

**Bernadette B. Grimm  
Deposition Digest**

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**Bernadette B. Grimm**  
**Deposition Digest**  
**November 18, 2005**

Employment at Armband Harsh

Grimm kept a phone log and electronic appointment book for Walrus. (11:5-14)

Grimm's duties consisted of interaction with clients and pulling files and basic secretarial duties. (11:15-12:1) Also kept track of written correspondence and letters for Walrus's signature (12:2-10)

Grimm asked about intake process. Grimm stated that her role upon acceptance of a new client was to write a memo addressed to intake committee for Walrus to sign.(12:16-14:1)

References Exhibit 567, a form, Grimm stated she usually wrote the form by hand and she didn't know if they were typed up by someone else after that. Even though memo says prepared by Grimm she states that she did not prepare same, although she recognized the signature as Walrus's. (14:6-15:10)

Grimm states it was not her job to collect money from clients. Grimm states this was the function of the accounting department. However, if there was a payment was outstanding or past due she would call the agency regarding payment. (21:4-22)

Grimm stated it was not part of her job to look at client agreements with respect to payments, and that there was no letter instruction in this respect. (21:24-23:12)

EX. 1 - Percentage Fee Agreements

Grimm references client intake form and that the top of the form indicates if the client is a non percentage or percentage client. ("P" for percentage and "H" for non percentage). Grimm stated that her understanding of Ex. 1, a percentage client was someone who pays them percentage of something. (16:1-19) Further references made to the form with respect to box to be checked for new client v. existing client. Grimm indicated that the accounting department would assign a number to the particular matter. Grimm did not who specifically in accounting that assigned the numbers. (18:9-19:10) References Dettie D'Goya who was the librarian that kept track of the files. (19:15-19)

Grimm stated to the best of her recollection that all clients she dealt with while working under Walrus were percentage clients. (16:21-17:12)

Grimm stated the standard percentage is 5 percent but also that some clients paid different percentages based on the agreement they had with individual attorneys. Grimm states she really wasn't involved in that. (17:13-18:1)

#### Discussions Regarding Starting New Firm (including discussions with White O'Connor)

Grimm states did not see any writing that showed plans for going from Harsh Jakely firm to the new firm. (5:16:19)

Grimm confirmed that Walrus expressed discontent at the Armband Harsh firm a few years ago but Grimm could not pinpoint the exact timeframe. However it was after Art Armband left and Jonathan Kupcaik became managing partner. (7:22-8:9)

Referenced a power struggle within the firm, incidents like chain link fence around the supply room. (8:11-18) Further references power struggle was that after Kupcaik left Jim Jakely was trying to take over the firm. That Jakely was walking the halls of the firm in an intimidating manner (9:3-25)

Grimm stated that Walrus never alluded to the fact that Jakely was trying to take over the firm or was the source of the discontent. Nor did he express the idea the he wanted to leave the firm because he didn't like it anymore. (10:1-3)(10:24-11:2)

#### Harsh Parties' Departure

Grimm stated ironically and coincidentally due to the oppressive environment at the firm and closed door meetings and just lots of hush hush talk amongst the employees on 13 August 04 she asked Walrus when they would be leaving the firm and shockingly Walrus said how about tomorrow? Grimm stated she was unsure if he was serious or not but she asked him where they were going and he stated that he would tell her tomorrow. (27:15-30:3)

Grimm stated she did not discuss the move of 13 August with anyone. (30:25-31:2) The move started a little after 5pm on that Friday, Walrus said come on let's go I will show you where we are going to be and then she and Walrus went to the new space which was empty but there was desks and computer. (.31:7-20) Grimm asked Walrus about supplies. (32:22)

Grimm states that Fisherman and Meatloaff were at the new offices and that they were looking at the view. (31:20-32:9)

Grimm states she went back to the old office on the evening of 13 August 04. She had already moved personal items weeks prior because she was unhappy because she just didn't want to be there. She went back to the old office and copied some agreements--she didn't want the clients to suffer and wanted to be able to work on Monday. She copied agreements that related to

Walrus's matters. (32:24-34:16) Also printed out file system which listed Walrus's clients and also printed out a copy of the rolodex (34:20-35:12)(36:25-37:14)

Grimm states she was at the old office until 10pm Friday evening and that she took the copies home. (37:21-38:10)

Grimm states that on 14 Saturday she went to Staples and she arrived at the new office and started figuring out where to put things. Grimm does not recollect how long she was at new office. But she did not go back to the old office that Saturday. (39:18-40:20) Further states she did not return to the old offices. (44:20-45:13)

Grimm states that Meatloaff and Fisherman were at the new offices on Saturday and that Walrus came later. (41:9-42:2) Also states that Barry and Carole Harsh came later as well as Patty. (42:3-9) States Patty Rodriguez was setting up their workspace. (43:2-12)

Grimm states her understanding was that the computers and other equipment were sublet from the White O'Connor firm. (43:20-44:5)

Grimm asked if she observed Patty Rodriguez or Barry Harsh delivery items from the old office to the new office. Grimm responded no. But she later learned that Harsh's furniture that belonged to him was taken to the new office. (45:16-46:7)

Grimm stated she did not assist Meatloaff in downloading any information relating to Mr. Walrus. (52:22-25) (64:14-25) It did come to her attention however that it was done. (67:6-13)

#### Solicitation of Clients by Harsh Parties

Grimm stated that she prepared on behalf of Walrus communications to clients informing of the move and the new office. Grimm stated she did one on Friday night and started typing others over the weekend. Recalls typing on Saturday, could not recall if she did on Sunday. The communications to clients were mostly sent via fax. (46:8-47:14)

Grimm states she typed up letters to about clients paying monies. Because she had been with Walrus for 10 years and was familiar with the client list she typed up the letters Friday evening for each of the clients. Most of the addresses Grimm already had memorized. However she was not involved in any discussions regarding which firm the client should pay. (49:5-51:22)

#### Libel/Defamation

Grimm states that Walrus was very loyal to Barry and that Walrus told her the reason she was leaving was because they were trying to push Barry out and that Walrus was unhappy. (59:9-17)

Grimm stated that there was office gossip about the fact that "they" wanted Barry out and Bob was Barry's guy because Barry was the one who brought him in. (60:116)

Grimm stated that her sense of the persons that were trying to push Barry out were Jim Jakely and Alan Werthers. But mostly Jakely who seemed to be controlling everything. (60:18-61:4)

### Third Parties

Grimm states that Meatloaff and Fisherman were at the new offices on Saturday and that Walrus came later. (41:9-42:2) Also states that Barry and Carole Harsh came later as well as Patty. (42:3-9) States Patty Rodriguez was setting up their workspace. (43:2-12)

Grimm stated that her husband and also Matt Walrus and two of his friends were at the old office on the evening of 13 August. Matt and his friends were removing personal family photographs, books and personal effects. And her husband was there playing computer games that her husband was there to ensure her safety because Grimm did not like being alone in the parking lot at night due to prior incidents that occurred in the parking lot. (53:4-54:20)

Grimm stated that she is in touch with people from the old firm but they have been instructed not to talk to Grimm. She has had personal relationships with people from the old firm for years and she is hurt by the fact that they are not “allowed to talk to her”, specifically Candy Cromley, Lori Anderson, Catherine Bernstein and that they are afraid of being seen talking to her. (61:6-62:18)

### Miscellaneous Important Testimony

Exhibit 566 referenced, Notice of Deposition of Bernadette B. Grimm, Grimm states she never saw this document. (4:9-16)

Grimm states she was not asked to look for any documents to bring to the deposition. (4:17-19)

Grimm stated her first contact with Barry Harsh was via telephone while she was working at 20<sup>th</sup> Century Fox. Harsh was representing Grimm’s employer at the time with respect to an employment agreement. (5:20-6:1)

Grimm met Harsh in 1994 when she began working at Armband Harsh as assistant to Bob Walrus. Grimm is still Walrus’s assistant. (6:22-7:21)

Grimm stated that the firm was at one time family oriented and when Art left and Jonathan left things at the firm started to change. (10:9-19)

Joe O’Malley became managing partner after Kupcaik left. (10:20-22)

Grimm stated she mostly talked about the fact that she didn't like the way she and Walrus were being treated. Walrus did not contribute to the conversations but listened to what Grimm had to say. (23:13-24:1)

Grimm referenced the firm climate had changed in that they now had locked supply room and installed a time clock system. Further referenced the day of the 9/11 disaster in which Jakely wanted to remain open and wanted employees to come in to work. (24:2-24:7)

References a meeting in which the employees were told they were going from a seven and a half hour day to an eight hour day and that a tracking system was being installed. Jakely's assistant then stated she would be taking her two 15 min breaks going forward. Grimm stated that she felt that the atmosphere was that of mistrust. She could not say when the time clock was installed. (24:13-25:25) Reference made to certain assistants' not using the time clock system when they went to lunch and Grimm reference this as unfair. (26:15-19)

Grimm stated that she did not hear of any disagreement between Walrus and Harsh. (27:6-14)

Grimm states she was unaware that Walrus was thinking of leaving the firm in 2003. (52:18-21)

Grimm states she had no knowledge of the David Billingsstone file being copied by anyone. She has seen the file during the course of her work but has not seen its contents. (54:24-55:20)(56:8-11)(56:24-57:16)

Grimm states that she told Walrus that Jakely was not a nice man. And that he was basically making his presence known and pulling his weight around the office. (57:17-59:8)

Grimm states she had no role in the deciding in who would work at the new firm nor did she have knowledge of how or if the departing attorneys advised their assistants or others of the new firm. (62:19-63:11) However did speculate that Barry Harsh told Patty Rodriguez about the new firm. (63:13-24)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MARIN

BARRY L. HARSH, an individual, )  
ROBERT S. WALRUS, an )  
individual, HOWARD A. FISHERMAN, )  
an individual, and DAVID J. )  
MEATLOAF, an individual, )  
Plaintiff, )  
vs. ) No. BC102764  
HARSH JAKELY TYPERSMITH )  
WERTHERS AUGER MANIFOLD & )  
MORRIS, a California professional )  
corporation, JAMES R. JAKELY, )  
an individual, ALAN S. WERTHERS, )  
an individual, BARRY W. TYPERSMITH, )  
an individual, GEOFFRY W. OBLONG, )  
an individual, MICHELE M. )  
MCCLORY, an individual, and DOE )  
1 through 10, inclusive, )  
Defendants. )  
\_\_\_\_\_  
AND RELATED CROSS-ACTION )  
\_\_\_\_\_

-- CONFIDENTIAL TRANSCRIPT --  
VIDEOTAPED DEPOSITION OF BERNADETTE B. GRIMM  
Marin, California  
Friday, November 18, 2003

Reported by:  
Marcus F. Noble  
CSR No. 324  
JOB No. 2-106816

1 Videotaped deposition of BERNADETTE B. GRIMM, taken  
2 on behalf of Defendants and Cross-Complainants, at  
3 35 Grand Avenue, Marin, California,  
4 beginning at 10:07 A.M. and ending at 11:51 A.M. on  
5 Friday, November 18, 2003 before Marcus F.  
6 Noble, RPR, CRR, Certified Shorthand Reporter  
7 No. 324.

