

<p>DISTRICT COURT LARIMER COUNTY COLORADO 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521-2761</p> <hr/> <p>In re the Matter of:</p> <p>JEFFREY R. PAPPENHEIM, Petitioner, and STACY LYNNE, Respondent.</p>	<p>*FOR COURT USE ONLY*</p> <hr/> <p>Case Number: 11 DR 444</p> <p>Ctrm: 2A</p>
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The Contempt hearing in this matter commenced on November 9, 2012, before the Honorable Carolyn B. Pannell, District Court Magistrate.

This is a complete transcript of the digitally recorded proceedings.

FOR THE PETITIONER: AMY AN TOMM ARIA, ESQ.

FOR THE RESPONDENT: PRO SE

Transcribed by:

CAROLE BROOKINS

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In Open Court, November 9, 2012

The Honorable Carolyn B. Pannell Presiding

THE COURT: The Court is going to call case 11DR444 and this is with the petitioner Mr. Jeffrey Pappenheim and the respondent Ms. Stacy Lynne. Is Mr. Pappenheim present?

MR. PAPPENHEIM: Yes. Amy's on her way too. She should be coming into the Courtroom any time.

THE COURT: Okay.

MR. PAPPENHEIM: My counsel.

THE COURT: Yes; and so where is she and what's going on?

MR. PAPPENHEIM: I think she's probably walking into the courthouse right now.

THE COURT: Okay, so she's on her way in.

MR. PAPPENHEIM: Yes.

THE COURT: She's checking through security. All right. Well, all right, I will -- we will be in a brief recess then until she does arrive.

MR. PAPPENHEIM: Okay.

THE COURT: So let me -- we'll go back on the record when she comes in.

(A recess was taken, after which the following

1 proceedings were had:)

2

3 THE COURT: Thank you, you may be seated.
4 We are on the record in case number 11DR444 and Ms.
5 Stacy Lynne, Ms. Lynne.

6 MS. LYNNE: Yes.

7 THE COURT: You may come forward please.
8 All right, we are in the Courtroom this morning for a
9 hearing on contempt that was filed by Mr. Pappenheim.
10 The Court will note that Mr. Pappenheim is present
11 with counsel Ms. Antommara and that Ms. Lynne is
12 present, not represented.

13 So before we begin, just a reminder for everyone.
14 If you do have any electronic devices please turn them
15 off. There's not to be any recordings or cell phones
16 and the only comments can come from the parties as
17 part of the hearing this after and so -- and everyone
18 just needs to speak one person at a time. I think
19 you're probably familiar with the Rules of Civil
20 Procedure. But I think we're ready to proceed.

21 Let me begin by asking Ms. Antommara, are there
22 any agreements?

23 MS. ANTOMMARA: No, Your Honor, there are
24 not.

25 THE COURT: And are we proceeding in both

1 remedial and punitive contempt?

2 MS. AN TOMM ARIA: Yes, Your Honor, we are.

3 THE COURT: All right. So Ms. Lynne, before
4 we begin let me also state that the Court does note
5 that you were previously advised of your rights at the
6 first advisement which was on July 9th. And I want to
7 again -- and you did sign an advisement of rights at
8 that time. The Court also will advise you of your
9 rights again this morning.

10 You have a right to have an attorney represent
11 you. You have the right to plead guilty or not guilty
12 to the charges. You are presumed innocent. The party
13 bringing the action on the punitive contempt portion
14 must prove this -- all of the allegations beyond a
15 reasonable doubt.

16 You have the right to present witnesses and
17 evidence. You have the right to cross examine all
18 adverse witnesses.

19 You have the right to remain silent during the
20 punitive section of this hearing today. And if you
21 don't testify it will not be held against you.

22 You have the right to appeal any adverse decision
23 and you have the right to make any statement in
24 mitigation of a sentence at the time of sentencing.

25 So, Ms. Lynne, do you understand your rights?

1 And if you want to move that microphone a little bit
2 closer to you so I can hear you.

3 MS. LYNNE: As I signed on my advisement
4 sheet on July 9th, I understand my rights in full and
5 they do include more than those that you just
6 enumerated there.

7 THE COURT: Okay, so noted and I did note
8 that on your advisement sheet.

9 MS. LYNNE: Thank you.

10 THE COURT: So, Ms. Lynne, you do have the
11 right to remain silent during the portion of the
12 hearing that does involve the punitive contempt. Mr.
13 Pappenheim goes first as part of the hearing. And do
14 you wish to remain silent for the punitive section of
15 the contempt?

16 MS. LYNNE: Will we have a chance to make
17 opening statements?

18 THE COURT: You may make an opening
19 statement although I typically don't have them. Let
20 me just ask this question though. Well, okay, so
21 we'll begin with do you know as yet whether you want
22 to remain silent?

23 MS. LYNNE: I do not know yet but I do know
24 that I would like to make an opening statement.

25 THE COURT: Okay. Let me do it this way.

1 Because we're beginning with the punitive contempt and
2 because you don't know whether or not you're going to
3 remain silent during the portion of the hearing. And
4 sometimes people actually decide after they hear this
5 side of the case and then they make that
6 determination. I will -- I don't -- I'm not going to
7 allow an opening statement because I just don't want
8 anything that you might say as an opening statement as
9 it relates to the punitive portion of the contempt. I
10 will allow an opening statement when we begin the
11 remedial portion though.

12 MS. LYNNE: I guess I'll ask to be able to
13 make a comment then before we begin any of the
14 hearing.

15 THE COURT: A comment.

16 MS. LYNNE: Yeah, a statement and I would
17 like to be sworn in as I make this statement.

18 THE COURT: But what specifically is the
19 statement about or?

20 MS. LYNNE: It's not a very long statement
21 but I would like to make one and I'd like to swear
22 before I start to speak.

23 THE COURT: All right, what I'm going to do
24 anyway is both parties do need to be sworn in so if
25 you both stand and raise your right hand.

1 Do you solemnly swear or affirm under
2 penalty of law that the testimony you will give before
3 the Court shall be the truth, the whole truth and
4 nothing but the truth.

5 MS. LYNNE: So help me god.

6 MR. PAPPENHEIM: Yes, ma'am.

7 THE COURT: All right, thank you. You may
8 both be seated. Let me also state -- have each of you
9 state your full name and spell your last name for the
10 record. And we will begin with Mr. Pappenheim because
11 he is the petitioner.

