

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF LOS ANGELES  
3 DEPARTMENT NO. 51 HON. ROBERT C. VANDERET, JUDGE  
4 THE PEOPLE OF THE STATE OF CALIFORNIA, )  
5 PLAINTIFF, )  
6 -VS- ) NO. 2CA04539-01  
7 )  
8 KELLEY LYNCH, )  
9 DEFENDANT. )  
10 -----

11 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
12 APRIL 11, 12, 17, 2012  
13

14 APPEARANCES:

15 FOR THE PLAINTIFF: CARMEN TRUTANICH, CITY ATTORNEY  
16 BY: SANDRA JO STREETER, DEPUTY  
17 500 CITY HALL EAST  
200 NORTH MAIN STREET  
LOS ANGELES, CALIFORNIA 90012

18  
19 FOR THE DEFENDANT: RONALD L. BROWN, PUBLIC DEFENDER  
20 BY: MICHAEL KELLY, DEPUTY  
21 NIKHIL RAMNANEY, DEPUTY  
22 CLARA SHORTRIDGE FOLTZ  
CRIMINAL JUSTICE CENTER  
210 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

23 COPY

24  
25 CYNTHIA A. ROMERO, CSR NO. 7861  
OFFICIAL REPORTER

26  
27 VOLUME 3 OF 3  
28 PAGES 380 THROUGH 645

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LEGEND:

MR. KELLY - K

MR. RAMNANEY - R

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| 27 - DISK               | 393      | 442     |                          |
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1 CASE NUMBER: 2CA04539  
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH  
3 LOS ANGELES, CALIFORNIA; WEDNESDAY, APRIL 11, 2012  
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE  
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861  
6 TIME: A.M. SESSION  
7 APPEARANCES:

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

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

20  
21 THE COURT: OKAY. WE ARE ON THE RECORD OUTSIDE  
22 THE PRESENCE OF THE JURY. I HAD GIVEN COUNSEL, BOTH  
23 COUNSEL YESTERDAY A DRAFT, A SET OF JURY INSTRUCTIONS,  
24 AND I WELCOME ANY COMMENTS THAT YOU MIGHT HAVE.

25 MS. STREETER: PEOPLE DON'T HAVE ANY COMMENTS,  
26 OBJECTIONS OR SUGGESTIONS.

27 THE COURT: OKAY.

28 MR. KELLY: DEFENSE DOES.

1 THE COURT: OKAY.

2 MR. KELLY: DEFENSE IS REQUESTING INSTRUCTION  
3 375.

4 THE COURT: WHAT IS 375?

5 MR. KELLY: EVIDENCE OF UNCHARGED OFFENSE.

6 THE COURT: OKAY.

7 MR. KELLY: ALSO, THIS ONE WE MIGHT RESERVE --

8 THE COURT: 375?

9 MR. KELLY: 333.

10 THE COURT: WHICH IS?

11 MR. KELLY: OPINION TESTIMONY OF LAY WITNESS.

12 THE COURT: OKAY. BOTH THOSE ARE FINE.

13 MR. KELLY: 318, WHICH IS PRIOR STATEMENTS AS  
14 EVIDENCE.

15 THE COURT: OKAY.

16 MR. KELLY: 303, WHICH IS JOINING -- IT'S JUST  
17 KIND OF SIMILAR TO THE 375, WHICH IS LIMITED PURPOSE  
18 EVIDENCE IN GENERAL.

19 THE COURT: OKAY.

20 MR. KELLY: WE ARE REQUESTING BOTH 224 AND 225.

21 MS. STREETER: WHAT'S THAT?

22 MR. KELLY: THE CIRCUMSTANTIAL EVIDENCE.

23 THE COURT: I NEVER GIVE THEM SEPARATELY,  
24 BECAUSE I THINK THEY'RE JUST TOO NUMBINGLY REPETITIVE.  
25 I COMBINE THEM. I DID MAKE AN INSERT FOR INTENT. IF  
26 YOU LOOK IN THE FIRST PARAGRAPH. AND I CAN FURTHER  
27 MODIFY THE SECOND PARAGRAPH.

28 MR. KELLY: I THINK -- I THINK WE NEED TO MAYBE

1 SPECIFY SPECIFIC INTENT OR MENTAL STATE RATHER THAN JUST  
2 INTENT.

3 THE COURT: OKAY.

4 MS. STREETER: BUT I THINK SHE WAS THINKING  
5 SPECIFIC INTENT FOR THE PHONE CALL?

6 MR. KELLY: YES.

7 THE COURT: SPECIFIC INTENT IS --

8 MS. STREETER: IS THE INTENT TO ANNOY?

9 THE COURT: YEAH. 653M IS A SPECIFIC INTENT  
10 CRIME.

11 MS. STREETER: OKAY.

12 THE COURT: OKAY?

13 MR. KELLY: WE HAVE ON THE 2701.

14 THE COURT: YES.

15 MR. KELLY: WE'RE REQUESTING INTENTIONAL AS  
16 OPPOSED TO WILLFUL.

17 THE COURT: HANG ON.

18 MS. STREETER: WHAT PAGE?

19 THE COURT: PAGE 6, VIOLATION OF PROTECTIVE  
20 ORDER.

21 NO, I THINK THE INSTRUCTION AS WRITTEN BY  
22 THE COMMITTEE IS PROPER WORDING. DEFENDANT  
23 WILLFULLY/INTENTIONALLY.

24 OH, I SEE. FOR VIOLATION 273.6(C). THIS  
25 ISN'T A 6(C) CASE.

26 MS. STREETER: NO, IT ISN'T.

27 MR. KELLY: WE ALSO -- WE'RE REQUESTING LAWFULLY  
28 IN INSTRUCTION NUMBER ONE -- OR ELEMENT NUMBER ONE.

1 THE COURT: I'M SORRY.

2 ELEMENT NUMBER ONE. I DON'T THINK THERE  
3 IS AN ISSUE. I DON'T SEE ANY EVIDENCE THAT WAS RAISED  
4 AS TO THE LAWFULNESS.

5 MR. KELLY: I BELIEVE MR. RAMNANEY DID RAISE IT  
6 DURING HIS CROSS-EXAMINATION OF MS. RICE, DISCUSSING THE  
7 PROCEEDINGS IN THAT COLORADO HEARING AND WHETHER IT WAS  
8 A LAWFUL ORDER.

9 THE COURT: I SEE NO EVIDENCE THAT WOULD RAISE A  
10 LAWFUL ISSUE.

11 MR. RAMNANEY: WELL, YOUR HONOR, I BELIEVE THAT  
12 THE TESTIMONY OF MS. RICE WAS THAT MS. -- THAT MS. LYNCH  
13 WAIVED HER RIGHT TO AN EVIDENTIARY HEARING, AND I  
14 BELIEVE THE TRANSCRIPT ON ITS FACE MAY GET INTO ISSUES  
15 ON THAT, AS WELL AS MS. RICE'S TESTIMONY THAT OUR CLIENT  
16 WAS AGITATED. I BELIEVE THAT ANY WAIVER WAS NOT  
17 KNOWINGLY MADE, NOT --

18 THE COURT: I DON'T THINK THERE'S SUFFICIENT  
19 EVIDENCE TO RAISE THE ISSUE AS TO LAWFULNESS.

20 MR. KELLY: WE BELIEVE THE INSTRUCTION NUMBER  
21 TWO -- OR ELEMENT NUMBER TWO IS NOT -- IN THE CALCRIM IS  
22 NOT INCLUDED IN THE COURT'S VERSION.

23 MS. STREETER: IS OR IS NOT INCLUDED?

24 MR. KELLY: IS NOT.

25 THE COURT: WELL, I THOUGHT I'D INCORPORATED IT  
26 INTO ONE.

27 MR. KELLY: AND WE WOULD ALSO -- ONE MOMENT.

28 WE MIGHT ASK FOR THE 3426.

1 MS. STREETER: PEOPLE DIDN'T SEE ANY EVIDENCE OF  
2 VOLUNTARY INTOXICATION.

3 MR. KELLY: MR. COHEN TESTIFIED TO THAT. I  
4 BELIEVE MR. COHEN TESTIFIED IN THE VOICE MAILS  
5 THEMSELVES.

6 MS. STREETER: HE SAID ON PRIOR OCCASIONS. HE  
7 DIDN'T TESTIFY AS TO ANY SPECIFIC ONES THAT PEOPLE  
8 PLAYED.

9 MR. KELLY: I BELIEVE HE STATED IN GENERAL,  
10 NOT --

11 THE COURT: HE DID. SO YOU WANT IT ON THE  
12 SPECIFIC INTENT ISSUE?

13 MR. KELLY: YES.

14 THE COURT: OKAY. I WILL -- I WILL GIVE 3426,  
15 AND I WILL MODIFY IT TO MAKE CLEAR THAT IT ONLY IMPLIES  
16 TO THE SPECIFIC INTENT CRIME.

17 OKAY. ANYTHING ELSE, MR. KELLY?

18 MR. KELLY: NOT AT THIS TIME.

19 THE COURT: OKAY. I WILL MAKE THOSE CHANGES AND  
20 GET YOU GUYS A NEW COPY, PROBABLY BEFORE LUNCH. OR  
21 AFTER LUNCH.

22 MR. RAMNANEY: YOUR HONOR, THERE IS ONE OTHER  
23 ISSUE ABOUT SCHEDULING. WE RECEIVED A BINDER FROM  
24 MS. STREETER THAT WAS PROVIDED TO HER BY ONE OF THE  
25 WITNESSES THAT INCLUDES, YOU KNOW, WE BELIEVE A HIGHLY  
26 RELEVANT WITNESS THAT GOES TO MR. KORY'S ANTICIPATED  
27 TESTIMONY BASED ON WHAT SHE PROVIDED US. HE'S AN AGENT  
28 OF THE IRS AND WE HAVE SUBPOENAED HIM. WE RECEIVED THAT

1 INFORMATION ON MONDAY. WE SUBPOENAED HIM, HE'S RECEIVED  
2 THAT SUBPOENA, BUT PURSUANT TO FEDERAL REGULATIONS HE  
3 HAS TO CLEAR THAT BEFORE HE CAN TESTIFY WITH THE  
4 APPROPRIATE AUTHORITIES.

5 I SPOKE WITH THE AGENT THIS MORNING.  
6 THAT REQUEST IS BEING CONSIDERED AND EVALUATED BY THEIR  
7 ATTORNEYS, AND AS I SAID, THEY'LL GIVE ME AN ANSWER BY  
8 THIS AFTERNOON REGARDING WHETHER OR NOT HE WILL BE ABLE  
9 TO TESTIFY AND AS TO WHAT HE WILL TESTIFY TO.

10 BASED ON THE FACT THAT WE RECEIVED THE  
11 BINDER ON MONDAY, I THINK ME AND MR. KELLY --

12 THE COURT: WHAT DOES HIS TESTIMONY GO TO?

13 MR. RAMNANEY: WE BELIEVE IT GOES DIRECTLY TO  
14 THE LEVEL OF A SPECIFIC INTENT ELEMENT, YOUR HONOR, THAT  
15 MS. LYNCH'S COMMUNICATIONS WERE NOT MADE WITH ANY INTENT  
16 TO HARASS OR ANNOY, AND THEY WERE MADE IN GOOD FAITH.  
17 BASED ON THE ACTIONS TAKEN BY THIS AGENT, THEY FULLY  
18 CORROBORATE MS. LYNCH'S INTENT.

