APPENDIX

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APPENDIX A

IN THE THIRD CIRCUIT COURT FOR
DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

DOCKET NO. 21D-825

SARAH EDGE WOODWARD,

Plaintiff / Wife,

v.

GEOFFREY HAMILTON WOODWARD,

Defendant / Husband.

ORDER

THIS CAUSE came to be heard on March 24, 2023, before the Honorable Judge Phillip Robinson on the Husband's *Motion to Alter or Amend and for Stay,* and Wife's *Response* thereto. After hearing argument of counsel, as well as considering the record as a whole, the Court denied Husband's *Motion to Alter or Amend and for Stay,* with the exception that the Court amended its prior Order entered March 7, 2023 to remove the provision regarding Husband's communications with the adult children. A copy of the *Transcript of Proceedings March 24, 2023* is attached hereto as Exhibit A and is incorporated herein. In support of its ruling, the Court made the following findings:

1. The Court, based on Dr. Spirko's testimony, found early on that Mr. Woodward had a circumstance that this Court felt justified based on his behavior and

his way of looking at things, his emotional view of this case, that it was no longer in the best interests for him to have parenting time with the children, and the Court stayed that for a period of time. One of the children, of course, has since emancipated.

2. With regard to Husband's request for a stay, this Court went to great lengths to try to give everybody an opportunity to be heard because the type of therapy that has been recommended is something that is invasive. Also, in this Court's experience, it may work better with younger children than with older children. The Court is boggled that Mr. Woodward feels like that he has not received due process as this Court spent weeks hearing from experts, including Dr. Kenner, Husband's expert, who did not follow the Court's protocols on what the Court told him to do. Dr. Kenner was directed to look at the information that was in Dr. Spirko's report, and based on that, he was supposed to give his response to it. However, the Court entertained Dr. Kenner's testimony despite the fact that he went well outside of the protocols that the Court instructed.

3. The Court heard testimony from multiple experts in this area, and still the Court felt that we needed to try another way. This child indicated that he wanted to have parenting time with both of his parents, and, therefore, there was no parental alienation because he was not rejecting the mother. He was asking for 50/50 time with the Mother. So, the Court called what it believes was a bluff and gave the child what he said he wanted. The idea was, if the child is interested in having a relationship with his Mother, he hasn't been alienated from her. However, what the Court suspected, occurred. As the Court previously indicated. probably some of it was the Court's fault because it did not close all the gates. When the Court gave the Mother and Mr.

Woodward 50/50 week-to-week parenting time, the child simply spent all of his time with his Father, even during the time he was supposed to be with his mother, and he was rude and discourteous and acted inappropriately to Mother based on the testimony and based on the child's own admission. The Court then reconfigured its parenting arrangement to try to close some of those gates, ordered that the Father would not have contact with the child during the Mother's week, and it still did not work. As far as the Court is concerned, based on the testimony from the Mother, there is no measurable change in the child's behavior. The Court feels like it has bent over backwards hearing everything it could possibly hear to hear [sic] to give Mr. Woodward an opportunity to be heard in this matter.

4. The Court is respectfully denying the request for a stay. This is a custody matter. Having devoted so much time to trying to hear arguments counter to Dr. Spirko's evaluation and then trying other methods to try to deal with this problem other than what I consider a pretty serious protocol for trying to help this child and the Mother reestablish their relationship, it simply didn't work.

5. This Court finds that the Father holds great sway over all of these children. There are three children. Two of them are adults at this point, and only W.E.W. is a remaining minor child. Father clearly holds great sway over these children, and all he had to do is tell the child to be nice, courteous, and polite to your Mother as you should be, supposedly being a gentleman, scholar, and athlete at Montgomery Bell Academy. The first thing they insist upon is gentlemanly behavior, and the Court found that was very lacking, but if Father told the child to do that, he would have behaved

in that manner. Even if it only lasted until the child turned 18, that would have been a great improvement, but that did not even happen.

6. The Court finds there is really no argument here that Mr. Woodward has not been granted due process. This Court has heard just about everything Husband has tried to put in front of it, including an expert regarding alienation that the Court had to make several efforts to give her an opportunity to testify. The Court rejects that Husband has not received due process. The Court felt that since everything else had failed, the suggestion of Dr. Spirko was the only reasonable opportunity. And, as far as the Court is concerned, Ms. Woodward had been amazingly patient throughout this, and the Court felt like she deserved to have this evaluation from a therapist or a counselor or psychologist, that the Court would point out, both of these parties picked. The Court did not impose Dr. Spirko on these parties. They agreed to have her perform the evaluation, and when Dr. Spirko got into it, she expressed herself on what was going on. It is pretty well set forth in her lengthy evaluation.

