

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES.

DEPARTMENT NO. 43

HON. BERNARD KAUFMAN, JUDGE

In re the Marriage of

SANDRA ESCALANTE,

Petitioner,

and

PATRICE D'ASSIGNIES,

Respondent.

NO. CF 26066

TRANSCRIPT OF PROCEEDINGS

October 9 and 10, 1991

APPEARANCES:

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FOX TRANSCRIPTIONS

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, OCTOBER 9, 1991

2 DEPARTMENT NO. 43

HON. BERNARD KAUFMAN, JUDGE

3
4 (The following proceedings were had in
5 the chambers of the court:)

6 THE COURT: We're on the record with respect to the
7 case I'm going to call at this time of Escalante in case
8 No. C 026 066. And I'm going to continue to get the name
9 wrong. How do you -- the last name is pronounced?

10 MS. NEMLAHA: Nemlaha.

11 THE COURT: No. No. No. Your client's name.

12 MS. NEMLAHA: Pardon me. Da-seen-yae.

13 THE COURT: Da-seen-yae. Da-seen-yae.

14 All right.

15 This is Escalante, petitioner and D'assignies,
16 the respondent defendant. All right.

17 And I'm going to ask the attorneys to identify
18 themselves, please.

19 MS. HOFFMAN: Nancy Ruth Hoffman and Annie Wishingrad
20 for the plaintiff, Sandra Escalante.

21 MS. NEMLAHA: Beatrice Nemlaha, for the defendant,
22 Patrice D'assignies. And with me is Andre Buffard. He's
23 attorney from France, but as a percipient witness.

24 THE COURT: All right.

25 You want to swear in the interpreter now again.

26 THE CLERK: Please raise your right hand.
27
28

1 (VICTORIA WINDLER CHEREN, the interpreter, was
2 sworn herein as follows:)

3
4 THE CLERK: You do solemnly swear that you will well
5 and truly interpret French into English and English into
6 French in the cause now pending before this court, so help
7 you God?

8 THE INTERPRETER: I do.

9 THE CLERK: Please state your name for the record.

10 THE INTERPRETER: Victoria Windler.

11 THE COURT: All right.

12 And the judge's name in France?

13 MS. NEMLAHA: Is Judge Colette Perrault, that's
14 C-o-l-e-t-t-e, P- as in Peter, e-r-r-a-u-l-t.

15 THE COURT: Do you pronounce it Porrow?

16 MS. NEMLAHA: Pair-row.

17 MR. BUFFARD: Pairo.

18 THE COURT: Pair-o.

19 MR. BUFFARD: Good pronunciation.

20 THE COURT: Pair-o. All right.

21 Would you --

22 THE CLERK: She is on hold, Your Honor, on that second
23 line. That one right there.

24 THE COURT: Hello?

25 (The following is a telephone conversation
26 between Judge Kaufman and Judge Colette Perrault
27 through the interpreter, Victoria Windler;)

28 JUDGE PERRAULT (through interpreter): Hello.

1 THE COURT: This is Judge Bernard Kaufman, calling from
2 Los Angeles.

3 JUDGE PERRAULT (through interpreter): Yes.

4 THE COURT: How do you do, Judge Perrault?

5 JUDGE PERRAULT (through interpreter): Judge Perrault
6 is doing very well, thanks.

7 THE COURT: What time of day is it in your country?

8 JUDGE PERRAULT (through interpreter): 9:00.

9 9 o'clock.

10 THE COURT: It's slightly after 1 o'clock here.

11 I have a number of people in my chambers in which
12 we are taking all of this telephone conference down on a
13 recording machine. And I'd like to indicate to you who is
14 present with me today.

15 The parties are here Sandra Escalante, the
16 mother. And with her are her attorneys, Beatrice Nemlaha --

17 MS. HOFFMAN: No. No. Excuse me.

18 THE COURT: I'm sorry. Nancy Hoffman, I'm sorry. And
19 her associate Annie Wishingrad. The -- Mr. D'assignies is
20 here; he flew in from France last Friday. And with him are
21 his attorneys, Beatrice Nemlaha and also his attorney who
22 flew in from France this week, Mr. Andre Buffard.

