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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MARIN

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HON. BEVERLY WOOD, JUDGE DEPARTMENT G

MELISSANNE VELYVIS,)
)
 Petitioner,)
)
 vs.)
)
 JOHN H. VELYVIS,)
)
 Respondent.)
)
 -----)

No. FL 1603174
(Consolidated)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

REQUEST FOR ORDERS

TUESDAY, SEPTEMBER 20, 2016

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REPORTED BY: TAMARA S. WILSON, CSR# 10410

APPEARANCES

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FOR THE PETITIONER:

MS. MELLISSANNE VELYVIS
IN PROPRIA PERSONA

FOR THE RESPONDENT:

MR. TREVOR JACKSON
ATTORNEY AT LAW
811 JEFFERSON ST. 2ND FL
NAPA, CA 94559

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1 TUESDAY, SEPTEMBER 20, 2016 9:00 O'CLOCK A.M.

2 P R O C E E D I N G S

3 ---o0o---

4 THE COURT: Velyvis. All right. Good
5 morning. So this is the matter of Melissanne Velyvis
6 and John Velyvis. I have three separate matters before
7 me.

8 I have Ms. Velyvis's request for legal
9 separation. I have Mr. Velyvis's petition for
10 dissolution and his request for domestic violence
11 restraining order. And then, I have Ms. Velyvis's
12 subsequently filed request for restraining order.

13 So I guess what we need to do is some clean-up
14 here. First of all, we need to consolidate the matters
15 so we're not dealing with three separate files.

16 I see Ms. Velyvis has asked for legal
17 separation and Mr. Velyvis has asked for dissolution.
18 If anybody asks for a dissolution, they get it. So the
19 dissolution will be the controlling petition.

20 We can deal with Ms. Velyvis's request as her
21 response, too, if you like.

22 MR. JACKSON: And, your Honor,
23 appearancewise, Trevor Jackson, co-counsel on the
24 matter. Dr. Velyvis is present. He's both the
25 petitioner and the respondent in the coordinated TRO's.

26 We were just able to serve respondent with her
27 TRO documents. I believe the Court may have received a
28 copy of the email from a, "Cora Lancelle," an attorney.

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THE COURT: Yes.

MR. JACKSON: And that's the first time I've seen the document. I've reviewed it.

THE COURT: I don't usually -- we will continue this matter. We will consolidate the two TRO's. It's clear to me, Ms. Lancelle knew there was a TRO.

MR. JACKSON: Yes, your Honor.

THE COURT: So there was knowledge of Mr. Velyvis's TRO, but you were unable to officially serve it?

MR. JACKSON: That's correct, your Honor.

MS. VELYVIS: That's incorrect, your Honor. Mr. Jackson called me one day and asked me if I would be available to have his process server serve me paperwork, but he didn't say what it was. And I told him I would be, and I made myself available.

And I told my husband that I hadn't heard from anyone. And on the 1st of -- September 1st, I had asked for, or filed with an officer for, an EPO, and it was Judge Hakey (phonetic), or there was a judge at this court -- I have the police report -- and he needed more information, but I didn't get that -- that officer did not call me back so I got the report yesterday and read the report, and then my husband --

THE COURT: What are you talking about?

MS. VELYVIS: On September the 1st --

THE COURT: But why are you talking about

1 this?

2 MS. VELYVIS: Because, his timeline for
3 trying to have me served isn't accurate.

4 THE COURT: I don't really care. That's
5 not important. The point is --

6 MS. VELYVIS: I went to the Sheriff's
7 office and picked up the --

8 THE COURT: So did you pick up the TRO?

9 MS. VELYVIS: Yes, Ma'am.

10 THE COURT: Okay. All right. Well,
11 everybody has been served now.

12 MR. JACKSON: Correct, your Honor.

13 THE COURT: So we are going to go ahead
14 and have a hearing on the TRO's.

15 MR. JACKSON: Your Honor, if I may, lead
16 counsel, Matthew Bishop -- well, two things; first of
17 which is, I believe she is requesting a continuance in
18 order to obtain counsel, based on this letter that I
19 just received, and she's seeking a \$20,000 advance.

20 I wanted to make it clear to the Court that any
21 issues as to support we cannot do because she has all
22 of Dr. Velyvis's tax documents, and so, we can't come
23 to any sort of support determination.

24 If we want to proceed with the hearing, we can.
25 I just wanted to make it clear.

26 THE COURT: Well, I'm not making any
27 orders for \$20,000 in fees. I have seen nobody's bank
28 statements. I have not seen any documents about

1 anybody's financial situation. Ms. Lancelle knows
2 that. So I can't make a \$20,000 order. I have no
3 idea --

4 MS. VELYVIS: Your Honor, my husband
5 already gave a retainer for \$20,000 to Mr. Bishop, is
6 what he told me in August, so I just don't have any
7 representation, and he's given me -- we have only been
8 separated since the 1st of September, and he's saying
9 we were separated in August, and that's not correct.

10 So he's reversed all of our house payments.
11 And in September, he's given me \$2,000. And I've been
12 restrained from my home. And I'm the actual victim of
13 domestic violence, so I went to a hotel when violence
14 was committed on me. And I was restrained from the
15 home by his TRO.