8 APPEARANCES:

9 For Plaintiff:

10 OLDER LARDEN & CORNING LLP  
11 BY: DOUGLAS W. HAVARTI, ESQ.  
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16 For Defendants and Cross-Complainants:

17 CALGARY & ONEIL  
18 BY: GARY M. RUBIKS, ESQ.  
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24 -and-

25 KEVINS HAIREE & REEL LLP  
BY: MICHAEL P. BAREMAN, ESQ.  
35 Grand Avenue, 6th Floor  
Marin, California 96071-3492  
(203) 658-2242

ALSO PRESENT:

STEFAN ELLIOT, VIDEOGRAPHER



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WITNESS	EXAMINATION
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EXHIBITS

NUMBER	DESCRIPTION	PAGE
566	Notice of Deposition of Bernadette B. Grimm; 5 pages	5
567	Client/Matter Memorandum; 1 page	15

INFORMATION REQUESTED  
(None)  
Page

REFERENCE REQUESTED  
(None)  
Page                      Line

INSTRUCTION NOT TO ANSWER  
(None)  
Page                      Line

1 Marin, California, Friday, November 18, 2003

2 10:07 A.M. - 11:51 A.M.

3  
4 THE VIDEOGRAPHER: Good morning. I am  
5 Stefan Elliot, your videographer, and I represent 10:07AM  
6 Doerner & Goldberg in Marin, California.

7 I am not financially interested in this  
8 action, nor am I a relative or employee of any  
9 attorney or any of the parties.

10 The date is Friday, November 18th, 2003, 10:07AM  
11 and the time is 10:07 a.m.

12 This deposition is being taken at  
13 35 Grand Avenue, Suite 600, in Marin,  
14 California.

15 This is case No. BC102764, entitled 10:07AM  
16 Barry L. Harsh, et al., versus Harsh Jakely  
17 Typersmith, et al.

18 This deposition is being taken on behalf of  
19 the defendant.

20 The deponent is Miss Bernadette B. Grimm. 10:08AM

21 The court reporter is Marcus Noble.

22 Counsel will now introduce themselves.

23 MR. BAREMAN: Michael Bareman on behalf of  
24 the defendants.

25 MR. HAVARTI: Doug Havarti for the 10:08AM

1 plaintiffs. Also represent the witness.

2  
3 BERNADETTE B. GRIMM,  
4 having been first duly sworn was examined and  
5 testified as follows:

6 EXAMINATION

7 BY MR. BAREMAN:

8 Q. Good morning, Miss Grimm.

9 I would like the court reporter to mark as  
10 Exhibit 566, a copy of the Notice of Deposition. 10:08AM

11 (Deposition Exhibit 566 was marked for  
12 identification by the court reporter.)

13 BY MR. BAREMAN:

14 Q. Have you ever seen Exhibit 566, which is a  
15 Notice of Deposition of Bernadette B. Grimm? 10:09AM

16 A. No.

17 Q. Did anyone ask you to look for any  
18 documents to bring with you today?

19 A. No.

20 Q. If you could take a look at page 3 of 10:09AM  
21 Exhibit 566, beginning at line 10, there's a list of  
22 categories of documents.

23 The first one is "All documents that  
24 reflect, refer, relate, discuss or formulate any  
25 plan by any of the Harsh parties to leave the 10:09AM

1 Jakely Typersmith firm at any time from January 1,  
2 2003, to September 1, 2004."

3 Are you aware of there being any writing  
4 that would show a plan for Mr. Harsh or his  
5 colleagues to leave the Harsh Jakely Typersmith 10:10AM  
6 firm?

7 MR. HAVARTI: Well, for the record,  
8 Ms. Grimm is an employee of the plaintiff firm for  
9 which production has been made. So I think to  
10 suggest that documents haven't produced, I mean I 10:10AM  
11 don't mind you asking her what she's aware of, but  
12 we've produced documents written in response to  
13 numerous document requests.

14 But go ahead.

15 BY MR. BAREMAN:

16 Q. Did you ever see a writing that showed  
17 plans for going from the Harsh Jakely firm to  
18 Mr. Harsh's new firm?

19 A. No.

20 Q. And you know -- you know Mr. Harsh, 10:11AM  
21 Barry L. Harsh?

22 A. Yes.

23 Q. When did you first meet Mr. Harsh?

24 A. Well, I worked at 20th Century Fox and he  
25 represented the person I worked for in an employment 10:11AM

1 agreement. So I dealt with him on the phone. But I  
2 first met him in person when I began working at  
3 Armband Harsh.

4 Q. How was it that you came to work at  
5 Armband Harsh?

10:11AM

6 A. Well, when the person I was working for at  
7 Fox left, Patty, who worked for Barry Harsh, and  
8 also Cam, who worked for him at the time, called me  
9 and said that "there was an opening, would I be  
10 interested?"

10:11AM

11 And I had already accepted another  
12 position, so I said, "No, but keep me in mind  
13 because I don't know if this new thing that I'm  
14 going to try will work out."

15 And about maybe four months later, another  
16 person who worked there, Don Kalashnikov called me and  
17 said, "There's another opening, are you happy where  
18 you are?" And I said, "No, I'm not." And he said,  
19 "Well, why don't you have lunch with Candy Dully,"  
20 who worked for Alan Werthers and me and another  
21 person, so we had lunch, and they told me about the  
22 position that was opened and they introduced me to  
23 Bob Walrus, and that's how I actually came to  
24 work at the firm.

10:12AM

10:12AM

25 Q. What --

10:12AM

1           A.    So --

2           Q.    What year was that that all that happened

3   that you described?  You left 20th Century?

4           A.    What year was the earthquake?

5           Q.    The Northridge one?                               10:12AM

6           A.    Yes.

7           Q.    1994.  January 1994.

8           A.    So I went to work for them in 1994.

9   January -- like about a week after the earthquake.

10          Q.    You went to work for Armband Harsh about       10:12AM

11   a week after the Northridge earthquake?

12          A.    Uh-huh.  Right.

13          Q.    Now, what was the position that you started

14   at as Armband Harsh?

15          A.    Assistant to Bob Walrus.                       10:13AM

16          Q.    And did you stay in that same position your

17   whole time at Armband Harsh?

18          A.    Yes.

19          Q.    And today, are you still assistant to

20   Mr. Walrus?   10:13AM

21          A.    Yes.

22          Q.    Did -- did Mr. Walrus ever express to

23   you that he was unhappy at the Armband Harsh firm

24   or the Jakely -- Harsh Jakely firm?

25          A.    Yes.   10:13AM

1 Q. When did he first express that to you?

2 A. A couple of years ago, around -- it's a

3 couple of years ago. I don't even remember when.

4 Q. Was there a particular event that -- that

5 caused him to express unhappiness to you? 10:14AM

6 MR. HAVARTI: Calls for speculation.

7 THE WITNESS: You know, after -- I'm trying

8 to think. It was around -- well, let's see.

9 You know, it was after Art Armband left

10 and Jonathan Cupcake became managing partner. 10:15AM

11 Seemed that there was a little bit of a power

12 struggle starting within the firm. And they did

13 things like put up -- they put up a chain-link fence

14 around the supply room and, you know, I remember

15 saying to Bob, you know, this is insane. And said, 10:15AM

16 well, you know, things are changing and -- it just

17 started to be more of, you know -- it wasn't the

18 place that it was prior to that.

19 I can't think of a particular --

20 MR. HAVARTI: He didn't explain the 10:16AM

21 deposition procedures. He's not asking you to

22 guess, he's asking you to give your best memory.

23 You're just going to answer his question and give

24 your best answer if you have a recollection.

25 He's not asking you to guess, though. 10:16AM

1 THE WITNESS: Yeah.

2 BY MR. BAREMAN:

3 Q. You -- you mentioned a power struggle. Did  
4 Mr. Walrus tell you who was involved in the  
5 power struggle? Did Mr. Walrus explain what -- 10:16AM  
6 what the power struggle was about?

7 A. No.

8 Q. Did you have a sense of what the power  
9 struggle was?

10 A. Oh, absolutely. 10:16AM

11 Q. What was your sense?

12 A. That Jakely was trying to take over the  
13 firm.

14 Q. And what did you base that sense on?

15 A. It's -- it's really hard to -- it's really 10:16AM  
16 hard to articulate. It's more of a vibe that was  
17 going on in the place.

18 He was -- after Jonathan Cupcake left -- it  
19 seemed like after Jonathan Cupcake left he just --  
20 Jim always was just -- before that, he was just in 10:17AM  
21 his office and/or absent or whatever, and after  
22 Cupcake left it seemed like Jim would kind of walk  
23 the halls and, you know, just look and see what was  
24 going on and what was on your desk and stuff like  
25 that. 10:17AM



1 Q. Did Mr. Walrus ever express to you any  
2 proposal he had for addressing this power struggle?

3 A. No.

4 MR. HAVARTI: She did not say that he used  
5 the term "power struggle," so I object, it assumes 10:18AM  
6 facts not in evidence.

