

STATE OF NORTH CAROLINA     IN THE GENERAL COURT OF JUSTICE  
COUNTY OF CABARRUS               DISTRICT COURT DIVISION

23-CVD-2969

COURTNEY BROWN,  
Plaintiff,  
vs.  
FABIALBERT RODRIGUEZ,  
Defendant.

TRANSCRIPT, Volume 1 of 1

October 25, 2023

Transcript of proceedings in the General Court of Justice, District Court Division, Cabarrus County, North Carolina, October 25, 2023 Session, before the Honorable D. Brent Cloninger, Judge Presiding, from a recording made by the Cabarrus County Clerk of Superior Court.

## A P P E A R I N G

Judge presiding: Honorable D. Brent Cloninger

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<p>Page 4</p> <p>1 THE COURT: All right. This is -- Ms. 2 Lawrence, you want to call your witness, please? 3 MS. LAWRENCE: Courtney Brown to the stand, 4 Your Honor. 5 THE COURT: While she's coming up, give me one 6 minute. Hold on one minute, please. 7 All right. Yes, ma'am. 8 * * * * * 9 COURTNEY BROWN, upon first being duly sworn, 10 testified as follows: 11 * * * * * 12 DIRECT EXAMINATION BY MS. LAWRENCE 13 Q. Please state your full name for the record. 14 A. Courtney Brown. 15 Q. And, Ms. Brown, what's your relationship to 16 the defendant, Mr. Rodriguez? 17 A. We were formerly in a relationship for about 18 seven years. We were engaged. 19 Q. And when did that relationship end? 20 A. September 2nd. 21 Q. What led you to seek this protective order 22 today? 23 A. There's been a lot of instances over the last 24 seven years. But this year, after we got engaged, 25 instances increased that made me fearful, including him</p>	<p>Page 6</p> <p>1 handed up marked Plaintiff's Exhibit 2. You just -- 2 leave them in front of you. 3 A. Oh, okay. I think the last person was here. 4 Q. What -- do you recognize what's marked as 5 Plaintiff's Exhibit 2? 6 A. Yes, I do recognize these messages. I do. 7 Q. Can you tell the Court what these are? 8 A. Yeah. These are messages from after that 9 video call. Looks like we also might have had a phone 10 call after the video call. He probably called me back. 11 And I just recapped the video conversation about him 12 hating the color red, hated my hair being anything other 13 than normal, and that he wanted to hurt me because of my 14 hair color. 15 Q. And are these messages from your phone? 16 A. Yes. 17 Q. And have they been altered or amended in any 18 way? 19 A. No. 20 Q. Okay. And is this how you have Mr. 21 Rodriguez's contact information saved in your phone? 22 A. At the time, yes. 23 Q. Okay. 24 MS. LAWRENCE: Your Honor, I move to admit 25 Exhibit 2.</p>
<p>Page 5</p> <p>1 repeatedly coming to my house, even after I told him I 2 didn't want him to come, a few instances earlier in 3 August. And then also including when he told me he 4 wanted to physically harm me because of my hair color 5 this year. 6 Q. Okay. Let's start with the last one you 7 mentioned. When did he have that discussion with you 8 about your hair color? 9 A. It was February or March. We were video 10 calling at night. We don't live together. We've been 11 long distance the whole time, pretty much. So we were 12 video calling, and my hair, I had colored it red. And 13 he didn't like when I -- when I changed my hair color. 14 And I colored it red, and on the video call he told me 15 that he didn't like it, and that it made him angry 16 inside and that it made him want to physically harm me. 17 And I froze, and then he told me I'm not joking. And so 18 I got off the video call because that scared me. 19 Q. Did you subsequently have a text message 20 conversation about that video chat, what had happened? 21 A. I did. 22 MS. LAWRENCE: Your Honor, may I approach the 23 witness? 24 THE COURT: Yes. 25 Q. Take a second to look through. I've just</p>	<p>Page 7</p> <p>1 THE COURT: So admitted. 2 (WHEREUPON, Plaintiff's Exhibit Number 2 3 was admitted into evidence.) 4 Q. In these messages, if you could turn to Page 3 5 of the messages, does Mr. Rodriguez -- what does he 6 state about the threat and the conversation you had 7 about your hair? 8 A. He told me -- 9 Q. You can read it from the messages. 10 A. He has it. But he told me that he knows where 11 it comes from. He knows it's a -- his trauma. And he 12 says he knows how to control that. It's part of his 13 trauma. Apparently he has said that also to his mom and 14 sister. I don't know -- I didn't know if that meant 15 he's also threatened them, but -- 16 MS. BAKER: Objection. 17 A. And I also told him -- 18 THE COURT: Sustained. 19 A. I also told him that I feel more comfortable 20 talking about that conversation with a third party. 21 Q. And is that the only time -- 22 MS. LAWRENCE: Strike that question, Your 23 Honor. 24 THE COURT: All right. 25 Q. Moving on from that incidence and threat, you</p>