19 WE ALSO THINK THAT ON THE SECONDARY  
20 COROLLARY MATTER, THEY GO TO THE VICE MOTIVATION OF THE  
21 PEOPLE'S WITNESSES.

22 THE COURT: OKAY. WELL, I WILL CONSIDER THAT  
23 AFTER I HEAR YOUR INFORMATION THIS AFTERNOON.

24 MR. RAMNANEY: OKAY.

25

26 (THE FOLLOWING PROCEEDINGS WERE HELD  
27 IN OPEN COURT IN THE PRESENCE OF THE  
28 JURY:)

1 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.

2 OKAY. IT IS TIME TO RESUME. ALL THE  
3 JURORS ARE HERE, DEFENDANT IS PRESENT AND ALL COUNSEL  
4 ARE PRESENT.

5 WHENEVER YOU ARE READY, MS. STREETER, IF  
6 YOU'D CALL YOUR NEXT WITNESS.

7 MS. STREETER: IF I COULD JUST HAVE A MOMENT TO  
8 CHECK SOMETHING OUT BEFORE I GET STARTED.

9 ALL RIGHT. PEOPLE CALL ROBERT KORY TO  
10 THE WITNESS STAND.

11 THE COURT: OKAY. IF YOU'D COME AND STAND IN  
12 FRONT OF THE BLUE CHAIRS, MR. KORY, AND FACE THE CLERK.

13  
14 ROBERT KORY,  
15 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND  
16 TESTIFIED AS FOLLOWS:

17  
18 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

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

23 THE WITNESS: I DO.

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

26 THE COURT: GOOD MORNING, SIR.

27 THE WITNESS: GOOD MORNING, YOUR HONOR.

28 THE CLERK: PLEASE STATE AND SPELL YOUR FIRST

1 AND LAST NAMES FOR THE RECORD.

2 THE WITNESS: MY NAME IS ROBERT KORY,  
3 R-O-B-E-R-T. K-O-R-Y.

4 THE CLERK: THANK YOU.  
5

6 DIRECT EXAMINATION

7 BY MS. STREETER:

8 Q GOOD MORNING, MR. KORY.

9 A GOOD MORNING.

10 Q NOW, DO YOU KNOW A GENTLEMAN BY THE NAME  
11 OF LEONARD COHEN?

12 A YES.

13 Q HOW DO YOU KNOW HIM, SIR?

14 A HE IS MY CLIENT.

15 Q OKAY. AND DO YOU KNOW A WOMAN BY THE  
16 NAME OF KELLEY LYNCH?

17 A I DO.

18 Q IS SHE HERE IN COURT TODAY?

19 A YES, SHE IS.

20 Q CAN YOU PLEASE POINT OUT WHERE SHE'S  
21 SEATED AND WHAT SHE'S WEARING?

22 A SHE'S SEATED -- FROM MY PERSPECTIVE,  
23 SHE'S SITTING AT THE LAST CHAIR IN THE COUNSEL TABLE  
24 WEARING A GRAY SUIT, A BLACK TOP AND GLASSES.

25 THE COURT: THE RECORD WILL REFLECT THAT THE  
26 WITNESS HAS IDENTIFIED THE DEFENDANT.

27 MS. STREETER: OKAY.  
28

1 BY MS. STREETER:

2 Q AND HAVE YOU EVER HAD ANY DEALINGS WITH  
3 MS. LYNCH WHILE YOU'VE REPRESENTED MR. COHEN?

4 A YES.

5 Q JUST -- I DON'T WANT TO GO INTO GREAT  
6 DETAIL, BUT ONE THING THE PEOPLE DO WANT TO ASK YOU.  
7 WERE YOU PRESENT AT A HEARING IN COLORADO, IN BOULDER,  
8 COLORADO, APPROXIMATELY 2008?

9 A YES.

10 Q AND DURING THAT HEARING, DID YOU HEAR AN  
11 EXCHANGE BETWEEN MS. LYNCH AND THE JUDGE IN THAT  
12 COURTROOM?

13 A YES.

14 Q OKAY. ALL RIGHT. NOW, HAVE YOU RECEIVED  
15 VOICE MAIL MESSAGES FROM MS. LYNCH?

16 A YES.

17 Q OKAY. DO YOU RECALL RECEIVING A VOICE  
18 MAIL MESSAGE FROM MS. LYNCH SOMETIME IN THE YEAR 2008?

19 MR. RAMNANEY: OBJECTION; VAGUE AS TO TIME.

20 THE COURT: OVERRULED.

21 THE WITNESS: YES.

22 BY MS. STREETER:

23 Q OKAY. AND LET ME ASK YOU THIS: HAVE YOU  
24 RECEIVED -- IN ADDITION TO VOICE MAIL MESSAGES FROM  
25 MS. LYNCH, THE VOICE MAIL MESSAGE YOU RECEIVED -- LET'S  
26 TALK ABOUT ANY THAT YOU RECEIVED IN 2008. WHAT WOULD  
27 YOU DO WHEN YOU RECEIVED A VOICE MAIL MESSAGE? WOULD  
28 YOU SAVE THEM, WOULD YOU DISCARD THEM?

1 MR. RAMNANEY: OBJECTION; COMPOUND, VAGUE.

2 THE COURT: OVERRULED.

3 BY MS. STREETER:

4 Q DESCRIBE FOR US WHAT YOU WOULD DO.

5 A WHEN I RECEIVED A VOICE MAIL MESSAGE, I  
6 WOULD HAVE MY ASSISTANT -- SINCE IT WAS IN MY VOICE MAIL  
7 MAILBOX, I'D HAVE MY ASSISTANT RECORD THAT VOICE MAIL  
8 MESSAGE TO BE SAVED. AND INITIALLY IT WAS RECORDED BY  
9 HIM PLAYING A -- PLAYING THE VOICE MAIL MESSAGE WITH A  
10 CASSETTE RECORDER THAT COULD JUST HEAR IT, AND LATER WE  
11 HAVE A -- A MORE SOPHISTICATED VOICE MAIL SYSTEM, AND  
12 SINCE THE BARRAGE WAS CONTINUING, I ASKED MY ASSISTANT  
13 TO INQUIRE AS TO THE METHODOLOGY FOR OUR VOICE MAIL  
14 SYSTEM TO -- TO SAVE THEM AND TO TRANSMIT THEM -- SAVE  
15 THEM ELECTRONICALLY ON OUR SERVER AND THEN BE ABLE TO BE  
16 TRANSFERRED TO A DISK.

17 Q AND THIS PROCEDURE THAT YOU TALKED ABOUT  
18 AS FAR AS SAVING THE VOICE MAIL MESSAGES, HOW SOON AFTER  
19 YOU WOULD RECEIVE A VOICE MAIL MESSAGE FROM MS. LYNCH  
20 WOULD YOU SAVE THE VOICE MAIL MESSAGE?

21 A WELL, THE VOICE MAIL MESSAGES WERE SAVED,  
22 OF COURSE, ON MY VOICE MAIL SYSTEM AS SOON AS SHE  
23 RECORDED IT, AND THEN I WOULD COME IN. AS SOON AS I  
24 HEARD THE VOICE MAIL MESSAGE, I WOULD THEN ASK MY  
25 ASSISTANT. IT WOULD BECOME THE PRIORITY AT THAT MOMENT  
26 TO SAVE. BECAUSE SHE WOULD USUALLY FILL UP MY VOICE  
27 MAILBOX, SO IF I DIDN'T SAVE THE VOICE MAIL MESSAGES  
28 IMMEDIATELY MY VOICE MAIL WAS RENDERED INCAPACITATED.

1           MR. RAMNANEY:  OBJECTION; NONRESPONSIVE.  MOVE  
2 TO STRIKE.

3           THE COURT:  OVERRULED.  
4 BY MS. STREETER:

5           Q           AND DID YOU DO THIS PROCEDURE ON EVERY  
6 VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH?

7           A           AT A CERTAIN POINT THE BARRAGE BECAME SO  
8 INTENSE THAT I THOUGHT IT WAS -- I THOUGHT IT WAS  
9 POINTLESS.  SO I WOULD -- IT JUST BECAME TOO MUCH WORK.  
10 SO 80 PERCENT PROBABLY, BUT MORE RECENTLY NOT.

11          Q           OKAY.  SO LET'S TALK ABOUT THE ONES THAT  
12 YOU DID SAVE, OKAY.  DID YOU PROVIDE ANY OF THOSE SAVED  
13 VOICE MAIL MESSAGES TO THE LOS ANGELES CITY ATTORNEY'S  
14 OFFICE?

15          A           YES.

16          Q           OKAY.  AND YOU MENTIONED ABOUT PUTTING  
17 THEM ON DISKS.  DID YOU USE THAT -- THE SAME PROCEDURE,  
18 DID YOU REVIEW OR DID YOU DIRECT YOUR ASSISTANT ON HOW  
19 TO RETRIEVE THE VOICE MAIL MESSAGES, WHERE TO PUT THEM  
20 AND WHAT TO DO WITH THEM?

21          A           YES, THEY WERE -- WE HAVE -- WE HAVE A  
22 SERVER SYSTEM WHICH LIMITS PEOPLE'S ACCESS.  YOU HAVE TO  
23 HAVE A SECURITY CODE TO GET TO CERTAIN FILES.  WE HAD  
24 OUR TECH SET UP A FILE FOR VOICE MAIL MESSAGES.  THE  
25 MESSAGES WOULD BE SAVED THERE AND THEN THE ASSISTANT  
26 WOULD GO -- WOULD HAVE ACCESS TO THAT PARTICULAR FILE,  
27 THAT FOLDER ON THE SERVER.  GO IN, OPEN IT UP, AND THEN  
28 RECORD TO A DISK.  I WOULD LISTEN TO IT TO THEN MAKE

1 SURE THAT IT WAS CORRECTLY RECORDED.

2 Q OKAY.

3 MS. STREETER: ONE MOMENT. I NEED TO DO  
4 SOMETHING.

5 THE COURT: CAN I ALSO SEE BOTH COUNSEL AT  
6 SIDEBAR, PLEASE. AND THE REPORTER.

7

8 (A SIDEBAR CONFERENCE WAS HELD  
9 AND REPORTED AS FOLLOWS:)

10

11 THE COURT: OKAY. WE'RE OUTSIDE THE PRESENCE OF  
12 THE JURY. MS. STREETER, WHY ARE WE GETTING INTO PHONE  
13 MESSAGES TO MR. KORY?

14 MS. STREETER: THERE ARE TWO THAT WERE MADE:  
15 ONE WAS A MESSAGE WHERE SHE TALKS ABOUT HOW SHE  
16 UNDERSTANDS WHAT THE RESTRAINING ORDER SAYS; THE OTHER  
17 ONE WHERE SHE TELLS HIM THAT THIS WILL NEVER ABATE, THAT  
18 SHE WILL CONTINUE DOING THIS UNTIL THE DAY SHE DIES.  
19 THAT'S WHY.

