

2005

Kathleen Lenay Huish v. Glen Frank Munro : Brief of Appellant

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

KATHLEEN LENAY HUISH (SAWYER),)	CASE NO. 20050440 CA
Appellant,)	
vs.)	
GLEN FRANK MUNRO,)	
Appellee.)	

ADDENDA TO SUBSTITUTE BRIEF OF APPELLANT

**APPEAL FROM THIRD DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH
JUDGE GLENN K. IWASAKI**

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Glen Frank Munro

**FILED
UTAH APPELLATE COURTS**

APR 12 2007

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INDEX TO ADDENDA

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APPENDIX 5:	Exhibit 59 received (2 RT: 323, 3RT: 560) (Hale letter to Arnett & Iwasaki) Dr. Valerie Hale Trial Excerpts With Exhibits (Received) Exhibit 80 is the 2 nd page of P's Exhibit 59 and the Court indicated it would use P's 59 because it had 2 pages (the second of which was marked Exhibit 80) (9RT: 1538) (VH letter to court), reconfirmed it was received (10RT: 1709) (Mabey's recorded message from VH)
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Justice Court

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IN THE THIRD JUDICIAL DISTRICT COURT,
SALT LAKE COUNTY, STATE OF UTAH

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CHILD CUSTODY EVALUATION*

KATHLEEN LENAY HUISH (SAWYER)
Petitioner

vs.

GLEN FRANK MUNRO
Respondent

CASE NO.: 994907668 PA

JUDGE: GLENN K. IWASAKI

COMMISSIONER: THOMAS N. ARNETT, JR.

APPOINTED CUSTODY EVALUATOR: Monica D. Christy, Ph.D.

DATE OF SETTLEMENT CONFERENCE: December 18, 2003

DATE REPORT PERFORMED: March 25, 2004

MINOR CHILD(REN) & DATE(S) OF BIRTH: Taylor Munro, 7-11-96

MOTHER: Kathy Lenay Huish Sawyer

FATHER: Glen Munro

OTHER PARTIES EVALUATED AND RELATIONSHIP TO CHILDREN:
(e.g., stepparent, parent's partner)

David Sawyer, stepfather

GUARDIAN ad LITEM: None

MOTHER'S COUNSEL: Mary Cline, Esq.

FATHER'S COUNSEL: Paige Bigelow, Esq.

* These forms and procedures have been approved by the Judicial Council, and the Supreme Court. Any custody evaluation submitted to the court must conform in substance to these forms.



CONCLUSIONS: _____ Page and paragraph

- A. Summary of Children's Needs: *Custody Recommendations & Child Assessment* sections
- B. Summary of Each Parent's and Stepparent's Ability and Propensity to Provide for these Children's Needs: *Custody Recommendations & "Parenting Style and Custody Concerns"* sections of each *Psychological Evaluation*
- C. Suggested Custody Arrangements (Legal and Physical): . . . *Custody Recommendations*, page 4, paragraphs 5 & 6
- D. Suggested Parent-Time Arrangements: *Custody Recommendations*, page 4, paragraphs 5 & 6 (continuing on to page 5)
- E. Rule 4-903 Considerations: *Custody Recommendations*, pages 1-4
- F. Special Considerations: Possibility of Relocation

BACKGROUND:

- A. Mediation or Resolution Attempted? ☐ Yes ☐ No

Mediation was attempted in 2000 and was requested by the Respondent recently but did not occur.

- B. Temporary Custody and Parent-Time Arrangement:

The Decree of Paternity from July, 2002 states that the parties have joint legal custody and that Ms. Sawyer is designated as the primary physical custodian. The parent time is split according to the schedule presented in the decree.

- C. Current Living Arrangement: (who else lives in each home?) Currently, Taylor lives part time with his mother and brother in Murray and part time with his father in Park City and Las Vegas.
- D. Each Parent's Perception of Custody Issues "Parenting Style and Custody Concerns" sections in each party's *Psychological Evaluation*

EVALUATOR'S PROCEDURES:

- A. Interviews of Adults and Children: page 1 of *Psychological Evaluations, Child Assessment, & Addendum*
- B. Home Visits and Other Observation. same as above
- C. Psychological Testing: page 1 of *Psychological Evaluations*
- D. Collateral Contacts: *Addendum*
- E. Documents and Other Material Reviewed: *Addendum*

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CUSTODY RECOMMENDATIONS

MUNRO, Taylor

AGE: 7

DATES OF BIRTH: 7-11-96

PARENTS: Kathy Huish Sawyer and Glen Munro

ATTORNEYS IN CASE: Mary Cline, Esq. and Paige Bigelow, Esq.

COMMISSIONER: The Honorable Thomas N. Arnett, Jr.

JUDGE: The Honorable Glenn K. Iwasaki

COURT: Third Judicial District Court, Salt Lake County, Utah

CASE NO.: 994907668 PA

DATE OF REPORT: March 25, 2004

Based upon the information obtained and summarized in the enclosed reports, the following conclusions were drawn with regard to the factors listed in Rule 4-903 of the Utah State Code of Judicial Administration.

Taylor was not asked his preference with regard to where he wants to spend most of his time. He was asked to describe his time with each parent, however, and his feelings about a variety of people and events were examined to the extent possible. He appears to feel secure no matter which parent he is with and, like his father, he focuses on friendships and activities with others. He is accustomed to spending a couple of weeks at a time with one or the other parent and is not bothered by the transitions.

It is believed that Taylor needs regular contact with his brother but that the two brothers do not necessarily need to live together on a full time basis to feel secure or connected. There are age and personality differences between the two that will probably result in their seeking associations with other peers as they grow older even more than they do now. Their fathers are committed to maintaining contact between Taylor and Patrick even when their mother is not available and even if they are living in separate cities. Ms. Sawyer has entertained the notion of Patrick being with his father during the school year while Taylor is with her in Kwajalein. Certainly, the boys would have more contact if the boys were with their fathers during approximately the same time and with her during the same time. In arriving at the recommendations stated below, I have given consideration to their need to share some meaningful time together.

Taylor appears to count on both parents for his care and appears to be bonded to both parents. He also appreciates his extended family relationships on both sides of the family. When his mother has been out of town and does not call him often, he appears to continue to feel secure.

The current custody arrangement will change most if Ms. Sawyer moves to Kwajalein. In that case, Taylor would spend longer periods of time with one parent or the other. Since it is easier to visit him here rather than visiting him in Kwajalein (because of the restrictions, etc.) and since Ms. Sawyer is unemployed, she could more easily visit Taylor here than Mr. Munro could visit him in Kwajalein. Mr. Munro's time with Taylor would dramatically change if Taylor were to move to Kwajalein. If Ms. Sawyer stays here, there would be fewer changes for Taylor in that he could continue to live and attend school in the Salt Lake/Park City area. I have concluded that, even with that scenario, some changes need to be made, however. These changes would be designed to reduce conflict between the parents, thus sparing Taylor that burden, give him more time with his father, and other opportunities, e.g., a more challenging school environment. The current level of strife between his parents has and will continue to be a problem for him if the current custody arrangement continues.

Although both parents seem to be of good moral character, Kathy's honesty has been questioned. Glen is very straight forward even if not always diplomatic. Kathy's accounts of events are known to change from time to time. I am not sure that she is purposely trying to deceive others. Instead, it seems that she changes her mind often and is more apt to believe her own representations even when they are not quite accurate. Glen is definitely more emotionally stable and adaptable. Kathy is reactive and easily offended by others. She feels victimized by others, and stress often makes her physically sick. She is perceived by others, including her son, as unhappy. Her own neediness does keep her from focusing on Taylor's needs from time to time.

Historically, both parents have shown a duration and depth of desire for custody. Mr. Munro does allege that Ms. Sawyer was more than happy to have him keep and care for Taylor after their separation. Indeed, Ms. Sawyer has demonstrated a comfort in being separated from her children that many mothers would not have. During this evaluation, Ms. Sawyer clearly stated on several occasions that it was her intention to move to Kwajalein to be with her husband regardless of whether the children were allowed to go with her. Whereas Taylor is clearly the center of Mr. Munro's world, Ms. Sawyer is ambivalent about what to do when Taylor's needs and her own needs conflict.

Although Ms. Sawyer's lack of employment allows her to be more available to provide childcare, her physical illnesses, preoccupation with stress, time with her husband, and competing interests diminish that availability somewhat. Her mother is quite involved in the care of the children and has provided an important back-up for her when she doesn't feel well. Glen works ten days a month and has the remaining days to spend with Taylor, which he attempts to do. If the parents could communicate and respected each other, each could benefit from the other parent's availability to be with Taylor when needed.

Taylor could benefit from spending maximum one-on-one time with both parents rather than having to endure the stress of their bickering.

Neither Ms. Sawyer nor Mr. Munro has a problem with substance abuse or other impairments. There are times when Kathy feels that she is too ill or upset to deal with Taylor, but she could probably cope if her mother was not immediately available to take over. I do have concerns about Mr. Sawyer's past history of alcohol abuse and the dangerous behavior he has displayed while drinking, including relatively recently driving while intoxicated. I suspect that he would not become as aggressive and threatening as he was ten years ago, but he might abuse alcohol if his relationship with Kathy became stressful. If they were in Kwajalein at the time, family resources would not be as available.

Neither parent has relinquished custody of Taylor in the past. The issue of religious compatibility is discussed in the evaluation of Ms. Sawyer under the heading, "Parenting Style and Custody Concerns." My conclusion is that Taylor would continue to be exposed to religious services and teachings in either home to about the same degree, which is roughly consistent with what he has experienced in the past. Hopefully neither parent would urge him to commit to a particular religion without the approval and support of the other parent.

If Taylor were to move to Kwajalein and live there on an extended basis, he would be separated from his father, possibly his brother, his maternal grandmother, his paternal grandparents, and other extended family. Taylor, in particular, values these relationships and they seem to be an added source of security for him. He could maintain the highest degree of contact with these individuals if he lives in the Salt Lake/Park City area. If he lived with his father in Las Vegas, there would be some separation from extended family members but less so than if he were to go to Kwajalein. With regard to stepfather status, Taylor appears to like Mr. Sawyer and it is expected that, as long as Mr. and Ms. Sawyer's relationship is a good one, Taylor will benefit from this relationship.

Financially, Ms. Sawyer is in a very precarious position. She has a great deal of debt and is totally dependent upon her new husband to provide her support. Given her debt and expensive tastes, I suspect that finances will be the source of considerable stress for her and her family for years to come. Although Mr. Munro has spent a great deal of money on the on-going custody dispute, he has a higher-than-average income and is quite careful about how he allocates his resources. He is forward-looking and concerned about both the time when he will be forced to retire due to the airlines' age requirements and Taylor's college education.

Kathy indicated that she never felt abused in her relationship with Glen until she joined a women victims' support group. She has alleged some pushing and foul language on Glen's part. Glen has accused her of kicking and hitting him and throwing things, once endangering both himself and Taylor. Although there appears to be evidence for a few incidents mentioned by both and Glen admits to having called Kathy some names, I would not characterize their relationship with each other as abusive. There was also no

abuse of Taylor. There have been a couple of instances in which Ms. Sawyer has not been attentive to Taylor in her supervision of him, which might have resulted in injury to Taylor, but generally both parents are attentive to his welfare. Mr. Munro appears to be more protective of Taylor.

Other factors that I deem important are the following. First, based on their personality styles and decision-making, I would expect Mr. Munro to provide more stability to Taylor's life. He is less changeable, more self-sufficient, less impulsive, etc. I do not see him as likely to change partners or change residences without a great deal of thought and consideration given to Taylor's needs.

Secondly, I believe that Mr. Munro is apt to interpret and abide by court decrees more carefully and accurately than Ms. Sawyer does. This would reduce the amount of conflict. Also, and perhaps more importantly, I believe that Mr. Munro is much more amenable to sharing Taylor with his mother than she is of sharing Taylor with his father. He would not look for ways to thwart Ms. Sawyer's time with Taylor whereas Ms. Sawyer believes that Mr. Munro will only damage Taylor.

Thirdly, Mr. Munro is very interested in helping Taylor develop and expand his abilities, experiences, and interests. He views Taylor's needs as different from his own and has responsible parental attitudes. He is determined to provide his son with the opportunities and security every child should have. He is upbeat and values self-sufficiency. Ms. Sawyer, on the other hand, is more caught up in relationship problems, is dissatisfied with her life, and is apt to view her own and Taylor's needs as similar even when they are not.

Besides the needs alluded to above, Taylor has other needs that are discussed in the *Child Assessment* portion of this evaluation. Although both parents can and do respond to his needs, I believe there are ways in which greater contact with his father could benefit Taylor now and in the years to come.

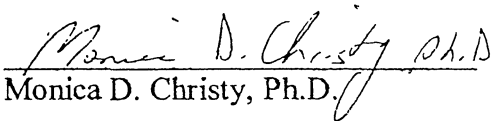
Not knowing whether or not Ms. Sawyer now plans to move to Kwajalein if she does not prevail in this case, I have prepared two sets of recommendations. If she does move to Kwajalein, I recommend that Mr. Munro assume primary legal and physical custody of Taylor. I recommend that Taylor attend a school in Las Vegas where he would have extended vacation time during the summer (and perhaps at other times) so that he could spend extended time with his mother. As I understand it, if he were on the track system, he would have two long vacations during which he could be with her. If he attends a private school, he would have all of the summer months free and could spend the majority of time with her then. Assuming that Patrick would also be with her during much of the summer, the boys could spend some extended time together then.

If Ms. Sawyer decides to remain in Murray, it is recommended that Mr. Munro have primary physical custody of Taylor but that Ms. Sawyer have parenting time amounting to 40% of Taylor's time. Legal custody could be either sole or joint, as long as Mr. Munro would have the final say in matters of disagreement which did not involve a

disputed interpretation of the decree. It is recommended that, under this scenario, that part of Ms. Sawyer's time with Taylor would consist of the time that Glen is working. In addition, she could select one additional weekend or other time of her choice that would bring her total school year time up to 40%. During the summers, it is recommended that she have 50% of Taylor's summer vacation time, with Mr. Munro's working time being part of that time. Deducted from the total summer time should be two weeks of uninterrupted, pre-set vacation time for each parent. If either parent wishes more uninterrupted time, it is recommended that they each take an additional pre-set one or two weeks. It is recommended that a date be set for decisions about uninterrupted vacation time at least 30 days before Taylor gets out of school. Given this scenario, it is also recommended that Mr. Munro choose the school that Taylor attends, one which is no further away from Murray than halfway between Murray and Park City. It is recommended that Mr. Munro pay for the costs of any private school selected.

It is recommended that the decree specify details of the parenting time plan so that there is little room for misinterpretation regarding each parents' rights and responsibilities. The issues of surrogate care and communication procedures particularly need to be addressed. In my letter of December 20, 2003 (attached), I outlined issues which I think need to be addressed specifically in the decree. Although I have stated my opinions about some of these provisions, I have recommended that the parents settle on some of the specifics or at least present their positions so that a third party can take into consideration their preferences. At the time I wrote that letter, mediation was anticipated but I understand that it did not occur. If the parents can not agree on these specifics, I would be willing to make recommendations regarding these matters once I know where Ms. Sawyer will be, what the custody arrangement will be, and the parents' preferences regarding these matters.

It is hoped that the recommended custody arrangement will reduce the need for a special master in this case. Nevertheless, I suspect that some disputes over interpretation will continue to arise. It is therefore recommended that Mr. Florence, continue to be available to the parties on an as-needed basis.


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December 20, 2003

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RE: Huish (Sawyer) v. Munro

Dear Counselors:

Since we met, I have been thinking about some issues that will need to be addressed during mediation and in the settlement agreement (or my report). I am writing this letter to make some suggestions along these lines. Having spent so much time on this case, I am aware of how any ambiguity can easily result in conflict. I believe that the more detailed the settlement agreement is, the better it will work in this case. Hopefully, a detailed agreement will reduce the occasions when the services of the special master will be needed. Below, I have also added some clarifying remarks regarding my recommendations. If these issues are not resolved through mediation, I will address them in my written report. If a report is needed, I would like each parents' preferences and arguments in writing about how these questions should be answered prior to my writing the report.

1. Should there be a time after which (p.m.) and before which (a.m.) Taylor should not be transported to the other parent? Children's bedtimes, usual wake-up time and "wind-down" time should be considered.
2. If a parent is delayed in picking up Taylor due to a delayed flight, illness, another commitment, etc., should the "picking up parent" be entitled the option of choosing another person to pick up Taylor? Under what circumstances? What is the maximum time the "picking up parent" can be delayed if a "surrogate care person" picks up the child? I would recommend that the parents be on their honor regarding

their adherence to the latter time period chosen, rather than having to prove their availability. I'd also recommend that the person picking up Taylor be selected by the "picking up parent" without the other vetoing the selection. I hope that the parents would agree that, unless the "surrogate care person" is a close family relative (e.g., spouse, grandparent) that this interim surrogate care arrangement might be hard on Taylor if resorted to often. Also, prolonged personal care by the parent who already has Taylor would be preferable if that parent is available.

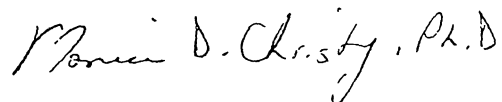
3. How long should any planned surrogate care for Taylor be before the parent who has Taylor is obliged to give the other parent the option of caring for him. Should this depend on his relationship with the surrogate care individual (e.g., grandmother), the distance between parents at the time, whether or not this is designated "vacation time", etc. For example, some parents visit the children's grandparents during vacation time and leave the child with the grandparents (for the child's enjoyment rather than necessity) for a couple of days. Should this be allowed? If so, for how long, and what about other circumstances and individuals? What should be the advanced notification time that is expected if a parent needs to give the other parent the option to care for Taylor?
4. I recommended that Glen choose a school for Taylor, after consulting with Kathy (mandatory consultation if joint legal custody, advisable even if sole legal custody). I recommended that Glen be required to select a school in the Salt Lake Valley if Kathy continues to live in Salt Lake. If she moves, the school would be in Las Vegas and be either Track 5 of a public school or a private school with a traditional calendar. The amount and timing of Taylor's trips to Kwajalein would be different depending on the school calendar. If Taylor were on a Track 5, I can envision Taylor spending more of his two long vacation times, (July 1-Aug. 30) and (Thanksgiving to New Years), with his mother since his father would have vacation time with him during other off track times and have him during June (even though he'd be in school). As I noted, Taylor should have some Christmas time with his father, however. If he were on a traditional schedule, his father should have some of his summer vacation time and the parents could perhaps alternate Christmas unless Kathy came back here to spend part of each Christmas with him. It is difficult to suggest a schedule without knowing where Taylor will be going to school. My recommendation would be to minimize Taylor's number of trips but maximize potential time with his mother, while still allowing his father to spend about half of the holidays with him and having some meaningful vacation time with him. Besides knowing where Taylor will go to school, Kathy needs to indicate how much she could (and would want to) come back to Salt Lake if she were to live in Kwajalein. Then a schedule could be devised.
5. What are the transportation responsibilities of each parent, if Kathy remains here and if she leaves?
6. What type of supervision should Taylor have on trips to Hawaii and Kwajalein? Parental or another adult? At what age would he be able to make part of this trip with

only the supervision of a working Delta or other airline employee? My view of this is that both he and Patrick need accompaniment on these long flights with an adult who is not an unknown airline employee for many years to come.

7. Should Taylor make trips to Kwajalein if he can only be there less than a week (less than 10 days)? What length of time makes the trip worthwhile given the difficulty of the trip on him?
8. How should holidays be allocated? If Kathy remains here, I would suggest alternation, including Halloween as a holiday. The parents may have some different requirements due to Glen's work schedule. Since the schedule would also change somewhat each month, there is a question as to how the alternation of holidays would affect this. (As you know, it usually supercedes the planned schedule.)
9. I am sure that much of the mediation will deal with the mechanics of planning the month's schedule each month if Kathy remains here. I envisioned Glen providing his schedule as soon as it is available to him and her noting additional days (up to 40%) she wanted within a day or two of receiving his schedule so that both parents have as much advance notice as possible. The parents can decide methods of notification, deadlines for notification, and how the designated holidays should affect the percentage, etc.
10. Although it may be ambitious to do so, the settlement should probably address how the parenting-time schedule would change if Kathy become employed or if one or both of the parents moved from the places where they now anticipate living.
11. The settlement should provide for and require regular (monthly if not more often?) contact between Taylor and Patrick. My understanding is that both fathers are willing to provide these opportunities.

I suspect that Brian Florence may also have some suggestions about issues to be addressed in the settlement that would minimize the need for his services in the future or make his decision-making easier. I hope this letter is helpful.

Sincerely yours,

A handwritten signature in cursive script that reads "Monica D. Christy, Ph.D.".

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Clinical Psychologist

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CHILDREN'S ASSESSMENT

MUNRO, Taylor

AGE: 7

DATES OF BIRTH: 7-11-96

PARENTS: Kathy Huish Sawyer and Glen Munro

ATTORNEYS IN CASE: Mary Cline, Esq. and Paige Bigelow, Esq.

COMMISSIONER: The Honorable Thomas N. Arnett, Jr.

JUDGE: The Honorable Glenn K. Iwasaki

COURT: Third Judicial District Court, Salt Lake County, Utah

CIVIL NO.: 994907668 PA

DATE OF EVALUATION: 7-4-03 to 12-18-03

DATE OF REPORT: March 25, 2004

ASSESSMENT PROCEDURES:

Individual Interviews with Taylor - 2, total of 1 hour and 20 minutes

Home visits and observation

Interviews with parents, brother, and stepfather

Collateral contacts and review of supplemental information - see *Addendum*

REASON FOR REFERRAL:

Taylor was interviewed, observed and assessed in conjunction with the custody evaluation involving his parents. His general well being, functioning, and relationships with his parents were the focus of the assessment. Further future clinical and academic assessment may be necessary to provide for his needs.

FINDINGS:

Taylor is a lively, bright boy who is quite outgoing and clever. He does well in school, is socially adept, and loves his dog. He appears to feel secure with and loved by both of his parents and all family members. When he is with his mother, he spends an equal amount of time at his grandmother's house and his mother's house. Sometimes he is with just his

grandmother and sometimes his mother is also there using his grandmother's computer. He looks forward to the time he spends with his father and perceives himself as not having much time with his father. He also enjoys returning to his mother's and grandmother's houses. Unlike his older brother who likes to play computer games, Taylor would prefer to be outdoors or playing tag with friends. Taylor's tendency to nag his brother to play with him is sometimes the source of conflict.

Taylor views his mother and grandmother as yelling at him more than his father but that may be due to his greater time with them. Taylor also views his mother as not as happy and as far more sick as compared to his father, grandmother, and brother.

Taylor was very upset about the incident at school in which, as he described it, his dad was pulling on his arms and his grandmother was pulling on his legs. He recalls crying too much to see what had happened, but he had later heard that his father had slapped his grandmother in the face. He does recall his grandmother "fighting" with his dad and his dad telling her that he would see her in court. He reportedly was later told by his dad that his grandmother was trying to put his dad in jail.

Taylor also reported being told negative things about his father. For example, his mother told him that his dad wants him to think that his grandmother and mother are bad persons. When I talked to Taylor, he was excited to go to Kwajalein but said that his dad wouldn't let him go. He had been told that if he stayed with his dad, he wouldn't be able to see his mom for a long time. Taylor's desire to go there seemed more related to it being a new experience rather than concern about being separated from his mother.

My overall impression is that Taylor hears more about his mother's and grandmother's disapproval of his father from them than his father's disapproval of them from his father. Some of this may be inadvertent. Taylor often must accompany his mother when she goes to visit friends and undoubtedly hears telephone conversations as well. He is the type of child who is not really interested in such things and just wants to have fun. As he matures, however, he needs to be shielded more from the conflict and inadvertent comments.

The parents are reminded of their agreement to not confront Taylor about anything that he may have reported to me, even if it is not true. I do not expect all information emanating from children to be accurate or unchanging over time.

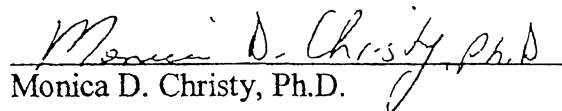
At the custody evaluation conference with Commissioner Casey in December, some of Taylor's particular needs were addressed, with examples given to the parents. Some of these needs are presented in this report as part of the discussion of 4-903 factors in the *Custody Recommendations*. Taylor also has the following particular needs:

1. Taylor's life could be much improved if his parents could communicate directly with each other and not ask him to communicate messages. They should talk directly to one another when he is not around since the likelihood of a show of disrespect is high. They need to offer clarification and reasons for their concerns to each other and

not insult or criticize each other during these conversations. They also need to give the other parent the benefit of the doubt and recognize that the other parent is motivated by concerns for Taylor's welfare as well.

2. If either parent learns of something from Taylor that disturbs him or her, that parent should reserve his or her reaction for a time when the parents talk rather than conveying to Taylor that he or she disagrees with the other parent. Both parents need to understand that they will have different ways of approaching problems and that neither should control the other parents' parenting decisions when Taylor is with the other parent.
3. Both friends need to instruct friends and relatives to speak of the other parent with respect when they are with Taylor. It would help if each parent stopped complaining to friends about the other parent so their friends are not inclined to make negative comments.
4. Taylor is a very bright boy who could probably benefit from the opportunities of a private school.
5. Taylor will be more of a discipline challenge than was Patrick. He will require firmness, help with impulse control, and a great deal of positive reinforcement. He will also need to learn to use his cleverness in positive ways instead of becoming manipulative, sarcastic, critical of others etc. At this age, it is appropriate that he be concerned with new adventures and other self-interests. If sensitivity to others' feelings do not develop naturally, he may need some help in this area. Additionally, if his parents learn to resolve conflict through frank discussions, consideration of others' feelings, and compromise, he will pick up this skill. If not, he may need alternative role models to learn these skills.

Please see the custody recommendations.


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PSYCHOLOGICAL EVALUATION

MUNRO, Glen

AGE: 47

DATE OF BIRTH: 3-13-57

ATTORNEY: Paige Bigelow, Esq.

COMMISSIONER: The Honorable Thomas N. Arnett, Jr.

JUDGE: The Honorable Glenn K. Iwasaki

COURT: Third Judicial District Court, Salt Lake County, Utah

CIVIL NO.: 994907668 PA

DATE OF EVALUATION: 7-14-03 to 12-18-03

DATE OF REPORT: 3-25-04

ASSESSMENT PROCEDURES:

Individual Interviews - 4, total of 10 hours

Telephone Contact

Minnesota Multiphasic Personality Inventory-2

Sixteen Personality Factor Questionnaire

Rotter Incomplete Sentences Blank

Report of Educational, Occupational, and Residential History

Parent Questionnaire

Interviews with other parents/stepparents in this and the Huish v. Huish case

Home visits and observation

Collateral contacts and review of supplemental information - see *Addendum*

REASON FOR REFERRAL:

Glen Munro, Kathy Huish Sawyer, and Dave Sawyer all received psychological evaluations in conjunction with a custody evaluation involving the custody of Taylor Munro, age 7, the natural child of Glen Munro and Kathy Huish Sawyer. Custody recommendations were also requested and provided.

FAMILY AND MARITAL HISTORY:

Glen's father was in the army for 20 years, which resulted in some family moves. Glen was born in Arizona and lived there for 10 years. During Vietnam, the family moved to Japan for two and a half years. The family then moved to Butte, Montana, where Glen's mother's family was from. Glen has two sisters; one is two years older and the other is five years younger. They both live in Butte as well. Glen is also close to his cousins. Glen goes to Butte to see his family about two or three times a year. He talks to his parents one or two times a week and his sisters about twice a month. For a time, Glen's nephew, who was trying to get into golf, lived with Glen in Las Vegas.

Glen's mother was a stay-at-home mom who sold Avon. His father worked for armed services induction when he retired from the army. Glen noted that his parents always told him that "the more friends you have, the richer you are." Therefore, he has been socially active, like his parents, although he is not as outgoing as his father. Glen recalls that his mother had definite rules for the children when they were growing up but was not too strict. He recalled that his parents had arguments but that there was never any name-calling or physical fighting. His parents stressed, "Never put a hand on a woman."

When Glen was in junior high, he broke his foot and chipped his elbow playing football. In high school, he stopped playing sports and got a job so he could save for pilot's lessons. He received B's and C's in school; he was good at math, science, and accounting, but not English. He was a "prankster" in high school but never engaged in delinquent behavior. His father was never abusive but Glen feared his disapproval and he did receive a couple of spankings as a child. He remarked that his parents brought him up to respect authority.

Glen started taking flying lessons in high school, without his mother's knowledge. He also worked long hours at Kentucky Fried Chicken six days a week. After receiving all of his ratings, Glen and a partner started a flying service. Later he went to college and then received a flying job.

While attending college in Billings, Montana, Glen dated a girl for 2 1/2 years. They lived together one of those years. She wanted to continue to live in Billings but he wanted to work for the airlines, which would necessitate relocation. He finally was hired by Republic Express in Minneapolis. Glen also dated a girl for six to eight months before he met Kathy. She eventually went back to her old boyfriend. Glen was hired by Western, which was then bought by Delta. He lived in Midvale from 1986 until 1989 and then moved to Park City in the spring of 1990. He had no other serious relationships before meeting Kathy.

Glen met Kathy at a Delta Christmas party in 1992 and began calling her and dating her in February of 1993. He reports that they had a good relationship for the first six months, although he became aware of her insecurity and jealousy of any time he spent away from her (including time he spent mowing the lawn and talking to a neighbor). After a spat during which she allegedly threw things at him and called him names, they split up but

later reunited. After her divorce became final in early 1994, she wanted to marry right away. Later, she accused him of looking at a girl's breast at a party and accused him of getting together with that girl. By the summer of 1995, he told her they needed to start dating other people. She was jealous of his friends and, when they stayed together, would not deliver messages that his friends left.

Although they had broken up, Glen had already invited Kathy to his 20th class reunion. After he went to bed that night, Kathy stayed up and talked to his mother until 3 a.m. while Kathy packed and unpacked her suitcase. Glen's mother reports that Kathy was saying that she hated Glen but also complained that he would not marry her. Kathy said she intended to get pregnant. (After Kathy became pregnant, she appealed to Glen's mother to make Glen marry her, and became very angry at Glen's mother. Kathy and her mother have also called Mrs. Munro to accuse her of conspiring against Kathy when Ms. Munro repeated her conversation with Kathy to Glen.)

After this trip, Glen and Kathy were apart for six months, although, according to Glen, Kathy was persistent in her pursuit of him. They reunited long enough for her to become pregnant. She discovered she was pregnant at the end of September or beginning of October. In November, Glen bought Kathy a "1.75 caret flawless ring" and showed it to her mother. He had planned to have her sign the prenuptial agreement and then give it to her for Christmas. Her mother suggested he show her the ring that day. According to Glen, when he did this, Kathy complained that the ring was not big enough and that she wanted a 2 caret ring. Kathy also refused to sign the prenuptial. Glen noted that he felt the prenuptial was quite reasonable in that, if they stayed together more than 10 years, the prenuptial was "null and void."

Glen claims that when Taylor was a few days old, Glen took Taylor to Park City for 1 1/2 to 2 weeks, and that Kathy came up to Park City only once during that time. Glen said that Taylor's crib was in Park City and that he took Taylor to Kathy once a day or every other day for about four to five hours a day. He noted that he told her she could come to Park City but she preferred to stay with her mother where she would be "pampered" more. Kathy sharply denies this claim and has provided pictures and letters from friends proving that she was spending time with Taylor during this time. Glen provided a taped deposition of an individual who visited Glen and Taylor at the time and noted that Glen was taking care of Taylor single-handedly.

Kathy had complaints about Glen's inattentiveness to her from the time she gave birth (and before). When they moved to Las Vegas, Kathy was often jealous when he talked on the phone to male friends or when he went outside to mow the lawn. During their time together, Glen claims that Kathy purposely broke dishes on numerous occasions and once threw a knife at the couch when Taylor and Glen were sitting there watching television. Glen said that the back of the couch has a hole where the knife hit. Kathy reportedly talked to her mother five times a day and would return alone to her mother's house for three to four days every three months, while Glen took care of the children.

The circumstances surrounding their separation are discussed in Kathy's report. The many events and accusations that have occurred since then are too numerous to mention but well-documented in court documents and other records. Having reviewed all of the information listed in the *Addendum*, I am prepared to describe this information during testimony. All of this information was considered in arriving at the findings and recommendations.

EDUCATIONAL AND OCCUPATIONAL HISTORY:

In 1975, Glen graduated from high school. He attended Eastern Montana College from 1982 until 1985, majoring in business and accounting. He quit college when he was only 18 credits short of a degree because he was offered a flying job for an oil company.

From 1978 until 1980, Glen and his partner offered charter flights and instruction. Glen sold his portion of the business in 1980 and went to fly for three other companies until 1985 when he went to work for Republic Express Airlines. The following year, he took a job as a pilot for Western Airlines (which became Delta) and has been employed by Delta since then. He noted that every six months the crews must take refresher courses. At age 60, he must retire.

FINANCIAL STATUS:

Glen earns \$200,000 per year. He has refinanced both of his houses, in Las Vegas and Park City. They are worth about \$250,000 and \$300,000 respectively, but his equity is only 20% in each. He owes a total of \$50,000 in credit card debt, a home equity loan, and second mortgage combined. He reported that his legal bills have run about \$3,000 to \$5,000 per month and that, if he sold both houses, he would walk away with nothing. Costs associated with this case from the beginning have amounted to about \$150,000, which has wiped out his stocks and savings. He hopes to get "back on track" in the next couple of years and save for Taylor's college.

MEDICAL AND COUNSELING HISTORY:

Other than the past injuries noted above in junior high, Glen has not had any serious injuries and is in good health. He has flight physicals every six months. He had a kidney stone once, but it broke up. He has never had any emotional problems. He has had many psychological tests in the past, as a screening procedure for pilots, but he was never given the results.

SCREENING FOR SUBSTANCE ABUSE, VIOLENCE, AND ARRESTS:

When in his twenties, Glen partied, drinking beer or wine, sometimes as often as four times a week. He now has a beer a couple of times a month and does not drink at home. He has never had a DUI, noting that that would go against him as a pilot.

Glen denies ever being physically violent with another person. In answer to Kathy's allegation that Glen threw her on the floor and spanked her, Glen denies this, noting that the only time he might have spanked her was on her birthday. When asked if he pushed her against the tile in the kitchen, he said that he doesn't remember ever laying a hand on Kathy or her mother. He noted that he was taught to never hit a woman and has not. He remembered that once when Kathy was kicking him in the shins and hitting his chest, he grabbed both of her arms and told her to knock it off.

Glen did admit to calling Kathy a "bitch" when they were alone but said he never called Kathy names in front of Taylor. He doesn't remember calling her a "piece of crap" as she alleges and has never heard Taylor use the phrase "piece of crap" or the word "suck." He also denied ever locking her out of the house. He does recall yelling something to the effect of, "What the hell is taking you so long?" when she took a long time in a bookstore when they were already late for a dinner party. She then refused to go to the party because of his comment. He also denies calling her "stupid"; he noted that Kathy always thinks others are putting her down. For example, she said he made her feel stupid when he told her to take the lint out of the dryer.

Several of Kathy's friends also felt that Glen had been disrespectful and either verbally and/or physically abusive toward Kathy, although most of these had only heard of incidents reported by Kathy on the telephone. Kathy's best friend, who views Glen as evil, claims that she once observed Glen push Kathy, after which Kathy fell to the ground. This occurred in Las Vegas, but she doesn't remember the circumstances. Another friend of Kathy's at the time had allegedly written a document noting that she had heard Glen yelling obscenities toward Kathy in an abusive manner and believes that he pushed her. She is no longer Kathy's friend and now reports that both Glen and Kathy were yelling at each other and that it was Kathy who had reported that he threw her on the couch after she threw something at him. This former friend claimed that she had only written one letter for Kathy and that she had never personally observed any physical abuse from Glen or heard him call her obscenities. She noted that her earlier comments were based on information Kathy supplied in a phone call.

Kathy also recalled that one of Glen's married friends heard Glen verbally abuse her on one occasion. This collateral source remembered the incident but did not feel that Glen's reaction or words were abusive or unusual given the circumstances. He did not view Glen as having a negative attitude toward women and said that he would not hesitate to introduce Glen to women friends.

I suspect that Kathy did not receive the respect from Glen that she wanted or would be expected in a marriage. That is based on several factors including the fact that they were

trying to make a relationship work when they did not truly respect each other's way of handling problems, priorities, etc. As they each approach future relationships, Glen could probably benefit from some sensitivity training with regard to communication and marriage, whereas Kathy needs to become far less sensitive and learn to appreciate other perspectives than her own.

Glen has never been arrested and has had no judgements against him or legal problems with the exception of this custody dispute and Kathy's mother's recent charge against him. At last report, this charge has been reduced to "disorderly conduct" and he is still waiting to hear the judge's decision about the findings in this case.

PERSONALITY APPRAISAL:

Glen described himself as very goal-oriented. He knows what is right and wrong and is strong emotionally. He can handle crises and can be logical. Generally, he believes that he is a good person. He believes that he should be more empathetic toward others who are not as strong as he is. He explained that he tried to be empathetic with Kathy but also believes that people should "suck it up" and be stronger. He remarked that, with age, he has become more emotional and that things get to him more.

In the future, Glen would like to have a family for Taylor. He described his own family of origin as great and very stable. He would like to marry and provide a stable family for Taylor. Glen affirmed that when he was in his twenties, he said he would never marry, but that he did want to settle down with Kathy. He told her that he would not marry without a prenuptial agreement. He regrets that the relationship with her never worked and feels bad for Patrick. When Glen retires at age 60, he would like to open a driving range. He remarked that he never liked Atlanta and would stay in the west, adding that his present neighbors are great. He would also like to be financially secure.

Glen responded to the questions on the MMPI-2 in a generally straightforward manner, without being unduly self-favorable or self-critical. The validity scales did show some conscious defensiveness, although less than average compared to child custody litigants, suggesting that his unusually low profile may be under-elevated to some degree. Individuals with his profile typically are cheerful and have a normal range of moods with less anxiety than average. They are socially outgoing and converse with others easily.

Such individuals place a high value on self-control and are reluctant to challenge authority. They are practically minded and emphasize productive achievement. Compared to the average child custody litigant, he appears more willing to consider the wishes of others and accommodate their interests. Compared to the same group, he also appeared as somewhat more forgiving. The risk of loss of temper was below average and his bonding with children appeared to be more stable and dependable than average.

Other testing revealed that Glen comes across to others as very reserved, aloof and cool. This finding is interesting in that Kathy criticized him as being very "cold". His abstract-

thinking skills are higher than average. He is enthusiastic, conscientious, self-reliant, practical and relaxed. Glen is currently very worried about being separated from his son and feels regret that he and Kathy failed at their relationship. He is self-critical and yet optimistic and hopeful about the future.

Glen's approach to problems is very logical and analytical. In an attempt to prove his case, he has gathered data and presented very detailed evidence supporting the accuracy of his assertions. His presentations, even though they are organized and convincing, are sometimes overwhelming. People like Kathy who operate on a more emotional basis and really want reassurance, confirmation, and understanding from him view his emphasis on accuracy, evidence and logic as rejecting. Since she is more likely than average to feel criticized anyway, his emphasis on practical details and lack of positive statements to her have contributed to her oppositional stance.

Although I do not see much hope in Glen and Kathy dramatically changing their communication style, Glen would probably do well to learn how to express understanding and empathy more readily before entering another serious relationship. He should probably read one of the popular books about how the communication patterns and needs of women and men differ. He should also pick a partner who thinks more like he does and appreciates logic, frugality, and detail.

Generally speaking, Glen does present as confident and unflappable, which is exactly what one would hope for in a pilot. When it comes to the fear of losing contact with his son, however, he is quite anxious and emotionally vulnerable. Whereas Kathy views him as being controlling, I believe that she has been in control with regard to his parenting time, a fact that understandably has caused Glen much frustration and fear.

PARENTING STYLE AND CUSTODY CONCERNS:

Glen indicated that if Kathy goes to Kwajalein, he would want sole legal and physical custody of Taylor. He would want to live with Taylor at his home in Las Vegas and have Taylor attend school in Las Vegas. If Kathy remains here, he would want sole custody of Taylor, but would want Taylor to be with Kathy anytime that he was working and for other special activities. In that case, Taylor would attend school here and live with his father in Park City.

Glen argued that he prefers sole custody of Taylor in either case because Kathy does not follow orders and she believes that joint custody entitles her and LeNay to treat him as a "second class citizen" and dictate when Taylor can see him. Glen fears that they would spend a great deal of time in court if custody were joint.

Glen noted that if Taylor lived with him in Las Vegas, that he would enable Taylor to see his grandmother LeNay and Patrick on a frequent basis.

Glen feels that he would help Taylor develop more self-sufficiency and responsibility than would Kathy. He gave examples of his wanting Patrick to pick up his room and make his bed, an idea which Kathy objected to because of Patrick's learning disability. (Glen reported that he had a very good relationship and that Patrick has been welcome to come to Las Vegas and Park City. Kathy, however, will not let him do that.) Glen notes that the grown children in Kathy's family are living at home and that Kathy's mother allows them to blame others for their problems. Glen wants Taylor to be more self-sufficient in life.

Kathy and Glen disagree about how much each has been involved in Taylor's care since the time of his birth to December, 1999. Whereas their percentages differ, I have concluded based on their claims and the observations of others that Glen was a very active caretaker of Taylor from the beginning and had reason to question Kathy's interest in being a more-than-joint physical custodian. She clearly felt comfortable turning over Taylor's care to Glen from the days that Taylor was a newborn; Glen did not hesitate to take on this responsibility.

Glen appears to be more protective of Taylor than is Kathy and more apt to incur personal inconvenience to make sure that Taylor is happy and that his needs are met. As noted in Kathy's report, Glen was very worried the time that Taylor was left alone in the house sleeping and wandered into the street as a toddler. When Taylor was a baby, Kathy's mother commented on the frequency of Glen changing Taylor's diaper whereas Kathy did not. Glen reports then potty-training Taylor but said Taylor always came back from time with his mother in diapers and was not potty trained until the age of 4.

Recently, Glen has been concerned about Taylor walking to school by himself when he is with his mother. He feels badly for Taylor when Taylor's mother calls him only infrequently when they are separated. Glen plans and obtains medical care for Taylor. He also has aspirations for Taylor's education. He would like to send Taylor to Challenger, a private school. Although a provision is made for this in the divorce decree, he has not been able to accomplish this since Kathy has not cooperated with this plan.

The evaluation by Carol Gage, observations of collateral sources, and my own observations and interviews suggest that Glen is a very "hands-on", involved caretaker of Taylor. Taylor is his highest priority and Glen does not appear to regret missing out on any other activities when he is with Taylor. He also does not try to have Taylor adapt to his plans. He is very child-centered while setting appropriate expectations with regard to Taylor's behavior.

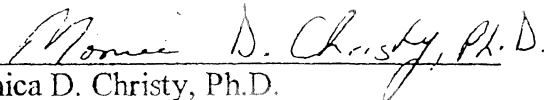
Glen is very friendly with his neighbors who have children and many attested to his superior parenting skills. Taylor plays with the children in one family in particular. Both parents are teachers, live across the street from Taylor and Glen, and have known Taylor and his family for years. I had the opportunity to meet them briefly when I visited Glen's home and later spoke to the mother at length on the telephone. Glen has researched options for childcare and schools if Taylor were to live with him in Las Vegas. The

grandmother of the children Taylor plays with most would be available to stay at Glen's home and watch Taylor when Glen was flying if Kathy were in Kwajalein.

Glen reports no problems in disciplining Taylor and reports that Taylor is usually obedient. Taylor may test limits more when he is with friends but is responsive to his father's verbal reprimand. Glen cooks for Taylor and avoids eating out since he enjoys being at home. Glen reports having little time to date or pursue sports activities with friends. He is anxious for the court battles to be over and would like to marry and provide Taylor with a intact family unit in the future.

SUMMARY AND RECOMMENDATIONS:

Please see the *Custody Recommendations* for a summary of Mr. Munro's characteristics and parenting abilities as well as the custody and parenting-time recommendations.


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PSYCHOLOGICAL EVALUATION

SAWYER, Kathy Huish

AGE: 42

DATE OF BIRTH: 8-17-61

ATTORNEY: Mary Cline, Esq.

COMMISSIONER: The Honorable Thomas N. Arnett, Jr.

JUDGE: The Honorable Glenn K. Iwasaki

COURT: Third Judicial District Court, Salt Lake County, Utah

CIVIL NO.: 994907668 PA

DATE OF EVALUATION: 7-4-03 to 12-18-03

DATE OF REPORT: 3-25-04

ASSESSMENT PROCEDURES:

Individual Interviews - 4, total of 10.75 hours

Telephone Contact

Minnesota Multiphasic Personality Inventory-2

Sixteen Personality Factor Questionnaire

Rotter Incomplete Sentences Blank

Report of Educational, Occupational, and Residential History

Parent Questionnaire

Interviews with other parents/stepparents in this and the Huish v. Huish case

Home visits and observation

Collateral contacts and review of supplemental information - see *Addendum*

REASON FOR REFERRAL:

Kathy Huish Sawyer, Glen Munro, and Dave Sawyer all received psychological evaluations in conjunction with a custody evaluation involving the custody of Taylor Munro, age 7, the natural child of Kathy Huish Sawyer and Glen Munro. Custody recommendations were also requested and provided.

FAMILY AND MARITAL HISTORY:

Kathy was born in Salt Lake City and is the youngest of three. She has two older brothers. Until she was 2 or 3, her father had his own business. This venture ended when others embezzled from him. Since he didn't believe in bankruptcy, they sold their home on the east side of Salt Lake valley and moved to Murray where her grandparents lived. He then went to work for Litton, finally as the comptroller. When Kathy was 7, they moved to Kwajalein. She reports that her mother, who had been the first homecoming queen at Murray High, was adventuresome and happy to move. The move was difficult for her older brother who was 13 years old at the time. Kathy was a cheerleader and came back to Utah each summer to see her relatives. Kathy's older brother went into the military and finally had a mental breakdown in Germany. He was sent to a hospital in Denver and eventually diagnosed as schizophrenic. Kathy's other brother was in the Navy. Kathy and her mother returned to Salt Lake for nine months and then went back to Kwajalein. Meanwhile, her father went to Saudi Arabia where he obtained a pay increase. Kathy returned to Utah and finished high school in Murray.

Kathy described herself as plain, naïve and church going when she was a teenager. She received A's and B's in school. She spent some time in Saudi, but then returned to go to school at the University of Utah. She then went to Snow College because a friend was going there. She then returned home. Her work history is outlined below. Kathy said the only job from which she was ever fired was a job in a dental lab. She noted that the owner's wife didn't like her. Prior to meeting Jon, she dated an engineer who also worked for Amoco. She reports being very upset when they broke up.

