

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
DOMESTIC VIOLENCE UNIT

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:
KIMBERLY LA PIERRE, : Docket Number: 2018 CPO 004432
Petitioner, :
:
vs. :
:
BLAKE LA PIERRE, :
Respondent. :
: Friday, October 26, 2018
- - - - - x Washington, D.C.

The above-entitled action came on for a hearing
before the Honorable MICHAEL RYAN, Associate Judge, in
Courtroom Number 114.

APPEARANCES:

On Behalf of the Petitioner:

CHRIS GOWEN, Esquire
Washington, D.C.

On Behalf of the Respondent:

(No appearance.)

18-06471

P R O C E E D I N G S

THE DEPUTY CLERK: Your Honor, calling No. 12, 2018 CPO 4432, In the Matter of Kimberly La Pierre v. Blake La Pierre.

MR. GOWEN: Good morning, Your Honor, Chris Cowen on behalf of Kim La Pierre, who is present and standing to my right.

THE COURT: Good morning, Ms. La Pierre and Mr. Gowen. So, I guess that there's been some messages received from the respondent in this case. In each of the areas of the Court that I've sat as a Judge, there's nothing that approximates what happens in this area, which is we know that the Court rules apply generally that you communicate with the Court by motion. For some reason in this narrow area of the Courthouse, when people call the clerk's office, it generates some sort of quasi legal communication, and I have no idea. The rules don't seem to allow that. But in any case, something happens.

In this instance, I understand that the respondent has contacted the clerk's office. Madam Clerk, can you tell us what you know?

THE DEPUTY CLERK: Your Honor, the respondent contacted the Family Clerk Office downstairs, instead of the Domestic Violence Clerk's Office. The clerk that took the call reached out to your law clerk. Mr. La Pierre

1 states that he has been kidnapped, but is attempting to
2 make it to Court. He has also called the clerk's office
3 two more times, stating that he is still kidnapped and is
4 still attempting to make it to Court. And the last phone
5 call was approximately 20 minutes ago.

6 THE COURT: Thanks so much. Well, one would
7 presume that being kidnapped might be a good excuse for
8 not being in Court. Certainly, I don't have any evidence
9 of it. I don't have any motion before me. And has he
10 been detained?

11 MR. GOWEN: Oh, no, Your Honor, (indiscernible).

12 THE COURT: In the absence of any of those
13 things, we're here today for a case in which Ms. La Pierre
14 filed a petition and affidavit for a temporary protection
15 order and a civil protection order back on October 12th.
16 It looks like she succeeded in getting service on Mr. La
17 Pierre and filing a return of service on October 16th at
18 1:34 p.m., in which one Tyrone Lawrence Thomas avers that
19 he served Blake La Pierre personally at the 24th Street,
20 N.E. address on October 14th at 6:13 p.m. and that he
21 served him with three documents, the petition and the
22 affidavit, the temporary protection order and the notice
23 of hearing, and order to appear. As such, Ms. La Pierre
24 has met the rule requirements for service.

25 The notice of hearing and order to appear

1 directed Mr. La Pierre to appear by 8:30 this morning.
2 It's now 9:49 by the clock on my computer here, which is
3 what I usually go by. Based on Mr. La Pierre's failure to
4 appear, and absent any proof of the disability that he has
5 alluded to in his phone calls, I'll issue a default
6 against Mr. La Pierre in favor of Ms. La Pierre and we'll
7 take ex parte proof from Ms. La Pierre on her petition.
8 Thank you so much.

9 THE DEPUTY CLERK: Can you raise your right hand
10 for me?

11 THE COURT: Thanks so much. Mr. Gowen, do you
12 want to inquire?

13 Thereupon,

14 **KIMBERLY LA PIERRE**

15 having been called as a witness for and on behalf of the
16 petitioner, and having been first duly sworn by the Deputy
17 Clerk, was examined and testified as follows:

18 **DIRECT EXAMINATION**

19 BY MR. GOWEN:

20 Q. Can you state your name, your address and how
21 you know Mr. La Pierre?

22 A. Yes, my name is Kimberly La Pierre, and I live
23 at 333 H Street, S.E. in D.C. and I know Blake La Pierre
24 because he is my husband, but I'm trying to divorce him.

25 Q. And are you currently separated?

1 A. Yes.

2 Q. And where is Mr. La Pierre living?

3 A. 539 24th Street, N.E.

4 Q. And is that, is that a home that you own or
5 rent?

6 A. Rent.

7 Q. And is that a home that, an apartment that your
8 name is on the lease as well as his?

9 A. Yes, it is.

10 Q. Now, in the past several months, has could you
11 just describe sort of briefly, I see you have a big stack
12 of papers there, to the Court the, up until October 4th,
13 5th, when there are some specific documents that we're
14 going to talk about. But sort of leading up to that
15 point, can you sort of explain to the Court briefly kind
16 of what's been going on with Mr. La Pierre and what these
17 communications are that you have?

