

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF DAKOTA

FIRST JUDICIAL DISTRICT

3
4 State of Minnesota,

PLEA HEARING

5 Plaintiff,

6 vs.

Court File No. 19HA-CR-16-3812

7 Jacob Andrew Bertrand,

8 Defendant.

9
10
11 The above-entitled matter came duly on for hearing
12 before the Honorable KAREN ASPHAUG, one of the judges of the
13 above-named Court, on the 22nd day of January, 2018, at the Dakota
14 County Judicial Center, City of Hastings, County of Dakota, State
15 of Minnesota.

16 * * *

17 A P P E A R A N C E S

18 HEATHER PIPENHAGEN, Assistant Dakota County Attorney,
19 appeared as counsel for and on behalf of the Plaintiff.

20 CHRISTA J. GROSHEK, Attorney at Law, appeared as counsel
21 with and on behalf of the Defendant.

22 JACOB ANDREW BERTRAND, Defendant herein, appeared
23 personally.
24
25

1 (Whereupon, the following proceedings were duly had
2 of record:)

3 THE COURT: Let's call the State of Minnesota and
4 Jacob Bertrand, file HA-CR-16-3812.

5 Good morning, Counsel.

6 MS. GROSHEK: Good morning, Judge.

7 THE COURT: Counsel, please note your appearances.

8 MS. PIPENHAGEN: Heather Pipenhagen on behalf of
9 the State.

10 MS. GROSHEK: Christa Groshek on behalf of
11 Mr. Bertrand, who's present.

12 THE COURT: Good morning.

13 THE DEFENDANT: Good morning.

14 THE COURT: All right. So we're going to have a
15 plea here today and then schedule the case for sentencing. I
16 believe we were talking about mid-April.

17 MS. GROSHEK: I think so. Dr. Kenning has accepted
18 the case, Your Honor.

19 THE COURT: Yes.

20 MS. GROSHEK: And I know she will need at least two
21 months.

22 THE COURT: Okay.

23 (Unidentified man speaking loudly.)

24 THE COURT: Sir? Sir, we're on the record.

25 UNIDENTIFIED MAN: Sorry.

1 THE COURT: Thank you.

2 All right. Ms. Pipenhagen, why don't you go ahead
3 and fill me in on the plea negotiation here today.

4 MS. PIPENHAGEN: Your Honor, the agreement is that
5 Mr. Bertrand will be pleading guilty to Count I, and
6 obviously Count II would be dismissed at the sentencing
7 hearing. The State is agreeing to a stay of adjudication in
8 this case. Obviously a stay of adjudication is also a
9 departure from the Sentencing Guidelines. We have also
10 agreed that we will not ask for executed jail time,
11 probationary jail time. I think defense counsel has
12 explained to Mr. Bertrand that any felony sentence involves a
13 stayed prison sentence, and we can talk more about that.
14 Probation period is left to be argued to the Court at
15 sentencing. The State will be asking for up to 15 years of
16 probation. The defense is free to argue for less than that.

17 He will do a psychosexual evaluation, as
18 Ms. Groshek indicated, and then we would ask the Court order
19 him to follow any recommendations of that evaluation.

20 THE COURT: Is that a correct statement of the plea
21 negotiation?

22 MS. GROSHEK: It is, Your Honor. I have explained
23 to my client that if he were a Minnesota resident, he would
24 not have to register as a sex offender with a stay of
25 adjudication. We have done our best to attempt to discern

1 whether or not he'd have to register in California. It's our
2 belief that it is likely that he will not have to, but I have
3 told my client that you will order that he comply with the
4 law in whatever state he's in, and that if that requires
5 registration, he will have to do so.

6 THE COURT: I also want to advise you that I also
7 reached out to Dr. Kenning, sent her an e-mail that says,
8 "Dear Dr." -- and I sent this last Thursday, January 18. I
9 said, "Dear Dr. Kenning, I asked Attorney Christa Groshek to
10 contact you about conducting a psychosexual evaluation on her
11 client, Jacob Bertrand. If you agree to take the case, would
12 you serve as the court-appointed evaluator? Mr. Bertrand
13 would be ordered to bear the cost of the evaluation. I
14 expect that Mr. Bertrand will enter a plea of guilty next
15 week. We will schedule a sentencing date in the future. I
16 want to schedule a date that is respectful of your schedule.
17 Would you please advise me how much time you would need to
18 conduct the assessment and to submit your report. We will
19 also be ordering a presentence investigation. The Dakota
20 County Community Corrections Department usually requests a
21 ten-week gap between the plea and sentencing. Is a mid-April
22 sentencing date possible given your schedule?"

