

In The Matter Of:
Rebecca Horst v.
Christopher Joseph Bradley

Hearing in front of Judge Polson
September 9, 2019



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IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA

REBECCA HORST, FORMALLY
REBECCA HORST BRADLEY

Former Wife,

and

Case No. 2013-DR-000776

CHRISTOPHER JOSEPH BRADLEY,

Former Husband.

_____ /

PROCEEDINGS:	Motions Hearing
BEFORE:	Honorable Mary K. Polson
DATE:	September 9, 2019
TIME:	9:17 a.m. CST
LOCATION:	Okaloosa County Courthouse 1940 Lewis Turner Boulevard Fort Walton Beach, Florida
REPORTED BY:	Amber Lee Rodriguez, RPR, FPR

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1 PROCEEDINGS

2 THE COURT: Going on the record. This is
3 Case No. 13-DR-776, Rebecca Horst -- you still go
4 by Horst, right?

5 MS. HORST: Yes, ma'am.

6 THE COURT: The Former Wife present, pro se,
7 and Christopher Bradley, the Former Husband,
8 present pro se. We're here on several matters.

9 I originally had this set for the Former
10 Husband's Motion for Contempt filed on May 2nd,
11 2019, and then I rescheduled the Former Husband's
12 Emergency Motion for Declaration and Enforcement of
13 All Rights under his Timesharing Agreement that was
14 filed on July the 5th, 2019, and the Wife's --
15 Former Wife's Motion to Dismiss that motion filed
16 on July the 6th, 2019.

17 Now, since the scheduling of those three
18 motions, the Former Husband has filed another
19 Motion for Contempt Enforcement based on new
20 violations and requests for declaratory judgment on
21 August the 5th, 2019. The Former Wife has filed a
22 Motion to Dismiss everything filed on
23 September 4th, 2019. And the Former Husband
24 filed a response to the Motion to Dismiss on
25 September 5th, 2019. So I'm going to go ahead

1 and handle all those issues since we're here.

2 So I'm going to place both parties under oath
3 if you'll raise your right hand.

4 Do each of you swear or affirm to tell the
5 truth, the whole truth and nothing but the truth?

6 MS. HORST: Yes, ma'am.

7 MR. BRADLEY: I do.

8 THE COURT: Okay, very good. Thank you.

9 The first thing I'm going to handle is really
10 the Former Husband's response filed on September
11 the 5th, 2019, where he's asking me to set one hour
12 apiece on each pending motion. And he's requesting
13 the Former Wife to cooperate in discovery saying
14 that she refused to cooperate in that.

15 All right. Mr. Bradley, you have a law
16 degree. You understand what discovery is, correct?

17 MR. BRADLEY: I understand, I believe.

18 THE COURT: All right. So I did not see any
19 request for discovery filed in this case.

20 MR. BRADLEY: There was an e-mail sent to the
21 Former Wife by myself that she included with her
22 Motion to Dismiss in which I indicated we should
23 talk about this. I think that questioning a couple
24 of people as witnesses would be appropriate and
25 that maybe we need to ask the Court for some more

1 time. She did not respond to me. She responded by
2 filing --

3 THE COURT: Speak up just a little bit.

4 MR. BRADLEY: She did not respond to me. She
5 responded by filing that Motion to Dismiss.

6 THE COURT: All right. Sir, you're asking
7 me to compel discovery. That's a legal term.
8 There's no discovery filed in this case, and so I
9 can't force the two of you to meet together and
10 discuss this case.

11 So I'm going to deny the request that she
12 cooperate and engage in discovery with you and to
13 compel discovery because there's no discovery
14 filed.

15 MR. BRADLEY: I -- Your Honor, I could not
16 file -- there's no discovery filed because there is
17 no -- I requested of the other party that we
18 coordinate discovery, and she --

19 THE COURT: It doesn't work that way, sir,
20 and you know that. You're an attorney. There's
21 rules for discovery.

22 MR. BRADLEY: I'm not an attorney, ma'am.
23 I'm a lawyer. I graduated from law school 20 years
24 ago.

25 THE COURT: And what's the difference between

1 being a lawyer and an attorney?

2 MR. BRADLEY: I have no license to practice
3 law.

4 THE COURT: Okay. But you understand the
5 legal process and you understand what discovery is.

6 MR. BRADLEY: I was educated in that, ma'am.

7 THE COURT: Okay.

8 MR. BRADLEY: I do not know Florida law
9 pertaining to discovery. I --

10 THE COURT: Well, I'm going to explain it to
11 you.

12 MR. BRADLEY: Thank you, ma'am.

13 THE COURT: All right. So in order for me to
14 compel discovery, you have to, first of all, file a
15 proper discovery request under the rules. So you
16 have to do that. That's not been done, so there's
17 nothing for me to compel.

18 So I'm respectfully denying your request for
19 her to cooperate with you in discovery. I'm also
20 going to deny the request to set each of these
21 motions for one hour apiece. I find that that's
22 not warranted. All right.

23 So let's start with your Motion for Contempt
24 that you filed on May the 2nd, 2019. And
25 specifically I want you to testify and give me any

1 proof that you have that the Former Wife failed to
2 e-mail you on the following Sunday evenings as set
3 forth in the order.

4 And the first one that you have is February
5 the 10th, 2019. You're saying she did not e-mail
6 you that Sunday evening. You say that sometimes
7 she's late in e-mailing you.

8 MR. BRADLEY: Your Honor, you're referring to
9 what paragraph of -- you said there was a
10 February 10th e-mail that I said was not
11 delivered. Sunday, February 10th, Former Wife
12 failed to e-mail Former Husband as required by the
13 Order.

14 That is my testimony that on February 10th
15 she did not e-mail me. As far as proof, I offer my
16 testimony, sworn, to be honest, and I have a hard
17 time proving a negative inasmuch as I don't seem to
18 have a February 10th e-mail. I did include my
19 e-mails here.

