

1 THE COURT: Next?

2 MR. SIBLEY: I'll call Dora Hidalgo.

3 THE COURT: Good afternoon. If I can get  
4 to raise your right hand.

5 DORA HIDALGO

6 was duly sworn.

7 THE COURT: All right. Have a seat.  
8 They're going to ask you a few questions.

9 DIRECT EXAMINATION

10 BY MR. SIBLEY:

11 Q Ms. Hidalgo, who do you work for?

12 A Nueces County Mental Health Mental Retardation.

13 Q What's your position there?

14 A Clinical records administrator.

15 Q Do some people sometimes call you custodian of  
16 records?

17 A Yes.

18 MS. JOUBERT: Your Honor, I'm going to  
19 object to the introduction of these records because the  
20 Court has already signed an order that Ms. Alvarez'  
21 records are not to come in at this point.

22 MR. SIBLEY: As I recall, it was Ms.  
23 Alvarez not MHMR records. And MHMR records, I suggested  
24 be covered at the same time, but the Court didn't seem  
25 to want to do that. I don't think the Court did order

1 about the MHRM records.

2 MS. JOUBERT: It's all medical records.

3 MR. SIBLEY: Well, Your Honor, I would  
4 ask -- if that's true, I would ask the Court to  
5 reconsider that ruling. She sat right there --

6 THE COURT: Medical records or business  
7 records?

8 MR. SIBLEY: These are business records.  
9 These are business records that are medical records.

10 She sat right there and said there was  
11 nothing wrong with this woman, which is clearly an  
12 untrue statement. She was being frivolous without --

13 THE COURT: The order I signed says Eva  
14 Alvarez will not be required to produce any of her  
15 personal medical records to the Court. But you're  
16 asking somebody else to bring them.

17 MR. SIBLEY: Correct.

18 THE COURT: You're kind of circumventing  
19 the order.

20 MS. JOUBERT: Your Honor, that's still my  
21 client's sister's personal medical records.

22 THE COURT: What's the relevance of this?

23 MR. SIBLEY: Them saying she's homicidal  
24 might be relevant. Might kill the child.

25 THE COURT: She's not even a party to the

1 --

2 MR. SIBLEY: The father's testified that  
3 he doesn't believe there's a problem with this woman.  
4 This woman takes care of the child. And they're asking  
5 that the father be given --

6 THE COURT: She's taken care of the child  
7 in the past, but I don't know about in the future.  
8 Right now the records were ordered not to be produced.  
9 You're trying to get in her medical records as a  
10 business record and I'm not going to allow it. No.  
11 It's irrelevant. And I think it's a business record and  
12 it circumvents the earlier order that we're not going to  
13 allow these records in because they're irrelevant.

14 MR. SIBLEY: A care-giver who's homicidal  
15 and paranoid, etcetera?

16 MS. JOUBERT: There is no evidence that  
17 she's going to be a care-giver, Your Honor.

18 MR. SIBLEY: They said that.

19 THE COURT: There is no evidence of any  
20 of that homicidal stuff either. Those are your words.  
21 I don't know what the records say.

22 MR. SIBLEY: Well, you asked me why  
23 they're relevant and that's what I'm telling you.

24 THE COURT: I made my ruling. Let's move  
25 on. She's not a party.

1 MR. SIBLEY: I'm sorry, Your Honor. We  
2 get documents from nonparties all the time.

3 THE COURT: Not today. Not here.

4 THE COURT: I hope the child doesn't get  
5 hurt.

6 No further questions.

7 MS. JOUBERT: No questions.

8 THE COURT: Thank you. You can step down.  
9 You may be excused. Thank you for your patience.

10 Next witness.

11 MR. SIBLEY: Ms. Flores-Lamb.

12 THE COURT: You're already sworn in.

13 FURTHER DIRECT EXAMINATION

14 BY MR. SIBLEY:

15 Q Did you hear Ms. Joubert's suggestion that you  
16 interrogated the child?

17 A Yes, she did.

18 Q Has she ever seen this video tape?

19 A No, she has not.

20 Q Has she ever asked to see the video tape?

21 A No, she has not.

22 Q Has she ever conducted any investigation at  
23 all before making that type of allegation?

24 A No, she hasn't.

25 Q We seem to have one standard for her and one

1 standard for everybody else?

2 A Yes.

3 Q Is that the way this case has been from day  
4 one?

5 A Yes.

6 Q How do you feel about your child potentially  
7 being left with a homicidal, paranoid, suicidal person?

8 MS. JOUBERT: Your Honor, I'm going to  
9 object --

10 MR. SIBLEY: Psychotic.

11 MS. JOUBERT: -- as speculation. Object  
12 as to not any evidence -- based on evidence not in  
13 evidence today.

14 MR. SIBLEY: There we go. It's not in  
15 evidence. But there is evidence.

16 We'll withdraw the question.

17 THE COURT: You withdraw the question?

18 MR. SIBLEY: Yes.

19 THE COURT: So I'm not going to make a  
20 ruling if the question has been withdrawn.

21 Next question.

22 Q (By Mr. Sibley) Do you love your child?

23 A Yes.

24 Q Have you ever done anything bad in your child's  
25 interest?

1           A     No.

2           Q     And has it at any time been your initiation to  
3 create the kind of circus that we see in these  
4 courtrooms?