23 And her response was, "That timeline will be just
24 fine. I have spoken with Attorney Christa Groshek regarding
25 him."

1 So I just wanted to advise you of that.

2 MS. GROSHEK: And Your Honor, just so the Court
3 knows, I did advise Dr. Kenning of the Court's preference
4 that she be used as a court expert.

5 THE COURT: Yes.

6 MS. GROSHEK: And she did understand that, and she
7 did also understand that my client would be paying for the
8 evaluation.

9 THE COURT: All right.

10 MS. PIPENHAGEN: One more thing, Judge: I did want
11 to let the Court know that the victim is present here in the
12 courtroom today and understands the agreement, and it's been
13 discussed with her.

14 THE COURT: All right. Thank you.

15 All right. Are you ready to go ahead with your
16 plea at this time?

17 THE DEFENDANT: Yes.

18 THE COURT: You are charged in Count I with
19 criminal sexual conduct in the third degree. This is a
20 felony. It carries a maximum punishment of up to 15 years in
21 prison, a fine of up to \$30,000, or both.

22 The complaint alleges that from June 20, 2010, to
23 July 30, 2010, in Dakota County, Minnesota, you engaged in
24 sexual penetration with another person, and you are a member
25 of the clergy. The complainant -- which means the other

1 person -- is not married to you, and the sexual penetration
2 occurred during the course of a meeting in which she sought
3 or received religious or spiritual advice, aid, or comfort
4 from you in private.

5 Do you understand the charge?

6 THE DEFENDANT: I understand.

7 THE COURT: Do you plead guilty or not guilty?

8 THE DEFENDANT: Guilty.

9 THE COURT: Please raise your right hand.

10 (The oath was administered.)

11 THE COURT: Thank you. You can lower your hand.

12 Ms. Groshek.

13 MS. GROSHEK: Your Honor, I will remind the Court
14 that part of our plea agreement was that Father Bertrand
15 would be allowed to enter into an *Alford* plea as to the
16 element of whether or not the complaining witness, R.M., was
17 actually seeking spiritual advice or comfort during the
18 course of the penetration.

19 THE COURT: Yes. And I -- I'll allow you to --
20 let's just talk about who will be putting in the factual
21 basis.

22 MS. GROSHEK: I plan to.

23 THE COURT: All right. And then I'll allow the
24 State to supplement if there are any additional areas of
25 inquiry. Okay. Go ahead.

1 MS. GROSHEK: Thank you.

2 JACOB ANDREW BERTRAND,

3 having been first duly sworn, was examined and testified on his
4 oath as follows:

5 EXAMINATION

6 BY MS. GROSHEK:

7 Q. Mr. Bertrand, before we actually get to putting in your
8 factual basis, we're actually going to go over the Petition
9 to Enter a Plea of Guilty. This is the document you and I
10 filled out together. And that will allow the Court to make
11 findings that your plea is knowing and voluntary. Okay?

12 A. Okay.

13 Q. That's probably going to feel a little bit like a repeat.
14 Okay?

15 A. Uh-huh.

16 Q. So I'm going to discuss this document and its contents as it
17 relates to your understanding of your rights and your waiver
18 of those rights to trial and other contested hearings in
19 summary fashion. Okay?

20 A. Okay.

21 Q. If you have any questions, please stop me. Okay?

22 A. All right.

23 Q. All right. Mr. Bertrand, you recognize the document that I'm
24 showing you; correct?

25 A. Correct.

1 Q. We filled it out line by line together. That is, I filled it
2 out and you were present as I did so; correct?

3 A. Correct.

4 Q. You signed your name at the back to show the Court that you
5 understand everything contained in this document; correct?

6 A. Correct.

7 Q. And you and I took time at all the paragraphs to discuss the
8 information contained; correct?

9 A. Correct.

10 Q. In particular, you know what you're charged with, as you just
11 told the Court; correct?

12 A. Yes.

13 Q. And you've been represented by me and by a California
14 attorney, Marc Carlos; is that correct?

15 A. Correct.

16 Q. Okay. And Mr. Carlos isn't here today. He was admitted
17 under a rule called *Pro Hac Vice*, but nonetheless, he's
18 counseled you throughout this case, and in fact, counseled
19 you about this plea negotiation; is that right?