12 MR. PAPPENHEIM: Jeffrey R. Pappenheim; J-e-
13 f-f-r-e-y R. P-a-p-p-e-n-h-e-i-m.

14 THE COURT: All right, and Ms. Lynne.

15 MS. LYNNE: Stacy; last name is Lynne, L-y-
16 n-n-e.

17 THE COURT: Okay. What I think I'd like you
18 to do because again, we're going to go forward in the
19 punitive section. And I understand you may have a
20 statement but what I would like to do is begin the
21 punitive section of the hearing and then I'm going to
22 allow you to make your statement afterwards because I
23 -- I understand -- I just want it to be clear you're
24 not sure whether you're testifying or not and I just
25 don't want anything that you say to be held against

1 you.

2 MS. LYNNE: Actually I understand that and
3 I'm glad that you're concerned about it being held
4 against me but I would like to make the statement
5 ahead of time because I do think that it will actually
6 set the tone for the hearing and that you'll need to
7 have this information ahead of time.

8 THE COURT: All right, you may proceed.

9 MS. LYNNE: Thank you.

10 MS. AN TOMM MARIA: Your Honor, I'm sorry.
11 Before we do opening statements I have an affidavit of
12 non-service from the Larimer County Sheriff's Office.
13 Its been very difficult to serve Ms. Lynne with the
14 second citation in regards to the attorney's fees.
15 And so first of all we did a motion for alias summons
16 that has not been ruled upon yet.

17 THE COURT: Yes.

18 MS. AN TOMM MARIA: I'm asking the Court to
19 issue that as a citation and to serve her in open
20 court today because she is almost impossible at this
21 time to serve.

22 THE COURT: I do understand that issue and
23 request. I'm going to proceed forward with this
24 hearing and the request is so noted. All right, Ms.
25 Lynne, did you want to come to the --

1 MS. LYNNE: No, I was wondering is there any
2 way I can get this moved over just a little bit for my
3 comfort? It just seems a little close to the other
4 side.

5 THE COURT: You may.

6 MS. LYNNE: I can't move it.

7 THE COURT: I'm actually not sure if it can
8 be moved.

9 MS. LYNNE: I was just wondering if somebody
10 could help me move it. I can't move the thing.

11 THE COURT: All right, just -- well, what we
12 want to do though is we want to make sure that no -- I
13 mean it really needs to be in the center so that no
14 one person feels uncomfortable so.

15 MR. LYNNE: Right. It's really close to
16 that side so thank you so much sir. Thank you. I
17 appreciate that, thank you.

18 I want this record to show that Stacy Lynne is at
19 the hearing on November 9th, 2012 at 10:00 a.m. Stacy
20 Lynne has never missed a court date. Stacy Lynne has
21 never violated a court order. Watch closely the
22 petitioner and his attorney when I put this next part
23 on the record. They take pleasure in my pain and in
24 Jaden's pain. They are famous for changing the truth
25 I tell into lies and for making their lies into truth.

1 Yesterday at 11:08 a.m. a young driver drove through a
2 red light at full speed.

3 THE COURT: All right, and so --

4 MS. LYNNE: This is relevant to this
5 hearing. It's completely relevant.

6 THE COURT: Okay, I will allow a brief
7 statement so that --

8 MS. LYNNE: This is --

9 THE COURT: -- we don't --

10 MS. LYNNE: -- very brief --

11 THE COURT: Okay.

12 MS. LYNNE: -- and I'm having a difficult
13 time reading it which you'll understand in a moment
14 please. She hit my car at full speed. One witness
15 said that my car flipped end over end one time and
16 then rolled at least four times. Just before the
17 accident I had finished a long run while I prepared
18 for this hearing. On the first roll I remember
19 hitting my head hard and instantly knew I could not
20 let my head hit again or I would be unable to be here
21 today. For the next few rolls I used my whole body to
22 protect my head. As soon as I stopped rolling my car
23 was surrounded by angels who live on this earth. They
24 immediately began pulling the windshield off of my
25 mangled car. My right leg was wrapped around the

1 steering wheel and I was hanging in my seat belt.
2 (Inaudible) told me not to move. I looked him in the
3 eyes and said my son is counting on me. I am coming
4 out of this car. After I got out of the car I could
5 see my notes for this hearing that I had written
6 during my run on the ground. I asked someone to get
7 them for me and I don't remember what happened to the
8 notes at that point. Four days ago I placed my car on
9 Craig's List to sell it so I could by food and basic
10 living needs. My eyes and ears are full of grass. My
11 body is mangled. My son is counting on me to save him
12 from the hell that those two people and Julie Field
13 has sentenced him to. I will not fail Jaden. These
14 are the notes that I wrote yesterday before the
15 miracle crash occurred. I will put them on the record
16 now. I'm sorry, there was some (inaudible) to dump it
17 in the trash can.

18 Oftentimes in this last two years the petitioner
19 has refused to believe the truth and I'm sure at this
20 point he's doubting whether I did have a roll over
21 accident yesterday. I do have photos. Appreciate
22 your patience.

23 A lot of people who have followed this case have
24 wondered what else can possibly happen to my son and
25 I. We never expected a roll over accident the day

1 before a hearing where they would like to jail me for
2 120 days.

3 This is Jeffrey R. Pappenheim. The record in
4 this case is loaded with evidence of domestic violence
5 and child abuse. He is a pathological liar. He has
6 hired an attorney who is comparable to his character.
7 The hearing today is to further their abuse of me and
8 my son by jailing me because I cannot pay for her
9 attorney fees. This attorney Amy Antommara, is
10 facing lawsuits.

11 MS. AN TOMMARA: Your Honor, I'm going to
12 object to anything relating to my personal (inaudible)
13 --

14 MS. LYNNE: This is not personal.

15 MS. AN TOMMARA: -- or my professional life
16 at this time.

17 THE COURT: Okay. But Ms. Pappenheim --

18 MS. LYNNE: No, no, no, no, my name is not
19 Pappenheim.

20 THE COURT: I'm so sorry, Ms. Lynne, I
21 apologize. I really don't want any statements that
22 are going to be against Ms. Antommara. That's not
23 why we're here. I am interested in --

24 MS. LYNNE: Well actually she's suing me for
25 attorney fees.

1 THE COURT: I do understand. That's not why
2 we're here today though.

3 MS. LYNNE: Why are we here today?

4 THE COURT: We're here for the Child and
5 Family Investigator fees only; not the attorney's
6 fees.

7 MS. LYNNE: What happened to the court order
8 that says the \$1,300 was supposed to be pursued
9 outside of the case, Jaden's case? That's what the
10 court order says.