23 Do you know Mr. Buffard?

24 THE INTERPRETER: I didn't hear her.

25 JUDGE PERRAULT (through interpreter): Yes. Yes, I do.

26 THE INTERPRETER: Okay.

27 THE COURT: Okay. Judge Perrault, could you tell me
28 the type of court that you have in there; in other words,

1 what kinds of jurisdiction matters that you hear? I presume
2 you hear these type of cases in your court?

3 JUDGE PERRAULT (through interpreter): I work in France
4 in a court that's called a court of superior instance or
5 superior court. A jurisdiction of first grade, because in
6 France there are different grades of jurisdiction. I am in a
7 small court, and I specialize in matrimonial matters. I
8 judge matters of divorce and all the consequences that come
9 from matters of divorce. And I also judge matters like this
10 one for natural children, which are children born out of
11 wedlock.

12 THE COURT: Let me explain to you the kind of court
13 here. I'm a trial court judge sitting in the Los Angeles
14 Superior Court. And on my present assignment, I am in a
15 department of a number of judges that deals strictly with
16 family law and matrimonial cases and cases of this kind.

17 JUDGE PERRAULT (through interpreter): Okay.

18 THE COURT: And before me, and coming up for trial
19 tomorrow will be this case of Escalante against D'assignies,
20 in which Mr. D'assignies' attorneys are urging me, both on
21 law and fact, that the matter should be transferred to your
22 court. I --

23 JUDGE PERRAULT (through interpreter): I --

24 THE COURT: I am working with a number of documents
25 that have been filed in this case by both sides --

26 THE INTERPRETER: Did you say by both sides?

27 THE COURT: Both sides.

28 And Mr. --

1 JUDGE PERRAULT (through interpreter): Yes.

2 THE COURT: -- D'assignies is particularly urging that
3 under both California law, that this matter should be
4 transferred for jurisdictional purpose to your court. The
5 particular law is embodied in what we call the Uniform Child
6 Custody Jurisdictional Act.

7 THE INTERPRETER: Child law?

8 THE COURT: Uniform Child Custody Jurisdictional Act.

9 THE INTERPRETER: Maybe --

10 JUDGE PERRAULT (through interpreter): Okay.

11 THE INTERPRETER: Maybe I can explain try to translate.

12 JUDGE PERRAULT (through interpreter): Oh, yes. Yes.

13 THE COURT: Now --

14 JUDGE PERRAULT (through interpreter): Okay.

15 THE COURT: -- this -- it's incumbent upon me, and I'm
16 obligated where such an issue of jurisdiction arises as to
17 which court should proceed, to not only read over the papers
18 but to discuss this matter with the court, such as your
19 court. Because although I have the right to make a
20 determination whether I have jurisdiction, I can also decline
21 jurisdiction if I feel the case would be more appropriate in
22 some other forum such as yours. My question to you, do you
23 have such a similar mandate under your laws?

24 JUDGE PERRAULT (through interpreter): Yes. Real --
25 quite -- quite the same. Yes, very, very similar. Well, it
26 is possible that before the judge before deciding the fate of
27 the children, first there comes the question of competence or
28 territorial competence or international competence.

1 I, in my judgment, I did not have that problem,
2 because -- because both the father and the mother lived in
3 France, and the children were French. That's why I applied
4 to the French jurisprudence.

5 THE COURT: All right.

6 Let -- I would like to explain to you, if you are
7 not already aware, as to when this case originally came to
8 the attention of our court. Approximately four years ago on
9 October 2, 1987 --

10 JUDGE PERRAULT (through interpreter): Um-hum.

11 THE COURT: 1987. 1987. The mother, Sandra Escalante,
12 filed a petition which is -- or a document entitled,
13 "Complaint to establish parental relationship." In effect --

14 JUDGE PERRAULT (through interpreter): Yes.

15 THE COURT: All right.

16 And she did that for both children.

17 JUDGE PERRAULT (through interpreter): Two children.

18 THE COURT: And she did it for both children asking
19 that the defendant, Mr. D'assignies be found to be the father
20 of the children, and also asking that she be given custody of
21 the children and that he be allowed to have child visitation.

22 JUDGE PERRAULT (through interpreter): So she asked for
23 that custody be given to whom?

24 THE COURT: To her, the mother.

25 JUDGE PERRAULT (through interpreter): Yes, her -- yes.

26 THE COURT: At the same time, she filed a document
27 which required Mr. D'assignies to come into court
28 approximately October 30th of 1987. And from the best I can

1 tell, he was served with these documents.