7 But go ahead.

8 BY MR. BAREMAN:

9 Q. So you -- you mentioned that the event in  
10 time that you connected this to was Art Armband 10:18AM  
11 leaving and Jonathan Cupcake leaving?

12 A. It was over a period of time. When  
13 Art Armband was at the firm, it was a very  
14 family-oriented type place. Art left and that's  
15 when things kind of just took on a different vibe is 10:18AM  
16 the best way to describe it. Things just started to  
17 change at the firm. And then Jonathan Cupcake  
18 became the managing partner and after he left,  
19 things changed even more.

20 Q. Who was the managing partner after 10:19AM  
21 Mr. Cupcake left?

22 A. Joe O'Malley.

23 Q. Joe O'Malley?  
24 Did Mr. Walrus ever express to you the  
25 idea that he wanted to leave the firm because he 10:19AM

1           didn't like it anymore?

2           A.     No.

3                     MR. HAVARTI:     Vague as to time.

4     BY MR. BAREMAN:

5           Q.     As part of your duties for Mr. Walrus,           10:19AM  
6     did you keep a log of his phone calls?  We'll start  
7     with that.

8           A.     Yes.

9           Q.     Did you keep an appointment book for  
10    Mr. Walrus?   10:19AM

11          A.     I kept it on the computer, not a book.

12          Q.     But you did keep track of -- of his  
13    appointments?

14          A.     Yes.

15          Q.     What were your other duties for           10:20AM  
16    Mr. Walrus in this position as his assistant?

17          A.     Interact with clients, agents, studio  
18    executives.  You know, be a liaison between, you  
19    know, those kind of people.  And when they call, you  
20    know, tell them if he's there, if he's not.  You       10:20AM  
21    know, do I know what's -- you know, going on with a  
22    certain agreement or something?  And, you know, "let  
23    me look at the file, I'll tell you where it stands,"  
24    if they needed to know if something had gone out for  
25    signature, or that kind of thing.  Basic secretarial   10:21AM

1 duties.

2 Q. So you would -- you were able to keep track  
3 of the status of Mr. Walrus's work product and  
4 report to the client on the -- on the status of  
5 that? 10:21AM

6 MR. HAVARTI: Overbroad and vague.

7 THE WITNESS: I would be able to keep track  
8 of something if it was written. If we wrote a  
9 letter saying, you know, please sign this, send it  
10 back to us, you know, that kind of thing, yeah. 10:21AM

11 BY MR. BAREMAN:

12 Q. Did -- did Mr. Walrus develop any new  
13 clients in the period that you worked with him at  
14 the Armband Harsh firm?

15 A. Yes. 10:21AM

16 Q. And are you familiar with the -- the firm's  
17 intake process?

18 MR. HAVARTI: Lack of foundation.

19 Go ahead.

20 THE WITNESS: When he would get a new 10:21AM  
21 client, I would write a memo saying, you know, we've  
22 been asked to represent so-and-so.

23 BY MR. BAREMAN:

24 Q. And was there a standard form that you  
25 would use on that? 10:22AM

1           A.    No.  It was just a one-line memo.  We  
2           would, you know, to the intake committee saying  
3           we've been asked to represent whoever.  Sometimes  
4           we'd say their agent is so-and-so or they were in  
5           this movie, so the person would -- you know, so the       10:22AM  
6           intake committee would know who they were or --  
7           that's -- there was no form or anything like that.

8           Q.    And what was the -- the next step in the  
9           process of bringing on board a new client?

10          A.    What do you mean?                               10:22AM

11          Q.    Were there forms that you filled out?  Were  
12          there committees that met and decided whether to  
13          take the person or not?

14          MR. HAVARTI:    Vague and lack of  
15          foundation.   10:22AM

16          Compound.

17          THE WITNESS:    I -- to the best of my  
18          knowledge, every client that we ever brought in was  
19          accepted.  So I --

20          BY MR. BAREMAN:                                       10:23AM

21          Q.    But you had a role in documenting this  
22          process of a person becoming a client or not being a  
23          client to becoming a client?

24          MR. HAVARTI:    Same objection.

25          THE WITNESS:    The only role I had was               10:23AM

1 writing a memo for Bob to sign.

2 BY MR. BAREMAN:

3 Q. And this is the memo where he explains who  
4 the client is to the intake committee?

5 MR. HAVARTI: Same objections. 10:23AM

6 MR. BAREMAN: I'd like to mark as  
7 Exhibit 567 a one-page form entitled "Client Matter  
8 Memorandum."

9 (Deposition Exhibit 567 was marked for  
10 identification by the court reporter.) 10:23AM

11 BY MR. BAREMAN:

12 Q. Are you familiar with Exhibit 567?

13 MR. HAVARTI: Michael, before we do that,  
14 since you're now introducing something that bears a  
15 confidential stamp, we should probably designate the 10:24AM  
16 deposition confidential.

17 MR. BAREMAN: That would be agreeable. Yes.  
18 That's fine.

19 THE WITNESS: Yeah.

20 BY MR. BAREMAN: 10:24AM

21 Q. And did you fill out this particular form?

22 A. I don't know. I usually hand wrote them,  
23 but --

24 Q. Did someone else type them up after you  
25 hand wrote them? 10:24AM

1           A.    I don't know.

2           Q.    Take a look at the foot of the page, [Exh. 1](#) it  
3 says memo prepared by Bernadette Grimm. Do you have any  
4 reason to believe you didn't prepare this?

5           A.    No. 10:24AM

6           Q.    And then it's -- it's signed approved. Do  
7 you recognize the signature?

8           A.    Uh-huh.

9           Q.    Whose signature is that?

10          A.    Bob's. 10:25AM

11          Q.    Are you -- so is this a -- or type of form  
12 that you would deal with in every case of  
13 Mr. Walrus bringing in a new client?

14               MR. HAVARTI:   Overbroad.

15               THE WITNESS:   This form is a form that they 10:25AM  
16 use to open files for people. So if you opened a  
17 file on someone, this is how you would do it.

18          BY MR. BAREMAN:

19          Q.    To open a file, does that mean to signal to  
20 the records department that they would need to start 10:25AM  
21 keeping records of a particular client, or what does  
22 that mean "open a file"?

23          A.    Yeah, it was a way to keep track of files  
24 so you'd know what file they had on what person and  
25 where you could find it. 10:25AM

1 Q. At the top of the form, it indicates --  
2 there's a space to indicate whether it's a P for  
3 percentage or an H for nonpercentage.

4 Do you see that?

5 A. Uh-huh. 10:26AM

6 Q. Do you have an understanding of what that's  
7 about?

8 A. Yes.

9 Q. What is that about?

10 A. A client would be either a percentage 10:26AM  
11 client or nonpercentage. And it would -- I mean --  
12 I don't understand what you're asking.

13 Q. Well, what is your understanding of a  
14 percentage client?

15 MR. HAVARTI: Well, vague, lack of 10:26AM  
16 foundation.

17 But go ahead.

18 THE WITNESS: A percentage client is  
19 someone who pays them a percentage of something.

20 BY MR. BAREMAN: 10:26AM

21 Q. And in your experience working for  
22 Mr. Walrus, did he have clients who were  
23 percentage clients and other clients who were  
24 nonpercentage clients?

25 MR. HAVARTI: Compound. 10:27AM

1                   THE WITNESS:    I think they were all  
2                   percentage.  
3                   BY MR. BAREMAN:  
4                   Q.    You think they were all percentage that you  
5                   dealt with while you worked with Mr. Walrus?                   10:27AM  
6                   MR. HAVARTI:    Overbroad.  
7                   THE WITNESS:    To the best of my memory,  
8                   yeah.  But I don't --  
9                   BY MR. BAREMAN:  
10                  Q.    You don't remember any of the nonpercentage   10:27AM  
11                  types?  
12                  A.    No.  
13                  Q.    And were the percentages standard among the  
14                  different clients that you dealt with on behalf of  
15                  Mr. Walrus?   10:27AM  
16                  MR. HAVARTI:    Vague.  Overbroad.  
17                  THE WITNESS:    What do you mean?  
18                  BY MR. BAREMAN:  
19                  Q.    Well, it was a percentage.  What was the  
20                  percentage?   10:27AM  
21                  MR. HAVARTI:    Vague and overbroad.  
22                  THE WITNESS:    The standard firm I think was  
23                  5 percent, but I also think that some people paid  
24                  different percentages depending on the, you know,  
25                  agreement they had with individual attorneys.  But I   10:28AM



1 don't really -- I didn't get into that. I just, you  
2 know --

3 I'm sorry to appear stupid. I just  
4 don't --

5 BY MR. BAREMAN:

6 Q. No problem. Answer the question to the  
7 best of your ability, that's all we're looking for  
8 here.

9 Were there any other forms like this that  
10 it was part of your duty to fill out in connection 10:28AM  
11 with a new client?

12 MR. HAVARTI: Vague.

13 THE WITNESS: I don't remember.

14 BY MR. BAREMAN:

15 Q. And there's a box that calls for client 10:28AM  
16 information and there's a box that says "new" and a  
17 box that says "existing." Would you, as part of  
18 your duties for Mr. Walrus, need to fill out a  
19 form like this for existing clients that had a new  
20 project? 10:29AM

21 A. Yes.

22 Q. And how would -- would you or someone else  
23 at the firm assign a number to the project?

24 A. Someone else.

25 Q. And was that the accounting department or 10:29AM

1           who did that?

2           A.    I don't know.

3           Q.    You don't know?

4                    There's a notation in the upper right of

5 this form that says "Acctg." 10:29AM

6           A.    Uh-huh.

7           Q.    Do you see that?

8           A.    Uh-huh.

9           Q.    Is that for the accounting department?

10          A.    That would be my guess, yes. 10:29AM

11          Q.    Is that something that you did as part of

12 your duties was forward a copy of this to

13 accounting?

14          A.    I don't remember where they went. It was

15 either -- it might have been to Dettie Matisse who 10:29AM

16 was the librarian, cause I think she kept track of

17 files. So I don't -- you know, I don't recall. I

18 think it would have gone to Dettie. D-e-t-t-i-e.

