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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ELIZABETH TAYLOR, an individual,)
CHASITY JONES, an individual,)

Plaintiff,)

vs.)

Case No. BC 649025

ALKIVIADES DAVID, an individual,)
HOLOGRAM USA, INC., a Delaware)
corp., HOLOGRAM USA)
ENTERTAINMENT, INC., a Delaware)
corp., FILMON MEDIA HOLDINGS)
INC., a Delaware corp.,)
FILMON.TV, INC., a Delaware)
corp., FILMON.TV NETWORKS, INC.,)
a Delaware corp., ALKI DAVID)
PRODUCTIONS, INC., a Delaware)
corp., ANAKANDO MEDIA GROUP USA,)
an unknown business entity, and)
DOES 1 through 25, inclusive,)

Defendants.)

AND RELATED CROSS-ACTIONS)

DEPOSITION OF

MARY RIZZO

Monday, September 18, 2017

10:46 a.m.

20700 Ventura Boulevard, Suite 301

Woodland Hills, California

Reported by: Melissa Wali, CSR NO. 13514

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APPEARANCES OF COUNSEL

On Behalf of the Plaintiff, Elizabeth Taylor and Chasity Jones:

THE BLOOM FIRM
BY: ALLEN "AVI" GOLDSTEIN
JIVAKA CANDAPPA
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On Behalf of the Defendants, Alkiviades David, et al.:

LAW OFFICES OF BARRY K. ROTHMAN
BY: BARRY K. ROTHMAN
GORDON J. ZUIDERWEG
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On Behalf of the Witness, Mary Rizzo:

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coledana@pacbell.net

Also Present (via Skype):

ALKIVIADES DAVID, Defendant

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INFORMATION REQUESTED:

(NONE)

INSTRUCTIONS NOT TO ANSWER:

(NONE)

1 Woodland Hills, California; Monday, September 18, 2017

2 10:46 a.m.

3 -o0o-

4 MARY RIZZO,

5 having been first duly sworn, testified as follows:

6

7 EXAMINATION

8 BY MR. GOLDSTEIN:

9 Q Good morning, Miss Rizzo.

10 A Good morning.

11 Q Could you please state your name and any other
12 names that you've gone by in the past?

13 A Mary Rizzo.

14 Q Is that the only name you've gone by?

15 A Uh-huh.

16 MR. COLE: You need to keep your voice up so that
17 they can hear.

18 BY MR. GOLDSTEIN:

19 Q And do you understand the oath you took to tell
20 the truth is under penalty of perjury?

21 A Yes.

22 Q And do you understand that, even though the
23 deposition is being taken in this somewhat informal
24 location, it holds the same weight as if in court?

25 A Yes.

1 Q Have you taken any drugs or alcohol in the past
2 24 hours that would impair your ability to testify today?

3 A No.

4 Q Is there any reason why you cannot testify
5 truthfully today?

6 A No.

7 Q After the deposition, the court reporter who is
8 taking down your testimony will prepare a booklet of your
9 testimony. You'll have the opportunity to review it for
10 accuracy. You will have an opportunity to makes changes
11 to it but note that we are entitled to comment negatively
12 on it; so, for that reason, we require your best
13 testimony. Does that make sense?

14 A Yes.

15 Q I'll attempt to make any questions as clear as
16 possible. If there's anything that you don't understand,
17 please let me know.

18 And also, as you know, we have a court reporter
19 so any testimony you give must be audible. Any nods of
20 the head or gestures will not be recorded by the
21 stenographer. Do you understand?

22 A Okay.

23 Q Now, your counsel or the other attorney may make
24 some objections, but unless you are instructed not to
25 answer, you must answer. Sorry. I'll give you a minute.

1 A I don't want to do this.

2 MR. COLE: It's all right. Just relax.

3 THE WITNESS: I don't. I'm sorry.

4 MR. COLE: That's fine.

5 MR. GOLDSTEIN: Okay. We're back on the record

6 now. We're back on the record now. We have

7 Jivaka Candappa, counsel of The Bloom Firm of plaintiffs

8 joining as well. This is just to note for the record

9 that --

10 MR. ZUIDERWEG: I'm sorry. I didn't get the
11 gentleman's name.

12 MR. GOLDSTEIN: Jivaka, J-i-v-a-k-a, Candappa,
13 C-a-n-d-a-p-p-a.

14 MR. ZUIDERWEG: Okay. And he's an attorney?

15 MR. GOLDSTEIN: And he's an attorney at
16 The Bloom Firm.

17 MR. ZUIDERWEG: Okay.

18 MR. GOLDSTEIN: And we've been notified by a
19 representative of this firm that Mr. David has begun
20 recording by videotape through his phone this deposition.
21 Both Miss Rizzo, Mr. Cole --

22 MR. DAVID: You're a liar. I took a still
23 picture. You have no idea whether I was recording or not.
24 You're absolutely lying. It was a still photograph; okay?
25 So do not make allegations that aren't true on the record.

1 MR. ROTHMAN: Mr. Goldstein, I'd like to know who
2 passed by and said that he's recording. Now, this
3 anonymous person that you're relying on, would you
4 identify that person to me on the record?

5 MR. GOLDSTEIN: Yes, it was Jenny Batdorj, who is
6 a paralegal at our firm.

7 MR. ROTHMAN: Okay. And tell what she told you
8 that she saw.

9 MR. GOLDSTEIN: She saw Alki David recording on
10 his cell phone.

11 MR. ROTHMAN: What do you mean by recording?

12 MR. CANDAPPA: Mr. Rothman, this is
13 Jivaka Candappa. Just to clarify, I was the person who
14 brought this matter to Mr. Goldstein's attention. I am
15 the managing attorney at The Bloom Firm. What I was told
16 was she believed that your client may have been recording
17 the deposition because he was pointing his camera of his
18 phone at the --

19 MR. ROTHMAN: He was taking a screenshot; okay?
20 He was not recording and she believed it erroneously.

21 MR. CANDAPPA: Okay. You're interupt- --

22 MR. ROTHMAN: Just a second, please.

23 MR. CANDAPPA: Two of us --

24 MR. ROTHMAN: I'm on the record.

25 MR. CANDAPPA: Well, I was speaking before you

1 interrupted me. I was speaking before you interrupted me.

2 MR. ROTHMAN: I'm representing to you that
3 Mr. David did not record anything. That's what I'm
4 representing to you.

5 MR. CANDAPPA: Right. And let me suggest
6 something to you. Taking a still photograph is still a
7 violation and arguably it would be a violation of the
8 restraining order as well.

9 MR. ROTHMAN: I don't think so. I believe your
10 wrong.

11 MR. CANDAPPA: Well, your belief is -- take a
12 look at the restraining order. Your belief probably is
13 misguided. Either way, he should not be using any
14 electronic device to take any pictures of this deponent;
15 okay? And you just admitted that your client violated the
16 restraining order; okay? Now, you have a choice --

17 MR. DAVID: What restraining order?

18 MR. CANDAPPA: Isn't there a restraining order?

19 MR. GOLDSTEIN: There is a written -- not a
20 restraining order but a signed settlement agreement,
21 Mr. Cole could speak to that, where they must not be
22 within a certain distance.

23 MR. CANDAPPA: Okay. All right. I thought there
24 was a restraining order.

25 MR. GOLDSTEIN: It's a settlement agreement.

1 MR. DAVID: We're going to say, just be quiet and
2 get on with your job, you fool.

3 MR. CANDAPPA: Well, do you want to come out and
4 talk to me?

5 MR. DAVID: No, you come out and talk to me. How
6 dare you.

7 MR. CANDAPPA: Okay. You know what?

8 MR. DAVID: How dare you. How dare you.

9 MR. CANDAPPA: How dare I what?

10 MR. DAVID: How dare you represent thieves and
11 liars and extortionists. How dare you sit there and talk
12 as if there is a restraining order against me. There is
13 not.

14 MR. CANDAPPA: Either way, you're --

15 MR. DAVID: You're a liar. You're
16 misrepresenting facts already you haven't even started.

17 MR. CANDAPPA: That's right, and I'm about to get
18 started. And here's the point, here's the point: You
19 will not be taking any pictures; and if you do, then we
20 will cut your Skype connection off and your attorney can
21 sit in this room and then he can represent you, but you
22 are not going to take any pictures.

23 MR. DAVID: If I want to take pictures, I can do
24 that.

25 MR. CANDAPPA: No, you can't do that because you

1 have to have provided a notice under the law and you
2 didn't, so you do not get to take pictures.

3 MR. DAVID: There's a notice under the law that I
4 can't take pictures?

5 MR. CANDAPPA: You did not provide a notice.

6 MR. DAVID: No. But is there a notice that says I
7 can't?

8 MR. CANAPPA: No, the notice is this deposition
9 can only be transcribed.

10 MR. DAVID": Then get on with what you're doing
11 then.

12 MR. CANDAPPA: I'll tell you what, we're going to
13 have someone outside watching.

14 MR. DAVID: I'll tell you what, why don't you sit
15 down and if you do that, I will leave.

16 MR. CANDAPPA: Why don't you leave? You can
17 leave. This deposition will go forward even if you leave.

18 MR. ROTHMAN: Hold on just for a second. Hold
19 it.

20 MR. CANDAPPA: Why don't you leave?

21 MR. ROTHMAN: Let me claim where we stand. There
22 has been a lot of miscommunication and this deposition
23 must commence. Now, you're telling me that Mr. David
24 can't take a screen shot. Well, that's false. You're
25 telling me that he's under some sort of injunction or

1 restraining order. That's false. That is wrong. That
2 mischaracterizes anything that the parties have ever
3 entered into. It doesn't exist. Okay.

