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FIFTH DISTRICT COURT - ST. GEORGE  
WASHINGTON COUNTY, STATE OF UTAH

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	)	
DANIEL L. JOHNSON,	)	
	)	
Petitioner,	)	Case No. 244500263 DA
	)	
vs.	)	Transcript of:
	)	
JULIE L. ISAACSON,	)	<u>MOTION HEARING</u>
	)	
Respondent.	)	
_____	)	

BEFORE THE HONORABLE ERIC GENTRY

ST. GEORGE COURTHOUSE  
206 WEST TABERNACLE  
ST. GEORGE, UTAH 84770

SEPTEMBER 24, 2024

TRANSCRIBED BY: ZACHARY WAY, CCT  
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A P P E A R A N C E S

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P R O C E E D I N G S

(September 24, 2024, St. George, Utah.)

THE COURT: All right, let's go to the last remaining item on the 9:30 calendar, which is Isaacson and Johnson matter.

MR. REECE: Good morning, Your Honor.

THE COURT: Good morning. Let's take up this one again. Several things pending in this matter as well.

MR. REECE: I think there are really only two things pending.

THE COURT: Okay.

MR. REECE: There's the motion to extend discovery, fact discovery. And then there's a statement of discovery issues that's pending. They filed several objections to subpoenas, which the objection was that the fact discovery had closed. So if we can address that issue first, frankly, I think that would resolve a lot of the other issues.

THE COURT: The motion to extend discovery?

MR. REECE: Yes. That would be my preference to do that, and then do the statement of discovery issues.

THE COURT: Okay.

1           MR. REECE: But I'll do whatever the Court  
2 would like to do.

3           THE COURT: Well, all right. What makes  
4 the most sense to you, Mr. Winward. Take up the  
5 expedited motion -- or the extension motion first.

6           MR. BRINDLEY: Mr. Brindley.

7           THE COURT: Oh, it's been a long morning.  
8 I apologize. I know who you are, Mr. Brindley.

9           MR. BRINDLEY: I'll take that as a  
10 compliment. A very handsome fellow, Mr. Winward.

11          THE COURT: Depends on which one you're  
12 talking about.

13          MR. BRINDLEY: Good point. Your Honor --

14          THE COURT: Don't tell Judge Winward I  
15 said that.

16          MR. REECE: Well, he may have assumed it  
17 was his father.

18          THE COURT: Oh, I agree. I'm not going to  
19 say. Mr. Brindley.

20          MR. BRINDLEY: As far as procedure today,  
21 that's fine. I think those are the two primary issues  
22 that need to be addressed. Our obvious concern is the  
23 needless delay in all of this in resolving what should  
24 be conceptually a very simple case. I've repeated,  
25 obviously repeatedly, in what I've been filing, when

1 you're married, no kids, like I can do math. It  
2 shouldn't be that hard to put people back where they  
3 were and let them get on their way.

4 THE COURT: Right.

5 MR. BRINDLEY: And so that's why we  
6 opposed the extension to discovery. It's like, you  
7 didn't do any discovery during the time that it was  
8 allowed under the discovery issues. And anyway, it's  
9 his motion to let him argue.

10 THE COURT: Mr. Brindley, let me just ask  
11 you this question. Your opposition to the subpoenas  
12 is only based on the fact that they came after the  
13 discovery was closed; is that correct?

14 MR. BRINDLEY: Correct. I have a concern  
15 regarding the scope of them, which Mr. Reece adjusted.

16 THE COURT: Okay.

17 MR. BRINDLEY: And then I just did --

18 THE COURT: Do you have any -- let me just  
19 cut to the chase. Let me just kind of cut to the  
20 chase and tell you what I'm thinking. Do you have any  
21 opposition to the information that he's seeking in the  
22 subpoenas?

23 MR. BRINDLEY: No. We've already  
24 provided, we feel like extensive amount of  
25 information. I brought this to show the Court. I was

1 going to read the entire binder.

2 THE COURT: Oh, well, go ahead.

3 MR. BRINDLEY: In the interest of time --

4 THE COURT: Yeah.

5 MR. BRINDLEY: -- I'll just refer to it.

6 Yeah, if he wants to look at more bank statements,

7 that's fine.

