

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,)	Tuesday, February 4, 2025
)	
Respondent.)	(4:47 p.m. to 6:23 p.m.)

** PARTIAL TRANSCRIPT OF BENCH TRIAL - DAY 2 **

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

APPEARANCES: SEE PAGE 2

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APPEARANCES:

For Petitioner: STEPHANE QUINN, ESQ.
Quinn & Dworakowski
10 Corporate Park
Suite 200
Irvine, CA 92606
949-660-1400

For Respondent: DAVID W. BAUMGARTEN, ESQ.
Yale & Baumgarten
1450 Frazee Road
Suite 403
San Diego, CA 92108
619-220-0369

NATHANIEL MORRIS BRODNAX, ESQ.
Victorem Law Group
18685 Main St.
Suite 101422
Huntington Beach, CA 92648
888-529-2296

BRETT A. BERMAN, ESQ.
JEFF LAYFIELD, ESQ.
Moder Berman
301 N. Canon Drive
Suite 300
Beverly Hills, CA 90210
424-440-2444

HAILEY M. MCGILLIVRAY, ESQ.
Masters Law Group
1900 Spring Road
Suite 530
Oak Brooks, IL 60523
312-609-1700

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1 Santa Ana, California; Tuesday, February 4, 2025; 4:47 p.m.

2 (In progress)

3 **THE COURT:** Okay, I'll ask you to come on over and
4 just tell -- both of you, so we'll go into it now. Okay, thank
5 you.

6 Counsel?

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

8 **DIRECT EXAMINATION (CONTINUED)**

9 **BY MR. BERMAN:**

10 Q The fifth line down from where you began highlighting
11 messages, specifically July 22nd, 2024, 7:50 and 23 seconds
12 p.m., you wrote to Ms. Ciampa;

13 "When you told me a few days ago that you were
14 thinking of suicide, it really scared me."

15 Thirteen seconds later, Ms. Ciampa wrote back to you,
16 "I'm sorry."

17 What did Ms. Ciampa tell you a few days before that,
18 that you are referencing in that message?

19 A So we were on a walk together in Croatia. Ethan, Claudia,
20 and me were in Croatia and were on a walk. And along the walk,
21 Claudia said, "Eric, I need to tell you something." She said,
22 "I've had long periods of darkness." And that's when I asked
23 her, when has that happened? And she said, in the past, but
24 also recently. So I've kind of already testified to that. I
25 can -- and so she said she was thinking of committing suicide,

1 and I stopped. And I looked at her. I said, "Claudia, that's
2 serious. You're actually thinking about suicide?" And she
3 said, "Yes." And I grabbed her arm. I said, "Claudia, we need
4 help." And I said, we, not you. I said, we need help. And I
5 said, when we go back to Italy, let's talk to someone. And she
6 didn't want me to. She didn't want to talk to anyone, except
7 Marianne. She said she would talk to Marianne.

8 Q How did it make you feel when Ms. Ciampa told you that?

9 A Terrible. The woman I love and the mother of our son told
10 me that she's thinking of committing suicide. We were walking.
11 It literally stopped me in my tracks. I literally stopped --
12 we literally stopped walking.

13 Q Was there ever an incident where Ms. Ciampa attempted to
14 kill herself, Ethan, and her two other minor children from her
15 marriage to Mr. Porzio?

16 A I believe so.

17 Q What date was that?

18 A That was May of 2024 -- May 29th. End of May.

19 Q Can you describe to the court what happened on that day?

20 A So I'd come back. I had gone to Claudia's house. And in
21 the south of Italy, especially, and in Claudia's family, they
22 don't eat until 9:30, 10 o'clock at night. Because Etre
23 (phonetic) is involved in soccer, and he comes home, and by the
24 time he takes a shower, they're not eating until 9:30, 9:45.
25 Dinner is still being prepared at 9 o'clock, 9:15. The kids

1 are taking showers. They're doing homework. So they're not
2 sitting down for dinner until 9:30, 9:45.

3 So when I walked into Claudia's apartment, I noticed
4 that the lights were off. I thought, oh, okay, they're over at
5 Claudia's mother's house, which is just down the hall in the
6 same apartment, having dinner, because the lights were
7 off. But I said, I'm going to put my bag down. When I put my
8 bag down, I smelled gas. I thought, oh, that's weird. So I
9 thought maybe Claudia was doing something in the kitchen, or
10 had left it on and then went to her mom's house. But then I
11 noticed -- so I went in the kitchen, and I smelled gas. And
12 next to the other burner, there was a pot of -- a pot and
13 fire. The flame was left on, but the flame was sprouting
14 out. And I thought, wait, are they here?

15 And I look in the bedroom, and I see feet. From the
16 kitchen to the bedroom, I could see Claudia's feet. I ran as
17 fast as I could from the kitchen to Claudia's bedroom. And the
18 way Claudia was positioned, I saw Ethan on her chest. Claudia
19 had her -- she was laying prone with her feet together, and her
20 arms crossed over Ethan, almost like someone would lay in a
21 coffin. I'll never forget that vision, because from the
22 kitchen to the bedroom, all I thought about was, please be
23 warm. That's all I thought about, please be warm. Because I
24 thought, I'm going to touch his head. And if it's cold, it
25 means he's dead.

1 So I thought, just be warm, just be warm. And I
2 probably thought it a billion times in that one second it took
3 me to get from the kitchen to the bedroom. And I reached over
4 and I touched Ethan's head, and it was warm. I said, Claudia,
5 you left the gas and the fire on. And she opened her eyes and
6 said, sorry, it won't happen again. And went back to bed.

7 And I went into the other kid's bedroom, and they
8 were in bed. And I'm thinking, it's 9:30 at night. What are
9 they doing all in bed? Remember, we're not eating dinner --
10 they're not eating dinner until 9:30. And now they're all in
11 bed, lights off, no reading, no TV on. It's dark, the flame
12 and the gas is on, and the kids are in bed. That was weird.