7. The Court also finds that it does have the authority to order Mr. Woodward to participate in this process. If he were guilty of physical domestic violence, this Court does not believe it would have any problem at all from our Appellate Court in ordering him to receive counseling for that. If he had a substance abuse issue, this Court does not believe any of our Appellate Courts would say that this Court does not have the authority to address those issues. In this case, the Court finds that based on Dr. Spirko's evaluation, Husband has issues that need to be addressed to try to give this remaining minor child the best opportunity to have a relationship with both parents, and that is what the

Court is committed to. Therefore, the Court is respectfully denying the request by Mr. Woodward for a stay. If the Court of Appeals grants the stay, then that is fine and the trial court will certainly abide by that stay.

8. The Court does have some concerns about the First Amendment right issue. The other two children are adults, so the Court has some concerns about limiting Father's access to discussing the child with these other individuals. If the therapist and the people helping the minor child feel that he should not be communicating with his siblings during this process, then the Court authorizes the Mother, if necessary, to take the phone away from him and certainly to instruct him that he cannot have communication with those individuals. it is obvious to the Court that the older sister, Simms, and his older brother have in this Court's opinion attempted to interfere with W.E.W.'s relationship with his Mother and undermine the efforts that the Court was making in this case, as has, in the Court's opinion, Mr. Woodward in his behavior in sending correspondence to the employer of the guardian ad litem which resulted in the guardian ad litem requesting to be relieved. The Court is thus modifying the Court's prior ruling regarding limiting Father's contact with the adult children and is withdrawing that restraining order. But nothing prevents the Mother from limiting W.E.W's contact with those children because she will be in charge of that child and in charge of his cell phone. The language of the March 7, 2023 Order, paragraph 2C, will apply to the minor child only. The provision as to the adult children in that paragraph shall be stricken from the orders of the Court.

9. With regard to Father's mature minor argument, the Court finds that does not apply in this case. The

Court recognizes that in hearing testimony from children the statute provides that the Court can entertain testimony of children 12 years of age and older on issues of custody, and the older the child, the greater weight the Court is to give to their opinion and their position on custody. The Court exercised that in setting a temporary parenting arrangement exactly as what W.E.W. was requesting. The problem is that what the child requested and what he really wanted were two different things. He wanted to still be able to abuse and mistreat his Mother and have no relationship with her and reject her but was acting like he was really wanting to have a relationship. The Court finds that was simply a facade and was not a true indication of what this child wanted. He did not want to have a reasonable relationship with his Mother. This Court finds there has been nothing about the behavior of either of the children who have been minors during this proceeding – the older brother's behavior in pouring orange juice and milk on his Mother's wardrobe as it hung in the closet and W.E.W.'s behavior – that indicates to this Court that either one of those individuals were mature minors. They appear to be spoiled, entitled children who felt that they can take any action they wanted to without repercussion, and they were pretty much right. The Court wants it clear that the Court has found no indication that either one of these children, who were the only ones under the Court's control initially, have acted in a mature manner that would justify them being categorized as mature minors. The Court has seen what it believes is childish behavior without thinking about what their parents were going through. The Court also acknowledges however that these children also understood that their Father controls much of their purse strings for college and vehicles etc., and they had to take those things into

consideration. The Court finds that neither one of these young men were mature minors.

10. With regard to the domestic violence issue, the Court's position is the main domestic violence it has heard about is the children's behavior toward their Mother in that first conversation that started in the kitchen and spilled out into the driveway as she was attempting to leave, and even the Father was having to warn his older son about physically attacking or pushing the Mother. However, the real issue, as far as the Court is able to determine with Mr. Woodward, appears to be a control issue. And control, the Court believes, ranks right up there as a form of domestic violence. This Court has heard testimony regarding Mr. Woodward's behavior toward the Mother as they were having discussions where he would prevent her from leaving the room. The Court finds that is a form of domestic violence, and as far as the Court is concerned the recommendations of Dr. Spirko need to be complied with. If Mr. Woodward chooses not to, then he risks a finding of willful contempt and the Court will have to act accordingly. The Court agrees that there is an element of domestic violence to the extent that in the past Wife has testified that Mr. Woodward has restricted her movements by barricading or blocking her in a room. So that's a form of domestic violence, and the Court intends for him to participate in the programs that are listed in the order.

