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Transcript of Hearing - Day 2

Date: January 12, 2026

Case: Caressa Bennet, et al. (Objection)

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OFFICE OF ZONING AND ADMINSTRATIVE HEARINGS
MONTGOMERY COUNTY GOVERNMENT

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IN RE: CARESSA BENNET, ET AL. : Case No.
(OBJECTION), OTHER. : ADO 26-03

-----x
HEARING DAY 2
BEFORE THE HONORABLE LYNN ROBESON HANNAN
Conducted Virtually
Monday, January 12, 2026
9:36 a.m.

Job No.: 614003
Pages 1 - 150
Transcribed By: Jennifer Candela-Alvarez

1 Hearing Day 2, conducted virtually.

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12 Pursuant to agreement, before

13 Matthew Weedon, Notary Public in and for the State

14 of North Carolina.

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Alex Finkel, Witness, Objector
Kenneth E Mack, Witness, Objector
Michael Bennet, Objector
Cara Bennet, Objector
Nancie Park, Community Resident
Suzanne Vaughn, Community Resident
Constance Sutter, Community Resident

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1 PROCEEDINGS

2 THE COURT: I'm calling the case of ADO
3 26-03, objection to the license -- ADU license of
4 -- filed by Ms. Flavia Favali for 7709 Oldchester
5 Road. A couple of notes from last time. I'm going
6 to take official notice, unless I hear an
7 objection, of the record and transcripts or the
8 transcripts of the prior two cases. I -- one, I
9 think, was ADO 25-02, and I don't have the number,
10 offhand, of the first application she filed.

11 Does anyone have an objection to doing
12 that?

13 MR. GOITEIN: No objection from
14 Mr. Mack. And the first application was ADO 2306
15 -- 23-06.

16 MS. BENNET: No objection from
17 Caressa Bennet.

18 THE COURT: Mr. Friedman?

19 MR. FRIEDMAN: No objection, ma'am.

20 THE COURT: Now one thing. We don't
21 have, I don't think, that many witnesses today.
22 Hopefully only one, maybe two, Ms. Favali.

1 But, Mr. Friedman, it would save us all
2 a lot of time -- I reread the transcript, and I
3 noticed that in your cross-examination you would
4 decide a fact even though you had no firsthand
5 knowledge of the fact. For instance, the house on
6 Kennedy Street wasn't occupied, and then you would
7 continue to ask the witness on that, and it took a
8 lot of time. So I'd appreciate it -- to the extent
9 where you apologized off the record. So I would
10 appreciate it if you could refrain from doing that
11 during this hearing so we can get through --

12 MR. FRIEDMAN: Yeah.

13 THE COURT: -- the case. All right.

14 MR. FRIEDMAN: I'll do my best.

15 THE COURT: With that, we have, I think,
16 Mr. Mack, first.

17 MR. GOITEIN: Mr. Mack testified at the
18 last -- on December 19th, and I think he was done.
19 I think that -- the whole purpose for resuming this
20 hearing, I think, was so that Mr. Finkel could
21 testify because he --

22 THE COURT: That was it. And the next-

1 door -- okay.

2 MR. GOITEIN: Right. The next-door
3 neighbor because he was here but I think had to
4 leave at, like, three o'clock on that Friday --

5 THE COURT: Yeah.

6 MR. GOITEIN: -- the 19th.

7 THE COURT: Yes. Thank you,
8 Mr. Goitein.

9 Mr. Finkel, would you please raise it --
10 unmute your mic, and raise your right hand. Thank
11 you.

12 ALEX FINKEL,
13 being first duly sworn or affirmed to testify to
14 the truth, the whole truth, and nothing but the
15 truth, was examined and testified as follows:

16 THE COURT: Okay. Go ahead. I don't
17 know -- Mr. Goitein, are you asking questions, or
18 do you just want Mr. Finkel to testify?

19 MR. GOITEIN: I can ask him some
20 questions if that -- if that makes it more
21 efficient.

22 DIRECT EXAMINATION

1 BY MR. GOITEIN:

2 Q Mr. Finkel, where do you live?

3 A 7711 Oldchester Road.

4 Q Okay. Where is that located in relation
5 to the property at issue here?

6 THE COURT: Oh, can I get -- I'm sorry.
7 Can I get your email address for the record.

8 THE WITNESS: Yep. It is Alexandre, A-
9 L-E-X-A-N-D-R-E, Finkel, F-I-N-K-E-L@gmail.com all
10 together.

11 THE COURT: Thank you. Go ahead,
12 Mr. Goitein.

13 MR. GOITEIN: Thank you.

14 Q Okay. Mr. Finkel, where do you live in
15 relation to the property at issue here which is the
16 7709 Oldchester property?

17 A So looking at the house -- looking at
18 7709, I live to the left of the house directly next
19 door.

20 Q Okay. How long have you lived there?

21 A Fifteen years.

22 Q Okay. In the past year, how many times

1 have you seen Ms. Favali?

2 A I would say anywhere from three to five
3 times over the last year.

4 Q And do you recall what you saw her doing
5 during those three to five times?

6 A A couple -- primarily outside her house
7 on her -- in her driveway. The last couple of
8 times I saw her is when she was doing some work on
9 her front yard, which there's still some questions
10 as to what exactly the work was done, if it's a
11 parking -- if it's the creation of another parking
12 spot or something else, but she was putting gravel
13 in her -- on the front yard.

14 Q When was that? Do you remember?

15 A I want to say sometime in, I think,
16 October-November timeframe.

17 Q Okay. And how does that compare to the
18 other neighbors that you have?

19 A Yeah. So, I mean, I see -- I see Ken --
20 I think Ken and his kids every day. I see
21 Dave Goodfriend.

22 THE COURT: And is Dave -- Ken Ken Mack?

1 THE WITNESS: Yes. Sorry. Thank you.
2 Yeah.

3 THE COURT: And Dave is Dave Chap [sic]?

4 THE WITNESS: Yep. Yeah. Yeah. So --
5 sorry. Thank you. I'll explain. So I see
6 Ken Mack pretty much every day. Ken Mack lives
7 directly across from Flavia and pretty much
8 directly across from me. I see Dan Chappell and
9 his whole family every day. I see David Goodfriend
10 and Sue, his wife, every day. I see Ms. Bennet
11 once a week and, you know, fairly -- I -- fairly
12 consistent. It's a pretty, you know, it's a pretty
13 open neighborhood. You know, we see each other
14 walking dogs, going to school. And I understand
15 that there's, you know, different -- you know,
16 people live different lives and different patterns
17 and have different, you know responsibilities, but
18 over the last 15 years, the neighbor that I've seen
19 the least is Ms. Favali, especially over the last
20 -- I would say probably the last five years I have
21 not seen her in the property.

22 Q Have you -- based on what you just

1 described, do you believe she lives in the
2 property?

3 A I cannot say with confidence that she
4 lives in the property. No.

5 Q Have you noticed any change --

6 MR. FRIEDMAN: I object to that
7 question, please. What he believes, what he
8 speculates is not admissible. He can speak to
9 facts.

10 A I do not think -- I do not think
11 Ms. Favali lives in the property.

12 MR. FRIEDMAN: I -- once again, I
13 object.

14 THE COURT: Okay. Mr. Friedman,
15 overruled because you had numerous witnesses who
16 had only been there a couple of days continue to
17 assert that this was her primary residence. So
18 this is --

19 MR. FRIEDMAN: But they testified to
20 facts. Excuse me. But they testified to facts.

21 THE COURT: They did not. They
22 testified --

1 THE WITNESS: I am testifying to the
2 fact that she doesn't live there.

3 THE COURT: -- that she was there when
4 they were there. I reviewed the transcript in
5 detail.

6 Go ahead, Mr. Finkel.

7 BY MR. GOITEIN:

8 Q And, Mr. Finkel, have you noticed any
9 change in Ms. Favali's status with respect to that
10 property in the past year?

11 A I have not.

12 Q Now you said you live right next to her;
13 right?

14 A Yeah.

15 Q Okay. Can you describe for the hearing
16 examiner the on-street parking situation that
17 surrounds the area in front of your house and her
18 house and her property?

19 A Yeah. So I think -- sorry. The -- she
20 has a circular driveway. There's usually three
21 cars parked in the circular driveway with an
22 overspill of parking on the street. So there's

1 usually a car on the street -- that's parked on the
2 street. There's another car, one or two cars, that
3 are parked on the other side of the street.

4 THE COURT: Wait. I'm sorry. Can you
5 -- I'm trying to write this down.

6 THE WITNESS: Sorry.

7 THE COURT: Can you go through that one
8 more time.

9 THE WITNESS: Yeah. So --

10 THE COURT: No. Just go a little slower
11 for me.

12 THE WITNESS: Yeah. Yeah. My
13 apologies. So Ms. Favali has -- it's a -- she has
14 a circular driveway --

15 THE COURT: Right.

16 THE WITNESS: -- in her -- on her -- on
17 her our property. There's usually three vehicles
18 parked in that circular driveway. There's almost
19 always another car that is parked in front of her
20 house on the street. So one side of the street.
21 On the other side of the street, I'm not sure whose
22 vehicles those are, but in front of Mr. Mack's

1 house and then the door -- and then the house next
2 door, there's also vehicles parked on the street.
3 So from a -- from a vehicle flow perspective, it's
4 a -- it's a two-lane road, and then we have cars
5 parked on both side of the street which becomes a
6 little bit of a -- it becomes a bottleneck from a
7 traffic perspective, especially in the mornings.
8 Right?

9 Some of these vehicles leave in the
10 afternoon but then come back at night. But in the
11 morning, when traffic around here picks up, it
12 becomes a little bit of an issue. That's
13 particularly when school busses come through the
14 street. There's probably five or six school busses
15 that drive up and down the street picking up kids.
16 So that becomes an issue. And then there's also
17 issues on Thursdays when we have garbage collection
18 and garbage pickup.

19 And there are several instances where
20 garbage trucks are actually blocked from moving --
21 freely moving up and down the street because of,
22 you know, just parking, you know, parking

1 situations around, you know, the three or four
2 homes in the area.

3 Q The cars that you just described parking
4 in the 7709 driveway and then in front of the house
5 and then on the other side -- are those all cars
6 that you associate with that property -- 7709?

7 A I think so. I think there's one car
8 that is parked on the other side of the street that
9 I'm not sure it's from that property, but every
10 other car is from that property.

11 Q Are you familiar with the cars that your
12 other neighbors drive?

13 A I'm not. I mean, not -- yeah. I mean,
14 it's --

15 Q All right. Do you recall an incident in
16 early December in which the police came to 7709?

17 A Yes.

18 Q Okay. Tell us what happened.

19 A So I think it was first week in
20 December. I was home doing some -- working from
21 here. I saw significant police activity, a bunch
22 of cars pulling up to 7709. I went outside just

1 to, you know, just to see what was happening.

2 There was four police cars, one parked
3 in front of my house, two parked in front of 7709,
4 and then another one down the street. Four police
5 officers left their car, went up to 7709, and just
6 banged on the door. I went back inside and waited
7 until sort of -- you know, waited until the
8 situation calmed down.

9 Then I saw -- went outside. I saw
10 Mr. Mack was outside. Just checked in on him. I
11 said, you know, is everything okay? Did you see
12 anything?

13 And he said, No. Just looking to make
14 sure everything is fine as well. We both went back
15 inside.

16 Then the police officer -- I saw, as I
17 was walking back up, there was four police officers
18 interrogating one of the -- one of the tenants that
19 lives in that house. Then went back inside. About
20 ten minutes later, I see the police officer walking
21 to his car, and I just went back out and just said,
22 you know, is everything okay? I live next door. I

1 just want to make sure everything is okay. And he
2 said, yeah.

3 There was a distress call from the -- I
4 don't know if it was the -- I don't know who did
5 it. I don't know if it was the person that they
6 were interrogating or someone in the house, but
7 they said it was a distress call from the house,
8 and they were taking one of the individuals in the
9 house to the hospital for a psychiatric hold, and
10 that's all he could share with me.

11 Q Did you see Ms. Favali at all during
12 that incident?

13 A I did not.

14 MR. GOITEIN: All right. Thank you,
15 Mr. Finkel. I don't have any other questions for
16 you.

17 THE WITNESS: Okay. Can I just say --
18 can I just say one last thing?

19 MR. GOITEIN: Sure.

20 THE COURT: Yes. Go ahead.

21 MR. FRIEDMAN: No objection.

22 THE WITNESS: Sorry? Go ahead. I --

1 that's fine. I'm okay.

2 THE COURT: No. No. If you need --
3 want to say it, say it.

4 THE WITNESS: So I was just --

5 THE COURT: Now's the time.

6 THE WITNESS: I'm sorry?

7 THE COURT: This is the time to say what
8 --

9 THE WITNESS: Yeah.

10 THE COURT: -- you want to say.

11 THE WITNESS: I was just -- Ms. Favali
12 had made several comments around having
13 accessibility -- wheelchair accessibility. One of
14 the primary reasons as to why she wants to have the
15 ADU is that she wanted to have wheelchair
16 accessibility into her property. In around 2012,
17 2013, Ms. Favali built two entrance -- two side
18 entrances to her home, and at the time I asked
19 Ms. Favali as to why she was doing that -- what's
20 the purpose -- what -- you know, to build those two
21 -- those two side entrances to her house.

22 And she specifically told me that the

1 reason as to why she was doing that was because she
2 wanted to have wheelchair accessibility for herself
3 into her house. These two rooms were built. She
4 never occupied those rooms. She never -- and she
5 listed those rooms on Airbnb the minute that they
6 were -- that they were finished.

7 So it just feels like the story
8 continues to repeat itself with Ms. Favali in terms
9 of reasonings as to why she wants to build some of
10 these -- either additional dwellings or different
11 entrances, because she wants to take care of
12 herself and have access to her home, but she does
13 have, you know, those two side entrances to her
14 home that are wheelchair accessible and has never
15 taken residency into those -- into those
16 properties.

17 So I just wanted to come on record and
18 state that about ten years ago, 12 years ago, this
19 is what she said she was going to do and completely
20 disregarded or didn't follow through as to the
21 reasons why she was building those rooms. So just
22 wanted to add that to my testimony as well.

1 THE COURT: Okay.

2 THE WITNESS: Thank you.

3 THE COURT: Any cross-examination,
4 Mr. Friedman?

5 MR. FRIEDMAN: Yes, ma'am.

6 CROSS-EXAMINATION

7 BY MR. FRIEDMAN:

8 Q Mr. Finkel, thank you for your
9 testimony. Were you aware that she had a fractured
10 shoulder at the time, and that is why she built --
11 needed that handicapped access to get into the
12 house?

13 A I'm not aware that she had a fractured
14 shoulder. At the time she didn't appear to have a
15 fractured shoulder at the time. She seemed
16 perfectly healthy to me, walking up and down and
17 doing a ton of work in her house, outside of her
18 house, cleaning up, lifting things. So did not
19 appear to have any fractured shoulders or anything
20 related to an injury that she couldn't do work in
21 her house.

22 Q Well, clearly, during the time that she

1 would have a fractured shoulder, she wouldn't be
2 able to work outside her house, would she?

3 THE COURT: Well --

4 A That's my point. That's exactly my
5 point.

6 THE COURT: -- that's speculation,
7 Mr. Friedman,

8 MR. FRIEDMAN: Well, he's been
9 speculating a lot, ma'am.

10 THE COURT: We're too far down this
11 road.

12 MR. FRIEDMAN: Okay.

13 BY MR. FRIEDMAN:

14 Q You --

15 THE COURT: I do have a question,
16 though. That raises a question for me. How -- you
17 said you had this conversation ten years ago?

