

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the Matter of:

[REDACTED]

Petitioner,

vs.

[REDACTED]

Respondent.

ORDER FOR PROTECTION

Court File No.

[REDACTED]

[REDACTED] 2016

[REDACTED]

HEARD BEFORE

THE HONORABLE [REDACTED]


District Court Judge

COURT REPORTER:

[REDACTED]

A P P E A R A N C E S

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 Petitioner, appeared pro se.

COUNSEL ON BEHALF OF THE RESPONDENT:

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WITNESS:

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[REDACTED]

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<u>No.</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
1	Photograph	10	11	11

EXHIBITS FOR THE RESPONDENT:

<u>No.</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
R101	Notice of the Special Meeting	17	---	---
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P R O C E E D I N G S

1
2 THE COURT: Okay. This is in the matter of
3 [REDACTED] vs [REDACTED]. The
4 Court File Number is [REDACTED].

5 Would the parties please state their
6 appearance on the record, starting with you.

7 THE PETITIONER: My name is [REDACTED]

8 [REDACTED].

9 THE COURT: And you?

10 THE REPORTER: [REDACTED], advocate.

11 THE COURT: Okay. Thank you.

12 MR. GARRY: Ryan Garry, G-A-R-R-Y, Your
13 Honor. Good morning.

14 THE COURT: Good morning.

15 THE RESPONDENT: [REDACTED] -- [REDACTED]

16 [REDACTED] [REDACTED].

17 THE COURT: Okay. And we're here because
18 you're asking, [REDACTED], for an order for
19 protection against -- is this your brother --

20 THE PETITIONER: Yes, Your Honor.

21 THE COURT: -- [REDACTED] Okay. Is that
22 still your position?

23 THE PETITIONER: Yes, Your Honor.

24 THE COURT: And [REDACTED], have you had
25 an opportunity to review the petition in support of

1 the order for protection?

2 THE RESPONDENT: I have.

3 THE COURT: Okay. And the allegations set
4 forth in that petition, the allegations, you've had a
5 chance to review?

6 THE RESPONDENT: Yes.

7 THE COURT: Okay. If I grant this order
8 for protection, it would mean that for two years you
9 would not be able to call, write, visit, contact in
10 any way your brother, [REDACTED] And that would
11 mean by Facebook, Twitter, tweet, email, text
12 messages, leaving notes in cars, and mailbox. You
13 could not contact him through a third party.

14 If you did make contact with him, it would
15 be a violation of the law for which you could be
16 arrested and charged with a criminal offense.

17 During this two year period of time, you
18 would not also be able to be in possession of a
19 firearm.

20 THE PETITIONER: Your Honor, excuse me, I'd
21 like to amend it a little bit. In that there will
22 need to be some discussions with [REDACTED] on a corporate
23 level, so there would be some openings to agreeing to
24 allow us to meet in a certain corporate situation to
25 get those things done.

1 THE COURT: Well, we're a little premature
2 right now. That's assuming I issue the order.

3 THE PETITIONER: Okay.

4 THE COURT: We have to get through this
5 before we can determine what our next steps are going
6 to be.

7 THE PETITIONER: All right.

8 THE COURT: Now, there are three ways in
9 which we can handle this. We can have a hearing. I
10 would listen to [REDACTED] testimony first about
11 what happened and consider any other evidence he
12 wishes to offer. I would then listen to your
13 testimony and then listen to any other evidence you
14 would like to offer. I would then decide whether
15 domestic abuse occurred. If I decided domestic abuse
16 occurred, I will issue a written order stating you
17 abused your brother and ordering you to stay away
18 from him.

19 The second choice is, you can deny that
20 domestic abuse occurred, but you're willing to stay
21 away from your brother. In that case no hearing is
22 necessary. I simply -- you would simply agree to the
23 issuance of an order for protection requiring you to
24 stay away from him. And no finding of domestic abuse
25 will be made.

1 [REDACTED] do you want to tell me why it is
2 you want the Court to issue a domestic abuse no
3 contact order against your brother.

4 DIRECT EXAMINATION

5 THE PETITIONER: Quite honestly, Your
6 Honor, I'm afraid of [REDACTED] and the things he's been
7 doing. He's attacked me on a number of occasions.
8 And they've been in such a way that I fear that he's
9 trying to create some kind of permanent damage to my
10 body or to my health. I've got severe health issues.
11 I've had a number of surgeries, gallbladder surgery,
12 quadruple bypass surgery. I've had a stent put in,
13 and knee surgery, back surgery.

