

1 LAW OFFICE OF DANIEL MARKS  
2 DANIEL MARKS, ESQ.  
3 Nevada State Bar No. 002003  
4 NICOLE M. YOUNG, ESQ.  
5 Nevada State Bar No. 12659  
6 610 South Ninth Street  
7 Las Vegas, Nevada 89101  
8 (702) 386-0536; FAX (702) 386-6812  
9 Attorneys for Appellant

Electronically Filed  
Apr 06 2017 04:28 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

10 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

11 DENNIS KOGOD,

Case No. 71147

12 Appellant,

13 vs.

14 GABRIELLE CIOFFI-KOGOD,

15 Respondent.  
16 \_\_\_\_\_/

17 **APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT**  
18 \_\_\_\_\_  
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20 **APPELLANT'S APPENDIX**  
21 **Volume 25**  
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DISTRICT COURT  
CLARK COUNTY, NEVADA

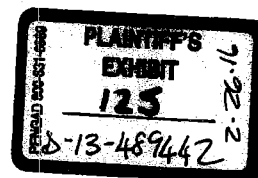
GABRIELLE CIOFFI-KOGOD, )  
)  
Plaintiff, )  
)  
vs. )  
)  
DENNIS KOGOD, )  
)  
Defendant. )  
\_\_\_\_\_ )

**CERTIFIED  
TRANSCRIPT**

No. D-13-489442-D

VIDEOTAPED DEPOSITION OF NADYANE KHAPSALIS KOGOD  
Beverly Hills, California  
Friday, September 11, 2015

Reported by:  
MICHELE URBINA  
CSR No. 9635  
Job No. 2134664  
  
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DISTRICT COURT  
CLARK COUNTY, NEVADA

GABRIELLE CIOFFI-KOGOD,     )  
  )  
                  Plaintiff,     )  
  )  
              vs.                     )     No.   D-13-489442-D  
  )  
  )  
DENNIS KOGOD,                     )  
  )  
  )  
                  Defendant.     )  
\_\_\_\_\_

Videotaped Deposition of NADYANE KHAPSALIS  
KOGOD, at 433 North Camden Avenue, Suite 1000,  
Beverly Hills, California, beginning at 10:11  
a.m., and ending at 4:58 p.m. on Friday,  
September 11, 2015, before MICHELE URBINA,  
Certified Shorthand Reporter No. 9635.



1 APPEARANCES:

2

3 For Plaintiff:

4 RADFORD J. SMITH, CHARTERED

5 BY: RADFORD J. SMITH

6 Attorney at Law

7 2470 St. Rose Parkway, Suite 206

8 Henderson, Nevada 89074

9 (702) 990-6448

10 Rsmith@radfordsmith.com

11

12

13 For Defendants:

14 LAW OFFICES OF DANIEL MARKS

15 BY: DANIEL MARKS

16 NICOLE M. YOUNG

17 Attorneys at Law

18 610 South Ninth Street

19 Las Vegas, Nevada 89101

20 (702) 386-0536

21 office@danielmarks.net

22 nyoung@danielmarks.net

23

24

25

1 APPEARANCES: (Continued)

2  
3 For the Deponent Nadyane Khapsalis Kogod:

4 YOUNG, SPIEGEL & LEE, LLP

5 BY: LANCE S. SPIEGEL

6 Attorney at Law

7 301 North Canon Drive, Suite 300

8 Beverly Hills, California 90210

9 (310) 887-5100

10 lances@ysfamilylaw.com

11  
12  
13 Videographer:

14 DUDLEY FETZER

15  
16 Also Present:

17 DANIEL J. JAFFE, ESQ.

GABRIELLE CIOFFI-KOGOD

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1 Beverly Hills, California; Friday, September 11, 2015 09:31:19  
2 10:11 a.m. 09:31:19  
3 09:31:19  
4 THE VIDEOGRAPHER: Good morning. 09:31:19  
5 We're on the record at 10:11 a.m. on Friday, 10:11:02  
6 September 11th, 2015 for the video-recorded deposition  
7 of Nadya Khapsalis.  
8 I'm Dudley Fetzer; I'm here with the court 10:11:14  
9 reporter, Michele Urbina. We're here from Veritext  
10 Legal Solutions by request of counsel for the  
11 plaintiffs. This deposition is being held at 433  
12 North Camden Drive in Beverly Hills.  
13 The case caption is Gabrielle Cioffi-Kogod 10:11:31  
14 versus Dennis Kogod, Case Number D-13-489442-D.  
15 Please, note that the audio and video 10:11:51  
16 recording will take place unless all parties agree to  
17 go off the record.  
18 The microphones are sensitive and may pick 10:11:57  
19 up whispers, private conversations and cellular  
20 interference.  
21 I'm not authorized to administer an oath, 10:12:07  
22 and I'm not related to any party in this action, nor  
23 am I financially interested in the outcome in any way.  
24 At this time will counsel, please, identify 10:12:17  
25 yourselves, and state whom you represent.

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1 MR. SMITH: Bradford Smith, and I represent 10:12:23  
2 Gabrielle Cioffi-Kogod.  
3 MR. MARKS: Daniel Marks and Nicole Young. 10:12:31  
4 We represent Dennis Kogod.  
5 MR. SPIEGEL: Lance Spiegel. I represent 10:12:34  
6 the witness.  
7 THE VIDEOGRAPHER: The court reporter may 10:12:39  
8 swear the witness.  
9 NADYANE KHAPSALIS KOGOD, 10:13:08  
10 having been first duly sworn, was examined and 10:13:02  
11 testified as follows:  
12 EXAMINATION 10:13:04  
13 BY MR. SMITH: 10:13:06  
14 Q Please, state your name. 10:13:06  
15 A Nadyane Khapsalis Kogod. 10:13:08  
16 Q And could you spell your first name and 10:13:11  
17 middle name, please?  
18 A N-a-d-y-a-n-e; Khapsalis, K-h-a-p-s-a-l-i-s; 10:13:18  
19 K-o-g-o-d.  
20 Q Okay. Have you ever had your deposition 10:13:19  
21 taken before?  
22 A Yes. 10:13:37  
23 Q On how many occasions? 10:13:38  
24 A Pardon me? 10:13:41  
25 Q How many times have you had your deposition 10:13:43

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1 taken?  
2 A Oh, it is my first one. 10:13:45  
3 Q Okay. I'm going to walk through the process 10:13:50  
4 for you, so you understand what we're doing here and  
5 some basic rules, because they are taking down a  
6 transcript; okay?  
7 The oath that you have just taken is the 10:13:59  
8 same oath you would take in a court of law. So, even  
9 though we are in a conference room in a law office,  
10 the same rules that would apply to your testimony in a  
11 courtroom apply here today.  
12 Do you understand? 10:14:13  
13 A Yes. 10:14:13  
14 Q So, that imposes on you a duty to tell the 10:14:13  
15 truth --  
16 A Yes. 10:14:17  
17 Q -- do you understand? 10:14:17  
18 The court reporter who is seated to my left 10:14:18  
19 is taking down everything that we say, so as a result  
20 there are certain rules that we have to follow to make  
21 sure the transcript that she'll ultimately prepare is  
22 accurate.  
23 One of those rules is that it is very common 10:14:31  
24 in -- when we speak to each other to anticipate a  
25 question and begin to answer that question before the

Page 9

1 answer is completed. That's something we do in normal  
2 conversation.

3 That doesn't work in this context. It is 10:14:44  
4 important that you allow whoever's asking you a  
5 question -- primarily me today -- to finish that  
6 question before you commence your answer; okay?

7 A Yes. 10:14:55

8 Q "Yes"? 10:14:56

9 A Yes. 10:14:56

10 Q All right. And it is also important that 10:14:57  
11 you speak up loud enough so that we can understand  
12 you, so that we get an accurate record of the  
13 statements that you make on the record; okay?

14 A Yes. 10:15:09

15 Q The -- it is also important that you answer 10:15:09  
16 questions with verbal responses as opposed to  
17 nonverbal responses.

18 In normal conversation we might say "uh-huh" 10:15:16  
19 or "huh-uh," or shake our head one way or another,  
20 that doesn't work in this context because the court  
21 reporter can't interpret what your answer is.

22 So, it is important that you answer 10:15:28  
23 verbally; okay?

24 A Understood. 10:15:30

25 Q Okay. There's nothing about my questions 10:15:32

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1 that are designed to trick you in any way or confuse  
2 you in any way. In fact, I want you to tell me if you  
3 don't understand a question, and if you don't I will  
4 repeat or rephrase the question until you do.

5 Do you understand? 10:15:46

6 A I understand. 10:15:48

7 Q If you answer a question and you don't tell 10:15:48  
8 me that you don't understand it, we're going to  
9 presume that you do understand it.

10 Fair enough? 10:15:57

11 A Fair enough. 10:15:57

12 Q All right. At the end of the deposition and 10:15:58  
13 once this deposition is completed, the court reporter  
14 will prepare a booklet that includes all of the things  
15 that are said in the room today.

16 And you will have an opportunity to review 10:16:09  
17 that booklet, and you will have an opportunity to  
18 write on a piece of paper what you think is either  
19 inaccurate in the transcript or perhaps you misspoke  
20 and you wanted to change one of your answers.

21 But it is the classic advice of attorneys at 10:16:24  
22 this time to let you know that if you change an answer  
23 from today -- say today you say "yes," and then you  
24 change that later when you review the transcript to  
25 "no" -- that any of the lawyers could comment on that

Page 11

1 and suggest that either the answer you gave at the  
2 time of your deposition or the answer you changed was  
3 untruthful.

4 Do you understand? 10:16:45

5 A I understand. 10:16:46

6 Q Is there any reason why you would be unable 10:16:50  
7 to give your best testimony today?

8 A I didn't understand that question. 10:16:55

9 Q Is there any reason why you wouldn't be able 10:16:56  
10 to testify?

11 Let me ask you a series of questions to try 10:16:59  
12 to ferret that out.

13 Are you ill? 10:17:03

14 A No. 10:17:03

15 Q Are you taking any medications today that 10:17:04  
16 would prevent you from remembering or recollecting  
17 events or giving testimony today?

18 A No. 10:17:11

19 Q Okay. And you haven't taken any substances 10:17:14  
20 that affect your ability to think or to answer  
21 questions; correct?

22 A No. 10:17:23

23 Q "No," you have not? 10:17:23

24 A No. 10:17:24

25 Q Okay. The deposition today will probably go 10:17:26

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1 the full day. We're scheduled, I think the latest, to  
2 end at about 5:30.

3 We'll take a break probably for lunch 10:17:36  
4 whenever everybody agrees that that's going to happen,  
5 and we'll probably break for about an hour. You  
6 brought some information today that we would go over  
7 and we kind of like to look at that during that period  
8 of time.

9 If at any time you need a break, you want 10:17:53  
10 some coffee, water, whatever you need to do, you need  
11 to go to the restroom, whatever, just let me know and  
12 we'll take that break; okay?

13 A Thank you. 10:18:03

14 Q The only thing I ask is that you try to 10:18:04  
15 complete the question that's before you before you  
16 take a break; okay?

17 A Okay. 10:18:09

18 Q All right. Is there any questions that you 10:18:10  
19 have about the process?

20 A No. 10:18:13

21 Q All right. The -- you're here pursuant to a 10:18:14  
22 subpoena, so I would like to go over that document.

23 MR. MARKS: Do you have an extra copy for 10:18:28  
24 me?

25 MR. SMITH: I think I might have given away 10:18:34

Page 13

1 my copy.

2 Oh, here it is. 10:18:36

3 I don't have an extra copy. I can have one 10:18:36

4 made if you'd like it.

5 You don't have a copy? 10:18:38

6 MR. MARKS: No. 10:18:40

7 MR. SMITH: Yeah. Let's go ahead and mark 10:18:42

8 that.

9 MR. MARKS: What number is that going to be? 10:18:49

10 MR. SMITH: It will be 15. 10:18:51

11 (Plaintiff's Exhibit 15 was marked for 10:18:53

12 identification by the court reporter.)

13 BY MR. SMITH: 10:18:53

14 Q I represent Gabrielle Cioffi-Kogod. 10:18:53

15 Have you two ever met? 10:18:59

16 A No. 10:19:01

17 Q Have you ever corresponded or communicated 10:19:01

18 in any manner?

19 A No. 10:19:04

20 Q When did you first learn about Mrs. Kogod's 10:19:04

21 existence?

22 A Let me think about this. 10:19:14

23 Approximately -- I don't know the date. 10:19:15

24 Q No; just your general recollection. 10:19:16

25 In fact, let me just give you another 10:19:19

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1 admonition just so we're clear.

2 I don't want you to guess. I don't want you 10:19:24

3 to pull something out of thin air. But if your

4 experience, your recollection, what you know concludes

5 you to an answer, that's perfectly okay.

6 So, you don't have to know the precise date 10:19:35

7 or the precise time or how -- exactly how long

8 something is, et cetera, but if you can just give me

9 the information that you do know, that's all we're

10 seeking; okay?

11 A Approximately, a month after we get 10:19:45

12 married.

13 Q A month after you got married? 10:19:49

14 A Yes. 10:19:50

15 Q And how did you learn of her existence? 10:19:50

16 A Dennis confess me, yeah. 10:19:56

17 Q What was your date of marriage? 10:19:58

18 A 3rd -- I -- June 3rd. 10:20:01

19 Q June 3rd? 10:20:07

20 A 11 years ago. I don't even remember. 10:20:07

21 Q I'm sorry, you said 11 years ago? 10:20:09

22 A 11 years ago. It is just here, my 10:20:12

23 certificate, what it is.

24 Q Okay. 10:20:20

25 A 2000- -- 10:20:21

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1 Q So, that would be 2005? 10:20:22  
2 A May we see through this? 10:20:24  
3 MR. SPIEGEL: You have to ask -- 10:20:26  
4 THE WITNESS: The date? 10:20:29  
5 So, 2005. 10:20:41  
6 BY MR. SMITH: 10:20:43  
7 Q Okay. 10:20:43  
8 A June. 10:20:44  
9 Q June 3rd, 2005? 10:20:45  
10 A Yes. 10:20:46  
11 MR. MARKS: Counsel, can I see what she's 10:20:46  
12 looking at?  
13 MR. SPIEGEL: For the record, I'm looking at 10:20:50  
14 a document entitled, "Marriage Commitment Ceremony,"  
15 appears to have a date of June 3, 2005.  
16 MR. MARKS: And I'm going to object that 10:21:14  
17 this is not a legally binding document and move to  
18 strike any comment regarding marriage.  
19 That's not a -- that document does not show 10:21:24  
20 any legal marriage.  
21 MR. SMITH: May I see it, Mr. -- 10:21:29  
22 MR. SPIEGEL: Sure. 10:21:31  
23 MR. SMITH: -- Spiegel? 10:21:32  
24 Counsel, thank you. 10:21:33  
25 BY MR. SMITH: 10:21:39

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1 Q All right. I assume this is something that 10:21:39  
2 you brought pursuant to the subpoena that you were  
3 delivered to you; correct?  
4 MR. SPIEGEL: I can respond to that. 10:21:44  
5 It is here pursuant to the subpoena, that 10:21:45  
6 document.  
7 MR. SMITH: Okay. Great. 10:21:49  
8 MR. SPIEGEL: Yeah. 10:21:49  
9 BY MR. SMITH: 10:21:51  
10 Q And this appears to be an original document 10:21:51  
11 of a marriage commitment ceremony in the City of  
12 Cancun, State of Quintana Roo -- "Roo" -- R-o-o,  
13 Mexico.  
14 Do I have that right? 10:22:06  
15 A Yes. 10:22:07  
16 Q Okay. Let's start a little earlier than 10:22:11  
17 that.  
18 And tell me when you first met Dennis Kogod. 10:22:13  
19 A Uh, also don't remember exactly. 11 years 10:22:22  
20 ago. Probably I was May -- no, not -- it was earlier,  
21 April.  
22 Q Roughly, April of 2005 or was it 2004? 10:22:38  
23 A Yes; 2000 -- 2005. 10:22:41  
24 Q So, when you were married, you knew Dennis a 10:22:43  
25 couple of months.

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1 Does that sound about right? 10:22:47  
2 A Yes. 10:22:50  
3 Q What was the circumstances of your 10:22:48  
4 meeting?  
5 A We met, uh -- may I -- may I have a 10:22:54  
6 minute -- or your help.  
7 MR. SPIEGEL: I think he wants to know when 10:23:04  
8 and how you met.  
9 THE WITNESS: Okay. So, I used to work at 10:23:07  
10 the restaurant as a hostess. So, he came, he was  
11 client, so I help him to get seat. So, I guess we  
12 have some eyes connection, so then he start coming to  
13 this restaurant and then start dating. And everything  
14 was quick, so --  
15 MR. SPIEGEL: I think you answered the 10:23:33  
16 question.  
17 THE WITNESS: I did? 10:23:34  
18 BY MR. SMITH: 10:23:36  
19 Q The -- let's go back even further. 10:23:36  
20 I'm going to ask you some questions about 10:23:39  
21 your background.  
22 Where were you born? 10:23:41  
23 A In Kazakhstan, capital of Kazakhstan, 10:23:44  
24 Almaty.  
25 Q Did you grow up there? 10:23:51

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1 A Yes. 10:23:51  
2 Q How long did you live there? 10:23:53  
3 A Until 24. 10:23:53  
4 Q What is your native language? 10:23:55  
5 A Russian. 10:23:57  
6 Q And you said in 2004 you moved from 10:23:57  
7 Kazakhstan?  
8 A No. I moved from Kazakhstan in 1993. 10:24:03  
9 Q Oh, when you were 24? 10:24:06  
10 A Yeah. I was 24 years old. 10:24:08  
11 Q I see. 10:24:09  
12 So, what's your date of birth? 10:24:10  
13 A January 21st, '69. 10:24:13  
14 Q Okay. And when you moved from Kazakhstan, 10:24:16  
15 where did you go?  
16 A I went to my brother and I stay with him for 10:24:20  
17 a year.  
18 Q Where was he living? 10:24:26  
19 A I believe at Lankershim Street, something 10:24:28  
20 like that.  
21 Q Was he living here in the United States? 10:24:34  
22 A Yes. In the Valley. 10:24:36  
23 Q In San Fernando Valley in California? 10:24:37  
24 Not San Fernando Valley. I believe it is, I 10:24:40  
25 remember even street, Hesby.

1 Q Hesby Street. 10:24:49  
2 Somewhere in Los Angeles; is that right? 10:24:50  
3 A Yes. 10:24:51  
4 Q I'm not familiar with this area. I'm not 10:24:51  
5 from here, so --  
6 A Yes. 10:24:54  
7 Q So, somewhere in Los Angeles you came from 10:24:55  
8 Kazakhstan --  
9 A Yes. 10:24:57  
10 Q -- in approximately, I think you said 1994; 10:24:57  
11 is that right?  
12 A 2000 -- I mean, 1993. 10:25:01  
13 Q '93. Thanks. 10:25:06  
14 And you lived with your brother who was 10:25:07  
15 already residing here, or did you come together with  
16 him?  
17 A No. He was here about a year before me. 10:25:11  
18 Q Okay. Have you ever been married? 10:25:16  
19 A Yes. 10:25:18  
20 Q When have you been -- when were you married, 10:25:20  
21 other than the --  
22 A The marriage before, um -- let's say after I 10:25:24  
23 moved here, that happened in two years, so it means  
24 '95, I guess.  
25 Q What was the name of your husband? 10:25:37

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1 was sometime in 1995 that you married Mr. Kievsky?  
2 A Yes. Maybe even '94. I don't remember 10:26:41  
3 exactly.  
4 Q Okay. What level of education did you have 10:26:44  
5 prior to your marriage to Mr. Kievsky?  
6 Did you finish grammar school and high 10:26:49  
7 school?  
8 A Me? 10:26:52  
9 Q Yes. 10:26:54  
10 A My education there or here? 10:26:55  
11 MR. SPIEGEL: Both. 10:26:58  
12 BY MR. SMITH: 10:26:58  
13 Q Both. Just sort of give me your history of 10:26:58  
14 your education.  
15 A It is kind of -- I wouldn't consider like 10:27:01  
16 university [sic], or I don't know, of sports education  
17 there.  
18 And right after I finished this I moved 10:27:10  
19 here. And then I would go just for language to just  
20 high school.  
21 And I don't remember exactly year, I went to 10:27:19  
22 California Art Healing College just for couple years.  
23 That's it.  
24 Q Do you have a similar equivalent of high 10:27:32  
25 school in Kazakhstan, is it the same type of system?

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1           A     Kind of the same type of system, yes.           10:27:38

2           Q     And you completed that --           10:27:41

3           A     Yes.           10:27:42

4           Q     -- part?           10:27:43

5                 And you said that you were on an athletic --   10:27:43

6     was it a scholarship, or were you participating in

7     athletics, how did that work?

8           A     Yes, I was runner for 400 meters, 800       10:27:53

9     meters.

10          Q     Okay.           10:27:59

11          A     And then at that time was kind of success,   10:28:00

12     and then I went to that, um, university of the

13     sport -- it sound funny, "university" -- but I can

14     compare that with, I don't know, institute, we call

15     that institute. It is university here. Four years.

16          Q     So, it is a -- in addition to your       10:28:21

17     participation in sports, though, did you study an

18     academic course or was it just the sports?

19          A     I studied medicine, psychology -- I mean,   10:28:30

20     psychology, philosophy.

21                 What else?           10:28:38

22                 Everything that's supposed to be like a       10:28:40

23     basic.

24          Q     Okay.           10:28:43

25          A     Yes.           10:28:44

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1 Q Do they provide you a degree at the end of 10:28:44  
2 that?

3 A Yes. 10:28:47

4 Q And you also participated as an athlete? 10:28:47

5 A Yes. 10:28:49

6 Q All right. When you came to the 10:28:49  
7 United States, what were your purpose of coming to the  
8 United States?

9 A To just better opportunity in life, because 10:28:54  
10 in Kazakhstan it was quite dangerous at that time,  
11 back then.

12 So, I assume when my brother came here and 10:29:06  
13 he says it is a beautiful country, safe, so I would  
14 like to help you, so I would -- and I decide to move  
15 here to try if I like this country.

16 When I came here he help me in the 10:29:21  
17 beginning, then I start working. And I really like  
18 lifestyle, and at that time I was so poor saving like  
19 each money, but I just liked this country and I trust  
20 I'll be safe here.

21 So, that's the reason. 10:29:38

22 Q Okay. And when you came here, did you come 10:29:39  
23 on a tourist Visa?

24 A My Visa was B-2, it is kind of altogether; 10:29:43  
25 tourist, private and something else, like a three

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1 birds killing.

2 Q Did your immigration status change after 10:29:53

3 that time?

4 A Yes, yes. I get my Green Card through that 10:29:56

5 marriage.

6 Q Okay. To Mr. Kievsky? 10:30:03

7 A Yes. 10:30:06

8 Q After you got your Green Card, did your 10:30:07

9 immigration status change again?

10 A No. I -- 10:30:13

11 MR. SPIEGEL: You -- yeah. 10:30:15

12 THE WITNESS: No. 10:30:15

13 MR. SMITH: No. 10:30:15

14 BY MR. SMITH: 10:30:18

15 Q And what was the -- what is the status of -- 10:30:18

16 your immigration status presently?

17 A I'm citizen of the United States. 10:30:23

18 Q Okay. When did you become a citizen? 10:30:25

19 A I believe two years ago. 10:30:28

20 Q And was that through just the normal process 10:30:29

21 of Green Card and citizenship, or was your marriage

22 involved in that in any manner?

23 A Just process of the Green Card. 10:30:41

24 Q Did Mr. Kogod participate in your 10:30:43

25 immigration transfer or immigration change to a

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1 citizen?

2 A Of course he participate, but just -- I 10:30:57

3 mean, I was going just -- it was just time already to

4 me to get -- how he participate, he just help me to

5 learn that questions is going to be.

6 Q On the test? 10:31:14

7 A Yeah. They -- probably they ask the letter 10:31:14

8 who is him for me, so and I change my last name --

9 Q Okay. 10:31:22

10 A -- during that. 10:31:22

11 Q And you change your last name to what? 10:31:23

12 A To Kogod, to Khapsalis Kogod. 10:31:26

13 So, I left my original part it was Russell 10:31:30

14 Kievsky. I was Nadine Khapsalis Kievsky, and now I

15 became Nadine Khapsalis Kogod.

16 Q The -- why did you change your name at that 10:31:47

17 time?

18 A Because I didn't want to be a Kievsky 10:31:55

19 anymore, since my husband is Dennis Kogod was at that

20 time.

21 Q When did you change your name? 10:32:05

22 When did you start using the name Kogod? 10:32:06

23 A Exactly when I got my citizenship. 10:32:08

24 Q So, approximately, two years ago? 10:32:10

25 A Uh-huh. 10:32:13

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1 MR. SPIEGEL: "Yes"? 10:32:14  
2 THE WITNESS: Yes. 10:32:14  
3 MR. SMITH: Yes. 10:32:14  
4 THE WITNESS: "Uh-huh" is not working, I 10:32:15  
5 know. I'm sorry.  
6 BY MR. SMITH: 10:32:18  
7 Q The -- I want to go over some names and let 10:32:18  
8 me know if you've used any of these names.  
9 You have obviously used Nadine Kievsky; 10:32:34  
10 correct?  
11 A Correct. 10:32:37  
12 Q How about Nadya Khapsalis; correct? 10:32:37  
13 A Correct. 10:32:40  
14 Q And that's Nadya with a "y"; right? 10:32:41  
15 A Yes. 10:32:43  
16 Q N-a-d-y-a? 10:32:44  
17 A Yes. 10:32:45  
18 Q All right. Have you ever used any other 10:32:46  
19 spelling of Nadya?  
20 A Two "i," two, but nothing just -- not a 10:32:50  
21 legal documents nowhere.  
22 Q Okay. On your birth certificate what is 10:32:56  
23 your name?  
24 A Nadezhda Khapsalis. 10:32:59  
25 Q And is Nadezhda spelled N-a-d-e-j-d-a [sic]? 10:33:02

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1 Q Where were you divorced? 10:34:12  
2 A Where? 10:34:14  
3 Q Yes. 10:34:15  
4 A Los Angeles. 10:34:16  
5 Q Do you recall the county you were in? 10:34:16  
6 Was it Los Angeles County? 10:34:18  
7 A Yes. 10:34:19  
8 Q Have you remained in touch with 10:34:23  
9 Mr. Kievsky?  
10 A Yes. 10:34:25  
11 Q Is he living in Los Angeles? 10:34:27  
12 A Yes. 10:34:28  
13 Q Do you know his address? 10:34:29  
14 A Not anymore. 10:34:31  
15 Q Do you have a phone number for 10:34:33  
16 Mr. Kievsky?  
17 A I believe so, somewhere in my -- 10:34:36  
18 Q In your phone? 10:34:38  
19 A Uh-huh. 10:34:40  
20 Q If we left a blank in the deposition, you 10:34:41  
21 could fill in that number?  
22 A Probably, yes. 10:34:44  
23 MR. SMITH: Do that, Madam Court Reporter. 10:34:45  
24 (Information requested: \_\_\_\_\_ 10:34:48  
25 \_\_\_\_\_.)

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1 THE WITNESS: I'm not sure, because I change 10:34:48  
2 sometimes and they disappear.  
3 I believe so. 10:34:52  
4 MR. SMITH: If you can. 10:34:53  
5 THE WITNESS: Yes. 10:34:55  
6 MR. SMITH: I'm not even sure we'll ever 10:34:57  
7 contact him.  
8 BY MR. SMITH: 10:34:59  
9 Q In terms of your passport, what name is now 10:34:59  
10 on your passport?  
11 A Nadine Khapsalis Kogod. 10:35:06  
12 Q And that changed, approximately, two years 10:35:08  
13 ago, or is that when you were issued a United States  
14 passport?  
15 A Yes, it is became together with my 10:35:15  
16 United States passport.  
17 Q Okay. Do you have a passport from any other 10:35:19  
18 country?  
19 A No. 10:35:21  
20 Q And I take it at some point in time, you had 10:35:23  
21 a passport from Kazakhstan?  
22 A Pardon me. Again? 10:35:28  
23 Q You had a passport from Kazakhstan? 10:35:30  
24 A I did before, so I have to give up on this, 10:35:32  
25 because they do not allow to have two.

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1 Q Right. 10:35:38  
2 So, you had that passport and used that 10:35:38  
3 passport until, approximately, two years ago?  
4 A I did, yes. 10:35:41  
5 Q Do you recall the name on that passport? 10:35:42  
6 A Nadezhda Khapsalis Georgievna. That's just 10:35:47  
7 kind of name of the father.  
8 MR. SPIEGEL: They have to use that in 10:35:56  
9 Russia.  
10 BY MR. SMITH: 10:35:58  
11 Q The name after your father? 10:35:58  
12 A Yes. That's how they use instead of middle 10:35:59  
13 name.  
14 Q Yes? 10:36:03  
15 A Everybody there using father's first name. 10:36:03  
16 Q First name? 10:36:06  
17 A Yes. 10:36:07  
18 Q Oh, wow. 10:36:07  
19 A So, if my father was George, I was Nadezhda 10:36:09  
20 Georgievna. It was kind of Georgievna.  
21 THE REPORTER: Could you spell Georgievna? 10:36:15  
22 THE WITNESS: Like George, and then just "e" 10:36:22  
23 and "i" -- i-v-n-a [sic].  
24 BY MR. SMITH: 10:36:33  
25 Q Okay. Thank you. 10:36:36

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1                   You -- during your marriage you recall                   10:36:40  
2                   filing taxes with Mr. Kievsky.  
3                   Did you file taxes after your divorce from               10:36:44  
4                   Mr. Kievsky?  
5                   A     For a little while, yes.                   10:36:48  
6                   Q     And that was -- you filed taxes both here           10:36:50  
7                   and in California, and for the Federal taxes as  
8                   well?  
9                   A     Yes.                   10:36:58  
10                  Q     Okay. Do you remember who prepared your           10:37:00  
11                  taxes?  
12                  A     I don't remember the name of this, um, I --       10:37:04  
13                  I can give it to you later if you need.  
14                  MR. SMITH: Okay. We'll leave another blank           10:37:12  
15                  in the deposition, so if you recall.  
16                  (Information requested: \_\_\_\_\_           10:37:16  
17                  \_\_\_\_\_  
18                  \_\_\_\_\_.)  
19                  BY MR. SMITH:                                   10:37:16  
20                  Q     You said you for a while filed taxes.           10:37:17  
21                  When did you stop filing taxes?           10:37:19  
22                  MR. SPIEGEL: I don't know that she said she           10:37:24  
23                  stopped filing taxes.  
24                  MR. SMITH: She didn't.                   10:37:27  
25                  MR. SPIEGEL: Let's clarify that.           10:37:28

1 MR. SMITH: So, let me clarify that. 10:37:30  
2 BY MR. SMITH: 10:37:30  
3 Q At some point in time, did you stop filing 10:37:30  
4 taxes?  
5 A Yes. 10:37:33  
6 Q When was that? 10:37:33  
7 A Also, I don't remember exactly, but when 10:37:37  
8 Dennis start completely take care of me, so I stopped  
9 because he was taking care of us.  
10 Q All right. Were you earning any income 10:37:45  
11 after the time that you stopped filing taxes?  
12 A I didn't -- 10:37:56  
13 MR. SPIEGEL: You can answer that "yes" or 10:37:57  
14 "no."  
15 BY MR. SMITH: 10:38:02  
16 Q You looked puzzled. 10:38:02  
17 Do you need me to explain "income"? 10:38:03  
18 A Yes, please. Yes. 10:38:06  
19 Q Income is when you work or when you have 10:38:06  
20 investments that give you money.  
21 So, if for example I had a book and I sold 10:38:10  
22 that book and I received money for that book, that  
23 could be considered income?  
24 A Yes; so then the answer's no. 10:38:21  
25 Q Okay. 10:38:23

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1           A     Because I never sold my book and I never           10:38:23  
2     published it. It was self-published.  
3           Q     Okay. I'm not limiting, though, just to           10:38:29  
4     your book.  
5                     So, for example, if you did any work outside           10:38:31  
6     the home where you were paid money for that work, did  
7     that happen at any time after you stopped filing --  
8           A     No.           10:38:44  
9           Q     -- taxes?           10:38:44  
10                  No? Okay.           10:38:46  
11                  Do you have a driver's license?           10:38:48  
12           A     Yes.           10:38:49  
13           Q     What is the name on your current driver's           10:38:50  
14     license?  
15           A     Nadine Khapsalis Kogod.           10:38:54  
16           Q     And that's a California driver's license?           10:38:55  
17           A     Yes.           10:38:57  
18           Q     When did you receive that license?           10:38:58  
19           A     I can look at that, if you need exactly the           10:39:01  
20     date.  
21           Q     Okay.           10:39:04  
22           A     Do you?           10:39:04  
23           Q     Yeah.           10:39:06  
24                     Okay. You've handed me a California           10:39:24  
25     driver's license. It indicates Nadine Khapsalis Kogod



1 is your name, has an expiration date -- I'm not sure  
2 if there's an issuance date on here.

3 MS. SMITH: Perhaps, Mr. Spiegel, since you 10:39:43  
4 are from California, you can help me on that.

5 MR. SPIEGEL: There is on the bottom 10:39:56  
6 right-hand portion of 5/09/2012 date.

7 BY MR. SMITH: 10:40:03

8 Q Does that sound -- 10:40:03

9 MR. SPIEGEL: My guess. 10:40:06

10 THE WITNESS: What? 10:40:07

11 BY MR. SMITH: 10:40:08

12 Q Okay. There's a date at the bottom 10:40:08  
13 right-hand side of the front of the driver's license  
14 that Mr. Spiegel has identified as May 9th, 2012.

15 Does that sound about the time that you 10:40:17  
16 received that driver's license?

17 A I think so. 10:40:21

18 Q Okay. 10:40:23

19 A I think so. 10:40:23

20 Q All right. 10:40:24

21 A I think I change it when exactly I got my 10:40:24  
22 citizenship, so I have to change everything.

23 Q What was the name on your driver's license 10:40:31  
24 prior to that time?

25 A Before? 10:40:34

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1 Q Yes. 10:40:35  
2 A Nadine Khapsalis Kievsky. 10:40:37  
3 Q And that was a California license as well? 10:40:39  
4 A Yes. 10:40:42  
5 Q And when did you first get that driver's 10:40:42  
6 license?  
7 A That driver's license I get when I have, um, 10:40:46  
8 my first car. And I believe it was, um, if I came  
9 '93 -- plus seven -- 2004, I believe, yes.  
10 Q Okay. And when you got your first car, that 10:41:04  
11 was after your divorce from Mr. Kievsky?  
12 A No, it was -- 10:41:09  
13 Q It was prior to -- 10:41:10  
14 A -- during the marriage. 10:41:12  
15 Q So, is -- my recollection, and maybe I'm 10:41:12  
16 wrong, but my recollection is you were married to  
17 Mr. Kievsky sometime between 1995 to -- '94/'95 till  
18 about 2000, 2001, or thereabouts.  
19 A I believe. 10:41:32  
20 Q Do you recall getting a car and license 10:41:34  
21 during that period?  
22 A Yes, I do. 10:41:36  
23 Q And that's how you got around when you were 10:41:37  
24 married to Mr. Kievsky?  
25 A Yes. 10:41:40

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1 Q At the time that you met Mr. Kogod in 2005, 10:41:41  
2 what did you own?  
3 Did you own a car? 10:41:50  
4 A No. My car was leased. 10:41:51  
5 Q Okay. Did you own anything else? 10:41:56  
6 MR. SPIEGEL: I'm going to -- I'm concerned 10:41:57  
7 about some privacy rights and issues that aren't her  
8 assets, her obligations, her income during that period  
9 of time to the present, I think are really subject to  
10 her privacy rights.  
11 I'm going to give you some latitude before I 10:42:12  
12 instruct her -- object and instruct her not answer,  
13 but I want to give you a heads up.  
14 MR. SMITH: Yeah. Well, I think over the 10:42:20  
15 course of this case we found that Ms. Khapsalis has  
16 been the beneficiary of a substantial portion of  
17 community funds that were equally owned by my client.  
18 So, I think any questions that are right 10:42:37  
19 designed to understand and distinguish her property  
20 from the property that she received from Mr. Kogod, I  
21 think are all within the scope of this deposition.  
22 MR. MARKS: I would like to chime in. 10:42:51  
23 I object to your speaking on the record in 10:42:53  
24 case the depo is read, I want to preserve my rights,  
25 since we had an experience where the judge wouldn't

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1 allow the objection at time of trial, that we have an  
2 agreement I'll let you finish, let me finish, but  
3 we're preserving our rights to object to what the  
4 attorneys are saying as not what the witness is  
5 saying, so we don't run into a later situation where I  
6 think I agreed more with your position that there  
7 should be a way to object before the witness speaks.

8 MR. SMITH: Okay. 10:43:22

9 MR. MARKS: We don't object -- we don't 10:43:22  
10 agree with what you're saying, I'm just trying to  
11 explain to it my colleague, counsel for the witness,  
12 but I don't want there to be -- your statements to be  
13 any construed as any waiver of my chiming in but I  
14 don't want to interrupt either.

15 So, we should have an agreement that 10:43:38  
16 whatever you were saying or I'm saying doesn't go to  
17 the judge in the form of witness testimony, or it just  
18 isn't read, the videotape isn't read because of  
19 technological problems you get to say whatever you  
20 want, I get to say whatever I want. It is really the  
21 witness' testimony that is read subject to our  
22 objections.

23 MR. SMITH: I think the -- I think I 10:44:00  
24 understand your objection, I'm not quite sure.

25 MR. MARKS: To your statement telling 10:44:07

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1 counsel what you found, that's not evidence. I didn't  
2 want to interrupt you. And I don't want there to be a  
3 technological problem in court where this is read  
4 willy-nilly.

5 So, I'm giving you the same courtesy that 10:44:18  
6 whatever I say you are not agreeing with.

7 MR. SMITH: Is there some reasonable dispute 10:44:23  
8 that community property was used to support  
9 Ms. Khapsalis?

10 MR. MARKS: It is a question-and-answer 10:44:31  
11 session for the witness, I'm not going to argue our  
12 case today.

13 So, I'm saying what you said should not come 10:44:35  
14 in as part of a deposition testimony of the witness.

15 You're telling counsel why you want to ask a 10:44:41  
16 question that he may have a different objection to,  
17 that's all.

18 MR. SMITH: Actually, the dialogue between 10:44:48  
19 counsel was an attempt to avoid a discovery dispute.

20 MR. MARKS: Okay. 10:44:56

21 MR. SMITH: Because I think under our rules 10:44:57  
22 required under EDCR2.34, in order to fend off  
23 objections that could lead to later discovery disputes  
24 I think I'm in an obligation to work those out if I  
25 can.

1 MR. MARKS: Right. I agree with that. 10:45:11  
2 What I'm saying is I want to preserve that 10:45:11  
3 all of this not be read to the fact finder at time of  
4 trial, since we had an instance before where things  
5 were read.  
6 So, I didn't want to interrupt you. I want 10:45:22  
7 you to say whatever you want to say to avoid the  
8 dispute, and I'm just lodging my objection to all this  
9 being read later because it doesn't relate to the  
10 witness directly.  
11 MR. SMITH: All right. So, Mr. Spiegel, 10:45:34  
12 that was just by way of explanation, as we go through  
13 the individual questions --  
14 THE REPORTER: One at a time. 10:45:40  
15 MR. SPIEGEL: If I can just comment. 10:45:41  
16 You are correct it was intended to avoid a 10:45:43  
17 discovery dispute. It was inadvertently was  
18 consistent with your rules but that was my intent.  
19 And my comment is that I have no issue or 10:45:50  
20 privacy problem with respect to the claim that  
21 financial assistance was provided by Mr. Kogod to the  
22 witness. That's open for inquiry.  
23 MR. SMITH: Right. 10:46:06  
24 MR. SPIEGEL: Her assets independent of 10:46:07  
25 that, her assets, her income I think are subject to

1 privacy concerns, and that's why I raised it, brought  
2 it to your attention.

3 MR. SMITH: Okay. I appreciate that. I 10:46:17  
4 just don't know how I would distinguish between the  
5 assets of Mr. Kogod or those that Ms. Khapsalis makes  
6 claim to without understanding what they are.

7 But we'll go with the questions, and if you 10:46:27  
8 have an objection of course you are free to lodge  
9 it.

10 BY MR. SMITH: 10:46:32

11 Q So, Ms. Khapsalis, my question is, what did 10:46:32  
12 you own at the time that you were, in your statement,  
13 married to Mr. Kogod?

14 MR. MARKS: I object to the term "married," 10:46:42  
15 from a legal -- I have a legal objection.

16 MR. SMITH: Okay. We can -- no, and I 10:46:47  
17 understand that, and perhaps we do too.

18 I'm not using that word to establish a legal 10:46:50  
19 right of marriage. I'm using that simply as  
20 identification of a particular date.

21 MR. MARKS: June, so the date you are using 10:46:57  
22 is June of 2005?

23 MR. SMITH: Yes. June 3rd, I believe it 10:47:00  
24 was.

25 BY MR. SMITH: 10:47:03

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1 Q Correct? 10:47:03  
2 A Yes. 10:47:04  
3 Q Yes. So, as of June 3rd, 2005, what did you 10:47:04  
4 own?  
5 A My kids and my car. 10:47:08  
6 Q Did you say "kids" -- 10:47:12  
7 A That's what I own, asset. 10:47:14  
8 Q You said "kids," like children? 10:47:16  
9 A Yes. 10:47:17  
10 Q Okay. And your -- the children that you are 10:47:18  
11 referring to are who?  
12 MR. SPIEGEL: Names? 10:47:24  
13 THE WITNESS: Names? 10:47:25  
14 BY MR. SMITH: 10:47:25  
15 Q Names and dates of birth, please. 10:47:25  
16 A Nika. Nika Khapsalis. They have in my 10:47:27  
17 name. They using my name.  
18 And Nika Maria Khapsalis and Denise Lina 10:47:37  
19 Khapsalis.  
20 Q They are twins; correct? 10:47:42  
21 A They are twins. 10:47:43  
22 Q What's their date of birth? 10:47:44  
23 A 2007, December 28. 10:47:46  
24 Q Okay. So, those came after June 3rd, 2005, 10:47:50  
25 obviously, the children; correct?



1 A Yes. 10:47:56  
2 Q All right. So, other than your car, you had 10:47:56  
3 no other assets at the time of June 3rd, 2005;  
4 correct?  
5 A Yes. 10:48:03  
6 Q All right. When did you first reside or 10:48:03  
7 live with Dennis Kogod?  
8 A Question -- would you please repeat in an 10:48:19  
9 easier way?  
10 Q No problem. 10:48:22  
11 A My language still struggling. 10:48:25  
12 Q We have an available Russian translator, if 10:48:27  
13 that would help you.  
14 A I'm okay. I just need to process. 10:48:31  
15 Q Okay. When did you first move in with 10:48:34  
16 Dennis?  
17 A He's kind of move in with me. 10:48:39  
18 Q When was that? 10:48:41  
19 A Uh, I can count like a month -- right after 10:48:43  
20 we married. Right after we married, yes.  
21 Q So, sometime after June 3rd, 2005? 10:48:56  
22 A Yes. 10:48:59  
23 Q Where were you living at the time? 10:48:59  
24 A You need address; right? 10:49:03  
25 Q If you can remember. 10:49:05

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1           A     Which city? God. Work in this one. One,           10:49:11  
2     um, give me that street name --  
3           Q     Let's start with, was it in --           10:49:26  
4           A     It is exactly -- where is that temple, um,       10:49:27  
5     Santa Monica and --  
6           Q     Is it a --           10:49:35  
7           A     Momorian [sic] Temple.           10:49:38  
8           Q     Which temple?           10:49:42  
9           A     Momorian. Momorian?           10:49:42  
10          Q     Mormon Temple?           10:49:43  
11          A     Yes.           10:49:44  
12          Q     So, it was somewhere --           10:49:45  
13          A     Disappear from --           10:49:47  
14          Q     Okay. So, it was somewhere near the Mormon       10:49:48  
15     Temple in Los Angeles?  
16          A     Yes.           10:49:53  
17          Q     "Yes"?           10:49:54  
18          A     I'm going to give you in a second this           10:49:54  
19     name.  
20          Q     Why don't we -- we'll ask you a couple other       10:49:56  
21     questions, and if it comes to you, you can tell me.  
22          A     If you don't want to lose the time on this       10:50:08  
23     one, I'm going to give you name.  
24          Q     Yeah. Let's not lose the time.           10:50:03  
25                So, you were -- you had -- was it an           10:50:05

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1 apartment, a home, what was it?  
2 A It was townhouse. 10:50:08  
3 Q Townhouse? 10:50:13  
4 A Yes. 10:50:13  
5 Q That's where you were residing prior to the 10:50:13  
6 time you met Dennis?  
7 A Yes. 10:50:17  
8 Q Where were you working at the time that you 10:50:17  
9 met him?  
10 A I was at the restaurant, hostess. 10:50:20  
11 Q Right. 10:50:22  
12 Where? What restaurant? 10:50:23  
13 A It is called Moustache at that time, on 10:50:24  
14 Melrose. And then it changed for Chocolate or  
15 something.  
16 Q And about a month after you met Dennis at 10:50:31  
17 the restaurant, he moved in with you in this townhouse  
18 near the Mormon Temple; correct?  
19 MR. SPIEGEL: No. I think that misstates 10:50:43  
20 her testimony.  
21 MR. SMITH: Do I have that wrong? 10:50:47  
22 She can correct me if I'm wrong. 10:50:48  
23 THE WITNESS: Again, please? 10:50:49  
24 BY MR. SMITH: 10:50:49  
25 Q When did Dennis move in with you? 10:50:49

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1           Was it about a month after -- oh, that's           10:50:49  
2   right, it is after marriage.  
3           Thank you.           10:50:52  
4       A    Yes.           10:50:53  
5       Q    So, after your ceremony in June 3rd, 2005,       10:50:53  
6   then Dennis moved in with you; correct?  
7       A    Right.           10:51:00  
8       Q    Right.           10:51:00  
9           And did he have furniture and clothing and       10:51:01  
10   that sort of thing, or what did he move in?  
11       A    I got all the furniture. I actually had       10:51:08  
12   furniture before, so I moved all my old furniture  
13   there, so --  
14       Q    You had indicated in previous testimony       10:51:15  
15   about a month after you were married he told you that  
16   he was already married; correct?  
17       A    He -- yes. I don't remember exactly, but I       10:51:23  
18   just realize that he's not spending weekends, and so I  
19   start -- I just ask him what's going on. He  
20   confessed. He got to confess, yes.  
21       Q    And he -- he told you that he was married to       10:51:40  
22   someone else; correct?  
23       A    Yes.           10:51:48  
24       Q    And he told you he was not divorced from       10:51:49  
25   that person; you understood they were still married?

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1 believe I was doing some taxes, but it was like low  
2 income. So, and I have some -- my savings, so I use  
3 that money.

4 Q After your -- you understood that Dennis was 10:52:50  
5 married, did you split for any period of time or did  
6 you remain living together?

7 A Would you, please, repeat? 10:53:01

8 Q Did you break up? 10:53:02  
9 Did he leave your house for any period of 10:53:04  
10 time?

11 Was it a problem? 10:53:06

12 MR. MARKS: Calls for a compound. 10:53:08

13 THE WITNESS: Like you -- 10:53:10

14 MR. SPIEGEL: Slow down, slow down, slow 10:53:11  
15 down.

16 Make sure you understand the question. 10:53:14

17 THE WITNESS: Yeah. 10:53:15

18 BY MR. SMITH: 10:53:15

19 Q Okay. Let's -- Dennis tells you that he's 10:53:15  
20 still married after this ceremony you go through in  
21 June of 2005.

22 A Yes. 10:53:21

23 Q What happened when he told you that he was 10:53:23  
24 married?

25 A I told him, I don't want to do it, that's 10:53:29

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1 not fair and I do not want to do it and let's broke  
2 up. But we didn't because he give me some reasons to  
3 believe.

4 Q To believe what? 10:53:47

5 A To believe -- he told the marriage kind of 10:53:47  
6 with Gabriella not going well. He never says anything  
7 bad about Gabriella, he says she's smartest woman in  
8 the world.

9 And but this time we not getting along good, 10:54:00  
10 and I think it would be better for both of us if we  
11 split.

12 So, I just want to be patient and, please, 10:54:08  
13 stay behind me, help me, support me. And we just  
14 going ended up together.

15 Q At any time after that time, which I 10:54:21  
16 understood was approximately a month after June 2005,  
17 so roughly July 2005, did he ever tell you that he was  
18 divorced from Ms. Cioffi-Kogod?

19 A No. 10:54:39

20 Q So, you understood even through today that 10:54:39  
21 they're still married?

22 A Yes. 10:54:43

23 Q The town -- or the townhouse that you lived 10:54:44  
24 in, did you rent or own it?

25 A Own. 10:54:50

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1 Q So, the townhouse was in your name? 10:54:50  
2 A No. 10:54:52  
3 Q Whose name was it in? 10:54:53  
4 A It's in, um, kids' -- how you call that -- 10:54:55  
5 THE WITNESS: Would you, please, help me we 10:55:03  
6 this?  
7 MR. SPIEGEL: I can't help you. 10:55:05  
8 THE WITNESS: Yes. 10:55:07  
9 MR. MARKS: I object to the form, because I 10:55:08  
10 think she's answering a question that you didn't ask,  
11 but --  
12 MR. SMITH: What? 10:55:14  
13 Okay. Objection made for the record. 10:55:15  
14 BY MR. SMITH: 10:55:17  
15 Q You can answer the question. 10:55:17  
16 MR. MARKS: Can you restate the question? 10:55:18  
17 MR. SMITH: Madam Court Reporter? 10:55:21  
18 (Record read.) 10:55:33  
19 THE WITNESS: Dennis. 10:55:33  
20 BY MR. SMITH: 10:55:34  
21 Q Is this the townhouse that you -- that 10:55:34  
22 Dennis moved into shortly after 2005, that was in  
23 Dennis' name?  
24 A Dennis' name. 10:55:43  
25 Q So, it was Dennis' townhouse? 10:55:44

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1           A     He told me they during the divorce process,           10:56:48  
2     um, but kind of never talk about -- I never ask if you  
3     phone or to lawyers, just he know exactly what's going  
4     on.  
5           Q     Just so we're clear on the time frame.           10:57:02  
6                 I'm talking about after he told you that he       10:57:04  
7     was still married.  
8           A     Yes.           10:57:19  
9           Q     After that time.           10:57:10  
10                So, in 2005 and thereafter, did he tell you       10:57:11  
11     that he was still having contact with  
12     Ms. Cioffi-Kogod?  
13           A     Yes, yes.           10:57:17  
14           Q     And so, did you know that he was like           10:57:18  
15     traveling to Las Vegas to see her --  
16           A     Yes.           10:57:24  
17           Q     -- were you aware of that?           10:57:25  
18                Did you ever know that they were in marriage       10:57:27  
19     counseling?  
20           A     No. I didn't know about that.           10:57:34  
21           Q     Did you and Dennis ever go to counseling       10:57:38  
22     together?  
23           A     Just recently now, when we have big problem.       10:57:41  
24     I don't know you know that problem.  
25                MR. SPIEGEL: You answered the question,           10:57:48

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1 "just recently."  
2 THE WITNESS: Yeah. 10:57:51  
3 BY MR. SMITH: 10:57:51  
4 Q The -- did Dennis ever indicate to you -- 10:57:51  
5 well, let me back up.  
6 What was the problem that you were having 10:58:00  
7 recently with Dennis?  
8 MR. SPIEGEL: Well, I'm going to instruct 10:58:07  
9 you not to answer what was discussed in marriage  
10 counseling because you've got a privilege.  
11 And I'm objecting to it on that basis. 10:58:11  
12 MR. SMITH: Yeah. 10:58:14  
13 BY MR. SMITH: 10:58:15  
14 Q I'm not asking what was discussed in 10:58:15  
15 marriage counseling. I'm just asking what the problem  
16 is between you and Dennis.  
17 You and Dennis are no longer residing 10:58:19  
18 together; correct?  
19 A Yes. 10:58:24  
20 Q Where do you live? 10:58:25  
21 A I live in the same house, Oak Pass Road, 10:58:25  
22 with my kids and nanny.  
23 Q When did Dennis move out of that home? 10:58:30  
24 A Approximately, after New Year, I believe. 10:58:34  
25 Q A year ago? 10:58:40

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1 I guess it was right after kids' birthday, 10:59:48  
2 it means December 28th, maybe around New Year,  
3 Christmastime.

4 Q Okay. And you confronted him about his 10:59:56  
5 seeing someone else?

6 A Yes. 11:00:00

7 Q And you two argued over that? 11:00:01

8 A Of course. 11:00:04

9 Q And then he subsequently moved out? 11:00:04  
10 After that he moved out? 11:00:07

11 A No. He tried to stay. He tried to explain 11:00:09  
12 to me. But we both decide it is going to be healthier  
13 for us if we just --

14 Q Move on? 11:00:20

15 A Move on. 11:00:20

16 Q What did he tell you? 11:00:21  
17 You said he explained to you. 11:00:24  
18 What did he explain? 11:00:26

19 A Uh, that's kind of really personal right 11:00:29  
20 now. I don't know if I want to discuss this. It is  
21 so much personal stuff.

22 MR. SPIEGEL: Do you need a break, or are 11:00:42  
23 you okay?

24 THE WITNESS: I need a kind of minute with 11:00:45  
25 you if it is possible, please.

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1 MR. MARKS: Go off the record. 11:00:48  
2 MR. SMITH: Okay. 11:00:49  
3 THE VIDEOGRAPHER: Time is 11:00 o'clock. 11:00:50  
4 We're off the record. 11:00:52  
5 (Recess taken.) 11:10:21  
6 THE VIDEOGRAPHER: Time is 11:10. 11:10:21  
7 We're on the record. 11:10:28  
8 MR. SMITH: We're back from our break, 11:10:31  
9 Ms. Khapsalis, and I'm going to have the court  
10 reporter read to you the last question.  
11 Okay. 11:10:52  
12 (Record read.) 11:10:53  
13 BY MR. SMITH: 11:10:53  
14 Q So, my question was, you had testified that 11:10:53  
15 before leaving the residence and after your discussion  
16 of Mr. Kogod having seen someone else --  
17 A Yes. 11:11:07  
18 Q -- that he explained something to you. 11:11:09  
19 What did he explain? 11:11:11  
20 A He explain, okay, it is like temporary 11:11:14  
21 affair, and I believe so, if you are going to be  
22 patient. I mean, it sounds crazy of course.  
23 Because, uh, and I said I cannot watch that 11:11:28  
24 action because I'm like too smart, too smart to know  
25 what was going on.

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1                   So, we tried, I tried ignore that, and I                   11:11:41  
2    think I mean I wasn't with worried yesterday and I'm  
3    adult enough person and I understand a lot of guys  
4    going through that stuff because --  
5                   So, I was trying to save family and try to                   11:11:54  
6    accept that fact, but sorry I didn't grab more money,  
7    and so I didn't want to go through what Gabriella was  
8    going through.  
9                   So, I says I'm not doing that anymore, so,                   11:12:11  
10   please, you should take another place or rent or so.  
11   I just want my privacy. I want to heal. And then  
12   we -- we'll see what's going to be -- what's going to  
13   happen.  
14           Q    Did he tell you who he was seeing?                   11:12:25  
15           A    Yes.                   11:12:34  
16           Q    Who was it? Who was he seeing?                   11:12:34  
17           A    Jennifer Crute Steimer, Steimer Crute.                   11:12:37  
18           Q    And you indicated he stated it was a                   11:12:43  
19   temporary affair.  
20                   Did he indicate to you at that time that the                   11:12:47  
21   affair was over?  
22           A    Yeah. He says it is over already.                   11:12:51  
23                   It wasn't true.                   11:12:55  
24                   MR. SPIEGEL: Now, just answer his                   11:12:57  
25   question.

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1 THE WITNESS: Okay. 11:12:59  
2 MR. SPIEGEL: What did he say. 11:12:59  
3 THE WITNESS: He say over. 11:13:01  
4 BY MR. SMITH: 11:13:03  
5 Q And I take it from your last answer that you 11:13:03  
6 learned it was not over?  
7 A Yes. 11:13:08  
8 Q What did you learn? 11:13:09  
9 A How -- how did I -- 11:13:11  
10 Q Yeah; what is it that you learned that 11:13:13  
11 suggested to you that it wasn't over?  
12 A After 10 years together, I know every 11:13:18  
13 movement of this person. So, I know how he's acting.  
14 Anxiety, he was going calling all the time, texting,  
15 and it is different, different look way at me.  
16 Completely everything different. So --  
17 Q So, you suspected based on his behavior that 11:13:36  
18 he was continuing to maintain an affair with  
19 Ms. Steimer?  
20 A Yes. 11:13:43  
21 Q The -- let's go back to the 2005 period. 11:13:47  
22 The townhouse that you lived in was on 11:13:52  
23 Overland; correct?  
24 A Yes. 11:13:56  
25 Q And the records indicate that Mr. Kogod 11:13:57

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1 purchased that townhouse in June of 2005.

2 So, did you understand that he just 11:14:07

3 purchased it after you two got together, or did you

4 believe that he had it prior to that time?

5 A Pardon me. Did I believe he bought this 11:14:17

6 place in his name?

7 Q Right. 11:14:21

8 A Yes. 11:14:22

9 Q You knew he bought it about the time you 11:14:22

10 went through the ceremony; is that right?

11 A It was right after, I believe. 11:14:27

12 Q And you indicated you continued to live 11:14:30

13 there for a couple of years until you moved into the

14 Edinburgh home.

15 A Yes. 11:14:36

16 Q And the address of the Edinburgh home is -- 11:14:39

17 A Overland. So, you give me the street 11:14:47

18 number.

19 Q Actually, it was 1809 Overland Avenue, 11:14:49

20 Number 3?

21 A Unit Number 3, yes, correct. 11:14:53

22 Q All right. And the Edinburgh home was at 11:14:54

23 129 North Edinburgh in Los Angeles; correct?

24 A Correct. 11:15:00

25 Q Okay. Was that a home that you understood 11:15:01

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1 Mr. Kogod purchased as well at or about the time that  
2 you moved into it?

3 A Again, please? 11:15:10

4 Q So, did Dennis buy the house and then you 11:15:11  
5 guys moved into it?

6 A Yes. 11:15:17

7 Q Do you know how he paid for that house? 11:15:19

8 A No. 11:15:21

9 Q Did you do any remodeling of that home? 11:15:26  
10 A Um, it is brand new home. We just did 11:15:29  
11 little remodeling before the sale. Just paint  
12 walls.

13 Q Did you use the furniture you had at the 11:15:38  
14 Overland property or did you buy new furniture?

15 A Parts of the old furniture and part of the 11:15:46  
16 new furniture.

17 Q Okay. Did anyone live with you other than 11:15:51  
18 your children and Dennis at the Edinburgh home while  
19 you resided there?

20 A Yes. 11:15:58

21 Q Who? 11:15:58

22 A Nanny. 11:15:59

23 Q Let's start with the first nanny you had. 11:16:00  
24 The children were born in 2007; correct? 11:16:03

25 A Yes. 11:16:05

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1 Q In December 2007? 11:16:06  
2 A Yes. 11:16:07  
3 Q What was the first nanny you had for the 11:16:08  
4 children?  
5 A Name? 11:16:12  
6 Q Yes. 11:16:13  
7 A Gianna. Gianna. I don't remember the last 11:16:13  
8 name. It was Armenian woman.  
9 Q Do you know if she with a service or she was 11:16:19  
10 just an individual?  
11 A We found her through -- through service, 11:16:22  
12 nanny agency.  
13 Q Do you recall the name of the service that 11:16:32  
14 she was with?  
15 A I don't remember. This was kind of little 11:16:36  
16 private service also named -- by name of that woman.  
17 Q And Dennis paid for her? 11:16:43  
18 A Yes. 11:16:44  
19 Q Let's start at 2005. 11:16:46  
20 Did you stop working at the restaurant 11:16:50  
21 in --  
22 A Yes. 11:16:52  
23 Q Okay. How did you meet your own expenses? 11:16:54  
24 MR. SPIEGEL: I'm going to object to that. 11:17:00  
25 It is overly broad and implicates privacy rights.

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1	MR. SMITH: Okay.	11:17:04
2	BY MR. SMITH:	11:17:05
3	Q Who paid for the condo?	11:17:05
4	A Dennis.	11:17:09
5	Q Who paid for your meals?	11:17:09
6	A Dennis.	11:17:11
7	Q Who paid for your car?	11:17:11
8	A Dennis.	11:17:13
9	Q Did he buy you a car?	11:17:13
10	A He rented before. The last car he bought	11:17:16
11	for me.	
12	Q The first car that you used that Dennis	11:17:20
13	provided to you was a Lexus; correct?	
14	A No.	11:17:25
15	Q What was it?	11:17:25
16	A It was Porsche.	11:17:26
17	Q Do you know where he bought that?	11:17:28
18	A I don't know.	11:17:32
19	Q Do you know what happened to that car?	11:17:32
20	A What's happened?	11:17:36
21	Q Yeah.	11:17:37
22	What happened to it, where did it go?	11:17:37
23	Was it sold, was it destroyed --	11:17:39
24	A I was pregnant and I got in car accident, so	11:17:41
25	they replaced it, the insurance company.	

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1 Q You got in a car accident in that car during 11:17:47  
2 the time of your pregnancy?  
3 A Yes. 11:17:50  
4 Q Who paid for your -- for all the utilities 11:17:51  
5 and other costs associated with the home that you  
6 lived in after you moved into the Overland home?  
7 A Dennis. 11:18:03  
8 Q How did you buy things? 11:18:03  
9 I assume you bought things after 2005? 11:18:05  
10 A Dennis. 11:18:08  
11 Q Dennis. 11:18:08  
12 And so, when you went to buy clothes, how 11:18:09  
13 did you buy them?  
14 A Dennis was give me some cash and check, and 11:18:10  
15 I have my little bank account.  
16 Q Where was your bank account? 11:18:21  
17 A With Bank of America. And I also have a 11:18:23  
18 credit card with Wells Fargo Bank.  
19 Q And that was at that time, in 2005; 11:18:29  
20 correct?  
21 A I don't think so. That's -- that's became 11:18:32  
22 after kids was born.  
23 Q Okay. Prior to the time your children were 11:18:37  
24 born in December of 2007, did you have a separate bank  
25 account?

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1           A     You know, I -- I didn't have any bank           11:18:45  
2     account because -- I didn't have a bank account at  
3     that time.  
4           Q     Okay. So, between 2005 to -- December 2007,       11:18:53  
5     June 2005 to December 2007, you did not have a bank  
6     account at all?  
7           A     Yes.   11:19:01  
8           Q     And you did not have a credit card during       11:19:03  
9     that time or you did?  
10          A     No.   11:19:06  
11          Q     No credit card?                               11:19:06  
12          A     No.   11:19:07  
13          Q     Okay. So, when did you first open your own    11:19:08  
14     bank account?  
15          A     With Dennis. But I don't remember what       11:19:14  
16     year.  
17          Q     You had a joint account with Dennis?       11:19:17  
18          A     He became my co-signer.                       11:19:19  
19          Q     Co-signer. I see.                             11:19:21  
20          A     Yes.   11:19:22  
21          Q     Do you recall when that was; was it after       11:19:22  
22     the children were born?  
23          A     I don't remember exactly.                     11:19:29  
24          Q     And do you recall the bank that you opened     11:19:30  
25     the account at; was it Bank of America?



1	A	Yes.	11:20:32
2	Q	And that's where -- that's the first credit	11:20:34
3		card you recall having, was the one at Wells Fargo?	
4	A	I believe so.	11:20:37
5	Q	Was Dennis' name on the credit card?	11:20:38
6	A	He's as a co-signer there. Card just show	11:20:41
7		in my name.	
8	Q	What name was on the card?	11:20:47
9	A	Nadine -- before it was Nadine Khapsalis	11:20:49
10		Kievsky, and then it was with the Bank of America and	
11		I still use the same one.	
12		And with Wells Fargo -- no, Wells Fargo I'm	11:20:57
13		using Nadine Kievsky.	
14		With Bank of America I'm using Nadine	11:21:07
15		Khapsalis Kogod.	
16	Q	So, the first account you had with Bank of	11:21:12
17		America that you believe was sometime around 2008,	
18		early 2008 or maybe even before that, you used the	
19		name Khapsalis Kogod; correct?	
20	A	No. Khapsalis Kogod became after my	11:21:28
21		citizenship. And my citizenship I got, I believe, two	
22		years ago.	
23	Q	Let's do sort of a time frame, so --	11:21:34
24	A	Yeah.	11:21:36
25	Q	Because I'm getting a little confused about	11:21:36



1 the time frame as well, so let's go over the time  
2 frame.

3 So, you were -- you had the ceremony in 11:21:42  
4 2005. And if I understand your testimony right, you  
5 do not have a bank account or credit card until  
6 sometime around the birth of your children?

7 A Yeah. 11:21:53

8 Q And those -- 11:21:53

9 A I think. 11:21:54

10 Q -- are the accounts you stated were at Bank 11:21:54  
11 of America for the bank account and Wells Fargo for  
12 the credit card?

13 A Yes. 11:22:01

14 Q Okay. And the name on the bank account when 11:22:02  
15 you first opened it was what?

16 A Was Nadine Khapsalis Kievsky. Because at 11:22:07  
17 that time I didn't change my last name.

18 Q That's true with the credit card as well at 11:22:14  
19 Wells Fargo; correct?

20 A On the Wells -- yes. Wells Fargo, Kievsky; 11:22:17  
21 and the Bank of America, Kogod.

22 Q Okay. That's the part that's confusing me. 11:22:24

23 Was it Kogod in 2007 or '08, or was that 11:22:26  
24 later you added the name Kogod?

25 A I added the name Kogod after I became 11:22:33

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1 citizenship.

2 Q Okay. So, prior to the time that you were a 11:22:39

3 citizen --

4 A Before I was using only a credit card. 11:22:41

5 Q Okay. You -- 11:22:45

6 A I believe, yes. 11:22:46

7 Q So, if I understand your testimony, you did 11:22:47

8 not have a bank account at all until sometime

9 approximately two years ago when you became a

10 citizen?

11 A Yes. 11:22:59

12 Q So, you had no bank account whatsoever? 11:23:00

13 A I can't remember exactly. We can check 11:23:06

14 this. I can --

15 MR. SPIEGEL: If you don't remember. 11:23:11

16 THE WITNESS: -- check with the bank and 11:23:13

17 tell you exactly the dates.

18 MR. SPIEGEL: Nadya, if you don't remember, 11:23:18

19 then that's the answer.

20 THE WITNESS: I don't want to be a liar 11:23:22

21 because I tell you one thing.

22 BY MR. SMITH: 11:23:25

23 Q Again, we're just trying to gather 11:23:25

24 information.

25 So, you recall at some point in time having 11:23:28

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1 a bank account, but you believe the first bank account  
2 you had was after the time you became a citizen;  
3 correct?

4 A Yes. 11:23:35

5 Q The -- but the credit card came before you 11:23:37  
6 were a citizen, in some time around the birth of your  
7 children?

8 A Can I just -- because I -- I don't have an 11:23:44  
9 exact question for that, when it's became.

10 Because before it was just kind of cash, and 11:23:52  
11 then I don't remember exactly when I got my --

12 MR. SPIEGEL: If you don't remember, that's 11:23:59  
13 the answer.

14 THE WITNESS: Yes; I don't remember. 11:24:00

15 BY MR. SMITH: 11:24:01

16 Q You do remember, though, Dennis providing 11:24:01  
17 you cash; correct?

18 A Yes. 11:24:05

19 Q And that's how you paid your bills? 11:24:05

20 A The bills, all the bills Dennis paid. 11:24:08

21 Q Okay. How about when you went to buy 11:24:11  
22 something at the grocery store or at the -- for  
23 clothing, or for the children?

24 A I think at that time I was already have, 11:24:17  
25 like I told you, when I get pregnant, so is became

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1 more important so I have a card, so I can use for the  
2 groceries, for stuff for home, for cleaning stuff, for  
3 everything.

4 Q Did you have a maid at that time Overland 11:24:34  
5 apartment at any time?

6 A Yes. When I got pregnant he got me a maid 11:24:39  
7 because it was difficult carrying all the stuff and  
8 clean the house.

9 Q And you -- prior to the time you became 11:24:46  
10 pregnant, you paid everything that you needed to buy  
11 in cash --

12 A Yes. 11:24:54

13 Q -- correct? 11:24:55

14 And he would provide you that cash? 11:24:56

15 A Part of the cash I saved before, so I have 11:25:04  
16 some cash I could use for me, part of the cash he gave  
17 me.

18 Q I thought at the time of your ceremony with 11:25:11  
19 Dennis the only thing you had was a car.

20 Are you saying that you had that stash -- 11:25:17

21 A At that time, no, I said car I own right 11:25:18  
22 now. At that time I had a car which I was leasing.

23 Q Okay. So, let's go back to that question 11:25:27  
24 because I'm not quite sure I'm clear in your answer.

25 A Yeah. 11:25:32

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1 Q The -- in June of 2005, what did you own, 11:25:32  
2 what did you have?  
3 Did you have a large amount of cash 11:25:39  
4 somewhere?  
5 A Not large. About \$20,000. 11:25:43  
6 Q Okay. And that's money that you had saved 11:25:47  
7 prior to that time?  
8 A Yes. 11:25:50  
9 Q And did you have a -- you said you had a car 11:25:50  
10 that was leased; correct?  
11 A Car was leased, yes. 11:25:54  
12 Q Okay. And you had your furniture and 11:25:56  
13 clothing?  
14 A Yes. 11:25:58  
15 Q Did you own anything else? 11:25:59  
16 Did you have any -- 11:26:01  
17 A No. 11:26:01  
18 Q -- interest in land or -- 11:26:02  
19 A No. 11:26:04  
20 Q At that time you did not use a bank 11:26:04  
21 account?  
22 A No. 11:26:06  
23 Q What did you do with your paychecks; you 11:26:07  
24 just cashed them?  
25 A Which paychecks? 11:26:12

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1 Q Paychecks from the restaurant. 11:26:15  
2 Prior to 2005 when you worked at the 11:26:16  
3 restaurant, did you have a bank account that you --  
4 A It is going also personal because I paid 11:26:19  
5 cash.  
6 Q Okay. So -- 11:26:25  
7 A They paid me cash. 11:26:25  
8 Q Oh, they paid you cash? 11:26:26  
9 A Yes. 11:26:28  
10 Q At the restaurant? 11:26:28  
11 A Yes. 11:26:29  
12 Q So, you didn't get a paycheck, they just 11:26:30  
13 give -- they handed you cash?  
14 A Yes. 11:26:34  
15 Q I see. 11:26:34  
16 And then -- all right. 11:26:35  
17 So, you had a certain amount of cash -- cash 11:26:37  
18 saved, and you had a leased car.  
19 At the time that you went through that 11:26:43  
20 ceremony in June of 2005, after that, did Mr. Kogod  
21 pay your lease payments on your car?  
22 A Yes. 11:26:52  
23 Q How long did -- what kind of car did you 11:26:52  
24 have?  
25 A Mercedes 320 ML. 11:26:55

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1 Q And -- okay. 11:26:59  
2 And do you recall who you financed that car 11:27:01  
3 through?  
4 A Uh, they was co-signers, my sister-in-law, 11:27:05  
5 they were co-signers on this car.  
6 Q Who loaned you the money to get the car? 11:27:12  
7 A My sister-in-law. 11:27:14  
8 Q Okay. So, she was holding the lease? 11:27:15  
9 A Yes. I think it was in her name, and my 11:27:17  
10 ex-husband, too, was involved with this.  
11 Q What is your sister-in-law's name? 11:27:26  
12 A Irena Khapsalis. 11:27:28  
13 Q And Dennis took over the payments of the 11:27:32  
14 vehicle until that vehicle lease ended; is that  
15 correct?  
16 A Yes. 11:27:37  
17 Q And do you recall when the lease ended? 11:27:38  
18 A Don't remember that. 11:27:41  
19 Q But at the end of that lease is when 11:27:42  
20 Mr. Kogod purchased the Porsche Cayenne; correct?  
21 A Yes. 11:27:49  
22 Q Did he provide you an engagement ring? 11:27:50  
23 A Yes. 11:27:52  
24 Q Do you still have that ring? 11:27:53  
25 A I don't -- this was -- I was really 11:27:57

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1 unexpensive ring, so I don't know where is it right  
2 now.

3 Q You didn't regularly wear that ring? 11:28:05  
4 A No. 11:28:07  
5 Q And do you recall where it was purchased? 11:28:07  
6 Where did you get it? 11:28:12  
7 Where did he buy it? 11:28:14  
8 A I don't know. 11:28:16  
9 Q You had a ceremony in Cancun, it looks like; 11:28:17  
10 correct?  
11 A Yes. 11:28:21  
12 Q Can you -- tell me who was at the ceremony. 11:28:22  
13 A Just me and him. 11:28:25  
14 Q No one else? 11:28:27  
15 A No one else. 11:28:28  
16 Q Who paid for the ceremony? 11:28:32  
17 A Dennis. 11:28:34  
18 Q And he paid for all your travel to go to 11:28:35  
19 Cancun?  
20 A Yes. 11:28:38  
21 Q So, everything involved with that -- 11:28:38  
22 A Yes. 11:28:40  
23 Q -- ceremony he paid? 11:28:40  
24 A Yes. 11:28:41  
25 Q It is important, Ms. Khapsalis, and again it 11:28:43

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1 is very common in normal parlance to answer a question  
2 before it is completed, and sometimes you may even  
3 think I'm completed with a question, but try to be  
4 sure I'm completed and then give your answer; okay?

5 It is just the court reporter is going to 11:28:57  
6 start getting mad at us, so we don't want to be  
7 chastised by the court reporter.

8 So, you have the ceremony, you come back, he 11:29:05  
9 buys the Overland townhouse, you move into the  
10 townhouse and he -- you use some of your money and he  
11 gives you cash to meet your expenses that he's not  
12 covering?

13 A Yes. 11:29:22

14 Q But he's covering virtually everything 11:29:22  
15 except your clothing, your entertainment and your food  
16 expense; correct?

17 Is there anything else you're paying for? 11:29:34

18 A You know that \$20,000 they -- 11:29:37

19 MR. SPIEGEL: Nadya -- 11:29:40

20 THE WITNESS: -- go fast, so he did, yes. 11:29:41

21 BY MR. SMITH: 11:29:44

22 Q So, I'm now kind of moved into what you paid 11:29:44  
23 for.

24 So, after 2005 you paid for -- from your 11:29:48  
25 20,000 and from the cash he gave you, you paid for

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1 your clothing, your entertainment --

2 A If I want to give -- 11:29:57

3 Q Excuse me. 11:29:58

4 A Yes. 11:29:58

5 Q Let me finish my question; all right? 11:29:59

6 So, you paid for your clothing, your 11:30:01

7 entertainment and your food.

8 Did you pay for anything else from those 11:30:07

9 things -- from that money?

10 A I didn't pay anything for you just 11:30:11

11 mention.

12 Q Oh, you didn't even pay those things? 11:30:15

13 A I had that money for so I can send my mom. 11:30:17

14 And some of the money I would buy present for Dennis.

15 So, it is wouldn't be feel like I pay for 11:30:24

16 his present with his own money.

17 So, that's it. The rest of he did care 11:30:30

18 financially.

19 Q I'm trying to figure out what -- the way you 11:30:34

20 handled your bills now, so I can get a read of what

21 you paid for.

22 And not from the sense of it was your money, 11:30:41

23 but just from the sense of what you actually bought;

24 okay?

25 So, did you -- when you went out by yourself 11:30:48

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1 and Dennis wasn't with you, did you pay your own meals  
2 and entertainment expenses?

3 A Yes. 11:30:58

4 Q But that was from -- after I time, from the 11:30:59  
5 money he gave you?

6 A Yes. 11:31:02

7 Q And that's true of your clothing as well, 11:31:02  
8 you'd buy your own clothing; right?

9 A Yes. 11:31:07

10 Q And that was from the money or cash that he 11:31:08  
11 gave you?

12 A Yes. 11:31:10

13 Q And the same is true with your food, he 11:31:10  
14 would buy your food and it would be from the money he  
15 gave you?

16 A Yes. 11:31:17

17 Q Is there anything else in your relationship 11:31:18  
18 with Dennis you were responsible for purchasing?

19 How did you work it; did you buy all the 11:31:22  
20 groceries, did you buy all your clothes?

21 I mean, what was the arrangement you had 11:31:27  
22 with Dennis?

23 MR. MARKS: This is in '05? 11:31:30

24 MR. SMITH: That's right. And going 11:31:31  
25 forward, but we'll start with '05.

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1                   THE WITNESS: I bought minimum stuff what I           11:31:35  
2   need for living, so I wouldn't crazy with the crazy  
3   clothes at that time.  
4   BY MR. SMITH:   11:31:43  
5           Q     Right.   11:31:43  
6           A     So, decent; food, things for the house.           11:31:43  
7   Just like that.  
8           Q     Okay.   11:31:51  
9           A     Gas.    11:31:51  
10          Q     Did he give you a budget?                           11:31:51  
11                   Do you know what a "budget" is; right?           11:31:52  
12          A     Yes.    11:31:54  
13          Q     Did he give you a budget?                           11:31:55  
14          A     The budget was approximately, let's say \$100       11:31:57  
15   per day.  
16          Q     Okay.   11:32:02  
17          A     At that time.   11:32:02  
18          Q     And did he give you money per day or did he       11:32:02  
19   give you money in chunks?  
20          A     When he would leave, he would leave for five       11:32:07  
21   days, about \$500.  
22          Q     Okay. And that continued to be the course       11:32:13  
23   until you became pregnant?  
24          A     Yes.    11:32:18  
25          Q     And then at that time he gave you -- you got       11:32:18

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1 a credit card?

2 A Yes. 11:32:21

3 Q What were the things that you were 11:32:22

4 responsible for purchasing or that you did purchase on

5 your credit card?

6 A It was gas, food, supplies for the house. 11:32:29

7 And that's about it.

8 Q Personal care, like the beauty parlor, that 11:32:41

9 sort of thing?

10 A Oh, yes, yes. 11:32:48

11 Q After the children were born, were you 11:32:48

12 primarily responsible for buying things for the

13 children --

14 A Yes. 11:32:51

15 Q -- or would Dennis does that? 11:32:51

16 A Both. Yes. 11:32:53

17 Q Okay. So, when you went shopping for 11:32:54

18 clothes and things like that, if you were by yourself

19 without Dennis you would use the credit cards to

20 purchase the items?

21 A Yes. 11:33:04

22 Q And your nanny, when did she start with you; 11:33:04

23 right after the birth of the children?

24 A She start before a month. Start getting 11:33:09

25 used to each other. And the payment was very

1 decent.

2 Q The payment what was? 11:33:19

3 A The payment was decent. It's kind of really 11:33:21

4 decent --

5 THE REPORTER: Decent? 11:33:23

6 THE WITNESS: Not expensive, yes. 11:33:27

7 BY MR. SMITH: 11:33:31

8 Q So, do you recall how much you paid for the 11:33:31

9 nanny, or Dennis paid for the nanny?

10 A Yes. At that time it was about \$400 per 11:33:37

11 week.

12 Q Okay. And how long did that nanny continue 11:33:44

13 to work for you?

14 A That nanny was for six months, then we got 11:33:48

15 different nanny.

16 Q Do you recall what this second nanny's name 11:33:52

17 was?

18 A Uh, Flor -- Florita. 11:33:56

19 Q Was she through a service? 11:34:01

20 A Yes. 11:34:03

21 Q Do you recall the name of the service? 11:34:04

22 A Something, nanny's energy -- I mean, 11:34:05

23 agency.

24 Q But you don't recall the name, or was it 11:34:10

25 called "Nanny's Agency"?

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1           A     Something by this nanny's agency was there,           11:34:14  
2     too, but I don't remember which one -- or it was a  
3     Craigslislist, something like that.  
4           MR. SPIEGEL: Does anybody have an objection           11:34:25  
5     if I ask them to put the air-conditioning up a bit?  
6           MR. SMITH: No. It was hot in here           11:34:30  
7     yesterday.  
8           MR. SMITH: Can we go off the record?           11:34:34  
9           THE VIDEOGRAPHER: Time is 11:34.           11:34:36  
10          We're off the record.           11:34:37  
11          (Off the record.)           11:34:40  
12     BY MR. SMITH:           11:35:52  
13          Q     Okay. So, we were talking about your           11:35:59  
14     nannies, and you had a second nanny that you recalled  
15     was, I think, Flora; correct?  
16          A     Yes.           11:36:10  
17          Q     How long was Flora with you?           11:36:10  
18          A     Flora was about two years with us, or           11:36:20  
19     year-and-a-half.  
20          Q     Did you get a new nanny after that?           11:36:25  
21          A     Christine.           11:36:28  
22          Q     Christine.           11:36:29  
23                Do you recall what service she was from?           11:36:30  
24          A     From Craigslislist.           11:36:31  
25          Q     Do you recall her last name?           11:36:32

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1	A	I don't recall her last name.	11:36:34
2	Q	How long was Christine with you?	11:36:35
3	A	Christine, again, was about a	11:36:39
4		year-and-a-half.	
5	Q	Then did you get another nanny?	11:36:42
6	A	Yes. It's Elena Kalashnikova.	11:36:43
7	Q	How do you spell the last name?	11:36:43
8	A	You know, like that Kalashnikov, the	11:36:50
9		weapons.	
10		K-a-l-a-c-h-n-i-k-o-v-a.	11:36:56
11	Q	Okay. How did you find that individual?	11:36:57
12	A	To Russian agency.	11:37:09
13	Q	Do you recall the name of the agency?	11:37:11
14	A	Marcia and Mary, call that.	11:37:14
15	Q	And she still employed by you; correct?	11:37:20
16	A	Yes.	11:37:22
17	Q	And is Dennis -- has Dennis paid for all of	11:37:23
18		the nannies?	
19	A	Yes.	11:37:28
20	Q	Including the nanny you are utilizing	11:37:28
21		presently; correct?	
22	A	Yes.	11:37:31
23	Q	All right. Your children were born in 2007.	11:37:32
24		How are they insured?	11:37:38
25		Do they have health insurance?	11:37:41

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1 A I believe so. 11:37:43  
2 Q Okay. 11:37:43  
3 A Yes. 11:37:44  
4 Q Who paid the cost associated with your 11:37:44  
5 pregnancy to see the doctor and to go through the  
6 birth of the children?  
7 A I was going to the doctor, and kind of going 11:37:51  
8 through mother, uh -- what's called -- single mother,  
9 so pay by government I guess.  
10 Q Okay. So, you had to applied through the 11:38:07  
11 State of California for benefits --  
12 A Yes. 11:38:12  
13 Q -- associated with the care -- 11:38:12  
14 A Yes. Because at that time, I wasn't sure 11:38:14  
15 what was going to happen with that.  
16 Q Make sure I'm finished. 11:38:18  
17 A Yeah. 11:38:19  
18 Q So, just to repeat that question so it is 11:38:20  
19 completed, is that you received care from -- through  
20 the State at the time of the birth of the children --  
21 A Yes. 11:38:30  
22 Q -- because you were a single mother? 11:38:31  
23 A Yes. 11:38:33  
24 Q Did you have health insurance for the 11:38:35  
25 children after that time?

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1 the insurance through the children changed  
2 periodically?

3 A Yes. 11:39:52

4 Q And did Dennis always provide you a card to 11:39:53  
5 use, so that you can utilize the insurance for the  
6 kids?

7 A He is taking care of this. I'm not using my 11:39:58  
8 card for this.

9 Q When the kids go to the doctor who takes 11:40:02  
10 them?

11 A I do. Me and my nanny. 11:40:05

12 Q How do you pay for the service? 11:40:07

13 A Insurance. And the rest of fee, like a 11:40:09  
14 co-fee.

15 Q Co-pay? 11:40:14

16 A Co-pay, which is like \$20. I pay with the 11:40:15  
17 card.

18 Q Did any of your -- either of your children 11:40:18  
19 have any significant medical issues?

20 A No. 11:40:23

21 Q So, over time, the only pediatric 11:40:24  
22 appointments would be for normal care; correct?

23 A Uh-huh. 11:40:33

24 Q "Yes"? 11:40:33

25 A And shots, yes. 11:40:33

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1 Q And you were the person who typically took 11:40:40  
2 them to the doctor?  
3 A Yes. Dennis sometimes, too. Sometimes 11:40:37  
4 together when he has time.  
5 Q The -- at any time, did you receive gifts 11:40:45  
6 from Dennis after 2005 other than the money that he  
7 gave you?  
8 A Yes. 11:40:58  
9 Q Do you recall what those gifts are? 11:40:59  
10 A Last gifts was car. 11:41:06  
11 Q Okay. 11:41:09  
12 A And before, I mean, he didn't really -- my 11:41:09  
13 best gifts was just --  
14 MR. SPIEGEL: Nadya, you are thinking out 11:41:18  
15 loud. Listen to the question and answer the  
16 question.  
17 THE WITNESS: Okay. Yes. But what kind of 11:41:22  
18 gifts?  
19 MR. SPIEGEL: Yes. 11:41:24  
20 MR. SMITH: So -- 11:41:25  
21 THE WITNESS: Let me think about this. 11:41:25  
22 BY MR. SMITH: 11:41:28  
23 Q I think what your attorney is getting to is 11:41:28  
24 that last question just called for a yes-or-no answer.  
25 The question is "yes," he did give you 11:41:32

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1 gifts; right?

2 A Yes. 11:41:35

3 Q Now, we're going to go through what you 11:41:35

4 recall from those gifts.

5 A Gifts? 11:41:40

6 Q Yes. 11:41:41

7 A Flowers and checks. 11:41:41

8 Q Flowers and checks? 11:41:42

9 A Yes. Sometimes gifts would be I want a trip 11:41:44

10 somewhere. That was my gift because -- yeah.

11 Q We're going to do our best to walk through 11:41:50

12 those gifts if we can, and we're going to go by time

13 period; okay?

14 A Uh-huh. 11:41:56

15 Q The -- in 2005, after your -- you moved into 11:41:57

16 together, do you recall him giving you any gifts

17 during that period?

18 A Do I give him? 11:42:08

19 Q No; did he give you any gifts during that 11:42:09

20 period of time?

21 A Yes. 11:42:14

22 Q Okay. What do you recall he gave you during 11:42:14

23 that period of time?

24 A I told you, gifts would be a trip. 11:42:20

25 Q Okay. 11:42:23

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1           A     Flowers, check to buy me -- I can choose my           11:42:24  
2     gift -- own gift.  
3           Q     Okay.           11:42:29  
4           A     Just like that. That was my request.           11:42:29  
5           Q     The checks would be checks for money;           11:42:31  
6     correct?  
7           A     Yes.           11:42:34  
8           Q     Why would he give you checks as opposed to           11:42:34  
9     just cash; do you know?  
10           MR. MARKS: Calls for speculation.           11:42:39  
11     BY MR. SMITH:           11:42:41  
12           Q     I asked if you knew.           11:42:41  
13           A     I don't know why.           11:42:43  
14           Q     Did you ever have a conversation with Dennis           11:42:44  
15     about why he would give you a check for gifts, but  
16     give you cash for everyday expenses?  
17           A     I didn't ask him this.           11:42:52  
18           Q     Did he ever give you large gifts of cash           11:42:54  
19     that were over and above the \$100 a day you referenced  
20     earlier?  
21           A     Again, the gifts was -- pardon me -- more           11:42:59  
22     than \$100?  
23           Q     Sure.           11:43:03  
24           A     Yeah.           11:43:04  
25           Q     But my question is, did he -- you said that           11:43:04

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1 he gave you checks.

2 A Yes. 11:43:07

3 Q My question is, did he ever give you cash in 11:43:07

4 large amounts as a gift?

5 A I think no more cash -- it was just check, 11:43:12

6 cash check, or check in my name.

7 Q Okay. What name did he put on the checks; 11:43:20

8 to your recollection?

9 A Nadine Khapsalis Kievsky. 11:43:24

10 Q Do you recall where those checks were 11:43:28

11 from?

12 A From him, from Dennis Kogod. 11:43:31

13 Q No; what banks. 11:43:35

14 A I don't remember. 11:43:36

15 Q Do you know where Dennis banked during the 11:43:36

16 course of your relationship?

17 A Where his bank? 11:43:41

18 Q Where does he bank; to your knowledge? 11:43:42

19 A I really feel he Bank of America, also 11:43:44

20 Wells Fargo, then nothing more. I don't know.

21 Q You don't know where any other accounts 11:43:49

22 are?

23 A No. 11:43:51

24 Q Do you know if he has any accounts outside 11:43:51

25 of the United States?

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1 Q Okay. Prior to a couple months ago, did you 11:44:33  
2 know him to go to England?  
3 A I mean, besides couple months ago, do I know 11:44:38  
4 if --  
5 Q Yeah; did Dennis ever tell you he was going 11:44:42  
6 to England?  
7 A Yes, when he was in the street. 11:44:46  
8 Q When was that; couple months ago? 11:44:49  
9 A Couple months ago, maybe last year ago. 11:44:52  
10 Q Prior to last year, did Dennis tell you he 11:44:54  
11 was going to England?  
12 A Um, I'm confusing now. Of course not. I 11:45:01  
13 don't know.  
14 Q I'm just asking your best recollection. 11:45:06  
15 A May I ask you back question or not? 11:45:07  
16 Q Well -- 11:45:11  
17 MR. SPIEGEL: The question is, did he tell 11:45:11  
18 you before that he was going to England?  
19 THE WITNESS: He's going all over the 11:45:16  
20 world.  
21 MR. SMITH: Yes. 11:45:19  
22 THE WITNESS: And I always hear different 11:45:19  
23 countries.  
24 BY MR. SMITH: 11:45:21  
25 Q Okay. Did you ever hear England? 11:45:21

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1	A	Probably England, ye.	11:45:24
2	Q	Okay.	11:45:26
3	A	London; right?	11:45:26
4	Q	Do you know if he had a residence at any	11:45:27
5		time in England?	
6	A	No.	11:45:29
7	Q	Do you know if he had a home or townhome in	11:45:31
8		any other place other than Los Angeles or Nevada?	
9	A	I know he has for parents here and for his	11:45:40
10		brother.	
11	Q	Okay.	11:45:45
12	A	But besides this, I don't know.	11:45:45
13	Q	We'll get to that.	11:45:47
14		Do you know if he ever had a home in	11:45:48
15		Colorado?	
16	A	He did before, condo, and he sold that.	11:45:51
17	Q	So, that was -- was that before your	11:45:55
18		relationship or was it during?	
19	A	Two years ago.	11:46:00
20	Q	Okay. So, he at some point in time	11:46:02
21		purchased a residence in Colorado; correct?	
22	A	Yes.	11:46:06
23	Q	Did you ever go there?	11:46:07
24	A	Yes.	11:46:08
25	Q	Was it a second home; was it used for	11:46:08

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1 recreation?  
2 What was it used for? 11:46:12  
3 A It was condo in the center of the city. 11:46:14  
4 Q Why did he purchase a condo in the center of 11:46:17  
5 Denver?  
6 A Because his main office there, and he says 11:46:21  
7 he's tired to stay in hotels, and that's the reason he  
8 bought there.  
9 Q Okay. And did you ever travel with him to 11:46:28  
10 Denver?  
11 A Yes. 11:46:31  
12 Q Okay. Let's go back to 2005. 11:46:32  
13 Did -- when was the first time you ever -- 11:46:34  
14 well, strike that.  
15 When you met Dennis, did you know what he 11:46:39  
16 was -- how he was employed?  
17 A Yes. 11:46:43  
18 Q How did you know that; he told you? 11:46:44  
19 A Yes, he was at Gambro at that time. And 11:46:49  
20 when he start dating, I mean it was kind of fast and I  
21 freaked out and I want to say -- I want to ask who you  
22 are, just I want to know to protect myself.  
23 Q What did he tell you? 11:47:02  
24 A He says, I'm president of the Gambro, and if 11:47:03  
25 you afraid, you can Google me. So, I Google and I --

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1     yeah.

2           Q     So, you found information about Dennis           11:47:14

3     online?

4           A     Yes.           11:47:16

5           Q     Did you have a computer before you met           11:47:18

6     Dennis?

7           A     No. He got me a computer.           11:47:21

8           Q     Okay. After that period of time, did you           11:47:29

9     ever meet anyone from his work after 2005?

10          A     No.           11:47:36

11          Q     Have you -- I'm going to give you a couple           11:47:38

12     of names, and see if you can tell me if you have met

13     these individuals.

14                 If I can find it.           11:48:02

15          THE WITNESS: To not to lose the time, may I           11:48:03

16     use bathroom very quick?

17          MR. SMITH: Of course, of course.           11:48:07

18          THE WITNESS: Thank you.           11:48:08

19          MR. SMITH: Don't forget to take your --           11:48:09

20          THE WITNESS: I may take it home with me.           11:48:13

21          (The Witness exited and entered the room.)           11:48:53

22          (Discussion off the record.)           11:50:09

23          THE VIDEOGRAPHER: Time is 11:54.           11:54:25

24          We're on the record.           11:54:27

25          MR. SMITH: All right. What was the last           11:54:33

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1 question that was asked? I don't remember.

2 Oh, that's right. No, forget it. It's all 11:54:47

3 right.

4 BY MR. SMITH: 11:54:47

5 Q Have you ever met Scott Bartose? 11:54:47

6 A No. 11:54:49

7 Q Have you ever met Ken Tieri? 11:54:49

8 A No. 11:54:51

9 Q Have you ever met Pat Murphy? 11:54:52

10 A No. 11:54:54

11 Q That's his secretary. 11:54:55

12 A Yes. 11:54:56

13 Q You have never met her? 11:54:57

14 A No. 11:54:58

15 Q Have you ever met Joe Mellow? 11:54:59

16 A No. 11:55:00

17 Q How about Larry Buckloo? 11:55:01

18 A No. 11:55:03

19 Q Have you ever been to a DeVita function? 11:55:04

20 A No. 11:55:06

21 Q Do you know if Dennis has ever held you out 11:55:08

22 to be his wife?

23 MR. MARKS: Calls for speculation. 11:55:14

24 BY MR. SMITH: 11:55:15

25 Q Do you know -- 11:55:15

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1           MR. MARKS: Unless there is some foundation,           11:55:16  
2   object to the form.  
3   BY MR. SMITH:   11:55:19  
4           Q    When -- have you ever been present when           11:55:19  
5   Dennis has referred to you as his wife to others?  
6           A    Yes.   11:55:25  
7           Q    And does he do that regularly, or is that           11:55:25  
8   something you just recall happening a few times?  
9           MR. MARKS: Object to the form. Compound           11:55:33  
10   and vague and ambiguous.  
11   BY MR. SMITH:   11:55:35  
12           Q    You can answer the question.                   11:55:35  
13           A    Yes.   11:55:36  
14           Q    So, he uses the -- he identifies you as his       11:55:38  
15   wife regularly?  
16           A    Yes.   11:55:43  
17           MR. MARKS: Objection. Leading.                   11:55:44  
18           I have to object to your form if you read           11:55:46  
19   this to the Court --  
20           MR. SMITH: Okay.                                       11:55:50  
21           MR. MARKS: -- okay, so it is clear I'm not           11:55:50  
22   waiving the form objections which I can't object to  
23   later.  
24   BY MR. SMITH:   11:55:56  
25           Q    The --   11:55:56

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1 MR. MARKS: Relevancy and all that's 11:55:57  
2 preserved obviously.  
3 MR. SMITH: Yeah, I'm aware of the rules. 11:56:01  
4 MR. MARKS: Yeah; this is for everyone else 11:56:04  
5 in the room.  
6 BY MR. SMITH: 11:56:07  
7 Q In regard to -- do you know if he has ever 11:56:07  
8 written that you were his wife?  
9 A Yes. 11:56:12  
10 Q Like -- do you know when he's done that? 11:56:12  
11 A It is in my personal postcards or e-mails, 11:56:16  
12 like, My wife, meet you there; or we have a  
13 reservation in a hotels it could say, My wife is going  
14 stay in the room, whatever.  
15 I have the same last name, who I am. I 11:56:30  
16 don't know, I have children.  
17 MR. MARKS: Move to strike as 11:56:37  
18 non-response.  
19 THE WITNESS: No, I don't know. 11:56:40  
20 MR. MARKS: Move to strike as narrative 11:56:42  
21 volunteering.  
22 BY MR. SMITH: 11:56:47  
23 Q Do you know if Dennis has represented you to 11:56:47  
24 be his wife to any people he works with at DaVita?  
25 A No. 11:56:57

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1 Q You don't know, or he has not? 11:56:57  
2 A I don't know. 11:56:59  
3 Q Okay. Have you ever met anyone other than 11:57:06  
4 Dennis who works at DaVita?  
5 A Yes. 11:57:12  
6 Q Who? 11:57:12  
7 A It was my Russian -- she's -- I would 11:57:14  
8 consider she's friend, but she worked for DaVita.  
9 Q What's her name? 11:57:22  
10 A Ella. 11:57:23  
11 Q Last name? 11:57:25  
12 A Last name, I don't remember her last name. 11:57:25  
13 Q And how did you know her? 11:57:29  
14 How did you meet her? 11:57:31  
15 A I meet her before. 11:57:32  
16 Q Before you met -- 11:57:33  
17 A I meet her before, and then she told me 11:57:35  
18 she's working for DaVita.  
19 Q Other than Ella, was there anyone else 11:57:42  
20 you've ever met that worked with Dennis at DaVita?  
21 A No. I believe so, no. 11:57:48  
22 Q Did you ever meet anyone that worked at 11:57:53  
23 Gambro with Dennis?  
24 A No. 11:57:59  
25 Q Did Dennis ever advise you that he thought 11:58:09



1 he was gay?

2 MR. MARKS: Objection. Relevance. Will not 11:58:17

3 lead to the discovery of relevant evidence.

4 BY MR. SMITH: 11:58:20

5 Q You can answer the question. 11:58:20

6 A I -- I don't think so. That would be news 11:58:27

7 for me.

8 Q Okay. You would remember if he told you he 11:58:30

9 was gay; right?

10 A Yes. He didn't. 11:58:33

11 Q He never told you that? 11:58:34

12 A No. 11:58:36

13 Q Did he ever tell you that he was in 11:58:37

14 treatment for any psychological condition?

15 A Yes. 11:58:42

16 Q When was that? 11:58:42

17 A When? 11:58:44

18 Q Yes. 11:58:44

19 A Uh, it was, um, right after we married, and 11:58:46

20 he also, um --

21 MR. MARKS: Well, if she's saying she's 11:58:55

22 married, if she's saying there's a spousal privilege,

23 I mean, I don't think they were married under the laws

24 of the State, but I don't think she can say she is

25 married and then disclose confidential information.

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1 THE REPORTER: One at a time, please. 11:59:10  
2 MR. MARKS: I have an objection. We can't 11:59:12  
3 have it both ways. We can't keep saying someone's  
4 married and they go to counseling and they discuss the  
5 details and then do that.  
6 It is not relevant for this divorce case 11:59:16  
7 anyway, Counsel.  
8 MR. SPIEGEL: Can I hear the pending 11:59:25  
9 question, please?  
10 (Discussion off the record.) 11:59:43  
11 (Record read.) 11:59:43  
12 THE WITNESS: Yes. 11:59:43  
13 BY MR. SMITH: 11:59:44  
14 Q And what was the -- 11:59:44  
15 MR. MARKS: Did you get my objection? 11:59:49  
16 THE REPORTER: Yes. 11:59:51  
17 MR. MARKS: I had an objection. I don't 11:59:51  
18 know if counsel wanted to say something.  
19 BY MR. SMITH: 11:59:53  
20 Q What condition was he treating for; what did 11:59:53  
21 he tell you?  
22 A Bipolar disease. 11:59:57  
23 Q Did he tell you where he was treating? 11:59:59  
24 A No. 12:00:01  
25 Q Did he tell you who the doctor was that was 12:00:02

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1 treating him?

2 A No. 12:00:05

3 Q Did he ever indicate that he went into 12:00:06

4 in-patient treatment?

5 A No. 12:00:09

6 Q Just that he was seeing a doctor 12:00:11

7 somewhere?

8 A He would tell me he's seeing shrinks and 12:00:13

9 taking pills, managed the disease, yes, but nothing

10 else.

11 MR. MARKS: Nonresponsive. I object to the 12:00:23

12 answer as being nonresponsive to the question.

13 BY MR. SMITH: 12:00:27

14 Q In October of 2011, did he ever advise you 12:00:27

15 that he went to Oregon for residential treatment for

16 any kind of mental disorder?

17 A What kind of disorder? 12:00:36

18 Q Mental. 12:00:37

19 A No. 12:00:39

20 Q No. 12:00:39

21 Did you know that he went to Oregon in 2011, 12:00:40

22 does that ring a bell?

23 A No. 12:00:44

24 Q Did he ever tell you at any time that he had 12:00:46

25 gone to a treatment center in Oregon?

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1 A No. 12:00:51  
2 Q "No"; he did not? 12:00:51  
3 A No. 12:00:52  
4 Q Did Mr. Kogod ever tell you that he suffered 12:00:55  
5 from ADHD, adult hyperactivity --  
6 A Yes. 12:01:06  
7 Q -- disorder? 12:01:07  
8 He did? 12:01:08  
9 A Yes. 12:01:09  
10 Q When did he tell you that? 12:01:09  
11 A Approximately the same time when he told me 12:01:11  
12 about bipolar disease.  
13 Q Did he tell you he was treating for ADHD? 12:01:16  
14 A By the pills. 12:01:18  
15 Q Do you recall what pills he was taking? 12:01:19  
16 A Seroquel, Wellbutrin. And that's a lot of 12:01:23  
17 them. I would pick up those pills from the pharmacy,  
18 too.  
19 Q Is -- did Dennis ever tell you that he was 12:01:34  
20 an alcoholic?  
21 A No. 12:01:37  
22 Q In your observation, did Dennis drink 12:01:38  
23 excessively during the time that you were together?  
24 A Uh -- 12:01:46  
25 MR. MARKS: Object to the form. 12:01:46

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1 THE WITNESS: No, I never seen that kind of 12:01:48  
2 signs of him.  
3 Drinking a lot? 12:01:51  
4 BY MR. SMITH: 12:01:52  
5 Q Right. 12:01:52  
6 A No. 12:01:53  
7 Q What was his custom and habit with regard to 12:01:54  
8 drinking?  
9 A Pardon me? 12:01:58  
10 Q How did -- what did you observe him doing 12:01:58  
11 when it came to drinking; did he have a drink a night,  
12 did he not drink at all --  
13 MR. MARKS: And you are referring to 12:02:06  
14 alcohol?  
15 MR. CHASE: Yes. 12:02:08  
16 THE WITNESS: Social. Social. Very little. 12:02:08  
17 Before go to bed, he could have a little glass of wine  
18 or port. Very like reasonable.  
19 BY MR. SMITH: 12:02:16  
20 Q But he didn't come home and drink a lot of 12:02:16  
21 liquor every night?  
22 A No. 12:02:20  
23 Q Did he ever advise you that he suffered from 12:02:21  
24 obsessive/compulsive disorder?  
25 A Yes. 12:02:26

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1 Q When did he advise you that? 12:02:26  
2 A I actually realized that right away. 12:02:31  
3 Q What caused you to realize that? 12:02:34  
4 A Because like so many times -- I mean -- I 12:02:38  
5 mean, I was taking medicine at the college, and I  
6 guess my father was having the same bipolar disease,  
7 so I assume, so I feel for that people.  
8 Probably that's why I could accept that for 12:02:53  
9 many years. But I mean I -- just very common  
10 symptoms, like he could call hundred times a day, text  
11 hundred times a day, or be really like passionate  
12 about something. Obsessed with things, um, just like  
13 that. Stuff like that.  
14 Q You had indicated at some point you were 12:03:20  
15 studying medicine.  
16 That was at the Wellness Institute; is that 12:03:23  
17 right?  
18 A Yes. That's in my country. 12:03:26  
19 Q And what is it -- what it is called, what is 12:03:28  
20 actually the name of that --  
21 A Institute? 12:03:33  
22 Q Uh-huh. 12:03:33  
23 A Institute of Physical Culture. 12:03:34  
24 Q And that was in Kazakhstan? 12:03:35  
25 A Yes. 12:03:37

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1 Q Did you ever study any type of medicine 12:03:38  
2 or --  
3 A Here? 12:03:41  
4 Q Here. 12:03:42  
5 A Yes. 12:03:43  
6 Q What was that? 12:03:43  
7 A At the California Healing Art College. 12:03:44  
8 Q What do they teach there? 12:03:47  
9 A They teach there different kind of healing 12:03:49  
10 massages, and they teach medicine there and something  
11 else. But all that basic helps you with healing  
12 massages, like Jitsu --  
13 Q Okay. 12:04:08  
14 A -- oscillation, deep tissue. 12:04:09  
15 Q Okay. 12:04:11  
16 A Jade stones. 12:04:12  
17 Q Did you go there to become a massage 12:04:15  
18 therapist?  
19 A Dennis give me certain amount of money, 12:04:18  
20 which wasn't high, to choose college. And when I was  
21 thinking little bit, because that there only college  
22 allow me too much to this budget, and also they would  
23 count on my hours which I got, so I don't have to go  
24 through different -- like say college, I don't have to  
25 take psychology, I would save a lot of time to get my

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1 certificate.

2 So, I pick up this one. 12:04:48

3 Q So, did you ultimately receive a certificate 12:04:49

4 from that --

5 A Yes. 12:04:52

6 Q -- program? 12:04:53

7 A Yes. 12:04:53

8 Q The -- if I understand you, Dennis paid for 12:04:54

9 that as well?

10 A Um, I got college loan. Loan, and he pay 12:05:00

11 half of this, and half of this I got in collection, so

12 I didn't pay to them.

13 Q When did you attend that program? 12:05:13

14 A It was right before I got pregnant. Let's 12:05:18

15 count on this, um -- if I got birth in 2007, this was

16 2006.

17 Q Do you recall how much money he budgeted for 12:05:32

18 your education?

19 A It's not a lot. 12:05:37

20 MR. MARKS: Objection to the form. 12:05:38

21 BY MR. SMITH: 12:05:40

22 Q Do you recall; was it \$5,000, 10,000, 12:05:40

23 100,000?

24 A Less; it was about \$7,000. 12:05:46

25 Q 7,000. 12:05:48

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1 Do you recall how much you paid for the 12:05:49  
2 school, how much it cost you in total?  
3 A For this -- 12:05:53  
4 Q For the wellness -- 12:05:54  
5 A -- healing -- 12:05:56  
6 Q What was it called again? 12:05:56  
7 A California Healing Art College. 12:05:58  
8 Q How much did you pay for California Healing 12:06:02  
9 Art College?  
10 A That's what I would say; about 7,000 12:06:05  
11 altogether.  
12 Q How much was your student loan? 12:06:10  
13 A 15-, I guess, \$15,000 and we didn't pay that 12:06:15  
14 so I'm in collection right now.  
15 Q So, the school total cost was 7,000, but you 12:06:24  
16 took out a loan --  
17 A No; 15-. But he -- as soon as I finished 12:06:28  
18 this goal, he stopped paying my payments.  
19 Q Did he explain why he stopped paying your 12:06:39  
20 payments?  
21 A He would tell me something I did, I did send 12:06:42  
22 them and it was some confusion, and he wouldn't call  
23 me. I don't know what's going on. I left that alone.  
24 I got busy with kids.  
25 Q I got from the previous answer that the 12:06:55

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1 amount you didn't pay went to collection; is that  
2 correct?

3 A Yes. 12:06:59

4 Q So, a collection agency attempted to recover 12:06:59  
5 those monies from you?

6 A Yes. 12:07:02

7 Q What happened to that? 12:07:03

8 A I told them to connect with the Dennis, but 12:07:04  
9 I don't know how they dealing with this. I don't  
10 know.

11 Q Is this still something you owe; to your 12:07:16  
12 knowledge?

13 A Yes. 12:07:16

14 MR. MARKS: Objection. Calls for 12:07:17  
15 speculation. Object to the form.

16 BY MR. SMITH: 12:07:20

17 Q Did Dennis ever indicate to you that he 12:07:20  
18 suffered from Asperger's Syndrome?

19 A Yes. 12:07:25

20 MR. MARKS: Objection. 12:07:26

21 BY MR. SMITH: 12:07:27

22 Q When did he tell you that? 12:07:27

23 A This was when he's got with Jennifer. 12:07:28

24 Q What did he tell you about that? 12:07:32

25 A What he tell? 12:07:34

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1 Q Yeah. 12:07:36  
2 What did he explain to you was the effect of 12:07:36  
3 Asperger's that would cause him to be go with  
4 Jennifer --  
5 MR. MARKS: Objection to the form. 12:07:43  
6 BY MR. SMITH: 12:07:45  
7 Q -- or were the two related? 12:07:45  
8 MR. SPIEGEL: I think that's a little 12:07:46  
9 confusing.  
10 MR. MARKS: There's no medical -- she's not 12:07:49  
11 here as an expert on any sort of psychological  
12 diseases, so I think this goes way beyond what she is  
13 capable of testifying to.  
14 MR. SMITH: I'm not certain about California 12:07:59  
15 rules, but I am certain about Nevada rules, they do  
16 not allow speaking objections.  
17 MR. MARKS: But you are trying to certify 12:08:04  
18 her as an expert, you're asking her medical questions  
19 way beyond any depo I have been involved in.  
20 MR. SMITH: You have done something again by 12:08:12  
21 speaking on the record in the absence of an objection  
22 that is not consistent with our rules.  
23 And Mr. Marks, if we're going to get through 12:08:17  
24 this, I would ask that you limit your statements on  
25 the record to the statement of objection.

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1 BY MR. SMITH: 12:08:25

2 Q Ms. Kogod, you indicated Mr. Kogod told you 12:08:29

3 he had Asperger's; correct?

4 A Yes. 12:08:34

5 Q He told you that in or about the time you 12:08:34

6 learned he was having an affair with Ms. Steimer?

7 A Yes. 12:08:41

8 Q Was he telling you that to explain why he 12:08:41

9 had an affair with Ms. Steimer?

10 A It is probably -- I don't know. Just when 12:08:50

11 people --

12 MR. SPIEGEL: Nadya, if the answer is I 12:08:54

13 don't know, that's the answer.

14 Is that answer? 12:08:58

15 THE WITNESS: Hmm. Let me process that in 12:09:02

16 my head.

17 Why I have to deal with this disease because 12:09:07

18 I realize he's -- at that time he was, um, acting very

19 strange with me. So, I'm ask him what's going on with

20 you and he started explaining me.

21 So, I went on Google, and I didn't see any 12:09:28

22 sign of this disease and -- besides something, but it

23 wouldn't make sense to me, and I think it was just

24 part of manipulation. That's it.

25 BY MR. SMITH: 12:09:44

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1 Q So, you based upon the things that Mr. Kogod 12:09:44  
2 had told you, and the statement about Asperger's  
3 disease at the time that he was having the affair with  
4 Ms. Steimer --  
5 A Yeah, I got -- 12:09:57  
6 Q -- you believe that he was telling you that 12:09:58  
7 to manipulate you in regard to your relationship with  
8 him?  
9 MR. MARKS: Object to the form. 12:10:05  
10 BY MR. SMITH: 12:10:06  
11 Q Is that true? 12:10:06  
12 A Yeah. May I just be quiet on this one, 12:10:11  
13 please.  
14 Q Well, actually, let me go at the question 12:10:16  
15 another way.  
16 Did he ever provide you any records 12:10:24  
17 associated with him ever being diagnosed with  
18 Asperger's?  
19 A No, he didn't provide any. 12:10:33  
20 Q What was the substance of the conversation 12:10:35  
21 you had with him when he advised you that he suffered  
22 from Asperger's?  
23 A I realize intimacy, gone completely. It was 12:10:44  
24 very shocking for me at that time and I --  
25 MR. SPIEGEL: Nadya, you are describing your 12:10:57

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1 reaction.

2 He wants to know what was said. 12:10:59

3 THE WITNESS: He said this is part of my 12:11:02

4 disease. That's it. There is nothing wrong with you.

5 I don't want to feel you like you are ugly or

6 something else, so it is just part of my disease.

7 That's it.

8 BY MR. SMITH: 12:11:13

9 Q Okay. So, the fact that the discussion was 12:11:13

10 on the subject of the lack of intimacy that had come

11 to your relationship, and his explanation for that was

12 that he had Asperger's.

13 Do I have that right? 12:11:26

14 A I -- yes, Asperger, but I assume it is a 12:11:30

15 different woman. That's it.

16 Q And so, when you -- when you did the 12:11:34

17 research and you didn't believe that he showed the

18 symptoms of Asperger's, you then confronted him again

19 about Mrs. Steimer; is that right?

20 A I don't prove myself, I didn't found 12:11:48

21 anything similar to this what you're saying to me. I

22 think are you trying to manipulate with me just to get

23 in your own way.

24 He says you don't know nothing about this. 12:11:59

25 I have for years. And it is difficult disease and it

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1 is thousands of forms of, um -- how it's called --  
2 autism.  
3 So, he says I have some form of the autism, 12:12:16  
4 difficulty with the communication, so just if you  
5 accept that, or something like that.  
6 Q And that was at or about the time that you 12:12:28  
7 had suspected he was having an affair?  
8 A Yes. 12:12:33  
9 MR. MARKS: Objection. Leading. 12:12:34  
10 BY MR. SMITH: 12:12:35  
11 Q Was that at or about the time that you 12:12:35  
12 suspected he was having an affair?  
13 Is it the same answer; "yes"? 12:12:40  
14 A Yes. 12:12:41  
15 Q Okay. Did you ever fly on the DaVita jet? 12:12:49  
16 A He would take us, yes. 12:12:55  
17 Q When was that? 12:12:56  
18 A Uh, they didn't have DaVita jet or just any 12:12:58  
19 jets, or it is just name have to be DaVita?  
20 I confuse with the question. 12:13:06  
21 Q Let's start with private jet. 12:13:08  
22 The difference between a private jet one 12:13:10  
23 would be one would be a commercial airliner, like  
24 United --  
25 A I understand. 12:13:15

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1 Q -- and the private jet would be no markings. 12:13:16  
2 A A lot on the private jets, yes. 12:13:18  
3 Q Okay. Do you know if any of those private 12:13:20  
4 jets were related to his work at DaVita?  
5 A Yes. 12:13:24  
6 Q How did you know that? 12:13:26  
7 A I assume that, and he would tell me this. 12:13:30  
8 Q Uh-huh. 12:13:35  
9 A I just our -- 12:13:35  
10 Q Did he have a way of referring to those 12:13:37  
11 jets, like did he say we're going to take the DaVita  
12 jet, or anything along those lines?  
13 A He always say we're going to go, I'm going 12:13:44  
14 to take you on the private jet.  
15 Q So, did he ever use the words that these 12:13:50  
16 were related to DaVita, these jets or these travel?  
17 A You know what, let's -- I don't want to lie 12:13:56  
18 about this, or I assume this is the -- the DaVita job  
19 provide him, so he's going to -- he's traveling a lot  
20 and we don't have enough time to spend family time, so  
21 he would take us.  
22 And I assume he would kill two birds, you 12:14:14  
23 know, fly to work and why wouldn't use us family to  
24 fly with him to Las Vegas to San Francisco to  
25 somebody -- somewhere else.

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1                   So, I assume it is not his own jet, because                   12:14:27  
2   jet looks difference.  
3                   Q    In other words, different trips would have                   12:14:36  
4   different jets?  
5                   A    Yes.                   12:14:38  
6                   Q    All right. When do you first recall flying                   12:14:39  
7   on a private jet with Mr. Kogod?  
8                   A    About three years ago we start more often.                   12:14:48  
9   Before we would use the commercial.  
10                  Q    And how often, do you recollect, you have                   12:14:55  
11   been on a private jet with Mr. Kogod?  
12                  A    Before he meet Jennifer? A lot.                   12:15:02  
13                  Q    When is your understanding that he met                   12:15:06  
14   Jennifer?  
15                  A    When the understanding or --                   12:15:10  
16                  Q    Yeah.                   12:15:11  
17                           When do you think he met Jennifer, and I'll                   12:15:12  
18   ask you how you know.  
19                  A    I think or I know?                   12:15:18  
20                  Q    Okay. How do you know?                   12:15:20  
21                  A    He hire her at the job in 2000-, um, 2012, I                   12:15:21  
22   believe, or '14. Then she become COO of some --  
23   whatever, you know, the company.  
24                           I don't know how he work with this or how he                   12:15:38  
25   helps her, I mean, but -- but aggressively they start

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1 dating after 19 of September last year.

2 Q Of 2014? 12:15:51

3 A Yes. 12:15:53

4 Q All right. How did you find out about that? 12:15:54

5 A I found postcards. And they were 12:15:57

6 celebrating the day all the time, 19ths.

7 So, I assume and I ask him and he confessed, 12:16:06

8 so we celebrating every month, date we meet.

9 Q Have you ever met Ms. Steimer? 12:16:17

10 A Yes. 12:16:21

11 Q Do you know where she lives? 12:16:22

12 A She lives in Santa Barbara, and she lives at 12:16:23

13 work at Utah, Promo -- Provo.

