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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 51 HON. ROBERT C. VANDERET, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

-VS-)

NO. 2CA04539-01

KELLEY LYNCH,)

DEFENDANT.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APRIL 10, 2012

APPEARANCES:

FOR THE PLAINTIFF: CARMEN TRUTANICH, CITY ATTORNEY
BY: SANDRA JO STREETER, DEPUTY
500 CITY HALL EAST
200 NORTH MAIN STREET
LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT: RONALD L. BROWN, PUBLIC DEFENDER
BY: MICHAEL KELLY, DEPUTY
NIKHIL RAMNANEY, DEPUTY
CLARA SHORTRIDGE FOLTZ
CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

COPY

CYNTHIA A. ROMERO, CSR NO. 7861
OFFICIAL REPORTER

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M A S T E R I N D E X

APRIL 10, 2012; VOLUME 2

CHRONOLOGICAL INDEX OF WITNESSES

<u>PEOPLE'S</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
LAWRENCE, KATHERINE				
(OUT-OF-ORDER)	216	222-K		
COHEN, LEONARD				
(RESUMED)	230	265-K	316	321-K
RICE, MICHELLE	323	343-R	366	367-R
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LEGEND:

MR. KELLY - K
MR. RAMNANEY - R

ALPHABETICAL INDEX OF WITNESSES

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
COHEN, LEONARD				
(RESUMED)	230	265-K	316	321-K
LAWRENCE, KATHERINE				
(OUT-OF-ORDER)	216	222-K		
RICE, MICHELLE	323	343-R	366	367-R
(FURTHER)			373	378-R

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APRIL 10, 2012; VOLUME 2

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1 CASE NUMBER: 2CA04539
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH
3 LOS ANGELES, CALIFORNIA; TUESDAY, APRIL 10, 2012.
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861
6 TIME: A.M. SESSION
7 APPEARANCES:

8
9 THE DEFENDANT WITH HER COUNSEL,
10 MICHAEL KELLY AND NIKHIL RAMNANEY,
11 DEPUTY PUBLIC DEFENDERS
12 OF LOS ANGELES COUNTY;
13 SANDRA JO STREETER, DEPUTY CITY ATTORNEY,
14 REPRESENTING THE PEOPLE OF THE
15 STATE OF CALIFORNIA.

16
17 (THE FOLLOWING PROCEEDINGS WERE HELD
18 IN OPEN COURT OUTSIDE THE PRESENCE
19 OF THE JURY:)

20
21 THE COURT: LET'S TALK ABOUT WHAT YOUR PLANS ARE
22 FOR THE CASE FROM HERE ON OUT.

23 MS. STREETER: I'M GOING TO FINISH UP MY DIRECT
24 WITH MR. COHEN. THE BULK OF MY DIRECT WILL BE PLAYING
25 THE REST OF THE VOICE MAIL MESSAGES.

26 THE COURT: UH-HUH.

27 MS. STREETER: AND THEN I HAVE MY -- I WANTED TO
28 CALL ON THE LAW CLERK, THE OTHER LAW CLERK THAT HELPED

1 DO THE FOUNDATION. AND THEN AFTER THAT, I HAVE THE TWO
2 ATTORNEYS. I THINK THAT SHOULD BE RELATIVELY BRIEF FOR
3 THE ATTORNEYS. ONE OF THEM SUPERVISED -- WELL, GATHERED
4 UP ALL THE VOICE MAIL MESSAGES AND E-MAILS, AND THEN
5 THEY ULTIMATELY GAVE THAT TO ME.

6 AND THEN MR. KORY GOT A COUPLE OF PRIOR
7 VOICE MAIL MESSAGES FROM MS. LYNCH THAT THE PEOPLE
8 WANTED TO PLAY. AND THEN MS. RICE WAS THE ONE WHO WROTE
9 THE CEASE AND DESIST LETTER AND THEN GOT THE 95 E-MAILS
10 WITHIN A 24-HOUR PERIOD. I'M NOT PLANNING ON ADMITTING
11 ANY OF THE E-MAILS; I WAS JUST GOING TO QUESTION HER
12 ABOUT THAT.

13 AND, ALSO, I WAS GOING TO ASK MR. KORY
14 ABOUT THE COLORADO HEARING BECAUSE HE WAS PRESENT AT THE
15 HEARING AND HEARD THAT THE COURT HAD -- THAT SHE AGREED
16 TO THE COLORADO RESTRAINING ORDER.

17 THE COURT: ON THE RESTRAINING ORDER, ARE YOU
18 GOING TO SUBMIT A CERTIFIED COPY OR DO YOU HAVE A
19 STIPULATION --

20 MS. STREETER: I HAVE A -- THE EXHIBIT THAT I
21 HAVE MARKED IS A CERTIFIED COPY.

22 THE COURT: OKAY. AND DO YOU HAVE THOSE
23 WITNESSES READY TO GO TODAY, ALL THOSE WITNESSES?

24 MS. STREETER: YES.

25 THE COURT: OKAY. GOOD.

26 OKAY. SO WE'RE MOVING ALONG.

27 MR. KELLY: MS. STREETER SAID THAT THERE'S ABOUT
28 AN HOUR OR SO LEFT ON MR. COHEN'S --

1 MS. STREETER: FORTY-FIVE MINUTES TO AN HOUR.

2 MR. KELLY: WE HAVE ANOTHER WITNESS THAT -- SO I
3 DON'T KNOW IF WE'LL GET TO MY CROSS BY THE -- BY THE
4 MORNING HOUR. I WOULD AT THIS TIME AGAIN RAISE MY
5 CONCERN REGARDING I HAVE A SCHEDULED FLIGHT THURSDAY
6 EVENING TO MONDAY THAT I MENTIONED TO THE COURT WHEN WE
7 STARTED THIS. AT THE TIME, THE PEOPLE'S ESTIMATE WAS
8 THREE DAYS AND DIDN'T THINK WE WOULD GET THAT FAR. AT
9 THIS POINT IT MIGHT GET THAT FAR. I DO -- I WOULD ASK
10 IF WE COULD BE DARK THOSE DAYS.

11 THE COURT: FRIDAY AND MONDAY?

12 MR. KELLY: YES.

13 THE COURT: WE'LL HAVE TO SEE.

14 MR. KELLY: I'M SORRY?

15 THE COURT: WE'LL HAVE TO SEE.

16 WHAT IS YOUR FLIGHT FOR?

17 MR. KELLY: I COACH AN UNDERGRADUATE MOCK TRIAL
18 TEAM. THIS IS THE NATIONAL CHAMPIONSHIP TOURNAMENT,
19 WHICH IS THE FINAL TOURNAMENT OF THE SEASON. OUR TEAM
20 IS DEFENDING NATIONAL CHAMPIONS. IT'S A FAIRLY BIG DEAL
21 AND A FAIRLY BIG TIME COMMITMENT.

22 THE COURT: OKAY. WE'LL JUST HAVE TO SEE.

23 LET'S -- LET'S TRY TO MOVE AS QUICKLY AS
24 WE CAN. I'VE GIVEN YOU BOTH A FIRST DRAFT OF THE JURY
25 INSTRUCTIONS. SO YOU MIGHT LOOK THEM OVER SOMETIME
26 TODAY SO WE CAN BE READY ON THAT.

27 MS. STREETER: OKAY. I WANT TO SET UP MY VOICE
28 MAIL SO I'M NOT SPENDING SO MUCH TIME --

1 THE COURT: YES. THAT WOULD BE HELPFUL.

2 MS. STREETER: -- DOING THAT.

3

4 (RECESS.)

5

6 (THE FOLLOWING PROCEEDINGS WERE HELD

7 IN OPEN COURT OUTSIDE THE PRESENCE

8 OF THE JURY:)

9

10 THE COURT: ALL OUR JURORS ARE PRESENT EXCEPT

11 ALTERNATE NO. 1. I'M EXCUSING ALTERNATE NO. 1.

12 MS. STREETER: IS THAT THE ONE THAT --

13 THE COURT: THAT WAS THE ONE WHO WAS LATE

14 YESTERDAY. SHE IS UNABLE TO PERFORM HER FUNCTIONS AS A
15 JUROR. AND WHEN SHE COMES, WOULD YOU ADVISE THE JURY TO

16 TELL HER TO GO TO THE JURY ASSEMBLY ROOM, AND TELL THE
17 JURY ASSEMBLY ROOM THAT SHE'S REPEATEDLY FAILED TO COME

18 ON TIME AND WE'VE DISMISSED HER.

19 OKAY. LET'S BRING OUR OTHER JURORS IN.

20 MS. STREETER: YOUR HONOR, I'M JUST GOING TO
21 CALL THAT ONE BRIEF WITNESS OUT OF ORDER AND THEN --

22 THE COURT: OKAY.

23

24 (THE FOLLOWING PROCEEDINGS WERE HELD

25 IN OPEN COURT IN THE PRESENCE OF THE

26 JURY:)

27

28 THE COURT: LADIES AND GENTLEMEN OF THE JURY,

1 I'VE EXCUSED ALTERNATE JUROR NO. 1 FROM FURTHER SERVICE
2 BECAUSE SHE SEEMS UNABLE TO GET HERE ON TIME AND I DON'T
3 WANT TO HOLD YOU UP EACH DAY. SO WE'RE GOING TO PROCEED
4 NOW THAT THE REST OF OUR JURORS ARE HERE.

5 WHENEVER YOU ARE READY, MS. STREETER.

6 MS. STREETER: THE PEOPLE CALL KATHERINE
7 LAWRENCE TO THE WITNESS STAND.

8 THE COURT: WE HAVE ANOTHER SHORT WITNESS OUT OF
9 ORDER THAT WE'RE GOING TO TAKE AND THEN CONTINUE WITH
10 MR. COHEN.

11 NOW, WOULD YOU STOP RIGHT IN FRONT OF
12 THOSE CHAIRS AND FACE THE CLERK, PLEASE.

13
14 KATHERINE LAWRENCE,
15 CALLED AS A WITNESS BY THE PEOPLE OUT OF ORDER, WAS
16 SWORN AND TESTIFIED AS FOLLOWS:

17
18 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

19 DO YOU SOLEMNLY STATE THAT THE TESTIMONY
20 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
21 SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE
22 TRUTH, SO HELP YOU GOD?

23 THE WITNESS: YES, I DO.

24 THE CLERK: YOU MAY BE SEATED ON THE WITNESS
25 STAND.

26 THE COURT: GOOD MORNING, MA'AM.

27 THE WITNESS: GOOD MORNING.

28 THE CLERK: PLEASE STATE AND SPELL YOUR FIRST

1 AND LAST NAME FOR THE WOOD.

2 THE WITNESS: KATHERINE LAWRENCE,
3 K-A-T-H-E-R-I-N-E. LAWRENCE, L-A-W-R-E-N-C-E.

4 THE CLERK: THANK YOU.

5

6 DIRECT EXAMINATION

7 BY MS. STREETER:

8 Q GOOD MORNING, MS. LAWRENCE.

9 A GOOD MORNING.

10 Q NOW, DO YOU WORK WITH THE LOS ANGELES
11 CITY ATTORNEY'S OFFICE?

12 A I DO.

13 Q AS AN INTERN; IS THAT RIGHT?

14 A YES.

15 Q AND YOU WORK IN THE FAMILY VIOLENCE
16 DIVISION?

17 A YES.

18 Q AND WHILE YOU HAVE BEEN WORKING WITH THE
19 CITY ATTORNEY'S OFFICE, DID YOU ASSIST IN THE PRINTING
20 OF ANY E-MAILS IN THE CASE OF PEOPLE VERSUS KELLEY
21 LYNCH?

22 A YES.

23 Q OKAY. AND DID YOU GET THOSE E-MAILS FROM
24 A BINDER, A BLACK BINDER?

25 A YES.

26 Q I HAVE PEOPLE'S -- WHAT'S BEEN MARKED AS
27 NO. 10 FOR IDENTIFICATION. LET ME SHOW YOU PEOPLE'S 10.
28 I WANT YOU TO LOOK AT IT. LET ME KNOW WHEN YOU FINISH.

1 A YEP.

2 Q OKAY. DO YOU RECOGNIZE PEOPLE'S 10?

3 A YES, I DO.

4 Q WHAT IS IT?

5 A IT'S A BINDER THAT HELD ALL THE CDS THAT
6 ALL THE E-MAILS WERE ON.

7 Q OKAY. AND WHEN YOU PRINTED THE E-MAILS,
8 DID YOU WORK BY YOURSELF OR DID YOU WORK WITH SOMEONE
9 ELSE?

10 A I WORKED WITH ANOTHER LAW CLERK IN OUR
11 OFFICE.

12 Q OKAY. ANTOINETTE HENRY?

13 A YES.

14 Q AND WERE THERE EVER DAYS THAT YOU JUST
15 PRINTED THE E-MAILS BY YOURSELF?

16 A YES.

17 Q CAN YOU TELL THE COURT AND THE JURY AND
18 COUNSEL HOW YOU WENT ABOUT PRINTING THOSE E-MAILS?

19 A I WAS GIVEN JUST ONE OF THE DISKS AND I
20 OPENED IT UP. IN THE COMPUTER WAS A LIST OF ALL THE
21 DIFFERENT E-MAILS FROM A SERIES OF DAYS. AND THEN I
22 WENT THROUGH THEM, PRINTED OUT EACH ONE. AND THEN ONCE
23 I DID THAT, I HOLE PUNCHED IT AND PUT THEM IN ORDER IN A
24 BUNCH OF BINDERS, AND THEN TRIED TO MARK THEM AS EASILY
25 AS POSSIBLE SO THAT EVERYONE COULD FIND THEM EASILY.

26 Q AND YOU MENTIONED THAT YOU DID PRINT A
27 SERIES OF E-MAILS. DO YOU REMEMBER WHAT, WHEN YOU FIRST
28 STARTED, WHAT DATES THOSE WERE THAT YOU PRINTED?

1 A YES, IT WAS DECEMBER 17TH, 18TH, 19TH
2 AND -- I FORGET. THERE IS A COUPLE MORE DAYS IN
3 BETWEEN. THE 20TH. AND THEN I KNOW THE 24TH AND 25TH.

4 Q OKAY. ALL RIGHT. WHEN YOU PUT THE
5 E-MAILS IN THE BINDER, IN WHAT ORDER DID YOU PUT THE
6 E-MAILS?

7 A I TRIED TO PUT THEM IN ORDER OF DAY AND
8 THEN IN CHRONOLOGICAL ORDER, SO STARTING WITH THE FIRST
9 ONE OF THE DAY AND THEN ENDING WITH THE LAST ONE OF THE
10 DAY.

11 Q ALL RIGHT. I HAVE A BLACK BINDER. LET
12 ME ASK ONE OTHER THING. DID YOU HAVE A DIFFERENT -- DID
13 YOU HAVE A TAB THAT YOU PUT FOR THE DATE, AS OPPOSED TO
14 DIVIDING THEM UP FOR THE E-MAILS FOR THE DAY? DO YOU
15 UNDERSTAND?

16 A YEAH. SINCE THERE WERE SO MANY, I USED A
17 BLUE TAB TO DENOTE THE DATE AND THEN YELLOW TABS WERE TO
18 SEPARATE EACH E-MAIL FROM THE OTHER ONES.

19 Q ALL RIGHT. I HAVE A BLACK BINDER THAT
20 HAS THE TITLE OF THIS CASE AND THE CASE NUMBER, AND IT
21 HAS E-MAILS DATED DECEMBER 18, 2011 AND IT SAYS ONE OF
22 TWO. ACTUALLY, I'VE PREVIOUSLY SHOWN THIS TO COUNSEL.

23 THE COURT: HAS IT BEEN MARKED?

24 MS. STREETER: NO, IT HAS NOT.

25 THE COURT: THAT WILL BE P-19 FOR
26 IDENTIFICATION.

27

28

1 (MARKED FOR IDENTIFICATION: BINDER
2 PEOPLE'S EXHIBIT NO. 19)

3
4 BY MS. STREETER:

5 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS
6 PEOPLE'S 19. I WANT YOU TO TAKE A LOOK AT THAT AND I'M
7 GOING TO ASK YOU SOME QUESTIONS.

8 THE COURT: WHAT ARE THE DATES OF THAT AGAIN?

9 MS. STREETER: DECEMBER 18TH.

10 THE COURT: THANK YOU.

11 BY MS. STREETER:

12 Q ALL RIGHT. DO YOU RECOGNIZE WHAT'S IN
13 PEOPLE'S --

14 MS. STREETER: IS IT 18?

15 THE COURT: NINETEEN.

16 BY MS. STREETER:

17 Q -- 19?

18 A YES.

19 Q WHAT ARE THOSE?

20 A THEY'RE THE E-MAILS I WAS ASKED TO PRINT
21 OUT FOR THIS CASE.

22 Q ALL RIGHT. NOW LET ME ASK YOU THIS.
23 WHEN YOU -- THE E-MAIL SHOWED UP ON THE COMPUTER SCREEN.
24 ONCE YOU PRINTED THE E-MAIL, DID YOU MAKE CERTAIN THAT
25 THE E-MAIL THAT YOU PRINTED OUT MATCHED THE E-MAIL THAT
26 WAS ON THE COMPUTER SCREEN?

27 A YEAH. I BASICALLY HAD TO LOOK AT THE
28 DATE AND TIME, AND THEN DOUBLE-CHECK IT AGAINST THE LIST

1 THAT WAS ON THE COMPUTER SCREEN, BECAUSE THERE WERE SO
2 MANY AND I DIDN'T WANT TO MISS ANY. SO, YEAH, I --
3 THAT'S HOW I CHECKED THEM.

4 Q OKAY. AND AT THE POINT THAT YOU PRINTED
5 THE E-MAIL, THE E-MAIL THAT YOU PRINTED, WAS IT A FAIR
6 AND ACCURATE COPY OF THE E-MAIL THAT WAS -- THAT SHOWED
7 UP ON YOUR COMPUTER SCREEN?

8 A YES, FROM WHAT I COULD SEE.

9 Q YOU MENTIONED YOU DID DECEMBER 18, THE
10 DATE OF DECEMBER 18; IS THAT RIGHT?

11 A YES.

12 Q OKAY.

13 MS. STREETER: THE PEOPLE HAVE ANOTHER BOUND
14 VOLUME, THAT SAME TITLE OF CASE, SAME CASE NUMBER, AND
15 IT HAS THE SAME DATE, DECEMBER 18TH, AND IT SAYS
16 CONTINUED, TWO OF TWO. MAY I HAVE THAT AS PEOPLE'S, I
17 GUESS, 20?

18 THE COURT: TWENTY.

19

20 (MARKED FOR IDENTIFICATION: BINDER
21 PEOPLE'S EXHIBIT NO. 20)

22

23 BY MS. STREETER:

24 Q COULD YOU DO THE SAME THING, LOOK AT
25 THAT.

26 A OKAY.

27 Q OKAY. DO YOU RECOGNIZE PEOPLE'S 20?

28 A YES.

1 Q OKAY. AND WHAT IS THAT?

2 A IT IS THE SECOND PART OF DECEMBER 18TH
3 THAT I PRINTED OUT OF E-MAILS.

4 Q OKAY. AND DID YOU USE THE SAME PROCEDURE
5 THAT YOU DESCRIBED FOR PRINTING OUT THE E-MAILS IN
6 PEOPLE'S 19 AS YOU DID IN PEOPLE'S 20?

7 A YES.

8 Q OKAY. AND IS THERE A GREENISH, TEAL TAB
9 AT THE BEGINNING THAT HAS THE DATE ON IT?

10 A YES.

11 Q OKAY. AND ARE THERE ALSO YELLOW TABS ON
12 THE SIDES, SEPARATING THE E-MAILS?

13 A YES.

14 Q OKAY. AND FOR THOSE SERIES OF E-MAILS,
15 DID YOU ALSO COMPARE AND MAKE SURE THAT THE E-MAIL THAT
16 YOU PRINTED OUT WAS THE SAME AS THE E-MAIL THAT WAS ON
17 THE COMPUTER SCREEN?

18 A YES, FOR THE MOST PART. EXCEPT, BECAUSE
19 THERE WAS THREE E-MAILS FOR THE TIME PERIOD 5:28, I HAD
20 TO LOOK AT THOSE A LITTLE BIT MORE CLOSELY JUST TO MAKE
21 SURE I PUT THEM IN ORDER.

22 Q OKAY. AND YOU DID THAT AS BEST YOU
23 COULD?

24 A AS BEST I COULD, YES.

25 Q THOSE E-MAILS THAT ARE IN PEOPLE'S 20,
26 ARE THOSE A TRUE AND ACCURATE COPY OF THE E-MAILS THAT
27 YOU SAW ON YOUR COMPUTER SCREEN?

28 A YES.

1 Q THANK YOU.

2 A THANK YOU.

3 MS. STREETER: THAT'S IT. NOTHING FURTHER.

4

5 CROSS-EXAMINATION

6 BY MR. KELLY:

7 Q GOOD MORNING, MISS LAWRENCE.

8 A GOOD MORNING.

9 Q MY NAME IS MICHAEL KELLY AND I AM GOING
10 TO ASK YOU A FEW QUESTIONS.

11 NOW, HOW DID YOU GET THIS LITTLE BLACK
12 BINDER THAT YOU SAID HAD CDS? WHERE DID YOU GET THAT
13 FROM?

14 A SANDRA GAVE IT TO ME.

15 Q OKAY. SO MS. STREETER?

16 A YES.

17 Q DO YOU KNOW WHERE MS. STREETER GOT THEM
18 FROM?

19 A I DON'T KNOW, NO.

20 Q DID ANYWHERE WHEN YOU WERE VIEWING THE
21 RECORDS IN THIS CASE, DID YOU SEE ANY SUBPOENAS FROM
22 GMAIL?

23 A NO.

24 Q DID YOU SEE ANY SUBPOENAS FROM AOL?

25 A NO.

26 Q OKAY. DO YOU KNOW WHO THE REGISTERED
27 OWNER OF THE ACTUAL E-MAIL ADDRESS IS? DID YOU GET THAT
28 INFORMATION?

1 A NO.

2 Q DID YOU GET INFORMATION OF THE IP ADDRESS
3 WHERE THE REGISTERED USER REGISTERED?

4 A NO.

5 Q DID YOU GET THE IP ADDRESS FOR EVERY TIME
6 THOSE WERE SENT?

7 A NO.

8 Q OKAY. NOW I WANT TO TALK A LITTLE BIT
9 WITH YOU ABOUT THE ACTUAL BINDER THAT YOU HAD.

10 MR. KELLY: I'M APPROACHING WITH PEOPLE'S 19.

11 BY MR. KELLY:

12 Q OKAY. NOW, THAT FIRST E-MAIL ON
13 PEOPLE'S 19, CAN YOU TELL US WHAT THAT E-MAIL IS?
14 WHAT'S THE DATE OF THAT E-MAIL AND TIME?

15 A SUNDAY, DECEMBER 18TH, 2011, 5:01 P.M.

16 Q OKAY. NOW, DO YOU USE GMAIL FOR PERSONAL
17 USE?

18 A YES.

19 Q OKAY. SO YOU'RE FAMILIAR WITH THE FACT
20 THAT WHEN YOU REPLY OR -- THE LINK OF ALL THE THREADS OF
21 ALL THE PREVIOUS E-MAILS SHOW UP ON A GIVEN E-MAIL?

22 A YES.

23 Q OKAY. NOW, ON THAT E-MAIL, THAT FIRST
24 PAGE THAT YOU'RE LOOKING AT, CAN YOU TELL US THE LENGTH
25 OF THE NEW E-MAIL THAT WAS SENT, NOT A FORWARDED OR PAST
26 E-MAIL?

27 A JUST THIS?

28 Q YES.

1 A OKAY. DO YOU WANT A NUMBER OF LINES?
2 Q YES, THE NUMBER OF LINES.
3 A ONE, TWO, THREE, FOUR -- THERE'S FIVE
4 LINES.
5 Q OKAY. SO THERE'S FIVE LINES IN THAT
6 CURRENT E-MAIL. CAN YOU TELL US HOW MANY PAGES THAT
7 E-MAIL IS?
8 A THIS PARTICULAR ONE IS 1 OF 27 PAGES.
9 Q OKAY. SO THERE'S 27 PAGES IN THAT
10 DOCUMENT, BUT ONLY FIVE LINES WERE A NEW E-MAIL?
11 A YES.
12 Q CAN YOU TELL US HOW MANY ACTUAL E-MAILS
13 ARE CONTAINED IN THOSE 27 PAGES?
14 A NOT OFF THE TOP OF MY HEAD.
15 Q OKAY. WELL, YOU KNOW THAT AT THE VERY
16 END, IF YOU LOOK AT THE VERY FIRST MESSAGE, THERE'S
17 LITTLE ARROWS, CORRECT?
18 A UH-HUH. YES.
19 Q AND THOSE ARROWS INDICATE HOW MANY
20 E-MAILS ARE IN THAT THREAD, CORRECT?
21 A I DIDN'T KNOW THAT.
22 Q OKAY. WELL, CAN YOU TELL US IN THAT LAST
23 PAGE HOW MANY WORDS IN AN E-MAIL ARE ON THAT FIRST LINE
24 OF THAT LAST PAGE?
25 A I'M SORRY. WHAT DO YOU MEAN?
26 Q HOW MANY WORDS ARE ON THAT FIRST LINE?
27 A OH. JUST ONE.
28 Q OKAY. SO YOU WOULD AGREE WITH ME THAT,

1 OF THE LAST PAGES, MOST OF THE LAST PAGES ARE JUST
2 ARROWS THAT INDICATE A PREVIOUS MESSAGE?

3 A I'M SORRY. I DON'T KNOW WHAT THEY
4 INDICATE, BUT YES, THEY ARE ARROWS WITH WORDS.

5 Q OF THAT LAST PAGE, THERE'S PROBABLY ABOUT
6 30 WORDS IN THAT LAST PAGE, GIVE OR TAKE, APPROXIMATELY?

7 A SURE. YEAH.

8 Q SO CAN YOU TAKE A LOOK AT THAT FOLLOWING
9 E-MAIL, THE NEXT E-MAIL. NOW, THIS NEXT E-MAIL IS
10 ACTUALLY A REPLY TO THAT PREVIOUS E-MAIL, CORRECT?

11 A I BELIEVE SO. YEAH.

12 Q SO THAT E-MAIL, THAT NEXT E-MAIL HAS --
13 SO THAT NEXT E-MAIL, CAN YOU TELL US EXACTLY HOW MANY
14 PAGES THAT SECOND E-MAIL IS?

15 A THIS SAYS 1 OF 29.

16 Q SO THERE'S 29 PAGES NOW ON THE SECOND
17 E-MAIL. HOW MANY E-MAILS -- WHAT'S THE DIFFERENCE
18 BETWEEN THIS E-MAIL, THIS SECOND E-MAIL IN THAT PACKET,
19 AND THE FIRST E-MAIL?

20 A WHEN YOU SAY DIFFERENCE, WHAT ARE YOU
21 ASKING?

22 Q WELL, THIS ONE HAS A NEW E-MAIL, CORRECT?

23 A YES.

24 Q AND HOW MANY LINES IS THIS NEW E-MAIL?

25 A SEVEN ALTOGETHER.

26 Q OKAY. SO THIS NEW E-MAIL AND THAT SECOND
27 E-MAIL HAVE -- ALL OF THE E-MAILS OF THAT PREVIOUS ONE
28 AND THEN SEVEN LINES; AND IT'S TWO MORE PAGES, RIGHT?

1 A YES, THAT'S CORRECT.

2 Q SO THERE'S THAT -- OF THAT -- THOSE 29
3 PAGES, WE ONLY HAVE SEVEN NEW LINES?

4 A YES.

5 Q OKAY. AND THAT'S 30 NOW THAT YOU PRINTED
6 OUT. THAT'S THE SAME E-MAIL AS THE LAST TWO, BUT JUST
7 ONE MORE NEW E-MAIL ADDRESS -- OR NEW E-MAIL, CORRECT?

8 A YES.

9 Q AND HOW MANY PAGES IS THIS ONE?

10 A THIRTY-ONE.

11 Q AND HOW MANY NEW LINES ARE THERE IN THIS
12 NEW E-MAIL?

13 A FIVE.

14 Q FIVE. SO AGAIN THERE'S TWO MORE PAGES
15 FOR FIVE NEW LINES, CORRECT?

16 A YES.

17 Q AND IS THIS A PATTERN THAT YOU WOULD SEE
18 OFTEN WHEN YOU PRINTED THESE OUT?

19 A YES.

20 Q IN FACT, MOST OF WHAT YOU PRINTED OUT ON
21 A GIVEN E-MAIL, A GRAND MAJORITY WERE ACTUALLY PRIOR
22 E-MAILS, CORRECT?

23 A YES.

24 Q AND VERY FEW WERE ACTUALLY THE NEW,
25 CURRENT E-MAIL?

26 A YES.

27 Q OKAY. NOW, ISN'T IT TRUE, FROM YOUR VIEW
28 OF THESE E-MAILS, THAT MOST OF THESE E-MAILS ARE

1 ADDRESSED TO SOME PEOPLE NOT NAMED LEONARD COHEN,
2 CORRECT?

3 A I'M SORRY. I DIDN'T LOOK VERY CLOSELY AT
4 ALL THE NAMES THAT WERE IN THE E-MAILS.

5 Q OKAY. WELL --

6 MR. KELLY: MAY I APPROACH?

7 THE COURT: YES.

8 BY MR. KELLY:

9 Q THAT FIRST E-MAIL DOESN'T SAY A
10 PARTICULAR PERSON, CORRECT, IN TERMS OF WHAT THE CONTENT
11 OF THE ACTUAL WRITTEN E-MAIL IS?

12 A THE FIRST ONE IS NOT.

13 Q OKAY. THAT SECOND E-MAIL, IT'S AN
14 E-MAIL -- IT SAYS HI, STEVEN, CORRECT?

15 A YES.

16 Q IT DOESN'T SAY HI, LEONARD?

17 A NO.

18 Q IT DOESN'T SAY HELLO, MR. KORY?

19 A NO.

20 Q IT DOESN'T SAY HELLO, MS. RICE?

21 A NO.

22 Q OKAY. THAT THIRD E-MAIL ALSO SAYS, HEY,
23 STEVEN, CORRECT?

24 A YES.

25 Q WOULD YOU SAY THAT THIS WAS CONSISTENT
26 WITH WHAT YOU SAW IN A LOT OF E-MAILS THAT YOU REVIEWED,
27 THEY WERE -- THE ACTUAL CONTENT OF THE ACTUAL E-MAIL WAS
28 REFERENCING ANOTHER INDIVIDUAL THAT YOU DON'T KNOW?

1 MS. STREETER: OBJECTION; RELEVANCE.

2 THE COURT: OVERRULED.

3 THE WITNESS: SORRY. CAN YOU REPEAT THE
4 QUESTION?

5 BY MR. KELLY:

6 Q THAT NEXT E-MAIL, THAT NEXT E-MAIL AFTER
7 THAT IS JUST ONE LINE, CORRECT?

8 A YES.

9 Q AND IT SAYS "P.S. STEVEN"?

10 A YES.

11 Q "THINKING -- THANKING YOU FOR YOUR
12 COURTESIES, I REMAIN"?

13 A YES.

14 Q SO THAT ONE LINE THAT SAYS THANK YOU FOR
15 YOUR COURTESIES, HOW MANY PAGES IS THAT E-MAIL THAT YOU
16 PRINTED OUT?

17 A THIRTY-TWO.

18 Q OKAY. AND THAT ONE E-MAIL THAT YOU
19 PRINTED OUT THAT HAD ONE LINE, IT DOESN'T -- IT'S NOT
20 TALKING -- THE E-MAIL DOESN'T REFERENCE LEONARD COHEN,
21 CORRECT?

22 A NOT THAT I CAN SEE.

23 Q IT DOESN'T REFERENCE MICHELLE KORY --
24 MICHELLE RICE?

25 A NO.

26 Q IT DOESN'T REFERENCE ROBERT KORY?

27 A NO.

28 Q BUT THAT E-MAIL IS 32 PAGES?

1 A YES.

2 Q OKAY. I CAN TAKE THIS BACK. THANKS.

3 DID YOU REVIEW THE CONTENT OF EACH E-MAIL
4 THAT YOU LOOKED AT?

5 A NO.

6 Q OKAY. SO YOU CAN'T TELL US EXACTLY IF
7 THE E-MAILS THAT YOU REVIEWED WERE SIMILAR IN CONTENT TO
8 THIS E-MAIL THAT WE JUST READ?

9 A NO, I DIDN'T READ ANY. I MEAN, I READ
10 JUST ENOUGH TO BASICALLY BE ABLE TO PUT THEM IN ORDER.

11 MR. KELLY: I HAVE NOTHING FURTHER.

12 THE COURT: ANYTHING FURTHER, MS. STREETER?

13 MS. STREETER: NO.

14 THE COURT: THANK YOU VERY MUCH.

15 THE WITNESS: THANK YOU.

16 MS. STREETER: OKAY. THE PEOPLE ARE GOING TO
17 RECALL MR. COHEN.

18 THE COURT: OKAY.

19 GOOD MORNING, MR. COHEN.

20 THE WITNESS: GOOD MORNING, SIR.

21 THE COURT: WHENEVER YOU ARE READY,

22 MS. STREETER.

23 MS. STREETER: OKAY. THANK YOU.

24

25 LEONARD COHEN,

26 CALLED AS A WITNESS BY THE PEOPLE, RESUMED THE STAND AND

27 TESTIFIED FURTHER AS FOLLOWS:

28

1 DIRECT EXAMINATION (RESUMED)

2 BY MS. STREETER:

3 Q ALL RIGHT. GOOD MORNING, MR. COHEN.

4 A GOOD MORNING, MA'AM.

5 Q OKAY. I'M GOING TO GO BACK TO WHAT I WAS
6 TRYING TO COVER YESTERDAY, AN E-MAIL FROM FEBRUARY 13,
7 2011 THAT WAS SENT AT 11:25 A.M.

8 AND IT'S IN PEOPLE'S 13. I'LL SHOW YOU
9 THIS.

10 A YES, MA'AM.

11 Q ARE YOU REFERENCED IN THAT E-MAIL,
12 MR. COHEN?

13 A I'M SORRY?

14 Q ARE YOU ONE OF THE SENDERS ON THAT
15 E-MAIL, MR. COHEN?

16 THE COURT: RECIPIENTS.

17 MS. STREETER: RECIPIENTS. I'M SORRY.

18 MR. KELLY: CAN YOU TELL US THE DATE AND TIME ON
19 THIS ONE?

20 MS. STREETER: FEBRUARY 13, 2011. I THINK IT'S
21 7:52.

22 THE WITNESS: YES, I AM A RECIPIENT.

23 BY MS. STREETER:

24 Q OKAY. AND YOU'VE HAD A CHANCE TO GO OVER
25 THAT E-MAIL. YOU DID THAT THIS MORNING, BRIEFLY READ
26 OVER THE PAGES OF THAT E-MAIL, RIGHT?

27 A YES, I'VE READ THAT.

28 Q ALL RIGHT. I'M GOING TO PLAY YOU SOME

1 VOICE MAILS FROM FEBRUARY 2011. THIS SHOULD BE ON
2 PAGE 1 OF THE SECOND TRANSCRIPT. OKAY. I'M GOING TO
3 PLAY THIS AGAIN FOR YOU, AND THEN I'LL ASK YOU SOME
4 QUESTIONS BASED ON THAT. PLEASE LISTEN TO IT. AND WHEN
5 YOU LISTEN TO IT, THINK ABOUT WHAT'S IN THE E-MAIL THAT
6 YOU JUST REVIEWED FOR THE PEOPLE.

7

8

(CD PLAYED.)

9

10 BY MS. STREETER:

11 Q NOW, THE PERSON THAT WAS ON THE VOICE
12 MAIL MESSAGE, DO YOU RECOGNIZE THAT PERSON'S VOICE?

13 A YES, MA'AM.

14 Q IS IT MS. LYNCH'S VOICE?

15 A IT IS.

16 Q AND DID YOU RECEIVE THAT VOICE MAIL
17 MESSAGE APPROXIMATELY FEBRUARY 15TH, 2011?

18 A YES, I DID.

19 Q OKAY. AND WHEN YOU RECEIVED THAT VOICE
20 MAIL MESSAGE ON THAT DATE AND TIME, DID YOU SAVE THAT
21 VOICE MAIL MESSAGE AS YOU HAVE DESCRIBED TO US
22 PREVIOUSLY?