<p>Page 8</p> <p>1 mentioned that he's on more than one occasion come to 2 your house when you told him not to come. When was the 3 first time that happened, if you'll tell the Court? 4 A. It was July 21st or 22nd. And I -- he had 5 messaged me and told me that he was coming from Fort 6 Bragg -- Fort Liberty to my house in Kannapolis to come 7 pick up his things, and this was at one-something in the 8 morning, and I told him do not come, that I didn't want 9 him to come. And he showed up at three in the morning. 10 Q. And were you still in a relationship at that 11 time? 12 A. Yes. 13 Q. Do you cohabitate with Mr. Rodriguez? 14 A. No, we've never lived together. 15 Q. Okay. And where was he living at that time? 16 A. In the barracks at Fort Liberty. 17 Q. Okay. Is that where he lives now? 18 A. I'm not sure where he lives now, but I assume 19 so. It's my last known place of where he lives. 20 MS. LAWRENCE: Your Honor, may I approach the 21 witness? 22 THE COURT: Yes. 23 Q. Do you recognize the messages placed in front 24 of you? 25 A. I do.</p>	<p>Page 10</p> <p>1 He was -- he messaged me that morning, and I didn't 2 respond within, like, an hour, I think. And then he 3 kept messaging, and then he started escalating, like, 4 his emotion in the messages. And then he said he was 5 going to come get his things, which he's said in the 6 past whenever, I guess, he gets ready to, like, leave 7 the relationship. I don't know. But he'll say, "I'm 8 coming to get my things," which he also said that night 9 that he came at 3 a.m. in July. 10 But I never responded. I was busy installing 11 extra security in my home. He told me he was going to 12 be at my house by seven that night, and I didn't respond 13 to any of these messages. I had already told him not to 14 come, and so he told me he was going to be there by 15 seven. So I finished setting up my security, and I 16 packed all my belongings that I care about the most and 17 my dog, and I fled my home. And then he showed up at 18 six. 19 Q. And how far away is your house from Fort 20 Bragg, or what you refer to it now as Fort Liberty? 21 A. About two and a half hours. 22 Q. Okay. What belongings does Mr. Rodriguez have 23 at your house? 24 A. Maybe a bag of clothes. I guess he might have 25 a couple of tools, like a knife sharpener. Not a whole</p>
<p>Page 9</p> <p>1 Q. All right. And when did this conversation 2 take place? 3 A. Late July, after I -- after he had showed up 4 at 3 a.m. I think this was the following week, yeah. 5 Q. And did you state in these messages that you 6 didn't want him to come to the house? 7 A. Yes, and he repeated it back to me in the 8 messages. 9 Q. And have you altered or changed these messages 10 in any way? 11 A. No. 12 Q. Are these messages from your phone in your 13 conversations with Mr. Rodriguez? 14 A. Yes. 15 MS. LAWRENCE: Your Honor, I move to admit 16 Exhibit 3. 17 MS. BAKER: No objection. 18 THE COURT: So admitted. Thank you. 19 (WHEREUPON, Plaintiff's Exhibit Number 3 20 was admitted into evidence.) 21 Q. And you mentioned one more recent time he had 22 showed up, in your Complaint, to your house after you 23 asked him not to come. Tell the Court what happened and 24 -- when he came to the house this last time. 25 A. It was the last week of August, so Thursday.</p>	<p>Page 11</p> <p>1 lot. 2 Q. And could you tell the Court, why were you -- 3 you just testified that you were fearful. Why were you 4 fearful enough to flee your home and install additional 5 security measures? 6 A. Well, like I said, there's been a lot of 7 instances of things that made me feel unsafe the -- 8 throughout the seven years, and that it's escalated this 9 year. But since that time in July, I also was realizing 10 that he was telling me how he would be able to access my 11 home even without a key. I -- he showed me. He jumped 12 over the fence. He showed me how he could get in, how 13 the back door, you could just -- there's no -- there was 14 no lock. He showed me through the back, the woods 15 behind the house, how you can go on the trail and, like, 16 find my house through it, and I have a privacy fence. 17 So, yeah, he just showed me various areas, how he could 18 get a point of entry. 19 There was also a -- two garage openers that he 20 had that were mine. I got one back and I never got the 21 other one back. And that made me afraid as well because 22 there's no -- there wasn't a code on the garage door, so 23 he would've been able to access it. So I had to 24 completely redo all my passwords, locks, I had to get a 25 -- I got a new back door put back in, installed extra</p>

<p>Page 12</p> <p>1 locks on windows and put up security cameras at all 2 corners, including the back and sides where I know that 3 he can access blind spots. He's also trained military, 4 so I know a lot of his background, what he's capable of 5 doing. 6 MS. LAWRENCE: Your honor, may I approach the 7 witness? 8 THE COURT: Yes. 9 Q. Okay. Do you recognize what is marked as 10 Plaintiff's Exhibit 4? 11 A. Yes. 12 Q. Can you tell the Court what that is? 13 A. Yes. That's a picture of the front of my 14 driveway. 15 Q. Is this your -- from your security camera? 16 A. Yes. 17 Q. This is the one that you just testified you 18 had installed? 19 A. Yes. 20 Q. Are you the only one with access to the 21 security feed in this camera? 22 A. I think now I am. At the time, I had 23 additional support because, at the time, I was also 24 fearful that my electronic devices have been hacked into 25 or that he had passwords secured because I told him my</p>	<p>Page 14</p> <p>1 MS. LAWRENCE: Your Honor, I move to admit 2 Exhibit 4. 3 THE COURT: So admitted. 4 (WHEREUPON, Plaintiff's Exhibit Number 4 5 was admitted into evidence.) 6 Q. Were you present when this photo was recorded? 7 A. When the what? 8 Q. Were you present when these stills were 9 recorded? 10 A. No. 11 Q. Okay. All right. To your knowledge, has he 12 come back to your house since that time? 13 A. Not to my knowledge. 14 Q. Okay. In addition to coming to your home 15 after you told him not to come, what else has he done 16 between the period of July and your taking out this 17 September 7th order of protection against him to cause 18 you to be in fear of Mr. Rodriguez? 19 A. Well, there's a handful. I don't know, I 20 guess I can just begin from July up to now. I'll try to 21 condense it. 22 Beginning of August, we went to the beach that 23 weekend. I had already had plans to visit a friend. He 24 wanted to see me, and I told him if he wants to see me, 25 then that's where I will be. And then I didn't feel</p>
<p>Page 13</p> <p>1 passwords. So I'm not sure at that -- I'm not exactly 2 sure at that time. But -- 3 Q. Wait, at this -- 4 A. Yeah, I'm not sure exactly at that time. But 5 since then, they have been removed from other people's 6 and I, now, am the only one with access. 7 Q. Okay. And has this -- are the -- have these 8 camera stills been altered in any way -- 9 A. No. 10 Q. -- since you downloaded them from your camera? 11 A. No. 12 Q. Okay. And in the picture, what's present in 13 this field of view from your front camera? 14 A. To the right is my vehicle, the black Tahoe. 15 And then behind that, parked at the mailbox, is the 16 vehicle that Fabio drives sometimes -- I think it's his 17 mother's car -- and that's parked outside. 18 Q. Okay. And is this time stamped with time 19 parameter? 20 A. Yeah. This is at 6:09, so I think that's the 21 first time he showed up that day. 22 Q. And what date is this? 23 A. August 31st. 24 Q. Okay. And that timestamp is also visible? 25 A. Uh-huh (yes).</p>	<p>Page 15</p> <p>1 comfortable having him in my vehicle, still my home. So 2 we went. 3 And while there, we had sex. And during sex, 4 he told me that he was going to finish inside of me, 5 even though I had told him through text message and 6 verbally that I don't consent to that. 7 There's also a history of him -- there's a 8 history of him telling me that he was trying to get me 9 pregnant without my consent to trap me so that I 10 wouldn't move away. And so with that history, when he 11 was telling me during sex that he was going to finish 12 inside me without -- with -- knowing that I don't allow 13 that and why I wouldn't want to, that scared me. I've 14 also had several miscarriages that I was abandoned 15 during. So I have strong reason why I would not want to 16 have that happen to me while there. 17 And then -- and then there were a few text 18 messages that he sent -- a couple of text messages he 19 sent me after showing up to my house the last time where 20 he used terminology that he doesn't typically use with 21 me. And one of them was that he was here, like a sick 22 -- like a -- here loving me still like a beat dog. And 23 that scared me because I've never heard him talk about, 24 like, referring to a beat dog. And that scared me. 25 He also told me that he was standing here to</p>