19          Q.    Then further down on the form, there's a

20 place where it says, "return file labels to Bernadette 10:30AM

21 Grimm."

22          A.    Right.

23          Q.    What is that about?

24          A.    I would get the file label and put it on

25 the file and I would keep the file in my area if I 10:30AM

1 was currently working on it.

2 Q. So someone would assign numbers to the  
3 files and then send you the labels?

4 A. Right.

5 Q. Did you have any role on behalf of 10:30AM  
6 Mr. Walrus in indicating to the business  
7 managers of his clients where they needed to send  
8 payments for Mr. Walrus's work?

9 A. No.

10 Q. Did you ever communicate with business 10:32AM  
11 managers about Mr. Walrus's address and who he  
12 was and where he was?

13 MR. HAVARTI: Compound. Vague.

14 THE WITNESS: Not that I recall.

15 BY MR. BAREMAN:

16 Q. No?

17 A. It's kind of a weird question. I mean --  
18 you mean like his office address?

19 Q. How would -- how would a client's business  
20 manager know where to send the payment, to your 10:32AM  
21 knowledge?

22 MR. HAVARTI: Vague. Lack of foundation.  
23 Calls for speculation.

24 THE WITNESS: You know, I -- I don't have a  
25 clue. 10:32AM

1 I mean -- you mean if we got a new client?

2 I don't understand what you're asking me.

3 BY MR. BAREMAN:

4 Q. Well, was it part of your job for  
5 Mr. Walrus to help him collect money from his 10:33AM  
6 clients?

7 A. It was mostly the accounting department I  
8 think that did that. On occasion, if we hadn't  
9 received payment for something, we would call the  
10 business manager and ask, or the agency and ask if 10:33AM  
11 they had gotten paid by the studio. But --

12 Q. Was that a job that you did?

13 MR. HAVARTI: Vague, overbroad.

14 THE WITNESS: I mean, if I was asked to,  
15 you know. If he said find out what's going on with 10:33AM  
16 the check for so-and-so.

17 BY MR. BAREMAN:

18 Q. Did that happen sometimes?

19 A. Rarely, but -- rarely.

20 Q. You're familiar with that having happened 10:33AM  
21 more than once?

22 A. Yeah.

23 Q. But that didn't happen in the ordinary  
24 course of your work for Mr. Walrus? It wasn't  
25 something you do with every client of his? 10:34AM

1 MR. HAVARTI: Vague.

2 Go ahead.

3 THE WITNESS: No. It's mostly I mean --

4 when the studio receives a signed agreement, then

5 the studio -- depending on the agreement 10:34AM

6 obviously -- the studio receives a signed agreement,

7 then that's usually when payment would start on

8 something. You know, I mean --

9 BY MR. BAREMAN:

10 Q. So when you say a signed agreement, is that 10:34AM

11 the agreement between the artist, Mr. Walrus's

12 client and the studio? Is that what you mean?

13 MR. HAVARTI: The question's overbroad.

14 THE WITNESS: Yeah, between a artist and

15 the studio. 10:34AM

16 BY MR. BAREMAN:

17 Q. Did Mr. Walrus send any sort of

18 authorization by the client to make payments to

19 Armband Harsh for Mr. Walrus's work?

20 MR. HAVARTI: Vague. 10:35AM

21 THE WITNESS: Not that I recall.

22 BY MR. BAREMAN:

23 Q. So there's no letter of instruction to the

24 business manager or to the studio?

25 MR. HAVARTI: Vague. Compound. 10:35AM

1 THE WITNESS: You know, you're asking me a  
2 question that's -- I -- I'd have to look at every  
3 client agreement. I think if it's an agreement with  
4 the studio, the studio usually pays the agency or  
5 something.

10:35AM

6 I mean, this isn't something that I dealt  
7 with.

8 BY MR. BAREMAN:

9 Q. This wasn't part of your regular --

10 A. Our regular, no.

10:35AM

11 Q. -- wasn't part of your job?

12 A. No.

13 Q. You were talking earlier about  
14 Art Armband leaving, Jonathan Cupcake leaving.

15 Were there any other events that occurred that you  
16 and Mr. Walrus discussed as something that had  
17 changed the firm in a way he didn't like?

10:36AM

18 MR. HAVARTI: Well, I'm going to object to  
19 the preface as misstating the testimony.

20 But go ahead.

10:36AM

21 THE WITNESS: It was more me talking and  
22 him listening frankly.

23 BY MR. BAREMAN:

24 Q. What did you tell him?

25 A. I didn't like the way we were being

10:36AM

1 treated.

2 Q. And an example of that was the locked  
3 supply room?

4 A. The locked supply room, they installed a  
5 timeclock system. On 9/11, Jakely wanted to 10:36AM  
6 remain open, he wanted employees to come in. It was  
7 stuff like that happened. I mean just started  
8 happening and I mean we all felt like we were  
9 being -- everything we did we were being watched. I  
10 mean, you know, it just got to the point where every 10:37AM  
11 day I'd come in and I would wonder what was going to  
12 happen next.

13 Q. So the time clock, you would -- you would  
14 have a time card and punch it in a clock?

15 A. No. It was on the computer. It was called 10:37AM  
16 Clock Track.

17 Q. And how would that work?

18 A. They just had a meeting one day and the  
19 next thing that I know, they called a meeting in the  
20 conference room for the assistants and said that 10:37AM  
21 from now on we were going from a seven and a half to  
22 an eight-hour day, and that they were going to  
23 install some kind of a tracking system for our  
24 hours, and the meeting I believe took place in Jim's  
25 office or in the conference room near Jim's office. 10:38AM

1                   It was a small conference room. I just  
2 remember before that everyone had been called there  
3 and we didn't know why. "We" meaning the -- the  
4 staff.

5                   And then the next thing I know, the staff       10:38AM  
6 was called into a meeting in the main conference  
7 room and we were told, like I said, that we would be  
8 going from seven and a half to an eight-hour day and  
9 that we would be using a clocking system to -- they  
10 weren't sure what yet, because they had to, you       10:38AM  
11 know, investigate and figure out what kind of system  
12 they were going to use, whether it was something for  
13 a thumb print to use when we walked in or if it was  
14 going to be on the computer.

15                  And I remember Jim's secretary at the time,   10:38AM  
16 Tracy, looking at Jim and saying, "Well, fine, then  
17 I'm entitled to my 15-minute breaks every three  
18 hours and I'll start taking those," and, you know,  
19 it very just went from a place of trust and -- and a  
20 family atmosphere to feeling like, you know, a place   10:39AM  
21 of distrust and -- just like we were living in a --  
22 under a microscope or something.

23                  Q.    When did that institution of the time  
24 tracking occur?

25                  A.    I don't recall.                               10:39AM



Q. Was there a next event that stands out in your mind as something that made the firm less attractive to you that you discussed with Mr. Walrus?

A. 9/11.

10:39AM

Q. So the time tracking happened before  
9/11 --

A. Yes.

Q. -- 2001?

And what about after 9/11/2001, was there another event that made the firm less attractive to you that you discussed with Mr. Walrus?

10:39AM

A. Yeah. I realized that a lot of the assistants who worked for the named partners -- well, I know that, yeah, the named partner's assistants didn't necessarily use the Clock Track when they went to lunch and I did and, you know, things like that. There were a lot of things that were really unfair.

10:40AM

And stuff like that started happening. I would notice that -- you know, the joke was that Jim was always on the golf course but, you know, people were watching to see when the other attorneys were coming in and how long they were there and things like that.

10:41AM

1 Q. Did any attorneys discuss that with you?  
2 MR. HAVARTI: Question's vague and  
3 overbroad.  
4 THE WITNESS: It was mostly staff.  
5 BY MR. BAREMAN:  
6 Q. Did -- did it ever come to your attention  
7 that Mr. Walrus had a disagreement with  
8 Mr. Harsh?  
9 A. No.  
10 Q. You never heard of any such thing? 10:41AM  
11 A. When?  
12 Q. At any time while you were working for  
13 Mr. Walrus.  
14 A. No.  
15 Q. Who first brought up to you the idea of 10:41AM  
16 leaving the Harsh Jakely law firm and going to  
17 work somewhere else?  
18 A. It's the irony, I brought it up to Bob.  
19 Q. When did you do that?  
20 A. The night before we left. 10:41AM  
21 Q. And what was the date of that?  
22 A. It would have been the 12th.  
23 Q. So on August the 12th?  
24 A. (No audible response.)  
25 Q. 2004? 10:42AM

1 A. (No audible response.)

2 Q. That's a yes?

3 A. Yes.

4 Q. What did you say to Mr. Walrus?

5 A. "When are we leaving?" 10:42AM

6 Q. And what prompted you to say that?

7 A. It was so oppressive and there were so many

8 closed-door meetings and slamming of doors and

9 people, you know -- where I sat, I could see a lot

10 of activity. People had been going into Peggy 10:42AM

11 Winsome's office and asking to see minutes of --

12 or -- or -- she was the corporate paralegal.

13 So they wanted to see the firm's -- what's

14 the word I'm looking for? You know, the firm's

15 bylaws or whatever, things like that. And then they 10:42AM

16 would, you know, run away, and then someone else

17 would come in and then, you know, a lot hush-hush,

18 you know, whispering and stuff like that had been

19 going on for a few weeks, and it was just a horrible

20 situation. And I just remember going into Bob and 10:43AM

21 saying -- it was, you know -- the place was

22 sickening to be at.

23 Sorry.

24 Q. So where was -- where was your work space

25 relative to Mr. Walrus's work space? 10:43AM

1           A.    I don't know how to explain it.  I mean, we  
2   had our own offices.  So my office was -- my office  
3   faced Peggy Winsome's and the door to my office was  
4   across from Peggy Winsome's, but I had a window to my  
5   left that I could see into Bob's door. 10:43AM

6           So I was across from him.

7           Q.    So you were across a hallway from  
8   Mr. Walrus?

9           A.    Right.  But I was -- we were divided by --  
10   I had a wall and a Plexiglass window. 10:44AM

11          Q.    So on this evening of August the 12th, you  
12   went into Mr. Walrus's office and had this  
13   conversation?

