



Judicial Issues during the 2018 RTSC

* I am not able to provide any transcript evidence from the December 11-12, 2018 hearings as they were not able to be retrieved from the court reporter. **Exhibit #8**

Further, there are several instances within the transcript that was able to be recovered that my attorney and I both know are incorrectly transcribed.

In January 2018, after not utilizing any of his visitation since mid-April 2017 my ex-husband again filed another RTSC – overall complaint again was “alienation”. Even though “alienation” was not defined had no way to be assessed or measured and most important is not in violation of our agreement. Along with not utilizing visitation my ex-husband also got engaged and married without even notifying or inviting our daughters to the wedding. He did not spend any time with them during Father’s day or any of the holidays, including Christmas. He did not even give them 1 Christmas present. He dropped a letter off at our house notifying them that he had gotten married after he and his wife had both posted about it on social media. This RTSC was scheduled to occur in May in front of Judge Norton. Both attorneys agreed for the girls to start counseling & to postpone the case. After the case was rescheduled the Family Court scheduler notified Anita Floyd’s office. After that Ms. Floyd’s office sent an email to the family court scheduler stating that Judge Holmes had requested to retain jurisdiction over this case. She did not provide any documentation but nonetheless the case was again re-scheduled and again scheduled to be with Judge Holmes. This is straight up judge shopping. Judge Holmes never requested to retain jurisdiction. My attorney, Julian Derrick sent Ms. Floyd a letter inquiring about her judge shopping but Ms. Floyd never responded. Part of my ex-husband’s requests in the 2018 RTSC was for me to be placed in jail and for our children (15 and 17) to be placed in foster care “to teach them a harsh life lesson”. We were set for 3 days in December before Judge Holmes. During the 3 days in December I was never afforded the time to testify. Hal and Ms. Floyd monopolized the entire proceedings for him – Hal can afford to have 5 & 6 day hearings, I cannot. After the 2nd day of listening to Hal testify to false accounts of events that he admitted went on **after** he filed the 2018 RTSC Judge Holmes finally ruled that from

now on she would only hear about events during the time of the order. It was so biased and improper to allow 2 days of the courts time to false claims that they even admitted took place after the filing and then not even give me the opportunity to defend myself. After Hal filed the 2018 RTSC he still did not try to utilize any of his visitation. He didn't even request any weeks for his summer visitation with the girls. His defense for not utilizing his visitation was that he was scared of the girls and what possible type of claim they could make against him. Even though there was no evidence to support this whatsoever. During the 2 years prior to this I never received 1 letter/email/text or had any other type of contact where Hal or Ms. Floyd notified me or expressed any concern with Hal not utilizing his visitation or the girls behavior. However, on December 14, 2018, after just hearing from Hal's side Judge Holmes decided that both of my daughters (who didn't even know we were in court or had anything legal going on) needed to be taken out of school and brought to the courthouse immediately so they could observe her preside over DJJ cases. My mother was sent to pick up our daughters who were frightened that I had been in an accident. They were made to sit away from me in the courtroom and they were shaking, crying and frightened beyond belief. They watched as Judge Holmes sentenced 2 different juveniles to DJJ. After that Judge Holmes told them that no parent should ever be frightened by their children and that if Hal had to contact her again about their behavior she would send them to DJJ in Columbia. I couldn't believe what was happening both of our daughters were straight A students-multiple honor societies, clubs-active in the community and our church-the worst thing they have ever done is get a tardy. Further Judge Holmes had the solicitor for DJJ lecture our daughters how if they were not at their father's house during his time then they would be considered run-aways and that they prosecuted run-aways! Judge Holmes did not allow either of our daughters' to speak or say anything. She fully acted as if our daughters' had been refusing to stay with Hal when the truth was that he had been refusing them-he never once in 2 years showed up to pick them up to stay with him-never once texted them and stated that it was his weekend an they needed to be with him-nothing.

Exhibit #9-email between Anita Floyd's office and Family court scheduler. Letter from Juliaan Derrick to Anita Floyd referencing the Judge shopping. With as many times that Judge Holmes has had our file it is very hard to imagine a scenario in which she didn't come across these emails as they are very clearly displayed.

Exhibit #10 - Reason for Pursuing Second Rule to Show Cause - portion of Hal's affidavit where he requests me to go to jail and the girls to go to foster care to "teach them a harsh life lesson"

Judicial issues during the hearing on December 14, 2018

Canon 1 - A judge shall uphold the integrity and independence of the judiciary.

Canon 2-A judge shall avoid impropriety and the appearance of impropriety in all of the judges activities.

Canon 3-A judge shall perform the duties of judicial office impartially and diligently. (2) A judge shall be faithful to the law and maintain professional competence in it. (3) A judge shall require order and decorum in proceedings before the judge. (4) A judge shall be patient, dignified and courteous to litigants and other with whom the judge deals and shall require similar conduct of lawyers and others subject to the judge's direction and control (5) A judge shall perform judicial duties without bias or prejudice. A judge shall not by words or conduct manifest bias or prejudice. (7) A judge shall accord to every person who has a legal interest in a proceeding the right to be heard according to law. A judge shall not permit or consider ex-parte communications or consider other communications made to the judge outside the presence of the parties. (8) A judge shall dispose of all judicial matters promptly, efficiently and fairly. Specifically, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs. (9) A judge shall not, while a proceeding is pending or impending in any court, make an public comment that might reasonably be expected to affect its outcome or impair its fairness or make

any nonpublic comment that might substantially interfere with a fair trial or hearing

Exhibit #11 Defendant's Exhibits #1-#30. This was all of the evidence presented to the court during the 3 days allotted for our hearing. Further, **Plaintiff's exhibits #1-#7** were also introduced during cross examinations. It should be noted that in **Plaintiff's Exhibit #4 all of the social media posts are made during Hal's visitation time with the girls. Not only did he not utilize his visitation, he never made anyone aware that he wasn't coming to get them and then he posted what he was doing on social media.** Judge Holmes made extremely biased and improper statements on the record prior to me ever taking the stand or even being able to provide any of my evidence to counter Hal's lies. Further, during my appeal she has referenced these comments and stated that they were also influenced in part due to her presiding over the 2017 RTSC but again due to her blatant bias and prejudice I felt forced to settle- therefore at this point in time she had never heard any testimony from me from either RTSC hearing. I believe it is very important to see how the evidence Hal submitted in no way substantiates Judge Holmes outrageous and biased statements that are clearly in violation of many Judicial Canons. These exhibits can be referenced while reading. It should be noted that some exhibits are multiple pages and don't provide any substantive information-in those cases the first page will only be presented.

Exhibit #12-includes Page 4, Pages 14-18 and Page 30

Page 4 – line 5-12. During the first 2 days of testimony Judge Holmes allowed Hal and Anita to bring forward witnesses and speak on events that they claim occurred after the 1/8/18 RTSC was filed. These fabricated events were not relevant to the RTSC and wasted a lot of court time. However, when it was time to cross-she no longer allowed any testimony regarding these allegations and I was not able to defend myself.

Page 14-Line 25 through page 18-line 13. Issues again with Judge Holmes not requiring Hal to file a Financial Declaration and abide by the Rules of Court and comply with Rule 20, SCFCR-Julaan asks Hal his monthly income. Anita asks for a recess to discuss with Hal. Anita returns and asks Judge Holmes if they can wait and see if I am

found in contempt before he waives his attorney fees-she states that it would occur when we return and that we would have ample time. Judge Holmes agrees to this request and states that we will handle attorney fees at a separate hearing where the income of both parties will be relevant however, that never happened.

Page 30 – line 10 – for Judge Holmes to claim that, **“She knows exactly what has been going on”** prior to me even taking the stand shows an incredible bias and prejudice along with an extreme level of impropriety.

Exhibit #13-includes emails between Greg Forman and the court transcriber regarding missing statements from Judge Holmes that were made on the record, the transcript of Judge Holmes going outside of her jurisdiction and forcing our children to come to court and testimony along with Plaintiff's Exhibit's #15 and #16 to refute Judge Holmes slanderous statements against me. Also includes: Pages 45-55; pages 64-75; pages 137-139.

Page 45-line 13-there was not a recess. This is when Judge Holmes ordered that my children, who knew nothing about these proceedings, be brought to court so that they could watch DJJ hearings and see what happens to children that don't listen to their parents. This was all while on record. My appeals attorney, Greg Forman even requested the audio of the hearing but we were denied.

Page 45 – line 15 through the end of page 55 – shows the whole horrible ordeal.

Page 45 – line 23-25 when Judge Holmes states **“it is clear to the court, that the children have been empowered to make decisions as to whether they're going to visit the father or not.”** To me this shows extreme bias as there was not 1 piece of evidence that proved this further, for her to make such a bold statement prior to me even taking the stand shows prejudice and the appearance of impropriety.

Page 47 – line 11-12 when Judge Holmes states **“manipulation has occurred, and it is clear to the Court that it has occurred.”** Where is the evidence? Which exhibit proves this? Again, this shows extreme bias as there was not 1 piece of evidence that proved this further, for her to repeatedly make such bold prejudicial statements that have no evidence to support them and are prior to me even taking the stand shows total and complete lack of character, competency and ethics.

Page 47-lines 14-15. Judge Holmes tells our children that recording conversations in one person's home is illegal and not acceptable. This is not true and she should have a better understanding of the law.

Page 47-line 17-21. Where is the evidence or exhibit that proves that either of the girls were told that they no longer had to visit with their father or that they refused to follow his rules? The man NEVER once showed up to get them during any of his visitation or custodial times. He refused them!

Page 48-line 11-12. Judge Holmes stated that there have been vacations scheduled during the father's time. That is not true and there is not 1 exhibit or piece of evidence to show otherwise. Further, again these statements were made prior to my testimony showing extreme bias and impropriety! (Judge Holmes makes multiple references throughout the hearing regarding me making vacation plans during Hal's time.) The testimony referenced in the **May 22 and 23, 2019 Trial Transcript Page 64-line 6 through page 73 line 7 along with Plaintiff's Exhibit # 15 and Plaintiff's Exhibit # 16 show otherwise.** Further, this is referenced again in my cross from Anita Floyd on **page 137-line 2 through page 139 line 22.**

Page 49 – line 14-17. For Judge Holmes to state that Hal doesn't have to call me or the girls to see if they are coming for his visitation is so biased. First, this never happened and there is no evidence to support it. Further, Hal never once showed up to pick the girls up for his visitation! Not once did my girls refuse to go with him!

Page 50-line 4-5. In reference to our original order stating that we are not to discuss litigation with the children or in the presence of the children... Judge Holmes states that it is clear from the documents that she has reviewed that this has occurred. Again, there is no evidence to support her claim. The only exhibits that reference any communication about court issues is between Hal and the girls (Plaintiff's Exhibit #7)

Page 50-line 16-19. Judge Holmes states that she has never had such a case where the facts were so clear of disrespect to a parent? Again, what exhibit/evidence supports her claim. Further, teenagers by nature are not perfect and should not be hyper judged on their responses to an emotionally abusive parent. Again, I believe that this shows lack of character, competency and ethics.

Page 50-lines 21 and 22. How can Judge Holmes classify this case as Hal fighting to see his children when I haven't even taken the stand and it has been made clear through the actual exhibits and testimony that he did not even utilize his own visitation with the girls? This case and all of his other cases have been about hurting me.

Judicial Issues from the hearings on May 22, 2019 and May 23, 2019

Canon 1 - A judge shall uphold the integrity and independence of the judiciary.

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Exhibit #14-Includes pages 126-127; pages 159-160; page 163; page 177; page 194; pages 266-268; and page 300 through the end of the transcript.

Page 126 line 10 through page 127 line 2 Anita Floyd attempts to get me to validate a fraudulent and altered text message - I clearly expressed what had been altered and somehow Judge Holmes had no concern for this behavior that clearly violates many legal codes of conduct and even though she has been so insistent to put false negative comments about me and my children on the record she is fine to sit silent for this blatant display.

Page 159 line 18-page 160 line 9. If you look through this prior testimony neither myself nor Juliaan could even recall them playing this recording in December. First, they say they couldn't find a way to introduce the recording-then they didn't know if it had been transcribed-then they said even though it had been played it had not gone into evidence. While Judge Holmes restates all of Anita's statements regarding this alleged recording why didn't she just let Anita play it? Why would Anita just back down from playing it so easily? If they were so excited to impeach my testimony why in the world didn't, they just play the recording? I don't believe that they ever played the recording in December. I believe that this shows another example of collusion and ex-parte conversations between Anita Floyd and Judge Holmes. At this point in time none of us were aware that the transcripts from December 11 & 12 were not going to be able to be retrieved so they could have just asked for the record to be checked. Judge Holmes statements are unwarranted and show bias and the appearance of impropriety.

Page 163 line 16-19. At the beginning of court on 12/14/18 Judge Holmes made clear that even though she had allowed Hal and Anita to discuss things that allegedly went on after the rule was filed that going forward, she was only going to allow things strictly during the time frame of the rule. This is an example of her showing bias again and giving leeway to Hal and Anita.

Page 177 line 13-16-Judge Holmes shows bias again-Haley Kathryn didn't testify in December-how does she know what she thinks or how she feels? Those were

statements from Anita and Hal that she simply repeated. That is in no way how a judge should behave.

Page 194 line 3-18. Juliaan makes her objection to Dr. Heidt testifying as a reply witness as she did not include anything regarding Dr. Heidt in her questions to me. This is highly improper and shows a complete lack of ethics and bias.

Page 266 line 17 through page 268 line 12 – Judge Holmes showed bias in not allowing my recording of Hal to be played

Page 300 line 23 through page 304. Discussing updating attorney fees but does not give the opportunity to get Hal's financials. Judge Holmes refused to make Hal comply with the Rules of Court and comply with Rule 20, SCFCR and provide his financial declaration.

Exhibit#15 - Includes letters from my attorneys requesting Judge Holmes to comply with her own order and choose a counselor for our daughters. I am only including a couple of the letters that were sent. Prior to the letters were lots of emails and phone calls were I was charged attorney fees. None of which she ever responded to and never did she choose a counselor. Further, she allowed Anita Floyd to waste court time making false claims about how the girls not getting into counseling sooner was my fault! It is hard to imagine a scenario in which collusion and ex-parte conversation with Anita Floyd did not occur.

Judicial Issues from the Ruling on June 14, 2019

Canon 1 - A judge shall uphold the integrity and independence of the judiciary.

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While I do not agree with any part of Judge Holmes ruling and believe that I have factual evidence to dispute each of her claims that is not the purpose of this complaint. I will however stay with 2 issues.

Exhibit #16 - Includes Paragraph #7 and Paragraph #14 along with Plaintiff's Exhibit #21 and Plaintiff's Exhibit #22

Paragraph #7 - There is more than enough evidence on the record to prove that this should not have been an issue-I won't rehash any of that. However, in DiMarco v DiMarco the Supreme Court stated that contempt sanctions cannot be imposed if a party is already in compliance. We were never notified they had any issue prior to the filing of the rule and by the time we got to court I had been able to open a separate bank account that didn't need overrides and this had been handled for 13months. Judge Holmes should have had a better knowledge of the law.

Paragraph # 14-Judge Holmes acknowledges that there is a great deal of disparity in the parties incomes. How does she know that? She refused to allow Hal's financials to be entered into evidence or viewed. But then she stated that I had sufficient income to satisfy a portion of Hal's fees and costs. First, I would state that \$40k is more than a portion. Second, Plaintiff's Exhibit #21 and Plaintiff's Exhibit #22 provide more than enough evidence that I did not have sufficient income to satisfy \$40k.

Judicial Issues with the Statement to Recreate the Record
on September 25, 2020

Canon 1 - A judge shall uphold the integrity and independence of the judiciary.

Canon 2-A judge shall avoid impropriety and the appearance of impropriety in all of the judges activities.

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The whole concept that Judge Homes could recreate a trial transcript from 2 full days of testimony, cross and redirect from her notes is preposterous. Especially since I haven't found 1 person that even saw her taking notes. It is my opinion that all she did was try to recreate a version to support her ruling - which in and of itself creates an appearance of impropriety and bias. I will only touch on 3 issues as they were above and beyond filled with a lack of ethics and bias.

Exhibit #17-Includes Page 3, pages 21-24, pages 26-27, Defendant's Exhibit #22, pages 50-51

Page 3-lines 22-25-are references to a motion to compel and a motion to quash in reference to bank and tax records. The record does not state what the motion to compel or motion to quash was for or who requested it and further it does not include arguments back and forth between counsel and ultimately does not include Judge Holmes decision. This was a very big issue that my attorney argued. Judge Holmes quashed our request for tax returns and financial records even though Hal was requesting attorney fees and costs and was the one who had filed the case. Further, she ruled that I was to be required to turn over my bank records. Hal's attorney assured the court that he was financially able to pay any and all of his attorney fees and that if the court was going to order him to turn over his financial and tax records then he would withdraw his request for attorney fees and costs.

Page 21-line 7 through Page 24 line 11-Judge Holmes literally read verbatim Hal's affidavit for the rule into the record. This did not come from any "notes". She did not include any statements from her so called notes on Hal's testimony, nor did she include any objections or arguments that were definitely made. This was an extreme level of bias, collusion, lack of ethics and impropriety.

Page 26 lines 22-25 and page 27 line 1-Judge Holmes discusses Defendant's Exhibit #22 - the text where I asked our daughter to record her father.

Page 50 line 17-21-Julaan Derrick pointed out that Hal admitted that he had lied to the police by telling them he didn't know where her phone was and allowed them to waste hours on a call that should have never happened. He literally allowed one of the officers to look through his truck for the phone knowing that he would never find it. Ms. Derrick also pointed out that he further admitted that he told the officer's that he would rather go to jail than return the phone.

Page 50 line 22 through page 51 line 3-Judge Holmes does not even attempt to hide her bias and impropriety with her response. Judge Holmes replied that Hal lied to the police because he wanted to get proof that I had instructed our daughter to record their father. She further stated that he did what he thought was in his best interest in terms of him getting proof of the text. After Hal and Eddie saw the text on HK's

phone, they both testified that they took a screenshot of the text. This screenshot is **Defendant's Exhibit #22**. HK's phone was passcode protected and Hal was not able to open it so that he could listen to and delete the recording of his frightening and abusive behavior at dinner that evening. Hal had already secured his evidence of my text with the screen shot, he lied to the police in an attempt to buy time so that he could destroy the evidence of his abusive behavior that evening. It is concerning that Judge Holmes would go so far in attempts to justify Hal's behavior and ignore the evidence that was read onto the record on two occasions in Defendant's Exhibit #22, which clearly provides the proof that Judge Holmes claims Hal was seeking with his lies to the police.

Exhibit

8

From: Gregory S. Forman, PC attorney@gregoryforman.com
Subject: Re: Desiree Allen correspondence 10-29-19.pdf
Date: November 4, 2019 at 5:55 PM
To: Michelle Capps mdaviscapps@gmail.com
Cc: Julian jdl@jdlaw.com



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

TONNYA K. KOHN
STATE COURT
ADMINISTRATOR

KARLINA T. BAILEY
DEPUTY DIRECTOR

1220 SENATE STREET, SUITE 300
COLUMBIA, SOUTH CAROLINA 29204
PHONE: (803) 734-1850
FAX: (803) 734-0260

October 29, 2019

Gregory Samuel Forman, Esq.
17 Church Street, Suite 160
Charleston, SC 29401

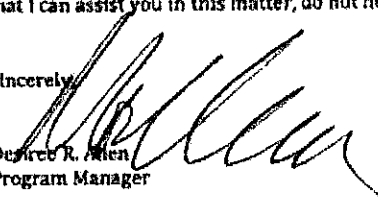
In re: Michelle Davis Capps v Joseph Harold Capps, Jr. 2014DR2601563

Dear Mr. Forman:

This is to follow up on the transcript request from August and the emails your office has sent concerning the transcript from proceedings held on December 10-11, 2018, before Judge Bromell Holmes in this matter. I am sorry that there has been a delay in response to your requests. As you may know, when court reporters leave our employ, we are required to retain their records for a period of five years. Ms. Wright delivered court records when she left, which included CDs on which her audio was stored. The request and Ms. Wright's records were forwarded to another court reporter on August 23, 2019, to prepare the transcript. Upon receipt of this CD, the court reporter checked for the audio recordings on the CD but was unable to get it to work. She reported to me that it just kept spinning. I immediately tried to make contact with Ms. Wright, who has been away from her home for the months of August and September. When I reached Ms. Wright to ascertain whether or not she had a source from which to make another CD, she reported to me that she did not. She explained that she erased her SD card upon transferring the audio to CDs.

Therefore, I must report that Court Administration has exhausted all avenues in the search for additional records to produce this transcript. Unfortunately, without them, a transcript cannot be produced. I sincerely regret the inconvenience this has caused you and all parties involved. I am copying the opposing attorney in case the transcript had already been prepared for them. If not, and if there is some other way that I can assist you in this matter, do not hesitate to contact me.

Sincerely,


Desiree R. Allen
Program Manager

CC: Anita Floyd Lee, Esq.

From: Gregory Forman attorney@gregoryforman.com
Subject: 2014DR2601563Ext1.pdf
Date: October 21, 2019 at 9:16 AM
To: Michelle Capps mdaviscapps@gmail.com

FYI



The Supreme Court of South Carolina

(Michelle Davis Capps
(
(
(
TITLE OF (V. 2014DR2601563
CASE (
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(
(Joseph Harold Capps, Jr.
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Notice

Upon request and for good cause shown, Patsy Martin, Court Reporter, is hereby granted an extension up to and including November 22, 2019 to prepare and deliver the Transcript of Record in the above case.

Desiree Allen
Court Reporter Manager
South Carolina Court Administration

Columbia, South Carolina
10/21/2019

cc: Patsy Martin
attorney@gregoryforman.com

Exhibit # 9

NOTICE OF HEARING

A HEARING HAS BEEN SET IN THIS MATTER FOR THE 1st & 2nd DAY OF May 2018, AT
9:30 A.M. BEFORE THE HONORABLE Ronald Norton IN FAMILY COURTROOM NUMBER 2D.

Kayalle Church
Family Court Coordinator
Fifteenth Judicial Circuit

RTSC REQUEST

CAPTION: Michelle Davis Capps vs. Joseph Harold Capps, Jr.

CASE NO: 2014-DR-26-1563

DATE RTSC FILED: 1/8/2018

MOVING ATTORNEY(S): Anita Floyd Lee

TEL: 843-248-3206

FAX: 843-248-7173

MOVING ATTORNEY REPRESENTS: ☐ PLAINTIFF ☒ DEFENDANT ☐ GAL

OPPOSING ATTORNEY(S): Pro Se

GUARDIAN AD LITEM: N/A

NATURE OF RTSC: RTSC

ESTIMATED TIME NEEDED: 2 days

UNAVAILABLE DATES:

January: 15-31

February: 1-28

March: 1-30

April: 1-27

June 1,4-8,11-15

I certify I have consulted with opposing counsel regarding the above "Dates available":

Housand-Church, Krystle

From: bpotter@anitafloydllaw.com
Sent: Tuesday, April 24, 2018 10:35 AM
To: Housand-Church, Krystle
Subject: RE: Capps RTSC Hearing Request

You can schedule in September before Judge Holmes.
Thank you and sorry for the confusion.

Bridget J. Potter
Paralegal for Anita Floyd Lee
1115 Third Avenue
Conway, SC 29526
843.248.3206 Facsimile No.: 843.248.7173

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From: Housand-Church, Krystle [mailto:churchk@HorryCounty.org]
Sent: Tuesday, April 24, 2018 10:33 AM
To: bpotter@anitafloydllaw.com
Subject: RE: Capps RTSC Hearing Request

Please let me know what you would like for me to do.

Krystle H. Church/Administrative Assistant

Horry County Government

Family Court Scheduling Clerk

1301 Second Avenue, Conway, South Carolina, 29526

Tel: (843) 915-8981 Fax: (843) 915-8972

Churchk@horrycounty.org

From: bpotter@anitafloydllaw.com [mailto:bpotter@anitafloydllaw.com]
Sent: Tuesday, April 24, 2018 10:11 AM

To: Housand-Church, Krystle <churchk@HorryCounty.org>

Subject: RE: Capps RTSC Hearing Request

Hey girl . I am so sorry as I didn't note it and should have, but Judge Holmes wanted to keep jurisdiction. Will she be in Horry the month of August?

Bridget J. Potter
Paralegal for Anita Floyd Lee
1115 Third Avenue
Conway, SC 29526
843.248.3206 Facsimile No.: 843.248.7173

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From: Housand-Church, Krystle [<mailto:churchk@HorryCounty.org>]

Sent: Tuesday, April 24, 2018 9:58 AM

To: bpotter@anitafloydllaw.com

Cc: 'Debra Cooper' <debra@jdlaw.com>

Subject: RE: Capps RTSC Hearing Request

Bridget,

Please see attached hearing request.

Thanks,

Krystle H. Church/Administrative Assistant

Horry County Government

Family Court Scheduling Clerk

1301 Second Avenue, Conway, South Carolina, 29526

Tel: (843) 915-8981 Fax: (843) 915-8972

Churchk@horrycounty.org

From: bpotter@anitafloydllaw.com [<mailto:bpotter@anitafloydllaw.com>]

Sent: Monday, April 23, 2018 10:55 AM

To: Housand-Church, Krystle <churchk@HorryCounty.org>

Cc: 'Debra Cooper' <debra@jdlaw.com>

Subject: Capps RTSC Hearing Request

Attached,
Thank you

Bridget J. Potter
Paralegal for Anita Floyd Lee
1115 Third Avenue
Conway, SC 29526
843.248.3206 Facsimile No.: 843.248.7173

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NOTICE OF HEARING

A HEARING HAS BEEN SET IN THIS MATTER FOR THE 17th & 18th DAY OF September, 2018, AT 9:30 A.M. BEFORE THE HONORABLE Jan Bromell-Holmes IN FAMILY COURTROOM NUMBER 2E

Krystle Church
Family Court Coordinator
Fifteenth Judicial Circuit

RTSC REQUEST

CAPTION: Michelle Davis Capps vs. Joseph Harold Capps, Jr.

CASE NO: 2014-DR-26-1563

DATE RTSC FILED: 1/8/2018

MOVING ATTORNEY(S): Anita Floyd Lee
TEL: 843-248-3206

FAX: 843-248-7173

MOVING ATTORNEY REPRESENTS: ☐ PLAINTIFF ☒ DEFENDANT ☐ GAL

OPPOSING ATTORNEY(S): Julaan Derrick

GUARDIAN AD LITEM: N/A

NATURE OF RTSC: RTSC

ESTIMATED TIME NEEDED: 2 days

UNAVAILABLE DATES:
May 1-31
June 1-29
July 2-31
August 1,2,3,21-24,27-31
September 3,4,5,20,21,24

I certify I have consulted with opposing counsel regarding the above "Dates available":

FILED
HOBBS COUNTY
2018 APR 24 AM 11:59
JENNIFER ELYS
CLERK OF COURT
HOBBS COUNTY, SC

Exhibit #10

money, and I am selfish because I don't give her as much as she wants. Toward satisfaction of her attorney's fees, I deduct \$1,000.00 per month from the monthly amount she receives.

3. After that hearing, I mistakenly thought that Michelle would move on with her life and quit obsessing over how much she hates me. Unfortunately, court orders mean nothing to Michelle, and in her effort to destroy me, she has damaged our children. I need her held accountable, and I need our children to see what happens when authority is disrespected.

Reason for Pursuing Second Rule to Show Cause

4. Our children did not hate me before we separated, but they do now, and they behave atrociously toward me and toward my parents. I am embarrassed to tell the court of the things they have said and done, and I am ashamed that they seem to think it is OK to act as they do. Basically, they mimic Michelle.
5. Thus, if Michelle is imprisoned because of her blatant and repeated actions which are in violation of the court order, the children can go into foster care and learn that there are consequences to bad behavior. It will break my heart to see them learn such a harsh life lesson. However, they are currently headed for very bad falls, and after praying about this, and discussing the issues with my fiancé, my parents, my pastor, my lawyer and my counselor, I believe that if I do nothing, I embrace what Michelle is teaching our children – i.e., that it is OK to be a bully; that it is OK to lie; that it is OK to throw temper tantrums and to disrespect parents and grandparents; and that it is OK to try and manipulate others to get what you want in life. My children have no true understanding that hard work is a necessity in life; that expensive clothes/shoes, computers, and cars are not an entitlement or a necessity; and that treating others the way you want to be treated is as necessary as is getting good grades and getting into a good college.

