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THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ARDEN SILVERMAN dba CAPITAL
ASSET PROTECTION,

Plaintiff,

vs.

No. BC 584135

ANNA DOKOZA, an individual,
LUKA's GIRL PRODUCTIONS, INC.,
a New York corporation; and
DOES 1 to 10, inclusive,
Defendants.

AND RELATED CROSS-ACTION.

VIDEOTAPED DEPOSITION of ANNA DOKOZA
BEVERLY HILLS, CALIFORNIA
MONDAY, FEBRUARY 26, 2018
VOLUME 1

Reported by
Daryl Baucum, RPR, CRR, RMR, CSR No. 10356
Job No. 2826918

PAGES 1 - 152

1 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES
3

4 ARDEN SILVERMAN dba CAPITAL
ASSET PROTECTION,
5

Plaintiff,
6

vs.

No. BC 584135

7 ANNA DOKOZA, an individual,
8 LUKA's GIRL PRODUCTIONS, INC.,
a New York corporation; and
9 DOES 1 to 10, inclusive,
10 Defendants.
11

12 AND RELATED CROSS-ACTION.
13
14
15

16 VIDEOTAPED DEPOSITION of ANNA DOKOZA,
17 at 429 North Canon Drive, Suite 200,
18 Beverly Hills, California, beginning at
19 9:05 a.m. and ending at 12:29 p.m., on Monday,
20 February 26, 2018, before Daryl Baucum, RPR,
21 CRR, RMR, CSR No. 10356.
22
23
24
25

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5 DAVID WEST, Videographer

6 CHARLES LENHOFF

7 LISA LENHOFF

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I N D E X

WITNESS: ANNA DOKOZA

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BY: MR. JOHNSON	10

QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER:

NONE	PAGE	NONE	PAGE	NONE	PAGE
18	3	40	3	116	15
33	1	40	22	117	2
34	4	68	10	121	21
34	20	69	8	122	16
35	11	87	5	126	4
38	5	87	20	126	16
38	20	89	6	138	4
39	11	99	22	138	17

INFORMATION TO BE SUPPLIED:

(NONE)

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DEPOSITION EXHIBITS
ANNA DOKOZA

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ANNA DOKOZA

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1 BEVERLY HILLS, CALIFORNIA; MONDAY, FEBRUARY 26, 2018

2 9:05 A.M.

3

4 THE VIDEOGRAPHER: Good morning. We are

5 on the record. The time is 9:05 a.m. The date 09:05:04

6 today is February 26, 2018.

7 Please, note that the microphones are

8 sensitive and may pick up whispering, private

9 conversations and cellular interference.

10 Please, turn off all cell phones and place 09:05:21

11 them away from the microphones as they can interfere

12 with the deposition audio.

13 Audio and video recording will continue to

14 take place unless all parties agree to go off the

15 record. 09:05:32

16 This is media unit one of the video

17 recorded deposition of Anna Dokoza as PMK for

18 Luka's Girl productions, Inc., taken by counsel for

19 plaintiff in the matter of Arden Silverman, et al.,

20 versus Anna Dokoza, et al., and Related Cross-Action 09:05:45

21 filed in Superior Court of the State of California,

22 County of Los Angeles, case number BC584135 (related

23 case number SC126638).

24 The deposition is being held at 439 North

25 Canon Drive, Suite 200, Beverly Hills. 09:06:08

Page 8

1 My name is David West. I am the 09:06:12
2 videographer. The court reporter today is
3 Daryl Baucum. We are from Veritext Legal
4 Solutions.
5 I am not authorized to administer an oath. 09:06:20
6 I am not related to any party in this action. Nor
7 am I financially interested in the outcome.
8 If counsel and all present in the room
9 will now state their appearances and affiliations
10 for the record. 09:06:32
11 If there are any objections to proceeding,
12 please, state them at the time of your appearance
13 beginning with the noticing attorney.
14 MR. JOHNSON: I'm Neville Johnson for
15 Lenhoff Enterprises. 09:06:44
16 MR. PARADES: Robert Parades for Lenhoff
17 Enterprises, Inc.
18 MR. MARMORSTEIN: David Marmorstein on
19 behalf of the witness.
20 THE WITNESS: Anna Dokoza. 09:06:50
21 MR. JOHNSON: And Charles Lenhoff and Lisa
22 Lenhoff are here.
23 THE VIDEOGRAPHER: Thank you.
24 The court reporter may now swear in the
25 witness and we will proceed. 09:06:59

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ANNA DOKOZA,

having been first duly sworn, was

examined and testified as follows:

EXAMINATION

09:07:05

BY MR. JOHNSON:

Q Have you ever been deposed before?

A I'm sorry?

Q Have you ever been deposed before?

A I have not.

09:07:20

Q Have you ever been a party to a lawsuit?

A I have not.

Q Have you ever been arrested for a felony?

A No.

Q I take it you met with your attorney

09:07:29

before this case to discuss what is going on today.

A Yes.

Q And was anybody else there other than your

counsel?

A No.

09:07:40

Q And did you review any documents that

helped to refresh your recollection about any of the

aspects of this matter?

A I did.

Q Which ones helped you?

09:07:48

Page 10

1 A I read Charles' deposition. 09:07:49

2 Q Have you spoken to anybody about this

3 lawsuit other than your lawyer?

4 A No.

5 Q You have never spoken to anybody at UTA 09:08:04

6 about it?

7 A You mean about the deposition today?

8 Q No, about the lawsuit, generally.

9 A Yes.

10 Q About the facts? 09:08:15

11 A Yes, I have.

12 Q Who have you spoken to?

13 A I have spoken to Ryan Tracey.

14 Q And Ryan Tracey is your current agent?

15 A Correct. 09:08:24

16 Q What did you speak with him about? What

17 did you discuss?

18 A I'm sorry, can you clarify, be more

19 specific.

20 Q Yeah. 09:08:31

21 What did you discuss about the lawsuit

22 with Ryan Tracey?

23 A The fact that there is a lawsuit.

24 Q Did you discuss the facts of the claim and

25 the pros and cons of it? 09:08:40

1 MR. MARMORSTEIN: Objection; vague and 09:08:44
2 ambiguous.
3 You can answer if you understand.
4 THE WITNESS: Can you rephrase the
5 question. I'm sorry. I don't understand what you 09:08:48
6 are asking.
7 BY MR. JOHNSON:
8 Q What did you discuss with him?
9 Other than there was a lawsuit, what did
10 you discuss? 09:08:55
11 MR. MARMORSTEIN: Hold on a second. I'm
12 going to ask counsel to lower his voice when he is
13 talking to the witness or else this is going to be
14 really quick.
15 Secondly, that was a poor question about 09:09:03
16 the pros and cons and ins and outs. If counsel
17 doesn't want to rephrase questions, we're going to
18 have --
19 MR. JOHNSON: I just rephrased it. I said
20 what did you discuss about the lawsuit other than 09:09:11
21 that there was a lawsuit with Ryan Tracey.
22 THE WITNESS: We discussed that I am being
23 taken to court and I am not quite clear why.
24 BY MR. JOHNSON:
25 Q You filed a lawsuit in this case. 09:09:24

1 Do you understand that? 09:09:26

2 A Yes.

3 MR. MARMORSTEIN: That is not true, but

4 that is okay. I don't want to misrepresent the

5 record. 09:09:32

6 Don't antagonize the witness. This is not

7 going to go very far, Neville, if this is your

8 style. So I'm just going to caution you right now,

9 be respectful of the witness.

10 BY MR. JOHNSON: 09:09:42

11 Q What was -- did you file something in this

12 case?

13 MR. MARMORSTEIN: Objection; vague and

14 ambiguous as to "something," it calls for a legal

15 conclusion. 09:09:58

16 You can answer if you understand.

17 THE WITNESS: Yes.

18 BY MR. JOHNSON:

19 Q What?

20 A Yes. 09:10:02

21 Q What? And what were you seeking?

22 A I'm sorry, what do you mean?

23 Q What were you seeking in your claim -- do

24 you have a claim against --

25 A I do. 09:10:15

1 Q -- Lenhoff? 09:10:15
2 We will call it just Lenhoff, generally.
3 A Uh-huh.
4 Q Do you have a claim against Lenhoff?
5 A I do. 09:10:24
6 Q What is the claim?
7 A The claim is that he is not entitled to
8 funds from projects that happened after I left.
9 Q This is the work on "Baskets" and
10 "Brothers in Atlanta"? 09:10:38
11 A Yes.
12 Q Right.
13 And you think -- other than that, do you
14 have any claims against him?
15 Do you have any dispute other than this 09:10:47
16 dispute about the money?
17 MR. MARMORSTEIN: Objection; vague and
18 ambiguous.
19 You can answer if you understand.
20 THE WITNESS: No, I can't. 09:10:57
21 BY MR. JOHNSON:
22 Q Going back to Ryan Tracey, I want to
23 talk -- I want to know the first time you talked
24 about Lenhoff with him?
25 When was that? 09:11:07

1 A It would have been a few days -- would 09:11:08
2 have been towards either the end of October of 2014
3 or the beginning of November.

4 Q And how did you come to discuss

5 Mr. Lenhoff with him? 09:11:20

6	A	I called him.
---	---	---------------

7 Q And how did you know Mr. Tracey?

8 A I had dealt with Mr. Tracey for years on
9 and off as he has a number of clients that I have
10 hired in the past. 09:11:30

11 MR. MARMORSTEIN: Neville, before we go
12 on, can we just have an understanding that we doing
13 this individual in conjunction as the individual and
14 the PMK, correct?

15	MR. JOHNSON: Right.	09:11:39
----	---------------------	----------

16 MR. MARMORSTEIN: Go ahead.

17 BY MR. JOHNSON:

18 Q What did you discuss with him when you
19 called him?

20	A	He was one of a person on a list that I	09:11:46
21		had where I was reaching out at the time I had been	
22		thinking about leaving Charles and I wanted to just	
23		find out what my options might be once I returned	
24		from a break.	

25	Q	So what did you say to him, "I'm thinking	09:12:06
----	---	---	----------

1 of leaving Mr. Lenhoff and would you be interested"? 09:12:08

2 A "I am currently investigating options."

3 Q Did you talk to anybody else or just this

4 gentleman?

5 A Yes, I left a message with Janet Norton at 09:12:18

6 ICM and I also was going to call Brian Goldberg at

7 WPA, but I did not end up leaving a message for him.

8 I changed my mind about him.

9 Q Where is Goldberg?

10 A WPA. 09:12:35

11 Q WPA?

12 A Yeah.

13 Q Does that have a bigger name? I haven't

14 heard of that one.

15 A No, he has not a bigger name. 09:12:43

16 Q And is that pretty much the gist of the

17 conversation, "Would you be interested," "Yes, I

18 would be interested"?

19 A No. I'm sorry.

20 Q Was there anything else discussed beyond 09:12:56

21 the fact that you were looking to perhaps move and

22 he was interested?

23 MR. MARMORSTEIN: Objection; misstates

24 testimony. That is not what she said.

25

1 BY MR. JOHNSON: 09:13:07

2 Q You can answer.

3 A Can you, please, rephrase the question.

4 Q Was there anything discussed besides the

5 issue that you were looking to perhaps move and he 09:13:13

6 was interested?

7 A I did not say that he was interested. He

8 did not say he was interested.

9 Q Well, what did he say?

10 A He said, "Thank you for calling and let me 09:13:22

11 know when you come back."

12 Q "Let me know when you come back," what did

13 you understand that to mean?

14 A I had informed him that I was going to

15 Australia for an indefinite amount of time. 09:13:31

16 Q I see.

17 Did you tell him you were interested in

18 leaving Mr. Lenhoff?

19 A No.

20 Q Do you know that you were -- do you know 09:13:42

21 whether you were asked for any documents at this

22 deposition today?

23 MR. MARMORSTEIN: Does she know -- does

24 she know whether she was asked by her lawyer?

25

1 BY MR. JOHNSON: 09:13:53

2 Q Wait.

3 Do you know whether you were obligated to

4 bring documents to the deposition today?

5 MR. MARMORSTEIN: I am going to object 09:13:56

6 that it would impinge upon the attorney-client

7 privilege and instruct to not answer that question.

8 BY MR. JOHNSON:

9 Q Did you bring any documents to the

10 deposition today, "yes" or "no"? 09:14:03

11 A No.

12 Q We will be moving to compel on that issue.

13 You haven't provided one document.

14 Let's talk about your search for documents

15 in this case so far. 09:14:15

16 Do you have documents that relate to your

17 financial moneys you have received in connection

18 with "Baskets" and "Brothers in Atlanta"?

19 MR. MARMORSTEIN: Objection; compound,

20 vague and ambiguous, lacks foundation. 09:14:26

21 You can answer if you understand.

22 THE WITNESS: My accountant has documents

23 relating to my company.

24 BY MR. JOHNSON:

25 Q Who is your accountant? 09:14:39

1 A Matthew Segreto. 09:14:41

2 Q Spell the last name.

3 A S-E-G-R-E-T-O.

4 Q Where does he work?

5 A He works in New York City. 09:14:50

6 Q What is the name of his company?

7 A I don't recall off the top of my head. I

8 am sorry.

9 Q When checks come in for you, say, on

10 "Baskets," do they go to you or go to him? 09:15:01

11 A They go to UTA.

12 Q Go to UTA. All right.

13 MR. MARMORSTEIN: Other than the one that

14 went to Charles and he kept.

15 MR. JOHNSON: Right. 09:15:10

16 BY MR. JOHNSON:

17 Q So all the checks that have you gotten on

18 "Baskets" went to UTA?

19 A Yes.

20 Q And then they go to whom? 09:15:18

21 Does UTA pay you or pay your accountant?

22 A They go into my bank account.

23 Q Where do you bank?

24 A City National.

25 Q Which branch? 09:15:29

1 A Several branches. 09:15:31

2 Q What are the branches?

3 A West Hollywood, Fairfax and Studio City.

4 Q You mean have you three accounts there?

5 A No, I just -- you asked me which branch. 09:15:42

6 I use three branches.

7 Q Where is your home branch?

8 A I don't have a home branch.

9 Q Where did you sign up when you signed up?

10 A I originally -- I did not sign up. 09:15:51

11 Actually, somebody else signed up on my behalf.

12 Q Who was that?

13 A Charles.

14 Q I see.

15 And is the account in your name? 09:16:04

16 A It's in Luka's Girl Productions.

17 Q That is Luka, L-U-K-A, apostrophe "S,"

18 Girl -- new word -- Productions, Inc., right?

19 A Yes.

20 Q That is your wholly-owned corporation? 09:16:24

21 A Yes.

22 Q The initial \$7500 you were paid after

23 Charles Lenhoff took the money was deposited into

24 your bank account in Los Angeles at City National?

25 MR. MARMORSTEIN: Objection; vague and 09:16:51

1 ambiguous, assumes facts not in evidence. 09:16:51

2 You can answer if you know.

3 THE WITNESS: Can you ask again.

4 MR. JOHNSON: Read it back.

5 (The previous question was read back 09:16:58

6 by the court reporter as follows:

7 "QUESTION: The initial \$7500 you

8 were paid after Charles Lenhoff took the

9 money was deposited into your bank account

10 in Los Angeles at City National?") 09:16:58

11 THE WITNESS: He deposited it into that

12 account.

13 BY MR. JOHNSON:

14 Q After that account, the next moneys that

15 came in, were they deposited into the City National 09:17:16

16 Bank account?

17 MR. MARMORSTEIN: Objection; vague and

18 ambiguous as to "next moneys."

19 You can answer if you know.

20 THE WITNESS: You mean the next paycheck, 09:17:29

21 yes.

22 BY MR. JOHNSON:

23 Q Were you reimbursed? Were you given that

24 alleged \$7500 -- or \$7500 that Charles Lenhoff took,

25 did you get paid that \$7500 at any time in 09:17:37

1 connection with "Baskets"? 09:17:43

2 A You mean it is -- as a replacement to the

3 75?

4 Q Yes, yes.

5 A No. 09:17:49

6 Q Are you sure about that?

7 A Yes.

8 Q Have you ever seen the ledger on

9 "Baskets"?

10 MR. MARMORSTEIN: The ledger? 09:18:17

11 MR. JOHNSON: The ledger, yes.

12 BY MR. JOHNSON:

13 Q Have you ever seen the ledger on

14 "Baskets"?

15 A What kind of a ledger? 09:18:21

16 Q A ledger indicating what you were paid.

17 A Are you going to show me?

18 Q Do you deny -- do you not deny that on

19 August 14, you were given three checks for \$2500 as

20 replacement for the \$7500 that Mr. Lenhoff 09:18:36

21 supposedly took?

22 MR. MARMORSTEIN: Objection; assumes facts

23 not in evidence, lacks foundation, it's vague and

24 ambiguous.

25 You can answer if you understand what he 09:18:46

1 is talking about. 09:18:47

2 THE WITNESS: Can you ask again.

3 BY MR. JOHNSON:

4 Q Do you deny that you were paid three

5 checks of \$2500 on August -- on or about August 14, 09:18:53

6 2015, in connection with your work on "Baskets" that

7 were replacement moneys for the money allegedly

8 taken by Mr. Lenhoff?

9 MR. MARMORSTEIN: Don't go off the top of

10 your head. If you know, you can answer. 09:19:11

11 THE WITNESS: No, I can't speak to exact

12 amount of money I received in August of 2015.

13 MR. MARMORSTEIN: Why don't you show this

14 to her.

15 MR. JOHNSON: Because that is not how I am 09:19:20

16 going to do it, you know.

17 MR. MARMORSTEIN: You are doing great.

18 BY MR. JOHNSON:

19 Q The amount of money would have actually

20 been \$2325 in three checks on August 14. 09:19:26

21 Do you recall getting those three checks?

22 A They would have gone straight to UTA. So,

23 no.