Currently, Kathy's older brother is 100% disabled due to his mental illness and he lives in a group home. She sees him about once a week. Her other brother works for a cable network company and lives in an apartment above the garage behind Kathy's house, which is right next to her mother's house. He reportedly has been quite close to his parents. Kathy's father was very sick for years and died after Patrick was born. Kathy has always been very close to her father and it sounded like he was extremely supportive, if not indulgent, with her. It seemed to me that she has been searching for a husband who came close to being the type of man he was. Her lack of success in the past in this regard has led to profound disappointment.

After dating the same man for four years, Kathy met her first husband, Jon, at a nightclub when she was about 23 or 24 years of age. She described Jon as a nice man but thinks that she was on the rebound. In retrospect, she notes that they were not compatible. He had always lived in Utah whereas she had lived all over the world and both of her parents were professionals. Nevertheless, she became pregnant and they married. She liked his father and family a lot. She worked at the tax commission until Patrick was born in 1988. She then worked for Delta, four hours a night, in reservations. In December of 1990, when Patrick was 2 1/2 years old and contrary to her husband's preference, Kathy went to Atlanta for an uninterrupted four or five weeks to train as a flight attendant. She wanted more benefits, including flight benefits. In November of 1991, they separated and then divorced. They have had a fairly amicable relationship although her plan to take Patrick

out of the country has caused friction and a custody dispute. Kathy had previously told Jon that she would never take Patrick away from him again as she had when she moved to Las Vegas with Glen.

Kathy met Glen the following month following her separation from Jon at a Delta Christmas party. After they began to date in January, she recalls that Glen promised her everything. He had a house in Park City and was building a home in Vegas. He said that she was the woman he had been looking for and she believed it. He told her that he was committed to the relationship but she also knew he would require a prenuptial agreement. She found out she was pregnant in November of 1995. For a period of two weeks, Glen went to Las Vegas and, according to Kathy, did not talk to her while he thought about what to do. They decided to go ahead and have the baby. (The ups and downs of their relationship prior to Kathy becoming pregnant were described by Glen and are summarized in his report.)

Kathy stopped flying after the third month of her pregnancy and took a job in Mr. Mabey's law firm. She complained that Glen was not available to take her to her doctor's appointments. (Glen claims that she knew his schedule and purposely planned appointments at times that he had appointments in Las Vegas.) At one point, Glen, accompanied by a friend, presented her with a ring and a prenuptial agreement. She claims that the prenuptial agreement said she "could have nothing." (Glen gave me a copy of the prenuptial agreement he reportedly gave to Kathy. Although I am not an expert on prenuptial agreements, it did not appear as stingy as she had described.) She refused to sign it. Kathy said they continued to live together and tell people they were married. (Glen said that Kathy may have told people this but he did not.) Glen reportedly took the \$5,000 ring back and obtained a band.

After Taylor was born, Glen reportedly said they were going to be a family and moved with Kathy and the children to Las Vegas. Kathy said that although Glen was based in Salt Lake, he wanted to live in Las Vegas so that he could play golf year round. Patrick's father was upset by the move, but, after checking with an attorney, Kathy concluded that she had the right to move Patrick. She arranged for Patrick to come to Salt Lake to spend time with his father every other weekend, each Christmas, and all summer long.

Kathy lived in Las Vegas from July of 1996 until April of 1999. She was on maternity leave from July to November of 1996. She then re-injured her back and was off work for another 18 months. Kathy describes Glen as being horrible to her. He said mean things and she couldn't do anything right. She complained that they only took one vacation together during this time and that he told her she hadn't "behaved" herself well enough to go on a cruise. (He denies saying such things and noted that she did go on a cruise with her friends for 3 or 4 days while he took care of both children.) Kathy said she left for Patrick's sake and that she really thought there was something wrong with her. Now, Kathy is in a support group for abused women that she entered after her mother alleged that Glen pushed her.

The accounts of Glen and Kathy about the care of Taylor after Kathy left differ greatly. Glen said that Taylor was always with him except when Glen was flying. Kathy maintains that Taylor was with her 70% of the time. Glen also represents that Kathy did not show an interest in being with Taylor until Glen filed for custody. Kathy maintains that Glen kept Taylor from her for 33 days in November and December of 1999. Glen said Taylor had stayed with him for long periods regularly and that Kathy didn't ask him to bring Taylor back. Kathy called the house in Las Vegas but said that no one answered. Glen said she never left a message, which Kathy confirmed, and that they were there most of the time.

Kathy became re-acquainted with Dave Sawyer, whose first wife was the sister of Kathy's best childhood friend, while she was at a Kwajalein reunion in July of 2002 in Huntsville, Alabama. She noted that they had a lot in common and that they talked every night on the phone after she left. She met him again in Huntsville and then saw him in Florida. He also came to visit her here. They married in November of 2002. She noted that there were no jobs with Lockheed in this area and that they were both excited when the contract in Kwajalein became available. He took the job at the end of March or April, 2003 and they gave 30-60 days notice.

Kathy currently talks to Dave on the telephone twice a day. She describes him as very loving and consistent. He reassures her with regard to the custody dispute. When they disagree, they change the subject so that the disagreement doesn't get "deeper and deeper." She noted that her father was also like that. Dave expresses kindness and says that he understands her feelings and point of view.

During our initial interview, Kathy said that if the Court said that Taylor could not go with her to Kwajalein and could be raised by Glen, that she would stay here, even if it jeopardized her marriage. She figured that if she could only have part time with Taylor, she could influence Taylor positively, to counteract the damage of his father's influence. A month later, on July 8, Kathy told me that she wanted me to understand that she intended to move to Kwajalein with or without the children. (This conversation was later during the same day I had asked Patrick in an interview about the various scenarios, e.g., his mother moving to Kwajalein as opposed to her staying here.)

Kathy was asked about her intentions in this regard several other times during the evaluation process and repeated her declaration, as did her mother, that she was moving to Kwajalein regardless of the outcome of the custody dispute. (She also moved all of her furniture to Kwajalein in July of 2003.) In defense of her decision to move, she said that when the accusations toward Dave came to light, she decided she was not "going to do this anymore." Both she and her mother felt she had to move to escape the stress of dealing with Glen. When asked if she had told the children about her plan to move, with or without them, she said that she had. Dave did not think she should move to Kwajalein without the children and, after spending time with him, she reportedly went "back and forth" on that. Her desires were clear, however, as she countered his viewpoint with the comment, "When do I start my life?" I find it quite remarkable that Kathy is now saying that she never told me she would leave without the children.

EDUCATIONAL AND OCCUPATIONAL HISTORY:

Kathy began high school in Kwajalein but finished and graduated from Murray High School in 1979. She attended about a year and a half of college at the University of Utah, majoring in psychology. She then transferred to Snow College for a year where she majored in business. She then attended two quarters at the University of Utah in business. She attended the Nevada School of Health & Life Insurance and received her insurance license. During the summer of 1999, she attended Salt Lake Community College. She has also taken word processing at Mountain West Community College.

Kathy worked at Wendy's during her senior year of high school. She then went to Saudia Arabia for several months and worked there as a secretary. From 1979 to 1980, she worked as a sales woman for a clothing store. She worked at another clothing store as an assistant manager from 1981 to 1982. She worked as a filing clerk and typist for Amoco Production Company the following year. From 1983 until 1987, Kathy worked as a trademark specialist for Utah State Corporation Division. She was the director's secretary and tax collector for Utah State Tax Division from 1987 until 1989. She then worked in reservations for Delta for one year beginning in December of 1989. She then became a flight attendant for Delta and remained with them until her leave of absence in December of 2002.

At the time I spoke to her, she didn't know if she would ever go back to flying. She planned to take classes from the University of Marilyn extension over the Internet when she went to Kwajalein. She noted that she would like to work with women in the future. She was no longer interested in psychology and was thinking about going into law.

FINANCIAL STATUS:

Kathy noted that she was making \$35,000 to \$40,000 when she was flying for Delta full time. When she was interviewed, she was not working and reported having no savings. She said that she "wiped out" her 401K when she paid her first attorney, Mr. Nemelka, \$8500 and was told by him that she still owed him \$14,000. He therefore put a lien on the property that her and her mother own and live on. She noted that she was paying her attorney at the time (Mr. Mabey) \$3,000 per month and that Dave was working overtime to pay this bill. There is a mortgage of 121,000 owing on the property she and her mother own, for which each pays \$450 per month. Kathy also has \$5000 in credit card debt plus \$800 owing on clothing store credit cards. She owes \$18,000 on her car, although it is worth only \$15,000. She also owes \$14,000 to Delta on a loan she took from them to redecorate her house.

Several collateral sources as well as Glen have expressed suspicion about Kathy's financial motives and how these have affected her actions in her disputes with Glen, etc. She does view him as being quite wealthy and she did some strong lobbying for collateral support for her claim that they lived together in Park City. I was particularly concerned about a note that Taylor had written, and was shown to me by Kathy's mother, in which

Taylor said that he hoped his mother "wins" in the fight with Glen and gets "lots of money".

MEDICAL AND COUNSELING HISTORY:

Kathy reported that she was in a coma and hospitalized for two weeks when she was three months old. She had pneumonia and a staff infection and was reportedly fed through her brain. She reports having a cyst on her ovary, having her toe sewed back on, and having had a breast augmentation. She reported fatigue and a tendency to get the flu after flying. She has stomach pains and has lost weight. She believes that her immune system has "taken a beating." During the custody evaluation with Dr. Gage, she saw her internist, Dr. Norris, on a regular basis since she needed doctor's notes for the time she missed from her work schedule due to stress-related illnesses.

When she lived in Las Vegas, Kathy took Ambien, a hypnotic, to fly. I am not sure if she used it for sleep, or anxiety, or both. She also saw a counselor for a couple of times in Las Vegas. She felt that no one understood her. When she returned to Salt Lake, she saw Dr. Erickson for six to nine months. She said she was scared to see anyone after that since her medical records had been subpoenaed during the custody evaluation. (I did not contact Dr. Erickson; instead, I relied on Kathy's and Dr. Gage's comments about this therapy. I would not have requested written notes had I contacted him and I sympathize with Kathy's concern about detailed psychotherapeutic disclosures being shared with all concerned.)

After the evaluation with Dr. Gage and reportedly upon the suggestion of Dr. Gage, Kathy took Zoloft for three months. She said that the medication helped but that she still cried. She noted that the medication "numbs you." In recent months, Kathy has attended a support group for women about six times and feels stronger as a result.

SCREENING FOR SUBSTANCE ABUSE, VIOLENCE, AND ARRESTS:

Kathy first tried alcohol while in Greece with her father. She became sick and drinks nothing now. She noted that she is sensitive to alcohol and medicine. She tried marijuana in high school but became paranoid on it so didn't try it again.

Kathy claims that she threw a fork, not a knife as Glen has claimed, toward Glen and the couch once when she was angry. She denied breaking dishes out of anger. She said that she has never spanked Patrick but has had to spank Taylor when he has been defiant. She added that she did not hurt him and that she has not spanked him in a long time.

Kathy denies having any legal problems or judgements against her except for one when she was remodeling her house and did not pay the person who did her fireplace. She explained that the judge did reduce the amount she owed.

PERSONALITY APPRAISAL:

Kathy described herself as sensitive and caring. She remarked that she has changed in the last year; before, she was naïve and trusting. She does not want to change any more now. She believes that she is a really good person and she believes in herself now.

Kathy believes that a mistake she made in her life was not listening to her father who thought she could become a doctor as opposed to marrying one. She also had other interesting insights although it is clear that the primary mistake she thinks she made with Glen was to be too trusting. My own impression is that, although Kathy is making progress in her self-knowledge, she has quite a way to go. I fear that she still holds out hope that she will find a man that treats her like her father did. She expects men, and some women as well, to defend and protect her and to be unconditional advocates for her.

Kathy believes in the importance of presenting a good appearance. She is quite attractive, dresses very nicely, is quite soft-spoken and polite, and has an attractively furnished and decorated home. She dresses the children nicely and, by everyone's account, has taught them to act in a polite and sensitive manner. Certainly, these are all very positive traits and habits. At times, others have viewed her vanity as taking priority over more important concerns.

Kathy is also very sensitive to stress. She reacts physically to stress, loses weight, and frequently becomes overwhelmed. Although she did cry often in my office, I suspect that she is more controlled and stronger in other settings. Again, she values appearances and does not want to appear emotional or weak in front of others. (A collateral contact in Las Vegas said that she said didn't answer the door at times because she had been crying.) Nevertheless, she is emotionally quite fragile. Taylor is aware of her illness and depression and Patrick tries to make her feel better.

During the course of the evaluation, I both observed directly and heard about instances in which Kathy feels misunderstood, victimized, and wronged by others. At these times, she can become very emotional and overreact. For example, when I asked my secretary to give her a routine call to ask her to come in and sign some releases, Kathy became very distraught and ended the conversation by saying that she would just bring her kids to the office and turn them over to me. She later called back and apologized. When I talked to her, she expressed feeling confused and wondered if she should just "bow out gracefully." All of this was in response to her hearing that I might talk to Dr. Hale, who had served as a special master in this case in the past.

Kathy also often described others as being rude to her when they did not go along with her desires or seem interested in her complaints. She readily describes her unfair treatment by Glen to her friends and she has many loyal friends and acquaintances who attest to his meanness without ever having observed it directly. When Dave's ex-wife said she didn't really want to hear all of Kathy's problems, Kathy was offended. Kathy has since refused to talk to Anna Sawyer and sought and received, according to Kathy,

support from Dave's mother in her dislike of Anna. I find all of this unfortunate since Kathy and Anna began their acquaintance amicably, Anna has been reluctant to talk to me and has maintained a fairly good relationship with Dave, and Anna is the mother of Dave's children and his mother's grandchildren. Nevertheless, Kathy's need for confirmation and empathy from others appears to be a top priority. Kathy also believes that Jon's current wife has not been communicative enough with her and therefore changed her mind about Patrick staying with his father even though that plan had been conveyed to Patrick.

I was concerned that Kathy was not particularly alarmed when she read in my office the file about Dave's conviction on the assault charges against his former wife. She said she wished that he had told her but then quickly turned the conversation to how horrible Glen had been to her.

Kathy's MMPI-2 was of doubtful validity and possibly unacceptable due to a strongly guarded denial and conscious unwillingness to admit personal problems. The high degree of moral properness displayed and denial of any emotional or interpersonal concerns suggests that the clinical profile may under-represent her psychological problems. Her clinical profile, although largely in the normal range, has been associated with passive-aggressive personality trends when found among psychotherapy patients. Patients with this profile have uneven judgement and breakdowns in their impulse control. They have meticulous etiquette and above average ego strength. They tend to project angry feelings and aggressiveness onto others. They have feelings of unfair treatment and envy. Anger is expressed indirectly and passively. Dependency needs are high as are demands on others for affection and sympathy. They tend to view problems as external to themselves.

Other tests revealed that Kathy often comes across to others as calm, humble, untroubled, and relaxed. She also presents as having a conservative lifestyle. Although she does have a calm demeanor, she is easily upset and, beneath the surface, there can be a great deal of turmoil.

PARENTING STYLE AND CUSTODY CONCERNS:

Kathy has trouble envisioning Glen being with Taylor for even the summers, if she were to obtain primary custody and move to Kwajalein. Her complaints about his parenting are vague, however, and unsubstantiated. She suspects that Taylor learns bad language from his father and that his father has pornography in his house, but has no real evidence that that effect. For the most part, she did not criticize his parenting skills or express doubt about his love for Taylor. Most of Kathy's objection to Taylor spending time with his father appears to come from her belief that Glen treated her in a mean way and rejected her.

Kathy is particularly angry that Glen has persistently sought out time with Taylor to the extent that he has. I believe that Kathy has worsened the relationship between Glen and

her mother by telling her mother that her mother, rather than Glen, has the legal right to care for Taylor when Kathy is not available during Kathy's time. Kathy's mother believes that Dr. Gage recommended this and that this provision is part of the decree, neither of which appear to be true. As a result, Taylor observes the tension and discord between his grandmother and father as well as between his father and mother.

A major conflict-producing factor in this case has been Kathy's refusal to communicate with Glen. Kathy has refused to be in the same room with Glen to discuss parenting time (e.g., with Dr. Davies) and notes that she shakes when she is around Glen. She and her mother often do not answer the phone when Glen calls and she says that she does not always have access to emails. She does not share medical or other information about Taylor with him and, when she had a cell phone, she did not give Glen the number. She has Dave call Glen when she must communicate with Glen. (Kathy has a history of having others make her calls for her. In the past, she has had her mother make calls, while she listens on the other line.) Since Glen only calls her to arrange time with Taylor, it is difficult to understand why she would have such a fear of talking to him.

When she was flying, Kathy quit giving Glen her schedule because she didn't want him to share her schedule with friends. She was also highly sensitive to how others at Delta might feel about her if they knew of her and Glen's problems and thus tended to avoid work altogether. She talked about once "breaking down" at work because of her fear of what Glen might have said to fellow staff. Later, when Dr. Hale was involved in the case, Dr. Hale maintained that she could not set up parenting-time because of Kathy's refusal to give Dr. Hale her schedule. Kathy maintains that she always gave it to Dr. Hale promptly.

There have been times when Kathy appears to go out of her way to be very inflexible and unwilling to work with Glen so that he can see Taylor. For example, on one occasion, she left the house with Taylor when she knew that Glen was on his way to get Taylor. She said she had plans to go to a restaurant, which is different from what she told Glen. When I asked her why she just didn't tell Glen to pick Taylor up at the restaurant, she claimed that this would be too much of an intrusion on her privacy. Instead, she preferred to complain that Glen's delayed flight was an inconvenience to her and a reason he should not see Taylor that night.

Glen also claims that Kathy has routinely lied about caring for Taylor when she hasn't even been in town. Kathy reluctantly admitted to doing that on one specific occasion. Although Glen can be criticized for some of the unilateral actions he has taken, her passive-aggressive refusal to cooperate in sharing Taylor's care with Glen has fueled a great deal of conflict, resulting in enormous emotional and financial expenditures.

Kathy had neighbors write on her behalf attesting to her parenting skills and their trust of her when their children were at Kathy's house. Many had heard about how she had been unfairly treated by Glen and were anxious to defend her. Neighbors Kathy had had in Las Vegas and who are still friends with Glen had a different impression of her availability to her children. In particular, several neighbors were concerned with several

different instances in which Taylor, as a toddler, wandered out in the street without Kathy's knowledge. On one occasion Kathy reported that Patrick, who was 9, was suppose to be watching Taylor but had not. On these occasions, neighbors returned Taylor to her home, told Glen when he returned from flying, and vowed amongst themselves to always be very careful when backing out of their driveway.

Once, when Taylor was asleep and Glen was outside talking to a neighbor, Kathy left the house in a rage directed at Glen. When he saw her drive off, he discovered that the door was locked. He enlisted his neighbors help to help him check on Taylor through an upstairs window since Taylor was there alone. Kathy notes that she did not expect the door to lock behind her. Nevertheless, this is an example of a time when her anger at Glen took priority over ensuring that Taylor was well cared for.

Although Kathy did not interact with the neighbors much, Patrick routinely spent time at another boy's house on most evenings, including eating dinner there, and another neighbor helped him with math. The neighbors perceived Kathy as being unhappy throughout her time there.

Kathy views Glen as pampering Taylor but otherwise being too abrupt with children. She gave a couple of examples of how exposure to Glen has led to bad behavior in Taylor. Since she dislikes Glen so much, I fear that, as more similarities between the two appear, she will become increasingly unaccepting of Taylor and have difficulty with discipline.

Just prior to writing this report, I learned from Glen that Kathy recently took Taylor out of school and brought him to court to testify against his father in the case involving his father and grandmother. Reportedly, the judge would not allow Taylor to testify. The fact that Kathy would even consider involving Taylor in this dispute is quite disturbing and suggests to me that her dislike of Glen is stronger than her concern for her son's feelings and need for a positive relationship with his father.

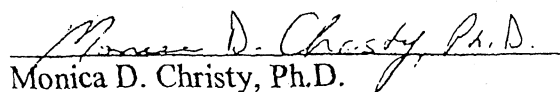
Another major concern about Kathy's parenting is the apparent ease with which she has chosen to be separated from her children over the years. When Patrick was 2 1/2 years old, she chose to become a flight attendant which required that she attend a four to five week uninterrupted course in Atlanta. At his age, this absence must have been difficult for him. Shortly after Taylor's birth she chose to let Glen take Taylor to Park City, where his parents were visiting, without her because she was upset that her mother-in-law had not called her often during her pregnancy. There is some evidence to suggest that Taylor and Glen were there alone longer than the few days Kathy recalls but, even if they weren't, her decision to be separated from her newborn for several nights due to feelings of rebuff seems unusual and immature. Now that the children are older, Kathy tends to call her children not at all or very infrequently when she is away from them for weeks at a time. These are all behaviors that I find uncharacteristic of most mothers, especially those who present themselves as the primary caretakers.

Glen indicated that Kathy did not go to church when they were dating and did not want to be Mormon. Kathy now says that she is going to church every Sunday with Patrick and Taylor. She takes the sacrament but doesn't go to the classes. Jon is more active than she is, as is Patrick. Glen was raised Lutheran and takes Taylor to a non-denominational church. He does not want Taylor to be baptized LDS. Kathy has said that Taylor wants to be baptized LDS. She reports that Glen was angry when she blessed him but has since apologized. Kathy disbelieves Glen's assertion that he believes in God, noting that that can't possibly be true given Glen's actions.

Dave presents yet another perspective on the religion issue. Dave said that Kathy's father taught her that she can go to other religious services. Therefore, she doesn't always go to the LDS church now but raises Patrick that way. If they went to Kwajalein, Patrick would stay in the Mormon community and they would attend from time to time. Kathy, Dave and Taylor would go to a Protestant church at other times.

SUMMARY AND RECOMMENDATIONS:

Please see the *Custody Recommendations* for a summary of Ms. Sawyer's characteristics and parenting abilities as well as the custody and parenting-time recommendations.


Monica D. Christy, Ph.D.

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PSYCHOLOGICAL EVALUATION

SAWYER, David

AGE: 45

DATE OF BIRTH: 2-6-59

ATTORNEY: Mary Cline, Esq.

COMMISSIONER: The Honorable Thomas N. Arnett, Jr.

JUDGE: The Honorable Glenn K. Iwasaki

COURT: Third Judicial District Court, Salt Lake County, Utah

CIVIL NO.: 994907668 PA

DATE OF EVALUATION: 7-11-03 to 12-18-03

DATE OF REPORT: 3-25-04

ASSESSMENT PROCEDURES:

Individual Interviews - 2, total of 5 hours

Telephone Contact

Minnesota Multiphasic Personality Inventory-2

Sixteen Personality Factor Questionnaire

Rotter Incomplete Sentences Blank

Report of Educational, Occupational, and Residential History

Parent Questionnaire

Interviews with other parents/stepparents in this and the Huish v. Huish case

Home visits and observation

Collateral contacts and review of supplemental information - see *Addendum*

REASON FOR REFERRAL:

Dave Sawyer, Kathy Huish Sawyer, and Glen Munro all received psychological evaluations in conjunction with a custody evaluation involving the custody of Taylor Munro, age 7, the natural child of Kathy Huish Sawyer and Glen Munro. Custody recommendations were also requested and provided.

FAMILY AND MARITAL HISTORY:

Dave's father was an officer in the army. Dave was born when his father was stationed in El Paso, Texas. He also has a brother who is two years older, and a sister who is 10 years younger. A sister who was four years his senior died when she was 16 of spinal meningitis. His parents now live in Huntsville, Alabama, where his father is semi-retired. His brother is a missionary in South Africa and his sister, whose husband is in the military, has two children and also lives in Huntsville.

Dave describes his parents as very loving and noted that there was no abuse in the family. They are very religious, belonging to the Church of God. They were never smokers nor drinkers due to their religion. They started an orphanage for children in Mexico. When Dave was 9 years old, the family moved to Kwajalein for 18 months and then left and came back. His father went back over to Kwajalein as a contractor after he retired. Dave reports being there until one year after he graduated from high school. Dave then moved to Houston, Texas and lived with an uncle in 1980. His parents remained there until 1995 or 1996. They then moved to Huntsville.

Dave was very active in sports when he was in high school. He particularly loved water skiing. He described his grades as adequate, i.e., C and B student. He worked during high school at a movie theater and a small boat marina. There was no TV. He had a lot of close friends. In high school, he smoked and went out and drank beer. He did not get into any trouble, however, and did what his father told him. Spanking was a form of discipline his father used, but he was never violent.

Dave's first wife was a woman named "Annie" who was his high school sweetheart. They kept in touch when Dave moved to Houston for one year and saw each other intermittently when Dave went to Korea for two years and Annie remained in San Francisco. After they married, the couple moved to Alabama and Dave went to college. They then moved to the White Sands Missile Range in New Mexico and were there for a year. He notes that he and Annie were different in that she was conservative, wanting to save money, and he liked to have nice things and reward himself. They decided to divorce and she moved back to San Francisco while he stayed at White Sands.

Dave met his second wife, Anna, through a mutual friend. They lived together for several months and then married in 1987. They had two children, a girl born in 1988 and a boy born in 1991. Dave and Anna's stories differ somewhat regarding the extent of her unfaithfulness to him and the extent of his jealousy. They were separated and did try to unite but eventually divorced. They have had a reasonably amicable relationship in their dealings about the children. After Dave moved to Florida, the children began to visit him each summer and did so until the summer of 2003 when Dave had relocated to Kwajalein.

Kathy and Dave began to talk on the phone after her relationship with Glen had ended. Mutual friends knew both of their situations and facilitated the contact. Then, in July of 2002, Kathy came to the reunion in Alabama and they have talked on the telephone every night since. Dave feels that they share similar values even though they have been raised in different religions. He asked her to marry him in September, 2002 and they married in Huntsville in November of that same year.

Kathy has told Dave that she just wants to be a good wife, cook more, and go to school. He observed that she has a wonderful personality. Although he has watched her cry, she also finds a way to laugh. She is very sweet and has a good sense of humor. When they disagree, it is because she wants to pay bills promptly and he prefers to "juggle" them.

Dave said that Kathy knew that Glen would take her to court if she tried to move but they decided to go ahead with their plans. Dave feels strongly that she should not come to Kwajalein without her boys even though that would also mean that his children could not visit during the summer without her being there to supervise them. Since their engagement, Dave has taken a protective and involved role in Kathy's problems with her ex-husbands. He has instructed Glen to route all communication to Kathy through him. That did not work out as planned.

I have received conflicting information about Dave's options as to where he could live and work. Glen reports that Dave told him in October of 2002 that Dave would live in Utah. He reportedly told Glen that Lockheed had a plant in Ogden. (Glen said that Taylor started telling his father a month later that they would move to Kwajalein. Dave said that this was before they had won the contract.) Dave said that his contract in Florida was due to be up in 2004. They had also talked about Kathy transferring to Atlanta. He noted that he never considered moving here because he is not fond of Salt Lake City. He was determined to continue working for Lockheed, however, so he could maintain his retirement plan. He knew that the Kwajalein contract was a 15 year one and therefore the most stable (although they planned to only stay for three years). He said he had no other option to go elsewhere. The contract was not awarded until March of 2003.

According to Anna Sawyer, Dave told his children, who live in Albuquerque, that there was an option of his moving to Albuquerque after he and Kathy married. Ms. Sawyer reports that the children were elated but then found out that their father was moving to Kwajalein. I never called Dave to ask him about this story but Kathy told me there was never an option of moving to Albuquerque.

EDUCATIONAL AND OCCUPATIONAL HISTORY:

Dave graduated from high school in 1978 and attended Gadson Technical College from 1983 to 1985, where he obtained an associates degree in electrical engineering.

Before leaving Kwajalein in 1980, Dave worked in construction for a year. From 1980 until 1985, he worked for RCA Government Services, as a space tracking operator and

later doing telephone installation. From 1985 until 1996, he worked for G.E. Government Services in various technical positions and as a field engineer. From 1997 to the present, he has worked as a system engineer for Lockheed Martin on three separate contracts.

Dave's current work schedule is 7 a.m. until 4:30 p.m., Tuesday through Saturday. When he was interviewed in July, 2003, he said he might not be able to leave Kwajalein on vacation again for another year. (He did come to Utah in December, however.) He and Kathy packed most of her furniture and belongings and moved them to Kwajalein in July, 2003 so that they could keep the house there. He noted that they would have to pay to return the items if she couldn't move there.

FINANCIAL STATUS:

Dave earns \$65,000 per year, which is tax free because of his residence and work in Kwajalein. His housing, electric, and water are paid for as part of his contract. At the time he was interviewed, he had savings of \$5,000 and a loan for \$5,000. He owed a balance of \$4500 on a total of four credit cards and owed a jewelry store \$1500. He pays \$440 every two weeks in child support. Dave noted that Kathy owes on a loan from Delta that she obtained to fix up her house. She also has two years left of car payments on her Lexus. She pays \$450 a month on rent and receives \$300 from Jon and \$600 from Glen each month.

MEDICAL AND COUNSELING HISTORY:

Dave had two heart attacks at the age of 40 and now takes Toprol for high blood pressure and Lipitor for cholesterol. He exercises regularly and leads a healthy life style. He had some mouth surgery as a child but has had no other surgeries.

Dave said he had some emotional ups and downs during his second marriage and that he and his wife had tried marital counseling once. He also saw a counselor through his company's employee assistance program for a couple of months after he has his heart attach when he lived in Florida.

SCREENING FOR SUBSTANCE ABUSE, VIOLENCE, AND ARRESTS:

Dave said he tried marijuana a couple of times during high school but "that was it." He had a top secret clearance and did not try anything else. He reported that he tried alcohol when he was young but now he only drinks a beer or two during the week. This summary of his alcohol use turned out to be a minimization upon further information supplied by others and his own subsequent admissions.

When asked about arrests, Dave admitted that he had had a DUI three years ago after a Christmas party and then driving through a parking lot. His license was suspended for one year and he was on a year's probation. He noted that he had to answer a lot of questions but his clearance was not pulled.

When asked standard questions about other arrests, legal problems, judgements against him, Dave answered "no" to each. When asked specifically if he had ever been accused of domestic abuse, he answered "no." He also denied ever having been violent or having been accused of being violent with anyone else, except for a few fights during high school. When asked specifically about his ex-wife, he answered that they had had verbal "spats" but never anything physical. He also denied having his fist clenched when he met Jon.

Dave was asked again about arrests or assault charges during his second interview and again denied these. When he was shown the court documents listing the assault convictions, however, he said, "That's me" and explained that those documents were supposed to be expunged due to his top-secret clearance. He commented about the incidents that he had "snapped and did some wrong things." He noted that he had tried to make up for these wrongs and that Kathy knew nothing about them. He explained that he had gone to anger management, seeing a psychologist twice a month for six months, which was part of his two-year probation. (These visits to the psychologist were not mentioned earlier either.) Dave appeared to be genuinely remorseful and embarrassed about these incidents.

When asked about the role alcohol had played, Dave said that he hadn't touched alcohol for seven or eight years after the incident and even today, only occasionally drinks a beer. Kathy confirmed that he rarely drinks when she is around. He also noted that he had not owned a gun since that incident. As the court documents suggest and as confirmed in a conversation with Dave's ex-wife, Dave was drunk at the time of this incident and had admitted to being an alcoholic at the time. She recalls that he did not drink for seven months to a year after counseling but then began to drink again before they separated for the last time. She knew about the DUI, as well, since his children had visited him that summer, which she believed to be 1 1/2 to 2 years before I talked to her in July of 2003.

The information I have collected leads me to believe that the use of a gun and choking incident was an aberration that was alcohol-related and would not have occurred if Dave had been sober. Nevertheless, he can be quite emotionally needy and dependent in relationships and I fear that alcohol could become a problem in the future if he were highly stressed or faced with rejection. Given that Kathy is highly insecure and demanding in her relationships with others, I am concerned that conflict and stress between them is likely to occur in the future.

PERSONALITY APPRAISAL:

Dave describes himself as jovial, easy going, and loving to laugh. He noted that he is sometimes very loquacious to the point of getting on others' nerves. He is a diplomat, wanting to work things out. He is loving and giving like his mother. He believes that a personality weakness is that he is too open, gullible, and too trustworthy. He wishes that he had finished his B.A. degree and that he did not procrastinate.

Like Kathy, Dave responded to the MMPI-2 questions with a great deal of conscious defensiveness, thus calling the validity of the profile into question. Individuals with his clinical profile tend to experience tension around the handling of responsibilities. They repress angry feelings and are slow to accept aggressiveness in themselves or others. They lack insight and self-awareness. They are socially outgoing with strong underlying needs for approval. Their need to be thought of positively by others tends to interfere with self-assertion. Underlying fears of criticism, rejection, or abandonment may be present.

Other testing revealed that Dave is very diplomatic, prudent, self-indulgent at times, trusting of others, conservative in his standards, and resourceful. Currently, he is very focused on Kathy and their future life together. Like Kathy, he has a high need for pampering and approval from others.

Dave appears to be well respected among his friends and co-workers. I received letters that attested to his character, genuine friendship to others, and the priority he gave to time with his children when they were visiting. The descriptions were consistent with my impression that Dave is a very well-meaning husband and stepfather who is trying to help Kathy as much as possible. It is unclear as to how many sacrifices he is willing to make in this regard. The fact that he tries to avoid conflict and unpleasantness, e.g., not telling her about his past, may also be problematic.

PARENTING STYLE AND CUSTODY CONCERNS:

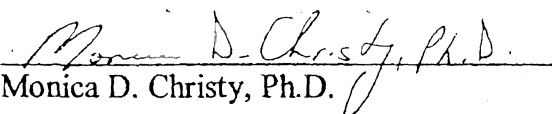
Dave is a very cooperative, involved stepfather who was cooking for the family and played with the children the evening I visited Kathy's home. He readily interacted with the children in an easy-going fashion and seemed to enjoy them.

I do have concerns, **however**, that his own children may be missing out on their contact with him because of the demands of his relationship with Kathy. Even though he tends to think of the mother as the person who should be primarily involved with the children, he had routine summer time with his children each year until 2003. Although about a day and a half of his time during his visit was taken by work on this evaluation, Dave had other time here that could have been spent either visiting his children either in Albuquerque or in Salt Lake. He had set up tentative plans for the children to meet him in Salt Lake but Kathy canceled that visit one week before they were due to arrive. Dave

indicated that he had thought about going down to see them one day while he was here but couldn't do so.

SUMMARY AND RECOMMENDATIONS:

Please see the *Custody Recommendations* for a summary of Mr. Sawyer's characteristics, and parenting abilities as well as the custody and parenting-time recommendations.


Monica D. Christy, Ph.D.

ADDENDUM

COLLATERAL CONTACTS AND SUPPLEMENTAL MATERIAL REVIEWED

Huish (Sawyer) v. Munro
March 25, 2004

OBSERVATIONS OF PARENT- CHILD INTERACTION:

Home visit to Kathy Sawyer's home - Kathy, Dave, Patrick, and Taylor were present - 1 hour

Home visit to Glen Munro's home in Las Vegas - Glen and Taylor were present; included brief meeting of neighbors - 1 hour

IN-PERSON COLLATERAL INTERVIEWS:

Patrick Huish - 2, total of 1 hour, 50 minutes

Jon Huish - 3, total of 6.25 hours

Jackie Huish - 2, total of 3 hours

LeNay Russell - 1.25 hours

Matt Davies, Ph.D. - several brief conversations

COLLATERAL TELEPHONE INTERVIEWS:

Jill Kralick - 33 minutes

JoAnne Digerolami - 41 minutes

Soonja Oh Kelleher - 15 minutes

Joel Hartfield - 19 minutes

Rhetta Burton - twice, 30 minutes & 5 minutes

Dorothy Munro - 1 hour, plus brief voice mail

Robert Williams, Ph.D. - 10 minutes

Dianna True - 30 minutes

Jennifer (Jacob's mother) - 10 minutes

Connie Buckner - 5 minutes

Marcia Bailey - 5 minutes

Brian Florence, Esq. - 15 minutes, plus several brief conversations

Valerie Hale, Ph.D. - 45 minutes

Carol Gage, Ph.D. - 15 minutes

Anna Sawyer - 1 hour

Collateral contacts associated primarily with the Huish (Sawyer) v. Huish case, including Julie M. Hollenbeck, M.Ed., CCC-SLP, Courtney Jones, MS, CCC-SLP, Maura Thatcher, Sam Goldstein, Ph.D.

WRITTEN MATERIAL REVIEWED:

Evaluation of Taylor Munro, 8-30-01
Letter from Ms. Bahar Otken
E-mail and letter from Diana True (2000)
Letters from Carol LaFollette
Letter from Bishop Richard H. Clark
Letters from Michael Henderson
Letters from Rhetta Burton
Letter from Lemuel W. Davis
Letters from Monte Canning
Letter from Lisa Ward
Letter from Wendy De Gauer
Letter from Bryan D. Majors
Letter from Susan Chapman
Letter from Angela Turner
Letter from Peggie Chiarizio
Letter from Melissa S. Johnson
Letter from Richard L. Brooks
Letter from Leroy D. and Betty J. Sawyer
Letter from Marilyn Knapp
Letter from Aaron McEuen
Letter from Pamela P. Brown, Taylor's teacher
Proposed "Antenuptial Agreement"
Copies of letters or e-mails to and from Brian Florence, Esq., Valerie Hale, Esq., Matt Davies, Ph.D., Carol Gage, Ph.D., between the parties, etc.
Correspondence to and from attorneys
Notes from evaluator in home visit with Mr. Munro on 6-8-00 (for Dr. Gage's evaluation)
Letters and notes from Glen Munro
Letters and notes from Kathy Sawyer
Letters from Vicki Rogers
Letters from Jill and Mark Kralick
Letters from Don Chittenden
Letter from Cynthia Chittenden
Letter from William E. Phillips
Letter from Dorothy Munro
Letter from Karen (Munro) Henningsen
Letter from Paul and Joanne DiGerolami
Letter from Lisa and Gil Nyman
Letter from Paula and Johnny Macon
Letter from Doris A. Ferrell

Letters from Klaus Hofmann
Murray City Attorney, Detail Incident Report, 10-25-02 incident
Murray City Police Department, Detail Incident Report, etc., 1-14-03 incident
Flight Schedules for Kathy Huish and Glen Munro
Telephone records of Glen Munro
Glen's Journal, 4-26-99, received from both parties, one had Kathy's highlighting and remarks
File on Dave Sawyer, including court records from Second Judicial District, State of New Mexico regarding conviction on 7-19-94 of "AGGRAVATED BATTERY (MISDEMEANOR), a misdemeanor offense, as charged in Count 1, of the Information; ASSAULT, a petty misdemeanor offense, as charged in Count 2 of the Information; and ASSAULT, a petty misdemeanor offense, as charged in Count 3 of the Information. Supporting documents of these incidents were included. The file also included employment records from Lockheed Marin.
Chart notes from Taylor's doctor on 4-11-03
Taylor's school attendance records
Records regarding Kathy Sawyer's leave of absence
"Welcome to U.S. Army Kwajalein Atoll Kwajalein Missile Range"
Murray City Police Department, LAW Incident Table: re: incidents on 12-03-99, 10-25-02, 1-14-03

COURT DOCUMENTS REVIEWED:

Verified Petition for Protective Order, 11-29-99
Order to Show Cause, 11-29-99
Hearing on Petitioner's Order to Show Cause, 12-16-99
Minutes, UCCJA Telephone Conf., 12-20-99
Findings, Recommendation and Order, December, 1999 plus related court documents from this period
Order, 3-3-00 plus related court documents from this period
Motion for Relief, 5-25-00
Minute Entry, 8-17-00 re: child support arrears
Minute Entry, 7-11-01 re: trial witnesses
Custody Evaluation and Follow-Up Evaluation by Carol Gage, Ph.D., reports dated September, 2000 and August, 2001
Minute Entry, 10-10-01 plus other court documents regarding attorneys' fees
Decree of Paternity, 7-8-02
Affidavit of LeNay Russell in Support of Finding Respondent in Contempt for Violation of Parent Time Order, 1-20-03
Affidavit of Kathy Huish in Support of Finding Respondent in Contempt for Violation of Parent Time Order, 1-20-03
Petition for Grandparent Visitation, 1-20-03
Affidavit of LeNay Russell in Support of Petition for Grandparent Visitation, 1-20-03
Minute Entry, 1-30-03
Affidavit of Jill Greenwood Relating to January 14, 2003 Incident, 3-6-03

Affidavit of Kathy L. Huish to Correct Minor Error & to Supplement Facts, 3-7-2003
Petitioner's Response to Motion to Compel Execution of Special Master Agreement,
3-20-03
Order Appointing Custody Evaluator, 6-23-03
Petitioner's Response to Respondent's First Request for Production of Documents,
6-25-03
Special Master Report & Order, 10-14-03
Motion to Compel Mediation, 1-30-04
Notice of Request for Written Custody Evaluation, Pursuant to Rule 4-903(3)(H),
1-30-04
Affidavit of Chris Russell Regarding Dr. Hale's Letter Dated February 14, 2003
(unsigned and undated)
Court documents and the Visitation Evaluation Summary regarding Klaus Hofmann,
1992 to 1997

AUDIO/VISUAL MATERIAL REVIEWED:

Kwajalein video tapes (2)
Pictures provided by Kathy of her with Taylor on 7-12-96, 7-13-96, 7-14-96, and 7-20-96
Videotape of deposition of Carol Ahart
Audio-taped conversations between Glen and Taylor on December 30, 31, and January 1,
2, 2000
Tape recordings procured from LeNay Russell re: school incident on 10-21-02
Audio tape of Dr. Hale made by Mr. Mabey and associated attorney notes

Tab 2

Renaissance CVS
1399 South 700 East, Suite 15
Salt Lake City, Utah 84105

Carol F. Gage, Ph.D.
Clinical Psychologist

Phone 487 2357
Fax 487 0963

Exhibit A
SEP 19 2000

**CUSTODY EVALUATION
HUIH VS MUNRO
CIVIL NO: 994907654 CA**

**KATHY LENAY HUIH - Petitioner
Represented by
RICHARD S. NEMELKA**

**GLEN FRANK MUNRO - Respondent
Represented by
PAIGE BIGELOW**

**THIRD JUDICIAL DISTRICT COURT
SALT LAKE COUNTY
STATE OF UTAH**

**JUDGE J. DENNIS FREDERICK
COMMISSIONER THOMAS N ARNETT**

**TIME PERIOD
JANUARY - AUGUST 2000**

**EVALUATOR CAROL GAGE, PH.D.
LICENSED PSYCHOLOGIST
IN CONJUNCTION WITH
RENAISSANCE CVS**

Renaissance CVS
1399 South 700 East, Suite 15
Salt Lake City, Utah 84105

Carol F. Gage, Ph.D.
Clinical Psychologist

Phone 487 2357
Fax 487 0963

**REPORT OF CUSTODY EVALUATION
HUISH VS. MUNRO
CIVIL NO: 994907654 CA**

**MOTHER: KATHY LENAY HUISH
ATTORNEY: RICHARD S. NEMELKA**

**FATHER: GLEN FRANK MUNRO
ATTORNEY: PAIGE BIGELOW**

**JUDGE: J. DENNIS FREDERICK
COMMISSIONER: THOMAS N. ARNETT**

DATE OF REPORT: SEPTEMBER 2000

CHILD: TAYLOR MICHAEL MUNRO DOB: 7/11/96 AGE: 4 yrs.

**EVALUATOR: CAROL GAGE, PH.D.
CLINICAL PSYCHOLOGIST
IN CONJUNCTION WITH
RENAISSANCE CVS**

OVERVIEW

Around 1993 Glen Munro, an international pilot for Delta Airlines, began dating Kathy Huish, a flight attendant. Kathy Huish became pregnant and marriage was discussed. Glen and Kathy lived together between August of 1996 and March of 1999 in his home in Park City, Utah, and his home in Las Vegas, Nevada. They have one son, Taylor Munro. Kathy's son from an earlier marriage also lived with them.

2 Munro vs. Huish.

711 7

Both Glen and Kathy had discussed marriage. For Kathy, to become married to Glen was extremely important for her. He was reportedly also seriously considering marriage but had reservations and expected Kathy to sign a prenuptial agreement which she refused.

Kathy grew increasingly frustrated and depressed within this relationship while living in Las Vegas. In March of 1999, she returned with the two boys to live with her mother in Salt Lake City. Their son, Taylor, was about 2 ½ years old at the time of the separation. Kathy contended that while Taylor was in her care in Salt Lake, she was generously open with allowing Taylor to spend time with Glen Munro whenever he would ask. Glen contended that Kathy did not allow him reasonable access nor reasonable time with their son.

A major issue which developed in the present custody situation related to the unique work schedules and time availability for both parents. Their schedules with the airlines changed monthly and there was no routinely established visitation schedule. If both parents were working at the same time Kathy's mother, Lenay Russell, would offer surrogate care. As an international pilot, Glen Munro's work schedule typically required him to work about nine days during a month, giving him extensive time available for direct care of this child. As a flight attendant, Kathy Huish worked approximately half time with two to three day out-of-state flights throughout each month. She also had more time available for direct care than most individuals employed full time. Toward the end of this evaluation, Kathy had rearranged her schedule and been accepted for auxiliary status, also allowing her to also be fully available about twenty days a month.

This young child rotated rather randomly between living with his father in Park City and Las Vegas and with his mother and grandmother in Salt Lake City. Both sides presented information related to when this child was in which home and contend that records from the other party are incorrect. There appeared to develop an assumption that the side which could prove they had kept the child most may 'win' primary physical custody of this child.

From March 1999 until about October of 1999, Kathy Huish presumed she had the greater legal authority to determine visitation and felt she had been fair and reasonable with allowing Taylor to spend time with Glen Munro. Around November, legal volleys began. Glen kept Taylor with him for up to five weeks in Las Vegas, at which point he filed for a custody evaluation. Kathy contended that she repeatedly had made contact during this period in order to get her son returned. Glen filed to request temporary custody related to his contention that Kathy was not a fully involved nor fully concerned parent. On the recommendation of her lawyer, Kathy Huish filed a Protective Order alleging abuse of her by Glen and a demand to have Taylor returned to her home in Utah. Abuse charges were dropped. Kathy Huish assumed that because she had been the early primary caretaker, there had been no marriage and no official determination of paternity she was the presumed primary custodial parent. With the Protective Order, she was given temporary primary custodial status with a short period of standard visitation defined for Glen. Glen disagreed that Kathy had been the primary early caretaker. He also contended that when Kathy was working and he was not, he was indeed entitled to spend that time with their son rather than have Taylor in the care of the maternal grandmother.

There were initial questions related to whether Utah or Nevada was the appropriate venue for this case. In February of 1999 Glen sought temporary custody of Taylor. Paternity was acknowledged. Related to the continued difficulties with parental sharing of this child and the time availability of both parents, equally shared visitation with each parent was put in place by the court. Each parent was entitled to approximately fifteen days each month with Taylor.

