

FA 0201873344S

MARTINEZ, NEPER

VS.

OLMEDA, MARISOL

BEFORE:

THE HONORABLE JOHN T. DOWNEY, JUDGE

APPEARANCES:

Philip Berns, Esquire

JUDICIAL DISTRICT OF

STAMFORD/NORWALK

AT STAMFORD

MAY 9, 2002

Recorded by Anne D'Orso  
Court Recording Monitor  
Transcribed by  
Sandra L. Aviles  
Court Recording Monitor

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**C-E-R-T-I-F-I-C-A-T-I-O-N**

I, Sandra Aviles, hereby certify that the foregoing is a true and accurate transcription , recorded by Anne D'Orso, of the above-entitled matter, to the best of my ability, heard before the Honorable JOHN T. DOWNEY, Judge of the Superior Court in Stamford, Connecticut, on the 9<sup>th</sup> day of May, 2002. Dated this 21<sup>st</sup> day of August, 2007, at Stamford, Connecticut.

Sandra L. Aviles  
Court Recording Monitor



1 service. I have one from th Air Force, the public  
2 health service, the Marine Corp. The Navy, --

3 THE COURT: Do you have the Army?

4 MR. BERNS: I'm sure I have it, Your Honor. Absolutely  
5 certain that I have it.

6 THE COURT: By the way, sir, is your client a legal  
7 resident of the United States?

8 MR. BERNS: Yes, he is, Your Honor.

9 THE COURT: All right. Show me his green card, please.

10 MR. BERNS: I'd like to ask you what is that relevant?

11 THE COURT: It's relevant sir, because only people  
12 legally allowed in the United States can make use of  
13 our court system.

14 MR. BERNS: Okay. I wonder if we could put that on the  
15 record, Your Honor?

16 THE COURT: Yes, sir. It's on the record now.

17 MR. BERNS: We're on the record now?

18 THE COURT: Yes, we are.

19 MR. BERNS: Okay. So understanding only people legally  
20 present can use our court system?

21 THE COURT: Correct.

22 MR. BERNS: Okay. Would Your Honor share the citation  
23 with me?

24 THE COURT: It's -- that's the law of the United  
25 States. It's the law of the State of Connecticut.

26 Tell me a Supreme Court case, Appellate Court case  
27 that says that non-citizen or non-legal aliens here

1 in the United States can make use of our court  
2 system?

3 MR. BERNS: My understanding is there is no  
4 prohibition to them using the court systems.

5 THE COURT: That's incorrect. We do not enable people  
6 to make use of our legal system by being here  
7 illegally.

8 MR. BERNS: Okay. Is there a particular statute or  
9 citation?

10 THE COURT: Yes. Look in the State's Constitution.  
11 Citizens are allowed to make use of our court system.

12 MR. BERNS: Okay. Very good, Your Honor. Well, we  
13 don't have that problem here.

14 THE COURT: Good.

15 MR. BERNS: We do have Mr. Martinez's green card --

16 THE COURT: Thank you.

17 MR. BERNS: -- which is no longer green. It hasn't  
18 been for a few years.

19 THE COURT: No.

20 MR. BERNS: I happen to do Immigration Law so I know -  
21 -

22 THE COURT: I know.

23 MR. BERNS: -- one or two things about that.

24 THE COURT: Thank you, sir. I appreciate it.

25 MR. BERNS: Your Honor, --

26 THE COURT: Just for your information, there is a  
27 Superior Court case that says that civil courts are

1 available to illegal immigrants. That's a Superior  
2 Court case.