11 THE COURT: I don't understand what you mean
12 by (inaudible) --

13 MS. LYNNE: The court order says that the --
14 the attorney fees and the CFI fees were to be pursued
15 outside the realm of Jaden's case. They had to be
16 pursued independently of Jaden's case. You said we're
17 on the record in 11DR444.

18 THE COURT: That is correct and I'm not
19 aware --

20 MS. LYNNE: The court order --

21 THE COURT: -- of that order.

22 MS. LYNNE: The permanent order that Julie
23 Field issued on December 19th they did not serve to me
24 said that these two people had to pursue those fees
25 outside of Jaden's case. You said we're on the record

1 in 11DR444.

2 THE COURT: All right, well first off I do
3 not have any orders that state that.

4 MS. LYNNE: Do you have the permanent order
5 that we're here for?

6 THE COURT: I can pull up the permanent
7 orders (inaudible) --

8 MS. LYNNE: That would be great.

9 THE COURT: But let me interrupt you for a
10 moment because I'm not going to allow any sort of
11 derogatory statements against Ms. Antommara. I --

12 MS. LYNNE: This is not derogatory. It's
13 truth. I need to get the truth on the record.

14 THE COURT: But you will have an opportunity
15 to make a statement later if you so wish. But I think
16 that -- I'm not sure what else you're going to be
17 saying. I just am not sure its an appropriate opening
18 statement.

19 MS. LYNNE: Okay, I will sit down while you
20 read the order from December 19th that says that we
21 are not allowed to put these fees in Jaden's case.
22 And when you are finished reading the order I will
23 stand up because I have one more comment to make
24 please.

25 THE COURT: Well let me ask you this because

1 I'm not sure how long or what the one comment is. If
2 the one comment is brief I'm going to allow it because
3 I would like to be able to move on in the case.

4 MS. LYNNE: It is very brief.

5 THE COURT: Okay. Go ahead.

6 MS. LYNNE: You want me to finish that and
7 then you'll read the order.

8 THE COURT: I would like you to finish yes
9 and then I do want to ask you a question before I do
10 read the order. So go ahead.

11 MS. LYNNE: There is a valid void judgment
12 in this case. Are you familiar with void judgments?

13 THE COURT: I familiar with there is a
14 judgment on record in this case for the amount of the
15 \$1,300 (inaudible) --

16 MS. LYNNE: There is no judgment on record
17 in this case because that was supposed to be pursued
18 independently of Jaden's case. So I was just
19 wondering did you read the void judgment that's in
20 this file that was presented a few months ago?

21 THE COURT: I'm actually not aware of one so
22 I will look at that but you may proceed.

23 MS. LYNNE: Okay, so there is a void
24 judgment in this file as well. Its six pages long.
25 There is also a valid non consent to magistrate on

1 record in this case. And considering those two legal
2 truths that are on file, anything we do today here
3 besides dismiss this case is void.

4 THE COURT: Well actually permission is not
5 needed for a magistrate in order to hear orders on
6 contempt.

7 MS. LYNNE: Well, but when they're non
8 consent then that means that you are not allowed to
9 hear them. I understand that you're not required to
10 give me that right but when I exercise that right you
11 are required to give it to me ma'am.

12 THE COURT: But consent is not needed for a
13 magistrate to be -- to hear the order (inaudible) --

14 MS. LYNNE: You're right, its not needed but
15 once its presented it is required to be followed;
16 that's by law.

17 THE COURT: I'm not aware of that.

18 MS. LYNNE: I am, Your Honor.

19 THE COURT: And where are you citing to so I
20 can look it up?

21 MS. LYNNE: You can look at the Colorado
22 Rules for Magistrates, the Colorado Constitution and
23 the United States Constitution.

24 THE COURT: All right, I will check that.

25 MS. LYNNE: Thank you. So anything you do

1 here today besides dismiss this case is void and I say
2 that respectfully. Do you find that entertaining,
3 ma'am?

4 THE COURT: I don't find it the least bit
5 entertaining but I will verify it.

6 MS. LYNNE: And I'm concerned that you
7 haven't read the permanent order since that's what
8 these fees are based on.

9 THE COURT: I have read the portion of the
10 order that relates to the contempt citation.

11 MS. LYNNE: But if you don't know where it
12 originated then I'm not sure how we can proceed here
13 fairly.

14 THE COURT: All right, I have read the order
15 before I issued the contempt citation and found there
16 was an order requiring you to pay the Child and Family
17 Investigator fees of \$1,300; which is why we are here.

18 MS. LYNNE: So if you haven't read the void
19 judgment that is on record -- and it is in the file --
20 I verified that two days ago -- then I'm wondering are
21 we proceeding?

22 THE COURT: Well I will ask Ms. Antommara
23 also that question -- the question about the void
24 judgment so.

25 MS. LYNNE: And has Ms. (inaudible) its been

1 audio and video taped?

2 THE COURT: The 24 minutes is always audio
3 tape. We don't video.

4 MS. LYNNE: You don't have a video tape in
5 here.

6 THE COURT: No, not in this Courtroom, no.

7 MS. LYNNE: So am I able to get an audio CD
8 of this?

9 THE COURT: Yes.

10 MS. LYNNE: All right, so --

11 THE COURT: And you're always able to get a
12 recording of the proceedings.

13 MS. LYNNE: May I approach please? I have a
14 paper to give you. Just -- I need to make sure that
15 the attorney and her client can see what actually was
16 indeed involved in this roll over accident and its
17 also a case. You can look that up with the Fort
18 Collins Police Department and I'm sure these gentlemen
19 back here are aware as well.

20 THE COURT: Well actually I can tell by the
21 way you're looking today that you're not well.

22 MS. LYNNE: I'll just hold it up so I don't
23 have to walk.

24 THE COURT: That's fine.

25 MS. LYNNE: This is my car that no longer

1 exists. So I want to say thank you and I'm going to
2 go possibly back to the hospital now and that will
3 give you a chance to read the permanent order and the
4 void judgment.