20 THE COURT: All right.

21 MR. BRADLEY: With all due respect, this was
22 months ago.

23 MS. HORST: Your Honor --

24 THE COURT: Well, my question to you is did
25 she e-mail you sometime after February the 10th?

1 MR. BRADLEY: She may have.

2 THE COURT: Okay. All right, let's -- maybe
3 I should ask her then. All right.

4 Ms. Horst, did you send him an e-mail on --

5 MS. HORST: This was actually included on his
6 documentation, so I didn't need to reprint it out.
7 It's entitled: Sorry this one's late. It was sent
8 Tuesday, the 12th.

9 MR. BRADLEY: The 12th. That's the one
10 that said: Hush hush.

11 MS. HORST: No.

12 THE COURT: Go ahead and show it to me
13 because there's lot of stuff filed in this case.

14 MS. HORST: There is.

15 THE COURT: All right. This is
16 February 12th, I assume, 2019. That was a
17 Tuesday. Okay.

18 MS. HORST: After February 10th is what you
19 asked, right? I got the date right?

20 THE COURT: All right. So the Order that I
21 entered the last time I saw the two of you, that
22 Order was entered on January the 14th, 2019,
23 where I denied his Motion for Contempt and ordered
24 you to e-mail him every Sunday night and tell him
25 how the child was doing and her activities and so

1 forth. So you should have done it on February the
2 10th, right?

3 MS. HORST: I should have done it on
4 February 10th, yes.

5 THE COURT: Okay.

6 MS. HORST: I did it on January 13th,
7 January 20th, January 3rd [sic] which are all
8 Sundays. On the following week I was late. I do
9 apologize.

10 THE COURT: All right, so you admit that you
11 were late?

12 MS. HORST: I admit I was late.

13 THE COURT: Do you remember the reason why?

14 MS. HORST: Not specifically. I work
15 weekends very often. I couldn't recall
16 specifically, but often I work Sunday nights.

17 THE COURT: Okay. So you did it on
18 February the 12th. Did you ever get an e-mail
19 from Mr. Bradley on Sunday, February the 10th,
20 asking you why you haven't e-mailed him?

21 MS. HORST: I could look real quick.

22 THE COURT: Okay.

23 Mr. Bradley, do you know if you sent her an
24 e-mail that Sunday?

25 MR. BRADLEY: I do not know off the top of my

1 head. I was encouraged by Ms. Horst not to e-mail
2 her on more than one occasion that --

3 THE COURT: All right. Well, we know that
4 the two of you e-mail each other regularly. I mean
5 you have filed --

6 MR. BRADLEY: No, we don't, Your Honor.

7 THE COURT: Okay. You never e-mail her?

8 MR. BRADLEY: I did not say never. Not
9 regularly is what I directed, Your Honor.

10 THE COURT: All right. Did you receive this
11 e-mail on February 12th?

12 MR. BRADLEY: Yes, I received an e-mail on
13 February 12th.

14 THE COURT: All right. I'm going to admit
15 this as the Former Wife's Exhibit 1.

16 (Exhibit 1 was marked for identification)

17 THE COURT: All right. The next date is
18 March the 10th, 2019. Ms. Horst, did you e-mail
19 him on March the 10th?

20 MS. HORST: Again, he calls me on a late -- I
21 e-mailed him on Monday, March the 11th.

22 THE COURT: And do you have evidence of that?
23 Have you seen this, Mr. Bradley?

24 MR. BRADLEY: Yes.

25 THE COURT: Okay.

1 MR. BRADLEY: March 11th she e-mailed, not
2 March 10th.

3 THE COURT: All right. I'm going to admit
4 this as Former Wife's 2.

5 (Exhibit 2 was marked for identification)

6 THE COURT: And do you recall whether or not,
7 Ms. Horst, you did this on your own or did
8 Mr. Bradley send you an e-mail reminding you that
9 you were late on the e-mail?

10 MS. HORST: I always just do them.

11 THE COURT: Okay.

12 MS. HORST: I don't need a reminder, ma'am.

13 THE COURT: All right. Mr. Bradley, do you
14 know whether or not you receive this e-mail?

15 MR. BRADLEY: I believe I did receive that
16 e-mail --

17 THE COURT: Okay.

18 MR. BRADLEY: -- late, Your Honor, yes.

19 THE COURT: Late one day.

20 MR. BRADLEY: Late, yes, Your Honor.

21 THE COURT: Okay. I mean half a day late
22 because it was 8:29 a.m. Monday morning.

23 MR. BRADLEY: Late, Your Honor, yes. Not
24 Sunday as ordered by the Court, Your Honor.

25 THE COURT: Okay. All right. March 31st,

1 did you miss that date also?

2 MS. HORST: So, again, Monday morning I
3 e-mailed him.

4 THE COURT: Do you have a copy of that?

5 MS. HORST: Yes, ma'am.

6 THE COURT: Let me see that one.

7 Mr. Bradley, have you seen the one from
8 April 1st?

9 MR. BRADLEY: Yes, ma'am.

10 THE COURT: Actually, it's April 2nd.

11 MR. BRADLEY: Yes, Your Honor.

12 THE COURT: So it was two --

13 MS. HORST: Mine was sent --

14 THE COURT: I'm sorry. You're right.

15 MS. HORST: -- at the bottom the 1st at
16 8 a.m.

17 THE COURT: All right. The next date that he
18 alleged is April the 7th. Did you e-mail him on
19 April the 7th? And this will be Former Wife's 3.

20 (Exhibit 3 was marked for identification)

21 MS. HORST: March -- or excuse me, April 5th.
22 I did this one early. And then he replied saying
23 that I didn't send it, and I replied again on that
24 Monday. So there was a conversation had over that
25 weekend.

1 THE COURT: All right. And you mention at
2 the bottom of this, which is going to be Former
3 Wife's 4.

4 (Exhibit 4 was marked for identification)

5 THE COURT: That the reason why you didn't
6 send one from Sunday, and I assume you mean the
7 e-mail, is because you were in D.C.