23 A YES, I DID.

24 Q OKAY. AND ONCE YOU SAVED IT, DID YOU
25 FORWARD THAT VOICE MAIL TO YOUR ATTORNEY?

26 A I DID, YES.

27 Q IS THE VOICE MAIL THAT THE PEOPLE JUST
28 PLAYED FOR YOU A TRUE AND ACCURATE RECORDATION OF THE

1 VOICE MAIL THAT YOU RECEIVED FROM MS. LYNCH ON
2 APPROXIMATELY FEBRUARY 15TH, 2011?

3 A YES, IT IS.

4 Q OKAY. NOW, THINKING OF WHAT'S IN THE
5 E-MAIL THAT THE PEOPLE ASKED YOU TO PERUSE THAT'S DATED
6 FEBRUARY 15TH, 2011, I BELIEVE THAT'S 7:52 P.M.; IS THAT
7 RIGHT, MR. COHEN?

8 A THIS IS FEBRUARY 13.

9 Q I'M SORRY, FEBRUARY 13, 2011 AT
10 APPROXIMATELY 7:52 P.M. IN LISTENING TO THE VOICE MAIL
11 MESSAGE THE PEOPLE JUST PLAYED FOR YOU, WOULD YOU SAY
12 THAT WHAT IS DISCUSSED IN THE VOICE MAIL MESSAGE IS
13 FAIRLY SIMILAR TO WHAT WAS SENT IN THE E-MAIL DATED
14 FEBRUARY 13TH, 2011?

15 A IT DOES TOUCH ON THE SAME SUBJECTS, YES.

16 Q ALL RIGHT. LET'S -- AND WAS THAT -- DID
17 YOU FIND THAT WHAT WAS SAID IN MS. LYNCH'S VOICE MAIL
18 MESSAGES TENDED TO BE SIMILAR TO THE E-MAILS THAT SHE
19 SENT?

20 A YES, THEY ARE.

21 MR. KELLY: YOUR HONOR, I OBJECT TO THE E-MAIL.
22 I DON'T BELIEVE IT IS A COMPLETE COPY.

23 THE COURT: OVERRULED.

24 BY MS. STREETER:

25 Q I'M GOING TO PLAY SOME MORE FOR YOU.

26

27

(CD PLAYED.)

28

1 BY MS. STREETER:

2 Q DO YOU RECOGNIZE THE PERSON'S VOICE IN
3 THE VOICE MAIL MESSAGE THAT I PLAYED FOR YOU?

4 A YES, MA'AM.

5 Q WHO IS IT?

6 A IT'S KELLEY LYNCH'S VOICE.

7 Q DID YOU RECEIVE THAT VOICE MAIL
8 APPROXIMATELY FEBRUARY 15TH, 2011?

9 A CORRECT. I DID.

10 Q OKAY. AND DID YOU SAVE THAT VOICE MAIL
11 MESSAGE AS YOU'VE PREVIOUSLY DESCRIBED TO US, MR. COHEN?

12 A YES, I DID.

13 Q AND ONCE YOU SAVED THAT VOICE MAIL
14 MESSAGE, DID YOU FORWARD IT TO YOUR ATTORNEYS?

15 A YES, I DID.

16 Q OKAY. IS THE VOICE MAIL MESSAGE THAT THE
17 PEOPLE JUST PLAYED FOR YOU A FAIR AND ACCURATE
18 RECORDATION OF THE VOICE MAIL THAT YOU RECEIVED FROM
19 MS. LYNCH SOMETIME ON THE DATE OF FEBRUARY 15TH, 2011?

20 A YES, IT IS.

21 Q LET'S CONTINUE.

22

23 (CD PLAYED.)

24

25 BY MS. STREETER:

26 Q DID YOU HEAR THE MENTION OF A GENTLEMAN
27 BY THE NAME OF DENNIS RIORDAN IN THAT LAST SENTENCE,
28 MR. COHEN?

1 A NO, I DIDN'T.
2 DO YOU THINK I COULD HAVE A COPY OF THAT
3 TRANSCRIPT?

4 Q ARE YOU HAVING DIFFICULTY?

5 A SOMETIMES.

6 Q OKAY. IS IT TOO LOUD, MR. COHEN?

7 A NO. IT'S JUST A LITTLE BLURRY. MY
8 HEARING IS NOT THAT GREAT.

9

10 (CD PLAYED.)

11

12 BY MS. STREETER:

13 Q ALL RIGHT. DID YOU HEAR A MENTION OF A
14 DENNIS RIORDAN IN THERE, MR. COHEN?

15 A YES, I DID.

16 Q OKAY. NOW, THE VOICE MAIL MESSAGE THAT
17 THE PEOPLE JUST PLAYED FOR YOU, DO YOU RECOGNIZE THE
18 PERSON IN THAT MESSAGE?

19 A YES, I DO. IT'S KELLEY LYNCH'S VOICE.

20 Q OKAY. AND DID YOU RECEIVE THAT VOICE
21 MAIL MESSAGE APPROXIMATELY FEBRUARY 15TH, 2011?

22 A I DID, YES.

23 Q OKAY. AND DID YOU SAVE THAT VOICE MAIL
24 MESSAGE AS YOU HAVE DESCRIBED TO US PREVIOUSLY,
25 MR. COHEN?

26 A YES, I DID.

27 Q OKAY. AND ONCE YOU SAVED THAT VOICE MAIL
28 MESSAGE, DID YOU -- DID YOU FORWARD THAT TO YOUR

1 ATTORNEYS?

2 A YES, I DID.

3 Q OKAY. AND THE VOICE MAIL MESSAGE THAT
4 THE PEOPLE JUST PLAYED FOR YOU, IS THAT A FAIR AND
5 ACCURATE RECORDATION OF THE VOICE MAIL MESSAGE THAT YOU
6 RECEIVED FROM MS. LYNCH ON APPROXIMATELY FEBRUARY 15TH,
7 2011?

8 A YES, IT IS.

9 Q OKAY. NOW, THE MENTION OF DENNIS
10 RIORDAN, DO YOU KNOW WHO HE IS, MR. COHEN?

11 A I'M NOT CERTAIN WHO HE IS.

12 Q OKAY. DO YOU RECALL IF MS. LYNCH HAS
13 MENTIONED DENNIS RIORDAN IN ANY OF HER E-MAILS?

14 A MANY TIMES, BUT I JUST DON'T REMEMBER AT
15 THIS MOMENT WHAT THE CONNECTION IS.

16 Q OKAY. ALL RIGHT.

17 MS. STREETER: YOUR HONOR, THE PEOPLE HAVE
18 ANOTHER BINDER. I THINK I'M ON 21; IS THAT RIGHT, YOUR
19 HONOR?

20 THE COURT: CORRECT.

21 MS. STREETER: OKAY.

22 THE COURT: WHAT ARE THE DATES OF THIS ONE?

23 MS. STREETER: IT'S DECEMBER 25TH, 2011 THROUGH
24 DECEMBER 26TH, 2011.

25

26 (MARKED FOR IDENTIFICATION: BINDER
27 PEOPLE'S EXHIBIT NO. 21)

28

1 BY MS. STREETER:

2 Q AND DO YOU RECALL IF YOU RECEIVED AN
3 E-MAIL FROM MS. LYNCH ON APPROXIMATELY DECEMBER 25TH,
4 2011 AT ABOUT 5:28 A.M.?

5 A I'LL HAVE TO SEE THAT.

6 Q OKAY. OKAY. JUST LOOK AT THIS ONE, THE
7 FIRST PAGE. OKAY, MR. COHEN?

8 A YES, MA'AM.

9 Q LET ME KNOW WHEN YOU'RE FINISHED
10 REVIEWING. IT'S JUST THE FIRST PAGE, MR. COHEN.

11

12 (PAUSE.)

13

14 A YES, I'VE READ IT.

15 Q ALL RIGHT. DID YOU RECEIVE AN E-MAIL
16 FROM MS. LYNCH ON DECEMBER 25TH AT APPROXIMATELY
17 5:28 A.M.?

18 A YES, MA'AM, I DID.

19 Q AND ARE YOU ONE OF THE RECIPIENTS IN THAT
20 E-MAIL? IS YOUR E-MAIL ADDRESS IN THERE?

21 A I AM, YES.

22 Q OKAY. AND WHO IS THE SENDER OF THE
23 E-MAIL? IT'S THE SAME E-MAIL ADDRESS THAT YOU MENTIONED
24 TO US PREVIOUSLY?

25 A MS. LYNCH.

26 Q OKAY. AND IS THE E-MAIL THAT YOU'RE --
27 DID YOU SAVE THAT E-MAIL, MR. COHEN?

28 A YES, I DID.

1 Q OKAY. AND DID YOU FORWARD THAT E-MAIL TO
2 YOUR ATTORNEYS?

3 A THEY WERE COPIED IN ON IT.

4 Q AND IS THE E-MAIL THAT YOU ARE REVIEWING,
5 IS THAT A FAIR AND ACCURATE COPY OF THE E-MAIL THAT YOU
6 RECEIVED FROM MS. LYNCH ON THAT DATE AND AT THAT TIME?

7 A YES, IT IS.

8 Q OKAY. NOW, AFTER REVIEWING THAT E-MAIL,
9 IS THERE ANY MENTION OF A DENNIS RIORDAN IN THAT E-MAIL?

10 A YES, I BELIEVE THERE IS.

11 Q OKAY. IS MR. RIORDAN ONE OF THE
12 RECIPIENTS? IS THERE, LIKE, DENNIS --

13 A HE'S THE FIRST RECIPIENT.

14 Q OKAY. ALL RIGHT.

15 MR. KELLY: OBJECTION TO FOUNDATION.

16 THE COURT: OVERRULED.

17 BY MS. STREETER:

18 Q AND WHO IS THE PERSON THAT IS RIGHT AFTER
19 ALL THE LIST OF THE SENDER AND THE RECIPIENT, WHAT'S THE
20 FIRST NAME THAT APPEARS ON THAT E-MAIL, MR. COHEN?

21 A IT'S DENNIS RIORDAN.

22 Q OKAY. DOES IT SAY DENNIS RIORDAN OR
23 MR. RIORDAN?

24 A IT SAYS DENNIS@RIORDAN-HORGAN.COM.

25 Q LET ME DIRECT YOU TO THIS PART, RIGHT
26 HERE IN THE WRITTEN PART, THE MESSAGE PART.

27 WHO'S THE E-MAIL -- WHO'S THE NAME ON THE
28 FIRST LINE OF THE TEXT OF -- THE ACTUAL TEXT OF THE

1 E-MAIL?

2 A MR. RIORDAN.

3 Q ALL RIGHT. ALL RIGHT.

4 MR. KELLY: OBJECT TO RELEVANCE.

5 THE COURT: OVERRULED.

6 BY MS. STREETER:

7 Q OKAY. AND WHAT IS THE SUBJECT LINE OF
8 THIS E-MAIL, MR. COHEN?

9 A ONE HAPLESS TOAD WHO CHOSE TO LIVE IN
10 CALIFORNIA HAS MORE RIGHTS THAN PHILLIP.

11 Q AND THAT PHILLIP, IS THAT THE PHILLIP,
12 PHIL SPECTOR?

13 MR. KELLY: OBJECTION; SPECULATION.

14 THE COURT: SUSTAINED.

15 BY MS. STREETER:

16 Q ALL RIGHT. THE PEOPLE HAVE -- I WANT TO
17 SHOW YOU ANOTHER E-MAIL. THIS IS PEOPLE'S 20. OKAY. I
18 WANT TO SHOW YOU -- DO YOU RECALL WHETHER OR NOT YOU
19 RECEIVED AN E-MAIL MESSAGE FROM MS. LYNCH ON
20 DECEMBER 18TH, 2011 AT 5:28 P.M.?

21 A I HAVE TO VERIFY THAT.

22 Q OKAY.

23 MR. KELLY: WHAT TIME?

24 MS. STREETER: 5:28 P.M., DECEMBER 18TH.

25 BY MS. STREETER:

26 Q I'M SHOWING YOU THE FIRST E-MAIL ON
27 PEOPLE'S -- I THINK IT'S 20. JUST LOOK OVER THE PAGE,
28 THAT SENDER AND THE RECIPIENT AND A LITTLE BIT OF THE

1 TEXT, THE FIRST PAGE. LET ME KNOW WHEN YOU FINISH.

2 A YES, MA'AM.

3

4 (PAUSE.)

5

6 Q OKAY. DID YOU RECEIVE AN E-MAIL FROM
7 MS. LYNCH DECEMBER 18TH AT APPROXIMATELY 5:28 P.M.?

8 A YES, I DID.

9 Q OKAY. AND ARE YOU ONE OF THE RECIPIENTS?

10 A YES, I AM.

11 Q OKAY. AND DID YOU FORWARD THAT E-MAIL TO
12 YOUR ATTORNEYS?

13 A THEY WERE COPIED IN ON IT.

14 Q AND DID YOU SAVE THAT E-MAIL?

15 A YES, MA'AM.

16 Q AND AFTER REVIEWING THE E-MAIL, IS IT A
17 FAIR AND ACCURATE COPY OF THE E-MAIL THAT YOU RECEIVED
18 FROM MS. LYNCH ON THAT DATE AT THAT TIME?

19 A YES, IT IS.

20 Q AND IS MR. -- DENNIS.RIORDAN ONE OF THE
21 RECIPIENTS OF THE E-MAIL?

22 A YES, HE IS.

23 Q OKAY. NOW I WANT YOU TO LOOK AT THE
24 FIRST PAGE OF THE E-MAIL AND SEE IF THERE IS ANY MENTION
25 OF THE DISTRICT ATTORNEY OR STEVEN COOLEY IN THERE.

26 A YES, THERE ARE MANY MENTIONS.

27 Q OKAY. IF YOU COULD READ THE FIRST PART
28 OF THE TEXT OF THE E-MAIL TO RIGHT HERE, MR. COHEN.

1 A ON 12/19/11, KELLEY LYNCH WROTE, "COOLEY,
2 I AM TAKING YOU DOWN. THAT'S A FACT. EVEN MY
3 REPUBLICAN PARENTS UNDERSTAND THAT YOU SET PHIL UP. WE
4 DON'T UNDERSTAND HOW YOU WERE ELECTED. LYNCH."

5 MR. KELLY: OBJECTION; RELEVANCE.

6 THE COURT: OVERRULED.

7 BY MS. STREETER:

8 Q OKAY. AND WHAT IS THE SUBJECT OF THAT
9 E-MAIL, MR. COHEN?

10 A THE SUBJECT IS RE: LET'S WISH PHIL
11 SPECTOR A MERRY CHRISTMAS. HE HAS LOVED MY SON RUTGER
12 SINCE HE WAS BORN.

13 Q THANK YOU, MR. COHEN.

14 NOW, BEFORE THE TIME PERIOD OF
15 FEBRUARY 2011 AND AFTER YOU TERMINATED YOUR BUSINESS
16 RELATIONSHIP WITH MS. LYNCH, DID SHE EVER SEND YOU ANY
17 THREATENING E-MAILS, MR. COHEN?

18 A SINCE THE TIME SHE WAS DISMISSED UNTIL
19 NOW?

20 Q YES. YES, BETWEEN AFTER THE TIME THAT
21 SHE WAS DISMISSED AND PRIOR TO FEBRUARY 2011, DID YOU --
22 DO YOU RECALL RECEIVING ANY THREATENING E-MAILS FROM
23 MS. LYNCH?

24 A MANY. YES, I DO.

25 Q ALL RIGHT. DO YOU -- NOW, THE E-MAILS
26 THAT -- YOU MENTIONED THAT SHE SENT YOU MANY THREATENING
27 E-MAILS IN THE PAST. THE E-MAIL ADDRESS ON THOSE
28 PREVIOUS E-MAILS, WAS IT THE SAME ADDRESS THAT WE'VE

1 SPOKEN ABOUT, KELLEY.LYNCH.2010@ -- I THINK IT'S GMAIL.
2 WAS IT THE SAME E-MAIL ADDRESS OR A DIFFERENT E-MAIL?

3 A NO, THERE HAVE BEEN SEVERAL E-MAIL
4 ADDRESSES.

5 MR. KELLY: OBJECTION; FOUNDATION.

6 THE COURT: OVERRULED.

7 BY MS. STREETER:

8 Q OKAY. ALL RIGHT. I'M GOING TO SHOW
9 YOU -- DO YOU RECALL WHETHER OR NOT YOU RECEIVED SUCH AN
10 E-MAIL, A THREATENING E-MAIL ON DECEMBER 29TH, 2007 AT
11 APPROXIMATELY 11:57 P.M.?

12 A I'LL HAVE TO CHECK THAT, MA'AM.

13 Q OKAY. I'D LIKE TO HAVE --

14 MS. STREETER: YOUR HONOR, THE PEOPLE HAVE -- I
15 THINK IT'S A 12-PAGE DOCUMENT I'D LIKE TO MARK AS
16 PEOPLE'S 22.

17 THE COURT: SO MARKED FOR IDENTIFICATION.

18

19 (MARKED FOR IDENTIFICATION: 12-PAGE
20 DOCUMENT AS PEOPLE'S EXHIBIT NO. 22)

21

22 MS. STREETER: IF I COULD APPROACH.

23 THE COURT: YES.

24 BY MS. STREETER:

25 Q OKAY. I'M GOING TO SHOW YOU WHAT'S BEEN
26 MARKED AS PEOPLE'S 22. LOOK AT THAT AND THEN I'LL ASK
27 YOU SOME QUESTIONS.

28

1 (PAUSE.)

2

3 A YES, I'VE LOOKED AT THAT.

4 Q OKAY. DO YOU RECALL RECEIVING SUCH AN
5 E-MAIL FROM MS. LYNCH ON THAT DATE AND AT THAT TIME?

6 A YES, I DID RECEIVE IT.

7 Q AND ARE YOU ONE OF THE RECIPIENTS OF
8 THAT -- OF THAT E-MAIL?

9 A YES, MA'AM.

10 Q OKAY. NOW, IS THE E-MAIL ADDRESS THE
11 SAME AS THE KELLEY.LYNCH.2010, OR IS IT A DIFFERENT
12 E-MAIL?

13 A IT'S A DIFFERENT E-MAIL.

14 Q OKAY. DO YOU RECOGNIZE THAT PARTICULAR
15 E-MAIL ADDRESS THAT'S ON THERE?

16 A YES, I RECEIVED MANY.

17 Q E-MAILS FROM THAT E-MAIL ADDRESS FROM
18 MS. LYNCH?

19 A YES, MA'AM.

20 Q OKAY. AND THE E-MAIL THAT'S BEFORE THE
21 PEOPLE, DID YOU FORWARD THAT E-MAIL TO YOUR ATTORNEYS OR
22 WERE THEY COPIED IN?

23 A THEY WERE COPIED IN.

24 Q OKAY. AND DID YOU SAVE THAT E-MAIL?

25 A YES, I HAVE IT.

26 Q OKAY. AND IS THAT E-MAIL THAT'S IN FRONT
27 OF YOU, IS THAT A FAIR AND ACCURATE COPY OF THE E-MAIL
28 THAT YOU RECEIVED FROM MS. LYNCH IN APPROXIMATELY

1 DECEMBER 2007?

2 A YES, IT IS.

3 Q OKAY. NOW, HOW MANY PEOPLE DID SHE SEND
4 THAT E-MAIL TO?

5 A IT LOOKS LIKE SHE SENT IT TO A HUNDRED.

6 Q ALL RIGHT. NOW I WANT TO DIRECT YOUR
7 ATTENTION TO PAGE 8 OF THAT E-MAIL. I'M SORRY --
8 WELL -- I'M SORRY, PAGE 4 OF THE E-MAIL, AT THE BOTTOM
9 OF THE PAGE. AND IF YOU COULD READ THAT PART AFTER
10 DECEMBER 29, JUST THE FIRST FEW LINES, SIR.

11 A ON DECEMBER 29, 2007, 9:53 A.M., KELLEY
12 LYNCH WROTE, "GOOD MORNING, THINLEY NORBU RINPOCHE. I
13 THINK MY RESPONSE TO COHEN WAS QUITE TEMPERED, WELL
14 TEMPERED. IF OTHER PEOPLE WERE IN MY SHOES, HE'D
15 PROBABLY BE DEAD BY NOW."

16 Q DID YOU TAKE THAT AS A THREAT, MR. COHEN?

17 A YES, I DID.

18 Q OKAY. ALL RIGHT. NOW, DID YOU -- DO YOU
19 EVER RECALL RECEIVING PRIOR TO 2011 ANY E-MAILS FROM A
20 FRIEND ABOUT POSSIBLE THREATS THAT MS. LYNCH MAY HAVE
21 MADE TO YOU?

22 MR. KELLY: OBJECTION; VAGUE.

23 THE COURT: OVERRULED.

24 THE WITNESS: FROM A FRIEND OF MINE, MA'AM?

25 BY MS. STREETER:

26 Q YES.

27 A I DON'T PARTICULARLY RECALL IT.

28 Q OKAY. DO YOU RECALL RECEIVING AN E-MAIL

1 FROM MS. LYNCH APPROXIMATELY AUGUST 27, 2006 AT
2 7:03 P.M.?

3 A I'D HAVE TO LOOK AT IT.

4 MS. STREETER: OKAY. I HAVE A ONE-PAGE DOCUMENT
5 AND IT SAYS ON THE TOP PAGE 1 OF 3. IF I COULD HAVE
6 THAT MARKED AS PEOPLE'S --

7 THE COURT: TWENTY-THREE?

8 MS. STREETER: YES, 23.

9

10 (MARKED FOR IDENTIFICATION: ONE-PAGE
11 DOCUMENT AS PEOPLE'S EXHIBIT NO. 23)

12

13 BY MS. STREETER:

14 Q YOU WANT TO LOOK AT IT?

15 A YES, I REMEMBER THIS ONE.

16 Q OKAY. DID YOU RECEIVE THAT E-MAIL OR DID
17 SOMEBODY FORWARD THAT E-MAIL TO YOU?

18 A IT'S SO VERY SMALL. IT'S FROM
19 KELLEY.ANN.LYNCH.

20 Q DO YOU RECOGNIZE THAT E-MAIL ADDRESS
21 THAT'S ON THERE?

22 A IT'S KELLEY.ANN.LYNCH, YES.

23 Q AND WHOSE E-MAIL ADDRESS IS THAT,
24 MR. COHEN?

25 A KELLEY LYNCH.

26 Q OKAY. AND DO YOU RECALL RECEIVING THAT
27 E-MAIL APPROXIMATELY SOMEWHERE AROUND THAT TIME?

28 A YES, I CERTAINLY DO.

1 Q OKAY. AND DID YOU SAVE THAT E-MAIL,
2 MR. COHEN?

3 A YES, I HAVE IT.

4 Q OKAY. AND THE -- WHAT'S IN FRONT OF YOU,
5 PEOPLE'S 23, THE FIRST PAGE, IS THAT A FAIR AND ACCURATE
6 COPY OF THAT E-MAIL THAT YOU RECEIVED APPROXIMATELY --

7 A YES.

8 Q ALL RIGHT. AND CAN YOU READ WHAT IS
9 ON -- IN THE TEXT?

10 MR. KELLY: YOUR HONOR, I'M GOING TO OBJECT,
11 FOUNDATION AND 352. IF I MAY BE HEARD.

12 THE COURT: NO. IT'S CLEARLY RELEVANT TO THE
13 ISSUE OF INTENT AND THERE IS A SUFFICIENT FOUNDATION
14 GIVEN THE TESTIMONY.

15 BY MS. STREETER:

16 Q IF YOU COULD READ IT, MR. COHEN.

17 A "LEONARD NORMAN COHEN SHOULD BE TAKEN" --

18 MR. KELLY: OBJECTION, YOUR HONOR. I BELIEVE
19 HE'S JUST PICKING AND CHOOSING THE PART THAT HE'S ASKED
20 TO READ.

21 THE COURT: YOU WILL BE ABLE ON
22 CROSS-EXAMINATION TO DIRECT ATTENTION TO THE PARTS YOU
23 WANT. THANK YOU.

24 BY MS. STREETER:

25 Q COULD YOU CONTINUE.

26 A "LEONARD NORMAN COHEN SHOULD BE TAKEN
27 BEFORE A FIRING SQUAD AND SHOT."

28 Q DID YOU TAKE THAT AS A THREAT, MR. COHEN?

1 A I DID, MA'AM.

2 Q DO YOU CONTINUE TO FEEL THREATENED BY
3 MS. LYNCH?

4 MR. KELLY: OBJECTION; RELEVANCE AS TO THIS.
5 THE COURT: OVERRULED.

6 THE WITNESS: YES, I DO.

7 BY MS. STREETER:

8 Q OKAY. ARE YOU CONCERNED ABOUT YOUR
9 SAFETY?

10 A YES, MA'AM.

11 MR. KELLY: OBJECTION; VAGUE.

12 THE COURT: OVERRULED.

13 BY MS. STREETER:

14 Q ALL RIGHT. NOW, WAS IT COMMON FOR
15 MS. LYNCH TO SEND -- TO LEAVE VOICE MAILS FOR YOU ONE
16 RIGHT AFTER ANOTHER?

17 A YES.

18 Q WAS IT COMMON FOR MS. LYNCH TO SEND
19 E-MAILS ONE RIGHT AFTER ANOTHER?

20 A CORRECT.

21 Q OKAY. DO YOU RECALL RECEIVING AN E-MAIL
22 FROM MS. LYNCH AT -- ON DECEMBER 18TH, 2011 AT
23 5:28 P.M.?

24 A I'D HAVE TO CHECK IT.

25 Q OKAY. THIS IS IN PEOPLE'S 20, THE FIRST
26 PAGE. IF YOU COULD LOOK AT THAT FIRST PAGE.

27 A SURE.

28 Q AND IT'S THE FIRST E-MAIL UNDER NO. 20.

1 MR. KELLY: WHAT'S THE DATE?

2 MS. STREETER: DECEMBER 18, 5:28 P.M.

3 THE WITNESS: YES, MA'AM.

4 BY MS. STREETER:

5 Q DID YOU RECEIVE -- I'M SORRY. DO YOU
6 RECOGNIZE THAT FIRST E-MAIL, MR. COHEN?

7 A YES, I DO.

8 Q OKAY. AND DO YOU SEE THE E-MAIL ADDRESS,
9 THAT KELLEY.LYNCH E-MAIL ADDRESS THAT YOU'VE SPOKEN
10 ABOUT PREVIOUSLY?

11 A YES.

12 Q OKAY. AND ARE YOU ONE OF THE RECIPIENTS
13 OF THE E-MAIL?

14 A I AM, YES.

15 Q AND IS THE E-MAIL SENT TO MORE THAN ONE
16 PERSON?

17 A YES, IT'S SENT TO MANY.

18 Q OKAY. ARE YOUR ATTORNEYS COPIED IN ON
19 THAT E-MAIL?

20 A YES, THEY ARE.

21 Q OKAY. DID YOU SAVE THAT E-MAIL?

22 A YES, MA'AM.

23 Q IS THE E-MAIL A FAIR AND ACCURATE COPY OF
24 THE E-MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE
25 AND AT THAT TIME?

26 A YES, IT IS.

27 Q OKAY. ONE MOMENT.

28 NOW I'M GOING TO -- ALSO IN PEOPLE'S 20,

1 THE LAST E-MAIL IN PEOPLE'S 20, I ASK YOU, MR. COHEN, DO
2 YOU RECALL RECEIVING AN E-MAIL FROM MS. LYNCH ON
3 DECEMBER 18, 2011 AT 5:39 P.M.?

4 A I'D HAVE TO CHECK, BUT I BELIEVE I DID.

5 Q OKAY. ALL RIGHT. JUST TAKE A LOOK AT
6 THE FIRST PAGE AND LET ME KNOW WHEN YOU'RE DONE.

7

8 (PAUSE.)

9

10 THE WITNESS: YES, MA'AM.

11 BY MS. STREETER:

12 Q OKAY. DID YOU RECEIVE AN E-MAIL FROM HER
13 ON THAT DATE AND AT THAT TIME?

14 A I DID, YES.

15 Q ARE YOUR ATTORNEYS COPIED IN ON THAT
16 E-MAIL?

17 A YES, THEY ARE.

18 Q DID YOU SAVE THAT E-MAIL, MR. COHEN?

19 A YES, MA'AM.

20 Q IS THE E-MAIL THAT'S IN FRONT OF YOU A
21 FAIR AND ACCURATE COPY OF THE E-MAIL THAT YOU RECEIVED
22 FROM MS. LYNCH ON THAT DATE AND AT THAT TIME?

23 A IT IS.

24 Q OKAY. ARE THERE MORE THAN ONE RECIPIENTS
25 IN THAT E-MAIL?

26 A YES. THERE ARE MANY.

27 Q DO YOU SEE -- IN ONE OF THE RECIPIENTS,
28 DO YOU SEE COOLEY, THE NAME COOLEY AS ONE OF THE

1 RECIPIENTS?

2 MR. KELLY: OBJECTION TO FOUNDATION.

3 THE COURT: OVERRULED.

4 THE WITNESS: YES, I DO.

5 BY MS. STREETER:

6 Q AND WHAT IS THE SUBJECT OF THAT E-MAIL?

7 A THE SUBJECT IS RE: LET'S WISH PHIL
8 SPECTOR A MERRY CHRISTMAS. HE HAS LOVED MY SON RUTGER
9 SINCE HE WAS BORN.

10 Q THANK YOU.

11 SO I'M GOING TO PLAY YOU SOME MORE OF THE
12 VOICE MAIL MESSAGES, MR. COHEN. WOULD YOU LIKE TO LOOK
13 AT THE TRANSCRIPT WHILE THE PEOPLE PLAY IT? WOULD THAT
14 HELP, MR. COHEN?

15 A YES, IT WOULD. YES.

16

17 (CD PLAYED.)

18

19 BY MS. STREETER:

20 Q I JUST WANT TO STOP FOR A MOMENT. THE
21 PART I PLAYED -- THE PEOPLE PLAYED FOR YOU SO FAR, DO
22 YOU RECOGNIZE THE PERSON IN THAT VOICE MAIL?

23 A YES. IT'S KELLEY LYNCH.

24 Q OKAY. DID YOU RECEIVE THAT VOICE MAIL
25 APPROXIMATELY FEBRUARY 15TH, 2011?

26 A YES, MA'AM.

27 Q OKAY. DID YOU SAVE THAT VOICE MAIL
28 MESSAGE?

1 A YES, I DID.

2 Q DID YOU FORWARD IT TO YOUR ATTORNEY ONCE
3 YOU SAVED IT?

4 A YES, I DID.

5 Q AND THE PORTION, THE BEGINNING PART OF
6 THAT VOICE MAIL MESSAGE THAT I PLAYED FOR YOU, IS IT A
7 FAIR AND ACCURATE RECORDATION OF THE VOICE MAIL MESSAGE
8 THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE AND AT
9 THAT TIME?

10 A IT IS.

11 Q AND IN THAT VOICE MAIL WHERE I STOPPED,
12 RIGHT BEFORE THERE, WAS THERE ANYTHING THAT WAS SAID
13 THAT YOU TOOK AS A THREAT?

14 A THE TONE IS MENACING. AND THEN COHEN IS
15 GOING TO BE HUNG IS NOT REALLY AGREEABLE TO HEAR.

16 Q OKAY. DID THAT CAUSE YOU TO BE CONCERNED
17 ABOUT YOUR SAFETY?

18 A YES, IT IS.

19 Q I'M GOING TO CONTINUE PLAYING THE VOICE
20 MAIL MESSAGE.

21

22 (CD PLAYED.)

23

24 BY MS. STREETER:

25 Q THE REMAINING PORTION OF THE VOICE MAIL
26 MESSAGE, DO YOU RECOGNIZE THE PERSON ON THAT VOICE MAIL
27 MESSAGE?

28 A YES, MA'AM.

1 Q WHO IS THAT?

2 A KELLEY LYNCH.

3 Q DID YOU RECEIVE THAT VOICE MAIL
4 APPROXIMATELY FEBRUARY 15TH, 2011?

5 A YES, I DID.

6 Q DID YOU SAVE THAT VOICE MAIL?

7 A YES, I DID.

8 Q DID YOU FORWARD IT TO YOUR ATTORNEYS?

9 A YES, MA'AM.

10 Q IS THE VOICE MAIL THAT THE PEOPLE PLAYED
11 FOR YOU A FAIR AND ACCURATE RECORDATION OF THE VOICE
12 MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE AND
13 AT THAT TIME?

14 A YES, IT IS.

15 Q WE'RE GOING TO FAST FORWARD A BIT,
16 MR. COHEN, TO MAY, WHICH I THINK IS PAGE 13, THE MIDDLE
17 OF PAGE 13.

18 I'M GOING TO DO THE SAME THING THAT I'VE
19 DONE BEFORE. I'M GOING TO PLAY A LITTLE BIT, ASK YOU
20 SOME QUESTIONS, AND THEN WE'LL TAKE IT FROM THERE.
21 OKAY, MR. COHEN?

22

23 (CD PLAYED.)

24

25 BY MS. STREETER:

26 Q DO YOU RECOGNIZE THE PERSON ON THAT VOICE
27 MAIL MESSAGE?

28 A YES, MA'AM. IT'S KELLEY LYNCH.

1 Q OKAY. DID YOU RECEIVE THAT VOICE MAIL
2 MESSAGE FROM MS. LYNCH SOMETIME IN MAY OF 2011, MAY 11,
3 2011?

4 A YES, I DID.

5 Q OKAY. AND DID YOU SAVE THAT VOICE MAIL
6 MESSAGE AS YOU HAVE TOLD US PREVIOUSLY, IN THE SAME
7 MANNER?

8 A YES, I DID.

9 Q WHEN YOU SAVED THAT VOICE MAIL MESSAGE,
10 DID YOU FORWARD IT TO YOUR ATTORNEYS?

11 A YES, I DID.

12 Q AND THE VOICE MAIL THAT THE PEOPLE JUST
13 PLAYED FOR YOU, IS THAT A FAIR AND ACCURATE RECORDATION
14 OF THE VOICE MAIL THAT YOU RECEIVED FROM MS. LYNCH ON
15 MAY 11, 2011?

16 A YES, IT IS.

17 Q I'LL PLAY YOU ANOTHER ONE, MR. COHEN.

18

19 (CD PLAYED.)

20

21 BY MS. STREETER:

22 Q DO YOU RECOGNIZE THE PERSON'S VOICE IN
23 THE VOICE MAIL THAT THE PEOPLE JUST PLAYED FOR YOU?

24 A YES, MA'AM. IT'S KELLEY LYNCH.

25 Q OKAY. DID YOU RECEIVE THAT VOICE MAIL
26 FROM MS. LYNCH ON APPROXIMATELY MAY 11, 2011?

27 A YES, I DID.

28 Q OKAY. DID YOU SAVE THAT VOICE MAIL ONCE

1 YOU RECEIVED IT FROM HER?

2 A YES, I DID.

3 Q DID YOU FORWARD IT TO YOUR ATTORNEYS?

4 A YES, I DID.

5 Q OKAY. IS THE VOICE MAIL THAT THE PEOPLE
6 PLAYED FOR YOU A FAIR AND ACCURATE RECORDATION --

7 A YES, IT IS.

8 Q -- OF THE VOICE MAIL THAT YOU RECEIVED ON
9 THAT DATE AND AT THAT TIME?

10 A YES, IT IS.

11

12 (CD PLAYED.)

13

14 BY MS. STREETER:

15 Q ALL RIGHT. THE VOICE MAIL THE PEOPLE
16 JUST PLAYED FOR YOU, DO YOU RECOGNIZE THE PERSON'S VOICE
17 IN THAT VOICE MAIL?

18 A IT'S KELLEY LYNCH'S VOICE.

19 Q OKAY. DID YOU RECEIVE THAT VOICE MAIL
20 APPROXIMATELY MAY 11, 2011?

21 A YES, I DID.

22 Q DID YOU SAVE THAT VOICE MAIL MESSAGE?

23 A YES, MA'AM.

24 Q OKAY. IS IT -- DID YOU FORWARD THAT
25 VOICE MAIL TO YOUR ATTORNEYS?

26 A YES, I DID.

27 Q IS IT A FAIR AND ACCURATE RECORDATION OF
28 THE VOICE MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT

1 DATE AND AT THAT TIME?

2 A YES, IT IS.

3

4 (CD PLAYED.)

5

6 BY MS. STREETER:

7 Q DO YOU RECOGNIZE THE PERSON'S VOICE IN
8 THAT VOICE MAIL MESSAGE THAT THE PEOPLE JUST PLAYED?

9 A YES, MA'AM. IT'S KELLEY LYNCH.

10 Q OKAY. DID YOU RECEIVE THAT VOICE MAIL
11 APPROXIMATELY MAY 11, 2011?

12 A YES, I DID.

13 Q DID YOU SAVE THAT VOICE MAIL?

14 A YES, MA'AM.

15 Q AS YOU MENTIONED TO US PREVIOUSLY, IN
16 THAT SAME MANNER?

17 A THAT'S CORRECT.

18 Q OKAY. DID YOU FORWARD THAT VOICE MAIL TO
19 YOUR ATTORNEYS?

20 A YES, I DID.

21 Q AND THE VOICE MAIL THAT THE PEOPLE JUST
22 PLAYED FOR YOU, IS THAT A FAIR AND ACCURATE RECORDATION
23 OF THE VOICE MAIL THAT YOU RECEIVED ON THAT DATE AND AT
24 THAT TIME FROM MS. LYNCH?