14          A.    Uh-huh.

15          Q.    Yes? 10:44AM

16          A.    Yes.

17          Q.    What did Mr. Walrus say to you in  
18   reaction to what you said?

19          A.    Just looked kind of stunned and said, "I'm  
20   not sure.  How about tomorrow?" 10:44AM

21                And I thought -- I thought what?  Are you  
22   serious?  And he said, yeah.

23          Q.    Did Mr. Walrus give you any more  
24   details?

25          A.    I asked him where we were going and he said 10:44AM

1 he would tell me tomorrow. And I asked him who we  
2 were going with, and he said he would tell me  
3 tomorrow.

4 If I remember correctly. I -- I -- I  
5 literally didn't even know where we had office space 10:45AM  
6 or anything.

7 MR. HAVARTI: He just asked you what  
8 Mr. Walrus said, so please just answer his  
9 question.

10 THE WITNESS: Sorry. 10:45AM  
11 BY MR. BAREMAN:

12 Q. So Mr. Walrus told you that he would  
13 tell you tomorrow, meaning Friday, August the 13th;  
14 is that right?

15 A. Yes. 10:45AM

16 Q. And did you and Mr. Walrus discuss  
17 anything else in this -- in this meeting that you  
18 had with him in his office on August the 12th?

19 A. No.

20 Q. So you just went home from work on the 10:45AM  
21 evening of August the 12th and you didn't get any  
22 further information about what Mr. Walrus had  
23 in mind to do next?

24 A. No.

25 Q. Did you talk to anyone about this idea of 10:46AM

1 moving on Friday, August the 13th?

2 A. No.

3 Q. When was the next time you had a talk with  
4 anyone about the idea of moving?

5 A. We never really discussed it. We just 10:46AM  
6 moved.

7 Q. When did the moving start?

8 A. Well, a little after 5:00 that Friday, Bob  
9 said, "Come on, let's go. I'll show you where we're  
10 going to be." 10:46AM

11 Q. So you and Mr. Walrus went to the new  
12 office?

13 A. Yes.

14 Q. And did you walk there?

15 A. Yes. 10:47AM

16 Q. And what did you see?

17 A. What did I see?

18 Q. Yes.

19 A. I saw empty space with just empty desks,  
20 they each had a computer on them. And I saw Howard 10:47AM  
21 and David. And I just looked around to see the  
22 office space to see where we were going to be.

23 Q. So this is Friday evening, August the 13th?

24 A. Yes.

25 Q. And Howard Fisherman and David Meatloaf are at 10:47AM

1           their desks at the new office?

2                   MR. HAVARTI: Vague. Misstates the  
3 testimony.

4                   THE WITNESS: No.

5 BY MR. BAREMAN: 10:47AM

6           Q. Were they there?

7           A. Yes.

8           Q. What were they doing?

9           A. Looking out the window at the view.

10           Q. Had they identified whose office was where 10:47AM  
11 at that point?

12           A. No.

13                   MR. HAVARTI: Calls for speculation.

14 BY MR. BAREMAN:

15           Q. Did Mr. Walrus give you a tour of the 10:48AM  
16 new office?

17           A. No. I wandered around.

18           Q. What happened next?

19                   MR. HAVARTI: Question's vague.

20                   THE WITNESS: You know, I -- I don't know. 10:48AM  
21 I mean -- I just remember hugging Howard and -- and  
22 David and saying, "Where are my supplies?"

23 BY MR. BAREMAN:

24           Q. Did you go back to the old office that  
25 evening on August the 13th? 10:48AM

1           A.    Yes.

2           Q.    And did you start moving stuff already  
3 then?

4           A.    I had taken all of my personal belongings  
5 home probably a few weeks prior to -- a few months       10:49AM  
6 prior because I was so unhappy. I -- I just -- I --  
7 I had taken almost everything I had there home  
8 because I know I didn't want to be there.

9           Q.    Oh. Returning to the evening of August the  
10 13th. So you've gone over and you've looked at the       10:49AM  
11 new office space and you go back to the old office.  
12                Did you go home or did you do any more  
13 work? Or what happened at the old office?

14           MR. HAVARTI: Question's vague. It's  
15 vague as to time.   10:49AM

16                Go ahead.

17           THE WITNESS: What happened at the old  
18 office?

19 BY MR. BAREMAN:

20           Q.    Right.   10:49AM  
21                You've been to the new office, you looked  
22 at it, you go back to the old office, and what did  
23 you do next?

24           MR. HAVARTI: Question's vague, vague as  
25 to time.   10:50AM



1                   Go ahead.

2                   THE WITNESS: I went to the old office, I  
3                   made copies of certain agreements, because once the  
4                   elation of being part of this new situation hit, I  
5                   realized that I didn't want the clients to suffer,       10:50AM  
6                   so I made copies of -- of some of the agreements  
7                   that we were, you know, dealing with so that on  
8                   Monday I'd be able to work.

9                   BY MR. BAREMAN:

10                  Q.    So you -- you made the copies of the               10:50AM  
11                  agreements on Friday evening, August 13th?

12                  A.    Yes.

13                  Q.    And these agreements that you copied, were  
14                  these matters that Mr. Walrus was then working  
15                  on?   10:50AM

16                  A.    Yes.

17                  Q.    Anything else?

18                  MR. HAVARTI: The question's vague.

19                  But go ahead.

20                  THE WITNESS: I did print out -- I do               10:51AM  
21                  remember before I left I printed out a copy of --  
22                  this, (indicating), is a file -- this form would  
23                  have been implemented into the file -- into the  
24                  computer.

25                  ///   10:51AM

1 BY MR. BAREMAN:

2 Q. Okay.

3 A. And it created a file system and I printed  
4 out a copy of the files for all of Bob's clients so  
5 that I would know what files had been, you know, 10:51AM  
6 created and -- so -- so I'd know what files there  
7 were. It's impossible to remember everything.

8 So I do remember doing that. And I printed  
9 out a copy of the Rolodex, which was on the  
10 computer, so that I would have the contacts, know 10:52AM  
11 what numbers -- you know, I had a lot of the numbers  
12 memorized, but not everything.

13 Q. How -- how long were you at the office on  
14 Friday evening, August 13th?

15 A. At the old office? 10:52AM

16 Q. At the old office.

17 A. A few hours maybe.

18 Q. And -- so you copied -- you copied the  
19 client matter forms, what you've identified as  
20 Exhibit 567? 10:52AM

21 MR. HAVARTI: Wait a second. That  
22 misstates the testimony.

23 BY MR. BAREMAN:

24 Q. So these are --

25 MR. HAVARTI: Vague. 10:52AM

1 BY MR. BAREMAN:

2 Q. -- the exhibit in front of you is

3 Exhibit 567?

4 MR. HAVARTI: Vague and misstates

5 testimony. 10:52AM

6 Go ahead.

7 THE WITNESS: When I went in that evening,

8 I copied the copies of agreements.

9 MR. HAVARTI: He wants to know if you

10 copied this form or something else on the computer? 10:53AM

11 Was it this form?

12 THE WITNESS: Oh, no. I printed out --

13 BY MR. BAREMAN:

14 Q. The list of files?

15 A. Right. For Bob's clients. 10:53AM

16 Q. And this is -- these -- these forms are the

17 information that puts the client on the list and the

18 matter; is that right?

19 MR. HAVARTI: Vague.

20 Go ahead. 10:53AM

21 THE WITNESS: This form, what would happen

22 is it would have the client's name and the matter

23 name, meaning the -- the file -- if it's a movie, it

24 would have the name of the movie, that kind of

25 thing. And that's what I printed out. The client's 10:53AM

1 name and then underneath that it would have had the  
2 names of the projects that they had worked on and  
3 even when we got files from a client came to us from  
4 another firm, they would put the names of those  
5 files, and so you -- it was a way of keeping track 10:54AM  
6 of what you -- what you had for each client.

7 BY MR. BAREMAN:

8 Q. All right. So you mentioned that a client  
9 file list --

10 A. Right. 10:54AM

11 Q. -- and the Rolodex.

12 Was there any other information that you  
13 copied that Friday night, August 13th?

14 A. Not that I recall.

15 Q. And what time did you leave the old office 10:54AM  
16 on Friday night, August 13th?

17 A. A little after 5:00.

18 Q. 5 p.m.?

19 MR. HAVARTI: Question's vague as to time.

20 BY MR. BAREMAN: 10:54AM

21 Q. Well -- and then you went back to the old  
22 office later that evening?

23 A. Yes.

24 Q. And -- and from what time to what time were  
25 you at the old office later that evening 10:54AM

1 August 13th?

2 A. It was late. It was after 10:00. I don't  
3 remember exactly.

4 Q. And so you -- you had a lot of photocopies  
5 at that point? 10:55AM

6 A. Yes.

7 Q. And did you take them to the new office or  
8 did you take them home with you, or what did you do  
9 with them?

10 A. I took them home. 10:55AM

11 Q. Now, let's turn to Saturday, August 14th.  
12 What did you do that day?

13 MR. HAVARTI: Question's vague, overbroad.  
14 But go ahead.

15 THE WITNESS: I went to Staples and I 10:55AM  
16 bought pens and paper and stuff you'd need to be up  
17 and running on Monday.

18 BY MR. BAREMAN:

19 Q. Had anyone told you that you should do  
20 that? 10:55AM

21 A. Oh, no, I offered.

22 Q. Who did you offer it to?

23 A. Bob and -- and Howard and David.

24 Q. And how did they react to your offer?

25 A. They were -- they were very, you know, 10:56AM

1 happy that I would think of that.

2 Q. And this happened on August 13th when you  
3 were at the new office looking at the space?

4 MR. HAVARTI: But you just asked about  
5 August 14th. 10:56AM

6 MR. BAREMAN: I know.

7 Q. But you had the discussion about going to  
8 Staples while your -- on August 13th, is that right?

9 MR. HAVARTI: Question's vague.  
10 But go ahead. 10:56AM

11 THE WITNESS: You know, I don't remember if  
12 we talked about it that night or if I called them in  
13 the morning. You know --

14 BY MR. BAREMAN:

15 Q. So you may have called them in the morning 10:56AM  
16 on Saturday, the 14th?

17 A. Yeah. I don't remember actually.

18 Q. And what -- about what time did you go to  
19 Staples on Saturday, the 14th?

20 A. Maybe around 11:00. 10:56AM

21 Q. And did you take the supplies you bought at  
22 Staples directly to the new office or did you take  
23 them home?