20 THE COURT: WELL, THE FIRST ONE I GUESS GOES TO  
21 KNOWLEDGE OF THE COURT ORDER.

22 MS. STREETER: THE PEOPLE SEE THE ONE AS FAR AS  
23 IT NEVER ABATING, PARTICULARLY IN LIGHT OF THE FACT THAT  
24 THE DEFENSE IS RAISING THE ISSUE OF VOLUNTARY  
25 INTOXICATION AS RELEVANT.

26 THE COURT: DO YOU WANT TO BE HEARD?

27 MR. KELLY: WHAT DOES THE SECOND ONE SAY  
28 SPECIFICALLY? IT'S RELATED TO --

1 MS. STREETER: ONE HAS THE NEVER ABATE. I'LL  
2 CONTINUE DOING THIS UNTIL THE DAY I DIE.

3 MR. KELLY: OKAY.

4 MS. STREETER: SO THE PEOPLE SEE THAT AS GOING  
5 TO THE SPECIFIC INTENT TO ANNOY. BECAUSE YOU'RE RAISING  
6 THE ISSUE OF VOLUNTARY INTOXICATION THAT SHE DIDN'T HAVE  
7 THE INTENT TO ANNOY.

8 MR. KELLY: ON CERTAIN VOICE MAILS THAT WERE --  
9 NOT NECESSARILY EVERY SINGLE ONE BUT CERTAIN ONES  
10 INTOXICATION WAS AN ISSUE.

11 MS. STREETER: OKAY.

12 MR. KELLY: I GUESS THIS RAISES ANOTHER ISSUE  
13 WHICH I SHOULD HAVE BROUGHT UP DURING THE INSTRUCTIONS.  
14 COUNSEL MENTIONED THAT MR. KORY AND THAT CERTAIN COUNTS  
15 WERE TO MR. KORY AND MS. RICE AS THE VICTIMS IN THE  
16 CASE.

17 MS. STREETER: BUT THOSE COUNTS ARE GONE.

18 MR. KELLY: I THOUGHT YOU SAID THE 273.6S WERE  
19 TO MR. KORY AND TO MS. RICE.

20 MS. STREETER: THAT'S RIGHT, THE NO-CONTACT PART  
21 THAT INVOLVES THEM.

22 THE COURT: I MUST SAY I FIND THAT QUITE  
23 UNPERSUASIVE.

24 MR. KELLY: SO I MEAN TO THAT END, IF THEY'RE  
25 ALL RELATED TO MR. COHEN, I DON'T THINK THAT THERE'S  
26 ENOUGH TO SUGGEST THAT THIS WAS INDIRECT COMMUNICATION.

27 THE COURT: NO, I AGREE WITH THAT. I THINK IT  
28 DOES. I THINK HER ARGUMENT THAT IT GOES TO INTENT TO

1 ANNOY MAY HAVE SOME VALIDITY AND I WANT TO HEAR THE  
2 MESSAGE.

3 MR. KELLY: OKAY.

4 THE COURT: OKAY.

5 MS. STREETER: OKAY.

6

7 (THE FOLLOWING PROCEEDINGS WERE  
8 RESUMED IN OPEN COURT IN THE  
9 PRESENCE OF THE JURY:)

10

11 MS. STREETER: OKAY. I HAVE A DISK WITH GREEN  
12 BACKING. I'VE PREVIOUSLY GIVEN IT TO THE DEFENSE. IT  
13 HAS THE KELLEY ANN LYNCH CASE, AND THEN IT HAS THREATS  
14 TO ROBERT KORY. OKAY. I'M SHOWING -- AND I'D LIKE TO  
15 MARK THAT -- IS IT 27, YOUR HONOR?

16 THE COURT: TWENTY-SEVEN.

17

18 (MARKED FOR IDENTIFICATION: DISK  
19 PEOPLE'S EXHIBIT NO. 27)

20

21 BY MS. STREETER:

22 Q I'M SHOWING YOU WHAT HAS BEEN MARKED AS  
23 PEOPLE'S 27. DO YOU RECOGNIZE THAT, MR. KORY?

24 A YES, I DO.

25 Q OKAY. AND WHAT IS THAT?

26 A IT IS A DISK THAT INCLUDES VOICE MAILS  
27 THAT WE REGARD AS THREATS MADE DIRECTLY TO ME.

28 MR. RAMNANEY: OBJECTION; LACKS FOUNDATION AS TO

1 WE.

2 THE COURT: I'LL STRIKE THE CHARACTERIZATION OF  
3 THE VOICE MAIL.

4 MS. STREETER: OKAY.

5 BY MS. STREETER:

6 Q ALL RIGHT. AND DID YOU -- IS THIS THE  
7 DISK THAT YOU PROVIDED TO THE LOS ANGELES CITY  
8 ATTORNEY'S OFFICE?

9 A YES.

10 Q ALL RIGHT. I'M GOING TO PLAY A COUPLE OF  
11 MESSAGES FOR YOU.

12 MS. STREETER: YOUR HONOR, I HAVE A TRANSCRIPT  
13 THAT I'D LIKE MARKED AS PEOPLE'S 28. I ALSO HAVE COPIES  
14 FOR THE JURY.

15  
16 (MARKED FOR IDENTIFICATION: TRANSCRIPT  
17 PEOPLE'S EXHIBIT NO. 28)

18  
19 THE COURT: OKAY. DO YOU HAVE A COPY FOR THE  
20 COURT?

21 MS. STREETER: I BELIEVE I -- NO? OKAY.

22

23 (CD PLAYED.)

24

25 BY MS. STREETER:

26 Q IS THIS A VOICE MAIL MESSAGE -- LET ME  
27 BACK UP.

28 DO YOU RECOGNIZE THE PERSON'S VOICE IN

1 THAT MESSAGE, MR. KORY?

2 A YES, I DO.

3 Q WHO'S THAT PERSON?

4 A KELLEY LYNCH.

5 Q AND IS THIS A VOICE MAIL MESSAGE THAT YOU  
6 RECEIVED FROM MS. LYNCH SOMETIME IN THE YEAR 2008?

7 A I ACTUALLY THINK I RECEIVED THIS VOICE  
8 MAIL MESSAGE IN 2009.

9 YEAH, IN FEBRUARY 20TH, 21ST, 22ND AFTER  
10 THE BEACON SHOW WHERE MR. COHEN PLAYED FOR THE FIRST  
11 TIME IN THE UNITED STATES IN 15 YEARS. IT WAS HUGE  
12 PUBLICITY ABOUT IT AND I GOT A BARRAGE OF VOICE MAILS  
13 OVER A WEEKEND.

14 THE COURT: STOP. STOP. JUST ANSWER THE  
15 QUESTION.

16 BY MS. STREETER:

17 Q SO YOU BELIEVE IT WAS SOMETIME IN  
18 FEBRUARY OF 2009?

19 A YES.

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

24 A YES.

25 Q OKAY. DO YOU ALSO RECALL BEING  
26 CONTACTED -- AGAIN, I BELIEVE IT WAS -- AGAIN SOMETIME  
27 IN 2009, FEBRUARY 2009?

28 A YES. YES.

1 Q I'M GOING TO PLAY THAT FOR YOU.

2

3 (CD PLAYED.)

4

5 BY MS. STREETER:

6 Q DO YOU RECOGNIZE THE PERSON IN THAT VOICE  
7 MAIL MESSAGE, MR. KORY?

8 A YES.

9 Q OKAY. AND WHO IS THAT, MR. KORY?

10 A KELLEY LYNCH.

11 Q AND IS THE VOICE MAIL MESSAGE THE PEOPLE  
12 JUST PLAYED FOR YOU A FAIR AND ACCURATE RECORDATION OF A  
13 VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH  
14 AROUND SOMETIME IN FEBRUARY -- I THINK YOU SAID  
15 FEBRUARY 25, 2009?

16 A BETWEEN 20TH AND 25TH. YES.

17 Q NOW, WERE YOU EVER FORWARDED ANY E-MAILS  
18 FROM MR. COHEN DURING THE TIME PERIOD OF FEBRUARY 2011  
19 TO FEBRUARY 2012?

20 A YES.

21 Q OKAY. AND DID YOU HAVE A PROCEDURE FOR  
22 SAVING THOSE E-MAILS THAT YOU RECEIVED FROM MR. COHEN?

23 A YES. A FOLDER ON THE SERVER THAT I HAD  
24 ACCESS TO THAT WAS A DESIGNATED LOCKED FOLDER WHERE I  
25 WOULD SAVE -- I HAD ACCESS TO SAVE MESSAGES SO THAT THEY  
26 COULD BE SUBSEQUENTLY HANDLED.

27 Q OKAY. AND DID YOU -- DURING THE TIME  
28 PERIOD OF FEBRUARY 2011 TO FEBRUARY 2012, DID MR. COHEN

1 FORWARD YOU ANY VOICE MAIL MESSAGES?

2 A YES.

3 Q OKAY. AND DID YOU SAVE THOSE VOICE MAIL  
4 MESSAGES IN A SIMILAR FASHION THAT YOU'VE DESCRIBED TO  
5 THE COURT, COUNSEL AND THE JURY?

6 A AS TO VOICE MAIL MESSAGES, HE WOULD  
7 ALWAYS FORWARD TO ME AND MY PARTNER, MS. RICE, AND SHE  
8 TOOK RESPONSIBILITY FOR THE FORWARDED VOICE MAIL  
9 MESSAGES.

10 Q AND YOU DEALT WITH THE E-MAILS?

11 A WE BOTH SAVED E-MAILS.

12 Q OKAY. DID YOU PROVIDE COPIES OF THE  
13 E-MAILS THAT YOU RECEIVED TO THE LOS ANGELES CITY  
14 ATTORNEY'S OFFICE?

15 A YES.

16 Q OKAY. DID YOU GATHER UP THOSE E-MAILS  
17 YOURSELF, OR DID YOU DIRECT SOMEBODY IN YOUR OFFICE AS  
18 TO WHAT TO DO?

19 A I HAD MY ASSISTANT.

20 Q OKAY. AND WHATEVER -- AS BEST YOU KNOW,  
21 YOUR ASSISTANT FOLLOWED YOUR DIRECTIONS AS TO HOW TO  
22 DOWNLOAD AND SAVE THOSE E-MAILS?

23 A YES.

24 MR. RAMNANEY: OBJECTION; LACKS FOUNDATION,  
25 CALLS FOR SPECULATION, LEADING.

26 THE COURT: WELL, SHE'S TRYING TO LAY A  
27 FOUNDATION. SO I'LL LET HER ASK THE QUESTION AND SEE  
28 WHAT THE ANSWER IS.