5 THE COURT: Well let me ask you this Ms.
6 Lynne, because actually as I saw you approaching I was
7 concerned about your condition because its obvious
8 that you're having a difficult time walking and being
9 present here in the Courtroom today.

10 MS. LYNNE: I'm here for my son and I
11 crawled out of a car that had rolled four times and
12 flipped once so I did not miss this hearing.

13 THE COURT: I understand and I recognize and
14 appreciate the fact that you've done that. What I was
15 going to ask you though is because of your condition
16 and the experiences that you've had very recently --
17 and I understand that your request ultimately is that
18 this contempt hearing be dismissed.

19 MS. LYNNE: Based on the law and based on
20 the illegal proceedings, yes.

21 THE COURT: I understand and that
22 recommendation has been noted.

23 MS. LYNNE: Thank you.

24 THE COURT: But I also will ask you this.
25 Because of your current condition that I obviously see

1 that you are not doing well (inaudible) --

2 MS. LYNNE: Like I've been --

3 THE COURT: -- difficult for you to walk --

4 MS. LYNNE: -- in a car accident.

5 THE COURT: Yes.

6 MS. LYNNE: Yes.

7 THE COURT: Difficult for you to walk;
8 difficult for you to manage. I can see that. Are you
9 -- and I understand you ultimately want this
10 dismissed. But are you requesting that this matter be
11 continued?

12 MS. LYNNE: I'm requesting that you read the
13 void judgment and that you read the permanent order
14 and you will understand that this hearing right now is
15 not proper per statute and per the order that Julie
16 Field issued. That's what I'm asking.

17 THE COURT: Well I will do that but let me -
18 - but I am asking and I understand you ultimately want
19 this matter to be dismissed.

20 MS. LYNNE: Thank you.

21 THE COURT: And I won't confirm or determine
22 whether that is in fact a ruling that I can make.

23 MS. LYNNE: Thank you for considering the
24 options.

25 THE COURT: But what I also am asking today

1 is this. Are you -- you're not ready to go forward --
2 are you ready to go forward today because of your
3 condition?

4 MS. LYNNE: I'm not going to use my
5 condition as a reason for me leaving this room right
6 now but I am telling you that I am probably going back
7 to the hospital at this point. But I'm not using that
8 as an excuse. I'm saying there is a void judgment on
9 record in this case. There's non consent to
10 magistrate that is legal and valid. And I'm asking
11 you to read the permanent order and you will find out
12 that this is not the proper place for the \$1,300 fees
13 or the \$14,000 fees.

14 I also noticed on the docket that there's
15 something set for November 19th. Can you tell me what
16 that hearing is for?

17 THE COURT: I don't know what that is. For
18 you?

19 MS. LYNNE: Because its like contempt as
20 well.

21 THE COURT: Okay, I'm actually not sure what
22 that is so let me do this. Let me -- if you would be
23 seated I want to ask Ms. Antommara about her position
24 on the void judgment et cetera.

25 MS. LYNNE: Okay so two things. The first

1 thing was that this attorney here said that she
2 couldn't serve me and the interesting part about that
3 is that I'm in this courthouse at least twice a week
4 and the deputies here and all of their officers know
5 where I am at all times. So not being able to serve
6 me is not actually a valid complaint that she has.
7 She would like to make her job easier she collects
8 money from me to serve me in open court.

9 The second thing is could you remind me what you
10 just said before I spoke please? You were going to
11 ask --

12 THE COURT: I --

13 MS. LYNNE: Oh, you said that you were going
14 to ask this attorney about the void judgment.

15 THE COURT: I was going to ask her --

16 MS. LYNNE: She actually doesn't have any
17 standing to even offer an opinion on a void judgment.

18 THE COURT: Well I'm going to ask her to
19 comment about what your comments are.

20 MS. LYNNE: And what's the purpose of that?

21 THE COURT: Because I have the right to ask
22 her that and I'm going to.

23 MS. LYNNE: And will you have a chance to
24 let me respond to what she says --

25 THE COURT: Well --

1 MS. LYNNE: -- because she's on record not
2 telling the truth quite often.

3 THE COURT: Okay, so what I'd like you to do
4 though is I have heard your statements and if you
5 would be seated. Although I am -- again want to ask
6 you, and I understand you ultimately want this
7 dismissed. But in either case if it is determined
8 that it cannot be dismissed would you like to continue
9 the hearing because of your physical condition?

10 MS. LYNNE: I would like you to read the
11 void judgment, the permanent order and the non consent
12 to magistrate and then I would like you to issue a
13 ruling on that please and then we can determine
14 whether we reset this or not.

15 THE COURT: Well you may be seated and I
16 will ask Ms. Antommara to address the Court also.

17 MS. LYNNE: Thank you.

18 THE COURT: Ms. Antommara.

19 MS. ANTOMMARRIA: Your Honor, I want to clear
20 up a couple things. In regards to the void judgment
21 we were in court in regards to child support; it was
22 our last hearing. And Ms. Lynne actually submitted a
23 void judgment to the Court saying that the Court did
24 not have the ability to hear that case and that she
25 was asking for all the judgments to be voided based on

1 her opinions of the law. Judge Field did not take any
2 action on that other than putting it on the record
3 because it is not an appropriate pleading based on the
4 Civil Rules of Procedure. And so Ms. Lynne at this
5 point I think is in the understanding that her filing
6 the pleading called a void judgment voids the
7 judgments and that is incorrect pursuant to the Civil
8 Rules of Procedure. And that was done at our last
9 hearing before Ms. Lynne left and did not return for
10 the hearing.

11 In regards to the November 19th, that is an
12 advisement at this time. We have been unable to serve
13 Ms. Lynne through the Larimer County Sheriff's Office
14 and we're asking if the Court continues this to advise
15 Ms. Lynne and to serve her so that we can combine
16 those hearings. As the Court can see, we asked the
17 Court for a contempt on both the CFI fees and the
18 attorney's fees in the beginning but the attorney's
19 fees -- we had a hearing on that and now we have a new
20 judgment that was entered after the December 19th
21 judgment.

22 MS. LYNNE: Your Honor, I need to object to
23 this.

24 THE COURT: All right, just a moment. She
25 didn't interrupt you and I'm going to ask that you not

1 interrupt.

2 MS. LYNNE: I understand but I wasn't lying
3 and if she keeps lying its going to be difficult for
4 me to tell you the truth.

