

1 IN THE SUPERIOR COURT OF THE STAT. OF CALIFORNIA
2 IN AND FOR THE COUNTY OF MONTEREY
3 BEFORE THE HONORABLE JOHN M. PHILLIPS, JUDGE
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6 **C O P Y**

7 IN RE THE MARRIAGE OF:

8 SCOTT LOELIGER

9 PETITIONER,

10
11 VS.

DR. 24816

12 SADIA ALI-LOELIGER

13 RESPONDENT.
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16 STATEMENT OF DECISION

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18 MAY 16, 1991

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20 A P P E A R A N C E S

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23 FOR THE PETITIONER:

SHERI L. PERLMAN
ATTORNEY AT LAW

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26 FOR THE RESPONDENT:

C. DENISE BENOIT
ATTORNEY AT LAW

PROCEEDINGS

MAY 15, 1991 -- 2:00 P.M.

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THE COURT: I HAVE HEARD ENOUGH.

THE MOTION TO MODIFY THE ORDER AS FAR AS THE CAR PAYMENT IS DENIED.

BOTH PARTIES ARE ORDERED TO TURN THEIR PASSPORTS INTO THE COURT FORTHWITH.

EACH SIDE BEAR THEIR OWN ATTORNEY'S FEES AND COSTS.

I PROBABLY HAVE MORE CONCERNS ABOUT THIS CASE THAN ANY CASE I HAVE SEEN.

THINGS ARE PROBABLY BETTER SINCE YOU HAVE GOTTEN INTO IT.

I REALLY FEEL SORRY FOR THAT CHILD. THAT CHILD IS DESTINED TO A LIFE OF TURMOIL THE WAY EVERYBODY-- BOTH OF YOU MENTIONED BOTH PEOPLE ARE GOOD PEOPLE AND ARE QUALIFIED PARENTS.

I QUESTION THAT. I THINK QUALIFIED ACCORDING TO SOME CRITERIA, NOT QUALIFIED AS TO THE WAY THEY HAVE BEEN BEATING EACH OTHER UP VERBALLY IN FRONT OF THE CHILD AND USING EVERY MECHANISM POSSIBLE TO GET AT EACH OTHER.

I QUESTION HOW QUALIFIED THEY ARE, BECAUSE NEITHER ONE OF THEM CAN PUT ASIDE THEIR OWN FEELINGS FOR THE WELFARE OF THE CHILD.

I AGREE DR. LOELIGER APPEARS TO BE A REASONABLE MAN, THE MORE RATIONAL ONE OF THE TWO. BUT I

1 THINK HE CAN SYSTEMATICALLY PUSH EVERY BUTTON, AND SHE
2 REACTS AND OVER REACTS.

3 BUT THE BOTTOM LINE IS SHE IS EXTREMELY
4 INTENSE, INFLEXIBLE, HAS A TREMENDOUS HATRED AND
5 ANIMOSITY THAT OVERRIDES EVERYTHING ELSE IN HER LIFE,
6 AND IT IS ALL DIRECTED TO HIM. SHE IS OBSESSED WITH
7 THIS CHILD, HAVING CUSTODY, AND HIM NOT HAVING
8 VISITATION. AND THAT IS NOT HEALTHY FOR ANYBODY TO BE
9 THAT OBSESSED WITH THE CHILD.

10 SHE HAS BEEN THROUGH NOW TWO ATTORNEYS, FOUR
11 DAY CARE PROVIDERS. SHE HAD FILED FAMILY SUPPORT AND
12 SMALL CLAIMS ACTIONS.

13 IT IS PRETTY CLEAR SHE IS GOING TO DO WHAT SHE
14 HAS TO DO TO THWART HIS VISITATION, AND I THINK MANY OF
15 HER ACTIONS ARE DESIGNED EXACTLY FOR THAT PURPOSE. SHE
16 KNEW VERY CLEARLY WHERE THE VISITATION WAS AND WHERE THE
17 EXCHANGES WERE TO TAKE PLACE.

18 AS I MENTIONED BEFORE, IT IS REALLY SAD WHEN
19 POLICE OFFICERS JUST HEAR THE NAME LOELIGER AND THEY
20 KNOW WHAT IT IS ABOUT AND WHAT THEY HAVE TO DO.

21 A GOOD EXAMPLE IS WHEN SHE DECIDED SHE WAS
22 GOING TO MAKE THE EXCHANGE AT NATIVIDAD. WE GOT AWAY
23 FROM THAT, WAY BACK.

24 THERE HAVE BEEN TIMES WHEN SHE CHOOSE TO TAKE
25 THE CHILD TO THE DOCTOR, RATHER THAN LETTING HIM HAVE
26 HIS VISITATION. AND SHE TESTIFIED HERSELF SHE WAS
27 CONCERNED ABOUT HER CALENDAR, NOT HIS CALENDAR.

28 THE TELEPHONE CALL AMPLY POINTS OUT THE

1 ANIMOSITY THAT SHE VOICED TO HIM AND THE TESTIMONY ABOUT
2 THE CLOTHES AND VARIOUS OTHER THINGS.

3 AND I COMPLETELY BELIEVE OR I DID BELIEVE THE
4 TESTIMONY OF TERRY SAIS AND THE WAY THE POLICE OFFICER
5 GOT INVOLVED IN EVERYTHING AND ABOUT THE WAY THE
6 CONFRONTATION OCCURRED.

7 YOUR CLIENT WAS PUT ON AMPLE NOTICE THAT SHE
8 WAS TO OBEY THE LAWS AND NOT THWART VISITATION.

9 FRANKLY, I HAVE SOME SYMPATHY FOR HER, BUT NOT
10 THAT MUCH, BECAUSE I AM LOOKING AT THE BEST INTERESTS OF
11 THE CHILD. AND IT IS NOT WORKING IN THE PRESENT
12 ENVIRONMENT, AND SHE CONTRIBUTED MUCH MORE THAN HER
13 SHARE TO IT NOT WORKING.

14 AND I HAVE GOT TO LOOK AT THE BEST INTERESTS
15 OF THE CHILD, AND SO MOTION TO MODIFY CUSTODY IS
16 GRANTED. I THINK THERE HAS BEEN SOME CHANGE IN
17 CIRCUMSTANCES. I HAVE READ OVER EVERYTHING IN
18 DR. REIDY'S REPORT.

19 CHILD CUSTODY IS MODIFIED TO BE EFFECTIVE NOW.
20 WE WILL PUT IT ON FOR A WEEK ON THE LAW AND MOTION
21 CALENDAR, A WEEK FROM TODAY TO TALK ABOUT VISITATION,
22 HOW WE START WORKING FROM THERE, BUT THE MOTION TO
23 MODIFY CUSTODY IS GRANTED NOW.

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1 STATE OF CALIFORNIA)

) SS.

2 COUNTY OF MONTEREY)

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4 I, NAOMI SICHAK, A CERTIFIED SHORTHAND
5 REPORTER, HEREBY CERTIFY:

6 THAT I AM A DULY APPOINTED SHORTHAND REPORTER
7 OF THE MONTEREY SUPERIOR COURT, COUNTY OF MONTEREY;

8 THAT IN THE PURSUANCE OF MY DUTIES AS SUCH, I
9 ATTENDED THE PROCEEDINGS IN THE FOREGOING MATTER AND
10 REPORTED ALL OF THE PROCEEDINGS AND TESTIMONY THEREIN;

11 THAT THE FOREGOING IS A FULL, TRUE AND CORRECT
12 TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN.

13 DATED: June 5, 1991

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16 Naomi Sichak
17 NAOMI SICHAK, C.S.R. NO. 4319