Pertinent Provisions of Order Which has been violated

6. Page 3 of the RTSC Order which is dated March 30, 2017, and which was filed April 11, 2017, reads as follows:
 1. **Custody**: The parties will have joint custody of their children, with Plaintiff being designated the primary custodial parent. In addition to the visitation that is set forth in the parties' agreement dated June 25, 2014, Defendant shall be entitled to the following:
 - a. Every Monday Defendant will be responsible for taking the children to school, and picking them up from school. He may participate in a carpool

Exhibit #11

STATE OF SOUTH CAROLINA)	IN THE FAMILY COURT
)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	
)	DOCKET NO: 2014-DR-26-1563
MICHELLE DAVIS CAPPS)	
)	
PLAINTIFF,)	
)	
VERSUS)	
)	TRANSCRIPT OF RECORD
JOSEPH HAROLD CAPPS JR.)	
)	
DEFENDANT.)	
)	
)	
)	

CONWAY, SOUTH CAROLINA
DECEMBER 14, 2018

B E F O R E:

THE HONORABLE JAN BROMELL-HOLMES

A P P E A R A N C E S:

JULAAN DERRICK, ESQUIRE
ATTORNEY FOR THE PLAINTIFF

ANITA LEE, ESQUIRE
ATTORNEY FOR THE DEFENDANT

ROBIN R. LEWIS
FAMILY COURT REPORTER

1

EXHIBITS

2

3

NO.DESCRIPTIONEV.

4

5

P-7

Text (5-2-17)

05

6

7

D-24

Text (4-23-17)

22

8

D-25

Text (4-23-17)

28

9

D-26

Texts (8-2, 8-3, 8-4, 7-28)

33

10

D-27

Texts 11-21, 11-22)

34

11

D-28

Two Cards/letters

36

12

D-29

Texts (12-24, 1-1)

37

13

D-30

Text 12-22-17)

43

14

15

16

17

18

19

20

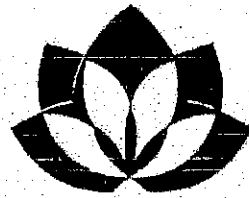
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22

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25



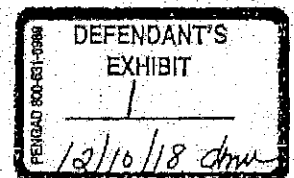
PALMETTO

COUNSELING SERVICES

<u>Date (2018)</u>	<u>Persons Included</u>	<u>Time (hours)</u>
May 28	Michelle	0
May 29	Michelle	2
June 11	Michelle	2
June 13	Haley Katherine & Emily	2
June 22	Haley Katherine & Emily	1
June 25	Hal	2
June 29	Hal & Haley Katherine	1
June 30	Michelle	1
July 2	Haley Katherine	1
July 3	Emily	1
July 9	Hal & Emily	2
July 13	Hal, Haley Katherine & Emily	2
July 17	Michelle	1
July 18	Hal, Haley Katherine & Emily	2
July 23	Hal, Haley Katherine & Emily	2
July 27	Michelle	1
July 30	Hal *	2
August 6	Hal, Haley Katherine & Emily	2
August 14	Hal, Haley Katherine & Emily	2
August 18	Michelle	1
August 20	Hal, Haley Katherine & Emily **	2
August 27	Hal, Haley Katherine & Emily	1
September 6	Hal, Haley Katherine & Emily	1
September 7	Michelle	1
September 24	Hal	1
October 23	Hal, Haley Katherine & Emily	1

Kenneth E. Smith, D.Min
Licensed Professional Counselor / Supervisor
Licensed Marriage & Family Therapist / Supervisor

1125 48th Avenue North
Myrtle Beach, South Carolina 29577
P 843-282-1061 F 843-282-1064



Palmetto Counseling Services

Dr. Ken Smith

6-7-18	1.5 hours	\$150
6-8-18	1.5 hours	\$150
6-11-18	1 hour	\$100
6-13-18	1 hour	\$100
6-22-18	1 hour	\$100

*Ken Smith to Mar
6/22/18*

also:

6/30/18 - 1 hour \$100

7/2/18 - 1 hour \$100 ✓

Total - \$800

80% = \$640

PENSAO 800-531-6888

DEFENDANT'S
EXHIBIT

2

12/11/18 draw

DEFENDANT'S

EXHIBIT NO. *2*
FOR IDENTIFICATION

DATE *12/10/18* BY *draw*

Helen M. Bayne, Ph.D.
LMFT

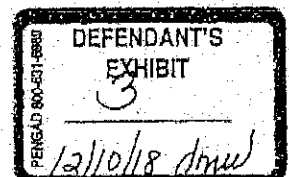
1051 University Forest Drive
Conway, South Carolina 29526
(843) 902-4773
(843) 347-6954

EDUCATION

March 2007	Doctor of Philosophy, Psychology, Capella University, Minneapolis, Minnesota
May 1995	Master of Science, Marriage and Family Therapy, East Carolina University, Greenville, North Carolina
May 1977	Bachelor of Science, Education, Charleston Southern University, Charleston, South Carolina

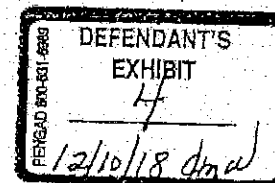
WORK EXPERIENCE

October 2002- Present	Private practice Conway, South Carolina
March 2000- October 2004	Therapist, Waccamaw Center for Mental Health Socastee High School-Myrtle Beach, SC <u>Responsibilities:</u> Included providing individual, family, and group therapy, as well as case management, to high school students and their families.
December 1999- March 2000	Needs Assessment Counselor, Charter Behavioral Health Care Systems, Conway, South Carolina <u>Responsibilities:</u> Included providing emergency triage assessments of mental health disorders, including walk-ins and telephone helpline calls; establishing a working DSM-IV diagnosis; determining level of care needed and facilitating a transition to the appropriate level of care.



Michelle Capps: Appointment dates

2017	2018
<u>April</u>	<u>January</u>
5th	5th
12th	10th
20th	16th
	25th
<u>May</u>	<u>February</u>
1st	7th
17th	15th
23rd	22nd
31st	
<u>June</u>	<u>March</u>
6th	8th
	19th
<u>July</u>	27th
3rd	
17th	<u>May</u>
24th	2nd
	24th
<u>August</u>	<u>July</u>
1st	18th
16th	
29th	<u>August</u>
<u>September</u>	7th
7th	14th
14th	23rd
19th	
28th	
<u>October</u>	
5th	
12th	
24th	
<u>November</u>	
2nd	
9th	
21st	
29th	
<u>December</u>	
7th	
15th	
21st	



Helen Bayne, PhD LMFT

235 Singleton Ridge Road

Conway, SC 29526

843-902-4773

843-347-6954

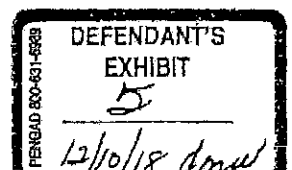
February 14, 2018

Dr. Heidt:


My name is Helen Bayne and I have been seeing Michelle Capps since last April, 2017. I have been given a copy of the court order and understand that I am to be in communication with Mr. Capps' counselor, which the court order states is you. It is my understanding that we are both to communicate with each other and address any and all issues of any alienation between the girls and their father. It is also my understanding that both of us are to submit 3-4 names of suggested counselors for the girls and then Judge Holmes will select a counselor from the recommendations we provide. I am also assuming that if any testifying is needed in any future hearings, we are agreeing to comply.

I have called and left messages at your office on several occasions and have never heard back from you. I am concerned that the girls have not been able to start counseling. In May of 2017 I submitted the following names for counselors for the girls: Edward Connor (843-268-0580), Elizabeth Nixon (843-455-2258), and Marie Woodward (843-410-4943). Ms. Capps informed me that Mr. Capps told the girls that he had started seeing Stephanie Fleming as a counselor and that he had also made an appointment with her for them to attend with him. This concerned me because it is directly against what is in the court order. Ms. Capps has made numerous attempts through emails and phone calls to get her attorney to follow up with Judge Holmes and to select a counselor for the girls. In December of 2017 I was informed that Edward Connor was no longer accepting any new patients so I recommended James Garvey in his place (843-450-0636).

Recently, I was made aware that Dr. Ken Smith was taking new patients (893-282-1061). He is in BCBS network and his office is on 48th Avenue which is very convenient for the girls with their busy school and activity schedules. He has many years experience in treating adolescents and their families with all types of conflict and I highly recommend him as well. My suggested counselors are as follows:



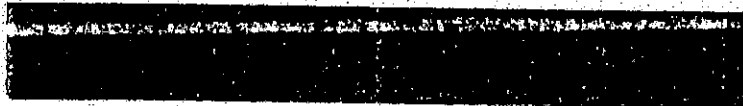
5/30/17

Live from H.I. H.
to give to me for
alienation com. sec.
Lexapro
escitalopram oxalate 

McCarthy, Robert
497-5240

Johnson, Archie
449-8154

Todd, Melissa
446-0541



STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Michelle Davis Capps,
Plaintiff,

-vs-

Joseph Harold Capps,
Defendant

HEARING JUDGE:

HEARING DATE:

PLAINTIFF'S ATTORNEY:

DEFENDANT'S ATTORNEY:

COURT REPORTER:

IN THE FAMILY COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
Case Number: 2014-DR-26-1563

**ORDER BASED UPON
RULE TO SHOW CAUSE**

The Honorable Jan Bromell Holmes
January 30, 31, 2017
February 1, 2017
Mary Madison Brittain Langway
Anita F. Lee
H. Eugene Buckner

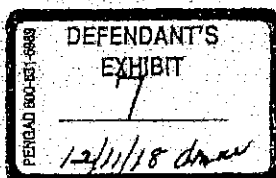
FILED
HORRY COUNTY
2017 APR 11 PM 4:46
RECEIVED
CLERK OF COURT
HORRY COUNTY SC

On June 25, 2014, Plaintiff and Defendant entered into a Custody Agreement which was approved by this Honorable Court on July 14, 2014. Thereafter, on October 3, 2014, the parties were divorced from one another. Unfortunately, although the marriage ended, the strife between the parties did not, as within months of having their Custody Agreement approved, one or both parties were expressing discontent over the conduct of the other.

On February 10, 2015, Defendant sent to Plaintiff a letter indicating that if she would attend counseling, and if she would cooperate with Defendant's efforts to attend counseling with the children, he would not request a Rule to Show Cause hearing. Thereafter, the parties attended counseling with Hal Heidt, and Defendant also attended counseling with the parties' oldest child. Defendant alleges that, after only a few months, Plaintiff ceased this counseling, though she located another counselor for herself and the children. Despite Defendant's protestations regarding Plaintiff's decision to withdraw from counseling with Hal Heidt, as well as his objection to the counselor whom Plaintiff selected for the children, Plaintiff would not reconsider her decision.

Thereafter, on May 6, 2016, Defendant filed a Rule to Show Cause Petition, wherein he sought an order holding Plaintiff in contempt of court as well as corresponding sanctions. The basis of Defendant's Petition is as follows:

1. That Plaintiff did not comply with the final order in regards to the division of personal property, in that she removed the vast majority of furniture and other



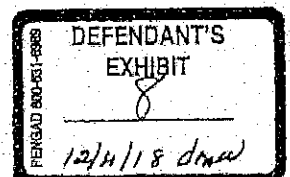
Capps vs. Capps
Order Following RTSC
Case Number: 2014-DR-26-1563

APR

CC BY

From: Hainan26 hainan26@gmail.com
Subject: Summer
Date: February 28, 2017 at 11:14 PM
To: Michelle Davis Capps mdcapps@gmail.com

I would like to take the girls this summer from aug 1 to aug
7. And from July 18 to July 24. Disregard he previous date in June
Sent from my iPhone



afloyd@anitaafloydlaw.com

From: halman26@aol.com
Sent: Sunday, November 25, 2018 2:44 PM
To: afloyd@anitaafloydlaw.com
Subject: 5/4/17 e-mail. Alienation Counseling

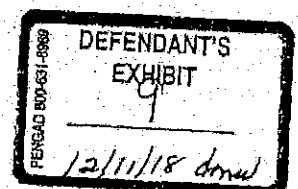
On Thursday, May 4, 2017, halman26@aol.com <halman26@aol.com> wrote:

I need you to provide me the name of the counselor you are seeing for the court ordered alienation counseling and the date(s) you have met with him/her. The counselor is to be in contact with Dr. Heldt.

When I emailed you the dates I wanted to have the girls this summer I had asked H.K. numerous times if she was going to the church retreat. numerous times she told me emphatically "No.". I asked her the day before I sent you the dates and she told me she was not going. I emailed you the dates I was taking the girls this summer. The week after I sent you the dates I talked to H.K. When asked about the mission trip and our trip her response had changed. She told me that "Mom is making me go on the mission trip. I don't have a choice.". Can you explain this please. Either she was not being truthful or your stance on the mission trip changed after you received the email. By forcing her to go on this trip you are taking my time.

I have told HK I want her to go to counseling. She has told me she doesn't need to go, only wants to see that quack Brown, or she refuses to go. She and Emily need to go to counseling. We need to get them into counseling. What are your thoughts?

Thank you



RE: HK/Emily

From: Michelle Davis Capps <mdaviscapps@gmail.com>
 To: halman26 <halman26@aol.com>
 Subject: RE: HK/Emily
 Date: Thu, May 18, 2017 11:50 am

I was confused when I received this e-mail because so many of the questions were the same in your e-mail to me on 5/4/17. I responded to that e-mail on my phone & I later realized that it didn't go through – sorry for the confusion.

Below is your 5/4/17 e-mail & I will do my best to answer your questions.

I need you to provide me the name of the counselor you are seeing for the court ordered alienation counseling and the date(s) you have met with him/her. The counselor is to be in contact with Dr. Heidt.

When I emailed you the dates I wanted to have the girls this summer I had asked H.K. numerous times if she was going to the church retreat. numerous times she told me emphatically "No.". I asked her the day before I sent you the dates and she told me she was not going. I emailed you the dates I was taking the girls this summer. The week after I sent you the dates I talked to H.K. When asked about the mission trip and our trip her response had changed. She told me that "Mom is making me go on the mission trip. I don't have a choice.". Can you explain this please. Either she was not being truthful or your stance on the mission trip changed after you received the email. By forcing her to go on this trip you are taking my time.

I have told HK I want her to go to counseling. She has told me she doesn't need to go, only wants to see that quack Brown, or she refuses to go. She and Emily need to go to counseling. We need to get them into counseling. What are your thoughts?

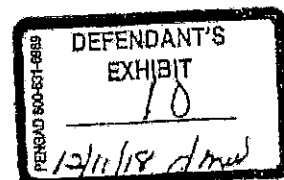
Thank you

First off I need you to be very careful in your wording and your statements to others regarding what the court ordered and what it did not. You and I both are to obtain counseling to address the issue of alienation with our children. The court did not find either of us in contempt or guilty of alienation. You making false or inflammatory statements is harassing and slanderous.

I have been seeing Dr. Helen Bayne since the beginning of April, 2017. I am sorry that you were not made aware of this – I had made my attorney aware of this and I assumed that the information had been passed on to you and Anita. Dr. Bayne is aware that she and Dr. Heidt will be in communication.

I think that the confusion you are having in regards to Haley Kathryn going to Montreat is your confusing it with the "mission trip" in your talks with her. The high school mission trip was set for July 16-July 22 in Gainesville, Georgia. Haley Kathryn never wanted to go on this mission trip and we never had any plans for her to go on this trip. Montreat is from July 23 – July 29. Just as a point of information the high school mission trip has now been cancelled – I am not sure of the reasons.

I am following the orders of the court and Haley Kathryn & Emily will begin counseling when Judge Holmes selects their new therapist. Any recommendations by that therapist for



additional counseling with you or all of us will be followed. At this time I do not feel that it is appropriate for Haley Kathryn or Emily to see any other therapists other than the one Judge Holmes selects.

The girls and I are going to the mountains with my family during the first week in August.

I hope that I have answered your questions please now answer mine:

What are you requiring of Haley Kathryn in order for you to buy her a car?

Just to clarify the Facebook page "Horry County for sale or trade anything goes" clearly shows the exact date and time any items are posted. The furniture that you were selling was posted on Thursday, May 11th at 6:00am. I assume that this is done to help any potential buyers know how long something has been available and if they might have room to barter or negotiate.

From: halman26@aol.com [mailto:halman26@aol.com]
Sent: Monday, May 15, 2017 1:43 PM
To: mdaviscapps@gmail.com
Subject: HK/Emily

I am going to see Stephanie Fleming about possible counseling for H.K. and myself.

You stated that you had already made plans for the week in August I want to take the girls out of town. What are your exact plans/dates/location? I don't want to chose the same location. What dates are you not busy with the girls? When I asked before to switch weekends with you, it was made clear to me that all of your weekends were planned with things and that you can not switch. What times this summer do you not have things planned?

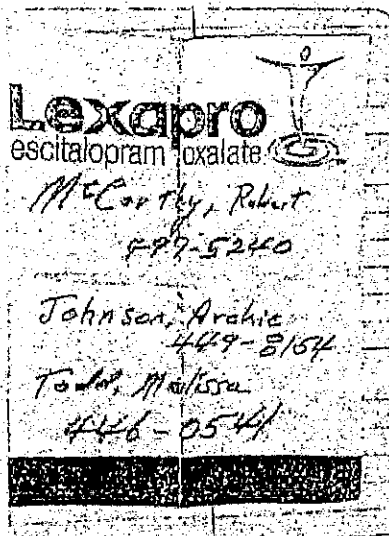
HK told me that she was definitely not going to Montreat numerous times. She told me after I sent you the summer vacation times that you were "Making her go." and she "didn't have a choice". Can you explain this?

Hal.



Michelle

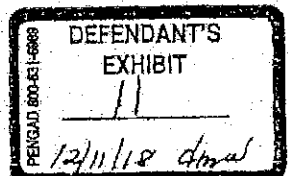
Mar 30, 2017, 7:27 AM



Here are three names of therapists given to me by Dr. Heidi. These are three names you can choose from to contact for your alienation counseling ordered by the court.



iMessage



MD

Michelle

Here are three names of therapists given to me by Dr. Heldt. These are three names you can choose from to contact for your alienation counseling ordered by the court.

In the future for parental permission slips you need to put my name on them if there is an accident instead of Lisa Wallen's. I told Lisa about this and she does not want her name placed on the permission slip as someone to contact instead of me.

Your Blue Cross Blue Shield refund check was placed in the mail but did not get sent out yesterday. Would you like me to give it to you tomorrow morning or would you like me to mail it to you today?



iMessage



bpotter@anitafloydlaw.com

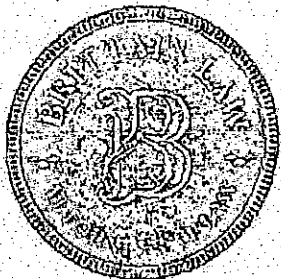
From: Renee Nye <renee@brittainlawfirm.com>
Sent: Friday, May 12, 2017 2:17 PM
To: afloyd@anitafloydlaw.com
Cc: bpotter@anitafloydlaw.com
Subject: RE: Capps vs. Capps

Good afternoon,

Michelle was seeing Dr. Helen Bayne (843-902-4773) but has recently began seeing Dr. Elizabeth Nixon (843-455-2258).

Dr. Bayne had recommended either Edward Connor (843-268-0580) or Marie Woodward (843-410-4943) as possible counselors for the girls.

I will put this information in letter format as well next week when Mary Madison is back in the office, but I wanted to respond to your letter with the names of her counselor.



Renee Nye | Paralegal to Mary Madison Brittain Langway, Esq.
Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
M 843.449.8562
F 843.945.9941
www.brittainlawfirm.com

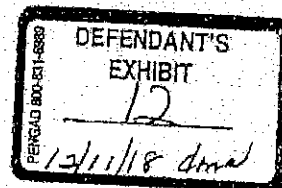


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From: afloyd@anitafloydlaw.com [mailto:afloyd@anitafloydlaw.com]
Sent: Friday, May 12, 2017 12:50 PM
To: Mary Madison Langway <marymadison@brittainlawfirm.com>; Renee Nye <renee@brittainlawfirm.com>
Cc: Bridget Potter <bpotter@anitafloydlaw.com>
Subject: Capps vs. Capps
Importance: High

Please see attached letter. High Importance. Thank you.



ANITA R. FLOYD
A PROFESSIONAL CORPORATION
Telephone: (843) 248-3206
Facsimile: (843) 248-7173

1115 Third Avenue
Conway, SC 29526

P. O. Box 1482
Conway, SC 29528-1482

December 5, 2017

Via Email

The Honorable Jan Bromell Holmes
Judicial Center Complex
401 Cleland Street, Suite 238
P. O. Box 479
Georgetown, SC 29442

Re: Michelle Davis Capps vs. Joseph Harold Capps
Case Number: 2014-DR-26-1563

Dear Judge Holmes:

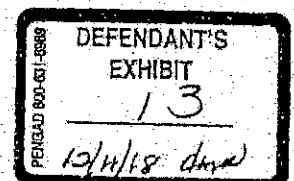
You may recall this case, which was a RTSC you heard from January-30-February 1, 2017, with an agreement being reached on the third day of court. One of the provisions of the agreement was that the names of proposed counselors to address alienation issues of the children would be submitted to you, and that you would make the final decision regarding where the children would attend counseling.

Mary Madison has proposed the following counselors for the children:

- Edward Conner
- Elizabeth Nixon
- Marie Woodward

I contacted these counselors because I wanted to know if they specialized in alienation issues, as I understand that is now a recognized sub-specialty in mental health issues. I have yet to hear back from Edward Conner. Marie Woodward told me that she does not work with children and she does not handle alienation issues. Elizabeth Nixon also told me that she does not handle alienation issues, but she suggested Tamara Willard or Wanda Lucas. Tamara Willard does not specialize in alienation, and although Wanda Lucas indicated that she has handled alienation issues, after reviewing her website I do not think that is a specialty or even a sub-specialty of hers.

Please note that I am not denigrating any of the counselors named above. Indeed, they all enjoy very fine reputations. However, a counselor who specializes in addressing alienation issues is what you have indicated is needed in this instance.



THE BRITTAIN LAW FIRM, P.A.

ATTORNEYS AT LAW
4614 OLEANDER DRIVE
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THOMAS C. BRITTAIN
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www.brittainlawfirm.com

May 17, 2017

VIA EMAIL

Anita Floyd
1115 Third Avenue
Conway, SC 29526

RE: Hal Capps vs. Michelle Capps
Case No.: 2016-DR-26-931

Dear Anita,

My client has been in counseling with Dr. Helen Bayne. Her first appointment with her was on April 5, 2017; April 12, 2017; April 20, 2017; May 1, 2017 and she also has an appointment scheduled for today, May 17, 2017. Dr. Bayne has been given a copy of the final order and is fully aware of the purpose of counseling.

Dr. Bayne has not heard from Dr. Heidt but would be happy to hear from him. Her contact information is 843-347-6954.

Dr. Bayne recommends that the girls would benefit from seeing one of the following counselors. It is my understanding that these names will be submitted to Judge Holmes for her choosing of who the children will counsel with: Edward Connor (843-268-0580; Elizabeth Nixon, LPC (843-455-2258) or Marie Woodward, LPC (843-410-4943).

My client has informed me that Mr. Capps took it upon himself to schedule a counseling appointment for himself and Haley Kathryn with Stephanie Fleming. Kindly advise why he felt the need to do so as Judge Holmes was specific in her direction that she be the one to choose the counselor for the children.

I will discuss the brick columns with my client and address that issue in a separate letter.

Thank you for your time and attention to this matter, I look forward to hearing from you soon.

Very truly yours,
THE BRITTAIN LAW FIRM, P.A.

Mary Madison Brittain Langway

Mary Madison Brittain Langway
MMBL:rlh

Enclosures; as stated
cc: Michelle Capps (via email)

JULAAN DERRICK

Attorney at Law

DORSEY W. STRICKLAND

Associate Attorney

1422 4th Ave.
P.O. Box 286
Conway, SC 29526

(843) 488-0881
Fax: (843) 488-0884
www.idllaw.com

May 24, 2018

VIA EMAIL ONLY

Anita F. Lee
1115 Third Avenue
Conway, SC 29526

RE: Michelle Davis Capps vs. Joseph Harold Capps
File No. 2014-DR-26-1563

Dear Anita:

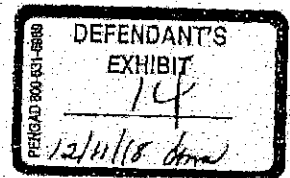
I am responding to the letters you have written in the past several weeks.

In regards to be child support and alimony checks, my client has opened a separate account so he can deposit the checks into it. The account is at TD Bank and the account number is #4346532751.

In regards to the penis picture he accidentally sent to his youngest child, both my client and myself find his explanation quite unbelievable. I am assuming he and his wife were together at home talking about the electrodes planted on his genitals, which makes one question why did he have to send her a penis picture? Why not pull up the picture and say, "Look at this, darling." Further, there are no electrodes on the penis in the picture! What was he showing her?

According to Michelle, she was with him when he was in dental school and was involved in a pudendal nerve conduction study. The electrodes were not attached to his genitalia, but placed on a nerve in his leg, which relayed feelings into his genital area, so his story was not even factual, nor did it make any sense.

Emily did get the picture. It was very upsetting to her. Your client could have chosen to call Michelle and ask her to intercept the text, but he didn't. The last text Emily got from him before the penis picture at 8:07 p.m. was a text at 7:22 a.m. that morning, so he was not texting her earlier in the evening. It is hard to imagine after twelve (13) hours, she was still in the "stream" with Shari and the text was inadvertently sent to her. He did text her an apology the next morning when she was in school. He sent a very inappropriate picture, while he intended to or not, to the same child that was exposed to his pornography in the past.



Anita Floyd Lee

Page 2

May 24, 2018

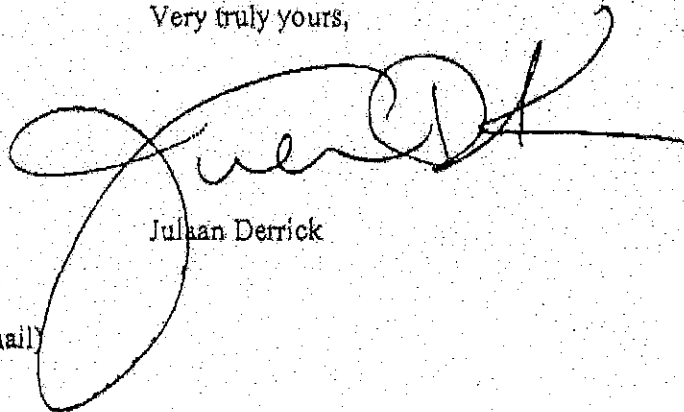
I have not responded to the comments you have made concerning Michelle and her alleged alienation. You wrote in your letter of April 26th that "he's been trying to have a relationship with his children for years and that was made impossible after the parties' separation." I believe he has worked hard to alienate himself from his children. However, he chooses to blame Michelle, instead of realizing it is his own neglect and bad behavior that has harmed his relationship with his children. It is difficult sometimes for people to take responsibility for damaging relationships and it is much easier to blame someone else.

Your client has not exercised any of his weekend visitation for over a year. He did not exercise any of this summer visitation last year and did not request any time for this summer. Further, he is planning a trip to Italy with his wife beginning June 9th and will probably be out of the country for Father's Day weekend. He got engaged this past year and never discussed it prior with the girls, nor were they informed of, or invited to his wedding. He allowed posts about his wedding to be on social media prior to telling his children he had gotten married. He failed to exercise his Christmas visitation, and he did not give the girls anything for Christmas. I guess he thought that was appropriate for children that needed to be in DSS custody.

I have instructed Michelle to get them in to see Ken Smith. They need to start seeing someone and our not being able to agree to someone should not be preventing them from receiving the counseling they need. Your client is fine to contact Ken Smith and participate as he sees fit.

With kind regards, I am

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "Julian Derrick". The signature is written over the printed name "Julian Derrick" and extends upwards and to the left.

Julian Derrick

JD/dc

c: Michelle Davis Capps (via email)

bpotter@anitafloydllaw.com

From: afloyd@anitafloydllaw.com
Sent: Friday, May 25, 2018 11:28 AM
To: jdl@jdlaw.com
Cc: bpotter@anitafloydllaw.com
Subject: Capps vs. Capp

Julaan,

My client does not agree with Ken Smith. Further, the court order requires that the parties either submit the issue of counseling to the court or that they agree. If your client continues to ignore my client on this issue, it will only be one more issue at the upcoming Rule to Show Cause. I have suggested numerous counselors, all of whom have good experience with alienation. Ken Smith is more of a marriage counselor and he does not specialize in alienation. Further, I have no idea what your client's relationship is or may be with Ken.

Please re-consider this unilateral decision and instead let's together get this addressed. Thank you.

Anita Floyd Lee

Attorney At Law

afloyd@anitafloydllaw.com

1115 Third Avenue

Conway, SC 29526

843-248-3206

843-248-7173 FAX

CONFIDENTIAL & PRIVILEGED:

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ANITA R. FLOYD
A PROFESSIONAL CORPORATION
Telephone: (843) 248-3206
Facsimile: (843) 248-7173

1115 Third Avenue
Conway, SC 29526

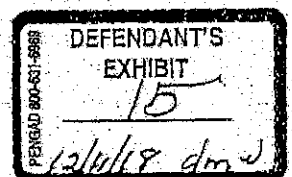
P. O. Box 1482
Conway, SC 29528-1482

April 26, 2018

Hand Delivered

Ms. Julaan Derrick
1422 Fourth Avenue
Conway, SC 29526

Re: Michelle Davis Capps vs. Joseph Harold Capps
Case Number: 2014-DR-26-1563



Dear Julaan:

As you may be aware, Michelle Capps contacted her bank and basically put a hold on her account so that no one could make a deposit into the account except her (or someone at her direction). Until that point in time, my client had arranged for direct deposits to satisfy his alimony and child support obligation. From the time of the parties' agreement, until about one year ago, there was never a problem with my client making a direct deposit into Ms. Capps' account. Further, there was never any indication that my client had attempted to do anything other than make a deposit into her account, though even if he had, that would have never been allowed based upon the rules of the banking industry.