18 A. So, I asked for a divorce back in the end of
19 December of 2017. And then around February I asked him to
20 stop contacting me and direct all communications through
21 my lawyers at the time. And since then, he has emailed me
22 hundreds of times and tried to call me hundreds, well,
23 dozens of times, more than 50, sent numerous text
24 messages, or mime chat messages. And the documents I have
25 are all of the emails, as well as a bunch of tweets that

1 were directed at me, as well as my colleagues, he has also
2 been harassing.

3 Q. And where do you work?

4 A. At the Smithsonian Environmental Research
5 Center.

6 Q. And has the Smithsonian, is there a person in
7 charge of security for the Smithsonian that has been
8 involved in this matter?

9 A. Yes, Danny Hickson, has been investigating for
10 me.

11 Q. Okay. And Mr. Hickson is here today, but out in
12 the hallway it appears. Is that correct?

13 A. I think so, yes.

14 Q. And the and also has there been, do you know if
15 there is an ongoing investigation by the U.S. Marshalls
16 and the Miami, I'm sorry, the Washington Police
17 Department?

18 A. I think so.

19 Q. Now, talking about, now you, in that divorce
20 that was originally brought in the D.C. Superior Court,
21 who was the Judge in that case?

22 A. Judge Julie Becker.

23 Q. And who was your lawyer?

24 A. Sogand Zamani.

25 Q. And is Sogand Zamani or anyone in her firm still

1 your lawyer?

2 A. No, unfortunately, not.

3 Q. And who is representing you now in the divorce?

4 A. You are.

5 Q. And that's Chris Gowen?

6 A. Yes.

7 Q. And the, has Mr. La Pierre been contacting your
8 former counsel, their entire staff, as well as --

9 THE COURT: Mr. Gowen if you want to focus on
10 some discreet incidents which would support the petition
11 in this case.

12 MR. GOWEN: I was just trying to give a little
13 background.

14 THE COURT: I'm, to be honest with you, I'm less
15 interested in the background and more interested in
16 concrete events that would support the petition in this
17 case. I'm sure that there's loads of background that's
18 interesting and relevant, but I'm really just looking at
19 the cause of action.

20 MR. GOWEN: Okay.

21 BY MR. GOWEN:

22 Q. I'm going to show you a few documents. Can you
23 take a look at those documents and tell me if you're
24 familiar with them? I'm also going to. May I present
25 copies to the Court?

1 THE COURT: Sure.

2 BY MR. GOWEN:

3 Q. Are you familiar with those documents?

4 A. Yes.

5 Q. Now, what are these documents?

6 A. These are screen shots of tweets that Blake made

7 Q. Now, these tweets refer to at Yale and at Yale

8 Law School. What is your understanding, who does that

9 Yale refer to?

10 A. That refers to me. I am a graduate of Yale.

11 Q. And who does at Yale Law School refer to?

12 A. I believe that refers to Sogand Zamani and Judge

13 Julie Becker who are both graduates of Yale Law School.

14 Q. Okay and when you received this, first I'll be

15 looking at the October 8th document, when you saw that

16 document on twitter, how did that make you feel?

17 A. I felt like he was threatening me by saying that

18 he's going to end them all, including me and Judge Becker.

19 Q. Now,

20 THE COURT: Because he says, you got some more

21 attorneys I can talk to at Yale, at Yale Law School?

22 Gonna end them all, looks like.

23 THE WITNESS: Yes.

24 BY MR. GOWEN:

25 Q. The very next day on October 9th there was

1 another tweet. Once again, at Yale, at Yale Law School
2 referring to the same people. What did you --

3 THE COURT: How do I know now that that's what
4 at Yale and at Yale Law School referred to? Could you
5 unpack that for me?

6 BY MR. GOWEN:

7 Q. So, in the, throughout the, so, first of all,
8 has Mr. La Pierre contacted Judge Becker's chambers
9 numerous times and has he sent many emails regarding Judge
10 Becker?

11 A. Yes.

12 Q. Okay and in those emails does he refer to Judge
13 Becker's with her alma mater for law school?

14 A. Consistently.

15 Q. And has he also filed an appeal to the D.C.
16 Court of Appeals regarding Judge Becker's decision in that
17 case?

18 A. Yes.

19 Q. And in those documents, does he also refer to
20 the, consistently refer to Judge Becker as the, in
21 conjunction with her alma mater?

