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James R. LaFevor, Esq.
Morgan v Morgan

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1 IN THE CHANCERY COURT FOR UNION COUNTY, TENNESSEE

2 -----

3 JOSHUA J. MORGAN,)
 4 Petitioner,)
 5 vs.) No. 6214
 6 KRISTIN N. MORGAN,)
 7 Respondent.)

8 -----

9 -----

10 DEPOSITION OF KRISTIN N. MORGAN
 11 July 2, 2012

12 -----

12 APPEARANCES:

13 FOR THE PETITIONER JAMES R. LAFEVOR, ESQ.
 14 NICKLE & LAFEVOR
 15 1900 First Tennessee Plaza
 800 S. Gay Street
 Knoxville, TN 37929

16 FOR THE RESPONDENT ALLEN E. SCHWARTZ, ESQ.
 17 VALLIANT, HARRISON, SCHWARTZ &
 18 GREEN
 1650 First Tennessee Plaza
 19 800 S. Gay Street
 Knoxville, TN 37929

20 ALSO PRESENT:
 21 Joshua J. Morgan, Petitioner

22 PATTI ANTOL, LCR #174
 23 MILLER & MILLER COURT REPORTERS
 12804 UNION ROAD
 24 KNOXVILLE, TENNESSEE 37934
 Phone: 865-675-1471 / Fax: 865-675-6398
 25 Email: Jmcccon3590@aol.com

1 The deposition of KRISTIN N. MORGAN was taken
2 pursuant to notice and/or by agreement of counsel before
3 PATTI ANTOL, LCR #174, Licensed Court Reporter and Notary
4 Public in and for the State of Tennessee, on the 2nd day
5 of July, 2012, at the law offices of Valliant, Harrison,
6 Schwartz & Green, Suite 1650, First Tennessee Plaza, 800
7 S. Gay Street, Knoxville, Tennessee.

8 It is agreed that the reporter may swear the
9 witness, take the deposition stenographically, reduce the
10 same to typewritten form, and sign the name of the
11 witness thereto.

12 Said deposition, when transcribed, shall be
13 admissible into evidence subject only to any objections
14 allowed by the Tennessee Rules of Civil Procedure,
15 Tennessee Rules of Evidence, and local rules of the
16 Court.

17 All formalities as to notice, caption,
18 certificate, signature, and transmission are expressly
19 waived.

20 KRISTIN N. MORGAN,

21 having been first duly sworn, was examined and
22 testified as follows:

23 EXAMINATION

24 BY MR. LAFEVOR:

25 Q What's your name for the record, please?

1 A Kristin Morgan.

2 Q And, Ms. Morgan, I'm Jim LaFevor. We
3 met once before.

4 A Uh-huh.

5 Q And I'm here for the purposes of asking
6 you questions.

7 A Okay.

8 Q I just want information. If you do not
9 understand me -- I've been told sometimes I talk too low.

10 A Uh-huh.

11 Q If you do not understand me, just ask me
12 to rephrase the question or speak up and I'll try to make
13 it so you understand what I'm saying.

14 A Okay.

15 Q Now, are you on any medications or any
16 influencing substances that would keep you from being
17 able to answer questions?

18 A No.

19 Q And you knew that question because the
20 Judge asked you that before when we were in Union County,
21 right?

22 A I don't remember.

23 Q Okay. It's been a few years. Okay.
24 What is your current address?

25 A I actually just moved this past week.

- 1 Q Oh, okay. And what is it?
- 2 A It's 1590 Hickory Valley Road.
- 3 Q Okay. And that's in?
- 4 A Maynardville.
- 5 Q In Maynardville. Do you know the ZIP
6 Code?
- 7 A 37807.
- 8 Q Okay. Who else resides there?
- 9 A My daughter.
- 10 Q And that's Hannah; is that right?
- 11 A Uh-huh.
- 12 Q And what's Hannah's date of birth?
- 13 A 12-12-2009.
- 14 Q And does anybody else share that place
15 from time to time?
- 16 A No.
- 17 Q Okay. Where did you reside prior to
18 moving to 1590 Hickory Valley Road?
- 19 A My parents' residence.
- 20 Q And what was that?
- 21 A 224 Lakeshore Drive, Maynardville.
22 Tennessee, 37807.
- 23 Q And how long did you live there?
- 24 A Since June of 2010.
- 25 Q And who resided with you there?

1 A Myself, my mother, my stepfather, and my
2 younger sister and Hannah.

3 Q Okay. Let's go -- Your mother, what's
4 her name?

5 A Regina Dotson.

6 Q And how do you spell the last name?

7 A D-o-t-s-o-n.

8 Q How old is Regina?

9 A She was born in '65. I think she just
10 turned forty-seven.

11 Q And you said your stepfather?

12 A Uh-huh.

13 Q What's his name?

14 A Rick Dotson.

15 Q Rick what?

16 A Dotson.

17 Q And how old is he?

18 A He's in his fifties.

19 Q And your younger sister, what's her
20 name?

21 A Victoria Dotson.

22 Q And is she adopted?

23 A Uh-huh.

24 MR. SCHWARTZ: You have to --

25 Q And who is the father?

1 MR. SCHWARTZ: Hold on one second. You
2 need to answer yes or no. You can't shake your
3 head. She has to understand you. Okay?

4 THE WITNESS: Okay.

5 Q So, she is adopted. And would she be
6 your biological half-sister or what's the relationship?

7 A She's my sister now that she's adopted.

8 Q All right. But before that, what was
9 the biological relationship?

10 A There wasn't one before that.

11 Q Was she just -- In other words, your
12 mother did not adopt Rick's child --

13 A Right.

14 Q -- and Rick did not adopt your
15 mother's child?

16 A Right.

17 Q And how old is she?

18 A She's eleven.

19 Q Did anybody else reside there at any
20 time in the last two years?

21 A Nope, other than Hannah.

22 Q And tell me about this place at 1590
23 Hickory Valley. How many bedrooms does it have?

24 A Two.

25 Q And how many baths?

1 A Two.

2 Q And what is it, a house or an apartment?

3 A It's a trailer.

4 Q And who owns it?

5 A Leslie Pridemore.

6 Q Pridemore?

7 A Uh-huh.

8 Q Now, why did you move from Lakeshore
9 Drive to Hickory Valley?

10 A Because I just recently last week
11 started training with a new job that I have different
12 hours.

13 Q All right. When you were going through
14 your divorce in Texas, did you not tell the Court that
15 there was a house next door to your mother's house which
16 was being fixed up and would be suitable for you to live
17 in?

18 A Yes.

19 Q What happened to that?

20 A I explored other options.

21 Q Why didn't you take that house?

22 A Because the one that I have now is I
23 think better suited for me and my daughter.

24 Q Okay. Why is it better suited?

25 A It's newer and doesn't have as many, I

1 guess, maintenance issues.

2 Q So, did you ever reside in that house
3 that was next door to your mother's house?

4 A Whenever I was a teenager.

5 Q Okay. So, since you left in June of
6 2010 --

7 A Uh-huh.

8 Q -- you have not resided in that house
9 next door to your mother's house?

10 A No.

11 Q Did you not tell the Court in Texas that
12 it was going to be fixed up and that's where you were
13 going to live and that's the reason you needed to have
14 your child?