1 BY MS. STREETER:

2 Q AS FAR AS YOU KNOW, YOUR ASSISTANT  
3 FOLLOWED YOUR DIRECTIONS AS TO HOW TO SAVE THOSE  
4 E-MAILS?

5 MR. RAMNANEY: I'M GOING TO OBJECT TO THAT.  
6 LACK OF PERSONAL KNOWLEDGE.

7 THE COURT: IT IS LEADING.

8 BY MS. STREETER:

9 Q HOW DID YOU ENSURE THAT YOUR ASSISTANT  
10 WAS FOLLOWING YOUR DIRECTIONS IN SAVING THE E-MAILS?

11 A I GAVE WHAT I THOUGHT WERE SIMPLE  
12 INSTRUCTIONS THAT MY PARTNER AND I AGREED UPON, AND  
13 WHOEVER WAS DESIGNATED TO DO THE WORK WOULD ACCESS THE  
14 SERVER. SINCE WE WERE SAVING IN THE SERVER, WE'D OPEN  
15 ON THE SERVER, DOWNLOAD IT TO A DISK AND THEN WE'D CHECK  
16 THE DISK TO MAKE SURE THE DISK WAS CORRECT, AND EITHER  
17 MS. RICE OR I WOULD CHECK THE DISK. AND SO WE WOULD  
18 HAVE A REVIEW PROCESS FOR ALL THE MATERIAL THAT WE SAVED  
19 TO DISKS.

20 Q OKAY. AND YOU PROVIDED THOSE E-MAILS TO  
21 THE CITY ATTORNEY'S OFFICE; IS THAT RIGHT?

22 A YES.

23 MS. STREETER: ONE MOMENT.

24 YOUR HONOR, I HAVE PEOPLE'S 10.

25 BY MS. STREETER:

26 Q I'M SHOWING YOU WHAT'S BEEN MARKED AS  
27 PEOPLE'S 10. DO YOU RECOGNIZE THAT?

28 A YES.

1 Q WHAT IS THAT?

2 A THIS IS -- LET ME JUST REVIEW IT FOR A  
3 SECOND.

4

5 (PAUSE.)

6

7 THE WITNESS: THIS IS AN INDEX OF THE NUMEROUS  
8 DISKS THAT MY FIRM PROVIDED TO EITHER WILSHIRE P.D., OR  
9 THE CITY ATTORNEY'S OFFICE.

10 BY MS. STREETER:

11 Q OKAY. ALL RIGHT. ARE THOSE THE DISKS  
12 THAT HAVE THE E-MAILS AND THE VOICE MAIL MESSAGES ON  
13 THEM?

14 A YES. THERE'S QUITE A FEW DISKS.

15 Q ALL RIGHT. THANK YOU, MR. KORY.

16 MS. STREETER: PEOPLE HAVE NO FURTHER QUESTIONS.  
17 THE COURT: CROSS-EXAMINATION.

18 MR. RAMNANEY: THANK YOU, YOUR HONOR.

19

20 CROSS-EXAMINATION

21 BY MR. RAMNANEY:

22 Q GOOD MORNING, MR. KORY.

23 A GOOD MORNING. MR. KELLY?

24 Q NO. I'M MR. RAMNANEY.

25 A I'M SORRY.

26 Q THAT'S NO PROBLEM.

27 MR. RAMNANEY: YOUR HONOR, DO YOU MIND IF I  
28 CLOSE THE LAPTOP?

1 MS. STREETER: I'LL DO IT.

2 BY MR. RAMNANEY:

3 Q NOW, MR. KORY, ISN'T IT TRUE THAT AT SOME  
4 POINT IN 2004 OR 2005 YOU APPROACHED MY CLIENT,  
5 MS. LYNCH, AND YOU ASKED HER TO PARTICIPATE IN A  
6 CONSPIRACY TO EXTORT MONEY FROM MR. COHEN'S FORMER  
7 FINANCIAL ADVISOR, MR. GREENBERG?

8 MS. STREETER: OBJECTION ON RELEVANCE, YOUR  
9 HONOR.

10 THE COURT: OVERRULED.

11 THE WITNESS: ABSOLUTELY NOT.

12 BY MR. RAMNANEY:

13 Q SO, MS. LYNCH NEVER REFUSED TO ENGAGE IN  
14 ANY PLAN TO EXTORT MONEY FROM MR. GREENBERG FOR MILLIONS  
15 OF DOLLARS WITH YOU, THAT NEVER HAPPENED?

16 MS. STREETER: OBJECTION; ASSUMES FACTS NOT IN  
17 EVIDENCE.

18 THE COURT: SUSTAINED.

19 I THINK YOU NEED TO REPHRASE THAT.

20 BY MR. RAMNANEY:

21 Q SO YOU NEVER APPROACHED MS. LYNCH ABOUT  
22 THIS PLAN?

23 A I ONLY SPOKE -- IN 2005, I ONLY SPOKE TO  
24 MS. LYNCH ONE TIME DIRECTLY. ALL OTHER COMMUNICATIONS  
25 WERE THROUGH HER COUNSEL AND HER TAX ADVISORS. AND IN  
26 THAT ONE MEETING AT HER INVITATION, APPROVED BY HER  
27 COUNSEL, I ASKED HER SIMPLY TO DISCLOSE WHAT SHE DID  
28 WITH THE MONEY, AND SHE TOLD ME, HELL WILL FREEZE OVER

1 BEFORE I TELL YOU.

2 Q OKAY. WHO WAS HER COUNSEL, MR. KORY?

3 A SHE HAD AS LEGAL COUNSEL A WOMAN NAMED --  
4 WHEN I BEGAN, DIANNE DIMASCIO, AND HER TAX COUNSEL, A  
5 WELL-KNOWN TAX LAWYER IN LOS ANGELES, DAVID BERARDI.  
6 SHE ALSO HAD INITIALLY A TAX ACCOUNTANT, KEN CLEVELAND,  
7 WHO, WHEN I BEGAN, WAS BOTH THE ACCOUNTANT FOR MR. COHEN  
8 AND MR. -- MR. COHEN AND MS. LYNCH, BUT ONCE WE GAVE HIM  
9 CERTAIN DOCUMENTS --

10 MR. RAMNANEY: I'M GOING TO OBJECT TO THE LAST  
11 WORD. IT'S NONRESPONSIVE. THERE IS NO QUESTION  
12 PENDING.

13 THE COURT: YOU ASKED HIM IF SHE WAS REPRESENTED  
14 BY COUNSEL.

15 MR. RAMNANEY: THERE IS MORE --

16 THE COURT: THAT'S OKAY. YOU CAN ASK YOUR NEXT  
17 QUESTION.

18 MR. RAMNANEY: THANK YOU, YOUR HONOR.  
19 BY MR. RAMNANEY:

20 Q WHERE DID THIS MEETING TAKE PLACE,  
21 MR. KORY, WITH MS. LYNCH'S COUNSEL?

22 A IN THE OFFICES OF DIMASCIO & BERARDI.  
23 THERE WAS -- WITH MR. CLEVELAND, THERE WERE MEETINGS IN  
24 MY OFFICE AT 345 NORTH MAPLE DRIVE, AND IN -- THEN THERE  
25 WERE MEETINGS WITH DIANNE DIMASCIO AND DAVID BERARDI,  
26 THE TAX LAWYER, IN THEIR OFFICES IN CENTURY CITY, AND  
27 THEN THERE WERE TELEPHONE CONVERSATIONS -- TELEPHONE  
28 CONFERENCE CALLS WITH DALE BURGESS.

1                   WHEN MR. CLEVELAND DECLINED --

2                   MR. RAMNANEY: I'M GOING TO OBJECT. THERE'S NO  
3 QUESTION PENDING AFTER --

4                   THE COURT: HE'S ANSWERING THE QUESTION YOU  
5 ASKED.

6                   MR. RAMNANEY: NO, I ASKED WHERE'S THAT MEETING  
7 WITH MR. COHEN --

8                   THE COURT: YOU SAID WITH MS. LYNCH'S LAWYERS.

9                   MR. RAMNANEY: I APOLOGIZE.

10                  THE COURT: LET HIM ASK --

11                  MR. RAMNANEY: LET ME REPHRASE THE QUESTION,  
12 MR. KORY.

13 BY MR. RAMNANEY:

14                  Q            THAT ONE MEETING WHERE YOU HAD DIRECT  
15 CONTACT WITH MS. LYNCH AND HER ATTORNEY, WHERE DID THAT  
16 ONE MEETING TAKE PLACE?

17                  A            THERE WAS NOT A MEETING WITH HER AND HER  
18 ATTORNEYS. THAT WAS A MEETING THAT SHE REQUESTED AND  
19 CONTACTED ME, AND HER ATTORNEYS SAID -- AUTHORIZED HER  
20 TO MEET. SO THAT -- BECAUSE OF COURSE SHE WAS  
21 REPRESENTED AND I WAS MR. COHEN'S LAWYER. SO ETHICALLY  
22 I HAD TO GET CLEARANCE.

23                                SO IN THE HOPE OF SETTLEMENT AND  
24 MEDIATION, THERE WAS -- A MEETING OCCURRED AT THE  
25 RESTAURANT WHICH -- CALLED MAPLE DRIVE RESTAURANT.

26                  Q            NOW, EVEN THOUGH YOU JUST SAID THAT THERE  
27 WAS NO PLAN TO EXTORT MONEY FROM MR. GREENBERG, THERE  
28 WAS A LAWSUIT AGAINST YOU IN THE STATE OF COLORADO, AND

1 YOU WERE NAMED AS DEFENDANT, WHERE YOU WERE ACCUSED OF  
2 ENGAGING IN CIVIL CONSPIRACY, EXTORTION, OUTRAGEOUS  
3 CONDUCT AND DEFAMATION AGAINST MR. GREENBERG; ISN'T THAT  
4 TRUE?

5 MS. STREETER: OBJECTION; 352.

6 THE COURT: HE CAN ANSWER THE QUESTION.

7 THE WITNESS: THAT LAWSUIT WAS DISMISSED AS AN  
8 ILLEGAL LAWSUIT BEFORE IT EVEN GOT STARTED AGAINST ME.  
9 BY MR. RAMNANEY:

10 Q OKAY. LET ME -- I UNDERSTAND THAT, BUT  
11 THAT WAS THE ALLEGATION OF THE LAWSUIT AGAINST YOU,  
12 RIGHT?

13 A AND IT WAS DISMISSED AS AN ILLEGAL  
14 ALLEGATION AND THROWN OUT OF COURT BEFORE WE HAD TO PUT  
15 ON ANY EVIDENCE.