3 MR. BERNS: Okay.

4 THE COURT: That's the only reported case in  
5 Connecticut.

6 MR. BERNS: That says they are permitted?

7 THE COURT: A Superior Court case says that. One Judge  
8 in the entire State of Connecticut says that.

9 MR. BERNS: Very good, Your Honor.

10 THE COURT: I'm another Judge that says differently.  
11 Okay.

12 MR. BERNS: Okay. Very good, Your Honor. Always good  
13 to know where one stands.

14 THE COURT: That's right.

15 MR. BERNS: Your Honor, the astonishing thing is I  
16 have a copy -- I gave these letters to my staff just  
17 before I left my office. I have a copy of the Army  
18 certificate and they seem to have perhaps forgotten  
19 the original in the copier. Would it possible to  
20 proceed and for me to bring that later on this  
21 morning?

22 THE COURT: Sure.

23 MR. BERNS: Okay. Thank you, Your Honor.

24 THE COURT: I have your representation you have the  
25 original. Right?

26 MR. BERNS: I -- yes, Your Honor. Absolutely.

27 THE COURT: No problem.

1 MR. BERNS: Okay. Thank you, Your Honor.

2 THE COURT: You're welcome.

3 MR. BERNS: So, I'll go ahead and give you the  
4 originals of the others.

5 THE COURT: Yes. That --

6 MR. BERNS: -- for the court record.

7 THE COURT: Yes.

8 MR. BERNS: And I'm handing it to the court clerk,  
9 Your Honor.

10 THE COURT: Thank you.

11 MR. BERNS: And did I already -- oh, the financial  
12 affidavit and the health department form I'm also  
13 giving them to Your Honor.

14 THE COURT: Thank you. Where's -- what's the last  
15 known address of his wife?

16 MR. BERNS: Her last known address, Your Honor, was  
17 according to a sworn document that she provided --  
18 well, that -- to a signed document that she provided  
19 to the Immigration Naturalization Service was 12  
20 Charles Street, 2<sup>nd</sup> Floor, --

21 THE COURT: In Stamford?

22 MR. BERNS: Here in Stamford. And this court signed  
23 off on a order of notice by publication --

24 THE COURT: Right.

25 MR. BERNS: -- on December 17<sup>th</sup>. Okay.

26 THE COURT: These things are a bother, aren't they Mr.  
27 Berns?

1 MR. BERNS: I'm sorry.

2 THE COURT: These things are a bother, aren't they?

3 MR. BERNS: Why is that?

4 THE COURT: All these notifications to the military.

5 MR. BERNS: The military affidavits, Your Honor, are a  
6 bear. That's the technical term. And I couldn't get a  
7 response from -- I finally did get a response from  
8 the U. S. Coast Guard which was -- I don't think you  
9 have that either but I know I did get a response from  
10 them.

11 THE COURT: I've got the Army response by the way.

12 MR. BERNS: You do?

13 THE COURT: Yes. And I have the Marine Corp. response  
14 is attached. Okay.

15 MR. BERNS: Navy. Navy. Army. Marine Corp. Public  
16 Health, Air Force.

17 THE COURT: We've got the Air Force, Marines and the  
18 Navy.

19 MR. BERNS: Oh, I'm sorry. I have the Coast Guard  
20 right here, Your Honor. That's the one I had to fight  
21 over.

22 THE COURT: Coast Guard. And the only one that's  
23 remaining is the Army.

24 MR. BERNS: Oh, did -- okay. I have a copy of it here,  
25 Your Honor.

26 THE COURT: All right. Why don't I take a look at it?

27 MR. BERNS: it's page 2 of this -- about eight pages

1 of copies here.

2 THE COURT: All right. And by the way, he did marry an  
3 American citizen. Correct?

4 MR. BERNS: She was an American citizen. She is -- she  
5 was an American citizen presumably still is.

6 THE COURT: All right. This was -- did they cohabit  
7 for a period of time?

8 MR. BERNS: Yes, they did, Your Honor.

9 THE COURT: All right. How long?

10 MR. BERNS: I don't quite recall.

11 THE COURT: Were any children born of the marriage?

12 MR. BERNS: There were not, Your Honor.

13 THE COURT: All right. Was it more than a week?

14 MR. BERNS: Sorry.

15 THE COURT: Was it more than a week?

16 MR. BERNS: Yes. It was certainly more than a week.

17 THE COURT: All right.

18 MR. BERNS: We'd have been seeking an annulment if it  
19 had been --

20 THE COURT: And where did they cohabit when they did  
21 live together?

22 MR. BERNS: About three years at 12 Charles Street.

23 THE COURT: Okay.

24 MR. BERNS: Somewhere in there is the Immigration form  
25 that she filled out that states -- not in the  
26 originals. In the copies, I believe.