Although ordered by the court to provide Glen with her schedule for the upcoming month, Kathy has been unwilling to do this. She contended that Glen had shown her schedule to other staff members which she felt was unwarranted and inappropriate. When she has had access to Glen's schedule, he contended that she then re-arranged her schedule in order to make it more difficult for him to have access to their son.

It initially appeared to be feasible to diffuse the visitation issues and to arrange approximately equal time with each parent until this child started school. For approximately four months, I also became involved in attempting to arrange a workable and more predictable schedule for this child. Developing a defined shared-parenting schedule around their work schedules made a predictable schedule difficult. It was proposed that one week blocks of time with each parent be arranged regardless of the work schedule. Even with proposals presented by me, there continued to be problems and claims of the child not being made available or not returned as proposed. Both parents contended that the other was blocking or confounding visitation. A major battleground between Glen Munro and Kathy Huish related to developing and agreeing on sharing time with Taylor in a reasonable and predictable fashion. The problem of agreeing on specific dates and times of transitions continued as an unrelenting battleground.

There has been a legal question related to the definition of the relationship between Kathy Huish and Glen Munro. Whether this constituted a common law marriage was being debated. This is a significant issue for Glen related to the possible loss of money and property he had accumulated.

Both Kathy Huish and Glen Munro are presently contending that they should be designated as the primary physical custodial parent.

Kathy contended that she has been the primary caretaker for this child since birth. Related to an earlier injury on her airline job, she was home full time with Taylor and her older son from July of 1997 and did not return to her full time job until March of 1999 when she returned to live in Salt Lake. The custody evaluation was very frightening for Kathy related to a great fear that Glen was intent on proving her an unfit mother. "I'm a good mother!"

Glen contended that he has also been very extensively involved in primary care of their son and is more able to offer an emotionally stable and nurturing home environment. Glen contended that he is more emotionally bonded to this child than Kathy. He also feels that he is more invested in being a full time parent and that Kathy does not place parenting at high priority. When this child is in his care, he contended that Kathy generally makes minimal phone contact with their son. He expressed concerns about Kathy's alleged emotional instability. Glen does not assume that Kathy is primarily

concerned about maintaining a relationship with Taylor. He feels he would be the better primary custodial parent.

EVALUATION PROCEDURES

Clinical interviews were conducted by Dr. Carol Gage. Home visits were conducted by Merry Trujillo, LSAC and Marc Eschler, BA.

Six Clinical Interviews with Kathy Huish	8.5	Hours
Six Clinical Interviews with Glen Munro	8.5	Hours
Conjoint Session with Glen and Kathy	1	Hour
Clinical Interview with Lenay Huish	1	Hour
Interview / Observation of Taylor with Glen Munro	1	Hour
Interview / Observation of Taylor with Kathy Huish	1	Hour

Numerous phone contacts with each parent

Both adults completed the Minnesota Multiphasic Personality Inventory (MMPI-2)

Home Visit to Lenay Russell's home (Kathy's mother)

Home Visit to Kathy Huish's home

Home Visit to Glen Munro's home in Las Vegas

Review of Records and Documents

Phone contact with

Dr. David Erickson, therapist for Kathy Huish

Klaus Hoffman, friend of Glen

Brief Interview with

Doris Ferrell - neighbor in Las Vegas

Dorothy Digerolami - neighbor in Las Vegas

BACKGROUND AND PRESENT FUNCTIONING OF ADULTS

KATHY LENAY HUISH: AGE 38

HISTORY: Kathy was born in Salt Lake. She was the third child and has two older brothers. The family lived in the Salt Lake area until Kathy was about age six. Her father became employed as a finance executive for a major company which took this family to Saudi Arabia and the Marshall Islands. From ages six to sixteen, Kathy lived with her family on the Marshall Islands with summer trips to Saudi. Although Kathy later became aware that her father had a relatively advanced and

prestigious position within his company, on the Marshall Islands they lived in standard military housing with minimal socio-economic distinction among families there. The family did have a maid but it was common on Marshall Islands for many families to hire local maid help. Although having all they needed financially, there was not a sense for Kathy that there was extravagant spending or spoiling with gifts. "We were rich in life and love."

Kathy's perceived a very positive and respectful relationship between her parents. Her parents did not argue and fight in front of the children. There were no known major conflicts between parents. "Dad cherished mom" and mother felt valued and spoiled by father. She valued the manner in which father treated her mother and herself "like a lady". Kathy perceived that father maintained a continued involvement and concern for the family. He was actively involved in the Masonic organization and the family maintained involvement in the LDS church.

She talked of always feeling very close to her father and could count on his support and attention. Being the baby of the family and the only girl, there was a sense of being pampered by father and a knowledge that he was proud of her.

Kathy's mother was home with the children full time until Kathy was about seven. Her relationship with her mother was indicated as very loving and supportive. Kathy valued her mother's strength of character and her positive attitude toward life. Father had supported mother in mother obtaining a pilot's license.

Parents were in agreement on discipline and were considered a "good team". Although her brothers were physically punished, she was not. She experienced grounding and "the look". Kathy feels her parents supported all of them developing independence with messages to her that women also could and should consider a career.

She did not report a problematic relationship with either brother. One brother developed serious emotional difficulties as an adult.

The family had the opportunity to travel extensively which Kathy found very enriching.

Kathy attended private schools in the Marshall Islands up to age sixteen when she had the option of a boarding school in England or returning to Salt Lake with her mother. She returned to Salt Lake and began at the private school of Judge Memorial but did not feel this was a good fit for her. She transferred to the public high school. Transfer of credits from the Marshall Islands posed some difficulties but she did graduate with her class. Academically she maintained above average grades through school. Kathy loved school, was active in various sports, became a cheerleader and was generally popular. Her social crowd was a diverse group who valued academics and were not involved in any problematic behavior. There was some limited alcohol use, primarily related to special family occasions.

Kathy began college at the University of Utah but transferred to smaller Snow College where she

became more extensively socially involved. At age 19, she worked in a clothing store and was offered an opportunity for quick advancement.

In briefly summarizing her childhood, Kathy reported "it was a great life."

About age twenty, she became seriously involved in a four year relationship with a young man who seriously wanted to marry her. She felt she was not ready for marriage. Kathy experienced him as overly controlling and ended their relationship. Looking back on earlier romantic relationships, Kathy speculated that she may have been "on the shallow side". Within a year of ending this first serious relationship, she met and married her first husband, John. Their relationship lasted about seven years before they divorced. They had one son, Patrick. Kathy was speculating that, although she and John did not encounter significant problems between each other, there was a sense for her of feeling more ambitious and needing to move forward more than John was wanting. There had been a sense of their relationship being more of a brother-sister caring and respect but she was not satisfied and left the marriage about 1993.

Glen Munro contended that Kathy may have been very spoiled and raised without needing to accept responsibility. Although Kathy spoke of the support for independent functioning, Glen feels Kathy remains overly dependent on her mother and others. Kathy contends that she has always felt able to function independently but is also well aware that, if in need, there is always reliable support from her family.

PRESENT FUNCTIONING: Over several appointments, Kathy's presentation was variable. The separation from Glen Munro has been extremely emotionally distressing for Kathy and there has been a prolonged desire and effort to see if their relationship may be salvaged. Through much of the evaluation, she continued to state her love for Glen and the massive frustration of not being able to make this relationship work. She was having a great deal of difficulty deciding whether she wanted the relationship with Glen to fully end. For Kathy, there continued to be an emotional entanglement with Glen Munro with vacillating feelings. Toward the end of the summer of 2000, Kathy was finally more emotionally disentangled from this relationship and ready to let go of her long-held desire for marriage to Glen.

Kathy was periodically tearful related to her great fear that Glen was making a strong effort to declare her an unfit mother. She made repeated tearful declarations that she is a good mother. She was primarily on the defensive, trying to counter expected allegations from Glen. Although discussing problems between herself and Glen, she was not strongly negative about him nor criticizing his parenting of their son. In her distressed and tearful moments, there was also the periodic temptation by Kathy to just 'quit', to give Glen anything and everything he demanded in order to escape from the present sense of serious battle.

In other sessions, Kathy was stronger and less emotionally distraught with a clearer statement of her own strengths and future plans. There were sessions with controlled anger expressed related to some of the allegations made by Glen and her surprise and dismay at allegations made by their neighbors

in Las Vegas.

Kathy's MMPI-2 validity scales were typical of profiles seen in custody evaluation. There was moderate defensiveness and a possible attempt to present herself in a positive manner. There were no strong indications of any significant behavioral nor emotional problems. A moderate elevation on scale nine has both positive and negative connotations. This could describe a high energy, talkative, sociably comfortable, openly honest and idealistic individual. Also individuals with similar scores are perceived by others as generous, affectionate and sentimental. The same scale is also associated with periods of over activity which may become inefficient and irritability with temper outbursts. Although suggestive of emotionally expressed reactivity to problem situations, this scale does not indicate significant nor chronic emotional instability.

Dr. David Erickson, Kathy's present therapist, was contacted. There is distress and anxiety being dealt with. The therapist indicated that her distress was judged to reflect the present difficult situation of separation from Glen and the ongoing custody tug-of-war. The therapist does not indicate chronic nor significant emotional dysfunction.

With the continuation of the sense of being in a battle with Glen, Kathy has continued to be highly anxious. She is presently relying more on family and friends for support but this is not judged to be chronic over dependence. She is involved with a therapist and feels she is making good progress at understanding her relationship patterns and reactions. When the feeling of fight and battle are decreased, it is not judged that Kathy would experience behavioral nor emotional problems which would predictably interfere with her parenting ability.

GLEN MUNRO: AGE 43

DOB: 03/13/57

AGE: 43

HISTORY: Glen is the second of three children, having an older and younger sister. His parents are still together and live in Butte, Montana, where Glen spent much of his childhood. He was born in Arizona and, for a period of time, the family lived in Tokyo, Japan, while his father was in the military.

Glen described his mother as strong and independent. She was a full time homemaker and very involved and concerned about her family. He reported a very positive relationship with his mother.

Father was described as a very socially outgoing person with many friends. Glen and his father shared a number of outdoor activities together.

Glen indicated that within his family, he was taught responsibility for his own actions and held accountable for his own behavior. The sense of personal responsibility and accountability are strongly held values.

Academically he earned generally average grades with an indication that he could have applied himself more to schoolwork. He does not report any behavioral problems in school. He became involved in sports and most of his adolescent peers were athletes. He engaged in some late adolescent social drinking but no reported drug use. Although not excelling academically, his parents instilled the message that he would be able to accomplish anything he set his mind to.

Glen Munro had committed and worked hard to become a pilot. He thoroughly enjoyed his work and the great freedoms it afforded him. He valued being a bachelor and had not seriously considered marriage. He had dated rather extensively and had one serious relationship in his mid-twenties. This relationship ended when he felt pursuing his career needed priority over settling down. He advanced in his career and was in a favorable financial situation. As he later toyed with the idea of a possible marriage someday, he also knew that he would expect a prospective wife to sign a prenuptial agreement to protect his personal properties and finances. Around his mid-thirties, Glen indicated that he was traveling alone in Australia and sensed a growing desire to have someone special to share experiences with.

Kathy perceived Glen's family as a generally well-functioning family but a family possibly lacking in emotional connection and warmth.

PRESENT FUNCTIONING: Glen's presentation over several interviews was more consistent and more emotionally reserved. He was very articulate and very self-controlled. There was a sense of positiveness about Glen. He was socially appropriate, likeable and convincing in his discussion. There was also the sense of quiet arrogance in Glen's assumption of the absolute correctness of his own perceptions.

To a much greater extent than Kathy had done, Glen was repeatedly making a point of demeaning Kathy as a dysfunctional individual and as a less-than-adequate parent. There was continuous demeaning of Kathy throughout the evaluation.

Glen defined the present custody evaluation as a battle of power and control. It is judged that this type of battle is more familiar to Glen than to Kathy. Glen may anticipate being a 'winner' in any game played.

Although stating continuing positive feelings toward Kathy, there also appeared to be a much easier emotional end of this relationship for Glen in contrast to the emotional devastation experienced by Kathy. This could reflect less emotional commitment to their relationship by Glen during their years together.

Glen's MMPI-2 was completely valid and completely within normal range across every scale and subscale. He would appear to be a very well-functioning, confident individual with no indication of emotional nor behavioral dysfunction. It is speculated that Glen typically maintains control over expression of emotion. The extent of his ability to be emotionally reserved and controlled was problematic to the more emotionally expressive Kathy.

RELATIONSHIP HISTORY

The sociable and charming international airline pilot began dating the attractive and fun flight attendant about 1993. He was 38, she was 33.

When Kathy Huish began dating Glen, she had separated from her first husband, John, about three months earlier. From other airline co-workers, Kathy had heard about Glen's other relationships with Delta Airline staff and his reputation as a confirmed bachelor. She was still struggling with ending her relationship with her first husband and Glen sensed that she may need someone to take care of her.

They enjoyed each other and appeared to share similar interests and values. Kathy indicated that early in their relationship, Glen indicated he expected exclusivity in their relationship. Kathy fell in love after dating about six months. Although knowing Glen's reputation for avoiding committed relationships, she felt their relationship was strong and positive. Kathy stated that Glen had discussed possible marriage early in the relationship. Kathy Huish very strongly wanted to get marry Glen Munro. Glen declared his love for her and was indeed seriously considering marriage but was maintaining a protective distance and caution. He felt their relationship needed more time and some problems needed to be worked out.

Kathy indicated that she felt she made continuous efforts to please Glen, to establish the kind of relationship he needed in order to convince him to marry her. Kathy tearfully declared "I tried so hard to be perfect for him." They would discuss marriage, even set a wedding date but, in Kathy's perception, there always seemed to be some major problem or argument brought up by Glen which again delayed the decision to marry. Kathy compared her continued efforts to please Glen in hopes of marrying him was much like a continued "audition" where she would be judged by him as always failing to measure up. Kathy reported that Glen would make comments suggesting that, after a marriage the woman would be in control or comments about not wanting the responsibilities of marriage. After about two years of dating, Glen asked Kathy to move in with him but she was hesitant. After dating about three years Kathy became pregnant.

Kathy stated that she had not planned on becoming pregnant at that point because she feared it might be interpreted by Glen as intentional pressure and a manipulation to force him to marry her. Kathy stated that she did not want Glen to assume she had backed him into a corner. She reported that he initially responded to the pregnancy with both anger and fear. She stated that he initially did not want this pregnancy and discussed possible abortion. Glen stated that she had told him that he "had" to marry her or she would get an abortion. "He was angry and I was saying 'I'm sorry'. I'm always apologizing." Kathy felt abandoned by Glen during this pregnancy while he remained in his new home in Las Vegas with decreased contact with Kathy. Kathy lived with her mother during the pregnancy and Glen reportedly was not involved with the prenatal appointments. During the pregnancy, Glen bought Kathy a very nice diamond ring and proposed marriage. Kathy returned the ring. Glen contended that Kathy complained that the ring wasn't big enough or nice enough. Kathy

stated that she wasn't accepting his offer of marriage during the pregnancy because she felt he had proposed out of fear and she sensed he indeed "was not ready". The ring was also presented with a prenuptial agreement which Kathy felt was insulting and unacceptable. An attorney advised her not to sign it. There was guilt for Kathy related to knowing the timing of this pregnancy could be viewed by him as an attempt to "trap" him into a marriage and she was not willing to begin a marriage on this basis.

Glen was present at the hospital when Taylor was born. The delivery was reportedly normal. Although Kathy felt that Glen seemed to reject the pregnancy, he became immediately enamored with the baby. The day of birth, Kathy recalled the icy and alone feeling as Glen took the baby in his arms and left the room without any attention to Kathy.

Glen stated that during the first two weeks of Taylor's life, this newborn was left in the care of the totally untutored hands of his father in Park City. Kathy remained in Salt Lake with her mother and made brief visits. Glen's family arrived to find Glen very committed to learning all new skills of feeding, diapering and nurturing a newborn but astounded that Kathy was uninvolved. When Kathy was questioned later related to her decision to leave Taylor with Glen for the first two weeks of life, she was very surprised. Kathy stated that she had taken the baby home to her mother's home after the birth. Indeed Glen had taken the baby for two days to Park City when his family came to visit.

Kathy was still anticipating marriage to Glen. When Taylor was about one month old, she moved to his home in Las Vegas with Taylor and her older son, Patrick. Kathy's relationship with her ex-husband, John, had reportedly been positive and it was difficult to take Patrick from easy access to his father.

Kathy felt committed to establishing a home and hearth for the four of them in Glen's Las Vegas community. She felt the house felt like a sparsely furnished bachelor pad and went about purchasing furniture and decorating the home. He complained of the unnecessary expenses and extravagance of her purchases, running quickly between \$20,000 to \$ 30,000. A specific request Kathy indicated was for Glen to have a fence built around the yard. She stated that he did not choose to have a fence built.

Kathy had three months leave from the airline position at Taylor's birth before she returned to work. Related to living in Las Vegas rather than Salt Lake, her work was somewhat more difficult since some of the time she was on reserve status. This required her to simply 'be' in Salt Lake in case she was needed but this often resulted in not needing to work and being away from her children and Glen for up to four or five days. After six months of working, she went on vacation and medical leave for about 18 months and was able to be in the Las Vegas home almost full time. She did some part time work in insurance sales. Glen reported that Kathy's leave from the airlines was only for seven months, not eighteen. Kathy presented documents indicating that she was on an inactive status from the airlines between July of 1997 through March of 1999.

Glen's very enviable work schedule only required him to be gone for work about ten days in an entire month. Glen's schedule also allowed him to be in the home most of the time. He reported that he maintained many of the routine parenting of Tyler such as getting up for night feedings and also involved himself in activities and support with Patrick. Glen's involvement with Taylor in Taylor's infancy was extensive.

Glen is presently contending that Kathy did not appear to want to be a mother except on her own terms. Glen made several statements indicating that he assumes that Kathy is only interested in being a "part-time mother". He does not feel that she has normally emotionally bonded with Taylor and that she has priorities for care of herself which come ahead of her concerns for either of her children. For a period of time, they hired a nanny. Glen stated that the nanny was extensively involved with the children whenever he was working even though Kathy would have been home for the children at the same time. He felt she had difficulty fully assuming responsibility for parenting without his extensive involvement or without reliance on her mother or the nanny. Related to the nanny, when Glen would be working, Kathy did use the nanny when she needed day care while she attended therapy but does not agree that she used the nanny extensively. She had hoped to use the nanny to allow time for herself and Glen to have couples activities but she indicated that Glen objected to this.

From the beginning, there was a great difference in their needs for togetherness versus independence. Kathy wanted, needed, and demanded more complete attention and time together with Glenn. She wanted romancing, vacations, fun family interactions and time alone with Glen. She needed to feel more valued and pampered. With the work schedule allowing him to be home most of the time, Glen certainly felt that he did spend significant time with her. "But she always wanted more. I could never please her." Glen reported that Kathy had indicated that she wanted a husband that she could provide "everything" for without recognizing his need for outside relationships and time to himself. He repeatedly asked her for "space".

Within the Las Vegas community, Glen developed a number of strong friendships with neighbors. Kathy perceived that Glen was always leaving to hang out with neighbors, leaving to go golfing almost daily or isolating himself behind the computer. Kathy felt Glen was neglecting and avoiding meaningful interaction with her.

Kathy joined some of the neighborhood activities and couples friendships but not to the extent Glen was involved. She became jealous of what she perceived to be very excessive time with these friends to the exclusion of time with her. She felt that these friendships indeed seemed to meet a kind of need for relationship for Glen but also kept him apart from joining as a 'family'.

With his friends, Kathy perceived that Glen was generally very positive and complimentary. However, in the home, Kathy stated that she was feeling demeaned, judged, and criticized too continuously. Although she felt that Glen was highly complimentary and positive with his friends, she felt starved for compliments and indications of being valued by him. Kathy declared that over time Glen made her feel like a total failure as a mother and as a partner. She reported him being

angry with her when she indicated she wanted to do something special to have her birthday acknowledged. She felt Glen's displays of love were more often shown with gifts than with meaningful interaction with her.

Kathy reported that she enjoyed her children and felt devoted to the parenting. Her period of medical and vacation leave from the airlines allowed her a great deal of time with the children. However, her continued desire to establish a sense of a full family and be married continued to be a significant stress for her and continued to be a very major focus. She indicated feeling "embarrassed" about living together and not being married. She did not indicate any extensive discussion with neighbors related to their marital status and assumes that most neighbors would have assumed they were married. Correspondence from neighbors in behalf of Glen indicated an awareness that Glen had a girlfriend who may sometimes be staying in the home.

Glen had repeatedly stated to Kathy that if they could do well as a couple over the next year, they could still consider getting married. He had concerns about what he perceived to be her extravagant needs for major expenses and major travel experiences as well as excessive demands on his time. He considered her spoiled.

She is weak. He is strong. He is right. She is wrong. These were the perceptions developing for Kathy. She was the more emotionally labile parent and felt too easily talked down by the more emotionally-controlled Glen. He contended that his efforts to make suggestions or small corrections were perceived by Kathy as more extreme put-downs rather than a simple suggestion. Arguing and disagreements escalated into daily battles and screaming by both. She contended that he twice threw her across a room. Kathy did not report any physical abuse of either child by Glen. She did express concerns that his quick irritable upset and yelling about normal childhood errors was becoming increasingly detrimental for both children.

Glen contended that she once was screaming at him, kicked him and threw a knife. Although not stating inappropriate physical punishment of the children by Kathy, he expressed concerns about her presumed poor ability to manage her anger and her general volatility. She reportedly smashed an entire set of dishes. There were brief separations when she would return for a few days to her mother's home. On some of these separations, Taylor was left in Glen's care.

Although Kathy felt that Glen was generally appropriate with Patrick, Kathy stated that Glen did not extensively involve Patrick in activities and Glen was more obviously emotionally attached to young Taylor.

Kathy did not expect to ever win in any verbal argument with Glen. She may have developed a pattern of responding to upset with Glen by leaving. There was one inappropriate occasion when Glen was at a neighbor's home. Kathy was mad about his absence and drove away for about twenty minutes, leaving Taylor locked inside while Glen tried to get in through a window. Kathy contended that both children were home and asleep. In correspondence in support of Glen, neighbors remarked about Taylor at age two was getting out of the house and walking into the street. These letters

suggested that this happened frequently when Glen was working and implied inattention and neglect by Kathy. Kathy does report that by age 2 ½, Taylor was able to open the door. There was no fence and Taylor did get to the street but very infrequently. She also contended that this occurred also when Glen was home and there was no general neglect.

Kathy was distressed at the letters from several of the Las Vegas neighbors suggesting that Kathy was an unconcerned or inattentive parent. Although she knows she was under increasing stress and becoming more depressed near the end of this relationship, Kathy contends that she was fully involved and appropriate with her children. She feels that the Las Vegas neighbors have had a stronger relationship with Glen than they had with her and she feels he has now rallied them against her.

The relationship continued to deteriorate and Kathy became aware of increasing depression. Glen felt that no matter what he did, he was never able to please her. They were getting into daily bickering and circular arguing. They went to a pastor for counseling. Glen indicated that the pastor suggested separation. Because of the daily dissention and continuous arguing, Glen was unwilling to commit to any marriage unless they could develop a more reasonable interaction.

Following an episode when Glen reportedly screamed at Patrick for mildly hurting Taylor in roughhouse wrestling, Kathy felt she could no longer stand it and declared that she was returning to Salt Lake with both boys. In March of 1999, Kathy had moved back with her boys into her mother's home. Despite choosing to leave his home, Kathy was still plagued with thoughts of "does he love me?" "Will he ever marry me?" At the point of leaving, Kathy still felt she was strongly in love with Glen and still very much wanted to marry him. To leave was perceived by her to be a gesture to make Glen acknowledge the problems in the relationship, not an attempt to end this relationship.

Kathy reported that, after returning with the boys to her mother's home, she readily made Taylor available when Glen requested time. Patrick also was occasionally involved in the visits. Kathy reported several two to three day visits between Taylor and his father, primarily occurring in Utah in Glen's Park City home. Glen reported that as long as he was willing to simply concede to Kathy's stated plans and suggested schedule, there were not significant problems arranging to spend time with Taylor. However, he wanted more time with Taylor than Kathy was allowing. Glen also contended that, because a firm schedule was not in place, Kathy's earlier agreements regarding visits would be altered if her mood changed. Glen stated that Kathy frequently denied planned visits.

Kathy contended that she was feeling harassed and verbally bullied by Glen. Although Kathy was continuing to hope for reconciliation, Glen was not. "There is something Kathy needs that I couldn't fulfill and maybe no one can." He stated "I try to see where she is coming from but I don't know where she is coming from." He now perceives the visitation situation as an issue of who is to have power and control.

There had been no marriage and with the separation there had been no initial legal involvement to outline primary custody or visitation. As the mother, Kathy presumed she was the primary custodial

parent. About seven months after their separation, Glen initiated legal contact to request primary physical custody. Kathy recoiled and filed a protective order alleging earlier physical and emotional abuse by Glen. In apparent outrage at this abuse charge, Glen took Taylor for visitation and this child was not returned for five weeks and not until ordered by the court. Kathy dropped the abuse charges but Glen continued to be angered at the allegation of abuse.

With the work schedules of each parent, Taylor has been accustomed to being frequently separated from a parent for two to five days. As the visitation tug-of-war grew more intense, this preschooler has been separated from each parent for several weeks at a time. Glen saw no problem with the extended length of time Taylor was with him, indicating that Taylor “was used to it”. Kathy has expressed concern about sometimes not knowing where her child is when with Glen because of the free access to the airlines and having a home in both Park City and Las Vegas.

Disagreements repeatedly related to changes of schedules for Taylor. They continued to squabble about everything: whether a night diaper was being worn, how to divide Taylor’s birthday, who gets the toy jeep, a scheduled medical appointment for Taylor to have a wart removed, whether Kathy would drive to the airport to pick up Taylor, how long and how often Taylor should get phone calls. They went again to court related to property of Kathy’s still in Glen’s Park City home which he contends he has repeatedly offered to return to her but they never agree on when. Recorded phone contacts from earlier this year were much more extended than necessary and often deteriorated into squabbling or were prolonged by Kathy wanting to discuss their relationship. Police have been involved to keep the peace in a recent transfer which was distressing for Taylor who thought the police were coming to take him.

Glen complained that he has made arrangements to return Taylor only to be told by Kathy that she has other plans or is delayed for a hair appointment or ‘forgot’. Kathy contended that contact with Glen was so distressing, she sometimes would allow Taylor to stay longer with Glen just to avoid contact with Glen. Glen assumes that much or most of the actual caretaking of Taylor is being done by the maternal grandmother and not by Kathy. Glen contends that Kathy’s deep insecurity, hurt and anger related to their relationship are interfering with her ability and desire to adequately parent Taylor. Glen reported that in June of this year, Kathy had told him that if he and Kathy did not reconcile, she would be married within six months. Glen is aware that Kathy is dating and does not have a problem with it. Glen assumes that Kathy may presently have a relatively serious relationship. Although Kathy reported a strong supportive friendship with a male friend, at the conclusion of this evaluation, she was reporting no significant relationship nor intent to marry soon. Glen did not report any present relationship.

Kathy has been dating but does state that she does not assume she is emotionally in a position to get involved seriously in any other relationship at this point.

Kathy frequently expressed concern about the change in Taylor’s mood and interactions when he would return from periods of time with Glen. Taylor would reportedly be more rejecting and angry initially. The difficulties for this child related to the transitions became overly personalized by

Kathy. She worried that Taylor's initial emotional distancing may be related to some parental failure on her part.

Until very recently, Glen had not noted any difficulties with transitions, stating that his son very much looks forward to coming with him and there is no behavioral change at the transition time. When Taylor is with Glen, Kathy infrequently calls to talk with Taylor which Glen assumes is a lack of interest by Kathy. Kathy continues to feel so uncomfortable with possible phone contact with Glen, she often has chosen not to call. In father's home, Glen reported that Taylor has often made comments about wanting to get back to "Nay" (the maternal grandmother) and states that Nay needs him. Glen indicated that Taylor generally says very little about his mother. The strain of the parental dissention on Taylor is becoming more manifest to Glen. In a recent call to Taylor, Taylor abruptly ended the call when his mother walked in with a statement from Taylor saying that he didn't want father to "be mean" to mother on the phone. There were very recent wetting accidents which were not typical of this child.

HOME OBSERVATIONS AND REPORTED PARENT-CHILD INTERACTIONS

MOTHER'S HOME: KATHY HUISH. Two home visits occurred with Kathy Huish and Taylor in Salt Lake. The initial observation occurred in the maternal grandmother's home, Lenay Russell. Kathy and her sons were living in the Murray, Utah, home with Lenay while their older home next door was being remodeled. The initial home visit was conducted by Dr. Carol Gage and Merry Trujillo. A second visit occurred after Kathy and her sons had moved into their home. The second home visit was conducted by Marc Eschler, BA.

At the initial visit, one of Kathy's brothers was living there also but occupied a large separate apartment over the garage. The grandmother's home and Kathy's home are adjacent homes in an established older middle-class neighborhood in Salt Lake. There is a large fenced yard and the home is not on a busy traffic street. Schools and church are within two blocks. There are reportedly good relationships with the neighbors with children and they share play times and assist one another in getting children to scouts and activities.

The entire evaluation process was difficult for Kathy and she was initially anxious on the home visits. Both boys were playing on the computer at Lenay's home. Patrick, age eleven, was very pleasant and cordial. Patrick enjoyed prompting his younger brother to show off computer skills and things that Patrick had helped teach Taylor. Grandmother, Kathy and her two sons interacted well and comfortably in this home. Patrick presented as a relatively sensitive youngster who appeared to be very fond of and proud of his younger brother. Taylor, possibly sensing that he may be the focus of the observations, became a little bossy and showing off but not out of line. Taylor briefly fussed when Patrick presented his school project that Taylor insisted on presenting. Kathy calmly and briefly talked with Taylor and gave him a time out. The grandmother's home had a warm and comfortable atmosphere.

The second visit was made after Kathy and her sons had moved into their remodeled two bedroom home adjoining the grandmother's home. Both Patrick and Taylor continued their activity with puzzles while Mr. Eschler talked with Kathy. There was some bickering between the boys which did not require intervention. Although Kathy had sounded highly anxious on the phone prior to the visit, Mr. Eschler indicated that she was comfortable and at ease within her own home. A warm emotional tone was noted with calm and easy responsiveness between both boys and their mother. Taylor threw a small tantrum related to pouring milk and mother calmly sent him to his room briefly to settle down. Kathy talked with Mr. Eschler about both children and her own therapy involvement. Mr. Eschler noted that Kathy in no way demeaned Glen but did express being hurt related to Glen's allegations related to criticizing her as a parent.

In the home visits, the observed interactions between Kathy and both of her sons appeared emotionally warm and appropriate.

Kathy and Taylor were observed together in an office interview defined as an open-ended play setting. Kathy allowed Taylor to take the lead in selecting activities and supported his games and play with appropriate prompts and praise. They sang songs, explored the toys, ate a pretend Lunch. There was no situation requiring any redirection in this session. Her prompts in telling him to put the toys away were somewhat tentative and soft but he did respond appropriately. Taylor remained physically close to his mother, at one point he stood beside her as she sat on the floor and leaned his face against her cheek. This was a warm and appropriate mother-son interaction.

Letters of support for Kathy do indicate that Kathy is appropriately involved as a concerned and caring parent. She involves her sons in church activities, Patrick is in scouting programs and there are a number of community activities with both boys. Her ability to discipline appropriately was not considered problematic.

Kathy's mother is involved in offering day care and has been a positive support for this family. It is not assumed that Kathy turns over extensive child care responsibilities either to her mother nor to Patrick.

FATHER'S HOME: GLEN MUNRO

Marc Eschler, B.A., flew down to Las Vegas and observed Taylor in Glen's home. The home was described as a beautiful home in a secure gated community which is bordered by a golf course. Glen's home has a fenced back yard. The observed interactions between Glen and Taylor were very positive and appropriate. Although during part of the period involved private discussion between Glen and Mr. Eschler, Glen remained very attentive to Taylor's activities and whereabouts. Taylor was quickly responsive to his father and they indeed appeared to be very emotionally bonded to one another. Taylor enjoyed engaging with Mr. Eschler and showed off his bedroom and toys. Taylor, at age four, has been slow in becoming fully toilet trained which Glen speculated may be lack of structure and consistency provided by Kathy.

A neighbor, Doris Ferrell, was interviewed who reiterated earlier statements suggesting that when Kathy was living in the home, Kathy may not have been appropriately attentive to Taylor, allowing him to get out into the street. Doris talked of Glen's enjoyment and dedication to Taylor. Similar statements regarding parental neglect by Kathy were made by another neighbor, Joanne Digerolami. Joanne also suggested that Kathy may have over-relied on Patrick to watch Taylor. Although Glen had stated that he had noted very minimal behavioral changes with Taylor related to transitions between homes, Joanne noted that when Taylor initially arrives after a period of time with his mother, Taylor is apparently less secure, clingy and throws tantrums.

The observations of father and son were very positive. The child appears to be comfortable and responsive and Glen appears to adore his young son.

Glen was also present in the office with Taylor. Although open-ended play between Taylor and Glen was suggested, Glen had a greater need to discuss present visitation difficulties and concerns about Kathy even though Taylor was present. I suggested that Taylor could entertain himself in the adjoining play room to avoid overhearing adult discussion. Several times during this session, Taylor would again come into the interview room. Glen would warmly interact with Taylor, give him hugs, comment on his play. However, Glen continued to discuss his problems related to Kathy even after prompts from me that this was not appropriate with Taylor present. It was of concern that Glen's need to impart further problems between himself and Kathy continued in Taylor's presence even when I had suggested this was not appropriate. .

Letters of support for Glen indeed remark on the adoring and positive father-son relationship between Glen and Taylor. A couple of letters expressed surprise at the unexpected change in Glen's life when he became a parent who became fully devoted to his son. There appear to be extensive father-son activities and Taylor generally joins Glen in almost everything from dining out, visiting neighbors, shopping at the hardware store, boating and frequent golfing.

EVALUATION OF CHILD

TAYLOR MUNRO

DOB: 07/11/96

AGE: 4 YEARS

Taylor would appear to be a normally-developing youngster who turned four during the course of the present evaluation. There has been a delay in fully obtaining toilet training. Although Glen speculated that it may be the fault of poor consistency or poor structure in Kathy's home, the delay could indeed also relate to general regression in behavior frequently seen with children during transition periods or children under stress.

Although giving the impression of being possibly a little spoiled and anticipating that he may expect to be the center of attention, Taylor is not presenting any apparent significant problems.

Kathy has been aware of changed behavior by Taylor when making transitions between homes. She feared that these changes might reflect somehow on inadequate parenting on her part since that was the message she had heard from Glen. Although prior to July, Glen did not indicate any behavioral concerns around the transition times, his neighbor had commented on observed changes very similar to changes noted by Kathy. The toileting regression, greater anger and tantruming at the transition times are likely to be a result of the stress of making transitions between homes as well as an increasing awareness of the dissention between parents.

GUIDELINES FOR UNIFORM CUSTODY EVALUATIONS (RULE 4-903)

(A) CHILD'S PREFERENCE: There is no direct questioning of a child this age related to a preference. Observations of the interaction of this child with each parent and comments about the situation within each home are relied on. There indeed are strengths within each home and Taylor appears to be equally emotionally comfortable in each home. Taylor does appear to be emotionally bonded to both parents and there was no apparent stronger relationship with one parent.

(B) BENEFIT OF KEEPING SIBLINGS TOGETHER: Taylor does have an eleven year old half brother, Patrick. The reported interaction and relationship would appear to indicate an appropriate and strong sibling bond. In the observations of the two brothers, Patrick appeared to be a sensitive and nurturing brother who took pride in helping Taylor demonstrate skills he had learned. It is judged to be important to continue to maintain this sibling bond.

(C) RELATIVE STRENGTHS OF THE CHILD'S BOND WITH ONE OR BOTH OF THE PROSPECTIVE CUSTODIANS: This child appears to have strong and positive emotional bonds with both parents. The interaction between Glen and Taylor is comfortable, attentive, respectful and playful. Glen appears to be devoted and adores this son. There is a loving and physically affectionate bond between Taylor and his mother. The entire process of the painful separation from Glen and being involved in a custody evaluation has increased Kathy's anxiety significantly. Kathy had continued fears of being judged as an unfit parent. Kathy is a good parent and a committed parent who presently is frightened. Related to her discomfort, she was somewhat less at ease in her interactions with Taylor when being directly observed. However, her emotional attachment and commitment to this child is not questioned. With his mother, Taylor was responsive, sought physical closeness and appeared very comfortable.

(D) THE GENERAL INTEREST IN CONTINUING PREVIOUSLY DETERMINED CUSTODY ARRANGEMENTS WHERE THE CHILD IS HAPPY AND WELL-ADJUSTED: General behavior and adjustment for Taylor was indicated to be within normal limits in both mother's home and father's home. Kathy has been more concerned over time about Taylor's emotional changes when returning to her home with fears that Taylor may not be as emotionally attached to her as she feels he ought to be. However, the rejection and anger shown by Taylor when returning to mother may have more to do with transition difficulties than with the overall quality of relationship with mother. Glen has very recently commented on observed stress

and changes with Taylor possibly related to the unrelenting dissention between the parents. There has not been a previously determined workable pattern for this child.

(E) FACTORS RELATED TO THE PROSPECTIVE CUSTODIANS' CHARACTER, STATUS, CAPACITY OR WILLINGNESS TO FUNCTION AS PARENTS INCLUDING:

(I) MORAL CHARACTER AND EMOTIONAL STABILITY. Glen Munro has emphasized his assumption that Kathy Huish is emotionally unstable and may not be adequately emotionally equipped to manage this child. Glen further speculated that Kathy was overly dependent on her mother and would not be able to independently manage Taylor and Patrick. Kathy has been depressed and very distraught related to the difficult ending of the relationship with Glen. Kathy was frightened by the process of this evaluation and was feeling continuously defensive. It is judged that Kathy Huish's greater emotional distress is situational and not a chronic problem of inadequate emotional control. Kathy is more emotionally reactive but not to the extent that it would be assumed to interfere with appropriate parenting. Although there were angry outbursts during the relationship with Glen, it is not assumed that Kathy shows evidence of general problems of inappropriate anger control. Kathy Huish does not present any significant behavioral nor emotional disability. Although Kathy's mother is supportive and available for child care, there is not judged to be an over-reliance on mother. Kathy expressed greater valuing of a 'family' situation and anticipates eventually remarrying.

There is no emotional instability with Glen who is generally able to maintain a very calm and rational demeanor. This same emotional control and stoic posture may have also created the emotional void felt by Kathy.

Although not making it a major issue, Kathy had concerns during their relationship that Glen may have continued to date other women. Glen had reportedly been a confirmed bachelor with a carefree life-style. In the relationship with Kathy, Glen came closer to marriage than ever before but was understandably unwilling to commit to a problematic relationship. Glen does not indicate any present relationship and may choose to avoid a committed relationship.

(ii) DURATION AND DEPTH OF DESIRE FOR CUSTODY. About eight months after their separation, Glen initiated a custody request. He stated that he initiated the request because he fully felt that he was the more appropriate parent and Kathy was not emotionally able to raise their son and may not be emotionally bonded to their son. Kathy is strongly and continuously committed to this child. Indeed related to the child's difficulties at transition periods, Kathy also questioned the 'bond' between herself and Taylor. The problems of Taylor's initial rejection and anger when returning to his mother appear to have been overly personalized by Kathy and she worried that this may reflect a problem in her parenting rather than reflecting transition difficulties for Taylor. Despite Glen's contention that Kathy only wanted to be a "part time mother", it is assumed that Kathy is fully emotionally invested in parenting this child.

(iii) ABILITY TO PROVIDE PERSONAL RATHER THAN SURROGATE CARE.

With their jobs with the airlines, both parents were in a unique situation which allowed them a great deal of time available for direct care. Both are employed full time with schedules changing each month. Glen Munro's schedule would make him directly available about twenty days a month. When working, he is gone and out of the country three to four days at a time. Most of his present scheduled flights are over weekends.

When the evaluation was initiated, Kathy's schedule allowed her approximately fifteen days a month when she would be fully available for direct care. Her work periods would typically have her out of the home overnight up to three nights. There appeared to be a fear on Kathy's part that Glen's greater time availability would become the major issue in determining custody. Toward the end of the evaluation period, she had altered her job to change to auxiliary status which would allow her approximately the same amount of available time as Glen had. She was continuing to redefine her employment status with the airlines which would result in fewer days away from her sons. In addition to the decreased time as a flight attendant, she has recently also involved herself in a six-month work situation in Salt Lake.

On those dates when both Kathy Huish and Glen Munro would both be scheduled for work at the same time, Kathy's mother was available to care for Taylor. This continued to be acceptable to Glen.

Glen continues to have somewhat greater time availability but Kathy also has more time available for direct care than most parents working full time.

(iv) SIGNIFICANT IMPAIRMENT OF ABILITY TO FUNCTION AS A PARENT THROUGH DRUG ABUSE, EXCESSIVE DRINKING, OR OTHER CAUSES. There has been no concern related to drug or alcohol abuse for either parent.

(v) REASONS FOR HAVING RELINQUISHED CUSTODY IN THE PAST. Because this couple did not marry and had no legal statement regarding custody or visitation when they separated, Kathy assumed that custody of this young child was rather automatically assumed to be hers. Glen acknowledged paternity and sought custody within a year of their separation. Neither parent has relinquished their interest in custody.

(vi) RELIGIOUS COMPATIBILITY WITH THE CHILD. This was not indicated to be a significant concern by either parent. Glen indicated being basically non-demoninational and periodically attends religious services. Kathy has become more active in the LDS church.

(vii) KINSHIP, INCLUDING EXTRA-ORDINARY CIRCUMSTANCES, STEP-PARENT STATUS. Taylor is the natural child of Kathy Huish and Glen Munro. In his homes in both Park City, Utah, and Las Vegas, Glen does not have family contacts. He does maintain interaction with his family in Montana.

Within Kathy's home, Taylor is involved with his half-brother, Patrick, as well as maintaining very

frequent support from his grandmother who lives next door.

(viii) FINANCIAL CONDITION. Glen Munro's income is significantly higher than Kathy Huish's income. Glen maintains two homes with the primary home being in Las Vegas. Kathy has maintained employment and is judged to be able to continue to financially support herself and her sons. She has purchased and remodeled a home which has been in her family. Glen expressed concern about Kathy's possible poor money management and extravagant spending. There is no present information indicating a significant inability for Kathy in managing her financial situation.

(ix) EVIDENCE OF ABUSE OF THE SUBJECT CHILD, ANOTHER CHILD OR SPOUSE. There were no allegations related to physical abuse of this child by either parent. The child indeed has witnessed a number of verbal altercations, overheard upset and angry phone calls and been upset by police presence at a transfer. Glen did express concern about Kathy's reportedly hot temper and expressed concern about a risk of mistreatment by Kathy. It would appear that Kathy's anger was more directed at Glen and is not assumed to reflect a risk to either of her children. There were allegations by both Glen and Kathy related to some limited instances of physical confrontation of the other. There does not appear to be a pattern of physical abuse and neither parent is judged to present a risk to this child.

(F) OTHER FACTORS DEEMED IMPORTANT BY THE EVALUATOR.

(ii) WILLINGNESS TO FOSTER A RELATIONSHIP WITH THE OTHER PARENT
A major concern for this evaluator related to Glen Munro's continued demeaning and discounting of Kathy Huish. In an effort to present himself well, he did it primarily by belittling Kathy. In Glen's presentation in this evaluation, Glen did not acknowledge the positive nature of the mother-son relationship. To the extent that Glen truly believes that Kathy is a "part time", uninvolved, emotionally unstable and inadequate parent, I have serious concerns about his ability to foster and support Taylor's relationship with his mother. It is certainly hoped that Glen does 'know' that Taylor loves and responds well to Kathy and that Kathy is a good parent.

Although upset and angry about a number of specific issues related to Glen and visitation, Kathy was more openly acknowledging that she knew Taylor and Glen had a very positive and loving relationship. Kathy would be judged to be much more supportive of Taylor's time with father.

CONCLUSIONS AND MAJOR ISSUES

During their seven year relationship, the issue of Glen not marrying her continued to be a very major issue for Kathy Huish. Even into the present evaluation, Kathy was making comments about a continuing desire to consider marrying Glen. Within the past few months, Glen reported periodic contacts from Kathy related to wanting to discuss reuniting and marriage. The continuation of Kathy's thoughts of reconciliation are presumably also partially related to her unremitting great fear

of losing custody of Taylor. A final blow came when Kathy, serious about wanting to talk to Glen about reconciliation, was unable to arrange a time with Glen because he had plans to go golfing. By the conclusion of this evaluation, Kathy Huish was finally emotionally disentangling from this relationship.

During their relationship, Kathy Huish may have displayed a pattern of trying to force Glen to do as she wanted by 'leaving'. She talked of being angry with him in Las Vegas and, instead of discussing it, she would leave the house to make him aware of her dissatisfaction. In her statements she suggested that her move from Las Vegas to Salt Lake early in 1999 was not entirely motivated by a desire to leave the relationship but to make him more blatantly aware of her need for changes within the relationship. Within verbal debates, Kathy felt Glen was always more powerful, more convincing and she did not expect verbal discussions to solve problems with him.

Glen Munro made numerous references to Kathy Huish only wanting to be a "part-time" mom. He contended that she was not making parenting a highest priority. Within Glen's background, he did have a stay-at-home mother, a role he valued. It is financially necessary for Kathy to be employed and out of the home. I do not agree with Glen that her employment necessarily diminished her caring and concern for her children. There was no reason to believe that Kathy's priorities did not place her role as mother as paramount.

I had concerns about some of the specific situations which suggested that Glen may not have a good sense of developmental needs of a young preschool age child. These included small situations such as Glen holding hour-long phone conversations with Taylor at age two when a three or four minute call would be more age-appropriate. This excessive phone time could also be viewed as indirect attempts to upset Kathy. When discussing schedules and the occasional long periods of time in one home with no contact with the other parent, Glen contended that Taylor was "used to it". With a child who was only two and three years old, a prolonged separation from either parent would be assumed to be detrimental. Prior to the time that Glen kept Taylor for a five week period, the typical separation period had been three or four days.

A letter in support of Kathy remarked on a babysitting situation when Glen had suggested to the babysitter that young Taylor would be readily entertained with an inappropriate movie of The Full Monte. In the session in this office when Glen was present with Taylor, Glen persisted in wanting to talk about problems related to Kathy despite Taylor's presence and despite comments from me. Although Glen's neighbor who supports him commented on observed emotional and behavioral changes in Taylor related to the transition periods, Glen's comments had not suggested that he was aware of these changes until changes became more blatant and pronounced.