2 At that time, I believe, he was residing in
3 Los Angeles at an address in Los Angeles. The documents were
4 returned to court, showing proof of service. The mother's
5 attorney, at that time --

6 THE INTERPRETER: The mother's attorney --

7 THE COURT: -- was -- the mother's attorney was a
8 Mr. Whitehead.

9 Based upon the documents that were filed and the
10 service on Mr. D'assignies, the court determined that it had
11 the authority to make certain findings and to make an order.
12 And amongst the things that the court found and ordered, that
13 the mother have custody of the two minor children, and that
14 Mr. D'assignies have right of reasonable visitation. The
15 court also made an order that neither party remove the
16 children from the State of California without the consent of
17 the other party.

18 JUDGE PERRAULT (through interpreter): Um-hum. Yes.
19 Yes.

20 THE COURT: Now, any other issues such as support
21 payments, or attorneys' fees for the mother's attorney and a
22 final -- and a final determination on parenthood --

23 THE INTERPRETER: Parenthood?

24 THE COURT: That he's the father. Would be left to the
25 time of trial. In other words, this was a preliminary,
26 initial order which is common in our court.

27 Mr. D'assignies did not appear at that time, and
28 the matter was won pretty much by default. I believe, but I

1 don't have a document here, but I believe he was served with
2 a copy of this order, because I have an affidavit of mailing
3 that it was mailed to him on November 2nd --

4 THE INTERPRETER: On October 2nd?

5 THE COURT: On November 2nd. It was mailed to him at
6 the Los Angeles address where he supposedly was living. Now,
7 the mother's attorney -- we'll forget.

8 That's somebody calling on the other line. I'll
9 just forget about that. It's probably my wife wanting me to
10 bring dinner home. But I'm afraid to pick up that other
11 line.

12 I'm sorry for the interruption.

13 Now, the mother's attorney has stressed in all of
14 her documents that this court had original jurisdiction over
15 the custody issues of this case --

16 JUDGE PERRAULT (through interpreter): Yes.

17 THE COURT: -- and never lost jurisdiction. What is
18 pretty evident from what has transpired, and from what I've
19 read in the statements of both parties is that the parties
20 and the children moved to France, and that the children were
21 put in a French school and have lived most of the time in
22 France. This action that was filed in 1987 has never been
23 dismissed. The -- from what I understand from reading the
24 documents in the file, in earlier this year, I believe was it
25 March or April?

26 MS. NEMLAHA: March.

27 THE COURT: In March of this year, while the parties
28 were living in France, following some kind of a dispute

1 between the parties, or argument, Mr. D'assignies left the
2 family home in France, and for almost two months took the
3 children with him, and the mother did not know where they
4 were.

5 JUDGE PERRAULT (through interpreter): Um-hum.

6 THE COURT: It's my understanding that she went into
7 your court, or a French court, and asked the -- your court
8 for help in getting her children returned to the family home
9 in France. It's --

10 JUDGE PERRAULT (through interpreter): Yes. Yes, she
11 complained to the public -- which is like the -- because the
12 father had disappeared with the children.

13 THE COURT: All right.

14 JUDGE PERRAULT (through interpreter): I was presented
15 with a complaint not by Mrs. Escalante, but by
16 Mr. D'assignies.

17 THE COURT: All right.

18 May I --

19 JUDGE PERRAULT (through interpreter): Mr. D'assignies
20 was planning to return the children to the mother, because --
21 because otherwise, he would be under a penal prosecution by
22 French -- other French law. He -- he wanted for his rights
23 to be established, that the situation of the kids be firmly
24 established.

25 THE COURT: Well, when did he file any documents asking
26 for help of the court to establish his rights?

27 JUDGE PERRAULT (through interpreter): The date?

28 THE COURT: Yes, approximately.

1 JUDGE PERRAULT (through interpreter): The -- that --
2 yeah, the May 13, 1991. Okay. On that date he filed a
3 procedure that in France, is called a referee. That means an
4 urgent procedure. And the date is May 13, 1991.

5 THE COURT: It was -- I had been under the impression
6 that the mother had sought the help of the court in filing
7 some document with -- did she merely go to the police, or
8 just what happened?

9 JUDGE PERRAULT (through interpreter): Yes, I think she
10 went to the police, and then it was taken in front of the
11 public, which is like a prosecutor of the republic, which is
12 the magistrate that is in charge of penal action -- penal
13 violation.