27 THE COURT: All right. If I find it --

1 MR. BERNS: Question, Your Honor. As to the alienage  
2 of his spouse, would that be relevant to the -- just  
3 out of curiosity -- would this be -- would that be  
4 relevant to the court's inquiry?

5 THE COURT: You know, I'd like to know that too. She  
6 happens to be a U. S. Citizen.

7 MR. BERNS: Yes, Your Honor.

8 THE COURT: And it's unfortunate that she's not here  
9 because typically we require for someone to be here  
10 especially, I would presume there's going to be no  
11 seeking of alimony and --

12 MR. BERNS: I would expect, yes.

13 THE COURT: But, she's not here to say whether or not  
14 she's giving up her right to alimony so that's a  
15 problem.

16 MR. BERNS: Well, she has been given notice  
17 pursuant --

18 THE COURT: At the last known address based upon a  
19 court order, prior court order. Correct?

20 MR. BERNS: Well, actually, by publication, Your  
21 Honor.

22 THE COURT: All right. And was -- the court had  
23 ordered that there be a publication?

24 MR. BERNS: Yes, Your Honor.

25 THE COURT: Okay. And how is the Judge who did that?  
26 Was it Judge Shay or Judge Harrigan?

27 MR. BERNS: It appears, Your Honor, that the court

1 order was signed by Family Clerk, Norman Roberts,

2 THE COURT: Right.

3 MR. BERNS: -- no doubt not without consultation with

4 --

5 THE COURT: Right. That would've been pursuant to a  
6 court order.

7 MR. BERNS: Yes, Your Honor.

8 THE COURT: Okay. All right. I have an affidavit from  
9 the husband who is the plaintiff in this matter. I  
10 also have a dissolution of marriage report which is  
11 part of the state requirements.

12 Do we have no communications between your client and  
13 his wife?

14 MR. BERNS: Approximately, two years ago, Your Honor,  
15 was the last contact.

16 THE COURT: And where was she living then?

17 MR. BERNS: Apparently, when she abandoned him, she  
18 said something about I'm going to New York and that  
19 was pretty much --

20 THE COURT: That was the last of it.

21 MR. BERNS: Right.

22 THE COURT: Why don't you put him on the stand?

23 (Judge speaks in Spanish to Mr. Martinez)

24 THE COURT: Sientese. (Sit down)

25 MR. BERNS: Okay. My clients both speak English, Your  
26 Honor, but they're understandably from my point, just  
27 a little nervous.

1 THE COURT: Senor, usted comprende Ingles? (Sir, do  
2 you understand English?)

3 MR. MARTINEZ: Yes.

4 THE COURT: Poco? (a little?) Bastante? (A lot?)

5 MR. MARTINEZ: Regular. Regular.

6 THE COURT: Bueno. (Fine.) All right. We'll conduct the  
7 hearing in English then.

8 MR. BERNS: Very good, Your Honor. Proceed?

9 THE COURT: Yes.

10 MR. BERNS: Okay.

11 \* \* \*

12

13

14

**1N-E-P-E-R M-A-R-T-I-N-E-Z**, 34 Woodland place, Stamford,  
16Connecticut, having been duly sworn, was examined and  
17testified as follows:

**18DIRECT EXAMINATION BY MR. BERNS**

19 Q Mr. Martinez, did you marry Marisol Olmeda in Port  
20 Chester, New York, on June 21<sup>st</sup>, 1994?

21 A Yes.

22 Q Have you been living in the State of Connecticut  
23 since before December 14, 2000?

24 A Yes.

25 Q Has the marriage broken down irretrievably?

26 A Yes.

27 Q Were there any -- are there any minor children of the

1 marriage between you and Ms. Olmeda?

