

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION - SANTA ANA

CLAUDIA CIAMPA,)	CASE NO: 8:24-cv-02556-DOC-ADS
)	
Petitioner,)	CIVIL
)	
vs.)	Santa Ana, California
)	
ERIC HOWARD NICHOLS,)	Monday, February 3, 2025
)	
<u>Respondent.</u>)	(4:26 p.m. to 6:52 p.m.)

** PARTIAL TRANSCRIPT OF BENCH TRIAL - DAY 1 **

BEFORE THE HONORABLE DAVID O. CARTER,
UNITED STATES DISTRICT JUDGE

APPEARANCES: SEE PAGE 2

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Santa Ana, California; Monday, February 3, 2025; 4:26 p.m.

(In progress)

THE COURT: All right. Thank you, Ms. Ciampa, if you'd be kind enough to retake the witness stand.

MR. BERMAN: Can I inquire what time the Court is --

THE COURT: Thank you.

MR. BERMAN: -- going to be in session until?

THE COURT: Pardon me?

MR. BERMAN: May I inquire what time the Court's going to be in session until?

THE COURT: I don't know. I know these folks have come a long ways and I don't intend to stretch this out. So I'm giving you as much time as each of you need but within some reason, okay?

All right. Then we're back on the record. This -- we're on CourtSmart. And, counsel, cross examination.

MR. BERMAN: Good afternoon, Ms. Ciampa.

THE WITNESS: Good afternoon.

CROSS EXAMINATION

BY MR. BERMAN:

Q You were contemplating suicide around April of 2024, correct?

A Correct.

Q And then you were contemplating suicide again in around July, 2024, correct?

1 A No.

2 MR. BERMAN: Your Honor, may I give the witness an
3 exhibit book?

4 THE COURT: Certainly.

5 THE WITNESS: Thank you.

6 BY MR. BERMAN:

7 Q Ms. Ciampa, if you could turn to Exhibit S.

8 (Pause)

9 A Yes.

10 Q Do you see down on exhibit -- on the first page of that
11 exhibit in the highlighted section where Mr. Nichols says to
12 you, when you told me a few days ago that you were thinking of
13 suicide, it really scared me; you see that?

14 A Yes, I do.

15 Q And he sent that to you -- you received that -- that's a
16 WhatsApp message, correct?

17 A Correct.

18 Q And you received that on July 22nd of 2024, correct?

19 A Correct.

20 Q So Mr. Nichols is talking about your thoughts of suicide a
21 few days ago; do you acknowledge that?

22 A That I told him.

23 MR. BERMAN: Move to strike. It's nonresponsive.

24 THE COURT: No, answer remains.

25 (Pause)

1 **BY MR. BERMAN:**

2 Q Ms. Ciampa, you knew that at least since calendar year
3 2022 that Mr. Nichols did not want to live in Italy, correct?

4 A No.

5 Q And you certainly knew once Ethan was born that
6 Mr. Nichols did not want to live in Italy, correct?

7 A It's not correct.

8 Q Mr. Nichols spoke to you weekly after Ethan was born about
9 his desire to move to the United States, correct?

10 A To move, not specifically in the United States. Sometimes
11 he was talking about United States. Sometimes he was talking
12 about Rome or some other places within Italy.

13 **MR. BERMAN:** Your Honor, I would like to read from
14 the deposition transcript of Claudia Ciampa taken on January
15 23rd of 2025 as it contradicts this testimony.

16 **THE COURT:** All right. You may read, counsel.

17 **MR. BERMAN:** Page 39 -- I'm going to read from page
18 39, line 17 through page 40, line 25.

19 "QUESTION: Okay. And when did he tell you that he
20 wanted to move to America?

21 "ANSWER: Probably, yeah, since we were back in Italy
22 very often.

23 "QUESTION: How often?

24 "At least once a week.

25 "When did he start telling you he wanted to move to

1 America?

2 "ANSWER: He was complaining about Italy since 13
3 years ago. But, again, he seemed serious on moving
4 to America after Ethan was born.

5 "QUESTION: And why did he seem serious to you?

6 "ANSWER: Why did he seem serious to me?

7 "QUESTION: What makes you say he was serious?

8 "ANSWER: Yeah, I'm trying to understand why. I
9 mean, because he was pressing a lot. He was, yeah,
10 asking me to find a new agreement with Gigi.

11 "QUESTION: What specifically -- so I'll strike that.
12 After Ethan was born, are you saying that at least
13 once a week Eric would approach you about moving to
14 America?

15 "Yes."

16 **BY MR. BERMAN:**

17 Q You also spoke to a family law attorney in Italy regarding
18 moving to America, correct?

19 A Eric did.

20 Q Are you saying that you didn't accompany -- strike that.
21 Who did Eric speak to?

22 A My Italian lawyer.

23 Q So you're saying that only Eric spoke to her about moving
24 to the U.S. and you did not.

25 A We were together. We asked about how could we have done.

1 But she said that it was very difficult because of my kids.

2 **MR. BERMAN:** Move to strike the last part of that
3 answer --

4 **THE COURT:** No.

5 **MR. BERMAN:** -- as to what --

6 **THE COURT:** No, counsel, I'm not going to do that.

7 **MR. BERMAN:** Thank you.

8 **THE COURT:** I'm not going to parse out the answers,
9 in other words. You control the questions.

10 **MR. BERMAN:** Thank you.

11 **BY MR. BERMAN:**

12 Q You were having problems with the father of your two other
13 children. If I refer to him as "Gigi," do you know who I'm
14 referring to?

15 A Yes.

16 **THE COURT:** Is that the nickname for the -- just a
17 moment. For Mr. Portello (phonetic)?

18 **THE WITNESS:** Portello, yes, correct.

19 **THE COURT:** Okay. So Gigi is also Portello. Okay,
20 thank you very much.

21 **THE WITNESS:** Thank you.

22 **BY MR. BERMAN:**

23 Q He was harassing you, correct?

24 A What's harassing?

25 Q He was mistreating you, correct?

1 A Yes, correct.

2 Q And he was threatening Mr. Nichols, correct?

3 A It happened.

4 Q And isn't it true that one of the reasons you went to go
5 see your family law lawyer was to talk about how you could use
6 the fact that Gigi was threatening you and Mr. Nichols in order
7 to move to the United States?

8 A In order to move. We didn't know where. America was an
9 option.

10 (Pause)

11 Q The two other children, the children that you have with I
12 will say Gigi, they accompanied you with Mr. Nichols to the
13 U.S. in January, 2024 for the birth of Ethan, correct?

14 A Correct.

15 Q And you enrolled them, your two other children, in
16 elementary school in Kentucky, correct?

17 A They attended school in America for a few weeks.

18 Q You enrolled them in school, elementary school; is that
19 correct or not?

20 A My children has been --

21 MR. BERMAN: Move to strike this answer as
22 nonresponsive.

23 THE COURT: Well, just a moment. What was your
24 answer? The question was did you enroll the children in
25 elementary school.

1 **THE WITNESS:** My children has enrolled -- has been
2 enrolled in Italian school all the time. Plus, they've
3 attended the American school while we were there.

4 **THE COURT:** Okay. Thank you.

5 **BY MR. BERMAN:**

6 Q But you filled out an application for the two children to
7 go to elementary school in Kentucky; is that correct?

8 A Correct.

9 Q And you did not indicate on the application that the
10 children would only be in the U.S. temporarily, correct?

11 A I don't remember.

12 **THE COURT:** Well just a moment. Did you maintain
13 dual schooling? In other words, when you enrolled one or more
14 children in the elementary school, you said that you were also
15 schooling them through the Italian school system.

16 **THE WITNESS:** So my --

17 **THE COURT:** How did you do that, if you did?

18 **THE WITNESS:** My children has in the Italian -- has
19 been enrolled in the Italian school --

20 **THE COURT:** No, I understand that. I know they're
21 involved. When you got to Kentucky, did you keep up with the
22 Italian schooling as well as the enrollment in the elementary
23 school?

24 **THE WITNESS:** Yes, correct.

25 **THE COURT:** How did you do that?

1 **THE WITNESS:** It -- we were having the home works --
2 homework from the Italian school and they were -- yeah, and
3 they were at the same time going to the American school.

4 **THE COURT:** Okay. Thank you, counsel.

5 **MR. BERMAN:** Thank you.

6 **BY MR. BERMAN:**

7 Q The two other children, the ones with Gigi, they enjoyed
8 their stay in the U.S., correct?

9 A One more than the other.

10 Q They often discussed with you that they wanted to come
11 back to live in the United States fulltime, correct?

12 A No.

13 Q One of them did at least, isn't that correct?

14 A Not often. I mean, probably few times, two or three
15 times. Is that often?

16 Q So one of the two -- which one of the children wanted
17 to -- stated to you that they wanted to come to the United
18 States?

19 A Hector.

20 Q In March of 2024, that's when you and Mr. Nichols went
21 back to Italy after Ethan was born, you knew Eric's
22 understanding was that you, him, and Ethan were going to live
23 there only temporarily; isn't that correct?

24 A It's not correct.

25 **MR. BERMAN:** Like to read from the deposition

1 transcript of Claudia Ciampa to impeach that testimony. Pages
2 61, lines seven through 11.

3 **THE COURT:** You may read.

4 **MR. BERMAN:** Thank you, Your Honor.

5 "QUESTION: I understand. But did he ever tell you
6 you were going back to Italy and that he intended to
7 live there permanently?

8 "ANSWER: He didn't mention to live there
9 permanently, no. He told me not. He wanted to
10 move."

11 **BY MR. BERMAN:**

12 Q And the two other children's father had agreed that they
13 could be enrolled in school in the American school; isn't that
14 correct?

15 A For that time, yes.

16 Q Mr. Nichols never agreed that he would go back to Italy in
17 March of 2024 for a prolonged period of time; isn't that
18 correct?

19 A How do you agree if we don't talk about that? I mean, I
20 gave -- it was obvious that we were going back where we've been
21 living for my entire life and for 14 years of Eric's. So we
22 didn't agree because we -- I thought it was normal that we were
23 going back to Italy and eventually move sometime.

24 Q But Mr. Nichols -- strike that.

25 You knew in March of 2024 that when you were going back to

1 Italy with Mr. Nichols and your -- and Ethan, that Mr. Nichols
2 was not agreeing to live in Italy; you knew that, correct, at
3 that time?

4 A I didn't know.

5 **MR. BERMAN:** Going to read from the deposition
6 transcript again, page 85, line five through 12.

7 "QUESTION: You knew that Eric did not want to live
8 in Italy. Is that what -- is that one of the reasons
9 you wanted that passport?

10 "Of course, yes.

11 "And you knew that Eric wanted to live with Ethan in
12 America; is that one of the reasons you did not want
13 him to have that passport?

14 "ANSWER: Yes."

15 **MR. BERMAN:** So --

16 **MR. QUINN:** Your Honor, I'm going to object. That's
17 improper impeachment.

18 **THE COURT:** Well, it may not be, counsel, but I'll
19 take that as a -- you know, in a court trial I can exclude or
20 include. So I'm not quite certain what's impeaching or not,
21 okay?

22 **MR. QUINN:** Thank you, Your Honor.

23 **BY MR. BERMAN:**

24 Q Ms. Ciampa, the reason -- strike that.

25 When did you and Mr. Nichols first start having this

1 dispute about who's going to hold Ethan's passport?

2 A So when we were in America and Eric didn't want to go back
3 to Italy, I told him, you will keep the passport but please
4 let's go back because I need to go back for my kids.

5 Q So the two of you started having this I'll call it an
6 argument, disagreement about who was going to hold the passport
7 before you even went to Italy --

8 A Yes.

9 Q -- in March of 2024, correct?

10 A Correct.

11 Q And when did the two of you start this arrangement where
12 Mr. Nichols would hand over the passport when he would take the
13 baby and then you'd give it back to him when you would take
14 possession of Ethan again; when did that start?

15 A The 5th or the 6th of August.

16 Q And that is --

17 A The 6th.

18 **MR. BERMAN:** Thank you.

19 Q And that is when your relationship, your romantic
20 relationship ended, correct?

21 A It ended on the 5th.

22 **THE COURT:** Karlen, good night.

23 **(Pause)**

24 Q Ms. Ciampa, you told Mr. Nichols as far back as calendar
25 year 2023 that you were planning on moving to the United States

1 with Ethan, correct?

2 A Can you repeat the question, please?

3 Q Yes. You told Mr. Nichols as far back as in calendar year
4 2023 that you planned on moving to America with Eric, correct?

5 A No.

6 **MR. BERMAN:** Please turn to Exhibit D in the book.
7 One moment.

8 Your Honor, I would like to read from the -- I'm not
9 going to have you look at Exhibit D. I will have you -- I
10 would like to read from the deposition transcript, page 46,
11 line 12 -- excuse me, 146, line 12, to page 147, line 25.

12 "QUESTION: And do you see at 3:12 p.m. there's a
13 message from Eric to you talking about Vincenzo that
14 says he's thinking -- he's also thinking of moving to
15 America for better business opportunities?

16 "ANSWER: Yes.

17 "QUESTION: And then you say, oh.

18 "ANSWER: Uh-huh.

19 "QUESTION: And then at 3:41 p.m. you say, we will go
20 sooner or later, I promise.

21 "QUESTION: Yes, later."

22 Excuse me:

23 "ANSWER: Yes, later.

24 "QUESTION: What were you talking about in that
25 message?

1 "ANSWER: American, sooner or later, not sooner,
2 maybe, maybe later because then we broke up on the
3 5th of August. We broke up so --

4 "MR. QUINN: There's no question.

5 "THE WITNESS: Sorry.

6 "QUESTION: You broke up on the 5th of August of what
7 year?

8 "ANSWER: Twenty twenty-four."

9 "QUESTION: Correct. And this message was April 3rd
10 of 2023, correct?

