

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF DU PAGE)

3 IN THE CIRCUIT COURT OF DU PAGE COUNTY
4 FOR THE EIGHTEENTH JUDICIAL CIRCUIT OF ILLINOIS

5 IN RE THE MARRIAGE OF:)
6)
7 THOMAS NEAL,)
8)
9 Petitioner,)
10)
11 and) No. 22 DC 915
12)
13 MARIO NEAL,)
14)
15 Respondent.)

16 REPORT OF PROCEEDINGS had at the
17 hearing of the above-entitled cause, before the
18 Honorable LUIS B. ARANDA, recorded on the DuPage
19 County computer based digital recording system,
20 DuPage County, Illinois, and transcribed by
21 Ellen E. Piccony, commencing on the 22nd day
22 of November, A.D. 2023.

23 PRESENT:

24 MR. KEITH E. ROBERTS, JR.,
 appeared on behalf of the Petitioner;

 MR. MARIO NEAL,
 appeared pro se; and

 MS. WENDY MUSIELAK,
 appeared as guardian ad litem.

Ellen E. Piccony, Official Court Reporter Lic. 84-2073

1 THE COURT: Good afternoon. Let the record
2 reflect that this is Case No. 2022 DC 915, In Re: the
3 Marriage of Thomas Neal and Mario Neal.

4 Counsels, will each of you be so kind
5 as to introduce yourselves and who you represent.

6 MR. ROBERTS: For the record, Chuck Roberts for
7 Tom Neal, who is also present in court.

8 MS. MUSIELAK: Good morning, your Honor, Wendy
9 Musielak, guardian ad litem.

10 THE COURT: Thank you. Mr. Neal, would you
11 introduce yourself.

12 THE WITNESS: Tom Neal, Judge.

13 THE COURT: Thank you. The matter comes before
14 the Court for hearing on Petitioner's motion to compel
15 the Respondent's participation in a Section 604.10(c)
16 evaluation.

17 And have we heard from the Respondent?

18 MR. ROBERTS: No, Judge. Your Honor, I have Dr.
19 Hatcher, who actually is in the great state of South
20 Carolina today, and he is logging in via Zoom. It was
21 not possible to get him to Illinois. As the Court may
22 recall, this matter was just set, I think, last week
23 maybe sometime, Judge.

24 THE COURT: I will open up Zoom, and -- good

1 morning, Mr. Neal. Would you be so kind as to
2 introduce yourself.

3 MR. MARIO NEAL: Mario Neal, representing myself.

4 THE COURT: Thank you. And the matter again comes
5 before the Court for hearing on the Petitioner's motion
6 to compel the Respondent's participation in the Section
7 604.10(c) evaluation. And, Mr. Neal, you were given
8 the opportunity to respond back on October 17th. You
9 were given 21 days to respond. I didn't see a
10 response; is that accurate?

11 MR. MARIO NEAL: So I responded, but I just filed
12 it right now. I just finished it, because I couldn't
13 do it in my home, so then I had to -- I already
14 submitted it.

15 THE COURT: All right. Did you provide a copy to
16 Mr. Roberts?

17 MR. MARIO NEAL: He has a copy. I can give him
18 another copy as well.

19 THE COURT: Mr. Roberts, are you in receipt of a
20 copy of the response?

21 MR. ROBERTS: Judge, I don't --

22 MR. MARIO NEAL: I had probably handed --

23 MR. ROBERTS: Well, this says motion for default,
24 which is not the matter that is set for hearing this

1 afternoon.

2 MR. MARIO NEAL: Correct.

3 MR. ROBERTS: I don't know what basis Mario Neal
4 would have to seek an order of default against Tom
5 Neal. But in any event, I have not seen a responsive
6 pleading to my motion to compel participation with the
7 604.10(c).

8 THE COURT: The matter specifically set for
9 hearing this afternoon -- Dr. Hatcher, are you there,
10 sir? Good afternoon, Dr. Hatcher. I just wanted to
11 let you know that we are going through some preliminary
12 things, right now. If you could remain on Zoom, I will
13 come back, sir.

14 We were just wondering if Mr. Mario
15 Neal was going to appear on Zoom, but he's here in
16 person. So I will come back to Zoom, okay, sir? Thank
17 you.

18 So, Mr. Mario Neal, what I'm looking
19 for is -- and if you didn't, you didn't do it, I just
20 wanted to make sure you were given time to respond to
21 the Petitioner's motion to compel --

22 MR. MARIO NEAL: Correct.

23 THE COURT: -- the Respondent's participation in
24 the 604.10(c) evaluation.

1 MR. MARIO NEAL: So, your Honor, again, forgive
2 me. I'm just still learning this whole process. But
3 when I received the second motion or the second
4 response, the second default, I thought I was supposed
5 to answer that, and so I did answer that. And so I
6 provided my responses to why I had not seen Dr.
7 Hatcher, what's been going on.

8 And I answered all that on the motion
9 for default, because I thought that was where I was
10 supposed to respond. So all the responses that I
11 provided in regards to the reasons why are in that
12 instead of the other motion.

13 But, I mean, it's similar except that
14 I didn't put it, I guess, in the correct motion. Does
15 that make sense? But if -- on the one I just filed it
16 has, you know, responses. I put an appendix, evidence
17 as to why, and that's all been filed. And I provided
18 it to Mr. Roberts last time I was here, a copy of all
19 of that, and he I had it.

20 THE COURT: And that's your response to the motion
21 for default?

22 MR. MARIO NEAL: Well, it was -- so, again, your
23 Honor, when I received the motion for default, I
24 thought that, you know, that was the motion that I was

1 supposed to respond, because it was like a continuation
2 of the other one.

3 THE COURT: Well, the Court's going to open up the
4 motion for default. It indicates Mario's appearance
5 was due to be filed on or before November 7, 2023. As
6 of the date of filing of this motion, Mario's failed to
7 and refused to file an appearance. As a result of
8 Mario's refusal to file his appearance and participate
9 in this case, Mario should be held in default. Order
10 of default should be ordered against Mario and the
11 cause should be set over for proveup. That's what the
12 motion for default says.

13 MR. MARIO NEAL: Yes. Well, again, that was when
14 I just got -- obviously going forward, I have become
15 familiar with all this process, and I'm pretty aware of
16 what to do next. But that was the first time I had
17 responded to anything, and so I do apologize. I
18 just -- I did -- I thought when I received that motion
19 that, you know, the second one it was that I needed to
20 respond, so I incorporated my responses into that
21 motion of default.

22 And if you notice on that motion, I
23 did -- there are -- there was some statements that were
24 made, and then I just followed and responded to those

1 statements, and provided, you know, evidence to why.

2 So I guess it didn't --

3 THE COURT: Your motion for default?

4 MR. MARIO NEAL: Yes.

5 THE COURT: The reason that I'm asking more
6 questions is because I don't even see your response
7 filed.

8 MR. ROBERTS: It wasn't, Judge. As of two hours
9 ago, there was nothing in the file other than a motion
10 that was filed, this morning related to counseling for
11 the children, which wasn't noticed up. But at least
12 that one was filed.

13 MR. MARIO NEAL: If I -- I do have it. I just did
14 it, and it's been filed. So I have all the -- this is
15 what was -- just so you know, your Honor, this is what
16 was filed.

17 THE COURT: Hold on, sir. You were here October
18 17th, correct?

19 MR. MARIO NEAL: Yes

20 THE COURT: That was the day your attorney
21 withdrew; is that correct?

22 MR. MARIO NEAL: That's correct.

23 THE COURT: And on that date, the Petitioner
24 presented their motion to compel your participation in

1 the 604.10(c) evaluation.

2 MR. MARIO NEAL: That's fair.

3 THE COURT: And that order provided you 21 days to
4 file your substitute appearance.

5 MR. MARIO NEAL: Correct.

6 THE COURT: And 21 days to file your response to
7 the motion to compel.

8 MR. MARIO NEAL: Correct.

9 THE COURT: So at that time, sir, there was no
10 motion for default. You were given 21 days to file
11 your substitute appearance.

12 MR. MARIO NEAL: Okay.

13 THE COURT: And your response to the motion to
14 compel. That would have been due -- both substitute
15 appearance and response --

16 MR. MARIO NEAL: Okay.

17 THE COURT: -- by November 7th.

18 MR. MARIO NEAL: So -- and so what -- on the day
19 that my attorney withdrew, I was given a copy of that
20 motion that you're rearing to, the one that, you know,
21 obviously was asking -- you know, the one you were
22 looking to answer, I had at my home, a stack of all
23 this stuff, and my house was broken into. It's the
24 fourth time, and it's under investigation.

1 But, anyway, they took the only copy I
2 had, because my attorney -- so I didn't have it. So,
3 again, I didn't -- so I then -- when I received the
4 motion of default, that's what I answered because I
5 didn't have anything. And then I do have, you know,
6 the --

7 THE COURT: Did you seek to get another copy from
8 the clerk's Office?

9 MR. MARIO NEAL: So when this happened -- so I --
10 when I received the motion of default. So I just sort
11 of --

12 THE COURT: The motion for default?

13 MR. MARIO NEAL: The reason why -- so I did that,
14 I did do -- the motion of default was filed on the --
15 like before we had the court date. The motion of
16 default was filed, I forget, but it was -- so it was
17 filed back -- I sent an e-mail to Wendy, it was sort of
18 retaliation for what I've done. But that motion was
19 submitted within hours after I sent an e-mail to Wendy.
20 So that motion of default was sent, and I have that on
21 the day --

22 THE COURT: But the motion for default wasn't
23 filed until after your 21 days, right?

24 MR. ROBERTS: Right.

1 MR. MARIO NEAL: Correct.

2 THE COURT: So even if you didn't have a copy of
3 the motion to compel, you still knew that as of October
4 17th you were given 21 days to file your substitute
5 appearance and 21 days to respond to the motion. So
6 even though something may have happened to the motion
7 to compel, you still knew in your mind that you had 21
8 days to file your appearance and 21 days to file that
9 response.

10 And your appearance, as you have been
11 aptly able to do, is filed with the clerk's office,
12 just like the motion that you recently filed, right?
13 And just like you filed you're appearance.

14 MR. MARIO NEAL: Yes.

15 THE COURT: And the question I have is, given that
16 21 days --

17 MR. MARIO NEAL: Yeah.

18 THE COURT: -- that ran on November 7th.

19 MR. MARIO NEAL: Correct.

20 THE COURT: And that was the only motion that
21 pending during those 21 days --

22 MR. MARIO NEAL: Yes, that's correct.

23 THE COURT: -- why didn't you file your appearance
24 and why didn't you file your response during that time?

1 MR. MARIO NEAL: So -- and that's part of just my
2 confusion. So when I saw that, you know, the -- when I
3 got an update that I had a court hearing on the 17th or
4 whatever that was, I was, you know, under the
5 understanding that is when all that was supposed to be
6 submitted.

7 And so, you know, I didn't understand
8 that, you know, what it was that I was supposed to be
9 doing prior to that. I was under the impression that
10 everything was supposed to be submitted on the day of
11 when I came to the court. So that's when I came on the
12 date of court.

13 THE COURT: When you came to court --

14 MR. MARIO NEAL: Correct.

15 THE COURT: -- that was because you received a
16 notice of motion for default, right? That's how you
17 knew to come November 14th? It was also set for status
18 on the case. But what I'm confused about is, I haven't
19 heard why, within the 21 days that you received, you
20 didn't file your response. That was more than two
21 weeks ago.

22 MR. MARIO NEAL: So like I said, I was confused
23 about that. I was -- you know, when I -- I didn't --
24 like I said, when the documents, all my stuff went

1 missing, were taken, I then was following -- you know,
2 depending on what I was getting from the court to know
3 what to do next. And that was just when I first -- my
4 attorney had withdrawn, and I had no idea what I was
5 doing, right?