Glen speculated that Kathy may be overly dependent on others and unable to parent without the very extensive involvement of her mother. Kathy would appear to continue to presently be dependent on her mother's stability and support but not to an extreme. Kathy is also presently involved in therapy and is finding support and redefinition for herself.

There was greater emotional lability shown by Kathy Huish during this evaluation. The questioning

of her competence as a parent was extremely distressing to her. There were moments of greater assertiveness and strength by Kathy. There were also moments of frightened defeat and resignation. "Just give him what he wants!" "I give up!" There may have been a sense for Kathy of being in a game of 'hard ball' and the game itself was periodically overwhelming.

Both Glen Munro and Kathy Huish have the unusual job luxury of more time available for direct care than most employed parents. Glen's present schedule allows the greatest time availability and he may presume that this is a primary 'ace-in-the-hole' related to the present custody.

There are strong positive and complimentary parenting skills and styles with each parent. Glen appears to thoroughly enjoy the time with Taylor and fully involves him in all activities. They shop together, hang out, work on projects and golf together. To a greater extent than Kathy, Glen may have the freedom to travel extensively with this son and provide enriching and varied experiences. Glen does appear to be able to establish reasonable daily routine. His discipline is appropriate and Taylor responds well to his father. He is a good father.

Kathy is also a good mother. In contrast to Glen's comments about considering a possible move to Atlanta, Kathy would appear to have a stronger tie to continuation of a home base in her home in Salt Lake. There is the very supportive and appropriate involvement of Kathy's mother who lives in a home next door to Kathy. Patrick, age eleven, appears to have a very strong and normal sibling relationship with Taylor. Although necessarily relying on her mother for child care when she is working and out of town, Kathy does have a strong and sincere commitment to the independent parenting of both of her children. With continuation of her job with the airlines, Kathy also would be able to offer travel experiences for her children to a greater extent than most families could enjoy. Daily structure, expectations and discipline are appropriate.

There is no accurate way to predict future relationships for either parent. Kathy more strongly values and wants a marriage and sense of an established family. She is more apt to become seriously involved in a relationship and marry. Glen had been committed to the idea of being a life-long bachelor. He considered marriage during the relationship with Kathy. He may again decide not to become involved in a marriage situation.

Although not diminishing Glen's genuine love and concern for his son, there was also the global impression through this evaluation that Glen was intent on a game of "power and control" with Kathy. It is speculated that Glen is very accustomed to 'winning' any game played. It was of concern that the 'win' may have become more relevant to Glen than a full focus on what living situation may be best for Taylor. In order to present himself in a most favorable light, he did it too completely by demeaning and criticizing Kathy.

RECOMMENDATIONS

It is the bias of this evaluator to recommend joint legal custody when both parents are judged to be significantly committed and involved in a child's life. It is my judgment that both Glen Munro and Kathy Huish are very emotionally committed to this child and both have an interest in this child's future. Joint legal custody will anticipate general agreement between the parents related to major issues such as school placement, medical situations, religious training. It is not expected that the parents would have significant disagreements on these major general issues related to their son.

An inability for the parents to work conjointly and cooperatively can preclude effective joint legal custody. There presently is a great deal of dissention and disagreement between Glen Munro and Kathy Huish. There is present disagreement on myriad day-to-day situations. Most of these disputes relate to minor, not major issues. Many of these disputes would be judged to reflect a continuing struggle over who gets to call the shots rather than either of them fully considering what may be best for Taylor.

As a final physical custody decision is reached with greater agreement related to time-sharing, it is certainly hoped that both parents can choose to decrease the frequency of disputes. On the hopeful assumption that the level of dissention will decrease as the legal issues of custody are resolved, I recommend joint legal custody.

If they would reach an impasse, it is recommended that Kathy Huish have the authority to make a final decision. Because Kathy may continue to worry that Glen can overpower her in an argument, Kathy must take care to separate her decision-making from the arena of win-loss and carefully consider specifically Taylor's needs. She needs to be cautious and rational in considering decisions and not allow momentary emotions to determine a decision related to Taylor. If Glen Munro feels strongly that a decision did not adequately consider his input and his son's best interests, Glen should have the right to request mediation. Their small and too frequent disputes must end as they now must acknowledge the need to work cooperatively for the sake of their son.

It is the recommendation of this evaluator that Kathy Huish be considered the primary physical custodial parent. This recommendation is made related to the following factors:

- Kathy Huish is judged to be a competent and caring parent
- It is desirable to maintain a relationship between Taylor and his half-brother, Patrick
- Kathy has established a home with additional family support and may be less apt to relocate than Glen
- Kathy is judged to be supportive of Taylor's involvement with his father to a greater extent than Glen may support Taylor's involvement with mother

Recognizing Glen's very adequate parenting ability and very positive relationship with his son, the time-sharing over the next year should be very liberal. Glen Munro has very extensive time

available to offer direct care. Until Taylor begins school next fall, it is recommended that visitation between Taylor and his father continue to allow Taylor to be with his father fifty percent of the time.

The establishment of a workable visitation schedule has become a major continuing tug-of-war between the two parents. It is strongly recommended that a specific schedule for the following month be in place with both parties agreeing to it in writing. Glen Munro's schedule for the following month is available by the fifteenth of month. It is recommended that by the 17th of the month, Glen present his work schedule as well as his proposed request for visitation for the following month to Kathy. Kathy is to review his proposal. She should have the authority to approve it or make specific changes, preserving his right to fifty percent of the time. By the 20th of the month, Kathy is to submit the approved schedule for the following month to Glen.

The schedule proposed by Glen and approved by Kathy is to also take into account the recommended state guidelines for division of holidays. Given their unique work schedules, the holiday schedules may be disrupted by work schedules. Schedules are to also state the hour and location of transfers. Both parties are expected to adhere to the approved schedule. If schedules are given careful consideration by both parents, there should be very few exceptions to their written schedules. With the exception of the state-proposed extended vacation visitation periods, visits should not exceed one week periods. For the sake of this child, a more stable and predictable schedule is desirable. When both parties are working at the same time, Lenay Russell is to be given first consideration for child care.

After three months of establishing their own written schedules, if significant problems persist, it is recommended that they utilize the services of a mediator to assist in the scheduling.

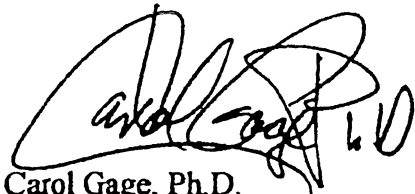
Both Glen and Kathy have discussed wanting to begin involvement in preschool for Taylor. A present day care being explored by Kathy could involve Taylor on Tuesday and Thursday. Preschool involvement may be positive but Glen's right to time with Taylor should take precedence over preschool.

Next fall when Taylor will begin public school, there will be a necessary major change in visitation. Taylor's primary home will be with Kathy Huish with school in Salt Lake. It will no longer be feasible for Taylor to spend fifty percent of his time with his father. Visitation more liberal than standard visitation is proposed. If Glen's schedule allows it, Taylor could spend three weekends a month with his father from the end of school on Friday through Sunday night. If Glen is in Park City and will take responsibility to getting Taylor to school, his visitation could extend from Thursday night through Monday morning. Additionally, if Glen informs Kathy of plans to stay in Park City during the week, a week night overnight visitation should be allowed with Glen being responsible for getting Taylor to school.

Phone contacts between Taylor and both parents is to be encouraged at least twice a week. There have been problems of these phone calls becoming arguments between Glen and Kathy. The call

is intended to be an opportunity for the parent to talk with Taylor and there should be a decreased need for extended dialogue between Glen and Kathy. At Taylor's age, the length of a phone call would not be expected to exceed five minutes. If necessary to avoid continued squabbles and arguments between Glen and Kathy, they should avoid phone discussion and rely on e-mail for necessary information exchange. The interaction between Glen and Kathy needs to evolve to a civil and more business-like interaction dealing with specifics about their son.

Taylor has two competent and caring parents who will both be able to offer him adequate nurturing. The dissention between them needs to cease in order to work together in parenting this child.

A handwritten signature in black ink, appearing to read "Carol Gage", with a large, stylized flourish above the name.

Carol Gage, Ph.D.
Clinical Psychologist

MATERIALS REVIEWED

THIRD JUDICIAL DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH

Affidavit of Lenay Russell. Schedules attached. 12/06/99
Affidavit of Kathy Lenay Huish. 12/08/99
Supplemental Affidavit of Kathy Lenay Huish. 12/13/99
Supplemental Affidavit of Lenay Russell. 12/13/99
Affidavit of Kathy Lenay Huish. With payroll and child support worksheet. 01/05/00
Affidavit of Kathy Lenay Huish. With attachments. 01/18/00
Minute Entry. 02/08/00
Objection to Commissioner's Recommendation. 02/11/00

PROFESSIONAL CORRESPONDENCE

To Michael Pontoni (Vegas) from Richard Nemelka. 11/29/99
To Glen Munro from Michael Pontoni, LTD. Letter from Nemelka. 01/10/00
To Carol Gage from Randall Skeen. Pending custody. 01/14/00
To Carol Gage from Randall Skeen. Appointment for custody. 02/10/00
To Carol Gage from Richard Nemelka. Affidavits sent. 02/11/00
To both lawyers from Carol Gage. To propose schedules. 03/01/00
To Randall Skeen from Richard Nemelka. 03/03/00
To Randall Skeen from Richard Nemelka. Visitation schedules. 03/13/00
To Carol Gage from Randall Skeen. Visitation schedules. 03/14/00
To Carol Gage from Richard Nemelka. 03/28/00
To both lawyers from Carol Gage. Proposed May schedule. 04/26/00
To Carol Gage from Randall Skeen. Visit schedules. 04/27/00
To Carol Gage from Richard Nemelka. 08/01/00

CORRESPONDENCE IN BEHALF OF KATHY HUISH

To Honorable Judge from Bishop Richard H. Clark. 01/12/00
To Honorable Judge from LeNay Russell. 01/13/00
To Whom it May Concern from Dwight and Wendy DeMann. 01/13/00
To Whom it May Concern from Rhetta Burton. 01/13/00
To Whom it May Concern from Susan Chapman. 01/13/00
To Honorable Judge from Diana True. 01/14/00
To Whom it May Concern from Kathy Yanke. 01/23/00
To Honorable Judge from Mary DiBiasi. Undated

WRITTEN STATEMENTS BY KATHY HUISH

To The Honorable Judge from Kathy Huish. 01/17/00
Related to Affidavit of 01/18/00
To Dr. Gage from Kathy Huish. 05/22/00

CORRESPONDENCE IN BEHALF OF GLEN MUNRO

To Whom it May Concern from Vicky Munro Rogers. 01/03/00
To Whom it May Concern from Paula Macon. 01/04/00
To Whom it May Concern from Karen Munro Henningsen. 01/04/00
To Whom it May Concern from Doris Ferrell. 01/04/00
To Whom it May Concern from Jill Kralick. 01/04/00
To Whom it May Concern from Jill and Mark Kralick. 01/04/00
To Whom it May Concern from Mark Kralick. 01/04/00
To Whom it May Concern from Lisa and Gil Nyman. 01/04/00
To Whom it May Concern from Dorothy Munro. 01/05/00
To Whom it May Concern from Paul and Joanne Digerolami. 01/06/00
To Whom it May Concern from William Phillips. 01/11/00
To Whom it May Concern from Joanne DiGerolami. 01/11/00
To Whom it May Concern from Doris Ferrell. 01/18/00
To Whom it May Concern from Donald Edward Chittenden. 01/19/00
To Whom it May Concern from Randy Hightower. 01/19/00
To Whom it May Concern from Cynthia Chittenden. 01/19/00
To Whom it May Concern from Mark and Jill Kralick. Undated
To Whom it May Concern from Rhett Burton. 07/13/00
To Whom it may Concern from Diana True. Undated
Statement from Vicky Rogers. 08/23/00
Glen's 1999 Work Schedules with notes
Records of Kathy Huish work schedule
Premarital Agreement
Antenuptial Agreement

WRITTEN STATEMENTS AND MATERIALS PRESENTED BY GLEN MUNRO

Chronological Statement related to contacts with child and Kathy. 04/26/99
Fax regarding schedule. 06/30/00
Fax regarding schedule. 07/15/00
Fax regarding visitation difficulties. 08/17/00
To Carol Gage. 08/30/00
Videotape. Glen and Taylor as infant. Park City.
Taped phone conversations: 12/21/99, 12/22/99, 12/23/99, 12/29/99, 12/30/99, 12/31/99,
01/01/00, 01/02/00, 01/03/00, 01/04/00, 01/08/00, 01/09/00, 01/10/00, 01/11/00,
01/18/00, 01/19/00, 01/20/00, 01/27/00, 01/28/00, 01/31/00, 02/02/00, 02/09/00,
02/10/00, 02/12/00, 02/13/00, 02/17/00, 02/18/00, 02/19/00, 03/11/00

CORRESPONDENCE BETWEEN PARTIES

To Glen Munro and Kathy Huish from Carol Gage. Proposed schedule for May

MATERIALS RELATED TO TAYLOR MICHAEL MUNRO

Colin Kelly MD. Contact dates and billing. 7/96 - 2/99

ADDITIONAL MATERIALS

Murray City Attorney. Detail Incident Report. 08/19/00

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Clinical Psychologist

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August 2001

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RE: HUISH V. MUNRO
FOLLOW-UP OF CUSTODY EVALUATION

A completed custody evaluation was submitted by this evaluator in August of 2000. In the initial evaluation, joint legal custody had been recommended with the caveat that the amount of dissention over small specific issues would need to decrease. Primary physical custody of their son, Taylor, was recommended to be awarded to the mother, Kathy Huish. Until Taylor was to start school (fall of 2001), it had been recommended that Taylor spend approximately half time with each parent. After beginning school,, Glen Munro was to have greater than standard visitation which would be approximately one third of the time.

Contact was again made in June of this year related to a follow-up and reconsideration of the custody issue in this case. In addition to the custody and visitation issue not being resolved, there continued to be the legal question of whether a common-law marriage existed. With both parties, it was difficult to determine to what extent the financial implications of a common-law marriage was continuing to confound visitation issues by keeping open a general sense of tug-of-war and battle. In July of this year, the court determined that no common-law marriage existed.

FOLLOW-UP INCLUDED:

In performing a follow-up of the present custody situation, the following appointments and contacts were arranged:

- Clinical Interviews with Glen Munro
- Clinical Interviews with Kathy Huish
- Clinical Interview with Patrick Huish
- Clinical Interview and testing with Taylor
- Brief meeting with Glen's nephew, Chris
- Inadvertent conjoint interview with Glen Munro and Kathy Huish

Phone contact with:

- LeNay Russell
- John Huish
- Dave Erickson, Ph.D., Kathy Huish's therapist
- Matt Davies, Ph.D.
- Valerie Hale, Ph.D.

Review of materials presented by Paige Bigelow. Fifty entries. Recent depositions

WHAT IS REQUESTED: Kathy Huish has consistently requested primary physical custody of Taylor. Although Glen Munro did, on one of the appointments, make the statement that he also was requesting primary physical custody, this had never been a consistent statement by him. In the initial evaluation as well as statements made during this follow-up, Mr. Munro has more consistently stated that he was interested in an equal shared physical custody arrangement.

CHANGES OVER PAST YEAR

SCHEDULING ACCESS OF CHILD: Since the termination of my involvement a year ago, little appears to have changed related to these parents ability to develop and adhere to acceptable access schedules. The unusual extent of difficulty noted during the initial evaluation related to scheduling time with their son apparently continued through this past year. Although both Glen Munro and Kathy Huish have very fortunate and open work schedules, their ability to agree on time-sharing for their son does not appear to have improved.

During the initial evaluation, I attempted to assist in arranging acceptable visitation schedules. With

their rotating schedules, maintaining predictable schedules was difficult and I eventually proposed three to four days with each parent regardless of their work schedule. Following completion of my evaluation, there apparently had not been successful negotiation of the schedules by Glen Munro and Kathy Huish. Dr. Matt Davies became involved to work with them for a few months related to scheduling access time for Taylor with each parent. Following Dr. Davies involvement, both lawyers became involved in helping adjust schedules. In the present interviews, there continued to be statements from both adults stating their intent to make things 'fair' by keeping the child longer to balance some type of presumed scale of adult fairness. Both kept counting days and balancing their quota if they felt that the other parent had two or three undeserved days. This persisted as squabbles with a flavor of 'possession' and 'who calls the shots' rather than discussion by either related to Taylor's needs, events or desires. At this point, it would appear to be necessary for an outside party to impose a specific visitation schedule since it would not appear that these adults will be able to develop any agreement.

STATUS OF PARENTS: Neither Glen Munro nor Kathy Huish indicated that there has developed any significant relationship with another adult. Both have dated. Kathy Huish continues to live with her sons Patrick and Taylor in a home next door to her mother, LeNay Russell.

Glen Munro continues to maintain homes in both Park City and Las Vegas. The Las Vegas home would appear to continue to be Glen's primary residence. When asked about considerations for school placement and day care, Glen has explored options primarily in Las Vegas rather than Park City. From the Park City address, Glen has been willing to consider school programs within Salt Lake City. Glen has very recently had his eighteen year old nephew, Chris, move into the Las Vegas home. Chris is reportedly a well-functioning adolescent who is wanting to explore the possibility of becoming a professional golfer. Kathy Huish has not had contact with Chris for a number of years but had no concern about Taylor being around this adolescent. There was no particular time frame for the extent of time Chris may continue in this home. The addition of Chris to Glen Munro's home may not present any problematic situation. It is possible that Glen now has a live-in golf partner. If he would again be as extensively involved in the golfing as he reportedly had been during the relationship between Kathy and Glen, he may be less available for direct parenting of a young boy. Glen reported that he often takes Taylor with him when golfing and presently does not golf daily, as he had previously.

The stress of the court involvement and continuing scheduling difficulties have continued to be difficult and emotionally heavy for Kathy Huish. She has been emotionally reactive and frightened by the situation. She had been involved in therapy with Dr. Dave Erickson. There have been periods over the past year where she felt her situation had become more normalized and solid. However, as court issues again surfaced, Kathy's distress also increased which confounded her functioning at work and home. Their son, Taylor, has perceived his mother as "nervous". Her older son, Patrick, indicated that he worries about her because he perceives her upset and sadness. Kathy does become distressed and emotionally upset but not to the extent of rendering her an ineffective parent. During individual interviews and periods when she is not dealing with issues related to Glen Munro, Kathy is much more able to maintain emotionally solid and appropriate functioning.

The session notes from Kathy Huish's therapy with Dr. Erickson were made available to me. Therapy records had been obtained through a subpoena through Glen's attorney. My primary response to the records was dismay as a therapist that legal pressure was put on Dr. Erickson to force a release of confidential records. The ongoing therapy notes did reflect treatment and support for the difficulties observed through the earlier evaluation. There have been periods of depression and anxiety for which she sought appropriate support.

Glen has not been notably emotionally impacted by the court process or visitation issues. Glen would appear to be able to maintain very stoic and solid emotional control with minimal expression of distress. Frustration is expressed but depression and anxiety have never been apparent. Glen may also be able to maintain a more tenacious course and persist in his goals.

On one occasion Kathy Huish brought Taylor to an appointment and expected to take him from the appointment. Glen also arrived. In evaluating the schedule, he felt that he should begin his period of visitation with Taylor on that date. While Taylor continued in another room with staff, this evaluator sat with Glen Munro and Kathy Huish. There was no direction nor arbitration by myself. This was an attempt to observe how these two adults may approach resolving the specific situation that day related to which parent this child left the office with. Glen's statements were consistent and clear with rational arguments related to times and dates. He maintained a calm demeanor with mild frustration and persistent verbal press for his point. Glen's style and persistence indeed continues to push emotional buttons for Kathy. She became more apparently distressed, less verbally able to present a consistent statement and more generally upset and 'rattled'. She does not anticipate ever 'winning' in a verbal debate with Glen. In sharp frustration, Kathy threw her arms up, declared that she would leave and Taylor could go with Glen.

ADULT COMMUNICATION: During my earlier evaluation and through the past year, it does not appear that there has been any improvement in the ability of these two adults to directly discuss an issue, reach a consensus and follow-through. I have had occasion to observe Mr. Munro and Ms. Huish in a room together two or three times and Dr. Matt Davies also attempted some conjoint interviews. As noted above, Kathy Huish so expects to be talked down and defeated verbally by Glen Munro, that she does not effectively participate or maintain a consistent stance in a direct contact. The face-to-face contact itself continues to be so upsetting, she acts as if she feels trapped and needs to end and escape the situation. She terminates these contacts by giving up, declaring Glen Munro the 'winner', concedes to whatever she perceived his demand to be. It is not the impression of this evaluator that Kathy is intentionally blocking the discussion. It would appear that her level of discomfort in the presence of Glen continues to interfere with her ability to maintain any consistent focus.

When dealing alone with Kathy Huish regarding schedule, there may continue to be some problem with Kathy tending to resist to any proposal she feels was initiated by Glen.

Effective direct communication does not occur between Glen Munro and Kathy Huish. Kathy Huish

does continue to get too rattled and upset in trying to deal directly with Glen Munro. With her strong expectation that Glen will always get the better of her in any argument, she starts out being too reactive and defensive. There appears to be a too ready or automatic "no" and resistance to any proposal which she assumes Glen may have initiated. She cannot continue this initial stance of feeling a need to reject and resist a proposal because it may be something Glen wants.

Glen Munro is fully able to maintain a solid emotional state and never exhibited the emotional reactivity shown by Kathy Huish. Glen Munro would hope to demonstrate that Kathy's reactivity is possibly extreme and pathological. There was the impression that Glen's ability to maintain a 'cool' emotional demeanor allows him to play a game of verbal 'hard ball' with Kathy which he can predictably win.

STATEMENTS OF PATRICK HUISH: Patrick Huish, Kathy's older son, was interviewed. Patrick is almost thirteen. He is an emotionally sensitive and intuitive youngster who has been aware of the difficulties related to custody and visitation for his younger half-brother. In both the interview with Patrick and phone conversation with Patrick's father, there would not appear to have been the same degree of difficulty in arranging and following through with visitation schedules between Patrick and his father. There was greater visitation difficulty when Patrick was in Las Vegas with Glen and Kathy since Patrick's father was often not able to get precise or predictable schedules. It was Patrick's father's understanding that often Patrick was expected to fly to Salt Lake on 'stand-by' status, making specific prediction more difficult. Mr. Huish has had other issues with his ex-wife, Kathy Huish, but does not report that she has been generally intent on withholding his contact with Patrick.

Patrick indicates a positive and concerned sibling relationship with his younger brother. Patrick stated that he is hoping that Taylor will be living with them and that he worries about Taylor when Taylor is gone. With both parents possibly vying for Taylor's loyalty at present, Patrick is perceiving that Taylor may be getting pretty spoiled. The ongoing visitation hassles have been worrisome to Patrick because he is perceiving his mother's distress. "I just want this thing to stop. Mom is being a good mom."

Patrick had a further small complaint that some of Patrick's things (movies, clothes, toys) may still be at Glen's home.

Patrick does not have strongly negative feelings toward Glen Munro. Glen has been positive and pleasant to Patrick and may have invited Patrick also to join them in Las Vegas this summer. Patrick stated that although Glen is being nice to him, he is being "mean" and "harsh" to mom. Patrick talked about recent yelling and arguing between them and drew two pictures of his perception of the situation which are included with this report.

STATEMENTS AND OBSERVATIONS OF TAYLOR MUNRO: Taylor has just turned five and

indeed has matured a great deal within the past year. He is not presenting any strong specific loyalty to either side and is comfortably stating his love for both parents. As most children in his situation, he has fantasies of his parents again living together. Taylor does state that he does not like the "going back and forth" and the most difficult times for him are the moments of transfers. "I am nervous then. I worry he (Glen) might grab me and zoom away." He talked about an earlier keep-the-peace police involvement which was upsetting for him. The aspect of that police situation which most upset him was mother's declaration to the police of "just take my son!" "She should have said" take my dad's son." Taylor spoke positively about activities in each home. He and Patrick reportedly argue and fight very little. In mom's home, his job is to clean up his messes. He likes to snuggle with mother, go to church and play with friends in Salt Lake. Taylor reports the best hugs and physical affection from mother. Also mother is often perceived to be "nervous". When Taylor is with his mother, she reported feeling sad because "I want to be with my dad."

Taylor also talks positively about the friends and fun times in Las Vegas with father. Taylor reported he has no jobs at dad's house and enjoys just hanging out with his dad. Games and toys are reported to be in Vegas, not Park City. When with dad, he reported missing mother.

He did not talk about harsh nor unpleasant situations in either home. Taylor does indicate that he is spoiled and suggested that he throws screaming tantrums if he doesn't get his way. "I scream all the time. I always get what I want."

In the projective testing and play, Taylor was rather anxious, breathing heavily and chewing on his fingers. Although appearing quite anxious, he did not verbally acknowledge being upset. Sand tray play was interesting in the amount of hidden aggression. Angry and harmful animals were present but hidden, able to jump out, hit and run and avoid any consequences. Although displaying a rather extensive amount of aggression in play, his verbalizing and general behavior remained very controlled. He wished to become a magic invisible dragon.

CONCLUSION

The recommendation related to primary physical custody being awarded to Kathy Huish still stands. Although Glen Munro has strongly indicated that he desires a 50/50 time split for this child, it is not the opinion of this evaluator that this arrangement would work in the present situation. Glen Munro has two homes, one in Park City and one in Las Vegas. It is my understanding that his primary residence is the Las Vegas residence. Since this child will now begin school, there needs to be a primary home and primary residence defined. Kathy Huish's home with the older brother in Salt Lake would appear to offer a more suitable, predictable and stable situation than Glen Munro's two homes with an eighteen year old boy living in one home. The child is equally emotionally bonded to both parents. Both parents are capable of parenting appropriately.

The completely equal time-sharing is a feasible option in some situations but would not appear to be workable in this case. It would be necessary for the parties to be able to directly communicate and negotiate differences. This indeed has not happened between these parents. Additionally, with the assumption that this child will be attending school in the Salt Lake Valley, half of the time away from the immediate community would present school problems. A schedule allowing Glen Munro up to thirty percent of the time is proposed. It would not be my recommendation that his time be further augmented with additional surrogate care at this time.

Although in Glen Munro's presence, Kathy Huish does continue to become very distraught and has difficulty engaging effectively in a dialogue, when she is not in his presence Kathy Huish is able to function in a much more emotionally solid and reasonable fashion. It is not my opinion that Kathy Huish presents emotional problems which would predictably interfere with parenting.

It is my understanding that Dr. Valerie Hale will now become involved to assist in managing the issues in this case. With the consistent present involvement of Dr. Hale or another who can function as a mediator or arbitrator, joint legal custody can still be continued with decisions (school placement, church, therapy, etc.) being evaluated through Dr. Hale.

Kathy Huish needs to better understand that she is not given the option of 'not' communicating. She needs to understand that there will necessarily be some mode of communicating with Glen Munro (mail, e-mail, voice mail or in person). A clear and consistent message needs to be made by Kathy Huish without her decisions being too readily altered and changed. If there are to be in-person contacts through a mediator or Dr. Hale, Kathy may be given the option of having a 'support person' with her to presently help her maintain a more consistent message and not feel the need to 'give up' and escape the situation.

With Dr. Hale, monthly schedules allowing Glen approximately thirty percent of the time are to be finalized. Even with completed written schedules previously, both of these parents have chosen to not follow the schedule. They should have the option of again attempting to manage a schedule without the enforcement through third-party-transfer. Further violations of established schedules may need to result in contempt charges and involvement in enforcement through an agency.

Therapy is recommended for a period of time for Taylor with a therapist who is additionally involve both parents. Both parents may presently be overly-solicitous with this child who is beginning to declare that he gets anything he wants or demands. There was also a moderate amount of unstated anxiety and unstated anger with a child overtly appearing highly controlled.



Carol Gage, Ph.D.
Clinical Psychologist

Tab 3

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

KATHY LENAY HUISE,

: MINUTE ENTRY

Petitioner,

: CASE NO. 994907668

vs.

:

GLEN FRANK MUNRO,

: COMMISSIONER:

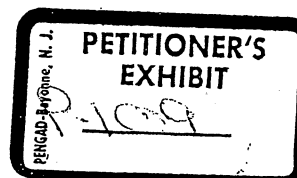
Thomas N. Arnett, Jr.

Respondent.

:

The Commissioner having received the proffers of testimony and argument from counsel on certain contested issues and having taken those certain contested issues under advisement, the Commissioner now makes the following findings and recommendations:

1. CONTEMPT. The respondent seeks a finding of contempt against petitioner for her alleged failure to provide her work schedule and to notify the respondent of events necessitating surrogate care, and other alleged violations of the Decree of Divorce. The Commissioner has reviewed the court's file, including all five volumes. ~~It is noteworthy that the respondent has frequently acted unilaterally, i.e., in initially taking physical custody despite the parties' agreement, making unilateral deductions from child support, etc., but objects when the petitioner acts without consulting him.~~ Further, the Commissioner has previously found that the respondent has sought "extreme



sanctions" for relatively minor disputes between the parties. Judge Iwasaki found that certain relief requested by the respondent was "Draconian." Finally, Judge Iwasaki made the finding that this matter had been unnecessarily litigious when he awarded attorney's fees to the petitioner. The respondent's current request for a finding of contempt against the petitioner appears to be in the same vein. The Commissioner cannot find from the evidence currently before the Court that the petitioner has acted in contempt of the Court's Order and the respondent's request should be denied.

2. OFFSET AND JUDGMENT. The respondent seeks an offset in the sum of \$250 and a Judgment in the sum of \$274.74 against the petitioner. Neither of these requests appear to be warranted, and appear to be further attempts to simply control this litigation unnecessarily. The respondent's request should be denied.

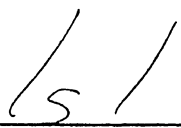
3. RESTRAINING ORDER. The respondent seeks a Restraining Order that the petitioner not be allowed to retain a psychologist for the minor child. This apparently arises out of a situation where the child's school psychologist approached the petitioner. The Commissioner cannot find that the petitioner did anything other than act in the best interests of the minor child and that the respondent's request is yet another attempt to control both the


petitioner and the child's lives. This request should likewise be denied.

4. ATTORNEY'S FEES. The respondent's requests for relief appear to be without merit. The petitioner should be entitled to an award of her reasonable attorney's fees incurred in meeting the respondent's Order to Show Cause and counsel for the petitioner should submit an Affidavit of Fees and Costs.

5. ORDER. Counsel for the petitioner is to prepare an appropriate Order.

Dated this 30 day of January, 2003.



THOMAS N. ARNETT, JR. 
DISTRICT COURT COMMISSIONER

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing Minute Entry, to the following, this 30 day of January, 2003:

L. Benson Mabey
Attorney for Petitioner
3098 S. Highland Drive, Suite 323
Salt Lake City, Utah 84106-3085

Paige Bigelow
Attorney for Respondent
50 W. Broadway, 8th Floor
P.O. Box 45561
Salt Lake City, Utah 84145-0561

Heather C

Tab 4

RECEIVED

JUN 25 RECD

L. BENSON MABEY

BRIAN R. FLORENCE #1091
SPECIAL MASTER
1943 East 6200 South
Ogden UT 84403
(801) 476-3200
(801) 476-7200 Facsimile

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY
STATE OF UTAH

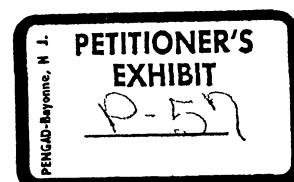
KATHY LENAY HUISH,	:	
Petitioner	:	SPECIAL MASTER REPORT & ORDER
vs.	:	
GLEN FRANK MUNRO,	:	Case No. 994907668 PA
Respondent.	:	Honorable Glenn K. Iwasaki

REPORT

A decree of paternity was entered by the court on or about July 8, 2002 which among other things provided as follows:

a. The parties are the parents of one minor child, Taylor Michael Munro, born on the 11th day of July, 1996;

b. The parties were awarded joint legal custody of Taylor and were to equally share in all decisions impacting Taylor's health, well being, education, religious training and welfare. If after conferring in good faith regarding such decisions, the parties were unable to agree, the petitioner was permitted to make the decision after which the respondent



could object and submit the issue to Dr. Valerie Hale, who was appointed by the court to act as special master in the case and who was given the authority to make the final decision. Dr. Hale's involvement as a special master preceded the entry of the Decree and even before Dr. Hale's involvement, another individual had been designated by the parties to assist them as a special master;

c. Beginning with the month of September 2001, the respondent was to have parent time with Taylor consisting of two intervals per month which were to go from Wednesday when he was to pick up Taylor up from school, until Monday morning when he was to drop Taylor off at school. The next month, beginning with October 2001, his parent time was to consist of three intervals per month which were to occur from Thursday when respondent was to pick Taylor up from school, until Monday morning when he was to return him to school. The respondent's parent time was to thereafter alternate each month so that in alternating months he would have two parent time intervals and in the other months's three parent time intervals;

d. A division of the holidays were specifically stated in the Decree of Paternity and shall not be restated herein.

e. The Decree also awarded respondent 12 days of uninterrupted time with Taylor during summer vacation from school. The Decree provided that the uninterrupted time shall occur during a month when respondent would otherwise have three parent time intervals. The respondent was required to notify the petitioner of the uninterrupted time he

planned to take at least 45 days in advance. The Decree also entitled petitioner to the remaining 18 or 19 days of that same month as her extended time with Taylor;

f. The Decree also entitled each party to have telephone contact with Taylor consisting of at least one telephone call every other day when Taylor is in the other party's physical custody.

Notwithstanding a relatively specific Decree of Paternity as it relates to the parties' rights and obligations as parents for their minor son, the parties have continued to experience difficulties. They continue to disagree on how the Decree is to be interpreted, its meaning and intent and accordingly, the parties have subsequently agreed that Brian R. Florence shall be the special master to replace Dr. Valerie Hale and have signed a separate special master agreement defining the role of a special master in their ongoing issues. A copy of the special master agreement is attached to this report.

Since the appointment of this special master, he has attempted to define for the parties the ambiguities that they seem to feel exist in their respective rights and obligations and notwithstanding that, ambiguities and disagreements persist and accordingly, the special master finds it necessary to enter the following:

ORDER

The parties hereafter shall be identified as Kathy Lenay Huish (Kathy); Glen Frank Munro (Glen); the minor child (Taylor).

1. The months for Glen's two intervals per month parent time with Taylor shall

be January, March, May, July, September & November of each year. The months for his three intervals per month shall be February, April, June, August, October & December of each year.

2. In those months when Glen's parent time is to involve two interval periods going from Wednesday to Monday, those periods shall occur in the second and fourth weeks of each of those months and his Wednesday shall be calculated from the first Wednesday that occurs in each of those calendar months so that his second week would begin with the second Wednesday of that particular month. In those months where he is entitled to three interval parent time periods, going from Thursday until Monday, those interval are to occur on the second, third and fourth weeks of each month and for each of the months his Thursday shall begin with the second Thursday of each of those calendar months.

3. Some disagreement persists as to the time of day that Glen's Wednesday/Thursday begins and the time of day that Glen is to return Taylor on the following Monday. The Decree of Paternity is specific in this regard. Glen's time begins at the conclusion of Taylor's school day on Wednesday/Thursday and Glen is to return Taylor to school on the following Monday morning so that Taylor can arrive at school on time. If Glen is unable to personally perform these pick up/drop off responsibilities, then he is to assume the responsibility of finding a suitable responsible adult person to perform that task and shall notify Kathy in advance of the name of the person who will be assuming this task.

4. In those weeks when Taylor is not in school so that the pick up and drop off time will be determined by the actual ending and beginning times of Taylor's school curriculum, then Glen's time with Taylor on his weeks shall begin at noon on the Wednesday/Thursday periods and shall end at noon on the following Monday. The parties are free to change these starting times provided that they both agree. Since they seem to have such a difficult time agreeing on much to this point, then the parties should understand that these beginning and endings parent time intervals may inconvenience one or both of them, but they are to rigidly follow this schedule absent their mutual agreement. It's hoped that the parties will learn how to work with each and be able to ask for and grant each other favors but until they learn the benefit of being able to reach agreements, they will abide by these times and definitions.

5. At the beginning of this special master's appointment, Glen expressed a desire to modify his parent time with Taylor. Glen works with the airlines and his schedule is not determined until sometime during the month preceding the following month and as result, his schedule continually changes. Because of this, there are going to be times when his intervals with Taylor would be interrupted by his work schedule. Glen has asked the special master to consider changing this so that each month, as soon as reasonably possible, he could provide Kathy with his work schedule for the following month so that the actual amount of time intended to be spent with Taylor during the alternating two and three week interval periods presently detailed in the Decree of Paternity, would change so that

the same amount of time would be available for Glen but would be determined by his actual work schedule. While this is a preferred approach since it would allow Glen to have all of his time with Taylor rather than having it interrupted periodically because of his work schedule, it is not something that will have practical application to these parents. Kathy does not want to have ambiguities each month and inability to predict and plan her own schedule until after she receives Glen's work schedule . Given the total inability of these parents to effectively and meaningfully communicate with each other, and their continuing inability to agree on the details and specifics of the current order, any plan that would create greater ambiguities and needs for interpretation will do nothing more than create additional and new conflict with Taylor being in the middle.

6. There have been problems concerning the reciprocal telephone privileges with Taylor that are specified in the Decree of Paternity. Glen claims that he is not being permitted to have telephone contact with Taylor on the alternating days when Taylor is in Kathy's care. Kathy claims that she should not be a prisoner to the phone every other day just to have Taylor available for phone contact with Glen and that since she doesn't bother Glen with phone calls to Taylor during the time that Taylor is with him, he shouldn't bother her. The Decree of Paternity is specific. By the same token, it should not impose upon Kathy a requirement that she have Taylor by a phone every other day so that Glen can exercise telephone privileges. If Glen or Kathy want to exercise the telephone privileges referenced in the Decree of Paternity, then they are to notify the other of that fact well in

advance, they are to select a convenient time during the day or early evening when they intend to exercise the telephone privilege. If Taylor cannot be available because of some other planned activity, then the parents can arrange to have Taylor call later or get him a cell phone.

7. At the beginning of this special master's involvement, it was agreed that the parties were to communicate with each other by email and they were to copy the special master with every email. To the extent they were going to communicate by mail, they were to send the special master copies of everything sent in the mail. If either of them were to communicate directly with the special master, then they were to provide the other with copies of all emails or mail to the special master. Because of their difficulty in communicating, they were discouraged from having direct contact with the other and because of past concerns about abuses of ex-parte communications, they were discouraged from having phone contact with the special master.

The emails that have been exchanged since the special master's involvement have been demanding, positional, challenging and at times personally insulting. From this point forward, the communications between the parties shall be businesslike with no personal/editorial comments. The content shall be Taylor focused. The emails shall be prefaced with FYI (for your information) which would mean that no response is necessary or RR (response requested). If a response is requested, the receiving parent should respond in a timely manner even if it is to say they need more time. If there is no response

given in seven days or by the time frame requested, the parent requesting a reply can make the decision or take the action they desire. Types of information that should be shared include health information, status of illness, medications given, school and activity information, changes in schedule, upcoming events, concerns or issues involving Taylor's behavior. The parties shall continue to provide the special master with copies of all correspondence to the other. The special master shall intervene if necessary if either party persists in language that is demeaning, belittling or inflammatory of the other. If the parties are to entertain any hope of a parenting arrangement that is not constantly monitored by a court, a special master or child psychologist, then they are going to have to develop a method and manner which would permit them to have an ability to more effectively communicate with each other.

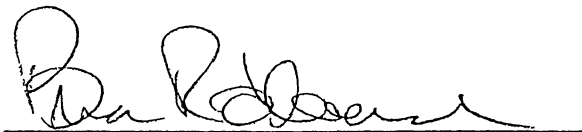
8. An issue has come up concerning Glen's uninterrupted time with Taylor for summer vacation. By the terms of the Decree of Paternity, Glen's 12 days was to occur in a month when he would otherwise have three parent time intervals which according to the schedule above, would mean that it would be limited to either the months of June or August. The Decree of Paternity also requires him to provide Kathy with 45 days advance notice. Glen has done that and has informed Kathy that he intends to begin his summer vacation time with Taylor on August 11th. Kathy has responded indicating that this conflicts with a period of time that would include her birthday, a period of time when she intended to take Taylor with her to visit her husband in the Marshall Islands and would overlap with

the time that Taylor is intended to start school. Adding to this problem, is the fact that Decree of Paternity grants to Kathy the remaining 18 or 19 days of the same month that Glen intends to exercise his 12 day so uninterrupted time. Read in context, that would seem to suggest that Glen's uninterrupted summertime would have to begin on the first of either June or August of each year which would then permit Kathy to have the remaining 18 or 19 days. Glen states that he has known his vacations plans since last January. He waited until June 14th to provide Kathy with the notification of his intent to exercise his vacation with Taylor. While he is clearly within the time anticipated under the Decree of Paternity, it would have been more prudent had he given her more advance notice so as to prevent this kind of conflict from occurring in a compacted period of time. For this summer and this summer only, Glen will be permitted to start his 12 day uninterrupted time with Taylor on August 11th provided that he return Taylor to Kathy at least two days before the first day that Taylor is to start school. If this means that Glen's time with Taylor will be shortened, then he can either make that election or start his summer vacation period with Taylor a few days earlier so that his full 12 days will be permitted. He is to provide Kathy immediate notice of his election in this regard. It is too bad that this time will overlap Kathy's birthday but parents' birthdays are not a part of the standard schedule and the parties cannot agree to an arrangement to permit this. It is also too bad if it interferes with Kathy's travel plans but she should have anticipated this potential problem.

9. For future summers, Glen's 12 day summer period shall be begin either on

June 1st or August 1st of each year. If Taylor is not yet out of school on June 1st, his 12 day parent time shall begin on the first full day that Taylor is out of school. The parties are free to reach an agreement that is different and modifies this order but it will require that they mutually agree. One party can request the other party's consideration of any modification but the other party is free to say no. Hopefully the parties will learn that it will be mutually beneficial to them if they can start to cooperate with each other in ways that are beneficial to them individually and particularly to Taylor.

Dated this 23rd day of June, 2003.

A handwritten signature in black ink, appearing to read "Brian R. Florence", written over a horizontal line.

Brian R. Florence
Special Master

BRIAN R. FLORENCE #1091
SPECIAL MASTER
1943 East 6200 South
Ogden UT 84403
(801) 476-3200
(801) 476-7200 Facsimile

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY
STATE OF UTAH

KATHY LENAY HUIZH,	:	
Petitioner	:	SPECIAL MASTER REPORT & ORDER
vs.	:	
GLEN FRANK MUNRO,	:	Case No. 994907668 PA
Respondent,	:	Honorable Glenn K. Iwasaki

REPORT

The Special Master has been asked to intervene in a dispute between the parties and to make a decision as to which parent would have Taylor this coming Halloween. This year, Halloween occurs on Friday, October 31, 2003. That would be a weekend that Taylor would ordinarily be with Kathy under the parent time schedule previously established.

While it would be relatively easy to make an order assigning Taylor's Halloween time to one parent or the other, some background into this dispute and observations as to other matters and issues raised by the parties is necessary so as to put this decision in context. That background and observations include the following:

- a. The Amended Special Master Order entered on July 8, 2003, ratified Glen's decision to have Taylor with him for uninterrupted summertime beginning on August 11, 2003. The Amended Special Master Order granted to Kathy the remaining days in August which preceded and followed Glen's uninterrupted summer vacation period. Therefore, under the terms of that Order, Kathy understood that she was to have Taylor with her from August 1st until the start of Glen's time on August 11th and then for the remaining days in August following Glen's extended summer vacation time. That would have entitled Kathy to have the last few days of August 2003 which would have included the Friday, Saturday and Sunday of August, August 29 - 31, 2003. Unfortunately, that weekend also happened to be the Labor Day weekend, Labor Day being Monday, September 1, 2003.
- b. It was Kathy's view that by the terms of the Amended Special Order, she should be entitled to have Taylor with her for that weekend, excluding the Labor Day holiday itself since Labor Day was clearly Glen's holiday under the terms of the alternating holiday schedule. Glen, on the other hand, felt that the entirety of the Labor Day weekend should be his time with Taylor.
- c. The parties asked for the Special Master's involvement on that issue. Unfortunately, that request came at a time when the Special Master was out

of town and did not have the file with him. Although Kathy had offered Glen the actual Labor Day holiday itself, she remained insistent that she would keep Taylor with her through Sunday, August 31, 2003.

- d. When the Special Master returned to his office, he reviewed the paternity order which, in his view, was clear. Paragraph 9 of the Decree of Paternity specifically provides that holidays take precedence over monthly parent time and that Glen's Labor Day holiday was to commence at 6:00 p.m. on Friday and continue until Monday until 7:00 p.m. The Special Master also indicated that under those circumstances, Glen should be entitled to some make up time. This problem did not occur because of Kathy's intentional interference with Glen's parent time as he has suggested. It was a legitimate and understandable misinterpretation of the Amended Special Master Order.
- e. Kathy offered additional make up time during the month of September. Glen refused this and has stated that he wants Taylor with him for the Halloween weekend to make up for his missed Labor Day weekend.
- f. Both parents are claiming that Taylor is planning on spending Halloween with them which has caused the Special Master to conclude that the parents are inappropriately discussing this issue with Taylor and they have been informed by prior email that all such discussions with Taylor are to stop and

that Taylor is to be left out of their disagreement.

- g. Glen has stated that he has not previously been entitled to have Taylor with him during Halloween and he ought to be afforded that opportunity. Kathy has responded by stating that all of Taylor's primary friends are located in her area and it is his desire to be able to go trick-or-treating with his school and neighborhood friends. Kathy expresses an interesting contradiction of concerns. She wants Taylor to be able to spend Halloween at her home because of the proximity to his friends, yet ignores that interest in her request to move out of the country to where her husband is presently located which would permanently deprive Taylor of those same friends which Kathy says are so important to him for the Halloween period.
- h. In other emails that have been exchanged between the parties, other sub-issues have arisen including Kathy's allegation that Glen is delaying his payment to Monica Christy, who is performing the custody evaluation, and that Glen is doing so intentionally. Glen has asked that the provision requiring the parties to exchange their schedules that is purportedly referenced in the Decree of Paternity be eliminated.
- i. The Special Master has visited with Monica Christy. She has indicated that it is not her perception that Glen is intentionally delaying the completion of

the custody evaluation by non payment. It is her view that he has honored payment requests in a reasonably prompt manner and that although a significant portion remains unpaid, she believes his intentions and responses in that regard have been appropriate. Monica Christy has also expressed her view that Halloween ought to be included in an alternating parent time schedule and that she regularly attempts to do that in other custody evaluations. The Special Master is also aware that the legislature is considering including Halloween as one of the holidays for inclusion in the alternating schedule.