11 "ANSWER: Yes.

12 "QUESTION: Okay. So even beginning back in April of
13 2023 you were planning on living in America with
14 Eric; is that a correct statement?

15 "MR. QUINN: Objection, argumentative.

16 "THE WITNESS: It's not a planning -- it's not
17 planning, it's an idea.

18 "QUESTION: What does the word 'sooner' mean to you?

19 "ANSWER: One day.

20 "QUESTION: What's the outer limit of the word
21 'sooner' in your definition of the word 'sooner' in
22 this context in this message?

23 "ANSWER: Two years.

24 "QUESTION: Why did you say -- why do you say that?

25 "ANSWER: Because I have my kids that I couldn't

1 leave, and they have their dad they see frequently,
2 so I couldn't go immediately."

3 **BY MR. BERMAN:**

4 Q Do you know Marianne Allen?

5 A Not in person.

6 Q Do you know who she is?

7 A Yes.

8 Q Have you ever spoken to her?

9 A Yes.

10 Q Who is she?

11 A She's Eric's therapist, trusted therapist.

12 Q You tried to dissuade her from testifying in this matter,
13 correct?

14 A I'm sorry?

15 Q You tried to dissuade her from testimony in this Hague
16 proceeding, correct?

17 A I don't remember.

18 Q Is it possible then?

19 A I don't think so.

20 **(Pause)**

21 Q Please turn to Exhibit X in your book.

22 A "X."

23 **(Pause)**

24 Q Are you there?

25 A I am.

1 Q Please turn to page two of that exhibit. If you go down,
2 I want to ask if this is you -- if this is a -- is this a
3 conversation between you and Marianne? Let me ask you that.

4 A Yes.

5 Q And this is on WhatsApp.

6 A WhatsApp, yes.

7 **MR. BERMAN:** Thank you.

8 Q You state to Marianne at 2:08 p.m. on October 3rd of 2024,
9 you say: Do you ever think that Eric could have kidnapped
10 Ethan? And Marianne Allen responds: I don't see the situation
11 as you do. Then you state: Can you explain your point of
12 view?

13 Is this entire -- if you look at this exhibit here, which
14 is -- has three pages, is this entire exhibit a WhatsApp
15 exchange between you and Marianne Allen?

16 **MR. QUINN:** Objection, lacks foundation.

17 **THE COURT:** Overruled. You can answer the question.
18 In other words, is there something else in the conversation
19 that the two of you had besides this Exhibit F?

20 **THE WITNESS:** Probably.

21 **THE COURT:** Okay.

22 **THE WITNESS:** I don't know right now.

23 **THE COURT:** Okay. Counsel.

24 **MR. BERMAN:** If you go to page -- Your Honor, I would
25 like to admit Exhibit X into evidence.

1 **THE COURT:** Well, I'll receive it, counsel.

2 **(Exhibit X received in evidence)**

3 **BY MR. BERMAN:**

4 Q If you turn to page three and you go to the entry on
5 October 3rd of 2024 at 2:57 p.m., do you see that?

6 A Yes.

7 Q And you say there: What? I can't believe you are saying
8 this. This is exactly what Eric was and is doing. What did
9 you mean by that?

10 A We need to read the previous message then.

11 **(Pause)**

12 **THE COURT:** Counsel, your question.

13 Q What did you mean by that statement, ma'am, when you say,
14 what, I can't --

15 A I couldn't recognize Marianne Allen's word. They seem
16 Eric's words instead.

17 Q Okay. So you thought that Marianne was using Eric's
18 words.

19 A I assume.

20 Q Is that what you meant? I was --

21 A I don't know. I -- how do I know? But the previous
22 conversation was different than the last part.

23 **MR. BERMAN:** Move to strike as nonresponsive.

24 **THE COURT:** No, I won't strike, counsel.

25 **MR. BERMAN:** Not granted, correct?

1 **THE COURT:** Not granted.

2 **MR. BERMAN:** Thank you.

3 **THE COURT:** Just re-ask the question if you're not
4 satisfied with the answer.

5 **BY MR. BERMAN:**

6 Q When you say this is exactly what Eric was and is doing
7 with two exclamation points, what did you mean when you wrote
8 that?

9 A That he kidnapped our child.

10 Q Anything else?

11 A No.

12 Q Then if you go down to the entry on October 4th of 2024 at
13 5:47 a.m., and you write here: I cannot believe that any
14 person, not to mention a woman, not to mention a psychologist,
15 not to mention a pastor, would take Eric's side. Eric has
16 committed a crime. There is no justification for him, and you
17 are an accomplice.

18 What did you mean when you wrote that?

19 A That I couldn't recognize her words and I couldn't believe
20 that -- I knew her as a therapist so -- and of course as a
21 woman. And I didn't ever think that she could be on Eric's
22 side taking, yeah, his side.

23 Q You sent this to -- you sent this for the purpose of
24 voicing your disapproval of her helping Eric with this case,
25 correct?

1 **(Pause)**

2 A Yes.

3 Q You were trying to dissuade her from speaking to the Court
4 on this matter; is that correct?

5 A No.

6 Q Earlier today you stated that your only purpose of your
7 trip to the United States in January of 2024 was to give birth
8 to Ethan and so that Mr. Nichols could be in the delivery room,
9 correct?

10 A Correct.

11 Q But there was another reason. The other reason would have
12 been that you were -- you came here with your other two
13 children to enroll them in school in Boone County, Kentucky,
14 correct?

15 A No.

16 **MR. BERMAN:** Please turn to Exhibit B.

17 **THE COURT:** "B" like bad or boy?

18 **MR. BERMAN:** Yes, Your Honor.

19 **THE COURT:** Okay. Thank you.

20 **(Pause)**

21 **BY MR. BERMAN:**

22 Q So this Exhibit B; do you recognize this exhibit?

23 A Yes, I do.

24 Q This is the Boone County student enrollment and emergency
25 form; isn't that correct?

1 A Yes.

2 Q Okay. Earlier you had mentioned that you were not sure as
3 to whether or not you had indicated on the enrollment form that
4 you were only planning on keeping the two children in school
5 for a short period of time. Do you remember saying you didn't
6 remember?

7 A I remember.

8 Q Okay. As you look at this document, though, nowhere on
9 this document is there any indication that the two children
10 would be enrolled for a limited period of time, correct?

11 A Correct.

12 MR. BERMAN: I would ask that Exhibit B be received.

13 THE COURT: Received.

14 (Exhibit B received in evidence)

15 BY MR. BERMAN:

16 Q You obtained an ID card for Ethan in Italy, correct?

17 A Correct.

18 Q You didn't do that until September of 2024, correct?

19 A No, it's not correct.

20 MR. BERMAN: I just want to find the form. I think
21 it's one of the exhibits here.

22 Q When did you enroll -- when did you obtain an ID card for
23 Ethan in Italy?

24 A I went to the townhall in April if I'm not -- 10th of
25 April, I think. And so Ethan has been inscribed in the country

1 register in April 10th, I think. And then the ID card maybe
2 arrive later, for sure arrived later.

3 Q So the -- when did the ID card arrive?

4 A I can't remember.

5 Q It arrived in September of 2024, correct?

6 A No. It arrive before. September Ethan was already here
7 in America.

8 Q I understand. You stated that on August 5th in your --
9 earlier today, you stated on August 5th that you were not
10 acting erratic on -- correct?

11 A I was -- I'm sorry, what's your question again?

12 Q I'm sorry. You were not acting erratic on August 5th of
13 2024, correct?

14 A Correct.

15 Q Do you consider punching Mr. Nichols's phone out of his
16 hand erratic?

17 A It didn't go out of his hand. He was keeping his phone in
18 his hand. I just pushed his hand with the phone.

19 **MR. BERMAN:** I would like to play a video, Your
20 Honor, of the incident on August 5th, 2024, the phone pushing
21 incident.

22 **THE COURT:** And exhibit number?

23 **MR. BERMAN:** "T" as in Tom.

24 **THE COURT:** "T," okay, thank you.

25 **(Pause from 4:57 p.m. to 4:58 p.m.)**

1 **MR. BERMAN:** Your Honor, I do not have a cable.
2 Would we be able to play it off the laptop if I approach the
3 witness?

4 **THE COURT:** Certainly.

5 **MR. BERMAN:** Thank you.

6 **(Pause)**

7 **(Exhibit T played from 4:58 p.m. to 4:58 p.m.)**

8 **MR. BERMAN:** That concludes the video.

9 **BY MR. BERMAN:**

10 Q Ms. Ciampa, that was you and Mr. Nichols in that video,
11 correct?

12 A Correct.

13 Q That was on August 5th of 2024, correct?

14 A Correct.

15 **MR. BERMAN:** Just about finished, Your Honor. No
16 further questions, Your Honor.

17 **THE COURT:** All right. Redirect.

18 **MR. QUINN:** Just a few, Your Honor.

19 **REDIRECT EXAMINATION**

20 **BY MR. QUINN:**

21 Q Claudia, if you could take a look at Exhibit B.

22 A "B?"

23 Q "B."

24 A Yes.

25 Q Do you see on the page Exhibit B about a third of the way

1 down it says, first date of enrollment in U.S. school?

2 A First day.

3 Q It's on B-1. Oh, I'm sorry, their exhibits. Do you have
4 their --

5 A Yes. Okay, yes, I see it.

6 Q Okay. And you -- did you write that date, January 29th,
7 2024?

8 A Probably it was me. I'm not sure but, yes, either me or
9 Eric did.

10 Q Okay. And next to that date there's three boxes. One is
11 migrant, the other one is immigrant, and the other one is
12 refugee.

13 A Correct.

14 Q Did you check the immigrant box?

15 A No.

16 Q Is there anywhere on this form that says the end date of
17 the education?

18 A No.

19 Q Did you -- I think you may have said this, but did you
20 maintain their enrollment in the Italian school?

21 A Yes.

22 Q Upon their return to Italy did they resume their education
23 at the Italian school?

24 A Immediately.

25 Q When you -- prior to leaving Italy did you inform the

1 school that you were leaving for seven weeks?

2 A Of course.

3 Q And did you make arrangements so that they would maintain
4 their education while they were in the United States?

5 A Yes.

6 Q And did the children do the -- strike that.

7 Did the Italian school provide you with assignments for
8 the kids to do?

9 A Correct.

10 Q And did the children do these assignments?

11 A Yes.

12 Q And did you provide them back with the Italian school
13 after they were done?

14 A Of course.

15 Q I want you to take a look at Exhibit X. That's those text
16 messages with Ms. Allen. If you go to the last page, which is
17 page three, counsel asked you questions regarding whether you
18 tried to dissuade her through this text -- these WhatsApp
19 message, you tried to dissuade Ms. Allen from testifying.

20 On October 4th, 2024, did you think you would be in trial
21 to return to have Ethan and return back to Italy with him?

22 A No.

23 Q Did it ever occur to you that you would have to go through
24 this trial to get your son back?

25 A Of course not.

1 Q So was it your intention to somehow coerce or threaten or
2 intimidate Ms. Allen to not testify?

3 A Absolutely not.

4 **(Pause)**

5 Q You had brief discussion regarding seeing a family law
6 attorney with Mr. Nichols; you remember that testimony?

7 A Yes. My lawyer, yeah.

8 Q So this -- is this your family law attorney that
9 represents you against Mr. Porzio (phonetic)?

10 A Yes.

11 Q And did you schedule a meeting with your attorney in Italy
12 -- what's his name or her name?

13 A The Hague --

14 Q Family law attorney.

15 A Yeah, Giasani (phonetic).

16 Q Giasani?

17 A Uh-huh.

18 Q Can you spell that?

19 A Wait a second. Which lawyer?

20 Q The lawyer you went to see.

21 A Okay, no, Riccio.

22 Q Can you spell that?

23 A R-I-double-C-I-O.

24 Q And did you make an appointment with Mr. Riccio?

25 A Mrs. Riccio.

1 Q Ms. Riccio, my apologies, Ms. Riccio and Mr. Nichols for
2 the purposes of discussing moving to the United States?

3 A No.

4 Q Were you there for some other reason?

5 A Yes.

6 Q What was the reason?

7 A Due (5:03:38) just behavior.

8 Q Okay. And did you have -- were there any questions
9 regarding potentially moving to the United States?

10 A Eric asked.

11 **MR. QUINN:** Okay. No further questions, Your Honor.

12 **THE COURT:** All right. Recross.

13 **RECROSS EXAMINATION**

14 **BY MR. BERMAN:**

15 Q Ms. Nichols -- excuse me, Ms. Ciampa, by October 4th of
16 2024, you had already filed your Hague application, correct?

17 A Yes.

18 Q And you had already made --

19 A I think.

20 Q -- a police --

21 A I'm sorry, which date?

22 Q By October 4th, 2024.

23 A Okay, yes.

24 Q And you had already -- and by that time, August 4th of
25 2024, you had already filed a police report against Mr. Nichols

1 in Italy, correct?

2 A Correct.

3 **MR. BERMAN:** No further questions.

4 **THE COURT:** Okay. Thank you very much. You may step
5 down from the witness stand.

6 **THE WITNESS:** Thank you.

7 **(Witness steps down.)**

8 **THE COURT:** Counsel, do you have other witnesses?

9 **MR. QUINN:** We do, Your Honor.

10 **THE COURT:** Call them. These folks have come a long
11 ways and --

12 **(Pause)**

13 **MR. QUINN:** Your Honor, she's in the restroom. She's
14 the daughter.

15 **THE COURT:** All right, we're waiting.

16 All right, thank you. If you'd step forward, please.
17 And would you raise your right hand, please.

18 **CHIARA PASTORINO, PETITIONER'S WITNESS, SWORN**

19 **THE COURT:** All right. Thank you. Please be seated
20 here in the witness box.

21 **MR. BERMAN:** Your Honor, may I lodge an objection to
22 this witness testifying? This witness did not appear on a
23 witness list.