14 And when he attacks me, he's done so -- for
15 example, the time previous to this he went after my
16 knees in such a way that they almost -- they would
17 have been hyperextended backwards, and I would have
18 been in a wheelchair if he would have been
19 successful. This last time that he attacked me he
20 did so in a way that jarred my chest -- I've had
21 x-rays done because I thought he had actually
22 fractured ribs. He lifted me completely off the
23 ground. I landed on a desk behind where the -- where
24 it happened. Had the desk not been there, my head
25 would have hit a brick wall. That could have caused

1 my skull to come in contact with that. The next time
2 he attacks me, I don't know if I'm going to walk away
3 from it. That's the reason.

4 THE COURT: Okay. And do you have any --
5 did you see a physician --

6 THE PETITIONER: Yes, I did.

7 THE COURT: -- regarding these injuries?
8 Do you have any medical information to provide to the
9 Court?

10 THE PETITIONER: No, Your Honor. It was a
11 regular check up type -- they did the x-rays, but
12 they didn't find any kind of fracture. I've got some
13 photographs I'd like the Court to see, though. You
14 can see the bruises that -- it looks like --

15 THE COURT: Okay. Show that to defense
16 counsel.

17 THE PETITIONER: When he did so, he did so
18 with -- also with his knuckles. [REDACTED] is very well
19 known for his aggressiveness. In that they call him
20 a cobra. He'll get up in somebody's face. And one
21 of the things he was especially known for was making
22 it look like he was the victim when he would attack
23 someone. He'd get right up close to them, and he'd
24 hit himself in the forehead with his hand, but his
25 elbow would come up and catch them in the chin.

1 And same thing when he was getting close to
2 people. You know, he's got, like, you know, the Kung
3 Fu thing, when a guy goes, (indicating,) and puts all
4 the energy into a finger. He's got the ability to
5 drive home some very severe blows from a really close
6 distance. And like you said, the times he's -- like
7 this time, it came out of nowhere. I was swapping,
8 falling with my other brother.

9 THE COURT: Let's get that marked as an
10 exhibit.

11 MR. GARRY: And, Your Honor, I guess I'd
12 like [REDACTED] to provide some foundation when
13 this photograph was taken, who it was taken by.

14 THE COURT: We'll let him mark it as an
15 exhibit first.

16 MR. GARRY: Thank you, Your Honor.

17 THE COURT: Get him an exhibit sticker and
18 mark it Exhibit Number 1.

19 (Petitioner's Exhibit Number 1 was marked for
20 identification.)

21 THE COURT: Okay. You want to tell me when
22 that photograph was taken.

23 THE PETITIONER: This photo was taken -- as
24 far as the date?

25 THE COURT: Yes.

1 THE PETITIONER: I believe it was on
2 [REDACTED], Your Honor, of 2016. It was the same time
3 as the police officers came. And it was the day
4 after the attack. The police officers came and made
5 their photographers, but I took this photograph with
6 my phone at the same time.

7 THE COURT: Okay. So this was taken by
8 your phone. Okay. All right. Any objections?

9 MR. GARRY: None at this time, Your Honor.

10 THE COURT: Okay. Exhibit Number 1 will be
11 received. Where's our deputy?

12 THE DEPUTY: I'm here.

13 THE COURT: You're so tiny. I'm sorry.
14 And you never make any noises. Okay. Anything else?

15 THE PETITIONER: Just that since the
16 temporary restraining order's been in place, Your
17 Honor, it's been a lot more comfortable to be at work
18 without having to worry about being attacked. And
19 the fact is, that our situation there is such that
20 [REDACTED] doesn't need to be at work other than one day a
21 week anyhow. So it's not like -- and his salary
22 isn't going to change as a result of the fact that
23 he's not there. I'm on the board, and I'm aware of
24 that situation.