11. It was brought to the Court's attention that since the Court's no-contact Order was put into place at the hearing on February 23, 2023, Mr. Woodward has been attending the child's sports games and practices. The Court finds that Mr. Woodward is not inclined, in the Court's opinion, to correctly interpret the Court's orders. When a parent comes to a child's

game or a practice, the Court finds that that's a form of contact, and the difficulty is there are not enough resources to have a police officer or someone there to make certain that Father doesn't have conversations with W.E.W. Thus, the Court is clarifying its order that Mr. Woodward is not to attend practices or games that the minor child participates in where he could come in contact with the child. The Court's position is that it does not feel that it can trust Mr. Woodward who would want to use this as an opportunity to communicate with his child. Father is ordered to stay away from any of W.E.W.'s sporting events and any of his practices or school activities in any manner because, as far as the Court's concerned, that is a form of contact with the minor child. Father is not to attend any of the practices or any of the child's sporting events or extra-curricular – or school events where he could come into contact with the child. He is not to have any type of contact whatsoever and the Court finds that standing on the sidelines cheering the child on is a form of contact. Reinstatement of Father attending games, practices and school events would be considered on the recommendations of the therapists that are working with him.

It is therefore

ORDERED, ADJUDGED and DECREED that Husband's request to stay the Order entered in this matter on March 7, 2023 is respectfully denied; and it is further,

ORDERED, ADJUDGED and DECREED that Husband's request to alter or amend the Court's March 7, 2023 Order is respectfully denied, with the exception that the Court is modifying Paragraph 2(c) of the prior ordered entered March 7, 2023 to strike

the words "as well as the parties' adult children" from said Order; and, it is further,

ORDERED, ADJUDGED and DECREED that the Court's Order of March 7, 2023 is clarified to state that Husband is not to have any contact with the minor child, including attend any of W.E.W.'s games, practices, sporting events, extra-curricular activities, and/or school events where he could come into contact with W.E.W. Reinstatement of Husband's ability to attend games, practices and school events shall be considered going forward on the recommendations of the therapists that are working with him

IT IS SO ORDERED.

DATED this the 17 day of April, 2023.

/s/ Phillip Robinson
JUDGE PHILLIP ROBINSON

APPROVED FOR ENTRY:

ROGERS, SHEA & SPANOS

/s/ *Laura S. Blum*

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In The Matter Of:

SARAH EDGE WOODWARD

v.

GEOFFREY HAMILTON WOODWARD

Transcript of Proceedings
March 24, 2023

Christina A. Meza, LCR, RPR, CCR
Licensed Court Reporter

Original File 2023-03-24 Woodward vs Woodward.txt
Min-U-Script® with Word Index

[1] IN THE THIRD CIRCUIT COURT FOR
DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

Docket No. 21D825

SARAH EDGE WOODWARD,

Plaintiff / Wife,

v.

GEOFFREY HAMILTON WOODWARD,

Defendant / Husband.

TRANSCRIPT OF PROCEEDINGS
Friday, March 24, 2023

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[3] (The aforementioned cause came on to be heard on Friday, March 24, 2023, beginning at 10:30 A.M., before the Honorable Phillip Robinson, Judge, when the following proceedings were had, to-wit:)

(Court officer administers the oath to Ms. Woodward.)

MS. THOMAS: Good morning, Your Honor.

THE COURT: Good morning, Ms. Thomas. My understanding is you're here on your own; is that right?

MS. THOMAS: Yes, sir, that's right. All by my lonesome.

THE COURT: Let me try to find my pleadings here.

All right. Ms. Thomas, the Court is happy to entertain your argument in this matter.

MS. THOMAS: Thank you, Your Honor. As Your Honor is aware, we filed an emergency motion to both request that the Court both stay its latest order in these proceedings as well as to alter or amend the order entered on March the 7th of 2023.

Regarding the stay, the Court certainly has the authority and discretion to order a stay under Rule 62. We're asking the Court to exercise [4] that discretion and to stay its order that – you know, for all of these different provisions – the child go to this reunification camp, that there's individual therapy of our client and the child, joint therapy, all of the different orders.

We're asking the Court to stay those so we have the opportunity for a meaningful appeal. We would submit to the Court if those provisions are not stayed, Mr. Woodward's right to appeal doesn't really have much effect if everyone has already being required to do what the Court's order prior to the Appellate Court weighing in such that he would have already suffered harm or possibly irreparable harm prior to the Appellate Court being able to rule. So that's the basis for our request for the stay.

As to the – all of the other issues that we've raised in our motion to alter or amend, I'm primarily going to rest on pleadings. I know that the Court – you know, we've – Ms. Blum and I have both briefed these issues in great detail. I would submit to the Court very thoroughly. I don't want to read the Court my brief. I know that the Court has read everything, and I also don't want to take the Court's time up on a Friday motion docket to have an appellate style argument unless the Court has any particular [5] questions.