24 Q Did UTA ever tell you that you got three

25 checks on August 14 for the amount of \$2325 for 09:19:41

1 three checks each? 09:19:49

2 A I can't with certainty say that yes. They

3 may have informed me but I don't recall.

4 Q Tell me what you did to gather documents

5 in this case. 09:20:06

6 A I am sorry?

7 Q What did you do, if anything, to gather

8 any documents in this case?

9 MR. MARMORSTEIN: Objection; vague and

10 ambiguous. 09:20:13

11 You can answer.

12 THE WITNESS: I went through my E-mails.

13 BY MR. JOHNSON:

14 Q And did you turn them all over to your

15 lawyer? 09:20:20

16 A I did.

17 Q And did you withhold any E-mails?

18 A I did not.

19 Q Did you destroy any E-mails?

20 A I did not. 09:20:27

21 Q Have you had any computer problems in the

22 last couple of years --

23 MR. MARMORSTEIN: Objection; vague and

24 ambiguous.

25 THE WITNESS: I have. 09:20:33

1 MR. JOHNSON: I didn't finish the 09:20:34
2 question.
3 MR. MARMORSTEIN: I thought you had.
4 BY MR. JOHNSON:
5 Q Meaning computer crashes, theft of a 09:20:36
6 computer, anything along those lines?
7 MR. MARMORSTEIN: Objection; vague and
8 ambiguous as to "anything along those lines."
9 You can answer.
10 THE WITNESS: I changed the computers 09:20:46
11 several times.
12 BY MR. JOHNSON:
13 Q Did you lose any data that you are aware
14 of?
15 MR. MARMORSTEIN: Objection; calls for 09:20:51
16 expert opinion.
17 THE WITNESS: I don't know.
18 BY MR. JOHNSON:
19 Q You don't -- do you think you did?
20 MR. MARMORSTEIN: Objection; calls for 09:21:00
21 speculation.
22 THE WITNESS: I can't speak to that.
23 BY MR. JOHNSON:
24 Q Are you missing any E-mails from anybody
25 or with anybody over the last couple of years? 09:21:07

1 MR. MARMORSTEIN: Objection; compound, 09:21:10
2 vague and ambiguous, unintelligible.

3 THE WITNESS: I can't speak to that.

4 MR. JOHNSON: I'm going to tell you right
5 now that my intention is to make in addition to the 09:21:24
6 motion to compel --

7 MR. MARMORSTEIN: Do what you want to do,
8 Neville. Just move to your next question. I'm not
9 interested in your intention.

10 MR. JOHNSON: You must let me finish. I 09:21:33
11 am being a gentle person.

12 MR. MARMORSTEIN: Ask the question again.

13 MR. JOHNSON: I just need to tell you
14 something.

15 MR. MARMORSTEIN: I don't need you to tell 09:21:41
16 me anything.

17 MR. JOHNSON: I am going to -- you have
18 objected to virtually every question.

19 MR. MARMORSTEIN: As is my right.

20 MR. JOHNSON: I believe it's 09:21:48
21 inappropriate.

22 MR. MARMORSTEIN: I believe it's not. I
23 believe your questions are poor and they need to be
24 objected to.

25 So let's move on. If you want to suspend 09:21:54

1 the depo and do your motion, go for it. 09:21:56

2 MR. JOHNSON: I don't understand why you

3 won't let me finish what I want to say, which is

4 simply that there is unnecessary hostility I feel

5 from you at the moment and the comments that you are 09:22:08

6 making are, I believe, inappropriate overall.

7 I am simply saying I have done this in the

8 past. I will do it again if you are going to take

9 this position because I am going to be making a

10 motion to compel. 09:22:25

11 Anyway, I intend to ask the judge to

12 admonish you in some way for your conduct in this

13 case. That is all.

14 I'm not here to yell at your client or get

15 into a big fight with you any anything. 09:22:35

16 MR. MARMORSTEIN: You started by yelling

17 at her and your questions are inappropriate and your

18 questions are unclear and I am going to make my

19 objection for the record. You can say they're

20 inappropriate objections but we both know they're 09:22:43

21 not good questions.

22 MR. JOHNSON: Let's stop it for a minute

23 and I am going to give you the Colonial Life case.

24 Are you aware of that you are not allowed

25 to object at all except on privacy or privilege? 09:22:56

1 You are not allowed to object at all and I'm going 09:22:58
2 to put it on the record right now.
3 So let's take a break.
4 MR. MARMORSTEIN: Do it. Do what you got
5 to do, Neville. 09:23:08
6 THE VIDEOGRAPHER: Counsel, off record?
7 MR. MARMORSTEIN: No.
8 THE WITNESS: Thank you.
9 You are still looking healthy, yourself.
10 How have you been? 09:24:24
11 MR. LENHOFF: Still vertical.
12 THE WITNESS: Yes, that's helpful.
13 THE COURT REPORTER: Just so you know,
14 we're still on the record.
15 THE WITNESS: I can still say "hi" to him. 09:24:34
16 MR. MARMORSTEIN: It's on the record.
17 THE WITNESS: A little levity never hurts.
18 MR. MARMORSTEIN: True.
19 We can go off record.
20 THE VIDEOGRAPHER: Off the record, 9:26. 09:26:28
21 (Off the record.)
22 THE VIDEOGRAPHER: We are back on the
23 record at 9:29.
24 BY MR. JOHNSON:
25 Q You didn't produce any E-mail -- do you 09:29:55

1 communicate with E-mails with Ryan Tracey? 09:29:57

2 A I do.

3 Q Did you communicate with him with

4 E-mail -- by E-mail relating to Mr. Lenhoff?

5 A I did. 09:30:10

6 Q You haven't --

7 MR. MARMORSTEIN: We introduced some of

8 those E-mails, by the way.

9 MR. JOHNSON: I understand.

10 BY MR. JOHNSON: 09:30:19

11 Q Other than -- how many E-mails did you

12 communicate with Mr. Tracey relating to Lenhoff?

13 A I can think of one.

14 Q How many conversations did you have with

15 Mr. Tracey about Lenhoff other than -- you had the 09:30:40

16 first one we talked about in October 2014.

17 How many conversations did you have with

18 him after that?

19 A In relation to what?

20 Q To Mr. Lenhoff. 09:30:52

21 A I remember one more after that.

22 Q And when was that?

23 A It would have been about a week after I

24 left Lenhoff.

25 Q And tell me about that conversation. 09:31:06

1 A I had wanted to find out where he stood on 09:31:08
2 whether he was interested in representing me.

3 Q So give me the back and forth as best you
4 can, please.

5 A "Ryan, I am just checking in, wanted to 09:31:22
6 know where you stand, because if you are not
7 interested, I am going to pursue other agents."

8 Q What did he say?

9 A He said we're still having
10 conversations -- he was not sure at this time. 09:31:35

11 Q And when he said -- did he indicate to you
12 or did you have an understanding as to what the
13 conversations were about that he was having?

14 A He had other clients that he wanted to
15 check it wasn't going to be a conflict of interest. 09:31:49

16 Q And what was it that you were -- the kind
17 of work that you were doing that could have
18 constituted a conflict? Was that executive
19 producer? line producer work?

20 What kind of work? 09:32:03

21 A It was actually personality work.

22 One of his clients and I did not get along
23 and he wanted to make sure if that client was okay
24 if I was the client.

25 Q And what is the kind of work that you do? 09:32:12

1 A I am a line producer. 09:32:14

2 Q That means what?

3 A That means I am the person that comes into

4 a production and I hire people and I will put a team

5 together and I make sure that we're on budget and 09:32:24

6 the we're on schedule and we deliver end product.

7 MR. MARMORSTEIN: Slower.

8 THE WITNESS: My apologies.

9 BY MR. JOHNSON:

10 Q That is the only time you spoke about -- 09:32:34

11 you spoke to Tracey, you said.

12 Did you discuss Mr. Lenhoff in that second

13 conversation the week after you left Mr. Lenhoff

14 with Mr. Tracey?

15 A I don't recall talking about Lenhoff. I 09:32:52

16 was talking about me.

17 Q So other than the first -- other than the

18 first conversation that you had, which was in

19 October, you never had any other conversations with

20 Tracey about Lenhoff; isn't that right? 09:33:09

21 A I cannot say that we never spoke about

22 Lenhoff again.

23 Q You never talked about the lawsuit with

24 him?

25 A As I said earlier, I had -- we had talked 09:33:22

1 about how I am -- there is a lawsuit. 09:33:24

2 Q But that, you said, was just about the

3 fact that there was a lawsuit and not the pros and

4 cons, who was right, who was wrong, anything along

5 those lines; is that right? 09:33:36

6 A Yeah -- no, we did speak again when I got

7 served.

8 Q I guess what I am trying to get at is did

9 you ever discuss the merits of the lawsuit as

10 opposed to the fact of the lawsuit with anybody 09:33:49

11 at UTA.

12 A I don't recall.

13 Q When you got served again, you said you

14 talked with Mr. Tracey about it.

15 And what was that discussion? 09:34:03

16 A I got served and it was Sunday morning and

17 I don't understand what is happening.

18 Q What did he say?

19 A He said "I don't understand, either.

20 Let's talk to a lawyer." 09:34:14

21 Q Is UTA paying for your legal fees in this

22 case?

23 A Yes.

24 Q How did that come about?

25 A I don't know. 09:34:36

1	Q If you should lose this case and have to	09:34:47
2	pay moneys for the commissions that Mr. Lenhoff is	
3	claiming, is it your understanding that you would	
4	still have to pay UTA the commissions that they are	
5	seeking on "Baskets" and "Brothers in Atlanta"?	09:34:59

6 MR. MARMORSTEIN: I'm going to object.

7 To the extent the question asks for
8 information that you derived from discussions with
9 your lawyers and yourself, I'm going to instruct you
10 to not answer. 09:35:13

11 To the extent you have independent
12 information, you can answer that.

13 THE WITNESS: I don't have independent
14 information.

15	BY MR. JOHNSON:	09:35:18
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16 Q Have you signed a fee agreement that
17 constitutes -- that indicates there is a conflict
18 when somebody else is paying your legal fees and you
19 waive that?

20	A	I am sorry, I don't understand the	09:35:36
21		question. Can ask you again.	

22 Q Do you have a fee agreement with your
23 counsel here Freedman and Taitelman?

24 A (Witness shakes head from side to side.)

25	Q	You don't have a written fee agreement?	09:35:46
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1 MR. MARMORSTEIN: If you know. 09:35:49

2 THE WITNESS: I am not aware.

3 BY MR. JOHNSON:

4 Q Have you ever seen a conflict-of-interest

5 letter relating to the representation here of your 09:36:02

6 counsel given that you are -- your fees are being

7 paid by a third party?

8 MR. MARMORSTEIN: I am going to instruct

9 you not to answer to the extent your information

10 about conflicts or whatever you signed, certain 09:36:18

11 agreements with your lawyers -- to the extent you

12 have independent knowledge, you should answer. If

13 your knowledge is based on conversations with

14 counsel, I am going to instruct you not to answer.

15 THE WITNESS: (Witness shakes head from 09:36:29

16 side to side.)

17 BY MR. JOHNSON:

18 Q You can't answer?

19 A Can't answer.

20 Q Have you signed a conflict-of-interest 09:36:33

21 letter given the fact that your counsel represents

22 UTA, as well, and that you may have claims against

23 UTA for conduct they have committed in this case?

24 MR. MARMORSTEIN: I am going to object

25 that the question, I think, offers her legal advice, 09:36:49

1 but I'm going to instruct you not to answer to the 09:36:51
2 extent you understand it and you don't have
3 independent knowledge outside of conversations with
4 counsel.
5 BY MR. JOHNSON: 09:37:01
6 Q Can you answer that?
7 A No.
8 MR. MARMORSTEIN: I'm not sure that's an
9 appropriate question, Counsel.
10 BY MR. JOHNSON: 09:37:10
11 Q Do you understand that there is the
12 potential you may be sued after this case for
13 bringing a case is totally frivolous and
14 unmeritorious? It's called malicious prosecution.
15 Do you have any understanding about that? 09:37:22
16 MR. MARMORSTEIN: I'm going to instruct
17 you not to answer. That is argumentative and you're
18 attacking the witness.
19 MR. JOHNSON: What am I doing?
20 MR. MARMORSTEIN: Did you get it? 09:37:31
21 MR. JOHNSON: Read back his objection.
22 (The previous record was read back by the
23 court reporter as follows:
24 "OBJECTION: I'm going to instruct
25 you not to answer. That is argumentative 09:37:34

1 and you're attacking the witness.") 09:37:34

2 MR. MARMORSTEIN: Are you threatening her?

3 Was that the purpose of your question?

4 MR. JOHNSON: No, but I'm laying it out so

5 it's a clear record for you and her and you can deal 09:37:53

6 with it as you wish.

7 MR. MARMORSTEIN: That sounds like a

8 threat. So I don't think that is appropriate for a

9 deposition.

10 MR. JOHNSON: Well, your objection is not 09:38:01

11 recognized in Anglo American jurisprudence. So,

12 sorry.

13 BY MR. JOHNSON:

14 Q Do you understand that in the Labor

15 Commission proceeding, you wanted to take away the 09:38:15

16 license of Mr. Lenhoff?

17 MR. MARMORSTEIN: Counsel, you know, your

18 tone is well noted for the record. You're

19 threatening and antagonizing the witness and making

20 accusations and it's highly inappropriate and we're 09:38:30

21 going to end this thing really quickly.

22 MR. JOHNSON: If you want to walk out, be

23 my guest.

24 MR. MARMORSTEIN: We're going to walk out

25 really soon. 09:38:38

1 MR. JOHNSON: Then go ahead. We have a 09:38:39
2 videotape here.

3 MR. MARMORSTEIN: We sure do and they're
4 catching all your tones, too.

5 MR. JOHNSON: So let's try it again. 09:38:45
6 I am sorry you don't like the tone of my
7 voice but that's too bad. Let's try again.
8 Read the last question back.
9 (The previous question was read back
10 by the court reporter as follows: 09:38:52
11 "QUESTION: Do you understand that in
12 the Labor Commission proceeding, you
13 wanted to take away the license of Mr.
14 Lenhoff?")

15 MR. MARMORSTEIN: To the extent you have 09:39:11
16 an independent understanding of your claims against
17 Lenhoff outside of your conversation with counsel, I
18 will instruct not to answer.

19 THE WITNESS: I can't --

20 MR. MARMORSTEIN: If you have an 09:39:21
21 independent understanding of what your claims were
22 for and what they were meant to do independent of
23 your discussions with us, then give him the answer.

24 THE WITNESS: Yes.
25

1 BY MR. JOHNSON: 09:39:31

2 Q Do you still want to take away his license

3 as you sit here today?

4 A No.

5 Q Why have you changed your mind? 09:39:45

6 A The case is done.

7 Q Because the case is done, is that what you

8 said?

9 A I mean that --

10 MR. MARMORSTEIN: If have you an 09:39:56

11 understanding outside of your discussions with

12 attorneys, you should give it, but if your

13 understanding is based on our discussions, you

14 should --

15 THE WITNESS: Based on our discussion, 09:40:04

16 yeah.

17 BY MR. JOHNSON:

18 Q So you can't answer.

19 A No.

20 Q Do you understand that you were not 09:40:12

21 successful at the talent agency with respect to your

22 claims before the Labor Commission or relating to

23 the Talent Agencies Act?

24 MR. MARMORSTEIN: Neville, that question

25 does imply information she has from her lawyers. 09:40:23

1 How is that not attorney-client privilege? 09:40:26

2 MR. JOHNSON: If she has independent

3 information, she can tell me. If she gets all of

4 her information from you, then fine.

5 MR. MARMORSTEIN: She would have to. 09:40:35

6 MR. JOHNSON: We can go --

7 MR. MARMORSTEIN: That's fine. You are

8 right. You are right, but I think a lot of this is

9 really delving into my clients.

10 BY MR. JOHNSON: 09:40:43

11 Q Do you understand that you were

12 unsuccessful at the Labor Commissioner level with

13 respect to your claim that Mr. Lenhoff violated the

14 Talent Agencies Act?

15 A I can't -- 09:40:53

16 MR. MARMORSTEIN: To the extent you have

17 an independent knowledge, you can answer.

18 THE WITNESS: I don't have independent

19 knowledge.

20 MR. MARMORSTEIN: If your understanding of 09:40:57

21 the legal proceedings comes from your discussions

22 with lawyers --

23 THE WITNESS: Yep.

24 MR. MARMORSTEIN: -- then don't answer the

25 question. 09:41:02

1 THE WITNESS: Yep. 09:41:03

2 BY MR. JOHNSON:

3 Q Do you understand you are a party in this

4 lawsuit; you're making affirmative claims against

5 Mr. Lenhoff? 09:41:17

6 MR. MARMORSTEIN: Same instruction.

7 THE WITNESS: Same answer.

8 BY MR. JOHNSON:

9 Q Have you spoken with anybody about the

10 case other than your lawyer, about the merits of the 09:41:29

11 case -- not that you were in a lawsuit but just, you

12 know, I am getting sued and/or I'm in litigation and

13 these are some of the facts that I am unhappy or

14 whatever it may be?

15 A Not beyond the fact that I am getting 09:41:46

16 sued.

17 Q Have you asked anybody to be a witness in

18 this case?

19 A I have not.

20 Q Has anyone offered to be a witness? 09:42:01

21 A Not that I recall.

22 Q Do you know who Richard Marks is?

23 MR. MARMORSTEIN: To the extent it -- hold

24 on a second.