5 THE COURT: All right, Ms. Lynne, what I
6 would ask that you do is not interrupt and allow Ms.
7 Antommara to make her statements as she allowed you
8 to make yours.

9 MS. LYNNE: I did not lie during my
10 statements. I'm wondering what the procedure is here
11 for when she's lying.

12 THE COURT: Ms. Lynne, you may make a
13 statement when -- I want to actually either get
14 forward with the hearing or make a decision. So let's
15 allow her statement so that I can answer your
16 questions.

17 MS. AN TOMMARRIA: So, Your Honor --

18 THE COURT: When was that filed, the request
19 for the void judgment?

20 MS. AN TOMMARRIA: It was at our last hearing.
21 I can look at my calendar and tell you.

22 MS. LYNNE: And it was not a request for a
23 void judgment. And I was not offering opinions on the
24 law. I was citing specific constitutional, state law
25 and Colorado State Supreme Court law and the statutory

1 rules and proceeding that you all follow. And now
2 she's looking -- the Larimer County Sheriff's Office -
3 -

4 THE COURT: Just a moment Ms. Lynne.

5 MS. LYNNE: -- knows where I am at all time.

6 THE COURT: All right.

7 MS. AN TOMM MARIA: And Your Honor, I would be
8 more than happy -- I will file the affidavit of non-
9 appearance.

10 MS. LYNNE: Non-appearance for what?

11 MS. AN TOMM MARIA: I'm sorry, non-service,
12 excuse me.

13 THE COURT: All right, just a moment. Just
14 let her finish and then I will go forward.

15 UNIDENTIFIED: I call for order in the
16 Court. Will the Court please identify the bailiff.
17 The bailiff's job, the Colorado Revised Statutes says
18 there be order in this Court. The Court please
19 identify the bailiff.

20 MS. AN TOMM MARIA: Your Honor, at this time I
21 would ask that the Court be cleared if people in the
22 back are going to speak out when they are unable to.

23 MS. LYNNE: Is there a bailiff in the Court?

24 THE COURT: Just a moment. I do have
25 officers in the Court and I do have a clerk in the

1 Court. I do not have an official bailiff. I don't
2 know that we have bailiffs as such. And if you are
3 not a party to the case -- understand if you are just
4 in the gallery you are welcome to stay. It is an open
5 court but I would ask that you not interrupt the
6 proceeding and if you do you will need to be removed
7 from the Courtroom. So you will be seated.

8 UNIDENTIFIED: Your Honor, if I could speak.
9 If you would --

10 THE COURT: No.

11 UNIDENTIFIED: You're required by the
12 Colorado Revised Statutes to remain in order and if
13 you'd like to also take the time when you're looking
14 at the void judgment to look at the Colorado Revised
15 Statutes on bailiffs procedures it is the whole order
16 in this Court and without a bailiff in this Court this
17 Court does not have --

18 THE COURT: I --

19 UNIDENTIFIED: -- any order.

20 THE COURT: I'm going to ask --

21 UNIDENTIFIED: (Inaudible) Ms. Lynne's --

22 THE COURT: -- that you please not make
23 comments from the gallery. If there are other
24 comments that will be made you will be removed from
25 the Courtroom.

1 MS. AN TOMM MARIA: Your Honor, it was the end
2 of August. We had mediation and I'm looking for the -
3 - doesn't Eclipse show our last hearing? If not give
4 me just a minute. I know it's in my calendar. Oh,
5 there we go. It was on September 13th at 9:00 a.m. in
6 front of Judge Field.

7 MS. LYNNE: The void judgment has not been
8 ruled on for the record. That means its still open.

9 THE COURT: And so the judgment remains in
10 effect until it is ruled on.

11 MS. AN TOMM MARIA: Your Honor --

12 MS. LYNNE: No, that's not what the law
13 says. The law says it is void from the immediate
14 presenting of that void judgment when its based on law
15 and that it follows the rules and procedures that are
16 required for a void judgment.

17 MS. AN TOMM MARIA: Your Honor, the Court took
18 the void judgment, accepted it on the record. But it
19 is an improper proceeding pursuant to the Civil Rules
20 of Procedure so it does not need to be ruled upon.

21 MS. LYNNE: It is required by law to be
22 ruled upon because it is still open and that is --

23 THE COURT: (Inaudible)

24 MS. LYNNE: That is based on other judges,
25 magistrates and attorneys who have --

1 THE COURT: Is there --

2 MS. LYNNE: -- looked at the void judgment.

3 THE COURT: Something on the record Ms.
4 Antommara about the void -- this emergency order for
5 void judgment?

6 MS. AN TOMMARRIA: I don't understand. All I
7 -- as I stated, Judge Field put it in the record. She
8 scanned it and put it in the record but it was used
9 almost as an opening at that time on September 13th.

10 MS. LYNNE: It was not used as an opening.
11 I was clear on the record that it was -- I was
12 presenting the facts for a void judgment on the
13 record. It was not present as an opening statement.

14 THE COURT: All right, Ms. Lynne.

15 MS. LYNNE: Yes.

16 THE COURT: Do you know about when you filed
17 this non consent for a magistrate so I can look it up?

18 MS. LYNNE: About 18 months ago. It would
19 have been March maybe of 2010. And thank you for
20 verifying this. I appreciate your diligence.

21 MS. AN TOMMARRIA: And, Your Honor, I think it
22 would have been March 2011 after the second allocation
23 of parental responsibilities was filed. And our
24 position is that this is a hearing under the
25 magistrate rules that does not require consent. And

1 so consent has not been requested nor does it need to.
2 And even though she did a non consent of the
3 magistrate at that time it does not affect what this
4 Court's doing.

5 MS. LYNNE: Non consent to magistrate in
6 this case is on record and it affects every single
7 proceeding and all rulings and all motions and all
8 orders and that is in compliance with the Rules for
9 Magistrates at the local level, the state level and
10 the federal level.

11 THE COURT: So we actually -- part of this
12 file is in paper format.

13 MS. LYNNE: You have two volumes of paper
14 and then there's a third volume that's all on line at
15 this point, e-filed. So there -- I noticed a couple
16 days ago that you only had volume two up here on your
17 desk and volume one is critical of volume two.

18 THE COURT: Okay. I'm trying to find your
19 motion. That's why I'm looking.

20 MS. LYNNE: Thank you. And while you're
21 looking through the file I was wondering if you could
22 ask these officers how many times they've seen me here
23 in the past eight weeks.