25 THE COURT: Okay. We'll deal with that.

1 THE PETITIONER: It's a very -- we're able
2 to comfortably do our job. And --

3 THE COURT: What is your employment?

4 THE PETITIONER: I work at [REDACTED]
5 [REDACTED] in [REDACTED].

6 THE COURT: Okay. And where is that
7 located?

8 THE PETITIONER: In [REDACTED].

9 THE COURT: In [REDACTED]. Okay. And is that
10 a family owned [REDACTED].

11 THE PETITIONER: Yes.

12 THE COURT: Okay. Anything else?

13 THE PETITIONER: I do have a witness, Your
14 Honor, if it's necessary, that I could present
15 additional --

16 THE COURT: And who is that?

17 THE PETITIONER: My son, [REDACTED]. He was
18 there at the time of your assault. And he's also
19 familiar with other behaviors and things that go on
20 at the [REDACTED] as [REDACTED].

21 THE COURT: Okay. Well, I'll let him
22 cross-examine first. Cross-examination?

23 MR. GARRY: Thank you.

24 CROSS-EXAMINATION

25 BY MR. GARRY:

1 Q. [REDACTED], you stated that you work at [REDACTED]
2 [REDACTED], correct?

3 A. [REDACTED] [REDACTED] [REDACTED] is the employer.
4 [REDACTED] is --

5 Q. You're an employee, correct?

6 A. Yes.

7 Q. All right. And your brother is the majority owner,
8 correct?

9 A. Not correct.

10 Q. He owns 50 percent?

11 A. No.

12 Q. Okay. Who's the other owner of the car wash?

13 A. There's my son, [REDACTED] my son, [REDACTED] and right
14 now my daughter, [REDACTED], holds stock similar to some
15 stock that [REDACTED] wife holds, that's in dispute.
16 It was stock that was taken from my mother illegally.

17 Q. Just hang on. I'm just talking about [REDACTED]
18 [REDACTED] first, okay?

19 A. [REDACTED] [REDACTED] [REDACTED] --

20 Q. I'm --

21 A. You're right, [REDACTED] is different than
22 giving property.

23 Q. Okay. So [REDACTED], your brother, owns 50 percent?

24 A. 50 percent.

25 Q. And your son, [REDACTED], owns 25 percent, and your son,

1 [REDACTED] owns 25 percent; is that true?

2 A. [REDACTED], yes.

3 Q. You have no ownership share in the company?

4 A. Nope.

5 Q. Okay. You're an employee of the company?

6 A. Yes.

7 Q. Okay.

8 A. And a director.

9 Q. And regarding this order for protection, you're
10 honest in this order for protection, correct?

11 A. Yes.

12 Q. You consider yourself an honest person?

13 A. Yes.

14 Q. Do you consider yourself peaceful and non-violent?

15 A. Yes.

16 Q. Okay. Now, I want to get this time frame right.

17 MR. GARRY: And, Your Honor, I just want to
18 give the Court some headway, because, you know, the
19 evidence I'm going to be presenting is really going
20 to reflect on our theory that this really had nothing
21 to do with an assault. That's why I'm asking some of
22 these questions.

23 BY MR. GARRY:

24 Q. On [REDACTED] 1st, the assault that you say your brother
25 committed on you, that was when you say he picked you

1 up and forced his knuckles into you; is that correct?

2 A. This last time, yes.

3 Q. And this is -- you just testified that this bruise
4 here, you took that on the same day of the assault,
5 correct?

6 A. I'm sorry. It was the next day. Whatever the day of
7 the -- I may be confused. The day of the assault --
8 because she was showing me this -- the picture was
9 taken the next day.

10 Q. This picture was taken the next day?

11 A. The day after the assault.

12 Q. So this very dark bruise was taken the next day?

13 A. The very next day after the assault.

14 Q. Okay. All right. After the assault, [REDACTED] came
15 back to work with you, correct? He was there after
16 working in the car wash with you from [REDACTED] 1st
17 through [REDACTED] 20th when you filed the order for
18 protection, true?

19 A. We don't really cross a lot of paths. So to be
20 honest with you, I can't tell you what [REDACTED]
21 schedule was.

22 Q. Were you working at [REDACTED]?

23 A. Yes.

24 Q. During that time frame was [REDACTED] working at [REDACTED]
25 [REDACTED]?

1 A. He was employed there, yes.

2 Q. Was he working there from [REDACTED] 1st through [REDACTED] 20th?

3 A. I don't know if he was present. He doesn't come in
4 everyday, and he doesn't put a lot of time in. So
5 when I see him, you know -- I don't know what days he
6 was there. Yes, he was working there.