8 MS. HORST: That may be referring back to the
9 one before, if I remember correctly. But yes --

10 THE COURT: That's right.

11 MS. HORST: -- we were both in D.C. at the
12 same time, and so we saw him there. I didn't
13 e-mail him that day.

14 THE COURT: Okay. All right. So you sent
15 this on April the 5th. And then he -- and then you
16 also sent on April the 8th at 3:44 p.m. -- oh,
17 wait, I'm sorry. He responded to you on April the
18 8th in the morning saying that you didn't send the
19 e-mail as required by the Court. And he asked you
20 questions about the trip to the college. And you
21 responded later that day.

22 You received this, Mr. Bradley?

23 MR. BRADLEY: Yes, Your Honor.

24 THE COURT: All right. Okay.

25 All right. The next alleged violation is

1 April the 21st, 2019. What happened on that
2 time?

3 MS. HORST: April the 21st. This was
4 another Monday.

5 THE COURT: Okay, the next Monday?

6 MS. HORST: Uh-huh, the 22nd.

7 THE COURT: All right. Let me see that one.
8 This will be Former Wife's 5.

9 (Exhibit 5 was marked for identification)

10 THE COURT: All right. And, Mr. Bradley, did
11 you receive this e-mail?

12 MR. BRADLEY: What was the date of the
13 e-mail, Your Honor?

14 THE COURT: April the 22nd. And this one
15 is at -- first of all, it was at 4:46.

16 MR. BRADLEY: Yes, I received the e-mail on
17 April 22nd. I did not receive an e-mail on
18 April 21st as required by the Court, Your Honor.

19 THE COURT: All right. Okay. And then the
20 last one alleged in the motion is April 28th,
21 2019.

22 Was that one late, ma'am?

23 MS. HORST: I'm looking.

24 THE COURT: Okay.

25 MS. HORST: I don't have any more printouts.

1 MR. BRADLEY: I believe it would have been --

2 MS. HORST: April 28th you said?

3 THE COURT: Yes.

4 MS. HORST: I mean most likely, yes.

5 THE COURT: I'm sorry. Did you find one
6 around that time?

7 MS. HORST: April 28th. Yes. Oh, wait.
8 I'm sorry. That was May. You know, in fairness I
9 don't have an April 28th. I have a May 6th.
10 So I did miss one. I do apologize.

11 THE COURT: Okay. And on your May 6th,
12 what kind of information did you give Mr. Bradley?

13 MS. HORST: I can read it aloud. I don't
14 have a printed copy. It says: A. is fine. I have
15 no idea what side of the stage she will be on in
16 referring to graduation. Impromptu pictures
17 happen. I'm sorry I can't schedule them.

18 I asked him to chat with A. for additional
19 setup times to meet with her. And I mentioned that
20 I saw him at the jazz dinner earlier that week.

21 THE COURT: All right.

22 All right. Mr. Bradley, this is your chance
23 to tell me what you want to tell me about the late
24 e-mails and how you believe that it affected your
25 ability to get information about your daughter.

1 MR. BRADLEY: Your Honor, the late e-mails
2 are evidence of the fact that Ms. Horst routinely
3 does not follow the Orders of this Court. The
4 e-mails were late. The Order was that -- it was
5 simple. It was clear the Former Wife shall e-mail
6 Former Husband every Sunday night. She had the
7 ability to e-mail.

8 THE COURT: All right. But you also allege
9 in your motion that the e-mails are sparse, the
10 information is sparse. Tell me. I've looked at
11 these e-mails. I've read them. It looks pretty
12 good to me. Tell me what you think you're missing
13 on the information about your daughter.

14 MR. BRADLEY: Well, on the e-mail dated
15 April 23rd she titles it: Yes, yes, late again,
16 but here it is so hush.

17 That attitude is not a coparenting attitude,
18 Your Honor. It's not one that encourages me to be
19 able to have any input into my daughter's life.

20 THE COURT: Your -- your allegation in your
21 motion is that the information is sparse --

22 MR. BRADLEY: Yes, ma'am.

23 THE COURT: -- about your daughter.

24 MR. BRADLEY: Your Honor, it is.

25 THE COURT: Okay.

1 MR. BRADLEY: She's fine is a term that is
2 subjective. What does that mean?

3 THE COURT: What is it that you would have
4 her say to you, other than these details --

5 MR. BRADLEY: Your Honor --

6 THE COURT: -- that she's giving you?

7 MR. BRADLEY: -- I would have had her allow
8 me to visit with my daughter.

9 THE COURT: Okay. That's a different issue,
10 sir.

11 MR. BRADLEY: But nobody has enforced that.

12 THE COURT: That's a different issue because
13 your daughter is now 18. Your daughter the past
14 year at the last time I came before the Motion for
15 Contempt was 17 and getting ready to graduate.
16 I've previously spoken to A., your daughter, on two
17 separate occasions, and she's --

18 MR. BRADLEY: Years before.

19 THE COURT: Pardon?

20 MR. BRADLEY: Yes, years before, Your Honor.

21 THE COURT: Yeah, when she was 13 and when
22 she was 15 --

23 MR. BRADLEY: Yes, Your Honor.

24 THE COURT: -- I spoke with her. I found her
25 to be a very mature young lady who understands what

1 she wants, who loves you, but doesn't want to spend
2 nights with you because of the living
3 circumstances.

4 And, you know, she -- when your children get
5 to be a teenager, our Shared Parenting Plans
6 recognize the fact that timesharing is not strictly
7 enforced because they're involved in activities and
8 so forth.

9 And I previously have said that it's not the
10 Former Wife's fault that your daughter is not
11 visiting with you according to the timesharing
12 schedule that you originally had dictated by a
13 Court in Texas when she was very young.

14 MR. BRADLEY: It was a negotiated timesharing
15 agreement, Your Honor.

16 THE COURT: Okay. I mean it was still
17 ordered by the Court. It was adopted by the Court.

18 MR. BRADLEY: Yes, Your Honor.

19 THE COURT: But a lot happened since that
20 time. You both moved from Texas. You went to
21 New York. You weren't living in the same vicinity
22 and a lot happened.