Initially, my client went to another branch to make the deposit, but Michelle has apparently now made sure that every branch knows that my client is not to make a deposit into her account. At my direction, Dr. Capps is not going to mail the checks, as I believe that would result in Ms. Capps filing an affidavit that my client was not timely. I may have included this in my client's affidavit in support of a RTSC, but if I did not, I believe Ms. Capps' actions could be interpreted as a form of harassment which would support the court finding her in contempt.

If we cannot resolve this, my client will ask that the court allow for payment through the clerk, with his payment being reduced by the amount he will have to pay for going through the clerk of court. As this is a most unique issue, I have no idea what a court will do, though the timing of Ms. Capps' actions corresponds closely to the timing of Dr. Capps giving his now-Wife Sherri a diamond engagement ring. I am not insinuating anything, as I have no idea why Ms. Capps made this decision; I only know that the timing is curious.

Dr. Capps would like to continue making direct deposits, though if that is not acceptable, please provide a reasonable alternative. Dr. Capps does not want to

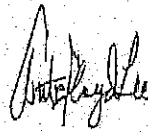
interact with Michelle Capps at all, as those interactions have not been productive since the parties separated from one another. Thus, dropping the check off at her house is not a viable alternative for Dr. Capps. Mailing certified checks is an additional cost which is unnecessary when he can arrange for a transfer from his account to her account, or can make the deposit on the way home from work.

I am sending you the alimony and child support check which is due Ms. Capps for the month of May. Please deliver this to her and ask her for a better and more permanent arrangement for the following months. If there is some concern she has about the deposits into her account, I am sure the bank will assure her that my client has no way to access her account even if he had such a desire.

I appreciate your assistance.

In kind regards, I am

Yours Very Truly,



Anita F. Lee

AFL/bjp

Enclosures

cc: Joseph Harold Capps

**Bank**

America's Most Convenient Bank®

E

STATEMENT OF ACCOUNT

MICHELLE DAVIS CAPPS

Redacted

Page:

1 of 6

Statement Period:

Jul 18 2017-Aug 17 2017

Cust Ref #:

4315831661-655-E-***

Primary Account #:

Redacted

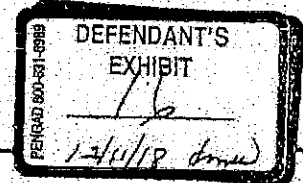
TD Relationship Checking

MICHELLE DAVIS CAPPS

Account # *Redacted*

ACCOUNT SUMMARY

Beginning Balance	7,534.60	Average Collected Balance	10,127.85
Deposits	13,000.00	Interest Earned This Period	0.26
Electronic Deposits	7,818.14	Interest Paid Year-to-Date	2.33
Other Credits	0.26	Annual Percentage Yield Earned	0.03%
		Days in Period	31
Checks Paid	1,884.00		
Electronic Payments	15,669.53		
Ending Balance	10,989.47		



DAILY ACCOUNT ACTIVITY

Deposits

POSTING DATE	DESCRIPTION	AMOUNT
08/01	DEPOSIT	9,500.00
08/01	DEPOSIT	3,500.00
	Subtotal:	13,000.00

Electronic Deposits

POSTING DATE	DESCRIPTION	AMOUNT
08/11	ACH DEPOSIT, USAA P&C CLM EXT CH 6765 ****0001807817P	7,805.64
08/14	DEBIT CARD CREDIT, *****45133274890, AUT 081217 VISA DDA REF TME 08SR36 INSTYLE 855 265 0282 * NY	12.50
	Subtotal:	7,818.14

Other Credits

POSTING DATE	DESCRIPTION	AMOUNT
08/17	INTEREST PAID	0.26
	Subtotal:	0.26

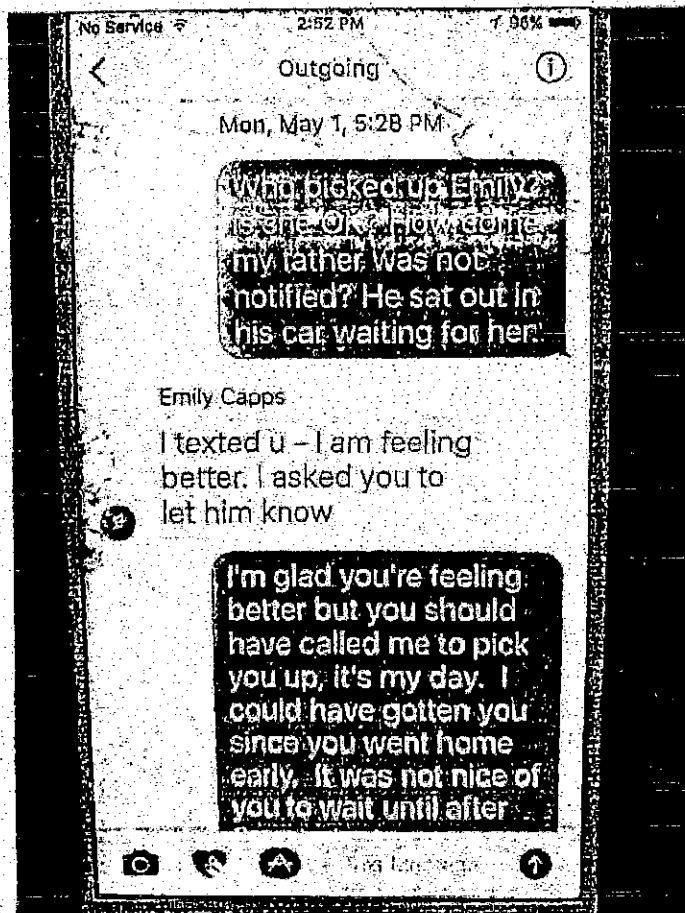
Checks Paid

No. Checks: 12

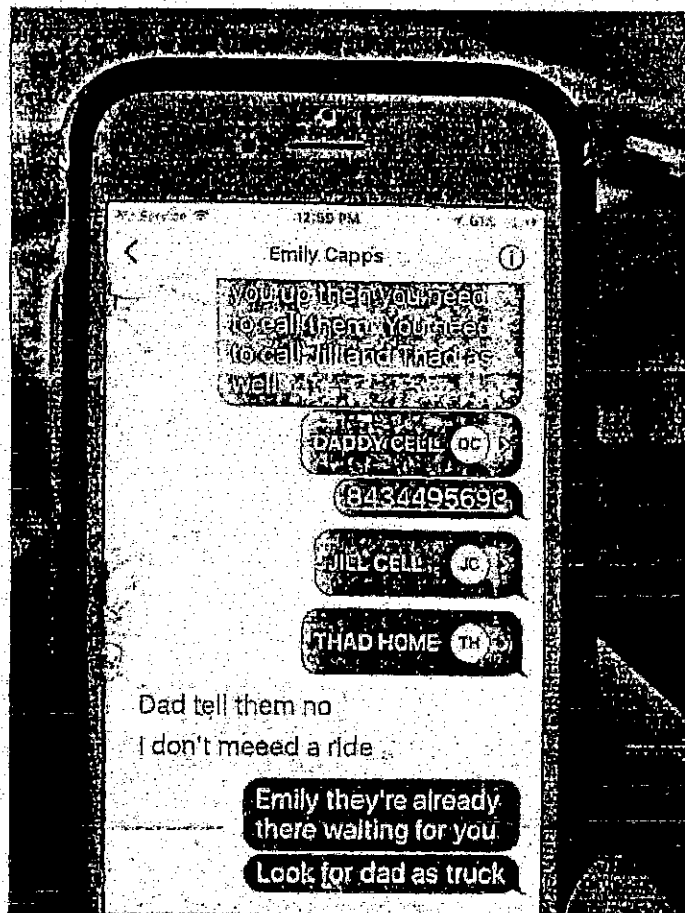
*Indicates break in serial sequence or check processed electronically and listed under Electronic Payments

DATE	SERIAL NO.	AMOUNT	DATE	SERIAL NO.	AMOUNT
07/21	5500	120.00	08/08	5506	120.00
07/27	5501	85.00	08/15	5507	100.00
07/25	5502	160.00	08/14	5508	40.00
07/28	5503	65.00	08/17	5509	200.00
07/27	5504	600.00	08/16	5510	120.00
08/04	5505	42.00	08/16	5512*	52.00
			Subtotal:		1,884.00

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com



Defendant's
#18
not sure
why
this
wasn't
marked



Tue, Jan 23, 7:49 AM

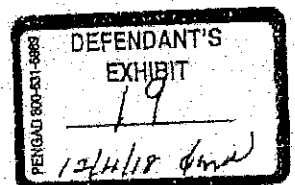
Hey girls I love you both and
hope you have a great day at
school

Tue, Jan 30, 3:41 PM

HK

Hey dad Emily and I really
miss u and wanna spend time
with u and neither of us have a
lot of homework tonight so we
thought we could meet at
fiesta mexicana around 6:30
or 7 just whatever works best
for u. I would rly like for it to
just be the three of us since
we have so much to talk about
and we haven't seen u in so
long. I love u

Tue, Jan 30, 6:38 PM





HK



A Emily



Wed, Jan 31, 5:13 PM

A Emily



Still want to do dinner?

Yes that would be great I'm
not getting out of work until
six. We can meet at fiesta at
seven

HK

I love and miss u but I really
wanted it to be just the three
of us and it's also late for me
to go tonight because I have
homework and I want to see
the super moon



A Emily

~~I would like to have it be just
the two of us but can you give
me a ride to dinner~~

~~OK - I'm not leaving~~

iMessage





HK



A Emily



Tue, Jan 30, 6:38 PM

Hello HK. I just finished seeing a patient and I'm still at the office. I had made plans to see mama and dada tonight then head home. I miss you all too and want to see you. Can we plan a time instead of doing something spur of the moment?

HK

Sorry for the short notice we had both realized that we didn't have homework tonight so it would have been convenient. When and where would u like to meet? and pls tell mama and dada that we say hi



Tue, Jan 30, 8:34 PM



if message





HK



A Emily



Wed, Jan 31, 5:13 PM

A Emily



Still want to do dinner?

Yes that would be great I'm not getting out of work until six. We can meet at fiesta at seven

HK



I love and miss u but I really wanted it to be just the three of us and it's also late for me to go tonight because I have homework and I want to see the super moon

A Emily



~~I would like to have it be just the two of us but can you give me a ride to dinner~~

~~oh my gosh I'm not leaving~~



iMessage





the super moon

A Emily

I would like to have it be just
the two of us but can you give



me a ride to dinner

OK. I'm probably not leaving
here until 6:30 anyways. We
can meet at 7:15 or do it
another night

A Emily

Could you pick me up there?

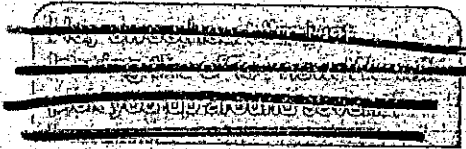
Or from my house



On your way to fiesta



?



iMessage





HK



A Emily



Hey sweetheart I'm just
leaving the office now. We will
pick you up around seven. I
love you

A Emily

Okay



Love you too



Thu, Feb 1, 8:35 PM

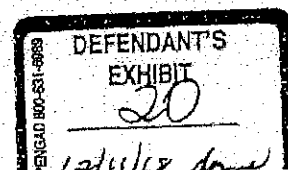
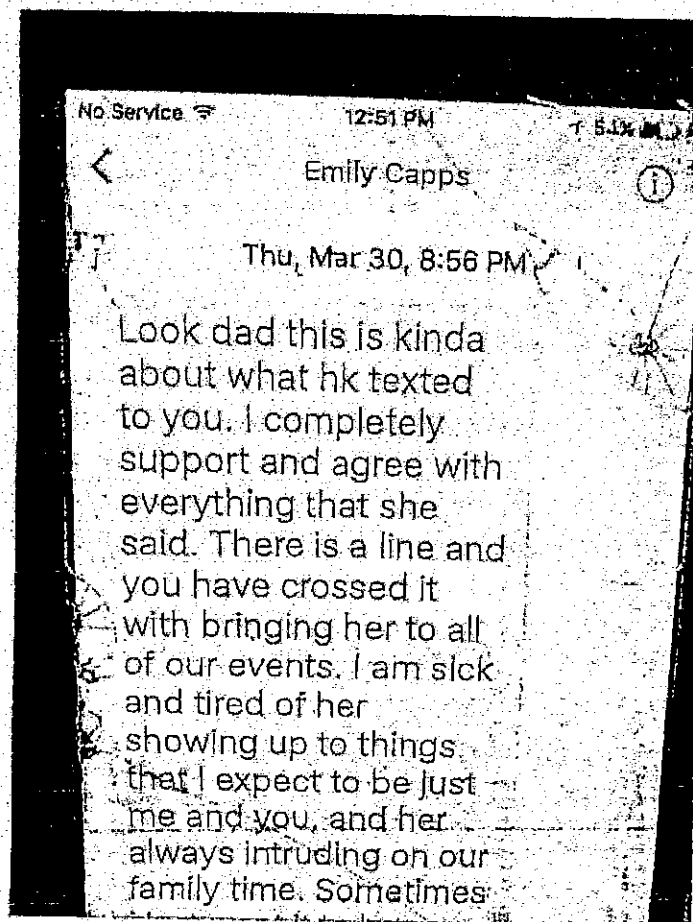
Emily, we had a great time

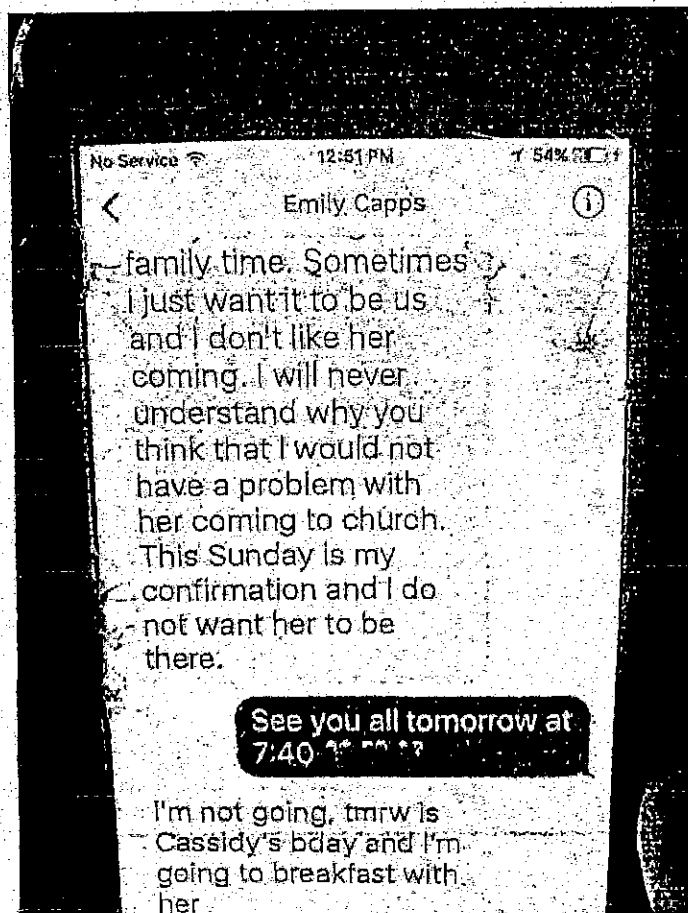


iMessage



3/30/17





Sprint



4:12 PM

52%



HK



A Emily



Sun, Feb 25, 6:37 PM

I'm off work tomorrow, so we
can grab dinner early, around
5 if that works for you & Emily

Or we can go Tuesday?

HK

tuesday would probably be
better for me.

would it just be the three of
us?



HK

No

are we ever gonna be able to
spend time alone with u



~~I can't have dinner
tuesday or wednesday
I meet you in the afternoon~~



iMessage





HK



A Emily



HK

are we ever gonna be able to
spend time alone with u

I certainly hope so. Dinner
Tuesday at Crave? We can
meet you two there at 6:30

HK

what r u envisioning needing
to happen for us to spend time
alone with you?

We'd love to take you to dinner
Tuesday night if you would like
to go.

HK

~~u didn't answer my question~~

Wed, Feb 28, 6:24 PM

~~Message removed~~

iMessage





HK



A Emily



2018

Thu, Mar 15, 11:08 AM

Hey girls I'm getting out of work at six. What time are you thinking you will run? I know your meet starts at five. Please tell me or give me a heads up. I would like to see you both

HK

I'm not comfortable with u coming at this point because I want us to work on our relationship more before u start coming to my events

Thu, Mar 15, 3:41 PM

~~That's great I want to work on our relationship too. Can we go counseling.~~

~~Emily can I go and watch u we'd like that or does it make~~



iMessage





Fri, Apr 20, 2:56 PM

Hey sweetheart I know you
have your prom tonight I'd like
to be there or at least see you
if you don't want me there I
respect your wishes. Please
know I love you and I hope you
are safe and have a good
night.

Fri, Apr 20, 5:34 PM

I love u too and I'm just not
comfortable with that at this
point but thank u for
understanding and I hope I
can see u soon

Mon, Apr 30, 10:22 AM

Hey HK hope you're having a
great day in school. JUL is
having a great day in school.



iMessage



2018
W 200 in
low
2017
How much
NWC

●●●●● T-Mobile LTE

🏠 9:46 PM

📶 33% 🔋

🔍 Search



[haleykathryyn]: rayenaish started a live video.
Watch it before it ends!



MESSAGES

19m ago

mom

Keep ur phone close to him if u r recording pls



MESSAGES

40m ago

mom

Pls record if u can



MESSAGES

1h ago

dad

To you & Emily

😊 here



MESSAGES

1h ago

Emily

To you & dad

Where r u



MESSAGES

1h ago

Emily

PC16AD 800-871-5339

DEFENDANT'S
EXHIBIT

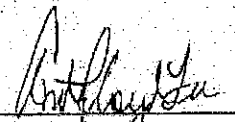
22

1/24/11/15 done

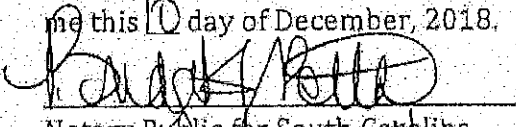
695

7. That the undersigned, in accordance with her time and expense records which are maintained on a daily basis, states to the Court that she has necessarily expended 84.63 hours in the preparation of this motion, that she charges \$350.00 per hour, and that she has incurred costs totaling \$646.75, for a total amount of fees incurred by client of \$30,267.42.
8. That based on the time necessarily devoted to this case and the other criteria which have been held to be relevant in the setting of attorney's fees, costs and suit money, and the fact that the undersigned, on behalf of her client, requests that this Court review the file herein, together with this Affidavit, and that the Court award unto your Affiant a sum which may be determined by the Court to be reasonable as attorney's fees, costs and suit money, and that the Plaintiff be required to pay the same within a reasonable time and may be determined by this Court.

FURTHER THE AFFIANT SAYETH NOT.


Anita Floyd Lee

SWORN TO AND SUBSCRIBED before
me this 10 day of December, 2018.


Notary Public for South Carolina

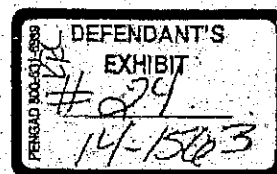
My Commission Expires: 11/3/2013



HK



Apr 23, 2017, 9:40 PM



I can't wait to tell mama
and dada all of the shit
and lies that you've
pulled in the car ride
tomorrow. Should I tell
them about how I
found that chip in your
bathroom from a
brothel a while ago?
Should I tell them how
you yanked my hair?
Should I tell them how
you dangle the promise
of a car in front of me
whenever I call you out
on your bullshit? How
you said you couldn't
afford to keep me and



Text Message





HK



afford to keep me and emily in the house yet you are still living there and seem to be doing more than fine financially? How you lied to me and emily about that wedding not having any kids coming so you could bring Sherri instead of us? How you let that bitch move all of our furniture into one room when you had been seeing her for only a couple months at the time just because she's insecure? You are being a manipulative liar and this is not how a good



Text Message





HK



financially? How you
lied to me and emily
about that wedding not
having any kids coming
so you could bring
Sherri instead of us?
How you let that bitch
move all of our
furniture into one room
when you had been
seeing her for only a
couple months at the
time just because she's
insecure? You are being
a manipulative liar and
this is not how a good
father acts

Or maybe I just won't
get in the car.

I'm sorry you feel this

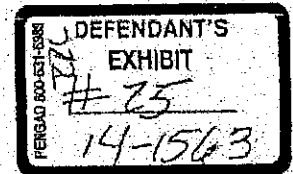


Text Message



since it's my job to
take & pick up the girls
from school (Monday
4/24), my parents will
be doing it in my place.
I've made
arrangements and it's
your position to back
me on this. My parents
are excited to be able
to spend time with their
granddaughters
tomorrow even if it's
only a few minutes to
and from school. So
know that both of my
parents will be at your
house at 7:40am in the
morning and each will
take the girls to school
separately so that

4.23.17



separately. So that
neither is late. If this
does not take place
then it is showing me
and the court that you
are not willing to co-
parent or to have the
girls mind the rules, as
parents, that we set for
them. Again, I
appreciate your
cooperation and if you
are unwilling to make
this happen, please let
me know now.

This is btw you & the
girls as it is ur time with
them & does not
involve me. You make
no effort to foster any

no effort to foster any
type of relationship btw
the girls & ur parents
therefore having them
show up to take or pick
them up from school
makes them very
uncomfortable. In all of
ur trips out of town & in
all of the days &
opportunities u have
chosen to miss you
have never once had
anyone fill in for you
with any responsibility.
I feel that u should
think of what is in the
best interest of the girls
- not just u getting your
way. HK called your
parents - spoke w/

parents - spoke w/
both of them -
expressed how she
would like to see them
soon but that she did
not need a ride
tomorrow to or from
school. HK has had AP
Lang homework & a
ton of AP Euro
homework to complete
- Emily has her English
EOC exam tomorrow
morning - neither of
them need any stress
or drama.

My parents will be at
your house at 7:40am
to get the girls and take
them to school in the

them to school in the
morning. This is
something I am
organizing with you,
their mother, because
it is our job to co-
parent. If you so chose
not to comply, I will be
contacting my attorney
tomorrow. Good night

Mon, Apr 24, 12:48 PM

FYI - both girls have
told me that they r not
getting rides home
from school from ur
parents & that u r fine
with this - is this
correct????

••••• Sprint LTE

7:01 AM

MC

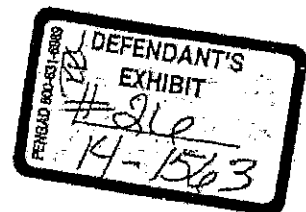
Michelle

70%

①

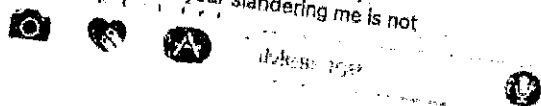
Tuesday 8:53 PM

HK was in a car wreck. She was the only one in the car. A city bus had stopped along Kings Hwy - turns out they don't have designated areas to stop- just wait until they r flagged down & then stop. She glanced down & when she looked up she realized the bus was stopped. She tried to break hard but still hit the bus. She was fine initially but started to feel sore so I took her to Beach Urgent to get checked out & they said she was fine & had no injuries/fractures - just bruising. Both air bags went off & the whole front end of her car is smashed in - we r pretty sure it's totaled. 9 passengers on the bus claimed they were injured & were taken to the hospital to be checked out. Other passengers heard them laughing & making statements that they were fine but were just doing it for the money- I emailed you as well to make sure that you receive this & are aware.



Thursday 10:58 AM

Jeff was a little behind this morning - he just started- will let u know when we r home. I have been told that you are trying to tell people that I didn't tell u about Emily having her wisdom teeth removed & that needs to stop. This has been a very difficult week & your slandering me is not





HK



Hey

Fri, Jul 28, 8:59 AM

Hey ♥

Wed, Aug 2, 8:51 AM

Good morning sweetheart hope you're feeling OK. It's very very important that you rest do not be active and make sure you are eating well. Rest is the best thing. It would be good to google injury after airbag deploys or what to expect after a car accident

Thu, Aug 3, 7:34 PM

Hello HK. How are you feeling? How is Emily doing?

Fri, Aug 4, 3:14 PM

Hey HK. Just trying to see how you're doing after your wreck and how Emily is doing after her WT appointment yesterday. I love you both

Delivered



iMessage



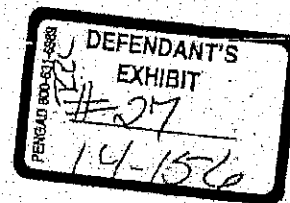
August 19

3:59 PM

Edit

Tue, Nov 21, 10:38 AM

Hey girls would you like to
have Thanksgiving dinner at
noon with me on Thursday?
Love you and miss you both.



Wed, Nov 22, 12:17 PM

Hey girls what's up? I miss you
and would like to see you over
Thanksgiving break. Yes

Wed, Nov 22, 5:30 PM

HK

I'd love for the three of us to
get together over the break
and I love and miss you too



HK



A Emily



Wed, Nov 22, 6:50 PM

We are all going to eat tomorrow at 12 it would be great if you could join us—

HK

I can't tomorrow because I already made plans since you haven't been trying to see us beforehand or said anything about thanksgiving

I would like to see you this break though I miss u

When are you free

HK

Can it be the three of us? And what about Sunday for lunch?



HK



A Emily



HK

I can't tomorrow because I
already made plans since you
haven't been trying to see us
beforehand or said anything
about thanksgiving



I would like to see you this
break though I miss u

When are you free

HK



Can it be the three of us? And
what about Sunday for lunch?

Wed, Nov 22, 9:03 PM

Lunch Sunday sounds great.
Shem and I would love to take
you girls out to eat.

Dear Mr. [unclear]
It's been [unclear] days since we have spoken
time together. I think about you pretty often
you are doing where are you working these days?
Are you enjoying your job? You seem to be doing
things are used many other things for the
I just hope we saw each other soon. I was so
hard for me. I can't forget you. I was so
excited to see you last night. I have
you. Knowing you last night. I have
dinner with me made me so happy. I will
make me feel like I'm with you. I remember
at you. I was so happy to see you. I was so
the time. I picked you up with my car.
ways. You were disappointed to my my
place. I remember when you love
I know you do not intentionally hurt
them. I know things aren't perfect but
but I can certainly understand my feelings.
at not having a relationship with you. I am
sorry things didn't work out with you. I am
but I never wanted our relationship to end.
I hope you & you need me, not for material
or financial things. I am a good father
I hope you are happy. I hope you are
I hope you are happy. I hope you are
I hope you are happy. I hope you are

when it's hard to believe that with you
 you have done it, go on trying to give
 advice and to do your utmost to give
 the wonderful lady I know you ought
 to be. I have been advised for many
 years it is best that when I advise
 you I finish the sentence with
 And in the meantime
 I'm hoping you feel
 comfortable and careful for
 because that's
 what you deserve.
 with us. I miss you every day. I look
 at videos from when you all were young
 you have so many people who love you
 I want to be a part of your life.
 I hope you realize this soon &
 not later when it may be too late.
 I love you that will always
 be my unconditional love to you.

Doc

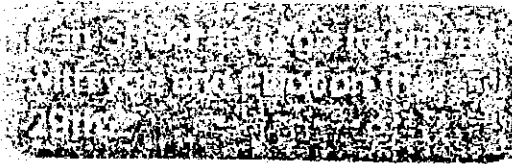
15 Dec 2017

Dear Emily,
I want to write a short
note & express a few thoughts I
have you. There is not a day
that goes by that I don't think
about you. What are you doing?
What are you studying? In
your time situation? What are
you doing? etc. I am
thinking about all the fun
times & experiences we are
missing out on. I want to
be a part of your life. My
family wants to be a part of
your life. You have my
unconditional love & the
love of many others. I

want to be a part of
your life to help guide
you & give advice. I want
to be there for you &
make memories. I am a
good dad, a good person & I
have so much to offer you.
Fathers need their daughter
& daughters need their
fathers.

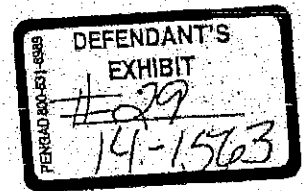
Love you,
Dad.

15 Nov 2017



Probably yah

At fiesta?



Sun Dec 24 5:54 PM

Emily I love you I hope you
have a great Christmas Know
that I am always thankful to be
your dad and I hope and pray
for your happiness and well-
being.