24 A. To the new office.

25 Q. Was anyone at the new office when you 10:57AM

1 arrived with the supplies?

2 A. Yes. And I don't remember if it was -- I  
3 don't remember if it was David or Howard or both.  
4 They were there when I got there.

5 Q. What were they doing? 10:57AM

6 A. I don't remember.

7 Q. What did you do when you arrived at the new  
8 office with the supplies?

9 A. Started figuring out where to put stuff.

10 Q. How long did you do that? 10:57AM

11 A. I don't know.

12 Q. Is that the only thing you did at the new  
13 office that day?

14 A. I don't remember.

15 Q. How long were you at the new office on 10:58AM  
16 Saturday, the 14th?

17 A. I don't remember.

18 Q. Did you go to the old office on Saturday,  
19 the 14th?

20 A. No. 10:58AM

21 Q. Did you do any other work for  
22 Mr. Walrus and his colleagues on Saturday, the  
23 14th?

24 MR. HAVARTI: Question's vague.

25 THE WITNESS: I -- you know, I don't 10:58AM

1 remember.

2 BY MR. BAREMAN:

3 Q. About what time did you leave the new  
4 office on Saturday, the 14th?

5 A. I don't remember. 10:58AM

6 Q. Did you go home after you were at the new  
7 office?

8 A. I'm so sorry, I don't remember.

9 Q. You mentioned David Meatloaf and  
10 Howard Fisherman. Did you see or talk to anyone else 10:59AM  
11 at the new office?

12 A. Bob came later.

13 Q. How much later?

14 A. I don't know.

15 Q. Had -- had it been worked out whose office 10:59AM  
16 was going to be where by that time on Saturday,  
17 August 14th?

18 A. It -- I think so, because I knew where I  
19 was going to be sitting at that point. So --

20 Q. How did you find out where you were going 10:59AM  
21 to be sitting?

22 A. You know, I don't remember who told me. I  
23 don't remember.

24 Q. So you mentioned David Meatloaf,  
25 Howard Fisherman and your -- your direct boss -- boss, 11:00AM



1 Robert Walrus.

2 A. Right.

3 Q. Did you see or talk to anyone else at the  
4 new office on August 14th?

5 A. I think Carole came up and I think Barry 11:00AM  
6 and Patty came up later in the afternoon.  
7 I remember Carole coming up.

8 Q. What is Carole's last name?

9 A. Harsh.

10 Q. Were they bringing stuff to put in the 11:00AM  
11 offices when you saw them?

12 A. You know, I think they brought food. I  
13 think. I could be wrong. I remember someone  
14 bringing food.

15 Q. Did -- did -- was everyone working on 11:00AM  
16 setting up the new office?

17 MR. HAVARTI: Question's overbroad.

18 THE WITNESS: You know what, I was working  
19 on getting my space up and running. I had bought  
20 stuff for me, for Patty, for Debbie, so that we 11:01AM  
21 would have, you know, pens and pencil holders, thing  
22 like that.

23 And I was just really kind of concerned  
24 with what I was doing.

25 ///

1 BY MR. BAREMAN:

2 Q. So Patty is Patty Rodriguez?

3 A. Yes.

4 Q. And Debbie is?

5 A. Debbie Rein. 11:01AM

6 Q. And who does Debbie Rein work with?

7 A. David.

8 Q. And what did you observe Patty Rodriguez

9 and Debbie Rein doing?

10 A. I don't remember. 11:01AM

11 Q. Were they setting up desks and offices?

12 A. I think Patty was setting up -- I had

13 showed her the stuff that I had gotten, just to make

14 sure she liked it and -- I think she was more

15 concerned with the computer, because it was 11:02AM

16 different from what we had -- had used and -- you

17 know, we were just trying to figure out if we had --

18 if we needed to get another printer and -- cause,

19 you know, we had very little stuff to work with.

20 Q. Did you have an understanding as to where 11:02AM

21 the computers had come from?

22 A. Yeah.

23 Q. What was that understanding?

24 A. The people we were subletting from.

25 Q. So the computers belonged to the 11:02AM

1 White O'Connor law firm?

2 MR. HAVARTI: Question calls for  
3 speculation.

4 THE WITNESS: That's -- as I understand, it  
5 was their equipment that we were using. 11:02AM

6 BY MR. BAREMAN:

7 Q. How -- how long were you at the new office  
8 on Saturday, August 14th?

9 A. I don't recall.

10 Q. Was there some event that caused you to 11:03AM  
11 leave the new office?

12 A. I was tired.

13 Q. And had you spent a long day there?

14 A. It's not so much that, I was just so  
15 excited and so -- just running on adrenaline from, 11:03AM  
16 you know, with the thought of a whole new, you know,  
17 environment, that, you know, I was exhausted at the  
18 end of the day. I just remember thinking I was  
19 going to collapse.

20 Q. Did you personally go to the old office on 11:03AM  
21 August 14th?

22 MR. HAVARTI: Question's been asked and  
23 answered. It's vague.

24 THE WITNESS: If you mean Saturday, I was  
25 there Friday night. I don't recall what time we 11:04AM

1 left but it might have been after midnight, which  
2 would take us into the 14th. But I didn't go back  
3 on the 14th, if that's what you mean.

4 BY MR. BAREMAN:

5 Q. Okay. So you may have stayed over into the 11:04AM  
6 14th from the evening before --

7 A. Right.

8 Q. -- but you didn't go back to the old office  
9 after daylight on August 14th?

10 A. No.

11:04AM

11 Q. Did you go back to the old office on August  
12 the 15th?

13 A. No.

14 Q. Have you ever been back to the old office?

15 A. Nope.

11:04AM

16 Q. Did you observe any -- Patty Rodriguez or  
17 Mr. Harsh or anyone delivering items from the old  
18 office to the new office?

19 A. Not that I recall.

20 Q. Did that occur, to your knowledge?

11:04AM

21 MR. HAVARTI: Question's vague.

22 Go ahead.

23 THE WITNESS: After the fact, I understood  
24 that they had taken his furniture that belonged to  
25 him.

11:05AM

1 BY MR. BAREMAN:

2 Q. And what did you learn about that?

3 A. I don't recall.

4 Q. Did you learn about it on Monday when you  
5 came to work at the new office? 11:05AM

6 A. I don't recall. It was sometime over that  
7 time period. But I don't recall exactly when.

8 Q. Okay. Did you, on behalf of  
9 Mr. Walrus at the new office, prepare any  
10 communications to clients letting them know that 11:05AM  
11 Mr. Walrus and his colleagues were at the new  
12 office?

13 A. Yes.

14 Q. When did you do that?

15 A. I did one -- 11:05AM

16 MR. HAVARTI: I'm going to object the last  
17 question as vague.

18 But go ahead.

19 THE WITNESS: I remember doing one on  
20 Friday night and then starting the others -- 11:05AM  
21 probably over the weekend I started typing.

22 BY MR. BAREMAN:

23 Q. Did -- did you work both days, both  
24 Saturday and Sunday?

25 MR. HAVARTI: Question's vague. 11:06AM

1                   THE WITNESS: I don't recall if I worked  
2                   Sunday or not. I just remember being really tired  
3                   on Sunday.  
4                   BY MR. BAREMAN:  
5                   Q. And how -- how were these communications           11:06AM  
6                   going to be sent by? By fax, by mail?  
7                   MR. HAVARTI: Question's vague and  
8                   overbroad.  
9                   Go ahead.  
10                  BY MR. BAREMAN:  
11                  Q. The communications to the clients regarding  
12                  Mr. Walrus's move and his colleagues move?  
13                  MR. HAVARTI: Same objections.  
14                  THE WITNESS: Most of them were faxed.  
15                  BY MR. BAREMAN:   11:06AM  
16                  Q. And did you send the faxes out?  
17                  A. We all did. The staff I mean.  
18                  Q. So you did on behalf of Mr. Walrus and  
19                  others did on behalf of their attorneys?  
20                  A. Right.   11:06AM  
21                  Q. When did you send your faxes out?  
22                  MR. HAVARTI: Question's overbroad and  
23                  vague.  
24                  THE WITNESS: It just depends on when I did  
25                  whatever.   11:07AM

1 BY MR. BAREMAN:

2 Q. When was the first one you sent out?

3 A. I don't remember if it was that weekend or  
4 a Monday. I don't remember.

5 Q. Did you have a fax machine at the new 11:07AM  
6 office already set up on Friday evening,  
7 August 13th?

8 A. Well, they -- it's a law firm. They had a  
9 whole setup. They had a service center and  
10 everything. 11:07AM

11 Q. So is that the White O'Connor law firm?

12 A. Yes.

13 Q. So Mr. Walrus and his colleagues used  
14 the service center of White O'Connor?

15 MR. HAVARTI: Overbroad. Vague. 11:07AM

16 THE WITNESS: Yes.

17 BY MR. BAREMAN:

18 Q. And -- and that -- that would serve their  
19 photocopying and faxing needs?

20 A. Yes. 11:07AM

21 Q. Did you have any role on behalf of  
22 Mr. Walrus in writing clients about which firm  
23 they should pay for work performed on or before  
24 August 13th, 2004?

25 MR. HAVARTI: Well, assumes facts not in 11:08AM

1 evidence. It's also vague, compound.

2 Go ahead.

3 THE WITNESS: No.

4 BY MR. BAREMAN:

5 Q. Did you have any role on behalf of 11:08AM  
6 Mr. Walrus in assisting him in collecting any  
7 money at his new office?

8 A. What do you mean?

9 Q. Correspondence with clients about paying  
10 money, correspondence with business managers of 11:08AM  
11 clients about paying money?