6 THE COURT: Did you seek out any counseling?

7 MR. MARIO NEAL: I did. In fact, I had searched
8 for different attorneys to try to help to represent me,
9 but I had -- I'm having a very difficult time having
10 someone to represent me for a variety of reasons. And
11 so I had spent this entire time trying to figure out
12 how to get legal representation for that.

13 And then -- so that day that, you
14 know, I was still very confused as to what the process
15 was going to be. And that is not an excuse, but I was
16 trying to understand what it is that I needed to do and
17 what was it that I needed to file. And when I saw
18 that --

19 THE COURT: Let me ask this.

20 MR. MARIO NEAL: Yeah.

21 THE COURT: You were also here November 14th,
22 correct?

23 MR. MARIO NEAL: Yes.

24 THE COURT: That was the date that the matter was

1 set for status on Dr. Hatcher's report, and it was also
2 set for the presentation of the motion for default.

3 MR. MARIO NEAL: Okay.

4 THE COURT: You were here, right?

5 MR. MARIO NEAL: Yes. Now I understand.

6 THE COURT: And you said that day you were going
7 to file your appearance, right?

8 MR. MARIO NEAL: Correct.

9 THE COURT: Why didn't you even mention to the
10 Court then that you didn't realize the time -- the 21
11 days had passed and you hadn't yet filed your response
12 to the motion to compel? Because, understand, the
13 Court works very diligently to be impartial, right?

14 MR. MARIO NEAL: Yes.

15 THE COURT: You want impartiality.

16 MR. MARIO NEAL: Correct.

17 THE COURT: And if you have an attorney or not,
18 you shouldn't be treated any differently than somebody
19 that has an attorney.

20 MR. MARIO NEAL: Okay.

21 THE COURT: Somebody that has an attorney
22 shouldn't be dealt with any differently than someone
23 who doesn't have an attorney.

24 MR. MARIO NEAL: Correct.

1 THE COURT: The parties should be fair, right?

2 MR. MARIO NEAL: Yes, sir.

3 THE COURT: So when this was set for hearing back
4 on November 14th --

5 MR. MARIO NEAL: Yes.

6 THE COURT: -- there was no indication from your
7 side that you still had an intention to file a
8 response. And here we are today, and I've haven't been
9 given a courtesy copy of your response. And the reason
10 being is because it wasn't filed until today.

11 If the shoe was on the other foot, and
12 Mr. Roberts filed a response to your motion that was
13 set for hearing today, and you didn't get the
14 opportunity to review it and to be able to argue it
15 appropriately, would you feel that's fair?

16 MR. MARIO NEAL: No, but --

17 THE COURT: Would you feel that's fair?

18 MR. MARIO NEAL: No, that wouldn't be.

19 THE COURT: So that's the position we're in today,
20 is that you were given 21 back on October 17th.

21 MR. MARIO NEAL: Correct.

22 THE COURT: That ran November 7th. You didn't
23 file either your appearance or response by that date.
24 So a week later, the motion for default was presented

1 to bring to the Court's attention that you didn't file
2 your appearance.

3 And as a result, you filed your
4 appearance, but there was no mention about your
5 response, only I recall specifically you said, Judge, I
6 want to respond to your motion -- to the motion for
7 default, and I said that was fine. And the motion for
8 default was entered and continued to a future date, one
9 of the matters to be reset today.

10 MR. ROBERTS: Yes, I understand.

11 THE COURT: Right? So throughout all of that,
12 there was no mention of any response you were to have,
13 and so --

14 MR. MARIO NEAL: But --

15 THE COURT: -- if the Court's being asked to
16 disregard all of that and still allow you to present
17 your response; would that be fair to both sides?

18 MR. MARIO NEAL: No, your Honor. And just to add
19 to that, so on that day that we came, I -- you know,
20 I -- remember, I mentioned that I -- on the default I
21 responded as if it was the other motion. And then I
22 gave a copy of that to Mr. Roberts and also to his son,
23 that had -- you know, even though it was not
24 technically filed, I gave him a copy of it. And the

1 one that you see today that has -- that he had a copy
2 of it. In fact, I gave him two copies of it on that
3 date.

4 THE COURT: Is that response titled in some
5 fashion?

6 MR. MARIO NEAL: It's the same thing that I have
7 here.

8 THE COURT: Right. What's the title?

9 MR. MARIO NEAL: Motion for default. And so I --

10 THE COURT: So you filed a motion for default.

11 MR. MARIO NEAL: I responded to the motion to
12 default, thinking that's what I needed to respond, and
13 that's what I brought that day, and I gave a copy to
14 Mr. Roberts.

15 THE COURT: And you understand that if Mr. Roberts
16 received your motion for default, there was no
17 expectation that was necessarily a response to the
18 motion to compel, because you were seeking a default.
19 That's what that motion apparently is entitled. I've
20 not seen it, but if it's entitled a motion for default,
21 one would believe that that's what you were seeking is
22 a default.

23 MR. MARIO NEAL: Which I -- and that was my
24 misunderstanding.

1 MR. ROBERTS: And that's what it says, Judge,
2 motion for default. Now comes the Defendant, Mario,
3 and for his motion to hold Plaintiff, Tom Neal, in
4 default states as follows. It's not a response to --

5 THE COURT: And that preparatory paragraph -- and,
6 again, I have not seen it, it's not filed. And, trust
7 me, I prepare for all of my hearings. I went back and
8 took a look electronically to make sure if for some
9 reason I didn't get your courtesy copy of your response
10 that I would have it. There is nothing currently
11 showing being filed, and if you did happen to file it
12 before coming into the courtroom today, that's why it's
13 not showing. But the preparatory paragraph that
14 Mr. Roberts just read clearly sounds like you were
15 seeking a default against Mr. Tom Neal.

16 MR. MARIO NEAL: That was my mistake.

17 THE COURT: So to me that does not sound like a
18 response to this motion. So the Court is going to
19 proceed with the hearing and hear from Mr. Roberts, any
20 witnesses he wishes to call, and I will hear from you,
21 and then we will rule, okay?

22 MR. MARIO NEAL: Thank you.

23 THE COURT: I wanted to give you a clear
24 understanding --

1 MR. MARIO NEAL: I do have it.

2 THE COURT: -- on why I am not reviewing that,
3 because that appears to be unrelated to this motion.
4 Certainly the way it's captioned.

5 MR. MARIO NEAL: Yes.

6 THE COURT: All right. Again, the matter comes
7 before the Court for hearing on the Petitioner's motion
8 to compel the Respondent's participation in a Section
9 604.10(c) evaluation.

10 Mr. Roberts, sir, this is your --
11 Petitioner's motion. Is there any opening argument you
12 wish to have or any witnesses you wish to call.

13 MR. ROBERTS: Judge, we can just move right into
14 the hearing. I will call Dr. Roger Hatcher.

15 THE COURT: The Court is going to open Zoom to
16 allow for Dr. Hatcher to appear.

17 Ms. Musielak, do you happen to have
18 Dr. Hatcher's phone number?

19 MS. MUSIELAK: I think I do. I can go out and
20 call. You may have -- when you ended the meeting, you
21 may not have logged back in.

22 THE COURT: Thank you, Ms. Musielak.

23 (Whereupon, a recess was had, after
24 which the hearing resumed as

1 follows:)

2 MS. MUSIELAK: He did not anticipate -- wait, he's
3 calling me back right now. But I also sent an e-mail,
4 just because I thought maybe he didn't have his phone.
5 But I'll go -- if he doesn't log in right now, I'll
6 call him back. I'll try again.

7 (Whereupon, a recess was had, after
8 which the hearing resumed as
9 follows:)

10 MS. MUSIELAK: He didn't answer, but I'm going to
11 assume maybe he's logging back in.

12 THE COURT: Mr. Roberts, do you anticipate calling
13 another witness?

14 MR. ROBERTS: I do, Judge. I will be calling
15 Mario Neal.

16 THE COURT: Why don't we do this, just for the
17 sake of expediency, the Court will note that Dr.
18 Hatcher did appear on Zoom when the matter was first
19 called. I was concerned that maybe Mr. Mario Neal
20 believed that this was a Zoom hearing, so I opened up
21 Zoom, and Dr. Hatcher was there. And while I was
22 advising Dr. Hatcher that we would be proceeding to
23 hearing, Mr. Mario Neal did come in.

24 So I advised Dr. Hatcher that I would

1 be disconnecting from Zoom in order to preserve his
2 testimony while we had another discussion about the
3 hearing. So what we are going to do is progress to the
4 second witness, and when Dr. Hatcher comes back on, we
5 will take a break from that second witness to go to Dr.
6 Hatcher's testimony, and then complete the second
7 witness.

8 Mr. Roberts, when you're ready, sir.
9 Do you wish to call a witness?

10 MR. ROBERTS: I'd like to call Mario Neal as an
11 adverse witness.

12 THE COURT: Mr. Neal, if you'd kindly make your
13 way to the witness stand.

14 MR. MARIO NEAL: Sure.

15 THE COURT: Remain standing and then raise your
16 right hand to be sworn. You can remain standing for
17 now, sir. Raise your right hand.

18 (Witness sworn.)

19 THE COURT: Mr. Mario Neal, the chair has wheels
20 on it, so just be careful as you're getting in and out.
21 And then what appears to be a microphone is actually a
22 recording device. If you can do exactly what you just
23 did, move forward to it and keep your voice up.

24 THE WITNESS: All right.

1 THE COURT: And, Mr. Roberts, when you're ready,
2 sir.

3 MARIO NEAL,
4 the Respondent herein, having been first duly sworn,
5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. ROBERTS:

8 Q. Mr. Neal, you're married to Tom Neal?

9 A. That's correct.

10 Q. And how old are you, sir?

11 A. 40 years old.

12 Q. You have seen the combined motion that was
13 filed by Tom Neal for a 604.10(c) evaluation and Rule
14 215 mental exam? You've seen this motion, sir?

15 A. Yes.

16 Q. And it was filed on April 10th of 2023?

17 A. That's correct.

18 Q. I'm going to show you what has been marked as
19 Plaintiff's -- I guess it's actually Petitioner's 1.
20 And this is -- first of all, sir, can you tell us, do
21 you recognize this as a copy of the motion?

22 A. I believe that's correct; I recognize that.

23 Q. And I'll have you take a look at the back of
24 it. And attached is Exhibit D; it's Petitioner's 1,

1 and it is a copy of a curriculum vitae for Dr. Hatcher;
2 is that right?

3 A. That is correct.

4 Q. And does the first page of the CV state Dr.
5 Hatcher's business address, as well as his business
6 telephone?

7 A. That is correct.

8 Q. All right. Mr. Neal, are you refusing to
9 cooperate with Dr. Hatcher's evaluation?

10 A. No, I'm not.

11 Q. You have canceled several appointments with
12 Dr. Hatcher.

13 A. That's incorrect. If I might answer, Dr.
14 Hatcher asked me -- that he wanted to see me on a
15 certain date, and I said I already have prior
16 commitments, I can't make it. He said, well --

17 Q. Mr. Neal, let me ask you to stop there. The
18 question, sir, is, have you scheduled a follow-up
19 appointment with Dr. Hatcher?

20 A. I scheduled an appointment with Dr. Hatcher.

21 Q. When was that?

22 A. I mean, I would have to go look, but the first
23 initial -- we had contact, and then we had a follow-up
24 appointment. In fact, it was at 4:00 o'clock. He

1 called me --

2 Q. Mr. Neal, do you have appointment scheduled to
3 see Dr. Hatcher?

4 A. No. He's refused to answer me e-mails. I
5 sent him four e-mails; he has not responded to a single
6 one.

7 Q. Can I see the four e-mails, please.

8 A. Of course.

9 THE COURT: May he step down, Judge?

10 THE COURT: You may.

11 MS. MUSIELAK: Judge, if I may, that was Dr.
12 Hatcher, and he says that he's logged in and it says
13 it's waiting for the host to start. If I'm looking at
14 this correctly, we may be on Monday's date and not
15 today's.