15 A (Shaking head from side to side.)

16 MR. SCHWARTZ: Asked and answered. She
17 said yes.

18 Q I'm sorry. You're shaking your head
19 back and forth. What -- Does that mean no? What does
20 that mean? She --

21 A I don't remember.

22 Q You don't remember what you told the
23 Court?

24 A I can't remember if I said I was going
25 to or thinking about it.

1 Q Okay. Okay. Now, tell me about your
2 occupation.

3 A I'm an x-ray tech.

4 Q And tell me about this new job.

5 A It's -- I'm an x-ray tech and medical
6 assistant at a walk-in clinic.

7 Q Where is the walk-in clinic?

8 A In Halls.

9 Q What's the name of it?

10 A Halls Walk-in Medical Center.

11 Q And who is the doctor that's over
12 that?

13 A Dr. Robert Wilson.

14 Q And how long have you had that
15 position?

16 A I started training last week.

17 Q Does that mean you were hired last
18 week?

19 A My first day of training was last
20 Monday.

21 Q So, that's Monday a week from -- ago
22 today?

23 A Uh-huh.

24 Q That means yes?

25 A Yes.

1 Q Okay. And where did you work prior to
2 that?

3 A Mobile Images.

4 Q What had you done for Mobile Images?

5 A Mobile X-Ray Tech.

6 Q All right. Now, what is your hours of
7 work at the walk-in clinic?

8 A Monday through Friday from eight to --
9 nine to six.

10 Q Nine as in nine a.m.?

11 A Nine a.m. to six p.m.

12 Q Okay. And what were your hours at
13 Mobile Images?

14 A It would alternate each week. One week,
15 I would work Monday through Friday from three to
16 ten-thirty p.m. And the next week, it would be from
17 one-thirty to ten-thirty p.m. only Monday through
18 Thursday so that I would have an extra day off with my
19 daughter.

20 Q All right. So, three to ten-thirty was
21 Monday through Friday, but one-thirty to ten-thirty was
22 Monday through Thursday?

23 A Uh-huh.

24 Q That's yes?

25 A Yes. Sorry.

1 Q What will you be paid or what are you
2 being paid at this new job?

3 A Hourly.

4 Q You're paying hourly. Okay. What's
5 your rate of pay hourly then?

6 A Sixteen dollars an hour.

7 Q Sixteen? One six zero zero?

8 A Uh-huh.

9 Q And what was your rate of pay at Mobile
10 Images?

11 A Twenty-fifty.

12 Q So, you took this job for a four dollar
13 and fifty cent cut per hour?

14 A Yes.

15 Q Was that voluntary or did they fire you?

16 A It was voluntary.

17 Q And why did you take the cut in pay?

18 A To be closer employed to my home and
19 closer to my daughter. And because of the hours so that
20 I could spend more time with my daughter in the evenings.

21 Q All right. Let's start with closer to
22 home. How much closer to home are we talking?

23 A It's about twenty minutes away from my
24 residence.

25 Q Well, where was your other position?

1 A It was forty-five to fifty minutes away
2 from my residence.

3 Q And by more time with your daughter,
4 you're only talking evening time? You had all day with
5 your daughter before that, didn't you, in your other
6 job?

7 A More consistent -- It would be more
8 consistent for her the hours that I'm working now than
9 what I was working before so to give her more
10 consistency.

11 Q Okay. You had her from the time she got
12 up until you went to work -- left for work at about two
13 p.m. ---

14 A Uh-huh.

15 Q -- at the other job, right?

16 A Yes.

17 Q Why is this more consistent hours when
18 you come home some time after six o'clock?

19 A She's getting older and I just believe
20 those hours are better for her and me.

21 Q What's her bedtime?

22 A Around eight, eight-thirty.

23 Q Your daughter's bedtime is eight-thirty
24 p.m.?

25 A Uh-huh.

1 Q Is that every night?

2 A Seems to be, unless she's taken a nap
3 and she might go to bed a little later.

4 Q Okay. What time does she wake up in the
5 morning?

6 A Between seven-thirty and eight a.m.

7 Q Now, you mentioned taking a nap. What
8 kind of nap does she take?

9 A It just depends on if she's tired.
10 Sometimes she will take a nap during the day and
11 sometimes she won't.

12 Q What time is her usual naptime?

13 A Hannah doesn't have a usual naptime.
14 She doesn't -- Most of the time, she doesn't take naps.
15 She's very active.

16 Q Okay. Now, you -- Then in your other
17 job, you would have had her from when she got up at eight
18 a.m. until you had to leave at two p.m. to go to work?

19 A Yes.

20 Q And you would have had her for that many
21 hours, is that correct, six hours?

22 A Uh-huh, yes.

23 Q Your new job is you said about twenty
24 minutes away from your work (sic)?

25 A Yes.

1 Q So, you get home sixty-twenty,
2 six-thirty each day, right?

3 A Yes.

4 Q And her bedtime is eight-thirty; is that
5 correct?

6 A Yes.

7 Q So, you will have her for two hours
8 under this new job, whereas, before, you had her for six
9 hours; is that correct?

10 A No.

11 Q No? Well, fix my math for me then.

12 A I still have her at nighttime hours.
13 I'm still with her after bedtime. So, that's still more
14 than two hours.

15 Q You're sleeping -- I mean, she's
16 sleeping and your presence in the same house with you, is
17 that what you're saying? Is that the extra hours that
18 you're telling me about? You can look at your lawyer,
19 but he can't answer the question for you. So --

20 A I'm still caring for her.

21 Q I'm not disputing that, ma'am. I
22 talking about the hours that you are physically there
23 with your daughter awake. You have traded that six hours
24 of your daughter awake for two hours of your daughter
25 awake; is that correct? Tell me if I'm wrong in the

1 math. Go ahead.

2 A I have also traded for holidays that I
3 wouldn't normally have off, as well.

4 Q How many holidays?

5 A Every holiday that is a national
6 holiday.

7 Q Name them for me, please.

8 A Name them for you?

9 Q The ones that you traded for, the ones
10 that are so important that you'd give up six hours with
11 your daughter to have two hours with your daughter
12 because the holidays are more important. What are
13 they?

14 A Do you not know what they are?

15 Q I don't know what holidays you're,
16 you're celebrating, that's right.

17 A Let's see. New Year's. They probably
18 celebrate Easter.

19 Q That's usually on a Sunday. Did you
20 have to work Sundays before?

21 A Or Good Friday. Martin Luther King, Jr.
22 Day, Labor Day, Memorial Day, Thanksgiving, Christmas,
23 4th of July.

24 Q Any others?

25 A I don't think so.

1 Q How about Thanksgiving?

2 A I said Thanksgiving.

3 Q Now, which of those holidays did you
4 work when you worked for Mobile Imaging?

5 A It just depended on whenever they would
6 schedule me to work on those holidays.

7 Q So, you did not work every one of those
8 holidays before; is that right?

9 A No, but I was required to work some of
10 them.

11 Q Okay. So, you don't know exactly how
12 many of those holidays you got in exchange for this new
13 job, is that what you're telling me?

14 A Every holiday with this new job.

15 Q But you only worked part of those
16 holidays in the other job. So, you only had a few gains;
17 is that correct?

18 A Yes.

19 Q Okay. Now, tell me this four dollars
20 and fifty cents an hour that you took in a cut in pay,
21 why did -- was that better for your child's benefit?

22 A Because of the hours and the distance.
23 I was on the road with my other job and this one I'm in a
24 stationary place.

25 Q Okay. Let's talk a little bit about

1 that then. What do you mean you were on the road with
2 your other job?

3 A I was the mobile x-ray tech. So, I
4 drove to facilities. That was what I did for my job.

5 Q What does that mean? You drove a bus
6 or --

7 A I drove a company vehicle.

8 Q It wasn't the x-ray machine in the
9 company vehicle or it was? You were taking --

10 A There was one in it.

11 Q All right. So, you were taking the
12 x-ray machine wherever to, to use it?

13 A Uh-huh, yes.

14 Q Okay. And did you depart your place of
15 business in that other job at three o'clock or
16 one-thirty, depending on which shift you were on?

17 A Yes.

18 Q And did you return and check back in at
19 ten-thirty each of those, each of those times?

20 A Sometimes at ten-thirty; sometimes
21 later.

22 Q If you worked later, were you paid
23 more?

24 A Only if I went into overtime.

25 Q Okay. If you came back beyond

1 ten-thirty, were you in overtime?

2 A No, they only had us scheduled
3 thirty-two hours a week. Or thirty-four.

4 Q So, if you came back after ten-thirty,
5 you got paid the same as if you came back before
6 ten-thirty?

7 A If I hadn't reached forty hours yet,
8 yes.

9 Q So, you were not paid by the hour; you
10 were paid a salary --

11 A No.

12 Q -- at the other job?

13 A No.

14 Q You were paid by the hour?

15 A Yes.

16 Q So, if you came back at eleven p.m., did
17 they pay you for the time between ten-thirty and
18 eleven?

19 A Yes.

20 Q Now, in this new position, what will you
21 be doing?

22 A Medical assistant and x-ray.

23 Q All right. What does that mean?

24 A I don't understand the question.

25 Q You've been, you've been training for a

1 week on that job; is that correct?