14 THE COURT: And what if -- to the best -- do you know
15 what she document -- do you know any documents that she may
16 have given to establish her right to have the custody of the
17 children? I mean, or did she just simply tell them that she
18 was the mother?

19 JUDGE PERRAULT (through interpreter): I don't know any
20 more what kind of documents she has shown, because it was to
21 the procureur, not to me. But it in any case, in France,
22 according to French law, that the mother of natural children,
23 or children born out of wedlock -- children born out of
24 wedlock, according to French law, the mother has both
25 parental authority and custody.

26 Yes. And the law allows the father the
27 possibility of -- of asking the judge, such as I am, the
28 right of visitation, or the custody of the children, or the

1 sharing of parental authority.

2 THE COURT: Well, what did Mr. D'assignies do? I mean,
3 what did basically, did he ask your court to do?

4 JUDGE PERRAULT (through interpreter): Mr. D'assignies
5 asked me to -- to award him parental authority, the custody
6 of his children, and the residence placement of the -- in the
7 domicile of the children.

8 THE COURT: Now, this is --

9 JUDGE PERRAULT (through interpreter): And then
10 visitation, overnight visitation for the mother reserved with
11 a interdiction of leaving French territory.

12 THE COURT: Now, did -- when he filed this, I gather
13 Mrs. Escalante responded in some way through her attorneys,
14 is that correct?

15 JUDGE PERRAULT (through interpreter): Yes.
16 Mr. Escalante --

17 MR. BUFFARD: D'assignies.

18 THE INTERPRETER: I'm sorry.

19 JUDGE PERRAULT (through interpreter): Mr. D'assignies
20 made -- yeah, Mr. D'assignies made an official request served
21 by a bailiff. And this request also bore a date of summons
22 before the court, and the summons was for May 22nd.

23 THE COURT: Did --

24 JUDGE PERRAULT (through interpreter): Then on the 22nd
25 of May in my chambers, I received Mr. Picot D'assignies and
26 attorney Buffard, Mrs. Escalante, two French attorneys,
27 attorney --

28 MR. BUFFARD: Bonnafous.

1 JUDGE PERRAULT (through interpreter): --
2 Bonnafous Olympia and an interpreter.

3 I would like to say that in France at
4 Carcassonne, where I work, for one judge of family
5 matrimonial affairs -- matters -- there is a lot of work. I
6 don't know if it's like that in Los Angeles.

7 THE COURT: Very much so.

8 JUDGE PERRAULT (through interpreter): At Carcassonne,
9 usually, I receive people for ten minutes. It's impossible
10 for more time. Yes. And in this matter, I received these
11 people for three hours.

12 THE COURT: Well --

13 JUDGE PERRAULT (through interpreter): Because --
14 because all the points were negotiated. Because of several
15 times, each party made -- proposed something and requested
16 things. Sometimes they were in agreement, sometimes -- other
17 times, it was I who negotiated; but several times, the
18 parties went out to talk to their attorneys. Therefore, it
19 was a very, very talked-over and negotiated decision. Well,
20 that's how I lived it.

21 THE COURT: What was the decision?

22 JUDGE PERRAULT (through interpreter): Don't you have a
23 copy of that judgment? The judgment of the 22nd of May.

24 THE COURT: Yes, I have that.

25 JUDGE PERRAULT (through interpreter): The judgment was
26 a temporary provision -- provision. In the main, it ordered
27 a social study and a psychological examination of the
28 children so that the judge has a very precise report of the

1 psychological status of the children. And that the material,
2 moral and the effective -- the affect -- the -- that each of
3 the parents would offer them. And in France, I do a lot of
4 times this way -- I act this way.

5 THE COURT: Well --

6 JUDGE PERRAULT (through interpreter): I -- I name --
7 in France, I name a psychologist that describes to me the
8 real, I think, condition of the family. And then I find that
9 it's easier of ruling in the interest of the children.

10 THE COURT: If I can -- I'm sorry, go ahead. I'll --

11 JUDGE PERRAULT (through interpreter): This was -- this
12 was the main part of the decision. It was delayed for
13 ruling. And then waiting a new -- the new decision that it
14 was going to be rendered after the filing of the study -- of
15 the report of the study.

