

1 GOING TO USE A WEAPON AGAINST --

2 A HE KNOW HOW TO USE THE WEAPON.

3 Q AGAINST MEXICANS?

4 A YES.

5 Q OKAY. AND YOU, SIR, DID YOU TAKE THAT AS A
6 THREAT, SIR?

7 A YES, IT IS.

8 Q YOU DID. WHEN SHE SAID THAT TO YOU, DID YOU
9 BELIEVE THAT SHE WAS THREATENING TO HAVE HARM DONE TO YOU?

10 A YES.

11 MR. ARAGON: OKAY. AND CAN WE CALL THIS PLAINTIFF'S
12 NUMBER 4.

13 THE COURT: 4.

14

15 (MARKED FOR IDENTIFICATION, PLAINTIFF'S
16 EXHIBIT 4, PHOTOGRAPH.)

17

18 MR. UNGAR: WHICH ONE IS THAT?

19 MR. ARAGON: THIS IS A PICTURE OF MS. MYERS HOLDING A
20 CAMERA.

21 THE COURT: YOU'VE SEEN THAT?

22 MR. ARAGON: YES, SIR.

23 MR. UNGAR: I'VE SEEN IT. I DON'T KNOW WHAT THE
24 RELEVANCE IS OF SOMEONE HOLDING A CAMERA.

25 THE COURT: IF YOU WANT TO MAKE AN OBJECTION, MAKE IT.

26 WAIT A MINUTE. WHEN DID THIS OCCUR, THIS
27 INCIDENT YOU TALKED ABOUT WITH THIS THREAT? WHAT DATE?

28 THE WITNESS: REALLY, I DON'T REMEMBER. IT'S LIKE

1 ABOUT NOT TOO LONG AGO. THIS IS LIKE ABOUT FOUR OR THREE
2 MONTHS. I DON'T REMEMBER THE DATE.

3 THE COURT: THREE OR FOUR MONTHS AGO?

4 THE WITNESS: THREE. SOMETHING LIKE THAT.

5 THE COURT: SO WE'RE TALKING ABOUT JANUARY OR
6 FEBRUARY?

7 THE WITNESS: CLOSE OF THE MONTHS, YES.

8 Q BY MR. ARAGON: WHEN DID THE BICYCLE INCIDENT
9 HAPPEN?

10 A THAT WAS THE MARCH 8.

11 Q AND AFTER THE BICYCLE INCIDENT, IS THAT WHEN
12 YOU FILED THE RESTRAINING ORDER AGAINST MS. MYERS?

13 A YES.

14 Q OKAY. AND DO YOU RECOGNIZE THIS PHOTO RIGHT
15 HERE?

16 A YES. IT'S MS. MYERS.

17 Q WHAT IS SHE DOING IN THIS PHOTO?

18 A TAKING THE PICTURES.

19 THE COURT: AGAIN, THAT'S PLAINTIFF'S 4.

20 MR. ARAGON: PLAINTIFF'S 4.

21 Q DOES SHE HAVE A PATTERN OF TAKING YOUR PICTURE?

22 A YUP.

23 Q WHAT DOES SHE DO?

24 A SHE SAY -- SHE'S LIKE THE ACTION LAUGHING AND
25 TAKE THE PICTURES, TAKE PICTURES MANY TIMES. I GO OUTSIDE
26 WITH MY KIDS. I DON'T KNOW WHAT KIND -- REALLY, I'M VERY
27 UPSET WHY SHE DOING THAT TO US. EVERY TIME I GO WITH MY KIDS
28 OUTSIDE, SHE TAKING PICTURES.