20 A. Correct.

21 Q. Okay. So do you think you've had enough time to talk to me
22 and to Mr. Carlos?

23 A. Yes.

24 Q. And you had a chance to review the discovery that was
25 provided to us by the State; is that correct?

1 A. Correct.

2 Q. And you've had an opportunity to ask us questions about the
3 significance of that discovery; right?

4 A. Yes.

5 Q. You have a good idea of who would testify in this case if we
6 went to trial; correct?

7 A. Yes.

8 Q. You have a good idea of what they might say; is that right?

9 A. Correct.

10 Q. You have a good idea on what your attorneys would do to try
11 to impeach the State's witnesses; is that right?

12 A. Correct.

13 Q. And we'll get to it more later, but you understand that we
14 had put together a defense, and we would have been able to
15 present that at trial as well.

16 A. Correct.

17 Q. Have you been a patient in a mental hospital?

18 A. No.

19 Q. It's true that you've talked with a counselor as it relates
20 to these allegations sometime back; is that right?

21 A. Correct.

22 Q. And in fact, you worked with a Church-sanctioned counseling
23 and treatment group; is that correct?

24 A. Correct.

25 Q. Other than that, you have not had any psychiatric or

1 counseling involvement; true?

2 A. I have not.

3 Q. Okay. You haven't been ill recently; is that correct?

4 A. Correct.

5 Q. You haven't been recently taking pills or other medicines; is
6 that right?

7 A. Correct.

8 Q. Obviously you don't claim that you were so drunk or high at
9 the time of this crime such that you didn't know what you
10 were doing; is that right?

11 A. Correct.

12 Q. And I say "obviously" because you and I know this --

13 A. Yeah.

14 Q. -- is that right?

15 A. Correct.

16 Q. And you understand that me asking all of these questions is
17 required. Some apply to you and some don't; right?

18 A. Yes, I understand.

19 Q. And you don't make the claim -- again, this one not applying
20 to you -- that the only reason you're pleading guilty is to
21 get out of jail.

22 A. Correct.

23 Q. Because you're not in jail; right?

24 A. Uh-uh.

25 Q. We didn't have a probable cause hearing, and you do know you

1 could move to ask that the complaint be dismissed for lack of
2 probable cause; right?

3 A. I understand.

4 Q. And the reason why we didn't have that probable cause hearing
5 is that we counseled you -- that is, your attorneys told
6 you -- that we didn't think that would be successful, and you
7 chose not to ask the Court to dismiss for lack of probable
8 cause. True?

9 A. True.

10 Q. Okay. And so you're not objecting to any errors that may
11 exist as it relates to the probable cause should there be any
12 at this time.

13 A. No objections.

14 Q. Okay. All right. You understand the evidence that the
15 prosecutor has against you; is that right?

16 A. Yes.

17 Q. Okay. And in fact, there was a fair amount of statements
18 that different people made to the police in furtherance of
19 the allegations; correct?

20 A. Correct.

21 Q. And you understand that while we had a *motion in limine*
22 hearing where we asked the Court to limit the scope of this
23 trial, you also could have had a pretrial hearing where we
24 could object to the evidence that the State has and we could
25 have asked the Court to throw out -- to throw out that

1 evidence; right?

2 A. I understand.

3 Q. I've told you and Mr. Carlos has told you that those
4 challenges are reserved for illegal police action, and as
5 such, we don't have any of those arguments here.

6 A. Correct.

7 Q. Okay. So we don't need a pretrial hearing, and you waive
8 that right to have one; correct?

9 A. Yes.

10 Q. Okay. You understand that if we move forward to a trial
11 today -- which we've indicated we will not -- that you would
12 have a right to have a trial in front of 12 people from the
13 community.

14 A. Yes.

15 Q. You know that we, as in your lawyers, would have a chance to
16 question them, and we could pick them out; right?

17 A. Correct.

18 Q. The prosecutor would also have had a hand in picking those
19 jurors out; is that right?

20 A. Yes, correct.

21 Q. And the judge would have asked those jurors some questions as
22 well.

23 A. Yeah. Yes.

24 Q. You understand that those 12 people, with an alternate or
25 two, who would be impaneled to listen to your case would all

1 have had to come to a unanimous verdict before or if they
2 could convict you?