8 THE COURT: Okay. So your opposition is  
9 not to the content of the subpoenas, just the timing  
10 of the subpoenas.

11 MR. BRINDLEY: Yes.

12 THE COURT: All right. My inclination is  
13 not to grant an extension of the discovery period, but  
14 to allow the subpoenas. That's kind of what I'm  
15 thinking.

16 MR. REECE: Can I address that?

17 THE COURT: What's that?

18 MR. REECE: May I address that?

19 THE COURT: Yeah, yeah. I just want to  
20 give you kind of a heads up on what I'm thinking.

21 MR. REECE: Sure. Just to dispel some of  
22 the things that have been said there. We spent --  
23 there's three months on these short discovery issues  
24 with divorces, and he says this is a simple divorce  
25 case. The lot, the home, was purchased by my client

1 prior to the marriage. So if it's a simple divorce  
2 case, and he wants just to give everyone back to where  
3 they were prior to this divorce starting, then she  
4 should take the house and go and whatever. She -- he  
5 wants to have part of the house. That's why we're  
6 here. So it's not a simple divorce case. We're  
7 involving \$2 million in this matter. This is kind of  
8 involved this case. I want to focus on two things for  
9 my discovery. One, he's given me, and he's got a  
10 show-and-tell, you know, binder of all the exhibits  
11 he's given to us, and I confess we've received that  
12 information. And I have, for example, the invoices,  
13 the checks on building the home. I've got that from  
14 him. I don't know that I have all of it, but I want  
15 to -- I think I have most of that. What I don't have  
16 is the income information that relates to that  
17 funding. By that I mean I don't have -- he's paid all  
18 of that from his personal account. The personal  
19 account was funded by at least two sources. One is  
20 maybe some premarital money, which we don't know.  
21 We've not produced that. He's not produced that to  
22 me. And two is labor from his work. He's got paid  
23 there, and his payroll goes into that account. His  
24 payroll is pretty significant. It's about \$34,000 a  
25 month from what we've been able to determine. And we



1 believe that a lot of that money, if not all of that  
2 money, went into his building this home. Our position  
3 is that the home is a marital joint asset. We bought  
4 the lot. We had the credit. He did not have the  
5 credit. We bought the lot prior to the marriage.  
6 They designed the home together. As a -- I'm sure the  
7 Court's read the court's file on this thing. But  
8 there's a contract for obligating my client to pay  
9 \$1.73 million to build the home on this property.  
10 That contract also has an identification provision.  
11 It's Walton Construction. They had a great  
12 judge/attorney who prepared and helped them with the  
13 contract, I'm assuming. And that identification  
14 provision requires that the owners, including my  
15 client, identify the contractor from any kind of a  
16 claim that relates to this house without any kind of  
17 limitations period by any -- that is made by any party  
18 that's related to the construction of the home or any  
19 settling or any other issues. She's on the hook for  
20 the home in perpetuity, essentially. And our position  
21 is that the home, again, they both put marital money  
22 into this home. They both jointly designed and built  
23 the home. It ought to be a joint asset and split  
24 equally between the parties, just like any other joint  
25 asset would be.

1           THE COURT:   Okay.   So but let me just --  
2   what information are you missing?

3           MR. REECE:   I don't know.   Well, I don't  
4   know what all his income is.   I don't know where it's  
5   all been coming from.   He's given me a short window,  
6   three months, of his bank statements and says that's  
7   all my income.   But we know that's not the case.  
8   We've got evidence that that isn't the case.

9           THE COURT:   So what are you looking for?

10          MR. REECE:   So I'm looking for his K-1s.  
11   I've got, for example --

12          THE COURT:   And my understanding is those  
13   hadn't been -- the tax returns hadn't been prepared  
14   yet.   Is that still the case?

15          MR. BRINDLEY:   That's correct.   When I got  
16   the K-1s for those two businesses, they were  
17   immediately provided.   The taxes still have not been  
18   completed.

19          THE COURT:   So the K-1s have been  
20   provided.

21          MR. REECE:   Not all K-1s.   There's  
22   multiple businesses that are involved here.   We don't  
23   have all the K-1s.   That's why they're not giving us  
24   the tax returns.