1 Q SIR -- THIS WOULD BE PLAINTIFF'S 5. WHAT DOES
2 THIS REPRESENT? WHAT DOES THIS PICTURE SHOW?

3 A THAT'S IN THE FRONT BY THE WATER. IT'S THE
4 FAUCET WATER.

5 Q IS THERE WHERE THE FAUCET INCIDENT OCCURRED?

6 A YES.

7 Q IS THIS WHERE SHE SAID SHE WOULD HAVE HER
8 HUSBAND COME BACK FROM IRAQ AND --

9 A YES.

10 Q -- KILL YOU?

11 A YES.

12 MR. UNGAR: YOUR HONOR, THAT MISSTATES THE EVIDENCE.
13 HE NEVER SAID THAT.

14 THE COURT: SUSTAINED.

15 Q BY MR. ARAGON: WHAT EXACTLY DID SHE SAY?

16 MR. UNGAR: ASKED AND ANSWERED.

17 THE COURT: OVERRULED.

18 MR. ARAGON: DID SHE SPECIFICALLY THREATEN --

19 THE COURT: WAIT. HE HASN'T ANSWERED.

20 THE WITNESS: CAN YOU REPEAT THE QUESTION?

21 THE COURT: LET ME ASK IT?

22 THE WITNESS: YES.

23 THE COURT: WHAT DID MS. TENLEY TELL YOU ON THAT DATE
24 THREE OR FOUR MONTHS AGO?

25 THE WITNESS: THAT DAY SHE COMING OUTSIDE. I WAS LIKE
26 I WORK WITH -- MY SAME QUESTION ABOUT MY KIDS OUTSIDE, PUT
27 SOME PLANTS IN THE FRONT YARD.

28 THE COURT: JUST ANSWER MY QUESTION, SIR. WHAT DID

1 MS. MYERS TELL YOU?

2 THE WITNESS: SHE SAY THE HUSBAND IS DEFEND THIS
3 COUNTRY AND HE KNOW HOW TO USE THE WEAPON TO LIKE MOTHER
4 FUCKIN' MEXICANS.

5 THE COURT: OKAY?

6 THE WITNESS: SORRY TO REPEAT THAT QUESTION.

7 THE COURT: GO ON.

8 Q BY MR. ARAGON: WHY DID YOU FILE A RESTRAINING
9 ORDER, SIR?

10 A ABOUT THAT DATE.

11 Q WHY?

12 A WHY, BECAUSE I DON'T WANT TO -- MY KIDS VERY
13 IMPORTANT, AND WHEN SHE SAW HER, SHE SCARED. I DON'T WANT HER
14 STAY CLOSE TO OUR FAMILY.

15 Q HAS SHE EVER HARASSED YOUR DAUGHTERS?

16 A TAKE PICTURES WHEN I GO OUTSIDE. I DON'T KNOW
17 FOR WHAT REASON, BUT SHE'S IN THE BICYCLES.

18 Q DID SHE EVER THREATEN YOU AROUND YOUR
19 DAUGHTERS?

20 A REALLY, NO.

21 MR. ARAGON: OKAY. NO FURTHER QUESTIONS AT THIS TIME.

22 THE COURT: ALL RIGHT. CROSS.

23 MR. ARAGON: OH. I'M SORRY. MAY I ASK?

24 THE COURT: YES. GO AHEAD.

25 Q BY MR. ARAGON: SIR, IN YOUR BUILDING, IT'S
26 RENT CONTROLLED; IS THAT CORRECT?

27 A YES.

28 Q AND --

1 MR. UNGAR: YOUR HONOR, IRRELEVANT.

2 THE COURT: WHAT'S THE RELEVANCE?

3 MR. ARAGON: MS. MYERS, SHE WAS -- SHE PAYS NO RENT.

4 SHE WAS --

5 MR. UNGAR: YOUR HONOR --

6 MR. ARAGON: SHE WAS HIRED BY --

7 THE COURT: WHAT'S THE RELEVANCE, COUNSEL?

8 MR. ARAGON: SHE WAS PUT INTO HER APARTMENT WHERE SHE
9 PAYS NO RENT TO TRY TO EVICT ALL THE TENANTS FROM THE
10 RENT-CONTROLLED BUILDING.