24 Counsel did speak at the status conference about the
25 possibility of this person testifying. There's no witness list

1 and there's no declaration --

2 **THE COURT:** All right. Thank you. If you're
3 prejudiced, we can take a little bit more time.

4 Now, counsel, your direct examination. I assume this
5 is the daughter; is that correct?

6 **MR. QUINN:** It is. And she is --

7 **THE COURT:** This should be very short, counsel. This
8 is just to reaffirm apparently according to your opening
9 statement her motherhood. So --

10 **MR. QUINN:** Exactly.

11 **THE COURT:** -- this is short.

12 **MR. QUINN:** And she is on the witness list, Your
13 Honor.

14 **THE COURT:** All right. Direct examination.

15 **MR. QUINN:** Thank you.

16 **THE COURT:** Would you spell your first name for me?

17 **THE WITNESS:** My name is Chiara, C-H-I-A-R-A.

18 **THE COURT:** "C."

19 **THE WITNESS:** H-I --

20 **THE COURT:** H-I.

21 **THE WITNESS:** A-R-A.

22 **THE COURT:** A-R-A. And your last name.

23 **THE WITNESS:** My last name is Pastorino, which is
24 spelled P-A-S-T-O-R-I-N-O.

25 //

1 **THE COURT:** I-N -- thank you very much. Direct
2 examination, please.

3 **MR. QUINN:** Thank you, Your Honor.

4 Good afternoon.

5 **DIRECT EXAMINATION**

6 **BY MR. QUINN:**

7 Q Could you tell us, please, your relationship to Petitioner
8 in this case?

9 A She's my mom.

10 Q Okay. And how old are you?

11 A I am 19 years old.

12 Q Okay. And you are -- when did you come to the United
13 States?

14 A For the first time or now?

15 **MR. QUINN:** Strike that. That was a bad question.

16 Let me ask you this.

17 Q Have you resided with your mom back in Italy growing up?

18 A Yes, I have.

19 Q For -- explain for what period of time?

20 A So, well, I mean, she raised me so from when I was born
21 until elementary school, middle school. When I was -- when I
22 started high school I spent a little bit of time with my dad,
23 three years. And then now I'm just going back and forth kind
24 of.

25 Q And your father is whom?

1 A My father is Paolo Pastorino. I don't really know what to
2 say.

3 Q Okay. Now, when your mom came to the United States for
4 the birth of Ethan, I want you to go to that period of time,
5 okay? Back in January 28th of 2024, on or about that period of
6 time, were you living with your mom at that time?

7 A Well, yes. I spent a few months working in France and
8 then I came back and -- yeah, I was. But when I'm in Italy I
9 spend most of my time with my mom.

10 Q Okay. And did you have any discussions with your mom
11 about going to the United States for the birth of Ethan?

12 A Yes.

13 Q Okay.

14 A Yeah, of course.

15 Q And did you have an understanding as to whether that was a
16 temporary trip for the purpose of the birth?

17 A Oh, very much so, yes.

18 **MR. BERMAN:** Objection, lacks foundation.

19 **THE COURT:** Overruled.

20 **BY MR. QUINN:**

21 Q And what was your understanding based on?

22 A Well, I was aware of the reasons why they were going to
23 the USA. I was around for some of the discussions; not so much
24 between them but I spoke with both my mom and Eric. I kind of
25 was aware of the reasons why they were going.

1 Q Okay. So why question was, what was your knowledge based
2 on; was it based on discussions with both parties?

3 A Yes.

4 Q And being present for their discussions.

5 A Yes.

6 Q Okay. And what was your understanding as to how long your
7 mom was going to be in the United States for?

8 A Six weeks, a little over six weeks maybe.

9 MR. BERMAN: Objection, lacks foundation, move to
10 strike that answer.

11 THE COURT: No, overruled.

12 What's occurred, though, is we've recently filed
13 declarations, haven't we, concerning her --

14 MR. QUINN: Both parties --

15 THE COURT: -- shortcomings as a mother allegedly.
16 And this is coming in at the last moment so I'm going to allow
17 this testimony. And I'll be equally kind and open to the
18 defense also.

19 MR. QUINN: Okay.

20 BY MR. QUINN:

21 Q Did you join up with you mom in Kentucky when she arrived?

22 A I did, yes.

23 Q And when did you join up with them?

24 A It was March 1st. Ethan was about two weeks old.

25 Q And where did you stay?

1 A I stayed -- so I arrived and they were staying with Eric's
2 twin brother. His name is Darren Nichols. So it was in Union,
3 Kentucky. And that was for the first six days of my stay.

4 After those six days, Darren asked Eric to leave and we
5 with him went to a hotel room and then an Airbnb for the rest
6 of the time that I was there.

7 Q Okay. And then you went back to Italy.

8 A I did, a little before they did.

9 Q Okay. Now let me ask you about your relationship with
10 your mom. Do you consider yourself to have a close
11 relationship?

12 A Absolutely, very much so.

13 Q And how would you describe that relationship?

14 A Well, my mom has been very present in my life. She's
15 always been very -- she's always really encouraged me to
16 explore and to have my own ideas and build a sense of identity.

17 But at the same time, even though she was really able to
18 leave me a lot of independence and freedom, but at the same
19 time I always knew that she was, you know, there whenever I
20 needed her.

21 I always felt very loved but also like just really
22 accepted.

23 And what I appreciate most about my mom is that I know
24 that whatever I get myself into and whatever happens, I know
25 that I always have her and that she'll always be on my side.

1 So I would say I have a very positive relationship.

2 Q Did you attend university?

3 A Not yet. So I was supposed to start -- I graduated high
4 school last summer. I was supposed to start university but
5 then this happened so now I'm here.

6 Q Has your mother supported your education?

7 A Always.

8 Q Do you speak multiple languages?

9 A I do, yes.

10 Q How many languages do you speak?

11 A I speak four. Italian; I learned English in school in
12 this.

13 Q Okay.

14 A And then I -- well, actually my mom really encouraged me
15 to do this as well, I spent one year as an exchange student in
16 Spain, and that's when I learned Spanish.

17 **MR. QUINN:** Okay. Let me stop you there for a moment
18 so I can move through this.

19 Q How would you describe your mom's relationship with her
20 other children?

21 A Similar. I think she's a similar mom to them than she was
22 for me. So of course they're younger so it's not the same.
23 Now we have a relationship that's more I would -- me and her, I
24 mean, more open now that I'm -- I was more grown up.

25 With them it's a bit different. But it's like it was when

1 I was little. So she's very loving. She's very behind us in
2 whatever we do.

3 With them, I'm -- of course now she hasn't yet encouraged
4 them to go abroad but she has encouraged them to do all kinds
5 of sports and activities.

6 Claria (phonetic) my -- I'm sorry, my -- her
7 daughter, my younger sister, she's very creative.

8 Hector is really into sports and math so that's
9 what's --

10 Q How about specifically your mother's relationship with
11 Ethan?

12 A My mother's relationship with Ethan?

13 Q Her ability to mother Ethan; have you observed that?

14 A Of course.

15 Q In what way have you observed it?

16 A Well, I was often in the house before when she was in
17 Italy. And then now for these past two and a half months it's
18 been just me and my mom and Ethan. So --

19 Q Okay. Because you saw your mom when she came to -- back
20 to Italy.

21 A Yes. Well, also when I was -- I joined them in the U.S.
22 for a while so that's the first time I guess I saw my mom with
23 Ethan. And then when they went back to Italy, and then now.

24 Q Okay. So let's -- so you have those three different
25 times. Now, the periods of time you've seen your mom with

1 Ethan in the United States most recently you came here when
2 with your mom?

3 A We arrived on November 21st.

4 Q Okay. And you've been continuously here with your mom
5 since November 21st.

6 A Yes, I have.

7 Q And how -- where have you been staying; how has that
8 worked?

9 A Well, we have been in different places in Orange County.
10 We've been for a while in different like hotels and with
11 different people in different houses. We have been in Cosa
12 Mesa for a while, in Huntington Beach. We've been around all
13 over Orange County.

14 Q And what role do you play with Ethan and your mom? Do you
15 help out or what are --

16 A Oh, --

17 Q -- what did --

18 A -- of course.

19 Q How would you describe the role you play?

20 A The role I play, mostly I try to support my mom. But of
21 course she's the one who takes most care of him. I've been
22 with him whenever she was in court or whenever, you know, she
23 couldn't be with him.

24 Daily when she is able to be with him I just -- I try to
25 support her to help out. But mostly it's her who just make

1 sure that he gets fed and whatever.

2 Q But are you there daily with your mom?

3 A Yes, of course, yes.

4 Q Observing your mom.

5 A All the time.

6 Q Observing how your mom cares for Ethan.

7 A Yes.

8 Q Observing how your mom interacts with Ethan.

9 A Yes.

10 Q Observing how your mom acts as a mom.

11 A Yes.

12 Q And how would you describe that?

13 **MR. BERMAN:** Objection, irrelevant.

14 **THE COURT:** Overruled.

15 **BY MR. QUINN:**

16 Q How would you describe how your mom acts?

17 **THE COURT:** And the reason for the record is the
18 defense has raised the parenting ability. So, counsel, I'll
19 let you get into the opinion of the oldest child.

20 **MR. QUINN:** Thank you, Your Honor.

21 **BY MR. QUINN:**

22 Q Do you understand my question?

23 A Yes, I do. My mom, with Ethan, again, mostly like she was
24 with the other -- her other three children. Ethan -- I think
25 she encourages him to crawl around and play and explore.

1 She -- we try to -- she tries to talk with him a lot and
2 explain to him, you know, like the names of things and his
3 name, to recognize people.

4 And she's just, you know, a present mom. Of course with a
5 toddler is different than with me or with the other kids. But
6 her parenting style has been the same. So she -- yeah, she's
7 just present, loving with the baby. And I don't really know
8 what else to say.

9 **THE COURT:** Counsel, I'm going to put some limitation
10 on this.

11 **MR. QUINN:** Very well.

12 **THE COURT:** All right. Remember, habitual residence
13 is the ultimate decision by the Court. But I'm letting both of
14 you get into this because the defense has raised this parenting
15 issue.

16 **MR. QUINN:** Okay. Let me leave that and ask a few
17 questions about your perceptions of your mother's mental
18 health.

19 **THE WITNESS:** Yeah.

20 **MR. QUINN:** Okay.

21 **BY MR. QUINN:**

22 Q Let's start with the time you've been here in America --

23 A Okay.

24 Q -- with you mom coming for this proceeding since November.
25 Have you observed your mom to be overwhelmed at any time?

1 A No.

2 Q How would you describe her emotional, mental state?

3 A Since we've been here, of course it hasn't been easy. We
4 have been -- it's probably the most difficult thing we have
5 gone through in our lives.

6 But I was really impressed by her strength, her ability to
7 keep herself together, even though what we're going through is
8 of course very hard.

9 At times of course it has been difficult. There have been
10 moments where we felt a bit abandoned. But she has been able
11 to keep herself steady throughout all this, which I think is --
12 was very impressive.

13 Q Okay. So how about back in Italy --

14 A Yes.

15 Q -- when your mom was back in Italy with Ethan, okay, prior
16 to August 30th, the event of August 30th; how would you
17 describe your mom's emotional, mental state back in those
18 times?

19 **THE COURT:** Was this -- what period of time, though,
20 counsel? This --

21 **MR. QUINN:** Let's --

22 **THE COURT:** -- involves different children and
23 also --

24 **MR. QUINN:** Okay.

25 **THE COURT:** -- the dates in question, like August 5th

1 or October, --

2 **MR. QUINN:** Okay. Well, --

3 **THE COURT:** -- it's a pretty broad question. Why
4 don't you re-ask that?

5 **MR. QUINN:** Well, in light of the allegations of her
6 being suicidal, I was going to --

7 **THE COURT:** I understand that, counsel.

8 **MR. QUINN:** -- ask some questions -- may I?

9 **THE COURT:** You may.

10 **MR. QUINN:** Okay.

11 **BY MR. QUINN:**

12 Q So let me hone in on the period of time when your mom came
13 back to Italy back in March 17th of '24. So let's deal with
14 the period of time from March of '24 up until August 30th of
15 '24, that period of time.

16 A How was her mental state --

17 Q Right.

18 A -- during that period of time? As usual, it was -- she
19 was okay. There have been moments that were like -- for
20 example, around August 5th, there've been moments that have
21 been harder, moments that have been easier. But she has been
22 fine.

23 Q Was there ever a time --

24 **MR. BERMAN:** Objection, lacks foundation, move to
25 strike that answer.

1 **THE COURT:** Overruled.

2 **BY MR. QUINN:**

3 Q Was there ever a time when anyone drew your attention or
4 your concern to your mother's mental health in terms of fear of
5 suicide, something like that?

6 A No. There have been no times.

7 Q We heard about an event of May 29th, 2024 involving the
8 stove and whether the stove was intentionally left on or not.

9 Did --

10 A I heard -- yeah, sorry.

11 Q Back in May of 2024 did anyone bring that matter to your
12 attention?

13 A No.

14 Q Did Respondent, Eric, bring that matter to your attention?

15 A He did not.

16 Q When is the first time you found out about that allegation
17 of May 29th, 2024?

18 A When you read about it in his declaration, so your office.

19 Q In our office.

20 A Yes.

21 Q Okay. How long ago?

22 A I can't remember exactly. A few days.

23 Q Within the past week or two?

24 A Yeah.

25 **MR. QUINN:** Okay. Thank you. I have no further

1 questions.

2 **THE COURT:** All right. Cross examination, please.

3 **MR. BERMAN:** If I just may have one moment, Your
4 Honor. I'm not sure that I do.

5 **THE COURT:** All right.

6 **(Pause)**

7 **MR. BERMAN:** No cross, Your Honor.