2 A No.

3 Q And have you ever received public assistance,  
4 welfare, or support from the State of Connecticut or  
5 any city or town therein?

6 A No.

7 Q No. Do you therefore today seek a dissolution, that  
8 is, a divorce of your marriage with Ms. Olmeda?

9 A Yes.

10 MR. BERNS: I rest, Your Honor.

11 THE COURT: All right. Sir, are you physically fit and  
12 in good health?

13 MR. MARTINZE: Yes.

14 THE COURT: All right. And you can support yourself?

15 MR. MARTINEZ: Yes.

16 THE COURT: You're not seeking alimony from your wife.

17 Is that right?

18 MR. MARTINEZ: No.

19 THE COURT: All right. Is there any property that you  
20 currently possess that was your former -- that is  
21 your former wife's property or soon to be your former  
22 wife's property?

23 MR. MARTINEZ: (no verbal response)

24 THE COURT: Do you have any of her property with you  
25 now?

26 MR. MARTINEZ: With her? Or with me?

27 THE COURT: Si. (Yes)

1 MR. MARTINEZ: Yes.

2 THE COURT: You do? What property of hers do you  
3 still have?

4 MR. MARTINEZ: House.

5 THE COURT: The house?

6 MR. MARTINEZ: Yeah.

7 THE COURT: Is it your house or her house

8 MR. MARTINEZ: It's my house.

9 THE COURT: It's your house. Okay. Does she have --  
10 where do you live, sir?

11 MR. MARTINEZ: 34 Woodland Place.

12 THE COURT: All right. Is that an apartment or a  
13 house?

14 MR. MARTINEZ: House.

15 THE COURT: It's a house. Do you rent the apartment or  
16 do you rent the house?

17 MR. MARTINEZ: Yeah.

18 THE COURT: You rent it. Okay. Very good. I've covered  
19 that issue.

20 MR. BERNS: Your Honor, I think actually he owns the  
21 house and he rents an apartment or two.

22 THE COURT: Oh, I see. I misunderstood. All right.  
23 Now, you own the house?

24 MR. MARTINEZ: Yes.

25 THE COURT: Is the house in your name?

26 MR. MARTINEZ: yes.

27 THE COURT: Solamente.(only). Or, Only your name?

1 MR. MARTINEZ: Only my name.

2 THE COURT: So, does your wife have an ownership  
3 interest in the house? Is her name on the deed?

4 MR. MARTINEZ: No. No.

5 THE COURT: All right. Do you have a copy of the deed?

6 MR. BERNS: We do not, Your Honor.

7 THE COURT: All right.

BY MR. BERNS:

9 Q When did you buy the house, Mr. Martinez?

10 A 199 -- no. 2000. 2000.

11 Q And that was after she abandoned you?

12 A Yeah, after she -- after

13 THE COURT: After she left?

14 MR. MARTINEZ: Long time after.

15 THE COURT: So, is the house only in your name?

16 MR. MARTINEZ: Yes. Yes.

17 THE COURT: All right. Su casa es solamente en su  
18 nombre? (Your house is only in your name?) Si? (Yes?)

19 MR. MARTINEZ: Yes. Yes. Yes. Yes.

20 THE COURT: I asked him in Spanish.

2BY MR. BERNS:

22 Q Okay. (Mr. Berns translates)

23 The Judge wants to know if all the papers of the  
24house are only in your names or perhaps there are some that  
25also have her name?