16 The very day he filed that with you, he texted
17 me to have me pick the kids up at school, which I did,
18 and then he wanted me to cook dinner.

19 THE COURT: We are not, actually, going
20 to argue that today. I don't have a proof of service
21 that you were served until today. I know you have
22 been.

23 This is a very short marriage. There are no
24 minor children involved. This should be a relatively
25 simple matter.

26 MR. JACKSON: No real property, either.

27 THE COURT: Simple dissolution. And I
28 will just set this for a future date for the

1 restraining order.

2 MS. VELVVIS: Your Honor, I have no
3 money. My husband makes \$50,000 a month. I have no
4 money. I have medical problems, disability. He
5 controls the community property --

6 THE COURT: This is a very short
7 marriage. This is a three-year marriage.

8 MS. VELVVIS: Almost four years.

9 MR. JACKSON: A little beyond
10 three-and-a-half, your Honor.

11 MS. VELVVIS: July 31st, was exactly
12 three-and-a-half years, and we have been separated
13 since September 1st.

14 THE COURT: So I'm assuming that you had
15 some method of support prior to the marriage.

16 MS. VELVVIS: Your Honor, I came into
17 this marriage with nothing, and he knows that, but he's
18 holding onto our community assets, like funds for the
19 bank.

20 I don't have any money at all, and so, he's
21 holding onto all of our personal money and he banks
22 \$50,000 a year coming through, and he controls
23 everything, so he won't give me -- he gave me \$2,000
24 for the month of September, when he makes \$50,000 a
25 year.

26 He has his tax documents and the tax attorney
27 has them, and he's not telling you the truth today.
28 I'm out of my home right now when he is the one that

1 committed domestic violence, and this is not right.

2 THE COURT: I think we're going to figure
3 all of that out.

4 MR. JACKSON: And to be clear, one last
5 issue, this is a box that contained about \$20,000 worth
6 of silver. When she went back to the home --

7 MS. VELYVIS: Your Honor, I object
8 because this is not a hearing on this. This is not
9 true. And there's a lot of things going on that have
10 to do with all of our assets.

11 MR. JACKSON: Can I complete my --

12 THE COURT: Yes, you can.

13 MR. JACKSON: Thank you, your Honor. It
14 was replaced with a Kunwa, or specific type of rice, so
15 it seemed like the same weight. She's in possession of
16 about \$20,000 worth of silver cones, pre-1960's silver
17 coins. We request that any payment be contingent on
18 the return of these things. Multiple payments --

19 MS. VELYVIS: Objection.

20 THE COURT: Well, you raised the issue.

21 MR. JACKSON: Yes.

22 THE COURT: So if you raised the issue --

23 MS. VELYVIS: At some point, I'm trying
24 to get equal representation.

25 THE COURT: And he's saying -- I don't
26 know whether it's true or not -- that you took
27 significant gold or silver coins. Did you do that?

28 MS. VELYVIS: John Velyvis took gold from

1 me. I made sure that the attorney and my kids knew
2 that the silver, I don't want him to sell it until the
3 Court makes a decision on what's separate property and
4 what's community property.

5 THE COURT: So you have it?

6 MS. VELYVIS: I have half and he has
7 half, and it's not for me to sell.

8 MR. JACKSON: He does not have any of the
9 silverware.

10 THE COURT: Well, I'm going to give you a
11 new date for the hearing. I'm not making a \$20,000
12 order without any information. This is not the kind of
13 thing that requires a great deal of attorney
14 preparation. We are just going to have a short hearing
15 on the restraining orders.

16 And I would suggest that counsel might meet and
17 confer with each other --

18 MS. VELYVIS: I'm asking for a
19 continuance.

20 THE COURT: -- because there's a lot of
21 ways to resolve this short of having an evidentiary
22 hearing when parties are highly emotional after a
23 dissolution or upon a dissolution.

24 You've both made allegations against each
25 other. I understand. So let's figure out -- today is
26 September 20th. You can come back on October 11th.

27 MR. JACKSON: Could we get October 19th?
28 That is when Mr. Bishop will be available for full

1 representation.

2 THE COURT: That's when what?

3 MR. JACKSON: October 19th. If the Court
4 is not available, if the Court believes it's too far
5 out --

6 THE COURT: I think I can only make it
7 three weeks. So it'll be October 11th, at 9:00 o'clock
8 in the morning. And I do urge counsel to meet and
9 confer with each other as to how you want to proceed
10 and handle this.

11 MR. JACKSON: Unfortunately, she's
12 demanding the retainer before discussing the matter
13 with me.

14 MS. VELYVIS: I don't have any money.

15 THE COURT: Well, you have a lot of
16 silver coins. You have silver coins.

17 MS. VELYVIS: It's not for me to sell.
18 That's to be determined in the divorce court, what is
19 separate and what is not. And I have half of the
20 silver and so does he. He's liquidating things and
21 that's why I needed to make sure he stopped hiding all
22 the money we have.