25          THE COURT:   Okay.   So what about that,

1 Mr. Brindley? Are there more businesses out there  
2 that --

3 MR. BRINDLEY: Not that are functioning.

4 MR. REECE: There's a trust. There's  
5 his --

6 THE COURT: Okay.

7 MR. REECE: -- separate claimed trust.

8 THE COURT: And is there something in it?

9 MR. REECE: Yeah, and a lot of his money  
10 goes in there, and it comes out of there.

11 THE COURT: Okay. So what about that,  
12 Mr. Brindley?

13 MR. BRINDLEY: I suppose we could take  
14 evidence on this. Here's my concern, Your Honor.  
15 When you're talking about a statement of discovery  
16 issues, first of all, what's required? An initial  
17 disclosure in a financial declaration is three months  
18 of statements.

19 THE COURT: Right.

20 MR. BRINDLEY: If you want more than that,  
21 what do you do? You do discovery. And you do it  
22 during the discovery period. You don't wait until  
23 after the discovery period to bring it out. That's my  
24 biggest concern about all of this, is if you think you  
25 needed more than -- and by the way, he's given more

1 than a year's worth of his statements.

2 THE COURT: Okay.

3 MR. BRINDLEY: He's shown all of his  
4 investment in his statements.

5 THE COURT: That's what I'm trying to get  
6 at, Mr. Brindley.

7 MR. BRINDLEY: Yeah. And so --

8 THE COURT: I'm not inclined to extend the  
9 discovery period.

10 MR. REECE: Well, if I may --

11 THE COURT: But I'm inclined to allow the  
12 subpoenas. And if Mr. Brindley has not complied with  
13 the initial disclosures, obviously he needs to do so.  
14 But that's what I'm inclined to do with this case.

15 MR. REECE: Okay. Again, we're talking a  
16 \$2 million asset here that we're trying to --

17 THE COURT: I understand that.

18 MR. REECE: Okay.

19 THE COURT: The parties also stood before  
20 me like three months ago and said this is a very --  
21 both sides said this is a very simple case, and that's  
22 why you should give us a bifurcation. We're going to  
23 mediate. We're going to resolve this thing in two  
24 months. We're going to be done.

25 MR. REECE: Yeah. And --

1           THE COURT: And now we're coming back  
2 saying this is a very complicated matter. We need  
3 extensive discovery, and we can't talk that out of  
4 both sides of our mouths.

5           MR. REECE: We were not the ones who were  
6 asking for the bifurcation.

7           THE COURT: Both parties stood there and  
8 begged me to do the bifurcation when I said I wasn't  
9 willing to do it because both sides said this is a  
10 simple matter. No one's interested in fighting about  
11 this. We're going to resolve it.

12          MR. REECE: Well, we --

13          THE COURT: I was hesitant to do the  
14 bifurcation.

15          MR. REECE: Okay.

16          THE COURT: In fact, I said I wasn't going  
17 to do the bifurcation until the parties stood up and  
18 told me this was going to resolve quickly.

19          MR. REECE: If I may, Your Honor, just in  
20 all due respect, typically the judges will grant a  
21 bifurcation here. My client didn't want to do the  
22 bifurcation. I wasn't here at that hearing that the  
23 bifurcation took place. I advised her judges in this  
24 district uniformly grant bifurcations all the time,  
25 and that to oppose it would cost her money without a

1 better result. We have never backed down from our  
2 claim that that home was a marital asset. And --

3 THE COURT: Okay.

4 MR. REECE: And during this period of  
5 discovery, we spend -- we've had several meet and  
6 confers with Mr. Brindley trying to get the  
7 information I'm talking about here today. He's  
8 supplemented his information past the fact discovery  
9 cutoff. I am just saying I can't guarantee that the  
10 account information I'm looking for is going to have  
11 everything I have, I need. We have depositions that  
12 are going to be scheduled here as soon as this issue  
13 is resolved. There may be things that come up during  
14 the depositions that I need to have some discovery on.

15 THE COURT: So why wasn't this done during  
16 the period of --

17 MR. REECE: Cause you can't --

18 THE COURT: -- discovery?

19 MR. REECE: Well. Okay. Let me answer  
20 your question. During that three month period, we  
21 spent two months working back and forth with  
22 Mr. Brindley trying to get information from him to get  
23 complete disclosures. He didn't provide us complete  
24 disclosures.