3 A. Yes, I understand.

4 Q. We talked at length about what the standard of proof beyond a
5 reasonable doubt means and that it's a high and difficult
6 burden for the State to meet.

7 A. Uh-huh. Yes.

8 Q. Okay. And you understand, as I have indicated both on the
9 record now and off the record, that the State, if they wish,
10 to present their case has to bring in witnesses; right?

11 A. Yes.

12 Q. And you understand we'd be able to question those witnesses
13 and impeach them; is that right?

14 A. Yes.

15 Q. We could present evidence and witnesses of your own; right?

16 A. Yes.

17 Q. You could testify if you wanted to.

18 A. Yes.

19 Q. Or you could remain silent.

20 A. Correct.

21 Q. You understand that your silence could not be used against
22 you, and the judge would likely instruct the jury that they
23 couldn't make any inferences if you chose not to testify.

24 A. Correct.

25 Q. You understand when you plead guilty, however, you do waive

1 your right to be silent, and you do tell the Court about
2 certain facts of your crime so this plea agreement can move
3 forward.

4 A. I understand.

5 Q. Okay. You understand the maximum penalties that you are
6 looking at?

7 A. Yes, I understand.

8 Q. Okay. And you understand that at this point, your plea
9 agreement does not contemplate you going to prison. If for
10 some reason down the road you violated the terms and
11 conditions of your probation, your stay of adjudication was
12 revoked or taken away, you could be facing prison.

13 A. I understand.

14 Q. And we talked about the range of prison that you would be
15 looking at; that's 41 to 57 months.

16 A. Uh-huh. Yes.

17 Q. And you understand that if you did go to prison for that
18 period of time, you would be subject to a conditional-release
19 period of ten years.

20 A. Yes.

21 Q. And by "conditional release," I mean you would be looking at
22 being accountable to somebody from the Department of
23 Corrections on parole. If you violated those terms and
24 conditions, the Department of Corrections could send you back
25 to prison for an additional ten years.

1 A. I understand.

2 Q. Okay. You understand the terms and conditions of the plea
3 agreement listed at page 20; is that correct?

4 A. Yes, I understand.

5 Q. Those terms and conditions were put on the record just now,
6 and you agree that they are consistent with paragraph 20.

7 A. Correct.

8 Q. Okay. Father Bertrand, is anybody forcing you to take this
9 negotiation?

10 A. No.

11 Q. Anybody threatening you to take this negotiation?

12 A. No.

13 Q. Are you a citizen of the United States?

14 A. Yes.

15 Q. And you understand that we're doing sort of a half *Alford* and
16 we're doing a half factual-basis based plea. That is,
17 there's half of this that you're going to admit to, which is
18 the sexual penetration, the consensual sexual conduct;
19 correct?

20 A. Yes, I understand.

21 Q. And as to the consensual sexual conduct, you make no claim
22 that you are innocent; correct?

23 A. Correct.

24 Q. And you're going to be acknowledging to the Court shortly via
25 an *Alford* plea that you believe that there's a substantial

1 likelihood that the jury could believe that R.M., the
2 complaining witness in this case, was, in fact, seeking
3 spiritual aid or comfort during the course of your sexual
4 penetration with her.

5 A. Correct.

6 Q. Okay. Do you have any questions for me or for the judge
7 before we go any further?

8 A. Not at this time.

9 MS. GROSHEK: I would offer the petition.

10 MS. PIPENHAGEN: No objection to the petition, and
11 nothing further on rights.

12 THE COURT: Thank you.

13 MS. GROSHEK: May I approach?

14 THE COURT: Would you approach?

15 MS. GROSHEK: (Handing.)

16 THE COURT: Thank you. The petition is received.
17 Would you establish the facts.

18 MS. GROSHEK: Sure.

19 BY MS. GROSHEK:

20 Q. Father Bertrand, you agree that around or about June 20th of
21 2010 through July 30th of 2010, you were present in the city
22 of Mendota Heights, which is located in Dakota County, which
23 is located in Minnesota.

24 A. Yes.

25 Q. And you would agree that you were present at a special

1 friend's home, and her initials are R.M.; is that correct?

2 A. Correct.

3 Q. And you would agree at the time that you were present, you
4 had just been ordained a Catholic priest in June of 2010; is
5 that right?

