

1 STATE OF MICHIGAN
2 IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
3
4 AMY WOODRUFF
5 Plaintiff,
6
7 vs. File No. 23-000080-DC
8 EUGENE WARREN THERRIEN
9 Defendant.
10 _____/
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12 SETTLEMENT AGREEMENT
13 BEFORE THE HONORABLE BRITTANY A. DICKEN, CIRCUIT JUDGE
14 Saginaw, Michigan - August 16, 2023
15
16 APPEARANCES:
17 For Plaintiff: ALEXANDRIA JAY BRADY (P80033)
18 Susan Brady & Associates PLLC
19 4334 State Street
Saginaw MI 48603
(989) 799-1968
20
21 For Defendant: ERIC L. PAZNER (P51911)
22 2000 Town Center, Suite 1780
Southfield, MI 48075
(248) 355-0003
23
24 Reported: CYNTHIA L. MIOTTO, CSR-3862
25 Official Court Reporter

1		I N D E X	
2			
3	WITNESSES:	PLAINTIFF	
4	None		
5			
6	WITNESSES:	DEFENDANT	
7	None		
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10	EXHIBITS:		RCVD
11	None		
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1 Saginaw, Michigan
2 August 16, 2023
3 (Proceedings commence, 4:16 p.m.)
4 THE CLERK: Calling 23-000080-DC, Amy
5 Woodruff versus Eugene Therrien.
6 THE COURT: Appearances, please.
7 MS. BRADY: Good afternoon, Your Honor.
8 Alexandria Brady here on behalf of Amy Woodruff who is
9 present, seated to my left.
10 MR. PAZNER: Good afternoon, Your Honor. For
11 the record, Eric Pazner appearing on behalf of the
12 defendant, Eugene Therrien, who is also present in the
13 courtroom this afternoon and is standing to my right.
14 THE COURT: Thank you.
15 This is the date and time set for a
16 settlement in this matter. It's the Court's
17 understanding after discussing with counsel and then
18 discussing with the parties that we have come to an
19 agreement, is that correct?
20 MS. BRADY: Correct.
21 MR. PAZNER: That is correct, Your Honor.
22 THE COURT: Ms. Brady, will you be placing
23 that on the record?
24 MS. BRADY: I can.
25 THE COURT: Go ahead.

1 MS. BRADY: The parties will have joint legal
2 custody. We plan to define legal custody, the
3 parameters of legal custody in the actual order itself.
4 Mother will have primary physical custody starting with
5 Father having this weekend. He will have alternate
6 weekends Friday from school until Sunday at 6:00 p.m.
7 And then he will also be entitled to a mid-week contact
8 each week. We are agreeing that that contact will
9 occur on Tuesdays, and that he will pick up from school
10 and then return to Mother. I'm going to talk about a
11 meeting point for exchanges, but return at 7:00 p.m.

12 We have agreed that exchanges while the
13 criminal bond conditions are in place will occur at
14 Safe Place. Once those are lifted, they will occur at
15 McDonalds on M-81. We discussed that it may be an
16 issue for him to pick up the child from the school as
17 it might be a bond condition that he currently has. If
18 that is the case, then my client for those from school
19 exchanges on Fridays and Tuesdays would pick up and
20 then they would exchange at Safe Place.

21 We have agreed that the holiday schedule for
22 these two will be different. We are going to follow
23 the Tuscola County holiday schedule for children
24 greater than three years old. And we have reviewed
25 that schedule briefly today, but we anticipate that it

1 is going to satisfy the parties in that our intent is
2 to rotate the breaks. And from our quick review we
3 believe that is what is happening.

4 THE COURT: And you will attach -- I'm not
5 familiar --

6 MS. BRADY: Correct.

7 THE COURT: -- with that. So you will attach
8 copies to the judgment?

9 MS. BRADY: Yes. And the reason for that, I
10 will state on the record, is my client has a child who
11 follows that schedule. And, he has a child that
12 follows a different schedule. So this is the agreement
13 we have come up with.

14 THE COURT: Okay.

15 MS. BRADY: And it's very clear it's Mom and
16 Dad in that schedule. It's not Plaintiff and
17 Defendant.

18 THE COURT: Okay. Thank you.

19 MS. BRADY: We have also agreed that there
20 would be a review of parenting time in six months. And
21 then the Court discussed that if he met certain
22 conditions that were identified in this recommendation,
23 that that could be also a showing of a proper cause or
24 change in circumstance to review custody. But, to be
25 clear, the burden would be on him to prove and

1 demonstrate that he made those changes.

2 We are reserving -- at this time neither
3 party is required to complete a coparenting class. We
4 are reserving that issue pending the resolution of the
5 criminal matter related to these parties.

6 Dad will continue in weekly therapy pursuant
7 to the recommendation, and will complete anger
8 management classes.

9 And then child support. We have agreed
10 that -- we both have retroactive child support
11 objections. We have agreed that we are going to
12 resolve those objections. We will dismiss them. From
13 the January effective date -- I believe it was
14 January -- until September 1, child support will charge
15 pursuant to that current charging order. I believe
16 it's \$1,578 a month. And then he will pay his arrears
17 in full, I would say within 30 days.