26 A No. It's only in my name.

27 Q (In Spanish) None have her name?

1 A No.

2 Q (In Spanish) None?

3 A No. No.

4 Q All right.

5 MR. BERNS: And to translate for the record, Your  
6 Honor --

7 THE COURT: Yes.

8 MR. BERNS: He states that no papers having to do with  
9 the house, of any papers having to do with the house  
10 have her name on them.

11 THE COURT: All right. Any bank accounts?

12 BY MR. BERNS:

13 Q (In Spanish) Do you have any bank accounts in both  
14 names? (Repeats in English)

15 A No. No.

16 THE COURT: All right. And when was the last time you  
17 spoke to your wife?

18 MR. MARTINEZ: Two or three years.

19 THE COURT: Two or three years ago?

20 MR. MARTINEZ: Yeah. But, she was living in New York  
21 and by the Bronx.

22 THE COURT: In the Bronx. All right. And so she left  
23 you?

24 MR. MARTINEZ: yeah, she left me.

25 THE COURT: She abandoned you?

26 BY MR. BERNS:

27 Q (In Spanish) Abandoned?

1 A Yes. Yes.

2 THE COURT: (In Spanish) Understood?

3 MR. MARTINEZ: Yeah.

4 THE COURT: I asked him if he understood. He said yes.

5 All right.

6 Now, previously sir -- I'm talking to the attorney

7 now. Attorney Berns. You had been required by this

8 court to give notice by publication to Marisol

9 Olmeda. Correct?

10 MR. BERNS: That is correct, Your Honor.

11 THE COURT: All right. And when did that notice take

12 place?

13 MR. BERNS: I have a copy of the return of

14 service form the Sheriff, Your Honor.

15 THE COURT: All right.

16 MR. BERNS: I believe the original is in the court

17 file.

18 THE COURT: okay. It might be. Let me check. Here it

19 is.

20 MR. BERNS: Okay.

21 THE COURT: There is a notice that was published on or

22 about --

23 MR. BERNS: December 18<sup>th</sup>.

24 THE COURT: December 18<sup>th</sup>. And I have a Sheriff's

25 return that's dated December 28<sup>th</sup> which talks about a

26 publication on --

27 MR. BERNS: On the 21<sup>st</sup> and 28<sup>th</sup>, Your Honor.

1 THE COURT: December 21 which was in the Stamford  
2 Advocate which gave notice to Marisol Olmeda.

3 MR. BERNS: Decwember 21 and 28<sup>th</sup>, Your Honor.

4 THE COURT: All right. So, publication by notice has  
5 taken place.

6 There is no distribution of any marital assets at  
7 this point because according to the testimony of your  
8 client none of her personal property remains with  
9 him. Is that a fair statement, Mr. Berns?

10 MR. BERNS: Yes, Your Honor.

11 THE COURT: All right. Now, you've made effort,  
12 diligent efforts to publish the pendency of this  
13 proceeding in the Stamford Advocate by two separate  
14 publications in the Stamford Advocate. You've also  
15 presented to the court evidence that notifications to  
16 the various military departments of the United States  
17 have been provided and the returns from those  
18 departments indicate that she's not a member of the  
19 military service. Is that a fair statements, sir?

20 MR. BERNS: Yes, Your Honor. That's correct.

21 THE COURT: All right. All right.

22 MR. BERNS: If I may, Your Honor, ask my client a  
23 question.

24 THE COURT: Sure.

25 MR. BERNS: Your Honor, in addition to these efforts -

26 -

27 THE COURT: Right.

1 MR. BERNS: -- my client also contacted a company by  
2 the name of 1-800 U. S. Search where if you give them  
3 someone's name, --

4 THE COURT: Right.

5 MR. BERNS: -- social security number or date of  
6 birth, they -- (indiscernible) really turned over  
7 every stone looking for her, Your Honor.