16 Q I UNDERSTAND IT WAS DISMISSED, BUT I'M  
17 ASKING --

18 A 12(B)(6) DISMISSED. YOU UNDERSTAND WHAT  
19 THAT MEANS?

20 THE COURT: YOU DON'T ASK QUESTIONS.

21 THE WITNESS: MY APOLOGIES.

22 THE COURT: THAT'S OKAY.

23 MR. RAMNANEY.

24 MR. RAMNANEY: YES. THANK YOU, YOUR HONOR.

25 BY MR. RAMNANEY

26 Q NOW, MR. KORY, YOU'RE AN ATTORNEY, RIGHT?

27 A CORRECT.

28 Q AND HOW LONG HAVE YOU BEEN AN ATTORNEY?

1 A SINCE 1983.

2 Q WHERE DID YOU GO TO LAW SCHOOL?

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

4 THE COURT: SUSTAINED.

5 BY MR. RAMNANEY:

6 Q YOU'VE BEEN PRACTICING FOR OVER 20 YEARS?

7 A CORRECT.

8 Q AND WERE YOU ADMITTED TO PRACTICE LAW IN  
9 THE STATE OF CALIFORNIA?

10 A YES.

11 MS. STREETER: OBJECTION; RELEVANCE.

12 THE COURT: OVERRULED.

13 BY MR. RAMNANEY:

14 Q ARE YOU ADMITTED TO PRACTICE IN ANY OTHER  
15 JURISDICTIONS?

16 A NO.

17 MS. STREETER: OBJECTION; RELEVANCE.

18 THE COURT: THAT IS IRRELEVANT.

19 MR. RAMNANEY: OKAY.

20 BY MR. RAMNANEY:

21 Q NOW, IN LAW SCHOOL, MR. KORY, YOU -- WE  
22 WERE TAUGHT HOW TO READ JUDICIAL OPINIONS; IS THAT  
23 CORRECT?

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

25 THE COURT: SUSTAINED.

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

27 THE COURT: NO.

28

1 BY MR. RAMNANEY:

2 Q NOW, YOU STATED, MR. KORY, THAT THAT  
3 LAWSUIT AGAINST YOU WAS DISMISSED UNDER A 12(B)(6)  
4 MOTION; IS THAT CORRECT?

5 A CORRECT.

6 MR. RAMNANEY: YOUR HONOR, I'M HOLDING -- ARE WE  
7 ON DEFENSE E?

8 THE COURT: DEFENSE D.

9 MR. RAMNANEY: I HAVE A -- YOUR HONOR, I'M  
10 HOLDING IN MY HAND A FIVE-PAGE COURT OPINION FROM THE  
11 UNITED STATES DISTRICT COURT OF COLORADO DATED DECEMBER  
12 5, 2005. I'D LIKE TO MARK IT FOR IDENTIFICATION AS  
13 DEFENSE D.

14 THE COURT: SO MARKED FOR IDENTIFICATION.

15  
16 (MARKED FOR IDENTIFICATION: FIVE-PAGE  
17 DOCUMENT AS DEFENSE EXHIBIT D)

18

19 MS. STREETER: YOUR HONOR, THE PEOPLE WOULD JUST  
20 LIKE A COPY TO LOOK AT.

21 THE COURT: DO YOU HAVE A COPY?

22 MR. RAMNANEY: I APOLOGIZE, YOUR HONOR, I DON'T  
23 HAVE AN EXTRA COPY. BUT I WILL PROVIDE ONE TO THE  
24 PROSECUTION.

25 THE COURT: OKAY.

26 MR. RAMNANEY: MAY I APPROACH, YOUR HONOR?

27 THE COURT: YES. YOU CAN DO SO WITHOUT ASKING.

28

1 BY MR. RAMNANEY:

2 Q MR. KORY, I'VE HANDED YOU A FIVE-PAGE  
3 DOCUMENT THAT'S BEEN MARKED AS DEFENSE D. DO YOU  
4 RECOGNIZE WHAT THAT DOCUMENT IS?

5 A YES.

6 Q WHAT IS THAT DOCUMENT?

7 A IT'S AN ORDER.

8 Q AND IS THAT FROM THE CASE WHERE  
9 MR. GREENBERG FILED A LAWSUIT AGAINST YOU AND YOU WERE  
10 NAMED AS A DEFENDANT?

11 A YES.

12 Q IS THAT THE ORDER WITH WHICH YOU WERE  
13 DISMISSED IN THAT LAWSUIT?

14 A YES.

15 Q OKAY. NOW, ISN'T IT TRUE, MR. KORY, THAT  
16 YOU WERE ACTUALLY DISMISSED IN THAT LAWSUIT BECAUSE THE  
17 COLORADO COURT ORDERED THAT IT DIDN'T HAVE ANY PERSONAL  
18 JURISDICTION OVER YOU PURSUANT TO RULE 12(B)12 OF THE  
19 FEDERAL LAWS OF CIVIL PROCEDURE?

20 A AS I READ IT HERE, IT'S 12(B)2. THE  
21 MOTION WAS BROUGHT UNDER 12(B)2 AND 12(B)(6), AND THE  
22 COURT RULED ON 12(B)2 BECAUSE IT DOESN'T EVEN REACH THE  
23 12(B)(6) IF IT GETS 12(B)(2).

24 Q SO THE COURT NEVER RULED ON THE ACTUAL  
25 FACTUAL MERITS OF THE CLAIM, IT JUST ORDERED THAT IT HAD  
26 TO DISMISS THE LAWSUIT BECAUSE IT COULDN'T BRING YOU  
27 INTO IT?

28 MS. STREETER: OBJECTION, 352.

1 THE COURT: OVERRULED.

2 BY MR. RAMNANEY:

3 Q LET ME REPHRASE. MR. KORY, THERE WAS NO  
4 ORDER OF DISMISSAL BASED ON THE ACTUAL MERITS OF THE  
5 COLORADO LAWSUIT AGAINST YOU, WAS THERE?

6 A THERE WAS -- ULTIMATELY THE ENTIRE CASE  
7 WAS DISMISSED AND ALL -- ON SUMMARY JUDGMENT FILED BY  
8 MS. RICE, AND CLAIMS AGAINST MR. COHEN WERE DISMISSED,  
9 AND TO THE EXTENT THAT I -- FOLLOW MY LOGIC. TO THE  
10 EXTENT THAT CLAIMS AGAINST MR. COHEN AS A CONSPIRATOR  
11 WERE DISMISSED, CLAIMS AGAINST ME WERE DISMISSED.  
12 BECAUSE YOU CANNOT HAVE A CONSPIRACY ALONE. YOU HAVE TO  
13 HAVE TWO PEOPLE IN A CONSPIRACY.

14 Q BUT THAT ORDER THAT I SHOWED YOU,  
15 MR. KORY, DISMISSED YOU FROM THE LAWSUIT NOT BASED ON  
16 ANY MERITS OF THE CASE BUT BECAUSE THE COURT RULED IT  
17 DIDN'T HAVE ANY PERSONAL JURISDICTION OVER YOU; IS THAT  
18 RIGHT?

19 MS. STREETER: OBJECTION; ASKED AND ANSWERED.

20 THE COURT: SUSTAINED. YOU'RE DONE,  
21 MR. RAMNANEY.

22 BY MR. RAMNANEY:

23 Q MR. KORY, ARE YOU MR. COHEN -- WELL, YOU  
24 SAID YOU'RE HIS ATTORNEY; IS THAT RIGHT?

25 A YES.

26 Q DO YOU OCCUPY ANY OTHER ROLES IN A  
27 PROFESSIONAL CAPACITY FOR MR. COHEN?

28 A YES.

1 Q YOU'RE HIS PERSONAL MANAGER?

2 A SINCE 2008, YES, I'M HIS PERSONAL  
3 MANAGER.

4 Q ARE YOU HIS BUSINESS MANAGER AS WELL?

5 A YES.

6 Q ARE THOSE TWO SEPARATE --

7 A WELL, I AND AN ENTITY THAT I HAVE AN  
8 INTEREST IN IS HIS BUSINESS MANAGER.

9 Q AND THAT ENTITY IS RK MANAGEMENT?

10 A NO. THE PERSONAL MANAGEMENT IS THROUGH  
11 RK MANAGEMENT.

12 Q AND THE BUSINESS?

13 A THE BUSINESS MANAGEMENT COMPANY THAT'S  
14 RUN BY A CPA IS CORE MANAGEMENT COMPANY.

15 Q NOW, THE RK MANAGEMENT ENTITY, DO YOU  
16 HAVE ANY OTHER CLIENTS THAT YOU PERSONALLY MANAGE?

17 A TWO.

18 Q AND WHAT PERCENTAGE OF YOUR PERSONAL  
19 MANAGEMENT BUSINESS DOES MR. COHEN OCCUPY?

20 A AS TO PERSONAL MANAGEMENT, MOST.

21 Q AND AS MR. COHEN'S ATTORNEY, YOU CHARGE  
22 HIM FOR SERVICES AS AN ATTORNEY?

23 A YES, WE HAVE -- WE HAVE FEES FOR  
24 MR. COHEN AS AN ATTORNEY, YES.

25 Q AND YOU ALSO HAVE FEES THAT YOU CHARGE  
26 HIM OR COMMISSION THAT YOU CHARGE HIM ON BEING HIS  
27 PERSONAL MANAGER?

28 A YES.

1 MS. STREETER: OBJECTION; RELEVANCE.

2 THE COURT: OVERRULED.

3 BY MR. RAMNANEY:

4 Q ALSO AS HIS BUSINESS MANAGER, YOU HAVE  
5 FEES OR COMMISSIONS THAT YOU COLLECT FROM MR. COHEN'S  
6 BUSINESS OPERATION; IS THAT CORRECT?

7 A YES.

8 Q AND -- NOW, THIS CONDUCT BY MS. LYNCH HAS  
9 BEEN GOING ON FOR APPROXIMATELY SEVEN YEARS; IS THAT  
10 CORRECT?

11 A WHICH CONDUCT?

12 Q THE REPEATED E-MAIL AND VOICE MAIL  
13 CONTACT TO MR. COHEN AND YOURSELF AND MS. RICE; IS THAT  
14 CORRECT?

15 A SINCE THE SPRING 2005, SO.

16 Q OKAY. AND IN THAT TIME, YOU'VE BEEN  
17 INVOLVED IN A CALIFORNIA LAWSUIT RELATED TO THESE  
18 MATTERS?

19 A WHAT DO YOU MEAN I HAVE BEEN INVOLVED?

20 Q WERE YOU INVOLVED IN A CALIFORNIA LAWSUIT  
21 AGAINST MS. LYNCH WHERE A DEFAULT JUDGMENT WAS ENTERED?

22 A I ASSISTED MR. COHEN IN RETAINING GIBSON,  
23 DUNN & CRUTCHER AS LEAD LITIGATION COUNSEL TO BRING A  
24 LAWSUIT AGAINST MS. LYNCH, AND ALSO MR. WESTIN AND LATER  
25 MR. GREENBERG.

26 Q AND AT SOME POINT ALSO YOUR FIRM  
27 REPRESENTED MR. COHEN IN A COLORADO FEDERAL LAWSUIT  
28 ALSO; IS THAT CORRECT?

1 A YES.

2 Q MS. RICE FILED THAT MOTION FOR SUMMARY  
3 JUDGMENT THAT YOU MENTIONED?

4 A THAT'S CORRECT. THERE WAS CO-COUNSEL,  
5 BUT YES.

6 Q SO YOU'VE BILLED MR. COHEN FOR THE  
7 SERVICES RELATED TO MS. LYNCH IN THAT PERIOD OF SEVEN  
8 YEARS, HAVEN'T YOU?

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

10 THE COURT: SUSTAINED.

11 BY MR. RAMNANEY:

12 Q NOW, OF YOUR LAW FIRM REVENUES, I ASKED  
13 MS. RICE THIS QUESTION AND SHE TOLD ME SHE THOUGHT IT  
14 WOULD BE BETTER FOR YOU TO ANSWER IT, WHAT PERCENTAGE OF  
15 YOUR LAW FIRM REVENUES COME FROM MR. COHEN'S BUSINESS?