14 Q Provo, Utah? 12:16:28

15 A Utah. 12:16:30

16 Q And you understand that she works in 12:16:31

17 Provo?

18 A Yes. 12:16:33

19 Q What does she do there? 12:16:34

20 A She's COO of the inner -- something inner 12:16:36

21 com -- company, and I believe this company works part

22 of the healthcare --

23 Q Okay. 12:16:47

24 A -- of DaVita. 12:16:47

25 Q Do they have -- to your knowledge, does 12:16:48

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1 she -- or her company do any work for DaVita or with  
2 DaVita?

3 A I didn't like -- I don't know. 12:16:58

4 Q If you know. 12:17:01

5 A I don't know. 12:17:01

6 He told me they have nothing -- I mean, I 12:17:02  
7 don't know.

8 Q What's the basis for your knowledge that she 12:17:07  
9 lives in California or in Provo; did Dennis tell you  
10 that or do you know that independently?

11 A He told me that and I knew that from -- I 12:17:14  
12 found out some tickets with whatever information, so  
13 was flying. He would fly to -- to Provo sometimes,  
14 sometimes to Santa Barbara.

15 So, I believe her parents -- I mean, her 12:17:31  
16 husband lives, and kids, in Santa Barbara, and she's  
17 spending the weekends there. And during the week,  
18 she's in Utah.

19 Q Okay. Do you know the name of her 12:17:45  
20 husband?

21 A John Steimer. 12:17:50

22 Q Have you ever had any contact with him? 12:17:51

23 A No. 12:17:53

24 Q Have you ever had any conversations with 12:17:53  
25 Mrs. Steimer, Judith Steimer -- or is it Judith

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1 Steimer -- Jennifer Steimer?

2 A Me and her? 12:18:01

3 Q Yes. 12:18:03

4 Have you ever talked to her? 12:18:03

5 A Yes. 12:18:04

6 Q When was that? 12:18:05

7 A They set up appointment with the counselor, 12:18:06

8 and I knew where is it so I came there, and I just

9 excuse myself and I says we can talk in front of your

10 counselor, so don't worry I'm not going to kill anyone

11 here, so not that kind of person.

12 I just want to talk and just decide what 12:18:26

13 guys are going to do, and like I understand if it is

14 truly love, if this guy jeopardize so much, kids and

15 me, so I think it is maybe time to move on, you

16 please.

17 I let you have -- I have like my kids join 12:18:41

18 her kids, and I just want to know what's going on

19 because he's kind of trying to keep me on the leash

20 and her.

21 So, she says I don't want a -- want to 12:18:54

22 answer all these questions and whatever it is going to

23 be is between me and my husband, and you guys have to

24 decide what is going to be between you and Dennis, and

25 actually I got to leave, and she left.

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1 Q The counseling session you went to was a 12:19:11  
2 counseling session between Ms. Steimer and her  
3 husband?  
4 A Yes. 12:19:17  
5 Q Or was it between Ms. Steimer -- 12:19:17  
6 A No, no, no. It was between Dennis and 12:19:18  
7 Ms. Steimer.  
8 Q So, they went to counseling together? 12:19:22  
9 A Yes. 12:19:23  
10 Q Where did they go to counseling together? 12:19:24  
11 A To Ventura, some counselor, his name Neal. 12:19:26  
12 I don't remember his last name.  
13 Q Ventura, California? 12:19:37  
14 A Yes. 12:19:37  
15 Q How did you find out about the counseling 12:19:38  
16 session?  
17 A So, I have a -- 12:19:43  
18 THE WITNESS: May I have a one minute with 12:19:48  
19 you --  
20 MR. SPIEGEL: You need to talk with me? 12:19:51  
21 THE WITNESS: -- outside? 12:19:53  
22 MR. SPIEGEL: Off the record. 12:19:54  
23 MR. SMITH: Yes. 12:19:54  
24 THE VIDEOGRAPHER: Time is 12:20. 12:19:55  
25 It is the end of Media Number 1. 12:19:57

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1                   We're off the record.                   12:20:00  
2                   (Luncheon recess taken from 12:20 p.m. to           12:20:09  
3                   1:28 p.m.)  
4                   THE VIDEOGRAPHER: The time is 1:28.           13:28:34  
5                   The start of Media Number 2.           13:28:48  
6                   We're on the record.           13:28:50  
7                   MR. SMITH: Okay. We had presented a           13:28:52  
8                   subpoena to you for purposes of this deposition and  
9                   you brought certain things.  
10                  We're going to go over those this afternoon,   13:29:02  
11                  but one of the things that you brought was a book,  
12                  which I believe I returned to you, it is a black  
13                  leather-type book --  
14                  THE WITNESS: Yes.           13:29:10  
15                  MR. SMITH: -- you just had it, and it           13:29:11  
16                  contained photos of what appears to be wedding photos.  
17                  So, we've had those copied while you were       13:29:15  
18                  here, and they are copied all in color then we have a  
19                  disk of that.  
20                  So, I'm going to make these part of an       13:29:22  
21                  exhibit on the record, and then they'll be a permanent  
22                  exhibit for all other depositions.  
23                  THE VIDEOGRAPHER: Time is 1:30.           13:30:21  
24                  We're off the record.           13:30:23  
25                  (Discussion off the record.)           13:30:25

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1 (Plaintiff's Exhibit 16 was marked for 13:30:25  
2 identification by the court reporter.)  
3 THE VIDEOGRAPHER: Time is 1:33. 13:33:14  
4 We're on the record. 13:33:19  
5 BY MR. SMITH: 13:33:20  
6 Q Okay. Ms. Khapsalis, we have the 13:33:20  
7 photographs that are Exhibit 16.  
8 Can you tell me if you recognize those 13:33:28  
9 pictures.  
10 They are in front of you, it's Exhibit 16. 13:33:33  
11 A Yes. 13:33:42  
12 Q These are the photos that were in the 13:33:42  
13 leather book that you brought today pursuant to  
14 subpoena; correct?  
15 A Yes. 13:33:48  
16 Q Those were all your wedding, what you're 13:33:48  
17 terming as your wedding photos?  
18 A Yes. 13:34:06  
19 (Discussion off the record.) 13:34:08  
20 BY MR. SMITH: 13:34:08  
21 Q The how long did you plan the ceremony, or 13:34:08  
22 when did you first know you were going to travel to  
23 Mexico for that purpose?  
24 A It was kind of surprise for me, which was 13:34:19  
25 very fast. He told me get something nice and light

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1 for the ocean. And I thought he's wanting to kind of  
2 propose or something.

3 So, when we came there, he ask me also to 13:34:34  
4 buy -- buy some suit for him -- or not suit, he says  
5 just the T-shirt and pants.

6 So, when I saw that outfit, I liked that 13:34:44  
7 outfit, so I get this outfit and then kind of surprise  
8 for me. He asked me -- I'm sorry, I don't know it is  
9 probably --

10 MR. SPIEGEL: Don't worry. 13:34:58

11 THE WITNESS: -- hurt, hear that. 13:35:00

12 He says, what kind of marriage would you -- 13:35:02  
13 like what kind of day would you expect from your  
14 marriage?

15 And I start joking and I said probably start 13:35:12  
16 from breakfast -- breakfast noon from terrace, and  
17 hair style, then get in the dress and go marry.

18 He says, you got it. 13:35:24

19 BY MR. SMITH: 13:35:26

20 Q That's what happened? 13:35:26

21 A Yes. 13:35:27

22 And then when I came, everything was -- 13:35:28

23 MR. SPIEGEL: You answered the question. 13:35:31

24 THE WITNESS: Okay. 13:35:33

25 BY MR. SMITH: 13:35:33

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1 Q You were in Cancun; correct? 13:35:33  
2 A Yes. 13:35:35  
3 Q Did you know you were going to Cancun prior 13:35:36  
4 to -- for a wedding prior to having that ceremony, or  
5 were you just thinking you were coming here for  
6 vacation?  
7 A For vacation. 13:35:46  
8 Q Okay. So, you didn't know at all about the 13:35:47  
9 ceremony that Dennis had planned?  
10 A No. 13:35:53  
11 Q The -- what kind of day was the ceremony 13:35:53  
12 held at?  
13 A It was morning, about 12:00 or 11:00. 13:35:58  
14 Q Okay. Was it on the day that you arrived or 13:36:01  
15 was it the following day or --  
16 A Next day. 13:36:05  
17 Q The following day. All right. 13:36:06  
18 And no one else traveled with you? 13:36:07  
19 A No. 13:36:09  
20 Q All right. There's a bracelet on your wrist 13:36:10  
21 in some of the pictures.  
22 Is that something that Dennis gave you as a 13:36:15  
23 gift?  
24 A No. 13:36:17  
25 Q Is that something you had -- 13:36:17

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1 A Yes. 13:36:19  
2 Q -- previously? 13:36:19  
3 And is it a diamond bracelet? 13:36:19  
4 A Of course not, no. 13:36:22  
5 Q No. Okay. 13:36:23  
6 MR. MARKS: Do you know a jeweler? 13:36:25  
7 MR. SMITH: I'm sorry? 13:36:27  
8 MR. MARKS: Fine. Just let it go. That's 13:36:28  
9 fine.  
10 BY MR. SMITH: 13:36:33  
11 Q The -- once you completed that ceremony, how 13:36:33  
12 long did you remain in Cancun?  
13 A For two more days, I did. 13:36:42  
14 Q Okay. 13:36:45  
15 A Two or three. 13:36:45  
16 Q Do you know where the certificate that you 13:36:46  
17 showed us earlier, the certificate, do you know where  
18 Dennis got that or how he got that?  
19 A We got that right after ceremony, where the 13:36:53  
20 next day they give us all package.  
21 Q That was at the hotel? 13:36:59  
22 A Yes. 13:37:01  
23 Q What hotel were you at? 13:37:01  
24 A I believe it is Four Seasons. Four Seasons 13:37:02  
25 for -- it says in the -- I think it says in the --

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1 Q In the book? 13:37:10  
2 A In the -- in the certificate. 13:37:12  
3 Q Oh. Okay. Well, they are making a copy of 13:37:14  
4 that --  
5 A Ritz-Carlton or Four Seasons. I don't 13:37:20  
6 remember. Ritz-Carlton, I guess.  
7 Q Okay. Did you have any type of party after 13:37:23  
8 the ceremony?  
9 A Yeah. It was in a package, kind of, dinner 13:37:28  
10 for two.  
11 Q Okay. 13:37:35  
12 A Under ocean. After -- behind, whatever. 13:37:35  
13 Q There was no one else with you at that 13:37:40  
14 dinner?  
15 A No. 13:37:43  
16 Q Where were you living at the time of that 13:37:47  
17 ceremony?  
18 A I -- I -- um, I think we already got that 13:37:53  
19 place. I believe already got that place.  
20 Q Well -- 13:38:06  
21 A Or before we would stay at a hotel, and I 13:38:07  
22 would stay with my roommate which I live before.  
23 Q Okay. Did you have an apartment with a 13:38:17  
24 roommate?  
25 A Yes. 13:38:18

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1 Q And that was when you were working in 13:38:19  
2 Santa Monica --  
3 A Yes -- 13:38:23  
4 Q -- right? 13:38:24  
5 A -- not Santa Monica, Melrose. 13:38:25  
6 Q I'm sorry. 13:38:27  
7 A It was in Melrose. 13:38:28  
8 Q Melrose. You're right. Thanks. Of course 13:38:29  
9 you are right.  
10 I'm going to -- you had indicated that 13:38:43  
11 sometime, your recollection around the time you had  
12 children, you began to use a Wells Fargo credit card;  
13 correct?  
14 A Yes. 13:38:56  
15 Q Do you still use that credit card through 13:38:57  
16 today?  
17 A Yes. 13:38:59  
18 Q Is it the same credit card? 13:39:00  
19 A Yes. 13:39:01  
20 Q Has the number changed; do you know? 13:39:02  
21 A I don't know. 13:39:03  
22 Q Okay. Is it -- do you know what the four -- 13:39:05  
23 last four numbers of the account are?  
24 A I can look at it right now. 13:39:09  
25 Q Okay. 13:39:26

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1                   Okay. Ms. Khapsalis you are showing me two                   13:39:26  
2                   cards; one is a Bank of America debit card ending in  
3                   2230 in the name of Nadine Khapsalis Kogod; the other  
4                   is a Platinum Visa at Wells Fargo ending in 1032 in  
5                   the name of Nadine Kievsky.  
6                   These are the accounts that you referenced                   13:39:50  
7                   earlier; correct?  
8                   A     Uh-huh.                   13:39:53  
9                   Q     All right. Have you ever used Dennis'                   13:39:53  
10                  American Express card, the Centurion card, a black  
11                  card?  
12                  A     I don't think so.                   13:40:04  
13                  Q     Have you ever used one of Dennis' credit               13:40:04  
14                  cards to pay for anything?  
15                  A     No.                   13:40:08  
16                  Q     Never?                   13:40:09  
17                  A     I don't remember that.               13:40:11  
18                  Q     Okay. That's --                   13:40:12  
19                  A     Yeah.                   13:40:13  
20                  Q     You don't recall ever using one of his cards           13:40:14  
21                  for anything; correct?  
22                  A     (No audible response.)               13:40:19  
23                  Q     That's correct?                   13:40:20  
24                  A     That's correct. Not using his credit cards           13:40:22  
25                  for anything.

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1 Q I'm just going to go over some credit cards. 13:40:25  
2 I know you indicated you haven't used any of these.  
3 If any of these refresh your recollection, let me  
4 know; okay?  
5 He an American Express card, a Centurion 13:40:31  
6 black card, account ending in 82007.  
7 Does that sound familiar to you? 13:40:37  
8 A No. 13:40:39  
9 Q He an American Express Optima card ending in 13:40:40  
10 3003.  
11 Does that ring a bell? 13:40:44  
12 MR. SPIEGEL: Answer out loud. 13:40:47  
13 THE WITNESS: No. 13:40:48  
14 MR. SPIEGEL: Out loud. 13:40:50  
15 THE WITNESS: No. 13:40:50  
16 MR. SMITH: Thank you, Counsel. 13:40:51  
17 BY MR. SMITH: 13:40:51  
18 Q There is also an American Express PLATINUM 13:40:51  
19 account ending in 8000?  
20 A No. 13:40:57  
21 Q There's a Visa black card account ending in 13:40:59  
22 5185.  
23 A No. 13:41:02  
24 Q And then there's also a Wells Fargo Visa 13:41:05  
25 ending in 4727?

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1	A	No.	13:41:09
2	Q	And a Chase account ending in 0461?	13:41:11
3	A	No.	13:41:15
4	Q	Okay. And you have -- have you ever had	13:41:16
5		American Express card before?	
6	A	Pardon me?	13:41:22
7	Q	Have you ever had an American Express	13:41:23
8		card?	
9		MR. SPIEGEL: Personally.	13:41:27
10		THE WITNESS: Ever had?	13:41:29
11		BY MR. SMITH:	13:41:29
12	Q	Yeah.	13:41:29
13		Have you used an account or used an	13:41:29
14		account?	
15	A	American Express, I don't remember.	13:41:31
16	Q	Have you ever had an account at Chase	13:41:32
17		Bank?	
18	A	No.	13:41:34
19	Q	Have you ever had an account at Washington	13:41:35
20		Mutual?	
21	A	Maybe. Washington Mutual, I think so.	13:41:39
22	Q	When do you think you had that account?	13:41:43
23	A	If I did, I don't remember. Dennis knows	13:41:46
24		everything.	
25	Q	Was it sometime during your relationship	13:41:52

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1 with Dennis that you would have had a Washington  
2 Mutual account?

3 A Oh, I think -- ah, that wasn't Washington 13:41:57  
4 Mutual. I think it was before with Russell Kievsky, I  
5 guess.

6 Q Okay. All right. 13:42:05

7 THE WITNESS: Bless you. 13:42:14

8 MR. SPIEGEL: Thanks. 13:42:15

9 BY MR. SMITH: 13:42:16

10 Q Do you have sick -- 13:42:16

11 MR. SMITH: Bless you. 13:42:20

12 THE WITNESS: Bless you. 13:42:21

13 BY MR. SMITH: 13:42:21

14 Q Do you have signatory access on any of 13:42:21  
15 Dennis' account?

16 A No. 13:42:24

17 Q Do you know -- you can't sign on his 13:42:24  
18 accounts; to your knowledge?

19 A (No audible response.) 13:42:30

20 Q Okay. Has Dennis ever asked you to stop 13:42:32  
21 using either the credit card --

22 MR. SMITH: Bless you. 13:42:39

23 THE WITNESS: Bless you. 13:42:39

24 BY MR. SMITH: 13:42:39

25 Q -- at Wells Fargo or the account at Bank of 13:42:39

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1 America?

2 A No. 13:42:46

3 Q Is it -- is it your understanding that all 13:42:50

4 of the charges on the Wells Fargo account 1032 that

5 you have shown me today --

6 A Yeah. 13:43:01

7 Q -- are all your charges? 13:43:01

8 A I believe so. I don't give anyone. 13:43:03

9 Q Okay. That was my next question. 13:43:06

10 Have you ever given anyone authorization to 13:43:08

11 use your account for any purpose?

12 A Once I gave my nanny to get the food at the 13:43:13

13 store. That's it.

14 Q Other than that? 13:43:17

15 A Once. 13:43:18

16 Q The reason I'm asking you is so that we can 13:43:18

17 determine what charges were made by whom, either you

18 or Dennis. That's all.

19 The -- and all of the money going in and out 13:43:24

20 of the Bank of America account would be money that

21 Dennis gave you and then your expenditure of that

22 money, correct, you spending it?

23 A Yes. 13:43:39

24 Q Do you know if anyone else ever used any of 13:43:40

25 Dennis' credit cards?

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1           A     I don't know that. I don't remember.           13:43:47  
2           Q     Have you ever seen him give his card to           13:43:49  
3     anyone for their use?  
4           A     Never seen that.           13:43:53  
5           Q     Do you know if anyone else uses his bank           13:43:54  
6     accounts?  
7           A     No.           13:43:58  
8           Q     "No"; you don't know?           13:44:00  
9           A     I don't know.           13:44:01  
10          Q     Okay.           13:44:03  
11          A     Never.           13:44:03  
12          Q     Okay. And do you know if anyone has ever           13:44:05  
13     used his debit card?  
14          A     No.           13:44:10  
15          Q     Not to your knowledge?           13:44:12  
16          A     I mean, I don't know, yes.           13:44:13  
17          Q     Okay. Have you ever heard of an entity by           13:44:25  
18     the name of Moe LLC?  
19          A     No.           13:44:29  
20          Q     Actually 12 Moe LLC.           13:44:30  
21                 Does it ring a bell?           13:44:33  
22          A     Moe, M-o-e?           13:44:35  
23          Q     Yes.           13:44:37  
24          A     Yes.           13:44:39  
25          Q     Am I pronouncing that incorrectly?           13:44:39

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1 A No. 13:44:43  
2 Q How did you pronounce it? 13:44:44  
3 A "Moe." 13:44:47  
4 Q I thought it was like Curly, Moe and Larry. 13:44:48  
5 Do you know what that company does? 13:44:50  
6 A Yes. It is design company, so he would 13:44:51  
7 trying to help me to get in the business with those  
8 people, and it didn't work.  
9 Q Okay. When did you first -- or when did 13:45:03  
10 Dennis first acquire an interest in 12 Moe LLC, 12  
11 "Moe" LLC?  
12 A About a year ago, maybe Less. 13:45:12  
13 Q Have you done any business with that company 13:45:14  
14 at all?  
15 A We try. It's didn't go through. 13:45:17  
16 Q All right. Let's talk about your assets. 13:45:24  
17 You had indicated that you first lived in 13:45:33  
18 the home at Overland, then you lived in the home at  
19 Edinburgh.  
20 Where did you live after that? 13:45:40  
21 A Oak Pass. 13:45:43  
22 Q When did you move out of Oak Pass? 13:45:44  
23 MR. SPIEGEL: Out or into? 13:45:50  
24 THE WITNESS: May or three years ago. 13:45:51  
25 MR. SMITH: Into. Thank you. 13:45:52

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1 BY MR. SMITH: 13:45:53  
2 Q When did you move into Oak Pass? 13:45:53  
3 A Three years ago. Two-and-a-half, three. At 13:45:56  
4 2013.  
5 Q 2013? 13:46:05  
6 A Uh-huh. 13:46:05  
7 Q Okay. And did, to your understanding, 13:46:06  
8 Dennis purchase that residence?  
9 A Yes. 13:46:10  
10 Q Do you know what he paid for it? 13:46:11  
11 A How he paid for it? 13:46:13  
12 Q What? How much? How much did he pay for 13:46:14  
13 it?  
14 A It is all in the record, you can -- it is 13:46:17  
15 5-something --  
16 Q 5 million something? 13:46:21  
17 A -- 2-something, yeah. 13:46:22  
18 Q Okay. You have seen the records associated 13:46:25  
19 with the purchase of the home?  
20 A Pardon me? 13:46:29  
21 Q Have you seen the records associated with 13:46:30  
22 the purchase of the home?  
23 You referenced records, it is in the 13:46:33  
24 records.  
25 A I found out it is in the MLS, when it was 13:46:36

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1 sold out.

2 Q When you looked at the MLS, was there 13:46:40  
3 anything that suggested to you that the information  
4 contained in the MLS was inaccurate, in other words  
5 there was more paid for the home that was listed than  
6 indicated in the MLS?

7 (Discussion off the record.) 13:47:00

8 THE WITNESS: Would you, please, repeat me 13:47:00  
9 that question again?

10 Did I see before -- I mean, besides MLS any 13:47:02  
11 documents how much this house cost?

12 BY MR. SMITH: 13:47:06

13 Q No. I said was there anything about your 13:47:07  
14 review of the MLS documents that suggested to you that  
15 Dennis paid more than was listed in the MLS or less  
16 than was listed in the MLS documents?

17 A No. 13:47:20

18 Q The -- other than the homes at Oak Pass, 13:47:24  
19 Edinburgh and -- what was it -- Overland, did you live  
20 in any other location with Dennis?

21 A No. Just three of those. 13:47:50

22 MR. MARKS: I didn't hear the answer. 13:47:52

23 MR. SMITH: "Just three of those." 13:47:53

24 THE WITNESS: Three of those locations you 13:47:54  
25 mention.

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1	BY MR. SMITH:	13:47:59
2	Q Okay. Have you ever met Alex Khapsalis?	13:47:59
3	A That's my brother.	13:48:02
4	Q And how do you -- is he here in the	13:48:03
5	United States?	
6	A Yes.	13:48:07
7	Q Where does he live?	13:48:07
8	A Balboa Lake, Lake Balboa.	13:48:09
9	Q That's here in California?	13:48:13
10	A Yes.	13:48:14
11	Q Has Dennis provided any gifts to Alex?	13:48:15
12	A I don't remember a gift.	13:48:20
13	Q Did he ever loan him or give him any	13:48:23
14	money?	
15	A No.	13:48:26
16	Q Did you ever loan him or give him any	13:48:28
17	money?	
18	MR. SPIEGEL: That's -- that involves	13:48:31
19	privacy rights.	
20	So, I'm going to instruct her not to	13:48:37
21	answer.	
22	MR. SMITH: She already testified the only	13:48:41
23	money she had was money she received from Dennis,	
24	which would be community property.	
25	So, if she provided that money to someone	13:48:46

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1 else, I'm certainly entitled to know where it went.  
2 Do you disagree? 13:48:53  
3 MR. SPIEGEL: I agree that whatever money 13:48:54  
4 she used that was provided by Dennis is relevant to  
5 your proceedings as I understand them, so I have no  
6 problem with her saying she used money for whatever  
7 purpose.  
8 But I don't think details regarding a 13:49:09  
9 personal loan, that goes beyond the subject matter of  
10 this proceedings as outweighed by, I think, her  
11 privacy rights.  
12 MR. SMITH: Okay. We'll respectfully 13:49:19  
13 disagree, because the time frames we have here I doubt  
14 we're going to finish the entirety of her deposition  
15 today, so we'll have an opportunity to talk about that  
16 later.  
17 MR. SPIEGEL: Okay. 13:49:32  
18 BY MR. SMITH: 13:49:32  
19 Q The Andrew, is he related to you, Andrew 13:49:32  
20 Khapsalis?  
21 A Yes. 13:49:35  
22 Q And he your brother? 13:49:36  
23 A My nephew. 13:49:36  
24 Q Nephew. 13:49:36  
25 And he's here in the United States? 13:49:36

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1	A	Yes.	13:49:38
2	Q	And Irena Khapsalis?	13:49:40
3	A	Yes.	13:49:41
4	Q	And who is she?	13:49:41
5	A	She's my sister-in-law.	13:49:42
6	Q	Okay. And that's Alex's wife?	13:49:43
7	A	Yes.	13:49:45
8	Q	All right. Are there any other family	13:49:45
9		members that you -- that are here in the	
10		United States?	
11	A	Rebecca Khapsalis, the daughter.	13:49:53
12	Q	That's the daughter of Alex and --	13:49:55
13	A	And Irena.	13:49:58
14	Q	Okay.	13:49:58
15	A	And I don't have anyone else here.	13:49:58
16	Q	No one else here?	13:50:01
17	A	Dennis' relatives. You mean my side.	13:50:02
18	Q	We'll get there.	13:50:05
19		But I was talking about the Khapsalis, your	13:50:05
20		side; correct?	
21	A	Yes, just them.	13:50:08
22	Q	Thank you.	13:50:09
23		Do you have any pets?	13:50:10
24	A	I used to have. I don't anymore.	13:50:12
25	Q	All right. Did you -- what pets did you	13:50:14

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1 have?

2 A Cats. 13:50:17

3 Q Okay. And you had cats over the term of 13:50:19

4 your relationship with Dennis?

5 A Uh, he has allergy, and I gave my cats to my 13:50:23

6 brother.

7 Q Okay. 13:50:28

8 A And they already passed away. 13:50:28

9 Q Okay. Since that time, you haven't had any 13:50:30

10 pets?

11 A No. 13:50:32

12 Q No, you have not? 13:50:33

13 A None, not anymore. 13:50:34

14 Q I'm sorry. I'm asking negative questions. 13:50:36

15 I shouldn't. But thank you.

16 A Yes. 13:50:39

17 Q Okay. Let's talk about gifts. 13:50:47

18 You indicated that you're aware that Dennis 13:50:48

19 gave you gifts of cash and gifts of flowers.

20 Did Dennis ever give you jewelry gifts? 13:50:54

21 A Only at that time when he propose me. 13:51:00

22 Q Okay. So, since that time, have you ever 13:51:04

23 purchased jewelry?

24 A None, because I'm just kind of -- you see 13:51:07

25 I'm not wearing jewelry.

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1 Q So, the answer is you have not purchased 13:51:14  
2 jewelry other than the --  
3 A No. 13:51:18  
4 Q -- well -- 13:51:19  
5 A Yes. 13:51:20  
6 Q Let me rephrase the question. 13:51:20  
7 Other than the gift of jewelry that you 13:51:22  
8 received from Dennis in the form of an engagement  
9 ring, you have not purchased any jewelry during the  
10 time of your marriage?  
11 A Oh -- 13:51:31  
12 Q Excuse me. The time of your relationship. 13:51:31  
13 A Watch is jewelry, right, the watch? 13:51:32  
14 Q Sure. 13:51:35  
15 A Once I get watch from him. 13:51:36  
16 Q Okay. What kind of watch did you get? 13:51:39  
17 A Cartier. 13:51:42  
18 Q I'm sorry? 13:51:44  
19 A Cartier. 13:51:45  
20 Q Korean [sic]? 13:51:47  
21 A Cartier. 13:51:47  
22 Q Cartier, Cartier. Thank you. 13:51:47  
23 I'm sorry. I just didn't understand. 13:51:47  
24 So, Cartier. 13:51:48  
25 Do you know what kind of watch it was? 13:51:50

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1           A     It was expensive. I don't really care about     13:51:52  
2     those, you know, crazy diamonds watch, yeah.  
3           Q     Has Dennis promised you any gifts upon his     13:52:02  
4     death?  
5           A     He told -- he told me he's going to do a     13:52:08  
6     Will, yes.  
7           Q     And do you know if he did such a Will?     13:52:13  
8           A     He did. He did show me, but it was     13:52:15  
9     signed -- wasn't signed, so -- and since I know he can  
10    change it every day, it didn't make any sense to me.  
11          Q     When did he show you a copy of an unsigned     13:52:27  
12    Will?  
13          A     It was about six months ago, when all this     13:52:31  
14    start, I start be worried about this and at that time.  
15    I believe it is six or seven months ago.  
16          Q     Did he ever show you a copy of a trust?     13:52:39  
17                Do you know what a "trust" is?     13:52:43  
18          A     Yes.     13:52:44  
19          Q     Did he ever show you a copy of a trust?     13:52:45  
20          A     You mean house?     13:52:50  
21                MR. SPIEGEL: A trust document.     13:52:51  
22    BY MR. SMITH:     13:52:52  
23          Q     A trust document.     13:52:52  
24          A     No.     13:52:53  
25          Q     A document that establishes a trust.     13:52:53

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1 A No. 13:52:56.

2 Q Did he ever indicate to you he was going to 13:52:56  
3 establish a trust for your benefit or for the benefit  
4 of your children?

5 A No. 13:53:02

6 Q Are you aware that he's established a trust 13:53:05  
7 for your benefit or the benefit of your children?

8 . A Again? 13:53:12

9 Q Do you know if he has established a trust 13:53:12  
10 for you or your kids?

11 A What mean "established"; promised me to? 13:53:18

12 Q No. To actually create a trust. 13:53:22

13 Let me give a definition for you, so you 13:53:24  
14 know what I'm talking about.

15 I mean it in my question is, you go to 13:53:27

16 either a service or a lawyer and you have a document  
17 prepared that's called a trust, and then you have the  
18 obligation to put things into that trust or title  
19 things into that trust, and the trust holds that  
20 property until a certain period, either at your death  
21 or afterwards, and then it is given to the people you  
22 say it should be given to.

23 So, the people that establish the trust, 13:53:49

24 that's called a trustor; people that get the stuff,

25 that's called a beneficiary.

1                   So, my question goes to whether or not                   13:53:57  
2   Dennis has established anything for you that you  
3   understand to be a trust, so that if he dies or  
4   sometime after his death the money in that trust or  
5   the property in that trust will go to you or your  
6   children.  
7                   Is that --                   13:54:11  
8           A    We didn't talk about this.                   13:54:11  
9           Q    Okay. Do you know what an "annuity" is?           13:54:14  
10          A    Annuity? What's that?                   13:54:17  
11          Q    Okay. We'll skip that because my guess is           13:54:21  
12   you have never heard that term.  
13          A    Please, I want to know that.                   13:54:24  
14                   MR. SPIEGEL: I'm just waiting for him, he           13:54:26  
15   did a good job of explaining the trust to you.  
16                   MR. SMITH: I've done this before.           13:54:31  
17   BY MR. SMITH:                   13:54:31  
18          Q    The annuity is a something you purchase in           13:54:31  
19   lump sum. Then the party that you purchase from,  
20   whether it's a life insurance company or some other  
21   type of financial institution, then pays you back that  
22   amount over time with a certain amount of interest.  
23                   And so, in the future you get that annuity,           13:54:46  
24   and some annuities have certain types of tax benefits  
25   and the like.

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1                   So, does that ring a bell as to something                   13:54:53  
2   Dennis might have established for you or talked to you  
3   about?  
4                   A    Not.                   13:54:58  
5                   Q    All right. When you saw the Will, did he                   13:54:59  
6   tell you who prepared the Will?  
7                   A    I -- yes, it is Alex -- his name Alex -- I                   13:55:08  
8   forgot -- Alex Stein or something, kind of insurance  
9   agent, agent. He send me a copy of this, too, which  
10   says I would be receiving like 95 percent of  
11   everything. I don't know. I just kind of was too  
12   good to be true, so --  
13                   Q    The document that you received, was it a                   13:55:35  
14   Will or was in the form of a life insurance policy?  
15                   A    Will and a life insurance policy, all that                   13:55:43  
16   was there.  
17                   Q    Okay. Do you recall who issued the life                   13:55:48  
18   insurance policy?  
19                               Who is the company that was going to pay, so                   13:55:51  
20   there's like New York Life, there's John Hancock.  
21                   A    I don't know the name of the company. I                   13:55:58  
22   know the name of the guy Alex Stein, I believe his  
23   name. Just Alex.  
24                               I can found out that later, or send it to                   13:56:05  
25   you or something.

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1 Q Great. If I leave a blank in the 13:56:08  
2 deposition, when you review it you can add that name.  
3 Is that okay? 13:56:15  
4 A Yes. 13:56:15  
5 MR. SMITH: All right. So, we'll leave a 13:56:16  
6 blank at that point, Madam Court Reporter.  
7 (Information requested: \_\_\_\_\_ 13:56:16  
8 \_\_\_\_\_  
9 \_\_\_\_\_.)  
10 BY MR. SMITH: 13:56:16  
11 Q So, the -- subsequent to your -- or after 13:56:17  
12 your the problems that you've had with Dennis, have  
13 you and he discussed settling any financial matters or  
14 other matters associated with you or your children?  
15 A Yes. He promise take care of me to the rest 13:56:38  
16 of my life.  
17 Q Did that promise have any specifics to it; 13:56:43  
18 did he tell you how much money he was going to give  
19 you, for example?  
20 A We didn't go through that details, but he 13:56:55  
21 says you don't have to worry to the last day you  
22 breathe, like you're protected.  
23 Q So, during the course of this case, we had 13:57:05  
24 discovered that Mr. Kogod had hired a lawyer to  
25 protect himself, at least in the retainer agreement,

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1 from a palimony and child support action.

2 And I was wondering if whether or not you 13:57:23

3 had been the person who had filed or threatened

4 through -- either directly or through a lawyer, a

5 palimony or child support action.

6 Does that sound familiar? 13:57:36

7 A I did. 13:57:37

8 Q Okay. Who was the lawyer that you hired to 13:57:37

9 do that?

10 A Shawn Sandler and Lance Spiegel. 13:57:43

11 Q And has anything been filed in that 13:57:47

12 action?

13 MR. SPIEGEL: The answer's no. 13:57:50

14 MR. SMITH: She can answer the question. 13:57:51

15 BY MR. SMITH: 13:57:53

16 Q Has there -- to your knowledge, has anything 13:57:53

17 been filed in the case?

18 MR. SPIEGEL: Filed with the court. 13:57:58

19 THE WITNESS: Not yet. 13:58:00

20 BY MR. SMITH: 13:58:01

21 Q Have you seen communications between your 13:58:01

22 lawyers and Mr. Kogod or Mr. Kogod's lawyers, like

23 letters or e-mails?

24 A Yes. Greg Jessner and -- 13:58:10

25 Q I'm sorry? 13:58:16

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1 A Greg Jessner and -- 13:58:17

2 Q Yes. 13:58:17

3 So, Mr. Jessner and your lawyers have 13:58:17

4 exchanged information?

5 A I believe so. 13:58:21

6 Q All right. 13:58:23

7 A Yeah. 13:58:23

8 Q Have you, to your knowledge, made a demand 13:58:33

9 for any particular amount of money for either child

10 support or palimony to Mr. Jessner or Mr. Kogod?

11 MR. SPIEGEL: So, for the record, I want to 13:58:47

12 clarify something, because under California law

13 Evidence Code Section 1152, settlement negotiations

14 conducted by the lawyers are privileged. They are

15 privileged.

16 So, I want to make sure the witness 13:59:00

17 understands that you are not to disclose any

18 information regarding communications between the

19 lawyers.

20 Do you understand? 13:59:08

21 MR. SMITH: That would be different than our 13:59:09

22 law in that is -- and maybe you can clarify this for

23 me and I certainly respect your opinion on this.

24 In our law, settlement discussions are not 13:59:16

25 admissible for the purpose of the liability for the

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1 action or position that's taken in the settlement  
2 offer, but they are admissible for other purposes.

3 I take it your code section is different 13:59:34  
4 than that?

5 MR. SPIEGEL: It is substantially the same 13:59:39  
6 as that.

7 MR. SMITH: Okay. So, if this were to 13:59:39  
8 simply find out what has been offered by Mr. Kogod of  
9 community property, it seems to me that that would  
10 fall outside of the -- the simple we're not going to  
11 use it to assert that there is any rights established  
12 between Ms. Khapsalis and Mr. Kogod, we simply want to  
13 know what he has promised.

14 MR. MARKS: I'm going to object on behalf of 13:59:59  
15 my client of her making any statements related to  
16 settlement.

17 I think you are misstating Nevada law. You 14:00:04  
18 are using it to try to establish liability in our case  
19 of some sort. You are not using it for another  
20 purpose.

21 MR. SMITH: Okay. 14:00:14

22 MR. MARKS: So, I think she shouldn't be 14:00:14  
23 allowed to testify regarding any settlement.

24 MR. SPIEGEL: Let me just say, I'm not going 14:00:19  
25 to purport to tell you I know the issue we're

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1 currently talking about. I'm willing to meet and  
2 confer to discuss it in the future.

3 My gut tells me it is privileged under our 14:00:28  
4 law, but I don't know a case on point.

5 MR. SMITH: Yeah. Fair enough. And I don't 14:00:33  
6 want to make that an issue that stops us from  
7 proceeding forward today.

8 BY MR. SMITH: 14:00:38

9 Q So, I'll return to that, Ms. Khapsalis, at a 14:00:38  
10 different time, and of course that information may be  
11 available through Mr. Kogod, so --

12 Let's talk about the current payments you 14:00:46  
13 are receiving.

14 Has Mr. Kogod, since the time of your 14:00:54  
15 separation, giving you a particular amount of money to  
16 use, or is he --

17 A Yes. 14:01:01

18 Q What is that amount of money? 14:01:02

19 A He gives me about \$400 cash and about seven 14:01:04  
20 hundreds of -- sometimes \$800 by check every week.

21 Q And what are you responsible for from those 14:01:15  
22 payments?

23 A House -- housekeepers, which come in once a 14:01:21  
24 week --

25 Q Okay. 14:01:25

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1 Q He pays for the -- the -- your cars for gas 14:02:13  
2 and that sort, or do you have to pay for gas?  
3 A Yes -- doesn't matter who pays, it's his 14:02:22  
4 money. It could be bills money, I don't know.  
5 MR. MARKS: I didn't hear the answer. 14:02:29  
6 THE WITNESS: Yes. 14:02:30  
7 BY MR. SMITH: 14:02:31  
8 Q She said yes, and then she said it doesn't 14:02:31  
9 matter who pays, it is all his money.  
10 But I think what I'm trying to distinguish 14:02:36  
11 is what you pay from the money he gives you versus  
12 what he pays directly.  
13 Do you understand? 14:02:39  
14 A Oh, okay. Got it. 14:02:41  
15 Q Okay. So, I'm trying to distinguish between 14:02:43  
16 those two things.  
17 Do you pay from the money he gives you your 14:02:47  
18 gas?  
19 A Credit card. 14:02:51  
20 Q Credit card. 14:02:52  
21 And he pays the credit card? 14:02:52  
22 A Yes. 14:02:53  
23 Q So, all of the charges that are contained on 14:02:54  
24 the Wells Fargo card he pays for; correct?  
25 A Yes. 14:02:58

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1	Q	You don't pay for any portion of the payment	14:02:58
2		due?	
3	A	Yes.	14:03:00
4	Q	Yes, okay, that's right.	14:03:00
5		All right. So, your children, are they in	14:03:02
6		school?	
7	A	Yes.	14:03:06
8	Q	Where do they attend school?	14:03:07
9	A	That school is free. Anyway, there is some	14:03:10
10		fee there too. It is Warners. Warners.	
11	Q	Warners?	14:03:21
12	A	Yes.	14:03:21
13	Q	Is that a private or public school?	14:03:21
14	A	Public school.	14:03:23
15	Q	That is a public school for which you are	14:03:23
16		zoned at Oak Pass?	
17	A	Yes.	14:03:26
18	Q	Let's talk about the history of the children	14:03:27
19		and going to school.	
20		You had a nanny right after the time of	14:03:30
21		their birth, and you have had a nanny since that time.	
22	A	Yes.	14:03:35
23	Q	When did they, if at all, first go to	14:03:35
24		school?	
25	A	What day, first time they went to school?	14:03:40

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1 Q Yeah. 14:03:42  
2 When did they first go to school, how old 14:03:43  
3 were they?  
4 A They was going to Montesorri private school, 14:03:46  
5 too.  
6 Q Was that the first school they attended? 14:03:52  
7 A Yes. 14:03:54  
8 Q When did they start to attend Montesorri? 14:03:55  
9 A Don't remember exactly. Probably a year 14:03:58  
10 before this school, before Warner.  
11 Q What grade are they in? 14:04:04  
12 A Second. 14:04:06  
13 Q Did they go to kindergarten at Warner as 14:04:07  
14 well?  
15 A Yes. 14:04:10  
16 Q And prior to kindergarten is when they went 14:04:11  
17 to Montesorri?  
18 A Yes. They joined Montesorri for one year. 14:04:15  
19 Q Yes. 14:04:18  
20 A And then they went to that school when we 14:04:18  
21 moved.  
22 Q To Warner? 14:04:21  
23 A Yes. 14:04:22  
24 Q Yes. 14:04:23  
25 And they have not attended any other school 14:04:23

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1 other than Montessorri and Warner; correct?

2 A Correct. 14:04:27

3 Q Do they engage in any extracurricular 14:04:28

4 activities?

5 A Yes. They have a dance school. Going to 14:04:31

6 dance school.

7 Q What's the name of their dance school? 14:04:34

8 A Beverly, uh -- Beverly Ballet -- Ballet Room 14:04:36

9 or something. Beverly Ballet Room school.

10 Q And do you pay that from the money that 14:04:47

11 Dennis gives you, or does he pay that directly?

12 A Sometimes I do; sometimes he pays them. 14:04:55

13 Q How much is that? 14:04:57

14 A I cannot tell you exactly. 14:05:00

15 Q Okay. 14:05:02

16 A Because it is different, sometimes they 14:05:02

17 taking more classes, less classes.

18 Q Okay. And do they have any other 14:05:09

19 extracurricular activities?

20 A Um -- 14:05:17

21 Q Piano, anything like that? 14:05:17

22 A I believe no, not. Not yet. 14:05:21

23 Q Are they runners? 14:05:22

24 A Not yet. Hiking would be though. 14:05:24

25 Q Are there any extraordinary, unusual costs 14:05:28

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1 for your children?

2 You indicated they didn't have any medical 14:05:35

3 problems.

4 Are there anything that you have had to pay 14:05:37

5 for the children that would be unusual?

6 Normal costs would include -- so you 14:05:44

7 understand what I'm asking -- normal cost would

8 include, you know, going on vacation with you, having

9 clothes, shoes, athletic type -- type stuff, toys,

10 that sort of thing. The normal things for childhood.

11 Has there been any other extraordinary costs 14:05:59

12 that you have had to pay on behalf of your children?

13 A I don't think so. 14:06:04

14 Q Okay. Are you familiar with the name Yaffa 14:06:10

15 Marcus; Y-a-f-f-a, Marcus?

16 A Yaffa Marcus, maybe Yaffa school. 14:06:11

17 Q Was there a school, Yaffa school? 14:06:22

18 A Yes, Yaffa school. 14:06:24

19 Q Okay. And what was the Yaffa school? 14:06:25

20 A It was before Montesorri school also. 14:06:27

21 Q Preschool? 14:06:31

22 A We didn't go long there. Maybe about -- I 14:06:31

23 completely forgot about that school. Maybe six

24 months.

25 Q Six months, uh-huh. 14:06:37

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1		There was a video of your wedding done?	14:06:44
2	A	Uh-huh.	14:06:48
3	Q	"Yes"?	14:06:49
4	A	Yes.	14:06:49
5	Q	And who did the video?	14:06:49
6	A	The video was provide by those people who --	14:06:51
7	Q	Yes?	14:06:55
8	A	-- was in the package.	14:06:56
9		Then you mean different video, the video I	14:06:58
10		made?	
11	Q	Yes.	14:07:02
12	A	So, this was kind of three people was	14:07:02
13		involved with this.	
14	Q	Okay.	14:07:06
15	A	And do you know -- do you want their names?	14:07:06
16	Q	Sure.	14:07:10
17	A	So, we got a little bit of everything videos	14:07:10
18		I has. Dennis has a lot of also videos.	
19		So, the video was made for his 50th	14:07:18
20		birthday. And it helped me -- I forgot her name, the	
21		girl. And then another guy was helping me, Ignorant.	
22	Q	Okay.	14:07:34
23	A	So, we made a little bit this movie lately	14:07:36
24		to --	
25	Q	To celebrate the 50th birthday; "yes" or	14:07:40

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1 "no"?

2 A Oh, you mean -- 14:07:43

3 Q No, no. I'm -- 14:07:44

4 A -- it is a lot of different movies there. 14:07:45

5 Q Okay. Well, let's stay with one movie, the 14:07:47

6 one movie I'm talking about.

7 The movie that was for his -- for the 14:07:50

8 ceremony that you went -- you were involved with in

9 June 2005.

10 You said that that was taken by people at 14:07:58

11 the hotel; is that right?

12 A Yes. 14:08:01

13 Q Okay. You didn't bring anybody to do 14:08:02

14 that?

15 A No. 14:08:04

16 Q Okay. And then you've also made -- well, it 14:08:05

17 is probably a good segue into these --

18 A It was in that package of that wedding 14:08:10

19 goal.

20 MR. SMITH: Okay. Let's mark these two as 14:08:15

21 the next two exhibits.

22 (Discussion off the record.) 14:08:19

23 (Plaintiff's Exhibit 17 was marked for 14:08:19

24 identification by the court reporter.)

25 (Plaintiff's Exhibit 18 was marked for 14:09:05

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1 identification by the court reporter.)

2 BY MR. SMITH: 14:09:08

3 Q Showing you what has been marked as 14:09:08

4 Exhibits 17 and 18, these are -- I'll represent to you

5 I pulled these down from the internet on the IMDb

6 site. And they both reference three movies that each,

7 both you and Dennis were involved in; one page is for

8 Dennis, one page is for you.

9 So, I just wanted to go over those with you, 14:09:30

10 and you can tell me about what you know about those

11 movies.

12 What do you know about the movie Romka? 14:09:34

13 A Romka? 14:09:39

14 Q Romka. 14:09:40

15 A I'm not familiar with this. 14:09:41

16 Q This is R-o-m-k-a, you are not familiar with 14:09:42

17 that movie?

18 A No. 14:09:47

19 That Dennis was there in the movie? 14:09:48

20 Q I don't know what the movie is. It is just 14:09:51

21 listed on an IMDb site for both you and Dennis.

22 A I don't know. 14:09:58

23 Q You have never heard of that movie? 14:09:59

24 A No. 14:10:01

25 Pray for Ukraine, I know. 14:10:04

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1 Q Tell me about Pray for Ukraine, what do you 14:10:06  
2 know about it?

3 A It was also was my friend. And I brought 14:10:10  
4 the guy was, he wants somebody -- he was looking for  
5 somebody invest a little bit of money to complete that  
6 movie, so Dennis became.

7 Q Do you know how much money Dennis 14:10:33  
8 invested?

9 A I'm not sure. I remember he was asking like 14:10:35  
10 \$30,000. And I don't know -- I'm not sure how -- how  
11 it is ended up, how much. I'm sure you know that.

12 Q When you say that "he was asking," you were 14:10:46  
13 talking about your friend was asking for \$30,000 from  
14 Dennis?

15 A He's not really my friend, but I meet him. 14:10:50  
16 He's a producer and he was thinking about to develop  
17 movie for me after my book.

18 He says I like your story, I might do it. 14:10:59  
19 And that's how we involved?

20 Q Is Pray for Ukraine based upon your book? 14:11:04

21 A No. 14:11:08

22 Q No. 14:11:08  
23 This was a separate project that -- 14:11:09

24 A Yes. Uh-huh. 14:11:10

25 MR. SPIEGEL: Nadya, you have to slow down, 14:11:12

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1 let him finish his question.

2 BY MR. SMITH: 14:11:16

3 Q This was a separate project -- 14:11:16

4 A Yes. 14:11:18

5 Q -- from the same producer, the friend, the 14:11:18

6 person you knew?

7 A Yes. 14:11:21

8 Q What is his name? 14:11:22

9 A Evgeny Afineevsky. 14:11:24

10 Q That one you're going to have to spell. 14:11:28

11 A Evgeny Afineevsky, it is really good 14:11:30

12 spelling. You also can found out on if you Google

13 him. Evgeny Afineevsky. I think, I don't want to

14 like -- excuse me.

15 (Discussion off the record.) 14:11:54

16 BY MR. SMITH: 14:11:54

17 Q You have given us your -- on that page that 14:12:06

18 you have just written, you have given us your best

19 estimate what his name spelling is; "yes"?

20 A Yes. 14:12:16

21 Q That's the individual that requested money 14:12:16

22 for Pray for Ukraine.

23 But you don't know if he's involved or 14:12:21

24 anyone else in involved in this movie Romka?

25 A Romka, I don't know. 14:12:27

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1 Q You don't know anything about it. 14:12:27  
2 How about Winter on Fire, which is also 14:12:28  
3 listed in Exhibit 17 and 18?  
4 A I don't know anything about this. 14:12:33  
5 Q You have never heard about that movie? 14:12:34  
6 A No. 14:12:36  
7 It might be the same one, Pray for Ukraine, 14:12:36  
8 they might change, because they was planning to do for  
9 the -- they might change this name, and it is the same  
10 name. I don't know.  
11 Q Okay. Have you ever heard of the movie -- 14:12:53  
12 the name of the movie by the name of Thomasina?  
13 A Yes. 14:12:59  
14 Q Is that a movie that you are involved in? 14:13:00  
15 A I'm not involved in this movie. 14:13:05  
16 Q What do you know about that movie? 14:13:05  
17 A But I know Peter Haltman was trying to do 14:13:05  
18 new movie, new version of the movie, old movie. And  
19 so, I believe Dennis became also part of investment.  
20 Q Okay. Do you know how much he invest -- 14:13:18  
21 A No. 14:13:19  
22 Q -- invested? 14:13:20  
23 MR. SMITH: Okay. Is that in -- it is in 14:13:23  
24 these; right?  
25 Take a look, let me know. 14:13:35

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1 MS. CIOFFI-KOGOD: Okay. 14:13:39  
2 BY MR. SMITH: 14:13:40  
3 Q Okay. So, you believe that Dennis invested 14:13:40  
4 in both Thomasina and Pray for Ukraine; correct?  
5 A Yes. 14:13:49  
6 Q But you don't know about Romka or Winter on 14:13:49  
7 Fire?  
8 A No. 14:13:54  
9 Q Do you know if Dennis invested money 14:13:55  
10 directly or was there a company involved?  
11 A I don't know. 14:14:01  
12 Q Did you have any role in the production of 14:14:06  
13 either Thomasina or Pray for Ukraine?  
14 A No. 14:14:16  
15 Q You weren't a writer, had no -- 14:14:17  
16 A No. 14:14:19  
17 Q -- production? 14:14:20  
18 Okay. Your children were born approximately 14:14:22  
19 a year-and-a-half after your relationship with -- or  
20 your ceremony?  
21 A I believe so. 14:14:36  
22 Q Yeah? 14:14:37  
23 A A year-and-a-half or two. 14:14:39  
24 Q Is it two? 14:14:40  
25 It could be two. You're right. 14:14:42

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1 Well, it is June of 2005 and December of 14:14:44  
2 2007, so you're right, two-and-a-half years; right?  
3 A Uh-huh. 14:14:50  
4 Q Did you have any problems getting 14:14:50  
5 pregnant?  
6 MR. SPIEGEL: I'm going to object to that. 14:14:53  
7 That's -- implicates her privacy rights.  
8 BY MR. SMITH: 14:15:00  
9 Q Did anyone pay for In Vitro Fertilization 14:15:00  
10 for you?  
11 A Yes. 14:15:04  
12 MR. SPIEGEL: The answer is out there; 14:15:04  
13 please, give me an opportunity to object.  
14 BY MR. SMITH: 14:15:09  
15 Q Okay. And that was Dennis? 14:15:09  
16 MR. SPIEGEL: You can answer the question. 14:15:12  
17 THE WITNESS: Yes. 14:15:12  
18 BY MR. SMITH: 14:15:13  
19 Q Okay. How long did you go through those 14:15:13  
20 procedures?  
21 MR. SPIEGEL: That's private. 14:15:18  
22 MR. SMITH: Okay. 14:15:21  
23 BY MR. SMITH: 14:15:23  
24 Q Where was it that the -- that Dennis paid 14:15:23  
25 for the procedures?

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1 A (No audible response.) 14:15:29  
2 Q Where did you get the procedures done; who 14:15:30  
3 did he pay?  
4 A The name of the doctor? 14:15:36  
5 Q Or the clinic. However he paid it. 14:15:37  
6 A Oh, let me -- Dr. -- Dr. -- uh, Sera, 14:15:41  
7 Dr. Sera -- totally forgot his name, and I remember  
8 for a long time.  
9 May I give you later his name? 14:16:02  
10 MR. SMITH: Okay. We'll leave a blank in 14:16:04  
11 the deposition and you can fill it in.  
12 (Information requested: \_\_\_\_\_ 14:16:08  
13 \_\_\_\_\_  
14 \_\_\_\_\_.)  
15 BY MR. SMITH: 14:16:08  
16 Q Just again, what I'm asking for is -- 14:16:09  
17 THE WITNESS: You know that information. Do 14:16:10  
18 you know that -- the name --  
19 MR. SPIEGEL: He's going to leave a blank 14:16:13  
20 and you can fill it in.  
21 THE WITNESS: Oh. 14:16:16  
22 BY MR. SMITH: 14:16:17  
23 Q We -- I can -- because you asked, we don't 14:16:17  
24 know the name of the doctor because we don't have  
25 records going back that far.

1 But if you can tell us who -- and we're just 14:16:25  
2 asking who Dennis paid; okay?  
3 (Discussion off the record.) 14:16:30  
4 BY MR. SMITH: 14:16:30  
5 Q Let me give you a spelling for Evgeny 14:16:35  
6 Afineevsky, and see if this rings a bell.  
7 E-v-g-e-n-y, the first name; and the last 14:16:52  
8 name is A-f-i-n-e-e-v-s-k-y.  
9 A Correct. 14:16:56  
10 Q You have on your -- I'll represent to you 14:17:00  
11 that you have on your Facebook page, and I have it on  
12 a --  
13 MR. SMITH: This looks like, what, an iPad 14:17:05  
14 or something?  
15 MS. CIOFFI-KOGOD: Uh-huh. 14:17:08  
16 BY MR. SMITH: 14:17:09  
17 Q -- a statement from Mr. Afineevsky regarding 14:17:09  
18 Winter on Fire.  
19 Does that refresh your recollection as to 14:17:15  
20 what Winter on Fire is?  
21 A I guess it is the same -- 14:17:19  
22 Q I'll show you this if you're -- 14:17:20  
23 A -- name. I guess it is the same movie, but 14:17:23  
24 they renamed that for when they was re-do, because his  
25 original name was Pray for Ukraine.

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1 Q Oh, okay. 14:17:34

2 A And when he ask Ed Monty, that was for 14:17:34

3 recreate name, and Ed do something with this movie,

4 change completely. I guess it's came out with a new

5 name like this.

6 I'm just guessing because -- 14:17:46

7 Q Because it is on your web page? 14:17:49

8 A Yes. 14:17:51

9 Q All right. 14:17:52

10 MR. MARKS: Can I see it? 14:17:53

11 (Discussion off the record.) 14:18:17

12 BY MR. SMITH: 14:18:17

13 Q Okay. To -- when -- after the time that you 14:18:17

14 have your credit card and you traveled with Dennis,

15 would you use your credit card for expenses or would

16 Dennis cover all your expenses while I traveled?

17 A While I'm traveling, he would cover all my 14:18:33

18 expenses.

19 Q That would include even shopping? 14:18:36

20 A He would -- he would give me some cash for 14:18:40

21 shopping.

22 Q Okay. So, in those instances when you 14:18:44

23 travel, instead of you having to use your credit card,

24 Dennis would give you cash?

25 A Yes. 14:18:51

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1 Q Was there a set amount he would give you, or 14:18:51  
2 just whatever you needed?

3 A He would -- I mean, I wouldn't go crazy 14:18:57  
4 there for shopping, and it was -- he could give me  
5 like \$1,000 for shopping.

6 Q Where did you travel with Dennis, to your 14:19:09  
7 recollection?

8 And if you could just start -- 14:19:13

9 A Um -- 14:19:15

10 Q -- 2005 and forward, what you recollect in 14:19:16  
11 terms of your travel.

12 A A lot. Las Vegas, San Francisco, New York. 14:19:21  
13 Let's see. 14:19:30  
14 Um, Arizona, Paris, Amsterdam, Spain. 14:19:31  
15 Portuguese.

16 Q Portugal? 14:19:51

17 A Portugal, yes. 14:19:54

18 Of United States? A lot. Like Laguna 14:20:00  
19 Beach, Las Vegas, Palm Springs, all -- and all  
20 around.

21 Q Hard to remember you went to so many 14:20:08  
22 places?

23 A Hmm? 14:20:11

24 Q In the United States it is hard to remember 14:20:12  
25 because you went to so many places or --

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1 A Do you need exactly those places? 14:20:16  
2 Q No, no, I just -- yeah, your best 14:20:17  
3 recollection of where you have gone with Dennis on  
4 trips.  
5 A Most of them would be Las Vegas, 14:20:25  
6 San Francisco, Newport Beach, Palm Springs, and, hmm,  
7 San Diego. That's it.  
8 Q Did you go to Las Vegas for a particular 14:20:42  
9 purpose or was it just for hotel gambling, that sort  
10 of thing?  
11 A Just to spend more time with him because, 14:20:47  
12 uh, he -- lately he was doing business there. The  
13 company rent for him hotel, so we staying there.  
14 Q Okay. How many trips do you think you took 14:21:01  
15 to Las Vegas; if you can recall?  
16 A A lot. A lot. I couldn't -- I cannot say, 14:21:04  
17 tell you the number.  
18 Q So -- 14:21:11  
19 A Before he was going back and forth to 14:21:11  
20 Gabrielle and me for four years, and then now just  
21 because he start something a year ago.  
22 Q Okay. How did you know he was going back 14:21:22  
23 and forth from you -- to you and Gabrielle for four  
24 years; did he tell you that?  
25 A Yes. 14:21:28

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1 Q So, he was frank about the fact he was still 14:21:28  
2 seeing Gabrielle and spending time with her and  
3 golfing and going to movies and that sort of thing?  
4 A He didn't say golfing and I'm going to the 14:21:36  
5 movies, he just told me he's going.  
6 Q To see her? 14:21:44  
7 A Yes. 14:21:45  
8 Q What did you understand that to mean that he 14:21:46  
9 was going to see her; was he going to go spend time  
10 with her, was he going to go talk to her about a  
11 divorce?  
12 I mean, what was the reason? 14:21:55  
13 MR. SPIEGEL: You are looking at me. 14:21:57  
14 Do you understand the question? 14:21:58  
15 THE WITNESS: Yes, I do. 14:21:59  
16 MR. SPIEGEL: Wants to know what was going 14:22:01  
17 through your head at the time.  
18 What did you understand that meant? 14:22:03  
19 THE WITNESS: Because when he told me he 14:22:07  
20 needs more time to figure it out how to ended up that  
21 relationship, he just want support because he was  
22 telling me Gabrielle going through a difficult time  
23 with the father. And he just want to support. He  
24 doesn't want to leave her yet.  
25 BY MR. SMITH: 14:22:29

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1 Q Okay. 14:22:29

2 A He care about her. 14:22:29

3 Q The period you said was four years, that 14:22:31

4 would have taken us to about from the time of your

5 ceremony about -- till about 2009, did something

6 change in 2009, to your understanding?

7 A When he start -- when he stop going to 14:22:42

8 Gabrielle?

9 Q Is that what happened? 14:22:46

10 A I mean, I didn't understand. 14:22:47

11 Would you, please, repeat? 14:22:49

12 Q Ms. Khapsalis, you indicated that at about 14:22:53

13 four years, that was the time that -- that Dennis was

14 going back and forth between you and Gabrielle.

15 A Right. 14:23:02

16 Q And I was wondering if something happened at 14:23:02

17 the end of four years that caused that relationship to

18 be different. That's what I'm trying to find out.

19 A When it's ended up or -- 14:23:13

20 Q Did you have an understanding that in 2009 14:23:15

21 that -- that he was no longer seeing or having a

22 relationship with Gabrielle?

23 A Oh, yes, yes. 14:23:24

24 Q Okay. So, in 2009, you thought his 14:23:26

25 relationship with Gabrielle had stopped?

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1 Q -- so I'm trying to figure out that time. 14:24:29  
2 A About 2009. 14:24:31  
3 Q So, about 2009, dennis tells you that both 14:24:32  
4 he and Gabby have decided to split up; "yes"?  
5 A Yes. 14:24:39  
6 Q And that was your understanding? 14:24:39  
7 A Yes. 14:24:41  
8 Q Was there anything that happened after that 14:24:41  
9 that caused you to question whether or not that was  
10 true?  
11 Like did you suddenly learn anything that 14:24:48  
12 caused you to believe that he and Gabby were breaking  
13 up was not true?  
14 A Because he would start spending during the 14:24:56  
15 weeks time, and I believed that that happened, and I'm  
16 just tired of thinking about this. Just used to it.  
17 I don't know. I just let it go. And I don't want to  
18 think about it, they stop or not.  
19 Q Too much? 14:25:12  
20 A Yes. It was too much. 14:25:12  
21 Q All right. So, what I'm saying is that 14:25:14  
22 after 2009, did you start to suspect that they weren't  
23 really breaking up, that they were actually still  
24 together?  
25 Did that ever happen? 14:25:24

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1 A No. 14:25:25  
2 Q So, your understanding as you sit here today 14:25:26  
3 that as of 2009 they never were together?  
4 A Yes. 14:25:30  
5 Q Okay. Did Dennis ever tell you that he was 14:25:36  
6 in counseling with Gabby --  
7 A No. 14:25:42  
8 Q -- with Ms. Cioffi-Kogod? 14:25:42  
9 So, in or about 2010 or 2011, he never 14:25:48  
10 mentioned to you spending time with Gabby in  
11 counseling?  
12 A No. 14:25:55  
13 Q You would be surprised to learn that? 14:25:56  
14 A Yes. 14:25:59  
15 Q Okay. 14:26:00  
16 THE WITNESS: May I ask? 14:26:00  
17 MR. SPIEGEL: No, you can't. 14:26:01  
18 BY MR. SMITH: 14:26:12  
19 Q Did you ever go with him to any banking 14:26:12  
20 institution, like did you go to the bank with him?  
21 A Yeah, it was long time ago, just to put 14:26:22  
22 check together or stand in line together.  
23 Q Where were you at, what bank? 14:26:28  
24 A I believe it was near the Overland Bank of 14:26:31  
25 America.

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1 Q Okay. After those early days that you were 14:26:36  
2 Overland, did you recall -- do you recall ever going  
3 to a bank with Dennis?  
4 A Yes, when we open a bank account. I don't 14:26:43  
5 remember which one, the mutual one we went together.  
6 Q The -- 14:26:50  
7 A We went together to open a bank account for 14:26:51  
8 me.  
9 Q Was that the one at Bank of America or 14:26:55  
10 Washington Mutual?  
11 A I think it is -- I don't remember which one 14:27:00  
12 of them.  
13 Q But there was a bank account and you recall 14:27:02  
14 you went to the bank to open it for you?  
15 A Yes. 14:27:04  
16 Q And then the -- but you haven't been with 14:27:07  
17 him to a bank where he was doing banking; to your  
18 knowledge?  
19 Have you ever been with him to UBS? 14:27:14  
20 A No. 14:27:16  
21 Q Or UBS offices? 14:27:16  
22 A No. 14:27:18  
23 Q Have you ever been with him to -- when he 14:27:18  
24 was going to Wells Fargo?  
25 A I don't remember this. I'm sorry. 14:27:24

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1 Q Okay. 14:27:26  
2 A I -- 14:27:26  
3 Q Okay. So, you two, to your recollection, 14:27:27  
4 have not done any banking together --  
5 A (Witness shakes head.) 14:27:35  
6 Q -- other than the joint account that he said 14:27:35  
7 he was the co-signer on?  
8 A Correct. 14:27:38  
9 Q If I understand you correctly, both your 14:27:39  
10 credit card and your bank account, Dennis is a  
11 co-signer on them?  
12 A Yes. 14:27:45  
13 Q You have access to copies your bank account 14:27:54  
14 records; correct?  
15 A I don't. 14:27:57  
16 Q Okay. Let's go over the subpoena. 14:27:58  
17 THE REPORTER: Number 15, the first one? 14:28:09  
18 MR. SMITH: Number 15, yeah. 14:28:11  
19 BY MR. SMITH: 14:28:12  
20 Q Okay. I'm showing you what has been marked 14:28:12  
21 as Exhibit 15.  
22 Do you recognize this document? 14:28:17  
23 A Which one? 14:28:18  
24 MR. SPIEGEL: Have you seen the whole 14:28:21  
25 document before, the subpoena?

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1 THE WITNESS: Yes. It is what came to me 14:28:42  
2 from Sharon; right?  
3 BY MR. SMITH: 14:28:48  
4 Q Okay. And attached to the first two pages 14:28:48  
5 are a statement of items to be produced?  
6 Do you see that? 14:28:54  
7 It is the third page of the document. 14:28:56  
8 A Here -- oh, second. 14:28:58  
9 Q Third page. Yeah, one, two, three, would be 14:29:00  
10 the third page.  
11 A One, two, three? 14:29:03  
12 Q Three. Thanks. 14:29:05  
13 Do you see where it says, "Item to be 14:29:06  
14 produced"?  
15 A Okay. Item -- right here. 14:29:12  
16 Q Have you ever seen this document before? 14:29:15  
17 A Yes. I read them. 14:29:30  
18 Q Okay. So, have you made your best efforts 14:29:33  
19 to gather the documents that are requested and the  
20 items to be produced for today's proceeding?  
21 A Well, I didn't get any voice messages from 14:29:41  
22 Dennis, I believe, because I don't have my voice  
23 message set up.  
24 Q Nadya, the big picture first. 14:30:04  
25 Did you -- when you -- before you came to 14:30:07

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1 today's deposition --

2 A Yes. 14:30:10

3 Q -- did you refer to this document and see if 14:30:10

4 you had these documents?

5 A Yes. 14:30:14

6 Q Okay. So, we're going to go through them 14:30:15

7 together, then you can tell me --

8 A Yes. 14:30:18

9 Q -- whether or not you have them or not. 14:30:18

10 All right. So, have you ever corresponded 14:30:20

11 between -- is there any correspondence between you and

12 Dennis in the form of e-mails?

13 A Yes. 14:30:28

14 Q Okay. And you what is your e-mail 14:30:30

15 address?

16 A nadya -- n-a-d-y-a -- 0121@hotmail.com. 14:30:33

17 Q Do you use any other e-mail addresses? 14:30:34

18 A No. 14:30:44

19 Q And how long have you had that e-mail 14:30:45

20 address?

21 A Forever. Whatever. Forever. Never 14:30:48

22 changes.

23 Q Good for you. 14:30:52

24 The -- is that the e-mail address that you 14:30:53

25 would have used to communicate with Dennis?

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1 Q -- is that what you're referring to? 14:31:59  
2 And I'm holding in my hand and I'll hold it 14:32:00  
3 up for the record, the copy of the thing that was  
4 provided to us today.  
5 Is that what you're referring to when you 14:32:08  
6 said you put it on those records?  
7 A Yes. 14:32:11  
8 Q You've gone through your e-mails, and all 14:32:13  
9 the e-mails that you could find between you and Dennis  
10 you've placed onto this thumb drive?  
11 A You know, I don't know, because when I sent 14:32:23  
12 Sharon, she says it is like --  
13 MR. SPIEGEL: What Sharon discussed is off 14:32:27  
14 limits --  
15 THE WITNESS: Okay. 14:32:30  
16 MR. SPIEGEL: -- okay? 14:32:30  
17 MR. SMITH: Who is Sharon, by the way; is 14:32:31  
18 she with your staff?  
19 MR. SPIEGEL: Sharon Steimer. 14:32:34  
20 MR. SMITH: Oh, Sharon Steimer. Okay. 14:32:36  
21 BY MR. SMITH: 14:32:36  
22 Q So, what I'm asking for you is just what you 14:32:36  
23 did.  
24 In other words, did you make -- take your 14:32:40  
25 best efforts to get all of those e-mails from your

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1 account and provide them on this disk, whether it's  
2 through Sharon or anyone else.

3 A Yes. 14:32:52

4 Q Okay. 14:32:53

5 A I'm not sure if they all, because they -- 14:32:54  
6 humm -- it is too much, it is too big a file.

7 Q Okay. 14:33:00

8 A All of this 10 years. 14:33:00

9 Q But you still have those 10 years of 14:33:02  
10 files?

11 A I think so. I don't know if they disappear 14:33:05  
12 because I deleting a lot of them. I don't know if  
13 they stay somewhere. I don't know.

14 Q Okay. So, how did you -- how did you 14:33:13  
15 determine what e-mails you provided on this disk  
16 versus those you didn't, because it sounds like you  
17 didn't provide all of them?

18 A So, I ask some person who can do it because 14:33:29  
19 I don't even know how to do it. So, he did it for  
20 me.

21 Q Okay. 14:33:38

22 A Pushed all the from Dennis Kogod to me and 14:33:38  
23 from me to Dennis Kogod, and we was waiting like six  
24 hours to move there. Sorry

25 MR. SMITH: Do you have a copy of this in 14:33:48

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1 your file, you've kept a copy as well?

2 MR. SPIEGEL: No, I don't. 14:33:54

3 MR. SMITH: Is this the only copy of the -- 14:33:54

4 MR. SPIEGEL: I believe so. 14:33:57

5 MR. SMITH: So, for us to establish what's 14:33:57

6 here, Lance, I think it probably would be the best

7 thing is to make a copy of it, give it to you.

8 And then rather than trying to guess what's 14:34:08

9 on it, because we only have it today and won't be able

10 to look through all of it, because the only thing we

11 see on it is a series of images.

12 So, we'll make a -- two copies of this -- in 14:34:16

13 fact, is there a --

14 Let's go off the record for a second. 14:34:21

15 THE VIDEOGRAPHER: Time is 2:34. 14:34:24

16 We're off the record. 14:34:25

17 (Discussion off the record.) 14:34:29

18 THE VIDEOGRAPHER: Time is 2:35. 14:35:12

19 We're on the record. 14:35:16

20 BY MR. SMITH: 14:35:19

21 Q In an off-the-record discussion, 14:35:19

22 Ms. Khapsalis, we have agreed that I am going to take

23 the disk that you have given us today, and I'm going

24 to provide it to the court reporter who is then going

25 to copy the disk three times, once -- well, actually

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1 twice, once for -- I was right, three; once for the  
2 deposition transcript, once for Mr. Spiegel and once  
3 for Mr. Marks.  
4 And then I'll take the original back and 14:35:44  
5 we'll review the documents, and so it will save us the  
6 time to go through this exercise, at least today, of  
7 the documents that you have provided, and perhaps in  
8 the future or either through deposition process or  
9 directly through counsel, we can work out if there are  
10 any other documents.  
11 A Yes. 14:36:01  
12 MR. SMITH: Is that acceptable, Counsel? 14:36:04  
13 MR. MARKS: That's acceptable. 14:36:05  
14 MR. SMITH: Mr. Spiegel. 14:36:08  
15 MR. SPIEGEL: Yes. 14:36:08  
16 MR. SMITH: I provided that to -- that thumb 14:36:09  
17 drive disk to the court reporter for that purpose.  
18 (Discussion off the record.) 14:48:57  
19 THE VIDEOGRAPHER: It is 2:36. 14:48:57  
20 We're off the record. 14:48:57  
21 (Recess.) 14:48:57  
22 THE VIDEOGRAPHER: Time is 2:49. 14:48:57  
23 We're on the record. 14:49:06  
24 BY MR. SMITH: 14:49:07  
25 Q Okay. Now, I'm going to ask you some 14:49:07

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1 questions about the subpoena that you have before you,  
2 and just general questions about what you may or may  
3 not have and have produced.  
4 MR. SMITH: Oh, before I forget, Madam Court 14:49:17  
5 Reporter, Ms. Khapsalis also provided some loose  
6 documents that we have copied and we've made on this  
7 thumb drive, I'm going to provide that to you with the  
8 same protocol of the other.

9 (Plaintiff's Exhibit 19 was marked for 14:49:58  
10 identification by the court reporter.)

11 BY MR. SMITH: 14:50:01

12 Q So, in an off-the-record discussion, 14:50:01  
13 Mr. Spiegel told me that you may not have any of your  
14 credit card or bank records; correct?

15 A Yes. 14:50:13

16 Q Do you have the ability to get that 14:50:13  
17 information online?

18 A I don't, because I don't know all the pass 14:50:17  
19 codes, Dennis has them all.

20 Q And how about the institutions themselves, 14:50:21  
21 you could go to the institutions and gather that  
22 information; couldn't you?

23 Like you could go to Wells Fargo Bank or 14:50:28  
24 Bank of America and gather that information?

25 A Probably, yes. If I go there, I punch my 14:50:32

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1 code and they give me. They can give me how much I  
2 spend or something like that.

3 Q What I'm referring to is typically when you 14:50:40  
4 go to a bank and you bank there you can ask them for  
5 copies of your statements and --

6 A Yes. 14:50:46

7 Q -- all you have to do is show your ID and 14:50:46  
8 they'll give you copies to a certain extent.

9 A Yes. 14:50:52

10 Q Different banks have different policies as 14:50:52  
11 to how far back they will go.

12 But I was just wondering if you know you can 14:50:58  
13 do that?

14 A Yes. 14:51:00

15 Q But you haven't done that to date, correct, 14:51:00  
16 you haven't done that so far?

17 A Yes. 14:51:04

18 Q Okay. The documents regarding your 14:51:07  
19 vacations or trips.

20 Did you keep any kind of planner or anything 14:51:11  
21 that would give you a reminder of when you perhaps  
22 went on a particular vacation or where you were at a  
23 particular time?

24 A Would you, please, repeat that? 14:51:23

25 My brain is getting so tired. 14:51:25

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1 Q I understand. 14:51:27  
2 And I want you -- look, again, if you at any 14:51:29  
3 time need a break or you need a drink, you need to  
4 walk around, just let me know; okay?  
5 A Thank you. 14:51:35  
6 Q What I'm trying to find out if there was 14:51:36  
7 anything to help you when you remember went traveling.  
8 Some people keep a diary or a journal or a time  
9 thing --  
10 A Got it. I don't keep any diary like this. 14:51:44  
11 Q Okay. Now, I have to ask you this. 14:51:54  
12 Have you ever been involved in a criminal 14:51:56  
13 action?  
14 A (No audible response.) 14:51:58  
15 Q Has anybody -- in the last 10 years, have 14:51:59  
16 you been convicted of a crime?  
17 A No. 14:52:04  
18 Q Have you ever been convicted of a crime 14:52:04  
19 involving fraud or misstatement?  
20 A Let me think about this carefully. 14:52:09  
21 No. 14:52:14  
22 Q I'm not talking about speeding tickets or 14:52:15  
23 anything like that.  
24 I'm talking about an actual -- somebody 14:52:18  
25 who is -- you know, some state or country has charged

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1	you with a specific crime.	
2	A No.	14:52:25
3	Q No.	14:52:26
4	I'm going to ask you what you know about	14:52:32
5	Dennis' property, and if you don't know something just	
6	tell me you don't know; okay?	
7	A (Witness nods head.)	14:52:41
8	Q The -- other than the home that Dennis owns	14:52:41
9	on -- or the homes that Dennis owns on Edinburgh, Oak	
10	Pass, and the original townhome Oakland --	
11	A Overland.	14:52:56
12	Q Overland.	14:52:56
13	-- Overland, do you know whether or not	14:52:57
14	Dennis owns any other real property?	
15	A Las Vegas.	14:53:03
16	Q Okay.	14:53:04
17	A Owned the Las Vegas.	14:53:05
18	Q Very good. Thank you.	14:53:06
19	A And then his father's and his mother's.	14:53:07
20	Q Okay.	14:53:12
21	A And his brother's. That's all that I know.	14:53:14
22	Q The father and mother, they live in the same	14:53:16
23	location, the condominium; right?	
24	A Yes.	14:53:21
25	Q The brother as well, a condominium?	14:53:21

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1 A Brother has different condominium. 14:53:23  
2 Q Yes. 14:53:25  
3 A He lives with his wife. 14:53:25  
4 Q So, two condominiums then? 14:53:26  
5 A Yes. 14:53:28  
6 Q But you are not aware of any other real 14:53:29  
7 property?  
8 A No. 14:53:32  
9 Q No, you are not. All right. 14:53:33  
10 The furniture and furnishings that Dennis 14:53:37  
11 owns that he has in the Oak Pass residence, is that  
12 all of his or is some of that yours?  
13 A Some of mine, and some of this -- I got this 14:53:47  
14 new furniture.  
15 Q Okay. And do you know if he's purchased new 14:53:51  
16 furniture for his new residence?  
17 Have you been to his new residence? 14:53:55  
18 A Yes. 14:53:57  
19 Q And has he purchased new furniture? 14:53:57  
20 A He got altogether. This was in a package. 14:53:59  
21 Furniture was there.  
22 Q So, part of the purchase was -- price was 14:54:05  
23 the furniture that was in the home?  
24 A Yes. 14:54:08  
25 Q And -- okay. 14:54:09

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1           The -- I'm going to read off a couple -- or           14:54:13  
2       actually a series of cars, and tell me if you remember  
3       either driving them or whether Dennis owned them;  
4       okay?

5           A     Yes.   14:54:27

6           Q     One is a 2013 Ferrari?                   14:54:27

7           A     Yes.   14:54:29

8           Q     Was that a car that you drove or Dennis       14:54:30  
9       drove?

10          A     Dennis.                                    14:54:33

11          Q     And did Dennis purchase that vehicle?       14:54:34

12          A     Yes.                                       14:54:35

13          Q     Do you know if he still has that vehicle?   14:54:36

14          A     I'm not sure. I hear about he was getting   14:54:38  
15       rid of it.

16          Q     And when you hear about him getting rid of   14:54:43  
17       it, was that he told you that?

18          A     Yes.                                       14:54:48

19          Q     Did he tell you he was buying a new           14:54:48  
20       Ferrari?

21          A     He was planning, but I don't know if he got   14:54:52  
22       new Ferrari or not.

23          Q     But he was planning on buying a new           14:54:56  
24       Ferrari?

25          A     Yes.                                       14:55:00

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1 Q And that was recently? 14:55:01  
2 A That was about when he moved three months, 14:55:02  
3 four months ago.  
4 Q Very good. 14:55:07  
5 And the 2015 Bentley? 14:55:09  
6 A Yes. 14:55:12  
7 Q What type of Bentley was that? 14:55:13  
8 A GTC. 14:55:18  
9 Q Who drives that car? 14:55:19  
10 A Which one? We have two. 14:55:20  
11 Q Okay. 14:55:22  
12 A The one is 12 something. 14:55:22  
13 Q 2012 [sic]? 14:55:28  
14 A Double Head 12, it is his Bentley. And V8 14:55:29  
15 is my Bentley.  
16 Q You drive the 2015 V8? 14:55:34  
17 A Yes. 14:55:36  
18 Q And he drives the 2015 Bentley that has the 14:55:38  
19 V12 in it?  
20 A Yes. 14:55:42  
21 Q What type of -- of Bentley's are -- 14:55:42  
22 A GTC. It's a sports car. 14:55:47  
23 Q I'm not familiar. 14:55:48  
24 The -- have you ever England a Mercedes 14:55:49  
25 other than the car that you first had when you first

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1 got together?

2 A Yes. I leased Mercedes by myself. 14:55:58

3 Q Okay. When was that? 14:56:02

4 A When I meet Dennis. 14:56:04

5 Q Right. 14:56:07

6 Other than that car, was there -- did you or 14:56:07

7 Dennis --

8 A Different Mercedes was, yes. It was GL, GL 14:56:08

9 SUV.

10 Q And when did you have that car? 14:56:17

11 A About two years ago or four years ago. 14:56:19

12 Q And you had it for a period of three 14:56:22

13 years?

14 A I got that. It was lease for three years, I 14:56:25

15 believe.

16 Q Any other Mercedes? 14:56:31

17 A Uh -- 14:56:35

18 Q That you or Dennis drove or own? 14:56:36

19 A Dennis has before when I meet him, that 14:56:38

20 black one, G -- convertible. I forgot. MG. I was --

21 when I met him he was driving that car.

22 Q Any other Mercedes? 14:56:54

23 A Then he has -- how I remember he has SUV -- 14:57:00

24 SUV also, 320 or 420. Yeah.

25 Q When did he have that; presently? 14:57:08

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1	A	No, no, no. It was long time ago. I just	14:57:11
2		meet him. He has two of those cars.	
3	Q	He had two Mercedes?	14:57:16
4	A	Two Mercedes, yes.	14:57:17
5		Then after my Mercedes, I trade in on a	14:57:19
6		Porsche. Then after accident they give us the BMW X5.	
7	Q	What BMW did you drive?	14:57:30
8	A	X5.	14:57:33
9	Q	X5.	14:57:34
10		And how long did you have that car?	14:57:34
11	A	Don't remember exactly. Two years also.	14:57:36
12	Q	After the X5 what did you drive?	14:57:39
13	A	GL Mercedes SUV.	14:57:42
14	Q	Okay.	14:57:45
15	A	His kids was there.	14:57:46
16	Q	You had that for three years?	14:57:48
17	A	Two, three years. I don't remember.	14:57:49
18	Q	When did you get the Bentley?	14:57:51
19		When did you start driving that?	14:57:53
20	A	Six months ago or seven months ago.	14:57:54
21	Q	And when did he buy his Bentley, the B12; do	14:57:56
22		you know?	
23	A	I think right after me in a month or two.	14:58:00
24	Q	About six to five to six months ago then?	14:58:05
25	A	Yes.	14:58:08

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1	Q	Yes.	14:58:09
2		Did you ever drive a Porsche Panamera?	14:58:12
3	A	He drove that car.	14:58:15
4	Q	When did he have that car; before the	14:58:17
5		Bentley?	
6	A	Yes.	14:58:20
7	Q	How long did he drive that car?	14:58:21
8	A	About two -- two -- two years, when was	14:58:23
9		Edinburgh.	
10	Q	An Audi A5?	14:58:30
11	A	I believe it is that car was in --	14:58:33
12	Q	Colorado?	14:58:36
13	A	-- Colorado. And then he moved and for	14:58:37
14		couple months he was driving here.	
15	Q	And then he got rid of it?	14:58:41
16	A	I think so. I don't know.	14:58:43
17	Q	Not sure?	14:58:45
18	A	Yes.	14:58:45
19	Q	Okay.	14:58:45
20	A	Yes. Maybe Jennifer driving this car, I	14:58:46
21		don't know.	
22	Q	Did he ever purchase a Mercedes for his	14:58:54
23		parents?	
24	A	Not Mercedes. They driving some Hyundai.	14:58:56
25	Q	Hyundai?	14:59:00

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1	A	Tesla, he was driving Tesla for three, four	14:59:46
2		months.	
3	Q	Just three or four months?	14:59:50
4	A	Yes.	14:59:52
5	Q	He didn't like it?	14:59:52
6	A	He was -- he doesn't like -- he didn't like	14:59:54
7		it. He needs to charge with this electric thing.	
8		MR. MARKS: Write that off.	15:00:04
9		MR. SMITH: What's that?	15:00:06
10		MR. MARKS: Write that off your list.	15:00:07
11		BY MR. SMITH:	15:00:13
12	Q	Do you know if Dennis has a Harley	15:00:13
13		Davidson?	
14	A	Yes.	15:00:19
15	Q	And when did he buy the Harley Davidson?	15:00:20
16	A	Also don't remember. Maybe two years ago	15:00:24
17		when we just move to Oak Pass. And he got it for six,	
18		seven months and then get rid of it.	
19	Q	Okay. So, the cars that remain now are your	15:00:34
20		V8 Bentley, his Ferrari --	
21	A	Yes.	15:00:42
22	Q	-- which he may have traded if in for a new	15:00:42
23		Ferrari, and his B12 Bentley?	
24	A	Yes.	15:00:48
25	Q	Are there any other cars that are still in	15:00:48

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1       either your possession or his possession; to your  
2       knowledge?

3           A       It is another Mercedes 320 SUV.   He has that       15:00:53  
4       car.

5           Q       So, he has three cars?               15:00:59

6           A       I think it is his -- that DaVita provide him       15:01:01  
7       with it. I don't know. That's what he told me.

8           Q       Okay. So, to your knowledge, he has those       15:01:09  
9       three cars and you just have the Bentley; is that  
10      right?

11          A       Yes.                               15:01:14

12          Q       That's what you take the kids around in as       15:01:15  
13      well?

14                You don't have like a SUV or anything like       15:01:18  
15      that?

16          A       Nanny has SUV, and she's driving kids back       15:01:21  
17      to school.

18          Q       Is the nanny's SUV, is that something Dennis       15:01:26  
19      purchased or is that something that she has?

20          A       No. It is hers.                   15:01:31

21          Q       Let's talk about Dennis', if you know, if he       15:01:33  
22      has any other business interest.

23                Do you know if -- of any businesses Dennis       15:01:37  
24      is involved in?

25          A       No.                               15:01:42

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1 Q Over the years you've never heard of any 15:01:45  
2 other mention of any other businesses, other than his  
3 role of either DaVita or predecessor company?  
4 A No. 15:01:53  
5 Q Okay. Have you purchased any artwork during 15:01:59  
6 your marriage?  
7 A Artwork -- 15:02:11  
8 MR. SPIEGEL: Please, repeat the question. 15:02:11  
9 THE WITNESS: Would you, please, repeat the 15:02:12  
10 question?  
11 MR. SMITH: I'll repeat it. 15:02:15  
12 BY MR. SMITH: 15:02:15  
13 Q Have you purchased any artwork, either you 15:02:15  
14 or Dennis, purchased any artwork during your  
15 relationship?  
16 A No, not in my house. 15:02:21  
17 Q Do you know if he has purchased artwork for 15:02:25  
18 his house?  
19 A In this new place right now? 15:02:30  
20 Q Yes. 15:02:32  
21 A I don't know. 15:02:33  
22 Q Okay. Do you have art on your walls at your 15:02:35  
23 home?  
24 A Yes, I do. I do by myself, by my hand. 15:02:38  
25 Q Really? You -- 15:02:41

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1	A	Yes.	15:02:41
2	Q	You prepare the art?	15:02:41
3	A	All art in my house is doing my hand.	15:02:43
4	Q	Okay. Okay. Your book is self-published?	15:02:54
5	A	Self-published.	15:03:00
6	Q	And have you shopped it to a publisher?	15:03:01
7	A	Not yet.	15:03:04
8	Q	Okay.	15:03:06
9	A	Just planning.	15:03:07
10	Q	Was there any cost of production associated	15:03:08
11		with your book, any significant cost?	
12	A	Do you know how much I spent for develop	15:03:12
13		that book?	
14	Q	Yeah, how much did you?	15:03:15
15	A	Maybe, approximately, \$10,000.	15:03:18
16	Q	All right. Other than -- well, let me ask	15:03:20
17		the question this way.	
18	MR. MARKS:	Is this the book we're talking	15:03:30
19		about?	
20	MR. SMITH:	That's right. There is actually	15:03:32
21		a Russian and an English version.	
22	BY MR. SMITH:		15:03:35
23	Q	Is that what you brought for us to inspect	15:03:35
24		or can we have those copies?	
25	A	You ask me to bring this. You can have	15:03:38

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1 This one I know about.

2 A Okay. 15:04:39

3 Q The life insurance. 15:04:44

4 Do you know whether or not Dennis currently 15:04:45

5 maintains any life insurance of which you are the

6 beneficiary?

7 A Yes. I think -- I believe he has life 15:04:51

8 insurance.

9 Q But you don't know what company that's 15:04:55

10 with?

11 A It was always through that guy Alex, which 15:04:59

12 we leave a blank. I will give it to you.

13 Q Okay. Great. 15:05:05

14 Have you ever heard of a business by the 15:05:15

15 name of System 8 Fight Club?

16 A Yes. 15:05:19

17 Q Can you tell me what that is. 15:05:20

18 A He has that about three years ago, gym. 15:05:25

19 Q Did he invest in a gym? 15:05:32

20 A I'm not really know all of his details. I 15:05:35

21 know he was paid there, he was trained there, he was

22 participating in some competitions, so --

23 Q But you don't know if he has an interest in 15:05:51

24 the gym itself?

25 A I don't know. 15:05:55

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1 Q Okay. What's the name? 15:06:06  
2 What is the American Russian Media; do you 15:06:12  
3 know what that is?  
4 A That's the guy who helps me with the books, 15:06:18  
5 yeah. And he's the owner of the magazine and I think  
6 that it is his business.  
7 Q Okay. And you pay him fees; correct? 15:06:26  
8 A I don't know. Probably charge some fee, but 15:06:30  
9 I don't know what kind of fee he's charging me. But  
10 we give him check develop my book.  
11 Q Okay. 15:06:39  
12 A He probably have all of that. 15:06:39  
13 Q Have you ever heard of anyone by the name 15:06:58  
14 of -- and I'm going to say this and then I'll spell it  
15 for you if you want me to -- Defi Nurhariayantz?  
16 A No. 15:07:04  
17 Q The last name is spelled 15:07:08  
18 N-u-r-h-a-r-i-a-y-a-n-t-z.  
19 A No. 15:07:09  
20 Q Doesn't sound familiar? Okay. 15:07:14  
21 MR. SPIEGEL: This has to be the reporter's 15:07:18  
22 worse nightmare.  
23 THE REPORTER: Yeah. 15:07:24  
24 BY MR. SMITH: 15:07:30  
25 Q Do you ever take cash advances on your 15:07:30

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1 credit card?

2 In other words, do you use your credit card 15:07:35

3 to get cash?

4 A Yes. 15:07:38

5 Q And do you use your debit card also to get 15:07:38

6 cash?

7 A Only debit card. 15:07:42

8 Q Only debit card. 15:07:45

9 You never use your other credit card, the 15:07:45

10 Wells Fargo card, to get cash?

11 A How I can get cash from there? 15:07:46

12 Q I'm going to take from your answer that you 15:07:49

13 don't know --

14 A I don't know even know about this, if I can 15:07:51

15 do it.

16 Q Okay. Have you ever sent money via Western 15:07:54

17 Union?

18 A Yes. 15:08:04

19 Q Who have you sent money to? 15:08:04

20 A To Tatiana Sukoroska, to Ukraine. She's 15:08:04

21 helping me --

22 Q That's normal spelling on that last name? 15:08:11

23 A So, S-u- -- S-u- -- 15:08:14

24 (Discussion off the record.) 15:08:19

25 BY MR. SMITH: 15:08:34

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1 Q And the person you have just identified, who 15:08:34  
2 is that?  
3 A She is helping me correcting my grammar in 15:08:37  
4 my books in Russian.  
5 Q Okay. So, she's a Russian educator, so to 15:08:42  
6 speak?  
7 A Yes. 15:08:45  
8 Q And that's -- you send her money via Western 15:08:46  
9 Union?  
10 A Yes. 15:08:52  
11 Q Why via Western Union? 15:08:52  
12 A I don't know other way to send because she 15:08:54  
13 doesn't have a bank account there.  
14 Q I see. 15:08:57  
15 Do you send any money to anyone else -- 15:08:57  
16 A Yes. 15:09:00  
17 Q -- via Western Union? 15:09:01  
18 Who? 15:09:02  
19 A My mother. But it is also always go to 15:09:02  
20 sister-in-law. That's how my mother -- her name is  
21 Svetlana Khapsalis, name last name.  
22 Q Anyone else that you send money to via 15:09:17  
23 Western Union?  
24 A I don't think so, no. 15:09:21  
25 Q Okay. And what account do you send the 15:09:32

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1 Western Union transactions out of?

2 A Would you, please, repeat? What? 15:09:41

3 Q When you send money via Western Union, how 15:09:43

4 do you do that; do you get cash out of an account and

5 take it to the Western Union office or is it online --

6 A Yes. I bring in cash because they accept 15:09:53

7 only cash, and then they send it there.

8 Q And does Dennis ever send cash in that 15:09:56

9 manner?

10 A Yes. 15:10:07

11 Q And he sends cash to these same 15:10:07

12 individuals?

13 A To the same individuals sometimes and -- 15:10:09

14 both of this individuals.

15 Q But no one else; to your knowledge? 15:10:15

16 A Not in my knowledge. 15:10:18

17 Q Okay. At one point in time you and Dennis 15:10:20

18 or Dennis purchased a boat?

19 A Yes. 15:10:25

20 Q Okay. How many boats have you had or has 15:10:27

21 Dennis had during the time of your relationship with

22 Dennis?

23 A It was one boat couple years ago. And then 15:10:33

24 he trade it in for newer boat. And I believe it's no

25 more boat.

1 Q He's recently sold the other boat? 15:10:44  
2 A Yes. 15:10:46  
3 Q The first boat that he purchased, what was 15:10:46  
4 the name of the boat?  
5 A Danica. 15:10:50  
6 Q When was it -- where was it harbored? 15:10:51  
7 A Was here in Marina del Rey. 15:10:53  
8 Q Where? 15:10:55  
9 A Marina del Rey. 15:10:57  
10 Q Marina del Rey. Thank you. 15:10:59  
11 The second boat, where was it harbored? 15:11:00  
12 A Also Marina del Rey. 15:11:03  
13 Q How often did you use those boats? 15:11:09  
14 A Maybe in the beginning, we just bought it, 15:11:11  
15 would be like every Saturday. And then it was just  
16 stayed there, you know.  
17 Q Not so much after that? 15:11:22  
18 A Not so much after that, like months and 15:11:24  
19 months maybe.  
20 Q How long a period of time did you use it 15:11:27  
21 regularly every Saturday?  
22 A Where, I mean -- 15:11:32  
23 Q How often -- I mean how long. 15:11:33  
24 Let me get some time frames from you. 15:11:36  
25 The first boat, when was that purchased? 15:11:37

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1           A     I don't know. You better know than me.           15:11:41  
2           Q     If you recall.           15:11:44  
3           A     Maybe two years ago, two.           15:11:46  
4           Q     The first boat?           15:11:48  
5           A     First boat.           15:11:50  
6           Q     Two years ago?           15:11:51  
7           A     And it was about a year. Another boat was a   15:11:52  
8     year, half-a-year. I don't know. Maybe three years  
9     ago.  
10          Q     So, sometime between the last let's say five   15:12:00  
11     years, you purchased the first boat. And then you had  
12     that boat for about a year before the second boat was  
13     purchased; correct?  
14          A     Uh-huh. Yes.           15:12:09  
15          Q     All right. And you indicated when you first   15:12:10  
16     got the boat you used it every Saturday but then that  
17     use sort of stopped.  
18          A     Yes.           15:12:19  
19          Q     How long were you using it every Saturday?   15:12:19  
20          A     About months, maybe, or two months, and       15:12:24  
21     then, you know, how people getting tired of this.  
22     Doesn't want to spend a lot of gas on this and just  
23     trying to gave the gas money. I don't know. We just  
24     stay in the boat maybe. Just stay and hanging out on  
25     the boat.

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1 Q When you originally started using the boat, 15:12:43  
2 would you stay in Marina del Rey before the day that  
3 you would use the boat?  
4 A No. 15:12:52  
5 Q No? 15:12:53  
6 A We would come early in the morning and we 15:12:53  
7 take a trip somewhere not so far away, and come back  
8 to the marina.  
9 Q Did anyone else -- any other family member 15:13:04  
10 go with you on those boats, on the boats, other than  
11 your children and Dennis?  
12 A Yes. 15:13:10  
13 Q Who? 15:13:11  
14 A My friends. 15:13:11  
15 Do you know the names? 15:13:15  
16 Do you want the names? 15:13:17  
17 Q That would be my next question. 15:13:18  
18 But you were saying your friends and then 15:13:19  
19 someone else; right?  
20 Who else would go with you? 15:13:23  
21 A Friends, again. 15:13:28  
22 Q Just friends? 15:13:29  
23 A Friends, my sister-in-law sometimes with 15:13:30  
24 their kids.  
25 Q Okay. 15:13:34

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1           A     Friends and family. Sometimes our --           15:13:34  
2     Dennis' parents and brother. His relatives.  
3           Q     Okay. Would those people stay in Marina del       15:13:42  
4     Rey the night before you went on the boat?  
5           A     Yes.   15:13:49  
6           Q     And do you know if Dennis ever paid for           15:13:49  
7     anyone to stay in Marina del Rey prior to going on the  
8     boat?  
9           A     Nothing -- I don't know that. I mean, in my       15:13:57  
10    knowledge.  
11          Q     Okay.    15:14:00  
12          A     Nothing in my knowledge.                       15:14:00  
13          Q     Okay.    15:14:02  
14          A     None. Nothing.                                   15:14:04  
15          Q     Other than buying the condominiums for       15:14:04  
16     Mitchell and his parents, do you know of any other  
17     purchases that Dennis made for any other family  
18     members?  
19          A     Not in my knowledge.                           15:14:20  
20          Q     Okay. And he leased a Hyundai for his       15:14:22  
21     parents; correct?  
22          A     Yes.   15:14:25  
23          Q     Now, Sheldon is his father; correct?           15:14:34  
24          A     Yes.   15:14:37  
25          Q     And is he in poor health; to your           15:14:37

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1 knowledge?  
2 A Kind of, yes. 15:14:40  
3 Q Okay. And he -- I guess he's in need of 15:14:42  
4 oxygen according to Mr. Marks.  
5 Has that been your experience? 15:14:46  
6 A What? 15:14:47  
7 Q He is in need of oxygen, he has an oxygen 15:14:49  
8 mask, is that your experience with Mr. Kogod?  
9 A I don't know. I don't know. 15:14:55  
10 Q Have you ever seen him use oxygen? 15:14:57  
11 A No. 15:14:59  
12 Q There is a video made for Sheldon's 15:15:03  
13 birthday.  
14 A Yes. 15:15:07  
15 Q Did you make that video? 15:15:07  
16 A I did. 15:15:09  
17 Q And you had a party for him? 15:15:09  
18 A No, I didn't. They have. 15:15:11  
19 Q "They" did, being Sheldon and Marcia or 15:15:13  
20 Dennis?  
21 A Sheldon and Marcia, his mom, they did a 15:15:20  
22 party.  
23 Q Okay. 15:15:23  
24 A Yes. 15:15:23  
25 Q What -- how would you describe your 15:15:24

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1 relationship with Sheldon?

2 A They love me. I love them. They nice 15:15:28

3 people to me. I don't know.

4 Q When did they move to California, Sheldon 15:15:34

5 and Marcia?

6 A They moved -- when kids was born, they moved 15:15:38

7 here. It mean, about seven-and-a-half years ago or

8 seven.

9 Q Did you ever have a conversation with them 15:15:51

10 as to why they moved to California?

11 A Yes. 15:15:56

12 Q What did they tell you? 15:15:57

13 A Because they want to be closer to kids, to 15:15:58

14 grandkids.

15 Q Does -- do Marcia and Sheldon provide any 15:16:02

16 babysitting for the kids?

17 A Sometimes, yes, they taken kids. 15:16:07

18 Q Are you aware of any health crises that 15:16:11

19 either Marcia or Sheldon have had over the time of

20 your relationship with Dennis?

21 A Yes. He has a surgeries, heart surgery, his 15:16:18

22 father, and knee surgery.

23 Q Do you recall when he had the heart surgery? 15:16:24

24 A Hmm? 15:16:26

25 Q Do you recall when he had heart surgery? 15:16:27

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1 parents?

2 A I don't know. 15:17:21

3 Q How often does Dennis see his parents; do 15:17:24

4 you know?

5 A Every week. 15:17:27

6 Q Do you know who -- Lawrence Kogod? 15:17:30

7 A I believe it is his older brother. 15:17:34

8 Q Have you ever met him? 15:17:36

9 A Yeah. 15:17:37

10 No -- yes, I did. I did. 15:17:37

11 Q When did you meet him? 15:17:39

12 A Kids already was a couple years. That means 15:17:43

13 six years ago, we went to Florida and meet them.

14 Q How would you describe Lawrence -- Larry's 15:17:51

15 relationship with Dennis?

16 A They not communicating at all. But at that 15:17:55

17 time they tried. And that's it.

18 Q Do you know Mitchell and Dana Kogod? 15:18:04

19 A Yes. 15:18:07

20 Q They are a married couple; correct? 15:18:07

21 A Yes. 15:18:09

22 Q And Mitchell is Dennis' brother? 15:18:09

23 A Yes. 15:18:11

24 Q When did Mitchell and Dana move to 15:18:13

25 California?

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1       A     Mitchell came earlier, about three years           15:18:18  
2     ago. And the family moved about two years ago. So,  
3     his daughter and wife.

4       Q     What's his daughter's name?                   15:18:28

5       A     Emily.   15:18:31

6       Q     Where did they move from?                   15:18:34

7       A     I believe Mitchell lives in Florida. And       15:18:40  
8     they live -- I'm sorry. I don't want to lie.

9       Q     Okay.   15:18:47

10      A     Some part of the middle of the middle -- in   15:18:47  
11     the middle of nowhere. I don't know.

12      Q     Did Dana ever indicate to you she lived in   15:18:52  
13     Georgia?

14      A     Yes --   15:18:57

15      Q     Do you know --                               15:18:58  
16             Sorry. I didn't mean to cut you off.       15:18:58  
17             Georgia?                                       15:19:01

18      A     Yes.   15:19:01

19      Q     Did she ever indicate to you she still owns   15:19:02  
20     a house in Georgia?

21      A     No.   15:19:08

22      Q     Do you know if she still owns a house in   15:19:11  
23     Georgia by any other --

24      A     I don't know.                               15:19:11

25      Q     -- means?                                   15:19:12

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1                   And do you know if Dennis has lent money to           15:19:12  
2   either Mitchell or Dana Kogod?  
3           A     I don't know.   15:19:19  
4           Q     Do you know if he has given them any               15:19:20  
5   money?  
6           A     I don't know.   15:19:22  
7           Q     Do you know that -- if Dennis has given them       15:19:24  
8   any gifts of property other than money?  
9           A     I don't know.   15:19:29  
10          Q     I may have asked you this before. I'm               15:19:35  
11   sorry.  
12                   Have you ever spoken to or met Pat Murphy?       15:19:38  
13          A     Never in life.                                       15:19:41  
14          Q     And you have never spoken to her?                   15:19:42  
15          A     No.   15:19:44  
16          Q     Okay. There are instances in the records           15:20:08  
17   that we see where it appears you and Dennis have  
18   stayed at hotels in this area in, the California area.  
19                   Is there a reason why you stay in hotels in       15:20:17  
20   Southern California?  
21          A     Because when we decide to split, he wants to       15:20:23  
22   still stay with the kids before he got the place.  
23          Q     Okay.   15:20:30  
24          A     So, I says I don't want to stay in one,               15:20:31  
25   under roof with you, so he would rent me a hotel, so I

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1 would stay in the hotel.

2 Q So, he would come to take care of the kids 15:20:40  
3 and you would go in a hotel, and when he left you  
4 would come back?

5 A Yes. 15:20:46

6 MR. SMITH: She wouldn't know the answer to 15:20:57  
7 that. That's a question for someone else.

8 BY MR. SMITH: 15:21:01

9 Q Before this recent breakup with Dennis, at 15:21:02  
10 any other time did you stay in California hotels  
11 locally?

12 For example, was there work being done in 15:21:14  
13 your house, or did you have a flood or anything that  
14 would cause you to stay in a hotel locally?

15 A Not in my knowledge. 15:21:21

16 Q Do you know why local hotel charges would 15:21:22  
17 appear on Dennis' credit cards?

18 MR. MARKS: Calls for speculation. 15:21:26

19 BY MR. SMITH: 15:21:29

20 Q If you know. 15:21:29

21 Do you have any knowledge that Dennis stayed 15:21:30  
22 in a hotel in the area locally?

23 A Yes, because he was with Jennifer there I 15:21:36  
24 believe.

25 Q Okay. 15:21:40

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1 MR. SPIEGEL: Is that a guess? 15:21:41  
2 Is that a guess? 15:21:42  
3 THE WITNESS: I know that for sure. 15:21:44  
4 BY MR. SMITH: 15:21:45  
5 Q Okay. I'm -- actually, you know, I 15:21:46  
6 understand that you're why you gave that answer, but  
7 really I'm just looking for whether or not, for  
8 example, it was a habit for you to have a staycation,  
9 to go to a hotel?  
10 A No, not a habit. 15:21:59  
11 Q So, you don't know why there would be hotel 15:22:01  
12 charges locally on --  
13 A I know -- 15:22:05  
14 Q -- Dennis' credit card? 15:22:06  
15 A -- because sometimes he -- because it wasn't 15:22:07  
16 fair to me every week we go to the hotel. I said  
17 let's change one week, I go in hotel you stay with  
18 kids, before he got the place.  
19 Q Yeah. 15:22:20  
20 A Sometimes I would stay in hotel and he with 15:22:20  
21 kids, and then sometimes he stay in a hotel and I  
22 would leave the house and he would visit the kids.  
23 Q I got that, but the breakup time that you 15:22:29  
24 have identified is sometime after January of 2015, and  
25 these charges go back farther.

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1           If you don't know, you don't know.           15:22:36

2           So, there are charges on hotels in the L.A.       15:22:37

3       area even prior to January of 2015. I was wondering

4       if you knew why. If you don't, just tell me you

5       don't.

6           A     There was a lot of staying in hotels; right?   15:22:49

7           Q     There are hotel charges --           15:22:51

8           A     May I ask that?           15:22:53

9           Q     The reason we're asking that question is   15:22:54

10       because we're trying to see if you know why there are

11       hotel charges on accounts of Dennis' in the L.A. area

12       prior to January 2015?

13          A     I believe lovers. I don't know. He was       15:23:06

14       staying with someone.

15               MR. MARKS: Move to strike. Calls for       15:23:11

16       speculation.

17               If you have a specific date or document show   15:23:13

18       her, otherwise you are just asking general questions

19       that she is just now guessing.

20               MR. SMITH: Again these are just general       15:23:21

21       questions designed to know what her -- the extent of

22       her knowledge, but I can assure you we'll go through

23       the specific detail --

24               MR. MARKS: No, if you want to ask her about   15:23:29

25       something prior to January and she's saying she

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1 doesn't know.

2 MR. SMITH: You'll get your wish, Mr. Marks. 15:23:34

3 MR. MARKS: I don't want to. I'm not 15:23:35

4 wishing now.

5 BY MR. SMITH: 15:23:39

6 Q Okay. All right. 15:23:39

7 MR. MARKS: Can we take five? 15:23:42

8 MR. SMITH: Of course. 15:23:46

9 THE VIDEOGRAPHER: Time is 3:23. 15:23:46

10 This is the end of Media Number 2. 15:23:47

11 We're off the record. 15:23:49

12 (Recess taken.) 15:36:13

13 (Plaintiff's Exhibit 20 was marked for 15:36:13

14 identification by the court reporter.)

15 (Plaintiff's Exhibit 21 was marked for 15:36:13

16 identification by the court reporter.)

17 THE VIDEOGRAPHER: The time is 3:26. 15:36:17

18 This is the start of Media Number 3. 15:36:36

19 We're on the record. 15:36:38

20 (Mr. Daniel Jaffe entered the room.) 15:36:42

21 BY MR. SMITH: 15:36:42

22 Q Ms. Khapsalis, I'm going to show you what 15:36:42

23 has been marked as Exhibit 21. It is a series of

24 three checks that were written off of an account of

25 Dennis' to a company by the name of either Illusions

1 or Interior Illusions.

2 A Yes. It was furniture for the new house in 15:36:59

3 Oak Pass.

4 Q In Oak Place? 15:37:03

5 A Oak Pass. 15:37:06

6 Q Oak Pass. Excuse me. 15:37:06

7 All of the expenditures that are in this 15:37:08

8 exhibit, the 12,000, 32,000, 34-, that was all for

9 furniture?

10 A Yes. 15:37:16

11 Q Did they provide any design services for 15:37:16

12 you?

13 A I designed everything. I'm designer 15:37:19

14 myself.

15 Q So, the answer is no -- 15:37:23

16 A No. 15:37:24

17 Q -- they didn't provide any design 15:37:24

18 services --

19 A No. 15:37:27

20 Q -- just the furniture? 15:37:27

21 A Yes. 15:37:28

22 MR. SMITH: All right. Okay. This one will 15:37:29

23 be the next one in order.

24 THE REPORTER: Number 22. 15:37:37

25 (Plaintiff's Exhibit 22 was marked for 15:37:39

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1 identification by the court reporter.)

2 BY MR. SMITH: 15:37:39

3 Q Okay. Showing you what has been marked for 15:38:21

4 purposes of this deposition as Exhibit 22.

5 Do you recognize that document? 15:38:26

6 A This -- this one for what? 15:38:29

7 What's this from -- for? 15:38:32

8 MR. SPIEGEL: Do you recognize the check? 15:38:35

9 THE WITNESS: Yes. 15:38:39

10 BY MR. SMITH: 15:38:40

11 Q Okay. Was this check made to you? 15:38:40

12 It is difficult to read the pay to the order 15:38:42

13 of, but is that intended to be your name; to your

14 knowledge?

15 A Yes. I guess so, yes. 15:38:48

16 Q And is that your signature on the back page 15:38:51

17 of the check?

18 A Yes, sir. Yes. Uh-huh. 15:38:55

19 Q Can you tell me why Mr. Kogod gave you this 15:38:57

20 check?

21 A For my lawyers. 15:39:15

22 Q Which lawyers? 15:39:17

23 A Sharon, Mrs. -- it was for Sharon, I 15:39:19

24 believe.

25 MR. SMITH: Okay. That's all the same 15:39:25

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1 check, that one.

2 Let's go back in time a little bit. 15:39:45

3 Let's make this go a little bit faster. I'm 15:39:50

4 going to give you all of these checks and then we can

5 just put them in one exhibit. We'll talk about each

6 of them.

7 Court reporter? 15:40:07

8 THE REPORTER: 23. 15:40:09

9 (Plaintiff's Exhibit 23 was marked for 15:40:09

10 identification by the court reporter.)

11 MR. SPIEGEL: Do you have a set for me? 15:41:22

12 MR. SMITH: On its way. 15:41:27

13 THE WITNESS: Dr. Slutton, doctors and 15:41:34

14 nurses.

15 I mean, you need to know if I -- 15:41:41

16 MR. SPIEGEL: Just take a look at these 15:41:44

17 things. He'll ask you some questions.

18 THE WITNESS: Doctors. 15:41:57

19 MR. SMITH: Copy for you, Lance. 15:42:02

20 BY MR. SMITH: 15:42:03

21 Q Okay. I'm showing you what has been marked 15:42:03

22 as Exhibit 23 for the purposes of this deposition.

23 It is a series of checks that may or may not 15:42:11

24 be related, but I thought it would be quicker to just

25 go through them in this manner, so I'm going to ask

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1 Q But you had dental work done by Dr. Stan in 15:43:05  
2 2012 for which Mr. Kogod paid, at least on this check,  
3 10,000?

4 A Yes. 15:43:14

5 Q Did he pay more than that? 15:43:15

6 A Yes. 15:43:16

7 Q Do you recall what the total amount that 15:43:16  
8 Mr. Kogod paid for your dental work in -- to  
9 Dr. Stan?

10 A We need to -- I need to -- you need to get 15:43:25  
11 that information from Dennis.

12 Q Do you have any estimate of what that was? 15:43:29

13 A It is all -- he has everything. 15:43:32

14 Q Okay. So, you don't have enough information 15:43:34  
15 to even make an estimate?

16 A No. 15:43:38

17 Q But you know it was in an amount in excess 15:43:38  
18 of \$10,000?

19 A Yes. 15:43:42

20 Q All right. The next check in the exhibit is 15:43:43  
21 a check on a Dennis Kogod account written on May 27th  
22 of 2014 to Marci Bowers, M.D. for \$11,050.

23 The foreline says -- it says -- well, I 15:43:59  
24 actually can't read that. Something about Sparks, it  
25 looks like.

1 Do you recall who Marci Bowers is -- 15:44:09

2 A Marci Bowers. 15:44:15

3 Q -- and do you know why Dennis would be 15:44:16

4 paying her \$11,000?

5 A Marci Bowers. That one if I think -- no, I 15:44:19

6 don't think so, I know that, Marci.

7 Oh, it is something for speaker? No. It is 15:44:27

8 for -- it says for what -- for what, check, Spark --

9 MR. SPIEGEL: Independent of this, do you 15:44:38

10 know who she --

11 THE WITNESS: No. No, I don't know that 15:44:41

12 name.

13 BY MR. SMITH: 15:44:44

14 Q Do you know to Claire Sparks is? 15:44:44

15 A No. 15:44:46

16 Q Typically insurance would cover medical 15:44:54

17 payments, so I'm thinking this would be the type of

18 medical payment that wouldn't be covered by insurance.

19 So, I'm going to ask you whether you know 15:45:00

20 whether Mr. Kogod either received cosmetic surgery or

21 paid for someone's cosmetic surgery in or about May

22 2014?

23 MR. MARKS: Totally calls for speculation. 15:45:15

24 Object to the form, unless there is some foundation.

25 BY MR. SMITH: 15:45:20

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1 Q You can answer. 15:45:20  
2 A Can I -- I can't -- I mean, keep it private, 15:45:21  
3 please?  
4 Q Do you believe that -- do you have a 15:45:27  
5 recollection that there was some cosmetic surgery done  
6 in or about May of 2014?  
7 A It is for me. 15:45:34  
8 Q For you? 15:45:35  
9 A Dr. Stain, yes, the same doctor, Joseph 15:45:35  
10 Stain.  
11 Q We're still back on Ms. Bowers. I'm sorry. 15:45:40  
12 A No, no, no, no. This one Marci -- 15:45:43  
13 Q Bowers? 15:45:46  
14 A No -- it is also cosmetic surgery? 15:45:47  
15 Q I don't know. I'm asking if you recall -- 15:45:50  
16 A I don't recall. 15:45:57  
17 Q -- Dennis underwent any cosmetic surgery -- 15:45:57  
18 A No. 15:45:57  
19 Q -- just to keep the record straight. 15:45:57  
20 Do you have any recollection of whether or 15:45:58  
21 not Dennis underwent any cosmetic surgery in May of  
22 2014?  
23 A For himself? 15:46:12  
24 Q Yes. 15:46:13  
25 A I don't know anything about that. 15:46:13

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1 Q I wonder who that is? 15:46:16  
2 Do you know -- you said you don't know who 15:46:17  
3 Claire Sparks is; correct?  
4 A No. 15:46:22  
5 Q Do you know why Mr. Kogod would be making 15:46:22  
6 payments to someone named Claire Sparks?  
7 MR. MARKS: Calls for speculation. Object 15:46:29  
8 to the form.  
9 BY MR. SMITH: 15:46:33  
10 Q Throughout 2014? 15:46:33  
11 A 2014, yes? 15:46:35  
12 Q Uh-huh. 15:46:36  
13 A Marci Bowers -- if you give me any idea what 15:46:39  
14 can be a Sparks --  
15 MR. SPIEGEL: Nadya, if you don't know, just 15:46:48  
16 say you don't know.  
17 THE WITNESS: I want to know now. 15:46:52  
18 MR. SPIEGEL: I know you want to know. 15:46:54  
19 THE WITNESS: This is hard since it's kind 15:46:56  
20 of -- like also you think it's cosmetic surgery?  
21 MR. MARKS: I object to this. She can't get 15:46:56  
22 information from you. Either she knows or doesn't  
23 know, or you can try to refresh it, you know how to do  
24 that, but you can't give that answer to her.  
25 MR. SMITH: This is another one of those 15:47:12

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1 speaking objections.

2 I've asked her whether or not she was aware 15:47:18

3 of Claire Sparks, and whether or not she was aware

4 that Mr. Kogod underwent cosmetic surgery.

5 Those are the questions I've asked. 15:47:22

6 MR. MARKS: I think you asked her about 15:47:22

7 three times, and I thought the answer was she doesn't

8 know.

9 THE WITNESS: I don't know. 15:47:28

10 MR. SMITH: Okay. 15:47:32

11 THE WITNESS: But I want to know who did 15:47:32

12 what. Maybe Jennifer did another cosmetic surgery.

13 MR. MARKS: Move to strike. 15:47:39

14 BY MR. SMITH: 15:47:40

15 Q On the third page of Exhibit 23 is another 15:47:40

16 check to Joseph -- well, it is to Dr. Stan, this time

17 it says Dr. Joseph Stan, and that's for cosmetic

18 surgery for you?

19 A Yes. 15:47:54

20 Q And that's another \$10,000? 15:47:54

21 A Yes. 15:47:56

22 Q The next check in order on Exhibit 23, is a 15:47:58

23 check dated November 16th, 2014 on Dennis Kogod's

24 account, appears to you.

25 Do you see that? 15:48:09

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1 Jennifer. So, he would kind of try to cover that,  
2 like I give you this money, buy something for you,  
3 just forgive me. That's what this is.

4 Q Okay. So, the \$50,000, and then does that 15:49:27  
5 include the \$10,000 the following week?

6 These were monies he gave you as a result of 15:49:32  
7 you uncovering his relationship with Ms. Steimer?

8 A It is no because I wanted to actually move 15:49:43  
9 out and I says I need some money, so I don't want to  
10 ask you every time I want to do something. Please,  
11 give me some strong amount of money, I can at least  
12 stop asking you every time.

13 Q Okay. What did you do with the funds that 15:50:00  
14 are represented by the fourth and fifth page of the  
15 exhibit, the two checks, one for 10,000 and one for  
16 50,000?