16 THE COURT: You are correct. All right.
17 Mr. Neal, you can have a seat, sir. We will allow you
18 to take a look for those e-mails. But based on the
19 Court's error, Dr. Hatcher likely remained on the Zoom.
20 The Court logged in -- it's confusing because we
21 already had Monday's Zoom connection on, and another
22 one for November 30th, doesn't even relate to the
23 Court's call. So I'm going to allow Mr. Mario Neal to
24 step down. We will continue with questioning as to

1 Mr. Mario Neal after we allow for Dr. Hatcher's
2 testimony.

3 Good afternoon, Dr. Hatcher, my
4 apologies. I did not see that my screen had already
5 prepopulated a connection for next Monday. So I was
6 connected to that Zoom, and did not have you connected,
7 sir.

8 Would you be so kind as to unmute to
9 identify yourself. Dr. Hatcher, I can still see that
10 you're muted. Can you hear me?

11 THE WITNESS: Can you hear me now?

12 THE COURT: I can, yes, sir. Thank you. Again,
13 my apologies.

14 Mr. Roberts, are you seeking to call
15 Dr. Hatcher as a witness?

16 MR. ROBERTS: Yes, sir.

17 THE COURT: Dr. Hatcher, would you kindly raise
18 your right hand to be sworn.

19 (Witness sworn.)

20 THE COURT: Thank you. And, Mr. Roberts, whenever
21 you're ready, sir.

22 ROGER HATCHER, Ph.D.,
23 called as a witness herein, having been first duly
24 sworn, was examined and testified as follows:

1 DIRECT EXAMINATION

2 BY MR. ROBERTS:

3 Q. Good afternoon, Dr. Hatcher.

4 A. Good afternoon.

5 Q. You are licensed as a clinical psychologist in
6 the great State of Illinois?

7 A. I have been continuously since 1975.

8 Q. Doctor, in your approximate 50-year career, is
9 it fair to say that you have performed hundreds of
10 custody evaluations?

11 A. More than 1,000, perhaps 1,500.

12 Q. Did you receive an assignment to perform a
13 604.10(c) in the Neal dissolution case?

14 A. I did.

15 Q. Have you met with Tom Neal?

16 A. I did.

17 Q. Has Tom Neal been cooperative with the
18 process?

19 A. He was.

20 Q. Have you met with Mario Neal?

21 A. I did.

22 Q. On how many occasions?

23 A. One occasion.

24 Q. Does Mario Neal have any future appointments

1 scheduled with you?

2 A. No.

3 Q. Has Mario Neal sent you four e-mails
4 requesting that you schedule an appointment with him?

5 A. No.

6 Q. During your initial interview with Mario Neal,
7 was that on October 4th of this year, sir, 2023?

8 A. Yes.

9 Q. And in that initial interview, did you explain
10 the evaluation process to Mario Neal?

11 A. I did. It's always my procedure from the very
12 first appointment, very beginning of the appointment, I
13 spend 15 or 20 minutes and go over the entire
14 procedure.

15 Q. And during that initial meeting, did you take
16 some history from Mr. Mario Neal?

17 A. I did.

18 Q. And did you schedule two further sessions with
19 him?

20 A. I did.

21 Q. Was anyone else in the room with you during
22 that initial interview?

23 A. No.

24 Q. Did you have any assistants in the room?

1 A. No. I was in my home office. As a matter of
2 fact, it's in the room I'm in at this moment. This is
3 my home office, and I was alone in my office. My wife
4 was in the house. I have no recollection of hearing
5 her, but she definitely was not in the room. No one
6 was in the room with me.

7 Q. Did anything irregular happen in regard to the
8 Neal evaluation on or about October 4th of 2023?

9 A. Well, unusual in the sense that Mr. Neal
10 expressed a great deal of trepidation about the
11 evaluation and about any relationship that I might have
12 with the guardian, with you, with his own attorney, or
13 with Tom Neal. He indicated that he was afraid that he
14 was being conspired against, and that people were
15 taking advantage of him in the court, and he was
16 obviously distressed by what had been going on. He
17 indicated it was exhausting.

18 Q. Did Mario Neal send you any e-mails on or
19 about October 4th of 2023, regarding the evaluation?

20 A. Yes. He sent -- we had a series of e-mails
21 back and forth. We were trying to clarify an
22 appointment. I was trying to clarify further
23 appointments. He indicated in his e-mails that he
24 distrusted me, and that he could tell from the very

1 beginning and the very first day, the very first
2 appointment, that I was out to get him or that I was in
3 league with other people to get him.

4 Q. And is there any truth to that accusation,
5 sir?

6 A. No, there's no truth to it whatsoever.

7 Q. Did Mario Neal at some point ask you to recuse
8 yourself so that you could avoid professional
9 embarrassment in this case?

10 A. He did. It was in one of his e-mails when I
11 was trying to get it figured out about an appointment.
12 One of the first e-mails said that he wanted me to
13 recuse myself because he knew that I was somehow
14 compromised.

15 Q. Are you in any way compromised, Doctor?

16 A. No, I -- based on his correspondence with me,
17 I contacted you by e-mail and explained what had
18 happened, and that I couldn't go forward.

19 Q. And what was the reason you could not go
20 forward?

21 A. He would not cooperate with coming in.

22 Q. And, sir, when you say he would not cooperate,
23 are we referring to Mario Neal?

24 A. Mario Neal would not cooperate.

1 Q. Is there anything at this point in time,
2 Doctor, that would keep you from moving forward with
3 the evaluation if you could obtain the cooperation of
4 Mario Neal?

5 A. No, There's nothing that would stop me from
6 doing it. There's no ethical or conflictual reason why
7 I would not be able to do it.

8 Q. So you're ready, willing and able to proceed
9 if you can get the cooperation of the parents; is that
10 correct?

11 A. Correct. I was responding to a court order
12 appointing me. I met with both parties. One of them
13 was responsible for the fees for the evaluation, and
14 has made payment toward those fees. But that was not
15 Mario; that was Thomas Neal. So I'm kind of under way
16 in this thing right now, and I would like to have it
17 settled for my own standpoint. I'd like to it settled
18 as to whether we are going to go forward or not.

19 Q. Doctor, if the Court were so inclined this
20 afternoon as to direct Mario Neal to get appointments
21 scheduled with you, what kind of time frame would you
22 be available within to carry out those meetings?

23 A. I could most likely be finished by the end of
24 the month, end of December I'm talking about, if he can

1 make the appointments.

2 Q. Doctor, would you -- I'm just going to make a
3 suggestion, and I have no idea what your schedule looks
4 like. Would you be available for your next meeting
5 with Mario Neal within the next 7 to 14 days?

6 A. I'd be available next -- I would be available
7 next Friday -- next Wednesday -- I'm sorry, Wednesday
8 the 29th. I could also be available on Thursday the
9 30th at midday. After that I would be available on the
10 6th and again on the 7th of December. I would also be
11 available on the 16th of December, and there may be
12 other days beyond that.

13 I'm going to back up for a moment and
14 say that I would hope I could get all of the
15 appointments in by the end of December, but certainly
16 it would be by the end of the second week of January,
17 if it was not at the end of December.

18 Q. Doctor, I don't want to tie your hands in any
19 way or ask you to make a commitment that's unfair at
20 this point, but if you were to going to make an
21 approximation, how many sessions do you think that you
22 will need with Mario Neal? Can you give us an
23 approximate answer to that?

24 A. I can tell you that most situations like this,

1 in this type of evaluation, I see the individuals
2 between six and eight times, each time for an hour to
3 two hours. And on top of that, there's psychological
4 testing that is in addition to the time scheduled.
5 Those appointments would also include, in this case,
6 because of the ages of the children, one appointment
7 where he would bring the children so I would have an
8 opportunity to observe the children and him together.
9 Because of their ages, it would be only one time. I
10 would do the same thing, of course, with Thomas Neal.

11 Q. Doctor, when you said he would bring the
12 children, were you referring to Mario Neal?

13 A. I meant Mario Neal. And, of course, I would
14 have Thomas Neal also bring the children on one
15 occasion for me to observe them as well.

16 Q. In your e-mail to me indicating the lack of
17 cooperation from Mario Neal, you had also raised a
18 potential concern regarding the Neal children; is that
19 correct?

20 A. Correct. I was concerned about the mental
21 condition of the father and some of the statements that
22 he had made to me have in the first appointment about
23 the children being abused. His emotional reactivity
24 was pretty striking. His belief system is very genuine

1 that he's being conspired against, and so that would
2 have an affect on the children.

3 I asked him about the condition of the
4 children, and he talked about the behavior and
5 emotional difficulties that the children are having
6 currently, especially the two younger ones, the twins,
7 that he sees as being disruptive and angry. He thinks
8 that his younger daughter, Lily, has become dishonest
9 and tricky in the past few months. He had a number of
10 concerning statements about the children's emotional
11 condition.

12 Q. Doctor, when you said those statements
13 regarding the father, were those statements regarding
14 Mario Neal? Since I've got two fathers, I'm trying to
15 keep the record clear.

16 A. What I said is that Mario had made statements
17 that Thomas had abused one or more of the children, as
18 well as his own father, that is Thomas' own father. He
19 had made statements that the children were upset,
20 didn't want to spend time with him. But at the same
21 time, Mario made statements that the children were
22 behaviorally and emotionally upset at home, especially
23 the two younger children who had difficulties
24 controlling their emotions and their behavior.

1 Q. And as far as your observations regarding the
2 mental well-being of either of the parents, are those
3 observations regarding Mario Neal or Tom Neal?

4 A. They had to do with Mario Neal. Based on the
5 limited contact I had with him, I have reservations
6 about his ability to proceed in a cooperative way, due
7 to his emotional condition. I think he needs
8 an evaluation. And I think this is what I suggested
9 to you and to the guardian. I think he needs to be
10 evaluated for emotional stability immediately.

11 Q. Would that be an evaluation pursuant to Rule
12 215?

13 A. Yes, that's what I think I recommended in the
14 e-mail to you.

15 Q. Doctor, is there anything else regarding your
16 preliminary thoughts at this time regarding the Neal
17 family, or have we covered --

18 A. Well, yes. I don't know -- I don't know
19 what's going on with him. I have no clear idea. But I
20 do know, because I reviewed some of his psychiatric
21 records from a psychiatric and substance abuse
22 treatment program, that he's had significant
23 psychiatric and substance abuse problems in the past
24 couple of years. I don't know whether he is compliant

1 with treatment at this point. I don't know if he's
2 using medications properly at this point. I don't
3 know, but his behavior is disturbing.

4 MR. ROBERTS: Judge, I think that's all I have for
5 Dr. Hatcher at this point.

6 THE COURT: Thank you.

7 MR. MARIO NEAL: Your Honor, may I call Dr. --

8 THE COURT: Yes. So this is called cross
9 examination, Mr. Mario Neal, and you do have the
10 ability to cross examine Dr. Hatcher. And what I'm
11 looking for is questions, not statements.