6 A. Correct.

7 Q. You had, in fact, been ordained on June 11th of 2010; is that
8 right?

9 A. Yes.

10 Q. So during the time frame that I just put on the record, you
11 agree you traveled to Minnesota?

12 A. Yes.

13 Q. You spent time in R.M.'s family home; is that right?

14 A. Yes.

15 Q. And the basis for you doing so is that you had been in a --
16 what I'm going to call "special relationship" with R.M. since
17 the fall of 2009.

18 A. Yes.

19 Q. You met her when the two of you were in Rome studying; is
20 that right?

21 A. Yes.

22 Q. You were studying to become a Catholic priest?

23 A. Yes.

24 Q. And she was studying Catholic -- Roman Catholic theology; is
25 that right?

1 A. Yes.

2 Q. The two of you became friends.

3 A. Correct.

4 Q. You exchanged correspondence.

5 A. Yes.

6 Q. You spent time together studying and praying and encouraging
7 each other; is that right?

8 A. Yes.

9 Q. And at some point, that relationship became romantic; is that
10 right?

11 A. Yes.

12 Q. And is it also fair to say that you fell in love with her?

13 A. Yes.

14 Q. And -- but you were never married at any point; is that
15 right?

16 A. I was never married. Correct.

17 Q. Okay. And so during the time frame that we just put on the
18 record, June 20th of 2010 through July 30th of 2010, when you
19 were present at R.M.'s family home in Mendota Heights,
20 Minnesota, you performed a private Mass for R.M.; is that
21 right?

22 A. Yes.

23 Q. And you agree that during the course of that private Mass,
24 you engaged in sexual penetration with R.M.

25 A. Yes.

1 Q. And with regard to the element that R.M. was seeking
2 spiritual advice or comfort from you during the course of
3 that Mass, you agree that you know that R.M. would testify
4 that she saw you as her spiritual director.

5 A. Yes, I'm aware.

6 Q. You know that she would testify that she believed that you
7 were providing her with counseling?

8 A. Yes.

9 Q. You would agree that based upon --

10 (Loud cry from the gallery.)

11 THE COURT: Ma'am?

12 THE VICTIM: I'm sorry.

13 THE COURT: You may remain in the courtroom as long
14 as we are free from outbursts.

15 THE VICTIM: Okay.

16 THE COURT: I understand that this is difficult,
17 and if you wish to step outside of the courtroom, you may do
18 so.

19 THE VICTIM: Okay.

20 THE COURT: If you remain in the courtroom, I want
21 to express my very clear instruction that there will be no
22 audible outbursts.

23 THE VICTIM: Okay. Okay.

24 THE COURT: How would you like to proceed? Do you
25 wish to stay in the courtroom or do you wish to step out at

1 this time?

2 THE VICTIM: That was I think the worst part for
3 me. I'll stay.

4 THE COURT: Thank you.

5 BY MS. GROSHEK:

6 Q. Father Bertrand, you understand that even though R.M. may
7 indicate that this encounter was consensual and maybe aspects
8 of it were her idea, nonetheless, she would also testify that
9 she believed that because of your position and the fact that
10 she was looking to you for spiritual guidance, that she was
11 going along with it.

12 A. I understand.

13 Q. Okay. And so you agree that those sentiments and statements
14 that R.M. would testify to would lead the jury to a place
15 where there is a substantial likelihood where they would
16 believe that the State had proven or would be able to prove
17 the element that R.M. was seeking spiritual aid or comfort
18 from you, regardless of whether or not you were actually
19 giving it.

20 A. Correct. I understand.

21 Q. And so you believe that because that element could likely be
22 met, in light of other evidence that the State had with
23 regard to the fact that you did have this consensual sexual
24 relationship in which there was penetration on the dates that
25 we described, that you would be convicted of this offense.

1 A. Yes.

2 MS. GROSHEK: Nothing further.

3 THE COURT: Ms. Pipenhagen.

4 EXAMINATION

5 BY MS. PIPENHAGEN:

6 Q. Just a couple more things. Mr. Bertrand, your attorney used
7 the term "sexual penetration," and that's defined by law, but
8 we have to make it clear for this hearing what we're talking
9 about. So do you agree that during this meeting, your mouth
10 had made contact with her vaginal area?