17 MR. SPIEGEL: I think that's privileged. I 15:50:07  
18 think that's privileged.

19 MR. SMITH: Well, she -- well, let me ask 15:50:11  
20 the question this way.

21 BY MR. SMITH: 15:50:17

22 Q Did you return any of those funds to 15:50:17  
23 Dennis?

24 A I don't know what was that mean? 15:50:20

25 Q Did you give back any of the \$60,000 that is 15:50:21

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1 represented by these checks to Dennis?

2 A No. Why? I need more. I spend it all. 15:50:26

3 Q Okay. 15:50:37

4 A On shrinks and stuff like this to not go 15:50:38

5 crazy.

6 MR. SPIEGEL: My objection is becoming 15:50:43

7 meaningless.

8 THE WITNESS: I'm getting tired, that's why 15:50:46

9 I'm going like a little -- I'm sorry.

10 MR. SMITH: That's perfectly fine with me. 15:50:50

11 I think it is your attorney you may need to 15:50:52

12 apologize to.

13 (Mr. Jaffe exited the room.) 15:50:56

14 BY MR. SMITH: 15:50:59

15 Q The -- I'm going to ask you now about places 15:50:59

16 you may or may not shop and spend money; okay?

17 A Uh-huh. 15:51:22

18 MR. SMITH: Oh, my God. I want to go to 15:51:27

19 places where -- do you have it in categories?

20 MS. ALLEN: Look at page 79. 15:51:52

21 MR. SMITH: Doesn't look like the pages are 15:51:55

22 there.

23 MS. ALLEN: They are later. 15:52:02

24 MR. SMITH: Are they? 15:52:03

25 MS. ALLEN: Yes. I just have page five. 15:52:04

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1 MR. SMITH: Is that how they are listed 15:52:10  
2 here?  
3 MS. ALLEN: It was in page order. 15:52:13  
4 MR. SMITH: Do you have it on your machine 15:52:16  
5 in page order?  
6 MS. ALLEN: Uh-huh. 15:52:19  
7 MR. SMITH: It would be easier. 15:52:20  
8 MS. ALLEN: All right. 15:52:21  
9 MR. SMITH: It would be easier to see, 15:52:30  
10 too.  
11 MS. ALLEN: Got it. 15:52:33  
12 BY MR. SMITH: 15:52:48  
13 Q Do you have any store credit cards, 15:52:48  
14 Ms. Khapsalis, like Neiman Marcus, Saks, Macy's, any  
15 of those?  
16 A I mean, I'm just shopping there but I don't 15:52:55  
17 have any -- what it says, credit with them? No.  
18 Q "No"? 15:53:02  
19 A No. 15:53:03  
20 Q When you shop, for example -- well, have you 15:53:03  
21 ever shopped at Neiman Marcus?  
22 A Yes. 15:53:08  
23 Q When you shop at Neiman Marcus, what do you 15:53:09  
24 use for payment?  
25 A My debit card and sometimes credit card 15:53:11

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1 also.

2 MR. SMITH: Where are we at? 15:53:19

3 MS. ALLEN: Right here. 15:53:25

4 BY MR. SMITH: 15:53:25

5 Q All right. So, you shop at Macy's; 15:53:25

6 correct?

7 A Yes. 15:53:31

8 Q You shop at Neiman Marcus? 15:53:32

9 A Yes. 15:53:33

10 Q You shop at Nordstroms? 15:53:34

11 A Yes. 15:53:36

12 Q Ross Stores? 15:53:37

13 A Yes. 15:53:38

14 Q Bloomingdales? 15:53:40

15 A Yes. 15:53:40

16 Q Bed, Bath & Beyond? 15:53:42

17 A Yes. 15:53:42

18 Q Target? 15:53:44

19 A Yes. 15:53:45

20 Q Lowe's? 15:53:49

21 A Lowe's? 15:53:50

22 Q Lowe's is a store where you buy home repair 15:53:51

23 goods or light bulbs or things of that nature. It is

24 look a Home Depot.

25 Does that sound familiar to you? 15:53:59

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1           A     I think so, yeah. Yes. 15:54:00  
2           MR. SMITH: If you've got a second, I can 15:54:03  
3 actually read it?  
4           MS. ALLEN: Uh-huh. 15:54:10  
5           MR. SMITH: That's it? 15:54:12  
6           Can we just scroll down? 15:54:12  
7           MS. ALLEN: I'll put these in order so you 15:54:15  
8 can see.  
9           MR. SMITH: Okay. 15:54:19  
10 BY MR. SMITH: 15:54:19  
11           Q     So, just tell me "yes" or "no," whether you 15:54:19  
12 have shopped at these locations; okay?  
13           A     Uh-huh. 15:54:23  
14           Q     99 Cents Only? 15:54:24  
15           A     Yes. 15:54:25  
16           Q     AAH -- excuse me -- AAHS Gift Stores? 15:54:26  
17           A     Oh, yes. 15:54:35  
18           Q     Aaron Brothers? 15:54:37  
19           A     Yes. 15:54:38  
20           Q     AB Circle Pro? 15:54:39  
21           A     Yes. 15:54:40  
22           Q     ABC Home Furnishings? 15:54:42  
23           A     Yes. 15:54:43  
24           Q     ABC Kitchen? 15:54:44  
25           A     Yes. 15:54:45

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1	Q	ABN Onsite Westfield Mall?	15:54:46
2	A	Yes.	15:54:49
3		MR. SMITH: What is that, ABN Onsite	15:54:50
4		Westfield Mall?	
5		MS. ALLEN: Maybe parking at the mall.	15:54:58
6		MR. SMITH: Is it parking? I see.	15:54:59
7		All right. Thank you.	15:55:00
8		BY MR. SMITH:	15:55:01
9	Q	ADAM by Adam Lippes?	15:55:01
10	A	I don't know that one, what's the store.	15:55:04
11	Q	Okay. AG Beverly Hills?	15:55:11
12	A	AG? Adrianna Goldsmith, yes.	15:55:13
13	Q	Adrianna Goldsmith.	15:55:31
14		Ageless Male, is that you or is that Dennis	15:55:31
15		spending at Ageless Male?	
16	A	Male? It is from male.	15:55:37
17	Q	Ageless Male.	15:55:40
18	A	Ageless Male, it is probably Dennis.	15:55:41
19		MR. SPIEGEL: I would think so.	15:55:44
20		MR. MARKS: Calls for speculation.	15:55:45
21		BY MR. SMITH:	15:55:47
22	Q	Let me ask you if you have ever shopped at	15:55:47
23		Ageless Male?	
24	A	What's that?	15:55:51
25		Would you, please, explain.	15:55:52

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1 Q I take it from your answer that you have 15:55:54  
2 not.  
3 Do you shop on Amazon? 15:55:57  
4 A No. 15:55:59  
5 Q Amy's Hallmark? 15:56:06  
6 A I don't even know that name. 15:56:12  
7 Q Ann Taylor? 15:56:15  
8 A Ann Taylor? 15:56:16  
9 Q Yes. 15:56:17  
10 A No, nothing. 15:56:17  
11 Jennifer. She's more decent than me. 15:56:20  
12 MR. MARKS: Move to strike. 15:56:26  
13 BY MR. SMITH: 15:56:27  
14 Q Apple Online Store? 15:56:27  
15 A Apple Online, no. 15:56:29  
16 Q Do you use Apple computers? 15:56:32  
17 A Yes. 15:56:34  
18 Q And you indicate that Dennis buys you your 15:56:34  
19 computers?  
20 A Yes. 15:56:38  
21 Q And does he buy the computers for the 15:56:38  
22 children as well?  
23 A Yes. 15:56:41  
24 Q All right. And they have iPads? 15:56:41  
25 A Yes. 15:56:43

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1	Q	Do they have phones?	15:56:43
2	A	Not yet.	15:56:44
3	Q	Not yet.	15:56:45
4		Do you use an Apple phone?	15:56:46
5	A	Yes.	15:56:47
6	Q	And Dennis uses Apple phones as well?	15:56:48
7	A	Yes.	15:56:51
8	Q	Does he have an Apple computer?	15:56:52
9	A	Yes.	15:56:53
10	Q	Do you know if any of his computers are	15:56:53
11		purchased for him by his business?	
12		MR. MARKS: Calls for speculation.	15:56:59
13		BY MR. SMITH:	15:56:59
14	Q	If you know?	15:57:03
15	A	No.	15:57:03
16	Q	Argonaut?	15:57:03
17	A	Again, please?	15:57:03
18	Q	Argonaut, A-r-g-o-n-a-u-t.	15:57:05
19	A	The store -- it is a store?	15:57:05
20	Q	It is a liquor store in Denver, Colorado.	15:57:09
21	A	Of course it is him. It is not me.	15:57:12
22	Q	Balloon Celebrations?	15:57:17
23	A	That's me.	15:57:18
24	Q	For a party?	15:57:19
25	A	Yes. For kids.	15:57:20

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1 Q I saw the pictures. 15:57:23  
2 A Yeah. Thank you. 15:57:24  
3 Q It is nice. 15:57:25  
4 Bargain Fair -- Bargain F-a-i-r -- in Los 15:57:30  
5 Angeles?  
6 That's not you? 15:57:34  
7 A I don't know. I don't know if dishes there, 15:57:36  
8 the dishes store.  
9 Q You tell me. 15:57:40  
10 MR. MARKS: Calls for speculation. 15:57:42  
11 THE WITNESS: Probably, yes. 15:57:42  
12 BY MR. SMITH: 15:57:43  
13 Q But you are not sure? 15:57:43  
14 A Not sure. 15:57:44  
15 Q Barney's New York? 15:57:46  
16 A Me. 15:57:48  
17 Q BCBG? 15:57:51  
18 A BCBG -- 15:57:55  
19 Q It is a clothing store. 15:57:55  
20 A Probably me, yes. 15:57:57  
21 Q Best Buy -- 15:57:58  
22 A Best Buy it is hi. 15:58:00  
23 Q -- in Hollywood? 15:58:01  
24 Beverages & More? 15:58:03  
25 A Dennis. 15:58:04

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1 Q Black Box Audio/Video? 15:58:10  
2 A Dennis. 15:58:13  
3 Q Do you know what he purchased there? 15:58:14  
4 There was a series of checks. One on 15:58:16  
5 6/26/13, one on 7/3/13 and the other on 7/3/13, all  
6 for \$3,000.  
7 A What year? 15:58:28  
8 Q In 2013, late June and early July of 2013. 15:58:28  
9 A It was -- what's there -- 15:58:31  
10 Q It is a Black Box Audio. 15:58:32  
11 A Oh. Might be maybe it is something for a 15:58:38  
12 house.  
13 MR. SPIEGEL: Maybe? 15:58:44  
14 THE WITNESS: I don't know. 15:58:45  
15 BY MR. SMITH: 15:58:47  
16 Q Did you put in a new stereo system in your 15:58:47  
17 house at Oak Pass?  
18 A It was stereo system there. I don't know. 15:58:52  
19 Let's say I don't know.  
20 Q Okay. Do you have an in-home stereo system 15:58:56  
21 where you can play music throughout your home?  
22 A It was installed with the house. 15:59:01  
23 Q When you purchased the house? 15:59:03  
24 A Yes. 15:59:04  
25 Q Blick Art, is that you? 15:59:07

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1	A	Like art?	15:59:16
2	Q	Blick, B-l-i-c-k.	15:59:16
3	A	Yes.	15:59:18
4	Q	Bloomingdales?	15:59:20
5	A	Yes.	15:59:20
6	Q	Brandy Melville sound familiar?	15:59:21
7	A	What again?	15:59:28
8	Q	Brandy Melville.	15:59:32
9		If you don't, it is okay.	15:59:35
10	A	No, I don't.	15:59:37
11	Q	Your husband shops at -- your husband,	15:59:38
12		Mr. Kogod, shops at Brook Brothers -- Brooks	
13		Brothers?	
14	A	Brooks Brothers?	15:59:44
15	Q	Or do you buy clothes for him at Brooks	15:59:46
16		Brothers?	
17	A	Brooks Brothers, that's the man's clothes?	15:59:50
18	Q	Yes.	15:59:51
19	A	That's him probably.	15:59:52
20	Q	Brookstone?	15:59:53
21		Brookstone sells gadgets.	15:59:55
22	A	That was means gadgets?	15:59:57
23	Q	Uh-huh.	15:59:59
24	A	That's him.	15:59:59
25	Q	The answer is probably you don't.	16:00:00

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1 CB2, number 52, do you know what it is? 16:00:05  
2 A That's me. 16:00:09  
3 Q What is that? 16:00:09  
4 A CB2? 16:00:10  
5 Q Yeah. 16:00:11  
6 A CB, it is probably like a furniture store in 16:00:13  
7 Sunset. Sunset and Firefox.  
8 Q Yeah. Sunset. 16:00:21  
9 Century Shopping at Century City Santa -- 16:00:24  
10 that's the source that's on the credit card.  
11 Do you know what that is? 16:00:30  
12 A Santa Ana? 16:00:32  
13 Q Santa Monica. 16:00:35  
14 A Century City Santa Monica? 16:00:37  
15 Q There's a series of small charges, would 16:00:37  
16 they be like parking or --  
17 A Yes, maybe it is me. 16:00:40  
18 Q But you are not sure? 16:00:43  
19 MR. MARKS: How small, Counsel? 16:00:45  
20 MR. SMITH: 20. 16:00:46  
21 MR. MARKS: How about the movies there, 16:00:47  
22 how's that?  
23 THE WITNESS: He's going to movies with 16:00:49  
24 kids, maybe it is him.  
25 MR. SMITH: Could be. 16:00:52

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1	Keep going.	16:00:52
2	MR. MARKS: Aren't we on the 5,000 or more	16:00:53
3	track?	
4	MR. SMITH: I'm just trying to find out who	16:00:58
5	spends money where --	
6	MR. MARKS: Okay.	16:01:00
7	MR. SMITH: -- so keep going.	16:01:01
8	BY MR. SMITH:	16:01:03
9	Q Crate & Barrel --	16:01:13
10	A Probably Me.	16:01:15
11	Q -- was that you?	16:01:15
12	Pottery Barn?	16:01:18
13	A Me.	16:01:18
14	Q Stuff for the house?	16:01:21
15	A Yes.	16:01:22
16	Q CVS?	16:01:23
17	A Yes. Me and him.	16:01:24
18	Q Both for --	16:01:25
19	A Yes.	16:01:26
20	Q -- cosmetics and so forth?	16:01:28
21	A For bills and stuff like that.	16:01:30
22	Q Dermstore, D-e-r-m-s-t-o-r-e?	16:01:41
23	If you don't know, you don't know.	16:01:42
24	The Gap, do you search The Gap?	16:01:49
25	A Baby Gap? That's me.	16:01:51

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1	Q	HUGO BOSS?	16:02:01
2	A	It is him or I -- I did for him, but --	16:02:04
3	Q	Do they have children's clothes at HUGO	16:02:09
4		BOSS?	
5	A	I don't buy that kind of clothes for	16:02:12
6		children. I don't want to spoil them so much.	
7	Q	IKEA?	16:02:17
8	A	It's me.	16:02:18
9	Q	INTERMIX in Malibu?	16:02:21
10	A	Me.	16:02:23
11	Q	What is INTERMIX?	16:02:25
12	A	That's a woman's clothes.	16:02:27
13	Q	James Pers, P-e-r-s, in Malibu?	16:02:28
14	A	I think it is for him, got something there	16:02:31
15		for him together, I don't know. Both.	
16	Q	Is it clothes as well?	16:02:38
17	A	Yes.	16:02:40
18	Q	John Varvatos in Malibu?	16:02:41
19	A	For him. I bought this probably, or we did	16:02:44
20		together, I don't know.	
21	Q	Juicy Couture?	16:02:49
22	A	Me.	16:02:52
23	Q	Lucky Brand?	16:03:01
24	A	That's him.	16:03:02
25	Q	Lululemon?	16:03:04

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1 A Me and him. 16:03:11  
2 Q Marshalls -- no, that's -- 16:03:13  
3 Michael Kors? 16:03:20  
4 A I did it. 16:03:23  
5 Q Mophie, M-o-p-h-i-e? 16:03:27  
6 A I don't know what's that one. 16:03:27  
7 Q Did both you and Dennis shop at Neiman 16:03:37  
8 Marcus?  
9 A No. I do usually. 16:03:41  
10 Q You're the one that shops at Neiman 16:03:42  
11 Marcus?  
12 A Yes. 16:03:44  
13 Q Okay. Niketown? 16:03:44  
14 A Me. 16:03:50  
15 Q I think you mentioned Nordstrom. 16:03:52  
16 A Uh-huh. 16:03:54  
17 Q Do both you and Dennis shop at Nordstrom or 16:03:54  
18 just you?  
19 A Uh-huh. Both. 16:03:59  
20 Q OFF 5TH? It is Fifth Avenue -- Saks Fifth 16:04:02  
21 Avenue --  
22 A Me. 16:04:07  
23 Q -- store. 16:04:08  
24 MS. ALLEN: Okay. 16:04:15  
25 BY MR. SMITH: 16:04:24

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1	Q	QVC?	16:04:24
2		Do you shop on QVC, online shopping?	16:04:25
3	A	No. That's him.	16:04:27
4	Q	That's him, QVC.	16:04:27
5		Ross Stores?	16:04:33
6	A	Me.	16:04:34
7	Q	And Saks Fifth Avenue?	16:04:36
8	A	Me.	16:04:39
9	Q	Sport Chalet?	16:04:43
10	A	Me.	16:04:45
11	Q	Swarovski?	16:04:50
12		It's usually glass type things --	16:04:50
13	A	Swarovski?	16:04:53
14	Q	-- glasses.	16:04:54
15		Yeah. S-w-a-r-o-v-s-k-i.	16:04:55
16	A	Maybe old one, maybe it is me.	16:04:57
17	Q	These were in '13, '14.	16:05:02
18	A	'13? Yeah, it is me.	16:05:04
19		MR. SPIEGEL: Can we go off the record for	16:05:06
20		three seconds?	
21		MR. SMITH: Sure. No problem.	16:05:11
22		THE VIDEOGRAPHER: Time is 4:05.	16:05:13
23		We're off the record.	16:05:13
24		(Discussion off the record.)	16:05:15
25		THE VIDEOGRAPHER: Time is 4:06.	16:06:11

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1		We're on the record.	16:06:16
2	BY MR. SMITH:		16:06:18
3	Q	Theodore?	16:06:18
4	A	Me.	16:06:18
5	Q	That's you.	16:06:19
6		I assume Victoria Secret is you?	16:06:21
7	A	Uh-huh, yes.	16:06:30
8	Q	Walgreens; both you and Dennis?	16:06:32
9	A	Dennis.	16:06:34
10	Q	Westfield Mall?	16:06:36
11	A	That's me.	16:06:38
12		MR. SMITH: Okay. All right.	16:06:46
13		Are there any other categories?	16:06:46
14	BY MR. SMITH:		16:06:48
15	Q	Okay. Anastasia Personal Care, is that	16:07:12
16		you?	
17	A	Yes.	16:07:20
18	Q	Bella Laura?	16:07:24
19	A	That's me.	16:07:25
20	Q	That's you.	16:07:26
21		Beverly Hills Nail Design, that's you?	16:07:28
22	A	Yes.	16:07:30
23	Q	Blow LA, you?	16:07:31
24	A	What's that mean?	16:07:33
25	Q	Blow, B-l-o-w.	16:07:34

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1	A	Yes.	16:07:35
2	Q	Body Factory?	16:07:37
3	A	Body Factory? I don't know.	16:07:41
4	Q	Does that ring a bell?	16:07:44
5	A	I don't know.	16:07:44
6	Q	No?	16:07:45
7		Century Day & Night Spa?	16:07:46
8	A	Yes; me.	16:07:48
9	Q	Century Sports Club?	16:07:50
10	A	Probably the same, yes?	16:07:54
11		It is the same place?	16:07:55
12	Q	I don't know. Could be. I don't know.	16:07:57
13		If you know, tell us; if you don't, you	16:07:58
14		don't.	
15	A	Century Spa, yeah, yes.	16:08:01
16	Q	Chandra's Relaxation, is that you.	16:08:04
17		C-h-a-n-d-r-a, Relaxation.	16:08:08
18	A	I don't know.	16:08:12
19	Q	CT Nails?	16:08:13
20	A	That's me.	16:08:13
21	Q	DHS We Care?	16:08:19
22	A	What's that mean, "DHS We Care"?	16:08:23
23	Q	There was an expenditure in November 15th of	16:08:31
24		2014 for \$1305 at DHS We Care.	
25		Does that refresh your recollection?	16:08:39

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1	A	Something that's spa? Palm Springs? Desert	16:08:41
2		Springs? Probably it is me.	
3	Q	Okay. EDEN by Eden?	16:08:51
4	A	That's not me.	16:08:51
5	Q	Keep going.	16:08:56
6		Hair Day?	16:08:57
7	A	Me.	16:08:57
8	Q	Avisa Nails & Spa?	16:08:59
9	A	That's mine.	16:09:02
10	Q	You?	16:09:03
11	A	Yes.	16:09:04
12	Q	Avisa Tan?	16:09:06
13	A	Yes.	16:09:07
14	Q	L&R Salon?	16:09:08
15	A	I don't know. Me.	16:09:10
16	Q	Longmi Lashes?	16:09:12
17	A	Me.	16:09:14
18	Q	Luxelab At The Glen?	16:09:15
19	A	What's that mean?	16:09:17
20	Q	Luxelab At The Glen. That's what it is	16:09:18
21		called.	
22	A	Luxelab? I don't know what's that.	16:09:21
23	Q	And My Blow?	16:09:24
24	A	It is me.	16:09:26
25	Q	Okay. Oasis Lashes & Skin?	16:09:32

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1	A	Me.	16:09:34
2	Q	Portofino Perfume and Sun Center?	16:09:35
3	A	That's me.	16:09:38
4	Q	Raya Taver, Incorporated?	16:09:44
5		R-a-y-a, second word is T-a-v-e-r.	16:09:45
6		Raya Taver, Incorporated?	16:09:45
7	A	Raya, yes, that's me.	16:09:45
8	Q	Shampoo?	16:09:53
9		There's a place called Shampoo.	16:09:53
10	A	That's me.	16:09:56
11	Q	Sogang Acupuncture?	16:09:59
12	A	That's not me.	16:10:01
13	Q	Star Nails?	16:10:02
14	A	Me.	16:10:03
15	Q	Tamara De Beauty?	16:10:07
16	A	That's me.	16:10:09
17	Q	The H Salon?	16:10:12
18	A	Me.	16:10:13
19	Q	Ventura?	16:10:15
20	A	Ventura?	16:10:18
21	Q	In Sherman Oaks, California.	16:10:19
22	A	That's probably Dennis' something.	16:10:20
23		MR. SMITH: All right. What other category?	16:10:24
24		(Discussion off the record.)	16:10:38
25	BY MR. SMITH:		16:10:38

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1 Q The ASEC Department of Surgery in 2008, did 16:11:37  
2 one of you receive surgery, have surgery in 2008?  
3 A 2008? 2008. It's '15 right now. It is 16:11:48  
4 like --  
5 Q Do you remember? 16:11:54  
6 A How many years ago? 16:11:55  
7 Q Seven years ago. 16:11:56  
8 A I don't know. No. Nothing seven years 16:11:57  
9 ago.  
10 Q You don't know? 16:12:00  
11 A Oh, maybe I did, yes. That's personal. 16:12:01  
12 Q 2008? Okay? 16:12:04  
13 A Sorry. 16:12:05  
14 MR. SMITH: Are those all related? No, it 16:12:10  
15 is just that one.  
16 BY MR. SMITH: 16:12:19  
17 Q Cedars-Sinai Medical Center in 2013, did 16:12:19  
18 either of you undergo surgery or some medical care  
19 during that period of time?  
20 A Cedars-Sinai? When was? 16:12:33  
21 Q 2013. 16:12:34  
22 A '13. I don't remember was in 2013 there. 16:12:35  
23 Q Daniel Behroozan, it's B-e-h-r-o-o-z-a-n, is 16:12:53  
24 that your doctor or Dennis'?  
25 A What Daniel? 16:12:53

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1	Q	Behroozan, B-e-h-r-o-o-z-a-n.	16:13:02
2	A	He is in Cedars-Sinai?	16:13:02
3	Q	I don't know.	16:13:08
4		Is that your doctor or his doctor, if you	16:13:09
5		know?	
6	A	It is not mine, that mean it him.	16:13:11
7	Q	David Abrishami, dentist, is that you?	16:13:14
8	A	That's mine. It is mine and Dennis also	16:13:17
9		goes there, too. Could be both.	
10	Q	A Dr. Tucker, do you know who that is?	16:13:31
11	A	It is not mine.	16:13:34
12	Q	Elena Benjamin, DDS?	16:13:41
13	A	That's mine.	16:13:44
14	Q	Gary Alter, A-l-t-e-r?	16:13:47
15	A	That's mine.	16:13:50
16	Q	Okay. Do either of your children wear	16:14:00
17		glasses?	
18	A	No.	16:14:02
19	Q	Marci -- that's the Marc?	16:14:06
20	A	Uh-huh.	16:14:07
21	Q	McCoy MorteZ, M-o-r-t-e-z, is that your	16:14:08
22		doctor?	
23	A	No.	16:14:12
24	Q	Pat Allen & Associates?	16:14:15
25	A	Pat Allen. No. I don't know.	16:14:18

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1	Q	Okay. Rahul Grover, Incorporated?	16:14:25
2		R-a-h-u-l, and then Grover.	16:14:27
3	A	Kids' doctor.	16:14:32
4	Q	Okay. Rodeo Dental Studios?	16:14:34
5	A	Rodel --	16:14:39
6	Q	Rodeo, Rodeo Dental Studios.	16:14:40
7	A	I'm not familiar with this one.	16:14:44
8	Q	These are charges in 2012.	16:14:46
9		Does that ring a bell?	16:14:47
10	A	No. I don't know.	16:14:51
11	Q	And Stephanie Zisook?	16:14:53
12		It's Z-i-s-o-o-k.	16:14:54
13	A	Oh, I think it is Dennis going there.	16:14:54
14	Q	Keep going.	16:15:06
15		And Vailani [sic] Aesthetics -- Wailani	16:15:08
16		Aesthetics?	
17		W-i-l-l-a-n-i [sic] Aesthetics.	16:15:11
18	A	Vailan -- what?	16:15:11
19	Q	W-i-l-l-a-n-i [sic] Aesthetics.	16:15:20
20		These are charges as recently as June 2015.	16:15:24
21		Does that ring a bell?	16:15:29
22	A	No. Vailani [sic] Aesthetics.	16:15:30
23	Q	It is the Beverly Hills.	16:15:31
24	A	Vailani [sic] Aesthetics --	16:15:38
25	Q	No, Wailani, W-i-l-l-a-n-i [sic].	16:15:38

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1 A How much that charge? 16:15:38  
2 Q There were several. 16:15:44  
3 But you don't remember, you don't recall 16:15:44  
4 that?  
5 A No. 16:15:47  
6 Q Okay. Zoya Preys, P-r-e-y-s? 16:15:48  
7 A My gyne. 16:15:48  
8 (Discussion off the record.) 16:15:57  
9 BY MR. SMITH: 16:16:14  
10 Q EQUINOX MOTO, what is that? 16:16:14  
11 A Dennis. 16:16:21  
12 (Discussion off the record.) 16:16:22  
13 BY MR. SMITH: 16:16:25  
14 Q One Black Egg, Inc.? 16:16:44  
15 A It is that -- it is the same company, Moe, 16:16:48  
16 12 Moe.  
17 Q Yes? 16:16:53  
18 A They try to -- when we try to involved to 16:16:53  
19 that business. They tried to create another name  
20 which is didn't never work.  
21 Q Okay. So, this was an investment into a 16:17:02  
22 business?  
23 A Yes, but -- yes. 16:17:06  
24 Q Okay. So, there were -- on 7/7 and 16:17:08  
25 7/28/2014, there were checks for 12,000 and 20,875.

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1           A     That's kids store. That's mine.                               16:18:56  
2                     (Discussion off the record.)                               16:19:06  
3     BY MR. SMITH:   16:19:06  
4           Q     There's a -- have you ever heard of a                       16:19:34  
5     company called Travel Planners?  
6           A     No.   16:19:38  
7           Q     In June or July of 2013, there's a series of               16:19:39  
8     charges amount together \$27,598.  
9                     Does that ring a bell?                                   16:19:48  
10          A     What is it, Travels [sic] --                               16:19:50  
11          Q     Travel Planners.   16:19:52  
12          A     Travel Planners?   16:19:54  
13          Q     Yeah.    16:19:55  
14          A     So, it is people who plan your travel?                    16:19:55  
15          Q     Yeah.    16:19:58  
16                     I'm asking if you recall a company named               16:19:59  
17     Travel Planners.  
18          A     No.   16:20:02  
19          Q     At any time, did you take a vacation with                   16:20:03  
20     Dennis in June or July, or around that time, 2013?  
21          A     2013? Might be. I don't know. 2013, yes,                16:20:08  
22     we travel somewhere, but I don't know which one is  
23     that one.  
24          Q     Do you recall using a travel planner out of                16:20:19  
25     New York?

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1 A Not in 2013, New York. 16:20:24  
2 Q Okay. Okay. Do you know who AJ Lavarian 16:20:36  
3 is?  
4 A No. 16:20:53  
5 Q Did you ever pay any money to AJ Lavarian? 16:20:56  
6 A No. 16:20:58  
7 Q And the spelling on that is L-a-v-a-r-i-a-n. 16:21:00  
8 THE REPORTER: Thank you. 16:21:01  
9 THE WITNESS: Lavarian? 16:21:06  
10 BY MR. SMITH: 16:21:09  
11 Q How about Elena Konnova? 16:21:09  
12 A That's the same girl from 12, that bought in 16:21:10  
13 12 Moe.  
14 Q Do you know why you would be paying her 16:21:16  
15 money in November of 2014?  
16 A Because they start that company. 16:21:22  
17 Q In or about November -- 16:21:26  
18 A Yes, she was buying something with fabric or 16:21:27  
19 something.  
20 Q Okay. Ignacio Ochoa? 16:21:38  
21 A No, not mine. 16:21:41  
22 Q Bonnie Kogod? 16:21:43  
23 A That's his aunt. 16:21:44  
24 Q Do you know why he would give her \$15,000 in 16:21:48  
25 August and September of 2014?

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1		Any idea who it was?	16:23:10
2	A	No.	16:23:12
3	Q	Did he Dolores Valenzula Cordous,	16:23:15
4		C-o-r-d-o-u-s?	
5	A	Dolores?	16:23:24
6	Q	Dolores.	16:23:25
7	A	I don't know.	16:23:26
8	Q	Doug Smith?	16:23:27
9	A	Doug Smith, I don't know.	16:23:28
10	Q	The payments to Doug Smith occur in or about	16:23:29
11		2013 and 2014.	
12		You don't know anybody named Douglas	16:23:33
13		Smith?	
14	A	No.	16:23:38
15		That's a big payments?	16:23:38
16	Q	If you don't know him, you don't know him.	16:23:41
17	A	If it is big, maybe I just --	16:23:44
18	Q	Totals's about 8,000, \$9,000?	16:23:47
19	A	No.	16:23:50
20	Q	Anybody by the name of Ernesto Martin?	16:23:53
21	A	Ernesto is a gardener.	16:24:02
22	Q	Keep going.	16:24:05
23		Elena Lawson, that's your nanny?	16:24:09
24	A	Yes.	16:24:12
25	Q	Okay. Ian Harris --	16:24:20

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1 A I don't know. 16:24:21  
2 Q -- do you know who that is? 16:24:22  
3 A I don't know. 16:24:23  
4 Q Okay. Jace Anderson? 16:24:31  
5 J-a-c-e Anderson. 16:24:33  
6 A I don't know. 16:24:34  
7 Q There was a payment in January 2015 of 16:24:35  
8 \$12,500?  
9 A \$500? 16:24:40  
10 Q 12,500. 16:24:41  
11 A Oh, that's the girl who help me with the 16:24:43  
12 translation --  
13 Q Jace Anderson? 16:24:48  
14 A -- with the book. 16:24:50  
15 Yes. 16:24:52  
16 Q Jessica Gardner? 16:24:57  
17 A Jessica Gardner? Gardner? 16:25:00  
18 Q Yes. 16:25:03  
19 Does that sound familiar to you? 16:25:03  
20 A No. 16:25:05  
21 Q Juan Lozada? 16:25:06  
22 A Juan? 16:25:08  
23 Q Juan Lozada, L-o-z-a-d-o [sic]. 16:25:10  
24 A I don't know. 16:25:13  
25 Q Excuse me. L-o-z-a-d-a. 16:25:13

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1	The payments are consistently \$1200.	16:25:13
2	Does that refresh your recollection as to	16:25:24
3	what you were paying Mr. Lozada for?	
4	A No.	16:25:28
5	Q Karen Hayes?	16:25:31
6	A No. I don't know. Karen.	16:25:33
7	Q Kim Matthew?	16:25:38
8	A Kim Matthew. No.	16:25:40
9	Q Leann Edvary, E-d-v-a-r-y?	16:25:45
10	A Edvary? No.	16:25:45
11	Q There were payments to Ms. Edvary as	16:25:56
12	recently as May 2015 for 1250 at that point.	
13	Do you have any idea of who that is?	16:26:04
14	A No. Again, what do you --	16:26:06
15	Q Leann Edvary, E-d-v-a-r-y.	16:26:08
16	A No, no.	16:26:09
17	Q Lisa Eurich, E-u-r-i-c-h?	16:26:16
18	A I don't know.	16:26:16
19	Q Martin Skooz, S-k-o-o-z?	16:26:24
20	A Not mine.	16:26:25
21	Q Maurice Betancac?	16:26:31
22	It's B-e-t-a-n-c-a-c.	16:26:31
23	A Not mine.	16:26:32
24	Q There were two \$5,000 payments in May 2015.	16:26:36
25	Any idea what those are for?	16:26:39

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1	Q	Yeah.	16:27:52
2	A	No.	16:27:52
3	Q	Robert Lewis?	16:27:56
4	A	I don't know who is this.	16:27:57
5	Q	Ronna Phelps?	16:28:01
6	A	I don't know.	16:28:02
7	Q	Dennis wrote a check to Ms. Phelps for	16:28:04
8		\$32,500 in June 2012.	
9		Does that refresh your recollection?	16:28:09
10	A	What her name again?	16:28:13
11	Q	Ronna, R-o-n-n-a; Phelps, P-h-e-l-p-s.	16:28:14
12	A	I don't know.	16:28:14
13	Q	Doesn't ring a bell?	16:28:24
14	A	Huh-uh.	16:28:26
15	Q	Okay. Somara Fabrick?	16:28:29
16	A	Yes, it's my shrink.	16:28:29
17	Q	Scott Yamaro?	16:28:37
18	A	I don't know who is this.	16:28:38
19	Q	Tatsiana Hrynkova, is that the person that	16:28:52
20		helped you with the translation?	
21	A	That's Sukoroska or --	16:28:58
22	Q	It is Tatsiana, T-a-t-s-i-a-n-a.	16:29:00
23	A	Last name?	16:29:01
24	Q	Last name is H-r-y-n-k-o-v-a.	16:29:05
25	A	Would you please try altogether, the last	16:29:07

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1 name?

2 Q "Hrynkova," "Hrynkova." 16:29:15

3 A Tatsiana Hrynkova. I don't know. Tatsiana. 16:29:16

4 Q Thank you. 16:29:24

5 Vince Cacherro, C-a-c-h-e-r-r-o? 16:29:24

6 A I don't know. 16:29:24

7 (Discussion off the record.) 16:29:32

8 MR. SMITH: Let's take about five minutes, 16:29:32

9 and then we'll be back to conclude the deposition.

10 THE VIDEOGRAPHER: Time is 4:29. 16:29:51

11 We're off the record. 16:29:52

12 (Recess taken.) 16:43:24

13 THE VIDEOGRAPHER: Time is 4:43. 16:43:24

14 We're on the record. 16:43:38

15 MR. SMITH: Just a few more questions, 16:43:42

16 Ms. Khapsalis.

17 BY MR. SMITH: 16:43:47

18 Q I'm going to ask you when you met Dennis' 16:43:48

19 relatives, so I'll just go through them individually.

20 When you meet Sheldon and Marcia for the 16:43:54

21 first time?

22 A It was on 2007, I believe. Sheldon's 16:44:00

23 birthday was in 15 of November, I guess -- I mean, no,

24 huh-uh. His birthday. I think his was four months

25 that means. February something, in February.

1 Q February of what year? 16:44:28  
2 A 15. February 15, I guess, or something, in 16:44:30  
3 Las Vegas.  
4 Q In Las Vegas. 16:44:35  
5 In what year was that? 16:44:36  
6 A Kids was four months, this means 2007. 16:44:39  
7 Q 2007. 16:44:42  
8 So, you didn't meet them before the children 16:44:43  
9 were born?  
10 A No. 16:44:45  
11 Q Did you have any communication with them 16:44:46  
12 before the children were born?  
13 A No. 16:44:50  
14 Q When Dennis introduced you to them, how did 16:44:52  
15 he introduce you; as his wife?  
16 A Yes. 16:45:00  
17 MR. MARKS: Leading. Object to the form. 16:45:01  
18 BY MR. SMITH: 16:45:02  
19 Q Did -- so let me ask the question. 16:45:02  
20 Did Dennis introduce you as his wife to his 16:45:04  
21 parents?  
22 A Yes. He says this is my wife and it is my 16:45:08  
23 kids.  
24 Q When you met -- when did you first meet 16:45:14  
25 Mitchell Kogod?

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1	A	Mitchell, I meet before. Before I meet the	16:45:19
2		parents.	
3	Q	Okay. Do you recall when?	16:45:24
4	A	Uh, about, uh, let's say before I have a	16:45:26
5		kids, yes.	
6	Q	So, sometime in 2005 or 2006?	16:45:35
7	A	Yes, probably, yes.	16:45:38
8	Q	What were the circumstances of your meeting?	16:45:39
9		Where did you meet him?	16:45:41
10	A	He just flew, and his son also flew to Las	16:45:42
11		Vegas, and Mitchell, just meet me.	
12	Q	You met him in Las Vegas?	16:45:50
13	A	Yes.	16:45:52
14	Q	With Dennis?	16:45:52
15	A	Yes.	16:45:53
16	Q	How did Dennis introduce you to Mitchell?	16:45:54
17	A	He says it is my brother, I just want you	16:45:57
18		meet my brother.	
19	Q	How did you present you to Mitchell?	16:46:01
20	A	The same; wife.	16:46:03
21	Q	When did you meet Dana for the first time?	16:46:04
22	A	I meet Dana when they moved here. And they	16:46:13
23		moved here about two years ago.	
24	Q	So, you had not met Dana before that time?	16:46:21
25	A	No.	16:46:24

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1 Q And where were you when you met her? 16:46:24  
2 A It was here in Los Angeles. Oh, now I -- 16:46:29  
3 yes, in Los Angeles.  
4 I met Dana when kids was what -- year about, 16:46:36  
5 on Overland, yes.  
6 Q And was Dennis present at the time you met 16:46:43  
7 Dana?  
8 A Yes. 16:46:50  
9 Q And how did he introduce you to Dana? 16:46:50  
10 A To Dana? 16:46:53  
11 Q Yes. 16:46:54  
12 A As Mitchell's wife? 16:46:55  
13 Q Yeah. 16:46:57  
14 What did he say that you were to Dana? 16:46:57  
15 A Wife. 16:47:00  
16 Q Did -- did -- to your knowledge, did Dennis 16:47:03  
17 tell his parents and Mitchell and Dana that he had  
18 been divorced from Gabrielle Cioffi-Kogo?  
19 A I don't know. 16:47:17  
20 MR. MARKS: Object to the form. 16:47:17  
21 THE WITNESS: I don't know. 16:47:19  
22 BY MR. SMITH: 16:47:21  
23 Q Do you have any reason to believe that the 16:47:21  
24 parents thought he was divorced from Gabrielle?  
25 A I think so. 16:47:29

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1                   MR. MARKS: Object to the form. Calls for                   16:47:30  
2 speculation.  
3 BY MR. SMITH:                   16:47:31  
4           Q     Have they ever told you that they thought           16:47:31  
5 Dennis was divorced from Gabrielle?  
6           A     We didn't talk about this.                   16:47:38  
7           Q     Did they ever talk about Gabrielle in your           16:47:40  
8 presence?  
9           A     Yes.                   16:47:43  
10          Q     And what did they say?                   16:47:44  
11          A     I mean, I ask how do you know Gabrielle, and           16:47:49  
12 they -- just -- uh, just keep it private, please.  
13          Q     They said keep that private, please?           16:48:02  
14          A     No; may I ask?                   16:48:04  
15          Q     In other words, that you don't want to tell           16:48:08  
16 me what they said?  
17          A     Yes.                   16:48:11  
18          Q     Oh. Let me ask the question this way           16:48:13  
19 because there's a certain piece of information I'm  
20 trying to find out and --  
21                   Did anything they say to you suggest that           16:48:20  
22 they still knew that Dennis was married to  
23 Gabrielle?  
24          A     No. Nothing like that.                   16:48:25  
25          Q     So, I take it, they said -- they were saying           16:48:29

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1 insulting things about Gabrielle?

2 A No. 16:48:36

3 MR. MARKS: Objection. Leading. 16:48:37

4 THE WITNESS: Not. Not insulting, no. 16:48:38

5 BY MR. SMITH: 16:48:42

6 Q Did they say anything about Dennis' marriage 16:48:42

7 to Gabrielle?

8 A They just told me they wasn't so close. 16:48:48

9 They didn't see each other so often. And they would

10 stay in hotel when they was visit them. Kind of like

11 that.

12 Q Did Mitchell or Dana ever express any 16:49:08

13 opinion to you as to whether or not they thought that

14 Dennis had divorced Gabrielle?

15 A No. 16:49:15

16 Q Did you ever discuss Gabrielle with Mitchell 16:49:16

17 or Dana?

18 A No. 16:49:20

19 Q Prior to meeting Gabrielle today, had you 16:49:26

20 ever seen any photographs of Gabrielle?

21 A Yes. 16:49:30

22 Q Those were photographs that Dennis had? 16:49:32

23 A Parents, in the parents' album. 16:49:34

24 Q When you went through that album were the 16:49:37

25 parents with you?

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1           A     He said -- yes. I even have a wedding           16:50:40  
2     dress. He says as soon as we done divorce, we're  
3     going to go again legally, because that marriage not  
4     counting here, is in Mexico.

5           Q     The -- you had testified earlier that you           16:50:59  
6     had found out where Jennifer Steimer and Dennis had  
7     counseling.

8                     How did you find that out?           16:51:06

9           A     So, I found his old cell phone, iPhone,           16:51:08  
10    laying there on the counter. He forgot probably. It  
11    was in the box and he change. So, I gone in this box  
12    and I see, I think whose is this cell phone, I turn it  
13    on. And there was all his e-mails there, everything,  
14    so he probably didn't know that.

15                    So, I went through e-mails and I read all           16:51:35  
16    the e-mails between Jennifer and Dennis.

17           Q     You still have those e-mails?           16:51:44

18           A     Yes.           16:51:49

19           Q     The -- was it in one of those e-mails that           16:51:53  
20    told you when there would be counseling between Dennis  
21    and Jennifer?

22           A     It was e-mails when he tells her go there           16:52:04  
23    and we have a first session for counseling.

24                    So, I decide to go there.           16:52:12

25                    MR. SPIEGEL: You've answered the           16:52:15

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1 question.  
2 THE WITNESS: Yes. 16:52:16  
3 BY MR. SMITH: 16:52:18  
4 Q So, in the e-mail was the date and time and 16:52:18  
5 location --  
6 A Yes. 16:52:22  
7 Q -- of the session that you attended? 16:52:22  
8 A Yes. 16:52:23  
9 Q All right. And at that session, if I 16:52:23  
10 understand your answer -- your previous testimony,  
11 Ms. Steimer refused to speak to you?  
12 A She was nice me, but she was really flaky to 16:52:34  
13 not to go in any conversations. So, I didn't make any  
14 pressure, and she left.  
15 Q What was Dennis' reaction to your presence 16:52:41  
16 there?  
17 A He was just quiet. Surprised. Quiet. Just 16:52:44  
18 let it go. Whatever.  
19 Q Do you have conversations with Dennis 16:52:54  
20 presently, like are you still talking to him?  
21 A Yes. 16:52:57  
22 Q Okay. And is there any chance at 16:52:58  
23 reconciliation?  
24 A Reconciliation? 16:53:03  
25 Q Can you get back -- are you getting back 16:53:03

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1 together?

2 A He's talking about this, but I'm not sure 16:53:05

3 like if I can handle this anymore. Just he's trying

4 to make up.

5 Q Okay. During the course of your 16:53:17

6 relationship, did you and Dennis enter into any

7 agreements that -- written agreements?

8 A What kind of written agreements? 16:53:27

9 Q Any kind of an agreement. 16:53:29

10 A Like a prenuptial or what, what do you mean? 16:53:31

11 Q Anything. Any written agreement that you 16:53:34

12 and Dennis entered, any contract.

13 A We didn't do any -- I didn't understand 16:53:40

14 question exactly. Sorry.

15 Q Did you and Dennis ever reach an agreement 16:53:45

16 on something where you signed a written contract with

17 each other?

18 A No. 16:53:53

19 Q Okay. So, there was no -- there's no 16:53:54

20 agreement in regard to the payment of support or

21 money?

22 MR. MARKS: Objection. Leading. Object to 16:54:00

23 the form.

24 BY MR. SMITH: 16:54:02

25 Q You can answer the question -- 16:54:02

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1 A Verbal. 16:54:03  
2 Q -- the question. 16:54:03  
3 A Verbally we did. 16:54:04  
4 Q But there's no writing? 16:54:05  
5 A No. 16:54:07  
6 Q Did you ever enter an agreement with Dennis 16:54:07  
7 in regard to any business, like we're going to do a  
8 business together, anything like that?  
9 A Not in a paper. 16:54:19  
10 Q Okay. 16:54:23  
11 A No. 16:54:23  
12 Q Just discussions that you had in regard to 16:54:23  
13 business?  
14 A Yes. 16:54:25  
15 Q All right. Do you have, to your knowledge, 16:54:25  
16 any interest in Moe LLC, or that company or -- I think  
17 it's -- was it Black Egg?  
18 A Yes. He was trying to actually do it for 16:54:34  
19 me --  
20 Q Right. 16:54:37  
21 A -- get me involved in his business. It's 16:54:39  
22 collapsed, so we didn't get anything of this.  
23 Q So, the company is no longer operational? 16:54:45  
24 A I don't know. I'm not even connecting with 16:54:48  
25 them anymore.

1 MR. SMITH: All right. Anything else? 16:54:54  
2 Okay. That's all I have. 16:54:56  
3 MR. MARKS: I have a question. 16:54:58  
4 MR. SMITH: You can ask all the questions 16:54:59  
5 you like.  
6 MR. MARKS: Not all of them. 16:55:02  
7 MR. SMITH: I'll pass the witness. 16:55:04  
8 MR. MARKS: Thank you. 16:55:05  
9 EXAMINATION 16:55:05  
10 BY MR. MARKS: 16:55:07  
11 Q Ms. Khapsalis, I know you want to leave, 16:55:07  
12 just quickly.  
13 You would agree as between you and Dennis he 16:55:09  
14 is much more knowledgeable as to the finances relating  
15 to the payments to you than you are?  
16 Would you agree with that? 16:55:16  
17 MR. SMITH: Object to the form of the 16:55:18  
18 question.  
19 THE WITNESS: Would you, please, repeat that 16:55:19  
20 one?  
21 BY MR. MARKS: 16:55:21  
22 Q As between you and Dennis, would you agree 16:55:21  
23 that he is more knowledgeable regarding your financial  
24 situation as it relates to the payments that you  
25 received from him?

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1 A Yes. 16:55:30

2 MR. SMITH: Calls for speculation. Vague 16:55:32

3 and ambiguous.

4 MR. MARKS: If I -- 16:55:35

5 I don't have anything further. 16:55:47

6 Thank you for coming. 16:55:49

7 THE WITNESS: Thank you. 16:55:50

8 MR. SMITH: Mr. Spiegel, do you have any 16:55:51

9 questions?

10 MR. SPIEGEL: I don't. 16:55:53

11 MR. SMITH: All right. 16:55:53

12 So, I don't know how they do it here, but in 16:55:53

13 Nevada they notify you and let you know that the

14 deposition is ready for signature or for review.

15 How do you do it here? 16:56:04

16 MR. SPIEGEL: Normal practice that we do 16:56:08

17 here is that the original is sent to counsel for the

18 witness, with an agreement stipulation regarding when

19 it would be reviewed and executed and returned to the

20 reporter or to you.

21 MR. SMITH: The original? 16:56:23

22 MR. SPIEGEL: The original. 16:56:24

23 MR. SMITH: How about that? 16:56:25

24 MR. SPIEGEL: Right. 16:56:25

25 MR. SMITH: Is that the way it is done? All 16:56:26

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1 right.  
2 Well, then that will be the procedure we'll 16:56:27  
3 use.  
4 MR. SPIEGEL: Okay. 16:56:30  
5 MR. SMITH: So, the court reporter will 16:56:30  
6 provide the original to your office, I take it --  
7 MR. SPIEGEL: That's fine. 16:56:33  
8 MR. SMITH: -- for review. 16:56:34  
9 And in the ordinary course, how long is that 16:56:36  
10 usually?  
11 THE REPORTER: Two weeks. 16:56:39  
12 MR. SMITH: Couple weeks. Okay. 16:56:41  
13 And then Ms. Khapsalis will review it and 16:56:42  
14 then return it to us.  
15 MR. SPIEGEL: Well, let's add that they'll 16:56:48  
16 review and return it to you together with any changes  
17 in the transcript.  
18 MR. SMITH: Yes. 16:56:54  
19 MR. SPIEGEL: Within two weeks after we 16:56:55  
20 receive it.  
21 MR. SMITH: That's fine. 16:56:58  
22 (Discussion off the record.) 16:57:10  
23 THE VIDEOGRAPHER: We're off the record. 16:57:24  
24 Time is 4:57. 16:57:30  
25 We're off the record. 16:57:30

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1 This concludes today's testimony given by 16:57:30  
2 Nadya Khapsalis.

3           The total number of media used was three;           16:57:33  
4    and will be retained by Veritext Legal Solutions.

5 THE REPORTER: Mr. Spiegel, do you want a  
6 copy?

7 MR. SPIEGEL: Yes.

8 THE REPORTER: Mr. Marks, do you want a  
9 copy?

10 MR. MARKS: Yes; ASCII and mini, also.

11 MR. SMITH: I want the ASCII only and mini  
12 with index.

13 (Plaintiff's Exhibits 1 through 14 were  
14 marked for identification by the court  
15 reporter.)

17 (TIME NOTED 4:58 p.m.)

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I, NADYANE KHAPSALIS KOGOD, do hereby  
declare under penalty of perjury that I have read the  
foregoing transcript of my deposition; that I have  
made such corrections as noted herein, in ink,  
initialed by me, or attached hereto; that my testimony  
as contained herein, as corrected, is true and  
correct.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_  
2015, at \_\_\_\_\_,  
(City) (State)

\_\_\_\_\_  
NADYANE KHAPSALIS KOGOD

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth; that  
6 any witnesses in the foregoing proceedings, prior to  
7 testifying, were placed under oath; that a verbatim  
8 record of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; further, that the foregoing is an accurate  
11 transcription thereof.

12 I further certify that I am neither  
13 financially interested in the action nor a relative or  
14 employee of any attorney of any of the parties.

15 IN WITNESS WHEREOF, I have this date  
16 subscribed my name.

17 Dated: 9/24/15  
18  
19  
20

21 Michele Urbina

22 MICHELE URBINA

23 CSR NO. 9635  
24  
25

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1 LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
2 Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
3 Nevada State Bar No. 12659  
610 South Ninth Street  
4 Las Vegas, Nevada 89101  
(702) 386-0536; FAX (702) 386-6812  
5 Attorneys for Appellant

6  
7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

8 DENNIS KOGOD,  
9

Case No. 71147

10 Appellant,

11 vs.

12 GABRIELLE CIOFFI-KOGOD,  
13

Respondent.  
14

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15 **APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT**  
16  
17  
18

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19 **APPELLANT'S APPENDIX**  
20 **Volume 26**  
21  
22  
23  
24  
25  
26  
27  
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<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NO.</u>
Acceptance of Service filed on April 24, 2014	1	14
Acceptance of Service Filed on November 6, 2015	2	394
Amended Notice of Cross-Appeal filed on September 23, 2016	46	9032-9148
Answer to Complaint for Divorce and Counterclaim filed on November 24, 2014	1	19-24
Case Appeal Statement filed on August 23, 2016	44	8590-8593
Case Appeal Statement, filed on December 13, 2016	47	9287-9290
Case Cross-Appeal Statement filed on September 21, 2016	46	9028-9031
Case Cross-Appeal Statement, filed on December 23, 2016	47	9298-9301
Certificate of Service filed on March 2, 2015	1	66
Certificate of Service filed on June 2, 2015	1	85-86
Certificate of Service filed on January 25, 2016	4	712
Certificate of Service filed on June 21, 2016	42	8082
Certificate of Service filed on September 14, 2016	45	8704-8802
Certification of Copy of Exhibits Presented at the 2/23/16- 2/26/16 Non-Jury Trial, dated December 8, 2016	10	1876-1894
Certification of Copy Clerks List	41	7980-7983
Complaint for Divorce filed on December 13, 2013	1	1-6
Defendant's Closing Brief filed on August 1, 2016	43	8415-8473
Defendant, Dennis Kogod's, Reply to Plaintiff's, Gabrielle Cioffi-Kogod's, Opposition to Defendant's Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the deposition of Jennifer Crute Steiner and Opposition to Plaintiff's Countermotion for Attorney Fees and Costs filed on June 25, 2015	1	151-178
Defendant's Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the Deposition of Jennifer Crute Steiner filed on June 11, 2015	1	87-110
Defendant's Exhibits Vol. I:	33	6161-7979
////		

<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NO.</u>
Defendant's Exhibit D- Teichner Accounting Rebuttal Expert Disclosure Dated: January 25, 2016	33	6162-6209
Defendant's Exhibit F- Teichner Accounting Sur-Rebuttal Report Dated: February 15, 2016	33	6210-6215
Defendant's Exhibit S- Bank of America Joint Checking Account Ending 6446 Statement From December 1, 2015 to December 31, 2015	33	6216-6223
Defendant's Exhibit T- Bank of America Checking Account ending in 0129 Statement from December 1, 2015 to December 31, 2015	33	6224-6229
Defendant's Exhibit U- Wells Fargo Complete Advantage Checking Account Ending 5397 Statement from January 9, 2016 to February 5, 2016	33	6230-6239
Defendant's Exhibit V- Wells Fargo PMA Account ending 8870 Statement from January 9, 2016 to February 5, 2016	33	6240-6242
Defendant's Exhibit W- UBS Trust – Fee Base ending 743 Statement From January 2016	33	6243-6252
Defendant's Exhibit X- UBS Checking ending 745 Statement for January 2016	33	6253-6264
Defendant's Exhibit Y- UBS Trust – PWS/GAM ending 134 Statement for January 2016	33	6265-6282
Defendant's Exhibit Z- UBS Stock Option ending 999 Statement for January 2016	33	6283-6290
Defendant's Exhibit AA- Merrill Lynch Ending 588 Statement from December 01, 2015 to December 31, 2015	33	6291-6360
Defendant's Exhibit BB- UBS Trust – Fee Base ending 43 Statement for January 2016	34	6361-6368
Defendant's Exhibit CC- Fidelity Dignity Health Statement from January 1, 2015 to December 31, 2015	34	6369-6372
Defendant's Exhibit DD- Davita Retirement Plan Statement from January 1, 2016 to January 31, 2016	34	6373-6375
Defendant's Exhibit EE- Davita Retirement Savings Plan Statement from October 1, 2015 to December 31, 2015	34	6376-6378
Defendant's Exhibit LL- UBS Premier Variable Credit Line ending 027 Statement for January 2016	34	6379-6384
////		

<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NO.</u>
Defendant's Exhibit MM- American Express Centurion Account ending 3005	34	6385-6396
Defendant's Exhibit NN- American Express Platinum Account ending 2003 Statement from January 18, 2016 to February 6, 2016	34	6397-6401
Defendant's Exhibit OO- American Express Platinum Account ending 9008 Statement from January 25, 2016 to February 23, 2016	34	6402-6406
Defendant's Exhibit PP- Master Card Account ending 1588 Statement From January 07, 2016 to February 06, 2016	34	6407-6412
Defendant's Exhibit QQ- Wells Fargo Account ending 1032 Statement from December 16, 2015 to January 15, 2016	34	6413-6419
Defendant's Exhibit RR- Banana Republic Account ending 4713 Statement from December 4, 2015 to January 4, 2016	34	6420-6423
Defendant's Exhibit SS- Discover Account ending in 4205 Statement from November 12, 2015 to December 11, 2015	34	6424-6427
Defendant's Exhibit TT- Kohls Account ending in 557 Statement from November 7, 2015 to December 7, 2015	34	6428
Defendant's Exhibit UU- Merrill Lynch Account ending 9677 Statement from November 13, 2015 to December 12, 2015	34	6429-6431
Defendant's Exhibit VV- Nordstorm Account ending 992 Statement from November 13, 2015 to December 13, 2015	34	6432-6436
Defendant's Exhibit WW- TJX Rewards Account ending 6951 Statement from December 1, 2015 to January 1, 2016	34	6437-6439
Defendant's Exhibit XX- Detailed Financial Disclosure Form for Gabrielle Cioffi-Kogod, Filed February 25, 2015	34	6440-6456
Defendant's Exhibit AAA- Email from Eugene to Dennis Dated: February 12, 2012	34	6457-6459
Defendant's Exhibit BBB- Various Checks from Gabrielle to Eugene Cioffi-Kogod Re: House	34	6460-6464
Defendant's Exhibit CCC- Various Checks from Gabrielle to Eugene Cioffi-Kogod Re: Misc.	34	6465-6467
Defendant's Exhibit DDD- Various Checks from Gabrielle to Eugene Cioffi Re: Eugene's Birthday	34	6468-6470
Defendant's Exhibit EEE- Various Checks from Gabrielle to Cassandra Cioffi Re: Cassandra's Birthday	34	6471-6473

<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NO.</u>
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Radford J. Smith, Esq.  
Garima Varshney, Esq.  
Jolene Hoeft, Paralegal  
Kenneth F. Smith, Paralegal

**RADFORD J. SMITH, CHARTERED**

*A Professional Corporation*  
2470 St. Rose Parkway, Suite 206  
Henderson, Nevada 89074

Telephone: (702) 990-6448  
Facsimile: (702) 990-6456  
rsmith@radfordsmith.com

May 5, 2016

**HAND DELIVERED**

Honorable Bryce C. Duckworth  
Department Q

*Re: Kogod v. Kogod*  
*Case No. D-14-500112-L*

Dear Judge Duckworth:

Per the Court's request, enclosed herewith please find Exhibits 1, 2, 15, 16, 17 and 18 to Ms. Khapsalis' deposition.

I appreciate your attention to this matter.

Sincerely,

RADFORD J. SMITH, CHARTERED

*Garima Varshney*  
Garima Varshney, Esq.

Enclosures

cc: Gabrielle Cioffi-Kogod (via email)  
Mr. Daniel Marks, Esq. (via email)  
Ms. Nicole Young, Esq. (via email)

RECEIVED

MAY 11 2016

FAMILY COURT  
DEPARTMENT Q

05101

exhibit 1

1 RADFORD J. SMITH, CHARTERED  
2 RADFORD J. SMITH, ESQ.  
3 Nevada Bar No. 002791  
4 2470 St. Rose Parkway, Suite 206  
5 Henderson, Nevada 89074  
6 Telephone: (702) 990-6448  
7 Facsimile: (702) 990-6456  
8 rsmith@radfordsmith.com  
9 Attorney for Plaintiff

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 GABARIELLE CIOFFI-KOGOD,

13 Plaintiff,

14 vs.

15 DENNIS KOGOD,

16 Defendant.

CASE NO.: D-13-489442-D

DEPT NO.: Q

FAMILY DIVISION

17 FACEBOOK EXHIBITS  
18 FOR DEPOSITION OF NADYA KHAPSALIS  
19 SEPTEMBER 11, 2015  
20  
21  
22  
23  
24  
25  
26  
27  
28



KOGOD v. KOGOD, D13-489442-D (sealed)  
DEPARTMENT: Q

1.	Email from Gabrielle re: twins & Porsche	<input type="checkbox"/>	<input type="checkbox"/>
2.	Pages from Nadya's Facebook	<input type="checkbox"/>	<input type="checkbox"/>
3.	Photograph of Dennis and Nadia in wedding attire	<input type="checkbox"/>	<input type="checkbox"/>
4.	Photographs re Nadya's Book	<input type="checkbox"/>	<input type="checkbox"/>
5.	Photographs of vacation in Amsterdam	<input type="checkbox"/>	<input type="checkbox"/>
6.	Photographs of vacation in San Diego	<input type="checkbox"/>	<input type="checkbox"/>
7.	Photographs of vacation in Puerto Rico	<input type="checkbox"/>	<input type="checkbox"/>
8.	Photographs of family events	<input type="checkbox"/>	<input type="checkbox"/>
9.	Photographs of yacht	<input type="checkbox"/>	<input type="checkbox"/>
10.	Photographs Nadya's social life	<input type="checkbox"/>	<input type="checkbox"/>
11.	Photographs of Nadya	<input type="checkbox"/>	<input type="checkbox"/>
12.	Photograph of child in Porsche driver seat	<input type="checkbox"/>	<input type="checkbox"/>

**Garima Varshney**

---

From: Gabrielle Cioffi-Kogod [gcioffikogod@yahoo.com]  
Sent: Tuesday, March 03, 2015 4:34 PM  
To: Radford Smith; Garima Varshney  
Subject: IVF

Okay, so I'm working on a claim for the hospital today and was doing some research on IVF (in vitro fertilization). Clearly the twins are fraternal, and that might be attributable to them being conceived using that process. That would also mean they were planned -or premeditated - rather than an accident that, of course, "Mr. Kogod doesn't regret." If the wife was 38 or 39, her age may have been an issue.

Also, the history of autos may be more significant as far as who was driving what he was leasing. At one point after we moved here, he was leasing a Porsche Cayenne. He came home after an extended trip and said they totaled it in the airport parking garage and he had to lease a new car, but he went with a BMW SAV. I wonder if he didn't actually drive that Porsche to CA, and it was being used there. Just a thought.

I'm still finishing the biography.  
Thanks,  
Gab

exhibit 2



**Nadya Khapsalis**  
(Nadine Khapsalis Kogod)

Add Friend Message

Timeline About Friends Photos More

## DO YOU KNOW NADYA?

To see what she shares with friends, send her a friend request.

Add Friend



**Nadya Khapsalis**

January 21 · iOS · Edited ·

ВСЕМ-ВСЕМ ОГРОМНОЕ СПАСИБО ЗА ТАКИЕ ТЕПЛЫЕ СЛОВА И ТАКОЕ КОЛИЧЕСТВО ПОЗДРАВЛЕНИЙ !!!! Я в приятном ШОКЕ ))) Love Nadushka ... Ваша ....

See Translation



Share

64 people like this.

View 7 more comments



Vicky Gontin С Днем Рождения!!!!самого самого наилучшего!!!!

See Translation

January 22 at 7:25am · 1



Ерема Сабиев Целую!!! И деток!!!

See Translation

January 22 at 12:30pm · 1



Liana Delmar С днем рождения! Будь счастлива и здорова, Надюша!

See Translation

January 22 at 12:41pm · 1



Yaroslava Mekh Надежда!!!!!!! Ты компас земной!!!!)

See Translation

Studied at californiaya healing art college

303 friends

Became friends with Vadim Pritulyak and 5 other people

## FRIENDS · 303



Denis Blagushin

Alexander Khapsalis

Alina Klavsky

PH 2 Deft EX for I.D.  
MICHELE URBINA CSR #9635  
Date 9-11-15  
Witness Khapsalis

2/26/2015

Nadya Khapsalis

January 22 at 12:47pm · 2

PHOTOS



GROUPS · 2



Russian Comedy Club LA - Friends  
2,313 members  
Open group for Friends and Fans of...



Система Безопасного Секса  
645 members  
Система X-Registar — международный...

RECENT ACTIVITY



Nadya is now friends with Vadim Prityulyak  
and 4 other people.



Nadya Khapsalis added Nadine Khapsalis  
Kogod to her Other Names on her profile.

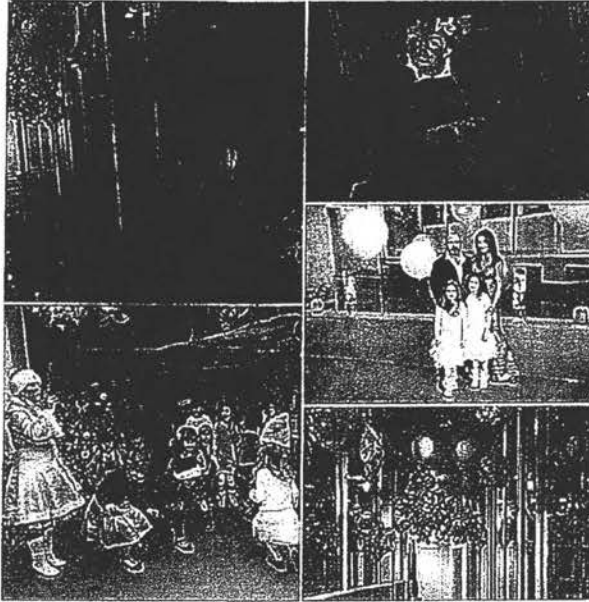
English (US) · Privacy · Terms · Cookies · Advertising ·  
More  
Facebook © 2015

2014



Nadya Khapsalis added 6 new photos.  
December 31, 2014 ·

HAPPY NEW YEAR EVERYBODY!!!! — with Elizabeth Khapsalis and 13  
others.



Share

63 people like this.

View 7 more comments



Boris Goldfarb Взаимно!  
January 1 at 7:34am · 1



Елена Болотина С Новым Годом !!! Всего самого лучшего всем Вам!!!!  
See Translation  
January 1 at 8:25am · 1



Barbara Dourmashkin-Case happy New Year!  
January 1 at 11:10am · 1



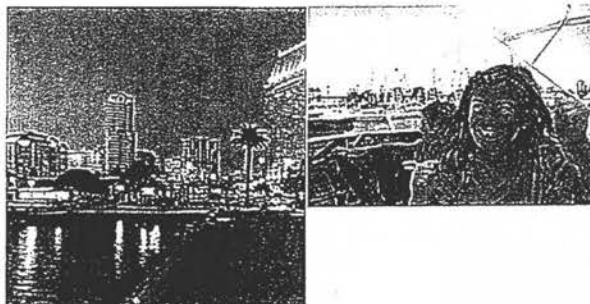
Anushka Dosik Happy New Year!!!!  
January 1 at 5:59pm · 1

HIGHLIGHTS



Nadya Khapsalis added 5 new photos.  
June 22, 2014 · Edited ·

Beautiful San Diego





## Nadya Khapsalis



Share

18 people like this.



Vsevolod Bobovnikov Sister, не трави душу..... }

See Translation

June 22, 2014 at 12:57pm



Nadya Khapsalis Давай приезжай!

See Translation

June 22, 2014 at 1:18pm · 1



Nadya Khapsalis and Nikos Adamidis are now friends.

June 15, 2014



Nikos Adamidis

АОТФ УКСДИ

Add Friend

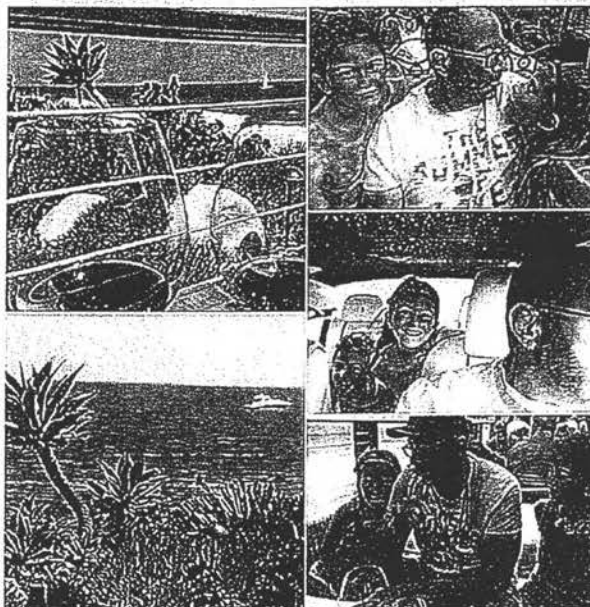


Nadya Khapsalis added 5 new photos.

June 8, 2014 · Edited ·

Жизнь дарит человеку в лучшем случае одно-единственное неповторимое мгновение, и секрет счастья в том, чтобы это мгновение повторялось как можно чаще.  
Оскар Уайльд

See Translation



Share

38 people like this.



Olga Potarovitch Классные фотки!!! Красиво!!! Это вы где?

See Translation

June 9, 2014 at 1:19am · 2

2/26/2015

Nadya Khapsalis



Елена Болотина Супер !!! Все супер!!!  
June 9, 2014 at 9:31am · 1



Dina Zhanurina Выросли как! Красоти!  
See Translation  
June 9, 2014 at 10:28am



Nadya Khapsalis Nobu /Nikita/ Malibu ...)))  
June 10, 2014 at 7:49pm

More posts from April 18 to June 8



Nadya Khapsalis and Boris Teterevs are now friends.  
April 18, 2014



Boris Teterevs

10 Рижская средняя школа  
582 followers

PHOTOS · 2014



FRIENDS · 2014



John Morrow



Alexander Ustin



Olga Panchenko



Viktoria LA



Kristina Duman



Dima Ndu



Aleksandr  
Lebenkov



Bhisham Bakhshi

+20

2013

HIGHLIGHTS

More posts from April 7 to December 31



Nadya Khapsalis was in Las Vegas, Nevada.  
April 7, 2013

Share

5 people like this.

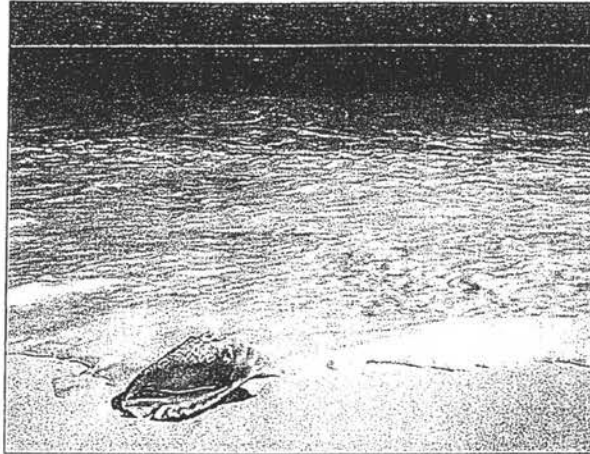
2/26/2015

Nadya Khapsalis

More posts from February 21 to April 7



Nadya Khapsalis updated her cover photo.  
February 21, 2013 ·



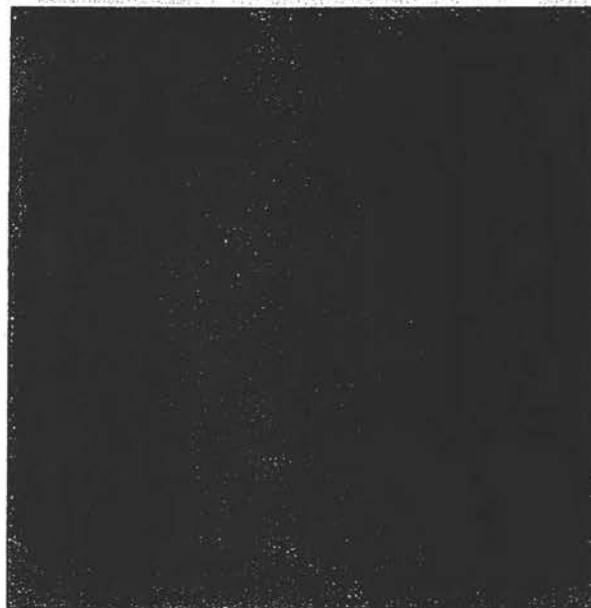
Share

4 people like this.

1 share



Nadya Khapsalis changed her profile picture.  
February 21, 2013 ·



Share

49 people like this.

View 6 more comments

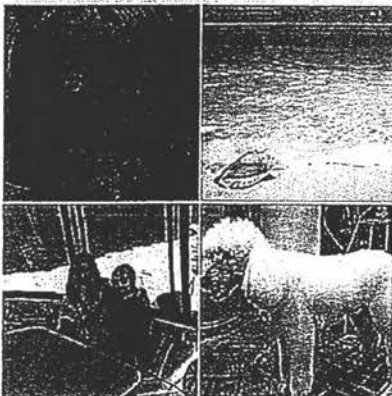


Nadya Khapsalis voploshenie FOTOSHOPA!!!! A vse ravno  
PRIYATNOOOO!!!!(LOL!!!!)) SPASIBO !!! Celyu vse  
February 21, 2013 at 9:18am



Dina Zhanlurina Какая разная красота! То бурлящая-искрящаяся! То  
задумчиво-печальная! Надюшка, оставайся всегда такой красивой!!!  
See Translation  
February 22, 2013 at 6:35pm

#### PHOTOS · 2013



#### FRIENDS · 2013



Pavel Krapchin



Jules Haimovitz



Uliana Krisher



<https://www.facebook.com/nadya.khapsalis>

2/26/2015

Nadya Khapsalis

Yana Minovich  
Linsky

Vlad Ignatenko

Lucy  
Korzhnoman



+18

Piyanka Bakhtii

Vitaliy Kostitskiy



Nadya Khapsalis Чочесм  
See Translation  
September 26, 2013 at 4:18pm



Asya Gorovets Those eyes ...  
September 26, 2013 at 4:54pm · 1

More posts from January 1 to February 21 ▾

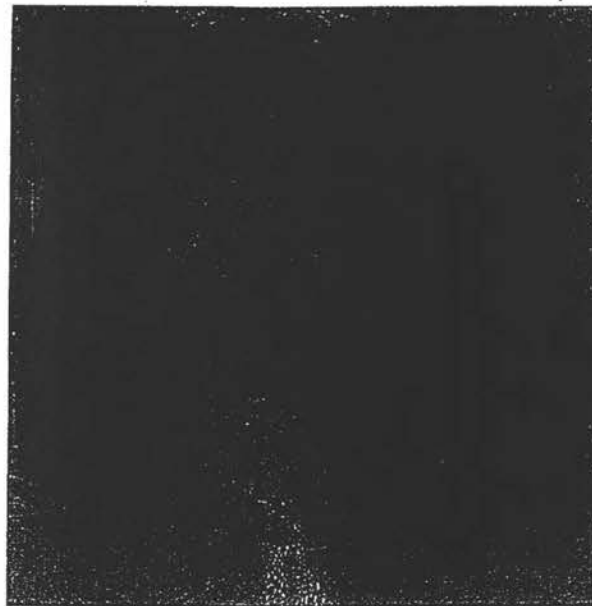
2012

HIGHLIGHTS ▾

More posts from August 5 to December 31 ▾



Nadya Khapsalis  
August 5, 2012 ·



Share

53 people like this.

View 1 more comment



Леонид Димаков Надя все хорошо ???  
See Translation  
February 5 at 4:53am



Leonid Vyssokov Ty Moya Solnyshka!  
See Translation  
February 5 at 9:49am



Lika Osipova Красота  
See Translation  
February 5 at 1:44pm



Tatiana Lubovetskaya ...люблю тебя...краса!!!!  
See Translation  
February 5 at 2:57pm

More posts from April 26 to August 5 ▾

PHOTOS · 2012



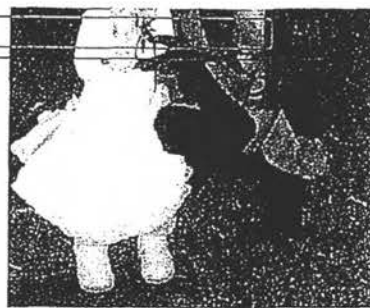
Nadya Khapsalis updated her cover photo.  
April 26, 2012 ·



<https://www.facebook.com/nadya.khapsalis>

6/8

05112



Share

7 people like this.

Cassio Home

- Recent
- 2014
  - 2013
  - 2012
    - December
    - November
    - October
    - September
    - August
    - July
    - June
    - May
    - April
    - March
    - February
    - January
  - 2011
  - 2010
  - 2009
  - Born

2011

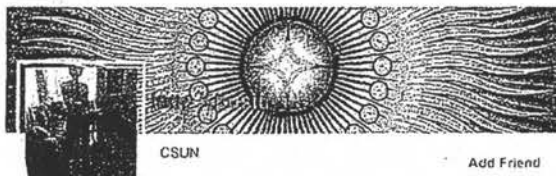
MOMENTS FROM THE YEAR

book presentation

FRIENDS 2011



Nadya Khapsalis and Inna Khusid are now friends  
December 19, 2011



Nadya Khapsalis and Alex Durmashkin are now friends  
August 19, 2011



Alex Durmashkin

Yaroslavl State University

Nadya Khapsalis  
2011

book presentation

2011

<http://www.youtube.com/watch?v=FpBenRsPyjU>

Olga Potapovitch likes this.

2010

FRIENDS 2010

Sponsored



Kensington  
hach.com  
Classic, But Never Stuffy



Foam Glow 5K - \$20  
foamglow.com  
\$20 early bird tickets to F  
Glow 5K. Don't miss out.  
price is ending quick!  
Bronx Greenberg likes this

Chat (61)

exhibit 15

1 CC03  
2 RADFORD J. SMITH, CHARTERED  
3 RADFORD J. SMITH, ESQ.  
4 Nevada Bar No. 002791  
5 GARIMA VARSHNEY, ESQ.  
6 Nevada Bar No. 011878  
7 2470 St. Rose Parkway, Suite 206  
8 Henderson, NV 89074  
9 Telephone: (702) 990-6448  
10 Facsimile: (702) 990-6456  
11 rsmith@radfordsmith.com  
12 Attorneys Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 GABRIELLE CIOFFI - KOGOD,

11 Plaintiff,

12 v.

14 DENNIS KOGOD,

15 Defendant.

CASE NO.: D-13-489442-D  
DEPT NO.: G

FAMILY DIVISION

16 FOURTH AMENDED SUBPOENA DUCES TECUM

17 THE STATE OF NEVADA SENDS GREETINGS TO:

18 Nadya Khapsalis, a/k/a Nadya Khapsalis Kogod,  
19 a/k/a Nadejda Khapsalis,  
20 a/k/a Nadine Kievsky a/k/a Nadine K. Kievsky  
21 9716 Oak Pass Road  
22 Beverly Hills, California 90210

23 YOU ARE HERBY COMMANDED that all and singular, business and excuses set aside, you  
24 appear and attend on the 11<sup>th</sup> day of September, 2015, at the hour of 10:00 a.m. at the offices of JAFFE  
25 AND CLEMENS, located at 433 N. Camden Drive, Suite 1000, Beverly Hills, CA 90210. Your  
26 attendance is required to give videotaped testimony and/or produce and permit inspection and copying of  
27 designated books, documents or tangible things in your possession, custody or control or to permit  
28

1  
Plf. 15 Deft. EX for I.D.  
MICHELE URBINA CSR #9635  
Date Khapsalis  
Witness 9-11-15

1 inspection of premises. You are required to bring with you at the time of your appearance any items set  
2 forth below. If you fail to attend, you may be deemed guilty of contempt of Court and liable to pay all  
3 losses and damages caused by your failure to appear. Please see Exhibit "A-1" attached hereto for  
4 information regarding the rights of the person subject to this Subpoena.  
5

6 Dated this 10 day of August, 2015.

7 RADFORD J. SMITH, CHARTERED

8 *Garima Varshney*  
9 RADFORD J. SMITH, ESQ.  
Nevada State Bar No. 002791  
10 GARIMA VARSHNEY, ESQ.  
Nevada State Bar No. 011878  
11 2470 St. Rose Parkway, Suite 206  
12 Henderson, Nevada 89074  
13 (702) 990-6448  
*Attorney for Plaintiff*



1  
2 **ITEMS TO BE PRODUCED**  
3

4 Dates of Service: 2005 to present

5 1. Any and all correspondence sent and received by you, whether in the form of emails,  
6 letters, text messages, social media websites or voice messages, from Dennis Kogod. In responding,  
7 please include copies of any and all emails and text messages in your inbox, trash folder, sent folder,  
8 drafts folder, spam folder, junk folder, and any unpurged deleted emails remaining on any server within  
9 your control.  
10

11 2. Any and all documents evidencing any vacations or trips taken by you or Dennis Kogod or  
12 any other individual at the direction or request from Dennis Kogod or at the direction or request of any  
13 other individual on behalf of Dennis Kogod for the above-referenced time frame including, but not limited  
14 to, all documents evidencing the following -  
15

- 16 - Date of departure;  
17 - Date of return;  
18 - Destination  
19 - Nature of trip (i.e. business, personal vacation, etc.);  
20 - Airlines utilized for travel; and  
21 - Cost of travel.  
22

23 3. Documents evidencing any and all lawsuits, whether civil or criminal, in which you have  
24 been involved for the time frame set forth above, with Dennis Kogod.  
25

26 4. Please produce any and all documents evidencing any and all property or assets acquired  
27 through or attributable to any rents, issues, and profits from any gifts received or given by Dennis Kogod  
28

1 for a period beginning January 1, 2005, through the date you appear for your deposition.

2 5. For all real and personal property, tangible or intangible, that you have purchased either  
3 individually or jointly with Dennis Kogod since January 1, 2005, please provide all documents  
4 establishing the name(s) in which the property is titled, the purchase price of the property, your  
5 contribution to the purchase of the property, the fair market value of the property, and the amount, if any,  
6 owed against the property.  
7

8 6. For each cash account at any financial institution (including but not limited to checking,  
9 savings or money market accounts) held at any time after January 1, 2005, in your name, or held jointly by  
10 you and Dennis Kogod, or held for the benefit of Dennis Kogod in the name of another individual, trust,  
11 or entity, please produce the following:  
12

- 13 a. All account statements for any period from January 1, 2005, forward;
- 14 b. All deposit records from those accounts for any period from January 1, 2005, forward;
- 15 c. All ledgers or other record of transactions maintained for any period from January 1,  
16 2005, forward associated with those accounts, whether in paper or electronic form. For  
17 paper records, please produce a copy of such records. For electronic data (such as files  
18 from Excel, Quicken or Microsoft Money), please copy all such records onto compact  
19 disc and produce that compact disc. Please provide the name and version of the  
20 software associated with each electronic file.  
21
- 22 d. A copy of all cancelled or negotiated checks associated with such accounts for any  
23 period from January 1, 2005, forward.  
24

25 7. For each certificate of deposit held at any financial institution at any time from January 1,  
26 2005, forward in your name, or held jointly with Dennis Kogod, or held for the benefit of Dennis Kogod  
27 in the name of another individual, trust, or entity, please produce the following:  
28

- 1 a. All documents evidencing the deposit or transfer of funds into the certificate of deposit;
- 2 b. All account statements evidencing the existence and balance of the certificate of
- 3 deposit;
- 4 c. Any and all documents explaining or comprising the terms and conditions of the
- 5 certificate of deposit.
- 6

7 8. For each person and/or entity (including storage facilities of any kind or nature) holding or  
8 storing records or property belonging to either you or Dennis Kogod, either separately or jointly with  
9 others or through a trust, at any time from January 1, 2005, forward, please produce the following:

- 10 a. A copy of the contract establishing either party's right to lease or rent storage space
- 11 (even if such contract was entered before January 1, 2058);
- 12 b. A copy of any account statements from the storage facility;
- 13 c. Any and all notices or correspondence from the person and/or entity to either party;
- 14 and,
- 15 d. Any and all documents demonstrating all contents of any such storage facility
- 16 throughout the duration of time the property was held and/or stored.
- 17

18 9. For each safe deposit box or similar storage device which holds, or has held, any records or  
19 property belonging to either you or Dennis Kogod, either separately or jointly with others or through a  
20 trust, at any time during the period from January 1, 2005, forward, please produce the following:

- 21 a. A copy of the contract establishing either your or Dennis Kogod's right to lease or rent
- 22 the safe deposit box (even if such contract was entered before January 1, 2005);
- 23 b. A copy of any account statements from the financial institution or other facility relating
- 24 to the safety deposit box;
- 25 c. Any and all notices or correspondence from the financial institution or other facility to
- 26
- 27
- 28

1           either party; and,

2           d. A record from the financial institution or other facility evidencing the dates and time  
3           that the safety deposit box was accessed by anyone; and,

4           e. An inventory of any and all contents of any such safety deposit box.  
5

6           10. For all monies or other obligations of any kind or nature, owed to you from any source,  
7 please provide all documents and/or evidence demonstrating the terms of the agreement, the original and  
8 present amount owed, the amounts paid to date, the obligor, the date the debt was incurred, and account  
9 number(s), for a period beginning January 1, 2005, through the date of your response to this Request, or  
10 the date of final hearing, whichever is later.  
11

12           11. For each life insurance policy under which the measuring life is yours or Dennis Kogod's,  
13 please produce the following:

14           a. A copy of the current policy statement defining all benefits or obligations under the  
15           insurance policy; and

16           b. All documents indicating the current beneficiaries to any policy, together with any  
17           documents evidencing any change in the beneficiary or beneficiaries of any such policy  
18           from January 1, 2005 through the date of your Response to this Request, or the date of  
19           final hearing, whichever is later; and  
20

21           c. A copy of any documents evidencing a loan taken against the value of any life  
22           insurance policy, and defining the terms of repayment of that loan, the current  
23           obligation amount owed on the loan, and the payments due on the loan.  
24

25           12. For the period beginning January 1, 2005, through the date of your Deposition, please  
26 produce any and all documents, including statements, evidencing either your or Dennis Kogod's interest  
27 or deposits in any retirement fund, pension plan or other defined benefit plan, 401(k) fund or other defined  
28

1 contribution plan, qualified or individual retirement account of any kind, military retirement pay, or other  
2 retirement plan, including all loans taken against or monies withdrawn from said account during said time  
3 period.

4  
5 13. For each promissory note, debt or obligation of any kind other than credit card debt,  
6 whether secured or unsecured, for which either you or Dennis Kogod is personally liable, either directly or  
7 through guarantee, either individually or for an entity, or for any such note or obligation that has been  
8 satisfied in the three years preceding the date of these requests, please produce the following:

- 9
- 10 a. A copy of the note;
  - 11 b. A copy of any application or financial statement submitted to the holder of the note or
  - 12 any company originally granting the loan or note;
  - 13 c. A copy of any deed of trust associated with the note;
  - 14 d. A copy of any financing statements or security agreements associated with, or acting as
  - 15 security for, any note or obligation;
  - 16 e. A copy of any escrow documents associated with the transaction leading to the
  - 17 execution of the note;
  - 18 f. Any guarantees of the note by any party or entity;
  - 19 g. An amortization schedule associated with the note;
  - 20 h. Any delinquency notices associated with payments due on the note, including, but not
  - 21 limited to any notice of foreclosure or intent to foreclose;
  - 22 i. Any documents evidencing loan terms associated with the note;
  - 23 j. A copy of any and all documents associated with the transfer or any or all of the
  - 24 obligation on the note to a new holder or obligor;
  - 25 k. A document from the holder of the note confirming the outstanding principal balance of
  - 26
  - 27
  - 28

- 1 the note or obligation, and current terms of repayment; and,
- 2 1. Any and all correspondence or written communication between any holder of the note
- 3 and the obligor on the note.
- 4
- 5 14. For any credit or debit card held in your name, or jointly with Dennis Kogod or any other
- 6 person, whether or not there is an existing balance on the account or the account is still open, whether
- 7 business or personal, please produce the following:
- 8 a. Credit card statements issued on or after January 1, 2005;
- 9 b. Credit card receipts for any charges incurred at any time on or after January 1, 2005;
- 10 c. Any and all applications for any credit cards submitted to any creditor on or after
- 11 January 1, 2005;
- 12 d. Any and all documents evidencing payment of any credit card obligation on or after
- 13 January 1, 2005;
- 14 e. Any and all documents evidencing transfer of any balance of the credit or debit card to
- 15 another card or financial institution on or after January 1, 2005;
- 16 f. Documents evidencing any airline miles, points, or any other benefit arising from the
- 17 use of any such credit card on or after January 1, 2005, together with any documents
- 18 evidencing the use of such benefits.
- 19
- 20
- 21
- 22 15. Please produce all documents evidencing any receipt of gifts, or the transfer or conveyance
- 23 of any property intended as a gift by Dennis Kogod to you, with a value greater than \$300.00, during any
- 24 period on or after January 1, 2005, including any and all documents establishing the value of the gift,
- 25 including receipts, appraisals, estimates, or other indicia of value.
- 26
- 27 16. Please produce a copy of all tax returns, whether state or federal, prepared and/or filed by
- 28 you or by another person on your behalf, including all attachments, exhibits, and schedules thereto, for the

1 most recent ten (10) tax years.

2 17. Any and all documents associated with any video that you prepared or was prepared by  
3 another person on your behalf, whether released or unreleased, whether posted on the internet or not, in  
4 which Dennis Kogod or any of his family members have been involved, acted, produced, directed,  
5 invested, either directly or through another person or entity, including all documents showing any  
6 investments in the videos, any and all agreements or contracts, any proceeds received from the videos, any  
7 royalty received, marketing documents, investor-relationships, including but not limited to, any funds that  
8 have been repaid and potential future benefits, location release, crew contact list, cast contact list,  
9 continuity log, sample budget, expense report, daily production report, personal release, script breakdown  
10 sheet, call sheet template, music release forms, materials release form, and waiver release form.  
11

12 18. Any and all books or novels or stories or publications, whether published or unpublished,  
13 that you wrote or were written by another person on your behalf, whether posted on the internet or not,  
14 including all documents showing the expenses associated with the books or novels or stories or  
15 publications, any and all agreements or contracts, any proceeds or royalties received from the books or  
16 novels or stories or publications.  
17

18 19. For any and all employment positions you have held, or work for compensation you have  
19 done (including work as an independent contractor), since January 1, 2005, including any and all positions  
20 in which you were self employed or acting as an independent contractor, please provide:  
21

22 a. A copy of all W-2 or 1099 federal tax forms issued to you by any employer; and,  
23

24 b. Any and all employment contracts or lease agreements associated with your  
25 employment or work.  
26  
27  
28

EXHIBIT "A"  
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

**(c) Protection of Persons Subject to Subpoena.**

(1) A party of an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception of waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



1 NOTC  
2 RADFORD J. SMITH, ESQ.  
3 Nevada Bar No. 002791  
4 GARIMA VARSHNEY, ESQ.  
5 Nevada Bar No. 011878  
6 2470 St. Rose Parkway, Suite 206  
7 Henderson, NV 89074  
8 Telephone: (702) 990-6448  
9 Facsimile: (702) 990-6456  
10 rsmith@radfordsmith.com  
11 Attorneys Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 GABRIELLE CIOFFI - KOGOD,

13 Plaintiff,

14 v.

15 DENNIS KOGOD,

16 Defendant.

CASE NO.: D-13-489442-D

DEPT NO.: G

FAMILY DIVISION

FOURTH AMENDED NOTICE OF DEPOSITION OF  
NADYA KHAPSALIS, A/K/A NADYA KHAPSALIS KOGOD, A/K/A NADEJDA KHAPSALIS,  
A/K/A NADINE KIEVSKY A/K/A NADINE K. KIEVSKY

18 TO: DENNIS KOGOD, Defendant; and,

19 TO: DANIEL MARKS, ESQ., Attorney for Defendant

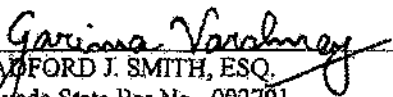
20 TO: SHARON JILL SANDLER, ESQ., Attorney for Nadya Khapsalis

21 PLEASE TAKE NOTICE that on the 11<sup>th</sup> day of September, 2015, at the hour of 10:00 a.m., at the  
22 offices of JAFFE AND CLEMENS, located at 433 N. Camden Drive, Suite 1000, Beverly Hills, CA  
23 90210, attorney for Plaintiff herein, will take the video-taped deposition of Nadya Khapsalis, a/k/a Nadya  
24 Khapsalis Kogod, a/k/a Nadejda Khapsalis, a/k/a Nadine Kievsky a/k/a Nadine K. Kievsky, upon oral  
25 examination, pursuant to Rules 26 and 30 of the Nevada Rules of Civil Procedure, before a Notary Public,  
26 or before some other officer authorized by the law to administer oaths.  
27  
28

1 Oral examination will continue from day to day until completed and shall be recorded by sound,  
2 and/or sound-and-visual, and/or stenographic means. You are invited to attend and cross-examine.

3 Dated this <sup>th</sup> 10 day of August, 2015.

4 RADFORD J. SMITH, CHARTERED  
5

6  
7   
8 RADFORD J. SMITH, ESQ.  
9 Nevada State Bar No. 002791  
10 GARIMA VARSHNEY, ESQ.  
11 Nevada State Bar No. 011878  
12 2470 St. Rose Parkway, Suite 206  
Henderson, Nevada 89074  
(702) 990-6448  
*Attorney for Plaintiff*

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of Radford J. Smith, Chartered ("the Firm"). I am over the  
3 age of 18 and not a party to the within action.

4 I served the foregoing document described as "FOURTH AMENDED NOTICE OF DEPOSITION  
5 OF NADYA KHAPSALIS, A/K/A NADYA KHAPSALIS KOGOD, A/K/A NADEJDA KHAPSALIS,  
6 A/K/A NADINE KIEVSKY A/K/A NADINE K. KIEVSKY" on this 10<sup>th</sup> day of August, 2015, to all  
7 interested parties by way of the Eighth Judicial District Court's electronic filing system.  
8  
9

10  
11 DANIEL MARKS, ESQ.  
12 LAW OFFICE OF DANIEL MARKS  
13 610 South Ninth Street  
14 Las Vegas, Nevada 89101  
15 (702) 386-0536  
16 *Attorneys for Defendant*

17 AND BY ELECTRONIC MAIL: Pursuant to EDCR 7.26, I transmitted a copy of the foregoing  
18 document this date via electronic mail to the electronic mail address shown below;

19 SHARON JILL SANDLER, ESQ.  
20 VALENSI ROSE, PLC  
21 1888 Century Park East, Suite 1100  
22 Los Angeles, California 90067  
23 [sjs@vrmilaw.com](mailto:sjs@vrmilaw.com)  
24 *Attorney for Nadya Khapsalis*

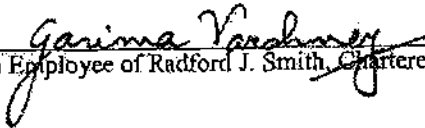
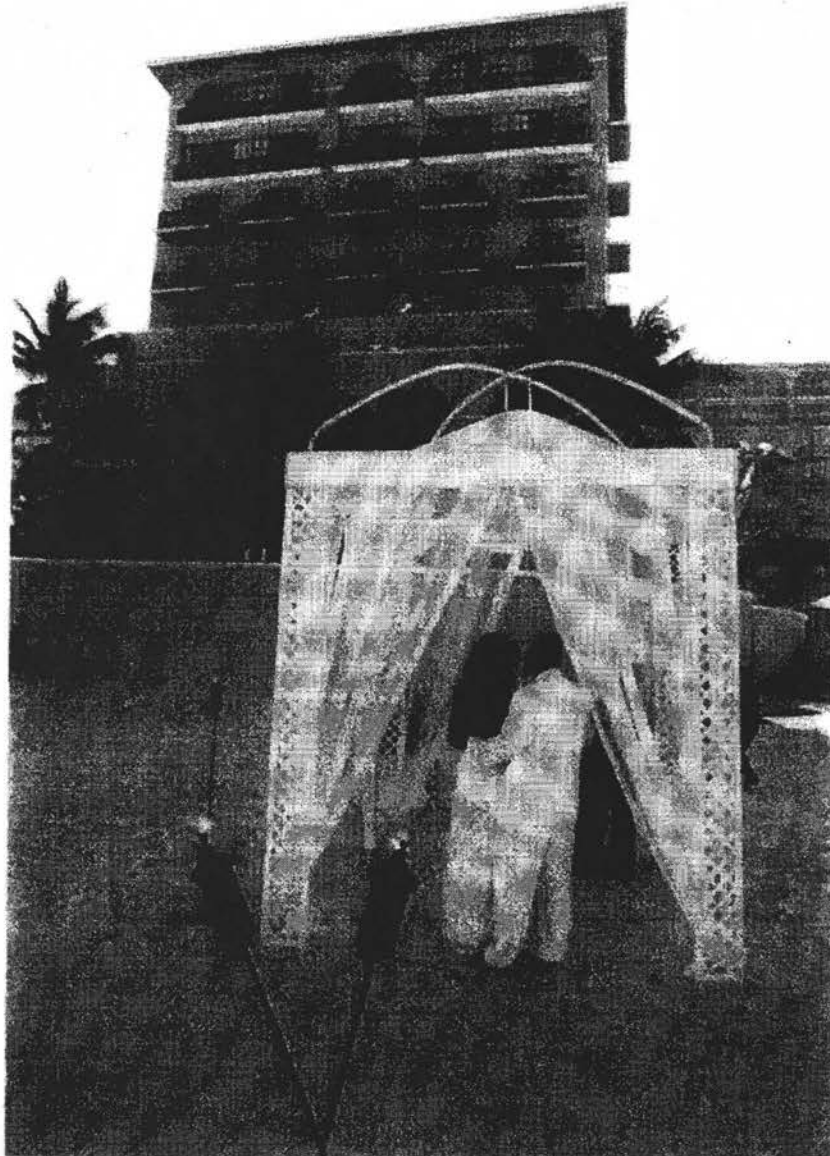
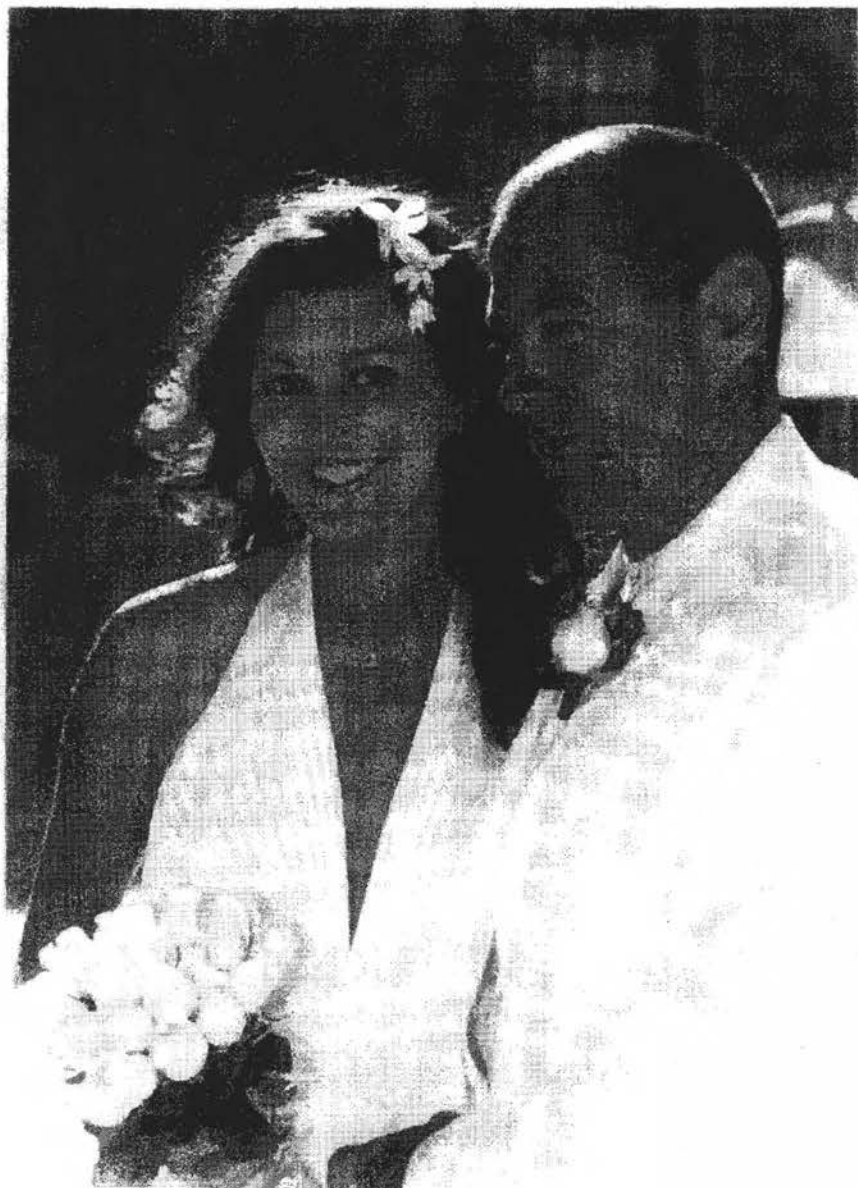
25   
26 An Employee of Radford J. Smith, Chartered  
27  
28

exhibit 16



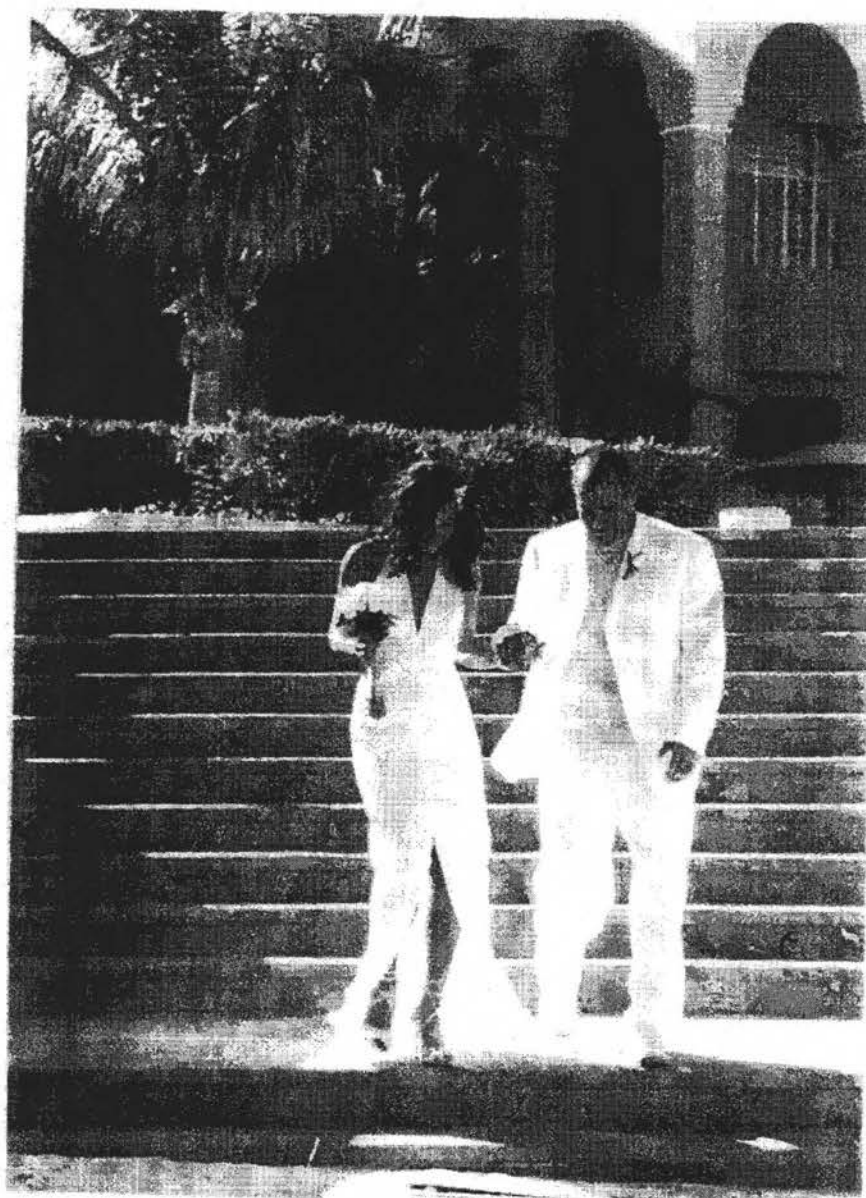
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MICHELE URBINA CSR #9635  
Date 9-11-15  
Witness KhopSals



























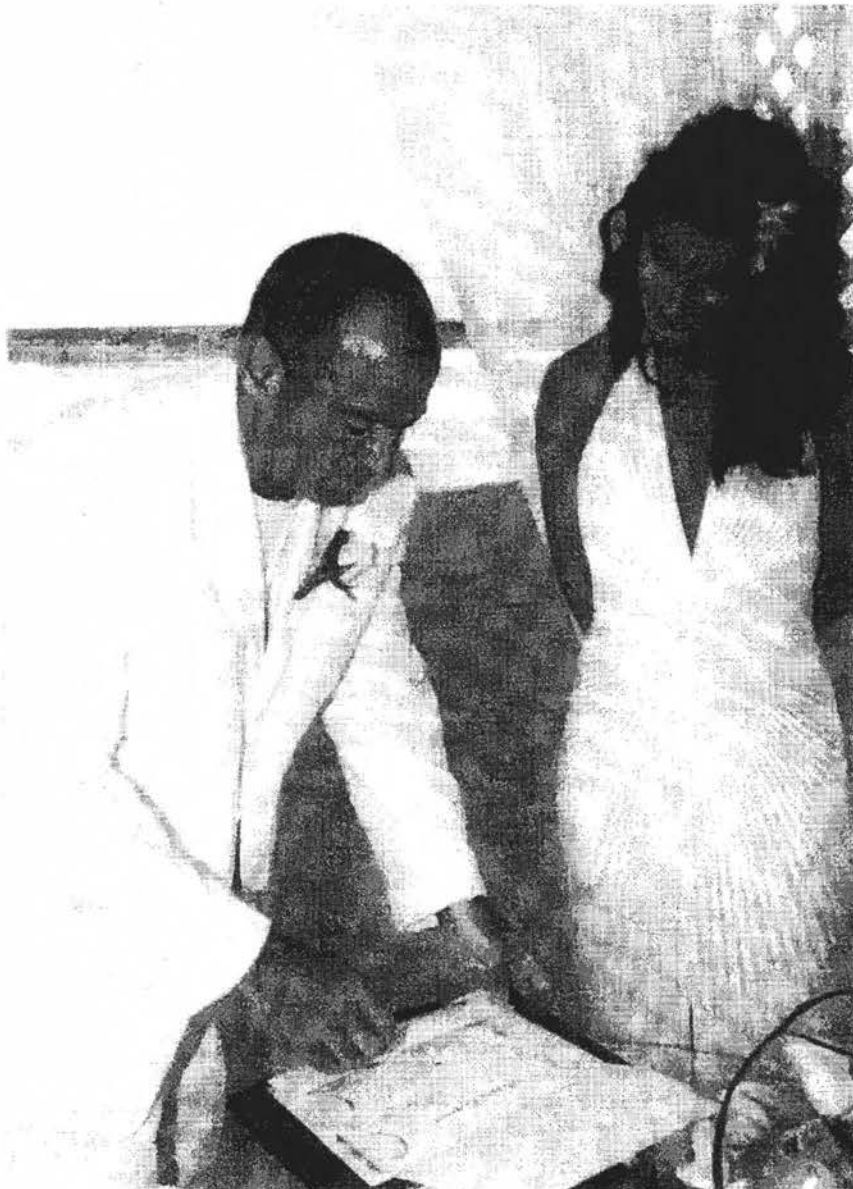
















































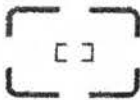












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fax: (998) 887 7651  
cell phone: (998) 845 4645

e-mail: [jose@josegallardo.com.mx](mailto:jose@josegallardo.com.mx)

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**Dennis L. Kogod**

Producer

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**Filmography**

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Producer (3 credits)	Hide ▲
Romka (Documentary short) (executive producer) (post-production)	2015
Winter on Fire (Documentary) (executive producer)	2015
Pray for Ukraine (Documentary) (executive producer)	2015

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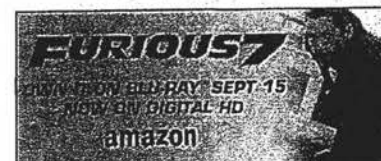
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**Nadine Khapsalis Kogod**

Producer

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### Producer (3 credits)

Hide

Romka (Documentary short) (executive producer) (post-production)	2015
Winter on Fire (Documentary) (executive producer)	2015
Pray for Ukraine (Documentary) (executive producer)	2015

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MICHELE URBINA CSR #9635

Date 9-11-15

Witness Khapsalis

1 LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
2 Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
3 Nevada State Bar No. 12659  
610 South Ninth Street  
4 Las Vegas, Nevada 89101  
(702) 386-0536; FAX (702) 386-6812  
5 Attorneys for Appellant

6  
7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

8 DENNIS KOGOD,

Case No. 71147

9 Appellant,

10 vs.

11 GABRIELLE CIOFFI-KOGOD,

12 Respondent.  
13 \_\_\_\_\_/

14  
15 **APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT**  
16 \_\_\_\_\_  
17  
18 \_\_\_\_\_

19 **APPELLANT'S APPENDIX**  
20 **Volume 27**  
21 \_\_\_\_\_  
22  
23  
24  
25  
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27  
28

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Acceptance of Service filed on April 24, 2014	1	14
Acceptance of Service Filed on November 6, 2015	2	394
Amended Notice of Cross-Appeal filed on September 23, 2016	46	9032-9148
Answer to Complaint for Divorce and Counterclaim filed on November 24, 2014	1	19-24
Case Appeal Statement filed on August 23, 2016	44	8590-8593
Case Appeal Statement, filed on December 13, 2016	47	9287-9290
Case Cross-Appeal Statement filed on September 21, 2016	46	9028-9031
Case Cross-Appeal Statement, filed on December 23, 2016	47	9298-9301
Certificate of Service filed on March 2, 2015	1	66
Certificate of Service filed on June 2, 2015	1	85-86
Certificate of Service filed on January 25, 2016	4	712
Certificate of Service filed on June 21, 2016	42	8082
Certificate of Service filed on September 14, 2016	45	8704-8802
Certification of Copy of Exhibits Presented at the 2/23/16- 2/26/16 Non-Jury Trial, dated December 8, 2016	10	1876-1894
Certification of Copy Clerks List	41	7980-7983
Complaint for Divorce filed on December 13, 2013	1	1-6
Defendant's Closing Brief filed on August 1, 2016	43	8415-8473
Defendant, Dennis Kogod's, Reply to Plaintiff's, Gabrielle Cioffi-Kogod's, Opposition to Defendant's Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the deposition of Jennifer Crute Steiner and Opposition to Plaintiff's Countermotion for Attorney Fees and Costs filed on June 25, 2015	1	151-178
Defendant's Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the Deposition of Jennifer Crute Steiner filed on June 11, 2015	1	87-110
Defendant's Exhibits Vol. I:	33	6161-7979
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Defendant's Exhibit D- Teichner Accounting Rebuttal Expert Disclosure Dated: January 25, 2016	33	6162-6209
Defendant's Exhibit F- Teichner Accounting Sur-Rebuttal Report Dated: February 15, 2016	33	6210-6215
Defendant's Exhibit S- Bank of America Joint Checking Account Ending 6446 Statement From December 1, 2015 to December 31, 2015	33	6216-6223
Defendant's Exhibit T- Bank of America Checking Account ending in 0129 Statement from December 1, 2015 to December 31, 2015	33	6224-6229
Defendant's Exhibit U- Wells Fargo Complete Advantage Checking Account Ending 5397 Statement from January 9, 2016 to February 5, 2016	33	6230-6239
Defendant's Exhibit V- Wells Fargo PMA Account ending 8870 Statement from January 9, 2016 to February 5, 2016	33	6240-6242
Defendant's Exhibit W- UBS Trust – Fee Base ending 743 Statement From January 2016	33	6243-6252
Defendant's Exhibit X- UBS Checking ending 745 Statement for January 2016	33	6253-6264
Defendant's Exhibit Y- UBS Trust – PWS/GAM ending 134 Statement for January 2016	33	6265-6282
Defendant's Exhibit Z- UBS Stock Option ending 999 Statement for January 2016	33	6283-6290
Defendant's Exhibit AA- Merrill Lynch Ending 588 Statement from December 01, 2015 to December 31, 2015	33	6291-6360
Defendant's Exhibit BB- UBS Trust – Fee Base ending 43 Statement for January 2016	34	6361-6368
Defendant's Exhibit CC- Fidelity Dignity Health Statement from January 1, 2015 to December 31, 2015	34	6369-6372
Defendant's Exhibit DD- Davita Retirement Plan Statement from January 1, 2016 to January 31, 2016	34	6373-6375
Defendant's Exhibit EE- Davita Retirement Savings Plan Statement from October 1, 2015 to December 31, 2015	34	6376-6378
Defendant's Exhibit LL- UBS Premier Variable Credit Line ending 027 Statement for January 2016	34	6379-6384
////		

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Defendant's Exhibit MM- American Express Centurion Account ending 3005	34	6385-6396
Defendant's Exhibit NN- American Express Platinum Account ending 2003 Statement from January 18, 2016 to February 6, 2016	34	6397-6401
Defendant's Exhibit OO- American Express Platinum Account ending 9008 Statement from January 25, 2016 to February 23, 2016	34	6402-6406
Defendant's Exhibit PP- Master Card Account ending 1588 Statement From January 07, 2016 to February 06, 2016	34	6407-6412
Defendant's Exhibit QQ- Wells Fargo Account ending 1032 Statement from December 16, 2015 to January 15, 2016	34	6413-6419
Defendant's Exhibit RR- Banana Republic Account ending 4713 Statement from December 4, 2015 to January 4, 2016	34	6420-6423
Defendant's Exhibit SS- Discover Account ending in 4205 Statement from November 12, 2015 to December 11, 2015	34	6424-6427
Defendant's Exhibit TT- Kohls Account ending in 557 Statement from November 7, 2015 to December 7, 2015	34	6428
Defendant's Exhibit UU- Merrill Lynch Account ending 9677 Statement from November 13, 2015 to December 12, 2015	34	6429-6431
Defendant's Exhibit VV- Nordstorm Account ending 992 Statement from November 13, 2015 to December 13, 2015	34	6432-6436
Defendant's Exhibit WW- TJX Rewards Account ending 6951 Statement from December 1, 2015 to January 1, 2016	34	6437-6439
Defendant's Exhibit XX- Detailed Financial Disclosure Form for Gabrielle Cioffi-Kogod, Filed February 25, 2015	34	6440-6456
Defendant's Exhibit AAA- Email from Eugene to Dennis Dated: February 12, 2012	34	6457-6459
Defendant's Exhibit BBB- Various Checks from Gabrielle to Eugene Cioffi-Kogod Re: House	34	6460-6464
Defendant's Exhibit CCC- Various Checks from Gabrielle to Eugene Cioffi-Kogod Re: Misc.	34	6465-6467
Defendant's Exhibit DDD- Various Checks from Gabrielle to Eugene Cioffi Re: Eugene's Birthday	34	6468-6470
Defendant's Exhibit EEE- Various Checks from Gabrielle to Cassandra Cioffi Re: Cassandra's Birthday	34	6471-6473

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Defendant's Exhibit FFF- Various Checks from Gabrielle to Stephanie Cioff Re: Stephanie's Birthday	34	6474-6476
Defendant's Exhibit GGG- Check from Dennis to Escrow of the West Re: 128 N. Edinburch	34	6477
Defendant's Exhibit HHH- Various Checks from Gabrielle to Cash	34	6478-6496
Defendant's Exhibit III- Various Checks from Gabrielle to Deaner, Deaner, Scann, Malan & Larsen Re: Kogod v. DeYoung #5504-0001	34	6497-6507
Defendant's Exhibit KKK- Notice of Entry of Stipulation and Order Filed on August 12, 2015	34	6508-6513
Defendant's Exhibit LLL- Email from Dennis to Gabrielle Dated: December 8, 2011	34	6514-6515
Defendant's Exhibit NNN- Plaintiff's Sixteenth Supplemental Production of Documents Pursuant to NRCP 16.2, Served on October 22, 2015	34	6516-656
Defendant's Exhibit OOO- Gabrielle Kogod's Resume	34	6561-6564
Defendant's Exhibit PPP- Plaintiff's Response to Defendant's First Set of Interrogatories Dated May 18, 2015	35	6565-6589
Defendant's Exhibit QQQ- Plaintiff's Response to Defendant's Second Set of Interrogatories Served on October 20, 2015	35	6590-6597
Defendant's Exhibit RRR- Plaintiff's Response to Defendant's Third Set of Interrogatories Served on October 29, 2015	35	6598-6603
Defendant's Exhibit SSS- Confidential Memorandum Limited Partner Interests in New Enterprise Associates 14, L.P. Dated: February 2012	35	6604-6683
Defendant's Exhibit TTT- New Enterprise Associates 14, L.P. Supplemental Schedule of Changes in Individual Partner's Capital Accounts	35	6684-6706
Defendant's Exhibit UUU- Plaintiff's Eleventh Supplemental Production of Documents Pursuant to NRCP 16.2 Dated: September 9, 2015 (Spreadsheet from Nadya's depo)	36	6707-6906
Defendant's Exhibit UUU- Continued Plaintiff's Eleventh Supplemental Production of Documents Pursuant to NRCP 16.2 Dated: September 9, 2015 (Spreadsheet from Nadya's depo)	37	6907-7034
Defendant's Exhibit VVV- Davita Power Point Regarding 2015 Long Term Incentive Program	37	7035-7041

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Defendant's Exhibit XXX- Davita Cash Performance Award Agreement, Exhibit B	37	7042-7048
Defendant's Exhibit YYY- Email from Radiology Partners regarding 2014 Tax Compliance	37	7049-7059
Defendant's Exhibit ZZZ- Radiology Partners Member Equity Statement Dated: July 31, 2015	37	7060
Defendant's Exhibit AAAA- Radiology Partners Practice Update, Dated July 31, 2015	37	7061-7067
Defendant's Exhibit FFFF- Kogod Equity Analysis of Dennis' outstanding Long-term incentives (Equity Bases and Cash-Based) and Explanation	37	7068-7070
Defendant's Exhibit GGGG- Thomasina Distribution Agreement	37	7071-7126
Defendant's Exhibit HHHH- Pray for Ukraine Agreement Dated: October 16, 2014	37	7127-7132
Defendant's Exhibit IIII- UBS Resource Management account Ending 899 Statement for February 2016	37	7133-7134
Defendant's Exhibit JJJJ- 2015 W-2 issued to Dennis L. Kogod	37	7135-7137
Defendant's Exhibit KKKK- Principle Life Insurance Company Statement for February 18 2016	37	7138-7139
Defendant's Exhibit LLLL- Email from Denise to Dennis Kogod	38	7140
Defendant's Exhibit MMMM- Filing with US Security and Exchange Commission	38	7141-7142
Defendants Exhibit NNNN- Email 2/23/16 Re: Award of 76,766 Shares And Sale of \$33,290 Shares for Tax Purposes	38	7143-7144
Defendant's Exhibit OOOO- Assets & Debt Chart	38	7145-7148
Defendant's Exhibit PPPP- Martial Balance Sheet	38	7149-7151
Defendant's Exhibit QQQQ- Costs & Fees Through 1/31/16	38	7152-7174
Defendant's Exhibit RRRR- Jimmerson Fees	38	7175-7340
Defendant's Exhibit SSSS- Depo of Eugene Cioffi February 05, 2016	39	7341-7450
Defendant's Exhibit TTTT- Depo of Stephanie Cioffi February 05, 2016	39	7451-7467
Defendant's Exhibit UUUU- 9716 Oak Pass Appraisal	42	8042-8061

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Defendant's Exhibit VVVV- Jennifer Bosco Resume	42	8062
Defendant's Exhibit WWW- Hollywood Hills Escrow	42	8063
Defendant's Exhibit XXXX- February 2016 UBS account summary statement	39	7468-7474
Defendant's Exhibit YYYY- February 2016 UBS account statement for Accounts ending 743	39	7475-7484
Defendant's Exhibit ZZZZ- February 2016 UBS account statement for Accounts ending 134	39	7485-7500
Defendant's Exhibit 5A- February 2016 UBS account summary statement	39	7501-7508
Defendant's Exhibit 5B- February 2016 UBS account statement for accounts Ending 745	39	7509-7522
Defendant's Exhibit 5C- February 2016 UBS account statement for accounts Ending 899	39	7523-7532
Defendant's Exhibit 5D- February 2016 UBS account statement for accounts Ending 746	39	7533-7540
Defendant's Exhibit 5E- February 2016 UBS account statement for accounts Ending 027	39	7541-7546
Defendant's Exhibit 5F- February 2016 UBS account statement for accounts Ending 575	39	7547-7552
Defendant's Exhibit 5G- UBS Account Summary for account ending 17, Showing no value As of February 26, 2016	39	7553
Defendant's Exhibit 5H- February 2016 UBS account statement for accounts ending 75	39	7554-7559
Defendant's Exhibit 5I- May 2016 UBS account statement for accounts ending 76	39	7560-7567
Defendant's Exhibit 5J- May 2016 UBS account statement for accounts ending 43	39	7568-7577
Defendant's Exhibit 5K- May 2016 UBS account statement for accounts ending 45	39	7578-7587
Defendant's Exhibit 5L- May 2016 UBS account statement for accounts ending 34	40	7588-7603
Defendant's Exhibit 5M- Wells Fargo PMA Package account ending 5397 Statement from February 1, 2016 through February 29, 2016	40	7604-7613

<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NO.</u>
Defendant's Exhibit 5N- Wells Fargo Checking account ending 8870 Statements from February 6, 2016 through March 7, 2016	40	7614-7616
Defendant's Exhibit 5O- Wells Fargo Visa account ending 1032 statements From January 16, 2016 through February 12, 2016	40	7617-7620
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Defendant's Exhibit 5Q- American Express Platinum account ending 9008 Statements from January 16, 2016 through February 23, 2016	40	7626-7636
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ORIGINAL

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

\* \* \* \* \*

GABRIELLE CIOFFI-KOGOD,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO.: A489442
	)	
DENNIS KOGOD,	)	
	)	
Defendant.	)	

DEPOSITION OF PATRICIA MURPHY

Taken on Tuesday, September 15, 2015

At 9:07 a.m.