25 MR. BRINDLEY: I object to that, Your

1 Honor. We have everything required by --

2 MR. REECE: Let me finish my thought.

3 MR. BRINDLEY: -- Rule 26.1 has been  
4 provided, plus --

5 MR. REECE: Let me just finish that  
6 thought. It wasn't provided that would be required.  
7 All the bank statements, for example, that predate  
8 three months prior to filing the petition, we still  
9 don't have. He gave us two months of bank statements,  
10 but not the ones that are required in the initial  
11 disclosures. We don't have the information that we  
12 need to have. That's the bottom line. And I can't  
13 guarantee to this Court that those subpoenas I sent  
14 are going to provide the information I need to have.  
15 I need to be able to vet them. I need to be able to  
16 see what responses I get from them. It's not  
17 unreasonable for the size of a case to come and go  
18 back. I'm not asking for six months of discovery like  
19 you would have on a Tier 3 case or a Tier 2 case.  
20 Give me four months. Give me 120 days. I want a zero  
21 win on his income issues that relate to what money  
22 went into that home and how that money was commingled.  
23 And I want a zero win on how that home was constructed  
24 and where the money came from for that home. That's  
25 really those two issues. It's really one issue. I

1 want that information. I need that information.

2 That's the purpose of the depositions that we're  
3 asking for.

4 THE COURT: And are you just speculating  
5 that information exists, but you just don't have it?  
6 So you're just speculating that it might exist, but  
7 you don't have any evidence that it exists? You're  
8 just saying if it exists, it needs to be --

9 MR. REECE: Absolutely not speculating,  
10 Your Honor. They built the home. The home's been  
11 funded. Question is --

12 THE COURT: Okay. So what documents  
13 related to the home do you not have?

14 MR. REECE: I don't have -- the money for  
15 the construction of the home came from his personal  
16 account.

17 THE COURT: Okay.

18 MR. REECE: What money was deposited in  
19 that personal account, I don't know. There was money  
20 coming from his iGlobal employer. The pay put into  
21 that account, \$34,000 a month. That's marital money.  
22 That's money that was earned during the marriage.  
23 There's money from premarital property that he's  
24 claiming he wants to have separate. Really, the  
25 burden is on him to prove that. He hasn't been able



1 to do that. I should just say, close the discovery  
2 maybe, do it to trial, and then there's no evidence to  
3 have that that money as separate. That's the fact of  
4 it. But answering your question, I want to know where  
5 that money came that funded the personal account that  
6 then funded the construction of the home. It's a  
7 simple question. I've been asked for that informally.  
8 True, we were exchanging information. We were meeting  
9 informally for statements of discovery issues or for  
10 meet and confers. And I've asked that, Mr. Brindley,  
11 by text and by phone call as well, personally. I  
12 haven't got it to date. I need to have that. I  
13 simply cannot guarantee that the subpoenas I've sent  
14 to this date, because again, I don't have all the  
15 information to know whether I'm subpoenaing what I  
16 need to subpoena. I can't guarantee that's going to  
17 give me all that I need to have here. Now, maybe it  
18 will, and then I have no objection to the court's  
19 order. But I will have some follow-up, I'm guessing.  
20 This is some speculation that after I depose him,  
21 there may be some information I need to have still.

22 THE COURT: There's always follow-up --

23 MR. REECE: Sure.

24 THE COURT: -- that you can do. Always.

25 You could do follow-up for years and years.

1 MR. REECE: I'm not asking for that.

2 THE COURT: But at some point, there's  
3 deadlines.

4 MR. REECE: I'm not asking for that. We  
5 filed our motion to extend discovery prior to the  
6 close of fact discovery. Again, a three month shot  
7 here where it's somewhat disingenuous to say we should  
8 have done it during that three month period where we  
9 were trying to be cooperative and be professional and  
10 civil with Counsel and do this on a cheap way to try  
11 to get some information. My client shouldn't be  
12 penalized because we try to be a gentleman about this  
13 matter, how it's proceeded. We need this information  
14 in order to address this issue for the court and  
15 present this for trial, and we're asking for 120 days.  
16 I'm not asking for the full amount of time if this is  
17 a Tier 2 or a Tier 3 case.