7 Q. Okay. You did have conversations with him between
8 those two dates, true?

9 A. No.

10 Q. You never talked to him?

11 A. No, I avoided him.

12 Q. And you understand you're testifying under oath,
13 correct?

14 A. If I had any conversations, it would have been to
15 avoid him. Yes, I did talk to him.

16 Q. Did he ever assault you between [REDACTED] 1st and
17 [REDACTED] 20th?

18 A. Like I said, I avoided him the whole time.

19 Q. Just answer the question I'm asking, [REDACTED].

20 A. No.

21 Q. Did he ever assault you between [REDACTED] 1st and
22 [REDACTED] 20th?

23 A. No.

24 Q. Okay. And you didn't file this order for protection
25 on [REDACTED] 1st, the day of the assault, true?

1 A. I don't remember the date I filed it.

2 Q. You filed it on [REDACTED] 20th, correct?

3 A. Okay.

4 Q. All right. Now, there's something that occurred
5 between [REDACTED] 1st and [REDACTED] 20th that was significant.
6 Do you remember what that was?

7 A. No.

8 Q. You were served by [REDACTED] with a Board of Director's
9 meeting that was scheduled for [REDACTED] 21st, the day
10 before, the day after you filed this OFP. Do you
11 remember getting served that?

12 A. [REDACTED] and I have been trying to put different board
13 meetings together -- yes, I do remember him giving me
14 some note. But we've been trying -- we've been going
15 back and forth. And the note he gave me wasn't a
16 proper notice.

17 MR. GARRY: Your Honor, I'd like to mark
18 two exhibits, please.

19 THE COURT: Okay.

20 MR. GARRY: May I approach the clerk, Your
21 Honor?

22 THE COURT: Yes.

23 (Respondent's Exhibit Numbers R101 and R102 were
24 marked for identification.)

25 THE COURT: I'll start with 101.

1 BY MR. GARRY:

2 Q. A notice of the special meetings of the Board of
3 Directors that was given to you, that was scheduled
4 for [REDACTED] 21st. Do you recognize this document?

5 A. Yes.

6 Q. All right. And this was a meeting that was supposed
7 to occur on [REDACTED] 21st, the day before you filed
8 the -- the day -- excuse me, the day after you filed
9 the order for protection in this case, true?

10 A. We had discussions and known this meeting had already
11 been cancelled before I filed my deal.

12 Q. Yeah.

13 A. I talked to [REDACTED], and it was because it hadn't been
14 filed correctly. And [REDACTED] agreed he wasn't going to
15 be voting this way.

16 Q. [REDACTED], I'm just asking if those are the notice
17 of the Board of Directors?

18 A. I received, but the meeting wasn't going to take
19 place.

20 Q. Do you have any documentation that shows that this
21 meeting wasn't going to take place?

22 A. I believe [REDACTED] might be able to attest to that.

23 Q. Do you have any documentation?

24 A. I don't have any documentation, no.

25 Q. Okay. So you know at that meeting your job, your job

1 as the president and as a director, was going to
2 possibly be changed; isn't that true?

3 A. No, not at all.

4 Q. Okay. You know that's what was up for resolution in
5 these matters; isn't that correct?

6 A. No.

7 Q. What was the purpose of the Board of Directors
8 meetings then on [REDACTED] 21st?

9 A. [REDACTED] done this a dozen times. It never happens.

10 Q. Okay.

11 A. He keeps asking to be made an officer. But he has
12 done some things, including embezzlement, that are
13 going to keep him from being able to get that done.

14 Q. [REDACTED], I'm just going to try to have you answer
15 the questions that I asked, okay?

16 A. I understand. But I was not afraid of losing my job.
17 That's what you're asking me. And because I -- this
18 meeting wasn't going to take place.

19 Q. I see.

20 A. My restraining -- filing a restraining order has
21 nothing to do with that meeting or trying to avoid
22 any corporate responsibilities or anything like that.

23 Q. Would it be fair to say, that after my client
24 assaulted you and inflicted this very dark bruise,
25 you were scared of him after that, correct?

