

MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY

In Re the Marriage of:)
CHRIS W. HAYWOOD,)
Petitioner,)
and)
JAMIE R. HAYWOOD,)
Respondent.)

Cause No. DR-07-331(C)

COPY

Taken at Flathead County Justice Center
920 South Main Street
Kalispell, Montana
Thursday, July 12, 2007

TRANSCRIPT OF PROCEEDINGS

Heard before the Honorable Stewart E. Stadler
District Judge

A P P E A R A N C E S

PAULA M. JOHNSON-GILCHRIST and MATT NEILL,
6336 Highway 93 South, Whitefish, Montana 59937,
appearing on behalf of the Petitioner.

JAMES D. MOORE, Attorney at Law, 30 Fifth Street East,
Suite 101, P.O. Box 116, Kalispell, Montana 59903-0116,
appearing on behalf of the Respondent.

Reported by Victoria Walters, Official Electronic Court
Reporter, Eleventh Judicial District Court, Flathead County.

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THURSDAY, JULY 12, 2007

THE COURT: This is DR-07-331(C), In Re the Marriage of Haywood.

The purpose of this hearing is in -- on July 3rd pursuant to an affidavit and request by Petitioner, Chris Haywood, the Court granted him temporarily the custody of the minor child that's at issue in this case. Immediately thereafter there was a competing affidavit filed by the Respondent, Jamie Haywood, alleging that not only were the facts in Mr. Haywood's affidavit incorrect but the child was put at risk by being placed with Mr. Haywood.

The purpose of this hearing is to go through these affidavits to establish which of them are true. If both of them are true the Court will have to determine where the child should be placed so as not to put this child at risk.

Anybody who is planning on testifying today will have to wait outside the courtroom other than the parties. And the Petitioner, I guess it's -- it's your affidavit, you can state why you feel that the Court should not vacate its temporary order pursuant to the request of the Respondent. And you may proceed.

MS. JOHNSON-GILCHRIST: All right, Your Honor.

1 MR. MOORE: I would want to remove at
2 least one person that I know is going to testify.

3 (Off the record.)

4 THE COURT: You may --

5 (Off the record.)

6 MR. MOORE: Thank you.

7 THE COURT: All right, Your Honor. The
8 first witness I will call will be Devra West. And
9 Devra if you would step forward, please, raise your
10 righthand, be sworn in and then take a seat on the
11 witness stand.

12 Thereupon,

13 DEVRA WEST,

14 a witness of lawful age, having been first duly sworn
15 to tell the truth, the whole truth and nothing but the
16 truth, testified upon her oath as follows:

17 (Off the record.)

18 DIRECT EXAMINATION

19 BY MS. JOHNSON-GILCHRIST:

20 Q. Would you state your name for the record,
21 please?

22 A. Devra Lynn Patton West.

23 Q. And, Devra, where do you reside?

24 A. Lakeside, Colo -- Lakeside, Montana.

25 Q. And how long have you resided there?

1 A. Um, approximately two years --

2 Q. And --

3 A. -- heading towards September, two years.

4 Q. All right. And what is your occupation?

5 A. I'm a business owner in the Lakeside area.

6 Q. And what is the nature of your business?

7 A. I have four companies, one of which is a real
8 estate L.L.C. The other company is a health and
9 healing management company that is Surya Unlimited
10 Enterprises. I have a third company which is
11 Millennium Mind which does concept development and
12 image branding for entrepreneurial companies. And my
13 last company is a sole proprietorship Fire of Mind
14 which umbrellas my intellectual materials.

15 Q. All right. Um, have you had an opportunity
16 to review the affidavit of Jamie Haywood in this
17 matter?

18 A. Um, very briefly I reviewed it.

19 Q. Okay. And first of all, um, what is your
20 relationship to the Petitioner, Chris Haywood?

21 A. His mother.

22 Q. And Jamie would be your daughter-in-law?

23 A. Correct.

24 Q. And how long have you been acquainted with
25 Jamie?

1 A. Um, I believe that I first met her perhaps
2 four or five years ago, I'm guessing.

3 Q. And Jamie has been married to your son Chris
4 for approximately one year?

5 A. Correct.

6 Q. Okay. Now, in the affidavit filed by Jamie
7 herein, are you aware that it has been alleged by her
8 that you operate a cult?

9 A. Correct, I'm aware that she has alleged that
10 rather fantastic accusation.

11 Q. And what is your response to stating that you
12 operate a cult?

13 A. Um, my response is that it's ridiculous and
14 absolutely not true or possible.

15 Q. And in fact what does your business do that
16 would lead her in any way to allege such a thing?

17 A. Um, there's nothing in my companies that
18 could possibly be linked with any sort of commentary
19 along those lines whatsoever. Um, there is no group
20 organized anywhere, there is no location, there's no
21 meeting of any group.

22 My companies distribute, um, meditation
23 guided CDs, books, stress reduction and healing guided
24 CDs. And so the company is primarily an internet
25 distribution of my intellectual materials.

1 Q. And would you refer to the packet in front of
2 you and what is marked as Petitioner's Exhibit No. 6?

3 A. Okay --

4 Q. No, the -- the pack -- this packet, I'm
5 sorry.

6 A. Oh, okay.

7 Q. Uh-huh.

8 A. Yes.

9 Q. And what is the first page of this document?

10 A. Um, this is my background -- my professional
11 background.

12 Q. Okay. And is this something that's published
13 or that anyone could access online?

14 A. Yes, it is.

15 Q. Okay. And referring to page number 3, what
16 is this -- can you identify that?

17 A. Um, this is a -- number 3, is -- it is in my
18 -- my paperwork is the sentencing of Ladean Miscampbell
19 or Sissy Miscampbell.