<p>Page 16</p> <p>1 fight, and I didn't take that as fighting for the 2 relationship because of all the things he's done to me 3 so far. I took that to mean fight for whatever he's 4 trying to defend. 5 Q. And have you specifically and plainly told Mr. 6 Rodriguez not to have further contact with you via text 7 messages or email or other means? 8 A. On September 2nd, when I ended the 9 relationship, yes. I said I don't want any further 10 contact, that he's abused me and my dog and my family 11 and friends, and to have no contact with any of us. 12 MS. LAWRENCE: Your Honor, may I approach the 13 witness? 14 THE COURT: Yes. 15 Q. Do you recognize this before you marked as 16 Exhibit 5? 17 A. I do. 18 Q. All right. And what are -- what are these 19 messages? 20 A. Him texting me the morning, the -- August 21 31st. 22 Q. Same questions as I previously asked you 23 before: Are these from your phone? 24 A. Correct. 25 Q. Is this how you have him saved in your phone?</p>	<p>Page 18</p> <p>1 blocked. And I don't think they came after either. I 2 don't think that's how that works. But the phone calls, 3 it did show that he was calling and it was blocked. It 4 did show that. 5 Q. And have you altered or amended those text 6 messages in any way? 7 A. No. 8 MS. LAWRENCE: Your Honor, I move to admit 9 Exhibit 5. 10 THE COURT: So admitted. 11 (WHEREUPON, Plaintiff's Exhibit Number 5 12 was admitted into evidence.) 13 MS. LAWRENCE: May I approach the witness? 14 THE COURT: Yes. 15 Q. You've just testified as to missed calls being 16 able to show. What I've just placed in front of you, 17 can you tell the Court what this is? 18 A. It's a screenshot of my call logs from Fabio. 19 Q. Okay. 20 A. From August 21st through September 5th. 21 Q. Okay. And at the top, can you tell the Court 22 what that "436 found" means? 23 A. Oh, actually I never looked at that before. I 24 guess I typed in the beginning letters of his name up 25 top, so it looks like it found 436 other instances of</p>
<p>Page 17</p> <p>1 A. At the time, yes. 2 Q. What is the little circle with the dash there 3 in the middle? 4 A. That's when I had blocked him. I blocked him 5 after sending the message on September 2nd that I was 6 ending the relationship. But the -- so this circle, 7 like these messages came through before I blocked. 8 Q. Okay. And looking through these 10 pages of 9 messages, how many times did you reply to him? 10 A. August 31st, nothing. September 1st, nothing. 11 September 2nd, I sent the message, relationship's over. 12 Looks like I unblocked. And when unblocked, a few 13 messages came through. On September 3rd, I had no 14 response. September 4th, he messaged, I had no response 15 -- I gave no response. 16 Q. And then have you checked your blocked 17 messages since filing the domestic violence protective 18 order? 19 A. I don't think so. I did block and unblock him 20 every now and then after ending the relationship, and I 21 did not reach out. But I did notice that it still 22 showed -- even if it was blocked, it still showed, like, 23 missed calls that were blocked, but it wasn't showing 24 me, like, messages coming through that were blocked. So 25 I don't think I received any messages while he was</p>	<p>Page 19</p> <p>1 his name showing up in my call log. 2 Q. And from the screenshot that you've provided 3 to -- for us today, this is just from the date range of 4 August 21st through September 5th? 5 A. Uh-huh (yes). 6 Q. Okay. And, notably, how many times did Mr. 7 Rodriguez contact you on the 31st of August? 8 A. Wait. Sorry. I want to clarify. The 436, 9 that's like all time on my phone. Okay. 10 Q. Okay. I'm saying from the August 31st through 11 the September 5th frame we have here shown, how many 12 times on August 31st did Mr. Rodriguez contact you? 13 A. Looks like six calls and then a voicemail. 14 And then after that, 15 missed calls. 15 Q. Okay. And then again on September 2nd, how 16 many times did he call you then? 17 A. This shows that he was blocked at that time, 18 but 15. 19 Q. And, again, this is after you've asked him to 20 cease contacting you? 21 A. Uh-huh (yes). 22 Q. How does it make you feel when you receive and 23 see contact from him to this extent? 24 A. Felt manipulative. He's aware of all the 25 things that I'm saying right now on the stand, even the</p>