13 Q Then what happened?

14 A So in Croatia, when she said, when something bad happens,
15 you'll know it's your fault. I said, wait a minute, Claudia,
16 when you left the gas and the fire on in the kitchen back in
17 May, was that one of those "when something bad happens, you'll
18 know it's your fault?" And she said, don't worry about it. I
19 said, no, Claudia, I need to know. Was that a suicide
20 attempt? And she said, don't worry about it. And that's all
21 she would say. I tried to press her on it, she's like don't
22 worry about it.

23 Q What did you do after the incident involving the stove in
24 May 2024 that you just described?

25 A So I started talking to her family. They were almost

1 nonchalant about it. Yeah, again, she likes to sleep, just
2 keep her calm. Only her mother was the one that said, like,
3 Eric -- her mother said to me, Eric, I'm concerned about
4 Claudia.

5 **MR. QUINN:** I'll object to the hearsay of the mother,
6 Your Honor. Motion to strike.

7 **THE COURT:** State of mind, counsel. Overruled.

8 **THE WITNESS:** And I said, yes, me too. And her
9 mother would ask me, how do you find Claudia? And I say, sad,
10 depressed. And her mother said, yes, I see that too. And even
11 at dinner one night, her kids asked her, again, this was around
12 May, Mom, why are you always angry? And Claudia responded, I
13 just am.

14 So that's why, which one of the things when I said to
15 her, Claudia, we need help, this was one of those things that
16 we were talking about was these instances.

17 I also spoke with the police officers. I went back
18 to the police station where we were, and they said, go to
19 social services. So I went to social services, and this was in
20 July, and I explained the whole situation. And they said to
21 me, well, it's summertime. There's nothing we can do. Wait,
22 come back in September when everyone comes back from their
23 summer vacation.

24 I said, that's more than a month away. They said,
25 everyone's on vacation right now. I said, can't we do

1 anything? They said, no. They said, you can do counseling
2 sessions. And so Claudia and I actually had a couple sessions
3 with them. I also spoke to a lawyer about what we could do.

4 So before that, I also spoke with the pediatrician
5 that we went to, and I explained to the pediatrician what had
6 happened. And I remember this. He was sitting at his desk,
7 and he literally turned at me, and he threw his arms up, and he
8 says, what am I supposed to do? I'm a pediatrician. If
9 Claudia needs help, get help from her doctor. I said, but
10 you're a doctor. He said, I'm just a pediatrician. I can't
11 help you.

12 I thought, wow, here's a doctor. I'm telling that
13 the mother of Ethan is experiencing this, and he's literally
14 throwing up his arms like, I'm not going to do anything to
15 help. Go see a doctor.

16 So later on, I met with a lawyer. I said, what can
17 we do? And the lawyer said, yes, let's call the public health
18 service and see if we can start a psychiatric evaluation on
19 Claudia. So he calls and explains the situation. He said, hi,
20 I need to get help for someone. And they said, what's the
21 name? And the lawyer said, Claudia Ciampa. And after a few
22 seconds, the person on the phone said, oh, she already has a
23 file here for mental health.

24 **MR. QUINN:** Object to the hearsay of this, Your
25 Honor.

1 **THE COURT:** That is hearsay, counsel. Sustained.

2 **MR. QUINN:** And motion to strike the answer.

3 **THE COURT:** Stricken.

4 **MR. BERMAN:** Move to admit Respondent's Exhibit S,
5 Your Honor.

6 **THE COURT:** That's received, counsel.

7 **(Respondent's Exhibit S received in evidence)**

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

9 **THE WITNESS:** Can I refer to one more thing in that?

10 **THE COURT:** No, I've allowed a narrative because
11 there hasn't been an objection, but each of these answers is
12 turning into a narrative, frankly. Counsel, you need to
13 control this.

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

15 **BY MR. BERMAN:**

16 Q Please direct your attention to Exhibit U. What is this?

17 A This is a WhatsApp message between Claudia and me.

18 Q What is the date range of this document?

19 A November 17th, 2024.

20 Q Can you describe the significance of the highlighted
21 messages?

22 A So when Ethan and I were in America, we would have daily
23 video calls with Claudia, sometimes two, three, or even four
24 video calls, lasting sometimes 17 minutes, sometimes 40
25 minutes, sometimes more. And after one of the calls later, she

1 told me that this whole situation is devastating to her and
2 that it's important for Ethan to grow up with both of us,
3 meaning both Ethan's mother and father. And she wants to know
4 how we can solve this situation and live in peace.

5 Do you want me to continue?

6 Q No. On the line, on the message, on November 17th, 2024,
7 at 8:30 and one second p.m., there's a message from Ms. Ciampa
8 to you that says, "50 percent and 50 percent, it's fair." What
9 was your understanding of that message?

10 A After August 5th, when Claudia broke up with me, she was
11 withholding Ethan and would limit how much -- she herself would
12 limit how much time I would see Ethan. Without any court
13 order, just on her own.

14 Q Let me stop you.

15 A Yep.

16 Q Non-responsive. What is your understanding of the two
17 lines that I just read?

18 A Okay, so it would be 50 percent custody and 50 percent
19 custody, mother and father. And she said that's fair.

20 Q At some point in November of 2024, did the police come and
21 take Ethan away from you?

22 A Yes.

23 Q What date?

24 A November 18th, 2024.

25 Q And do you see the line on this message on November 17th,

1 2024, at 3:37 and four second p.m.? It says, "Eric, video
2 call, 39 minutes"?

3 A Yes.

4 Q Who was that video call to?

5 A That was to Claudia.

6 **THE COURT:** And what was the date, counsel?

7 **MR. BERMAN:** I apologize, Your Honor. November 17th
8 of 2024.

9 **THE COURT:** All right. Thank you.