25 A YES, MA'AM, IT IS.

26

27 (CD PLAYED.)

28

1 BY MS. STREETER:

2 Q DO YOU RECOGNIZE THE PERSON IN THAT VOICE
3 MAIL MESSAGE?

4 A YES, MA'AM. IT'S KELLEY LYNCH.

5 Q DID YOU RECEIVE THAT VOICE MAIL
6 APPROXIMATELY MAY 11, 2011?

7 A CORRECT.

8 Q OKAY. DID YOU SAVE THAT VOICE MAIL IN A
9 SIMILAR MANNER THAT YOU'VE TOLD US PREVIOUSLY?

10 A YES, MA'AM.

11 Q OKAY. AND ONCE YOU SAVED THAT VOICE
12 MAIL, DID YOU FORWARD IT TO YOUR ATTORNEYS?

13 A YES, I DID.

14 Q IS THAT VOICE MAIL THAT THE PEOPLE JUST
15 PLAYED FOR YOU A FAIR AND ACCURATE RECORDATION OF THE
16 VOICE MAIL THAT YOU RECEIVED ON THAT DATE AND AT THAT
17 TIME FROM MS. LYNCH?

18 A YES, IT IS.

19 Q OKAY. ALL RIGHT. DO YOU RECALL IF YOU
20 RECEIVED A VOICE MAIL MESSAGE FROM MS. LYNCH AROUND
21 MAY 19TH, 2011?

22 A I BELIEVE I DID.

23 Q OKAY. OKAY. I'M GOING TO PLAY SOME
24 MORE. I'M GOING TO DO THE SIMILAR THING; I'M GOING TO
25 PLAY IT AND ASK YOU SOME QUESTIONS, MR. COHEN.

26

27

(CD PLAYED.)

28

1 BY MS. STREETER:

2 Q DO YOU RECOGNIZE THE PERSON'S VOICE IN
3 THAT MESSAGE, MR. COHEN?

4 A YES, MA'AM. IT'S KELLEY LYNCH.

5 Q OKAY. DID YOU RECEIVE THAT VOICE MAIL
6 MESSAGE FROM MS. LYNCH ON APPROXIMATELY MAY 19, 2011?

7 A YES, I DID.

8 Q OKAY. DID YOU SAVE THAT VOICE MAIL IN A
9 SIMILAR MANNER THAT YOU'VE DESCRIBED TO US PREVIOUSLY?

10 A YES, I DID.

11 Q ONCE YOU SAVED THAT VOICE MAIL, DID YOU
12 FORWARD IT TO YOUR ATTORNEYS?

13 A YES, I DID.

14 Q OKAY. IS THE VOICE MAIL THAT THE PEOPLE
15 PLAYED FOR YOU A FAIR AND ACCURATE RECORDATION OF THE
16 VOICE MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE
17 AND AT THAT TIME?

18 A YES, MA'AM, IT IS.

19 Q DO YOU KNOW A PERSON BY THE NAME OF PAUL
20 SHAFFER?

21 A YES, I KNOW HIM.

22 Q WHO IS THAT?

23 A PAUL SHAFFER IS DAVID LETTERMAN'S
24 BANDLEADER.

25 Q ALL RIGHT. DO YOU KNOW A PERSON BY THE
26 NAME OF DYLAN?

27 A YES, I DO.

28 Q WHO IS THAT?

1 A THAT'S BOB DYLAN.

2 Q OKAY. DID YOU EVER -- WERE YOU EVER WITH
3 MR. DYLAN WHEN MS. LYNCH WAS IN YOUR EMPLOY?

4 A I MET WITH BOB DYLAN SEVERAL TIMES. WE
5 HAVE A CORDIAL ACQUAINTANCESHIP.

6 Q HOW ABOUT MR. SHAFFER? WAS HE EVER
7 AROUND WHEN MS. LYNCH WAS IN YOUR EMPLOY?

8 A I -- I BELIEVE -- I WOULDN'T SAY SHE WAS
9 AROUND, BUT I DID BUMP INTO HIM A COUPLE OF TIMES UNDER
10 PROFESSIONAL CIRCUMSTANCES.

11 Q AND MS. LYNCH WAS PRESENT?

12 A NO.

13 Q OKAY. ALL RIGHT. IS -- ARE YOU -- ARE
14 YOU FROM THE UNITED STATES OR FROM A DIFFERENT COUNTRY?

15 A I'M FROM CANADA.

16 Q IS MR. SHAFFER FROM CANADA?

17 A I THINK HE IS. I'M NOT CERTAIN ABOUT
18 THAT.

19 Q ALL RIGHT. I'M GOING TO PLAY SOME MORE.
20 DO YOU RECALL IF YOU RECEIVED A VOICE
21 MAIL MESSAGE FROM MS. LYNCH ON MAY 28, 2011?

22 A I BELIEVE I DID.

23

24 (CD PLAYED.)

25

26 BY MS. STREETER:

27 Q OKAY. DO YOU RECOGNIZE THE VOICE IN THAT
28 VOICE MAIL THAT THE PEOPLE JUST PLAYED FOR YOU?

1 A YES, MA'AM. IT'S KELLEY LYNCH.

2 Q OKAY. DID YOU RECEIVE THAT MESSAGE FROM
3 MS. LYNCH AT APPROXIMATELY -- ON APPROXIMATELY MAY 28TH,
4 2011?

5 A YES, MA'AM.

6 Q DID YOU SAVE THAT VOICE MAIL IN THE
7 SIMILAR FASHION THAT YOU'VE DESCRIBED FOR US PREVIOUSLY?

8 A I DID, YES.

9 Q AND ONCE YOU SAVED THAT VOICE MAIL, DID
10 YOU FORWARD THAT VOICE MAIL TO YOUR ATTORNEYS?

11 A I DID, YES.

12 Q AND IS THE VOICE MAIL THAT THE PEOPLE
13 PLAYED FOR YOU A FAIR AND ACCURATE RECORDATION OF THE
14 VOICE MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE
15 AND AT THAT TIME?

16 A YES, IT IS.

17 Q OKAY. DO YOU RECALL IF YOU RECEIVED AN
18 E-MAIL FROM MS. LYNCH ON THE DATE OF DECEMBER 22ND, 2011
19 AT 8:07 P.M.?

20 A I'D HAVE TO CHECK THAT.

21 Q OKAY. LET ME MOVE SOME STUFF, MR. COHEN.
22 I WANT YOU TO LOOK AT THE FIRST PAGE.
23 IT'S THE FIRST E-MAIL IN PEOPLE'S NO. 11. LET ME KNOW
24 WHEN YOU'RE FINISHED REVIEWING THE FIRST PAGE,
25 MR. COHEN.

26 A JUST THE FIRST PAGE?

27 Q YES.

28

1 (PAUSE.)

2

3 A YES, I'VE READ IT.

4 Q OKAY. DID YOU RECEIVE AN E-MAIL FROM
5 MS. LYNCH ON THAT DATE AND AT THAT TIME?

6 A YES, I DID.

7 Q ARE YOU ONE OF THE RECIPIENTS OF THAT
8 E-MAIL, MR. COHEN?

9 A YES, I AM.

10 Q IS YOUR -- ARE YOUR ATTORNEYS COPIED IN
11 ON THAT E-MAIL, MR. COHEN?

12 A YES, THEY ARE.

13 Q DID YOU SAVE THAT E-MAIL ONCE YOU
14 RECEIVED IT ON DECEMBER 22ND?

15 A YES, I DID.

16 Q AND LOOKING AT THAT FIRST PAGE OF THAT
17 E-MAIL, IS THAT A FAIR AND ACCURATE COPY OF THE E-MAIL
18 THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE AND AT
19 THAT TIME?

20 A CORRECT.

21 Q AND IS THE SAME KELLEY.LYNCH E-MAIL
22 ADDRESS THE SENDER?

23 A IT IS, YES.

24 Q OKAY. AND IS THERE AN S. COOLEY -- IS AN
25 S. COOLEY ONE OF THE RECIPIENTS?

26 A YES, S. COOLEY IS A RECIPIENT.

27 Q WHAT IS THE SUBJECT, MR. COHEN, OF THAT
28 E-MAIL?

1 A AND, YES -- OH, SUBJECT. RE: AND, YES,
2 LEONARD COHEN DOES HAVE A SMALL, IF NOT NONEXISTENT,
3 PENIS.

4 Q CAN YOU READ THE FIRST SENTENCE IN THAT
5 E-MAIL, MR. COHEN?

6 A THE FIRST SENTENCE IN THE E-MAIL?

7 Q WELL, LET ME -- LET ME SHOW YOU THE PART.
8 YES, THE FIRST SENTENCE. IT SAYS, GLEN.

9 A "GLEN, MICHAEL ASKED THE CRUCIAL -- THE
10 CRUCIAL QUESTION THIS WEEK. DOES COHEN, WHO WOULD HAVE
11 ME READ BUSINESS LEGAL DOCUMENTS WHILE HE WAS IN THE
12 BUBBLE BATH, DOES HAVE A SMALL PENIS."

13 Q THANK YOU, MR. COHEN.

14 DO YOU RECALL WHETHER OR NOT YOU RECEIVED
15 AN E-MAIL FROM MS. LYNCH ON THE DATE OF DECEMBER 23RD,
16 2011 AT 7:08 P.M.?

17 A I BELIEVE I DID, BUT I'D HAVE TO CHECK
18 IT.

19 Q OKAY. LOOK OVER THE FIRST PART OF IT,
20 THE HEADER PART. YOU DON'T NEED TO READ THE TEXT,
21 MR. COHEN.

22

23 (PAUSE.)

24

25 A YES.

26 Q OKAY. DID YOU -- DO YOU RECALL -- DID
27 YOU RECEIVE AN E-MAIL FROM MS. LYNCH ON DECEMBER 23RD,
28 2011?

1 A YES, I DID.

2 Q OKAY. ARE YOU ONE OF THE RECIPIENTS OF
3 THAT E-MAIL?

4 A YES, MA'AM, I AM.

5 Q ARE YOUR ATTORNEYS COPIED IN ON THAT
6 E-MAIL?

7 A YES, THEY ARE.

8 Q IS AN S. COOLEY COPIED IN ON THAT E-MAIL?

9 A YES.

10 Q WERE THOSE THE ONLY RECIPIENTS OF THAT
11 E-MAIL?

12 A THERE ARE MANY RECIPIENTS.

13 Q OKAY. WAS THE IRS ONE OF THE RECIPIENTS?

14 A I'M SORRY?

15 Q IRS.

16 A YES, THE IRS IS A RECIPIENT.

17 Q OKAY.

18 MR. KELLY: OBJECTION; FOUNDATION.

19 THE COURT: OVERRULED.

20 BY MS. STREETER:

21 Q OKAY. WHO'S THE SENDER OF THE E-MAIL?

22 A KELLEY LYNCH.

23 Q OKAY. IT'S THE SAME E-MAIL THAT YOU'VE
24 MENTIONED PREVIOUSLY?

25 A YES, MA'AM, IT IS.

26 Q AND WHEN YOU RECEIVED THAT E-MAIL FROM
27 MS. LYNCH ON DECEMBER 23RD, 2011 AT 7:08 P.M., DID YOU
28 SAVE THAT E-MAIL?

1 A YES, I DID.

2 Q OKAY. IS THE E-MAIL THAT THE PEOPLE ARE
3 SHOWING YOU, IS THAT A FAIR AND ACCURATE COPY OF THE
4 E-MAIL THAT YOU RECEIVED FROM MS. LYNCH ON APPROXIMATELY
5 DECEMBER 23RD, 2011?

6 A YES, IT IS.

7 Q WHAT IS THE SUBJECT LINE OF THE E-MAIL,
8 MR. COHEN?

9 A RE: AND, YES, LEONARD COHEN DOES HAVE A
10 SMALL, IF NONEXISTENT, PENIS.

11 Q DID YOU FIND IT ANNOYING TO RECEIVE SUCH
12 AN E-MAIL, MR. COHEN?

13 A IT IS ANNOYING TO RECEIVE VILE E-MAILS
14 REGULARLY.

15 Q DO YOU CONSIDER THAT A VILE E-MAIL?

16 A YES, I DO.

17 Q THE E-MAIL THAT THE PEOPLE JUST SHOWED
18 YOU, THE ONE ON DECEMBER 22ND, WERE YOU ANNOYED BY THAT
19 E-MAIL?

20 A BOTH BY THE VOLUME AND THE CONTENT.

21 Q OKAY. DURING THE TIME PERIOD OF
22 FEBRUARY 2011 THROUGH THE END OF JUNE 2011, WERE YOU
23 ANNOYED BY THE E-MAILS THAT YOU RECEIVED FROM MS. LYNCH?

24 A YES, VERY ANNOYING.

25 Q WERE YOU ANNOYED BY THE VOICE MAIL
26 MESSAGES THAT YOU RECEIVED BY MS. LYNCH DURING THAT TIME
27 PERIOD?

28 A ANNOYED AND ALARMED BY THE VOICE MAIL

1 MESSAGES.

2 MR. KELLY: OBJECTION; NONRESPONSIVE.

3 THE COURT: OVERRULED.

4 BY MS. STREETER:

5 Q FROM THE TIME PERIOD OF JULY 1, 2011 TO
6 THE END OF THE YEAR IN 2011, WERE YOU ANNOYED BY THE
7 E-MAILS THAT YOU RECEIVED FROM MS. LYNCH?

8 A YES, MA'AM.

9 Q OKAY. WERE YOU ANNOYED BY THE VOICE
10 MAILS THAT YOU RECEIVED FROM MS. LYNCH DURING THE TIME
11 PERIOD OF JULY 1, 2011 TO THE END OF THE YEAR 2011?

12 A YES, MA'AM.

13 MS. STREETER: NO FURTHER QUESTIONS.

14 THE COURT: OKAY. WE'LL PICK UP AT 1:30.

15 MR. KELLY: OKAY.

16 THE COURT: OKAY, LADIES AND GENTLEMEN, WE'RE
17 GOING TO BEGIN CROSS-EXAMINATION AT 1:30. PLEASE DON'T
18 DISCUSS THE CASE DURING LUNCH, AND I'LL SEE YOU RIGHT
19 PROMPTLY AT 1:30.

20 MS. STREETER: THANK YOU, YOUR HONOR.

21

22 (AT 12 P.M., A NOON RECESS WAS TAKEN
23 UNTIL 1:30 P.M. OF THE SAME DAY.)

24

25

26

27

28

1 CASE NUMBER: 2CA04539
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH
3 LOS ANGELES, CALIFORNIA; TUESDAY, APRIL 10, 2012
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861
6 TIME: P.M. SESSION
7 APPEARANCES:

8
9 THE DEFENDANT WITH HER COUNSEL,
10 MICHAEL KELLY AND NIKHIL RAMNANEY,
11 DEPUTY PUBLIC DEFENDERS
12 OF LOS ANGELES COUNTY;
13 SANDRA JO STREETER, DEPUTY CITY ATTORNEY,
14 REPRESENTING THE PEOPLE OF THE
15 STATE OF CALIFORNIA.

16
17 (THE FOLLOWING PROCEEDINGS WERE HELD
18 IN OPEN COURT IN THE PRESENCE OF THE
19 JURY:)

20
21 THE COURT: OKAY. ALL OUR JURORS ARE PRESENT.
22 WE ARE READY TO RESUME.

23 WHENEVER YOU ARE READY, MR. KELLY.

24 MR. KELLY: THANK YOU, YOUR HONOR.

25
26 LEONARD COHEN,
27 CALLED AS A WITNESS BY THE PEOPLE, RESUMED THE STAND AND
28 TESTIFIED FURTHER AS FOLLOWS:

1 CROSS-EXAMINATION

2 BY MR. KELLY:

3 Q GOOD AFTERNOON, MR. COHEN.

4 A GOOD AFTERNOON, SIR.

5 Q I THINK WE'RE IN THE HOME STRETCH NOW; IT
6 SHOULDN'T TAKE TOO MUCH LONGER. BUT I WANTED TO START,
7 BASICALLY, WHERE WE LEFT OFF IN TALKING ABOUT CERTAIN
8 E-MAILS.

9 MS. STREETER ASKED YOU ABOUT CERTAIN
10 E-MAILS. DO YOU REMEMBER THAT?

11 A YES. SHE ASKED ME ABOUT MANY.

12 Q NOW, ONE OF THESE E-MAILS THAT SHE
13 MENTIONED WAS SENT ON APRIL 18TH, 2011 AT AROUND
14 8:11 A.M.

15 MR. KELLY: MAY I APPROACH?

16 THE WITNESS: YES, SIR.

17 THE COURT: YOU CAN DO SO WITHOUT ASKING.

18 THANKS.

19 BY MR. KELLY:

20 Q NOW, MR. COHEN, DO YOU REMEMBER
21 TESTIFYING ABOUT THAT E-MAIL?

22 A I'M SORRY?

23 Q DO YOU REMEMBER TESTIFYING ABOUT THAT
24 E-MAIL?

25 A YES, I BELIEVE I DID.

26 Q OKAY. AND WHEN YOU TESTIFIED ABOUT THAT
27 E-MAIL, YOU SAID THAT YOU REMEMBER RECEIVING THAT
28 E-MAIL?

1 A I THINK I DID.

2 Q CAN YOU POINT OUT WHERE EXACTLY ON THE
3 LIST OF RECIPIENTS THAT YOUR E-MAIL ADDRESS SHOWS UP?

4 A PERHAPS I MISSED THIS ONE.

5 Q OKAY. BUT YOU DID TESTIFY, THOUGH, THAT
6 YOU REMEMBER RECEIVING THAT E-MAIL, CORRECT? DO YOU
7 REMEMBER TESTIFYING TO THAT?

8 A I BELIEVE I DID.

9 Q OKAY. WERE YOU WRONG WHEN YOU -- DID YOU
10 MISSPEAK WHEN YOU SAID THAT?

11 A I HAVEN'T CHECKED EVERY ADDRESS.

12 Q OKAY. YOU CAN TAKE A MOMENT --

13 A IT'S VERY SMALL.

14 Q TAKE ALL THE TIME THAT YOU NEED.

15 A IF YOU SAY IT'S NOT ON HERE, I UNDERSTAND
16 WHAT YOUR POINT WILL BE.

17 Q OKAY. AND THEN -- IF I MAY APPROACH.

18 A ONE MOMENT, PLEASE.

19

20 (PAUSE.)

21

22 THE WITNESS: YES.

23 BY MR. KELLY:

24 Q OKAY. AND SO YOU'VE HAD A CHANCE TO LOOK
25 OVER THAT E-MAIL, THE RECIPIENTS?

26 A YES.

27 Q AND YOUR E-MAIL IS NOT ON THAT, CORRECT?

28 A THAT'S CORRECT.

1 Q NOW, YOU ALSO MENTIONED THAT YOU REMEMBER
2 RECEIVING AN E-MAIL ON JULY 20TH, 2011 AT ABOUT
3 7:16 P.M. DO YOU REMEMBER TESTIFYING TO THAT E-MAIL
4 THAT YOU'RE LOOKING AT RIGHT NOW?

5 A I DON'T REMEMBER TESTIFYING TO EVERY --
6 THE DETAILS OF EVERY E-MAIL. NO, I DON'T.

7 Q OKAY. DO YOU WANT TO TAKE A LOOK AT IT
8 AND SEE IF IT'S THE SAME E-MAIL THAT YOU LOOKED AT
9 YESTERDAY?

10 A I CAN'T BE CERTAIN IF IT IS THE SAME
11 E-MAIL I LOOKED AT YESTERDAY.

12 Q OKAY. SO YOU DON'T REMEMBER YESTERDAY
13 SAYING THAT YOU REMEMBER RECEIVING AN E-MAIL THAT WAS
14 SENT ON JULY 20TH, 2011 AT ABOUT 7:16 P.M.?

15 A WITH ALL DUE RESPECT, I WAS ASKED TO
16 VERIFY MANY E-MAILS. I CAN'T TESTIFY IN TRUTH THAT I
17 REMEMBER EVERY ONE THAT YOU'RE BRINGING TO MY ATTENTION.

18 Q OKAY. WELL, YOU REMEMBER SAYING -- AT
19 ONE POINT, YOU LOOKED AT THE JURY AND SAID OH, THIS ONE
20 IS A LONG ONE. DO YOU REMEMBER THAT?

21 A YES, I DO REMEMBER THAT.

22 Q WOULD IT BE FAIR TO SAY THAT THIS IS THE
23 E-MAIL THAT YOU WERE REFERRING TO WHEN YOU SAID IT?

24 A I CAN'T SAY FOR SURE IF IT IS.

25 Q BUT THIS ONE IS A LONG ONE, CORRECT, THE
26 ONE THAT YOU'RE LOOKING AT RIGHT NOW?

27 A YES, IT'S A LONG ONE.

28 Q AND ON -- NOW, YOU SAID IT'S ABOUT 50

1 PAGES, CORRECT?

2 A I DON'T KNOW HOW MANY PAGES IT IS.

3 Q OKAY. CAN YOU ESTIMATE HOW MANY PAGES IT
4 IS?

5 A HOW MANY PAGES IS IT?

6 Q DO YOU REMEMBER SAYING THAT IT WAS AROUND
7 50 PAGES?

8 A NO, I DON'T REMEMBER SAYING THAT. I SAID
9 IT WAS 47 PAGES, THE OTHER ONE.

10 Q OKAY. NOW, OF THOSE 47 PAGES --

11 A I DON'T KNOW IF IT'S 47 PAGES HERE. I'M
12 SORRY.

13 Q HOW MANY PAGES DOES IT LOOK LIKE TO YOU?

14 A I CAN'T ESTIMATE HOW MANY PAGES.

15 MS. STREETER: OBJECTION; CALLS FOR SPECULATION.

16 THE COURT: SUSTAINED.

17 THE WITNESS: I CAN'T ESTIMATE HOW MANY PAGES.

18 THERE IS A NUMBER OF PAGES.

19 BY MR. KELLY:

20 Q OF THOSE PAGES, HOW MANY OF THEM ARE THE
21 ACTUAL NEW E-MAIL THAT WAS SENT?

22 MS. STREETER: OBJECTION; VAGUE AS TO WHICH
23 E-MAIL.

24 THE WITNESS: I DON'T UNDERSTAND THE QUESTION.

25 BY MR. KELLY:

26 Q OKAY. DO YOU -- DO YOU UNDERSTAND THAT
27 WITH E-MAILS, SOMETIMES YOU SAID THERE WERE THREADS OF
28 E-MAILS?

1 A CORRECT.

2 Q AND WHAT DID YOU MEAN BY THREADS OF
3 E-MAILS?

4 A I MEAN E-MAILS THAT WERE ATTACHED ONE TO
5 ANOTHER.

6 Q OKAY. AND THE OTHER E-MAILS THAT WERE
7 ATTACHED, THOSE WOULD BE PREVIOUS E-MAILS, CORRECT --

8 A YES.

9 Q -- THAT WERE ATTACHED?

10 NOW, OF THOSE PAGES THAT YOU'RE LOOKING
11 AT, HOW MANY ARE THE NEW E-MAIL, NOT A PREVIOUS E-MAIL,
12 OF THE PAGES THAT YOU HAVE ON THAT PAGE?

13 A WELL, SIR, I'D HAVE TO EXAMINE EVERY PAGE
14 TO BE ABLE TO --

15 Q GO AHEAD AND, IF YOU CAN, DO THAT.

16

17 (PAUSE.)

18

19 BY MR. KELLY:

20 Q AND I'LL STOP YOU RIGHT NOW. ISN'T IT
21 TRUE THAT ON THAT FIRST PAGE -- IT STARTS TALKING -- IT
22 STARTS -- ON THE BOTTOM OF THAT FIRST PAGE, IT
23 REFERENCES -- IT STARTS GOING TO ANOTHER PREVIOUS E-MAIL
24 IN THE THREAD?

25 A I'M SORRY, SIR. I'M CONFUSED AS TO WHAT
26 YOU'RE TRYING TO DETERMINE.

27 Q OKAY. ON THE E-MAIL THAT WAS DATED
28 JULY 20TH, 2011 --

1 A YES.

2 Q -- IT STARTS, THE CURRENT E-MAIL STARTS
3 WITH, HELLO, SHARMAPA, CORRECT? NOW, HOW LONG DOES IT
4 GO UNTIL YOU SEE THE VERY END OF THAT E-MAIL THAT SAYS,
5 LOVE, KELLEY?

6 A THE FIRST PAGE.

7 Q OKAY. AND THEN THE REST OF THOSE PAGES,
8 THOSE WOULD BE OTHER E-MAILS THAT WERE SENT AT DIFFERENT
9 TIMES AND DIFFERENT DATES, CORRECT?

10 A RIGHT.

11 Q OKAY. NOW LET ME GO BACK TO ANOTHER ONE.
12 I APOLOGIZE.

13 A MAY I SAY SOMETHING?

14 Q SHE'LL HAVE A CHANCE TOO.

15 A OKAY.

16 Q OKAY. NOW I'LL TAKE THIS BACK.

17 NOW, DO YOU REMEMBER YESTERDAY, YOU WERE
18 TESTIFYING AS TO THE DATES THAT YOU RECEIVED CERTAIN
19 PHONE MESSAGES, CORRECT?

20 A YES, SIR.

21 Q AND YOU REMEMBER THAT YOU WERE LISTENING
22 TO ONE THAT WAS FROM MARCH 12, 2011, CORRECT?

23 A I BELIEVE SO. BUT, AGAIN, THERE WERE SO
24 MANY. TO IDENTIFY THEM, EACH ONE, I CAN'T TESTIFY TO
25 THE ACCURACY OF MY MEMORY.

26 Q OKAY. WELL, DO YOU REMEMBER TESTIFYING
27 TO ONE THAT YOU SAID WAS MARCH OF 2012 AND IN FACT IT
28 WAS MARCH OF 2011?

1 A IT MAY BE SO.

2 Q YOU DON'T REMEMBER TESTIFYING TO THAT?

3 A IT'S VERY DIFFICULT FOR ME TO RECALL,
4 WITH THE VOLUME OF E-MAILS AND VOICE MAILS THAT WAS
5 PRESENTED TO ME, EXACTLY WHAT I AFFIRMED.

6 Q OKAY. AND YOU DON'T REMEMBER SAYING
7 PERHAPS I GOT IT WRONG?

8 A YES. PERHAPS I GOT IT WRONG.

9 Q OKAY. SO YOU WOULD AGREE WITH ME THAT
10 PERHAPS YOU GOT IT WRONG AS TO THE DATE?

11 A YES, SIR.

12 Q THAT INSTEAD OF HAPPENING THREE WEEKS
13 AGO, IT HAPPENED OVER A YEAR AGO THAT YOU RECEIVED THAT
14 VOICE MAIL?

15 A YES, SIR.

16 Q OKAY. NOW I WANT TO TALK TO YOU A LITTLE
17 BIT ABOUT YOUR RELATIONSHIP WITH MS. LYNCH. NOW, YOU --
18 ACTUALLY, YOU HIRED HER TO BE YOUR PERSONAL MANAGER IN
19 1988, CORRECT?

20 A NO.

21 Q WELL, WHEN DID YOU HIRE HER?

22 A I HIRED HER TO BE MY BUSINESS MANAGER.

23 Q IN WHAT YEAR?

24 A I THINK IT WAS 1988 OR '89.

25 Q OKAY. WHAT EXACTLY IS A BUSINESS
26 MANAGER? WHAT WAS THE ROLE OF A BUSINESS MANAGER?

27 A TO TAKE CARE OF ALL MY BUSINESS AFFAIRS.

28 Q OKAY. DID YOU HAVE ANYONE ELSE THAT

1 WOULD ASSIST YOU WITH YOUR -- WITH YOUR BUSINESS?

2 A ANYONE WHO ASSISTED ME WITH THE BUSINESS
3 WAS HIRED OR ENGAGED BY MS. LYNCH.

4 Q OKAY. SO ANY ACCOUNTANTS WOULD HAVE BEEN
5 HIRED BY MS. LYNCH?

6 A CORRECT.

7 Q AND WOULD THAT NOT HAVE BEEN ANY OF
8 YOUR -- WOULD YOU NOT HAVE HAD ANY INPUT IN THAT?

9 A VERY LITTLE, IF NOT NONE.

10 Q OKAY. WHO WAS YOUR MANAGER PRIOR TO
11 MS. LYNCH?

12 A MR. MARTIN MACHAT.

13 Q OKAY. AND MR. MARTIN MACHAT, HE WAS
14 ACTUALLY -- HE WAS AN ATTORNEY, CORRECT?

15 A YES, SIR.

16 Q AND HE HAD -- AND HE SPECIALIZED IN TAX
17 LAW, TOO, CORRECT?

18 A I DON'T KNOW. I DON'T THINK HE DID, NO.

19 Q OKAY. NOW, MS. LYNCH, SHE WASN'T A
20 LAWYER, CORRECT?

21 A NO, MS. LYNCH IS NOT A LAWYER.

22 Q AND MS. LYNCH WASN'T -- SHE DOESN'T HAVE
23 A MASTER'S OR ANYTHING IN BUSINESS OR IN FINANCE, TO
24 YOUR KNOWLEDGE?

25 A TO MY KNOWLEDGE, SHE HAD EXPERIENCES OF
26 PARALEGAL AND SHE SAID THAT SHE HAD ATTENDED CLASSES AT
27 WHARTON, WHICH IS A BUSINESS SCHOOL.

28 Q OKAY. AND THIS IS -- YOU -- THIS WAS THE

1 PERSON THAT YOU HIRED TO MANAGE ALL OF YOUR ACCOUNTS?

2 A YES, SIR.

3 Q AND HOW ACTIVE WERE YOU IN MANAGING YOUR
4 ACCOUNTS?

5 A VERY INACTIVE.

6 Q OKAY. WOULD YOU EVER GET E-MAILS?

7 A WOULD I EVER GET E-MAILS?

8 Q ABOUT YOUR ACCOUNTS, ABOUT YOUR FINANCES.

9 A YES, SIR, I DID.

10 Q OKAY. SO WOULD YOU EVER READ THOSE
11 E-MAILS?

12 A YES.

13 Q OKAY. SO YOU STAYED UP TO DATE WITH YOUR
14 FINANCES, CORRECT?

15 A MS. LYNCH WOULD REPORT TO ME FROM TIME TO
16 TIME, ALTHOUGH THE DETAILS OF THE OPERATIONS WERE NOT
17 SHARED WITH ME.

18 Q SO YOU HAD KIND OF A HANDS-OFF APPROACH?

19 A CORRECT, SIR.

20 Q NOW, IN 1998 YOU ACTUALLY -- YOU PROMOTED
21 HER, IN ESSENCE, CORRECT?

22 A I DON'T UNDERSTAND WHAT YOU MEAN.

23 Q YOU GAVE HER A RAISE IN 1998?

24 A I DON'T KNOW IF I GAVE A RAISE OR NOT.
25 SHE HANDLES ALL THOSE AFFAIRS.

26 Q SO YOU HAVE NO IDEA IF YOU RAISED YOUR
27 AGREEMENT WITH HER WHERE SHE WOULD RECEIVE 10 PERCENT OF
28 PROFITS, AND YOU RAISED THAT UP TO 15 PERCENT?

1 A I DON'T RECALL THE MOMENT THAT THAT TOOK
2 PLACE, ALTHOUGH IT DID TAKE PLACE OVER THE YEARS.

3 Q OKAY. SO YOU WOULD AGREE WITH ME THAT,
4 THROUGH TIME, YOU WERE TRUSTING MS. LYNCH WITH
5 EVERYTHING?

6 A THROUGH TIME I ENTRUSTED HER IMPLICITLY
7 WITH ALL MY AFFAIRS.

8 Q OKAY. AND YOU GAVE HER A POWER OF
9 ATTORNEY?

10 A THAT'S CORRECT.

11 Q NOW, YOU WOULD AGREE WITH ME THAT
12 MS. LYNCH, SHE KNEW YOU VERY WELL?

13 A CORRECT.

14 Q AND YOU WOULD TALK OFTEN?

15 A YES, WE WOULD TALK.

16 Q AND HOW OFTEN WOULD YOU TALK?

17 A WE WOULD TALK ALMOST EVERY DAY.

18 Q OKAY. WOULD YOU BE WORKING IN THE SAME
19 BUILDING?

20 A SOMETIMES WE WORKED IN THE SAME BUILDING.

21 Q SO YOU WOULD BE COMMUNICATING MOSTLY
22 THROUGH HOW, VOICE MAILS OR PHONE CALLS?

23 A WE COMMUNICATED FACE TO FACE, THROUGH
24 TELEPHONE CALLS AND LATER THROUGH E-MAILS.

25 Q AND HOW MUCH WOULD YOU SAY THAT YOU
26 ACTUALLY CONTACTED MS. LYNCH ON A DAILY BASIS?

27 A WE WERE IN TOUCH ON A DAILY BASIS.

28 Q OKAY. NOW, YOU ALSO MENTIONED EARLIER

1 THAT THERE WAS A BRIEF INTIMATE RELATIONSHIP BETWEEN YOU
2 AND MS. LYNCH, CORRECT?

3 A THAT'S CORRECT.

4 Q NOW, BEING THAT SHE WAS YOUR BUSINESS
5 MANAGER, YOU WOULDN'T SAY THAT THAT WAS PROBABLY THE
6 BEST IDEA, TO HAVE A ROMANTIC RELATIONSHIP WITH YOUR
7 BUSINESS PARTNER, CORRECT?

8 MS. STREETER: OBJECTION; RELEVANCE, YOUR HONOR.

9 THE COURT: OVERRULED.

10 THE WITNESS: I DON'T THINK IT GOES TO THE
11 DESCRIPTION OF ROMANTIC.

12 BY MR. KELLY:

13 Q OKAY. BUT IT WAS A SEXUAL RELATIONSHIP,
14 CORRECT?

15 A IT WAS AN INTIMATE RELATIONSHIP, YES.

16 Q WAS IT A SEXUAL RELATIONSHIP?

17 A IT INVOLVED A SEXUAL -- YES.

18 Q NOW, IT WAS -- IT WAS ACTUALLY SPANNING
19 YEARS, CORRECT?

20 A I'M SORRY?

21 Q IT ACTUALLY SPANNED YEARS, CORRECT?

22 A I DON'T KNOW HOW LONG IT SPANNED, SIR.

23 Q OKAY. BUT YOU WOULD AGREE WITH ME THAT
24 IT WAS ON AND OFF FOR A PERIOD OF TIME?

25 A YES, SIR.

26 Q NOW, WHY DID THAT -- THAT PART OF THE
27 RELATIONSHIP, WHAT YOU CALLED THE INTIMATE PART OF THE
28 RELATIONSHIP, WHY DID THAT END OR WHEN DID THAT END?

1 THE COURT: THOSE ARE TWO DIFFERENT QUESTIONS.

2 MR. KELLY: I'LL GO WITH THE LATTER.

3 BY MR. KELLY:

4 Q WHEN DID IT END?

5 A I DON'T REMEMBER EXACTLY WHEN IT ENDED.

6 LIKE MANY RELATIONSHIPS, IT -- IT JUST DISSOLVED.

7 Q BUT IT'S FAIR TO SAY THAT IT ENDED BEFORE
8 YOUR BUSINESS RELATIONSHIP ENDED, CORRECT?

9 A THAT'S CORRECT.

10 Q OKAY. AND DO YOU KNOW WHY IT ENDED?

11 A I WOULD SAY THAT PART OF THE RELATIONSHIP
12 EXHAUSTED ITSELF AND DISSOLVED NATURALLY.

13 Q OKAY. BUT YOU STILL FELT COMFORTABLE
14 ENOUGH WITH MS. LYNCH AFTER IT ENDED TO HAVE -- TO
15 CONTINUE THAT BUSINESS RELATIONSHIP, CORRECT?

16 A THAT'S CORRECT, SIR.

17 Q OKAY. NOW, DO YOU REMEMBER TESTIFYING ON
18 MARCH 23RD AT ANOTHER HEARING?

19 A MARCH 23RD, YES.

20 Q OF THIS YEAR. YOU WERE IN THIS
21 COURTHOUSE TESTIFYING, CORRECT?

22 A THAT IS CORRECT.

23 Q NOW, YOU WERE ASKED IF THIS WAS -- IF
24 YOUR RELATIONSHIP WITH MS. LYNCH WAS PURELY A BUSINESS
25 RELATIONSHIP. DO YOU REMEMBER THAT?