At 2470 St. Rose Parkway, Suite 206

Henderson, Nevada



Reported By: Lori M. Unruh, R.D.R., C.C.R. #389

## 1 APPEARANCES:

2 For the Plaintiff: DANIEL MARKS  
 3 NICOLE M. YOUNG  
 4 ATTORNEYS AT LAW  
 5 LAW OFFICES OF DANIEL MARKS  
 610 South Ninth Street  
 Las Vegas, Nevada 89101

6 For the Defendant: RADFORD J. SMITH  
 7 ATTORNEY AT LAW  
 8 RADFORD J. SMITH, CHARTERED  
 2470 St. Rose Parkway, Suite 206  
 Henderson, Nevada 89074

9 For Ms. Murphy,  
 10 et al.: JOHN R. BAILEY  
 11 ATTORNEY AT LAW  
 BAILEY KENNEDY  
 8984 Spanish Ridge Avenue  
 Las Vegas, Nevada 89148

12 Also Present: Gabrielle Cioffi-Kogod  
 13 Jenny Allen

14 I N D E X

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1 (NRCp 30(b)(4) or FRCP 30(b)(5), as  
2 applicable, was waived by the parties.)

3 Whereupon --

4 PATRICIA MURPHY, having been first duly sworn to  
5 tell the truth, the whole truth and nothing but the truth,  
6 was examined and testified as follows:

7 \* \* \* \* \*

8 EXAMINATION

9 BY MR. SMITH:

10 Q Would you please state your name.

11 A Patricia Murphy.

12 Q Miss Murphy, have you ever had your deposition  
13 taken before?

14 A I have not.

15 Q Okay. So I'm going to go over some of the ground  
16 rules.

17 I understand you're here with counsel today.

18 A Yes.

19 Q Okay. And that's Mr. Bailey, who's seated to  
20 your right --

21 A That's correct.

22 Q -- correct?

23 All right. Mr. Bailey, you sent us a letter  
24 indicating that you represent both Miss Murphy and DaVita?

25 MR. BAILEY: Correct.

1 MR. SMITH: Okay. All right. So you're  
2 representing both in that capacity here today.

3 MR. BAILEY: I am.

4 MR. SMITH: All right. Great.

5 Q The oath that you've taken is the same oath that  
6 you would take in a court of law. So even though we're in  
7 informal surroundings, all of the rules associated with  
8 that oath that would apply in a court of law apply today,  
9 including the obligation to tell the truth.

10 Do you understand?

11 A I understand.

12 Q Because the court reporter is taking down  
13 everything we say in this process, it's important that we  
14 observe certain rules so that the transcript of the  
15 proceeding is clear.

16 One of those rules is that you have to give oral  
17 responses as opposed to nods of the head or any sort of  
18 nonverbal gesture.

19 Do you understand?

20 A Yes.

21 Q All right. It's also very common in normal  
22 parlance for you to anticipate the question that's being  
23 asked and then begin to answer that question even before  
24 the question is completed, and that's something we all --

25 A Uh-huh.

1       Q     -- commonly do, but that doesn't work in this  
2 context because the court reporter cannot take down two  
3 people speaking at once.

4             Do you understand?

5       A     Yes.

6       Q     All right. So if you'll allow me to complete my  
7 question and then commence your answer, the transcript  
8 will be clear.

9             None of my questions are designed to trick you in  
10 any manner, so if you don't understand a question, I want  
11 you to tell me you don't understand --

12       A     Sure.

13       Q     -- the question, because if you answer the  
14 question without telling me you don't understand, we're  
15 going to assume that you understood the question.

16             Fair enough?

17       A     Yes.

18       Q     And if you do tell me that you don't understand a  
19 question, I'll repeat or rephrase the question, and then  
20 you can tell me that you do understand it once it's asked,  
21 all right?

22       A     Okay.

23       Q     Another rule about two people speaking at once  
24 occurs when the lawyers in the room want to preserve an  
25 objection for the record. It's a legal procedure, and

1 because we don't have a judge here, we have to render  
2 those objections on the record, and then a judge maybe  
3 later will address those objections.

4 So when either Mr. Bailey or any of the other  
5 lawyers here, Miss Young or Mr. Marks, make an objection  
6 for the record, if you could stop speaking at that point,  
7 allow them to complete their objection, and then, if you  
8 remember the question, at that point answer the question.

9 If you don't remember the question, let me know,  
10 and I'll repeat or rephrase the question for you, okay?

11 A Okay.

12 Q Okay. And sometimes after an objection, although  
13 we hope not today, there may be a dialogue in regard to  
14 that objection.

15 So again, if you forget the question, just let me  
16 know, and I'll repeat it or rephrase it, all right?

17 A Okay.

18 Q At any time if you need a break, we have water,  
19 restrooms and coffee and tea and things like that, if you  
20 need them. I don't anticipate we're going to be that long  
21 today that we're going to need a lot of breaks, but again,  
22 if you do, it's certainly okay to take a break, and let me  
23 know that you need one.

24 The only thing I would ask that if you do feel  
25 that you need a break, try to answer the question that's

1 pending before you before you take that break, because if  
2 you take a break right in the middle of the question, it  
3 looks as if you're trying to avoid the question and  
4 receive advice from your attorney about that question, and  
5 I don't think either of us want that scenario.

6 A Uh-huh.

7 Q Once the court reporter has completed the  
8 transcript, they'll notify you, and we'll talk about those  
9 arrangements at the end of the deposition. You'll have  
10 the opportunity to make any changes to the deposition by  
11 writing down where you think those changes should be. And  
12 that could happen as a result of you believing that the  
13 transcript was inaccurate or perhaps that you misspoke and  
14 wanted to change your answer.

15 But it's the classic advice of attorneys at this  
16 moment to tell you that if you change an answer from  
17 today, when you change your -- make your changes, I can  
18 comment on that at the time of any subsequent hearing and  
19 suggest that either the answer you gave today or the  
20 answer that you changed was false.

21 Do you understand?

22 A Yes.

23 Q All right. This is not to suggest that you would  
24 give false testimony --

25 A Uh-huh.

1 Q -- but to stress the importance of trying to  
2 recollect and remember as accurately as possible today,  
3 okay?

4 A Sure.

5 Q I don't want you to guess about anything. If you  
6 don't really know or recall something, I want you to tell  
7 me that.

8 But in many instances, memories can exist even  
9 though they're not perfect. So for example, if I ask you  
10 when something occurred, I don't necessarily mean the  
11 minute, date and time that something occurred. I just  
12 need your best estimate or best statement based upon the  
13 knowledge that you already have, okay?

14 A (Witness nodding head.)

15 Q Do you understand --

16 A Yes.

17 Q -- the difference between a guess and --

18 A Yes.

19 Q -- your best recollection?

20 All right. Is there any reason why you'd be  
21 unable to give your best testimony here today?

22 A No, there's no reason.

23 Q You're not suffering under any mental impairment  
24 that prevents you from answering or understanding  
25 questions today --



1 A No.

2 Q -- are you?

3 And you haven't ingested any substances, either  
4 prescribed medication or otherwise, that would prevent you  
5 from recalling or recollecting --

6 A No.

7 Q -- anything.

8 Okay. All right. So unless you have any  
9 questions, we'll go ahead and proceed --

10 A Okay.

11 Q -- all right?

12 All right. Can you give me briefly your  
13 educational background.

14 A High school education, two years' college.

15 Q Okay. Where did you complete college?

16 A In Los Angeles, Business Education Center.

17 Q Okay. And give me sort of a brief rundown of  
18 your employment history.

19 A I worked 20 years at Transamerica Occidental Life  
20 Company, downtown Los Angeles, in their corporate office.

21 Q What did you do there?

22 A I worked in the branch office support for eight  
23 years and 12 years in convention meetings and corporate  
24 travel.

25 Q Okay. Where did you go after Transamerica?

1           When was that that you worked at Transamerica?

2           A     1979 to '99.

3           Q     Okay. And then in 1999 where did you go?

4           A     I actually took about eight months off of work,  
5 and I worked a few temp positions in the interim, before  
6 working for Gambro Healthcare, which was in 2000 --

7           Q     What were your --

8           A     -- December 2000.

9           Q     What were your job duties at Gambro?

10          A     I began working for Dennis Kogod, who was the  
11 western division president. He actually went in as a COO  
12 and then became president.

13                 And that's been my employment to date.

14          Q     What were your initial duties at Gambro in 2000?

15          A     Administrative support to his area.

16          Q     How long did you continue in that capacity  
17 with --

18          A     I --

19          Q     -- those duties?

20          A     Still today.

21          Q     Okay. What is that composed of? And if that's  
22 too vague a question, I can break it down.

23          A     Well, basically all of those that report directly  
24 to him, my responsibilities are to make sure he has  
25 communications daily with each one of his direct reports

1 for any -- any items that are of relevance, you know, to  
2 the company business.

3 Q That includes on days that he's out of the  
4 office, correct?

5 A Yes.

6 Q Do you manage his schedule?

7 A I do.

8 Q And do you arrange his travel?

9 A Yes.

10 Q Do you have any duties in regard to his personal  
11 affairs?

12 A No, not necessarily.

13 Q Do you purchase gifts on his behalf?

14 A No. But I mean I've been asked, just gifts on  
15 behalf of the company, if it relates to family members,  
16 yes, I do.

17 Q Okay. I didn't quite --

18 A Well --

19 Q -- get all that, so let me ask the question.

20 A Uh-huh.

21 Q So it sounds like you are asked on occasion to  
22 provide gifts for business associates or other --

23 A Or -- or family members, for instance a birthday,  
24 a birth of a child.

25 Q Okay.

1 A Uh-huh.

2 Q That was one of those instances where you have to  
3 let me complete my question.

4 A Okay.

5 Q Okay. We'll try this again.

6 So there are occasions when you're tasked to  
7 purchase or acquire gifts for nonfamily members of  
8 Mr. Kogod that are business associates or employees,  
9 correct?

10 A Correct.

11 Q Okay. Is there a schedule for such things, or is  
12 that just at the whim of Mr. Kogod?

13 A Correct, at the whim.

14 Q And in terms of personal gifts for family  
15 members, can you tell me the family members for whom  
16 you've purchased personal gifts for Mr. Kogod.

17 A I don't believe I have purchased any personal  
18 gifts on behalf of him.

19 Q Did you ever purchase an iPad for Gabrielle  
20 Kogod?

21 A I -- I don't recall.

22 Q You don't recall arranging for the provision of  
23 an iPad for Miss --

24 A I --

25 Q -- Kogod at any time --

1 A I may have --

2 Q -- in your career?

3 A I may have ordered iPads, but I don't necessarily  
4 know who they were for.

5 Q You said for family members and children.

6 Did you personally buy gifts for those family  
7 members and children of Mr. Kogod?

8 A No.

9 Q Okay. So I'm confused about your testimony.

10 Did you or did you not purchase or acquire gifts  
11 on behalf of Mr. Kogod or on your behalf for any family  
12 members of Dennis Kogod?

13 MR. MARKS: I'm going to object as vague and  
14 ambiguous and compound.

15 Q (BY MR. SMITH) You can answer.

16 MR. MARKS: I think you have to break it down,  
17 counsel, cause it's -- the question is not intelligible.

18 MR. SMITH: We've been over this again.

19 MR. MARKS: Okay. But it's compound.

20 MR. SMITH: Okay. I understand. You've made  
21 your objection for the record, Mr. Marks. I would --

22 MR. BAILEY: Let me just ask quickly, did you  
23 understand the question?

24 THE WITNESS: I -- I believe so.

25 You've asked if I've purchased any gifts --

1 personal gifts, correct?

2 Q (BY MR. SMITH) Yes. Did you purchase any gifts  
3 for any family members of Mr. Kogod, either on his behalf  
4 or on your own behalf?

5 A No, I don't believe so.

6 Q Okay. Does Mr. Kogod have any children?

7 A Yes.

8 Q How many children?

9 A One son, Joshua Kogod.

10 Q Any others?

11 A Not that I'm aware of.

12 Q Have you ever heard the name Nadya Khapsalis?

13 A Very recently I have.

14 Q How about Nadya Kievsky?

15 A No, not -- I'm -- I'm not familiar.

16 Q Have you ever spoken to Miss Khapsalis?

17 A No.

18 Q And what did you hear recently about  
19 Miss Khapsalis?

20 A The only information that I've -- I've seen are  
21 just the -- the legal documents.

22 Q What legal documents did you see?

23 A Well, just these -- what was -- what I was served  
24 with.

25 Q And you recall that Miss Khapsalis' name was on

1 the documents for which -- that were served upon you?

2 A Right.

3 (Discussion off the record.)

4 Q (BY MR. SMITH) Other than the documents that  
5 were served upon you in this case, have you seen any other  
6 legal documents associated with the case?

7 A Yes, the ones that were served directly to  
8 Dennis Kogod.

9 Q What did you understand those documents to be?

10 A Documents pertaining to a legal divorce.

11 Q How did you come by those documents?

12 A Electronic by email.

13 Q Who sent you the email?

14 A They were sent by his attorneys.

15 Q Who would that be?

16 A Mr. -- well, Nicole and Mr. Marks.

17 Q Okay. So the first documents that you saw in  
18 relation to documents that were directly served on  
19 Mr. Kogod were from Mr. Marks and Miss Young.

20 A Correct.

21 Q Do you know if Mr. Kogod had an attorney other  
22 than Mr. Marks?

23 A He did.

24 Q Do you recall that --

25 A Jim Jimmerson.

1 Q Did you ever see any documents or receive any  
2 documents --

3 A Right. Through his office, yes.

4 MR. BAILEY: Let him finish the question.

5 THE WITNESS: Oh.

6 MR. SMITH: Thank you, Mr. Bailey.

7 Q I'll just ask it again.

8 A Okay.

9 Q Did you ever receive any documents from  
10 Mr. Jimmerson's office?

11 A Yes.

12 Q I take it they were sent to you because they were  
13 meant to be forwarded to Mr. Kogod?

14 A Correct.

15 Q Were they sent to you for any other purpose?

16 A No.

17 Q Do you maintain a file of all of the documents  
18 associated with the case of -- that Mr. Kogod has  
19 received?

20 A Yes.

21 Q Have you reviewed or read those documents?

22 A Some -- some.

23 Q What do you recall reading?

24 A Well, I read mine, and I've read those that were  
25 served just to maintain the dates.



1 Q When you said you read mine, you read your --

2 A My deposition, my -- what I was served with.

3 Q What do you know about Mr. Kogod's divorce  
4 action?

5 A Very little, other than what I've read on the  
6 paperwork.

7 Q So what do you know?

8 A Well, that he's going through a divorce.

9 Q You indicated that you read something about  
10 Miss Khapsalis.

11 What did you read about Miss Khapsalis?

12 A Well, I've only seen the name. You asked me if I  
13 know the name. I've seen the name. I didn't read any  
14 detail. I don't recall the reason why her name was  
15 mentioned. I briefly just looked at the documents.

16 Q Has Mr. Kogod ever allowed you to use any of his  
17 credit cards?

18 A I have used his credit cards.

19 Q What accounts?

20 A His American Express ending in 2007.

21 Q Any other?

22 A No.

23 Q And when did you first use that card?

24 A I've only used his American Express as I've been  
25 working for him for miscellaneous travel expenses.

1 Q When did you first start doing that?

2 A I'm going to say possibly 200- --

3 MR. BAILEY: Only say what you recall.

4 THE WITNESS: Okay.

5 MR. BAILEY: Do you know exactly when you  
6 first --

7 THE WITNESS: No, I don't.

8 MR. BAILEY: -- started using his card?

9 THE WITNESS: I don't remember exactly.

10 MR. SMITH: Okay. Mr. Bailey, I don't know how  
11 you anticipated what she recalled or not, but if you could  
12 just allow her to finish her questions -- or her answers.  
13 Excuse me.

14 Q So --

15 A I don't know the exact date.

16 Q Okay. And again, I'm not asking for an exact  
17 date, but I'm asking for your best recollection of when  
18 you first used that card.

19 A 2006.

20 Q And what were the circumstances under which  
21 Mr. Kogod provided you that card or the use of that card?

22 A For travel.

23 Q Were you making travel arrangements at the time?

24 A I -- I believe so.

25 Q Do you keep a log of your use of Mr. Kogod's

1 personal credit card?

2 A No.

3 Q How do you -- what is the purpose for using a  
4 personal card as opposed to having DaVita pay for his  
5 travel?

6 A Oh, he would get reimbursed if it was for --  
7 yeah, he would get reimbursed.

8 Q Do you help him with the reimbursements?

9 A Yes.

10 Q So walk me through the process of getting  
11 reimbursed by DaVita for personal expenses.

12 A Expense report submission on behalf of a business  
13 expense.

14 Q Has that form changed over time?

15 A No.

16 Q Standard form?

17 A Yes.

18 Q Is that what it's called, an expense report?

19 A Yes.

20 Q Who do you submit those to?

21 A To finance.

22 Q That's the finance department?

23 A Correct.

24 Q Is there any particular individual that you  
25 provide those to?

1 A No.

2 Q And how do you submit them? Is it electronic?

3 Is it --

4 A Electronic.

5 MR. BAILEY: Let him finish.

6 Q (BY MR. SMITH) And the electronic transfer, does  
7 that come by email or some other system?

8 A It's a system -- it -- it's a system called  
9 Concur. In the past it was called Gelco.

10 Q Concur is C-o-n-c-u-r?

11 A Correct.

12 Q And the other name?

13 A Gelco.

14 Q How do you spell that?

15 A G-e-l-c-o.

16 Q Do you know when the system changed from Gelco to  
17 Concur?

18 A No.

19 Q Do you have any estimate of time?

20 A No.

21 Q You currently use Concur?

22 A I do.

23 Q Are the expense reports only generated through  
24 the use of Mr. Kogod's credit cards, or are there other  
25 manners in which he incurs expenses that would be

1 addressed by the Concur system?

2 Sorry. Hold on just a minute.

3 (Brief interruption.)

4 Q (BY MR. SMITH) All right. Do you need me to  
5 repeat the last question?

6 A Yes.

7 MR. SMITH: Okay. Go ahead, Madam Court  
8 Reporter.

9 THE REPORTER: "Are the expense  
10 reports only generated through the  
11 use of Mr. Kogod's credit cards,  
12 or are there other manners in which  
13 he incurs expenses that would be  
14 addressed by the Concur system?"

15 THE WITNESS: I'm sorry, repeat that again.

16 Q (BY MR. SMITH) So let me break it down for you.

17 A Uh-huh.

18 Q One way that we know you submit expenses on his  
19 behalf is through use of his personal credit card, right?

20 A Right.

21 Q Is there any other manner in which Mr. Kogod  
22 submits --

23 A No.

24 Q -- or for any other reason Mr. Kogod submits  
25 expense reports?

1 A No.

2 Q So the only expense reports you've ever been  
3 involved with are those associated with his personal  
4 American Express card ending in --

5 A Oh --

6 Q -- 2007.

7 A -- and his company credit card.

8 Q Okay. What is his company credit card?

9 A I don't know the number offhand.

10 Q What type of card is it?

11 A A Visa.

12 Q On what bank, if you recall?

13 A We've had several banks.

14 Q So he's had more than one company credit card?

15 A Yes. It's -- it's typically maintained the same  
16 number.

17 Q But just different banks.

18 A Right.

19 Q When do you first recall of him having a company  
20 credit card?

21 A From the first day I began working with him.

22 Q All right. So since you went to work at Gambro  
23 in 2006, Mr. Kogod has had a company credit card that he's  
24 used also for personal items.

25 A Correct.

1 Q What type of personal expenses does he charge on  
2 his company credit card?

3 A Well, they were -- they're business-related  
4 expenses, so it would be meals, air, laundry.

5 (Discussion off the record.)

6 Q (BY MR. SMITH) They've told me that I've  
7 misspoken my last question to you, so I'm going to restate  
8 that question.

9 A Okay.

10 Q Since you went to work in 2000, not 2006, that's  
11 when you realized that Mr. Kogod had a company credit  
12 card, correct?

13 A Correct.

14 Q And he's had that credit card for the last  
15 15 years, approximately?

16 A Correct.

17 Q All right. Is it that he only incurs business-  
18 related expenses on the DaVita card or the Gambro card?

19 A That's correct.

20 Q You've never seen him incur a personal expense on  
21 that card?

22 A No.

23 Q You review the statements from that card,  
24 correct?

25 A Yes.

1 Q And do you make expense reports for all of the  
2 expenses that are incurred on that card?

3 A Yes.

4 Q You've never -- there's never been an exception  
5 to that rule. It's always -- every expense that's on the  
6 DaVita card is reimbursed to Mr. Kogod.

7 A That's correct.

8 Q All right. Do your expense reports only include  
9 expenses that you incur on the -- on Mr. Kogod's personal  
10 American Express card, or do -- are there expense reports  
11 for expenditures he makes on other cards or in other  
12 manners?

13 A No. I'm not familiar with any other card.

14 Q Okay. So the only expense reports you've ever  
15 filled out either relate to his DaVita card or personal  
16 charges -- excuse me -- business charges on his personal  
17 American Express account ending in 2007.

18 A That's correct.

19 Q All right. Do you receive the statements for his  
20 American Express ending in 2007?

21 A No.

22 Q Who maintains those statements? Mr. Kogod?

23 A I would imagine.

24 Q Well, how do you --

25 A I have -- I have no idea.



1 Q How do you come by the statements for purposes of  
2 preparing the expense reports?

3 A If there's -- if there's a receipt that's  
4 required for reimbursement, he'll give me the receipt.

5 Q Okay. But never the statement.

6 A No.

7 Q Have you ever seen any of his personal bank or  
8 credit card statements?

9 A Just very recently.

10 Q When was that?

11 A Within the last three months.

12 Q What were the circumstances under which you  
13 reviewed those documents?

14 A Compilation for this proceeding.

15 Q Have you ever made travel arrangements for  
16 Dennis?

17 Your answer previously was yes, you had.

18 A Yes.

19 Q Have you ever made travel arrangements for any of  
20 Dennis' family or friends?

21 A Yes.

22 Q What are the family or friends for which you've  
23 made travel arrangements?

24 A Marsha and Sheldon Kogod, Joshua Kogod,  
25 Gabrielle.

1 Q Anyone else?

2 A His aunt and uncle, which I'm sorry, but I'm  
3 forgetting the names.

4 Q Anyone else?

5 A No.

6 Q Is there any time that anyone other than  
7 Mr. Kogod can use the company jet?

8 First of all, let me establish that.

9 Does DaVita have a company jet?

10 A No.

11 Q Does DaVita use or lease private jets for its  
12 executives?

13 A They broker, yeah.

14 Q When you say they broker --

15 A Charter planes.

16 Q Describe for me the process of chartering a plane  
17 at DaVita to your knowledge.

18 A I don't know the exact process. We have a  
19 department that handles that.

20 Q How do you arrange Dennis' travel?

21 A His travel when he flies private?

22 Q Either. Any travel --

23 A Oh.

24 Q -- that you've --

25 A I just --

1 Q -- arranged for him.

2 A I just submit to the appropriate department, to  
3 the travel department, dates and times.

4 Q What do you submit?

5 A An email.

6 Q And do you advise the travel department only of  
7 Dennis' travel, or do you advise the travel department of  
8 others who are traveling with him?

9 A No. Just Dennis.

10 Q And does this include both commercial and leased  
11 or brokered jets?

12 A That's correct.

13 Q To your knowledge is Dennis free to take whoever  
14 he pleases on the DaVita flights?

15 A Not that I'm aware of.

16 Q Is there a process for him receiving permission  
17 for doing so, taking others on the DaVita flights that are  
18 not DaVita-related employees?

19 A I don't know.

20 Q Has he ever advised you that he was taking anyone  
21 else other than himself on a flight?

22 A No.

23 Q Is there a method that the company keeps track of  
24 individuals who fly on the brokered flights that are not  
25 related to business?

1 A I'm not sure.

2 Q So in the 10-Qs at DaVita in the year 2014  
3 indicate that Dennis had about \$100,000 worth of personal  
4 travel.

5 Do you know anything about that?

6 A I've never taken an account or a summary of the  
7 dollar amount, so I wouldn't know.

8 Q Well, do you know -- do you book his personal  
9 travel as well?

10 A I don't know that he's had much personal travel.

11 Q That wasn't my question.

12 My question --

13 A Uh-huh.

14 Q -- is do you book his personal travel?

15 A I can. I mean I -- I have in the past, but it  
16 hasn't been much.

17 Q When was the last time you recall booking his  
18 personal travel?

19 A I -- I don't know, cause I'd have to guess. So  
20 I -- I don't know.

21 Q So I take it it hasn't been recently.

22 A Correct.

23 Q Do you recall the places or locations in which  
24 you booked personal travel for Mr. Kogod?

25 A My only recollection is when he's -- it's

1 actually affiliated with business because he was on  
2 medical mission, charity work.

3 Q Where did that take him?

4 A Ecuador primarily.

5 Q Did you book any travel for Mr. Kogod to Florida  
6 in late 2014, approximately October 2014?

7 A We've had -- I don't know the actual month, but  
8 we have had business in Florida last year.

9 Q So you do recall booking some travel for him to  
10 Florida?

11 A Yes.

12 Q And did you book anyone who traveled -- the  
13 arrangements for anybody who traveled with Mr. Kogod?

14 A No.

15 Q Do you know who traveled with him to Florida in  
16 late 2014?

17 A No.

18 Q I take it you're not a cardholder on any of  
19 Dennis' accounts?

20 A No.

21 Q Do you have signatory power on any of his  
22 accounts --

23 A No.

24 Q -- for credit cards?

25 So the answer to my question is no, cause I

1 didn't finish.

2           So just so we're clear, the answer to that last  
3 question is no?

4       A     That's correct.

5       Q     All right. Do you pay expenses on Dennis'  
6 behalf?

7       A     No.

8       Q     None at all?

9       A     No.

10      Q     You don't pay any taxes, you don't pay any  
11 mortgage payments, no car payments, nothing?

12      A     No.

13      Q     Has Dennis ever paid or given you cash?

14      A     I've been reimbursed, but that's for  
15 miscellaneous, you know, petty cash expenses.

16      Q     Petty cash expenses associated with the company?

17      A     Business, correct.

18      Q     Do you recall what petty cash expenses you  
19 incurred on behalf of the company?

20      A     Business -- business fees, you know, gas.

21      Q     So are those reimbursements from Mr. Kogod  
22 personally, or are they from the business?

23      A     From the business.

24      Q     So you would -- there would be a business check  
25 for those, correct?

1 A Right.

2 Q Has Dennis ever loaned you or provided you monies  
3 from his personal accounts?

4 A No.

5 Q Never.

6 A No.

7 Q Have you ever -- has he ever given you money from  
8 his personal accounts?

9 A The reimbursement for the company expenses.

10 Q Okay. Why would he pay a company expense from a  
11 personal account?

12 A It's related to some of the properties that he's  
13 had, where I've gone in to help him with miscellaneous  
14 items for his home which are company-related, so setting  
15 up a printer, making sure the Internet is working where  
16 I'm able to print documents, so that's...

17 Q And you've gone into his home to help him with  
18 that?

19 A Yes.

20 Q What homes have you visited of Mr. Kogod's?

21 A Personally the one in Denver, Colorado.

22 Q Have you ever been to any of his homes in  
23 California?

24 A No.

25 Q Your office is where? In Denver?

1 A No. Chino, California.

2 Q And how often does Dennis come to that office?  
3 Daily, or is it --

4 A No, no. I -- no. We -- we work -- telecommute.

5 Q How often does he come into the office?

6 A That's -- that's not his office. That's my  
7 office.

8 Q Okay. So is the answer never?

9 A Never.

10 Q So to my understanding, Dennis has never been in  
11 the same place with you --

12 A Well --

13 Q -- where you have an office?

14 MR. BAILEY: Let him finish.

15 Q (BY MR. SMITH) Where you have an office?

16 A Currently?

17 Q At any time.

18 A We worked together from 2000 to 2006 in  
19 Aliso Viejo under Gambro Healthcare.

20 Q Do you recall Dennis taking a trip to Cancun in  
21 2005?

22 A No.

23 Q Have you ever been to Dennis' home in Beverly  
24 Hills?

25 A No.



1 Q How about his home previously in -- where was  
2 that? On Edinburgh Street.

3 A No.

4 Q I'm still -- why would -- again, why would Dennis  
5 pay from a personal account expenses that were related to  
6 business?

7 So if his printer, for example, that you've  
8 indicated that you set up in his --

9 A Uh-huh.

10 Q -- Denver home, why would he pay that from a  
11 personal account?

12 A Because I used my own funds, so I get reimbursed  
13 right away.

14 Q Is that based upon your provision of receipts?

15 A Yes.

16 Q Have you ever been paid any money from Dennis for  
17 anything other than putting equipment into a home?

18 A No.

19 Q Have you been to any of the condominiums that  
20 Dennis owns in California?

21 A Yes.

22 Q Which ones have you been to?

23 A The 10776 Wilshire.

24 Q What was the purpose of you being there?

25 A Business review.

1 Q When was that?

2 A I don't know the date.

3 Q Okay. I'm not asking for a date. I'm just  
4 asking for your best recollection of when you were there.

5 Was it a month ago? Two months ago?

6 A Two months ago. I did that also in conjunction  
7 with setting up a printer.

8 Q And how did that work? Did you go out and buy  
9 the printer?

10 A Yes.

11 Q And you bought it on your personal credit card?

12 A No. The company purchased the printer --

13 Q Okay.

14 A -- at this location.

15 Q Okay. At the Wilshire location.

16 A Right.

17 Q All right. But at other locations, say for the  
18 Denver house, did you purchase it on your own credit card?

19 A No. I -- I work with the IT department.

20 Q So how did you --

21 A So they purchased it.

22 Q I got it.

23 A Yeah.

24 Q So how did you incur expenses for which Mr. Kogod  
25 reimbursed you?

1       A     That would be my business personal expenses where  
2 I traveled to make sure that I coordinated and had that  
3 printer working in his office -- or in his home office,  
4 because it's a network printer.

5       Q     So you traveled from Chino to Denver to ensure  
6 that a printer was working --

7       A     Uh-huh.

8       Q     -- in his home office.

9       A     Yes.

10      Q     Do you recall when you did that?

11            Let me reask the question.

12            When did you do that?

13      A     I'm going to have to guess.

14      Q     I don't want you to guess. I want you to give me  
15 your best estimate of when that was. Even a range of  
16 years would be fine.

17      A     2013.

18      Q     Do you recall the amount of expenses that you've  
19 incurred when you went to Denver to make sure the printer  
20 was working?

21      A     It could be anywhere from 1,000 to \$1,500.

22      Q     They were amounts that were square amounts like  
23 1,000 to 1,500, or were they amounts that were to the  
24 penny based upon the reimbursements that you'd seek?

25      A     Well, I'm -- again, just hotel, meal,

1 transportation.

2 Q My experience is that my hotel, meals and  
3 transportation don't come out to even numbers. They  
4 usually come out to something different than that.

5 Did yours come out to even numbers?

6 A Oh, I don't know.

7 Q Okay.

8 A I don't --

9 Q So --

10 A I don't have any recollect- -- I can't guess that  
11 number right now.

12 Q So the reimbursement checks that you would  
13 receive from Mr. Kogod personally were for business-  
14 related travel and hotels.

15 A Yes.

16 He also hosted meals for our senior executives in  
17 his home, so I would also purchase any meals or beverages,  
18 and I would make sure it was stocked.

19 So it wasn't only just for a printer. It was  
20 just to set up that home for whatever future business  
21 dinners we would have.

22 Q What home are you referring to?

23 A Oh, the Denver location.

24 Q And how often did you do that, if you recall?

25 A Three times.

1 Q And on those occasions you would purchase soft  
2 drinks and food --

3 A Right.

4 Q -- for the events --

5 A Correct.

6 Q -- correct?

7 How big was his condominium?

8 A 3,000 square feet.

9 Q And how many people would typically attend these  
10 events?

11 A 10 to 20.

12 Q What were the nature of the events?

13 A His senior direct report dinners, if they visited  
14 our headquarters, he would often host a dinner at his  
15 home.

16 Q Would these be catered dinners, or would these be  
17 just casual --

18 A It --

19 Q Please allow me...

20 Or would they just be casual dinners with soft  
21 drinks and snack items?

22 A Both.

23 Q And were you responsible for paying for the  
24 caterer?

25 A No. If it was an organized event, then I would

1 set up a direct bill. That's a company expense.

2 But for stocking items in his refrigerator and  
3 his cupboards, then that's when I would pay and he would  
4 reimburse me.

5 Q Have you ever purchased any clothing on Dennis'  
6 behalf?

7 A No.

8 Q Have you ever purchased furniture on his behalf?

9 A The only furniture I've purchased has been the  
10 table associated with the printer.

11 Q Nothing else.

12 A No.

13 Q Have you ever made travel arrangements for any of  
14 Dennis' family members other than Gabrielle?

15 A Yes. The same names I gave you earlier.

16 Q And those travel arrangements were paid by  
17 business, or are they paid by Dennis personally?

18 A Dennis personally.

19 Q Okay. Which card would you use for that?

20 A The American Express.

21 Q All right. So there were times when you'd make  
22 business-related expenses and times when you'd make  
23 personal expenses for travel.

24 A Correct.

25 Q How did you differentiate between the two?

1       A     By the last name. I mean if -- I can only make  
2 business expenses purchases under Dennis' name. He's the  
3 employee. That's -- that goes on business.

4             If they're personal, then that would be with his  
5 credit card.

6       Q     And you would just --

7       A     The American Express.

8       Q     And you would just --

9       A     And he would tell me.

10      Q     He would tell you who was traveling --

11      A     Exactly.

12      Q     -- with him.

13             Did he ever tell you that Nadya Khapsalis was  
14 traveling with him?

15      A     No.

16      Q     What was your understanding prior to receiving  
17 documents associated with this case of the marital status  
18 of Dennis and Gabrielle Kogod?

19      A     I didn't have any knowledge.

20      Q     Did Dennis ever relate to you that they were  
21 having problems in their marriage?

22      A     No.

23      Q     Did Dennis ever discuss his marriage with you?

24      A     No.

25      Q     Does he discuss his personal life at all?

1 A No.

2 Q You communicate with Dennis via email, correct?

3 A Yes.

4 Q And the email is the email you have at DaVita?

5 A Correct.

6 Q Do you ever have personal -- have you ever  
7 communicated with him through personal email?

8 A No.

9 MR. SMITH: Let's mark this as 1.

10 (Plaintiff's Exhibit 1 was marked for  
11 identification by the reporter.)

12 MR. SMITH: I've got a copy for you, Mr. Bailey,  
13 a copy for you, Mr. Marks.

14 MR. MARKS: Thank you.

15 MR. SMITH: And I have a copy for you two, a  
16 couple extras.

17 Would you like one?

18 MS. YOUNG: Sure.

19 Q (BY MR. SMITH) I'm showing you what's been  
20 marked as Plaintiff's Exhibit 1.

21 I'll represent to you these are a series of  
22 checks that appear to be written to you from Dennis  
23 Kogod's account.

24 So I'm going to go over these checks with you,  
25 okay?



1 A Uh-huh.

2 Q Is that a yes?

3 A Okay.

4 Q All right. So the first check is dated May 31st,  
5 2010 and appears to be to you.

6 Did you -- is that your signature on the back of  
7 that check?

8 A Yes.

9 Q Do you know why --

10 MR. MARKS: Counsel, could I interrupt a second?

11 The one I have is dated 12-20-12.

12 MS. CIOFFI-KOGOD: That's the second one.

13 MR. SMITH: Okay. It's check number 454.

14 MR. BAILEY: Is yours different, the first page,  
15 than that one?

16 MR. MARKS: Yes.

17 MR. SMITH: Yeah. We try to give Dan a different  
18 one every time just to confuse him.

19 MR. MARKS: Why is it happening every day?

20 MR. SMITH: I have no idea.

21 MR. BAILEY: Keep him on his toes.

22 MR. MARKS: Yeah, this is like a David

23 Copperfield --

24 MR. SMITH: Let me see the difference.

25 MR. MARKS: It's like a David Copperfield, yes, I

1 can get this check.

2 MR. SMITH: Just keep that one.

3 Yeah, it would be pretty unwise for me to give  
4 Nicole a full one and you not a full one, unless I just  
5 didn't like you, which is quite a possibility, but...

6 MR. MARKS: Okay.

7 MR. SMITH: I'm kidding.

8 MR. MARKS: So we're at 454.

9 MR. SMITH: We're at 454.

10 Q So check 454, can you tell me why Mr. Kogod --  
11 well, actually I don't think you answered the question as  
12 to whether or not that was your signature.

13 Is it?

14 A Yes.

15 Q Okay. And why did Mr. Kogod pay you this check?

16 A I don't recall.

17 Q I note that it's for an even amount of \$1,000.

18 A Uh-huh.

19 Q Does that cause you to recollect anything about  
20 this check?

21 A No.

22 Q Okay. Let's move to the next -- or second page  
23 of the document. It is check 487 on Mr. Kogod's account,  
24 and it's written to Patricia Murphy for \$1,750.

25 Is that your signature on the back of that check?

1 A Yes.

2 Q And can you tell me what that check was for.

3 A Oh, this was during Christmastime, so it was --  
4 he gave me that at the end of the year.

5 Q He gave that to you as a bonus?

6 A For end of years, yes.

7 Q Okay. So he did provide you cash bonuses or  
8 cash --

9 A Well --

10 Q -- equivalent bonuses.

11 A He did.

12 Q There's some handwriting on the top of the check;  
13 do you see that?

14 A Yes.

15 Q Is that your handwriting?

16 A No.

17 Q Do you know who -- and I'm guessing at this name,  
18 but I'm reading it from -- David Pedillo is?

19 A I -- I don't know exactly, no.

20 Q Do you know what a relationship manager is?

21 A No.

22 Q Have you ever spoken to anyone at Bank of America  
23 regarding any of Dennis' accounts?

24 A Yes.

25 Q Who?

1 A I don't know the name.

2 Q What was the purpose for that conversation?

3 A Within the last 60 days, his finance  
4 documentation, so -- at Bank of America, that might be the  
5 person's name, but the folks that I typically call are the  
6 assistants, so I don't -- I don't recall the name.

7 Q Do you keep record of those conversations?

8 A I have an email.

9 Q And that's only within the last 60 days, correct?

10 A Correct.

11 Q You never had any conversation with anyone from  
12 Bank of America --

13 A No.

14 Q -- regarding Mr. Kogod's accounts prior to  
15 60 days ago.

16 A No.

17 Q No, you have not.

18 A No, I have not.

19 Q Thank you.

20 The next check is dated December 20th, 2011.

21 It's a personal check, and the endorsement indicates  
22 holidays.

23 And is that your signature?

24 A Yes.

25 Q Again, was this an end of the year -- oh,

1 actually it looks like 2010, even though it says 2011.

2 Is this an end of the year check for 2010?

3 A Yes.

4 Q Do you know why he was paying you bonuses from  
5 his personal account as opposed to through the company?

6 A Our company, every year they make a change to who  
7 is allowed a bonus. I believe this year the  
8 administrative assistants were left off. It changes  
9 yearly.

10 Q Okay.

11 A And --

12 Q To your knowledge is there any prohibition under  
13 company rules for Mr. Kogod to provide you gifts outside  
14 of your DaVita salary?

15 A Not that I'm familiar with.

16 Q And other than the gift of the \$4,000 that's  
17 contained in check 1124, did Mr. Kogod provide you any  
18 other gifts in the year 2010?

19 A No.

20 Q The next check is 1214, it's dated October 25th,  
21 2011, and it's for 15 -- excuse me -- \$500.

22 Is that your signature on the back of the check?

23 A Yes.

24 Q Do you know what this was for?

25 A Yes. That's my birth date.

1 Q Happy birthday.

2 Did he typically provide you cash gifts on your  
3 birthday?

4 A No.

5 Q Did he provide you other gifts on your birthday?

6 A No.

7 Q Do you know why in 2011 he decided to provide you  
8 a gift?

9 A We actually had a company meeting on these days,  
10 and someone recognized it was my birthday, so I was  
11 physically on-site.

12 Q Where was the meeting?

13 A In Laguna Beach, California.

14 Q Okay. The next check is 1382, and that one's for  
15 \$1,201.53. It's dated June 7th, 2012.

16 Is that your signature on the back of the check?

17 A Yes.

18 Q And do you recall what these funds were for?

19 A This would definitely be the reimbursements that  
20 I explained earlier. It is Denver location.

21 Q The next check is number 1466, it's dated  
22 January 12th, 2013, for \$1,000.

23 Do you recall what that check's for?

24 A I don't exactly. Might be related to holidays.  
25 I'm just looking at the date.

1 Q Yeah. January 12th? Just sort of forgot about  
2 the holidays until January 12th; is that your  
3 recollection?

4 A Possibly, yes.

5 MR. BAILEY: Do you have a recollection?

6 THE WITNESS: No, I don't.

7 Q (BY MR. SMITH) Just to make sure, that is your  
8 signature on the back of the check, correct?

9 A Yes.

10 Q All right. The next document is in the same  
11 exhibit, Exhibit 1, is item 1958, it's a check written on  
12 December -- take a guess -- 28th maybe, 21st, 25th maybe?

13 MR. BAILEY: 24th.

14 MR. SMITH: I have no idea.

15 24th? Okay. Good. You guys have better eyes  
16 than I do.

17 MR. BAILEY: I was just watching her hand. She  
18 kept going like this.

19 MR. SMITH: Oh, good. No, that's good, taking  
20 clues from...

21 Q So it looks like a check. I think the consensus  
22 is that it's on December 24th, 2013.

23 Is this another holiday gift to you?

24 A Yes.

25 Q All right. Do you know why his holiday gifts

1 varied over the years? Did he tell you?

2 A He's not obligated --

3 Q I understand that.

4 A -- to give them to me, so I wouldn't question the  
5 dollar amount.

6 Q Okay.

7 A I don't know.

8 Q But I was wondering if he ever volunteered to you  
9 why he gave you different amounts in different years.

10 A No. I don't know.

11 Q And that is your signature on the back of that  
12 check --

13 A Yes.

14 Q -- correct? Turning to 2054, there's another  
15 check for \$1,000 dated what appears to be --

16 A Uh-huh.

17 Q -- February 1st, 2015.

18 Can you tell me what that check was for.

19 A Reimbursement for the expenses in his Denver  
20 location.

21 Q Do you recall what expenses you incurred in 2015  
22 at his Denver location?

23 The reason I'm saying it's 2015 is cause on the  
24 bottom of the check, I could be wrong about that, it says  
25 requestor 2015, but it could be another date. I don't



1 know. It's hard to read.

2 A Uh-huh.

3 Q Could be 2010.

4 A I believe it's 2010.

5 Q Okay. And that would be associated with  
6 something you did at his Denver condo?

7 A Correct.

8 Q All right. And that is your signature, correct?

9 A Yes.

10 Q Oddly enough, these checks don't have the bank's  
11 endorsement on them.

12 Do you have any reason to understand why? I  
13 don't know if you do.

14 Withdraw that.

15 The next check is March 3rd, 2015. It's a check  
16 for \$490.

17 Do you know why you received that check from  
18 Mr. Kogod's personal account?

19 A Reimbursement for his expenses.

20 Q Do you recall what expenses you incurred on his  
21 behalf that caused him to reimburse you from his personal  
22 account?

23 A Not exactly, I don't.

24 Q Then the last page of the exhibit is an account  
25 statement.

1 Is that the last page?

2 MS. ALLEN: No.

3 MR. SMITH: Did I miss one?

4 MS. ALLEN: I have two more.

5 MR. BAILEY: It's my last page as well.

6 MS. ALLEN: Oh, I think I have Mr. Marks' first  
7 page.

8 That's fine. There you go.

9 MR. SMITH: Oh, just a stapling issue. It wasn't  
10 David Copperfield after all, just somebody messed up the  
11 stapler.

12 Q Okay. So the last page is the UBS statement, and  
13 this shows a payment on February 12th of 2015 in the  
14 amount of \$1,500.

15 Do you recall receiving a payment from  
16 Mr. Kogod's UBS account in that amount on that date?

17 A I believe -- okay.

18 Yes.

19 Q Do you recall what that was for?

20 A Related to his leased condo in Las Vegas.

21 Q Where's that condo?

22 A It was -- it was at the Vdara.

23 Q Vdara? And do you recall when he purchased that?

24 A He did not purchase it.

25 Q He leased it?

- 1       A     It was a lease for business-related --
- 2       Q     Activity?
- 3       A     -- activity to support our local business office.
- 4       Q     The local Nevada office.
- 5       A     Correct.
- 6       Q     Here in Las Vegas?
- 7       A     Correct.
- 8       Q     Do you know how long he had that lease?
- 9       A     Six months.
- 10      Q     And why was he reimbursing you for anything
- 11 associated with that lease?
- 12      A     The purchased items in his condo, the stocking of
- 13 supplies, and again a printer, network printer.
- 14      Q     You said he had that condo for about six months?
- 15      A     Yes.
- 16      Q     How were you aware of that?
- 17      A     Because I helped.
- 18      Q     Helped secure the condo through the lease?
- 19      A     Correct.
- 20      Q     And do you recall what period of time that six --
- 21 well, let me ask it directly.
- 22            What was the period of time that he leased that
- 23 condominium?
- 24      A     February 15th.
- 25      Q     Of what year?

1 A '15, this year.

2 Q Okay. Until when?

3 A August.

4 Q Do you know if he ever resided in that condo?

5 A During business.

6 Q And these are business trips to Las Vegas?

7 A Correct.

8 Q And those would be business trips that were  
9 logged through the DaVita business office, correct?

10 A Correct.

11 Q I may have asked you this, but I'm getting old.  
12 Do you directly deal with anyone in the business  
13 office? Is there a go-to person that if you have a  
14 question or need something handled by the business  
15 office -- or excuse me -- the travel office that you speak  
16 to?

17 A I didn't understand that.

18 Q I'll rephrase it.

19 Is there -- as I understand it, there's an office  
20 that's in charge of travel in the DaVita corporation,  
21 correct?

22 A Correct.

23 Q Is there anyone that's your go-to person in that  
24 office that you interact with if there's a problem  
25 associated with travel or you need information?

1 A No.

2 Q No particular person?

3 A No.

4 Q How do you know that travel is approved?

5 A I don't understand.

6 Q So walk me through the process. You've taken me  
7 to you make a request to the travel office for  
8 arrangements for travel for Dennis and Dennis alone,  
9 correct?

10 A Correct.

11 Q How do they confirm that that travel is  
12 acknowledged or approved?

13 A Oh, with a receipt of email with the travel  
14 arrangements.

15 Q Okay. So they send you back the travel  
16 arrangements, correct?

17 A Correct.

18 Q And that will include the time and date of travel  
19 and the means of transportation, correct?

20 A Correct.

21 Q So that could be a commercial airliner or it  
22 could be a private jet.

23 A Correct.

24 Q Is there any particular private jet company that  
25 DaVita uses?

1 A No.

2 Q Can you name me any of the private jet companies  
3 you're aware they've used?

4 A No.

5 Q Flight Options, have they used Flight Options?

6 A No, because they're brokered, so I...

7 Q Do you know who the broker is?

8 A No.

9 Q And that would be handled through the travel  
10 office?

11 A Correct.

12 Q Is there a segregated travel office, or is it  
13 part of a larger business office?

14 A No. It's part of a larger business office.

15 Q Okay. What files do you maintain on behalf of  
16 Mr. Kogod?

17 MR. BAILEY: You mean personally or business?

18 MR. SMITH: Personally.

19 THE WITNESS: Oh, I don't.

20 Q (BY MR. SMITH) Okay. What business files do you  
21 maintain? Not specifics, just generally what files.

22 A His day-to-day activities.

23 Q Okay. So what is that composed of?

24 A It's all based off his agenda.

25 Q What is the agenda kept in? How do you maintain

1 his agenda? Is it paper? Is it electronic?

2 A Electronic.

3 Q And is it a -- what kind of program is it?

4 A Microsoft Office.

5 Q Okay. So you use Outlook?

6 A Correct.

7 Q And you've maintained Outlook for how many years?

8 A 2000, since the last 15 years.

9 Q So you have the records of his Outlook calendar  
10 for the last 15 years.

11 A Not necessarily.

12 Q What period of time do you have the record of his  
13 travel -- or of his Outlook?

14 A I don't -- because it's maintained on a server,  
15 so I would -- I don't know exactly --

16 Q Okay.

17 A -- how far back. I don't know.

18 Q So there's a central server at DaVita that you  
19 maintain that data on?

20 A That the IT department does, not myself.

21 Q And when you review that data, do you ever review  
22 it for past events to determine any information or  
23 reimbursements or anything like that, or do you just use  
24 it as a calendar?

25 A I just use it as a calendar.

1       Q     You never go back to look and see other dates  
2 that have already occurred?

3       A     Not necessarily.

4       Q     Not necessarily or you don't?

5       A     I don't.

6       Q     How do you get the information to place in  
7 Outlook? Is it from Dennis? Do you make your  
8 appointments for Dennis? How does that work?

9       A     Well again, it's based off of his -- whatever  
10 business meetings he's involved in, then I would create  
11 his calendar based off of, you know, his travel to that  
12 meeting.

13      Q     Is that a daily occurrence, or is it --

14      A     Daily.

15      Q     Okay. How do you get the information regarding  
16 his business meetings?

17      A     He gives that to me.

18      Q     So is it true that all of the information  
19 contained in Outlook would be information that Dennis  
20 provides you?

21      A     Yes.

22      Q     Do you receive corporate memos about meetings  
23 that Dennis has to attend?

24      A     No, they're not corporate memos. They're senior  
25 executive conversations on email where there's a



1 discussion, and the result of it would be based off of  
2 a -- of a meeting.

3 Q On the Outlook calendar, do you identify the  
4 locations of the meetings? So if he has a meeting in  
5 Florida, for example, or a meeting in other places, you  
6 keep track of where those are, correct?

7 A Yes.

8 Q All right. And that's part of your job is to  
9 make travel arrangements to those various locations.

10 A Correct.

11 Q All right. Has Dennis ever traveled to Europe to  
12 your knowledge?

13 A Yes.

14 Q Has he ever traveled to England?

15 A Yes.

16 Q Do you know if Dennis has any property in Europe?

17 A I don't know that.

18 Q Do you know if Dennis has any accounts in  
19 Europe --

20 A No.

21 Q -- at any European banks?

22 A No.

23 Q Other than UBS, I suppose.

24 When was the last time that you can recall Dennis  
25 traveling to Europe?

- 1 A April this year.
- 2 Q April 2015?
- 3 A Yes.
- 4 Q And where did he go?
- 5 A Amsterdam.
- 6 Q Anywhere else?
- 7 A Portugal.
- 8 Q Anywhere else you recall?
- 9 A Germany.
- 10 Q Did anyone accompany him on those trips -- on
- 11 that trip?
- 12 A That particular trip was a senior executive
- 13 meeting. Dennis is our C- -- our CEO of international.
- 14 Q So is the answer yes, people did travel with him?
- 15 A Well, there was a large group that went to that
- 16 meeting.
- 17 Q And that would be a large group of senior
- 18 executives at DaVita, correct?
- 19 A Correct.
- 20 Q No others.
- 21 A No others, no.
- 22 Q Do you know if they brought their spouses?
- 23 A No.
- 24 Q No, you don't know or no, they did not?
- 25 A I don't know. I don't believe so.

1 Q Do you know if spouses attend any DaVita events?

2 A Yes. It's based off of whatever the nature of  
3 the meeting is.

4 Q Okay. What are the meetings that spouses  
5 typically attend at DaVita?

6 A We have a meeting each year in August where the  
7 company hosts an event that includes spouses.

8 Q Is there a name for that event?

9 A Chautauqua.

10 MR. BAILEY: Don't worry. He knows how to spell  
11 that.

12 Q (BY MR. SMITH) C-h-a-t-a-q-u-a, correct?

13 A Yes.

14 MR. BAILEY: See?

15 THE WITNESS: C-h-a-u-t-.

16 MR. SMITH: Off the record.

17 (Discussion off the record.)

18 MR. SMITH: We can go back on the record.

19 Q So other than that annual event, is there any  
20 other DaVita events that spouses typically attend?

21 A We have another event, Village Wide, sometimes  
22 spouses are invited.

23 Q Is that held at a particular time each year?

24 A June, May or June.

25 Q For some period of time you made travel

1 arrangements for Gabrielle Kogod, correct?

2 A Yes.

3 Q And then that stopped --

4 A Correct.

5 Q -- in approximately 2010.

6 Did Dennis ever advise you --

7 A I don't think it was stopped in 2010.

8 MS. CIOFFI-KOGOD: 2014.

9 MR. SMITH: Excuse me. 2014.

10 Q Did Dennis ever explain to you why there were no  
11 other travel arrangements for Gabrielle?

12 A No.

13 Q Did you ever mislead or misstate to Gabrielle  
14 where Dennis was when you knew he was somewhere?

15 A No.

16 Q Do you recall July 2010 when Miss Kogod asked you  
17 whether Dennis was in Amsterdam?

18 A No. I don't recall that conversation.

19 Q And she left several messages on your phone? Do  
20 you --

21 A No.

22 Q -- recall that?

23 A No.

24 Q Did you at any time learn that Mr. Kogod had  
25 misled Gabrielle Kogod about his whereabouts?

1 A No.

2 Q You'd indicated you'd seen documents associated  
3 with this divorce action in your work over the course of  
4 the last several months, correct?

5 A Correct.

6 Q Have you seen any documents associated with any  
7 other lawsuits in which Dennis has been involved in the  
8 last three years?

9 A I have not seen any.

10 Q The only documents regarding any lawsuit  
11 whatsoever were this case --

12 A That's correct.

13 Q -- right?

14 Do you know what a prosperity bonus is?

15 A Yes.

16 Q What is it?

17 A It's based off of the revenue that the company's  
18 making, and I'm sure there's a calculation to determine  
19 how much they've prospered, if that's -- I don't know the  
20 exact calculation. I can't tell you year-over-year,  
21 but...

22 Q Do you know if Dennis receives prosperity  
23 bonuses -- or let me ask the question directly.

24 Does Dennis receive prosperity bonuses?

25 A I don't know.

1 Q Do you see Dennis' paychecks?  
2 A No.  
3 Q Do you ever attend the Village Wide --  
4 A Yes.  
5 Q -- programs?  
6 Did you attend in --  
7 MS. CIOFFI-KOGOD: May of 2014.  
8 Q (BY MR. SMITH) May of 2014?  
9 A Yes.  
10 Q And Dennis was present, correct?  
11 A Correct.  
12 Q And Dennis received a reward -- excuse me -- an  
13 award, correct?  
14 A Correct.  
15 Q And he gave a speech?  
16 A Yes.  
17 Q Were you there for the speech?  
18 A Partial. I only went in for that dinner, but I  
19 was -- we had a lot of international guests there, so I  
20 was accompanying them.  
21 Q Did you --  
22 A That was their last night.  
23 Q Did you hear his speech?  
24 A Somewhat.  
25 Q Do you recall anything notable about that speech?

1       A     Well, the most notable item was Kent's, our  
2 CEO's, moment that he shared about how he felt about  
3 Dennis. I think that was the biggest takeaway.

4       Q     Anything else you can recall about Dennis'  
5 statement that evening?

6       A     No, nothing in particular.

7       MR. SMITH: Okay. All right. I just want to  
8 mark the subpoena.

9             (Plaintiff's Exhibit 2 was marked for  
10            identification by the reporter.)

11       Q     (BY MR. SMITH) Showing you what's been marked  
12 as -- there's two docs collectively identified as  
13 Exhibit 2. One is the third amended subpoena duces tecum,  
14 and the other that is down within the same document is the  
15 third amended notice of deposition.

16            Did you receive those documents? Were they  
17 served upon you?

18       A     Yes.

19       Q     Okay. Have you brought any documents in response  
20 to the subpoena duces tecum?

21       A     I did not.

22       Q     Why not?

23       A     I don't have the documents.

24       Q     Okay. Let's go through them.

25            It asks for any and all correspondence sent or

1 received by you, whether in the form of emails, letters,  
2 text messages, social media websites or voice messages,  
3 from Dennis Kogod.

4 A Uh-huh.

5 Q You have your emails from Dennis Kogod, correct?

6 A Company -- company-related documents, which  
7 aren't mine.

8 Q Okay. So you're indicating that you didn't  
9 provide them because they're owned by DaVita?

10 A Correct.

11 Q Okay. And you've indicated you've never  
12 corresponded to him with any other email other than a  
13 DaVita email, correct?

14 A Correct. I only have a DaVita email address.

15 Q So you only use that for all your personal items  
16 as well?

17 A I -- I only have a DaVita email. I don't have a  
18 personal email address.

19 Q Okay. So the answer to my question is you use  
20 that for personal business as well, correct?

21 A No.

22 For me?

23 Q Yes.

24 A No.

25 Q So you never send an email other than a business



1 email in your entire existence; is that --

2 A Correct.

3 Q -- what your testimony is?

4 So you don't have emails to friends or family or  
5 any other members?

6 A No.

7 Q And so you never communicate with your family via  
8 any electronic means.

9 A No.

10 Q No, you do not?

11 A I do not.

12 MR. BAILEY: So his statement is correct.

13 THE WITNESS: Right.

14 Q (BY MR. SMITH) The statement is correct?

15 A Yes.

16 Q Okay. Do you text Dennis?

17 A Sometimes.

18 Q Is your phone owned by DaVita?

19 A Correct.

20 Q And paid by DaVita?

21 A Correct.

22 Q Did anyone from DaVita indicate to you that you  
23 could not provide this information? And the information  
24 I'm referring to is the emails back and forth --

25 A Right.

1 Q -- between you and Dennis.

2 A It's my personal knowledge that it's the  
3 company's email system.

4 Q Okay. But that wasn't my question.

5 My question is did anyone from DaVita other than  
6 your counsel --

7 MR. BAILEY: Other than any conversations --

8 THE WITNESS: Uh-huh.

9 MR. BAILEY: -- that you and I have had.

10 MR. SMITH: Right.

11 THE WITNESS: No.

12 Q (BY MR. SMITH) Did anyone from DaVita advise you  
13 that you could not produce these documents?

14 A No.

15 Q Okay. And is there -- are you under any  
16 employment or confidentiality agreement that precludes you  
17 from releasing any kind of correspondence between you and  
18 Dennis Kogod?

19 A I'm -- I'm uncertain. I don't know.

20 Q Do you have an employment contract?

21 A Yes.

22 Q Okay. And you signed a document that was --

23 A Yes.

24 Q -- an employment contract?

25 Do you recall any confidentiality provisions in

1 that contract?

2 A It's been a long time. I don't remember what's  
3 on there.

4 Q When did you sign that contract?

5 A 2000.

6 Q Okay. So you've worked under the same contract  
7 since 2000?

8 A Yes.

9 Q And nothing's ever changed under that contract?

10 A No, I don't think so.

11 Q How do you receive raises and bonuses? Do they  
12 give you a memo or something saying that you're going to  
13 receive a raise, or have you not received a raise since  
14 2000?

15 A Everything's electronic now.

16 Q Okay. So when they send you information about  
17 your raises, they send it through email?

18 A Correct.

19 Q Okay. Same email address you've always had?

20 A Yes.

21 Q All right. And do you know whether you signed  
22 any independent confidentiality agreements, something  
23 different than your employment contract you signed in  
24 2000?

25 A I believe I might have signed something when

1 DaVita acquired Gambro.

2 Q But you're not sure?

3 A I'm not sure.

4 Q Okay. So the next request under the items to be  
5 produced under the subpoena duces tecum was any and all  
6 documents evidencing any vacations or trips taken by  
7 Dennis Kogod or any individual at the direction or request  
8 from Dennis Kogod or at the direction or request of any  
9 other individual on behalf of Dennis Kogod for the  
10 above-referenced time frame including, but not limited to,  
11 all documents evidencing the following: Date of  
12 departure, date of return, destination, nature of trip,  
13 business, personal, vacation, et cetera, airlines utilized  
14 for travel, and cost of travel, including documents  
15 evidencing whether those costs were reimbursed to Dennis  
16 Kogod.

17 You have access to those documents, correct?

18 A Again, every -- anything I've done for Dennis has  
19 been on company equipment, so it's dependent on the server  
20 if...

21 Q Do you maintain all your records on the server,  
22 or do you have them on a personal --

23 A No.

24 Q -- hard drive as well?

25 A On the server.

1 Q There's no documents associated with DaVita on  
2 the hard drive of the computer that you use in Chino,  
3 California, correct?

4 A No.

5 Q That's correct?

6 A Correct.

7 Q So every document that you have in regard to  
8 travel is on a server that's maintained by DaVita  
9 somewhere off-site of Chino, correct?

10 A Correct.

11 Q Do you know where that server's maintained?

12 A No. Because our -- our company has gotten so  
13 large, I'm not really sure where it is now.

14 Q Okay.

15 A We have several offices.

16 Q But -- so if I understand your testimony, you  
17 have access to these documents, but you didn't provide  
18 them because you believe they're owned by DaVita.

19 A Correct.

20 Q But again, excluding your attorney, no one told  
21 you that you couldn't provide these documents?

22 A That's correct.

23 Q And you didn't even look into whether or not you  
24 could provide them, did you?

25 A No, I did not.

1 Q Okay. The next documents requested are documents  
2 evidencing any lawsuits, whether civil or criminal, in  
3 which you have been involved for the time frame set forth  
4 above, with DaVita or Dennis Kogod.

5 A I'm not aware of any of that.

6 Q You're not aware of any lawsuits or have any  
7 documents associated with lawsuits relating to DaVita or  
8 Dennis Kogod other than the documents that you've received  
9 or communications you've received from Mr. Marks and  
10 Miss Young?

11 A That's correct.

12 Q Do you have a copy of that communication?

13 A Electronically.

14 Q Okay. Is there a reason why you didn't provide  
15 that information?

16 A My -- my subpoena?

17 Q No, no, no. The documents that -- the  
18 information or communication you had with Mr. Marks'  
19 office, or Mr. Jimmerson's office, for that matter.

20 A No.

21 Q That's a civil case, right, the divorce case?

22 A Okay. But I guess I don't understand the  
23 question.

24 Q The question is you have communication from  
25 Mr. Marks' and Mr. Jimmerson's office, correct?

1           A     Yes.

2           Q     And you've communicated with those offices.

3           A     Yes.

4           Q     And did you -- do you have that communication  
5 available on your email?

6           A     The communication related to what specifically?

7           Q     The divorce action.

8           A     The subpoena?

9           Q     You had indicated to me, ma'am, that --

10          A     Uh-huh.

11          Q     -- you had received information from Mr. Young  
12 and Mr. Marks -- Miss Young and Mr. Marks --

13          A     Uh-huh.

14          Q     -- and from Mr. Jimmerson's office.

15          A     Right.

16          Q     In fact you described there was documents --

17          A     Okay. The subpoenas.

18          Q     But --

19          A     That's what they are, the subpoenas.

20          Q     I don't know what they are --

21          A     Okay.

22          Q     -- cause you haven't provided them.

23          A     Okay.

24          Q     So --

25               MR. BAILEY: She's telling you what they are.

1 MR. SMITH: Yeah. Well, I think she's telling me  
2 what they are.

3 THE WITNESS: Uh-huh.

4 Q (BY MR. SMITH) Have you had any other  
5 communication with Mr. Marks or Miss Young other than them  
6 providing you copies of subpoenas?

7 A No. That's -- no, I don't have anything else.

8 Q And did you have any communication with  
9 Mr. Jimmerson's office in regard to any subpoenas or any  
10 other documents?

11 A The same, subpoenas.

12 Q Okay. So --

13 A Only related to the dates of -- for instance the  
14 date I'm going to come in for my deposition, so it's  
15 date-related. That would be the only information that I  
16 needed was for the calendar, to put the dates on the  
17 calendar.

18 Q Okay. What subpoena did you see that had Nadya  
19 Khapsalis' name on it?

20 A I don't know.

21 Q You have copies of all the subpoenas you  
22 received?

23 A Electronic.

24 Q Okay. Perhaps you could provide those to me  
25 since we have those identified in the subpoena duces



1   tecum, and particularly the one that had Miss Khapsalis'  
2   name on it, okay?

3       A       Okay.

4           MR. SMITH: All right. When do you think you  
5   could provide those, Mr. Bailey?

6           MR. BAILEY: I don't know. I'd have to confer  
7   with my client and her employer to determine that.

8           MR. SMITH: All right. Well, they were due  
9   today, so...

10          MR. BAILEY: In discussing this and the subpoena,  
11   I was unaware that anything specific -- she had access to  
12   anything specific to that. I'm still not aware that she  
13   has anything specific to that. So I will look into that.

14          MR. SMITH: We know she's indicated that she has  
15   subpoenaed information.

16          MR. BAILEY: Again, I'd have to look and see what  
17   she has in order to be able to respond to that.

18          MR. SMITH: When do you think we can get back on  
19   that cause -- the only reason I'm asking you, and I'm not  
20   trying to press you in any unreasonable way, but we have a  
21   very tight time frame on this case, so our discovery  
22   deadlines and expert reports are due at a particular time.

23          MR. BAILEY: When are they due?

24          MR. SMITH: The expert reports I think are due  
25   October 4th.

1 MR. BAILEY: I can let you know within a week.

2 MR. SMITH: Okay. That would be great. Thanks.

3 Q Okay. Do you have any communication of an  
4 attorney from -- by the name of Gesner?

5 A No.

6 Q Have you ever heard of that name before?

7 A No.

8 MR. SMITH: All right. Let me just go through my  
9 notes, and I think we may be done for the day.

10 We're going to take about a five-minute break,  
11 John --

12 MR. BAILEY: Okay. Sure.

13 MR. SMITH: -- and then we'll be right back.

14 (Recess.)

15 Q (BY MR. SMITH) All right. Miss Murphy, you're  
16 still under oath.

17 You understand that?

18 A Yes.

19 Q All right. So a few more questions.

20 I want to go back to your testimony. You  
21 indicated that it was your recollection that Dennis  
22 traveled to Florida in late 2014, correct?

23 A Yes.

24 Q Our records indicate it was October of 2014.

25 Does that sound about right?

1 A Possibly.

2 Q Did he travel to Florida more than once in the  
3 end of 2014 to your knowledge?

4 A I -- I'm -- I'm not sure.

5 Q Okay. But you do recall booking his travel  
6 arrangements to Florida in 2014, correct?

7 A Yes.

8 Q And did you book that on the American Express  
9 card, the 2007?

10 A No. That would have been business expense.

11 Q Okay. So the Florida trip would have been --

12 A Uh-huh.

13 Q -- a business expense, correct?

14 A I believe so.

15 Q Okay. Do you recall at any time using the  
16 2007 American Express card at the end of 2007 [sic]  
17 associated with Dennis' travel?

18 A I don't know for sure. Can't say.

19 Q Do you keep a record of that?

20 A My -- my only records are the electronic  
21 verifications of travel.

22 Q Okay. The electronic verifications, what do they  
23 look like when you used the American Express card?

24 A Oh, I wouldn't have verification of that. That  
25 goes to him personally.

1 Q Okay. So he advises you that he wants you to  
2 book something on his 2007 American Express card.

3 A Correct.

4 Q And when I say 2007, it's the one ending in 2007.

5 A Right.

6 Q And then you book that travel, correct?

7 A Yes.

8 Q And again, you do recall booking travel for  
9 Dennis to Florida in late 2014?

10 A I don't know the month.

11 Q But you do recall --

12 A We -- we -- we have operations in Florida --

13 Q Okay.

14 A -- so we do have business-related travel in  
15 Florida.

16 Q Okay. Do you recall Dennis traveling to Florida  
17 in 2014?

18 A Yes.

19 Q But you just can't remember whether he went more  
20 than once, correct?

21 A That's correct.

22 Q What email address do you use to send things to  
23 Dennis?

24 A Patricia.murphy@davita.com.

25 Q Do you only use one address to send things to

1 Dennis, in other words, Dennis' address?

2 A He also has a personal email address.

3 Q Okay. What are the email addresses to which you  
4 have sent documents to Dennis Kogod?

5 A Dlkogod@gmail.com.

6 Q Does he have a DaVita address as well?

7 A Oh, that's the primary one,  
8 dennis.kogod@davita.com.

9 Q Okay. So those are --

10 A That's -- that's what I primarily use,  
11 dennis.kogod@davita.com.

12 But what happens is when you type -- progressive  
13 typing, an email will pop up, I know in error I've sent  
14 things to him on his gmail account.

15 Q Okay. But you've never purposely sent  
16 anything --

17 A Correct.

18 Q -- to him --

19 MR. BAILEY: Let him finish his question.

20 Q (BY MR. SMITH) Let me finish my question.

21 Your testimony is that you've never sent anything  
22 purposely to Dennis' private email account, correct?

23 A The only items I've sent to his gmail account is  
24 anything from possibly Dan Marks' office because I believe  
25 that's the email that's used. So if I respond, it's going

1 to pick up whatever email addresses are associated.

2 Q Okay. Does Mr. Kogod have all of his  
3 communication from Mr. Marks' office sent to you?

4 A I believe I'm copied on whatever -- well,  
5 subpoenas for sure.

6 Q Other than subpoenas, did you receive any other  
7 kind of documentation from Mr. Marks' office?

8 A Well, I -- I believe more documentation for like  
9 his -- the interrogatories were -- all the financial  
10 items.

11 Q Did you help Mr. Kogod complete his  
12 interrogatories?

13 A The financial statements.

14 Q By financial statements, are you referring to his  
15 financial disclosure form, or are you referring to  
16 interrogatory responses?

17 A Interrogatory responses.

18 Q So you reviewed those interrogatories.

19 A Not -- I -- I didn't review it. I just saw the  
20 requests, the line items of what was needed.

21 Q I'm trying to figure out what you're  
22 distinguishing --

23 A Well --

24 Q -- between reviewing them and seeing the line  
25 items.

1 MR. MARKS: Can you let her explain it and --  
2 rather than interrupting?

3 MR. SMITH: I didn't interrupt her.

4 MR. MARKS: She was trying to answer saying  
5 she --

6 THE WITNESS: Uh-huh.

7 MR. MARKS: -- saw the line items, and you cut  
8 her off.

9 MR. SMITH: I didn't cut her off, and I just  
10 asked the question.

11 And again, you're doing what you've now done --

12 MR. MARKS: You're cutting her off.

13 MR. SMITH: I didn't cut her off.

14 And you're doing again what you've done now  
15 several times, and that's make speaking objections on the  
16 record. I'd ask that you refrain from doing so.

17 MR. MARKS: Okay. Please don't cut her off.

18 MR. SMITH: So could you ask the last question,  
19 please.

20 THE REPORTER: "I'm trying to figure  
21 out what you're distinguishing between  
22 reviewing them and seeing the line  
23 items."

24 Q (BY MR. SMITH) What is the distinguishing factor  
25 there?

1       A     When the .pdf document comes through, there's  
2 several pages. It could be -- I'm just going to guess  
3 when I say the number, nine to 12 to 14 pages.

4             Do I review it in its entirety? No, absolutely  
5 not. I don't have time for that. It's part of my daily  
6 work that I've -- I now have to look at something. And if  
7 I'm fulfilling a request for financial statements on  
8 behalf of Dennis, I'm just only looking at the line items  
9 of what's needed.

10       Q     Okay. You indicated that you reviewed  
11 interrogatories, correct?

12             MR. BAILEY: That hasn't been her testimony.

13       Q     (BY MR. SMITH) Did you see -- I guess the  
14 objection is misstates her testimony.

15             But you can answer the question. Did you review  
16 interrogatories?

17       A     The line items of what was needed.

18       Q     Okay. So in other words, you went through the  
19 interrogatories to determine what line items or other  
20 information was needed, correct?

21       A     Correct.

22       Q     Okay. And in order to do that, you had to read  
23 the interrogatories, correct?

24       A     No.

25       Q     No.



1       A     No, not necessarily.

2       Q     How else would you understand what was being

3     communicated by the interrogatory?

4       A     If Dennis asked me to look at a certain page.

5       Q     Did Dennis ask you to look at a certain page?

6       A     Yes.

7       Q     How did he do that? Via email?

8       A     It could have been a email or a phone call.

9       Q     What phone number do you communicate with Dennis

10    on?

11      A     He uses his cell number.

12      Q     And what number is that?

13      A     The (949) 285-8969. That's his primary cell

14    number.

15      Q     Okay. And is that the only phone number you use

16    for Mr. Kogod?

17      A     Yes.

18      Q     And that's the number you text to, correct?

19      A     For his calls. I text him for his calls.

20      Q     Okay. But that's the number you text to --

21      A     Yes.

22      Q     -- when you communicate via text with --

23      A     Correct.

24      Q     -- Mr. Kogod --

25      A     Yes.

1 Q -- correct?

2 So it's your testimony that Mr. Kogod directed  
3 you to review certain portions of the interrogatories; is  
4 that correct?

5 A Yes.

6 Q And do you recall what those portions were?

7 A The financial documents needed for support to  
8 this case.

9 Q Did you ever see a document entitled request for  
10 production of documents?

11 A I believe that was a title.

12 Q Okay. And that was also a document that you  
13 reviewed, correct?

14 A The line items, whatever was necessary to  
15 support.

16 Q So if I understand you so far, you've seen  
17 subpoenas, you've seen the requests for production of  
18 documents and the interrogatories, correct?

19 A Yes.

20 Q And do you recall any other documents that you  
21 reviewed or had received from Mr. Marks' office?

22 A No. I think that's...

23 Q Did you receive documents from Mr. Jimmerson's  
24 office?

25 A Yes.

1 Q And do you recall what those documents were?

2 A The same.

3 Q And I may have asked you this, but did you have  
4 email communication with Mr. Jimmerson or anyone from his  
5 office?

6 A I did.

7 Q And that would be on your DaVita email server.

8 A Correct.

9 Q And all the documents that were transferred to  
10 you in this divorce case were transferred through your  
11 DaVita email server.

12 A That's correct.

13 Q Is there some business relation to the divorce  
14 action in DaVita to your knowledge?

15 A No, not that I'm aware.

16 Q So the work that you were doing for Mr. Kogod in  
17 this regard you understood to be personal work, correct?

18 A Not necessarily.

19 Q Well again, I just asked you if there's any  
20 business relation between the divorce and DaVita, and you  
21 indicated no.

22 A Oh.

23 Q So what is it you think that you were doing for  
24 him on a business aspect by handling his divorce matters?

25 A Well, I -- I work for him under a business

1 relationship. I never made the distinction that this is a  
2 personal item for him.

3 Q And that's true with anything --

4 A Uh-huh.

5 Q -- any instruction he gave you, you never made --

6 A Uh-huh.

7 Q -- the distinction between instructions he gave  
8 you for the work of DaVita and instructions he gave you --

9 A Uh-huh.

10 Q -- for his personal benefit --

11 MR. MARKS: Objection --

12 Q (BY MR. SMITH) -- correct?

13 MR. MARKS: Object to the form.

14 MR. SMITH: Okay. You interrupted the question.  
15 I would ask that you at least wait until the question is  
16 over before you make your objection.

17 MR. BAILEY: It actually sounded to me you were  
18 at the end of your question --

19 MR. MARKS: It was.

20 MR. BAILEY: -- and it was the proper time to  
21 make the objection.

22 MR. SMITH: Interesting. But you'll see in the  
23 transcript that there's probably two people speaking at  
24 once, but --

25 MR. MARKS: If I interrupted you, I'm sorry.

1 I just wanted the objection in before she  
2 answered because she may not be at trial since she lives  
3 out of town.

4 MR. SMITH: Let's repeat the question that was  
5 just asked.

6 THE REPORTER: "And that's true  
7 with anything, any instruction he  
8 gave you, you never made the  
9 distinction between instructions he  
10 gave you for the work of DaVita and  
11 instructions he gave you for his  
12 personal benefit, correct?"

13 MR. MARKS: Did you get my objection?

14 THE REPORTER: Yes.

15 MR. MARKS: Did you get my objection in there?  
16 Objection to the form.

17 Q (BY MR. SMITH) You can answer.

18 A I -- I'm only confused by that last word where  
19 you're saying benefit. That doesn't sound right.

20 Q Okay. What is it that you don't understand about  
21 the word benefit?

22 A Well, it sounds like it's something that I'm just  
23 doing -- you know, I -- I work for him under a business  
24 relationship. So again, I'm looking at the dates for the  
25 subpoenas because that -- that affects his calendar.

1           For, you know, the -- the financial items, I  
2 helped guide him, you know, on what's needed to make sure  
3 he kept up with it, because there were dates that  
4 everything was needed by.

5           Q     You had interactions with the Bank of America  
6 representatives too in regard to the documents that had  
7 been requested, correct?

8           A     Yes.

9           Q     Did you have interactions with UBS  
10 representatives in regard to the documents that had been  
11 requested?

12          A     Yes.

13          Q     Did you have any interactions with any other  
14 banking institutions associated with the requests for  
15 production of documents that have been served in Dennis'  
16 divorce matter?

17          A     Yes.

18          Q     What other companies?

19          A     I believe it was Wells Fargo.

20          Q     Who did you speak to at Wells Fargo?

21          A     The 800 number, whoever -- whoever answered the  
22 line.

23          Q     Who did you speak to at UBS?

24          A     Again, whoever answered the line.

25          Q     So you don't -- you didn't keep a record of who

1 you spoke to?

2 A No.

3 Q What did you do for Dennis in regard to the  
4 requests for production of documents?

5 A Create the .pdf files for his financial  
6 statements.

7 Q .pdf files from what? What kind of .pdf files?

8 A His monthly statements.

9 Q Monthly --

10 A The compilation to -- to provide for the  
11 interrogatories.

12 Q And that would be his personal bank statements,  
13 correct?

14 A Yes.

15 Q And his personal investment account statements.

16 A Yes.

17 Q Did you gather -- or what other documents did you  
18 gather other than bank statements and investment account  
19 records for responses to his -- the discovery in the  
20 divorce action?

21 A The company-related files, such as his 401(k),  
22 his medical.

23 Q Why did you think it was okay to provide those  
24 documents but not provide the documents that were  
25 requested for you to bring today as part of your

1 deposition?

2 A Because I -- I needed -- I needed advice, and I  
3 in turn was told that it was company information.

4 Q Who -- in your previous testimony you indicated  
5 you didn't ask anybody about whether or not --

6 A No, I didn't.

7 Q -- it was company information --

8 A No. I --

9 Q Please allow me to complete my question, ma'am.  
10 You indicated that --

11 A Uh-huh.

12 Q -- you didn't ask anybody about whether or not  
13 the information requested in the --

14 A Uh-huh.

15 Q -- subpoena was company information.

16 Now you're telling me somebody told you that it  
17 wasn't -- it was?

18 MR. BAILEY: Objection, that question misstates  
19 her testimony because there's an exception with respect to  
20 communications --

21 THE WITNESS: Uh-huh.

22 MR. BAILEY: -- she's had with her counsel and  
23 the company's counsel.

24 THE WITNESS: Uh-huh.

25 I -- my subpoena came over what, 60 days from



1 Jimmerson, I believe, and it's the same information that  
2 was requested from -- you know, from the most recent.

3 I read it. I reviewed it. And I had determined  
4 myself at that time that it was company information.

5 Q (BY MR. SMITH) Why wasn't Dennis' 401(k)  
6 information company information?

7 A Why wasn't it?

8 Q Yeah.

9 A It is company information.

10 Q Well, then why was it okay to produce that  
11 information?

12 A Because I received it from our human resource  
13 department.

14 Q Did you ask from the human resource department or  
15 anyone else in DaVita whether or not you could provide the  
16 emails between you and Dennis?

17 MR. BAILEY: With the exception of conversations  
18 you've had with company counsel.

19 THE WITNESS: Correct. I did not have the  
20 conversation with a company counsel.

21 MR. BAILEY: No, no, no, no, no. Hold on.

22 THE WITNESS: Okay.

23 MR. SMITH: No. That's clear. That was her  
24 answer.

25 THE WITNESS: Okay.

1 MR. SMITH: Please don't interrupt her answer.

2 MR. BAILEY: It sounded to me as though she was --  
3 about to say what the communication -- her communication  
4 was with company counsel. That's the reason I stopped  
5 her.

6 MR. SMITH: When she said she didn't have a  
7 conversation with company counsel, you thought she was  
8 going to testify as to what she had a --

9 MR. BAILEY: It sounded to me --

10 MR. SMITH: -- conversation about with --

11 MR. BAILEY: I'm telling you what it sounded to  
12 me.

13 It sounded to me as though, the way she said it,  
14 she was about to talk about communication with company  
15 counsel.

16 MR. SMITH: She indicated in her answer --

17 MR. BAILEY: Listen, whatever --

18 MR. SMITH: Please don't interrupt me,  
19 Mr. Bailey.

20 MR. BAILEY: I'm not telling you --

21 MR. SMITH: I haven't interrupted you.

22 MR. BAILEY: Yes, you have.

23 MR. SMITH: No, I haven't.

24 MR. BAILEY: You've done it twice now.

25 MR. SMITH: I haven't.

1 MR. BAILEY: Yes, you have.

2 MR. SMITH: I haven't.

3 MR. BAILEY: You have.

4 MR. SMITH: The record will indicate it.

5 MR. BAILEY: Well, it certainly will indicate  
6 you've interrupted me twice now when I've tried to state  
7 on the record how it sounded to me.

8 MR. SMITH: You indicated how it sounded to you.

9 The testimony that was given was that she did not  
10 have a conversation with company counsel, so I don't  
11 understand how you derive from that communication that she  
12 was about to tell us about company counsel.

13 You stopped her because you didn't want her to  
14 say that she didn't have communication with company  
15 counsel, so --

16 MR. BAILEY: First of all, you cannot tell me  
17 what you think my impression was about what she was about  
18 to say. The fact that you don't understand it, that's  
19 fine, that's not you.

20 It sounded to me as her counsel, as counsel for  
21 the company, that she was about to go into something that  
22 may have impinged upon the attorney/client relationship.  
23 That's the only reason I stopped that.

24 MR. SMITH: I understand that's your explanation.  
25 The record speaks for itself.

1 MR. BAILEY: Of course it does. So --

2 MR. SMITH: Of course.

3 MR. BAILEY: -- why are you making a big process  
4 about this when the record does speak for itself?

5 MR. SMITH: Because she was giving an answer and  
6 you stopped her from answering.

7 MR. BAILEY: Because it was my impression that  
8 she was about to say something that impacted the  
9 attorney/client privilege.

10 MR. SMITH: And that's when I think we'll find  
11 that the record doesn't indicate that.

12 MR. BAILEY: Well, whatever you think is fine.  
13 The record is the record.

14 MR. SMITH: Mr. Bailey, we're done with this  
15 conversation.

16 May I move on and ask questions?

17 MR. BAILEY: Why don't you. That would be a good  
18 idea.

19 MR. SMITH: Thank you.

20 Q In regard to the responses that you helped Dennis  
21 prepare to the divorce discovery, other than putting  
22 together .pdf files including information from DaVita,  
23 what else did you do?

24 A That's my only recollection is just those items.

25 Q So did you have any email communication with

1 Dennis about anything related to his divorce action?

2 A No.

3 Q Never?

4 A Never.

5 Q But you did have email communication in the sense  
6 that you transferred documents to Dennis in regard to the  
7 divorce action.

8 A Right.

9 Q So in order for you to know what to do with those  
10 documents, you must have had some form of communication  
11 with Dennis, correct?

12 A No, actually I haven't.

13 Q Okay. So you just started working on the  
14 requests for production of documents and answers to  
15 interrogatories without instruction from Mr. Kogod.

16 A That's correct.

17 Q So your testimony now is that you've never had a  
18 conversation with Dennis about his divorce action, even  
19 the documents you prepared on his behalf.

20 A If you're -- okay. I'm -- I don't really  
21 understand the question.

22 MR. BAILEY: And it mischaracterizes her prior --

23 THE WITNESS: Uh-huh.

24 MR. BAILEY: -- testimony.

25 Q (BY MR. SMITH) Okay. So I understand it's

1 different than her prior testimony, so I'm asking you --

2 MR. BAILEY: It's not different from her prior  
3 testimony.

4 MR. SMITH: I think it --

5 MR. BAILEY: It's your question -- the way you've  
6 asked the question that mischaracterizes her prior  
7 testimony. It's not that her testimony has changed.

8 MR. SMITH: I think it has.

9 Q In regard to -- so I'm going to try to clarify  
10 that --

11 A Uh-huh.

12 Q -- Miss Murphy.

13 Did you ever discuss with Dennis your preparation  
14 of documents for responses to discovery?

15 A I did speak with him when they were sent by  
16 email.

17 You're asking me the question did I know about  
18 his divorce, did he ever specifically talk to me about his  
19 divorce, never.

20 Q Okay.

21 A I had no knowledge of this -- this divorce.

22 Q What was the substance of your conversation with  
23 Mr. Kogod in regard to the discovery that you helped him  
24 prepare responses to?

25 A Just simply the fact that I need to compile these

1 items.

2 Q Anything else?

3 A No. That's -- that was it. I mean...

4 Q Do other members of DaVita know that Dennis is  
5 going through a divorce?

6 A I have no idea.

7 Q You never communicate with other members of  
8 DaVita?

9 A No.

10 Q So the only communication you have with DaVita  
11 representatives is either with Dennis or through the  
12 various offices for which Dennis needs services.

13 A Correct.

14 Q Did Dennis pay you any money for the services you  
15 provided him in helping him prepare the responses to  
16 discovery in this case --

17 A No.

18 Q -- in the divorce case?

19 Since May of 2015 has Dennis paid you any monies  
20 directly from his personal account?

21 A I don't believe so.

22 Q When you spoke to the folks at the banks or  
23 investments on the 800 numbers or the direct numbers to  
24 the banks, what did you talk to them about?

25 A I couldn't speak on his behalf. I dialed the

1 numbers, and I conferenced him in, because I'm not privy  
2 to -- privileged to that information. So I just dialed  
3 the numbers, and I conferenced him in, and whatever  
4 communication came out of it --

5 Q Okay. Well --

6 A -- was between he and the agent.

7 Q You were present on the line though, correct?

8 A Somewhat. Well, because when you -- when you  
9 conference somebody in, you have to release the number,  
10 and they have to have their conversation. And I'm still  
11 at work, so I'm still conducting my business.

12 Q Okay. Do you recall any of the substance between  
13 Dennis and the representatives of UBS?

14 A In what regard?

15 Q Anything. Anything that was said between the  
16 two, the representatives of UBS and Dennis that you  
17 conferenced him in.

18 A No.

19 Q Do you remember anything about the conversations  
20 between Dennis and the representative of Wells Fargo that  
21 you conferenced in?

22 A No.

23 Q Did you conference in also the representatives of  
24 Bank of America?

25 A I believe so.



1 Q And do you recall anything about the conversation  
2 between Dennis and the representatives of Bank of America?

3 A I don't recall. I mean I -- I have conferenced  
4 him in, because, again, I'm not on his accounts.

5 Q What was the purpose as you understood the  
6 telephone conversations?

7 A To collect statements.

8 Q And at the end of the conversation was there an  
9 agreement to provide statements?

10 A I have no idea.

11 Q How did you come by the statements that you  
12 placed into the .pdfs?

13 A Either electronic or email.

14 Q From the bank?

15 A From Dennis.

16 Q From Dennis.

17 A No. They -- my emails -- I'm not on the account.  
18 I'm not privileged to receive that from any of his  
19 financial institutions.

20 Q Okay. So all of the information that you  
21 received from Dennis regarding account information that  
22 you then placed into .pdfs was from Dennis.

23 A Correct. Or a forwarded email, right.

24 Q A forwarded email from a bank?

25 A From Dennis.

1 Q Okay. See, here's the -- if Dennis sends you  
2 documents, he sent you them in .pdf format, correct?

3 A No.

4 Q How did --

5 A Links.

6 Q -- he send them?

7 I'm sorry?

8 A Links.

9 Q Links to documents?

10 A Correct.

11 Q Okay. So Dennis provided you communications on  
12 your DaVita email address of links to his personal bank  
13 accounts?

14 A Correct.

15 Q And then you used those links to gather up the  
16 records from his personal bank account?

17 A Correct, to create the .pdfs.

18 Q And those were on the DaVita email server.

19 A Correct.

20 Q Just to confirm, any communication between you  
21 and Mr. Marks' office or you and Mr. Jimmerson's office,  
22 or any representatives therefrom, all on the DaVita  
23 server, correct?

24 A That's correct.

25 Q Okay. Does Dennis have a hotmail account to your

1 knowledge?

2 A I think he does.

3 Q Have you ever communicated with him through that  
4 hotmail account?

5 A Possibly.

6 Q Do you know what the email address is on that  
7 hotmail account?

8 A It might be the same as the gmail, dlkogod --

9 Q But you don't --

10 A -- @hotmail.

11 Q -- know?

12 A I think it's an old account.

13 But it's -- it stays, you know, on your email, so  
14 when you're typing a name, it may pop up because it  
15 recognizes the last name Kogod.

16 Q Okay. Is the -- what version of Office do you  
17 use?

18 A I'm on a new version. It's 8.1.

19 Q 8.1 is Windows, correct?

20 A Windows, yes.

21 Q Okay. The Office version that you use --

22 A Oh, the Microsoft Office?

23 MR. BAILEY: Let him finish.

24 THE WITNESS: Oh.

25 Q (BY MR. SMITH) What version of Office do you

1 use?

2 A 10.

3 Q Okay.

4 A I believe.

5 Q And is that Office 10 loaded onto your personal  
6 computer in Chino?

7 A I don't have a personal computer. I use a  
8 company computer.

9 Q Okay. A personal computer is a name for a  
10 computer.

11 A Okay.

12 Q But the computer that you have in your physical  
13 office --

14 A Yes.

15 Q -- correct?

16 The Office 10 program is on your personal  
17 computer at your office --

18 A Yes.

19 Q -- correct?

20 You don't use it in a cloud, do you?

21 A No.

22 Q And when you say you access the server at DaVita,  
23 do you use Office 10 remotely on a server at DaVita?

24 A I believe that's how it works.

25 Q Do you use a particular program to access the

1 DaVita server?

2 A Well, it's the Windows program.

3 Q Okay. Do you use -- have you ever heard of the  
4 program GoToMyPC?

5 A No.

6 Q Have you heard of a program called Windows Remote  
7 Desktop?

8 A I have heard of it.

9 Q Do you use that?

10 A I don't think so. I don't think I've used it.  
11 The IT department may have, but me personally...

12 Q Okay. Let me make this even simpler.

13 A Uh-huh.

14 Q When you get on your computer in the morning --

15 A Uh-huh.

16 Q -- do you log into a DaVita server?

17 A Yes.

18 Q And that information is on your screen, correct?

19 A Correct.

20 Q Are you connected to that server via the  
21 Internet?

22 A Yes.

23 Q Okay. So you log into the server --

24 A Uh-huh.

25 Q -- and when you look at the screen, are there

1 icons that are related to your personal computer on the  
2 bottom? You know how there's that long --

3 A The taskbar?

4 Q Taskbar.

5 A Uh-huh.

6 Q And there are icons which you open Windows,  
7 Word --

8 A Correct.

9 Q -- Outlook, et cetera --

10 A Uh-huh.

11 Q -- correct?

12 Yes?

13 A Yes.

14 Q Do you know if you're receiving those remotely  
15 from --

16 A I think it is remotely.

17 Q But you're not sure.

18 A I'm not sure.

19 MR. SMITH: Okay. All right. Do you have  
20 anything further?

21 Q Oh, the family members, let me run by a couple of  
22 other people with the name Kogod.

23 A Uh-huh.

24 Q Did you ever book travel for Mitchell Kogod?

25 A Yes.

1 Q How about for a woman by the name of Nadya Kogod?

2 A No.

3 Q How about Danis Kogod? It would be -- I guess  
4 it's pronounced Danis, D-a-n-i-s, Kogod.

5 MS. CIOFFI-KOGOD: No. Denise.

6 MR. SMITH: Oh, is it regular Denise?

7 Q Okay. Denise Kogod.

8 A No.

9 Q How about Nika Kogod?

10 A No.

11 Q Never booked travel for them?

12 A No.

13 Q Okay. So how does Dennis receive information  
14 that he's used personal travel to your knowledge?

15 A His email.

16 Q Okay. Is that -- so for example, if Dennis uses  
17 the -- a company-leased jet and he has others on there  
18 that travel with him, does he receive an email back from  
19 the travel department saying that certain portions of the  
20 travel would be his expense?

21 A I don't understand that.

22 Q Well again, on the records --

23 A Uh-huh.

24 Q -- that are public of DaVita, it indicates that  
25 Dennis had a little bit over \$100,000 in personal travel

1 on --

2 A Personal. I'm not -- I'm not familiar with that  
3 at all.

4 Q So there's no notification that the company gives  
5 to him that the -- to your knowledge that -- through your  
6 office that indicates that he has used a certain amount of  
7 personal travel and must reimburse the company for that?

8 A I don't -- if he does, he gets that email direct.  
9 I wouldn't be copied on that type of an email.

10 Q What is it that causes you to say you wouldn't be  
11 copied on that type of an email?

12 A Because that's personal -- that's -- that  
13 reflects a dollar amount. And most senior executives --  
14 it sort of sounds like it's compensation, I mean when  
15 you're saying he has to reimburse. Again, I'm just  
16 guessing. I don't know. I've not seen that email.

17 Q Okay. I don't want you to guess.

18 I want to know if you receive any information  
19 through your email as Dennis' assistant --

20 A Uh-huh.

21 Q -- addressing any type of personal travel that  
22 he's booked or taken on DaVita-paid jets or other  
23 transportation.

24 A Okay. The question is different now, because now  
25 you're just saying just personal in general.



1 Q Okay. Can you answer --

2 A The first question was related to a dollar  
3 amount.

4 Q Can you answer --

5 A Okay.

6 Q -- that question?

7 A This question, it is distinguished when he takes  
8 a personal jet, is it business or is it private, being  
9 personal.

10 Q And you get emails in that regard?

11 A Emails, yes.

12 Q And those emails regarding your -- the personal  
13 travel --

14 A Uh-huh.

15 Q -- do you keep a record of those?

16 A I don't because it's just an email requesting the  
17 flight. So again, it's just -- it's the same as it is  
18 business. There's no -- the only distinction is is we  
19 have to indicate is it personal or is it -- is it  
20 business. So again, what I'm requesting is the date, the  
21 time, the location.

22 Q So who advises you whether it's personal or  
23 business?

24 A The finance department, the finance team that  
25 handles it.

1 Q So how is it that when you request the travel,  
2 you make the determination whether it's business or  
3 personal?

4 A Okay. That comes from Dennis.

5 Okay. But then your question was how -- how do I  
6 know once it's confirmed? I get that response back from  
7 the -- from the finance department.

8 Q Saying that it's personal or business.

9 A No, no, no, no. Whether the flight -- on the  
10 flight itinerary, that's how I know whether he's going to  
11 travel or not. You have to have a flight itinerary.

12 Q Okay. Let's walk through this process again  
13 because --

14 MR. BAILEY: Clear as mud.

15 MR. SMITH: Yeah. It isn't clear.

16 Q Let's start with --

17 A Uh-huh.

18 Q -- all -- are the flights initiated by Dennis --

19 A Yes.

20 Q -- in other words -- okay.

21 So Dennis sends you either via email or by  
22 telephone --

23 A Uh-huh.

24 Q -- a request for certain travel.

25 A Correct.

1 Q And you have to write whether the travel is  
2 personal or business.

3 A Correct.

4 Q On the personal travel --

5 A Uh-huh.

6 Q -- does Dennis have to indicate who's traveling  
7 with him?

8 A No.

9 Q Never.

10 A No.

11 Q And then the answer to never is yes, he never has  
12 requested any other individuals to travel with him to your  
13 knowledge.

14 A That's correct.

15 Q Okay. And then on the form that you provide to  
16 the travel office, you note whether it's business or --

17 A Correct.

18 Q -- personal.

19 Yes?

20 A That's correct.

21 Q Okay. And then you submit that form to the  
22 travel office.

23 A Correct.

24 Q And they send back a confirmation of the  
25 itinerary.

1       A     Correct.

2       Q     Does the itinerary include Dennis' name --

3       A     Yes.

4       Q     -- for travel?

5             Does the itinerary for personal travel include

6 any additional names?

7       A     If -- if they're known at that time, yes.

8       Q     Okay. So -- and you get those documents --

9       A     Yes.

10       Q    -- that show who is traveling personally on

11 the --

12       A     That's correct.

13       Q     -- business jet, correct?

14       A     Yes.

15       Q     And those are all on your server as well.

16       A     Yes.

17       Q     And those would be in the form of emails to you.

18       A     Correct.

19       Q     Do you segregate that information into separate

20 electronic files?

21       A     No.

22       Q     How does Dennis then keep track of --

23       A     It's -- it's not --

24       Q     Please allow me to finish my question.

25             How does Dennis keep track of business versus

1 personal travel?

2 A He doesn't.

3 Q Who does?

4 A The finance department.

5 Q So when you receive the information confirming  
6 the itinerary, what do you do with it?

7 A I add it to our calendar.

8 Q Anything else? Do you provide a copy to Dennis?

9 A No.

10 Q Okay. So Dennis just knows it was confirmed by  
11 looking at his calendar --

12 A Correct.

13 Q -- is that the idea?

14 All right. So Dennis has access remotely to your  
15 calendar?

16 A It's on the company --

17 Q Server.

18 A -- server, yeah. We -- we share. He can look at  
19 his calendar.

20 Q Right. And you can look at his calendar.

21 A Right.

22 Q Can anyone else look at his calendar?

23 A Not that I'm aware of.

24 Q You can look at his email, correct?

25 A If he asks me to.

1 Q But the answer is yes, you can look at his email?

2 A Yes.

3 Q Can anyone else look at his email?

4 A I'm not sure.

5 MR. BAILEY: There's probably a few 12-year-olds  
6 in China that can do it.

7 MR. SMITH: Off the record.

8 (Discussion off the record.)

9 Q (BY MR. SMITH) So when you get back the  
10 itineraries from the travel department on personal travel,  
11 they would include the statement of any family members  
12 that he was traveling with at that time, correct?

13 A Correct.

14 Q And you have seen those emails, correct?

15 A Yes.

16 Q Do you recall the most recent family travel --  
17 personal travel that Dennis did?

18 A I know he had his -- I don't know the date, but  
19 his mother and his father came with him to Las Vegas.

20 Q Was that a month ago --

21 A That was --

22 Q -- two years ago? When was it?

23 A It was at the beginning of the year, of this  
24 year.

25 Q So sometime in January, February 2015?

1 A Possibly.

2 Q And that was the last time you recall Dennis  
3 requesting --

4 A It's --

5 Q -- personal travel expenses, correct?

6 A It actually is a business expense because he  
7 traveled for a business purpose. That they were --  
8 accompanied him, he may have some type of a tax  
9 ramification from that, and I don't know the specifics.

10 Q Okay. So when is the last time you recall Dennis  
11 requesting personal travel through a DaVita source?

12 A I don't know. I can't recall a date.

13 Q Nothing comes to mind?

14 A No.

15 Q Do you recall any of the locations which he's  
16 requested personal travel?

17 A Not off the top of my head.

18 Q Not a single location?

19 A He travels so much. I'm sorry.

20 Q All right.

21 A I -- I -- I can't specify a particular location.

22 Q So you've been working for Dennis --

23 A Uh-huh.

24 Q -- for 15 years, yes?

25 A Yes.

1 Q You don't have personal conversations about what  
2 he's doing, where he's traveling, what he does for fun?  
3 Never?

4 A Our relationship is strictly business, and the  
5 amount of business that he's responsible for, and  
6 especially international, it's quite consuming.

7 Q Yeah, but that wasn't my question.

8 My question was --

9 A And no, we've never -- we don't have that  
10 relationship.

11 Q You don't talk about his family in any way.

12 A No.

13 Q Does he talk about your family?

14 A No.

15 Q Do you have a family?

16 A I do.

17 Q And he's never asked you about your family?

18 A He's aware that I'm married and I have children,  
19 but no, we don't have those conversations.

20 If I've had to take a day off related to a  
21 family, of course I'm going to mention it, but we don't  
22 have a dialogue.

23 Q Well, just in order to schedule things,  
24 Miss Murphy, wouldn't he have to tell you hey, I'm going  
25 to be on vacation during this period of time?



1       A     Dennis has -- I don't recall ever really taking a  
2 vacation. He really works around-the-clock. And if he  
3 does take a vacation, it's -- it has to be associated with  
4 business in some way.

5       Q     Did you ever help Dennis find a tattoo artist?

6       A     Dennis is aware that my son tattoos.

7       Q     Okay. Is the answer yes?

8       A     Yes.

9       Q     So you've had enough conversations with Dennis to  
10 tell him that your son is a tattoo artist?

11      A     No.

12           MR. MARKS: Objection, form.

13           THE WITNESS: That is incorrect.

14      Q     (BY MR. SMITH) So how did he learn that your son  
15 was a tattoo artist?

16      A     Because Dennis stayed quite often in the West  
17 Hollywood area prior to him relocating there. He was -- I  
18 knew he was in the vicinity because of his expense  
19 receipts, and he was literally one shop away from my son's  
20 shop.

21      Q     So you talked about that with him?

22      A     I mentioned that to him.

23      Q     And did he get a tattoo from your son?

24      A     Yes, he did.

25      Q     What was the tattoo?

1       A     I believe it was his son's insignia for whatever  
2 his post was in Iraq.

3       Q     Any other tattoos that you know about that Dennis  
4 has?

5       A     No.

6       Q     Did you ever buy him Eagles tickets --

7       A     No.

8       Q     -- tickets to the Eagles?

9       A     No.

10      Q     Did you -- was it part of your job to purchase  
11 entertainment tickets and --

12      A     If they were business-related.

13      Q     But the only way you would know if they were  
14 business-related is because there would be an expense  
15 sheet associated with it?

16      A     Correct.

17      Q     Other than Dennis telling you that they were  
18 business-related, you don't know, correct?

19      A     There have been tickets I've purchased for his  
20 family.

21      Q     No. I'm talking about any expense now. Sorry.

22      A     Okay.

23      Q     And let's relate this to any expense that Dennis  
24 told you about.

25            Other than him telling you that they were for

1 business, you had no independent investigation, correct?

2 A Oh, correct.

3 Q And if he told you they were personal, again, it  
4 would just be whatever he told you.

5 A Right.

6 MR. SMITH: All right. Thank you, Miss Murphy.  
7 Thank you for your testimony.

8 Do you have any questions, Mr. Marks?

9 MR. MARKS: No.

10 MR. SMITH: All right. Mr. Bailey, how would you  
11 like to arrange the signing of the deposition?

12 MR. BAILEY: If you could send it directly to  
13 her, and you've -- you have her address?

14 (Discussion off the record.)

15 Q (BY MR. SMITH) What is your business address?

16 A DaVita, 4445 Riverside Drive, Chino, California,  
17 91710.

18 MR. SMITH: Okay. That's all I need from you  
19 today.

20 Thank you.

21 MR. BAILEY: Thank you.

22 (The taking of the deposition was  
23 adjourned at 11:25 a.m.)

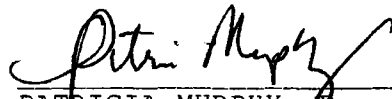
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CERTIFICATE OF DEPONENT

I, PATRICIA MURPHY, deponent herein, do hereby  
 certify and declare the within and foregoing transcription  
 to be my deposition in said action, subject to any  
 corrections I have heretofore submitted; and that I have  
 read, corrected, and do hereby affix my signature to said  
 deposition.

  
 PATRICIA MURPHY, Deponent

Subscribed and sworn to before me this

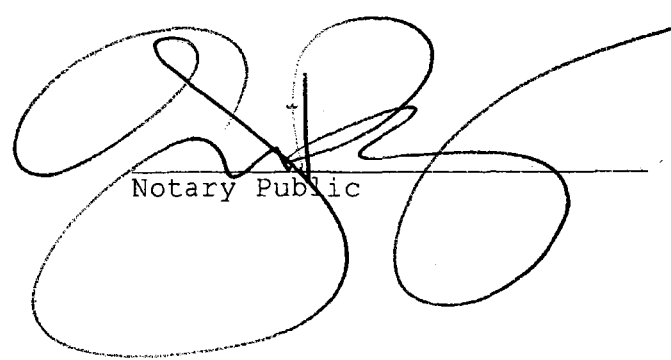
31<sup>st</sup> day of October - , 2015.

STATE OF ~~NEVADA~~ )

COUNTY OF ~~CLARK~~ )

SS: San Bernardino



  
 Notary Public

CERTIFICATE OF REPORTER

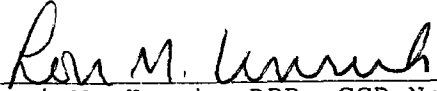
STATE OF NEVADA     )  
                                  ss:  
COUNTY OF CLARK     )

I, Lori M. Unruh, a Certified Court Reporter  
licensed by the State of Nevada, do hereby certify:

That I reported the taking of the deposition  
of the witness, PATRICIA MURPHY, commencing on Tuesday,  
September 15, 2015, at 9:07 a.m. That prior to being  
examined the witness was by me duly sworn to testify to  
the truth. That I thereafter transcribed my said  
shorthand notes into typewriting and that the typewritten  
transcript of said deposition is a complete, true and  
accurate transcription of said shorthand notes.

I further certify (1) that I am not a relative  
or employee of an attorney or counsel of any of the  
parties, nor a relative or employee of any attorney or  
counsel involved in said action, nor a person financially  
interested in the action, and (2) that transcript review  
by the witness pursuant to NRCP 30(e) or FRCP 30(e), as  
applicable, was requested.

IN WITNESS WHEREOF, I have hereunto set my hand  
in my office in the County of Clark, State of Nevada, this  
25<sup>th</sup> day of September, 2015.

  
Lori M. Unruh, RDR, CCR No. 389


## CORRECTION/CHANGE SHEET

DEPOSITION/STATEMENT OF: Patricia Murphy TAKEN ON: 9/15/15

I HAVE NO CORRECTIONS/CHANGES \_\_\_\_\_  
INITIALS

[illegible]

10/24/18  
DATE

  
SIGNATURE



Capture Date: 06/03/2010 Sequence #: 6292525837

**DENNIS LEE KOGOD** 08-03 *OK 437* *Sign OK* *447* **454**  
28 VIA MIRA MONTE  
HENDERSON, NV 89011  
Date *5/3/10* 94-72/1224 NW 3373  
Pay To The Order Of *Patricia Murphy* \$ *1000* *2*  
*One thousand* Dollars  
**Bank of America**  
*OK 457*  
ACH B/T 122400724  
For *[Signature]*  
⑆122400724⑆ 004967266446⑆045⑆ ⑆0000100000⑆

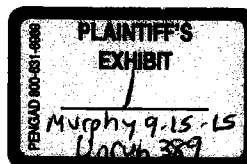
10/13  
\$1,000.00  
Cash Check  
R/T# 540880133  
Account 004967266446  
Entity MCS CC 0000969 TJ 00015  
06/03/2010 15:35  
TRF 00198  
BANK OF AMERICA NA LAC  
122400724 E2309 94 12  
06/03/10  
50000

*[Signature]*

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
06/03/2010	06360072085	122000661	Undetermined	Y		BANK OF AMERICA, NA
06/03/2010	006292525837	121103886	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found



Kogod, Pltf  
3526



Capture Date: 12/20/2012 Sequence #: 5560989123

Verified with maker by David Pezillo Relationship Manager 487  
DENNIS LEE KOGOD 08-03 F2 932  
28 VIA MIRA MONTE  
HENDERSON, NV 89011 Date 12/20/12 04-72/1224 NY 3373

Pay To The Order Of Patricia Murphy \$ 1750.00  
On Personal Savings held at Bk of America Dollars

**Bank of America** Money Manager Account

ACH R/T 122400724

For \_\_\_\_\_

⑆122400724⑆ 004967266446⑆0487⑆ 0000175000⑆

Bank of America NA LAC  
1224006614 ESE 01 P02  
12/20/12  
5560989123

12/20/12 11:39  
From CO122  
Entity NCA OF 0000969 11 00001  
Account 004967266446  
R/TN 540880132  
Cash Check  
DL CA122\*\*\*\*\*  
10/13  
\$1,750.00

47591

*Patricia Murphy*

No Electronic Endorsements Found  
No Payee Endorsements Found



DENNIS L KOGOD  
 1551 Wewatta St 6th Floor  
 Denver, CO 80202

HOLE NUMBER 4.  
 THE LINKS AT SPANISH BAY

1124  
 23-7/1020 3743  
 6860635397

12/20/11

DATE

PAY TO THE ORDER OF Patricia Murphy \$ 400.00

Four hundred and 00/100 DOLLARS

Wells Fargo Bank, N.A.  
 Colorado  
 wellsfargo.com

Type Open  
 Endorse AD  
 Then Dep. only  
 Hist. ✓  
 MPF ✓  
 Memo ✓

FOR H. Kogod

⑆ 102000076⑆ 5347 01124

[illegible]

REQUEST 0000611563800000 4000.00  
ROLL ECIA 20101224 000006623878813  
JOB ECIA E ACCT [REDACTED] 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DLK012188

[illegible]

5397 163  
\$500.00  
11/03/11 12:36PM  
08 0000654 0093 591

Frank

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

05292

**DLK** DENNIS L KOGOD  
1551 Wewatta St 6th Floor  
Denver, CO 80202

1382  
23-771020 3743  
6860635397

Pay to the Order of Patricia Murphy \$ 1,201.53  
one thousand two hundred one and 52/100 - Dollars

For Went 500 of 06/14/12

⑆02000076⑆ 5397 01383

REQUEST 00006115638000000 1201.53  
ROLL ECIA 20120614 000006920376004  
JOB ECIA E ACC 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DLK012405

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1466  
23-771020 3743  
6880836387

Date 1/12/13

Pay to the Order of Patricia Murphy \$ 1000  
Joe Shouk Dollars

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For \_\_\_\_\_

⑆102000076⑆ 5397 01466

JP Morgan Chase Bank [REDACTED] 0315

*Shouk*

REQUEST 00006115638000000 1000.00  
ROLL ECIA 20130122 000008571736266  
JOB ECIA E ACC [REDACTED] 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DLK012516

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1958

23-7/1020 3743  
8880635397

Pay to the  
Order of

*Patrick's Murphy*  
*Lawrence for lunch*

Date

\$ 2500.00

Dollars

Security  
Features  
Details on  
Back

Wells Fargo Bank, N.A.  
Colorado  
wfb.com

For

⑆ 02000076⑆ 5397⑈ 01958

REQUEST 00006115638000000 2500.00  
ROLL ECIA 20131231 000008250918226  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DLK012755

05295

**DENNIS L KOGOD**  
 2000 16th St Fl 13  
 Denver, CO 80202

2054  
 23-771020 3743  
 6860635397

2-1-10 Date

Pay to the Order of Pat Murphy \$ 1000 2  
One Thousand Dollars

**WELLS FARGO** Wells Fargo Bank N.A.  
 Colorado  
 wells Fargo.com

For \_\_\_\_\_

⑆ 10 20000761⑆ 5397⑆ 02054

*Pat Murphy*

REQUEST 00006115638000000 1000.00  
 ROLL ECIA 20150202 000008571290134  
 JOB ECIA E ACCT 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

DLK012991

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

2127  
23-771020 3/13  
6860635397

3-3-15 Date

Pay to the Order of Pat Murphy \$ 490.2

Four hundred & ninety Dollars

WELLS FARGO Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

for \_\_\_\_\_

⑆102000076⑆ 5397 02127

REQUEST 00006115638000000 490.00  
ROLL ECIA 20150309 000008151381764  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DLK013017



Resource Management Account  
February 2015

Account name: DENNIS KOGUD  
Friendly account name: Dennis - RMA  
Account number: [REDACTED] 45 GM

Your Financial Advisor:  
GEHLENMUCHA  
415-954-6700/800-826-7014

Account activity this month (continued)

Check number	Date	Description	Amount (\$)
Checks (continued)			
001126	Feb 12	PAT MURPHY	-1,500.00
001144	Feb 27	SAMORA	-2,000.00
Total checks			-327,500.00

Date	Activity	Description	Amount (\$)
Other funds debited			
Feb 5	Withdrawal	FEDERAL FUNDS TO King of Cordos, Inc AT CITIBANK, N.A.	-1,650.00
Feb 9	Withdrawal	FEDERAL FUNDS TO King of Cordos, Inc AT CITIBANK, N.A.	-2,650.00
Feb 20	Withdrawal	FEDERAL FUNDS TO Luxury Real Estate Manage AT WELLS FARGO BANK, NA	-9,152.00
Total other funds debited			-13,452.00

Investment transactions

For more information about the price/value shown for restricted securities, see Important information about your statement at the end of this document.