20 Q. No -- no, I'm sorry, the third page of
21 Exhibit 6.

22 A. Oh, third page of Exhibit 6, sorry. Um, this
23 is a, um, course syllabus -- front page of a brochure
24 of a women's leadership course that I taught -- co-
25 taught with Robin Fisher Roffer who was one of the

1 brand strategists for CNN. So it essentially was, um,
2 taking CEOs or women leaders and helping to cultivate
3 their brand strategy -- their brand and image as
4 professionals.

5 Q. And, um, two pages later in this, what is
6 this entitled "The Global Peace Initiative of Women,"
7 what is this?

8 A. Um, this is an organization that moved out of
9 the Millenia 2000 which was held in New York City. I
10 believe it was convened and funded by Ted Turner.
11 Because there was so little women's representation at
12 that symposium in New York City, a second symposium
13 moved out of that. It was held in Geneva, Switzerland
14 at the United Nations. Um, I was a speaker at that
15 symposium and I was invited as one of the 500 most
16 influential women in the humanitarian and spiritual
17 domain globally. So this is a -- particular thing is a
18 letter to me regarding a -- a new symposium that will
19 be held in Jaipur, India in March of 2008 and would I
20 be willing to join them and participate in the
21 symposium again.

22 Q. And do you intend to?

23 A. Um, very likely, I've just received this a
24 few days ago. I've done quite a bit of work with this
25 group in regions of conflict.

1 Q. And the next pages of photographs, just very
2 quickly what are these photographs from?

3 A. Um, I participated in a humanitarian and, um,
4 peace efforts in the middle east for some nine years.
5 This particular photo is of myself conducting and
6 hosting a peace promise initiative wherein we assembled
7 Arabs, Jews, Christians and so on primarily from the
8 academic and political somewhat from the spiritual
9 domains of the society there. This assembled some 800
10 individuals, 300 of the individuals were
11 representatives from the American Ministerial
12 Association, there's congressmen here from the United
13 States there, ambassadors, um, you know, very
14 influential people for the most part participating.

15 Q. Okay. On the last page of this exhibit --
16 first of all let me ask you some questions. Is it fair
17 to characterize your company as a multi-billion dollar
18 enterprise?

19 A. Correct.

20 Q. And is it part of your philosophy to make
21 philanthropic contributions both nationally, statewide,
22 locally and internationally?

23 A. Absolutely. I have spent the last 20 years
24 of my life as a highly prolific and successful
25 individual and probably donating well over 70 percent

1 of my income to various humanitarian, peace projects
2 and efforts and so forth globally.

3 Q. And the last page, is this a copy of some of
4 your -- or of your philanthropic contributions for 2002
5 throughout 2005?

6 A. Correct, correct.

7 Q. From your own books?

8 A. Correct.

9 Q. Okay. And contributing both nationally and
10 even locally such as the Bigfork school?

11 A. Correct. When I first came up here and I
12 moved here largely for the beauty, the winter sports,
13 the water sports, and so on, and certainly for the real
14 estate values that I thought were very attractive at
15 the time.

16 And in February of 2004 I was invited by the
17 Bigfork Rotary Club to give a keynote address to their
18 assembly on creative fundraising.

19 Um, I come from a family that is very
20 philanthropic in background. Um, my father has worked
21 with Colin Powell to develop the Red Wagon Program
22 which is primarily, um, seated in the southeastern part
23 of the United States right now.

24 Um, my oldest --

25 MS. JOHNSON-GILCHRIST: Okay.

1 THE COURT: I'm not sure -- I'm not sure
2 what I'm listening to --

3 MS. JOHNSON-GILCHRIST: Okay. I will --

4 THE COURT: -- but it doesn't seem to have
5 a lot to do with what we're here for today.

6 MS. JOHNSON-GILCHRIST: All right.

7 THE COURT: I don't care about this lady's
8 credentials.

9 THE COURT: Okay.

10 MS. WEST: Okay.

11 Q. (BY MS. JOHNSON-GILCHRIST) Then just as far
12 as to bring it back to focus Devra --

13 A. Uh-huh.

14 Q. -- um, the allegations that you run a cult or
15 a commune locally in Lakeside, is that accurate?

16 A. I think it's utterly farfetched and I'm --
17 I'm really sorry and embarrassed that such an
18 allegation would even be conceived.

19 Q. Do you have -- do you operate a business
20 headquarters in Lakeside?

21 A. Beautiful office in Lakeside, yes.

22 Q. Do you have any people that live there full
23 time and --

24 A. I have paid employees only, none of whom are
25 direct participants in any of the materials, they

1 simply do their job.

2 Q. Okay. Now it -- there's also allegations
3 that you reside with your son, that your house is being
4 foreclosed on and you're being evicted and --

5 A. Right, I've heard these stories --

6 Q. -- therefore your granddaughter would have no
7 place to live, is that accurate?

8 A. Absolutely not accurate.

9 Q. Okay. And regarding the house in which your
10 son resides --

11 A. Correct.

12 Q. -- and was the marital residence of he and
13 Jamie?

14 A. Correct.

15 Q. Um, approximately -- where is the house
16 located and could you describe it briefly?

17 A. It's located at 525 Political Hill Road in
18 the Peaceful Bay area of Lakeside.

19 Q. And do you reside there?

20 A. No, I do not.

21 Q. And where do you reside?

22 A. 38 Bayview which three lots from that home.

23 Q. Okay. And is this home still -- are you in
24 the process of purchasing the home?

25 A. Um, I'm happy to explain the situation.

1 Q. You don't need to, just are you in the
2 process of purchasing it?

3 A. Yes, it's under a contract, I'm still in
4 provisions of the contract. There was a, um,
5 nondisclosure on well rights, waterfront frontage and
6 an easement that we were in dispute for some two months
7 on the property which delayed our closing.