26 A I DID.

27 Q AND YOU ACTUALLY SAID THAT IT WAS, YES,
28 PURELY A BUSINESS RELATIONSHIP?

1 A I HAVE SAID REPEATEDLY THAT THERE WAS AN
2 INTIMATE RELATIONSHIP, BUT THE LADY DENIES IT. SO I DID
3 NOT WANT TO INSIST.

4 Q I'M NOT ASKING YOU ABOUT WHAT MS. LYNCH
5 SAID. I'M ASKING ABOUT WHAT YOU SAID.

6 YOU SAID THAT YES, THAT IT WAS PURELY A
7 BUSINESS RELATIONSHIP, CORRECT?

8 A MAY I EXPLAIN?

9 Q I'M JUST ASKING FOR IF THAT'S WHAT YOU
10 SAID ON MARCH 23RD.

11 A YES.

12 Q IN FACT, YOU WERE ASKED A FOLLOW-UP
13 QUESTION THAT -- ASKING YOU IF THAT WAS THE EXTENT OF
14 IT, AND AGAIN YOU SAID YES, THAT WAS THE EXTENT OF IT,
15 CORRECT?

16 A CORRECT.

17 Q NOW, YOUR BUSINESSES RELATIONSHIP ENDED
18 IN OCTOBER OF 2004, CORRECT?

19 A CORRECT.

20 Q AND THAT WOULD BE FAIR TO SAY THAT'S WHEN
21 YOUR PERSONAL RELATIONSHIP ENDED AS WELL?

22 A CORRECT.

23 Q NOW, HOW MANY TIMES SINCE 2004 HAVE YOU
24 ACTUALLY SEEN MS. LYNCH, NOT INCLUDING THIS CASE?

25 A I HAVEN'T SEEN HER SINCE THAT PERIOD.

26 Q OKAY. SO NOT ONE TIME?

27 A NOT THAT I REMEMBER.

28 Q OKAY. NOW, IN THAT SPAN SINCE OCTOBER OF

1 2004 TO TODAY, DO YOU KNOW WHERE MS. LYNCH WAS LIVING?

2 A YES, I DO.

3 Q AND WHERE WAS SHE LIVING?

4 A SHE WAS LIVING IN MANY PLACES, SIR,
5 BECAUSE SHE SENT ME REPEATED E-MAILS IN WHICH SHE WOULD
6 DESCRIBE HER SITUATION.

7 Q OKAY. SO YOU WERE AWARE THAT SHE DURING
8 THAT PERIOD LIVED IN NEW JERSEY, CORRECT?

9 A CORRECT.

10 Q AND YOU TESTIFIED THAT SHE LIVED IN
11 COLORADO, CORRECT?

12 A CORRECT.

13 Q YOU WERE AWARE THAT SHE LIVED IN FORT
14 LAUDERDALE, FLORIDA, CORRECT?

15 A YES, SIR.

16 Q NOW, YOU ALSO WERE AWARE THAT RECENTLY
17 SHE WAS LIVING IN BERKELEY, CALIFORNIA, CORRECT?

18 A CORRECT.

19 Q IN FACT, YOU ACTUALLY -- YOU HIRED
20 SOMEONE TO FIND OUT WHERE SHE WAS -- TO FIND OUT HER
21 WHEREABOUTS, CORRECT?

22 A CORRECT.

23 Q YOU HIRED AN INVESTIGATOR?

24 A CORRECT.

25 Q AND THAT INVESTIGATOR TOLD YOU, I BELIEVE
26 IN FEBRUARY 2011, THAT SHE WAS LIVING IN BERKELEY,
27 CALIFORNIA, CORRECT?

28 A YES, SIR.

1 Q AND THAT'S ACTUALLY THE SAME INVESTIGATOR
2 THAT'S BEEN COMING TO COURT HERE, CORRECT?

3 A I'M SORRY?

4 Q THE SAME INVESTIGATOR THAT TOLD YOU WHERE
5 SHE WAS LIVING IN BERKELEY, HE'S BEEN IN COURT HERE,
6 CORRECT?

7 A NO, SIR.

8 Q IT'S BEEN A DIFFERENT PERSON?

9 A I DON'T KNOW WHO THE INVESTIGATOR WAS.

10 Q OKAY. BUT YOU WERE NOTIFIED THAT SHE WAS
11 LIVING IN BERKELEY, CALIFORNIA RECENTLY?

12 A YES, SIR.

13 Q OKAY. NOW, YOU ALSO MENTIONED, I BELIEVE
14 IT WAS ON FRIDAY, THAT YOU DON'T KNOW ABOUT TAX
15 INFORMATION, TAX STUFF, CORRECT?

16 A I DON'T HAVE A DETAILED GRASP OF THE
17 TAXATION SITUATION, NO, I DON'T.

18 Q OKAY. WHO HANDLED YOUR CORPORATE BOOKS
19 AT THE TIME, AS OF 2004?

20 A WHO WAS HANDLING IT?

21 Q WHO HANDLED YOUR CORPORATE ACCOUNTING,
22 YOUR CORPORATE BOOKS?

23 A A NUMBER OF PEOPLE HANDLED IT UNDER THE
24 DIRECTION OF MY -- OF MY LAWYER.

25 Q OKAY. AND ARE YOU AWARE OF WHO HANDLED
26 THAT INFORMATION, THAT TAX INFORMATION FOR YOU NOW?

27 A I'M NOT AWARE OF ALL THE PEOPLE INVOLVED,
28 NO.

1 Q OKAY. NOW, YOU ACTUALLY -- YOU SAID THAT
2 YOU WERE UNFAMILIAR WITH WHAT A K-1 WAS, CORRECT?

3 A YES, SIR.

4 Q OKAY. NOW, DO YOU KNOW WHAT A K-1 IS
5 NOW?

6 A I HAVE A PERFECT -- A SENSE OF WHAT IT
7 IS, BUT I WOULDN'T BE ABLE TO TEACH IT.

8 Q OKAY. AND IS IT FAIR TO SAY THAT YOU'VE
9 GOTTEN E-MAILS THROUGH THE YEARS REFERENCING A K-1?

10 A THAT'S CORRECT.

11 Q AND IT WAS JUST TWO WEEKS AGO THAT YOU
12 ACTUALLY WENT OUT TO FIND OUT WHAT A K-1 WAS, CORRECT?

13 A THAT'S CORRECT.

14 Q OKAY. AND YOU SAID YOU DON'T KNOW WHAT A
15 W-2 IS?

16 A I'M NOT CERTAIN.

17 Q OKAY. DO YOU KNOW WHO HANDLES THAT RIGHT
18 NOW FOR YOU?

19 A YES. IT'S HANDLED BY ACCOUNTANTS THAT
20 ARE SELECTED BY MY MANAGER.

21 Q NOW, SINCE YOU'VE BEEN RECEIVING E-MAILS
22 REQUESTING TAX INFORMATION, HAVE YOU CALLED THESE PEOPLE
23 TO SAY CAN YOU GET ME THIS TAX INFORMATION?

24 A WHO -- I'M SORRY. WHO AM I RECEIVING
25 REQUESTS FOR TAX INFORMATION FROM?

26 Q WELL, YOU'VE -- YOU'VE LISTENED TO SOME
27 OF THESE PHONE CALLS, CORRECT, THESE VOICE MAILS?

28 A YES, SIR.

1 Q AND YOU'VE READ SOME OF THESE E-MAILS,
2 CORRECT?

3 A CORRECT.

4 Q AND SO IT WOULD BE FAIR TO SAY THAT THERE
5 WAS TAX INFORMATION THAT WAS REQUESTED BY MS. LYNCH,
6 CORRECT?

7 A HIDDEN IN THE VOLUME OF THE E-MAILS THERE
8 WAS A REQUEST FOR TAX INFORMATION WHICH MS. LYNCH
9 ALREADY HAD.

10 MR. KELLY: OBJECTION; LACK OF PERSONAL
11 KNOWLEDGE.

12 THE COURT: OVERRULED.
13 BY MR. KELLY:

14 Q OKAY. I'M ASKING YOU IF YOU WERE -- AND
15 IF YOU COULD JUST TRY TO LIMIT YOUR ANSWER TO THE
16 QUESTION -- THERE WAS INFORMATION -- THERE WERE REQUESTS
17 IN THOSE E-MAILS FOR TAX INFORMATION, CORRECT?

18 A YES, SIR.

19 Q WHAT DID YOU DO SINCE YOU GOT THOSE
20 E-MAILS TO GIVE THOSE DOCUMENTS TO MS. LYNCH? I'M
21 ASKING WHAT YOU DID.

22 A I -- I BROUGHT THOSE E-MAILS TO THE
23 ATTENTION OF MY LAWYER AND, EVENTUALLY, TO THE POLICE.

24 Q OKAY. DID YOU EVER BRING THAT ATTENTION
25 TO WHOEVER HANDLED YOUR TAXES?

26 A YES, SIR. AND IT WAS DETERMINED BY TWO
27 COURTS OF THIS COUNTRY AND THE IRS THAT --

28 MR. KELLY: OBJECTION, YOUR HONOR,

1 NONRESPONSIVE.

2 THE WITNESS: NO. IT WAS DETERMINED, SIR, THAT
3 I HAD NO TAX RESPONSIBILITY IN REGARD TO MS. LYNCH. THE
4 TWO COURTS HAD DECIDED THAT MONEY HAD BEEN TAKEN FROM
5 ME.

6 MR. KELLY: OBJECTION, YOUR HONOR,
7 NONRESPONSIVE.

8 THE COURT: OVERRULED.

9 THE WITNESS: TWO COURTS HAD GIVEN ME A
10 DEFAULT -- OR ONE COURT HAD GIVEN ME A DEFAULT JUDGMENT;
11 THE OTHER COURT AFFIRMED THAT DEFAULT JUDGMENT. BUT,
12 MORE SIGNIFICANTLY, THE IRS ACCEPTED THE RESULTS OF THAT
13 DEFAULT JUDGMENT AND AWARDED ME A TAX REFUND, SO
14 MS. LYNCH HAD NO CAUSE TO ASK ME FOR ANY TAXATION
15 INFORMATION.

16 THE FORENSIC REPORT ON WHICH THE DEFAULT
17 JUDGMENTS WERE MADE WERE VERY SPECIFIC AND MS. LYNCH HAS
18 READ THEM. THAT IS THE FORENSIC REPORT THAT MS. LYNCH
19 HAS BEEN ASKING FOR. THE ONLY PROBLEM IS SHE DOESN'T
20 LIKE THE RESULTS.

21 BY MR. KELLY:

22 Q OKAY. SO DO YOU REMEMBER WHAT MY
23 QUESTION WAS?

24 MS. STREETER: OBJECTION; ARGUMENTATIVE, YOUR
25 HONOR.

26 THE COURT: SUSTAINED.

27 BY MR. KELLY:

28 Q I'M ASKING YOU IF --

1 THE COURT: WHY DON'T YOU REASK THE QUESTION IF
2 YOU DON'T THINK IT'S BEEN ANSWERED.

3 BY MR. KELLY:

4 Q DID YOU TALK TO YOUR MANAGER WHO HANDLES
5 YOUR TAX TO REQUEST THOSE DOCUMENTS FROM 2001 TO 2004?

6 A NO, SIR.

7 Q OKAY. DID YOU GO ABOUT SEEING ABOUT THE
8 K-1 THAT WAS BEING REQUESTED; YES OR NO?

9 A NO, SIR.

10 Q DID YOU GO AND GIVE THEM MS. LYNCH'S
11 INFORMATION FOR YOU TO SEND THAT INFORMATION TO?

12 A NO, SIR.

13 Q AND WE'LL GET BACK TO -- TO THAT JUDGMENT
14 AT A LATER TIME.

15 NOW, YOU ALSO HAVE ATTORNEYS NOW,
16 CORRECT? YOU'VE HIRED SOME ATTORNEYS? YOU HAVE
17 ATTORNEYS, CORRECT?

18 A YES, SIR.

19 Q AND WHAT ARE THEIR NAMES?

20 A THEIR NAMES ARE ROBERT KORY AND MICHELLE
21 RICE.

22 Q OKAY. NOW, HOW LONG HAVE THEY BEEN YOUR
23 COUNSEL?

24 A HAVE THEY BEEN --

25 Q HOW LONG HAVE THEY BEEN YOUR ATTORNEYS?

26 A SINCE -- MR. KORY HAS BEEN MY ATTORNEY
27 SINCE 2004 --

28 Q OKAY. AND --

1 A -- AND MS. RICE SINCE 2005, I BELIEVE.

2 Q WOULD IT BE FAIR TO SAY THAT YOUR
3 PROFESSIONAL RELATIONSHIP HAS ALSO BECOME A PERSONAL
4 RELATIONSHIP WITH THESE ATTORNEYS? YOU'RE FRIENDS WITH
5 THEM?

6 A I TRY TO BE FRIENDLY WITH ALL MY
7 RELATIONSHIPS.

8 Q OKAY. AND YOU ACTUALLY HAVE AN OFFICE IN
9 THE SAME BUILDING, CORRECT?

10 A YES, SIR.

11 Q HOW MUCH DO YOU PAY YOUR ATTORNEYS?

12 MS. STREETER: OBJECTION; RELEVANCE.

13 THE COURT: SUSTAINED.

14 BY MR. KELLY:

15 Q ARE YOUR ATTORNEYS -- ARE THEY ON
16 RETAINER OR HOW DOES THAT WORK?

17 MS. STREETER: OBJECTION; RELEVANCE.

18 THE COURT: SUSTAINED.

19 MR. KELLY: YOUR HONOR, MAY I BE HEARD?

20 THE COURT: NO.

21 BY MR. KELLY:

22 Q YOU'RE AWARE THAT YOUR ATTORNEYS ARE
23 WITNESSES IN THIS CASE, CORRECT?

24 A YES, SIR.

25 Q ARE THEY BEING PAID FOR THEIR TIME IN
26 COURT?

27 MS. STREETER: OBJECTION; RELEVANCE.

28 THE COURT: OVERRULED.

1 THE WITNESS: I DON'T KNOW. ARE THEY BEING PAID
2 TO COME HERE?

3 BY MR. KELLY:

4 Q YES.

5 A I DON'T THINK SO.

6 Q OKAY. AND YOU SAID YOU DON'T KNOW. WHY
7 DID YOU SAY YOU DON'T KNOW?

8 A WELL, I DON'T KNOW. BUT I ASSUME THAT
9 THEY'RE NOT BEING PAID.

10 Q OKAY. BUT, AGAIN, YOU DON'T KNOW,
11 CORRECT?

12 A CORRECT.

13 Q NOW, DO THEY SEEK YOUR APPROVAL IN ACTING
14 ON YOUR BEHALF FOR ALL THAT THEY DO OR DO YOU KIND OF
15 GIVE THEM LEEWAY?

16 A NO, THEY ALWAYS DISCUSS THE MATTER WITH
17 ME.

18 Q OKAY. HAVE YOU TALKED TO YOUR ATTORNEYS
19 ABOUT TESTIFYING?

20 A NOT SINCE THE TRIAL BEGAN.

21 Q AND PRIOR TO YOUR TESTIMONY, DID YOU TALK
22 ABOUT WHAT YOUR TESTIMONY WOULD BE AND HOW YOU WOULD
23 TESTIFY?

24 A NO, NOT WHAT MY TESTIMONY WOULD BE. NO,
25 NOT AT ALL.

26 Q NOW I WANT TO TALK TO YOU ABOUT THIS
27 ISSUE IN 2004. YOU HAD A FINANCIAL CRISIS, CORRECT?

28 A THAT'S RIGHT, SIR.

1 Q AND YOU -- YOU HAD A COMPANY THAT'S
2 CALLED TRADITIONAL HOLDINGS, CORRECT?

3 A CORRECT.

4 Q NOW, THIS COMPANY, YOU CREATED THIS
5 COMPANY BEFORE YOU SOLD COPYRIGHTS TO SONY, CORRECT?

6 A I DON'T KNOW.

7 Q OKAY. DO YOU KNOW WHY YOU CREATED THIS
8 COMPANY?

9 A NO, NOT REALLY.

10 Q OKAY. SO YOU HAD NO INVOLVEMENT WITH THE
11 CREATION OF THE COMPANY?

12 A I WASN'T -- IT WAS -- IT WAS CREATED IN
13 SOME -- SOME TAX PURPOSES. I ASKED TWO QUESTIONS WHEN
14 IT WAS CREATED. I ASKED: IS IT LEGAL AND IS IT SAFE?

15 Q AND WHAT WERE THE ANSWERS TO THOSE
16 QUESTIONS?

17 A THE QUESTIONS' ANSWERS WERE YES.

18 BUT, SIR, ALL THESE MATTERS --

19 MR. KELLY: OBJECTION; NO QUESTION PENDING.

20 THE COURT: JUST WAIT FOR A QUESTION.

21 BY MR. KELLY:

22 Q NOW, YOU AGREE WITH ME THAT YOU CREATED
23 THIS COMPANY, TRADITIONAL HOLDINGS, FOR TAX PURPOSES,
24 CORRECT?

25 A I DON'T KNOW, SIR. IT WAS CREATED AND I
26 ASKED TWO QUESTIONS CONCERNING THE CREATION.

27 Q OKAY. NOW, YOU WERE AWARE THAT
28 99.5 PERCENT OF THAT COMPANY WAS OWNED BY MS. LYNCH,

1 CORRECT?

2 A THAT WAS A MISTAKE AND IT WAS RECTIFIED
3 BY THE LAWYER WHO DREW UP THE PAPERS. AND IN
4 ARBITRATION A SUBSTANTIAL SUM OF MONEY WAS AWARDED ME
5 FOR HIS MISTAKE.

6 Q AND THAT LAWYER'S NAME?

7 A RICHARD WESTIN.

8 Q AND YOU HAD ARBITRATION WITH HIM?

9 A THAT'S CORRECT.

10 Q AND WHEN DID YOU HAVE THAT ARBITRATION?

11 A I DON'T REMEMBER THE EXACT DATE. I THINK
12 IT WAS PERHAPS 2007.

13 Q NOW, YOU LEARNED IN 2004 THAT YOUR --
14 THAT THE ACCOUNT, THAT TRADITIONAL HOLDINGS ACCOUNT, THE
15 MONEY -- THAT YOU WERE RUNNING LOW, CORRECT?

16 A I WAS RUNNING LOW --

17 Q THAT FUNDS IN THAT ACCOUNT, THAT
18 TRADITIONAL HOLDINGS ACCOUNT, THEY WERE RUNNING LOW; YES
19 OR NO? DO YOU REMEMBER THAT?

20 A I -- I DISCOVERED THAT THEY WERE BEING
21 DISSIPATED.

22 Q OKAY. NOW, YOU PANICKED, CORRECT?

23 A I WAS CONCERNED, YES.

24 Q AND IN FACT YOU HAD ACTUALLY TAKEN MONEY
25 FROM THAT ACCOUNT TO BUY HOMES, CORRECT?

26 A YES, I HAD.

27 Q YOU TOOK MONEY FROM THAT ACCOUNT TO BUY A
28 HOUSE FOR YOUR SON, CORRECT?

1 A THAT'S CORRECT.

2 Q TO BUY A HOUSE FOR YOUR GIRLFRIEND,
3 CORRECT?

4 A YES.

5 Q OKAY. SO YOU -- IT'S FAIR TO SAY THAT
6 YOU DID TAKE MONEY FROM THAT ACCOUNT?

7 A THAT'S CORRECT, YES.

8 Q YOU WERE AWARE ENOUGH ABOUT THAT ACCOUNT
9 TO KNOW THAT YOU COULD TAKE MONEY FROM THAT ACCOUNT?

10 A THAT'S CORRECT.

11 Q NOW, ISN'T IT TRUE THAT -- WELL, BEFORE I
12 GO THERE, DO YOU BLAME -- WELL, YOU ACTUALLY HAD A
13 FINANCIAL CONSULTANT WHO INVESTED THE MONEY IN THAT
14 ACCOUNT, CORRECT?

15 MS. STREETER: OBJECTION; RELEVANCE.

16 THE WITNESS: I DON'T UNDERSTAND THAT QUESTION.

17 MS. STREETER: RELEVANCE, YOUR HONOR.

18 OBJECTION.

19 THE COURT: LET ME SEE COUNSEL AT SIDEBAR.

20

21 (A SIDEBAR CONFERENCE WAS HELD

22 AND REPORTED AS FOLLOWS:)

23

24 THE COURT: OKAY. WE'RE OUTSIDE THE PRESENCE OF
25 THE JURY. WHAT IS -- MS. STREETER LAST CHALLENGED THE
26 RELEVANCE. WHAT IS THE RELEVANCE?

27 MR. KELLY: YOUR HONOR, IT GOES TO TWO THINGS:
28 FIRST, I THINK IT'S RELEVANT BECAUSE IT GOES TO BIAS.

1 IT GOES TO HIS BIAS AGAINST MY CLIENT. HE'S ALREADY
2 TESTIFIED ABOUT ISSUES REGARDING THAT ACCOUNT AND WHAT
3 HE BELIEVES CAUSED THE ACCOUNTS TO GO DOWN. THAT'S
4 FIRST.

5 SECOND OF ALL, I DO BELIEVE IT GOES TO
6 CHARACTER FOR TRUTHFULNESS. I HAVE A GOOD FAITH BELIEF
7 THAT -- AND THIS IS BASED ON FEDERAL COURT
8 DOCUMENTATION -- THAT THERE WAS AN ATTEMPTED CONSPIRACY
9 TO POINT THE BLAME TO SOMEONE WHO WASN'T AT FAULT.

10 THE COURT: I'M NOT GOING TO GET INTO A RETRIAL
11 OF THE CIVIL ISSUES BETWEEN MS. LYNCH AND MR. COHEN, SO
12 I'M NOT GOING TO LET YOU GO VERY FAR INTO THE EXTENT OF
13 THE BUSINESS DEALINGS. YOU MADE A MOTION VERY EARLY ON,
14 WHICH I IN LIMINE GRANTED, TO ASK HIM TO NOT GET INTO
15 THE ALLEGATIONS OF STEALING, AND I DON'T WANT TO HAVE
16 THIS TURN INTO A BIG TRIAL ABOUT THE RELATIONSHIPS.

17 THE ISSUES IN THIS TRIAL ARE WHETHER A
18 PROTECTIVE ORDER WAS VIOLATED AND WHETHER ANNOYING AND
19 HARASSING PHONE CALLS WERE MADE.

20 MS. STREETER: IF I COULD JUST EXPOUND A BIT ON
21 THE COURT'S POSITION. THE CONCERN THE PEOPLE HAVE THAT
22 IF YOU DO GET INTO THE SIDE ISSUE, AS THE COURT HAS
23 MENTIONED, IT BECOMES A MINI TRIAL AND THEN THE PEOPLE
24 ARE PUT IN A SITUATION WHERE EITHER WE DON'T ASK
25 APPROPRIATE QUESTIONS BASED ON THAT OR WE DO. AND THEN
26 THAT WILL LEAD TO FURTHER -- THE PEOPLE ASKING MORE
27 QUESTIONS OF THE PERSON IN PARTICULAR THAT WAS
28 RESPONSIBLE FOR GETTING THE DEFAULT JUDGMENT IN THE

1 HOLDING OF THE IRS, WHICH WAS MR. KORY. AND I THINK
2 THAT'S PART OF THE DOCUMENTS THAT MR. KELLY IS TALKING
3 ABOUT, BECAUSE THE INFORMATION THE PEOPLE HAVE IS THE
4 EXACT OPPOSITE. SO I'M CONCERNED ABOUT GETTING TOO FAR
5 A FIELD THAT IT WILL END UP BEING A MINI TRIAL.

6 MR. KELLY: IF I MAY BE HEARD. WITH RESPECT TO
7 THE MOTION IN LIMINE, THE MOTION IN LIMINE WAS TO THE
8 PHRASE STOLE OR MISAPPROPRIATED COULDN'T BE USED UNLESS
9 A FOUNDATION WAS ESTABLISHED FOR IT. IT WASN'T TO GOING
10 INTO ANY BACK HISTORY.

11 THE COURT: IT DOESN'T MATTER WHAT THE BACK
12 HISTORY WAS.

13 MR. KELLY: THAT BEING SAID, I DO THINK WHAT
14 DOES MATTER IF THERE'S ANY CHARACTER FOR TRUTHFULNESS IF
15 IT SHOWS THAT MR. COHEN ATTEMPTED TO LIE, I HAVE A GOOD
16 FAITH BELIEF THAT THIS INFORMATION --

17 THE COURT: I'M NOT GOING TO -- THAT'S JUST MUCH
18 TOO COMPLICATING AN ISSUE TO GET INTO ON CREDIBILITY, SO
19 I'M JUST NOT GOING TO ALLOW IT.

20 MS. STREETER: THANK YOU, YOUR HONOR.

21 MR. KELLY: AND TO WHAT EXTENT?

22 THE COURT: I'LL TAKE THEM ON A
23 QUESTION-BY-QUESTION BASIS, BUT I'M NOT GOING TO ALLOW
24 THE PENDING QUESTION.

25 MR. KELLY: OKAY.

26 MS. STREETER: THANK YOU, YOUR HONOR.

27

28

1 (THE FOLLOWING PROCEEDINGS WERE
2 RESUMED IN OPEN COURT IN THE
3 PRESENCE OF THE JURY:)

4
5 THE COURT: WHENEVER YOU ARE READY, MR. KELLY.
6 BY MR. KELLY:

7 Q AROUND THE TIME THAT YOUR BUSINESS
8 RELATIONSHIP WITH MS. LYNCH ENDED, YOU WERE WORKING ON
9 RELEASING YOUR LAST ALBUM, CORRECT?

10 A THAT'S CORRECT.

11 Q OKAY. AND THE NAME OF THAT ALBUM WAS
12 DEAR HEATHER?

13 A YES, SIR.

14 Q OKAY. NOW, YOU ACTUALLY -- YOU LET GO OF
15 MS. LYNCH RIGHT BEFORE THAT ALBUM WAS RELEASED, CORRECT?

16 A I'M SORRY?

17 Q YOU -- THE BUSINESSES RELATIONSHIP
18 BETWEEN YOU AND MS. LYNCH ENDED JUST ABOUT A COUPLE OF
19 WEEKS BEFORE DEAR HEATHER WAS RELEASED, CORRECT?

20 A THAT'S CORRECT.

21 Q AND MS. LYNCH WAS INVOLVED WITH MANY
22 FACETS OF HELPING YOU RELEASE THAT ALBUM, CORRECT?

23 A THAT'S CORRECT.

24 Q SHE WAS INVOLVED WITH NEGOTIATIONS FOR AN
25 ADVANCE THAT YOU GOT FROM SONY FOR THAT, CORRECT?

26 A CORRECT.

27 Q SHE WAS INVOLVED WITH HELPING YOU WITH
28 THE PACKAGING, CORRECT?

1 A NOT REALLY.

2 Q INVOLVED WITH HELPING YOU WITH THE LINER
3 NOTES, CORRECTED?

4 A PERHAPS TYPING THEM.

5 Q AND SHE WAS HELPING YOU PUBLISH IT;
6 THERE'S THE PUBLISHING, CORRECT?

7 A PUBLISH IT? I DON'T UNDERSTAND.

8 Q WELL, SHE WOULD HELP YOU ARRANGE
9 PRODUCERS?

10 A SHE WAS HELPFUL, YES, SIR.

11 Q OKAY. NOW, YOU HEARD THAT THERE WAS --
12 THE VOICE MAILS THAT REFERENCE THIS DEAR HEATHER ALBUM,
13 CORRECT?

14 A YES.

15 Q NOW, YOU'RE AWARE THAT PRIOR TO THE
16 TERMINATION OF YOUR BUSINESS RELATIONSHIP WITH
17 MS. LYNCH, THAT YOU WERE NEGOTIATING THE SALE OF YOUR
18 COPYRIGHTS OF DEAR HEATHER TO SONY, CORRECT?

19 A WHAT -- WHAT PERIOD?

20 Q RIGHT BEFORE YOU RELEASED, OCTOBER OF
21 2004.

22 A I WAS -- I WAS EXAMINING THE PROSPECT OF
23 SELLING MY WRITER'S SHARE.

24 Q OKAY.

25 A IS THAT WHAT YOU'RE REFERRING TO?

26 Q YES.

27 AND YOU ACTUALLY HAD A 15 PERCENT DEAL
28 WITH MS. LYNCH SO THAT SHE WOULD GET 15 PERCENT OF YOUR

1 BUSINESS, CORRECT?

2 A I BELIEVE THAT WAS HER COMMISSION.

3 Q AND DID YOU ACTUALLY GIVE HER THE
4 COMMISSION FOR DEAR HEATHER; YES OR NO?

5 A ALL THESE QUESTIONS ARE ADDRESSED IN
6 DETAIL IN THE FORENSIC REPORT. I CAN'T GIVE YOU THE
7 ACCURATE FIGURES. THE FORENSIC REPORT HAS ALL OF THIS
8 INFORMATION IN IT.

9 Q OKAY. AND DID YOU GIVE THAT FORENSIC
10 REPORT TO MS. LYNCH?

11 A MS. LYNCH INDICATES IN SEVERAL E-MAILS,
12 MANY E-MAILS, THAT SHE HAS READ THE FORENSIC REPORT.
13 SHE DOESN'T LIKE IT.

14 Q ISN'T IT TRUE THAT THE VOICE MAILS -- THE
15 E-MAILS THAT YOU HEARD AND LISTENED TO SAID THAT SHE WAS
16 REQUESTING FORENSIC ACCOUNTING?

17 A YES. AND SHE RECEIVED THE FORENSIC
18 ACCOUNTING.

19 Q DID YOU SEND THEM TO HER?

20 A SHE INDICATES THAT SHE READ THE JUDGMENT,
21 THE DEFAULT JUDGMENT AGAINST HER, AND IN THAT DEFAULT
22 JUDGMENT AGAINST HER WAS THE FORENSIC REPORT.

23 Q NOW, I ALSO WANT TO TALK TO YOU -- IN
24 2005 THERE WAS A CUSTODY ISSUE WITH MS. LYNCH AND HER
25 SON, RAY, RAY LYNCH. DO YOU REMEMBER THAT?

26 A I KNOW THERE WAS A CUSTODY ISSUE.

27 Q OKAY. NOW, YOU KNOW THAT THE POLICE CAME
28 TO HER HOUSE, CORRECT?

1 A YES, SIR.

2 Q AND HER SON WAS GIVEN TO HER FATHER,
3 CORRECT?

4 A DO YOU MEAN AT THAT MOMENT?

5 Q AROUND THAT TIME, YES, IN 2005.

6 A DO YOU MEAN WHEN THE POLICE CAME TO THE
7 HOUSE, HER SON WAS GIVEN TO HER FATHER OR SUBSEQUENTLY?

8 Q SUBSEQUENTLY.

9 A I -- I'M NOT COMPLETELY AWARE OF THE
10 DETAILS OF THAT CUSTODY BATTLE.

11 Q OKAY. BUT YOU WERE AWARE THAT THE POLICE
12 WAS AT MS. LYNCH'S HOUSE, CORRECT?

13 A THAT'S CORRECT.

14 Q DO YOU KNOW HOW THE POLICE GOT THERE?

15 A I BELIEVE IT WAS LYNCH CALLED THEM.

16 Q YOU BELIEVE MS. LYNCH CALLED THEM?

17 A YES. IN ONE OF HER DOMESTIC PARTNER'S
18 E-MAILS, HE SAYS THAT YOU YOURSELF CALLED THE POLICE.

19 Q AND WHEN WAS THIS --

20 A OTHERWISE -- THAT'S -- THAT'S THE ONLY
21 INFORMATION I HAVE ABOUT THE POLICE.

22 Q WHEN WAS THAT E-MAIL THAT YOU'RE
23 REFERRING TO?

24 A I DON'T REMEMBER.

25 Q CAN YOU GIVE US AN ESTIMATE?

26 A 2005.

27 Q OKAY. YOU ACTUALLY WROTE A DECLARATION
28 IN 2005, CORRECT?

1 A NO, SIR.

2 Q YOU NEVER WROTE A DECLARATION IN 2005?

3 A NO.

4 MR. KELLY: MAY I APPROACH?

5 THE COURT: YES.

6 MR. KELLY: MAY I APPROACH THE WITNESS?

7 THE COURT: YES.

8 MR. KELLY: LET THE RECORD -- ACTUALLY, I
9 BELIEVE SHE'S MARKED THIS ALREADY.

10 MARKED FOR IDENTIFICATION PURPOSES IS
11 DEFENSE A.

12 THE COURT: MARKED AS DEFENSE A FOR
13 IDENTIFICATION.

14

15 (MARKED FOR IDENTIFICATION: DOCUMENT
16 DEFENSE EXHIBIT A)

17

18 THE COURT: WHAT'S THE TITLE OF THE DOCUMENT,
19 MR. KELLY?

20 MR. KELLY: DEFENSE A WILL BE THE -- IT WILL BE
21 A DECLARATION OF LEONARD N. COHEN.

22 BY MR. KELLY:

23 Q DO YOU RECOGNIZE THAT DOCUMENT I JUST
24 GAVE YOU?

25

26 (PAUSE.)

27

28 A YES. ALL THOSE THINGS ARE CORRECT.

1 Q OKAY. AND YOU ACTUALLY WROTE THAT
2 DECLARATION IN 2005, CORRECT?

3 A YES, SIR.

4 Q OKAY. NOW, IN THAT DECLARATION YOU SAY
5 THAT ON MAY 25, 2005, LOS ANGELES POLICE RESPONDED TO A
6 911 EMERGENCY CALL AT MS. LYNCH'S RESIDENCE?

7 A THAT'S CORRECT.

8 Q HOW DID YOU KNOW THAT INFORMATION?

9 A MS. LYNCH WROTE HUNDREDS OF E-MAILS ABOUT
10 THAT INCIDENT.

11 Q AND IN -- IN 2005 SHE WROTE HUNDREDS OF
12 E-MAILS?

13 A OVER THE YEARS SHE'S WRITTEN HUNDREDS, IF
14 NOT THOUSANDS, OF E-MAILS ABOUT THAT PARTICULAR
15 INCIDENT.

16 Q BUT YOU WROTE THIS IN OCTOBER OF 2005,
17 CORRECT?

18 A YES, SIR.

19 Q SO SHE WROTE HUNDREDS OF E-MAILS BETWEEN?

20 A I DON'T KNOW HOW MANY E-MAILS SHE WROTE
21 IN THAT PERIOD.

22 Q OKAY. ISN'T IT TRUE THAT YOUR ATTORNEY
23 WROTE A DECLARATION IN HER CUSTODY ISSUE?

24 A THAT'S TRUE, YES.

25 Q OKAY. SO YOUR ATTORNEY GOT INVOLVED IN
26 MS. LYNCH'S CUSTODY WITH HER SON, CORRECT?

27 A YES, AFTER AN INCIDENT IN MY ATTORNEY'S
28 OFFICE.

1 Q OKAY. SO THAT'S CORRECT?

2 A YES, SIR.

3 Q AND YOU ALSO SAID IN YOUR DECLARATION
4 THAT MS. LYNCH HAD A PSYCHIATRIC EVALUATION?

5 A THAT'S TRUE.

6 Q HOW DID YOU KNOW THAT INFORMATION?

7 A MS. LYNCH WROTE ABOUT THAT IN HER
8 E-MAILS.

9 Q NOW I WANT TO TALK TO YOU ABOUT THAT --
10 THAT DEFAULT JUDGMENT THAT YOU HAD MENTIONED EARLIER.
11 NOW, YOU KNOW WHAT A DEFAULT JUDGMENT IS,
12 CORRECT?

13 A I -- I HAVE SOME -- A KNOWLEDGE OF IT,
14 YES.

15 Q OKAY. SO YOU KNOW THAT A DEFAULT
16 JUDGMENT MEANS THAT MS. LYNCH DIDN'T ACTUALLY
17 PARTICIPATE IN THAT LITIGATION, CORRECT?