I would just say high level that we are raising substantive and procedural due process issues that really haven't been specifically raised in front of this Court yet that we want to be raised and we want the Court to have the opportunity to consider, as well as the mature minor doctrine implications here, Father's rights for his psychologist-patient privilege, and Father's First Amendment rights. As the Court knows, we have raised those different issues in the purview of about five different particular passages from the Court's order that we've raised.

And just a very high-level response to Ms. Woodward's response to our motion to alter or amend, yes, we absolutely understand that this Court has the authority and that Tennessee's appellate courts have recognized trial courts' authorities over and over to order some counseling in divorce cases and in custody cases. Typically, joint counseling, coparent counseling, counseling with a parent and child possibly.

I think the issue that we're raising before the Court is sort of how far is too far or where does that authority end. So certainly while the best interest of the child is powerful and gives the Court [6] considerable authority to order various things that might not be able to be ordered otherwise, you know, if you took it to logical extreme, certainly the Court couldn't order unwanted medical treatment like amputation of a limb or something like that.

So there's a limit certainly that I think we would all acknowledge exists out there that inappropriately invades an individual's constitutional rights, the province of their body, right to privacy, etc., even in the course of a custody case.

And, again, we've articulated and raised our arguments in writing, and I will rely further on that unless the Court has any questions.

THE COURT: Thank you, Ms. Thomas.

MS. THOMAS: Yes, sir.

THE COURT: Ms. Rogers? Ms. Blum?

MS. BLUM: Thank you, Your Honor. I would agree with Ms. Thomas in that I believe that the Court maybe doesn't need to hear argument on 20 pages of motions and 20 pages of responses. Both sides, I believe, were thoroughly briefed.

We would submit that this order should not be stayed. The rules are instructive to the Court, we believe, in a custody matter. Rule 62.01 says the order should not be stayed absent a finding by the [7] Court that they should be. And the case law that we cited says that custody decisions are not ordinarily to be stayed. We believe that the Court's order was reasonable. The order consisted of a directive for the child and the mother to attend a four-day basically intensive therapy session where they were staying together in a hotel and then ordered the husband to engage in counseling and the child to engage in counseling. We don't believe that any of these things are going to create a situation where there's an irreparable harm that's been imposed on any of these parties.

We've not ordered anyone to amputate a limb or do anything that would be invasive to anyone's bodily autonomy. As Ms. Thomas stated in her brief, there are lots of cases that talk about those types of issues, and I don't believe that this is one of those. So with regard to the request for the stay, we would submit that that should be denied.

As for the due process issues, the issue of the mature minor, we rest upon the argument in our brief, but we would say that the Court's order is not outside of the scope of the many other orders that were affirmed by the Court of Appeals of this state and the Supreme Court of this state with regard to [8] counseling and other things that this Court has found to be in the best interest of the child. Thank you.

THE COURT: First of all, let me say I want to apologize to both the litigants. In these sort of matters I think time is of the essence, and when Mr. Hayes and Ms. Thomas' motion was originally filed, I was interested in trying to get it on the docket right away. My problem was that it was filed the Friday before judicial conference and then I was out of town at judicial conference for a period of time. And then when I got back, I think, Ms. Rogers, you were out of town for a period of time, and we weren't able to – when trying to look at some time that I could do it and hope that everybody would be available, I just wasn't able to do it.

I'm glad Mr. Hayes went ahead and set it on the docket. That was a smart thing to do because it ended up giving him an opportunity to get it heard quicker than I was going to be able to do that. So I apologize to everybody for that. It just happened to be the circumstances that we found ourselves in.

This case has been extremely troublesome, as you-all all know. You-all have lived through it just like the Court has. This Court, based on Dr. Spirko's testimony, found early on that [9] Mr. Woodward had a circumstance that this Court felt justified based on his behavior and his way of looking at things, his emotional view of this case, that it was no longer in the best inter-

ests for him to have parenting time with the children, and the Court stayed that for a period of time.

One of the children, of course, aged out, and we're left with Will.

The – in dealing with the request for a stay, I'll simply tell you where the Court is on that. This Court went to great lengths to try to give everybody an opportunity to be heard because I recognize that the type of therapy that has been recommended is something that is invasive. Also, in this Court's experience, it may work better with younger children than with older children.

And the Court wanted to give everybody an opportunity to be heard on that. I'm kind of boggled that Mr. Woodward feels like that he hasn't received due process in this Court because we spent weeks and weeks and weeks hearing from experts, including Dr. Kenner, his expert who didn't follow the Court's protocols on it – on what I told him to do. He was supposed to look at the information that was in Dr. Spirko's report, and based on that, he was supposed [10] to give his response to it. And it appears to this Court – it appeared then – but the Court entertained his testimony anyway – that he went well outside of the protocols that the Court instructed.