18 THE WITNESS: Correct.

19 THE COURT: Okay. Go ahead,
20 Mr. Friedman.

21 MR. FRIEDMAN: Thank you.

22 Q You built the -- your house; is that

1 correct, Mr. Finkel?

2 A That's correct.

3 Q And at that time Ms. Favali provided you
4 with electricity and water service until you were
5 able to hook up to public utilities; is that
6 correct?

7 A I do not believe that's the case.

8 Q Okay.

9 A There was a house here with electricity
10 and water, and we just tapped into the -- into the
11 previous home that was here.

12 Q You talked about vehicles on the street.
13 Do you ever park a vehicle on the street?

14 A I do not.

15 Q Do your guests park vehicles on the
16 street?

17 A If I have more than three vehicles in my
18 house, they park on the street, yes, sir.

19 Q When contractors come to your house, do
20 they park on the street?

21 A No, sir.

22 Q They don't?

1 A They do not.

2 Q And isn't it true that Mr. Mack had a
3 car parked on the street for most of the last year,
4 which reportedly was for sale, although he still
5 owns that vehicle?

6 A I do not see that vehicle. I do not see
7 a for sale sign on the vehicle.

8 MR. MACK: No. We sold that vehicle.
9 We've sold it now.

10 THE COURT: Okay.

11 THE WITNESS: Okay. But --

12 THE COURT: You have to -- just a
13 second, Mr. Mack. I'm going to let you come back
14 and correct it. You can't just jump in. Okay? So
15 you can testify in a minute about that vehicle.

16 MR. MACK: I apologize. Yeah. Okay.

17 BY MR. FRIEDMAN:

18 Q All right. You talked about the
19 circular driveway in front of Ms. Favali's house.
20 Isn't it true that she also has a straight driveway
21 to the right of that? The opposite side of the
22 house from yours.

1 A That's correct.

2 Q So she's got off-street parking for five
3 cars; is that correct?

4 A I don't -- I see off-street parking for
5 maybe four cars.

6 Q You don't think there's room for two
7 cars on that driveway that goes all the way to the
8 back of her house?

9 A I've never been there, and I've never
10 seen two cars parked there.

11 Q But do -- is it capable of holding two
12 cars?

13 A I am not -- I am -- I am not capable of
14 making that distinction.

15 Q I see. So the house next door to yours
16 you haven't really paid attention to?

17 A That's not what I said.

18 Q Well, is the driveway that goes from the
19 street to the back of her house capable of holding
20 two cars?

21 A I have never been there, and I don't
22 know.

1 THE COURT: (Crosstalk). Just a second.
2 Stop talking.

3 Mr. Friedman, you'd asked that three
4 times. I'm not going to let you keep doing this.

5 MR. FRIEDMAN: Okay. Thank you, ma'am.

6 Q You also speculated over whether -- what
7 she has called a patio under construction, you said
8 might be a parking pad. Would that allow another
9 car to come off the street onto her property, if
10 that were a parking pad, as you speculated?

11 A I think the space is big enough for a
12 car to pull up to it. Yes.

13 Q So that would be to the benefit of those
14 who want less cars on the street, wouldn't it?

15 A If it's a -- if it's a legal parking
16 spot, sure.

17 Q Okay.

18 THE COURT: Well, wait a minute. Would
19 it? Because somebody might park -- it doesn't add
20 anything because somebody can't box it in. I don't
21 see how that works.

22 MR. FRIEDMAN: It would -- it wouldn't

1 be boxed in, ma'am. It -- the --

2 THE COURT: You're testifying -- you're
3 testifying Mr. Friedman. I'm asking Mr. Finkel.

4 MR. FRIEDMAN: Well, you did too. I'm
5 sorry. I thought you were testifying also when you
6 said that would --

7 THE COURT: No. I'm asking him a
8 question. I said, I don't see how that would work.
9 Wouldn't it box a car in? If you had a car, you
10 couldn't have an extra space. I don't see
11 physically how the parking pad would benefit
12 because wouldn't it box -- you can check the
13 transcript. Let's have the court reporter play it
14 back because it was a question.

15 Do you want to have the court reporter
16 play it back?

17 MR. FRIEDMAN: I'm --

18 THE COURT: I said I don't understand.
19 Explain to me how this would work. Wouldn't it box
20 it in?

21 MR. FRIEDMAN: May I respond to that?

22 THE COURT: Yeah.

1 MR. FRIEDMAN: Okay. One could pull
2 right off the street onto that circle.

3 THE COURT: No. Not you. You're not
4 under oath. I want him to do it. Why would I ask
5 you?

6 MR. FRIEDMAN: Well, I'm --

7 THE COURT: I'm asking him.

8 MR. FRIEDMAN: -- I'm sorry. I asked if
9 I could respond, and you said yes. I apologize if
10 I misunderstood.

11 THE COURT: Well, what -- I don't want
12 you testifying. I want him to answer.

13 MR. FRIEDMAN: Okay.

14 THE COURT: So --

15 MR. FRIEDMAN: Well, let me ask -- let
16 me ask the question.

17 THE COURT: Stop. No.

18 Is there a way that that could add an
19 additional -- first of all, why are we -- we don't
20 even know -- do we know that this -- what do you
21 know about this space?

22 THE WITNESS: Are you asking me?

1 THE COURT: Yes.

2 THE WITNESS: Okay. All right. I don't
3 know much about the space. It was a -- it was an
4 area with some leaves or grass or whatever it was
5 one day. The next day they were pouring some
6 concrete and gravel and making, you know. So we --
7 I don't know what the -- I don't know what the use
8 of it was or is or the intended use of the space --
9 of the space is.

10 THE COURT: If that space --

11 THE WITNESS: Yes.

12 THE COURT: -- were a parking place,
13 which --

14 THE WITNESS: Sure.

15 THE COURT: -- Ms. Favali said it is not
16 --

17 THE WITNESS: Yeah.

18 THE COURT: But I assume -- I don't even
19 know why we're getting into it, because Ms. Favali
20 already said it isn't, but I'll ask you because
21 that was the question. If a car tried to park in
22 there, wouldn't -- couldn't another car block it

1 in? Would it add a space to the site?

2 THE WITNESS: It would add a space to
3 the site, but it's like there's regulations on
4 driveways and parking regulations in every house.
5 This is me putting a car in the middle of my front
6 yard. That's basically what she built. So --

7 THE COURT: So would it be a pull-in
8 space? Is that what you're saying?

9 THE WITNESS: So if you -- if you think
10 of a circular driveway like this, right -- so a
11 circular driveway.

12 THE COURT: Yeah.

13 THE WITNESS: There's two exits.

14 THE COURT: Right.

15 THE WITNESS: She put -- there is a
16 space in the middle of that circular driveway with
17 gravel in it.

18 THE COURT: A car can pull in it too?

19 THE WITNESS: That it can pull into --

20 THE COURT: And then back out --

21 THE WITNESS: -- parallel park into or
22 whatever, but it's literally in the middle of the

1 yard.

2 THE COURT: But I -- but I still don't
3 see how that would add a -- is this cleared space
4 big enough for two cars, do you think?

5 THE WITNESS: It's not big enough for
6 two cars. It's -- it is a -- it is a -- it's a --
7 it's a square gravel in the middle of her yard.
8 I'm not really sure what the intended use is.

9 THE COURT: Now I'm asking you,
10 Mr. Friedman, why are we talking about this?

11 MR. FRIEDMAN: Only because Mr. Finkel
12 testified about it.

13 THE COURT: Okay.

14 MR. FRIEDMAN: Okay.

15 THE COURT: Go ahead.

16 BY MR. FRIEDMAN:

17 Q All right. So you and some of the other
18 neighbors have testified to traffic on the street,
19 sir. Do you -- do you -- isn't it true that you
20 have a basketball hoop set up so that your children
21 play on the street in order to use that basketball
22 hoop? It's on the curb facing the street; is that

1 correct?

2 A That's correct.

3 Q And, in fact, Mr. Chappell, on the other
4 side of Ms. Favali's house, also has a basketball
5 hoop right out on the curb facing out to the
6 street; is that correct?

7 A That's correct.

8 Q Okay. And you let your children play
9 there; is that correct?

10 A I let my -- I supervise my children
11 playing there because of traffic. Yes.

12 Q You testified that there's been
13 obviously very little interaction between you and
14 Ms. Favali. If you knew that your neighbors were
15 cooperating with each other in, for lack of a
16 better word, a crusade against her accessory
17 dwelling unit that's been going on for three years,
18 would you be interacting with those neighbors?

19 MR. GOITEIN: Objection.

20 THE COURT: Basis?

21 MR. GOITEIN: There's no -- there's no
22 basis for his question that there's a crusade going

1 on. It wasn't even a question at all. It was
2 which --

3 THE COURT: Rephrase that question, Mr.
4 --

5 MR. FRIEDMAN: Let me --

6 THE COURT: Rephrase it.

7 MR. FRIEDMAN: -- let me substitute
8 cooperative effort in lieu of the word crusade.

9 THE COURT: Okay. Go ahead.

10 THE WITNESS: So what's the question?

11 BY MR. FRIEDMAN:

12 Q My question is if you knew that your
13 neighbors had organized and were working together
14 to defeat what one wants to do with one's property
15 and that this has been going on for three years,
16 would you go out of your way to interact with those
17 neighbors?

18 A If I see these neighbors on the street,
19 absolutely I would have a conversation with them.
20 Ms. Favali and I have seen each other for 15 years.
21 Ms. Favali and I have had multiple conversations
22 together. I have absolutely no animosity towards

1 Ms. Favali. This is not a question about how I
2 would interact or engage with Ms. Favali based on
3 what she's trying to do. That's not the person
4 that I am.

5 MR. FRIEDMAN: Okay. Thank you. I have
6 nothing further of the witness.

7 THE WITNESS: Okay.

8 THE COURT: How full -- at the peak
9 times, how full is the on-street parking?

10 THE WITNESS: I would say -- I would say
11 two vehicles on each side.

12 THE COURT: At peak time. At peak time.
13 At peak time.

14 THE WITNESS: Yeah. So peak time in
15 here is mornings and at night. Right? Some of
16 these vehicles vacate. So I would say there's two
17 vehicles on either side of the street. So there's
18 four vehicles in -- within the -- within the
19 property line. So two on one side and two on the
20 other.

21 THE COURT: How about in front of your
22 property?

1 THE WITNESS: In front of my property,
2 probably one vehicle in front of my property. So
3 --

4 THE COURT: Okay. All right.

5 Mr. Friedman, you get a question. I
6 asked that after you had finished cross. You get a
7 question based on those answers if you wish -- if
8 you wish.

9 MR. FRIEDMAN: I don't see any reason to
10 pursue it. Thank you.

11 THE COURT: Mr. Goitein, do you have any
12 redirect?

13 MR. GOITEIN: Not redirect for this
14 witness.

15 THE COURT: Okay. Thank you,
16 Mr. Finkel, and thank you for coming back.

17 THE WITNESS: Thank you very much.

18 THE COURT: You may be excused.

19 THE WITNESS: Thank you.

20 THE COURT: Mr. Mack, I think you wanted
21 to testify about something.

22 MR. MACK: I just wanted to correct

1 (crosstalk) --

2 THE COURT: Hold on one second. You're
3 still under oath. Go ahead.

4 KENNETH MACK,
5 being previously duly sworn or affirmed to testify
6 to the truth, the whole truth, and nothing but the
7 truth, was examined and testified as follows:

8 MR. MACK: I just wanted to correct we
9 did sell the vehicle that we did, from time to
10 time, have parked out in front of our house. It's
11 not there, but I'm not -- in our case it was just
12 one vehicle. Whereas in the case of Ms. Favali's
13 house, it's multiple. Anyway, I just wanted to
14 correct the record about my vehicle.

15 THE COURT: Thank you.

16 Any questions, Mr. Friedman?

17 MR. FRIEDMAN: Yes.

18 CROSS-EXAMINATION

19 BY MR. FRIEDMAN:

20 Q I understand, Mr. Mack, that that was
21 just one vehicle, but you were hardly using that
22 vehicle during the past year; is that correct?

1 A Yeah. Until we sold it. Yes.

2 Q So it was there day and night pretty
3 much all the time on the street; is that correct?

4 A No. Sometimes it was not. Sometimes it
5 was parked in our driveway. Sometimes it was
6 parked in the garage. Sometimes it was parked on
7 the street.

8 Q How many other cars do you have?

9 A Two.

10 Q And how many does your garage hold?

11 A The garage holds two.

12 Q And those were the cars that you and
13 your wife were driving?

14 A Yes.

15 MR. FRIEDMAN: Okay. Nothing further.
16 Thank you.

17 MR. GOITEIN: I have a question based on
18 that.

19 THE COURT: Any redirect -- any redirect
20 based on that, Mr. Goitein?

21 MR. GOITEIN: Yes.

22 REDIRECT EXAMINATION

1 BY MR. GOITEIN:

2 Q Mr. Mack, the car that you had for sale
3 -- did you ever park that in front of anybody
4 else's house?

5 A Definitely not unless there were so many
6 cars parked in front of our house that we were
7 forced to park it down the street because there was
8 no parking spaces available in front of our own
9 house.

10 Q And did that happen?

11 A Yes.

12 MR. GOITEIN: Thank you. No more
13 questions.

14 THE COURT: Okay. And is there -- thank
15 you, Mr. Mack.

16 Any other witnesses that support the
17 objection?

18 MR. GOITEIN: Yes. I think Ms. -- so
19 I'm representing Mr. Mack and calling witnesses in
20 his case. I understand Ms. Bennet testified, but
21 she's also an objector in her own case, and I did
22 have some questions for her based upon the prior

1 testimony.

2 THE COURT: Okay. That's fine.

3 MR. GOITEIN: Okay.

4 THE COURT: Ms. Bennet, you're still
5 under oath.

6 MS. BENNET: Yes.

7 THE COURT: You don't have to get sworn
8 in again.

9 MS. BENNET: Okay.

10 CARESSA BENNET,
11 being previously duly sworn or affirmed to testify
12 to the truth, the whole truth, and nothing but the
13 truth, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. GOITEIN:

16 Q Ms. Bennet, did you hear the testimony
17 -- well, there was testimony, and there were
18 questions, and there was quite a bit about this
19 parking pad or patio or whatever it is that
20 Ms. Favali is recently constructing. Have you
21 observed that?

22 A Yes, I have.

1 Q Okay. What can you tell the hearing
2 examiner about that particular --

3 A As Mr. Finkel testified, it is some
4 gravel that was put in, and there's a stack of
5 pavers looking like it's ready to be paved. My
6 neighbor Georgia Jaitly and I, when we saw this
7 happening -- and I think it was in late October --
8 we approached Ms. Favali to find out what was going
9 on. She said she was moving her patio, and I said,
10 What patio?

11 And she said, you know, I had a bench
12 under the tree up here.

13 And I was like, But that wasn't a patio.
14 That was just a bench.

15 And she said, Well, I'm allowed to
16 extend my patio and move it. I got permission to
17 do that.

18 And my neighbor Georgia Jaitly is having
19 a whole bunch of remodeling work done on her house
20 right now. And Georgia said, Well, this is -- part
21 of this out front is --

22 MR. FRIEDMAN: She's testifying --

1 excuse me. I'm going to object on the basis of
2 hearsay.

3 THE WITNESS: Okay. Well --

4 THE COURT: Hearsay is admissible if
5 it's relatively reliable, and I'm going to accept
6 it and give it the weight it deserves.

7 MR. FRIEDMAN: Thank you.

8 THE WITNESS: Well -- and I -- and I
9 know from my experience --

10 THE COURT: (Crosstalk).

11 THE WITNESS: -- I know from my
12 experience, from having the gas line brought in,
13 that the front -- I don't know how much from the
14 street up to -- into our yards -- it looks like our
15 yards -- but it's county right of way. And so you
16 have to have permits and everything to operate that
17 and let the county know what's going on, and I had
18 to do it when I put in my gas line that went
19 through three different neighbor's houses and, you
20 know, explain all that to them. So we were digging
21 on that -- in that right of way.