22 A. Yes.

23 Q. Now, --

24 THE COURT: Is there some place that you've seen
25 that he has stated, or has he stated to you that when he

1 writes at Yale, he's referring to you and when he writes
2 at Yale Law School, he's referring to the Judge?

3 THE WITNESS: It's not that transparent, but in
4 these hundreds of emails, he claims that we are all
5 connected through Yale. And that it's all a conspiracy
6 against him.

7 THE COURT: So, tell me about that some more
8 please. Because if you're trying to get me to understand
9 that at Yale refers to you and at Yale Law School refers
10 to the Judge and to Ms. Zamani, I need some more basis for
11 drawing that conclusion.

12 THE WITNESS: He seems to be very angry with
13 Sogand Zamani and Judge Becker and me, as well as many of
14 our --

15 THE COURT: Right, less what it seems, and more
16 of what he's done that I can, what facts I can draw those
17 conclusions from instead of relying on your conclusions.

18 THE WITNESS: Sure. In these emails, he has
19 said specifically, that he's referred to each of us as
20 having been to Yale, or gone to Yale. And that he thinks
21 that Yale is, I guess, creating bad lawyers, creating bad
22 scientists. I'm a scientist. And that people are
23 refusing to answer his questions because they are
24 associated with Yale.

25 BY MR. GOWEN:

1 Q. And to be clear, you did graduate from Yale and
2 Judge Becker did graduate from Yale?

3 THE COURT: No, I heard all that. I'm trying to
4 figure out why statements that he makes mean these people
5 specifically, as opposed to the vast group of people who
6 similarly graduated from that good school. If you can do
7 something to unpack that for me, it would be helpful.

8 BY MR. GOWEN:

9 Q. The, when, the phrase you got some more
10 attorneys I can talk to, do you view that, and it's
11 followed by a question mark. So, do you view that as a
12 question?

13 A. Yes.

14 Q. And at the time that this was sent out, have you
15 added a new attorney?

16 A. Yes.

17 Q. And that's me?

18 A. Correct.

19 Q. Now, once again, when he says are you ready to
20 chat yet, with a question mark, has he been trying to talk
21 to you to, well, first of all, does he want to chat with
22 you?

23 A. Yes.

24 Q. And what does he want to chat with you about?

25 A. All of the things that he thinks the Court has

1 done wrong and when we're getting back together.

2 Q. And now, has he also come to, showed up at your
3 property?

4 A. Yes. I have not told him where I live, and he
5 scoured and the streets looking for my car, found where I
6 live and has come numerous times to my house without being
7 invited.

8 THE COURT: What's numerous?

9 THE WITNESS: At least five that I know of, but
10 potentially more.

11 THE COURT: Since when?

12 THE WITNESS: The first was in May, but then the
13 additional times were all since September. He's also
14 stated that he, he left me a voice mail saying he was
15 waiting outside my house for at least five hours for me to
16 come back.

17 THE COURT: Sent you a voice mail when?

18 THE WITNESS: That was September 9th, I believe.

19 THE COURT: Of this year?

20 THE WITNESS: Yes.

21 THE COURT: Have you communicated with him,
22 ma'am?

23 THE WITNESS: Not since I asked him not to talk
24 to me anymore, which was back in --

25 THE COURT: When was that again?

1 THE WITNESS: -- February, except for, I guess,
2 there was one time when I asked if I could come get the
3 rest of my belongings from the house that he is still
4 living in and that was around May.

5 THE COURT: Since February, what types of
6 communications from him?

7 THE WITNESS: Emails, phone calls, text
8 messages, online chat messages, and video, internet video
9 calls, like Skype and Google video.

10 THE COURT: Approximately how many of each?

11 THE WITNESS: I would say about 4 to 500, I can
12 tell you exactly, 418 emails, the majority of them have
13 been since October, or sorry, August.

14 THE COURT: Of?

15 THE WITNESS: 2018, 60 phone calls, again, the
16 majority since August 2018, ten days' worth he sent me
17 multiple text messages on each day, 37 days when he sent
18 me multiple online chat messages, again, the majority
19 since August of this year.

20 THE COURT: Discount everything that you've told
21 me, I find that you've made a claim for stalking, giving
22 me good reason to believe that Mr. La Pierre is stalking
23 you. And based on that, I will order that between October
24 26th, today, of 2018 and October 25th of 2019, that you're
25 not asking that there be a shout out, assault, threaten or

1 harass stalk petitioner, or you are?