- j. As for Glen's request that the exchange of schedules be terminated, no order on that will be made at the present time although given the fairly precise schedule that exists between the parties, it would appear that any need to exchange schedules is somewhat redundant. To the extent that the original Decree required the parties to exchange schedules, it is the Special Master's view that it was intended to be the basis by which parent time could be exercised when the other parent was going to have to utilize surrogate care. Given the fact that Kathy is not working at the present time and Glen attempts to arrange his work schedule so as to maximize his time with Taylor, the exchange of schedules would not seem necessary. This is not

an order but an observation in hopes that the parties can resolve this issue on their own.

- k. The observations and background included in this report, as well as the Order which follows, should be taken in the context that Monica Christy will soon be issuing her custody evaluation report and recommendation and that in all probability, her recommendation, if accepted by the parties or adopted by the court, will in some respects modify what is presently occurring. Because the parties have such a difficult time communicating with each other, it is also likely that future Special Master or Parent Coordinator involvement will be necessary, regardless of any modifications that might occur as a result of Ms. Christy's evaluation.
- l. There is one further observation that requires comment of the Special Master. In the original Special Master Order entered on June 23, 2003, the parties were ordered that all communications between them should "be businesslike with no personal/editorial comments". They were to refrain from communications which were demanding, positional, challenging or personally insulting. Although both parties have to some degree violated this order, it is the Special Master's view that Glen has been the one most frequently guilty of using language that is challenging and personally insulting.


With that background report, the Special Master enters the following:

ORDER

1. Glen shall have Taylor with him for the Halloween weekend which shall commence from the time that Taylor is out of school on Halloween day and shall continue until Sunday evening at 7:00 p.m., provided that Glen will be available to personally have Taylor with him for that period and will not have that weekend time interfered by having to work. If Glen's work schedule does prevent him from having Taylor with him during the entirety of that weekend, then he is required to return Taylor to Kathy when he has to assume his work obligations.
2. Glen has offered to and his offer will be a part of this Order, that he allow Taylor to spend some time to trick-or-treat with his friends from his school and to allow Kathy the opportunity to see him in his costume before Glen takes Taylor to Park City to trick-or-treat there.
3. The prior Order requiring the parties from engaging in language that is personally insulting or challenging is reaffirmed and emphasized. Although the Special Master has no power to impose sanctions of contempt or the like, it is the Special Master's view that when parents engage in such poor communication techniques as have been demonstrated over the past few months, there are potential harmful consequences to Taylor and it's the

Special Master's view that the parties' roles and responsibilities could be modified, at least on a temporary basis if the parties persist in abusive language.

Dated this 14th day of October, 2003.



Brian R. Florence
Special Master

CERTIFICATE OF SERVICE

I hereby certify that I am employed by Brian R. Florence, Special Master, that I served the attached Special Master Report and Order herein, upon the parties by placing a true and correct copy thereof in an envelope and causing the same to be mailed, first class, postage prepaid, on the 13th day of October, 2003.

L. Benson Mabey
Attorney at Law
3095 S. Highland Drive, Suite 323
Salt Lake City Ut 84106-3085

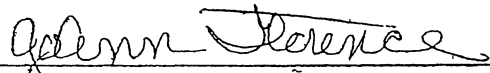
Paige Bigelow
Attorney at Law
8th Floor, Bank One Tower
50 West Broadway
Salt Lake City Ut 84101-2034

Kathy Sawyer
5922 Walquist Lane
Murray Ut 84123

Glen Munro
1305 Pfarmigan Court
Park City Ut 84098

Third District Court
450 South State Street
Salt Lake City Ut 84111

Monica Christy
Custody Evaluator
5353 South 960 East, Suite 230
Murray Ut 84117



Joann T. Florence
Legal Assistant to Brian R. Florence

Subj: **Memorial Day Holiday**
 Date: 9/1/2003 7:18:06 AM Mountain Daylight Time
 From: **ATTYFLO**
 To: **MEGADOGDRIVER@peoplepc.com, kathleensawyer@msn.com, gmunro@flightline.com**

Glen and Kathy:

I am sorry that I did not have your file with me when I went briefly out of town. I ordinarily will take all of my Special Master files so that I can deal with emergencies but on this occasion I did not have yours. When I returned to the office and looked at your file I realized why. I wrote you and your lawyers on July 7th regarding the status of your account with me. I informed everyone that if you wanted me to continue to act in a Special Master capacity you would need to have your account back in a positive balance. I have not heard from you since then other than for Glen to pay the amount then due. I concluded that you were not going to utilize my services further.

Now, having said that, I will address this most recent problem although it is now too late to provide a remedy. Your Decree of Paternity is clear. Paragraph 9 specifically provides that holidays take precedence over monthly parent time. Glen was entitled to the Labor Day holiday starting at 6 p.m. on Friday and continuing to Monday at 7:00 p.m. That provision in paragraph 9 has not been modified by my Amended Special Master Order. All future holidays are to be handled in the same manner.

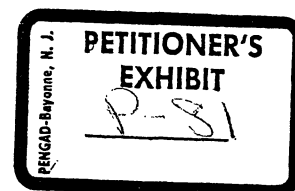
I will be sending each of you and your attorneys a new statement of your account which will include this correspondence as well as another reminder that you should not expect me to act on requests if you are not in a positive account status.

Brian

Special Master agreement

which is subject to the

provision time was spent
differently



14601011

Subj: **schedule**
Date: 6/15/2003 4:15:13 AM Mountain Daylight Time
From: MEGADOGDRIVER@peoplepc.com
To: Attyflo@aol.com
CC: Pbigelow@KLMLaw.com, kathleensawyer@msn.com
Sent from the Internet (Details)

Brian,

When we talked you asked me to give you a proposal that would allow me to have all of my visitation time with my son. My proposal is as follows, I have to bid each Month for my schedule. I always have the results by the 16th of the Month. Kathy is no longer working for Delta Airline's so she has no schedule. I do not know if she is working somewhere else part time. Kathy has a very flexible schedule now and should be able to work with me, so I can have all of my time with my son. I would continue to bid in the months that I have Taylor for ten days, the second and fourth weekends starting on Wednesday. The Months I have Taylor twelve days I would continue to bid the second, third, and fourth weekend's starting on Thursday. I would continue to turn in my schedule to Kathy by the 20th of the Month after I have tried to trade trips that fall on my weekend. I would then let Kathy know which days I need to swap with her so I could have my full time with my son. Kathy would know almost a Month in advance what the schedule would be for her and Taylor and Myself. This would eliminate my loosing from two to five days a Month of my visitation time with Taylor and would not effect Kathy or Taylor at all except Taylor would be happier since he wants to spend more time with me. Please let me know your thought on my proposal.

Glen

Subj: Re: (no subject)
Date: 6/18/2003 5:42:41 AM Mountain Daylight Time
From: ATTYFLO
To: MEGADOGDRIVER@peoplepc.com, kathleensawyer@msn.com

Glen:

The email address you gave me when we met was gmunro@flightline.com. Obviously that is different from the one you are using now. Which do you want me to use?

Notwithstanding the letter I sent out to everyone at the beginning of my involvement, there still seems to be some confusion about how things are to work. I will be issuing a formal Order shortly.

Glen, I need the precise dates you intend to take Taylor for the summer vacation, that is, when you will get him and when he will be back. I also need to know the precise plans of your intended trip to Germany. Your email of June 14th only says you intend to take him on August 11th. Kathy, I need to know exactly when school starts and what your plans for the summer include.

Glen, just by way of a brief glimpse of what is coming, I am going to instruct you to moderate the "tone" of your emails. Perhaps Kathy is being a little too sensitive but I am viewing them as being demanding and containing personal messages rather than remaining focused on Taylor.

I would like to hear from both of you quickly about the summer vacation questions because I intend to address that in my Order as well.

Brian

Subj: **Re: actions**
Date: 6/23/2003 2:06:46 PM Mountain Daylight Time
From: kathleensawyer@msn.com
To: Attyflo@aol.com
CC: kwajboy78@hotmail.com, gmunro@flightline.com, LBMABEY@aol.com
Sent from the Internet (Details)

Brian,

I do not know how to defend myself. Again, none of this is true. The emails are getting worse. The emailing is a problem because it allows Glen to say whatever he wants regardless how untrue or hurtful. Kathy

From: [Glen Munro](#)

To: [Kathy](#)
Cc: [Paige Bigelow](#)
Sent: Monday, June 23, 2003 5:02 AM
Subject: actions

Kathy,

I am appalled by how you take advantage of a situation. What you pulled on me Sunday I have to question where you are coming from when it comes to Taylor.

First, I called while driving up from Vegas to let you know what time I would have Taylor to you on Sunday. There was no need to take advantage of me having Taylor in the car and not being able to respond to your accusations for my son sake while he was in hearing distance. I will respond now! If you say that the Mother's at Taylor school do not like me because I try and intimidate them. I have never talked to any of the mother's except for one of Taylor's friends Mother. The only way they would know me is if you were bad mouthing me at the school I am sure Paige would like there names to find out how I do this without talking to them. Please provide us with there names! I am sure I can register Taylor at the school, I have never had a problem with anyone at the school. The Mother in the red Truck, I am assuming you mean Jill Greenwood has never been Intimidated by me since I only have talked to her once. I had a witness with me when I talked to her. If what you say is true, About her feeling intimidated I would say it is guilt feeling's about not telling the truth about what happened, and being in your family's little scheme to discredit my good name. She may be worried, because as I told you on the telephone, when I prove I am not guilty of what she claims I am going after her and your family to the full extent that the law will allow me too!

Second, what you did in front of Taylor I find irresponsible! To call me on the phone and tell me that I am not responsible and put Taylor on the spot like you did is appalling. First of all Kathy Taylor had 7 mini Pancakes just before we left Las Vegas at 9:30 MTN time. we got into Salt Lake at 3 PM that is not that long for him to go without food. I asked him in Beaver which is 2 and a half hours from Salt Lake, if he was hungry? He said no. I told him when I dropped him off to tell you that he did not have lunch. Do you have any Idea how he must have felt with you screaming at me on the phone and turning to him and demanding him to tell you what he ate. while screaming at me what a bad father I was for not feeding him! You have no right to demand I tell you what I feed Taylor the whole time we were in Vegas. He eats well with me! If he is not as heavy as you think he should be, or as you claim Dr. Kelly thinks. You have Taylor the Majority of the Month. What are you feeding him? Maybe you should look at yourself once in a while instead of blaming me all the time.

Glen

Subj: **Observations and summer vacation**
Date: 6/24/2003 6:59:10 AM Mountain Daylight Time
From: ATTYFLO
To: gmunro@flightline.com, kathleensawyer@msn.com

Glen and Kathy:

Glen, please respond to Kathy's request for her summer vacation time. I am inclined to grant her request for the reasons she has stated by I will wait to hear from you as to any serious objections.

Glen, you did not copy me with the email you sent to Kathy early yesterday morning. I hope it was not intentional. Kathy forwarded it to me together with her complaint as to its tone and content. I do not know what happened in the phone conversation that you reference and that apparently produced the email.

I do not need to have each of you tell me your version of the phone conversation since I suspect the two versions will be quite different and I will have no way of knowing who is telling the truth. If phone conversations are going to produce this kind of email response then perhaps the person being offended by the phone discussion ought to just hang up and insist on email communication which I can monitor. Do you two really enjoy all of this?

Brian

From: Glen Munro
To: Brian Florence
Cc: Paige Bigelow ; Kathy
Sent: Wednesday, July 23, 2003 10:49 PM
Subject: 23rd of July

Brian, I am going to give you a heads up to a problem that is in the process of taking place. I was to get Taylor today the 23rd at noon. I sat in front of Kathy's house for 20 Minutes waiting for Taylor. Dave, Kathy's husband called me and told me that Kathy and the boys were stuck in HNL, Hawaii. Kathy took these boys to HNL on Monday and I was to get Taylor on Wednesday! She never notified me where my son would be. Second, she knew the chances of getting Taylor back by Wednesday was slim to none, yet she went. Then she lets me sit in front of her house for 20 minutes before I am notified she would not get back. Third Dave and Kathy made an agreement that I would get Taylor next month starting on the 8th instead of the 11th because Kathy did not have Taylor here for my visitation. Fourth, they then called me back and said Kathy and the boys would get on a flight that got into Lax at 9:20 PM on the 23rd and she would catch the first flight out on the 24th which got to SLC at 9:15 AM They said I could bring Taylor back Later on Monday! I told them if they got Taylor here on the first flight then we would leave next Month the same with me starting my Vacation on the 11th of Aug.

I just pulled up the flights for Lax to SLC on the 24th. The first flight has 80 seats available and with them flying stand by, they would get on easy. Kathy has chose to book them on the second flight which breaks our agreement, gets in later and has only 6 seats available. They have a very slim chance of making that flight. If they miss that flight, the flights for the rest of the day are book up or over sold! I had a witness with me in the car when they were making this agreement with me! If they do not get me Taylor in the morning like they promised me, then I want the three days next Month they promised me. They ruined my plans today to take Taylor boating, and now I have plans to take Taylor to Vegas tomorrow early. It looks like these plans are ruined too!

Glen

Thursday, July 24, 2003 America Online: ATTYFLO

Subj: RR
Date: 9/10/2003 10:00:57 PM Mountain Daylight Time
From: kathleensawyer@msn.com
To: Megadogdriver@peoplepc.com
CC: Attyflo@aol.com, kwajboy78@hotmail.com, LBMABEY@aol.com
Sent from the Internet ([Details](#))

Glen,

You said in your last e-mail, that you would be in around 7:30. I understand delays do happen so I called the reservation center and found out the flight arrived at 7:47. We heard nothing from you until 9:15. Taylor was asleep by 9:00. Taylor called your cell phone twice and there was no response. Could there have been any way to inform us about Taylor's pickup. He waited an hour and a half until he decided he was too tired and wanted to go to bed.

Taylor has a form for you to sign for parent - teacher conference. Your day and time is September 11 at 7:00p.m. If you can't make it just let the school know. I will be there at 6:00.

I am thinking about signing Taylor up for early morning Spanish class. I believe it started on the 8th. I will ask his teacher if it not too late. It cost \$50.00 a term. Would you split this with me. Kathy

Subj: e-Mail
Date: 10/9/03 9:49:24 AM Mountain Daylight Time
From: MEGADOGDRIVER@peoplepc.com
To: Attyflo@aol.com
CC: Pbigelow@KLMLaw.com, kathleensawyer@msn.com
Sent from the Internet (Details)

Brian,

I am confused by you e-mail to Paige, so I am writing to clarify a few points. I do not feel that I am requesting Halloween. Your e-mail of August 29, 2003 stated that if I was due Labor day you would allow me make up time. You then made a ruling on September 1, 2003 that I was indeed owed Labor Day and Kathy took my time. I then sent an e-mail stating I wanted Halloween. I do not see where you need to make any new rulings. You already have made one! If Kathy disagrees with the date I chose as makeup then she should pay and have you make a ruling saying otherwise. I do not see how she can come back and say you are on my side, since her e-mail of September 1, 2003 states she thinks her bill is up to date and admits she owes me time!

The way your e-mail states to Paige you would be rewarding Kathy for breaking the decree by taking my Labor day as well as breaking the decree and not paying her share of the bills. Which only hurts my son! Here again I must state if Kathy disagrees with your ruling and my having Halloween, then she should pay to have you make a new ruling. If not then Halloween should stand as my time from the previous ruling!

Glen

Subj: **Information Only**
Date: 10/10/2003 2:45:01 PM Mountain Daylight Time
From: kathleensawyer@msn.com
To: megadogdriver@peoplepc.com
CC: Attyflo@aol.com, LBMABEY@aol.com, kwajboy78@hotmail.com
Sent from the Internet ([Details](#))

Glen,

I just read the e-mail you sent Brian. I don't believe you have missed days every month. My attorney has reviewed all months for the past two yrs. You have actually had extra days in several of the months. Kathy

Sunday, October 12, 2003 America Online: ATTYFLO

Subj:
Date: 10/16/2003 3:08:27 PM Mountain Daylight Time
From: kathleensawyer@msn.com
To: Attyflo@aol.com
CC: kwajboy78@hotmail.com, megadogdriver@peoplepc.com, LBMABEY@aol.com
Sent from the Internet (Details)

Brian,

Received and read recent order.

Please send e-mail or correspondence regarding your earlier determination regarding make up time for Labor Day weekend. I do not have such information in my records. I need to forward this information to my attorney for a complete file on all information regarding the last two months. I believe Glen indicated this was on August 29, 2003. I do not have such correspondence.

I have sent a check for additional hrs.

Thank You,
Kathy

Subj:
Date: 10/16/2003 3:58:08 PM Mountain Daylight Time
From: kathleensawyer@msn.com
To: attyflo@aol.com
CC: kwajboy78@hotmail.com, megadogdriver@peoplepc.com, LBMABEY@aol.com
Sent from the Internet (Details)

Brian,

While writing my last e-mail to you another e-mail arrive from Glen.

It is very hard to not respond to Glen in a positional way due to the terrible things and accusations against my family. I will not write to Glen.

Taylor should and will not be involved in the situation between Glen and my mother.

Monica Kristy has met with Dave and discussed all pertinent information regarding my husband.

I have known Lynn Mabey and his wife Janice for 20 years. I am currently very good friends with his wife and have send all e-mails from Glen to them.

The situation regarding Taylor's drop off on Sunday was discussed with Monica yesterday in my evaluation. Glen did not tell me at anytime that Taylor would be home on Sunday. If he was unable to inform my by telephone, e-mail would have been appropriate. This is the only reason I have asked for his schedule.

Thank you,
Kathy

Subj: **Drop off**
Date: 10/18/2003 12:38:19 AM Mountain Daylight Time
From: MEGADOGDRIVER@peoplepc.com
To: Attyflo@aol.com
CC: kathleensawyer@msn.com, Pbigelow@KLMLaw.com
Sent from the Internet (Details)

Brian,

I have been trying to figure out how we could solve the drop off problem that Kathy has brought to the fore front. Most of the time it is not a problem because the exchange happens at the school. There has been problems at her house in the exchange of Taylor, mainly, (Kathy's mother making inappropriate comments and such things) now Kathy claims her neighbors complain about my friends vehicles and that I even bring friends. I propose we make an exchange point other then Kathy's home. This would eliminate my friends bothering her neighbors, even though they ride with me most the time! There could be no claim of not being informed of the time, if I am going to work. If she was not informed I would just be sitting at the drop off point. I think this would solve most of Kathy's complaints. The present agreement was made when both Kathy and myself were working. I am still employed full time and Kathy is not working, so has plenty of time to share the driving responsibility. I think it would be fair that we make this drop off point half way between Kathy's house and my house in Park City. Since there seems to be an issue that I am aggressive with her Mother, I feel Kathy should be the principal party in picking Taylor up and dropping him off, not her Mother. This would eliminate her mother as an issue. I see this as a real good step in resolving Kathy's issues and would be beneficial to both of us!

Glen

Subj: **Misc**
Date: 10/21/2003 8:19:24 AM Mountain Daylight Time
From: ATTYFLO
To: gmunro@flightline.com, kathleensawyer@msn.com

Glen and Kathy:

Glen, in your email to me of 10/16/2003 at 2:48 you responded to statements Kathy had made in a prior email. I'm not certain which email from her you were referring to. I can't seem to connect your responses to anything I have from her. Maybe I am overlooking something. Maybe I did not get copied.

Regardless, it sounds to me as if you were just wanting to respond so I would have your side of it and nothing was being requested of me.

Kathy, in your email of that same day, 20 minutes later, you asked me to send you a copy of my email concerning makeup time for the Labor Day problem. That email was sent from Nevada and unfortunately I did not keep a copy. I remember saying that I would review your file when I got back to Utah and that if a mistake had been made I would consider make up time for Glen but I did not keep a copy of that and I do not recall my precise words.

Glen, you have stated that you did keep a copy. Perhaps you would send Kathy and me a copy of that so both of our files are complete.

Subsequent emails from both of you have been received which address problems related to "drop offs". I not sure Glen if you have made some specific request of me or not. That is not clear.

Before I address any further issues, Glen will need to get his account back into a positive status. It is negative right now. Kathy has sent additional funds and has an adequate positive balance in her account.

Brian

Subj: RR
Date: 10/24/2003 4:36:37 PM Mountain Standard Time
From: kathleensawyer@msn.com
To: Attyflo@aol.com
CC: kwajboy78@hotmail.com, LBMABEY@aol.com
Sent from the Internet (Details)

Brian,

I received the e-mail you sent to Glen on Aug 29. Not having received it prior to this I was confused as to why Glen kept saying he had been granted extra days. As far as I knew I was the only one that offered 3 days in September and he never responded to my offer.

I am still confused though. Is Glen still entitled to make-up time?

In one of Glen's e-mails he mentioned that he will be flying on the 4th weekend (this weekend) and will be home for the Halloween weekend. Did you grant Halloween as make up days, is it being treated like a Holiday, or both? He will be working the 24th, 25th, and 26th. I now have the 4th weekend instead of the 5th weekend. Is this to be considered a swap including the October's 4th and 5th weekends or is this considered the make-up time. Glen bid his schedule in September to accommodate the Halloween weekend. He bid to work the 4th weekend instead of the 5th weekend. I still don't understand what his intentions are about make-up time.

If Glen is considering this to be the make-up time period, I would ask that Glen not involve this particular situation as missed time in any of his up-coming arguments and if you agree with this, I request that this be made clear to both of us through an e-mail, as such issues in the past continued to surface long after they were taken care of.

I have continued to ask for Glen's schedules to no avail. Is this a mute issue? If it is a mute issue, are we staying with the schedule in the decree and going through you when Glen needs or wants a particular weekend?

Glen's recent e-mails are unsettling and I am very angry that he allowed to continue to write them.

Officer Giles is the officer who was initially contacted by Glen about the assault involving Glen and my mother. He will be given a copy of the e-mail from Glen dated October 16th. He will handle this particular issue. This was investigated by the Murray City Attorney's Office.

I have also asked for help in handling the issue with Glen and his friends to no avail. My attorney found the e-mail that Valerie had written that Glen should not be bringing his friends. Do you need this information?

I would like to clarify I was unaware of my husband's incident involving assault until my meeting with Monica Christi in July. Glen and my mother's situation happened long before this. My mother and Glen have had little to no contact.

I repeat, Valerie Hale called Challenger and found out that Taylor could not attend that school because he could not read. Challenger requires that first graders be able to read. She then made the decision that Taylor would attend Grant elementary. Why is Glen still bringing this issue up? I am sure this is in one of her e-mails, I will look for it this weekend if you request it.

I have also addressed the issue many times about Taylor walking to and from school. Does this

need more information to defuse Glen's frustration. If I felt Taylor was in danger I would not allow him to do this. When he walks to and from school he is never alone. Taylor and I have discussed many times what to do in difficult, uncomfortable, awkward, and frightening situations. Many of the parents around this neighborhood are aware of and keep an eye on suspicious situations. I will video his route in needed.

I was very aware through previous e-mails that I would have Taylor this weekend. Glen called Thursday morning to again remind me. I had not picked up his Wednesday e-mail due the activities involving my Aunt's death. I explained to Glen that Taylor would not be attending school that day due to the funeral.

I feel strongly that e-mailing has added additional stress.

You attention and input to my questions is greatly appreciated.

Respectfully,
Kathy Sawyer

Subj: (no subject)
 Date: 12/3/2003 12:01:49 AM Mountain Standard Time
 From: KathleenIsawyer
 To: ATTYFLO
 CC: megadogdriver@peoplepc.com, LBMABEY

Brian,

I am responding to information relating to Glen's e-mails, your e-mails, and the Thanksgiving and Christmas holidays.

Every year for approximately the last 22 years, my family and I have spent the Thanksgiving holiday at Snowbird. Both Glen Munro and my ex-husband, Jon Huish, are aware of this annual holiday. I did not believe that taking Taylor out of school for one day (November 25th) would be harmful. A substitute teacher was replacing the regular teacher November 24th and 25th, and whatever Taylor missed would be nominal. Glen infers that Jon Huish was upset regarding the Thanksgiving holiday plans, when in fact, Jon has no problem whatsoever with the Snowbird/Thanksgiving holiday arrangements as long as Patrick does his homework. I felt I had handled the Thanksgiving Holiday appropriately.

I E-mailed Glen on November 24th telling him that I was taking Taylor out of school on Tuesday the 25th to go to the annual family retreat at Snowbird and that there was no school on the 26th. I believed at that time Glen was unaware of the extra day off from school because of his e-mails sent on Monday. Glen receives the same information I do from the school, but did not seem to know of that day off. Because I had not received any e-mail pertaining to Thanksgiving, I sent him a E-mail telling him that Taylor would be at Snowbird and how would he like to handle the pickup. I thought that 12 noon would be fair for both of us as normally he wouldn't be picking him up until 3:15. Two e-mails followed my e-mail that day indicating he wanted a 10:00 pickup. I drove up to Snowbird with the boys on Monday night and used the Ironblossom's Business Center to write Glen an e-mail on Tuesday. Glen stated in an earlier e-mail that he did not understand why I had to use the business center when I had Dave's laptop computer. Dave gave me his desktop not laptop computer. The Business center is also used by other guests, so it is only polite to limit the time used. Snowbird is on AOL and I was MSN. I was experiencing problems with Snowbird's e-mail system (as can be seen from e-mails that I mistakenly sent to Glen and Dr. Valerie Hale that had nothing whatsoever to do with anything, these e-mails were from last yr. when I was on AOL). Mr. Mabey knew I was extremely nervous that Glen would think I did this on purpose. Mr. Mabey sent a message to Glen, via e-mail, requesting that he contact me. Glen contacted me after he arrived into Salt Lake City indicating to me that he never received my e-mail. Glen never requested at any time that I drop off Taylor at the airport or that I have him available at my home where he normally picks up Taylor when there is no school. I believed at the time I was accommodating Glen by having Taylor available at noon.

The last flight from Las Vegas leaves around 7:00. I am not privy to Glen's whereabouts so I do not know where Glen is when I am trying to contact him. Glen has informed me that I am only allowed to contact him through his cell phone. None of this was done intentionally as indicated by Glen. Glen's phone conversation to me was that if I did not agree to 10:00 he would call you in the morning. He was angry and his tone was very offensive and his language was abusive. Since I did not receive a phone call from you or Glen, I assumed everything was okay. During my conversation with Glen I explained that I had an appointment for a professional family photo Wednesday morning. I never heard from you or Glen Wednesday morning and thought that everything was okay. He picked-up Taylor at the Snowbird Lodge at 12:00 with his friend Don. I thought this would be the end of our interaction regarding Thanksgiving.

Monday afternoon Glen called and told me that Taylor was sick and had not attended school. The call came in at 3 p.m. All I said to Glen was "okay". Taylor arrived home at 3:15 with an empty Triaminic Cold Medicine box in his hand. Taylor said that this was what his father said I needed to get for him. Glen called and left a message at my house indicating he wanted to know how Taylor was feeling. I called back later and this is when the conversation took place regarding Taylor's illness.

I stated to Glen that Taylor was very tired. Taylor had explained that the flight to Butte had been cancelled due to weather, so you went Helena. I explained that I understood the standby travel is very difficult during the holiday cycle, So I suggested buying a regular ticket as I had done for my son Patrick in the past when traveling during the holiday to see his father. This would alleviate any scheduling delays or waiting long periods of time in the air terminal for an empty flight. He got upset and hung-up.

Patrick was not sick this weekend; I do know Taylor has been sick much more than my son Patrick. I can't remember the last time Patrick was ill or missed school due to illness. This can be support by Jon. I did say that a lot of traveling can be hard on a child, even an adult. Glen and I both are aware of what constant traveling can do to the body. I told Glen that Taylor mentioned that his Daddy was sick also. Glen then said that when he picked up Taylor from Snowbird, Taylor was already sick. I felt that this statement was uncalled for and said so. Taylor had no signs at Snowbird that he was coming down with something. I don't think anyone can say for sure how Taylor became ill. Patrick is not ill and spent time with his father this weekend. Patrick's father and I talked on the phone about Glen and the conversation Glen had with him and Patrick's homework. Jon and I are both at this time in agreement that Glen needs to only be concerned with Taylor. My relationship with my ex-husband is completely different from my relationship with Glen. Even though Jon and I have are currently waiting for the custody decision we are still civil.

I have cooperated with Glen's request regarding the Christmas holiday. Glen has changed his mind twice regarding the time he wants to pick up Taylor, I agreed to both the times he requested. It is my understanding that Glen will be picking up Taylor on the 27th of December, 2003, at 7:00 p.m., and returning Taylor to school on January 5, 2004.

I am very aware that Glen has had Jazz tickets for at least the last twelve (12) seasons, the seats are in his name, but he always sells the tickets to someone else due to the fact he cannot make all games. He did this while we were together and I know that he can obtain tickets when he desires them. I have obtained the season schedule for the Jazz games, I have found that there are several dates he could take Taylor to the Jazz games during his scheduled time instead of requesting more of my time. I will however, agree to let Taylor go with Glen to the December 10th game.

Glen wanting to continually change the set schedule is an ongoing problem. I would appreciate it if you would request that in the future Glen schedule special events during his visitation so I do not have to interfere with plans that not only relate to Taylor but also with my other child and family members. I feel there have been several incidents when I have had to defer to Glen's wishes because of his claims that he must "work" or because of "special events". It would solve a lot of controversy if Glen tried to work with his scheduled visitation, instead of constantly demanding that I change my parenting time.

I WOULD LIKE FOR YOU TO CONSIDER THE FOLLOWING:

Glen not being required to provide me with a work schedule complicates matters further. Glen will claim he has to work when no one has any idea if he has to work or not. In the Decree I am allowed surrogate care when Glen is working. Glen has unexpectedly at the last minute dropped Taylor off claiming that he had to work.

I have felt for a long time Glen has never liked me being the custodial parent. I remember telling Dr. Davies that if I become the custodial parent there would be constant complaints. I have a letter supporting this comment made to him. I liked Dr. Davies, my attorney did not and this is why he was terminated. My issues only involved the cost of a special master due to the volatile nature of my relationship with Glen. I have a letter written to Dr. Gage supporting this statement. I knew back then what I was up against. My relationship with Glen was the same way, very controlling and combative. If he does not like something all he has to do is make an aggressive argument, confusing the entire situation and giving a completely different version of what happened. With Glen the general feeling is that he is right and I am wrong.

Glen claims that he must have witnesses when he picks up or drops off Taylor because of past situations. I am not sure what I have done to constitute his need for witnesses. I believe they are not witnesses, I believe they are used for intimidation proposes only. It is upsetting to both Taylor and myself when he brings his witnesses. I suggest that if Glen needs to bring a friend they stay in the car and do not get out while the exchange is taking place. I will stay inside my home as I have done in the past. I know that using a neutral drop off point would not be in Taylor's best interest at this time. It would be in the best interest of Taylor not to create drama every time Taylor is picked up or dropped off and less intimidating to me.

When Glen takes Taylor to a doctor, I believe he should immediately contact me and tell me the doctor's name, phone number, and address, because Glen often uses this as an excuse as to why Glen does not return Taylor as scheduled, so of course my first thought this time is Taylor really sick. Glen has used this excuse at last twice during the last year, including a holiday weekend when he claimed that Taylor was so ill, he could not be brought back to my home for two days (it was convenient that it was a holiday weekend that I should have been entitled to).

Would it be possible for you to meet with Taylor. Taylor has experienced many emotions during the 5yr ordeal. I would appreciate your input.

Cordially,

Kathy Sawyer

Brian, I'm sorry this has taken so long to send. I was just at the end of the e-mail when my neighbor called me at my mother's house to let me know my house was on fire. The firefighters came at 6:30 p.m. and just left. Thank you for your patience.

Subj:
Date: 11/13/2003 10:17:14 PM Mountain Standard Time
From: kathleensawyer@msn.com
To: attyflo@aol.com
CC: kwajboy78@hotmail.com, megadogdriver@peoplepc.com, LBMABEY@aol.com
Sent from the Internet ([Details](#))

Brian,

I have agreed to Glen's proposal. I would like to know what day Glen would be picking up Taylor for the second half of the Holiday.

Due to the second e-mail received from Glen, for whatever it is worth I would like to explain my side regarding Christmas 2002.

I had asked Glen to swap days with me last year so I could take Taylor on my Delta trip. I wanted to have Taylor from Christmas morning through the 28th and return Taylor to Glen for the remainder of the Holiday. My trip was a direct flight to Hawaii with a 32 hr layover and a direct flight home. The availability for standby was very good. My mother and Patrick would also have gone. This arrangement would have clearly given Glen extra days during the Holiday, but he refused. At that time I had not spent Christmas with Taylor since 1999. 2002 was the first Christmas with both boys together. Glen remained insistent that I was scheduled to work and he would be the one to have Taylor due to my work schedule and the surrogate rule in our decree. No exchanges were considered, no if ands or buts. This became a complex and involved situation involving his attorney and the Special Master. Because of the extreme aggression used during our long court battle, the family leave act was suggested and implemented earlier in the year by my doctor and Delta to protect my job. I called in sick on Christmas for several reasons, thus allowing me to spend the 8 hrs with Taylor. The family leave act was still available for my use and I chose to use it during this time. My doctor also suggested that if at all possible a long term leave or some sort of separation from Delta would be in my best interest. Many of the issues were crossing over and involving Delta. My supervisor was fully aware of my situation at the time and met with me frequently for support and understanding. My doctor had also expressed concern regarding the level of stress I was experiencing at that time. This is the reason my husband and I decided that I should take the three year leave of absence from Delta. Glen has during this time and since implied that I have been dishonest in my absences from Delta. Most of my absences from work were directly related to my involvement with Glen.

I have a hard time understanding why Glen would state in his e-mail that he had to spend 8 hrs in the airport last year. He has a home in Park City and parks a vehicle at the airport. I do not have a home in Las Vegas or vehicle, and have another son here in Salt Lake. Patrick has spent Christmas day with me since we moved from Las Vegas in 1999. If this was as difficult for Taylor as indicated by Glen in his e-mail, why would he not use his Park City home instead of Las Vegas for the Christmas Holiday?

Last year Taylor traveled with me to Alabama for the 2nd half of Christmas 2002, and because Glen felt that I had done this without his approval, I received several threatening and abusive phone messages on my cell phone informing that I would be arrested when I returned home for kidnapping. I still have these phone messages.

I wrote "this year" in my recent e-mail to Glen regarding his proposal due to the current custody situation. Kathy

Friday, November 14, 2003 America Online: ATTYFLO

Tab 5

Valerie Hale, Ph.D.

CLINICAL PSYCHOLOGIST

from GM
read 7-22-03

The Honorable Glenn K. Iwasaki
450 S. State St.
Salt Lake City, UT
84111

The Honorable Thomas N. Arnett
450 S. State
Salt Lake City, UT
84111

February 14, 2003

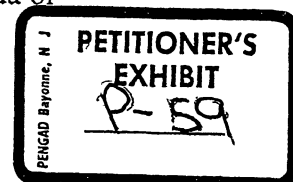
RE: Huish v Munro Special Master Case

Dear Judge Iwasaki and Commissioner Arnett:

I am writing this letter to update you on the status of the Huish v Munro case, as well as to ask that I be released as the Special Master in this matter. The decision to request a release from this case was difficult for me. However, I do not feel able to serve the parties and their child in this role. This letter will outline the events that led to my decision, and provide both of you with an update about the most recent facts of this case, as I understand them

First, after Judge Iwasaki's telephone conference in November 2002, I did receive a payment from Ms. Huish for her current outstanding amount owed. It is my understanding that she has not made an effort to pay old payments or make up the difference with Mr. Munro, and she has paid nothing else on her old balance to my office since then. Mr. Munro has paid all fees to my office, including fees owed by Ms. Huish.

Next, Ms. Huish provided her November and December work schedules to me, but apparently refused to provide it to Mr. Munro, as per the decree. At the end of December, Ms. Huish's attorney told me via telephone that Ms. Huish was planning to take a three-year leave of absence from her job as a flight attendant. This would mean that she would have no reason to provide a schedule to anyone, and that some of the scheduling difficulties of the past would be resolved. Ms. Huish alluded to me that the stress that she experienced from Mr. Munro was the reason she was taking this leave of absence. Ms. Huish has recently married David Sawyer who resides in Florida. Ms. Huish said to me that she did not know whether she was planning to move to Florida or not.



1

2-20-03 fax

Throughout the entire Special Master case, but especially in the past few months, it has become increasingly difficult for me to communicate with Ms. Huish. She absolutely refused to meet in conjoint sessions in my office with Mr. Munro, unless her mother or her attorney could be present. This made it difficult to address each party's concerns or provide a place for clarification, problem solving and the like. I have never had any other Special Master participant refuse to meet in my office, conjointly or otherwise.

Next, whenever I attempted to speak on the telephone with Ms. Huish, she would become verbally abusive, intimating that I was "on Glen's side" and made it literally impossible for me to talk with her. This was a unique experience for me. Ms. Huish could not stop talking and sometimes yelling at me, such that it became useless to continue to remain on the telephone. At one point, it was more efficient to communicate with her brother over the telephone about Ms. Huish's concerns than it was to talk with Ms. Huish directly.

Throughout the process, I asked these parties to use email because I wanted to make sure that I heard both parents' concerns clearly, and that counsel could also be aware of their concerns simultaneously. Ms. Huish began to complain that she could not use email effectively, first because of her work schedule (being out of town and away from her computer) and then because her computer was broken. She then said that she could not afford an email service provider. Ms. Huish's brother offered to help initially (he apparently lives on Ms. Huish's property) but then stated that he could not check email on his computer on a regular basis for Ms. Huish. Finally, Ms. Huish, via her brother *in an email*, stated that she did not want to use email anymore because the Supreme Court had ruled that it was not a legal form of communication. This stated "Also the supreme court (sic) did say in they're (sic) statement that no one can force another person to use E-mail to communicate."

At that point, I realized that the Special Master process was hamstrung yet again, this time by Ms. Huish's refusal to communicate with me. This lack of cooperation on the part of Ms. Huish was consistent throughout the Special Master process, whether it was through lack of payment, refusal to provide her work schedule, or now, refusal to communicate with me appropriately. I have never had this happen as yet in Special Master work. I became concerned that if Ms. Huish was obviously opposed to working with me, that another professional might be able to have a better working relationship with her. I remained concerned that this professional would need to be in place as soon as possible so that the family could move forward.

On January 22, 2003, I met with Paige Bigelow and Lynn Mabey, counsel for the parties, in order to explain my difficulties and suggest a plan for the family. Both attorneys agreed that attorney and mediator Brian Florence would be a good choice for this family as a substitute Special Master. Mr. Florence has considerable experience and enjoys an excellent reputation as a mediator, collaborative family, and Special Master. It was felt that Ms. Huish would have the opportunity to start anew with someone whom she did not feel was biased against her in any way. A new Special Master would also allow Ms. Huish the opportunity to demonstrate that her lack of cooperation with me was an isolated incident.

Next, at that meeting, Ms. Bigelow and Mr. Mabey discussed a method for finding a good psychotherapist for Taylor. While I have not seen Taylor and do not know if he requires treatment at this time, I was very concerned about him given that he is in the middle of this tremendously high conflict situation. Both attorneys asked me for a list of professionals who could serve as a therapist for Taylor and who could manage the intensity of the personalities of the parents as well. Natalie Malovich Ph.D., Johanna MacManemin Ph.D., Denise Goldsmith Ph.D., and Monty Millerberg LCSW were among those recommended. I suggested that these therapists would work with both parents and could determine what kind of therapy should be provided, if any, as well as its duration.

Because both counsel agreed that a change of Special Master would be best for this family, I have prepared my file for transfer to Mr. Florence, or for whoever would serve as Special Master if Mr. Florence were not available. Since then, I have learned from Ms. Bigelow that apparently, Ms. Huish has refused to sign Mr. Florence's Special Master agreement.

I am very concerned that this family and especially Taylor require intervention immediately. It is my belief that Ms. Huish has succeeded in actively frustrating this entire process again. It is clear that Ms. Huish has now closed all avenues of communication with me. I cannot effectively gather information from her and I cannot in good conscience continue in this role, because I am not able to make good decisions that are based on data made available by both parties. I have many families using Special Master Services that are able to work well with this system. I have never been so consistently thwarted, not to mention verbally assaulted by anyone until now. These families are eager to work hard to stay out of the court system and I believe that my services could be used in a better more, effective way with the families that are responding to the Special Master Services that I provide to them.

I want to apologize to the Court for my failing with this family. However, it is important to know when to stop and I certainly would be the first to say that another professional may be able to succeed where I have failed. I want to thank the Court for the opportunity to attempt to help this family, despite what appears to be my inability to do so. I respectfully request that the Court release me from my duties.

Sincerely,

A handwritten signature in black ink, appearing to read 'Valerie Hale', with a long horizontal flourish extending to the right.

Valerie Hale, Ph.D.
Clinical Psychologist

cc: Paige Bigelow
Lynn Mabey

Valerie Hale, Ph.D.

CLINICAL PSYCHOLOGIST

Done GM
read 7-22-03

The Honorable Judge Glenn K. Iwasaki
Third District Court
450 S. State Street
P.O. Box 1860
Salt Lake City, Utah 84114-1860

COPY

September 27, 2002

Dear Judge Iwasaki,

I am the appointed Special Master in the matter of Huish v. Munro. I was working under a temporary order for the previous year (June 8, 2001), until I received a final signed order in July of 2002.

Despite this new and clarified order, Ms. Huish has not made it possible for me to provide Special Master Services, mostly because of a dispute about what amount of payment she owed. The most recent order clarified when Ms. Huish was to begin payment of Special Master Services as well as what portion of the final costs to pay. Despite repeated efforts to secure payment, Ms. Huish has flatly refused to pay her fees, which are now \$488.74, despite repeated telephone calls, and statements sent. Further, she claimed that she did not have a copy of the Court's most recent order, and so one was sent to her, so that she might understand what her responsibilities were. In one telephone conversation with me, she stated "I am not going to pay this bill - Glen makes more than I do and this whole thing is not fair because Paige (Mr. Munro's attorney) wrote it up."

Further, as per the Court's order, Ms. Huish and Mr. Munro are to provide me with their work schedules on a monthly basis, so that we can address issues around surrogate care. Ms. Huish has not provided any schedules to me thus far. Despite lack of payment, I have monitored some emails (at no cost since March of 2002) and have provided some telephone intervention. I told Ms. Huish that she would need to make some kind of payment so that I could continue services and also so that I could avoid a report about her lack of cooperation to the Court. I also asked that Ms. Huish and Mr. Munro to meet together with me so that we could clarify the payment arrangements, my role, and go over the Court's current order. Ms. Huish refused to "be in the same room" with Mr. Munro, unless her mother or her current attorney could be present.

I spoke with both attorneys and agreed that if payment were made, then we could have a meeting to begin anew, clarify my role, and discuss the participation of both parents in the ten hour Intensive Co-Parenting Class that I conduct. The appointment was scheduled at least six weeks in advance, giving Ms. Huish ample time to make some kind

of payment. She did not, and the appointment subsequently did not occur. However, both parents continue to express interest in attending the class as well as in continued services from me.


In sum, I have felt "ham strung" in this case because of lack of cooperation and payment from Ms. Huish. This is not to say that Mr. Munro's behavior in terms of his co-parenting attitudes or relationship is without blemish. However, I cannot even begin to work on the case when I am not paid by one party for months at a time.

Both parties continue to e-mail me, despite the fact that I cannot work on their case at this point unless I am paid. However, it is clear that the co-parenting relationship has broken down completely, and I am concerned about Taylor's well being. Because of this lack of cooperation, I have not been able to see Taylor nor even find out if he is in therapy, or help to secure a therapist for him.

I am at a loss as to how to proceed. I wish that payment were not an issue so that I could simply forge ahead and work with this family. I do not know how to obtain the services that the family so desperately needs for no cost. I do not believe that agencies such as Valley Mental Health or the Department of Family Services provide this particular kind of family supervision.

I would appreciate the Court's direction in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Valerie Hale", with a long horizontal line extending to the right.

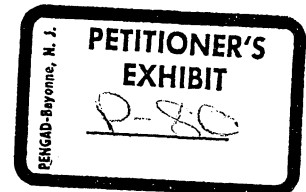
Valerie Hale, Ph.D.
Clinical Psychologist

cc: Paige Bigelow
Lynn Mabey

Valerie Hale, Ph.D.
CLINICAL PSYCHOLOGIST

The Honorable Judge Glenn K. Iwasaki
Third District Court
450 S. State Street
P.O. Box 1860
Salt Lake City, Utah 84114-1860

COPY



September 27, 2002

Dear Judge Iwasaki,

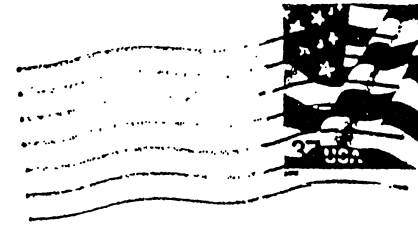
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Further, as per the Court's order, Ms. Huish and Mr. Munro are to provide me with their work schedules on a monthly basis, so that we can address issues around surrogate care. Ms. Huish has not provided any schedules to me thus far. Despite lack of payment, I have monitored some emails (at no cost since March of 2002) and have provided some telephone intervention. I told Ms. Huish that she would need to make some kind of payment so that I could continue services and also so that I could avoid a report about her lack of cooperation to the Court. I also asked that Ms. Huish and Mr. Munro to meet together with me so that we could clarify the payment arrangements, my role, and go over the Court's current order. Ms. Huish refused to "be in the same room" with Mr. Munro, unless her mother or her current attorney could be present.

I spoke with both attorneys and agreed that if payment were made, then we could have a meeting to begin anew, clarify my role, and discuss the participation of both parents in the ten hour Intensive Co-Parenting Class that I conduct. The appointment was scheduled at least six weeks in advance, giving Ms. Huish ample time to make some kind

Valerie Hale, Ph. D.
1945 SOUTH 1100 EAST STE 200
SALT LAKE CITY, UT 84106



Lynn Mabey
3098 S. Highland Dr. # 323
SLC, UT 84106

4105+8001



received from -
K... 8-8-02
... 1.5...
... 24-03

Message, Friday, October 25, 2002, at 4:17 p.m.