<p>1 sexual instances. He's aware of all of it. And he's 2 had many opportunity to alleviate my fears and 3 perceptions of him and didn't, and continued to hurt me. 4 So I just saw this as, yet again, another way 5 to manipulate me by constantly calling. He has told me 6 several times that he is persistent, and that's, like, 7 the key to success sometimes. So, yeah, I just saw it 8 as another tactic. And it made me fearful because he 9 had already shown me that my wishes, wants, boundaries 10 for my person, and my body, and my home are not 11 something he's going to respect. 12 Q. And you mentioned he has military training to 13 do things like get into your house. To your knowledge, 14 what does Mr. Rodriguez do in the military? 15 A. Well, when we first started dating, he told me 16 he was a Green Beret. And then in July. after he came 17 at my house uninvited at three in the morning, that day, 18 he told me that there were some things about his 19 military career he needed to share, that he wasn't 20 totally honest. So I really don't know what he does. 21 But now he -- he's been a candidate for US Army Special 22 Forces since August -- or he's been a candidate, and 23 August 22nd was when he was supposed to go to a two-week 24 training. And so he specializes in weapons. I know he 25 was also a bridger. And -- and yeah, the SF world.</p>	<p>Page 20</p> <p>1 MS. BAKER: May I approach, Your Honor? 2 THE COURT: Yes. 3 Q. Ms. Brown, I'm showing you what is a 4 restraining order that you took out against Mr. 5 Rodriguez on August 30th of this year; is that correct? 6 A. Uh-huh (yes). 7 Q. This is something that you took out in 8 Cabarrus County? 9 A. Uh-huh (yes). 10 Q. Under File Number, 23-CVD-2884; is that 11 correct? 12 A. Yes. 13 Q. I'll give you a second to go through it. 14 A. Uh-huh (yes). 15 Q. And you see there on Page 3, it looks like 16 Judge Grossman, on August 30th, denied your ex parte 17 order for protection; is that right? 18 A. Correct. 19 Q. Okay. So a week prior to you taking out this 20 action, your ex parte order was denied; fair? 21 A. Sorry. Repeat that. 22 Q. A week prior to you taking out the restraining 23 order we're here in front of Judge Cloninger for, your 24 ex parte order for protection was denied? 25 A. Uh-huh (yes).</p> <p>Page 22</p>
<p>1 Q. What are you asking this court to enter today? 2 A. A protection order. 3 Q. And specifically in that protection order, 4 what are you asking the Court to order Mr. Rodriguez do? 5 A. Several things. I'm asking for absolutely no 6 contact with me and my family, I've listed the states my 7 family lives in. I also requested that he not have any 8 weapons, and that he relinquish all weapons, and that he 9 does not have possession of firearms, and that he 10 attends an abuser treatment program. 11 Q. If this Court denies your request for the 12 order, what do you think will happen? 13 A. I don't know. I don't know. I don't -- I 14 don't know. 15 MS. LAWRENCE: No further questions. 16 THE COURT: Ms. Baker? 17 * * * * * 18 CROSS-EXAMINATION BY MS. BAKER 19 Q. Ms. Brown, I think timeline is very important 20 here. So can you tell me at what point you decided that 21 your relationship with Mr. Rodriguez was over? 22 A. I guess September 2nd, when I texted him. 23 Q. Okay. 24 A. I don't know. I mean that's kind of hard to 25 really say, but that's when I officially ended it, so --</p> <p>Page 21</p>	<p>1 Q. Looking through your allegations in the 2 paperwork in front of you, would you agree with me that 3 they are similar allegations? 4 A. I would agree. 5 MS. BAKER: Okay. Your Honor, I'd ask to 6 admit this into evidence or otherwise take judicial 7 notice of the prior court filing a week prior to this 8 restraining order. 9 MS. LAWRENCE: No objection. 10 THE COURT: So admitted. 11 Q. So a week prior to this restraining order 12 you're here for, you took out a -- an additional 13 restraining order, and that was denied; correct? 14 A. That was the first one, and it got denied, 15 correct. 16 Q. You didn't show up for that hearing to have 17 that restraining order granted; is that fair? 18 A. Repeat that, please. 19 Q. You didn't show up for that hearing -- 20 A. Yes, I did. 21 Q. -- to have that restraining order granted. 22 A. Yes, I did. I was here. I saw you. Like, 23 were you not here? 24 Q. For that restraining order? No, I didn't know 25 it existed.</p> <p>Page 23</p>



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<p>1 A. Oh, well, there was an attorney that was here 2 for him. I was here, and I asked for continuance, which 3 is why we're here today. 4 Q. Okay. 5 MR. RODRIGUEZ: I think she's talking about 6 the same one. 7 MS. BAKER: Yeah, I -- 8 Q. You came back eight days later and took out 9 another restraining order; is that correct? 10 A. Correct. 11 Q. And that's why we're here today? 12 A. Correct. That one got approved. 13 Q. Okay. So that's why we're here in front of 14 the Court today. And you have testified that on 15 September 2nd, that's when you believe that your 16 relationship with Mr. Rodriguez was over; correct? 17 A. That's when I ended it. 18 Q. Telling him? 19 A. Uh-huh (yes). 20 Q. That's when you told him the relationship was 21 over? 22 A. Correct, that's when I told him the 23 relationship was over. 24 Q. Now, we have to go back because in August you 25 were texting with -- excuse me -- you were emailing back</p>	<p>1 the content we were discussing. 2 Q. Okay. So communication back and forth. There 3 was talk of therapy for the two of you -- 4 A. Yeah. Uh-huh (yes). 5 Q. -- correct? 6 A. Correct. 7 Q. And you two have been through couples 8 counseling before? 9 A. I wouldn't say we've been through it. We've 10 attempted twice, yes. 11 Q. Okay. And even as recent as July of -- and 12 August, you were discussing premarital counseling? 13 A. Yes. That -- premarital counseling has been 14 in discussion since, like, 2017. We first went to 15 counseling last year, and then we went again this year, 16 each time for like maybe two or three months. And then 17 each time the client-therapist relationship was ended by 18 the counselor. 19 Q. The counselor ended -- 20 A. The counselor ended each of them after I came 21 to them with the various incidents -- instances of 22 violence that I have endured from him. 23 Q. Okay. Are you sure it wasn't because they 24 just didn't tell you what you wanted to hear? 25 A. Have you talked to them? Do you know that</p>
Page 25	Page 27
<p>1 and forth with Mr. Rodriguez because you believed he had 2 had an affair; correct? 3 A. Well, I was emailing back and forth with him 4 because we were in a relationship together. But if 5 you're asking about the contents of the email, that's a 6 separate question, and I can go forward with that if 7 that's -- 8 Q. Please. 9 A. -- what you're asking. Okay. Yeah. Some of 10 the content of the email was because he had admitted to 11 being with another woman while we were together. 12 Q. Okay. And there was a -- would you agree 13 there was a lot of back and forth -- 14 A. Absolutely, yes. 15 Q. -- about potential affair contact with another 16 woman? 17 A. There was a lot of back and forth about a lot 18 of things. There was pages and pages of email. 19 Q. Pages? 20 A. Lots of it about -- you know. 21 Q. Like 80 pages -- 22 A. Yeah. 23 Q. -- of emails? 24 A. He and I were going back and forth emailing to 25 communicate, yes. Because text message was too much for</p>	<p>1 answer? 2 THE COURT: Ma'am, you don't get to ask the 3 questions. 4 A. I'm not sure. 5 Q. Okay. Would you -- do you recall asking Mr. 6 Rodriguez specifically about his communications with his 7 counselor and why his counselor relationship was 8 terminated? 9 A. No. He has not seen an individual therapist, 10 to my understanding. 11 Q. Okay. 12 A. So I'm not aware of that situation that you're 13 talking about. As far as a couples therapist, 14 we have discussed about why a couples therapist would've 15 ended the relationship with us. But at that point, 16 we're a unit, it's not just him as a -- 17 Q. Do you recall -- 18 A. -- as a client. 19 Q. Do you recall him telling you because the 20 therapist thought that your relationship was abusive? 21 A. Oh, I remember that he -- I remember he did 22 not want to keep talking about the other women. And so 23 he asked me if -- he asked a couple of different times 24 if we could, like, talk in a different forum or like 25 wait on the email or whatever. And I continued to ask</p>