We heard testimony from multiple experts in this area, and still the Court felt that we needed to try another way of doing this. This child indicated that he wanted to have parenting time with both of his parents, and, therefore, there was no parental alienation because he wasn't rejecting the mother. He was asking for 50/50 time with the mother.

So the Court – I feel like I called what I believe was a bluff and said let's give Will what he says he wants.

The idea is if he's interested in having a relationship with his mother, then he hasn't been alienated from her.

But what I suspected occurred. As the Court previously indicated, probably some of it was my fault because I didn't close all the gates. When the Court gave the mother and Mr. Woodward 50/50 week-to-week parenting time, Will simply spent all of his time with his father, even during the time he was supposed to be with his mother. And he was rude and discourteous and acted inappropriately to her based on the testimony that I heard and based on Will's own [11] admission.

The Court reconfigured its parenting arrangement, tried to close some of those gates, ordered that the father wouldn't have contact with him during the mother's week, and it still didn't work. As far as I'm concerned, based on the testimony from the mother, I didn't see any measurable change in Will's behavior.

The Court feels like it's bent over backwards hearing everything I could possibly hear to hear and give Mr. Woodward an opportunity to be heard in this matter.

The Court is respectfully denying the request for a stay. This is a custody matter. Having devoted so much time to trying to hear arguments counter to Dr. Spirko's evaluation and then trying other methods to try to deal with this problem other than what I consider a pretty serious protocol for trying to help this child and the mother reestablish their relationship, it simply didn't work.

What was interesting to this Court was it was as easy – because I think this Court finds that the father holds great sway over all of these children. There are three children. Two of them are adults at this point, and only Will is a remaining minor child. [12] He

clearly holds great sway over these children, and all he had to do is say, Will, be nice, courteous, and polite to your mother as you should being – supposedly being a gentleman, scholar, and athlete at Montgomery Bell Academy. The first thing they insist upon is gentlemanly behavior. And the Court found that was very lacking. But I think if his dad told him to do that, he would have behaved in that manner. And even if it only lasted until he turned 18, that would have been a great improvement, but that didn't even happen.

So I feel like there's really no argument here that Mr. Woodward has not been granted due process. This Court has heard just about everything he has tried to put in front of us, including an expert regarding alienation that we had to make several efforts to give her an opportunity to testify. So I reject that he hasn't received due process.

The Court felt that since everything else had failed, the suggestion of Dr. Spirko was the only reasonable opportunity. And, as far as the Court is concerned, Ms. Woodward had been amazingly patient throughout this, and I felt like she deserved to have this evaluation from a therapist or a counselor or psychologist, I should say, that both of these parties [13] picked. I didn't impose Dr. Spirko on these parties. They agreed to have her perform this. And when she got into it, she expressed herself on what was going on. It's pretty well set forth in her lengthy evaluation.

The Court also finds that it does have the authority to order Mr. Woodward to participate in this process. If he were guilty of physical domestic violence, I don't think this court would have any problem at all from our appellate court in ordering him to receive counseling for that. If he had a substance abuse issue, I don't

think any of our appellate courts would say that this court doesn't have the authority to address those issues.

And in this case I think Mr. Woodward – based on the evaluation, he has issues that need to be addressed also to try to give this remaining minor child the best opportunity to have a relationship with both parents, and that's what the Court is committed to.

So the Court is respectfully denying the stay. If the court of appeals grants that, then that's fine and certainly we'll abide by that.

I do want to address a couple of other things. I do have some concerns about the First Amendment right issues. The other two children are [14] adults. So I have some concerns about limiting his access of discussing Will with these other individuals. So I – and I've read what has been stated in the mother's response.

So the Court will modify its order to this extent. I'm withdrawing or modifying the order that says he can't communicate with Will about these adult children. I do think there's an issue there, and so I am going to withdraw the restraining order on him being able to communicate with those children.

As far as I'm concerned, if the therapist and the people helping Will feel that he shouldn't be communicating with his siblings during this process, then I will authorize the mother, if necessary, to take the phone away from him and certainly to instruct him that he can't have communication with those individuals.

I do – it's obvious to me that his older sister, Simms, and his older brother have in this Court's opinion attempted to interfere with Will's relationship with his mother and undermine the efforts that the Court was making in this case, as has, in the Court's opinion,

Mr. Woodward in his behavior in sending correspondence to the employer of the special master – excuse me – the guardian ad litem which [15] resulted in the guardian ad litem requesting to be relieved.