16 A AS ANY LAW FIRM, WITH ALL OUR CLIENTS THE  
17 AMOUNT OF REVENUE VARIES FROM YEAR TO YEAR. SO YOU  
18 WOULD HAVE TO ASK AS TO A PARTICULAR YEAR. AND I COULD  
19 TELL YOU.

20 Q THIS LAST YEAR?

21 A THIS LAST YEAR, LAST YEAR MEANING 2011?

22 Q LAST YEAR THAT YOU'VE DONE THE YEAR-END  
23 ACCOUNTING FOR, YES. IS THAT 2011?

24 A PROBABLY 15 PERCENT.

25 Q OKAY. HOW ABOUT 2010?

26 A 2010, PROBABLY --

27 MS. STREETER: OBJECTION; RELEVANCE.

28 THE COURT: OVERRULED.

1 THE WITNESS: PROBABLY 30 PERCENT.

2 BY MR. RAMNANEY:

3 Q LET'S GO BACK TO 2009.

4 A 2009 WAS A BIG YEAR. HE WAS ON TOUR, SO  
5 IT WAS ABOUT 60 PERCENT.

6 Q 2008?

7 A 2008, PROBABLY 15 PERCENT.

8 Q 2007?

9 THE COURT: SUSTAINED AS TO RELEVANCE.

10 MS. STREETER: THANK YOU.

11 THE WITNESS: BUT 2006 --

12 THE COURT: YOU DON'T HAVE TO ANSWER THAT.

13 BY MR. RAMNANEY

14 Q NOW, IN YOUR TIME --

15 THE WITNESS: MAY I ANSWER IT, YOUR HONOR?

16 THE COURT: NO.

17 BY MR. RAMNANEY:

18 Q NOW, IN YOUR TIME AS MR. COHEN'S  
19 ATTORNEY, YOU'VE ALSO DEVELOPED A CLOSE PERSONAL  
20 FRIENDSHIP WITH HIM ALSO; ISN'T THAT TRUE?

21 A RESPECT.

22 Q AND IN JANUARY 2010, MR. COHEN RECEIVED A  
23 LIFETIME ACHIEVEMENT AWARD FROM THE GRAMMYS; IS THAT  
24 CORRECT?

25 A THAT'S CORRECT.

26 Q AND YOU WERE THERE WHEN HE ACCEPTED THAT  
27 LIFETIME ACHIEVEMENT AWARD?

28 A THAT'S CORRECT.

1 Q ARE YOU FAMILIAR WITH THE WEB SITE, DR. H  
2 GUY, OR HECK OF A GUY WEBSITE?

3 A I'M GENERALLY FAMILIAR, BUT I DON'T  
4 USUALLY LOOK AT IT.

5 Q OKAY. AND THAT'S A BLOG THAT'S MADE BY A  
6 FAN OF MR. COHEN'S, MR. ALLAN SHOWALTER; IS THAT  
7 CORRECT?

8 A CORRECT.

9 Q YOU'RE SOMETIMES ON THAT WEB SITE; IS  
10 THAT CORRECT?

11 A I DON'T PAY ATTENTION.

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

13 THE COURT: I'LL ALLOW THAT QUESTION AS LONG AS  
14 IT DOESN'T GO ON.

15 BY MR. RAMNANEY:

16 Q YOU SAID YOU DIDN'T CHECK IT. ARE YOU  
17 SOMETIMES ON THAT WEB SITE, TO YOUR KNOWLEDGE?

18 MS. STREETER: OBJECTION; RELEVANCE.

19 THE COURT: OVERRULED.

20 THE WITNESS: I HAVE BEEN TOLD THAT I'M ON THAT  
21 WEB SITE.

22 BY MR. RAMNANEY:

23 Q YOU'VE NEVER ACTUALLY PERSONALLY SEEN  
24 YOURSELF ON THAT WEB SITE?

25 A I DON'T THINK -- I DON'T HAVE AN  
26 IMMEDIATE RECOLLECTION.

27 MR. RAMNANEY: YOUR HONOR, I'M HOLDING IN MY  
28 HAND A TWO-PAGE DOCUMENT. I'D LIKE TO MARK IT FOR

1 IDENTIFICATION AS DEFENSE E. IT'S A WEB SITE FROM  
2 DR.HOFAGUY.COM. CAN IT BE MARKED FOR IDENTIFICATION,  
3 YOUR HONOR?

4 THE COURT: JUST A MOMENT.

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

6 THE COURT: CAN I SEE IT?

7 MR. RAMNANEY: MAY I APPROACH?

8 THE COURT: YEAH. THE RELEVANCE OBJECTION IS  
9 SUSTAINED.

10 BY MR. RAMNANEY:

11 Q NOW, MR. KORY, WOULD YOU SAY IT'S SAFE TO  
12 SAY THAT YOUR RELATIONSHIP WITH MR. COHEN HAS AFFORDED  
13 YOU SOME LEVEL OF FAME OR CREDIBILITY?

14 MS. STREETER: OBJECTION; RELEVANCE.

15 THE COURT: SUSTAINED -- OVERRULED.

16 THE WITNESS: I DON'T KNOW -- I DON'T HAVE AN  
17 OPINION ONE WAY OR ANOTHER ABOUT THAT. I AM NOT  
18 PRIMARILY IN THE MUSIC BUSINESS, I'M PRIMARILY IN  
19 TECHNOLOGY AND ENTERTAINMENT FINANCE. SO THIS IS NOT  
20 WHAT MY PRIMARY JOB IS, WITH MR. COHEN.

21 BY MR. RAMNANEY:

22 Q SO YOU DON'T THINK THAT YOU'VE BECOME  
23 FAMOUS IN ANY WAY OR GAINED SOME LEVEL OF FAME BECAUSE  
24 OF YOUR ASSOCIATION WITH MR. COHEN?

25 MS. STREETER: OBJECTION; 352.

26 THE COURT: OVERRULED.

27 THE WITNESS: I REPRESENTED MIKE LOVE OF THE  
28 BEACH BOYS FOR TEN YEARS, SO I'VE BEEN IN THE MUSIC

1 BUSINESS AND THEN GOT OUT OF THE MUSIC BUSINESS AND ONLY  
2 CAME BACK WITH MR. COHEN. SO I REALLY THINK THAT -- YOU  
3 KNOW, I'VE HAD PLENTY OF EXPOSURE TO THAT WORLD, AND  
4 IT'S NOT A WORLD THAT I ACTUALLY ASPIRE TO BE PART OF.  
5 BY MR. RAMNANEY:

6 Q OKAY. MR. KORY, NOW YOU TALKED ABOUT  
7 WITH MS. STREETER, YOU TALKED ABOUT THE SYSTEM OF HOW  
8 YOU OR MS. RICE OR YOUR LEGAL ASSISTANT OR YOUR TEAM  
9 WOULD SAVE E-MAILS TO THE LAW FIRM SERVER. DO YOU  
10 REMEMBER TALKING ABOUT THAT?

11 A I REMEMBER DESCRIBING A VERY SPECIFIC AND  
12 CAREFUL PROCEDURE WITH CHECKS AND DOUBLE-CHECKS.

13 Q OKAY. AND YOU CREATED THIS PROCEDURE,  
14 YOU AND MS. RICE TOGETHER COLLABORATED TO CREATE THIS  
15 PROCEDURE?

16 A CORRECT.

17 Q AND YOU CREATED THIS PROCEDURE BECAUSE AS  
18 AN ATTORNEY YOU THOUGHT IT WAS PRUDENT TO DOCUMENT ALL  
19 THE E-MAILS AND VOICE MAILS THAT WERE BEING SENT TO  
20 MR. COHEN AND YOURSELF AND MS. RICE; IS THAT CORRECT?

21 A GIVEN THE THREATS AGAINST ME AND MY  
22 FAMILY, CORRECT.

23 Q AGAINST YOU AND YOUR FAMILY?

24 A CORRECT.

25 Q THERE WERE THREATS AGAINST YOUR FAMILY?

26 A ABSOLUTELY.

27 Q DID YOU CONTACT THE POLICE?

28 A I DID.

1 Q WHEN DID YOU DO THAT?

2 A IN 2007 AFTER LUIS TEJEDA, HEAD OF FRAUD  
3 IN THE WESTERN UNITED STATES FOR THE IRS TOLD ME THAT I  
4 WAS A FOOL IF I CONTINUED TO IGNORE THREATS AGAINST ME  
5 AND MY FAMILY, INCLUDING THREATS TO SHOOT ME. AND HE  
6 SAID -- HE SAID I WAS A FOOL AND HE SAID I SHOULD REPORT  
7 TO THE POLICE.

8 Q AND THOSE THREATS WERE MADE BY VOICE MAIL  
9 OR E-MAIL?

10 A THREATS WERE MADE BY VOICE MAIL AND BY  
11 E-MAIL.

12 Q DID YOU PROVIDE THOSE VOICE MAILS TO THE  
13 CITY ATTORNEY WHEREIN YOU SAY, MS. LYNCH TRIED TO SHOOT  
14 ME?

15 A YES.

16 Q NOW, MR. KORY, DID YOU BILL MR. COHEN FOR  
17 THE TIME NECESSARY TO SAVE AND REVIEW THOSE E-MAILS AND  
18 VOICE MAILS THAT YOU SAVED TO YOUR LAW FIRM SERVER?

19 MS. STREETER: OBJECTION; RELEVANCE.

20 THE COURT: SUSTAINED.

21 BY MR. RAMNANEY:

22 Q NOW, MR. KORY, SOMETIMES MR. COHEN WOULD  
23 HAVE TO FORWARD YOU E-MAILS BECAUSE YOU WEREN'T COPIED  
24 IN ON THEM; IS THAT CORRECT?

25 A UH-HUH.

26 Q AND SOMETIMES BEFORE SENDING THESE  
27 E-MAILS TO THE POLICE OR TO MS. STREETER, YOU WENT  
28 THROUGH THOSE E-MAILS TO MAKE SURE THERE WAS NO

1 ATTORNEY-CLIENT PRIVILEGE INFORMATION IN THERE; IS THAT  
2 CORRECT?

3 A I WENT THROUGH THE E-MAILS TO ASSESS  
4 THREAT PRINCIPALLY, BECAUSE EVERYTHING IN THE E-MAILS  
5 WAS MOSTLY PUBLIC RECORD THAT SHE WAS ALLEGING, SO I WAS  
6 CONCERNED ABOUT -- THE ONLY REASON I HAD TO LOOK AT THE  
7 E-MAILS WAS BECAUSE I HAD TO ASSESS THE THREAT LEVEL.

8 Q OKAY. SO, MR. COHEN, EVERY TIME HE SENT  
9 YOU AN E-MAIL, HE SENT IT TO YOU WITH NO ATTACHED  
10 MESSAGE OF HIS OWN? FOR EXAMPLE, HE NEVER SAID, HEY,  
11 ROBERT, HERE'S ANOTHER E-MAIL FROM KELLEY LYNCH? HE  
12 NEVER SAID SOMETHING LIKE THAT TO YOU IN HIS FORWARDS?