8 Q. And --

9 A. But I have began with a lease option so my
10 furnishings and everything are in the home and still
11 remain in the home.

12 Q. Okay. And in the home Chris is in, how many
13 bedrooms is it?

14 A. Um, three upstairs and one downstairs.

15 Q. Okay. And is that home going to continue to
16 be available to him to reside in --

17 A. Absolutely.

18 Q. -- along with the children?

19 A. Absolutely.

20 Q. Okay. Is Chris on salary from your company?

21 A. Yes, he is.

22 Q. And what is his annual salary?

23 A. The annual salary is \$50,000 per year.

24 Q. And is he able to perform the work he does
25 for your company from his home?

1 A. Um, yes indeed, he best be doing it though.

2 Q. And is that in fact what he has primarily
3 been doing?

4 A. Yes, he arranges, um, and supervises
5 contractors so that when we're doing property
6 development or property maintenance -- we have, um, a
7 multi-million dollar property presently that he has
8 actually been the manager for -- for probably three or
9 four years. So much of what he does is on the phone
10 and in his home office arranging and supervising
11 building contractors.

12 Q. Is he able to arrange that for the most part
13 around the children's schedule to provide their care
14 while he's at home?

15 A. Um, I don't see why not, I'm sure that he
16 does. It doesn't matter to us how or when he conducts
17 his hours as long he produces the project management.

18 Q. And about how many hours a week does he work?

19 A. I'm estimating between 20 and 30 hours a
20 week.

21 Q. Okay. And, um, regarding the time periods
22 since Chris obtained -- or he and Jamie married a year
23 ago, and -- and after Sasha was born --

24 A. Uh-huh.

25 Q. -- approximately a year ago.

1 A. Correct.

2 Q. Has Chris been involved in daily care of
3 Sasha?

4 A. Oh, absolutely. Um, that's certainly what I
5 witnessed and I know that Jamie did go back to work
6 when the child was about three months old. Jamie tends
7 to, um, be somewhat restless and wants to be out and
8 about quite a bit and so she really has not been in the
9 home with the kind of regularity that you would expect
10 from most young mothers.

11 Q. Who cared for the baby while Jamie was --

12 A. My son did.

13 Q. -- gone.

14 And in your observations of Chris, does he
15 provide appropriate care for your granddaughter?

16 A. I think he's one of the most beautiful
17 fathers and if he wasn't, he would certainly have to
18 answer to me.

19 Q. Do you have other grandchildren?

20 A. Yes, I do. I have five grandchildren.

21 Q. And is there a third party caregiver involved
22 other than Jamie or Chris on a regular basis -- or has
23 there been?

24 A. No.

25 Q. Okay. And regarding the allegations that, on

1 your personal knowledge, what have you observed about
2 any difference in behavior since Jamie went back to
3 work about -- or after Sasha was born? Could you
4 please relate to the Court what you have observed?

5 A. Right. What I observed is irrational
6 behavior, erratic behavior, um, what I would call
7 extreme swings and ups and downs like extremely up and
8 chattery and overtly friendly, and then swings where
9 her -- her speech would be very slowed, incoherent,
10 difficult to understand. She did express to me on
11 three occasions that she had severe anger problems and
12 asked if I would intervene on her behalf. She asked if
13 I would pay for therapy for her. She told me that she
14 really felt as though it was getting out of hand and I
15 did offer to pay for the therapy for her.

16 I think that when the -- when we discovered
17 that the gambling was going on and she was spending
18 less and less time at home is when I really got
19 concerned. And then of course, um, I had the
20 unfortunate experience of my eight-year-old
21 granddaughter complaining to me that Jamie left her in
22 the car with the baby for long periods of time during
23 the gambling episodes and so forth.

24 And then of course there was the instance
25 where my granddaughter was quite upset about, um, drug

1 use that she had witnessed while with Jamie's family
2 members.

3 Q. Have you personally observed Jamie under the
4 influence of alcohol?

5 A. Oh, yes, definitely.

6 Q. Have you personally observed Jamie under the
7 influence of drugs -- or -- or at times you believed
8 she was?

9 A. I would say so. Um, I can smell it on her at
10 times, or again her speech is slow, her thinking is
11 slow. I went to the home not long ago, I think two
12 weeks ago, to pick up the eight-year-old granddaughter
13 for a dental appointment. I arrived at the home at,
14 um, I think it was 9:30 in the morning, the home was
15 smelling of marijuana, she was smelling of marijuana.
16 My granddaughter was still in bed, had not been gotten
17 up or even dressed or anything for the dental
18 appointment even though they'd been informed weeks
19 ahead. So I left the home pretty shaken and really not
20 knowing how to approach this whole thing.

21 And I would say for about three months the
22 family as well as her friends have been discuss --
23 discussing a group drug intervention for Jamie because
24 the entire family as well as her own friends feel as
25 though it's time for intervention and drug rehab.

1 Q. Now, have you observed Chris during the last
2 year since he and Jamie have been married, have you
3 ever observed him to be drunk or what you consider to
4 be under the influence or have a -- a -- use excessive
5 alcohol?

6 A. Well, I certainly observed him use excessive
7 alcohol the evening of his wedding.

8 Q. But other than that.

9 A. Um, no, I haven't.

10 Q. Okay. And that -- and his wedding was
11 approximately one year ago?

12 A. One year ago.

13 Q. Okay. And does Chris, have you ever observed
14 him to be under the influence of drugs?

15 A. No.

16 Q. Non-prescription drugs?

17 A. No.

18 Q. Now, Chris was in an accident some period of
19 time ago -- a car accident, is that accurate?

20 A. Correct.

21 Q. And did -- what -- he receive a prescription
22 for drugs -- or prescription drugs relative to his
23 injuries?

24 A. As far as I know, yes, there was a -- a few
25 different times when he was on painkillers for his

1 injuries.