10 **THE WITNESS:** And that was a video call to Claudia
11 with Ethan.

12 **MR. BERMAN:** Move to admit Respondent's Exhibit U,
13 Your Honor.

14 **THE COURT:** Received.

15 **(Respondent's Exhibit U received in evidence)**

16 **THE WITNESS:** This is also the message where she says
17 that --

18 **MR. QUINN:** No question pending.

19 **THE COURT:** Sustained.

20 **BY MR. BERMAN:**

21 Q In August of 2024, you mentioned that you and Ms. Ciampa
22 broke up on August 5th. Is that accurate?

23 A Yes. She broke up with me.

24 Q In August of 2024, did Ms. Ciampa unilaterally reduce the
25 amount of time that she allowed you to have custody of Ethan?

1 A Yes.

2 Q Explain.

3 A After giving her the keys and walking out, I said, okay,
4 but I want to see Ethan tonight. And she said, okay, I'll call
5 you at 6:30 and we'll arrange. So at 6:30, she didn't
6 call. At 7:30, I don't believe she called. Around 8 o'clock,
7 I call her and said, Claudia, you were supposed to call me at
8 6:30. She said, I'm too angry. You don't get to see Ethan.
9 Come back tomorrow. I said, no, I want to see my son now,
10 tonight, as we talked about. No, I'm too angry. Good
11 night. See you tomorrow.

12 The next morning -- I didn't sleep. The whole night,
13 I did not sleep. I waited until 9 o'clock and I went to
14 Claudia's. Before that, she had texted me in the morning and
15 said, I will meet you downstairs with Ethan. I will go on the
16 walk with you, and I will be with you for your time with
17 Ethan. I said, no, Claudia, you're not going to babysit me
18 while I'm with my son. When I arrived, she had Ethan in a
19 pouch that was strapped to her.

20 Q I'm going to cut you off.

21 A Okay.

22 Q Please listen to the question closely.

23 A Okay.

24 Q In August of 2024, did Ms. Ciampa reduce your custodial
25 time with Ethan, yes or no?

1 A Yes.

2 Q What did she reduce your custodial time to? We're just
3 looking for a number.

4 A Okay. It was beginning at four hours per day. She then
5 unilaterally decided two hours per day and told me if I don't
6 behave myself, it'll be one hour per day.

7 Q What day did she tell you that on?

8 A Well, the four hours -- the two hours in the morning and
9 the two hours in the evening would have been from August 6th
10 to August 20th, more or less. It was when we were in Puglia
11 that she sent me a message saying, your time with Ethan in the
12 evening no longer exists. You will only see him in the morning
13 and you will only see him from 8 o'clock to 10 o'clock.

14 Q What date was that?

15 A It was around August 20th, maybe August 23rd. It was the
16 date that they -- that Claudia took Ethan and the other
17 children to Puglia to visit her brother and sister in the south
18 of Italy.

19 Q At that point, did you have any court-ordered custody
20 schedule?

21 A No.

22 Q Before you broke up with Ms. Ciampa on August 5th,
23 2024, how many hours a day would you estimate that you cared
24 for Ethan?

25 A 24 hours

1 Q Can you describe that?

2 A Yeah. He was my one and only son. Someone I waited for
3 for 40 years to have, and I was with him in the morning, in the
4 afternoon, in the evening, unless I was teaching. If I was
5 teaching for those six hours then I wasn't with him. Except
6 two days a week when Claudia would bring Ethan and her other
7 children for English lessons at the studio, I would see him
8 for -- during that time. We would go for walks every morning.
9 We would go to the playground in the afternoon, naptime, story
10 time, sing songs. In the evening, bath time.

11 So I was -- Claudia and I together, but I was
12 there present 24 hours a day, except for the six hours if I was
13 teaching during the week.

14 Q For those approximately 18 hours a day that you were
15 present, can you describe more of what you would do with
16 regards to Ethan?

17 A Sure. We had a routine. We woke up. We had breakfast.
18 We'd go to the park. I was told that doesn't make sense to
19 take an infant to a park, but we went to the park. We would
20 then walk down to a -- it's called a villa, Villa Fondy.
21 Basically like a big garden, and we'd go for walks. Ethan
22 loved birds. So we'd watch the birds.

23 Then it -- by that time, it's nap time. So we'd come
24 back for feeding, for breastfeeding and nap. And then in the
25 evening, we would again go for a walk, read stories, listen to

1 music, sing songs, play games. He loved Winnie the Pooh.

2 Q You had testified earlier that there was an agreement
3 between you and Ms. Ciampa to go back to the United States in
4 June of 2024, correct?

5 A Yes.

6 Q At what point did it become clear to you that Ms. Ciampa
7 was not going to abide by that agreement?

8 A I would say by the end of July 2024.

9 Q What did Ms. Ciampa do that led you to believe she was no
10 longer abiding by that agreement?

11 A Two things that I realized this isn't going to happen.
12 First was it was end of July. It was very warm outside and
13 inside Piano di Sorrento. Claudia had tried to put -- make
14 Ethan fall asleep by nursing him, but that didn't work. Even
15 after nursing, Ethan was still crying. So I held him. And we
16 have a big -- we had a big exercise ball that you might use at
17 the gym, and I would bounce him. I would sit on it and bounce
18 him up and down. And within a minute, he was asleep. And that
19 made Claudia angry that I was able to make him fall asleep.

20 And she said, okay, give me my son now. I said,
21 Claudia, he's asleep now. She goes no no, give me my son. I
22 said no, he's -- I'm bouncing him, and he's asleep, so --

23 Q I'm going to stop you.

24 A Okay.

25 Q Please listen to the question closely.

1 A Okay.

2 Q What made you believe that Ms. Ciampa was no longer
3 abiding by the agreement to return to the United States in June
4 of 2024?