12 MR. MARIO NEAL: Okay.

13 THE COURT: When you're ready, sir.

14 CROSS EXAMINATION

15 BY MR. MARIO NEAL:

16 Q. Dr. Hatcher, do you have a practice that is a
17 physical practice that -- where you see your patients?

18 A. Do I have a physical location?

19 Q. Yes.

20 A. Yes, of course.

21 Q. My question is, who is in that practice? Who
22 is physically present there?

23 A. At my office location?

24 Q. Besides yourself.

1 A. No one.

2 Q. Because when I was given -- I was asked to
3 call your office to make an appointment, and some lady
4 answered that appeared to be a secretary and had no
5 idea what it is that I've was asking for. And so I
6 reached out to my attorney to get a copy of the order,
7 because she was really lost.

8 So who is this lady who I was talking
9 to?

10 A. When you called -- I don't know which number
11 you called, but you must have called the old office
12 number, the general office number when I had a group
13 practice, which I haven't for five, six years, at
14 least.

15 Q. Because --

16 A. But all of those calls to me are transferred
17 to an office which I'm not associated with, except to
18 the degree that they take secretarial calls. It's part
19 of an agreement I had with the person who took that
20 practice over, and so that they will pass messages on
21 to me if they get -- if they somehow avoid getting me
22 more directly, I can get the message from them.

23 So you apparently had called an office
24 number that was forwarded to the office number of Whole

1 Family Health in Yorkville, which is Dr. Drummond's
2 practice. And that secretary, who she worked with me
3 for years, would take that call and pass on a message
4 to me.

5 Q. Does she set up appointments for you?

6 A. No.

7 Q. Because when I called, she -- you know, she
8 was aware of your services and she wanted -- in order
9 for me to proceed to schedule an appointment with you,
10 she wanted to see a copy of the order that was given to
11 start treatment. And so I reached out to my attorney
12 to get a copy of the order. I e-mailed that to her.
13 She provided an e-mail, and she responded that --

14 MR. ROBERTS: I'll object at this point.

15 THE COURT: Mr. Mario Neal, that's why I began the
16 opportunity for you to do cross examination by saying
17 this is an opportunity for you to you ask questions,
18 not make statements.

19 MR. MARIO NEAL: Thank you, I appreciate that.
20 I'm sorry about that.

21 BY MR. MARIO NEAL:

22 Q. So, Dr. Hatcher, going on, did I -- did you
23 show up to the right time when we first made the second
24 appointment? We spoke once, then we set up a time to

1 meet. Did we set up a time to speak at 4:30? What
2 time did you call me?

3 A. On the first occasion I spoke -- I called you
4 earlier than that, than the time that was scheduled. I
5 think it was 4:00 o'clock, and I had in my mind --
6 again, it was in this office, not at my office
7 location. And I had it in my mind it was earlier, so I
8 called about an hour earlier, and you responded right
9 away.

10 Q. So I did say -- because you called, and I did
11 say, can you please confirm the time. And you
12 confirmed that it was at --

13 A. 4:00 o'clock or whatever time it was, yes.

14 Q. I was outside doing work, and I, of course,
15 took the call. And then so we proceeded with the call.
16 And then I did ask you to begin with, I said, I have
17 some concerns regarding the -- you know, the conflict
18 of interest. And what questions did I ask you to
19 address some of those concerns?

20 A. You wanted to know if I had any prior
21 relationship with the attorneys in this matter,
22 specifically with Mr. Roberts or with your attorney,
23 Mr. Cherney, or with the guardian ad litem, Wendy
24 Musielak or with Tom Neal.

1 Q. And what was your response?

2 A. I told you that I was familiar -- I had no
3 relationship, no prior relationship or understanding or
4 awareness of Tom Neal. I told you that I was familiar
5 with Mr. Roberts, because he's served as a guardian ad
6 litem in several cases over the past few years in which
7 I was involved. I told you I was familiar with Wendy
8 Musielak because I remember she was a co-counsel in a
9 matter that I was involved with about two or three
10 years ago.

11 Q. Do you recall --

12 A. I'm not done.

13 Q. I'm sorry.

14 A. I also told you that I knew who Mr. Cherney
15 was. I had met him at some distant time in the past,
16 but I did not know him on any kind of speaking basis.

17 Q. That's correct. Okay. So you recall what you
18 said to me when I did ask what were your thoughts, or
19 did you know anything else about Mr. Roberts. And what
20 was your response?

21 A. I said that I understood him to be a
22 well-respected guardian ad litem in the DuPage County
23 area.

24 Q. Okay. Did you recall telling me that he was a

1 successful attorney, that you guys worked together on
2 many cases, and that you thought that he was phenomenal
3 and so forth, like just -- you know, that you just
4 spoke very highly of him; is that true?

5 A. What I just told you is what's true. I told
6 you he was a well-respected attorney in the community,
7 and I knew him from some cases I had been involved
8 with.

9 Q. Okay.

10 A. I'm quite certain I didn't refer to
11 Mr. Roberts as phenomenal in any way, shape or form.

12 Q. I mean, did you say he was a very successful
13 attorney, and you guys had worked together on many
14 cases, and so you were aware --

15 A. No.

16 Q. That's the notes I have. So going on, and so
17 then what was your response when I asked you about
18 Wendy?

19 A. I think I just testified to that.

20 Q. Do you recall ever telling me that she also
21 was a successful attorney and so forth? Do you recall
22 having that conversation with me?

23 A. I would have said something to the effect of
24 the same thing I said about Mr. Roberts, that he was a

1 very respected attorney in the community. I would not
2 have said he was successful, that's not a word I would
3 have used.

4 Q. Okay.

5 A. I certainly wouldn't have used the word
6 phenomenal.

7 Q. Okay. So my -- so did you -- what did I say
8 when you were answering to those questions? What was
9 my follow-up, what did I proceed after that, when you
10 were finished talking about Mr. Roberts and Mrs. --
11 Wendy?

12 A. You said that you were concerned that there
13 had been so many people in this case that had been
14 connected with Tom Neal, in your words somehow,
15 unquote. And you further said that the guardian, Wendy
16 Musielak, had not been fair with you or had seemed
17 sided with Tom Neal in this matter, and that -- I
18 couldn't quite follow your logic on this, but you were
19 concerned that she had referred a counselor for the
20 children who was a friend of hers.

21 Q. Correct.

22 A. And who was inappropriate, and you were
23 concerned that this woman called you in the middle of
24 the night, at 1:00 in the morning and at other random

1 times.

2 Q. Okay. So, Dr. Hatcher, are you aware of what
3 my profession is?

4 MR. ROBERTS: Judge, I couldn't make that out.

5 THE COURT: I couldn't make it out either.

6 BY MR. MARIO NEAL:

7 Q. Are you aware of what my profession is?

8 A. As I recall, you are a schoolteacher.

9 Q. Okay. Are you aware what my qualifications
10 are, what my training has been?

11 A. I haven't taken that history yet, no.

12 Q. So during our first meeting -- okay. So I
13 did, you know, fax or disclose concerns, true? And can
14 you please explain to me how is it that this expressing
15 concern and facts would seem as a mental instability?

16 A. It was not that you had concerns, not that you
17 expressed a concern. It was the extent of the concerns
18 and how scattered your thinking was about those
19 concerns. For example, tying together some
20 collaboration at one point between the state's attorney
21 and your own attorney, and then between the various
22 other attorneys in this matter and Tom, but with no --
23 you had no way of logically describing what had
24 happened that would disturb you. Your thinking was

1 very scattered and disjointed.

2 Q. Okay. I don't recall that. But can you tell
3 me what is common practice before you see a patient?
4 What is the protocol in terms of intake forms, in terms
5 of what is it that you gather from your patients prior
6 to seeing them, and what is normal protocol in the
7 industry?

8 MR. ROBERTS: Objection, relevance. This
9 gentlemen is not a patient of Dr. Hatcher. Dr. Hatcher
10 was appointed to conduct an evaluation. He's not
11 serving as a therapist, so it's not relevant.

12 THE COURT: Mr. Mario Neal, the objection is
13 relevance, sir.

14 MR. MARIO NEAL: Because, you know, Mr. Hatcher
15 was going to do an evaluation on -- you know, mental
16 evaluation, so it would make sense that there would be
17 some sort of intake in terms of medical history, in
18 terms of what medications were done, in terms of
19 what -- you know HIPAA forms, because he would be
20 disclosing mental information, health information to
21 others.

22 You would expect that there would
23 be -- the law requires any time someone, you know, is
24 seeing a medical provider that that person is going to

1 disclose anything about that, there should be HIPAA
2 forms.

3 THE COURT: So, Mr. Mario Neal, the objection was
4 relevance, because of the form of the question
5 indicated as to his patients, and Dr. Hatcher was not
6 directed to take you on as a patient. He was directed,
7 under court order, to do a 604.10(c) evaluation.

8 Based upon the same, and the manner of
9 your question, and manner in which it was asked, the
10 objection as to relevance is sustained. Next question,
11 please.

12 BY MR. MARIO NEAL:

13 Q. So, Dr. Hatcher, do you feel that knowing an
14 individual's history is relevant to understanding their
15 mental well-being?

16 A. Yes.

17 Q. Okay. So do you feel that it would have been
18 appropriate for you to ask me to provide you with a
19 medical history or some sort of list of medications or
20 treatments or anything that I've gotten? Would that
21 have been appropriate for you to help you make an
22 assessment?

23 A. At some point in the evaluation when I met
24 with you further, yes, of course that's what I would

1 have done.

2 Q. What did you ask of me prior to our first
3 visit?

4 A. You just schedule an appointment.

5 Q. What forms did you ask me to fill out?

6 A. I sent you a patient registration -- or it
7 wasn't a patient registration. It was a court referral
8 registration, single sheet that had your contact
9 information on it.

10 Q. Okay. I'm just kind of wondering -- okay. So
11 you already made an assumption that you feel there's
12 instability. You feel that it's sort of almost -- I
13 wouldn't say appropriate or justified to already come
14 up with a mental diagnosis with almost you're saying
15 with just maybe a 30-minute conversation?

16 A. Of course it's not. And I did not make a
17 diagnosis. And we did not meet for 30 minutes; we met
18 for over an hour.

19 Q. Because, I mean, you made some claims in terms
20 of unstable and mental concerns and so forth. But
21 specifically, using your medical background, what
22 exactly was said that would lead you to believe that
23 there is a mental problem with me? What was -- I mean,
24 having concerns and so forth, but medically can you

1 tell me what is it that I said that would lead you to
2 believe I'm mentally unstable?

3 A. I think I've already testified --

4 Q. I think medically --

5 THE COURT: Hold on, hold on. You asked the
6 question, you must allow him to answer. Dr. Hatcher,
7 when you're ready, sir.

8 THE WITNESS: Yes, I think I've already testified
9 a few moments ago, when he asked the same question,
10 what it was that he said that was alarming. And I went
11 through the concerns and the agitation and scattered
12 thinking and the disjointed thoughts and the undue or
13 unusual suspiciousness about collusions against him.

14 That was enough to cause me
15 significant concern, together with the follow-up
16 e-mails that you sent, indicating that somehow I was
17 going to be involved or had been involved in this
18 conspiracy. I made no diagnosis. What I said, and
19 I'll say it again, I think you need to be examined, and
20 there needs to be a thorough evaluation of your mental
21 condition.

22 BY MR. MARIO NEAL:

23 Q. Okay. Are you aware that I have a
24 psychiatrist that I see on a regular basis, and no

1 diagnosis has ever been made?

2 MR. ROBERTS: Objection, Judge, to the
3 assertion --

4 THE WITNESS: No, I don't know the name of who
5 that is. I haven't seen you enough to get that name or
6 the release of information from you so I could talk to
7 that person.

8 THE COURT: All right. There was an objection.
9 And, Mr. Roberts, I believe I know what your objection
10 is, but what's the basis?

11 MR. ROBERTS: It was hearsay, Judge.

12 THE COURT: Indeed. The objection is sustained to
13 the extent that Mr. Mario Neal was asking a question
14 and then inserted a hearsay statement. That portion is
15 stricken. The question has been asked, and Dr. Hatcher
16 answered the question that was posed.