13 A I DON'T RECALL. FOR THE MOST PART, HE  
14 WOULD JUST FORWARD AND WITHOUT COMMENT, IT SEEMS TO ME.

15 Q BUT THERE WERE SOME TIMES THAT HE DID  
16 WRITE SOME COMMENTS TO YOU OR MS. RICE ABOUT THE  
17 CONTENTS OF THE E-MAIL OR HIS THOUGHTS ON THEM?

18 A I DON'T RECALL SPECIFICALLY.

19 Q BUT YOU DID CHECK THOSE E-MAILS TO MAKE  
20 SURE THAT NONE OF THE PRIVILEGED INFORMATION THAT  
21 MR. COHEN WROTE TO YOU WAS INCLUDED IN THOSE E-MAILS  
22 THAT YOU GAVE TO THE CITY ATTORNEY OR TO THE POLICE?

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

24 THE WITNESS: THAT IS YOUR OWN CONCLUSION ABOUT  
25 PRIVILEGED INFORMATION.

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

27 THE COURT: SUSTAINED.

28 MS. STREETER: MOVE TO STRIKE.

1 THE COURT: THE QUESTION AND ANSWER IS STRICKEN.  
2 BY MR. RAMNANEY:

3 Q WHAT IS ATTORNEY-CLIENT PRIVILEGE,  
4 MR. KORY?

5 MS. STREETER: OBJECTION; 352.

6 THE COURT: SUSTAINED.

7 BY MR. RAMNANEY:

8 Q DID YOU AT ANY TIME REVIEW THE E-MAILS TO  
9 MAKE SURE THAT THERE WAS NO ATTORNEY-CLIENT PRIVILEGED  
10 INFORMATION IN IT?

11 MS. STREETER: OBJECTION; ASKED AND ANSWERED.

12 THE COURT: SUSTAINED.

13 BY MR. RAMNANEY

14 Q DO YOU USE E-MAIL, MR. KORY?

15 A YES.

16 Q DO YOU USE IT EVERY DAY?

17 A YES.

18 Q DO YOU HAVE A SMART PHONE?

19 MS. STREETER: OBJECTION; RELEVANCE.

20 THE COURT: SUSTAINED.

21 BY MR. RAMNANEY:

22 Q AND AS AN ATTORNEY WHO USES E-MAILS EVERY  
23 DAY, ON AVERAGE HOW MANY E-MAILS DO YOU GET PER DAY?

24 MS. STREETER: OBJECTION; RELEVANCE.

25 THE COURT: SUSTAINED.

26 BY MR. RAMNANEY:

27 Q IN THE SEVEN-YEAR PERIOD THAT YOU'VE BEEN  
28 MR. COHEN'S ATTORNEY, DID YOU EVER ADVISE HIM TO USE A

1 SPAM FILTER WITH MS. LYNCH'S E-MAILS?

2 MS. STREETER: OBJECTION; RELEVANCE.

3 THE COURT: OVERRULED.

4 THE WITNESS: THE THREAT LEVEL FROM MS. LYNCH  
5 SUGGESTED TO ALL OF US THAT WE NEEDED TO MONITOR HER  
6 STATE OF MIND.

7 BY MR. RAMNANEY:

8 Q SO THAT'S A NO, YOU'VE NEVER SUGGESTED A  
9 SPAM FILTER?

10 A I ANSWERED THE QUESTION.

11 MR. RAMNANEY: I'D ASK THE COURT TO ASK FOR A  
12 RESPONSE.

13 THE COURT: YOU CAN ANSWER YES OR NO ALSO.

14 THE WITNESS: I DON'T RECALL. BUT THE PRACTICE  
15 WAS, THE CONCLUSION WAS --

16 MR. RAMNANEY: THERE'S NO QUESTION PENDING, YOUR  
17 HONOR.

18 THE COURT: JUST WAIT FOR A QUESTION.

19 BY MR. RAMNANEY:

20 Q NOW, IN 2005 A LAWSUIT WAS BROUGHT  
21 AGAINST MS. LYNCH WHERE A DEFAULT JUDGMENT WAS ENTERED.  
22 ARE YOU AWARE OF THAT LAWSUIT, MR. KORY?

23 A YES.

24 Q AND CAN YOU EXPLAIN TO THE JURY WHAT A  
25 DEFAULT JUDGMENT IS?

26 MS. STREETER: OBJECTION; RELEVANCE.

27 THE COURT: SUSTAINED.

28

1 BY MR. RAMNANEY:

2 Q AND THAT DEFAULT JUDGMENT WAS BASED UPON  
3 A FORENSIC ACCOUNTING SUBMITTED TO THE COURT; ISN'T THAT  
4 CORRECT?

5 A A FORENSIC ACCOUNTING SUBMITTED FIRST TO  
6 HER FIRST TAX ACCOUNTANTS AND LAWYERS, THEN HER NEXT  
7 LEVEL OF TAX ACCOUNTANTS AND LAWYERS, AND THEN TO HER  
8 AND THE COURT, YES.

9 Q YOU SAID THAT -- I JUST WANT TO GET THIS  
10 STRAIGHT. THAT THIS FORENSIC ACCOUNTING WAS SENT TO HER  
11 FIRST SET OF TAX ACCOUNTANTS AND LAWYERS?

12 A RIGHT.

13 Q AND THOSE WERE -- WHO WERE THOSE FIRST  
14 INDIVIDUALS, THE FIRST SET?

15 A THAT WAS -- FIRST -- THE FIRST LEVEL OF  
16 INFORMATION WAS -- WENT TO KEN CLEVELAND. THE --  
17 BECAUSE THIS ACCOUNTING WENT ON AS WE PROBED MORE  
18 DEEPLY. SO THEN ANOTHER LEVEL OF IT WENT TO DIANNE  
19 DIMASCIO AND DAVID BERARDI AND TO DALE BURGESS, AND THEN  
20 ONCE SHE -- WE WERE ADVISED THAT SHE HAD TERMINATED  
21 THEM, WE SENT IT TO HER.

22 Q SO WHEN YOU SAY WE SENT IT TO HER, YOU  
23 SENT IT TO HER, MR. KORY?

24 A NO. GIBSON, DUNN & CRUTCHER.

25 Q DO YOU KNOW HOW THEY SENT IT TO HER?  
26 MS. STREETER: OBJECTION; RELEVANCE.

27 THE COURT: SUSTAINED.

28 THE WITNESS: BY MESSENGER TO HER HOUSE.

1 BY MR. RAMNANEY:

2 Q AND THE SECOND SET OF TAX ACCOUNTANTS AND  
3 LAWYERS THAT YOU SAID YOU SENT THOSE TO, WHO WERE THOSE  
4 INDIVIDUALS?

5 MS. STREETER: OBJECTION; RELEVANCE.

6 THE COURT: OVERRULED.

7 THE WITNESS: WELL, THE FIRST SET WAS KEN  
8 CLEVELAND. HE RESIGNED -- HE SENT ME A LETTER ADVISING  
9 THAT HE WAS RESIGNING BECAUSE HE WAS SEEING FRAUD, AND  
10 THEN -- AND THEN THE SECOND SET WAS TO DIMASCIO AND  
11 BERARDI AND DALE BURGESS.

12 BY MR. RAMNANEY:

13 Q DO YOU KNOW WHAT DATE IT WAS MESSENGERED  
14 TO HER HOUSE, THAT FORENSIC ACCOUNTING?

15 MS. STREETER: OBJECTION; RELEVANCE.

16 THE COURT: OVERRULED.

17 THE WITNESS: NO.

18 BY MR. RAMNANEY:

19 Q DO YOU HAVE THAT INFORMATION IN YOUR  
20 POSSESSION? NOT IMMEDIATELY, BUT IS IT IN YOUR LAW  
21 OFFICE SOMEWHERE?

22 A I DON'T KNOW. IT'S 2005, SO.

23 Q HAVE YOU LOOKED FOR THAT INFORMATION TO  
24 SEE WHEN YOU SENT MS. LYNCH THAT FORENSIC ACCOUNTING  
25 THAT SHE ASKED FOR MANY TIMES?

26 A IN HER -- IN THE VOICE MAIL THAT WE JUST  
27 LISTENED TO, SHE ADDRESSES ALL THOSE TAX ISSUES WITH  
28 VERY GREAT SOPHISTICATION. PROBABLY MORE SOPHISTICATION

1 THAN ANYBODY IN THIS ROOM OTHER THAN ME AS A TAX LAWYER.  
2 SO I KNOW FROM WHAT SHE SAYS HERE THAT SHE NOT ONLY  
3 RECEIVED IT BUT SHE UNDERSTANDS INTRICATE LEVELS OF THE  
4 TAX ANALYSIS.

5 I DON'T KNOW IF THE COURT HAS TIME FOR  
6 ALL OF IT, BUT SHE IS -- SHE UNDERSTANDS EXACTLY WHAT --  
7 SHE HAS THE INFORMATION AND SHE UNDERSTANDS IT.

8 THE COURT: JUST WAIT FOR A QUESTION.

9 MR. RAMNANEY: I MOVE TO STRIKE THE LAST PORTION  
10 OF THAT ANSWER.

11 THE COURT: GRANTED. THE LAST PORTION OF THE  
12 ANSWER IS STRICKEN.

13 BY MR. RAMNANEY:

14 Q LET ME ASK YOU THIS, MR. KORY.  
15 BECAUSE -- MS. LYNCH NEVER MADE AN APPEARANCE IN THE  
16 2005 LAWSUIT TO YOUR KNOWLEDGE, DID SHE?

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

18 THE COURT: SUSTAINED.

19 BY MR. RAMNANEY:

20 Q DO YOU KNOW IF MS. LYNCH EVER RECEIVED  
21 THAT FORENSIC ACCOUNTING THROUGH THE FORMAL DISCOVERY  
22 PROCESS IN THE 2005 LAWSUIT?

23 MS. STREETER: OBJECTION; ASKED AND ANSWERED.

24 THE COURT: SUSTAINED.

25 BY MR. RAMNANEY:

26 Q TO YOUR KNOWLEDGE, MR. KORY, NO CRIMINAL  
27 CHARGES WERE EVER BROUGHT AGAINST MS. LYNCH FOR THE  
28 ALLEGATIONS IN THAT 2005 LAWSUIT, WERE THEY?

1 MS. STREETER: OBJECTION; RELEVANCE.

2 THE COURT: OVERRULED.

3 THE WITNESS: THAT'S CORRECT.

4 BY MR. RAMNANEY:

5 Q AND YOU NEVER SUBMITTED THOSE DOCUMENTS  
6 TO THE D.A.'S OFFICE OR TO FEDERAL AUTHORITIES ASKING  
7 THEM TO PROSECUTE MS. LYNCH, DID YOU?