25 To the extent you have knowledge through 09:42:13

1 your lawyers, you should not answer and I will 09:42:14
2 instruct you not to answer.
3 To the extent you have independent
4 information, you can answer.
5 THE WITNESS: Independent -- lawyer 09:42:25
6 conversation.
7 BY MR. JOHNSON:
8 Q So you can't answer that.
9 A No.
10 Q Have you ever spoken to Richard Marks? 09:42:31
11 A I need a refresher on who Richard Marks
12 is.
13 Q Richard Marks is an expert witness for you
14 in this case who is going to talk about what he
15 thinks the practices are in the business. 09:42:44
16 And so have you ever spoken to him?
17 A Outside of the --
18 Q Well, if you spoke to him at any time,
19 including whether your lawyer was there, I am
20 allowed to know. 09:42:57
21 MR. MARMORSTEIN: You can answer.
22 THE WITNESS: No. I mean was he at the
23 Labor Commission.
24 MR. MARMORSTEIN: You can answer.
25

1 BY MR. JOHNSON: 09:43:04

2 Q You have never spoken to him?

3 A No.

4 Q Did you have an agreement with -- you

5 know, I have been using Mr. Lenhoff and saying 09:43:20

6 "Mr. Lenhoff."

7 A You can say "Charles."

8 Q No, but I have to say his last name

9 because the court wants us to do it that way to be

10 gentle people. 09:43:31

11 A Understood, yeah.

12 Q But the real defendant in this case is

13 Lenhoff and Lenhoff, which is doing business of

14 Lenhoff Enterprises?

15 A Right. 09:43:40

16 Q So when I say "Mr. Lenhoff," you

17 understand --

18 A Absolutely, I understand.

19 Q -- his entities -- I mean his entities.

20 So did you have an agreement with Lenhoff 09:43:47

21 to represent you?

22 A I did.

23 Q What was -- tell me what the terms of that

24 agreement were as you understood it.

25 A We had a conversation on the phone. He 09:43:58

1 had called me and we had a chitchat about him being 09:44:00
2 an agent and me not having one and I had never had
3 an agent before.

4 So I said is to him, "How does this work?
5 I have never had an agent." 09:44:11

6 And he said, "It's simple. I take
7 10 percent of all deals closed."

8 And I said, "Fair enough." I said, "Do I
9 have a written agreement?"

10 And he said, "No, we just have an oral 09:44:22
11 agreement and we shake on it."

12 And I said, "Okay, that sounds great." I
13 said, "Can I leave at any time?"

14 And he said, "Let's see how it goes for
15 the first twelve months and we will go after that." 09:44:34

16 And I go, "All right. Let me think about
17 it. I am going to come to Los Angeles at some
18 point. I want to meet you and we will go from
19 there."

20 Q Anything else you can remember about that? 09:44:45

21 A That was all that was said.

22 Q Did he tell you there were going to be
23 automatic renewals every year after that?

24 A I don't recall.

25 Q Did you discuss what was going to happen 09:44:53

1 if you were to leave in the middle of the 09:44:56
2 negotiation for a deal?

3 MR. MARMORSTEIN: Objection; assumes facts
4 not in evidence, lacks foundation, it's incomplete
5 hypothetical. 09:45:04

6 You can answer.

7 THE WITNESS: No.

8 BY MR. JOHNSON:

9 Q Did you make any notes about the
10 conversation? 09:45:09

11 A No.

12 Q Do you have any understanding of what the
13 general practices are in the industry for an agent
14 who is closing or negotiating a deal and the talent
15 leaves during that interim period? 09:45:31

16 A I'm sorry, can you be more specific. What
17 do you mean?

18 Q Do you know -- do you have any
19 understanding about the custom and practice of
20 agents in this business with respect to getting paid 09:45:42
21 on deals that they are involved in that are being
22 negotiated on behalf of the talent and the talent
23 leaves before the negotiation is completed?

24 MR. MARMORSTEIN: Objection; vague and
25 ambiguous. 09:45:58

1 exist. 09:47:10

2 Q Well, I'm saying with discussions -- I am

3 talking about the people that were going to employ

4 you on "Baskets."

5 Was he discussing with the people who were 09:47:17

6 going to employ you on "Baskets" the possibility

7 that you would work on that show if it was picked

8 up?

9 A He may have been having discussions.

10 Q Well, do you know? 09:47:27

11 Did he tell you he was?

12 A Well, I only -- well, I am trying to

13 remember. He told me about variation conversations

14 that he's had on my behalf with whoever he talked

15 to. 09:47:41

16 Q Do you recollect he told you at any time

17 hey, I think on "Baskets," you know, if it gets

18 picked up, it's looking good, I am talking to them.

19 Did he tell you -- he told you that,

20 right? 09:47:54

21 A Yes.

22 Q Do you consider an oral agreement to be as

23 binding as a written agreement?

24 A I do.

25 Q Why did you terminate Lenhoff? 09:48:18

1 A This is -- this is hard. 09:48:24

2 For a long time, I wasn't really happy

3 with some of the stuff that I was learning in the

4 industry and I didn't have the balls to talk to him

5 about it, and I'm not very good with confrontation 09:48:36

6 in my personal life, even though this is was about

7 business.

8 Charles was a friend and I labored over it

9 for months and months, and finally, I had the

10 courage when there was a gap in my personal life and 09:48:54

11 my professional life, and I finally made the

12 decision and it really broke and upset me, but I did

13 it for personal reasons.

14 Q Well, what are the personal reasons?

15 A At the time, I was going to Australia 09:49:15

16 because my sister was going through a divorce and I

17 live very far away from my family and I wanted to

18 spend an indefinite amount of time with them, but

19 also, I had been hearing things about the way

20 Charles handled some stuff, just about the way he 09:49:29

21 was viewed in the industry.

22 And I was upset that that was -- that was

23 the way that I was then being perceived, as well,

24 because I was associated with him.

25 Q That was the way you were perceiving it, 09:49:48

1 as well? 09:49:50

2 A Just by being attached to him.

3 Q That you were being perceived that way?

4 A Yes.

5 Q So what were the things people were 09:49:56

6 saying?

7 A Well, I would have conversations with show

8 runners or directors who would complain about

9 Charles and tell me that they would not deal where

10 him and that really, upset me, and I thought I can't 09:50:06

11 have an agent that people won't talk to, fully

12 understanding that I should have talked to him about

13 it.

14 And I didn't because I honestly didn't

15 think that that was something that could be fixed 09:50:22

16 just because Charles's personality, he is a very

17 go-get-em, persistent, effective person who has a

18 goal in mind, but it really rubbed some people the

19 wrong way.

20 Q Let's go through all the show runners and 09:50:42

21 directors that told you --

22 A Yeah, it was two in --

23 MR. MARMORSTEIN: Allow him to finish the

24 question.

25

1 BY MR. JOHNSON: 09:50:50

2 Q Who were these people who said this?

3 A The first one was Randall Einhorn.

4 Q How do you spell his last name?

5 A E-I-N-H-O-R-N. 09:50:57

6 Q And who is the other one?

7 A Lauren, I think, Ieunger.

8 Q You got to help me with name.

9 A I-E-U-N-G-E-R.

10 Q And these are people -- are they both show 09:51:15

11 runners?

12 A Randall is a producing director and she is

13 a show runner, yes.

14 Q She's a show runner, too?

15 A Uh-huh. 09:51:28

16 Q And you have to say "yes."

17 A Yes.

18 Q And Lauren Ieunger?

19 A Yeah, she is a show runner.

20 Q So why don't you tell me what Randall 09:51:37

21 Einhorn said.

22 A Randall told me a story that Charles had

23 called him in the middle of his shoot day on his

24 cell phone and just persisted to, basically, have a

25 phone call that he felt like he couldn't get off, 09:51:58

1 but it was selling me very, very hard to direct on a 09:52:01
2 project that Randall was on and Randall was
3 uncomfortable and he told me he was uncomfortable
4 and he said that Charles makes him uncomfortable
5 and couldn't believe that he called him on his 09:52:16
6 cell phone.

7 Q He was pitching you to direct?

8 A Yes.

9 Q How did that conversation come about that
10 you had with Randall Einhorn? 09:52:26

11 A We -- sorry -- we were at a social event
12 and I ran into him.

13 Q And Charles's name came up?

14 A Yeah.

15 Q He volunteered this? 09:52:40

16 A Yes.

17 Q When was this?

18 A I don't recall the exact date.

19 Q How long before you terminated --

20 A It would have been months before. 09:52:51

21 Q Several months?

22 A Uh-huh.

23 MR. MARMORSTEIN: "Yes"?

24 THE WITNESS: Yes.

25

1 BY MR. JOHNSON: 09:52:56

2 Q That's one of the rules, is no nods of

3 head and no "uh-huh's."

4 A I am sorry about that.

5 MR. MARMORSTEIN: You didn't go through 09:53:03

6 the admonitions to save time in the end.

7 BY MR. JOHNSON:

8 Q He told you he didn't want to hear from

9 Mr. Lenhoff again?

10 MR. MARMORSTEIN: Objection; misstates 09:53:22

11 testimony.

12 BY MR. JOHNSON:

13 Q Is that what he said?

14 A I don't remember his exact phrasing, but

15 it was to the point "I don't want him calling me 09:53:27

16 again."

17 Q Why -- I'm sorry, I cut you off. I didn't

18 mean to.

19 Do you have anything else you want to say?

20 A No. 09:53:35

21 Q Why didn't you take that up with

22 Mr. Lenhoff when you heard it?

23 A It's a good question. Because I was very

24 uncomfortable. I didn't want to hurt his feelings.

25 Q And then the other person is Lauren 09:53:52

1 Eingbar? 09:53:56

2 A Uh-huh.

3 Q "Yes"?

4 A Yes.

5 Q And what did she say? 09:53:58

6 A She said that if we ever worked together,

7 she would refuse to call Charles because she would

8 never talk to him again.

9 Q And what did she say? Did she give you

10 reasons why? 09:54:13

11 A She indicated it was from a previous

12 experience that they had, but I don't know the

13 details. I just remember being like completely

14 shocked that she had such a strong reaction.

15 Q When did that happen, that conversation? 09:54:34

16 A I don't recall the exact date.

17 Q How long before the time you left Lenhoff?

18 A I couldn't say exactly, but it was before.

19 Q You have to give me your best estimate.

20 MR. MARMORSTEIN: If you have one. 09:54:50

21 THE WITNESS: I can't.

22 BY MR. JOHNSON:

23 Q You can't tell me if it was six months or

24 three weeks?

25 A I would say over six months. 09:54:59

1 Q And likewise, why didn't ask you 09:55:03
2 Mr. Lenhoff or tell Mr. Lenhoff, you know, I had
3 this disturbing conversation with Ieunger?
4 A Same reason, because I am a coward.
5 Q Did you tell anybody else ever that these 09:55:17
6 two people had said these negative things about
7 Mr. Lenhoff?
8 A I did.
9 Q Who did you tell?
10 A I told my DP at the time on "A to Z," Joe 09:55:24
11 Kessler, who used to be Charles's agent at one
12 point.
13 Q Joe Kessler?
14 A Uh-huh.
15 Q "Yes"? 09:55:36
16 A Yes.
17 Q And what did he say?
18 A He informed me that he had left Charles
19 because he felt the same way.
20 Q What, that Charles was too insistent? 09:55:51
21 Is that what you are saying?
22 A He said he and Charles had a personality
23 clash and he didn't feel like Charles was a good
24 representation of him.
25 Q Was anybody else present when you spoke to 09:56:09

1 Einhorn or Lauren Teunger? 09:56:17

2 A No.

3 Q Did you talk with anybody else -- when you

4 talked with Kessler, was that after any

5 particular -- give me your best estimate as to when 09:56:32

6 you talked to Kessler.

7 A It was during "A to Z." So it was

8 before -- it would have been a couple of months

9 before -- in the space before.

10 Q "A to Z" is another project you worked on? 09:56:41

11 A Correct.

12 Q Anybody else you talked to who -- about

13 your hearing dissatisfaction with the methods of

14 Mr. Lenhoff?

15 A Not that I recall. 09:57:00

16 Q I think you said you were going to take an

17 extended leave to Sydney.

18 How long was your extended leave going to

19 be?

20 A I didn't have an exact time. I thought 09:57:34

21 maybe a couple of months, maybe shorter, maybe

22 longer, depending on my sister's needs.

23 Q You go to Sydney?

24 A I did.

25 Q And how long did you stay there? 09:57:44

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1 A I stayed probably about three weeks. 09:57:46

2 Q Why did you come back?

3 A She didn't want me to stay.

4 Q Did you pursue any job opportunities down

5 there? 09:58:00

6 A Oh, no.

7 Q Why not?

8 A I have no interest in working in

9 Australia.

10 Q Let's -- I guess I need to start naming 09:58:18

11 some exhibits. So do we start on 101.

12 (Deposition Exhibit 101 was marked for

13 identification by the court reporter and

14 is attached hereto.)

15 BY MR. JOHNSON: 09:58:47

16 Q This is an E-mail, the second part from

17 yourself to Mr. Lenhoff on November 3, 2014.

18 You have seen it before, right?

19 A I have.

20 Q And you say in it, 09:59:00

21 "All of this has been on my mind

22 for a while and I have been sitting on it

23 while figuring out what to do."

24 In a nutshell -- first of all, how long

25 had you been figuring it out, this mulling this over 09:59:17

1 as to whether or not to leave Lenhoff? 09:59:21

2 A I would say around six months.

3 Q You said,

4 "I will be taking extended leave to Sydney

5 over Christmas and exploring some serious 09:59:33

6 work opportunities back there."

7 But was that accurate at the time you

8 wrote that?

9 A It was part of a bigger picture. I had no

10 hope to work in Sydney, but at some point, I would 09:59:48

11 like to do a feature or something back home.

12 Q But you didn't explore any serious work

13 opportunities?

14 A No, I did not.

15 Q When you went there -- let me finish, 10:00:01

16 please. That's another rule, is wait until I finish

17 and I will try and do my best to wait until you

18 finish. So let's take a clean question.

19 You didn't explore any serious work

20 opportunities in Sydney when you went there? 10:00:15

21 A I did not.

22 Q And you said you have family obligations

23 you needed to address ASAP.

24 What were the family obligations?

25 A My sister was going through a divorce due 10:00:25

1 to domestic violence issues. 10:00:29

2 Q And you were going through a divorce?

3 A No, my sister.

4 Q Not you, it was your sister. Okay.

5 A (Witness nods head up and down.) 10:00:35

6 Q All right.

7 Then you said,

8 "I am making some huge changes in my life,

9 professionally . . ."

10 What does that mean "professionally"? 10:00:44

11 What were the huge changes you were making?

12 A I was leaving Lenhoff.

13 Q And what were the huge changes,

14 personally?

15 A Going home for an extended period of time, 10:00:57

16 the longest period that I anticipated in almost

17 twenty years.

18 Q Well, how long were you anticipating you

19 were going to go down there --

20 A Well -- 10:01:10

21 MR. MARMORSTEIN: Let him finish.

22 BY MR. JOHNSON:

23 Q -- as of November 3, 2014, when you wrote

24 this E-mail?

25 A I am sorry. Can you say the first part 10:01:17

1 again. 10:01:20

2 Q How long did you anticipate or what was --

3 A As I said earlier, I thought it could be

4 several months.

5 Q Well, why would that preclude you from 10:01:24

6 still having an agent in Los Angeles if you went

7 down there for several months?

8 A Well, me leaving Charles had nothing to do

9 with me going -- it was not affected -- let me

10 rephrase. 10:01:40

11 Me going to Sydney was for a few months,

12 is a very big deal in my life and my schedule. So

13 that is a personal event.

14 Q But I'm saying you still could have

15 maintained him as your agent when you were in 10:01:52

16 Australia, couldn't you?

17 A Theoretically, yes.

18 Q Then you say you needed to step away from

19 him.

20 "It was an extremely difficult decision as 10:02:08

21 you know how loyal I am."

22 Explain your loyalty that you have towards

23 him or have shown in the past up to this point.

24 A I am sorry, can you ask -- give me more --

25 Q I didn't phrase that right. 10:02:28

1 What is the loyalty you are referring to 10:02:28
2 in your E-mail?

3 A Charles was always an incredible person to
4 me. I considered him a friend. He is a huge part
5 of my life and I was loyal to him the entire time 10:02:37
6 that we were together.

7 Is that what you meant?

8 Q That's in part, I think.

9 A Okay.

10 Q So you mean you were loyal that you didn't 10:02:49
11 leave him earlier.

12 Is that what you mean?

13 A No, I meant that I am a loyal person.

14 Q Well, did you -- did loyalty have any
15 factor at all in your decision to leave Lenhoff and 10:03:03
16 Lenhoff?

17 A It did.

18 Q And explain.

19 A Well, I struggled with it for six months
20 because I am loyal. 10:03:14

21 Q You said,
22 "This is not a case of me leaving your
23 company for someone else. I don't have
24 other representation lined up and nobody
25 is waiting in the wings to take over." 10:03:28

1 Was that accurate? 10:03:31

2 A Yes.

3 Q And yet within minutes of leaving his
4 office that day, you wrote an E-mail to Ryan Tracey,
5 didn't you? 10:03:40

6 A I did.

7 Q So that was the next best thing to having
8 somebody lined up, wasn't it?

9 MR. MARMORSTEIN: Objection;
10 argumentative, vague and ambiguous. 10:03:48

11 You can answer.

12 THE WITNESS: No.

13 BY MR. JOHNSON:

14 Q Why did you write Ryan Tracey after you
15 left Lenhoff's office? That was on November 4. 10:03:57

16 A Because at the end of that conversation, I
17 felt completely threatened and I was surprised at
18 the way that ended and taken aback and I felt like I
19 needed to -- I needed to defend myself.