17 BY MR. MARIO NEAL:

18 Q. Okay. Dr. Hatcher, do you think it's
19 reasonable for someone who is mentally stable to have
20 suspicion about a current legal matter?

21 A. I don't think I can answer that without more
22 particulars. I imagine there are reasons why people
23 would be suspicious.

24 Q. Are you aware that there's currently a DCFS

1 and other criminal investigations ongoing regarding
2 this case?

3 MR. ROBERTS: Objection.

4 THE WITNESS: I'm aware that --

5 THE COURT: Hold on, Dr. Hatcher. My apologies,
6 sir.

7 MR. ROBERTS: Again, it's relevance, Judge.

8 THE COURT: Indeed. The objection is relevance,
9 Mr. Mario Neal, and maybe I can explain it in this way.
10 It appears that many of these questions are eliciting a
11 response from Dr. Hatcher that tries to explain that in
12 the process of his 604.10(c) evaluation, much of what
13 you are asking the doctor as to whether he would be
14 doing, he's expressing would be done if given the
15 opportunity to continue to meet with you.

16 MR. MARIO NEAL: Okay.

17 THE COURT: And the objection is to relevance in
18 this matter. Again, this is formed and made because
19 the tenor of your questions are almost as if the
20 evaluation has gone down field and has progressed, when
21 all that's occurred thus far from what you elicited in
22 testimony from Dr. Hatcher and Mr. Roberts has elicited
23 from Dr. Hatcher, all that occurred was the initial
24 appointment in which he, Dr. Hatcher, explained the

1 process of the evaluation. But there has been no other
2 appointments since. And so many of the questions that
3 you have asked presume that this evaluation took
4 process, all right?

5 And so that's why I just wanted to
6 explain to you why the objection in part is relevance
7 and in part elicits some of the answers from Dr.
8 Hatcher, as if it has progressed, and why wasn't this
9 asked, why didn't you obtain this documentation, why
10 this, why that? Do you see what I'm saying?

11 MR. MARIO NEAL: Yes. I appreciate it. Thank
12 you.

13 THE COURT: So you may proceed, sir.

14 BY MR. MARIO NEAL:

15 Q. So, Dr. Hatcher, when we were scheduling
16 appointments, okay? Do you remember the appointment,
17 and what was said when we attempted to schedule an
18 appointment for the -- I believe it was October -- let
19 me see, okay, October 21st?

20 A. We attempted to schedule appointments for
21 October 19th, and -- which was a Thursday.

22 Q. Yes.

23 A. And October 21st.

24 Q. Correct.

1 A. Which was a Saturday.

2 Q. Correct. Do you remember what concerns I had
3 about that date?

4 A. You indicated that you didn't -- I suggested
5 the Saturday appointment because you're a teacher, and
6 you wouldn't have to take off work. But you indicated
7 that you may have to be gone, or that you were having
8 company coming in from out of town. And then at
9 another point you said that you may have a meeting with
10 your -- I think it was your group or your committee you
11 called it. I could look it up. But you had several
12 reasons why the Saturday appointment wouldn't work. I
13 suggested perhaps -- but you weren't sure of the times.
14 I suggested that we meet at a time earlier in the day
15 that maybe it wouldn't inconvenience the rest of your
16 schedule, and to think about it.

17 Q. So, Dr. Hatcher, did I ever express to you
18 that that day was not going to work for me?

19 A. In your follow-up e-mail to me, you said that
20 it would not work.

21 Q. But during the conversation that we were
22 having, did I express to you that that day I had prior
23 commitments and it would not work?

24 A. No, you did not say it wouldn't work. You

1 said you weren't sure of the time.

2 Q. Because my recollection is different. But
3 okay. So --

4 MR. ROBERTS: Objection, Judge.

5 THE COURT: Sustained. So, Mr. Mario Neal, this
6 is question and answer. So you're not to insert
7 commentary --

8 MR. MARIO NEAL: Yes, I caught myself doing that.
9 I apologize.

10 THE COURT: Thank you.

11 BY MR. MARIO NEAL:

12 Q. Okay. So then did you proceed and make an
13 appointment for October 21st despite my reservations
14 and letting you know? And I sent you a couple of
15 e-mails that indicated that was not possible. Did you
16 proceed and make that appointment?

17 A. No. I said that would be fine, that we would
18 still -- I asked you the question in the e-mail if we
19 were still going to be able to meet on Thursday, the
20 19th. That I understood that we wouldn't meet on the
21 21st, that it wouldn't work for you.

22 Q. Can you explain to me how it is that you --
23 when it was mentioned that that date would not work,
24 and then you continued to schedule it, and then

1 follow-up asked if I was going to make it. And then
2 you said, are you going to cancel?

3 So I'm just kind of confused as to how
4 is it that you were led to the conclusion that that
5 appointment was canceled, when -- I'm sorry, just
6 explain to me how is it you came to the conclusion that
7 that date on the 21st was a canceled appointment?
8 Because on one of the e-mails you did say that I
9 believe -- so you're not cooperating, you canceled the
10 appointment for the 27th, or -- I mean the 21st. So
11 how is it that you concluded that that was canceled?

12 A. Because you told me you weren't able to make
13 it.

14 Q. But did I ever basically agree to that
15 appointment?

16 A. No.

17 Q. Okay. So the agreement -- the appointment was
18 never agreed, and you proceeded to make it so with
19 that -- so since I never agreed, and you set the
20 appointment despite that, how would that then be
21 considered a canceled appointment?

22 A. It was never scheduled in terms of confirmed.
23 I asked you to confirm it, and you said no, and that
24 was fine. I'm not sure what you are really asking me.

1 Q. You did say -- I did say I can't make it, that
2 date does not work, and you proceeded to say, I'm
3 keeping it on the records. And then once you asked,
4 are we still good for the date and I said no, I never
5 confirmed. And you said, so you're canceling the
6 appointment. And what was my response when you said
7 I -- when you said, are you canceling it?

8 A. I don't know that I ever said, so are you
9 canceling it. I don't know about this whole dialog
10 you're asking about.

11 Q. Well, let me see, because it did say in the
12 e-mail, so you're canceling? And then my response to
13 you -- do you remember my response? Because I'm sure
14 you have the e-mail, and I can provide it to the Court
15 once it's over, but you -- Mario, I guess I made
16 different -- several attempts to let you know that that
17 date wouldn't work. You proceeded to make it, and we
18 both were in agreement that that didn't work. So why
19 did you --

20 MR. ROBERTS: Generally I'll object. Is there a
21 question in there? There's no question in there.

22 THE COURT: Hold on, hold own.

23 MR. MARIO NEAL: Why isn't --

24 THE COURT: Mr. Mario Neal, there's an objection.

1 When an objection is made, then you need to stop so the
2 Court can rule.

3 MR. MARIO NEAL: Okay.

4 THE COURT: The objection, as I heard it, was that
5 there was no question being posed. And, again, I'm
6 giving you a little bit of latitude, Mr. Mario Neal, in
7 the sense that sometimes dialogue eventually leads into
8 a question. But when the dialogue inserts what you
9 believe is testimony that was had when I haven't heard
10 that as testimony, then that sounds more like the
11 insertion of your statement and commentary, and that
12 will always raise an objection.

13 MR. MARIO NEAL: Got it. I'm sorry about that,
14 Judge. I'm consciously trying to make sure that that
15 doesn't happen. I'll try to make sure I try harder.

16 THE COURT: And if there is a specific e-mail that
17 you're referring to, then it might be easier if you
18 would direct Dr. Hatcher to a specific e-mail, because
19 your recollection and what Dr. Hatcher's testified, his
20 recollection may be different. But if you're pointing
21 to a specific e-mail, then please do so.

22 BY MR. MARIO NEAL:

23 Q. Dr. Hatcher, do you recall there being an
24 e-mail in which you stated to me that I was canceling

1 an appointment?

2 A. I don't recall any e-mail that I sent you
3 telling you that you had canceled an appointment.

4 Q. So I guess that's -- anyhow, so don't -- so
5 you don't recall there ever being an e-mail in which
6 you e-mailed me to tell me that the appointment was
7 canceled?

8 THE COURT: I believe that question was asked and
9 answered.

10 THE WITNESS: Yes. Just a minute, your Honor, I
11 did send him, on October 10th, I was trying to have him
12 confirm whether one or both of the appointments that I
13 offered he was going to accept. And I did write that
14 brief e-mail to him on October 10th, because I hadn't
15 heard anything, and I was trying to firm up my
16 schedule.

17 It simply said, I was confirming our
18 appointment for Thursday, the 19th at my 1700 North
19 Farnsworth office, but also confirming the cancellation
20 of the proposed appointment. That's the word I used,
21 cancellation of the proposed appointment for Saturday
22 I was just confirming that he had said he didn't want
23 to come on Saturday, and I was just confirming that
24 with him. Is that the e-mail?

1 Q. I have to look. I would have to reference the
2 e-mail. So it's just that -- so there was an agreement
3 that -- would you agree there was an agreement that
4 there was a date that was not going to work?

5 A. Yes.

6 Q. And that you proceeded to make an appointment?

7 A. When, when are you asking about this
8 agreement? When was this agreement made?

9 Q. On our first contact.

10 A. What I would agree with is that you thought
11 you had one or more conflicts with something on that
12 day with an appointment on that day, and I suggested
13 that you look at your calendar to see if we met early
14 we could still do it on that day.

15 Q. Okay.

16 A. And there was no response from you until after
17 that. You then -- the following day you sent an e-mail
18 about -- you were upset about the appointment.

19 Q. So do you know what you said to me when I said
20 I -- when I -- after I mentioned three times that that
21 wasn't going to work, what was your response to me
22 after I told you that date was not going to work?

23 A. I can't understand --

24 Q. We had that conversation about this date, and

1 after I -- we sort of both were in agreement that that
2 day was a conflict, and could not work, you then
3 proceeded to tell me something. Do you remember what
4 you said?

5 MR. ROBERTS: Judge --

6 THE WITNESS: No, I don't. I probably said
7 I something to the effect of --

8 MR. ROBERTS: Objection.

9 THE WITNESS: -- if you can make it work --

10 THE COURT: Hold on, Dr. Hatcher, my apologies.
11 There's an objection.

12 MR. ROBERTS: Again, the lead-in to all of this is
13 facts that are not in the record that mischaracterizes
14 what Dr. Hatcher has testified to, and it's a paragraph
15 that then has a four-word question at the end of it. I
16 object to the form.

17 THE COURT: The objection is to form. The
18 objection as to assumes facts not in evidence, that the
19 questions continue to have a narrative commentary
20 before the question. All of those are sustained.

21 Mr. Mario Neal, if there is a
22 specific e-mail, sir, that you wish to ask Dr. Hatcher
23 about, and if you need two, three minutes to find it, I
24 will let you do that. But Dr. Hatcher's been

1 testifying to what is his recollection.

2 MR. MARIO NEAL: Okay.

3 THE COURT: And it sounds like in your mind you
4 have a specific e-mail in which you wish to question
5 him about. And rather than going through commentary in
6 the fashion of, well, do you recall, and what did you
7 say after this, when it's not specific to a day, a
8 time, an incident, an e-mail, it becomes not only
9 causing confusion, including for the Court, but it's
10 drawing an objection, because again since you are not
11 pointing to a specific e-mail, it appears as if you're
12 characterizing testimony, or you're inserting what you
13 believe happened as opposed to a question for Dr.
14 Hatcher.

15 So do you wish to have a minute or two
16 to find the e-mail?

17 MR. MARIO NEAL: No, I'm moving on with what I
18 need. Thank you.

19 BY MR. MARIO NEAL:

20 Q. Dr. Hatcher, how many e-mails did I send you
21 after our initial meeting? Do you recall how many
22 e-mails were sent to you after that?