22 And noting that Georgia was also having

1 the construction done, that you also needed a
2 permit to do that. So we pointed that out to
3 Ms. Favali in which case she stopped. And I think
4 she testified earlier that she was having trouble
5 getting all of the different permits that she
6 needed to complete the job.

7 It looks very much like it could hold
8 two cars if they were really tight together, and it
9 would take up a lot of space on the street for
10 those cars to enter because they would be coming
11 front end if it is a parking space. And so we were
12 very concerned about all the pavers and what was
13 going on because that was going to take more street
14 parking away to put that in. Possibly one to two
15 spaces on the street would be gone.

16 So it would be harder with her two
17 entrances and the circle. And then in the middle
18 of that more parking -- that that would detract
19 from the street parking where we already have a
20 really incredible congested situation in that
21 bottleneck area.

22 BY MR. GOITEIN:

1 Q So, Ms. Bennet, are you saying that in
2 order to enter this new patio, it would be taking
3 away from places that could -- that would be
4 reducing the on-street parking?

5 A Yes.

6 Q By about how many spaces?

7 A One and a half, maybe. Not quite two
8 full. It depends on how small the cars are, but it
9 would pretty much take up everything on her --
10 between the two entrances and that, there wouldn't
11 be room to park at all.

12 Q In front of her house?

13 A In front of her house on that side of
14 the house.

15 MR. GOITEIN: All right. Thank you.
16 Thank you.

17 THE WITNESS: And I -- and I did submit
18 pictures as exhibits, Your Honor, that you could
19 take note of if you wanted to look at those
20 pictures.

21 THE COURT: I think that was Exhibit 7
22 if I recall.

1 THE WITNESS: Yeah.

2 THE COURT: But I could be wrong.

3 MR. GOITEIN: I believe it's Exhibit 12.

4 THE COURT: Okay. All right.

5 (Exhibit 12 was marked for identification.)

6 MR. GOITEIN: And then Exhibit 12H has
7 the pictures just for the record.

8 (Exhibit 12H was marked for identification.)

9 THE COURT: Hold on. Exhibit 12H. I
10 have 12H as photos of Flavia's home.

11 MR. GOITEIN: Yeah. As a matter of
12 fact, if I can -- am I able to share the screen?

13 THE COURT: Here. I'll share it. I
14 apologize. There is -- okay. There we go.

15 MR. GOITEIN: Thank you.

16 BY MR. GOITEIN:

17 Q All right. So, Ms. Bennet, if you look
18 at the screen -- and if we could just scroll up to
19 the first page.

20 A Yes.

21 THE COURT: We're looking at Exhibit
22 12H.

1 MR. GOITEIN: Okay.

2 Q So, Ms. Bennet --

3 THE COURT: The first page.

4 Q -- if you look there, you see where it
5 says, Parking -- where it says, Parking pad right
6 here to the right; right?

7 A Correct.

8 Q Okay. And did you create this document?
9 So you wrote parking pad in there?

10 A Yes.

11 Q All right. So -- as it's -- so there's
12 an opening here for part of the circular driveway,
13 and then we can't see it from the picture, but is
14 there another opening on the other side to enter
15 the circular driveway?

16 A Yes. Right on the other side of the
17 parking pad.

18 Q All right. So then in the middle of
19 those two openings, sort of the middle of the
20 horseshoe, without this parking pad, would there be
21 on-street parking?

22 A No.

1 Q Without the parking pad?

2 A No. Without the parking pad? Without
3 the parking pad, yes, there would be parking.

4 Q Okay. But if there were cars parked in
5 that area, then how would that affect the on-street
6 parking?

7 A There wouldn't -- you -- well, the cars
8 would be blocked in if someone parked on the
9 street.

10 Q Okay. So if there was no -- there was
11 no on-street parking from this area that starts
12 with the left side of the -- that we see in the
13 picture -- in the middle of the picture that starts
14 with the left side of the circular driveway and
15 goes all the way to the right side of the circular
16 driveway, would there be any on-street parking in
17 front of Ms. Favali's property?

18 A No. Not if that's a parking pad.

19 MR. GOITEIN: Okay. All right. All
20 right. Thank you. I don't have any more questions
21 on that.

22 THE COURT: Mr. Friedman?

1 MR. FRIEDMAN: Yes. I have a question.

2 CROSS-EXAMINATION

3 BY MR. FRIEDMAN:

4 Q Ms. Bennet, now, as you know, Ms. Favali
5 has testified more than once that this is intended
6 to be a front patio, not a parking pad. However,
7 in the interests of entertaining the neighbor's
8 opinion that it's a parking pad, I have asked a
9 couple of questions. I'm going to ask you one
10 more.

11 You said that, if a car were parked
12 there, it would eliminate one and a half spaces.
13 That's the distance between the two exits of the
14 circular driveway; is that correct?

15 A It's -- there's room, I think, to park
16 one car there.

17 Q Okay. So if that one car --

18 A It depends on -- I'm sorry. I just want
19 to say because I drive a very tiny car. So I don't
20 know if you could fit two. I'm not sure.

21 Q All right. So you could put two minis
22 maybe but most standard cars, you put one car

1 there; is that correct?

2 A Right. That's what I would say. Yes.

3 Q All right. So if that car can't be
4 parked on the street but is in turn moved onto that
5 pad, we're still parking one car either way;
6 correct?

7 A Yeah. I mean, it's kind of a wash.
8 Yes.

9 Q And it's a wash. And you're actually
10 taking one car off the street, which is a benefit;
11 isn't that correct?

12 A Well, you're not really taking one car
13 off the street because nobody else could park
14 there.

15 Q No. But there's one less car blocking
16 traffic going down the street; is that correct?

17 A I mean, if a car is parked there instead
18 of parked on the street, yes.

19 Q Okay. So it's overall a benefit; is
20 that correct?

21 MR. GOITEIN: Objection.

22 A I mean, it gets a car off the street, I

1 suppose.

2 THE COURT: Just a second. Mr. Goitein
3 had an objection.

4 MR. GOITEIN: I object to the form of
5 the question.

6 THE COURT: I'm sorry?

7 MR. GOITEIN: Object to the form of the
8 question. He's asked if it's overall a benefit. A
9 benefit as to what?

10 MR. FRIEDMAN: Well, we did -- the prior
11 question said it would eliminate one car from the
12 street. So I think that was clear, Mr. Goitein.

13 MR. GOITEIN: So the -- I think the
14 issue here -- because what this hearing is focused
15 on is the availability of on-street parking. So if
16 the question has to do with that, then I would not
17 object. If the question has to do with some other
18 benefit, like the benefit of availability of
19 parking to Ms. Favali's tenants, then I would
20 object.

21 MR. FRIEDMAN: I don't think that's
22 (crosstalk).

1 THE COURT: (Crosstalk) --

2 THE WITNESS: No. So I would say that

3 --

4 MR. FRIEDMAN: May I respond to
5 Mr. Goitein. I don't think that's an issue because
6 Inspector Johnson has already testified that her
7 property has three times the parking required by
8 the statute.

9 THE COURT: I think what -- okay.

10 THE WITNESS: The neighborhood loses a
11 parking space. Favali gains a parking space.

12 THE COURT: Yes.

13 MR. FRIEDMAN: And one car is removed
14 from the street.

15 THE COURT: Yes. (Crosstalk) --

16 THE WITNESS: But that is shared
17 parking. That is not all Favali parking.

18 MR. FRIEDMAN: Okay. All right.
19 Nothing further of the witness. Thank you.

20 THE COURT: Thank you. Okay.

21 Anything else, Mr. Goitein?

22 MR. GOITEIN: No.

1 THE COURT: Okay. Is there -- is that
2 everything you wanted to say, Ms. Bennet?

3 THE WITNESS: Yes. I'm done.

4 THE COURT: Okay. Any other witness
5 supporting the objector?

6 MR. GOITEIN: Not from the objectors.

7 THE COURT: Okay. That being said, I'm
8 going to take a ten-minute break, and then we'll
9 come back for Ms. Favali with -- is Ms. -- does
10 Ms. Favali want to testify?

11 MR. FRIEDMAN: Yes. There will be
12 rebuttal testimony.

13 THE COURT: I do have one thing. I
14 don't know what's in those exhibits that I got late
15 last night, but I'm not -- nobody's had a chance to
16 see them. I haven't read them. I'll accept your
17 memo, Mr. Friedman, because -- and I don't even
18 know if that's been distributed to everybody.

19 MR. FRIEDMAN: Yes, it has been.

20 THE COURT: But, you know, I'll accept
21 that because I'm going to give Mr. Goitein and
22 Ms. Bennet a chance and Mr. Mack a chance to

1 respond to that. But I have no -- I just object to
2 having exhibits dumped into the record on a Sunday
3 night before the hearing.

4 Have you reviewed them, Mr. Goitein?

5 MR. GOITEIN: Yes, I have, and I
6 actually would not object to those exhibits being
7 included in the record. I would prefer that they
8 are.

9 THE COURT: Okay. Then if there's no
10 objection -- but I will tell you, I haven't
11 completely read them all, but I will have
12 Ms. Favali to explain them for us. Okay? So we'll
13 all be familiar with them.

14 MR. FRIEDMAN: Very reasonable. Thank
15 you.

16 MS. BENNET: Your Honor, I also had a
17 chance to give a cursory review of them, and I
18 don't know if this is the appropriate time to raise
19 this, but you also sent us material to review, and
20 I will let you know that I haven't had a chance to
21 get through all of that. It was quite extensive.
22 I think it was, like, 90 pages of material that I

1 haven't had a chance to go through yet.

2 THE COURT: Ninety pages?

3 MR. GOITEIN: Yeah. I also --

4 THE COURT: Oh, I thought I just sent
5 one staff memo.

6 MS. BENNET: You did, but there was a
7 link to the legislative history that you said you
8 were going to take judicial notice of, and I'm just
9 letting you know --

10 THE COURT: Oh, okay.

11 MS. BENNET: -- I haven't had a chance.
12 That's about 90 pages, and I haven't had a chance
13 to get through all that.

14 THE COURT: I didn't realize. That was
15 the only thing pertinent I could find in the
16 legislative history, but you do have the right to
17 go through it.

18 MS. BENNET: Yeah.

19 THE COURT: And so we can hold the
20 record open and get a response on that as -- I'm
21 going to do that anyway. We can hold the record
22 open for you to have a response on that as well.

1 MS. BENNET: That would be great because
2 I found some other interesting things in there that
3 I would like to get some light shown on. So --

4 THE COURT: Okay. Fine. So with that,
5 we're going to take a ten-minute break. So we'll
6 be back at 10:31.

7 MR. FRIEDMAN: Thank you very much.

8 MS. BENNET: Thank you.

9 THE COURT: Mute your microphones, or
10 you will be heard. Okay? With that, we're going
11 off the record.

12 (Recess from 10:33 a.m. until 10:38 a.m.)

13 THE COURT: Okay. We're back on the
14 record. I guess we have Ms. Favali up. Mr. --

15 MS. FAVALI: Yes, sir.

16 THE COURT: -- oh, Mr. Friedman is on
17 the phone. Wait for your attorney.

18 MR. FRIEDMAN: Can we -- can we have --
19 can we have two more minutes, please?

20 THE COURT: Yes.

21 MR. FRIEDMAN: Thank you.

22 THE COURT: We're going off for two more

1 minutes. How about five minutes? Five minutes.

2 MR. FRIEDMAN: Even better. Thank you.

3 THE COURT: Okay. Okay. We'll be back
4 at 10:38 on the record.

5 (Off the record.)

6 (On the record.)

7 THE COURT: Mr. Friedman, it's your
8 witness.

9 MR. FRIEDMAN: Okay. Calling --
10 recalling Ms. Favali for rebuttal testimony.

11 Ms. Favali, please remember that you are
12 still under oath.

13 FLAVIA FAVALI,
14 being previously duly sworn or affirmed to testify
15 to the truth, the whole truth, and nothing but the
16 truth, was examined and testified as follows:

17 REBUTTAL DIRECT EXAMINATION

18 BY MR. FRIEDMAN:

19 Q We've heard a lot of testimony, and
20 Mr. Finkel testified to your enhancement of the
21 house with an additional -- a handicapped access
22 entrance. Can you tell us why, aside from doing

1 that, you need the ADU for the -- what would be the
2 difference in terms of your life and your access,
3 et cetera?

4 A So when I did do the -- and I don't
5 recall that conversation at all but -- even talking
6 to Mr. Finkel. But what I did do -- and I got it
7 permitted. Under the rule of law, I had permits
8 for doing those entrances. I made one with a ramp
9 so in case I ever did need a wheelchair. I rented
10 to Shonda McLaughlin for a while, who did need a
11 wheelchair?

12 I broke my collarbone. So I broke my
13 collarbone February 15th, 2023, which is in the
14 exhibit. And then the week later, because I
15 couldn't move my shoulder, my collarbone, I
16 couldn't tie my shoes, unfortunately, and I tripped
17 over my shoelaces, and I broke my ankle, tibia, and
18 fibula.

19 MS. VAUGHN: What does that have to do
20 with the side entrance?

21 A Oh. So I couldn't --

22 THE COURT: Excuse me.

1 A -- I'm sorry. So I couldn't wheel my
2 wheelchair up to the --

3 THE COURT: Just stop, Ms. Favali. Is
4 someone in that room with you?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: Can they leave, please --

7 THE WITNESS: Yes.

8 THE COURT: I don't know who it is.

9 -- or stay silent.

10 THE WITNESS: She'll stay silent.

11 THE COURT: We can't have someone
12 whispering to the witness.

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Who is in the room with you?

15 THE WITNESS: Suzanne Vaughn, who's been
16 my friend since 2015. She testified at the last --

17 THE COURT: Okay. I remember her from
18 the transcript. There is --

19 Ms. Vaughn, I would appreciate it -- you
20 can watch this hearing remotely if you want -- have
21 a computer, but you shouldn't -- you should not be
22 giving or prompting Ms. Favali in any manner.

1 MS. VAUGHN: Yes, ma'am. I hear you.

2 THE COURT: And I can't see you on the
3 screen. So I can't verify that you're not doing
4 it.

5 MS. VAUGHN: Can you see me now?

6 THE COURT: Yes. But can you go to
7 another room?

8 MS. VAUGHN: Yes. Yes. I can do that.

9 THE COURT: Thank you. And you can
10 watch the proceedings remotely.

11 BY MR. FRIEDMAN:

12 Q All right. So, Ms. Favali, what we were
13 --

14 MR. GOITEIN: (Crosstalk).

15 THE COURT: Wait. We're going to wait
16 till Ms. Vaughn -- I haven't seen her leave the
17 room.

18 MR. GOITEIN: And may I just say
19 something on the record related to that?

20 THE COURT: Yeah. Wait. Mr. -- just a
21 second. There is no talking, Ms. Favali. You're
22 not testifying right now. Ms. Vaughn needs to

1 leave the room, and Mr. Goitein gets the floor.

2 MR. GOITEIN: I just wanted to ask that
3 the record reflect whatever it is that Ms. Favali's
4 friend said to her as she was testifying.

5 THE COURT: What was it, Ms. Favali?
6 What did Ms. Vaughn say?

7 Ms. Vaughn, you're still under oath.
8 What did you say to her?

9 MS. VAUGHN: I was reminding her that
10 she was making her answer complicated.

11 THE COURT: Okay.

12 MS. VAUGHN: She was -- she was -- she
13 answered your question but then continued talking
14 about something further that wasn't necessary.