20 Q So why are you contacting Mr. Tracey? 10:04:11

21 A Because I felt like I needed somebody --

22 Q He would be the defender?

23 A Yes.

24 Q But you write as the third and last
25 sentence of the third paragraph, "I want to be alone 10:04:35

1 until I" -- let's take it complete. 10:04:37

2 "I don't have other representation lined

3 up and nobody is waiting in the wings to

4 take over. I want to be alone until I

5 figure out the next step in what I want on 10:04:46

6 a number of levels."

7 That's what you wrote, right?

8 A I did.

9 Q And was it between then -- it was after

10 your conversation you decided you didn't want to be 10:04:54

11 alone anymore, in other words, you were reaching out

12 to --

13 A That's correct.

14 Q -- Tracey?

15 "Yes"? 10:05:01

16 A Yes.

17 Q Why don't we go to 102, which will be the

18 E-mail you just referenced.

19 (Deposition Exhibit 102 was marked for

20 identification by the court reporter and 10:06:02

21 is attached hereto.)

22 BY MR. JOHNSON:

23 Q I guess before I go to that, though, let's

24 say you had a meeting the next day.

25 How did that come about? This is on the 10:06:06

1 4th of November. 10:06:08

2 A I am sorry, how did that meeting come

3 about?

4 Q How did it come about, yeah?

5 A I don't recall whether I instigated the 10:06:16

6 meeting or Charles did.

7 Q You went to a meeting in his office in the

8 late afternoon?

9 A Correct.

10 Q Who was there? 10:06:26

11 A Charles.

12 Q And tell us what happened.

13 A We sat down in his office and I recall

14 saying that I need to step away and that I am going

15 to Australia and I'm going to deal with some 10:06:38

16 personal stuff and that it was really a hard

17 decision for me and that but I had to make it.

18 Q And what did he say?

19 A He was upset, which always upset me.

20 And I know he was distraught and I wanted 10:07:01

21 to vomit. It was a terrible horrible feeling, but I

22 believed that I had to move on.

23 Q You discussed whether or not, I take it,

24 there would be continuing commissions on "Atlanta"

25 and "Baskets"? 10:07:22

A It wasn't so much a discussion as a statement from Charles.

10:07:24

3	Q	What did he say?
---	---	------------------

4 A He said that he is owed money from any
5 future "Baskets" work or any future pilot work. 10:07:31

6 Q Well, when you did "Baskets," as the
7 pilot, you expected if the show got picked up, you
8 would be hired.

9 A I absolutely did not.

10	Q	Why not?	10:07:44
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11 A Because in an unusual case, we only made a
12 pilot deal. I was brought onto that show because of
13 Zach Galifianakis.

14	So in a way, I was a force hire, and Blair	
15	and Louis didn't know me from Adam and they wanted	10:07:56
16	to cover their behinds and agreed to only a pilot	
17	deal to see how I would do because they didn't want	
18	to lock me in for the series.	

19	Q	Well, you were hoping to work then on the	
20		series?	10:08:13

21 MR. MARMORSTEIN: Can you read back the
22 question back, please.

23 (The previous question was read back
24 by the court reporter as follows:

25	"QUESTION: Well, you were hoping to	10:08:16
----	-------------------------------------	----------

1 work then on the series?") 10:08:16

2 BY MR. JOHNSON:

3 Q Not expecting.

4 You were hoping to work on the series,

5 right? 10:08:20

6 A I hope to work on any series on which I do

7 the pilot if I enjoy it.

8 Q And what is the -- do you have any

9 understanding what the custom and practice is for

10 line producers, co-executive producers to be 10:08:39

11 employed on a series if they have been on the pilot?

12 MR. MARMORSTEIN: Objection -- Hold on.

13 Lacks foundation, calls for speculation,

14 assumes facts not in evidence.

15 Go ahead. 10:08:50

16 THE WITNESS: I think every line producer

17 that does a pilot hopes to do the series.

18 BY MR. JOHNSON:

19 Q I'm asking a more refined question, which

20 is it your understanding -- how often does it 10:08:59

21 happen -- do you have any understanding that a

22 person who has worked on a pilot in your capacity

23 then gets hired on for the series if it gets picked

24 up?

25 MR. MARMORSTEIN: Objection; incomplete 10:09:11

1 hypothetical, lacks foundation. 10:09:12

2 Go ahead.

3 THE WITNESS: It happens, of course. I

4 think if you are doing a pilot, if you do a good

5 enough job as a line producer, you hope to do the 10:09:19

6 series.

7 BY MR. JOHNSON:

8 Q Did you do the budget for the series?

9 A I did.

10 Q And what did you put down for the what a 10:09:24

11 line producer -- the line producer was going to get?

12 A Well, Emily, the accountant, she made the

13 budget. I had her put \$20,000 for the line producer

14 role.

15 Q And what was your basis for putting that 10:09:38

16 down?

17 A That was -- that was the number that was

18 in there for the pilot.

19 Q I'm saying where did you come up with the

20 number. 10:09:49

21 MR. MARMORSTEIN: Objection; asked and

22 answered.

23 You can answer again.

24 THE WITNESS: I believe that was the FX

25 number for a line producer for a half an hour 10:09:56

1 comedy. 10:09:58

2 BY MR. JOHNSON:

3 Q Where did you get that information, that

4 that was their number?

5 A That may have been coming from Emily. I 10:10:02

6 can't recall, specifically.

7 Q What was your quote prior to the budget?

8 A I'm sorry, can --

9 MR. MARMORSTEIN: Objection.

10 THE WITNESS: I'm sorry, can you rephrase 10:10:15

11 that.

12 BY MR. JOHNSON:

13 Q What was your quote? What were you asking

14 for getting for this type of similar work?

15 A It ranged depending on the show. 10:10:22

16 Q Wasn't your last quote \$18,500?

17 A I don't recall.

18 Q Didn't you discuss the \$20,000 figure with

19 Charles Lenhoff at the time that you were preparing

20 the budget, that that would be your next wage? 10:10:34

21 A I don't recall.

22 MR. MARMORSTEIN: Take a break when we

23 can, Neville?

24 MR. JOHNSON: All right.

25 THE VIDEOGRAPHER: Off the record, 10:10. 10:10:48

1 (Off the record.) 10:10:55

2 THE VIDEOGRAPHER: The time is 10:15. We

3 back on the record.

4 MR. MARMORSTEIN: Are we on 102, Neville?

5 MR. JOHNSON: Are we what? 10:15:14

6 MR. MARMORSTEIN: Are we still on 102?

7 MR. JOHNSON: We are just starting.

8 MR. MARMORSTEIN: Okay.

9 BY MR. JOHNSON:

10 Q So, 102 is an E-mail that you wrote to 10:15:19

11 Mr. Tracey, November 4, 2014, at 7:47 in the evening

12 after you met with Mr. Lenhoff, right?

13 A Yes.

14 Q And was Lisa Lenhoff in the room when you

15 had met with Charles? 10:15:37

16 A I don't recall.

17 Q When he said I want to get commissions on

18 "Brothers in Atlanta" and "Baskets," did you respond

19 at that time?

20 Did you tell him no, you are not going to 10:15:51

21 get it or say anything?

22 A I only recall being shocked. I don't

23 recall what I said.

24 Q Then you write,

25 "I never had a written contract with 10:16:03

1 Charles though I imagine the 'spirit' of 10:16:05
2 an agreement can be established."
3 What did you mean by that?
4 A I just said we didn't have a written
5 agreement, but "spirit," I was referring to we had 10:16:17
6 an oral agreement.
7 Q Do you -- were you a member of the DGA at
8 the time that you terminated Mr. Lenhoff?
9 A I was not.
10 Q Do you know what the -- do you know 10:16:31
11 whether or not you were subject to the DGA
12 collective bargaining agreement that it has with
13 talent agents?
14 MR. MARMORSTEIN: Objection.
15 To the extent have you independent 10:16:42
16 information, you can give it to him. To the extent
17 you don't, it's direct from your discussions with
18 lawyers, I will instruct you not to answer.
19 THE WITNESS: I don't.
20 BY MR. JOHNSON: 10:16:52
21 Q Do you know what the DGA rules are for
22 agents to continue to get compensations on deals
23 they are in the process of negotiating or working
24 on -- actually, withdraw the question.
25 MR. MARMORSTEIN: Off the record? 10:18:27

1 MR. JOHNSON: No. 10:18:29

2 BY MR. JOHNSON:

3 Q Would you agree that Charles Lenhoff

4 advised, counseled and -- advised, counseled and

5 directed you in the development and advancement of 10:18:53

6 your career?

7 A Yes.

8 Q And can you -- do you have any

9 understanding as to what the DGA says when an agent

10 is to continue to get a continuing commission on 10:19:05

11 work that he or she has been involved in?

12 MR. MARMORSTEIN: Objection; vague and

13 ambiguous.

14 You can answer if have you independent

15 information beyond counsel. 10:19:15

16 THE WITNESS: I have no independent

17 information.

18 BY MR. JOHNSON:

19 Q Well, when you were dealing with Ryan

20 Tracey, did you -- you contacted him on November 4. 10:19:32

21 Did you intend to give him the commission

22 on "Baskets" and "Brothers in Atlanta" if he would

23 become your agent?

24 A Those deals did not exist at that time.

25 Q Assuming those deals came through, was 10:19:48

1 that your intention on November 4, to have Ryan and 10:19:50

2 UTA take the commissions?

3 MR. MARMORSTEIN: Objection; incomplete

4 hypothetical.

5 You can answer. 10:19:56

6 THE WITNESS: It was Ryan or anybody else

7 that was going to represent me.

8 BY MR. JOHNSON:

9 Q Well, I believe that November 7, you

10 formally hired UTA, didn't you? 10:20:11

11 A I don't recall the exact date.

12 Q You said in your E-mail to Tracey,

13 "I'm not interested in paying

14 him for these projects. I agree that

15 whatever is left of 'A to Z' is his." 10:20:39

16 Why did you not want to compensate him for

17 "Baskets"?

18 A That show had not even been picked up.

19 There was no deal in place. There was no closed

20 deal. 10:20:53

21 Q We touched on this before, but he had --

22 well, withdraw.

23 He had been your agent up to that point

24 negotiating all of your deals, right, Mr. Lenhoff?

25 A Yes. 10:21:03

1 evidence. 10:22:01

2 You can answer.

3 THE WITNESS: What mattered was that the

4 deals were not closed.

5 BY MR. JOHNSON: 10:22:07

6 Q So the key factor was that the deal

7 closed, "yes"?

8 A Yes.

9 MR. MARMORSTEIN: Objection; vague and

10 ambiguous. 10:22:12

11 BY MR. JOHNSON:

12 Q Why didn't you feel some loyalty towards

13 commissioning him on "Baskets" given all of the

14 years of work he had done to help you get to the

15 point where you could get such a nice job? 10:22:27

16 A That job did not exist when I left.

17 Q That's not my question.

18 My question is he had done a lot of work

19 to help you advance your career over the preceding

20 three or four years, right? 10:22:41

21 A Yes, and I was a really good client.

22 Q I get that, and I am saying given that he

23 had been that successful -- you both had been

24 successful, him for you and you for him -- didn't

25 you feel that at least with respect to "Baskets," he 10:22:54

1 should get the commission on that because he worked 10:22:57

2 on the pilot and had helped you up to that point?

3 A No.

4 Q Well, then why not?

5 Did it cross your mind that that should be 10:23:12

6 a factor, maybe I should let him do it?

7 A No.

8 Q How do you know that the deal wasn't

9 closed on the series by November 4?

10 A Because the show had not even been picked 10:23:26

11 up yet.

12 Q When was the deal closed?

13 A I don't recall the exact date, but it was

14 the following year.

15 Q And are you saying that Mr. Lenhoff had 10:23:37

16 nothing to do with introducing you into the family

17 at -- that got you at "Baskets"?

18 A I am --

19 MR. MARMORSTEIN: Hold on a second. Can

20 you read that question back. 10:23:49

21 (The previous question was read back

22 by the court reporter as follows:

23 "QUESTION: And are you saying that

24 Mr. Lenhoff had nothing to do with

25 introducing you into the family at -- that 10:23:51

1 got you at "Baskets"?") 10:23:51

2 MR. MARMORSTEIN: Objection; vague and

3 ambiguous.

4 You can answer if you understand it.

5 THE WITNESS: I am saying. 10:24:06

6 BY MR. JOHNSON:

7 Q Well, what, if anything, did Mr. Lenhoff

8 do with respect to "Baskets"?

9 What did he contribute to your engagement

10 there? 10:24:14

11 A He made the pilot deal.

12 Q Did he have a preexisting relationship

13 with any of the executives or producers at

14 "Baskets"?

15 A I am not aware of, but I did. 10:24:25

16 Q Well, I'm asking you about him.

17 A I can't speak to his relationships at that

18 time.

19 Q Did it ever occur to you that -- let's

20 talk about how you worked with Zach Galifianakis -- 10:24:44

21 how do you say his name?

22 A Galifianakis.

23 Q You worked with him on a previous project?

24 A I did.

25 Q How did you interact with him with respect 10:24:55

1 to getting on to "Baskets"? 10:24:57

2 A I was a producer on "Bored to Death," a

3 show that he was in, and we worked together

4 successfully, and I did not hear from him for a

5 little while until the pilot of "Baskets." 10:25:06

6 Q And then did he call you?

7 A He did not.

8 Q Did you call him?

9 A I did not.

10 Q Then how do you know that he was 10:25:13

11 instrumental in getting you the position?

12 A Because he --

13 MR. MARMORSTEIN: Wait for him to finish.

14 THE WITNESS: I'm sorry, finish your

15 question. 10:25:22

16 BY MR. JOHNSON:

17 Q How did you know that he was instrumental

18 in getting you the position?

19 A I was informed of that by Jonathan

20 Kreisel, the show runner, and Blair Breard, the 10:25:30

21 executive producer.

22 Q When did they tell you that?

23 A When they -- when I interviewed with them

24 for the pilot.

25 Q What is Blair's last name? 10:25:42

1 A Breard, B-R-E-A-R-D. 10:25:44

2 Q Blair is a woman?

3 A She is a woman, indeed.

4 Q And you spoke with -- did you have an

5 interview with both Kreisel and Blair? 10:25:54

6 A Blair Breard, yes, I did.

7 Q And how did that get set up, that

8 interview?

9 A They were both phone calls because

10 Jonathan Kreisel was in Toronto at the time and 10:26:06

11 Blair was in New York.

12 Q So I am asking how did it get set up.

13 A I don't recall.

14 Q Do you know if Mr. Lenhoff had anything to

15 do with getting that meeting set up? 10:26:17

16 A I don't recall.

17 Q If it should turn out that Mr. Lenhoff was

18 instrumental in getting that meeting set up, would

19 that cause you to reconsider as to whether or not he

20 should be entitled to a commission on "Baskets"? 10:26:30

21 A No, because he would have facilitated that

22 meeting, not created the cause of that. Zach gave

23 my name for this job.

24 Q Well, if I were to tell you that it was a

25 combination or it should come out that it was a 10:26:45

1 combination or confluence of factors, namely, your 10:26:47
2 preexisting relationship with Galifianakis and
3 Mr. Lenhoff setting up the meeting, would that cause
4 you to change your position, as well?

5 A I don't believe -- 10:27:02

6 MR. MARMORSTEIN: Objection; incomplete
7 hypothetical, lacks foundation, assumes facts not in
8 evidence, it's vague and ambiguous.

9 THE WITNESS: I don't believe that was the
10 case. 10:27:09

11 BY MR. JOHNSON:

12 Q You don't believe what?

13 A That it was a combination.

14 Q But let's -- okay.

15 Let's say it was established, though, just 10:27:15
16 hypothetically, would you still feel that same way?

17 A I don't want to answer a hypothetical
18 situation.

19 Q Why not?

20 A Why so? 10:27:29

21 Q Why not?

22 A I mean I don't understand. You might as
23 well ask me if I believe in God. It's a
24 hypothetical I don't want.

25 Q I am asking the question for a specific 10:27:40

1 reason, to understand your motivation -- 10:27:42

2 A Okay.

3 Q -- and belief as to whether or not he had

4 performed the work necessary.

5 You have already indicated that because 10:27:49

6 the deal wasn't closed, there was no obligation on

7 your part.

8 My question is assuming it comes out that

9 it was the both of you that pushed this deal to your

10 getting the position, wouldn't that -- wouldn't you 10:28:08

11 say given that, that he should -- Mr. Lenhoff should

12 get something?

13 MR. MARMORSTEIN: Are you asking if she

14 believes that Lenhoff had something to do with

15 setting up the meeting? 10:28:21

16 MR. JOHNSON: If she were to believe that,

17 if she were to believe that had Lenhoff had

18 something to do with getting her the interview.

19 MR. MARMORSTEIN: Meeting for the pilot

20 that he be entitled to series money? 10:28:29

21 MR. JOHNSON: Yes, yes.

22 MR. MARMORSTEIN: Do you know the answer

23 to that question?

24 THE WITNESS: I don't believe that he made

25 that meeting happen. 10:28:35

1 BY MR. JOHNSON: 10:28:36

2 Q I know.

3 A I don't know.

4 MR. MARMORSTEIN: But if you did, would

5 that entitle him to the series money? 10:28:38

6 THE WITNESS: No.

7 MR. MARMORSTEIN: That's what he's asking.

8 BY MR. JOHNSON:

9 Q Now, you say,

10 "I wanted to let you know while 10:28:52

11 you are still making preliminary calls in

12 case . . ."

13 What are the calls you are referring to?

14 A The what I stated earlier about the

15 conflict of interest with his other client. 10:29:02

16 Q The client was an actress?

17 A No, another line producer.

18 Q Why would there be a conflict?

19 A Because we had a falling out.

20 MR. MARMORSTEIN: She testified to 10:29:17

21 earlier.