23 A. Probably three, maybe four.

24 Q. Of those four, how many did you respond back

1 to me?

2 THE COURT: And, Dr. Hatcher, the question is to
3 the best of your recollection. We are not asking
4 you --

5 THE WITNESS: One. One, maybe two.

6 BY MR. MARIO NEAL:

7 Q. Okay. So you mentioned that -- so do you --
8 I'm trying to phrase it so it doesn't have any
9 commentary in it. Okay. So you brought up that it was
10 stated during the first meeting that there were some
11 concerns regarding potential abuse of the children?

12 A. Yes.

13 Q. And so -- and you seemed to be sort of not --
14 you seemed to have reservations about that comment. Do
15 you have any information that would lead you to believe
16 that those statements I made were not true?

17 A. No.

18 Q. Okay. So if there was nothing that would lead
19 you to believe that what I said I was not true, how
20 does that then lead to a conclusion that those are
21 far-fetched, I guess, statements, and that that would
22 sort of lead you to question the person's mental
23 stability?

24 A. I think this is the third time I've answered

1 this question, but I'll say it again. Your thought
2 processes were scattered and disjointed, and your
3 emotions were not well regulated. It was very hard to
4 follow you, and that made me wonder about your
5 emotional stability.

6 Q. What -- can you specifically say what -- how
7 would you describe the mental instability, like in
8 terms of --

9 THE COURT: Mr. Mario Neal, the Court needs to
10 interject because the whole purpose behind this
11 hearing, sir, is to allow the process for a 604.10(c)
12 evaluation to proceed.

13 MR. MARIO NEAL: To continue.

14 THE COURT: Correct.

15 MR. MARIO NEAL: That makes sense, okay.

16 BY MR. MARIO NEAL:

17 Q. So I'm just -- I'm trying to -- just give me a
18 second, so I can find an e-mail that I need to
19 reference.

20 Dr. Hatcher, do you have the e-mail
21 that I sent to you on Wednesday, of the report at 9:44
22 p.m.?

23 A. I have one from Wednesday, October 4th at
24 10:44 p.m.

1 Q. Is it the heading --

2 A. And I have one on that same morning at 10:40
3 a.m.

4 Q. So can you -- I don't know the one that
5 says -- the one that I'm looking at says, hi, Dr.
6 Hatcher, I look forward -- do you see that e-mail?

7 A. Yes.

8 Q. Do you mind reading that to the Court?

9 A. It says, good morning, Dr. Hatcher. I look
10 forward to speaking with you over Zoom later at 4:30.
11 I will send the form in a bit. I need to scan it.

12 Q. But so there was another one that was sent
13 after that.

14 A. That evening.

15 Q. That was at 10:36 in the morning, right? The
16 one you read was sent October 4th at 10:36 in the
17 morning. And then there was another e-mail was sent to
18 you on that same date, but at 9:44 p.m.

19 Do you see that e-mail?

20 A. It was at 10:44 p.m., yes.

21 Q. Can you read that?

22 A. That would be your time, I guess. It would
23 be -- you're right; maybe I was here.

24 Q. Can you read that e-mail for us, please?

1 A. Hi, Dr. Hatcher. I look forward to working
2 with you. I'm glad you're committed to a fair, honest
3 and legal process to ensure the kids going forward are
4 safe. And their voice and concerns are no longer
5 ignored. Earlier you caught me off guard, since we had
6 scheduled that meeting at 4:30, and you called at 3:00
7 p.m. to start it. I'm a little confused about the
8 meeting that you wanted to have on October 21st. I
9 understand that your time is limited and the importance
10 of meeting, but I'm not sure why that date seems an
11 issue. It was odd how much you pressed me on that
12 date. Today you said I that I canceled the meeting, you
13 wouldn't be able to see me until after November 16th,
14 and that you would not be able to provide an update to
15 the Court unless I agreed to keep that appointment.
16 Despite expressing that that day would not work, you
17 suggested I keep it. However, during our conversation
18 you offered November 6th and 7th as other dates to
19 meet. I'm unable to make it on the 21st, since I have
20 a scheduled commitment regarding my health that I
21 cannot cancel.

22 This is also confusing to me, since
23 Tom also had questions about that date and has brought
24 it up to me several times. I'm not sure what to make

1 out of all of this and I am uncomfortable. Gracias,
2 Mario Neal.

3 Q. Okay. So do you -- can you -- how can I make
4 it -- so is it clear that -- I don't want to make a
5 mistake.

6 Did you press me to have -- to see you
7 on that date?

8 A. On the date that we met --

9 Q. On the 21st, did you press me to see you on
10 October 21st?

11 A. I wouldn't say I pressed you. I said I would
12 like you have to check your calendar to see if you
13 could make it on that date. You said you thought you
14 had something later that day with your team I think you
15 said, or you might have out-of-town company.

16 Q. Okay.

17 A. You said nothing about your health.

18 Q. So in the e-mail, I did say I'm unable to make
19 it on the 21st, I have scheduled commitments.

20 MR. ROBERTS: Objection, Judge. It's now in the
21 report. It says what it says.

22 THE COURT: Dr. Hatcher read the e-mail that he
23 believed you referred to.

24 MR. MARIO NEAL: Yes.

1 THE COURT: If that wasn't the e-mail, or if it
2 wasn't a recitation of what that e-mail said, I didn't
3 hear an objection. And Dr. Hatcher appears to have
4 read the entirety of the e-mail as it ended, Gracias,
5 Mario.

6 MR. MARIO NEAL: Yeah.

7 BY MR. MARIO NEAL:

8 Q. What I'm leading to is that, I'm just sort of
9 confused how in one of the e-mails it was said that
10 appointments had been canceled, unwilling to cooperate.
11 When there was, you know, clear explanation to you that
12 that day didn't work.

13 THE COURT: Mr. Mario Neal, can I -- can the Court
14 asked a question, because I don't know that I
15 necessarily asked this question from the start.

16 MR. MARIO NEAL: Yes.

17 THE COURT: Are you willing to continue to
18 participate with the 604.10(c) evaluation?

19 MR. MARIO NEAL: Well, I'm open to it. I just
20 don't feel that I can trust this individual.

21 THE COURT: All right. That's all I wanted to
22 ask, because if in the end you were certainly willing
23 to participate and cooperate with the evaluation,
24 that's the whole --

1 MR. MARIO NEAL: I'm more than happy to work to
2 collaborate in any evaluation that is asked by the
3 Court. I just don't feel that I'm comfortable working
4 with Dr. Hatcher.

5 THE COURT: Any further questions for Dr. Hatcher?

6 MR. MARIO NEAL: No.

7 THE COURT: All right. Any redirect?

8 MR. ROBERTS: No, thank you.

9 THE COURT: All right. Dr. Hatcher, thank you,
10 sir. Again, my apologies that I went into the wrong
11 Zoom. It's odd that I would have connections for
12 November 27th and November 30th, oddly, on my screen.
13 But, thank you, sir, for holding on, and I wish you a
14 great afternoon and holiday.

15 THE WITNESS: Thank you very much, Judge.

16 THE COURT: Thank you. And, Mr. Roberts, we had
17 broken from having Mr. Mario Neal on the witness stand
18 in order to go back to Dr. Hatcher. And so I believe
19 that Mr. Mario Neal was asked to step down to obtain
20 something. Was it the e-mails that you were speaking
21 of?

22 MR. ROBERTS: Judge, we have really belabored the
23 issue at this point. I don't have anything further for
24 Mario Neal. I rest.

1 THE COURT: All right. Mr. Mario Neal, this is
2 your opportunity, sir, to present your argument. You
3 can call yourself as a witness, you can call others as
4 a witness. I leave that to you, sir.

5 MR. MARIO NEAL: Okay. So when the motion was
6 filed that was on -- can I see that motion that you
7 were --

8 THE COURT: Which motion are you referring to?

9 MR. MARIO NEAL: The one that was first filed that
10 asked for that --

11 THE COURT: The motion to compel?

12 MR. MARIO NEAL: To compel, yeah. So when that
13 motion was first filed, I had a conversation with my
14 attorney regarding it. And it was -- we came to the
15 conclusion that --

16 MR. ROBERTS: Objection.

17 MR. MARIO NEAL: What is that?

18 THE COURT: One second. Yes, Mr. Roberts?

19 MR. ROBERTS: Hearsay.

20 THE COURT: To the extent that your argument and
21 potential testimony was going to state what your
22 attorney may have stated, then the objection is
23 sustained. I would advise that the presentation of
24 your attorney, Mr. Cherney's, motion to withdraw and

1 the Petitioner's motion to compel your participation in
2 the 604.10(c) evaluation were presented on the same
3 day. And so your attorney withdrew at the time that
4 you were given 21 days to respond. So in case those
5 days are off a bit or what came before the other, I
6 just wanted to --

7 MR. MARIO NEAL: No, I'm referring to the first --
8 that one that was filed on the -- April 21st, the one
9 that initially had made the recommendation.

10 THE COURT: Oh, so you're speaking of the original
11 combined motion for a 604.10(c) and 215 evaluation?

12 MR. MARIO NEAL: Yes, correct.

13 THE COURT: April 10, 2023.

14 MR. MARIO NEAL: Correct.

15 THE COURT: So, sir, in that context now I believe
16 I understand Mr. Roberts' objection. His objection
17 relates to that, because there's actually an agreed
18 order that entered. You agreed to have the 604.10(c)
19 evaluation with Dr. Roger Hatcher.

20 MR. MARIO NEAL: Okay.

21 THE COURT: So to the extent that you're going
22 before that agreed order, I think that was what raised
23 Mr. Roberts' objection, as well as any testimony as to
24 what someone else may have said.

1 MR. MARIO NEAL: Well, because on the date that
2 that order was signed, you know, my attorney was
3 outside waiting for me. We had a conversation in which
4 he had, you know, discussed to me what was being
5 proposed as a potential settlement to that. He said to
6 me --

7 MR. ROBERTS: Objection.

8 THE COURT: Sustained. You cannot -- and,
9 Mr. Mario Neal, I'm giving you a bit of an explanation
10 just so that you can say that you're not being
11 discounted as an individual without an attorney. But
12 the reason that hearsay is what it is is because if the
13 same type of testimony was elicited by Mr. Roberts to
14 someone that isn't here to allow you to cross examine,
15 you would say, that's not fair, because how do I know
16 that that person actually said that.

17 MR. MARIO NEAL: Right.

18 THE COURT: That's the basis for the objection.

19 MR. MARIO NEAL: Okay. Because my whole thing is
20 I was made to understand what I was agreeing at one
21 point was not what -- was what was -- what I was asked
22 to sign, and --

23 MR. ROBERTS: Objection, Judge. He can't go
24 behind the agreed order. It's an agreed order signed

1 by the parties. And, in fact, it was the Court that
2 suggested that day, very appropriately, let's have the
3 parties sign this.

4 THE COURT: And, Mr. Mario Neal, the objection
5 implied is that this agreed order that we're speaking
6 of entered back on September 7th.

7 MR. MARIO NEAL: Yeah.

8 THE COURT: There has been no motion to vacate
9 that agreed order. That agreed order stands. You
10 began the process of the 604.10(c) evaluation in an
11 e-mail that you concur actually asked about -- you
12 indicate that you were glad that the 604.10(c)
13 evaluation was occurring, and that you looked forward
14 to it, to allow this evaluation to be had, and the
15 Court's consideration of what that evaluation may
16 report relative to your children.