15 THE COURT: Well -- okay. If you could
16 leave the room.

17 MS. VAUGHN: Okay. I'm leaving.

18 BY MR. FRIEDMAN:

19 Q So Ms. Favali --

20 THE COURT: And shut the door, please.
21 Ms. Favali, shut the door.

22 THE WITNESS: Oh, sorry.

1 THE COURT: Okay. It's now just you,
2 Ms. Favali; right? Correct? Do you want to say --
3 no thumbs up. Say yes.

4 THE WITNESS: Yes. Yes, ma'am.
5 (Crosstalk).

6 THE COURT: Okay. Now we'll go ahead.

7 MR. FRIEDMAN: Thank you.

8 BY MR. FRIEDMAN:

9 Q So, Ms. Favali, the question was what
10 additional benefit would the proposed ADU provide
11 over the handicapped access which you -- which you
12 arranged when you did that extra entrance?

13 A When I applied for the Design for Life
14 Credit, for the \$10,000 tax credit, it met all the
15 requirements, but when I broke my collarbone, I
16 could not wheel the wheelchair into the back of the
17 house. So I guess the kitchen. So I was kind of
18 -- I couldn't -- I had no strength.

19 THE COURT: You broke your -- okay.
20 Hold on. You broke your collarbone 2/15/23. Is
21 that what you said?

22 THE WITNESS: February 15th. It's in

1 the exhibits. Yes, ma'am. February 15th --

2 THE COURT: Okay.

3 THE WITNESS: -- 2023. Yes, ma'am. The
4 week later -- I did it volunteering at my school.
5 The week later I tripped over my shoelace and broke
6 the ankle, tibia, and fibula. So I couldn't
7 mobilize. I couldn't even get into the house for
8 seven months.

9 Q So what additional benefit will the ADU
10 have?

11 A One level -- one wheelchair. I can be
12 able to do it if I have a fracture. Since my
13 shoulder hasn't quite healed yet, I'll still be
14 able to use my wheelchair with the shoulder. It'll
15 all be one level. It will not be going up -- going
16 up the driveway around the back of the house at the
17 handicap ramp, ma'am.

18 Q Will there be a difference in the widths
19 of the doors?

20 A Yes. They'll all be compliant over 36
21 inches. Yes, sir.

22 Q And how about the bathroom?

1 A Yes, sir. I'm even going to take out
2 the door so I'll be able to have easy access to my
3 bedroom and bathroom since it's just for me.

4 Q Okay.

5 A So I got rid of my bathroom door. Yes.

6 Q Now Mr. Chappell testified under oath
7 that you told him that you had not spent the
8 \$10,000 that you were given a grant by the county.

9 MR. FRIEDMAN: Ms. Favali, please come
10 back.

11 THE WITNESS: I'm sorry. I just was
12 getting the exhibit, sir. I'm sorry.

13 Q Okay. Do you have proof that you spent
14 more than \$10,000?

15 A Yes. I submitted that on -- that's G1
16 to G4 on my exhibits that I did for the December
17 19th hearing. And it says, Do you recall --
18 Mr. Chappell's asking me this. He said this on
19 transcript from the hearing conducted on December
20 9th, pages 89 to 92. Should I read it, or should I
21 just say I've submitted it?

22 Q No. I -- no. As long as you've

1 identified the exhibit, the hearing examiner can
2 look at it later.

3 THE COURT: It's Exhibit 7. It's
4 Exhibit 7 -- or no. Wait. Hold on. That's her --
5 let me get our exhibit number. Is it the first --
6 the transcript from the OZAH hearing?

7 THE WITNESS: Well, he said on the OZAH
8 hearing that I didn't spend the \$10,000. At that
9 time on the December 9th hearing, I wasn't
10 prepared. I didn't have my facts in front of me.
11 So I didn't want to perjure myself. So I just
12 submitted that on February 15th to you for my
13 rebuttal, and I have put this in.

14 And it says basically from American Home
15 Contractors, 8/24/20.

16 THE COURT: Okay. Slow down. What
17 exhibit are you -- what exhibit are you talking --
18 when did you submit this exhibit?

19 Before the December 19th hearing, ma'am.
20 I can tell you exactly.

21 Q That's -- all I want you to do is tell
22 us where the exhibit is.

1 A Yes, sir. Exhibit 10, part G, pages 10
2 to 16. They're all the exhibits. So it's a
3 breakdown of exhibits from OZAH website from the
4 December 19th hearing. So if you go to --

5 Q And how much did --

6 THE COURT: Well, I don't see a page --
7 I don't see a page 10. The page 10 I have is the
8 picture.

9 THE WITNESS: So I have pages 10 through
10 16. So I can -- if I minimize the screen, I'll
11 never get back to you. That's my problem. I'm
12 afraid. That's why I have the other computer. I'm
13 not very good at this computer Teams stuff.

14 THE COURT: Well, I have the 16th page
15 of Exhibit 10 that's listed on our website, part G,
16 that says part 7.

17 THE WITNESS: (Crosstalk).

18 THE COURT: Exhibit 10G, part 7. Is
19 that not the right one?

20 THE WITNESS: I believe that is because
21 it has on that -- it has the Xerox of the
22 transcript that Mr. Chappell said. It has my

1 residential building application that I applied
2 5/6/20. That's page 1, Exhibit G1.

3 (Exhibit 10G was marked for identification.)

4 THE COURT: That's not -- we're looking
5 at different things.

6 Mr. Friedman, can you help out?

7 MR. FRIEDMAN: Unfortunately, I've
8 relied on my client for the source of the exhibits.
9 I don't have -- I haven't submitted them myself.

10 THE COURT: Okay.

11 MR. FRIEDMAN: Can --

12 THE WITNESS: So --

13 MR. FRIEDMAN: Let me -- let me make a
14 different suggestion. Can she resubmit the exhibit
15 after the hearing? You're going to keep the record
16 open anyway. Can she resubmit the exhibit so
17 there's no question (crosstalk) --

18 THE COURT: Is there an objection to
19 that?

20 MR. FRIEDMAN: -- Court?

21 MR. GOITEIN: Isn't the exhibit already
22 -- didn't she already submit the exhibit?

1 THE COURT: It is. I just can't find
2 it. I don't know what --

3 MR. GOITEIN: If it's in the record --
4 if it's in the record, it's in the record. And if
5 it's something that she already placed in the
6 record, I don't know how this would be rebuttal.

7 THE COURT: Okay. Let me do this, then.
8 Exactly what is it that you're reading?

9 THE WITNESS: I'm reading on -- what I
10 have on my --

11 MR. FRIEDMAN: Wait a minute.

12 THE WITNESS: And I sent this --

13 MR. FRIEDMAN: Hold on. Excuse me.
14 Excuse me, Ms. Favali. What I'm asking for is the
15 invoice that shows that you spent more than
16 \$10,000. That's all I'm asking for.

17 THE WITNESS: Yes. That's Exhibit 2D-1.

18 THE COURT: Okay. Just -- we'll find
19 it. Okay.

20 MR. FRIEDMAN: But if it's difficult to
21 find, I don't think it poses a problem for her to
22 submit a duplicate exhibit.

1 THE COURT: Well, the record's already
2 so big. I hesitate, but I --

3 MR. FRIEDMAN: There's really no
4 downside.

5 THE COURT: Yeah. I think -- how long
6 is this exhibit?

7 MR. FRIEDMAN: It's one page. It's just
8 an invoice.

9 THE COURT: Okay. Why don't you admit
10 -- submit that to Nana Johnson with a copy to
11 Ms. Bennet, Mr. Mack, Mr. Goitein, and me as
12 Exhibit 27. Don't remember it. I'll number it.
13 Just submit it.

14 (Exhibit 27 was marked for
15 identification.)

16 MR. FRIEDMAN: Okay.

17 THE COURT: And to your attorney.
18 Sorry, Mr. Friedman.

19 MR. FRIEDMAN: No. That's quite all
20 right.

21 BY MR. FRIEDMAN:

22 Q All right. So how much does that

1 invoice indicate that you spent?

2 A That invoice alone was for 20,000 -- no.
3 I'm sorry. I'm sorry. I'm sorry. My bad.
4 \$12,600.

5 Q Thank you. All right. Let's go on to
6 another matter. There has been numerous
7 discussions among the objector's testimony about
8 the width of Oldchester Road. They've talked about
9 it being a two-lane street. They've talked about
10 parking issues. Have you been able to verify the
11 width of Oldchester Road?

12 A Yes. I submitted that after the
13 December 19th hearing in my exhibits, and that
14 would be -- I resubmitted that and I got it online.
15 Thank you so very much. And that was on page -- I
16 gave you my original.

17 THE COURT: Is that what you submitted
18 yesterday?

19 THE WITNESS: No, ma'am. It was what I
20 submitted last Thursday. And if I minimize my
21 screen, I'm afraid I'm going to lose -- I'm going
22 to take too much of the Court's time in figuring

1 out where I'm at again.

2 THE COURT: Well, this is taking the
3 Court's time. So what did you do? Did you
4 (crosstalk)?

5 THE WITNESS: It's not -- it's Exhibit
6 -- it's K3, page 1.

7 THE COURT: I don't --

8 THE WITNESS: It's an email from traffic
9 ops saying that the seven 7709 Oldchester Road
10 width of that driveway is 26 feet wide by
11 Ms. Kelly Munson, area engineer of Division of
12 Traffic, Engineering, and Operations and that --
13 oh, on the part between Maiden -- on Oldchester
14 between Maiden and Radnor is only 18 feet wide. So
15 we were talking about a choke point, which I didn't
16 quite get. Where I live --

17 MR. FRIEDMAN: Let me ask the question.
18 Let me ask the questions, please.

19 THE WITNESS: Oh, I'm sorry.

20 BY MR. FRIEDMAN:

21 Q Okay. So you're saying that the -- this
22 is a county document that you received?

1 A Yes. I submitted it. It was K3, page
2 1.

3 MR. FRIEDMAN: All right.

4 THE COURT: And it was last Thursday
5 that you submitted it?

6 THE WITNESS: Yes, ma'am. Well, now I'm
7 on -- it was when I submitted the basketball hoops'
8 pictures.

9 THE COURT: Well, (crosstalk) --

10 THE WITNESS: They're online. It is
11 online. It's my last exhibit online as of
12 yesterday.

13 THE COURT: That was yesterday. That
14 came in yesterday?

15 THE WITNESS: No. That came in --

16 MR. FRIEDMAN: No, no, no. No. She
17 said, As of yesterday, she saw it online is what
18 she said.

19 THE WITNESS: On my last set of
20 exhibits. I'm sorry, ma'am.

21 THE COURT: I'm not trying to be hard.
22 I'm just trying to figure out what you're talking

1 about.

2 THE WITNESS: Yes.

3 THE COURT: So are you online,
4 Ms. Favali?

5 THE WITNESS: Well, I'm on Teams. What
6 does that mean? Can I go, like, minimize my screen
7 and get on to my --

8 THE COURT: (Crosstalk) OZAH's website?
9 Can you tell me what Exhibit it is?

10 THE WITNESS: Yes, ma'am. Hang on. I
11 teach at a school, and unfortunately, the Teams is
12 the school I teach in, not where my teams -- hang
13 on. Hearing, January 12th. So I'm on the hearing
14 January 12th, and I'm looking at exhibits all the
15 way down on -- after exhibits submitted by -- not
16 by Mr. Goitein.

17 THE COURT: Is it --

18 THE WITNESS: Number 23. I'm sorry.
19 23, ma'am.

20 THE COURT: Okay.

21 THE WITNESS: Exhibit 23.

22 THE COURT: So we're on Exhibit 23.

1 (Exhibit 23 was marked for identification.)

2 THE WITNESS: And on Exhibit --

3 THE COURT: What page? If we're looking
4 at it, what page is it?

5 THE WITNESS: I'm getting there right
6 now, ma'am. I'm so sorry. I'm going to -- the
7 Design for Life --

8 MR. GOITEIN: If I can just help to move
9 this along --

10 THE WITNESS: Can I share my screen?

11 MR. GOITEIN: -- it's page 45.

12 THE COURT: Oh, thank you, Mr. Goitein.

13 MR. GOITEIN: Page 45.

14 MR. FRIEDMAN: Thank you very much,
15 Evan.

16 THE COURT: Okay.

17 MR. FRIEDMAN: All right. So
18 (crosstalk) --

19 THE COURT: So you got this from the
20 county. So 7709 is 26 feet wide according to this
21 email.

22 THE WITNESS: Yes, ma'am.

1 BY MR. FRIEDMAN:

2 Q Ms. Favali --

3 A Yes, ma'am -- yes, sir.

4 Q All right. So -- and then you went and
5 measured yourself in addition; is that correct?

6 A Yes, sir.

7 Q Okay. And did you determine that coming
8 from Bradley Boulevard the -- it's a three-block
9 long distance, is that correct, to Radnor Road,
10 Maiden Lane, and then to Wilson Lane?

11 A Yes, sir.

12 Q And I'm going to lead the witness a
13 little bit to expedite this and. And your property
14 and most of these objectors' property is between
15 Maiden Lane and Wilson Lane; is that correct?

16 A Yes, sir. All of them are. Yes, sir.

17 Q All of them. Okay.

18 A All of them, yes, sir.

19 Q Okay. And is the width of the street 26
20 feet for that entire distance from Maiden Lane to
21 Wilson Lane?

22 A Yes, sir. And Constance Sutter was also

1 on the phone, and she testified -- she was
2 measuring them with me. Yes, sir.

3 Q Okay. And what is the width of
4 Oldchester from Bradley to Radnor to Maiden?

5 A Eighteen feet wide, sir.

6 Q Okay. So --

7 A Based on the email that the area
8 engineers sent.

9 Q All right. So we've heard this
10 melodramatic term choke point over and over.

11 MR. GOITEIN: Objection.

12 THE COURT: Sustained.

13 Q Is that --

14 THE COURT: Mr. Friedman, can you stop
15 using pejorative words in your questions? Like
16 melodramatic or conspiracy? Just ask her the
17 question.

18 MR. FRIEDMAN: Okay.

19 Q We've heard testimony of a alleged
20 checkpoint -- choke point. It -- would it be more
21 likely that a choke point be where the width of the
22 street is 18 feet or 26 feet?

1 A Oh, 18 feet, sir.

2 Q Okay. There's also been testimony of
3 cut-through traffic coming down Oldchester Road to
4 Wilson Lane and back from Wilson Lane to Bradley in
5 order to avoid a backup at the light at Wilson Lane
6 and Bradley; is that correct?

7 A Yes, sir.

8 Q Okay. Have you -- have you had occasion
9 to drive this distance since the last proceeding?

10 A Yes, sir. And I actually submitted
11 yesterday afternoon --

12 Q It's a yes or no question.

13 A Yes, sir.

14 Q Thank you. What's the distance between
15 where people would be turning to do a cut-through
16 onto Oldchester from Bradley and Bradley and Wilson
17 Lane?

18 A It'd be more than the four minutes if
19 they just stayed on the --

20 Q No, no, no. Stop. Listen to my
21 question. What is the distance between Bradley and
22 Oldchester and Bradley and Wilson Lane? How many

1 houses are in that stretch?

2 A Bradley and Wilson and Bradley and --
3 could you repeat the question, Mr. Friedman. I'm
4 sorry.

5 Q What is the distance that people would
6 be trying to avoid if they were doing that
7 cut-through by going --

8 A Oh, about eight houses.

9 Q -- if they went straight and did not try
10 to avoid the -- that -- the traffic light? What's
11 the distance from Bradley and Oldchester to Bradley
12 and Wilson?

13 A About eight houses.

14 Q Okay. And, in fact, it's only one block
15 or maybe two blocks; is that correct?

16 A Yes, sir.

17 Q Okay. So Mr. Goodfriend and several
18 others testified that many people allegedly go down
19 Oldchester to Wilson Lane and take a right to come
20 back to Bradley to approach that light from a
21 different angle; is that correct?