5           A     No. I've actually been defending myself. They  
6 are the vexatious litigants. I'm just defending myself  
7 and protecting the child.

8           Q     Have you heard one bit of evidence from this  
9 side about anything you've done wrong, other than make a  
10 mistake on one Wednesday or Thursday?

11          A     They have not presented any evidence. None.

12                   MS. JOUBERT: Your Honor, asked and  
13 answered. Repetitious.

14                   THE COURT: Yeah. Sustained. I'll make  
15 the decision on whether or not evidence has been  
16 presented or not. And I'll give it the weight that I  
17 deem proper to give it.

18          Q     (By Mr. Sibley) All right. Do you recognize  
19 this document, though, Exhibit 2?

20          A     Yes.

21          Q     And what is it?

22          A     This is the receipt given to me by the owner  
23 of the Mandarin Garden restaurant, which corroborates  
24 Titus' story of their scheme to falsely accuse me of  
25 sexual abuse by getting him to side --

1 MS. JOUBERT: Your Honor, object as to  
2 hearsay.

3 THE COURT: Sustained. Please don't  
4 start out on that. You don't have any evidence of that.  
5 You're just not doing yourself any favors when you start  
6 down that trail like that. Okay?

7 All right. Go ahead.

8 MR. SIBLEY: I'm sorry. We're not  
9 throwing any evidence --

10 THE COURT: Next question, please.

11 Q (By Mr. Sibley) Do you have evidence that this  
12 happened at the restaurant on that day?

13 A My evidence is my child, what he's saying. I  
14 believe him.

15 MS. JOUBERT: Object as to hearsay.

16 THE COURT: Yes or no.

17 THE WITNESS: Yes.

18 THE COURT: Yes, you do.

19 Next question. Just answer his question  
20 and do not add to it. Okay?

21 THE WITNESS: Yes, Your Honor.

22 Q (By Mr. Sibley) Did you corroborate that your  
23 child was where he said he was with that number of  
24 adults?

25 A Yes.

1 Q Did you at any time tell the child anything  
2 that would make him to come up with this business about  
3 kissing a lawyer or being in bed with your lawyer or  
4 hitting you or touching you or anything like that? Or  
5 you touching him or anything like that?

6 A No.

7 Q Has the child ever said anything like this  
8 before of this type of nature?

9 A Never. No.

10 MR. SIBLEY: Nothing further.

11 FURTHER CROSS-EXAMINATION

12 BY MS. JOUBERT:

13 Q Ms. Flores-Lamb, you've indicated that having  
14 this child involved in this protracted litigation has  
15 been detrimental to him; is that correct?

16 A It's been difficult for him. Yes.

17 Q Then let me just ask you this question: Isn't  
18 it true that after the mediated settlement agreement in  
19 August of 2009 that was filed with the Court by Mr.  
20 Kelly on August 28th, 2009, that you then filed a motion  
21 to fire your lawyer, Ms. Frost; is that correct?

22 A Yes.

23 Q And, then, there was a motion to sign the  
24 decree, which was filed October 8th. And, then, you  
25 filed a pleading called the Court should not sign



1 proposed judgment submitted in this case with law  
2 briefs. You filed that with Mr. Sibley; is that  
3 correct?

4 MR. SIBLEY: I object. It's not what's  
5 before the Court.

6 THE WITNESS: I would have to look at the  
7 document.

8 THE COURT: Overruled.

9 Q (By Ms. Joubert) And then you filed a motion  
10 to modify the terms of possession, did you not?

11 A I don't know about that. I need to see the  
12 document.

13 Q Okay. Did you not file a motion to set aside  
14 the mediated settlement agreement?

15 A I did.

16 Q And, then, did you not file a motion to modify  
17 the geographic restriction?

18 A I did.

19 Q And isn't it true that that motion was denied  
20 by Judge Galvan as not having established a material and  
21 substantial change in circumstances?

22 A I believe that's what he based it on. He never  
23 said what the material and substantial circumstance was.

24

25 Q And that motion to modify was in November of

1 '09 less than a month after the decree was entered.

2 Isn't that correct?

3 A I'm not sure.

4 Q And, then, isn't it true that on November 9th,  
5 you filed a second motion to modify the decree?

6 A I'm not sure.

7 Q And, then, on November 12th, you filed an  
8 application for extraordinary relief still in the 94th;  
9 isn't that correct?

10 A I don't know about the date, but I remember  
11 that.

12 Q Isn't it true at that time, the Judge, then,  
13 again entered a motion on directed verdict denying your  
14 motion?