17 MR. MARIO NEAL: Okay.

18 THE COURT: Right?

19 MR. MARIO NEAL: Well, you know, when that e-mail
20 was sent it was at that point I had already expressed
21 many concerns, e-mail concerns to, I guess -- I
22 e-mailed my attorney with many concerns I had, but I
23 would be respectful to him because Day 1 I had many
24 reservations. So I was trying to be almost like what

1 I'd say, you know, trying to elicit a response or
2 expressing that I was looking for an honest and fair
3 evaluation when in fact it wasn't

4 MR. ROBERTS: Objection, Judge. It's another
5 attack on the validity of the September 7, '23 order.

6 THE COURT: And, Mr. Mario Neal, understand that
7 the Court has not received any report whatsoever. We
8 have not gone beyond the initial appointment in which
9 you and Mr. Thomas Neal were provided the explanation
10 about the evaluation. So there has been no evaluation,
11 no interim report. There has been nothing that was
12 received.

13 In fact, part of -- not part of, the
14 entirety of this hearing is that Dr. Hatcher, who has
15 testified, is ready, willing, and able to proceed with
16 the 604.10(c) evaluation, given the opportunity, given
17 the ability to continue to meet with you. And that's
18 kind of where it stopped. And that's the reason for
19 this motion.

20 MR. MARIO NEAL: Okay. I've just -- what I say is
21 that there's -- you know, the conversations that I've
22 had with Dr. Hatcher, and the communication I've had
23 made me very uncomfortable. And so he has not made an
24 effort to sooth my concerns or to make me comfortable

1 to proceed.

2 And based on just what has been said,
3 he's already making sort of conclusions or assumptions
4 already about my mental capacity without -- with
5 just -- without having, you know, fully met with me and
6 fully evaluated. So it is concerning to me that
7 there's already been sort of -- it's almost like he's
8 already made up his mind as to what's going to be his
9 conclusion.

10 So I would have reservations with him
11 in terms of communications I've had with him in e-mail,
12 my conversations I had with him, and that -- even just
13 the fact that he calls me when -- you know, when I, you
14 know, at unset times. It's just like he's not
15 professional to me, he's not followed certain guidance
16 that I was expecting.

17 And so given all of that, and the fact
18 that he -- even when I brought up concerns about -- he
19 did ask specifically, do you have any concerns about
20 the children. And I said I do, Dr. Hatcher, and so, me
21 answering those questions, he said that it was
22 disjointed. I don't recall any of that, because I
23 stated it -- I was answering all his questions.
24 Whatever he asked I answered, and it was just, you

1 know, to me that now he goes, I'm so sorry to hear
2 that. His responses at that point said to me we were
3 on the same page. We're not on the same page right
4 now, based on what I just heard.

5 And based on that, and then based on
6 what transpired, because after I e-mailed, I expressed
7 concerns to him, things flipped, all right? He became
8 defensive, right, because, you know, he didn't
9 anticipate that I was going to have -- I e-mailed him
10 questions, can you please explain to me the
11 relationship that you had in detail between your
12 attorney and Wendy. No response. Can you please
13 explain to me what -- you know, just different
14 questions to make me feel comfortable. None of them
15 were ever answered. And so it's just -- all of it is
16 leading me to believe that this individual already has
17 a bias towards me.

18 MR. ROBERTS: Objection, Judge. That's another
19 attack on the September 7th order.

20 THE COURT: And so, Mr. Mario Neal, to the extent
21 that the argument is that the September 7, 2023, agreed
22 order should have -- should not have been entered or
23 wasn't necessarily agreed by you, that argument is not
24 properly made, because it was an agreed order signed by

1 you both.

2 However, you seem to be arguing that
3 you're not comfortable with the process and other
4 issues why you believe you shouldn't be made to
5 participate. Those arguments are fine. If there is
6 any others to be made, then certainly you may continue
7 in that regard. And then the Court will hear any
8 closing from both sides, and then we'll --

9 MR. MARIO NEAL: Well, all I'm saying is that, you
10 know, during those conversations, you know, I was
11 feeling like I was being threatened in terms of
12 agreeing to certain dates and certain -- what made me
13 uncomfortable is my house was broken into several
14 times. I had travel itinerary and travel documents
15 that had that date on there that I was going to be
16 gone.

17 And so there was -- I indicated that I
18 was going to be gone. And so when that happened, you
19 know -- and then I filed a police report. So when I
20 met with him, the first thing I wanted to do is to meet
21 on that date, and so I wonder like why is it that you
22 wanted to meet on that day. And I press him, I can't
23 do that date. He said, well, if you don't meet with me
24 on that date, then I'm going to have to let the Court

1 know that you aren't willing to cooperate.

2 I said, well, you know, you have to
3 see the parties, right, Mr. Neal? And I said, well, I
4 cannot make it on that date. So he kept pressuring me
5 and pressuring me. And he said, I'm going to put it on
6 the books. And I said, I'm not going to be able to
7 make it. And then I get an e-mail from him asking me
8 to confirm it. And I said, I didn't ever agree. And
9 he said, so you're canceling that appointment, is that
10 what I'm hearing from you? And I responded, I would
11 appreciate it if you would watch your wording, because,
12 you know, a canceled appointment is something that I
13 would have agreed if I did, but I didn't. So he said,
14 fine so it's canceled. It almost like he was making --
15 like setting me up to supposedly cancel, when that was
16 never the case.

17 Then he did say to me that if I didn't,
18 you know -- you know, if I didn't meet with him on
19 certain days, that he then would have to, you know,
20 make an assumption that I'm unwilling to be
21 cooperative, based on I'm just not being able to accept
22 his dates. I said -- you know, when I told him on that
23 27th, I can make it, I can make it any day, just tell
24 me, I'm open, I do get out of stool at a certain time.

1 If for some reason I have my children, I can coordinate
2 child care.

3 But he kept pressing on this date
4 after my house had been broken into and my travel
5 documents were taken. And so it just all seems pretty
6 odd to me. And then Mr. Thomas would ask me questions
7 about the 27th. Oh, can you take care of the kids?
8 Like it was just too many people pressing me on that
9 date, so I'm just -- you know, I was raising -- and I
10 was asking him about it. And when I did, he just
11 became defensive and threatened me and so forth.

12 And that to me was just very alarming.
13 That first interaction I had with him, you know, when I
14 did ask about, you know, more like I have concerns
15 about conflict of interest, you know, it's just because
16 I have the right, you know, given the importance of
17 this evaluation, given what is going to be determined
18 in this evaluation, given what is at stake, I want to
19 make sure this is impartial, that this is going to be a
20 fair and honest evaluation.

21 And so I want to make sure I said,
22 before we proceed that we're on the same page. So
23 before I proceed, I said, you know, because it was a
24 recommendation given by Mr. Thomas, and -- I mean

1 Mr. Neal and Mrs. (indiscernible). They recommended
2 this individual, not -- I didn't have a say, right,
3 because it came from them, and they were pressing on
4 this guy. I said I want to make sure that there's no
5 conflict of interest.

6 And then he just said, well, what
7 makes you think there is an issue? And I said I'm not
8 saying there is, I'm just saying I want to make sure
9 there isn't. And he's like, so what do you want of me?
10 And I said, well, can you answer a couple of questions?
11 And he said, sure. I said, I want to know what the
12 relationship is between you and Mr. Roberts.

13 THE COURT: And, Mr. Mario Neal, not to interrupt
14 you, sir, some of what you're arguing you already have,
15 and we're coming around to the same thing again. And
16 then, secondarily, when I rule, however I rule, I will
17 be assuredly giving you an explanation.

18 It's important for the Court that both
19 sides understand any ruling the Court enters, and you
20 walk out that door understanding of the reasoning
21 behind it and the explanation. And you will be given
22 that. This just can't be a dialogue where I give that
23 to you now.

24 So to the extent there's anything

1 further that you wish to argue, that's fine.

2 Otherwise, we'll look to summations in the courtroom.

3 MR. MARIO NEAL: Yes. Yes, I've completed.

4 THE COURT: You're finished? All right.

5 Mr. Roberts, anything in summation, sir?

6 MR. ROBERTS: Judge, the September 7, '23 order
7 provided for the appointment of Dr. Hatcher to conduct
8 a 604.10(c). He needs to get on with that work. Mario
9 Neal needs to cooperative with that work. We need to
10 get this case resolved. It's clear that the conflict
11 continues to rage on, and we'd like to get to the
12 finish line. The only way for us to do that is for Dr.
13 Hatcher to get the cooperation of Mario Neal.

14 I think an order should be entered
15 directing Mr. Neal to set appointments. Dr. Hatcher
16 set out his availability, and we need to get this
17 underway.

18 THE COURT: Thank you. Anything further for
19 summation?

20 MR. MARIO NEAL: I'm more than willing and open to
21 the idea of being seen by anyone that is qualified to
22 make an evaluation. I'm open to that. I'm open to
23 someone evaluating and looking into the childrens'
24 well-being and mental well-being. I'm open to all of

1 that. In fact, I would like that. I think it's
2 important, in fact, extremely important that all of us,
3 you know, including Mr. Thomas Neal over there, that we
4 get and see a qualified individual that can make a
5 determination. And I -- you know, I see the relevance
6 and importance of all of that.

7 I am an educator, I see this, I work
8 in a setting in which evaluations happen all the time,
9 and I'm part of those meetings. So my concern is not
10 the fact that I do not want the evaluation, that I do
11 not want it to proceed. It is the fact that this
12 individual who I've been asked to see has not made me
13 comfortable, and I have serious concerns.

14 And, therefore, I feel like I would
15 be more than open to move forward. However, it would
16 have to be with someone that's not Dr. Hatcher for me
17 to feel this is an impartial and fair evaluation.

18 THE COURT: Thank you, sir. On September 7, 2023,
19 an agreed order entered which provides, in part, that
20 on the motion of the Petitioner's motion, Dr. Roger
21 Hatcher is appointed to conduct an evaluation pursuant
22 to Section 604.10(c). Petitioner shall be solely
23 responsible for the cost of said evaluation. This
24 matter was set over for status on Dr. Hatcher's report

1 November 14, 2023.

2 On October 13, 2023, the Petitioner
3 filed his motion to compel the Respondent's
4 participation in the Section 601-10(c) evaluation,
5 arguing that other than the one meeting with Dr.
6 Hatcher to be provided an explanation of the evaluation
7 process, the Respondent canceled two scheduled
8 appointments with Dr. Hatcher, and has not cooperated
9 with the agreed upon 604.10(c) evaluation.

10 On October 10, 2017 -- I'm sorry,
11 October 17, 2023, Respondent was granted 21 days to
12 respond through November 4, 2023. On November 14,
13 2023, when the matter was set for status on Dr.
14 Hatcher's report, and the Respondent had not filed a
15 response, nor was any advancement reported on Dr.
16 Hatcher's report, the Petitioner's motion to compel was
17 set for hearing today.

18 The Court has heard the testimony of
19 Dr. Hatcher and the testimony and argument of Mr. Mario
20 Neal. The Court notes that attached to the original
21 combined motions for 604.10(c) and a 215 evaluation,
22 that the curriculum vitae of Dr. Roger Hatcher was
23 attached. Dr. Roger Hatcher indicated that he has been
24 a licensed clinical psychologist since 1975, has done

1 somewhere between 1,000 and 1,500 custody evaluations
2 in that time, which is quite a bit.

3 He was appointed to a 604-10(c) -- he
4 was appointed to evaluate in this Neal case under
5 604.10(c). That he's met with Mr. Thomas Neal in the
6 initial appointment and with Mr. Mario Neal, one time,
7 on October 4, 2023, in which he explained the process,
8 took some history, made two other suggested
9 appointments, and that occurred in his home office.