22 A Yes, sir.

1 Q Okay.

2 A Can I go --

3 Q So if someone were to do that, they
4 would -- they would be going down three blocks of
5 Oldchester before they even hit Wilson; is that
6 correct?

7 A Yes, sir.

8 Q Okay. And have you measured that
9 distance that this cut-through driver would be
10 taking from Bradley and Oldchester to Wilson and
11 Oldchester and back to Wilson and Bradley?

12 A Yes, sir. And I went on Google Maps,
13 and I submitted that in yesterday afternoon's
14 exhibits, and it's about four minutes if you just
15 stay on Wilson to Bradley, but it is a longer if
16 you do the cut-through. Yes, sir. By both -- I
17 did the rush-hour traffic in the morning and the
18 evening rush-hour traffic. And if you just stay on
19 Wilson, it's a lot faster.

20 Q Did you measure the -- you mean you stay
21 Bradley?

22 A Yes, sir. And I actually submitted

1 those exhibits yesterday afternoon which haven't
2 been entered yet. Yes, sir.

3 Q Did you measure that distance?

4 A The street widths or the distance? Yes.
5 It's all on Google. It's, like -- one is 0.7
6 miles, three minutes; the other one is point -- I
7 can go back and relook at my email. The other one
8 -- from Bradley and Wilson, it's only 0.7 miles,
9 three minutes. Yes. From -- it's another two
10 minutes from Bradley, Wilson Lane. That's 0.6
11 miles, two minutes and from -- and I submitted all
12 those yesterday, but (crosstalk).

13 Q Okay. We didn't --

14 A (Inaudible 01:08:16). I'm sorry.

15 Q You -- see, you we lost you for a moment
16 there. Can you just tell me again? Answer my
17 question again. The distance from Bradley and
18 Oldchester down three blocks to Wilson Lane and
19 then turn right on Wilson Lane and going the two or
20 three blocks back to the intersection of Bradley
21 and Wilson. Did you measure that distance?

22 A Yes.

1 Q And what was it?

2 A That was greater than 0.6 miles, two
3 minutes, which was if you just went straight. That
4 one was over almost three quarters of a mile for
5 four minutes.

6 Q Okay. Now I'm going to ask a different
7 question. If someone were trying to avoid that two
8 blocks of Bradley Boulevard, is there another route
9 via Maiden Lane that they could take instead of
10 going down past your house and Mr. Goodfriend's
11 house and Mr. Mack's house, et cetera, to Wilson
12 Lane?

13 A Yes. But Maiden Lane is also just about
14 as wide or as narrow as Oldchester from Radnor, and
15 that's only 18 feet wide, sir.

16 Q Okay. (Crosstalk).

17 A So exactly 26 feet wide that we live on.

18 Q All right. But if one were to take
19 Oldchester Road to Maiden Lane and turn right, that
20 goes directly into the same intersection of Bradley
21 and Wilson, doesn't it?

22 A Yes. And you have another stop sign.

1 Yes.

2 Q And that distance would be approximately
3 what?

4 A Seven houses. Not even seven houses.

5 Q So it would be much shorter than going
6 all the way down to Wilson Lane?

7 A Yes, sir.

8 Q And then they wouldn't -- and then those
9 cars wouldn't be going down that whole block where
10 all of your objectors and you live; is that
11 correct?

12 A Yes. And it's actually shorter on
13 Google Maps both in rush hour in the morning and
14 rush hour in the evening, which I submitted
15 yesterday.

16 Q Okay. Thank you.

17 A Yes.

18 Q Thank you. Now when one drives down
19 Oldchester from Bradley to Wilson, those three
20 blocks, are there normally some cars parked on the
21 street?

22 A Yes, sir.

1 Q On all three blocks?

2 A Yes, sir.

3 Q But you're at the wider part?

4 A Yes, sir.

5 Q Okay. Did you have occasion to walk the
6 length of or drive the length of Oldchester to
7 determine whether there might be any unlicensed
8 accessory dwelling units?

9 A Yes, sir, I did. I submitted that
10 exhibit yesterday afternoon late. I'm sorry.

11 Q Okay. Can you just summarize what you
12 found. What your conclusions were.

13 MR. GOITEIN: I'm going to object.

14 A Yes, sir. In yesterday's exhibits --

15 THE COURT: Just a minute. There's an
16 objection.

17 Basis, Mr. Goitein?

18 MR. GOITEIN: This is rebuttal
19 testimony. It's supposed to be rebuttal testimony,
20 and I don't think that this is rebutting anything.
21 I think it's trying to get more into the record
22 which I'm trying to --

1 THE COURT: What is -- what is the
2 question, Mr. Friedman?

3 MR. FRIEDMAN: Whether she determined
4 that there were -- that there appeared to be other
5 accessory dwelling units on Oldchester Road?

6 THE COURT: Yeah. That is not -- that
7 did not come up.

8 THE WITNESS: All right. We --

9 THE COURT: I just reread the
10 transcript, and I don't --

11 MR. FRIEDMAN: That's all right. I'll
12 withdraw the question. Not a problem. However,
13 with the examiner's permission, there is one more
14 matter that I would like to very briefly delve
15 into, which was not brought up in the prior
16 testimony in December 19th, because, frankly, I was
17 unaware of it. Can I ask my --

18 THE COURT: No. I can't start that.
19 No. I can't start that.

20 MR. FRIEDMAN: Can I ask my question?
21 And then if you -- can I ask my question? And then
22 if you rule to exclude it, we'll respect that.

1 THE COURT: What -- well, why don't you
2 give me an idea of the topic.

3 MR. FRIEDMAN: Okay. All right. Let's
4 do that. There is a house under construction at
5 7727 Oldchester which is just several houses closer
6 to Wilson Lane. And that house, which obviously
7 has no residents because it's under construction --

8 THE COURT: This is proffering; right?

9 MR. FRIEDMAN: It's a property. It has
10 -- it is under construction, and if --

11 THE COURT: No. Proffer, P-R-O-F-F-E-R.
12 You're not testifying.

13 MR. FRIEDMAN: No. I'm proffering that
14 there is a house under construction there, and it
15 has an ADU -- notice of an ADU license application
16 in front of it. And I think it's important that
17 the hearing examiner be aware of this. So I would
18 like to ask just one or two questions, I think,
19 identifying its existence.

20 THE COURT: Mr. Goitein -- Mr. Goitein,
21 do you have an opinion on this?

22 MR. GOITEIN: I can't form an opinion

1 because I -- this is the first I've ever heard of
2 this. I may -- if I could talk to my client, I
3 could confer with him and determine whether or not
4 this is something that we would object to. But as
5 it stands right now, I just have no idea what this
6 is about.

7 MR. FRIEDMAN: If I may, I think, in
8 order for you to have a full deck, this is -- it's
9 important that you be aware of this.

10 THE COURT: Why?

11 MR. GOITEIN: Because this is a --

12 THE COURT: That's what been missing.
13 Why?

14 MR. FRIEDMAN: No, no, no. Because this
15 is an ADU being constructed, obviously, where
16 nobody is a resident at this time, but also it's an
17 ADU being constructed on the same block, and none
18 of these people have objected to it.

19 THE COURT: So you're saying -- so this
20 is so tenuous, and I'm not going to let it in
21 unless I give the other people a chance to --

22 MS. BENNET: I'm going to object on the

1 basis that he hasn't laid the groundwork for any of
2 the facts that he's submitting, and I think he's
3 testifying. It's my opinion he's testifying.

4 THE COURT: He's proffering. He's just
5 letting me know what he wants to ask the question
6 on.

7 MS. BENNET: Okay. Well, I'm just
8 saying it's not in the record.

9 THE COURT: Yeah. Nobody --

10 MR. FRIEDMAN: No. It's not in the
11 record, but --

12 THE COURT: -- has had a chance to view
13 any of the documents.

14 Mr. Goitein, do you want to consult with
15 your client or what?

16 MR. GOITEIN: Can we -- can we skip over
17 this and perhaps return to it or -- unless this is
18 the last item of rebuttal, which would be great. I
19 just -- I don't know. I mean, it sounds like, by
20 way of proffer, sort of the implication is that
21 nobody's objecting to this other ADU, but I don't
22 know if anybody knows anything about this ADU or

1 what the timeline would be for objections or -- it
2 just seems to be so far afield from what we're
3 talking about here.

4 THE COURT: Ms. Favali, do not type. Do
5 not communicate when you're -- for the record,
6 she's texting or emailing. Do not communicate
7 while you're on the witness box.

8 MS. FAVALI: Yes, ma'am.

9 THE COURT: Put your phone -- put your
10 phone somewhere else. Put it way away. Okay.
11 Just sit there.

12 Do we have -- and we have no knowledge
13 if that is an ADU combined with a group home, group
14 rental, do we?

15 MR. FRIEDMAN: Well, the purpose of the
16 sign in front of it is to give the neighborhood
17 notice of it, and these people have complied with
18 it, and our objectors have testified that they
19 drive up and down the block they live on all the
20 time. So if they're not on actual notice, they're
21 clearly on constructive notice per county
22 requirements --

1 THE COURT: But so what?

2 MR. FRIEDMAN: -- because there's a sign
3 in front of the house.

4 THE COURT: We don't even know -- we
5 don't even know if it's the same situation. I
6 think --

7 MR. FRIEDMAN: What do you -- what do
8 you mean, the same situation, ma'am?

9 THE COURT: I think the critical issue
10 --

11 Ms. Favali, you don't have your phone
12 there, do you?

13 MS. FAVALI: Oh, you told me to
14 (crosstalk) it. Want me to get it?

15 THE COURT: Don't get it. Don't get it.
16 Don't get it. Just sit tight. Sit tight.

17 I will -- if we -- if we -- if we can
18 give some time to Mr. Goitein and Mr. Mack and
19 Mr. Bennet to take a look at this -- but unless you
20 know some pertinent issues -- and my fear -- in my
21 -- I am leaning -- and I'm giving you a heads up in
22 where I'm going. I'm not testifying. I'm feeling

1 that part of the problem with Ms. Favali's house
2 rental operation is that it's a multi-tenant. She
3 has more people than -- most accessory houses or
4 most accessory dwelling units are a single-family
5 home and an accessory dwelling unit, which is
6 limited to two adults. Okay?

7 I think the unusual situation here is
8 twofold. And I'm going to ask her about this when
9 we get there. It's twofold: one is she's got
10 multiple adults in the house, each of whom may have
11 one -- you know, I don't know how many cars they
12 have; and, two, she's got tandem parking, and
13 that's always a problem, or it has been a problem.
14 We actually denied an ADO once because tandem
15 parking, and the individuals were parking in the
16 driveway because they didn't want to be blocked in.
17 So -- and that was ADO 14 -- I think it was 14-02.
18 But anyway. So that's where I see the issues are.

19 Now if you still want and we give time
20 for the opposition to familiarize themselves with
21 this ADU, I'll let it in, but it is on rebuttal,
22 and unless it's really relevant to the issues that

1 I just described, you know, I'm not sure it's worth
2 it.

3 MR. FRIEDMAN: Can I respond?

4 THE COURT: Mm-hmm.

5 MR. FRIEDMAN: Thank you. The only
6 point that I was making is that there is another
7 ADU under construction on the block that -- it
8 presumably -- it has a sign in front of it for
9 notice to the neighborhood. These people have not
10 objected to it. And, lastly, that obviously the
11 intention, although it will be an owner-occupant
12 primary -- excuse me -- a primary residence at some
13 point, either the house or the ADU, at this point
14 there is no primary resident. That was the total
15 amount of what I was trying to get in.

16 THE COURT: No. You can ask -- I will
17 let you -- I will let the other side give time to
18 at least look up this ADU. Do you have the number?

19 MR. FRIEDMAN: I think I --

20 THE COURT: The license number?

21 MR. FRIEDMAN: The what numbers, ma'am?

22 THE COURT: Do you have the license

1 number so they can look it up online?

2 MR. FRIEDMAN: Well, you know what? We
3 could -- we could -- we could ask the person who --
4 Ms. Vaughn to walk down the block and get the
5 license number and bring it back to us.

6 THE COURT: How do you feel about that,
7 Mr. Goitein?

8 MR. GOITEIN: I just think that -- I
9 just think this whole thing is objectionable. I
10 mean, it seems like it would only serve -- this
11 hearing is about Ms. Favali's property for the
12 third time whether or not she is eligible for this
13 ADU.

14 If it's a credibility issue or a motive
15 issue about the other -- about the objectors, I
16 think we would need to find out from them, and they
17 weren't asked, when any of them testified, what
18 they know about this particular ADU, and I don't
19 see how we're ever going to know what the
20 circumstances are surrounding this ADU without the
21 people who applied for this ADU present who aren't
22 present. So I think this is really --

1 THE COURT: Okay. So I think -- I think
2 it's too far off the beaten path, especially
3 because we don't know if it's owner occupied or
4 whether it's going to be a rental home or something
5 like that. So I don't think it's worth exploring.
6 I understand your point, and the point would be the
7 credibility. I guess it would go to the
8 credibility of the objectors but if nobody can tell
9 me if it's exactly like Ms. Favali's ADU, I don't
10 see the point.

11 So with that, do you have other
12 questions for Ms. Favali?

13 MR. FRIEDMAN: Yeah. Let me quickly
14 look through my notes, please.

15 BY MR. FRIEDMAN:

16 Q Ms. Favali, does any -- does any of your
17 -- do any of the people living in your house have
18 more than one car?

19 A No. And on their leases, they are not
20 allowed to have more than one car.

21 Q Okay. And what decision have you made
22 this week with respect to their leases?

1 A I -- because I understood that they were
2 transients, if I got my ADU, I gave them all a six-
3 month lease like Rose Nantongo, whose part of
4 Housing Initiative Partnership. So they're all in
5 the midst of signing their leases, and I can
6 resubmit their signed leases by the close of
7 business today. I submitted them yesterday
8 afternoon, but they're not in the records yet. I'm
9 sorry.

10 Q So Rose, who's under a six-month lease,
11 is a recent addition to the house. The other three
12 people have been there how long? Remind me,
13 please.

14 A '21 to '22. Two came in in '22,
15 February, and I'm on -- I'm on -- hang on.

16 THE COURT: Are they on a month to
17 month?

18 THE WITNESS: A month-to-month lease.
19 One from --

20 MR. FRIEDMAN: I'll explore.

21 Q So two came in at '22. One came in in
22 '21, but they've been on month-to-month leases; is

1 that correct?

2 A Yes.

3 Q Okay. But considering that they've all
4 been there at least apparently close to three
5 years, do you consider them transients?

6 A No.

7 Q And you're now going to give them six-
8 month leases?

9 A They're happier with a six-months' lease
10 than I am. Yes.

11 Q And will -- and will that be your
12 permanent procedure going forward?

13 A Yes. Because Housing Initiative
14 Partnership -- whenever someone leaves, because I'm
15 trying to listen to the complaints of my neighbors,
16 they were -- they were suggesting I have rough
17 people as my tenants. Excuse me. The Housing
18 Initiative Partnership makes sure you have six-
19 months' leases.

20 Q Okay. There's been discussion about
21 this incident with the police a couple of months
22 back. Can you fill in the blanks for us.

1 A Yes. I wasn't here. I'm sorry. As
2 soon as I heard it, I texted my tenants, and it was
3 around the holidays, and life is stressful, and he
4 left that night for (crosstalk).