16 We had agreed that the children were going to
17 live with their mother in a place near their father's house,
18 because Mr. D'assignies was very afraid that Mrs. Escalante
19 would go away again. It gave Mr. D'assignies a great
20 right -- an extensive right of visitation and overnight
21 visits during the week, during the weekend and during
22 vacation. The -- alternating among the parents, one weekend
23 the mother; one weekend the father.

24 Then I -- and then I also established a
25 child-support pension, the participation of the father in
26 support of the children. And I also noted, but without
27 establishing it very precisely in my judgment -- oh --
28 establishing that Mr. D'assignies had to give back the

1 children to the mother, or to take them back -- oh -- to take
2 back the children to the mother and --

3 MS. WISHINGRAD: Wait a second. Excuse me. He said
4 that he committed to bring back the children.

5 JUDGE PERRAULT (through interpreter): He -- he had
6 promised to -- Mr. D'assignies, because he had promised to
7 take back the children to the mother. And to leave at the
8 court -- to take to the court and file with the court, the
9 passports of the children, the French passports. Because the
10 American passports had been lost. Mrs. Escalante had said
11 that the passports had been lost -- passports had been lost.
12 And Mrs. Escalante had promised not to leave France until a
13 final judgment would be rendered by the judge.

14 And I -- and I want to underline once more,
15 because this seems to me important, that all of this had been
16 negotiated and agreed upon. The parties weren't always in
17 agreement; but at the end, I really got to more or less make
18 them agree. Because I found that it was in the interest of
19 the children. That's all.

20 THE COURT: Well, what was -- well, I guess it won't be
21 too important of what the father was urging about the mother,
22 but it's obvious that mother left, soon after you made your
23 order. And there's no question but that she may be in
24 violation of some of your order. The question --

25 JUDGE PERRAULT (through interpreter): Yes. Because I
26 rendered two judgments. I rendered one afterwards. One on
27 the 20th of June, where I was ruling in my final manner,
28 because the study could not -- I wasn't -- was not -- it

1 wasn't able to be done, I gave the custody of the children to
2 the father, taking into account the attitude of the mother.
3 But in this judgment which you have the translation of -- you
4 have the copy --

5 THE COURT: I -- I --

6 THE INTERPRETER: I didn't --

7 MR. BUFFARD: (speaking in French.)

8 THE INTERPRETER: Okay. You will see the reason behind
9 it if you have the copy and the translation.

10 THE COURT: Well, I think your actions are very clear
11 and understandable. But one thing that you said earlier in
12 our conversation, it's my understanding that both children
13 were born in the United States.

14 JUDGE PERRAULT (through interpreter): Yes. I -- I
15 think so, I don't know anymore.

16 THE COURT: And one major factor was that -- is that
17 the younger child was just a few months old when the
18 California order was made in 1987.

19 JUDGE PERRAULT (through interpreter): Um-hum.

20 THE COURT: And it would appear that on the issue of
21 jurisdiction, that mother has some very strong law on her --
22 on her side. That California has jurisdiction, if -- of at
23 least one -- jurisdiction of at least one, if not both, on a
24 very clear basis. We -- it appears to me evident that we
25 have to resolve -- or I'll have to resolve the question of
26 jurisdiction here.

27 JUDGE PERRAULT (through interpreter): Um-hum. Yes.

28 THE COURT: Now, let me explain to you what would

1 happen if this court took jurisdiction. I would do very much
2 the same that you did. I would require a evaluation by a
3 independent group connected with the court, and probably a
4 psychological study of the children and possibly a
5 psychological study of each of the parents.

6 JUDGE PERRAULT (through interpreter): Um-hum.

7 How could you do a study of the father who lives
8 in France?

9 THE COURT: I would require that -- if I took
10 jurisdiction, I would require that as a condition of either
11 his custody or visitation.

12 JUDGE PERRAULT (through interpreter): Um-hum. Um-hum.

13 THE COURT: By the way, I've had about three or four
14 cases involving French mothers and fathers.

15 JUDGE PERRAULT (through interpreter): Um-hum.

16 THE COURT: And they've --

17 JUDGE PERRAULT (through interpreter): It's usual.
18 Okay. It is something that is getting to be more and more
19 usual.

20 THE COURT: Very natural.

21 But you're the first French judge I've ever
22 talked to.

23 JUDGE PERRAULT (through interpreter): It's a
24 reciprocal.

25 THE COURT: I -- there's no question but that I have
26 strong feelings about the fairness of any court, whether it's
27 your court or my court.