8 **THE COURT:** All right. Thank you very much then.
9 Been a pleasure to meet you. Why don't you step down?

10 **(Witness steps down.)**

11 And, counsel, do you have another witness?

12 **MR. QUINN:** No, Your Honor.

13 **THE COURT:** All right. Then you're resting at this
14 time subject to exhibits being approved?

15 **MR. QUINN:** Well, we were considering calling
16 respondent as an adverse witness.

17 **THE COURT:** Well, you may if you'd like to, but --

18 **MR. QUINN:** But if we were going to do that, it'd be
19 our preference to do that not today because it's lengthy
20 testimony.

21 **THE COURT:** Well, regardless I'm going to hear from
22 the gentleman tomorrow. I want him fresh. The two primary
23 witnesses, of course, Ms. Ciampa and Mr. Nichols, I want you
24 both fresh for that testimony.

25 Let me turn to the defense for just a moment though.

1 If there are people who have come from far away for instance
2 and they're being inconvenienced, I don't want them to be, you
3 know, overnight in Orange County. Do you have anybody that you
4 need to call this evening besides your client? In other words,
5 you're going to call people tomorrow, I'm not curtailing that,
6 I'm just worried about people coming so far.

7 **MR. BERMAN:** We know one gentleman came from out of
8 town, he's about 20 minutes --

9 **THE COURT:** It doesn't matter how long, you can call
10 him.

11 **MR. BERMAN:** The one gentleman.

12 **THE COURT:** And, counsel, you'll rest subject to, but
13 I'm going to pay the same courtesy to the defense. These folks
14 have come a long way and quite frankly they're corroborating
15 witnesses so the two main parties are Ms. Ciampa and
16 Mr. Nichols.

17 **MR. BERMAN:** May I call the witness, Your Honor?

18 **THE COURT:** Please. I'm going to allow the defense
19 to call some witnesses out of order for my record by
20 convenience. The plaintiff has not rested. But remember,
21 counsel, when you're calling this person as an adverse witness,
22 the other side can ask leading questions. So weight that for a
23 moment.

24 Sir, come up if you'd like to. It's a pleasure to
25 meet you. Would you raise your right hand?

1 **GUGLIELMO LA VIA, RESPONDENT'S WITNESS, SWORN**

2 **THE COURT:** Thank you, sir. Would you please be
3 seated here in the witness box. And, sir, after you're seated,
4 would you pull the chair close to that microphone. Now, would
5 you bring the microphone close to you. And, sir, would you
6 state your full name, please?

7 **THE WITNESS:** Guglielmo La Via.

8 **THE COURT:** Would you spell your first name slowly,
9 sir.

10 **THE WITNESS:** Sure. G-U-G-L-I-E-L-M-O.

11 **THE COURT:** Thank you. And your last name, sir.

12 **THE WITNESS:** La Via. So that's L-A space V-I-A.

13 **THE COURT:** And once again, my apologies, L-A --

14 **THE WITNESS:** L-A space --

15 **THE COURT:** Space?

16 **THE WITNESS:** Yes.

17 **THE COURT:** Okay.

18 **THE WITNESS:** V-I-A.

19 **THE COURT:** V-I-A.

20 **THE WITNESS:** Although from my e-mails, address me as
21 William.

22 **THE COURT:** Okay.

23 **THE WITNESS:** Gugleilmo is William in Italian, so.

24 **THE COURT:** All right. Thank you. Direct
25 examination please.

1 **MR. BERMAN:** Thank you.

2 **DIRECT EXAMINATION**

3 **BY MR. BERMAN:**

4 Q I will refer to you as William if that's okay.

5 A Absolutely.

6 Q Thank you. William, do you know Eric Nichols?

7 A Yes, I do.

8 Q And how long have you known Mr. Nichols?

9 A Approximately since 2015.

10 Q And how do you know him?

11 A Originally I was a English student at his English class,
12 school in Sorento, Italy.

13 Q And do you know Claudia Ciampa?

14 A Yes, I do.

15 Q Please explain.

16 A Claudia Ciampa was introduced to me as his girlfriend by
17 Eric.

18 Q And how long have you known her?

19 A I've known her -- I met her in person since 20 -- June of
20 2023, approximately.

21 Q Did you have a discussion with both Ms. Ciampa and
22 Mr. Nichols on February 26th of 2024?

23 A Yes.

24 Q And where did that discussion take place?

25 A In Union, Kentucky.

1 Q And what was the circumstances surrounding this
2 discussion?

3 **THE COURT:** And I'm sorry, counsel, once again the
4 date, I apologize. I missed the --

5 **MR. BERMAN:** February 26th, 2024.

6 **THE COURT:** Thank you. And why don't you repeat the
7 question.

8 **BY MR. BERMAN:**

9 Q Where were you when you had this discussion?

10 A I believe we were at the Panera Bread.

11 **THE COURT:** At the Pandera Bread (sic)?

12 **THE WITNESS:** Panera Bread, it's a café.

13 **THE COURT:** Okay. Thank you.

14 Q What was the circumstance surrounding this discussion you
15 had?

16 A My girlfriend and I had flown to Kentucky to meet Eric,
17 Claudia, Ethan and the remaining children in Kentucky.

18 Q And just by way of background, what is your occupation?

19 A I'm training to become an airline pilot in Mesa, Arizona.

20 Q What transpired in this discussion?

21 A The discussion transpired, Eric and Claudia's idea about
22 life in the United States and their intention of living in the
23 United States in the future.

24 Q Can you tell us more specifically what do you remember, if
25 anything, let's start with Ms. Ciampa, what did she say about

1 this?

2 A Eric and I and Claudia were talking about ideas
3 surrounding life in America, how Eric and I enjoyed the
4 comforts of the United States and --

5 **MR. QUINN:** Objection, non-responsive, Your Honor.

6 **THE COURT:** Overruled. You can continue, sir.

7 **THE WITNESS:** Thank you. And Claudia was in
8 agreeance with us. And she expressed her, I wouldn't say love
9 for the United States, but she liked living in the United
10 States.

11 **BY MR. BERMAN:**

12 Q Okay. If you -- it would be important if you can remember
13 exactly what she said, that would be ideal.

14 A She mentioned on multiple occasions that she wanted to
15 live in United States.

16 Q I'm talking about this conversation on February 26th,
17 2024. Are you saying that in that conversation she mentioned
18 this multiple times?

19 A Yes.

20 Q How many times do you think, would you estimate?

21 A Two.

22 Q What did she say?

23 A She was in agree -- may I give an example?

24 **THE COURT:** No, the question was, what did she say.
25 And if you don't know, state you don't know specifically. If

1 you recall the words, please tell us.

2 **THE WITNESS:** She said, I like the United States and
3 I would like to live here.

4 **THE COURT:** Okay.

5 Q And what were you -- you were having this discussion, can
6 you give us some context of this discussion?

7 A Absolutely. Ethan had been born a week prior I believe or
8 ten days prior, so we were talking about obviously Ethan, Ethan
9 was there present. And we were talking about how they were
10 adjusting to their life in the United States and also about the
11 children, Hector (phonetic) and Claydia (phonetic).

12 Q And what did Mr. Nichols say, if anything, during this
13 conversation?

14 A Mr. Nichols in this conversation was talking about Ethan
15 and how they were adjusting to being parents of a newborn child
16 and they were also talking about how Hector and Claydia were
17 enjoying the American school system.

18 Q Do you have another -- did anything else happen during
19 this discussion regarding whether the parties would be moving
20 to Italy or staying in the U.S.?

21 A You're referring to February 26th, correct?

22 Q Yes.

23 A On this occasion, I remember Eric and I talking about
24 Hector's remarkable intelligence and how Eric and Claudia were
25 very -- hoping to the ideal of enrolling Hector to a specific

1 program, I think it was a STEM subject program, that the
2 American school has for kids that have remarkable intelligence.

3 Q Okay. And Claudia did say anything specifically about the
4 younger boy, can you say the name again?

5 A Hector.

6 Q Did she say anything more specific about that child being
7 in the U.S.?

8 A Well, she -- I remember she saying that Hector really
9 loved school, the American school, in fact, more so than the
10 Italian one.

11 Q Did you have a discussion with Ms. Ciampa and Mr. Nichols
12 the next day on February 27th, 2024?

13 A Yes.

14 Q And where did that discussion take place?

15 A I believe we met at Starbucks.

16 Q And who was present during this conversation?

17 A Me, my girlfriend, Eric, Claudia, Hector and Claydia and
18 Mita (phonetic).

19 Q Okay. So Ms. Ciampa had Ethan but she also had the two
20 other children with her --

21 A Correct.

22 Q -- during this meeting, correct?

23 A Correct.

24 Q Okay. What transpired in this conversation?

25 A In this conversation, Eric and Claudia talked to me about

1 their plan to eminently return to Italy, due to Claudia's
2 commitment with her previous husband I believe, the father of
3 Hector and Claydia.

4 Q What else was said? What was said about that?

5 A Well, it was said that as far as I understood from this
6 conversation there was a written agreement between Claudia and
7 the father of Hector and Claydia that -- about the
8 authorization of Hector and Claydia being in the United States.
9 And that they were also planning on renewing these
10 authorization for the foreseeable future to come back to the
11 United States.

12 I expressed multiple times my desire for them to sort
13 of continue this conversation in the future, because I'm
14 staying in the United States, so I wanted them to see me, to
15 meet again.

16 Q Did Ms. Ciampa say anything to you during this
17 conversation that indicated to you that she wanted to return to
18 the U.S. after going back to Italy temporarily?

19 A She expressed the desire to return to the United States
20 after Ethan was born, so.

21 Q And she did this during this February 27th, 2024
22 conversation?

23 A I don't think she mentioned that exact sentence but she
24 was in agreeing with me and Eric about this idea, that's why
25 Eric and I looked at -- I believe it was houses in the area,

1 how for example, thousands of houses in Kentucky are
2 essentially lower for example houses in California. So we were
3 looking at basically where it would be the most suitable place
4 for Eric and Claudia and the rest of the family to live.

5 Q Were you doing these searches for homes on the computer or
6 how were you doing that?

7 A It was already on the phone, I didn't have my laptop or
8 anything, it was my phone.

9 Q Okay. But you would go to a website on your phone?

10 A Correct. It was either Red Fin or another one.

11 Q And were you doing -- and were you searching for these
12 homes in front of Claudia at any time?

13 A I believe Eric was searching for the homes. I was just
14 comparing.

15 Q Okay. And so was he searching for these homes on February
16 27th --

17 A I believe he was.

18 Q Let me just finish my question.

19 A Oh, I'm sorry.

20 Q February 27th of 2024, he was searching at that point in
21 front of Claudia.

22 A Correct.

23 Q What was Mr. Nichols saying?

24 A For example Mr. Nichols was saying, and I quote, look I
25 have \$400,000 I can have a big house with a garden in Kentucky

1 but \$400,000 in California wouldn't get me much.

2 Q Okay. And was Claudia responding to those comments at
3 all?

4 A Of course, because it was evident that you can have a nice
5 house in Kentucky with \$400,000.

6 Q What did she say, if anything?

7 A She was saying that's true or laughing, when you obviously
8 highlight this big difference in housing prices.

9 Q At any time on February 26th or February 27th during these
10 discussions, did Ms. Ciampa at any time voice her -- strike
11 that, I'm trying to think of the right question.

12 At any time during these discussions did she ever indicate
13 that it was not her intent to move to the U.S. with Mr. Nichols
14 and the children?

15 A Never.

16 Q You signed a declaration in this case. Do you remember
17 that?

18 A Yes, I do.

19 Q And you signed it on January 20th of 2025. Do you
20 remember that?

21 A Yes.

22 Q Okay. You state in your declaration, quote, based on my
23 communications with Eric and Claudia it is abundantly clear
24 that they lived in the United States and they planned on living
25 in the United States with Ethan and raising -- excuse me, and

1 raising Ethan in the United States, end quote. That's
2 paragraph 9 of your declaration.

3 What did you mean when you said that? What does that
4 mean to you?

5 A That I had no doubt whatsoever at any point that it was
6 Claudia's idea and Eric's idea to live permanent in the United
7 States and raise Ethan in the United States.

8 **MR. BERMAN:** No further questions, Your Honor.

9 **THE COURT:** Cross-examination, please.

10 **CROSS EXAMINATION**

11 **BY MR. QUINN:**

12 Q If I understand it correctly you were present for two
13 different meetings between Claudia and Eric.

14 A I believe it's three.

15 Q It's three separate meetings.

16 A I believe so.

17 Q And where were these meetings?

18 A One, the first one was in June of 2023 in Pionte
19 (phonetic) Sorrento. That's a town near Sorrento. The second
20 and third one were around the area of Union, Kentucky, United
21 States.

22 Q Okay. So there was a meeting in June in Italy --

23 A Correct.

24 Q -- and at that meeting, there was some discussion about
25 Claudia wanting to some day live in the United States?

1 A The discussion about -- in 2023 was with Ethan's eminent -
2 - it was about Claudia's pregnancy.

3 Q Okay. So the discussion --

4 **THE COURT:** I'm sorry, would you say that again, I
5 didn't quite hear.

6 **THE WITNESS:** I'm sorry. I said the discussion that
7 took place in June 2023, according to my knowledge, it was
8 regarding Claudia's pregnancy. Claudia was pregnant at the
9 time.

10 **THE COURT:** Pregnancy.

11 **THE WITNESS:** Correct.

12 **THE COURT:** Okay. Thank you.

13 **BY MR. QUINN:**

14 Q So at this discussion for June of '23 was it discussed
15 that they would be coming to Kentucky for the birth of Ethan?

16 A Not specifically Kentucky. Kentucky was not mentioned in
17 this conversation.

18 Q Okay. And I want to stay focused on the June of '23
19 conversation. Claudia -- you knew Claudia was pregnant at that
20 time, correct?