5 Q Who he?

6 A He came back that night.

7 Q Who he?

8 A One of my tenants.

9 Q What's it called? Identify him, please.

10 A One of my -- I have to identify his name
11 online? One of -- one of my wonderful tenants.

12 Q Well, no. That's HIPAA. You probably
13 shouldn't. Go ahead.

14 A Thank you.

15 Q I'm sorry.

16 A But he -- Mr. --

17 THE COURT: (Crosstalk)?

18 MR. GOITEIN: I'm going to object. He
19 asked who the -- who -- I'm going to -- he asked
20 who -- what the name of this person was. I think
21 whether or not Ms. Favali actually knows the name
22 of her tenants is in some ways relevant, but also

1 it's not a HIPAA issue if someone calls the police.

2 THE COURT: Agreed.

3 THE WITNESS: When I asked the police
4 records, they wouldn't give me the records, sir.
5 So I -- they told -- my tenants told me. But they
6 really object to even having their leases online.
7 I understand. They come to me for peaceful
8 enjoyment, but I'll be happy to do it if I'm
9 required to. But I texted it to Nana Johnson and
10 Ms. Joy -- I don't want to say her name wrong, but
11 I texted it to the -- to the people, you know, and
12 I texted -- I got a police record.

13 THE COURT: You texted what? What did
14 you text? The name of the tenant?

15 THE WITNESS: I said -- I'm sorry. I
16 sent an email -- I'm sorry -- to Ms. Nana Johnson
17 and --

18 THE COURT: About what?

19 THE WITNESS: -- to the police --
20 About who the person was, why they went.
21 There was no criminal, no weapons, no problem. He
22 was just having a bad day.

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1 THE COURT: Wait. Wait. Wait. Wait.

2 I haven't seen that.

3 THE WITNESS: I --

4 MS. BENNET: Neither have we.

5 THE WITNESS: Hold on a second. No.

6 Because it's a wellness check.

7 THE COURT: It's a what?

8 THE WITNESS: It needs to be online?

A

9 wellness check is basically when you have issues.

10 His boss -- he was notified that the tenant, who's

11 been living here since 2022, faithfully adhering to

12 all the rules of the lease and all the rules of

13 Montgomery County -- no weapons, no police

14 activity, no charges at all -- because you have his

15 names. I'm sorry. He --

16 THE COURT: Where were you?

17 THE WITNESS: He has -- all of them.

18 All of us.

19 MR. FRIEDMAN: All right. All right.

20 Stop. Stop.

21 THE WITNESS: His boss called the

22 police.

1 MR. FRIEDMAN: Flavia, wait a minute.
2 Let me ask the questions, and then you answer them.
3 Okay.

4 THE WITNESS: I'm sorry.

5 MR. FRIEDMAN: All right. Please --

6 BY MR. FRIEDMAN:

7 Q Okay. Which tenant was involved? I
8 think we're going to have to identify the person.

9 A Mr. Steph.

10 THE COURT: Mr. who?

11 THE WITNESS: [REDACTED].

12 Q Who has testified; correct?

13 A Who has testified, yes. I'm sorry. He
14 was online, yes, testifying. He came back that
15 night.

16 Q All right. So he -- did he say
17 something to his employer that provoked this
18 situation?

19 MR. GOITEIN: Objection.

20 A He said something to his co-worker. His
21 co-worker reported it. The boss -- like, I was a
22 teacher.

1 THE COURT: Wait, Ms. Favali.

2 Ms. Favali, there's an objection on the table.

3 MR. FRIEDMAN: Yeah. When there's an
4 objection, you have to wait.

5 THE COURT: Okay. Evan or Mr. Goitein,
6 what's your objection?

7 MR. GOITEIN: Hearsay. Lack of
8 foundation.

9 MR. FRIEDMAN: Well, we're trying to lay
10 the foundation.

11 MR. GOITEIN: So I think the question
12 was --

13 THE COURT: Where are we going with this
14 testimony?

15 MR. FRIEDMAN: I'm sorry?

16 THE COURT: Why are we asking about
17 this?

18 MR. FRIEDMAN: We're asking about this
19 because at least two of the objectors have
20 testified to it and indicated that there were
21 police involvement in this property, and it leads
22 to -- one to a very possible conclusion that

1 there's criminal activity, and I need to rebut
2 that.

3 THE COURT: But they didn't say -- they
4 didn't know what the criminal activity is. Do you
5 deny that the police were there --

6 MR. FRIEDMAN: No. That's what we're
7 explaining.

8 THE COURT: -- Ms. Favali?

9 Okay. Then let's leave it at that.

10 MR. FRIEDMAN: Well, I don't understand
11 how we can leave it at that if you, as hearing
12 examiner, don't know why the police were there.

13 MR. GOITEIN: The only relevance to that
14 testimony --

15 MR. FRIEDMAN: It allows all kinds -- it
16 allows all kinds of inferences which may be
17 incorrect.

18 MR. GOITEIN: The only relevancy of that
19 testimony --

20 THE COURT: Mr. Goitein?

21 MR. GOITEIN: The only relevancy to that
22 testimony whatsoever was that there was a police

1 incident at the house, and Ms. Favali wasn't there,
2 which, if she lived there, you would assume she
3 would be there. That's the only reason why that's
4 relevant at all to this. What type of activity it
5 was, what who involved said to his employer -- none
6 of that matters.

7 THE COURT: Well --

8 MR. FRIEDMAN: I disagree. I disagree
9 because, as the hearing examiner has just stated,
10 the fact that there are multiple occupants of this
11 house is one of the concerns in this case.

12 THE COURT: Well, that doesn't have
13 anything to do with the exact -- I don't want to
14 get into an entirely hearsay -- "Who struck John"
15 -- about what happened with your tenant.

16 MR. FRIEDMAN: It would be two --

17 THE COURT: And I have to base --

18 MR. FRIEDMAN: It would be two
19 questions, frankly.

20 THE COURT: I'm not going to base my
21 decision on whether they -- there are rough
22 characters in the house. That's not what I'm going

1 to base my decision on.

2 MR. FRIEDMAN: Well, it would have been
3 two questions.

4 THE COURT: (Crosstalk).

5 MR. FRIEDMAN: Sorry. It would have
6 been two questions which would have taken much less
7 time than all this discussion we've had.

8 THE COURT: Well, nothing takes -- well
9 -- okay. For what it's worth, Ms. Favali, give me,
10 like, two minutes on what happened with this police
11 incident.

12 MR. FRIEDMAN: Okay.

13 THE WITNESS: There was only one other
14 person in the house.

15 MR. FRIEDMAN: Ms. Favali, wait for the
16 question. Okay.

17 THE COURT: What caused the police
18 incident?

19 THE WITNESS: One of my tenants, who's
20 been working on his job for the last two years,
21 testified -- talked to one of his co-workers. That
22 co-worker got worried, talked to his boss

1 (crosstalk).

2 MR. FRIEDMAN: Wait a minute. Worried
3 about what?

4 THE WITNESS: How he was doing. How he
5 was feeling over the holidays. A little
6 depression, maybe. I wasn't at that -- I wasn't
7 privy to that conversation. No one was in the
8 house but two people.

9 THE COURT: So you don't have any -- you
10 haven't seen the police report?

11 THE WITNESS: No. I requested it twice.
12 I sent that. I responded, and I sent it to Nana --
13 Ms. Nana Johnson.

14 THE COURT: And so where did you get
15 your information from?

16 THE WITNESS: The people in the house.

17 THE COURT: [REDACTED]? People in the
18 house. Okay.

19 THE WITNESS: Yes.

20 THE COURT: Done. All right.

21 MR. FRIEDMAN: Mental illness --

22 THE COURT: I'm going to let Mr. Goitein

1 -- I'm going to let Mr. Goitein --

2 MR. FRIEDMAN: Wait a minute.

3 THE COURT: -- I'm going to let
4 Mr. Goitein -- let me just go real fast. After
5 you've finished, Mr. Friedman, I'm going to let
6 Mr. Goitein have some follow-up cross exam on that.

7 MR. FRIEDMAN: Okay. That works.

8 THE COURT: Does that work for you?
9 Okay. Go ahead.

10 BY MR. FRIEDMAN:

11 Q Ms. Favali, come back to me. Okay. So
12 this was what's called a wellness check. That's
13 where the police just determine whether the person
14 is suicidal; is that correct?

15 A Something like that. Yes, sir.

16 Q Okay. So the person that left the --
17 left the house with the police -- what happened?

18 A He left. He came back that night after
19 he had his evaluation, and I have been trying to be
20 aware more of, more as a fellow roomer, to try to
21 include him in more activities help him feel
22 better.

1 THE COURT: Oh, okay. That's it.

2 Q And it -- has there been any further
3 incidents?

4 A No. Not to my knowledge, sir. No.

5 MR. FRIEDMAN: Thank you. That's all.
6 Okay. Go ahead, Mr. Goitein, please.

7 THE COURT: I think she's going -- go
8 ahead.

9 MR. GOITEIN: Is that the end of the
10 direct rebuttal examination?

11 MR. FRIEDMAN: No. No. But she
12 indicated that you would be able to question on
13 this subject if you want to.

14 THE COURT: But that's after you finish
15 your rebuttal.

16 MR. GOITEIN: I don't -- I don't have
17 any questions on this subject.

18 Q I see. Okay. All right. So you have
19 applied on three consecutive years for this ADU; is
20 that correct?

21 A Yes.

22 Q And it's been preliminarily approved by

1 the HCA three consecutive times; is that correct?

2 A Yes.

3 Q And Clifton Boumar, who is the director
4 of DHCA --

5 THE COURT: He is not. He is not the
6 director.

7 Q I'm sorry. What is his title, please?

8 THE COURT: I don't know, but he's well
9 (crosstalk) --

10 Q No. I was asking --

11 THE COURT: -- from the director.

12 Q Do you -- Ms. Favali, do you know his
13 title? I'm sorry.

14 A No. I sent -- I emailed him asking him
15 that, but I haven't got a response.

16 Q Okay. But he's involved with the
17 licensing process; is that correct?

18 A Yes.

19 THE COURT: He accepts the documents for
20 licensing applications.

21 MR. FRIEDMAN: I'm sorry, ma'am. What
22 --

1 THE COURT: I said he accepts the
2 documents for licensing application.

3 MR. FRIEDMAN: Thank you for clarifying.

4 THE COURT: I don't know what his title
5 is.

6 MR. FRIEDMAN: Okay. Thank you.

7 THE COURT: If you trust me --

8 Q All right. And has Mr. Bouma testified
9 in any of the prior proceedings involving your ADU
10 applications?

11 A Yes, sir. Last month -- last year's
12 December 9th hearing 2024 he testified on the
13 transcript. Yes, sir.

14 Q Did he testify whether the application
15 was acceptable to the licensing department at DHCA?

16 A Yes. And that's why he gave me the sign
17 which I put up. Yes.

18 Q Okay. Has his testimony been admitted
19 to the record -- to the record in this case?

20 A His testimony was on transcript on
21 December -- hang on. It's on -- you can bring it
22 up if you like. It's on page -- Planet Depos. Oh,

1 hang on. I'm not very good at this. Planet Depos
2 transcript of hearing conducted on December 9th,
3 2024, on page 28. From 109 to 112 is his
4 testimony.

5 Q All right. And that's already in the
6 record so we don't need to go over it.

7 A Yes, sir.

8 Q Okay.

9 A From last year.

10 Q Did someone from DHCA staff come to
11 inspect the property in connection with any of your
12 applications?

13 A Many times. Yes. All three times.
14 Yes.

15 Q Okay.

16 A Michelle Hadrick was my first. Yes.

17 Q And did they go into your bedroom?

18 A Multiple times? Every time, yes.

19 Q And what did they find there?

20 MR. GOITEIN: Objection.

21 A They asked me to open my drawers, my
22 underwear drawer, my shirt drawer, my --

1 THE COURT: Ms. Favali -- sorry to yell.
2 Sometimes I -- the train gets going. There's an
3 objection on the table. So can you just be silent
4 for a moment?

5 Mr. Goitein, what's the objection?

6 MR. GOITEIN: Beyond the scope of any of
7 the cross-examination?

8 THE COURT: That is true.

9 MR. FRIEDMAN: Okay.

10 THE COURT: You know, isn't what he
11 found in the record of ADO 25-02?

12 MR. FRIEDMAN: I believe it is.

13 THE COURT: So let's move on.

14 BY MR. GOITEIN:

15 Q All right. Okay. As your house is
16 currently constructed, how many cars can be parked
17 there?

18 A More than the people that live in this
19 house. There's -- right now there are four in the
20 driveway and there's plenty of room. You could
21 probably put another couple in. And if -- I was
22 planning on really putting a patio in, but if I put

1 denser gravel, I -- I'm allowed for an exemption to
2 put a parking pad in. I could even put more on.

3 Q And then weren't you planning to add
4 additional spaces in the back rear of the house
5 next to the new ADU?

6 A Yes, sir. On the survey for all three
7 years, I have two additional parking spaces in the
8 backyard when the ADU was constructed. Yes, sir.

9 Q All right. So there's been testimony
10 that the circular stairway -- excuse me -- the
11 circular driveway holds three cars. And then --
12 are you okay? All right. And --

13 A Yes. I just muted myself so you
14 wouldn't hear me coughing?

15 Q All right. So the circular -- there's
16 been testimony the circular driveway holds three
17 cars. And then you've got the straight driveway on
18 the side of the house between you and Mr. Chappell,
19 and then there would be two more spaces in the
20 back?

21 A Yes, sir.

22 Q Okay. And the benefit of a circular

1 driveway is that it tends to avoid backing into a
2 street; isn't that correct?

3 A When I applied for that permit, yes,
4 that's why I did it. Yes, sir.

5 Q All right. All right. And have you
6 submitted the tally which you took of the -- of the
7 units at the house in the past year?

8 A On the first hearing, I did submit a
9 tally. It was not accepted, but most of those
10 friends -- after the tally is OZAH Exhibit 8 from
11 ADO 23-06, July 27th. At that time, I put most of
12 my friends that came in to see that -- to see I
13 lived there, and some of those friends -- I think
14 Nancie Park is still on the phone right now.
15 Suzanne Vaughn is downstairs. Constance Sutter
16 (crosstalk).

17 THE COURT: Don't name them. Don't --
18 you don't have to name them.

19 MR. FRIEDMAN: No, you don't.

20 THE COURT: I -- the Exhibit will tell
21 us.

22 MR. FRIEDMAN: All right.

1 THE WITNESS: Apologies.

2 MR. FRIEDMAN: All right. Is there
3 anything that you'd like to add that's relevant to
4 the prior testimony? We're not going into new
5 areas.

6 MR. GOITEIN: Objection.

7 THE COURT: Basis?

8 MR. GOITEIN: Not rebutting anything.

9 MR. FRIEDMAN: That's what I asked her.
10 If you want -- is it -- I'm -- you're ruling them
11 --

12 THE WITNESS: I can say? I can -- I can
13 talk for a second?

14 MR. FRIEDMAN: No. No.

15 THE COURT: Well, you can -- I'm going
16 to let her summarize because I have the ability --
17 I'm going to ask her some questions because I have
18 -- and you'll get -- each get a chance for cross-
19 examination because I have the ability to place
20 conditions if this is approved and under 2926. And
21 I have some questions based on what I've heard and
22 what I reread in the transcript. So if you want to

1 say something, that's fine. And then I'm going to
2 ask some questions.

3 THE WITNESS: I'll wait. Thank you.
4 I'm sorry.

5 THE COURT: Okay. My -- Mr. Goitein,
6 I'm not sure you had the opportunity to cross-
7 examine. I thought that was Mr. Friedman's
8 rebuttal in chief, so to speak, and you have the
9 ability to cross-examine on it.

10 MR. GOITEIN: Can I -- can I just wait
11 until after your questions, and then I can do it
12 all at once, as opposed to --

13 THE COURT: My questions are this: I
14 read that you have four rooms in the house; is that
15 correct, that you can rent?