5 A I think it's when she kicked me in bed twice and that was
6 the end of -- after that, that was the end of really any
7 conversation about moving to America.

8 Q Did you ever ask her after that if she was still in
9 agreement to move back to America with Ethan?

10 A Yes.

11 Q When?

12 A I believe the 1st of August of 2024.

13 Q What did you say to her on the 1st of August, 2024?

14 A I said, are we going to California? And her response was,
15 maybe one day.

16 Q At that point, did you consider Ms. Ciampa's backing out
17 of your agreement to be a constructive abduction of Ethan?

18 A Absolutely.

19 **MR. QUINN:** I'll object. Calls for a legal
20 conclusion.

21 **THE COURT:** Well, this is his state of mind. I'll
22 allow it, Counsel.

23 **BY MR. BERMAN:**

24 Q Why?

25 A Because we were in Italy and Claudia was in her house, and

1 I was no longer in that house, and she would not bring Ethan
2 down for me to have parenting time with him unless I had the
3 passport. So it was almost like a ransom. You get your son if
4 I get the passport, which we never agreed on. That was a -- if
5 I didn't have the passport, she would not bring Ethan down and
6 she would -- lives on the third floor. So I would not see him
7 if I didn't have the passport. She then said if you're not
8 back here exactly at this time, I'm calling the police. I
9 said, Claudia, I don't know but, you know, we might be at the
10 pool. We might be at the beach. She said if you're not back
11 here at 11:30, I'm calling the police. I would let her know,
12 Claudia, he just fell asleep. It's 10:30. He just fell
13 asleep. When he wakes up, I will bring him back. Sometimes
14 he'd wake up at 11:30 or 12:00. If he -- if I brought him back
15 at 12:00, she says you're late. I would then get a message
16 after I'd left saying, you're late. You were late. Don't come
17 back tomorrow. You don't get to see him tomorrow or you spent
18 too much time with him last -- tonight, you don't get to see
19 him tomorrow.

20 **THE COURT:** Now just a moment.

21 **(Pause)**

22 **THE COURT:** Counsel?

23 **THE WITNESS:** So I would go to the police. I would
24 go to police station and say Claudia has our son up in her
25 apartment and it's supposed to be my time. And her response --

1 their response is she's the mother.

2 **BY MR. BERMAN:**

3 Q Did Ms. Ciampa ever express any doubt to you that you were
4 the biological father of Ethan?

5 A No.

6 Q Did Ms. Ciampa ever explain to you during that time why
7 she thought that she could unilaterally decide how often you
8 had custody of Ethan?

9 A No. She said maybe -- for example, she might a couple
10 times have said, I'm the mother.

11 Q During that time period, did you ask Ms. Ciampa to allow
12 you to see Ethan more?

13 A Absolutely.

14 Q Describe that.

15 A I would say, Claudia, there's no court order. He's my son
16 too. And she said, no, he's with me. And I said, but I want
17 to be with him too. And she would say, no, he needs to be
18 breastfed. And that's fine. Absolutely. I agree a thousand
19 percent. We agreed wholeheartedly on breastfeeding. And so I
20 said, well, we could do bottle. She could pump, and I would
21 always have breast milk available. So as a way of saying that
22 he would still drink her breast milk even if I was with him.
23 And for her, that wasn't good enough.

24 Q At what point did you consider taking Ethan back to
25 America in July or, strike that, in August of 2024? Or July, I

1 guess. At any point.

2 A No, no, no. It was the end of August 2024.

3 Q Can you describe that?

4 A Sure. After experiencing some more episodes, mental
5 health episodes with Claudia during that summer, one in Verona,
6 where she was swinging Ethan side to side erratically and
7 withholding Ethan from me, saying you don't get to see him, you
8 only get one hour, trying to get help, trying to get relief
9 from doctors, lawyers, social services, family, and getting no
10 help. I contacted a lawyer in Chicago and asked, what can I
11 do?

12 Q We'll get to that.

13 A Okay.

14 Q At some point in August of 2024, did you reach out --
15 well, strike that. In August of 2024, why did you reach out to
16 an attorney to discuss you bringing Ethan back to America?

17 A I actually contacted the same lawyer before, especially
18 when there were the issues with the suicide and the gas and the
19 flame being left on. But because I was getting no relief in
20 Italy, I contacted this lawyer and he told me --

21 Q Hold on. The question is, why did you contact the lawyer,
22 not what he told you?

23 A Okay. To get help and to get legal advice.

24 Q Why did you feel at that point you needed help and legal
25 advice?

1 A Because I was getting no relief and no help in Italy.

2 Q What help and legal advice did you feel you needed?

3 A Anything to protect Ethan and to have visitation/custody
4 with him.

5 Q Were you also seeking legal advice regarding whether you
6 could take Ethan unilaterally back to America?

7 A Yes.

8 Q What were the names of the two lawyers that you sought
9 legal advice from?

10 A Anthony Joseph and Erin Masters.

11 Q How did you hear about them?

12 A A friend in Italy referred me. He said that there was a
13 good international lawyer in Chicago but didn't know the name,
14 but said that his name is two first names. So I just Googled
15 international lawyer Chicago and the first one that came up was
16 Anthony Joseph. So I figured that those are the two first
17 names. And because his website talked about international
18 Hague and custody and family law, I figured that was the same
19 person that my friend was telling me about.

20 Q Let me stop you there. Please direct your attention to
21 Exhibit F. Do you recognize this document?

22 A Yes.

23 Q What is it?

24 A This is the Masters Law Group website.

25 Q And does it say that they specialize in Hague abduction

1 and international child abduction?

2 A Yes.

3 Q Do Anthony Joseph and Erin Masters work at this law firm?

4 A Yes.

5 Q Were you relying on their purported expertise in Hague
6 Convention and international child abduction when you asked
7 them for advice?