4 Now, in my opinion, he's entitled to take a
5 screen shot. This deposition can be videotaped without
6 any kind of objection from anybody and nobody would
7 object. If he wants to take a screen shot, he can take a
8 screen shot. If you don't let him take a scree shot, I am
9 going to terminate this deposition. I'm going to get a
10 discovery referee and we'll let the discovery referee
11 decide whether he can take a screen shot.

12 MR. CANDAPPA: Okay. You don't get to terminate
13 the deposition because we noticed it, if I'm not mistaken.
14 Am I correct?

15 MR. GOLDSTEIN: That's correct.

16 MR. CANDAPPA: So you don't get to terminate the
17 deposition; okay?

18 MR. ROTHMAN: No, it can be terminated. If I'm a
19 party to this deposition, I can terminate it.

20 MR. CANDAPPA: No, you can't, you can't.

21 MR. ROTHMAN: You're wrong. You're wrong.
22 You're wrong.

23 MR. CANDAPPA: Well, I think you should read up
24 on the rules. You were wrong once on the -- you'll be
25 wrong again.

1 MR. ROTHMAN: Well, you're requiring certain
2 things to occur that aren't proper and I'm a party to this
3 deposition --

4 MR. CANDAPPA: Then go --

5 MR. ROTHMAN: Excuse me. I have the ability to
6 terminate this deposition.

7 MR. CANDAPPA: You don't.

8 MR. ROTHMAN: Yes, I do and I will.

9 MR. CANDAPPA: How are you going to do that? How
10 are you going to do that?

11 MR. DAVID: You have also been misrepresenting
12 facts. That's --

13 MR. CANDAPPA: You're not attorney, you don't
14 know what you're talking about. Sit down, Mr. David.

15 MR. DAVID: I'm not standing up. You're the one
16 who is standing up, Idiot.

17 MR. ROTHMAN: Okay. Anyway. Would you like to
18 proceed? If there's any claim about, we're going to leave
19 and adjourn the deposition and terminate it. We'll resume
20 it with a referee. LIST LIST

21 MR. CANDAPPA: Here's how it's going to work:
22 You are going to instruct your client to turn off his cell
23 phone.

24 MR. ROTHMAN: Excuse me. Excuse me. You don't
25 tell me what I'm going to do. I'm not going to take your

1 instruction to instruct my client.

2 MR. CANDAPPA: Well, we will not allow you to
3 have your client take any pictures or record any aspect of
4 this deposition.

5 MR. ROTHMAN: I'm telling you for the third time.
6 Are you not hearing me?

7 MR. CANDAPPA: I'm sorry?

8 MR. ROTHMAN: We haven't recorded anything.
9 There's a screen shot. That's not a recording.

10 MR. CANDAPPA: It's still a recording.

11 MR. ROTHMAN: It's not a recording. It's not a
12 medium that can record --

13 MR. CANDAPPA: Okay. Well, why don't you -- why
14 don't you, Mr. Rothman, bring your client's phone and why
15 don't you show what pictures he took?

16 MR. ROTHMAN: I'm not going to bring his phone.

17 MR. CANDAPPA: Uh-huh, because you're lying.

18 MR. DAVID: Why don't you come here and have a
19 look at my phone? What if you come here right now and
20 look at my phone? Why don't you come here right now?

21 MR. CANDAPPA: Because all of the attorneys have
22 a right to look at it and I'm not going to look at your
23 phone.

24 MR. DAVID: Bring the attorneys in here to look
25 at my phone. Come on over here.

1 MR. CANDAPPA: The court -- we will then have to
2 bring the court reporter as well because this --

3 MR. DAVID: I'm putting my phone on the table.
4 I'm keeping away from it. Why don't you come over here
5 right now and have a look at my phone?

6 MR. CANDAPPA: Because we are going to do it on
7 the record, that's why, and the court reporter is here.

8 MR. DAVID: Well, bring everybody in here and do
9 it on the record. We'll have that lying young lady over
10 there move. I don't want to be in her presence. The only
11 way I want to see her is behind bars.

12 MR. CANDAPPA: Well, good luck with that.

13 MR. DAVID: Oh, shut up. You are so rude. You
14 are rude and you are a ridiculous man.

15 MR. ROTHMAN: Okay. You're invited to come in
16 here and look at his phone instead of getting information
17 based upon somebody who passed by the door and gave you
18 information as far as what they thought occurred; okay?
19 You're invited to come in here and see what occurred
20 rather than believe somebody's -- a third party telling
21 you what occurred. Would you like to come in and see?

22 MR. DAVID: And the reason why that lady will be
23 behind bars is because of extorting a lot money from me;
24 okay? For lying under oath, which she's probably doing so
25 now.

1 MR. CANDAPPA: The fact that you're trying to
2 intimidate this deponent is not lost on me, Mr. David.

3 MR. DAVID: I've asked you to come in here.

4 MR. CANDAPPA: You don't give me orders, sir.

5 So, if your client does not turn off his phone
6 and if there is any other instance, we are going to cut
7 off the Skype link. And then, Mr. Rothman, you have one
8 of two choices, you can continue staying in the room -- I
9 suppose you have three -- or you can come in here and
10 represent your client or you can leave, but we will not
11 allow you to continue with any unlawful recordings or
12 taking photographs of this -- of anyone at this
13 deposition. That is not allowed.

14 MR. ROTHMAN: Sir, you're --

15 MR. CANDAPPA: So I'll have Jenny outside.

16 MR. GOLDSTEIN: Okay. I'll proceed.

17 MR. ROTHMAN: -- I can terminate this deposition
18 and get a discovery referee, okay, which is exactly what
19 I'm going to do, unless we continue now unevaded.

20 MR. GOLDSTEIN: Okay. Let's proceed.

21 MR. ROTHMAN: You're invited to come in and look
22 at Mr. David's phone. And I want to say on the record,
23 you've refused to do that. You've refused to come in here
24 and look at his phone and you'd rather rely on what a
25 third party told you who passed by the door and believe

1 something that was occurring that wasn't occurring.

2 MR. GOLDSTEIN: And your client confirmed that he
3 did take a picture.

4 MR. ROTHMAN: Is that what you want to do? You
5 want to believe that person instead of coming in here and
6 seeing for yourself? Come on in and see for yourself,
7 look at his phone, inspect his phone, inspect his phone.

8 MR. GOLDSTEIN: Okay. Let's proceed with the
9 deposition.

10 BY MR. GOLDSTEIN:

11 Q Miss Rizzo --

12 A Am I being recorded?

13 Q We're being -- right now we're just being
14 recorded by the stenographer, and per Alki David's
15 attorney, he's not recording you.

16 I believe my last question to you and narrative
17 to you was that counsel may make objections to any
18 questions asked upon you. If they instruct you not to
19 answer, then you shouldn't answer. Otherwise, you could
20 answer. Okay?

21 And any time you need a break, and as often as
22 that may be, please let me know.

23 A Okay.

24 Q Do you have any questions regarding these --

25 A No.

1 Q -- preliminary matters?

2 Q Okay. Miss Rizzo, what companies did you work
3 for when you worked for Alki David?

4 A Filmon and Anakando Media.

5 Q Okay. And is that Filmon.TV, Incorporated?

6 A Yes, I believe the name may have been changed but
7 it was Filmon.com.

8 Q Okay. And was that Anakando Media Group as far
9 as you were concerned?

10 A I believe so.

11 Q And did you work for any other companies at that
12 time?

13 A Just under Anakando. It was an umbrella I guess
14 you could say.

15 Q Okay. And what was the dates of your employment
16 there?

17 A I believe January -- the end of January 2015.

18 Do you remember what I told you? I don't
19 remember.

20 Until March 2016.

21 Q And did you have an employment contract with
22 Filmon.TV, Incorporated?

23 A I did.

24 Q And in addition to working for Filmon and
25 Anakando, did you perform any work or services for any

1 other companies even though you weren't necessarily
2 employed by them as far as you could recall?

3 A Just the companies at Anakando. That was it.
4 There's about seven different companies under that.

5 Q And what position were you initially hired for?

6 A Sales.

7 Q And did you hold any other positions while
8 working there at Filmon?

9 A I changed to account manager I believe it was,
10 still in the the sales department.

11 Q Okay. And when was that?

12 A I honestly don't remember. I can't remember
13 dates.

14 Q Okay. And was that a promotion?

15 A Yes.

16 Q And who gave you that promotion?

17 A Carl Dawson. Well, it was Carl and Alki, I
18 guess, because he's the CEO of the company.

19 Q Okay. And were you given a reason for that
20 promotion?

21 A No. It was just me and another person who was
22 promoted.

23 Q Okay. Who was that other person?

24 A Chasity Jones.

25 Q And how did you come to learn of that promotion?

1 A A girl named Jill in the UK was leaving the
2 company and we were going to take over her account for
3 her.

4 Q Okay. And who told you you would be taking over
5 her account?

6 A Alki.

7 Q And did he state specifically that it was because
8 you were taking over her account that that made you an
9 account manager?