18 A YES, THAT'S WHAT IT MEANS.

19 Q OKAY. AND THAT MEANS THAT MS. LYNCH
20 DIDN'T GIVE HER VERSION OF WHAT HAPPENED TO THE COURT,
21 CORRECT?

22 A SHE NEGLECTED TO GIVE HER VERSION.

23 Q I'M NOT ASKING IF SHE -- I'M ASKING IF
24 SHE ACTUALLY DID GIVE HER VERSION.

25 A A DEFAULT JUDGMENT IMPLIES THAT -- THAT
26 ONLY ONE VERSION IS GIVEN.

27 Q OKAY. AND SO THAT VERSION WAS YOURS,
28 CORRECT?

1 A THAT VERSION WAS UPHeld BY THE COURT,
2 YES, SIR.

3 Q I'M NOT ASKING ABOUT THE COURT. I'M
4 ASKING IF THAT VERSION WAS YOURS.

5 A IT WAS MINE ON THE BASIS OF A FORENSIC
6 ACCOUNTING.

7 Q BUT IT WAS YOUR VERSION, CORRECT?

8 A YES, SIR.

9 Q AND THAT JUDGMENT WAS MADE IN HER
10 ABSENCE, CORRECT?

11 A YES.

12 Q OKAY. AS FAR AS YOU KNOW, SHE DIDN'T
13 HAVE AN ATTORNEY AT THAT TIME?

14 A SHE FIRED HER ATTORNEYS.

15 Q NOW, YOU ALSO MENTIONED EARLIER A 2008
16 COLORADO ORDER, CORRECT?

17 A YES, SIR.

18 Q NOW, YOU DIDN'T GET THIS ORDER IN
19 CALIFORNIA IN 2008?

20 A 2008?

21 Q YES. YOU DIDN'T GET THE ORDER IN
22 CALIFORNIA.

23 A YOU SAID CALIFORNIA. I THOUGHT YOU SAID
24 COLORADO.

25 Q RIGHT. SO YOU GOT IT IN COLORADO,
26 CORRECT?

27 A CORRECT.

28 Q AND YOU ACTUALLY, YOU SAID YOU WERE ON

1 TOUR IN COLORADO?

2 A IT WAS ONE OF THE CITIES I VISITED, YES.

3 Q HOW LONG WERE YOU GOING TO BE IN
4 COLORADO?

5 A A WEEK.

6 Q AND YOU SAID THAT YOU GOT THE ORDER IN
7 COLORADO BECAUSE YOU WERE GOING TO BE ON TOUR THERE,
8 CORRECT?

9 A THAT WAS ONE OF THE REASONS, SIR.

10 Q AND THAT MS. LYNCH LIVED THERE, CORRECT?

11 A CORRECT.

12 Q THAT WAS THE OTHER REASON?

13 A THE OTHER REASON WAS THE BOMBARDING OF
14 THE E-MAILS CONTINUED.

15 Q OKAY. BUT YOU GOT IT IN COLORADO BECAUSE
16 MS. LYNCH WAS THERE?

17 A CORRECT.

18 Q DO YOU KNOW HOW LONG MS. LYNCH WAS THERE?

19 A NOT EXACTLY, NO, SIR.

20 Q AND YOU -- HOW DID YOU KNOW MS. LYNCH WAS
21 IN COLORADO?

22 A BECAUSE OF THE E-MAILS THAT SHE WROTE US
23 ARE FROM COLORADO.

24 Q NOW, YOU GOT A PERMANENT ORDER IN
25 COLORADO EVEN THOUGH YOU WERE ONLY THERE FOR ONE WEEK,
26 CORRECT?

27 A YES, SIR. BUT I -- MAY I CONTINUE?

28 Q IS THAT A YES? YOU GOT AN ORDER, A

1 PERMANENT ORDER IN COLORADO, EVEN THOUGH YOU WERE ONLY
2 THERE FOR ONE WEEK; YES OR NO?

3 A I WAS ONLY THERE FOR ONE WEEK, BUT THAT
4 WAS NOT THE REASON I GOT THE ORDER.

5 Q OKAY. BUT, YES OR NO, YOU GOT THE
6 ORDER --

7 THE COURT: YOU ARE BEING ARGUMENTATIVE,
8 MR. KELLY.

9 BY MR. KELLY:

10 Q ISN'T IT TRUE THAT YOU GOT THAT PERMANENT
11 ORDER IN COLORADO EVEN THOUGH YOU LIVED IN CALIFORNIA AT
12 THAT TIME, CORRECT?

13 A YES, SIR.

14 Q OKAY. AND YOU DIDN'T REGISTER THIS ORDER
15 FROM COLORADO IN CALIFORNIA IN 2008, DID YOU?

16 A NO, SIR.

17 Q YOU DIDN'T REGISTER THE COLORADO ORDER IN
18 CALIFORNIA IN 2009, DID YOU?

19 A NO, SIR.

20 Q YOU DIDN'T REGISTER IT IN 2010?

21 A NO, SIR.

22 Q IT WASN'T UNTIL 2011, CORRECT?

23 A CORRECT.

24 Q NOW, DO YOU KNOW HOW LONG MS. LYNCH WAS
25 LIVING IN BERKELEY?

26 A NOT EXACTLY.

27 Q DO YOU KNOW IF SHE WAS IN BERKELEY AS OF
28 FEBRUARY OF 2012?

1 A 2012?

2 Q YES.

3 A YES.

4 Q OKAY. AND WHEN DID YOU FIND OUT THAT SHE
5 WAS LIVING IN BERKELEY?

6 A WHEN HER E-MAILS FROM BERKELEY BEGAN TO
7 ARRIVE IN MY MAILBOX.

8 Q AND THAT'S WHEN YOU FOUND OUT?

9 A THAT'S CORRECT.

10 Q NOW, YOU REGISTERED THAT ORDER IN LOS
11 ANGELES? THE COLORADO ORDER, YOU REGISTERED THAT IN LOS
12 ANGELES, CORRECT?

13 A CORRECT.

14 Q YOU DIDN'T REGISTER IT IN BERKELEY,
15 CALIFORNIA, DID YOU?

16 A IT WAS REGISTERED IN THE COURT IN LOS
17 ANGELES, CALIFORNIA.

18 Q OKAY. NOT -- AT THE TIME, YOU DIDN'T
19 THINK MS. LYNCH LIVED IN LOS ANGELES, CALIFORNIA?

20 A IT WAS REGISTERED IN -- IN THE LOS
21 ANGELES COURT.

22 Q BUT AT THE TIME, YOU DIDN'T THINK
23 MS. LYNCH LIVED IN LOS ANGELES, CORRECT?

24 A CORRECT.

25 Q NOW I WANT TO TALK TO YOU A LITTLE BIT
26 ABOUT THOSE VOICE MAILS THAT YOU LISTENED TO. NOW,
27 THOSE VOICE MAILS, THEY DIDN'T HAVE A DATE STAMP,
28 CORRECT? YOU DIDN'T HEAR THE DATE ON THE ACTUAL

1 MESSAGE, CORRECT?

2 A NO, SIR.

3 Q OKAY. SO THERE'S NO -- OTHER THAN YOUR
4 OWN DOCUMENTATION OF WHEN YOU RECEIVED THEM, THERE IS NO
5 OTHER DOCUMENTATION AS TO WHEN THESE WERE ACTUALLY
6 RECEIVED?

7 A THE ONLY DOCUMENTATION WOULD BE THAT
8 USUALLY I SENT THEM TO MY LAWYER ON THE DAY OR THE DAY
9 AFTER THEY WERE RECEIVED. SO FROM THAT POINT OF VIEW,
10 THERE IS A DATE.

11 Q OKAY. SO IT WOULD BE YOUR E-MAILS,
12 CORRECT?

13 A I'M SORRY?

14 Q THROUGH YOUR E-MAIL LOG?

15 A YES, SIR.

16 Q OKAY. SO YOU ACTUALLY, YOU RECORDED THEM
17 RIGHT WHEN YOU HEARD THEM?

18 A CLOSE TO THE TIME. I WOULD SOMETIMES
19 COME BACK LATE AT NIGHT OR THE NEXT DAY AND I WOULD
20 RECORD THEM.

21 Q AND THEN YOU WOULD SEND THEM IMMEDIATELY
22 TO YOUR ATTORNEYS, CORRECT?

23 A YES, SIR.

24 Q NOW, YOU NEVER CHANGED YOUR PHONE NUMBER,
25 DID YOU?

26 A NO, I DIDN'T.

27 Q AND YOU ACTUALLY HAVE CHANGED YOUR PHONE
28 NUMBER IN THE PAST, CORRECT?

1 A I'M SORRY?

2 Q YOU'VE ACTUALLY CHANGED YOUR PHONE NUMBER
3 IN THE PAST, CORRECT?

4 A I THINK I CHANGED IT THE LAST TIME IN THE
5 MID-'80S.

6 Q OKAY. BUT YOU DIDN'T CHANGE YOUR PHONE
7 NUMBER AFTER YOU GOT THESE VOICE MAILS; YES OR NO?

8 A NO, SIR.

9 Q OKAY. YOU ALSO -- YOU NEVER CHANGED --
10 YOU KNOW MS. LYNCH HAD INFORMATION REGARDING YOUR
11 DRIVER'S LICENSE AND SOCIAL SECURITY?

12 A THAT'S CORRECT.

13 Q YOU NEVER CHANGED YOUR SOCIAL SECURITY
14 NUMBER, CORRECT?

15 A NO, I DIDN'T CHANGE MY SOCIAL SECURITY
16 NUMBER.

17 Q OR YOUR CALIFORNIA DRIVER'S LICENSE
18 NUMBER?

19 A I DON'T HAVE A CALIFORNIA DRIVER'S
20 LICENSE.

21 Q OKAY. YOU'VE NEVER CHANGED YOUR E-MAIL,
22 CORRECT?

23 A CORRECT.

24 Q IT'S STILL THE SAME E-MAIL, BALDYMONK,
25 SINCE YOU'VE BEEN USING -- SINCE THE '90S, CORRECT?

26 A THAT'S CORRECT.

27 Q NOW, ARE YOU FAMILIAR WITH WHAT'S CALLED
28 A SPAM FILTER?

1 A I'M SORRY?

2 Q ARE YOU FAMILIAR WITH WHAT'S CALLED A
3 SPAM FILTER ON E-MAILS?

4 A A SPAM FILTER?

5 Q YES.

6 A YES.

7 Q AND WHAT IS THAT?

8 A THAT'S A FILTER THAT -- THAT PUTS IN A
9 SPECIAL BOX THE E-MAILS THAT YOU DON'T WISH TO READ.

10 Q OKAY. DID YOU PUT MS. LYNCH'S E-MAIL
11 ADDRESS IN THE SPAM?

12 A NO, SIR.

13 Q IN FACT, YOU ACTUALLY READ EVERY SINGLE
14 ONE OF THOSE E-MAILS, CORRECT?

15 A YES, SIR.

16 Q AND YOU -- YOU SAID THAT YOU READ THEM
17 FROM BEGINNING TO END?

18 A I CAN'T SAY THAT I READ EVERY ONE FROM
19 BEGINNING TO END, BUT I SCANNED EVERY ONE OF THEM.

20 Q OKAY. SO YOU -- YOU SCANNED EVERY SINGLE
21 ONE OF THEM?

22 A CORRECT.

23 Q AND YOU SAID THE ONES THAT YOU -- YOU SAW
24 YOUR ATTORNEYS WEREN'T COPIED, YOU ACTUALLY SENT IT TO
25 YOUR ATTORNEYS?

26 A THAT'S CORRECT.

27 Q AND YOU SENT IT TO YOUR ATTORNEYS
28 IMMEDIATELY, CORRECT?

1 A BY AND LARGE, YES.

2 Q NOW, YOU'D AGREE WITH ME THAT THESE
3 E-MAILS THAT YOU RECEIVED, THEY HAD MULTIPLE RECIPIENTS,
4 CORRECT?

5 A THAT'S CORRECT.

6 Q NOW, DO YOU KNOW ALL OF THESE RECIPIENTS?

7 A NO, SIR.

8 Q AND DID YOU THINK THAT THESE OTHER
9 RECIPIENTS WERE READING EVERY SINGLE E-MAIL?

10 A SOME OF THEM WERE AND SOME OF THEM
11 WEREN'T.

12 MS. STREETER: OBJECTION.

13 THE COURT: OVERRULED.

14 BY MR. KELLY:

15 Q DO YOU THINK STEVE COOLEY WAS READING ALL
16 OF THESE E-MAILS?

17 A I WOULDN'T BE SURPRISED IF HE WAS.

18 Q OKAY. BUT YOU DON'T KNOW?

19 A NO, SIR.

20 Q DO YOU BELIEVE THAT HE WAS?

21 A I BELIEVE THAT PEOPLE CLOSE TO HIM WERE.

22 Q DO YOU BELIEVE THAT THE IRS WAS READING
23 EVERY SINGLE ONE OF THESE E-MAILS?

24 MS. STREETER: OBJECTION; RELEVANCE.

25 THE COURT: SUSTAINED.

26 MR. KELLY: MAY I BE HEARD, YOUR HONOR?

27 THE COURT: NO.

28

1 BY MR. KELLY:

2 Q YOU TESTIFIED YESTERDAY THAT YOU WERE
3 CONCERNED THAT PEOPLE WOULD GET THESE E-MAILS AND THEY
4 WOULD READ THESE E-MAILS AND THINK INFORMATION THAT WAS
5 TRUE ABOUT YOU. DO YOU REMEMBER SAYING THAT?

6 A INFORMATION THAT WAS...

7 Q WELL, YOU SAID THAT YOU WERE WORRIED
8 ABOUT WHAT OTHER PEOPLE WOULD THINK REGARDING THESE
9 E-MAILS.

10 A OTHER PEOPLE WERE DISTURBED BY THE
11 E-MAILS, FRIENDS OF MINE AND BUSINESS ASSOCIATES.

12 Q NOW, DID YOU -- WHEN YOU GOT THOSE
13 E-MAILS, YOU DIDN'T CALL THE POLICE, DID YOU?

14 A AT A CERTAIN POINT I DID CALL THE POLICE.

15 Q BUT NOT WHEN YOU GOT ALL THOSE E-MAILS;
16 YOU DIDN'T MAKE A THOUSAND CALLS?

17 A NOT EVERY TIME, NO.

18 Q OKAY. HOW MANY TIMES?

19 A WE BROUGHT -- WE BROUGHT THE E-MAILS AND
20 THE VOICE MAILS TO THE ATTENTION OF THE BEVERLY HILLS
21 POLICE IN -- I BELIEVE IT WAS, BUT I'M NOT SURE, 2007.

22 Q OKAY. WELL, I'M TALKING ABOUT THE LAST
23 YEAR.

24 A YES, WE BROUGHT -- WE BROUGHT THE MATTER
25 TO THE POLICE ATTENTION IN THE LAST YEAR, YES.

26 Q AND THAT WAS WHEN YOU BROUGHT A CD OF
27 JUST FAIRLY RECENTLY TO THE POLICE STATION, CORRECT?

28 A WE BROUGHT THOUSANDS OF E-MAILS AND

1 HUNDREDS OF VOICE MAILS TO THE POLICE, AND THEY DECIDED
2 TO ACT ON THIS EVIDENCE.

3 Q NOW, THOSE E-MAILS THAT YOU READ, NOT, A
4 LOT OF THEM WERE ADDRESSED TO SOMEONE ELSE ON THE FIRST
5 LINE OF THE E-MAIL, CORRECT?

6 A I DON'T FOLLOW THAT, SIR. THEY WERE
7 ADDRESSED TO THE ENTIRE LIST OF RECIPIENTS.

8 Q YOU'D AGREE WITH ME THAT -- THAT SOME
9 WERE REFERENCING RON, BASICALLY START OFF WITH ADDRESSED
10 TO RON, CORRECT?

11 A CORRECT.

12 Q SOME GO TO STEVE, CORRECT?

13 A I'M NOT SURE WHAT YOU MEAN, SIR. THEY'RE
14 ADDRESSED TO A LIST OF RECIPIENTS.

15 Q IF I MAY APPROACH.

16 NOW SHOWING YOU THE E-MAIL THAT WAS
17 SUNDAY, DECEMBER 18TH, 2011. NOW, THIS ONE -- WHILE IT
18 HAS DIFFERENT RECIPIENTS, THE TEXT OF THE E-MAIL
19 ADDRESSES BRUCE, CORRECT?

20 A YES, SIR, BUT --

21 Q IS -- THAT'S A YES?

22 A YES.

23 Q ANOTHER ONE REFERENCES RON; YES OR NO?

24 A YES, SIR.

25 ANOTHER ONE REFERENCES COOLEY.

26 Q ANOTHER ONE REFERENCES STEVEN, CORRECT?

27 A YES, SIR.

28 Q SO YOU WOULD AGREE WITH ME THAT THERE ARE

1 DIFFERENT PEOPLE THAT WERE REFERENCED IN THE TEXT THAT
2 WERE ADDRESSED ON THE TEXT OF THE E-MAIL; YES OR NO?

3 A YES, SIR.

4 Q OKAY. NOW I WANT TO TALK TO YOU A LITTLE
5 BIT ABOUT -- YOU SAID THAT YOU FELT THREATENED SOME OF
6 THESE TIMES. DO YOU REMEMBER SAYING THAT?

7 A I CERTAINLY DID.

8 Q NOW I WANT TO TALK TO YOU ABOUT WHAT YOU
9 MEAN BY THREATENED. YOU ACTUALLY -- YOU WERE TELLING US
10 ABOUT PHIL SPECTOR. YOU WERE TESTIFYING ABOUT TALKING
11 TO THE LAPD.

12 A YES, SIR.

13 Q AND YOU TALKED TO THE LAPD WITH YOUR
14 ATTORNEY, CORRECT?

15 A WITH AN ATTORNEY PRESENT, YES, SIR.

16 Q AND THAT'S WHEN YOU ASKED THAT -- OR YOUR
17 ATTORNEY -- SOMEONE ASKED THAT MS. LYNCH LEAVE?

18 A THE ATTORNEY ASKED THAT MS. LYNCH LEAVE.

19 Q SO WHEN MS. LYNCH LEFT, YOU STARTED
20 TALKING ABOUT AN INTERVIEW OR A STORY ABOUT PHIL
21 SPECTOR, CORRECT?

22 A CORRECT.

23 Q AND HOW HE WOULD OFTENTIMES HAVE GUNS
24 WHEN YOU WERE PRODUCING AN ALBUM, CORRECT? HE WOULD
25 HAVE GUNS IN THE STUDIO WHEN HE WAS PRODUCING AN ALBUM
26 WITH YOU?

27 A THAT'S CORRECT.

28 Q AND, IN FACT, ONE TIME YOU TOLD THE

1 DETECTIVE THAT, QUOTE -- WELL, BEFORE I GO THERE, WAS
2 MR. SPECTOR -- WAS HE DRUNK AT THE TIME WHEN HE HAD
3 THESE GUNS?

4 A I DON'T REMEMBER, SIR.

5 Q WAS HE HOSTILE AT THE TIME?

6 A NOT TO ME.

7 Q OKAY. BUT HE ACTUALLY PUT A GUN TO YOUR
8 HEAD; IS THAT CORRECT?

9 A THAT'S CORRECT.

10 Q IT WAS A REVOLVER?

11 A NO, IT WASN'T A REVOLVER. IT WAS AN
12 AUTOMATIC.

13 Q BUT YOU WEREN'T ACTUALLY -- YOU DIDN'T
14 FEEL THREATENED WHEN HE PUT A GUN TO YOUR HEAD?

15 A NO, SIR.

16 Q OKAY. YOU ALSO MENTIONED THAT YOU WERE
17 THREATENED WITH AN E-MAIL THAT REFERENCED THE ARYAN
18 NATION. DO YOU REMEMBER THAT?

19 A CORRECT.

20 Q I'M GOING TO GO AHEAD AND SHOW YOU THAT
21 E-MAIL, WHICH HAS BEEN MARKED AS PEOPLE'S 14.

22 NOW, YOU JUST READ THE PART THAT SAID
23 ARYAN NATION WHEN YOU WERE ASKED ABOUT IT, CORRECT?

24 A RIGHT.

25 Q NOW, THE ACTUAL SENTENCE SAYS, "P.S.
26 MORE THAN ONE MEMBER OF THE ARYAN NATION, SO TO SPEAK,
27 ENDED UP PROTECTING ME ON THE STREETS OF SANTA MONICA."
28 THAT'S WHAT THE WHOLE SENTENCE SAYS, CORRECT? AND

1 YOU'RE AWARE THAT MS. LYNCH WAS ACTUALLY HOMELESS ON THE
2 STREETS OF SANTA MONICA?

3 A CORRECT.

4 Q NOWHERE DOES THAT SENTENCE SAY ANYTHING
5 ABOUT YOU, CORRECT?

6 A THERE ARE OTHER E-MAILS.

7 Q I'M ASKING ABOUT THIS SENTENCE.

8 A THIS PARTICULAR SENTENCE HAS NO REFERENCE
9 TO ME, NO --

10 Q OKAY. AND --

11 A -- ALTHOUGH THERE IS AN IMPLIED MENACE
12 THERE.

13 MR. KELLY: OBJECTION; SPECULATION.

14 THE COURT: OVERRULED.

15 BY MR. KELLY:

16 Q SO THAT WAS AN IMPLIED MENACE TO YOU?

17 A YES, SIR. WHEN AN ENEMY TELLS YOU THAT
18 THE ARYAN NATION IS PROTECTING HER, YOU WOULD BE
19 CONCERNED.

20 Q SO YOU CONSIDER MS. LYNCH AN ENEMY?

21 A SHE CONSIDERS ME AN ENEMY. SHE MENTIONS
22 THE FACT THAT SHE'S MY ENEMY FOREVER IN E-MAIL AFTER
23 E-MAIL.

24 Q NOW, IN THAT DECLARATION THAT I SHOWED
25 YOU EARLIER, YOU ACTUALLY SAID THAT YOU RECEIVED VOICE
26 MAILS THAT WERE CONSIDERABLY MORE THREATENING, CORRECT?

27 A YES, SIR.

28 Q AND THOSE --

1 A I DIDN'T SEE IT, BUT THEY DID BECOME MORE
2 THREATENING.

3 Q AND WHEN YOU'RE TALKING ABOUT THOSE VOICE
4 MAILS, YOU'RE TALKING ABOUT VOICE MAILS THAT WERE LEFT
5 THAT DAY WHEN THE POLICE WERE COMING TO MS. LYNCH'S
6 HOUSE, CORRECT?

7 A OH, THERE WERE DOZENS AND DOZENS OF PHONE
8 CALLS SINCE THEN, SIR.

9 Q I'M TALKING ABOUT IN YOUR DECLARATION.
10 YOU MAY TAKE A LOOK.

11 A WELL, IT IS TRUE.

12 Q OKAY. SO YOU RECEIVED FIVE VOICE MAILS
13 ON MARCH 25TH, 2005, CORRECT?

14 A YES, SIR.

15 Q AND YOU SAID THAT THE LAST TWO VOICE
16 MAILS WERE MORE THREATENING, CORRECT?

17 A YES. THE TONE CHANGED.

18 Q OKAY. WELL, WHAT MADE THEM THREATENING,
19 THE TONE?

20 A YES, SIR.

21 Q WHAT ABOUT THE WORDS? DO YOU REMEMBER
22 WHAT THOSE VOICE MAILS WERE ABOUT?

23 A I HAVE THE TRANSCRIPT SOMEWHERE, BUT I
24 CAN'T RECALL EXACTLY WHAT THEY WERE. BUT THE TONE, I
25 RECALL, WAS CHILLING.

26 Q WERE THE WORDS THREATENING?

27 A I DON'T REMEMBER EXACTLY WHAT SHE SAID.

28 Q WOULD IT HELP YOUR -- REFRESH YOUR

1 RECOLLECTION IF YOU SAW THE TRANSCRIPT? YES?

2 A YES, SIR.

3

4 (PAUSE.)

5

6 THE WITNESS: YES.

7 BY MR. KELLY:

8 Q OKAY. NOW, THAT LAST VOICE MAIL THAT YOU
9 SAID WAS -- GOT MORE THREATENING --

10 A I SAID FOUR AND FIVE GOT MORE
11 THREATENING.

12 Q OKAY. I'LL GO TO FOUR. FOUR SAYS, "HEY,
13 LEONARD, IT'S KELLEY. RAY AND I ARE STANDING HERE AND
14 WE'RE WONDERING WHY YOU'RE TRYING TO DESTROY OUR LIVES.
15 SO PLEASE ASK THAT QUESTION TO ANJANI AND ADAM AND
16 YOURSELF. AND IF ROBERT KORY CALLS ME AGAIN, LEONARD, I
17 SWEAR TO GOD I'M GOING TO LOSE MY FUCKING MIND."

18 DID I READ THAT CORRECTLY?

19 A YES, SIR.

20 Q IN THAT MESSAGE YOU FELT THAT YOU WERE
21 BEING THREATENED?

22 A YES.

23 Q OKAY. THAT NEXT MESSAGE, IT SAYS,
24 "LEONARD, THERE ARE TEN POLICEMEN OUTSIDE WITH RIFLES
25 DRAWN. DO YOU THINK YOU CAN HELP ME NOW? HOW DID IT
26 ALL HAPPEN? STEVE SAID I CREATED IT."

27 DID I READ -- THAT'S CORRECT?

28 A YOU DIDN'T READ IT WITH QUITE THE TONE

1 THAT MS. LYNCH PRESENTED IT.

2 Q BUT THOSE ARE THE WORDS THAT WERE SAID,
3 CORRECT?

4 A YES, SIR.

5 Q WHERE IN THOSE WORDS WERE YOU THREATENED?

6 A YOU'VE DESTROYED ME. YOU ARE GOING TO
7 DESTROY ME. IT IS QUITE CLEAR THERE, SIR.

8 Q NO. I'M TALKING ABOUT THAT LAST MESSAGE.

9 A THE LAST MESSAGE DEPENDED ON THE TONE TO
10 GET THE FULL EFFECT OF THE MESSAGE.

11 Q WELL, WHAT PART OF THE WORDS WERE
12 THREATENING?

13 MS. STREETER: OBJECTION; ARGUMENTATIVE.

14 THE COURT: OVERRULED.

15 THE WITNESS: IT'S HARD TO SEPARATE WORDS FROM
16 TONE, SIR.

17 BY MR. KELLY:

18 Q OKAY. SO WOULD YOU AGREE WITH ME THAT IF
19 YOU COULD JUST TAKE THE WORDS WITHOUT THE TONE --

20 A YES, I DO AGREE WITH YOU.

21 Q -- THERE IS NOTHING THREATENING THERE?

22 A NO, THERE ISN'T.

23 Q OKAY. NOW, YOU SAID ON FRIDAY THAT EVERY
24 TIME YOU SEE A CAR SLOW DOWN, YOU GET WORRIED. DO YOU
25 REMEMBER SAYING THAT?

26 A THAT'S CORRECT.

27 Q NOW, YOU KNEW THAT THROUGHOUT THE LAST
28 THREE YEARS MS. LYNCH HAS LIVED IN COLORADO, CORRECT?

1 A YES, SIR.

2 Q AND IN NEW JERSEY, CORRECT?

3 A CORRECT.

4 Q FLORIDA, CORRECT?

5 A CORRECT.

6 Q BERKELEY, CORRECT?

7 A YES, SIR.

8 Q IN FACT, YOU SAY YOU HAVEN'T SEEN HER AT
9 ALL FOR OVER SEVEN YEARS, CORRECT? PRIOR TO THIS CASE.

10 A THAT'S CORRECT.

11 Q YOU NEVER REPORTED TO THE POLICE THAT SHE
12 WAS OUTSIDE YOUR HOME, CORRECT?

13 A NO, SIR.

14 Q YOU NEVER SAW HER OUTSIDE YOUR HOME?

15 A NO, SIR.

16 Q YOU NEVER SAW HER DRIVE DOWN THE STREET?

17 A I DON'T KNOW IF I SAW HER DRIVE DOWN THE
18 STREET OR NOT, SIR.

19 Q YOU NEVER SAW HER WHEN YOU WERE ON THE
20 STREET, CORRECT?

21 A I NEVER SAW HER DRIVE DOWN THE STREET.

22 Q OKAY. AND YOU NEVER SAW HER AT ANY OF
23 YOUR CONCERTS?

24 A I DON'T KNOW. I DIDN'T CHECK OUT EVERY
25 MEMBER OF THE AUDIENCE, SIR.

26 Q OKAY. BUT YOU DIDN'T SEE HER, CORRECT?

27 A THAT'S CORRECT.

28 Q SHE NEVER SAID I'M GOING TO KILL YOU,

1 CORRECT?

2 A SHE SEVER SAID THOSE WORDS, NO.

3 Q SHE NEVER SAID -- SHE NEVER SAID THAT SHE
4 WAS GOING TO SEE YOU AT A PARTICULAR TIME OR LOCATION,
5 CORRECT?

6 A CORRECT.

7 Q SHE'S NEVER THREATENED AND SAID THAT
8 SHE'S GOING TO HARM YOUR DAUGHTER, CORRECT?

9 A SHE SAID SHE WOULD LIKE ME TO KILL MYSELF
10 AND MY CHILDREN.

11 Q AND WHEN DID SHE SAY THAT?

12 A SHE SAID THAT IN A VOICE MAIL THAT WAS
13 PLAYED YESTERDAY.

14 Q THE VOICE MAIL SAID THAT?

15 A YES, SIR.

16 Q AND YOU'VE ACTUALLY NEVER -- IN THE OVER
17 20 YEARS THAT YOU'VE KNOWN MS. LYNCH, YOU'VE NEVER
18 CALLED THE POLICE ABOUT ANY VIOLENCE THAT SHE'S DONE
19 AGAINST YOU, CORRECT?

20 A NO, SIR.

21 Q NOT AT ALL?

22 A NO, SIR.

23 Q AND YET EVERY SINGLE TIME A CAR SLOWS
24 DOWN, YOU GET WORRIED?

25 MS. STREETER: OBJECTION; ARGUMENTATIVE.

26 THE COURT: SUSTAINED.

27 MR. KELLY: NOTHING FURTHER AT THIS TIME.

28 THE COURT: ANY REDIRECT?

1 MS. STREETER: YES.

2

3

REDIRECT EXAMINATION

4 BY MS. STREETER:

5 Q JUST A FEW MORE QUESTIONS, MR. COHEN.

6 A YES, MA'AM.

7 Q DURING THE -- SINCE YOU HAVE DISMISSED
8 MS. LYNCH FROM YOUR EMPLOY, DO YOU KNOW IF SHE'S LIVED
9 IN LOS ANGELES ANYTIME FROM 2005 TO 2012?

10 A YES, CERTAIN PERIODS IN LOS ANGELES.

11 Q HAS MS. LYNCH EVER, AS FAR AS YOU KNOW,
12 LIVED IN LOS ANGELES DURING THE TIME PERIOD THAT YOU GOT
13 THE RESTRAINING ORDER, THE FIRST RESTRAINING ORDER FROM
14 CALIFORNIA? I THINK THAT WAS 2005 OR SO.

15 A YES.

16 Q AFTER YOU GOT THE RESTRAINING ORDER IN
17 COLORADO, DO YOU KNOW IF SHE EVER LIVED IN CALIFORNIA --
18 OR LOS ANGELES?

19 A I DON'T KNOW HER WHEREABOUTS AT EVERY
20 MOMENT, NO.

21 Q NOW, YOU MENTIONED THAT YOU GOT -- YOU
22 HAD AN INVESTIGATOR FIND OUT WHERE MS. LYNCH WAS LIVING
23 RECENTLY; IS THAT RIGHT?

24 A YES.

25 Q WHY DID YOU DO THAT, SIR?

26 A BECAUSE OF THE INCREASING SENSE OF MENACE
27 IN THE E-MAILS AND THE INCREASING VOLUME AND THE
28 INCREASING VENOM IN THE E-MAILS.

1 Q OKAY. SO WHY DID YOU THINK, GIVEN WHAT
2 WAS IN THE E-MAILS AND THE VOICE MAIL, WHY DID YOU THINK
3 IT WOULD BE PRUDENT TO KNOW WHERE MS. LYNCH WAS LIVING?

4 A BECAUSE I WAS NOT WILLING TO TAKE THE
5 RISK.

6 Q NOT WILLING TO TAKE WHAT KIND OF RISK?

7 A THE RISK THAT SOMEONE WHO LEAVES ME
8 MESSAGES THAT ARE DERANGED AND VIOLENT IS NOT GOING TO
9 TURN OUT IN FRONT OF MY HOUSE WHERE MY GRANDCHILDREN ARE
10 GOING TO BE ON MY LAWN.

11 MR. KELLY: OBJECTION; IMPROPER
12 CHARACTERIZATION.

13 THE COURT: OVERRULED.

14 BY MS. STREETER:

15 Q NOW, THERE WAS SOME QUESTION ABOUT VOICE
16 MAIL MESSAGES THAT WERE LEFT AROUND THE TIME OF 2005,
17 THE LAST TWO IN PARTICULAR THAT MR. KELLY PLAYED -- READ
18 TO YOU. WAS THE TONE OF THOSE LAST TWO MESSAGES THAT
19 WERE IN YOUR DECLARATION, WERE -- WAS THE FOURTH
20 MESSAGE, WHERE THERE'S A MENTION, I'M GOING TO LOSE MY
21 FUCKING MIND, WAS THAT TONE OF THAT VOICE MESSAGE, AS
22 BEST YOU CAN RECALL, SIMILAR TO THE TONE IN THE MESSAGES
23 THAT THE PEOPLE PLAYED FOR YOU THE PAST COUPLE OF DAYS?

24 A YES, MA'AM, THEY ARE SIMILAR.

25 Q OKAY. THE VOICE MAIL MESSAGE NO. 5 THAT
26 MR. KELLY READ TO YOU, WAS THE TONE IN THAT VOICE MAIL
27 MESSAGE SIMILAR TO THE TONE OF THE VOICE MAIL MESSAGES
28 THAT THE PEOPLE HAVE PLAYED IN THE PAST COUPLE OF DAYS?

1 A YES, IT WAS.

2 Q ALL RIGHT. HOW COME YOU DIDN'T USE A
3 SPAM FILTER, MR. COHEN, IN REFERENCE TO MS. LYNCH'S
4 E-MAILS?

5 A IT WAS IMPORTANT FOR ME TO KNOW
6 MS. LYNCH'S INTENTIONS AND WHEREABOUTS, SO IT WAS
7 PRUDENT TO READ THE E-MAILS BECAUSE THEY ALWAYS
8 DESCRIBED HER LOCATION.

9 Q DID YOU -- BY READING IT, DID YOU FEEL
10 THAT THAT WAS A WAY TO KEEP YOURSELF SAFE?

11 A YES, IT WAS A PRECAUTION.

12 MR. KELLY: OBJECTION; LEADING.

13 THE COURT: OVERRULED.

14 BY MS. STREETER:

15 Q ALL RIGHT. NOW, THERE'S SOME QUESTION
16 ABOUT THE PERSONAL INFORMATION THAT MS. LYNCH HAS OF
17 YOU. LET'S FIRST TALK ABOUT THAT -- YOUR PHONE NUMBER.
18 HOW LONG HAVE YOU HAD THAT PHONE NUMBER, MR. COHEN?

19 A I THINK I'VE HAD IT SINCE THE MID-'80S.

20 Q OKAY. AND DO YOU USE THAT PHONE NUMBER,
21 YOUR HOME NUMBER, FOR PURELY PERSONAL OR DO YOU USE IT
22 FOR PERSONAL AND BUSINESS?

23 A THE PHONE NUMBER, MOSTLY PERSONAL, BUT
24 THERE IS SOME BUSINESS.

25 Q OKAY. AND WHAT WOULD IT ENTAIL FOR YOU
26 TO CHANGE YOUR PHONE NUMBER, MR. COHEN?

27 A WELL, I'D HAVE TO NOTIFY HUNDREDS --
28 EVERYBODY THAT I KNOW. I WOULD HAVE TO INFORM THEM.

1 Q AND YOUR E-MAIL ADDRESS, HOW COME YOU
2 HAVEN'T CHANGED YOUR E-MAIL ADDRESS?

3 A WELL, AGAIN, I WANTED TO KNOW WHAT
4 MS. LYNCH WAS DOING AND WHAT HER INTENTIONS WERE AND
5 WHAT THE STATE OF HER MIND WAS.

6 Q OKAY. HOW COME YOU HAVEN'T CHANGED YOUR
7 SOCIAL SECURITY NUMBER?

8 A I DON'T THINK THAT'S -- I DON'T THINK YOU
9 CAN CHANGE YOUR SOCIAL SECURITY NUMBER.

10 Q HAVE YOU TRIED?

11 A NO, MA'AM.

12 Q OKAY. ALL RIGHT. NOW, THERE WAS SOME
13 QUESTION ABOUT -- WHY DID YOU -- FROM WHAT THE PEOPLE
14 ARE UNDERSTANDING, YOU DO NOT LIVE IN COLORADO; IS THAT
15 CORRECT?