21 A Correct.

22 Q She had announced that to you, correct?

23 A Correct.

24 Q And so you recall that there was some discussion of the
25 parties coming to the United States for the birth of Ethan.

1 A It was mentioned, correct.

2 Q Right. You don't recall whether they specifically said
3 Kentucky, but you understood that Eric, in particular, wanted
4 the birth to take place in the United States, correct?

5 A They both did.

6 Q Okay. And you understood in that conversation that the
7 purpose of going to the United States was solely for the birth
8 of the child, to be born in the United States pursuant to the
9 parties' wishes, correct?

10 A I wouldn't say that's not truth.

11 Q Well, you didn't understand from the conversation that
12 they were going to permanently move to the United States in
13 that June 23rd conversation, correct?

14 A The idea was going to the United States, yes, to have
15 Ethan being born in the United States, but there was no mention
16 to me that they would be coming back from United States, on
17 this occasion.

18 Q Well, are you saying that it was stated at that
19 conversation on June 23rd that the parties were going to be
20 permanently going to the United States to live permanently when
21 --

22 A I did not say that. I just said that it was not mentioned
23 that they would be returning on that occasion.

24 Q Okay. So there was no discussion one way or another as to
25 how long they would stay in the United States?

1 A Even to that.

2 Q Okay. But then later you did meet up with them in
3 Kentucky, right?

4 A Correct.

5 Q Because you told us you had two conversations, one at the
6 Panera Bread, correct?

7 A Correct.

8 Q And that conversation at Panera Bread happened when?

9 A I believe it was February of -- February 26th, 2024.

10 Q Okay. And then you had a conversation as well on February
11 27th, so you had back to back discussions, right?

12 A Correct.

13 Q And when you were having those discussions, it was known
14 to you during those conversations that Claudia and Eric were
15 going back to Italy, correct?

16 A It was mentioned to me on the 27th of February.

17 Q Okay. Who mentioned that to you?

18 A Both. Both Eric and Claudia.

19 Q Okay. So there was absolutely no question that during
20 that conversation on the 27th, both parties told you they were
21 headed back to Italy to live, correct?

22 A I would say that's correct.

23 Q In fact, you knew that they were -- actually had a plane
24 flight back to Italy, correct?

25 A No, I wasn't aware of any plane ticket.

1 Q Well, when they said they were going back to Italy to
2 live, they explained to you that they were going to be doing
3 that sometime in March of '24, right?

4 A They did not say that they were going back to Italy to
5 live.

6 Q When did they discuss it -- did they, did they discuss
7 with you when they were headed back to Italy to live?

8 A I don't recall discussing specifically the day that they
9 were going to live in the United States.

10 Q But you understood they were leaving, you just didn't know
11 what day?

12 A You would say that's correct.

13 Q Well, did you understand what month they were leaving?

14 A In my declaration I mentioned eminent, so I think it was
15 within a month or so.

16 Q Okay. And do you use the word eminent in your
17 declaration.

18 A Correct.

19 Q And so meaning --

20 A In the near future.

21 Q -- I knew they were returning back to Italy eminently.

22 A In the near future.

23 Q And now you're telling us by the word eminently, you mean
24 within somewhere in the neighborhood of 30 days, have I stated
25 that correctly?

1 A Correct.

2 Q Okay. Now, when Claudia was talking to you about her
3 desire to someday live in the United States and that's what she
4 said to you, right?

5 A Correct.

6 Q That someday she would like to live in the United States.

7 A Not someday.

8 Q What did she say?

9 A She said she wanted to live in the United States, she
10 didn't mention someday.

11 Q So her exact statement was, I would like to live in the
12 United States, right?

13 A Correct.

14 Q But she also told you she had children in Italy, right?

15 A The children were born in America.

16 Q No. Did she tell you that her children resided in Italy?

17 A No.

18 Q So there was no discussion about that?

19 A No.

20 Q Okay. How about the father of her children back in Italy?

21 A The father was only mentioned regarding the agreement that
22 Claudia had with the father. I don't know about the father.
23 I'm not interested in the father.

24 Q The agreement that Claudia had with, we've referred to him
25 as Gigi (phonetic), the agreement Claudia had with Gigi that

1 the schools could go to school temporarily in Kentucky, is that
2 the agreement you're talking about?

3 A I believe that's correct.

4 Q Okay. Well, did -- from these discussions you had with
5 the parties on the 27th and then the following day on the 26th,
6 then 27th, was it your understanding that they were moving
7 permanently to the United States?

8 A I'm sorry. Can you please repeat the question?

9 Q From your discussions that you had, and by the way, these
10 discussions, one was at the Panera Bread, right?

11 A Right, correct.

12 Q And how long was the Panera Bread discussion for?

13 A A couple of hours.

14 Q A couple of hours at Panera Bread and talking about what
15 kind of things?

16 A Well, I've not seen Eric and Claudia for a while, so.

17 Q Excuse me, my question was, what were the topics you were
18 talking about, as best you can recall?

19 A My life, their life, my education, Ethan's birth.

20 Q Just making general conversation?

21 A The natural conversation you would have with friends that
22 you haven't seen in a while.

23 Q A variety of topics.

24 A You could say that.

25 Q It wasn't as if you got together at the Panera Bread to

1 talk solely about the parties' intent and where they were going
2 to reside, right?

3 A Correct.

4 Q That just came up in passing, yes?

5 A I wouldn't say it was in passing.

6 Q Well, how long did you talk about that amongst the two
7 hours at Panera Bread?

8 A 30 minutes.

9 Q Okay. And then how about on the following day on the
10 27th, where was that conversation?

11 A I believe it was at Starbucks.

12 Q At Starbucks.

13 A Correct.

14 Q And what was the purpose of meeting there, was there any
15 specific purpose to meet there or again, just friends getting
16 together?

17 A Friends getting together.

18 Q Okay. And you say at the conversation on the 27th, you
19 actually or Eric actually was scrolling through phones on his
20 phone -- scrolling through houses on his phone?

21 A I guess you can say that, scrolling. He was searching for
22 houses.

23 Q Well, that's what I wrote here, you said, he was searching
24 for homes in front of Claudia. Searching for homes on some
25 sort of laptop or phone or what was he --

1 A Phone, phone.

2 Q And he was looking at houses and saying, gee, if we were
3 to live in Kentucky, look \$400,000 can buy us a pretty large
4 home in Kentucky, right?

5 A Along those lines, yes.

6 Q Okay. But Claudia never indicated her intent to eminently
7 move to America during those discussions, did she?

8 A They were eminently moving back to Italy, so how can they
9 be moving back to United States.

10 Q Okay. So did Claudia ever indicate her intention to be
11 moving back to America?

12 A Yes.

13 Q When? What period of time did you understand --

14 A On the 26th and --

15 Q -- that Claudia was thinking of moving back to America?

16 A As I mentioned previously on the 26th and 27th of
17 February.

18 Q I understand, sir. I understand that the topic came up
19 during the 26th and 27th, but did Claudia commit to a time
20 frame to move back to America?

21 A What do you mean by time frame?

22 Q Exactly what I said. What period of time, if any, did she
23 talk about when she would be moving back to America?

24 A If you're looking for a word, I don't exactly remember a
25 word.

1 Q It was at -- it was generally her statement was at some
2 time or you understood it to be, at some time she would like to
3 move back to America, correct?

4 A No.

5 Q Well when -- again, what specifically was said in terms of
6 when she would be moving back to America, was anything said?

7 A According to my understanding, what she meant by we're
8 moving to America is we're moving to America soon.

9 Q Did she say the word soon?

10 A Again, like I said, I don't exactly remember the word, but
11 the gist of what she said made me understand that she wanted to
12 move soon.

13 Q Okay. Without a specific period of time being said?

14 A Like I said, if you're looking a word, I cannot give you a
15 specific word, but my understanding was soon. And by soon, I
16 mean within months.

17 Q Well, why do you say you mean within months?

18 A That is my understanding from the conversation, because if
19 you're looking for a house to buy, you don't look for a house
20 to buy in ten years' time, you look for a house to buy in the
21 near future, correct?

22 Q No, looking for a house to buy was Eric looking at homes.

23 A But if Claudia wasn't in agreement, she could have said,
24 why are you looking at houses, I don't want to move to America.

25 //

1 Q Sir, I'm almost done. Did Claudia ever commit in your
2 presence to a period of time she'd be moving to America? In
3 other words, when she would be moving to America?

4 A I would say soon.

5 Q Yes or no?

6 A Soon.

7 Q From Claudia's mouth?

8 A Not from Claudia's mouth, no.

9 Q Okay. You're just saying that was the impression and
10 understanding you got.

11 A Correct.

12 Q That was your conclusion, right?

13 A Absolutely.

14 MR. QUINN: No further questions, Your Honor.

15 THE COURT: All right. Recross or strike that,
16 redirect examination?

17 REDIRECT EXAMINATION

18 BY MR. BERMAN:

19 Q William, you had another conversation, we just talked
20 about three conversations. One was in June of 2023 and you had
21 the two in February 2024, that's three of them.

22 A Okay.

23 Q You had another one, a fourth one, on November 29th of
24 2023. Do you remember that?

25 A I believe I do, yes.

1 Q Okay.

2 **THE COURT:** Of 2023; is that correct?

3 **MR. BERMAN:** Yes, Your Honor.

4 **THE COURT:** Okay. Thank you.

5 Q Did you have this conversation on November 29th of 2023?

6 A Yes.

7 Q And were you at dinner with Eric and Claudia?

8 A Correct.

9 Q Do you remember where you were?

10 A Yes. We were Sistro's Restaurant, a restaurant called
11 Sistro's Restaurant in Pionte Sorrento, Italy.

12 Q And do you remember what, if anything, was discussed about
13 Claudia and Eric moving to the United States on that evening?

14 A Once again what was mentioned was that Eric and Claudia
15 were in agreement that they wanted to move back to the United -
16 - they wanted to move to United States after Ethan's birth.

17 Q Did the two of them discuss moving to Arizona?

18 A No.

19 Q Did the two of them discuss on November 29th, 2023 taking
20 Claudia's two children with Gigi to the United States?

21 **THE COURT:** You mean with Gigi, with Gigi's
22 permission?

23 **MR. BERMAN:** Yes.

24 **THE COURT:** Okay. Just reask the question.

25 **MR. BERMAN:** Yes.

1 **BY MR. BERMAN:**

2 Q During this discussion on November 29th of 2023, was there
3 any discussion of bringing Claudia's two children to the U.S.?

4 A I'm sorry, I don't recall specifically if the other
5 children were mentioned.

6 Q Do you remember Claudia's demeanor at the prospect of --
7 during this discussion about moving to the U.S.?

8 A She was very happy.

9 Q Describe that.

10 A Well, the conversation, the feel of the conversation was
11 that I would be moving to Arizona soon for my flight training
12 and we were -- she was happy for me, but was happy for herself,
13 about the prospect of moving to the United States. So it was a
14 very happy conversation. Friendly, amicable conversation about
15 happy prospects in life, not any negative ones for sure.

16 Q You state in your declaration, Claudia appeared excited
17 about the prospect and was in agreement with Eric to move
18 permanently to the U.S. after Ethan's birth. So when you say
19 she appeared excited, can you just describe that briefly, what
20 you mean by that?

21 A So you're asking me to describe the excitement, correct?

22 Q What you observed. What was she saying, what she did look
23 like?

24 A They appeared like a couple that were in love, so holding
25 hands and honestly looking like two teenagers being in love

1 about their plans of love of themselves, but also excited about
2 the plans of the future. So I was as excited about my plans,
3 just like they were excited about their plans.

4 Q And my last -- I think my last question is, during this
5 conversation, November 2023, at any time during this
6 conversation at this dinner, did Claudia indicate any
7 trepidation with moving to the U.S.?

8 A Never.

9 MR. BERMAN: No further questions.

10 THE COURT: And recross?

11 MR. QUINN: No, thank you, Your Honor. No further
12 questions.

13 THE COURT: Sir, thank you very much, you may step
14 down.

15 THE WITNESS: Thank you, Your Honor.

16 THE COURT: Now, counsel, are there any other
17 witnesses who have come a long ways that would be
18 inconvenienced by not testifying tomorrow?

19 MR. BERMAN: Just one more, Your Honor.

20 THE COURT: Okay. Call him please.

21 Thank you. If you'd come forward, please, between
22 the double doors. And, counsel, you can help the witness.
23 Please guide her.

24 Thank you. Would you be kind enough, ma'am, to raise
25 your right hand.

1 **MARIANNE ALLEN, RESPONDENT'S WITNESS, SWORN**

2 **THE COURT:** Would you please be seated in the witness
3 box. Thank you. Good evening. Would you move that microphone
4 closer to you?

5 **THE WITNESS:** Absolutely.

6 **THE COURT:** And would you state your full name
7 please?

8 **THE WITNESS:** Marianne Allen.

9 **THE COURT:** Okay. Marianne, and how do I spell your
10 first name?

11 **THE WITNESS:** M-A-R-I-A-N-N-E.

12 **THE COURT:** Thank you. And your last name please?

13 **THE WITNESS:** A-L-L-E-N.

14 **THE COURT:** All right. Counsel, direct examination.
15 We're going to accommodate you tonight so people don't have to
16 come back unless they want to tomorrow. Okay?

17 **THE WITNESS:** Okay.

18 **THE COURT:** Counsel.