16 THE WITNESS: I believe --

17 THE COURT: If you won't -- no. Just --

18 THE WITNESS: Yes. I have rooms that
19 are rented now.

20 THE COURT: Yes. Shush. Just sit
21 there. Okay. If you move to the detached
22 accessory dwelling unit, how many rooms in the

1 front of the house will you rent?

2 THE WITNESS: Four.

3 THE COURT: Four?

4 THE WITNESS: Four, Your Honor. Yes.
5 That I'm doing now.

6 THE COURT: Now if -- so you -- would
7 you have a problem? Right now, according to you or
8 according to many of the witnesses, there are
9 mostly three cars in the driveway. Would you be
10 willing to limit the driveway parking to three
11 cars?

12 THE WITNESS: Can I ask a question? The
13 driveway now with three cars, yes. When I build my
14 backyard, I'll have two more spaces. No? I'm
15 trying to understand what you're asking me.

16 THE COURT: I'm saying for tenants.

17 THE WITNESS: Yes. Each tenant will
18 only have one car, and I can make them park in the
19 -- I can put (crosstalk) --

20 THE COURT: The cars back at the back
21 parks you in. How -- or if the tenant gets parked
22 in, how are you going to get out?

1 THE WITNESS: I'll ask them to move
2 their vehicle or leave their keys up there so we
3 can just take keys and just --

4 THE COURT: What if they're not there?

5 THE WITNESS: Then their car won't be
6 there usually.

7 THE COURT: So, no. That's not what I
8 mean.

9 THE WITNESS: I'm sorry.

10 THE COURT: Okay. (Inaudible 01:42:50)
11 Well, let me just go back to the question. Would
12 you be willing to limit the cars in the driveway to
13 what's there now?

14 THE WITNESS: Yes.

15 THE COURT: Now Mr. Jagessar or
16 Anand Jagessar --

17 THE WITNESS: Oh, yes, ma'am.

18 THE COURT: He testified that he comes
19 once a week. So are you willing to say he can't
20 park there?

21 THE WITNESS: He comes and goes for
22 maybe a couple of hours to do the repairs.

1 THE COURT: So he's only going there to
2 do the repairs?

3 THE WITNESS: Yes.

4 THE COURT: And what if he blocks
5 somebody in?

6 THE WITNESS: He'll be there to move his
7 car. We're pretty -- we're pretty -- like taking
8 the trash out, moving cars -- we're pretty amiable.
9 We all live together under one roof. We try to
10 work things cohesively.

11 THE COURT: How many cars are in your
12 vehicle now or in your -- how many cars are -- do
13 you have with renters now?

14 THE WITNESS: I have four renters. They
15 all have a car. I have a car. That's five cars if
16 everybody's here. Jeff, as he said, lives in
17 Florida. So he's rarely here. He only lives here
18 maybe a week a month. He lives in Florida, but he
19 works at Walter Reed.

20 THE COURT: Where does he park his car
21 --

22 THE WITNESS: So he's rarely here with

1 his wife.

2 THE COURT: -- when he goes to Florida?

3 THE WITNESS: Usually at the airport.

4 That's what he tells me. He's been living here
5 since 2021.

6 THE COURT: So in addition to the three
7 cars that are there, plus you, you could have four
8 cars and a truck.

9 THE WITNESS: Conceivably, I guess I
10 could. Yes.

11 THE COURT: But you think it's not
12 necessary to have -- and you're going to change it
13 to six-month leases. I think that's all my
14 questions. But you're not willing to limit the
15 cars in the driveway to three at a time which is
16 the present situation?

17 THE WITNESS: I'm happy to. Yes, ma'am.
18 And I just thought of an idea as we were on --

19 THE COURT: Would you rent the third
20 room if you limit the cars in the driveway to
21 three?

22 THE WITNESS: No. Because --

1 THE COURT: I mean, the third -- fourth.

2 THE WITNESS: I know what you were
3 meaning. I was planning not to because the reason
4 I was doing this ADU -- I want to keep this room
5 empty that I live in now. So if I need to have a
6 nurse -- if I'm -- if something happens, I know for
7 seven months how hard it was for me to exist.

8 THE COURT: (Crosstalk) --

9 THE WITNESS: I don't want that to ever
10 happen.

11 THE COURT: -- please, please, please.

12 THE WITNESS: That was going to be open
13 for somebody to take care of me.

14 THE COURT: Just tell me. Would you be
15 willing to rent only three rooms?

16 THE WITNESS: Yes.

17 THE COURT: And how would you verify
18 that you only have three rooms rented?

19 THE WITNESS: Very easily. When you --
20 if I ever do get this, an occupant -- if ever I do
21 get to build it, then, as I understand it, you
22 build it, and then you have to get an occupancy

1 permit. And every year you have to apply for a
2 license. So they will be checking my house every
3 year, plus my ADU every year for compliance.

4 THE COURT: Well, I thought you said --
5 I thought you said you don't need a rental license
6 if you live on the property.

7 THE WITNESS: From the room rental
8 brochure I have, yes. If I live on the property,
9 you do not need a license. If you do rent rooms in
10 a house, you do need a license, which I'll be -- I
11 had one for, like, ten years or 11 years or so.
12 Yes. I will get one of those.

13 THE COURT: Wait a minute.

14 THE WITNESS: And everything I --

15 THE COURT: You just testified that you
16 let it lapse because you didn't need it.

17 THE WITNESS: Oh, well, they wouldn't
18 even give it to -- well, Mr. Howley who was on --
19 who was on last year's transcript -- I presented
20 that. He had a rental license.

21 THE COURT: (Crosstalk). I know him.
22 So they're not going to verify how many tenants you

1 have in there.

2 THE WITNESS: Well, Mr. Johnson, who has
3 been in my house numerous times, identifies the
4 four tenants I have now because he's met most of
5 them at least once.

6 THE COURT: Who?

7 THE WITNESS: Mr. David Johnson --

8 MR. FRIEDMAN: Mr. Johnson.

9 THE WITNESS: -- who testified. I'm
10 sorry.

11 THE COURT: But he doesn't --

12 THE WITNESS: Did I say his name right?

13 THE COURT: He's not going to go out
14 there. If you don't have a license, he'll go to
15 your dwelling unit, but he won't go to the house.

16 THE COURT: Won't I have to have a
17 license for this house if I'm going to be in the
18 ADU? I have to have a license for the ADU plus my
19 room rental house?

20 THE COURT: No. You just testified that
21 you don't.

22 THE WITNESS: If I live in -- as I

1 understand it, I don't need a license now. If I
2 move to my ADU, every year I have a license for the
3 ADU. Then I will have to also procure, like I did
4 for ten years, a room rental license for this house
5 since I won't be living in this house. I'll be in
6 the backyard.

7 THE COURT: Well, I didn't think the
8 wording was very clear. It says, Live on the
9 property, but I guess that's something we can ask
10 Mr. Johnson or Mr. Howell.

11 MR. FRIEDMAN: Excuse me.
12 Ms. Robeson Hannan?

13 THE COURT: Yeah.

14 MR. FRIEDMAN: I mean, if you have a
15 mechanism to suggest for Ms. Favali to be able to
16 verify to whomever that she only has three tenants,
17 we're open to that.

18 THE COURT: I just -- I don't know how
19 to do it, honestly, and I don't want to put these
20 neighbors, after three years of this -- and,
21 frankly, she -- Ms. Favali, you were not up front
22 at the -- at least the original hearings about what

1 was going on and, you know, even when I reread your
2 testimony, some of the dates are wrong, and I just
3 -- that's what I'm struggling with.

4 So let me ponder it, and if anyone else
5 has any ideas, they can weigh in. Also, I was a
6 little concerned. You say Mr. Jagessar is there
7 once a week. That's a lot. That's a lot of
8 repairs. If he's there for business, you can't do
9 it.

10 MR. FRIEDMAN: Well, the other comment I
11 wanted to make --

12 THE COURT: I don't know -- I'm sorry?

13 MR. FRIEDMAN: The the other comment I
14 wanted to make was, you know, he comes to do work
15 on the property. Everybody else on the street, I'm
16 sure, has contractors who occasionally work on
17 their property. I don't think this house is any --

18 THE COURT: If he's going --

19 MR. FRIEDMAN: -- different from any
20 other.

21 THE COURT: -- about once a week -- I
22 haven't -- I don't have contractors here once a

1 week unless I get a big project.

2 MR. FRIEDMAN: Well --

3 THE COURT: All I'm saying, you can't
4 have him in and give out jobs and that kind of
5 thing. I just have no idea what would require him
6 to come once a week.

7 MR. FRIEDMAN: So the other -- the last
8 thing I wanted to say was that Ms. Favali has just
9 responded to you that she'd be willing to limit
10 tenant cars in the driveway to three, but it seems
11 to me that defeats our purpose as that may force
12 one car out onto the street that doesn't need to
13 be.

14 THE COURT: Well, maybe the bigger
15 restraint would be to just say only three tenants.

16 MR. FRIEDMAN: If that's what the law
17 allows in terms of putting restrictions on it, then
18 --

19 THE COURT: But it says I can impose --

20 MR. FRIEDMAN: -- we respect that.

21 THE COURT: It says I can impose
22 conditions that -- to alleviate, you know, to

1 address any insufficiency. It sounds to me, from
2 what I've heard -- and I do find the neighbors
3 credible -- that -- you know, I don't know if
4 you've ever measured the width of a vehicle, but 26
5 feet -- we -- anyway, I think there probably is
6 some congestion.

7 Do you know how -- what the average
8 width of a vehicle is, Ms. Favali?

9 THE WITNESS: I can Google it right now
10 and tell you. I don't know.

11 THE COURT: No. Huh-uh. I'm asking
12 you, Ms. Favali.

13 THE WITNESS: No, I don't.

14 MR. FRIEDMAN: I'm only going to
15 guesstimate, because I've never measured it, but I
16 think it's --

17 THE COURT: That's not -- the question's
18 not for you. The question is not for you.

19 MR. FRIEDMAN: I apologize.

20 THE COURT: And I --

21 MR. FRIEDMAN: I apologize.

22 THE COURT: And so --

1 MR. FRIEDMAN: I think we all are aware
2 how -- about the possible width of our cars.
3 That's all I'm saying.

4 THE COURT: Yeah. Well -- so those were
5 my questions. I would like to turn it over. Do
6 you want any more redirect, Mr. Friedman, before I
7 turn it over to -- well, I guess I have to come
8 back to you anyway because I'm going to turn it
9 over to Mr. Goitein for cross-examination.

10 MR. FRIEDMAN: Okay. Can I just add one
11 quick comment? That I don't think it's fair to
12 take one house on a three-block long street and say
13 this person is responsible for the number of cars
14 on the street. Everybody occasionally has cars on
15 the street, some more often than others, some
16 nearly all the time.

17 THE COURT: Well, (crosstalk).

18 MR. FRIEDMAN: You can't place the blame
19 for traffic --

20 THE COURT: Mr. Friedman, you're
21 speculating.

22 MR. FRIEDMAN: -- on one house.

1 THE COURT: You -- that's closing
2 argument. Let's get through the testimony. Okay?

3 MR. FRIEDMAN: Fair enough. Fair
4 enough.

5 THE COURT: And we have testimony that
6 the cars on the other side of the street are hers
7 or her tenants. Whatever. So Ms. Favali --

8 Mr. Goitein, can you do cross-
9 examination? You're -- I mean -- can you do cross-
10 examination?

11 MR. GOITEIN: I hope so.

12 THE COURT: You're free to do cross-
13 examination right now.

14 MR. GOITEIN: Thank you.

15 CROSS-EXAMINATION

16 BY MR. GOITEIN:

17 Q Ms. Favali, you submitted some documents
18 yesterday to be included in the record in this
19 case; right?

20 A Yes, Your -- yes, sir.

21 Q All right. And when you submitted those
22 documents, you went to the library to get them

1 scanned in and sent electronically; right?

2 A Yes, sir.

3 Q All right. And those were all from the
4 Hyattsville Library; right?

5 A Yes, sir.

6 Q Okay. Now you say that you are going to
7 -- so as we sit here today, you do not have a
8 license to rent any -- to rent to anyone at the
9 7709 Oldchester property; right?

10 A Yes, sir.

11 Q Okay. And you believe that you don't
12 need to have that license because the county told
13 you that, if you live there, then you don't have to
14 have a license; right?

15 A I have that email to send it to you if
16 you like. Yes, sir.

17 Q Okay.

18 A And that's on the rental brochure.

19 THE COURT: Just answer the question.

20 Ms. Favali, please -- I'm begging you -- answer the
21 question yes or no.

22 THE WITNESS: I apologize.

1 Q Okay. And you're telling us today that,
2 if you got this ADU, you would move into the ADU;
3 right?

4 A Yes, sir.

5 Q Okay. Now yesterday you submitted a
6 letter that you wrote to your tenants; right?

7 A Yes, sir.

8 Q Okay. And you wrote that letter to your
9 tenants to get them to sign six-month leases with
10 you because right now you only have 30-day leases
11 with your tenants with the exception of Rose;
12 right?

13 A Yes, sir.

14 Q Okay. And so as of today and as of the
15 time that you've been applying for this ADU, all
16 but one of your tenants have 30-day leases; right?

17 A Yes, sir.

18 Q And you're testifying today that you're
19 certain that they're all going to sign six-month
20 leases; right?

21 A I believe so. Yes or no? Yes, sir.

22 Q Okay. But none of them have signed six-

1 month leases yet; right?

2 A No, sir.

3 Q Okay. And you just gave them to this
4 yesterday, and you asked them in your letter to
5 sign the lease and leave it either in the utility
6 folder or on the coffee table; right?

7 A Yes, sir.

8 Q Okay. You didn't ask them to hand the
9 lease to you; right?

10 A No, sir, I didn't. I want to make it
11 easy for them.

12 Q Okay. And then --

13 A As we pick up our mail.

14 Q One of the tenants is -- that you're
15 assuming is going to sign this six-month lease is
16 Rick; right?

17 A Is who?

18 Q Well, what are the names of the three
19 tenants other than Rose?

20 A Yes.

21 Q What are the names of the three tenants
22 other than Rose?

1 A Jeff, Muhamed, Steph.

2 Q Okay. And you submitted all of their
3 rental tallies last Thursday; right?

4 A Yes.

5 Q Okay.

6 A At the Germantown Library. No, the --

7 THE COURT: It doesn't -- okay. Go
8 ahead. I'm sorry. I shouldn't have interrupted.
9 You can tell us what library.

10 A The one next to my daughter I babysat --
11 Quince Orchard.

12 Q Okay. That was last Thursday, but
13 yesterday you sent them from the Hyattsville
14 Library; right?

15 A Yes. I had a party at NetZero. Yes.

16 Q Okay. Jeff last paid his rent in
17 October and is about four months behind in his
18 rent; right?

19 A No, sir. I just haven't gotten my
20 tallies done. They pay -- I can show you. I can
21 screenshot [sic] you. I just haven't had my
22 accountant to come to the -- to update my accounts.

1 I just wanted to show you that from -- when I
2 submitted last year to this year, they're still
3 there. My only point was that they're still there
4 paying rent, and I have not updated their rent
5 tallies. My -- it's my apologies.

6 Q So all of the rent tallies that you
7 submitted for your tenants in this 55-page document
8 that you sent in last Thursday are inaccurate?

9 A They are not inaccurate. They're just
10 not up to date.

11 Q So if it says that Jeff, as of January
12 of 2026, last paid his rent on October 2nd and is
13 currently in arrears for \$5,246.14, that's not
14 accurate?

15 A If I updated it, it would reflect that
16 he's probably -- I owe him money, actually. I
17 haven't updated -- I -- it's an Excel spreadsheet.
18 I was learning how to do excel with my accountant,
19 and I didn't do the default correctly. Yes. My
20 bad.