16 A CORRECT.

17 Q OKAY. SO WHY DID YOU GO GET A PERMANENT
18 RESTRAINING ORDER IN COLORADO?

19 A BECAUSE MS. LYNCH WAS LIVING IN COLORADO.
20 AND IT WAS FOR TWO REASONS. ONE, TO STOP THE FLOW OF
21 E-MAILS AND PHONE CALLS FROM COLORADO; AND, TWO, I WAS
22 GIVING A CONCERT IN COLORADO. I WAS GOING TO BE THERE
23 FOR SEVERAL DAYS AND WE THOUGHT IT WAS PRUDENT TO DEFEND
24 OURSELVES AGAINST ANY INTRUSION.

25 Q AND FINALLY, THERE WAS A QUESTION ABOUT A
26 PREVIOUS TESTIMONY YOU'VE GIVEN, THE DESCRIPTION OF YOUR
27 RELATIONSHIP WITH MS. LYNCH. WHY AT THAT HEARING DID
28 YOU SAY THAT YOU ONLY HAD A BUSINESS RELATIONSHIP WITH

1 MS. LYNCH? AND NOT JUST ONCE OR TWICE. WHY DID YOU SAY
2 THAT?

3 A BECAUSE, AS IT TURNS OUT, THE FRIENDSHIP
4 THAT MS. LYNCH DISPLAYED WAS FALSE AND DECEPTIVE, SO IT
5 WAS NOT REALLY A FRIENDSHIP.

6 MR. KELLY: OBJECTION.

7 THE WITNESS: THE INTIMATE RELATIONSHIP WE HAD,
8 SHE DENIES. SO I'M NOT GOING TO INSIST. SO, THEREFORE,
9 IT WAS NOT -- FROM THAT POINT OF VIEW, THERE WAS NOT AN
10 INTIMATE RELATIONSHIP AND THERE WAS NOT A FRIENDSHIP; IT
11 WAS ALL BUSINESS. IT WAS ALL BUSINESS FROM THE POINT OF
12 VIEW OF MS. LYNCH.

13 BY MS. STREETER:

14 Q AND IN YOUR MIND --

15 MR. KELLY: OBJECTION; SPECULATION AS TO WHAT
16 MS. LYNCH THOUGHT.

17 THE COURT: OVERRULED. THE QUESTION WAS WHY HE
18 DID IT, AND HE'S TESTIFYING TO HIS SUBJECTIVE REASON.

19 BY MS. STREETER:

20 Q IN YOUR MIND, IF A WOMAN SAYS THAT YOU
21 DON'T HAVE AN INTIMATE RELATIONSHIP WITH HER BUT YOU DO,
22 WHY DOES THAT MATTER?

23 A I'M SORRY, MA'AM?

24 MR. KELLY: OBJECTION; VAGUE.

25 THE COURT: SUSTAINED.

26 BY MS. STREETER:

27 Q WHY DOES IT MATTER IF -- IF YOU'VE HAD AN
28 INTIMATE RELATIONSHIP LIKE WITH MS. LYNCH, SHE SAID YOU

1 DON'T -- DIDN'T HAVE ONE, WHY DOES IT MATTER? WHY DOES
2 THAT IMPACT THE ANSWER TO THE QUESTION, THAT PARTICULAR
3 QUESTION A COUPLE OF WEEKS AGO?

4 MR. KELLY: OBJECTION; VAGUE.

5 THE COURT: SUSTAINED.

6 I THINK WE'VE ADEQUATELY COVERED THIS
7 SUBJECT.

8 MS. STREETER: OKAY. RIGHT. PERFECT.

9 BY MS. STREETER:

10 Q NO FURTHER QUESTIONS, MR. COHEN.

11 THE COURT: ANY RECROSS?

12 MR. KELLY: YES.

13

14

RECROSS-EXAMINATION

15 BY MR. KELLY:

16 Q WHEN YOU TESTIFIED ON MARCH 23RD, YOU
17 SAID THAT -- YOU DIDN'T GIVE THE SAME ANSWER THAT YOU
18 GAVE NOW, CORRECT, REGARDING YOUR RELATIONSHIP WITH
19 MS. LYNCH?

20 A THAT'S CORRECT.

21 Q OKAY. BUT YOU -- WHEN YOU DID TESTIFY,
22 YOU STOOD IN FRONT OF THE COUNSEL TABLE, YOU RAISED YOUR
23 RIGHT HAND, CORRECT?

24 A CORRECT.

25 Q YOU SWORE TO TELL THE TRUTH, THE WHOLE
26 TRUTH?

27 A CORRECT.

28 Q AND THEN THE SAME OATH THAT YOU JUST TOOK

1 RIGHT NOW, CORRECT? BEFORE TESTIFYING, CORRECT?

2 A CORRECT.

3 Q AND YET YOU GAVE TWO DIFFERENT ANSWERS;
4 YES OR NO?

5 A CORRECT.

6 Q OKAY. AND YOU UNDERSTAND THAT YOU WERE
7 UNDER THE PENALTY OF PERJURY ON MARCH 23RD?

8 MS. STREETER: OBJECTION; ARGUMENTATIVE.

9 THE COURT: SUSTAINED.

10 MR. KELLY: NOTHING FURTHER.

11 THE COURT: OKAY. ANYTHING FURTHER?

12 MS. STREETER: NO.

13 THE COURT: YOU CAN STEP DOWN, MR. COHEN. THANK
14 YOU.

15 MR. KELLY: SUBJECT TO RECALL, YOUR HONOR?

16 THE COURT: SUBJECT TO RECALL.

17 MS. STREETER: DO YOU WANT ME TO CALL THE NEXT
18 WITNESS?

19 THE COURT: YES. CALL THE NEXT WITNESS.

20 MS. STREETER: THE PEOPLE ARE GOING TO CALL
21 MICHELLE RICE.

22 THE COURT: NOW IF YOU COULD COME FORWARD AND
23 STAND IN FRONT OF THE BLUE CHAIRS, MS. RICE, AND FACE
24 THE CLERK.

25

26

27 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND

28 TESTIFIED AS FOLLOWS:

1 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

2 DO YOU SOLEMNLY STATE THAT THE TESTIMONY
3 THAT YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS
4 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING
5 BUT THE TRUTH, SO HELP YOU GOD?

6 THE WITNESS: I DO.

7 THE CLERK: YOU MAY BE SEATED ON THE WITNESS
8 STAND. PLEASE STATE AND SPELL YOUR FIRST AND LAST NAME
9 FOR THE RECORD.

10 THE WITNESS: IT'S MICHELLE RICE,
11 M-I-C-H-E-L-L-E, R-I-C-E.

12 THE CLERK: THANK YOU.

13 THE COURT: WHENEVER YOU ARE READY,
14 MS. STREETER.

15 MS. STREETER: THANK YOU.

16

17

DIRECT EXAMINATION

18 BY MS. STREETER:

19 Q GOOD AFTERNOON, MS. RICE.

20 A GOOD AFTERNOON, COUNSEL.

21 Q NOW, DO YOU KNOW A GENTLEMAN BY THE NAME
22 OF LEONARD COHEN?

23 A I DO.

24 Q HOW DO YOU KNOW HIM?

25 A MR. COHEN IS A CLIENT OF OUR LAW FIRM.

26 Q OKAY. AND DID YOU ASSIST IN ANY WAY IN

27 HIM GETTING A RESTRAINING ORDER IN THE STATE OF

28 COLORADO?

1 A NO. I WAS ACTUALLY A WITNESS IN THAT
2 PROCEEDING.

3 Q OKAY. AND YOU WERE A WITNESS IN THE
4 PROCEEDING. WAS IT AT THE PART FOR THE PERMANENT ORDER
5 OR THE TEMPORARY ORDER?

6 A THE PERMANENT RESTRAINING ORDER HEARING.

7 Q OKAY. AND AT THE PERMANENT RESTRAINING
8 ORDER HEARING, DO YOU KNOW A WOMAN BY THE NAME OF KELLEY
9 LYNCH?

10 A I DO.

11 Q IS SHE HERE IN COURT TODAY?

12 A YES, SHE IS.

13 Q COULD YOU PLEASE POINT HER OUT, WHERE
14 SHE'S SEATED AND WHAT SHE'S WEARING?

15 A SHE'S SEATED AT THE END OF THE TABLE AND
16 SHE'S WEARING A GRAY SUIT WITH A BLACK SHIRT.

17 THE COURT: THE RECORD WILL REFLECT THAT THE
18 WITNESS HAS IDENTIFIED THE DEFENDANT.

19 MS. STREETER: OKAY. THANK YOU.

20 BY MS. STREETER:

21 Q DO YOU RECALL AT THAT HEARING WHETHER OR
22 NOT MS. LYNCH WAS PRESENT?

23 A MS. LYNCH WAS AT THE PERMANENT
24 RESTRAINING ORDER HEARING, YES.

25 Q OKAY. AND DID MS. LYNCH MAKE CERTAIN
26 STATEMENTS ABOUT -- DURING THE COURSE OF THAT PROCEEDING
27 INVOLVING THE RESTRAINING ORDER?

28 A CERTAIN STATEMENTS? I'M NOT SURE --

1 Q YEAH. DID SHE MAKE COMMENTS, TALK TO THE
2 COURT DURING THE HEARING?

3 A SHE DID.

4 MR. KELLY: OBJECTION; LACKS FOUNDATION, YOUR
5 HONOR.

6 MR. RAMNANEY: OBJECTION; LACKS FOUNDATION.

7 THE COURT: SHE WAS THERE.

8 THE WITNESS: I WAS PRESENT AT THE HEARING.

9 BY MS. STREETER:

10 Q DID SHE MAKE COMMENTS DURING THAT
11 HEARING?

12 A SHE DID.

13 Q DO YOU RECALL IF MS. LYNCH AGREED TO STAY
14 AWAY FROM -- LET ME BACK UP. THE PURPOSE OF THE
15 RESTRAINING ORDER HEARING WAS TO PROTECT A PERSON,
16 MR. COHEN?

17 A CORRECT. BUT IT WAS ALSO OUR LAW OFFICE
18 AND IT WAS ALSO MR. KORY, MY LAW PARTNER, AND MYSELF.

19 Q OKAY.

20 MR. RAMNANEY: OBJECTION; SECONDARY EVIDENCE,
21 YOUR HONOR.

22 THE COURT: OVERRULED.

23 BY MS. STREETER:

24 Q AND AT THAT HEARING DID MS. LYNCH AGREE
25 TO STAY AWAY FROM MR. COHEN?

26 MR. RAMNANEY: OBJECTION; LEADING.

27 THE COURT: OVERRULED.

28 THE WITNESS: YES.

1 BY MS. STREETER:

2 Q DID SHE ON HER OWN OFFER TO DO THAT?

3 MR. RAMNANEY: OBJECTION; CALLS FOR SPECULATION.

4 THE COURT: SUSTAINED.

5 MR. RAMNANEY: MOVE TO STRIKE.

6 BY MS. STREETER:

7 Q THE AGREEMENT BY MS. LYNCH TO STAY AWAY,
8 WAS SHE PROMPTED BY THE COURT OR DID SHE VOLUNTEER THAT
9 INFORMATION?

10 MR. RAMNANEY: OBJECTION; COMPOUND, LEADING.

11 THE COURT: OVERRULED.

12 THE WITNESS: COULD YOU REPEAT THE QUESTION,
13 PLEASE. I'M SORRY.

14 BY MS. STREETER:

15 Q DID MS. LYNCH VOLUNTEER TO THE COURT TO
16 STAY AWAY FROM MR. COHEN?

17 A WELL, WHEN YOU MEAN VOLUNTEER, MY
18 RECOLLECTION OF WHAT TRANSPIRED AT THE PERMANENT HEARING
19 IS THAT THE JUDGE, CAROLYN ENICHEN, THE BOULDER DISTRICT
20 COUNTY JUDGE, ASKED MS. LYNCH IF SHE WOULD LIKE AN
21 EVIDENTIARY HEARING, AND MS. LYNCH ACTUALLY SAID THAT
22 SHE DID. SO WE WERE READY TO PROCEED WITH OUR
23 WITNESSES. MR. KORY WAS PRESENT; I WAS PRESENT. AND
24 SHE LOOKED IN THE COURTROOM AND SHE SAW US SITTING IN
25 THE BENCHES AS WITNESSES, AND SHE SAID I WOULD LIKE TO
26 MAKE THE ORDER PERMANENT.

27 MR. RAMNANEY: I'M GOING TO OBJECT TO THIS AS
28 SPECULATIVE TESTIMONY AS TO PORTIONS AS TO MY CLIENT'S

1 STATE OF MIND.

2 THE COURT: I CAN'T -- IT'S JUST DESCRIPTIVE.

3 MS. STREETER: I'M SORRY --

4 THE COURT: OVERRULED.

5 BY MS. STREETER:

6 Q SO MS. LYNCH, AFTER LOOKING IN YOUR
7 DIRECTION, SAID THAT SHE WOULD LIKE TO MAKE THE
8 RESTRAINING ORDER PERMANENT?

9 A CORRECT.

10 Q AND WAS THERE A QUESTION-AND-ANSWER
11 BETWEEN THE COURT AND MS. LYNCH ABOUT THE RAMIFICATIONS
12 OF AGREEING TO A PERMANENT RESTRAINING ORDER?

13 A YES.

14 MR. RAMNANEY: OBJECTION; VAGUE.

15 THE COURT: OVERRULED.

16 THE WITNESS: YES.

17 BY MS. STREETER:

18 Q AND AFTER THAT QUESTION-AND-ANSWER
19 BETWEEN THE COURT AND MS. LYNCH, DID MS. LYNCH STILL
20 AFFIRM THAT SHE WOULD LIKE A PERMANENT RESTRAINING
21 ORDER?

22 MR. RAMNANEY: OBJECTION; LEADING.

23 THE COURT: OVERRULED.

24 THE WITNESS: YES.

25 BY MS. STREETER:

26 Q ALL RIGHT. NOW, AT SOME POINT LATER, IN
27 ABOUT -- ACTUALLY 2011, DID YOU REGISTER THAT
28 RESTRAINING ORDER FROM THE STATE OF COLORADO?

1 A YES. I WAS THE ATTORNEY OF RECORD IN
2 THAT PROCEEDING.

3 MS. STREETER: I HAVE PEOPLE'S 5 FOR
4 IDENTIFICATION. MAY I APPROACH?
5 BY MS. STREETER:

6 Q IF YOU COULD LOOK AT THAT. TELL ME IF
7 YOU RECOGNIZE THAT DOCUMENT.

8 A YES.

9 Q OKAY. WHAT IS THAT?

10 A THIS IS THE FORM DV-600, REGISTER
11 OUT-OF-STATE RESTRAINING ORDER, IN THE STATE OF
12 CALIFORNIA.

13 Q AND IS THAT THE COPY OF THE REGISTRATION
14 OF THE RESTRAINING ORDER FROM COLORADO?

15 A YES.

16 MS. STREETER: YOUR HONOR, I'M ON 24. IS THAT
17 CORRECT?

18 THE COURT: LET ME FIND THE LIST. YES, 24.

19 BY MS. STREETER:

20 Q NOW, BEFORE YOU REGISTERED THAT
21 RESTRAINING ORDER -- I THINK THAT WAS IN MAY OF 2011 --
22 AT SOME POINT IN FEBRUARY OF 2011, DID YOU SEND A LETTER
23 ON BEHALF OF MR. COHEN VIA E-MAIL TO MS. LYNCH?

24 A YES.

25 Q AND WHY DID YOU SEND A LETTER TO
26 MS. LYNCH?

27 A IT WAS AN E-MAIL, AND SHE HAD STARTED
28 REALLY E-MAILING MR. COHEN AND MY LAW PARTNER, MR. KORY,

1 VERY INTENSELY DURING THE BEGINNING OF THE MONTH OF
2 JANUARY OF 2011. I WAS NOT INCLUDED ON HER E-MAIL
3 DISTRIBUTION LIST, BUT MR. COHEN AND MY LAW PARTNER,
4 MR. KORY, WERE. MR. COHEN SENT -- HE FORWARDED FROM HIS
5 E-MAIL ADDRESS TO MY E-MAIL ADDRESS THOSE E-MAILS, AND
6 SAID SHE'S NOW CONTACTING ME DIRECTLY, E-MAILING ME, AND
7 THIS HAS GOT TO STOP.

8 MR. RAMNANEY: OBJECTION; HEARSAY, YOUR HONOR.

9 THE COURT: OVERRULED.

10 BY MS. STREETER:

11 Q BASED ON THAT, DID YOU SEND -- DID YOU
12 SEND A LETTER VIA E-MAIL TO MS. LYNCH?

13 A I DID.

14 MS. STREETER: YOUR HONOR, THE PEOPLE HAVE A
15 THREE-PAGE DOCUMENT. THE FIRST PAGE HAS A NUMBER OF
16 RECIPIENTS, AND THE FIRST LINE IS, DEAR MS. LYNCH. IF I
17 COULD HAVE THAT MARKED AS PEOPLE'S 24 FOR
18 IDENTIFICATION. THE PEOPLE PREVIOUSLY SUBMITTED A COPY
19 OF THIS LETTER TO THE DEFENSE.

20 THE COURT: OKAY. THAT WILL BE MARKED AS
21 PEOPLE'S 24 FOR IDENTIFICATION ONLY.

22

23 (MARKED FOR IDENTIFICATION: THREE-PAGE
24 DOCUMENT AS PEOPLE'S EXHIBIT NO. 24)

25

26 BY MS. STREETER:

27 Q CAN YOU TAKE A LOOK AT PEOPLE'S 24.

28

1 (PAUSE.)

2

3 BY MS. STREETER:

4 Q OKAY. HAVE YOU LOOKED AT IT?

5 A I HAVE.

6 Q DO YOU RECOGNIZE WHAT IS PEOPLE'S 24?

7 A YES.

8 Q WHAT IS PEOPLE'S 24?

9 A IT IS AN E-MAIL COMMUNICATION TO KELLEY
10 LYNCH FROM MY E-MAIL ADDRESS, MRICE@KORYRICE.COM, WHICH
11 IS MY LAW FIRM'S E-MAIL ADDRESS, TO
12 KELLEY.LYNCH.2010@GMAIL.COM, AND THE SUBJECT LINE IS
13 NOTICE OF VIOLATION OF PERMANENT RESTRAINING ORDER CEASE
14 AND DESIST.

15 Q OKAY. IS THAT THE COPY OF THE E-MAIL
16 THAT YOU SENT TO MS. LYNCH ON THAT DATE AND TIME?

17 A YES.

18 Q OKAY. AND THE -- YOU MENTIONED THAT YOU
19 SENT AN E-MAIL TO HER, ASKING HER TO STOP.

20 THE E-MAIL THAT YOU ORIGINALLY SENT
21 MS. LYNCH ON FEBRUARY 14TH, 2011, DID YOU SAVE THAT
22 E-MAIL?

23 A I DID.

24 Q OKAY. AND AFTER PERUSING WHAT HAS BEEN
25 IDENTIFIED AS PEOPLE'S 24 FOR IDENTIFICATION, IS
26 PEOPLE'S 24 A FAIR AND ACCURATE COPY OF THE E-MAIL THAT
27 YOU SENT MS. LYNCH IN FEBRUARY OF 2011?

28 A IT IS. HOWEVER, IT DOES NOT HAVE THE

1 ATTACHMENT WHICH IS REFLECTED AS A PDF FORM.

2 Q I WAS GOING TO GET TO THAT, MS. RICE.

3 AT THE BOTTOM OF PEOPLE'S 24, THERE'S A
4 LITTLE ICON THAT SAYS ATTACHMENTS. WHAT WERE THOSE
5 ATTACHMENTS, MS. RICE?

6 A IT'S THE COLORADO PERMANENT RESTRAINING
7 ORDER 9208.PDF.

8 Q SO ARE THE PEOPLE CORRECT IN
9 UNDERSTANDING THAT YOU SENT, AS WELL, A COPY OF THE
10 COLORADO RESTRAINING ORDER?

11 A THAT'S RIGHT.

12 Q OKAY. NOW, WHAT HAPPENED AFTER YOU SENT
13 THAT E-MAIL DATED FEBRUARY 14, 2011?

14 MR. RAMNANEY: OBJECTION; VAGUE AS TO TIME.

15 THE COURT: OVERRULED.

16 THE WITNESS: MS. LYNCH RESPONDED TO MY INITIAL
17 E-MAIL BY SENDING ME, IN THE COURSE OF A 24-HOUR PERIOD,
18 APPROXIMATELY 95 E-MAILS.

19 BY MS. STREETER:

20 Q WERE THOSE E-MAILS ADDRESSED DIRECTLY TO
21 YOU?

22 A THEY WERE.

23 Q WHAT -- HOW LONG AFTER YOU SENT THE
24 E-MAIL ASKING MS. LYNCH TO CEASE AND DESIST DID YOU GET
25 A RESPONSE TO THAT E-MAIL?

26 A I WOULD SAY APPROXIMATELY HALF AN HOUR.

27 Q OKAY. AND THE RESPONSE THAT YOU GOT A
28 HALF HOUR LATER -- LET ME ASK YOU THIS: IS THERE A

1 RECIPIENT E-MAIL ON PEOPLE'S 24 OF A KELLEY.LYNCH -- I
2 THINK 2010 ON PEOPLE'S 24?

3 A I'M NOT UNDERSTANDING YOU.

4 Q A RECIPIENT E-MAIL.

5 A YES, CORRECT, I JUST HIT REPLY, AND I
6 ACTUALLY REPLIED TO ALL. SO ON HER ORIGINAL, YOU
7 KNOW -- YEAH. I MEAN, I BASICALLY JUST KEPT ALL THESE
8 PEOPLE ON MY RESPONSE.

9 Q SO THAT THE PEOPLE ARE UNDERSTANDING YOU
10 CORRECTLY, YOUR E-MAIL THAT YOU SENT HER WAS IN RESPONSE
11 TO AN E-MAIL SHE HAD SENT YOU OR MR. COHEN?

12 A NO. I'M SORRY. I MAYBE MISCOMMUNICATED.
13 THIS TO E-MAIL THAT I SENT HER ON
14 FEBRUARY 14TH AT 12:57 P.M., THE RECIPIENTS HAD BEEN A
15 LIST THAT SHE HAD BEEN USING TO E-MAIL MR. COHEN AND
16 MR. KORY. SO I JUST COPIED ALL OF HER -- I DON'T KNOW
17 ALL OF THESE PEOPLE, BUT I JUST SORT OF COPIED ALL OF
18 THE RECIPIENTS INTO MY E-MAIL TO HER, BECAUSE I -- SHE
19 HAD NOT BEEN E-MAILING ME.

20 Q OKAY. AND WHEN YOU GOT A RESPONSE BACK A
21 HALF HOUR LATER, DO YOU RECALL IF THE SENDER'S E-MAIL
22 WAS THE KELLY.LYNCH.2010@ -- WHAT IS IT?

23 A @GMAIL.COM.

24 Q YES. WAS IT, DO YOU RECALL?

25 A I'M NOT UNDERSTANDING THE QUESTION.

26 Q YOU MENTIONED THAT YOU GOT -- YOU SENT
27 THE CEASE AND DESIST LETTER TO MS. COHEN -- MS. LYNCH,
28 AND THEN A HALF HOUR LATER, YOU GOT A RESPONSE --

1 A CORRECT.

2 Q -- TO THAT.

3 DO YOU RECALL WHAT THE SENDER'S E-MAIL
4 ADDRESS WAS?

5 A OH. I'M SORRY. OKAY. YES. IT WAS
6 KELLEY.LYNCH.2010@GMAIL.COM.

7 MR. RAMNANEY: I'M GOING TO OBJECT. IT SEEMS
8 THAT THE WITNESS IS READING, YOUR HONOR.

9 THE COURT: OVERRULED.

10 BY MS. STREETER:

11 Q DO YOU REMEMBER WHAT WAS SAID IN THAT
12 FIRST E-MAIL THAT YOU GOT A HALF HOUR LATER?

13 A I SEEM TO RECALL HER SAYING THAT IT WAS A
14 FRAUDULENT RESTRAINING ORDER.

15 MR. RAMNANEY: I'M GOING TO OBJECT TO THIS,
16 SECONDARY EVIDENCE RULE, YOUR HONOR.

17 THE COURT: OVERRULED.

18 BY MS. STREETER:

19 Q IT WAS A FRAUDULENT RESTRAINING ORDER.
20 WHAT ELSE DID SHE SAY?

21 A THAT SHE HAD VALID REASON FOR CONTACTING
22 ME AND IT WAS IN, YOU KNOW, SHE WANTED TAX INFORMATION.
23 SOMETHING TO THAT EFFECT.

24 Q ALL RIGHT. NOW, YOU MENTIONED ABOUT
25 MR. COHEN FORWARDING YOU E-MAILS PRIOR TO FEBRUARY 14TH
26 THAT HE HAD RECEIVED FROM MS. LYNCH; IS THAT RIGHT?

27 A CORRECT.

28 Q AS BEST AS YOU CAN RECALL, DID MR. COHEN

1 FREQUENTLY FORWARD YOU E-MAILS THAT HE HAD RECEIVED FROM
2 MS. LYNCH?

3 A YES.

4 Q OKAY. WAS -- DID HE DO THIS SOMETIMES,
5 EVERY SO OFTEN? HOW WOULD YOU --

6 MR. RAMNANEY: OBJECTION; CALLS FOR SPECULATION.

7 THE COURT: OVERRULED.

8 THE WITNESS: MR. COHEN WOULD FORWARD ME AN
9 E-MAIL IF I WERE NOT ON THE DISTRIBUTION LIST.

10 BY MS. STREETER:

11 Q AND HOW LONG HAD --

12 MR. RAMNANEY: OBJECTION; LACKS FOUNDATION FOR
13 THE LAST ANSWER.

14 THE COURT: OVERRULED.

15 BY MS. STREETER:

16 Q HOW LONG HAS MR. COHEN BEEN FORWARDING
17 E-MAILS THAT HE RECEIVED FROM MS. LYNCH?

18 A SINCE 2004.

19 Q OKAY. DO YOU KNOW IF DURING THE TIME
20 PERIOD OF FEBRUARY 2011 TO FEBRUARY 2012 IF MR. COHEN
21 RECEIVED VOICE MAIL MESSAGES FROM MS. LYNCH?

22 A YES.

23 Q HOW DO YOU KNOW THAT?

24 A MR. COHEN WOULD FORWARD ME AN E-MAIL WITH
25 AN ATTACHMENT OF A RECORDING OF A VOICE MAIL THAT HE HAD
26 PREPARED, AND HE WOULD SEND IT TO ME FROM HIS E-MAIL
27 ADDRESS.

28 Q OKAY. AND GENERALLY HOW LONG AFTER

1 MR. COHEN HAD GOTTEN A VOICE MAIL WOULD HE FORWARD YOU
2 THAT VOICE MAIL?

3 A VERY PROMPTLY, PROBABLY WITHIN A FEW
4 HOURS.

5 MR. RAMNANEY: OBJECTION; CALLS FOR SPECULATION.

6 THE COURT: OVERRULED.

7 BY MS. STREETER:

8 Q OKAY. NOW, DID YOU -- THOSE VOICE MAIL
9 MESSAGES THAT MR. COHEN FORWARDED TO YOU, WAS IT PART OF
10 YOUR PRACTICE TO SAVE THOSE VOICE MAIL MESSAGES?

11 A OH, YES. AT FIRST I WOULD LISTEN TO
12 THEM. I WOULD OPEN UP THE ATTACHMENT TO THE E-MAIL AND
13 I WOULD LISTEN TO THEM.

14 Q OKAY.

15 A AND THEN I WOULD SAVE THEM TO THE SERVER.

16 Q DID YOU -- WAS THERE ANY TYPE OF CATALOG
17 PROCEDURE THAT YOU HAD FOR THE VOICE MAIL MESSAGES THAT
18 YOU RECEIVED FROM THE TIME PERIOD OF FEBRUARY 2011 TO
19 FEBRUARY 2012?

20 A YES. AND IF YOU MEAN IN TERMS OF A LOG
21 OR RECORDING THE DATES AND TIMES, WE WOULD -- WE HAD A
22 FILE FOLDER ON OUR SERVER, OUR LAW FIRM SERVER, FOR
23 MR. COHEN. AND I HAD A KELLEY LYNCH RESTRAINING ORDER
24 FOLDER WHERE I WOULD SAVE THEM. YOU KNOW, PHYSICALLY
25 DETACH THEM FROM THE E-MAIL AND THEN SAVE THEM
26 ELECTRONICALLY ONTO THE SERVER.

27 Q ALL RIGHT. AND WOULD YOU -- AS FAR AS
28 DISTINGUISHING ONE VOICE MAIL FROM THE NEXT, WHAT WOULD

1 YOU DO? WOULD YOU DATE THEM, WOULD YOU NUMBER THEM?
2 WHAT WOULD YOU DO?

3 MR. RAMNANEY: OBJECTION; LEADING.

4 THE COURT: OVERRULED.

5 THE WITNESS: WELL, BASICALLY, MR. COHEN WOULD
6 SEND THE FILES ELECTRONICALLY TO US IN WHATEVER FORMAT,
7 MP3, AND HE WOULD HAVE A FILE LABEL ATTACHED. I WOULD
8 JUST PRESERVE IT FOR HIS OWN LABELING. AND THEN, YOU
9 KNOW, IT WOULD BE SAVED ON OUR SERVER. BUT IN HIS
10 E-MAIL HE WOULD RECORD THE DATES AND TIMES THAT HE
11 RECEIVED THE TELEPHONE CALLS, AND HE WOULD NORMALLY ALSO
12 TELL ME THE TELEPHONE NUMBER FROM WHICH HE RECEIVED THE
13 CALLS AS WELL.

14 MS. STREETER: YOUR HONOR, THE PEOPLE HAVE A
15 ONE-PAGE DOCUMENT. I'VE PROVIDED A COPY PREVIOUSLY TO
16 DEFENSE COUNSEL. I'D LIKE TO HAVE THAT MARKED AS
17 PEOPLE'S 25 FOR IDENTIFICATION.

18 THE COURT: SO MARKED FOR IDENTIFICATION ONLY.

19

20 (MARKED FOR IDENTIFICATION: ONE-PAGE
21 DOCUMENT AS PEOPLE'S EXHIBIT NO. 25)

22

23 BY MS. STREETER:

24 Q NOW, IN PREPARATION FOR THIS TRIAL, DID
25 YOU PRINT OUT ANY TYPE OF LOG FOR THE PEOPLE OF THE LIST
26 OF VOICE MAILS THAT MR. COHEN RECEIVED FROM THE TIME
27 PERIOD OF FEBRUARY 2011 TO FEBRUARY 2012?

28 A I DID.

1 Q OKAY. I'M SHOWING YOU WHAT'S BEEN MARKED
2 AS PEOPLE'S 25 FOR IDENTIFICATION. DO YOU RECOGNIZE
3 THAT DOCUMENT?

4 A I DO.

5 Q WHAT IS THAT?

6 A THE DOCUMENT IS ACTUALLY A LISTING OF THE
7 TELEPHONE CALLS, THE VOICE MAILS THAT MR. COHEN RECEIVED
8 FROM MS. LYNCH FOR THE TIME PERIOD FROM FEBRUARY 15TH,
9 2011 TO FEBRUARY OF 2012.

10 Q AND IS THAT AN ACCURATE AND CORRECT COPY
11 OF THE LOG OF THE CALLS THAT MR. COHEN HAS RECEIVED
12 DURING THAT TIME PERIOD?

13 A YES.

14 MR. RAMNANEY: OBJECTION; CALLS FOR SPECULATION.
15 THE COURT: OVERRULED.

16 BY MS. STREETER:

17 Q NOW I'M GOING TO SHOW YOU WHAT'S BEEN
18 MARKED AS PEOPLE'S NO. 10 FOR IDENTIFICATION. I WANT
19 YOU TO TAKE A LOOK AT THAT, AND I'M GOING TO ASK YOU
20 SOME QUESTIONS.

21 MS. STREETER: YOUR HONOR, DO YOU WANT ME TO
22 KEEP GOING?

23 THE COURT: HOW MUCH MORE DO YOU HAVE WITH THIS
24 WITNESS?

25 MS. STREETER: A COUPLE MORE MINUTES.

26 THE COURT: WELL, GO A COUPLE MORE MINUTES AND
27 WE'LL TAKE A BREAK WHEN YOU STOP.

28

1 BY MS. STREETER:

2 Q ALL RIGHT. DID YOU LOOK AT IT?

3 A I DID.

4 Q NOW, YOU MENTIONED THAT YOU HAD A LOG IN
5 THE PAST YEAR FOR THE VOICE MESSAGES. DID YOU HAVE A
6 LOG OF THE E-MAILS?

7 A NOT ALL OF THEM, BECAUSE OF THE VOLUME.

8 Q WELL, HOW DID YOU DETERMINE -- WHY WOULD
9 YOU HAVE A LOG -- SO WHAT WOULD DETERMINE IF YOU WOULD
10 HAVE A LOG ON SOME E-MAILS BUT NOT ON OTHER E-MAILS?

11 A WELL, IF I'M UNDERSTANDING THE TERM LOG,
12 ALL OF THE E-MAILS THAT I RECEIVED OR MR. COHEN RECEIVED
13 FROM MS. LYNCH, WE WOULD -- WE WOULD SAVE THEM TO A
14 SERVER, ALL THE E-MAILS. BUT WE DID NOT CREATE A LOG
15 SUCH AS THE LISTING THAT WE JUST SAW FOR VOICE MAILS,
16 BECAUSE OF THE DAILY VOLUME. I MEAN, IT WOULD BE A
17 FULL-TIME JOB JUST DOING THAT. I MEAN, WE WOULD GET
18 MAYBE 30 TO 40 A DAY.

19 MR. RAMNANEY: OBJECTION. THERE'S NO QUESTION
20 PENDING, YOUR HONOR.

21 THE COURT: OVERRULED.

22 MR. RAMNANEY: OBJECTION; NARRATIVE.

23 THE COURT: OVERRULED.

24 BY MS. STREETER:

25 Q SO YOU WOULD GET 30 TO 40 A DAY?

26 A CORRECT.

27 SO IT WOULD JUST BE A LOT OF TIME,
28 SITTING THERE SAYING, YOU KNOW, E-MAIL RECEIVED AT

1 7:01 A.M., 7:02 A.M., 7:03 A.M., 7:04. FREQUENTLY SHE
2 WOULD SEND MULTIPLE E-MAILS PER MINUTE, SO IT WOULD JUST
3 BE TIME CONSUMING TO DO THAT. BUT ALL THE E-MAILS HAD
4 BEEN PRESERVED ON OUR SERVER.

5 Q OKAY. NOW, YOU MENTIONED ABOUT A
6 PARTICULAR E-MAIL THAT YOU SENT TO HER ON FEBRUARY 14TH;
7 THERE WERE A NUMBER OF PEOPLE ON THAT. WERE THERE EVER
8 OCCASIONS WHERE YOU BECAME AWARE THAT MR. COHEN HAD
9 RECEIVED AN E-MAIL AND YOU HADN'T RECEIVED AN E-MAIL?

10 A YES.

11 Q OKAY. AND ON THOSE OCCASIONS WHEN
12 MR. COHEN RECEIVED AN E-MAIL BUT YOU DIDN'T RECEIVE THE
13 E-MAIL, DID MR. COHEN FORWARD THOSE E-MAILS TO YOU?

14 A YES.

15 Q OKAY. AND DID YOU SAVE THOSE E-MAILS AS
16 YOU DID ON YOUR SERVER WITH THE OTHER E-MAILS THAT WERE
17 SENT TO YOU DIRECTLY FROM MS. LYNCH?

18 A YES, IN A SEPARATE FILE FOLDER THOUGH.

19 Q NOW, WHAT IS PEOPLE'S 10, MS. RICE? DO
20 YOU RECOGNIZE THAT?

21 A I DO. IT IS --

22 Q AND DID YOU ASSIST IN ANY WAY IN
23 PREPARING PEOPLE'S 10?

24 A YES.

25 Q OKAY. SO LET'S FIRST GO THROUGH WHAT
26 PEOPLE'S 10 IS. OKAY?

27 A OKAY. IT IS A BLACK BINDER THAT'S GOT A
28 LABEL, A DR WHICH CORRESPONDS TO A POLICE REPORT, AND

1 IT'S GOT 2CA, WHICH IS A CRIMINAL CASE NUMBER. AND THEN
2 IT SAYS EVIDENCE. AND IT SAYS KELLEY ANN LYNCH. AND
3 IT'S GOT AN INDEX. AND IT'S GOT SEVEN TABS. AND THE
4 FIRST TAB CONTAINS -- IT LOOKS LIKE CD COPIES OF AN
5 EVIDENCE DISK THAT WE GAVE TO THE WILSHIRE POLICE
6 DEPARTMENT ON MAY 30TH, 2011.