28 JUDGE PERRAULT (through interpreter): Um-hum.

1 THE COURT: And -- but I'm not quite sure at this time,
2 based on mother's legal arguments, as to whether or not
3 California law is of such extent that would prevent me
4 from --

5 JUDGE PERRAULT (through interpreter): I -- I didn't
6 understand "of such extent."

7 THE COURT: Well, California law -- mandate of
8 California law. The mandate of the California may be such,
9 under the facts, that I may be required, as a matter of law,
10 to find in her favor. That's simply on the matter of
11 jurisdiction.

12 I could find that I had jurisdiction, and if I
13 also found that your court also had jurisdiction under your
14 laws, I could -- I could make a determination whether it
15 would be better for your court to make the determination.

16 JUDGE PERRAULT (through interpreter): Um-hum.

17 THE COURT: But I can tell you what will happen,
18 because there's some very good attorneys here; and they're
19 not going to let me, as a judge, make it a very simple
20 solution, no matter who I rule for. By that I mean, if I
21 were to rule in favor of the father, either on the matter of
22 jurisdiction, or on the matter that -- assuming I had
23 jurisdiction, I would refer to you -- the matter would go up
24 on immediate appeal.

25 And based upon what has happened in the recent
26 months in my court, the appellate courts would grant a stay
27 of my order, pending their decision. They would require me
28 to hold -- in other words, the child could not be free to

1 leave. The children -- and if I rule in favor of the mother,
2 I'm not sure, but I'm pretty sure that father's attorneys
3 will appeal any decision on the issue of jurisdiction in
4 favor of the mother.

5 JUDGE PERRAULT (through interpreter): Um-hum.

6 THE COURT: This is not an easy case.

7 JUDGE PERRAULT (through interpreter): No. No, not at
8 all.

9 THE COURT: And it has -- any decision -- I -- in other
10 words, I wanted to talk to you today because I feel that the
11 law requires me to talk to you, and also determine from you
12 as to your belief as to -- as to whether you feel that you
13 might be willing to let this court make a decision, since
14 you're so busy.

15 JUDGE PERRAULT (through interpreter): Oh, yes.

16 THE COURT: I realize it goes deeper than that.

17 JUDGE PERRAULT (through interpreter): Yes, it -- I
18 already done -- I've already done my work. I've ruled, and I
19 finished already.

20 THE COURT: I know.

21 JUDGE PERRAULT (through interpreter): What I would
22 wish in any case, in any probable case -- hypothetical -- no
23 matter whose decision it is, mine or yours, that the children
24 could benefit of the equal love of both their parents.

25 THE COURT: Well, that is --

26 JUDGE PERRAULT (through interpreter): In last resort,
27 that is what's important.

28 THE COURT: I think that's the first primary concern

1 because -- because even if I should decide that I either
2 should, or I must take jurisdiction, the most important
3 decision after that is what are the best interests of the
4 children as to where they should reside, and who should have
5 primary custody. And a lot of the time, the facts are not so
6 difficult, because the lives and the businesses of the
7 parties sometimes indicate who will be available to the
8 children during their growing-up years.

9 JUDGE PERRAULT (through interpreter): I don't hear the
10 translation.

11 THE COURT: Well, it's -- in other words, the -- it's
12 my understanding, for example, in this case that the father
13 does a lot of traveling. I believe he has some travel
14 agencies; that he lives in the countryside; he has an
15 extensive family; that that's a close family, but do not
16 necessarily live close together.

17 JUDGE PERRAULT (through interpreter): Um-hum.

18 THE COURT: It's my understanding he does a -- in other
19 words, he has other people caring for the children when he's
20 not available.

21 JUDGE PERRAULT (through interpreter): Um-hum.

22 THE COURT: The mother, as I understand it, does not
23 have as an extensive a family as father, but she has -- she's
24 devoting her current time with the children, as opposed to
25 working all the time.

26 I have not spoken to the children, and I would
27 imagine that they are rather confused at this time.

28 JUDGE PERRAULT (through interpreter): It's normal.

1 THE COURT: Okay. I'm going to ask the attorneys if
2 they wish me to discuss anything further with you this
3 afternoon before we -- or at least before I conclude.