<p>1 questions in an email because that was the way that we 2 were communicating about these issues until we were able 3 to get to couples therapy. So we had it in email so we 4 could easily email it to a couples therapist. They 5 could read everything. And he told me that my emailing 6 -- he told me that his therapist -- oh, yeah, he told me 7 that his therapist told me -- told him that it was 8 abuse. Now, that therapist was one of the couples 9 therapists that we interviewed together. So whether or 10 not he actually was seeing this therapist, I have no 11 idea. I have no proof of that. 12 Q. Okay. So back to the timeline, there is the 13 emails back and forth where there is discussion of you 14 asking questions about another woman. He is responding 15 to your emails back and forth about another woman, a 16 hike where he talked to another woman, et cetera. Then 17 he has to go on selection. Is that the correct word? 18 A. Uh-huh (yes). 19 Q. Okay. He has to go on selection. And that 20 was to mean he was going to be gone from August 22nd; 21 correct? 22 A. Uh-huh (yes). 23 Q. For an extended period of time. 24 A. Uh-huh (yes). 25 Q. When he leaves --</p>	<p>Page 28</p> <p>1 A. September 15th, if he makes it through 2 selection. September 14th if he doesn't pass. 3 Q. Okay. So August 22nd, he's gone incommunicado 4 from you; correct? 5 A. He's -- yeah, August 22nd. That's when we had 6 to say goodbye and he said he had to turn in his phone. 7 Q. Okay. So you hear nothing, and then August 8 30th, you take out the restraining order? 9 A. Correct. 10 Q. At that point, you've heard nothing from him? 11 A. Correct. 12 Q. Okay. That's denied. Then you get 13 communication from him on August 31st, and in your 14 Exhibit 5, you're hearing that he has COVID, that he is 15 in the hospital, that he is on a ventilator; correct? 16 A. That's what he's texting me, yes. 17 Q. Okay. He sends you a screenshot proving he's 18 actually in a hospital; correct? 19 A. To me, it's not proof. Photoshop is a thing. 20 But he sent me a snippet of a piece of paper that showed 21 something that said "Medol" (phonetic), but it wasn't 22 the full sheet of paper. 23 Q. Okay. So he's on a ventilator. He's got 24 COVID. This is 8/31. You don't respond. You don't 25 respond. Couple of days passes. He is messaging you as</p> <p>Page 30</p>
<p>1 THE COURT: Say "yes" or "no," please. 2 Q. When he leaves on August 22nd, you were 3 messaging him on that day, "I love you;" correct? 4 A. Correct. 5 Q. You were messaging him on August 22nd, "I will 6 hear from you again on September 15th, and I will carry 7 you in my heart;" correct? 8 A. Correct. 9 Q. "Bye, love. Be safe." This is on August 10 22nd. You send him a photo of you on that day; correct? 11 A. Uh-huh (yes). Yes. 12 Q. You tell him, "You are number one right now;" 13 correct? 14 A. Uh-huh (yes). Correct. 15 Q. You tell him on August 22nd, "Focus on what 16 you need to do. I'm rooting for you. I do love you. I 17 will still be getting ready for you while you're away. 18 I will share our goals for our future. I still want to 19 be yours." 20 Now, this is August 22nd; right? 21 A. Uh-huh (yes). 22 Q. He's leaving and will have no communication 23 whatsoever with you until he gets back; correct? 24 A. Correct. 25 Q. When is he set to get back?</p> <p>Page 29</p>	<p>1 he is in the hospital. He's heard nothing from you 2 since he left, when you said, "I love you." 3 Then on September 2nd he hears from you for 4 the first time, and you say, "You disrespected, 5 manipulated, abused and harmed me, my dog, my family, my 6 friends and our babies." 7 Now, when you say "our babies," you mean the 8 children that you have miscarried? 9 A. I do. 10 Q. That he calls his babies; correct? 11 A. Well, it sounds like we both call them that, 12 yes. 13 Q. Okay. You see he's crying, sitting here. He 14 continues to message you. You don't respond at all to 15 his messages whatsoever. So when he comes to your 16 house, what? On August 31st -- first of all, you hadn't 17 even notified him yet that you didn't want to be in a 18 relationship on August 31st. So when he comes to you -- 19 I don't even know what you say. 20 So during this time when Mr. Rodriguez was on 21 selection, you're messaging Joe; correct? 22 A. Who's Joe? 23 Q. "Hi, Joe. I'm Fabio's fiancé. I believe" -- 24 A. Oh, Joe Palaschak (phonetic). Yes, I reached 25 out to Joe.</p> <p>Page 31</p>