7 Q SO LET ME MAKE SURE. EVERY TAB, YOU HAVE
8 AN INDEX. EVERY INDEX EXPLAINS WHAT'S IN EVERY TAB; IS
9 THAT CORRECT?

10 A THAT'S CORRECT.

11 Q OKAY. NOW, THE CDS, THE INFORMATION ON
12 THE CDS, IS THAT INFORMATION THAT CAME FROM -- THAT WAS
13 SAVED ONTO YOUR LAW FIRM'S SERVER IN REFERENCE TO
14 MR. COHEN?

15 A CORRECT.

16 Q OKAY. SO TELL US HOW YOU WERE INVOLVED
17 IN THE PREPARATION OF PEOPLE'S 10, MS. RICE.

18 A WELL, IN MOST INSTANCES, WITH REGARD TO
19 THE VOICE MAILS, IF THEY WERE A VOICE MAIL DISK HERE, I
20 PREPARED THOSE DISKS BECAUSE THE NATURE OF THE VOICE
21 MAILS WAS VERY SENSITIVE. I WOULD LISTEN TO THEM.
22 SOMETIMES THEY WERE THREATENING. SOMETIMES THEY WERE
23 JUST HIGHLY DEFAMATORY AND MENACING. SO AS THE ATTORNEY
24 OF RECORD, I WOULD LISTEN TO THE VOICE MAIL IN ITS
25 ENTIRETY AND I WOULD SUPERVISE OR -- EITHER DIRECTLY CUT
26 THE DISK OR SUPERVISE MY LEGAL ASSISTANT IN DOING SO.

27 Q LET'S MAKE SURE THE PEOPLE UNDERSTAND YOU
28 SUPERVISING. WHATEVER YOUR ASSISTANT, LEGAL ASSISTANT

1 DID IN REFERENCE TO THOSE CDS, IT WAS AT YOUR DIRECTION?
2 IT WASN'T SOMETHING YOUR ASSISTANT DECIDED TO DO
3 SEPARATE AND APART TO -- WHATEVER HE DID WAS DONE AT
4 YOUR DIRECTION?

5 A ABSOLUTELY.

6 MR. RAMNANEY: OBJECTION; LEADING.

7 THE COURT: SUSTAINED.

8 BY MS. STREETER:

9 Q WELL, LET ME ASK. AS FAR AS YOU KNOW,
10 DID YOUR ASSISTANT DO ANYTHING OTHER THAN WHAT YOU TOLD
11 HIM TO IN PREPARING PEOPLE'S 10?

12 MR. RAMNANEY: OBJECTION; LEADING.

13 THE COURT: OVERRULED.

14 THE WITNESS: HE BETTER NOT, BUT NO. I MEAN,
15 HE'S IN TROUBLE.

16 BUT NO, BECAUSE WHAT WOULD HAPPEN AFTER
17 THE DISK WAS PREPARED, THERE WAS SORT OF A QUALITY
18 CONTROL KIND OF THING WHERE I WOULD RELISTEN TO THE
19 VOICE MAILS TO MAKE SURE THAT THEY WERE ALL THERE AND WE
20 COULD OPEN THE FILE IN A SIMILAR -- WITH THE E-MAILS.

21 BY MS. STREETER:

22 Q OKAY. SO THE QUESTION THE PEOPLE HAVE
23 IS, AS FAR AS THE VOICE MAILS -- YOU MENTIONED YOU
24 LISTENED TO THEM. WHAT'S ON THE DISK OF THE VOICE
25 MAILS, WERE THOSE A TRUE AND ACCURATE COPY OF THE VOICE
26 MAILS THAT WERE FORWARDED TO YOU FROM MR. COHEN DURING
27 THAT ONE-YEAR TIME PERIOD OF FEBRUARY 2011 AND FEBRUARY
28 2012?

1 A TO THE BEST OF MY KNOWLEDGE, YES.

2 Q OKAY. NOW, AS FAR AS THE E-MAILS, THE
3 ONES THAT WERE ACTUALLY SENT TO YOU AS OPPOSED TO THE
4 ONES THAT WERE SENT TO MR. COHEN, THE INFORMATION THAT
5 ARE ON THE DISK THAT CONTAIN THE E-MAILS, THE ONES THAT
6 WERE SENT TO YOU, TO THE BEST OF YOUR KNOWLEDGE, ARE THE
7 E-MAILS THAT WERE -- THAT ARE SAVED ON THE DISK IN
8 PEOPLE'S 10, ARE THOSE A TRUE AND ACCURATE COPY OF THE
9 E-MAILS THAT YOU RECEIVED FROM MS. LYNCH DURING THE TIME
10 PERIOD OF FEBRUARY 2011 TO FEBRUARY 2012?

11 A YES.

12 Q OKAY. FOR THE E-MAILS THAT YOU DID NOT
13 RECEIVE BUT WERE SENT TO MR. COHEN AND MR. COHEN
14 FORWARDED IT TO YOU, ARE THOSE E-MAILS THAT ARE
15 CONTAINED IN -- IN THE DISK IN PEOPLE'S 10, ARE THE
16 COPIES OF THOSE E-MAILS THAT ARE IN PEOPLE'S 10 A FAIR
17 AND ACCURATE COPY OF THE E-MAIL THAT MR. COHEN SENT TO
18 YOU?

19 A YES.

20 MS. STREETER: NOTHING FURTHER.

21 THE COURT: OKAY. WE ARE GOING TO TAKE OUR
22 AFTERNOON BREAK SO THE COURT REPORTER CAN REST HER
23 FINGERS. WE'LL PICK UP AT 3:30. OKAY. IT'S 15
24 MINUTES.

25

26 (RECESS.)

27

28

1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT IN THE PRESENCE OF THE
3 JURY:)
4

5 MICHELLE RICE,
6 CALLED AS A WITNESS BY THE PEOPLE, RESUMED THE STAND AND
7 TESTIFIED FURTHER AS FOLLOWS:
8

9 THE COURT: MR. RAMNANEY, WHENEVER YOU ARE
10 READY.
11

12 CROSS-EXAMINATION
13 BY MR. RAMNANEY:

14 Q GOOD AFTERNOON, MS. RICE.

15 A GOOD AFTERNOON.

16 Q YOU TESTIFIED THAT CURRENTLY YOUR FIRM
17 HAS BEEN RETAINED BY MR. COHEN TO REPRESENT HIM IN A
18 NUMBER OF MATTERS; IS THAT CORRECT?

19 A OUR FIRM WAS RETAINED IN 2004, CORRECT.

20 Q AND YOU WERE RETAINED IMMEDIATELY AFTER
21 MS. LYNCH AND MR. COHEN ENDED THEIR BUSINESS
22 RELATIONSHIP; IS THAT CORRECT?

23 A AS A LAW FIRM, CORRECT.

24 Q WAS THERE ANOTHER CAPACITY IN WHICH YOUR
25 FIRM OR ANOTHER ENTITY RELATED TO YOUR FIRM WAS EMPLOYED
26 BY MR. COHEN DURING THE 2004 TIME PERIOD?

27 A NO. IF I COULD GO BACK, ACTUALLY.

28 MR. COHEN ACTUALLY HAD ANOTHER FIRM PRIOR TO OUR FIRM

1 FOR ABOUT A MONTH, GREENBERG GLUSKER.

2 Q AND YOU CAME -- MR. COHEN EMPLOYED YOU
3 APPROXIMATELY WHAT MONTH IN 2004?

4 A I WANT TO SAY NOVEMBER OF 2004, MAYBE
5 LATE NOVEMBER 2004.

6 Q AND SINCE NOVEMBER 2004, YOUR FIRM HAS --
7 HAS RETAINED MR. COHEN AS A CLIENT IN THAT TIME PERIOD?

8 A YES.

9 Q WHEN I SAY RETAINED, HE'S EMPLOYED YOUR
10 FIRM; IS THAT CORRECT? I KNOW YOU SHOOK YOUR HEAD.

11 A WELL, WHEN YOU SAY RETAINED, DO YOU MEAN
12 IN A LEGAL SENSE?

13 Q YES, RETAINED AS LEGAL COUNSEL.

14 A YES, UH-HUH.

15 Q CONTINUOUSLY THERE HAS BEEN NO BREAK IN
16 YOUR RELATIONSHIP?

17 A NO.

18 Q AND HE PAYS YOU FEES FOR LEGAL SERVICES;
19 IS THAT CORRECT?

20 A HE DOES.

21 Q DOES HE PAY YOU HOURLY OR IS THERE A
22 RETAINER AGREEMENT?

23 A HE PAYS HOURLY AND THERE'S A RETAINER
24 AGREEMENT.

25 Q OKAY. SO THERE'S BOTH?

26 A CORRECT.

27 Q DOES YOUR FIRM HAVE ANY OTHER CLIENTS
28 BESIDES MR. COHEN?

1 A YES.

2 Q APPROXIMATELY WHAT PERCENTAGE OF YOUR
3 FIRM'S BUSINESS COMES FROM MR. COHEN?

4 A IT'S PROBABLY A MORE APPROPRIATE QUESTION
5 FOR MY LAW PARTNER, BUT I WOULD GUESS -- I DON'T KNOW.
6 I MEAN, ACTUALLY IS THAT OKAY IF I SAY I DON'T KNOW?

7 THE COURT: DON'T GUESS.

8 THE WITNESS: THAT'S MR. KORY'S --
9 BY MR. RAMNANEY:

10 Q SO MR. KORY DEALS MORE WITH
11 ADMINISTRATIVE OPERATIONS OF THE FIRM IN CALCULATING
12 REVENUE AND THINGS OF THAT NATURE?

13 A THAT'S CORRECT. I JUST BECAME A LAW
14 PARTNER LAST YEAR.

15 Q CONGRATULATIONS.

16 A THANK YOU.

17 Q AND YOU BECAME A LAW PARTNER WITH
18 MR. KORY?

19 A CORRECT.

20 Q YOU TWO ARE THE ONLY NAMED PARTNERS?

21 A THAT'S CORRECT.

22 Q ARE YOU FAMILIAR WITH THE WEB SITE
23 LEONARDCOHENFILES.COM?

24 A YES.

25 Q WHAT IS THAT WEB SITE?

26 A IT'S A FAN WEB SITE. IT'S RUN BY A
27 GENTLEMAN NAMED JARKKO ARJATSALO IN FINLAND.

28 Q AND DO YOU OR MR. KORY EVER POST ANYTHING

1 ON THIS SITE?

2 A I DON'T PERSONALLY, NO. I MEAN, I
3 BELIEVE MR. KORY MAY HAVE GIVEN SOMETHING TO
4 MR. ARJATSALO TO POST. FOR INSTANCE -- CAN I FINISH?

5 Q YES. GO AHEAD.

6 A WHEN I BECAME A PARTNER, THERE WAS AN
7 ANNOUNCEMENT ON MR. ARJATSALO'S SITE REGARDING MY
8 BECOMING A PARTNER IN THE FIRM.

9 Q AND IN THAT STATEMENT THAT WAS PUBLISHED
10 ON LEONARDCOHENFILES.COM ANNOUNCING YOUR PARTNERSHIP IN
11 ROBERT KORY'S FIRM, THE STATEMENTS DID SAY THAT WAS
12 BASED ON YOUR HARD WORK AND THE LITIGATION INVOLVING
13 MS. LYNCH; IS THAT CORRECT?

14 A I DON'T RECALL THE EXACT VERBIAGE OF THE
15 ANNOUNCEMENT, BUT I BELIEVE THAT WAS CORRECT.

16 Q IT INVOLVED YOUR HARD WORK IN THE
17 LITIGATION INVOLVED WITH AN INDIVIDUAL NAMED NEAL
18 GREENBERG AND RICHARD WESTIN AS WELL; IS THAT CORRECT?

19 A THAT IS CORRECT.

20 Q THOSE ARE ALL RELATED MATTERS WHICH
21 MS. LYNCH WAS ALSO NAMED A DEFENDANT IN SOME OF THOSE
22 MATTERS?

23 A YES.

24 Q AND YOU WORKED ON THOSE MATTERS IN BOTH
25 THE CALIFORNIA LAWSUIT AND A FEDERAL LAWSUIT THAT
26 OCCURRED IN COLORADO?

27 A THAT'S CORRECT.

28 Q NOW, MS. RICE, YOU STATED THAT YOU

1 COLLECTED THESE E-MAILS. AT SOME POINT IN 2011 -- I
2 BELIEVE YOU SAID MAY 30TH -- YOU WENT TO THE POLICE; IS
3 THAT CORRECT?

4 A THAT IS CORRECT.

5 Q AND WHO WENT TO THE POLICE THAT DAY?

6 A IT WAS MR. KORY AND MYSELF.

7 Q AND YOU CAME -- DID YOU COME WITH THAT
8 BINDER OR A SIMILAR COPY OF THAT BINDER THAT YOU SENT TO
9 MS. STREETER?

10 A NO.

11 Q YOU JUST CAME WITH THE CDS?

12 A WE DIDN'T COME WITH ANY EVIDENCE. WE
13 JUST FILLED OUT A POLICE REPORT.

14 Q NOW, YOU ALSO TESTIFIED THAT YOU FILED A
15 COLORADO PERMANENT RESTRAINING ORDER IN THE STATE OF
16 CALIFORNIA; IS THAT CORRECT?

17 A CORRECT. I WAS THE ATTORNEY OF RECORD.
18 CORRECT.

19 Q AND YOU ACTUALLY HAD SUPERVISION, OR YOU
20 ACTUALLY FILED THAT DOCUMENT IN SUPERIOR COURT?

21 A I DID.

22 MR. RAMNANEY: MAY I APPROACH, YOUR HONOR?

23 THE COURT: YES. YOU CAN DO SO WITHOUT ASKING.

24 MR. RAMNANEY: APPROACHING WITH WHAT HAS BEEN
25 PREVIOUSLY MARKED.

26 MAY I APPROACH, YOUR HONOR?

27 THE COURT: SURE. IS THAT THE COLORADO ORDER?

28 MR. RAMNANEY: YES, YOUR HONOR.

1 THE COURT: IF IT'S JUST THE COLORADO ORDER, THE
2 FOUR-PAGE ONE OR THE THREE-PAGE ONE?

3 MR. RAMNANEY: THE FOUR-PAGE ONE.

4 THE COURT: IT'S PEOPLE'S 5.

5 MR. RAMNANEY: I'LL JUST MARK A NEW EXHIBIT.
6 I'D LIKE TO MARK FOR IDENTIFICATION A DOCUMENT, A
7 FOUR-PAGE DOCUMENT ENTITLED REGISTRATION OF OUT-OF-STATE
8 RESTRAINING ORDER AS DEFENSE B, YOUR HONOR.

9 THE COURT: OKAY. THAT WILL BE MARKED FOR
10 IDENTIFICATION ONLY.

11

12 (MARKED FOR IDENTIFICATION: FOUR-PAGE
13 DOCUMENT AS DEFENSE EXHIBIT B)

14

15 BY MR. RAMNANEY:

16 Q MS. RICE, I'M HANDING YOU A DOCUMENT.
17 CAN YOU PLEASE TAKE A LOOK AT IT AND REVIEW IT.

18

19 (PAUSE.)

20

21 BY MR. RAMNANEY:

22 Q HAVE YOU LOOKED AT THAT DOCUMENT?

23 A I HAVE.

24 Q DO YOU RECOGNIZE IT?

25 A I DO.

26 Q WHAT IS THAT DOCUMENT?

27 A IT'S FORM DV-600, REGISTERED OUT-OF-STATE
28 RESTRAINING ORDER IN THE MATTER OF LEONARD NORMAN COHEN.

1 AND IT'S STAMPED POLICE COPY AT THE TOP, AND IT SHOWS
2 THAT IT WAS FILED -- IT LOOKS LIKE MAY 25TH, 2011, WITH
3 THE LOS ANGELES SUPERIOR COURT.

4 Q IS THAT WHEN YOU FILED THAT DOCUMENT, TO
5 YOUR RECOLLECTION?

6 A YES.

7 Q AND ATTACHED TO THAT CALIFORNIA ORDER IS
8 A THREE-PAGE ATTACHMENT. WHAT IS THAT DOCUMENT,
9 MS. RICE?

10 A THAT IS ACTUALLY A VERIFIED COPY OF THE
11 CALIFORNIA -- I'M SORRY, COLORADO PERMANENT CIVIL
12 PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14-102 OF
13 THE COLORADO REVISED STATUTES.

14 Q TO YOUR KNOWLEDGE, WHEN WAS THAT ORDER
15 ISSUED BY THE COLORADO CIVIL COURT?

16 A THAT ONE WAS ISSUED ON SEPTEMBER 2ND,
17 2008.

18 Q SO YOU FILED THIS RESTRAINING ORDER IN
19 CALIFORNIA THREE DAYS BEFORE YOU AND MR. KORY WENT TO
20 THE POLICE; IS THAT CORRECT?

21 A NOT THREE DAYS. IT WAS ABOUT FIVE DAYS.

22 Q FIVE DAYS BEFORE?

23 A YES.

24 Q THANK YOU, MS. RICE.

25 NOW, YOU ALSO TESTIFIED AS TO SENDING
26 MS. LYNCH AN E-MAIL ON FEBRUARY 14TH, 2011, IN WHICH YOU
27 TOLD HER TO CEASE AND DESIST CONTACTING MR. KORY AND
28 MR. COHEN; IS THAT CORRECT?

1 A THAT IS CORRECT.

2 Q AND YOU SENT THIS IN DIRECT RESPONSE TO
3 THE E-MAIL THAT YOU RECEIVED DIRECTLY OR WAS IT ONE THAT
4 WAS FORWARDED TO YOU?

5 A WELL, MR. COHEN HAD BEEN FORWARDING ME A
6 GROUP OF E-MAILS THROUGHOUT THE PERIOD OF JANUARY THAT
7 HE RECEIVED JANUARY OF 2011, AND HE KEPT TELLING ME, YOU
8 KNOW, BASICALLY SHE'S E-MAILING ME DIRECTLY. AND HE DID
9 NOT SEE ME ON THE DISTRIBUTION LIST, SO HE WOULD FORWARD
10 THOSE E-MAILS AS SOON AS HE WOULD RECEIVE THEM. AND
11 MR. KORY WOULD ALSO FORWARD ME THE E-MAILS, SO I WAS
12 GETTING THEM FROM BOTH PARTIES BECAUSE THEY DID NOT SEE
13 ME, MY E-MAIL ADDRESS, ON MS. LYNCH'S E-MAILS.

14 Q AND YOU WROTE APPROXIMATELY, WOULD YOU
15 SAY, ABOUT A PAGE OF E-MAILS TO MS. LYNCH, EXPLAINING
16 HER CONDUCT AND WHY YOU FELT HER CONDUCT WAS
17 INAPPROPRIATE AND ILLEGAL?

18 A CORRECT.

19 Q AND YOU USED YOUR PROFESSIONAL LEGAL
20 JUDGMENT IN DRAFTING THIS E-MAIL?

21 A YES.

22 MR. RAMNANEY: YOUR HONOR, I'M HOLDING A
23 THREE-PAGE DOCUMENT. IT'S AN E-MAIL DATED 2/14. I'D
24 LIKE TO MARK IT AS DEFENSE C FOR IDENTIFICATION ONLY.

25 THE COURT: OKAY. THAT WILL BE C FOR
26 IDENTIFICATION.

27

28

1 (MARKED FOR IDENTIFICATION: THREE-PAGE
2 DOCUMENT AS DEFENSE EXHIBIT C)

3

4 BY MR. RAMNANEY:

5 Q NOW, MS. RICE, I'M GOING TO SHOW YOU THIS
6 E-MAIL. DO YOU RECOGNIZE THIS AS THE SAME E-MAIL THAT
7 YOU SENT TO MS. LYNCH?

8 A YES.

9 Q AND THE PORTION OF THE E-MAIL -- I
10 BELIEVE THERE'S SOME EXTRANEOUS FORWARDS IN THAT --

11 A UH-HUH.

12 Q -- TO MS. STREETER, AND MS. STREETER SENT
13 THAT TO ME. BUT IN THE PORTION THAT YOU DRAFTED TO
14 MS. LYNCH, DO YOU SEE A BRACKETED PORTION THAT I'VE
15 HIGHLIGHTED THERE?

16 A I DO.

17 Q COULD YOU READ THAT PORTION OUT LOUD,
18 PLEASE.

19 A IT SAYS, "THROUGH THE FULL FAITH AND
20 CREDIT CLAUSE OF THE UNITED STATES CONSTITUTION,
21 PROTECTIVE ORDERS ISSUED BY A SISTER STATE," IN THIS
22 CASE COLORADO, "ARE RECOGNIZED AND FULLY ENFORCEABLE IN
23 ANY JURISDICTION IN THE UNITED STATES. MR. COHEN'S
24 PROTECTIVE ORDER IS REGISTERED IN THE STATE OF
25 CALIFORNIA AND WILL BE FULLY RECOGNIZED AND ENFORCED BY
26 CALIFORNIA LAW ENFORCEMENT. I WANT TO TAKE THIS
27 OPPORTUNITY TO REMIND YOU THAT THE COLORADO ORDER NEVER
28 EXPIRES AND CAN ONLY BE CANCELED OR MODIFIED BY THE

1 COURT FROM WHICH IT WAS ISSUED."

2 Q THANK YOU, MS. RICE.

3 NOW, AGAIN, YOU SENT THIS E-MAIL ON
4 FEBRUARY 14TH; IS THAT CORRECT?

5 A CORRECT.

6 Q OKAY. AND YOU DIDN'T ACTUALLY FILE THE
7 COLORADO ORDER IN CALIFORNIA UNTIL MAY 25TH, WHICH IS
8 APPROXIMATELY THREE MONTHS LATER; IS THAT CORRECT?

9 A THAT IS CORRECT.

10 Q SO YOU TOLD MS. LYNCH THAT YOU HAD FILED
11 IT WHEN IN FACT YOU HADN'T AT THAT POINT?

12 A WELL, AT THAT POINT WE WERE ACTUALLY
13 DOING RESEARCH, LEGAL RESEARCH REGARDING HOW TO FILE IT
14 IN THE STATE OF CALIFORNIA. AND I WAS ACTIVELY INVOLVED
15 IN THE RESEARCH PORTION, AND WE WERE GOING TO FILE THAT,
16 YOU KNOW, AROUND THE TIME THAT WE SAID THAT WE WERE
17 GOING TO FILE IT IN THE DATE OF THAT E-MAIL,
18 FEBRUARY 14, 2011, BECAUSE IT WAS --

19 Q THANK YOU.

20 SO YOU WERE DOING RESEARCH, YOU SAID, BUT
21 YOU HAD NOT ACTUALLY FILED IT YET?

22 A THAT IS TECHNICALLY CORRECT, YES.

23 Q AND YOU DIDN'T ACTUALLY FILE IT UNTIL
24 APPROXIMATELY THREE MONTHS LATER IN SUPERIOR COURT?

25 A THAT IS CORRECT.

26 Q NOW I WANT TO TAKE YOU BACK TO THE ACTUAL
27 PERMANENT RESTRAINING ORDER HEARING IN COLORADO. YOU
28 SAID YOU WERE PRESENT DURING THAT HEARING; IS THAT

1 CORRECT?

2 A I WAS.

3 Q AND MR. COHEN WAS ALSO PRESENT DURING
4 THAT HEARING?

5 A MR. COHEN WAS NOT AT THE PERMANENT
6 RESTRAINING ORDER HEARING. HE APPEARED AND TESTIFIED
7 FOR THE PRELIMINARY HEARING, WHICH WAS AUGUST 15TH.

8 Q OKAY. WERE YOU THERE ON THAT HEARING?

9 A I WAS.

10 Q NOW, FOR THAT PERMANENT HEARING, WERE YOU
11 THE ONLY OTHER PERSON PRESENT AS A WITNESS?

12 A NO. MR. KORY WAS THERE AS WELL.

13 Q YOU AND MR. KORY TOGETHER, AND ANOTHER
14 ATTORNEY, MR. STEINBERG; IS THAT CORRECT?

15 A HARVEY STEINBERG WAS THE COLORADO
16 COUNSEL. I'M NOT ADMITTED IN COLORADO, SO WE HAD TO
17 RETAIN LOCAL COUNSEL.

18 Q NOW, YOU OBSERVED THIS ENTIRE PROCEEDING
19 AS IT OCCURRED?

20 A YES.

21 Q AND MS. LYNCH WAS ALSO PRESENT?

22 A SHE WAS.

23 Q OKAY. NOW, IS THIS THE FIRST TIME YOU'VE
24 MET MS. LYNCH?

25 A NO.

26 Q WHEN WAS THE FIRST TIME YOU MET HER?

27 A SHE CAME TO OUR OFFICE A COUPLE OF TIMES.

28 Q WHEN DID SHE COME TO YOUR OFFICE?

1 A I BELIEVE IT WAS PROBABLY SPRING OF 2005.

2 Q AND BOTH OCCURRENCES WERE IN SPRING OF
3 2005 THAT SHE CAME TO YOUR OFFICE?

4 A ONE MAY HAVE BEEN IN THE SUMMER OF 2005.

5 Q SO BOTH IN 2005?

6 A WELL, THERE WAS A THIRD ONE, YET ANOTHER
7 PROCEEDING THAT, YES, I HAD OCCASION TO INTERACT WITH
8 MS. LYNCH, YES. DURING 2005.

9 Q SO THIS IS THE FIRST TIME THAT -- THE
10 COLORADO PERMANENT HEARING WAS THE FIRST TIME YOU'D SEEN
11 HER SINCE 2005?

12 A I THINK THAT'S CORRECT, YES.

13 Q AND EVEN THOUGH YOU WERE THERE TO TESTIFY
14 AT THIS PERMANENT HEARING AND EVIDENTIARY HEARING, IT
15 DIDN'T ACTUALLY TAKE PLACE; ISN'T THAT CORRECT?

16 A THAT IS CORRECT. AND IT WAS AT
17 MS. LYNCH'S INSISTENCE THAT THE EVIDENTIARY HEARING NOT
18 PROCEED.

19 Q OKAY. WHEN YOU SAY IT'S AT HER
20 INSISTENCE, WHAT DO YOU MEAN BY THAT, MS. RICE?

21 A WELL, AGAIN, IT'S MY RECOLLECTION FROM A
22 PROCEEDING FROM THREE YEARS AGO THAT MS. LYNCH ACTUALLY
23 WAS MADE AWARE BY THE COURT THAT WE WERE READY TO
24 PROCEED WITH WITNESSES, AND THE COURT ASKED HER IF SHE
25 WAS READY TO PROCEED WITH HER EVIDENTIARY PORTION. AND
26 SHE REQUESTED TO THE JUDGE THAT THE ORDER BE MADE
27 PERMANENT AND THAT SHE WOULD FORGO THE RIGHT TO HAVE AN
28 EVIDENTIARY HEARING.

1 Q OKAY. ARE YOU SURE THIS HAPPENED WHEN IT
2 WAS HER OPPORTUNITY TO PRESENT EVIDENCE?

3 A IT'S LIKE THREE YEARS AGO. YEAH. I DO
4 RECALL HER -- YOU KNOW, THE JUDGE ASKING HER WHETHER SHE
5 WANTED TO PROCEED WITH THE CASE AND SHE SAID NO, JUST
6 MAKE IT PERMANENT.

7 Q AND WHAT WAS -- AND HER DEMEANOR WAS SHE
8 WAS UPSET WHILE THIS WAS GOING ON, WASN'T SHE?

9 A SHE WAS QUITE AGITATED. SHE WAS SPEAKING
10 OVER THE JUDGE QUITE FREQUENTLY. I DO RECALL HER
11 AGITATION IN SEEING US IN THE ROOM, BASICALLY.

12 Q SO SHE WAS UPSET?

13 A I DON'T KNOW HER THAT WELL BUT, YEAH, SHE
14 WAS AGITATED, UPSET.

15 Q AGITATED IS THE WORD I BELIEVE SHE USED,
16 CORRECT.

17 A SHE WAS AGITATED.

18 Q OKAY. WAS SHE CRYING AT ALL?

19 A I DON'T RECALL HER CRYING.

20 Q BUT ISN'T IT ALSO TRUE THAT MS. LYNCH
21 DURING THAT PROCEEDING ASKED THE JUDGE IF SHE COULD
22 ATTACK THIS RESTRAINING ORDER AT A LATER DATE AND HE
23 TOLD HER HE COULDN'T GIVE HER LEGAL ADVICE; ISN'T THAT
24 CORRECT?

25 A CORRECT. IT WAS ACTUALLY A FEMALE JUDGE.
26 IT WAS CAROLYN ENICHEN.

27 Q SHE TOLD MS. LYNCH THAT SHE COULDN'T GIVE
28 HER LEGAL ADVICE AS TO THE STATUS OF THIS MATTER BEFORE

1 HER?

2 A I DO RECALL MS. LYNCH ASKING WHETHER SHE
3 COULD UNDO, IF YOU WILL, THE ORDER AT A LATER DATE, AND
4 THE JUDGE RESPONDING THAT SHE COULD NOT GIVE HER LEGAL
5 ADVICE AND THAT SHE SHOULD RETAIN AN ATTORNEY.

6 Q ISN'T IT ALSO TRUE THAT MS. LYNCH ASKED
7 THE COURT IN OPEN COURT WHETHER OR NOT OR WHOM SHE COULD
8 DIRECT INQUIRIES REGARDING ANY ONGOING LITIGATION
9 BECAUSE MR. COHEN AND HER WERE IN LITIGATION AT THAT
10 POINT?

11 A THAT IS INCORRECT. THERE WAS NO ONGOING
12 LITIGATION AT THAT POINT. BY THE POINT WHEN WE HAD THE
13 2008 PERMANENT RESTRAINING ORDER HEARING, THE DEFAULT
14 JUDGMENT HAD BEEN RENDERED BY THE LA SUPERIOR COURT IN
15 MAY OF 2006.

16 Q OKAY. WAS THERE ALSO A CASE IN -- IN THE
17 FEDERAL DISTRICT OF COLORADO BETWEEN MR. NEAL GREENBERG
18 AGAINST BOTH YOUR CLIENT, MR. COHEN, AND ALSO NAMING
19 MS. LYNCH AS A DEFENDANT REGARDING THE SAME ISSUES THAT
20 SURROUNDED THE END OF THEIR BUSINESS RELATIONSHIP?

21 A I BELIEVE THAT THE FEDERAL DISTRICT COURT
22 ACTION WAS ALSO CONCLUDED BY THE TIME THE PERMANENT
23 RESTRAINING ORDER, BUT I -- AGAIN, I'D HAVE TO LOOK
24 THERE. BUT WE FILED A MOTION FOR SUMMARY JUDGMENT ON
25 BEHALF OF MR. COHEN IN MAY OF 2008. THE SEPTEMBER 2008
26 HEARING WAS SIX MONTHS LATER.

27 Q SO THERE WAS LITIGATION IN 2008 WHERE
28 MS. LYNCH WAS A PARTY, MR. COHEN WAS ALSO A PARTY AND IT

1 WAS IN THE STATE OF COLORADO; IS THAT CORRECT?

2 A IN 2008, CORRECT. BUT BY THE TIME THE
3 PERMANENT RESTRAINING ORDER HEARING OCCURRED, THAT
4 PORTION HAD CONCLUDED WITH REGARD TO MR. COHEN.

5 Q YOU'RE NOT AWARE OF WHETHER OR NOT THAT
6 LAWSUIT WAS STILL ACTIVE AGAINST MS. LYNCH?

7 A I'M NOT HER ATTORNEY. I DON'T KNOW.

8 Q BUT YOU WERE MR. COHEN'S ATTORNEY IN THAT
9 CASE, WEREN'T YOU?

10 A I WAS.

11 Q AND YOU WERE ATTORNEY OF RECORD IN THE
12 FEDERAL CASE?

13 A I WAS.

14 Q OKAY. SO YOU WERE FAMILIAR WITH THE
15 PLEADINGS OF THAT CASE AND THE PROCEDURAL POSTURE OF
16 THAT CASE?

17 A IT IS TO THE BEST OF MY RECOLLECTION THAT
18 MS. LYNCH NEVER MADE AN APPEARANCE IN THAT LAWSUIT. SHE
19 NEVER ANSWERED ANY COMPLAINT THAT MR. GREENBERG FILED.
20 SHE -- YOU KNOW, THIS WAS A MULTIYEAR LITIGATION MATTER
21 THAT I ONLY BECAME ATTORNEY OF RECORD FOR MR. COHEN IN
22 THE LATER STAGES OF THAT. PRIOR TO THAT, HE HAD
23 COLORADO COUNSEL, JAY HOROWITZ.

24 Q BUT INDEED THE NATURE OF THE ALLEGATION
25 IN THAT LAWSUIT INVOLVED VERY HEAVILY THE RELATIONSHIP
26 BETWEEN MS. LYNCH AND MR. COHEN; IS THAT CORRECT?

27 A NO. I WOULDN'T CHARACTERIZE THE
28 LITIGATION IN THAT WAY.

1 Q HOW WOULD YOU CHARACTERIZE IT?

2 A I -- I MEAN, BASICALLY, THE INVESTMENT
3 FIRM SUED MR. COHEN FIRST, AND I BELIEVE MS. LYNCH WAS
4 ONLY MADE A PARTY LATER IN THE PROCEEDING. SO I WOULD
5 CHARACTERIZE IT AS BASICALLY PRIMARILY BETWEEN THE
6 INVESTMENT ADVISER AND MR. COHEN IN THE BEGINNING
7 STAGES. HE ALSO SUED MR. KORY.

8 Q BUT ISN'T IT ALSO TRUE THAT IN THAT
9 ALLEGATION OF THAT LAWSUIT WAS THAT MS. LYNCH, MR. COHEN
10 AND MR. KORY WERE ALSO ENGAGED IN CIVIL EXTORTION AND
11 FRAUD AGAINST THE PLAINTIFF IN THAT CASE, MR. GREENBERG?

12 MS. STREETER: OBJECTION; ARGUMENTATIVE.

13 THE COURT: OVERRULED.

14 THE WITNESS: THAT IS WHAT THEY CAN STATE IN THE
15 COMPLAINT. BUT, AS YOU KNOW, YOU CAN MAKE ANY KIND OF
16 ALLEGATIONS IN A COMPLAINT. THOSE WERE DISMISSED ON A
17 12(B)(6) MOTION, WHICH IS A MOTION TO DISMISS FOR
18 FAILURE TO STATE A CLAIM AS A MATTER OF LAW.

19 BY MR. RAMNANEY:

20 Q I UNDERSTAND THAT THEY WERE DISMISSED AT
21 A LATER POINT, BUT THOSE WERE THE ALLEGATIONS THAT WERE
22 INITIALLY MADE; IS THAT CORRECT?

23 A THAT IS CORRECT.

24 Q AND THEY NAMED MS. LYNCH AS ONE OF THE
25 CONSPIRATORS IN THAT CIVIL CONSPIRACY; IS THAT ALSO
26 CORRECT?

27 A I DON'T BELIEVE MS. LYNCH WAS NAMED AS A
28 COCONSPIRATOR. BUT, AGAIN, THIS IS LITIGATION THAT'S,

1 YOU KNOW, FIVE YEARS AGO, SIX YEARS AGO.

2 Q NOW I WANT TO TAKE YOU BACK TO THAT
3 E-MAIL HERE. YOU INDICATED TO MS. LYNCH THAT THE
4 PROTECTIVE ORDER FROM COLORADO PROHIBITED HER FROM
5 CONTACTING MR. KORY; IS THAT CORRECT?

6 A THAT IS CORRECT.

7 Q NOW I'D LIKE YOU TO REVIEW WHAT HAS BEEN
8 PREVIOUSLY MARKED AS DEFENSE B, WHICH IS THE FOUR-PAGE
9 DOCUMENT, THE CALIFORNIA REGISTRATION OF THE COLORADO
10 ORDER. CAN YOU PLEASE REVIEW THAT DOCUMENT AND LET ME
11 KNOW WHERE IT SHOWS THAT MR. KORY IS A NAMED PERSON, A
12 NAMED --

13 A WELL, HE'S NOT NAMED, BUT OUR OFFICE IS
14 ACTUALLY ON THE EXCLUSION ORDER, 9300 WILSHIRE
15 BOULEVARD, LOS ANGELES, CALIFORNIA, WHICH IS A LAW
16 OFFICE, IS ON THE STAY-AWAY ORDER.

17 Q AND ISN'T IT ALSO TRUE THAT YOUR LAW
18 OFFICE'S ADDRESS IS ONLY INCLUDED UNDER PLACES OF
19 EXCLUSION; ISN'T THAT CORRECT?