12 MR. HAVARTI: Question's vague.

13 Go ahead.

14 THE WITNESS: Yeah. I'm really having  
15 trouble answering this. 11:08AM

16 I don't -- I'm trying -- you know, I'm  
17 trying to remember. When we moved to the new firm,  
18 clients sent letters to the old firm saying I'm now  
19 being represented by such-and-such, and I don't  
20 remember if that letter said anything about payment, 11:09AM  
21 so --

22 BY MR. BAREMAN:

23 Q. Did you help create that letter that you  
24 referred to regarding changing the client,  
25 instructing the old firm that it had a new attorney? 11:09AM



1                   Did you prepare those letters?

2                   MR. HAVARTI: Question about create,  
3 preparation is vague.

4                   Go ahead.

5                   THE WITNESS: I typed them. 11:09AM

6 BY MR. BAREMAN:

7                   Q. And when did you start typing those kind of  
8 letters?

9                   MR. HAVARTI: Overbroad.

10                   Go ahead. 11:09AM

11                   THE WITNESS: I typed, I guess, first one  
12 Friday night.

13 BY MR. BAREMAN:

14                   Q. And did you -- how did you know which ones  
15 to -- to type? Did Mr. Walrus instruct you 11:09AM  
16 about that?

17                   A. Well, yeah. I mean, he told me what --  
18 how -- he dictated the letter, if that -- I mean --

19                   Q. The contents of the letter?

20                   A. Yes. 11:10AM

21                   Q. And did he also give you a list of clients  
22 to write?

23                   A. Well, I knew his whole client list, so I  
24 just, you know --

25                   Q. So Mr. Walrus gave you the content and 11:10AM

1       you went to the client list and you just went down  
2       the list?

3           A.    I prepared them for all his clients.

4           Q.    From the list that you had?

5           MR. HAVARTI:   Question's vague.                               11:10AM

6           THE WITNESS:   I just -- yeah.   I mean -- I  
7       don't even remember if there was a list.

8       BY MR. BAREMAN:

9           Q.    You just knew them or they were on the  
10       computer?   Or how would you know who to write?                               11:11AM

11          MR. HAVARTI:   Vague, compound.

12          THE WITNESS:   I'd been with him for, at  
13       that point, for ten years, so I pretty much knew who  
14       his clients were.

15       BY MR. BAREMAN:

16          Q.    And did you know their addresses and  
17       everything or did you need to consult some  
18       information?

19          A.    Most of them I have memorized.

20          Q.    And were you involved in any discussions                               11:11AM  
21       regarding which firm the client should pay?

22          A.    No.

23          Q.    Did you prepare any correspondence on that  
24       subject?

25          MR. HAVARTI:   Question's vague.                               11:11AM

1 THE WITNESS: Not that I recall. I  
2 don't --  
3 BY MR. BAREMAN:  
4 Q. Has -- has that subject ever been discussed  
5 with you or in your presence this question of 11:11AM  
6 which -- which firm should clients pay?  
7 MR. HAVARTI: Question's vague.  
8 THE WITNESS: No.  
9 MR. HAVARTI: Do you want to take a little  
10 short break? 11:12AM  
11 MR. BAREMAN: Sure. That sounds good.  
12 THE VIDEOGRAPHER: Off the record.  
13 The time is 11:12 p.m.  
14 (Short recess.)  
15 THE VIDEOGRAPHER: On the record. 11:26AM  
16 The time is 11:26 a.m.  
17 BY MR. BAREMAN:  
18 Q. Did it ever come to your attention that  
19 Mr. Walrus was thinking about leaving the firm  
20 in 2003? 11:27AM  
21 A. No.  
22 Q. Returning to Friday night, August 13th,  
23 2004, did you help David Meatloaf download any stuff  
24 not related to Mr. Walrus?  
25 A. No. 11:27AM

1 Q. So what you copied was strictly related to  
2 Mr. Walrus?

3 A. Yes.

4 Q. Were -- who else was there with you on that  
5 evening of August 13th? At the old office. 11:27AM

6 A. My husband and Matt Walrus and two of  
7 Matt's friends.

8 Q. Is that Robert Walrus's son?

9 A. Yes.

10 Q. And what were Matt Walrus and his two 11:27AM  
11 friends doing?

12 MR. HAVARTI: Calls for speculation.  
13 Go ahead.

14 THE WITNESS: Taking personal photographs  
15 of Bob and his family. He had a lot of books, 11:28AM  
16 things like that. Personal effects.

17 BY MR. BAREMAN:

18 Q. So Mr. Walrus removed his personal  
19 stuff on Friday night, August 13th?

20 MR. HAVARTI: Calls for -- as phrased, 11:28AM  
21 calls for speculation.

22 Go ahead.

23 THE WITNESS: Well, he wasn't there when I  
24 was there. I mean, I was with Matt Walrus.

25 /// 11:28AM

1 BY MR. BAREMAN:

2 Q. Right. But he --

3 A. So --

4 Q. Matt Walrus and two friends on behalf  
5 of his father were moving his father's personal 11:28AM  
6 effects out?

7 A. Yes.

8 Q. And your husband was there with you?

9 A. Yes.

10 Q. And what did your husband do while he was 11:28AM  
11 there?

12 A. Played computer games.

13 Q. So he was there moral support for you?

14 A. He was there because I don't like going out  
15 late alone, parking lot, Oakland. They had had 11:28AM  
16 problems in that parking lot before, so...

17 Q. So he was -- he was doing -- playing  
18 computer games while you did the photocopying of the  
19 information you testified about earlier?

20 A. Yes. 11:29AM

21 Q. Was David Meatloaf there while you were there  
22 on the evening of August 13th?

23 A. No.

24 Q. Did it ever come to your attention that  
25 Mr. Walrus or one of his colleagues or someone 11:29AM

1       that works with you, one of the staff, had -- had  
2       copied part of David Billingstone's billing file?

3               MR. HAVARTI: Vague as to time.

4               THE WITNESS: No.

5       BY MR. BAREMAN:

6               Q.    And is that something that -- that you ever  
7       had occasion to do, to look in David Billingstone's  
8       billing file?

9               A.    Look in it? No.

10              Q.    You've never seen it?

11:30AM

11              A.    I've seen the file. I haven't seen in it.

12              Q.    And when you've seen it, it was at the old  
13       firm?

14              A.    Yes.

15              Q.    Did anyone ever discuss in your hearing the   11:30AM  
16       fact that the new firm had the David Billingstone  
17       billing file for 2003 and 2004?

18              MR. HAVARTI: You should exclude from that  
19       any communications you may have had with counsel.

20              THE WITNESS: No.

11:30AM

21              MR. HAVARTI: Michael, the way your  
22       questions were phrased, I could see how they were  
23       misinterpreted. You asked a narrow question. And I  
24       just don't want it to be misperceived.

25              But you ought to -- the witness can tell

11:30AM

1           you more about the Billingsstone file.

2                   MR. BAREMAN:  Oh.

3                   MR. HAVARTI:  Okay.  You just didn't ask

4           quite the right question.  She took you literally.

5           So I think you ought to ask a bit more.  I don't           11:31AM

6           want it to be perceived --

7                   MR. BAREMAN:  Okay.  I appreciate that.

8                   Q.    Do you know anything about

9           David Billingsstone's file aside from anything counsel

10          told you?   11:31AM

11                  A.    No.

12                  MR. BAREMAN:  Well, I don't want to ask you

13          what counsel told you.

14                  MR. HAVARTI:  Why don't you ask the

15          circumstances under which she saw the Billingsstone       11:31AM

16          file?  Because I don't want a record to be

17          misperceived here.

18                  MR. BAREMAN:  All right.

19                  MR. HAVARTI:  Because the way your

20          question was asked before, I think it was vague and       11:31AM

21          I don't want it to be -- I don't want it to be

22          misconstrued later.

23          BY MR. BAREMAN:

24                  Q.    So you -- you have seen David Billingsstone's

25          file but it was at the old firm; is that right?           11:31AM

1           A.    Yes.

2           Q.    Have you seen anyone else photocopying  
3 David Billingsstone's billing file or any part of it?

4           A.    No.

5           Q.    Did it ever come to your attention, aside       11:31AM  
6 from counsel telling you, that part of the  
7 David Billingsstone billing file, specifically for the  
8 year 2003, 2004, ended up at the new firm where you  
9 worked?

10          A.    No.   11:32AM

11          Q.    What -- was David Billingsstone a subject of  
12 discussion that you ever had with Mr. Walrus?

13          A.    No.

14          Q.    Was David Billingsstone a subject of discussion  
15 that you ever had with Patty Rodriguez?                       11:32AM

16          A.    No.

17          Q.    Did you ever discuss Jim Jakely with --  
18 with Mr. Walrus?

19               MR. HAVARTI:   Question's overbroad.  
20 Vague.   11:32AM

21               THE WITNESS:   Yes.

22 BY MR. BAREMAN:

23          Q.    What did you discuss about Mr. Jakely  
24 with Mr. Walrus?

25               MR. HAVARTI:   Same, vague, overbroad.           11:32AM



1 THE WITNESS: That he was not a nice man.  
2 BY MR. BAREMAN:  
3 Q. And when -- when was the first conversation  
4 along those lines?  
5 A. It goes back to 9/11 when he wanted us to 11:33AM  
6 work and keep the office open. People were worried  
7 about their families and wanted to be home, and  
8 things like that.  
9 Q. And what was the next occasion after  
10 9/11/2001? 11:33AM  
11 A. When he started coming to the office more.  
12 Q. And that is Mr. Jakely started coming to  
13 the office more?  
14 A. Yes.  
15 Q. And when -- when did that happen? 11:33AM  
16 A. I guess it was '03.  
17 Q. Was there some event that caused him to be  
18 in the office more that you're aware of?  
19 MR. HAVARTI: Calls for speculation.  
20 THE WITNESS: I don't know. I just noticed 11:34AM  
21 that he was there more and that's when he started,  
22 you know, like I said, just kind of walking around  
23 and --  
24 BY MR. BAREMAN:  
25 Q. He was looking at people's desks? 11:34AM

1           A.    Pulling his weight.  Just he -- he can be  
2           very -- I don't know how to explain it.  Just kind  
3           of, you know, making his presence known.