10 More importantly, the two dates that
11 were given is -- or was, my apologies, October 19th and
12 October 21st. The Court has heard a significant amount
13 of testimony and argument about the October 21st date.
14 What is completely devoid in any of the arguments or
15 testimony is what happened on the October 19th date.
16 Dr. Hatcher also testified that if the October 21st
17 date wasn't going to be able to be available for
18 Mr. Mario Neal, that he had offered dates the first
19 week of November.

20 What I didn't hear is that any of the
21 dates, October 19th, or November -- I believe it
22 was 6th or 8th, something along those lines, were ever
23 accepted by Mr. Mario Neal, nor was there anything
24 further scheduled other than the original date, in

1 which Dr. Hatcher testified occurred October 4, 2023,
2 for the initial explanation of the process.

3 Mr. Mario Neal has expressed the
4 desire to proceed to ensure that an evaluation is done
5 for the benefit of the parties and the children. In
6 fact, he testified that he's willing to undergo
7 whatever evaluation is necessary to advance the matter
8 and protect the children. And the Court shares that
9 expression.

10 But given the fact that this is a
11 604-10(c) evaluation, and this is where I promised to
12 give an explanation to Mr. Mario Neal, a 604.10(c)
13 evaluation is one that's brought by a party to select a
14 specific evaluator. It is not a 604.10(d) evaluation
15 that is a section of the Court to do an act as the
16 Court's selected evaluator. Mr. Mario Neal will have
17 the opportunity, should he so believe it is necessary,
18 to also request a 604-10(c) evaluation of his own.

19 But what certainly needs to occur is
20 that, based upon the agreed order, September 7, 2023,
21 there does need to be cooperation to conclude and
22 cooperate with a 604.10(c) evaluation with Dr. Roger
23 Hatcher, as was specifically agreed upon and in the
24 order for 604.10(c) evaluation.

1 Based upon the testimony of Dr.
2 Hatcher that he has dates coming up, November 29th,
3 November 30th, December 6th, December 7th and December
4 16th, and then after that, and with the cooperation of
5 both parties, that he anticipates maybe even as soon as
6 the second week of January, being able to report to the
7 Court, given the cooperation of both parties, given the
8 opportunity to meet, as he indicates he regularly does,
9 six to eight times with a particular party, one to two
10 hours, do some psychological testing, and then to see
11 that party bring the children to his appointment to see
12 them together.

13 Presuming that that all can be done
14 for both sides, then he believes that as soon as the
15 middle of January, he would be able to provide his
16 report. Based upon the Doctor's availability and the
17 dates given, certainly November 29th through December
18 7th, on four different dates, that he's available, the
19 Court is going to order Mr. Mario Neal to schedule
20 appointments with Dr. Roger Hatcher within the next 14
21 days, to have two scheduled appointments that will take
22 him through that December 7th date that Dr. Hatcher is
23 available, understanding, again, that this is a
24 process. It isn't necessarily the completion of the

1 evaluation or the appointments. But we do need to show
2 progress in order to ensure that the 604.10(c)
3 evaluation will proceed.

4 Mr. Mario Neal then is directed to
5 contact Dr. Hatcher's office as quickly as possible,
6 given the holiday, and schedule two appointments, his
7 first and second by and including December 7, 2023.
8 That is the order of this Court. We'll give it a
9 future status date.

10 I also have this day set for the
11 resetting of the hearing on the Petitioner's motion to
12 strike the Respondent's motion for maintenance,
13 Respondent's motion for temporary child support and
14 maintenance, and Petitioner's motion to allocate
15 marital expenses. Those were to be reset, as well as
16 we still have pending, I believe, the second half of
17 the combined motion; am I correct, Mr. Roberts,
18 relative to the 215 evaluation?

19 MR. ROBERTS: That's correct, Judge.

20 THE COURT: And if that's not by agreement, that
21 that also needs to be heard. Mr. Mario Neal, relative
22 to a Rule 215 evaluation, sir, you had indicated,
23 again, that you're open to doing whatever evaluations
24 are necessary for the benefit of the parties and your

1 children.

2 Before we set a hearing on a 215
3 evaluation, are you in agreement to undergo a 215
4 evaluation?

5 MR. MARIO NEAL: Are you referring to the
6 evaluation with Dr. Hatcher?

7 THE COURT: No, that's the 604-10(c) evaluation.
8 That's already been agreed upon; that's already going
9 to occur. The Court is directing you to set up the
10 first of the two appointments to get the process
11 started that were sought to be scheduled October 19th
12 and 21st. I acknowledge the 21st was a conflict, but
13 to do -- to set up two appointments between now and
14 December 7th. What I'm referring to is the
15 psychological mental health evaluation under Rule 215.

16 MR. MARIO NEAL: That's fine.

17 THE COURT: You're willing to do that, sir?

18 MR. MARIO NEAL: But not with him, right.

19 THE COURT: No. Are you willing to do --

20 MR. MARIO NEAL: That's fine.

21 THE COURT: All right. You --

22 MR. MARIO NEAL: Is that for both parties or just
23 myself?

24 THE COURT: All I have is the Petitioner's motion

1 to have you undergo --

2 MR. MARIO NEAL: Well, If I'm going to go, he has
3 to do it as well.

4 THE COURT: So there's no motion before the Court.
5 If you wish to provide the court with a motion, we can
6 have that heard as well.

7 MR. MARIO NEAL: So this is -- do I have a choice
8 to do it, or am I being ordered to do the 604?

9 THE COURT: So the Rule 215 is a pleading that has
10 been pending since April 10th. That was the second
11 half of the combined motion for 604.10(c) and Rule 215
12 evaluation. So what I'm asking is, I can certainly set
13 the petition for a Rule 215 evaluation for hearing, but
14 in the event you agree, there's no need for a hearing.
15 But I can set it for a hearing if you wish to be heard.

16 MR. MARIO NEAL: Yeah, I would like a hearing.

17 THE COURT: I'm sorry?

18 MR. MARIO NEAL: I would like a hearing.

19 THE COURT: You'd like a hearing, all right. So
20 we'll set that for hearing as well. So what we'll do
21 is set a hearing date and interim status dates for the
22 purposes of ensuring that the next two appointments
23 with Dr. Hatcher have been scheduled. But let's first
24 look for the hearing date, and we'll work backwards for

1 a status date.

2 And, sir, are you -- Mr. Mario Neal,
3 are you prepared to proceed with your motion for
4 temporary child support and maintenance? This started
5 with Mr. Cherney, and I just want to make sure if we
6 schedule that for a hearing, you will also be prepared.

7 MR. MARIO NEAL: Yes. For what date? Yes, of
8 course.

9 THE COURT: You would be, all right.

10 So we'll set the Petitioner's motion
11 to strike the Respondent's motion for maintenance,
12 Respondent's motion for temporary child support, and
13 subject to the Court's ruling on the motion to strike
14 potential maintenance and the Petitioner's motion to
15 allocate marital expenses and the Petitioner's motion
16 for 215 evaluation.

17 Given all of those, how long,
18 Mr. Roberts, do you believe it will take to hear that?

19 MR. ROBERTS: Judge, I guess it's going to take an
20 afternoon to get all of that.

21 THE COURT: All right.

22 MR. ROBERTS: We'll do it as streamlined as we can
23 from our side, but I think we probably ought to plan on
24 an afternoon.

1 THE COURT: Got it. So let's look for an
2 afternoon.

3 MR. ROBERTS: Perhaps, Judge, if I could suggest
4 maybe we could get this sooner on just the 215 issue;
5 that's the one that is going to delay the case further
6 if it gets put out too far, and we can deal with the
7 financial issues separately.

8 THE COURT: So the Court does see that the other
9 three matters to be set are financial in nature where
10 the two -- the Rule 215 would allow Dr. Hatcher to be
11 able to take that into consideration as well in the
12 event that his report is not completed at the time the
13 215 evaluation, if it's ordered, is available. So
14 let's look for maybe a morning hour to hear the motion
15 for Rule 215. And that's also been the longest
16 pending, dated back to April. Let's look for that
17 first.

18 Mr. Mario Neal, you may not have your
19 calendar with you, but hopefully a date will ring a
20 bell as to whether you're available or not. How is
21 December 7th, sir?

22 MR. MARIO NEAL: What day of the week is that?

23 THE COURT: It's a Thursday.

24 MR. MARIO NEAL: What time?

1 THE COURT: We can do that at -- one second, is
2 the date available for you, Mr. Roberts?

3 MR. ROBERTS: It is, Judge.

4 THE COURT: I just need to take a look at
5 a morning hearing to see how long that will be set,
6 and then set this one. So how is 10:00 o'clock?

7 MR. ROBERTS: That works. On the 215?

8 THE COURT: On the 215.

9 MR. MARIO NEAL: Yes, sir.

10 THE COURT: So it will be December 7th at 10:00
11 o'clock for hearing on the Petitioner's motion for a
12 Rule 215.

13 MS. MUSIELAK: Judge, I have a -- wait, I have a
14 10:30. It's all good.

15 THE COURT: Got it. All right. And then let's
16 take a look at an afternoon. My apologies, I'm just
17 trying to see where I can kind of squeeze this in.
18 Mr. Mario Neal, would you be taking that day off, the
19 7th of December?

20 MR. MARIO NEAL: Yes, sir.

21 THE COURT: Mr. Roberts and Ms. Musielak --

22 MS. MUSIELAK: Would I need to be here for the
23 other portion?

24 THE COURT: Right. Do you have more time

1 available December 7th?

2 MR. ROBERTS: Yes, sir.

3 THE COURT: Why don't we try to do -- as long as
4 you're taking the day off, Mr. Neal, would it make
5 sense to have everything heard that day? We can start
6 at 10:00 and go as long as we need.

7 MR. ROBERTS: Fine. We'll just do the whole thing
8 that day, and that way, Judge, we don't need an interim
9 status date, because that's the date. Did you set for
10 the two sessions to shall completed by --

11 THE COURT: That's right.

12 MR. ROBERTS: It's probably much more efficient
13 that way if the Court can do that.

14 THE COURT: Indeed. And, Mr. Mario Neal, in the
15 event that you do need to schedule one of the
16 appointments on December 7th, and given that you're
17 taking the day off, with the session later in the day,
18 we'll make sure that you meet that date, okay, if you
19 need that date. But that way I think, given the fact
20 that you're taking the day off, we might as well not
21 have you take multiple days off.

22 So we'll use December 7th for all four
23 motions, the motion to strike, the Respondent's motion
24 for maintenance, Respondent's motion for temporary

1 child support, Petitioner's motion to allocate marital
2 expenses, and then at the top of that list, again, the
3 Petitioner's motion for Rule 215 evaluation. We'll get
4 Ms. Musielak done earlier in the day.

5 MS. MUSIELAK: Thank you, Judge.

6 THE COURT: All right. And, Mr. Roberts, do I see
7 that you're starting that order?

8 MR. ROBERTS: I am, Judge. I'm almost done.

9 THE COURT: Thank you.

10 MR. ROBERTS: Thank you.

11 THE COURT: Thank you both for -- this is a
12 holiday afternoon. Mr. Mario Neal, I'll make sure that
13 you get a copy of it. If the carbon copies aren't very
14 good, I'll make a copy of the top one so that it's
15 clear for you.

16 MR. MARIO NEAL: Thank you.

17 THE COURT: Thank you. Everyone have a happy
18 holiday, and we'll see you on December 7th.

19 MR. ROBERTS: Same to the Court. Thank you.

20 THE COURT: Thank you.

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF DU PAGE)

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5 I, Ellen E. Piccony, hereby certify the foregoing
6 to be a true and accurate transcript of the
7 computer-based digitally recorded proceedings of the
8 above-entitled cause to the best of my ability to hear
9 and understand, based upon the quality of the audio
10 recording, pursuant to Local Rule 1.03(c).

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