2 Q. Did you -- have you observed him abusing that
3 in any way?

4 A. No, I haven't.

5 Q. Okay. Is there anything in your knowledge,
6 um, that would give you concern about Sasha remaining
7 with Chris in Chris' care?

8 A. No. Again, I think that he's been an
9 exemplary father. I think the fact that he, um, went
10 through every hoop imaginable in Colorado with his last
11 divorce and child custody, he was under the scrutiny I
12 think of five court-appointed child psychologists,
13 court advocate, special masters and so forth. He
14 passed all of that with flying colors as did I -- I did
15 as well. And every single one of the professionals
16 came to the same conclusion which is why the -- the
17 judge who ruled on the order provided such an extensive
18 order for all future judges to review.

19 Q. And in fact Chris has another child as you're
20 referring to -- your -- another grandchild of yours?

21 A. Correct.

22 Q. And how old is she?

23 A. She is eight-years-old.

24 Q. And her name?

25 A. Her name is Sandra Haywood.

1 Q. And does Sandra reside full-time with Chris?

2 A. Correct.

3 Q. And Chris has had full-time custody of her
4 since she was what age?

5 A. Um, she -- he obtained, um, full-custody in
6 August I believe of 2004 and then it went through
7 another cycle of hearings for a full year and I think
8 it was 2005 that he then moved to -- to Montana by --
9 by the judge's ruling, asked that he be removed from
10 the state so as to reduce the child's contact with the
11 mother.

12 Q. Okay. And regarding Jamie's ability to
13 parent, do you have reasons for concern if the child
14 would be placed with Jamie unsupervised?

15 A. I would almost rather the child be with
16 social services than to be with Jamie Miscampbell
17 during her -- at her -- in her present condition. I'm
18 sorry to say that because I do have a great deal of
19 fondness for Jamie. I'm also someone who believes in a
20 second chance for people and I would really like to see
21 what kind of parenting Jamie would be capable of if
22 indeed she had completed rehab and parenting
23 instruction and so forth.

24 I've been told that she squeezes the child,
25 shakes the child, throws the child on the bed. Um, my

1 son has come to me weeping, literally distraught and
2 upset as a result of not knowing what to do with
3 Jamie's completely unacceptable parenting skills, just
4 absolutely in -- unacceptable. But I would like to see
5 her go through a drug rehab. Um, and it's not my
6 personal interest to remove the child from her
7 permanently. I would really like to see how she does
8 once she has completed a -- a program.

9 Q. Okay. Regarding, um -- again, Chris'
10 employment and the stability, do you believe he has the --
11 and that you have the ability to continue that, um, for
12 the indefinite future?

13 A. Oh, absolutely.

14 Q. Okay. Do you have any intent to move or
15 change your corporate headquarters or leave the
16 Lakeside, Montana area?

17 A. I don't, that's going to be my primary
18 headquarters. If we end up franchising some of our spy
19 enterprises we would have a corporate headquarters in
20 Denver, but my home base will remain in Lakeside.

21 MS. JOHNSON-GILCHRIST: Okay. No further
22 questions, Your Honor.

23 THE COURT: Cross-examine?

24 //

25 //

CROSS-EXAMINATION

1
2 BY MR. MOORE:

3 Q. Are you aware of your son's acts of violence
4 that have been directed against Jamie Miscampbell?

5 A. No, I'm not.

6 Q. You're not?

7 A. No, I'm not.

8 Q. Are -- Were you aware of your son's acts of
9 violence that were directed towards Kendell Strnak?

10 A. Absolutely not, that was fabricated and
11 proven to be so.

12 Q. How about directed towards you? Hasn't your
13 son acted violently towards you in the past?

14 A. He has shouted at me certainly from time to
15 time.

16 Q. Grabbed you by the neck once didn't he?

17 A. Absolute -- absolutely not.

18 Q. Okay.

19 A. Where this farfetched stuff comes from --

20 Q. Did you in fact attack your son one time?

21 A. Absolutely not.

22 Q. Scratch him across his face?

23 A. Absolutely not.

24 Q. Uh-huh. Um, I noticed in the exhibits here
25 there's a piece exerted out of a -- a website and it's

1 entitled "Warning - This Woman is Dangerous," it's
2 about you isn't it?

3 A. That's right, it is.

4 Q. Okay. And you've exerted out one from Jamie,
5 but there are lots of others on that website, aren't
6 there?

7 A. Yes, but they are all fabricated and most of
8 them are fictitious individuals and you might also want
9 to be aware that we have a suit filed against this
10 individual presently.

11 Q. Uh-huh. Well, so there's a lot of fabricated
12 information on that website that says that you're a
13 dangerous woman?

14 A. Very fabricated. The individual you might
15 want to be apprised has been known to create tabloid
16 publications in London and that's one of his past
17 professions as tabloid publications.

18 Q. Why -- why do you suppose they'd go to all
19 that trouble if they didn't believe that?

20 A. Um, because he has a lawsuit for which he's
21 seeking meritless funds.

22 Q. Okay. And in fact you've got --

23 A. He's motivated entirely by financial gain.

24 Q. You've got a number of civil lawsuits pending
25 against you right now, don't you?

1 A. They move out of a nonprofit that I had been
2 a funder for some years, the nonprofit, um, I resigned
3 from some five years ago. I funded them to the tune of
4 probably over twenty thousand -- twenty million dollars
5 in the course of some 15 years.