Date	Activity	Description	Quantity	Value (\$)	Price (\$)	Proceeds from investment transactions (\$)	Funds withdrawn for investments bought (\$)	Accrued interest (\$)
Feb 2	Reinvestment	GOLDMAN SACHS STRATEGIC INCOME CL A DIVIDEND REINVESTED AT 10.06 NAV ON 01/30/15 AS OF 01/30/15	363.630				-3,658.12	
Total							-33,658.12	

Date	Activity	Description	Amount (\$)
Money balance activities			
Jan 30	Balance forward		\$1,359,073.57
Feb 2	Bought	UBS SELECT TAX-FREE CAPITAL FD AS OF 01/30/15	13.18
Feb 3	Bought	UBS SELECT TAX-FREE CAPITAL FD	18,000.00
Feb 6	Sold	UBS SELECT TAX-FREE CAPITAL FD AS OF 02/05/15	-1,650.00
Feb 10	Sold	UBS SELECT TAX-FREE CAPITAL FD AS OF 02/09/15	-2,650.00
Feb 13	Sold	UBS SELECT TAX-FREE CAPITAL FD AS OF 02/12/15	-1,500.00
Feb 17	Bought	UBS SELECT TAX-FREE CAPITAL FD	2,983.00
Feb 23	Sold	UBS SELECT TAX-FREE CAPITAL FD AS OF 02/20/15	-9,152.00
Feb 25	Sold	UBS SELECT TAX-FREE CAPITAL FD AS OF 02/25/15	-14,000.00

continued next page

DLK006532



1 CC03

2 RADFORD J. SMITH, CHARTERED  
3 RADFORD J. SMITH, ESQ.  
4 Nevada Bar No. 002791  
5 GARIMA VARSHNEY, ESQ.  
6 Nevada Bar No. 011878  
7 2470 St. Rose Parkway, Suite 206  
8 Henderson, NV 89074  
9 Telephone: (702) 990-6448  
10 Facsimile: (702) 990-6456  
11 rsmith@radfordsmith.com  
12 Attorneys Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 GABRIELLE CIOFFI - KOGOD,

11 Plaintiff,

12 v.

13 DENNIS KOGOD,

14 Defendant.

CASE NO.: D-13-489442-D

DEPT NO.: G

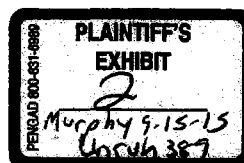
FAMILY DIVISION

16 THIRD AMENDED SUBPOENA DUCES TECUM

17 THE STATE OF NEVADA SENDS GREETINGS TO:

18 Patricia Murphy  
19 16335 Argent Road  
20 Chino Hills, California 91709  
21 (951) 201-7336

22 YOU ARE HERBY COMMANDED that all and singular, business and excuses set aside, you  
23 appear and attend on the 15<sup>th</sup> day of September, 2015, at the hour of 10:00 a.m. at the offices of JAFFE  
24 AND CLEMENS, located at 433 N. Camden Drive, Suite 1000, Beverly Hills, CA 90210. Your  
25 attendance is required to give video-taped testimony and/or produce and permit inspection and copying of  
26 designated books, documents or tangible things in your possession, custody or control or to permit  
27 inspection of premises. You are required to bring with you at the time of your appearance any items set  
28



1 forth below. If you fail to attend, you may be deemed guilty of contempt of Court and liable to pay all  
2 losses and damages caused by your failure to appear. Please see Exhibit "A-1" attached hereto for  
3 information regarding the rights of the person subject to this Subpoena.

4 Dated this <sup>th</sup> 12 day of August, 2015.

5  
6 RADFORD J. SMITH, CHARTERED

7   
8 RADFORD J. SMITH, ESQ.

9 Nevada State Bar No. 002791

10 GARIMA VARSHNEY, ESQ.

11 Nevada State Bar No. 011878

12 2470 St. Rose Parkway, Suite 206

13 Henderson, Nevada 89074

14 (702) 990-6448

15 Attorney for Plaintiff  
16  
17  
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21  
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24  
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1  
2 **ITEMS TO BE PRODUCED**  
3

4 Regarding: DENNIS KOGOD

5 Dates of Service: 2005 to present

6 1. Any and all correspondence sent and received by you, whether in the form of emails,  
7 letters, text messages, social media websites or voice messages, from Dennis Kogod. In responding,  
8 please include copies of any and all emails and text messages in your inbox, trash folder, sent folder,  
9 drafts folder, spam folder, junk folder, and any unpurged deleted emails remaining on any server within  
10 your control.  
11

12 2. Any and all documents evidencing any vacations or trips taken by Dennis Kogod or any  
13 other individual at the direction or request from Dennis Kogod or at the direction or request of any other  
14 individual on behalf of Dennis Kogod for the above-referenced time frame including, but not limited to,  
15 all documents evidencing the following -  
16

- 17 - Date of departure;  
18 - Date of return;  
19 - Destination  
20 - Nature of trip (i.e. business, personal vacation, etc.);  
21 - Airlines utilized for travel; and  
22 - Cost of travel (including documents evidencing whether those costs were reimbursed to Dennis  
23 Kogod.  
24

25 3. Documents evidencing any and all lawsuits, whether civil or criminal, in which you have  
26 been involved for the time frame set forth above, with DaVita or Dennis Kogod.  
27  
28

EXHIBIT "A"  
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

**(c) Protection of Persons Subject to Subpoena.**

(1) A party of an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception of waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1 NOTC  
2 RADFORD J. SMITH, ESQ.  
3 Nevada Bar No. 002791  
4 GARIMA VARSHNEY, ESQ.  
5 Nevada Bar No. 011878  
6 2470 St. Rose Parkway, Suite 206  
7 Henderson, NV 89074  
8 Telephone: (702) 990-6448  
9 Facsimile: (702) 990-6456  
10 rsmith@radfordsmith.com  
11 Attorneys Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 GABRIELLE CIOFFI - KOGOD,

10 Plaintiff,

11 v.

13 DENNIS KOGOD,

14 Defendant.

CASE NO.: D-13-489442-D

DEPT NO.: G

FAMILY DIVISION

**THIRD AMENDED NOTICE OF DEPOSITION OF**  
**PATRICIA MURPHY**

17 TO: DENNIS KOGOD, Defendant; and,

18 TO: DANIEL MARKS, ESQ, Attorney for Defendant

19 PLEASE TAKE NOTICE that on the 15<sup>th</sup> day of September, 2015, at the hour of 10:00 a.m., at  
20 offices of JAFFE AND CLEMENS, located at 433 N. Camden Drive, Suite 1000, Beverly Hills, CA  
21 90210, attorney for Plaintiff herein, will take the video-taped deposition of PATRICIA MURPHY, upon  
22 oral examination, pursuant to Rules 26 and 30 of the Nevada Rules of Civil Procedure, before a Notary  
23 Public, or before some other officer authorized by the law to administer oaths.  
24  
25  
26  
27  
28

1 Oral examination will continue from day to day until completed and shall be recorded by sound,  
2 and/or sound-and-visual, and/or stenographic means. You are invited to attend and cross-examine.

3 Dated this <sup>10</sup> day of August, 2015.

4 RADFORD J. SMITH, CHARTERED

5  
6  
7   
8 RADFORD J. SMITH, ESQ.

9 Nevada State Bar No. 002791

10 GARIMA VARSHNEY, ESQ.

11 Nevada State Bar No. 011878

12 2470 St. Rose Parkway, Suite 206

13 Henderson, Nevada 89074

14 (702) 990-6448

15 Attorney for Plaintiff

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I served the foregoing document described as "THIRD AMENDED NOTICE OF DEPOSITION OF PATRICIA MURPHY" on this 10<sup>th</sup> day of August, 2015, to all interested parties by way of the Eighth Judicial District Court's electronic filing system.

DANIEL MARKS, ESQ.  
LAW OFFICE OF DANIEL MARKS  
610 South Ninth Street  
Las Vegas, Nevada 89101  
(702) 386-0536  
*Attorneys for Defendant*

Garina Vardney  
An Employee of Radford J. Smith, Chartered

1 LAW OFFICE OF DANIEL MARKS  
2 DANIEL MARKS, ESQ.  
3 Nevada State Bar No. 002003  
4 NICOLE M. YOUNG, ESQ.  
5 Nevada State Bar No. 12659  
6 610 South Ninth Street  
7 Las Vegas, Nevada 89101  
8 (702) 386-0536; FAX (702) 386-6812  
9 Attorneys for Appellant

10  
11 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

12 DENNIS KOGOD,

Case No. 71147

13 Appellant,

14 vs.

15 GABRIELLE CIOFFI-KOGOD,

16 Respondent.  
17 \_\_\_\_\_/

18  
19 **APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT**  
20 \_\_\_\_\_

21  
22 **APPELLANT'S APPENDIX**  
23 **Volume 28**  
24 \_\_\_\_\_  
25  
26  
27  
28



<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NO.</u>
Acceptance of Service filed on April 24, 2014	1	14
Acceptance of Service Filed on November 6, 2015	2	394
Amended Notice of Cross-Appeal filed on September 23, 2016	46	9032-9148
Answer to Complaint for Divorce and Counterclaim filed on November 24, 2014	1	19-24
Case Appeal Statement filed on August 23, 2016	44	8590-8593
Case Appeal Statement, filed on December 13, 2016	47	9287-9290
Case Cross-Appeal Statement filed on September 21, 2016	46	9028-9031
Case Cross-Appeal Statement, filed on December 23, 2016	47	9298-9301
Certificate of Service filed on March 2, 2015	1	66
Certificate of Service filed on June 2, 2015	1	85-86
Certificate of Service filed on January 25, 2016	4	712
Certificate of Service filed on June 21, 2016	42	8082
Certificate of Service filed on September 14, 2016	45	8704-8802
Certification of Copy of Exhibits Presented at the 2/23/16- 2/26/16 Non-Jury Trial, dated December 8, 2016	10	1876-1894
Certification of Copy Clerks List	41	7980-7983
Complaint for Divorce filed on December 13, 2013	1	1-6
Defendant's Closing Brief filed on August 1, 2016	43	8415-8473
Defendant, Dennis Kogod's, Reply to Plaintiff's, Gabrielle Cioffi-Kogod's, Opposition to Defendant's Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the deposition of Jennifer Crute Steiner and Opposition to Plaintiff's Countermotion for Attorney Fees and Costs filed on June 25, 2015	1	151-178
Defendant's Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the Deposition of Jennifer Crute Steiner filed on June 11, 2015	1	87-110
Defendant's Exhibits Vol. I:	33	6161-7979
////		

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Defendant's Exhibit D- Teichner Accounting Rebuttal Expert Disclosure Dated: January 25, 2016	33	6162-6209
Defendant's Exhibit F- Teichner Accounting Sur-Rebuttal Report Dated: February 15, 2016	33	6210-6215
Defendant's Exhibit S- Bank of America Joint Checking Account Ending 6446 Statement From December 1, 2015 to December 31, 2015	33	6216-6223
Defendant's Exhibit T- Bank of America Checking Account ending in 0129 Statement from December 1, 2015 to December 31, 2015	33	6224-6229
Defendant's Exhibit U- Wells Fargo Complete Advantage Checking Account Ending 5397 Statement from January 9, 2016 to February 5, 2016	33	6230-6239
Defendant's Exhibit V- Wells Fargo PMA Account ending 8870 Statement from January 9, 2016 to February 5, 2016	33	6240-6242
Defendant's Exhibit W- UBS Trust – Fee Base ending 743 Statement From January 2016	33	6243-6252
Defendant's Exhibit X- UBS Checking ending 745 Statement for January 2016	33	6253-6264
Defendant's Exhibit Y- UBS Trust – PWS/GAM ending 134 Statement for January 2016	33	6265-6282
Defendant's Exhibit Z- UBS Stock Option ending 999 Statement for January 2016	33	6283-6290
Defendant's Exhibit AA- Merrill Lynch Ending 588 Statement from December 01, 2015 to December 31, 2015	33	6291-6360
Defendant's Exhibit BB- UBS Trust – Fee Base ending 43 Statement for January 2016	34	6361-6368
Defendant's Exhibit CC- Fidelity Dignity Health Statement from January 1, 2015 to December 31, 2015	34	6369-6372
Defendant's Exhibit DD- Davita Retirement Plan Statement from January 1, 2016 to January 31, 2016	34	6373-6375
Defendant's Exhibit EE- Davita Retirement Savings Plan Statement from October 1, 2015 to December 31, 2015	34	6376-6378
Defendant's Exhibit LL- UBS Premier Variable Credit Line ending 027 Statement for January 2016	34	6379-6384
////		

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Defendant's Exhibit MM- American Express Centurion Account ending 3005	34	6385-6396
Defendant's Exhibit NN- American Express Platinum Account ending 2003 Statement from January 18, 2016 to February 6, 2016	34	6397-6401
Defendant's Exhibit OO- American Express Platinum Account ending 9008 Statement from January 25, 2016 to February 23, 2016	34	6402-6406
Defendant's Exhibit PP- Master Card Account ending 1588 Statement From January 07, 2016 to February 06, 2016	34	6407-6412
Defendant's Exhibit QQ- Wells Fargo Account ending 1032 Statement from December 16, 2015 to January 15, 2016	34	6413-6419
Defendant's Exhibit RR- Banana Republic Account ending 4713 Statement from December 4, 2015 to January 4, 2016	34	6420-6423
Defendant's Exhibit SS- Discover Account ending in 4205 Statement from November 12, 2015 to December 11, 2015	34	6424-6427
Defendant's Exhibit TT- Kohls Account ending in 557 Statement from November 7, 2015 to December 7, 2015	34	6428
Defendant's Exhibit UU- Merrill Lynch Account ending 9677 Statement from November 13, 2015 to December 12, 2015	34	6429-6431
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DISTRICT COURT  
CLARK COUNTY, NEVADA

GABRIELLE CIOFFI-KOGOD,

Plaintiff,

vs.

DENNIS KOGOD,

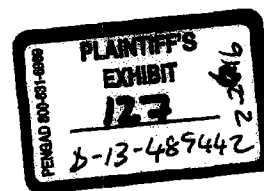
Defendant.

)  
)  
) CASE NO.  
) D-13-489442-D  
)  
) FAMILY DIVISION

) ORIGINAL

DEPOSITION OF MITCHELL KOGOD  
SATURDAY, SEPTEMBER 26, 2015

REPORTED BY:  
AMANDA KALLAS, C.S.R. NO. 13901  
JOB NO.: 2124314A  
PAGES 1 - 127



1 DEPOSITION OF MITCHELL KOGOD, TAKEN ON BEHALF OF THE  
2 PLAINTIFF, STARTING AT 8:55 A.M. AND ENDING AT 10:52 A.M.,  
3 SATURDAY, SEPTEMBER 26, 2015, AT 433 NORTH CAMDEN DRIVE,  
4 SUITE 1000, BEVERLY HILLS, CALIFORNIA 90210-4414, BEFORE  
5 AMANDA KALLAS, C.S.R. NO. 13901.  
6  
7

8 APPEARANCES OF COUNSEL:  
9

10 FOR THE PLAINTIFF GABRIELLE CIOFFI-KOGOD:

11 LAW OFFICES OF RADFORD J. SMITH

12 BY: RADFORD J. SMITH, ESQ.

2470 ST. ROSE PARKWAY

SUITE 206

13 HENDERSON, CALIFORNIA 89074

702-990-6448

14 RMITH@RADFORDSMITH.COM  
15

16 FOR THE DEFENDANT DENNIS KOGOD:

LAW OFFICES OF DANIEL MARKS

17 BY: DANIEL MARKS, ESQ.

610 SOUTH 9TH STREET

18 LAS VEGAS, CALIFORNIA 89101

702-386-0536  
19

20 ALSO PRESENT:

21 GRANT CIHLAR, THE VIDEOGRAPHER

22 JENNIFER ALLEN, ANTHEM FORENSICS

23 GABRIELLE CIOFFI-KOGOD, PLAINTIFF  
24  
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1	BEVERLY HILLS, CALIFORNIA	
2	SATURDAY, SEPTEMBER 26, 2015, 8:55 A.M.	
3		08:55
4	THE VIDEOGRAPHER: Good morning. We're on the	08:55
5	record; the time is 8:55 a.m. on September 26th, 2015.	08:55
6	This is the video-recorded deposition of Mitchell Kogod.	08:55
7	My name is Grant Cihlar, here with our court reporter	08:55
8	Amanda Kallas; we are here from the Veritext Legal	08:56
9	Solutions at the request of counsel for plaintiff.	08:56
10	This deposition is being held at Jaffe and	08:56
11	Clemens in Beverly Hills, California. The caption of this	08:56
12	case is Gabrielle Cioffi-Kogod versus Dennis Kogod; the	08:56
13	case number is D13489442D.	08:56
14	Please note that audio and video recording will	08:56
15	take place unless all parties agree to go off the record.	08:56
16	Microphones are sensitive and may pick up whispers,	08:56
17	private conversations, and cellular interference. I am a	08:56
18	notary public; I am not related to any party in this	08:56
19	action, nor am I financially interested in the outcome in	08:56
20	any way.	08:56
21	If there are any objections to proceeding, please	08:56
22	state them at the time of your appearance, beginning with	08:56
23	the noticing attorney.	08:56
24	MR. SMITH: Radford Smith on behalf of Gabrielle	08:56
25	Cioffi-Kogod, the plaintiff. I'm here with Jennifer Allen	08:57

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1 A In the state of Florida; Brawley County. 08:58  
2 Q Okay. Where in the state of Florida? 08:58  
3 A In the city of Coconut Creek. 08:58  
4 Q You're -- you're married to Dana? 08:58  
5 A Yes, I am. 08:58  
6 Q And where did Dana live at that time? 08:58  
7 A In Blairsville, Georgia. 08:59  
8 Q How long -- how long did she live in Blairsville, 08:59  
9 Georgia prior to you moving to California? 08:59  
10 A Approximately eight years. 08:59  
11 Q And do you have a home in Blairsville? 08:59  
12 A Yes, we do. 08:59  
13 Q And do you still maintain that residence? 08:59  
14 A Yes, we do. 08:59  
15 Q And when did you purchase that residence? 08:59  
16 A The first residence was purchased, approximately, 08:59  
17 I want to say 2000. 08:59  
18 Q When -- did you make improvements to that 08:59  
19 residence? 08:59  
20 A We added a second home, yes. 08:59  
21 Q Um, at any time, did Dennis Kogod provide you any 08:59  
22 of the funds, either for the purchase or improvement of 08:59  
23 that residence? 08:59  
24 A None at all. 08:59  
25 Q When did you first relocate to the state of 08:59

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1	California?	08:59
2	A I believe it was around December of 2012.	08:59
3	Q Okay. Prior to December of 2012, did you have	08:59
4	regular contact with Dennis?	08:59
5	A I did for -- through the year 2012.	08:59
6	Q Okay. Prior to that time?	09:00
7	A It was very off and on --	09:00
8	Q Okay.	09:00
9	A -- maybe every couple months.	09:00
10	Q All right. How would you typically contact him?	09:00
11	A By phone or text message; usually text message.	09:00
12	Q And how long was that the pattern prior to 2012?	09:00
13	A How -- for --	09:00
14	Q How long did you engage in communication in that	09:00
15	manner prior to 2012?	09:00
16	A 20 years.	09:00
17	Q Okay. Um, at any time, did Dennis come to the	09:00
18	state of Florida prior to 2012 to see you?	09:00
19	A Not to see me. I believe he came on some	09:00
20	business trips; and my other brother was in the hospital	09:00
21	at one time going through some surgery, and I believe he	09:00
22	came for that time period.	09:00
23	Q That was Larry?	09:00
24	A Yes.	09:00
25	Q Okay. Did Dennis help Larry pay for any of his	09:00

1 medical bills? 09:00  
2 A No, they don't have a relationship. 09:00  
3 Q When you say "they don't have a relation-" -- 09:00  
4 that's Dennis and Larry do not have a -- 09:00  
5 A Correct. 09:01  
6 Q -- relationship? 09:01  
7 How's Larry's relationship with you? 09:01  
8 A It's probably a little better than mine with 09:01  
9 Dennis. Um, I talk to him -- I text him probably every 09:01  
10 coup- -- every week -- 09:01  
11 Q Okay. 09:01  
12 A -- now. 09:01  
13 Q Prior to 2012, Larry was residing in Florida; 09:01  
14 correct? 09:01  
15 A Yes, where he was. 09:01  
16 Q Um, and he -- how long did he reside in Florida 09:01  
17 prior to that time, to your recollection? 09:01  
18 A Larry? 09:01  
19 Q Yeah. 09:01  
20 A Um, he had been in Florida since we -- our family 09:01  
21 moved there, which would have been back in '78. 09:01  
22 Q Has he lived anywhere else, to your knowledge? 09:01  
23 A Any other state? 09:01  
24 Q Yes. 09:01  
25 A No, sir; just -- originally the state -- Maryland 09:01

Page 10

1 and then Florida. 09:01

2 Q Um, are you -- and you said you communicate with 09:01

3 Larry regularly now? 09:01

4 A Once a week, through text message. 09:01

5 Q How about Dennis and Larry, is there a -- 09:01

6 their -- 09:01

7 A No. 09:01

8 Q -- relationship improved? 09:01

9 A No. 09:01

10 Q No. Do you know how often they've contacted each 09:01

11 other after Larry's surgery? 09:01

12 MR. MARKS: Object to the form. 09:02

13 BY MR. SMITH: 09:02

14 Q If you know. 09:02

15 A I have no idea. 09:02

16 Q Um, has Larry been to any family events here in 09:02

17 California, to your knowledge? 09:02

18 MR. MARKS: Object to the form. 09:02

19 THE WITNESS: No, he has not been in California 09:02

20 at all. 09:02

21 BY MR. SMITH: 09:02

22 Q Um, all right. Does Larry maintain a good 09:02

23 relationship with your parents? 09:02

24 A Yes, he speaks to them. 09:02

25 Q All right. Do your parents ever get out to 09:02

Page 11

1	Florida?	09:02
2	A The last time they went to Florida? Trying to	09:02
3	think -- I don't think the three years that I've been in	09:02
4	California they've been to Florida.	09:02
5	Q Okay. Do -- do you know if they've ever taken a	09:02
6	private jet to Florida?	09:02
7	MR. MARKS: Object to the form.	09:02
8	THE WITNESS: I have no idea.	09:02
9	BY MR. SMITH:	09:02
10	Q Have you ever flown on a private jet?	09:02
11	A I've never been on a private jet.	09:02
12	Q Um, what were the -- um, did you have Den- --	09:02
13	sub- -- conversations with Dennis prior to 2012 relating	09:03
14	to your relocation to the state of California?	09:03
15	A Prior to 2012, no, sir.	09:03
16	Q Okay. In 2012, did you have conversations with	09:03
17	Dennis -- Dennis regarding relocation to California?	09:03
18	A I did.	09:03
19	Q What was -- what commenced those conversations?	09:03
20	Was there an event, or was it just a desire to move?	09:03
21	A It was a retirement that I was forced to take in	09:03
22	my pos- -- profession.	09:03
23	Q Okay. And that was as a result of charges that	09:03
24	were levelled against you in 2012 by the Broward [sic]	09:03
25	county sheriff's office; correct?	09:03

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1 Q Okay. And it indicates charges that are being 09:04  
2 levelled against you at or about the time through an 09:04  
3 internal affairs case; do I have that right? 09:04

4 A Well, they were never charged against me; those 09:04  
5 are allegations that they claim they were investigating 09:04  
6 against me, and should I ever return for employment to the 09:04  
7 agency, they would pursue the investigation. 09:04

8 Q Okay. 09:05

9 A But, criminally, I was never charged with any of 09:05  
10 these allegations. 09:05

11 Q Okay. So even though it indicates you were being 09:05  
12 charged as follows, you never were charged? 09:05

13 A That was through internal affairs, correct. I 09:05  
14 was never charged; this was after my resignation. 09:05

15 Q Okay. What is the -- what is the difference in 09:05  
16 an inter- -- internals [sic] affairs -- internal affairs 09:05  
17 charge and a criminal charge? 09:05

18 A The internal affairs investigation is in-house. 09:05

19 Q Okay. 09:05

20 A Based on current employment status; at the time I 09:05  
21 was no longer an employee. 09:05

22 Q Is that done through the equivalent of the 09:05  
23 district attorney's office or some -- 09:05

24 A The internal affairs -- 09:05

25 Q Yes. 09:05

Page 14

1	A	I'm sorry, I didn't mean to cut you off.	09:05
2	Q	No, that's fine.	09:05
3	A	The internal affairs investigation is done	09:05
4		in-house through sheriff's office investigators.	09:05
5	Q	Okay; do they --	09:05
6	A	So --	09:05
7	Q	-- do they then turn that over to the district	09:05
8		attorney or --	09:05
9	A	If they choose to, yes.	09:05
10	Q	And did they not choose to in this case?	09:05
11	A	They did not turn anything over.	09:05
12	Q	Okay. As a result were you -- of this	09:05
13		investigation and the -- and in what are deemed charges in	09:05
14		this memo that's Exhibit 1, did you lose any of your	09:05
15		pension or any other compensation?	09:05
16	A	No, sir.	09:05
17	Q	So as it stands now, you have your full pension?	09:05
18	A	I do.	09:06
19	Q	What does that pay you?	09:06
20	A	Um, right now, it's approximately -- after taxes,	09:06
21		it's \$5200 a month.	09:06
22	MR. MARKS:	You'll take it.	09:06
23	MR. SMITH:	What's that?	09:06
24	MR. MARKS:	You'll take it.	09:06
25	MR. SMITH:	Mailbox money; a lot of hard work	09:06

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1 Q Okay. 09:07

2 A This -- this is just -- just to give you some 09:07

3 background, Bob Norman's a local trash magazine 09:07

4 reporter -- 09:07

5 Q Okay. 09:07

6 A -- from Florida, still calls me till this day. 09:07

7 The whole entire case surrounding the sheriff's office and 09:07

8 my termination is under investigation by federal 09:07

9 authorities now because it was -- it was a political move 09:07

10 by the sheriff. Several people that cooperated with the 09:07

11 sheriff are now in federal prison as a result of their 09:07

12 actions that they did for him. 09:07

13 So it's still an ongoing case, but this was an 09:07

14 accurate -- this was my e-mail. 09:07

15 Q Okay. So the article itself is ina- -- is 09:08

16 inaccurate or accurate? 09:08

17 A No, it's accurate. 09:08

18 Q Okay; all right. So you -- you had conversations 09:08

19 with Dennis about relocating after, um, the events that 09:08

20 were associated with Exhibit 1 and 2; correct? 09:08

21 A That's correct. 09:08

22 Q All right. And, um, that's when you took your 09:08

23 early retirement? 09:08

24 A That's correct. 09:08

25 Q All right. 09:08

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1 A Not based on my conversations -- 09:08  
2 Q No, no, no. 09:08  
3 A -- based on my departure from the sheriff's 09:08  
4 office. 09:08  
5 Q It was around that time -- 09:08  
6 A Yes, sir. 09:08  
7 Q -- is what I was kinda getting at. Okay; so 09:08  
8 sometime in 2012, you have conversations with Dennis, and 09:08  
9 you decide to relocate here to Southern California; 09:08  
10 correct? 09:08  
11 A I did. 09:08  
12 Q Did -- at that time, did Dana agree to move to 09:08  
13 Southern California as well? 09:08  
14 A No, not at that time; no, sir. 09:08  
15 Q Okay. So initially it was just you relocating 09:08  
16 here? 09:08  
17 A That's correct. 09:08  
18 Q Where did you first reside when you moved to 09:08  
19 California? 09:08  
20 A I stayed with my parents, and they were living 09:08  
21 on -- I'm trying to think of the address -- it was -- it 09:08  
22 was in the Broadcast Center over by the Grove in 09:09  
23 Beverly -- uh, Los Angeles. 09:09  
24 Q How long did you reside with them? 09:09  
25 A Um, I want to say a year. 09:09

1 Q Okay. Prior to the time that you relocated to 09:09  
2 California, did you ever meet Dennis's children? 09:09  
3 A I met them once, just prior to moving out here. 09:09  
4 Q Okay. So he has three children; correct? 09:09  
5 A I believe so, yes. 09:09  
6 Q Okay. He has an older son, Josh? 09:09  
7 A Yes. 09:09  
8 Q Have you remained in contact with Josh at all? 09:09  
9 A I hear from Josh every couple months -- 09:09  
10 Q Okay. 09:09  
11 A -- and it's just usually, "Hi, how are you," and 09:09  
12 that's the extent of it. 09:09  
13 Q Okay. To your knowledge, did Dennis ever reside 09:09  
14 with Josh in California? 09:09  
15 MR. MARKS: Object to the form. 09:09  
16 THE WITNESS: Not to my knowledge, no. 09:09  
17 BY MR. SMITH: 09:09  
18 Q Do you know if Josh ever resided in California? 09:09  
19 A I don't believe he has, no. 09:09  
20 Q Okay. The, um -- Dennis has two other children, 09:10  
21 Dennis and Nika? 09:10  
22 A Correct. 09:10  
23 Q You've met them? 09:10  
24 A I have. 09:10  
25 Q All right. When did you first meet them? 09:10

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1	A	Probably when I first found out, which was the	09:10
2		middle of 2012; just before coming out here.	09:10
3	Q	First found out what?	09:10
4	A	That he had two children.	09:10
5	Q	Okay. Um, so your parents never indicated to you	09:10
6		or advised you that Dennis had fathered other children?	09:10
7	A	No.	09:10
8	Q	So the first you knew was when you came here to	09:10
9		the state of California or shortly before that?	09:10
10	A	I think he had told me over a text message --	09:10
11	Q	Okay.	09:10
12	A	-- before coming out.	09:10
13	Q	What did he tell you?	09:10
14	A	That he had two children.	09:10
15	Q	Okay. Did you have a conversation about that?	09:10
16	A	Not really. I mean, I was going through a lot in	09:10
17		2012 and --	09:10
18	Q	Uh, usually, when your brother, though, tells you	09:10
19		"Hey, I've got two children," there might be some --	09:10
20		MR. MARKS: Object to the form.	09:10
21		BY MR. SMITH:	09:10
22	Q	-- other conversation. Did you -- you didn't	09:11
23		have a conversation with him?	09:11
24	A	No, it's not the first time, so...	09:11
25	Q	It was not the first time, what?	09:11

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1 A I found out about Josh years prior to that -- 09:11  
2 Q Okay. 09:11  
3 A -- from Dennis, so it wasn't -- 09:11  
4 Q He has kids every once in a while and that's it? 09:11  
5 MR. MARKS: Object to the form. 09:11  
6 THE WITNESS: Not that I know of, no. 09:11  
7 BY MR. SMITH: 09:11  
8 Q Okay. The -- 09:11  
9 A We -- we just don't have the relationship. He's 09:11  
10 very -- he -- he tells you what he wants to tell me -- or 09:11  
11 he tells me what he wants to tell me, and I don't ask. 09:11  
12 Q The, um -- when you found out about the fact that 09:11  
13 he had Denise and Nika, did you contact your parents? I 09:11  
14 mean, you were living with them, did you talk to them 09:11  
15 about that -- 09:11  
16 A I wasn't living -- 09:11  
17 Q -- fact? 09:11  
18 A -- with them at the time. 09:11  
19 Q Okay. After that, you were living with them? 09:11  
20 A I believe I had a conversation with them; I don't 09:11  
21 remember what the conversation was, but I'm sure I did. 09:11  
22 Q Okay. There was no expression of surprise? 09:11  
23 MR. MARKS: Object to the form. 09:11  
24 THE WITNESS: No. 09:11  
25 09:11

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1 BY MR. SMITH: 09:11  
2 Q The, uh -- did you meet their mother, Denise and 09:11  
3 Nika's mother? 09:11  
4 A When I came out here, yes. 09:11  
5 Q When did you first meet her? 09:11  
6 A Again, it was probably the middle -- I -- I think 09:11  
7 it was actually around October of 2012 -- 09:11  
8 Q Okay. 09:12  
9 A -- that I came out here. 09:12  
10 Q Where did you meet her? 09:12  
11 A I believe at their house. 09:12  
12 Q Okay. Where was that house? 09:12  
13 A I think on Edinburgh. 09:12  
14 Q Now, is that the first time you had been to that 09:12  
15 residence? 09:12  
16 A Yes, sir. 09:12  
17 Q Had you ever been out to California to visit 09:12  
18 Dennis prior to 2012? 09:12  
19 A No, sir. 09:12  
20 Q How about to Las Vegas? 09:12  
21 A I went to Las Vegas one time; I was actually on 09:12  
22 duty at the time, and I stayed at Dennis's house for a 09:12  
23 day. 09:12  
24 Q All right. Now, at -- did Dennis, at any time 09:12  
25 prior to 2012, tell you that he had been divorced from 09:12

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1 Gaby? 09:12  
2 A No. 09:12  
3 Q And you understand when I say Gaby, I'm talking 09:12  
4 about Gabrielle Cioffi-Kogod? 09:12  
5 A I do. 09:12  
6 Q Um, so it seems logical to me, in 2012 when he 09:12  
7 advised you of his children, he must have also advised you 09:12  
8 of the status of his marriage to -- 09:12  
9 MR. MARKS: Object to -- 09:12  
10 BY MR. SMITH: 09:12  
11 Q -- Gabrielle -- 09:12  
12 MR. MARKS: Object to the form. 09:12  
13 BY MR. SMITH: 09:12  
14 Q -- did he? 09:12  
15 A I knew that he was not living with Gabrielle, 09:12  
16 yes. 09:12  
17 Q Okay. When did -- when did he tell you that? 09:12  
18 A Wow; um, you have to give me a minute to think. 09:13  
19 I -- exact-datewise, I have no idea honestly. 09:13  
20 Q Can you give me a -- 09:13  
21 A It was sometime in 2012. 09:13  
22 Q Okay. And then -- that was the first time that 09:13  
23 you had learned that they weren't living together? 09:13  
24 A I believe so. 09:13  
25 Q Okay. Did he inform you or didn't you naturally 09:13

Page 23



1 ask, "What's going on? You have kids, you're married to 09:13  
2 Gaby," or words -- 09:13  
3 MR. MARKS: Object to the form. 09:13  
4 BY MR. SMITH: 09:13  
5 Q -- to that effect? 09:13  
6 A No, I didn't. 09:13  
7 Q Okay. Did you even think about the fact that he 09:13  
8 might still be married? 09:13  
9 MR. MARKS: Object to the form. 09:13  
10 THE WITNESS: At the time, I was going through a 09:13  
11 tremendous life change; I was in and out of court every 09:13  
12 day, I was under investigation, I was out for a year of 09:13  
13 work for no reason or no cause; so that's really what I 09:13  
14 was focusing on. 09:13  
15 BY MR. SMITH: 09:13  
16 Q Did that conversation ever come up later? 09:13  
17 A Again, I don't have the conversations with him 09:13  
18 that one might expect. 09:13  
19 Q So the answer is "No," you've never had a 09:13  
20 conversation with him about the status of his marriage? 09:13  
21 MR. MARKS: Object to the -- 09:13  
22 THE WITNESS: No. 09:13  
23 MR. MARKS: -- form. 09:13  
24 BY MR. SMITH: 09:13  
25 Q Um, the -- what do you understand the status of 09:14

Page 24

1 his marriage to be presently? 09:14  
2 MR. MARKS: Object to the form. 09:14  
3 THE WITNESS: That he's going through a divorce. 09:14  
4 BY MR. SMITH: 09:14  
5 Q When did you believe that that divorce was 09:14  
6 commenced? 09:14  
7 A That it was started. 09:14  
8 Q When did it start? 09:14  
9 A I have absolutely no idea. 09:14  
10 Q Okay. All right; why did Dana move to Georgia? 09:14  
11 A We had purchased some property, again, back in 09:14  
12 2000; we fell in love with the area; we had a young 09:14  
13 daughter, the school that he was scheduled to go to in 09:14  
14 Florida was a below standard school; the housing market 09:14  
15 was starting to take a really bad dive, so we had put our 09:14  
16 house up for sale just to see if we got any bites on it. 09:14  
17 Surprisingly, the first day, we got a bite on it, and I 09:14  
18 had asked her what she wanted to do as far as relocating. 09:14  
19 She was concerned about my daughter's education. And we 09:15  
20 thought, at the time, that we had a house built already 09:15  
21 there, and it was an hour and a half flight from Florida 09:15  
22 to Georgia for me, so we thought that it would be in the 09:15  
23 best interest of my daughter. 09:15  
24 Q Did you commute back and forth? 09:15  
25 A I did. 09:15

Page 25

1 Q Okay. How often did you get back to Blairsville? 09:15  
2 A I tried to get back there once a month. 09:15  
3 Q Did you ever provide any support to your 09:15  
4 parents -- 09:15  
5 A Yes -- 09:15  
6 Q -- financial support? 09:15  
7 A -- I have. 09:15  
8 Q And when was that? 09:15  
9 A I've been providing them support since I've been 09:15  
10 out here -- probably the last year that I've been out 09:15  
11 here; and then off and on when they came to visit, one 09:15  
12 time I believe I purchased a rental car for them -- for 09:15  
13 them to drive around in. Other than that, support-wise, I 09:15  
14 don't think there's been any other support -- 09:15  
15 Q Okay. 09:15  
16 A -- that I've provided for them. 09:15  
17 Q None in Florida? 09:15  
18 A No, sir. 09:15  
19 Q Um, where -- did you ever provide support to 09:15  
20 Dana's parents? 09:15  
21 A They live in my house in Georgia. 09:15  
22 Q Okay. Did you ever provide support to any other 09:15  
23 members of the Kogod family, other than your parents or 09:16  
24 other than Dana's parents? 09:16  
25 A My brother, Larry. 09:16

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1 Q And what support did you provide Larry? 09:16  
2 A Financial support when he was ill, over the last 09:16  
3 25 years, he's been a second child. 09:16  
4 Q Okay. What does Larry do? 09:16  
5 A He operates and manages restaurants. 09:16  
6 Q Okay. Does -- is he currently doing that now? 09:16  
7 A I believe he just started a new job with Dunkin 09:16  
8 Donuts in Florida, yes. 09:16  
9 Q Okay. When did -- you currently re- -- well, 09:16  
10 let's go through where you resided. 09:16  
11 You resided with your parents at the Broadcast 09:16  
12 Center; correct? 09:16  
13 A Yes, sir. 09:16  
14 Q And you -- how long did you reside there? 09:16  
15 A I want to say maybe -- maybe a year. 09:16  
16 Q Okay. And during that year, did you contribute 09:16  
17 to any of the expenses associated with that -- that 09:16  
18 residence? 09:16  
19 A The residence, no. 09:17  
20 Q Did you contribute to their support? 09:17  
21 A I filled their car up with gas, I paid for their 09:17  
22 meals occasionally; other than that, no. 09:17  
23 Q Okay. And what did you do for employment, if 09:17  
24 anything, during that year? 09:17  
25 A I was looking for employment; the first -- the 09:17

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1 first year, I wasn't doing anything for employment. 09:17  
2 Q Okay. At any time, did Dennis provide you 09:17  
3 support during that period? 09:17  
4 A He provided me money for an attorney back in 09:17  
5 Florida in 2012. 09:17  
6 Q Okay. How -- what did he provide you? 09:17  
7 A The retainer -- 09:17  
8 Q What -- 09:17  
9 A -- that I need -- 09:17  
10 Q What -- 09:17  
11 A -- that was \$10,000. 09:17  
12 Q \$10,000, okay. What attorney was that? 09:17  
13 A Edward McGee, M-C-G-E-E. 09:17  
14 Q Thank you. And Mr. McGee was your attorney in 09:17  
15 relation to the investigation that was done by the Broward 09:17  
16 County sheriff's department? 09:17  
17 A Yes, sir. 09:17  
18 Q Um, did Dennis provide you with anything -- any 09:17  
19 additional funds for counsel, either Mr. McGee or 09:17  
20 otherwise for the -- 09:18  
21 A No, sir; that was the extent of it. 09:18  
22 Q -- for any of the matters in Florida? 09:18  
23 A I'm sorry, no. 09:18  
24 Mr. McGee wanted to continue to fight the case 09:18  
25 for additional funding, but I decided at that point just 09:18

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1 to take an early retirement. 09:18

2 Q Okay. Um, the -- so during the year that you 09:18

3 lived with your parents, you didn't have outside 09:18

4 employment; correct? 09:18

5 A No, sir. 09:18

6 Q Okay. And -- but you were receiving your 09:18

7 retirement at that time or not? 09:18

8 A I was; I took an early retirement -- 09:18

9 Q Okay. When did you begin receiving that early 09:18

10 retirement? 09:18

11 THE REPORTER: I'm sorry, you -- 09:18

12 THE WITNESS: I'm sorry. 09:18

13 -- with a penalty, I started taking it. 09:18

14 When did I start receiving my early retirement? 09:18

15 I think -- I want to say my first check came in January of 09:18

16 2013. 09:18

17 BY MR. SMITH: 09:18

18 Q Okay. 09:18

19 A And when I left the agency in November of 2012, I 09:18

20 received a payout for my sick time and vacation time and 09:18

21 so forth. 09:18

22 Q How much was that? 09:18

23 A I want to say somewhere around \$25,000. 09:18

24 Q Okay. Um, other than living in your home, do you 09:18

25 provide support for Dana's parents, or have you provided 09:19

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1	support for Dana's parents?	09:19
2	A Financially?	09:19
3	Q Yes.	09:19
4	A No, I just take care of the mortgage and the	09:19
5	utilities.	09:19
6	Q Okay. So no direct payments of any kind?	09:19
7	A No, sir.	09:19
8	Q Do you know if Dennis has provided any help to	09:19
9	Dana's parents?	09:19
10	A I don't know if he's even met them; but no, he	09:19
11	has not provided support for them, no.	09:19
12	Q Okay. Um, after that year of living with your	09:19
13	parents at the Broadcast Center, where did you live?	09:19
14	A I went to their apartment where they're currently	09:19
15	at on San Vicente for a few months; I don't -- again,	09:19
16	timewise, I -- I -- guessing, maybe three months.	09:19
17	Q And where did you live after that?	09:20
18	A The condo that we're currently residing in on	09:20
19	Cannon Drive.	09:20
20	Q Okay. And when did you move into that condo?	09:20
21	A It was approximately two years ago.	09:20
22	Q Okay. Um, at any time, have you planed to return	09:20
23	to Florida?	09:20
24	A Not to Florida, no.	09:20
25	Q Where?	09:20

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1 A Yes, I have. 09:21  
2 Q Okay. And that was about six months ago? 09:21  
3 A Over the last six months, probably. 09:21  
4 Q All right. Did you ever discuss with your 09:21  
5 parents their desire to move away from the state of 09:21  
6 California? 09:21  
7 MR. MARKS: Object to the form. 09:21  
8 THE WITNESS: Their desire? 09:21  
9 BY MR. SMITH: 09:21  
10 Q Yes. 09:21  
11 A No, I have not. 09:21  
12 Q Okay. Have they ever indicated to you that they 09:21  
13 desire, either of them, that they desire to move away from 09:21  
14 the state of California? 09:21  
15 A No, sir. 09:21  
16 Q Do you know when Dennis moved to California? 09:21  
17 A I have absolutely no idea. 09:22  
18 Q Okay. When you came to the state of California, 09:22  
19 what were you driving? 09:22  
20 A I didn't have -- I had no vehicle. 09:22  
21 Q Okay. Did -- did you subsequently obtain a 09:22  
22 vehicle or the use of a vehicle? 09:22  
23 A I purchased a motorcycle. 09:22  
24 Q Okay. When was that? 09:22  
25 A Two years ago. 09:22

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1 Q What was the type of motorcycle? 09:22  
2 A A Yamaha. 09:22  
3 Q Okay. What were the funds that you used -- where 09:22  
4 were the funds from that you used to purchase that 09:22  
5 motorcycle? 09:22  
6 A I took out a loan. 09:22  
7 Q Is that Yamaha Financial or -- 09:22  
8 A It's through MB Financial Bank. 09:22  
9 Q Okay. So I take it Dan- -- Dennis did not 09:22  
10 provide you any moneys for the purchase of that vehicle? 09:22  
11 A That's correct. 09:22  
12 Q Have you ever had access to any credit card or 09:22  
13 bank accounts of Dennis'? 09:23  
14 A Never. 09:23  
15 Q Have you ever utilized a credit card of Dennis'? 09:23  
16 A Never. 09:23  
17 Q Have you ever had a credit card on Dennis' 09:23  
18 account that you could use? 09:23  
19 A No, sir. 09:23  
20 Q Do you have credit cards presently? 09:23  
21 A I do, unfortunately. 09:23  
22 Q And all of those credit cards are solely in your 09:23  
23 name? 09:23  
24 A Yes, sir. 09:23  
25 Q Is -- 09:23

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1	A	Or Dana -- or Dana's name.	09:23
2	Q	Or who?	09:23
3	A	Dana.	09:23
4	Q	Dana, your wife?	09:23
5	A	My wife, yes.	09:23
6	Q	Right. And have you -- has Dennis ever provided	09:23
7		you any funds to pay those credit card obligations?	09:23
8	A	No, sir.	09:23
9	MR. SMITH:	All right. Let me show you what's	09:23
10		been marked as Exhibit 3.	09:23
11		(Whereupon Exhibit 3	09:23
12		was marked for identification by	09:23
13		the court reporter and is	09:23
14		attached hereto.)	09:23
15	MR. SMITH:	Nice and warm in here now. Huh, Dan?	09:24
16	MR. MARKS:	No comment. Are they going to	09:24
17		validate the parking? That's my next concern.	09:24
18	MR. SMITH:	No.	09:24
19	MR. MARKS:	So no air and you pay for parking.	09:24
20	MR. SMITH:	No air and you pay for parking.	09:24
21	MR. MARKS:	In Beverly Hills. All right, Rod.	09:24
22		I have an extra copy if someone needs it.	09:24
23	MR. SMITH:	Yeah, sorry about that.	09:24
24	BY MR. SMITH:		09:24
25	Q	All right. Can -- so have you ever seen this	09:24

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1	document before?	09:24
2	A I have, yes, sir.	09:24
3	Q All right. And on page three of that document	09:24
4	is, uh, uh -- well, actually, it's not your signature. So	09:24
5	do you -- what do you understand about this document? How	09:24
6	did it come about?	09:24
7	A I understand that he purchased a condo in Beverly	09:24
8	Hills.	09:24
9	Q "He" being Dennis?	09:24
10	A Yes, sir.	09:24
11	Q Okay.	09:24
12	A And he had offered me to rent it out from him.	09:24
13	Q Is -- and is --	09:24
14	A The --	09:24
15	Q Is that a condo at 434 South Cannon Drive, unit	09:24
16	405?	09:25
17	A Yes, sir. For the purposes of my family	09:25
18	relocat- -- relocating here and my daughter going to	09:25
19	Beverly Hills High School. You had to live in the Beverly	09:25
20	Hills district; and in order for me to reside in the	09:25
21	condo, he had to put me down as one percent on the deed in	09:25
22	order to reside in the condo.	09:25
23	Q The, uh -- the grant is actually to the Mitchell	09:25
24	Kogod and Dennis Kogod, trustees of the Kogod family	09:25
25	trust. Do you see that?	09:25

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1	A	I do see that.	09:25
2	Q	Do you have a copy of the Kogod family trust	09:25
3		document?	09:25
4	A	I do not, sir.	09:25
5	Q	Um, were you aware that you were a trustee of the	09:25
6		Kogod family trust?	09:25
7	A	I was aware that I was one percent for the	09:25
8		purposes of the condo; other than that, I -- I don't know	09:25
9		anything about the trust.	09:25
10	Q	Have you ever seen the trust --	09:25
11	A	I don't --	09:25
12	Q	-- documents?	09:25
13	A	-- believe I have, no, sir.	09:25
14	Q	Um, have you ever signed any documents associated	09:25
15		with your acting as trustee of the trust, to your	09:25
16		knowledge?	09:25
17	A	I signed a document, again, that I believe was	09:25
18		for the one percent of the condo in order to allow me to	09:26
19		reside there.	09:26
20	Q	Have you retained a copy of that document?	09:26
21	A	No, sir; I returned it to Dennis after I signed	09:26
22		it.	09:26
23	Q	Where did you sign it?	09:26
24	A	Physically, where did I sign it?	09:26
25	Q	Where were you?	09:26

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1           A    I -- it was in Los Angeles in front of a notary.   09:26  
2           Q    Were you at a lawyer's office?                   09:26  
3           A    No, sir; I went to a notary.                   09:26  
4           Q    Do you know who the lawyer is that prepared the   09:26  
5   trust documents?   09:26  
6           A    I have absolutely no idea, sir.                   09:26  
7           Q    So were those documents maintained by Dennis       09:26  
8   Kogod?   09:26  
9           A    They were returned to him after I signed them and   09:26  
10   notarized them; I don't know where they went from there.   09:26  
11           Q    Did you have any conversation with Dennis Kogod   09:26  
12   in regard to the trust?                                   09:26  
13           A    No, sir.   09:26  
14           Q    He never explained to you what --               09:26  
15           A    Other than the one percent.                   09:26  
16           Q    Let me --   09:26  
17           A    I'm sorry.   09:26  
18           Q    Let me finish.                                   09:26  
19           A    Go ahead.   09:26  
20           Q    He never explained to you anything about the       09:26  
21   family trust?   09:26  
22                   MR. MARKS: Could I get an objection to the form   09:26  
23   before he answers.   09:26  
24           BY MR. SMITH:   09:26  
25           Q    You can answer.                                   09:26

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1 BY MR. SMITH: 09:27  
2 Q All right. So, um, when did you move into that 09:27  
3 condominium? 09:27  
4 A I want to say, again, a year and a half to two -- 09:27  
5 a year and a half ago. 09:27  
6 Q Okay. This deed is dated February 18, 2014; does 09:27  
7 that sound about right? 09:27  
8 A I think I moved in there around April. 09:27  
9 Q Okay. Of 2014 or does it seem earlier than that? 09:28  
10 Did you rent it for a while? 09:28  
11 A No, sir. 09:28  
12 Q Okay; so it was just purchased and then you moved 09:28  
13 in? 09:28  
14 A Correct. 09:28  
15 MR. MARKS: Object to the form. 09:28  
16 THE WITNESS: Correct. 09:28  
17 BY MR. SMITH: 09:28  
18 Q What was your contribution to the purchase of the 09:28  
19 home? Yours or Dana's. 09:28  
20 A To the condo? 09:28  
21 Q Excuse me, yes; the condo? 09:28  
22 A Other than I pay the HOA fees every month and the 09:28  
23 taxes, that was my only contribution to it. 09:28  
24 Q Okay. So you've never paid any money, either to 09:28  
25 the sellers or Dennis, for your occupation or ownership -- 09:28

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1	A	No, sir.	09:28
2	Q	-- of the 434 South Cannon Drive, unit 405 home;	09:28
3		correct?	09:28
4	A	No, sir.	09:28
5	Q	No, you have not?	09:28
6	A	That's correct, I have not.	09:28
7	Q	What was the price of the condominium at 434	09:28
8		South Cannon Drive?	09:29
9	A	The exact price, I have no idea; I wasn't	09:29
10		involved in the sale/purchase transaction. It was	09:29
11		somewhere over \$500,000, I believe, or somewhere in that	09:29
12		ballpark; but I don't have an exact amount.	09:29
13	Q	When did you first visit the condominium or see	09:29
14		the condominium?	09:29
15	A	Couple weeks before it was purchased.	09:29
16	Q	Okay. So were you involved in the negotiation of	09:29
17		the sale?	09:29
18	A	No, sir; none at all.	09:29
19	Q	Did you or Dana preview the residence before the	09:29
20		negotiation took place?	09:29
21	A	I -- I did. Dana was not in California at the	09:29
22		time.	09:29
23	Q	All right. So the entire transaction was	09:29
24		completed in about two weeks?	09:29
25	A	Yes.	09:29

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1 Q When did Dana come to California? 09:29  
2 A It would have been the day that we moved into the 09:29  
3 condo; so I'm saying -- you said that was dated in 09:29  
4 February? 09:29  
5 Q The deed itself is -- if the -- on Exhibit 3 is 09:29  
6 dated February 18th, 2014. 09:29  
7 A It would have been around April, again, of 2014. 09:30  
8 Q Um, do you know if anyone resided in the -- the 09:30  
9 home between February of 2014 and April of 2014? 09:30  
10 A No, sir, there was nobody. 09:30  
11 Q Was it brand-new? 09:30  
12 A No, sir. 09:30  
13 MR. SMITH: All right. Showing you what's been 09:30  
14 marked as Exhibit 4. Well, actually, let's go to 5. 09:30  
15 Showing you what's been marked as Exhibit 5. 09:30  
16 (Whereupon Exhibit 5 09:30  
17 was marked for identification by 09:30  
18 the court reporter and is 09:30  
19 attached hereto.) 09:30  
20 BY MR. SMITH: 09:30  
21 Q Do you recognize this document? 09:30  
22 A No, sir, I don't. 09:30  
23 Q It appears to be the final settlement statement 09:30  
24 for the purchase of the 434 South Cannon Drive, unit 405; 09:30  
25 and this is dated around February 20th, 2014. Does that 09:31

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1 refresh your recollection as to the date of the closing of 09:31  
2 the escrow in this property? 09:31  
3 A I wasn't there for the closing; but, again, it 09:31  
4 was somewhere between February and March, because we moved 09:31  
5 in in April. 09:31  
6 Q Okay. So you didn't sign any documents 09:31  
7 associated with the escrow? 09:31  
8 A No, sir, none. 09:31  
9 Q Do you know who signed those documents? 09:31  
10 A I have no idea. 09:31  
11 Q Were you ever presented with a copy of the 09:31  
12 closing documents? 09:31  
13 A No, sir. 09:31  
14 Q Do you know if the trust maintains records? 09:31  
15 A I have no idea about the trust, I'm sorry. 09:31  
16 Q The, uh -- it appears, from this document anyway, 09:31  
17 that the purchase price was around \$551,000. Does that 09:31  
18 sound about right to you? 09:31  
19 A Again, yes; somewhere in the ballpark, yes. 09:31  
20 Q So you did have some understanding of what Dennis 09:31  
21 was paying for the condominium? 09:31  
22 A I think I asked the Realtor that showed me the 09:31  
23 condo what -- what the price was or what they were asking 09:31  
24 for, but that was the extent of it. 09:32  
25 Q Okay. But Dennis didn't tell you? 09:32

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1 A No, sir. 09:32  
2 Q Were you concerned about that? 09:32  
3 A Was I concerned? No. 09:32  
4 Q That's because Dennis was buying it; correct? 09:32  
5 A Absolutely. 09:32  
6 Q All right. And when it indicates on Exhibit 5 09:32  
7 that the deposits for the purchase of the condominium from 09:32  
8 Dennis Kogod, that's consistent with your understanding of 09:32  
9 how the con- -- the condominium was purchased; correct? 09:32  
10 A Correct. 09:32  
11 Q All right. Now, you had indicated that -- well, 09:32  
12 do you still reside in that condominium? 09:32  
13 A Yes, sir. 09:32  
14 Q Um, have you ever moved out of that condo for any 09:32  
15 period of time? 09:32  
16 A No, sir. 09:32  
17 Q Okay. Have you ever resided with your parents 09:32  
18 since the time that you moved into the condominium? 09:32  
19 A I've stayed with them a few times, yes. 09:32  
20 Q Okay. Are you staying with them presently? 09:32  
21 A Yes. 09:32  
22 Q How long have you been staying there? 09:32  
23 A About two weeks, three weeks. 09:32  
24 Q Why are you staying there? 09:32  
25 A We had some family issues. 09:32

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1 Q That's between you and Dana? 09:32  
2 A Correct. 09:32  
3 Q All right. Um, are you in the process of a 09:32  
4 divorce? 09:32  
5 A No, sir. 09:32  
6 Q Okay. Your daughter moved with Dana; correct? 09:32  
7 A Yes, sir. 09:33  
8 Q And she attends Beverly Hills High? 09:33  
9 A She does. 09:33  
10 Q Um, have you ever been on a boat owned by Dennis? 09:33  
11 A I have. 09:33  
12 Q Okay. When was that, first? 09:33  
13 A I'm trying -- um, it -- 12- -- it would have -- 09:33  
14 the beginning of 2013. 09:33  
15 Q Okay. Do you recall the name of the boat? 09:33  
16 A The Denika. 09:33  
17 Q Okay. And that's after his two daughters, Denise 09:33  
18 and Nika; right? 09:33  
19 A Yes, sir. 09:33  
20 Q Have you ever heard of an entity by the name 09:33  
21 of -- of Denika, LLC? 09:33  
22 A No, sir, I have not. 09:33  
23 Q Did your father, Sheldon, ever indicate to you 09:33  
24 that he owned the boat? 09:33  
25 A No, sir. 09:33

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1 Q How about your mother, Marsha? 09:33  
2 A No, sir. 09:33  
3 Q Um, was it your -- ever your understanding from 09:33  
4 anyone that they owned that boat? 09:34  
5 A No, sir. 09:34  
6 Q So the first boat you were on was in 2013. How 09:34  
7 often did you ride on the boat or -- or use the boat? 09:34  
8 A Pur- -- I never used it myself; it was always 09:34  
9 with him. 09:34  
10 Q With Dennis? 09:34  
11 A Yes, sir. I want to say maybe a dozen times 09:34  
12 Q Okay. And when you went out on the boat, did you 09:34  
13 meet Dennis there? Did you stay in -- it was in Marina 09:34  
14 del Rey; correct? 09:34  
15 A Yes, sir. 09:34  
16 Q Did you meet Dennis there? Did you stay in 09:34  
17 Marina del Rey? How did -- 09:34  
18 MR. MARKS: Object to the form. 09:34  
19 BY MR. SMITH: 09:34  
20 Q -- that work? 09:34  
21 A I met him there. 09:34  
22 Q Do you know if Dennis stayed in Marina del Rey 09:34  
23 prior to using the boat? 09:34  
24 MR. MARKS: Object to the form. 09:34  
25 THE WITNESS: I have no idea. 09:34

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1 BY MR. SMITH: 09:34

2 Q And when you went on the boat, was it usually 09:34

3 with Dennis alone, or were there other family members 09:34

4 present as well? 09:34

5 A There were other people present. 09:34

6 Q Okay. Was this a -- a regular get-together type 09:34

7 of thing during the good season, or was it just a 09:34

8 random -- 09:34

9 MR. MARKS: Object to the form. 09:34

10 THE WITNESS: Sporadic -- I'm sorry, sporadic. 09:34

11 BY MR. SMITH: 09:34

12 Q How would you learn about the -- the use of the 09:34

13 boat or the fact that the family was going to use the 09:35

14 boat? 09:35

15 A I would get a text message that said "Tomorrow, 09:35

16 9:00 a.m." 09:35

17 Q Text from Dennis? 09:35

18 A Correct. 09:35

19 Q All right. And who were -- who was usually on 09:35

20 the boat when you were there? 09:35

21 A It would have been the girls, Denise and Nika; 09:35

22 Nadya and her friends -- some of her friends. 09:35

23 Q Did you ever have a conversation with Nadya about 09:35

24 the nature of her relationship to Dennis? 09:35

25 A No, my relationship with Nadya was not very well. 09:35

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1 Q Why is that? 09:35  
2 A We -- we just didn't communicate very well, very 09:35  
3 much, very often. 09:35  
4 Q Is that because of her language skills or -- or 09:35  
5 as a result of her personality? 09:35  
6 MR. MARKS: Object to the form. 09:35  
7 THE WITNESS: We just never clashed -- we never 09:35  
8 clicked; I'm sorry. 09:35  
9 BY MR. SMITH: 09:35  
10 Q So you did clash? 09:35  
11 A We just -- 09:35  
12 MR. MARKS: Object to the form. 09:35  
13 THE WITNESS: -- never clicked. 09:35  
14 BY MR. SMITH: 09:35  
15 Q All right. Did Dennis ever hold Nadya out as his 09:35  
16 wife? 09:35  
17 MR. MARKS: Object to the form. 09:35  
18 THE WITNESS: No, sir, not to me. 09:35  
19 BY MR. SMITH: 09:35  
20 Q Did you ever see him or hear him -- I guess hear 09:35  
21 him hold Nadya out as his wife? 09:35  
22 A No, sir, not -- not in front of me, no. 09:36  
23 Q Have you seen any documents that -- in which 09:36  
24 Dennis held Nadya out as his wife? 09:36  
25 A No, sir. 09:36

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1 Q Are you close to Dennis's children? 09:36  
2 A I think the last time I saw them was -- give me a 09:36  
3 minute, I'm trying to think of the -- the date. 09:36  
4 Q Okay. 09:36  
5 A Um, it was a dinner, and it was probably a month 09:36  
6 ago. 09:36  
7 Q Um, your father and mother testified yesterday. 09:36  
8 You're aware of that; correct? 09:36  
9 A Yes. 09:36  
10 Q You talked with them about that? 09:36  
11 A I have not really, no. 09:36  
12 Q Okay. Did they mention anything about their 09:36  
13 depositions to you? 09:36  
14 A Just about how long they took timewise; that was 09:36  
15 it. 09:36  
16 Q Okay. And nothing else? 09:36  
17 A No, sir. 09:36  
18 Q They didn't even curse my existence? 09:37  
19 A I didn't even see them -- 09:37  
20 Q Okay. 09:37  
21 A -- to be honest with you. 09:37  
22 Q That was a joke. 09:37  
23 A I'm sorry. I worked yesterday and then my 09:37  
24 daughter had a high school football game till 09:37  
25 10:00 o'clock last night. 09:37

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1 Q All right. Is she a cheerleader? 09:37  
2 A Yes, she is. 09:37  
3 Q Now, is Dana the -- doing something with the 09:37  
4 cheerleading squad? 09:37  
5 A She's helping out, volunteering. 09:37  
6 Q Okay. How is Dana's health? 09:37  
7 A Very bad. 09:37  
8 Q Okay. Um, and, uh -- and I don't mean to pry, 09:37  
9 but I understand from your mother that she has the need 09:37  
10 for medical procedures; correct? 09:37  
11 A Correct; we just found out, um, this week. 09:37  
12 Q Okay. Do you have health insurance that will 09:37  
13 cover that? 09:37  
14 A I do now, yes. 09:37  
15 Q Okay. And when you say you do now, is that 09:37  
16 something that you recently purchased? 09:37  
17 A When I left the sheriff's office in 2012, my 09:37  
18 insurance stopped; and I had to get her a somewhat -- I 09:37  
19 don't want to say -- me and my daughter, we're on a 09:37  
20 separate policy because my daugh- -- my wife's preexisting 09:37  
21 conditions, I wasn't able to get good insurance -- 09:37  
22 Q Even under -- 09:37  
23 A -- that was affordable at the time. 09:38  
24 Q Even under Obamacare? 09:38  
25 A This was before. 09:38

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1 Q Oh, okay. 09:38  
2 A So just recently, this year, we've gotten some 09:38  
3 adequate insurance. 09:38  
4 Q Okay. And that's through the Obamacare program? 09:38  
5 A Through California 1, through Blue Shield of 09:38  
6 California. 09:38  
7 Q Okay. 09:38  
8 A Yes. 09:38  
9 Q Um, has Dennis contributed anything toward the 09:38  
10 purchase of that insurance? 09:38  
11 A No, sir. 09:38  
12 MR. SMITH: Let's -- let me show you what's been 09:38  
13 marked as Exhibit 4. 09:38  
14 (Whereupon Exhibit 4 09:38  
15 was marked for identification by 09:38  
16 the court reporter and is 09:38  
17 attached hereto.) 09:38  
18 MR. SMITH: I'm providing a copy to Mr. Marks, 09:38  
19 and it has the sticker, make it easier for you. 09:38  
20 BY MR. SMITH: 09:38  
21 Q Do you recognize this document? 09:38  
22 A I do. 09:38  
23 Q Is that your signature on the document? 09:38  
24 A Yes, it is. 09:38  
25 Q This document is dated March 6, 2013; was that at 09:38

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1 or about the time that you signed the document? 09:38  
2 A Yes, sir. 09:38  
3 Q Um, did you read the document? 09:38  
4 A I did. 09:38  
5 Q Did you understand its terms? 09:38  
6 A I did. 09:38  
7 Q Can you tell me what this is for? 09:38  
8 A This was for a loan that I had taken from him for 09:38  
9 the purchase of the restaurant that I have. 09:38  
10 Q How did you determine the amount under the loan? 09:39  
11 A It was -- I believe the purchase of the 09:39  
12 restaurant was \$1- -- I think it was \$162- or \$163- and 09:39  
13 then the \$10,000 for the attorney he added on to it. 09:39  
14 Q Okay. When you say "for the attorney," was that 09:39  
15 the attorney that you had referenced previously? 09:39  
16 A Yes, in Florida. 09:39  
17 Q Okay. So this note encompasses both the purchase 09:39  
18 of your business and the attorneys' fees for your attorney 09:39  
19 in Florida? 09:39  
20 A Yes, sir. 09:39  
21 Q How did you arrive at the interest rate? 09:39  
22 A He did; I did not. 09:39  
23 Q Okay. Is it your understanding that you are 09:39  
24 obligated to repay this loan? 09:39  
25 A Yes, sir. 09:39

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1 Q Have you made payments on the loan? 09:39  
2 A I have not yet. 09:39  
3 Q Okay. 09:39  
4 A I do have the restaurant up for sale, and I do 09:39  
5 have a buyer that's interested and submitted an offer. So 09:39  
6 the idea was, as soon as I receive the check, would be to 09:39  
7 pay him back in full. 09:39  
8 Q What's the current -- current asking price for 09:39  
9 the residence? 09:39  
10 A For the -- 09:40  
11 Q Or, excuse me, for the restaurant? 09:40  
12 A \$229,000. 09:40  
13 Q Do you owe -- other than the promissory note to 09:40  
14 Dennis, do you owe other monies associated with the 09:40  
15 restaurant? 09:40  
16 A Another \$2000 just in merchandise bills that are 09:40  
17 month to month, but that's it. 09:40  
18 Q Okay. What is the name of the restaurant? 09:40  
19 A It's called Bon Appetit. 09:40  
20 Q Where is it? 09:40  
21 A Um, it's on the corner of Santa Monica Boulevard 09:40  
22 and Century Park East; it's about three blocks from here. 09:40  
23 Q Okay. 09:40  
24 A In -- in Los Angeles. 09:40  
25 Q Do they have good sandwiches? 09:40

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1	A	It's good sandwiches.	09:40
2	Q	The -- is the restaurant successful? Are you	09:40
3		earning money from the restaurant?	09:40
4	A	The first year, I was not; pretty much broke	09:40
5		even. The guy that had it prior to me had run it down,	09:40
6		with a bad reputation; over the last couple of months, a	09:40
7		lot of tenants -- large tenants moved out of the building,	09:40
8		and they're just starting to renovate again.	09:40
9	Q	And is Bon Appetit part of a franchise, or is it	09:40
10		a single restaurant?	09:40
11	A	Single restaurant, sir.	09:40
12	Q	Um, if you know, what were your -- your revenues	09:41
13		from the business in 2014?	09:41
14	A	Approximately \$220,000.	09:41
15	Q	Does Dennis maintain any -- any type of security	09:41
16		associated with this note?	09:41
17	A	No; other than --	09:41
18	Q	How is Bon Appetit held? What kind of entity?	09:41
19		Is it a --	09:41
20	A	It's a sole proprietor.	09:41
21	Q	And you don't have any partnership agreement or	09:41
22		any other understanding with Dennis in which he would have	09:41
23		a portion of that business?	09:41
24	A	No, sir, other than the document.	09:41
25	Q	Okay. Do you have any partners in the business?	09:41

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1	A	No, sir.	09:41
2	Q	How many employees do you have?	09:41
3	A	There's myself and two others.	09:41
4	Q	Okay. And I understand your father works for you	09:41
5		sometimes?	09:41
6	A	Comes in a couple hours a day.	09:41
7	Q	Good for him; all right.	09:41
8		All right; so prior to you purchasing the	09:41
9		restaurant in or about March of 2013, you were unemployed	09:42
10		in California?	09:42
11	A	Yes, sir.	09:42
12	Q	All right. And when did you -- when did you	09:42
13		actually start working in the restaurant?	09:42
14	A	I want to say April of 2013.	09:42
15	Q	Okay. Does the restaurant pay you a salary?	09:42
16	A	I take -- yes.	09:42
17	Q	What do you take?	09:42
18	A	Now, I take \$700 a week.	09:42
19	MR. SMITH:	All right; this is No. 6 I'm showing	09:42
20		you.	09:42
21		(Whereupon Exhibit 6	09:42
22		was marked for identification by	09:42
23		the court reporter and is	09:42
24		attached hereto.)	09:43
25	MR. SMITH:	Give you a copy of that too,	09:43

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1 Mr. Marks. 09:43  
2 BY MR. SMITH: 09:43  
3 Q Um, are -- all right. These are a series of 09:43  
4 checks that we've gleaned from Dennis' records that seem 09:43  
5 to be made from you, so I'm just going to go over that 09:43  
6 page -- 09:43  
7 A Okay. 09:43  
8 Q -- by page; all right? So starting in Exhibit 6 09:43  
9 with page No. 1, it looks like a check, 1385, dated 09:43  
10 June 1st, 2012 in the amount of \$3,000. 09:43  
11 Is that your signature on the back of that check? 09:43  
12 A Yes, sir. 09:43  
13 Q Okay. And do you recall receiving those funds? 09:43  
14 A Yes. He -- 09:43  
15 Q Do you know why Dennis gave you those funds at 09:43  
16 that time? 09:43  
17 A I think part of it was for my attorneys' fees. 09:43  
18 Q Okay. So that's your best recollection is that 09:43  
19 in June of 2012, he gave you \$3,000 for your attorneys' 09:43  
20 fees? 09:43  
21 A Correct; that's when I first signed up with the 09:43  
22 attorney. 09:43  
23 Q Okay. Did he -- during that period of time, did 09:43  
24 he give you any cash or other payments -- 09:43  
25 A No, sir. 09:43

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1 Q -- that weren't in the form of checks? 09:43  
2 A No, sir. 09:43  
3 Q All right. The next -- the second page of 09:43  
4 Exhibit 6, a check dated 14- -- or, excuse me, dated 09:44  
5 January 15th, 2013; it's check No. 1406 on Dennis's 09:44  
6 account, and it's to you in the amount of \$1400. 09:44  
7 Is that your signature? 09:44  
8 A Yes, sir. 09:44  
9 Q And do you recall receiving those funds? 09:44  
10 A I'm just trying to remember what they were for; 09:44  
11 some of them were for repayment. When he was out of town, 09:44  
12 I paid for certain things, and he reimbursed me. But for 09:44  
13 specific items, I'm just trying to remember. 09:44  
14 Q When he was out of town, you would pay for 09:44  
15 things? 09:44  
16 A If something was due or he had to make a payment 09:44  
17 on something. 09:44  
18 Q So in January 2013, you were making payments on 09:44  
19 behalf of Dennis? 09:44  
20 A I'm trying to remember what this is specifically 09:44  
21 for. 09:44  
22 Q Okay. Well, let me -- let me explore that notion 09:44  
23 of you making payments for Dennis. 09:44  
24 A Okay. 09:44  
25 Q How often have you done that? 09:44

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1	A	Probably half a dozen times.	09:44
2	Q	And you've done that while you're here in	09:44
3		California?	09:44
4	A	Yes, sir.	09:44
5	Q	How do you do that?	09:44
6	A	I would either pay by a check -- personal check	09:45
7		of mine, credit card; I -- I don't --	09:45
8	Q	What were the type of payments that you would	09:45
9		make? What payments did you make, I guess I should ask?	09:45
10	A	I believe, uh, at one point, there was a dock fee	09:45
11		that was due at one month.	09:45
12	Q	Dock as in D-O-C-K?	09:45
13	A	Yes, sir.	09:45
14	Q	Not doctor?	09:45
15	A	No, sir.	09:45
16	Q	All right. Dock fee?	09:45
17	A	And I believe he was out of town, it was due, and	09:45
18		I went down there and made the payment.	09:45
19	Q	Do you recall the amount of that payment?	09:45
20	A	I don't.	09:45
21	Q	Um, the general amount? Was it \$10,000? Was it	09:45
22		\$2,000? Was it \$1000? \$500?	09:45
23	A	No, it was somewhere around \$1000, \$1500, I'm	09:45
24		guessing.	09:45
25	Q	Okay. And you paid that, as you recall, from	09:45

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1 your account on behalf of Dennis? 09:45  
2 A Correct. 09:45  
3 Q Um, and that was down in Marina del Rey, or was 09:45  
4 it to a different location? 09:45  
5 A It was Marina del Rey; that was the only place 09:45  
6 that the boat was located. 09:45  
7 Q All right. Did Dennis explain to you why he 09:45  
8 needed you to make his dock payment? 09:45  
9 A No; other than he was out of town one month and 09:45  
10 it had to be paid. 09:46  
11 Q Do you know where he was? 09:46  
12 A I have no idea. The next check, if I can go -- 09:46  
13 Q Was that -- 09:46  
14 A Oh -- 09:46  
15 Q -- let me try to -- 09:46  
16 A -- I'm sorry; go ahead. 09:46  
17 Q Let me try to -- when was that? 09:46  
18 A Again, I don't remember. I'm guessing that the 09:46  
19 \$1400, I don't know what else it would have been for. 09:46  
20 Q Okay. So you're now referring to the check -- 09:46  
21 A 1460. 09:46  
22 Q -- that is -- that is 1460, page two of 09:46  
23 Exhibit 6; correct? 09:46  
24 A Yes, sir. 09:46  
25 Q All right; thank you. Let's move to the next 09:46

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1       one: Its date is January 20th, 2013, on Dennis' [sic]       09:46  
2       Kogod's account made to you, it's check No. 1531 in the       09:46  
3       amount of \$6,000. Is that your signature on the back of       09:46  
4       that check?       09:46  
5           A    Yes, it is, sir.       09:46  
6           Q    Can you tell me why Dennis paid you \$6,000 at       09:46  
7       that time?       09:46  
8           A    I believe that this \$6,000 check was for a       09:46  
9       business that I was looking at prior to the purchase of       09:46  
10      Bon Appetit --       09:46  
11          Q    Okay.       09:46  
12          A    -- and I had to give them a deposit.       09:46  
13          Q    What was that business?       09:46  
14          A    It was, again, a small restaurant in, uh -- I'm       09:46  
15      trying to -- it was on San Vicente Boulevard.       09:47  
16          Q    Do you recall the name?       09:47  
17          A    Give me a second. I see it on the window, I'm       09:47  
18      just trying to --       09:47  
19          Q    We can come back to that.       09:47  
20          A    Okay.       09:47  
21          Q    All right.       09:47  
22          A    It was in Cedars Sinai Medical building --       09:47  
23          Q    Okay. You'll --       09:47  
24          A    -- on San Vicente.       09:47  
25          Q    You'll remember it when we don't talk about it;       09:47

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1 and when you do, you'll tell me. Okay? 09:47

2 A I -- I think it was -- I'm trying to remember how 09:47

3 it was pronounced. I know the last part was S-O-G-N-O; 09:47

4 Sono (phonetic) and I think it was Il Sogno. 09:47

5 MS. KOGOD: Il Sogno? 09:47

6 THE WITNESS: Yes. 09:47

7 BY MR. SMITH: 09:47

8 Q Okay. And, um, that restaurant was for sale -- 09:47

9 A Yes, sir. 09:47

10 Q -- and you found out and so you put a deposit 09:47

11 down for the purchase of that restaurant? 09:47

12 A Correct. 09:47

13 Q Why didn't you consummate that purchase? 09:47

14 A Cedars Sinai hospital rejected my application at 09:47

15 that time. 09:47

16 Q The -- what happened to the \$6000? 09:47

17 A It was returned. 09:47

18 Q To Dennis? 09:48

19 A Correct. 09:48

20 Q How? 09:48

21 A The check was written and given to him. 09:48

22 Q Okay. You gave him a check for \$6,000? 09:48

23 A Yes, sir. 09:48

24 Q Okay. The next document is dated February 3rd of 09:48

25 2013? 09:48

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1 A Yes, sir. 09:48  
2 Q And it's check No. 1547? 09:48  
3 A Yes, sir. 09:48  
4 Q And, uh, the amount is \$450? 09:48  
5 A Yes, sir. 09:48  
6 Q That's your signature -- 09:48  
7 A And I -- 09:48  
8 Q -- on the check? 09:48  
9 A Yes, sir. 09:48  
10 Q Do you know why he gave you that money? 09:48  
11 A I have absolutely no idea what it's for. 09:48  
12 Q Okay; and then in -- the next document is check 09:48  
13 No. 1546 and it's dated, seven days later, in February 09:48  
14 10th, 2013 in the amount of what appears to be \$600. Is 09:48  
15 that your signature? 09:48  
16 A It is; and, again, I -- I have no idea what it's 09:48  
17 for. I'm sorry, I just -- 09:48  
18 Q Was he in the habit of providing you cash 09:48  
19 payments -- 09:48  
20 MR. MARKS: Object to the form. 09:48  
21 BY MR. SMITH: 09:49  
22 Q -- during that period of time? 09:49  
23 A No, sir. He -- some of the checks were for my 09:49  
24 parents that he made out to me; I -- I just don't recall 09:49  
25 what these two checks were for. 09:49

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1 Q Okay. If you will go to the next document in 09:49  
2 Exhibit 6, and that's check No. 1707? 09:49  
3 A Yes, sir. 09:49  
4 Q Dated June 29th, 2013 for the amount of \$475. Is 09:49  
5 that your signature? 09:49  
6 A Yes, sir. 09:49  
7 Q Okay. Do you know why he paid you \$475 at that 09:49  
8 time? 09:49  
9 A The only -- and I'm -- I'm -- 09:49  
10 Q I don't want you to guess; if you have any 09:49  
11 recollection or specific recollection -- 09:49  
12 A I -- I believe that check 1707 and the check 09:49  
13 following it that has my signature on it for \$1619 were 09:49  
14 for repairs that were done inside of the condo that I had 09:49  
15 paid for and he reimbursed me. 09:49  
16 Q Do you -- at some point in time, did you remodel 09:49  
17 the kitchen to the condo or something along those lines? 09:49  
18 A The whole condo was remodeled at the time of 09:49  
19 purchase. 09:49  
20 Q Okay. Who paid for that remodel? 09:49  
21 A Dennis did. 09:49  
22 Q And if did you any work or put out any money, 09:49  
23 then Dennis would reimburse you for that? 09:50  
24 A Correct. 09:50  
25 Q Okay. Did he pay you for work associated with -- 09:50

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1	on the condo?	09:50
2	A No, I didn't physically do the work.	09:50
3	Q Okay. But just for supplies or payments that you	09:50
4	paid --	09:50
5	A Yes, sir.	09:50
6	Q -- toward contractors or for -- or materials?	09:50
7	A Yes, sir.	09:50
8	Q Okay. So if we'll go to the next page?	09:50
9	A I don't know what this is for.	09:50
10	Q That's the check you mentioned earlier, that's	09:50
11	1619 for \$300, and you do recall receiving that; correct?	09:50
12	A Which check; I'm sorry?	09:50
13	Q That's 15- -- 1619 on 11/8/13; I think you just	09:50
14	mentioned it.	09:50
15	A Yes, sir.	09:50
16	Q Okay. And then there's a check on February 5th	09:50
17	of 2014, check No. 1565 for \$350. That's your signature;	09:50
18	right?	09:50
19	A Yes, sir.	09:50
20	Q And do you recall why that was paid?	09:50
21	A I have no idea, sir.	09:50
22	Q Okay. And then the -- on February 12th, 2014,	09:50
23	there was a payment of \$3,000 on check 1566. Do you see	09:50
24	that?	09:50
25	A Yes, sir; I do --	09:50

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1	Q	That's the last --	09:50
2	A	-- see that.	09:50
3	Q	-- page of Exhibit 6. That's your signature;	09:50
4		right?	09:51
5	A	Yes, sir.	09:51
6	Q	Do you recall receiving those funds?	09:51
7	A	I obviously received them; I -- for what they	09:51
8		were for, I have no idea.	09:51
9		MR. SMITH: This is Exhibit 7, couple more	09:51
10		checks.	09:51
11		(Whereupon Exhibit 7	09:51
12		was marked for identification by	09:51
13		the court reporter and is	09:51
14		attached hereto.)	09:51
15		MR. SMITH: Providing a copy to Mr. Marks.	09:51
16		BY MR. SMITH:	09:51
17	Q	Um, looking at Exhibit 7, the first page is check	09:51
18		No. 1761 dated April 22nd, 2014 for \$200?	09:51
19	A	Yes, sir.	09:51
20	Q	Do you know what that was for?	09:51
21	A	Again, I don't; I'm sorry. That is my signature,	09:51
22		but I -- I don't.	09:51
23	Q	Okay. This -- again, the next one is December	09:51
24		28th, 2014 for \$130?	09:52
25	A	I believe this is for a New Year's party that he	09:52

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1 was having; I remember picking up some, um, tank gas -- 09:52  
2 Q Okay. 09:52  
3 A And I believe that's what the reimbursement was 09:52  
4 for. 09:52  
5 Q Was that a family party? 09:52  
6 A It was at his house, yes. 09:52  
7 Q Okay. A lot of people were there? 09:52  
8 A I believe so. 09:52  
9 Q You were there at the party; right? 09:52  
10 A I was, yes. 09:52  
11 Q Okay. How many people would you estimate -- 09:52  
12 MR. MARKS: Object -- 09:52  
13 BY MR. SMITH: 09:52  
14 Q -- were at the house? 09:52  
15 MR. MARKS: -- to the form. 09:52  
16 THE WITNESS: I actually -- I don't have any 09:52  
17 idea. 09:52  
18 BY MR. SMITH: 09:52  
19 Q Your parents were there? 09:52  
20 MR. MARKS: Object to the form. 09:52  
21 THE WITNESS: I can only assume they were there, 09:52  
22 I -- 09:52  
23 MR. MARKS: Object to the -- 09:52  
24 BY MR. SMITH: 09:52  
25 Q You didn't -- 09:52

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1	MR. MARKS: -- form.	09:52
2	BY MR. SMITH:	09:52
3	Q -- see?	09:52
4	A I don't --	09:52
5	Q Who did you -- who did you see that was there?	09:52
6	A I don't remember the exact party; so I've been to	09:52
7	several events at this house, so I couldn't tell you on	09:52
8	this date who was at the New Year's Eve party.	09:52
9	Q That's the New Year's Eve party that just	09:52
10	happened in January; correct?	09:52
11	MR. MARKS: Object to the form.	09:52
12	THE WITNESS: Correct.	09:52
13	BY MR. SMITH:	09:52
14	Q Okay. Um, and you just don't remember anybody	09:52
15	that was there?	09:52
16	A Just the immediate family. If -- if they were	09:52
17	there; again, I don't recall specifically who was there.	09:53
18	But, generally, that's who was there.	09:53
19	Q Do you -- have you ever met any of Dennis's work	09:53
20	colleagues?	09:53
21	A I met one.	09:53
22	Q Who was that?	09:53
23	A Trying to think of his name; he lives in	09:53
24	California. I think his name's Larry; I believe Larry. I	09:53
25	met him one time.	09:53

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1	Q	Okay. When did you meet him?	09:53
2	A	Date-wise, I couldn't tell you; I have no idea.	09:53
3	Q	While you were here in California?	09:53
4	A	Yes, sir.	09:53
5	Q	Okay. So since 2012?	09:53
6	A	Yes, sir.	09:53
7	Q	What was the circumstance under which you met	09:53
8		Larry?	09:53
9	A	He was visiting him from --	09:53
10	Q	From where?	09:53
11	A	I was -- I think Larry lived in -- you have to	09:53
12		give me a second.	09:53
13	Q	No problem.	09:53
14	A	I'm trying to think where he lived at. He had a	09:53
15		sailboat; and -- and I don't -- he came out to look at	09:53
16		Dennis's boat one time.	09:53
17	Q	Okay. Did you guys meet at Dennis's home or --	09:53
18	A	At the boat.	09:54
19	Q	-- where did you meet? At the boat?	09:54
20	A	Yes, sir.	09:54
21	Q	Who else was there?	09:54
22	A	It was just the three of us.	09:54
23	Q	Okay. Do you know if Dennis has introduced Nadya	09:54
24		to any of his work --	09:54
25		MR. MARKS: Object to the form.	09:54

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1 BY MR. SMITH: 09:54  
2 Q -- work mates or people that work with him or for 09:54  
3 him? 09:54  
4 MR. MARKS: Object to the form. 09:54  
5 THE WITNESS: I would have no idea. 09:54  
6 BY MR. SMITH: 09:54  
7 Q Did Dennis ever indicate to you that he wanted to 09:54  
8 keep his relationship with Nadya private? 09:54  
9 MR. MARKS: Object to the form. 09:54  
10 THE WITNESS: No, sir. 09:54  
11 BY MR. SMITH: 09:54  
12 Q Did -- was -- did Dennis take any precautions, to 09:54  
13 your knowledge, of -- from notifying others that he lived 09:54  
14 with Nadya? 09:54  
15 MR. MARKS: Object to the form. 09:54  
16 THE WITNESS: I would have no idea. 09:54  
17 BY MR. SMITH: 09:54  
18 Q Okay. Did -- but you never saw anything like 09:54  
19 that? 09:54  
20 A No, sir. 09:54  
21 Q And he never indicated to you, you know, "Don't 09:54  
22 mention to anyone that I'm living with Nadya"? 09:54  
23 A No, sir; I don't know anybody that he knows. 09:54  
24 Q Okay. Well -- okay. 09:54  
25 A But, no, he's never mentioned it to me, no. 09:54

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1 Q Okay. He's never -- has he ever suggested to you 09:54  
2 that it would be bad for him if his work mates or people 09:54  
3 at his work knew anything about Nadya or words to that 09:55  
4 effect? 09:55  
5 MR. MARKS: Object to the form. 09:55  
6 THE WITNESS: No. I don't -- I don't know 09:55  
7 anybody that he works with; I've never met anybody, other 09:55  
8 than this guy Larry that he used to work with that he no 09:55  
9 longer worked with at that time. Other than that -- 09:55  
10 BY MR. SMITH: 09:55  
11 Q Yeah, my question was dealt with, did he tell 09:55  
12 you -- 09:55  
13 A No, he's never told me. 09:55  
14 Q -- tell you that he needed to keep his 09:55  
15 relationship with Nadya secret and you said no? 09:55  
16 A Correct. 09:55  
17 Q And he's never told you anything or words to the 09:55  
18 effect that he needs to keep his relationship with Nadya 09:55  
19 secret from his work? 09:55  
20 A No; I don't have that relationship with him, 09:55  
21 so... 09:55  
22 Q Okay. But the answer is, he's never told you 09:55  
23 that? 09:55  
24 A No, sir; he has not. 09:55  
25 Q And you -- over the course of the time that 09:55

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1       you've lived here, you've been in several social events       09:55  
2       with him and Nadya; correct?       09:55  
3       A    At their house, yes, sir.       09:55  
4       Q    Yeah. You've been to birthday parties?       09:55  
5       A    Correct.       09:55  
6       Q    You've been to New Year's Eve parties?       09:55  
7       A    Correct.       09:55  
8       Q    Parties for the holidays?       09:55  
9       A    No, sir.       09:56  
10      Q    Did you go to the parties recently at their home?   09:56  
11      A    No, I did not.       09:56  
12      Q    Okay. Have you ever been to parties or events at   09:56  
13      his home associated with the holidays? Either Christmas   09:56  
14      or the Jewish holidays?       09:56  
15      A    I believe Christmas we were there just exchanging   09:56  
16      gifts with the kids, but that was it.       09:56  
17      Q    Okay. Have you ever been out with Dennis to       09:56  
18      restaurants and so forth?       09:56  
19      A    Yes, sir.       09:56  
20      Q    And do you go out with Dennis to -- with the       09:56  
21      children?       09:56  
22      A    Yes, sir; they've been there.       09:56  
23      Q    And Nadya as well?       09:56  
24      A    She was there, yes.       09:56  
25      Q    Okay. Um, so, to your knowledge, he doesn't       09:56

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1 attempt to hide the fact that he's with Nadya or the 09:56  
2 children; correct? 09:56  
3 A No, sir. 09:56  
4 Q No, he does not? 09:56  
5 A No, he does not. 09:56  
6 Q Did you go to Nadya's book signing? 09:56  
7 A I was there, yes. 09:56  
8 Q Okay. And was Dennis there as well? 09:56  
9 A Yes, he was. 09:56  
10 Q Okay. How did he introduce Nadya? 09:56  
11 A That, I have no idea. He -- he had asked me to 09:56  
12 come to the book signing to spend some time with him 09:56  
13 during the signing; I think everybody that was there knew 09:57  
14 who she was, so I -- I never saw him one-on-one. 09:57  
15 Q Was the book signing at a public location? 09:57  
16 A It was at his house. 09:57  
17 Q Okay. How did she refer to Dennis during the 09:57  
18 book signing? 09:57  
19 A During the book si- -- I have no idea; I wasn't 09:57  
20 anywhere near her. 09:57  
21 Q Have you ever heard Nadya refer to Dennis as her 09:57  
22 husband? 09:57  
23 MR. MARKS: Object to the form. 09:57  
24 THE WITNESS: No, she used to call him "Papi" but 09:57  
25 that was the extent of it. 09:57

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1 BY MR. SMITH: 09:57  
2 Q Okay. You knew, however, that Dennis was not 09:57  
3 divorced from Gabrielle; correct? 09:57  
4 A I did know that, yes, sir. 09:57  
5 Q Did you have an understanding as to whether or 09:57  
6 not Gabrielle was aware of Nadya and the children? 09:57  
7 MR. MARKS: Object to the form. 09:57  
8 THE WITNESS: I had an understanding that she was 09:57  
9 not aware of it, yes. 09:57  
10 BY MR. SMITH: 09:57  
11 Q Okay. And Dennis told you that? 09:57  
12 A Yes, sir. 09:57  
13 Q All right. When did he first tell you that? 09:57  
14 When you first arrived and met them? 09:58  
15 A I believe so. 09:58  
16 Q Okay. And he cautioned you about advising her of 09:58  
17 the children -- 09:58  
18 MR. MARKS: Object to the form. 09:58  
19 BY MR. SMITH: 09:58  
20 Q -- or his relationship with Nadya; correct? 09:58  
21 A Advising me of cautioning -- 09:58  
22 Q In other words, he didn't want you to tell Gaby 09:58  
23 that he had a relationship with Nadya and the children? 09:58  
24 A I really haven't talked -- 09:58  
25 MR. MARKS: Object to the form. 09:58

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1 THE WITNESS: I'm sorry. 09:58  
2 MR. MARKS: You can answer. 09:58  
3 THE WITNESS: I haven't really talked to 09:58  
4 Gabrielle since I was at the Las Vegas house; so I -- I 09:58  
5 didn't really communicate with Gabrielle. I -- I don't 09:58  
6 know if he came out and advised me not to say anything; I 09:58  
7 just -- he -- he knew that I really didn't talk to 09:58  
8 Gabrielle. 09:58  
9 BY MR. SMITH: 09:58  
10 Q But he did tell you that he wasn't divorced 09:58  
11 with -- from Gabrielle? 09:58  
12 MR. MARKS: Object to the form. 09:58  
13 THE WITNESS: Yes, sir; I was aware of that. 09:58  
14 MR. SMITH: All right. Let's look at Exhibit 8. 09:58  
15 (Whereupon Exhibit 8 09:58  
16 was marked for identification by 09:58  
17 the court reporter and is 09:58  
18 attached hereto.) 09:58  
19 MR. SMITH: Providing a copy to Mr. Marks. 09:58  
20 THE WITNESS: I'm sorry, did I just unplug 09:58  
21 something? Oh, no; okay. 09:58  
22 BY MR. SMITH: 09:58  
23 Q Do you recognize this document? 09:58  
24 A Yes, sir, a check. 09:58  
25 Q Okay. And this was a check written for what 09:59

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1 appears to be on your account with your wife Dana? 09:59  
2 A Correct. 09:59  
3 Q And it's in the amount of \$14,328? 09:59  
4 A Correct. 09:59  
5 Q All right. And you -- the check is made to 09:59  
6 Dennis Kogod? 09:59  
7 A Yes, sir. 09:59  
8 Q Why did you write this check? 09:59  
9 A That was the refund deposit from the first 09:59  
10 business that I was anticipating on purchasing; and the 09:59  
11 escrow check that was returned to me, it was returned to 09:59  
12 me in my name. And this was the funds given back to 09:59  
13 Dennis. 09:59  
14 Q Okay. Um, the -- so Dennis, in addition to the 09:59  
15 \$6,000 check we saw earlier, also put down \$8,328? 09:59  
16 A I believe the total deposit that was given was 09:59  
17 around \$14,000, yes, sir. 09:59  
18 Q Okay. How did he deposit those funds in addition 09:59  
19 to the \$6000 that he paid directly to you? 09:59  
20 A I believe they were wired -- 09:59  
21 Q Okay; so he -- 09:59  
22 A -- wire transfer, but not to me in the form of a 09:59  
23 check, no, sir. 09:59  
24 Q Was it your notion that Dennis and you would own 09:59  
25 the restaurant together? Or was he doing that as a loan 10:00

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1	to you?	10:00
2	MR. MARKS: Object to the form.	10:00
3	THE WITNESS: He was doing that as a loan to me.	10:00
4	MR. SMITH: Okay. Let's look at Exhibit 9.	10:00
5	(Whereupon Exhibit 9	10:00
6	was marked for identification by	10:00
7	the court reporter and is	10:00
8	attached hereto.)	10:00
9	THE WITNESS: I don't have my glasses, so...	10:00
10	MR. SMITH: I -- here, I think I have a pair of	10:00
11	glasses.	10:00
12	THE WITNESS: I'm sorry.	10:00
13	MR. SMITH: Do you want to borrow these?	10:00
14	THE WITNESS: My eyesight's not the --	10:00
15	MR. SMITH: They're just readers; they're not	10:00
16	glasses.	10:00
17	THE WITNESS: That's all right.	10:00
18	MR. SMITH: Yeah.	10:00
19	THE WITNESS: When you get old, things happen.	10:00
20	MR. SMITH: I'm with you, brother.	10:00
21	THE WITNESS: These aren't much better, actually;	10:00
22	but thank you.	10:00
23	MR. SMITH: Your eyes are pretty good then.	10:00
24	THE WITNESS: But go ahead, I can somewhat.	10:00
25		10:00

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1 BY MR. SMITH: 10:00  
2 Q Okay. This is a -- an account statement from one 10:00  
3 of the accounts of Dennis Kogod. 10:00  
4 A Uh-huh. 10:01  
5 Q And on that account as of March 10th -- this is 10:01  
6 dated March 10th, I believe 2014 -- you'll see in the 10:01  
7 upper left-hand corner, it's March 2014, the first page. 10:01  
8 Do you see that? 10:01  
9 A Um -- 10:01  
10 Q Upper left-hand -- your other left. 10:01  
11 A I'm looking at the upper left. 10:01  
12 Q Oh. 10:01  
13 A There it is, okay. 10:01  
14 Q March -- 10:01  
15 A I got it now. 10:01  
16 Q -- 2014? 10:01  
17 A Yes, sir. 10:01  
18 Q And if you'll note down under "checks," there is 10:01  
19 two checks of interest: One to Mitchell Kogod and one to 10:01  
20 Mitch Kogod. Do you see those? 10:01  
21 A Yes, sir. 10:01  
22 Q And did you receive a -- a \$25,000 check from 10:01  
23 Dennis in or about March 10th of 2014? 10:01  
24 A Um, I'm trying -- the restaurant was purchased in 10:01  
25 '13 -- 10:01

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1	Q	The restaurant, according to your previous	10:01
2		testimony, was purchased in or about March of 2013.	10:01
3	A	'13; okay. March 2014, \$25- -- I'm sorry; I	10:02
4		believe the \$25,000 was for the renovations for the	10:02
5		condominium.	10:02
6	Q	Why did he pay that check to you?	10:02
7	A	Because I was disbursing it as the guy went	10:02
8		along; he put a -- a budget on the renovations, and then	10:02
9		as the contractor would buy the materials, I would	10:02
10		reimburse him for the materials as he went along, rather	10:02
11		than giving him all the money at one time to ensure the	10:02
12		job was done.	10:02
13	Q	What was the name of the contractor that you were	10:02
14		dealing with?	10:02
15	A	It was a Hispanic male; his name was Daniel. I	10:02
16		know that doesn't help you; last name, I have no idea.	10:02
17	Q	Did you write the checks to him individually or	10:02
18		to his company?	10:02
19	A	I wrote them to him individually.	10:02
20	Q	Okay. And so those checks would be shown in your	10:02
21		account?	10:02
22	A	Yes, sir.	10:02
23	Q	What account did you write them from?	10:02
24	A	It would have been through Chase Bank.	10:03
25	Q	Okay. Does the name Daniel Portillo --	10:03

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1 Portillo -- 10:03  
2 A Yes. 10:03  
3 Q -- ring a bell -- 10:03  
4 A Yes. 10:03  
5 Q -- as to who the contractor was? 10:03  
6 A Yes, it does. 10:03  
7 Q Do you believe that that was the individual? 10:03  
8 A Yes, it was. 10:03  
9 Q All right. And that's the person to whom you 10:03  
10 disbursed the \$25,000 or some portion of it; correct? 10:03  
11 A Correct. 10:03  
12 Q Did you disburse the entirety of the \$25,000 to 10:03  
13 Mr. Portillo? 10:03  
14 A Not at one time; but, yes, I -- I -- I believe 10:03  
15 some of it went to the cabinet guy for the kitchen 10:03  
16 separately. That wasn't paid to Daniel Portillo. 10:03  
17 Q And just so the record is clear, this is all 10:03  
18 associated with the condominium that you reside in 10:03  
19 presently; correct? 10:03  
20 A Yes, sir. 10:03  
21 Q And when I said "reside in presently," I 10:03  
22 understand that you're living for a couple weeks with your 10:03  
23 folks, but this is where Dana and your daughter and you 10:03  
24 have resided? 10:03  
25 A Yes, sir. 10:03

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1 Q Um, okay. And I believe it's Cannon Drive; is 10:03  
2 that right? 10:03  
3 A Yes, sir. 10:03  
4 Q Okay. There's a second check on March 19th of 10:03  
5 \$1800. Do you recall what that check was for? 10:04  
6 A Again, that would have been another disbursement 10:04  
7 for something. 10:04  
8 Q Okay. 10:04  
9 A For the condo. 10:04  
10 Q All right. Um, just so we're on the sa- -- same 10:04  
11 page, did Dennis ever buy you a Rolls Royce? 10:04  
12 A No, sir. 10:04  
13 Q How about a Ferrari? 10:04  
14 A No, sir. 10:04  
15 Q Okay; has he ever bought you a vehicle of any 10:04  
16 kind? 10:04  
17 A No, sir. 10:04  
18 Q Has he ever leased a vehicle for you of any kind? 10:04  
19 A No, sir; I just have one vehicle and it's ours. 10:04  
20 Q And what's that? 10:04  
21 A I'm sorry; that's -- that's my -- my wife's and 10:04  
22 mine. 10:04  
23 It's a Ford Edge. And that's a leased vehicle. 10:04  
24 Q Okay. If you look to the second page of that 10:04  
25 exhibit, there's another check, this time to you, on 10:04

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1 February 12th -- and this is February 2013, so keep that 10:04  
2 in mind. The first page related to -- of that exhibit 10:04  
3 related to March of 2014; this page is from February of 10:04  
4 2013. 10:04  
5 So do you recall why Dennis would give you a 10:04  
6 check on February 12th of 2013 for \$15,000? 10:05  
7 A On February 2013? 10:05  
8 Q I'll remind you that your promissory note to 10:05  
9 Dennis for moneys that you identified as both attorneys' 10:05  
10 fees and the purchase of the property was on March 6, 10:05  
11 2012. Does that refresh your recollection as to -- 10:05  
12 A And this is March -- this is 2013? 10:05  
13 Q Excuse me, I said 2012; I meant 2013. So let 10:05  
14 me -- let me correct that for the record. 10:05  
15 A It would have been regarding the restaurant. 10:05  
16 Q Okay. So you believe that this was money that 10:05  
17 you had a -- needed or invested into the restaurant? 10:05  
18 A Yes, sir. 10:05  
19 Q Okay. It wasn't attorneys' fees? 10:05  
20 A No, sir; I was done with the attorney in 2013. 10:05  
21 Q Okay; well, the -- the promissory -- let's go 10:05  
22 back to the promissory note. 10:05  
23 A Okay. 10:05  
24 Q Because I want to make sure that our -- your 10:05  
25 recollection is not prompted by these documents. That 10:05

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1	would be exhibit -- let me find it.	10:05
2	A Okay.	10:06
3	Q Because I --	10:06
4	A I think it was back here.	10:06
5	Q Is it --	10:06
6	A Before the checks.	10:06
7	Q Yeah, there we go.	10:06
8	A Right there.	10:06
9	Q Okay.	10:06
10	A Yeah.	10:06
11	Q There's a little --	10:06
12	A Okay.	10:06
13	Q -- what's the number on the bottom left?	10:06
14	A No. 4.	10:06
15	Q On the bottom right-hand side?	10:06
16	A (Indicating).	10:06
17	Q Four; got it. Okay; so Exhibit 4 was the	10:06
18	promissory note that we talked about; it's dated March 6,	10:06
19	2013. And this is the promissory note you identified --	10:06
20	and correct me if I'm wrong -- as for the purchase of the	10:06
21	restaurant and also \$10,000 for your attorneys' fees.	10:06
22	And I thought you just told me that in February	10:06
23	of 2013, you were already done with attorneys' fees, so	10:06
24	the \$15,000 that was paid during that time couldn't be for	10:06
25	attorneys' fees, so...	10:06

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1           A    No, sir, it was definitely not for attorneys'       10:06  
2       fees.   10:06  
3           Q    Okay. Well, so does that refresh your           10:06  
4       recollection as to whether or not any of this promissory       10:06  
5       note was for attorneys' fees?                               10:06  
6           MR. MARKS: Object to the form.                       10:06  
7           THE WITNESS: It appears that, looking at this,       10:07  
8       that the promissory note may not have included the       10:07  
9       \$10,000 --   10:07  
10       BY MR. SMITH:   10:07  
11           Q    Okay.   10:07  
12           A    -- from the attorneys' fees.                     10:07  
13           Q    All right.   10:07  
14           A    It looks like it might have been the sale of the   10:07  
15       restaurant and then the check for \$15,000. And I'm not,   10:07  
16       again, sure what the \$15,000 was for.                     10:07  
17           Q    But it would be based upon your facts,           10:07  
18       information, and knowledge of your purchase of the       10:07  
19       restaurant in or about March of 2013, based on that, you   10:07  
20       believe the \$15,000 was for expenses associated with that   10:07  
21       restaurant; correct?                                       10:07  
22           A    Yes, sir.   10:07  
23           Q    All right. And then do you -- do you know who   10:07  
24       Ron Tamillo is?   10:07  
25           A    I believe he was the mechanic for the boat.       10:07

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1 Q Okay. 10:07  
2 A For the boat. 10:07  
3 Q Okay. Do you have any idea why Dennis would have 10:07  
4 taken \$20,000 out in or about the same time that he paid 10:08  
5 you the \$15,000? 10:08  
6 A I don't -- 10:08  
7 MR. MARKS: Object to the form. 10:08  
8 BY MR. SMITH: 10:08  
9 Q If you know. 10:08  
10 A I have no idea. 10:08  
11 Q Okay. 10:08  
12 A Where -- where are you looking at? I'm sorry. 10:08  
13 Q It's right below the -- the check activity for 10:08  
14 you that says "Mitchell Kogod \$15,000." 10:08  
15 A And then there's \$6,000 for -- 10:08  
16 Q There's -- Ron Tamlillo of \$6000. I was just 10:08  
17 asking if you knew that name and you indicated that was 10:08  
18 the -- 10:08  
19 A I knew there was some engine work done on the 10:08  
20 boat. 10:08  
21 Q Okay. And then, do you know why Dennis took 10:08  
22 \$20,000 out at the same time? Were you two investing in 10:08  
23 anything together? 10:08  
24 A I -- I have no idea. 10:08  
25 Q Okay. Um, the -- the next page goes back to 10:08

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1 February '14; and I'm referring to the third page of what 10:08  
2 is Exhibit 9 -- is it 9? Yeah, 9. So in -- 10:08  
3 Here, let's -- just so the record is clear, can 10:08  
4 you look at the first page of that and tell me what the 10:08  
5 number is on the bottom? 10:08  
6 A No. 9. 10:09  
7 Q Yeah, good; thanks. So the, um -- in that page 10:09  
8 on February of 2014, there appears to be a check for 10:09  
9 \$20,000? 10:09  
10 A Yes, sir. 10:09  
11 Q Do you know what that was for? 10:09  
12 A That would have been included in the sale -- or 10:09  
13 the purchase of the restaurant. 10:09  
14 Q Okay. But this is February '14; so that would be 10:09  
15 a year after -- 10:09  
16 A February '14? 10:09  
17 Q -- the purchase of the restaurant. Right. So if 10:09  
18 you look in the upper left-hand corner of that sheet, it 10:09  
19 says February 2014, and so... 10:09  
20 A Oh, that would have been for the second half of 10:09  
21 the condo; I believe the renovations for \$45,000 -- 10:09  
22 Q Okay. 10:09  
23 A -- for the condo. 10:09  
24 Q Got it. 10:09  
25 A And, again, we moved in in April of 2014, so that 10:09

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1	A	No, he didn't want to see them; I have -- I've	10:10
2		kept most of them.	10:10
3	Q	He just trusted you?	10:10
4	A	He trusted me.	10:10
5	Q	You have those -- those --	10:10
6	A	I have some of them. No, not with me now --	10:10
7	Q	No, no. No, I meant in your --	10:10
8	A	I did keep some of them for the condo, yes.	10:10
9	Q	Okay. She's going to start yelling at us unless	10:10
10		we --	10:10
11	A	I'm sorry.	10:10
12	Q	Unless we start to -- giving her time to --	10:10
13	A	Okay; I'm sorry.	10:11
14	Q	-- to type what each person says.	10:11
15		Okay. Okay; so -- and, I'm sorry, where was --	10:11
16		you may have told me this, but I forget: Where was your	10:11
17		account from which you paid these moneys?	10:11
18	A	It would have been Chase Bank.	10:11
19	Q	Chase Bank?	10:11
20	A	Yes, sir.	10:11
21	Q	And is that the only account you currently	10:11
22		maintain, a bank account?	10:11
23	A	I now have one with Wells Fargo, only because	10:11
24		I've moved from Chase to Wells Fargo.	10:11
25	Q	I see. So do you still maintain a ho- -- an	10:11

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1	account at Chase?	10:11
2	A For another couple weeks, yes.	10:11
3	Q Okay. And that's the account that you used	10:11
4	earlier to pay these moneys?	10:11
5	A Correct.	10:11
6	Q All right. Have you traveled outside of the	10:11
7	state of California since you moved to California?	10:11
8	A I went back to Florida --	10:11
9	Q Okay.	10:11
10	A -- once.	10:11
11	MR. SMITH: Okay. Let's look at Exhibit 10.	10:11
12	(Whereupon Exhibit 10	10:11
13	was marked for identification by	10:11
14	the court reporter and is	10:11
15	attached hereto.)	10:12
16	BY MR. SMITH:	10:12
17	Q This appears to be a picture of you and a Dallas	10:12
18	Cowboys football player?	10:12
19	A That's correct.	10:12
20	Q When was this?	10:12
21	A This was last year, taken in Oxnard, California;	10:12
22	and they come out here every year. And I'm friends with	10:12
23	Jerry Jones, and I've been invited each year to the	10:12
24	training camp.	10:12
25	Q All right.	10:12

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1	A	That's correct; that's the one.	10:13
2	Q	Is that your bike?	10:13
3	A	Yes, sir.	10:13
4	Q	Okay. And that's the one you purchased and	10:13
5		financed yourself?	10:13
6	A	Yes, sir.	10:13
7	Q	It's a Yamaha?	10:13
8	A	Yes, sir. The girl, I cannot claim on the	10:13
9		bottom; but the bike is mine.	10:13
10	Q	Yeah, I was referring to the motorcycle --	10:13
11	A	Yeah, yes.	10:13
12	Q	-- not the -- that's no one related to you?	10:13
13	A	No, sir.	10:13
14	Q	I'm happy to find that out.	10:13
15	MR. SMITH:	The, uh -- the next is Exhibit 12.	10:13
16		(Whereupon Exhibit 12	10:13
17		was marked for identification by	10:13
18		the court reporter and is	10:13
19		attached hereto.)	10:13
20	THE WITNESS:	Yes, sir.	10:13
21	BY MR. SMITH:		10:13
22	Q	And that's just a picture of you at Disneyland, I	10:13
23		think.	10:13
24	A	At Disneyland?	10:13
25	Q	And I --	10:13

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1 Q Has -- has Dennis provided you any funds for your 10:14  
2 payment -- 10:14  
3 A No, sir. 10:14  
4 Q -- of those medical bills? 10:14  
5 A I'm sorry. No, sir. 10:14  
6 MR. SMITH: And this is the -- the Disneyland 10:14  
7 picture, Exhibit 13. 10:14  
8 (Whereupon Exhibit 13 10:14  
9 was marked for identification by 10:14  
10 the court reporter and is 10:14  
11 attached hereto.) 10:14  
12 THE WITNESS: Yes. Last year, my daughter had a 10:14  
13 cheerleading competition in Anaheim. 10:14  
14 BY MR. SMITH: 10:14  
15 Q Okay. 10:14  
16 A And, that night when we went to the cheerleading 10:14  
17 competition, we went to Disney. 10:14  
18 Q Okay. And were you -- 10:14  
19 A Actually, not even in -- I'm sorry. 10:14  
20 Q Go ahead. 10:14  
21 A Not even in the park; this was in the area that 10:14  
22 you walk around where the restaurants were, down in the -- 10:14  
23 I don't even know the name of -- 10:14  
24 MR. MARKS: Do you have a copy for me? 10:14  
25 THE REPORTER: Do you have a -- 10:14

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1 MS. ALLEN: Copy. 10:14  
2 MR. MARKS: Oh, this, Disneyland. 10:14  
3 THE WITNESS: It was like Downtown Disney; but 10:15  
4 not actually in the park, just where the restaurants are 10:15  
5 at. 10:15  
6 MR. SMITH: Okay. 10:15  
7 MR. MARKS: This is 13? 10:15  
8 MR. SMITH: That's right. 10:15  
9 BY MR. SMITH: 10:15  
10 Q You weren't with Dennis at the time? 10:15  
11 A No, sir. 10:15  
12 Q Did you buy any of Nadya's books? 10:15  
13 A No, sir; I don't speak Russian, nor do I read it. 10:15  
14 Q You haven't read her book "Hollywood Horror"? 10:15  
15 A No, sir; I have not. 10:15  
16 Q Um, does Dennis have kidney issues? 10:15  
17 A Does he have what? 10:15  
18 Q Kidney issues, to your knowledge? 10:15  
19 A I know that he had a kidney stone, actually the 10:15  
20 same time that I had one, back in 2012. 10:15  
21 Q Okay. 10:15  
22 A So -- it was actually -- we were in the hospital 10:15  
23 at the same time. 10:15  
24 Q Okay. So if we see expenses on his accounts 10:15  
25 associated with nephrology and so forth, that's not going 10:15

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1	to be --	10:15
2	A No, sir --	10:15
3	Q -- yours?	10:15
4	A I think he was in Denver at the hospital.	10:15
5	Q I see.	10:15
6	A And I was in Florida at a hospital --	10:15
7	Q Okay.	10:15
8	A -- at the same time.	10:15
9	Q Okay. Did Dennis ever advise you what the	10:16
10	purpose of the Kogod family revocable trust was?	10:16
11	MR. MARKS: Object to the form.	10:16
12	THE WITNESS: No, sir; he did not.	10:16
13	BY MR. SMITH:	10:16
14	Q Have you ever spoken to any attorney in relation	10:16
15	to the purpose of that trust?	10:16
16	A I did not; and I didn't even know it existed	10:16
17	until the purchase of the condo and the document.	10:16
18	Q Did you ask Dennis what it was about?	10:16
19	A Again, he told me it was because of the one	10:16
20	percent ownership.	10:16
21	Q Do you know who the beneficiaries of that trust	10:16
22	are?	10:16
23	A I have no idea.	10:16
24	Q Do you know what else is owned by the trust?	10:16
25	A I have no idea.	10:16

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1 Q And I think you indicated that on the Cannon 10:16  
2 Drive residence, you pay the HOA; correct? 10:16  
3 A I do. 10:16  
4 Q How much is that? 10:16  
5 A It's \$390 the first of every month. 10:16  
6 Q Wow. And the -- do you pay the property taxes? 10:16  
7 A I pay the property taxes once, we received one 10:16  
8 tax bill; and I want to say, I think it was a prorated 10:16  
9 because of the time that we moved in. I -- I want to say 10:17  
10 it was about \$4,000 -- \$4- or \$5,000 that I paid. 10:17  
11 Q Was that an annual payment? 10:17  
12 A Yes, sir; I haven't received another one yet. 10:17  
13 Q Okay. And is it your expectation that you'll be 10:17  
14 responsible for that property tax payment? 10:17  
15 A Unfortunately, yes. 10:17  
16 Q Does, um -- do you pay for the maintenance of the 10:17  
17 home? Like, if there's anything that needs to be repaired 10:17  
18 or fixed -- 10:17  
19 A Yes. 10:17  
20 Q -- do you pay for that? 10:17  
21 A Yes. 10:17  
22 Q Okay. And how about the utilities? 10:17  
23 A I pay the utilities. 10:17  
24 Q Okay. Do you pay the cable? 10:17  
25 A I do. 10:17

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1 Q The sewer, is there a sewer? 10:17  
2 A No, sir; no sewer, no water. 10:17  
3 Q Okay. What -- so other than owning the home, 10:17  
4 does Dennis pay anything for that home? 10:17  
5 A No, sir. 10:17  
6 Q Okay. Has Dennis ever provided any money to 10:17  
7 Dana? 10:18  
8 A No, sir. 10:18  
9 Q And how about to your daughter? 10:18  
10 A No, sir. 10:18  
11 Q Um, did you travel to either Las Vegas or 10:18  
12 California in July of 2009? 10:18  
13 MR. MARKS: What year? 10:18  
14 MR. SMITH: July of 2009. 10:18  
15 MR. MARKS: Object to the form. 10:18  
16 BY MR. SMITH: 10:18  
17 Q You can answer. 10:18  
18 A I've never been to California prior to 2012. 10:18  
19 Q Okay. 10:18  
20 A And I know that the only time that I've been to 10:18  
21 Las Vegas was, again, during that work trip. 10:18  
22 Q Okay. We have, um, a flight from Fort Lauderdale 10:18  
23 to Houston, which I suspect Houston is a hub, in July 2009 10:18  
24 with your name on it from records from Mr. Kogod, Dennis 10:19  
25 Kogod. Do you know why he would be providing you a flight 10:19

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1 in July of 2009? 10:19

2 A I have abs- -- no idea. The only -- only time I 10:19

3 went to Vegas was when I stayed for the one night. 10:19

4 Q Did he provide you -- 10:19

5 A And that was -- that was a work -- I'm sorry. 10:19

6 That was a work trip. I was going to pick up a prisoner, 10:19

7 and the department paid for the airline tickets and the 10:19

8 hotels. 10:19

9 Q Do you if you -- do you have any recollection of 10:19

10 traveling somewhere else in July of 2009 with Dennis? 10:19

11 A I have none. 10:19

12 Q In February of 2010, there's a ticket from 10:19

13 Atlanta to Los Angeles that appear under your name. Do 10:19

14 you know why there's -- did Dennis buy you a ticket from 10:19

15 Atlanta to Los Angeles during that time? 10:19

16 A I'm trying to think; 2010? I -- honestly, I 10:19

17 don't recall, I don't. 10:20

18 Q Do you recall Dennis ever paying for a flight for 10:20

19 you? 10:20

20 A Yes, he did. 10:20

21 Q Okay. When was that? 10:20

22 A I think my flight from Florida, out here. 10:20

23 Q Did you stop in Kansas City on that flight? 10:20

24 A I honestly don't know. 10:20

25 Q In May of 2012, did you travel from Fort 10:20

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1	Lauderdale to somewhere and Dennis paid for the ticket?	10:20
2	A In when? I'm sorry.	10:20
3	Q May of 2012.	10:20
4	A From Fort Lauderdale to --	10:20
5	Q This one's to Kan- -- Kansas City and then to	10:20
6	Nashville. And why it's that way, I don't know; but that	10:20
7	was the ticket?	10:20
8	A I may have gone to Georgia and flown into	10:20
9	Tennessee, which was closer to the house in Georgia.	10:20
10	Q Georgia, okay. Did Dennis pay for that ticket?	10:20
11	A That was in 2012; that was when I was out on	10:20
12	suspension, so he may have.	10:21
13	Q Okay. Then in August 2012, there's a ticket from	10:21
14	Fort Lauderdale to Los Angeles. Did Dennis pay for those?	10:21
15	A That was -- yes, that was just before I moved out	10:21
16	here.	10:21
17	Q Um, and September of 2012, did you -- did you --	10:21
18	were you here between August and September of 2012 in	10:21
19	California?	10:21
20	A Living?	10:21
21	Q Just visiting.	10:21
22	A I may have been.	10:21
23	Q Okay. Because in September 2012, you went from	10:21
24	Fort Lauderdale to Denver. Do you know --	10:21
25	A Never been to --	10:21