23 But I need money to be able to even live and
24 survive.

25 MR. JACKSON: He's already made payments
26 of \$1,500, per the Court's prior order.

27 THE COURT: I think it was \$2,000.

28 MR. JACKSON: \$2,000, yes, thank you.

1 THE COURT: I ordered him to pay \$2,000
2 upon your leaving the home, because he filed for a
3 request for restraining order, first. And I ordered
4 him -- he actually offered to give you \$2,000 --

5 MS. VELYVIS: He put false things on
6 this. He said the medical practice pays for his home,
7 and that's not true. Why am I out of my house when I
8 didn't commit domestic violence? This is a domestic
9 violence restraining order.

10 THE COURT: You both alleged it against
11 each other, and he filed his first. And I understand
12 that he lives in the home -- and your children live
13 there part-time?

14 MR. VELYVIS: Yes.

15 MS. VELYVIS: I was the direct caretaker
16 of the kids.

17 THE COURT: I'm not going to kick the
18 children out of the home. They are not your children.
19 They are his children. I'm not going to kick the
20 children out of the home. So I did order him to pay
21 some rent for you for the month.

22 Counsel, it might be who of you to pay
23 additional funds so she has a place to live, since we
24 are continuing the matter.

25 If you are disabled, I assume you receive
26 disability income.

27 MS. VELYVIS: No, I don't have disability
28 income.

1 THE COURT: Well, if you are disabled,
2 you should apply for it. And if you don't --

3 MS. VELYVIS: Your Honor, am I not -- do
4 I not have a right to have money when -- during this
5 right here? I don't understand why it was our
6 community property funds and I have no money.

7 MR. JACKSON: It's also worth noting, she
8 gets \$2,000 in child support.

9 MS. VELYVIS: No, I do not. My daughter
10 is sitting right here. Payton is sitting right here.
11 She goes to Berkeley. She's here today, out of class,
12 and that child support was arrearages from long ago,
13 which is through.

14 What he's telling you is incorrect information.
15 It's not true.

16 THE COURT: What I've told you is, I have
17 absolutely no information before me about the parties'
18 income.

19 MS. VELYVIS: I turned it in today.

20 THE COURT: I'm not going to make a
21 \$20,000 order --

22 MS. VELYVIS: No, I put the income of
23 what I know that he has for me to be able to survive.

24 THE COURT: Okay. So I'm going to say
25 this one last time and then I'm not really going to say
26 it again: I ordered him to pay you \$2,000 pending
27 today's hearing. That was to get you through, like, a
28 two-and-a-half week period.

1 I'm suggesting to counsel that he pay some
2 amount of money pending the next hearing, so it's not
3 as if somebody is just kicking you to the street with
4 no money. You are asking me for \$20,000. That's a lot
5 of money and I'm not willing to do that on the fly
6 without any real information.

7 So you're a grown woman. You have some
8 responsibility to take care of yourself, right? Do you
9 agree with that?

10 MS. VELYVIS: Yes.

11 THE COURT: Okay. This is a very
12 short-term marriage. There are no minor children
13 involved in this marriage. They are his children. The
14 kids are going to stay in the house. That's it. I'll
15 see you on the 11th.

16 MR. JACKSON: That payment would be
17 contingent based on the tax returns?

18 MS. VELYVIS: He has the tax returns and
19 Mackowitz (phonetic) has the tax returns. John has
20 been evading tax returns for three years now.

21 THE COURT: I'm not going to hear it. If
22 you have the tax returns, make a copy and give them
23 back to him. If you don't have it, you don't have it.

24 MR. JACKSON: And the consolidation will
25 be all relegated to Department G, this court?

26 THE COURT: I guess so. Is that where
27 the dissolution is?

28 MR. JACKSON: The dissolution is here.

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MS. VELYVIS: Can I wait for Ms. Lancelle? I don't really know what my rights are right now.

THE COURT: Ms. Lancelle asked me to consolidate and continue the case, which is exactly what I've done. Her letter asked me to consolidate the cases and continue the hearing. That's exactly what she asked me to do, and that's what I've done.

MS. VELYVIS: I thought she asked for some spousal support on there, as well.

THE COURT: She asked for \$20,000, not for spousal support, but to pay her, and I've declined to do that off-the-cuff at this point. Thank you.

MR. JACKSON: Thank you, your Honor.

THE CLERK: Counsel, I need your reissuance.

(Whereupon, the proceedings were concluded.)

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1 STATE OF CALIFORNIA)
2)
3 COUNTY OF MARIN)
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5 I, TAMARA WILSON, an Official Shorthand
6 Reporter of the State of California, County of Marin,
7 do hereby certify that the above proceedings were
8 reported by me, a disinterested person, and were
9 thereafter transcribed under my direction into
10 computer-aided transcription and that this is a true
11 and correct transcription of said proceedings.

12 I further certify that I am not of
13 counsel or attorney for either or any of the parties in
14 the foregoing proceedings and caption named, nor in any
15 way interested in the outcome of the cause named in
16 said caption.

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19 Dated: The 25th day of September, 2016.
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23 TAMARA WILSON, CSR# 10410
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