8 A Absolutely.

9 **MR. BERMAN:** Move to admit Respondent's Exhibit F,
10 Your Honor.

11 **THE COURT:** And what is F, Counsel?

12 **MR. BERMAN:** It's a screenshot of the Masters Law
13 Group website.

14 **THE COURT:** All right. Received.

15 **(Respondent's Exhibit F received in evidence)**

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

17 **BY MR. BERMAN:**

18 Q Please direct your attention to Exhibit HH.

19 **THE COURT:** Exhibit AA?

20 **MR. BERMAN:** I apologize. Exhibit HH.

21 **THE COURT:** HH. One more time. I'm sorry, Counsel.

22 **MR. BERMAN:** H like Harry. Two H's.

23 **THE COURT:** Oh, HH. I'm sorry.

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

25 **THE COURT:** Thank you.

1 Now, Counsel, are we kind of foreseeing -- are we
2 going to get into advice of counsel? In other words, I expect
3 probably a hearsay objection.

4 **MR. BERMAN:** Yes, Your Honor. We're going to be
5 getting into advice of counsel, not for the truth of the --

6 **THE COURT:** How are we going to resolve that? Not
7 for the truth. By the same token, it is for the truth.

8 When you have advice of counsel, it's for the truth
9 because he relied upon it. So how are we going to resolve
10 that? Now, there's been no objection, so ask the question
11 first and let's see what occurs.

12 **MR. BERMAN:** I would argue that the relevance does
13 not matter if what these attorneys were saying was true.

14 **THE COURT:** Goes to his state of mind as an
15 exception?

16 **MR. BERMAN:** It goes -- yes. It goes --

17 **THE COURT:** Well, I would expect some briefing on
18 that. I think that it's been pending a long time. You've both
19 foreseen this, so I don't feel like I'm making a mistake right
20 now. So ask your questions and we'll see if there's an
21 objection. There may not be. Last time, the objection was
22 withdrawn?

23 **MR. QUINN:** So may I address the Court?

24 **THE COURT:** Sure.

25 **MR. QUINN:** The Court's question is am I going to

1 object to hearsay to counsel's --

2 **THE COURT:** Yes, I'm just trying to foresee how much
3 research you're going to be doing tonight.

4 **MR. QUINN:** I have multiple problems with this.

5 **THE COURT:** Oh, that's fine. Continue on with your
6 questions. We'll take it question by question and see what
7 happens.

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

9 **THE COURT:** Thank you.

10 Now, eventually we're going to get through this. I
11 don't know when. Remember, I'm being very courteous. I'm
12 giving you both unlimited time. But at some point, we've been
13 at it all day, okay? We may be at it all night.

14 Okay, your question.

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

16 **BY MR. BERMAN:**

17 Q In August 2024, when you were considering taking Ethan
18 back to America, did you reach out to Attorney Anthony Joseph?

19 A Yes.

20 Q And at that point, what was the reason for you reaching
21 out to Attorney Anthony Joseph?

22 A To find out if bringing Ethan back to America would be
23 legal.

24 **THE COURT:** Counsel, is there an offer of proof? Am
25 I going to hear that counsel gave the advice to bring him back

1 in this fashion? What's your offer of proof here?

2 **MR. BERMAN:** Yes.

3 **THE COURT:** Okay. Counsel, you're forewarned on the
4 other side. Okay, your question.

5 **BY MR. BERMAN:**

6 Q Starting with the written communication to Attorney
7 Anthony Joseph, and again, right now, only for the time period
8 before you took Ethan back to America on August 30th, where in
9 this exhibit does it show messages from you to Anthony Joseph,
10 inquiring about legal advice regarding taking Ethan back to
11 America?

12 A It would be on the second page, Monday, August 5th, at
13 3:37 p.m.

14 Q At 3:37 p.m., you state to Anthony Joseph in a written
15 WhatsApp message, "Can I buy a ticket and fly to America with
16 my son, or is this kidnapping?" On August 9th, Anthony Joseph
17 replies, "Yes, you can buy a ticket, but if you come here, we
18 need to be prepared for everything needed for a Hague
19 convention matter." On August 13th, you respond, "But Anthony,
20 can we start the Hague convention here in Italy? Our plan was
21 never to stay in Italy forever." Anthony Joseph responded,
22 "No, you aren't ever going to file a Hague convention matter
23 against yourself." On August 18th, you say, "One question is,
24 if I were able to get Ethan on a direct flight from Italy to
25 America with his U.S. passport and as his father, could I be

1 charged with abduction?" Anthony Joseph responded, "It would
2 not be criminal, should have to bring a civil suit." You
3 responded, "And if she does a Hague convention, could I lose
4 custody and not be able to return to Italy?" You then state,
5 "Two things: number one, are you certain I will not be
6 criminally charged with kidnapping or abduction? Number two,
7 once we arrive in America, what do we do? Contact you? Just
8 continue life as normal? Number three, if we come to America,
9 and Claudia comes with us, and if she has his passport, can we
10 still remain in America? Can I tell the authorities in
11 America, I don't want Ethan to return to Italy?"

12 Anthony Joseph responds as follows, he writes a
13 number one, which is responding to your first question, which
14 was, are you certain I will not be criminally charged with
15 kidnapping or abduction? All he states is, "Filing a Hague
16 matter is a civil matter and not a criminal matter."

17 Anthony Joseph then writes a number two, which is
18 responding to your second question, which was, once we arrive
19 in America, what do we do? Contact you or just continue life
20 as normal? Anthony Joseph states, "If and when you arrive in
21 the USA, call me and we can discuss."

22 Anthony Joseph then responds to your third question
23 with, "Yes, you can remain in the USA, absent a court order
24 otherwise."

25 What did you understand -- well, first of all, why

1 did you ask Anthony Joseph the questions that you asked him
2 that we just read?