18 THE COURT: Okay.

19 MR. REECE: It's pretty straightforward.  
20 Give me 120 days to get this information, to finish  
21 up, to take his deposition, and then we'll know  
22 whether or not there's any claim that he has for  
23 premarital property in this home. She put a ton of  
24 her own premarital property in this home.

25 THE COURT: Yeah, I know. It just

1 seems -- well, never mind. I'm not going to  
2 bifurcate.

3 MR. BRINDLEY: She hasn't put any of her  
4 premarital property in the home other than to make a  
5 monthly payment on a lot home.

6 MR. REECE: That just isn't true.

7 MR. BRINDLEY: \$100,000 can be remain  
8 separate money.

9 THE COURT: Yeah, I'm not going to give  
10 him to bifurcate.

11 MR. BRINDLEY: I'm glad he said this. He  
12 says that he wants to buy a lot, my client to pay \$2  
13 million to build a home, and award it to her. That's  
14 really what this is about. I have argued with  
15 Mr. Reece. I've shown him the case law. We can show  
16 every dollar. I've given him every receipt. I've  
17 shown him where all the money's come from. He wants  
18 to try to make this more than it is. We simply should  
19 have been in mediation by now. The parties each  
20 should get the money back that they put into it, and  
21 they should just go their separate way. There's  
22 allegations of infidelity that we have absolutely  
23 denied. The --

24 THE COURT: And the Court's not interested  
25 in infidelity. I'm not going to even consider fault

1 in the case. So it's a year-long case, I'm not  
2 considering fault.

3 MR. BRINDLEY: As I sit here, I still  
4 don't understand what we haven't produced that's  
5 required. We have produced far more statements, far  
6 more documents than initial disclosures require. I  
7 think we've produced everything that shows how the  
8 home was funded and what it was paid for.

9 THE COURT: With the exception of the tax  
10 return.

11 MR. BRINDLEY: Well, the tax return -- I  
12 can't produce --

13 MR. REECE: The tax return and also how  
14 that account was funded.

15 MR. BRINDLEY: I can't --

16 MR. JOHNSON: We've given all of that.

17 MR. BRINDLEY: Yeah, we have given all of  
18 that. I can't produce a document that doesn't exist.  
19 In other words, if there's a tax return for 2023 --

20 THE COURT: Right.

21 MR. BRINDLEY: -- that hasn't been  
22 filed --

23 THE COURT: Right.

24 MR. BRINDLEY: -- I can't provide that.

25 THE COURT: But once it's produced, it

1 should be --

2 MR. BRINDLEY: Sure.

3 THE COURT: -- it should be absolutely  
4 disclosed.

5 MR. BRINDLEY: And I absolutely will  
6 provide that.

7 THE COURT: All right.

8 MR. BRINDLEY: Absolutely will provide  
9 that.

10 THE COURT: I'm not -- I wasn't saying  
11 you're hiding the tax return.

12 MR. BRINDLEY: Yeah.

13 THE COURT: I'm saying it hasn't --

14 MR. BRINDLEY: It hasn't been produced  
15 because it doesn't exist.

16 THE COURT: And that would be something  
17 that falls directly under the initial disclosure  
18 should be produced.

19 MR. BRINDLEY: Correct. Anyway, Your  
20 Honor, we would just like to see an order. Let's get  
21 into mediation. Although, I guess --

22 THE COURT: Well, we're going to end up  
23 there today for sure.

24 MR. BRINDLEY: Okay.

25 MR. REECE: We have no objection to

1 mediation. We need to know how this premarital plan  
2 he's making ferrets out. That's my only request on  
3 discovery. Give me 120 days to sort that out. Get  
4 the responses back from the banks and from his  
5 accountant.