- 1 A. I've been afraid of [REDACTED] for a while.
- 2 Q. You were scared of [REDACTED] after he assaulted you on
3 [REDACTED] 1st, correct?
- 4 A. More so, yes.
- 5 Q. Okay. And you didn't file the order for protection
6 on [REDACTED] 1st or [REDACTED] 2nd or [REDACTED] 3rd. You filed it on
7 [REDACTED] 20th, the day before this meeting was going to
8 occur, true?
- 9 A. I've had a number of health issues, and I wanted to
10 see my doctor before I decided whether or not I
11 wanted to file.
- 12 Q. I see. But you didn't --
- 13 A. I couldn't get into my doctor until the day before I
14 filed, and that's when I filed.
- 15 Q. But you didn't go down to the courthouse and file the
16 OFP to keep your brother from coming into work and
17 working with you, did you? You waited until
18 [REDACTED] 20th, true?
- 19 A. I filed it when I filed it. That's all I'm going to
20 say.
- 21 Q. All right.
- 22 A. There's no intent.
- 23 Q. All right. And in your affidavit supporting the OFP,
24 you state that your brother was digging his knuckles
25 into your chest; is that correct?

1 A. That's the way he attacked me in this particular
2 attack, yes.

3 Q. And you stated that he lifted you off the ground,
4 true?

5 A. Yes.

6 Q. But -- and how much do you weigh, [REDACTED]?

7 A. Almost 300 pounds.

8 Q. So he picked you up with his knuckles in your chest
9 like this. (Indicating.) He didn't bear hug?
10 According to your affidavit he picked you up like
11 this? (Indicating.)

12 A. Would you like me to demonstrate?

13 Q. No, I would not. Did he bruise you on your other
14 side of your chest?

15 A. I was surprised -- he caught me in the center and
16 there. I was surprised that bruises didn't occur
17 where -- because that's actually where it hurt more,
18 where he caught me in the center. But the bruises
19 occurred where they occur.

20 Q. Was there another bruise on you after the incident?

21 A. No, you can see the bruises. I had them all along my
22 chest.

23 Q. Okay. So he picked you up --

24 A. It's darker on the one side.

25 Q. So you're saying he picked you up like this?

1 (Indicating.) Am I demonstrating this right? He
2 picked you -- a 300-pound man off the ground and
3 threw you into a desk?

4 A. No, you're not demonstrating it correctly.

5 Q. Why don't you show me how he picked you up.

6 A. Our conference room essentially would have been over
7 here. [REDACTED] would have been essentially there. Me
8 and my son -- my son was over here. I was here.
9 There's essentially some desks back here. I star --
10 [REDACTED] started to exit the room as I started to walk
11 out of the room. [REDACTED] kind of came into me. I
12 paused and he -- I saw his arms come up like this
13 (indicating) as he got close, and he dug them up into
14 my chest and drove me straight up. I came off my
15 feet and on my back on the desk behind me.

16 Q. Okay. Now, here's the question I have for you. All
17 this knuckles and lifting you off the chest, when you
18 called the police on [REDACTED] 1st -- do you remember
19 calling the police?

20 A. Yes.

21 Q. You spoke with the police, true?

22 A. Yes.

23 Q. And you were sober?

24 A. Yes.

25 Q. And you told them the truth, correct?

1 A. Yes.

2 Q. And, in fact, you didn't make one mention of him
3 driving his knuckles into you?

4 A. No, that's not true.

5 Q. Just wait. Just wait. Because I have a police
6 report. I've subpoenaed the police officers.
7 They're here to testify today.

8 A. The reports aren't accurate.

9 Q. The police officers are incorrect? Is that what
10 you're saying?

11 A. I'm just saying, that the police reports -- I read
12 through them just now.

13 THE COURT: [REDACTED], let him ask his
14 question.

15 BY MR. GARRY:

16 Q. [REDACTED], isn't it true, that when you first
17 reported this assault, you just stated that your
18 brother pushed you?

19 A. No.

20 Q. That's not true?

21 A. No.

22 Q. Okay. And isn't it --

23 A. Every time --

24 Q. Isn't it further true, that the next day after the
25 assault on [REDACTED] 2nd, you called the [REDACTED] Police

1 Department, true?

2 A. I don't recall.

3 Q. And you had [REDACTED] [REDACTED] (sic) come to the --

4 A. To take the pictures, yeah.

5 Q. Yes. And at that time you changed your story and
6 said, that instead of pushing you, he drove his
7 knuckles into you, lifted you off the ground, and
8 threw you across the room?

9 A. No.

10 Q. That's not what happened?

11 A. No.

12 Q. Okay. So the officers that are going to come and
13 take the witness stand and testify are incorrect and
14 you're right? Is that what you're saying?