22 BY MR. JOHNSON:

23 Q Would never be on the same projects, would

24 you?

25 A It doesn't matter. 10:29:21

1 Q Then you say, I guess I am hoping that a 10:29:22

2 company -- well, you say,

3 "I wanted to let you know while
4 you are still making preliminary calls in
5 case this proves to be too much baggage 10:29:31

6 and you want to step away. You will find
7 I am very straight up and honest. I guess
8 I am hoping a company like UTA has dealt
9 with these shenanigans before."

10	And what do you mean by "shenanigans"?	10:29:47
----	--	----------

11 A What I meant was shenanigans like Charles
12 claiming commission on future nonexistent work.

13 Q Well, you don't fault him -- he may be
14 right or wrong but you don't fault him for standing
15 up for his rights, do you? 10:30:02

16 MR. MARMORSTEIN: Objection;

17 argumentative.

18 BY MR. JOHNSON:

19 Q If he believes he is entitled to under the
20 law to get paid these commissions. 10:30:08

21 A I'm sorry. What was your question?

22 Q You don't fault him for trying to get paid
23 his commissions if he believes he is legitimately
24 entitled to them, do you?

25	A Charles is entitled to do whatever he	10:30:18
----	---	----------

1 wants. 10:30:20

2 Q So it's not a shenanigan to -- I mean

3 "shenanigan" has a somewhat -- what's the word?

4 MR. MARMORSTEIN: Negative connotation.

5 MR. JOHNSON: Disparaging, yes. I am 10:30:32

6 laying a foundation.

7 BY MR. JOHNSON:

8 Q "Shenanigan" has somewhat of a disparaging

9 connotation or denotation.

10 Do you mean to say that he is a bad person 10:30:41

11 or dishonest by seeking to get these commissions?

12 MR. MARMORSTEIN: Objection; document

13 speaks for itself, it's vague and ambiguous.

14 You can answer if you understand.

15 THE WITNESS: I would never say that 10:30:52

16 Charles is a bad person.

17 BY MR. JOHNSON:

18 Q Do you think he is an honest person?

19 A I believe Charles has honest intent.

20 Q You also write on 102, 10:31:18

21 "I pursued your client list. Lots of

22 talented people. And many, many talented

23 female (and male) producers."

24 Why did you write that?

25 A As part of my homework on the agents that 10:31:34

1 I was looking at on my list, I wanted to see who 10:31:38
2 their clients were.

3 Q Was that one of the reasons that made UTA
4 attractive, was that it had a large client list?

5 A No. 10:31:49

6 Q What did make UTA attractive to you?

7 A Actually, Ryan was the attraction.

8 Q And what was it about him that you --

9 A I had --

10 MR. MARMORSTEIN: Let him finish. 10:31:59

11 THE WITNESS: Sorry, I'm sorry.

12 You can ask him.

13 BY MR. JOHNSON:

14 Q What was it about him that you liked?

15 A I appreciated the way he always handled 10:32:05

16 himself and he handled himself on behalf of his
17 clients.

18 I had dealt with him for a number of years

19 hiring his clients. So we had spent a large amount

20 of time on the phone and I liked his manner. I 10:32:20

21 thought he was very professional and he was always

22 calm and cool and level-headed and fair.

23 Q So was the fact that there was a large

24 client list attractive to you, as well?

25 A Of course. 10:32:39

1 Q Has he gotten you any work or have you 10:32:46
2 gotten any work since "Baskets" and "Brothers"?
3 A Yes.
4 Q What have you gotten?
5 A Let me think. 10:32:56
6 I have done a show called "Lady Dynamite."
7 I have done -- what have I done. I am trying to
8 think of what else I have done.
9 I have done a feature.
10 Q What's it called. 10:33:12
11 A It's called "Blue Nights."
12 I have done a season one of "Divorce," and
13 I have done season one of "Insecure."
14 Q Do you have projects lined up?
15 A I do. I am going to be doing an Adult 10:33:29
16 Swim pilot next month.
17 Q Anything else?
18 A Not that I can think of right now.
19 Q In that pilot, what is your title going
20 be? 10:33:44
21 A Executive producer.
22 Q Executive producer?
23 A Yes.
24 Q So what was your title on "Lady Diana"?
25 A "Lady Dynamite." 10:33:49

1 Q "Lady Dynamite"? 10:33:51
2 A And it was producer.
3 Q How about "Blue Nights"?
4 A Executive producer.
5 Q "Divorce"? 10:34:02
6 A Co-EP.
7 Q And "Insecure"?
8 A Co-EP.
9 Q Who are Nick Lombardo and Matt
10 Magielnicki? 10:34:25
11 A Magielnicki.
12 They are both executives at FX.
13 Q You wrote them shortly after you wrote
14 Ryan Tracey on the 4th, right?
15 A Yes. 10:34:41
16 Q And what did you tell them?
17 A That I am no longer being represented by
18 Charles.
19 Q And you wrote them saying don't discuss
20 any projects with -- in relation to me, right? 10:34:53
21 A I would have to have a look at it, but
22 yes.
23 Q Let's make them collectively 103.
24 (Deposition Exhibit 103 was marked for
25 identification by the court reporter and 10:35:03

1 is attached hereto.) 10:35:03

2 BY MR. JOHNSON:

3 Q The question is why --

4 MR. MARMORSTEIN: Hold on. Let her take a

5 look at it. 10:35:28

6 THE WITNESS: Okay.

7 BY MR. JOHNSON:

8 Q Did you do it because somebody told you to

9 do it or did you do it on your own?

10 A I did it on my own. 10:35:44

11 Q Did you tell Tracey that you were going to

12 do this?

13 A That I was going to do what?

14 Q Write these execs and tell them that you

15 were out of the representation. 10:35:53

16 A I don't recall saying that to him.

17 Q And it says,

18 "Please, don't discuss any

19 projects with him in relation to me."

20 Did you understand that Lenhoff at the 10:35:59

21 time was discussing other projects with these

22 executives?

23 A I am not aware of what conversations he

24 was having.

25 Q Why did you pick these two executives? 10:36:10

1 say what? 10:37:01

2 A I don't know. I didn't say it was a

3 rational fear. I was just completely

4 discombobulated.

5 Q Did you ever consider -- do you know 10:37:08

6 whether or not there is major litigation between

7 Mr. Lenhoff and UTA going on at the moment?

8 MR. MARMORSTEIN: To the extent you have

9 independent information about other litigation

10 relating to this case, you can answer that, but 10:37:21

11 don't talk about things we have talked about.

12 THE WITNESS: I have no independent.

13 BY MR. JOHNSON:

14 Q Do you know whether or not there is an

15 antitrust lawsuit brought by Mr. Lenhoff against UTA 10:37:31

16 saying they are in the business of poaching or

17 stealing clients and he wants to stop that?

18 A I am aware of its existence.

19 Q Right.

20 Did you ever consider that you were a pawn 10:37:46

21 in that litigation and dispute, in other words, this

22 case, itself, is just a little adjunct of the bigger

23 case in which they're trying to destroy Mr. Lenhoff?

24 MR. MARMORSTEIN: To the extent you have

25 independent information, you can give it to the 10:38:02

1 extent you have information. To the extent you 10:38:04
2 understand counsel's question and that is derived
3 from attorney-client communication, you shouldn't
4 give that and I will instruct you to not answer.

5 THE WITNESS: I have no independent 10:38:16
6 information.

7 BY MR. JOHNSON:

8 Q Well, do you recall at one point that when
9 you brought your claim against Mr. Lenhoff, it was
10 reported in the "Hollywood Reporter"? 10:38:25

11 A I was actually informed of the "Hollywood
12 Reporter" article yesterday.

13 Q Really?

14 A Yes.

15 Q So you had nothing to do with its getting 10:38:34
16 into the "Hollywood Reporter"?

17 A I most definitely did not.

18 Q Was it your understanding that it was your
19 lawyers who did that?

20 A I have no understanding of who did that. 10:38:43

21 Q Did you understand -- ever have any
22 understanding that by your claims that you made in
23 this litigation that they could have a very
24 destructive impact on the reputation of Mr. Lenhoff?

25 A My understanding is that my own career is 10:38:57

1 having a very destructive effect for me. 10:38:59

2 Q So you had no thought about whatever your
3 claims would do to Mr. Lenhoff, correct?

4 A I was very selfishly thinking about myself
5 and me, this effect on me. 10:39:09

6 Q And you accused him of intentional
7 dishonesty, didn't you?

8 MR. MARMORSTEIN: To the extent you can
9 answer outside of your discussions with your
10 lawyers, you can do so. Otherwise, I'm instructing 10:39:20
11 you not to answer.

12 THE WITNESS: No independent, not
13 answering.

14 BY MR. JOHNSON:

15 Q Do you recall calling him a "douche," 10:39:41

16 Mr. Lenhoff?

17	A	Yes.
----	---	------

18	Q	What was that about?
----	---	----------------------

19 A I called him a "douche."

20	Q	What does that mean, somebody who is a	10:39:53
21		"douche"?	

22 A It's a phrase. It means that I am not
23 particularly happy with somebody's behavior.

24	Q Does it denote or connote to you	
25	dishonesty?	10:40:13

1 A It denotes unhappiness. 10:40:15

2 Q And who is David Flebotte?

3 A He is -- he was the show runner on an HBO

4 pilot that I did a little while back called "The

5 Reporters." 10:40:35

6 Q And you wrote -- I will show you. We will

7 make it --

8 MR. MARMORSTEIN: You did two pages of 103

9 or 104?

10 MR. JOHNSON: This will be 104. 10:40:49

11 (Deposition Exhibit 104 was marked for

12 identification by the court reporter and

13 is attached hereto.)

14 BY MR. JOHNSON:

15 Q And you say on August 12, 2015, 10:41:00

16 "I am so glad my ex agent was

17 such a douche and didn't give you the

18 accurate information."

19 What are we talking about?

20 MR. MARMORSTEIN: Go ahead and read the 10:41:09

21 whole thing.

22 BY MR. JOHNSON:

23 Q That was inaccurate?

24 MR. MARMORSTEIN: Read the whole thing.

25 THE WITNESS: I'm sorry, can you repeat 10:41:28

1 your question again. 10:41:29

2 BY MR. JOHNSON:

3 Q You are saying he didn't give -- I presume

4 you are talking about Lenhoff, and it says,

5 "I am so glad my ex agent was 10:41:35

6 such a douche and didn't give you the

7 accurate information."

8 What are you talking about? What was

9 inaccurate?

10 A Well, he said that I -- he told them that 10:41:44

11 I was doing "Brothers in Atlanta" but said that I

12 did not have representation. That's inaccurate.

13 Q Because you did have representation?

14 A Yes.

15 Q And that was UTA? 10:42:03

16 A Yes.

17 Q And he should have told them you were with

18 UTA.

19 A He should have said that I have

20 representation. 10:42:14

21 MR. JOHNSON: Let's take a minute.

22 THE VIDEOGRAPHER: Off the record at

23 10:44.

24 (Off the record.)

25 THE VIDEOGRAPHER: The time is 10:53. 10:53:12

1 We're back on the record. 10:53:12

2 BY MR. JOHNSON:

3 Q Isn't it true that Mr. Lenhoff introduced

4 you to Lombardo and Blair Breard?

5 A I have no recollection of that. 10:53:26

6 Q Well, did you have -- when was the first

7 time that you met them and how?

8 A I actually hadn't met Nick until, I

9 believe, the "Baskets" series. We had only talked

10 on the phone. 10:53:42

11 Q And when did you first talk on the phone?

12 A I was actually on a show called "Up All

13 Night" when he had called me.

14 Q When was that?

15 A That would have been about five years ago. 10:53:57

16 Q And why didn't you notify any of the other

17 potential employers besides Lombardo and Breard when

18 you sent out your note on the 4th of November?

19 A I don't recall.

20 Q Isn't it true that these were the 10:54:15

21 executives, Lombardo and Breard, that Mr. Lenhoff

22 had been negotiating with with respect to "Baskets"?

23 MR. MARMORSTEIN: Are you talking about

24 the series?

25 THE WITNESS: I'm sorry, in reference to 10:54:31

1 what? 10:54:32

2 BY MR. JOHNSON:

3 Q Isn't true that on November 4, 2014, you

4 knew that Mr. Lenhoff had been negotiating or

5 talking about "Baskets" with Lombardo and Breard? 10:54:41

6 A I knew that he had been talking to them.

7 Q And it was about "Baskets," right?

8 A I can't speak to his direct conversations

9 with them.

10 Q Isn't it your understanding that these are 10:54:53

11 the executives who were involved with "Baskets,"

12 were making the deal?

13 A Blair Breard was not making a deal.

14 Q Well, what was Lombardo doing with respect

15 to "Baskets" as of November 2014? 10:55:04

16 A I don't know.

17 Q What was Breard doing with respect to

18 "Baskets" on November 2014?

19 A I don't know.

20 Q And you met with Lombardo and -- did you 10:55:16

21 meet with Lombardo and Breard to get your job?

22 MR. MARMORSTEIN: Objection; vague and

23 ambiguous.

24 You can answer.

25

1 BY MR. JOHNSON: 10:55:24

2 Q Who did you meet with, again?

3 A For what?

4 Q "Baskets."

5 A "Baskets" what? 10:55:28

6 Q "Baskets" pilot to get the job.

7 A I had a phone call with Blair and a phone

8 call with Jonathan Kreisel.

9 Q Kreisel and Breard.

10 And did you know Kreisel before? 10:55:40

11 A Did not.

12 Q And Breard, did you know her before?

13 A I did not.

14 Q That was set up by Mr. Lenhoff, wasn't it,

15 that phone call? 10:55:50

16 A Because Zach told Blair and Jonathan to

17 call me.

18 Q Now, at the time you did the pilot in

19 "Baskets," you were a DGA member, right?

20 A I don't believe so. 10:56:11

21 Q When did you become a DGA member?

22 A I believe I became a member for the

23 series.

24 Q But not for the pilot?

25 A If I remember, I was not the DGA UPM, 10:56:19

1 unless I am wrong. 10:56:22

2 Q Would you agree that during the term of

3 your representation by Mr. Lenhoff, he tripled your

4 wages?

5 A Yes. 10:56:43

6 Q And when you first started with him, what

7 was your -- what were the kinds of positions you

8 were working on -- wait, wait, wait. Hang on.

9 The Galifianakis show, what is that

10 called, again? 10:57:00

11 A "Bored to Death."

12 Q Forced?

13 A "Bored to Death."

14 Q And what was your title on that show?

15 A Producer. 10:57:08

16 Q When you signed up with Mr. Lenhoff, what

17 did you -- what were you looking to improve?

18 A I think I was ambitious, like many

19 producers are. I wanted to get better producing

20 work and I wanted to start directing. 10:57:27

21 Q Have you directed anything -- you

22 mentioned one show?

23 A I have, yes.

24 Q Have you directed anything else?

25 A What have I mentioned? We have not 10:57:37

1 discussed directing. 10:57:41

2 Q I thought you did but maybe I am wrong.

3 A No.

4 Q No, you didn't.

5 Have you directed anything? 10:57:49

6 A I have.

7 Q What did you direct?

8 A I directed an episode of "Lady Dynamite."

9 Q By the way, any of these jobs that you

10 got, had you had relationships with these people 10:58:00

11 before via Lenhoff?

12 MR. MARMORSTEIN: Objection; vague and

13 ambiguous.

14 You can answer.

15 THE WITNESS: I had preexisting 10:58:09

16 relationships both for "Divorce" and "Insecure"

17 because I had done a number of HBO projects before I

18 engaged Charles.

19 And "Lady Dynamite" was a referral from

20 Jonathan Kreisel, who I worked with on "Baskets." 10:58:24

21 The show runner of that show, Pam Brady, called me

22 because of Kreisel.

23 BY MR. JOHNSON:

24 Q Where did "Blue Nights" come from?

25 A That is due to me doing "Divorce" with 10:58:35

1 Sarah Jessica Parker and they had called me because 10:58:39
2 it was the same company.

3 Q And what about the Adult Swim pilot, where
4 did that come from?

5 A That came from actually UTA. 10:58:47

6 Q So I guess we're at 105.
7 (Deposition Exhibit 105 was marked for
8 identification by the court reporter and
9 is attached hereto.)

10 BY MR. JOHNSON: 10:59:12

11 Q So it's an E-mail, February 12, 2015, from
12 Tracey to yourself, saying,
13 "Michael Sinclair spoke with our
14 attorney, who is going on have a draft of
15 the letter tomorrow for us." 10:59:40
16 What is that about, please?

17 A I can't speak to that. I don't know.

18 Q Did that have to do with the fact that
19 Mr. Lenhoff was seeking to enforce his right to
20 commissions? 10:59:52

21 MR. MARMORSTEIN: Objection; calls for
22 speculation.

23 You can answer if you know.

24 THE WITNESS: I don't know.

25

1 BY MR. JOHNSON: 10:59:56

2 Q Do you remember that -- well, let's just

3 make this 106.

4 (Deposition Exhibit 106 was marked for

5 identification by the court reporter and 11:00:14

6 is attached hereto.)

7 BY MR. JOHNSON:

8 Q This is a letter from Michael Sinclair at

9 UTA, February 2, 2015.

10 Have you ever seen this before? 11:00:29

11 A I can't recall.

12 Q Well --

13 MR. MARMORSTEIN: Doesn't look like she is

14 a recipient of it.

15 BY MR. JOHNSON: 11:00:43

16 Q This indicates that they are on your

17 behalf saying they're not going to pay you

18 commissions on anything other than the pilot of

19 "Baskets" and "A to Z."

20 Did you ever see -- were you ever told 11:01:01

21 this by UTA, that they were going to send this

22 letter for you?

