

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

2008 OCT -2 PM 4:18

DISTRICT COURT DIVISION

08 CVD 12310

GARRY D. RENTZ AND DONNA A.)
WAKE COUNTY, C.S.C.)

RENTZ AND KRISTA C. LISTER,)
Plaintiffs,)

v.)

BRADLEY COOPER,)
Defendant.)

**AFFIDAVIT OF
JAMES (JIM) M. LISTER**

James Lister, being duly sworn, deposes and says:

1. I am over eighteen years of age and competent to testify to the matters set forth in this Affidavit.

2. I have been involved in all nine live interactions during which time Brad spent time with his two girls, Bella and Katie, since they have been in the temporary custody of Garry & Donna Rentz and my wife Krista. The following is a list of the live interactions I have witnessed:

- July 19th - 2 hours @ The Umstead Hotel, Cary, NC (before the memorial service)
- July 26th - 2 hours @ NC Museum of Life & Sciences (while in NC for the court appearance)
- Sept 6th - 2 hours @ Time Together in Raleigh
- Sept 7th - 2 hours @ Time Together in Raleigh
- Sept 7th - 2 hours @ Pullen Park in Raleigh
- Sept. 27th - 2 hours @ Time Together in Raleigh
- Sept. 27th - 2 hours @ NC Museum of Natural Science
- Sept. 28th - 2 hours @ Time Together in Raleigh
- Sept. 28th - 2 hours @ Pullen Park in Raleigh

3. I have also been the primary facilitator of the four times a week, weekly webcam calls between Brad and his children. We began these webcam calls on Monday September 4, 2008 at 9:00 a.m. We agreed to a regular schedule; every Tuesday, Thursday and Friday night and Sunday mornings. Originally the calls during weeknights were for 8:00 p.m., but we found that the children were quite anxious and unable to sleep afterwards so we moved the calls up to 7:00 p.m. Brad was in full agreement on the change. The Order requires fifteen minutes per call; however, we have provided at least 30 minutes (or more) in every instance other than once, when neither child would come anywhere near the computer and we had to cancel and reschedule the call.

4. There have been several instances over the past sixty plus days where we have had call quality issues, dropped calls, delayed calls and rescheduled calls. Both

parties (Brad and me) have been accommodating of the other's needs and circumstances.

5. My experience with webcam calls leads me to conclude that they are not an ideal way to communicate so frequently with such young children. Bella and Katie show no interest whatsoever in doing the calls and have to be coerced into doing them. They will not stay and interact with their dad unless I am there to play with them and allow Brad to watch, or unless Krista will play with them. It is a very unnatural experience. When Brad traveled and was away from the kids in the past they spoke to him very briefly over the phone (less than 2 minutes) and were not forced into a thirty minute engagement they did not want to do. Their behavior before the calls is very different than during them. Afterwards they demonstrate high anxiety for at least 30 to 45 minutes. It makes it very difficult to settle them down for a routine bedtime.

6. During the webcam calls I have frequently communicated directly with Brad regarding his children, including, their health status, school status, activities they were enrolled into and any interesting things they have been up to since he last spoke with them. We have answered any questions we were ever asked regarding Bella and Katie immediately and honestly. We have no interest in keeping things from Brad regarding his children. I told him about Bella and Katie visiting a doctor, about the kids' enrollment in ballet, gymnastics, and Bella in her Montessori school. I told him he would hear from our lawyer regarding the psychologist we had engaged to care for the children and sent him an email detailing all the contact numbers for all the care providers and activities his children were involved in on September 18, 2008 after a request from Garry Rentz to do so. Brad never requested any information beyond what we discussed in any of the weekly calls or any other communication we have had.

7. I have personal experience with Brad's mother, Carol Cooper, and her non-existent relationship with Nancy and Bella. The first time I met Carol was at a barbeque on the weekend of July 23, 2005.

8. I had never met Brad's mother before this barbeque, but had heard Nancy on several occasions express (in front of Brad who never corrected her) sentiments of ill will towards her. Nancy explained that they had a very strained relationship and that she not only disliked Brad's mother but felt she was a horrible person – selfish, unloving and rude towards both Nancy and her children. I was curious to meet this woman who I had heard so much about.

9. It always struck me as odd that Brad never mentioned his parents in conversation, they never traveled to family events we regularly attended together in Calgary and Canmore (where we lived from 1999 to 2003), they never came to his wedding in Calgary which the Rentz family all attended, they never attended the send-off dinner we had for Brad and Nancy when they left Calgary for North Carolina, and they never saw Brad, Nancy and the two girls at Christmases in Alberta (we all arranged to meet for 'Rentz' Christmases every other year; usually in Edmonton, Alberta at

Donna & Garry's home – only a 5 hour drive from Brad's parents in Medicine Hat, Alberta).

10. To me, Brad seemed almost orphaned; devoid of any meaningful family contact and clearly uncomfortable and unfamiliar around the large and loving family setting of the Rentz family.

11. During the July 2005 visit with Nancy and Bella, we visited Brad's mother as she was in Vancouver visiting her family. Nancy was very uncomfortable with being asked by Brad to accommodate a visit with his mother. Nancy expressed to Krista and I her dislike for Brad's mom and the belittling and demeaning behavior Carol had demonstrated to Brad, Nancy and Bella on a previous visit her and Terry Cooper had made to Cary, North Carolina where Nancy asked her to leave their home.