6 Um, they are presently financially insolve --
7 insolvent because the individuals cannot extract their,
8 you know, alleged funds from the nonprofit. They have
9 gone after me because I'm the one who has the funds.

10 Q. Uh-huh. Okay. So there's one Cause No. DV-
11 07-320(B), Matthew West versus Devra West, Chris
12 Haywood?

13 A. Correct.

14 Q. Okay. And that's a civil suit for \$25,000
15 for non --

16 A. That is for --

17 Q. Hey, let me finish my question.

18 A. Certainly.

19 Q. That had to do with the building of a wrap-
20 around deck on your property?

21 A. Correct.

22 Q. Okay. And that contractor's not been paid
23 for the work he did?

24 A. And he will not be paid either. The work was
25 an absolute debauchery and we have photographs -- and

1 that is also a countersuit has been --

2 Q. Who hired that individual?

3 A. I believe my -- my son, Chris, did.

4 Q. Okay. There's another civil suit DV-07-
5 239(C), Brazda and Life --

6 A. Correct.

7 Q. -- and that's suing you for nonpayment of a
8 note that was -- as I understand it's signed by --

9 A. It was for a note that I had co-signed on.

10 Q. Okay. For \$20,000 --

11 A. Correct.

12 Q. -- and that sum hasn't been paid either, has
13 it?

14 A. I was not informed that the individual had
15 defaulted on that note, I was not informed until I
16 received the petition.

17 Q. Okay. Third one DV-07-271(A), this one has
18 to do with the house that you supposedly were going to
19 buy for in excess of two million dollars, is that
20 correct?

21 A. Correct.

22 Q. Is that the house that you're in right now?

23 A. Correct.

24 Q. In fact this lawsuit says that you're in
25 there against the will of the seller and that you --

1 that you defaulted in the contract and in your
2 agreement to make a down payment, is that correct?

3 A. Um, that's -- information is incorrect and
4 outdated.

5 Q. Okay. So in spite of their demand that you
6 leave the home for non-performance of your contractual
7 agreement with them, you have remained and are
8 requiring them to litigate this lawsuit against you?

9 A. No, absolutely -- that is absolutely
10 incorrect -- incorrect.

11 Q. Have you moved out?

12 A. Excuse me?

13 Q. Did you move out?

14 A. I began -- we moved into the house on a lease
15 option basis, we then determined a sell -- a buy/sell -
16 - a normal buy/sell on the property. Two weeks before
17 the closing on the property we discovered by -- by way
18 of neighbors informing us, that there was a water
19 dispute on a well, that there was also easement
20 disputes of thirty feet easement onto the property that
21 we had not been informed of, and the waterfront footage
22 was less than half of what the real estate sale sheets
23 had said to us. So we then enter -- entered into, I
24 think, four to six weeks of negotiations and we were
25 able to enter into a new buy/sell agreement for a

1 reduction of \$350,000 on the house in exchange for us
2 not suing them for the nondisclosure. At this point we
3 are still in contract, we have a storage contract on my
4 personal belongings in the home and we're still due to
5 close very shortly on the property. So I'm not out of
6 contract on that property, I'm sorry to say.

7 Q. But that lawsuit is still pending against you
8 right now, is it not?

9 A. Not to my knowledge because we -- and we have
10 all this paperwork in right order to provide the Court
11 if they should wish to see it.

12 Q. What is the Circle of Divine Unity?

13 A. Um, it was organization that was founded in
14 the early '90's by the nonprofit that's sponsored my
15 work from time to time.

16 Q. And what did it do? What -- what was it's
17 purpose?

18 A. Well, they were supposed to have sponsored
19 the work which I'm sorry to say did not do such a great
20 job of it.

21 Q. Okay. You were the director of that
22 organization?

23 A. I served on their board of director -- their
24 board of directors for that for some period of time, I
25 think five years or so.

1 Q. Um, do you deny that you had been verbally
2 and physically abusive with your employees?

3 A. I absolutely do deny that.

4 Q. Do you deny that -- that you have a
5 propensity toward violence?

6 A. I certainly do deny that, sir.

7 Q. Isn't it true that there is currently pending
8 against you in Flathead County a misdemeanor assault
9 charge?

10 A. That is true, however, that is associated
11 with a financial dissolution wherein the individual
12 embezzled, misappropriated funds, so he committed fraud
13 and there's a lawsuit -- a counter lawsuit for her as
14 well.

15 Q. And you assaulted that person?

16 A. Absolutely not. No way, no how -- absolutely
17 not.

18 MR. MOORE: I have no further questions of
19 this witness, Your Honor.

20 THE COURT: Redirect?

21 MS. JOHNSON-GILCHRIST: No, Your Honor.
22 Move for admission of Petitioner's 6.

23 THE COURT: Any objection?

24 MS. JOHNSON-GILCHRIST: -- for rebuttal
25 purposes.

1 THE COURT: -- to her Petitioner's 6?

2 MR. MOORE: Pardon?

3 THE COURT: Any objection to the admission
4 of Petitioner's 6?

5 MR. MOORE: I'm sorry I'm still not
6 hearing.

7 THE COURT: They have moved to admit No. 6
8 of their exhibits, any objection?

9 MR. MOORE: Um, well, I guess I'd object
10 on the basis of relevance. I don't see how any of
11 Exhibit No. 6 is relevant to what the Court is
12 considering.

13 THE COURT: I'll admit it.

14 MR. MOORE: Okay.

15 THE COURT: I -- I do think that it does
16 not have much relevance.

17 EXHIBITS

18 (Petitioner's Exhibit No. 6 admitted into
19 evidence.)