<p>1 Q. Okay. Asking him about if he knows who you -- 2 he had been cheating with. 3 A. I don't know exactly what I said. 4 Q. Oh, okay. 5 A. Am I able to see it? 6 Q. Asking about -- sure. 7 A. I also have more context to give regarding 8 conversations in emails. I want to make it clear to the 9 Court that the sole -- like, sole topic in the emails 10 was not about something from seven years ago of him 11 camping with a girl. I want to make it clear that there 12 were many things that have nothing to do with any other 13 third party that were just between he and I, that had to 14 do with instances that were scary to me. So I just want 15 to make that clear. All these pages of emails, there's 16 more to it. 17 I asked him about his sister. Who was a 18 different girl, by the way. 19 Q. So you're messaging Joe, while he's at 20 selection, messaging Joe, trying to find out who this 21 girl is that you think he's -- he had had -- 22 A. Yeah. I -- 23 Q. -- a relationship. 24 A. No. I'm not trying to find out who the girl 25 is.</p>	<p>Page 32</p> <p>1 was someone named Jackie, who he has since said is your 2 sister." 3 Q. So this is your -- 4 A. Fabio also showed me a video of Jackie. He 5 said, "Courtney, I need" -- this is literally at my 6 house at night. He's showing me a video. He's texting 7 a bunch of people. He won't let me see his phone. So I 8 can't see if it's actually people messaging, but he gets 9 a video from Jackie, at some point, of her -- him trying 10 to get her to convince me that there's nothing between 11 him and her. 12 Q. Okay. So you've reached out to Jackie as 13 well? 14 A. Yes. 15 Q. Okay. And Jackie has not confirmed anything 16 that you said about the relationship or anything that 17 Fabio is apparently -- 18 A. Correct. 19 Q. -- being accused of? 20 A. Correct. I don't know Jackie either. I've 21 never met her. Like I said, he kept me separate from 22 everybody all these seven years. 23 Q. Okay. So also during this time, on August 24 25th, which apparently is before you thought the 25 relationship should have been terminated, you were</p> <p>Page 34</p>
<p>1 Q. Okay. Were you trying to -- 2 A. What's your question? 3 Q. -- get more information about whatever he had 4 been doing behind your back? 5 A. Well, Fabio had -- so if you want more 6 context, I can give it. So when he came in July to my 7 house at three in the morning, after I told him do not 8 come, later that day, he was telling me how he had told 9 the girl that he was seeing behind my back when we first 10 started dating, that he was dating someone named Jackie. 11 So he didn't give my name. And I never knew this. 12 So apparently there's a lot of people out 13 there that thinks I'm Jackie or there's -- I don't know. 14 But I asked Fabio about it, and he said, "Oh, Jackie, I 15 just use her name. I tell people I'm with her so they 16 don't, like, try to come talk to you." I don't know why 17 he wouldn't want his past relationships coming to talk 18 to me. That scares me, too. 19 But Joe is apparently his best friend. Fabio 20 always kept me separated from his family and friends. I 21 never met this person, even though it's his best friend 22 since middle school. Apparently he was in his wedding. 23 And in this message, it just -- I said, "He 24 said he reached out to you and your sisters after I 25 found out he lied." And then I said that "Fabio said it</p> <p>Page 33</p>	<p>1 messaging Skylar, who was a friend of a friend, saying 2 that yes, you're in a wonderful relationship, and did 3 she know how Fabio was doing at selection? 4 A. Well, I don't remember saying I was in a 5 wonderful relationship, so I think you might be 6 inserting words that didn't come out of my mouth. 7 Q. Okay. 8 A. However, if you're able to look at the text 9 message -- so I also had limited interactions with his 10 friends. I met Skylar, like, twice. And there was a 11 lot of concerning things with his friends that I also 12 listed in the first protection order. I listed names as 13 well. And Skylar is the wife of his old roommate. And 14 she and I have had such limited interaction. 15 Q. Okay. 16 A. I did reach out to her and she told me, like, 17 he was good, healthy. And that was good. And then -- 18 yeah. 19 Q. Just trying to understand. Are we -- 20 A. And that's like the first -- 21 Q. -- in a horrible, abusive relationship, where 22 he's a monster, or are we so scared for his safety while 23 on selection that we're messaging his coworkers' wives 24 checking on his status? 25 A. I also want to point out that --</p> <p>Page 35</p>

<p>1 THE COURT: Answer her question.</p> <p>2 A. Oh, what's your question?</p> <p>3 Q. Which is it?</p> <p>4 A. What's your question?</p> <p>5 Q. Are we abused and terrified after our</p> <p>6 seven-year relationship, or are we messaging our</p> <p>7 fiancé's friends' wives while he's away at selection,</p> <p>8 looking for information about his welfare?</p> <p>9 A. (Recording inaudible). Why not both? It's</p> <p>10 both. I was in an abusive relationship and I also</p> <p>11 messaged out to somebody.</p> <p>12 Q. And five days later, taking out a restraining</p> <p>13 order after having zero communication with him?</p> <p>14 A. I did that.</p> <p>15 Q. Okay.</p> <p>16 A. Correct.</p> <p>17 THE WITNESS: Your Honor, may I please add</p> <p>18 something?</p> <p>19 THE COURT: Wait for her next question.</p> <p>20 THE WITNESS: Okay.</p> <p>21 Q. And also during this time, using his credit</p> <p>22 cards?</p> <p>23 A. Which he told me and gave me permission and</p> <p>24 told me to use.</p> <p>25 Q. Okay. But you also felt -- had no moral</p>	<p>Page 36</p> <p>1 through the Court with a protective order?</p> <p>2 A. Once I was able to have more time away from</p> <p>3 him physically and also less communication, the safety</p> <p>4 plan that I had been working on all year with my</p> <p>5 therapist in the event that he ended up being not a</p> <p>6 great person, which was the duality that I saw on him --</p> <p>7 I'm not here to explain how abuse works or how people</p> <p>8 respond to things that make them uncomfortable. But</p> <p>9 this is just how I responded. And I realized that it</p> <p>10 was not safe, and it wasn't okay, and that it was</p> <p>11 harming me, and that my increased anxiety and level of</p> <p>12 paranoia that I reached, despite loving this person, I</p> <p>13 realized that this is a dangerous situation for me, and</p> <p>14 before it could possibly escalate further, I need to do</p> <p>15 something.</p> <p>16 And the thing, you know, the manipulation</p> <p>17 tactic -- tactics, COVID, pneumonia, these are things</p> <p>18 that he has typically used over the years. When I don't</p> <p>19 respond to him in a certain amount of time. Pneumonia</p> <p>20 has been used several times. COVID as well has been</p> <p>21 used several times. And I just think it's interesting</p> <p>22 that -- I think the timing is interesting.</p> <p>23 And when he left for selection on the 22nd --</p> <p>24 THE COURT: All right. I'm going to have to</p> <p>25 ask you to ask your questions.</p>
<p>1 problem doing that while taking out a restraining order?</p> <p>2 No problem whatsoever?</p> <p>3 A. If I used a credit card after taking out that</p> <p>4 order, then I used the card after taking out the order.</p> <p>5 But I don't remember at this moment.</p> <p>6 Q. I'd be happy to show you the bank statements</p> <p>7 for the therapy bills that you charged to his credit</p> <p>8 card for thousands of dollars while saying he's an</p> <p>9 abusive monster. So that's --</p> <p>10 A. Okay. So Fabio wanted to pay for my</p> <p>11 individual therapy because he knew that the main reason</p> <p>12 I was in it was because of the relationship. In fact,</p> <p>13 the relationship was the main topic of the therapy. It</p> <p>14 was an abusive relationship. And he and I -- yes.</p> <p>15 Q. Okay. Okay. Thank you.</p> <p>16 A. That was why we were in therapy, to get help.</p> <p>17 Q. Thank you.</p> <p>18 THE COURT: Any questions?</p> <p>19 MS. BAKER: Your Honor, I don't.</p> <p>20 THE COURT: All right. Yes, ma'am. Redirect?</p> <p>21 MS. LAWRENCE: Briefly.</p> <p>22 * * * * *</p> <p>23 REDIRECT EXAMINATION BY MS. LAWRENCE</p> <p>24 Q. Ms. Brown, why did you wait until Mr.</p> <p>25 Rodriguez went to selection before you sought help</p>	<p>Page 37</p> <p>1 And you answer those questions.</p> <p>2 Q. You had specifically told him not to come to</p> <p>3 your house before he came in July; correct?</p> <p>4 A. Correct.</p> <p>5 Q. And you had specifically told him not to come</p> <p>6 to your house when he showed up on the 31st?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. And he had specifically threatened you</p> <p>9 before?</p> <p>10 A. He said he wanted to physically harm me.</p> <p>11 Q. Okay. And was Mr. Rodriguez supposed to be at</p> <p>12 selection when he showed up at your house on the 31st?</p> <p>13 A. He was supposed to be at selection.</p> <p>14 Q. And he -- he showed up there anyways?</p> <p>15 A. He did.</p> <p>16 Q. Okay.</p> <p>17 A. There's supposed to be no phone contact,</p> <p>18 nothing at all with the outside world at all while</p> <p>19 you're at selection.</p> <p>20 MS. LAWRENCE: No further questions, your</p> <p>21 Honor.</p> <p>22 THE COURT: Any --</p> <p>23 * * * * *</p> <p>24 RECROSS-EXAMINATION BY MS. BAKER</p> <p>25 Q. But he told you he was at the hospital with</p>
<p>Page 38</p>	<p>Page 39</p>