18 MR. PAZNER: That's fine.

19 MS. BRADY: Okay.

20 And then we have agreed that effective
21 September 1 of 2023 we are going to then refer that to
22 the Friend of the Court for recalculation to include
23 income, the updated incomes of the parties and
24 overnights. My understanding is that the defendant has
25 not completed his 2022 tax return. And I do need that

1 to provide to our CPA to review income prior to that
2 hearing occurring.

3 And then -- we did not discuss this. But, I
4 am assuming AppClose communication once the bond
5 conditions are lifted.

6 MR. PAZNER: Yes.

7 MS. BRADY: Again, that is not happening any
8 time soon.

9 And then the prior order also encompassed
10 neither party disparage the other to the child. No
11 discussion about the case. We would just ask that that
12 continue.

13 THE COURT: Thank you.

14 Mr. Pazner, is that a reflection of the
15 parties settlement agreement?

16 MR. PAZNER: That is a reflection of the
17 parties settlement agreement, Judge. I just want to
18 clarify the alternate holiday schedule.

19 We did talk about the Tuscola county. We are
20 going to kind of do a hybrid between Tuscola and this
21 county just to make sure that all the parenting time is
22 kind of coordinated between Mr. Therrien's other
23 children and Ms. Woodruff's other children. And then
24 we also agreed that we are looking at more of an
25 expansive schedule. Like, for example, Memorial day

1 would go Friday to Monday. Labor day would go Friday
2 to Monday. The 4th of July would be the 3rd to the
3 5th. I just wanted to clarify that for the record.

4 And, again, the pick ups would be from school
5 if permitted by the bond conditions, or modifications
6 to the bond conditions. Otherwise it would be as
7 Ms. Brady has indicated on the record.

8 And I believe that does encompass the entire
9 agreement between the parties.

10 THE COURT: Ms. Brady, so I just want to -- a
11 hybrid is -- is it going to be clearly -- I don't know
12 what you mean by that. Are you going to clearly state
13 in the order?

14 MR. PAZNER: We are going to have a schedule
15 that would detail Plaintiff and Defendant, or Mom and
16 Dad and what the schedule is going to be. And I think
17 we are trying to put something together so
18 Ms. Woodruff's other children -- when she has
19 Christmas, for example, the first half -- it also
20 coincides to when she has the first half of Christmas
21 break with her other child. And that we would also
22 take into consideration Mr. Therrien's two other
23 children, to make sure that everyone is together for
24 those types of holidays as much as possible in the
25 schedule that we are going to have.

1 THE COURT: Okay. What if they can't all be
2 together because the Saginaw County and Tuscola
3 schedules conflict?

4 MR. PAZNER: Well, I think the intent would
5 be to follow Tuscola so long as it was, obviously,
6 coinciding in the same -- my review of the schedule is
7 they kind of follow the same odd, even number of years
8 as what is done here.

9 THE COURT: Okay.

10 MR. PAZNER: So I don't think it should be
11 that much of an issue. But we have agreed that we
12 would figure it out and work on it.

13 THE COURT: Is that a fair --

14 MS. BRADY: I mean, kind of. We had
15 discussed it. The concern that I heard when I said
16 Tuscola was that it was just like going to rotate the
17 day of. And it actually rotated like, for instance,
18 Thanksgiving from Wednesday to Sunday. So my
19 understanding was we are following Tuscola, because
20 then that resolved that issue. I didn't hear anything
21 about coordinating it with his other children. My
22 understanding was his coparent is very flexible, and
23 they switch around the holiday schedules.

24 MR. PAZNER: So I think we are all kind of
25 saying the same thing. He obviously doesn't want to be

1 without his kids for the holiday the same way that she
2 doesn't want to be without the kids. And I think --
3 again, I think we are both just at a disadvantage
4 because we haven't actually sat down and looked at the
5 Tuscola schedule. But from what we have seen, I think
6 it accommodates everyone's goals.

7 THE COURT: Okay. And I'm just not familiar
8 at all with the schedule. So I just want to make sure
9 when you submit the judgment that the holiday schedule
10 is clear for everyone, myself included, on who is
11 getting what holiday.

12 MR. PAZNER: Yes. I think we will have a
13 chart that we will have right into the order that will
14 define what the schedules are. And, I know -- I think
15 one of your kids is in Isabella County as well. Both
16 kids are in Isabella. So we are looking at all three.

17 THE COURT: Okay.

18 Anything further in terms of the settlement?

19 MS. BRADY: No.

20 MR. PAZNER: No.

21 THE COURT: Okay.

22 Will you both raise your right hands, please.

23 Do you solemnly swear or affirm that the
24 testimony you are about to give is the truth, the whole
25 truth, and nothing but the truth?