So I will modify the Court's ruling regarding limiting his contact with the older children, but nothing prevents the mother from limiting Will's contact with those children because she will be in charge of that child and in charge of his cell phone.

I want to address the mature minor argument. I don't think it applies in this case. I do recognize that in hearing testimony from children the statute provides that I can entertain testimony of children 12 years of age and older on issues of custody, and the older the child, the greater weight the Court is to give to their opinion and their position on custody.

I felt like I exercised that in allowing – in setting a temporary parenting arrangement exactly what Will was requesting. The problem is that what Will requested and what he really wanted were two different things. He wanted to still be able to abuse and mistreat his mother and have no relationship with her and reject her but acting like he was really wanting to have a relationship. The Court finds that was simply a facade and was not a true indication of what this child wanted. He didn't want [16] to have a reasonable relationship with his mother.

This Court – if he hasn't already done so, this Court finds there has been nothing about the behavior of the remaining minor children – his older brother's behavior in pouring orange juice and milk on his mother's wardrobe as it hung in the closet and Will's behavior – there's nothing that indicates to this Court that either one of those individuals were mature minors. They

appear to be spoiled, entitled children who felt that they could can take any action they wanted to without repercussion, and they were pretty much right.

So the Court is – wants it clear that the Court has found no indication that either one of these children, who were the only ones under the Court's control initially, have acted in a mature manner that would justify them being categorized as mature minors. I've seen what this Court thinks is childish behavior without thinking about what their parents were going through. I also, though, have to acknowledge that probably they also understood that their father controls much of their purse strings for college and vehicles and this sort of thing, and they had to take those things into consideration.

Having said that, Ms. Thomas – and I [17] appreciate your argument today. The Court did spend time reading and reviewing your motion and your brief on it, and it was very well written, but the Court feels that it's inappropriate at this time to stay this treatment. And the Court feels it does have the authority to do the things that it's ordered with the exception of preventing the father from talking to his older children about that. The Court will modify the order for that purpose.

Ms. Rogers, I'm going to ask you-all if you-all will prepare an order consistent with the Court's ruling.

MS. ROGERS: Yes, Your Honor. I've got a couple of questions. One is you brought it up yourself. Closing the gates. Apparently Mr. Woodward – I thought you were completely clear and Dr. Spirko's report was completely clear, but Mr. Woodward since the last court hearing where you said no contact, we're going back to square one on Dr. Spirko, has been going to all

of Will's games at MBA and his practices. We haven't had a PI following him, so I can't show you where they're talking, but there was – has not – there was a change in Will's behavior after Mother's deposition last Tuesday where Mr. Woodward was present that was pretty dramatic. [18] Obviously, something had been said.

So we would like you to please clarify that Mr. Woodward is not to go to Will's activities or games at this point. They are hopefully going to be at the treatment facility very quickly and Dr. Linda Gottlieb at the Turning Points has reached out to the father and asked to speak to him because they like to include and know something about the other parent. He has not returned any of the phone calls. So those are two things that we're concerned about.

And then the last thing was the last time – there's two other things. On the domestic violence – I think this Court has heard some of the testimony about my client being blocked from leaving doors, and so while it's not physical violence, it was certainly some false imprisonment issues, and I think that would be more than sufficient to say that he needs to take that kind of training based on what the Court has already heard.

And then the last issue is on the mature minor. When they brought that up last time, the Court had made a finding, but I can't remember because this case has gone on a long time and my "rememberer" is not as good as it once was, whether you found Geoffrey Jr. was not mature in his demeanor before the [19] Court or whether it was Will. But at some point that was brought up and the Court made a finding of immaturity.

THE COURT: The Court's intent, as it was today, was to include both of those young men. I'm not going

to say gentlemen but young men. Because all I know about them is what I've heard in court and their behavior that has been reported to the Court.

And I – I really despair over their future because I believe they think they're so entitled that they can do whatever they want to, but the Court is finding neither one of those young men were mature minors.

In regards to the –

MS. ROGERS: Domestic violence.

THE COURT: – domestic violence issue, the Court's position on that is that I haven't been – the main domestic violence I have heard about is the children's behavior toward their mother in that first conversation that started in the kitchen and spilled out into the driveway as she was attempting to leave, and even the father was having to warn his older son about physically attacking or pushing the mother.