23 And so I do not -- I've never found, in
24 speaking to your daughter and in listening to the
25 former Motions for Contempt over the number of

1 years that I've had this case, that the Former Wife
2 was willfully withholding A. from you.

3 And so I don't think that this "Yes, yes,
4 late again, but it's here so hush" is evidence of
5 that. I have previously ruled that I believe that
6 your Former Wife has bent over backwards trying to
7 coparent with you.

8 But go ahead. My main concern was what
9 information you wanted. It appears to me that
10 she's given you quite a lot of information. She's
11 keeping you involved in what's going on with the
12 child and the colleges that she's looking at.

13 MR. BRADLEY: Your Honor --

14 THE COURT: Yes.

15 MR. BRADLEY: -- the college that she's
16 looking at, there's an example, Wesleyan College.
17 She was supposedly looking at Wesleyan College.
18 There was a trip to Wesleyan College. I had
19 informed the Wife that -- the Former Wife that I
20 had alumni, I had a friend that had alumni contacts
21 there. Let us help. I did not get a copy of the
22 itinerary.

23 THE COURT: Well, that's the next thing on
24 your Motion for Contempt --

25 MR. BRADLEY: Right.

1 THE COURT: -- that I was going to ask you
2 about.

3 All right. Sir, when did you find out about
4 the trip to Wesleyan College?

5 MR. BRADLEY: As stated in my motion. They
6 took a trip the weekend of April 6th and
7 April 7th.

8 THE COURT: When did you find out about it?

9 MR. BRADLEY: It would have been at some
10 point prior to that, Your Honor, it seems.

11 THE COURT: Well, you keep detailed notes.
12 You're very methodical about the Court Order and
13 when she's in violation. So I'm sure you can tell
14 me when you first became aware that your daughter
15 and your Former Wife were going to Wesleyan
16 College.

17 MR. BRADLEY: Just a moment, your Honor.

18 THE COURT: Okay.

19 MR. BRADLEY: I will look for that. I'm sure
20 it's in the e-mail here.

21 THE COURT: Take your time.

22 MS. HORST: Oh, I'm backtracking just a
23 little -- oh, never mind. It was March. I thought
24 I found an e-mail.

25 THE COURT: Ms. Horst, do you have any

1 evidence --

2 MR. BRADLEY: Looks like to me April 1st.

3 THE COURT: -- of when you told Mr. Bradley
4 about the trip to Wesleyan College?

5 MS. HORST: Yes, ma'am.

6 THE COURT: Okay. When did you first tell
7 him?

8 MS. HORST: I told him in a Sunday e-mail
9 saying that we were going the next day -- it was
10 the week before. It wasn't -- it wasn't much
11 before. It was the week before.

12 THE COURT: By e-mail?

13 MS. HORST: By e-mail, yes, ma'am.

14 MR. BRADLEY: What --

15 THE COURT: Do you have the actual e-mail?

16 MR. BRADLEY: I'm looking to see what --

17 THE COURT: Try --

18 MR. BRADLEY: On Monday, April 1st,
19 Your Honor, in an e-mail. It is included in my
20 Motion for Contempt.

21 THE COURT: So you're saying Monday,
22 April 1st was the first time?

23 MR. BRADLEY: I believe, yes.

24 MS. HORST: It would have already been in one
25 of those.

1 MR. BRADLEY: Monday, April 1st at 8:07
2 a.m. Rebecca Horst e-mailed: A. and I are going to
3 see Wesleyan College this weekend. She only has
4 physics left online. It looks like she is
5 maintaining her B average. They survived the ride
6 home from Washington.

7 I did get your request. I had requested
8 information about college. But neither application
9 nor replies are sent on paper anymore. It's all by
10 e-mail online. Therefore, there is little to see.
11 I was requesting information about college
12 applications and where she was going and what she
13 was doing.

14 Wesleyan she writes is the last place she
15 liked that she hasn't turned her -- that hasn't
16 turned her down, so fingers are still crossed. If
17 not this, then probably Northwest Florida to
18 bolster her scores and do the basics before trying
19 to get in somewhere.

20 So it was April 1st. And prior to
21 April 1st, on March 18th I e-mailed -- and this
22 is where we're talking about sparse information,
23 Your Honor. On March 18th I had e-mailed, I'd like
24 to see A.'s college application for each of the
25 schools she's applied to.

1 I wanted to add to that process to the extent
2 that I could. I have applied to colleges myself.
3 And I was not given any information about that.

4 In the e-mails that I've gotten from
5 Ms. Horst at this time, they were A. is fine. A.
6 is cleaning her room. Not A. is struggling to
7 apply for college. Not, you know, A. who the Court
8 had previously thought of as a well put together
9 smart woman knowing where she wants to go isn't
10 getting accepted to any colleges, but only going to
11 Northwest Florida because that's all that's
12 available to her.

13 THE COURT: All right. And can you point to
14 me in the Texas Final Decree of Divorce where it
15 says that she has to provide an itinerary to you?

16 MR. BRADLEY: I can point to you in your
17 Order, Your Honor.

18 THE COURT: Okay.

19 MR. BRADLEY: In your Order on -- which one?

20 THE COURT: There was the January Order --

21 MS. HORST: To provide itineraries.

22 THE COURT: Okay. Okay.

23 MS. HORST: The second page.

24 THE COURT: All right.

25 MR. BRADLEY: On the second page.

1 THE COURT: Okay. All right. And Ms. Horst,
2 did you not give him any trip itinerary?

3 MS. HORST: I told him we were going. I was
4 not under the impression more information was
5 required.

6 THE COURT: All right. Well, that's what I'm
7 wondering. Where does it say specifically? In our
8 Shared Parenting Plan, which was never adopted in
9 this case, we have specific language about what has
10 to be provided at least 72 hours before. But this
11 Order from January 2019 that I entered says provide
12 trip itineraries according to the Court's previous
13 Order, so I'm trying to determine if I adopted
14 that.