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<p>1 COVID. You knew; correct?</p> <p>2 A. He's also told me before that he was deployed</p> <p>3 and injured and got shot. and then that was a lie, so --</p> <p>4 Q. Okay.</p> <p>5 A. So --</p> <p>6 Q. On the fourth page of your Exhibit 2 text</p> <p>7 message, Mr. Rodriguez tells you, "Also, I do not want</p> <p>8 to physically harm you for your hair or anything." Do</p> <p>9 you agree that that's what it says?</p> <p>10 A. That's what he said the next morning.</p> <p>11 Q. Okay. And since February 21st, this has been</p> <p>12 discussed at length in therapy; has it not?</p> <p>13 A. No.</p> <p>14 Q. All right.</p> <p>15 MS. BAKER: Nothing -- no further questions,</p> <p>16 Your Honor.</p> <p>17 THE COURT: You can step down.</p> <p>18 MS. LAWRENCE: I have no further witnesses,</p> <p>19 Your Honor.</p> <p>20 THE COURT: All right.</p> <p>21 MS. BAKER: Your Honor, I'm going to make a</p> <p>22 motion to dismiss at the close of State's.</p> <p>23 THE COURT: I'll hear you.</p> <p>24 MS. BAKER: First of all, as you've heard from</p> <p>25 our testimony of the plaintiff, there's a prior</p>	<p>1 she was cutting things off.</p> <p>2 So, Your Honor, to say that this is the type</p> <p>3 of case there needs to be a restraining order, that she</p> <p>4 has shown that there is this burden of her risk of</p> <p>5 continued harassment, as the plaintiff is seen here</p> <p>6 crying in front of the Court, I don't think the</p> <p>7 plaintiff has even met her burden at this point to move</p> <p>8 forward.</p> <p>9 MS. LAWRENCE: All right. In response to Ms.</p> <p>10 Baker's motion, Ms. Brown absolutely has met her burden.</p> <p>11 He has come twice to her house since July, after he was</p> <p>12 specifically asked not to come. He has told her, as she</p> <p>13 testified to, exactly how he can get into her house and</p> <p>14 shown her ways he can get into her house if he wanted to</p> <p>15 get into her house.</p> <p>16 The testimony about the relationship, she</p> <p>17 admits on the stand that she loves him, at the same time</p> <p>18 is not feeling safe, and that she went to therapy and</p> <p>19 was trying to work that out. That doesn't diminish or</p> <p>20 nullify the fact that she's in fear of him and, now that</p> <p>21 she's made the choice to move on, that he is</p> <p>22 persistently calling her, persistently texting her and,</p> <p>23 on more than one occasion of being not invited and</p> <p>24 specifically told not to come, has come. And this is in</p> <p>25 addition to past incidents of threats of actual physical</p>
Page 41	Page 43
<p>1 restraining order. Mentions the same things. That</p> <p>2 wasn't granted. I just tender that to the Court to</p> <p>3 consider.</p> <p>4 Other than that, the grounds that have been</p> <p>5 included in the restraining order, most of them have not</p> <p>6 been discussed today. The ones that have been</p> <p>7 discussed, as you have heard in cross-examination, the</p> <p>8 contact that has been mentioned by the plaintiff, Mr.</p> <p>9 Rodriguez was not even on notice that he was not to</p> <p>10 communicate with the plaintiff prior to September 2nd.</p> <p>11 He was in the hospital. He was out on selection. Did</p> <p>12 not know -- his last communication from the plaintiff</p> <p>13 was, "I love you. I can't wait to resume our life</p> <p>14 together," a photo of her smiling.</p> <p>15 He had no reason to think that she was ending</p> <p>16 their relationship when he went away to selection. He</p> <p>17 comes back. He's in the hospital. He's almost on his</p> <p>18 deathbed. And so he does message her repeatedly until</p> <p>19 he gets that text. He still doesn't know that that's it</p> <p>20 for their relationship because they've been in constant</p> <p>21 communication up to that point, working on their</p> <p>22 relationship in therapy and, you know, trying to work</p> <p>23 these things out with the plaintiff's allegations of</p> <p>24 cheating and all of those things. So he did go to her</p> <p>25 house on the 31st. Again, that was before he knew that</p>	<p>1 violence. It is not -- an act of violence doesn't have</p> <p>2 to happen for Ms. Brown to be scared that that will</p> <p>3 happen.</p> <p>4 Ms. Baker says that, "Well, he was away at</p> <p>5 training. Why is he -- you know, why were you scared?</p> <p>6 Why did you wait?" Well, he clearly wasn't away at</p> <p>7 selection. He wasn't on selection. He was at</p> <p>8 selection. He clearly wasn't away at selection for</p> <p>9 special ops. If he was driving from Fort Bragg, which I</p> <p>10 believe they have renamed to Fort Liberty, two and a</p> <p>11 half hours to her house, where he doesn't live, to see</p> <p>12 her after she -- he -- she said not to come, and he, in</p> <p>13 fact, did do that.</p> <p>14 So she has met her burden as far as showing</p> <p>15 the Court and being fearful of this continued</p> <p>16 harassment, this persistence and him showing up. And</p> <p>17 the fact is that he has the ability and has shown he has</p> <p>18 the ability to do that with no regard to her wishes that</p> <p>19 he stops. So her motion to dismiss should be denied.</p> <p>20 THE COURT: All right. At this time, in the</p> <p>21 light most favorable to the plaintiff, I am going to</p> <p>22 deny your motion. I take it you want to rest and renew?</p> <p>23 MS. BAKER: I do, Your Honor.</p> <p>24 THE COURT: All right. I'll hear your closing</p> <p>25 argument, please.</p>