But the real issue, as far as the Court is able to determine with Mr. Woodward, appears [20] to be a control issue. And control, I think, ranks right up there as a form of domestic violence. And this Court has seen testimony and heard testimony regarding Mr. Woodward's behavior toward the mother as they were having discussions where he would prevent her from leaving the room. So I think that is a form of domestic violence, and as far as I'm concerned the recommendations of Dr. Spirko need to be complied with. If Mr. Woodward chooses not to, then he risks a finding of willful contempt –

MS. ROGERS: Just so we're –

THE COURT: – and the Court will have to act accordingly.

MS. ROGERS: – crystal clear, he's not to go to a game –

THE COURT: I'm going to give Ms. Thomas an opportunity to be heard on that issue.

So, Ms. Thomas, I'll let you come around to the podium.

MS. THOMAS: Your Honor, I would ask the Court not to make any additional findings. I think the Court's order – you know, each side submitted orders. The Court thoroughly parsed through that order. Your Honor did sort of a hybrid order and entered that order on March 7th. It's clear. It [21] speaks for itself.

And Ms. Rogers is asking the Court to insert brand-new findings and statements into an order based on nothing. Based on no proof. Based on a statement that a child has acted different after a deposition. I mean, we have nothing before the Court to show that that is in any way, shape, or form true.

So I would just ask that the Court not take that as anything other than argument.

THE COURT: Well, I totally agree with you, that I don't have any evidence of that before me. What's your position on Mr. Woodward attending games or practices with the child? Do you want to be heard on that?

MS. THOMAS: Yes, sir. I think – I think that the order – I mean, the way that I read the order, page 3, paragraph 1, "Sole placement of the child shall be with Mother. Father shall have no contact with the child for at least 90 days." So he's not allowed to have any contact with the child. I don't believe that this order says anything specifically about him attending extra-curricular activities, and I think that he should be able to do that.

THE COURT: Here's the problem, [22] Ms. Thomas. It does not appear to me based on Mr. Woodward's behavior – again, all I know about of him is what I've seen in the courtroom and what I've seen as a result of his evaluation by a psychologist that he himself participated in selecting. But the Court finds that he is not inclined, in my opinion, to correctly interpret the Court's orders.

When you come to a child's game or a practice, the Court finds that that's a form of contact, and the difficulty is we don't have the resources to have a police officer or someone there to make certain that he doesn't have conversations with Will.

So the Court is clarifying its order that Mr. Woodward is not to attend practices or games that this child participates in where he could come in contact with the child. So I hope that the order is clear. Like I say, you know, I thought it was clear in the first order on parenting time, but instead of spending his time with his mother as he was supposed to, Will was spending all of his waking hours it seemed with his dad or meeting his dad for lunch or doing activities with his father as opposed to his mother.

So I'm going to let Ms. Rogers make it crystal clear, and I – as far as I'm concerned, I've [23] certainly addressed the mature minor issues in regards to the domestic violence issues. The Court's position – and I have heard proof on problems that were dealt with by the mother in the past and the father. And the Court totally agrees that there is an element of domestic violence to the extent that in the past she has testified that Mr. Woodward has restricted her movements by barricading or blocking her in a room. So that's a form of domestic violence, and the Court intends for him to participate in the programs that are listed in the order.

MS. THOMAS: May I ask the Court just two questions. One is about the First Amendment ruling and that provision that's stricken, but I do want to follow up first on the not attending extracurricular activities ruling that the Court just made. Am I right in understanding that Mr. Woodward is not able to go to any sporting events, extracurricular activities, things like that where he can just watch and not contact Will, and that's subject to all the same provisions of psychotherapy, reunification, all of that before he can earn that right back?

THE COURT: The Court's position is because I don't feel that I can trust that Mr. Woodward would simply view – I think he would want to use this [24] as an opportunity to communicate with his child and he's not supposed to. So I'm ordering him to stay away from any of his sporting events and any of his practices or school activities in any manner because, as far as the Court's concerned, that's a form of contact with his child.

MS. THOMAS: Okay. And then reinstatement would be considered – you know, the Court would potentially allow him to attend –

THE COURT: On the recommendations of the therapists that are working with him.

MS. THOMAS: Okay. That's what I wanted to make sure.

THE COURT: It would be kind of nice if we got Mr. Woodward's cooperation for a change because this Court is interested in both parents having a good relationship with this child and their children.

In regards to the First Amendment issues, I think the Court really does overstep its bounds when it says

he can't talk to his adult children about Will, and so I am modifying the Court's order to remove that provision. Again, as far as I'm concerned, I think the mother has the authority to order that Will not have any communication with his father or his older siblings, and she has control over his cell phone. So [25] those are all things that she can exercise.