15 MR. BRADLEY: I believe, Your Honor, and this
16 is just recollection, before the Court permitted my
17 daughter to go to Belgium for a year, there was
18 trips occurring without my knowledge, and you may
19 have ordered itineraries then, but I would have to
20 refer back to my notes. I don't have a
21 recollection.

22 THE COURT: Just kicked me out. Hold on just
23 a minute.

24 And that was in 2015, I believe. I know that
25 in a previous Order back when I domesticated the

1 Texas judgment, that was back in 2013,
2 November 1st, 2013 it was filed, but I did talk
3 about the reservations -- that's when you guys were
4 living apart in different states -- and about the
5 flight information and so forth. It was 2017 when
6 she was going to Belgium.

7 All right. No, there's nothing in there
8 about trip itineraries. And nothing in the Order
9 July 14th, 2017. All right. I'll rule on that
10 in just a minute.

11 Okay. And then you also say that she failed
12 to provide an itinerary for the trip to Washington,
13 D.C. March 23rd and March 24th of this year.

14 MR. BRADLEY: Yes, Your Honor. I became
15 aware of that trip.

16 THE COURT: When did you become aware of that
17 trip?

18 MR. BRADLEY: On my own. I forget when it
19 was. I certainly did not get an itinerary. I
20 hoped to be able to see A. I managed to bump into
21 them at the --

22 THE COURT: I read all that. But when did
23 you first become notified that she was going to
24 Washington, D.C.?

25 MR. BRADLEY: She -- it looks like

1 March 17th maybe there was an e-mail, A. sent off
2 to Washington this week.

3 THE COURT: All right, Ms. Horst, what can
4 you tell me about that?

5 MS. HORST: Christopher gets all of the
6 school band e-mails because he started
7 volunteering. They'd been preparing to go to
8 Washington for weeks. He was intricately aware of
9 that trip.

10 MR. BRADLEY: Do not get e-mails.

11 MS. HORST: They are available to all
12 parents. And inasmuch as you volunteer with them,
13 I would assume that you do have that level of
14 involvement.

15 MR. BRADLEY: Assumption.

16 THE COURT: All right.

17 MS. HORST: Expectation.

18 THE COURT: All right. So, sir, were you not
19 aware and --

20 MR. BRADLEY: Your Honor, I did not receive
21 an itinerary from Ms. Horst.

22 THE COURT: That's not my question. My
23 question is: When did you become aware that she
24 was going to Washington?

25 MR. BRADLEY: I would have become aware -- it

1 looks like Ms. Horst e-mailed me on March 17th.

2 THE COURT: You did not know in working with
3 the band before then --

4 MR. BRADLEY: I did not know. I believe I
5 had asked if A. was involved. If you go back, I'm
6 pretty sure I can find it in an e-mail that I asked
7 if A. was involved in this festival.

8 THE COURT: Okay. Did you ever ask your
9 daughter?

10 MR. BRADLEY: My daughter is not -- hasn't
11 really been communicating with me.

12 THE COURT: When you're up there doing band
13 activities she doesn't --

14 MR. BRADLEY: She does not communicate with
15 me. The communication, Your Honor, that I have
16 from Ms. Horst and my daughter regarding my
17 daughter is essentially what's before the Court in
18 e-mails. I...

19 THE COURT: All right. Let's move on to the
20 next request. In this Order you requested I order
21 the Former Wife to secure an appointment within 7
22 days for an evaluation of the child for attachment
23 based parental alienation and to resolve
24 timesharing issues. Tell me about that, sir.

25 MR. BRADLEY: Your Honor, my daughter has

1 rejected me as a parent. She does not communicate
2 with me of her own accord. On occasion -- rare,
3 rare occasion she will respond to a text or an
4 e-mail I send with one word or maybe two.

5 In my reading about the subject, for her to
6 have taken a position that she doesn't want to see
7 me, doesn't want to talk with me is potentially a
8 DSMV diagnosable condition. And as a parent, I
9 wanted to have that evaluated. There is a review
10 that can be done or examination that can be done to
11 determine that.

12 THE COURT: And what makes you think it's
13 your Former Wife's fault that she doesn't want a
14 relationship with you?

15 MR. BRADLEY: I -- I believe that there's a
16 question as to whose fault it is. I'm not -- I
17 would be happy if I was wrong, Your Honor, but
18 there's no indication that I'm not. There's no
19 other explanation for my daughter to reject me the
20 way she has.

21 THE COURT: And you believe that a mental
22 health counselor could force your daughter to have
23 a relationship with you?

24 MR. BRADLEY: No, I'm not -- I'm not
25 suggesting that. I'm suggesting that mental health

1 is an important area of care and that I believe
2 that attachment based -- that my daughter should be
3 evaluated for this. That it -- it is detrimental
4 to let her not have a relationship with both
5 parents. To -- and I mean she's an adult now.
6 But --

7 THE COURT: And so you realize that your
8 daughter is an adult. She can do what she wishes
9 now --

10 MR. BRADLEY: Sure.

11 THE COURT: -- with regard to spending time
12 with her parents?

13 MR. BRADLEY: Right. And that's a result of,
14 you know, the disorder that -- yeah.

15 THE COURT: So since your daughter has become
16 an adult and she's no longer subject to whatever
17 the Former Wife would say her timesharing with you
18 is, has she had any timesharing with you?

19 MR. BRADLEY: No, she hasn't been to see me.

20 THE COURT: Okay. Do you still contact her?

21 MR. BRADLEY: I do. I text her. I try to --
22 try to contact her and...

23 THE COURT: All right.

24 MR. BRADLEY: She --

25 THE COURT: But you think having an

1 appointment with a mental health therapist will
2 assist you in your relationship with your daughter?