24 THE COURT: I don't think any (inaudible)
25 that. Let's --

1 MS. LYNNE: It would actually prove that
2 what this attorney is saying is not correct.

3 THE COURT: Let's do this. I do need volume
4 one of this file. So okay, I'm going to take a recess
5 to review that particular motion.

6 MS. LYNNE: The motion that you refer to as
7 what now?

8 THE COURT: The one that you filed.

9 MS. LYNNE: The void judgment you mean.

10 THE COURT: No.

11 MS. LYNNE: Oh the motion -- which motion,
12 I'm sorry.

13 THE COURT: The non consent to the
14 magistrate. I just want to see (inaudible) --

15 MS. LYNNE: Oh, that wasn't a motion. It
16 was actually the form off of the website for the
17 Colorado Judicial self help website. So it wasn't a
18 motion. It was actually just a non consent.

19 THE COURT: All right. We're going to be in
20 recess so I can review some of these documents.

21 MS. LYNNE: Do you know approximately how
22 long it will take?

23 THE COURT: Probably about 20 minutes or so.

24 MS. LYNNE: Thank you.

25 THE COURT: All right.

1

2

(A recess was taken, after which the following proceedings were had:)

3

4

5

THE COURT: All right, you may be seated.

6

And Ms. Lynne, if you would come forward please. All

7

right, we're back on the record in 11DR444. A

8

reminder that there is not to be any recording devices

9

in the Courtroom. If there are anyone recording you

10

are to be removed from the Courtroom.

11

Ms. Lynne, I have reviewed the Colorado Rules of

12

Magistrates and it does say that this Court does have

13

authority to hear all matters arising out of Title 14

14

without the consent of the parties. There is only one

15

exception and that is if we are at a permanent orders

16

hearing. That is not the case here. This matter

17

arises out of Title 14 and I do have jurisdiction to

18

hear the case. And so I do have jurisdiction and that

19

is my ruling on that matter.

20

MS. LYNNE: I would like to respond to that

21

please.

22

THE COURT: You may in just a moment. That

23

is my ruling. And in addition --

24

MS. LYNNE: Are you going to issue --

25

THE COURT: -- to that --

1 MS. LYNNE: -- that in writing as well?

2 THE COURT: In addition to that I will state
3 that you have filed something maybe requesting that a
4 judgment be voided. There was an order that did enter
5 on December 11th ordering you to pay the Child and
6 Family Investigator fees of \$1,300. Whether or not
7 that is or is not a judgment it is still an order of
8 the Court. It is enforceable pursuant to the Colorado
9 Rules of Civil Procedure 107. And so the Court can
10 proceed forward with the contempt hearing today.

11 So my ruling is that I do have jurisdiction and
12 that we are proceeding today except for this and I've
13 asked you this a couple of times and the reason why
14 I'm asking is because I understand that you were
15 involved in a car accident and I can see that it is
16 visibly difficult for you to get around. And so given
17 your current situation I am asking if you would -- if
18 you want to request a continuance in which I will
19 grant that today and we will reset this hearing so
20 that you can -- if you feel that you would like to
21 have a continuance because of your current condition
22 with regard to the car accident.

23 MS. LYNNE: Okay, a couple questions. Who
24 did you consult with on these rulings --

25 THE COURT: I --

1 MS. LYNNE: -- just now?

2 THE COURT: I looked up the rule in the
3 Colorado Rules for Magistrate. There is not -- there
4 is not an opportunity for you to -- you're not
5 required to give consent in order for me to hear a
6 matter arising under Title 14.

7 MS. LYNNE: You are correct.

8 THE COURT: And that is my ruling.

9 MS. LYNNE: You are correct about that that
10 you're not required to give me that option. But once
11 I exercise the option you are required by law to obey
12 that.

13 THE COURT: That is not my finding. My
14 finding is that you do not have to give consent in
15 order for me to hear the matter. And --

16 MS. LYNNE: But your finding is --

17 THE COURT: -- because --

18 MS. LYNNE: -- in opposition to the law and
19 the legal statute.

20 THE COURT: That is my ruling and you may
21 ask for a review of that ruling but that is the ruling
22 that will enter today that --

23 MS. LYNNE: Can a magis --

24 THE COURT: -- I do have jurisdiction.

25 MS. LYNNE: Can a magistrate's rulings be

1 appealed?

2 THE COURT: A magistrates rulings can always
3 be reviewed by a District Court judge --

4 MS. LYNNE: Can it be appealed?

5 THE COURT: And then ultimately appealed,
6 yes.

7 MS. LYNNE: So I cannot appeal directly your
8 decision to allow (inaudible) --

9 THE COURT: No, but it can be reviewed by a
10 District Court judge. So I we are -- I do have
11 jurisdiction and I'm not going to repeat that again
12 because I've made my ruling. But I am going to ask if
13 you want a continuance based on your condition today?

14 MS. LYNNE: (Inaudible) you said something
15 else just now that I would like to clarify and you
16 said I filed something called a void judgment, that
17 its -- it is actually a valid legal and lawful
18 procedure so I'm not sure why you're referring it to
19 something.

20 THE COURT: I don't know exactly what the
21 title of the document is. Actually I think I had it
22 up here on my screen.

23 MS. LYNNE: Its an emergency order to void
24 judgment and that is the valid, proper format to
25 present a void judgment. And I did cite case law that

1 is long held. So if due process of law is violated in
2 all of those situations that I listed then the
3 judgment is void from the very beginning.

4 THE COURT: But whether or not there is a
5 judgment there was still an order of the court that
6 you did -- that at least it has been alleged that you
7 did not comply with. And so Mr. Pappenheim has the
8 right to ask for compliance with that order pursuant
9 to Colorado Rules of Civil Procedure 107, which is why
10 we are here today.

11 MS. LYNNE: Except the problem with all of
12 that is that a void order is void from the beginning
13 so everything that falls underneath that is void as
14 well.