10 A I don't know if my title changed. I think my
11 title may have been the same and we kind of just gave
12 ourselves that title. I wasn't given that title.

13 Q Okay. Were you making more money after -- once
14 you became an account manager?

15 A I was not making more money, but I was promised
16 more commission.

17 Q How much commission were you originally promised?

18 A A lot. It's hard to say. I was told Jill in the
19 UK was making, you know, a hundred thousands of dollars a
20 year.

21 Q In commissions?

22 A Yes.

23 Q And they told you that you would come close to
24 that or more than that?

25 A They told me I would take over her accounts and I

1 could possibly see the same returns, but I did receive a
2 raise within my time there. I don't know if you need
3 that.

4 Q Okay. And when they told you about the potential
5 commission, was Chasity Jones with you at that time?

6 A I knew she knew about it. I don't know if we
7 were told at the same time.

8 Q How do you know that she knew about it?

9 A Because we worked in the same office. We had an
10 office together. We had sat by each other when we first
11 started and when we both got the new promotion, we had an
12 office together.

13 Q Okay. And by that, do you mean that you
14 discussed it because you had the same office?

15 A Yes.

16 Q And what were your job responsibilities as a
17 sales or account manager?

18 A Getting -- dealing with old clients and new
19 client selling add space on Filmon.com.

20 Q All right. And did you review any documents in
21 preparation for today?

22 A No.

23 Q And did you speak to anyone other than your
24 attorney regarding today's deposition?

25 A No.

1 MR. GOLDSTEIN: I'd like to mark as Exhibit 1,
2 the following document, this is the Notice of Deposition.

3 I'll give it to you in a second.

4 (Exhibit 1 was marked for identification by the
5 court reporter and is attached hereto.)

6 BY MR. GOLDSTEIN:

7 Q So, Miss Rizzo, are you familiar with this
8 document?

9 A I don't remember it, but he said that I have it,
10 so...

11 Q Who said that?

12 A My attorney.

13 Q Okay. Do you remember reviewing it?

14 A I'm sure I did. I believe I did, yes.

15 Q And do you recall if you have --

16 A Yes, I do remember.

17 Q Do you recall if you made notes of having any
18 documents that were responsive to these requests?

19 MR. COLE: When you say, did she make note of it,
20 what do you mean by that?

21 MR. GOLDSTEIN: I'll rephrase.

22 BY MR. GOLDSTEIN:

23 Q Do you have any documents that are responsive to
24 these requests at all?

25 MR. COLE: Well, you have your text messages.

1 THE WITNESS: Yeah, okay.

2 MR. COLE: She did bring text messages.

3 BY MR. GOLDSTEIN:

4 Q In addition to text messages, did you bring
5 anything else?

6 A No.

7 Q Okay. And to which requests were these text
8 messages responsive to?

9 MR. COLE: These are communications between her
10 and your two clients.

11 BY MR. GOLDSTEIN:

12 Q Okay. And do you recall what specifically was
13 the nature of those communications?

14 MR. COLE: Well, again, there are a number of
15 text messages, so I'm not sure how she could answer that.

16 MR. GOLDSTEIN: Okay. Off the record?

17 THE REPORTER: Counsel, is that okay? Everyone
18 is in agreement with that?

19 MR. ZUIDERWEG: I'm fine with it.

20 Mr. Rothman, is that okay to go off the record?

21 MR. ROTHMAN: Why are we going off the record?

22 MR. GOLDSTEIN: I just want to make arrangements
23 to have these text messages printed out, since they
24 weren't provided.

25 MR. COLE: No, she printed them out. You can

1 make a copy.

2 THE WITNESS: They were all printed.

3 MR. GOLDSTEIN: Oh, okay. Well, we'll have to
4 make copies for our neighbors.

5 MR. ROTHMAN: Okay. Do you not have copies,
6 Dana?

7 MR. COLE: I don't have copies. She just brought
8 one set.

9 MR. ROTHMAN: Okay. So you want to go off the
10 record to make copies of those text messages?

11 MR. GOLDSTEIN: Yes.

12 MR. ROTHMAN: Okay. Then go off the record for
13 the purposes of making copies of those text messages.

14 (A RECESS WAS TAKEN.)

15 BY MR. GOLDSTEIN:

16 Q All right. Miss Rizzo, do you know what
17 Elizabeth Taylor's job position was when she worked at
18 Filmon?

19 A She was hired as the same as me, sales associate.

20 Q Okay. As far as you're concerned, did she
21 receive the same compensation package or commission
22 agreement?

23 MR. ROTHMAN: Objection. Calls for speculation.

24 BY MR. GOLDSTEIN:

25 Q Did Miss Taylor ever tell you how much she was

1 getting paid?

2 A I believe it was the same when we first started.

3 Q And did she tell you how much commission she was
4 promised?

5 A I think it was the same for everyone. I don't
6 remember. I want to say 10 percent, but this is when we
7 all had the same position.

8 Q And why do you think it was the same for
9 everybody?

10 A We all got hired at the same time, around the
11 same time. I was two weeks later than everyone else.

12 Q Okay. And when you say " everyone else you're
13 referring to?

14 A They hired the whole sales team at the same time,
15 so I think there was about six or seven people.

16 Q Okay. Do you remember the names?

17 A Ben Shauney (phonetic).

18 Q I'm sorry. Can you say the full name, if you
19 know?

20 A Benjamin Shauney. I'm trying -- there was a lot
21 of people. Chasity Jones, obviously; Elizabeth Taylor.
22 There was other people. I just really can't remember the
23 names right now.

24 Q Okay. Are you familiar with the video
25 2 Girls 1 Cup?

1 A Yes.

2 Q How so?

3 A I mean a lot of people know but also because it
4 was talked about in the office.

5 Q Who talked about it in the office?

6 A Alki.

7 Q And what did he say about it?

8 A I think he was just making a joke about it to
9 everyone.

10 Q And what was the nature of the joke?

11 A I don't remember. I think he just said to watch
12 it.

13 Q Said to who?

14 A Everyone. I can't remember who was around me,
15 but just, in general, to watch it.

16 Q Did he tell you specifically to watch it?

17 A I don't think it was specifically to me. I think
18 it was just in a group. I believe Chasity was there when
19 it was talked about.

20 Q Okay. And did Alki himself put it up on any
21 screen?

22 A Not that I remember.

23 Q Did you --

24 A I think there was, but I wasn't present.

25 Q Do you remember seeing it on any screen in the

1 office?

2 A No.

3 Q Okay. Do you recall anybody complaining about
4 this, about him playing -- or I'm sorry, anybody
5 complaining about any mention of this video in this
6 office?

7 A Yes.

8 Q Who?

9 A Chasity Jones.

10 Q And what did she complain?

11 A I don't remember her exact words. I think we
12 were all just kind of taken aback by it.

13 Q Taken aback by it why?

14 A Because of the video content of it.

15 Q And did anybody, to your knowledge, ask Alki or
16 somebody else to take down the video?

17 A No.

18 Q Did Alki ever have you download WhatsApp on your
19 phone?

20 A Yes.

21 MR. COLE: And I'm going to object to that
22 because that sort of gets into issues related to her
23 lawsuit, and as we've discussed a number of times in the
24 past, that lawsuit was settled and is subject to a
25 confidentiality agreement. So, based upon that, I'm going

1 to object to any and all questions that are related to
2 things between her and Mr. David.

3 MR. GOLDSTEIN: Well, the lawsuit itself, the
4 complaint is not subject to any confidentiality agreement.
5 It's a publicly filed document and, therefore, we're
6 entitled to ask regarding the complaint itself, not
7 anything regarding the settlement at this depo.

8 MR. COLE: Well, actually, I don't think that is
9 the rule. I mean, it is a publicly filed document. It
10 was not a verified complaint. Those are allegations that
11 were made and anything related to her relationship with
12 Mr. David, if there was one, is going to be subject to a
13 confidentiality agreement.

14 BY MR. GOLDSTEIN:

15 Q Miss Rizzo, did you --

16 MR. ROTHMAN: Just a second, Mr. Goldstein.

17 Mr. Cole, are you going to instruct her not to
18 answer or are you just going to object?

19 MR. COLE: Well, I've objected and he was going
20 on to another question, Mr. Rothman.

21 MR. GOLDSTEIN: Well, she answered me before you
22 objected.

23 MR. ROTHMAN: Well, I think it was the same
24 question.

25 MR. GOLDSTEIN: I agree with you, Mr. Rothman.

1 It's probably the only time I will.

2 BY MR. GOLDSTEIN:

3 Q Miss Rizzo, I will ask again, did Alki have you
4 download WhatsApp on your phone?

5 MR. COLE: Once again, I'm going to object and
6 instruct her not to answer.

7 BY MR. GOLDSTEIN:

8 Q Miss Rizzo, did you ever follow Alki on
9 Instagram?

10 MR. COLE: Same objection, same instruction.

11 MR. GOLDSTEIN: Are you --

12 MR. COLE: Yes, with respect to anything and
13 everything related to her lawsuit.

14 MR. GOLDSTEIN: Well, her lawsuit doesn't mention
15 anything about Instagram. I don't know how this is
16 relevant to her lawsuit. And on top of that, on top of
17 that, we've discussed many times in the past that we would
18 like an answer as to whether the settlement agreement does
19 or does not contain any language which would set an
20 exception for subpoenaed testimony and we haven't received
21 a response.