20 EXAMINATION

21 BY THE COURT:

22 Q. Ms. West, you stated that you went to pick
23 the child up -- the nine-year-old child up for -- to go
24 to the dentist at 9:30?

25 A. Correct.

1 Q. Where was Mr. Haywood?

2 A. He was at work.

3 Q. Where? I thought you said --

4 A. At my office location.

5 Q. Where is your office location?

6 A. In Lakeside.

7 Q. Where in Lakeside?

8 A. At the Village Commons commercial complex

9 behind the Ace Hardware store.

10 Q. And you rent office space there?

11 A. Correct, a three thousand square foot office
12 suite.

13 Q. Okay. The 50 -- 525 Political Hill is the --
14 the home that's involved in the lawsuit, correct?

15 A. No, the home is not involved in the -- in the --
16 I'm -- I'm unclear what -- which -- there's two
17 properties in Lakeside, one is 38 Bayview --

18 Q. Which is the one that -- that this Court was
19 involved with, did a writ of possession, and the people
20 allowed you to stay in that house, the two point some
21 million dollar --

22 A. That one is 38 Bayview --

23 Q. That's 38 Bayview.

24 A. That's my home.

25 Q. Okay.

1 A. The home that my son resides in is 525
2 Political Hill.

3 Q. And -- and that home is owned by whom?

4 A. Sanctuary Enterprises, my real estate L.L.C.

5 Q. So when you say that at 9:30 when you show --
6 show up to go to the dentist, the house smelled like
7 marijuana, correct?

8 A. Correct.

9 Q. And so that would have been from when your
10 son was there also?

11 A. No, he was not there. It was when the mother
12 was still in her pajamas and so forth and I -- I don't
13 think it was uncommon for Jamie to be inebriated or
14 high or whatever on marijuana early in the morning. I --
15 it was very easy to tell when she was because her
16 speech would slow and she would become far less alert
17 and somewhat incoherent.

18 Q. You don't have any hint that maybe your son
19 was using marijuana in the morning also before he went
20 to work?

21 A. Well, I -- absolutely not, he would not have
22 been able to perform his job I don't think if that had
23 been the case.

24 THE COURT: You may step down.

25 MR. NEILL: Petitioner calls Jeff Loflin.

1 MS. JOHNSON-GILCHRIST: And, Your Honor,
2 we have three short witnesses, then Chris Haywood.
3 Thereupon,

4 JEFF LOFLIN,

5 a witness of lawful age, having been first duly sworn
6 to tell the truth, the whole truth and nothing but the
7 truth, testified upon his oath as follows:

8 DIRECT EXAMINATION

9 BY MR. NEILL:

10 Q. Please state your name and address, and spell
11 your last name?

12 A. Jeff Loflin, L-O-F-L-I-N, 21302 East Shore
13 Route, Bigfork.

14 Q. You were given a subpoena to appear here
15 today, correct?

16 A. Yes.

17 Q. Do you know Chris and Jamie Haywood?

18 A. Yes.

19 Q. How do you know them?

20 A. Um, when I moved up to Montana I met them at
21 a restaurant and we've been friends ever since. Come
22 to see me. We both have back injuries and I was on
23 disability and we kind of just became friends that way.

24 Q. How long have you known Chris and Jamie?

25 A. I'd say three years -- about three or four

1 years.

2 Q. Okay. Do you interact with them socially?

3 A. Yeah.

4 Q. How often?

5 A. Well, Che comes over -- Che and Jamie were
6 coming over having barbecues at my house. Um, I've got
7 a child now, so we just kind of get together and have
8 barbecues and --

9 Q. By Che you mean Chris, right?

10 A. Yes.

11 Q. Che is a nickname for Chris?

12 A. Yes.

13 Q. Okay. And have you seen Chris and Jamie
14 interact with Sandra and Sasha?

15 A. Yes.

16 Q. Okay. And what's your opinion of their
17 parenting ability?

18 A. I think they're fantastic parents.

19 Q. Okay. And have you ever seen either Chris or
20 Jamie drink alcohol?

21 A. Yes.

22 Q. Okay. Um, have you ever seen Chris drink to
23 excess in your presence?

24 A. No.

25 Q. Okay. How often do you have beers or hang

1 out and drink with Chris?

2 A. Um, I don't know, not very much anymore now
3 that I have a child. Um, kind of doing the family
4 thing so --

5 Q. Have you ever been in Jamie's presence when
6 you guys are drinking?

7 A. Yes.

8 Q. Have you ever seen her drink too much in your
9 opinion?

10 A. Not necessarily.

11 Q. Okay. Have you ever seen her drink to
12 excess?

13 A. Drink to -- excuse me?

14 Q. Have you ever -- have you ever seen Jamie
15 drink too much?

16 A. No.

17 Q. Okay. You aware of Chris and Jamie ever
18 getting into any -- any altercations when they're
19 drinking?

20 A. I've heard them argue, yeah. I'm not quite
21 sure what starts it, if it might be alcohol involved.
22 Um, I'd say it seems kind of petty if they argue.

23 Q. Okay.

24 A. Um, hearsay arguments.

25 Q. Have -- have you ever observed Chris try to

1 prevent Jamie from drinking any more?

2 A. Um, I've heard him say "it's time to go,"
3 maybe she's had a drink too many, might get to arguing
4 or --

5 Q. Okay.

6 A. -- maybe an attitude might spark and time to
7 go.

8 Q. Okay. Have you ever seen -- have you ever
9 seen Jamie try and stop Chris from drinking any more?

10 A. No.

11 Q. Do you have any reason to think that Chris
12 can't provide good parenting care for Sasha?

13 A. Oh, I've seen him, he's great.

14 Q. Okay.

15 A. Um, I spent the summer with them pretty much
16 when I was on disability. Got her up to school, um,
17 made sure she was happy and she needed everything she
18 needed. Chris is a great father.