23 A I don't recall.

24 Q Is this the first time you have seen this

25 letter? 11:01:13

1 A Yes. 11:01:13

2 Q Do you know what Michael Sinclair does at

3 UTA?

4 A He's a lawyer?

5 Q Well, don't guess. 11:01:26

6 A He's a lawyer.

7 Q You know that?

8 MR. MARMORSTEIN: If you know.

9 THE WITNESS: I think, yeah, he's a

10 lawyer. 11:01:34

11 BY MR. JOHNSON:

12 Q Have you ever spoken to him?

13 A I don't recall whether he's the lawyer

14 that I spoke to after I got served. He might have

15 been. 11:01:49

16 Q And what did that lawyer tell you when you

17 spoke to him?

18 A He told me to take a breath because I was

19 very agitated and upset.

20 Q Anything else? 11:02:00

21 A I don't recall.

22 Q How did you end up with Freedman and

23 Taitelman as your counsel?

24 MR. MARMORSTEIN: To the extent you have a

25 recollection -- if I understand the question 11:02:07

1 correctly, to the extend have you a recollection 11:02:12
2 outside of discussions with your attorneys, you can
3 answer.

4 THE WITNESS: I don't have a recollection
5 outside of that. 11:02:18

6 BY MR. JOHNSON:

7 Q You don't know how you came to call them?

8 A I actually don't. I don't remember how
9 that happened.

10 Q An agent, Tracey or Sinclair, didn't give 11:02:25
11 you their name?

12 MR. GARFIELD: Objection; calls for
13 speculation. She answered she doesn't remember, but
14 if you remember now, go ahead and answer.

15 THE WITNESS: No. 11:02:34

16 BY MR. JOHNSON:

17 Q Did they call you?

18 A I don't recall.

19 Q Well, before you became -- they became
20 your lawyers, what discussions did you have with 11:02:45
21 them?

22 MR. MARMORSTEIN: With whom?

23 MR. JOHNSON: Freedman and Taitelman.

24 MR. MARMORSTEIN: If you remember us
25 having conversations before we became your lawyers, 11:02:54

1 you can answer. 11:02:56

2 THE WITNESS: I don't recall.

3 BY MR. JOHNSON:

4 Q Did you have conversations with them

5 before they became your lawyer? 11:02:59

6 A I don't recall them.

7 Q What are your feelings towards Charles

8 Lenhoff right now as you sit here?

9 A I am really -- I'm upset and bummed that

10 we're at this point. My feelings are that I love 11:03:23

11 and care for him and I really did not foresee things

12 ending this way. We had a really good go and

13 because I did not have -- I didn't want to hurt his

14 feelings and I didn't have the balls to talk to him

15 directly about my issues, we're here and it really 11:03:41

16 upsets me.

17 Q You stayed at their place in 29 Palms?

18 A It's a beautiful place out in 29 Palms.

19 They made me feel welcome. They made me feel as

20 part of the family. They're standup people. 11:04:00

21 Q Were they there at the time you stayed

22 there?

23 A They were not. They have a beautiful

24 home. Everything is ready for you to stay there.

25 It's acres of land. It's super quiet. If you don't 11:04:10

1 have any fears of scorpions and creepy crawlies, 11:04:13
2 it's awesome.

3 Q Other than this dispute, is there anything
4 about the Lenhoffs you don't like?

5 MR. MARMORSTEIN: Objection; vague and 11:04:27
6 ambiguous.

7 You can answer.

8 THE WITNESS: The Lenhoffs are incredible
9 people.

10 Please, don't make -- don't bait me to say 11:04:34
11 horrible things about them because that's not going
12 to happen.

13 BY MR. JOHNSON:

14 Q How often would you speak to Charles
15 during the period of representation? 11:04:42

16 A We spoke regularly. I don't know. Maybe
17 once a week, sometimes more, sometimes less.

18 It all kind of depended. It wasn't like a
19 specific -- we didn't have a specific phone date set
20 for every Wednesday. We just talked whenever. 11:04:55

21 Q Sometimes as much as daily?

22 A Yes.

23 Q Well, let's put this up.

24 You said for over six months, you were
25 mulling over the possibility of leaving the 11:05:16

1 Lenhoffs. 11:05:20

2 Didn't you feel some obligation to express

3 your concerns and see if they could be ameliorated

4 in any way, including, for example, asking what

5 happened with this director, that or -- excuse me -- 11:05:33

6 this show runner and producer that had said negative

7 things?

8 MR. MARMORSTEIN: Objection; asked and

9 answered. I think she testified to this, Neville,

10 but if you want to ask her again. 11:05:44

11 THE WITNESS: I mean as I have said

12 before, I was a coward. So yes, I did not talk to

13 him about it because I was a coward.

14 BY MR. JOHNSON:

15 Q Tell me what Mr. Lenhoff did for you to 11:06:02

16 develop and advance your career?

17 A Can you be more specific.

18 Q I want to know -- you came in at one

19 level. It appears that you are at a higher level

20 right now. Tell me what happened as you understand 11:06:20

21 it.

22 You got better titles, better positions,

23 better money?

24 MR. MARMORSTEIN: What he did or what she

25 did? 11:06:29

1 BY MR. JOHNSON: 11:06:29

2 Q Well, what he did that helped you.

3 A I think we worked together great. He was

4 great at listening to me. I am like every other

5 client in L.A I am insecure and I want to know how 11:06:41

6 I'm going to move up and move on and he was always

7 there ready to willing to listen.

8 And he -- I got paid more money and I --

9 he was able to set up lots of various interviews for

10 me to just meet people, you know. He did all of 11:07:00

11 those things.

12 Q And do you know how many people he pitched

13 to you, whether it was dozens, hundreds or more?

14 A I can't answer that. I don't know.

15 Q Do you know what the ratio is of -- or do 11:07:20

16 you have any idea -- when you were talking about

17 Charles's -- the comments that you had heard that

18 were negative about him in terms of his skill set,

19 we will call it, are you saying that on that basis,

20 alone, you made your decision because two people 11:07:36

21 said something?

22 A No.

23 Q Well, did anybody else say anything?

24 A No, it was a combination of -- also, just

25 some things that I picked up along the way from 11:07:47

1 Charles, you know, that kind of me made a little bit 11:07:49
2 uncomfortable, and I was like I don't know why this
3 makes me uncomfortable, but fine, you know, he had
4 asked me for cell phone numbers and E-mails of some
5 directors and people that I worked with, which felt 11:08:00
6 odd, you know.

7 I wasn't as comfortable with giving him
8 personal information of people that I had worked
9 with, but I just sort of let it go, you know. There
10 was just -- there was just some -- you know. 11:08:12

11 Q Well, did you discuss that with him, "Hey,
12 I am not happy"?

13 A I didn't. We have established that I am a
14 coward and I am not good at confrontation. So I did
15 not. Absolutely, I did not want to hurt his 11:08:24
16 feelings.

17 Q Do you have a written agreement with UTA?

18 A I do not.

19 Q What is your agreement -- tell me what
20 your agreement is with them? 11:08:58

21 A They get 10 percent on all deals closed.

22 Q Do you have a specific understanding as to
23 whether they get commissioned on deals that they're
24 negotiating but you terminate before the deal is
25 over? 11:09:13

1	A	I'm sorry. Can you rephrase the question.	11:09:14
---	---	---	----------

2 Q Do you have a specific understanding with
3 UTA as to whether they will commission any deals
4 that are being negotiated but are not closed by the
5 time you leave? 11:09:27

6	A	No.
---	---	-----

7 Q Is there some reason why you haven't
8 negotiated that term with them given you're in a
9 lawsuit right now over that very issue?

10 A That's a really good point. I don't know, 11:09:42

11 no, but I might do that now. Thank you.