19 **DIRECT EXAMINATION**

20 **BY MR. BERMAN:**

21 Q Ms. Allen, how do you know Mr. Nichols?

22 A I know him from a counseling perspective.

23 Q What do you mean by that?

24 A I met him a long time ago in pastoral counseling.

25 Q About how long have you known Mr. Nichols?

1 A About 20, maybe 15 years. I don't know for sure. It was
2 a long time ago.

3 Q And do you know Claudia Ciampa?

4 A Yes.

5 Q How do you know her?

6 A Eric Nichols introduced me.

7 Q When did he introduce you to Ms. Ciampa?

8 A On a phone call here in the United States I believe.

9 Q Have you ever met with Ms. Ciampa in person or just --
10 I'll ask that. Have you ever met her in person?

11 A No.

12 Q You've only spoken to her -- with her on the telephone?

13 A Zoom or whatever, WhatsApp, Zoom, I mean we had face to
14 face.

15 Q So there's a video between the two of you.

16 A Yes.

17 Q You signed a declaration that was submitted to the Court
18 in this Hague proceeding. Do you remember that?

19 A Yes, I do.

20 Q You signed that on January 20th of 2025.

21 A Yes.

22 Q Between the months of February 2024 and August 2024, did
23 you have conversations with Ms. Ciampa?

24 A Yes.

25 Q Did -- how many conversations would you estimate you had

1 with Ms. Ciampa during this time period?

2 A Eight.

3 Q And what was the nature of these discussions?

4 A We were discussing parenting. We were discussing mental -
5 - how she was feeling. And about their thoughts of moving.

6 Q Did Ms. Ciampa ever tell you that she was suicidal?

7 **MR. QUINN:** Your Honor, I'm going to object to this
8 as privileged patient/therapist privilege.

9 **THE COURT:** I'm not sure. Are you a licensed
10 psychologist or psychiatrist, because you said pastoral
11 counseling.

12 **THE WITNESS:** Yeah, no, I'm not.

13 **THE COURT:** So it's through pastoral counseling.

14 Counsel, I'm not sure. I admit my inability, I'm not
15 sure about pastoral counseling applies.

16 **MR. BERMAN:** It doesn't, Your Honor. The rule
17 requires that she be a licensed therapist.

18 **THE COURT:** So what's the offer of proof here? In
19 other words, if it's a conversation between a non-licensed
20 professional, does the privilege really apply? In other words,
21 I don't know how I would judge pastoral counseling versus a
22 psychologist or psychiatrist. And obviously this would be a
23 waiver, so, counsel, if you get into this and if there was a
24 privilege, I wouldn't bar from the defense from a complete
25 examination of this pastoral counseling.

1 So I just caution both of you if I open Pandora's
2 Box, it's going to be equal on the defense side, you can
3 inquire about mental health.

4 **MR. QUINN:** Well, I understand, but our client holds
5 the privilege here and whether it's therapist or considered a
6 priest, pastor --

7 **THE COURT:** Just a moment. Your client holds the
8 privilege. I didn't have any indication that she was
9 counseling your client. I had indication that she was talking
10 to your client. The indication that I had is that she was
11 counseling Mr. Nichols.

12 **MR. QUINN:** Well, I'm not sure it's clear, Your
13 Honor.

14 **THE COURT:** No, it's not. I'm going to allow the
15 testimony, because I don't view you as a licensed psychologist
16 or psychiatrist.

17 **THE WITNESS:** I am not.

18 **THE COURT:** I don't know that the pastoral privilege
19 exists and so I view this anywhere between a conversation,
20 quite frankly with Ms. Ciampa, but I warn all counsel, if you
21 open this door, you're not precluded from past conversations
22 concerning counseling or what Mr. Allen's state of mind is, et
23 cetera, and this could unwind very quickly for both of you.
24 Because if I'm going to rule that it's not subject to a
25 privilege, then it's certainly not subject to protection by

1 Mr. Nichols concerning this past discussion she's had in a
2 pastoral sense.

3 So I want all of you to think that very clear very
4 carefully, okay. Why don't you have a conversation, because
5 you could get into a very interesting place here. And we'll be
6 right with you. They're going to discuss that. Okay? All
7 right. And hopefully we can get you off the stand tonight, so
8 if you return tomorrow, fine, but if you don't, that's okay.

9 **THE WITNESS:** I appreciate that.

10 **THE COURT:** All I'm saying is if you want to go down
11 this road, we're going to open up Pandora's Box completely.

12 **(Pause)**

13 **THE COURT:** And, counsel, you can do some research.
14 If you can find pastoral privilege, I'd be happy to entertain
15 that. I'm just joking with you, I don't think there is such a
16 thing frankly. It really applies to a licensed professional,
17 but you can disagree and -- but I'm not going to preclude you,
18 if we go down that way, then it's past discussions concerning
19 what his state of mind was.

20 **(Pause)**

21 **MR. BERMAN:** Your Honor, I would like to inquire.

22 **THE COURT:** Please.

23 **BY MR. BERMAN:**

24 Q Did Ms. Ciampa ever tell you that she was suicidal?

25 A Not in those words.

1 **THE COURT:** Okay.

2 Q Did she say it -- what do you mean by not in those words?

3 A Well, she -- I believe she inferred it.

4 Q Why do you say that?

5 A By the statement that she made.

6 Q What was the statement?

7 A That she was tired and weary and didn't want to be here.

8 Q When did she tell you that?

9 A In one of those moments when we were on the phone.

10 Q How many times did she indicate?

11 A Just once. And then I suggested she see her doctor.

12 Q Did Ms. Ciampa ever tell you during these eight or so
13 conversations that Mr. Nichols and her were returning to the
14 United States to live permanently?

15 A Yes.

16 Q What do you mean, describe that?

17 A Our joint time together, they talked about moving, moving
18 to Florida, moving to California. How they would make that
19 happen, what that would look like for the kids, including Ethan
20 but all the kids. It was on the table for discussion.

21 Q And do you remember anything -- how many conversations do
22 you think you had with the parties together regarding
23 relocating to the U.S.?

24 A It was a topic of conversation when we met. So I don't
25 know how many of those there are.

1 Q Would you estimate it's around eight?

2 A Sure, I mean.

3 Q And you're saying on each one of those video calls this
4 topic would come up?

5 A That was one of the topics that would come up.

6 Q Did Mr. Nichols ever indicate on any of these calls that
7 it was his intention to remain in Italy?

8 A No.

9 Q Did he voice his objection to remaining in Italy?

10 A Yes.

11 Q And how often would he voice that objection?

12 A It was on the table in terms of why they would come to
13 America.

14 Q And what would Ms. Ciampa say, if anything, when
15 Mr. Nichols voiced his objection to remaining in Italy?

16 A My perspective and what I heard was, she was amenable to
17 that, she had other children to consider. She had to work that
18 out. She was also interested in where and schools and how that
19 would happen.

20 Q Did she ever -- did Ms. Ciampa ever indicate a time frame
21 with which she would leave Italy to come to the U.S.?

22 A I think it hinged on working out custody with the other
23 kids.

24 Q But she --

25 A I mean, she was going to work on it.

1 Q But she didn't say for example, I'll leave in a year or
2 I'll leave in three years or something like that?

3 A Well, I -- it was something they were moving towards, so
4 they didn't give a date or a time frame.

5 Q You state in your declaration on paragraph 5 you say
6 between February 2024 and August 2024 I asked Claudia, are you
7 willing to go back to the United States to live, several times
8 Claudia said yes, I am, very willing.

9 Q Can you describe just briefly what was happening in those
10 conversations?

11 A Well, the one I'm talking about in that particular one, it
12 was just she was very willing to consider and go to America and
13 figure out how to make that work.

14 Q Did -- between February 2024 and August of 2024, did
15 Ms. Ciampa, in your view, become unreasonable regarding sharing
16 -- a parenting -- sharing Ethan with Eric?

17 A Yes.

18 Q Why do you say that?

19 A Well, there was a point in which she ended the
20 relationship with Eric more or less and then everything was up
21 in the air. And she had all the power or authority to decide
22 when and how he saw Ethan.

23 Q And how was Mr. Nichols reacting to this?

24 A He tried -- well, he was broken hearted and then he tried
25 to work within the rules, not without asking for them to be

1 reconsidered.

2 Q You state in your declaration on paragraph 7, between
3 February 2024 and August 2024, Eric was continuously planning
4 the move with offers of provisions to be in America. What do
5 you mean by with offers of provisions?

6 A Housing and schooling and getting the family over there --
7 over here. I mean, he was -- and I believe she was searching
8 too, looking where she would like to go.

9 Q Why do you say that she was -- sorry, there was an
10 objection.

11 THE COURT: I didn't hear it, I'm sorry.

12 MR. QUINN: Objection, lacks foundation.

13 THE COURT: You're leaning too far back, counsel.

14 MR. QUINN: Sorry, Your Honor, it's a foundational
15 question.

16 THE COURT: And what was the question again?

17 MR. BERMAN: How do you know that Claudia was
18 searching for homes in the U.S.?

19 THE COURT: Overruled.

20 THE WITNESS: Does that mean I can answer?

21 THE COURT: You can answer.

22 THE WITNESS: Because she told me.

23 BY MR. BERMAN:

24 Q What did she tell you?

25 A That she had also been doing searches of where she would

1 like to live.

2 Q Did she say anything more specific than that?

3 A No.

4 Q How many times --

5 **THE COURT:** And what did she say again to you, she
6 was looking for?

7 **THE WITNESS:** Places where she would have liked to
8 have lived, whether it was California, I think one of them was
9 Florida. I think there was one up in the northern part of the
10 United States.

11 **THE COURT:** Okay.

12 **BY MR. BERMAN:**

13 Q And what was Mr. Nichols -- when you say he was making
14 offers of provisions, can you just be a little bit more
15 specific what you mean by that?

16 A I think he was -- well, what he said was willing to get
17 them moved over, get them set up in housing, look for schools,
18 whatever would work for the family.

19 Q At any time during your discussions, your video
20 discussions, any discussion, did Ms. Ciampa ever voice to you
21 that she was not willing to move to the U.S.?

22 A No.

23 Q Did she ever tell you she did not want to move to the
24 U.S.?

25 A No.

1 Q Was it your impression that the two of them were intending
2 to move to the U.S. with Ethan?

3 A Yes.

4 Q Why? Why was that your impression?

5 A Because that's what we were working towards.

6 Q You state here in your declaration, Claudia also was
7 unsettled in her commitment to encourage Eric as an equal
8 partner in parenting, often speaking of her ability to have
9 control over Ethan in the court system in Italy. What did you
10 mean by that paragraph?

11 A She made it clear to me that in Italy, the mother would
12 win and that they would side with her and custody would be
13 little -- very little to Eric, based on he was the father, not
14 the mother.

15 Q Was Mr. Nichols present for any of those conversations?

16 A No.

17 Q How many times do you think you spoke to Ms. Ciampa about
18 that subject, Italy being more favorable for custody?

19 A I think it was one time.

20 Q You state between February 2024 and August 2024 Claudia
21 spoke of suicide saying quote, I wish I wasn't here, end quote.
22 When I asked for clarification, Claudia said, here in life.

23 A Correct.

24 Q Do you remember that?

25 A Yes.

1 Q What was the circumstance behind that discussion?

2 A She was tired, worn out, seemed depressed to me and that's
3 why I said maybe go see the OB/GYN.

4 Q Do you remember when she --

5 **THE COURT:** I'm sorry, go see the OB/GYN?

6 **THE WITNESS:** Yes, her doctor.

7 **THE COURT:** Okay. But that's not a mental
8 professional, is it?

9 **THE WITNESS:** No.

10 **THE COURT:** Okay. All right.

11 **THE WITNESS:** I suggested maybe she was struggling
12 with postpartum but I don't know, so I was just suggesting.

13 **THE COURT:** Okay.

14 **BY MR. BERMAN:**

15 Q When did this conversation take place? When did Claudia
16 say these words to you?

17 A She was in Italy. It was probably the third or fourth
18 time that we had a conversation. Just her and I.

19 Q I'm trying to get -- I'm trying to understand if you
20 remember at least a month, the month in which she said those
21 words to you.

22 A Well, I don't know when they got back to Italy when they
23 started calling, but it was shortly after that. They were in
24 conflict about parenting styles.

25 Q Lastly, you state here, paragraph 12, between February

1 2024 and August 2024 Claudia was angry, hostile and
2 argumentative about Eric's time with Ethan.

3 A Yes.

4 Q What did you mean? Describe that.

5 A So I was trying to help her come up with what would be
6 considered more fair parental rights for Eric since she had
7 decided to end the relationship and she didn't want any part of
8 it. She wanted no help. She had already decided. She was
9 already confident that she could do whatever she wanted to.
10 And she did.

11 Q There should be a binder that looks like this with a blue
12 -- in the front there, if you could grab that please and turn
13 to X.

14 A Okay.

15 Q So do you recognize -- it's a three page exhibit, do you
16 recognize these to be WhatsApp messages between you and
17 Ms. Ciampa?

18 A Yes, I'm assuming that's the right ones.

19 Q Please take just a quick look to make sure.

20 A (Witness complies)

21 Q Do those look accurate to you?

22 A I think so, yes.

23 Q Okay. If you could please turn to page 3 of the exhibit.
24 And if you look at the left there, there's dates embedded in
25 this text and I'd like you to go to the date 10/4/24 at 5:47

1 a.m. It's --

2 A Okay.

3 Q Okay. Is that an entry where Ms. Ciampa is writing to
4 you? That's her text to you on WhatsApp, starting with, I
5 cannot believe?

6 A Yes.

7 Q And it runs all the way down to the bottom of the page,
8 correct?

9 A Yes.

10 Q Did you receive this WhatsApp text from Ms. Ciampa?

11 A Yes.

12 Q How did it make you feel when you received this text?

13 A Sad.

14 Q Did it make you hesitant to want to get involved at all
15 with this case?

16 A No. No.

17 **MR. BERMAN:** No further questions.

18 **THE COURT:** Cross-examination?

19 **CROSS EXAMINATION**

20 **BY MR. QUINN:**

21 Q Do you have Exhibit X in front of you?

22 A Yes.

23 Q Okay. And the first page of Exhibit X it says 001, could
24 you turn to that and look at the message on 8/30/24. Did
25 Claudia contact you around 1:48 that day?