Mon Jan 1 1:11 PM



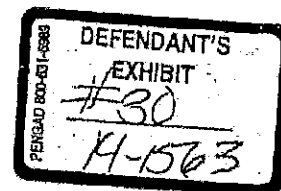


December 22, 2017

1:40 PM

Edit

Yesterday 5:38 PM



Want to go have dinner with Elliott and I at fiesta on either the 27th or the 28th?

Today 12:34 PM

?

Hey Sweetheart. Don't know if you remembered or not but I'm going out of town with mama, dada, Sherri, Thad, JILL and Reed after Christmas. I asked you both several times. You and HK you said you did not want to go. I will be out of town then. I have been trying to contact you both about Christmas - gifts, seeing you both, spending time together with the family but I get no response. I am excited about meeting Elliot. I know he is a nice guy and I've heard a lot



December 22, 2017

Edit

2:06 PM

Emily Capps

~~no response. I am excited about~~
~~meeting Elliot. I know he is a~~
~~nice guy and I've heard a lot~~
about him and his family. Hope
you and HK got the cards I
dropped off with Mrs Wilson at
school last Friday. You only have
one child hood and you only
have one dad. I love you.

I love you too

So do you want to see me
before Christmas? I've been
trying hard but it seems as if I
get no response

Can Sherri and I go to dinner
with you and Elliot on the 29th?

Probably yah

At fiesta?



1	<u>I N D E X</u>				
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	MICHELLE DAVIS CAPPS				
4	Ms. Derrick	8		190	
5	MRS. LEE		104		202
6	DR. HAROLD M. HEIDT				
7	MRS. LEE	207		254	
8	MS. DERRICK		237		264
9	SHERRY CAPPS				
10	MRS. LEE	270		299	
11	MS. DERRICK		290		
12					
13	<u>E X H I B I T S</u>				
14	<u>NUMBER</u>	<u>DESCRIPTION</u>		<u>ID</u>	<u>EV</u>
15	P-8	Email-In Re: Deposit checks		Pg. 16	
16	P-9	Email-In Re: Counseling		Pg. 20	
17	P-10	Email-In Re: Ski weekend		Pg. 38	
18	P-11	Texts about Haley Kathryn		Pg. 39	
19	Pg. 12	Texts about J.V. Game and Hibiscus		Pg. 51	
20	P-13	Text-In Re: Ride for Haley Kathryn		Pg. 57	
21	P-14	Email-In Re: Father's Day		Pg. 60	
22	P-15	Email-In Re: Summer visitation		Pg. 66	
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24

25

Helen Bayne, PhD LMFT

235 Singleton Ridge Road

Conway, SC 29526

843-902-4773

843-347-6954

November 22, 2017

To Whom It May Concern:

I tried to call Hal Heidt at Michelle Capps' request several times. I got his answering machine each time and left a message. I did not receive a return call from him.



Helen Bayne, PhD
LMFT

*Judge will
not review
this document.*



Chat with dad

4/4/2017 8:04:30 AM - 4/4/2017 8:04:41 AM

Export Details:

Device Phone Number 1 (843) 222-2849

Device Name hk's phone

Device ID 3ad92c1ffd4e52904f893ff1ecd43d75eb02d1a5

Backup Date Tuesday, January 30, 2018 9:22 PM

Backup Directory C:\Users\User\AppData\Roaming\Apple Computer\MobileSync\Backup\3ad92c1ffd4e52904f893ff1ecd43d75eb02d

IOS 11.2.2

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.1.14.0

Participants:

+1 843-251-9477, dad

Tuesday, April 04, 2017

dad

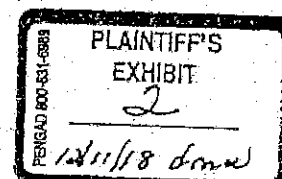
8:04 AM

HK before you can go I need to talk to Dr. Mrs. Chambers

Haley Kathryn Capps



8:04 AM



Chat with dad

4/10/2017 6:46:50 PM - 4/12/2017 9:29:02 PM

Export Details:

Device Phone Number 1 (843) 222-2849

Device Name hk's phone

Device ID 3ad92c1ffd4e52904f893ff1ecd43d75eb02d1a5

Backup Date Tuesday, January 30, 2018 9:22 PM

Backup Directory C:\Users\user\AppData\Roaming\Apple Computer\MobileSync\Backup\3ad92c1ffd4e52904f893ff1ecd43d75eb02d

iOS 11.2.2

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.1.14.0

Participants:

+1 843-251-9477, dad

Monday, April 10, 2017

dad

Hey sweetheart I can pick u up from work and I'll give u the
spending money then for the trip.

6:46 PM

Hailey Kathryn Capps



6:53 PM

dad

u

6:56 PM

Tuesday, April 11, 2017

dad

Hey sweetheart what's up

5:27 PM

Hailey Kathryn Capps



5:35 PM

dad

Great, hope you have enough money and I hope your phone stays
charged❤️❤️❤️

5:50 PM

Hailey Kathryn Capps



5:53 PM

Chat with dad & Emily

4/8/2017 10:39:55 AM - 4/8/2017 10:39:55 AM

Export Details:

Device Phone Number 1 (843) 222-2849

Device Name hk's phone

Device ID 3ad92c1ffd4e52904f893ff1ecd43d75eb02d1a5

Backup Date Tuesday, January 30, 2018 9:22 PM

Backup Directory C:\Users\user\AppData\Roaming\Apple Computer\MobileSync\Backup\3ad92c1ffd4e52904f893ff1ecd43d75eb02d

iOS 11.2.2

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.1.14.0

Participants:

+1 843-251-9477, dad



+1 843-446-5040, Emily

Saturday, April 08, 2017

dad

Good morning girls. Want to grab some lunch today? What are your plans? HK I still haven't heard anything from Tom Chambers about your trip. I need to get details before you go

10:39 AM

Haley Kathryn Capps

It was asleep sorry

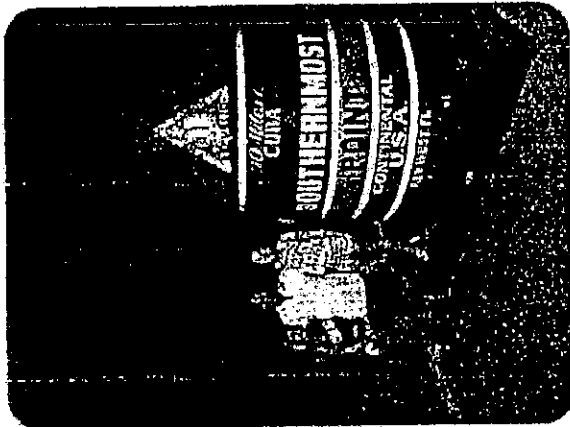
2:12 PM

dad

No problem can you call me please

2:12 PM

dad



9:52 PM

Hey what's up

9:52 PM

Monday, April 17, 2017

Haley Kathryn Capps

going to sleep

12:10 AM

dad

OK I love you and I'm getting back home tomorrow around six

12:13 AM

dad

Hey getting ready to board

12:49 PM

Haley Kathryn Capps

Cool have fun be safe

12:51 PM

dad

Kk miss you

12:51 PM

Haley Kathryn Capps

Miss u too

1:45 PM

dad

Getting ready to taxi in Atlanta.

4:58 PM

Haley Kathryn Capps

Nice when will u land in mjb

5:00 PM

dad

6:07 ish

5:02 PM

dad

Still n line for departure

5:02 PM

dad

Hey sweetheart I'm dropping off family would like to see it for a
second

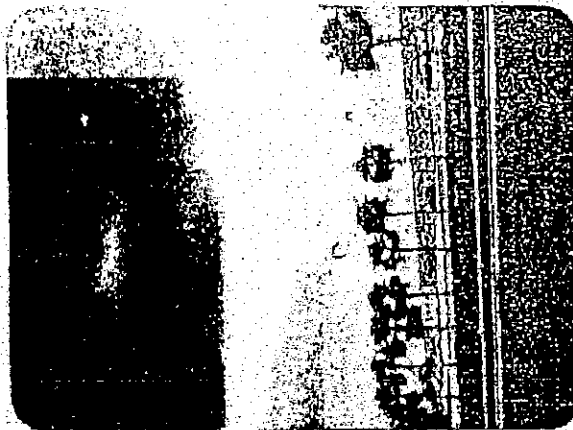
6:59 PM

Haley Kathryn Capps

Hey just got out of shower

7:05 PM

Haley Kathryn Capps



7:31 PM

We r passing a kiteboarding comp

7:31 PM

dad

HK I bet we're having more fun than you are

9:33 PM

dad



9:33 PM

Haley Kathryn Capps

I just ate Cheesecake Factory so maybe not

9:57 PM

dad

Hey, I love you hope you're having a great time call me if you can



9:57 PM

Haley Kathryn Capps

Love u too and on the way home

10:05 PM

dad

Kk be careful

10:26 PM

Haley Kathryn Capps

Ok love u

10:29 PM

Sunday, April 16, 2017

dad

Happy Easter hope u r going to church ☺

10:03 AM

dad

Call me please

10:40 AM

Haley Kathryn Capps

Thank u for the!

10:24 AM

Haley Kathryn Capps

10:24 AM

Saturday, April 15, 2017

Haley Kathryn Capps

Twitter · 42.1.2 · LTE · 6:02 PM · 5 · 92% BATT

< Photo

smileyestighart



6:02 PM

Liked by captainhoratioagellancrunch and 3 others

smileyestighart Don't believe me?

Home Search Plus Heart Share

dad...

6:02 PM

dad

Oooooooooops

6:08 PM

Haley Kathryn Capps

Did u get any other ones

6:09 PM

Haley Kathryn Capps

Adel

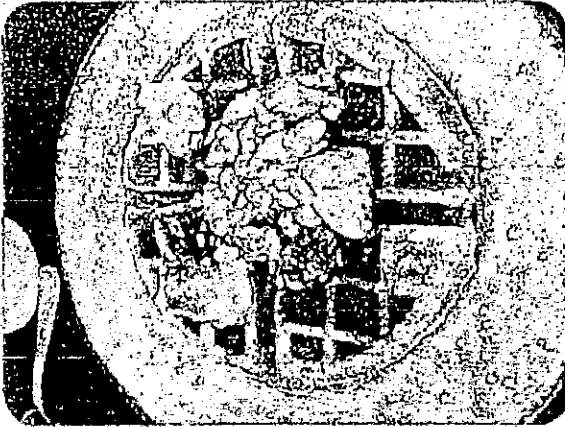
6:11 PM

dad

Can't show them

6:11 PM

dad



10:16 AM

Haley Kathryn Capps

That looks so good omg

10:19 AM

Haley Kathryn Capps



10:19 AM

dad



10:23 AM

dad

GN I love you

10:22 PM

Haley Kathryn Capps

Goodnight I love u too

10:22 PM

Haley Kathryn Capps

Almost there

10:22 PM

dad

Great. Hope you wished A Emily a happy birthday today

10:23 PM

Haley Kathryn Capps

I did don't worry

10:23 PM

Wednesday, April 12, 2017

dad

Hope u r having a good time.

8:32 PM

Haley Kathryn Capps

Thanks

9:13 PM

dad

Just got home a little bit ago I love you call me if you can tonight if not no big deal hope you still have a lot of cash Ola ☹️\$ \$ \$

9:14 PM

dad



9:15 PM

Haley Kathryn Capps

Oh my god dad!

9:28 PM

dad

What?

9:28 PM

Haley Kathryn Capps

The laser effect

9:28 PM

dad

Oh that's old. Have fun talk to you later love you

9:28 PM

Haley Kathryn Capps

I love u too

9:29 PM

Chat with Hal

4/2/2017 2:30:34 PM - 4/2/2017 2:46:44 PM

Export Details:

Device Phone Number +1 (843) 222-1671

Device Name Michelle Capps's iPhone

Device ID 277ebcb7ddf314bb5d4163dd0b18e8410f6377d8

Backup Date Monday, October 22, 2018 1:06 PM

Backup Directory C:\Users\user\AppData\Roaming\Apple Computer\MobileSync\Backup\277ebcb7ddf314bb5d4163dd0b18e8410f6377d8

iOS 12.0.1

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with: iExplorer v4.2.5.0

Participants:



+1 843-251-9477, Hal

Hal

Please tell HK to bring the car over and she is not going out with her friends this afternoon

2:30 PM

Hal

You need to take her phone away from her as well or I will do it when she gets here,

2:32 PM

MyProfile Michelle Capps

Are you seriously trying to punish her for saying a cuss word- when the only reason she said it is b/c you were pulling her hair & trying to yank her - while you were yelling at her??

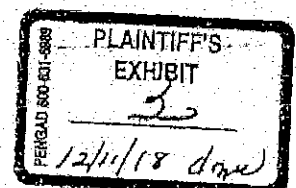
2:41 PM

Hal

You were not privy to the situation or the conversation or the circumstances surrounding that. Please send her over here now with the truck. Send Emily over here now. She is being punished this afternoon please take her phone away if you do not do it when she is here she will not be able to use it.

2:43 PM

I am not going to let our children play us. We need to coparent. Take her phone away please and send them here



They r on the way - I have her phone & she was texting me while it was all going on yesterday & Emily said the exact same story

2:46 PM



Sherri Capps is with Hal Capps.

January 2 at 6:27 PM · 🌐

Can't think of a better way to start the

New Year ❤️❤️❤️

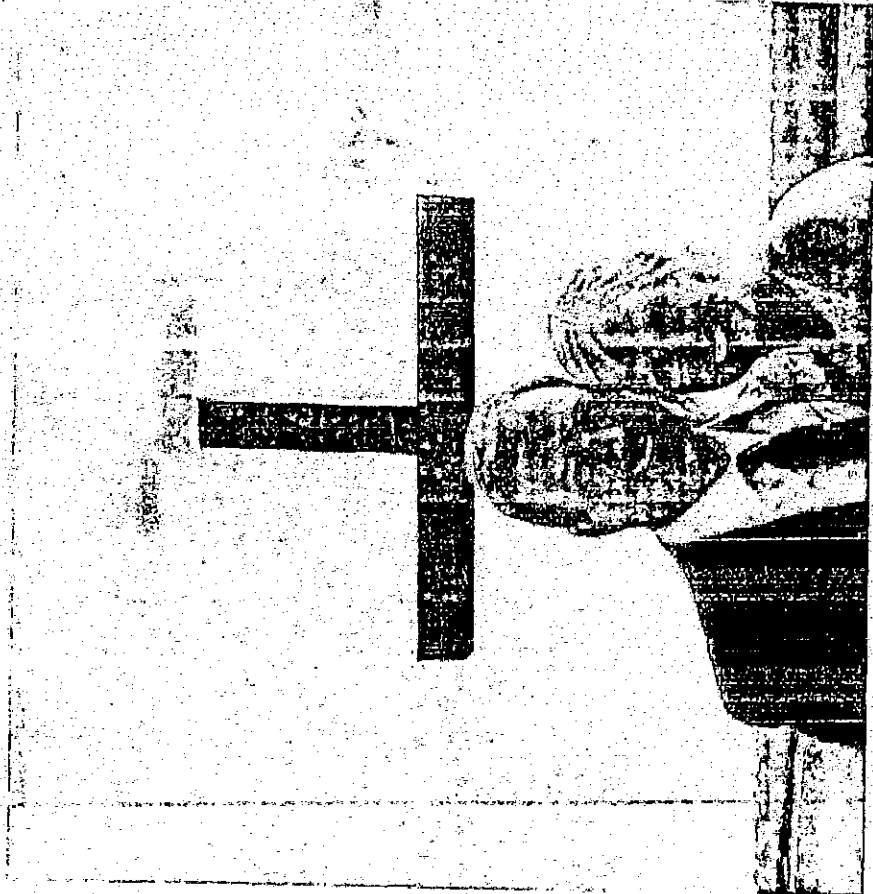


Hal Capps checked in to 9 Halls Chophouse with Sherri

Capps.

December 31 at 6:22 PM · 🌐

Happy New Year!



164

PLAINTIFF'S
EXHIBIT

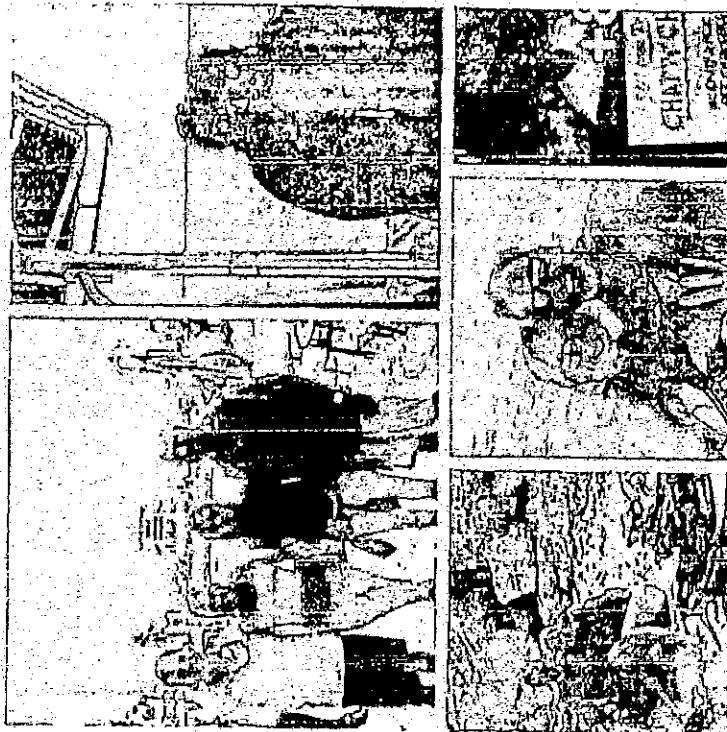
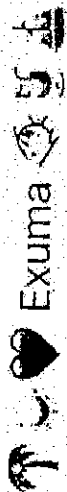
PENGAD 000-831-6989
12/31/18 drw

13 Comments



Sherri Bennett added 12 new photos — with Hal Capps.

Yesterday at 9:24 PM · 🌐



15 Comments



Sherri Bennett is with Hal
Capps at ♡ Greg Norman
Australian Grille.

September 29 at 10:03 PM · 🧑🏻

Happy Friday 😊



June 18, 2017
7:50 PM

Edit

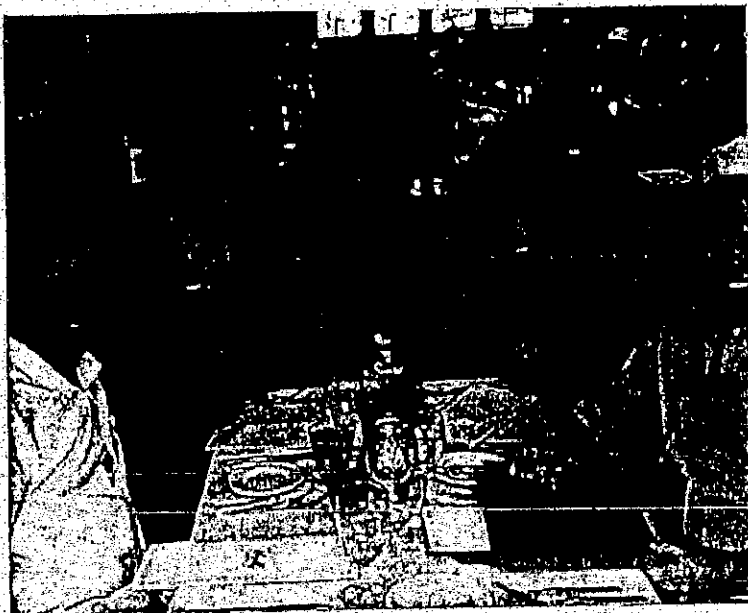




Sherri Bennett is with Hal Capps at ♡ Halls Chophouse.

July 15 · Charleston · 🧑🏻🧑🏻

Boat by day...Halls by night



👍👍 87

2 Comment

👍 Like

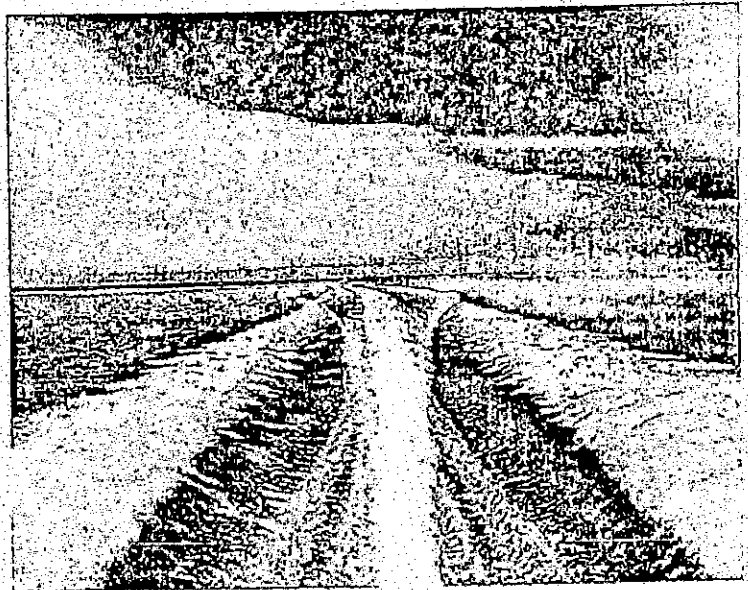
💬 Comment



Sherri Bennett

July 16 · Isle of Palms · 🧑🏻🧑🏻

Running from the storm 😎



👍👍 32

4 Comments

👍 Like

💬 Comment



Sherri Bennett is with Hal

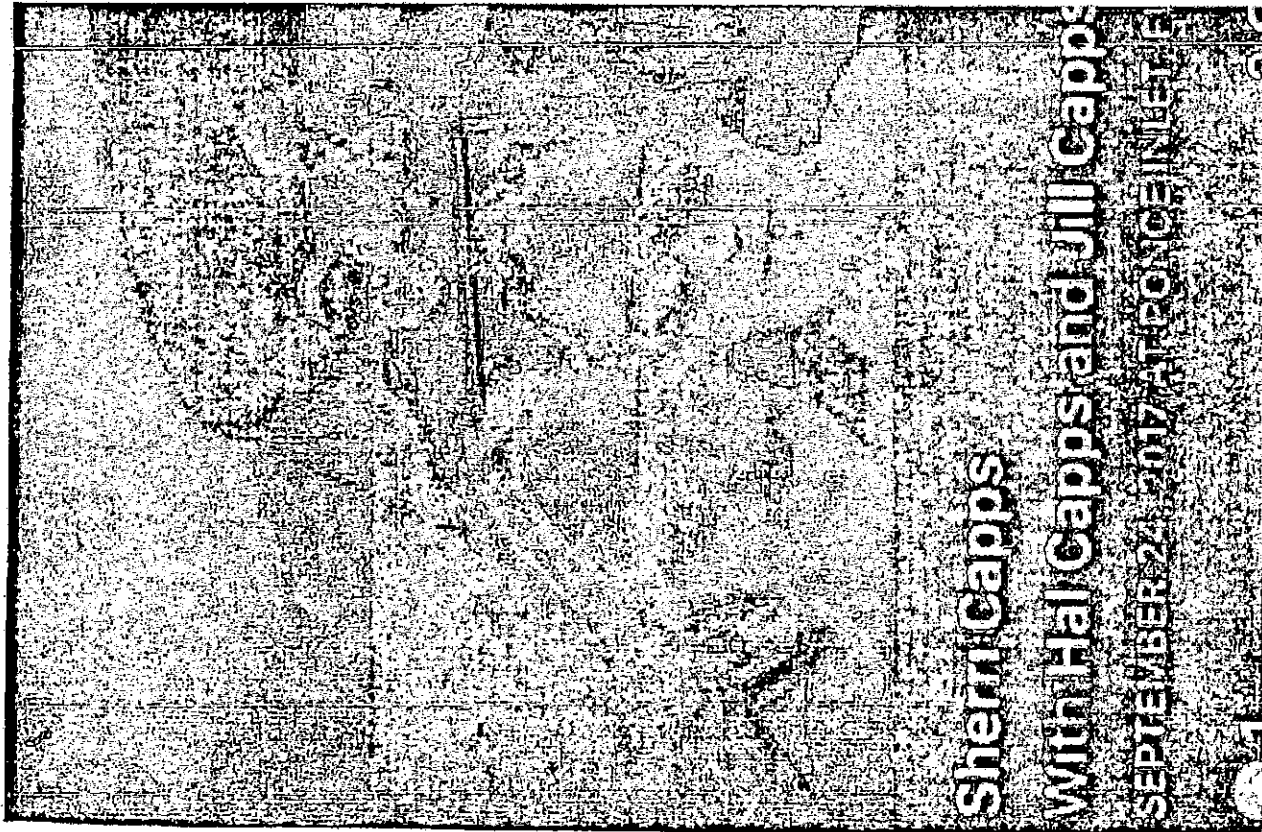
12/2/2018

...



Hal Capps is with Sherri
Capps at Epcot - Walt
Disney World.

September 22 • Orlando, FL •

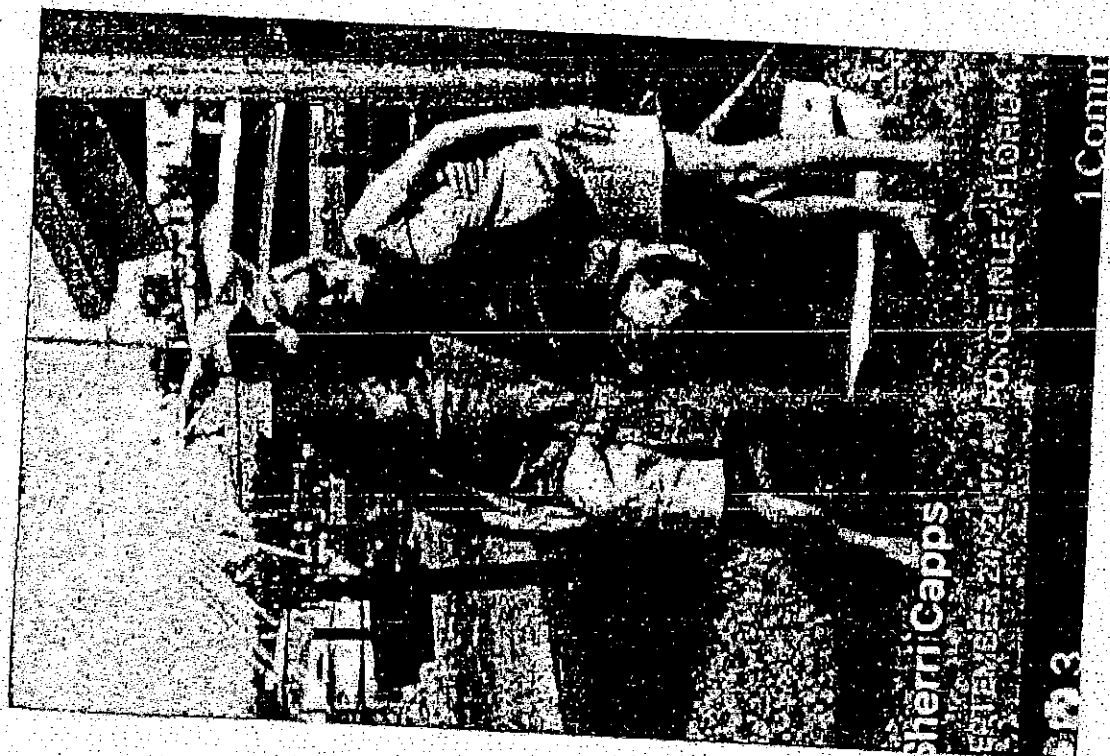


Sherri Capps

With Hal Capps and Jill Capps

SEPTEMBER 22, 2017 AT EPCOT IN FLORIDA





Sherri Capps

ENTREPRENEUR 2017 PONDICIE, FLORIDA

3

1 Comm



Hal Capps is ♪ attending
Hank Williams, Jr. with Sherr
Bennett at ♡ Volvo Car
Stadium.

July 22 · Charleston · 🎸

Me, my girl and Bocephus

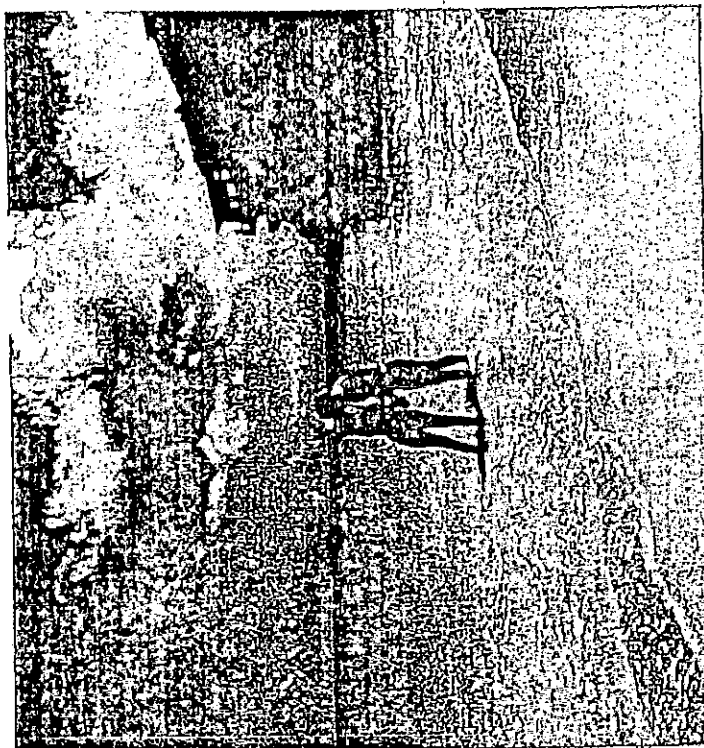




Sherri Bennett is with Hal
Capps at ♡ Eden Rock - St
Barths.