3 A Because before that, I had asked him, can you help me in
4 any way? He told me that he could not help me while we were in
5 Italy. I was explaining the things that were happening in
6 Italy, and he said, Eric, I can't help you in Italy, because
7 he's not privy to the legal system in Italy. I said, can you
8 help me in any way? And he said, yes, as discussed, and if and
9 when the minor child gets to the United States. So that's why
10 I was asking the questions like, can I just buy a ticket then
11 and fly, or is that kidnapping? And he said -- he told me also
12 on the phone, but yes, he told me in this message, yes, you can
13 buy a ticket. But also in the phone conversation, he said, you
14 can travel with your child.

15 Q Did you have a telephone conversation before August 30th
16 of 2024 with Anthony Joseph?

17 A Yes.

18 Q Can you describe those phone calls?

19 A Yes. I was explaining the situation both with Claudia's
20 mental health and some of the episodes that had happened, as
21 well as Claudia withholding Ethan from me and not letting me
22 see Ethan. And Anthony told me that he could help me, but only
23 once we get to America.

24 Q At any point, did Anthony Joseph tell you to do anything
25 before bringing Ethan to America?

1 A No.

2 Q If he would have told you to do something before bringing
3 Ethan to America, would you have done what he told you?

4 A Of course. Just like if he had told me not to do
5 something, then I wouldn't have done it. I was relying on his
6 legal counsel of what to do and what not to do.

7 Q What happened on August 30th, 2024, regarding you taking
8 Ethan back to America?

9 A So the day prior was one of the days that Claudia had told
10 me that don't come the next day because you were late bringing
11 him back. And I thought, okay, after talking to Anthony Joseph
12 and Erin Masters, I thought, now I need to go. So I purchased
13 a ticket early -- early that same day. It might have been at
14 one in the morning and found a flight from Brindisi, B-R-I-N-D-
15 I-S-I, to England, London, and then a flight from London to Los
16 Angeles. So that morning when I went to go pick up Ethan, I
17 put him in the car and Claudia asked me for the passport. And
18 I said, no. And I get in the car and drive away. I drive to
19 the airport, go through customs because we're going from Italy
20 to England, you had to go through customs because England is no
21 longer in the EU. So I showed them at immigration passport
22 control, showed them my passport and Ethan's passport. They
23 cleared us. They stamped the passports. We got on the plane.

24 We flew to England. From there, we flew into
25 Gatwick, I believe. And from Gatwick, we drove to London

1 Heathrow and took a flight from London to LAX. We also went
2 through customs and passport control in England as well as in
3 America. So in three different countries, we went through
4 passport control.

5 Q And at some point, you arrived in the United States on
6 August 30th, 2024 with you and Ethan?

7 A Yes.

8 Q And at that point, did you believe that Ms. Ciampa had
9 committed domestic violence against you and Ethan?

10 A Yes.

11 Q And at that point, had you explained the domestic violence
12 to Anthony Joseph or Erin Masters?

13 A Yes.

14 Q If you can please turn to page 8 of Exhibit HH.

15 A Okay.

16 Q Is this a forwarded text message to your attorney, Erin
17 Masters, that you received from Claudia on September 2nd, 2024?

18 A Yes. Claudia had sent me this message, and I then
19 forwarded it to my lawyers, Anthony and Erin.

20 Q And --

21 **THE COURT:** And what was the date again,
22 counsel? I'm sorry. I missed that. What was the date
23 again? I missed that.

24 **MR. BERMAN:** Sure. September 2nd, 2024.

25 **THE COURT:** Thank you.

1 **BY MR. BERMAN:**

2 Q So the message that Ms. Ciampa had sent you that you then
3 forwarded to your attorney, Erin Masters, read, "Eric, when are
4 you bringing him back? We need to see each other and hug and
5 kiss. I miss him so much. Please, Eric, bring Ethan back as
6 soon as possible. Ethan needs his mother, and I have the right
7 to be with him too." You forwarded that message to your
8 attorney, Erin Masters, correct?

9 A Yes.

10 Q And the next page is a response from Erin Masters 16
11 minutes later. I apologize. After you forwarded that message
12 to Erin Masters, you then stated at 4:58 p.m. of that same day,
13 let me know how I should respond to these messages. Do you see
14 that?

15 A Yes.

16 Q At 5:14 p.m., which was 16 minutes later, Erin Masters
17 responded, "I wouldn't respond to the first one." The first,
18 it's not part of the quote, but the first question you --
19 Claudia was asking that you forwarded was, Eric, when are you
20 bringing him back? And so Erin Masters responded to you, "I
21 wouldn't respond to the first one. To the second message, I
22 would say, at this point, given your mental health and the
23 behavior you have exhibited, I don't feel it is safe for Ethan
24 to be with you right now. I'm very concerned for his well-
25 being when with you and beg you to get treatment and focus on

1 how to get healthy." That's the end of Erin Masters' message
2 to you.

3 Five minutes later, on the same day, you respond to
4 Erin Masters, and you state, "I sent this, and she responded:
5 just tell me where you are." You then sent a message to Erin
6 Masters stating, "Do I respond? And if so, how?" One minute
7 later, Erin Masters sent you a message that said, "Maybe just
8 say Ethan is with you and safe." Did you rely on your
9 attorney's advice to not reveal the location of Ethan at that
10 point?

11 A Yes. In fact --

12 Q Hold on. Did your -- in what state was Erin Masters and
13 Anthony Joseph licensed to practice law?

14 A I don't know. Their office is in Chicago. I don't know
15 what states they're allowed to practice.

16 Q Did they -- did those two attorneys at any point advise
17 you as to California Penal Code 278.7(c), which makes it a
18 defense to an illegal abduction if within a reasonable time
19 after the abduction, the person makes a report to the district
20 attorney of the county where the child has been residing. The
21 code goes on to explain that a reasonable time within to make
22 such report is at least 10 days. The code also goes on to
23 explain that you must also file a request for order in the
24 family court for custody within 30 days, and that if you do
25 those two things, your actions regarding taking Ethan to

1 America would not have been an illegal abduction, causing what
2 can only be labeled as an international manhunt. Did they
3 explain any of that to you?