1 A So 8/30/24?

2 Q Correct.

3 **THE COURT:** Counsel, the law clerk's been researching
4 and thank you very much, Allie, on the record. Apparently a
5 member of the clergy means a priest, minister, religious
6 practitioner or similar functionary of a church or of a
7 religious denomination or religious organization. So federal
8 courts apply California state law as to the attorney/client
9 privilege. I've just learned a lot this evening. Okay?

10 So, counsel, your objection should have been
11 sustained.

12 **MR. QUINN:** I make a motion to strike the testimony.

13 **THE COURT:** Counsel, we need to do a little bit of
14 research on this, okay, and I don't want to inconvenience you,
15 I'm trying to get you on and off the stand, and I should have
16 required counsel to file a 50-page brief by midnight. I'm just
17 joking with you.

18 **MR. BERMAN:** May I be heard on that, Your Honor, or
19 no?

20 **THE COURT:** Certainly, but I'm going to have you file
21 a brief tonight probably, so I make this decision correct.

22 **MR. BERMAN:** I can give you my law right now or I
23 could do it tonight.

24 **THE COURT:** Sure, give me the law right now.

25 **MR. BERMAN:** The clergy privilege operates only as to

1 communications to a member of the clergy, priest, minister,
2 rabbi --

3 **THE COURT:** Or -- just a moment, or religious
4 practitioner under California law. That's 1030, member of the
5 clergy and I'm supposed to follow California law, not federal
6 law, I think.

7 **MR. BERMAN:** I have a federal case here, In Re Grand
8 Jury Investigation --

9 **THE COURT:** Just a moment, In Re Grand Jury
10 Investigation. I'm not going to do that research by the fly,
11 okay. So perhaps we should do this. Maybe we should ask all
12 the questions subject to a motion to strike in fairness to both
13 of you. Okay? So, counsel, subject to a motion to strike and
14 then you can file by 1 a.m. this morning. So, counsel, your
15 questions. Since we opened up Pandora's Box, we'll -- and that
16 way I'll know if I'm supposed to strike or not.

17 **BY MR. QUINN:**

18 Q Let me back up. Were the conversations that you had with
19 Claudia and Eric, did all those communications take place
20 between February of 2024 and August of 2024?

21 A I believe so. I believe so.

22 Q Okay. And how many conversations do you think there were
23 in total?

24 A Eight or more.

25 Q Okay. And were these in person or by way of video?

1 A Video.

2 Q Okay. And am I correct that you were first counseling
3 Eric; is that correct?

4 A Pertaining to this?

5 Q Right. Did Eric -- did you know Eric before you met
6 Claudia --

7 A Yes.

8 Q -- my understanding is the answer is yes.

9 A Yes.

10 Q All right. When did you first meet Eric?

11 A I don't remember the date.

12 Q Okay. And how is it that Eric came to your attention? In
13 other words, how did you meet?

14 A He was seeking counsel.

15 Q Okay. He was seeking therapy, some type of individual
16 therapy?

17 A Spiritual.

18 Q Spiritual therapy, right? Yes?

19 A No, I wouldn't call it that.

20 Q Well, didn't you just say he was seeking spiritual
21 therapy?

22 A Counseling.

23 Q Counseling. You make a distinction between --

24 A I do.

25 Q Let me finish my question if I could.

1 Apparently you make a distinction between counseling
2 and therapy.

3 A I do.

4 Q Okay. And what's the distinction you make?

5 A One is a licensed professional and one isn't.

6 Q Okay. So therapy, you would only use the term therapy if
7 you were a licensed therapist.

8 A Correct.

9 Q And you are not a licensed therapist?

10 A I am not.

11 Q Do you have training in therapy?

12 A Through the church. I have training in relationships.

13 Q Okay. So through your church you have received training
14 and giving spiritual counseling, correct?

15 A And I have a college degree.

16 Q In what?

17 A Counseling.

18 Q And what is your relationship with the church, what is
19 your position?

20 A I'm a retired pastor.

21 Q You're a pastor, okay. You've been a pastor a long time?

22 A Uh-huh, yes.

23 Q And so you've done, in the capacity of a pastor, many,
24 many counseling sessions with people?

25 A Yes.

1 Q Okay. And so Eric came to you for that purpose to give
2 him spiritual counseling, correct?

3 A Yes.

4 Q And you started to do that when?

5 A I don't remember the date.

6 Q Okay. And then was there something specific you were
7 counseling him about?

8 A I don't recall. I don't know what his original reason to
9 come was. That was a long time ago.

10 Q Well, how did you prepare for your testimony today? Have
11 you referred to notes you have or something?

12 A No.

13 Q So how are you -- you don't recall what Eric came to you
14 about, but how are you recalling the substance of what you were
15 asked about on direct examination?

16 A Because what Eric came to me for was maybe 20 years ago.
17 Maybe 15.

18 Q So you first met Eric 15 to 20 years ago.

19 A I'm guessing. I don't know for sure.

20 Q And then you reconnected after February of '24, is that my
21 understanding?

22 A He called.

23 Q Okay. So in February of '24 when he called you, was there
24 a specific subject that he wanted to discuss with you in your
25 spiritual counseling?

1 A Not in that phone call.

2 Q Okay. Well, what was discussed in that phone call?

3 A He introduced me to his child and he was excited, that's
4 it.

5 Q Okay. And then you set up for future appointments with
6 Eric?

7 A Yes.

8 Q To be in person or to be virtual or how was this supposed
9 to work?

10 A Video.

11 Q Video. Okay. And when did you begin your first video
12 communication with Eric?

13 A It's -- I don't know, February some time or March.

14 Q Okay. So you don't know whether the first time was in
15 February or March.

16 A Correct.

17 Q What was discussed?

18 A They were struggling with parenting.

19 Q Okay. And what specifically was discussed?

20 A He was too critical and picky and she was too lax.

21 Q Okay. Did you consider yourself to be Eric's spiritual
22 counselor?

23 A No.

24 Q What capacity did you consider yourself to be doing when
25 you were talking to Eric in February or March, what capacity

1 were you talking to him then?

2 A I was talking to them, both of them at that point. So I
3 considered myself giving it to both of them.

4 Q Okay. But I thought Eric was with you first, prior to
5 Claudia ever coming into the picture.

6 A Correct.

7 Q Okay. Let's be careful we don't step on each other, okay.
8 My understanding is you were giving spiritual counseling
9 to Eric before you ever were introduced to Claudia --

10 A Correct.

11 Q -- yes?

12 And how many spiritual counseling sessions did you give to
13 Eric?

14 A Back then?

15 Q No, I'm going to focus on the time frame from February
16 24th or into March you told us up until August of 2024.

17 A He called with Claudia, introduced the baby, then they set
18 up to meet again.

19 Q Okay. I'm a little confused and I'm not trying to be
20 tricky here. Did you or did you not have any individual
21 spiritual counseling sessions with Eric or were they always
22 with both of the parties?

23 **THE COURT:** And in this time frame 2024?

24 **THE WITNESS:** Ah.

25 **MR. QUINN:** The time frame I'm concentrating on, Your

1 Honor.

2 **THE COURT:** Well, she doesn't know the time frame
3 you're concentrating. Is it 2024?

4 **MR. QUINN:** Sorry, yes, Your Honor.

5 **THE COURT:** Okay. 2024.

6 **THE WITNESS:** Yes, I had individual conversations
7 with both of them, as well as joint.

8 **BY MR. QUINN:**

9 Q Okay. And so it began with Eric and then at some point
10 Claudia came into the end counseling with you as well?

11 A It began with both of them, introducing their baby. And
12 then we did several with them together. And then at some point
13 Claudia began to see me.

14 Q Okay. And how many times did Claudia see you?

15 A Eight or nine, I don't know that for sure.

16 Q I thought your testimony was there were approximately
17 eight or more in total sessions with the parties; is that not
18 right?

19 A With her.

20 Q Okay. Just with Claudia. And what period of time did
21 those take place, do you know?

22 A In the time frame you've been disclosing, somewhere
23 between February and August.

24 Q Okay. And then you told us when it came to the topic of
25 suicide, she actually -- you recalled her saying to you, not

1 that she was suicidal, you recalled her saying to you that she
2 was tired and weary and didn't want to be here. Those were her
3 words?

4 A Correct.

5 Q And you didn't suggest to her that she go see a
6 psychologist or psychiatrist for that, right?

7 A Correct.

8 Q You suggested that she go talk to her OB/GYN about that,
9 yes?

10 A Yes.

11 Q Okay. Now, when did she tell you, if you recall, I know
12 you're -- there's a time period here of February to August,
13 when in that time period, if you know, did she express to you
14 that she was tired and weary and didn't want to be here?

15 A More in the beginning.

16 Q Okay. So in the earlier part of that.

17 A Yes.

18 Q March, April time period?

19 A Maybe March.

20 Q Let me ask that question, if you believed somebody's life
21 was in danger either because, you know, they're suicidal let's
22 say and you believed that there's a real risk that that person
23 might actually commit suicide based on statements they've made
24 to you, would you take action in that situation?

25 **MR. BERMAN:** Objection.

1 **THE WITNESS:** Yes.

2 **BY MR. QUINN:**

3 Q What would you do?

4 A I would suggest that she see her doctor.

5 Q A doctor, a therapist?

6 A The one -- we were talking about her having postpartum, so
7 I suggested she talk to her doctor.

8 Q How about notifying someone if you believed they were
9 really on the verge of suicide?

10 A I notified Eric.

11 Q You would notify authorities?

12 A I notified Eric.

13 Q Okay. How about notifying authorities, that's my
14 question?

15 A I wouldn't have known how to do that from here in Italy.
16 I sent her to the doctor.

17 Q Okay. To an OB/GYN.

18 **THE COURT:** Is that a question, counsel?

19 **THE WITNESS:** No.

20 **THE COURT:** I'm going to strike the comment by
21 counsel. You can ask her and reaffirm it's a OB/GYN, but the
22 comment is not taken. It's argumentative.

23 **BY MR. QUINN:**

24 Q Now, apparently a part of your spiritual counseling dealt
25 with the topic of whether the parents would remain in Italy or

1 move to the United States at some time, correct?

2 A They did bring that up.

3 Q And who brought that up?

4 A They did.

5 Q They brought up together?

6 A Uh-huh.

7 Q Yes?

8 A Yes.

9 Q And you recall that when it was brought up, Claudia talked
10 to you about some significant impediments to her moving to
11 America, correct?

12 A Correct.

13 Q And one of the big ones she brought up is she said, look,
14 I have children that reside in Italy, yes?

15 A Yes.

16 Q And also their fathers, in other words, these were
17 children from two prior relationships, right?

18 A Yes.

19 Q That -- the two younger ones were from one father, right?

20 A Yes.

21 Q And then her older daughter, Chaira was from a different
22 dad, correct?

23 A Yes.

24 Q And she explained to you that I can't just pick up and
25 move to America, this is something I would have to clear with

1 the dads, correct?

2 A Correct.

3 Q And she talked to you about the fact that she would never
4 just leave for America without getting approval and consent
5 from the fathers, right?

6 A Correct, yes.

7 Q That's accurately stated, right?

8 A I think, yes.

9 Q Okay. She said apparently when you were discussing these
10 things about the potential move some day that she was willing
11 to consider how to potentially make this move work in the
12 future, right? Isn't that how she phrased it to you?

13 A No.

14 Q I mean, she said to you, I wouldn't exclude that
15 possibility altogether, right?

16 A No.

17 Q What were her words?

18 A What I heard was, I want to go and I'll do what it takes
19 to try to get permission from the existing parents to go.

20 Q Okay. From my existing fathers.

21 A Fathers.

22 Q Okay. At no time did she say, but I'll go even if they
23 don't permit it, right?

24 A No.

25 Q That was absolutely not talked -- she didn't say anything

1 like that, correct?

2 A Correct.

3 Q Okay. And she never talked about a specific time period
4 that she would be moving to the United States if she got the
5 consent, correct?

6 A They talked about getting here before school started.

7 Q Okay. Were you -- how did you become aware that
8 respondent had left Italy with the child on August 30th?

9 **THE COURT:** That would be Mr. Nichols, the
10 respondent.

11 **THE WITNESS:** Thank you. I believe he texted me.

12 **BY MR. QUINN:**

13 Q Did he text you or did Claudia text you?

14 A She did too.

15 Q Okay. And she texted you first and said, he won't leave
16 the passport for Ethan, right?

17 A No.

18 Q Okay.

19 A I don't think so.

20 Q Well, do you have the exhibit there?

21 A Which one?

22 **MR. QUINN:** It's X, right?

23 **THE COURT:** Which exhibit, counsel?

24 **MR. QUINN:** Exhibit X.

25 **THE COURT:** Thank you.

1 Q Can you turn, I think it's the first page, it's 001 of
2 Exhibit X? At the very top, it has the date, 7/25/24.

3 A 7/25.

4 Q Let me know when you have that exhibit in front of you
5 please?

6 A Okay.

7 Q You have it there?

8 A Well, 7/25/24. What time?

9 Q Yeah, would you scroll down about a third of the way on
10 the exhibit to where it says, 8/30/24. And there's a message
11 it says, this morning Eric took Ethan and never gave me the
12 passport, they left.

13 A Correct.

14 Q Is that a message at 1:48 p.m. on 8/30/24 that Claudia
15 sent you?

16 A Yes.

17 Q Okay. And were you surprised to learn that information?

18 A Yes.

19 Q In fact, you said, they left like gone from your brother's
20 house.

21 A I don't think I had that information.

22 Q I'm sorry, does it say they left like gone from your
23 brother's house with a question mark.

24 A Right. I was looking for clarification.

25 Q And then it looks like the next text is from Claudia at

1 2:29 p.m. and it says, they are coming to USA, correct?