June 19 · 🧑🏻

One year later... ♡ ♡ ♡

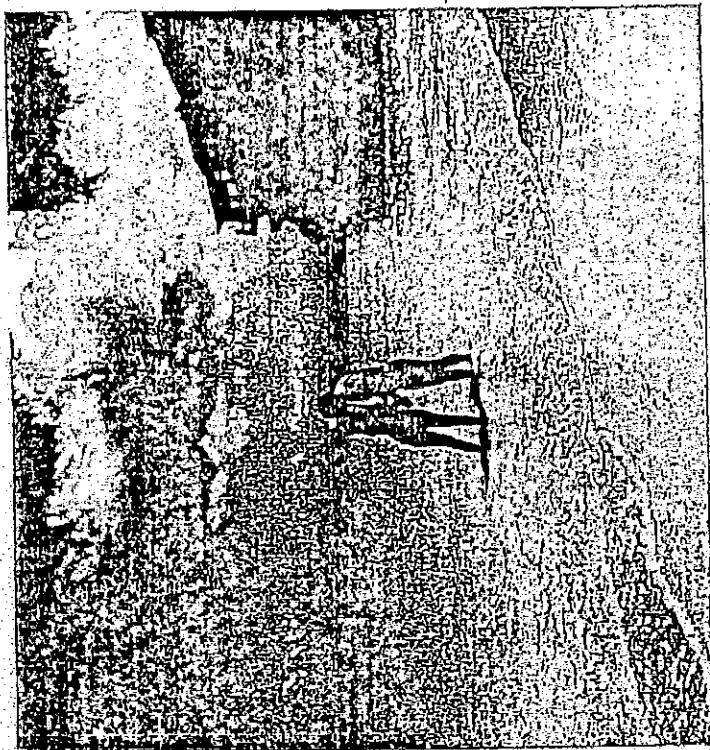




Sherri Bennett is with Hal
Capps at Eden Rock - St
Barths.

June 19 • 🧑🏽

One year later... ♥♥♥♥



THE BRITAIN LAW FIRM, P.A.

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COPY

THOMAS C. BRITAIN
MARY MADISON BRITAIN LANGWAY
A. PRESTON BRITAIN
T. CASE BRITAIN, JR.

843-449-8562
FAX 843-497-6124
www.britainlawfirm.com

September 19, 2017

VIA EMAIL AND
FIRST CLASS MAIL

Anita Floyd
1115 Third Avenue
Conway, SC 29526

RE: Hal Capps vs. Michelle Capps
Case No.: 2016-DR-26-931

Dear Anita,

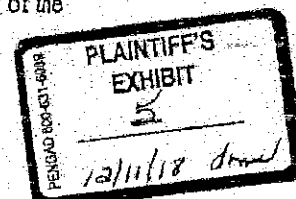
It has come to my attention that the Capps children have not yet seen a counselor. On May 17, 2017, I provided your office with a list of three counselors that Dr. Bayne was suggesting for the girls. Has Dr. Heidt submitted his list of possible counselors to your office? Is your client still seeing Hal Heidt? I have contacted Sharon at Judge Holmes office and she stated that they have not received names of potential counselors as of yet. As you are aware, the Order states that "the two counselors shall recommend 3-4 names of counselors for the children to see. These names shall be submitted to The Honorable Jan Bromell-Holmes, who shall select the counselor for the children from this list".

My client feels that it is very important that the children have counseling especially considering the instances that have occurred during the summer break from school. It is my understanding that Dr. Bayne has called Dr. Heidt on at multiple occasions to discuss this matter with him and he has yet to return her calls.

If you could please provide Dr. Heidt's list of three potential names for counselors to my office, I will forward all of the names to Judge Holmes for her choosing. Dr. Bayne recommended the following counselors: Edward Connor (843-268-0580; Elizabeth Nixon, LPC (843-455-2258) or Marie Woodward, LPC (843-410-4943). If Dr. Heidt is in agreement with Dr. Bayne's recommendations, please advise and I will submit those names to Judge Holmes for her selection so that the girls can begin counseling.

With regards to the brick column matter. My client has always been agreeable to using Rich Kolb and would also agree to use Antwine Matthews or Chapman Construction provided that the work be completed within a reasonable timeframe and that Mr. Capps pay attorney's fees that Michelle has incurred in dealing with the brick columns. If Mr. Capps is not agreeable to these terms, then Ms. Capps will pursue the matter in Magistrates Court.

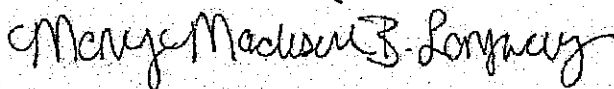
Ms. Capps will be available on the following dates and times for the contractors to come to her home and meet regarding replacing the columns: September 25th between 12:00 p.m. and 4:00 p.m., September 26th between 12:00 p.m. and 3:00 p.m., September 28th between 12:00 p.m. and 2:00 p.m. and 5:00 p.m. and 7:00 p.m., October 2nd between 1:00 p.m. and 3:00 p.m., October 3rd between 1:00 p.m. and 3:00 p.m. and October 5th between 5:00 p.m. and 7:00 p.m. If the above dates and times do not work with any of the



suggested contractor's schedules, they should contact Mr. Capps directly and she will schedule a time that works for all parties. Please discuss this matter with your client and let me know his thoughts.

Thank you for your time and attention to this matter, I look forward to hearing from you soon.

Very truly yours,
THE BRITTAIN LAW FIRM, P.A.



Mary Madison Brittain Langway
MMBL:rlh

Enclosures: as stated

cc: Michelle Capps (via email)

Haley Kathryn Capps

I hope ur having a good birthday

3:44 PM

Haley Kathryn Capps

I dropped off a birthday card for u in ur mailbox

7:21 PM

Thursday, November 16, 2017

dad

Hey sweetheart I'm thinking about you now and I hope school is going good for you. I love you and I miss you

10:24 AM

Haley Kathryn Capps

Hey I miss you too and I hope I can see u soon if that's ok

12:20 AM

Thursday, November 23, 2017

dad

Happy thanksgiving I love you

7:41 AM

Haley Kathryn Capps

I love u too happy thanksgiving

12:06 AM

Friday, December 01, 2017

dad

You look beautiful hope you're having fun tonight love you

9:43 PM

Saturday, December 02, 2017

Haley Kathryn Capps

Thank u I love u too

3:40 PM

Monday, December 04, 2017

dad

Hey hope you had a good day. You need to tell me what you would like for Christmas. My mind that I would like to know as well

12:41 PM

dad

Mama and dada and JILL/Thad would like to know as well

6:21 PM

Haley Kathryn Capps

Money would be nice and I would like to see you with just me u and Emily soon pls

3:53 PM

Wednesday, December 13, 2017

Haley Kathryn Capps

thanks for the response glad to know u care about seeing me

9:43 PM

dad

Per the court order I'm not allowed to text you after 9 o'clock. I love you

9:51 PM

Halley Kathryn Capps

I texted u over a week ago

9:52 PM

Halley Kathryn Capps

I love u too

9:52 PM

Sunday, December 24, 2017

Halley Kathryn Capps

hey I just saw ur voicemail Happy Christmas Eve I love u and miss u

11:11 PM

dad

I love you too

9:52 PM

Monday, January 01, 2018

dad

Hey sweetheart what's up? Hope you're having a good day. I was hoping we could see you

3:52 PM

Tuesday, January 02, 2018

Halley Kathryn Capps

Emily and I have both tried to reach out to u about seeing u recently and u have never followed up. I would love to see u but the next time I see u I want it to just be me and you and Emily. If u really want to see me that shouldn't be a problem. And if u have been told by your attorney that u need to be supervised while u are out of the house, we can get help sent down to be that way or that u at least find someone that we'd be comfortable with. Also Christmas was a week ago and u never called us on Christmas and when I texted u back u never replied to my text. Also me and Emily no longer want to receive any letters from u at school. I have told Mrs Wilson that we will no longer be accepting them because they are upsetting and disruptive. If u really want to give us a handwritten letter then we live less than 2 minutes away from u and there's no reason why u can't just drop it off at our house. I believe that when u bring letters to our school that you are just doing it to make a show and grandstand. I love u and miss u and I hope that we can rekindle our relationship.

8:25 PM

Chat with dad

5/2/2017 4:55:56 PM - 5/2/2017 9:04:44 PM

Export Details:

Device Phone Number +1 (843) 222-2849

Device Name hk

Device ID efffa9905f33986ea960669da73de7d3f8abbf86

Backup Date Saturday, December 23, 2017 9:01 AM

Backup Directory C:\Users\user\AppData\Roaming\Apple Computer\MobileSync\Backup\efffa9905f33986ea960669da73de7d3f8abb

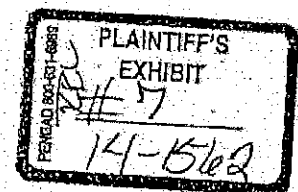
iOS 11.2.1

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.1.14.0

Participants:

+1 843-251-9477, dad



Dad I need a car so that I can work this summer and it's gotten to the point where it's necessary for me to have a car. I make good grades, I behave well in and out of school, I've been a good daughter. I have \$2000 right now that I can contribute to a car and I can make monthly payments to you if you front me some of the money. I want a good relationship with you and just because I don't agree or believe everything you say doesn't mean I don't love you. Me getting a car has never been dependent on whether or not we agree with each other, it's been whether I have good grades and a good driving record, which I do. Please consider this.

dad

You want to be an adult, you want to have adult conversations, you do not talk about things like this over a text and more importantly you do not disrespect someone with whom you want something from. It's after 9 o'clock and per the court order we are not supposed to communicate. It used to be 745 until I went to court and got that changed. Good night I love you

Exhibit #12

1 COURT: This is case number 2014-DR-26-1563, Michelle
2 Capps versus Joseph Harold Capps. Prior to resuming the
3 cross examination of the defendant, I did send the attorneys
4 an email. The parties initially requested two days. The
5 Court has been generous allowing the parties to introduce
6 witnesses and delve into testimony that is not pertinent to
7 the rule. I will not entertain that today because if I allow
8 you, this could go on for three weeks but I'm not going to do
9 that. The issues are specific. They're stated in the
10 affidavit that was filed January 8, 2018. I'm cautioning the
11 attorneys, do not delve into matters that are not
12 specifically before the Court. I will place the defendant
13 back under oath. If you will raise your right hand, sir. Do
14 you swear or affirm the testimony that you will give here
15 today will be the truth?

16 MR. CAPPS: Yes, ma'am.

17 COURT: Okay. Ms. Derrick, you may continue your cross
18 examination.

19 JOSEPH CAPPS, after being duly sworn,
20 testified as follows:

21 **CROSS EXAMINATION BY MS. DERRICK:**

22 Q. Just a few things. You said in your affidavit that the
23 children needed to know how to work for what they wanted, is
24 that right?

25 A. Um, on other things, yes, ma'am.

1 Q. You didn't see her after that?

2 A. After, what date was this, ma'am?

3 Q. It was August, 2017.

4 A. August 2017, again, I tried to make efforts. Again, I
5 saw E.H.C October, I've repeated this ---

6 Q. I know, I've heard that. So ---

7 A. Getting back to the contacting my attorney, it takes
8 money for help with the visitation between the two attorneys,
9 it takes money out of my pocket and money out of Michelle's
10 pocket which could go to the children or some other valid
11 cause versus getting the attorneys involved. I've had to
12 spend so much time and effort, just think of the money that
13 could go to the kids ---

14 Q. Oh, I know ---

15 A. --- it's a lot ---

16 Q. I know ---

17 A. --- we're here because of Michelle ---

18 Q. Well, no, we're here because you brought a rule ---

19 A. --- because of Michelle's actions.

20 Q. That's what your testimony is ---

21 A. That's my feeling, yes, ma'am.

22 Q. That's your feeling but what I'm saying is you don't even
23 communicate with her?

24 A. I disagree.

25 Q. Okay. Now, if you will tell us what your gross monthly

1 income was for this past year?

2 A. It's ---

3 MS. LEE: Your Honor, I am going to object to that, I
4 don't see where that is relevant to the issues before the
5 Court. His income does not matter.

6 COURT: What's the relevance of his gross monthly income?

7 MS. DERRICK: I've made this argument two times. First
8 of all, when she said I couldn't have the tax returns, and I
9 understand that, and I thought that we had the first that he
10 could pay his own attorney fees, he could pay his own
11 attorney fees, this isn't relevant and when the Court ruled
12 the other day, what the Court said was that I could cross
13 examine him on it and I said fine and on his ability to pay
14 his own attorney fees.

15 MS. LEE: Your Honor, he has already acknowledged he has
16 the ability to pay his own attorney fees. That is one of the
17 factors that the Court looks at. I have said, and every time
18 this has been brought up, I have said that my client has the
19 ability to pay his own fees but that is not the turnstile as
20 to whether or not he is entitled to a reimbursement of his
21 fees in this instance.

22 MS. DERRICK: Well, attorney fees, and my understanding
23 from the beginning, he wasn't going to request attorney fees.
24 He has requested that she pay his attorney fees. I think
25 that his ability to pay his own attorney fees and what he

1 makes is relevant in determining whether or not the Court
2 orders that my client has to pay his attorney fees.

3 COURT: Okay. The objection is overruled. You can
4 answer the question.

5 **BY MS. DERRICK:**

6 A. Gross monthly income ---

7 MS. LEE: Um, Your Honor, at -- may I take a two or
8 three minute break? We may in fact withdraw our request for
9 fees if it's going to be contingent upon Doctor Capps having
10 to release this information and in fact, you know, part of
11 the issues here are because there has been so much
12 complaining on the part of the plaintiff. He only gives you
13 -- we only get x percent of his income. We only do this, and
14 all of this has been communicated to the children and ---

15 MS. DERRICK: I'm ---

16 MS. LEE: --- I'm going to object to her seeing his
17 income, but if -- and that's one of the reasons that I have
18 been objecting to having to release this because I do not
19 think that a rule to show cause is proper. However, I do
20 understand your ruling and if so I would like to have just a
21 moment to confer with my client to see whether or not he will
22 withdraw his request for fees if it is contingent upon
23 releasing this information.

24 COURT: It appears based on what I've heard in just for
25 me presiding over the other rule in which the parties

1 resolved prior to the Court actually making a ruling, that a
2 lot of issues and a lot of what happens does not need to be
3 discussed with the children just based on the exhibits that
4 came in. The children are, they are just as much involved in
5 the decision making process and I think that's clear. So, I
6 will give you an opportunity to take a break and then I am
7 going to certainly consider the finances because it was
8 already stipulated that and it's clear. The income that the
9 mother makes, that the mother has, is what the father gives
10 to her. So we'll take a ten minute break, a five minute
11 break.

12 MS. LEE: Thank you, Your Honor, and may I confer with
13 my client on this, he is on the stand but it will be that
14 limited issue?

15 COURT: That's fine.

16 MS. LEE: Thank you, Your Honor.

17 (Court takes a five minute recess.)

18 MS. LEE: Your Honor, I have discussed this with my
19 client and was wondering if you could first make the
20 determination of contempt and if indeed Ms. Capps is found
21 in contempt of court, my client can then decide whether or
22 not he is going to waive the fees and that way if, that way
23 he is not being prejudiced until that determination is made.
24 So ---

25 COURT: Well, I can't make that determination until

1 after all parties have ----

2 MS. LEE: That's correct -

3 COURT: --- presented their testimony.

4 MS. LEE: So it will be when we come back but there will
5 be ample time, at that point in time, to do that.

6 COURT: Okay. So we will entertain the -- we will handle
7 the attorney fees at a separate hearing where the income of
8 both parties will be relevant.

9 MS. LEE: Okay, thank you, Your Honor.

10 COURT: So that will be delayed at this time. Ms.
11 Derrick, proceed with your next question.

12 MS. DERRICK: I'm done, Your Honor. That's all the
13 questions I have.

14 COURT: Okay. Redirect?

15 MS. LEE: Yes, ma'am, very briefly.

16 **REDIRECT EXAMINATION BY MS. LEE:**

17 Q. Doctor Capps, Ms. Derrick showed you a text known as
18 Defendant's exhibit number seven, and this is a text between
19 you and your daughter on about May 2, 2017, is that correct?

20 A. Yes, ma'am.

21 Q. Alright, and I'm going to ask you what had transpired
22 between you and your daughter in the days leading up to this?

23 A. The days leading up to this, H.K.C was going to a prom.
24 I was out of town. I arranged for my parents to pick them
25 up in the morning and take them to school and had

1 order in March of 2017 until when you filed this rule.
2 That's how I started my questions with him and talked to him
3 about last year. I didn't ask him what he's doing this year
4 as far as communicating with Michelle and I asked him
5 specifically about, didn't you cut down everything after July
6 of last year. I didn't ask him about 2018 ---

7 COURT: I understand. No, not on today you didn't. I
8 gave both of you marching orders from here on out but on
9 Tuesday you did delve into 2018, but I really don't need to
10 hear that. I know exactly what's been going on.

11 MS. DERRICK: Thank you, Your Honor.

12 **BY MS. LEE:**

13 Q. Now, there was -- Ms. Derrick also asked you if after
14 H.K.C's wreck, you have made any effort to communicate
15 with her. Did you make any effort to communicate with
16 Michelle or H.K.C after her wreck?

17 A. I found out five hours after my daughter was in an
18 accident. I was notified that she had been in an accident
19 and right after I found that out I called my daughter.

20 Q. Now, let me ask you something. You found out five hours
21 after the wreck; what time did the wreck happen?

22 A. Fourish, 4:30 in the afternoon.

23 Q. And when did Michelle notify you of this?

24 A. That evening.

25 Q. And did you happen to come upon the wreck?

Exhibit #13

From: Gregory Forman <attorney@gregoryforman.com>
Sent: Friday, October 4, 2019 11:27:03 AM
To: Lewis, Robin
Cc: Michelle Capps; jdl@jdlaw.com
Subject: RE: Capps vs Capps Transcript

*** EXTERNAL EMAIL: This email originated from outside the organization.
Please exercise caution before clicking any links or opening attachments.

Dear Ms. Lewis,

My client and her trial attorney believe there are portions of the December 14th hearing that are not in this transcript. What is the procedure for obtaining a copy of the audio recording you made?

Gregory S. Forman, PC
171 Church Street, Suite 160
Charleston, SC 29401
(843) 720-3749
(843) 614-5086 (fax)

-----Original Message-----

From: Lewis, Robin <RLewis@sccourts.org>

Sent: Friday, October 4, 2019 11:29 AM

To: Gregory Forman <attorney@gregoryforman.com>

Cc: Michelle Capps <mdaviscapps@gmail.com>; jdl@jdlaw.com

Subject: Re: Capps vs Capps Transcript

The procedure is to list where the omitted portions are believed to be and I will review it again.

From: Gregory Forman <attorney@gregoryforman.com>
Sent: Friday, October 4, 2019 11:31:12 AM
To: Lewis, Robin
Cc: Michelle Capps; jdl@jdlaw.com
Subject: RE: Capps vs Capps Transcript

*** EXTERNAL EMAIL: This email originated from outside the organization.
Please exercise caution before clicking any links or opening attachments.

Per my client, " On page 45 prior to taking a break & while she was still on the record Judge Holmes asked where our daughters were - Juliaan responded that they were in school and Judge Holmes ordered that they be brought to the court house. This was all on the record. Furthermore, she made some sort of statement that she had enough & that no parent should ever be frightened of their child! "

Gregory S. Forman, PC
171 Church Street, Suite 160
Charleston, SC 29401
(843) 720-3749
(843) 614-5086 (fax)

From: Lewis, Robin
Sent: Friday, October 4, 2019 11:38:32 AM
To: Gregory Forman
Cc: Michelle Capps; jdl@jdlaw.com
Subject: Re: Capps vs Capps Transcript

Will review and get back with you. Does she think that all of this was said on page 45?

-----Original Message-----

From: Lewis, Robin <RLewis@sccourts.org>

Sent: Friday, October 4, 2019 12:36 PM

To: Gregory Forman <attorney@gregoryforman.com>

Cc: Michelle Capps <mdaviscapps@gmail.com>; jdl@jdlaw.com

Subject: Re: Capps vs Capps Transcript

Mr. Capps,

I have reviewed the record for page 45 and beginning of 46. The record indicates that the Court took a recess at that time. There is no mention of this on the record.

From: Gregory Forman <attorney@gregoryforman.com>
Sent: Friday, October 4, 2019 2:39:17 PM
To: Lewis, Robin
Cc: Michelle Capps; jdl@jdlaw.com
Subject: RE: Capps vs Capps Transcript

*** EXTERNAL EMAIL: This email originated from outside the organization.
Please exercise caution before clicking any links or opening attachments.

Dear Ms. Lewis,

My client still believes that this discussion was on the record. How do we go about getting a copy of the audiorecording? My client is willing to pay for it.

Gregory S. Forman, PC
171 Church Street, Suite 160
Charleston, SC 29401
(843) 720-3749
(843) 614-5086 (fax)

-----Original Message-----

From: Lewis, Robin <RLewis@sccourts.org>

Sent: Friday, October 4, 2019 5:14 PM

To: Gregory Forman <attorney@gregoryforman.com>

Cc: Michelle Capps <mdaviscapps@gmail.com>; jdl@jdlaw.com

Subject: Re: Capps vs Capps Transcript

Mr. Forman,

Court Reporters are not allowed to release the audio recordings.
Further review may be permitted by the presiding judge upon written
request with good cause shown.

Thanks,

Robin Lewis

1 counseling?

2 A. June, six months after that.

3 Q. Okay, and have things improved consistently since then?

4 A. Yes, ma'am, with the help of counseling.

5 Q. Alright. Now, Ms. Derrick asked you about giving
6 Christmas presents to the children from last year. You were
7 asking them what they wanted. Why didn't they get their
8 Christmas presents or why haven't they gotten their Christmas
9 presents yet?

10 A. They didn't get their Christmas presents at Christmas
11 because they didn't want to be around me despite my attempts
12 to contact them.

13 Q. But you have been around them since haven't you?

14 A. Yes, ma'am.

15 Q. Okay, and what circumstances, circumstances by which you
16 could get them their Christmas presents?

17 A. It wouldn't have been appropriate in my opinion at a
18 Mexican restaurant in front of other people. I wanted it to
19 be more personal and more memorable.

20 Q. Okay, and since the events of July 19, 2017, how many
21 times have your children been to your house?

22 A. Uh, without -- with my knowledge, a few times.

23 Q. Okay.

24 MS. LEE: That's all I have, thank you, Your Honor.

25 COURT: Alright. Sir, you may return to your seat. I am

1 not going to excuse the parties. I need the courtroom
2 cleared. I'm done with testimony but the parties are not
3 excused. I will be bringing the parties back in. I'm going
4 to give the parties specific instructions as to what I expect
5 to occur for visitation from here on out moving forward. I
6 am also going to talk with the juvenile prosecutor as well as
7 the Department of Juvenile Justice. They are on my docket
8 today and I will call the parties back in when I need them to
9 come back in. I need the attorneys for the parties also in
10 chambers at this time. Let Ms. Fox know that I need to see
11 her along with the Department of Juvenile Justice in
12 chambers.

13 (Court takes a recess.)

14 (Back on the record.)

15 COURT: In case number 2014-DR-26-1563, Michelle Davis
16 Capps versus Joseph Harold Capps. The Court is concerned,
17 and I note that the two minor children of the parties are
18 present in court pursuant to my instructions, because I want
19 the children to hear the instructions coming before the Court
20 as I explain it and I don't want any misinterpretation. It
21 is clear to the Court, and this rule continues to pend, the
22 Court has not made a decision but it is clear to the Court,
23 clear to the Court, that the children have been empowered to
24 make decisions as to whether they're going to visit the
25 father or not. That will no longer happen as of today. When

1 it is the father's weekend, the children are to be ready and
2 visitation is to occur. There will be no more are you going
3 to visit. That has been the problem in this case. Children
4 need to stay in children's places. Children do not make
5 adult decisions. Children are to comply with the rules of
6 mother's home and father's home. If children fail to do
7 that, I do note that the young ladies were able to witness
8 what happens to juveniles that do not comply with the rules,
9 and that wasn't staged because they were here. It just so
10 happened that this judge had juveniles scheduled on it's
11 docket today. It is real. Juveniles don't get to pick and
12 choose whether they follow the parents rules or whether they
13 visit a parent. Children don't get to demand what parents
14 will do for them. Children follow the rules. If one can
15 follow the rules in Mom's home, the Court expects the rules
16 to be followed in Dad's home. If a child can follow the
17 rules of the employer, the Court expects the child or
18 children to follow the rules of both parents. The children
19 follow the school rules and are able to make A's and be on
20 the honor roll, then the Court knows that the children are
21 capable of following everyone's rules, not rules that they
22 choose to follow. Children are to be respectful. Now, I've
23 heard that church was very important to this family and I'm
24 sure as in every church, everyone should know the 10
25 commandments. Honor thy Father and Mother that thy days may

1 be long upon the land. Now, it may be stated differently but
2 that is one of the 10 commandments. We're also taught at a
3 young age to do unto others as we would have them do unto
4 you. We are taught about responsibility. We're taught about
5 being respectful and children should be taught to respect
6 both parents regardless of whether those parents are still
7 married or not. The reality is that their parents are not
8 married. The counseling shall continue to occur. The
9 children do not have a choice in the matter. This is a court
10 order and it's really repugnant to the Court that it has not
11 been followed. Manipulation has occurred, and it is clear to
12 the Court that it has occurred. Based on what has been
13 presented, this matter should have come back before the Court
14 long before this week. Recording conversations in one
15 person's home is illegal and it's not acceptable. Being
16 disrespectful to either parent will not be tolerated.
17 Refusing to follow the rules will not be tolerated. If a
18 child thinks that by being told that they no longer have the
19 decision to, rather to visit or not, and goes to the father's
20 home, refuses to follow the father's rules and law
21 enforcement has to be called, that will not be tolerated. I
22 asked the juvenile solicitor to remain in the courtroom so
23 that she can explain, but I think the children have witnessed
24 what happens to the children that don't follow the rules.
25 Just so that it is clear, the Court does not favor parental

1 alienation. The Court does not favor a parent being
2 disparaged by another parent in the presence of the children
3 or allow any third parties to do so because regardless of
4 what happened with the adults, a child has one mother and one
5 father. A child shall respect both parents. Children shall
6 be allowed to love both parents, spend time with both parents
7 and both parent's families. There can never be too much love
8 expended to children. Never be. I have reviewed what is
9 pertinent with respect to the visitation, and I'm not sure
10 but it is clear to me, that the every other weekend that's in
11 this order has not been complied with. There have been
12 vacations scheduled during the father's time. Who's to
13 blame, the Court will decide that after I hear everything but
14 because we have to break because there was not enough time to
15 hear all of this, I'm going to tell the parties what I expect
16 to happen while this case continues to pend until it can come
17 back before the Court. Weekend visit will resume, and I
18 don't know who's weekend it's suppose to be, but what I do
19 know is that the Court has no concern about whether the
20 mother or the father love their children. I have no concern,
21 no concern. I have no concern about the father doing
22 anything to cause any harm to the children while they are in
23 his custody. So, the weekend visit will start on today.
24 With respect to Christmas visits, that is specified in the
25 court order and it says, "that the mother will have the

1 children after school on the last day of school until
2 December 23rd at 6:00 pm. The father will have the children
3 December 23rd at 6:00 pm until after church service in which
4 they are involved on the 24th." Now, this is an old order but
5 until it has been changed, the parties will cooperate with it
6 or you will be subjected to the contempt powers of the court
7 based on your willful violation, which subjects one to jail
8 time, a fine, community service, payment of attorney's fees.
9 The order goes on to say, "that Christmas eve from after
10 church service until 5:00 pm on Christmas day the children
11 shall be with the mother. The children shall be with the
12 father 5:00 pm Christmas day until January 1st at 6:00 pm."
13 Children deserve to have equal time with both parents. There
14 are to be no activities scheduled on the father's time. The
15 father does not have to call and ask the mother are the
16 children coming. He doesn't have to call the children and
17 ask are they coming. The Court has already said what the
18 visitation shall be. It's in the order. There are
19 restraining orders that prohibits all parties, the parents,
20 from hurting, harming, harassing, molesting, abusing or
21 bothering the other in any manner. And it goes on to state
22 other things the parties are restrained from doing. Most
23 importantly, as it pertains to the children, they were
24 prohibited from being restrained and enjoined from discussing
25 this litigation with the children or in the presence of the

1 children or allow the children to be in the presence of any
2 third person who is discussing the circumstances surrounding
3 the separation, the terms of any agreement of the parties.
4 If that has occurred, and it is clear from the documents I
5 reviewed, it has. That was not to occur because this is an
6 issue between the parents. The only thing that should of
7 happened was the children continuing to spend time with both
8 parents and leaving the adult matters to the adults. The
9 parties were prohibited, forbidden, restrained, and enjoined
10 from degrading or denigrating the other or in the -- the
11 other two or in the presence of the children nor shall either
12 allow any third person to do so. Degrade or denigrate the
13 other in the presence of the children, but it is clear to the
14 Court that this has occurred.