3 MR. BRADLEY: I think that she -- I think
4 that it would be useful to my daughter. I
5 suggested this many months ago, that she be
6 evaluated for this condition because I believed
7 that it was, you know, something that she could
8 speak with a counselor about and be -- what's the
9 right term? Benefit. She would benefit from
10 seeking counseling about this.

11 THE COURT: All right.

12 MR. BRADLEY: It's not -- you know, it's a
13 very prevalent condition, you know, something that
14 happens very often in these situations. And I
15 suggested it. If I had been given the timesharing
16 that is in the order, I could have done it on my
17 own.

18 But my ex-wife has not given me any time with
19 my daughter in years. She has not complied with
20 the Order that says I can pick my daughter up on
21 Friday afternoon or that I can see her on, you
22 know, Thursday nights. She hasn't complied with
23 any of that.

24 THE COURT: Didn't I previously suspend that
25 saying that the child did not have to spend

1 overnights with you --

2 MR. BRADLEY: I --

3 THE COURT: -- because she didn't want to
4 spend the night on the boat after she went there
5 Christmas of 2015?

6 MR. BRADLEY: Well, I'm not sure where you
7 suspended that, Your Honor.

8 THE COURT: Okay. All right. Well, I don't
9 think anybody ever asked me --

10 MR. BRADLEY: I'm not sure when the Motion
11 for Modification was.

12 THE COURT: That's what I'm saying. I don't
13 think we did that. I just said I'm not going to
14 enforce it because the child doesn't want to go
15 spend the night on the boat after she went there
16 Christmas of 2015 with presents for you and saw the
17 beer bottles and that you were passed out.

18 MR. BRADLEY: I --

19 THE COURT: Remember that, all those hearings
20 about that?

21 MR. BRADLEY: I don't remember all those
22 hearings about that, Your Honor.

23 THE COURT: Okay. All right. Well, I spoke
24 to her back then in camera --

25 MR. BRADLEY: Right.

1 THE COURT: -- and she confirmed what your
2 Former Wife said at that time.

3 All right, Ms. Horst. What's your response
4 to him wanting to have the child evaluated and his
5 accusations that you are basically alienating your
6 daughter from him?

7 MS. HORST: I have tried over the last 11
8 years to do my very best to foster a relationship
9 to the point where she gets quite sick of me saying
10 things like: Did you text your dad back? It's his
11 birthday. You should call him. You know, if
12 you -- if he texts you, make sure you reply. She
13 really doesn't want to hear it.

14 I am a great believer in the benefits of
15 counseling. And should I feel like she needed it,
16 we would be pursuing it. She does well. I mean,
17 she seems happy and well adjusted. She just isn't
18 interested in conversing with her dad at this
19 point.

20 THE COURT: And do you know why?

21 MS. HORST: I suspect the years of calling me
22 on her birthday being distraught over the fact that
23 he won't send her home and the Christmases gone
24 awry and the garbage bag of previous gifts that
25 arrived at our door one evening. And the endless

1 court hearings, which I do not hide from her, have
2 not been overlooked in her mind.

3 THE COURT: You want to respond to that,
4 Mr. Bradley?

5 MR. BRADLEY: Yes, Your Honor. Starting off
6 with where Ms. Horst stopped, the endless court
7 hearings which she does not hide from her. I
8 believe Florida policy is generally that minor
9 children should not be involved in the court
10 process at all if possible.

11 And the very first thing that Ms. Horst did
12 when she moved to domesticate this order in Florida
13 was make a motion for an in camera interview of the
14 daughter. And she has continued with that process
15 for the last four years of keeping my daughter
16 intimately involved and apprised of what's going on
17 in court, which is in keeping with if you read
18 about alienation or attachment based disorder, part
19 of what happens. You involve the child in the
20 controversy, and it poisons the child's
21 interpretation or perception of the other parent.

22 THE COURT: Well, Mr. Bradley, there were
23 issues where the child is the only person that
24 could have given me credible evidence as to what
25 occurs when she's having timesharing with you.

1 Otherwise it would have been hearsay.

2 There were issues that were involved in
3 whether or not I should allow her to go be an
4 exchange student in Belgium in 2017. I had to hear
5 her point of that.

6 There were issues when I was trying to do
7 everything I could to make her want to have a
8 relationship with you and how we could do that when
9 I set up the daddy/daughter dinners at a restaurant
10 of her choice and so forth in the past.

11 So I think it's proper to bring the child in
12 this case in a situation like this where only she
13 can tell me what timesharing was like with you in
14 New York on your boat, her wishes with regard to
15 her education and the timesharing with you. This
16 is not a 5-year-old child. I mean when this case
17 started she was --

18 MR. BRADLEY: Your Honor --

19 THE COURT: 13. She was 12 when this case --

20 MS. HORST: She was 7 I think when it all
21 started.

22 THE COURT: When it first started.

23 MS. HORST: First.

24 THE COURT: All right. So with regard to
25 your Motion for Contempt filed on May the 2nd,

1 2019, the Court would find that the Former Wife did
2 violate the Court's Order in not e-mailing exactly
3 as I told her to every Sunday night. However, she
4 did follow up with the exception of one e-mail that
5 was due on April the 28th, 2019. She did follow
6 up the next day with regard to e-mails. The first
7 one it was two days later.

8 And in having read the e-mails, the Court
9 disagrees with the Former Husband's
10 characterization that she was not giving sufficient
11 information about A., his daughter, to her.

12 So I'm going to withhold a finding of willful
13 contempt. I find that she was doing the best she
14 could to comply with the Court's Order. And she
15 was still working on Sundays she said, taking care
16 of her daughter and she did follow up. And I don't
17 think there was any willful intent in violating the
18 Court's Order, so I'm not going to sanction her
19 with regard to that because she did follow up and
20 advise the Former Husband.

21 With regard to the trip itineraries, the
22 Court would find that she did notify the Former
23 Husband, even though it might not have been as
24 early as he wished, with regard to the Wesleyan
25 College and the Washington, D.C. trip.