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12      Q    Let's say that the "Baskets" -- "Baskets"
13      series is modified so that you get more money.
```

14	Does UTA -- and this happens after have	
15	you left UTA. Do you get -- do they get a piece of	11:10:09
16	the betterment?	

17 MR. MARMORSTEIN: Objection; calls for
18 speculation, it's vague and ambiguous, lacks
19 foundation and incomplete hypothetical.

20	You can answer if you know.	11:10:19
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21 THE WITNESS: No, I don't have no
22 information on that.

23 MR. MARMORSTEIN: Also, may call for a
24 legal conclusion.

25

1 BY MR. JOHNSON: 11:10:34

2 Q What is the commission you're aware of

3 that UTA is taking on "Baskets"?

4 A 10 percent.

5 Q Do you know whether -- do you know what a 11:10:50

6 "packaging commission" is?

7 A I am not familiar with those details.

8 Q Do you know -- why do you believe that

9 they are getting paid 10 percent?

10 A Because when I get my money, my bank, 11:11:01

11 10 percent is not there.

12 Q In the other deals that you have,

13 "Lady Dynamite," "Blue Nights," "Divorce,"

14 "Insecure," how is UTA being paid?

15 A In what way do you mean? 11:11:35

16 Q Are they getting 10 percent?

17 A Yes. Well, as far as I know.

18 Q Do you know whether they're getting paid

19 by -- straight from the producer, a fee that is

20 called a "packaging fee"? 11:11:49

21 A I don't know.

22 Q Has anybody ever explained to you at UTA

23 what a packaging fee is?

24 A Not directly.

25 Q How about indirectly? 11:12:01

1 A My understanding if they are somehow tied 11:12:03
2 to the project from its infancy, they have some
3 claim to it.

4	Q	I didn't get that last answer. Would you	
5		read that answer.	11:12:16

6 (The previous answer was read back by the
7 court reporter as follows:

8	"ANSWER: My understanding if they	
9	are somehow tied to the project from its	
10	infancy, they have some claim to it.")	11:12:31

11 MR. JOHNSON: You know, let's go off the
12 record for one second.

13 THE VIDEOGRAPHER: Off the record, 11:13.

14 (Off the record.)

15	THE VIDEOGRAPHER: On the record, 11:14.	11:14:37
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16 MR. JOHNSON: This will be 107.

17 (Deposition Exhibit 107 was marked for
18 identification by the court reporter and
19 is attached hereto.)

20 BY MR. JOHNSON: 11:14:53

21 Q These are your "Supplemental Objections
22 and Responses to Special Interrogatories, Set One."

23 And have you ever seen this document
24 before?

25	A	Yes.	11:15:10
----	---	------	----------

1 Q And that's your signature on the second to 11:15:12
2 last page saying you have seen it and it was
3 accurate, right?

4 A Yes.

5 Q So let's just confirm. Go to response 11:15:19
6 number two on page 5. Special interrogatory number
7 two at line 11 says what is the date you hired UTA
8 to act as your agent.

9 And you say at line 23 "On or about
10 November 7, 2014," right? 11:15:38

11 A Yes.

12 Q So tell me what exactly happened on
13 November 7, 2014.

14 Did Ryan Tracey say we are now going to be
15 your agent? 11:15:51

16 MR. MARMORSTEIN: The answer, to be clear,
17 is on or about, not on November 27.

18 THE WITNESS: Yeah, there was a phone call
19 where Ryan said that UTA was going to take me on.

20 BY MR. JOHNSON: 11:16:02

21 Q When was that?

22 MR. MARMORSTEIN: When was that?

23 MR. JOHNSON: Yes.

24 THE WITNESS: On or about November 7.

25

1 BY MR. JOHNSON: 11:16:07

2 Q Well, was it before or after the 7th or

3 could it have been the same day or you just don't

4 know?

5 A I don't recall. 11:16:13

6 Q And on interrogatory number three, right

7 below that, line 25,

8 "Do you contend that Lenhoff is

9 currently in possession of any money owed

10 to you." 11:16:27

11 And you say at line seven, "Not at this

12 time," right?

13 A Wait. Where is that?

14 Okay. Yes.

15 Q What is the date that you were committed 11:16:41

16 to returning to work on "Baskets" after the

17 completion of the pilot?

18 In other words, when did you know you were

19 going back to "Baskets"?

20 A There was the show -- I don't even recall 11:16:51

21 when the show had been picked up. It wasn't until

22 the following year.

23 Q But how did you find out, by when and by

24 whom?

25 MR. MARMORSTEIN: Objection. 11:17:04

1 You can answer those three questions. 11:17:04

2 THE WITNESS: I don't know.

3 BY MR. JOHNSON:

4 Q Did UTA call you -- did somebody from

5 "Baskets" call you and say hey, we got picked up or 11:17:08

6 did you read it in the trades?

7 What happened?

8 A I don't recall how I found out. It was --

9 I don't recall.

10 Q And what was the best date you recollect 11:17:20

11 that you did find out?

12 MR. MARMORSTEIN: That the series was

13 picked up?

14 MR. JOHNSON: Yes.

15 THE WITNESS: I'm not going to guess. I 11:17:31

16 don't know.

17 BY MR. JOHNSON:

18 Q Well, we know it was after the pilot.

19 Was it a year later?

20 A Well, the series did not happen until 11:17:38

21 eighteen months later. So it was somewhere in that

22 period.

23 Q What did -- what did UTA negotiate on your

24 behalf with respect to the series?

25 A In reference to what? 11:17:56

1 Q "Baskets." 11:17:58

2 A But in reference to what points?

3 Q Did they negotiate your fees? Did they

4 negotiate any other perks?

5 A They negotiated the fees. There are no 11:18:06

6 perks on "Baskets." We have no budget.

7 Q But the \$20,000 was already set, wasn't

8 it?

9 MR. MARMORSTEIN: Objection; lacks

10 foundation, assumes facts not in evidence, vague and 11:18:20

11 ambiguous.

12 You can answer.

13 THE WITNESS: I don't know whether it was

14 set or not.

15 BY MR. JOHNSON: 11:18:26

16 Q Well, you put it in the budget, 20K, and

17 nobody ever disputed it, right?

18 MR. MARMORSTEIN: Objection; calls for

19 speculation, lacks foundation, vague and ambiguous.

20 THE WITNESS: Just because it goes into 11:18:32

21 the first budget, that does not mean that that is

22 the final number.

23 BY MR. JOHNSON:

24 Q Who approved the budget?

25 A I put the budget together. The FX 11:18:40

1 approves it. 11:18:43

2 Q Would those have been the executives we

3 were talking about before that you wrote the E-mails

4 to?

5 A They probably would have been some of the 11:18:52

6 executives, yes.

7 Q Do you know when any of the deals for any

8 of the stars on the show or other major executive

9 personnel were negotiated on "Baskets"?

10 MR. MARMORSTEIN: Can you read the 11:19:14

11 question.

12 (The previous question was read back

13 by the court reporter as follows:

14 "QUESTION: Do you know when any of

15 the deals for any of the stars on the show 11:19:17

16 or other major executive personnel were

17 negotiated on 'Baskets'")

18 THE WITNESS: I was not privy to that

19 information.

20 BY MR. JOHNSON: 11:19:30

21 Q Let's make 108 the next exhibit.

22 (Deposition Exhibit 108 was marked for

23 identification by the court reporter and

24 is attached hereto.)

25

1 BY MR. JOHNSON: 11:20:23

2 Q Have you ever seen this -- this is your

3 cross-complaint in this case.

4 Have you ever seen it before?

5 A I can't say that I specifically recall it. 11:20:33

6 Q The first claim is for unfair business

7 practices, and it says that at paragraph 11, that he

8 cashed a check for \$7500 and didn't send it to you

9 and that's an unfair business practice.

10 Is that correct? 11:21:07

11 MR. MARMORSTEIN: Hold on.

12 To the extent you have an independent

13 understanding of what is in the cross-complaint

14 outside of your conversations with your lawyers, you

15 should give him that information. 11:21:17

16 To the extent the information for that

17 answer derives from your conversations with counsel,

18 I'm instructing you not to answer is.

19 THE WITNESS: Can you ask the question

20 again. 11:21:27

21 MR. JOHNSON: Read it.

22 (The previous question was read back

23 by the court reporter as follows:

24 "QUESTION: The first claim is for

25 unfair business practices, and it says 11:20:45

1 that at paragraph 11, that he cashed a 11:20:51
2 check for \$7500 and didn't send it to you
3 and that's an unfair business practice.
4 Is that correct?")
5 THE WITNESS: Charles did cash the check 11:21:50
6 and did not send me the money.
7 BY MR. JOHNSON:
8 Q Isn't it true you have been -- that
9 Mr. Lenhoff, ultimately, did deposit \$7500 into your
10 account? 11:22:01
11 A He deposited it several months later, yes.
12 Q Right.
13 And again, you don't have any knowledge as
14 to whether or not he was authorized to do that under
15 the Talent Agencies Act. 11:22:09
16 MR. MARMORSTEIN: If you have independent
17 knowledge, you can answer.
18 THE WITNESS: I don't have independent
19 knowledge.
20 BY MR. JOHNSON: 11:22:22
21 Q And why do you believe, or do you believe,
22 that he was obligated to send you the money if he
23 believed he had a legitimate claim on commissions
24 you owed?
25 MR. MARMORSTEIN: Objection; vague and 11:22:36

1 ambiguous. 11:22:37

2 Same instruction.

3 THE WITNESS: Wait, I'm sorry. Can you

4 ask the question again. I don't understand it.

5 BY MR. JOHNSON: 11:22:44

6 Q Why do you believe that he could not keep

7 the money if he genuinely believed you owed him that

8 money for commissions that were unpaid?

9 A Charles took it upon himself -- if he

10 believed that, then why didn't he take 10 percent 11:22:59

11 and deposit the rest into my account.

12 Q Because -- did you understand that he was

13 claiming other moneys he believed you owed?

14 A I do understand that.

15 Q Then you say on line three, he sold off 11:23:29

16 the alleged debt in falsely claiming commissions to

17 a third party debt collection agency.

18 Do you believe that there was something

19 wrong in him assigning it to a debt collector?

20 MR. MARMORSTEIN: To the extent you have 11:23:45

21 independent information, you should give it. To the

22 extent your beliefs are derived from conversations

23 or advice from counsel, I'm instructing you to not

24 answer.

25 THE WITNESS: I'm not answering. 11:23:57

1 BY MR. JOHNSON: 11:24:10

2 Q Well, with respect to the Talent Agencies

3 Act -- that's the second claim on page 5 -- you

4 understand that you have lost that claim, right?

5 The Labor Commissioner has ruled against 11:24:17

6 you?

7 MR. MARMORSTEIN: Objection.

8 To the extent you have an understanding of

9 the legal implications of what happened at the Labor

10 Commission on this case outside of your discussions 11:24:25

11 with counsel, you should give it. To the extent

12 that derives from your discussions with counsel, I

13 am instructing you not to answer.

14 THE WITNESS: No answer.

15 MR. MARMORSTEIN: Can we take a break. 11:24:36

16 MR. JOHNSON: Okay.

17 THE VIDEOGRAPHER: Off the record, 11:24.

18 (Off the record.)

19 THE VIDEOGRAPHER: On the record, 11:31.

20 MR. JOHNSON: 109 is the ruling from the 11:31:06

21 Labor Commissioner.

22 (Deposition Exhibit 109 was marked for

23 identification by the court reporter and

24 is attached hereto.)

25

1 BY MR. JOHNSON: 11:31:09

2 Q Did you ever see it before?

3 A Yes.

4 Q Second to last page says, the petition was

5 dismissed and you had filed the petition. That's at 11:31:23

6 line five and six.

7 A Uh-huh.

8 Q Right?

9 A Yes.

10 That's it? 11:31:36

11 Q Well, when did you first see that

12 document?

13 A I can't recall.

14 Q Around -- well, about the time it was

15 issued. 11:31:43

16 Is that accurate?

17 MR. MARMORSTEIN: If you remember.

18 THE WITNESS: I don't recall.

19 BY MR. JOHNSON:

20 Q If it should turn out -- so as we sit here 11:31:50

21 today, you don't know whether you have been overpaid

22 on "Baskets" to the tune of \$7500 less whatever they

23 take out for withholding, right?

24 MR. MARMORSTEIN: Calls for speculation.

25 THE WITNESS: What do you mean? 11:32:08

1 BY MR. JOHNSON: 11:32:09

2 Q I am submitting to you -- in fact, I think

3 we can establish categorially that you have been

4 paid the \$7500 pursuant to the budget, and on top of

5 that that your fees were reimbursed by Mr. Lenhoff. 11:32:22

6 Is that accurate?

7 MR. MARMORSTEIN: Objections; vague and

8 ambiguous.

9 If you understand the question -- he is

10 saying that you got the money back right away. 11:32:29

11 THE WITNESS: No.

12 BY MR. JOHNSON:

13 Q I will just look.

14 I will show you -- this is a document we

15 got from FX, and I really only need to show the 11:33:00

16 first page. So this will be 110.

17 (Deposition Exhibit 110 was marked for

18 identification by the court reporter and

19 is attached hereto.)

20 BY MR. JOHNSON: 11:33:39

21 Q So it is showing here, this document

22 which, as I said, we got from FX, at the very first

23 line, Luka's Girl Productions was paid \$6975 by

24 check number 32216205.

25 I will submit to you that that was the 11:33:59

1 money that Lenhoff was paid. 11:34:01

2 Right after that, it shows three checks in

3 the amount of \$2325 and it gives check numbers 24 --

4 23 -- 32324116, 32324117 and 32324118.

5 Do you have any information that you were 11:34:28

6 not, in fact, paid these moneys?

7 A I cannot speak to what these moneys were

8 in reference to.

9 Q If it should turn out that you have been

10 paid these moneys in addition to being paid the 11:34:42

11 moneys that were paid to Mr. Lenhoff, would you

12 agree that you would have been overpaid?

13 MR. MARMORSTEIN: Objection; incomplete

14 hypothetical, vague and ambiguous, lacks foundation,

15 assumes facts not in evidence, calls for 11:34:54

16 speculation.

17 You can answer if you know.

18 THE WITNESS: I don't.

19 BY MR. JOHNSON:

20 Q If it turns out you have been overpaid, do 11:35:01

21 you intend to reimburse your employer for the money

22 you were overpaid?

23 MR. MARMORSTEIN: Objection; incomplete

24 hypothetical, calls for speculation, lacks

25 foundation, vague and ambiguous, assumes facts not 11:35:09

1 in evidence. 11:35:11

2 You can answer if you know.

3 THE WITNESS: Hypothetically, yes.

4 BY MR. JOHNSON:

5 Q Going back to Exhibit 108, which is the 11:35:53

6 cross-complaint, the third cause of action is at

7 paragraph -- is on page 6, and the key paragraph

8 would be 26.

9 And you say that Lenhoff breached his

10 fiduciary duty by wrongfully claiming collusion on 11:36:12

11 the "Baskets" television series.

12 Why was that a breach, in your opinion?

13 MR. MARMORSTEIN: Hold on a second. I'm

14 sorry, were you done with the question?

15 THE WITNESS: Where are you looking? 11:36:28

16 BY MR. JOHNSON:

17 Q Page 6, lines 18 through, say, 22.

18 MR. MARMORSTEIN: What is the question,

19 Neville?

20 BY MR. JOHNSON: 11:36:44

21 Q Why is that a breach of him claiming he

22 was entitled to commissions on that "Baskets"

23 television series if it should turn out -- let's put

24 it this way.

25 If it should turn out that the jury says 11:36:53

1 he was entitled to those commissions, that wouldn't 11:36:56
2 be any breach, would it?

3 MR. MARMORSTEIN: I am going to instruct
4 you not to answer to the extent your understanding
5 of what is a breach and what is not in your 11:37:03
6 cross-complaint --

7 MR. JOHNSON: If the jury.

8 MR. MARMORSTEIN: Hold on .

9 -- is derived why your understanding from
10 communication with counsel. 11:37:11

11 If you have an independent understanding
12 of what is a breach and what is not, please, give
13 it.

14 THE WITNESS: I'm not answering.

15 BY MR. JOHNSON: 11:37:19

16 Q Well, you also seem to complain about on
17 line 23 that he in, quote, sold off the alleged debt
18 to a third-party debt collection agency.

19 Do you have a problem that he had a third
20 party trying to collect what he believed was the 11:37:33
21 debt?

22 MR. MARMORSTEIN: Same objection; same
23 instruction?

24 THE WITNESS: No answer.

25 (Deposition Exhibit 111 was marked for 11:37:41

1 identification by the court reporter and 11:37:41
2 is attached hereto.)
3 BY MR. JOHNSON:
4 Q This is a couple pages of the budget, and
5 this is the budget that you prepared on "Baskets," 11:38:30
6 right?
7 A Yes.
8 MR. MARMORSTEIN: Hold on. Before we go
9 there, let's note for the record, Exhibit 111 is
10 FX00037 and 00039. They're excerpts from a larger 11:38:38
11 document.
12 MR. JOHNSON: That is right.
13 MR. MARMORSTEIN: Go ahead.
14 BY MR. JOHNSON:
15 Q So okay. Second page at the bottom and on 11:38:47
16 the first page at the bottom, it says it was printed
17 on July 25, 2014.
18 So that would probably be about the time
19 that you created it, you think?
20 A Likely. 11:39:16
21 Q And on the second page, the line producer
22 indicates it was going to be \$20,000 an episode,
23 right?
24 A Yes.
25 Q And that was -- you were expecting you 11:39:26

1 | were going to be that producer? 11:39:28

2	A	I was not.
---	---	------------

3 Q You were not expecting you were going to
4 be the producer?

5 A No. In fact, my name is not in this 11:39:35

6 budget as the line producer.

7	Q	Say that again.
---	---	-----------------

8 A My name is not in this budget as the line
9 producer. Ordinarily, if I am doing a pilot that I
10 already have a deal in place for the series, my name 11:39:47
11 would be here.

12 Q Andy the series was, in fact, picked up in
13 August of 2014, wasn't it?

14 A I don't recall the date.

15	Q Don't you recall that it was announced	11:40:10
16	publicly that the series had been ordered in August	
17	of 2014?	

18 A I believe it being announced publicly, but
19 I don't recall the date.

20 Q Let's take a look at these exhibits here, 11:40:22

21 which I will mark collectively as 112.

22 (Deposition Exhibit 112 was marked for
23 identification by the court reporter and
24 is attached hereto.)

25

1 BY MR. JOHNSON: 11:40:28

2 Q One is from Reuters announcing the pickup

3 of the series and the other one is from "Deadline

4 Hollywood," likewise, announcing the pickup of the

5 series. Both are dated August 27, 2014. 11:40:39

6 So the question is have you ever seen

7 these news releases before.

8 A I have seen the "Deadline" one. I have

9 not seen the Reuters one.

10 Can give me a second to read it, please. 11:41:32

11 MR. MARMORSTEIN: Yes.

12 MR. JOHNSON: Okay.

13 BY MR. JOHNSON:

14 Q So when did you see the "Deadline" one?

15 A Probably when it came out. 11:42:09

16 Q Does this refresh your recollection that

17 it was in August -- end of August of 2014 that

18 "Baskets" got picked up?

19 A Well, it says so here. So, yes.

20 Q When did Lenhoff put the money -- the 11:42:54

21 \$1675 into your account?

22 A It was several months later. It was about

23 November or December. I don't recall the exact

24 date.

25 Q Around about December 3, perhaps? 11:43:11

1 All right. 11:43:16

2 You don't remember, exactly, right?

3 A No.

4 Q Has anybody agreed to pay the judgment --

5 should you lose this case, has anybody agreed to pay 11:43:29

6 the damages that would have to be paid to

7 Mr. Lenhoff in this case?

8 MR. MARMORSTEIN: To the extent you have

9 information derived from your legal counsel, I

10 instruct you not to answer. 11:43:40

11 To the extent, you have independent

12 information about paying of judgment, you can

13 answer.

14 THE WITNESS: No answer.

15 BY MR. JOHNSON: 11:43:47

16 Q Isn't it true, when you filed lawsuit, you

17 had no economic damages?

18 MR. MARMORSTEIN: Objection to the extent

19 that information goes to what your damages are in a

20 lawsuit, does not derive from your conversations 11:44:35

21 with counsel, you can answer independently.

22 If you have that information or

23 understanding base on your conversations with

24 counsel, I instruct you not to answer.

25 THE WITNESS: No answer. 11:44:51

1 BY MR. JOHNSON: 11:44:52

2 Q What was the first time you got

3 co-executive producer on a series?

4 A I believe it was the pilot of "Baskets."

5 Q How much have you been paid on "Baskets" 11:45:21

6 so far?

7 A Let's see, 20 grand.

8 MR. MARMORSTEIN: Don't guess. If you

9 know.

10 THE WITNESS: Believe it's somewhere in 11:45:30

11 the vicinity of \$630,000.

12 BY MR. JOHNSON:

13 Q And how about on "Brothers in Atlanta"?

14 A I don't recall the exact number but I

15 believe it was somewhere around \$40,000. 11:45:42

16 Q And how much -- you're picked up for the

17 next season of "Baskets" or have you --

18 A We have not. There was no pickup for the

19 next season.

20 Q It may happen? 11:45:58

21 A It may or may not. We don't know. We

22 have been airing for a while and there has been

23 nothing, no word.

24 Q Who was your employer in "Baskets"?

25 Do you know? 11:46:11

1 A FX. 11:46:12

2 Q What was your contract with?

3 A I don't know.

4 MR. MARMORSTEIN: Don't guess.

5 THE WITNESS: I don't know. 11:46:36

6 MR. MARMORSTEIN: It was in the

7 production, Neville. So if you want to pull it.

8 BY MR. JOHNSON:

9 Q Do you know who Entertainment Partners is?

10 A They're a payroll company. 11:47:11

11 Q That's all they do is just pay the checks?

12 A As far as I am aware.

13 Q So let's make 113 -- this is an agreement

14 between your company, Luka's Girl Productions, Inc.,

15 and Bluebush Productions, LLC. 11:47:40

16 (Deposition Exhibit 113 was marked for

17 identification by the court reporter and

18 is attached hereto.)

19 BY MR. JOHNSON:

20 Q And that's your signature on the second to 11:47:44

21 last page and the FX 220 at the bottom, right?

22 A Yes.

23 Q And this is your deal for "Baskets,"

24 right?

25 A The series, yes. 11:48:02

A FX.

11:46:12

MR. MARMORSTEIN: Don't guess.

THE WITNESS: I don't know.

11:46:36

MR. MARMORSTEIN: It was in the

production, Neville. So if you want to pull it.