15 Ms. Fox, since I've taken up some of your lunchtime and
16 mine as well, if you would please, and this is -- I have
17 never had a case that I ever had to ask the solicitor to come
18 in and be present. I have never had such a case. Never had
19 facts so clear of disrespect to a parent, disrespect. We
20 have parents who refuse to take care, to pay one brown penny
21 to support their children, but we have very few parents who
22 fight to see their children. Ms. Fox, if you would please,
23 I will give you an opportunity at this time to explain your
24 job as a Juvenile Solicitor.

25 MS. FOX: Your Honor, for the Court's information, my

1 name is Caroline Fox, I am a senior attorney for Juvenile
2 Court. We handle all criminal matters and status offenses.
3 If we have cases of a child being a runaway which would
4 include leaving the home where they are suppose to be without
5 permission -- we just had a child here who was in the custody
6 of the Waccamaw Youth Center who ran away from that location,
7 returned back that night but we still charged with runaway,
8 came to court and I believe, Your Honor, sent him to the
9 evaluation center in Charleston and detained him for a period
10 not to exceed 45 days for one count of runaway. There is
11 also a charge called uncontrollable and incorrigible, where
12 the child is beyond the control of a parent and it would be
13 whatever parent that child is with at the time that the
14 incorrigibility is occurring. That is an offense as well.
15 Then there is a status offense but it does carry up to 90
16 days and can involve a detained evaluation for being in
17 violation of that law. We also have situations occur where
18 there would be, for example, malicious damage in whatever
19 home. If the child breaks something that they say, well,
20 this my TV, if the TV is not in their name, if the house is
21 not in their name and they punch a whole in the wall, that is
22 malicious damage to the property, real property or personal
23 property. That is also something that can be charged. If
24 for example, a parent takes something away from a child, and
25 the child reacts to that either aggressively or violently

1 that is a charge as well, either if the child assaults the
2 parent or the child has malicious damage. Those are criminal
3 charges and the child faces up to an indeterminate commitment
4 not to exceed their 21st birthday according to whatever the
5 parol guidelines will be. We handle cases every Tuesday,
6 every Friday. If we get a case by the police department we
7 have the option of putting the child in their diversion
8 program or bringing them to court and that is in the state's
9 discretion.

10 COURT: Thank you. Just so the parties understand the
11 gravity of what's happening here, there is no reason as I
12 stated, based on what I've heard with the employment at a law
13 firm of which the lawyer gave great reviews, that a child
14 would not be respectful to the father, but that hasn't
15 occurred here. So that's why I went to these great measures
16 because I realize that a child may present themselves one way
17 in a situation at work or at school, out socially with
18 others, but be completely disrespectful at home. These are
19 matters that must be dealt with, and as I stated I expect the
20 parties to follow the court order as it specifies the
21 visitation. I expect the counseling to occur, and I would
22 say the worst thing that could happen, but if there continues
23 to be disruptions in the visitation schedule by the parties
24 not following the visitation schedule, as I stated, nothing
25 should be scheduled on the father's time. That is the

1 father's time. He is to plan the activities. If the
2 children would like to do something else, they need to
3 consult with the father. The father shouldn't feel like
4 you're being the victim. As I stated, I am also the parent
5 of a senior, a 17 year old, who's also looking at college,
6 who also wants a car. Those are decisions that the parents
7 make. Those aren't decisions that children demand. I'm not
8 sure when this will -- when we will be able to complete the
9 testimony but as I stated, I expect the order to be complied
10 with. I expect the counseling to continue. I believe it's
11 in the children's best interest to have continued counseling
12 with the father to further avoid any parental alienation as
13 has already been determined by a prior order. There should
14 not be any negative remarks made about either parent in the
15 presence of the children. The children should not be
16 engaging in conversation with a parent concerning any bad
17 acts or alleged bad acts with another parent. That is
18 completely inappropriate. Third persons are allowed to be
19 present with the children. The father has remarried. No one
20 has presented any information to me as to why the stepmother
21 would be a danger to the children or either of his parents.
22 So whoever the father chooses to, if there is problems with
23 the pick up and delivery time, whatever third person he
24 designates, that is the person he designates. There will not
25 be any further manipulation in this matter. Life is not

1 about setting your own rules. We all have guidelines we must
2 comply with. Alright, I don't have anything else I need to
3 state with respect to while this matter continues to pend,
4 other than I expect the order to be complied with. There
5 does not need to be a phone call about whether visitation
6 will happen. It is to occur as it is specified in the order.
7 Ms. Derrick, any questions?

8 MS. DERRICK: No, ma'am, are we just going to do some
9 kind of interim order then? Is Ms. Floyd going to do that
10 or -- do you want a written order as to what you stated
11 today?

12 COURT: You know, all that I stated is already in this
13 order ---

14 MS. DERRICK: I know ---

15 COURT: --- I wanted them to hear it because I'm not
16 going to tolerate it. I wanted the children to be present
17 because I am not going to tolerate it.

18 MS. DERRICK: Alright.

19 MS. LEE: I understand.

20 COURT: I am not going to tolerate it. Disrespect of
21 children by the parents will not be tolerated by the Court,
22 will not be. And Mr. Capps, you don't have to feel bad
23 about having to bring the matter court. Mrs. Capps
24 shouldn't feel bad about bringing the matter to court. If
25 the order is not being complied with, that's why you come

1 back to court. If adults can't act like adults and the
2 children can't stay in their places, then the Court will deal
3 with you. Alright.

4 MS. LEE: Thank you, Your Honor.

5 (Conclusion of hearing held on December 14, 2018.)
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1 THE COURT: It's one sheet.

2 MRS. LEE: Would you like a copy?

3 MS. DERRICK: I don't know what went in.

4 (LAWYERS CONFER)

5 BY MS. DERRICK:

6 Q: Did you receive this email about summer visitation?

7 A: I did.

8 Q: Okay.

9 A: Um, this was the second one I believe that I received.

10 Q: Okay. Had you received one before that?

11 A: I did. Um, it had included a date in June.

12 Q: Oh, it included a date in June?

13 A: Right, and then this one says disregard the date in June.

14 Q: Okay.

15 A: I believe that's when he went on his trip.

16 Q: Okay. All right. All right, was he supposed to get them in
17 June at some point in time?

18 A: He, according to our agreement, he is to have them for one
19 week, um, June, July and August.

20 Q: Okay.

21 A: And they are his to choose and he's just to let me know
22 prior to March first so that plans can be made accordingly.

23 Q: Okay. Now, did you communicate with him about the summer
24 visitation?

25 A: I did.

1 Q: Okay. And did you send him an email?

2 A: I did.

3 Q: Um, this is the email that I sent him. I believe they
4 initially thought I didn't respond until May, but this was
5 actually dated March sixth.

6 Q: Okay. And what did you tell him about his dates?

7 A: I told him that the dates in July are fine, but I do want
8 to make you aware that Haley Kathryn will be leaving for
9 Montreat July 23rd. So, if you're planning on going anywhere she
10 would probably need to be back by the 21st or 22nd. Um,
11 unfortunately the dates that you have requested in August are
12 overlapping with plans that I have already with the girls. I'm
13 hoping that we can both adjust to make it work out so that we
14 both can have some time with them before school starts. Let me
15 know if you have any flexibility with your dates.

16 Q: Okay. We'd mark this as our number ---

17 MRS. LEE: This will be 15. No ---

18 THE COURT: Yeah, it will be 15.

19 MS. DERRICK: It's 15?

20 THE COURT: Uh-huh (affirmative response).

21 MS. DERRICK: Okay.

22 THE COURT: The one she wanted to introduce hasn't been
23 marked; is that correct?

24 COURT REPORTER: That's correct.

25 MS. DERRICK: Right. I don't think we marked that, Judge.

PLAINTIFF'S EXHIBIT NUMBER 15

ADMITTED INTO EVIDENCE

BY MS. DERRICK:

Q: So your response to him was by March the sixth?

A: Yes, ma'am.

Q: Okay.

A: Not May, it was March.

Q: Okay. Did y'all have any conversations about -- about the summer?

A: Um, I don't believe we discussed it any further until May.

Q: Okay, what happened in May?

A: He sent me an email to which I responded. Um, I believe at that point in time he asked me where I was going in August so that he did not duplicate the same type of situation with his time with the girls.

Q: Okay. And did you tell him where you were going?

A: I did. Um, initially I had hoped to meet some, um, family that I have that we don't get to see very often, they live in Ohio, and we were going to meet in Ashville. Um, we had reconnected the summer before. My cousin has a ---

MRS. LEE: Objection, Your Honor.

MS. DERRICK:

Q: You don't have to tell me all that. So -- so what ---

THE COURT: Okay. Your objection is sustained.

MRS. LEE: Thank you, Your Honor.

1 BY MS. DERRICK:

2 Q: Okay. And what did y'all discuss about the summer?

3 A: Um, well, in May he asked me when -- where I was going. I
4 emailed him back and let him know. Um, however, I started
5 getting very uncomfortable. Um, the first Rule to Show Cause, I
6 had had -- I had allowed myself to be in certain proximity and
7 in certain things with Hal that were spun and turned in ways
8 that discredited me that were not accurate. And after that, I
9 was very, very careful to remove myself from any possibility of
10 anything that could possibly be spun or turned or anything. Um,
11 it just, it wasn't worth it. I -- it just wasn't worth it. So,
12 um, he was dropping, I believe, the girls off one day or one of
13 the girls, I don't even remember which, I was walking the dog,
14 and I verbally told him, I'm not going to take that time in
15 August. You -- you do whatever, you know, you have it. You do
16 whatever you want, go wherever you want, I'm out. I was not
17 going to let myself have any culpability in any way whatsoever.
18 And I, at that point, after March, when I never heard back from
19 him, I just was never comfortable. Because it was never, okay,
20 you can -- there never was a direct response of, okay, you can
21 have this time. Okay, I'm comfortable with this. I'm not
22 comfortable with this and I just wanted out.

23 Q: Okay. Okay. So, but you had a conversation with him?

24 A: I did.

25 Q: Did you go anywhere in August?

1 A: Absolutely not.

2 Q: Okay.

3 A: That's very evident by my daughter being in a car wreck and
4 my other daughter having her wisdom teeth out during the exact
5 same time had been referenced.

6 Q: Okay.

7 A: I didn't go anywhere.

8 Q: Okay. You didn't go anywhere?

9 A: No, ma'am, I was not going near that.

10 Q: Now, did he - did he come back with any dates that he
11 wanted in August?

12 A: No, ma'am.

13 Q: All right. Did he exercise the weeks -- the week he wanted
14 in July?

15 A: Absolutely not.

16 Q: Okay. Was there confusion on some mission trips or
17 something?

18 A: There -- what I think happened, our church has several
19 types of events that go on. We have retreats that are normally
20 in the fall and in the spring. Um, in the summertime we have a
21 mission trip, and then that could go in various locations, and
22 that's going to be different from the middle school to high
23 school, and then there's Montreat where is an exact location in
24 the mountains.

25 Q: And did you explain that to him that you had to clarify

1 some of the mission trips?

2 A: Yes, because I felt from -- he was getting confused and I
3 felt that he was intermixing the mission trip with Montreat.
4 And so I wanted just to make him, you know, help him make him
5 aware.

6 Q: Okay. Did he, and I'm just asking, he never took any of his
7 weeks during the summer of '17?

8 A: He was not -- he was not having any visitation, any
9 overnights, um, any weekends, any weeklong visitation with the
10 children period. He chose to stop picking them up end of April,
11 first of May. Um, I know the children made requests.

12 Q: Okay. All right. Um, did he ever send you a letter or text
13 or email saying the he was upset about this or that he wanted
14 these weeks made up?

15 A: He never once ever. And I get -- I've received letters for
16 a lot of things. And I, throughout this whole time, I never
17 received a letter from Ms. Floyd. I never was made informed of a
18 phone call by Ms. Floyd. I never received an email, a text, a
19 conversation or anything from Hal expressing any frustration to
20 me on visitation with the children. And I think one of the
21 greatest things here is that my children did not tell him, I
22 don't want to come with you this weekend. He didn't pull in the
23 driveway.

24 MRS. LEE: Your Honor -- objection, Your Honor. Irrelevant,
25 no foundation, hearsay.

1 THE COURT: And I'm going to strike that in terms of the
2 Plaintiff saying what the children told their father.

3 MS. DERRICK: Okay.

4 BY MS. DERRICK:

5 Q: Did he show up to pick them up?

6 A: No, never. I will say, he -- what he started doing to spend
7 time with them was to take them to dinner, you know, and, you
8 know, maybe an activity or something like that. But it was not
9 the every other weekend, the one week, you know, during the
10 summer. It was not the set visitation. And I want to say, one, I
11 try so hard never to make things more difficult, never to make
12 things harder. I did not berate Hal for not coming to get the
13 girls. I didn't make one comment to him about not coming to get
14 the girls. I did not contact an attorney to make things up. I
15 was still reeling from what had happened before. I was still
16 spending all of my money that I could in trying to get -- secure
17 a counselor. I was not trying to do anything to make anything
18 more difficult for anybody. And I was just glad when the girls
19 went out with their dad and had a nice dinner and came home
20 happy. And that was, you know, I thought okay, if that's what
21 he's wanting this to be, just have a nice time, stay connected.
22 You know, I can't make him.

23 Q: Okay. All right. And did you get any -- any -- and you got
24 no information or any kind of request for anything, any makeup
25 time with the kids?

1 A: Never requests for any makeup time; never a request or
2 notice even that my children were threatening or scaring him or
3 frightening him in any way. No one notified me of any
4 occurrences of any of that.

5 Q: Okay. All right.

6 A: As far as I was concerned this was his choosing. He was --
7 this is how he wanted to do it and this was what he was
8 dictating. And I was made not aware of anything else until
9 January of 2018.

10 Q: Okay. What was that? Can I see my last exhibit? I'm sorry,
11 Judge. All right, did you -- did you notify him into the summer
12 about taking a trip with the girls?

13 A: Oh, I did. I did.

14 Q: All right.

15 A: Um, we had a situation that came up and, um, we -- we - I
16 wanted to take advantage of it and, um, I was trying to figure
17 out how, you know, we could shimmy the days around. And even
18 though, at this point in time, he had not been utilizing or
19 picking up the girls on his weekends or anything, um, except for
20 dinners, um, I still wanted to be respectful and not assume that
21 anything going forward would not shift back to the way it was
22 ordered. And, um, again, Your Honor, I just -- I was not after
23 this, that first Rule, I was not going to allow myself any -- as
24 much as possible, I have tried to cover myself with anything,
25 whereas before, it never entered my mind.

- 1 Q: Did you -- did you offer, because you wanted to go
2 somewhere with them, was that supposed to be his weekend?
- 3 A: Yes, um, his weekend was scheduled to be July seventh
4 through the ninth and, um, I sent him an email and stated, "the
5 girls and I are trying to plan a trip out of town, and due to
6 adhering to your requested week with the girls and other
7 commitments that they have the only time we can make it work is
8 to go over your weekend of July seventh-through the ninth.
9 Please let me know if this is a problem. I am happy to switch a
10 weekend with you or give you some days or nights during the week
11 if that is better for you." Because I did think at the time,
12 well, maybe weekends weren't good, maybe he had plans, and he's,
13 for the most part, at home during the week, and I'm happy, you
14 know, whatever days he chose for him that would work I was
15 willing to.
- 16 Q: Did he respond to this?
- 17 A: No, ma'am, not at all.
- 18 Q: Did y'all go that weekend?
- 19 A: We did.
- 20 Q: All right. Did, after the weekend, did you hear anything
21 from him, like I can't believe you took them on my weekend?
- 22 A: No, ma'am.
- 23 Q: No texts?
- 24 A: Nothing.
- 25 Q: No emails?

1 A: Not that I recall.

2 Q: No letters?

3 A: Not that I recall, no, ma'am.

4 MRS. LEE: No objection.

5 THE COURT: Plaintiff's 16 is admitted.

6 PLAINTIFF'S EXHIBIT NUMBER 16

7 ADMITTED INTO EVIDENCE

8 BY MS. DERRICK:

9 Q: Now, how did the rest of that summer go?

10 A: Um, let's see, um, he did not, um, have any overnight
11 visitation with the girls. He did continue to, you know, I think
12 he at one time took one girl to the mall or, you know, dropped
13 them off at a movie, um, took them to dinner a lot. Um, there
14 was -- the time before he took the trip in June I know that he
15 had asked the girls to go to dinner prior before he left, and
16 they did go with him. Um, and during that dinner he did not
17 share any plans that he had, you know, for his upcoming trip.
18 And by that, I mean, it was an opportunity that he could have
19 spoken to the girls that he was getting ready to get engaged and
20 he did not, you know, give them a heads up or make them aware.

21 Q: Were you -- that's that dinner in July?

22 A: That was actually in June ---

23 Q: Okay.

24 A: --- that they -- that they went prior to them going on
25 their vacation.

From: "Michelle Davis Capps" <mdaviscapps@gmail.com>

Date: March 6, 2017 at 9:06:10 AM EST

To: "'Halman26'" <halman26@aol.com>

Subject: RE: Summer

The dates in July are fine – but I do want to make you aware that Haley Kathryn will be leaving for Montreat July 23rd – so if you are planning on going anywhere she would probably need to be back by the 21st or 22nd

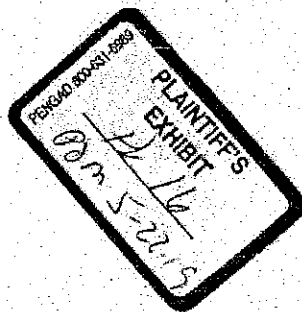
Unfortunately, the dates that you have requested in August are overlapping with plans that I have already with the girls. I am hoping that we can both adjust and make it work out so that we both can have some time with them before school starts. Let me know if you have any flexibility with your dates.



Michelle Davis Capps

From: Michelle Davis Capps [mdaviscapps@gmail.com]
Sent: Friday, June 23, 2017 4:17 PM
To: 'halman26@aol.com'
Subject: weekend

The girls and I are trying to plan a trip out of town and due to adhering to your requested week with the girls and other commitments that they have the only time we can make it work is to go over on your weekend of July 7th -9th. Please let me know if this is a problem. I am happy to switch a weekend with you or give you some days/nights during the week if that is better for you.



1 addition to being provided with the name of the counselor, um,
2 you were also responding to Doctor Capps' summer visitation, and
3 what did you tell him about his week of summer visitation,
4 August one through eight?

5 A: Um, hold on one second. Let's see. Specifically, just that
6 sentence or, let's see, I'm trying to see where it says -- I'm
7 sorry, can you show me where it says just specifically for the
8 August one? Oh, thank you. Okay, right here. I was looking up
9 here, I apologize, with the other part of it. She had asked me
10 earlier in his email thread, he asked me where I was going with
11 the girls during the week of August and he wanted to know so
12 that when he made plans with the girls that he did not duplicate
13 and go to the same place. And I said, the girls and I are going
14 to the mountains with my family.

15 Q: Okay. Now, and this is the second time that you had told
16 him he could not have August one through eight, isn't it?

17 A: No, ma'am, it's not. Um, I don't see that as me telling him
18 he can't have it and then ---

19 MS. DERRICK: Hold, hold. Let me see.

20 A: The March sixth email I ---

21 THE COURT: Ma'am, there is an objection. And when there's
22 an objection you no longer speak.

23 BY MRS. LEE:

24 Q: Now, I'm going to point out Defendant's Number Eight, and
25 when's that dated?

1 A: Um, that is dated February 28th.

2 Q: Okay. So that's within the time that he has to notify you
3 of his visitation?

4 A: Absolutely. Absolutely.

5 Q: And what does he say?

6 A: I would like to take the girls this summer from August
7 first to August seventh and from July 18th to July 24th.
8 Disregard the previous date in June.

9 Q: Okay. Now, and your response was, no, we're going somewhere
10 the first week in August.

11 A: No, my response was the week in July was great. I gave him
12 a heads up on a church trip that Haley Kathryn was going to be
13 going on so that if he needed to make accommodations.

14 Q: Yes, ma'am, I'm talking about the August one through August
15 seven.

16 A: I - I -- what I did then is I said I had made some plans at
17 that time and I asked if he had any flexibility with the dates
18 so that we could possibly both, you know, use that time and
19 spend time with the kids. I'd wiggle my dates one way, he would
20 wiggle them, and I got no response.

21 Q: And then on June -- and then thereafter on June 23 you sent
22 him something and took -- and told him that you and the girls
23 were planning something for another weekend of his, weren't you?

24 A: Um, yes, we admitted this earlier and I asked him if this
25 was a problem for him. I asked his permission to take this time

1 and I offered him an opportunity to switch the weekend or to
2 switch days of the week to which I got no response.

3 Q: All right. Isn't it true that you plan things with the
4 children and then you expect Doctor Capps to either work around
5 it or deal with the children?

6 A: I'm sorry. I'm not understanding that.

7 Q: Okay.

8 A: What do you mean deal with the children?

9 Q: Well, when did you make plans for the weekend of July seven
10 through nine?

11 A: Um, to be honest, I'm not remembering even where we ended
12 up going. I think we were offered a friend's condo in -- it was
13 a timeshare condo and it just came up. And they contacted us and
14 said it's not rented. Would you like to take this time and use
15 our condo in Wild Dunes? And I went, wow, that would -- that
16 would be lovely, but let me see if I can work this out and
17 that's when I emailed him and said the only way I can make that
18 work is with your time and can I give you another weekend or can
19 I give you days during the week.

20 Q: And the children were aware of this, weren't they?

21 A: Um, I don't think at the time that I sent that they were,
22 no, ma'am.

23 MRS. LEE: Okay. Now, one second, Your Honor. Your Honor, we
24 did not keep a copy of Defendant's Number Nine. May I?

25 THE COURT: Sure.

Exhibit #14

1 to Show Cause, the resulting Order from the prior Rule to Show
2 Cause required that the children be in counseling and also
3 required you to be in counseling; is that correct?

4 A: My understanding was that Hal and I both were to be in
5 counseling and that both of our counselors were to be in
6 communication with each other and that both of our counselors
7 were to give three names, um, each. They were to be turned in to
8 Judge Holmes and Judge Holmes was going to make the decision on
9 the counselor for the children.

10 Q: And I'm going to show you Defendant's Exhibit Number Six --
11 -

12 A: Yes, ma'am.

13 Q: --- and I'm going to ask you if you recognize this?

14 A: Yes, ma'am, I do.

15 Q: Okay. And that is a screen shot that was sent to you by Hal
16 Capps; is that correct?

17 A: Um, actually, it's not. Um, it's been altered. The one that
18 he gave me came with a text and I think we admitted it earlier.
19 The text went with it was that Hal -- these names here were for
20 -- Hal was trying to give recommendations from Doctor Heidt for
21 who I should be seeing. These were not recommendations on the
22 girls. Um, in fact, Robert McCarthy does not even treat
23 children. Um, Melissa Todd does, but no, these were ---

24 Q: My question was if you recognized that and were you sent a
25 screen shot of that?

1 A: The writing was not on it and it accompanied a text that
2 told me that they were to be for me.

3 Q: Okay. All right, and when did you respond to Hal?

4 A: Um, I believe - I - I -- well, I'm so sorry, respond to him
5 regarding what? I should ---

6 Q: Regarding counseling.

7 A: Um, ---

8 Q: You knew you were under an Order to be in counseling,
9 correct?

10 A: Yes, ma'am. Oh, yes, ma'am. Yes, ma'am.

11 Q: Okay. And when did you respond to him?

12 A: I know that it was in an email and I know that I at one
13 time, I believe, I don't recall the date off the top of my head,
14 but I do recall that I had made my attorney, um, aware that I
15 started counseling in April. I have had some difficulty finding
16 a counselor who would take a court case and that was also a Blue
17 Cross Blue Shield provider, I did find Helen and then, of
18 course, I got her first available. Um, I notified Mary Madison.
19 It was my assumption that she was to pass that along. Um, I did
20 find out that that hadn't happened as expediently with his
21 notification. He reached out to me. I responded to him on my
22 cell phone. And when I got a second notification from him I
23 responded back and apologized because I was confused as to why
24 he didn't know.

25 Q: I'm going to show you an email dated May 18, some six weeks

1 notes from what's on the recording that was played during the
2 Defendant's testimony. And I think this whole -- the whole
3 situation with the child's phone being taken was the child was
4 using the phone to record dad's -- to record the conversations
5 with the father. And when -- once the father took the children
6 home, 'cause I do recall that, um, there was a witness that was
7 called, and it could have been Mr. friend or whoever, the phone
8 was given to him. When they arrived at home the children, I
9 believe that tape is going to reflect that the mother told the
10 children not to get out of the vehicle.

11 MRS. LEE: Yes, ma'am.

12 THE COURT: That is my recollection because I made notes
13 concerning that. And I'm not going to say what else my notes
14 say. I'll do that in my ruling. So, play the tape.

15 MRS. LEE: Yes, Your Honor. I think I'm gonna ---

16 MS. DERRICK: So, is this the same tape we've already heard
17 back in December?

18 THE COURT: And frankly, Mrs. Lee, I know what the mother
19 said on the tape, I have notes concerning it, and it doesn't
20 reflect what she has testified to on Direct.

21 MRS. LEE: Okay. Well, if the Court does not feel that it's
22 necessary, then I ---

23 THE COURT: Oh, I have very -- I have notes concerning, um,
24 what the Court heard. And as I stated, what the mother testified
25 to on Direct was not the way she behaved in the, um, in the tape

1 recording. My recollection, that she told the children not to
2 get out of the vehicle.

3 MRS. LEE: Okay. All right, well, in that event, I don't
4 think that it's ---

5 MS. DERRICK. Necessary.

6 MRS. LEE: --- necessary to, um, play it again. Okay, um, --
7 -

8 THE COURT: Nobody is leaving until the phone is retrieved
9 is what the Court recalls.

10 BY MRS. LEE:

11 Q: Um, now, do you remember Ms. Derrick asking you did you do
12 anything to rile the children up before they left and you
13 answered absolutely not? Remember that?

14 A: Yes, ma'am.

15 Q: Okay. But yet -- so I'm going to go back again to
16 Defendant's Exhibit 22 when you tell the children to record dad,
17 and then 20 minutes later, don't forget to record him; keep the
18 phone close to him, you don't think that that would rile them
19 up?

20 A: That was not prior to their leaving the house. If they had
21 been still in the house I would not have needed to testament --
22 to text them. That was in response to being called by Emily when
23 Hal had stormed off from the table and have her tell me very
24 frightened what was going on.

25 Q: Okay. And do you believe that he riled them up when you

1 from the agreement. I was going to follow it to the letter. I
2 was going to abide by everything she said, and I was not going
3 to get caught up for any of that. No, ma'am.

4 Q: Um, you testified that, or you stated to Ms. Derrick, that
5 -- that you were hoping you would have a good relationship; that
6 your parents have a good relationship and they're divorced and
7 that's what you were hoping for; is that correct?

8 A: Absolutely.

9 Q: Do you remember telling both Hal Capps and Hal Heidt that
10 you wore black to your father's wedding ---

11 MS. DERRICK: I'm going to object to that. Because if I'm
12 not mistaken, this is like 2015, 2016 or 2014 and I'm not -- to
13 relitigate what they argued, two lawyers and two hearings back,
14 is -- is unfair and it is not a part of this Rule and I'm going
15 to object.

16 THE COURT: I'm going to overrule your objection. You're
17 going to need to give her an opportunity to finish asking her
18 question. Because I think where she's -- well, finish asking
19 your question. I'm sure I know where she's going with it.

20 BY MRS. LEE:

21 Q: All right. Although you said that you have your family and
22 you have such a great relationship with your father and your
23 mother in their divorce and do as well, did you not wear black
24 to your father's wedding and cry throughout the entire wedding?

25 A: Um, I don't remember what I wore yesterday. My father got

1 A: But I do not, yeah.

2 Q: Okay. And did you tell Haley Kathryn that Doctor Capps
3 refused to pay for college?

4 A: Absolutely not. Although he's made some things quite clear.

5 MS. DERRICK: Objection again if that occurred after the
6 filing of the action.

7 THE COURT: Well, you're objecting to your client
8 commenting. She said ---

9 MS. DERRICK: I'm -- no, ---

10 MRS. LEE: I'm not sure when this happened because this has
11 been an ongoing concern, but I'm certainly going to ask my -
12 ask, um, ---

13 THE COURT: And this came up in December 10th, 11th and the
14 14th because I recall that specifically about the child thinking
15 that she could go to school out of state because she felt like
16 her father could afford it.