11 THE COURT: THERE'S NO PROOF OF THAT.

12 MR. ARAGON: I HAVE PROOF.

13 THE COURT: SUSTAINED.

14 MR. UNGAR: YOUR HONOR, COUNSEL'S NOW A WITNESS.

15 MR. ARAGON: I HAVE WITNESSES.

16 THE COURT: I AGREE. SUSTAINED.

17 MR. ARAGON: OKAY. NO FURTHER QUESTIONS.

18 THE COURT: YOU KNOW, COUNSEL, YOU HAVE THE BURDEN OF
19 PROOF, NOT THE OTHER WAY AROUND.

20 GO AHEAD. CROSS.

21

22 CROSS-EXAMINATION

23 BY MR. UNGAR:

24 Q YOU JUST SAID, AM I CORRECT, THAT MS. MYERS
25 NEVER THREATENED YOU AROUND YOUR DAUGHTERS; IS THAT RIGHT?

26 A YES. NO. JUST WHAT IS SHE DOING TAKING THE
27 PICTURES. THAT'S THE ONLY THING SHE DOING.

28 Q OKAY.

1 A MY DAUGHTERS. WHEN WE COME FROM OUR BACK YARD
2 TO FRONT YARD, DO THAT.

3 Q THANK YOU. YOU ALSO TAKE PICTURES?

4 A DID I TAKE PICTURES TO HER?

5 Q YEAH.

6 A NO, SIR. NEVER. I DON'T HAVE --

7 Q WHO TOOK ALL OF THOSE PICTURES?

8 A THIS IS MY -- THAT'S --

9 Q YOUR EXHIBITS?

10 A THIS IS -- MY NEIGHBOR HAVE A CAMERA. HE'S THE
11 ONE TO TAKE THE PICTURES AND --

12 Q WHO TOOK THE PICTURES?

13 A PAUL.

14 Q PAUL WHO?

15 A PAUL ARAGON.

16 Q COUNSEL'S BROTHER?

17 A YES.

18 Q DOES HE LIVE THERE?

19 A HE LIVE THERE.

20 Q DID YOU ASK HIM TO TAKE THE PICTURES, OR IT WAS
21 HIS IDEA?

22 A I WENT ASKING TO HIM LOOK WHAT MR. MEYER --
23 MRS. MEYER DOING TO US. I SAY THE BICYCLES, IT WAS IN HIS
24 PARKING LOT SPACE. THE BICYCLE BOTHER YOU, WHY DON'T YOU TELL
25 ME AND YOU -- SHE SAID NO.

26 Q LET ME ASK THE QUESTION. DID YOU FILL OUT THIS
27 APPLICATION FOR TODAY'S HEARING?

28 MR. ARAGON: OBJECTION, RELEVANCE.

1 MR. UNGAR: WELL, IT'S SIGNED BY HIM. I THINK IT IS
2 RELEVANT.

3 THE COURT: OVERRULED. GO ON.

4 Q BY MR. UNGAR: WHO FILLED THIS OUT?

5 A YOU SEEN HIM. THE LAWYER FILLED OUT FOR ME.

6 Q THIS GENTLEMAN HERE FILLED THIS OUT?

7 A DANIEL.

8 Q OKAY. BUT YOU PUT YOUR NAME ON IT; CORRECT?

9 A SIR, I DO. THIS IS MY SIGN.

10 Q DID YOU READ IT BEFORE YOU SIGNED IT?

11 A HE READ IT FOR ME BEFORE I SIGN IT. YES, SIR.

12 Q ALL RIGHT. IN THIS DOCUMENT, YOU SAY THAT HE
13 PUT THE BIKES IN THE TRASH, MY CLIENT DID?

14 A IN THE SIDE --

15 Q EXCUSE ME. NO QUESTION PENDING. BUT IN YOUR
16 TESTIMONY, YOU SAID THAT SHE THREW THEM TO THE SIDE OF THE
17 CANS. SO WHY DID YOU PUT ON THIS DOCUMENT AND YOU SIGNED IT
18 STATING THAT IT WAS THROWN IN THE TRASH?

19 A IT'S NOT IN THE TRASH. I NEVER SAY THAT. I
20 SAY IN THE SIDE TO THE TRASH BIN.

21 Q WELL, THEN IT SAYS HERE PROCEED -- LET ME READ
22 TO YOU ITEM SIX. "THEN PROCEEDED TO THROW THEM IN THE TRASH
23 ONE BY ONE IN FRONT OF ME."

24 A NO, I NEVER DO THAT. I NEVER SAY THAT.

25 Q SO IS THAT A FALSE STATEMENT? THAT'S A FALSE
26 STATEMENT?

27 A I DON'T SAY THAT. I REALLY -- I DON'T KNOW
28 REALLY.

1 Q SO THAT'S INCORRECT?

2 A IT'S INCORRECT.

3 Q OKAY. NOW, OVER HERE IN THIS DOCUMENT, YOU
4 SAID, "MS. MYERS WENT OVER TO THE COMMON AREA IN THE BACK YARD
5 AND CUT THE CHAINS LOCKING MY DAUGHTERS' BICYCLES." DID YOU
6 SEE HER CUT THE CHAINS?