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1 Q -- why? 10:21  
2 A I've never been to Colorado. 10:21  
3 Q Okay. So if there's a ticket with your name on 10:21  
4 it, you have no idea how that was generated? 10:21  
5 A I've never been to Colorado. 10:21  
6 Q Did you stop in Colorado on a flight to somewhere 10:21  
7 else? That would be October -- or, excuse me, September 10:21  
8 2012? 10:21  
9 A Not that I can recall, no. 10:22  
10 Q Okay; and then October 2012, there's a Fort 10:22  
11 Lauderdale to Atlanta ticket. Did Dennis -- 10:22  
12 A Again, that was probably to my house. 10:22  
13 Q Okay. And did Dennis buy you that ticket? 10:22  
14 A I -- I assume that they were under miles; I don't 10:22  
15 know if he paid or if they were under frequent flyer 10:22  
16 miles, I don't know. 10:22  
17 Q Okay. 10:22  
18 A But I know that was the time period that I was 10:22  
19 having some issues trying to go back home. 10:22  
20 Q Okay. And then in February 2013, did you travel 10:22  
21 back to Fort -- to Fort Lauderdale or to Florida? 10:22  
22 A That was to finish my -- correct -- my paperwork 10:22  
23 and everything. 10:22  
24 Q Okay. And Dennis bought that ticket for you as 10:22  
25 well? 10:22

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1 Q And you recall visiting Dennis in California? 10:23  
2 A Corr- -- my parents -- I believe Dennis, yes. 10:23  
3 Q Well, Dennis paid for the tickets? 10:23  
4 A Yes. 10:23  
5 Q So I assume there was some communication with 10:23  
6 Dennis about coming out here; correct? 10:23  
7 A Yes. 10:23  
8 Q Okay. And I guess you saw Dennis while you were 10:23  
9 here? 10:23  
10 A I guess I was here once before 2012, yes. 10:23  
11 Q Okay. And in August of 2010, he never mentioned 10:24  
12 that he had a couple kids? 10:24  
13 MR. MARKS: Object to the form. 10:24  
14 THE WITNESS: I don't recall, no. 10:24  
15 BY MR. SMITH: 10:24  
16 Q Didn't you actually meet the children in August 10:24  
17 of 2010? 10:24  
18 MR. MARKS: Object to the form. 10:24  
19 THE WITNESS: I don't recall; I -- I don't. 10:24  
20 BY MR. SMITH: 10:24  
21 Q You met them before you -- 10:24  
22 MR. MARKS: Object to the form. 10:24  
23 BY MR. SMITH: 10:24  
24 Q -- actually moved out from Florida; right? 10:24  
25 Didn't you? 10:24

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1	A	Before I moved out here?	10:24
2	Q	Yes.	10:24
3	A	Yes, I'd flown out here once before.	10:24
4	Q	Okay; and that --	10:24
5	A	I don't recall when it was that I met with them,	10:24
6		no.	10:24
7	Q	Okay. Does that -- does that refresh your	10:24
8		recollection that in August 2010 -- or, excuse me,	10:24
9		February 2010, you actually met the children?	10:24
10	A	August 2010?	10:24
11	Q	Excuse me, it's February 2010.	10:24
12	A	February 2010.	10:24
13	Q	Right.	10:24
14	A	I -- I didn't recall honestly.	10:24
15	Q	But both you and Dana traveled out here; correct?	10:24
16	A	We did.	10:24
17	Q	Why did you travel out here? Just for a visit?	10:24
18	A	For my parents, correct; to see my family.	10:24
19	Q	Okay. And I --	10:24
20	A	And I may -- I'm sorry. Go ahead.	10:24
21	Q	You were going to say?	10:24
22	A	I may have met them before then; I -- I thought	10:24
23		it was 2012, but it may have been 2010.	10:24
24	Q	Okay. You just don't recall?	10:24
25	A	I -- honestly, I don't recall.	10:25

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1 Q They didn't leave much of an impression on you? 10:25  
2 A It's -- you have to live in my family for a 10:25  
3 couple of months and then you'll -- you'll understand. 10:25  
4 Q But you didn't -- you didn't have any -- all the 10:25  
5 issues that you were talking about in 2012, those weren't 10:25  
6 in existence in February 2010 when you traveled here from 10:25  
7 Atlanta? 10:25  
8 A No, they were not. 10:25  
9 Q Okay. In December of 2012, you also -- Dana 10:25  
10 traveled from Atlanta to Los Angeles; do you know why? 10:25  
11 A To visit me. 10:25  
12 Q Okay. Because you were out here by that time? 10:25  
13 A Yes, sir. 10:25  
14 Q Okay. Do you ever have an opportunity or do you 10:25  
15 ever have the need to stay in hotels in California? 10:25  
16 MR. MARKS: Object to the form. 10:25  
17 BY MR. SMITH: 10:25  
18 Q You can answer. 10:25  
19 A I've never stayed in a hotel in California; I 10:25  
20 know when my wife and daughter came out here, I put them 10:25  
21 in a hotel in California. 10:26  
22 Q Do you recall where they stayed? 10:26  
23 A It was on Third Street. 10:26  
24 Q Okay. You don't recall a Sheraton, Hilton, 10:26  
25 whatever? 10:26

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1           A    It wasn't a fancy, it wasn't a pr- --           10:26  
2           Q    A small hotel?           10:26  
3           A    It wasn't a chain name; yes.           10:26  
4           Q    Okay. And did Dennis pay for that, or did you   10:26  
5   pay?           10:26  
6           A    I believe I paid for the hotel.           10:26  
7           Q    Okay. Did Dennis pay anything toward the moving   10:26  
8   expenses for Dana and your daughter here?           10:26  
9           A    No, there really wasn't any; they didn't move any   10:26  
10   furniture or anything. They just drove a car. But, no,   10:26  
11   he didn't pay for anything.           10:26  
12           Q    Has Dan- -- has Dennis paid anything on behalf of   10:26  
13   your wife or daughter?           10:26  
14           A    No, sir, other than a dinner; that's the extent.   10:26  
15           Q    Um, have you ever heard of the name of Jennifer   10:27  
16   Steiner?           10:27  
17           A    I've heard the name Jennifer; I've never heard   10:27  
18   that last name, no.           10:27  
19           Q    Did you hear that in relation to Dennis?           10:27  
20           A    Yes.           10:27  
21           Q    What is your understanding of Dennis and           10:27  
22   Jennifer's relationship?           10:27  
23           MR. MARKS: Object to the form.           10:27  
24           THE WITNESS: That -- it had been somebody that           10:27  
25   he had been seeing.           10:27

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1	BY MR. SMITH:	10:27
2	Q Okay.	10:27
3	A Never met her, never had a conversation with her.	10:27
4	Q He told you that?	10:27
5	A Yes, sir.	10:27
6	Q When did he tell you that?	10:27
7	A Sometime this year.	10:27
8	Q He and Nadya are -- are -- or do you know if he	10:27
9	and Nadya are still living together?	10:27
10	A They're not.	10:27
11	MR. MARKS: Object to the form.	10:27
12	THE WITNESS: Sorry; they're not.	10:27
13	BY MR. SMITH:	10:27
14	Q And how did you learn that? Through Dennis?	10:27
15	A Yes, sir.	10:27
16	Q And was that at or about the time that Dennis	10:27
17	told you about Jennifer?	10:27
18	A Yes, sir.	10:27
19	Q Did Dennis ever tell you he was bipolar?	10:28
20	A No.	10:28
21	Q Has Dennis ever told you he was gay?	10:28
22	A No.	10:28
23	Q Has Dennis ever told you that he had a	10:28
24	relationship with a member of the same sex?	10:28
25	A No.	10:28

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1 MR. MARKS: Object to the form. 10:28  
2 MR. SMITH: What's the name of some of those 10:28  
3 ladies? 10:28  
4 MS. KOGOD: I'm sorry. The name? 10:28  
5 MS. ALLEN: Yeah. 10:28  
6 BY MR. SMITH: 10:28  
7 Q Um, have you ever heard the name Claire Sparks? 10:28  
8 A Who? 10:28  
9 Q Claire Sparks. 10:28  
10 A No, sir. 10:28  
11 Q How about Defi Neur (phonetic)? 10:28  
12 A No, sir. 10:28  
13 MR. SMITH: Oh, you don't know them? 10:28  
14 MS. ALLEN: Uh-huh. 10:28  
15 BY MR. SMITH: 10:28  
16 Q Okay; have you ever heard the name of somebody he 10:28  
17 referred to as Defi? 10:28  
18 A No, sir. 10:28  
19 Q Has Dennis ever su- -- told you at some time that 10:28  
20 he was an alcoholic? 10:28  
21 MR. MARKS: Object to the form. 10:28  
22 THE WITNESS: No, sir. 10:28  
23 BY MR. SMITH: 10:28  
24 Q Has he ever indicated to you that he had OCD? 10:28  
25 A No, sir. 10:28

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1 Q Has he ever indicated to you that he had adult 10:29  
2 hyperactivity disorder? 10:29  
3 A No, sir. 10:29  
4 Q Did he ever indicate to you that he had a cocaine 10:29  
5 addiction? 10:29  
6 MR. MARKS: Object to the form. 10:29  
7 THE WITNESS: No, sir. 10:29  
8 BY MR. SMITH: 10:29  
9 Q You were present at your mother's 50th and 10:29  
10 father's 50th anniversary party in Florida in 2007; 10:29  
11 correct? 10:29  
12 A I was. 10:29  
13 Q And that was the first time Dana and Emily had 10:29  
14 met Gabrielle; correct? 10:29  
15 A I believe so. I -- yeah. 10:29  
16 Q Um, and at that time, you -- did you know what 10:29  
17 the status of Gabrielle's marriage to Dennis was? 10:29  
18 MR. MARKS: Object to the form. 10:29  
19 THE WITNESS: Other than they were married. 10:29  
20 BY MR. SMITH: 10:29  
21 Q Okay. And was there anything about their 10:29  
22 activity in 2007 to suggest to you that they were having 10:29  
23 problems? 10:29  
24 A No, sir, I didn't have a communication 10:29  
25 relationship with him. 10:29

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1 Q Okay. Did you observe anything at the 10:29  
2 anniversary party that suggested to you that they were 10:29  
3 either having problems or not having problems? 10:30  
4 A No, sir. 10:30  
5 Q Did Dennis ever -- ever advise you that he 10:30  
6 suffered from Asperger's? 10:30  
7 MR. MARKS: Object to the form. 10:30  
8 THE WITNESS: No, sir. 10:30  
9 BY MR. SMITH: 10:30  
10 Q Um, have you ever made any campaign 10:30  
11 contributions? 10:30  
12 A No, sir. 10:30  
13 Q None in -- none ever? 10:30  
14 A None ever. 10:30  
15 Q All right. And you certainly never made any 10:30  
16 campaign -- 10:30  
17 A I've -- 10:30  
18 Q -- contributions in the state of California; 10:30  
19 correct? 10:30  
20 A No; in the state of Florida, I did, and that was 10:30  
21 to my boss. 10:30  
22 Q Okay. 10:30  
23 A And that was it. 10:30  
24 Q Smart move. 10:30  
25 A Didn't get me very far, but yes. 10:30

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1           Q   Apparently not.  The -- but you never donated to   10:30  
2   Meg Whitman's campaign here in the state of California;   10:30  
3   correct?   10:30  
4           A   I have no idea who Meg Whitman is.   10:30  
5           Q   Okay.   10:30  
6           MR. SMITH:  All right.  Give me about five   10:30  
7   minutes, Mr. Kogod --   10:30  
8           THE WITNESS:  Okay.   10:30  
9           MR. SMITH:  -- and I think we may be done.  You   10:30  
10   can take -- yeah, there's a bathroom across the hall --   10:30  
11           THE WITNESS:  Okay.   10:30  
12           MR. SMITH:  -- there's a restroom and then   10:30  
13   whatever you need.   10:30  
14           THE WITNESS:  Just going to use the restroom for   10:30  
15   a minute.   10:31  
16           THE VIDEOGRAPHER:  We are off the record; the   10:31  
17   time is 10:31 a.m.   10:31  
18           Thank you.   10:31  
19           (Whereupon there was a break in the proceedings.)   10:31  
20           THE VIDEOGRAPHER:  We're back on the record; the   10:38  
21   time is 10:38 a.m.   10:38  
22           Please continue.   10:38  
23           BY MR. SMITH:   10:38  
24           Q   I actually have a couple more questions:   10:38  
25           When was -- when did you first meet Nadya?   10:38

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1 MR. MARKS: Object to the form. 10:38  
2 THE WITNESS: It must have been 2010. 10:38  
3 BY MR. SMITH: 10:38  
4 Q Okay. Did you ever come to Las Vegas and meet 10:38  
5 her in Las Vegas? 10:38  
6 A No. 10:38  
7 Q Um, she -- she testified -- I'll let you know 10:38  
8 that she testified that you were here in 2006 with Josh, 10:38  
9 and you met her at that time. 10:39  
10 A I remember Josh being there, and it was the only 10:39  
11 time that I came to Vegas for -- I don't remember her; I 10:39  
12 remember Josh, but I don't remember meeting her. 10:39  
13 Q Okay; but you do remember being here [sic] with 10:39  
14 Josh in Las Vegas? 10:39  
15 MS. KOGOD: We're not in Vegas. 10:39  
16 BY MR. SMITH: 10:39  
17 Q Yes? 10:39  
18 A In Las Vegas? 10:39  
19 Q Yeah. 10:39  
20 A Yes. 10:39  
21 MR. SMITH: Did I say "here in Las Vegas"? 10:39  
22 THE WITNESS: Yes. 10:39  
23 MS. ALLEN: You said "here." 10:39  
24 BY MR. SMITH: 10:39  
25 Q All right; let's redo that question: 10:39

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1	You do remember being with Josh in Las Vegas?	10:39
2	A Yes.	10:39
3	Q All right; thank you.	10:39
4	MR. SMITH: Pass the witness.	10:39
5		10:39
6	EXAMINATION	10:39
7	BY MR. MARKS:	10:39
8	Q Mitchell, I have a couple questions.	10:39
9	A Okay.	10:39
10	Q Just going back to the time you worked for the	10:39
11	police force down in Florida.	10:39
12	A Yes.	10:39
13	Q Prior to the exhibit that opposing counsel showed	10:39
14	you with the allegations, which is Exhibit 1 --	10:39
15	A Right.	10:39
16	Q -- and that's dated November 20th, 2012, had you	10:39
17	taken your retirement?	10:39
18	A No, sir.	10:39
19	Q Okay. When do you recall taking your retirement?	10:39
20	A When I left, I had applied for it; and I believe	10:40
21	the first check was in January of 2013.	10:40
22	Q Okay. And you believe you got approximately	10:40
23	\$25,000, that would have been a net payment for your sick	10:40
24	leave and vacation?	10:40
25	A Correct.	10:40

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1	Q	So you understand gross is the total money due,	10:40
2		and then I assume they took federal and --	10:40
3	A	Yes, they did.	10:40
4	Q	-- state taxes?	10:40
5	A	Yes, they did.	10:40
6	Q	All right; so was the gross number about \$35- or	10:40
7		\$40,000?	10:40
8	A	I want to say it was about \$35-.	10:40
9	A	Okay; \$35,000. And you -- when did you start	10:40
10		receiving your monthly pension check? Around the same	10:40
11		time?	10:40
12	A	January 2013.	10:40
13	Q	Okay.	10:40
14	A	My payout check was given to me prior to	10:40
15		December.	10:40
16	Q	Okay. Your gross monthly pension, before taxes,	10:40
17		what ap- -- what is that per month approximately?	10:40
18	A	I would say \$57-.	10:40
19	Q	Well, I thought you said you get about \$5,000 a	10:40
20		month --	10:40
21	A	Correct.	10:40
22	Q	-- now?	10:40
23	A	After taxes.	10:40
24	Q	So you're saying your taxes are only \$700 a	10:40
25		month?	10:40

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1           A   And we've -- right; we've taken out some loans or   10:41  
2           credit cards, yes.   10:41  
3           Q   All right. But you're generally self-supporting.   10:41  
4           Your brother isn't sending you monthly --               10:41  
5           A   No, he does not.                                       10:41  
6           Q   -- support; correct?                                   10:41  
7           A   Correct.   10:41  
8           Q   Your parents don't send you any support?           10:41  
9           A   No, they do not.                                       10:41  
10          Q   You consider yourself self-supporting?               10:41  
11          A   Yes, sir.   10:42  
12          Q   All right. Your brother may have paid for some   10:42  
13          travel during the time you were on suspension and not   10:42  
14          working in 2012; is that correct?                       10:42  
15          A   Correct.   10:42  
16          Q   And do you recall, would that have been just a   10:42  
17          couple of sporadic trips here and there?               10:42  
18          A   I --   10:42  
19          Q   Do you know?   10:42  
20          A   Maybe five trips, six trips, between Georgia and   10:42  
21          here.   10:42  
22          Q   Over, what, a six-month or year period?           10:42  
23          A   A year period.                                       10:42  
24          Q   A year period?                                       10:42  
25          A   Yes.   10:42

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1 Q Did he pay for trips before that or after that? 10:42  
2 A No, sir. 10:42  
3 Q It was only during that time when you were on 10:42  
4 suspension? 10:42  
5 A That's correct. 10:42  
6 Q Okay. Did -- were trips booked that you didn't 10:42  
7 take? Sometimes people book a trip and make plans and 10:42  
8 they can't go -- go and it still shows up on their card or 10:42  
9 it still shows up and they get a credit later; did 10:42  
10 anything like that happen to your knowledge? 10:42  
11 A I -- I don't recall. 10:42  
12 Q Okay. Do you know whether any of the trips were 10:43  
13 mileage? 10:43  
14 A I thought they all were. 10:43  
15 Q Okay. 10:43  
16 A He would just say to me, "Do you want to go visit 10:43  
17 Dana and Emily? Let me know the dates," and I would send 10:43  
18 him the dates, and that was the extent of the 10:43  
19 conversation. I assume that, because he did so much 10:43  
20 traveling, he had a lot of miles -- 10:43  
21 Q Okay. 10:43  
22 A -- saved up. 10:43  
23 Q So you don't know whether he paid or whether it 10:43  
24 was miles? 10:43  
25 A I don't know. 10:43

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1 Q Okay. But you believe that the -- between the 10:43  
2 attorneys' fees and the money for the restaurant, you 10:43  
3 believe that's all encompassed in the note, which is 10:43  
4 Exhibit -- the note is Exhibit 4, the promissory note for 10:43  
5 \$178,000? 10:43  
6 MR. SMITH: That mischaracterizes his testimony. 10:43  
7 MR. MARKS: That's fine. 10:43  
8 BY MR. MARKS: 10:43  
9 Q You can answer. 10:43  
10 A I'm not 100 percent positive that the attorneys' 10:43  
11 fees is included in the note. 10:43  
12 Q Okay. So you think the \$178- -- is for the 10:43  
13 restaurant? 10:43  
14 A Yes, sir. 10:43  
15 Q And there's another \$10,000 owed for attorneys' 10:43  
16 fees? 10:43  
17 A Possible, yes. 10:43  
18 Q Okay. And is it your intent, when you sell the 10:43  
19 restaurant, to pay both of those back? 10:43  
20 A Absolutely. 10:44  
21 Q Okay. 10:44  
22 A As fast as I can. 10:44  
23 Q You don't believe -- counsel -- opposing counsel 10:44  
24 showed your various transactions of moneys either from 10:44  
25 checks or bank accounts? 10:44

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1 Q So Dennis would potentially sell the condo or 10:45  
2 rent it or whatever he wants? 10:45  
3 A I imagine so. 10:45  
4 Q But you have -- you're not going -- you have 10:45  
5 ultimately no say-so in what happens to the condo? 10:45  
6 A I have not. 10:45  
7 Q Okay. And you have no financial interest in the 10:45  
8 condo? 10:46  
9 A I have none at all. 10:46  
10 Q Okay. And you believe that you'll be able to 10:46  
11 sell the restaurant and repay Dennis all the money that 10:46  
12 he's entitled to? 10:46  
13 A I am; praying more than you know. 10:46  
14 Q And in Georgia, where in Georgia is the place you 10:46  
15 have your house? 10:46  
16 A It's right outside of Bluebridge; it's in north 10:46  
17 Georgia. 10:46  
18 Q Is it kind of a smallish town? 10:46  
19 A It's a very small town. 10:46  
20 Q So on your \$60,000 pension, you can live there? 10:46  
21 A Yes. 10:46  
22 Q In other words, the cost of living in Bluebridge 10:46  
23 is a lot less than -- 10:46  
24 A It's certainly less than -- 10:46  
25 THE REPORTER: Sorry. 10:46

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1	BY MR. MARKS:	10:46
2	Q The cost of living in Blueridge, Georgia is	10:46
3	significantly less than Beverly Hills?	10:46
4	A Significantly.	10:46
5	Q So you can live fairly well on the \$60,000 in	10:46
6	Blueridge, Georgia?	10:46
7	A Correct.	10:46
8	Q And the home in Georgia is free and clear?	10:46
9	A No, sir.	10:46
10	Q You have a mortgage on that?	10:46
11	A I do.	10:46
12	Q Okay. And do you know what's the monthly payment	10:46
13	on that?	10:46
14	A \$1,100.	10:46
15	Q And Dana's parents live there now?	10:46
16	A They live in one of the houses, yes.	10:46
17	Q Do they pay rent?	10:47
18	A No, they do not.	10:47
19	Q Okay. You agree you don't have a lot of	10:47
20	knowledge about Dennis' personal life?	10:47
21	A I do not.	10:47
22	MR. SMITH: Objection to the form of the	10:47
23	question.	10:47
24	BY MR. MARKS:	10:47
25	Q You don't -- you and he don't confide about	10:47

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1 mar- -- his marital issues? 10:47  
2 A Absolutely not. 10:47  
3 Q Or girlfriends? 10:47  
4 A Absolutely not. 10:47  
5 Q And other than you know he has kids, you don't -- 10:47  
6 there's not a lot of discussion about the nature of how 10:47  
7 that all happened; correct? 10:47  
8 A No, sir. 10:47  
9 Q Okay. And it's in your interest to keep out of 10:47  
10 those topics, I take it? 10:47  
11 A It's more than my interest. 10:47  
12 Q Okay. If there are any checks that had your name 10:47  
13 on them, in general, and you just can't remember the exact 10:47  
14 use of it, would it be your recollection that it either 10:48  
15 went into the restaurant in which you intend to pay it 10:48  
16 back; it went to the condo which Dennis will get -- 10:48  
17 A It definitely didn't go into the restaurant 10:48  
18 because I have a working account with the restaurant. 10:48  
19 Q Okay. 10:48  
20 A So funds are not needed; the large checks are 10:48  
21 definitely for the condo renovation. 10:48  
22 Q Okay. 10:48  
23 A The smaller checks are just reimbursement for 10:48  
24 money that I put out for him. 10:48  
25 Q Which you've done sporadically over the last four 10:48

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1 years? 10:48  
2 A Yes. 10:48  
3 Q Okay. 10:48  
4 MR. MARKS: All right; I'll pass the witness. 10:48  
5 10:48  
6 FURTHER EXAMINATION 10:48  
7 BY MR. SMITH: 10:48  
8 Q Okay; just on one of these, I thought you told me 10:48  
9 that it went into the restaurant. So let's -- let's take 10:48  
10 a relook at the -- 10:48  
11 A I think it was the \$15,000. 10:48  
12 Q Yeah. So -- 10:48  
13 A Right, that was -- 10:48  
14 Q -- additions -- 10:48  
15 A -- towards -- that was included in the \$160- or 10:48  
16 the \$178-. 10:48  
17 Q Okay. So you believe that the -- this is on 10:48  
18 Exhibit 9? 10:48  
19 A Page 2. 10:48  
20 Q You believe that the February 12th payment of 10:48  
21 \$15,000 was included in the \$178-? 10:49  
22 A Correct; that was part of the second payment. 10:49  
23 Q Okay. 10:49  
24 A The down payment towards escrow. 10:49  
25 Q And what about the -- okay; all right. 10:49

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1                   The, uh -- you had said that, uh, you had                   10:49  
2                   provided money to your parents while you were living with               10:49  
3                   them at the Broadcast Center; correct?                   10:49  
4                   A    Correct, I had --                   10:49  
5                   Q    Yeah.                   10:49  
6                   A    -- paid for gas, paid for food.                   10:49  
7                   Q    Ever given them \$1000 a month?                   10:49  
8                   A    I do that now.                   10:49  
9                   Q    Okay; when did you start doing that?                   10:49  
10                  A    March of 2014 when I moved into the condo.               10:49  
11                  Q    Did you understand that Dennis had been providing       10:49  
12                  them money prior to that time?                   10:49  
13                  A    Yes, I did.                   10:49  
14                  Q    Why did you start providing that money?               10:49  
15                  A    It was the agreement for moving into the condo:       10:50  
16                  Rather than paying rent to somebody else or renting a       10:50  
17                  condo and paying rent, that with the taxes and the HOA,       10:50  
18                  would equvalate [sic] to the rent.                   10:50  
19                  Q    Okay. The taxes, HOA, and payment to your               10:50  
20                  parents would be the equivalent of rent?                   10:50  
21                  A    Yes, sir.                   10:50  
22                  Q    Okay. Okay; trying to get a handle on these           10:50  
23                  trips to Vegas. You said you only went once to Vegas?       10:50  
24                  A    I've only been to Vegas one time, yes.               10:50  
25                  Q    Where did you stay?                   10:50

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1           A    I stayed the first night at Gabrielle and Dennis' 10:50  
2           house, and the second night I stayed at a hotel in town 10:50  
3           near the jail where I was to pick up the prisoner. 10:50  
4           Q    And that was when you saw Josh in Las Vegas? 10:50  
5           A    Correct. 10:50  
6           Q    And that's the only time you can recall ever 10:50  
7           seeing Josh in Las Vegas? 10:50  
8           A    It's the only time I've ever been to Las Vegas. 10:51  
9           Q    Okay. And you're not making a distinction 10:51  
10          between Las Vegas and Lake of Las Vegas or Henderson or 10:51  
11          anything like that, are you? 10:51  
12          A    I've only been to Henderson once, which is where 10:51  
13          I think they live at. 10:51  
14          Q    Okay. 10:51  
15          A    It was a late flight. I wasn't even sure if I 10:51  
16          was getting in that night; I think I was like five hours 10:51  
17          delayed. 10:51  
18          Q    Okay. So whether it -- it's Henderson, Las 10:51  
19          Vegas, Lake of Las Vegas, you've only been to that area 10:51  
20          once? 10:51  
21          A    One time. 10:51  
22          Q    All right. 10:51  
23          MR. SMITH: Do you have any other -- 10:51  
24          BY MR. SMITH: 10:51  
25          Q    Oh, do you know how -- whether Dennis went 10:51

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1 through invitro fertilization -- 10:51  
2 MR. MARKS: Object to the form. 10:51  
3 BY MR. SMITH: 10:51  
4 Q -- for his children? 10:51  
5 A I have no idea. 10:51  
6 Q Okay; that's not something you've ever talked 10:51  
7 about with Dennis? 10:51  
8 A No, sir. 10:51  
9 Q How does Dana get along with your parents? 10:51  
10 A Not too well. 10:51  
11 Q Okay; why is that? 10:51  
12 MR. MARKS: Object to the form. 10:51  
13 THE WITNESS: They just have really -- Dana's 10:51  
14 very different. She comes from a small town, she keeps to 10:51  
15 herself, she minds her own business, the same way her 10:51  
16 parents do; and she's just not a big family touchy feely 10:52  
17 huggy person. So she's just -- her and my -- Dennis don't 10:52  
18 really talk; her and Larry don't talk; it's just the way 10:52  
19 it is. 10:52  
20 MR. SMITH: Okay; questions? 10:52  
21 MR. MARKS: I have a question. 10:52  
22 10:52  
23 FURTHER EXAMINATION 10:52  
24 BY MR. MARKS: 10:52  
25 Q All right. Counsel asked you about Josh. Josh 10:52

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1 is Dennis's adult son? 10:52  
2 A Yes. 10:52  
3 Q And he's in his 30s? 10:52  
4 A Yes. 10:52  
5 Q And he lives in the Midwest somewhere? 10:52  
6 A I think in Pennsylvania now. 10:52  
7 Q Okay; all right. 10:52  
8 MR. SMITH: That's all I have. 10:52  
9 MR. MARKS: That's all I have. 10:52  
10 MR. SMITH: Thank you, Mr. Kogod. 10:52  
11 MR. MARKS: Thank you. 10:52  
12 THE WITNESS: All right. 10:52  
13 THE VIDEOGRAPHER: We're off the record then? We 10:52  
14 are off the record; the time is 10:52 a.m., and this 10:52  
15 concludes today's testimony given by Mitchell Kogod. 10:52  
16 Total number of media used was one and will be retained by 10:52  
17 Veritext Legal Solutions. 10:52  
18 (Whereupon the deposition of Mitchell Kogod  
19 was concluded at 10:52 a.m.)  
20 ---oOo---  
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STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES    ) ss.

I, MITCHELL KOGOD, hereby certify  
under penalty of perjury under the laws of the State of  
California that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015, at \_\_\_\_\_, California.

\_\_\_\_\_  
MITCHELL KOGOD

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STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) ss.

I, AMANDA KALLAS, C.S.R. No. 13901, in and for the  
State of California, do hereby certify:

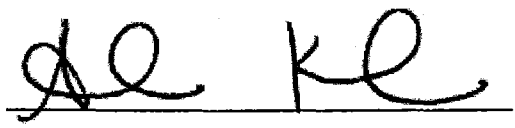
That prior to being examined, the witness named in  
the foregoing deposition was by me duly sworn to testify  
to the truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me in  
shorthand at the time and place therein named and  
thereafter reduced to typewriting under my direction, and  
the same is a true, correct, and complete transcript of  
said proceedings;

That if the foregoing pertains to the original  
transcript of a deposition in a Federal Case, before  
completion of the proceedings, review of the transcript  
{ } was { } was not required.

I further certify that I am not interested in the  
event of this action.

Witness my hand this 10th day of  
October, 2015.

Handwritten signature of Amanda Kallas in black ink, consisting of stylized initials 'AK' followed by a surname, written over a horizontal line.

AMANDA KALLAS, C.S.R. No. 13901,



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This is the final version of your deposition transcript.

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\_\_\_\_\_ No changes have been made. I certify that the transcript is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

[1 - 551,000]

<b>1</b>	<b>1500</b> 57:23	23:6,21 28:5 29:19	<b>29th</b> 62:4
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[september - sporadically]

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*Pride in Service with Integrity*

DATE: Nov 28, 2012

MEMO TO: Sergeant Mitchell Kogod, CCN 7229  
Civil Division

FROM: Lt. Gregory S. Gordon, Operations Supervisor ~~A~~  
Division of Internal Affairs

SUBJECT: INTERNAL AFFAIRS CASE #02-12-0059

Please be advised that pursuant to information obtained in the course of this investigation, you are being charged as follows:

SPM 2.1.1 Conformity to Laws; to-wit: FSS 839.13(1) Falsifying Records (ADDED)

SPM 2.1.1 Conformity to Laws; to-wit: FSS 812.014(2)(c)(1) Grand Theft (ADDED)

SPM 15.3C(11)(a, b, c, and d) E-Mail (ADDED)

SPM 15.5 (L, M) Computer Usage (ADDED)

SPM 15.4 F (3, 4, and 15) Internet (ADDED)

SPM 1.11.8 Discretion

SPM 2.3 Conduct Unbecoming an Employee

Any questions and or concerns should be directed to the investigator assigned to this case, Sergeant Thomas Palmer, Division of Internal Affairs, telephone 954-321-1100.

While under investigation, you may not disclose any information regarding this case to anyone except your attorney/representative and the investigator assigned. (See Sheriff's Policy Manual 5.2.1 Internal Investigations)

You will be afforded all rights as stated in the Sheriff's Policy Manual, applicable collective bargaining agreement and law to include, but not limited to, F.S.S. 112.532.

cc: File

Exhibit 1

Witness:  
Mitchell Kogod

Date: September 28, 2015

Amanda Kallas, CSR# 13891





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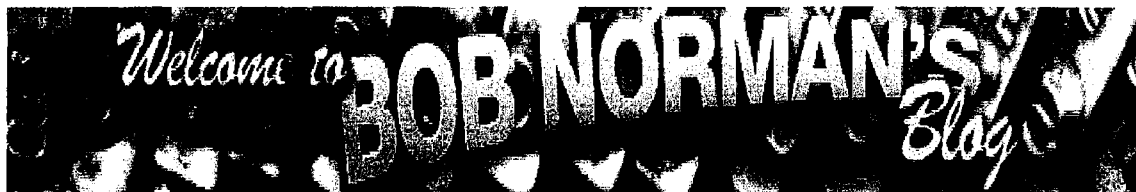
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## BSO Sergeant under investigation for Dolphins work

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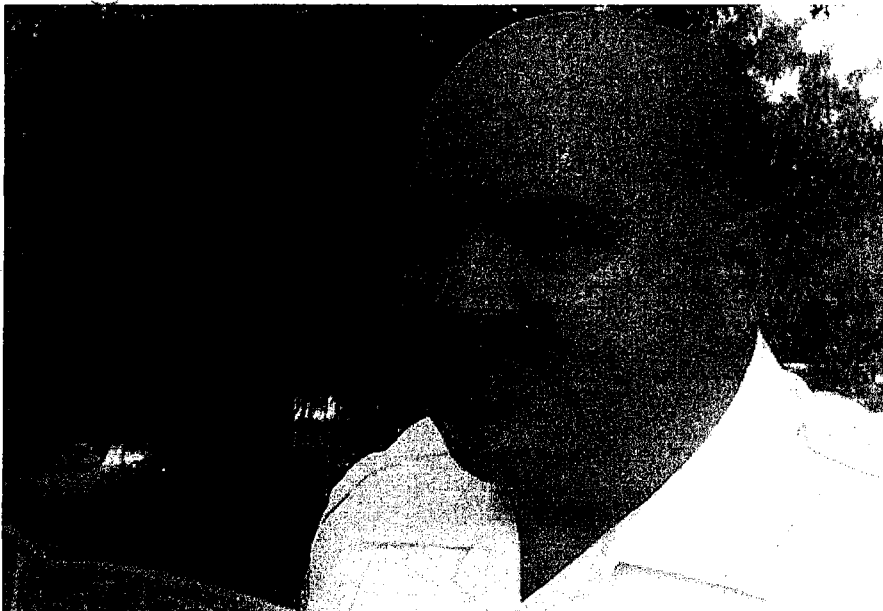
Exhibit 2

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Witness:  
Mitchell Kogod

Date: September 28, 2015





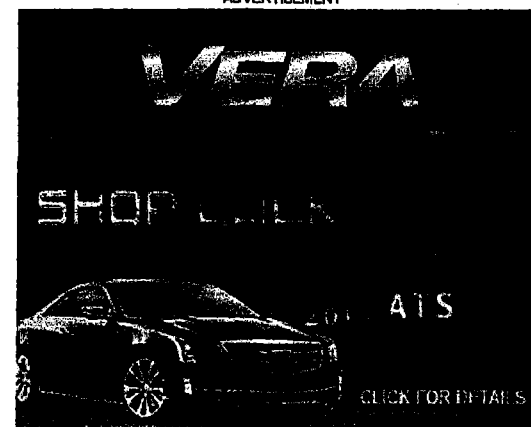
A veteran Broward Sheriff's sergeant has been removed from his supervisory role in the department and placed on desk duty after information surfaced that he may have done special favors for the Miami Dolphins involving his official duties.

Sgt. Mitchell Kogod, who supervised a paid special detail for the Dolphins, was yanked from his job as a supervisor in BSO's civil division on Wednesday, said sheriff's spokesman Jim Lejedal. Lejedal wouldn't discuss the details during what he called an investigation into Kogod's work for the football team.

The investigation appears to center on an email written by Kogod to Dolphins security chief Stu Weinstein in which he admitted to personally handling civil process papers for three Dolphins players, asking them to call him while he's working on BSO time, and his ability to "make calls and pulls strings" for the team.

Kogod isn't the first BSO deputy to get in trouble over his relationship with the football team. In 2010, BSO Commander Alvin Pollock was reprimanded -- including a 15-day suspension without pay -- after he personally drove Dolphins defensive end Phillip Merling home following a domestic violence arrest.

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Pollock has since filed a racial discrimination suit claiming that Sheriff Al Lamberti treated him unfairly and the Kogod email is being used as evidence of a double standard, said Pollock's Coral Gables attorney, Reginald Clyne.

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assault to serial...

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possible dog attack

"What Kogod has done is he's crossed the line,"  
said Clyne. "He's basically working for the Dolphins  
while he's getting paid by the taxpayers and that is  
inappropriate."

Kogod wrote in the email of a dispute he had with  
Mike Clifton, the Dolphins' liaison for the Miami-  
Dade Police Department, in the Sun Life Stadium  
parking lot following a January 1 game with the  
New York Jets. Clifton apparently objected to  
Kogod giving his BSO card to three unidentified  
Dolphins' players. From Kogod's email:

*I have civil process papers for a few players and made arrangements to contact them after the last game for service and to try and assist them in any way that I could. After the game today, I made contact with three players in the parking lot as they were leaving. Two of them asked for my contact numbers so I could work with them on the papers and the third advised that he would like to keep in touch with me during the off season and asked for my number. I gave them my business card and asked them to call me Tuesday when I returned to work. I was immediately confronted by Mike Clifton and chastised for giving out my card.*

Kogod wrote that Clifton also objected to him providing private escorts to Dolphins players because it conflicted with his duties with the team. From the email:

*Mike should realize that the majority of the players and coaches live in Broward and Mike is unable to make calls and pull strings in Broward. I make myself available to help out anytime of the day or night to include getting the car to [Dolphins General Manager Jeff Ireland's] house on several dates, arranging for [Dolphins linebacker] Marvin Mitchell to park at the airport, serving players at the training camp when it is convenient for them, not me, and I take care of anything that you ask of me no matter when you call me. I have been asked by [Dolphins CEO Mike Dees] at breakfast with the*



*Sheriff to help out with the players and perception of them in the public anytime that I can. I would do anything for you, Jeff or Mike Dees and have.*

While it is not known exactly how much the Dolphins has paid him, Kogod makes a base salary of about \$85,000 and reportedly has made \$60,000 annually for special details. A Sun-Sentinel database put his total pay, including overtime, at about \$159,437.93. When contacted on the phone, Kogod said he couldn't talk about the desk duty or the Dolphins.

Read the full email below:

From: Kogod, Mitchell

Sent: Sunday, January 01, 2012 6:20 PM

To: Weinstein, Stu

Subject: Thanks

Stu,

I wanted to take a minute to personally thank you for all that you have done for me and the BSO deputies this year and last year. Your friendship and assistance with the Sheriff is greatly appreciated and things would not have come together without you. I do have to tell you that after losing a fellow deputy today, I kept to myself until the end of the game when I was confronted by Mike Clifton. I have civil process papers for a few players and made arrangements to contact them after the last game for service and to try and assist them in any way that I could. After the game today, I made contact with three players in the parking lot as they were leaving. Two of them asked for my contact numbers so I could work with them on the papers and the third advised that he would like to keep in touch with me during the off season and asked for my number. I gave them my business card and asked them to call me Tuesday when I returned to work. I was immediately confronted by Mike Clifton and chastised for giving out my card. He advised me not to let it happen again. After leaving me, he quickly proceeded to Chris, Roger and others on the security team to tell them what had happened. This non sense causes dissention among the guys especially when he has not idea why I gave them my card. I have tried to avoid him and stay away from him as it obvious that he has no liking for me. Last year he complained about the deputies doing the detail and all his complaints were corrected and never repeated this year. This year he first threatened to prevent BSO from coming into Dade County and the stadium. Then he created a scene over me talking with Billy after you sent me over to him for Shula. Then he had the issue today with the business card and then he confronted George after I left and spoke to George about me doing the escort to the stadium and then to the airport after the game, if I am working for you. I arrive at the stadium with the first bus, and in a matter of five minutes, change clothes and perform my Dolphins duties (rain or shine). I have never put the escorts

in front of the Dolphins duties.

Additionally, I have volunteered for every event (including the Youth Football both days when no one else would). I make myself available to help out anytime of the day or night to include getting the car to Jeff's house on several dates, arranging for Marvin Mitchell to park at the airport, serving players at the training camp when it is convenient for them, not me, and I take care of anything that you ask of me no matter when you call me. I have been asked by Mr. Dees at breakfast with the Sheriff to help out with the players and perception of them in the public anytime that I can. I would do anything for you, Jeff or Mike Dees and have.

The continuous harassment from Mike Clifton is out of control and stressful to me. I do not work for him, I do not answer for him and even today he advised George with regards to the escorts, that I needed to decide which side of the canal I want to work for on game day. If doing the escorts have ever interfered with my duties, I would hope that you would have told me and I would have made changes immediately. I will not interfere any longer with player activity in Broward and will explain this to Jeff and Mike Dees so they do not think I am being disrespectful to them. I will have Sheriff Lamberti contact the Director of Metro Dade to determine if Mike Clifton is able to prevent us from coming into Dade County, and Mike should realize that the majority of the players and coaches live in Broward and Mike is unable to make calls and pull strings in Broward.

I have said before to you that I never wanted to be a problem for you or the detail and only wanted to help. I will get with you next month and let you if I will participate next year, as right now I am stressed out and fuming while dealing with a loss of a friend. Please understand where I am coming from and understand that I do everything in my power to stay away from him but he speaks on behalf of you, Jeff and Mike Dees each week when it comes to BSO being in Dade County,

Thanks again for listening and being a friend.

Sergeant Mitchell Kogod  
Broward Sheriff's Office  
Operational Supervisor  
Civil Division  
Warrants & Extradition Unit

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12 comments • 5 hours ago

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20140176350



Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

02/20/14 AT 08:00AM

Pages:  
0004

FRES:	28.00
TAXES:	602.25
OTHER:	0.00
PAID:	630.25



LEADSHEET



201402200260001

00008881327



006045830

SEQ:  
10

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

160

FIDUCIARY/RESALE

RECORDING REQUESTED BY:  
First American Title Company

AND WHEN RECORDED MAIL TO:

Mitchell Kogod and Dennis Kogod  
434 South Canon Drive Unit 405  
Beverly Hills, CA 90212

02/29/2014



"20140176350"

2

THIS SPACE FOR RECORDER'S USE ONLY:

Title Order No.: 4571088-99

Escrow No.: 02-022025-CY

## GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$602.25

☒ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale.  
☐ Unincorporated area ☒ City of Beverly Hills AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Harvey Alan Katz, as Trustee of the Harvey Alan Katz Revocable Trust, dated  
September 6, 2006 and Kenneth Michael Katz, as Trustee of the Kenneth Michael Katz  
Revocable Trust, dated September 6, 2006, each as to a one-half (1/2) undivided  
interest

hereby GRANT(s) to:

Mitchell Kogod and Dennis Kogod, Trustees of the Kogod Family Trust

the real property in the City of Beverly Hills, County of Los Angeles, State of California,  
described as:LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART  
HEREOF

Also Known as: 434 South Canon Drive Unit 405, Beverly Hills, CA 90212  
AP#: 4330-029-050

DATED: February 18, 2014

Signature Page attached hereto  
and made a part hereof

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE:

Title Order No.: 4571088-99  
Escrow No.: 02-022025-CY

A.P. # 4330-029-050

Signature Page

Harvey Alan Katz, as Trustee of the Harvey Alan Katz  
Revocable Trust, dated September 6, 2006 and  
Kenneth Michael Katz, as Trustee of the Kenneth  
Michael Katz Revocable Trust, dated September 6,  
2006, each as to a one-half (1/2) undivided interest

BY: [Signature]  
Harvey Alan Katz, Trustee  
BY: [Signature]  
Kenneth Michael Katz, Trustee

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On February 7, 2014

before me, Claudia Meneses

A Notary Public in and for said State personally appeared

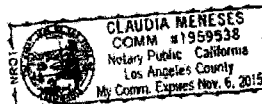
Harvey Alan Katz and  
Kenneth Michael Katz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]



(Seal)



PROMISSORY NOTE

\$178,000

Los Angeles, California  
March 6, 2013

FOR VALUE RECEIVED, Mitchell Kogod ("Maker") hereby promises to pay to Dennis Kogod ("Holder") or order, at 2000 16th Street, Floor 13, Denver, CO 80202-5117, or at such other place as Holder may from time to time designate in writing, the sum of One Hundred Seventy-Eight Thousand Dollars (\$178,000) in lawful money of the United States of America, without setoff or counterclaim, plus interest on all sums outstanding hereunder from time to time computed at a fixed interest rate equal to one and nine-hundredths percent (1.09%) per annum, payable as specified below.

Payments on this Note shall be due on the first day of each March beginning March 1, 2014, in an amount equal to the interest accrued to the date such payment is due. Any payment not paid when due shall thereafter be added to, and bear interest as, principal. Maker may prepay the indebtedness evidenced by this Note at any time, in whole or in part, without premium or penalty. Every payment received on account hereof shall be applied first to the payment of accrued interest on the principal balance from time to time remaining unpaid; and second to reduce the principal balance hereunder.

On March 1, 2022 (the "Maturity Date"), a final installment consisting of the entire unpaid indebtedness under this Note shall be due and payable in full, including the entire unpaid principal balance, all accrued and unpaid interest, and any other amounts due hereunder.

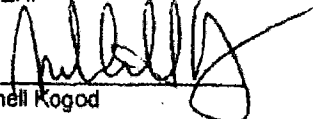
Time is of the essence hereof, and if Maker fails to pay any amount owing hereunder when due, then at the option of Holder, the entire unpaid principal balance shall become immediately due and payable, together with interest thereon from the date of such failure to the date of full payment at the rate specified above.

Maker hereby waives presentment for payment, demand, protest, notice of protest, dishonor and nonpayment of this Note, and any and all lack of diligence or delays in collection or enforcement hereof, to the fullest extent permitted by law.

If any action is instituted to collect, enforce or interpret this note, the party prevailing in such action shall be entitled to recover reasonable attorneys' fees and costs in such action. This note shall be governed by and construed according to California law.

IN WITNESS WHEREOF, Maker has executed this Note as of the date first above written.

MAKER:

  
Mitchell Kogod

15128.001 2355826v1

Exhibit 4

Witness:  
Mitchell Kogod

Date: September 26, 2015  
Aranda Kallen, CSR# 13901

DLK002892

05469





9440 Santa Monica Blvd., #310  
Beverly Hills, CA 90210

Phone: (310) 402-5555  
Fax: (310) 402-5556  
www.escrowofthewest.com

**BUYER'S FINAL SETTLEMENT STATEMENT**

**PROPERTY:** 434 South Canon Drive Unit 405  
Beverly Hills, CA 90212

**DATE:** February 20, 2014

**BUYER:** Mitchell Kogod and Dennis Kogod,  
Trustees of the Kogod Family Trust

**CLOSING DATE:** February 20, 2014

**ESCROW NO.:** 02-022025-CY

**ESCROW OFFICER:** Cliff Young

	<u>DEBITS</u>	<u>CREDITS</u>
<b>FINANCIAL CONSIDERATION</b>		
Total Consideration	547,500.00	
Deposit from Dennis Kogod		16,425.00
Deposit from Dennis Kogod		531,375.30
<b>PRORATIONS/ADJUSTMENTS</b>		
Taxes at \$1625.59/semi-annually from 01/01/2014 to 02/20/2014		445.37
HOA at \$390.00/monthly from 02/20/2014 to 02/28/2014	102.58	
<b>COMMISSION CHARGES</b>		
Credit from Keller Williams Realty for Agent Credit to Buyer		3,000.00
<b>H.O.A./MANAGEMENT</b>		
Dues for March 2014 to Villa Canon HOA	390.00	
<b>TITLE/TAXES/RECORDING CHARGES - First American Title Company</b>		
Binder Fee (Optional)	155.00	
2nd Inst Taxes 2013-2014 to Los Angeles County Tax Collector	1,625.59	
<b>ESCROW CHARGES - Escrow of the West</b>		
Escrow Fee	1,345.00	
Professional Courtesy Discount		547.50
Total Refund	675.00	
<b>TOTAL</b>	<b>\$ 551,793.17</b>	<b>\$ 551,793.17</b>

**SAVE THIS STATEMENT FOR INCOME TAX PURPOSES**

**Exhibit 5**

**Witness:**  
**Mitchell Kogod**

Date: September 28, 2015

Amanda Kallen, CSR# 13901

DLK002883

05471





**DENNIS L KOGOD**  
1551 Wewatta St 6th Floor  
Denver, CO 80202

1385  
23-7/1020 3743  
6960635397

6/1/12

Pay to the Order of Mitchell Kogod \$ 3000.00  
Three Thousand Dollars

With Fargo Bank, N.A.  
Colorado  
wfb.fargo.com

For [Redacted] A BRYTER CHANCE

⑆102000076⑆ [Redacted] 5397 01385

Security Features  
Look for the  
Fargo logo

Don't Tilt

FORWARDED LEADER

[Redacted]

[Redacted]

>267083763< BankAtlantic  
Fort Lauderdale, FL 33309  
20120618 0002 0821 0031

6985  
pdcy kpgm

REQUEST 00006115638000000 3000.00  
ROLL ECIA 20120618 000008479405360  
JOB ECIA E ACCT [Redacted] 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

Exhibit 6  
Witness:  
Mitchell Kogod

Date: September 28, 2015  
Amanda Kellen, CSR# 13801


05473

**DENNIS L KOGOD**  
2000 16th St Fl 13  
Denver, CO 80202

1460  
23-7/1020 3743  
680035397

Date 1/10/13

Pay to the Order of Mitchell Kogod \$ 1400 L  
One thousand four hundred Dollars

 Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For [Signature]

⑆ 102000076⑆ [REDACTED] 5397 01460

*Mitchell Kogod*

REQUEST 00006115638000000 1400.00  
ROLL ECIA 20130122 000008171367984  
JOB ECIA E ACCT [REDACTED] 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

**DENNIS L KOGOD**  
 2000 16th St Fl 13  
 Denver, CO 80202

**1531**  
 23-7/1020 3743  
 6890635397

Date 1/20/13

Pay to the M, L Kogod \$ 6000  
 Order of See hand Dollars

Wells Fargo Bank N.A.  
 Colorado  
 wells Fargo.com

For [Signature]

⑆ 10 2000076⑆ 5397 01531

M, L Kogod

REQUEST 00006115638000000 6000.00  
 ROLL ECIA 20130131 000008157948271  
 JOB ECIA E ACC 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

**DENNIS L KOGOD**  
2000 16th St Fl 13  
Denver, CO 80202

1547  
23-71020 3743  
0000635397

2/3/13 Date

Pay to the Order of Mitch Kogod \$ 450  
Four hundred + 00 Dollars

WELLS FARGO Bank, N.A.  
Colorado  
wellsfargo.com



For \_\_\_\_\_

⑆ 102000076⑆ 5397⑈ 01547

Mitch Kogod

REQUEST 00006115638000000 450.00  
ROLL ECIA 20130204 000008573687085  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

<b>DENNIS L KOGOD</b>		<b>1546</b>	
2000 16th St Fl 13		23-771020 3743	
Denver, CO 80202		8890635397	
		Date <u>2/10/13</u>	
Pay to the	<u>M. Kogod</u>	\$	<u>600</u>
Order of	<u>M. Kogod</u>		
		Dollars	 Security Features. Data is on back.
			
For <u>[Signature]</u>			
⑆102000076⑆ 5397 01546			

M. Kogod

REQUEST 00006115638000000 600.00  
 ROLL ECIA 20130211 000008756844619  
 JOB ECIA E ACCT 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1707

23-7/1020 3743  
6880635367

6/29/13

Date

Pay to the  
Order ofMichele Kogod  
Karen hummel Smart Inc

\$ 475

Dollars

Security  
Features  
Details on  
backWells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For

⑆ 102000076⑆ 5397 01707

Morgan Chase Bank 076

53939

1020

MORGAN CHASE BANK

Michele Kogod

REQUEST 00006115638000000 475.00  
ROLL ECIA 20130701 000008573704116  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1619

23-7/1020 3743  
6860635397

11/8/13

Date

Pay to the  
Order of

*D. L. Kogod*  
*Three hundred*

\$ 300.00

Dollars

Security  
Features  
Details on  
Back

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For

⑆ 10 20000 761 ⑆ [REDACTED] 5397 ⑆ 01614

Morgan Chase Bank [REDACTED]

10671

*M. L. Kogod*

REQUEST 00006115638000000 300.00  
ROLL ECIA 20131112 000008358990807  
JOB ECIA E ACCT [REDACTED] 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1565

23-7/1020 3743  
6860635397

Pay to the  
Order of

*M. Kogod*  
*Three hundred & fifty*

*2/5/14*

Date

\$ *350.00*  
Dollars

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For

⑆ 102000076⑆

5397 01568

REQUEST 00006115638000000 350.00  
ROLL ECIA 20140210 000008657641109  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

*M. Kogod*



DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1566

23-7/1020-3743  
0000835397

2/12/14

Date

Pay to the

Order of

*Mich Kogod*  
*Three thousand*

\$ 3000.00

Dollars



Security  
Features  
Change on  
Back

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For

⑆ 10 2000076 ⑆

5397 81566

JP Morgan Chase Bank

7150

*Mich Kogod*

REQUEST 00006115638000000 3000.00  
ROLL ECIA 20140218 000008272296438  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038



DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1761

23-71020 3743  
6890835397

4/22/17

Date

Pay to the  
Order of

*Mitchell Kogod*  
*Two hundred*

\$ 200

Dollars

Security  
Features  
Details on  
Back

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For

*[Signature]*

⑆ 102000076⑆ 5397 01761

*Mitchell Kogod*  
*Deposit only*

REQUEST 00006115638000000 200.00  
ROLL ECIA 20140505 000008575125604  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

Exhibit 7  
Witness:  
Mitchell Kogod

Date: September 28, 2015  
Amanda Kellan, CSR# 13901

05483

**DENNIS L KOGOD**  
2000 16th St Fl 13  
Denver, CO 80202

1859  
22-7/1020 3743  
6880635397

12/28/14 Date

Pay to the Order of Mitchell Kogod \$ 130  
On Hand Dollars

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For [Signature]

⑆102000076⑆ 5397 01859

Mitchell Kogod

REQUEST 00006115638000000 130.00  
ROLL ECIA 20150105 000008771293929  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038



<b>MITCHELL C. KOGOD</b>		90-7162 3222	41619	105
<b>DANA L. KOGOD</b>		Pin	10	
7660 BEVERLY BLVD., APT. 206		Type	Open	
LOS ANGELES, CA 90036-2740		Issue/Exp	AD	DATE 01/29/12
PAY TO THE ORDER OF <u>Dennis</u>		Dep. on		
<u>Fourteen thousand three hundred twenty eight</u>		Sp.	10	\$ 14,328.00
		HPR	OK	DOLLARS
<b>CHASE</b>				
JPMorgan Chase Bank, N.A.				
www.Chase.com				
MEMO		<u>Mitchell Kogod</u>		
⑆32227⑆627⑆		980⑈0105		

ENDORSE HERE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
PENALTY FOR FINANCIAL INSTITUTION USE \*

2346676687

REQUEST 00006115636000000 14328.00  
 ROLL ECIA 20130131 000002348676687+  
 JOB ECIA E ACCT 8980  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595189

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

Exhibit 8  
 Witness:  
 Mitchell Kogod

Date: September 26, 2015

Amanda Kates, CSR# 13801

05486





Resource Management Account  
March 2014

Account name: DENNIS KOGOD  
Friendly account name: Dennis - RMA  
Account number: [REDACTED] 45 GM

Your Financial Advisor:  
GEHLEN/MUCHA -  
415-954-6700/800-826-7014

DLK002028

## Account activity this month

	Date	Activity	Description	Amount (\$)
<b>Dividend and interest income</b>				
<i>Taxable dividends</i>	Mar 3	Dividend	GOLDMAN SACHS STRATEGIC INCOME CL A AS OF 02/28/14	3,671.48
	<b>Total taxable dividends</b>			<b>\$3,671.48</b>
<i>Tax-exempt dividends</i>	Mar 25	Dividend	RMA TAX-FREE FUND INC AS OF 03/24/14	38.04
	<b>Total tax-exempt dividends</b>			<b>\$38.04</b>
<i>Miscellaneous</i>	Mar 28	Distribution	ALPHAKEYS KKR ENERGY INCOME FUND LLC DISTRIBUTION CUSIP: Q205439E6	2,366.00
	<b>Total miscellaneous</b>			<b>\$2,366.00</b>
	<b>Total dividend and interest income</b>			<b>\$6,075.52</b>
<b>Checks</b>	Check number	Date	Description	Amount (\$)
	001068	Mar 10	MITCHELL KOGOD	-25,000.00
	001069	Mar 19	MITCH KOGOD	-1,800.00
	001070	Mar 21	ROLLS ROYCE BEVERLY HILLS	-20,000.00
	001071	Mar 11	FERRARI BEVERLY HILLS	-389,504.20
	001072	Mar 14	PRINCIPAL FIN GRP	-5,814.47
	001081	Mar 19	AMERICAN RUSSIAN MEDIA	-2,755.00
	001083	Mar 28	DENNIS KOGOD	-2,000.00
	<b>Total checks</b>			<b>-\$446,873.67</b>
<b>Other funds debited</b>	Date	Activity	Description	Amount (\$)
	Mar 17	Withdrawal	FEDERAL FUNDS TO New Enterprise Associates 1 AT SILICON VALLEY BANK	-30,000.00
	Mar 20	Withdrawal	FEDERAL FUNDS TO Dennis Kogod 1555 Blake Str AT WELLS FARGO BANK, NA	-15,000.00
	Mar 28	Withdrawal	FEDERAL FUNDS TO West Region Mgmt Group AT BANK OF AMERICA, N.A., NY	-155,451.31
	<b>Total other funds debited</b>			<b>-\$200,451.31</b>

Exhibit 9

Witness:  
Mitchell Kogod

Date: September 28, 2015

Amanda Kalles, CSR# 13901





Loan Account  
February 2013

Account name: DENNIS KOGOD  
Account type: Premier Variable Credit Line  
Account number: [REDACTED] 27 GM

DLK001037

## Your assets

Some prices, income and current values shown may be approximate. As a result, gains and losses may not be accurately reflected. See *Important information about your statement* at the end of this document for more information.

### Cash

#### Cash and money balances

Holding	Opening balance on Feb 1 (\$)	Closing balance on Feb 28 (\$)	Price per share on Feb 28 (\$)	Average rate	Dividend/Interest period	Days in period
Cash	-182,644.51	-236,050.12				

## Account activity this month

	Check number	Date	Description	Amount (\$)
Checks	001007	Feb 4	AMERICAN EXPRESS	-11,936.00
	001009	Feb 12	MITCHELL KOGOD	-15,000.00
	001010	Feb 12	DENNIS KOGOD	-20,000.00
	001031	Feb 28	RON TAMILLO	-6,000.00
	Total checks			-\$52,936.00

	Date	Activity	Description	Amount (\$)
Other funds debited	Feb 22	Loan Charge	LOAN INTEREST CHARGED	-469.61
	Total other funds debited			-\$469.61

	Date	Number of days	Average loan balance (\$)	Rate	Loan interest charged (\$)
Loan interest daily detail	Jan 22	1	187,145.00	2.705%	14.06
	Jan 23	5	187,145.00	2.704%	70.32
	Jan 28	1	187,145.00	2.703%	14.04
	Jan 29	2	182,645.00	2.702%	27.41
	Jan 31	1	182,645.00	2.700%	13.69
	Feb 01	3	182,645.00	2.699%	41.08
	Feb 04	1	194,581.00	2.698%	14.58
	Feb 05	3	194,581.00	2.699%	43.77

continued next page



Loan Account  
February 2014

Account name: DENNIS KOGOD  
Friendly account name: Dennis-Cr Line  
Account type: Premier Variable Credit Line  
Account number: [REDACTED] 27 GM

DLK001109

## Your assets

Some prices, income and current values shown may be approximate. As a result, gains and losses may not be accurately reflected. See *Important information about your statement* at the end of this document for more information.

### Cash

#### Cash and money balances

Holding	Opening balance on Feb 1 (\$)	Closing balance on Feb 28 (\$)	Price per share on Feb 28 (\$)	Average rate	Dividend/Interest period	Days in period
Cash	-25,064.62	-34,922.83				

## Account activity this month

	Date	Activity	Description	Amount (\$)
Deposits and other funds credited	Feb 19	Transfer	JOURNAL FROM FN 12745 DENNIS KOGOD	25,106.66
			<b>Total deposits and other funds credited</b>	<b>\$25,106.66</b>

	Check number	Date	Description	Amount (\$)
Checks	001041	Feb 26	MITCHELL KOGOD	-20,000.00
			<b>Total checks</b>	<b>-\$20,000.00</b>

	Date	Activity	Description	Amount (\$)
Bill payments	Feb 26	Withdrawal	ACH WITHDRAWAL AMEX EPayment	-14,922.83
			<b>Total bill payments</b>	<b>-\$14,922.83</b>

	Date	Activity	Description	Amount (\$)
Other funds debited	Feb 24	Loan Charge	LOAN INTEREST CHARGED AS OF 02/22/14	-42.04
			<b>Total other funds debited</b>	<b>-\$42.04</b>

	Date	Number of days	Average loan balance (\$)	Rate	Loan interest charged (\$)
Loan interest daily detail	Jan 22	2	25,065.00	2.158%	3.01
	Jan 24	3	25,065.00	2.161%	4.51
	Jan 27	1	25,065.00	2.159%	1.50
	Jan 28	1	25,065.00	2.159%	1.50

continued next page





**Mitchell Kogod**  
Follow · January 4 ·

Way to go cowboys. That's what I'm talking about

Like · Share

14 people like this.



**Marie Dalessio** You look good Mitchell Kogod  
January 4 at 5:23pm · Like · 1



**Mitchell Kogod** You are the best friend  
someone could ask for. Love you two  
January 4 at 5:26pm · Like



**Mitchell Kogod** Jamie I'm still pulling for Green  
Bay for you and jani  
January 4 at 5:41pm · Like · 1



**Larry Klarman** who are u with?  
January 4 at 6:29pm · Like



**Mitchell Kogod** Dez Bryant. Was invited by  
Dallas security and jerry jones to training camp  
January 4 at 7:24pm · Like · 1



**Patrick Goolsby** U STILL AINT CALLED  
ME...LOL  
January 4 at 9:31pm · Like

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**Exhibit 10**

**Witness:**  
**Mitchell Kogod**

Date: September 28, 2015

Amanda Kalas, CSR# 13901

05492





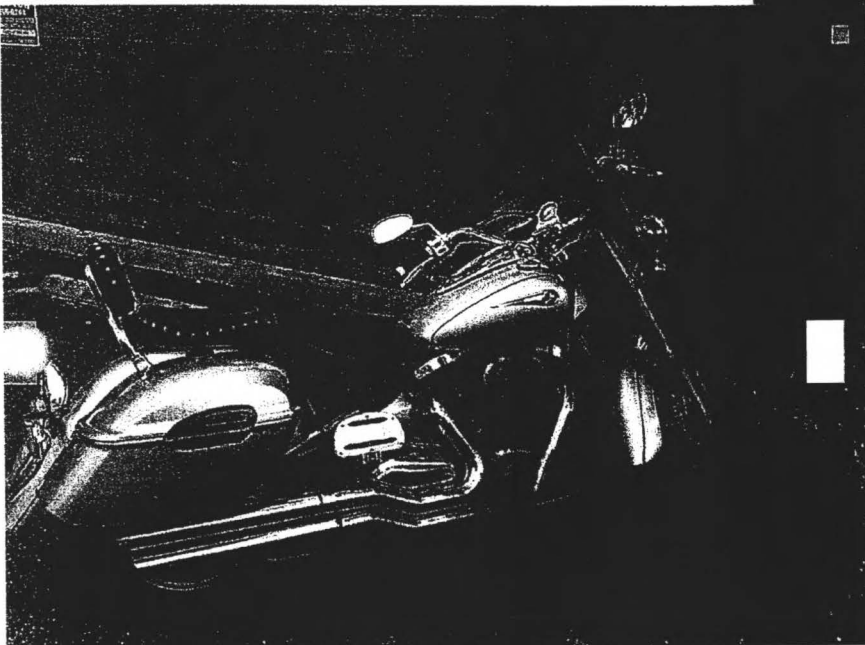
1A

left us way to soon but I know your ok  
God bless

1A

Recent

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2013  
2012  
2011  
2010  
2009



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Mitchell Kogod

Follow · November 26, 2014 near Los Angeles, CA

Newtoy

See Translation

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Lisa Nockowitz Hutcherson Be safe.  
November 26, 2014 at 7:46pm · Like



Cindy Sullivan Sweet! Be safe.  
November 26, 2014 at 8:01pm · Like



Marie Dalessio Very nice be careful  
November 27, 2014 at 4:21am · Like



Kristy Kilgore Morris Beautiful!!  
November 27, 2014 at 6:26am · Like



Suzanne Porio Ierubino Nice Be careful  
November 30, 2014 at 2:07pm · Like



MadDog Fergie not a Harley LOL  
December 11, 2014 at 6:42pm · Like

Tvitlum furniture.



Like · Share · 2 9

Exhibit 11

Witness:  
Mitchell Kogod

Date: September 26 2015

Amanda Kallas, CSR# 13901

05494



## Recent

2014

2013

2012

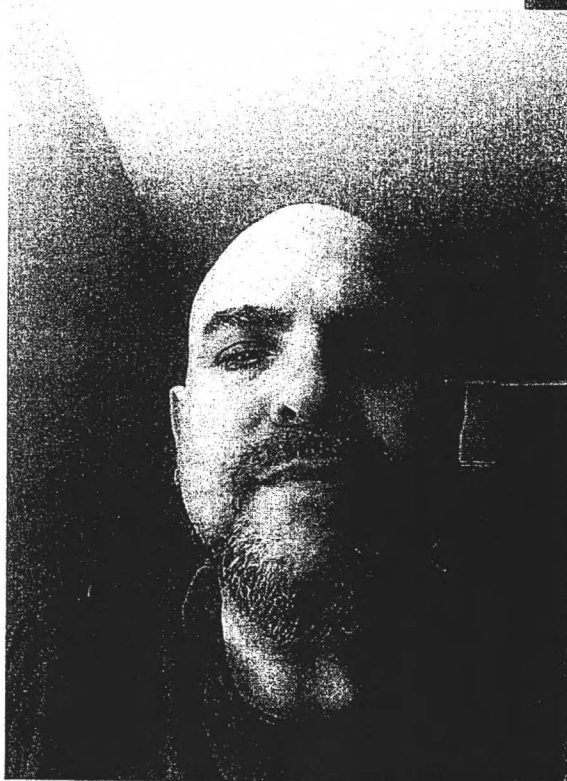
2011

2010

2009

Beverly Hills, CA ·

last kidney procedure. Hopefully by the grace  
2015. Love u all

**Mitchell Kogod**

Follow · December 28, 2014 near Beverly Hills, CA ·

Going in hospital tomorrow for last kidney procedure.  
Hopefully by the grace of God there will not be any in  
2015. Love u all

Like · Share

21 people like this.

View 28 more comments



Larry Jenkins Good luck my friend

December 29, 2014 at 9:24am · Like



Lauree Kemper Praying for you.

December 29, 2014 at 1:32pm · Like



Sherry Reiser Schons Hope all went well

December 30, 2014 at 4:29am · Like

Sue Lewis Just checked in--waiting for update--  
hope all went well.

December 31, 2014 at 11:15am · Like



Mitchell Kogod Thanks everyone procedure  
was more complicated then expected but it's  
over. Pain sucks bad but this should be it for me.  
Thanks again and happy new year to all

December 31, 2014 at 11:24am · Like · 1



Suzanne Porio Ierubino Will be thinking of you

December 31, 2014 at 2:58pm · Like



7 Likes 1 Comment

Like

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Exhibit 12

Witness:  
Mitchell Kogod

Date: September 26, 2015

Amanda Kallas, CSR# 13901

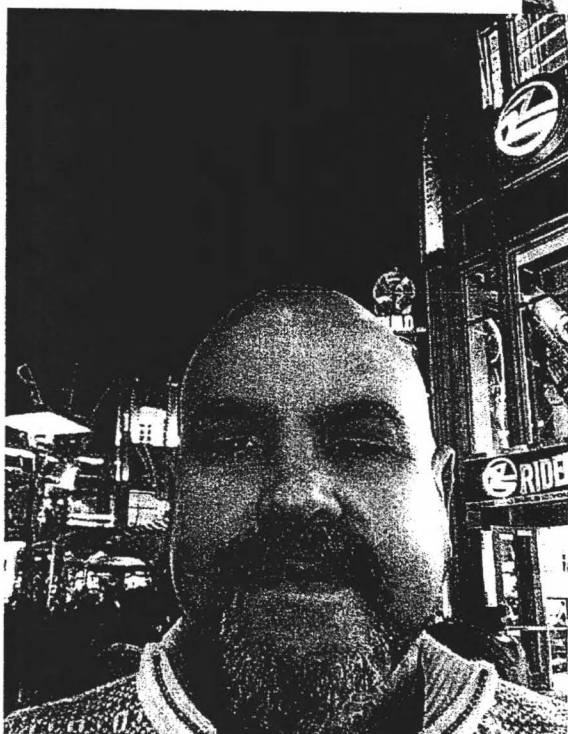




Recent

2014  
2013  
2012  
2011  
2010  
2009

heim, CA



Mitchell Kogod

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Downtown Disney in Anaheim

Like · Share

11 people like this.



Marie Dalesio It's the happy place

December 21, 2014 at 3:40am · Like · 1



Peg Joseph-Davis Yup thats the place for you with Mickey lol

December 21, 2014 at 5:24am · Like · 1

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partner were traveling westbound when another vehicle struck his patrol car. The suspect, a convicted felon, got ODMF.ORG

6 Likes 1 Comment

Like

Share



Mitchell Kogod

December 13, 2014 · Ladera Heights, CA ·

Giving Emily the dirty look again

Exhibit 13

Witness:  
Mitchell Kogod

Date: September 26, 2015

Amanda Kallas, CSF# 13801

1 LAW OFFICE OF DANIEL MARKS  
2 DANIEL MARKS, ESQ.  
3 Nevada State Bar No. 002003  
4 NICOLE M. YOUNG, ESQ.  
5 Nevada State Bar No. 12659  
6 610 South Ninth Street  
7 Las Vegas, Nevada 89101  
8 (702) 386-0536; FAX (702) 386-6812  
9 Attorneys for Appellant

10  
11 **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
12

13 DENNIS KOGOD,

Case No. 71147

14 Appellant,

15 vs.

16 GABRIELLE CIOFFI-KOGOD,

17 Respondent.  
18 \_\_\_\_\_/

19 **APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT**  
20 \_\_\_\_\_  
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22 \_\_\_\_\_  
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26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_

**APPELLANT'S APPENDIX**  
**Volume 29**

<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NO.</u>
Acceptance of Service filed on April 24, 2014	1	14
Acceptance of Service Filed on November 6, 2015	2	394
Amended Notice of Cross-Appeal filed on September 23, 2016	46	9032-9148
Answer to Complaint for Divorce and Counterclaim filed on November 24, 2014	1	19-24
Case Appeal Statement filed on August 23, 2016	44	8590-8593
Case Appeal Statement, filed on December 13, 2016	47	9287-9290
Case Cross-Appeal Statement filed on September 21, 2016	46	9028-9031
Case Cross-Appeal Statement, filed on December 23, 2016	47	9298-9301
Certificate of Service filed on March 2, 2015	1	66
Certificate of Service filed on June 2, 2015	1	85-86
Certificate of Service filed on January 25, 2016	4	712
Certificate of Service filed on June 21, 2016	42	8082
Certificate of Service filed on September 14, 2016	45	8704-8802
Certification of Copy of Exhibits Presented at the 2/23/16- 2/26/16 Non-Jury Trial, dated December 8, 2016	10	1876-1894
Certification of Copy Clerks List	41	7980-7983
Complaint for Divorce filed on December 13, 2013	1	1-6
Defendant's Closing Brief filed on August 1, 2016	43	8415-8473
Defendant, Dennis Kogod's, Reply to Plaintiff's, Gabrielle Cioffi-Kogod's, Opposition to Defendant's Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the deposition of Jennifer Crute Steiner and Opposition to Plaintiff's Countermotion for Attorney Fees and Costs filed on June 25, 2015	1	151-178
Defendant's Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the Deposition of Jennifer Crute Steiner filed on June 11, 2015	1	87-110
Defendant's Exhibits Vol. I:	33	6161-7979
////		

<b>DOCUMENT</b>	<b>VOLUME</b>	<b>PAGE NO.</b>
Defendant's Exhibit D- Teichner Accounting Rebuttal Expert Disclosure Dated: January 25, 2016	33	6162-6209
Defendant's Exhibit F- Teichner Accounting Sur-Rebuttal Report Dated: February 15, 2016	33	6210-6215
Defendant's Exhibit S- Bank of America Joint Checking Account Ending 6446 Statement From December 1, 2015 to December 31, 2015	33	6216-6223
Defendant's Exhibit T- Bank of America Checking Account ending in 0129 Statement from December 1, 2015 to December 31, 2015	33	6224-6229
Defendant's Exhibit U- Wells Fargo Complete Advantage Checking Account Ending 5397 Statement from January 9, 2016 to February 5, 2016	33	6230-6239
Defendant's Exhibit V- Wells Fargo PMA Account ending 8870 Statement from January 9, 2016 to February 5, 2016	33	6240-6242
Defendant's Exhibit W- UBS Trust – Fee Base ending 743 Statement From January 2016	33	6243-6252
Defendant's Exhibit X- UBS Checking ending 745 Statement for January 2016	33	6253-6264
Defendant's Exhibit Y- UBS Trust – PWS/GAM ending 134 Statement for January 2016	33	6265-6282
Defendant's Exhibit Z- UBS Stock Option ending 999 Statement for January 2016	33	6283-6290
Defendant's Exhibit AA- Merrill Lynch Ending 588 Statement from December 01, 2015 to December 31, 2015	33	6291-6360
Defendant's Exhibit BB- UBS Trust – Fee Base ending 43 Statement for January 2016	34	6361-6368
Defendant's Exhibit CC- Fidelity Dignity Health Statement from January 1, 2015 to December 31, 2015	34	6369-6372
Defendant's Exhibit DD- Davita Retirement Plan Statement from January 1, 2016 to January 31, 2016	34	6373-6375
Defendant's Exhibit EE- Davita Retirement Savings Plan Statement from October 1, 2015 to December 31, 2015	34	6376-6378
Defendant's Exhibit LL- UBS Premier Variable Credit Line ending 027 Statement for January 2016	34	6379-6384
////		

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
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Defendant's Exhibit NN- American Express Platinum Account ending 2003 Statement from January 18, 2016 to February 6, 2016	34	6397-6401
Defendant's Exhibit OO- American Express Platinum Account ending 9008 Statement from January 25, 2016 to February 23, 2016	34	6402-6406
Defendant's Exhibit PP- Master Card Account ending 1588 Statement From January 07, 2016 to February 06, 2016	34	6407-6412
Defendant's Exhibit QQ- Wells Fargo Account ending 1032 Statement from December 16, 2015 to January 15, 2016	34	6413-6419
Defendant's Exhibit RR- Banana Republic Account ending 4713 Statement from December 4, 2015 to January 4, 2016	34	6420-6423
Defendant's Exhibit SS- Discover Account ending in 4205 Statement from November 12, 2015 to December 11, 2015	34	6424-6427
Defendant's Exhibit TT- Kohls Account ending in 557 Statement from November 7, 2015 to December 7, 2015	34	6428
Defendant's Exhibit UU- Merrill Lynch Account ending 9677 Statement from November 13, 2015 to December 12, 2015	34	6429-6431
Defendant's Exhibit VV- Nordstorm Account ending 992 Statement from November 13, 2015 to December 13, 2015	34	6432-6436
Defendant's Exhibit WW- TJX Rewards Account ending 6951 Statement from December 1, 2015 to January 1, 2016	34	6437-6439
Defendant's Exhibit XX- Detailed Financial Disclosure Form for Gabrielle Cioffi-Kogod, Filed February 25, 2015	34	6440-6456
Defendant's Exhibit AAA- Email from Eugene to Dennis Dated: February 12, 2012	34	6457-6459
Defendant's Exhibit BBB- Various Checks from Gabrielle to Eugene Cioffi-Kogod Re: House	34	6460-6464
Defendant's Exhibit CCC- Various Checks from Gabrielle to Eugene Cioffi-Kogod Re: Misc.	34	6465-6467
Defendant's Exhibit DDD- Various Checks from Gabrielle to Eugene Cioffi Re: Eugene's Birthday	34	6468-6470
Defendant's Exhibit EEE- Various Checks from Gabrielle to Cassandra Cioffi Re: Cassandra's Birthday	34	6471-6473

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Defendant's Exhibit FFF- Various Checks from Gabrielle to Stephanie Cioff Re: Stephanie's Birthday	34	6474-6476
Defendant's Exhibit GGG- Check from Dennis to Escrow of the West Re: 128 N. Edinburch	34	6477
Defendant's Exhibit HHH- Various Checks from Gabrielle to Cash	34	6478-6496
Defendant's Exhibit III- Various Checks from Gabrielle to Deaner, Deaner, Scann, Malan & Larsen Re: Kogod v. DeYoung #5504-0001	34	6497-6507
Defendant's Exhibit KKK- Notice of Entry of Stipulation and Order Filed on August 12, 2015	34	6508-6513
Defendant's Exhibit LLL- Email from Dennis to Gabrielle Dated: December 8, 2011	34	6514-6515
Defendant's Exhibit NNN- Plaintiff's Sixteenth Supplemental Production of Documents Pursuant to NRCP 16.2, Served on October 22, 2015	34	6516-656
Defendant's Exhibit OOO- Gabrielle Kogod's Resume	34	6561-6564
Defendant's Exhibit PPP- Plaintiff's Response to Defendant's First Set of Interrogatories Dated May 18, 2015	35	6565-6589
Defendant's Exhibit QQQ- Plaintiff's Response to Defendant's Second Set of Interrogatories Served on October 20, 2015	35	6590-6597
Defendant's Exhibit RRR- Plaintiff's Response to Defendant's Third Set of Interrogatories Served on October 29, 2015	35	6598-6603
Defendant's Exhibit SSS- Confidential Memorandum Limited Partner Interests in New Enterprise Associates 14, L.P. Dated: February 2012	35	6604-6683
Defendant's Exhibit TTT- New Enterprise Associates 14, L.P. Supplemental Schedule of Changes in Individual Partner's Capital Accounts	35	6684-6706
Defendant's Exhibit UUU- Plaintiff's Eleventh Supplemental Production of Documents Pursuant to NRCP 16.2 Dated: September 9, 2015 (Spreadsheet from Nadya's depo)	36	6707-6906
Defendant's Exhibit UUU- Continued Plaintiff's Eleventh Supplemental Production of Documents Pursuant to NRCP 16.2 Dated: September 9, 2015 (Spreadsheet from Nadya's depo)	37	6907-7034
Defendant's Exhibit VVV- Davita Power Point Regarding 2015 Long Term Incentive Program	37	7035-7041

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Defendant's Exhibit YYY- Email from Radiology Partners regarding 2014 Tax Compliance	37	7049-7059
Defendant's Exhibit ZZZ- Radiology Partners Member Equity Statement Dated: July 31, 2015	37	7060
Defendant's Exhibit AAAA- Radiology Partners Practice Update, Dated July 31, 2015	37	7061-7067
Defendant's Exhibit FFFF- Kogod Equity Analysis of Dennis' outstanding Long-term incentives (Equity Bases and Cash-Based) and Explanation	37	7068-7070
Defendant's Exhibit GGGG- Thomasina Distribution Agreement	37	7071-7126
Defendant's Exhibit HHHH- Pray for Ukraine Agreement Dated: October 16, 2014	37	7127-7132
Defendant's Exhibit IIII- UBS Resource Management account Ending 899 Statement for February 2016	37	7133-7134
Defendant's Exhibit JJJJ- 2015 W-2 issued to Dennis L. Kogod	37	7135-7137
Defendant's Exhibit KKKK- Principle Life Insurance Company Statement for February 18 2016	37	7138-7139
Defendant's Exhibit LLLL- Email from Denise to Dennis Kogod	38	7140
Defendant's Exhibit MMMM- Filing with US Security and Exchange Commission	38	7141-7142
Defendants Exhibit NNNN- Email 2/23/16 Re: Award of 76,766 Shares And Sale of \$33,290 Shares for Tax Purposes	38	7143-7144
Defendant's Exhibit OOOO- Assets & Debt Chart	38	7145-7148
Defendant's Exhibit PPPP- Martial Balance Sheet	38	7149-7151
Defendant's Exhibit QQQQ- Costs & Fees Through 1/31/16	38	7152-7174
Defendant's Exhibit RRRR- Jimmerson Fees	38	7175-7340
Defendant's Exhibit SSSS- Depo of Eugene Cioffi February 05, 2016	39	7341-7450
Defendant's Exhibit TTTT- Depo of Stephanie Cioffi February 05, 2016	39	7451-7467
Defendant's Exhibit UUUU- 9716 Oak Pass Appraisal	42	8042-8061



<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Defendant's Exhibit VVVV- Jennifer Bosco Resume	42	8062
Defendant's Exhibit WWW- Hollywood Hills Escrow	42	8063
Defendant's Exhibit XXXX- February 2016 UBS account summary statement	39	7468-7474
Defendant's Exhibit YYYY- February 2016 UBS account statement for Accounts ending 743	39	7475-7484
Defendant's Exhibit ZZZZ- February 2016 UBS account statement for Accounts ending 134	39	7485-7500
Defendant's Exhibit 5A- February 2016 UBS account summary statement	39	7501-7508
Defendant's Exhibit 5B- February 2016 UBS account statement for accounts Ending 745	39	7509-7522
Defendant's Exhibit 5C- February 2016 UBS account statement for accounts Ending 899	39	7523-7532
Defendant's Exhibit 5D- February 2016 UBS account statement for accounts Ending 746	39	7533-7540
Defendant's Exhibit 5E- February 2016 UBS account statement for accounts Ending 027	39	7541-7546
Defendant's Exhibit 5F- February 2016 UBS account statement for accounts Ending 575	39	7547-7552
Defendant's Exhibit 5G- UBS Account Summary for account ending 17, Showing no value As of February 26, 2016	39	7553
Defendant's Exhibit 5H- February 2016 UBS account statement for accounts ending 75	39	7554-7559
Defendant's Exhibit 5I- May 2016 UBS account statement for accounts ending 76	39	7560-7567
Defendant's Exhibit 5J- May 2016 UBS account statement for accounts ending 43	39	7568-7577
Defendant's Exhibit 5K- May 2016 UBS account statement for accounts ending 45	39	7578-7587
Defendant's Exhibit 5L- May 2016 UBS account statement for accounts ending 34	40	7588-7603
Defendant's Exhibit 5M- Wells Fargo PMA Package account ending 5397 Statement from February 1, 2016 through February 29, 2016	40	7604-7613

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Defendant's Exhibit 5N- Wells Fargo Checking account ending 8870 Statements from February 6, 2016 through March 7, 2016	40	7614-7616
Defendant's Exhibit 5O- Wells Fargo Visa account ending 1032 statements From January 16, 2016 through February 12, 2016	40	7617-7620
Defendant's Exhibit 5P- Wells Fargo Visa account ending 1032 statements From February 13, 2016 through March 15, 2016	40	7621-7625
Defendant's Exhibit 5Q- American Express Platinum account ending 9008 Statements from January 16, 2016 through February 23, 2016	40	7626-7636
Defendant's Exhibit 5R- American Express Platinum account ending 9008 Statements from February 24, 2016 through March 25, 2016	40	7637-7645
Defendant's Exhibit 5S- American Express Centurion account ending 3005 Statements from January 16, 2016 through February 14, 2016	40	7646-7659
Defendant's Exhibit 5T- American Express Centurion account ending 3005 Statements from February 15, 2016 through March 16, 2016	40	7660-7668
Defendant's Exhibit 5U- American Express Optima account ending 2003 Statements from January 19, 2016 through February 16, 2016	40	7669-7680
Defendant's Exhibit 5V- American Express Optima account ending 2003 Statements from February 17, 2016 through March 18, 2016	40	7681-7685
Defendant's Exhibit 5W- Master Card Black Card account ending 1588 Statements from February of 2016	40	7686-7691
Defendant's Exhibits 5X- Principle Life Insurance Company Statement of Coverage as of February 26, 2016	40	7692-7693
Defendant's Exhibits 5Y- Voja DaVita Retirement Savings Plan statement From 01/01/16 through 03/31/16	40	7694-7696
Defendant's Exhibits 5Z- DaVita Gambro Healthcare Executive Retirement Plan Benefit Statement from February of 2016	40	7697-7699
Defendant's Exhibit 6A- Cigna Health Savings Plan account balance of April 24, 2016	40	7700-7703
Defendant's Exhibit 6B- DaVita Stock Award Grant Statement, exercisable as of 06/01/16	40	7704-7705
Defendant's Exhibit 6C- Documents regarding sale of Ferrari	40	7706-7707

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
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Detailed Financial Disclosure Form filed on February 27, 2015	1	45-65
Detailed Financial Disclosure Form filed on May 29, 2015	1	67-84
Detailed Financial Disclosure Form filed on February 16, 2016	4	721-738
Detailed Financial Disclosure Form filed on February 19, 2016	4	819-835
Discovery Commissioner's Report and Recommendations filed on January 11, 2016	2	421-424
Discovery Commissioner's Report and Recommendations filed on January 22, 2016	4	707-711
Discovery Commissioner's Supplemental Report and Recommendations filed on February 22, 2016	4	843-846
Errata to Pre-Trial Memorandum filed on February 22, 2016	4	841-842
Errata to Notice of Filing Cost Bond for Appeal filed on August 30, 2016	44	8603-8606
Ex-Parte Motion to Enlarge Time for Service of Summons and Complaint filed on April 4, 2014	1	7-11
Ex-Parte Order to Enlarge Time for Service of Summons and Complaint filed on April 10, 2014	1	12-13
Ex Parte Request for Leave of Court to File Supplemental Pleading (With Notice) Filed September 21, 2016	45	8914-8944
Joint Preliminary Injunction filed on May 15, 2014	1	15-16
Motion for an Order to Show Cause to Hold Gabrielle Cioffi-Kogod in Contempt for Failure to Comply with the Discovery Commissioners Recommendation Regarding Service of Jennifer Crute Steiner and for Attorney's Fees and Costs filed on September 14, 2015	2	207-274
Motion to Compel Discovery and for Attorney's Fees and Costs filed on December 23, 2015	2	407-420
Motion in Limine to Exclude Updated Real Estate Appraisals and Newly Disclosed Rental Values Submitted by Plaintiff filed on February 19, 2016	4	836-840
Motion in Limine to Exclude Defendant's Witness Disclosed After Deadline to Disclose witnesses and Request for Attorney's Fees and Sanctions filed on February 22, 2016	4	847-858

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Motion to Stay Enforcement of Decree of Divorce and for Other Related Relief filed on August 24, 2016	44	8594-8600
Motion for Attorney's Fees and Costs filed on September 13, 2016	44	8607-8703
Notice of Appeal filed on August 23, 2016	44	8588-8589
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Notice of Cross-Appeal filed on September 21, 2016	45	8823-8940
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Notice of Entry of Order filed on June 29, 2016	42	8086-8089
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Notice of Filing Cost Bond for Appeal filed on August 29, 2016	44	8601-8602
Objections to Plaintiff's proposed deposition Testimony and Submission of Additional Deposition Testimony filed on March 25, 2016	40	7721-7739
Opposition to Motion for an Order to Show Cause to Hold Gabrielle Cioffi-Kogod in Contempt for Failure to Comply with the Discovery Commissioner's Recommendation Regarding Service of Jennifer Crute Steiner and for Attorney's Fees and Costs and Countermotion for Sanctions and Attorney's Fees filed on October 6, 2015	2	287-335
Opposition to Motion to Stay Service of Subpoena Duces Tecum and Notice of Deposition and for a Protective Order Prohibiting or Limiting the Deposition of Jennifer Crute Steiner, and Countermotion for Attorney's Fees and Costs filed on June 23, 2015	1	111-150

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Opposition to Motion to Compel Discovery and for Attorney's Fees and Costs and Countermotion for Protective Order filed on January 11, 2016	3	425-579
Opposition to Plaintiff's Motion for an Order to Show Cause why Defendant Should not be Held in Contempt of Court for His Multiple Violations of the Joint Preliminary Injunction, for an Order Limiting Access and Payments from Community Accounts, and for Sanctions, Attorney's Fees and Costs; and Countermotion for Attorney's Fees and Costs filed on February 8, 2016	4	713-720
Opposition to Plaintiff's Motion to Compel Discovery, for Sanctions, Attorney's fees and Costs; and Countermotion for Sanctions, Attorney's Fees and Costs filed on July 8, 2016	42	8090-8153
Opposition to Motion for Attorney's Fees and Costs filed on October 13, 2016	46	9167-9174
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Plaintiff's Exhibit 88- Letter from Mr. Jimmerson to Mr. Smith re: Dennis' intent to sell stock Options dated June 12, 2015	19	3726
Plaintiff's Exhibit 89- Letter from Mr. Smith to Mr. Marks re: Sale of Dennis' Stock Options Dated August 14, 2015	19	3727-3729
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Plaintiff's Exhibit 129- 9/25/15 Deposition of Sheldon Kogod	29	5593-5745
Plaintiff's Exhibit 130- 9/26/15 Deposition of Dana Kogod	30	5746-5832
Plaintiff's Exhibit 131- 12/10/15 Deposition of Jennifer Crute Steiner	31	5833-6019
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Plaintiff's Exhibit 132-5- Gabrielle's expert, Mr. Marc Herman's updated Appraisal dated January 30, 2016	41	7985-8021
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Plaintiff's Exhibit 133- Gabrielle's Banana Republic Luxe X4713 Dated March 4, 2016	32	6024-6026

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Plaintiff's Exhibit 136- Gabrielle's Kohl's Card X2557 Dated January 7, 2016	32	6034-6036
Plaintiff's Exhibit 137- Gabrielle's Kohl Statement X2557 dated February 5, 2016	32	6037-6039
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Plaintiff's Opposition to Defendant's Motion to Stay Enforcement Of Decree of Divorce and for Other Related Relief and Countermotion for Attorney's Fees filed on October 12, 2016	46	9149-9166
Reply to Counterclaim for Divorce filed on December 5, 2014	1	25-27
////		

<b><u>DOCUMENT</u></b>	<b><u>VOLUME</u></b>	<b><u>PAGE NO.</u></b>
Reply in Support of Motion for an Order to Cause to Hold Gabrielle Cioffi-Kogod in Contempt for Failure to Comply with the Discovery Commissioner's Recommendation Regarding Service of Jennifer Crute Steiner and for Attorney's Fees and Costs; and Opposition to Countermotion for sanctions and Attorney's Fees filed on October 12, 2015	2	336-345
Reply in Support of Defendant's Motion to Compel Discovery and for Attorney's Fees and Costs, and Opposition to Plaintiff's Countermotion for Protective Order filed on January 13, 2016	3	583-586
Reply to Plaintiff's Motion to Compel Discovery, for Sanctions, Attorney's Fees and Costs and Opposition to Countermotion for Sanctions, Attorney's Fees and Costs filed on July 13, 2016	42	8154-8192
Reply in Support of Motion to Stay Enforcement of Decree of Divorce and For Other Related Relief; and Opposition to Countermotion for Attorney's fees filed on October 14, 2016	46	9175-9180
Reply to Opposition to Motion for Attorney's Fees and Costs filed on October 17, 2016	46	9181-9186
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DISTRICT COURT  
CLARK COUNTY, NEVADA

GABRIELLE CIOFFI-KOGOD,

Plaintiff,

vs.

DENNIS KOGOD,

Defendant.

ORIGINAL

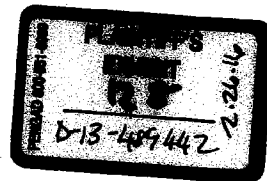
CASE NO.

D-13-489442-D

FAMILY DIVISION

DEPOSITION OF MARSHA KOGOD, TAKEN ON BEHALF OF THE  
PLAINTIFF, STARTING AT 12:26 P.M. AND ENDING AT 1:25 P.M.,  
FRIDAY, SEPTEMBER 25, 2015, AT 433 NORTH CAMDEN DRIVE,  
SUITE 1000, BEVERLY HILLS, CALIFORNIA 90210-4414, BEFORE  
AMANDA KALLAS, C.S.R. NO. 13901.

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Page 1

1 APPEARANCES OF COUNSEL:

2  
3 FOR THE PLAINTIFF GABRIELLE CIOFFI-KOGOD:

4 LAW OFFICES OF RADFORD J. SMITH

5 BY: RADFORD J. SMITH, ESQ.

6 2470 ST. ROSE PARKWAY

7 SUITE 206

8 HENDERSON, CALIFORNIA 89074

9 702-990-6448

10 RMITH@RADFORDSMITH.COM

11  
12 FOR THE DEFENDANT DENNIS KOGOD:

13  
14 LAW OFFICES OF DANIEL MARKS

15 BY: DANIEL MARKS, ESQ.

16 610 SOUTH 9TH STREET

17 LAS VEGAS, CALIFORNIA 89101

18 702-386-0536

19  
20 ALSO PRESENT:

21 GRANT CIHLAR, THE VIDEOGRAPHER

22 JENNIFER ALLEN, ANTHEM FORENSICS

23 GABRIELLE CIOFFI-KOGOD, PLAINTIFF

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I N D E X

WITNESS	EXAMINATION	PAGE
MARSHA KOGOD		
	BY MR. SMITH	6
	BY MR. MARKS	60

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Exhibit 6	MARCH 13, 2013 PROMISSORY NOTE BATES: DLK002893 - DLK002894	33
Exhibit 4	DECEMBER 12, 2012 PROMISSORY NOTE BATES: DLK002891	34
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Exhibit 5	YACHT INVOICE BATES: DLK002885 - DLK002886	36
***Exhibits 7 through 9 not marked***		
Exhibit 10	CHECK IMAGES, NOT BATES STAMPED	43

1	BEVERLY HILLS, CALIFORNIA	
2	FRIDAY, SEPTEMBER 25, 2015, 12:26 P.M.	
3		12:26:00
4	THE VIDEOGRAPHER: Good afternoon. We're on the	12:26:00
5	record. The time is 12:26 p.m. on September 25th, 2015.	12:26:23
6	This is the video recorded deposition of Marsha Kogod. My	12:26:28
7	name is Grant Cihlar, here with our court reporter Amanda	12:26:33
8	Kallas; we are here from Veritext Legal Solutions at the	12:26:37
9	request of counsel for plaintiff.	12:26:40
10	This deposition is being held at Jaffe and	12:26:44
11	Clemens in Beverly Hills, California. The caption of this	12:26:47
12	case is Gabrielle Cioffi-Kogod versus Dennis Kogod. The	12:26:50
13	case number is D-13-489442-D.	12:26:56
14	Please note that audio and video recording will	12:27:02
15	take place unless all parties agree to go off the record.	12:27:05
16	Microphones are sensitive and may pick up whispers,	12:27:08
17	private conversations, and cellular interference. I am a	12:27:14
18	notary public; I am not related to any party in this	12:27:17
19	action; nor am I financially interested in the outcome in	12:27:20
20	any way.	12:27:24
21	If there are any objections to proceeding, please	12:27:25
22	state them at the time of your appearance, beginning with	12:27:27
23	the noticing attorney.	12:27:29
24	MR. SMITH: Radford Smith on behalf of Gabrielle	12:27:33
25	Kogod, who's seated to my left; also present is Jennifer	12:27:36

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1 Allen from Anthem Forensics. She's an expert in the case. 12:27:39  
2 MR. MARKS: Daniel Marks for Dennis Kogod. 12:27:43  
3 THE VIDEOGRAPHER: Thank you. 12:27:46  
4 The witness will be sworn in and counsel may 12:27:46  
5 begin the examination. 12:27:48  
6 12:27:48  
7 MARSHA KOGOD, 12:27:48  
8 having been duly administered an oath by the 12:27:48  
9 court reporter, was examined and testified as follows: 12:27:48  
10 12:27:49  
11 MR. SMITH: Before we begin, Ms. Kogod, I wanted 12:27:49  
12 to say for the record that we had an off the record 12:28:05  
13 conversation; Mr. Marks and I had agreed that the 12:28:09  
14 transcript of Sheldon Kogod's deposition that was just 12:28:12  
15 taken and also the transcript of this deposition, because 12:28:15  
16 Mr. Marks is getting a copy of them, he will provide that 12:28:19  
17 copy to -- or you, I guess, will provide that copy to the 12:28:23  
18 Kogods at the e-mail address that was just given to you by 12:28:28  
19 Ms. Kogod, and that will be the way that they review the 12:28:31  
20 transcripts. And it's my understanding that we need to do 12:28:35  
21 that on the record and stipulate to it so you're in 12:28:38  
22 compliance with California law. 12:28:41  
23 Is that acceptable, Mr. Marks? 12:28:42  
24 MR. MARKS: Correct. 12:28:44  
25 MR. SMITH: All right. And also, as I noted in 12:28:46

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1 the previous deposition, there's procedure under -- I 12:28:47  
2 believe it's 30(B) -- rule NRCP 30(b) requires that the 12:28:50  
3 court reporter read a certain statement into the record 12:28:55  
4 unless we agree to waive that; and you'll agree to waive 12:28:58  
5 that here -- 12:29:02  
6 MR. MARKS: Yes. 12:29:02  
7 MR. SMITH: -- Mr. Marks? 12:29:02  
8 12:29:02  
9 EXAMINATION 12:29:03  
10 BY MR. SMITH: 12:29:03  
11 Q All right. Ms. Kogod, have you ever had your 12:29:03  
12 deposition taken before? 12:29:05  
13 A No. 12:29:06  
14 Q All right; so I'm going to go over the rules. 12:29:06  
15 The oath that you've just taken is the same oath that you 12:29:08  
16 would take in a court of law; so even though we're in 12:29:11  
17 informal surroundings, all the rules and penalties that 12:29:14  
18 would apply to that oath as if you were testifying in a 12:29:17  
19 court of law apply here. Do you understand? 12:29:20  
20 A Yes, I do. 12:29:23  
21 Q All right. The court reporter seated to my right 12:29:23  
22 is taking down everything that we say; so it's important 12:29:26  
23 that we observe certain rules so that the transcript is 12:29:29  
24 clear: One of those rules is that, in common 12:29:33  
25 conversation, it's very -- it -- it's easy to anticipate a 12:29:37

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1 question and then begin answering that question before 12:29:42  
2 it's completed, but that doesn't work here because the 12:29:44  
3 court reporter -- and she may admonish -- admonish us of 12:29:48  
4 this fact -- cannot take down two people speaking at once. 12:29:53  
5 So it's important that you allow me to complete my 12:29:57  
6 question before you begin your answer; okay? 12:30:00  
7 A Fine. 12:30:02  
8 Q Okay. Also, because there is a transcript of 12:30:03  
9 what's being said in the room, it's important that you 12:30:07  
10 give me verbal answers as opposed to nonverbal gestures or 12:30:10  
11 shakes of the head, that sort of thing. 12:30:14  
12 A Okay. 12:30:15  
13 Q If you don't understand a question that I've 12:30:17  
14 asked you, tell me that you haven't understand -- 12:30:20  
15 understood it and I'll repeat or rephrase the question; 12:30:23  
16 okay? 12:30:26  
17 A Correct. 12:30:26  
18 Q If you answer a question without telling me that 12:30:26  
19 you didn't understand it, we're going to assume that you 12:30:29  
20 understood the question; fair enough? 12:30:32  
21 A Yes. 12:30:34  
22 Q You're -- Mr. Marks is not your attorney; 12:30:35  
23 correct? 12:30:38  
24 A No. 12:30:38  
25 Q All right. So you're here without counsel today? 12:30:39

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1	answering questions?	12:31:39
2	A No.	12:31:40
3	Q All right. What is your current address?	12:31:43
4	A 321 South San Vicente Boulevard, apartment 707,	12:31:45
5	Los Angeles, 9 double-048.	12:31:52
6	Q How long have you resided there?	12:31:56
7	A About a year and a half, maybe closer to two	12:31:58
8	years.	12:32:00
9	Q Okay. Who owns that residence?	12:32:01
10	A We do.	12:32:02
11	Q When you say "we," who's that?	12:32:03
12	A My husband.	12:32:05
13	Q Do you -- where did you get the money to purchase	12:32:07
14	it?	12:32:10
15	A From my son.	12:32:10
16	Q Dennis?	12:32:11
17	A Uh-huh.	12:32:11
18	Q Yes?	12:32:12
19	A Yes.	12:32:12
20	Q All right. How did he give you that money?	12:32:12
21	A I have no idea; my husband took care of all that.	12:32:17
22	Q Okay.	12:32:22
23	MR. SMITH: Let's go off the record for just a	12:32:23
24	second. We have to do that -- okay.	12:32:25
25	THE VIDEOGRAPHER: We are off the record, the	12:32:27

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1	time is 12:32 p.m.	12:32:28
2	(Whereupon there was a discussion held off the record.)	12:32:41
3	THE VIDEOGRAPHER: We're back on the record. The	12:32:45
4	time is 12:32 p.m.	12:32:52
5	Please continue.	12:32:54
6	BY MR. SMITH:	12:32:54
7	Q Showing what's been marked as exhibit -- oh, as	12:33:00
8	Exhibit No. 2 for purposes of this deposition.	12:33:08
9	Have you ever seen that document before?	12:33:16
10	A No, I haven't.	12:33:18
11	Q Can you turn to the second page of it. Is that	12:33:21
12	your signature --	12:33:23
13	A That's my signature --	12:33:23
14	Q -- on the bottom?	12:33:24
15	A -- Yes.	12:33:25
16	Q Do you recall signing this document?	12:33:26
17	A Yes, I do.	12:33:27
18	Q And can you tell me what it is?	12:33:27
19	A I would imagine it's for the apartment.	12:33:35
20	Q Okay. Does it look like a deed to you?	12:33:38
21	A Yeah.	12:33:42
22	Q Do you know what a deed is?	12:33:42
23	A I think so, yeah.	12:33:44
24	Q Okay. That's where you give consideration or you	12:33:45
25	give the transferring interest in property from one party	12:33:47

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1	to another; right?	12:33:51
2	A Correct.	12:33:51
3	Q And this one, it's a deed that says that -- it's	12:33:52
4	a -- if you'll see in about the middle of Exhibit 2, it	12:33:56
5	says (reading):	12:33:59
6	"A transfer to a revocable trust for the	12:33:59
7	benefit of the grantors and is exempt under RNT	12:34:02
8	code section 11930."	12:34:06
9	Do you see that?	12:34:08
10	A Yes.	12:34:09
11	Q And then it also under -- when it says "hereby	12:34:10
12	grant to," it says Sheldon Kogod, also known as Sheldon	12:34:14
13	Kogod --	12:34:18
14	MR. SMITH: Is this the right one?	12:34:20
15	MS. ALLEN: She's not on the right page.	12:34:21
16	BY MR. SMITH:	12:34:23
17	Q Okay. Go back to the -- one page previous to	12:34:23
18	that; okay? And you'll see, back in the middle of the	12:34:25
19	page, and, uh, you'll see where it says (reading):	12:34:28
20	"Sheldon Kogod, also known as Sheldin Kogod,	12:34:31
21	and Marsha Kogod, trustees of the Kogod Family	12:34:34
22	Revocable Trust, dated April 23rd, 2013."	12:34:37
23	Do you see that?	12:34:40
24	A Yes, I do.	12:34:41
25	Q And did you understand that you were transferring	12:34:42

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1	the San Vicente property to a trust?	12:34:46
2	A I didn't realize, no.	12:34:49
3	Q Do you have a trust?	12:34:51
4	A No, not that I know of.	12:34:53
5	Q Okay. Do you know if a trust was established for	12:34:55
6	you?	12:34:59
7	A No.	12:34:59
8	Q Have you ever heard of the Sheldon Kogod and	12:35:01
9	Mar- -- Marsha Kogod family revocable trust?	12:35:04
10	A No.	12:35:08
11	Q Have you ever heard of the Kogod family revocable	12:35:09
12	trust?	12:35:12
13	A No.	12:35:12
14	Q In or about April of 2013, did you contact a	12:35:13
15	lawyer in regard to the preparation of a trust document?	12:35:16
16	A No.	12:35:19
17	Q Did you ever meet with a lawyer regarding a	12:35:19
18	trust?	12:35:21
19	A No.	12:35:22
20	Q Do you recall ever signing documents to establish	12:35:22
21	a trust?	12:35:25
22	A No.	12:35:25
23	Q Do you know if Dennis prepa- -- had a trust	12:35:27
24	prepared under -- for you?	12:35:29
25	A I don't know.	12:35:31



1 Q Do you actually recall signing the document 12:35:34  
2 that's Exhibit 2? 12:35:36  
3 A It's my handwriting. 12:35:38  
4 Q Okay. But you don't recall actually signing it? 12:35:39  
5 A I guess I did. 12:35:41  
6 Q I understand you guess you did, but do you 12:35:43  
7 recall -- actually recall signing it? Do you, like, 12:35:46  
8 remember being somewhere and signing a document? 12:35:51  
9 A No. 12:35:53  
10 Q So the only thing that you remember about this 12:35:53  
11 document, or you can tell about this document, is that you 12:35:55  
12 did sign it, but you don't know when or what -- what -- 12:35:57  
13 why? 12:36:00  
14 A Yes. 12:36:00  
15 Q Okay. Whose idea was it to purchase the San 12:36:03  
16 Vicente condo? 12:36:13  
17 A Dennis. 12:36:14  
18 Q And what did he tell you about that? 12:36:15  
19 A Um, that the apartment that we were in was very 12:36:19  
20 pricey, kept going up and up; and this way we would have 12:36:24  
21 something that was ours. 12:36:28  
22 Q Okay. So did -- had Dennis provided you money in 12:36:30  
23 the past? 12:36:33  
24 A Yes. 12:36:34  
25 Q Okay. When you were in -- you used to live in 12:36:35

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1	Florida; right?	12:36:39
2	A Yes.	12:36:39
3	Q Where did you live in Florida?	12:36:39
4	A Boca Raton.	12:36:41
5	Q Okay. Can you tell me the address?	12:36:42
6	A Uh, 7760, I think -- oh, no; wait a minute. I	12:36:44
7	can't remember.	12:36:50
8	Q Okay.	12:36:50
9	A I'm sorry.	12:36:50
10	Q But it was Boc- -- but it was Boca Raton,	12:36:51
11	Florida?	12:36:54
12	A Yes.	12:36:54
13	Q When did you move from Boc- -- Boca Raton to	12:36:54
14	California?	12:36:58
15	A Um, approximately six-and-a-half years ago.	12:36:58
16	Q Okay. Do you recall -- so -- well, using	12:37:01
17	six-and-a-half years, it's approximately 2008?	12:37:04
18	A Uh-huh.	12:37:06
19	Q Yes?	12:37:07
20	A Yes.	12:37:08
21	Q Why did you move to California?	12:37:08
22	A Well, my husband had open-heart surgery; and	12:37:09
23	Dennis wanted him to just retire because he was working	12:37:13
24	40/50 hours a week and come out here and -- and enjoy	12:37:17
25	life.	12:37:22

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1 Q And so Dennis invited you to -- 12:37:23  
2 A Yes. 12:37:26  
3 Q -- to move to California? What was your 12:37:26  
4 understanding as to how you would meet your bills once you 12:37:28  
5 arrived in California? 12:37:33  
6 A Nothing. 12:37:34  
7 Q How -- how were you going to live? 12:37:37  
8 A Well, Dennis was giving us money. 12:37:39  
9 Q Okay. How much money was he giving you? 12:37:41  
10 A \$1000 a month. 12:37:44  
11 Q Did you think \$1000 a month would be sufficient 12:37:44  
12 to live in California? 12:37:47  
13 A Yes. 12:37:48  
14 Q Okay. 12:37:49  
15 A With our Social Security. 12:37:49  
16 Q Okay. So in addition to your Social Security and 12:37:51  
17 the \$1000 a month, you thought was sufficient to meet all 12:37:54  
18 your needs? 12:37:57  
19 A Yes. 12:37:58  
20 Q All right. How much Social Security do you 12:37:58  
21 receive? 12:37:59  
22 A Um, me personally? 12:38:00  
23 Q That's right. 12:38:03  
24 A Um, \$611, I think it is. 12:38:03  
25 Q Okay. The -- your husband, how much does he 12:38:08

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1	receive?	12:38:10
2	A Um, it's \$1000-something.	12:38:11
3	Q Okay.	12:38:14
4	A Or \$1100 to be --	12:38:14
5	Q All right; so approximately \$1700 between the two	12:38:16
6	of you?	12:38:19
7	A Yes.	12:38:20
8	Q All right. And then -- and then the \$1000 a	12:38:21
9	month gave you about \$2700?	12:38:23
10	A Yes.	12:38:25
11	Q And you thought that was sufficient to meet your	12:38:25
12	needs here in --	12:38:28
13	A Yes.	12:38:29
14	Q -- California? Okay. Did Dennis promise you any	12:38:29
15	support beyond the \$1000?	12:38:34
16	A No.	12:38:34
17	Q Has Dennis provided you any support beyond the	12:38:35
18	\$1000 after you've arrived in the state of California?	12:38:38
19	A No.	12:38:40
20	Q Hasn't given you any money at all?	12:38:41
21	A No.	12:38:43
22	Q Okay.	12:38:43
23	A Just birthday and anniversary.	12:38:43
24	Q Okay. Did he ever pay any of your bills?	12:38:45
25	A No.	12:38:48

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1 Q Did he ever provide you a home to live in? 12:38:49  
2 A Yes. 12:38:54  
3 Q Okay. Um, when you first moved here, where did 12:38:55  
4 you stay? Where did you live? 12:38:57  
5 A Broadcast Center apartments. 12:38:58  
6 Q Okay. Any other apartments prior to that time? 12:39:01  
7 A When we first came here, for six months we were 12:39:04  
8 on Santa Monica. 12:39:07  
9 Q Okay. Who paid the rent for that apartment? 12:39:08  
10 A Dennis. 12:39:10  
11 Q Okay. Who paid the expenses for that apartment? 12:39:11  
12 The utilities and the -- and the expenses? 12:39:13  
13 A We did. 12:39:15  
14 Q Other than the rent payments that Dennis paid for 12:39:16  
15 you during that time, did he provide you any -- and the 12:39:19  
16 \$1000, did he provide you any other money? 12:39:22  
17 A No. 12:39:25  
18 Q You then you said you moved into the Broadcast 12:39:26  
19 Center? 12:39:32  
20 A Yes. 12:39:33  
21 Q And how long did you reside there? 12:39:33  
22 A About two-and-a-half, three years. 12:39:37  
23 Q Okay. 12:39:39  
24 A Something like that. 12:39:39  
25 Q Who paid the rent -- 12:39:39

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1	A	Dennis.	12:39:41
2	Q	-- at the broadcast -- Did he provide you any	12:39:41
3		other money during that time, other than the \$1000 a	12:39:44
4		month --	12:39:47
5	A	No.	12:39:47
6	Q	-- for rent? No?	12:39:48
7	A	No.	12:39:50
8	Q	Did you ever drive a Mercedes?	12:39:50
9	A	No.	12:39:52
10	Q	Have your -- you or your husband ever driven a	12:39:53
11		Mercedes, to your knowledge?	12:39:55
12	A	No.	12:39:57
13	Q	Did you ever own an Escalade?	12:39:57
14	A	No.	12:39:59
15	Q	Have you ever driven an Escalade?	12:40:00
16	A	No.	12:40:03
17	Q	Once -- actually, you lived at the Broadcast	12:40:04
18		Center for a period of time. Was there any discussion	12:40:07
19		with Dennis about relocating back to the state of Florida?	12:40:09
20	A	No.	12:40:14
21	Q	Have you ever desired to relocate back to the	12:40:14
22		state of Florida after coming to --	12:40:17
23	A	Yes --	12:40:17
24	Q	-- the state --	12:40:17
25	A	-- and no.	12:40:19

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1 Q -- of California? And when was that? 12:40:20  
2 A Just, you know, as time went on, I missed my son 12:40:22  
3 that was there. 12:40:27  
4 Q Larry? 12:40:27  
5 A Yeah. 12:40:28  
6 Q Okay. And did you mention this to Dennis? 12:40:30  
7 A Um, I think so, but I'm -- I'm happy here. 12:40:34  
8 Q Okay. Did you ever indicate to Dennis that it 12:40:39  
9 was your desire to -- to seriously move back to the state 12:40:41  
10 of Florida, or was it general -- 12:40:45  
11 A No. 12:40:46  
12 Q -- or was it just general conversations about 12:40:46  
13 Larry? 12:40:48  
14 A Yeah, that's all. 12:40:49  
15 Q Okay. Did Dennis ever provide you with a car? 12:40:50  
16 A The first car that we got, he put the down 12:40:56  
17 payment; but we paid the mo- -- the monthly payments. 12:40:59  
18 Q Where was that -- what -- what car was that? I'm 12:41:02  
19 sorry. 12:41:04  
20 A That was a Hyundai. 12:41:04  
21 Q When was that? When you moved out here? 12:41:05  
22 A Three -- three and a half years ago. 12:41:09  
23 Q What were you driving when you came out here? 12:41:11  
24 A A Mitsubishi. 12:41:13  
25 Q And you kept that car after you got here? 12:41:14

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1           A    Yeah, until we traded it in for the Hyundai.           12:41:16  
2           Q    And -- all right. And then Dennis helped you on   12:41:20  
3   a down payment on the Hyundai?           12:41:23  
4           A    Yes.           12:41:25  
5           Q    All right.           12:41:26  
6           A    On the first car.           12:41:26  
7           Q    Now you have a second Hyundai --  
8           A    Yes.  
9           Q    -- right?  
10          A    Yes.  
11          Q    Did he help you with a --  
12          A    No.  
13          Q    -- down payment on that one?  
14          A    No.  
15          THE REPORTER: I'm sorry.  
16          THE WITNESS: No.  
17   BY MR. SMITH:           12:41:30  
18          Q    Told you.           12:41:30  
19          A    Sorry.           12:41:31  
20          Q    Yeah, it's -- it's just hard for her to keep two   12:41:34  
21   people speaking at once, and I talk pretty fast, so she's   12:41:36  
22   already having a hard time keeping up, so...           12:41:40  
23          The -- the second Hyundai, did you trade in the   12:41:43  
24   first Hyundai for that?           12:41:49  
25          A    It was a lease.           12:41:51

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1 Q It was a lease. So at the end of your lease of 12:41:52  
2 the first Hyundai, you get a second lease? 12:41:55  
3 A Correct. 12:41:57  
4 Q All right. And you didn't put anything down on 12:41:58  
5 the second lease? 12:41:59  
6 A We did. 12:42:00  
7 Q How much did you put down? 12:42:01  
8 A That's my husband that does that. 12:42:03  
9 Q Okay. And the monthly payments you were making 12:42:06  
10 now? 12:42:09  
11 A Yeah, correct. 12:42:09  
12 Q And you pay your own utilities -- 12:42:10  
13 A Yes. 12:42:12  
14 Q -- to the San Vicente -- 12:42:13  
15 A Yes. 12:42:13  
16 Q Has that always been the case at San Vicente? 12:42:14  
17 A Yes. 12:42:16  
18 Q Okay. And who pays the HOA? 12:42:16  
19 A Dennis. 12:42:16  
20 Q Who p- -- and there's no payments due because the 12:42:19  
21 amount is paid off; correct? 12:42:21  
22 A Correct. 12:42:24  
23 Q Does Dennis provide any other monies to you, 12:42:24  
24 other than the payments of the HOAs? 12:42:27  
25 A No. 12:42:30

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1 Q He pays the property taxes too; correct? 12:42:31  
2 A Yes. 12:42:33  
3 Q All right. Um, you signed a note in Dennis' 12:42:33  
4 favor for the purchase of the San Vicente home; correct? 12:42:38  
5 A Correct. 12:42:41  
6 Q Why did you do it that way? 12:42:41  
7 A I don't know. 12:42:44  
8 Q Did Dennis ever explain to you why he was making 12:42:45  
9 you sign a note? 12:42:49  
10 A No. 12:42:49  
11 Q You don't have to pay that note back, do you? 12:42:50  
12 A No. 12:42:54  
13 MR. MARKS: Object to the form. 12:42:54  
14 BY MR. SMITH: 12:42:55  
15 Q Okay. You can answer. 12:42:56  
16 MR. MARKS: You can still answer. 12:42:56  
17 BY MR. SMITH: 12:42:58  
18 Q The answer was "no"; correct? You -- you don't 12:42:58  
19 have to pay that back, do you? 12:43:00  
20 A No. 12:43:02  
21 Q And you've never paid anything back on it; right? 12:43:02  
22 A No. 12:43:05  
23 Q And you don't intend to pay anything back on it, 12:43:05  
24 do you? 12:43:08  
25 A No. 12:43:08