1 There's no specific Court Order that sets
2 forth what providing an itinerary means, and
3 therefore, I'm going to find that I can't hold her
4 in willful contempt for not doing something that I
5 didn't specify in particularly.

6 I mean, in other words, was she supposed to
7 tell you every single day what was going to happen,
8 what hotel they were staying with? She believes
9 she was complying with the Court's Order by telling
10 you before it happened at the two trips.

11 And you even went to Washington, D.C. and
12 participated in one of those trips is my
13 understanding, according to your testimony and the
14 e-mail correspondence that I have reviewed in
15 preparation for the hearing and in the exhibits
16 today. So I'm not going to find any willful
17 contempt with regard to that.

18 With regard to the request that I secure --
19 or order an evaluation of the child to determine
20 whether or not she has any diagnosis of attachment
21 based parental alienation, which may have been a
22 result of the Former Wife's actions, the Court
23 would respectfully deny that request.

24 The child is now 18. Even if this had been
25 heard when she was still 17, the Court would not

1 order that. The Court has never found any evidence
2 that it is the Former Wife's fault for the child
3 not wanting to spend time or communicate with her
4 father.

5 Moving on to the Former Husband's emergent --
6 so with regard to that, those are my findings with
7 regard to the contempt motion on May 2nd, 2019.

8 With regard to your Motion for Declaration
9 and Enforcement of your Rights, that's the one that
10 I rescheduled, and you objected and you have a Writ
11 filed with the First DCA, and so that'll be up to
12 them to rule on that.

13 But basically what you're asking me is to
14 declare that you have all the rights under your
15 Texas Order and the previous Orders of the Court.
16 And I don't understand why I need to say that. I
17 mean those Orders speak for themselves.

18 MR. BRADLEY: I was asking for a declaration
19 of those rights, Your Honor, what they are so they
20 were in one place and clear, Your Honor, because,
21 you know, as the Declaratory Judgment Act
22 indicates, I can request that.

23 THE COURT: Under what section of the Florida
24 Statutes?

25 MR. BRADLEY: I'm looking at the Florida

1 Statute Section 86.00 -- 011, declaratory
2 judgments, and then the following paragraphs of
3 Declaratory Judgment Act.

4 I believe that I could request -- any person
5 claiming interest or who may be in doubt about his
6 or her rights under a contract, memorandum,
7 instrument in writing, or whose rights, status, or
8 other equitable or legal relations affected by a
9 statute or regulation, da da da da. And it goes
10 on. May obtain a declaration of rights, status, or
11 other equitable or legal relations thereunder.

12 THE COURT: All right. The Court's going to
13 respectfully deny that motion stating that it's not
14 necessary. This is not an action brought under
15 Chapter 86. This is a family law case. And all
16 your rights and obligations as a parent of A. are
17 clearly set out in the previous orders by this
18 Court and the Texas Court, and there's nothing left
19 for me to declare. So I'm just going to deny it,
20 which makes the Former Wife's Motion to Dismiss
21 moot.

22 Moving on to the Second Motion for Contempt
23 Enforcement based on new violations, this one you
24 specifically state that the Former Wife has told
25 you she was taking the child to Spain for her

1 birthday and no trip itinerary was provided and
2 that she's been talking to the child about the
3 case, correct? All right, tell me, sir, when you
4 found out about the trip to Spain.

5 MR. BRADLEY: On July 21st, 2019 is when I
6 found out about the trip to Spain, as I wrote in my
7 motion dated and filed July 5th.

8 THE COURT: All right. And when --

9 MR. BRADLEY: Or August 5th rather.

10 THE COURT: When did they leave for Spain?

11 MR. BRADLEY: I'm not sure, Your Honor.

12 THE COURT: All right. Do you have that
13 e-mail?

14 MR. BRADLEY: The July 21st e-mail,
15 Your Honor?

16 THE COURT: Yes, sir.

17 MR. BRADLEY: Not with me, Your Honor.

18 THE COURT: Can you look it up?

19 Do you have it, ma'am?

20 MS. HORST: Yes, I do.

21 THE COURT: Okay. When did you take your
22 daughter to Spain?

23 MS. HORST: What I wrote in here is: I'm
24 taking her to Barcelona this coming week as a
25 birthday/graduation gift.

1 THE COURT: And what date was that? July the
2 21st?

3 MS. HORST: That e-mail was sent on Sunday,
4 July 21st. In that e-mail I also outlined what
5 classes she's taking in college and talked to her
6 about a friend who is also going to be going to the
7 same college.

8 THE COURT: All right. Did you give the
9 dates of the trip to Spain?

10 MS. HORST: No, ma'am, I did not.

11 THE COURT: And how long were y'all gone?

12 MS. HORST: Seven days, I do believe. And I
13 can double-check that.

14 THE COURT: And when did A. turn 18?

15 MS. HORST: August 12th.

16 THE COURT: Of this year, right?

17 MS. HORST: Yes, ma'am.

18 THE COURT: All right. Mr. Bradley, did you
19 ask her for a specific itinerary?

20 MR. BRADLEY: At what point, Your Honor?

21 THE COURT: When you found out that she was
22 going to Spain.

23 MR. BRADLEY: I don't believe I e-mailed
24 asking for a specific itinerary. I believe she was
25 under an obligation to provide an itinerary. As

1 the Court's already held, it's moot because the
2 nature of itinerary hasn't been defined and she
3 didn't know what --

4 THE COURT: Well, I mean that's the issue.
5 In order to find her in willful contempt, she has
6 to violate a specific --

7 MR. BRADLEY: I understand.

8 THE COURT: -- detailed Order of the Court.
9 And the Court would find that I've never given her
10 specification instructions on what exactly she's
11 supposed to put in the trip itinerary. And she did
12 tell you they were going. If she had never told
13 you that and you found out after the fact, that
14 might be something different.

15 So the Court would find no finding of willful
16 contempt, and I've already ruled on the issue about
17 advising the child of what's going on in the
18 litigation.