7 A NO, I DON'T. I DON'T SEE --

8 Q WHY DID YOU SIGN THIS?

9 A I DON'T SEE SHE CUT -- I DON'T KNOW SOMEBODY
10 HELP HER TO CUT THE CHAINS BECAUSE SHE'S NOT --

11 Q YOU DIDN'T SEE IT?

12 THE COURT: WAIT. WAIT. ONE AT A TIME, COUNSEL.

13 MR. UNGAR: OKAY.

14 THE COURT: THIS ISN'T GOING TO GO VERY FAR. I
15 UNDERSTAND ATTORNEYS PREPARE DECLARATIONS, AND SOMETIMES YOU
16 DON'T GET IT RIGHT. ALL I CARE ABOUT IS WHAT THIS WITNESS
17 SAID ON THE STAND. WE'RE NOT GOING TO SPEND A LOT OF TIME
18 GOING POINT BY POINT IN THE DECLARATION TO SHOW THINGS ARE A
19 LITTLE OFF.

20 Q BY MR. UNGAR: SO YOU DIDN'T SEE HER CUT THE
21 CHAINS?

22 A NO, I DON'T.

23 Q SHE DIDN'T THROW THEM INSIDE THE TRASH?

24 A NOT INSIDE. I SAID CLOSE INSIDE THE TRASH BIN.

25 Q CAN YOU PLEASE RESPOND TO MY QUESTION?

26 A YES, SIR.

27 Q HAS MS. MYERS PERSONALLY THREATENED YOU WITH
28 PHYSICAL HARM? HAS MY CLIENT EVER THREATENED TO PERSONALLY

1 PHYSICALLY HARM YOU?

2 A NO.

3 Q OKAY. DID SHE EVER ATTACK YOU PERSONALLY?

4 A NO.

5 Q WHAT TIME WAS THIS INCIDENT WITH THE BICYCLES?

6 A WHAT I REMEMBER IS LIKE AROUND 4:30, ALMOST
7 5:00 O'CLOCK NOON.

8 Q IN THE MORNING?

9 THE COURT: LET'S STAY AWAY FROM THE BICYCLES. I'VE
10 RULED THAT THE BICYCLES WERE ANCIENT HISTORY.

11 Q BY MR. UNGAR: WHAT TIME DID YOU CALL THE
12 POLICE?

13 THE COURT: SAME THING. SUSTAINED. IRRELEVANT.
14 COUNSEL, DIDN'T YOU HEAR WHAT I JUST SAID?

15 MR. UNGAR: WELL --

16 THE COURT: I DON'T CARE ABOUT THE BIKES. ANCIENT
17 HISTORY.

18 MR. UNGAR: I WAS GOING TO BRING IT UP FOR ANOTHER
19 POINT, IF I COULD ADDRESS THE COURT. AND THAT IS, WE HAVE
20 HERE ABOUT EIGHT HOURS BEFORE HE CALLS THE POLICE.

21 THE COURT: DOESN'T MATTER, COUNSEL.

22 MR. UNGAR: ALL RIGHT.

23 Q MS. MYERS' BOYFRIEND, HAVE YOU SEEN HIM?

24 A HONESTLY, I SEE MANY PERSONS GO IN THE ROOM. I
25 DON'T KNOW WHO'S THE BOYFRIEND.

26 Q WELL, HAVE YOU SEEN THE GENTLEMAN WHO'S IN THE
27 MILITARY?

28 A NO. I NEVER SEE HIM. I DON'T KNOW WHO'S THE

1 MILITARY.

2 Q SO -- AND HE'S NEVER CONTACTED YOU THREATENING
3 YOU; RIGHT?

4 A NO. I DON'T SEE WHO IS ONE.

5 Q OKAY. DID ANYONE TELL YOU TO FILE THIS
6 APPLICATION?

7 A NO, SIR. I DID IT MYSELF BECAUSE THIS IS MANY
8 TIMES INCIDENT.

9 Q YOU'VE ANSWERED THE QUESTION. THANK YOU.

10 THE COURT: I THINK I MISSPOKE. THE BICYCLES AREN'T
11 ANCIENT HISTORY. I THINK I HEARD ENOUGH ABOUT IT ALREADY.

12 MR. UNGAR: I DON'T HAVE ANY MORE QUESTIONS OF THIS
13 WITNESS.

14 THE COURT: OKAY.

15

16 REDIRECT EXAMINATION

17 BY MR. ARAGON:

18 Q SIR, THIS BICYCLE INCIDENT, THIS OCCURRED
19 WITHIN THE LAST MONTH OR SO?

20 A CAN YOU REPEAT?

21 Q WHEN DID THE BICYCLE INCIDENT OCCUR? I BELIEVE

22 --

23 THE COURT: NO. I UNDERSTAND. I MISSPOKE. IT'S
24 MARCH 8TH. GO AHEAD.

25 Q BY MR. ARAGON: AND AFTER THAT INCIDENT, YOU
26 FILED THE RESTRAINING ORDER?

27 A YES, SIR.

28 Q AND WHO WAS THERE? YOU SAW HER THROW THE

1 BICYCLES?

2 A YES, I AM.

3 Q YOU SAW HER DO THAT? AND YOU HEARD HER
4 THREATEN YOU WITH HER BOYFRIEND THAT HE WAS GOING TO COME BACK
5 FROM IRAQ AND KILL YOU?