22 MR. COLE: I haven't looked at it recently.

23 Mr. Rothman, can you help me? Does it have a
24 provision?

25 MR. ROTHMAN: There's no exception to any

1 evidence that you're seeking, Mr. Goldstein. It's all
2 confidential. It's described as confidential. It's
3 deemed confidential. We cannot show you and will not show
4 you it without a motion, then we'll let the judge in
5 camera, in chambers only.

6 But for the purpose of this deposition, there are
7 no exceptions to anything you're asking regarding the
8 relationship between Alki David and Mary Rizzo.

9 MR. COLE: Again, I have no problems with
10 questions between Miss Rizzo and your client and anything
11 that she knows, observed, or discussed with them. But
12 anything between her and Mr. David, I believe would be
13 subject to the confidentiality provision of her settlement
14 agreement with Mr. David.

15 MR. GOLDSTEIN: I just want to note for the
16 record that we do reserve our right to redepose Miss Rizzo
17 pending the Court's decision as to the scope of her
18 allowed testimony and I'll make that -- I'll confirm that
19 at the end as well.

20 And with respect to my last question, are you
21 instructing your client not to answer?

22 MR. COLE: Yes. Now, of course, if Mr. David,
23 based upon his early comments, feels there's no settlement
24 agreement, then that's a different story.

25 MR. ROTHMAN: Well, I don't think Mr. David said

1 that there's no settlement. I think he had a colloquy
2 with you on Skype. I don't think he avoided the
3 settlement.

4 MR. DAVID: I do -- I would like to add a
5 comment. Yeah, there was a settlement agreement based on
6 extortion by Miss Rizzo and having lied under oath and now
7 there is evidence to prove that she lied under oath about
8 video that she sent.

9 MR. COLE: Well, therefore, Mr. Rothman is he
10 disavowing the settlement? That would be important to
11 know.

12 MR. ROTHMAN: No, there's a difference between
13 breaching the settlement and disavowing a settlement. I
14 am not upholding in any way in this deposition or
15 otherwise that this settlement is disavowed.

16 MR. COLE: Because it sure sounds like that's
17 what he's saying.

18 MR. ROTHMAN: Well, it's not and I'm telling you
19 it's not. Let's proceed. There's a settlement agreement
20 in place with a confidentiality agreement.

21 BY MR. GOLDSTEIN:

22 Q Okay. Miss Rizzo, did Chasity Jones ever
23 complain to you that Alki David required her to follow him
24 on Instagram?

25 A No, I don't believe so.

1 Q Did Elizabeth Taylor do any such thing?

2 A I believe everyone followed him on Instagram.

3 Q And do you know why everybody followed him?

4 A That's what you do on Instagram.

5 Q And when you say "everybody" --

6 MR. ROTHMAN: I'm sorry. I couldn't hear.

7 MR. COLE: You really have to keep your voice up.

8 THE WITNESS: Do I answer these?

9 MR. COLE: Yes, anything related to Chasity or
10 Elizabeth, you can answer.

11 BY MR. GOLDSTEIN:

12 Q When you said everybody followed him on
13 Instagram, who were you referring?

14 A Pretty much the whole office. If anyone had
15 Instagram, I believe followed him.

16 Q And did anyone tell you that Alki encouraged them
17 to follow him?

18 A Maybe. I don't -- I mean --

19 MR. COLE: Only answer if you know. He doesn't
20 want you to guess.

21 THE WITNESS: I don't know.

22 BY MR. GOLDSTEIN:

23 Q And did -- in following Alki David, did you find
24 any of his posts offensive?

25 MR. COLE: Well, again, what she may have

1 believed would be subject to a confidential privilege in a
2 settlement agreement that she has with Mr. David, so we're
3 not here to answer any questions about her and her
4 relationship with the company or Mr. David. However, if
5 she's percipient to other things going on in the office
6 related to your clients, she's here to testify.

7 MR. ROTHMAN: So are you instructing her not to
8 answer?

9 MR. COLE: Yes.

10 BY MR. GOLDSTEIN:

11 Q Did you see the male stripper that was hired for
12 Kim Horowitz' birthday on February 2nd, 2015?

13 A Yes.

14 Q And who else was in that room of the party?

15 A I believe everyone who was in the office that
16 day.

17 Q Okay. Was Chasity Jones there?

18 A I don't remember.

19 Q Was Elizabeth Taylor there?

20 A I think she was. I more so think she was than
21 Chasity, but I don't remember.

22 Q Do you know who hired the stripper?

23 MR. ZUIDERWEG: Objection. Calls for
24 speculation.

25 BY MR. GOLDSTEIN:

1 Q Do you have any direct knowledge of anybody
2 hiring a stripper?

3 A I don't, I don't. I remember people talking
4 about it, the hiring company, but I don't remember.

5 Q Who was talking about it?

6 MR. ZUIDERWEG: Objection. Calls for hearsay.

7 BY MR. GOLDSTEIN:

8 Q Did you personally hear people speaking about the
9 stripper hiring?

10 A Yes.

11 Q Who was that?

12 A I don't remember.

13 Q Did you ever -- did anyone -- strike that.

14 MR. ROTHMAN: Can you move the microphone? It's
15 worse than it was before.

16 MR. COLE: I think he means closer to her because
17 they can't hear her.

18 BY MR. GOLDSTEIN:

19 Q Did anyone at work ever display a box of condoms
20 in the office?

21 A No.

22 Q And did anyone at work ever display penis candy
23 in the office?

24 A No.

25 Q Who is the HR manager at your office?

1 A Well, I --

2 MR. ROTHMAN: Vague as to time. Objection.

3 BY MR. GOLDSTEIN:

4 Q During the period of your employment, who was the
5 HR manager at your office?

6 A The person I was told was HR was Yalena
7 (phonetic).

8 Q And who told you that Yalena was HR?

9 A Just when I was hired, she was in the HR office.

10 Q And what about the office made you think that
11 that was an HR office?

12 A I mean she was in place of the HR.

13 Q And why did you believe she was in place of the
14 HR?

15 A Because she was also for accounting.

16 Q As far as you were concerned, did you know
17 anybody who acted as an HR?

18 A No.

19 Q Have you heard anyone complain about the -- about
20 the HR department?

21 A Yes.

22 Q Who is that?

23 A Everyone. Like Chasity, I remember.

24 Q And what did Chasity tell you about HR?

25 A Just that there was really no structure, but

1 that's something everyone sort of knew.

2 Q Anything else she tell you about it?

3 A No.

4 Q And did Elizabeth Taylor ever complain to you
5 about the lack of HR?

6 A She was only there at the beginning. I don't
7 remember how long she was there, but that was while before
8 we actually learned more about the company.

9 Q When you say "we" --

10 A I was still pretty much new when she was still
11 there, so we were still trying to figure out the whole
12 office.

13 Q And during the months where you and
14 Elizabeth Taylor coincide as employees, did you know what
15 the HR department was or where it was?

16 A Yes.

17 MR. GOLDSTEIN: Okay. All right. This is
18 Exhibit 2. Mr. Rothman, this is the "Her-Ass" sign.

19 (Exhibit 2 was marked for identification by the
20 court reporter and is attached hereto.)

21 BY MR. GOLDSTEIN:

22 Q Miss Rizzo, do you recognize this document?

23 MR. ROTHMAN: Yeah, I have it.

24 THE WITNESS: I honestly don't.

25 MR. ROTHMAN: Could you have the deponent speak

1 up? I can barely hear her.

2 THE WITNESS: I would scoot up, but I don't want
3 to be in the camera so he's not recording.

4 MR. GOLDSTEIN: We've put it as close to her as
5 we can.

6 MR. COLE: You need to speak up now that it's
7 farther away from you.

8 MR. GOLDSTEIN: Okay.

9 BY MR. GOLDSTEIN:

10 Q Miss Rizzo, how many times, since you've been
11 working at Filmon, did your office hold sexual harassment
12 prevention training programs, if any?

13 MR. COLE: Well, again, I think that goes sort of
14 to the core of her allegations, so I would, once again,
15 say that's subject to a settlement agreement
16 confidentiality provision and instruct her not to answer.

17 Things that she did with the company, it's going
18 to be the same objection and same instruction. If she had
19 conversations or if she saw your client in particular, I'm
20 happy to have her respond.

21 THE WITNESS: Can I say something?

22 MR. COLE: There's no question.

23 THE WITNESS: Okay.

24 BY MR. GOLDSTEIN:

25 Q Okay. Miss Rizzo, did Chasity Jones ever

1 complain to you of the fact that Filmon TV did not produce
2 or present a sexual harassment prevention training program
3 or an insufficient number of programs to you?