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1 Q Okay. So when you said -- I -- let me ask this 12:43:08  
2 question again, because I didn't answer it -- ask the 12:43:10  
3 question right: 12:43:13  
4 It is true that you have never paid anything on 12:43:14  
5 that property; correct? 12:43:16  
6 A Correct. 12:43:17  
7 Q Okay. And it's true that you don't believe 12:43:18  
8 you'll ever pay anything on that property -- 12:43:20  
9 MR. MARKS: Object to the form. 12:43:21  
10 BY MR. SMITH: 12:43:22  
11 Q -- true? 12:43:23  
12 A Correct. 12:43:24  
13 Q And do you know anything about what happens to 12:43:24  
14 that property when you die? 12:43:27  
15 A I guess it would go to Dennis. 12:43:31  
16 Q Okay. But you don't know? 12:43:33  
17 A I'm sure that it would. 12:43:35  
18 Q Have you ever had a conversation with Dennis 12:43:38  
19 about that? 12:43:40  
20 A I haven't; my husband probably has. 12:43:40  
21 Q Okay; but you don't know? 12:43:42  
22 A No. 12:43:43  
23 Q Did you ever prepare a will? 12:43:43  
24 A We -- we prepared one in Florida. 12:43:46  
25 Q Okay. Since the time you were in Florida, have 12:43:49

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1 you prepared a will, to your knowledge? 12:43:51  
2 A In Florida? 12:43:53  
3 Q No, no; here. 12:43:54  
4 A No. 12:43:55  
5 Q No. Um, the, uh, properties in both you -- well, 12:43:55  
6 it's in a trust, did you know that? 12:44:04  
7 A Yes. 12:44:06  
8 Q Okay. You did know that the property -- the San 12:44:07  
9 Vicente property's held in trust? You knew that? 12:44:09  
10 A Yes. 12:44:11  
11 Q How did you know that? 12:44:11  
12 A Because I just read it. 12:44:13  
13 Q Okay. All right; but other than -- 12:44:16  
14 MR. MARKS: Good question. 12:44:19  
15 BY MR. SMITH: 12:44:19  
16 Q Very good. That was very good, Ms. Kogod. 12:44:21  
17 MR. MARKS: Good question. 12:44:23  
18 MR. SMITH: Oh, it was excellent. 12:44:24  
19 BY MR. SMITH: 12:44:25  
20 Q The -- so -- so other than what you read today 12:44:26  
21 and the deed that -- that you recognize your signature on, 12:44:29  
22 did you know that it had been placed in a trust at all? 12:44:32  
23 A No. 12:44:35  
24 Q And you don't know what the terms of that trust 12:44:35  
25 are, do you? 12:44:37

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1 Q Okay. And when you met the kids, did you say to 12:45:37  
2 Dennis, "Dennis, how are you having kids, you're married 12:45:37  
3 to Gaby?" 12:45:39  
4 A Yes, I did. 12:45:39  
5 Q And what did he say? 12:45:40  
6 A I don't think he really answered me. 12:45:43  
7 Q Um, did you talk to -- when was the first time 12:45:46  
8 you met Nadya? Same time? 12:45:49  
9 A Um, yes. 12:45:50  
10 Q Okay. And where was that? Was that here [sic], 12:45:51  
11 in Vegas? Anything -- 12:45:54  
12 A It was in Vegas. 12:45:54  
13 Q It was in Vegas. Um, did you have a conversation 12:45:55  
14 with Nadya about her and Dennis' children, the fact that 12:45:59  
15 they had children and they -- they were still married? 12:46:02  
16 A No. 12:46:05  
17 Q Did you ever mention to Nadya that Dennis was 12:46:05  
18 married? 12:46:14  
19 A I'm not sure. I mean, I know she knew that -- 12:46:14  
20 that they were; but I don't know if I -- 12:46:18  
21 Q Okay. 12:46:20  
22 A -- had a conversation with her. 12:46:21  
23 Q Okay. But when you say you knew she knew, that's 12:46:22  
24 because she had said something about it; correct? 12:46:26  
25 A Yeah -- 12:46:26

1 Q All right -- 12:46:26  
2 A -- correct. 12:46:26  
3 Q -- what did she say? 12:46:27  
4 A Just that Dennis was married. 12:46:28  
5 Q Okay. Um, what did you think was the status of 12:46:30  
6 their marriage at the time? Did you know, at the time, 12:46:33  
7 that you met the kids? 12:46:35  
8 A That it was not a good marriage. 12:46:37  
9 Q Okay. When did you first learn about the fact 12:46:39  
10 that they were getting divorced? Because that's what 12:46:42  
11 we're here for; right? You understood that? 12:46:44  
12 A I believe it was about six years ago. 12:46:45  
13 Q Okay. What did Dennis tell you? 12:46:49  
14 A Well, we had gone to Florida because my son had 12:46:51  
15 surgery. 12:46:54  
16 Q Son Mitchell or -- 12:46:54  
17 A Larry. 12:46:56  
18 Q -- Larry? Larry; okay. 12:46:56  
19 A And he had just gotten a phone call, either from 12:46:57  
20 Gabrielle or a lawyer, saying that the divorce was, you 12:47:01  
21 know, starting. 12:47:04  
22 Q Okay. 12:47:05  
23 A And that was it. 12:47:06  
24 Q Okay. And Dennis told you that? 12:47:07  
25 A Yes. 12:47:08

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1 Q All right. So for the last six years, you've 12:47:09  
2 been under the belief that he and Gaby have been getting a 12:47:12  
3 divorce? 12:47:17  
4 A Yes. 12:47:17  
5 Q Would it surprise you to learn that the divorce 12:47:17  
6 action was actually filed in 2015? 12:47:19  
7 MR. MARKS: Object to the form. 12:47:19  
8 BY MR. SMITH: 12:47:23  
9 Q Or have you learned that? 12:47:23  
10 MR. MARKS: You can answer. 12:47:25  
11 THE WITNESS: No. 12:47:28  
12 BY MR. SMITH: 12:47:29  
13 Q You thought it was filed year be- -- years before 12:47:29  
14 that? 12:47:31  
15 A I couldn't understand why it was taking so long. 12:47:32  
16 Q Did you ever ask him? 12:47:35  
17 A No. As a parent, you just -- you -- you learn 12:47:36  
18 that -- keep your mouth shut. 12:47:42  
19 Q The, uh -- did Dennis ever tell you that he had 12:47:45  
20 any kind of mental or -- mental health problems? 12:47:56  
21 A No. 12:47:59  
22 Q When he was a young child, did he have any mental 12:48:00  
23 health problems? 12:48:03  
24 A No. He'd, um -- the only health problem he had 12:48:04  
25 was when he broke his nose is wrestling. 12:48:07

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1 Q Okay. But you never sent him to a -- to a 12:48:10  
2 psychiatrist or psychologist? 12:48:12  
3 A No. 12:48:13  
4 Q Did he ever advise you, subsequent to the time 12:48:15  
5 that he was married to Gaby, that he had any kind of 12:48:19  
6 mental or problems at all? 12:48:25  
7 A No. 12:48:28  
8 Q Did Dennis ever tell you that he was gay? 12:48:30  
9 A No. 12:48:33  
10 Q Have you ever met a woman by the name of Judith 12:48:36  
11 [sic] Steiner? Or, excuse me, Jennifer Steiner? 12:48:40  
12 A No. 12:48:44  
13 Q Okay. You moved out to California approximately 12:48:45  
14 2008; right? 12:48:56  
15 A Somewhere around that -- 12:48:58  
16 Q Okay. 12:48:59  
17 A -- time. 12:48:59  
18 Q And you, uh -- how often did you see the kids 12:49:00  
19 after that? 12:49:02  
20 A Every week we see them. 12:49:03  
21 Q You have them one day a week? 12:49:04  
22 A Uh, sometimes twice or more; we pick them up at 12:49:07  
23 school sometimes, take them out to eat, pick -- pick them 12:49:09  
24 up at dance class. But we do go out to dinner with Denny 12:49:13  
25 and the girls every week. 12:49:19

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1 Q Okay. And that's on Thursday? 12:49:21  
2 A Either Saturday or Sunday. 12:49:22  
3 Q Saturdays or Sundays; all right. Is Dennis still 12:49:24  
4 with Nadya? 12:49:27  
5 A No. 12:49:28  
6 Q What happened? 12:49:28  
7 A I don't know; I didn't ask any questions. 12:49:29  
8 Q Nadya never said anything? 12:49:32  
9 A No. 12:49:34  
10 Q You were just over at her house. 12:49:35  
11 A Well, we -- we have a friendly relationship. 12:49:36  
12 Q Okay. 12:49:39  
13 A Because -- 12:49:39  
14 Q She -- 12:49:40  
15 A Mainly because of the girls. 12:49:40  
16 Q People typically will, you know, go to another 12:49:43  
17 person that they're friendly with and say, you know, 12:49:46  
18 "Here's what's happened with my relationship." 12:49:48  
19 MR. MARKS: Assumes facts not in evidence. 12:49:49  
20 THE WITNESS: No. 12:49:51  
21 BY MR. SMITH: 12:49:51  
22 Q And did -- 12:49:51  
23 MR. MARKS: Object to the form. 12:49:51  
24 BY MR. SMITH: 12:49:52  
25 Q They didn't do that? 12:49:52

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1 Q Never? You've never been to a birthday party for 12:50:53  
2 Nadya? 12:50:56  
3 A No, it's -- it's in same time as the girls' 12:50:57  
4 birthday, and it's the holidays, so it's always a holiday 12:51:00  
5 party. 12:51:03  
6 Q I see. Has Dennis ever indicated to you that he 12:51:03  
7 gave Nadya a gift? 12:51:07  
8 A No. 12:51:08  
9 Q You bought a yacht; right? 12:51:09  
10 A He bought? 12:51:10  
11 Q You bought. 12:51:12  
12 A I bought? 12:51:12  
13 Q Did you buy a yacht? 12:51:13  
14 A No. 12:51:16  
15 Q But Dennis gave you the money to buy a yacht; 12:51:16  
16 right? 12:51:19  
17 A Okay. 12:51:20  
18 Q Do you recall that? 12:51:20  
19 A No. 12:51:20  
20 Q You didn't even know anything about that? 12:51:23  
21 A No, I don't. 12:51:23  
22 Q Did you know that you signed a -- a note that 12:51:24  
23 says that you bought a yacht? 12:51:27  
24 A No. I guess I'm losing my memory. 12:51:29  
25 Q You are? 12:51:31

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1 A No. 12:52:31  
2 Q Okay. And the -- that's the promissory note that 12:52:32  
3 when you answered earlier, you don't believe you're ever 12:52:34  
4 going to have to repay; correct? 12:52:37  
5 A Correct. 12:52:38  
6 Q Okay. Um, this is when you purchased your yacht; 12:52:39  
7 it's Exhibit 6. Oh, I'm sorry. Here, let me give you the 12:52:45  
8 official Exhibit. I handed you my copy. 12:52:48  
9 Oh, it's actually Exhibit 4; is that right? 12:53:00  
10 Exhibit 4? Okay. 12:53:04  
11 Exhibit 4, do you recognize that document? 12:53:05  
12 A I guess so. 12:53:14  
13 Q And you guess so because you recognize that's 12:53:15  
14 your signature -- 12:53:17  
15 A Yes. 12:53:18  
16 Q -- right? 12:53:18  
17 A Correct. 12:53:18  
18 Q You signed this document. You didn't read it, 12:53:19  
19 did you? 12:53:21  
20 A No. 12:53:22  
21 Q Dennis just told you to sign it; right? 12:53:22  
22 A Yes. 12:53:24  
23 Q You didn't even know what it was for, did you? 12:53:25  
24 A No. 12:53:28  
25 Q Are you surprised to learn that you bought a 12:53:28

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1 yacht through this document? 12:53:31

2 A No. 12:53:32

3 Q Okay. Did Dennis ever talk to you about doing it 12:53:33

4 this way? In other words, giving you the money through a 12:53:36

5 promissory note for the purchase of the -- the yacht? 12:53:40

6 A No. 12:53:43

7 Q Did you -- did you pay anything to him under this 12:53:43

8 note? 12:53:48

9 A No. 12:53:49

10 Q You -- and -- and I'm referring to Exhibit 6, so 12:53:49

11 that we don't get confused, these notes. Under -- is it 12:53:52

12 Exhibit 6 or 4? 4, Exhibit 4. Under Exhibit 4, that's 12:53:57

13 this note in front, you -- 12:54:00

14 A Uh-huh. 12:54:01

15 Q -- you've never paid anything to Dennis to 12:54:01

16 satisfy this note; correct? 12:54:05

17 A No. 12:54:06

18 Q And you did -- you never intend to pay anything 12:54:06

19 to him -- 12:54:09

20 A No. 12:54:10

21 Q -- as a result of this note? No, you do not? 12:54:10

22 A No. 12:54:13

23 Q No, you -- 12:54:13

24 A I do not. 12:54:14

25 Q -- do not? All right; thank you. 12:54:15

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1 MR. SMITH: All right; these are the exhibits. 12:54:25  
2 Um, just for the record, showing what's been marked as 12:54:28  
3 Exhibit 3. 12:54:32  
4 BY MR. SMITH: 12:54:36  
5 Q Do you recognize that document? 12:54:37  
6 A That was for the car? 12:54:46  
7 Q Actually, no, it was -- I'll represent to you 12:54:48  
8 that it's a deed transferring the interest in the San 12:54:50  
9 Vicente property to you and your husband. 12:54:54  
10 A No, I don't recognize it. 12:54:56  
11 Q Do you recall ever going down to a title company 12:54:58  
12 in regard to that transaction? 12:55:01  
13 A No. 12:55:02  
14 Q So the documents that were provided to you, that 12:55:03  
15 you signed, that you saw here today; those were given to 12:55:06  
16 you by Dennis? 12:55:09  
17 A Yes. 12:55:10  
18 Q All right. 12:55:10  
19 MR. SMITH: Next one is Exhibit 5. 12:55:12  
20 BY MR. SMITH: 12:55:13  
21 Q This is the receipt for your second yacht. Have 12:55:16  
22 you ever seen that document before? 12:55:24  
23 A No, I have not. 12:55:25  
24 Q Did you know that your name was on a second 12:55:26  
25 yacht? 12:55:29

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1 A No. 12:55:29  
2 Q Um, do you know if Dennis had more than one 12:55:30  
3 yacht? 12:55:34  
4 A Not to my knowledge. 12:55:34  
5 Q Did you ever -- ever been on his boats? 12:55:35  
6 A Yes. 12:55:38  
7 Q Um, how often? 12:55:38  
8 A Um, depending upon the weather because one time I 12:55:42  
9 got really sick on the boat, so... 12:55:45  
10 Q So how many times you think you've been on those 12:55:48  
11 boats? 12:55:51  
12 A Maybe about five, six times. 12:55:51  
13 Q Okay. And which -- the first one or the second 12:55:54  
14 one more? 12:55:56  
15 A Uh -- 12:55:57  
16 Q The second one, you just -- he's -- well, you've 12:55:58  
17 just had since June of 2014? 12:56:01  
18 A Right. Um, a little bit of both. 12:56:03  
19 Q Okay. And did you have, like, family outings 12:56:05  
20 where the kids would come and Nadya and all of that? 12:56:08  
21 A Yeah. 12:56:11  
22 Q And -- and your recollection's about five or six 12:56:11  
23 times? 12:56:15  
24 A Yes. 12:56:15  
25 Q All right. The, um -- when you did that, how did 12:56:15

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1 you -- it was -- they were both harbored -- strike that. 12:56:18  
2 They were both harbored down at Marina del Rey; 12:56:22  
3 right? 12:56:25  
4 A Correct. 12:56:25  
5 Q And you would just meet Dennis down there, or 12:56:26  
6 would you guys stay the night at a hotel prior -- 12:56:28  
7 A No, no; we would just drive down there. 12:56:28  
8 Q All right. Do you know if Dennis and Nadya would 12:56:30  
9 stay the night so -- 12:56:33  
10 A That -- 12:56:34  
11 Q -- they were -- 12:56:34  
12 A I have no -- 12:56:34  
13 Q -- ready in the morning? 12:56:34  
14 A -- idea. 12:56:34  
15 Q Okay. Did anybody else come with you on the 12:56:36  
16 boat, other than Dennis, Nadya, yourself, the kids, and 12:56:38  
17 your husband? 12:56:41  
18 A Um, when my husband's brother came in town, 12:56:42  
19 Bernie -- 12:56:43  
20 Q Bernie. 12:56:43  
21 A -- and Bonnie. 12:56:45  
22 Q Okay. 12:56:47  
23 A They came on the boat. 12:56:47  
24 Q Okay. 12:56:48  
25 A My sister Beverly, when she came in town. 12:56:50

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1 Q Sure. About how Mitchell and Dana? 12:56:50  
2 A Yes. 12:56:53  
3 Q Anybody other than family members? 12:56:54  
4 A No. 12:56:56  
5 Q Okay. Have you ever met any of his colleagues at 12:56:57  
6 work? Dennis' colleagues at work? 12:56:59  
7 A The only one that I know is his secretary, Pat. 12:57:01  
8 Q And you've met Pat? 12:57:05  
9 A Yes. 12:57:06  
10 Q Okay. Does she come to any family events or -- 12:57:07  
11 A No. 12:57:09  
12 Q -- anything like that? How did you meet her? 12:57:10  
13 A One time we were coming back from Vegas, or going 12:57:11  
14 to Vegas, and Dennis had to stop and give her some papers, 12:57:13  
15 and that was the only time -- 12:57:17  
16 Q Okay. 12:57:18  
17 A -- I've ever seen her. 12:57:19  
18 Q Nice lady? 12:57:20  
19 A Very nice. 12:57:21  
20 Q All right. And she and Dennis have a good 12:57:23  
21 relationship? 12:57:25  
22 A Yes. 12:57:25  
23 Q All right. She's sort of his right-hand person; 12:57:25  
24 right? 12:57:29  
25 A Yes. 12:57:29

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1 Q Does he ever tell you about her, how valuable she 12:57:30  
2 is -- 12:57:33  
3 A Yes -- 12:57:33  
4 Q -- to her? 12:57:33  
5 A -- all the time. 12:57:33  
6 Q All right. 12:57:34  
7 A And she does things for us. Like, if -- if we're 12:57:34  
8 going to fly back to Florida, she'll get us the 12:57:37  
9 reservation, you know, the -- the plane, and different 12:57:37  
10 thi- -- information that she gets for us. 12:57:37  
11 Q All right; so she helps you out? 12:57:44  
12 A Oh, yeah. 12:57:46  
13 Q All right. Other than -- does she get you, like, 12:57:46  
14 a -- like I know some people use their secretary to get 12:57:49  
15 tickets and things like that? 12:57:50  
16 A No. 12:57:50  
17 Q Just the flights? 12:57:51  
18 A Yeah. 12:57:52  
19 Q All right. And when she -- that -- that was 12:57:52  
20 flights that Dennis paid for; correct? 12:57:55  
21 A No. 12:57:58  
22 Q Well, does Dennis pay for your flights back to 12:57:58  
23 Florida? 12:58:02  
24 A No. 12:58:02  
25 Q You always pay for those? 12:58:02

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1 A Yeah. 12:58:36  
2 Q He didn't take you any other places? 12:58:36  
3 A Well, we -- no. We went once with him when my 12:58:39  
4 son was having the surgery. 12:58:41  
5 Q That was it? 12:58:42  
6 A Yeah. 12:58:43  
7 Q Okay. But no other trips in the private jet? 12:58:44  
8 A No. 12:58:46  
9 Q Okay. And -- 12:58:47  
10 A I'd like to go on more, but -- 12:58:47  
11 Q I understand that Dennis gave you an anniversary 12:58:50  
12 gift to fly to Florida -- or, excuse me, to Hawaii? 12:58:53  
13 A To Hawaii, yes. 12:58:55  
14 Q And has he paid for any other flights to any 12:58:57  
15 other locations? 12:58:57  
16 A No. 12:58:59  
17 Q No other gifts? 12:58:59  
18 A On our anniversary or birthday, I got a -- some 12:59:00  
19 money or a gift. 12:59:03  
20 Q Okay. But no flights or anything like that? 12:59:05  
21 A No. 12:59:07  
22 Q Okay. 12:59:07  
23 A We're not -- we're not, uh -- 12:59:08  
24 Q Travelers? 12:59:09  
25 A -- travelers. 12:59:10

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1	Q	Okay.	12:59:10
2	A	I don't like flying.	12:59:11
3	Q	You go Vegas every once in a while?	12:59:13
4	A	No.	12:59:15
5	Q	No?	12:59:16
6	A	No, we go to Laughlin --	12:59:16
7	Q	Laughlin.	12:59:18
8	A	-- Nevada --	12:59:19
9	Q	Okay.	12:59:20
10	A	-- with our senior group.	12:59:20
11	Q	Oh. You used to go to Vegas though a couple	12:59:22
12		times?	12:59:25
13	A	Uh, when we weren't living here --	12:59:25
14	Q	Okay.	12:59:27
15	A	-- when we were in Florida.	12:59:28
16	Q	But after you moved here and not to Vegas, to	12:59:28
17		Laughlin.	12:59:30
18	A	Right.	12:59:30
19	Q	Okay. Going to show you just a couple Checks;	12:59:33
20		tell me if you recognize those. That's Exhibit 10?	12:59:43
21		MR. SMITH: I'm providing a copy of that to	12:59:45
22		Mr. Marks.	12:59:55
23		BY MR. SMITH:	12:59:57
24	Q	Do you recognize the first page of Exhibit 10?	12:59:58
25	A	Yeah.	01:00:01

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1	Q	What is that?	01:00:01
2	A	Birthday present.	01:00:02
3	Q	So it's a check from Dennis to you for \$500 in	01:00:04
4		November for a birthday present?	01:00:08
5	A	Yes, my birth's in November.	01:00:10
6	Q	How old are you?	01:00:12
7	A	I'm going to be 77.	01:00:14
8	Q	Congratulations. Okay; so the next one, also	01:00:16
9		some sort of gift? That's 1615 for \$500 --	01:00:22
10	A	Yeah, November again. Yeah.	01:00:27
11	Q	Okay. And then in May, there's --	01:00:29
12	A	Mother's Day.	01:00:30
13	Q	Mother's Day; okay. 11/2014, that's check No.	01:00:31
14		1771.	01:00:37
15		And then the next one is check No. 1042; another	01:00:37
16		Mother's Day gift?	01:00:43
17	A	I don't see that one.	01:00:44
18	Q	That's the last page of the document; it's for	01:00:45
19		\$250?	01:00:48
20	A	\$250, yeah, I --	01:00:48
21	Q	All right.	01:00:49
22	A	That one, I see.	01:00:50
23	Q	Okay.	01:00:51
24	A	Mother's Day.	01:00:52
25	Q	He gives you checks for Mother's Day?	01:00:53

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1 A At least some of my kids do. 01:00:56  
2 Q Does he ever -- he gives you cash gifts too; 01:00:59  
3 right? 01:01:03  
4 A Occasionally. 01:01:03  
5 Q Okay. And then the um -- um, has he ever helped 01:01:04  
6 you out, like, with, uh, you know, other expenses, like, 01:01:10  
7 buying furniture and things like that? 01:01:15  
8 A No. 01:01:18  
9 Q No; all right. Um, your -- Sheldon's brother's 01:01:18  
10 wife, your -- 01:01:25  
11 A Bonnie. 01:01:26  
12 Q -- sister-in-law -- 01:01:27  
13 A Uh-huh. 01:01:27  
14 Q -- Bonnie, she works in art; right? 01:01:30  
15 A Yeah, she does decorating of hotels and -- 01:01:31  
16 Q Okay. 01:01:34  
17 A -- some of the federal buildings in Washington 01:01:34  
18 she's done. 01:01:36  
19 Q Really? 01:01:37  
20 A Yeah. 01:01:37  
21 Q Wow. So she's big time? 01:01:38  
22 A Yeah, she is. 01:01:39  
23 Q All right. Dennis bought some art from her? 01:01:40  
24 A Yeah. 01:01:43  
25 Q And that was recent? 01:01:43

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1 A Yes. 01:01:44  
2 Q Where -- and what was the art for? 01:01:45  
3 A For his apartment. 01:01:46  
4 Q That's the new one? 01:01:48  
5 A Yes. 01:01:50  
6 Q On Wilshire, I think it is? 01:01:50  
7 A Yes. 01:01:51  
8 Q Okay. Do you know how much he paid? 01:01:52  
9 A No; I have no idea. 01:01:55  
10 Q All right. And so give me a minute; we're going 01:01:56  
11 to go off the record for just a second. 01:02:09  
12 THE VIDEOGRAPHER: We are off the record; the 01:02:12  
13 time is 1:01 p.m. 01:02:13  
14 (Whereupon there was a break in the proceedings.) 01:02:16  
15 THE VIDEOGRAPHER: We're back on the record; the 01:11:25  
16 time is 1:11 p.m. 01:11:30  
17 Please continue. 01:11:32  
18 BY MR. SMITH: 01:11:33  
19 Q So, Ms. Kogod, when you went to visit Dennis and 01:11:34  
20 Gaby in Las Vegas, did you stay in their home? 01:11:40  
21 A No. 01:11:43  
22 Q Why? 01:11:44  
23 A She didn't want us to stay there. 01:11:45  
24 Q How would you describe your relationship with 01:11:47  
25 Gaby? 01:11:50



1	Q	Okay. Is any -- has Dennis ever paid for any of	01:12:40
2		your medical expenses?	01:12:43
3	A	No.	01:12:45
4	Q	Has Dennis provided you cash recently?	01:12:45
5	A	No.	01:12:49
6	Q	You have a safe at your home?	01:12:49
7	A	A safe?	01:12:50
8	Q	Yes.	01:12:51
9	A	Yes.	01:12:52
10	Q	And you put cash in it; correct?	01:12:52
11	A	Do I?	01:12:54
12	Q	You --	01:12:55
13	A	My so- --	01:12:56
14	Q	-- or your husband.	01:12:57
15	A	Well, basically, my other son, Mitchell, lives	01:12:58
16		with us right now and he uses the safe for the money from	01:13:02
17		the store.	01:13:04
18	Q	Okay. Does Dennis ever put money -- or, excuse	01:13:05
19		me, your husband ever put money in that safe?	01:13:08
20	A	Um, just from the HOA, we put it in there until	01:13:11
21		we deposit it.	01:13:15
22	Q	Okay. Does anyone else put money in the safe?	01:13:17
23	A	Just Mitchell.	01:13:20
24	Q	Other than Mitchell and your husband --	01:13:21
25	A	No.	01:13:22

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1	Q	-- does anybody else?	01:13:23
2	A	No.	01:13:24
3	Q	Has Dennis ever put money in the safe?	01:13:24
4	A	No.	01:13:26
5	Q	Has Dennis ever given you checks in order for you	01:13:27
6		to cash them and use the cash?	01:13:30
7	A	No.	01:13:32
8	Q	Have you ever had access to any of Dennis'	01:13:32
9		accounts?	01:13:35
10	A	No way.	01:13:35
11	Q	Has Dennis ever provided you a credit card?	01:13:36
12	A	No.	01:13:39
13	Q	Yes?	01:13:40
14	A	No.	01:13:42
15	Q	Has -- have you ever used a credit card of	01:13:42
16		Dennis'?	01:13:46
17	A	No.	01:13:46
18	Q	Do you have an American Express card?	01:13:48
19	A	Yes, we do.	01:13:51
20	Q	When did you get it?	01:13:52
21	A	Actually, I don't; my husband's had it for years.	01:13:53
22		When we got the Costco membership, he got the American	01:13:56
23		Express card.	01:14:00
24	Q	Did Dennis ever help you get an American Express	01:14:00
25		card --	01:14:04

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1	A	No.	01:14:04
2	Q	-- to your knowledge?	01:14:05
3	A	No.	01:14:05
4	Q	How long has Mitchell lived with you?	01:14:07
5	A	This time, um, a couple months; before that, a --	01:14:09
6		a couple years.	01:14:14
7	Q	When did he live with you?	01:14:15
8	A	Um, the last part of Broadcast Center, and then	01:14:18
9		we -- when we moved into this condo, until his wife and	01:14:22
10		daughter moved out here.	01:14:26
11	Q	Okay.	01:14:28
12	A	But now he's back living with us.	01:14:28
13	Q	His wife is Dana; correct?	01:14:30
14	A	Yes.	01:14:32
15	Q	And his daughter?	01:14:32
16	A	Emily.	01:14:33
17	Q	And Dana and Emily were living in Georgia prior	01:14:35
18		to the time --	01:14:38
19	A	Correct.	01:14:38
20	Q	-- prior to the time that you moved here to	01:14:40
21		California?	01:14:41
22	A	Yes.	01:14:42
23	Q	Yes? How long were they living in Georgia?	01:14:42
24	A	Probably about eight, nine, ten years.	01:14:45
25	Q	Okay. And was Mitchell living with them?	01:14:48

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1	Q	Okay.	01:15:38
2	A	-- she's only 17.	01:15:38
3	Q	All right. Where's Dana? Where's Dana living?	01:15:40
4	A	In the apartment on, um, Cannon.	01:15:43
5	Q	That where's Mitchell lived before?	01:15:47
6	A	Yes.	01:15:49
7	Q	How long have they lived there?	01:15:49
8	A	Maybe about two years.	01:15:53
9	Q	Okay. Dennis pay for that apartment?	01:15:55
10	A	I don't know.	01:15:57
11	Q	Does Dennis provide money to Mitchell?	01:15:57
12	A	No.	01:16:00
13	Q	None?	01:16:01
14	A	No; Mitchell has a -- his own restaurant.	01:16:01
15	Q	Okay. Did Dennis invest in that restaurant to	01:16:04
16		your knowledge?	01:16:07
17	A	I don't know.	01:16:07
18	Q	Do you know what money Mitchell used to form the	01:16:09
19		restaurant?	01:16:12
20	A	I know he used some of his pension, but other	01:16:13
21		than that, I don't know.	01:16:16
22	Q	Did he get a pension?	01:16:16
23	A	From the police, yes.	01:16:18
24	Q	Okay. And it's your understanding that he	01:16:20
25		continues to get a pension payment?	01:16:25

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1 A Yes. 01:16:27  
2 Q Okay. You, uh -- how were you notified of this 01:16:28  
3 deposition? 01:16:36  
4 A I don't know; trying to think. 01:16:40  
5 Q How did you know to be here today? 01:16:43  
6 A Well, we got something in the mail. 01:16:45  
7 Q Okay. Who's -- you got something in the mail? 01:16:47  
8 Or did you get -- 01:16:49  
9 A Uh -- 01:16:50  
10 Q -- served with something? 01:16:50  
11 A Yeah, we got service, that's right. 01:16:52  
12 Q Okay. Who -- 01:16:54  
13 A Yeah, I'm not -- a -- um, a lady; a very nice 01:16:55  
14 lady. 01:16:56  
15 Q I'm glad to hear that. 01:16:57  
16 A Yeah. 01:16:59  
17 MR. MARKS: At least somebody is nice. 01:17:00  
18 THE WITNESS: No, she was very nice. 01:17:01  
19 BY MR. SMITH: 01:17:01  
20 Q Good. Did -- did you talk to anybody about your 01:17:03  
21 deposition before you came today? 01:17:06  
22 A No. 01:17:08  
23 Q You didn't mention it to anybody? 01:17:10  
24 A No. 01:17:12  
25 Q Didn't talk to Dennis? 01:17:12

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1           A   Well, he knew that we had the deposition, but           01:17:13  
2   there --   01:17:13  
3           Q   How do you know he knew?                               01:17:17  
4           A   -- there -- there's no talking, basically.           01:17:18  
5           Q   How do you know he knew there was a deposition?       01:17:21  
6           A   Because I told him.                                       01:17:23  
7           Q   Okay. And what did he tell you?                       01:17:24  
8           A   "Just go there and say what you have to say."       01:17:26  
9           Q   Okay. You didn't talk about the -- the divorce,       01:17:28  
10   anything like that?   01:17:30  
11          A   No.   01:17:31  
12          Q   Did he tell you why you were getting deposed?       01:17:32  
13          A   No.   01:17:36  
14          Q   Um, okay. And you haven't spoken to anyone else       01:17:38  
15   about the deposition, other than Dennis; correct?               01:17:42  
16          A   Well, his -- Shelly's brother, Bernie, when he       01:17:45  
17   was here.   01:17:50  
18          Q   And what did Bernie tell you?                           01:17:51  
19          A   Nothing.   01:17:53  
20          Q   You had a conversation with Mr. Marks; right?       01:17:53  
21          A   Yes.   01:17:56  
22          Q   What did Mr. Marks tell you?                           01:17:56  
23          A   Nothing.   01:17:58  
24          Q   How long were you in that room?                       01:17:59  
25          A   20 minutes.   01:18:03

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1	Q	Okay. You didn't have any -- converse about	01:18:05
2		anything?	01:18:08
3	A	Not really.	01:18:09
4	Q	You don't recall a single thing that Mr. Marks	01:18:11
5		said?	01:18:15
6	A	Just said "Tell the truth," and that was it.	01:18:16
7	Q	Okay. Um, what is Mitchell's plan now, to your	01:18:22
8		knowledge?	01:18:30
9	A	His plan as far as what?	01:18:30
10	Q	Living.	01:18:31
11	A	I don't know.	01:18:33
12	Q	Um, is Mitchell giving you any money?	01:18:35
13	A	No.	01:18:38
14	Q	Okay. Has he ever given you any money?	01:18:38
15	A	Um, years ago.	01:18:42
16	Q	Okay. And when was that?	01:18:43
17	A	Um, ten years ago, maybe.	01:18:45
18	Q	Okay. But no -- nothing since that; right?	01:18:49
19	A	No.	01:18:51
20	Q	No?	01:18:51
21	A	No; he has a lot of expenses; his wife is not	01:18:54
22		well.	01:18:58
23	Q	His wife is si- -- ill?	01:18:58
24	A	Oh, yeah; she has to have surgery immediately.	01:18:59
25	Q	What's her illness?	01:19:02



1 A Yes. 01:20:00  
2 Q Do you know if Dennis is helping with that? 01:20:00  
3 A No, he's not. 01:20:02  
4 Q Does -- 01:20:04  
5 A I know that for a fact. 01:20:04  
6 Q Because he told you? 01:20:05  
7 A Well, no; I -- Mitchell sits down and writes out 01:20:06  
8 the checks and -- and then complains, I -- \$2000 here and 01:20:09  
9 (non-verbal response); yeah. 01:20:17  
10 Q Okay. So he -- he's worried about the expenses 01:20:18  
11 that he's paying? 01:20:20  
12 A Yes. 01:20:21  
13 Q All right. 01:20:22  
14 A Yes, because -- 01:20:22  
15 Q Um -- 01:20:23  
16 A -- it just doesn't stop with her. 01:20:23  
17 Q Is Dana working? 01:20:26  
18 A No. 01:20:27  
19 Q She's not able to work? 01:20:28  
20 A (Inaudible). 01:20:30  
21 Q Not to your knowledge? 01:20:31  
22 A She's in very bad shape. 01:20:32  
23 Q Uh-huh. 01:20:34  
24 A Mitchell said when she sits down, sometimes her 01:20:34  
25 whole body turns red like fire. 01:20:38

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1	Q	Okay.	01:20:40
2	A	She's just a very, very sick woman.	01:20:40
3	Q	When was the last time you talked to Dana?	01:20:46
4	A	Four months ago at Shelly's 80th birthday party.	01:20:49
5	Q	Shelly is Sheldon?	01:20:56
6	A	I call him Shelly.	01:20:59
7	Q	Okay.	01:21:02
8	A	Or also what he calls -- all his family knows him	01:21:02
9		as Shoo-shoo.	01:21:06
10	Q	Shoo-shoo?	01:21:07
11	A	Because that was the first words out of his	01:21:08
12		mouth, so his mother used to always call him Shoo-shoo.	01:21:10
13	Q	I'd hate to think what my parents would have	01:21:15
14		called me for the first words out of my mouth.	01:21:15
15		So do you know if Dennis provides financial	01:21:21
16		support to any other family members?	01:21:23
17	A	Not -- not to my knowledge.	01:21:25
18	Q	Okay. The only support he provides is to you	01:21:27
19		and -- and Sheldon?	01:21:30
20	A	Right.	01:21:31
21	Q	Okay. Do you know if he's bought anybody else a	01:21:31
22		car?	01:21:34
23	A	No; I don't ask Dennis any questions and he	01:21:36
24		doesn't really talk -- he's not a talker.	01:21:40
25	Q	Okay. Did he ever indicate to you that he bought	01:21:43

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1	somebody a Mercedes?	01:21:46
2	A No.	01:21:47
3	Q Okay.	01:21:49
4	MR. SMITH: Oh.	01:22:02
5	BY MR. SMITH:	01:22:03
6	Q Um, Dennis has a son, Josh; correct?	01:22:03
7	A Correct.	01:22:08
8	Q Does Dennis provide any financial help to Josh?	01:22:09
9	A I have no idea.	01:22:11
10	Q Where is Josh?	01:22:12
11	A Pittsburg.	01:22:13
12	Q When's the last time you saw him?	01:22:14
13	A Three years, four years ago.	01:22:17
14	Q Does he have a close relationship with Dennis?	01:22:19
15	A Oh, yes.	01:22:22
16	Q Did -- did Josh ever live with Dennis?	01:22:23
17	A Not to my knowledge.	01:22:27
18	Q Okay. And you visited Dennis when he lived out	01:22:28
19	here in California prior to you meeting Nadya and the	01:22:30
20	children; correct?	01:22:36
21	A Oh, definitely.	01:22:36
22	Q And you -- you visited him, here in California,	01:22:38
23	even after Gaby had -- and he had moved to the state of	01:22:42
24	Nevada; correct?	01:22:47
25	A Well, we went to Nevada too.	01:22:47

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1 Q Right. But there were times when you would just 01:22:49  
2 come to visit Dennis, and that would be in California 01:22:52  
3 during that period; correct? 01:22:55  
4 A Only when he lived here. 01:22:55  
5 Q Right. Well -- 01:22:57  
6 A Yes. 01:22:58  
7 Q Dennis lived in Nevada for some period of time; 01:22:58  
8 correct? 01:23:01  
9 A Yes. 01:23:02  
10 Q But he also maintained a residence in California. 01:23:02  
11 Were you aware of that? 01:23:05  
12 A No. 01:23:07  
13 Q No. Okay; and to your knowledge, Dennis never 01:23:08  
14 lived with Josh during that period of time? 01:23:15  
15 A I really don't know. 01:23:18  
16 Q Okay. 01:23:21  
17 MR. SMITH: Anything else? 01:23:21  
18 Pass the witness. 01:23:24  
19 MR. MARKS: I got a couple of questions. 01:23:25  
20 01:23:25  
21 EXAMINATION 01:23:25  
22 BY MR. MARKS: 01:23:25  
23 Q On the boats that counsel asked you about, you 01:23:27  
24 didn't receive any financial benefit regarding the 01:23:31  
25 boats -- 01:23:34

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1 gives you money for the HOA; correct? 01:24:19  
2 A Yes. 01:24:22  
3 Q And he -- and he pays the property taxes; 01:24:22  
4 correct? 01:24:26  
5 A Correct. 01:24:26  
6 Q And he pays your car insurance? 01:24:27  
7 A Yes. 01:24:29  
8 Q And that's all he pays, other than gifts? 01:24:29  
9 A Right. 01:24:33  
10 Q Like at Mother's Day or birthday; correct? 01:24:33  
11 A Correct. 01:24:36  
12 Q Are you aware that when you and your husband pass 01:24:36  
13 away, through your estate plan, the house would go back to 01:24:40  
14 Dennis? 01:24:44  
15 A Correct. 01:24:44  
16 Q All right; you're aware of that? 01:24:45  
17 A Yes. 01:24:46  
18 MR. MARKS: All right; I don't have anything 01:24:47  
19 further. 01:24:49  
20 MR. SMITH: All right, I don't have anything 01:24:49  
21 further. 01:24:51  
22 Thank you, Ms. Kogod. 01:24:52  
23 MR. MARKS: Thank you for coming. 01:24:53  
24 You want to do the signature we talked about? 01:24:54  
25 MR. SMITH: Yeah, and we've stipulated to that on 01:24:56

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1 the record. 01:24:58  
2 MR. MARKS: Okay; that's fine. 01:24:58  
3 MR. SMITH: All right; thank you. 01:25:00  
4 MR. MARKS: Have a good rest of the weekend. 01:25:01  
5 MR. SMITH: Yes, thank you. 01:25:01  
6 THE VIDEOGRAPHER: We are off the record. The 01:25:05  
7 time is 1:24 p.m., and this concludes today's testimony 01:25:07  
8 given by Marsha Kogod. The total number of media used was 01:25:12  
9 one and will be retained by Veritext Legal Solutions. 01:25:17  
10 (Whereupon the deposition of Marsha Kogod  
11 was concluded at 1:25 p.m.)  
12 ---oOo---  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss.  
3  
4

5 I, MARSHA KOGOD, hereby certify  
6 under penalty of perjury under the laws of the State of  
7 California that the foregoing is true and correct.

8 Executed this \_\_\_\_\_ day of

9 \_\_\_\_\_, 2015, at \_\_\_\_\_, California.  
10  
11

12 \_\_\_\_\_  
MARSHA KOGOD  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss.  
3

4 I, AMANDA KALLAS, C.S.R. No. 13901, in and for the  
5 State of California, do hereby certify:

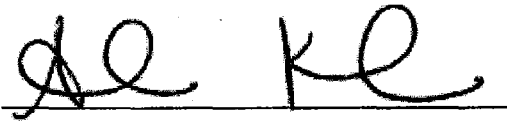
6 That prior to being examined, the witness named in  
7 the foregoing deposition was by me duly sworn to testify  
8 to the truth, the whole truth, and nothing but the truth;

9 That said deposition was taken down by me in  
10 shorthand at the time and place therein named and  
11 thereafter reduced to typewriting under my direction, and  
12 the same is a true, correct, and complete transcript of  
13 said proceedings;

14 That if the foregoing pertains to the original  
15 transcript of a deposition in a Federal Case, before  
16 completion of the proceedings, review of the transcript  
17 { } was { } was not required.

18 I further certify that I am not interested in the  
19 event of this action.

20 Witness my hand this 8th day of October, 2015.  
21

22   
23

24 Certified Shorthand Reporter  
25 for the State of California

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Do NOT change any of the questions.

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\_\_\_\_\_ Subject to the above changes, I certify that the transcript is true and correct.

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

[048 - believe]

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0003

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01

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THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Name Jaime Mannon  
Coblentz, Patch, Duffy & Bass, LLP  
Address One Ferry Building, Suite 200  
San Francisco, CA 94111-4213

MAIL TAX STATEMENTS TO

Name Marsha Kogod and Sheldon Kogod  
Address 321 S. San Vicente Blvd. #707  
Los Angeles, CA 90048



SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

The undersigned grantor declares:

APN: 4334-009-105

Documentary transfer tax is \$0.00

Known as: 321 S. San Vicente Blvd. #707, Los Angeles, CA

- ☐ computed on full value of property conveyed, or  
☐ computed on full value less value of liens and encumbrances remaining at the time of sale.  
☐ Unincorporated area: ☒ City of Los Angeles

☒ Realty not sold. No consideration for this transfer. Transfer is to a revocable trust for the benefit of  
 FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the grantors and is exempt under  
 R&T Code Section 11930.

Sheldon Kogod and Marsha Kogod, husband and wife as Joint Tenants,  
 hereby GRANT to

Sheldon Kogod (also known as Sheldin Kogod) and Marsha Kogod, Trustees of the Kogod Family Revocable Trust  
 dated April 23, 2013

the following described real property in the City of Los Angeles, County of Los Angeles, State of California:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

subject to all covenants, conditions, easements, encumbrances and all other matters of record or not of record affecting such real  
 property.

Date: 7/26, 2013

STATE OF CALIFORNIA )

COUNTY OF LOS ANGELES ) ss.

Marsha Kogod  
 Marsha Kogod

On JUL 26 2013, 2013, before me,  
Alex Janashvili, a notary public, personally  
 appeared MARSHA KOGOD and SHELDON KOGOD who proved  
 to me on the basis of satisfactory evidence to be the person(s)  
 whose name(s) is/are subscribed to the within instrument and  
 acknowledged to me that he/she/they executed the same in  
 his/her/their authorized capacity(ies), and that by his/her/their  
 signature(s) on the instrument the person(s), or the entity upon  
 behalf of which the person(s) acted, executed the instrument.

Sheldon Kogod  
 Sheldon Kogod

I certify under PENALTY OF PERJURY under the laws of the State  
 of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Alex Janashvili  
 Signature

(Seal)

15128.001 2374075v1

## EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A CONDOMINIUM COMPRISED OF:

(A) AN UNDIVIDED 1/2ND INTEREST IN LOT 1, OF TRACT NO. 31448, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 436 PAGES(S) 80 AND 81 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, OIL RIGHTS, NATURAL GAS RIGHTS, MINERAL RIGHTS, ALL OTHER HYDROCARBON SUBSTANCES BY WHATSOEVER WITH APPURTENANT RIGHTS THERETO, WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND NOR ANY PORTION OF THE SUBSURFACE LYING ABOVE A DEPTH OF 800 FEET, AS EXCEPTED OR RESERVED BY DEED RECORDED APRIL 1, 1958 IN BOOK D59, PAGE 12 OF OFFICIAL RECORDS; FEBRUARY 21, 1958 IN BOOK D28, PAGE 804 OF OFFICIAL RECORDS; MAY 7, 1958 AS INSTRUMENT NO. 272 IN BOOK D92, PAGE 648, OF OFFICIAL RECORDS AND JUNE 5, 1958 AS INSTRUMENT NO. 4001 IN BOOK D119, PAGE 27, OF OFFICIAL RECORDS.

EXCEPT THEREFROM UNITS, 101, 102, 103, 201, 203, 205, 206, 207, 208, 301 TO 308 INCLUSIVE, 401 TO 408 INCLUSIVE, 501 TO 508 INCLUSIVE, 601 TO 608 INCLUSIVE, 701 TO 708 INCLUSIVE, 801 TO 808 INCLUSIVE, 901 TO 908 INCLUSIVE, AND 1101 TO 1108, INCLUSIVE, AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN RECORDED MARCH 14, 1947 AS INSTRUMENT NO. 312, RECORDS OF SAID COUNTY.

(B) UNIT 707 AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN REFERRED TO ABOVE.

APN: 4334-009-105

15128.001 2374075v1





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0003

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California

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03

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

t21

Exhibit 3

Witness:  
Marsha Kogod

Date: September 25, 2015

Amenda Kallas, CSR# 13901

DLK011321

05576

# FIDELITY-VAN NUYS

RECORDING REQUESTED BY:  
Fidelity National Title

AND WHEN RECORDED MAIL TO:

Marsha Kogod and Sheldon Kogod  
321 S. San Vicente Blvd  
#707  
Los Angeles, CA 90048

03/13/2013



\*20130375838\*

THIS SPACE FOR RECORDER'S USE ONLY

Title Order No.: 00014815-994-VNO-SI

Escrow No.: 02-019966-CY

## GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$522 50 CITY TRANSFER TAX \$2,137 50

[X] computed on full value of property conveyed, or  
[ ] computed on full value less value of liens or encumbrances remaining at time of sale.  
[ ] Unincorporated area [X] City of Los Angeles AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Judy Nelson and Madelaine Dix, as Joint Tenants and as Their Sole and Separate Property

hereby GRANT(s) to:

Sheldon Kogod and Marsha Kogod, Husband and Wife as Joint Tenants

the real property in the City of Los Angeles, County of Los Angeles, State of California, described as:  
LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF  
Also Known as: 321 South San Vicente Blvd., #707, Los Angeles, CA 90048  
AP#: 4334-009-105

DATED January 18, 2013

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On February 12, 2013

before me, Robert Francis Egan, Notary Public

A Notary Public in and for said State personally appeared

Judy Nelson and Madelaine Dix

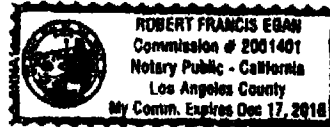
Judy Nelson

Madelaine Dix

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal



Signature Robert Francis Egan

(Seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

DLK011322

05577

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A CONDOMINIUM COMPRISED OF:

(A) AN UNDIVIDED 1/82ND INTEREST IN LOT 1, OF TRACT NO. 31440, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 836 PAGES(S) 80 AND 81 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, OIL RIGHTS, NATURAL GAS RIGHTS, MINERAL RIGHTS, ALL OTHER HYDROCARBON SUBSTANCES BY WHATSOEVER WITH APPURTENANT RIGHTS THERETO, WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND NOR ANY PORTION OF THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET, AS EXCEPTED OR RESERVED BY DEED RECORDED APRIL 1, 1958 IN BOOK D59, PAGE 32 OF OFFICIAL RECORDS; FEBRUARY 28, 1958 IN BOOK D28, PAGE 804 OF OFFICIAL RECORDS; MAY 7, 1958 AS INSTRUMENT NO. 272 IN BOOK D92, PAGE 648, OF OFFICIAL RECORDS AND JUNE 5, 1958 AS INSTRUMENT NO. 4001 IN BOOK D119, PAGE 27, OF OFFICIAL RECORDS.

EXCEPT THEREFROM UNITS, 101, 102, 103, 201, 203, 205, 206, 207, 208, 301 TO 308 INCLUSIVE, 401 TO 408 INCLUSIVE, 501 TO 508 INCLUSIVE, 601 TO 608 INCLUSIVE, 701 TO 708 INCLUSIVE, 801 TO 808 INCLUSIVE, 901 TO 908 INCLUSIVE, AND 1101 TO 1108, INCLUSIVE, AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN RECORDED MARCH 14, 1947 AS INSTRUMENT NO. 312, RECORDS OF SAID COUNTY.

(B) UNIT 707 AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN REFERRED TO ABOVE.

APN: 4334-009-105

This is a true and certified copy of the record  
if it bears the seal, imprinted in purple ink,  
of the Registrar-Recorder/County Clerk

JUN 24 2015

*Dean C. Lynn* REGISTRAR-RECORDER/COUNTY CLERK  
LOS ANGELES COUNTY, CALIFORNIA



DLK011324

05579



SECURED PROMISSORY NOTE

\$ 624,000.00

Los Angeles, California  
December 12, 2012

FOR VALUE RECEIVED, Sheldon J. Kogod (also known as Sheldin J. Kogod) and Marsha Kogod (together, "Maker"), hereby promise to pay to Dennis Kogod ("Holder") or order, at 2000 16th Street, Floor 13, Denver, CO 80202-5117, or at such other place as Holder may from time to time designate in writing, the sum of Six Hundred Twenty-Four Thousand Dollars (\$624,000.00) in lawful money of the United States of America, without setoff or counterclaim, plus interest on all sums outstanding hereunder from time to time computed at a fixed interest rate equal to two and thirty-eight one-hundredths percent (2.38%) per annum, payable as specified below

Payments on this Note shall be due on the first day of each year beginning January 1, 2013, in an amount equal to the interest accrued to the date such payment is due. Any payment not paid when due shall thereafter be added to, and bear interest as, principal. Maker may prepay the indebtedness evidenced by this Note at any time, in whole or in part, without premium or penalty. Every payment received on account hereof shall be applied first to the payment of accrued interest on the principal balance from time to time remaining unpaid; and second to reduce the principal balance hereunder.

On the date January 1, 2043 (the "Maturity Date"), a final installment consisting of the entire unpaid indebtedness under this Note shall be due and payable in full, including the entire unpaid principal balance, all accrued and unpaid interest, and any other amounts due hereunder.

This promissory note is given to secure the payment of the purchase price of the following boat:

Make: Cruiser Yachts  
Model: 560 Express Cruiser  
Year: 2007  
Length (FT): 56  
Vessel Hull ID: CRSZ4D03F607  
General Boat Type: Yacht

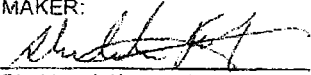
Time is of the essence hereof, and if Maker fails to pay any amount owing hereunder when due, then at the option of Holder, the entire unpaid principal balance shall become immediately due and payable, together with interest thereon from the date of such failure to the date of full payment at the rate specified above.

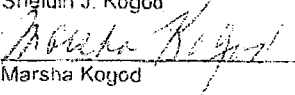
Maker hereby waives presentment for payment, demand, protest, notice of protest, dishonor and nonpayment of this Note, and any and all lack of diligence or delays in collection or enforcement hereof, to the fullest extent permitted by law.

If any action is instituted to collect, enforce or interpret this note, the party prevailing in such action shall be entitled to recover reasonable attorneys' fees and costs in such action. This note shall be governed by and construed according to California law.

IN WITNESS WHEREOF, Maker has executed this Note as of the date first above written.

MAKER:

  
Sheldon J. Kogod also known as  
Sheldin J. Kogod

  
Marsha Kogod

15129.001 3346011:2

Exhibit 4  
Witness:  
Marsha Kogod

Date: September 25, 2015  
Amenda Kellen, CSR# 13001

DLK002891





# SILVER SEAS YACHTS

Date: 06/23/14  
Sales Rep: Jerry Reeck  
Quote#: 03779  
Customer ID: 258363  
Sales Location:

Buyer: DENIKA, LLC Co-Buyer: Sheldon J Kogod  
Address: 9716 Oak Pass Road City: Beverly Hills State: CA Zip: 90210  
Phones Home: 310-285-8969 Work: Cell:  
Email: dlkogod@hotmail.com

Boat Serial: MOYE5045F314  
Engine Serial: A231376 / A232792  
Trailer Serial:

Boat : 2014 Marquis 500SB	Stock #: MQ0024	Retail Price: \$ 1,424,581.00
Engine(s) : VOLVO PENT R-IPS600 435	Stock #: MQ0024E	Selling Price: \$ 1,200,000.00
Trailer :	Stock #:	Trade Allowance: \$ ( 450,000.00 )
Color :		Trade Difference: \$ 750,000.00
		Title,Lic,Reg,Fees: \$ 795.00
		Sales Tax: \$ 108,000.00
Trade Boat : 2007 CRUISER 560EXPRESS	Color:	Subtotal: \$ 858,795.00
Engine(s) : 2007 VOLVO PENTA T-715HP 715	Hours:	Trade Payoff: \$
Trailer : 2007 VOLVO PENTA T-715HP		Down Payment: \$ 120,000.00
		Balance Due: \$ 738,795.00

## Factory Options:

TRIPLE VOLVO IPS-500 SERIES	0.00
ENGINE OIL CHANGE SYSTEM	1,950.00
GENERATOR-23.0KW KOHLER	3,335.00
CABLEMASTER FOR SHORE POWER	7,885.00
OVERBOARD DISCHARGE SYSTEM	1,550.00
AUTOPILOT	11,345.00
BRIDGE/LOWER NAVIGATION PACK	30,375.00
OPENING WINDOWS	2,410.00
BIMINI TOP	3,995.00
HYDRAULIC PLATFORM	40,715.00
COCKPIT ICEMAKER	2,880.00
COCKPIT REFRIGERATOR	2,880.00
COCKPIT GRILL	2,300.00
BRIDGE STEREO	2,200.00
RECLINING FOREDECK SUNPAD	2,985.00
BRIDGE VINYL FLOORING	1,245.00
HELM & SEAT COVERS	1,520.00
TEAK DECKING	29,340.00
UNDERWATER LIGHTING	4,935.00
PAINTED IPS DRIVES	4,135.00
CHERRY WOOD HIGH GLOSS FINISH	3,045.00
PREMIUM STEREO UPGRADE	3,040.00
DECORATOR PILLOWS	590.00
TROPICAL A/C, 46K BTU	825.00
CARPET RUNNER	1,490.00
19" MASTER STATEROOM TV/DVD	2,515.00

Please see next page for additional options

## Dealer Adds:

Coast Guard Kit	Included
Docking Kit	Included
Delivery to Marina Del Rey full of fuel	Included
Radar installed	Included
Tender Chocks installed	Included
Volvo Factory Extended Protection	Included

## Exhibit 5

Witness:  
Marsha Kogod

Date: September 25, 2015  
Amazda Kalam. CSR# 13001

## Rebate Terms & Conditions:

Discount Terms & Conditions: SSY SD Show Discount.

## Other Terms & Conditions:

Buyer: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Co-Buyer: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Sales Person: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Manager: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

ALL TRADES MUST BE RECEIVED AT OUR SERVICE DEPARTMENT 72 HOURS PRIOR TO DELIVERY OF THIS BOAT PURCHASE.

This agreement is subject to the terms and conditions on the attached document. Please read these provisions carefully. Your signature above constitutes Your acknowledgement that you have done so. This agreement is not binding on Seller unless signed by an officer or sales manager of Seller. No other person is authorized to sign this agreement on behalf of Seller.

1. **PURCHASER'S WARRANTY** Purchaser shall deliver to Seller satisfactory evidence of title to any used boat, motor, trailer and/or accessories traded in as part of the consideration for any boat, motor, trailer and/or accessories sold to Purchaser hereunder, and risk of loss to any such trade-in shall be borne by Purchaser hereunder, until such evidence of title is delivered to Seller. Purchaser warrants any such trade-in to be free and clear of all encumbrances, security interests and liens (including without limitation liens which may arise under maritime or common law) except as otherwise expressly stated on page one hereof.
2. **EXECUTION OF DOCUMENTS** Any financing by a third party arranged by Seller on behalf of Purchaser to finance any part of the adjusted sales price is subject to execution by Purchaser, before delivery to Purchaser of any boat, motor, trailer, and/or accessories sold to Purchaser hereunder, of such standard forms of security agreement, note and/or other financing documents as such third party may require.
3. **DELIVERY** The delivery date specified on page one hereof is subject to any delays due to causes beyond Seller's control to the extent provided below. In the event Seller is unable, due to cause beyond Seller's control, to deliver any boat, motor, trailer and/or accessories sold to Purchaser hereunder on the delivery date at the place specified on page one hereof, Seller shall be allowed a grace period of an additional 90 days beyond the delivery date to tender delivery of such boat, motor, trailer and/or accessories to Purchaser at the place specified on page one hereof, upon which this agreement may be terminated by either Purchaser or Seller by delivery to the other of written notice of termination within three days after expiration of such grace period. In the event of such termination by Purchaser, (a) any deposit paid by Purchaser in advance shall be refunded by Seller to Purchaser reduced by termination charge of 2% of the adjusted sales price shown on page one hereof, and (b) any trade-in previously delivered to Seller by Purchaser hereunder shall be returned to Purchaser unless already sold or under a contract of sale by Seller at the time of such termination, in which Seller shall remit to Purchaser promptly upon receipt the amount of the purchase price received by the Seller through the sale of such trade-in, reduced by an amount of 20% of such purchase price as a sales commission to Seller. Upon such refund return and/or remittance as described above, Seller shall stand released of liability hereunder. In the event Seller fails to tender delivery of such boat, motor, trailer and/or accessories to Purchaser within the grace period described above and this agreement is not terminated as described above, then this agreement shall remain in full force and effect except that Seller shall notify Purchaser when such boat, motor, trailer, and/or accessories have been received, and Purchaser shall accept delivery of such boat, motor, trailer and/or accessories from Seller within ten days of receiving such notification from Seller. Subject to the foregoing provisions of this paragraph, Seller shall not be liable for any sums of damages, consequential or otherwise, for failure or for delay in delivering such boat, motor, trailer and/or accessories.
4. **NEW PRODUCT WARRANTIES** The only warranties applicable to any new boat, motor, trailer and/or accessories sold by Seller hereunder are those warranties provided by the manufacturer of such boat, motor, trailer and/or accessories. Seller shall furnish Purchaser with any certificate of warranty or other similar document which may be provided by the manufacturer of any boat, motor, trailer and/or accessories sold hereunder, and shall fulfill any obligations which it as a dealer may have under a particular manufacturer's warranty. Otherwise, Seller neither assumes, nor authorizes anyone to assume for it, any liability or obligation relating to possible defects in any boat, motor, trailer and/or accessories sold hereunder and shall not be liable for any damages, consequential or otherwise, with respect to the same. Any boat, motor, trailer and/or accessories sold hereunder is sold as is without any warranties by Seller, express or implied, including any implied warranty of merchantability or fitness for a particular purpose.
5. **SELLER'S REMEDIES** Without in any way limiting any other remedies to which Seller may be entitled under the Uniform Commercial Code, or other applicable law, in the event that Purchaser fails to pay for or accept delivery of any boat, motor, trailer and/or accessories sold hereunder within the time required by this agreement, Seller shall be entitled to recover as damages (a) the amount of the trade difference price shown on page one hereof plus the amount of any incidental damages plus the amount of any expenses (including reasonable attorneys' fees) incurred by Seller in seeking to enforce this agreement, minus (b) either the amount of any net proceeds received by Seller if Seller is able and elects to resell any such boat, motor, trailer and/or accessories to a third party, or the amount of any credit allowed to Seller by the manufacturer of any such boat, motor, trailer and/or accessories in the event the Seller is able and elects to return and/or cancel its order with the manufacturer. Under the foregoing provision, Seller shall be entitled to resell any boat, motor, trailer and/or accessories to any person for any price at either a public sale held at Seller's place of business and announced in a newspaper of general circulation in the Seller's county and State at least ten days in advance thereof, or a private sale of which Seller has given Purchaser at least ten days notice. Any resale by Seller in accordance with the foregoing provision shall be deemed commercially reasonable, but Seller reserves the right to effect such resale in any other manner permitted by the Uniform Commercial Code or other applicable law. Seller shall have the option of electing to retain the cash deposit of Purchaser as liquidated damages in lieu of the foregoing remedies in the event of Purchaser's default under this agreement: in the event that Seller has accepted Purchaser's trade-in at the time of default, Seller is authorized to sell the item(s) so traded in and to reimburse itself out of the proceeds of sale for a selling commission of 20% of the purchase price and all other expenses of sale, including reasonable attorney's fees. Purchaser does hereby appoint seller as attorney-in-fact with full authority to sell, transfer and assign all right, title and interest in the item(s) to subsequent buyer. The closing date as stated on page one hereof is of essence in this agreement and must be honored by Purchaser. If not honored, the Purchaser is deemed to have failed to pay for and failed to accept delivery of any boat, motor, trailer and/or accessories sold hereunder and the Seller's remedies begin immediately.
6. **TRADE-IN ALLOWANCE ADJUSTMENT** All boats, motors, trailers and/or accessories being traded in by Purchaser are subject to appraisal by Seller before final acceptance of such trade-ins, and any trade-in allowance provided for on page one hereof may be adjusted by Seller to take into account any defects or other conditions lessening the value of any boats, motors, trailers and/or accessories taken in trade which are discovered in such final appraisal.
7. **PRICE ADJUSTMENT FOR COST INCREASES** The trade difference price shown on page one hereof shall be increased by the amount of, and Purchaser shall reimburse Seller for any increases in manufacturer's or supplier's list prices over those in effect on the date thereof for any boat, motor, trailer and/or accessories shown on page one hereof which is purchased by Seller for delivery to Purchaser hereunder.
8. **INSURANCE AGREEMENT** Purchaser agrees to keep the item(s), including the boat, trailer and motor, being purchased hereunder insured against all risks of physical loss or damage for its/their full insurable value for the benefit of Purchaser. Seller and the manufacturer. Purchaser waives all rights against the Seller and manufacturer for damages to the item(s) being purchased hereunder to the extent covered by insurance. This paragraph constitutes an agreement by Purchaser to provide Seller and manufacturer with the benefits of insurance.
9. **FINANCING CONTINGENCY** If checked Amount Financed is not zero on page one hereof, this agreement is contingent upon Purchaser's ability to procure within 14 days, financing through a lender of Purchaser's choice at the current rate of interest for like transactions for at least 75% of the total price of the sales agreement. In the event that Purchaser is unable to obtain financing and notifies Seller in writing, this agreement shall be canceled and the deposit returned. In the event that Purchaser fails to notify Seller of the failure of this contingency within 21 days hereof, it shall be conclusively presumed that financing was procured. Seller shall be under no duty to order or prepare any items for delivery until the expiration of the financing contingency.
10. **BINDING** This agreement may not be transferred or assigned by Purchaser without the express, written consent of Seller. This agreement shall be binding upon and inure to the respective heirs, executors and assigns of both parties.
11. **ATTORNEY'S FEES** Purchaser agrees to pay all costs and reasonable attorney's fees incurred by Seller in the enforcement of the terms of this agreement and in connection with any action to which Seller is made a party as a result of this agreement.
12. **ADDITIONAL DISCLOSURES** A. Purchaser acknowledges that Seller has advised as to the availability of a protection agreement through seller for an additional charge. This protection agreement covers engine and drive parts for the period of the protection agreement. Unless a charge is made page one of this agreement for a protection agreement, Purchaser has elected not to obtain Seller's protection agreement as offered to him. B. Law requires brakes on any trailer over 3,000 gross pounds (including trailer and load) purchaser has been advised as to this requirement and acknowledges that any trailer ordered or sold hereunder must have brakes installed if the weight exceeds that set forth above. Some states may have additional requirements which you as the purchaser are responsible for. Purchaser has personally ordered the trailer set forth herein with full knowledge of the weight and personally advised Seller as to whether brakes should be installed thereon.
13. **ENTIRE AGREEMENT** This agreement includes all of the terms and conditions of the sale contemplated by this agreement and is the entire agreement and supersedes any prior oral or written agreement between the parties concerning the subject matter hereof. No other representation or warranties of any type have been made by Seller to Purchaser.
14. **PRE-OWNED WARRANTY** Drive Train includes engine, outdrive/transmission, steering and engine controls only.



SECURED PROMISSORY NOTE

\$479,803

Los Angeles California  
March 13, 2013

FOR VALUE RECEIVED, Sheldon J. Kogod (also known as Sheldin J. Kogod) and Marsha Kogod (together, "Maker"), hereby promise to pay to Dennis Kogod ("Holder") or order, at 2000 16th Street, Floor 13, Denver, CO 80202-5117, or at such other place as Holder may from time to time designate in writing, the sum of Four Hundred Seventy Nine and Eight Hundred Three Dollars (\$479,803) in lawful money of the United States of America, without setoff or counterclaim, plus interest on all sums outstanding hereunder from time to time computed at a fixed interest rate equal to two and sixty six one-hundredths percent (2.66%) per annum, payable as specified below.

Payments on this Note shall be due on the first day of March of each year beginning March 1, 2014, in an amount equal to the interest accrued to the date such payment is due. Any payment not paid when due shall thereafter be added to, and bear interest as, principal. Maker may prepay the indebtedness evidenced by this Note at any time, in whole or in part, without premium or penalty. Every payment received on account hereof shall be applied first to the payment of accrued interest on the principal balance from time to time remaining unpaid; and second to reduce the principal balance hereunder.

On March 1, 2043 (the "Maturity Date"), a final installment consisting of the entire unpaid indebtedness under this Note shall be due and payable in full, including the entire unpaid principal balance, all accrued and unpaid interest, and any other amounts due hereunder.

This note is secured by a Deed of Trust of even date herewith (the "Deed of Trust") executed by Maker as Trustor for the benefit of Holder as Beneficiary which encumbers certain real property located in the County of Los Angeles, State of California, which property is more fully described in the Deed of Trust. The Deed of Trust provides as follows: "Trustor shall not, directly or indirectly, sell, convey, assign, transfer, alienate or otherwise dispose of the Property or the Improvements or any part thereof, or any interest therein, either voluntarily or by operation of law, or agree so to do (with the exception of agreements for sale which are contingent upon the prior reconveyance of the lien hereof on the property to be so sold) without the written consent of Beneficiary being first obtained. Consent by Beneficiary to one such transaction shall not constitute a consent to or waiver of the right to withhold consent to a subsequent transaction. Any transaction in violation of this provision shall cause all indebtedness secured by this Deed of Trust, at the option of Beneficiary and without demand or notice, immediately to become due and payable. This option may be exercised at any time after the occurrence of such event and the acceptance by Beneficiary of one or more payments on the Note following the date of such event shall not constitute a waiver of Beneficiary's right to accelerate."

15128.001 2366754-1

Exhibit 6  
Witness:  
Marsha Kogod  
Date: September 25, 2015  
Amanda Kallen, CSR# 13801

DLK002893

Time is of the essence hereof, and if Maker fails to pay any amount owing hereunder when due, then at the option of Holder, the entire unpaid principal balance shall become immediately due and payable, together with interest thereon from the date of such failure to the date of full payment at the rate specified above.

Maker hereby waives presentment for payment, demand, protest, notice of protest, dishonor and nonpayment of this Note, and any and all lack of diligence or delays in collection or enforcement hereof, to the fullest extent permitted by law.

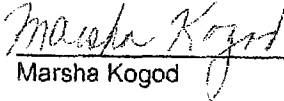
If any action is instituted to collect, enforce or interpret this note, the party prevailing in such action shall be entitled to recover reasonable attorneys' fees and costs in such action. This note shall be governed by and construed according to California law.

IN WITNESS WHEREOF, Maker has executed this Note as of the date first above written.

MAKER:



Sheldon J. Kogod also known as  
Sheldin J. Kogod



Marsha Kogod



**DENNIS L KOGOD**  
2000 16Th St Fl 13  
Denver, CO 80202

**2072**  
23-7/1020 3743  
6880635397

10/14/14 Date

Pay to the Order of Marsha Kogod \$ 500.00

Five hundred Dollars

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For B.O.R.

⑆ 10 20000761 ⑆ [REDACTED] 5397 ⑆ 02072

[REDACTED] 3392

*Marsha Kogod*

REQUEST 00006115638000000 500.00  
ROLL ECIA 20141117 000005044283392  
JOB ECIA E ACCT [REDACTED] 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

Exhibit 10  
Witness:  
Marsha Kogod

Date: September 25, 2015  
Amanda Kellen, CSR# 13801

05589

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1615

23-71020 3743  
0800835397

11/9/13

Date

Pay to the

Order of

Martha Kogod

\$ 500.00

Five hundred

Dollars

Security  
Features  
Details on  
Back

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For

⑆ 102000076⑆ 5397 01615

2497

REQUEST 00006115638000000 500.00  
ROLL ECIA 20131113 000002343582497  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

Martha Kogod



DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1771

23-7/1020 3743  
8880635307

5-11-14

Date

Pay to the  
Order ofMARSHA KOGOD  
live with HH

\$ 250

Dollars

10

Payable  
to order of  
Cash

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For


⑆ 102000076 ⑆

5397 01771

*Marsha Kogod*

REQUEST 00006115638000000 250.00  
ROLL ECIA 20140513 000002246533328  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

<b>DENNIS L KOGOD</b> 1551 Wewatta St 6th Floor Denver, CO 80202		HOLE NUMBER 4, THE LINKS AT SPANISH BAY		<b>1042</b> 23-771020 3743 6860635397
		DATE <u>5/8/12</u>		
PAY TO THE ORDER OF <u>March Kogod</u>		\$ <u>250.00</u>		
<u>The Link at Spanish Bay</u>		DOLLARS		Security Features Details on back
 Webb Fargo Bank, N.A. Colorado webbfargo.com				
FOR <u>[Signature]</u>				
MICR: ⑆102000076⑆ [REDACTED] 5397 01012				

Do not cash if:  
 • Any of the features listed above are missing  
 • The word "VOID" appears clearly in the right  
 • The word "VOID" appears clearly in the right  
 • The word "VOID" appears clearly in the right

See utility features appear in the right side of the card, but inside:  
 • The word "VOID" appears clearly in the right  
 • The word "VOID" appears clearly in the right  
 • The word "VOID" appears clearly in the right

5397 163  
 \$250.00  
 05/09/11 11:00AM  
 03 0000609 0151 311

*March Kogod*

REQUEST 00006115638000000 250.00  
 ROLL ECIA 20110510 000006828514614  
 JOB ECIA E ACCT [REDACTED] 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
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DISTRICT COURT  
CLARK COUNTY, NEVADA

GABRIELLE CIOFFI-KOGOD,

Plaintiff,

vs.

DENNIS KOGOD,

Defendant.

)  
)  
**ORIGINAL**

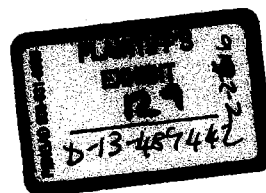
) CASE NO.

) D-13-489442-D

) FAMILY DIVISION

DEPOSITION OF SHELDON KOGOD, TAKEN ON BEHALF OF THE  
PLAINTIFF, STARTING AT 10:43 A.M. AND ENDING AT 12:16  
P.M., FRIDAY, SEPTEMBER 25, 2015, AT 433 NORTH CAMDEN  
DRIVE, SUITE 1000, BEVERLY HILLS, CALIFORNIA 90210-4414,  
BEFORE AMANDA KALLAS, C.S.R. NO. 13901.

PAGES 1 - 100



Page 1

1 APPEARANCES OF COUNSEL:

2  
3 FOR THE PLAINTIFF GABRIELLE CIOFFI-KOGOD:

4 LAW OFFICES OF RADFORD J. SMITH

5 BY: RADFORD J. SMITH, ESQ.

6 2470 ST. ROSE PARKWAY

7 SUITE 206

8 HENDERSON, CALIFORNIA 89074

9 702-990-6448

10 RMITH@RADFORDSMITH.COM

11  
12 FOR THE DEFENDANT DENNIS KOGOD:

13  
14 LAW OFFICES OF DANIEL MARKS

15 BY: DANIEL MARKS, ESQ.

16 610 SOUTH 9TH STREET

17 LAS VEGAS, CALIFORNIA 89101

18 702-386-0536

19  
20 ALSO PRESENT:

21 GRANT CIHLAR, THE VIDEOGRAPHER

22 JENNIFER ALLEN, ANTHEM FORENSICS

23 GABRIELLE CIOFFI-KOGOD, PLAINTIFF

24  
25  
Page 2

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I N D E X

WITNESS	EXAMINATION	PAGE
SHELDON KOGOD		
	BY MR. SMITH	6, 97
	BY MR. MARKS	92

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 1	***NOT MARKED***	
Exhibit 2	GRANT DEED NO. 20131468933 BATES: DLK009898 - DLK009900	10
Exhibit 3	GRANT DEED NO. 20130375838 BATES: DLK011321 - DLK011324	10
Exhibit 6	MARCH 13, 2013 PROMISSORY NOTE BATES: DLK002893 - DLK002894	10
Exhibit 4	DECEMBER 12, 2012 PROMISSORY NOTE BATES: DLK002891	10
Exhibit 5	YACHT INVOICE BATES: DLK002885 - DLK002886	10
Exhibit 7	ESCROW OF THE WEST BUYERS' FINAL SETTLEMENT STATEMENT BATES: DLK002881	10
Exhibit 8	CHECK IMAGES BATES: DLK004637	10
Exhibit 9	CHECK IMAGES, NOT BATES STAMPED	10

1	BEVERLY HILLS, CALIFORNIA	
2	FRIDAY, SEPTEMBER 25, 2015, 10:43 A.M.	
3		10:43:46
4	THE VIDEOGRAPHER: Good morning; we're on the	10:43:46
5	record. The time is 10:43 a.m. on September 25th, 2015.	10:43:52
6	This is the video recorded deposition of Sheldon Kogod.	10:43:58
7	My name is Grant Cihlar, here with our court reporter	10:44:03
8	Amanda Kallas; we are here from Veritext Legal Solutions	10:44:08
9	at the request of counsel for plaintiff.	10:44:11
10	This deposition is being held at Jaffe and	10:44:13
11	Clemens in Beverly Hills, California. The caption of this	10:44:16
12	case is Gabrielle Cioffi-Kogod versus Dennis Kogod; the	10:44:20
13	case number is D13489442D.	10:44:27
14	Please note that audio and video recording will	10:44:33
15	take place unless all parties agree to go off the record.	10:44:36
16	Microphones are sensitive and may pick up whispers,	10:44:40
17	private conversations, and cellular interference. I am a	10:44:43
18	notary public; I am not related to any party in this	10:44:48
19	action, nor am I financially interested in the outcome in	10:44:52
20	any way.	10:44:56
21	If there are any objections to proceeding, please	10:44:56
22	state them at the time of your appearance, beginning with	10:44:59
23	the noticing attorney.	10:45:01
24	MR. SMITH: All right. So -- so we're clear, and	10:45:03
25	under Nevada procedure -- we're here in California, but	10:45:07

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1 under Nevada procedure, there's usually some reading of 10:45:10  
2 the record. 10:45:14  
3 Mr. Marks, we'll both waive that reading; 10:45:14  
4 correct? 10:45:18  
5 MR. MARKS: Correct. 10:45:18  
6 MR. SMITH: All right. So -- 10:45:18  
7 BY MR. SMITH:  
8 Q Mr. Kogod, you've been sworn in in this  
9 proceeding.  
10 THE REPORTER: No, no, no; I -- hang on. I have  
11 to swear him in.  
12 MR. SMITH: Oh, I thought you did that.  
13 THE REPORTER: No.  
14 MR. SMITH: Oh, okay; go ahead. 10:45:28  
15 THE VIDEOGRAPHER: So would you like to state 10:45:28  
16 your appearance, your name and who you're representing? 10:45:29  
17 MR. SMITH: Oh, very good. I'm Radford Smith; 10:45:30  
18 I'm representing Gabrielle Cioffi-Kogod, who is seated to 10:45:32  
19 my left. Also present is Jennifer Allen from Anthem 10:45:36  
20 Forensics, who's an expert in the matter. 10:45:42  
21 MR. MARKS: Daniel Marks for the defendant. 10:45:43  
22 THE VIDEOGRAPHER: Thank you. The witness will 10:45:46  
23 be sworn in and counsel may begin the examination. 10:45:47  
24 MR. SMITH: Okay; first, I want to compliment the 10:45:50  
25 narrator on his pronunciation of Cioffi; I think he's the 10:45:53

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1 first person in the case that actually got it right. 10:45:58  
2 All right, so --  
3 THE REPORTER: Hang on.  
4 MR. SMITH: Are we -- are we now going to -- all  
5 right; good.  
6  
7 SHELDON KOGOD,  
8 having been duly administered an oath by the  
9 court reporter, was examined and testified as follows:  
10  
11 EXAMINATION 10:46:13  
12 BY MR. SMITH: 10:46:13  
13 Q All right. So, Mr. Kogod, the -- the -- please 10:46:13  
14 state your name for the record. 10:46:17  
15 A Sheldon Kogod. 10:46:19  
16 Q And is that's S-H-E-L-D-O-N? 10:46:20  
17 A Yes. 10:46:24  
18 Q All right. The -- we're here to take your 10:46:24  
19 deposition. 10:46:27  
20 A Okay. 10:46:27  
21 Q The deposition is procedure in a -- a lawsuit in 10:46:28  
22 which the litigants try to find information from people 10:46:31  
23 who they believe have information that would be relevant 10:46:35  
24 to the lawsuit -- 10:46:38  
25 A Okay. 10:46:39

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1	Q -- okay? The -- have you ever had your	10:46:39
2	deposition taken before?	10:46:41
3	A No.	10:46:43
4	Q Okay. So we'll walk through the rules --	10:46:43
5	A Okay.	10:46:45
6	Q -- so it's easy. The oath that you've taken is	10:46:45
7	the same oath that you would take in a court of law, so	10:46:49
8	all the duties that apply to the oath that you would take	10:46:52
9	in a law -- a court of law apply here, even though we're	10:46:55
10	in an informal surrounding. Do you understand?	10:46:58
11	A Yes.	10:47:01
12	Q All right. Because the court reporter to my	10:47:01
13	right is taking down everything that we say, there's	10:47:03
14	certain rules that we have to abide by in order to make	10:47:05
15	the transcript of the proceeding clear. One of those is	10:47:08
16	related to how questions and answers are given: When we	10:47:12
17	are in normal conversation, it's very common for us to	10:47:17
18	anticipate a question and then begin to answer that	10:47:21
19	question before it's finished.	10:47:25
20	A Correct.	10:47:27
21	Q But that doesn't work here because the court	10:47:27
22	reporter, as she may tell us during the course of this	10:47:31
23	proceeding, cannot take down two people speaking at once.	10:47:34
24	That's not to say it will never happen in this proceeding;	10:47:38
25	if it does, you probably will hear from the court	10:47:41

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1 reporter, and she'll say "I'm having difficulty taking 10:47:44  
2 down both of you, please speak separately." 10:47:48  
3 A Okay. 10:47:51  
4 Q So, again, it's normal in normal conversation; it 10:47:51  
5 just doesn't here, and I'll have to repeat the question 10:47:54  
6 and we'll just be here longer, so no fun. 10:47:56  
7 A Great. 10:47:56  
8 Q The -- the questions that I'm asking you are not 10:47:58  
9 designed to trick you in any manner; so if you don't 10:48:01  
10 understand a question, I want you to tell me that you 10:48:05  
11 don't understand; okay? 10:48:07  
12 A All right. 10:48:08  
13 Q All right; if you don't tell me that you don't 10:48:09  
14 understand, in other words, you answer the question, we're 10:48:11  
15 going to assume that you understood it; fair enough? 10:48:15  
16 A Fair enough. 10:48:17  
17 Q All right. The -- once the court reporter is 10:48:18  
18 finished with the deposition transcript, she'll write a 10:48:22  
19 booklet form of a translit- -- -script, you'll have an 10:48:25  
20 opportunity to review it and you can make any changes in 10:48:31  
21 the transcript on a separate piece of paper. So, for 10:48:33  
22 example, if you think that a certain page was transcribed 10:48:36  
23 incorrectly, that that's not what was said, then you can 10:48:39  
24 make that correction. Or if you want to change one of 10:48:42  
25 your answers; maybe you said "yes" today but you really 10:48:45

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1 meant to say "no," so you can change your answer; but it's 10:48:48  
2 the classic advice of attorneys at this time to tell you 10:48:51  
3 that if you do change an answer when you review the 10:48:54  
4 deposition transcript, either myself or Mr. Marks could 10:48:57  
5 comment on that at the time of the proceeding and suggest 10:49:01  
6 that either your answer given at the time of the 10:49:04  
7 deposition or your answer that you changed is -- was 10:49:07  
8 false. Do you understand? 10:49:11  
9 A (Inaudible response). 10:49:12  
10 Q Yes? 10:49:13  
11 A Yes. 10:49:14  
12 Q All right. And that's one of the other rules 10:49:15  
13 is -- and so that was a good way to -- to introduce you to 10:49:17  
14 that, and that is that because the court reporter is 10:49:20  
15 transcribing everything that we say, you have to say 10:49:24  
16 stuff -- 10:49:28  
17 A Okay. 10:49:28  
18 Q -- you can't give answers by nods of the head -- 10:49:28  
19 A Right. 10:49:30  
20 Q -- or "uh-uh" or "uh-huh." You actually have to 10:49:31  
21 give verbal responses. Do you understand? 10:49:34  
22 A Yes, sir. 10:49:36  
23 Q All right. If at any time you'd like to take a 10:49:37  
24 break, I don't anticipate the deposition is going to go 10:49:40  
25 very long today, but it'll probably go an hour, maybe a 10:49:43

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1 little bit longer; so if during that time you need to take 10:49:47  
2 a break, just let us know, and we'll take a break. The 10:49:50  
3 only thing I would ask is that if we're in the middle of a 10:49:53  
4 question, you answer that question before we take a break. 10:49:56  
5 And then also there's water and other -- it looks 10:49:59  
6 like there's food and all other sorts of things here if 10:50:01  
7 you -- if you need anything. 10:50:04  
8 Do you have any questions about the procedure? 10:50:06  
9 A No. 10:50:08  
10 Q All right. Is there any reason today why you 10:50:08  
11 wouldn't be able to give your best testimony? 10:50:10  
12 A Not that I know of. 10:50:12  
13 Q All right. You're not on any medication -- 10:50:13  
14 A No. 10:50:15  
15 Q -- or any other substance that would affect your 10:50:15  
16 ability to -- to testify -- 10:50:18  
17 A No. 10:50:19  
18 Q -- or remember? All right; good. So, Mr. Kogod, 10:50:19  
19 you're the -- the father of Dennis Kogod? 10:50:24  
20 A Correct. 10:50:26  
21 Q All right. And you used to live in Florida; 10:50:27  
22 right? 10:50:32  
23 A Correct. 10:50:32  
24 Q All right. And during that time, you knew 10:50:32  
25 that -- that Dennis and Gaby were married; correct? 10:50:35

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1 A Yes. 10:50:37  
2 Q I'm going to refer to her as -- as Gab- -- 10:50:37  
3 A Okay. 10:50:40  
4 Q -- my client as Gabrielle -- as Gaby -- 10:50:40  
5 A Okay. 10:50:41  
6 Q -- because that was the way you commonly 10:50:42  
7 addressed her as well; correct? 10:50:44  
8 A Yes. 10:50:46  
9 Q When was the last time you talked to Gaby? 10:50:46  
10 A Years. Good many years ago; I couldn't tell you. 10:50:49  
11 Q Yeah. 10:50:51  
12 A I think she came to my -- what was it, our 50th 10:50:52  
13 wedding anniversary? 10:50:56  
14 Q When was that, Mr. Kogod? When were you -- when 10:50:57  
15 was your 50th wedding anniversary? 10:51:00  
16 A It would be 2007. 10:51:03  
17 Q Congratulations. 10:51:04  
18 A Thank you. 10:51:05  
19 Q Okay. And so that was the last time you can 10:51:06  
20 remember actually talking to Gaby? 10:51:09  
21 A Yes. 10:51:10  
22 Q All right. At some point in time, you found out 10:51:10  
23 that your son had more children than the children that he 10:51:12  
24 had during the marriage with Gaby. At that time he had 10:51:16  
25 one child; correct? He had a -- a son, I believe? 10:51:19

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1	papers were served --	10:52:09
2	Q Okay --	10:52:10
3	A -- and he got --	10:52:10
4	Q -- and when was that?	10:52:12
5	A I don't know if it was four or five years -- no,	10:52:14
6	it was before I came here; it had to be seven years ago --	10:52:16
7	six or seven years ago.	10:52:20
8	Q Okay. And -- and who told you that papers were	10:52:21
9	served in a divorce --	10:52:25
10	A Dennis.	10:52:26
11	Q -- at that time? Okay. So Dennis told you if --	10:52:26
12	six or seven years ago, it would have been roughly	10:52:29
13	2000- --	10:52:31
14	A 2000- --	10:52:34
15	Q -- -7 --	10:52:35
16	A -- -7.	10:52:35
17	Q -- 2008?	10:52:36
18	A Somewhere about that; somewhere 2006, 2000 [sic].	10:52:38
19	Q When did you come out to California?	10:52:41
20	A Um, it was six years ago, it would be.	10:52:43
21	Q So roughly --	10:52:49
22	A The kids were born in 2007, I believe; it had to	10:52:50
23	be 2008.	10:52:54
24	Q Okay.	10:52:56
25	A They were about a year old when we came --	10:52:56

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1	Q	Okay.	10:52:56
2	A	-- something like that.	10:52:59
3	Q	And the kids are Denise --	10:53:00
4	A	Denise and Nika.	10:53:04
5	Q	-- and -- Nika; all right. Did you and Dennis	10:53:06
6		have any subsequent conversations about his divorce?	10:53:10
7	A	No.	10:53:15
8	Q	Did he ever tell you what was going on?	10:53:16
9	A	No.	10:53:17
10	Q	Did you ever have any conversations with anyone	10:53:18
11		else about his divorce?	10:53:20
12	A	Nope.	10:53:21
13	Q	No. When was the -- do you still have the	10:53:22
14		understanding that his divorce was filed in 2006 or 2007?	10:53:25
15	A	Yes.	10:53:30
16	Q	That's what you believe is true today?	10:53:30
17	A	I think it was some time --	10:53:33
18	Q	Okay.	10:53:36
19	A	-- I'm not sure of the date.	10:53:36
20	Q	So you believe that the -- that Gaby and Dennis	10:53:37
21		were going through a divorce for about seven or eight	10:53:39
22		years?	10:53:42
23	A	Something like that.	10:53:43
24	Q	Okay. Who did you -- did you have an	10:53:44
25		understanding of who served who --	10:53:46

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1 A No. 10:53:49  
2 Q -- in the divorce? 10:53:49  
3 A No. 10:53:50  
4 Q Did Dennis say that he was seeking a divorce 10:53:50  
5 because he had kids with Nadya? 10:53:53  
6 A No; I knew nothing about the kids. 10:53:55  
7 Q Didn't you ask him? I mean, wasn't that -- I 10:53:58  
8 mean, weren't you curious about the -- 10:53:58  
9 MR. MARKS: Objection to the form. 10:53:58  
10 BY MR. SMITH: 10:54:01  
11 Q Did you -- did you ask him about why -- 10:54:01  
12 A No. 10:54:03  
13 Q -- he was getting a divorce? 10:54:03  
14 A No, no. 10:54:04  
15 Q Were you -- 10:54:05  
16 A My kids are very private; I don't ask questions. 10:54:06  
17 They want to tell me, they tell me. 10:54:09  
18 Q Okay. So for the last seven or so years that you 10:54:11  
19 thought they were getting a divorce, you've never had a 10:54:14  
20 conversation with Dennis about that divorce; correct? 10:54:17  
21 A No. 10:54:19  
22 Q No, you have not? 10:54:19  
23 A Not really. 10:54:20  
24 Q Okay. Do you have any idea of why you're being 10:54:22  
25 deposed only now, after six or seven years of divorce in 10:54:27

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1	your understanding?	10:54:31
2	A No.	10:54:32
3	Q Do you have any idea why you're being deposed?	10:54:34
4	A No.	10:54:39
5	Q Okay.	10:54:39
6	A I really don't know that much, you know.	10:54:39
7	Q Okay. Has -- has Dennis ever given you money?	10:54:43
8	A Oh, yes.	10:54:49
9	Q Okay. And he gave you money during the time that	10:54:50
10	you were ma- -- he was, uh, say, before you moved to	10:54:52
11	Florida [sic]; correct?	10:54:56
12	A Yes.	10:54:57
13	Q What was he giving you before you moved to	10:54:57
14	Florida [sic]? Were they regular payments or were they --	10:55:00
15	A Yeah, I -- I had a -- a valve problem.	10:55:03
16	Q Okay.	10:55:09
17	A I cut down from work; I was working six days a	10:55:09
18	week. I cut down to four days a week.	10:55:11
19	Q Okay. Heart valve; right?	10:55:11
20	A Yeah.	10:55:13
21	Q Okay.	10:55:13
22	A And he sent me money to supplize [sic] what I	10:55:13
23	wasn't making the other two days.	10:55:17
24	Q Okay. Did he send you a regular amount or was	10:55:19
25	it --	10:55:20

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1 BY MR. SMITH:

2 Q See, I told you she was going to do that. We 10:55:51

3 have to wait; you know, it's odd, it really is. Because 10:55:53

4 in normal conversation, we'll do just what we're doing 10:55:56

5 now -- 10:55:59

6 A Right. 10:55:59

7 Q -- but just wait. 10:56:00

8 A Okay. 10:56:01

9 Q All right. So -- so you're in Florida, you have 10:56:01

10 the valve condition, you start working two days less than 10:56:03

11 you were working before, and Dennis starts giving you 10:56:07

12 \$1000 per month? 10:56:10

13 A Correct. 10:56:11

14 Q Okay. Did he give you any other kinds of monies, 10:56:11

15 property, anything like that during -- 10:56:16

16 A No. 10:56:16

17 Q -- when you were -- 10:56:17

18 A Not when I was in Florida. 10:56:18

19 Q Not when you were in Florida; okay. So you move 10:56:19

20 out to uh -- uh, California in 2008; correct? 10:56:22

21 A Roughly. 10:56:25

22 Q What was the reason why you moved out to 10:56:25

23 California? 10:56:28

24 A At the time, I had the valve replacement; I 10:56:29

25 couldn't work anymore. He told me to retire, to come out 10:56:32

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1 here, he would help me out and watch my grandchildren grow 10:56:36  
2 up. 10:56:40

3 Q Okay. And you -- where did you move to? 10:56:40

4 A Um, first, we moved on Santa Monica, a small 10:56:42  
5 apartment house for about six months; then we went to the 10:56:47  
6 Broadcast Center on Beverly and Grove Road. 10:56:58

7 Q Okay. When did you move to the Broadcast Center? 10:56:58

8 A Six months after we came out here, roughly. 10:57:04

9 Q What is the Broadcast Center? It sounds like 10:57:06  
10 a -- 10:57:06

11 A It's a -- 10:57:10

12 Q -- an office building? 10:57:10

13 A No, it's an apartment. 10:57:11

14 Q Okay. And that was another apartment that you 10:57:14  
15 resided in? 10:57:15

16 A Yes. 10:57:16

17 Q All right. How long did you reside there? 10:57:16

18 A Until about two years ago; roughly four years, 10:57:22  
19 something like that, three years ago. 10:57:25

20 Q Then where did you move? 10:57:27

21 A Then the rent got very high there, and Dennis 10:57:28  
22 bought a -- gave me money to buy a place at 321 South San 10:57:33  
23 Vicente Boulevard, Los Angeles. 10:57:41

24 Q What was the rent when you first moved into the 10:57:55  
25 Beverly Grove [sic]? 10:57:58

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1	A	No.	10:58:53
2	Q	That's right, isn't it?	10:58:54
3	A	That's correct.	10:58:55
4	Q	Okay. Who holds the title to the 321 South --	10:58:56
5	A	I do.	10:59:02
6	Q	-- Vicente [sic] Boulevard?	10:59:02
7	A	I do.	10:59:04
8	Q	Got to wait till I'm finished.	10:59:04
9	A	I'm sorry.	10:59:06
10	Q	No problem. All right; so you have -- you have	10:59:07
11		the title to the South Vicente [sic] Boulevard property;	10:59:09
12		correct?	10:59:12
13	A	Yes.	10:59:12
14	Q	And you consider that a gift from Dennis, don't	10:59:12
15		you?	10:59:15
16		MR. MARKS: Object to the form.	10:59:15
17		THE WITNESS: No.	10:59:17
18		BY MR. SMITH:	10:59:17
19	Q	No?	10:59:18
20	A	Um, it's in my will that when I die, he gets the	10:59:21
21		property.	10:59:23
22	Q	Oh, okay. When did you prepare that will?	10:59:24
23	A	Um, about four years ago. Or I can't -- it can't	10:59:31
24		be that far, about two years ago.	10:59:35
25	Q	Right around the time that you got the property?	10:59:37

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1	A	Yeah, right after we got the property.	10:59:39
2	Q	Did Dennis help you find a lawyer for that?	10:59:41
3	A	Yes.	10:59:44
4	Q	And he paid for the lawyer; right?	10:59:44
5	A	Yes.	10:59:46
6	Q	You still have a copy of that will?	10:59:49
7	A	At home; I didn't bring it.	10:59:52
8	Q	No, no problem; just wondered if you still have	10:59:53
9	it.	Do you have a trust, too?	10:59:56
10	A	No.	10:59:58
11	Q	Just a -- just a will?	10:59:58
12	A	I think; you know, I'm -- I'm not even sure.	11:00:00
13	Q	Okay. Dennis kind of handled all of that, didn't	11:00:02
14	he?		11:00:05
15	A	Yes.	11:00:05
16	Q	Okay. You bought a yacht; correct?	11:00:06
17	A	Yes.	11:00:11
18	Q	All right.	11:00:12
19	A	Basically.	11:00:13
20	Q	All right. Um, it was called Danika -- Denika, I	11:00:13
21	think?		11:00:17
22	A	I think so.	11:00:18
23	Q	Yeah. Did you actually buy that yacht?	11:00:19
24	A	No.	11:00:21
25	Q	No?	11:00:21

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1	A	Dennis bought the yacht.	11:00:22
2	Q	Yeah. And Dennis gave you a note, though, for	11:00:24
3		you to sign on that?	11:00:26
4	A	Possibly; I don't remember.	11:00:27
5	Q	Okay.	11:00:29
6	A	I don't remember.	11:00:29
7	Q	I'll show you. Um, and -- but really, you	11:00:30
8		understood that he was buying the yacht and it was his --	11:00:33
9	A	Correct.	11:00:36
10	Q	-- correct? Okay. Have you ever heard of Denika	11:00:37
11		LLC, the limited liability company? You know anything	11:00:40
12		about that?	11:00:46
13	A	No.	11:00:46
14	Q	No, that's all Dennis; right?	11:00:46
15	A	Yeah.	11:00:46
16	Q	Is that a yes?	11:00:49
17	A	Yes.	11:00:50
18	Q	Remember that thing about --	11:00:50
19	A	Right.	11:00:51
20	Q	-- we have to answer aloud, all right. Has	11:00:52
21		Dennis ever given you access to, like, a credit card or a	11:00:54
22		bank account?	11:00:59
23	A	No.	11:00:59
24	Q	Does he just give you money?	11:00:59
25	A	Yes.	11:01:02

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1	Q All right. So how does he give you the money?	11:01:02
2	Checks? Cash?	11:01:04
3	A Check.	11:01:04
4	Q Does he ever give you cash?	11:01:05
5	A My birthday, he gave me cash.	11:01:07
6	Q Congratulations. How old are you --	11:01:09
7	A 80.	11:01:09
8	Q -- Mr. Kogod? I hope I make it.	11:01:12
9	A Uh.	11:01:14
10	Q With that traffic out there, I don't know how	11:01:15
11	you're going to make it.	11:01:15
12	A I agree.	11:01:17
13	Q The -- I'm just going to go through a series of	11:01:19
14	credit cards and ask if you've ever used them; okay? All	11:01:22
15	right. Have you ever used an American Express Centurion	11:01:25
16	card, it's a black card, ending in 81009?	11:01:29
17	A No.	11:01:33
18	Q Okay. Have you ever used an American Express	11:01:33
19	Centurion black card ending in 82007?	11:01:37
20	A No.	11:01:40
21	Q Have you ever used an American Express Optima	11:01:40
22	card ending in 3003?	11:01:43
23	A Let me explain something to you: At one time, I	11:01:47
24	had financial problems.	11:01:50
25	Q Okay.	11:01:52

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1	A	And Denny got me an American Express card at one	11:01:52
2		time in my name.	11:01:56
3	Q	Do you remember when that was?	11:01:59
4	A	Oh, that -- um, trying to think -- it had to be	11:02:00
5		25 years ago.	11:02:09
6	Q	Oh.	11:02:10
7	MR. MARKS:	Counsel, for the record, the cards	11:02:11
8		that you are -- and numbers that you are referring to, are	11:02:13
9		those cards in Dennis's name and you're giving the last	11:02:17
10		four digits?	11:02:20
11	MR. SMITH:	That's right.	11:02:21
12	MR. MARKS:	Okay; I didn't know if that was clear	11:02:22
13		on the record.	11:02:24
14	MR. SMITH:	Okay.	11:02:25
15	THE WITNESS:	Yeah, I don't know if that --	11:02:25
16	MR. SMITH:	That's my understanding.	11:02:26
17	MS. ALLEN:	Uh-huh.	11:02:27
18	MR. SMITH:	Okay. And I've just confirmed that	11:02:28
19		through a --	11:02:30
20	MR. MARKS:	That's fine.	11:02:30
21	MR. SMITH:	-- nonverbal response from --	11:02:32
22	MS. ALLEN:	Yes.	11:02:33
23	MR. SMITH:	-- Ms. Allen.	11:02:33
24	MR. MARKS:	Right; I just wanted -- I don't know	11:02:33
25		if the witness --	11:02:33

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1	MR. SMITH: Yeah. No, she -- Ms. Allen has	11:02:35
2	provided me with a list of the credit cards that are in	11:02:36
3	Dennis' name, and I'm asking Mr. Kogod to -- to let me	11:02:39
4	know if ever -- he's ever used them.	11:02:41
5	MR. MARKS: Okay.	11:02:46
6	MR. SMITH: All right; you're clear?	11:02:46
7	MR. MARKS: Yes.	11:02:49
8	MR. SMITH: All right.	11:02:49
9	THE WITNESS: The card that I got was in my name.	11:02:49
10	BY MR. SMITH:	11:02:49
11	Q Okay.	11:02:51
12	A Not Dennis'.	11:02:52
13	Q So just going through these again, there's a --	11:02:53
14	you've never used an Optima card that was on Dennis'	11:02:55
15	account; correct?	11:03:00
16	A Not that I know, no.	11:03:00
17	Q Okay. And you've never used an American Express	11:03:01
18	Platinum card that was in Dennis' name or --	11:03:04
19	A No.	11:03:06
20	Q Or --	11:03:06
21	A No, I've never used any of his charge cards.	11:03:08
22	Q Okay. And that would -- that would be true of a	11:03:11
23	Visa black card?	11:03:13
24	A Yeah.	11:03:14
25	Q And you've never used any kind of Wells Fargo	11:03:14

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1	Visas in his name?	11:03:16
2	A Not in his name, no.	11:03:16
3	Q How about a Washington Mutual or Chase account?	11:03:17
4	A No.	11:03:20
5	Q Have you ever used that?	11:03:21
6	A No.	11:03:21
7	Q And then there's another Chase account that's	11:03:22
8	ending in 0461, sound --	11:03:25
9	A No --	11:03:28
10	Q -- familiar --	11:03:28
11	A -- I've never used --	11:03:28
12	Q -- to you?	11:03:28
13	A (Inaudible).	11:03:28
14	Q Where do you bank, Mr. Kogod?	11:03:30
15	A Pardon?	11:03:30
16	Q Where do you bank?	11:03:31
17	A Wells Fargo.	11:03:32
18	Q And you have a pension?	11:03:34
19	A No, I don't.	11:03:36
20	Q So the -- the only income you have come in is	11:03:38
21	Social Security?	11:03:40
22	A My Social Security basically.	11:03:40
23	Q Okay. Do you mind telling me how much you get in	11:03:43
24	Social Security per month?	11:03:47
25	A I think it's \$1100.	11:03:48

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1	Q	Okay. And then your wife has Social Security as	11:03:49
2		well?	11:03:52
3	A	Yes.	11:03:52
4	Q	Okay; and the -- that's the total amount of the	11:03:52
5		sort of retirement income that you have presently;	11:03:56
6		correct?	11:03:58
7	A	Uh, yes.	11:03:58
8	Q	Okay. And the rest of your needs -- the rest of	11:03:59
9		your expenses are paid by Dennis?	11:04:02
10	A	No, only thing that Dennis gives me, he gives me	11:04:05
11		for the HOA, which is \$600 a month.	11:04:07
12	Q	I thought mine was expensive.	11:04:13
13	A	Pardon?	11:04:15
14	Q	I thought mine was expensive.	11:04:16
15	A	And he pays for my car insurance.	11:04:18
16	Q	Car insurance?	11:04:20
17	A	That's the only thing he gives me at the time.	11:04:21
18	Q	Okay. But he also pays for your -- the 321 South	11:04:24
19		Vicente [sic] Boulevard condo that you live in; right?	11:04:28
20	A	He bought it, he gave me --	11:04:30
21	Q	Yeah.	11:04:31
22	A	-- the money to buy it, yes.	11:04:32
23	Q	So it's owned free and clear?	11:04:33
24	A	Yes.	11:04:35
25	Q	Okay. And how about a car. What kind of car do	11:04:35

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1	you buy or did you get?	11:04:39
2	A It's Dennis's car; it's a, um, Hyundai Sonata,	11:04:40
3	2015.	11:04:46
4	Q Okay.	11:04:47
5	A I paid the down payment, I make the payments on	11:04:48
6	it; he gave me no money for it whatsoever.	11:04:52
7	Q But it's in his name?	11:04:55
8	A But it is in his name.	11:04:57
9	Q Okay. Because of credit reasons?	11:04:58
10	A Uh, partially the credit, yes.	11:05:00
11	Q Why is it in his name?	11:05:01
12	A Um, uh, No. 1, I still have a Florida's driver's	11:05:03
13	license.	11:05:03
14	Q Okay.	11:05:03
15	A I never changed it, so we just put it -- it was	11:05:08
16	easier just to put it in his name.	11:05:12
17	Q Okay. All right; and does he give you -- other	11:05:14
18	than the payments for the, um, HOA and the car insurance,	11:05:16
19	does he give you any other kind of money?	11:05:20
20	A Not recently, no.	11:05:22
21	Q Not recently. When was the last time he gave you	11:05:24
22	money, other than your birthday?	11:05:27
23	A About two years ago, he -- he continued giving me	11:05:29
24	the thousand dollars.	11:05:32
25	Q And he stopped that?	11:05:33

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1	A	Uh, yes, he stopped giving me the thousand	11:05:36
2		dollars.	11:05:36
3	Q	Why did he do that?	11:05:40
4	A	My other son moved here.	11:05:41
5	Q	Mitchell?	11:05:43
6	A	Yes.	11:05:44
7	Q	And Mitchell started giving you money?	11:05:44
8	A	Yes; Mitchell gives me the thousand dollars now.	11:05:46
9	Q	What's Mitchell doing for a living?	11:05:50
10	A	He has a deli, a coffee shop/deli.	11:05:52
11	Q	What's it called?	11:05:56
12	A	Bon Appetite, it's located on Century Park East	11:05:58
13		in a 27-story building.	11:06:04
14	Q	Any good?	11:06:06
15	A	Third floor.	11:06:07
16	Q	Is it any good?	11:06:07
17	A	Oh, yes.	11:06:10
18	Q	Always looking for good places to eat.	11:06:11
19	A	Yeah. It's strictly breakfast and lunch.	11:06:13
20	Q	Okay. He owns it; correct?	11:06:16
21	A	Yes.	11:06:17
22	Q	Dennis helped him get that; right?	11:06:18
23	A	Yes.	11:06:21
24	Q	Okay. Do you know if Dennis gave him loans or	11:06:21
25		does Dennis have an interest --	11:06:25

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1	A	I have --	11:06:25
2	Q	-- in that?	11:06:25
3	A	-- no idea what their agreement was.	11:06:28
4	Q	Don't forget, let me -- let me finish.	11:06:29
5	A	Oh, I'm sorry.	11:06:31
6	Q	No problem. Did Dennis give him loans or did --	11:06:32
7		does Dennis have an interest in the -- the business, do	11:06:35
8		you -- to your knowledge?	11:06:37
9	A	Not that I know of.	11:06:38
10	Q	Okay. So it's just Mitchell's?	11:06:40
11	A	Yes.	11:06:41
12	Q	Does Dana have an interest, his wife?	11:06:42
13	A	I don't think so; I don't know, I really don't	11:06:45
14		know.	11:06:48
15	Q	Okay. Have you eaten there?	11:06:48
16	A	Oh, yeah; I work there every morning.	11:06:50
17	Q	Oh, you do?	11:06:52
18	A	I go in at about 6:00 in the morning, help him;	11:06:53
19		stay there for about two, three hours.	11:06:57
20	Q	Okay. In part because he gives you the thousand	11:06:57
21		dollars a month --	11:06:57
22	A	No, I --	11:06:57
23	Q	-- or just because you're his dad?	11:06:59
24	A	-- go to keep my health.	11:07:00
25	Q	Good for you?	11:07:01

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1	A	To keep active.	11:07:02
2	Q	Okay. Do you have any credit cards presently?	11:07:09
3	A	Oh, yeah.	11:07:11
4	Q	Where are those credit cards?	11:07:12
5	A	Where?	11:07:14
6	Q	Yeah.	11:07:14
7	A	I have Chase, I have Wells Fargo, I have Lowes --	11:07:14
8		I have about 15 credit cards, I don't know all the names,	11:07:19
9		I don't use them all.	11:07:22
10	Q	I understand. Does Dennis help you --	11:07:23
11	A	I got Ralphs. Pardon?	11:07:26
12	Q	I'm sorry, go ahead.	11:07:29
13	A	I have Ralphs grocery store.	11:07:30
14	Q	Does Dennis help you pay for any of those?	11:07:32
15	A	No.	11:07:35
16	Q	Do those cards have balances on them?	11:07:39
17	A	No; we pay them off as soon as they come in.	11:07:42
18	Q	Did Dennis and Nadya ever go through a wedding	11:08:00
19		ceremony, to your knowledge?	11:08:07
20	A	I have no idea.	11:08:08
21	Q	Did you ever ask either of them if they planned	11:08:09
22		to be married?	11:08:13
23	MR. MARKS:	Object to the form.	11:08:15
24	THE WITNESS:	At one time, there was discussion	11:08:16
25		of a marriage; I don't know what came or didn't come.	11:08:19

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1	BY MR. SMITH:	11:08:19
2	Q When was that?	11:08:22
3	A I don't know.	11:08:22
4	Q Years ago?	11:08:24
5	A Yeah, when I first came here.	11:08:25
6	Q Okay. Has -- to your knowledge, does Dennis hold	11:08:28
7	Nadya out to be his wife?	11:08:33
8	MR. MARKS: Object to the form.	11:08:35
9	THE WITNESS: No, he never claimed that he [sic]	11:08:37
10	was his wife -- or that --	11:08:40
11	BY MR. SMITH:	11:08:40
12	Q That she was --	11:08:40
13	A -- she was --	11:08:40
14	Q -- his wife?	11:08:44
15	A -- yeah.	11:08:45
16	Q Do you know if -- if -- has Dennis expressed any	11:08:46
17	concerns or do you know if he's concerned about letting	11:08:48
18	other people know that he has children with Nadya?	11:08:50
19	MR. MARKS: Calls for speculation.	11:08:53
20	THE WITNESS: Not that I know of.	11:08:54
21	BY MR. SMITH:	11:08:55
22	Q Okay. Has he ever talked to you about not making	11:08:55
23	sure that nobody else knows that he has children?	11:08:59
24	A No.	11:09:01
25	Q Has he ever talked to you about his work and	11:09:01

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1       trying to keep the children secret from his work?                   11:09:05

2           A    I very seldom -- Dennis is a very quiet person;       11:09:08

3       when we go out to dinner, there's very little conversation   11:09:12

4       between us.   11:09:15

5           Q    Does -- did he ever tell you, though, that he was   11:09:16

6       concerned about his work finding out about either Nadya or   11:09:19

7       the children?   11:09:22

8           A    No.   11:09:22

9           Q    He's never expressed that concern?                   11:09:23

10          A    No.   11:09:23

11          Q    All right. Have you ever met anybody from his       11:09:26

12       work?   11:09:29

13          A    Years ago when I came out to visit one time, he       11:09:29

14       took me around to, uh -- before he was chief operating       11:09:31

15       officer.   11:09:36

16          Q    Was that at DaVita?                                     11:09:36

17          A    Yes.    11:09:38

18          Q    Okay. And that's when you knew that he had           11:09:39

19       children; correct?   11:09:41

20          A    No, I didn't know -- this was way before that.       11:09:41

21          Q    Oh, you came out just for a visit?                     11:09:43

22          A    I at least come out to visit Dennis.                   11:09:45

23          Q    I see. So prior to the time that you actually         11:09:48

24       moved here, you'd come out, and at one point he took you       11:09:50

25       out to see the DaVita offices?                                   11:09:51

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1 Q So no -- you've never been introduced to somebody 11:10:26  
2 at a party that -- "Oh, this is my colleague from work," 11:10:26  
3 or anything like that? 11:10:29  
4 A No. 11:10:29  
5 Q Have you ever driven a vehicle that Dennis 11:10:48  
6 actually bought or provided for you? 11:10:50  
7 A Yes. 11:10:53  
8 Q Which one? Or which -- 11:10:53  
9 A I think -- 11:10:57  
10 Q Which -- 11:10:57  
11 A -- it was a BMW. 11:10:57  
12 Q BMW. When was that? 11:11:00  
13 A We came out here to visit Dennis; he was living 11:11:01  
14 in Orange County. I don't know which year that was. He 11:11:06  
15 lent me the car to drive to Vegas. 11:11:09  
16 Q Okay. Other than that drive of the BMW in -- 11:11:12  
17 when he was living in Orange County, did he ever provide 11:11:15  
18 you any other vehicles? 11:11:18  
19 A The other day I used his Mercedes to pick my 11:11:19  
20 si- -- my brother up at the airport. 11:11:24  
21 Q Okay. Other than handing you -- 11:11:24  
22 A No. 11:11:26  
23 Q -- the keys and saying, "Yeah, Dad, it's okay, 11:11:26  
24 you can take my car," has he ever provided you a vehicle 11:11:30  
25 that you've regularly used? 11:11:33

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1	A	No.	11:11:33
2	Q	You never had a Mercedes vehicle? Did you ever	11:11:33
3		have a Mercedes?	11:11:36
4	A	No, I never had a Mercedes. The car before this	11:11:37
5		one was in Dennis's name also.	11:11:43
6	Q	What was that one?	11:11:45
7	A	It was another -- a Sonata.	11:11:46
8	Q	A Hyundai --	11:11:48
9	A	Hyundai --	11:11:48
10	Q	Sonata?	11:11:48
11	A	-- Sonata, 2012.	11:11:50
12	Q	You like those?	11:11:51
13	A	Yeah, I like those.	11:11:52
14	Q	Good cars?	11:11:52
15	A	Yeah.	11:11:52
16	Q	And prior to the Sonata, what were you driving?	11:11:54
17	A	I had a Mitsubishi and another Sonata.	11:11:57
18	Q	Okay.	11:11:59
19	A	At that time, we had two cars, when we were in	11:12:00
20		Florida.	11:12:03
21	Q	But not a Mercedes?	11:12:03
22	A	No, never a Mercedes; I'm not that rich.	11:12:05
23	Q	Only Dan has a Mercedes; he's the only one that	11:12:08
24		can afford it.	11:12:12
25	MR. MARKS:	I was driving the same one you were	11:12:13

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1	until the lease expired; now I'm driving a Ford Fiesta.	11:12:16
2	MR. SMITH: Yeah, I guess I spoke too soon.	11:12:19
3	MR. MARKS: Yeah.	11:12:21
4	MR. SMITH: You've become very modest --	11:12:21
5	MR. MARKS: Yeah.	11:12:21
6	MR. SMITH: -- in your old age.	11:12:23
7	BY MR. SMITH:	11:12:25
8	Q Um, the -- do you know what the Kogod family	11:12:25
9	revocable trust is?	11:12:28
10	A I have no idea.	11:12:29
11	Q So did you -- have you ever had any role in the	11:12:30
12	preparation or did you have any com- --- well, let me ask	11:12:33
13	this question separately:	11:12:38
14	Do you know who the trustor of the trust is? Do	11:12:40
15	you know what a trustor is? That's a person who puts the	11:12:44
16	stuff in the trust.	11:12:46
17	A Right.	11:12:46
18	Q And creates the trust. Do you know who the	11:12:47
19	trustor is of the Kogod family revocable --	11:12:49
20	MR. MARKS: I'm going to --	11:12:50
21	BY MR. SMITH:	11:12:50
22	Q -- trust?	11:12:50
23	MR. MARKS: -- object on foundation.	11:12:51
24	THE WITNESS: I know nothing about it.	11:12:53
25		11:12:53



1	BY MR. SMITH:	11:12:54
2	Q Okay. Do you know -- and -- and I take it then	11:12:54
3	that you don't know who the beneficiaries are?	11:12:56
4	A I don't know anything about it.	11:12:58
5	Q Okay. So I take it the San Vicente property was	11:13:05
6	something that you and Dennis talked about when the rent	11:13:06
7	was going up at the --	11:13:09
8	A That's correct.	11:13:09
9	Q -- other place; right? Yes?	11:13:11
10	A Yes.	11:13:13
11	Q Okay. Were you aware that that property was	11:13:15
12	transferred into a trust --	11:13:18
13	A No.	11:13:21
14	Q -- does that sound familiar? You weren't aware	11:13:22
15	of that --	11:13:24
16	A No.	11:13:25
17	Q -- fact? Okay. Do you know if Dennis tays --	11:13:25
18	pays for the property taxes associated with that property?	11:13:29
19	A Yes.	11:13:32
20	Q He does; okay. And does he pay for the	11:13:32
21	utilities?	11:13:34
22	A No.	11:13:35
23	Q And the utilities are in your name? Or you --	11:13:36
24	A Yes.	11:13:38
25	Q -- and your wife's name?	11:13:39

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1	A	Yes.	11:13:40
2	Q	And the maintenance on the -- the property, does	11:13:40
3		he provide any money for the maintenance?	11:13:45
4	A	The HOA, yeah, I told you --	11:13:47
5	Q	Right.	11:13:48
6	A	-- the \$600.	11:13:49
7	Q	I think the HOA's just for living there; they	11:13:50
8		require you to pay a certain amount. But what about like	11:13:53
9		for maintenance on a property, like --	11:13:55
10	A	Sorry.	11:13:55
11	Q	That's what it's for?	11:13:57
12	A	Maintenance is --	11:13:57
13	Q	Okay.	11:13:57
14	A	Yeah.	11:13:57
15	Q	Okay; all right.	11:13:57
16	A	Just maintenance.	11:14:01
17	Q	Have there been any home improvements? New	11:14:01
18		kitchen? New --	11:14:04
19	A	Oh --	11:14:05
20	Q	-- tile?	11:14:06
21	A	-- when I moved in, I put a new kitchen in.	11:14:07
22	Q	Okay. Who paid for that?	11:14:09
23	A	We did, I did; my other son, Mitchell did.	11:14:11
24	Q	Mitchell paid for it?	11:14:14
25	A	Yes.	11:14:16

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1	Q	Okay. Do you remember how much that cost?	11:14:16
2	A	I think it was \$1800.	11:14:17
3	Q	Okay. How big is -- is the San Vicente property?	11:14:19
4	A	I think about 1500 square feet.	11:14:21
5	Q	Okay. Other than the -- the kitchen that was	11:14:25
6		1800 bucks, has there ever been anything that --	11:14:27
7	A	I put in a new floor recently, which I paid for.	11:14:32
8	Q	Has Dennis ever paid for any improvements on that	11:14:35
9		property?	11:14:37
10	A	No.	11:14:39
11	Q	Okay.	11:14:43
12		MR. SMITH: You've got these marked by number, I	11:14:53
13		see; okay. This one was actually not an exhibit, so that	11:14:57
14		was just a note to me, so...	11:14:59
15		No. 2, and I'm now refer -- so the record's	11:15:01
16		clear, I'm speaking to the court reporter. She's	11:15:05
17		graciously marked these documents in advance, and I	11:15:10
18		appreciate that. But the number 1 that was marked is	11:15:12
19		definitely not an exhibit; if I gave it to you, it was	11:15:12
20		inadvertent, so let's not use that one. In fact, I'd ask	11:15:16
21		that you return that to me.	11:15:18
22		Okay. So I'm showing you what's been --	11:15:22
23		Do you have these marked? Or are they marked	11:15:25
24		like this? Like that. Okay; the court reporter is	11:15:28
25		telling me that this is the way they're marked; usually	11:15:29