17 BY MRS. LEE:

18 Q: Now, are you familiar with all of your children's social
19 accounts?

20 A: No, ma'am, I'm not.

21 Q: Okay.

22 A: And ---

23 Q: Are you familiar with that social account?

24 A: Well, I can tell by Haley Kathryn's highlights that she
25 just received it. This is from 2019. So, I'm going to say that.

1 was admitted during Doctor Heidt's testimony. Is that your
2 recollection, Mrs. Lee?

3 MRS. LEE: Um, well, Your Honor, I've got -- and Doctor
4 Heidt's here for some reply and, no, ma'am, it is exactly as the
5 Defendant's 11 showed. Doctor Heidt recommended, um, and this is
6 supported by Defendant's Number 13 as well, Doctor Heidt
7 recommended McCarthy, Johnson and Todd for Mrs. Capps and for
8 the children he recommended, um, Ellen King, Amy Cantley and
9 Stephanie Fleming. And, um, that's also -- and he's here on
10 Reply as well.

11 MS. DERRICK: And then I'm going to object to him being on
12 Reply because we -- I intentionally did not go into anything
13 about Doctor Heidt yesterday with her because she doesn't know
14 how -- he's already testified. The counselors were communicating
15 with one another.

16 THE COURT: Okay. Well, we'll get to that whenever she --
17 we're at the point for her to introduce Reply or Rebuttal
18 witnesses. All right, you may continue.

19 BY MS. DERRICK:

20 Q: Do you remember yesterday when Ms. Floyd asked you about
21 this if she was asking you if that was counselors for the
22 children?

23 A: Yes, she was asking me if that was counselors for the
24 children.

25 Q: Is it counselors for the children?

1 BY MS. DERRICK:

2 Q: Does it say -- who does it say is supposed to initiate
3 that?

4 A: "Within 15 days, unless the issues of the children, then
5 Hal Heidt, with whom the Defendant is in counseling, shall
6 communicate with the Plaintiff's counselor and they shall work
7 together to address the alienation issues." So he would be in
8 here, with whom the Defendant is in counseling, shall
9 communicate. So that's giving me permission.

10 Q: All right.

11 A: It does not say which direction it goes; who's first.

12 Q: That's right. Right.

13 A: But, had I known that I was wanted to communicate with the
14 therapist I would have.

15 Q: Okay. So Doctor Capps did not share this with you?

16 A: No.

17 MS. DERRICK: Judge, based on information provided, I need
18 to come back and finish with Doctor Heidt, um, if it's
19 permissible to do so, after lunch.

20 A: Um, may I say something?

21 THE COURT: Based on what information you received?

22 MS. DERRICK: Uh, that he did not hear a certain tape that
23 we have, so I was going to play it for him. He has sat here for
24 the last hour saying she's the hailstorm, I guess, and she's the
25 aggressor and she's got the more energy.

1 A: I've got -- there's another tape out there? Is that what
2 you're saying?

3 MS. DERRICK: A tape.

4 A: Who recorded another tape?

5 MS. DERRICK: The tape I just asked him about, Judge. If
6 Michelle had ever played a tape for him of Doctor Capps being
7 extremely aggressive.

8 THE COURT: Okay.

9 A: That was ---

10 THE COURT: So, she doesn't have the tape with her now?

11 MS. DERRICK: I think it's in her vehicle. I was not aware
12 that we were going to go this far off the Rule path, but, uh,
13 since he's denied it and he's come in here as a reply ---

14 A: Did I say I denied it?

15 THE COURT: Okay, sir.

16 A: Huh.

17 THE COURT: The issue the Court is concerned with is
18 parental alienation.

19 MS. DERRICK: I got that.

20 THE COURT: And how is that relevant to parental alienation?

21 MS. DERRICK: Because he just sat here, Judge, after I
22 objected to him testifying ---

23 THE COURT: Parental alienation, I understand that. No,
24 ma'am. I am not going to allow it. Um, we're not going to play
25 tit for tat and that's where this is going. Your client

1 testified yesterday that she did not tell the child that her
2 father loved money more than he loved her and that's why -- and
3 that's my concern. Now, the fact about whether he heard it
4 played or he heard a tape that she said he played for him is
5 irrelevant.

6 MS. DERRICK: Okay.

7 THE COURT: It's irrelevant. Matter of fact, the same
8 argument that you made on the record about her recording
9 individuals without permission puts her in that same position.
10 No more tit for tat. We're going to end this. Finish up your
11 questions, Mrs. Lee will ask her final Redirect and we're done
12 with this witness.

13 MRS. LEE: No questions, Your Honor.

14 MS. DERRICK: I have no questions.

15 THE COURT: We're done with you, sir.

16 A: Okay.

17 MRS. LEE: And may the witness be excused?

18 THE COURT: The witness is excused because no one else has a
19 right or a reason to call him. We're on Reply and only the
20 Defendant gets to present reply or rebuttal because he's the
21 individual that has filed the Rule. Any additional witnesses?
22 And if so, we'll take them after lunch.

23 MRS. LEE: Okay, I've got one very short one, but after
24 lunch we'll ---

25 THE COURT: Well, one very short.

1 And then he got into a bad car wreck, I believe April ninth, I
2 believe it was of 2018 and, um, he had the girls that night.
3 His best friend picked the girls up, took them to the emergency
4 room. I met them there. Michelle came there later. Um, it was
5 his night to have them, and as hurt as he was he didn't want
6 them -- he wanted to keep them that night. And so I assured
7 Michelle in the hospital room that if he's okay then I'll leave
8 the girls there. If he's not then I promised I would bring the
9 girls home. So, I took -- she took the girls back to Hal's
10 house, left them there. I brought Hal home around 11, 12 o'clock
11 at night. He was fine. The doctor okayed him. I made sure that
12 he was there and fine and I made sure the girls were fine and I
13 left. Maybe was there 15 minutes with them.

14 Q: Okay.

15 A: I don't have any other recollection of being at the house
16 with them. Never, ever was there an overnight.

17 Q: Okay. All right, thank you.

18 A: Yes, ma'am.

19 THE COURT: Last Recross?

20 MS. DERRICK: Nothing, Judge.

21 THE COURT: All right. Ma'am, you may return to your seat.

22 A: Thank you.

23 MRS. LEE: May I supplement my Attorney's Fee Affidavit?

24 THE COURT: Yes, we talked about that. Ms. Derrick, do you
25 need to supplement yours as well.

1 MS. DERRICK: I'm going to have to do that tomorrow then. I
2 didn't -- I didn't.

3 THE COURT: And that's fine. I mean, this is just something
4 that because I certainly want the attorneys to get in their
5 updated bills. You have introduced the Affidavits already and
6 the fair thing to do would be to give you both an opportunity to
7 submit.

8 MS. DERRICK: And I have no problem, if Anita doesn't mind,
9 I'll just update mine, email it to her and then get it to you in
10 the morning if we're still coming back in the morning; whatever
11 you decide.

12 THE COURT: All right. Let me just meet with the attorneys
13 in chambers.

14 MRS. LEE: Do you want to mark it or just, how can we do
15 this?

16 THE COURT: Was that for Judge's Eyes only or ---

17 MRS. LEE: I have a Judge's Eyes only because I have some,
18 um, ---

19 THE COURT: Offers of settlement?

20 MS. DERRICK: No, there's no offer.

21 MRS. LEE: It's not an offer of settlement. I'll take these
22 letters out, Your Honor.

23 MS. DERRICK: Yes, please.

24 THE COURT: Okay.

25 MS. DERRICK: I have no problem with her bill. I have a lot

1 of problem with those letters.

2 THE COURT: So, that will be Defendant's 36, the updated
3 attorney's fees?

4 COURT REPORTER: Thirty-seven, Judge.

5 MRS. LEE: Thirty-seven, I think.

6 THE COURT: Oh, 37.

7 MS. DERRICK: And I will send Anita hers in the morning.

8 MRS. LEE: Okay. That does not include today, but it's, you
9 know ---

10 THE COURT: Well, just do the same thing that she's doing.

11 MS. DERRICK: Well, just do the same thing and just update
12 it in the morning and give me your updated one after today.

13 MRS. LEE: All right.

14 MS. DERRICK: And then we can -- we'll do that.

15 MRS. LEE: Okay. Well, then stop.

16 MS. DERRICK: Stop, Patsy.

17 THE COURT: Okay.

18 MS. DERRICK: We'll both give them to you in the morning,
19 Judge.

20 COURT IN RECESS:

21 THE COURT: We're back on the record for the Court to
22 actually announce the date that the Court will rule in this
23 matter and I am requiring that the parties are present. Um,
24 initially I planned to rule tomorrow at 11, but because we went
25 into the afternoon hour, which is perfectly fine, I will rule on

1 June 14th at 12 noon. So, we're just exchanging one Friday for
2 another. All right.

3 And just to insure that what I'm saying on the record is an
4 Order, um, I will prepare it and have it clocked and send it to
5 the attorneys so that the clients will be -- their clients are
6 aware that their presence is required June 14th and 12.

7 MS. DERRICK: Thank you, Judge.

8 THE COURT: All right.

9 MRS. LEE: Thank you, Your Honor.

10 MS. DERRICK: And we'll exchange our Affidavits.

11 MRS. LEE: Okay.

12 MS. DERRICK: Right.

13 THE COURT: And if you need more time, um, past tomorrow
14 that's fine.

15 MS. DERRICK: Okay.

16 THE COURT: Um, you can have until the end of the month.

17 MRS. LEE: Okay. Do, um, -- can we, never mind. I started to
18 say can we email them, but we need to get them marked. So, never
19 mind. We'll just ---

20 THE COURT: Yeah, you want them marked as exhibits?

21 MRS. LEE: I would think so, yeah.

22 MS. DERRICK: Maybe.

23 THE COURT: Well, and this Court Reporter is only with me
24 this week. So, if you want them marked ---

25 MS. DERRICK: We'll just mark them in the morning.

1 THE COURT: Yeah, you might want to mark those tomorrow.

2 MRS. LEE: Are you going to be here in the morning?

3 THE COURT: Oh, absolutely.

4 MRS. LEE: Okay.

5 MS. DERRICK: All right, we'll just bring them in the
6 morning so we won't have to worry about that.

7 THE COURT: Okay.

8 MRS. LEE: That will be fine.

9 THE COURT: All right, great. The parties are excused.

10 MS. DERRICK: Thank you, Judge.

11 (END OF REQUESTED TRANSCRIPT OF RECORD)

12

13

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Exhibit #15

THE BRITTAIN LAW FIRM, P.A.
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December 5, 2017

Via email at: jholmesj@sccourts.org
The Honorable Jan Bromell Holmes
Judicial Center Complex
401 Cleland Street, Suite 238
PO Box 479
Georgetown, SC 29442

RE: Michelle Davis Capps vs. Joseph Harold Capps
Case Number 2014-DR-26-1563

Dear Judge Holmes:

The above case was before you on a Rule to Show Cause from January 30, 2017 through February 1, 2017 and an agreement was reached between the parties on the last day of trial. Part of the Order was that the individual counselors for both parties were to recommend three to four counselors for the parties teenage children so that the children could enter counseling. The names, as recommended by the counselors, were to be submitted to you and you would make the final decision regarding where the children would attend counseling. I have attached a copy of page 4 of the Rule to Show Cause Order for your reference.

Dr. Helen Bayne, counselor for Michelle Capps since April 5, 2017 recommended the following counselor choices for the Capps children:

1. Edward Conner – 843-268-0580
2. Elizabeth Nixon – 843-455-2258
3. Marie Woodward – 843-410-4943

These recommendations were forwarded to Ms. Floyd's office on May 17, 2017 and again on September 19, 2017. It is my understanding from speaking with Edward Conner, that he is not taking any new patients at this time. In speaking with Dr. Bayne, she recommends James Garvey in place of Edward Conner. Dr. Garvey's phone number is 843-450-0636.

It is my understanding in speaking with Ms. Floyd that the therapists she is recommending are Ellen King, Michelle Foglia and Dr. Alicia Benedetto. I am unsure as to if any of these recommendations are coming from Hal Heidt, Mr. Capps therapist or not. According to Dr. Bayne, she has attempted to contact Hal Heidt on several occasions to discuss the ongoing issues between the parties, but Hal Heidt has not returned any of her messages.

I am concerned with the recommendation of Dr. Benedetto as her practice is in Columbia, South Carolina, and it is not feasible for the children, who have active and busy school and activity schedules to be required to drive from Myrtle Beach to Columbia to see a counselor.

While I appreciate that Ms. Floyd is seeking a therapists for the children who specializes in alienation issues, I must point out that the Rule to Show Cause Order only speaks of alienation issues being addressed with and between the counselors for the adults in this matter and does not state that the counselor for the children must specialize or have previous experience with this issue. Further, at the preset time, there are not any accredited counseling associations that offer a specialization in alienation and therefore, no counselor is able to "specialize" in this area.

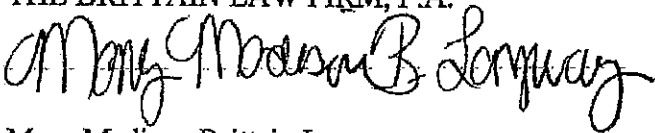
Kindly review the list of provided counselors and advise which counselor you would suggest the children begin seeing or in the alternative, if you have knowledge of another counselor who is better equipped to address their needs, please advise.

Thank you for your attention to this matter. I look forward to hearing from you soon.

With warm regards, I am

Yours truly,

THE BRITTAIN LAW FIRM, P.A.

A handwritten signature in cursive script, reading "Mary Madison Brittain Langway".

Mary Madison Brittain Langway

MMBL/rln

Enclosures: as stated

cc: Michelle Capps (via email)

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May 17, 2017

VIA EMAIL

Anita Floyd
1115 Third Avenue
Conway, SC 29526

RE: Hal Capps vs. Michelle Capps
Case No.: 2016-DR-26-931

Dear Anita,

My client has been in counseling with Dr. Helen Bayne. Her first appointment with her was on April 5, 2017; April 12, 2017; April 20, 2017; May 1, 2017 and she also has an appointment scheduled for today, May 17, 2017. Dr. Bayne has been given a copy of the final order and is fully aware of the purpose of counseling.

Dr. Bayne has not heard from Dr. Heidt but would be happy to hear from him. Her contact information is 843-347-6954.

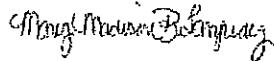
Dr. Bayne recommends that the girls would benefit from seeing one of the following counselors. It is my understanding that these names will be submitted to Judge Holmes for her choosing of who the children will counsel with: Edward Connor (843-268-0580; Elizabeth Nixon, LPC (843-455-2258) or Marie Woodward, LPC (843-410-4943).

My client has informed me that Mr. Capps took it upon himself to schedule a counseling appointment for himself and Haley Kathryn with Stephanie Fleming. Kindly advise why he felt the need to do so as Judge Holmes was specific in her direction that she be the one to choose the counselor for the children.

I will discuss the brick columns with my client and address that issue in a separate letter.

Thank you for your time and attention to this matter, I look forward to hearing from you soon.

Very truly yours,
THE BRITTAIN LAW FIRM, P.A.



Mary Madison Brittain Langway
MMBL:rln

Enclosures: as stated
cc: Michelle Capps (via email)

THE BRITTAIN LAW FIRM, P.A.

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September 19, 2017

VIA EMAIL AND
FIRST CLASS MAIL

Anita Floyd
1115 Third Avenue
Conway, SC 29526

RE: Hal Capps vs. Michelle Capps
Case No.: 2016-DR-26-931

Dear Anita,

It has come to my attention that the Capps children have not yet seen a counselor. On May 17, 2017, I provided your office with a list of three counselors that Dr. Bayne was suggesting for the girls. Has Dr. Heidt submitted his list of possible counselors to your office? Is your client still seeing Hal Heidt? I have contacted Sharon at Judge Holmes office and she stated that they have not received names of potential counselors as of yet. As you are aware, the Order states that "the two counselors shall recommend 3-4 names of counselors for the children to see. These names shall be submitted to The Honorable Jan Bromell-Holmes, who shall select the counselor for the children from this list".

My client feels that it is very important that the children have counseling especially considering the instances that have occurred during the summer break from school. It is my understanding that Dr. Bayne has called Dr. Heidt on at multiple occasions to discuss this matter with him and he has yet to return her calls.

If you could please provide Dr. Heidt's list of three potential names for counselors to my office, I will forward all of the names to Judge Holmes for her choosing. Dr. Bayne recommended the following counselors: Edward Connor (843-268-0580; Elizabeth Nixon, LPC (843-455-2258) or Marie Woodward, LPC (843-410-4943). If Dr. Heidt is in agreement with Dr. Bayne's recommendations, please advise and I will submit those names to Judge Holmes for her selection so that the girls can begin counseling.

With regards to the brick column matter. My client has always been agreeable to using Rich Kolb and would also agree to use Antwine Matthews or Chapman Construction provided that the work be completed within a reasonable timeframe and that Mr. Capps pay attorney's fees that Michelle has incurred in dealing with the brick columns. If Mr. Capps is not agreeable to these terms, then Ms. Capps will pursue the matter in Magistrates Court.

Ms. Capps will be available on the following dates and times for the contractors to come to her home and meet regarding replacing the columns: September 25th between 12:00 p.m. and 4:00 p.m., September 26th between 12:00 p.m. and 3:00 p.m., September 28th between 12:00 p.m. and 2:00 p.m. and 5:00 p.m. and 7:00 p.m., October 2nd between 1:00 p.m. and 3:00 p.m., October 3rd between 1:00 p.m. and 3:00 p.m. and October 5th between 5:00 p.m. and 7:00 p.m. If the above dates and times do not work with any of the

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November 21, 2017

VIA EMAIL ONLY

Anita Floyd
1115 Third Avenue
Conway, SC 29526

RE: Hal Capps vs. Michelle Capps

Dear Anita,

Anita, per our conversation last week, our names of the recommended counselors from Helen Bayne are as follows: Edward Connor (843-268-0580); Elizabeth Nixon, LPC (843-455-2258) or Marie Woodward, LPC (843-410-4943). These are the same names as outlined in our letters to your office dated May 17th and September 19th.

Kindly have Hal Heidt provide his list of three recommended therapists and we will write a letter to Judge Holmes with the six suggested counselors names.

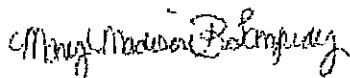
With regards to Mr. Capps and or his fiancé dropping off the child support and alimony check to our office, the partners of my firm are simply not agreeable to this as we have done this in the past and it did not go well. Mr. Capps can mail the payments to my client and thereby avoid a third-party go between. As the checks for November were already dropped off at my office addressed to me, I will forward that to my client, but this will be the last time I do so.

Would you be willing to draft a joint letter to Judge Holmes, or would you prefer that I draft the letter?

As such, in order to get counseling started, my client needs to have the names of counselors submitted to Judge Holmes in order to move forward.

Thank you for your time and attention to this matter, I look forward to hearing from you soon.

Very truly yours,
THE BRITTAİN LAW FIRM, P.A.



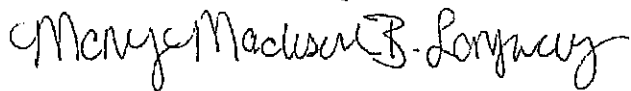
Mary Madison Brittain Langway
MMBL:rlh
cc: Michelle Capps (via email)

suggested contractor's schedules, they should contact Mr. Capps directly and she will schedule a time that works for all parties. Please discuss this matter with your client and let me know his thoughts.

Thank you for your time and attention to this matter, I look forward to hearing from you soon.

Very truly yours,

THE BRITTAIN LAW FIRM, P.A.

A handwritten signature in cursive script, reading "Mary Madison Brittain Langway".

Mary Madison Brittain Langway
MMBL:rln

Enclosures: as stated

cc: Michelle Capps (via email)

THE BRITTAIN LAW FIRM, P.A.

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May 17, 2017

VIA EMAIL

Anita Floyd
1115 Third Avenue
Conway, SC 29526

RE: Hal Capps vs. Michelle Capps
Case No.: 2016-DR-26-931

Dear Anita,

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Dr. Bayne has not heard from Dr. Heidt but would be happy to hear from him. Her contact information is 843-347-6954.

Dr. Bayne recommends that the girls would benefit from seeing one of the following counselors. It is my understanding that these names will be submitted to Judge Holmes for her choosing of who the children will counsel with: Edward Connor (843-268-0580; Elizabeth Nixon, LPC (843-455-2258) or Marie Woodward, LPC (843-410-4943).

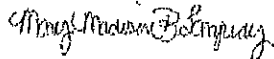
My client has informed me that Mr. Capps took it upon himself to schedule a counseling appointment for himself and Haley Kathryn with Stephanie Fleming. Kindly advise why he felt the need to do so as Judge Holmes was specific in her direction that she be the one to choose the counselor for the children.

I will discuss the brick columns with my client and address that issue in a separate letter.

Thank you for your time and attention to this matter, I look forward to hearing from you soon.

Very truly yours,

THE BRITTAIN LAW FIRM, P.A.



Mary Madison Brittain Langway
MMBL:rlh

Enclosures: as stated

cc: Michelle Capps (via email)

Exhibit #16

the Order as it pertains to visiting with Defendant. I find that parents are to parent and not to allow their children to set their own rules as to whether they will comply with the Court's Order. Children have a right to be heard and respected; however, giving in to their demands to entice or encourage them to follow (or not follow) the Court Order or the rules of a parent's home should be non-negotiable.

6. Regarding paragraphs 7I and 7J: I find that Plaintiff has violated Section 4D of the Custody Agreement [Final Order Approving Agreement, filed July 22, 2014] which provides that the parties shall be prohibited, forbidden, restrained and enjoined from degrading or denigrating the other in the presence of the children. Specifically Plaintiff instructed the children to record conversations with Defendant during his visitation, as well as encouraged them not to vacate Defendant's automobile until the cell phone in issue, on which she had instructed them to record their father, was located. This type of behavior promotes disrespect, degradation and denigration of the father by the children – with not just the permission, but the insistence, of Plaintiff. I find that Plaintiff is in willful violation of the Court Order as it pertains to this provision.
7. I find that Plaintiff's actions in denying, refusing and interfering with Defendant depositing the alimony and child support amounts in Plaintiff's bank account, as had been established between the parties, was a form of harassment. According to Defendant's testimony, Plaintiff's actions in these regards corresponded with his engagement to his now-Wife.
8. I find that Plaintiff's refusal to resolve the issue of Defendant repairing the brick columns as he had clearly tried to do – as was established through the testimony of Defendant as well as several witnesses – was also a form of harassment.
9. I find that the parties are not allowed to dictate activities for the minor child (the parties' oldest child is now emancipated) during time periods that are allotted to the other parent. The parties are not allowed to schedule or allow the child to

13. I find that Defendant incurred a great deal of attorney's fees in his efforts to gain compliance with the Order and to hold Plaintiff accountable for her failure to comply with the Order. I further find that Defendant retained a well-respected, seasoned attorney to assist him, and that her hourly rate is commensurate with other attorneys who have her experience. I find that the time that Mrs. Lee invested in this matter is reasonable considering the issues that were involved. Finally, I note Defendant's success in this litigation.
14. Although there is a great deal of disparity in the parties' incomes, I find that Plaintiff has sufficient income with which to satisfy a portion of Defendant's fees and costs, as will be discussed more fully hereinbelow.
15. As the parties are aware, I presided over the first RTSC hearing; however, the parties reached an agreement which prevented this Court from making any findings of fact. Generally, I do not place an individual in jail the first time that I make a ruling with respect to a Rule to Show Cause. However, I do admonish the parties that being found in willful violation of the Court Order may subject the offending party to jail time of up to one year; a fine of up to \$1,500; as well as up to 300 hours of community service.
16. In this instance, I find that this Court has been as generous as it could be when considering the conduct which has been displayed by Plaintiff. I admonish Plaintiff that jail time was considered; however, this Court determined that jail time would not be beneficial because the alienation has already occurred. However, if her behavior continues, it will not be a problem for me, or for any other judge, to give jail time. Visitation is mandatory, and if the mother cannot ensure that the minor child exercises her visitation per the Court Order, then perhaps custody should be changed.
17. I find that Plaintiff shall be obligated to pay \$40,000 of Defendant's attorney's fees, to be paid as follows: Defendant shall deduct the sum of \$2,500 from his monthly alimony payment to Plaintiff beginning with the payment which is due

August 1, 2019. These deductions shall continue until this \$40,000 obligation is satisfied in full, which will be after the \$2,500 deduction on November 1, 2020. Thus, beginning with the December, 2020 alimony payment, the full amount of alimony due Plaintiff shall be paid to her according to the terms of the Final Order.

18. In addition to attorney's fees, I find that Plaintiff shall pay a fine of \$1,500 to the Clerk of Court, which fine shall be paid within 48 hours of this Order being filed.

19. Finally, I admonish Plaintiff that these children have two families and everyone should be allowed to bestow their love and support on these children. It is very unfortunate that one would be so selfish that because the relationship did not work out, there would be an attempt to interfere with the relationship between the children and their paternal relatives. This admonition is based upon the Court being made aware that Defendant's visitation with Emily had taken place without incident from December 14th, 2018 until the week before this RTSC hearing resumed, but that there had been no visitation during the week preceding this hearing. In addition, there was testimony regarding the unsuccessful attempts by the paternal grandparents to visit with the children; their attempts to attend functions, which were denied; and of course the occasion noted hereinabove when Plaintiff picked up E.C. from school for no reason but to deny the paternal grandfather the opportunity to spend a few minutes with this child. Going forward, this manipulation and disrespect will not be tolerated.

Based upon the above-recited Findings of Fact, I make the following Conclusions of Law:

CONCLUSIONS OF LAW

The General Assembly has vested with the Family Courts of this State the exclusive jurisdiction to hear and determine actions related to custody and visitation, and once an Order has been issued, to enforce that Order through its powers of contempt. Therefore, it is

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)MICHELLE DAVIS CAPPS,)

Plaintiff,)

v.)

JOSEPH HAROLD CAPPS, JR.,)

Defendant.)

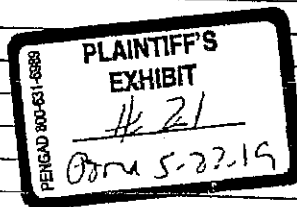
IN THE FAMILY COURT OF THE
FIFTEENTH JUDICIAL CIRCUITFINANCIAL DECLARATION OF
MICHELLE DAVIS CAPPS

Case No.: 2014-DR-26-1563

HUSBAND/FATHER:		WIFE/MOTHER:	
Address		Address	<i>Redacted</i>
Age		Age	48
Occupation		Occupation	Stay at home Mom
Employer		Employer	
Employer Address		Employer Address	

Gross Monthly Income	Husband/Father	Wife/Mother
Principal Earnings from Employment ¹		
Overtime, Tips, Commission, Bonuses ²		
Pensions, Retirement, and Annuities Income		
Additional Employment Income		
Social Security Benefits (SSA) and VA Benefits		
Disability and Worker's Compensation Benefits		
Unemployment and AFDC		
Spousal or Child Support (from other marriage/relationship)		
Dividends, Interest, Trust Income, and Capital Gains		\$14,000.00
Rental Income and Business Profits		
Other: Reimbursement of miles and gas		
TOTAL GROSS MONTHLY INCOME		\$14,000.00

Payroll Deductions from Monthly Income	Husband/Father	Wife/Mother
Federal Income Tax ³		
State Income Tax		\$2,540.00
Social Security and Medicare Tax (FICA)		\$1,390.00
Self-Employment Tax		
Health/Dental/Vision Insurance		
Health and Dental Insurance (Child)		
Uniforms		
Voluntary Retirement Contribution (401(k), 457, IRA)		
Mandatory Retirement Contribution		
Health Savings Account		
Life Insurance		
TOTAL MONTHLY DEDUCTIONS		\$3,930.00
NET MONTHLY INCOME		\$10,070.00



Estimate monthly expenses: (Specify which party is the custodial parent and list name and relationship of all members of household whose expenses are included.)