4 A They did.

5 Q And what did she say?

6 A No, I'm sorry. I --

7 Mr. Cole: He's asking did Chasity ever complain
8 to you about it.

9 THE WITNESS: Oh, no.

10 BY MR. GOLDSTEIN:

11 Q Did Elizabeth Taylor?

12 A No.

13 Q Okay. Referring back to Exhibit No. 2, do you
14 recall who Alli Botto is?

15 A Yes.

16 Q And who is she?

17 A I believe the last name is different from when I
18 knew her but I knew Alli.

19 Q Okay. And what do you remember what her last
20 name to be?

21 A I just know it wasn't this. I could be wrong.
22 It just doesn't look familiar.

23 Q And do you know what this Alli that you're
24 familiar with what her position was?

25 A She worked for Hologram USA.

1 Q And do you know what she did for them?

2 A I don't know.

3 Q Do you know if she had any involvement with HR?

4 A No.

5 Q And are you familiar with a Janel Bauer?

6 A No. I believe -- no. I think she worked
7 downstairs.

8 Q Downstairs meaning?

9 A In the studio.

10 Q But did she work for any of the companies, if you
11 know?

12 A The studio.

13 MR. ZUIDERWEG: Objection. Calls for
14 speculation.

15 BY MR. GOLDSTEIN:

16 Q Do you have any direct knowledge if she --

17 A I don't know Janel. I mean, it sounds familiar,
18 but I don't know her.

19 Q Did you ever see Alki touch Chasity Jones in a
20 manner that you would describe as inappropriate in a
21 business setting?

22 MR. COLE: Well, again, what her subjective view
23 of it is is not relevant when you say what she would
24 describe is inappropriate.

25 MR. GOLDSTEIN: Okay. I'll rephrase.

1 BY MR. GOLDSTEIN:

2 Q Did you ever see Alki David put his hands on
3 Chasity Jones' shoulders?

4 A Maybe her shoulders.

5 Q And could you describe the position that he was
6 in?

7 A Standing.

8 Q Okay. And was Miss Jones sitting?

9 A I mean, I guess. I can't really remember but I
10 would think that he would put his hand on someone's
11 shoulder.

12 Q And did it appear that he was massaging her?

13 A I don't believe so.

14 Q And would you be able to estimate how long his
15 hands remained on her shoulders?

16 A Well, I can't because I've seen him do that just
17 talking to people, so I don't want to say if it was or if
18 it wasn't.

19 Q Okay. Did he ever do that to Elizabeth Taylor?

20 A Maybe.

21 Q Why do you say "maybe"?

22 A Because I just feel like it's something you do
23 when you talk.

24 Q Did you ever see Alki rub their shoulders in any
25 way?

1 A No.

2 Q Did you ever see Alki put his hands anywhere near
3 Chasity Jones' lower back?

4 MR. ZUIDERWEG: I'm going to object to the form
5 of the question, "anywhere near." What does that mean?

6 BY MR. GOLDSTEIN:

7 Q Did you ever see Alki touch Chasity Jones on her
8 back?

9 A Maybe.

10 Q And why do you say "maybe"?

11 A I just feel like it's something you do. Like, I
12 don't know. Like --

13 MR. COLE: Well, just if you specifically recall.

14 THE WITNESS: Isn't it?

15 MR. COLE: Don't speculate.

16 THE WITNESS: I don't remember.

17 MR. COLE: If you don't remember, then just tell
18 him you don't remember.

19 BY MR. GOLDSTEIN:

20 Q Do you ever recall Alki David putting his hands
21 on Elizabeth Taylor's lower back?

22 A I don't remember.

23 Q Do you ever recall Alki putting his hands on
24 Chasity Jones' behind?

25 A I don't remember.

1 Q Do you ever recall Alki David putting his hands
2 on Elizabeth Taylor's behind?

3 A No.

4 Q Do you know if Alki David ever entered the
5 women's bathroom while Chasity Jones was there?

6 THE WITNESS: That's pertaining to me; isn't it?

7 MR. COLE: Why? You weren't in the bathroom.
8 Well, hold on.

9 MR. GOLDSTEIN: I'm not asking about her.

10 MR. COLE: Well, let me -- let me confer with
11 Mr. Rothman for a minute. If we can just take a minute?

12 MR. ZUIDERWEG: Off the record?

13 MR. COLE: Off the record.

14 THE REPORTER: Is that fine?

15 MR. GOLDSTEIN: (Nods up and down.)

16 THE REPORTER: Mr. Rothman, is that --
17 Is that okay with him?

18 MR. ZUIDERWEG: Barry, you're fine with going off
19 the record for a minute?

20 MR. ROTHMAN: Yeah, I'm fine with going off the
21 record.

22 (A RECESS WAS TAKEN.)

23 MR. COLE: Let the record reflect, I have had a
24 discussion with Mr. Rothman and Mr. David and they do not
25 object to Miss Rizzo responding to your specific question

1 regarding an incident that she may have observed in the
2 bathroom at Filmon. But do you want to repeat your
3 question, Mr. Goldstein?

4 MR. GOLDSTEIN: If the court reporter could read
5 it back, it would be better.

6 (THE RECORD WAS READ.)

7 THE WITNESS: Yes.

8 BY MR. GOLDSTEIN:

9 Q And how do you know that?

10 MR. COLE: You can answer.

11 THE WITNESS: I can say why?

12 MR. COLE: Yes.

13 THE WITNESS: Because I was there.

14 BY MR. GOLDSTEIN:

15 Q And do you know why he came into the women's
16 bathroom?

17 MR. COLE: Well, again, I'm going to object as
18 being speculation.

19 MR. ZUIDERWEG: I'll join.

20 BY MR. GOLDSTEIN:

21 Q Did Alki tell you why he was in the bathroom?

22 MR. COLE: Did he --

23 MR. ZUIDERWEG: Objection. Calls for hearsay.

24 MR. COLE: Well, from what I understand, hearsay
25 is permitted in a deposition; right?

1 MR. ZUIDERWEG: I'm inserting the objection, if
2 you don't mind.

3 MR. COLE: Okay.

4 So did Mr. David state in the bathroom why he was
5 in the bathroom while the two of you were present?

6 THE WITNESS: Yes.

7 MR. COLE: And what did he say?

8 THE WITNESS: We needed to sign a declaration for
9 him.

10 BY MR. GOLDSTEIN:

11 Q And what was the nature of the declaration?

12 A It was against Elizabeth Jones (sic).

13 Q By "Elizabeth Jones," do you mean
14 Elizabeth Taylor?

15 A I'm sorry. Yes, Elizabeth Taylor.

16 Q And what do you mean "against Elizabeth Taylor"?

17 A Maybe not against. It was --

18 MR. COLE: Well, you're saying he wanted you to
19 sign the declaration?

20 THE WITNESS: Yes.

21 MR. COLE: Okay. Next question.

22 BY MR. GOLDSTEIN:

23 Q What was the declaration about?

24 MR. COLE: Now hold on. Are you asking a
25 declaration that was given to her or given to Miss Jones?

1 MR. GOLDSTEIN: She testified that Alki gave them
2 the declaration. I'll break it up.

3 BY MR. GOLDSTEIN:

4 Q Okay. Did Alki David personally give you a
5 declaration to sign?

6 A No.

7 Q Okay. Did Alki David give Chasity Jones a
8 declaration to sign?

9 A No.

10 Q Who gave who a declaration in the bathroom?

11 MR. COLE: Well, that assumes that one was given.
12 I think she was saying that he came in asking them to sign
13 a declaration.

14 BY MR. GOLDSTEIN:

15 Q Okay. And what was Chasity's response to his
16 request?

17 MR. COLE: You can say.

18 THE WITNESS: It was just to me.

19 MR. COLE: So she was present?

20 THE WITNESS: She was present, yes.

21 BY MR. GOLDSTEIN:

22 Q So your testimony is that Alki requested you to
23 sign a declaration; is that correct?

24 A Yes.

25 Q And did you agree to do it?

1 MR. COLE: Well, in the bathroom, did you agree?

2 THE WITNESS: Not in the bathroom. I might have
3 said, "Okay."

4 BY MR. GOLDSTEIN:

5 Q Okay. Did he tell you the nature of the
6 declaration that he wished for you to sign --

7 MR. COLE: In the presence of Chasity Jones.

8 BY MR. GOLDSTEIN:

9 Q -- in the presence of Chasity Jones?

10 A No, it was already written by Barry. I just
11 needed to sign it.

12 Q And how do you know that it was written by Barry?

13 A How did he know?

14 Q How did you know that the declaration was written
15 by Barry Rothman?

16 A Because I was talking to Barry Rothman's
17 associates and they wrote up the declaration for me.

18 Q Okay. And do you recall what the declaration
19 said?

20 MR. COLE: Again, now I'm going to object. I
21 believe that that's a court issue related to her lawsuit.
22 I would again instruct her not to answer. Again, and,
23 Mr. Rothman, if at any time you have no objection to her
24 answering, feel free to let us know.

25 MR. ROTHMAN: We concur with your objection in

1 regards to the declaration.

2 MR. GOLDSTEIN: Okay. I remind you that we're
3 going to have to move to compel this testimony.

4 MR. COLE: But we have no problem with that. We
5 think a judge should make a decision regarding this.

6 MR. DAVID: I personally -- look, I personally
7 have no fucking problem with whatever anybody asks, so
8 just go ahead and ask the question.