6 THE COURT: And what do you need to sort  
7 that up? Tell me exactly what you need to sort that  
8 out.

9 MR. REECE: So let me just kind of draw a  
10 diagram with my hands, if I may. Personal account  
11 over here.

12 THE COURT: No, I understand. What  
13 information do you need --

14 MR. REECE: I need to know what money --

15 THE COURT: -- to sort that out?

16 MR. REECE: I need to know what money went  
17 into the personal account.

18 THE COURT: Okay. And how are you going  
19 to get that information? Just tell me what you're  
20 proposing to do.

21 MR. REECE: Well, I need to see all the  
22 personal accounts. That's why I subpoenaed it.

23 THE COURT: Okay.

24 MR. REECE: And then I need to go through  
25 and see where the money came from, the deposits came

1 from. If it came from his premarital, what he claims  
2 is premarital property, that's one thing. If it came  
3 from his employer, that's another thing. I just need  
4 to see that. I don't know that that's going to give  
5 me all the information I need to have, but most of it.

6 THE COURT: A lot of it will be the  
7 subpoenas.

8 MR. REECE: A lot of it will be the  
9 subpoenas, yes.

10 THE COURT: Okay. And I've already said  
11 I'm going to allow you to do the subpoenas.

12 MR. REECE: That's what I say. If I get  
13 all of it from the subpoenas, I'm good. I just can't  
14 stand here to the Court and say getting those four  
15 subpoenas responded to is going to be -- or three  
16 subpoenas responded to is going to be enough. I just  
17 can't tell you that.

18 THE COURT: Okay. So this is -- here's --

19 MR. REECE: And I have --

20 THE COURT: This is going to be the  
21 court's order.

22 MR. REECE: We've also agreed to  
23 depositions, so I want to have some ability to follow  
24 up on the depositions after we've taken the  
25 depositions.

1           THE COURT: So we've agreed to  
2 depositions, Mr. Brindley?

3           MR. BRINDLEY: We have.

4           THE COURT: Okay. So this is the court's  
5 order. I'm going to allow the subpoenas.

6           MR. REECE: Okay.

7           THE COURT: The information from the  
8 subpoenas. I understand they're untimely. I'm just  
9 going to -- I think that's important information that  
10 should be provided. I'm going to allow that  
11 information. And Mr. -- let's see. So I'm not going  
12 to extend discovery officially, Mr. Reece, but if  
13 there's something that comes from those subpoenas that  
14 you feel is critical for you to have, I'm going to  
15 allow you to come back to court and make that  
16 argument.

17          MR. REECE: Thank you.

18          THE COURT: Okay. That's as far as we're  
19 going to go. But I'm not going to just reopen  
20 discovery.

21          MR. REECE: Thank you.

22          THE COURT: I understand the depositions  
23 happening. That's fine. Obviously, you've agreed to  
24 that. The Court is going to weigh in on that. I  
25 don't know what's missing from the initial



1 disclosures. I haven't heard what's missing.

2 MR. REECE: I can go through it, Your  
3 Honor, if you want to.

4 THE COURT: I read through Mr. Winward --  
5 see, I'm still calling you, Mr. Brindley's response.

6 MR. BRINDLEY: I'll take it, Your Honor.

7 THE COURT: And he indicates that he  
8 provided everything that is required in the initial  
9 disclosures. So what specific things does he not  
10 require -- has he not yet?

11 MR. REECE: The Court's addressed the 2023  
12 tax return. So we don't need to talk about that.

13 THE COURT: Okay. So we've already talked  
14 about that.

15 MR. REECE: We've asked for proof of all  
16 income from all sources. That's part of the initial  
17 disclosures.

18 MR. BRINDLEY: Absolutely it's been  
19 provided. All of his bank statements, all of his pay  
20 stubs, all of his --

21 THE COURT: Okay.

22 MR. BRINDLEY: -- tax returns.

23 THE COURT: So if something comes out of  
24 the subpoenas that shows that that's incorrect, then I  
25 guess you could bring that back before the Court.

1           MR. REECE: And I may. But, for example,  
2 there's a 1099 from iGlobal which we know exists. We  
3 haven't got it from him.

4           THE COURT: So let me just address one by  
5 one. The 1099 from iGlobal, what is that?

6           MR. JOHNSON: So iGlobal Exports is a dba  
7 for Zonos. So the company started out as Zonos  
8 originally. So I was a 1099 employee because I'm a  
9 partner in the company. So they pay me as a 1099  
10 employee because there's tax benefits. They're not  
11 paying tax -- payroll tax. I could operate it as a  
12 business similar to a realtor. Right. So as long as  
13 I travel, I can write off rental car, planes, meals,  
14 as long as it's a business-related expense.