4           Q.    Was that something that you would discuss  
5           with Mr. Walrus? 11:35AM

6           A.    Nothing in depth, but I do remember going  
7           in and -- and saying something like "did Jim forget  
8           how to golf?"  I mean, "why is he here?"

9           Q.    Did Mr. Walrus ever tell you why he  
10          chose to leave the old firm? 11:35AM

11          A.    Yeah.

12          Q.    What did he say?

13          A.    Well, mostly because he was really loyal to  
14          Barry and it was a known fact that they were trying  
15          to push Barry out and that he was -- you know, 11:36AM  
16          everyone was unhappy, so I'm cloudy as to what he  
17          may have said.

18                 It was -- it was a very horrible place to  
19          work, and -- and Jim was just really throwing his  
20          weight around and it got to the point where no one 11:36AM  
21          wanted to be there.  I mean, even some of the people  
22          who are still there I'm sure don't want to be there.  
23          I mean, it was just very oppressive.  And when we  
24          left, it just felt like the weight of the world had  
25          been taken off of our shoulders. 11:36AM

1 Q. Now, you said "they," referring to people  
2 trying to push Barry Harsh out. Who are the  
3 "they"? Who was trying to push Barry Harsh out?

4 MR. HAVARTI: Well, it calls for  
5 speculation.

11:37AM

6 THE WITNESS: Yeah. I mean, anything --  
7 you know, I wasn't present in any meetings or  
8 anything like that. Anything I can tell you would  
9 just be, you know, office gossip. It just, you  
10 know, everyone was talking about the fact that they  
11 wanted Barry out. And Bob was Barry's guy, because  
12 Barry brought Bob in.

11:37AM

13 So a lot of the talk was that they want Bob  
14 out if they were -- because, you know, Barry -- Bob  
15 is a very loyal person. He's brought in by Barry  
16 and Barry had mentored him. So --

11:37AM

17 BY MR. BAREMAN:

18 Q. Do you personally have a sense of who  
19 "they" were, the ones trying to push Barry Harsh  
20 out?

11:37AM

21 A. Well, Jim.

22 Q. Jim Jakely?

23 A. Yes.

24 Q. Anyone else?

25 MR. HAVARTI: Calls for speculation.

11:38AM

1                   Go ahead.

2                   THE WITNESS: You know, mostly Jim and --  
3                   and Alan Werthers. But mostly Jim. I mean, Jim  
4                   seemed to be controlling everything.

5                   BY MR. BAREMAN:

6                   Q. Are you still in touch with anyone at the  
7                   old firm?

8                   A. Sure.

9                   Q. Who are you still in touch with?

10                  A. Well, I run into people all the time. I           11:38AM  
11                  see Candy Cromley. You know, we're -- we're -- I  
12                  mean, there are people that I was with them for ten  
13                  years. I worked with these people and there are  
14                  people that -- I mean their children call me Aunt  
15                  Bernadette. I mean Candy's kids call me Aunt Bernadette11:39AM  
16                  and -- you know. So, unfortunately, as I understand  
17                  it, these people have been told that they're not to  
18                  talk to us, which really hurts.

19                  And that came straight from Jim. They're  
20                  not allowed to talk to us. They're not allowed to       11:39AM  
21                  see us, so I don't want to get anyone in trouble  
22                  because they see me, but I mean it's a horrible  
23                  situation. They -- they were put in a position of  
24                  friendship over their livelihood.

25                  So that's kind of a scary thing to answer.       11:39AM

1 I've seen Lori Anderson. I -- I -- I saw  
2 her recently because a friend -- a mutual friend was  
3 in town, so we had dinner together.

4 You know, I've seen a few people. You  
5 know. 11:40AM

6 You know, I've seen Catherine Baxter on  
7 a few occasions. When her step-children were in  
8 town, they had a family gathering.

9 I'm trying to think.

10 I run into people all the time at lunch and 11:40AM  
11 they tell me that, you know, that they miss me and  
12 that, you know, some of them say I'm afraid to talk  
13 to you. I'm afraid someone will see me talking to  
14 you.

15 So they just give me a quick hug and run. 11:40AM  
16 And it's very sad. And I can't imagine what it  
17 would be like to work in a situation where you're  
18 that afraid.

19 Q. Did you have any role in deciding who would  
20 work at the new firm? 11:41AM

21 A. No.

22 Q. Did you have any understanding of who did  
23 decide that or how it was decided?

24 A. No.

25 MR. HAVARTI: Question's vague. 11:41AM

1 BY MR. BAREMAN:

2 Q. All you knew about that was that

3 Mr. Walrus spoke to you on that Thursday

4 evening, August 12th?

5 A. (No audible response.) 11:41AM

6 Q. Is that right?

7 A. Yes.

8 Q. Did each of the attorneys speak to their

9 own assistant, to your knowledge?

10 MR. HAVARTI: Calls for speculation. 11:41AM

11 THE WITNESS: Don't know.

12 BY MR. BAREMAN:

13 Q. Do you know from conversations with Patty

14 Rodriguez how she found out about the new firm?

15 A. I guess Barry told her, but I don't know 11:42AM

16 when. I mean, this is all so long ago. I just

17 don't remember specifics.

18 Q. Did it ever come to your attention how the

19 new firm happened to locate where it did?

20 MR. HAVARTI: The question calls for 11:42AM

21 speculation.

22 Go ahead, but make sure if it -- if it

23 relates to counsel advice or anything like that,

24 just don't disclose that.

25 THE WITNESS: No. 11:42AM

1                   MR. BAREMAN: I think I'm ready for another  
2 little break.

3                   MR. HAVARTI: Okay.

4                   MR. BAREMAN: Maybe wrap it up.

5                   MR. HAVARTI: Okay. 11:43AM

6                   THE VIDEOGRAPHER: Thank you.

7                   Off -- off the record.

8                   The time is 11:53 a.m. -- excuse me.

9 11:43 a.m.

10                  (Short recess.) 11:49AM

11                  THE VIDEOGRAPHER: On the record.

12                  The time is 11:49 a.m.

13 BY MR. BAREMAN:

14                  Q. Did -- did anyone help you get information  
15 off the computer? You talked about getting 11:49AM  
16 information off the computer on Friday evening,  
17 August 13.

18                  MR. HAVARTI: That misstates testimony.

19 But go ahead.

20                  THE WITNESS: No. 11:49AM

21 BY MR. BAREMAN:

22                  Q. To your knowledge, did David Meatloaf get  
23 information off the computer, like contact  
24 information or anything?

25                  A. I don't know. 11:49AM

1           Q.    And the information that you got related to  
2   Mr. Walrus; is that right?

3           A.    Yes.

4           Q.    And do you know if other people who moved  
5   to the new firm got information related to the other   11:49AM  
6   attorneys that moved to the new firm?

7           A.    Huh?

8           Q.    Well, you got --

9           A.    Sorry.

10          Q.    -- Mr. Walrus's Rolodex-type                   11:50AM  
11   information.

12          A.    Right.

13          Q.    You got his client file list.

14          A.    Right.

15          Q.    Did others get that similar information for   11:50AM  
16   Mr. Harsh or other attorneys that went to the new  
17   firm?

18               MR. HAVARTI:   Overbroad.   Vague.  
19               Go ahead.

20               THE WITNESS:   As I understand it now, yes.   11:50AM  
21   But I still -- I don't know how they got it.  
22   BY MR. BAREMAN:

23          Q.    Who -- who was involved in that, getting  
24   that information --

25               MR. HAVARTI:   Calls for --                   11:50AM



1 BY MR. BAREMAN:

2 Q. -- for those other attorneys?

3 MR. HAVARTI: Calls for speculation.

4 THE WITNESS: I don't know.

5 BY MR. BAREMAN:

6 Q. Did it ever come to your attention that an

7 outside computer person helped David Meatloaf or any

8 of the other attorneys at the new firm get

9 information off the computer system at the old firm?

10 MR. HAVARTI: You should exclude any 11:50AM

11 communications with counsel. But if you have

12 knowledge apart from that, go ahead.

13 THE WITNESS: Yeah.

14 No.

15 BY MR. BAREMAN:

16 Q. So you don't know anything about that

17 outside of communications with counsel?

18 A. Correct.

19 MR. BAREMAN: I have no further questions.

20 MR. HAVARTI: Okay. 11:51AM

21 What's --

22 MR. BAREMAN: Do we have a stipulation?

23 THE VIDEOGRAPHER: Off the record.

24 The time is 11:51 a.m. This is the end of

25 tape No. 1. 11:51AM

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I, BERNADETTE B. GRIMM, 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 \_\_\_\_\_,  
20\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
(City) (State)

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BERNADETTE B. GRIMM

1  
2 I, the undersigned, a Certified Shorthand  
3 Reporter of the State of California, do hereby  
4 certify:

5 That the foregoing proceedings were taken  
6 before me at the time and place herein set forth;  
7 that any witnesses in the foregoing proceedings,  
8 prior to testifying, were placed under oath; that a  
9 verbatim record of the proceedings was made by me  
10 using machine shorthand which was thereafter  
11 transcribed under my direction; further, that the  
12 foregoing is an accurate transcription thereof.

13 I further certify that I am neither  
14 financially interested in the action nor a relative  
15 or employee of any attorney of any of the parties.

16 IN WITNESS WHEREOF, I have this date  
17 subscribed my name.

18  
19 Dated: November 29, 2003  
20  
21

22 \_\_\_\_\_  
Marcus F. Noble

23 CSR No. 324  
24  
25

## **PERCENTAGE FEE AGREEMENTS**

### **REQUEST NO. 20:**

All Documents relating to foreign patent filings on behalf of

### **REQUEST NO. 21:**

All Documents relating to the valuation of the '947, '316, '632, and/or '087 Patents or damages analysis relating to s patent infringement claims against any party.

### **REQUEST NO. 22:**

All Documents that reflect correspondence or communications relating to

### **REQUEST NO. 23:**

All Documents relating to the determination of inventor status for the '947, '316, '632, and/or '087 Patents.