20 A THAT IS CORRECT.

21 Q YOUR NAME OR MR. KORY'S NAME, DOES IT
22 APPEAR ANYWHERE IN THAT RESTRAINING ORDER?

23 A BUT IT WAS ACTUALLY PART OF THE
24 PROCEEDINGS IN COLORADO.

25 Q OKAY. BUT I'M ASKING YOU: ON THE ORDER
26 ITSELF, IS YOUR NAME OR MR. KORY'S NAME ON THERE AS A
27 PERSON THAT MS. LYNCH IS PROHIBITED FROM CONTACTING?

28 A WELL, THERE IS THE PROVISION WHERE SHE

1 COULD NOT CONTACT MR. COHEN THROUGH THIRD PARTIES.

2 Q OKAY. BUT IS YOUR NAME -- AGAIN. I'M
3 GOING TO ASK YOU THE QUESTION AGAIN. IS YOUR NAME OR
4 MR. KORY'S NAME ON THE RESTRAINING ORDER, EITHER THE
5 CALIFORNIA REGISTRATION OR THE UNDERLYING COLORADO
6 PROTECTIVE ORDER?

7 A NOT SPECIFICALLY ON THE PAGE. BUT,
8 AGAIN, I WAS AT THE COLORADO RESTRAINING ORDER HEARING
9 AND IT WAS MADE CLEAR TO MS. LYNCH BY THE JUDGE THAT SHE
10 WAS NOT TO CONTACT OUR OFFICE.

11 Q OKAY. BUT I'M ASKING YOU WHAT'S ON THE
12 ORDER. THAT'S NOT ON THE ORDER; IS THAT CORRECT?

13 A BUT, AGAIN -- I MEAN, I --

14 Q YES OR NO, IS IT ON THE ORDER?

15 A IT'S THROUGH THE THIRD PARTY, AND THAT'S
16 HOW THE COURT UNDERSTOOD IT.

17 MR. RAMNANEY: OBJECTION. MOVE TO STRIKE AS TO
18 LACK OF FOUNDATION AS TO HOW THE COURT UNDERSTOOD IT.

19 THE COURT: GRANTED. THAT LAST ANSWER IS
20 STRICKEN.

21 BY MR. RAMNANEY:

22 Q NOW, THAT E-MAIL THAT YOU SENT TO
23 MS. LYNCH ON FEBRUARY 14TH, YOU SAID THAT YOU REPLIED TO
24 ALL, TO EVERYBODY THAT SHE HAD ALSO INCLUDED IN THAT
25 ORDER; IS THAT CORRECT? I MEAN ON THE E-MAIL.

26 A WELL, SHE HAD BEEN E-MAILING MR. COHEN IN
27 JANUARY OF 2011, AND I JUST USED HER DISTRIBUTION LIST.
28 I JUST COPIED AND JUST SENT IT TO HER DISTRIBUTION LIST.

1 I DON'T KNOW ALL OF THE PEOPLE THAT ARE ON THERE.

2 Q THAT'S UNDERSTANDABLE. BUT WHY DID YOU
3 CC ALL THOSE OTHER PEOPLE IN THE E-MAILS THAT YOU SENT
4 TO MS. LYNCH?

5 A I BASICALLY -- I ALSO HAD VERBIAGE IN THE
6 LETTER THAT SAID THAT, YOU KNOW, HARASSMENT THROUGH
7 THIRD PARTIES WAS ALSO PROHIBITED CONTACT UNDER THE
8 RESTRAINING ORDER.

9 Q HOW MANY TIMES, MS. RICE, HAVE YOU
10 E-MAILED MS. LYNCH IN THAT SEVEN-YEAR PERIOD?

11 A E-MAILED HER? PROBABLY NO MORE THAN ONCE
12 OR TWICE. I MEAN, THE E-MAIL THAT WE'RE TALKING ABOUT,
13 THE FEBRUARY 14TH, 2011 E-MAIL. THERE MAY HAVE BEEN AN
14 EARLIER CEASE AND DESIST NOTICE UNDER THE CALIFORNIA
15 ORDER, BUT I DON'T RECALL.

16 Q SO ARE YOU SAYING THAT IN SEVEN YEARS
17 THAT YOU'VE BEEN EMPLOYED AS MR. COHEN'S COUNSEL, YOU'VE
18 NEVER CONTACTED MS. LYNCH AND PROVIDED HER ANY
19 DOCUMENTATION THAT SHE'S REQUESTED?

20 A WELL, I'M NOT MS. LYNCH'S ATTORNEY, SO IT
21 WOULD BE IMPROPER FOR ME TO PROVIDE HER WITH ANY
22 INFORMATION. I'M MR. COHEN'S ATTORNEY. AND TO THE
23 EXTENT THAT SHE'S ASKING FOR TAX INFORMATION, WE DON'T
24 HAVE THAT INFORMATION.

25 Q OKAY. SO YOU HAVE NEVER SENT HER ANY OF
26 THE INFORMATION SHE'S ASKED FOR?

27 A I'M NOT UNDER ANY OBLIGATION TO.

28 Q I UNDERSTAND YOU'RE NOT UNDER ANY

1 OBLIGATION. HAVE YOU OR HAVE YOU NOT SENT THAT?

2 A I HAVE NOT SENT MS. LYNCH ANYTHING.

3 Q HAS MR. KORY, TO YOUR KNOWLEDGE, EVER
4 SENT HER ANY DOCUMENTATION?

5 A YOU'LL HAVE TO ASK MR. KORY. BUT I DON'T
6 BELIEVE, TO MY KNOWLEDGE, THAT HE SENT ANYTHING.

7 Q TO YOUR KNOWLEDGE, HAS MR. COHEN EVER
8 DIRECTLY SENT MS. LYNCH ANY DOCUMENTATION?

9 A IT WOULD BE A VIOLATION OF THE
10 RESTRAINING ORDER.

11 Q IS THAT YOUR UNDERSTANDING, THAT IF HE
12 SENT HER DOCUMENTS, HE WOULD BE VIOLATING THE
13 RESTRAINING ORDER?

14 A IT IS MY UNDERSTANDING.

15 Q NOW, THE PERIOD 2004 TO 2011, YOU
16 DISCUSSED WITH MS. STREETER HOW YOU PERSONALLY SAVED
17 E-MAILS AND VOICE MAILS TO A LAW FIRM SERVER; IS THAT
18 CORRECT?

19 A THAT IS CORRECT.

20 Q AND DID YOU PERSONALLY SAVE EACH AND
21 EVERY ONE OF THE VOICE MAILS AND E-MAILS TO THAT SERVER?

22 A IF THEY WERE IN MY IN-BOX IN MY YAHOO!
23 SMALL BUSINESS ACCOUNT, YES.

24 Q AND IF THEY WERE NOT?

25 A IF THEY WERE FOR MR. KORY, MR. KORY'S
26 ASSISTANT, LEGAL ASSISTANT, WOULD DO THAT, WOULD SAVE
27 THEM TO THE SERVER.

28 Q DID YOU SEE HER DO THAT?

1 A NO, I DIDN'T SIT THERE, YOU KNOW.
2 MR. KORY WAS SUPERVISING.

3 Q MR. KORY WAS SUPERVISING HER?

4 A AGAIN, I'M NOT -- MR. KORY IS NOT ON THE
5 STAND. BUT TO MY KNOWLEDGE --

6 Q WE DON'T WANT YOU TO GUESS OR SPECULATE.

7 A WELL, ASK MR. KORY.

8 Q I'LL ASK MR. KORY WHEN HE GETS UP HERE.
9 LET ME ASK YOU, DO YOU KNOW IF ANYBODY
10 SUPERVISED THAT LAW CLERK WHILE SHE SAVED THOSE E-MAILS?

11 A I'M SURE SHE WAS SUPERVISED, YES.

12 Q DO YOU KNOW IF SHE WAS OR NOT?

13 MS. STREETER: OBJECTION; ASKED AND ANSWERED.

14 THE COURT: SUSTAINED.

15 BY MR. RAMNANEY:

16 Q NOW, YOU ALSO TESTIFIED THAT THERE WERE
17 FREQUENT TIMES WHEN MS. LYNCH WOULD SEND MULTIPLE
18 E-MAILS WITHIN THE SAME MINUTE. IS THAT AN ACCURATE
19 STATEMENT?

20 A YES.

21 Q HOW MANY TIMES WOULD YOU SAY THAT
22 HAPPENED?

23 A I MEAN, IT WOULD BE -- IT WOULD BE A
24 GUESS. BUT I JUST RECALL WHEN SOMETIMES WHEN I WOULD BE
25 SAVING THEM FROM MY OWN IN-BOX, I WOULD LOOK AND IT
26 WOULD SAY 7:01 A.M. AND I'D SAVE THAT ONE WITH A
27 PDF 7:01 A.M. AND THEN THERE WOULD BE ANOTHER ONE,
28 7:01 A.M. AND I'M, LIKE, HOW CAN SHE DO THIS? I MEAN,

1 YOU KNOW, IT WAS JUST LIKE AN E-MAIL BLITZ.

2 Q AND WHEN YOU SAY E-MAIL BLITZ, WERE THOSE
3 E-MAILS SHORT IN NATURE THEN?

4 A NO, THEY WERE -- THEY WERE VERY EXTENSIVE
5 E-MAILS. THEY WERE 35 OR 40 PAGES, SOME OF THEM UP TO A
6 HUNDRED PAGES.

7 Q WERE THOSE 35 TO A HUNDRED PAGES, WERE
8 THEY ALWAYS NEW MESSAGES OR WOULD THEY INCLUDE REPLIES
9 AND FORWARDS THAT SHE HAD ALREADY SENT?

10 A WELL, WHAT SHE WOULD DO -- THERE WAS LIKE
11 A BIG CHAIN. YOU KNOW, SHE WOULD JUST APPEND THE NEW
12 MESSAGE, WHATEVER SHE WANTED TO SEND. SO THE 35 TO 40
13 PAGES WOULD BE ALL THE PRIOR SENT MESSAGES, BUT THEN SHE
14 WOULD JUST APPEND AT THE TOP, YOU KNOW, LIKE A SHORT --
15 WHATEVER, YOU KNOW, OR SOMETIMES LONG MESSAGE. SO THEY
16 WERE QUITE EXTENSIVE IN VOLUME.

17 Q BUT THE NEW MESSAGES WERE GENERALLY
18 SHORT?

19 A I WOULDN'T CHARACTERIZE THEM AS ALWAYS
20 SHORT. I MEAN, YOU KNOW, SOMETIMES SHE WROTE PAGES AND
21 PAGES. BUT SOMETIMES IT WOULD JUST BE SHORT.

22 Q NOW, PEOPLE'S NO. 10, MS. STREETER SHOWED
23 THAT TO YOU, THAT BINDER WITH THE TABS. DID YOU CREATE
24 THAT BINDER?

25 A I DID.

26 Q AND WHEN DID YOU CREATE THAT BINDER?

27 A IT WOULD BE SOMETIME, I WOULD SAY, IN
28 MARCH OF 2011 -- I MEAN 2012, THIS YEAR. I DON'T

1 REMEMBER THE EXACT DATE, BUT IT TOOK A WHILE TO ASSEMBLE
2 ALL THOSE FILES.

3 Q YOU CREATED IT IN ANTICIPATION OF THIS
4 PROSECUTION; IS THAT CORRECT?

5 A CORRECT.

6 Q AND DID YOU BILL YOUR TIME FOR THAT?

7 A YES. WE DO TIME SLIPS AND I DO BILL
8 TIME.

9 Q ARE YOU BILLING YOUR TIME FOR APPEARING
10 IN COURT TODAY?

11 A OF COURSE.

12 Q OKAY. AND YOU'VE BEEN HERE THROUGHOUT
13 EVERY STAGE OF THE PROCEEDINGS, VOIR DIRE, OPENING
14 STATEMENT? YOU'VE BEEN OUTSIDE IN THE HALLWAY; IS THAT
15 CORRECT?

16 A PRETTY MUCH, YEAH.

17 Q ARE YOU BILLING YOUR TIME FOR THAT AS
18 WELL?

19 A YES.

20 Q MR. KORY HAS BEEN HERE FOR A SUBSTANTIAL
21 AMOUNT OF THAT TIME. DO YOU KNOW IF HE'S BILLING HIS
22 TIME FOR THAT AS WELL?

23 A I WOULD ASSUME HE IS.

24 Q YOU ARE PARTNERS THOUGH. HAVE YOU
25 DISCUSSED THIS WITH MR. --

26 A I DID NOT HAVE AN EXPLICIT DISCUSSION
27 WITH HIM, NO, REGARDING HOW WE'RE GOING TO BILL THIS
28 TIME, BUT IT IS VERY TIME CONSUMING.

1 MR. RAMNANEY: NO FURTHER QUESTIONS AT THIS
2 TIME, YOUR HONOR.

3 THE COURT: OKAY.

4 ANY REDIRECT?

5 MS. STREETER: JUST BRIEFLY.

6

7 REDIRECT EXAMINATION

8 BY MS. STREETER:

9 Q MS. RICE, DID WE HAVE A DISCUSSION ABOUT
10 WHETHER OR NOT YOU WERE GOING TO BE NECESSARY TO TESTIFY
11 IN THIS CASE, THE PEOPLE THOUGHT IT WAS NECESSARY FOR
12 YOU TO TESTIFY IN THIS CASE?

13 A YES.

14 Q OKAY. AND DID I, THE PEOPLE'S
15 REPRESENTATIVE, MAKE IT CLEAR TO YOU THAT YOU MUST COME
16 TO THIS COURTROOM AND TESTIFY?

17 A YES.

18 Q THANK YOU.

19 MS. STREETER: NOTHING FURTHER.

20 THE COURT: ANYTHING FURTHER?

21 MR. RAMNANEY: JUST A MOMENT, YOUR HONOR.

22 MR. KELLY: SHOULD WE APPROACH, YOUR HONOR?

23 THE COURT: SURE.

24

25 (A SIDEBAR CONFERENCE WAS HELD

26 AND NOT REPORTED.)

27

28

1 (THE FOLLOWING PROCEEDINGS WERE
2 RESUMED IN OPEN COURT IN THE
3 PRESENCE OF THE JURY:)

4
5 RECROSS-EXAMINATION

6 BY MR. RAMNANEY:

7 Q SO, MS. RICE, WERE YOU PRESENT WHEN THERE
8 WAS AN INCIDENT THAT OCCURRED AT MS. LYNCH'S HOME WHERE
9 THE SWAT TEAM WENT TO HER HOUSE, WERE YOU PRESENT THERE
10 ON THAT DAY?

11 A NO.

12 Q YOU WEREN'T PRESENT IN 2005 ON THAT DAY?

13 A NO. IF YOU ARE REFERRING TO THE INCIDENT
14 IN MAY OF 2005.

15 Q WERE YOU?

16 A NO, I WAS NOT PRESENT.

17 Q OKAY. BUT YOU KNOW ABOUT THAT INCIDENT?

18 A THROUGH MS. LYNCH'S E-MAILS, YES.

19 Q NOW IN THAT FEBRUARY 14TH, 2011 E-MAIL
20 THAT YOU WROTE TO MS. LYNCH WHERE YOU TOLD HER THAT THE
21 ORDER HAD BEEN FILED WHEN IT HAD NOT, DID YOU KNOW SHE
22 WAS REPRESENTED BY COUNSEL AT THAT TIME?

23 A NO, I DID NOT.

24 Q DID YOU MAKE ANY ATTEMPT TO FIND OUT IF
25 SHE WAS REPRESENTED BY COUNSEL AT THAT TIME?

26 MS. STREETER: OBJECTION; RELEVANCE.

27 THE COURT: OVERRULED.

28 THE WITNESS: I BELIEVE --

1 MS. STREETER: OBJECTION. THERE IS NO QUESTION
2 PENDING -- I'M SORRY.

3 THE COURT: YES, THERE IS.

4 MS. STREETER: I'M SORRY. I APOLOGIZE.

5 THE WITNESS: I BELIEVE I ACTUALLY DID FOLLOW UP
6 WITH AN E-MAIL TO MS. LYNCH, AND I MAY HAVE ASKED HER IF
7 SHE'S REPRESENTED BY COUNSEL, PLEASE LET US KNOW. I'M
8 NOT SURE. AGAIN, THIS WAS LAST YEAR.
9 BY MR. RAMNANEY:

10 Q SO YOU FOLLOWED UP AFTER YOU SENT THE
11 INITIAL E-MAIL, THAT YOU MAY HAVE DONE THAT?

12 A I BELIEVE SO.

13 Q OKAY. NOW --

14 A IF I MAY, IF I MAY. IN HER VOICE MAILS
15 SHE SAYS, YOU KNOW, I'M NOT REPRESENTED BY COUNSEL.
16 SHE'S -- YOU KNOW, SHE'S ALWAYS SAYING -- SOMETIMES I
17 MAY HAVE READ IT IN HER E-MAILS.

18 Q BUT YOU BELIEVE THAT SHE WASN'T
19 REPRESENTED BY COUNSEL?

20 A THAT'S CORRECT. I WOULD NOT HAVE
21 CONTACTED SOMEONE WHO I KNEW TO BE REPRESENTED. THAT'S
22 CORRECT.

23 Q DO YOU REMEMBER WHICH VOICE MAILS THAT
24 YOU REVIEWED THAT YOU MADE THAT OPINION ON?

25 A THERE ARE SO MANY. I -- YOU KNOW. YEAH,
26 I MEAN, SHE SEEMS TO SAY IN HER VOICE MAILS THAT SHE'S
27 REPRESENTING HERSELF AND, YOU KNOW, WHO ELSE IS SHE
28 GOING TO GO TO TO GET TAX INFORMATION FROM AND THAT SORT

1 OF THING, WHATNOT.

2 Q YOU SAY VOICE MAILS IN GENERAL. I'M
3 ASKING YOU: DO YOU REMEMBER A SPECIFIC E-MAIL OR VOICE
4 MAIL THAT YOU ARE RELYING ON IN FORMING THIS OPINION?

5 A NO, I DON'T. THERE ARE SO MANY.

6 Q NOW, MS. RICE, DO YOU BELIEVE THAT -- I
7 THINK YOU IMPLIED EARLIER THAT YOU BELIEVE THAT YOU AND
8 MR. KORY ARE PROTECTED BY THAT ORDER; IS THAT RIGHT?

9 A IN THE RESTRAINING ORDER HEARING THAT I
10 ATTENDED, MR. STEINBERG, THE COLORADO COUNSEL, ACTUALLY
11 ASKED THE JUDGE TO HAVE MS. LYNCH NOT CONTACT OUR OFFICE
12 OR MR. STEINBERG. AND MR. STEINBERG IS NOT, ALSO, ON
13 THE ORDER, BUT THE JUDGE ASKED MS. LYNCH IN THAT HEARING
14 TO NOT CONTACT MR. KORY, MYSELF OR MR. STEINBERG.

15 Q BUT HE DIDN'T MAKE IT PART OF HIS RULING,
16 DID HE -- DID SHE?

17 A IT WAS A SHE.

18 NO, NOT TECHNICALLY. BUT IT WAS THE
19 THIRD-PARTY LANGUAGE. I'M SORRY I HAVE TO GET BACK TO
20 THAT, BECAUSE YOU HAVE TO READ THE RESTRAINING ORDER
21 HEARING TRANSCRIPT, AND I BELIEVE I'VE PROVIDED THAT TO
22 PEOPLE'S --

23 Q THAT IS THE BASIS? BASED ON WHAT YOU
24 HEARD IN COURT, YOU BELIEVE THAT YOU ARE ONE OF THE
25 PEOPLE THAT IS PROTECTED BY THAT RESTRAINING ORDER?

26 A BECAUSE SHE SAID SHE WAS GOING TO READ
27 THE THIRD-PARTY LANGUAGE VERY BROADLY, THAT, YOU KNOW,
28 SHE WAS NOT TO CONTACT OUR OFFICE OR MR. STEINBERG

1 BECAUSE SHE HAD ACTUALLY BEEN HARASSING MR. STEINBERG
2 DURING THAT PERIOD AS WELL.

3 MR. RAMNANEY: I'M GOING TO OBJECT TO THAT LAST
4 PORTION, YOUR HONOR.

5 THE COURT: SUSTAINED. THE LAST FEW WORDS ARE
6 STRICKEN.

7 BY MR. RAMNANEY:

8 Q IF YOU CAN ANSWER MY QUESTIONS AND MY
9 QUESTIONS ONLY, MS. RICE.

10 BUT EVEN THOUGH YOU FELT YOU WERE A
11 PROTECTED PERSON, YOU DIRECTLY CONTACTED MS. LYNCH AND
12 YOU GAVE HER SOME MISINFORMATION THAT YOU HAD FILED AN
13 ORDER ON FEBRUARY 14TH; IS THAT CORRECT?

14 A WHAT DO YOU MEAN --

15 Q LET ME REPHRASE IT FOR YOUR
16 CLARIFICATION.

17 EVEN THOUGH YOU BELIEVED YOU WERE A
18 PROTECTED PERSON ON THAT RESTRAINING ORDER FROM
19 COLORADO, YOU STILL CONTACTED MS. LYNCH; IS THAT
20 CORRECT?

21 A I DID SO IN THE CAPACITY OF MR. COHEN'S
22 ATTORNEY BECAUSE SHE WAS CONTACTING MR. COHEN AND
23 MR. KORY AT THAT TIME.

24 Q YOU STILL CONTACTED MS. LYNCH; IS THAT
25 CORRECT? AND YOU PROVIDED FALSE INFORMATION TO HER,
26 THAT YOU HAD REGISTERED AN ORDER OUT OF STATE IN THE
27 STATE OF CALIFORNIA?

28 A IT IS NOT FALSE INFORMATION. I WAS

1 WRITING THAT BECAUSE WE HAD INTENDED TO FILE IT, BUT WE
2 WERE STILL RESEARCHING. IT'S QUITE -- LET ME --

3 MS. STREETER: OBJECTION; ARGUMENTATIVE.

4 THE COURT: LET THE WITNESS ANSWER.

5 THE WITNESS: LET ME JUST EXPLAIN MYSELF, YOUR
6 HONOR.

7 THERE IS A COMPLICATED PROCEDURE WHEN YOU
8 GET AN OUT-OF-STATE ORDER FROM ANOTHER STATE. THIS IS A
9 COLORADO ORDER. WE HAD A NONVERIFIED VERSION. WE HAD
10 TO GO TO THE COURT TO ACTUALLY GET THAT. THIS PORTION
11 RIGHT HERE, THIS ATTESTATION, THE CALIFORNIA COURT WOULD
12 NOT ACCEPT IT WITHOUT THE ORDER BEING VERIFIED BY THE
13 COURT CLERK IN COLORADO. SO I HAD A COPY THAT WAS NOT
14 ATTESTED TO.

15 SO I DID NOT FILE THE ORDER IN CALIFORNIA
16 FOR A FEW MONTHS BECAUSE WE WERE GETTING IT FROM
17 MR. STEINBERG, WHO WAS COLORADO COUNSEL, WHO HAD TO GET
18 THE ATTESTED VERSION. SO FOR LOS ANGELES SUPERIOR COURT
19 TO RECOGNIZE THE OUT-OF-STATE ORDER, WE HAD TO HAVE IT
20 VERIFIED BY THE COLORADO COURT.

21 BY MR. RAMNANEY:

22 Q YOU DID WRITE THAT YOU HAD ALREADY FILED
23 IT TO MS. LYNCH; IS THAT CORRECT?

24 A I'M SORRY?

25 Q YOU WROTE TO MS. LYNCH THAT YOU HAD
26 ALREADY FILED THE ORDER IN THE STATE OF CALIFORNIA?

27 A BECAUSE IT WAS MY BELIEF I COULD FILE AN
28 UNATTESTED VERSION OF THE ORDER WITH THE LOS ANGELES

1 SUPERIOR COURT. I BELIEVE IT GOT BOUNCED BACK. OUR
2 PROCESS SERVER CAME BACK FROM LOS ANGELES SUPERIOR COURT
3 AND SAID THE COURT NEEDS A VERIFIED VERSION. YOU CAN'T
4 JUST PUT ANY OLD ORDER IN. YOU HAVE TO HAVE IT VERIFIED
5 FROM THE COURT OF ORIGIN. SO THAT WAS THE HOLDUP.
6 SO --

7 Q OKAY. THANK YOU.

8 A IT WAS AN IMMINENT E-MAIL I WAS SENDING
9 MS. LYNCH. PLEASE STOP. YOU'RE SENDING A LOT OF
10 E-MAILS TO MR. COHEN. AND SO IN THE E-MAIL I SAID WE'RE
11 GOING TO FILE IT. I MEAN, IT WAS SORT OF LIKE I WANTED
12 TO DO IT THAT AFTERNOON, BUT THE COURT DID NOT ACCEPT AN
13 UNATTESTED VERSION OF THE ORDER.

14 Q OKAY. YOU DIDN'T INCLUDE ANY OF THAT
15 INFORMATION IN THE E-MAIL TO MS. LYNCH, THAT THE COURT
16 HAD REJECTED AN UNATTESTED VERSION, THAT YOU INTENDED TO
17 FILE IT OR ANYTHING LIKE THAT?

18 A IS IT NECESSARY, COUNSEL?

19 Q I'M ASKING, DID YOU PUT THAT INFORMATION
20 IN THERE?

21 A I DID NOT. I DID NOT. OKAY.

22 MR. RAMNANEY: I HAVE NO FURTHER QUESTIONS, YOUR
23 HONOR.

24 THE COURT: OKAY.

25 MS. STREETER, ANYTHING FURTHER?

26 MS. STREETER: YES.

27

28

1 FURTHER REDIRECT EXAMINATION

2 BY MS. STREETER:

3 Q I HAVE A -- LET ME ASK YOU SOMETHING
4 FIRST BEFORE I GET TO THAT.

5 YOU MENTIONED ABOUT THE COLORADO
6 RESTRAINING ORDER AND WHAT WAS SAID BY THE COURT TO
7 MS. LYNCH ABOUT WHAT SHE COULD AND COULDN'T DO.
8 MS. RICE, DO YOU HAVE A MEMORY OF EVERYTHING THAT WAS
9 SAID TO MS. LYNCH ABOUT WHAT SHE COULD AND COULD NOT DO
10 IN REFERENCE TO YOUR LAW OFFICES LOCATED AT 9300
11 WILSHIRE BOULEVARD?

12 A I'M SORRY. REPEAT THE QUESTION. THAT
13 WAS A LOT.

14 Q DO YOU HAVE -- CAN YOU TELL US EVERYTHING
15 THE COURT SAID ABOUT CONTACTING YOUR LAW OFFICE LOCATED
16 AT 9300 WILSHIRE BOULEVARD?

17 MR. RAMNANEY: OBJECTION; LEADING. CALLS FOR
18 SPECULATION.

19 THE COURT: OVERRULED.

20 THE WITNESS: CAN I REMEMBER EVERYTHING?

21 BY MS. STREETER:

22 Q YES.

23 A WELL, IT WAS THREE YEARS -- I MEAN, IT'S
24 THREE YEARS AGO. THIS PROCEEDING WAS IN SEPTEMBER OF
25 2008.

26 Q SO THAT WOULD BE NO, MS. RICE?

27 A THAT WOULD BE NO.

28 Q OKAY. DO YOU REMEMBER EVERYTHING THAT

1 THE COURT SAID TO MS. LYNCH IN REFERENCE TO CONTACTING
2 MR. COHEN'S COLORADO ATTORNEY?

3 A NO, BECAUSE THERE'S STUFF -- THINGS THAT
4 COULD HAVE BEEN SAID OFF THE RECORD THAT DIDN'T GET --
5 YOU KNOW, HE COULD HAVE CHATTED WITH THE JUDGE. I DON'T
6 KNOW.

7 Q OKAY. ALL RIGHT.

8 MS. STREETER: YOUR HONOR, THE PEOPLE HAVE A --
9 A 29-PAGE DOCUMENT THAT WE'D LIKE TO MARK AS PEOPLE'S
10 EXHIBIT; IT'S A TRANSCRIPT. THE PEOPLE HAVE PREVIOUSLY
11 PROVIDED A COPY OF THE TRANSCRIPT TO THE DEFENSE. THAT
12 WOULD BE NO. 26; IS THAT CORRECT, YOUR HONOR?

13 THE COURT: CORRECT.

14

15 (MARKED FOR IDENTIFICATION: TRANSCRIPT
16 PEOPLE'S EXHIBIT NO. 26)

17

18 MS. STREETER: DO YOU WANT ME TO CONTINUE, YOUR
19 HONOR?

20 THE COURT: IF YOU DON'T HAVE MUCH, I'D LIKE TO
21 FINISH UP THIS WITNESS IF WE COULD.

22 MS. STREETER: OKAY.

23 BY MS. STREETER:

24 Q ALL RIGHT. I'M GOING TO SHOW YOU WHAT'S
25 BEEN MARKED AS PEOPLE'S 26 FOR IDENTIFICATION. AND I
26 WANT YOU TO LOOK AT ABOUT THE MIDDLE OF PAGE 25, WHERE
27 IT SAYS COULD I ASK ABOUT THAT, TO THE LINE 16 OF
28 PAGE 27. AND AFTER YOU LOOK AT THAT, READ THAT, I'M

1 GOING TO ASK YOU SOME QUESTIONS.

2 MR. RAMNANEY: I'M GOING TO OBJECT TO THIS AS
3 BEING HEARSAY, YOUR HONOR.

4 THE COURT: WHAT IS THE DOCUMENT YOU ARE SHOWING
5 HER?

6 MS. STREETER: THE TRANSCRIPT FROM THE COLORADO
7 HEARING.

8 THE COURT: THE REPORTER'S OFFICIAL TRANSCRIPT?

9 MS. STREETER: YES.

10 THE COURT: OVERRULED.

11 THE WITNESS: SO STARTING ON PAGE 25, WHAT LINE?
12 CAN YOU SHOW ME?

13 MR. RAMNANEY: YOUR HONOR, I'M GOING TO OBJECT
14 AGAIN. CAN WE APPROACH ON THIS ISSUE?

15 THE COURT: YES.

16

17 (A SIDEBAR CONFERENCE WAS HELD
18 AND NOT REPORTED.)

19

20 (THE FOLLOWING PROCEEDINGS WERE
21 RESUMED IN OPEN COURT IN THE
22 PRESENCE OF THE JURY:)

23

24 THE COURT: OKAY. MS. STREETER.

25 BY MS. STREETER:

26 Q HAVE YOU REVIEWED IT, MS. RICE?

27 A I HAVE.

28 Q OKAY. NOW, AFTER REVIEWING THAT, DID THE

1 COURT GO INTO DETAIL WITH MS. COHEN -- WITH MS. LYNCH
2 ABOUT WHAT IT MEANT TO CONTACT, FIRST, MR. WEISBERG?

3 A IT'S STEINBERG.

4 Q STEINBERG.

5 A YES.

6 Q OKAY. WAS THE COURT CLEAR, DON'T CONTACT
7 HIM?

8 A YES.

9 Q OKAY. IN REFERENCE TO YOUR ADDRESS
10 LOCATED AT 93 [SIC] WILSHIRE BOULEVARD, DID MS. LYNCH
11 QUESTION THE COURT ABOUT WHAT SHE MEANT AT 9300 WILSHIRE
12 BOULEVARD?

13 A YES.

14 Q WHAT DID SHE SAY?

15 A MS. LYNCH OR THE COURT?

16 Q MS. LYNCH?

17 A SHE SAID WHAT IS THIS 9300 WILSHIRE
18 BOULEVARD? IS THAT THE LAW OFFICES OF ROBERT KORY?

19 Q AND DID THE COURT EXPLAIN TO MS. LYNCH
20 WHAT THAT ADDRESS WAS?

21 A YES.

22 Q AND THEN AFTER THE COURT EXPLAINED TO
23 MS. LYNCH WHAT THAT ADDRESS WAS, DID MS. LYNCH REPLY TO
24 THE COURT THAT SHE UNDERSTOOD?

25 A YES.

26 Q OKAY. AND -- AND AFTER THE COURT WENT
27 THROUGH EVERYTHING -- NOT CONTACTING MR. KORY, NOT
28 CONTACTING THE LAW OFFICE LOCATED AT 93 [SIC] WILSHIRE

1 BOULEVARD AND STATING ROBERT KORY'S NAME, NOT
2 CONTACTING -- I'M SORRY, MR. STEINBERG?

3 A HARVEY STEINBERG.

4 Q HARVEY STEINBERG.

5 DID THE COURT ASK MS. LYNCH DO YOU
6 UNDERSTAND WHAT THIS MEANS?

7 A THE COURT DID.

8 Q AND WHAT WAS MS. LYNCH'S RESPONSE?

9 A SHE UNDERSTOOD.

10 Q DID MS. LYNCH STATE I UNDERSTAND DEADLY
11 SERIOUS WHAT IT MEANS?

12 A SHE DID.

13 Q OKAY. NOW, ON 2000 -- THIS HEARING WAS
14 2006; IS THAT CORRECT?

15 A NO, SEPTEMBER 2008.

16 Q OKAY. WHEN YOU SENT THE LETTER TO
17 MS. LYNCH ON FEBRUARY 14TH, 2008, WAS MR. KORY STILL
18 YOUR LAW PARTNER? FEBRUARY 14 -- I MISSPOKE.

19 FEBRUARY 14, 2011, WHEN YOU SENT THE
20 CEASE AND DESIST LETTER TO MS. LYNCH, WAS MR. KORY STILL
21 YOUR LAW PARTNER?

22 A YES.

23 Q OKAY. WHEN YOU SENT THE LETTER TO
24 MS. LYNCH ON FEBRUARY 14TH, 2011, WAS YOUR LAW OFFICE
25 AND MR. KORY'S LAW OFFICE STILL LOCATED AT THE SAME 9300
26 WILSHIRE BOULEVARD ADDRESS THAT WAS MENTIONED IN COURT
27 IN COLORADO?

28 A YES.

1 Q OKAY. AND DURING THE TIME PERIOD OF
2 FEBRUARY 2011 TO FEBRUARY 2012, HAS YOUR OFFICE REMAINED
3 LOCATED AT THAT SAME 9300 WILSHIRE BOULEVARD THAT WAS
4 MENTIONED BY THE COURT IN COLORADO?

5 A YES.

6 MS. STREETER: NOTHING FURTHER.

7 THE COURT: ANYTHING FURTHER, MR. RAMNANEY?

8 MR. RAMNANEY: I JUST HAVE TWO QUESTIONS, YOUR
9 HONOR.

10 THE COURT: OKAY. IF YOU COULD MAKE IT BRIEF.

11

12 FURTHER CROSS-EXAMINATION

13 BY MR. RAMNANEY:

14 Q MS. RICE, ARE THERE ANY OTHER BUSINESSES
15 AT 9300 WILSHIRE BOULEVARD?

16 A YES. WE'RE ACTUALLY IN A BUILDING THAT
17 IS FIVE STORIES TALL. AND THERE'S A TITLE COMPANY ON
18 THE FIRST FLOOR, THERE'S A HANMI BANK BRANCH ON THE
19 FIRST FLOOR. WE ARE LOCATED ON THE ENTIRE SECOND FLOOR
20 OF 9300 WILSHIRE BOULEVARD.

21 Q AND, AGAIN, ON THE CALIFORNIA ORDER DV
22 FORM, THE JUDICIAL COUNSEL DV FORM THAT YOU FILED AS
23 ATTORNEY OF RECORD IN THE STATE OF CALIFORNIA, IS YOUR
24 NAME OR MR. KORY'S NAME ON THAT ORDER AS A PROTECTED
25 PERSON?

26 MS. STREETER: OBJECTION; ASKED AND ANSWERED.

27 THE COURT: SUSTAINED.

28 MR. RAMNANEY: I HAVE NO FURTHER QUESTIONS, YOUR

1 HONOR.

2 THE COURT: OKAY.

3 I THANK YOU VERY MUCH, MS. RICE. YOU'RE
4 SUBJECT TO FURTHER RECALL.

5 THE WITNESS: THANK YOU, JUDGE.

6 THE COURT: LADIES AND GENTLEMEN, WE'RE DONE FOR
7 THE DAY. YOU'LL BE HAPPY TO KNOW THAT THERE IS ONLY ONE
8 MORE WITNESS ON THE PROSECUTION'S LIST AND I THINK IT
9 WILL BE RELATIVELY SHORT. AND SO I WILL SEE YOU IN THE
10 MORNING AT 10:00. PLEASE BE ON TIME. AND WE'LL TRY TO
11 FINISH UP AS QUICKLY AS WE CAN. THANK YOU.

12 MR. KORY, THE COURT IS ORDERING YOU TO
13 RETURN TOMORROW AT 10:00.

14 MR. KORY: I WILL BE HERE.

15 THE COURT: THANK YOU.

16

17 (AT 4:30 P.M., AN ADJOURNMENT WAS TAKEN
18 UNTIL APRIL 11, 2012, AT 10:00 A.M.)

19

20

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