2 A Right.

3 Q What does it mean you do?

4 A I work as a medical assistant and an
5 x-ray tech.

6 Q All right. What does the medical
7 assistant do in your position?

8 A Pretty much nursing duties.

9 Q And what does that entail?

10 A Venipuncture, triaging, EKGs, assisting
11 physicians. Just doing what the physician asks me to do.

12 Q When you were working in your old job at
13 Mobile Imaging -- Is that -- Yeah, Mobile Images -- who
14 watched your child?

15 A My mother.

16 Q And when did she take over and -- When
17 you left for work is when she took over or did she watch
18 your child all day long?

19 A She watched my child while I was at
20 work.

21 Q Okay. And, so, you had the
22 responsibility until you left for work?

23 A Yes.

24 Q And then when you came back from work,
25 you took it over again?

- 1 A Yes.
- 2 Q Okay. Who has the responsibility to
3 watch your child now?
- 4 A My mother.
- 5 Q What time do you drop the child with
6 your mother?
- 7 A About eight-forty a.m.
- 8 Q Okay. And how far is it from your new
9 location to your mother's home?
- 10 A Not even ten minutes.
- 11 Q So, it's just down the road a little
12 way?
- 13 A Yes.
- 14 Q And what time do you pick your child up?
- 15 A Around six, six-twenty.
- 16 Q Do you pay your mother for babysitting?
- 17 A I, I help around the house.
- 18 Q Okay. In the two years until you
19 changed this job, from June of 2010 until now, did you
20 pay your mother for babysitting?
- 21 A I would buy her groceries and stuff to
22 help, yes.
- 23 Q Do you have any record of those
24 amounts?
- 25 A No.

1 Q Do you have any kind of formal
2 arrangement with your mother on this or is it just
3 because you're family that you -- that she does this care
4 of your child?

5 A She's my child's grandmother.

6 Q And, so, she's not charging you for
7 that?

8 A She doesn't ask to charge me.

9 Q Does anyone else provide care for your
10 child, say, in the event that your mother has something
11 else scheduled or she's sick?

12 A My, my grandmother is available to help,
13 but that hasn't been an issue.

14 Q Now, is this the maternal grandmother or
15 the paternal grandmother?

16 A My father's mother.

17 Q Does your, your grandmother, maternal
18 grandmother help at all?

19 A She is deceased.

20 MR. SCHWARTZ: The answer to that
21 question is no.

22 Q Did she commit suicide?

23 A That's still uncertain.

24 Q How long ago was that?

25 A I was in the second grade.

1 Q So, it's been a good --

2 A Awhile, uh-huh.

3 Q But your paternal grandmother has not
4 had to help?

5 A She has a few times, but not, not
6 much.

7 Q Does she charge you or do you pay her?

8 A No.

9 Q How old is she?

10 A Seventy-two.

11 Q A young woman.

12 MR. SCHWARTZ: Don't point at me. I'm
13 not that old.

14 Q Okay. Mr. Morgan is here asking for
15 more time with his daughter. Why should he not have more
16 time with his daughter?

17 A I believe that the Judge ordered the
18 time that he should have and I believe the Judge was
19 adequate in his ruling.

20 Q Is there something wrong with Mr. Morgan
21 that he should not have more time with his daughter?

22 A I don't trust him. I feel like he's
23 manipulative and deceitful.

24 Q Is there any other reason he should not
25 have more time with his daughter?

1 A I'm concerned about some of the things
2 that -- with her behavior when he comes to pick her up
3 sometimes.

4 Q Are you there at the exchange when he
5 picks her up?

6 A As much as I can be.

7 Q What is the behavior that you're talking
8 about?

9 A She has been terrified on several
10 occasions whenever he has picked her up.

11 Q All right. Let's go with the last time
12 that she was terrified. When was that?

13 A This past Friday.

14 Q And how was she acting terrified?

15 A She was clinging to me, screaming,
16 terrified.

17 Q What do you mean? What did she say?

18 A She said she didn't want to go with
19 Daddy.

20 Q Okay. Did she say anything else?

21 A She just kept saying, "No".

22 Q Okay. And did she go finally?

23 A I requested, requested that we try to
24 calm her down.

25 Q Uh-huh.

1 A And after that, yes.

2 Q All right. Does she act that way --
3 Well, let's go -- Do you take her to church?

4 A Yes.

5 Q And does she go to Sunday School?

6 A Sometimes.

7 Q Does she act that way when she's being
8 left with the teachers?

9 A No.

10 Q You know about the events that at
11 certain ages, toddlers have fear like that of strangers
12 and of others that they don't see on a regular basis; is
13 that correct?

14 A Okay.

15 Q I mean, like at ages two and four and
16 just different things that all toddlers pretty much go
17 through that kind of a thing. Are you aware of that?

18 A Sure.

19 Q Yes?

20 A Sure.

21 Q Okay. And you believe that this kind of
22 actions that she has is related to that kind of a fear?

23 A I really don't think so.

24 Q All right. And why don't you think
25 so?

1 A He picked her up Thursday and she didn't
2 have a problem. And then Friday, she did.

3 Q You picked her up Thursday from where?

4 A He picked her up Thursday for his
5 visitation.

6 Q Okay. And then Friday, she did?

7 A Uh-huh.

8 Q All right. Do you ever say anything to
9 your daughter so that she would think that her father was
10 mean to her mother?

11 A No.

12 Q Never said anything about that?

13 A No.

14 Q This Friday was June 29th, wasn't it?

15 A I believe so.

16 Q Did -- During the time that your
17 daughter was acting up, did she say, "Mommy said you were
18 mean to her"?

19 A No.

20 Q Okay. What kind of explanation do you
21 give your daughter when she wants to know why you're not
22 living with the father?

23 A She's never asked.

24 Q Would your mother have said something
25 like that --

1 A No.

2 Q -- about him? All right. Is there
3 another reason that Mr. Morgan should not have more time
4 with the child?

5 A Well, I'm concerned about his alcohol
6 history.

7 Q Okay. Tell me about the alcohol
8 history.

9 A That was presented to the Court before.

10 Q All right. But we're in front of a
11 different Court. So, tell me what it is. What alcohol
12 history are you talking about?

13 A Well, he failed two out of three alcohol
14 tests during the Court proceedings in Texas.

15 Q Two out of three. Do you have those
16 results?

17 A The Guardian Ad Litem does.

18 Q All right. What else?

19 A She has mentioned that he has said
20 things about her grandmother and about me. And there's
21 another child supposedly hitting her and being mean to
22 her while she's with him.

23 Q Okay. Let's talk about those. What --
24 I presume Hannah is the one you're saying is "she"; is
25 that correct?

1 A Yes.

2 Q All right. What did Hannah say about
3 him saying mean things about her grandmother?

4 A She has said that her Grammy is a
5 monster. And when I asked where she heard that, she
6 said, "From Daddy".

7 Q All right. What else about the
8 grandmother?

9 A That's all that I've heard her say about
10 her grandmother.

11 Q And when did she make that statement?

12 A It's been a few weeks. Maybe a month or
13 so.

14 Q When did your -- How old was your
15 daughter when she started talking?

16 A She's been talking for a long time.
17 Maybe when she was about -- Really like full sentences
18 when she was about a year old maybe.

19 Q All right. And in the time since she
20 was a year old and talking in full sentences, is that the
21 only remark you've heard her make about your mother that
22 she has attributed to him?

23 A Yes.

24 Q Okay. And then you said something about
25 she talked -- that he had said things about "me", which

1 refers to you, I presume?

2 A Yes.

3 Q Okay. What are the things that she
4 said?

5 A She said that Daddy told her that I
6 couldn't love her.

7 Q Couldn't what?

8 A Love her.

9 Q Okay. What else?

10 A That's it.

11 Q And when did she say that?

12 A A few days ago.

13 Q We're talking within less than a week or
14 a half a week or --

15 A Maybe about a week ago.

16 Q Before this incident on Friday?

17 A Yes.

18 Q And how did that come up? Tell me about
19 it.

20 A She just said that. I mean --

21 Q She was just sitting there playing with
22 blocks or something and, all the sudden, she says, "Daddy
23 said you couldn't love me"?