15          THE COURT: So let me just ask you, is  
16 there a 1099 from, what was it, i --

17          MR. REECE: iGlobal.

18          THE COURT: -- iGlobal that you haven't  
19 provided?

20          MR. JOHNSON: First of all, iGlobal, I did  
21 get 1099s from iGlobal. But now I get paid from  
22 Zonos, which I don't get paid from anymore. But  
23 that's why I'm like, I don't know what's missing from.  
24 I gave you 15 months of deposits. If you look at my  
25 Fidelity accounts --

1 MR. REECE: There's a 1099 --

2 MR. JOHNSON: -- that will show all the  
3 deposits into my personal account that paid for the  
4 house. So all of this stuff you already have. And if  
5 you don't know how to find it, I can help you. But I  
6 promise all the information you have is in the  
7 disclosures.

8 MR. REECE: There's a 1099 from iGlobal  
9 that I want that is not produced. That's for 2023.  
10 There is a K-1 for Zonos Holdings.

11 THE COURT: Is that true? Is there a 1099  
12 from iGlobal from 2023?

13 MR. JOHNSON: If there is and I have it, I  
14 will send it to him. But part of the subpoenas from  
15 ICPA to get all of this. So he'll end up with it with  
16 a subpoena.

17 THE COURT: Okay.

18 MR. REECE: Well, we're here for the  
19 statement of discovery issues. That's one thing we've  
20 requested that's not been provided. That should have  
21 been part of his initial disclosures.

22 THE COURT: I don't know whether it should  
23 have been part of the initials.

24 MR. BRINDLEY: It's part of his income.  
25 It's a 1099.

1           MR. JOHNSON: I provided 15 months of  
2 deposits in both bank statements. He had all of the  
3 transactions for 15 months in both bank accounts.  
4 That shows all of the activity.

5           MS. ISAACSON: We all have 15 months from  
6 his personal accounts not Torc ABC.

7           MR. REECE: Torc ABC is where it goes  
8 into. That's another company he has. But we want the  
9 1099. He hasn't produced it. It shows, as I  
10 understand it, about \$400,000 worth of income. We  
11 haven't seen that. And then this is why, this is an  
12 aside. This is why she qualified for the loan and  
13 without him because he shows no income on his tax  
14 returns. What I'm interested in is the 1099s and the  
15 K-1s. I don't have a K-1 for Zonos Holdings. I have  
16 one for Zonos Management, not for Zonos Holdings. I  
17 don't have information regarding Cosmic Wolf, Torc  
18 ABC, Fuzzy Border. That income from them. I don't  
19 have the information, as I told you, with regard to  
20 the money that's going into that personal account that  
21 he's supposed to have, that he has. I don't have any  
22 information regarding this DLJ Legacy Trust, which  
23 also provides him income. And again, the only  
24 relevance for all this income is our claim that this  
25 is a marital money that went into building this home.

1 And there are things, for example, one of the banks  
2 did respond to our subpoena. There's a \$200,000 check  
3 from Tech Ridge Management. We've never heard of Tech  
4 Ridge Management. But that company apparently does  
5 give him income. I don't know when that was received  
6 and where that money went. That's a significant  
7 amount of money. That's really what we want. Again,  
8 the court's order is fine with me with regard to  
9 letting us get the information from the subpoenas, the  
10 three that we've requested. And if there's things we  
11 need to have that Mr. Brindley will not provide, we  
12 need to bring them back for the Court.