2 A Yes.

3 Q And then it says, her next text, looks like just a few
4 seconds later, says, at least from what he told me, right?

5 A Yes.

6 Q And then you say, Marianne Allen, say wow with an
7 exclamation mark, I am so sorry with an exclamation mark.

8 A Correct.

9 Q What were you sorry about that?

10 A That it had come to that.

11 Q Come to what?

12 A Him having to go, I guess.

13 Q Well, you --

14 A I was concerned about the information she'd given me. I,
15 at that point didn't know if it was true.

16 Q But you understood, though, from her text messages she had
17 not consented to father taking Ethan from Italy, right?

18 A Well, yeah. I --

19 Q You understood that?

20 A Although I didn't know. I don't know that for sure.

21 Q Well --

22 A At that time I didn't know what they had worked out or
23 what had happened.

24 Q In other words, even though she's texting you these
25 messages and you're saying I'm so sorry, is it now your

1 testimony that you didn't know whether Claudia had forgotten
2 permission from the fathers of the children?

3 A I just knew they were a struggle over custody and I didn't
4 have -- had not talked to Eric to confirm or know what -- if
5 that was the whole story, like wow, that's the whole story.

6 Q Did you reach out to Eric to find out what in the world
7 was going on?

8 A I think I did.

9 Q And how did you do that?

10 A I think I texted him.

11 Q I mean, you just found out from mother that she's
12 concerned about the possible abduction of her child, right?
13 Yes? And what did you do?

14 A I'm not comfortable with abduction, so no, I wasn't
15 concerned about that.

16 Q You weren't concerned about a possible abduction?

17 A No.

18 Q Okay. So what did you do if anything?

19 A I probably texted Eric and said, where you at, what are
20 you doing.

21 Q Okay. And what did he say back to you?

22 A I don't know if he responded until much later and he said
23 he was on -- I don't know. I'd have to go look at that.

24 Q Well, you text him and he doesn't respond to you, right?

25 A I don't know.

1 Q It says here in this Exhibit X at page 1 we've been
2 looking at. At 8/30/24, 6:53 p.m. on that evening it says
3 Marianne Allen and I assume this is a text, tell me, that you
4 sent to father and it says, I only know they are on a plane.
5 He asked if we can talk tomorrow, the three of us. Did he ask
6 you.

7 A Okay. That's what I did.

8 Q You apparently got some information that father was on a
9 plane.

10 A Okay.

11 Q Well, I'm asking you.

12 A I don't have it in my memory, but it's right there, so I
13 believe it.

14 Q And how did you get that information?

15 A Well, I'm assuming Eric texted me.

16 Q Eric texted you that he was on a plane headed to --

17 A I don't know if he told me where he was headed.

18 Q Did you ask him?

19 A Not to my recollection.

20 Q So you didn't ask any details?

21 A No, I think I was just trying to get back to Claudia, that
22 he would talk to her.

23 Q Okay. Down three-quarters of the way on this exhibit, it
24 says 8/30/24 at 7:10 p.m. Marianne Allen. He is in England,
25 coming to the United States for a visit ??? or forever and then

1 you have three exclamation marks and a question. Who is that
2 directed to?

3 A I believe I texted that to Claudia, but honestly I don't -
4 - I'm assuming that.

5 Q Okay. Could you flip to page 2 of the exhibit?

6 Halfway down this exhibit it says, I tried to reason with
7 him. Is that you sending that to Claudia?

8 A Halfway down.

9 Q See halfway down, I see the word tried in capitals.

10 A Ah, there you go.

11 Q Could you read that for a moment to yourself?

12 A Yeah.

13 Q Let me know when you've had a chance to look at that.

14 All set?

15 A Yeah.

16 Q Your -- is that a message you're sending to Claudia?

17 A Yes.

18 Q And you say, and you capitalized it, I tried to reason
19 with him.

20 A Uh-huh.

21 Q What do you mean by that, reason with him?

22 A Find out what he was doing and why he was doing it.

23 Q And did he tell you?

24 A Just what it was about he was going to America to see his
25 family.

1 Q I assume by reason with him, you were saying, did you get
2 permission of mother to do that?

3 A No.

4 Q Well, what do you mean try to reason with him, what --

5 A I --

6 Q Let me ask you this. To me and correct me if I'm wrong,
7 if you try to reason with someone, you're trying to talk them
8 out of it, or to say that's not a good idea or something like
9 that. Is that what you were doing with him?

10 A I think I was listening to him and his reasons and his
11 decision and trying to say, you've got to let Claudia in on it,
12 you've got to be communicating, you've got to work something
13 out, you're both parents.

14 Q You knew that was -- at the time you're talking to him
15 that Claudia didn't consent to that, him doing that, right?

16 A Well, I think we determined that back on the other page.

17 Q Is that a yes?

18 A Yes.

19 Q Okay. And so you're reasoning with him, saying come back,
20 don't do this, right?

21 A No.

22 Q What did you mean by reason --

23 A My understanding of when he left was simply to go home,
24 like he'd told Claudia to see his family.

25 Q He was going to go home for a short period of time and

1 come back --

2 A He didn't say short I don't think.

3 Q So he wasn't telling you -- did he -- he wasn't telling
4 you, well listen, I've got to take this child to America
5 because this child is not safe with Claudia, he wasn't saying
6 anything like that?

7 A He had some concerns about Claudia.

8 Q Excuse me, did he say anything to you like that when you
9 contacted him?

10 **MR. BERMAN:** Objection, compound.

11 **THE COURT:** Overruled.

12 **THE WITNESS:** Does that mean answer?

13 **THE COURT:** Yes.

14 **THE WITNESS:** Can you repeat the question?

15 **BY MR. QUINN:**

16 Q Yeah. You have here in your message that you told
17 Claudia, I tried to reason with him. So apparently he told you
18 that he was going to America, correct?

19 A I think that's correct.

20 Q Did he tell you where he was going?

21 A No.

22 Q Did he give you any contact information for him where he'd
23 be staying?

24 A No.

25 Q Okay. And so did you say to him -- what did you say to

1 him in response to that, when you were trying to reason with
2 him? How were you trying to do that? What were you saying to
3 him?

4 A Well, you're looking at --

5 Q Excuse me, do you understand my question?

6 A What part wouldn't I understand?

7 Q If you recall, what were you saying to Eric when you were
8 trying to reason with him as he's getting on a plane and taking
9 off with Ethan?

10 **MR. BERMAN:** Objection, argumentative.

11 **THE WITNESS:** No kidding.

12 **THE COURT:** Overruled. You can answer the question.

13 **THE WITNESS:** I don't know what you're looking for.

14 **BY MR. QUINN:**

15 Q I'm not looking --

16 **THE COURT:** No, it doesn't matter what he's looking
17 for. Did you hear the question?

18 **THE WITNESS:** I know, what did I do to reason with
19 Eric.

20 **THE COURT:** No, I mean, you've got a gentleman on a
21 plane --

22 **THE WITNESS:** Uh-huh.

23 **THE COURT:** -- a father, no permission from mother,
24 maybe. And you've already stated in the text --

25 **THE WITNESS:** Yes.

1 **THE COURT:** -- you know, I tried to reason with him.

2 **THE WITNESS:** Did he know what he was doing?

3 **THE COURT:** No, I'm asking you now. Okay.

4 **THE WITNESS:** Well, okay, I don't know -- I'm not
5 sure I -- reason might have been the wrong word I put in the
6 text. What I did was --

7 **THE COURT:** Well, you put it in the text --

8 **THE WITNESS:** -- hear what he had --

9 **THE COURT:** Just a moment now. You put it in the
10 text, didn't you?

11 **THE WITNESS:** I did.

12 **THE COURT:** Okay. So there must have been a concern
13 about a baby with a father and she's communicating with you
14 about her concerns --

15 **THE WITNESS:** Right.

16 **THE COURT:** -- you've got a young baby --

17 **THE WITNESS:** Right.

18 **THE COURT:** -- breast feeding on a plane with a
19 father --

20 **THE WITNESS:** Right.

21 **THE COURT:** -- and you're not doing any counseling?

22 **THE WITNESS:** I'm telling him, does he know what he's
23 doing, does he know the ramifications of what he's doing.

24 **THE COURT:** Because you're tried to reason with him,
25 right?

1 **THE WITNESS:** Well, that's the reasoning I did.

2 **THE COURT:** So bottom line, did you think this was
3 wrong? Did you think that this was wrong? From your
4 perspective, I'll make the legal decisions.

5 **THE WITNESS:** No.

6 **THE COURT:** You didn't think this was wrong?

7 **THE WITNESS:** No.

8 **THE COURT:** Okay.

9 **BY MR. QUINN:**

10 Q Was it your understanding from your communications with
11 father that he was only going to remain in the United States
12 for a short period of time?

13 A Yes.

14 Q How long a period of time?

15 A I didn't think it was permanent.

16 Q And indeed he told you it wasn't permanent, right?

17 A Yes.

18 Q Right? He told you trying to reassure you that I will be
19 coming back to Italy with Ethan, right?

20 A I don't know that he ever used those words, but that was
21 what I understood.

22 Q Essentially that's what you understood from him, right?

23 A Uh-huh.

24 Q Yes?

25 A Yes.

1 **MR. QUINN:** Okay. I have no further questions.

2 **THE COURT:** Redirect please?

3 **REDIRECT EXAMINATION**

4 **BY MR. BERMAN:**

5 Q Ms. Allen, if you look at that text where you said, I
6 tried to reason with him. If you look at the text right above
7 that, directly above it, I think you say here at 6:23 p.m. on
8 September 2nd, I called him, this is what he said and you
9 quote, he has a legal team, he can't discuss where he is or
10 what he is doing at their request.

11 A Correct.

12 Q Do you see that?

13 Was that something that Mr. Nichols texted you?

14 A Yes.

15 Q Did you -- and you're quoting the text from Mr. Nichols to
16 you?

17 A Yes.

18 Q All right. So you're trying to communicate with Claudia
19 that Eric has said this to you.

20 A Yes.

21 Q Why did you not think it was wrong for dad to take the
22 baby without mom's consent?

23 A Well, first of all he didn't really take the baby without
24 mom's consent at first. But I know what led up to that was
25 nothing short of tortuous to a parent, where he couldn't be

1 with his son, see his son, or have any power or authority to
2 spend any lengthy amount of time. And if he didn't do it her
3 way, he wouldn't see him at all, so.

4 Q That's your impression from --

5 A That's my impression.

6 Q That's your impression from the eight or so Zoom face time
7 meetings with Claudia?

8 A Yes.

9 Q And also from your individual discussions with
10 Mr. Nichols?

11 A Yes.

12 Q And also with the joint discussions with the two of them?

13 A Yes.

14 **MR. BERMAN:** No further questions.

15 **THE COURT:** Redirect -- I'm sorry, recross. My
16 apologies.

17 **MR. QUINN:** Just a couple.

18 **RECROSS EXAMINATION**

19 **BY MR. QUINN:**

20 Q Just a couple. Am I hearing this correctly that because
21 you felt that in the time share, the parental time share they
22 had, you felt that was unfair to Eric; is that correct?

23 A I did think it was unfair.

24 Q And that's from your meetings with the parties, you
25 surmised from those meetings with the parties that mother was

1 not being fair with Eric in terms of the amount of time share
2 he had.

3 A I did think that.

4 Q Because mother was acting as the primary parent in this
5 time share, right? Do you understand what I mean by that?

6 A I do.

7 Q Meaning, she had way more time that she was with Ethan
8 than father was, correct?

9 A No.

10 Q Well, didn't father just have a couple of hours each day?

11 A Right.

12 Q In fact, it actually then lessened to two hours a day,
13 correct?

14 A Well, I don't think he had more than two hours any day.

15 Q Well, actually you think it was only two hours the entire
16 time they were parenting together?

17 A Uh-huh.

18 Q Yes?

19 A No, no. Prior to her deciding to end the relationship,
20 they co-parented 24/7.

21 Q Okay. And so you're here telling His Honor that because
22 you didn't feel that was a fair time share, that you didn't
23 have a problem with father getting on that plane without
24 mother's consent and taking Ethan, is that your testimony?

25 A I didn't have a --

1 Q Excuse me.

2 A I'm giving it to you.

3 Q Do you understand my question?

4 A Yes.

5 Q Do you need me to repeat the question?

6 A No.

7 Q And could you answer the question I asked?

8 **MR. BERMAN:** Objection.

9 **THE WITNESS:** I don't know.

10 **MR. QUINN:** Okay. Nothing further.

11 **THE COURT:** All right. And thank you very much.

12 Hopefully you won't have to return tomorrow unless you want to.

13 **THE WITNESS:** Thanks.

14 **THE COURT:** Now, counsel, are we inconveniencing any
15 other witnesses this evening?

16 **MR. BERMAN:** No, Your Honor.

17 **THE COURT:** Are you sure? Okay. Then would 8:30 be
18 okay tomorrow? With both of you?

19 **MR. QUINN:** Yes. Could I -- I'm going to withdraw my
20 objection and motion to strike the testimony.

21 **THE COURT:** All right. Counsel, I assume consents
22 also, so if we do have a privilege it's been waived, correct?

23 **MR. QUINN:** Correct.

24 **MR. BERMAN:** Correct.

25 **THE COURT:** Okay. Well that resolves my legal issue.

1 It resolves the late evening for you two doing research tonight
2 too. Then we'll see you at 8:30 tomorrow, okay. And once you
3 clear the courthouse as quickly as possible, so the CSOs aren't
4 abnormally rich tonight.

5 **MR. QUINN:** Your Honor, can we leave it like this or
6 do we --

7 **THE COURT:** Yeah, you can. Nobody's coming in
8 tonight except me and I'm not going to check any of your work.
9 Now, please leave. Okay? Quickly.

10 **(Proceedings concluded at 6:52 p.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



Signed

February 8, 2025

Dated

TONI HUDSON, TRANSCRIBER