24 A I believe I may have said I loved her
25 and she said no.

1 Q Okay.

2 A And then I asked her why she said that.
3 And she said, "Daddy said".

4 Q What did Daddy say?

5 A "That you can't" or something like that.

6 Q Okay. So, what -- What's the best way
7 that you remember it was said? You said "or something".

8 A That's all I remember.

9 Q Okay. So, she said, "Daddy said you
10 couldn't love me"?

11 A Yes.

12 Q All right. Is there any other reason
13 that Mr. Morgan should not have any more time with the
14 child?

15 A I just believe that he has adequate time
16 with her.

17 Q How much time does he have with the
18 child?

19 A I would say about forty percent of the
20 time.

21 Q What do you mean by "forty percent"?

22 A With the weekends, holidays, spring
23 break, summers, it adds up to about forty percent of the
24 time.

25 Q Are you counting the sleeping time or

1 are you just counting the time he has hours with her as
2 opposed to hours that you have with her?

3 MR. SCHWARTZ: I don't understand that
4 question.

5 THE WITNESS: I don't, either.

6 MR. SCHWARTZ: How do you not, how do
7 not count sleeping?

8 Q When you -- When you're, you're talking
9 about forty percent, are you talking about twenty-four
10 hour days or are you talking about the six hours that
11 you --

12 A Court ordered time that he has with her.

13 Q So, you count up all the twenty-four
14 hour days, the three hundred -- the two thousand and
15 however how many hours are available --

16 A Yes.

17 Q -- or six thousand hours or whatever it
18 is and --

19 A Yes.

20 Q -- of that, you've done the math, and
21 you say forty percent of the time he has her?

22 A Yes.

23 Q Why should he not have fifty percent of
24 the time?

25 A I believe she needs consistency.

1 Q Okay. And what is the consistency that
2 you provide that he would not provide if you had equal
3 time?

4 A I believe that was addressed with the
5 Final Order.

6 Q All right. But I'm asking you. You're
7 the one that made the statement. And I'm saying, why
8 should he not have fifty percent of the time?

9 A I never said -- I don't remember you
10 even, even answering (sic) that question.

11 Q Okay. I'm asking it now then. Why
12 should he not have fifty percent of the time?

13 A I believe the Order that's in place
14 should be followed.

15 Q But, I mean, if he had ten percent more
16 time, how would that be --

17 MR. SCHWARTZ: Asked and answered. She
18 answered the question three times. She
19 believes the Order -- The reason why it
20 shouldn't be fifty percent is because she
21 thinks the Order ought to be followed. That's
22 all. That's her answer. Don't argue with her
23 answer.

24 Q How is the ten percent more time going
25 to harm the child? If she spent ten percent more time

1 with her father, how would that harm the child?

2 A How would it harm her not?

3 Q I beg your pardon?

4 A How would -- How is it harming her now?

5 Q All right. So, spending ten percent
6 more time with her father would not harm her, is that
7 what you're saying?

8 A I don't understand why he's not fine
9 with the time that he has now.

10 Q Why were you not fine with the time you
11 had before you changed jobs?

12 A I've been looking for a daytime job for
13 a long time. So --

14 Q How would --

15 A I just took the job that I had with what
16 was available whenever I came here.

17 Q Okay. Why is it in the child's best
18 interest that she spend less time with the father than
19 with the mother?

20 A Is this not the same question you keep
21 asking me?

22 Q Well, I'm asking you, why is it in the
23 child's best interest --

24 MR. SCHWARTZ: Her answer was that's
25 what the Court found.

1 THE WITNESS: Right.

2 Q That's not the answer to the --

3 A That's my answer.

4 Q -- factual statement. You have no basis
5 then -- There is no fact that you can point to and say
6 that's why I ought to have ten percent more time than he
7 does?

8 A I believe this was addressed during the
9 final hearing.

10 Q Okay. But you have no fact -- That's
11 all I'm wanting to know. Do you have any fact that you
12 could point to that you say that if Josh Morgan spent
13 more time with his child, it would be harmful to the
14 child?

15 A I just feel like we should continue to
16 follow what the Judge has ordered.

17 Q Okay. Does that mean you do not have a
18 fact that you can point to that shows that it would be
19 harmful for the child to spend more time with Josh
20 Morgan?

21 A I believe that she is consistent in the
22 schedule that she has now.

23 Q Okay. I take that as a, no, you have no
24 facts you can point to for me?

25 A I see no reason to change anything.

1 Q All right.

2 A So, that's --

3 Q That's not the question as to the
4 reason. That's not the question. And you're not
5 answering the question. And that's why I'm -- I'm
6 entitled to an answer. Is there a fact, any fact, that
7 you can point to or you can describe that would show to
8 the Court that if Josh Morgan spent more time with his
9 daughter, it would be harmful to his daughter?

10 A (Shaking head from side to side.)

11 Q You're shaking your head no. Is that a
12 no?

13 A I guess not. I just don't think -- see
14 how it would benefit her.

15 Q Now, you think it's a good idea for
16 Hannah to see her father on a regular basis, right?

17 A She currently is, yes.

18 Q And you think that's good, right?

19 A Yeah.

20 Q And you agree with me electronic
21 communication is not better than live interaction with
22 Josh and Hannah; is that correct?

23 A There has been no electronic
24 communication.

25 Q Computer.

1 A Computer communication.

2 Q That's not the same as being in --
3 having your daughter with you, is it?

4 A Right.

5 Q So, that's not as good as spending time
6 with your daughter, is it?

7 A (Shaking head from side to side.)

8 Q Can you tell me, before you changed
9 jobs, before you changed jobs, what was the typical day
10 for Hannah? She gets up at eight o'clock or seven-thirty
11 or whatever it was you said she got up.

12 A Uh-huh.

13 Q What does she do?

14 A We would eat breakfast, use the potty,
15 play. Later on, eat lunch, take a bath.

16 Q And then at two o'clock, you would go to
17 work?

18 A Yes.

19 Q And that was pretty much day-to-day
20 Monday through Friday or was that weekends, too?

21 A Every day. Well, Monday through Friday,
22 I guess.

23 Q All right. How were the weekends
24 different? What did you all do on weekends?

25 A We would get up in the morning, have

1 breakfast, play, have lunch, learn, take bath -- take a
2 bath, go on outings, do family things, have dinner, go to
3 bed.

4 Q Now, when you had your other job, your
5 daughter still went to bed at eight-thirty?

6 A She's a toddler. So, a lot of toddlers
7 get their sleep schedule mixed up.

8 Q So, does that mean -- What does that
9 mean? My question was, was her bedtime still
10 eight-thirty?

11 A I tried for it to be, yes.

12 Q Okay. And while you had your other job,
13 was it your mother that put her to bed?

14 A Yes.

15 Q And you were still living in the same
16 house with your mother. So, there was no need for you to
17 take your child from there --

18 A Right.

19 Q -- to another bed?

20 A Right.

21 Q So, you just came home from work and
22 went to bed yourself?

23 A With my daughter, yes.

24 Q Okay. How does it work now? You've
25 only got a week's experience with it, but tell me about

1 your average day with your daughter now.

2 A We wake up in the morning and have
3 breakfast and I drop her off with her grandmother. I go
4 to work, come home, fix dinner, bath time, play time,
5 learning time, go to bed.

6 Q So, if you pick her up at your mother's
7 house at six-twenty or so, and then you get to your house
8 by six-thirty; is that right?

9 A Yeah.

10 Q And then what do you do?

11 A We have dinner. I just answered that
12 question.

13 Q Who fixes dinner?

14 A I do.

15 Q What kind of dinner do you fix?

16 A It just depends.

17 Q What does she like to eat?

18 A What does she like to eat? She loves
19 broccoli and strawberries and spaghetti and chicken
20 and -- She likes a lot of things.