4 A No.

5 **MR. QUINN:** I'll object to counsel's rendition of
6 278.7(c), Your Honor. And --

7 **THE COURT:** Well, you can come back counsel and
8 cross-examination. The point is his relying on advice of
9 counsel defense.

10 **MR. BERMAN:** That's correct.

11 **THE COURT:** The interpretation of the code is easily
12 read by the Court.

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

14 **THE COURT:** Once again, I'm not sure that this is
15 even the issue for both of you. It's habitual
16 residence. Simple as that.

17 **MR. BERMAN:** That's correct, Your Honor.

18 **THE COURT:** I'm giving you wide latitude on both
19 sides but much of this may be extraneous.

20 **MR. BERMAN:** We understand what the court just stated
21 and agree.

22 **BY MR. BERMAN:**

23 Q On -- if you go to page 13 of the exhibit, after asking
24 Anthony Joseph several other questions you end with, "So in the
25 meantime, we just go on with our lives in America?" And

1 Anthony Joseph responds, "Correct." Were you relying on that
2 advice on September 7th?

3 A Yes.

4 Q To again not reveal Ethan's location to Ms. Ciampa?

5 A Yes.

6 Q On September 12th, which is page 15 of the exhibit, you
7 send a message to Erin Masters stating, "Last question. Would
8 we ever volunteer this information, telling her exactly where
9 we are?" Erin Masters responds with the following, "At some
10 point, perhaps. Would just depend on circumstances. Has she
11 flat out asked you directly?" You responded one minute later.
12 "She did once about 10 days ago." Erin Masters responded,
13 "Was that when you were still in AZ?" At any point between
14 then and when the police took Ethan from you in November did
15 Erin Masters or Anthony Joseph ever tell you to either report
16 the domestic violence to the district attorney, file a request
17 for custody in the family court, or reveal the exact location
18 of Ethan to Ms. Ciampa?

19 A No. And when I asked Anthony in a phone call directly, I
20 said to him the very first question in the phone call. Now
21 that we're in America, do we need to file anything? And his
22 response was, "You're not going to file anything against
23 yourself." And I asked do we need to notify anyone? And he
24 said no.

25 Q Is there any other reason that you did not, other than the

1 legal advice you received, that you did not reveal the exact
2 location of Ethan to Ms. Ciampa?

3 A Yes.

4 Q What?

5 A The fact that she had -- again had some episodes that were
6 very concerning while Ethan was in her care, again while she
7 was holding him, talking about suicide and kicking me. I
8 didn't feel it was safe that she would immediately come to
9 America and be with Ethan. I wanted to talk -- I wanted help.
10 I wanted to help for us as Ethan's parents. But I did not feel
11 that just getting on a plane and being with Ethan again at that
12 moment was safe for Ethan.

13 Q On what date did the police take Ethan from you?

14 A November 18th.

15 Q Then what happened?

16 A Then they took him to Orangewood. I was given a document
17 right there and told to go to court but was not told exactly
18 what time, just said you have to be in court today. I called
19 Anthony Joseph, told him what had happened. He told me to send
20 every page from the report that I was given by the DA. That
21 took time because it was 127 pages, I believe. And we did --

22 Q Hold on.

23 **THE COURT:** I didn't hear the last part of your
24 answer, sir. And we --

25 **THE WITNESS:** And then we had a hearing over Zoom.

1 **THE COURT:** Okay.

2 **BY MR. BERMAN:**

3 Q We'll get to that. On -- if you can please turn to
4 Exhibit Z.

5 A Okay.

6 **THE COURT:** What number, Counsel?

7 **MR. BERMAN:** Z like Zebra.

8 Well before we do that, move to admit Respondent's
9 Exhibit HH.

10 **THE COURT:** Received.

11 **(Respondent's Exhibit HH received in evidence)**

12 **BY MR. BERMAN:**

13 Q Do you recognize Exhibit Z?

14 A Yes.

15 **THE COURT:** And it's D like dog or E like echo?

16 **MR. BERMAN:** I apologize Your Honor, Z like zebra.

17 **THE COURT:** Z, my apologies. Neither one. Thank
18 you, Counsel.

19 **MR. BERMAN:** You're welcome.

20 **BY MR. BERMAN:**

21 Q What is this?

22 A This is a voluntary return letter.

23 Q From who?

24 A From the U.S. -- United States Department of State.

25 Q And what's the gist of this letter?

1 A This is notifying me that Claudia Ciampa had forwarded to
2 them an application for assistance under the Hague
3 Convention. It explains what the Hague Convention is.

4 Q On what date did you receive this letter?

5 A I don't recall the exact date but it would have been on or
6 near September 27th, 2024.

7 Q Is that your email at the top, fool4jc@aol.com?

8 A Yes.

9 **MR. BERMAN:** Move to admit Respondent's Exhibit Z,
10 Your Honor.

11 **THE COURT:** Received.

12 **(Respondent's Exhibit Z received in evidence)**

13 **BY MR. BERMAN:**

14 Q Please direct your attention to Exhibit Y. Can you
15 describe what this exhibit is?

16 A This is a WhatsApp message between Anthony Joseph and
17 myself, in which I told him on September 27th that I had just
18 received the voluntary return letter, and I asked him to please
19 call me as soon as possible. He called me three days later.

20 Q It looks like on September 27th, you sent a message to
21 Anthony Joseph that states, "Hi, Anthony. I just received the
22 voluntary return letter. Please call me as soon as
23 possible." You then called him at -- that was at 12:42 p.m.

24 **THE COURT:** And that date, once again, I'm sorry.