11 A. Yes.

12 Q. And this -- when this occurred, this was an intentional act.
13 It wasn't something accidental.

14 A. Yes.

15 Q. And do you also agree that R.M., if we had a trial, would
16 testify that based on her conversations, spiritual
17 conversation she had with you, she believed during this
18 meeting that she -- that you and her were serving God in this
19 contact?

20 A. Yes.

21 MS. PIPENHAGEN: I don't have anything else, Judge.

22 THE COURT: All right. I am going to order a
23 presentence investigation.

24 (Off-the-record discussion between counsel.)

25 THE COURT: Pardon?

1 MS. PIPENHAGEN: One more thing, Judge. I'm sorry
2 to interrupt.

3 BY MS. PIPENHAGEN:

4 Q. Mr. Bertrand, you did indicate you agreed that there was a
5 substantial likelihood a jury would find you guilty. I don't
6 recall if Ms. Groshek asked you if that is why you want --
7 you want to plead guilty today, to take advantage of the
8 agreement, which in this case is a stay of adjudication.

9 A. Correct. Yes.

10 MS. PIPENHAGEN: Okay. Nothing else, Judge.

11 THE COURT: All right. I am going to order a
12 presentence investigation. I'd like to invite counsel to
13 step up to the bench, and then we can have an off-the-record
14 conversation concerning scheduling.

15 (To the Defendant) Why don't you have a seat right
16 in that chair. Just in one of the front rows. Yeah, have a
17 seat there.

18 (Off-the-record bench discussion.)

19 THE COURT: All right. Why don't you step forward,
20 please.

21 I am ordering a presentence investigation. The
22 presentence investigation will include a psychosexual
23 evaluation and a victim impact statement.

24 And I do invite R.M. to return for sentencing, if
25 you wish. You are absolutely welcome to return for

1 sentencing and present the victim impact statement in person
2 if you wish. You'll also be given the opportunity to speak
3 with the Probation Department and offer up your victim impact
4 statement. You may do it in writing if you wish. You may
5 come in person if you wish, and you may speak with a
6 probation officer who can summarize the victim impact, but I
7 just want to let you know you have various options for
8 participating in the victim impact portion of the sentencing,
9 and I invite you to return.

10 We are going to schedule sentencing for May 7,
11 2018, which is a Monday morning, 9:00 a.m., and that will be
12 before me at this courthouse. It may be in a different
13 courtroom, but it will be at this courthouse.

14 The psychosexual evaluation will be conducted by
15 Dr. Mary Kenning, who is appointed as the Court's examiner
16 for conducting that evaluation. You are responsible for all
17 professional fees incurred as a result of the evaluation.
18 Dr. Kenning is a private -- she is in private practice as a
19 forensic examiner. She has very, very deep -- both deep and
20 broad experience in conducting these specific types of
21 evaluations, and I know that your attorney, the State's
22 attorney, and I all have complete and utter confidence in her
23 professionalism, her expertise, and her objectivity. And she
24 will file her report with the Court and the Probation
25 Department on or before April 18, 2018.

1 You must sign all releases of information requested
2 by Dr. Kenning. I'm sure she's going to want to know more
3 about what you've done in the intervening time in terms of
4 the counseling that you've received. And then the Probation
5 Department will finalize its report, and we'll be appearing
6 then for sentencing on May 7. Understood?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. I have a couple of orders then
9 that we need to process. Do you have an appointment with
10 Dr. Kenning this week?

11 THE DEFENDANT: I do.

12 THE COURT: Okay. Great. So we'll process the
13 paperwork. It'll take just a moment. If you'd like to
14 remain in the courtroom, you may do so.

15 Thank you very much, counsel.

16 MS. GROSHEK: Thank you.

17 THE COURT: Thank you.

18 (Proceedings concluded.)
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REPORTER'S CERTIFICATE

I, MONICA R. MORIARTY, do hereby certify that I am an official court reporter for the First Judicial District, State of Minnesota; that as such reporter, I stenographically reported the proceedings held in the hearing of the afore-mentioned action; that I thereafter transcribed the proceedings by means of computer-aided transcription; and that the above and foregoing transcript, consisting of the preceding 24 pages, constitutes a full, true, and complete transcript of my stenographic notes of the hearing to the best of my ability.

Dated: June 16, 2025

/s/ Monica R. Moriarty

MONICA R. MORIARTY, RDR, CRR
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