BY MR. JOHNSON:

Q Do you know who Entertainment Partners is?

A They're a payroll company.

11:47:11

Q That's all they do is just pay the checks?

A As far as I am aware.

Q So let's make 113 -- this is an agreement

between your company, Luka's Girl Productions, Inc.,

and Bluebush Productions, LLC.

11:47:40

(Deposition Exhibit 113 was marked for

identification by the court reporter and

is attached hereto.)

BY MR. JOHNSON:

Q And that's your signature on the second to

11:47:44

last page and the FX 220 at the bottom, right?

A Yes.

Q And this is your deal for "Baskets,"

right?

A The series, yes.

11:48:02

1 Q And it goes to -- went from twenty to 11:48:04
2 twenty-one an episode and then twenty-two-five an
3 episode, correct?
4 MR. MARMORSTEIN: Objection; the document
5 speaks for itself. 11:48:17
6 BY MR. JOHNSON:
7 Q That's at 2A and B.
8 A Right.
9 I'm sorry, what was the question?
10 Q You got twenty grand per episode first 11:48:22
11 year, then it went to twenty-one and then
12 twenty-two-five?
13 A Yes.
14 Q Actually, twenty-two-oh-five-oh.
15 A Yes. 11:48:32
16 Q Do you get any fringe benefits with that?
17 A You mean health benefits?
18 Q Any other benefits you get?
19 A Employment, just --
20 Q Health benefits -- 11:48:44
21 A Health benefits.
22 Q -- you get through the DGA?
23 A Whatever the standard benefits are, I get
24 those.
25 Q So let's take a look at this. 11:49:02

1 In August of 2015, you were informed that 11:49:06
2 the check had been reissued to you, weren't you?
3 A I don't recall.
4 Q Here is an E-mail dated August 27, 2015,
5 from yourself to Emily Rice. 11:49:34
6 (Deposition Exhibit 114 was marked for
7 identification by the court reporter and
8 is attached hereto.)
9 BY MR. JOHNSON:
10 Q My first question is why didn't you 11:49:36
11 produce this E-mail.
12 MR. MARMORSTEIN: Hold on a second. Let
13 her read it, and for the record, this document was
14 produced.
15 MR. PARADES: What was? Sorry, Counsel? 11:49:58
16 MR. MARMORSTEIN: Was produced.
17 MR. JOHNSON: For the record, it wasn't
18 produced.
19 MR. MARMORSTEIN: Disagree.
20 MR. JOHNSON: Well, if you have a Bates 11:50:04
21 stamp or proof, we would certainly like to see it.
22 BY MR. JOHNSON:
23 Q So here's the question.
24 Did you ever produce this document to your
25 lawyers? Did you give this document to your 11:50:13

1 lawyers? 11:50:15

2 MR. MARMORSTEIN: If you recall.

3 THE WITNESS: I don't recall.

4 BY MR. JOHNSON:

5 Q Have you ever seen this document before? 11:50:18

6 A I have.

7 Q When was the last time you saw it?

8 A I believe when Emily E-mailed it to me.

9 Q So Emily writes at 8/14/15,

10 "EP paymaster (Victoria Rivera) indicates 11:50:33

11 that it looks like the check hasn't

12 cleared. We place stop payment and

13 reissue the check."

14 So you knew on August 27, 2015, that it

15 was the belief of FX they had reimbursed you for 11:50:49

16 that check, right?

17 A That's not what that means.

18 MR. MARMORSTEIN: That's not what it says.

19 THE WITNESS: That's not what that means

20 at all. 11:51:00

21 BY MR. JOHNSON:

22 Q What do you understand it means?

23 A My understanding is you place stop payment

24 on that particular check, cancel that check, and for

25 that amount of money that the other check was for, a 11:51:08

1 brand new check was written. 11:51:10

2 So it is one amount of money, two

3 different checks, with the first one being invalid.

4 Q Well, we looked at the statement before

5 that said three checks were, indeed, issued. 11:51:20

6 A That has nothing do with this.

7 Q What does it have to do with -- if three

8 checks were issued for \$2500, what is your

9 understanding as to why they were paid?

10 MR. MARMORSTEIN: It was 2325, not 2500. 11:51:33

11 MR. JOHNSON: You're right.

12 BY MR. JOHNSON:

13 Q If three checks were issued for --

14 MR. MARMORSTEIN: Just so I understand

15 your question, Neville, the E-mail and Ms. Rice 11:51:43

16 testified that it wasn't reissued, and I had

17 understand you think it was, but what, exactly, are

18 you asking her?

19 BY MR. JOHNSON:

20 Q I am asking her right now, were you told 11:51:51

21 on August 27, 2015, that they believe the check had

22 been reissued?

23 MR. MARMORSTEIN: That's not what they

24 said. They said they didn't.

25

1 BY MR. JOHNSON: 11:52:00

2 Q Were you told this -- were you told this,
3 that it looks like the check hadn't cleared, they
4 placed a stop payment on it and reissued the check.

5 Did you understand that? 11:52:10

6 A EP reissuing the check, which is only
7 valid if the other one has not been cashed.

8 MR. MARMORSTEIN: Then it is goes to say
9 the check did clear. Unfortunately, it looks like
10 the check did clear. 11:52:26

11 MR. JOHNSON: I am submitting to you the
12 check did clear and they issued another check for
13 \$7500.

14 MR. MARMORSTEIN: No, you are saying that
15 it cleared Lenhoff's bank. 11:52:32

16 BY MR. JOHNSON:

17 Q Let me put it this way.
18 You better be right that the \$25,000 --

19 MR. MARMORSTEIN: Lower your voice. You
20 don't have to scream. 11:52:40

21 MR. JOHNSON: I will lower my voice, sotto
22 voice.

23 BY MR. JOHNSON:

24 Q You better be right --

25 MR. MARMORSTEIN: Whatever. 11:52:45

1 MR. JOHNSON: Hold on, I will whisper it. 11:52:47
2 You better be right that the \$2500 that
3 she was not reimbursed is money when you filed this
4 lawsuit.
5 MR. MARMORSTEIN: You better be right. 11:52:55
6 Go ahead.
7 MR. JOHNSON: That is right.
8 MR. MARMORSTEIN: Go ahead, next question.
9 BY MR. JOHNSON:
10 Q Did you ever check to see whether or not 11:53:04
11 the Lenhoff check had cleared?
12 MR. MARMORSTEIN: Lenhoff's bank.
13 THE WITNESS: Did I, personally, no.
14 BY MR. JOHNSON:
15 Q What did you do when you found that 11:53:15
16 Lenhoff was claiming the \$7500?
17 Who did you talk to, if anybody?
18 A I talked to Emily.
19 Q And tell us, exactly, what you spoke to
20 her about. 11:53:25
21 A I had actually asked where the check was
22 because I was anticipating that check. I needed it,
23 and she said that it had already been sent out.
24 Q And did she tell you we're going to
25 issue -- we are going to give you another -- 11:53:36

1 equivalent amount of money? 11:53:39

2 A No, she was not authorized to do that.

3 Q Here is going to be 115.

4 (Deposition Exhibit 115 was marked for

5 identification by the court reporter and 11:54:31

6 is attached hereto.)

7 BY MR. JOHNSON:

8 Q You know, I don't have a date on this, but

9 it is an E-mail to you from Lenhoff, saying we are

10 claiming our commission -- claiming a commission on 11:54:55

11 "Brothers in Atlanta."

12 Do you recall getting this?

13 A There is a date on the bottom.

14 MR. MARMORSTEIN: There is a date on the

15 bottom right. 11:55:03

16 MR. JOHNSON: There is a date at the

17 bottom that says 1/9/2015. That may be the date.

18 MR. MARMORSTEIN: Might be.

19 BY MR. JOHNSON:

20 Q I just want to know if you ever saw this 11:55:10

21 before.

22 A Yes.

23 Q And what did you do when you got it, if

24 anything?

25 A I don't recall doing anything. 11:55:19

1 Q Who is John Z? 11:56:04
2 A I don't know.
3 Q Here is a document you produced, 116.
4 (Deposition Exhibit 116 was marked for
5 identification by the court reporter and 11:56:26
6 is attached hereto.)
7 BY MR. JOHNSON:
8 Q You write to Tracey,
9 "John called and wanted to
10 double-check the date of when I am going 11:56:32
11 to Atlanta and I said it's looking like
12 2/16 at this point. He will take that
13 back to everyone."
14 What is that about? Does that refresh --
15 A It doesn't. Who is John Z? John Z, no. 11:56:42
16 Q Let's go over the documents you were
17 supposed to bring.
18 (Deposition Exhibit 117 was marked for
19 identification by the court reporter and
20 is attached hereto.) 11:57:06
21 BY MR. JOHNSON:
22 Q So let's go to page 7.
23 A Can you give me a second, please.
24 MR. MARMORSTEIN: For the record, that on
25 1/17, we filed objections to these -- this notice 11:57:38

1 and the document request. 11:57:41

2 THE WITNESS: Okay. Let's go ahead.

3 BY MR. JOHNSON:

4 Q Have you -- you did not produce all

5 communications between you and Lenhoff that refer, 11:57:58

6 reflect, refer or relate to "Baskets."

7 MR. MARMORSTEIN: Are you saying that or

8 are you asking her?

9 MR. JOHNSON: I am asking.

10 BY MR. JOHNSON: 11:58:07

11 Q Have you produced all communications

12 between you and Lenhoff? You haven't brought any

13 documents here today.

14 MR. MARMORSTEIN: We previously produced

15 documents. 11:58:13

16 BY MR. JOHNSON:

17 Q So we can ask that, I guess, to with

18 respect to your previous production.

19 Have you produced all documents that

20 relate to "Baskets"? 11:58:20

21 A Yes.

22 Q Have you produced all documents that

23 reflect, refer or relate to "Brothers in Atlanta"?

24 A All documents that I had, yes.

25 Q Have you produced all communications 11:58:34

1 between you and Lenhoff that reflect, refer or 11:58:37

2 relate to "The Reporters"?

3 | A Whatever I had, yes.

4 Q Have you produced all text messages
5 between you and any third parties that refer -- 11:58:52
6 reflect, refer or relate to your work on "Baskets"?

7 MR. MARMORSTEIN: Before you answer, I am
8 just going to have a standing objection so you can
9 get through this.

10 We objected to all of these categories, 11:59:03
11 many of which we did not agree to produce documents
12 to the request as they were phrased.

13 To the extent there are documents, go
14 ahead and answer.

15	THE WITNESS: Not answering.	11:59:15
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16 BY MR. JOHNSON:

17 Q Have you produced all communications
18 between you and third parties that reflect, refer or
19 relate to your work on "The Reporters"?

20	A	Not answering.	11:59:27
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21 It's the same rule, right?

22 MR. MARMORSTEIN: Answer if -- to the
23 extent you think there were documents, you can
24 answer.

25	THE WITNESS: Which page are you on, sir?	11:59:35
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1 BY MR. JOHNSON: 11:59:36

2 Q I am at the bottom of page 7.

3 MR. MARMORSTEIN: What number? Which

4 request?

5 MR. JOHNSON: Number six. 11:59:41

6 MR. MARMORSTEIN: Six.

7 THE WITNESS: What is the question?

8 BY MR. JOHNSON:

9 Q Did you produce all these documents,

10 communications between you and third parties, that 11:59:50

11 reflect, refer or relate to your work on "The

12 Reporters"?

13 MR. MARMORSTEIN: To the extent you have

14 any.

15 THE WITNESS: To the extent whatever I 11:59:58

16 had, yes.

17 BY MR. JOHNSON:

18 Q Let's generalize.

19 You turned over everything you had that

20 related to Lenhoff and "Baskets" and "The Reporters" 12:00:05

21 and "Brothers" to your counsel, right?

22 A Yes.

23 Q And that would have been all E-mails,

24 basically, right?

25 A Yes. 12:00:16

1 Q And that includes all of your 12:00:22
2 communications with UTA, right?
3 MR. MARMORSTEIN: If there are any, yes.
4 BY MR. JOHNSON:
5 Q You turned them over? 12:00:29
6 A Yes.
7 Q And all of your communications with Breard
8 you have turned over relating to "Baskets"?
9 MR. MARMORSTEIN: To the extent --
10 THE WITNESS: To the extent that I have 12:00:40
11 them, yes.
12 BY MR. JOHNSON:
13 Q And the same thing with Rice -- Emily
14 Rice?
15 A Yes. 12:00:45
16 Q Did you prepare any schedules for
17 "Baskets"?
18 A I believe I did.
19 Q What are schedules?
20 A What are schedules. They are basically a 12:00:55
21 calendar snapshot of what a series would look like
22 on a calendar.
23 Q When did you prepare those?
24 A I don't -- I have no recollection of when
25 that was, exactly. 12:01:10

1 Q Was that after the series got picked up? 12:01:11
2 A Very likely.
3 Q You don't know?
4 A I don't know.
5 Q Did you turn over those schedules? 12:01:18
6 A I don't recall.
7 Q The last one we talked about at the
8 beginning, or the second to last, 115, was documents
9 relating to your compensation for your work on
10 "Baskets." 12:01:29
11 A Wait, I am sorry. Say that again.
12 MR. MARMORSTEIN: Number 15.
13 BY MR. JOHNSON:
14 Q Documents that reflect, refer or relate to
15 your compensation on "Baskets." That would include 12:01:38
16 statements from your accountant or business manager
17 or from UTA.
18 Have you produced those?
19 MR. MARMORSTEIN: To the extent she has
20 them. 12:01:46
21 THE WITNESS: Yes.
22 BY MR. JOHNSON:
23 Q And did you turn over any documents --
24 this is 16 -- documents that refer, reflect, relate
25 to commission payments you made to UTA for your work 12:01:59

1 on "Baskets." 12:02:02

2 MR. MARMORSTEIN: It presumes that you

3 have those documents.

4 Just make clear for the record --

5 THE WITNESS: No, I don't have those 12:02:09

6 documents.

7 BY MR. JOHNSON:

8 Q You never got statements from UTA?

9 A Well, they got the payments. This

10 question is commission payments. 12:02:17

11 Q I understand.

12 When they send you the money, your share,

13 don't they -- what do they send you?

14 A Generally, an E-mail.

15 Q It's in an E-mail? 12:02:26

16 A Yeah.

17 Q I don't believe you turned over any

18 E-mails from UTA relating to your commissions --

19 their commissions and your payments on "Baskets."

20 Do you have them? 12:02:35

21 A I don't recall.

22 MR. MARMORSTEIN: Do you have them?

23 THE WITNESS: I don't recall, I mean.

24 MR. MARMORSTEIN: If you have them, we

25 will get them. If you don't have them, we don't 12:02:41

1 have them. 12:02:44

2 THE WITNESS: Okay.

3 BY MR. JOHNSON:

4 Q How do you -- how does UTA give you

5 information on the revenue they have collected and 12:02:57

6 the commissions they have taken?

7 MR. MARMORSTEIN: Objection; assumes facts

8 not in evidence.

9 You can answer.

10 THE WITNESS: No answer. 12:03:05

11 MR. MARMORSTEIN: If that happens.

12 THE WITNESS: I mean I don't understand.

13 BY MR. JOHNSON:

14 Q When money comes in to UTA, they collect

15 your money -- 12:03:11

16 A Yeah.

17 Q -- on the projects you do.

18 How are you notified that the money has

19 come in, where it has gone and what is the

20 commission they are taking? 12:03:20

21 A It's just in my bank account. They

22 deposit it.

23 Q Don't they send you a statement of some

24 sort?

25 A I believe they do, yeah. 12:03:26

1 Q And that would be by E-mail? 12:03:27

2 A Yes.

3 Q So you would have E-mails from UTA to you

4 of payments on "Baskets" and "Brothers," right?

5 MR. MARMORSTEIN: Don't guess. If you 12:03:39

6 know.

7 THE WITNESS: I can't speak to "Brothers,"

8 but if you are talking about the "Baskets" series,

9 yes.

10 MR. JOHNSON: Well, we would like to see 12:03:45

11 those, please.

12 MR. MARMORSTEIN: Sure. If we have them,

13 we will give them to you.

14 THE WITNESS: Okay.

15 MR. JOHNSON: I think let's take a break. 12:04:16

16 THE VIDEOGRAPHER: Off the record, 12:04.

17 (Off the record.)

18 THE VIDEOGRAPHER: We are on the record.

19 The time is 12:22.

20 BY MR. JOHNSON: 12:21:52

21 Q We looked at before Exhibit 110, which was

22 the earnings report, and it indicates in summary --

23 it's nothing for you to look at right now.

24 I'm just going to submit to you that the

25 summary indicates you were paid \$194,066.82 in 12:22:28

1 connection with "Baskets." 12:22:38

2 Do you know whether that is accurate or

3 not?

4 MR. MARMORSTEIN: 110 was just a one-page,

5 FX 00225. 12:22:44

6 BY MR. JOHNSON:

7 Q I'm just asking you assuming that FX says

8 you have been paid \$194,066, do you have any reason

9 to dispute that?

10 MR. MARMORSTEIN: For series one, season 12:22:57

11 one?

12 MR. JOHNSON: "Baskets" season one.

13 THE WITNESS: If that's what it says, then

14 that's what I got paid.

15 BY MR. JOHNSON: 12:23:04

16 Q And you did twenty episodes -- you did

17 nine episodes at \$21,000 an episode first season,

18 right?

19 A Yes.

20 Q When you worked with Galifianakis, you 12:23:23

21 were a producer but your job, basically, was as a

22 talent wrangler on that show, right?

23 A My job was as a producer, not a talent

24 wrangler.

25 Q Is that what you primarily did? 12:23:36

1 What did you do on that show? 12:23:38

2 A I produced.

3 Q Did you do the budgets and the scheduling?

4 A I was not line producer. So, no.

5 Q Well, what did you do as a producer? 12:23:46

6 A I did a number of various things. I took

7 part in all the meetings, all the creative meetings,

8 any meetings related to the show. I dealt with HBO.

9 I dealt with talent. There was -- I mean the job of

10 a producer is endless. 12:24:00

11 Q And that was what year?

12 A It was season one and season two of "Bored

13 to Death." I don't recall the exact years.

14 Q That was about five years before you were

15 invited to work on "Baskets," right? 12:24:11

16 A I don't think it was that long.

17 Q Well, what is your best estimate?

18 A I would say maybe three to five.

19 Q And during that period of time, after you

20 left that show, what was your relationship with 12:24:27

21 Galifianakis?

22 A We would stay in touch.

23 Q How often would you stay in touch?

24 A Not very often, maybe once or twice a

25 year. 12:24:38

1 Q And you believe that out of that, he 12:24:40
2 just -- when "Baskets" came along, he -- of all the
3 people he could have worked with, he called you or
4 made it clear that he wanted you to be on the show?
5 A He wanted me put into the mix, yes. 12:24:55
6 Q He wanted you to what?
7 A He wanted me to be considered for the job.
8 Q Who is the producer that is at UTA that
9 you had the falling out with?
10 A Aida Rogers. 12:25:07
11 Q A-I-D-A?
12 A Uh-huh.
13 Q "Yes"?
14 A Yes.
15 Q You just don't get along? 12:25:15
16 A We had a difference of opinion.
17 Q On a show?
18 A On a number of things.
19 Q Well, this is pretty much my final
20 question, is do you have any damages you can 12:25:33
21 articulate at this moment other than his taking the
22 money -- Mr. Lenhoff taking the money when he did
23 and not paying it on a timely manner?
24 MR. MARMORSTEIN: Objection.
25 Other than information that derives why 12:25:53

1 your conversations with counsel, if you have 12:25:55
2 independent understanding of legal damages, you can
3 give that information.
4 THE WITNESS: I don't understand the
5 definition of "legal damages." 12:26:02
6 No answer.
7 MR. JOHNSON: I am happy to take your
8 answer if you got attorney-client privilege and no
9 other damages.
10 So I don't have anything else. 12:26:11
11 THE WITNESS: Okay. Thank you.
12 MR. JOHNSON: So we're going to agree that
13 the deposition will go to counsel for the deponent.
14 He will have thirty days -- he has to tell me of any
15 the changes, at least, let's say, five days before 12:26:24
16 the trial, and he will put it into trial -- the
17 original when I ask him to, and if he doesn't, I can
18 use a certified copy, and the court reporter is
19 relieved of any responsibility to keep custody.
20 Is that okay? 12:26:41
21 MR. MARMORSTEIN: Five days.
22 MR. JOHNSON: Before the first day set for
23 trial.
24 MR. MARMORSTEIN: I don't know when she is
25 going to get it. 12:26:48

1 THE COURT REPORTER: March 12. 12:27:04

2 MR. MARMORSTEIN: We're going to get it

3 March 12.

4 THE WITNESS: Trial is March 28.

5 MR. MARMORSTEIN: 28 is the first day of 12:27:14

6 trial. Actually, I have a trial before her, the

7 21st.

8 MR. JOHNSON: You got to give some notice

9 if she is going to change it.

10 MR. MARMORSTEIN: Let's go off the record 12:27:26

11 for a second.

12 THE VIDEOGRAPHER: Off the record, 12:27.

13 (Off the record.)

14 THE VIDEOGRAPHER: On the record 12:29.

15 MR. JOHNSON: We will agree I will get a 12:28:55

16 response from counsel within seven days after their

17 receipt of the deposition of any changes she's going

18 to make.

19 MR. MARMORSTEIN: So stipulated. Thank

20 you. 12:29:06

21 THE VIDEOGRAPHER: This end today's

22 testimony given by Anna Dokoza. The total number of

23 media used was eight and will be retained by

24 Veritext Legal Solutions. We're off the record at

25 12:29. Thank you. 12:29:17

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(The deposition was concluded at
12:29 p.m.)

DECLARATION

I, ANNA DOKOZA, do hereby declare that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

I declare under the penalties of perjury under the laws of the State of California that the foregoing is true and correct.

This declaration is executed this _____ day of _____, 2018, at _____, California.

ANNA DOKOZA

1 STATE OF _____)
) Ss.
2 COUNTY OF _____)
3

4 I, DARYL BAUCUM, a Certified Shorthand
5 Reporter of the State of California, do hereby
6 certify;

7 That the foregoing proceedings were taken
8 before me at the time and place herein set forth,
9 at which time the witness named in the foregoing
10 proceeding was placed under oath; that a record
11 of the proceedings was made by me using machine
12 shorthand which was thereafter transcribed under my
13 direction; and that the foregoing pages contain a
14 full, true and accurate record of all proceedings
15 and testimony to the best of my skill and ability.

16 I further certify that I am neither
17 financially interested in the outcome nor a relative
18 or employee of any attorney or any party to this
19 action.

20 IN WITNESS WHEREOF, I have subscribed my
21 name this 10th day of March, 2018.

22
23
24



DARYL BAUCUM, CSR No. 10356

25

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California Code of Civil Procedure

Article 5. Transcript or Recording

Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a seasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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