2 MR. GOWEN: Yes, and both, and I should check
3 both there.

4 THE COURT: I will check that for you. With
5 regard to, do you all have children in common Ms. La
6 Pierre?

7 THE WITNESS: No.

8 THE COURT: I'll order that he not assault,
9 threaten, harass or stalk you or destroy your property.
10 That he stay at least 100 yards away from you, your home,
11 your work place and your vehicle and that he not contact
12 you, not by telephone, not in writing, not by electronic
13 or social media or in any other manner, not directly or
14 indirectly through a third party. However, he may contact
15 Mr. Gowen regarding the parties' divorce matters. With
16 regard to the residence at 539 24th Street, N.E., here in
17 the District of Columbia, you're both on the lease?

18 MR. GOWEN: Yes, Your Honor. What we're asking
19 for is some period of time, I suggested on the order,
20 which can be modified, just a few hours for Ms. La Pierre
21 to be able to get into the property with an escort and
22 retrieve some of her things.

23 THE COURT: That's very sensible. I'll order it
24 as written. What is this jointly owned property?

25 MR. GOWEN: Yes, Your Honor, so.

1 THE COURT: That sounds like something that's
2 going to be the subject of the divorce action, right?

3 MR. GOWEN: It will be. The issue is that
4 because Mr. La Pierre's not contending to a divorce the
5 one-year waiting period is necessary and we are quite
6 concerned these are significant assets that are of
7 significant value, and we are concerned about dissipation
8 of them and so, basically, we're just asking that they be
9 held in trust, not even in my client's possession. Then,
10 neither party would be allowed use them. To be totally
11 honest, whether this is even possible with bit coins, and
12 I'm not 100% sure, but I've been told by my bank that they
13 can accommodate this.

14 THE COURT: This sounds like something that's
15 squarely within the domestic relations case to me.

16 MR. GOWEN: I understand.

17 THE COURT: The dissipation of marital assets is
18 certainly part and parcel of any domestic relations case
19 that would be out there. And I --

20 MR. GOWEN: There currently isn't one.

21 THE COURT: Sorry.

22 MR. GOWEN: There isn't a domestic relations
23 case right now.

24 THE COURT: Why do we keep talking about the
25 divorce case?

1 MR. GOWEN: So, what had happened, she had filed
2 for legal separation, at which point, the amount of
3 difficult that Mr. La Pierre posed to Ms. La Pierre, her
4 lawyers and the Court, they just decided to dismiss it.
5 So, Judge Becker dismissed the case, which is what he's
6 appealing, which is somewhat perplexing. And so, there is
7 no, there is domestic relations case and we just decided
8 should get a new lawyer and wait the year and file it.
9 So, we really can't file for another month or two months
10 for a divorce without mutual.

11 THE COURT: Herein the parties' divorce case
12 which may be filed, I just don't know that I, I don't
13 believe that I've got, that it's appropriately in my area
14 to be ruling about the dissipation of marital assets. It
15 just seems to me that's not appropriately my bailiwick.

16 MR. GOWEN: Would, Your Honor, consider just a
17 simple ruling not to dispose of or so.

18 THE COURT: I just, dissipation of marital
19 assets is something you can certainly argue in any divorce
20 case that you ultimately file. I don't believe that that
21 it's --

22 MR. GOWEN: She just wants to dissipate if
23 there's nothing we can do.

24 THE COURT: That's the truth of DR cases in
25 which people have money, right. I will issue a bench

1 warrant for Mr. La Pierre based on his failure to appear,
2 notwithstanding the fact that he was served on October
3 16th with the notice of hearing and order to appear. I
4 will order when he is picked up that he go to CSOSA, but
5 this is the wrong address again, right. It's supposed to
6 be 633 Indiana Avenue, isn't it? And what's the room
7 number? Or it's just the eighth floor? And that he
8 evaluates the need for mental health treatment and that he
9 take that treatment as directed by them.

10 If he resolves his kidnapping situation today, I
11 will serve him with all of this at that time when he comes
12 in and send him across the street. Thanks very much.

13 MR. GOWEN: Thank you, Your Honor.

14 THE COURT: Next on that, we'll have, as soon as
15 they've entered into the Court's computer system, we'll
16 have copies for you all. Thanks very much.

17 (Thereupon the proceedings were concluded.)

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√ Digitally signed by Bernadette Smith

ELECTRONIC CERTIFICATE

I, Bernadette Smith, transcriber, do hereby certify that I have transcribed the proceedings had and the testimony adduced in the matter of KIMBERLY LA PIERRE vs. BLAKE LA PIERRE, Case No. 2018 CPO 004432 in said Court, on the 26th day of October 2018.

I further certify that the foregoing 17 pages constitute the official transcript of said proceedings as transcribed from audio recording to the best of my ability.

In witness whereof, I have hereto subscribed my name, this 27th day of November 2018.

A handwritten signature in black ink that reads "Bernadette Smith". The signature is written in a cursive style and is positioned above the printed name "Bernadette Smith".

Transcriber