Plaintiff - Michelle Capps

MONTHLY EXPENSES ⁵	Husband/Father	Wife/Mother
Residential Rent Payment		
Note or Mortgage Payment on Residence(s)		\$3,613.00
Food and Household Supplies ⁶		\$2,197.00
Utilities, Water, and Garbage Collection		\$769.00
Telephone and Cellular Phone		\$495.00
Medical, Dental and Disability Insurance Premiums (not deducted from paycheck)		\$707.00
Life Insurance Premiums (not deducted from paycheck)		\$38.00
Child Support (from other relationship)		
Work Related Day Care		
Spousal Support (from prior marriage)		
Auto Payment		\$200.00
Auto Insurance, taxes, gasoline, and maintenance ⁷		\$894.00
SUBTOTAL:		
\$ 8,913.00		
Real Property Tax on Residence(s)		\$158.00
Maintenance for household ⁸		
Adult Clothing		\$150.00
Children's Clothing ⁹		\$300.00
Cable Television, Satellite, and Internet/Online Services		
Laundry and Dry Cleaning ¹⁰		\$50.00
Medical and Dental Expenses (not paid by insurance)		\$100.00
Prescriptions, Glasses, and Contacts (not paid by insurance)		\$150.00
Children's incidental expenses ¹¹		\$600.00
School lunches, supplies, field trips, and fees ¹²		\$200.00
Entertainment ¹³		\$1,200.00
Adult Incidental expenses ¹⁴		\$950.00
Other: Pets		\$150.00
All Installment payments ¹⁵		\$341.00
SUBTOTAL:		
\$ 4,349.00		
TOTAL MONTHLY EXPENSES:		\$ 13,262.00

Installment Loan Payments Section

Creditor	For	Monthly Payment	Balance	Owed by ¹⁶
Santee Cooper	Smart Energy Loan (Windows)	126.00	7,540.00	Michelle Capps
Santee Cooper	Smart Energy Loan (HVAC)	215.00	12,435.00	Michelle Capps
	TOTALS	\$341.00	\$19,975.00	Michelle Capps

Other Debts and Obligations *not* payable in monthly installments

Creditor	For	Date Payable	Balance	Owed by ¹⁶

Are you currently in Bankruptcy: ☐ YES ☒ NO

Are any obligations listed above, including mortgage and note payments, in arrears: ☐ YES ☒ NO

If yes, please list the obligations in arrears.

All Marital Property Known to Parties

Assets	Husband/Father	Wife/Mother	Joint
Cash and Money in Checking Account(s) ¹⁷			
Money in Savings Account(s), Credit Union, Money Mkt, or Cert. of Dep. ¹⁸			
Value of Voluntary Retirement Account(s)			
Value of Pension Account			
Value of Publicly Held Stocks, Bonds, Securities, Mutual Funds ¹⁹			
Value of Privately Held Stocks and Other Business			
Value of Real Estate - Net of Mortgage Balances ¹⁹			
Value of All Other Property ¹⁷			
TOTAL ASSETS			

Any Non Marital Property Known to Parties

Description of Asset	Title Owner	Date of Acquisition	Source of Funds to Acquirer	Estimate Present Market Value

If total assets are less than \$300,000, sign and have notarized.

If total assets are greater than \$300,000, itemize assets by completing additional sections below and sign and have notarized.

Financial Accounts Section ¹⁸

Owner	Name of Institution	Type of Account	Balance

Voluntary Retirement Accounts and Pension Accounts Section

Type of Account	Value

Publicly Held Stocks, Bonds, Securities, Mutual Funds Section (Non-Retirement)¹⁹

Name of Company	Number of Shares/Type of Account	Value

Real Estate Section²⁰

Owner	Address	Value	Mortgage Balance	Mortgage Equity
TOTALS			\$ -	

Other Property Section¹⁷

Owner	Description of Asset	Value	Loan Balance	Equity
TOTALS				

Sworn to before me this 22 day of May, 2019.

Murielle Davis Capps
Signature

[Signature] (SEAL)
Notary Public for South Carolina
My commission expires: 1/14/2026

- 1 A recent paystub should be attached to the Financial Declaration. To compute Principal Earnings from Employment, first determine whether you are paid semi-monthly, biweekly, or weekly. If you are paid semi-monthly, multiply the gross amount of your pay check by two. If you are paid biweekly, multiply the gross amount of your pay check by 26 and then divide by 12. If you are paid weekly, multiply the amount of your paycheck by 52 and divide by twelve. Round to the nearest whole dollar.
- 2 To compute Overtime, Tips, Commission, and/or Bonuses, take an average of your monthly earnings from overtime, tips, commission, bonuses, etc. from the past three years or the length of employment if employed less than three years (including this year).
- 3 To compute State, Local, and Social Security Tax deductions, use the same formula used to compute principal earnings in endnote 1 above, or consult or have your attorney consult an accountant.
- 4 Net monthly Income is equal to Total Gross Monthly Income minus Total Monthly Deductions.
- 5 Do not include any expense in the Monthly Expenses section that has already been included in the Deductions from Gross Monthly Income on page one of the Declaration.
- 6 Food Expense is to include the cost of groceries, toiletries, cleaning supplies, and casual eating out.
- 7 Auto Expenses are to include gasoline, oil changes, tune-ups, tire replacement, maintenance, and related items.
- 8 Maintenance for Household is to include appliance and household repairs, landscaping, house cleaning, pest control, pool service, alarm service, and other related items.
- 9 Clothing Expense is to include shoes and clothing purchases, clothing repair and alterations, and related items.
- 10 Laundry Expense is to include the cost of laundry service, dry cleaning, and related items.
- 11 Children's Incidental Expenses are to include allowance, summer camp, nursery school, baby sitters, lessons, activities, participatory sports, and related items.
- 12 School Expense is to include tuition, supplies, field trips, dues, tutors, locker rentals, school lunches, and other related items.
- 13 Entertainment is to include movies, theater, vacations, sporting events, compact discs, digital video discs, and related items.
- 14 Adult Incidental Expenses are to include cosmetics, hair and nail care, books, magazines, newspapers, business dues, memberships, pets, charity, religious dues or tithes, gifts, bank charges, hobbies, and related items.
- 15 All Installment Loan Payments is the total amount itemized in Installment Loan Payments Section, which should include all loan payments not already listed as a monthly expense. Examples: home equity loan, credit cards, etc.
- 16 Indicate which spouse legally owes the payment (husband, wife, or joint).
- 17 Other property is to include automobiles (minus loan balance), boats (minus loan balance), furniture, furnishings, china, silver, jewelry, collectibles, and other personal property.
- 18 Itemize Financial Accounts such as checking, savings, credit union, money market, or certificate of deposit accounts in the Financial Accounts Section.
- 19 Itemize Publicly Held Stocks, Bonds, Securities, Stock Options and Mutual Funds (excluding retirement accounts) in the Publicly Held Stocks, Bonds, Securities, Mutual Funds Section.
- 20 Itemize each parcel of Real Estate in the Real Estate Section.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE FAMILY COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
FILE NO. 2014-DR-26-1563

MICHELLE DAVIS CAPPS,)
)
Plaintiff,)
v.)
)
JOSEPH HAROLD CAPPS, JR.,)
)
Defendant.)

**AFFIDAVIT IN SUPPORT OF
CLAIM FOR ATTORNEY FEES**

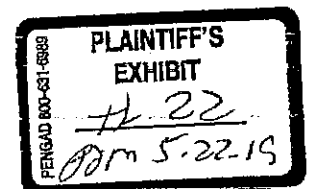
PERSONALLY appeared before me, Julaan Derrick, who after being duly sworn, deposes and says:

That she is a practicing attorney in Conway, South Carolina. That the undersigned was contracted by the Plaintiff on or about the 11th day of September, 2018, in order to represent her in regards to an action for equitable division, alimony, and attorney fees.

To date, the Affiant would show that she and her office have expended 98.70 hours in regards to conferences, preparation of the pleadings, telephone conferences, attending hearings, preparing for this trial.

This Affiant would show that she has been a member of the Bar for the State of South Carolina in the County of Horry since May of 1982. The Affiant would further show that she is a member of the South Carolina Bar Association. The Affiant would show that he normally and regularly charges \$300.00 hour on this type of case.

The Affiant would submit this Affidavit in support of the request by the Plaintiff for attorney's fees and costs. The Affiant requests attorney's fees and suit costs in the current sum of \$26,083.00



FURTHER DEPONENT SAITH NOT.



JULAAN DERRICK


Attorney for the Plaintiff

Post Office Box 286

Conway, South Carolina 29528

(843) 488-0881

SWORN to and subscribed before me
this 22nd day of MAY, 2019.



(L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1.14.2026

Julaan Derrick-Lawrence

Attorney at Law

1422 4th AVENUE
CONWAY, SC 29526

MAILING ADDRESS: P.O. Box 286, Conway, SC 29528

PHONE (843) 488-0881

FAX (843) 488-0884

May 20, 2019

Michelle Capps

Redacted

Client Number

181818

Inv #:

Sample

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Mar-06-18	Conf. with client, review document from client	1.70	510.00	JD
Mar-09-18	Open new client file	0.30	27.00	TB
Mar-15-18	Listened to tape recordings, conf. with client, call to MMBL	2.90	870.00	JD
Mar-16-18	Open file in computer	0.20	18.00	DC
Mar-18-18	Research counselors	0.20	60.00	JD
Mar-20-18	Dictate letter, review email, revised letter	0.10	30.00	JD
	Emails and listened to recording	0.40	36.00	RS
	Letter to AF, call to client, call from client	0.70	63.00	TB
Mar-23-18	Call from client, note to JD	0.10	9.00	DC
Mar-26-18	Review email from Anita Lee, responded to email	0.10	30.00	JD
	Emails	0.20	18.00	RS

Mar-27-18	Call to client	1.60	480.00	JD
Mar-29-18	Call to AF	0.50	150.00	JD
Apr-05-18	Conf. with Debra, review Notice, dictate letter to A. Lee, call to client	0.60	180.00	JD
	Prepare Notice of Rep, letter to A. Lee, scan and email	0.20	18.00	DC
	To courthouse to file	0.30	27.00	RS
	Organize and open brown file	0.10	9.00	TB
Apr-06-18	Letter to A. Lee, call to client, scan and email to client, email from client, print out for JD, revise letter, send out	0.30	27.00	DC
Apr-09-18	Email from Bridgett, respond	0.10	9.00	DC
Apr-17-18	Review email, respond to email	0.10	30.00	JD
Apr-18-18	Review message, email client, review email	0.10	30.00	JD
	Call to AF's office, note to JD	0.10	9.00	DC
Apr-20-18	Call to Anita Floyd	0.10	30.00	JD
	Call to client, email from client, print out for JD	0.10	9.00	DC
Apr-24-18	Review email, email message to client	0.10	30.00	JD
	Email from hearing clerk, print out	0.10	9.00	DC
Apr-25-18	Email client per JD	0.10	9.00	DC
	Letter to client, scan and email	0.20	18.00	DC
Apr-26-18	Review letter, dictate letter, call to client	1.20	360.00	JD
Apr-27-18	Type letter to Anita Lee	0.40	36.00	DC
May-01-18	Letter to client, scan and email	0.10	9.00	DC
May-02-18	Letter to client	0.10	9.00	DC
May-03-18	Email from client, respond	0.10	9.00	DC

May-04-18	Email from client, print out for JD	0.10	9.00	DC
May-10-18	Call to A. Floyd	0.10	30.00	JD
May-18-18	Call to client	1.00	300.00	JD
	Revise letter to AFL (2), scan and email to client	0.20	18.00	DC
May-21-18	Email from client, respond, email from client, print out for JD	0.10	9.00	DC
May-24-18	Review email from client, revised letter, revised letter 2nd time	0.60	180.00	JD
	Email letter	0.30	27.00	TB
May-25-18	Organize emails and clean up file, typed letter to AL, mailed to client	0.70	63.00	TB
May-29-18	Scan and email to client	0.10	9.00	DC
Jun-06-18	Call from client, note to JD	0.10	9.00	DC
Jun-07-18	Call to client	0.60	180.00	JD
Jun-22-18	Call from client, note to JD	0.10	9.00	DC
Jul-02-18	Review email, dictate letter to client	0.10	30.00	JD
	Letter to client, scan and email	0.20	18.00	DC
Jul-05-18	Review email and document from client	0.10	30.00	JD
	Open new client file	0.40	36.00	TB
Jul-06-18	Call to client	0.90	270.00	JD
Jul-09-18	Review RTSC, assist with Return to RTSC	0.20	50.00	DS
Jul-10-18	Work on Return	0.80	200.00	DS
	Call from client	0.10	9.00	DC
Jul-17-18	Conf. with client	1.70	510.00	JD
Jul-25-18	Conf. with client	1.10	330.00	JD
	Met with client	0.60	150.00	DS

Aug-07-18	Review info in file, worked on Return	1.50	450.00	JD
Aug-08-18	Conf. with client, dictate letter, review info from client	2.60	780.00	JD
	Proof Return to RTSC	0.30	75.00	DS
	Prepare Return to Rule, revise numerous times	1.50	135.00	DC
Aug-09-18	Revise Return, type letter to A. Lee, revise letter	0.30	27.00	DC
Aug-10-18	Review message	0.10	30.00	JD
	Review letter, email to client	0.10	9.00	DC
	To courthouse to file	0.30	27.00	RS
Aug-17-18	Review email	0.10	30.00	JD
Aug-22-18	Email	0.10	9.00	RS
Aug-23-18	Call to client	0.40	100.00	DS
	Call from client	0.10	9.00	RS
Aug-27-18	Call from client	0.10	9.00	DC
Aug-28-18	Call from client	0.10	9.00	DC
Aug-30-18	Review email, call to client	0.70	210.00	JD
Sep-05-18	Call to client	0.50	150.00	JD
Sep-07-18	Call from Client.	0.70	210.00	JD
Sep-10-18	Call to Anita Floyd. Call to client.	0.30	90.00	JD
Sep-18-18	Reviewed subpoena issued by Anita.	0.10	30.00	JD
Sep-27-18	letter to client, scan and email	0.10	9.00	DC
Oct-09-18	Client called, left RTSC message for JD.	0.10	9.00	TB
Oct-19-18	Call to client	0.40	120.00	JD
Oct-24-18	Conference with client.	1.60	480.00	JD

Invoice #	Sample	Page	5		
Nov-01-18	Review email from Anita Floyd. Call to client. Conference call with me, Anita, and Ken Smith.	1.90	570.00	JD	
	Schedule Telephone conference-Julaan, Anita Floyd, Ken Smith	0.20	18.00	TB	
Nov-09-18	Call to client.	0.50	150.00	JD	
Nov-20-18	Call to Anita Floyd.	0.70	210.00	JD	
Nov-21-18	Call to client.	0.80	240.00	JD	
Nov-27-18	Calls to client and Anita Floyd. Call to hearing clerk.	0.60	180.00	JD	
Nov-28-18	Call to Client/Call from Bridget at Anita's office/Review email	0.30	90.00	JD	
	Call to Client/Review Email	0.30	90.00	JD	
Nov-30-18	Call to Client/Call to Anita Floyd	0.70	210.00	JD	
Dec-03-18	Conference with Client	1.70	510.00	JD	
Dec-04-18	Review subpoena info/Reviewed information in file/Respond to email/call to client	0.50	150.00	JD	
Dec-05-18	Call to client	0.40	120.00	JD	
	prepare subpoenas	0.50	125.00	DS	
Dec-06-18	Call to Witness	0.10	30.00	JD	
Dec-07-18	Conference with Client	2.50	750.00	JD	
	copy exhibits, type letter to anita floyd, prepare AOS, scan docs for file	0.70	175.00	DS	
Dec-08-18	Review Information in the file/Review Body Camera Tape	0.70	210.00	JD	
Dec-09-18	Review Information in the file/Conference with client	4.60	1,380.00	JD	
Dec-10-18	Hearing/Conference with Client	10.00	3,000.00	JD	
		0.00	0.00	JD	
	calls to GGraham re testifying, prep exhibits	1.10	275.00	DS	

	Call from Robert Todd about case.	0.10	9.00	RS
	Prepare Financial Declaration	0.40	36.00	TB
	Prepare Financial Declaration/Copies for court	0.70	63.00	TB
Dec-11-18	Hearing	6.20	1,860.00	JD
Dec-12-18	Called client to schedule appointment	0.10	9.00	TB
Dec-13-18	Conference with Client	2.20	660.00	JD
Dec-14-18	attend court, conference with Judge Bromell Holmes	4.00	1,200.00	JD
Jan-04-19	Review Email from Client/Respond to Email	0.10	30.00	JD
Jan-06-19	Print off email/Delivered to Juliaan	0.10	9.00	TB
Jan-08-19	Review Email	0.10	30.00	JD
	Email and Respond Copy to JD	0.10	9.00	TB
Jan-11-19	Called client about bill	0.10	9.00	TB
Jan-18-19	Judges office called in/Returned their call	0.20	18.00	TB
Jan-30-19	Called about status of invoice	0.10	9.00	TB
Feb-05-19	Schedule hearing	0.20	18.00	TB
Feb-06-19	Review Email and respond to email	0.10	30.00	JD
Feb-07-19	Print out order for JD	0.10	9.00	TB
Feb-15-19	Call to client	1.00	300.00	JD
Feb-21-19	Review Email	0.10	30.00	JD
	Called about Bill	0.20	18.00	TB
Mar-05-19	Call to Anita	0.30	90.00	JD
Mar-19-19	Review Email/Respond to Email	0.10	30.00	JD
Mar-22-19	Call to client.6	0.60	180.00	JD

Mar-29-19	Call To Anita	0.40	120.00	JD
Apr-01-19	Client called in Message to JD	0.30	27.00	TB
Apr-08-19	Review email/dictate letter/conference with Rhette call to client	0.70	210.00	JD
Apr-09-19	Letter to Anita Floyd/Spoke to JD	2.10	189.00	RS
Apr-11-19	Letter to Ken Smith /edited letter to attorney	0.50	45.00	RS
Apr-12-19	Review letter/Subpoena	0.10	30.00	JD
May-14-19	Conference with Client	3.00	900.00	JD
May-15-19	Call to client/Dictate letter/dictate subpoenas	0.60	180.00	JD
May-17-19	Conference with client/copied exhibits	2.20	660.00	JD
	Subpoena Dr Ken Smith/Subpoena Police Officer Hill/Call process server	0.80	72.00	TB
May-19-19	Call to Client Review information in file/Prepare for Hearing	2.70	810.00	JD
May-21-19	Conference with client/Review information in file/Prepare for trial	3.50	1,050.00	JD
	Totals	98.70	\$26,083.00	

Exhibit #17

P R O C E E D I N G S

(Whereupon, the following proceedings started at 11:50 a.m.)

THE COURT: This is Case No. 2014-DR-26-1563, Michelle Davis Capps versus Joseph Harold Capps, Jr. Present at the call of the case is the plaintiff, with her attorneys, Mr. Greg Forman and Ms. Julaan Derrick. The defendant is present with his attorney, Ms. Anita Floyd Lee.

The parties are before the Court based on a remand from the Court of Appeals, remanding this matter back to the Court to reconstruct the record from a Rule to Show Cause hearing that occurred on December 10th and 11th, 2018.

From my review of the Court of Appeals records, the parties were certainly given an opportunity to agree or to reach some type of agreement as to what was in the record. That did not occur. So the matter was remanded for the Court to reconstruct the record.

I have had an opportunity to review my notes as well as pull the exhibits that were admitted into evidence on December 10th and 11th, and I will proceed as such and create the record.

The parties appeared before the Court on December 10th. Prior to the start of the rule in this matter, discussion occurred concerning a motion to compel as well as a motion to quash in reference to bank records that were requested, tax records, and then we proceeded with the defendant's case in

1 not respond, as E and I had completed our conversation.
2 Michelle's text clearly indicates that Michelle was aware of
3 our communication. Michelle alienated the children because of
4 her anger and hatred, and now they are the product of that
5 alienation. Michelle has violated the spirit as well as the
6 letter of the court order."

7 "Every Mother's Day, I take the girls shopping to get
8 their mother a gift and make sure they spend the day with her.
9 Regardless of how I feel about Michelle, I have never passed
10 those feelings to the children. I have always tried to
11 co-parent. Michelle, however, has always considered herself a
12 package deal with the children. If I don't want her, then I
13 can't have them."

14 "On Wednesday, July 19th, 2017, the girls asked me to
15 take them to dinner. E.H.C had a friend, C.S.F, with her,
16 which was fine, but from the time I picked them up, they were
17 really being rude and misbehaving. During dinner, E.H.C asked
18 me when she could resume charges at The Dunes Club pool/
19 restaurant. I told her she needed to learn to be respectful to
20 me and sharing my fiancée, whom they liked until Michelle found
21 out I had someone in my life. I asked them if they wanted to
22 go to the mountains at Christmas. E.H.C said that she did not
23 want to go if my parents were going. H.K.C said that she
24 would not go if my fiancée was going. The issue of the car
25 came up, as H.K.C had gotten her license, and I told H.K.C the

1 reason she did not get a car from me is because of how she
2 acts towards me and Sherry. Her response was, 'You mean when
3 I called her a b-i-t-c-h and a w-h-o-r-e?' I had had enough
4 and I told them it was time to go. In response, they started
5 laughing at me and just refused to get up. I told them again
6 to get up, that we were leaving. They refused. I took their
7 drinks and placed them on another table and went to pay the
8 bill. I also took HK's phone away for being so disrespectful.
9 At least in my presence, I'm not going to reward bad behavior.
10 When I came back to the table, they still refused to get up.
11 They just sat at the table and drank their drinks and stared
12 at me. I picked up the salsa and poured it into each of their
13 glasses and told them I was leaving. Only then did they get
14 up. I was ashamed of them and ashamed for them.

15 I took E's friend home, and we all went inside. We were
16 there about 20 minutes and I was discussing what happened with
17 Eddie, Cassidy's father, then I pulled HK's phone out of my
18 pocket and realized that she had been recording the entire
19 evening's conversation as per her mother's request."

20 And that did come in as an exhibit, but I'll get to that.

21 I took the children -- I left the phone with Eddie. I
22 took the children home at approximately 10 p.m. I asked them
23 to get out of the truck, and they refused. Michelle has a
24 device on her computer so she can read all of the girls'
25 texts, and she came outside and demanded HK's phone. Although

1 I had asked the children to get out of the car, Michelle told
2 them to stay right where they were. She knew that, if I kept
3 the phone, I had her texts, telling the girls to behave as
4 they had, and then to record my reaction. I told Michelle she
5 could not have the phone, and I asked what HK's password was.
6 Michelle refused to give me the password and, again, told the
7 children to stay right where they were. I have this encounter
8 recorded, which includes the children being so disrespectful
9 that I can hardly stand to listen. They taunt me, they called
10 me a liar. They actually dared me to call the police. There
11 was no co-parenting. Rather, Michelle was right in the midst,
12 announcing that we were all going to stay right where we were.

13 At 10:24 p.m., I got out of the car and called 9-1-1.
14 All I wanted was to go home. I had recently been involved in
15 a bad car wreck and have a traumatic brain injury. I will be
16 fine but I move a little slower and it takes me longer to get
17 things done. I did not -- I did not need this stress and I
18 also had to be at work at 7 a.m. the following morning. While
19 on the phone with the police, I noticed flashes comes from my
20 truck and realized that E was in my backseat, removing
21 financial documents from my briefcase and taking pictures of
22 them with her phone. Michelle was standing outside the car
23 during this time. While I don't know if she instructed E to
24 do -- photograph my financial records, she certainly did not
25 stop her.

1 My children wanted to go out to eat with me for no reason
2 but to set me up and see how they could upset me and then
3 record me. In hindsight, I should have called Sherry or a cab
4 or my parents to come and take me home, and I should have
5 taken my financial documents out of the backseat and left the
6 three of them to their own devices. However, I was not
7 thinking clearly. All I wanted was to get away from them and
8 go home. I spent from 8:30 p.m. to 10 p.m. with them being
9 rude and disrespectful to me and the people I love. And then I
10 catch Michelle texting H.K.C, asking her to record me
11 throughout dinner."

12 Okay. Defendant's Exhibit 19 also came in, and that was
13 a text from H.K.C on January 30th about meeting for dinner,
14 just the three of us. Of course it's several pages. And the
15 significance of Defendant's Exhibit 19, as compared with
16 Defendant's Exhibit 20, is that the father believed that the
17 mother had access to the children's phone and that some of the
18 texts that were allegedly sent from the children were actually
19 sent by the mother.

20 In Defendant's 19, the father believes that that did come
21 from the daughter, but he doesn't believe that Defendant's 20
22 came from the daughter. She was 13 years old when Plaintiff's
23 20 was sent, however, nearly 14 when 19 was sent.

24 And Defendant's 20 reads: "Look, Dad. This is kinda about
25 what H.K.C text to you." And this is coming from E.H.C,

1 had both realized that we didn't have homework tonight so it
2 would have been convenient. When and where would you like to
3 meet and please tell Mama and Dada that we say hi." And
4 that's the text from the older child, by about two years,
5 compared to a very mature text from E.H.C, who is younger and
6 doesn't speak in that manner.

7 And his testimony, specific, was "H.K.C was 11 years old
8 when the parties separated. He believed that someone else
9 drafted the text."

10 And then the father went on to testify about the
11 violations of visitation, the daughter's making plans. And I
12 have also referenced that. And he's put in a position to be
13 the bad guy by not letting the child go on the trip.

14 Okay. Defendant's 21 also came in. And this was
15 another -- a text that the father doesn't believe that the
16 child actually sent, using language "What are you envisioning
17 needing to happen for us to spend time alone with you?", even
18 though it was supposedly sent from H.K.C, and her also stating,
19 "I'm not comfortable with you coming at this point because I
20 want us to work on our relationship more before you start
21 coming to my events."

22 And then Defendant's 22 was actually the messages between
23 the mother at the dinner that was referenced from Mom saying,
24 "Keep your phone close to him if you are recording, please."
25 And then another message from Mom which says, "Please record

1 if you can." So that came in as Defendant's 22.

2 And then the last exhibit for the defendant that came in
3 on those -- that day was affidavit of attorney's fees, and
4 that would have been on December 11th.

5 The exhibits that came in on behalf of the plaintiff are
6 as follows:

7 As I referenced, Plaintiff's Exhibit 1, the judge will
8 not review this document, as it was not a part of Ms. Bayne's
9 records.

10 Plaintiff's 2 was a chat with Dad, and it's dated
11 April 4, 2017, and it's just some chats with Dad and H.K.C.
12 The significance of this coming in basically was, on April
13 10th, April 11th, during the spring break time, the plaintiff
14 sought to show that, even though the defendant indicated that
15 he didn't have the children -- child for spring break, that he
16 was communicating with them and that he knew, in fact, where
17 they were. So that was reflected basically through this
18 exhibit.

19 Plaintiff's 3, another chat with Hal. And this is
20 Michelle Capps' iPhone.

21 And then Plaintiff's Exhibit 4 is just pictures of Sherry
22 Capps with Hal Capps.

23 And Plaintiff's Exhibit 5, a letter from the Brittain Law
24 Firm to Anita Lee. Still the conflict between the counselors
25 and the judge needing to select a counselor for the children.

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[haleykathryyn]: rayenaish started a live video.
Watch it before it ends!



MESSAGES

19m ago

mom

Keep ur phone close to him if u r recording pls



MESSAGES

40m ago

mom

Pls record if u can



MESSAGES

1h ago

dad

To you & Emily

😊 here



MESSAGES

1h ago

Emily

To you & dad

Where r u



MESSAGES

1h ago

Emily

RECEIVED 800-831-8889

DEFENDANT'S
EXHIBIT

22

12/11/15 done

1 forbidden, restrained, and enjoined from degrading or
2 denigrating the other in the presence of the children.
3 Specifically, Plaintiff instructed the children to record
4 conversations with Defendant during his visitation as well as
5 encouraged them to not vacate Defendant's automobile until the
6 cellphone in issue, on which she had instructed them to record
7 their father, was located."

8 Now, I read that into the record. "This type of behavior
9 promotes disrespect, degradation, and denigration of the
10 father by the children with not just permission but the
11 insistence of Plaintiff. I find that Plaintiff is in willful
12 violation of the court order as it pertains to this
13 provision."

14 And we also have the exhibit of the mother telling the
15 children to record it, and I read into the record -- and it's
16 in my notes -- the incident that happened.

17 MS. DERRICK: In regards to those notes, the only thing I
18 have to add to that is that he admitted that he had told both
19 police officers that he did not have the cellphone of the
20 child and refused to return it on that evening after he had
21 taken it.

22 THE COURT: Absolutely he did because he wanted to get
23 proof that the mother had instructed the children to record
24 him, and that was inappropriate conduct. He admitted that he
25 told the police he didn't have it. In fact, it was with his

1 friend, Edward Friend. But he did what he thought was in the
2 best interest in terms of his best interest in proving that
3 the mother had violated the court order.

4 But even though -- okay, and you said -- yes, I agree
5 that he said that, but he also explained why he told the
6 police that, and I still don't think that that has any
7 difference in the Court's ruling in terms of finding your
8 client in willful violation for encouraging the children to
9 record their father and the findings that I made with respect
10 to Paragraph 7(i) -- well, 7(i) and 7 (j).

11 All right. Anything else you believe the Court failed to
12 address? And starting your cross-examination, Ms. Derrick,
13 let me just read that, because you did start your
14 cross-examination. And one question that I did note that you
15 asked -- now, let me get to my notes, because I have been
16 moving papers around.

17 Yeah, and you commented about the children not being
18 invited to his wedding, and you questioned him concerning
19 that, and my -- what he said was his wife -- well, his ex-wife
20 made a big scene at her father's wedding. He didn't want that
21 to occur at his, so he chose not to invite the children.

22 You did ask him if he thought it was appropriate for the
23 children to be placed in DSS custody, and he explained that by
24 stating what he said in his rule. It would hurt him for them
25 to learn that, but because of what Michelle is encouraging