6 A YES.

7 MR. UNGAR: YOUR HONOR --

8 THE COURT: ASKED AND ANSWERED. SUSTAINED.

9 MR. ARAGON: OKAY.

10 Q ONCE AGAIN, YOU'VE SEEN HER -- SHE HAS A HABIT
11 OF WHEN YOU COME OUTSIDE, SHE COMES OUT WITH A CAMERA?

12 MR. UNGAR: YOUR HONOR, IS THIS LEADING THE WITNESS OR
13 IS IT A QUESTION?

14 THE COURT: WAIT TILL I HEAR IT.

15 MR. UNGAR: BUT IT'S BEEN GOING ALL THE WAY.

16

THE COURT: MAKE YOUR OBJECTION WHEN IT'S APPROPRIATE,

17 COUNSEL.

18 Q BY MR. ARAGON: DOES SHE TAKE PICTURES WHEN YOU
19 LEAVE THE HOUSE?

20 MR. UNGAR: ASKED AND ANSWERED.

21 THE COURT: SUSTAINED.

22 THE WITNESS: YES.

1 REQUEST.

2 MR. ARAGON: WELL, SHE'S NAMED AS --

3 THE COURT: SHE'S NAMED AS THE DAUGHTER, BUT SHE'S NOT
4 MAKING THE REQUEST, SIR. MR. NERY PAZ IS MAKING THE REQUEST.
5 SO DENIED. IRRELEVANT.

6 WHAT ELSE?

7 MR. ARAGON: OKAY. I BELIEVE IT WOULD BE RELEVANT,
8 YOUR HONOR, BECAUSE SHE'S -- SHE'S A WITNESS TO THE
9 HARASSMENT.

10 THE COURT: WELL, WAS SHE THERE WHEN -- IS THE OFFER
11 OF PROOF THAT SHE WAS THERE WHEN MS. MYERS MADE A THREAT
12 AGAINST MR. PAZ?

13 MR. ARAGON: YES.

14 THE COURT: ALL RIGHT. THAT I'LL HEAR.

15

16

DELMY PAZ,

17 CALLED BY THE PETITIONER AS A WITNESS, WAS SWORN AND TESTIFIED
18 AS FOLLOWS:

19

20 THE CLERK: MISS, RAISE YOUR RIGHT HAND.

21 YOU DO SOLEMNLY STATE THAT THE TESTIMONY YOU'RE
22 ABOUT TO GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
23 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO
24 HELP YOU GOD?

25 THE WITNESS: YES.

26 THE CLERK: HAVE A SEAT RIGHT HERE, MA'AM.

27 PLEASE STATE YOUR NAME FOR THE RECORD, SPELLING
28 BOTH YOUR FIRST AND LAST NAME?

1 THE WITNESS: DELMY, D-E-L-M-Y. PAZ, P-A-Z.

2 THE CLERK: THANK YOU.

3 THE COURT: ALL RIGHT. YOU MAY PROCEED.

4

5 DIRECT EXAMINATION

6 BY MR. ARAGON:

7 Q DELMY, HOW OLD ARE YOU?

8 A I'M 11 YEARS OLD.

9 Q DO YOU KNOW THE DIFFERENCE BETWEEN THE TRUTH
10 AND A LIE?

11 A YES.

12 Q OKAY. AND YOU UNDERSTAND THAT WHATEVER YOU SAY
13 HERE, YOU HAVE TO TELL THE TRUTH?

14 A YES.

15 Q WHERE DO YOU LIVE, MA'AM?

16 A I LIVE IN 30TH STREET.

17 Q OKAY. 30TH AND ORCHARD?

18 A YEAH.

19 Q DO YOU KNOW WHO THAT PERSON IS SITTING NEXT TO
20 THE ATTORNEY?

21 A YES, I DO.

22 Q OKAY. HAVE YOU EVER HEARD HER THREATEN YOU OR
23 YOUR FATHER?

24 A YES, I HAVE.

25 Q WHEN HAVE YOU HEARD THAT?

26 A WHEN MY DAD WAS WATERING THE FLOWERS, SHE CAME
27 OUT AND STARTED SCREAMING BAD WORDS. SHE ALSO TOLD HIM THAT
28 HER HUSBAND WAS IN IRAQ AND THAT HE WAS FIGHTING FOR HER