21 Q Okay. So none of the Excel spreadsheets
22 that you submitted --

1 MR. FRIEDMAN: You know, I'm going to
2 object. This is all beyond the scope of the
3 rebuttal.

4 THE COURT: No. She submitted these
5 exhibits. She testified about the length of time
6 her tenants are in there.

7 MR. GOITEIN: Well, she also submitted
8 these exhibits on Thursday.

9 MR. FRIEDMAN: Well, isn't he limited --
10 isn't Mr. Goitein -- he's already had a chance to
11 cross-examine based on these exhibits. Now he's
12 responding to my rebuttal testimony questions which
13 did not involve any of this. This is not
14 admissible.

15 MR. GOITEIN: These exhibits were --
16 these exhibits were submitted on Thursday of this
17 week. So I'm not sure when I would have had the
18 opportunity to ask her questions --

19 THE COURT: Yeah. I mean --

20 MR. GOITEIN: -- based upon these
21 exhibits.

22 THE COURT: -- if you want them in as

1 rebuttal exhibits, he gets to cross-examine on
2 them.

3 MR. FRIEDMAN: All right.

4 BY MR. GOITEIN:

5 Q All right. So, Ms. Favali, just so we
6 --

7 THE COURT: They're not admitted.
8 Yeah. I mean, I even asked is there a -- I think I
9 asked at the beginning does anybody want them in,
10 and nobody had an objection.

11 So, Mr. Goitein, go ahead.

12 MR. GOITEIN: So -- all right.

13 Q So, Ms. Favali, just so we're clear, the
14 -- all of the spreadsheets that you submitted in
15 this 55-page document that you submitted on
16 Thursday contain either inaccurate or not up to
17 date information about your tenants; right?

18 A Correct.

19 Q All right.

20 THE WITNESS: Five words or no?

21 THE COURT: Just answer yes or no.

22 THE WITNESS: I did.

1 MR. GOITEIN: She answered.

2 Q Okay. And then my only other question
3 on rebuttal is -- your lawyer asked you if parking
4 in a -- something to the effect of if parking in a
5 driveway, circular driveway, tends to reduce the
6 need to back out of the driveway. Right? You
7 remember he asked you that question?

8 A I think he asked it to Mr. Chappell, but
9 yes. I don't usually back up. I'm not a very good
10 backup driver.

11 Q All right. You would agree to me that
12 -- with me that, if there are multiple cars in a
13 circular driveway, then you can't back out of the
14 driveway if there's a car behind you; right?

15 A Unless you move the car behind you.
16 Yes.

17 MR. GOITEIN: All right. I don't have
18 any other questions.

19 THE COURT: Any redirect, Mr. Friedman?

20 MR. FRIEDMAN: No, ma'am.

21 THE COURT: Just to clarify that, I am
22 admitting those two exhibits that were filed. I

1 thought they came to me Sunday but whenever they
2 came. I think they're Exhibit 27 or Exhibit 26 on
3 OZAH's website.

4 (Exhibit 26 was marked and received in
5 evidence.)

6 MR. GOITEIN: Just to clarify, one
7 exhibit came in Thursday, and that's the 55-page
8 exhibit that's listed as Exhibit 23 on the OZAH
9 website.

10 THE COURT: I got that.

11 MR. GOITEIN: And then there are two --
12 and then there are two exhibits that came in on
13 Sunday that are listed as Exhibits 26A and B, and
14 we're not objecting to the admission of any of
15 those exhibits.

16 THE COURT: None of them. Okay. That's
17 fine.

18 All right. With that, are there any
19 more witnesses on rebuttal?

20 MS. BENNET: Your Honor, I didn't -- I
21 didn't get a chance at redirect.

22 THE COURT: This is true. This is true.

1 MS. BENNET: I'm sorry.

2 THE COURT: But same for you attorneys.

3 And, Mr. Mack, you have a chance.

4 So go ahead, Ms. Bennet.

5 REDIRECT EXAMINATION

6 BY MS. BENNET:

7 Q Ms. Favali, I just wanted to know if
8 you've ever read section 59-A-6.20 of the
9 Montgomery County Code, which deals with attached
10 or detached accessory apartments, which my
11 understanding is the same as an ADU?

12 A I did scan it, yes. Not recently.

13 Q Okay. How would you characterize the
14 rentals that you have on the property? Are you
15 renting out individual rooms or individual leases;
16 is that correct?

17 A Yes. Each room has --

18 Q Would you characterize what you -- what
19 you have there as a boarding house?

20 A No. It's not. There's one kitchen. So
21 it doesn't qualify as a boarding house.

22 Q But you are renting rooms in the house?

1 A I've been doing that since I bought the
2 house --

3 MR. FRIEDMAN: Asked and answered.

4 A -- in 2001. Yes. My bad.

5 MS. BENNET: No further questions.

6 THE COURT: All right. Any -- oh, wait.
7 And let me see if Mr. Mack has any questions.

8 MR. FRIEDMAN: Mr. Mack's attorney has
9 already cross-examined.

10 THE COURT: Oh, that's -- you're right.
11 So do you have any questions based on Ms. Bennet's
12 questions?

13 MR. FRIEDMAN: No, ma'am, I don't.

14 THE COURT: Okay. Is there anyone else
15 that wishes to testify? Okay. With that, what I'd
16 like to do now -- I think that it's a little
17 premature. I'm going to ask if -- it's a little
18 premature to do closing statements, given I don't
19 think everybody's had time to really review
20 Mr. Friedman's memo. So what I'd like to do is set
21 times for responding -- written closing statements.
22 They don't have to be long, but they would be

1 helpful, and then a response to Mr. Friedman's
2 memo, and we can set a date for that. And then --
3 or at least we can have the objectors' closing
4 statements and response to Mr. Friedman's memo and
5 then allow Mr. Friedman the last word in response.

6 Does anyone object to proceeding like
7 that?

8 MS. BENNET: Your honor, are you saying
9 this will be written?

10 THE COURT: You can do -- you don't have
11 to do a written closing statement. What I do want
12 is a written response to Mr. Friedman's memo.

13 MR. GOITEIN: So I -- sorry. Go ahead,
14 Carri.

15 THE COURT: Unless you're looking --

16 MS. BENNET: That's okay.

17 THE COURT: -- to --

18 MS. BENNET: Are you also looking --

19 THE COURT: Unless you're ready to
20 respond to it now. I mean, you're free to do it
21 right now if you wish.

22 MS. BENNET: Your Honor, I was just

1 going to say I'd like the opportunity, and I think
2 you gave us the opportunity to respond to the
3 material that you submitted in the record -- the
4 legislative history.

5 THE COURT: That too.

6 MS. BENNET: And so I'd like an -- I
7 haven't had the chance to go through all of that,
8 and I haven't had a chance to digest what
9 Mr. Friedman put in by email yesterday. So I would
10 like an opportunity to respond to all of that in
11 writing if I may.

12 THE COURT: That's fine. That's fine.
13 So I can leave the record open a certain period of
14 time for those objecting to file. You can do a
15 written closing statement if you wish, respond to
16 Mr. Friedman's memo that he submitted over the
17 weekend, and respond to my material. So I would
18 like to set a time for that. And then we'll set a
19 time for Mr. Friedman to respond. Any thoughts?
20 Are we okay with this or no?

21 MR. GOITEIN: I'm fine with that. I
22 will say that, as it relates to the testimony or

1 the evidence that has been received, I would be
2 fine doing a closing argument right now. I'm just
3 -- please don't ask for them in writing on my
4 behalf. I'm more than happy to do it now. But if
5 you'd like them in writing, you know, we can
6 provide them.

7 THE COURT: Are you prepared to do it
8 now, Ms. Bennet?

9 MS. BENNET: No, I'm not.

10 THE COURT: Okay.

11 MR. GOITEIN: Okay. Then I don't want
12 to --

13 THE COURT: Let's do it in writing, and
14 it doesn't have to be a lengthy tome. Please don't
15 do that. So -- but I think since Ms. Bennet would
16 like additional time, we would leave it with -- in
17 writing. Now, let me see how much time. Now we
18 don't get a transcript -- we don't get the written
19 transcript for ten business days from today. So I
20 don't know if you want to write it with the
21 transcript in hand or whether you would, you know,
22 rather write it -- you know, I can give you a

1 certain amount of time after. The transcript would
2 be due on about January 22nd.

3 MS. BENNET: I would request 30 days
4 from today, Your Honor, if that's possible.

5 THE COURT: There's a lot of material to
6 go over. So I'm going to -- I think that's fair.
7 So 30 days would be February 9th.

8 MR. GOITEIN: I think 30 days would be
9 February --

10 MS. BENNET: What day of the week is
11 that?

12 MR. GOITEIN: I think 30 days would be
13 February --

14 THE COURT: It's a Wednesday.

15 MR. GOITEIN: -- 11th; right? Today
16 being the 12th.

17 THE COURT: I have -- is that 30?

18 MR. GOITEIN: Yeah.

19 MS. BENNET: Thirty days would be
20 February --

21 MR. GOITEIN: Eleventh.

22 MS. BENNET: -- 11th.

1 THE COURT: Eleven.

2 MR. FRIEDMAN: Eleven.

3 THE COURT: Yes. Okay. So I'm going to
4 set for the objectors the response, and this will
5 be responses to Mr. Friedman's memo and
6 Ms. Favali's exhibits and my legislative history
7 that I submitted, and that'll be February 11th it
8 will be due.

9 And, Mr. Friedman, how much time do you
10 think you need for a response?

11 MR. FRIEDMAN: Well, I'm unfortunately
12 going to be out of town on vacation for the middle
13 of February, but I guess I can work from wherever I
14 am. Could I have -- is two weeks too long?

15 THE COURT: We can do two weeks. That
16 would be February 25th.

17 MR. FRIEDMAN: So that would be my
18 response to them as well as my closing argument?

19 THE COURT: Yeah. If you wish to file
20 one. Would it -- the main thing I want to give you
21 the chance to do is to respond to the objectors on
22 the legislative history and Ms. Favali's exhibits

1 and any information about the primary residence.

2 MR. FRIEDMAN: Okay.

3 THE COURT: Is that a yes to the 25th?

4 MR. FRIEDMAN: Yeah. I'm sorry. Yeah.
5 That's fine.

6 THE COURT: Okay. Okay. Now the
7 record's not open for anything else. So nobody
8 except the transcript and those items just
9 described. No --

10 Ms. Favali, don't go to the library. So
11 likely --

12 MR. GOITEIN: But the objectors will be
13 able to submit a written closing argument; right?

14 THE COURT: Yes. Everybody gets a
15 written closing argument if you wish. You can
16 respond to the legislative history that I submitted
17 and Mr. Friedman's memo on primary residence, and
18 then -- so the written closing will probably
19 include Ms. Favali's exhibits that she submitted.
20 So just the written closing and the issue of
21 primary residence.

22 MR. GOITEIN: When are we providing the

1 written closing by?

2 THE COURT: Sorry. Say again.

3 MR. GOITEIN: When are we providing the
4 written closing by?

5 THE COURT: That would be 2/11.

6 MS. BENNET: But don't we get to see his
7 rebuttal first?

8 MR. GOITEIN: Well, also the --

9 THE COURT: No. You're rebutting --
10 this is what we do because this is a weird order.
11 You get 2/11 to file yours, 2/25 for his, and then
12 you can have a response for, like, a week if you
13 want to say anything else.

14 MS. BENNET: So is the closing argument
15 -- written closing argument going to be after all
16 of that? I guess that's what I'm trying to
17 understand.

18 THE COURT: (Crosstalk). You have till
19 2/11 to do the written. You can do the written
20 closing argument, at least a first draft. Yeah.
21 You do the written closing. Okay? And you can
22 respond to Ms. Favali's exhibits and my legislative

1 history and Mr. Friedman's memo on primary
2 residence. Okay?

3 Then Mr. Friedman gets to go with the
4 same items in response to your memo. Not to add
5 things in, just responding to your memo. And then
6 we can add a week so you -- since you have the
7 burden of proof or since you go first here, we can
8 add a week for you to respond.

9 MR. FRIEDMAN: Actually, I have a
10 question. At Mr. Goitein's insistence, I was the
11 one who went first.

12 MR. GOITEIN: Yeah.

13 THE COURT: (Crosstalk).

14 MR. GOITEIN: So I think that's the
15 confusion we had.

16 MR. FRIEDMAN: So if I was the one who
17 went first, I should be the last -- the last word.
18 Not the objections.

19 THE COURT: That's what I'm saying. Oh.

20 MR. GOITEIN: So could I -- could I try
21 to maybe help clarify a little? I think the
22 confusion here is coming because Mr. Friedman or

1 Ms. Favali's case went first. And so they should
2 really submit the closing argument first.

3 THE COURT: Oh, you're right.

4 MR. GOITEIN: We should then respond to
5 it.

6 THE COURT: You're absolutely right. I
7 apologize. You are right. So that would be -- how
8 is 2/11 for you, Mr. Friedman?

9 MR. FRIEDMAN: Okay.

10 THE COURT: That's closing argument and
11 essentially argument on primary residence.

12 MR. FRIEDMAN: Okay. And then 2/25
13 would be their response?

14 THE COURT: Right. If that's -- if
15 that's okay with you.

16 MR. GOITEIN: Let me just check the
17 calendar. Yeah. 2/25 is fine for me for a first
18 -- for -- so that would be our response on the
19 legislative history.

20 THE COURT: Well, essentially,
21 Mr. Friedman's memo and the legislative history are
22 both on the issue of primary residence. So that

1 would be the primary residence argument. And then
2 --

3 MR. GOITEIN: So he's going to submit
4 whatever he's going to submit on February 11th,
5 we'll respond by the 25th, and then he'll rebut a
6 week after, and then that'll be it.

7 THE COURT: Okay. Done.

8 MR. FRIEDMAN: So just clarify for me
9 what my final date is. March what?

10 MR. GOITEIN: March 4th.

11 MR. FRIEDMAN: March 4? Okay.

12 THE COURT: Yes.

13 MR. FRIEDMAN: Works for me. Thank you
14 very much.

15 THE COURT: All right. With that, we're
16 going to adjourn. No new exhibits or evidence.
17 And we will simply leave the record open to receive
18 the transcript and for closing arguments and
19 arguments on the issue of primary residence. All
20 right?

21 MR. GOITEIN: All right. Thank you very
22 much.

1 THE COURT: Thank you.

2 MS. BENNET: Thank you.

3 MR. MACK: Thank you very much.

4 THE COURT: Bye.

5 MR. FRIEDMAN: Thank you, everybody.

6 (Off the record at 12:08 p.m.)

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2 I, Matthew Weedon, the officer before
3 whom the foregoing proceedings were taken, do
4 hereby certify that any witness(es) in the
5 foregoing proceedings were fully sworn; that the
6 proceedings were recorded by me and thereafter
7 reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording
9 of said proceedings are a true and accurate record
10 to the best of my knowledge, skills, and ability;
11 and that I am neither counsel for, related to, nor
12 employed by any of the parties to this case and
13 have no interest, financial or otherwise, in its
14 outcome.

15 

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19 MATTHEW WEEDON

20 NOTARY PUBLIC FOR THE STATE OF NORTH CAROLINA

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CERTIFICATE OF TRANSCRIBER

I, Jennifer Candela-Alvarez, do
hereby certify that this transcript was prepared
from the digital audio recording of the foregoing
proceeding; that said transcript is a true and
accurate record of the proceedings to the best of
my knowledge, skills, and ability; and that I am
neither counsel for, related to, nor employed by
any of the parties to the case and have no
interest, financial or otherwise, in its outcome.



JENNIFER CANDELA-ALVAREZ

JANUARY 15, 2026

Transcript of Hearing - Day 2
 Conducted on January 12, 2026

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