21 Q Okay. And you fix that for her?

22 A Yes.

23 Q And about how long does it take to fix
24 dinner and eat it?

25 A It just depends on what I fix.

1 Q All right.

2 A I try to fix something quick.

3 Q Okay. Last --

4 A She helps me.

5 Q Okay. The last time you fixed it, about
6 how long did it take you to fix dinner?

7 A Maybe about fifteen minutes.

8 Q Okay. And then about how long does it
9 take to eat it?

10 A It just depends.

11 Q Is she a fast eater or slow and likes to
12 talk or --

13 A I usually try to feed her and make sure
14 that she eats well. So, it doesn't take very long.

15 Q So, by seven-thirty, you all have eaten
16 and --

17 A Maybe by seven.

18 Q Seven?

19 A Uh-huh.

20 Q All right. And then, then what happens?

21 A And then we play and watch TV and learn.

22 Q Okay. And then she goes to bed at
23 eight-thirty?

24 A She usually goes to bed about
25 eight-thirty, nine, nine-thirty.

1 Q Okay.

2 A Sometimes ten.

3 Q Does she take a bath at night or
4 daytime?

5 A At night.

6 Q And does she have story time or --

7 A Yeah.

8 Q -- what do you do? What's the bath --
9 What's the bedtime routine?

10 A We have a bath and then we get our cup
11 of milk and we lay down and read stories and watch TV and
12 play. And she says her prayers and --

13 Q And goes to bed about what time?

14 A It just depends on how long of a day
15 she's had and if she's had a nap.

16 Q Uh-huh. What are the things that you
17 think you have done to encourage the relationship between
18 Hannah and Joshua Morgan?

19 A I talk about Daddy coming to pick her up
20 and get her ready for going to pick her up. She watches
21 out the window for him. And whenever we get there, we
22 say, "Hi" and --

23 Q You said she watches out the window for
24 him. And was that at your mother's house as opposed to
25 now?

1 A Yes.

2 Q Where will he be picking up the daughter
3 now that you have a new location?

4 A I will be at work when he picks her up.
5 So, at my mother's.

6 Q Do you think it's fair that Mr. Morgan
7 should be the one always driving to pick up your daughter
8 or is there a place that you could meet?

9 A I don't feel comfortable meeting with
10 him alone.

11 Q And why is that?

12 A Because I don't trust him. I feel
13 threatened by him because he's threatened several times
14 in the past even recently about things. And he's
15 manipulative and deceitful.

16 Q Okay. What recent time are you
17 referring to on threats?

18 A The day after she was in the E.R., he
19 threatened to call his attorney if I did not let him have
20 her whenever she was sick.

21 Q And when was that?

22 A In March.

23 Q And what kind of sickness did she have?

24 A She had a very high fever.

25 Q And what happened? What was the

1 diagnosis? When you took her to the E.R., what was the
2 diagnosis?

3 A I believe she had a virus.

4 Q And what kind of treatment did they
5 give?

6 A Motrin and fluids.

7 Q Did you let her -- him have her after
8 that?

9 A She started feeling a little bit better
10 and I was afraid that he was going to cause a scene
11 because he threatened and acted -- he told me he was
12 going to come --

13 (An interruption occurred off the record.)

14 Q All right. We had to go off for the
15 phone situation there. You were telling me about your
16 daughter had gotten better and, so, you let her go with
17 Mr. Morgan; is that right?

18 A She acted as if she were feeling better.
19 And he had threatened if I did not let him have her, he
20 was going to be there, anyway.

21 Q The threat being he wanted to be with
22 his daughter who was sick?

23 A I didn't believe she should have gone
24 with him at that time. But she started feeling better,
25 so I ended up letting her go.

1 Q And why should she not have gone with
2 him?

3 A Because she did not feel good. It
4 wasn't -- It was for a Thursday visitation and she was
5 going in the evening and then having to come back in the
6 morning.

7 Q Do you believe that fathers are
8 incapable of taking care of a sick kid?

9 A No.

10 Q Do you believe Mr. Morgan is incapable
11 of taking care of a sick kid?

12 A No.

13 Q So, why would it not be fair to let him
14 take care of his daughter?

15 A I don't know.

16 Q You just had the feeling that you would
17 prefer to keep her with you, is that what you're
18 saying?

19 A I didn't think it was best for her to be
20 traveling at that time.

21 Q But you were at the E.R. where?

22 A Children's.

23 Q And that is where?

24 A Downtown.

25 Q Downtown where?

1 A Knoxville.

2 Q And where does your mother live?

3 A Maynardville.

4 Q And how far is it from Maynardville to
5 Downtown Knoxville?

6 A About forty minutes, something like
7 that.

8 Q And where does he live?

9 A West Knoxville.

10 Q And how much closer was he living than
11 it was all the way to Maynardville?

12 A We were in Maynardville when he was
13 picking her up.

14 Q But, I mean, she was at the Children's
15 Hospital?

16 A Yes.

17 Q And he was going to come to Children's
18 to pick her up, right --

19 A No.

20 Q -- and you didn't want that?

21 A No, he was not.

22 Q Okay.

23 A He was going to come to my parents'
24 house to pick her up.

25 Q When she was sick, did you notify him

1 right away that she was sick?

2 A Yes.

3 Q And did you say, you can come to
4 Children's to get her?

5 A Yes. I never said he could come to get
6 her. I said he could come to Children's; we were there.
7 He wasn't supposed to be picking -- It wasn't his
8 visitation time whenever we were at Children's.

9 Q Okay. So, that visitation time was
10 when?

11 A The next day.

12 Q Okay. So, you were there on a
13 Wednesday?

14 A Yes.

15 Q Okay. All right. Now, you said that
16 was -- Now, that's -- We've been talking about a recent
17 threat. Was there any other recent threats that you
18 talked about?

19 A Not in the presence of -- at my parents'
20 residence, no.

21 Q I mean, you were saying that he had made
22 threats and one recent threat. And that's where we got
23 off to where we discussed this. Were there any other
24 threats that you were talking about?

25 A In the past.

1 Q Okay. And what, what -- When in the
2 past were those?

3 A I can't remember. It's been awhile and
4 I've been trying to move past that.

5 Q Has it been before the divorce?

6 A During.

7 Q During the divorce. Before the Judge
8 declared you divorced --

9 A Right.

10 Q -- was it before that?

11 A No, it was -- Maybe. I can't remember.

12 Q Are we talking a year or two? Is it
13 that far ago, long ago?

14 A (Shrugging shoulders.)

15 Q Any other threats that he made that you
16 were referring to as why he --

17 A I can't remember.

18 Q Is there anything I can do that would
19 help you remember?

20 A (Shaking head from side to side.)

21 Q Is there any paper or anything you could
22 look at to help you remember? Like did have you a diary
23 or anything that you kept with that type of information
24 in it?

25 A I would have to look. I don't think --

1 I don't remember.

2 Q Do you think you have something?

3 A I don't know.

4 Q Okay. And, so, the only threat was the
5 threat that he was going to contact his lawyer to enforce
6 his visitation? Is that the only threat so far recent
7 that you've talked about?

8 A I'm not sure.

9 Q All right. Is there any other reason he
10 shouldn't have more time with his daughter?

11 A These are not reasons. I'm just saying
12 I believe that we should follow what the Court has
13 already found. I don't think anything should change.

14 Q How do you discipline Hannah?

15 A She has time out and I talk to her about
16 what she -- what it is that she may have done wrong and
17 explain to her.

18 Q What does "time out" mean the way you
19 carry it out?

20 A Sitting in a chair for so many minutes,
21 a time-out chair.

22 Q All right. Like Dennis the Menace over
23 in the corner staring at --

24 A I don't --

25 Q -- the wall?

1 A I have -- I don't know what you're
2 talking about.

3 Q Okay. I'm old. I read old comics.
4 Okay. But -- Okay. And, so, she sits in time out in a
5 chair?

6 A Uh-huh, yes.

7 Q And how long is the time out?

8 A A couple of minutes.

9 Q Is there a particular chair or is it
10 just, you go over and stand in that corner, and --

11 A I don't put her in the corner.

12 Q All right. You just say, go sit down in
13 that chair?

14 A Sit down for a time-out.

15 Q Okay. Do you use an egg timer or do you
16 use something else to make sure it's always consistent or
17 do you just feel, it's been two minutes, you can get up
18 now?