8 THE COURT: All right. Have him testify to that under  
9 oath now.

10 MR. BERNS: Okay.

11 THE COURT: Did you look for your wife through a  
12 search company?

13 MR. MARTINEZ: Yeah.

14 THE COURT: All right. What was the name of that  
15 search company?

16 MR. MARTINEZ: It's U.S. search.

17 THE COURT: All right. And did you pay the money to  
18 look for her?

19 MR. MARTINEZ: Yeah.

20 THE COURT: And were they able to find your wife?

21 MR. MARTINEZ: They didn't.

22 THE COURT: They did not?

23 MR. MARTINEZ: No.

24 THE COURT: All right. Okay. I think that covers it.  
25 Okay.

26 Now, sir, once you give your up right to alimony --  
27 you have a right to get alimony from your wife. Do

1           you understand that?

2           (MR. BERNS SPEAKS TO MR. MARTINEZ IN SPANISH)

3           MR. MARTINEZ: No. No.

4           THE COURT: All right. Essentially, what counsel did

5           was to describe to the gentleman that once he gives

6           up the right to alimony he can never go back and get

7           it even if his wife later became a millionaire

8           through the lottery, he could not have a claim

9           against her in light of that. Is that a fair

10          statement what I just said?

11          MR. BERNS: That's pretty much exactly what I've said,

12          Your Honor.

13                 THE COURT: All right. So, you understand that.

14          MR. MARTINEZ: Yeah.

15          THE COURT: And you give up your right forever. You

16          understand that?

17          MR. MARTINEZ: Excuse me.

18          THE COURT: You give up that right forever.

19          (MR. BERNS TRANSLATES TO MR. MARTINEZ)

20          MR. MARTINEZ: Yeah. Yeah.

21          THE COURT: All right. Do you have any other questions

22          of your client, sir?

23          MR. BERNS: No, Your Honor.

24          THE COURT: All right. You may step down, sir. Thank

25          you.

26          MR. MARTINEZ: Thank you very much.

27          THE COURT: You're welcome, sir.

1 I find the following: That the court has jurisdiction  
2 of this matter. That plaintiff, husband, is here  
3 present before us. A valid alien here in the United  
4 States. Constructive -- actual notice -- actual --  
5 constructive notice has been given by publication  
6 through two separate occasions through the Stamford  
7 Advocate as required by a prior court order.

8 The defendant wife is not in the military service  
9 based upon the review of the materials provided to me  
10 by counsel. A copy of which -- the army certificate  
11 was provided but based upon the representations of  
12 counsel an original is still available but back at  
13 his office.

14 I find that the allegations of the complaint are  
15 proven and true. I find that there's been an  
16 irretrievable breakdown of the marriage.

17 I order the following: The marriage is dissolved on  
18 the grounds of irretrievable breakdown. Neither party  
19 is going to be receiving alimony although I suppose I  
20 could leave \$1 dollar per year alimony available for  
21 the wife if she would want that and I'll do that just  
22 to protect her because she wasn't here so you know --  
23 make that part of my order, \$1 dollar a year alimony  
24 for the wife.

25 MR. BERNS: In which case, can my client also have a  
26 dollar a year?

27 THE COURT: Yes, sir. A dollar a year alimony for the

1 husband too.

2 I neglected to -- he wouldn't know this at this point  
3 because he hasn't seen her in two years, but  
4 currently your client is not a recipient of state, of  
5 federal or public assistance?

6 MR. BERNS: I went over that, Your Honor. That was  
7 question number 5.

8 THE COURT: And I recall you going over that. And he  
9 has no information about his wife in that regard?

10 MR. BERNS: No knowledge, Your Honor, however since  
11 she was rumored to have returned -- apparently, she  
12 returned to her place of origin in the Bronx. There's  
13 every reason to believe that she's not living in the  
14 State of Connecticut whatsoever.

15 THE COURT: Right. Okay. So, and this is translated  
16 for us by Mr. Berns but the bottom line is that  
17 there's no information as to whereabouts and we have  
18 n o information about whether or not she's a  
19 recipient of state, federal, or municipal assistance.  
20 But, it's clear the plaintiff is not.