9 MR. COLE: Well, again, I can only take
10 directives from your lawyer.

11 Mr. Rothman, do you concur in what your client
12 has said?

13 MR. ROTHMAN: What he may have said may have been
14 misinterpreted; okay? We mean anything pursuant to the
15 written settlement agreement and confidentiality provision
16 she can testify as to this declaration if she'd like,
17 correct.

18 MR. COLE: Okay. So she can testify; correct?

19 MR. ROTHMAN: Yes.

20 MR. COLE: Okay.

21 MR. GOLDSTEIN: I'd like to mark the following
22 document as Exhibit No. 3.

23 Mr. Rothman, this is the complaint filed by
24 Miss Rizzo against Alki David and his company.

25 (Exhibit 3 was marked for identification by the

1 court reporter and is attached hereto.)

2 BY MR. GOLDSTEIN:

3 Q For the record, Miss Rizzo, are you familiar with
4 this document?

5 A Yes.

6 Q And are there any allegations there that are
7 inaccurate?

8 A No.

9 MR. COLE: Wait. What's that?

10 BY MR. GOLDSTEIN:

11 Q Are there any allegations that are in there that
12 are inaccurate?

13 MR. COLE: Again, same objections.

14 MR. GOLDSTEIN: Again, we'll move to compel that
15 and reserve the right to redepose Miss Rizzo to ask
16 questions regarding the contents of her allegations that
17 are relevant to this case.

18 BY MR. GOLDSTEIN:

19 Q Did Alki David ever ask you to sign a
20 health-insurance-related document that reflected an
21 incorrect start date?

22 MR. COLE: Hold on. Again, anything related to
23 her and Alki David is subject to a confidential settlement
24 agreement and instruct her not to answer.

25 BY MR. GOLDSTEIN:

1 Q Did Chasity Jones ever complain to you --

2 MR. DAVID: For the record, I have no problem
3 with that question if that doesn't fall within the
4 confidentiality agreement.

5 MR. ROTHMAN: Yes --

6 MR. GOLDSTEIN: Yes what?

7 MR. ROTHMAN: If Dana Cole has objected, let the
8 objection stand.

9 MR. ZUIDERWEG: I'll join the objection.

10 MR. GOLDSTEIN: Okay. And are you instructing
11 her not to answer?

12 MR. COLE: Yes.

13 BY MR. GOLDSTEIN:

14 Q Did Chasity Jones ever tell you that Alki David
15 instructed her to sign health-related documents that were
16 inaccurate?

17 A Not that I believe.

18 Q Did Chasity Jones ever tell that you somebody
19 else at the company instructed her to sign false health
20 insurance paperwork?

21 A I don't believe so.

22 Q Okay. And did Elizabeth Taylor ever complain to
23 you --

24 A I remember there was something about something
25 with the health insurance but I don't remember.

1 Q And who told you something about the health
2 insurance?

3 A I just remember hearing it.

4 Q Do you remember from who?

5 A No. I think like --

6 MR. COLE: Don't look at me. I don't know.

7 THE WITNESS: Okay. I don't remember.

8 BY MR. GOLDSTEIN:

9 Q Did you ever see Alki David invite Chasity Jones
10 into his office?

11 A Yes.

12 Q Okay. And do you remember if he closed the door
13 behind -- closed them into his office?

14 A He did that with everyone.

15 Q And who is "everyone"?

16 A Anyone he had meetings with him in the office.

17 Q And did he ever invite Elizabeth Taylor
18 specifically into his office?

19 A She would walk in there a lot by herself.

20 Q Did he ever bring her in there that you've seen?

21 A I don't remember.

22 Q Did you ever see Alki David do anything of a
23 sexual nature to Chasity Jones during a conference call?

24 A No.

25 Q Did you ever see Alki do anything of a sexual

1 nature with Elizabeth Taylor during a conference call?

2 A No.

3 Q Did you ever see Alki pick up Miss Taylor?

4 A Pick up? Like --

5 Q Like carry her.

6 A No, I didn't see.

7 MR. COLE: You what?

8 THE WITNESS: I didn't see.

9 BY MR. GOLDSTEIN:

10 Q Did you hear about it?

11 A Yes.

12 Q Who did you hear about it from?

13 A Her.

14 Q Who is "her"?

15 A Oh, I'm sorry. Elizabeth.

16 Q Okay. And what did Elizabeth Taylor tell you?

17 A That he was picking her up as a joke.

18 Q Okay. And did she describe how she was picked
19 up?

20 A I think upsidedown.

21 Q And did anybody else speak to you about this
22 event?

23 A I know there were other people, but I mean it was
24 like everyone was kind of just laughing about it, even
25 her.

1 Q Okay. And do you know why they were laughing?

2 A Because I thought I guess I think they thought it
3 was funny and I don't know.

4 Q Do you know if Miss Taylor complained about it to
5 anyone?

6 A Not at that time, no.

7 Q Did she ever complain about it?

8 A Afterwards, yes -- I'm sorry. After she was let
9 go, yes.

10 Q And how do you know that?

11 A Well, I was there the day she was let go, and she
12 complained about everything after she was let go.

13 Q Okay. And was it only to you that she complained
14 to when she did tell it to you or was there somebody else
15 with you two?

16 A Well, I remember her, after she was hired, she
17 complained about it and that's when she complained to me
18 about it.

19 Q And what did she say? Do you recall?

20 A I mea, just everything that happened to her while
21 she was working there.

22 Q Anything specific that you remember?

23 A That she felt like she was harassed.

24 Q Anything else?

25 A No.

1 Q Did you ever see Alki tie Elizabeth up with wire
2 or computer wire?

3 A No.

4 Q Did you ever see Alki David place a shock collar
5 on anybody?

6 A I didn't see that.

7 Q Did you hear about it?

8 A I vaguely remember something, but I don't
9 remember if it was anything in the office.

10 Q Where else do you think it might have been?

11 A Maybe outside the office.

12 Q Aside from Elizabeth Taylor and Chasity Jones --
13 strike that.

14 Did you ever see Alki David touch another female
15 employee in a sexually explicit manner?

16 MR. ZUIDERWEG: Objection. Relevance.

17 Mr. Cole: When you say "a sexually explicit
18 manner," you mean touching their private parts? I assume
19 that's what you mean?

20 MR. GOLDSTEIN: Yes.

21 THE WITNESS: No.

22 BY MR. GOLDSTEIN:

23 Q Has any employees ever complained to you after
24 about -- other than Elizabeth Taylor after she was fired
25 about Alki's sexual behavior?

1 A Yes.

2 Q Who was that?

3 A Chasity Jones.

4 Q Anybody else?

5 A No.

6 Q And what did Chasity Jones tell you?

7 A Should I go into detail? I mean, she told me a
8 lot.

9 Q And what was the most egregious thing in your
10 calculation as to what she told you?

11 THE WITNESS: Can I talk to you first?

12 MR. COLE: If you want.

13 THE WITNESS: Is it on the record.

14 MR. COLE: We can go outside.

15 MR. GOLDSTEIN: Well, there's a question pending,
16 so I can't allow that.

17 THE WITNESS: Okay. So are you asking me again?

18 MR. GOLDSTEIN: Could you read back the question?
19 I forgot.

20 MR. COLE: He wants to know the worst thing that
21 Chasity Jones told you.

22 MR. GOLDSTEIN: That is correct.

23 MR. ZUIDERWEG: Objection. Calls for speculation
24 as to "the worst thing."

25 THE WITNESS: Okay. How was it worded?

1 MR. COLE: You can answer if you know.

2 THE WITNESS: She told me she was touched by him.

3 BY MR. GOLDSTEIN:

4 Q In what manner?

5 A Like her private area, but it -- I just don't
6 want to say the wrong thing. I mean, she told me it was
7 wanted at the time.

8 Q Okay. First of all --

9 THE WITNESS: Am I not supposed to say that?

10 MR. GOLDSTEIN: I'll ask the questions.

11 MR. COLE: He wants you to tell the truth. He
12 doesn't want you to speculate. He doesn't want you to
13 guess. So the only thing he wants to know is what she
14 told you.

15 THE WITNESS: Okay.

16 MR. COLE: Okay. If she said she was touched by
17 Mr. David but it was a touching that was welcomed as
18 opposed to unwelcomed, then that's what he wants to know.

19 THE WITNESS: Okay.

20 BY MR. GOLDSTEIN:

21 Q When Miss Jones told you that she was touched in
22 the private area as you testified, which private areas?

23 A I can't tell you that exactly. She just told me
24 she was touched. I don't know where.

25 Q Okay. She didn't specify to you where?

1 THE WITNESS: I mean, should I say anything about
2 the dream or --

3 MR. COLE: Well, if that's part of what she
4 explained to you.

5 THE WITNESS: Okay. I guess there was this
6 situation where she told me that she had this dream about
7 Alki and she wanted to make it a reality; so she did tell
8 me if stuff happened between them because she was glad it
9 was happening.