19 A Uh-huh, yeah.

20 Q The last part?

21 A Yeah, it's been a couple of minutes.

22 Q Then you tell her she can get up or does
23 she get up on her own?

24 A I talk to her about what it is that's
25 going on. Then she is able to get up.

1 Q Do you believe a Court Order should be
2 followed?

3 A Yes.

4 Q Were you ordered as a part of a hearing
5 there in General Sessions in Union County to pay for
6 Hannah to visit with her father on holidays,
7 transportation?

8 A It was divided.

9 Q Were you ordered to pay part of that
10 transportation or to make transportation --

11 A I can't remember.

12 Q Did you pay any of it?

13 A I can't remember.

14 Q Were you ordered to fly Hannah to
15 Mr. Morgan for Christmas of 2010?

16 A I believe that was -- the wording of
17 that was uncertain as to who was ordered to pay for it.

18 Q And did he provide tickets to allow you
19 to make that trip --

20 A I believe --

21 Q -- to --

22 A I believe his friend had tickets.

23 Q And did you still not send the child?

24 A This was discussed amongst the Guardian
25 Ad Litem. The Guardian Ad Litem tried to work this out

1 and he was uncooperative.

2 Q "He" being who?

3 A Josh.

4 Q So, the answer is you did not send the
5 child for Christmas vacation with the father in 2010; is
6 that right?

7 A I believe he refused his visitation.

8 Q He provided tickets and then refused to
9 have you bring the child there?

10 A I believe he tried to provide tickets
11 for me to stay in Texas. Or -- I mean, we tried to come
12 to an agreement that the transportation would be split
13 because it was not specified in the Order who was
14 responsible for that transportation. And he refused to
15 pay anything. I believe he had one roundtrip ticket and
16 that was it. Or one ticket there or something and that
17 was it if I -- I don't remember exactly.

18 Q Do you know of any instances of physical
19 abuse or alleged physical abuse of Mr. Morgan to the
20 child Hannah?

21 A Could you repeat that?

22 Q Are you -- Do you know of any alleged
23 physical abuse by Mr. Morgan towards the child Hannah?

24 A When?

25 Q That's what I'm asking you.

1 A At all?

2 Q Yes.

3 A Not that I'm aware of at this point.

4 Q Okay. Do you contend that there's any
5 emotional abuse of the child Hannah by Mr. Morgan?

6 A Some of the things she says makes me
7 wonder, but, no, I don't have any --

8 Q All right. The things that she says,
9 what, what things?

10 A What I discussed with you previously.

11 Q Okay. Nothing new or different than
12 you've already told me about?

13 A I don't believe so.

14 Q Okay. Is your mother emotionally
15 stable?

16 A Yes.

17 Q Does she have any of the problems that
18 her mother had?

19 A What problems?

20 Q I don't know. Whatever they were that
21 caused your -- her mother to do what she did.

22 A My mother does not have any problems.

23 Q Okay. Did your mother have some
24 difficulty with you, you and your mother have problems?

25 A All families have problems.

1 Q Okay. Did you and your mother have
2 problems getting along after the birth of Hannah?

3 A I mean, everybody has problems.

4 Q Despite you having a Cesarian section
5 and going home with a newborn baby, did she just get on
6 an airplane and leave?

7 A I don't believe she got on an airplane
8 and left immediately.

9 Q How soon after you came home was it?

10 A I can't remember.

11 Q So, if someone else has a memory of it,
12 you could not dispute that memory because you no longer
13 have that memory?

14 MR. SCHWARTZ: This is before the
15 divorce.

16 THE WITNESS: Right.

17 MR. SCHWARTZ: I don't think that's -- I
18 don't think it's relevant.

19 MR. LAFEVOR: That's up to the Judge to
20 decide.

21 MR. SCHWARTZ: I object.

22 MR. LAFEVOR: Okay.

23 Q Do you have any memory at all of when
24 that was that your mother left?

25 A I'm trying to -- Hannah and I are trying

1 to move on with our lives from that point. So --

2 Q Okay. Is that one of the reasons that
3 you moved out of your mother's house?

4 A What? I don't understand the
5 question.

6 Q You've now moved out of your mother's
7 house, correct?

8 A Right.

9 Q And you're now having to pay rent; is
10 that correct?

11 A Yes.

12 Q Is the problems that you had with your
13 mother related --

14 A No.

15 Q -- to the reason you moved out?

16 A No. There were no problems.

17 Q And the reason you moved out was why
18 then?

19 A Because me and my daughter should have
20 our own home.

21 Q Do you know a man named Glen?

22 A Yes.

23 Q What's his last name?

24 A Pridemore.

25 Q Pridemore?

- 1 A Uh-huh.
- 2 Q What's the relation to you?
- 3 A He's my landlord.
- 4 Q Did you know him before you rented this
5 trailer?
- 6 A No.
- 7 Q When did you meet him?
- 8 A When I went to look at his trailer.
- 9 Q And when was that?
- 10 A Last year some time --
- 11 Q Okay.
- 12 A -- whenever I looked at it.
- 13 Q 2011?
- 14 A Yeah, I think at the end of the year, I
15 looked at it.
- 16 Q How old is Glen?
- 17 A He's in his forties, I think.
- 18 Q Is he married?
- 19 A No.
- 20 Q Has Glen spent time in your house?
- 21 A He's visited.
- 22 Q And were the visits just more than
23 landlord visits?
- 24 A I mean, he's a friend.
- 25 Q How did he get to be a friend?

1 A He's my landlord.

2 Q Okay. And you met him last year?

3 A Yeah.

4 Q And you just moved recently?

5 A He knows, he knows my family.

6 Q Does he know your mother?

7 A Yes.

8 Q How does he know your mother?

9 A Through my stepfather.

10 Q How is that? They work together or
11 something else?

12 A My stepfather I think has done work for
13 him or something.

14 Q Does Hannah know Glen?

15 A Yes.

16 Q How long has Hannah known Glen?

17 A A couple of months.

18 Q Have you and Glen been on dates?

19 A What do you mean by "dates"?

20 Q Is that an antiquated term now, too?

21 A Have we gone on outings?

22 Q Yes.

23 A A few times.

24 Q What kind of outings did you go on with
25 Glen?

1 A We've been to Dollywood and I believe my
2 sister had a dance competition and he was there.

3 Q What else? I mean, you've been more
4 than twice on outings with Glen, right?

5 A A few times.

6 Q What other kind of things? Have you
7 just been on outings with Glen and you alone or do you
8 always have Hannah with you or do you always have family
9 with you? Tell me about that.

10 A It's all of the above.

11 Q Okay. Where did you and Glen go
12 together alone?

13 A Do what?

14 Q When you and Glen went on outings alone,
15 where did you go?

16 A Places like Wal-Mart, I guess. I don't
17 know.

18 Q What were you doing in Wal-Mart?

19 A Shopping.

20 Q For what?

21 A Most of the time, for Hannah.

22 Q What other kinds of outings did you go
23 on with Glen?

24 A I really don't know. I mean --

25 Q Okay. Is Glen going to be spending time

1 around Hannah?

2 A He may be. I don't know.

3 Q Are you aware of Mr. Morgan's employment
4 schedule, work schedule?

5 A No.

6 Q If he could keep Hannah during the day
7 while you are at work, would there be anything wrong with
8 him having that time with Hannah?

9 A I believe my mother should -- Whatever
10 care I provide for her, she should have.

11 Q And why should the father not be able to
12 provide daycare for his daughter?

13 A Daycare?

14 Q Daycare, yeah, during the time that
15 you're at work.

16 A (Witness shrugging shoulders.)

17 Q A shrug of your shoulders she can't put
18 down. So, you have to answer orally.

19 A I believe she should be cared for by --
20 I don't think there's anything wrong with her being cared
21 for by her grandmother.

22 Q I didn't say anything was wrong with
23 that. I'm just asking why should the father not be able
24 to provide the child care during the day while you are
25 away at work?