15 THE COURT: There was no (inaudible) --

16 MS. LYNNE: And that was supported by --
17 your right, there has been no ruling so that means its
18 still open.

19 THE COURT: Well, but the order stands until
20 it is otherwise overturned. So Ms. Lynne, I'm not --

21 MS. LYNNE: Actually --

22 THE COURT: -- I'm really -- its not really
23 a back and forth because I've made my ruling so --

24 MS. LYNNE: It was actually void from the
25 beginning and they --

1 THE COURT: So Ms. --

2 MS. LYNNE: -- have to prove that its not
3 void.

4 THE COURT: Ms. Lynne, we are proceeding
5 forward unless you are requesting a continuance
6 because of your condition with the accident so --

7 MS. LYNNE: Okay, one question before I
8 answer that. Who did you consult with just now in the
9 recess?

10 THE COURT: I actually looked at the Rules
11 of Civil Procedure.

12 MS. LYNNE: Did you consult with anybody
13 else?

14 THE COURT: Why?

15 MS. LYNNE: It matters --

16 THE COURT: That is not --

17 MS. LYNNE: It matters to me who is helping
18 you understand since you haven't even read the
19 permanent order and you have --

20 THE COURT: I actually (inaudible) --

21 MS. LYNNE: -- you didn't even have my file.

22 THE COURT: Ms. Lynne, I have read the
23 permanent order before I got here. I just was double
24 checking because when I read it I didn't encounter any
25 of those statements that you said.

1 MS. LYNNE: But earlier --

2 THE COURT: And secondly --

3 MS. LYNNE: -- you said you hadn't read it.

4 THE COURT: Ms. Lynne. Ms. Lynne, I had
5 read the permanent order and I am not -- this is not a
6 debate. So you need to make a decision today as to
7 whether or not you want to proceed or have -- ask for
8 a continuance.

9 MS. LYNNE: I honestly have presented the
10 facts and the law to you about your authority in this
11 Courtroom and because I non consented I am exercising
12 my rights in the Colorado Rules for Magistrates saying
13 you don't have to give me that option but once I do
14 exercise --

15 THE COURT: Ms. Lynne.

16 MS. LYNNE: -- it you do have to obey it.

17 THE COURT: I've made a ruling. You may
18 have it reviewed if you wish.

19 MS. LYNNE: So I'm going to review -- I'm
20 going to appeal your ruling and once that is ruled on
21 then we can continue.

22 THE COURT: We're going to continue the
23 hearing but you may ask for a continuance of the
24 hearing today. And in the interim if you want to file
25 a motion to review you may do that.

1 MS. LYNNE: Okay so I'm -- there's one thing
2 I must get on the record today and that is on the
3 September 13th hearing that this attorney referred to
4 (inaudible) she was at the podium. She said that I
5 left the Courtroom and did not return for the hearing.
6 But the Larimer County Sheriff's Office said in a
7 written statement that I and all of the people with me
8 were required to leave the building and I was not
9 informed that another hearing was being held that day.
10 That's on record with law enforcement. Law
11 enforcement officers did not lie in that instance,
12 they told the truth. So what she said, that I refused
13 to come back to the hearing, is a lie and I need that
14 to be on the record.

15 THE COURT: Well I think you've stated it is
16 on the record. It's not a matter before the Court
17 today but you're comments have been put on the record.

18 MS. LYNNE: If its not a matter before the
19 Court today then why did she bring it up?

20 THE COURT: Ms. Lynne, I'm not sure what --
21 here's -- I'm not going to have an exchange because we
22 do have a hearing today or you will have a
23 continuance. So what is your request?

24 MS. LYNNE: I'm officially asking for a
25 continuance.

1 THE COURT: All right.

2 MS. LYNNE: So that I can appeal the ruling
3 on the non consent because it is valid. I'm also not
4 able to stand at the podium for as long as I did the
5 last time. I'm not using my car accident as an
6 excuse. I am saying that this is not a valid
7 procedure here based on a permanent order that is void
8 and based on the fact that I non consented.

9 THE COURT: I have jurisdiction and I will
10 continue the hearing if you are not physically able to
11 proceed forward.

12 MS. LYNNE: I am not legally, lawfully or
13 physically able to proceed forward today.

14 THE COURT: Then we will grant a
15 continuance.

16 MS. AN TOMM MARIA: Your Honor, before you find
17 a date I would renew my request to have Ms. Lynne
18 served so we can just have one contempt hearing on
19 both issues. We -- and as I said, I will file with
20 the Court the affidavit of non service but at this
21 time I'm asking the Court to serve her in open court
22 in regards to the contempt regarding the attorney's
23 fees so we can have one hearing in regards to these
24 issues.

25 THE COURT: Well first Ms. Antomm aria, I

1 mean with regard to the second contempt there would
2 actually be a second advisement date.

3 MS. LYNNE: I object to combining these.
4 It's already a complete zoo.

5 THE COURT: Well, and so I don't know that I
6 would be inclined to advise because she would be
7 entitled to a citation to issue and a second
8 advisement date must be set. So they're not going to
9 be the same hearings unless you come to the advisement
10 and we find that we can add them on on the same date.
11 So first we're going to check for hearing dates as far
12 as a continuance is concerned. I do have time
13 available -- but these are both hours and a half. One
14 on December 21st from 8:30 to 10:00.

15 MS. LYNNE: Say that date again please.

16 THE COURT: December 21st from 8:30 to
17 10:00.

18 MS. LYNNE: I won't allow that. That's the
19 day I was arrested illegally one year ago and they
20 took my son from me.

21 THE COURT: How about -- I have November
22 30th, 8:30 to 10:00.

23 MS. LYNNE: That's a little too soon.

24 THE COURT: January 4th, 8:30 to 10:00.

25 MS. LYNNE: That's fine.

1 THE COURT: All right. The matter will be
2 continued to --

3 MS. AN TOMM ARIA: Hold on Your Honor, I'm
4 sorry --

5 THE COURT: I beg your pardon, I have to ask
6 Ms. Antomm a ria.

7 MS. AN TOMM ARIA: I haven't looked yet, thank
8 you.

9 THE COURT: Does that work for you?

10 MS. AN TOMM ARIA: January 4th, 8:30 --

11 THE COURT: We do an hour and a half.

12 MS. AN TOMM ARIA: -- 10:00. That's fine,
13 Your Honor. Thank you very much.

14 MS. LYNNE: And by that time this void
15 judgment will be ordered and will be in effect so we
16 don't even need that date.

17 THE COURT: And that may be the case but for
18 now the orders are what they are.

19 MS. LYNNE: I want the record to show --

20 THE COURT: The orders are in place.

21 MS. LYNNE: I want the record to show that
22 Mr. Jeffrey R. Pappenheim thinks that this is amusing
23 and he's continuing his domestic violence and child
24 abuse through this.