25 **MR. BERMAN:** I apologize, Your Honor. September

1 27th.

2 **THE COURT:** There we go. Thank you.

3 **MR. BERMAN:** 2024.

4 **THE COURT:** Thank you.

5 **BY MR. BERMAN:**

6 Q You sent that message to Anthony Joseph at 12:42 p.m. At
7 12:37 p.m., it shows a voice call to Anthony Joseph and says no
8 answer underneath. At 3:04 p.m., it shows a voice call and no
9 answer underneath. Three days later, on September 30th, it
10 shows a voice call by you, no answer underneath. And then it
11 shows at 10:23 a.m. on September 30th, a voice call and then
12 underneath it says 24 minutes. During that call with Anthony
13 Joseph, did he ever tell you to respond to the voluntary return
14 letter?

15 A He told me not to respond.

16 **MR. BERMAN:** Move to admit Respondent's Exhibit Y,
17 Your Honor.

18 **THE COURT:** Received.

19 **(Respondent's Exhibit Y received in evidence)**

20 **BY MR. BERMAN:**

21 Q Up until what point did -- well, strike that. There was a
22 Hague abduction proceeding filed against you by the district
23 attorney in Orange County Superior Court after Ethan was taken
24 from you, correct?

25 A Yes.

1 Q And at some point, that case was removed to federal court,
2 correct?

3 A Yes.

4 Q Why was that case removed to federal court?

5 A I was told by Anthony Joseph that would be advantageous to
6 have the Hague matter in federal court.

7 Q At any point between when this matter was removed to
8 federal court in November of 2024 through January 17th of 2025,
9 when you terminated your attorney/client relationship with
10 Anthony Joseph and Erin Masters and a few other attorneys, did
11 you express your desire to ask the Court for visitation with
12 Ethan?

13 A Yes.

14 Q And what did Anthony Joseph do regarding that request?

15 A Nothing.

16 Q Can you describe what you mean by nothing?

17 A I told him in e-mails and text messages that I wanted to
18 see my son. I haven't seen him now for eleven weeks and I
19 wanted to see him. And he told me that -- he told me at the
20 beginning that the federal judge could allow visitation, but
21 then later, he said it's a state issue.

22 Q Please direct your attention to Exhibit II. Are these
23 messages between you and Anthony Joseph between November 26th,
24 2024 and January 9th, 2025, where you are requesting Anthony
25 Joseph to request visitation between you and Ethan and to file

1 a request for domestic violence restraining order against
2 Ms. Ciampa.

3 A Yes, it was also a request -- yes. And in addition to all
4 that, it was a request to contact Claudia's lawyer to find out
5 if we can get to some kind of arrangement between the two
6 parties.

7 Q How many messages would you estimate are in this 61-page
8 document?

9 A Estimate. Twenty.

10 **MR. BERMAN:** Move to admit the Respondent's Exhibit
11 II, Your Honor.

12 **THE WITNESS:** Excuse me, I'm sorry. I apologize. I
13 was -- no, no. More than 20.

14 **THE COURT:** Well, whatever the number --

15 **THE WITNESS:** I mean, we're talking about 50, 50
16 messages at least.

17 **THE COURT:** So I -- are you requesting receipt.

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

19 **THE COURT:** Received.

20 **(Respondent's Exhibit II received in evidence)**

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

22 **BY MR. BERMAN:**

23 Q Please turn your attention to Exhibit JJ. Are these text
24 messages between you and Anthony Joseph between December 2nd,
25 2024 and December 17th, 2024, asking Anthony Joseph multiple

1 times to reach out to Ms. Ciampa's attorneys regarding
2 visitation?

3 A Yes.

4 **MR. BERMAN:** Move to admit Respondent's Exhibit JJ,
5 Your Honor.

6 **THE COURT:** Received.

7 **(Respondent's Exhibit JJ received in evidence)**

8 **BY MR. BERMAN:**

9 Q Please direct your attention to Exhibit A.

10 **MR. QUINN:** Your Honor, I hate to ask this. Can we
11 take a very short break?

12 **THE COURT:** Well, absolutely. Have as long as you
13 like. How long would you like?

14 **MR. QUINN:** Is ten minutes okay, Your Honor?

15 **THE COURT:** Sure. Do you want to say ten minutes?

16 Thank you.

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

18 **THE COURT:** You may step down.

19 **(Recessed at 6:06 p.m.; to reconvene at 6:22 p.m.)**

20 **THE COURT:** All right, Counsel, we're back on the
21 record. All counsel and the parties are present. The witness
22 is present. Counsel, your questions, please.

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

24 **THE COURT:** You were on Exhibit A, I believe.

25 **MR. BERMAN:** What's that, Your Honor?

1 **THE COURT:** I think you were on Exhibit A.

2 **MR. BERMAN:** Oh, thank you, Your Honor.

3 **BY MR. BERMAN:**

4 Q Did you ever agree with Ms. Ciampa to live in Italy with
5 Ethan at any point?

6 A Absolutely not.

7 Q Did you ever have the intention to live in Italy at any
8 point after Ethan was born?

9 A No.

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

11 **THE COURT:** All right. Let's start cross-examination
12 tomorrow. We've been at it all day on direct examination, and
13 you probably need to be fresh on your side as well to give a
14 fair trial, okay?

15 I order you to be here at 8:30. I've got another
16 calendar. We start at 7:30. Hopefully, I'll be done by that
17 time, but if not, you're here, okay? See you at 8:30
18 tomorrow. Now, please leave the courtroom as quickly as you
19 can.

20 **MR. BERMAN:** Thank you, Your Honor, for staying late.

21 **THE COURT:** That means don't dawdle. Leave. Good
22 night. Thank you, sir.

23 **(Proceedings concluded at 6:23 p.m.)**

24

25

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



February 8, 2025

Signed

Dated

TONI HUDSON, TRANSCRIBER