Hi Lynn. It's Valerie Hale a follow-up message to the one I left on the other number. Basically, with regard to this Huish/Munro matter, I've instructed, via leaving messages, because everybody now is incommunicado. . . that if Glen does show up to pick up Taylor between **5:45 and 6:15**, which is what he said in his e-mail of October 8th . . . now that I have been paid, I can actually look through the e-mails, we did save the e-mail on October 8th . . . that was the schedule that she should go ahead and release Taylor and let him go with his dad. What . . . that if Glen is later than **6:15** then. . . that she should just go ahead and just proceed with her evening plans with the boys. She very graciously offered to make the child available as early as 7 o'clock tomorrow morning. So, **6:15 is the magic number**. . . um. . . I am not feeling super well myself, I am going to be going home relatively soon, but if someone could call me 486-4710 is my back line. . . um that rings only my family and the daycare people have it, but I am very concerned. Obviously, you and Paige and I need to get together. She has stated that you've said that I am not on the case any more, that I am not suppose to be the special master and I don't have a court order to that effect, and so I would really like to sit down together and figure out if we need to. . . what we need to do with this case, including transferring it to a different special master which is fine. Thank you so much. 485-0400 is the front line. Bye, bye.

Epiphany 80

COPY

Valerie Hale, Ph.D.

CLINICAL PSYCHOLOGIST

Paige Bigelow
50 W. Broadway Ste.800
Salt Lake City, Utah 84101

Lynn Benson Mabey
3098 S. Highland Drive
Salt Lake City, Utah 84106

RE: Huish v. Munro

RECEIVED

NOV 6 RECD

L. BENSON MABEY

October 31, 2002

Dear Counsel:

I am writing this letter in response to two general matters. First, in a letter dated October 23, 2002, that I received from Ms. Bigelow, I have been asked to address specific issues raised by Mr. Munro. A copy of a check from Mr. Munro dated October 22, 2002, accompanied the letter. I did receive the check from Mr. Munro, which means that the case bill is paid and I can continue in my role as Special Master. I will be discussing the issues raised in the letter today. Also, I would like to address the events surrounding my communications with the parties on October 25, 2002 via telephone. On that day, Ms. Huish raised concerns and questions that I believe need to be addressed quickly. I will begin by speaking about Ms. Huish's concerns first.

Ms. Huish stated to me on the telephone that her attorney told her that my most recent letter to the Court that said that I could not proceed as a Special Master without timely payment, was in effect a "letter of resignation" from the case, and that it was her impression that she should not speak with or cooperate with me. I have not heard from Mr. Mabey via telephone when I left messages beginning on October 25, 2002, so I have not been able to ascertain from him if indeed he has instructed his client to assume that I am no longer on this case. I would appreciate clarification from Mr. Mabey about his position this matter.

Ms. Huish also stated to me that because of the most recent letter I wrote to the Court, she did not feel comfortable working with me as the Special Master. Further, Ms. Huish expressed concern that because Mr. Munro paid the outstanding bill, I was in some effect acting as his agent as a result of his payment. She noted that I became involved in an issue that he raised on October 25th, which was after he paid the bill, and was concerned that because Mr. Munro paid the bill that I would then be his champion alone. While I can understand her concern, I attempted to explain to her that no matter who pays the bill, I must discharge my duties as Special Master without regard to the person who paid for services. Much like a custody evaluation in which one party might be ordered to pay for

the entire cost, the outcome of the evaluation does not depend on who paid the bill. It should be noted that I received the letter and copy of the check *before* I acted on Mr. Munro's concerns about the October 25th incident. I also stated to Ms. Huish that I would address any concerns she had as well, as long as: a) I was still the Court appointed Special Master and b) the bill was paid and current, no matter who paid it. Further, I stated to Ms. Huish that while she certainly may ask for a different Special Master from the Court, I wanted to let both of you know that I will continue to serve in this position until released by the Court, or until a different Special Master has been appointed.

Next, Ms. Huish stated that she had been instructed by her attorney to withhold her work schedule and not provide it to me, but that she had been providing it to Mr. Mabey. I would like clarification on that issue because knowing when Ms. Huish is working and when she is not would help us to solve the dilemma of when Mr. Munro or another caregiver should be providing care for Taylor when his mother is unavailable.

I would like to turn my attention to the events occurring on October 25th. Mr. Munro was concerned that Ms. Huish was allegedly refusing to allow him to pick up Taylor on that Friday evening, because he was unable to pick him up the evening before, which is when the scheduled parent time was to begin. Ms. Huish stated to me that her attorney told her that if Mr. Munro did not pick up Taylor on that Thursday, then he effectively forfeited his entire parent time. She also felt that asking her or her family members to be home to effect the transition on a different day (Friday versus Thursday) was an imposition and that she felt rather controlled by Mr. Munro's work schedule. It should be noted that Mr. Munro did give ample notice that he would not be able to pick up his son at the regular time and in my monitoring of email communications, I did not see anything from Ms. Huish that stated that she would have plans that evening and would not be able to provide surrogate care.

When the crisis arose, I spoke with Mr. Munro, Ms. Huish and with Ms. Huish's mother. I asked that these parents attempt to work together to solve their dilemma, and made the formal recommendation that if Mr. Munro could not be at the Huish home by 7 PM, that Ms. Huish continue on with her evening plans with Taylor, and that Mr. Munro would pick him up the following morning. At one point, and not at my request, Ms. Huish put Taylor on the telephone with me and had him tell me "I want to be with my mom tonight." I also asked that neither party telephone the police if at all possible because that could be quite distressing for this young boy.

Since that time, I have received information from Mr. Munro that suggests that Ms. Huish did not wait until 7 PM, and that he did not get to pick up Taylor until the following morning. The only data that I have available to me about how things went that evening is from Mr. Munro. I have received no information from Ms. Huish since my conversation with her that afternoon. I am concerned that despite Ms. Huish's reservations about my role as Special Master, I would prefer to have her input about her version of how things went so that I can have a more balanced picture of that evening.

This morning, I received and responded to emails from Mr. Munro regarding a need to pick up Taylor on November 7th at a later time than usual because of his flight schedule. In a second email, Mr. Munro asked that he be allowed to take Taylor for Halloween this year. I have attached copies of my emailed responses about those issues to this letter, and have also discussed some of the issues below.

Next, Ms. Bigelow has asked me to respond to issues outlined in her letter dated October 23, 2002. The letter states that it has been copied to Mr. Mabey, so I will not attach it here. The first issue asks me to address whether or not Ms. Huish's mother should be allowed to pick up Taylor from school. Looking at the Decree of Paternity, it notes that parental care is presumed to be better than surrogate care. Not having a copy of Ms. Huish's work schedule makes it very difficult for these parties to know which parent is picking up the child, or if both are working, which surrogate caregiver will be picking up Taylor from school. I would like to reiterate that having Ms. Huish's work schedule in advance, as the Decree of Paternity states, would make things easier on these parties because if she is working and Mr. Munro is available, he should be the one picking up Taylor from school. If Mr. Munro is working and cannot pick up the child during his time, then Ms. Huish should be the one picking up Taylor from school, if she is willing and able. Both parents need to notify the other if they will not be available to pick up Taylor from school during their regularly scheduled parent times, *well in advance*, so that the other parent has the opportunity to decide if he or she can be available for surrogate care. In the event that, for example, Mr. Munro is unable to provide surrogate care and pick up Taylor when his mother is working, and it is Ms. Huish's regularly scheduled time, then he needs to notify her that he will not be available and Ms. Huish then should be able to designate a caregiver to pick up Taylor. Conversely, if Mr. Munro is not able to pick up Taylor on his regular time, he needs to notify Ms. Huish in advance about his need for surrogate care and give her the opportunity to pick up Taylor. If she is unable to do so, then she should notify Mr. Munro about this situation quickly, and Mr. Munro should designate a caregiver to pick up Taylor from school.

Ms. Huish stated that on one occasion, she was home and quite ill, and asked that her mother pick up Taylor from school, during Ms. Huish's parenting time. That kind of situation makes sense, in that if it were during her parenting time, and she were ill, Ms. Huish should be allowed to ask a friend or family member to pick up Taylor.

What would make the most sense is if the parties *provided their work schedules* to one another and to me, and communicated via email about these issues of surrogate care. They would then make decisions about whether or not they would be available to help the other parent, or whether that parent needs to make other arrangements. This needs to be done *as soon as the parties know their monthly schedules*. Next, the parties should communicate with one another and with the school about who will be picking up Taylor, if there is something out of the ordinary occurring. What is not acceptable is for Taylor to be cared for by someone other than a parent when a parent is available. Mr. Munro alleged that Ms. Huish's mother has been interfering in his provision of surrogate care for Taylor in that at the school, she allegedly physically grabbed Taylor and ran away with

him. I do not have information from Ms. Huish about her version of these events and would certainly prefer to hear from her about this so that I can have a clearer picture.

Next, Mr. Munro provided a copy of an email from a person named Dave Sawyer, who is Ms. Huish's fiancé. In this email, Mr. Sawyer stated, "I will not allow you to continue your personal vendetta to make Kathy's life miserable anymore. From now on Mr. Munro you're dealing with Me." Mr. Sawyer goes on to allege that Mr. Munro has attempted to "bad mouth" Ms. Huish to her employer and at Taylor's school. Ms. Bigelow has asked me to comment upon Mr. Munro's being required to speak with Ms. Huish's fiancé about parenting matters and not being allowed to communicate directly with the child's mother.

Two issues emerge from this email. First, it is generally not appropriate for a stepparent to insert himself between two biological parents and demand that all communication go through him. Instead, Ms. Huish and Mr. Munro need to continue to communicate directly with one another via email. Voicemail needs to be used only when email would not be timely or feasible, or to alert the other parent that there is an urgent email that needs to be addressed. However, if Mr. Munro is indeed "badmouthing" Ms. Huish to the school or to her supervisors or fellow employees, this needs to stop immediately. I would be open to any comment or information that Ms. Huish could provide me about these matters. Further, it needs to be said that Mr. Munro has a habit of writing emails with many exclamation points which, whether intended or not, come across as hostile. He also has sometimes demonstrated a tendency to ramble in the email when he feels that he has been wronged. Ms. Huish has also been less than professional in her email communication as well. It would be best if both parties kept email communication very simple, with provision of basic information, asking simple questions, asking for clarification and other businesslike communications being the norm.

Mr. Munro has asked me to comment about whether or not Ms. Huish should be asked to facilitate telephone contact between Taylor and his father. Mr. Munro alleges that he has not had telephone contact when Taylor is with his mother. I would like to hear information from Ms. Huish about her view regarding these telephone calls before I make a recommendation about this situation. However, if I do not have input from Ms. Huish, I will have to make some kind of recommendation based on the information that I have. I will expect Ms. Huish to respond to me about this issue by November 12, when I return from a conference in Arizona. If I have not had her input by that time, I will continue in my role as Special Master and make a decision about the telephonic visitation at that time.

Next, Mr. Munro asked that I assess whether or not Taylor should be in psychotherapy and stated that Ms. Huish was allegedly taking the child to a school counselor who reportedly was "drilling Taylor as to which parent he would prefer to live with while Kathy was in the room." I have no way to ascertain the validity of this allegation until I have information about the name of the school counselor, the scope of any treatment provided and also until I have an opportunity to speak with Taylor. I would appreciate it if Ms. Huish would respond to Mr. Munro's allegation about the school counselor. In my

telephone conversation with Ms. Huish on the 25th, she spoke briefly about this, noting that the counseling was a school program for children of divorce and that it seemed a good thing for Taylor. I would like to investigate the matter of counseling when I have an opportunity to speak with the school and when I have the opportunity to hear from Ms. Huish. I would also have to see Taylor before I made any kind of decision. I will expect Ms. Huish to provide me information about her view of counseling for Taylor by November 12 before I make any decision on this matter. If I do not hear from Ms. Huish, then I will be forced to make a decision about this without her input, which is something I would not prefer to do.

Last, I understand that these parties are ordered to attend the Intensive Co-parenting Class that is conducted in my offices. I will not be teaching the December class, which might be a more comfortable arrangement for Ms. Huish. The December classes will be taught on the first, second and third Tuesday of the month because of the holiday season. They begin at 5:30 sharp and end at 9:00 PM. If a parent has to miss a class, they must participate in and pay for a make up class before the next meeting. The class fee is \$385.00 per person. If these parties are taking the class as part of my Special Master Services Program, then the proportion of payment for the class needs to be the same as it is for all Special Master Services offered through my offices. Alternatively, if the Court allows it, I understand that there is some kind of parenting program in Utah County called The Highland Program, run by attorney/mediator Elizabeth Dalton. I do not know the content of that Program or what the fees and other particulars are.

Turning to a request from Mr. Mabey, I understand that he had asked my secretary to look for a particular letter in the Huish v. Munro file. Please know that my secretary has been on a two-week vacation and that she has very recently returned. I have also recently returned to my offices after a bout with pneumonia. However, the bill is now current on this case, and I am happy to provide Mr. Mabey with whatever correspondence he would like to see. Any other information or concerns Mr. Mabey or Ms. Huish would like for me to address are most welcome.

In sum, I have stated in the past that this case has been confusing and difficult because of the lack of clarity in court orders, as well as a lack of clarity and then subsequent lack of payment for services. However, I am and will remain the Special Master in this case until the Court releases me, and/or a new Special Master is formally appointed, either by stipulation or Court order. I am very concerned that Ms. Huish's seeming unwillingness to work with me by not providing information that she has been ordered to provide (e.g. her work schedule) but also by not providing her version of events, her concerns, and other data could leave her at a disadvantage. If she refuses to speak with me, tell me her concerns, or provide information, I will still have to make decisions with the information that I have, which will by default have come from Mr. Munro alone. This situation is analogous to one in which one party does not appear before a judge or does not provide additional data, so that it can be considered when a decision is made. However, despite Ms. Huish's statement to me that she has been told that she is not to provide information to me and that I am no longer the Special Master, I must state that I will continue to function as a Special Master with what information I do have, until released by the Court.

If the parties do not pay their fees in a timely manner, then again, I will report this situation to the Court. If Mr. Munro chooses to pay the fees so that Special Master services continue, then he should seek remuneration from Ms. Huish directly.

It is my belief that both of you need to be aware of my work with this family as it unfolds, which is primarily via email. I would very much appreciate having each of your email addresses so that I can copy important emails to both of you. This seems to cut cost, and helps prevent "telephone tag." I also am requesting a meeting either via telephone or in person with both of you so that we can clarify the issues raised in this letter. After that, I would like to have a meeting with these parties so that we can discuss their questions and concerns. It would be best if the parties met together, and if they would like to have legal counsel present, that would be acceptable. Outside persons in this particular meeting would likely add tension in what is already a taxing situation.

Both clients show care and concern for their son and it is clear that both love him very much. It is also clear that both clients appear to let their feeling of distress sometimes get in the way of making good choices for Taylor. I have confidence that if we can work as a team, we can help shepherd this family through what has been an extremely difficult process for them. Please contact me at your earliest convenience so that we might begin our work in earnest.

Sincerely,

A handwritten signature in black ink, appearing to read 'Valerie Hale', with a stylized, flowing script.

Valerie Hale, Ph.D.

cc: Commissioner Thomas Arnett
The Honorable Judge Glenn Iwasaki

Val Le Hale, Ph. D.
1945 SOUTH 1100 EAST STE 200
SALT LAKE CITY, UT 84106



Lynn Mabey
3098 S. Highland Dr
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84106+3085 15



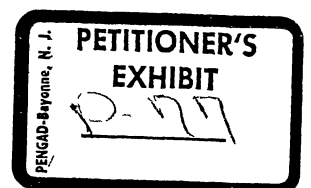
Tab 6

GLEN MUNRO
4809 Intrepid Dr.
Las Vegas, NV 89130
702-645-7483
702-320-1984 Fax
GMunro@flightline.com

July 13, 2003

Dr Davies. He was our first special Master.

Letter's and examples of some of the problems we have had
from the start of this case.



August 13, 2001

Carol Gage, Ph.D.

RE: Huish v. Munro

Carol,

My involvement with this case began in a phone call with Mr. Monroe's attorney, Paige Bigelow. Ms. Bigelow contacted me about doing a second evaluation in the fall of 2000. She indicated you had done the first evaluation and recommended joint custody but they [she and Mr. Munro] were concerned this would not be a viable arrangement and wanted to pursue a second evaluation. I told Ms. Bigelow that, from my perception, a second evaluation would probably do little more than perpetuate the conflict that existed between parents and I suggested parents pursue some type of facilitation, i.e., meet with a neutral third party to try and work out their disagreements and create a more cooperative parenting arrangement. Ms. Bigelow asked if I would be willing to do this and I told her I would.

To begin the process, I met with parents and attorneys in November 2000 in an attempt to establish some 'ground rules' and ascertain each parent's concerns. This meeting did not go well; Ms. Huish got quite upset and had to be calmed down several times by her attorney. Over the next week, I received calls from Ms. Huish and her attorney requesting I meet with parents individually because Ms. Huish was not 'up to' meeting conjointly with Mr. Monroe. I told Ms. Huish and her attorney I would do my best to facilitate communication between the parents but I thought it was important we meet conjointly so everyone would hear the same thing at the same time.

Approximately two weeks after the first meeting, I had another meeting with parents only but, again, this did not go well. Ms. Huish insisted she could not be in the same room with Mr. Monroe and did not feel as though they could work together in Taylor's best interest. She again became quite upset and, on two different occasions, told Mr. Monroe he could have full custody. I was obviously concerned about Ms. Huish's emotional lability and did not take the statements literally but I did relay them to counsel in a letter.

Over the next two months, I had numerous contacts with parents and attorneys regarding this matter and developed access schedules for January, February, and March. There were numerous conflicts between parents regarding who did what to whom and because we were not able to establish and stick to a consistent set of 'ground rules' it was difficult to keep this matter

on track. I am not aware of all that transpired but I was apparently 'phased out' because Mr. Nemelka reportedly had trouble with the way I was proceeding as the parent facilitator. I have since had phone contact with Ms. Bigelow but have not had any contact with either parent since February of this year.

My impression of these parents was that they probably could work together in Taylor's best interest, but there are currently too many unresolved marital issues getting in the way of their cooperation and communication. Mr. Munro seemed more willing to work toward a shared parenting arrangement and seemed more than willing to do whatever was necessary to facilitate Taylor's adjustment to and progress in a shared parenting arrangement. In contrast Ms. Huish was more volatile and had a more difficult time focusing on Taylor's needs. Instead, she seemed to be more focused on getting back at Mr. Munro and I got the impression she was making some attempt to align Taylor with her rather than actively work toward creating and facilitating a situation where Taylor could spend optimal time with both parents and enjoy positive relationships with both her and Mr. Munro.

Undoubtedly, there will be assertions that I did not like Ms. Huish for different reasons but this is not the case. I do think she tends to be overly emotional but as I said, this appears to be more function of unresolved marital issues than poor parenting. Further, I think Ms. Huish has a difficult time focusing on what is in Taylor's best interest and is not consistently aware of how her behavior toward Mr. Munro may impact Taylor.

Tab 7



Holladay Family and Child Guidance Clinic

4667 So. Holladay Blvd., Suite 2 • Salt Lake City, Utah 84117 • (801) 277-8025

PSYCHOLOGICAL EVALUATION -Confidential-

Name: Kathleen Lenay (Huish) Sawyer
Date of Birth: 8/17/61
Age: 42
Referral Source: Grant W. P. Morrison, Attorney
Referral Question: Mental status
Dates Examined: 6/10, 11, 16, 21, 24/04
Tests Administered: Diagnostic Interview
Minnesota Multiphasic Personality Inventory (MMPI)
Rorschach Inkblot Test
Rotter Incomplete Sentences Blank

Presenting Problem:

Kathleen (Kathy) Sawyer has had two child custody evaluations conducted by Carol F. Gage, Ph.D. on September, 2000; and another one conducted by Monica D. Christy, Ph.D. on March 25, 2004. Dr. Carol Gage recommended that Kathy should have primary physical custody of her son, Taylor Munro; and Dr. Gage did not change her recommendation when she learned on April 11, 2003, that Kathy and her husband, Dave Sawyer, were planning to relocate their residence to Kwajalein Atoll after Taylor had finished his school year. Kathy's husband, David, is employed by Lockheed Martin, a defense contractor for the U.S. military; and he was being transferred by his employer to Kwajalein.

However, Dr. Monica Christy's child custody evaluation recommended that Glen Munro, the father, should have sole physical custody of the minor child (Taylor) who shall reside with the father, including Kathy's change of residency to Kwajalein. As result of Dr. Christy's conflicting recommendation with Dr. Gage's recommendation, Kathy Sawyer has asked for "another opinion" because she felt that Dr. Christy had some biased opinions about her.

Dr. Christy's child custody evaluation noted: "Kathy's MMPI-2 was of doubtful validity and possibly unacceptable due to a strongly guarded denial and conscious unwillingness to admit personal problems....Her clinical profile, although largely in the normal range, has been associated with passive-aggressive personality trends when found among psychotherapy patients. Patients with this profile have uneven judgments and breakdowns in their impulse control." In contrast, "Glen responded to the questions of the MMPI-2 in a generally straightforward manner, without being unduly self-favorable or self-critical. The validity scales did show some conscious defensiveness, although less than average compared to child custody litigants....Such individuals place a high value on self-control and are reluctant to challenge authority. They are practically minded and emphasize productive achievement." It was interesting to note that Dr. Christy noted that Glen's presentations are organized and convincing, are sometimes overwhelming; and Kathy views him as being controlling. "Glen would probably do well to learn how to express understanding and empathy more readily before entering another serious relationship."

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Psychological Evaluation: Kathleen L. Sawyer
Page 2.

-Confidential-

This examiner believes that whenever a person is being evaluated and asked to take the MMPI-2, it is often quite common for a person to present herself or himself in a "positive light" as possible. Therefore, one should not try to judge a person's behavior just from only one test performance, and allow the person to express herself or himself through other psychological testing instruments.

Diagnostic Interview:

On June 24, 2004, this examiner conducted a diagnostic interview with Taylor Munro (DOB: 7/11/96) who appeared to be very friendly, and felt very comfortable talking to the examiner. Taylor is a nice looking boy who has brown hair and blue eyes, and he will be eight years old in July. He was looking forward to spending twenty days with his mother this summer (from June 28 to July 14); and only ten days with his father (Glen Munro). When asked why was he looking forward to spending twenty days with his mother, Taylor replied, "So I can be with my brother, Patrick (age 15½), my dog, Buck, and with my friends...and go swimming this summer."

Taylor was asked to draw a picture of his family, and it was interesting to note that he drew his mother first, then Patrick, Buck(his dog), himself, grandmother (Lenay), Dave (his stepfather), and lastly his father (Glen). When asked, "If God gave you Three Wishes, what would you ask for?"--Taylor replied: "(1) Everything was free; (2) go to Kwaj(alein); and (3) have a whole collection of Teletubbies." Taylor appeared to be a very bright child who seemed to have a "mind of his own," and he seemed to feel very comfortable being with his mother and doing things with her.

As a test of "creative intelligence," the examiner asked Taylor if he could "balance ten nails on one nail?" Of course, most people cannot figure how to balance ten nails on one nail, and when Taylor was showed how it was done, he was already thinking how he could make a lot of money betting everyone that they couldn't do it.

Psychological Assessment:

The MMPI was administered to Kathy and it was noted that all of her test responses were within the normal range of responses. Although Kathy may be both self-confident and defensive at times, she may generally see herself as being somewhat conforming and self-controlled. She is the type of person who seldom shows dissatisfaction with authority figures and tends to go along with the mores of society. Kathy tends to look at the "bright side" of life, and she is generally cheerful, optimistic, and outgoing. She is usually interested in traditional feminine and domestic activities, and she may also be interested in a career. Kathy prefers to be with others and not by herself; and she tends to be active, verbally fluent, and achievement oriented. She is not consciously anxious at this time, and she seems to have enough ego strength to deal with life's stresses and minor setbacks.

7522

The Rorschach Inkblot Test is a projective personality test which is useful in diagnosing personality deviations, intellectual functioning, creativity, and organic brain defects. The test revealed a person with superior intelligence who is able to stand aside and evaluate one's actions in relation to others. Kathy is the type of person who tends to be very sensitive to her environment and the feelings of others. She also tends to be very creative and has some esthetic interests. However, at this time Kathy appears to be somewhat fearful and apprehensive what might happen to her (and her son) in the near future. Most of Kathy's responses on the Rorschach were the "popular responses" most people would see in the inkblots, and she appeared to be very optimistic about her future.

On the Sentence Completion Test, Kathy was able to express some of her personal feelings which were noted as follows: "The happiest time is living in Kwajalein with my family." "When I was a child I was very happy." "I regret not being by my father's side when he passed away (6 years ago)." "I suffer in being in limbo and not knowing." "I failed to listen to my intuition at times." "Marriage is fulfilling if it is compatible." "I need to be with my husband (Dave) and family and peace of mind." "What pains me is having my mother go through this with me--she's very supportive." "I wish that we can work all this out and everything will be okay." "The future is great." These statements of Kathy seem to be in congruence with her personality profile noted above where she is feeling somewhat anxious and apprehensive about the pending court trial, and is hoping for a favorable outcome.

Uniform Custody Evaluation Factors: Rule 4-903, Utah Code.

(A) The child's preference: Taylor who will be eight years old on July 11, 2004) was not asked to verbalize which parent he would like to be with. However, it was interesting to note that in his drawings of his family, Taylor drew his mother first and his father (Glen) last; which would indicate whom he felt closer to in his relationships with his parents.

(B) Benefit of keeping siblings together: Again it was noted that Taylor felt very close to his brother, Patrick, whom he drew second in his family drawings.

(C) The relative strength of the child's bond with one prospective custodian: Taylor seems to have a close bond with his mother, and also seems to like being with his father.

(D) The general interest in continuing previously determined custody arrangements: At the present time, there appears to be two conflicting child custody recommendations whether Kathy Sawyer should have primary physical custody of her son, Taylor, or Glen Munro should have primary physical custody of his son.

(E) Factors relating to the prospective custodian's character (in this case the mother): The mother appears to be of good moral character and emotional stability, and she is able to provide personal rather than surrogate care for her child. However, the father, Glen Munro, has never been legally married to Kathy and he is not married at this time; and since he is an airline pilot his job would take him away from home a lot and he would have to provide surrogate care for his son when he is not at home. Religion is not a factor in this case, although

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Psychological Evaluation: Kathleen L. Sawyer
Page 4.

-Confidential-

Kathy was raised in an L.D.S. family. According to Kathy, Glen Munro does not profess to have any religion, and her husband, David Sawyer is Presbyterian. Kathy's ex-husband, John Huish is L.D.S. by religion, and their son, Patrick (DOB: 7/22/88) who will be sixteen in July has a learning disability, and he has had a close relationship with his mother, Kathy. Kathy has two older brothers, George (age 47) who is a disabled Viet Nam verteran; and Chris (age 45). Chris and her mother, Lenay Russell (age 75) have been very supportive of her and her family here in Salt Lake City. Kathy's financial support is adequate.

Multiaxial Assessment:

- Axis I: Generalized Anxiety Disorder (300.02)
- Axis II: Personality disorder deferred.
- Axis III: Medical diagnosis deferred.
- Axis IV: Psychosocial & Environmental Problems: Disruption of family by estrangement.
- Axis V: Global Assessment Functioning: 70 (mild symptoms of anxiety)

Summary and Recommendations:

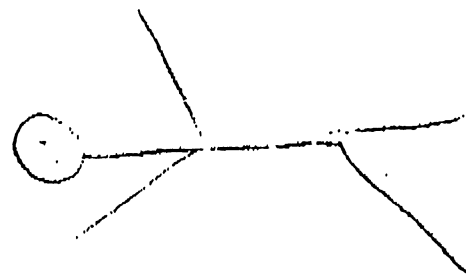
Kathy revealed a superior intelligence, and she is the type of person who is able to stand aside and evaluate her actions in relation to others. She tends to be very sensitive to her environment and the feelings of others; and she does not reveal any passive-aggressive personality trends. However, at the present time she is feeling somewhat anxious and apprehensive about the pending court trial, and what her son, Taylor's future will be.

Taylor who will be eight years old in July still needs more consistency in his life which equally shared physical custody cannot offer; and since the father, Glen Munro, is not legally married to the mother, Kathy Sawyer, most child custody cases would automatically give the mother sole or primary physical custody of the child. Therefore, "in the best interest of the child" this examiner would strongly recommend that the mother, Kathleen L. Sawyer be granted sole or primary custody of her son, Taylor; and the father, Glen Munro, be allowed visitation rights as long as it doesn't interfere with the child's emotional development.

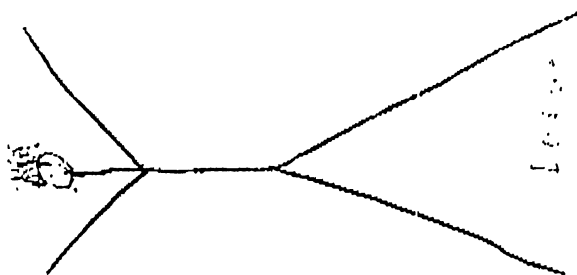
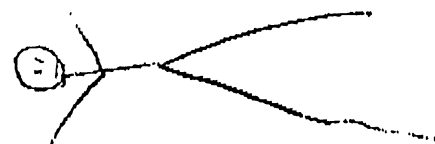
Wilfred H. Higashi

Wilfred H. Higashi, Ph.D.
Clinical Psychologist
6/28/04

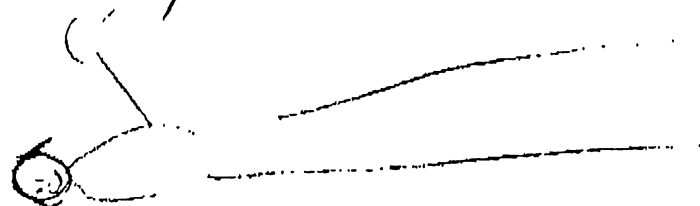
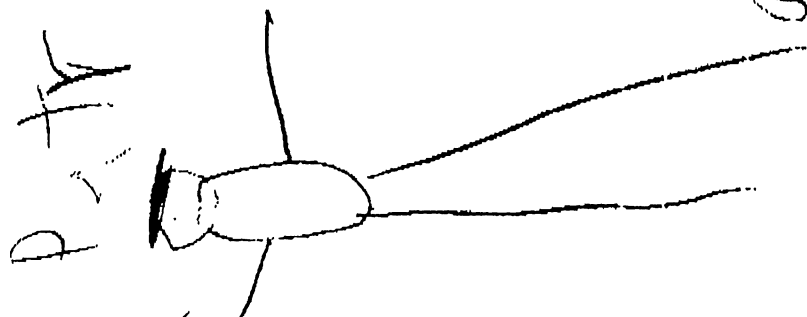
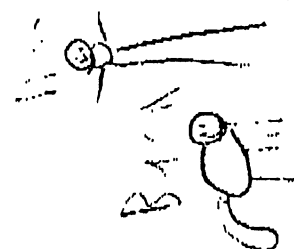
2524



Grandes Daires



1



2525

70142/3

Tab 8

From: "Glen Munro" <megadogdriver@peoplepc.com>
 To: "Kathy LeNay Huish" <Khuish99@aol.com>
 Date: 10/22/02 10:16AM
 Subject: School

FILED DISTRICT COURT
Third Judicial District

JAN 30 2003
Heather C
 SALT LAKE COUNTY

Kathy,

By _____ Deputy Clerk

I am still at a loss of why you and your mother try to make things so hard for poor little Taylor! What went on at the school yesterday is just ridiculous!! I do not appreciate a complete stranger (Dave) calling me from Florida and telling me you will pick Taylor up! This man is nobody to me or Taylor since neither of us have meet him! He claims you are going to get married, but this is the fourth man in the last two years that you were going to get married too! You have dated less then four months, So I take that with a grain of salt! He has no legal right, or a moral right to be involved in this case! He is not a guardian, the same as your Mother is not a guardian!

What your Mother did of yanking Taylor around that school by his wrist and not letting him go had better not happen again! I informed Dave when he called that if your Mother showed up at school she better be able to prove you were in town! I asked your mother to have you call me on my Cellphone and if your number came up she could take Taylor. Your Mother refused! I asked Taylor to stay with Don while I had the office call your house, your Mother grabbed Taylor by the wrist and yanked him down the hall! When I had the office call your Mother yanked Taylor out of the school and to her car before you had answered! This kind of stuff is embarrassing to Taylor! When you told me that the school is your territory, and I had better stay away or you would put stocking charges on me show's how little you care for Taylor's well being! The school is Taylor's place! He should not have to have scene's like the one Yesterday! The school is not your territory nor is it mine, if it is anyone's it is Taylor's! You could make this easy for Taylor by just complying with the court order! But you and your Mother try everyway you can to cause a scene and make Taylor be involved in the scene! My question to you, are you trying to have Taylor grow up with some mental problem? Are you so bitter at me that you would hurt your son's mental health just to get back at me? You need to start thinking of someone other than yourself Kathy! The best thing for Taylor is for both of us to be in his life with very little conflict! Please start following the court Order!

Glen

PS you claim you do not have my schedule, so attached is October's and November's schedule! I will again be picking Taylor up Friday the 25th either at 6 PM or 8 PM depending on what flight I can get from ATL.

PILOT LAST VIEWED 30SEP02 1319 ***

LOCKER: ATI - 446

NAME: MUNRO, GLEN F

EMP NBR: 0291434

LOT: 0075 ATL M11 B 01OCT02 / 31OCT02 SECND-CAT:

IN B/W 015.04

DTE OR DES OFF STAT ROT1 D R1 STAT ROT2 D R2 RPT1 RPT2 E/L R CALL BLKN DTE

01T	REG			01T
02W	REG	1013	0840	02W
03T	REG	----		03T
04F	REG	----		1640 04F
05S	REG			05S
06S	REG			06S
07M	REG			07M
08T	REG			08T
09W	REG			09W
10T	REG			10T
11F	REG			11F

1715

Tab 9

RICHARD S. NEMELKA #2396
DENNIS L. MANGRUM #3687
NEMELKA & MANGRUM, P.C.
Attorneys for Petitioner
7110 South Highland Drive
Salt Lake City, Utah 84121
(801) 943-8107

FILED DISTRICT COURT
Third Judicial District

JAN 10 2000
SALT LAKE COUNTY
By [Signature]
Deputy Clerk

IN THE THIRD JUDICIAL DISTRICT COURT
COUNTY OF SALT LAKE, STATE OF UTAH

KATHY LENAY HUISH

Petitioner,

vs.

GLEN FRANK MUNRO

Respondent.

:
: *FINDINGS, RECOMMENDATION*
: *AND ORDER*
:
:
: Civil No. 994907668
: JUDGE: GLENN K. IWASAKI
:
: Commissioner: Thomas N. Arnett, Jr.

Petitioner's Order to Show Cause came on regularly for hearing before the Honorable Thomas N. Arnett, Jr. of the above entitled Court on the 16th day of December, 1999. Petitioner being present and represented by her attorney Richard S. Nemelka and Respondent being represented by his attorney Randall L. Skeen, and proffers of evidence and argument having been made to the Court and the Court having reviewed all of the pleadings in the above entitled matter and in the Protective Order matter, Civil No. 994907654CA and having made its recommendation and good cause appearing therefore, IT IS HEREBY ORDERED, DECREED AND ADJUDGED AS FOLLOWS:

1. The Court approves the stipulation of the parties in regard to a restraining order.

2. Both the Petitioner and the Respondent are hereby restrained from harming, harassing, or contacting the other party at any time or any place, or any manner. The only contact between the parties shall be for the purposes of arranging or exercising visitation with the minor child.

3. The Protective Order, Civil No. 994907654CA, is hereby consolidated with the above-entitled matter and further is hereby dismissed.

4. The Court finds that it has personal jurisdiction over the Respondent Glen Munro for the reason that he owns a real property in Park City, Utah.

5. The Court finds that prior to March of 1999 the minor child did live in the State of Nevada, however, since March of 1999, the Petitioner has resided in the State of Utah with the minor child. Therefore, pursuant to Utah Code 78-45C-3(1)(a)(ii) Utah is the home state of the minor child and, therefore, the above-entitled Court has subject matter jurisdiction in this matter.

6. The Court finds that the Petitioner has been the primary caretaker of the minor child prior to March of 1999 based upon the fact that she has been at home taking care of said minor child. The Court further finds that both parties have probably been the caretaker of the minor child on a 50-50 basis since March of 1999. The Court further finds that each party would most likely have to use surrogate care on an equal basis due to their somewhat similar employment requirements. However, the Court further finds that the majority of the time that the minor child was with Respondent since March of 1999, was in the State of Utah at Respondent's residence in Park City, Utah.

7. However, the Court finds that the Petitioner has acted in the best interest of the minor child by facilitating a meaningful relationship between the minor child and the

Respondent, but the Respondent has not acted the same in regard to creating a meaningful relationship between the child and the Petitioner for the reason that the Respondent has kept the minor child since the 17th of November, 1999, and has refused to allow the Petitioner to see said minor child. The Court further finds that the Respondent has used self help in an attempt to improve his situation.

8. The Court further finds that there are only two ways in the State of Utah to establish paternity and that is either by a declaration of paternity or an adjudication by the Court. Neither has been done in the above-entitled matter, and therefore, the Respondent has no legal standing to make any claim for custody. Further based upon the same, the State of Utah has been the home state of the minor child since March of 1999.

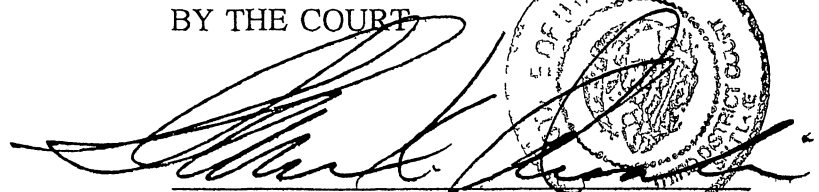
9. Based upon the foregoing, it is hereby ordered that the Petitioner is awarded the temporary care, custody, and control of the minor child Taylor Michael Munro.

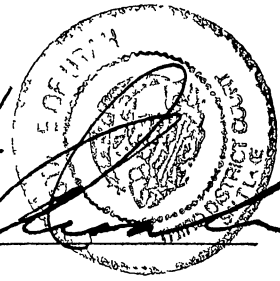
10. Petitioner's request for child support and whether the Respondent should be allowed visitation and maintain insurance for the minor child, and pay one-half (1/2) of the day care are reserved until such time that paternity is determined.

11. The Respondent is ordered to forthwith return the minor child to the Petitioner's custody.

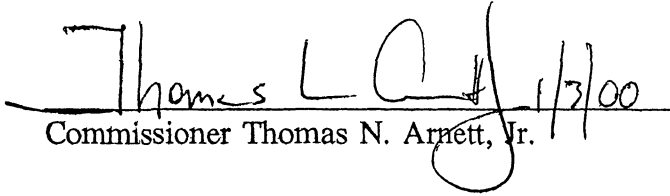
DATED this the 10 day of December, 1999.

BY THE COURT


JUDGE



APPROVED:


Commissioner Thomas N. Arnett, Jr.

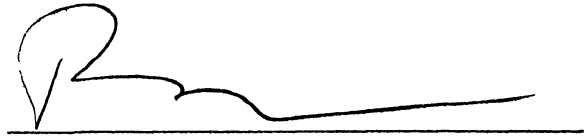
Approved as to form:

Randall L. Skeen, Attorney for Respondent

CERTIFICATE OF MAILING

I hereby certify that I mailed a copy of the foregoing *Order* via the United States
Mail, postage prepaid, on this the 18th day of December, 1999 to the attorney for Respondent
as follows:

Randall L. Skeen
COOK, SKEEN & ROBINSON, L.L.C.
Attorney at Law
5788 South 900 East
Salt Lake City, Utah 84121



a:\nemelka-div8\huish.ord

Tab 10



Holladay Family and Child Guidance Clinic

4667 So. Holladay Blvd., Suite 2 • Salt Lake City, Utah 84117 • (801) 277-8025

PSYCHOLOGICAL EVALUATION

-Confidential-

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-Confidential-

The Rorschach Inkblot Test is a projective personality test which is useful in diagnosing personality deviations, intellectual functioning, creativity, and organic brain defects. The test revealed a person with superior intelligence who is able to stand aside and evaluate one's actions in relation to others. Kathy is the type of person who tends to be very sensitive to her environment and the feelings of others. She also tends to be very creative and has some esthetic interests. However, at this time Kathy appears to be somewhat fearful and apprehensive what might happen to her (and her son) in the near future. Most of Kathy's responses on the Rorschach were the "popular responses" most people would see in the inkblots, and she appeared to be very optimistic about her future.

On the Sentence Completion Test, Kathy was able to express some of her personal feelings which were noted as follows: "The happiest time is living in Kwajalein with my family." "When I was a child I was very happy." "I regret not being by my father's side when he passed away (6 years ago)." "I suffer in being in limbo and not knowing." "I failed to listen to my intuition at times." "Marriage is fulfilling if it is compatible." "I need to be with my husband (Dave) and family and peace of mind." "What pains me is having my mother go through this with me--she's very supportive." "I wish that we can work all this out and everything will be okay." "The future is great." These statements of Kathy seem to be in congruence with her personality profile noted above where she is feeling somewhat anxious and apprehensive about the pending court trial, and is hoping for a favorable outcome.

Uniform Custody Evaluation Factors: Rule 4-903, Utah Code.

(A) The child's preference: Taylor who will be eight years old on July 11, 2004) was not asked to verbalize which parent he would like to be with. However, it was interesting to note that in his drawings of his family, Taylor drew his mother first and his father (Glen) last; which would indicate whom he felt closer to in his relationships with his parents.

(B) Benefit of keeping siblings together: Again it was noted that Taylor felt very close to his brother, Patrick, whom he drew second in his family drawings.

(C) The relative strength of the child's bond with one prospective custodian: Taylor seems to have a close bond with his mother, and also seems to like being with his father.

(D) The general interest in continuing previously determined custody arrangements: At the present time, there appears to be two conflicting child custody recommendations whether Kathy Sawyer should have primary physical custody of her son, Taylor, or Glen Munro should have primary physical custody of his son.

(E) Factors relating to the prospective custodian's character (in this case the mother): The mother appears to be of good moral character and emotional stability, and she is able to provide personal rather than surrogate care for her child. However, the father, Glen Munro, has never been legally married to Kathy and he is not married at this time; and since he is an airline pilot his job would take him away from home a lot and he would have to provide surrogate care for his son when he is not at home. Religion is not a factor in this case, although

2523

Psychological Evaluation: Kathleen L. Sawyer
Page 4.

-Confidential-

Kathy was raised in an L.D.S. family. According to Kathy, Glen Munro does not profess to have any religion, and her husband, David Sawyer is Presbyterian. Kathy's ex-husband, John Huish is L.D.S. by religion, and their son, Patrick (DOB: 7/22/88) who will be sixteen in July has a learning disability, and he has had a close relationship with his mother, Kathy. Kathy has two older brothers, George (age 47) who is a disabled Viet Nam verteran; and Chris (age 45). Chris and her mother, Lenay Russell (age 75) have been very supportive of her and her family here in Salt Lake City. Kathy's financial support is adequate.

Multiaxial Assessment:

- Axis I: Generalized Anxiety Disorder (300.02)
- Axis II: Personality disorder deferred.
- Axis III: Medical diagnosis deferred.
- Axis IV: Psychosocial & Environmental Problems: Disruption of family by estrangement.
- Axis V: Global Assessment Functioning: 70 (mild symptoms of anxiety)

Summary and Recommendations:

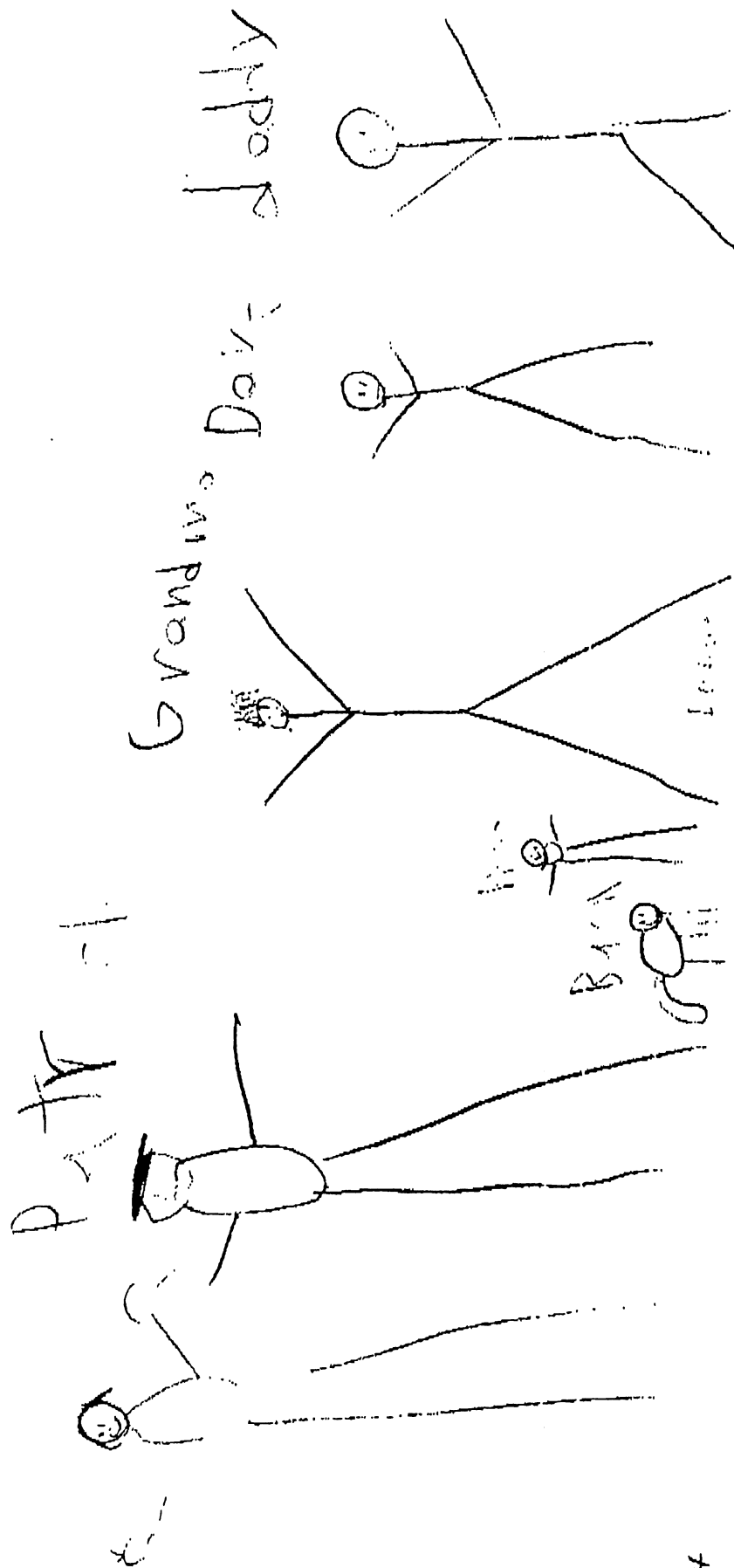
Kathy revealed a superior intolligence, and she is the type of person who is able to stand aside and evaluate her actions in relation to others. She tends to be very sensitive to her environment and the feelings of others; and she does not reveal any passive-aggressive personality trends. However, at the present time she is feeling somewhat anxious and apprehensive about the pending court trial, and what her son, Taylor's future will be.