12. In the car on the way to the barbeque, Nancy took the time to explain to Bella that we were going to go and visit with her other grandma and never said anything disparaging in front of her, despite her feelings. The four of us (Krista, Nancy, Bella and me) arrived at the barbeque and were greeted by Brad's mother and the people who owned the home. Brad's mother was friendly and cordial to Krista and me, but noticeably unfriendly to Nancy and Bella. There was no apparent warmth or bond with either of them. Bella did not go to her freely or comfortably. Brad's mother made very little effort towards her relationship with Bella and spent very little time with Bella while at the party; choosing rather to spend most of it with her own relatives. Nancy barely spoke to Carol and spent most of the visit speaking with other relatives and interacting with Bella. It certainly did not appear to be 'proud grandmother' moment as I would have expected for someone who rarely saw her only grandchild (at the time).

13. During the visit, I heard Brad's mother on two occasions belittle Nancy; once for her parenting skills (and choice of discipline) with Bella and once for her expensive tastes. I also witnessed Carol disciplining Bella sternly for a basic child behavior that did not require that stern of a correction.

14. We stayed at the barbeque for about two and a half hours and then left to go home and enjoy our evening. Nancy was unhappy about the experience and for being asked to be put in that uncomfortable situation but felt she had done her part to allow access to Brad's child for the grandparents.

15. I have also personally witnessed Brad's financially controlling ways and lack of concern towards Nancy and his daughter.

16. Nancy and Bella traveled from Cary, North Carolina to visit Krista and I in Vancouver, British Columbia, Canada. They arrived on July 19, 2005. Brad arranged their travel and paid for it. They were routed through Seattle, Washington instead of a direct flight into Vancouver, British Columbia, a three hour drive away, and Krista and I drove down that evening after work to pick them up. Their flight was delayed at their connection point midway and they did not arrive until 11:00 p.m. We greeted them and

packed them into the car and drove home; arriving just after 2:00 a.m. on the July 20, 2008. Bella was seventeen months old, had been having a lot of trouble with her ear tube surgeries, and was very cranky with the long day of travel and getting her sleep broken up and barely slept that night.

17. The next night I questioned Nancy about the ridiculous travel arrangements (late arrival and routing through a destination that required us to drive six hours round-trip to get them in Seattle.) She apologized and explained that Brad could not find a flight into Vancouver that he was comfortable paying for and that Seattle was much cheaper. I asked if she could discuss with him changing their return flight to make it easier on everyone. She spoke with him the next day and asked him to change it in the interest of sparing Bella the painful extra travel experience but he never did. Nancy was very embarrassed and apologetic. She even suggested she could try and arrange for a train to Seattle to save time but in our opinion, that was not an option.

18. Nancy returned home via Seattle as well and we had a similar experience with Bella being cranky, unsettled and tired, not to mention the two six hour round trip drives we were forced to make to accommodate Brad's choice to save some money. I was appalled that Brad would not change the flight.

19. We did however have a wonderful visit with Nancy and Bella. We toured Whistler/Blackcomb, The North Shore Mountains, Stanley Park, various beaches and restaurants etc. It was their first time in the city. Afterwards, Krista and I discussed the situation with the travel and agreed that future visits with Nancy and her kids would be in the form of us (or just Krista) going to them so we would not have to deal with that again.

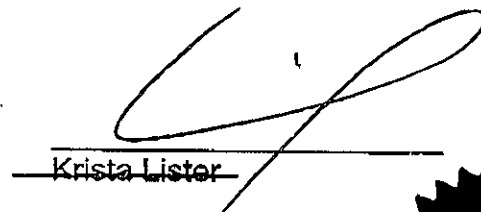
20. Further affiant saith not.

This the 1st ~~day~~ ^{October} of ~~September~~, 2008

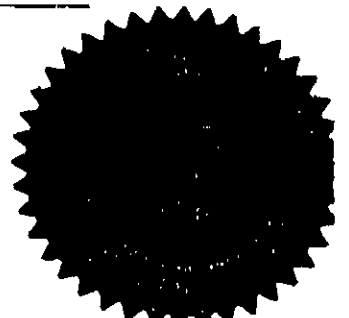
 (Seal)
James M. Lister

AND, I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

DECLARED before me at
GUELPH in the
Province of ONTARIO, this
OCTOBER 1ST, 2008.


Krista Lister

Notary Public, Province of ONTARIO



CERTIFICATE OF SERVICE

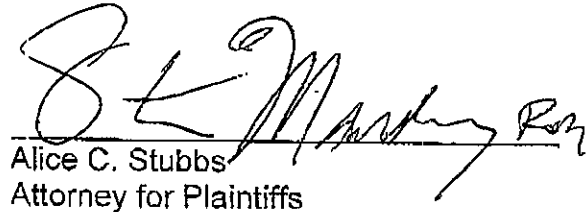
I hereby certify that the foregoing **Affidavit of James "Jim" Lister** was this day served upon the following attorneys of record for Defendant by hand delivery:

Ms. Debbie Sandlin
Sandlin and Davidian, PA
5617 Departure Drive
Suite 109
Raleigh, North Carolina 27616
Attorney for Defendant

Ms. Lynn A. Prather
Kurtz and Blum
16 West Martin Street
10th Floor
Raleigh, North Carolina 27601
Attorney for Defendant

This the 2nd day of October, 2008.

THARRINGTON SMITH, LLP



Alice C. Stubbs
Attorney for Plaintiffs