had to do with parental rights --
12 some of those cases? Were you involved in parental rights
13 decisions?

14 A: Parenting time decisions --

15 Q: -- yeah --

16 A: -- yes.

17 Q: No, parental rights. Allocation of -- of parental
18 rights, parental responsibilities?

19 A: Yes.

20 Q: And, then some of those cases that have to do with
21 domestic abuse or child -- child abuse?

22 A: I'm sure they have, yes.

23 Q: O.k. And, all those complaints were dismissed,
24 correct?

25 A: That's correct.