Taylor who will be eight years old in July still needs more consistency in his life which equally shared physical custody cannot offer; and since the father, Glen Munro, is not legally married to the mother, Kathy Sawyer, most child custody cases would automatically give the mother sole or primary physical custody of the child. Therefore, "in the best interest of the child" this examiner would strongly recommend that the mother, Kathleen L. Sawyer be granted sole or primary custody of her son, Taylor; and the father, Glen Munro, be allowed visitation rights as long as it doesn't interfere with the child's emotional development.

Wilfred H. Higashi

Wilfred H. Higashi, Ph.D.
Clinical Psychologist
6/28/04

2524



2525
6/24/04

Tab 11

Mom,

I Love You Because...

You give me lots of love!

You give me lots of hugs!

You give me lots of kisses!

You give me lots of love!

You make me happy!

You help me!

You play with me!

Love, Taylor M.

May 2004



PETITIONER'S
EXHIBIT
P-153

Tab 12

September 28, 2003

Dear Dr. Christy:

I have gone through Carol Gage's report and here is where I think she turned things around on me.

1) Page 24, Last paragraph: Glen is intent on a game of power and control.

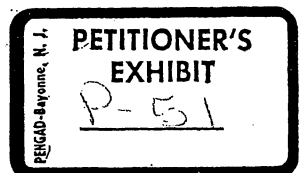
I had stated to Dr. Gage many time and incedences where Kathy had used Taylor to get what she wanted from me. If I chose not to do what she wanted she would not give me Taylor. This was while the evaluation was on going. I had to use Dr. Gage many times when I was suppose to have Taylor and Kathy would not give him to me.

2) Page 24, Fourth Paragraph down from top. In Contrast to Glen's comment about considering a possible move to Atlanta. I told Dr. Gage many times that Kathy always wanted me to sell my homes and move to Atlanta. I had no desire to move to Atlanta.

3) Page 24, 5th paragraph down from top. Dr. Gage used that I had been a Bachelor against me. But it was OK that Kathy had gotten praganent twice to get married and already had one failed marriage and a failed relationship with two different Father's. She used that I only wanted to be married once, and that the person that I married be the right person against me. I knew if you married the wrong person it could ruin your life. I am the bad person in this report because I only wanted to be married once to the right person. I did not marry Kathy and she still has made my life Hell the last 4 years and I just want to be a good Father!

4) Page 23, Paragraph 4th down from top. This Paragraph is just a total misrepresentative of what went on in this evaluation. Dr Gage states Glen holding hour-long phone conversation with Taylor. I gave Dr. Gage every recorded tape of Taylor and myself. These tapes prove that I just did what my son wanted of me. If he wanted to talk just a few minutes I would. But most the time he wanted to talk and not let me hang up. He was always saying come get me Daddy come get me. I was not just going to hang up on my son and make him think I did not care! Dr. Gage said I was doing it to upset Kathy.

Dr. Gage then states when discussing schedules and Long period's of time in one home, Glen contended that Taylor was used to it! I gave Dr. Gage my Journal, which showed the time Kathy spent with Taylor. Kathy never called Taylor when I had Taylor, to let him know she loved him and missed him. I called her many time's to see if she wanted Taylor and she always had an excuse why she could not have him. I stated this to Dr Gage and that I felt Taylor had grown up to this point used to his Mother not being there. Dr.



Gage turned it around on me as if I did not think it was important for Kathy to be in his life! Dr. Gage states that the typical separation had been three or four days, I had shown her where Taylor had gone two weeks and not seen his Mother. I might add when this first went to court and Dr. Gage was appointed, "it was two-week visitation" and Kathy never called once when I had Taylor for my two weeks. It was not until May or June that Dr. Gage came up with one-week visitation.

The Full Monte statement speaks for itself! What child at one or two would even want to watch the Full Monte? Their attention span would not last long enough! But she used this as a question of my parenting!

This next statement upset me the most in this report! Glen persisted in wanting to talk about problems related to Kathy despite Taylor's presence. Dr. Gage states this on page 18 also! This was a meeting I had set up with Dr. Gage. I could not get a babysitter to watch Taylor. I brought him with me and ask Dr. Gage if we should reschedule. Dr. Gage said she had a room with toys and maybe Taylor would want to play in that room. We took him to the room and let him start playing. We then went to another room to talk about the problems. In about fifteen minutes Taylor came into the room. We stopped talking and I talked to Taylor and convinced him to go to the other room and play. Dr. Gage and I started to talk again when Again Taylor came back. This happened twice, I finally said he wants to be with me maybe we should do this another time. Dr. Gage agreed. I may have finished a statement when Taylor came in, but I never talked about Kathy in front of Taylor. I also found out that Dr. Gage considered this the appointment to observe Taylor and myself! This appointment was just to be Dr. Gage and myself. So when I went in the room I thought she wanted to talk about the problems between Kathy and myself. I feel Dr. Gage totally misrepresented this situation!

Dr. Gage states I was not aware of problems with transition. I told Dr. Gage that Taylor never wanted to leave Las Vegas and that I always told him I had to work and then he was fine! When I took him to Kathy there never was a problem with Taylor in the exchange!

5) Page 22 F) (ii)

Kathy would be Judge to be much more supportive of Taylor's time with Father! Throughout this whole process I always had to fight to get Taylor. I had to get Dr. Gage involved many times just to get Taylor. One time I had to call the police Yet I was always there to pick up Taylor on time and brought him back on time and followed the temp. Order exactly. Kathy did not! How could she make such a statement?

6) Page ²¹~~22~~ second paragraph. Kathy has involved herself in a six-month work situation in Salt Lake. No such program!

First Paragraph. Glen's present scheduled flights are over weekends! Just not true!

7) page 19 {A} Taylor appears to be bonded to both Parents. Kathy told Dr. Gage, and Dr. Gage questioned me, That Taylor was cold and not bonded with Kathy because I kept Taylor for a month. I told Dr. Gage it was because Kathy had not spent anytime with Taylor throughout his life. When I did not get to see Taylor for a month he would not let go of me, when I did pick him up, he was still bonded to me! Dr. Gage chose to ignore this fact. Kathy has made an effort throughout this process to bond with Taylor

and has!

8) Page 16 2nd Paragraph. Kathy continues to feel uncomfortable with possible phone contact. Kathy called all the time to try and get back together and talk about us! But she was uncomfortable calling to talk to Taylor. I gave Dr. Gage many tapes of Kathy calling to talk about getting back together, but not one with Kathy calling to talk to Taylor!

9) Page 15 1st paragraph. Glen took Taylor because of abuse charge for 5 weeks.

I had Taylor in Las Vegas and had filed for custody and had a court date! Kathy then filed abuse charges on me in response to me filing for Custody. Dr. Gage totally misrepresented this situation. Kathy dropped the charges, but Glen remained angered. Dr. Gage did not understand that my name means something to me and Kathy tried to ruin my good name to gain an advantage. I felt Dr. Gage should have been outraged by Kathy's conduct! On page 3 She states on advice of her attorney Kathy filed a protective order alleging abuse. I told Dr. Gage that my Attorney wanted me to file drug use, abuse and all kinds of stuff, but I would not because she was the mother of my child. I felt we would have to work together in the future for Taylor's best interest. I was not going to run Kathy and her family down to gain an advantage. My attorney thought I was nuts. Dr. Gage totally turned this around on me and said Kathy was more concerned about Taylor's relationship with me, then I was with Taylor's relationship with Kathy!

10) Page 3 second Paragraph. Glen contended that Kathy did not allow him reasonable access. This is a total misrepresentation of facts. I claimed I had Taylor all the time and had calender's to prove it. In paragraph 5 Dr. Gage said Kathy tried to get in touch with Glen to get her son, but we had her phone records and showed them to Dr. Gage that she did not call at all or very little.!

Regards,

Glen Munro

Tab 13

ARTICLE 9. DOMESTIC RELATIONS
AND JUVENILE PRACTICE

RULES 4-901, 4-902. Repealed effective November 1, 2003

Historical Notes

Rule 4-901 related to notice requirements for cases pending in district court and juvenile court. See now Rule 100 of the Utah Rules of Civil Procedure, Rule 39 of the Utah Rules of Criminal Procedure, and Rule 14 of the Utah Rules of Juvenile Procedure.
Rule 4-902 related to certification of district court cases to juvenile court.

RULE 4-903. UNIFORM CUSTODY EVALUATIONS

Intent:

To establish uniform guidelines for the preparation of custody evaluations.

Applicability:

This rule shall apply to the district and juvenile courts.

Statement of the Rule:

(1) Custody evaluations shall be performed by persons with the following minimum qualifications:

(1)(A) Social workers who hold the designation of Licensed Clinical Social Worker or equivalent license by the state in which they practice may perform custody evaluations within the scope of their licensure.

(1)(B) Doctoral level psychologists who are licensed by the state in which they practice may perform custody evaluations within the scope of their licensure.

(1)(C) Physicians who are board certified in psychiatry and are licensed by the state in which they practice may perform custody evaluations within the scope of their licensure.

(1)(D) Marriage and family therapists who hold the designation of Licensed Marriage and Family Therapist (Masters level minimum) or equivalent license by the state in which they practice may perform custody evaluations within the scope of their licensure.

(2) Every motion or stipulation for the performance of a custody evaluation shall include:

(2)(A) the name, address, and telephone number of each evaluator nominated, or the evaluator agreed upon;

(2)(B) the anticipated dates of commencement and completion of the evaluation and the estimated cost of the evaluation;

(2)(C) specific factors, if any, to be addressed in the evaluation.

(3) Every order requiring the performance of a custody evaluation shall:

(3)(A) require the parties to cooperate as requested by the evaluator;

(3)(B) restrict disclosure of the evaluation’s findings or recommendations and privileged information obtained except in the context of the subject litigation or other proceedings as deemed necessary by the court;

(3)(C) assign responsibility for payment;

(3)(D) specify dates for commencement and completion of the evaluation;

(3)(E) specify any additional factors to be addressed in the evaluation;

(3)(F) require the evaluator to provide written notice to the court, counsel and parties within five business days of completion (of information–gathering) or termination of the evaluation and, if terminated, the reason;

(3)(G) require counsel or parties to schedule a settlement conference with the court and the evaluator within 45 days of notice of completion or termination unless otherwise directed by the court so that evaluator may issue a verbal report; and

(3)(H) require that any party wanting a written custody evaluation to be prepared give written notice to the evaluator after the settlement conference.

(4) In divorce cases where custody is at issue, one evaluator may be appointed by the court to conduct an impartial and objective assessment of the parties and submit a written report to the court. When one of the prospective custodians resides outside of the jurisdiction of the court two individual evaluators may be appointed. In cases in which two evaluators are appointed, the court will designate a primary evaluator. The evaluators must confer prior to the commencement of the evaluation to establish appropriate guidelines and criteria for the evaluation and shall submit only one joint report to the court.

(5) The purpose of the custody evaluation will be to provide the court with information it can use to make decisions regarding custody and parenting time arrangements that are in the child’s best interest. This is accomplished by assessing the prospective custodians’ capacity to parent, the developmental, emotional, and physical needs of the child, and the fit between each prospective custodian and child. Unless otherwise specified in the order, evaluators must consider and respond to each of the following factors:

(5)(A) the child’s preference;

(5)(B) the benefit of keeping siblings together;

(5)(C) the relative strength of the child’s bond with one or both of the prospective custodians;

(5)(D) the general interest in continuing previously determined custody arrangements where the child is happy and well adjusted;

(5)(E) factors relating to the prospective custodians’ character or status or their capacity or willingness to function as parents, including:

(5)(E)(i) moral character and emotional stability;

(5)(E)(ii) duration and depth of desire for custody;

(5)(E)(iii) ability to provide personal rather than surrogate care;

OPERATION OF THE COURTS

Rule 4-903

Note 1

(5)(E)(iv) significant impairment of ability to function as a parent through drug abuse, excessive drinking or other causes;

(5)(E)(v) reasons for having relinquished custody in the past;

(5)(E)(vi) religious compatibility with the child;

(5)(E)(vii) kinship, including in extraordinary circumstances stepparent status;

(5)(E)(viii) financial condition; and

(5)(E)(ix) evidence of abuse of the subject child, another child, or spouse; and

(5)(F) any other factors deemed important by the evaluator, the parties, or the court.

(6) In cases in which specific areas of concern exist such as domestic violence, sexual abuse, substance abuse, mental illness, and the evaluator does not possess specialized training or experience in the area(s) of concern, the evaluator shall consult with those having specialized training or experience. The assessment shall take into consideration the potential danger posed to the child's custodian and the child(ren).

(7) In cases in which psychological testing is employed as a component of the evaluation, it shall be conducted by a licensed psychologist who is trained in the use of the tests administered, and adheres to the ethical standards for the use and interpretation of psychological tests in the jurisdiction in which he or she is licensed to practice. If psychological testing is conducted with adults and/or children, it shall be done with knowledge of the limits of the testing and should be viewed within the context of information gained from clinical interviews and other available data. Conclusions drawn from psychological testing should take into account the inherent stresses associated with divorce and custody disputes.

[Amended effective May 15, 1994; April 1, 2003, November 1, 2003]

Advisory Committee Note

The qualifications enumerated in this rule are required for the performance of a custody evaluation. However, if the qualifications are met, a practitioner from another state with a different title will not be barred from performing a custody evaluation.

Library References

Child Custody §400.

Westlaw Key Number Search: 76Dk400

C J S Parent and Child §§ 94, 203

Notes of Decisions

Construction and application 1

Previously determined arrangements 3

Religious compatibility 4

Reports that may be considered 2

1. Construction and application

Rule requiring that psychological evaluations in child custody proceedings be performed by

Tab 14

and writing this letter for and in behalf of my friend Kathy Munroe. I met Kathy while working on a night shift at

and the need to write this letter regarding the custody of her son Taylor. I have been best friends with Kathy for a long time and have gone through many of the trials and heartache she has suffered while in the relationship with Glen Munroe. I have also have talked with her on many occasions while she has suffered mental, physical and emotional trauma. She and I would talk about what to do with the relationship she was trying to keep together.

I visited her and Glen in their home and on the one morning I was there I was woke up by Glen screaming at her and fighting with her. I was frightened by his temper and by his loud yelling at her. I got up and went down stairs and she was crying and we began to talk and he went over and set down on the sofa.

He has called me on numerous occasions crying and upset by the way he treated her. For instance, she felt that she never had any input with decisions in their home. A perfect example is their neighbor JoAnn. When I was there JoAnn would come into their home any time day or night without knocking, walk right in and one time found Kathy in the bathroom dressing. She tried to tell Glen that she found that inappropriate behavior of a next door neighbor. Glen often thought Kathy was jealous and insecure. She so had a big influence on Glen. Kathy would often wonder where Glen was and she would find him next door at JoAnn's home. There were many other things that Kathy found hard to deal with and my heart has been saddened by the way she has been treated. Through the time she carried her baby, Glen couldn't touch her stomach and found that it was odd to be carrying something growing inside her. She would often call me and ask if I thought that was natural for a man to be so cruel and distant while she was carrying his child. We often talked about abortion and how he wanted her to get rid of the baby. She would cry and say how much she loved her son Patrick and being a mother and could never do anything to hurt her baby she was carrying. She just told Glen she couldn't do what he wanted her to do.

Through the whole 9 years I have known Kathy the qualities that I have admired about her was that her children came first and she truly is a wonderful caring mother. She doesn't like to hurt people and doesn't like to see people get hurt. She has a kind and kinder heart. It is still hard for Kathy to this day to want to go through this custody battle with Glen because she is the kind of person that would rather work problems out then to fight about them.

I have seen Taylor on many occasions come home from Glen's care and become angry and hit and fight with Kathy and Patrick. I was at her home last week and he came in and started to throw temper fits and take things from Patrick and hit him. It took Kathy sitting up and talking gently and softly, holding him and explaining how much she and Patrick loved him. She gently picked him up and said we should love each other and begin to calm him down. I was amazed at the temper fit he threw and how long it took her to calm him down.

I admired her patience and her love as she held him and felt his pain of being torn from one parent to the other. I have been put on hold while on the phone while she has taken time to talk with her children and meet their needs.

There is no doubt that Glen loves his son, but I know the bond between Kathy and her children. I know how different Taylor is when he is home from being with Glen and how long it takes her to calm him down. Kathy doesn't yell at her children and it takes Taylor a good two or three days to start to quiet down after being gone for a week or more.

I find it hard to believe that Glen could take and keep Taylor from Kathy as long as he does. A child deserves to be with his mother especially when that mother is as good as Kathy is with her son.

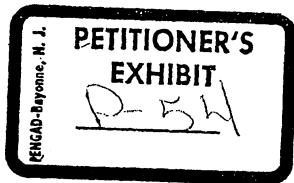
I have seen Kathy controlled by Glen for years and find that he through our conversations lacks respect for women. When I was it with them at dinner or parties I found that he would find ways to put women down. Make statements that would make him look like he was the desirable one. I remember that he told a story of a girl that he dated and run into at a certain place. He laughed as he told him how much she liked him and he told her to get out of his face. I will never forget the horrible feeling as I sat in the back seat of his car and how he laughed and made the statement that there were so many women out there. He was right about there being so many women out there but he is wrong in how he treats them and the lack of respect he has for them.

My letter is to let you know of my concern in this matter in an honest approach. I only want you to know of what I have seen and have heard in the last several years in this relationship. I have witnessed the love Kathy has for her children and the heartache she goes through each time her son is put in the middle. I know that she is a peacemaker and not a woman that seeks to hurt anyone. I have seen many times when she has cried and blamed herself for the cruelty that he has inflicted on her. She is not to blame for irritating a child alone and after having the child loving and wanting the very best for her child.

I have often wondered how Glen could step in and be the proud father when he couldn't even touch this woman while she was carrying this baby. The tears she shed and the heartache she felt, and the rejection by him was horrible. What has gotten her through all of this is her Mother and her friends that love her and will continue to love and support her.

Thank you for your time in this important matter.

Anna True



To The Honorable Judge:

I have known Kathy for nine years and we have developed a very close and long lasting friendship. In our very first meeting she told me of her son Patrick and how he was the love of her life. As I watched her care and nurture the relationship between Patrick and herself, I was amazed at the kindness and the love that she showed to him, and recall of her expressing to me how he is the love of her life.

During her relationship with Mr. Munroe, she found out she was expecting a baby. It was a difficult time for her due to the fact that Mr. Munroe felt that it was very awkward to have this life inside of her. He became less attentive to her and at time wouldn't even touch her. She would call me on a daily basis, sometimes several time a day and wonder what was wrong, because he would have nothing to do with her in a romantic way and wasn't loving or kind. She went through severe depression because of this rejection from Glen.

When the baby was born, Glen started to pay more attention to the baby than to Kathy, and this had a detrimental effect on Kathy as far as this relationship with Glen, but had no effect as to her ability and desire to be a good mother to Taylor.

Down through the next few years, Glen and Kathy had their ups and downs, but I have never seen a more devoted and loving mother to her two sons. On many occasions, Kathy would call me to talk to me and she would be crying because of disagreements that her and Glen would be having, and she told me that he had physically abused her on several occasions. It seemed as though Glen's friends and neighbors were more important to him than Kathy was, and he even allowed their neighbor, JoAnn, to walk in and out of their house without knocking or using the doorbell.

I had been invited to their home on several occasions, but have only been there a couple of times. One morning, while I was upstairs asleep, I was awakened by an argument between Glen and Kathy. Glen was screaming and yelling obscenities, and being very abusive, verbally. I believe he had thrown her across the room onto a sofa. I got up, went down to see if Kathy was okay. She was embarrassed and very upset. Even with her obvious concern for herself, her main thought was of her sons and how the physical and verbal abuse that was shown to her would affect them.

She has always talked of what a loving and kind family that she was raised in, and she very much wanted the same for her children. Even though Glen abused her on numerous occasions, she still wanted to do everything in her power to keep this relationship together. No matter what it took or what she had to give up, she still felt like her children were the most important two lives in the world. Only after she felt that she had been beaten down and abused by Glen to point that she could see an affect on her children, did she finally decide that in order to protect her children she had to leave this relationship with Glen.

I have not met many mothers as patient, kind or as loving to her children as Kathy. Her children have always been kept neat and clean, well nourished, well groomed and have been well mannered. Her number one concern in life has always been to make sure that her children are loved and are raised in a home where they will prosper without the contention that was the constant situation in their home with she and Glen.

Kathy has a wonderful and loving mother that has helped care for her children while Kathy is at work, which is an ideal situation because of the consistent values taught and the love shown by both of them toward the two boys.

When a woman carries a child for nine months she is just starting her nurturing ways. When the baby is born her love and protection grow deeper as she develops the really strong bond that can only be felt between a mother and child. Kathy has such a deep love and devotion for her children that I am amazed at the outstanding example she is to us of what a mother should be. When Glen took Taylor from her, Kathy did all she could to locate him, and with every day that she couldn't find Taylor, she became more depressed because she missed him so much. I would talk to her on several occasions throughout the day and she was frantic about her helplessness to find her son.

I would like to reiterate what a wonderful, loving and kind mother that Kathy is and always has been to her two sons. Her main concern in this life is for the future of her children, and that they live in a peaceful, happy, and content home. I know she is capable of giving them this.

I think it is sad that Glen has to bring even more heartache into Kathy's life by trying to take Taylor away from her. It is bad enough that she had to put up with the abuse that was present in their home, and now Glen is trying to take the thing that means the most to her and Patrick in this life, and that is Taylor. I know that Kathy is a good, worthy mother to her boys, and I would hope that you can see this in making your judgement about her worthiness to keep Taylor.

Diana Lree

1-14-00

R. S. L.

Tab 15

Kathy on 7-15

To Whom it may concern,

My name is Aaron McEuen. I live 2 doors down from a person who we have in common. Her name is Kathy. I understand her current situation with the pending move to the Marshall Islands as well as her situation about her children moving with her. I would like to offer some words about Kathy, her family and our interaction with each other.

First of all, getting to know Kathy's family two doors down came all to late. We moved here in 1996. It seemed normal to keep to ourselves granted that most people do on this street. However, this only went on for so long before we talked more frequently and our own Audrey growing up started to find new friends. One friend since, who she now cannot live without, is Taylor.

On our recent trip to California, she actually broke down in tears because she "missed Taylor so much". It was quite an experience since it was a first for me to see my little girl's strong attachment to someone outside our family. There are others that she plays with on the street, however, she always prefers to hang out with Taylor. Watching closely (I am a dad for two little girls) I am very particular about how she gets treated. Since the boy to girl ratio is high on this street, and boys play a certain way as compared to girls, I keep a close eye out on all the behaviors. I find that Taylor is what I call a "Little Gentleman". He is a year or so older than her. She can relate to him and he to her. I have never witnessed such decent manners in a boy so young. He actually looks out after her when the entire street is all out and playing.

Patrick. Now there's a guy who has it together. Years ago, when I first came to the street, I offered to a group of boys the chance to use my garage for a "spook alley". The problem is, I got too busy and totally forgot my offer. He was one of the guys I made the proposal too. I will never let it down. I hear that I let down a few young boys that year including him. He never complained. I wish I followed through. However, with what I know of him now, he deserves the best. Like Taylor, he is also so very well mannered. It's obvious he brings these manners with him from his heart. I never have yet seen Kathy reminding him to keep up on manners. It seems to be totally built in to the guy. A sign of good parenting. Who does he get the greater parenting influence from? I have understood that he is part of this decision making process for his own future regarding this move. Should he go? Should he stay? It is not easy. I myself was put in this exact position at his age. What I gather so far is that he is working on the decision for himself in his own mind. He and I have had a few short chats about this. The fact that a child at his age is even given the chance, knows what it is about and appears to not be manipulated one way or another is something that I again give credit to the parenting. It is a sign that the playing field is a level one. Not to mention that in his mind he realizes the consequences on both sides and can accept them.

In many ways, Lenay is my stand in grandmother. Both my grandmom and Lenay have the same personality, attitude and worldliness so to speak. They are well educated and have wisdom and experience enough to get anyone excited about life. I only wish that my grandmother and her met while grandma was living here. (She just moved back to California 1 year ago). I love the fact that she can fly a plane and had a license to do so. She has travelled all over the world and has the stories to go with it. I can (and DO) sit and talk with her for hours at a time and I find that there is never a dull moment. Now, who wouldn't want someone like Lenay to be a grandmother to them.

Kathy is someone who will be seriously missed on this street. She has a very open heart and a straight and stable mind to go with it. I am aware that this evaluation is mostly about her as a parent. Well, from one parent to the "who ever it may concern", I will leave my children with her, without hesitation. I trust her to take Audrey all day for events. I am comfortable letting my girls "ping-pong" back and forth between our houses. SHE IS ON OUR 18 PERSON CALLING LIST, (a very prestigious place to be I might add)! I can say all sorts of things to generate hype about her. I am sure then that someone could argue against that hype. All I know is what I have been exposed to. She has done amazing with her kids. I am thankful every day that Audrey can

have someone to play with that treats her with respect. I am very pleased to have a real sensible person to talk to, someone that really makes sense out of life. Someone that shares with us a similar lifestyle, lives true to her feelings, is honest with people and will not stall at intimidation when it comes to taking care of difficult situations. In my opinion, Kathy is what I call a "real person". Someone who is not fake or pretends to be something she is not. And in my opinion, these kinds of personalities are difficult to find in people.

There are times when you just intuitively know about people. That feeling you get right off when you meet someone new. You can tell that you have either known them your whole life or in a past life. It is kind of like being able to see into the heart and soul of the person. This is what I have always felt with all of her family members. At times like this it is so important to embrace the moment because they may slip away. And even so, that is o.k., we go on with life. But, I hope to be knowing Kathy and her family throughout the rest of my life because they are all good people.

AARON McENEN
The Neighbor Two Doors Down
801-266-7207

Tab 16

Child & Family Psychology
703 S State Street, Suite One
Orem, Utah 84058

confidential
fax

To: Monica D. Christy, Ph.D.
Fax Number: 1 801 263-2845

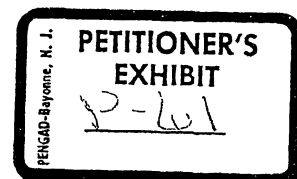
From: Robert F. Williams, Ph.D.
Fax Number: 801 225-9498
Business Phone: 801 225-9522
Home Phone:

Pages: 5
Date/Time: 11/21/2003 4 13 26 PM
Subject: Taylor Munro (Huish v Munro, Civil # 994907654)

As per your request, this is the evaluation letter I mentioned in our telephone conversation today I hope this is helpful

I am faxing directly from my computer, so as to give you as clear a copy as possible, but this means that your copy will not have my signature affixed

Bob Williams



Child & Family Psychology

Robert F. Williams, Ph.D., Clinical Director

703 S. State Street ■ Suite 1 ■ Orem, Utah 84058 ■ 801 225-9522 ■ fax 801 225-9498

August 30, 2001

Mr. Richard Nemelka
Nemelka & Mangrum
7110 South Highland Drive
Salt Lake City, UT 84121

Re: Huish vs. Munro, Civil No. 994907654

Dear Mr. Nemelka,

At your referral, I saw Taylor Munro, age 5, for psychological evaluation. The intent of this evaluation was to address two questions which you posed:

First: *What is the effect of the present visitation schedule on Taylor?*

Second: *What is the value of avoiding repeated separations of Taylor from his brother, Patrick Huish, as the present visitation schedule often necessitates?*

Evaluation Procedure

I interviewed Taylor in a series of four evaluation appointments on 6/28/01, 7/23/01, 8/6/01, and 8/22/01, and I also talked to his mother, Kathy Huish, on each of these occasions. In the first session I interviewed Taylor's twelve year-old brother, Patrick. In the second session with Taylor I administered sections of a structured interview form titled "Child Self-Report Data" (Bricklin and Elliot, 1995). In addition, I reviewed Dr. Carol Gage's Report of Custody Evaluation, dated September 2000, which Ms. Huish provided at my request.

Interview Findings

Taylor is an attractive child with an infectious smile. He tried to be cooperative in the interview, but he was clearly anxious in the early sessions and avoided questions referring to the custody situation or the conflict between his parents. When pressed for a response he screwed up his face, paused at length, and spoke with obvious discomfort and hesitancy.

Q: What do you like about visiting Daddy?

A:I don't know.

Q: Well, what do you not like about visiting Daddy?

A:I can't think of anything.

In later sessions he was more forthcoming and spoke more freely. For example, like most young children of his age who are obliged to deal with parents who do not live together, Taylor told me that he fantasizes the reunion of his parents:

Q: If you could wish for anything, what would you wish for?

A: Mommy and Daddy to live back together.

Q: Why?

A: So I didn't have to go back and back.

Q: And why don't you like going "back and back"?

A: Because I get tired.

Q: Would you like more visits with Daddy, or not as many, or about the same?

A: Not as many.

Q: Why is that?

A: I just don't like it that way.

We talked about the conflicts that children experience associated with visitation.

Q: What do you think about when you are at your mom's house?

A: I think about my dad.

Q: What do you think about when you're at your dad's house?

A: I think about my mom.

Q: When you are at your mom's house, and it's time to go to dad's house, what do you think?

A: I think, I'd like to stay an extra day.

Q: And when you are at your dad's house, and it's time to go to mom's house, what do you think?

A: I think, I want to stay an extra day, too.

Q: What do you do at Dad's house?

A: Play and have lots of fun and go swimming.

Q: And what do you do at Mom's house?

A: I help her get the groceries in the car, go swimming, and I have lots of fun with my friends.

Q: Do you have friends at Dad's house?

A: No.

Q: What does Mom like to do a lot?

A: She likes to go out with somebody.

Q: What does Mom hate?

A: I don't know.

Q: What does Dad like to do a lot?

A: He likes me to stay there with him and not go to work.

Q: What does Dad hate?

A: Dad really hates when I leave.

From these comments it was evident to me that Taylor enjoys visiting his father but is very aware of his father's desire for custody. It is also apparent that Taylor finds the frequent changes from mother's house to father's house to be physically and emotionally taxing.

From the "Child Self-Report Data" form, there is clear evidence that Taylor feels more securely attached to his mother than to his father.

When you have a nightmare, who would you like to come stay with you? "My mom."

Who usually takes you to the doctor? "My mom."

When you feel bad about something, like say a friend has been mean, who would you most like to talk about it with? "My mom."

If you had to go into a room full of strangers, who would you like to be with you? "My mom."

If you were scared of ghosts, and really embarrassed about it, who would you be willing to tell? "My mom."

If you tried to stay up real late, way past your bedtime, which parent would most likely insist you go to bed?
"My mom."

Who most makes you do your household chores? "My mom."

If you had a splinter, who would you ask to remove it? "My mom."

If you had a lot of money, which parent would you trust the most to hold it for you? "My mom."

In a real emergency, like a fire, who would you most like to be with you? "My mom."

If you had a pet, and you had to be away for a few days, which parent do you think would take best care of it?
"My mom."

If you did something really bad, which parent would you be willing to tell about it? "My mom."

Taylor's responses also indicate that he sees his mother as the most dependable parent and the parent most likely to set consistent expectations and limits for his behavior.

Summary and Conclusions

1. Taylor has loving feelings toward both parents and enjoys his contact with his mother and with his father. Like many children of parents who live apart, he is in the painful position of loving two people who are in conflict with each other, and this produces appreciable loyalty confusion for him. To some extent this loyalty conflict appears to be aggravated by father's evident effort to emphasize that he wants Taylor to stay and "hates" when Taylor leaves.
2. Taylor experiences the present visitation schedule as stressful, particularly because of the frequent shifts from one household to the other and the travel involved (the "back and back"). Taylor's preferred solution to this problem is for his parents to live together again. Failing that, he would like less frequent transitions between households.
3. Taylor appears to be most securely bonded to his mother, whom he tends to regard as the more reliable, consistent, and trustworthy parent. In this evaluation, Taylor invariably expressed a preference for his mother in situations in which he might need to depend upon a parent figure to fix a problem, provide protection, or exert authority.
4. The bond between Taylor and his older half-brother, Patrick, is another important source of support for both children. When parents are separated, children mourn the loss ("when I'm with Dad I think about Mom; when I'm with Mom I think about Dad"), and often depend significantly upon sibling bonds for a sense of continuity and stability.

Recommendations

1. On the basis of the data available to me, I can agree with the findings of the custody evaluator as presented in her report of September 2000, stating that *for the sake of this child, a more stable and predictable schedule is desirable* (Report of Custody Evaluation, p. 26). Specifically, it seems evident that once he has entered school, *it will no longer be feasible for Taylor to spend fifty percent of his time with his father* (*Ibid.*, p. 26). In my opinion, the court should give serious consideration to the evaluator's proposed visitation solution as stated in that report:

If Glen's [the father's] schedule allows it, Taylor could spend three weekends a month with his father from the end of school on Friday through Sunday night. If Glen is in Park City and will take responsibility for getting Taylor to school, his visitation could extend from Thursday night through Monday morning. Additionally, if Glen informs Kathy of plans to stay in Park City during the week, a weeknight overnight visitation should be allowed with Glen being responsible for getting to Taylor to school (*Ibid.*, p. 26).

-4-

2. Further, in my opinion, priority in scheduling weekend visitation should be given to weekends when Taylor and Patrick can be together in their mother's home. That is, care should be taken to assure that Taylor and Patrick have at least one weekend together each month, and in my opinion, this consideration should be mandated by the court.
3. As the parents have reportedly had difficulty collaborating in scheduling visitation, it seems particularly important that the court specify a means by which conflict is to be resolved. In my opinion the method outlined by the custody evaluator has merit and should be endorsed by the court, i.e.: Glen should present his work schedule and proposed visitation schedule to Kathy, who should be given the specific authority to approve it or make unilateral changes, while preserving Glen's right to the full visitation time determined by the court.

Thank you for allowing me the opportunity to become acquainted with this appealing child.

Sincerely,

Robert F. Williams, Ph.D.
Clinical Child Psychologist

Tab 17

March 26, 2001

To Whom It May Concern:

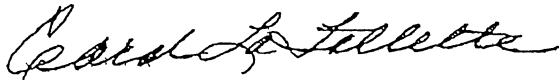
Kathy Huish is my niece. In my opinion she is, and has been, a very good mother to her two boys.

I took time off from my work to be at the hospital when she gave birth to Taylor, and spent a lot of time with Glen and others in the waiting room. I was quite surprised at Glen's reaction during this period. He did not want to be in the birthing room and only went in after Taylor was born. I went in with him and it took him a long time to touch the baby. The nurse sat him down and made him hold him.

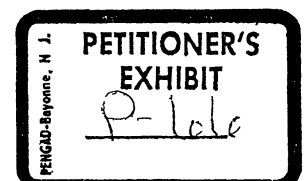
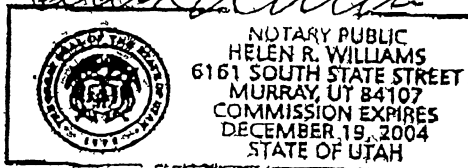
As soon as they brought him home to Murray, I went over to visit. There were other family members there and of course we all made a lot of fuss over Taylor. He was truly a beautiful baby. During the next few weeks I visited often. I saw Glen a couple of times but most of the time he was not there. I asked when they would be going back to Park City and Kathy said she felt she should stay in the Murray home which is next to her mother's, so she could have assistance when needed. It seemed Glen was gone a lot.

I feel the way Glen has treated Kathy has been very unfair and very unkind

Sincerely,



Carol LaFollette

 328-01

Tab 18

med 8-2-03

27 July 2003

To Whom it May Concern

I have known Kathy for many years. She is a very loving, caring person. I have never seen her get upset with her boys, she always takes care of them or their problems. She loves them so much. She always puts them first and she does all things.

I have been in her home many times. Her home was always in order and clean.

If one of the boys needed her she would stop what she was doing to care for them or answer their questions.

She has tried to teach the boys nothing but good.

If she was not home when they came home, there was always someone there. Like her Mom she would not leave them with just anyone.

I've never see such a loving, good Mother as Kathy.

Is she perfect? "No" none of us are, but she truly has tried to do the best she can.

Her boys know they are loved by their Mom, and that she cares for them very much.

She always thinks of the boys and what would be best for them, she would never hurt them in anyway.

She has two wonderful boys. She has done the best she can in raising her boys.

2005 HUG PC

She is a true friend, she cares
so much about people, she wouldn't
do anything to hurt anyone. She
is such a sweet person.
She is a hard worker and tries to
provide the best she can for her

I am glad to call her my friend.

Sincerely,

Angela Turner

Tab 19

To it may concern,

I have known Kathy Sawyer for over eight years. I met her and her son Patrick when Patrick and my son Spencer were in the first grade together. Patrick and Spencer have stayed friends through the years. When Kathy and Patrick were living in Las Vegas, the boy would get together to play whenever Patrick came to Murray to visit. I was also able to visit with Kathy during her visits in Murray.

I have known Taylor since he was born. He and my son Nathan have become good friends. Taylor is a year older in school than Nathan, but Nathan calls Taylor his "best friend".

Wahlquist Lane on which Kathy, Patrick and Taylor live ends at my fence. The boys all love to climb over the fence and play at each other's home. I have always felt good about allowing my children to play at Kathy's home. She has a clean, safe home, makes the children feel welcome and treats them well. She provides fun things for the kids to do and is involved in their activities.

I am impressed by Patrick and Taylor and how well mannered and polite they are. They show respect to adults, concern for others and good sportsmanship. They are honest, caring, good friends, fun-loving and make being around them fun. I believe that they have these traits from the influence and example of their mother.

During the entire time that I have known Kathy I have found her to be honest, excited about life, and wanting to provide a full and happy life for her children.

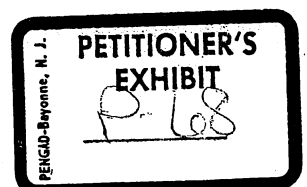
Kathy is involved in her children's lives. She knows their teachers, classes, friends, school and church assignments and their struggles. She seeks solutions to the struggles of her children, whether they are with schoolwork or friends. She accepts that she doesn't know everything and finds those who do that can be of assistance with school, scouts, church and general life situations. Kathy is always willing to support her boys. She helps them at home with schoolwork and meets with teachers and others involved with the boys. She helps in the classroom and with parties and field trips.

I am impressed with Kathy and the relationship that she has with her children. She loves them and they know of her love for them because she tells them and shows them by her caring acts for them. She knows their needs and works to meet those needs to raise Patrick and Taylor into honest, kind, caring, productive and happy young men.

Sincerely,

Susan Chapman

Susan Chapman
5966 Jamaica Circle
Murray, Utah 84123
(801) 262-0457



Tab 20

01 Aug 03

8/8/03

read
8-24-03

To Whom It May Concern,

I have known Mr. Dave Sawyer since 1996. I know him not only as a fellow working colleague but also as one of my closest friends. We met through work during the installation of the AC130U gunship simulator at Hurlburt Field Air Field Florida. Dave was a Field Engineer overseeing the integration of a 20 million dollar aircrew training system. Upon completion of the gunship simulator integration, Dave joined the site Technical Support Group where his vast knowledge and experience propelled him to the Maintenance Operations Manager position. While serving in this role, he organized and led the technical support group. He was responsible for over twenty personnel and five simulator systems (In excess of 60 million dollars worth of hardware). While serving in the Maintenance Operations position, Dave received several Special Recognition Awards for his hard work and dedication. I worked with Dave during this time and we formed a strong friendship that has lasted till this day.

In 1999 Dave was asked to form and lead a new group. This new group would specialize in Distributed Mission Operations and focus on new technology integration. It was an incredible opportunity and responsibility. I moved with Dave into this new organization. During the first year, Dave coordinated the integration of four major simulation facilities with the Hurlburt facility. In August of 2000, we executed the largest fully integrated virtual simulation exercise that had ever been attempted. This exercise was sponsored and funded by the Pentagon's Joint Synthetic Battlespace Initiative and was a complete success. Dave was recognized for his leadership role with several more Special Recognition Awards.

During Dave's tenure at Hurlburt Field Florida, he was involved with several high profile proof of concept evaluations including the AFSOC portion of the Millennium Challenge Experiment in 2002, a capabilities demonstration for the Secretary of the Air Force and the Air Force Chief of Staff, along with real world Mission Planning/Rehearsal events for Operations Enduring Freedom and Iraqi Freedom. Dave's hard work and dedication have made a profound impact on the Air Force Special Operations training mission. This environment requires a security clearance and a person with the highest integrity.

Dave and I currently work at the Reagan Missile Test Range located on Kwajalein ATOLL. Dave is an engineer with the Range Safety Center developing a new Remote Destruct Transmitter System to support local launches from Meck Island.

During the past seven years, Dave and I have become even closer. My wife and I regard him as part of our family. I personally know his daughter Tara and son Sean. They are wonderful and loving children. I have spent a lot of time with him and his kids during the summers when the kids get to live with their dad. It is a very special time for Dave. I have had the opportunity to take road trips with Dave, Sean, and Tara to see their grandparents Lee and Betty Sawyer in Huntsville, Alabama. It was always a special time and I am honored to have been a part of it. Dave and his family have always maintained a very close relationship. I believe this is one reason that Dave has remained so well grounded. I have witnessed Dave's parenting skills first hand and I can tell you they are of the highest caliber.

PENGAD Bayonne, N. J.

PETITIONER'S
EXHIBIT

P 70

Dave and I have spent a lot of time together over the years. Dave is a person with a very easygoing personality. Dave's demeanor makes people feel comfortable and he also has a natural ability to bring the best out in people. Many times I have witnessed him going above and beyond the call of duty to help someone in trouble.

Dave and I have discussed his past situation with his ex-wife Anna on several occasions. It was a bad situation that he regrets ever happening. He has told me many times that it is something that he wishes that he could take back. He has had to live with this experience. He also realizes two wrongs don't make a right. He has worked hard to establish a good relationship with his ex-wife Anna for the kid's sake. I had the opportunity to meet Anna while Dave and I were on TDY to Albuquerque, NM. They still maintain an amicable friendship and are able to sit down and discuss what is in the best interests for Sean and Tara without going to court. When Dave had his heart attack, Anna personally flew to Ft. Walton Beach to pick up the kid's and see how Dave was doing. This relationship obviously demonstrates Dave's ability to put the kids best interest first.

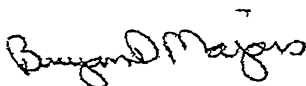
It is unfortunate that the fathers of Kathy's children have chose to make her life more difficult by highlighting Dave's past mistakes which he has had to make atones for. I truly believe that Dave and Kathy have nothing but Patrick and Taylor's best interest in mind. It appears that at least one of Kathy's ex's would like to divert attention from one of the more recent assault issues that has occurred in the past six months. I know Dave Sawyer, and there is absolutely no way that he would put his hands on a seventy-year old woman! I do not believe that one of Kathy's ex's can say that.

I attended Dave and Kathy's wedding where I got to see first hand how Dave's kids Sean and Tara interacted with Kathy's kids Patrick and Taylor. It was truly one big family. I know that Dave is going to be a positive influence for Patrick and Taylor. I could see a special bond starting to form between Dave, Patrick, and Taylor.

My wife and I have recently moved to Kwajalein and I could not recommend a better place to raise children. My neighbors moved here just so their kids could grow up in this environment. The schools are highly rated, there is a very low crime rate, and there are lots of activities for the kids to do. Dave has been assigned a newly remodeled 3 bedroom house for him, Kathy and the boys to live in. They will have a comfortable life here on Kwajalein.

I do not believe that you can find a better role model or a more caring person to be a part of Patrick and Taylor's life than Dave Sawyer.

Sincerely,



Bryan D. Majors 805-355-1277 (Home)
805-355-6252 (Work)

Address:
P.O. Box 939
APO AP 95666

Tab 21

August 15, 2003

To Whom It May Concern:

My name is Lisa Ward. I am a cousin to Kathy Sawyer. I am writing this to state my concern regarding Glen Munro's story that he took Taylor to Park City and took care of him for the two weeks following his birth because Kathy was too ill to care for Taylor. This is not true. Kathy was just fine when she left the hospital and took Taylor to her home on Walquist Lane. Glen even drove them there.

I was living with my mother (Carol LaFollette) at that time and I know for a fact that she visited Kathy and Taylor several times during that period both at Kathy's home and also at my aunt's home, which is next door to Kathy's.

I visited Kathy and Taylor while they were still in the hospital. Glen was also there at the time and I noticed how nervous he was with the baby. He did not want to hold him even when the nurse would show him how too. When Taylor had a small gagging influx, Glen became very nervous and scared. Why would anyone believe that Kathy would send the baby home with Glen when he seemed so nervous and scared with the baby? Glen had never taken care of a baby before in his entire life and Kathy is supposed to have given a newborn to him to care for. That thought would be comical if it wasn't so absurd.

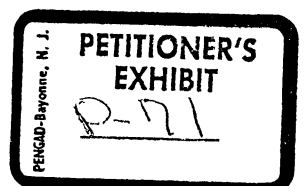
I talked with Kathy several times during her pregnancy. She was very concerned because of tests she took which showed there might be a problem with Taylor. Thank heavens Taylor was a beautiful, healthy baby, but Glen was never around during her pregnancy. She went through it alone, except for her mother and other family members, but she was scared so she would call me a lot. I was pregnant at the time so we understood each other.

She has been a very good mother to both her sons and I know it was hard for her because of her job and receiving very little support from the fathers.