13 MR. BRINDLEY: Okay.

14 MR. REECE: We're willing to do that.

15 MR. BRINDLEY: That'll be the court's  
16 order then.

17 MR. REECE: And then depositions will be  
18 scheduled.

19 THE COURT: I'm not going to rule on the  
20 discovery issue, the same discovery issue this time.  
21 I want to see what happens with the subpoenas, the  
22 depositions. And then if there's still an issue, I  
23 guess you can bring it back before the court. I would  
24 like the parties to -- I would like to set a deadline  
25 for mediation however to --

1                   MR. REECE: When would you like to do  
2 that?

3                   THE COURT: Well, I'll take the party's  
4 input on that.

5                   MR. REECE: Well, I'd like to have, again,  
6 as we're going into --

7                   THE COURT: The returns from the  
8 subpoenas, so....

9                   MR. REECE: Returns from the subpoenas,  
10 depositions. And again, candidly, I'd like to have 60  
11 days to complete that. I'd like to have -- if we can  
12 do mediation by the first week of January for a  
13 deadline, the second week of January.

14                  THE COURT: Mr. Brindley?

15                  MR. BRINDLEY: We're ending up at the same  
16 place. Obviously, sooner is better for us.

17                  THE COURT: So basically, we just opened  
18 up discovery for 120 days.

19                  MR. BRINDLEY: Correct.

20                  MR. REECE: I think that's fair, Your  
21 Honor, honestly.

22                  THE COURT: I know you think it's fair.  
23 That's why you asked me.

24                  MR. REECE: Well, that's important. I'm  
25 not trying to overreach here. I'm trying to just be

1 practical and get real down to the things that are  
2 going to help us resolve this case in mediation.

3 THE COURT: Yeah, this, you know, I guess  
4 I'm a little perturbed by this because the positions  
5 of the parties have drastically changed in the last  
6 two months. From this is a simple case that we can do  
7 a quick bifurcation will all run to all of a sudden  
8 we're getting into a very complex case with all of  
9 these documents and the --

10 MR. REECE: Your Honor, had I known your  
11 preference that granting a petition for bifurcation or  
12 a motion for bifurcation is not something you would  
13 have just granted in that argument, we would have  
14 opposed that. We did that to accommodate Mr. Brindley  
15 and his client.

16 THE COURT: I understand.

17 MR. BRINDLEY: And for the record, Your  
18 Honor, we still believe it's a simple case. The money  
19 that built the house is my client's separate property.  
20 There's no reason for that to be divided, but we'll  
21 dig into it.

22 THE COURT: Okay. All right. So let's  
23 have mediation due -- can we do it by the end of the  
24 year? Mediation completed by the end of the year.

25 MR. REECE: If they want to do it over the

1 holidays, they have to do that. We also have to  
2 accommodate mediators, but yeah, I'm willing to do  
3 that, Your Honor.

4 THE COURT: I mean, obviously, if there's  
5 not a mediator available --

6 MR. REECE: I would prefer having at least  
7 one week in January just if we could, but --

8 THE COURT: Okay. Well, let's have it end  
9 of the first week in January.

10 MR. REECE: Which is the 10th of January.

11 THE COURT: Mediation completed by the  
12 10th of January.

13 MR. BRINDLEY: I just hate to think about  
14 preparing for all of this during the hot rod I get at  
15 them before December 25th. So that because if it's on  
16 January 5th, I'm going to be spending time during the  
17 holidays. Yeah, anyway, whatever the Court thinks is  
18 appropriate. Do you care one way or the other?

19 MR. JOHNSON: That seems egregious to me,  
20 so yeah. The sooner the better. They have all the  
21 info they need.

22 MR. REECE: Well, again, we've plowed that  
23 ground before. The 10th of January, I don't think  
24 it's -- and if it interferes with Mr. Brindley's  
25 holidays, I apologize for that.



1           MR. JOHNSON: The divorce is just kind of  
2 longer than the marriage.

3           THE COURT: That's not a typical by the  
4 way. Let's see.

5           MR. REECE: The 10th of January is a  
6 Friday. Mr. Brindley has a whole week after holidays  
7 to go through and get ready for it. I don't think  
8 that's unreasonable.

9           THE COURT: Actually, I'm going to have it  
10 due before the holidays. So let's do December 20th.  
11 The mediation should be completed by December 20th.  
12 Now, again, if the parties agree that there needs more  
13 time, I'll be flexible. Let's try to do it mediated.

14           MR. REECE: That'd be fine.

15           MR. BRINDLEY: Thank you, Your Honor.

16           MR. JOHNSON: Thank you.

17           THE COURT: All right, thank you.

18           (Hearing Adjourned.)  
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