1 EUGENE THERRIEN: Yes.

2 AMY WOODRUFF: Yes.

3 THE COURT: Thank you.

4 Mr. Pazner, will be inquire of your client's
5 understanding of the settlement agreement, please.

6 MR. PAZNER: Thank you.

7 Mr. Therrien, again, state your name for the
8 record.

9 EUGENE THERRIEN: Eugene Therrien.

10 MR. PAZNER: And, Mr. Therrien, you heard the
11 agreement that we placed on the record this afternoon
12 as it relates to custody and parenting time and child
13 support pertaining to your one minor child in common,
14 Brianna?

15 EUGENE THERRIEN: Yes.

16 MR. PAZNER: Do you understand those terms
17 and provisions?

18 EUGENE THERRIEN: Yes.

19 MR. PAZNER: Do you understand that we had a
20 trial date scheduled before this Court, at least for
21 the custody and parenting time issues, for
22 September the 19th I believe it was?

23 EUGENE THERRIEN: Yes.

24 MR. PAZNER: And that you are going to be
25 waiving your right to have a trial on this matter and

1 that this is what you are going to be agreeing to as a
2 full, final resolution at this time with the
3 understanding that custody, child support, and
4 parenting time could be modified upon a proper cause or
5 a change in circumstance?

6 EUGENE THERRIEN: Yes.

7 MR. PAZNER: And you know that parenting time
8 is going to be reviewed is six months?

9 EUGENE THERRIEN: Yes.

10 MR. PAZNER: Okay. Thank you.

11 I have no further questions.

12 THE COURT: Thank you.

13 Ms. Brady, will you inquire of your client,
14 please?

15 MS. BRADY: Yes.

16 Will you state your name for the record.

17 AMY WOODRUFF: Amy Woodruff.

18 MS. BRADY: Amy, did you hear the statements
19 and the agreement placed on the record?

20 AMY WOODRUFF: Yes.

21 MS. BRADY: Did you understand the agreement?

22 AMY WOODRUFF: Yes.

23 MS. BRADY: Do you have any questions about
24 it?


25 AMY WOODRUFF: No.

1 MS. BRADY: Do you understand that we could
2 have had a trial in this matter. You could have gotten
3 a better result; you could have gotten a worse result?
4 AMY WOODRUFF: Yes.
5 MS. BRADY: And you're asking that the Court
6 sign an order that encompasses this agreement?
7 AMY WOODRUFF: Yes.
8 MS. BRADY: I have no other questions.
9 THE COURT: Thank you.
10 Ma'am, you were married to Eugene Therrien
11 on --
12 MS. BRADY: No, Judge --
13 THE COURT: Oh, sorry. It's a custody case.
14 I don't need to take proofs. Thank you.
15 Okay. The Court will sign a settlement
16 agreement that incorporates what was placed here on the
17 record when submitted by counsel within 21 days of
18 today's hearing. If there is an extension that is
19 needed for that because of the issues, I just ask that
20 you contact my court to ask for an extension. She is
21 pretty good at scheduling show causes when we don't
22 receive those within 21 days. So please call if for
23 some reason it's going to take you longer than 21 days.
24 MS. BRADY: I have recruited Mr. Pazner to
25 draft the order since this was their original petition.

1 THE COURT: Okay. Wonderful.
2 MR. PAZNER: No, you filed.
3 MS. BRADY: Well, I am still recruiting you.
4 Would you draft the order?
5 MR. PAZNER: I would be happy to draft it,
6 Judge.
7 THE COURT: Thank you.
8 Thank you for working that out. Good luck to
9 you both.
10 (Proceedings concluded, 4:26 p.m.)
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1 STATE OF MICHIGAN)
2) SS
3 COUNTY OF SAGINAW)
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8 I certify that this transcript is a complete, true
9 and correct transcript of the proceedings and testimony
10 taken in this case before the Honorable Brittany A. Dicken,
11 Circuit Judge, in Saginaw, Michigan.
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17 
18 Cynthia L. Miotto, CSR-3862
19 Official Court Reporter
20 111 South Michigan Avenue
21 Saginaw, MI 48602
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AMY WOODRUFF: [7] 11/2 12/17 12/20 12/22 12/25 13/4 13/7	after [1] 3/17 afternoon [4] 3/7 3/10 3/13 11/11	burden [1] 5/25 but [7] 4/11 4/25 5/24 7/3 9/11 10/5 10/25	courtroom [1] 3/13 CPA [1] 7/1 criminal [2] 4/13 6/5
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MR. PAZNER: [20]	agreed [8] 4/12 4/21 5/19 6/9 6/11 6/20 7/24 9/11	call [1] 13/22	current [1] 6/15
MS. BRADY: [22]	agreeing [2] 4/8 12/1	Calling [1] 3/4	currently [1] 4/17
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48602 [1] 15/19	Avenue [1] 15/19	come [2] 3/18 5/13	don't [4] 8/11 9/10 13/14 13/21
48603 [1] 1/18		commence [1] 3/3	done [1] 9/8
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