15 A I'm not understanding your question.

16 Q The Judge didn't grant your extraordinary  
17 relief, did he?

18 A No, he did not. And what was that  
19 extraordinary relief? That I be allowed to leave.  
20 Because we were forced to --

21 THE COURT: Try to just answer the  
22 question. And don't add to it. We're running out of  
23 time.

24 THE WITNESS: Yes, Your Honor.

25 Q (By Ms. Joubert) Isn't it true that you have

1 filed and caused to be filed 76 motions in this case up  
2 to this date?

3 A In response to your abuse, yes.

4 Q And you heard Mr. Christopher Garza say that he  
5 could not identify any person in the restaurant.

6 A He could identify the father and the child.

7 Q However, you filed an application for  
8 extraordinary relief based on an affidavit naming Judge  
9 Galvan, Mr. Dudley, Mr. Kelly and myself as being in  
10 that restaurant without any foundation, didn't you?

11 A That's what the child told me.

12 Q Without any other foundation, did you not file  
13 that pleading?

14 A The receipt, the location where y'all sat,  
15 where he named where you guys sat. I believe what he  
16 said.

17 Q But you did not confer with Mr. Garza or  
18 anybody else to affirmatively say that this happened,  
19 did you?

20 A That's their testimony. I don't know if he's  
21 not wanting to say anything. I don't know.

22 MS. JOUBERT: Pass the witness.

23 FURTHER DIRECT EXAMINATION

24 BY MR. SIBLEY:

25 Q All right. 76 motions she says. Have you

1 counted those?

2 A No.

3 Q Has she filed a motion to try to sanction you  
4 for not signing a deed?

5 A Yes.

6 Q Did you ever refuse to sign a deed?

7 A I did not.

8 Q In fact, didn't we give her a deed and she  
9 wouldn't sign it?

10 A Correct.

11 Q And she didn't want to sign it because she said  
12 that -- and then she ultimately signed it -- or there  
13 have been a whole slough of things that we fought over  
14 because they haven't been honest?

15 A Yes.

16 Q Can you identify a single one, other than you  
17 trying to leave after you were cheated into staying at  
18 the mediation that you've asked for anything, other than  
19 your temporary support, which they fraudulently said it  
20 had been paid when it hadn't?

21 A That's it.

22 Q Was there a sentence in the order saying that  
23 the temporary support had been paid, even though it  
24 hadn't?

25 A Yes. She had put that in there to excuse him

1 from that.

2 Q And you didn't have any real income coming in  
3 during that period?

4 A No.

5 Q And is it a fact that you had asked him for \$10  
6 and he refused so you could get food for your kid?

7 A I asked him to borrow \$10. And he refused. He  
8 said, no. He said, you can't pay me back. And I said

9 --

10 Q We had to have multiple hearings just to get  
11 your temporary support, which had been fraudulently  
12 stated that he had paid when it hadn't?

13 A Correct.

14 Q So the history of this case is one fraud?

15 A It is.

16 Q And before they filed their pleadings saying  
17 that you refused to sign the deed, did they ever call  
18 and ask you if you refused to sign the deed?

19 A No, they did not.

20 Q Were you in a jury room when she threw the deed  
21 at you?

22 A Yes.

23 Q Have you asked for anything, other than  
24 enforcement of the orders that were granted, actually,  
25 written by them and modification so you could go back to

1 your home in Austin?

2 A That is correct.

3 Q And has the Judge ever addressed the merits of  
4 the Austin issue?

5 A No.

6 Q And, in fact, several times, isn't it true, Ms.  
7 Joubert says there's a material change in circumstance?

8 A She did.

9 Q But when we say, well, if there's one for us,  
10 too, she withdraws it?

11 A Correct.

12 Q Now, in the most recent pleadings, does she  
13 agree that there's a material change in circumstances?

14 A Yes, she does.

15 Q Do you know whether she's going to withdraw  
16 that agreement this time?

17 A I don't know.

18 Q Have you been accused of stealing property that  
19 was equally yours?

20 A Yes, I have.

21 MS. JOUBERT: Your Honor --

22 MR. SIBLEY: She ridiculed us for our  
23 motions. We get to explain what they are.

24 MS. JOUBERT: I object to this as not  
25 being relevant to any issue today. There's no pleading

1 for this, whatsoever.

2 MR. SIBLEY: She brought up the topic,  
3 Your Honor.

4 THE COURT: If you want to spend your last  
5 few minutes talking about this, you can do so.

6 MR. SIBLEY: Just a couple of minutes  
7 more, yes.

8 Q (By Mr. Sibley) Were you accused -- how many  
9 times did they ask to sanction you?

10 A Every hearing.

11 Q Every single pleading?

12 A Yes.

13 Q And did they ask to sanction you because you  
14 supposedly took property that you had equal right to?

15 A Correct.

16 Q And when he was asked, well, why is that wrong?  
17 He said, well, I get the house so I should get that,  
18 too?

19 A That was his response.

20 Q And that is just two examples. Right?

21 A Two of many.

22 MR. SIBLEY: Nothing further.

23 MS. JOUBERT: Nothing further.

24 THE COURT: Thank you ma'am. You can  
25 step down.