19 MR. NEILL: No more questions, Your Honor.

20 MR. LOFLIN: Okay.

21 MR. MOORE: I have no questions of this
22 witness.

23 THE COURT: You may step down.

24 MR. NEILL: Petitioner calls Robin Lego.

25 //

1 Thereupon,

2 ROBIN LEGO,

3 a witness of lawful age, having been first duly sworn
4 to tell the truth, the whole truth and nothing but the
5 truth, testified upon her oath as follows:

6 DIRECT EXAMINATION

7 BY MR. NEILL:

8 Q. Please state your name and address, and spell
9 your last name.

10 A. Robin K. Lego, L-E-G-O, 118 Crestline Court,
11 Bigfork, Montana 59911.

12 Q. Okay. Were you give a subpoena to appear
13 here today?

14 A. Uh-huh -- yes.

15 Q. Do you know Jamie Haywood?

16 A. Yes.

17 Q. How do you know her?

18 A. She's a friend through mutual friends.

19 Q. Okay. Were you -- you were in fact a
20 bridesmaid in her wedding, correct?

21 A. It was actually -- yes.

22 Q. Okay. And have you interacted with her
23 socially?

24 A. Uh-huh.

25 Q. On a fairly regular basis?

1 A. Yeah.

2 Q. How often do you interact with her?

3 A. Um, see her maybe every few weeks.

4 Q. Okay. Have you ever seen -- been with Jamie
5 when she drinks?

6 A. Uh-huh.

7 Q. Okay. Have you ever seen her drink too much?

8 A. Uh-huh.

9 Q. How often have you witnessed that?

10 A. Um, actually the last time I was with her --
11 or the time before that, sorry, she was -- had been
12 drinking too much, and she ended up driving me home and
13 I ended up calling Che and telling him that if she
14 wasn't home by a certain time to be worried 'cause I
15 thought she had too much.

16 Q. Okay. When was this?

17 A. Around May 12th.

18 Q. Okay. Um, on that night were -- was there
19 anybody else in the car at that time?

20 A. No.

21 Q. Okay. Have you seen Jamie drink and drive
22 any other times?

23 A. Yes.

24 Q. How often?

25 A. Um, maybe once or twice before.

1 Q. Okay. Has she ever done that with her kids
2 in the car?

3 A. Yes.

4 Q. Okay. Did you witness that?

5 A. Yes.

6 Q. Okay. When was that?

7 A. Um, around May 12th, that day I spent with
8 her, she had Sasha in the car. She was waiting to pick
9 Sandra up, so we went there. And she had Sasha in the
10 car and she had been drinking and then they went and
11 picked Sandra up -- the friends of hers and we drove
12 back to the boat and she had Sasha with her the whole
13 time.

14 Q. Okay. Have you ever seen Jamie use any
15 drugs?

16 A. Yes.

17 Q. Okay. How often?

18 A. Very frequently.

19 Q. How frequently?

20 A. On a daily basis whenever I've been with her.

21 Q. Do you know what kind of drugs?

22 A. Marijuana.

23 Q. Okay. And does she -- you testified that she
24 uses marijuana every time you see her?

25 A. Yes.

1 Q. Have you ever seen Jamie gamble?

2 A. Yes.

3 Q. How often?

4 A. Every time we've ever gone to a bar to
5 socialize or anything, she's usually on the machines.

6 Q. Okay. In your opinion does -- does she
7 gamble in excess?

8 A. Yeah. There's a point when you can quit,
9 when you realize you've lost too much.

10 Q. Okay. Since you've known Jamie, has there
11 ever been a -- been a period when she stopped drinking
12 regularly?

13 A. While she was pregnant.

14 Q. Okay. You never saw her drink when she was
15 pregnant?

16 A. (Shook head).

17 Q. Okay. Did she, um, -- has she ever -- has
18 there ever been a period when she stopped using
19 marijuana?

20 A. No.

21 Q. Did she use marijuana when she was pregnant
22 to your knowledge?

23 A. Yes.

24 Q. And you witnessed her do that?

25 A. Yes.

1 Q. Okay. In your opinion does Jamie have any
2 anger or violence problems?

3 A. Yes.

4 Q. Ex -- explain the basis for that?

5 A. She, um, tends to lash out for no reason at,
6 um, Che or Sandra. She gets upset at her mom. She
7 just -- she seems very angry a lot, very upset.

8 Q. Okay. And you were a bridesmaid in her
9 wedding, is it safe to say you consider yourself a good
10 friend of Jamie's?

11 A. Yep.

12 Q. Do you have concerns about her well-being?

13 A. Yes.

14 Q. And do you -- would you like to help Jamie
15 with any problems she may have?

16 A. Absolutely.

17 Q. Okay. And if she asked, would you be willing
18 to help her with any of those problems?

19 A. Absolutely.

20 MR. NEILL: Okay. No more questions, Your
21 Honor.

22 THE COURT: Cross-examine?

23 CROSS-EXAMINATION

24 BY MR. MOORE:

25 Q. Are you familiar with Chris as well?

1 A. Uh-huh.

2 Q. Have you drank with Chris as well?

3 A. Uh-huh.

4 Q. Chris smoked as well?

5 A. I've only seen him do it once.

6 Q. So you have seen him use marijuana though?

7 A. Yeah.

8 Q. Okay. Have you seen him intoxicated?

9 A. Yeah, I've seen him intoxicated once but we
10 went and picked him up, he didn't drive.

11 Q. Um, who drove?

12 A. My boyfriend, Sean.

13 MR. MOORE: I have no further questions of
14 this witness, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. NEILL:

17 Q. Robin, when did you see Chris smoke
18 marijuana?

19 A. Oh, God -- it was a very long time ago --
20 last summer when we were on the boat.

21 MR. NEILL: No more questions, Your Honor.

22 THE COURT: You may step down.

23 MS. LEGO: Thank you.

24 MR. NEILL: The Petitioner calls Geoff
25 Reynolds.

1 Thereupon,

2 GEOFFREY REYNOLDS,

3 a witness of lawful age, having been first duly sworn
4 to tell the truth, the whole truth and nothing but the
5 truth, testified upon his oath as follows:

6 DIRECT EXAMINATION

7 BY MR. NEILL:

8 Q. Please state and spell your name for the
9 record, please?

10 A. It's Geoffrey Reynolds and that's
11 G-E-O-F-F-R-E-Y, and Reynolds, R-E-Y-N-O-L-D-S.

12 Q. Were you given a subpoena to appear here
13 today?

14 A. Yes, sir, I did.

15 Q. Would you please state your occupation and
16 place of employment?

17 A. I am the financial manager for Surya
18 Enterprises Unlimited in Lakeside.

19 Q. Okay. What is Surya Enterprises?

20 A. It is a production company that produces
21 audio CDs and sells them to the general public as well
22 as a start up for a health and healing spa.

23 Q. Okay. And who owns that company?

24 A. Devra West does.

25 Q. Okay. How long have you been working for

1 that company?

2 A. Since September of 2006.

3 Q. Okay. What's your -- briefly, what's your
4 education and training?

5 A. I am -- I've got a degree in accounting and
6 computers from Cal-Poly in California, a CPA from
7 California and have been working for a CPA firm -- I
8 was a partner for 15 years before I went out on my own
9 into individual companies -- start up companies.

10 Q. Okay. Do you know Chris Haywood?

11 A. Yes, I do.

12 Q. Okay. How do you know him?

13 A. Well, he's the son of my -- my boss and he
14 works for us at the company. And his daughter and my
15 daughter go to school together. So we've gotten to
16 know each other through the kids' association.

17 Q. Okay. By his daughter, you mean Sandra, his
18 eight-year-old?

19 A. Sandra, correct, the older daughter.

20 Q. Okay. How long have you known Chris?

21 A. Well, I've known Chris since September when I
22 first got here, but I've really gotten to know Chris
23 since about January.

24 Q. Okay.

25 A. That's when our kids got together.

1 Q. Okay. And from your observations is -- is
2 Chris a good father?

3 A. Every time I have been with Chris and been
4 with the children together, Chris has been an
5 exceptional father. He's been very understanding. He --
6 he handles the children very well and they listen to
7 him and obey him. And he's, you know, like I said he's
8 been a very good father with me -- I'd have no problem
9 leaving my children with him.

10 Q. Okay. Um, is -- is Sandra fairly well
11 behaved to your -- in your opinion?

12 A. My wife made a comment, she said "I wish my
13 daughter behaved as well as Sandra does."

14 Q. Okay. Um, do you know Jamie Haywood?

15 A. Not really, I do know her. She came to work
16 for us for a short period of time, so --

17 Q. Okay. You know that she's Chris' wife,
18 correct?

19 A. Yes.

20 Q. Okay. Um, you mentioned she -- she came to
21 work for you, can you explain when that was?

22 A. She came to work for us at the end of
23 February -- the 23rd of February as a consultant to do
24 cleaning in the office. Um, she worked for us on and
25 off for about three weeks. She'd show up for work --

1 or she'd show up late. Um, sometimes she'd call,
2 sometimes she wouldn't, so it was about three weeks --
3 and then there was no formal termination but she quit
4 coming and I quit calling, so --

5 Q. Okay. So you said -- so it was about three
6 weeks that she worked?

7 A. Yeah, three or four weeks, I'm not exactly
8 sure of the timeframe --

9 Q. Okay.

10 A. -- because it was -- we were busy doing a lot
11 of things at that point.

12 Q. Okay. And did you -- you say she wasn't
13 officially terminated, you just -- can you --

14 A. Well, we didn't -- you know, I'm -- I'm --
15 she's the wife of the owner's son, so she came into
16 work for us. She was supposed to be doing office
17 cleaning. I didn't enforce the rules on her like I
18 would a normal employee. If she'd been a normal
19 employee, I probably would have fired her after two
20 weeks.

21 Q. Okay. Have you ever interacted with Jamie
22 socially outside of work?

23 A. No, not really. Just a couple of times I've
24 run into her at the house when I was over to -- to meet
25 Devra for some reason.

1 Q. Okay. Um, have you -- outside of work have
2 you seen anything that would raise questions about her
3 parenting ability at all?

4 A. I have no -- no way to judge that. I did --
5 like I said I never really interfaced with her outside
6 of work.

7 MR. NEILL: Okay. No more questions.

8 THE COURT: Cross-examine?

9 MR. MOORE: I have no questions.

10 THE COURT: You may step down.

11 MS. JOHNSON-GILCHRIST: And Petitioner's
12 next witness will be Chris Haywood.

13 Thereupon,

14 CHRIS HAYWOOD,

15 a witness of lawful age, having been first duly sworn
16 to tell the truth, the whole truth and nothing but the
17 truth, testified upon his oath as follows:

18 DIRECT EXAMINATION

19 BY MS. JOHNSON-GILCHRIST:

20 Q. And would you state your name for the record,
21 please?

22 A. Chris William Haywood.

23 Q. And you're the -- you're the Petitioner in
24 this matter?

25 A. Yes, ma'am.