1 A I don't believe there's anything wrong
2 with the care that she currently has.

3 Q That's not an answer. Why shouldn't the
4 father be able to provide that care?

5 A That's my answer.

6 Q Okay. So, you have no reason that you
7 can say that he should not have --

8 MR. SCHWARTZ: She answered that.

9 Q -- care --

10 MR. SCHWARTZ: Don't put words in her
11 mouth.

12 THE WITNESS: Right.

13 MR. SCHWARTZ: I object to the question.
14 You're putting words in her mouth.

15 MR. LAFEVOR: You can object to the form
16 of the question. That's fine.

17 MR. SCHWARTZ: You don't have to answer
18 that question.

19 Q He can't tell you not to answer --

20 MR. SCHWARTZ: Yeah, I can, too.

21 Q -- because it causes him to --

22 MR. SCHWARTZ: I'll let you take it up
23 with the Judge.

24 MR. LAFEVOR: Okay.

25 Q Now, can you point to any one reason

1 that says that Mr. Morgan should not be able to have the
2 time with his daughter when you are at work?

3 A I already answered that question.

4 Q No, you didn't.

5 A I believe she's adequately cared for.

6 Q That's fine. Is there any reason
7 Mr. Morgan should not have the time with his daughter
8 while you are not spending time with your daughter and
9 you are at work?

10 A I believe she's adequately cared for
11 while I'm working --

12 Q Okay.

13 A -- by her family.

14 Q So, you have no reason that you can name
15 for me right now that says that Mr. Morgan should not be
16 able to spend time with his child while you are at work?

17 A He spends time with his child during the
18 times that he is ordered to spend with his child.

19 Q But you do not have a specific reason
20 that you can tell me?

21 A I feel like I'm being asked the same
22 question I've already answered over and over again.

23 Q Okay. You can feel that way, but you
24 can also answer the question. Is there any, any fact,
25 any fact at all that you can say, Mr. Morgan should not

1 spend eight o'clock until five-thirty with his child
2 while I'm at work?

3 A Does he work?

4 Q Ma'am, I'm asking you, is there any
5 reason why Mr. Morgan should not spend some of the time
6 between eight o'clock or -- Well, no, I'm sorry --
7 eight-thirty when you drop the child off with your mother
8 until five-thirty before you come back to get her?

9 A I have adequate child care for her when
10 I'm working.

11 Q But there's no reason that you can sit
12 here and tell me that he should not have the child during
13 that time?

14 A I believe that he should get the -- get
15 Hannah whenever he has visitation and that I should be
16 able to adequately supply her with child care whenever I
17 have my time.

18 Q All right. Will he, will he --

19 A That's the answer to my question.

20 Q Will he thwart the child's emotional
21 development if he has that child --

22 MR. SCHWARTZ: She's not, she's not able
23 to answer that question.

24 MR. LAFEVOR: All right.

25 MR. SCHWARTZ: She does not have the

1 ability to answer that question.

2 Q Will he, will he cause a physical
3 decline in the child's abilities if he had the time with
4 the child?

5 A I believe that she's adequately cared
6 for during that time.

7 Q Would he subject the child to any abuse
8 or any problems that you can articulate for me if he had
9 that time with the child?

10 A I believe that I answered that question,
11 that she is adequately cared for --

12 Q Are you saying --

13 A -- whenever I --

14 MR. SCHWARTZ: Hold on just, just one
15 second. If you ask her one more time, we're
16 leaving. She's -- You've asked the same
17 question six times. You're reading from the
18 statute. And she's, she's not presumed to know
19 the statute. You ask the question -- And
20 that's actually the fourth or fifth time you've
21 asked that question. Now, Jim, I'm telling
22 you, ask another question or we're going to
23 quit.

24 MR. LAFEVOR: I have asked each of these
25 questions with different words in them.

1 MR. SCHWARTZ: And what I'm trying to
2 say to you, you've asked the questions and
3 she's given her answers.

4 MR. LAFEVOR: And --

5 MR. SCHWARTZ: Jim, we're not going to
6 sit here while you try to browbeat her about
7 this. It's not going to happen.

8 MR. LAFEVOR: I'm not --

9 MR. SCHWARTZ: So, what I'm telling you
10 is, either get to the next question or it's --
11 or we're done. That's it.

12 Q Are there any physical abuse and things
13 that --

14 MR. SCHWARTZ: She's never said -- She,
15 she answered those questions. He's never
16 physically -- she knows that he's never
17 physically abused the child. You asked that
18 question and she answered it. And then you
19 asked about emotional abuse and she told the
20 time about emotional abuse. And that's it.
21 Ask her a hundred times and it's the same
22 answer.

23 Q Is there any reason that he has not --
24 Well, let me go back. Has he done anything to not
25 encourage your child to spend time with you? "He" being

1 Mr. Morgan. Has Mr. Morgan done anything that has not
2 encouraged your child to want to spend time with you?

3 A Not that I'm aware of.

4 Q Is Mr. Morgan to your knowledge in any
5 relationship that would be harmful to the child?

6 A I'm not around him whenever he has her,
7 so I wouldn't know the answer to that question.

8 Q Is there anything that you know of that
9 would say that he is not likely to want to provide his
10 daughter with food?

11 A Repeat that. I don't understand what
12 you're asking.

13 Q Is there anything that you know of or
14 that you want to state that says that Mr. Morgan is not
15 likely to provide his child with food?

16 A I still don't understand what you're
17 asking me.

18 Q Do you think he'll feed Hannah?

19 A I hope so.

20 Q Okay. Is there any reason that you have
21 that makes you think that he would not feed Hannah?

22 A I don't believe so.

23 Q All right. Is there any reason that you
24 have that makes you think that Mr. Morgan would not
25 provide medical care for Hannah if something happened to

1 her while you were at work and he was taking care of her?

2 A He hasn't been very cooperative about
3 her medical care whenever I try to talk to him about her
4 pediatrician on some occasions.

5 Q All right. Let's talk about those then.
6 Tell me about the uncooperative medical care.

7 A I believe he called her pediatrician a
8 quack.

9 Q All right. He did or he didn't call her
10 a quack or -- He did call her a quack?

11 A I believe he did.

12 Q All right.

13 A Yeah.

14 Q And what were the circumstances of that?

15 A I don't remember. I just remember the
16 comment.

17 Q Okay. Tell me about how he was not
18 cooperative with the child's medical care.

19 A This past weekend, I sent her allergy
20 medication, which they've recommended that we give her
21 during allergy season, and none of it was gone.

22 Q What allergy medication are we talking
23 about?

24 A Zyrtec.

25 Q Zyrtec, is that across the counter or is

1 that a prescribed --

2 A Well, it's both.

3 Q Do you have --

4 A Well, I believe --

5 Q -- a prescription?

6 A I believe the liquid form was
7 prescribed, but I think the pill form comes over the
8 counter.

9 Q So, which kind did you give to Hannah?

10 A The liquid.

11 Q And you have a prescription for that?

12 A Yes.

13 Q And what do you mean it wasn't given?

14 A There wasn't any missing from the bottle
15 whenever I sent it with her when it returned.

16 Q How much is he supposed to give?

17 A Half a teaspoon once a day.

18 Q Is that on the bottle --

19 A Yes.

20 Q -- the instructions? Does it say PRN or
21 as needed or does it say every day?

22 A It just says once a day.

23 Q Once a day. And what time of day is it
24 supposed to be given?

25 A It doesn't specify.

1 Q What time of day do you give it?

2 A Usually in the mornings.

3 Q What time?

4 A Probably around eight, eight-thirty,
5 somewhere between there.

6 Q Before or after meals?

7 A It doesn't specify during or after or
8 before meals.

9 Q Okay. Is there any other medication
10 problems that I need to know about?

11 A The doctor -- She's had problems with
12 her -- with constipation issues that I've addressed with
13 her pediatrician and I'm following those issues. And
14 they recommended that we give her a stool softener, which
15 she's supposed to have every day if she doesn't have a
16 bowel movement. And there have been times that that
17 hasn't been given to her, as well.