10 BY MR. GOLDSTEIN:

11 Q And when was this?

12 A It was shortly after she posted a video of
13 herself on Instagram and I guess Alki told her like -- I
14 don't know if this true -- he liked it or he suggested
15 that he liked it and then after that I guess, like, was
16 when she went forward with everything.

17 Q And did he -- I'm sorry.

18 Did you hear Alki comment on her Instagram photo?

19 A I didn't but I did sit right next to her, and I
20 heard like whispering and she told me what it was about.

21 Q Were you able to hear anything from that
22 whispering?

23 A I don't remember. I don't remember if it was
24 because she told me or because I heard it. I don't
25 remember.

1 Q How many times have you seen -- you testified
2 that you saw Alki David pick up Miss Taylor; correct?

3 A Yes.

4 Q And was there any other additional times that you
5 saw him pick her up?

6 A Not pick her up, no.

7 Q And can you describe how he picked her up the
8 time that you did see?

9 A I don't -- I don't -- I don't remember seeing it.
10 I was around the corner. I remember hearing about it.
11 And I think he picked her up by her ankles because there
12 was a big commotion and -- yeah.

13 Q And who told you about it?

14 A I mean, I heard it.

15 MR. ROTHMAN: (Inaudible response.)

16 THE REPORTER: What?

17 MR. COLE: Hearsay objection.

18 MR. ROTHMAN: Hearsay objection.

19 THE REPORTER: Thank you.

20 BY MR. GOLDSTEIN:

21 Q And who told you that she was picked up
22 upsidedown?

23 A Everyone was just talking about it.

24 Q Could you name anyone that you remember that was
25 talking about it?

1 A Chasity, I believe; Elizabeth; I want to say
2 Nezzy, but I'm not sure.

3 Q And by "Nezzy," you're referring to
4 David Nussbaum?

5 A Yes.

6 Q And did they ever talk to you about this incident
7 directly or you just heard it, otherwise?

8 A No, I just heard it. Because he actually said,
9 like, "I'm not going to be around here," so he walked
10 away; so I knew there was this huge fight and everyone was
11 joking about it.

12 Q Who said he's not going to be around?

13 A Nezzy. He just walked away. So Nezzy and me
14 were talking, but he walked away; and I don't know if he
15 saw the actual event, either.

16 Q And this was before the commotion you heard?

17 A It was a little bit before.

18 Q Okay. And did ask Nezzy what he was referring
19 to?

20 A No, because I knew. I already knew.

21 Q What did you already know?

22 A That Elizabeth was getting picked up.

23 Q So you knew that she was being picked up while
24 she was being picked up?

25 A Well, people were talking about it. Like, there

1 was a big commotion in the office.

2 Q Okay. So you're testifying that people stated
3 that Miss Taylor is currently being picked up by
4 Alki David?

5 A Yes.

6 Q And how long did you perceive this commotion to
7 last?

8 A Not that long.

9 Q Was it more than ten seconds?

10 A I don't -- I don't remember.

11 MR. COLE: Well, you said you didn't see it;
12 correct?

13 THE WITNESS: Yeah. It was a long time ago. I
14 don't want to say the wrong thing.

15 MR. ROTHMAN: Mr. Goldstein, it's Mr. Rothman.
16 Could you please tell me how much more time do you think
17 you have left for this deposition?

18 MR. GOLDSTEIN: I think we're just about done
19 here for Day 1.

20 MR. ROTHMAN: Say again.

21 MR. GOLDSTEIN: I think we're just about done for
22 Day 1, given that the majority of the questions the client
23 was instructed not to answer and a lot of the questions
24 pertain to the complaint that was introduced as Exhibit 3,
25 which will be the subject in the motion to compel as well;

1 so that concludes the deposition.

2 MR. ROTHMAN: Just a second, Mr. Goldstein. I
3 have a few questions for the deponent.

4 MR. GOLDSTEIN: Okay. Proceed.

5 MR. ROTHMAN: Thank you.

6 -o0o-

7 EXAMINATION

8 BY MR. ROTHMAN:

9 Q Miss Rizzo?

10 A Yes.

11 Q This is Mr. Rothman. Can you hear me?

12 A Yes.

13 Q Miss Rizzo, could you please tell me when is the
14 last time you spoke to Grant Zimmerman?

15 MR. COLE: I'm going to object. I don't see how
16 that's relevant to anything in this deposition.

17 MR. ROTHMAN: Well, it's relevant to -- it's
18 relevant to the deposition. But without me having to ask
19 a whole array of succeeding question, the question simply
20 is when was the last time you -- are you going to instruct
21 her not to answer? It's certainly not irrelevant when she
22 spoke to Grant Zimmerman last.

23 MR. COLE: Well, again, I don't see the relevance
24 of this and I'm going to tell --

25 MR. ROTHMAN: You've made the objection.

1 BY MR. ROTHMAN:

2 Q Can you please answer the question, Miss Rizzo?

3 MR. COLE: Do you want to answer it?

4 THE WITNESS: No, I don't want to answer.

5 MR. COLE: She's refusing to answer.

6 MR. ROTHMAN: Well, you can't refuse. You can
7 instruct her, but you can't refuse.

8 MR. COLE: No, she's refusing.

9 MR. ROTHMAN: Have you instructed her not to
10 answer?

11 MR. COLE: She's refusing.

12 MR. ROTHMAN: Well, we have to have the court
13 reporter cite her. What do you mean she's refusing? She
14 has to answer the question unless you instruct her not to.
15 You can't refuse to answer a question.

16 MR. GOLDSTEIN: As Chasity' Jones and
17 Elizabeth Taylor's attorney, there's no relation to my
18 lawsuit, to our lawsuit to what we filed and I would just
19 like to state that for the record. There's absolutely
20 nothing related to Grant Zimmerman in our complaint or any
21 of our allegations.

22 BY MR. ROTHMAN:

23 Q Miss Rizzo? Miss Rizzo?

24 MR. COLE: If you want to elaborate on an answer,
25 you can go ahead.

1 Mr. Goldstein, when you asked her about Chasity
2 and whether the touching was wanted or unwanted and she
3 indicated it was wanted, she wanted to complete her
4 response.

5 THE WITNESS: I think I thought would you ask me
6 more questions.

7 BY [!SPEAKER2]:

8 Q Miss Rizzo, when you stated that the touching was
9 "wanted," what do you mean by that?

10 A Oh, that it was wanted.

11 Q What did you understand that to be?

12 A That it was okay.

13 Q And what else did you say that you wanted to add
14 to that?

15 A I just remember her telling me when she announced
16 her engagement that she told me it stopped, like the
17 touching and everything and --

18 Q The touching with who?

19 A Alki. And then when I -- I believe towards the
20 end when I was there, she told me that I guess it was
21 happening again and I don't think it was wanted.

22 Q And why do you think it wasn't wanted?

23 A I mean, just because how she was saying it when
24 we were talking. I mean, to me, I felt like she forgot
25 she told me that it was wanted but I just kind of went

1 with what she was saying.

2 Q And did she describe any of these unwanted
3 touchings?

4 A Kind of, yes.

5 Q And what did she say, if you remember?

6 A I mean, this was after, though.

7 MR. COLE: Did you feel she was sort of trying to
8 correct the record in preparation of a lawsuit --

9 THE WITNESS: Yes.

10 MR. COLE: -- or did you feel that it was --

11 MR. GOLDSTEIN: I'll object to that. I'll ask
12 the questions.

13 MR. ZUIDERWEG: Wait a minute. I want to make
14 sure, did you -- Madam Reporter, did you get the response?
15 Did you get the last "yes" down?

16 THE REPORTER: Yes.

17 THE WITNESS: I could be wrong.

18 MR. COLE: Do you have anymore?

19 MR. GOLDSTEIN: Yes.

20 BY MR. GOLDSTEIN:

21 Q Did Chasity Jones ever speak to you about
22 bringing a lawsuit?

23 MR. COLE: About her bringing a lawsuit?

24 MR. GOLDSTEIN: About Chasity bringing a lawsuit
25 against Alki.

1 MR. COLE: There are a number of text messages
2 about that that we've provided to you.

3 THE WITNESS: She actually did it a couple times.
4 Once before, when she was fired the first time, she was
5 thinking about filing a lawsuit and then she was rehired,
6 and I guess so that's why I feel like it was filed because
7 of my lawsuit because the amount that I received was --
8 can I say that?

9 MR. COLE: No, you can't discuss your lawsuit.
10 Although Chasity discusses her lawsuit -- discusses
11 Miss Rizzo's and says that it was Mr. David who told
12 everybody about Miss Rizzo's lawsuit. But once again, you
13 cannot discuss it.

14 MR. GOLDSTEIN: Okay. I've been handed a note
15 from Jivaka Candappa of our firm that Mr. David took
16 another picture, so, again, we instruct Mr. David to not
17 take pictures or --

18 THE WITNESS: But he already has the pictures.

19 MR. ROTHMAN: There's no picture that has been
20 taken.

21 MR. DAVID: I was just taking a picture.

22 MR. ROTHMAN: It was a screenshot.

23 MR. COLE: So he does admit to taking pictures
24 after we all agreed he would not?

25 MR. DAVID: I didn't agree. You agreed.

1 MR. GOLDSTEIN: So he did take a picture?

2 MR. ROTHMAN: Okay. My last question has been
3 unanswered.

4 Miss Rizzo, I need to know whether or not you
5 discussed --

6 MR. COLE: Okay. So now we're done because I was
7 under the impression that Mr. David said we could look at
8 his phone, that he hadn't taken any pictures, and now he
9 is saying he is taking pictures, so I think we're done
10 here. I'm sorry.