25 THE COURT: I would ask that all parties

1 including Mr. Pappenheim and all parties in the
2 Courtroom have an element of respect and decorum. I
3 ask that of Ms. Lynne and I ask that of this side too.

4 The matter then is going to be continued until
5 January 4th, 2013 at 8:30 until 10:00. The citation
6 on this contempt then will continue until that time.
7 And that will be an hour and a half hearing on the
8 same matters. I understand in the meantime you may
9 file a motion for review and you may -- I mean
10 obviously. But we will be back in this Courtroom then
11 on January 4th at 8:30.

12 MS. LYNNE: And I would like to also say on
13 the record thank you for the officer's kindness today,
14 to both of them in the back of the room. They've been
15 extremely helpful in moving the podium.

16 THE COURT: And that is so noted.

17 MS. LYNNE: Thank you.

18 THE COURT: And I know they appreciate that.
19 All right, we will be adjourned in this case.

20 MS. AN TOMMARRIA: I'm sorry. I apologize,
21 Your Honor.

22 THE COURT: Oh, wait.

23 MS. AN TOMMARRIA: I did ask for the Court to
24 serve Ms. Lynne on the record today so that we can
25 actually get her served in the next one. We filed a

1 motion for alias summons so we don't have a date yet
2 for the advisement but I would ask for that to be
3 done. I think the Court has an understanding in
4 regards to how difficult Ms. Lynne is and so I would
5 request --

6 MS. LYNNE: Objection.

7 MS. AN TOMM MARIA: -- that it be done on the
8 record.

9 THE COURT: Just a moment.

10 MS. AN TOMM MARIA: So I'm asking for that to
11 be done on the record so there's no question as to her
12 service.

13 MS. LYNNE: Ms. Lynne is not difficult. I
14 have not ever been difficult and just because I know
15 the law and I state the truth --

16 THE COURT: Ms. Lynne.

17 MS. LYNNE: This attorney is accusing me of
18 doing things that is not accurate.

19 THE COURT: Ms. Lynne, I understand that you
20 have concerns about what is being said in the
21 Courtroom and that is your right to do that. But you
22 have to not have outbursts and I ask that you please
23 allow each person to speak one at a time and not have
24 outbursts.

25 MS. LYNNE: Can you --

1 THE COURT: And Ms. Antommara, I don't --
2 I'm not even set up to determine what the first
3 advisement date is going to be so I'm going to issue
4 the alias citation. We will continue this hearing
5 until January 4th at 8:30.

6 MS. LYNNE: For my future reference can I
7 please ask you what is the proper way for me to object
8 to continuous lies from that attorney? I'm asking on
9 the record how do I do that appropriately?

10 THE COURT: Well I think just outbursts and
11 saying that there are lies is not the best way --

12 MS. LYNNE: I did not have an outburst.

13 THE COURT: -- to do it (inaudible).

14 MS. LYNNE: I said objection, that's a law.
15 So please tell me how to do it besides objecting.

16 THE COURT: You may object and I will allow
17 you to make a statement if you find that she's saying
18 something inappropriate and you may object as you
19 have.

20 MS. LYNNE: And so why are you calling it an
21 outburst if I'm doing it properly?

22 THE COURT: Mainly just because of the way -
23 - it just appeared overly loud to me.

24 MS. LYNNE: Okay, so how many times would
25 you sit and have somebody say that you're lying before

1 you object?

2 THE COURT: Well, all right. I do
3 understand that people say things in the Courtroom
4 sometimes and one person does believe it is a lie. It
5 is just not appropriate to stand up and object and say
6 they're lying. You may stand up and object and ask to
7 make a statement and I think that would be the best
8 way to do it. Just as I would not want Ms. Antommaria
9 to object by her statement and say she's lying. So
10 you can object and say I would like to make a
11 statement and I would allow that. I think that's the
12 best way to do it as opposed to shouting out that
13 someone is lying. That you --

14 MS. LYNNE: Do you believe there's a
15 difference between opinion and the truth because she
16 keeps saying this is simply my opinion when its
17 actually the truth.

18 THE COURT: Wait, first --

19 MS. LYNNE: Is there a difference in this
20 Courtroom between the opinion and the truth?

21 THE COURT: I'm really not going to get into
22 a back and forth. We are going to be adjourned until
23 January 4th until the next hearing in this case.

24 MS. AN TOMM MARIA: Your Honor, I just want to
25 put on the record that I gave Ms. Lynne a binder with

1 all of our exhibits so I'm not going to bring another
2 one to the next hearing. And I also filed them last
3 Friday and they were mailed to her. But unless I get
4 it back I just want it on the record that she has our
5 exhibits.

6 THE COURT: All right; and actually if
7 you'll bring a binder for me because I didn't --

8 MS. AN TOMM MARIA: I have one. I have one.

9 THE COURT: You can just give it to me at
10 the next hearing.

11 MS. AN TOMM MARIA: Right, I just want to make
12 sure.

13 THE COURT: All right, we will be adjourned
14 in this case then until January 4th.

15 MS. LYNNE: Thank you, Your Honor.

16 MS. AN TOMM MARIA: Thank you, Your Honor.

17 THE COURT: Thank you.

18

19 **(***WHEREIN THE PROCEEDINGS WERE ADJOURNED***)**

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DISTRICT COURT LARIMER COUNTY COLORADO 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521-2761	
<hr/> In Re the Matter of: JEFFREY R. PAPPENHEIM, Petitioner, and STACY LYNNE, Respondent.	<hr/> *FOR COURT USE ONLY* <hr/> Case Number: 11 DR 444 Ctrm: 2A

CERTIFICATION

I, CAROLE BROOKINS, do hereby certify that I transcribed the foregoing record from the digital-recording of the Contempt hearing held on November 9, 2012 in the above-entitled matter.

I do hereby further certify that the foregoing pages, numbered 1 through 49, inclusive, constitute a full, true and accurate complete transcript of the digitally-recorded proceedings, to the best of my knowledge and ability.

I do hereby further certify that the foregoing transcript was delivered to Jeanne Hines and to the Office of the Judicial Administrator, 8th Judicial District on November 27, 2012.

I have hereunto set my hand on November 27, 2012.


CAROLE BROOKINS
Transcriber