4 Mrs. Hoffman, do you have anything that you feel
5 I should discuss with the judge in France?

6 MS. HOFFMAN: No, your Honor. I think you've been
7 extraordinarily thorough.

8 THE COURT: Ms. Nemlaha, do you feel that there is
9 anything further I should discuss with the judge in France?

10 MS. NEMLAHA: I have three short questions that I would
11 like you to ask her, yes.

12 THE COURT: Okay

13 MS. NEMLAHA: First was whether she was specifically
14 aware of the California order when the parties were before
15 her in May.

16 THE COURT: All right.

17 Mrs. Nemlaha, the attorney for the father has
18 asked me as to whether or not you were aware when you made
19 your order in May of the -- of the prior California action
20 and order. Prior California action.

21 THE INTERPRETER: Of May 1987?

22 THE COURT: Yes. When the matter was before her in
23 May, whether anybody brought it up.

24 JUDGE PERRAULT (through interpreter): I don't know
25 anymore. I don't remember. I would lie if I'd say yes or
26 no. I don't know anymore.

27 THE COURT: Okay. One more -- she had another
28 question.

1 Ms. Nemlaha.

2 MS. NEMLAHA: I had actually three -- three. But
3 they're all quick, because they're the same, I think.

4 THE COURT: Go ahead.

5 MS. NEMLAHA: The second was, if she had known there
6 was an order, would she have nonetheless felt she had the
7 authority to change that order? And what would be the basis
8 for that authority in her mind?

9 THE COURT: I'm not going to ask the judge that
10 question. That would be -- I don't think that's fair to ask
11 the judge at this particular time. Either it was or wasn't
12 brought up, and you're asking the judge to rule on something
13 that's speculative. So I won't ask the judge that question.

14 MS. NEMLAHA: My -- my third question then is as part
15 of the study that she wanted to do, would it have included a
16 home study; that is, the -- a look at the interviews with the
17 children's teachers, doctors, friends, witnesses who could
18 observe how the family was together?

19 THE COURT: Mrs. Nemlaha has another question wanting
20 to know whether or not the study that you were going to
21 require that you required in May was going to be of a type of
22 a home study which would not only include someone going to
23 the place where the mother and father lived or the children
24 lived, but some kind of an investigation that would go and
25 talk with the children, and the teachers, and other relatives
26 that would be aware of the children's situation. Is that
27 included?

28 JUDGE PERRAULT (through interpreter): Yes. Yes, the

1 study, the investigation had a purpose to give the judge the
2 most elements possible about the children's life and their
3 life's conditions. Generally speaking, the investigator
4 would get together with the teacher, the doctor, and the
5 close family if they lived with the children.

6 THE COURT: Do you have any other suggestions,
7 Judge Perrault?

8 JUDGE PERRAULT (through interpreter): No.

9 THE COURT: Can't you think of some great idea? If you
10 come up with an idea, we'll put you on the supreme court.

11 MS. NEMLAHA: We have a vacancy.

12 JUDGE PERRAULT (through interpreter): I would like
13 very much to come and do some kind of an internship back
14 there in the Los Angeles --

15 THE COURT: Oh, I was going to ask you that.

16 JUDGE PERRAULT (through interpreter): -- court.

17 THE COURT: I was going to ask you that, if I could
18 come over and do the custody evalu- -- would you like to
19 switch courts?

20 JUDGE PERRAULT (through interpreter): Oh, yes, with
21 pleasure.

22 THE COURT: Where are you located?

23 JUDGE PERRAULT (through interpreter): In Carcassonne.

24 THE COURT: How far is that from -- from Paris?

25 JUDGE PERRAULT (through interpreter): Carcassonne is a
26 medium size city where there is a magnificent medieval
27 village.

28 THE COURT: When's your vacation? I've always

1 wanted --

2 JUDGE PERRAULT (through interpreter): During summer,
3 and a French summer is July and August.

4 THE COURT: Okay. Well, I certainly appreciate your
5 staying so late, and I will do my best to make a wise
6 decision here.

7 JUDGE PERRAULT (through interpreter): I was very happy
8 to talk to you. Thank you.

9 THE COURT: Thank you and good evening.

10 JUDGE PERRAULT (through interpreter): Good evening.
11 Good-bye.

12 MS. NEMLAHA: Good evening.

13 (Pause.)

14 THE MONITOR: All through, your Honor?

15 THE COURT: Off the record. I'll see the attorneys for
16 a few minutes.

17 (Conference Off The Record.)

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