Sincerely,

Lisa Ward

(801) 282-4722



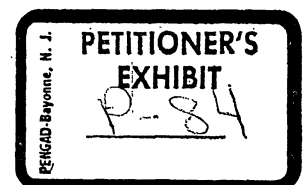
Tab 22

110210

received 6-13
from L.M.
read 7-5-03

POLICE REPORTS

HUISH V. MUNRO — CIVIL NO. 994907668 PA



OTHER OFFENSES
Cue Card Number 21

1. Type Of Offense
CIVIL PROBLEM.

2. Premises (Include Business Name and Address).
5922 SOUTH WAHLQUIST LANE.

3. Short, Concise Narrative

I CONTACTED THE COMPLAINANT CATHY HUISH VIA PHONE. SHE STATED THAT HER 3 1/2 YEAR OLD SON, TAYLOR MUNRO, HAD BEEN LIVING WITH HIS FATHER GLEN MUNRO AT 4809 INTREPID DRIVE IN LAS VEGAS. CATHY HUISH SAID SHE HAD RECENTLY BEEN GRANTED FULL CUSTODY BY A JUDGE IN SALT LAKE CITY AND STATED THAT HER HUSBAND HAD NOT YET BEEN SERVED WITH THE CUSTODY PAPERS, THEREFORE HE STILL HAS LEGAL CUSTODY, ACCORDING TO CATHY HUISH. CATHY HUISH STATED THAT HER EX-HUSBAND GLEN MUNRO IS A PILOT FOR DELTA AIRLINES AND SHE FOUND OUT THAT HE WAS FLYING OUT OF THE COUNTRY FOR A FEW DAYS. CATHY HUISH STATED SHE WANTED TO KNOW THE WHEREABOUTS OF HER 3 1/2 YEAR OLD SON TAYLOR. SHE DID NOT KNOW WHERE HE WAS BUT SHE ASSUMED THAT HE WOULD BE STAYING WITH ONE OF THEIR NEIGHBORS IN THE AREA OF THE ADDRESS IN LAS VEGAS. APPARENTLY CATHY HUISH DID LIVE AT THIS SAME ADDRESS IN VEGAS WHEN SHE WAS MARRIED TO GLEN MUNRO. CATHY STATED THAT SHE BELIEVED THE BOY MAY BE STAYING WITH NEIGHBORS DIRECTLY ACROSS THE STREET FROM THE 4809 INTREPID DRIVE WITH A MIKE AND DORIS FARRELL OR POSSIBLY STAYING WITH A PAUL AND JOANN DIGEROLAMI OR POSSIBLY STAYING WITH ANOTHER NEIGHBOR. CATHY STATED SHE WAS CONCERNED BECAUSE SHE WANTED TO PICKUP HER SON AND STATED SHE HAD NO IDEA WHO THE CHILD WAS STAYING WITH WHILE HER HUSBAND WAS AT WORK. CATHY STATED THAT SHE HAD CALLED LAS VEGAS POLICE DEPARTMENT AND ASKED THEM TO CHECK THE AREA FOR HER SON. LAS VEGAS STATED THEY WOULD NOT DO SO UNLESS THEY RECEIVED A TELETYPE FROM THE POLICE DEPARTMENT OF HER JURISDICTION IN UTAH.

I EXPLAINED TO CATHY THAT THE CHILD WAS IN THE LEGAL CUSTODY OF HER EX-HUSBAND DUE TO THE FACT HE HAD NOT YET BEEN SERVED WITH CUSTODY PAPERS FROM THE COURT. CATHY HUISH THEN BECAME VERY UPSET AND REQUESTED TO SPEAK WITH MY SUPERVISOR. CATHY HUISH WAS THEN REFERRED TO SERGEANT GIBBS, WHO SPOKE WITH HER ON THE PHONE.

4. Relationship between Suspect(s) and Victim(s).

5. Closing

THIS CONCLUDES THIS NARRATIVE. NOTHING FURTHER.

December 4, 1999 Gibbs 99-14450

I talked with Cathy Huish when she requested to speak to Officer Alton's boss. Ms. Huish wanted us to help her locate her three-year-old son who was at an unknown location in Las Vegas. Ms. Huish said that she had been given full custody of her son and that he was in Las Vegas and Las Vegas would not look for the child without a Twix from us. I talked with Ms. Huish for part of the conversation and then she said that she was too upset to talk more and put (I assume) her mother on the phone.

The problem was that the boy Taylor Munro was left with someone that was not family while the father Glen Munro was on a flight out of the country. He works for the airlines. Ms. Huish had let Taylor go with Mr. Munro but he was three days late in getting him back. I tried to find out if there was a concern for Taylor's safety. The only thing that was brought was that he was not with his mother and his father was out of the country. They also brought up the fact that Ms. Huish had full custody. The custody had just been awarded to her by the courts and they don't know if Mr. Munro had been served the papers. All they knew was that they had been mailed to his attorney in Las Vegas. I told them that we did not have jurisdiction over custody battles that went across state lines and that they could have to contact the FBI. They did not want charges but wanted us to locate Taylor so they could go and pick him up while his father was out of the country. They had contacted Las Vegas and they would not look for the child without a Twix from us. I explained that unless there was a criminal, health or safety situation that we could not get involved in their custody problem. They said that they were in fear for Taylor's safety. I asked why and they said that with his father out of the country Taylor should be with his mother and not with the people that he was with were not family. I asked if he had been left with Mr. Munro's mother. They said that he had been left with an unknown neighbor. I asked if there was a reason why they felt that the neighbor was not a responsible adult. The only reason they could give me was that they didn't know them and they didn't know who they were. I told them that, that was not enough reason to have Las Vegas do a welfare check.

This conversation went back and forth covering the same issues several times when the person on the phone got very upset and said that I was on his side and protecting him. I told her that I was not taking either side but that I was staying neutral. She asked my name I told her Sergeant Gibbs and she hung up.

This will conclude this report.

Main Radio Log Table:

<u>Time/Date</u>	<u>Typ</u>	<u>Unit</u>	<u>Code</u>	<u>Zone</u>	<u>Agnc</u>	<u>Description</u>
11:55:44 10/26/02	1	3P27	CMPLT	MCPD	MCPD	incid#=02C022792 Completed cal
11:49:13 10/26/02	1	3P27	PH	MCPD	MCPD	incid#=02C022792 Making Teleph
11:24:15 10/26/02	1	3P27	ENRT	MCPD	MCPD	incid#=02C022792 Enroute to a

10/26/02 HOLDRIDGE

OTHER OFFENSES
Cue Card Number 21

1. Type Of Offense
INFORMATION REPORT.

2. Premises (Include Business Name and Address).
5922 SOUTH WAHLQUIST LANE.

3. Short, Concise Narrative

ON THE ABOVE REPORT DATE AND TIME I WAS DISPATCHED TO CONTACT COMPLAINANT GLEN MUNRO AT HIS HOME PHONE NUMBER, (435)649-0276, IN REGARDS TO AN INFORMATION CASE. I RESPONDED TO THE POLICE DEPARTMENT AND DID SO. AT THIS TIME COMPLAINANT MUNRO STATED THAT HE HAD CONTACTED THE LISTED MOTHER KATHLEEN HUIH OF HIS SON TAYLOR MUNRO AND WAS SUPPOSED TO PICK HIM UP LAST NIGHT, 10/25/02, AT 1900 HOURS. COMPLAINANT MUNRO STATED THAT HE HAD GONE TO THE RESIDENCE AND NEITHER THE MOTHER KATHLEEN HUIH NOR HIS SON TAYLOR MUNRO WERE THERE. HE STATED HE WANTED TO FILE A REPORT AND WANTED A CASE NUMBER.

I ADVISED COMPLAINANT MUNRO THAT THIS WOULD MERELY BE AN INFORMATION REPORT, THAT NO CHARGES WERE GOING TO BE PURSUED AGAINST KATHLEEN HUIH AND NO FURTHER FOLLOW-UP BY ME WAS GOING TO BE DONE. I FURNISHED COMPLAINANT MUNRO WITH THE CASE NUMBER, MY NAME AND BADGE NUMBER.

4. Relationship between Suspect(s) and Victim(s).

5. Closing

NO FURTHER ACTION WAS TAKEN. THIS REPORT WAS CONCLUDED ON THIS 1153 HOURS.

Wed Oct 30 15:05:40 MST 2002 (JBH)

<u>Time/Date</u>	<u>Typ</u>	<u>Unit</u>	<u>Code</u>	<u>Zone</u>	<u>Agnc</u>	<u>Description</u>
20:55:14 10/25/02	1	3P73	ARRVD	MCPD	MCPD	incid#=02C022726 Arrived on sc
20:46:16 10/25/02	1	3P71	ARRVD	MCPD	MCPD	incid#=02C022726 Arrived on sc
20:41:32 10/25/02	1	3P73	ARRVD	MCPD	MCPD	incid#=02C022726 Arrived on sc
39:56 10/25/02	1	3P71	ENRT	MCPD	MCPD	incid#=02C022726 Enroute to a
20:39:56 10/25/02	1	3P73	ENRT	MCPD	MCPD	incid#=02C022726 Enroute to a
20:28:15 10/25/02	1	3M52	ARRVD	MCPD	MCPD	incid#=02C022726 Arrived on sc

10-25-02/PRICE
02C022726

SYNOPSIS

KATHY HUISH WANTED US TO ESCORT HER TO HER HOUSE DUE TO THE FACT THAT HER EXHUSBAND WAS POSSIBLY THERE. THE HUSBAND WAS NOT THERE. WE CLEARED WITHOUT FURTHER INCIDENT.

OTHER OFFENSES
Cue Card Number 21

1. Type Of Offense

KEEP THE PEACE.

2. Premises (Include Business Name and Address).

5922 SOUTH WAHLQUIST LANE.

3. Short, Concise Narrative

WHILE ON PATROL, I WAS DISPATCHED TO A KEEP THE PEACE TO MEET THE COMPLAINANT KATHY HUISH AT THE TAKE FIVE ON 53RD AND APPROXIMATELY 160 EAST IN A WHITE LEXUS.

UPON MY ARRIVAL, I DID MEET WITH KATHY. SHE STATED THAT HER EXHUSBAND WAS WAITING AT HER HOUSE AT 5922 SOUTH WAHLQUIST DRIVE. SHE STATED THAT THERE MIGHT BE SOME CONFRONTATION BETWEEN HER AND HER EXHUSBAND DUE TO THE FACT THAT THEIR SON WAS SUPPOSE TO BE WITH THE FATHER AS OF YESTERDAY'S DATE DUE TO THE CUSTODIA PAPERWORK. HOWEVER, THE FATHER OR THE SUSPECT IN THIS CASE GLEN FAILED TO SHOW UP TO PICK UP THE CHILDREN THEREFORE CAUSING KATHY TO TAKE A DAY OFF WORK BECAUSE THERE WAS NOBODY THERE TO WATCH HER CHILDREN.

WE DID TRANSPORT KATHY HUISH, FOLLOWED HER IN HER VEHICLE TO THE ABOVE LOCATION OF 5922 SOUTH WAHLQUIST DRIVE WHERE HER EXHUSBAND GLEN WAS NO LONGER ON SCENE. THEREFORE, SHE DID NOT REQUEST OUR ASSISTANCE IN ANY WAY.

WE CLEARED WITHOUT FURTHER INCIDENT. THIS CONCLUDES CASE NUMBER 02C022726 OF TODAY'S DATE OF 10-25-02. THIS CASE IS CONSIDERED CLOSED.

4. Relationship between Suspect(s) and Victim(s).

5. Closing

Tue Oct 29 13:12:37 MST 2002/CM

LAW Incident Responders Detail

- Responding Officers

	<u>Name</u>	<u>Unit</u>
1	GILES, DAVID	3T300

Main Radio Log Table:

<u>Time/Date</u>	<u>Typ</u>	<u>Unit</u>	<u>Code</u>	<u>Zone</u>	<u>Agnc</u>	<u>Description</u>
10:25:28 01/15/03	1	3T300	CMPLT	MCPD	MCPD	incid#=03C001314 Completed cal
09:21:11 01/15/03	1	3T300	ARRVD	MCPD	MCPD	On-site call=3181

1/15/03/GILES
03C001314

OTHER OFFENSES
Cue Card Number 21

1. Type Of Offense
ASSAULT/SIMPLE.
2. Premises (Include Business Name and Address).
GRANT ELEMENTARY SCHOOL, 552 WEST BULLDOG CIR, MURRAY, UT 84123.
3. Short, Concise Narrative
IT IS 1/15/03 AT 0922 HOURS. ON THE ABOVE DATE AND APPROXIMATE
WAS CONTACTED BY THE COMPLAINANT, GLEN MUNRO, AT THE MURRAY CITY POLICE STATION.
GLEN STATES THAT YESTERDAY HE WENT TO THE GRANT ELEMENTARY SCHOOL TO PICK UP HIS
SON, TAYLOR MUNRO. GLEN STATES THAT HE HAD LEARNED OVER THE TELEPHONE THAT THE
CHILD TAYLOR'S MOTHER, KATHY HUIH, WAS NOT GOING TO BE HOME UNTIL LATER IN THE
AFTERNOON, SHE WAS FLYING IN FROM OUT OF TOWN. GLEN DECIDED HE WOULD GO TO THE
SCHOOL, PICK UP HIS SON AND TAKE HIM OUT TO DO A COUPLE OF THINGS, POSSIBLY GO
TO THE FUN DOME. GLEN STATED HE ARRIVED AT THE GRANT ELEMENTARY SCHOOL, PICKED
UP HIS SON AND THREE FRIENDS THAT HIS SON HAD WITH HIM. COMPLAINANT STATES A
SHORT TIME LATER THE CHILD'S GRANDMOTHER, LENAY RUSSELL, SHOWED UP ON THE SCENE.
COMPLAINANT STATES THAT LENAY BEGAN TO YELL AT HIM AND TELL HIM HE WASN'T GOING
TO TAKE THE BOY ANYWHERE. THE COMPLAINANT STATES THAT HE INFORMED HER THAT HE
HAD THE RIGHT TO THE CHILD WHILE KATHY WAS OUT OF TOWN. COMPLAINANT STATES THAT
LENAY YELLED AT HIM AND SAID SHE HAD FOUR HOURS OF SURROGATE TIME PER THE
DIVORCE DECREE AND THAT HE WAS NOT TAKING THE CHILD ANYWHERE. COMPLAINANT
AFFIRMED THAT HE WAS THE FATHER OF THE CHILD AND HE WAS TAKING HIM AND HIS
ENDS TO DO SOMETHING. COMPLAINANT STATES AT THAT POINT LENAY ATTEMPTED TO
FORCE HER WAY INTO THE VEHICLE AND PHYSICAL GRAB THE CHILD, TAYLOR. COMPLAINANT
SAYS HE PUT HIS ARM UP BETWEEN HER AND THE CHILD AND HE ADVISED HER AGAIN THAT
TAYLOR WAS GOING WITH HIM. COMPLAINANT STATES THAT LENAY THEN ATTEMPTED TO GET
THE CHILD OUT OF THE VEHICLE AGAIN. HE PLACED HIS ARM UP SO SHE COULD NOT
REMOVE HIM FROM THE VEHICLE AND LENAY THEN STEPPED BACK AND SLAPPED HIM DIRECTLY
IN THE FACE.

COMPLAINANT STATES THAT A WOMAN IN A MAROON DODGE WAS THERE AND
YELLED AT THE COMPLAINANT "DO YOU WANT ME TO CALL THE POLICE." COMPLAINANT
STATES HE TOLD THE WOMAN NO. COMPLAINANT WAS GOING TO CALL THE POLICE AT THAT
TIME HOWEVER HIS SON BEGAN TO YELL "DON'T CALL THE POLICE ON GRANDMA DADDY," SO
HE DID NOT. HE CLOSED THE DOOR OF THE VEHICLE, GOT IN AND DROVE AWAY. AND THE
INCIDENT WAS OVER AT THAT POINT.

COMPLAINANT STATES THAT HE HAS JOINT CUSTODY OF THE CHILD IN QUE
TAYLOR. COMPLAINANT STATES THAT THE MOTHER OF THE CHILD, KATHY HUIH, ALSO HAS
JOINT CUSTODY. COMPLAINANT STATES THAT THE GRANDMOTHER, LENAY RUSSELL, IS NOT
NAMED IN THE CUSTODY DECREE CONCERNING THE CHILD.

I ADVISED THE COMPLAINANT OF THE CASE NUMBER. I ALSO ADVISED TH
COMPLAINANT THAT ANY CUSTODY ISSUES CONCERNING THE CHILD WOULD HAVE TO BE
DECIDED IN A COURT OF LAW AND THAT WAS IN FACT A CIVIL MATTER. I ALSO ADVISED
THE COMPLAINANT THAT WE WOULD NEED ANOTHER WITNESS TO THIS INCIDENT TO VERIFY
HIS STORY. COMPLAINANT STATED THAT THE WOMAN IN THE RED DODGE IS THERE EVERY
- AND HE WOULD GO BACK TODAY AND SEE IF HE COULD LOCATE HER AND FIND OUT IF

SHE IS WILLING TO FILL OUT A STATEMENT STATING THAT THE SUSPECT, LENAY, SLAPPED THE COMPLAINANT IN THE FACE.

COMPLAINANT WENT ON TO STATE THAT HE ALSO GOT, LAST EVENING, SOME THREATENING PHONE CALLS FROM KATHY'S NEW HUSBAND. I ASKED COMPLAINANT WHERE THIS TOOK PLACE. HE STATED THAT HE HAD GOT THE CALLS AT HIS CONDOMINIUM, WHICH IS LOCATED IN PARK CITY, UTAH. I ADVISED THE COMPLAINANT HE WOULD NEED TO CONTACT THE PARK CITY POLICE AND REPORT THE TELEPHONE THREATS THAT HE RECEIVED.

I ADVISED COMPLAINANT I WOULD INVESTIGATE THE SLAP IN THE FACE ASSAULT. I TOLD HIM ANY OTHER ISSUES HE NEEDED TO TAKE CARE OF NEEDED TO BE DECIDED IN A CIVIL COURT BECAUSE ALL THOSE ISSUES WERE CIVIL IN NATURE AND WOULD HAVE NOTHING TO DO WITH THE SLAP IN THE FACE HE RECEIVED AT GRANT ELEMENTARY SCHOOL.

4. Relationship between Suspect(s) and Victim(s).
UNKNOWN.

5. Closing
NO FURTHER INFORMATION AT THIS TIME. END OF REPORT.

Wed Jan 22 10:41:51 MST 2003;LSME

1/17/03 GILES
03C001314

IS 1/17/03 AT 1430 HOURS. ON THE ABOVE DATE AND APPROXIMATE TIME I WAS
CONTACTED AT THE MURRAY CITY POLICE STATION BY THE ORIGINAL COMPLAINANT GLEN
MUNRO. GLEN STATES THAT HE DID GO BACK TO GRANT ELEMENTARY SCHOOL AND SPEAK
WITH THE WOMAN IN THE RED DODGE VEHICLE ABOUT THE INCIDENT. GLEN STATES HE WAS
TOLD BY THE POTENTIAL WITNESS IN THE RED DODGE THAT HER ONLY REAL CONCERN WAS
FOR THE SAFETY OF THE COMPLAINANT'S SON. COMPLAINANT STATES AFTER HE ADVISED
THE INDIVIDUAL THAT HE HAD REPORTED IT TO THE POLICE AND THEY WERE INVESTIGATING
IT AS AN ASSAULT THE INDIVIDUAL TOLD HIM THAT SHE DID NOT WANT TO GET INVOLVED
AND SHE DID NOT SEE ANYTHING.

I WAS HAVING A HARD TIME COMMUNICATING WITH THE COMPLAINANT. HE WAS ON A CELL
PHONE AND HE STATED HE WAS IN ATLANTA, GEORGIA. I ADVISED THE COMPLAINANT TO
CONTACT ME LATER ON A LAND LINE WITH ANY FURTHER INFORMATION.

NO FURTHER INFORMATION AT THIS TIME, END OF REPORT.

Thu Jan 23 13:21:29 MST 2003 (JBH)

1/15/03/GILES
03C001314
SUPPLEMENTAL REPORT

IS 1/15/03 AT 1405 HOURS. ON THE ABOVE DATE AND APPROXIMATE TIME I WAS CONTACTED AT THE MURRAY CITY POLICE STATION BY KATHY HUISH. KATHY STATES THAT SHE WISHES TO REPORT THAT HER EX-COMMON LAW HUSBAND SHOVED HER MOTHER AT GRANT ELEMENTARY SCHOOL WHEN LENAY, HER MOTHER, WAS ATTEMPTING TO PICK UP THE CHILD SHE HAS IN COMMON WITH GLEN. KATHY'S MOTHER LENAY DID ACCOMPANY KATHY TO THE POLICE STATION.

LENAY DID PRESENT ME WITH A WRITTEN STATEMENT TO THE EVENTS SHE WAS INVOLVED IN IN THE INCIDENT THAT HAS BEEN REPORTED BY GLEN. LENAY STATES IF POSSIBLE SHE WOULD LIKE TO CITE ASSAULT CHARGES ON GLEN BECAUSE HE ACTUALLY SHOVED HER.

I HAVE READ BOTH STATEMENTS, FROM GLEN AND LENAY, ABOUT THE INCIDENT THAT OCCURRED AT GRANT ELEMENTARY. THE STATEMENTS FROM BOTH INDIVIDUALS ARE CLOSE, HOWEVER THE BIG DIFFERENCE IS THAT GLEN IS CLAIMING THAT LENAY SLAPPED HIM IN THE FACE, AND LENAY IS CLAIMING THAT GLEN SHOVED HER VERY HARD TO PHYSICALLY MOVE HER OUT OF THE WAY.

I ASKED LENAY IF THERE WERE ANY WITNESSES PRESENT. LENAY ALSO STATED, AS DID GLEN, THAT THERE WAS MAROON DODGE VEHICLE AT THE SCENE. SHE STATES THAT THAT INDIVIDUAL MAY HAVE EVIDENCE AS TO WHAT HAPPENED AND COULD BE A WITNESS.

IN CONTINUING SPEAKING WITH KATHY AND LENAY, KATHY STARTED BRINGING UP MULTIPLE INSTANCES OF SITUATIONS SHE HAS BEEN INVOLVED IN WITH GLEN AND WANTED TO KNOW WHAT KIND OF HELP WE COULD PROVIDE HER AS THE POLICE. THE MORE I DISCUSSED THE SITUATION WITH KATHY THE MORE EMOTIONAL SHE BECAME. KATHY EVENTUALLY BROKE DOWN THE CHAIR IN MY OFFICE AND BEGAN TO SOB UNCONTROLLABLY. AT THAT POINT I HAD VICTIM ADVOCATE, ANGEL, COME TO MY OFFICE AND SPEAK WITH KATHY ABOUT SOME OF THE OPTIONS SHE MAY HAVE. I DID EXPLAIN TO KATHY THAT THE CUSTODIAL PROBLEMS SHE IS HAVING WITH GLEN OVER THE CHILD, TAYLOR, WOULD BE CIVIL IN NATURE. I ADVISED KATHY THAT THE POLICE COULD DO WHAT THEY COULD, HOWEVER WE COULD NOT MAKE JUDGMENTS ON CUSTODY OF THE CHILD.

KATHY REMAINED EMOTIONAL AND TOLD ME THAT I WAS ON HIS SIDE (GLEN'S) AND NO ONE KNEW WHAT SHE WAS GOING THROUGH. I DID ADVISE KATHY THAT I WOULD BE MORE THAN HAPPY TO HELP HER, HOWEVER THERE WERE ONLY A FEW THINGS I COULD DO AND THAT WOULD BE TO INVESTIGATE THE ALLEGED ASSAULTS THAT OCCURRED AT GRANT ELEMENTARY BETWEEN GLEN AND LENAY.

I DID ADVISE LENAY IF SHE COULD FIND SOME WITNESSES TO GO SEE IF SHE COULD FIND OUT WHO THEY WERE AND THEIR PHONE NUMBER SO I COULD SPEAK WITH THEM, AND THEN CONTACT ME LATER.

BEFORE COMPLETING THIS REPORT I DID HEAR BACK FROM KATHY AGAIN, WHO STATED SHE HAD GONE DOWN TO THE SCHOOL AND SPOKE TO THE LADY IN THE RED DODGE VEHICLE. THE LADY IN THE RED DODGE VEHICLE TOLD KATHY THAT THE ONLY CONCERN SHE HAD AT THE INCIDENT WAS THAT HER MOTHER, LENAY, WOULD BE OKAY, AND ACCORDING TO KATHY THE WITNESS STATED THAT LENAY DID NOT SLAP GLEN IN THE INCIDENT, HOWEVER GLEN DID PUSH LENAY OUT OF THE WAY SO HE COULD GET THE CHILD INTO THE VEHICLE. KATHY GOES ON TO STATE THAT SHE DID NOT ASK THE NAME OR NUMBER OF THE INDIVIDUAL WHO OBSERVED THIS INCIDENT.

KATHY THEN WENT ON TO GET INTO THE PROBLEMS SHE WAS HAVING WITH GLEN AGAIN. I

ONCE AGAIN ADVISED KATHY THAT WE WOULD DO WHAT WE COULD TO HELP HER BUT THAT ANY OF THE CUSTODY ISSUES OR THE SUPPOSED PROBLEMS SHE WAS HAVING WITH GLEN WOULD HAVE TO BE DECIDED BY THE COURTS AND NOT THE POLICE DEPARTMENT. I AGAIN ADVISED KATHY THE ONLY THING THE POLICE WOULD INVESTIGATE WOULD BE CRIMINAL ACTIVITY .IT COULD BE PROSECUTED IN A COURT OF LAW.

I ADVISED KATHY THAT IF SHE WOULD GO BACK AND GET THE NAME OF THE WITNESS WHO STATED, PER KATHY, THAT GLEN HAD PUSHED HER MOTHER, LENAY, THAT I WOULD BE MORE THAN HAPPY TO SPEAK WITH THE WITNESS AND GET HER SIDE OF WHAT HAPPENED DURING THE INCIDENT. KATHY DID ALSO MENTION THAT THE POSSIBLE WITNESS DID STATE THAT GLEN CAME TO THE SCHOOL EARLIER IN THE DAY AND SPOKE WITH HER AND TRIED TO TALK THE WITNESS INTO STATING TO THE POLICE THAT LENAY HAD IN FACT SLAPPED HER, HOWEVER KATHY STATES THE WITNESS TOLD GLEN THAT IS NOT WHAT I SAW AND I WILL NOT TELL THE POLICE THAT.

I WILL AWAIT FURTHER INFORMATION ON POSSIBLE WITNESSES.

NO FURTHER INFORMATION AT THIS TIME. END OF REPORT.

Wed Jan 22 11:41:01 MST 2003;LS

1/21/03/GILES
03C001314
SUPPLEMENTAL REPORT

IS 1/21/03 AT 1340 HOURS. ON THE ABOVE DATE AND APPROXIMATE TIME I WAS CONTACTED AT THE MURRAY CITY POLICE STATION BY KATHY HUIISH. KATHY STATES THAT HER MOTHER WENT OVER TO THE SCHOOL AND SPOKE WITH THE LADY IN THE RED DODGE WHO HAD WITNESSED THIS INCIDENT THAT OCCURRED AT GRANT ELEMENTARY. KATHY STATES SHE IS DROPPING BY THE WITNESS STATEMENT THAT WAS PROVIDED BY JILL GREENWOOD.

IN THE WITNESS STATEMENT IT DOES SAY THAT SHE OBSERVED GLEN PUSH LENAY, HOWEVER SHE DID NOT SEE GLEN GET SLAPPED BY LENAY.

I MADE CONTACT ON THE TELEPHONE WITH JILL. JILL STATED THAT THE ENTIRE INCIDENT BEGAN IN THE PARKING LOT. IT WAS AN EXTREMELY HEATED EXCHANGE OF YELLING BETWEEN LENAY AND GLEN. JILL DID STATE THAT LENAY GRABBED THE CHILD AND ATTEMPTED TO PICK HIM UP. GLEN PULLED THE CHILD AWAY FROM LENAY AND SHOVED HER BACK AND THEN PLACED THE CHILD IN THE TRUCK. WHEN THIS OCCURRED THE WITNESS, JILL, STATED SHE ASKED "DO I NEED TO CALL THE POLICE," AND GLEN TOLD HER SHE DID NOT HAVE TO.

KATHY GOES ON TO STATE THAT SHE WILL BE GETTING FURTHER STATEMENTS FROM OTHER WITNESSES THAT SHE HAS SPOKE WITH AT THE SCHOOL. I ADVISED HER TO CONTACT ME WHEN SHE HAS THOSE STATEMENTS.

I ALSO DID HAVE A DISCUSSION WITH KATHY ABOUT HER CUSTODY ISSUES, AND I ADVISED HER AT THE END OF THAT DISCUSSION THAT ALL THESE ISSUES NEEDED TO BE DECIDED IN A COURT OF LAW, THE ONLY THING THE POLICE WOULD BE INVOLVED IN WOULD BE THE ALLEGED ASSAULT THAT OCCURRED AT GRANT ELEMENTARY SCHOOL. KATHY STATED SHE UNDERSTOOD AND SHE WOULD CONTACT ME LATER.

I ALSO ASKED KATHY TO HAVE LENAY GIVE ME A CALL WHEN SHE HAS TIME.

NO FURTHER INFORMATION AT THIS TIME. END OF REPORT.

Mon Jan 27 14:57:48 MST 2003;LS

2/6/03/GILES
03C001314
SUPPLEMENTAL REPORT

IS 2/6/03 AT 1005 HOURS. ON THE ABOVE DATE AND APPROXIMATE TIME I WAS ADVISED BY DETECTIVE BASS THAT IF I PULLED A CASE AND FILED CHARGES WITH THE CITY ATTORNEY ON IT I NEEDED TO DO A SUPPLEMENT TO THAT EFFECT TO THE CASE, AND I WAS NOT AWARE OF THAT.

I HAVE PULLED THIS CASE AND WITNESS STATEMENTS TO THE CITY ATTORNEY. DUE TO THE FACT THAT BOTH PARTIES IN THIS CASE, GLEN AND LANAE, ARE CLAIMING THAT EACH WAS ASSAULTED BY THE OTHER I HAVE FILED CHARGES ON BOTH PARTIES AND ASKED THAT THE CITY ATTORNEY DETERMINE IF IN FACT CHARGES COULD BE FILED AGAINST EITHER PARTY OR BOTH PARTIES.

NO FURTHER INFORMATION AT THIS TIME. END OF REPORT. WILL AWAIT DECISION OF CITY ATTORNEY.

Wed Feb 12 15:42:09 MST 2003;LS

Fri Feb 28 14:04:28 MST 2003 - LWEBB #3508 (#03C001314)

SUPPLEMENT:

THE INFORMATION GATHERED IN THIS INVESTIGATION WAS FORWARDED TO THE MURRAY CITY PROSECUTOR'S OFFICE FOR SCREENING. UPON HER REVIEW PROSECUTOR AMYH FELT ISSUED AN INFORMATION AND A SUMMONS CHARGING THE DEFENDANT GLEN MUNRO WITH:

COUNT I ASSAULT, A CLASS B MISDEMEANOR

WITH THE ISSUANCE OF THE INFORMATION AND SUMMONS THIS CASE WILL BE CONSIDERED CLOSED.

END OF SUPPLEMENT.

Fri Feb 28 14:07:12 MST 2003 - LWEBB #3508 (#03C001314)

SUPPLEMENT:

THE INFORMATION GATHERED IN THIS INVESTIGATION WAS FORWARDED TO THE MURRAY CITY PROSECUTOR'S OFFICE FOR SCREENING. UPON HER REVIEW PROSECUTOR AMY FELT DECLINED TO ISSUED CHARGES AGAINST THE DEFENDANT STATING THAT A THIRD PARTY WITNESS STATEMENT POINTS TO THE OTHER DEFENDANT.

NO FURTHER INFORMATION. END OF SUPPLEMENT.

Tab 23

L. BENSON MABEY (#A2035)
MABEY & COOMBS, L.C.
Highland Park Plaza
3098 South Highland Drive, Suite 323
Salt Lake City, Utah 84106-3085
Telephone: (801) 467-2021
Facsimile: (801) 467-3256
Attorneys for Petitioner Kathy Lenay Huish

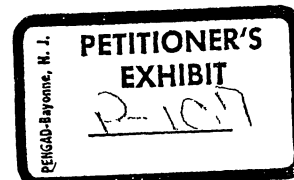
**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

KATHY LENAY HUISH,)	
)	
Petitioner,)	<i>AFFIDAVIT OF JILL GREENWOOD</i>
)	<i>RELATING TO JANUARY 14, 2003</i>
vs.)	<i>INCIDENT</i>
)	
GLEN FRANK MUNRO,)	Civil No. 994907668
)	
)	Judge Glenn K. Iwasaki
)	Commissioner Thomas N. Arnett, Jr.
Respondent.)	

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

JILL GREENWOOD, being first duly sworn and under oath, deposes and states the following:

1. I have a child enrolled in Grant Elementary School and while sitting in my car waiting to pick up my child on or about January 14, 2003, I witnessed an incident that took place between a man [Frank Munro] and an elderly woman [LeNay Russell] over a small child [Taylor Munro]. Prior to this incident I did not have any contact with any of the parties relating to this incident, including Glen Munro, LeNay Russell, Kathy Huish or Taylor Munro.




2. On or about January 14, 2003, I was sitting in my parked vehicle in front of Grant Elementary School, near Mr. Munro's car, where I had a clear view of the entire arguing dispute between Mr. Munro and Ms. Russell over Taylor. Mr. Munro was furious and shouting at an emotionally upset Ms. Russell and Taylor was visibly distressed and crying. Mr. Munro and Ms. Russell each had a hold of one of Taylor's arm and Mr. Munro forearmed Ms. Russell pushing her aside freeing Taylor from Ms. Russell's hold. I was so concerned over the child's distress that I opened my car door and asked if I should call the police and then altercation ceased. Mr. Munro then put a sobbing Taylor in his car and drove off. I watched the entire incident and at no time during this incident did I see Ms. Russell hit or slap Mr. Munro in the face.

3. The following day, on or about January 15, 2003, Mr. Munro approached me and wanted me to say that I had seen the elderly women, LeNay Russell, strike or hit him in the face during the altercation. I told Mr. Munro that I had seen no such thing. Also on the same day, Ms. Huish, the woman claiming to be Taylor's mother, conferred with me and asked me about the controversy over Taylor the previous day inquiring as to whether I had seen Ms. Russell striking Mr. Munro. I also told her I had not seen Ms. Russell strike Mr. Munro.

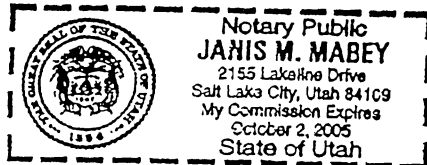
4. In my conversation with Ms. Huish, I told her about a similar situation I had witnessed approximately two months earlier relating to the same type of confrontation between Mr. Munro and Ms. Russell over Taylor. Again a quarrel took place in front of the school between Mr. Munro and Ms. Russell over Taylor, but on this occasion Ms. Russell kissed Taylor on the forehead and told him to go with Mr. Munro.

5. I do not believe these confrontations should take place in front of Grant Elementary and are not appropriate for the other children to witness. I have observed how distressing these incidents are to Taylor and these disputes are not in the best interest of anyone and alarming to all those who witness them. It would be helpful if a resolution could be made to assist in the avoidance of similar incidents taking place at the school in the future.

DATED this 6th day of March, 2003.


JILL GREENWOOD

Subscribed and sworn to before me this 6th day of March, 2003.




Notary
Residing in:
My Commission Expires:

A:\Huish\AffGreenwood.wpd2031

Tab 24

GLEN MUNRO

4809 Intrepid Dr.
Las Vegas, NV 89130
702-645-7483
702-320-1984 Fax
GMunro@flightline.com

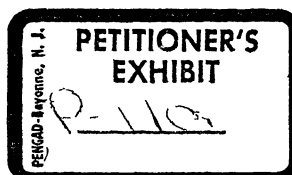
August 14, 2003

Dr. Christy,

I checked out the answers to the questions that I could not help you out with when we meet the other day. Here is what I found out!

I checked with my cell Phone Company as to the reason why Kathy's mother's number does not show up on the 7th of October. The reason that the phone call did not show up on my phone bill was that I did not stay on the phone long enough to get a charge. When I got LeNay's machine, I hung up since she will never answer when I call and they see it is my number. I then had Mrs. Brown; Taylor's teacher call using the school phone thinking LeNay would answer the phone. Which she did not, since she was not home. Mrs. Brown left a message saying to call her right away, that she was worried about Taylor.

I talked with Paige about the minute entry from the commissioner. Paige said if you have any questions on the legal stuff to give her a call and she will explain what went on in court. Here is what I know, The commissioner wrote that I frequently acted unilaterally, I.E. In initially taking physical custody despite the parties agreement. The commissioner is referring to when this case first went before him. I had filed in Nevada and had a court date! Kathy claimed that I took Taylor for 33 days and would not give him back. She claimed she had Custody of Taylor and he had lived with her, from an agreement she claimed we made, and then I broke it and took Taylor. She claimed she did not know his where a bout's for 33 days even though she had been served with papers! She also put me up on abuse charges to get this hearing with the commissioner. It was all smoke and mirrors on their part and



the commissioner went along with their story. He also stated that my name on the birth certificate was not enough to prove I was the father! I have the court transcript if you would like a copy.

The commissioner goes on to state that I made unilateral deductions from child support! This is the incident I spoke about with you the other day. Kathy closed my checking account and took all the money out of that account back in April of 2000. I told Kathy that was her child support for the month. Kathy then took me to court. This commissioner ruled I put my child at risk, It did not matter that Kathy stole the money. I had to pay the child support; Kathy's Attorney fee's and she got to keep the money she stole! Three points I would like to make here. First, Kathy knew that money was not her's and yet she took it from the account. Is this the kind of morals that she is going to teach my son? That it is OK to steal? Second, the whole time Kathy was with me she kept her paycheck from Delta and Jon's child support for herself, in her own account. We never used her check for anything. So she knew the Money in my checking account was mine! Third, There never was another missed child support check, or deduction from a check in over three years.

The commissioner states in the minute entry that Judge Iwasaki found that certain relief requested by the respondent was Draconian. This had to do with Kathy and her attorney had never turned in their witness list for trial. Paige filed a motion to keep their witness list out since they refused to turn it in on time. This was the response from the judge to that motion! Paige can show you the papers and answer all your questions.

I took Kathy to court in November 2002 because since Sept 2001, Kathy had never turned in her schedule to Valerie Hale or me; Kathy refused to pay Dr. Hale. I had no choice after the incidence of October 2002. Dr. Hale would not work unless she was paid, I missed my time with my son and when I would find out Kathy was working LeNay would cause a scene at Taylor's school. Paige and I both agreed that it was not good for Taylor and went to court to get help from the court. I wanted to go to the Judge where I would get a fair hearing! But in Utah you have to go through the commissioner. I have never had a fair hearing before this commissioner in three years. This minute entry is just a fine example of the excuses this commissioner uses to rule in favor of Kathy. We did not get this minute entry for almost two months and only after Paige wrote him a harsh letter! He then came up with this incredible ruling!

Commissioner Arnett has never made Kathy live up to what is written in the decree, if he had, I believe we would not be here today! Here is one more example of this commissioner's bias towards Kathy. Jon, Kathy's ex-husband has a different commissioner, he was able to get a restraining order to keep Kathy from moving Patrick to Kwajalein in June. Commissioner Arnett said he did not have the power and refused to grant me a restraining order. If it had not been for Jon's commissioner Kathy would be gone now and I would be fighting to get my son back from Kwajalein!

Dr. Christy if you have anymore questions on this or other legal paper's. Please ask me or you can call Paige and she would be more then happy to answer your questions. I have also brought you the letters from the neighbor's.

Glen

Tab 25

Glen Munro

4809 Intrepid Drive
Las Vegas, Nevada 89130

November 29, 2001

Dr. Carol Gage
Renaissance
1399 South 700 East
Suite 15
Salt Lake City, Utah 84105

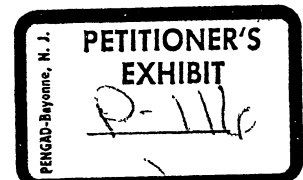
Dear Carol:

I received your bill on the first of the month. I am not sure why you would send me a bill! You friend Ms Kathy Huish owes you the money. I paid you almost six thousand Dollars, of which you did no work. You did not check any of the facts that I gave you! Except for the words that Ms Huish told you. Which you excepted as facts! You never checked to see if she was telling the truth! Which as a professional I would think you would have wanted to know! The reason why, because you were biased, towards Kathy Huish. If you had been interested in finding the truth, you would have checked out both sides! I feel, you should be charged with a malpractice suit. You did not do your job! Sitting at court holding Ms Huish, hand was not very professional. However, it did show your bias! I am drafting a letter to the Attorney General about this case and your part in it! Ms Huish was order by the court to pay a portion of you expense, so if you want your money I suggest asking your friend Ms Huish!

Sincerely,



Glen Munro



Tab 26

May 4, 2004

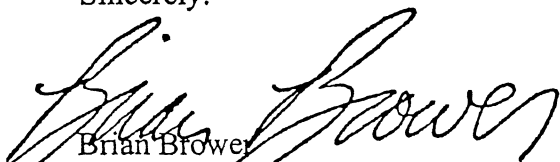
RE: Glen Munro
Murray City Justice Court Case Number 031000212

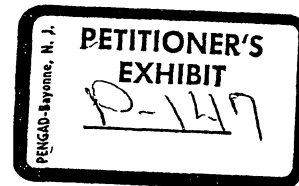
To Whom It May Concern:

I am the prosecutor for Murray City who handled the Glen Munro trial. This letter is to verify that I subpoenaed Taylor to testify as an eye witness in the trial for the above referenced case. This was done against the wishes of both of his parents. However, since he was a witness to the incident and it is our practice to subpoena those who have first-hand knowledge of the facts in question at trial, I nevertheless compelled his attendance. Neither his Mother, nor his Father wanted Taylor to testify. Ultimately the Judge ruled he would not allow Taylor to testify and he never took the witness stand.

If you have any questions, please feel free to contact me.

Sincerely:


Brian Brower
Murray City Prosecutor



Tab 27

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

From: Khuish99@aol.com <mailto:Khuish99@aol.com>

To: megadogdriver@peoplepc.com
<mailto:megadogdriver@peoplepc.com>

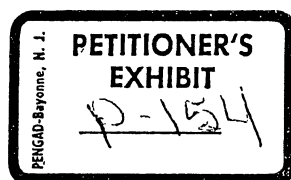
Cc: l.mabey@attbi.net <mailto:l.mabey@attbi.net>

Sent: Friday, October 11, 2002 9:00 PM

Subject: (no subject)

Glen,

I called on Sunday because you had left a message to give you a call. I never said you could not have Taylor the second weekend, I only questioned your whereabouts for the first weekend. The conversation was extremely short and not volatile. You should not have called and had the police at Taylor's school. You knew my mother had Taylor. When you do this it scares Taylor and disturbs Patrick. Please find another way to deal with these situations. We are not trying to cause you any difficulties, but you do need to come at least half way to make this easier on everyone. Kathy



Tab 28



Spring 2003
 End-of-Year Utah Core CRTs

Parent & Student Report LANGUAGE ARTS GRADE 1

Name: Taylor Munro
 School: GRANT SCHOOL
 District: MURRAY DISTRICT

Administration: Paper State 2003

UTAH

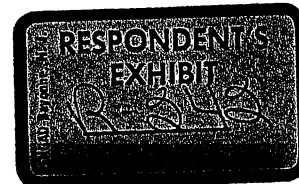
Performance
 Assessment
 System for
 Students

U PASS

Overall Student Score	92 (Score Range 0 - 100)
Student Proficiency Level 4	Level 4: Substantial A student scoring at this level is proficient on measured standards and objectives of the Core Curriculum in this subject. The student's performance indicates substantial understanding and application of key curriculum concepts.

Detailed Raw Score Information

Concepts / Objectives	Possible Score	Percent Correct of Total Points Possible			
		Student	School	District	State
GRAPHOPHONIC AWARENESS	15	93	94	91	91
INITIAL/FINAL CONSONANT	5	100	97	94	94
CONSONANT BLNDS/DIGRPHS	5	100	99	96	96
VOWEL LONG/SHORT PTTRNS	5	80	85	82	83
BUILD READING VOCABULARY	5	100	92	93	93
SIGHT WORDS	5	100	92	93	93
COMPREHENSION	22	86	84	84	84
RHYME COMPLETION	5	100	91	91	90
VOCABULARY/CONTEXT	5	80	77	78	78
SEQUENCE	2	50	64	62	63
SUPPORTING IDEAS	1	0	83	79	82
INFERENCE/CONCLUSION	4	100	86	85	86
INFERENCE/CAUSE&EFFECT	2	100	95	92	92
INFERENCE/PREDICTION	2	100	92	92	91
USE OF STRATEGIES	1	100	80	81	80
WRITING CONVENTIONS	10	90	92	89	89
CAPITALIZATION	3	100	94	86	85
END PUNCTUATION	3	67	81	81	81
SPELLING	4	100	99	97	97
LISTENING	10	100	97	96	96
RESPNSE TO STORIES/INFO	6	100	98	97	97
DETAIL	4	100	95	95	94



UTAH STATE

OFFICE OF



EDUCATION

Spring 2003
End-of-Year Utah Core CRTs

Parent & Student Report MATH 1 REV. 2ND EDITION

Name: Taylor Munro

School: GRANT SCHOOL

District: MURRAY DISTRICT

Administration: Paper State 2003

UTAH

Performance
Assessment
System for
Students

U-PASS

Overall Student Score	95 (Score Range 0 - 100)
Student Proficiency Level 1	Level 4. Substantial A student scoring at this level is proficient on measured standards and objectives of the Core Curriculum in this subject The student's performance indicates substantial understanding and application of key curriculum concepts

Detailed Raw Score Information

Percent Correct of Total Points Possible

Concepts / Objectives	Possible Score	Student	School	District	State
NUMBER MEANINGS	15	100	92	91	90
NUMERAL/NUMBER WORDS	4	100	97	98	97
COMPARISON	3	100	91	89	87
TENS, FIVES/ORDINALS	3	100	95	96	95
PLACE VALUE	5	100	88	83	83
NUMBER OPERATIONS	5	100	82	83	85
COMPUTATION	14	79	89	89	90
ADDITION FACTS	5	60	91	91	91
SUBTRACTION FACTS	5	80	82	86	87
PROBLEM SOLVING APPS	4	100	94	92	92
GEOMETRY/FRACTIONS	5	100	92	90	88
GEOMETRY	2	100	91	89	86
FRACTIONS	3	100	93	90	90
MEASUREMENT/DATA SETS	16	100	92	88	89
MAKE & USE MEASUREMENT	4	100	97	92	91
TIME	5	100	93	90	90
MONEY	3	100	91	83	85
DATA TALLY	2	100	93	88	91
DATA PICTOGRAPH	2	100	84	86	85
PATTERNS	6	100	92	90	88
**PROCEDURAL	14	79	89	90	90
CONCEPTUAL	32	100	91	89	89
PROBLEM SOLVING	14	100	92	88	88

Tab 29

GRANT ELEMENTARY SCHOOL

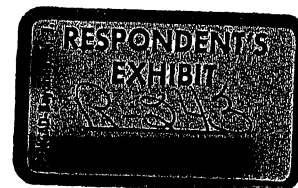
FACSIMILE TRANSMITTAL SHEET

TO:	Glen Munro	FROM:	Connie Buckner
COMPANY:	Attorney Office	DATE:	8/6/2004
FAX NUMBER:	801-531-7091	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:	[Click here and type phone number]	SENDER'S REFERENCE NUMBER:	801-264-7416
RE:	Taylor's CRT scores	YOUR REFERENCE NUMBER:	

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS

Individual student test sheets are not available yet. These scores are cut from a class list. Call if you have any questions about reading them.



CONNIE BUCKNER, PRINCIPAL
GRANT ELEMENTARY SCHOOL