15 A. I don't know what the officers are going to say.

16 Q. Okay. That's fair enough. We'll get to that. Now,
17 everything that you stated in this room for your
18 protection affidavit, you state was true; is that
19 correct?

20 A. Yes.

21 Q. And you stated that there was an incident back in
22 [REDACTED] of 2011, where you were having discussions,
23 and you called the police and your brother was later
24 charged with a disorderly conduct case, correct?

25 A. Yes.

1 Q. Now, I've obtained the criminal complaint from that
2 incident. And isn't it true your brother called the
3 police, not you?

4 A. I don't recall all the details of that situation. I
5 do know that it was also at a time when -- there were
6 a number of different things going on.

7 Q. Let's just try to stick with this time.

8 A. I'm going to try to. Because in this particular
9 situation that we're talking about -- also, this is
10 where [REDACTED] was using his power and influence at the
11 time to do some things that quite frankly weren't
12 legal. He had our attorney, corporate attorney --

13 MR. GARRY: Your Honor, objection;
14 narrative.

15 THE COURT: You're way off track. Answer
16 the question that he asked you.

17 THE PETITIONER: What's the question?

18 THE COURT: You're not helping your
19 situation.

20 THE PETITIONER: I'm sorry.

21 THE COURT: You're way off track.

22 THE PETITIONER: I'm sorry.

23 BY MR. GARRY:

24 Q. [REDACTED] I'm holding a copy of the complaint
25 regarding this paragraph.

1 A. He made the --

2 Q. Just wait.

3 THE COURT: Let him ask the question.

4 BY MR. GARRY:

5 Q. So what you stated in your OFP is not true? You said
6 that you called the police, but isn't it true that
7 [REDACTED] called the police?

8 A. (No response.)

9 Q. Just answer the question, [REDACTED].

10 A. I may have been mistaken.

11 Q. Okay. And are you also mistaken in that you were
12 also charged with a disorderly conduct in that case?

13 A. No, I was charged, but I was never -- it was dropped.
14 It was -- and it was expunged, because of the way
15 that attorney represented me. He wasn't supposed to.
16 He couldn't represent both of us.

17 Q. [REDACTED] just answer my --

18 A. I know --

19 Q. I have your criminal history here.

20 A. I know what it says.

21 THE COURT: [REDACTED] --

22 THE PETITIONER: I'm sorry.

23 THE COURT: -- stop talking. We have
24 people in another room --

25 THE PETITIONER: I'm sorry, Your Honor.

1 THE COURT: -- over at the Government
2 Center -- just stop talking and listen. We have
3 people over in the Government Center that take down
4 every word of this hearing. They can't take down
5 words when people are speaking over the other person.

6 How it works in court is, the attorney gets
7 to ask you questions at this point. You listen to
8 his entire question, so that you can answer the
9 question. Answer the question. That doesn't mean
10 that you can go off into a different tangent and say
11 whatever you want because you think you're going to
12 help yourself, because you're not. So just answer
13 the question. That's the safest thing to do here, so
14 that I can get the full story.

15 THE PETITIONER: Thank you, Your Honor.
16 I'm sorry.

17 THE COURT: Mr. Garry.

18 MR. GARRY: Thank you.

19 BY MR. GARRY:

20 Q. [REDACTED], isn't it true that you were charged with
21 disorderly conduct regarding that incident?

22 A. There was -- I don't know. I honestly don't know.

23 Q. [REDACTED], isn't it also true that you left that
24 out of the complaint that you -- the affidavit that
25 you signed to the Judge?

1 A. As I stated, I don't believe I was charged, because
2 the thing was wiped.

3 Q. You have a court case -- and I mean, I'm not going to
4 get into all the details -- but your court file was
5 [REDACTED] your brother's was [REDACTED]. Is it your testimony
6 under oath that you don't remember being charged in
7 that case as well?

8 A. Originally, yes, I went to court.

9 Q. Okay. Fine. And you didn't -- you didn't tell the
10 Judge -- or you didn't put that in you affidavit.
11 You just conveniently left that out, didn't you?

12 A. I must have.

13 Q. Okay. And you're mistaken in the fact of who really
14 called the police too, aren't you?

15 A. Again, I know they were called, that's all I
16 remember.

17 Q. All right. So this of paragraph C, 12C, really isn't
18 true, correct?

19 A. No, I believe I may have called them at the same
20 time. We may have both called them at that time. I
21 don't know.