21 There are no minor children of the relationship and  
22 issues as to health insurance are not going to be  
23 addressed here.

24 What I'll do, Mr. Berns, is create a draft file now,  
25 a certificate of divorce. I want you to review it  
26 before you leave and make sure that the dates and the  
27 names are correct. And four weeks from today, you'll

1 be able to get a certified copy, which of course, for  
2 which you have to pay a fee to get a copy of the  
3 same.

4 But, you are now officially divorced, sir.

5 MR. MARTINEZ: Thank you.

6 THE COURT: Good Luck to you, sir.

7 MR. MARTINEZ: Thank you.

8 THE COURT: You're very welcome. We need the  
9 affidavits.

10 MR. BERNS: The military?

11 THE COURT: Yes.

12 MR. BERNS: We're still on the record, Your  
13 Honor?

14 THE COURT: Yes.

15 MR. BERNS: Okay. Here is Coast Guard. Okay.

16 THE COURT: You have Coast Guard, Marines, Navy, and  
17 Air Force, I saw.

18 MR. BERNS: Health and Human services which is public  
19 health service.

20 THE COURT: Public health service I saw too.

21 MR. BERNS: This one is Marine Corp. I'm sorry, Your  
22 Honor. Here -- okay. Her's Army attached to Marine  
23 Corp. For some reason.

24 THE COURT: Well, there was a reference to the Army  
25 request, if I'm not mistaken.

26 MR. BERNS: not a reference. We actually have the Army  
27 here original signature on it. It was mistakenly

1 attached to page 2 of the Marine Corp.

2 THE COURT: All right. There it is. I thought I saw  
3 that but then I thought I saw a cover letter and then  
4 I --

5 MR. BERNES: Here it is right here.

6 THE COURT: Very good.

7 MR. BERNES: Okay.

8 THE COURT: Let me take a look at it, please.

9 MR. BERNES: Here is Air Force. That's your --

10 THE COURT: Right. That's correct. I thought I saw  
11 that.

12 MR. BERNES: Here is Navy and Coast Guard was the  
13 one that's missing?

14 THE COURT: No. You have the Coast Guard. I saw the  
15 Coast Guard.

16 MR. BERNES: So, do we have everything then?

17 THE COURT: you have everything there.

18 MR. BERNES: Oh, so we're a hundred percent. Great.

19 THE COURT: You're a hundred percent.

20 MR. BERNES: I'm sorry.

21 THE COURT: That's all right.

22 MR. BERNES: Seems like it was all organized a month  
23 ago but then I gave it to --

24 THE COURT: That's all right. I threw you a little  
25 curve ball with that statement about having to be  
26 here legally, you know.

27 MR. BERNES: Oh, well, that was unexpected.

1 THE COURT: It set things in motion.

2 MR. BERNS: Your Honor, a follow-up question on that.  
3 You also asked about the wife's alienage and I was  
4 curious about Your Honor's take on the relevancy and  
5 significance of that.

6 THE COURT: Well, if there was one party who is a U.  
7 S. Citizen I would have jurisdiction in my opinion.

8 MR. BERNS: If one party has U. S. Citizenship?

9 THE COURT: Yes.

10 MR. BERNS: Okay. Very good, Your Honor.

11 THE COURT: Uh-huh. That's how I proceed.

12 MR. BERNS: Okay.

13 THE COURT: As long as one person is here legally --

14 MR. BERNS: Yes.

15 THE COURT: -- that's enough for me.

16 MR. BERNS: right. Could I -- I just happen to  
17 practice Immigration law --

18 THE COURT: right.

19 MR. BERNS: -- and it's a phenomenally complex area of  
20 the law.

21 THE COURT: Right. We can go off the record here.

22 MR. BERNS: Okay.

23 (The matter concluded for the day)

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