11 MR. DAVID: And I haven't until you aggravated
12 the situation.

13 MR. COLE: I see.

14 MR. GOLDSTEIN: With that being said, we're just
15 going to suspend this deposition today.

16 MR. DAVID: I will not be manipulated and
17 extorted by you people; okay? You should really truly be
18 horribly ashamed of yourselves. All of this will come
19 back to you and bite you in the ass because what you're
20 doing is an awful and terrible thing. Go and get a job
21 and make money and do something productive rather than
22 steal and extort.

23 MR. ROTHMAN: I have some questions for
24 Miss Rizzo.

25 MR. COLE: No, we're done. I'm sorry.

1 MR. ROTHMAN: Why are we done?

2 MR. COLE: Because you can't prevent your client
3 from taking pictures when it was, at least, my
4 understanding was, Mr. Rothman, that you had agreed that
5 he would not take pictures.

6 MR. DAVID: I'm taking pictures of the time.

7 MR. COLE: Of the time? What do you mean of the
8 time?

9 MR. DAVID: Pictures of the screen time, so that
10 it relates because there's no court reporter of this,
11 there's no video recording of this.

12 MR. COLE: Yeah, but Mr. David, we --

13 MR. DAVID: Does the court reporter have a time?

14 MR. COLE: I don't know whether she does or
15 doesn't but here's the problem, Mr. David, as we've tried
16 to explain -- but I know you don't really want to hear
17 this -- is that under the Code of Civil Procedure
18 depositions can be videotaped but it has to be done
19 pursuant to notice, so that if someone doesn't want to
20 have it videotaped, they have a right to go to court and
21 object. So you're violating --

22 MR. ROTHMAN: We're not videotaping. There's no
23 audio. It's simply a couple of screenshots.

24 MR. COLE: But, Mr. Rothman, you know you can't
25 take pictures inside a courtroom unless the court gives

1 you permission and you have to apply in advance. This is
2 akin to courtroom testimony and you have to, in order to
3 have a visual capture of what goes on at a deposition, you
4 have to provide advanced notice. Now you know that.

5 MR. ROTHMAN: How do you know that the Skype
6 meeting that we had isn't being recorded?

7 MR. COLE: Okay. All right. I don't. You're
8 right.

9 MR. ROTHMAN: Okay. You know that it's possible
10 they could be recording --

11 MR. COLE: Somebody could be hacking us right
12 now. I agree.

13 MR. ROTHMAN: That the Skype feed is being put
14 into permanent fixation.

15 MR. DAVID: Was there a notice that a
16 stenographer would be recording this?

17 MR. COLE: Yes, there actually was.

18 MR. DAVID: Okay. Good. Well, because it seems
19 amazing to me that in some cases a stenographer can record
20 but in other cases not for a videographer to record, with
21 or without notice.

22 MR. COLE: Well, I have to tell you, that's just
23 the law and the legislature has been very clear on that.

24 MR. DAVID: So go ahead and do what you need to
25 do. Again, everything that is going on here today is

1 based on extortion even based on Miss Rizzo's testimony.
2 These people are trying to manipulate and extort me.

3 MR. ROTHMAN: Mr. Cole, are you terminating this
4 deposition before I have an opportunity to ask my
5 question?

6 MR. COLE: No, but the deposition has not been
7 completed. We're going to wait and see what a judge
8 decides with respect to the questions that Mr. Goldstein
9 wanted her to answer and so I'm sure we'll be back here
10 another time.

11 MR. ROTHMAN: Can I ask the questions that I have
12 for Miss Rizzo?

13 MR. COLE: If your questions pertain --

14 MR. ROTHMAN: On what basis are you precluding me
15 from asking her questions at the end of this deposition
16 that I have a right to do?

17 MR. COLE: Because we have a confidential
18 settlement agreement, so it --

19 MR. ROTHMAN: I'm not asking --

20 MR. COLE: Hold on. If your questions pertain --

21 MR. ROTHMAN: Did she discuss this deposition
22 with Grant Zimmerman? That's all I want to know.

23 MR. COLE: Well, that's not what you asked her.

24 MR. DAVID: Well, from Miss Rizzo's media manager
25 that has been working with --

1 MR. ROTHMAN: I'd like to know if you discussed
2 this deposition before you came in today with Grant
3 Zimmerman? That's the question.

4 THE WITNESS: I already said I didn't speak to
5 anyone regarding this deposition.

6 MR. COLE: Okay. So you can answer that
7 question. Did you discuss this deposition with Mr.
8 Zimmerman?

9 THE WITNESS: No.

10 MR. COLE: Her answer is "No."

11 BY MR. ROTHMAN:

12 Q Did she discuss this deposition with her cousin
13 Cara Tenafee (phonetic)?

14 THE WITNESS: I'm guessing he's asking about
15 Ciara and, no, I did not discuss anything. I did not
16 discuss anything today about this deposition.

17 MR. ROTHMAN: What did she say?

18 MR. COLE: She did not discuss it with Ciara.

19 THE WITNESS: Ciara. I don't understand why,
20 though.

21 BY MR. ROTHMAN:

22 Q I think Mr. Goldstein asked her this, did she
23 discuss the deposition with anyone other than you?

24 MR. COLE: That's correct and her answer was
25 "No."

1 MR. ROTHMAN: That's been asked and answered.

2 MR. COLE: Correct. Thank you. I appreciate
3 that.

4 All right. Let's stipulate that the court
5 reporter will be relieved of her statutory duty; that the
6 original of this deposition will be sent to my office for
7 Miss Rizzo's review; that we will communicate any changes
8 that she might make to the deposition within 30 days of
9 her receipt; and that it will be signed under penalty of
10 perjury; if the original is lost or destroyed, a certified
11 copy can be used in its place.

12 MR. GOLDSTEIN: And before I stipulate to that, I
13 just want to, again, note for the record, that we do
14 suspend this deposition pending the Court's order on a
15 second deposition to answer the questions that were
16 objected to and have not been answered as well as all
17 questions regarding the Exhibit No. 3, which is
18 Mary Rizzo's prior complaint, against Alki David and some
19 of his companies and also just want to note for the record
20 that only today we were provided with documents that are
21 purportedly responsive to the document requests in
22 Miss Rizzo's Notice of Deposition, so we will reserve the
23 right to follow-up on these and to ask questions
24 accordingly.

25 MR. ZUIDERWEG: Counsel, can I have copies of

1 what was produced to the deposition?

2 MR. COLE: Sure. I have no problem with that,
3 And, yes, that's my understanding.

4 And let me just add one additional comment for
5 the record that my instructions are based upon the
6 confidential settlement agreement is something that I had
7 previously discussed with Mr. Goldstein and had given him
8 a heads up both in writing and in telephone communications
9 that that's what we would be doing and I asked him if he
10 had any case authority that would allow her to respond to
11 questions that are directly related to a confidential
12 settlement agreement. I have not been provided any
13 authority to date.

14 MR. GOLDSTEIN: I would just like to note for the
15 record that a settlement agreement does not preclude you
16 from testifying per subpoena and, further, it doesn't --
17 it certainly doesn't prohibit you from responding to
18 questions that are relevant to the underlying case in
19 which you're being deposed.

20 MR. COLE: Well, do you have any authority that
21 this issue has been litigated many many times in the court
22 of appeals and I was awaiting some sort of authority --

23 MR. GOLDSTEIN: I can provide you with authority
24 and, of course, it's common sense we could come to an
25 agreement right now not to -- with my client now not to

1 discuss anything with Alki David and that wouldn't
2 preclude Alki David from deposing my client, obviously.
3 So we're confident the court will agree with us and --

4 MR. ZUIDERWEG: We have a pending motion to
5 quash --

6 MR. DAVID: Because everything that you're
7 supporting and representing is fabrication.

8 MR. COLE: Well, again, if you have case
9 authority that --

10 MR. DAVID: No, no, I wasn't talking to you Dana.

11 MR. COLE: No, and I appreciate that.

12 Now I'm addressing Mr. Goldstein. If you have
13 any case authority that would support your position, I'm
14 happy to review it prior to you bringing in a motion to
15 compel.

16 MR. ZUIDERWEG: Barry, is the stipulation okay
17 with you?

18 MR. ROTHMAN: Did you recite how much time she
19 has to make changes?

20 MR. COLE: 30 days.

21 MR. ROTHMAN: You said 30 days?

22 MR. COLE: Yes.

23 MR. ROTHMAN: Gordon? Is Gordon there? I need
24 to get copies of the transcript.

25 MR. ZUIDERWEG: Will do.

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MR. COLE: Thank you all.

MR. GOLDSTEIN: And one final thing, and that should the original somehow be lost, stolen, or misplaced, a certified copy will serve in its place.

MR. COLE: That was recited.

MR. GOLDSTEIN: So stipulated.

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(PROCEEDINGS WERE ADJOURNED AT 12:20 P.M.)