22 Q. All right. [REDACTED] I'm going to ask you some
23 questions I know are going to be difficult for you to
24 answer. But you testified that you're a nonviolent,
25 peaceful person, true?

1 A. Yes.

2 Q. Isn't it true, [REDACTED], that you have a \$644,000
3 judgment against you for beating up a
4 hundred-and-fifty-pound young boy, that was your
5 daughter's ex-boyfriend, true?

6 A. I had no attorney. I plead no contest, yes.

7 Q. And I've obtained all the records in this case. And
8 you broke his bones, correct?

9 A. No.

10 Q. Okay.

11 A. No, again, that one was expunged because --

12 Q. Well, Mr. [REDACTED] --

13 THE COURT: That's not the question.

14 THE PETITIONER: Sorry.

15 THE COURT: Answer the question.

16 THE PETITIONER: I'm trying to, Your Honor.

17 THE COURT: No, you're not. You're going
18 off on tangents --

19 THE PETITIONER: I'm sorry.

20 THE COURT: -- trying to help yourself.

21 And don't give me that poor-boy look that, "I'm
22 sorry." I don't fall for that stuff. I've been
23 doing this for a long time. So just answer the
24 question.

25 MR. GARRY: Thank you, Your Honor.

1 BY MR. GARRY:

2 Q. [REDACTED], I'm not going to ask you any questions
3 about this. But I'm going to ask you questions for
4 which I know the answer. You pled guilty to this
5 case, correct?

6 A. (No response.)

7 Q. The court record says you pled guilty on [REDACTED] 22nd;
8 is that true?

9 A. It was called an Alfred plea.

10 Q. Okay.

11 THE COURT: What's the year of that, sir?

12 MR. GARRY: [REDACTED], Your Honor.

13 BY MR. GARRY:

14 Q. And you were later sued by [REDACTED] (sic), and
15 he obtained -- and was awarded by the Judge a
16 \$644,000 judgment against you, true?

17 A. Yes.

18 Q. All right. And, in fact, you're familiar with these
19 order for protection hearings because you pled guilty
20 to violating an order for protection in the past,
21 correct?

22 A. I pled guilty to violating an order for protection in
23 the past, no, I don't believe I have.

24 Q. In [REDACTED], in [REDACTED] County, it says you were convicted
25 for a violation of an order for protection; is that

1 true?

2 A. Are you talking about my divorce?

3 Q. It could be. I don't know the circumstances of that.

4 A. I don't recall.

5 Q. Okay. All right. And just a couple other questions
6 regarding this judgment that [REDACTED] obtained.

7 You were mad because he was dating your daughter,
8 right?

9 A. No.

10 Q. Okay.

11 A. He raped my daughter.

12 Q. Well, he signed an affidavit -- your daughter signed
13 an affidavit, I believe, saying that it wasn't rape;
14 isn't that true? That it was completely consensual?

15 A. No.

16 Q. All right. Now, the real reason you filed this OFP
17 was so that you could remove your brother from the
18 ownership of this business and you could take over;
19 isn't that true?

20 A. No.

21 Q. And you've tried to do that many times in the past;
22 isn't that true?

23 A. No.

24 Q. When your brother and his wife of 30 years -- he's
25 later going to testify in this hearing -- were on

1 vacation, you went to U.S. Bank, and you drafted a
2 fraudulent document stating that you were the owner
3 of the company. You set up a secret bank account and
4 put \$90,000 in that bank; isn't that true?

5 A. Nope.

6 MR. GARRY: Your Honor, may I approach to
7 mark an exhibit?

8 THE COURT: Yes, you may.

9 (Respondent's Exhibit Number R103 was marked for
10 identification.)

11 BY MR. GARRY:

12 Q. [REDACTED], I'm showing you what's been marked as
13 Exhibit R103.

14 THE PETITIONER: Your Honor, does this have
15 anything to do with the fact that I was assaulted?
16 Can I object to it?