1 COUNTRY AND THAT HE WAS SOON GOING TO COME BACK AND THAT HE
2 KNEW HOW TO USE THE WEAPONS ON MEXICANS. AND MY LITTLE SISTER
3 GOT SCARED AND SHE JUST RAN IN HOME.

4 Q AND YOU WITNESSED THAT?

5 A YEAH.

6 Q OKAY. AND HOW DID THAT MAKE YOU FEEL?

7 A THAT MAKE ME --

8 MR. UNGAR: IRRELEVANT.

9 THE COURT: SUSTAINED.

10 THE WITNESS: THAT MAKE ME FEEL REALLY BAD.

11 THE COURT: THAT'S ALL RIGHT. JUST TELL ME WHEN DID
12 THIS OCCUR?

13 THE WITNESS: LIKE IN AFTERNOON. LIKE ON A FRIDAY.

14 THE COURT: DO YOU KNOW HOW LONG AGO?

15 THE WITNESS: LIKE A MONTH AGO.

16 THE COURT: OKAY. AND TELL ME THIS, ARE YOU IN
17 SCHOOL?

18 THE WITNESS: YES, I AM.

19 THE COURT: WHAT GRADE ARE YOU IN?

20 THE WITNESS: SIXTH.

21 THE COURT: ALL RIGHT. WHERE DO YOU GO TO SCHOOL?

22 THE WITNESS: IN 30TH -- IN 32ND MAGNET SCHOOL.

23 THE COURT: OKAY. THAT'S FINE. CROSS.

24 MR. UNGAR: YES, YOUR HONOR.

25

26 CROSS-EXAMINATION

27 BY MR. UNGAR:

28 Q HOW FAR AWAY FROM MS. MYERS WERE YOU WHEN YOU

1 HEARD WHAT YOU SAY SHE SAID?

2 A LIKE --

3 Q COULD YOU SPEAK UP A LITTLE BIT? I APPRECIATE
4 IT.

5 A SURE. LIKE FIVE OR FOUR FEET AWAY.

6 Q SAY IT AGAIN?

7 A LIKE FIVE OR FOUR FEET AWAY FROM HIM.

8 Q FIVE FEET?

9 A YEAH.

10 Q WHERE WAS SHE AND WHERE WERE YOU?

11 A SHE WAS STANDING RIGHT IN FRONT OF ME WHERE THE
12 FLOWERS WERE, AND MY DAD WAS SITTING DOWN, AND I WAS STANDING
13 THERE.

14 Q DO YOU REMEMBER WHAT DAY OF THE WEEK THIS WAS?

15 A NO.

16 Q OKAY. WHAT TIME WAS IT?

17 A I DON'T REALLY KNOW, BUT I KNOW IT'S AROUND
18 LIKE IN THE AFTERNOON.

19 Q OKAY. DID YOU TALK ABOUT THIS WITH YOUR
20 FATHER?

21 A YES, I DID.

22 MR. UNGAR: NOTHING FURTHER.

23 THE COURT: ALL RIGHT.

24 MR. UNGAR: THANK YOU VERY MUCH.

25 THE COURT: YOU MAY STEP DOWN. THANK YOU.

26 MR. ARAGON: YOUR HONOR, MY OTHER WITNESSES WILL
27 TESTIFY AS TO MS. MYERS' PATTERN OF HARASSING THE OTHER
28 TENANTS.