MS. THOMAS: As to the language of the March 7th order, paragraph 2C, I just want to make sure I understand exactly what the Court is going to strike. It currently reads, "Father shall be enjoined and restrained from discussing any parenting matters, including plans for travels or other activities, with the minor child, as well as the parties' adult children, or making derogatory remarks to the minor children about the mother, her family, friends, work colleagues, or legal counsel."

THE COURT: All of those still apply to the minor child. They do not apply to the adult children.

MS. THOMAS: So we just strike the provision about the parties' adult children?

THE COURT: That's correct.

MS. THOMAS: Yes, sir. I'm clear. Thank you.

THE COURT: Do you understand the Court's position, Ms. Rogers and Ms. Blum?

MS. ROGERS: Yes, Your Honor. The language that you had in your September 21st order when you first put in Dr. – the part of Dr. Spirko's recommendations and enjoined him from having direct or [26] indirect access and not – in any manner whatsoever and also from going to the child's school or participating in any school activity. So it was just a little more complete I guess in the second order you put in, which just said

I'm implementing Spirko's recommendation. And I think Dr. Spirko's was very clear, but obviously, you know, when you're at a sporting event, there are hand signals and there are messages that can be sent even if you're not sitting right next to the person.

THE COURT: Well, the problem is, though, that, you know, it's also kind of like – this is a totally different issue – but stalking.

Sometimes a presence of a person there is as bad as the person saying something to you, and in this particular instance I think we have that – an element of that also. But the Court's position is that he is not to attend any of the practices or any of the child's sporting events or extracurricular – or school events where he could come in contact with the child.

MS. ROGERS: And just to clarify, I'm not starting something new. I believe that was the Court's original intent.

THE COURT: It was. It was. But he is not to have any type of contact whatsoever, and I do think standing on the sidelines cheering him on is a [27] form of contact.

MS. ROGERS: Thank you.

THE COURT: That's the Court's position. Any question about that, Ms. Thomas?

MS. THOMAS: No, sir.

THE COURT: Ms. Rogers, Ms. Blum, any questions or issues?

MS. ROGERS: No, Your Honor. Thank you so much.

THE COURT: Thank you-all.

(Proceedings concluded at 11:06 A.M.)

[28] REPORTER'S CERTIFICATE

I, Christina A. Meza, Licensed Court Reporter, Registered Professional Reporter, Certified Court Reporter, and Notary Public for the State of Tennessee, hereby certify that I reported the foregoing proceedings at the time and place set forth in the caption thereof; that the proceedings were stenographically reported by me; and that the foregoing proceedings constitute a true and correct transcript of said proceedings to the best of my ability.

I FURTHER CERTIFY that I am not related to any of the parties named herein, nor their counsel. and have no interest, financial or otherwise, in the outcome or events of this action.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal of office this 25th day of March, 2023.

CHRISTINA A. MFZA, LCR. RPR, CCR AND NOTARY PUBLIC FOR THE STATE OF TENNESSEE
LCR No. 166 Expires 6/30/2024
Notary Commission Expires 05/22/23

APPENDIX B

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Circuit Court for Davidson County
No. 21D-825
No. M2023-00444-COA-R10-CV

SARAH EDGE WOODWARD

v.

GEOFFREY HAMILTON WOODWARD

Filed 04/13/2023

ORDER

This matter is before the Court upon the Tennessee Rule of Appellate Procedure 10 application for an extraordinary appeal filed by Geoffrey Hamilton Woodward. Having considered both the application and the answer, this Court cannot conclude that the trial court has so far departed from the accepted and usual course of judicial proceedings as to require immediate review or that an extraordinary appeal is necessary for a complete determination of the action on appeal.

It is, therefore, ordered that the application for an extraordinary appeal is denied. Geoffrey Hamilton Woodward is taxed with the costs for which execution may issue.

PER CURIAM

APPENDIX C

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

Circuit Court for Davidson County
No. 21D-825
No. M2023-00444-SC-R10-CV

SARAH EDGE WOODWARD

v.

GEOFFREY HAMILTON WOODWARD

Filed 06/05/2023

ORDER

Upon consideration of the Rule 10 application for extraordinary appeal of Geoffrey Hamilton Woodward and the record before us, the application is denied. Costs are taxed to Mr. Woodward and his surety, for which execution may issue if necessary.

Mr. Woodward's request for a stay is denied as moot. Mr. Woodward's request for fees also is denied.

Sarah Edge Woodward has filed a "Motion to File Document Under Seal" consistent with protective orders entered by the trial court. Upon due consideration, the motion is granted. The Clerk of the Appellate Court is instructed to file the documents listed in the motion under seal.

PER CURIAM

ROGER A. PAGE, C.J., not participating