17 THE COURT: Yes, you can. But you might
18 want to take a look at it first.

19 THE PETITIONER: Okay.

20 MR. GARRY: Take a look at that, please.

21 BY MR. GARRY:

22 Q. Is that a letter that is signed by you?

23 A. It looks like it is. I can't read it.

24 Q. And in that letter, does it state to [REDACTED] that
25 you're an owner of the company?

1 A. Can I explain this letter, please?

2 THE COURT: No. You can explain it when
3 it's your turn for redirect, but not now.

4 THE WITNESS: Yes.

5 BY MR. GARRY:

6 Q. And isn't that true, [REDACTED], that at this time
7 you were not the owner of the business?

8 A. Nope.

9 Q. You're saying you were an owner of the business when
10 you wrote this letter?

11 A. No.

12 Q. Okay. So you were not an owner of the business; is
13 that true?

14 A. Correct.

15 Q. So the letter you wrote to [REDACTED] was a lie?

16 A. No.

17 Q. Well, it can't be both ways, [REDACTED]. Either you
18 were an owner or you were not an owner?

19 A. I explained my complete situation to the bank. And
20 they told me to write the letter that way, even
21 though they knew the situation.

22 Q. So they told you the exact language to put it?

23 A. Yep.

24 Q. All right. Did you sign this letter?

25 A. Yep.

1 Q. Is that your signature?

2 A. Yes, it is.

3 Q. And in this letter it state's that you're an owner,
4 true?

5 A. They said it didn't matter. It was just a formality.

6 Q. In this letter --

7 A. Yes, I signed it.

8 Q. And you were not an owner at this time?

9 A. No.

10 Q. So this is a lie?

11 A. Depends on how you look at it.

12 Q. Okay. In fact, the money, when [REDACTED] found out
13 that you took this, the account was eventually closed
14 and the money was returned to [REDACTED] --

15 [REDACTED], your brother, and his wife, correct?

16 A. No. What money are we talking about?

17 Q. The \$90,000 you took out of the company and put it in
18 a secret [REDACTED] account.

19 A. No secret [REDACTED] account. Are you talking about
20 money that was put back into [REDACTED] [REDACTED] for
21 [REDACTED]?

22 Q. We'll get to that in a second, sir.

23 A. I didn't return any money to them. I put it back in
24 our other accounts.

25 Q. Isn't it also true, that when you couldn't pay the

1 \$644,000 judgment, you quit [REDACTED] and
2 [REDACTED] and then -- is that true?

3 A. No. What was your question?

4 Q. When you couldn't pay back the judgment that [REDACTED]
5 [REDACTED] was awarded against you, you quit the
6 company?

7 A. No, that had nothing to do with it.

8 Q. You wrote a letter to [REDACTED] and you signed
9 it and you say that you quit, true?

10 A. Oh, God. No, you guys are twisting things.

11 Q. I have your letter right here, [REDACTED] I can
12 show you.

13 A. That was, though.

14 Q. Did you write this letter? Do you need me to mark it
15 as an exhibit?

16 THE PETITIONER: Your Honor, what does this
17 have to do with any of this?

18 THE COURT: Just answer the question,
19 please.

20 BY MR. GARRY:

21 Q. Do you want me to --

22 A. I can see it. I wasn't prepared for all our
23 corporate stuff. And what's your question about this
24 letter?

25 Q. You quit the company; is that true?

1 A. No, I did not.

2 Q. What's that letter saying you quit then?

3 A. It's -- what's the word I'm looking for? It's not --

4 THE COURT: Mr. Garry, bring your motion.

5 MR. GARRY: Thank you. Your Honor, we ask
6 that the motion brought by the petitioner to have an
7 OFP in place be dismissed.

8 THE COURT: So ordered.

9 MR. GARRY: Thank you, Your Honor.

10 THE COURT: Both parties go back down to
11 the respective waiting area. We will fax down the
12 order. Do not leave without it. One at a time,
13 please.

14 MR. GARRY: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 (Court was concluded at 10:45 a.m.)

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

I, [REDACTED], District Court
Reporter, hereby certify that the foregoing pages are a
true and correct transcript of my stenographic notes
taken relative to the afore-mentioned matter on the [REDACTED]
day of [REDACTED], 2016, in the City of Minneapolis, County
of Hennepin, and State of Minnesota, before the
Honorable [REDACTED], Judge of District
Court.

Dated and signed this [REDACTED] day of [REDACTED], 2016.

/s/ [REDACTED]
[REDACTED]
Official Court Reporter
Fourth Judicial District
[REDACTED]
Notary Public Comm. Expires 1-31-18