1 THE COURT: NO.

2 MR. ARAGON: I DON'T FEEL LIKE YOU WANT TO LISTEN TO
3 THAT.

4 THE COURT: NO, I DON'T WANT TO LISTEN TO THAT. THE
5 ONLY ISSUE IS MR. PAZ.

6 ALL RIGHT. PICTURES. YOU WANT TO HAVE THOSE
7 INTRODUCED INTO EVIDENCE?

8 MR. ARAGON: I'D LIKE TO INTRODUCE THEM INTO EVIDENCE.

9 THE COURT: 1 THROUGH 4. ANY OBJECTION?

10 MR. UNGAR: ONLY THAT, YOUR HONOR, I DON'T THINK THERE
11 WAS ANY FOUNDATION LAID AS TO WHO TOOK THE PICTURES
12 RELATIVELY --

13 THE COURT: WELL, I THINK IT WAS, ACTUALLY, BY YOU.
14 OVERRULED. I'LL TAKE A LOOK AT THE PICTURES.

15 ALL RIGHT. COUNSEL.

16 MR. UNGAR: THANK YOU VERY MUCH. MS. MYERS, PLEASE.

17

18 TENLEY MYERS,
19 RESPONDENT, CALLED AS A WITNESS ON HER OWN BEHALF, WAS SWORN
20 AND TESTIFIED AS FOLLOWS:

21

22 THE COURT: ALL RIGHT. COULD YOU STATE AND SPELL YOUR
23 NAME FOR THE RECORD, MA'AM.

24 THE WITNESS: TENLEY MYERS. T-E-N-L-E-Y, M-Y-E-R-S.

25 THE COURT: ALL RIGHT. GO AHEAD.

26

27

28

DIRECT EXAMINATION

1

2 BY MR. ARAGON:

3

Q WHERE DO YOU LIVE, MS. MYERS?

4

A 1178 WEST 30TH STREET.

5

Q ARE YOU A NEIGHBOR OF MR. PAZ?

6

A I LIVE TWO DOORS DOWN.

7

Q SAME BUILDING?

8

A NO.

9

Q DIFFERENT BUILDING?

10

A DIFFERENT BUILDING.

11

Q OKAY. AND HOW LONG HAVE YOU LIVED THERE?

12

A A YEAR AND A HALF MAYBE.

13

Q OKAY.

14

A DECEMBER 2005.

15

Q AND ARE YOU EMPLOYED?

16

A NO, I'M NOT.

17

Q ARE YOU A STUDENT?

18

A I'M STUDYING FOR MY CPA EXAM. I TAKE IT NEXT

19 FRIDAY.

20

Q WHERE ARE YOU STUDYING?

21

A I WAS STUDYING AT CAL STATE DOMINGUEZ HILLS.

22

MR. ARAGON: OBJECTION, IRRELEVANT?

23

THE WITNESS: WHERE I GOT MY MASTERS.

24

THE COURT: OVERRULED. SHE ANSWERED.

25

Q BY MR. UNGAR: NOW, DO YOU REGULARLY SEE

26

MR. PAZ? MEANING, IS HE AROUND MUCH OF THE TIME?

27

A IT'S VERY INFREQUENT. THERE'S NO NEED FOR US

28

TO CROSS PATHS REALLY. WE LIVE IN SEPARATE BUILDINGS.

1 Q NOW, WITH REGARD TO THE PAPERWORK FILED AGAINST
2 YOU ASKING FOR RESTRAINING ORDER, IT STATES IN THERE THAT YOU
3 CUT CHAINS TO MR. PAZ'S DAUGHTERS' BICYCLES. DID YOU EVER CUT
4 ANY CHAINS?

5 A NO, I DID NOT.

6 Q DO YOU OWN A CHAIN CUTTER?

7 A NO.

8 Q DID YOU THROW ANY OF THESE BIKES INTO THE
9 TRASH?

10 A NO, I DID NOT.

11 Q DID YOU THROW ANY BIKES NEXT TO THE TRASH BIN?

12 A I DIDN'T THROW BICYCLES. I LIFTED BICYCLES AND
13 MOVED THEM ACROSS THE YARD.

14 Q WELL, WHERE WERE THEY? WERE THEY BEHIND --

15 A THEY WERE BEHIND MY -- YEAH, WE LIVE IN
16 SEPARATE PROPERTIES. I LIVE IN A DUPLEX NEXT DOOR, PROBABLY
17 12, 15 FEET AWAY FROM HIS BUILDING, AND I MOVED THEM BACK TO
18 HIS SIDE OF THE PROPERTY.

19 Q HAD THEY BEEN IN FRONT -- BY YOUR BUILDING FOR
20 A LONG TIME?

21 A THEY WERE BEHIND MY BUILDING FOR AT LEAST SIX
22 TO TEN MONTHS, AND ONE OF THE TENANTS IN HIS BUILDING HAD
23 CALLED THE CITY AND SAID THAT THERE WAS A BUNCH OF DEBRIS AND
24 TRASH BEHIND OUR BUILDING THAT WAS COLLECTING STUFF AND THEY
25 WERE REQUESTING THE CITY MOVE THEM -- THE CITY HAVE THE OWNER
26 MOVE THEM.