18 Q Does that mean that she did not have a
19 bowel movement or you --

20 A They said, they said that she needed to
21 have a bowel movement every day. And if not, she needed
22 to be taking that every day and to control her diet.

23 Q Control her diet how?

24 A Just with food.

25 Q I mean, what, what are you supposed to

1 do in the diet?

2 A Fruits, vegetables. Just what you would
3 use to control constipation issues with a diet.

4 Q If she just doesn't have a movement or
5 she doesn't -- or if she has a painful movement, what,
6 what are you controlling or what are you dealing with?

7 A She's --

8 Q What have you told Mr. Morgan to do?

9 A Give her her medication if she isn't
10 having a bowel movement and that we needed to control it
11 by diet. I'm sure he understands what that means by
12 diet; more fruits, vegetables.

13 Q You told Mr. Morgan that?

14 A Yes.

15 Q You said -- What did -- You said give
16 her more fruits and more vegetables?

17 A That she needed to have more fruits and
18 vegetables and have more juice and less milk and --

19 Q More juice and lots of milk?

20 A Less milk.

21 Q Less milk?

22 A Yeah.

23 Q What else?

24 A That's the only medication that she's
25 on.

1 Q So, that's the instructions that you
2 gave to him?

3 A Somewhere around that, yeah. Something
4 like that. I can't remember exactly.

5 Q And when did you give those
6 instructions?

7 A Whenever I spoke with the pediatrician
8 about it whenever the pediatrician recommended whatever
9 it was she recommended.

10 Q And when was that?

11 A She's been having allergies and somewhat
12 of constipation issues pretty much all of her life. So,
13 I mean, I can't remember exactly whenever it began, but
14 it was not too long after we came here.

15 Q All right. So, that was while you were
16 up here and he was in Texas?

17 A Both.

18 Q And when did you have the conversation
19 with him, while he was still in Texas or while he was up
20 here?

21 A I've had -- Her last pediatrician visit,
22 she had an ear infection and I called him on the phone
23 and explained everything that was going on and what the
24 pediatrician said to do and --

25 Q About the ear infection or about the

1 diet?

2 A About the ear infection.

3 Q All right.

4 A Whenever the diet issue arose, I spoke
5 with him about that immediately after the pediatrician's
6 recommendations.

7 Q That's, that's what I'm trying to find
8 out. When was that pediatrician recommendation?

9 A I don't remember exactly when it was.

10 Q Okay. Was it while he was still in
11 Texas or was it while he was in Tennessee?

12 A He was here.

13 Q Okay.

14 A But I also sent him emails whenever he
15 was in Texas about her health care, as well.

16 Q Okay. Are there any other things that
17 he has not complied with on medical care?

18 A He didn't show up to the emergency room
19 whenever she was there.

20 Q That's when she had the virus?

21 A Uh-huh.

22 Q And that was in March?

23 A Yeah.

24 Q Is there any reason or any things that
25 you want to say about Mr. Morgan and the affect on your

1 child's education if he was to take care of the child
2 during the day while you were at work?

3 A I haven't -- I don't understand what
4 you're asking.

5 Q Is there anything education-wise,
6 learning numbers or colors or any of that stuff, that he
7 couldn't do for your child?

8 A I still don't really understand what
9 you're asking me.

10 Q Okay. Do you have any complaints or any
11 reason that you can articulate for me that says that
12 Hannah's education would suffer if Mr. Morgan took care
13 of her during the day from eight-thirty to five-thirty
14 instead of staying with your mother?

15 A I mean, my family interacts with her
16 whenever I'm at work with education things. So -- I
17 don't know what he does with her whenever he has her.
18 So, I would hope that he would, you know, try to do those
19 things, but I don't -- He doesn't speak with me about
20 things like this. He doesn't share this kind of
21 information with me.

22 Q Is there any other necessary care that
23 Hannah needs or would suffer if he had Hannah between
24 eight-thirty and five-thirty if he --

25 A Well, I don't know why you keep asking

1 me if he had Hannah from eight-thirty to thirty-five.

2 MR. SCHWARTZ: Because that's what they
3 want.

4 THE WITNESS: Oh, well --

5 Q Is there any other --

6 THE WITNESS: -- I'm not going to agree
7 to that.

8 Q Is there any other necessary care that
9 Hannah would not get if Josh Morgan kept Hannah between
10 eight-thirty and five-thirty?

11 A I don't know.

12 Q Does Hannah love her Daddy?

13 A I'm sure she does, yes.

14 Q Does Mr. Morgan show emotional ties to
15 the child?

16 A Yes.

17 Q Can you and Mr. Morgan work together
18 concerning issues for Hannah like when she should have
19 her ears pierced, if she has them pierced? Can you work
20 together with him on that type of an issue?

21 A I mean, I would hope that he would want,
22 want to communicate with me. But sometimes whenever I
23 bring up issues, it seems as if he doesn't want to
24 communicate about it. He walks away. And, so, I don't
25 feel like --

1 Q All right. In choosing the best school
2 for Hannah --

3 A Uh-huh.

4 Q -- would there be -- If he lives in one
5 school area and you live in another school area and his
6 school area is higher ranking on the State test scores
7 and things like that, do you think it would be beneficial
8 to Hannah to have him named as the father so that she
9 could have benefit of that school or do you think she
10 should still remain in the school that you're zoned for?

11 A I haven't explored -- I mean, I'm in the
12 process of looking at that, but I haven't completely
13 explored those options because it's too soon to make that
14 determination.

15 Q All right. But is there any reason why
16 that type of a decision should not be made jointly? In
17 Hannah's best interest, I mean. A decision --

18 A Is that not -- I mean, what does it say
19 in the Order now? I mean, I don't think there's any
20 reason why there should be an issue as long as we both
21 try to communicate with each other.

22 Q So, you're open and free of mind to
23 perhaps have Hannah go to the best school?

24 MR. SCHWARTZ: She said she will do
25 whatever the Court Order says.

1 A Right, what the Court Order says. And I
2 believe that her family ties and community ties should be
3 considered where that's concerned.

4 Q Would the same be for extracurricular
5 activities, do you think that if something's
6 available in --

7 A I don't -- No, I believe that she should
8 move for stuff like that or be restricted to some kind of
9 area for that reason alone.

10 Q Okay. Let's go back to this alcoholism
11 stuff you were talking about with Mr. Morgan. Did you
12 drink alcoholic beverages?

13 A When?

14 Q Did you?

15 A When?

16 Q Did you ever --

17 A I don't understand your question.

18 Q -- drink alcoholic beverages? Let's
19 start with that.

20 A Of course, I have.

21 Q Okay. And have you stopped now? Is
22 that what you're saying?

23 A I don't drink.

24 Q When did you stop?

25 A In Texas.

1 Q Is there any other vice that Mr. Morgan
2 has that you believe would be bad for him --

3 A I'm sorry?

4 Q Is there any other activity that
5 Mr. Morgan engages in that you believe would be bad for
6 him to be around Hannah if he engaged in it?

7 A I don't, I don't know what he does.

8 Q All right. Do you smoke cigarettes?

9 A Occasionally.

10 Q Did you smoke cigarettes when you had
11 Hannah? When you were pregnant with her?

12 A That was addressed with the Court
13 before.

14 Q No, the question is, did you smoke
15 cigarettes when you were pregnant?

16 A Yes.

17 Q Okay. And did you smoke cigarettes
18 after you had Hannah born?

19 A We both did, yeah.

20 MR. LAFEVOR: If I could have a moment
21 with my client?

22 (A break was taken.)

23 MR. LAFEVOR: All right. I have no
24 further questions at this time.

25 AND FURTHER THIS DEPONENT SAITH NOT.

REPORTER'S CERTIFICATE

STATE OF TENNESSEE)

COUNTY OF KNOX)

I, Patti Antol, LCR# 174, court reporter and Notary Public, in and for the State of Tennessee, do hereby certify that the above DEPOSITION OF KRISTIN N. MORGAN was reported by me, transcribed by me, and that the foregoing 73 pages of the transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am neither of kin nor of counsel to any of the parties not in anywise financially interested in the outcome of this case.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 18th day of

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