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1	they have little stickers on them, but this one is marked	11:15:32
2	2 in the bottom; okay?	11:15:35
3	THE WITNESS: Yes.	11:15:37
4	MR. SMITH: And I have a copy for you, Mr. Marks,	11:15:37
5	if you want to look at that.	11:15:41
6	I should probably pull out my glasses, too; I	11:15:45
7	think I'll do that. Oh, there they are.	11:15:49
8	BY MR. SMITH:	11:16:03
9	Q Okay. So do you recognize the document that is	11:16:03
10	Exhibit 2?	11:16:08
11	A Yes.	11:16:12
12	Q Okay. And can you tell me what that is?	11:16:12
13	A It's a deed on the -- on the property.	11:16:15
14	Q And this is the deed on the --	11:16:20
15	A The San Vicente -- San Vicente apartment.	11:16:22
16	Q Okay. And under this deed, it looks like, um,	11:16:25
17	you've transferred it to the trustees of the Kogod family	11:16:29
18	revocable trust. Do you see that?	11:16:34
19	A Yes, I do see that.	11:16:36
20	Q Okay. It says that you are the trustees of that	11:16:37
21	trust. See, if you look on the second page, that's your	11:16:42
22	signature on the second page; right?	11:16:48
23	A Yeah.	11:16:48
24	Q You got it; it's right in front of you.	11:16:50
25	A Yeah.	11:16:52

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1 Q Okay; so on that second page, if you'll look 11:16:54  
2 about a halfway down, after it says grant deed, it says 11:16:55  
3 you grant it to -- in other words, you are transferring it 11:17:00  
4 to Sheldon Kogod. That's you; right? 11:17:01  
5 A Uh-huh. 11:17:04  
6 Q Yes? 11:17:04  
7 A Yes. 11:17:05  
8 Q And Marsha, that's your wife? 11:17:05  
9 A That's correct. 11:17:07  
10 Q And it says trustees of the Kogod family 11:17:07  
11 revocable trust dated April 23rd, 2013. Do you see that? 11:17:10  
12 A Uh-huh. 11:17:15  
13 Q Yes? 11:17:16  
14 A Yes. 11:17:16  
15 Q And do you know why you did that? 11:17:17  
16 A I have no idea; he asked me to sign the papers, I 11:17:19  
17 signed them. 11:17:22  
18 Q And when you say "he," you're talking about 11:17:23  
19 Dennis? 11:17:25  
20 A Dennis. 11:17:25  
21 Q Okay. So Dennis handled all -- all of this? 11:17:26  
22 A As far as I know, yes. 11:17:28  
23 Q All right. And did -- he didn't explain to you 11:17:29  
24 why you were signing this? 11:17:31  
25 A No. 11:17:32

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1 Q He just said "sign it." That was good enough for 11:17:32  
2 you? 11:17:36

3 A That's it. 11:17:36

4 Q All right; okay. 11:17:36

5 Showing you what's been marked very clearly as 11:17:43  
6 No. 3 to this deposition. 11:17:49

7 MR. SMITH: And I have a copy for Mr. Marks. 11:17:54

8 You want a copy? You guys want a copy? 11:18:00

9 MS. ALLEN: Yes. 11:18:03

10 MR. SMITH: You can look at it. Here, you can 11:18:04  
11 have your own. 11:18:08

12 MS. ALLEN: You've got so many. 11:18:09

13 MR. SMITH: Garima's very efficient. 11:18:10

14 MS. ALLEN: Yeah. 11:18:10

15 MR. SMITH: I should say she was very good; 11:18:14  
16 efficient would be just one copy. 11:18:16

17 BY MR. SMITH: 11:18:19

18 Q Have you ever seen this document before? 11:18:20

19 A I don't think so. 11:18:21

20 Q Okay; this one is -- is -- it's a -- a grant deed 11:18:22  
21 grants the property, the San Vicente property to you. Do 11:18:26  
22 you see that? 11:18:32

23 A Yes. 11:18:33

24 Q And did you ever know that the property was being 11:18:33  
25 transferred to you in 2013, or did you think it was -- 11:18:36

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1	A	No, I --	11:18:41
2	Q	-- Dennis'?	11:18:41
3	A	-- knew it was in my name.	11:18:41
4	Q	Okay.	11:18:41
5	A	The property was in my name.	11:18:42
6	Q	Very good.	11:18:44
7		MR. SMITH: Going to go to what's been marked as	11:18:54
8		Exhibit 6. I'll provide Mr. Marks a copy.	11:18:58
9		BY MR. SMITH:	11:19:09
10	Q	Have you ever seen that document before? It's	11:19:10
11		the one that's marked as 6.	11:19:11
12	A	Yes.	11:19:13
13	Q	Can you tell me what it is?	11:19:13
14	A	Uh, this is the note that I signed.	11:19:15
15	Q	Okay. Did you understand that when you signed	11:19:20
16		the note that you'd be legally bound to pay the holder of	11:19:22
17		the note --	11:19:25
18	A	Yes.	11:19:26
19	Q	-- Dennis Kogod? All right; but you've never	11:19:26
20		paid anything --	11:19:29
21	A	No.	11:19:29
22	Q	-- of that note? No, you have not?	11:19:30
23	A	No, I have not.	11:19:33
24	Q	All right. Not even the interest that's due per	11:19:34
25		annum; correct?	11:19:38

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1	A	Nothing.	11:19:38
2	Q	Okay. This matures at 2043; and by my	11:19:38
3		calculation, you would be --	11:19:44
4	A	A hundred and something years.	11:19:44
5	Q	Yeah, a hundred and something years. And let's	11:19:46
6		hope you're -- you're around to see that, Mr. Kogod.	11:19:48
7	A	I don't think so; I don't think I want to be	11:19:51
8		around that long.	11:19:53
9	Q	All right. But you do remember signing this	11:19:54
10		note --	11:19:56
11	A	Yes.	11:19:57
12	Q	-- correct? And you understood it to be the note	11:19:58
13		associated with the money that was going to be used for	11:20:00
14		the 321 South Vicente [sic] --	11:20:02
15	A	Correct.	11:20:07
16	Q	-- Boulevard property?	11:20:08
17	A	Correct.	11:20:08
18	Q	I told you she would scold us.	11:20:08
19	A	Yeah.	11:20:08
20	Q	You got to be careful; next thing you know,	11:20:10
21		she'll come across that desk.	11:20:13
22		Okay. I've got a couple documents here about	11:20:24
23		your yacht purchase, showing you Exhibit 4.	11:20:27
24	MR. SMITH:	I'm providing a copy to Mr. Marks.	11:20:35
25			11:20:39

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1	BY MR. SMITH:	11:20:39
2	Q Do you recognize this document?	11:20:42
3	A Yes.	11:20:43
4	Q And what is this document?	11:20:44
5	A It's the note for the boat.	11:20:46
6	Q Okay. And do you have any reason why or	11:20:49
7	explanation as to why you would sign a note to Dennis for	11:20:53
8	a boat?	11:20:56
9	A Because he asked me to.	11:20:57
10	Q That was solely it?	11:20:59
11	A That's it.	11:21:00
12	Q Okay. And did you understand that when you	11:21:01
13	signed this, you would be obligated to pay him this money?	11:21:03
14	A Um, not really, no.	11:21:07
15	Q Okay. And you haven't ever paid him any --	11:21:08
16	A No.	11:21:12
17	Q -- money on this --	11:21:12
18	A No.	11:21:13
19	Q -- note; correct? That's correct, you haven't	11:21:13
20	paid --	11:21:13
21	A Correct.	11:21:13
22	Q -- him anything? All right; and your -- your	11:21:16
23	wife signed it, too; right?	11:21:19
24	A That's correct.	11:21:20
25	Q And she -- she hasn't paid him any money, has	11:21:21

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1 she? 11:21:24  
2 A No. 11:21:25  
3 Q Here's the documents associated with another 11:21:26  
4 purchase, it appears; and that's in -- 11:21:35  
5 A Uh-uh. 11:21:41  
6 Q Yeah, that's for the -- another yacht, it 11:21:42  
7 appears. 11:21:45  
8 MR. SMITH: And I'm providing a copy of that to 11:21:46  
9 Mr. Marks. 11:21:49  
10 And that one is marked, I think, No. 4. 11:21:49  
11 BY MR. SMITH: 11:21:49  
12 Q Is there a -- or what is the number -- 11:21:52  
13 MR. MARKS: The first one was 4. 11:21:54  
14 THE WITNESS: 5. 11:21:55  
15 BY MR. SMITH: 11:21:55  
16 Q 5, thank you. So Exhibit No. 5 is a -- can you 11:21:57  
17 tell me, have you ever seen that document before? 11:22:02  
18 A No. 11:22:03  
19 Q Okay. Did you ever know that you were going to 11:22:04  
20 be the co-buyer with Danika LLC of another yacht? 11:22:07  
21 A I knew that Dennis traded in the yacht -- 11:22:13  
22 Q Okay. 11:22:13  
23 A -- I didn't know what the financial agreements 11:22:17  
24 was or anything else. 11:22:19  
25 Q Okay. So you've never seen this document -- 11:22:20

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1	A	Never.	11:22:24
2	Q	-- before in any form?	11:22:24
3	A	Never.	11:22:26
4	Q	In order to complete the transaction, it's likely	11:22:26
5		that you would have had to sign a document like this. Do	11:22:29
6		you remember --	11:22:32
7	A	Maybe I did; I just don't remember.	11:22:32
8	Q	Okay. So if Dennis had asked you to sign a --	11:22:34
9	A	I would have signed it.	11:22:37
10	Q	About the time that you purchased that boat, you	11:22:38
11		would have signed it; correct?	11:22:40
12	A	Yes, correct.	11:22:41
13	Q	But, again, toward the new boat, the boat that	11:22:43
14		was apparently purchased in or around June of 2014, you	11:22:45
15		did not pay anything toward that boat; correct?	11:22:49
16	A	Correct.	11:22:53
17	Q	And you didn't pay anything to Dennis for the	11:22:53
18		boat?	11:22:55
19	A	Correct.	11:22:56
20	Q	All right. From time to time, though, you and	11:22:56
21		your wife would go out on the boat; correct?	11:22:59
22	A	We've only been on the boat three times.	11:23:01
23	Q	Three times, okay.	11:23:04
24	A	(In audible).	11:23:07
25	THE REPORTER:	I'm sorry, what was that?	11:23:07

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1	THE WITNESS: We've been on it three times.	11:23:08
2	BY MR. SMITH:	11:23:08
3	Q You said something after that.	11:23:09
4	A No, whatever boat he had, we were on.	11:23:11
5	Q Okay. Do you know which one it was?	11:23:13
6	A We were on the first one and the second one.	11:23:15
7	Q Okay; which more times?	11:23:17
8	A I think that's -- pardon?	11:23:19
9	Q Which was the two and --	11:23:21
10	A The first one was twice; the second one was once.	11:23:22
11	Q All right. And they were harbored -- they were	11:23:26
12	harbored down in Marina del Rey; correct?	11:23:28
13	A Correct.	11:23:32
14	Q Okay; both of them?	11:23:32
15	A Yes.	11:23:33
16	Q And when you would use the boat, you would go	11:23:33
17	down and stay in Marina del Rey the night before and go	11:23:35
18	out and use the boat?	11:23:38
19	A Never.	11:23:40
20	Q Have you ever stayed in Marina del Rey?	11:23:40
21	A Never.	11:23:42
22	Q Okay. Would you drive together with Dennis on	11:23:46
23	the times that you used the boat, or would you just meet	11:23:50
24	him down in Marina del Rey?	11:23:52
25	A Meet him down there.	11:23:53

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1 MR. SMITH: Okay. This one's going to be quick. 11:24:07  
2 It's just the escrow documents associated with the San 11:24:13  
3 Vicente home. I'm providing a copy of that -- it's marked 11:24:17  
4 number -- 11:24:23  
5 BY MR. SMITH: 11:24:23  
6 Q What's the number on that one, Mr. Kogod? 11:24:24  
7 A 7. 11:24:27  
8 Q Marked No. 7. So that's Exhibit 7; did you ever 11:24:27  
9 see this document -- 11:24:30  
10 A Yes. 11:24:31  
11 Q -- at or -- 11:24:31  
12 A I have a copy of it here with me. 11:24:31  
13 Q Okay. So that's part of the escrow documents 11:24:34  
14 that you got at the time of the sale of the property; 11:24:36  
15 correct? 11:24:40  
16 A Uh-huh. 11:24:40  
17 Q Yes? 11:24:41  
18 A Yes. 11:24:43  
19 Q Okay. 11:24:43  
20 A Same. 11:24:43  
21 Q All right; very good, thank you. Okay; do you 11:24:44  
22 know if Dennis ever bought a Mercedes for anyone else, 11:25:41  
23 other than you? 11:25:44  
24 A I have -- I have no idea. 11:25:45  
25 Q He never told you he was buying a car for anyone? 11:25:47

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1	A	No.	11:25:51
2	Q	Okay. Okay; when did Mitchell move out from	11:25:55
3		Florida?	11:26:10
4	A	Approximately two years ago.	11:26:11
5	Q	Okay. And where was he living prior to that	11:26:13
6		time?	11:26:16
7	A	In Fort Lauderdale.	11:26:16
8	Q	Where was Dana living prior to that time?	11:26:18
9	A	Florida -- oh, no; I'm sorry, Georgia.	11:26:22
10	Q	Okay. Do they have a home in Georgia?	11:26:26
11	A	Yes.	11:26:28
12	Q	Do they still have a home in Georgia?	11:26:28
13	A	Yes.	11:26:28
14	Q	And that's in -- in or around Atlanta?	11:26:29
15	A	Blairsville.	11:26:29
16	Q	Blairsville. Have you been there?	11:26:31
17	A	Yes.	11:26:33
18	Q	Is it nice?	11:26:34
19	A	Oh, yeah, when -- when I was there, it was just	11:26:35
20		one unit; one small home that he bought for retirement;	11:26:36
21		then he had added another home to it.	11:26:40
22	Q	Okay. So --	11:26:42
23	A	So there's two homes on one piece of land.	11:26:43
24	Q	Oh, okay.	11:26:46
25	A	A bigger one.	11:26:46

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1	Q	And does he still plan on retiring there, to your	11:26:47
2		knowledge?	11:26:51
3	A	I have no idea.	11:26:51
4	Q	But you know that they still have it?	11:26:52
5	A	Yes.	11:26:55
6	Q	All right. I assume that's because they told you	11:26:55
7		that; correct?	11:26:58
8	A	Yes.	11:26:59
9	Q	When was the last time you were there?	11:26:59
10	A	Last time I was there?	11:27:01
11	Q	Yeah.	11:27:03
12	A	15 years ago --	11:27:06
13	Q	Okay.	11:27:07
14	A	-- maybe; I was only there once.	11:27:07
15	Q	Okay. How long did Dana live there, away from	11:27:10
16		Mitchell, to your recollection?	11:27:15
17	A	Five years; I'm not sure.	11:27:17
18	Q	They're still married though; right?	11:27:21
19	A	Correct.	11:27:23
20	Q	Okay; all right.	11:27:24
21		Got that one. I thought I asked questions about	11:27:40
22		this. I thought we had that one before?	11:27:44
23	MS. ALLEN:	Uh-huh, uh-huh.	11:27:46
24	MR. SMITH:	Did I already ask him about that?	11:27:46
25	MS. ALLEN:	Yeah.	11:27:50

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1 MR. SMITH: All right; I think it was marked 11:27:50  
2 twice. Okay, so 6 I think is a repeat of one of the 11:27:53  
3 others, so -- just for the record so you know. 11:27:56  
4 All right; and these two there -- all right. 11:27:59  
5 We've got -- 11:28:02  
6 BY MR. SMITH: 11:28:04  
7 Q Showing you what's been marked as Exhibit 8. 11:28:05  
8 MR. SMITH: And I'm providing a copy of that to 11:28:12  
9 Mr. Marks. 11:28:16  
10 And to you guys. 11:28:18  
11 BY MR. SMITH: 11:28:20  
12 Q I'll represent to you that this is a -- a 11:28:22  
13 photograph of checks from bank accounts. And up in the 11:28:25  
14 upper left-hand corner, the second check down, do you 11:28:31  
15 recognize document? 11:28:38  
16 A In the left-hand -- one that made out -- 11:28:43  
17 Q It's kind of hard to read but -- 11:28:46  
18 A \$2759. 11:28:47  
19 Q That's the one; check number -- it looks like 11:28:51  
20 it's 8- -- or is it 519? 11:28:54  
21 A Yeah, I really don't know what it was for; I 11:28:57  
22 don't remember what it was for. 11:28:59  
23 Q Um, I think you indicated that the rent was 11:29:01  
24 around \$2300. 11:29:04  
25 A Oh, you know, it might have been the rent at the 11:29:05

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1 time. 11:29:07  
2 Q Okay. And did the additional \$459, do you know 11:29:08  
3 what that might have been for? 11:29:12  
4 A Oh, this might have been after the rent went up. 11:29:14  
5 Q Okay. 11:29:17  
6 A Each year it went up. 11:29:17  
7 Q Okay. So this was -- looks like it was written, 11:29:20  
8 although it's not entirely -- 11:29:22  
9 A Yeah, it's the payments --  
10 Q -- \$2000- --  
11 A -- of -- yeah.  
12 THE REPORTER: I'm sorry.  
13 THE WITNESS: Sorry.  
14 BY MR. SMITH:  
15 Q It looks like it was written in about 2012; is 11:29:28  
16 that your recollection? 11:29:30  
17 A Correct. 11:29:31  
18 Q All right. 11:29:31  
19 MR. SMITH: I'm trying. 11:29:36  
20 BY MR. SMITH: 11:29:36  
21 Q All right; so showing you a series of documents, 11:29:39  
22 they're all checks that have been stapled together as 11:29:43  
23 Exhibit 9 -- 11:29:47  
24 A Okay. 11:29:48  
25 Q -- okay? 11:29:48

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1 MR. SMITH: And I'm providing a copy of that to 11:29:49  
2 Mr. Marks. 11:29:51  
3 BY MR. SMITH: 11:29:51  
4 Q So these are just a series of checks that I'll 11:29:54  
5 represent to you that we found that were written to you 11:29:57  
6 from an account from your son Dennis; okay? 11:30:00  
7 A Uh-huh. 11:30:02  
8 Q Okay? You understand? 11:30:02  
9 A Yes. 11:30:05  
10 Q All right. So I'm just going to walk through 11:30:05  
11 each of those and ask you a question about each of those 11:30:07  
12 checks; okay? 11:30:12  
13 A Go right ahead. 11:30:12  
14 Q Um, the first page is check No. 1499. Do you 11:30:14  
15 recognize that document? 11:30:17  
16 A I -- it was made out to me; I don't remember it. 11:30:21  
17 Q Well, that's the -- the back page is shown there, 11:30:24  
18 and -- 11:30:27  
19 A Yeah. 11:30:27  
20 Q -- there's a signature on it. That's your 11:30:27  
21 signature; right? 11:30:29  
22 A Correct. 11:30:30  
23 Q All right. 11:30:31  
24 MS. ALLEN: Well -- 11:30:31  
25 11:30:32

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1 BY MR. SMITH: 11:30:32  
2 Q Are you on the -- no, no, no; the first page, 11:30:32  
3 stay on the first page of the Exhibit 8. 11:30:35  
4 A Oh, I see, yes. 11:30:36  
5 Q And -- okay. And -- 11:30:37  
6 A That is my signature, yes. 11:30:38  
7 Q And that's the -- the bottom half of that first 11:30:40  
8 page shows a signature on -- on what appears to be the 11:30:42  
9 copy of the back of that check, and that's your signature; 11:30:45  
10 right? 11:30:48  
11 A Correct. 11:30:48  
12 Q All right. Do you know why Dennis gave you, in 11:30:48  
13 February 26 of 2013, a sum of \$5,609? 11:30:51  
14 A I really don't remember. 11:30:56  
15 Q Do you have a bank account that ends in 4766? 11:31:01  
16 A No, I can't even answer that; I don't know. 11:31:07  
17 Q Isn't that the number on your Wells Fargo 11:31:09  
18 account? 11:31:12  
19 A It may be -- 11:31:12  
20 Q Okay. 11:31:13  
21 A -- my wife writes the checks, so I don't know. 11:31:13  
22 Q Do you have a credit card or a debit card? 11:31:16  
23 A I do have a debit card. 11:31:19  
24 Q I bet you that debit card will tell us. 11:31:21  
25 MR. SMITH: Is this mine? 11:31:24

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1	MS. ALLEN: Yes.	11:31:25
2	MR. SMITH: Yeah. This isn't one of your -- you	11:31:28
3	haven't been drinking out of this?	11:31:28
4	MS. ALLEN: No.	11:31:30
5	THE WITNESS: My debit card is 2416.	11:31:36
6	BY MR. SMITH:	11:31:38
7	Q All right; so sometimes they're different.	11:31:39
8	But -- Dennis' check is written, as you'll see on the	11:31:44
9	first page, from a Denver address. You see that?	11:31:48
10	A Uh-huh.	11:31:54
11	Q And that's a "yes"?	11:31:54
12	A Yes.	11:31:56
13	Q Have you ever been to his -- either of his homes	11:31:56
14	in -- and/or condos in Colorado?	11:32:00
15	A Never.	11:32:02
16	Q All right. Ever been to Colorado?	11:32:03
17	A Never.	11:32:06
18	Q It's lovely, you should go.	11:32:06
19	Um, all right; second page. It's a check dated	11:32:08
20	March 27th, 2013 for what appears to be \$4,789. Is it --	11:32:17
21	and it appears to be made to you Sheldon Kogod. Is that	11:32:25
22	your signature?	11:32:29
23	A Yes.	11:32:29
24	Q All right. And do you recognize that check?	11:32:30
25	A No, I don't remember these checks.	11:32:33

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1 Q Any recollection as to -- or any independent 11:32:36  
2 knowledge of why he would give you \$4,789 at that time? 11:32:39  
3 A I have no idea. 11:32:43  
4 Q Okay. The next check is -- and that's the third 11:32:45  
5 page of exhibit -- do I have that right? 8, is that 8 is 11:32:49  
6 the bottom of the first page, I just want to make sure I'm 11:32:54  
7 referring to it correctly. 11:32:56  
8 MR. MARKS: It's 9. 11:32:57  
9 MR. SMITH: 9. 11:32:58  
10 MS. ALLEN: 9. 11:32:58  
11 THE WITNESS: 9. 11:32:58  
12 MR. SMITH: All right, I've been referring to it 11:33:00  
13 as 8, but it's Exhibit 9, okay. 11:33:02  
14 BY MR. SMITH: 11:33:05  
15 Q The -- is -- the third page of Exhibit 9 is check 11:33:05  
16 number 1740 from Dennis Kogod to you in the amount of 11:33:07  
17 \$3,610, and the check is dated August 30th, 2013. Is that 11:33:09  
18 your signature? 11:33:15  
19 A Yes, it is. 11:33:16  
20 Q Okay. And do you recall why Dennis gave you -- 11:33:18  
21 A These checks could be that Dennis was giving me 11:33:20  
22 maintenance six months at a time; I really don't know if 11:33:23  
23 it is or not, but that's -- could be the answer to it, I 11:33:29  
24 don't know what the \$10 was for, but the -- I really 11:33:34  
25 don't. 11:33:38

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1	Q	Okay. So you're -- you're -- your thoughts are	11:33:39
2		that these may be maintenance checks for the payment of	11:33:41
3		the HOA on San Vicente?	11:33:47
4	A	No, not in 2000- -- trying to think. Yes, it	11:33:50
5		could possibly been; I don't -- I really don't know.	11:33:55
6	Q	Okay. You just don't have any recollection --	11:33:58
7	A	No.	11:34:00
8	Q	-- of it? Um, there is a check that's the fourth	11:34:01
9		page of Exhibit 9 that's dated December 28th, 2014; also	11:34:04
10		written to you in the amount of \$3600 from Dennis'	11:34:14
11		account. Is that your signature on the back?	11:34:17
12	A	Yes.	11:34:20
13	Q	Okay. This one, actually, has a "for"; do you	11:34:21
14		see that? And it says "six" --	11:34:23
15	A	That's the --	11:34:23
16	Q	-- "months"?	11:34:23
17	A	-- was HOA.	11:34:27
18	Q	HOA?	11:34:27
19	A	Yes.	11:34:29
20	Q	Okay. So -- so do you believe that these \$3600	11:34:29
21		checks were for the HOA?	11:34:32
22	A	I think so; I may be wrong, but...	11:34:34
23	Q	All right. And then there is another check in or	11:34:36
24		about that amount, \$3579, dated October 29th, 2012; check	11:34:39
25		No. 1501 from Dennis' account to you. That's your	11:34:44

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1 signature; correct? 11:34:48

2 A Yes. 11:34:48

3 Q And this is the -- the next page of Exhibit 9. 11:34:48

4 Based upon what you've seen so far, do you believe that 11:34:51

5 that was for the HOA as well? 11:34:54

6 A Possible; I really don't know. 11:35:00

7 Q Okay. But you don't remember why he gave you 11:35:02

8 those -- 11:35:04

9 A No. 11:35:04

10 Q -- particular checks? 11:35:05

11 A No, he -- 11:35:05

12 Q Was it your -- was it your custom and -- and 11:35:06

13 practice to take the money from Dennis and then put it 11:35:09

14 into your bank account and then pay the HOA? 11:35:14

15 A What I do is I cash the check, I keep it in my 11:35:16

16 safe at home, and each month I deposit \$600 of it. 11:35:20

17 Q Okay. Why do you do it that way? 11:35:25

18 A Just easier; my wife messes up the checking 11:35:27

19 account. So it's just easier to keep credit; have too 11:35:30

20 much money in there. She can't add. 11:35:34

21 Q There is a, um -- so it -- it appears that that 11:35:37

22 check we just went over is at 10/29/2012; and I'll -- I'll 11:35:43

23 represent to you that that was before you actually 11:35:48

24 purchased the San Vicente -- 11:35:50

25 A Yes. 11:35:51

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1	Q	-- property?	11:35:51
2	A	No, it had to be something to do with the other	11:35:52
3		property.	11:35:54
4	Q	Okay. And the other property, being the	11:35:55
5		apartment at the --	11:35:56
6	A	At Beverly center.	11:35:58
7	Q	Oh.	11:36:00
8	A	I mean the broadcast center.	11:36:01
9	Q	Okay. The next document is --	11:36:03
10	A	Oh -- (inaudible).	11:36:06
11	Q	-- check No. 1478, that -- and it -- that was	11:36:08
12		written, apparently, on December 29th 2012; and that's for	11:36:13
13		\$3,579, the same amount that the previous check was	11:36:19
14		written for.	11:36:24
15	A	Yeah.	11:36:25
16	Q	Does that --	11:36:25
17	A	I -- I -- I really don't have any idea what these	11:36:26
18		checks were --	11:36:29
19	Q	But that --	11:36:29
20	A	-- I don't remember.	11:36:30
21	Q	Is that your -- is -- is that your wife's	11:36:31
22		signature on the back or is that --	11:36:34
23	A	No, that's --	11:36:34
24	Q	-- your signature?	11:36:35
25	A	-- mine.	11:36:35

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1	Q	That's yours; okay.	11:36:37
2	A	Yeah.	11:36:37
3	Q	And that's on the back of 6, \$1478.	11:36:37
4		Oh, the -- if you look at check 1478, can you	11:36:47
5		tell me whose handwriting that is on the check where it	11:36:50
6		says \$3579?	11:36:53
7	A	It's not mine.	11:36:55
8	Q	Okay. So you just don't know who it is?	11:36:57
9	A	It's probably Dennis' --	11:36:59
10	Q	Probably Dennis'.	11:37:01
11	A	-- but I don't know.	11:37:02
12	Q	Okay. And then on January 30th, 2013, there's	11:37:06
13		also a check for \$3579. Do you see that?	11:37:10
14	A	Uh-huh.	11:37:13
15	Q	And that's -- is that a "yes"?	11:37:14
16	A	Yes.	11:37:16
17	Q	And that's check No. 1530; right?	11:37:16
18	A	Uh-huh.	11:37:18
19	Q	Yes?	11:37:19
20	A	Yes.	11:37:19
21	Q	Okay; and that has your signature on the back	11:37:19
22		page as well?	11:37:22
23	A	Correct.	11:37:23
24	Q	All right. And, again, you don't recall what	11:37:23
25		that was for?	11:37:25

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1 A No, no. 11:37:29  
2 Q And then on April 29th, 2013, the next in order 11:37:29  
3 in Exhibit 9, there's check number 1673. Do you see that? 11:37:34  
4 A Yes. 11:37:40  
5 Q Um, and is that your signature on the back of the 11:37:41  
6 check? 11:37:46  
7 A Yes. 11:37:47  
8 Q Okay. And do you know why he was giving you that 11:37:48  
9 money? 11:37:51  
10 A I do not recall. 11:37:51  
11 Q Was he -- would -- did Dennis ever use you to 11:37:54  
12 cash checks? In other words -- 11:37:57  
13 A Never. 11:37:58  
14 Q -- like he would have the cash put in, you 11:37:59  
15 know -- have it into your name and then you would give him 11:38:02  
16 back the cash? 11:38:06  
17 A Never. 11:38:06  
18 Q That never happened? 11:38:07  
19 A Never. 11:38:07  
20 Q The -- the thing that baffles me about these 11:38:13  
21 checks, and there's a couple of examples of this in this 11:38:16  
22 document -- 11:38:20  
23 A Uh-huh. 11:38:20  
24 Q -- is that checks that are in numerical order 11:38:21  
25 as -- so, for example, we'll see 1673 is 4/29, April 29th, 11:38:25

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1	2013; but 1678 is April 4th.	11:38:30
2	A These --	11:38:30
3	Q Any reason why that --	11:38:34
4	A -- these could be the rent checks that he gave	11:38:35
5	me.	11:38:38
6	Q Okay. Rent checks for your --	11:38:40
7	A For --	11:38:41
8	Q -- apartment?	11:38:41
9	A Yeah, for the first apartment --	11:38:42
10	Q Okay.	11:38:42
11	A -- or the second apartment.	11:38:44
12	Q All right. So --	11:38:45
13	A They could be.	11:38:46
14	Q So just so the record is clear on the next item	11:38:48
15	and number in Exhibit 9 is check number 1678 --	11:38:51
16	A Yeah.	11:38:55
17	Q -- from Dennis' account dated April 4th, 2013.	11:38:55
18	That's your signature on that check; correct?	11:38:58
19	A Correct.	11:39:00
20	Q And then the next check in order is check No.	11:39:01
21	1706 on -- dated June 30th, 2013; and that one's for	11:39:07
22	\$2596. Do you see that?	11:39:15
23	A Uh-huh.	11:39:16
24	Q Yes?	11:39:17
25	A Yes.	11:39:18

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1	Q	Were you still residing in the apartment as of	11:39:18
2		June 13th?	11:39:23
3	A	Yeah, I -- I think I was.	11:39:25
4	Q	When --	11:39:27
5	A	I --	11:39:27
6	Q	When do you recall moving into the San Vicente --	11:39:28
7	A	I think --	11:39:28
8	Q	-- Boulevard property?	11:39:31
9	A	Well, we paid rent until June on the apartment; I	11:39:31
10		think I moved in, in March or April.	11:39:34
11	Q	Okay. The next check is a check dated June 1st,	11:39:39
12		2013; it's check No. 1704 from Dennis Kogod's account in	11:39:56
13		the amount of \$2400. That's your signature on that check	11:40:02
14		as well?	11:40:04
15	A	Correct.	11:40:05
16	Q	Do you recall why he gave you that amount?	11:40:05
17	A	I -- I believe all these, they were related to	11:40:07
18		the apartment. In those days, he was paying some of my	11:40:10
19		bills; the Time Warner bill and stuff like that, so that	11:40:15
20		could explain why the checks are not same amount each	11:40:19
21		month.	11:40:19
22	Q	When you say Time Warner, you're talking about	11:40:23
23		the cable bill?	11:40:25
24	A	Cable, yes.	11:40:25
25	Q	Okay.	11:40:26

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1	A	Electric, he was paying in those days.	11:40:26
2	Q	Okay. Prior to the time that you moved into the	11:40:30
3		San Vicente property, he was paying the cable and the	11:40:32
4		utilities?	11:40:37
5	A	That's correct.	11:40:38
6	Q	All right. And then after you moved into San	11:40:39
7		Vicente, he paid the HOA for a while, but then stopped?	11:40:42
8	A	No, he's always paid the HOA.	11:40:46
9	Q	Okay. So he's paid the HOA and still does today?	11:40:49
10	A	Yes.	11:40:52
11	Q	Okay. All right; he stopped giving you the	11:40:52
12		thousand dollars per month --	11:40:55
13	A	That's correct.	11:40:56
14	Q	-- payments though?	11:40:56
15	A	That's correct.	11:40:58
16	Q	And now Mitchell gives you those payments?	11:40:58
17	A	Correct.	11:41:01
18	Q	All right.	11:41:02
19	A	He gave me the thousand dollars until Mitchell	11:41:02
20		came to town.	11:41:05
21	Q	Okay. So just to clarify your last answers, you	11:41:06
22		were referring to "in those days," you were referring to,	11:41:10
23		the days in which you were residing in the previous --	11:41:14
24	A	In the --	11:41:18
25	Q	-- apartment?	11:41:19

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1	A	-- Broadcast Center.	11:41:20
2	Q	Very good; thank you. Looking at the next in	11:41:21
3		order, which is check number 1627 that's dated May 29th,	11:41:23
4		2013 and appears to be for \$2030. Do you see that?	11:41:29
5	A	Yes.	11:41:33
6	Q	And that's your signature on that check?	11:41:34
7	A	Yes.	11:41:35
8	Q	Any recollection as to why he gave you those --	11:41:35
9		that?	11:41:38
10	A	Um, I -- I think it's all related to the -- to	11:41:41
11		the Broadcast Center.	11:41:45
12	Q	Okay.	11:41:46
13	A	I'm not positive.	11:41:47
14	Q	All right. Now, you had indicated that you had	11:41:47
15		moved out of the Broadcast Center in June of 2013, or you	11:41:50
16		had stopped paying rent in June 2013?	11:41:53
17	A	I believe that's when it was.	11:41:56
18	Q	All right. If you look at the next document in	11:41:58
19		order, there's a check, 1608, which is in the amount of	11:42:00
20		\$2030 written to you. Is that your signature on that	11:42:04
21		check?	11:42:07
22	A	Yes, it is.	11:42:07
23	Q	And do you recall now, since that one was in July	11:42:08
24		of 2013 what those \$2030 payments were for?	11:42:10
25	MR. MARKS:	July, I thought it --	11:42:15

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1 MR. SMITH: Do I have it wrong? 11:42:17  
2 MR. MARKS: That looks like a February. 11:42:19  
3 MR. SMITH: Is it a February? 11:42:22  
4 MS. KOGOD: 1608. 11:42:22  
5 MR. MARKS: Oh, 1608. 11:42:23  
6 MR. SMITH: 1608, looks like July to me. 11:42:24  
7 MR. MARKS: Okay; you're right. 11:42:27  
8 MR. SMITH: Do you agree? 11:42:29  
9 MR. MARKS: Yeah, I was looking at -- yeah, 1540. 11:42:30  
10 MR. SMITH: You're too fast Mr. Marks; stay with 11:42:33  
11 us. 11:42:33  
12 BY MR. SMITH: 11:42:36  
13 Q So 1608 was -- 11:42:36  
14 A I'm not positive if my lease was up in June or 11:42:39  
15 July. 11:42:40  
16 Q Okay; so that could have been a July payment -- 11:42:40  
17 A Yes. 11:42:40  
18 Q -- payment for the Beverly Center [sic]? 11:42:41  
19 A Yes. 11:42:43  
20 Q All right. Or not the Beverly -- 11:42:43  
21 MS. ALLEN: Broadcast. 11:42:45  
22 BY MR. SMITH: 11:42:46  
23 Q -- Broadcast -- 11:42:47  
24 A Yeah, Broadcast -- 11:42:48  
25 Q -- Center? 11:42:48

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1	A	-- Center, right.	11:42:48
2	Q	Excuse me. Let me correct that, it's the	11:42:52
3		Broadcast Center; thank you.	11:42:52
4		So the next in order is 1543 and that's written	11:42:54
5		to you as well; again, \$2030, dated February 2014 --	11:42:58
6		February 14, 2013. Do you see that?	11:43:06
7	A	Yes.	11:43:09
8	Q	And that's your signature; correct?	11:43:09
9	A	Yes.	11:43:11
10	Q	All right. If you'll return to the next document	11:43:11
11		in that Exhibit 9, it's check number 379.	11:43:15
12	A	Yes. This would be when -- when I first came to	11:43:20
13		California, I lived on Santa Monica, and that would be the	11:43:23
14		rent for that place.	11:43:26
15	Q	That would be \$2000 would be the rent?	11:43:28
16	A	Yeah, it was roughly \$2000 --	11:43:31
17	Q	Okay.	11:43:33
18	A	-- for that.	11:43:33
19	Q	So this was -- this check was in or around March	11:43:33
20		31st of 2009 --	11:43:37
21	A	Yes.	11:43:39
22	Q	-- do you see that? All right; and that's your	11:43:39
23		signature on the back of that check --	11:43:41
24	A	That's correct.	11:43:43
25	Q	-- check number 379?	11:43:43

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1	A	Correct.	11:43:45
2	Q	All right. And then the last document is	11:43:45
3		actually a -- a checking account statement, at least one	11:43:49
4		page from it; and you'll see on the -- the transaction	11:43:55
5		history at October 3rd. Do you -- if you'll go down to	11:44:03
6		that part, you'll see --	11:44:07
7	A	Broadcast Center.	11:44:08
8	Q	Yes. Broadcast Center -- Broadcast check	11:44:10
9		payments and then Sheldon Kogod, and it indicates \$2579?	11:44:13
10	A	Correct.	11:44:17
11	Q	Okay; and that was a check that you received;	11:44:18
12		correct?	11:44:20
13	A	That's correct.	11:44:20
14		MR. MARKS: \$2759.	11:44:21
15		MR. SMITH: \$27- -- what did I say 4?	11:44:23
16		MR. MARKS: \$2579.	11:44:25
17		MR. SMITH: Oh, that's showing my dyslexia. So	11:44:26
18		let's say \$2759.	11:44:29
19		MR. MARKS: You're using that excuse.	11:44:30
20		MR. SMITH: Actually, I'm not dyslexic at all.	11:44:33
21		MR. MARKS: I didn't think you were.	11:44:36
22		MR. SMITH: No, never been; never have been.	11:44:38
23		MR. MARKS: All right, just --	11:44:41
24		MR. SMITH: Just on that particular instance.	11:44:41
25		It's better for your client if it's \$2579; right?	11:44:42

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1	BY MR. SMITH:	11:44:45
2	Q Okay. Last exhibits in order, Mr. Kogod, again,	11:44:45
3	a series of checks, Exhibit 10 -- oh, these are Marsha's	11:44:52
4	checks. I'm sorry, give me that back.	11:44:58
5	All right; thank you. These will be for Marsha's	11:45:00
6	deposition, so we'll remark them for her deposition.	11:45:03
7	All right; let me --	11:45:07
8	Did you ever make a campaign contribution to Meg	11:45:21
9	Whitman?	11:45:21
10	A Yes, I did.	11:45:25
11	Q And do you recall what the amount of that	11:45:26
12	campaign contribution --	11:45:28
13	A \$50- --	11:45:29
14	Q -- was?	11:45:29
15	A -- thousand.	11:45:29
16	Q And did you pay that from your own money or was	11:45:30
17	that --	11:45:33
18	A No, Dennis --	11:45:33
19	Q -- money given to you?	11:45:35
20	A -- gave me a gift of the money.	11:45:35
21	Q Okay. We'll -- we're going to go over that one	11:45:36
22	more time:	11:45:37
23	Did that come from your own money, the \$50,000	11:45:38
24	that you contributed to Meg Whitman's campaign, or did it	11:45:41
25	come from someone else?	11:45:44

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1	A	Someone else.	11:45:45
2	Q	Okay. Where did it come from?	11:45:46
3	A	Dennis.	11:45:47
4	Q	So Dennis gave you \$50,000 to give to Meg	11:45:48
5		Whit- -- Meg Whitman?	11:45:51
6	A	Correct.	11:45:51
7	Q	You have a son named Larry; correct?	11:45:59
8	A	Yes.	11:46:03
9	Q	When was last time you spoke to Larry?	11:46:03
10	A	Yesterday, day before.	11:46:06
11	Q	Okay; you guys have a close relationship?	11:46:08
12	A	Yes.	11:46:10
13	Q	Do you know if Dennis provided financial support	11:46:10
14		to Larry?	11:46:13
15	A	I have no idea.	11:46:13
16	Q	Did you ever ask him to?	11:46:14
17	A	No.	11:46:16
18		(Whereupon there was a telephonic interruption.)	11:46:38
19	BY MR. SMITH:		11:46:38
20	Q	Just so --	11:46:38
21		MR. SMITH: And let me turn that off.	11:46:39
22	BY MR. SMITH:		11:46:41
23	Q	Have you ever spoken to Gaby about the money that	11:46:50
24		Dennis has provided to you?	11:46:55
25	A	No.	11:46:57

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1 Q Have -- do you have any information to suggest to 11:46:58  
2 you that Gaby was aware that Dennis was providing you 11:47:01  
3 money? 11:47:05  
4 A I have no idea. 11:47:05  
5 Q All right. And you never spoke to her about 11:47:08  
6 that; correct? 11:47:11  
7 A Never. 11:47:11  
8 Q Okay. 11:47:12  
9 MR. SMITH: All right; give me a couple minutes. 11:47:15  
10 I'm going to chat with my crew here and -- 11:47:17  
11 THE WITNESS: Go right ahead. 11:47:20  
12 MR. MARKS: Want to take five? 11:47:20  
13 MR. SMITH: Yeah, let's take five and then we may 11:47:22  
14 be ready for Marsha unless -- 11:47:25  
15 MR. MARKS: Yeah, I may have one or two 11:47:25  
16 clarifying questions; nothing major. 11:47:27  
17 MR. SMITH: If you need water or -- 11:47:27  
18 THE WITNESS: I may go to the bathroom. 11:47:27  
19 THE VIDEOGRAPHER: We are -- we are off the 11:47:30  
20 record. The time is 11:47 a.m. 11:47:32  
21 (Whereupon there was a break in the proceedings.) 11:47:40  
22 THE VIDEOGRAPHER: We're back on -- we're back on 11:56:54  
23 the record. The time is 11:56 a.m. 11:57:04  
24 Please continue. 11:57:08  
25 11:57:09

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1 BY MR. SMITH: 11:57:09  
2 Q All right; so couple questions for you: What is 11:57:10  
3 your understanding of what Nadya does for a living? Nadya 11:57:13  
4 Khapsalis. 11:57:20  
5 A I don't think she does anything for a living. 11:57:20  
6 Q Have you ever known her to work at all? 11:57:23  
7 A Not that I know of. 11:57:26  
8 Q Does she have nannies? 11:57:27  
9 A Yes. 11:57:28  
10 Q Okay; do you ever take care of the kids? 11:57:29  
11 A Yes. 11:57:32  
12 Q How often do you do that? 11:57:32  
13 A Once a week I'll pick them up, take them for 11:57:33  
14 dinner. 11:57:36  
15 Q Good for you. You ever owned an Escalade? 11:57:37  
16 A No. 11:57:37  
17 Q Ever drive one? 11:57:43  
18 A No. 11:57:44  
19 Q And certainly Dennis never gave you one; correct? 11:57:45  
20 A No. 11:57:47  
21 Q No, he did not? 11:57:47  
22 A No, he did not. 11:57:48  
23 Q All right. You mentioned that you had an AMEX 11:57:49  
24 card that Dennis helped you get, how long did you have it? 11:57:53  
25 A Couple years, I guess, until I could get mine; I 11:57:55

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1	really don't remember, it was a long time ago.	11:57:58
2	Q You have an AMEX card now?	11:58:00
3	A Yes.	11:58:03
4	Q Does Dennis ever pay the dues or any amounts	11:58:03
5	toward that AMEX card?	11:58:06
6	A There is no dues.	11:58:07
7	Q Nothing owed per year?	11:58:09
8	A No.	11:58:11
9	Q Okay. Does he ever pay the balance on that card?	11:58:11
10	A No.	11:58:14
11	Q Has he ever paid the balance on that card?	11:58:15
12	A No.	11:58:17
13	Q The other card that you had, the other AMEX card,	11:58:20
14	do you still have it?	11:58:23
15	A No.	11:58:24
16	Q It's not active anymore?	11:58:24
17	A No.	11:58:26
18	Q Has Dennis ever paid any of your bills that you	11:58:28
19	have now directly? For example, your Time Warner, does he	11:58:32
20	pay that? Or a cable bill?	11:58:35
21	A Um, he might have, yes.	11:58:37
22	Q Okay. How about your, uh, utilities; does he	11:58:39
23	ever pay those directly?	11:58:43
24	A Um, I think he did at one time.	11:58:44
25	Q Okay. But not anymore?	11:58:46

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1 A No more. 11:58:47  
2 Q Do you know when he stopped that? 11:58:48  
3 A When we moved into -- roughly when we moved into 11:58:49  
4 the -- 11:58:52  
5 Q San Vicente? 11:58:52  
6 A -- San Vicente. 11:58:53  
7 Q And then Mitchell started giving you money for 11:58:54  
8 those? 11:58:56  
9 A Mitchell gives us the monthly money, plus the 11:58:56  
10 HOAs. He gives me \$600, the HOA's at about \$500 so I use 11:59:01  
11 that -- the other \$100 to pay one of the bills. 11:59:06  
12 Q Okay. Now I'm a little confused because I 11:59:08  
13 thought Dennis was paying the HOAs? 11:59:10  
14 A He gives me the money for the HOAs. 11:59:12  
15 Q Oh, okay. When you said that "he," I thought you 11:59:15  
16 were talking about Mitchell? 11:59:17  
17 A No. 11:59:18  
18 Q Okay; so Mitchell pays you the money, the \$1000 a 11:59:18  
19 month? 11:59:21  
20 A That's correct. 11:59:21  
21 Q But Dennis gives you the HOAs? 11:59:23  
22 A That's correct. 11:59:24  
23 Q And maybe another \$100 for other stuff? 11:59:24  
24 A Yeah. 11:59:29  
25 Q Okay. You go golfing? 11:59:29

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1	support for Bernie or his wife, Jen- -- Bonnie?	12:00:25
2	A Not that I know of.	12:00:29
3	Q Do you know if -- what does Bonnie do for a	12:00:30
4	living?	12:00:33
5	A She's a decorator of hotels and things like that;	12:00:33
6	I'm not sure.	12:00:37
7	Q Okay. Do you notice -- do you know if Dennis	12:00:39
8	ever purchased any art from Bonnie?	12:00:41
9	A I believe so.	12:00:45
10	Q Okay; do you recall how that came about?	12:00:46
11	A Not really.	12:00:48
12	Q What --	12:00:49
13	A No.	12:00:50
14	Q -- was it for?	12:00:51
15	A His knew apartment.	12:00:51
16	Q And the new apartment is the one that he recently	12:00:52
17	purchased?	12:00:55
18	A That's correct.	12:00:56
19	Q All right. The um -- um -- the art at his Oak	12:00:56
20	Pass home, can you describe that for me? What --	12:01:00
21	A Not --	12:01:03
22	Q -- did you see?	12:01:04
23	A -- really.	12:01:04
24	Q Do you remember any art on the walls at all?	12:01:04
25	A Pictures of the kids, pictures that Nadya	12:01:07

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1	painted.	12:01:10
2	Q   Okay.  Anything else?	12:01:11
3	A   Nothing that I really know of --	12:01:12
4	Q   Okay.	12:01:12
5	A   -- no.	12:01:13
6	Q   When was the last time you talked to Nadya?	12:01:14
7	A   We were there for the holidays.	12:01:16
8	Q   Holidays --	12:01:19
9	A   When my brother was in town.	12:01:20
10	Q   But --	12:01:21
11	A   I think it was last Saturday.	12:01:22
12	Q   Oh, last Saturday.  Holidays being Labor Day --	12:01:24
13	A   The Jewish holidays.	12:01:28
14	Q   Oh, Jewish holidays?	12:01:30
15	A   Yes.	12:01:32
16	Q   Are you Jewish, Mr. Kogod?	12:01:32
17	A   Yes.	12:01:36
18	Q   And is Nadya Jewish?	12:01:37
19	A   No.	12:01:38
20	Q   No.  Okay.  But you were there for the holidays	12:01:38
21	at the Oak Pass residence?	
22	A   Yes.	
23	Q   Was Dennis there as --	
24	A   We had a --	
25	Q   -- well?	

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1	A	-- family dinner.	12:01:40
2	Q	Okay. Is -- are Dennis and Nadya residing	12:01:40
3		together at the present time?	12:01:42
4	A	No.	12:01:43
5	Q	Do you know if they're going to reconcile?	12:01:44
6	A	I have --	12:01:46
7		MR. MARKS: Calls for --	12:01:47
8		THE WITNESS: -- no idea.	12:01:48
9		MR. MARKS: -- speculation.	12:01:48
10	BY MR. SMITH:		12:01:48
11	Q	Okay. Have either of them told you that they	12:01:48
12		were going to reconcile?	12:01:51
13	A	No.	12:01:54
14	Q	Where were you living immediately prior to your	12:02:02
15		move to Florida?	12:02:06
16	A	Baltimore.	12:02:09
17	Q	Excuse me; I said that wrong. I'll repeat it:	12:02:10
18		Where were you living immediately prior to your	12:02:13
19		move to California in approximately 2008?	12:02:16
20	A	Boca Raton, Florida.	12:02:18
21	Q	Okay. Do you recall your address?	12:02:20
22	A	8070 Spring Tree Road, Boca Raton. I don't	12:02:22
23		remember the zip.	12:02:27
24	Q	How long did you live there, Mr. Kogod?	12:02:28
25	A	30- -- well, we lived in that house about 20	12:02:30

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1 years. 12:02:37  
2 Q Okay. You filed a bankruptcy at some point in 12:02:39  
3 time? 12:02:41  
4 A Yes, I did. 12:02:41  
5 Q When was that? 12:02:42  
6 A Back in the -- I'm not sure of the year. 12:02:43  
7 Q Did you -- at the time that you came here to 12:02:52  
8 Florida [sic], did you understand that in order -- excuse 12:02:57  
9 me, let me rephrase it. 12:03:01  
10 At the time you came here to California, did you 12:03:03  
11 understand that you needed help from Dennis in order to 12:03:06  
12 afford to live here? 12:03:09  
13 A Yes, I did. 12:03:11  
14 Q And that was part of your agreement with Dennis 12:03:12  
15 in moving out here to California; correct? 12:03:14  
16 A Yes, he was helping me before; and he just 12:03:16  
17 continued helping me. 12:03:21  
18 Q Okay. Um, did you ever move in with Mitchell? 12:03:22  
19 A Did I move in with Mitchell? 12:03:24  
20 Q Yeah. 12:03:26  
21 A No. 12:03:26  
22 Q Had you ever discussed moving in with Mitchell -- 12:03:27  
23 A Never. 12:03:29  
24 Q -- at any time? Did you ever discuss moving with 12:03:31  
25 Beverly Palardy? 12:03:35

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1	A	No.	12:03:37
2	Q	Do you know who Beverly Palardy is?	12:03:37
3	A	My -- uh, my sister-in-law.	12:03:39
4	Q	Okay. Marsha's sister?	12:03:41
5	A	Yes.	12:03:42
6	Q	All right. Have you ever flown on a private jet	12:03:44
7		with Dennis?	12:03:58
8	A	One time.	12:03:58
9	Q	When was that?	12:03:58
10	A	About five years ago, four years ago --	12:04:00
11	Q	Where did you go?	12:04:05
12	A	-- we flew to Florida.	12:04:06
13	Q	Florida? Did you fly back on the jet as well?	12:04:07
14	A	Yes.	12:04:10
15	Q	All right. And that's the only place you've ever	12:04:10
16		flown on a private jet --	12:04:14
17	A	That's correct.	12:04:15
18	Q	-- with Dennis; correct?	12:04:16
19	A	Correct.	12:04:16
20	Q	Have you ever traveled with Dennis?	12:04:18
21	A	Um, to Palm Springs one time; we drove our car,	12:04:20
22		he drove his car.	12:04:25
23	Q	Other than your trips to --	12:04:26
24	A	Or twice maybe.	12:04:27
25	Q	Okay. Other than your trips to Palm Springs and	12:04:29

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1	Florida, have you ever traveled with Dennis?	12:04:32
2	A No.	12:04:34
3	Q Have you ever taken the children of Dennis	12:04:34
4	anywhere?	12:04:38
5	A Out of state --	12:04:39
6	Q Uh --	12:04:40
7	A -- no.	12:04:41
8	Q Yes. Um, have you -- have you traveled	12:04:41
9	independently with Marsha --	12:04:46
10	A Yes.	12:04:47
11	Q -- since the time that you've moved here?	12:04:48
12	A Yes.	12:04:50
13	Q Where have you gone?	12:04:50
14	A Went to Hawaii.	12:04:51
15	Q Okay. Did Dennis help you pay for that?	12:04:53
16	A Dennis gave it to us as a -- as a 55th	12:04:55
17	anniversary present.	12:04:59
18	Q Okay. Any other locations, other than Hawaii?	12:05:00
19	A Vegas.	12:05:04
20	Q Okay.	12:05:04
21	A Laughlin.	12:05:04
22	Q And when you go to Vegas or Laughlin, does Dennis	12:05:06
23	provide you money --	12:05:09
24	A No.	12:05:09
25	Q -- to do that?	12:05:10

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1	A	No.	12:05:10
2	Q	That's on your own?	12:05:11
3	A	That's on my own.	12:05:13
4	Q	All right. Any other locations, other than	12:05:14
5		Hawaii, Las Vegas, and Laughlin?	12:05:15
6	A	No.	12:05:15
7	MR. SMITH:	Anything else, Ms. Allen? Ms. Kogod?	12:05:20
8		For what? Oh -- oh, right. Okay. And these are all --	12:05:25
9	MS. ALLEN:	Uh-huh.	12:05:30
10	MR. SMITH:	-- they show -- okay. Let me have	12:05:31
11		that list that's -- I swear I've got it buried here	12:05:33
12		somewhere. Hold on.	12:05:39
13	MS. ALLEN:	Yeah.	12:05:40
14	MR. SMITH:	Oh, there it is; okay.	12:05:40
15	BY MR. SMITH:		12:05:43
16	Q	Have you had any international vacations in the	12:05:44
17		last eight years?	12:05:48
18	A	No.	12:05:49
19	Q	Okay. Um, in March of 2008, you went to West	12:05:49
20		Palm Beach to Atlanta. Do you recall that?	12:05:54
21	A	Went to?	12:05:58
22	Q	From West Palm Beach to Atlanta. Does that sound	12:05:59
23		familiar?	12:06:03
24	A	That was to Mitchell's house.	12:06:03
25	Q	Right. Who paid for that?	12:06:05

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1	A	Mitchell.	12:06:06
2	Q	In August 2008, you traveled from Miami to Los	12:06:07
3		Angeles?	12:06:11
4	A	I paid for it.	12:06:11
5	Q	You paid for it. In February 2009, you traveled	12:06:12
6		from Fort Lauderdale to Charlotte. Do you know who paid	12:06:15
7		for that?	12:06:19
8	A	Charlotte? I've never been in Charlotte; unless	12:06:19
9		it was a, um -- where you change plans.	12:06:22
10	Q	Connecting flight. Do you recall in February	12:06:25
11		2009 traveling somewhere other than Charlotte? In	12:06:28
12		February 2009, we have record of you having -- there was a	12:06:33
13		leg at least from Fort Lauderdale to Charlotte. Did you	12:06:37
14		travel during that time?	12:06:40
15	A	I really don't recall.	12:06:41
16	Q	Okay.	12:06:42
17	A	Went to Washington DC one time for my wife's	12:06:42
18		class reunion.	12:06:46
19	Q	Okay.	12:06:47
20	A	I don't --	12:06:48
21	Q	And who paid for that?	12:06:49
22	A	-- it might have been 2009.	12:06:50
23	Q	Do you know who paid for that?	12:06:51
24	A	I did.	12:06:52
25	Q	Okay. In October 2009, you went from Los Angeles	12:06:53

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1	to Las Vegas. Do you recall that?	12:06:57
2	A Yes.	12:07:01
3	Q And is that one that you paid for?	12:07:01
4	A You know, I really don't remember; Dennis might	12:07:03
5	have given us the plane fare for those.	12:07:06
6	Q Okay. In October -- or, excuse me, in January	12:07:09
7	2010, you went from Fort Lauderdale to Phoenix -- which	12:07:12
8	also may be a -- a layover -- but do you recall going	12:07:17
9	to -- from Fort Lauderdale to Phoenix in January 2010?	12:07:20
10	A Yes.	12:07:24
11	Q Can you --	12:07:24
12	A I think it was the other way around; we went from	12:07:25
13	Phoenix to Las --	12:07:27
14	Q Fort Lauderdale?	12:07:29
15	A -- to Fort Lauderdale.	12:07:30
16	Q Okay.	12:07:31
17	A And that was on a trip when we came -- when you	12:07:31
18	lived down in Orange County and we drove to Vegas and then	12:07:34
19	we drove to the Grand Canyon.	12:07:38
20	Q Well, this was actually in --	12:07:41
21	A Might --	12:07:42
22	Q -- January of 2010, so...	12:07:43
23	A I really don't -- I know that we did go to	12:07:46
24	Phoenix -- we went to Phoenix to get the plane.	12:07:49
25	Q Okay. And do you recall that Dennis paid for	12:07:52

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1 those flights? 12:07:54

2 A No, I think I paid for those flights. 12:07:56

3 Q Okay; in June 2010, you went from West Palm Beach 12:08:00

4 to Dallas; again, that may be a leg. 12:08:02

5 A That was a lay- -- 12:08:05

6 Q Okay; do you recall going to Fort Lauderdale in 12:08:06

7 or -- back and forth to Fort Lauderdale in January 2010? 12:08:09

8 A Possibly; we came out to Vegas. 12:08:12

9 Q Okay. 12:08:16

10 A Several times. 12:08:16

11 Q In June 2010, do you recall traveling from West 12:08:18

12 Palm -- to West Palm Beach during that year? 12:08:22

13 A West Palm Beach, we would drive. 12:08:25

14 Q Okay. But that was June 2010, so you were living 12:08:28

15 out in California at that time. 12:08:31

16 A June 2010. We might have gone back to Florida to 12:08:34

17 see my son. 12:08:47

18 Q Okay. And Dennis paid those? 12:08:47

19 A Probably. 12:08:48

20 Q And that was true in November 2010 when you 12:08:49

21 traveled back to Florida as well; correct? 12:08:52

22 A Possibly. 12:08:54

23 Q Possibly or you recall that? 12:08:54

24 A I don't recall who paid for it at the time. 12:08:56

25 Q Do you recall ever paying for trips back to 12:08:59

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1	Florida?	12:09:02
2	A No, I really don't.	12:09:02
3	Q Okay. In February 2011, did you take a trip back	12:09:04
4	to Florida?	12:09:07
5	A 2011?	12:09:09
6	Q Yes.	12:09:10
7	A I really don't remember.	12:09:11
8	Q How about March 2012, does that ring a bell?	12:09:16
9	A No; we haven't been back to Florida all those	12:09:19
10	years.	12:09:23
11	Q When was the last --	12:09:24
12	A There were trips that were -- no, they wouldn't	12:09:25
13	be in my name.	12:09:29
14	Q When was the last time you traveled back to	12:09:30
15	Florida?	12:09:32
16	A I think it was when we went with Dennis on the	12:09:32
17	private jet.	12:09:35
18	Q And when was that; do you recall?	12:09:36
19	A About four years ago, roughly.	12:09:39
20	Q Okay. So roughly 2011?	12:09:42
21	A Somewhere around there.	12:09:45
22	Q All right. And the place that you went to in	12:09:46
23	Hawaii, was that in Kahului?	12:09:48
24	A No, it was in Maui.	12:09:53
25	Q Maui, that's the airport. How often did you stay	12:09:55

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1	at hotels in California? How often do you do that?	12:09:59
2	A Twice.	12:10:07
3	Q Okay. Where did you stay?	12:10:08
4	A One was on Olympic, and the other was on	12:10:10
5	Overland.	12:10:16
6	Q Okay. And those were the only hotels that you	12:10:17
7	can recall staying --	12:10:19
8	A That --	12:10:20
9	Q -- at?	12:10:20
10	A -- I can remember.	12:10:20
11	Q Okay. And, um, have you ever been to a condo --	12:10:21
12	excuse me, to Dennis' condo in Las Vegas?	12:10:28
13	A Dennis' condo in Las Vegas? No.	12:10:33
14	Q It was in a tower in --	12:10:36
15	A No.	12:10:38
16	Q -- Las Vegas; does that ring a bell? No. Where	12:10:39
17	did you stay when you went to Las Vegas?	12:10:41
18	A We were comp'd at the Riviera.	12:10:42
19	Q When --	12:10:45
20	A -- in Western Ho.	12:10:46
21	Q -- were you -- why are you comp'd? Are you a	12:10:48
22	slot player?	12:10:50
23	A Uh, my wife is a slot player; I play poker.	12:10:50
24	Q Is that why you were comp'd, because you were	12:10:51
25	players?	12:10:54

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1	A	Yeah.	12:11:23
2	MR. SMITH:	Anything else, guys?	12:11:24
3		All right; thank you.	12:11:26
4	MR. MARKS:	I have --	12:11:26
5	MR. SMITH:	Thank you; I think Mr. Marks has a	12:11:27
6		couple of questions.	12:11:29
7	MR. MARKS:	I have a couple of clarifying	12:11:29
8		questions, sir.	12:11:32
9			12:11:32
10		EXAMINATION	12:11:32
11	BY MR. MARKS:		12:11:32
12	Q	You -- you bought the San Vicente condo in 2013;	12:11:33
13		correct?	12:11:41
14	A	Correct.	12:11:41
15	Q	And the deed, I think, says January of 2013; is	12:11:42
16		that approximately correct?	12:11:46
17	A	Approximately, yeah.	12:11:49
18	Q	As I understand your testimony, you still were	12:11:50
19		living in the apartment in the Broadcast Center --	12:11:53
20	A	Correct.	12:11:57
21	Q	-- until approximately June or July of 2013 --	12:11:57
22	A	Correct.	12:12:00
23	Q	-- is that right?	12:12:00
24	A	Correct.	12:12:01
25	Q	Is the Broadcast Center the old CBS Broadcast on	12:12:02

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1	Fairfax or --	12:12:06
2	A No, it's on Beverly and Grove --	12:12:07
3	Q Okay.	12:12:09
4	A -- it's an apartment house there.	12:12:09
5	Q And they just call it the Broadcast Center?	12:12:11
6	A Yes.	12:12:13
7	Q Okay. Starting when you moved into San Vicente,	12:12:14
8	which you -- oh, let me rephrase that.	12:12:16
9	When the lease ended at the Broadcast Center,	12:12:20
10	which you believe to be the summer of 2013, till the	12:12:22
11	present, you've been living at San Vicente?	12:12:27
12	A Correct.	12:12:28
13	Q All right. And as I understand it, Dennis pays	12:12:29
14	the HOA, gives you --	12:12:33
15	A Correct.	12:12:33
16	Q -- \$600 a month for the HOA; correct?	12:12:38
17	A Correct.	12:12:38
18	Q He pays the property taxes?	12:12:39
19	A Correct.	12:12:40
20	Q And apparently he pays your car insurance?	12:12:41
21	A Correct.	12:12:44
22	Q All right. The title to the San Vicente house is	12:12:45
23	in your name --	12:12:50
24	A Correct.	12:12:51
25	Q -- your wife's name; correct?	12:12:51

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1	A	Correct.	12:12:54
2	Q	But all of the money came from Dennis?	12:12:54
3	A	Correct.	12:12:56
4	Q	And at the time that Dennis gave you the money,	12:12:57
5		you and your wife signed a note for the full purchase	12:13:00
6		price back to Dennis?	12:13:04
7	A	Correct.	12:13:05
8	Q	And the intent, after you and your wife pass	12:13:05
9		away, is that the property would go to Dennis?	12:13:08
10	A	Correct.	12:13:10
11	Q	So, essentially, the note equalled the purchase	12:13:11
12		price?	12:13:15
13	A	Correct.	12:13:16
14	Q	All right. So there was no gift of a property	12:13:16
15		to --	12:13:20
16		MR. SMITH: Objection.	12:13:20
17		BY MR. MARKS:	12:13:20
18	Q	-- you; correct?	12:13:21
19		MR. SMITH: Calls for legal conclusion.	12:13:22
20		BY MR. MARKS:	12:13:24
21	Q	You can answer.	12:13:24
22	A	No.	12:13:26
23	Q	There's no gift. It's essentially Dennis'	12:13:26
24		property; correct?	12:13:28
25	A	Correct.	12:13:28



1	Q	And Dennis isn't giving you \$1000 a month or	12:13:29
2		anything else, other than birthday or anniversary gifts --	12:13:32
3	A	Correct.	12:13:36
4	Q	-- correct? All right. Before you moved into	12:13:38
5		San Vicente, when you lived at Broadcast Center, that was	12:13:39
6		just an apartment on a lease; correct?	12:13:42
7	A	Correct.	12:13:44
8	Q	Was Dennis then paying the rent?	12:13:45
9	A	Correct.	12:13:47
10	Q	Okay. And he -- and he paid the rent while you	12:13:48
11		lived there?	12:13:51
12	A	Correct.	12:13:52
13	Q	And he gave you \$1000 a month?	12:13:53
14	A	Correct.	12:13:55
15	Q	All right. And that ended, though, approximately	12:13:55
16		over two years ago?	12:14:00
17	A	Correct.	12:14:01
18	Q	All right. Regarding the boat, the yachts that	12:14:01
19		opposing counsel asked you about, you never got any	12:14:06
20		benefit from the yachts; correct?	12:14:10
21	A	No.	12:14:12
22	Q	You never got any money out of the yachts --	12:14:12
23	A	No.	12:14:14
24	Q	-- correct? It was just name only --	12:14:14
25	A	Correct.	12:14:17

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1	Q	-- correct? The yachts were always Dennis'?	12:14:17
2	A	Correct.	12:14:20
3	Q	And counsel, in showing you all those checks, is	12:14:29
4		it fair to say you can't really recall why you got those	12:14:32
5		checks? Is that to the best of your recollection, other	12:14:37
6		than thinking it might have been six months HOA or it	12:14:41
7		might have been rent, you just don't really recall?	12:14:45
8	A	I --	12:14:46
9		MR. SMITH: Objection --	12:14:46
10		THE WITNESS: -- might --	12:14:47
11		MR. SMITH: -- to the extent it mischaracterizes	12:14:49
12		testimony.	12:14:51
13		BY MR. MARKS:	12:14:51
14	Q	You can answer.	12:14:51
15		MR. SMITH: You can answer.	12:14:52
16		THE WITNESS: I really believe it was mostly the	12:14:53
17		rent and the HOA.	12:14:55
18		BY MR. MARKS:	12:14:56
19	Q	Okay. So he would have given you six months	12:14:57
20		HOA --	12:15:00
21	A	Right.	12:15:00
22	Q	-- once you moved into San Vicente?	12:15:01
23	A	Correct.	12:15:02
24	Q	And prior to San Vicente, it could have been your	12:15:03
25		rent at Broadcast?	12:15:05

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1	A	Correct.	12:15:06
2	Q	Or your older place?	12:15:07
3	A	Correct.	12:15:08
4	Q	When did you live at the older place? Just for	12:15:08
5		these six months or a year --	12:15:11
6	A	Less than six months when we first moved here.	12:15:13
7	Q	And that would have been in '08 -- '08, '09?	12:15:15
8	A	I think so.	12:15:18
9	MR. MARKS:	Okay. All right; I think that's all	12:15:19
10	I have.		12:15:21
11	MR. SMITH:	Just a couple of follow-up.	12:15:22
12			12:15:22
13		FURTHER EXAMINATION	12:15:23
14	BY MR. SMITH:		12:15:23
15	Q	You have health insurance?	12:15:24
16	A	Yes.	12:15:25
17	Q	Independent of the government health insurance?	12:15:25
18	A	No, it's Medicare --	12:15:28
19	Q	Okay. And do you --	12:15:30
20	A	-- and a supplement.	12:15:30
21	Q	-- have any supplement? You have a supplemental	12:15:30
22		policy?	12:15:30
23	A	Yes.	12:15:31
24	Q	Um, what company do you have a supplement policy	12:15:31
25		from?	12:15:31

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STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES    ) ss.

I, SHELDON KOGOD, hereby certify  
under penalty of perjury under the laws of the State of  
California that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015, at \_\_\_\_\_, California.

\_\_\_\_\_  
SHELDON KOGOD

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss.  
3

4 I, AMANDA KALLAS, C.S.R. No. 13901, in and for the  
5 State of California, do hereby certify:

6 That prior to being examined, the witness named in  
7 the foregoing deposition was by me duly sworn to testify  
8 to the truth, the whole truth, and nothing but the truth;

9 That said deposition was taken down by me in  
10 shorthand at the time and place therein named and  
11 thereafter reduced to typewriting under my direction, and  
12 the same is a true, correct, and complete transcript of  
13 said proceedings;

14 That if the foregoing pertains to the original  
15 transcript of a deposition in a Federal Case, before  
16 completion of the proceedings, review of the transcript  
17 { } was { } was not required.

18 I further certify that I am not interested in the  
19 event of this action.

20 Witness my hand this 8th day of October, 2015.  
21

22   
23

24 Certified Shorthand Reporter  
25 for the State of California

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Date



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<b>vacation</b> 78:16 <b>vacations</b> 85:16 <b>valve</b> 16:15,19 18:10 18:24 <b>vegas</b> 2:17 12:13,17 36:15 84:19,22 85:5 87:1,18 88:8 90:12 90:13,16,17 <b>vehicle</b> 36:5,24 37:2 <b>vehicles</b> 36:18 <b>verbal</b> 9:21 <b>veritext</b> 4:8 98:21 <b>versus</b> 4:12 <b>vicente</b> 19:23 20:5 21:6,11 28:19 39:5 41:3 42:15,15 44:21 46:14 51:3 60:3 61:24 66:6 67:3,7 77:5,6 92:12 93:7 93:11,22 95:5 96:22 96:24 <b>video</b> 4:6,14 <b>videographer</b> 2:21 4:4 5:15,22 74:19	<b>wait</b> 18:3,7 21:8 <b>waive</b> 5:3 <b>walk</b> 7:4 56:10 <b>walls</b> 79:24 <b>want</b> 5:24 8:10,24 15:17 42:5 44:8,8 46:7 59:6 74:12 <b>wanted</b> 25:24 <b>warner</b> 66:19,22 76:19 <b>washington</b> 27:3 86:17 <b>watch</b> 19:1 <b>water</b> 10:5 74:17 <b>way</b> 4:20 9:13 11:6 34:20 41:25 61:17 87:12 <b>we've</b> 49:22 50:1 54:5 <b>wedding</b> 11:13,15 32:18 <b>week</b> 16:18,18 75:13 <b>wells</b> 26:25 27:17 32:7 57:17 <b>went</b> 12:13 19:5 55:4,6 61:22 84:14 85:19,21 86:17,25 87:7,12,24 88:3 89:16,22 90:17 <b>west</b> 3:19 85:19,22 88:3,11,12,13 <b>western</b> 90:20 91:11 <b>westward</b> 91:13 <b>whatsoever</b> 29:6 <b>whispers</b> 4:16 <b>whit</b> 73:5	<b>yacht</b> 3:18 22:16,23 23:1,8 46:23 48:6 48:20,21 <b>yachts</b> 95:18,20,22 96:1 <b>yeah</b> 11:11 16:15,20 22:1,23 23:2,15	<b>zip</b> 81:23



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20131468933



Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

10/11/13 AT 09:37AM

Pages:  
0003

FEES:	22.00
TAKES:	0.00
OTHER:	0.00
PAID:	22.00



LEADSHEET



201310112850067

00008398985



005817688

SEQ:  
01

DAR - Mail (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

Exhibit 2  
Witness:  
Sheldon Kogod

Date: September 25, 2015  
Amanda Kates, CSR# 13901

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Name Jaime Mannon  
Coblentz, Patch, Duffy & Bass, LLP  
Address One Ferry Building, Suite 200  
San Francisco, CA 94111-4213

---

MAIL TAX STATEMENTS TO

Name Marsha Kogod and Sheldon Kogod  
Address 321 S. San Vicente Blvd. #707  
Los Angeles, CA 90048



SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

The undersigned grantor declares:

APN: 4334-009-105

Documentary transfer tax is \$0.00

Known as: 321 S. San Vicente Blvd. #707, Los Angeles, CA

- ☐ computed on full value of property conveyed, or  
☐ computed on full value less value of liens and encumbrances remaining at the time of sale.  
☐ Unincorporated area: ☒ City of Los Angeles

☒ Realty not sold. No consideration for this transfer. Transfer is to a revocable trust for the benefit of  
 FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the grantors and is exempt under  
 R&T Code Section 11930.

Sheldon Kogod and Marsha Kogod, husband and wife as Joint Tenants,  
 hereby GRANT to

Sheldon Kogod (also known as Sheldon Kogod) and Marsha Kogod, Trustees of the Kogod Family Revocable Trust  
 dated April 23, 2013

the following described real property in the City of Los Angeles, County of Los Angeles, State of California:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF  
 subject to all covenants, conditions, easements, encumbrances and all other matters of record or not of record affecting such real  
 property.

Date: 7/26, 2013

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

) ss.

*Marsha Kogod*  
 Marsha Kogod

On JUL 26 2013, 2013, before me,  
Alex Janashvili, a notary public, personally  
 appeared MARSHA KOGOD and SHELDON KOGOD who proved  
 to me on the basis of satisfactory evidence to be the person(s)  
 whose name(s) is/are subscribed to the within instrument and  
 acknowledged to me that he/she/they executed the same in  
 his/her/their authorized capacity(ies), and that by his/her/their  
 signature(s) on the instrument the person(s), or the entity upon  
 behalf of which the person(s) acted, executed the instrument.

*Sheldon Kogod*  
 Sheldon Kogod

I certify under PENALTY OF PERJURY under the laws of the State  
 of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Alex Janashvili*  
 Signature

(Seal)



15128.001 2374075v1



## EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A CONDOMINIUM COMPRISED OF:

(A) AN UNDIVIDED 1/2ND INTEREST IN LOT 1, OF TRACT NO. 31440, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 836 PAGES(S) 30 AND 31 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, OIL RIGHTS, NATURAL GAS RIGHTS, MINERAL RIGHTS, ALL OTHER HYDROCARBON SUBSTANCES BY WHATSOEVER WITH APPURTENANT RIGHTS THERETO, WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND NOR ANY PORTION OF THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET, AS EXCEPTED OR RESERVED BY DEED RECORDED APRIL 1, 1938 IN BOOK D59, PAGE 32 OF OFFICIAL RECORDS; FEBRUARY 21, 1938 IN BOOK D28, PAGE 894 OF OFFICIAL RECORDS; MAY 7, 1938 AS INSTRUMENT NO. 272 IN BOOK D92, PAGE 648, OF OFFICIAL RECORDS AND JUNE 5, 1938 AS INSTRUMENT NO. 4001 IN BOOK D119, PAGE 27, OF OFFICIAL RECORDS.

EXCEPT THEREFROM UNITS, 101, 102, 103, 201, 203, 205, 206, 207, 208, 301 TO 308 INCLUSIVE, 401 TO 408 INCLUSIVE, 501 TO 504 INCLUSIVE, 601 TO 604 INCLUSIVE, 701 TO 708 INCLUSIVE, 801 TO 808 INCLUSIVE, 901 TO 908 INCLUSIVE, AND 1101 TO 1108, INCLUSIVE, AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN RECORDED MARCH 14, 1947 AS INSTRUMENT NO. 312, RECORDS OF SAID COUNTY.

(B) UNIT 707 AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN REFERRED TO ABOVE.

APN: 4334-000-105

15128.001 2374075v1



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20130375838



Pages:  
0003

Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

03/13/13 AT 08:00AM

FEES:	22.00
TAXES:	2,660.00
OTHER:	0.00
PAID:	2,682.00



LEADSHEET



201303130240002

00007380482



004710502

SEQ:  
03

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

121

Exhibit 3  
Witness:  
Sheldon Kogod

Date: September 25, 2015  
Amanda Kates, CSR# 13801

DLK011321

05713

# FIDELITY-VAN NUYS

RECORDING REQUESTED BY:  
Fidelity National Title

AND WHEN RECORDED MAIL TO:

Marsha Kogod and Sheldon Kogod  
321 S. San Vicente Blvd  
#707  
Los Angeles, CA 90048



THIS SPACE FOR RECORDER'S USE ONLY

Title Order No.: 00014815-994-VNO-SI

Escrow No.: 02-019966-CY

## GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$522 50 CITY TRANSFER TAX \$2,137 50

[X] computed on full value of property conveyed, or

[ ] computed on full value less value of liens or encumbrances remaining at time of sale.

[ ] Unincorporated area [X] City of Los Angeles AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Judy Nelson and Madelaine Dix, as Joint Tenants and as Their Sole and Separate Property

hereby GRANT(s) to:

Sheldon Kogod and Marsha Kogod, Husband and Wife as Joint Tenants

the real property in the City of Los Angeles, County of Los Angeles, State of California, described as:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

Also Known as: 321 South San Vicente Blvd., #707, Los Angeles, CA 90048

AP#: 4334-009-105

DATED January 18, 2013

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On February 12, 2013

before me, Robert Francis Egan, Notary Public

A Notary Public in and for said State personally appeared

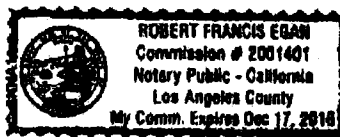
Judy Nelson and Madelaine Dix

Judy Nelson

Madelaine Dix

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal



Signature

Robert Francis Egan

(Seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

DLK011322

05714

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A CONDOMINIUM COMPRISED OF:

(A) AN UNDIVIDED 1/82ND INTEREST IN LOT 1, OF TRACT NO. 31440, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 836 PAGES(S) 80 AND 81 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, OIL RIGHTS, NATURAL GAS RIGHTS, MINERAL RIGHTS, ALL OTHER HYDROCARBON SUBSTANCES BY WHATSOEVER WITH APPURTENANT RIGHTS THERETO, WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND NOR ANY PORTION OF THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET, AS EXCEPTED OR RESERVED BY DEED RECORDED APRIL 1, 1958 IN BOOK D59, PAGE 32 OF OFFICIAL RECORDS; FEBRUARY 28, 1958 IN BOOK D28, PAGE 804 OF OFFICIAL RECORDS; MAY 7, 1958 AS INSTRUMENT NO. 272 IN BOOK D92, PAGE 648, OF OFFICIAL RECORDS AND JUNE 5, 1958 AS INSTRUMENT NO. 4001 IN BOOK D119, PAGE 27, OF OFFICIAL RECORDS.

EXCEPT THEREFROM UNITS, 101, 102, 103, 201, 203, 205, 206, 207, 208, 301 TO 308 INCLUSIVE, 401 TO 408 INCLUSIVE, 501 TO 508 INCLUSIVE, 601 TO 608 INCLUSIVE, 701 TO 708 INCLUSIVE, 801 TO 808 INCLUSIVE, 901 TO 908 INCLUSIVE, AND 1101 TO 1108, INCLUSIVE, AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN RECORDED MARCH 14, 1947 AS INSTRUMENT NO. 312, RECORDS OF SAID COUNTY.

(B) UNIT 707 AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN REFERRED TO ABOVE.

APN: 4334-009-105

This is a true and certified copy of the record  
if it bears the seal, imprinted in purple ink,  
of the Registrar-Recorder/County Clerk

JUN 24 2015

*Diana C. Lynn* REGISTRAR-RECORDER/COUNTY CLERK  
LOS ANGELES COUNTY, CALIFORNIA



DLK011324

05716



SECURED PROMISSORY NOTE

\$ 624,000.00

Los Angeles, California  
December 12, 2012

FOR VALUE RECEIVED, Sheldon J. Kogod (also known as Sheldin J. Kogod) and Marsha Kogod (together, "Maker"), hereby promise to pay to Dennis Kogod ("Holder") or order, at 2000 16th Street, Floor 13, Denver, CO 80202-5117, or at such other place as Holder may from time to time designate in writing, the sum of Six Hundred Twenty-Four Thousand Dollars (\$624,000.00) in lawful money of the United States of America, without setoff or counterclaim, plus interest on all sums outstanding hereunder from time to time computed at a fixed interest rate equal to two and thirty-eight one-hundredths percent (2.38%) per annum, payable as specified below

Payments on this Note shall be due on the first day of each year beginning January 1, 2013, in an amount equal to the interest accrued to the date such payment is due. Any payment not paid when due shall thereafter be added to, and bear interest as, principal. Maker may prepay the indebtedness evidenced by this Note at any time, in whole or in part, without premium or penalty. Every payment received on account hereof shall be applied first to the payment of accrued interest on the principal balance from time to time remaining unpaid; and second to reduce the principal balance hereunder.

On the date January 1, 2043 (the "Maturity Date"), a final installment consisting of the entire unpaid indebtedness under this Note shall be due and payable in full, including the entire unpaid principal balance, all accrued and unpaid interest, and any other amounts due hereunder.

This promissory note is given to secure the payment of the purchase price of the following boat:

Make: Cruiser Yachts  
Model: 560 Express Cruiser  
Year: 2007  
Length (FT): 56  
Vessel Hull ID: CRSZ4D03F607  
General Boat Type: Yacht

Time is of the essence hereof, and if Maker fails to pay any amount owing hereunder when due, then at the option of Holder, the entire unpaid principal balance shall become immediately due and payable, together with interest thereon from the date of such failure to the date of full payment at the rate specified above.

Maker hereby waives presentment for payment, demand, protest, notice of protest, dishonor and nonpayment of this Note, and any and all lack of diligence or delays in collection or enforcement hereof, to the fullest extent permitted by law.

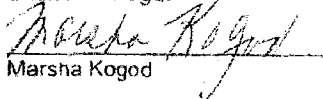
If any action is instituted to collect, enforce or interpret this note, the party prevailing in such action shall be entitled to recover reasonable attorneys' fees and costs in such action. This note shall be governed by and construed according to California law.

IN WITNESS WHEREOF, Maker has executed this Note as of the date first above written.

MAKER:



Sheldon J. Kogod also known as  
Sheldin J. Kogod



Marsha Kogod

15129.001 2346011v2

Exhibit 4

Witness:  
Sheldon Kogod

Date: September 25, 2015  
Amanda Kallas, CSR# 13801

DLK002891





# SILVER SEAS YACHTS

Date: 06/23/14  
Sales Rep: Jerry Reeck  
Quote#: 03779  
Customer ID: 258363  
Sales Location:

Buyer: DENIKA, LLC Co-Buyer: Sheldon J Kogod  
Address: 9716 Oak Pass Road City: Beverly Hills State: CA Zip: 90210  
Phones Home: 310-285-8969 Work: Cell:  
Email: dlkogod@hotmail.com

Boat Serial: MQYE5045F314  
Engine Serial: A231376 / A232792  
Trailer Serial:

		Retail Price:	\$ 1,424,581.00
Boat : 2014 Marquis 500SB	Stock #: MQ0024	Selling Price:	\$ 1,200,000.00
Engine(s) : VOLVO PENT R-IPS600 435	Stock #: MQ0024E	Trade Allowance: \$ (	450,000.00)
Trailer :	Stock #:	Trade Difference:	\$ 750,000.00
Color :		Title,Lic,Reg,Fees:	\$ 795.00
		Sales Tax:	\$ 108,000.00
Trade Boat : 2007 CRUISER 560EXPRESS	Color:	Subtotal:	\$ 858,795.00
Engine(s) : 2007 VOLVO PENTA T-715HP 715	Hours:	Trade Payoff:	\$
Trailer : 2007 VOLVO PENTA T-715HP		Down Payment:	\$ 120,000.00
		Balance Due:	\$ 738,795.00

## Factory Options:

TRIPLE VOLVO IPS-500 SERIES	0.00
ENGINE OIL CHANGE SYSTEM	1,950.00
GENERATOR-23.0KW KOHLER	3,335.00
CABLEMASTER FOR SHORE POWER	7,885.00
OVERBOARD DISCHARGE SYSTEM	1,550.00
AUTOPILOT	11,345.00
BRIDGE/LOWER NAVIGATION PACK	30,375.00
OPENING WINDOWS	2,410.00
BIMINI TOP	3,995.00
HYDRAULIC PLATFORM	40,715.00
COCKPIT ICEMAKER	2,880.00
COCKPIT REFRIGERATOR	2,880.00
COCKPIT GRILL	2,300.00
BRIDGE STEREO	2,200.00
RECLINING FOREDECK SUNPAD	2,985.00
BRIDGE VINYL FLOORING	1,245.00
HELM & SEAT COVERS	1,520.00
TEAK DECKING	29,340.00
UNDERWATER LIGHTING	4,935.00
PAINTED IPS DRIVES	4,135.00
CHERRY WOOD HIGH GLOSS FINISH	3,045.00
PREMIUM STEREO UPGRADE	3,040.00
DECORATOR PILLOWS	590.00
TROPICAL A/C, 46K BTU	825.00
CARPET RUNNER	1,490.00
19" MASTER STATEROOM TV/DVD	2,515.00

Please see next page for additional options

## Dealer Adds:

Coast Guard Kit	Included
Docking Kit	Included
Delivery to Marina Del Rey full of fuel	Included
Radar installed	Included
Tender Chocks installed	Included
Volvo Factory Extended Protection	Included

## Exhibit 5

Witness:  
Sheldon Kogod

Date: September 25, 2015  
Amende Kales, CSR# 13901

## Rebate Terms & Conditions:

Discount Terms & Conditions: SSY SD Show Discount.

Other Terms & Conditions:

Buyer: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Co-Buyer: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Sales Person : \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Manager: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

ALL TRADES MUST BE RECEIVED AT OUR SERVICE DEPARTMENT 72 HOURS PRIOR TO DELIVERY OF THIS BOAT PURCHASE.

This agreement is subject to the terms and conditions on the attached document. Please read these provisions carefully. Your signature above constitutes Your acknowledgement that you have done so. This agreement is not binding on Seller unless signed by an officer or sales manager of Seller. No other person is authorized to sign this agreement on behalf of Seller.

1. **PURCHASER'S WARRANTY** Purchaser shall deliver to Seller satisfactory evidence of title to any used boat, motor, trailer and/or accessories traded in as part of the consideration for any boat, motor, trailer and/or accessories sold to Purchaser hereunder, and risk of loss to any such trade-in shall be borne by Purchaser hereunder, until such evidence of title is delivered to Seller. Purchaser warrants any such trade-in to be free and clear of all encumbrances, security interests and liens (including without limitation liens which may arise under maritime or common law) except as otherwise expressly stated on page one hereof.
2. **EXECUTION OF DOCUMENTS** Any financing by a third party arranged by Seller on behalf of Purchaser to finance any part of the adjusted sales price is subject to execution by Purchaser, before delivery to Purchaser of any boat, motor, trailer, and/or accessories sold to Purchaser hereunder, of such standard forms of security agreement, note and/or other financing documents as such third party may require.
3. **DELIVERY** The delivery date specified on page one hereof is subject to any delays due to causes beyond Seller's control to the extent provided below. In the event Seller is unable, due to cause beyond Seller's control, to deliver any boat, motor, trailer and/or accessories sold to Purchaser hereunder on the delivery date at the place specified on page one hereof, Seller shall be allowed a grace period of an additional 90 days beyond the delivery date to tender delivery of such boat, motor, trailer and/or accessories to Purchaser at the place specified on page one hereof, upon which this agreement may be terminated by either Purchaser or Seller by delivery to the other of written notice of termination within three days after expiration of such grace period. In the event of such termination by Purchaser, (a) any deposit paid by Purchaser in advance shall be refunded by Seller to Purchaser reduced by termination charge of 2% of the adjusted sales price shown on page one hereof, and (b) any trade-in previously delivered to Seller by Purchaser hereunder shall be returned to Purchaser unless already sold or under a contract of sale by Seller at the time of such termination, in which Seller shall remit to Purchaser promptly upon receipt the amount of the purchase price received by the Seller through the sale of such trade-in, reduced by an amount of 20% of such purchase price as a sales commission to Seller. Upon such refund return and/or remittance as described above, Seller shall stand released of liability hereunder. In the event Seller fails to tender delivery of such boat, motor, trailer and/or accessories to Purchaser within the grace period described above and this agreement is not terminated as described above, then this agreement shall remain in full force and effect except that Seller shall notify Purchaser when such boat, motor, trailer, and/or accessories have been received, and Purchaser shall accept delivery of such boat, motor, trailer and/or accessories from Seller within ten days of receiving such notification from Seller. Subject to the foregoing provisions of this paragraph, Seller shall not be liable for any sums of damages, consequential or otherwise, for failure or for delay in delivering such boat, motor, trailer and/or accessories.
4. **NEW PRODUCT WARRANTIES** The only warranties applicable to any new boat, motor, trailer and/or accessories sold by Seller hereunder are those warranties provided by the manufacturer of such boat, motor, trailer and/or accessories. Seller shall furnish Purchaser with any certificate of warranty or other similar document which may be provided by the manufacturer of any boat, motor, trailer and/or accessories sold hereunder, and shall fulfill any obligations which it as a dealer may have under a particular manufacturer's warranty. Otherwise, Seller neither assumes, nor authorizes anyone to assume for it, any liability or obligation relating to possible defects in any boat, motor, trailer and/or accessories sold hereunder and shall not be liable for any damages, consequential or otherwise, with respect to the same. Any boat, motor, trailer and/or accessories sold hereunder is sold as is without any warranties by Seller, express or implied, including any implied warranty of merchantability or fitness for a particular purpose.
5. **SELLER'S REMEDIES** Without in any way limiting any other remedies to which Seller may be entitled under the Uniform Commercial Code, or other applicable law, in the event that Purchaser fails to pay for or accept delivery of any boat, motor, trailer and/or accessories sold hereunder within the time required by this agreement, Seller shall be entitled to recover as damages (a) the amount of the trade difference price shown on page one hereof plus the amount of any incidental damages plus the amount of any expenses (including reasonable attorneys' fees) incurred by Seller in seeking to enforce this agreement, minus (b) either the amount of any net proceeds received by Seller if Seller is able and elects to resell any such boat, motor, trailer and/or accessories to a third party, or the amount of any credit allowed to Seller by the manufacturer of any such boat, motor, trailer and/or accessories in the event the Seller is able and elects to return and/or cancel its order with the manufacturer. Under the foregoing provision, Seller shall be entitled to resell any boat, motor, trailer and/or accessories to any person for any price at either a public sale held at Seller's place of business and announced in a newspaper of general circulation in the Seller's county and State at least ten days in advance thereof, or a private sale of which Seller has given Purchaser at least ten days notice. Any resale by Seller in accordance with the foregoing provision shall be deemed commercially reasonable, but Seller reserves the right to effect such resale in any other manner permitted by the Uniform Commercial Code or other applicable law. Seller shall have the option of electing to retain the cash deposit of Purchaser as liquidated damages in lieu of the foregoing remedies in the event of Purchaser's default under this agreement: in the event that Seller has accepted Purchaser's trade-in at the time of default, Seller is authorized to sell the item(s) so traded in and to reimburse itself out of the proceeds of sale for a selling commission of 20% of the purchase price and all other expenses of sale, including reasonable attorney's fees. Purchaser does hereby appoint seller as attorney-in-fact with full authority to sell, transfer and assign all right, title and interest in the item(s) to subsequent buyer. The closing date as stated on page one hereof is of essence in this agreement and must be honored by Purchaser. If not honored, the Purchaser is deemed to have failed to pay for and failed to accept delivery of any boat, motor, trailer and/or accessories sold hereunder and the Seller's remedies begin immediately.
6. **TRADE-IN ALLOWANCE ADJUSTMENT** All boats, motors, trailers and/or accessories being traded in by Purchaser are subject to appraisal by Seller before final acceptance of such trade-ins, and any trade-in allowance provided for on page one hereof may be adjusted by Seller to take into account any defects or other conditions lessening the value of any boats, motors, trailers and/or accessories taken in trade which are discovered in such final appraisal.
7. **PRICE ADJUSTMENT FOR COST INCREASES** The trade difference price shown on page one hereof shall be increased by the amount of, and Purchaser shall reimburse Seller for any increases in manufacturer's or supplier's list prices over those in effect on the date thereof for any boat, motor, trailer and/or accessories shown on page one hereof which is purchased by Seller for delivery to Purchaser hereunder.
8. **INSURANCE AGREEMENT** Purchaser agrees to keep the item(s), including the boat, trailer and motor, being purchased hereunder insured against all risks of physical loss or damage for its/their full insurable value for the benefit of Purchaser, Seller and the manufacturer. Purchaser waives all rights against the Seller and manufacturer for damages to the item(s) being purchased hereunder to the extent covered by insurance. This paragraph constitutes an agreement by Purchaser to provide Seller and manufacturer with the benefits of insurance.
9. **FINANCING CONTINGENCY** If checked Amount Financed is not zero on page one hereof, this agreement is contingent upon Purchaser's ability to procure within 14 days, financing through a lender of Purchaser's choice at the current rate of interest for like transactions for at least 75% of the total price of the sales agreement. In the event that Purchaser is unable to obtain financing and notifies Seller in writing, this agreement shall be canceled and the deposit returned. In the event that Purchaser fails to notify Seller of the failure of this contingency within 21 days hereof, it shall be conclusively presumed that financing was procured. Seller shall be under no duty to order or prepare any items for delivery until the expiration of the financing contingency.
10. **BINDING** This agreement may not be transferred or assigned by Purchaser without the express, written consent of Seller. This agreement shall be binding upon and inure to the respective heirs, executors and assigns of both parties.
11. **ATTORNEY'S FEES** Purchaser agrees to pay all costs and reasonable attorney's fees incurred by Seller in the enforcement of the terms of this agreement and in connection with any action to which Seller is made a party as a result of this agreement.
12. **ADDITIONAL DISCLOSURES** A. Purchaser acknowledges that Seller has advised as to the availability of a protection agreement through seller for an additional charge. This protection agreement covers engine and drive parts for the period of the protection agreement. Unless a charge is made page one of this agreement for a protection agreement, Purchaser has elected not to obtain Seller's protection agreement as offered to him. B. Law requires brakes on any trailer over 3,000 gross pounds (including trailer and load) purchaser has been advised as to this requirement and acknowledges that any trailer ordered or sold hereunder must have brakes installed if the weight exceeds that set forth above. Some states may have additional requirements which you as the purchaser are responsible for. Purchaser has personally ordered the trailer set forth herein with full knowledge of the weight and personally advised Seller as to whether brakes should be installed thereon.
13. **ENTIRE AGREEMENT** This agreement includes all of the terms and conditions of the sale contemplated by this agreement and is the entire agreement and supersedes any prior oral or written agreement between the parties concerning the subject matter hereof. No other representation or warranties of any type have been made by Seller to Purchaser.
14. **PRE-OWNED WARRANTY** Drive Train includes engine, outdrive/transmission, steering and engine controls only.



SECURED PROMISSORY NOTE

\$479,803

Los Angeles California  
March 13, 2013

FOR VALUE RECEIVED, Sheldon J. Kogod (also known as Sheldin J. Kogod) and Marsha Kogod (together, "Maker"), hereby promise to pay to Dennis Kogod ("Holder") or order, at 2000 16th Street, Floor 13, Denver, CO 80202-5117, or at such other place as Holder may from time to time designate in writing, the sum of Four Hundred Seventy Nine and Eight Hundred Three Dollars (\$479,803) in lawful money of the United States of America, without setoff or counterclaim, plus interest on all sums outstanding hereunder from time to time computed at a fixed interest rate equal to two and sixty six one-hundredths percent (2.66%) per annum, payable as specified below.

Payments on this Note shall be due on the first day of March of each year beginning March 1, 2014, in an amount equal to the interest accrued to the date such payment is due. Any payment not paid when due shall thereafter be added to, and bear interest as, principal. Maker may prepay the indebtedness evidenced by this Note at any time, in whole or in part, without premium or penalty. Every payment received on account hereof shall be applied first to the payment of accrued interest on the principal balance from time to time remaining unpaid; and second to reduce the principal balance hereunder.

On March 1, 2043 (the "Maturity Date"), a final installment consisting of the entire unpaid indebtedness under this Note shall be due and payable in full, including the entire unpaid principal balance, all accrued and unpaid interest, and any other amounts due hereunder.

This note is secured by a Deed of Trust of even date herewith (the "Deed of Trust") executed by Maker as Trustor for the benefit of Holder as Beneficiary which encumbers certain real property located in the County of Los Angeles, State of California, which property is more fully described in the Deed of Trust. The Deed of Trust provides as follows: "Trustor shall not, directly or indirectly, sell, convey, assign, transfer, alienate or otherwise dispose of the Property or the Improvements or any part thereof, or any interest therein, either voluntarily or by operation of law, or agree so to do (with the exception of agreements for sale which are contingent upon the prior reconveyance of the lien hereof on the property to be so sold) without the written consent of Beneficiary being first obtained. Consent by Beneficiary to one such transaction shall not constitute a consent to or waiver of the right to withhold consent to a subsequent transaction. Any transaction in violation of this provision shall cause all indebtedness secured by this Deed of Trust, at the option of Beneficiary and without demand or notice, immediately to become due and payable. This option may be exercised at any time after the occurrence of such event and the acceptance by Beneficiary of one or more payments on the Note following the date of such event shall not constitute a waiver of Beneficiary's right to accelerate."

15128.001 2355754v1

**Exhibit 6**

Witness:  
Sheldon Kogod

Date: September 25, 2015

Amenda Kellan, CSR# 13801

DLK002893

05723

Time is of the essence hereof, and if Maker fails to pay any amount owing hereunder when due, then at the option of Holder, the entire unpaid principal balance shall become immediately due and payable, together with interest thereon from the date of such failure to the date of full payment at the rate specified above.

Maker hereby waives presentment for payment, demand, protest, notice of protest, dishonor and nonpayment of this Note, and any and all lack of diligence or delays in collection or enforcement hereof, to the fullest extent permitted by law.

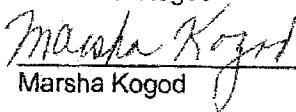
If any action is instituted to collect, enforce or interpret this note, the party prevailing in such action shall be entitled to recover reasonable attorneys' fees and costs in such action. This note shall be governed by and construed according to California law.

IN WITNESS WHEREOF, Maker has executed this Note as of the date first above written.

MAKER:



Sheldon J. Kogod also known as  
Sheldin J. Kogod



Marsha Kogod





9440 Santa Monica Blvd., #310  
Beverly Hills, CA 90210

Phone: (310) 402-5555  
Fax: (310) 402-5556  
www.escrowofthewest.com

**BUYER'S FINAL SETTLEMENT STATEMENT**

**PROPERTY:** 321 South San Vicente Blvd., #707  
Los Angeles, CA 90048

**DATE:** March 14, 2013

**BUYER:** Sheldon Kogod and Marsha Kogod

**CLOSING DATE:** March 13, 2013

**ESCROW NO.:** 02-019968-CY

**ESCROW OFFICER:** Cliff Young

	<u>DEBITS</u>	<u>CREDITS</u>
<b>FINANCIAL CONSIDERATION</b>		
Total Consideration	475,000.00	
Deposit from Dennis Kogod		14,250.00
Deposit from Dennis Kogod		465,316.12
<b>PRORATIONS/ADJUSTMENTS</b>		
Taxes at \$2728.97/semi-annually from 03/13/2013 to 07/01/2013	1,644.86	
HOA at \$586.00/monthly from 03/13/2013 to 04/01/2013	353.56	
<b>H.O.A./MANAGEMENT</b>		
Dues for April to Westbury Terrace	586.00	
<b>OTHER DEBITS/CREDITS</b>		
Slingshot for messenger service billed as used	18.00	
<b>TITLE/TAXES/RECORDING CHARGES - Fidelity National Title</b>		
Recording Grant Deed	25.00	
<b>ESCROW CHARGES - Escrow of the West</b>		
Escrow Fee	1,200.00	
Archive Fee	50.00	
Customer Credit		237.50
<b>Total Refund</b>	<b>946.20</b>	
<b>TOTAL</b>	<b>\$ 479,803.62</b>	<b>\$ 479,803.62</b>

**SAVE THIS STATEMENT FOR INCOME TAX PURPOSES**

**Exhibit 7**

**Witness:**  
**Sheldon Kogod**

Date: September 25, 2015

Amanda Kallas, CSR# 13901

DLK002881

05726





## Check Image

Account Number: 0049 6726 6446

Verified with money by David Peck September 487  
DENNIS LEE KOGOD 1425  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

12/25/12

PAY TO THE ORDER OF PAULIA Murphy \$ 1750.00  
On Personal Sec. held at 12/25/12

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1425 ⑆0000175000⑆

Ref. No.: 813005560989123 Amount: 1,750.00

GABRIELLA CHIFFI-KOGOD 1425  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

12/24/12

PAY TO THE ORDER OF TERMINEX \$ 121.00  
On Personal Sec. held at 12/24/12

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1425 ⑆000012100⑆

Ref. No.: 813009492172685 Amount: 121.00

DENNIS LEE KOGOD 1425  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

12/11/12

PAY TO THE ORDER OF Sells 10/11 \$ 2,759.99  
Twenty Seven Hundred Fifty Nine and 99/100

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1425 ⑆0000275999⑆

Ref. No.: 813009692322668 Amount: 2,759.00

GABRIELLA CHIFFI-KOGOD 1425  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

12/09/12

PAY TO THE ORDER OF Cable Systems \$ 62.99  
Sixty Two and 99/100

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1425 ⑆00006299⑆

Ref. No.: 813009592512244 Amount: 62.99

GABRIELLA CHIFFI-KOGOD 1418  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

12/11/12

PAY TO THE ORDER OF Bank of America \$ 217.67  
Two Hundred Seventeen and 67/100

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1418 ⑆000021767⑆

Ref. No.: 813003492673290 Amount: 217.67

GABRIELLA CHIFFI-KOGOD 1425  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

12/10/12

PAY TO THE ORDER OF Southwest Gas \$ 70.42  
Seventy and 42/100

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1425 ⑆00007042⑆

Ref. No.: 813008992457772 Amount: 70.42

GABRIELLA CHIFFI-KOGOD 1421  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

11/05/12

PAY TO THE ORDER OF Exuma Cigars \$ 500.00  
Five Hundred and 00/100

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1421 ⑆00005000⑆

Ref. No.: 813006692119201 Amount: 500.00

GABRIELLA CHIFFI-KOGOD 1430  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

1/1/13

PAY TO THE ORDER OF Notion Print Service \$ 120.00  
One Hundred Twenty and 00/100

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1430 ⑆00001200⑆

Ref. No.: 813009792609624 Amount: 120.00

GABRIELLA CHIFFI-KOGOD 1423  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

12/7/12

PAY TO THE ORDER OF Dele Hines \$ 88.00  
Eighty Eight and 00/100

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1423 ⑆00008800⑆

Ref. No.: 813009892647588 Amount: 88.00

GABRIELLA CHIFFI-KOGOD 1431  
20 VIA MIRA MONTE  
HUNTSVILLE, AL 35891

1/2/13

PAY TO THE ORDER OF City of Huntsville \$ 77.89  
Seventy Seven and 89/100

Bank of America  
Money Manager Banking  
ACT BY SIGNATURE [Signature]

⑆122400724⑆ ⑆446⑆1431 ⑆00007789⑆

Ref. No.: 813006692890932 Amount: 77.89

Exhibit 8

Witness:  
Sheldon KogodDate: September 25, 2015  
Amends Kates, CSR# 13801

DLK004637

Check Image Continues on Next Page



**DENNIS L KOGOD**  
2000 16th St Fl 13  
Denver, CO 80202

Pay to the Order of Sheldon Kogod \$ 5609.71

For Five thousand five hundred and nine dollars and 71/100 Dollars

Date 2/25/13

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For Sheldon Kogod

⑆ 1020000761⑆ 5397 01499

4765

*Sheldon Kogod*

REQUEST 0000611563800000 5609.00  
ROLL ECIA 20130228 000002343154765  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

Exhibit 9  
Witness:  
Sheldon Kogod

Date: September 25, 2015

Amanda Kates, CSR# 13901

05730

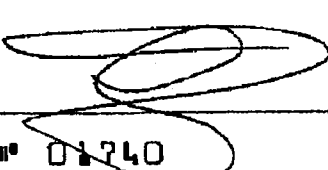

<b>DENNIS L KOGOD</b> 2000 16th St Fl 13 Denver, CO 80202		Pay to the Order of <i>Sheldon Kogod</i>	1582 23-7/1020 3743 6800635387
Date <i>3-27-13</i>	Amount <i>\$ 4759.00</i>	Dollars <i>Four thousand seven hundred eighty nine and 00/100</i>	
For <i>[Signature]</i>		Security Features <i>[Mark]</i>	
MICR Line: <i>1020000761 5397 01582</i>		Wells Fargo Bank, N.A. Colorado wellsfargo.com	

*[Redacted]* 53866

*[Handwritten Signature]*

REQUEST 00006115638000000 4789.00  
 ROLL E CIA 20130401 000002243065867  
 JOB E CIA E ACCT *[Redacted]* 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

DENNIS L KOGOD 2000 16th St Fl 13 Denver, CO 80202		Date <u>8/30/13</u> Type <u>Open</u> Issue/Ext. <u>AD</u> Num. Dep only <u>0</u> Date <u>8/30/13</u>	1740 23-7/1020 3743 8860835397
Pay to the Order of <u>Sheldon Kogod</u> <u>Three thousand six hundred and 02/100</u> Dollars		\$ <u>3610.02</u> Dollars	Security Features Details on back
Wells Fargo Bank, N.A. Colorado wells.fargo.com			
For _____			
⑆ 102000076⑆		5397 01740	

REQUEST 00006115638000000 3610.00  
 ROLLE CIA 20130903 000002343587735  
 JOB ECIA E ACCT [REDACTED] 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

**DENNIS L KOGOD**  
 2000 16th St Fl 13  
 Denver, CO 80202

**1858**  
 23-71020 3743  
 6860635397

Date 12/25/14

Pay to the Order of Sheldahl \$ 3600

Three thousand six hundred Dollars

Wells Fargo Bank, N.A.  
 Colorado  
 wells Fargo.com

For Gina's 1401

MP

⑆ 102000076⑆ 5397⑈ 01858

23-71020 3743

*Sheldahl*

REQUEST 0000611563800000 3600.00  
 ROLL ECIA 20150102 000002348671986  
 JOB ECIA E ACC 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

Pin OK OK  
Type OK Open OK  
Issue/Exp. OK 10/29/12  
TruDep only OK Date

1501

23-7/1020 3743  
6890635397

Pay to the

Order of

Shelley / 6

Hist. OKSig. OKHPF. OKMemo. OK

\$ 3579.00

Dollars



Security  
Features  
Guarantee  
Bank



Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For

[Signature]

⑆ 102000076⑆ 5397 01501

[Redacted] 6053

[Signature]

REQUEST 00006115638000000 3579.00  
ROLL ECIA 20121031 000002343156053  
JOB ECIA E ACCT [Redacted] 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038



DENNIS L KOGOD 2000 16th St Fl 13 Denver, CO 80202		Pin <u>AD</u> Type <u>AD</u> Issue/Exp <u>AD</u> Thr. Dep. only <u>AD</u> Hist. <u>AD</u> Date <u>12/29/12</u> HPF <u>AD</u> Memo <u>AD</u>	1478 23-7/1020 3743 6880635397
Pay to the Order of <u>Sheldon Kogod</u>		\$3579 <sup>00</sup> / <sub>100</sub> THIRTY FIVE HUNDRED SEVENTY NINE & <sup>00</sup> / <sub>100</sub> Dollars	
Well Fargo Bank, N.A. Colorado wellfargo.com		For <u>[Signature]</u> ⑆102000076⑆ [Redacted] 5397⑈ 01178	

[Redacted] 99110

[Signature]

REQUEST 00006115638000000 3579.00  
 ROLL ECIA 20121231 000002343588110  
 JOB ECIA E ACCT [Redacted] 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

**DENNIS L KOGOD**  
 2000 16th St Fl 13  
 Denver, CO 80202

Pay to the Order of Sheld Kay \$ 3577 2  
Three thousand five hundred and seventy seven Dollars

Date 1/30/13

For \_\_\_\_\_

Wells Fargo Bank, N.A.  
 Colorado  
 wells Fargo.com

1530  
 23-7/1020 3743  
 6880635397

1020000761 5397 01530

REQUEST 00006115638000000 3579.00  
 ROLL ECIA 20130130 000005043552471  
 JOB ECIA E ACCT 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1673

23-7/1020 3743  
6880635397

4/29/13

Date

Pay to the  
Order of

Sheldon Kogod

\$ 3416

Three Thousand Four Hundred Sixteen

Dollars



Security  
Features  
Outlets on  
Back



Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

*[Signature]*

For

⑆ 102000076⑆ 5397 01673

*[Signature]*

REQUEST 00006115638000000 3416.00  
ROLLECIA 20130501 000002348675028  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1678

23-7/1023 3743  
6860635397

4/14/13

Date

Pay to the  
Order of

*Sheldon Kogod*

\$ 2759.00

Two thousand Seven hundred Eighty Nine Dollars

Security Features  
See Back



Wells Fargo Bank N.A.  
Colorado  
wellsfargo.com

For

*[Signature]*

⑆ 102000076⑆ 5397 01678

1059

*Sheldon Kogod*

REQUEST 00006115638000000 2759.00  
ROLL ECIA 20130506 000002343581059  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1706

23-71020 3743  
6860635397

6/30/13  
Date

Pay to the  
Order of

Sheldon Kogod

\$ 2596

Two thousand five hundred and ninety six - Dollars



Security  
Features  
Details on  
Back



Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

[Signature]

For

⑆ 02000076⑆ ⑆ 5397⑆ 01706

⑆ 0005

Alaska

REQUEST 00006115638000000 2596.00  
ROLL ECIA 20130701 000002341358805  
JOB ECIA E ACCT ⑆ 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1704

23-71020 3743  
6880635397

6/1/13

Date

Pay to the

*Shirley Kogod*

Order of

\$ 2420.00

*Two thousand four hundred twenty*

Dollars



Security Features  
Look for



Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For

*8*

⑆ 102000076⑆

5397

01701

1867

*Shirley Kogod*

REQUEST 00006115638000000 2420.00  
ROLL ECIA 20130603 000002348671067  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

DENNIS L KOGOD  
2000 16th St Fl 13  
Denver, CO 80202

1627  
29-7/1020 3743  
6860835397

5-29-13 Date

Pay to the Order of Sharon Key \$ 2030

Two thousand and thirty Dollars

Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

For [Signature]

⑆ 102000076⑆ 5397 01627

8570

*[Handwritten signature]*

REQUEST 00006115638000000 2030.00  
ROLL ECIA 20130530 000002041758571  
JOB ECIA E ACCT 5397  
REQUESTOR U330485  
12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
S3928-020  
Phoenix AZ 85038

<b>DENNIS L KOGOD</b> 2000 16th St Fl 13 Denver, CO 80202		Pmt <input checked="" type="checkbox"/> ID Type <input checked="" type="checkbox"/> AD Interest <input checked="" type="checkbox"/> AD Tim <input checked="" type="checkbox"/> Dep <input checked="" type="checkbox"/> Int Date <u>7/30/13</u>	<b>1608</b> 23-7/1020 3743 6600635397
Pay to the Order of <u>Sheldy K...</u> <u>four thousand and thirty</u>		\$ <u>2030</u> <u>2</u> Dollars	Security Features: See Back
Wells Fargo Bank, N.A. Colorado wellsfargo.com		For <u>[Signature]</u>	
⑆ 102000076⑆ [Redacted] 5397 01608			



81323

*Sheldy K...*

REQUEST 00006115638000000 2030.00  
 ROLL ECIA 20130730 000005044281323  
 JOB ECIA E ACCT [Redacted] 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038



<b>DENNIS L KOGOD</b> 2000 16th St Fl 13 Denver, CO 80202		<b>1543</b> 23-7/1020 3743 8890635397
Pay to the Order of <u>Sheldon Kogod</u>		<u>2/14/13</u> Date
<u>Tina Sharon Kogod</u>		\$ <u>2030.2</u> Dollars
Wells Fargo Bank, N.A. Colorado wellsfargo.com		
For <u>[Signature]</u>		
⑆ 10 2000076⑆ [Redacted] 5397⑈ 01543		

[Redacted] 1700

*[Handwritten signature]*

REQUEST 0000611563800000 2030.00  
 ROLLECIA 20130215 000002343151709  
 JOBECIA E ACCT [Redacted] 5397  
 REQUESTOR U330485  
 12470619 06/26/2015 Research 12595194

Subpoena Processing Chandler  
 S3928-020  
 Phoenix AZ 85038



Capture Date: 04/01/2009 Sequence #: 5892157166

DENNIS LEE KOGOD		08-03	379
28 VIA MIRA MONTE			
HENDERSON, NV 89011		Date <u>3-31-09</u>	94-72/122A NV 9373
Pay To The Order Of	<u>Shirley Kogod</u>	\$ <u>2000.00</u>	
	<u>Two Thousand</u>	<u>00</u> Dollars	
<b>Bank of America</b>			
AOH B/T 122400724			
For _____			
⑆122400724⑆ 004967266446⑆0379			

03/31/09 9581883167 02

*Shirley Kogod*

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
03/31/2009	000006354964470	63107513	Undetermined	Y		WELLS FARGO BANK, NA
04/01/2009	005892157166	121103886	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found



Effective November 1, 2012, your daily purchase/point-of-sale (POS) limit for your debit card or ATM card(s) will be \$2,500.

## PMA<sup>®</sup> Prime Checking Account

### Activity summary

Balance on 10/1	12,202.32
Deposits/Additions	35,000.66
Withdrawals/Subtractions	- 37,321.91
Balance on 10/31	\$9,881.07

Account number: 6860635397

DENNIS L KOGOD

Wells Fargo Bank, N.A. Colorado (Member FDIC)

Questions about your account: 1-800-742-4932

Worksheet to balance your account and General Statement Policies can be found towards the end of this statement.

### Overdraft protection

Your account is linked to the following for Overdraft Protection:

■ Savings - 3253

### Interest you've earned

Interest earned this month	\$0.66
Average collected balance this month	\$15,885.09
Annual percentage yield earned	0.05%
Interest paid this year	\$9.74

### Transaction history

Date	Description	Check No.	Deposits/ Additions	Withdrawals/ Subtractions	Ending Daily Balance
Beginning balance on 10/1					12,202.32
10/1	Recur Debit Crd Pmt09/28 Sxm*Siriusxm.Com/A 877-253-3888 NY 434256XXXXX0775 162273071268381 ?McC=4899			221.24	
10/1	Check	1328		820.00	11,161.08
10/2	WT Fed#04454 Ubs AG /Org=Dennis Kogod Srf# US01276Ku0537435 Trn#121002103770 Rfb# 00664620121002Pw		20,000.00		
10/2	Wire Trans Svc Charge - Sequence: 121002103770 Srf# US01276Ku0537435 Trn#121002103770 Rfb# 00664620121002Pw			15.00	
10/2	Bill Pay Black Card On-Line XXXXXXXXX83832 On 10-02			2,500.00	
10/2	Check	1327		1,000.00	27,646.08
10/3	041785 Broadcast Check Pmts 100312 01329 Sheldon Kogod	1329		2,759.00	24,887.08
10/5	Check	1336		500.00	
10/5	Check	1372		500.00	
10/5	Check	1330		450.00	23,437.08
10/9	Check	1331		2,660.00	
10/9	Check	1362		2,680.00	18,117.08
10/12	Check	1333		600.00	17,517.08
10/16	Bill Pay One Lincoln Park On-Line XXX513 10 On 10-16			1,436.76	
10/16	Prog West Ins Prem 121016 61578639 ,Denni Dennis Kogod			547.15	15,533.17
10/17	Check	1340		1,000.00	14,533.17
10/18	Online Sched Payment Ref #Opetmwp12S to VISA XXXXXXXXXX4727			3,000.00	
10/18	Bill Pay State Farm Insur On-Line XXXXXd2206 On 10-18			519.61	11,013.56
10/22	Check	1339		450.00	10,563.56
10/23	Bill Pay Los Angeles Depa On-Line XXXXXXXXXXXXXXX06901On 10-23			148.39	
10/23	Bill Pay US Bank RecurringXXXX15949 On 10-23			882.00	
10/23	Check	1347		3,675.00	
10/23	Check	1341		600.00	5,258.17
10/24	Bill Pay Ally Financial RecurringXXXXXX35998 On 10-24			654.30	4,603.87
10/26	WT Fed#01140 Ubs AG /Org=Dennis Kogod Srf# US01300Ku0840878 Trn#121026095208 Rfb# 00622820121026Pw		15,000.00		