27 Q SO ARE YOU SAYING THESE BICYCLES WERE BEHIND
28 YOUR -- LET ME FINISH -- BEHIND YOUR BUILDING COLLECTING TRASH

1 AND DEBRIS?

2 A YES. WHEN IT WOULD GET WINDY, THE TRASH WOULD
3 COLLECT INSIDE OF THE -- INSIDE OF THE TIRES AROUND THE BIKES.

4 Q SO IS IT YOUR POSITION YOU JUST SIMPLY MOVED IT
5 BACK TO THEIR -- HIS PROPERTY?

6 A I PICKED THEM UP AND WALKED THEM BACK ACROSS TO
7 HIS SIDE OF THE BUILDING AND SET THEM IN FRONT OF HIS GARAGE
8 BECAUSE HE HAS A GARAGE.

9 Q DID YOU THROW THEM?

10 A NO, I DID NOT. I'M NOT THAT STRONG.

11 Q OKAY. NOW, DID YOU EVER TELL MR. PAZ THAT YOU
12 HAVE A BOYFRIEND IN THE MILITARY THAT -- LET'S SEE WHAT IT
13 SAYS -- KILLS MEXICANS?

14 A NO.

15 Q HAVE YOU EVER -- DID YOU SAY THAT HE WAS
16 TRAINED TO KILL MEXICANS?

17 A NO.

18 Q BUT YOU DO HAVE A BOYFRIEND IN THE MILITARY; IS
19 THAT RIGHT?

20 A MY EX-HUSBAND IS IN THE MILITARY, CORRECT.

21 Q OKAY. HAVE YOU EVER THREATENED PHYSICAL HARM
22 TO MR. PAZ?

23 A NO, I HAVE NOT.

24 Q HAVE YOU EVER PHYSICALLY THREATENED HARM TO MR.
25 PAZ'S CHILDREN?

26 A NO, I HAVE NOT.

27 Q HAVE YOU EVER TOLD MR. PAZ THAT SOMEONE WOULD
28 HARM HIM OR HIS FAMILY?

1 A NO, I HAVE NOT.

2 Q HAVE YOU EVER TOLD HIS CHILDREN THAT SOMEONE
3 WOULD -- THAT YOU WOULD HAVE SOMEONE HARM THEM?

4 A NO. IN FACT, I'VE NEVER SPOKEN WITH HIS
5 CHILDREN.

6 Q YOU'VE NEVER SPOKEN WITH HIS CHILDREN?

7 A NEVER SPOKEN WITH HIS CHILDREN.

8 Q HAVE YOU SPOKEN WITH HIS WIFE?

9 A NO. SHE DOESN'T SPEAK ENGLISH.

10 Q OKAY. I DON'T KNOW HOW RELEVANT IT IS, BUT
11 THERE'S SOME PHOTO OVER THERE ABOUT SOME WATER LEAKING. DO
12 YOU KNOW ANYTHING ABOUT SOME WATER LEAKING?

13 A THE LANDLORD CALLED ME TO ASK WHY THE BUILDING
14 NEXT DOOR TO ME COULD POSSIBLY BE USING BETWEEN A THOUSAND TO
15 1500 GALLONS OF WATER PER DAY BECAUSE SHE GOT A HUGE BILL, AND
16 SHE WAS UPSET ABOUT IT. AND WHEN I WAS COMING INTO MY HOUSE,
17 ONCE I LOOKED OVER AND THE ENTIRE STREET IN FRONT OF -- THE
18 ENTIRE SIDEWALK AND YARD IN FRONT OF HIS BUILDING WAS LIKE A
19 LAKE, AND HE WAS SITTING THERE WITH THE HOSE JUST LETTING IT
20 RUN AND RUN AND RUN.

21 Q WHEN YOU SAY "HE," YOU'RE TALKING ABOUT MR. PAZ
22 IS RUNNING THE HOSE?

23 A HE WAS RUNNING THE HOSE AND LETTING IT JUST RUN
24 INTO THE STREET.

25 Q DID YOU TELL HIM SOMETHING TO STOP OR ANYTHING?

26 THE COURT: SLOW DOWN, COUNSEL. YOU'RE SPEAKING OVER
27 EACH OTHER. GO AHEAD?

28 THE WITNESS: I DID. I ASKED HIM WAS IT NECESSARY TO