<p style="text-align: right;">Page 44</p> <p style="text-align: center;">* * * * *</p> <p style="text-align: center;"><b>CLOSING ARGUMENTS</b></p> <p>MS. LAWRENCE: Your Honor, in closing, similar to the last argument just made here, there have been more than one occasion of him coming to her house after he's been told not to come. There have been multiple text messages after he had -- she has ceased wishing to have contact with him. There have been multiple times where he has called repeatedly, trying to get in contact with her. There is a pattern here of him being persistent. There is a pattern here of him showing he's capable. There -- whether he was or was not away at selection, we don't know. We don't have a copy of his orders. We don't know if that was the truth. We don't know if he was truthfully in the hospital with COVID. If he was at selection, then all of a sudden he was in the hospital with COVID, why wasn't he on base and retained?</p> <p>We don't -- we don't know the answers to these questions, but we do know that he did come. We do know that he did actually have access to a phone. The testimony was that they were emailing because he wasn't supposed to have those things while he was away on selection. Ms. Brown testified that she waited -- she made that decision while he was away. And once she was</p>	<p style="text-align: right;">Page 46</p> <p>The allegations in the plaintiff's Complaint, I'd ask you to consider that obviously there were numerous allegations, many of which have not been mentioned in testimony today. What was mentioned are coming to the plaintiff's home on July 21st, 22nd, which, again, Your Honor, Mr. Rodriguez was not on notice at that point. From the plaintiff's own mouth, she had not decided that the relationship was over or had texted him as such until September 2nd of 2023. So while she says he wasn't invited to come, I would tender to the Court that they were still in a dating relationship, they were still having relations, they were still working things out, and emailing and texting back and forth on that date.</p> <p>Her other allegation of coming to the house on August 31st, as I mentioned earlier, he had not yet received her text message ending the relationship and had just come back from his illness, being released early from selection, and did not know that she deemed the relationship over at that point.</p> <p>Also, as I mentioned, a lot of the allegations that the plaintiff has stated, the "beat dog" terminology, the him finishing sexual intercourse in a way other than she would like, the other grievances that she has, those just don't rise to the level of a</p>
<p style="text-align: right;">Page 45</p> <p>away from him, she decided that she completely wanted to end this relationship.</p> <p>And after being told that -- the testimony that Ms. Baker had questioned about was, you know, "You kept up this ruse of this relationship, and you didn't tell him until the 2nd." He most certainly knew that their relationship was not on course, if they were in couples therapy for months and months and months, and that she had told him on more than one occasion not to come to her house. It was a tumultuous relationship. That's the fact.</p> <p>And the fact is Ms. Brown is scared that he's going to keep doing this. And the fact is that we need an order of protection for Ms. Brown to make him stop for some period of time and to cease this contact.</p> <p>Ms. Brown would also ask that any civilian weapons that he has be surrendered to the State for the period and duration of this order, if he has personal weapons. Given the fact that he has come to her house and told her exactly how he can get into her house, it would be concerning if he came to her house with a weapon at some point. That's what we're asking for today.</p> <p>THE COURT: Okay, all right. Ms. Baker?</p> <p>MS. BAKER: Thank you, Your Honor.</p>	<p style="text-align: right;">Page 47</p> <p>restraining order.</p> <p>It appears that the plaintiff has installed security cameras and all of these other methods, and I'm not going to pretend to know whether she feels that those are appropriate or not. I hope that she does feel safe.</p> <p>But I do not believe that the plaintiff has proven to the Court the restraining order for Mr. Rodriguez is necessary. No violent acts have been mentioned. There have been text messages, frankly showing that he is in love with her and that he went away to selection, and he came back and tried to resume a relationship that he was desperate to resume. He has certainly gotten the message from Ms. Brown that she no longer wants that relationship. And he really laments that case, but we'll honor that.</p> <p>So we'd ask that you deny the restraining order. Of course, that means a lot to his military career, and he would like to move on.</p> <p style="text-align: center;">* * * * *</p> <p style="text-align: center;"><b>RULING</b></p> <p>THE COURT: All right. Well, after hearing all the testimony presented and the arguments of counsel, and I just had one matter where I heard just one side and I made a decision to -- that I had</p>



<p>Page 48</p> <p>1 uncontroverted evidence because there was no 2 cross-examination here. Here under cross-examination, I 3 feel that there's some credibility issues as far as your 4 client. And based on that, I am not going to grant your 5 request for a protective order. 6 Sir, you understand she wants no more contact 7 with you? 8 MR. RODRIGUEZ: Yes, sir. 9 THE COURT: The Court cannot determine, based 10 on some statements, that -- and things that were done 11 throughout this time period, that there was a threat or 12 imminent threat or even a reasonable threat presented by 13 the defendant. And so, therefore, I'm going to deny the 14 request for a protective order. But she wants nothing 15 to do with you. You don't need to call her. You don't 16 need to text her. Do you understand that? 17 MR. RODRIGUEZ: Yes, sir. 18 THE COURT: Am I clear? 19 MR. RODRIGUEZ: Yes, sir. 20 THE COURT: All right. That's the decision of 21 the Court. Good luck to you. Thank you. 22 (WHEREUPON, the foregoing hearing was 23 concluded at 12:41 p.m.) 24 * * * * * 25</p>	
<p>Page 49</p> <p>STATE OF NORTH CAROLINA      C E R T I F I C A T E COUNTY OF MECKLENBURG</p> <p>I, MICHAEL T. WESTMORELAND, CVR, Certified Verbatim Reporter and Notary Public, do hereby certify that said Hearing was transcribed under my supervision; and that the foregoing 48 pages are a true and accurate transcription.</p> <p>I further certify that I am not related to, of counsel for or in the employment of any of the parties to this action.</p> <p>IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 20th day of March 2024.</p> <p>Michael T. Westmoreland, CVR Certified Verbatim Reporter Notary Public No. 19971600081</p>	