19 MS. HORST: It was eight days.

20 THE COURT: I'm sorry?

21 MS. HORST: Eight days including flight time.

22 THE COURT: All right. And then -- so I've
23 already ruled on that. And I'm going to find that
24 the -- I'm going to deny the Motion to Dismiss, and
25 I've already ruled on that.

1 Mr. Bradley, is there anything else you want
2 to tell me?

3 MR. BRADLEY: Just a minute, Your Honor.

4 THE COURT: Okay.

5 MR. BRADLEY: Your Honor, the only thing I'd
6 like to add is that I -- I do object to your ruling
7 on the declaratory judgment action. I believe that
8 it is applicable here and I have a right to a
9 written declaratory judgment.

10 And I believe that, as described by the
11 Supreme Court, you know, the parent/child
12 relationship is a fundamental constitutional right.
13 As you've indicated here today, you without hearing
14 or evidence beyond the testimony of perhaps a minor
15 child and my Former Wife suspended my timesharing
16 with my daughter.

17 And that would seem to be in the -- you'd be
18 contrary to providing strict scrutiny before
19 government intervention or interference with the
20 parent/child relation. And I wanted to put that on
21 the record that I object to your ruling with regard
22 to that.

23 THE COURT: Well, I think you corrected me
24 that I never suspended the timesharing. There was
25 never a modification.

1 MR. BRADLEY: There was no modification on
2 the record.

3 THE COURT: Right. And I didn't suspend it.
4 There's no Order suspending it.

5 MR. BRADLEY: And therefore -- and yet I
6 haven't seen my daughter and I can't get the
7 Okaloosa County sheriffs to enforce the Orders and
8 I couldn't get any help from the schools. And
9 Ms. Horst has been able to just wave around your --
10 your Orders and saying this is all I have to do and
11 well, gee, she wasn't really clear in what I had to
12 do with regard to the itinerary, so I'm not going
13 to do anything. I --

14 THE COURT: And you don't believe, sir, that
15 any of this is -- you have any part to play in the
16 fact that your daughter doesn't want to spend time
17 with you?

18 MR. BRADLEY: I don't know how I could at
19 this point, Your Honor. It's been more than three
20 year since I've had any meaningful contact with
21 her.

22 THE COURT: You don't believe that the events
23 leading up to that three years, though, by you had
24 anything to do with her not wanting to spend time
25 with you? That's my question to you.

1 MR. BRADLEY: Anything is a very broad word,
2 Your Honor.

3 THE COURT: Okay.

4 MR. BRADLEY: I'm sure that I -- I had
5 some -- something to do. I'm willing to take my
6 responsibility. I also understand that part of
7 raising a child is, you know, taking
8 responsibility.

9 Ms. Horst is saying that I have all of the
10 responsibility for my child not wanting to see me.
11 And whether or not I have the responsibility, it's
12 the policy of this state that the best parent are
13 both parents. And nobody is willing to enforce
14 since I've come to this state the agreement that
15 was made in Texas and made and ordered by the Texas
16 Court and domesticated here. It has not been
17 enforced.

18 I've come here asking for the enforcement of
19 that Order. I haven't asked for it to be modified
20 because I believe the best parent is both parents.

21 THE COURT: I agree. But Mr. Bradley --

22 MR. BRADLEY: But I have not --

23 THE COURT: -- I can't physically force your
24 daughter to come spend the night with you and spend
25 time with you. I can't physically force her to do

1 that. All I can do is hold the Wife --

2 MR. BRADLEY: I'm not asking you to.

3 THE COURT: -- the Former Wife in contempt if
4 I feel that she has a part playing in that. And I
5 have never found that the reason why your daughter
6 doesn't want to spend time with you is because of
7 your Former Wife. There's never been any evidence
8 before me about that.

9 MR. BRADLEY: Yes, you've never found, Your
10 Honor.

11 THE COURT: I mean you believe there is, but
12 I've not found that.

13 MR. BRADLEY: You've never found, Your Honor.

14 THE COURT: And I've listened to you, your
15 Former Wife. I've listened to your daughter on two
16 occasions. And I want to say that I'm sure that it
17 pains you that you don't have a relationship with
18 her. I'm hoping that as she's an adult that she
19 will reach out to you and give you another chance
20 to be her father.

21 MR. BRADLEY: Thank you for that sentiment --

22 THE COURT: I really do.

23 MR. BRADLEY: -- Your Honor.

24 THE COURT: I really do.

25 MR. BRADLEY: Thank you for that sentiment,

1 Your Honor. There...

2 THE COURT: And if you believe that your
3 Former Wife was the person that was holding her
4 from you, then now that she's an adult, she won't
5 be under those restrictions.

6 MR. BRADLEY: If you don't believe in the,
7 you know, DSMV and the diagnosis of attachment
8 based disorder, that would be a true statement.

9 THE COURT: Well, I'm not so sure that that
10 is a DHSMV because I've been to lots of conferences
11 where psychologists have told me and mental health
12 therapists that there's no such thing legally as
13 parental alienation.

14 MR. BRADLEY: But there is a difference
15 between parental alienation and attachment based
16 disorder.

17 THE COURT: Well, I know. I know all about
18 attachment based disorder. I do an early childhood
19 court because of that, okay?

20 MR. BRADLEY: Well, Your Honor, I'm not --

21 THE COURT: But I would not find that this is
22 the case with regard to A.

23 MR. BRADLEY: All right.

24 THE COURT: So we will send you my Order in
25 this case.

1 Thank you both.

2 MR. BRADLEY: Thank you.

3 MS. HORST: Thank you, ma'am.

4 (Hearing was adjourned at 10:12 a.m. CST)

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REPORTER'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF WALTON)

I, Amber Lee Rodriguez, FPR, RPR, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript is a true and correct record of the proceedings to the best of my ability.

Done and dated this 14th day of September, 2019, at Walton County, Florida.



AMBER LEE RODRIGUEZ, FPR, RPR

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