8 A WE SUBMITTED THE DOCUMENTS AT LENGTH TO  
9 LUIS TEJEDA, WHO IS THE HEAD OF FRAUD FOR THE INTERNAL  
10 REVENUE SERVICE IN THE WESTERN UNITED STATES. AFTER  
11 MS. LYNCH --

12 MR. RAMNANEY: OBJECTION. THERE IS NO QUESTION  
13 PENDING.

14 THE COURT: IT'S RESPONSIVE TO THE QUESTION.

15 THE WITNESS: SO WE -- IN 2007, MS. LYNCH  
16 CONTACTED IN RESPONSE TO, I THINK, A GENERAL AD  
17 ENCOURAGING EMPLOYEES TO TURN IN THEIR EMPLOYERS IF THE  
18 EMPLOYEES KNEW ABOUT THEIR EMPLOYER'S TAX FRAUD.

19 MS. LYNCH CONTACTED A WOMAN NAMED -- AN  
20 AGENT NAMED KELLY SOPKO. KELLY SOPKO REFERRED THE  
21 MATTER, ALL HER ALLEGATIONS RELATED TO MR. COHEN --

22 MR. RAMNANEY: I'M GOING TO OBJECT TO THE LACK  
23 OF FOUNDATION.

24 THE COURT: WE'RE GOING OFF ON A TANGENT. LET'S  
25 WAIT FOR A QUESTION.

26 THE WITNESS: BUT IN ANY CASE, MR. TEJEDA GOT  
27 THE ENTIRE FILE.

28

1 BY MR. RAMNANEY:

2 Q WHEN WAS THAT, MR. KORY?

3 A I SENT HIM THE FILE ON -- THIS OCCURRED  
4 IN, I THINK, IF I RECALL, MARCH OF 2007, AND I THINK --  
5 I THINK MARCH 23RD, 2007 I SENT MR. TEJEDA THE -- ALL  
6 THE DOCUMENTS SO THAT THE IRS COULD LOOK INTO THE ENTIRE  
7 MATTER.

8 Q AS OF TODAY, APRIL 11TH, NO CRIMINAL  
9 CHARGES HAVE BEEN BROUGHT UP AGAINST MY CLIENT RELATED  
10 TO THOSE DOCUMENTS THAT YOU SUBMITTED TO THE IRS, HAVE  
11 THEY? TO YOUR KNOWLEDGE.

12 A ALL I KNOW IS THE -- SHE WRITES IN HER  
13 E-MAILS AND SHE COMPLAINS THAT THE IRS AND THE FRANCHISE  
14 TAX BOARD ARE PURSUING HER RELENTLESSLY. SO I DON'T  
15 KNOW THE -- I SUSPECT, BUT DON'T KNOW THE SUBSTANCE OF  
16 WHY THEY'RE PURSUING HER.

17 Q NOW, MR. KORY, YOU ALSO FILED A  
18 DECLARATION IN A CUSTODY MATTER INVOLVING MS. LYNCH'S  
19 SON RAY; ISN'T THAT CORRECT?

20 MS. STREETER: OBJECTION; RELEVANCE.

21 THE COURT: OVERRULED.

22 THE WITNESS: YES.

23 BY MR. RAMNANEY:

24 Q AND WHY DID YOU FILE A DECLARATION IN HER  
25 SON'S CUSTODY MATTER?

26 A BECAUSE MS. LYNCH BROUGHT HER SON TO MY  
27 OFFICE UNANNOUNCED IN A HIGHLY AGITATED STATE, DEMANDED  
28 THAT I COME OUT INTO THE LOBBY, AND SHE CONDUCTED WHAT

1 APPEARED TO ME TO BE VERY, VERY ABUSIVE TREATMENT,  
2 FRIGHTENING TREATMENT TO HER SON. I HAVE TWO BOYS  
3 MYSELF, AND WHEN THE FATHER'S LAWYERS ASKED ME TO TELL  
4 THE TRUTH ABOUT THE INCIDENT I AGREED TO DO SO.

5 Q OKAY. AND WHEN YOU SAY THAT SHE  
6 CONDUCTED THIS ABUSIVE TREATMENT, DID YOU CONTACT THE  
7 DEPARTMENT OF FAMILY SERVICES TO REPORT MS. LYNCH AFTER  
8 YOU SAW THAT HAPPENING IN YOUR OFFICE?

9 A NO. I'M NOT TRYING TO ATTACK MS. LYNCH,  
10 I'M JUST TRYING TO NOT BE ATTACKED.

11 Q OKAY. BUT DID YOU CALL THE POLICE ONCE  
12 YOU SAW THAT ABUSIVE BEHAVIOR, MR. KORY?

13 A NO.

14 Q SO THE ONLY STEP YOU TOOK AFTER YOU SAW  
15 THAT ABUSIVE BEHAVIOR WAS AT THE REQUEST OF MS. LYNCH'S  
16 FATHER'S LAWYERS AND SUBMITTED A DECLARATION IN HER  
17 CUSTODY MATTER; IS THAT CORRECT?

18 A NO. I SPOKE TO THE FATHER. BEING A  
19 FATHER, I SPOKE TO THE FATHER WHO CALLED ME AND I TOLD  
20 HIM ABOUT THE INCIDENT. THAT THEN LED TO THE LAWYER.  
21 SO I THOUGHT IT'S THE FATHER'S RESPONSIBILITY, NOT THE  
22 COURT, NOT THE CHILD SERVICES. THERE WAS A -- THE  
23 FATHER SHOULD HANDLE IT.

24 Q BUT THE COURT WAS HANDLING IT AND YOU  
25 FILED A DECLARATION IN THAT MATTER?

26 A WELL, I'M NOT IN THE MIDDLE OF THE  
27 DISPUTE BETWEEN MS. LYNCH AND HER FORMER HUSBAND OR THE  
28 FATHER OF HER CHILD, BUT WHEN SOMEBODY ASKS ME IN THE

1 WELFARE OF A CHILD, I THINK IT'S MY DUTY TO TELL THE  
2 TRUTH, EVEN IF IT MIGHT HAVE SOME, YOU KNOW, AT SOME  
3 LATER DATE SUBJECTING ME TO SCRUTINY, I THINK THAT I AS  
4 A FATHER WILL TAKE THE RISK AND SAY GO AHEAD, YOU KNOW,  
5 I SHOULD -- I'M STICKING MY NOSE WHERE I SHOULDN'T, BUT  
6 WHEN IT COMES TO PROTECTING A TEN YEAR OLD I WILL -- I'M  
7 SORRY, I WILL GO FORWARD AND TELL THE TRUTH IF I THINK  
8 IT'S GOING TO HELP PROTECT THE TEN YEAR OLD.

9 Q OKAY. NOW, MR. KORY, DID YOU ALSO  
10 CONTACT CITY NATIONAL BANK DIRECTLY AND ASK THEM TO  
11 FREEZE MS. LYNCH'S ASSETS?

12 MS. STREETER: OBJECTION; RELEVANCE.

13 THE COURT: SUSTAINED.

14 BY MR. RAMNANEY:

15 Q NOW, YOU'VE REVIEWED ALMOST ALL OF THOSE  
16 E-MAILS AS THEY CAME ACROSS TO YOU, EITHER FORWARDED OR  
17 DIRECTLY, MR. KORY?

18 A THERE HAVE BEEN, DURING THE COURSE OF  
19 THIS, FOUR TO 5,000 E-MAILS. SO I DON'T KNOW HOW MANY  
20 I'VE REVIEWED. I DID -- I HAD CERTAIN SORTING AND  
21 SAMPLING PROCEDURE. I SAID I WAS LOOKING PRIMARILY FOR  
22 THREAT ASSESSMENT. BUT HALF OF THEM, I WOULD SAY MAYBE  
23 I PERSONALLY LOOKED AT.

24 Q OKAY. AND IN THOSE E-MAILS, THERE'S  
25 MULTIPLE TIMES MS. LYNCH REQUESTED FORENSIC ACCOUNTING;  
26 ISN'T THAT CORRECT?

27 A MOST OF THE TIME I SAW, WHEN I READ THEM,  
28 YOU HAVE TO READ THOSE E-MAILS CAREFULLY, I DIDN'T SEE A

1 REQUEST FOR FORENSIC ACCOUNTING. WHAT I SAW IS A  
2 REQUEST THAT WE CHANGE THE FORENSIC ACCOUNTING. THAT WE  
3 WITHDRAW A K-1. THESE ARE FAIRLY SOPHISTICATED  
4 CONCEPTS.

5 BECAUSE SHE SAW THAT WE WERE REPORTING,  
6 THAT WE HAD REPORTED TO THE INTERNAL REVENUE SERVICE  
7 THAT MONEY THAT MR. COHEN HAD PAID TAXES ON HE DID NOT  
8 RECEIVE. AND THEREFORE, MR. -- WHEN WE REPORTED THAT TO  
9 THE IRS WE DECLARED A THEFT LOSS. MR. COHEN GOT A TAX  
10 REFUND. AND WHEN MR. COHEN GOT --

11 MR. RAMNANEY: CAN THE COURT ASK THE WITNESS --

12 THE COURT: JUST WAIT FOR A QUESTION.

13 THE WITNESS: SO WHEN MR. COHEN --

14 THE COURT: I THINK YOU'VE ANSWERED THE  
15 QUESTION. GO AHEAD.

16 BY MR. RAMNANEY:

17 Q SO I'LL ASK MY QUESTION AGAIN. AT SOME  
18 POINT SHE REQUESTED A COPY OF THE FORENSIC ACCOUNTING IN  
19 SOME OF THESE E-MAILS, ISN'T THAT A FAIR REPRESENTATION  
20 OF SOME OF THESE E-MAILS?

21 A AS I READ THEM, AS I READ THEM, I WAS  
22 READING A FORMIDABLE, INTELLIGENT PERSON WITH  
23 SOPHISTICATED TAX KNOWLEDGE WHO HAD THE FORENSIC  
24 ACCOUNTING AND THE K-1S AND ALL THE TAX INFORMATION IN  
25 HER POSSESSION, AND SHE WAS REQUESTING THAT WE SOMEHOW  
26 MODIFY WHAT WE HAD REPORTED.

27 Q OKAY. SO IN NONE OF THE VOICE MAILS THAT  
28 YOU REVIEWED OF MR. COHEN'S DID YOU EVER HEAR HER ASK

1 FOR HER TAX DOCUMENTATION?

2 A I DON'T RECALL. THE VOICE MAIL THAT WE  
3 PLAYED IS MORE TYPICAL OF MY RECOLLECTION. WHEN SHE  
4 ADDRESSED -- WHEN SHE ADDRESSED TO ME, THE -- THE --  
5 WHEN IT CAME TO TAXES, THERE WERE SPECIFIC  
6 COMMUNICATIONS TO ME. THOSE SPECIFIC COMMUNICATIONS TO  
7 ME WERE SOPHISTICATED COMMUNICATIONS. SHOWING KNOWLEDGE  
8 OF THE FORENSIC ACCOUNTING, THE IMPLICATIONS OF THE  
9 FORENSIC ACCOUNTING, AND THE PROBLEMS BECAUSE WE  
10 REPORTED IT ALL TO THE IRS.

11 IT'S A ZERO SUM GAME. IF SOMEBODY GETS A  
12 TAX REFUND, SOMEBODY ELSE HAS TO PAY THE TAXES.

13 MR. RAMNANEY: OBJECTION. THIS IS  
14 NONRESPONSIVE.

15 THE COURT: I THINK IT'S RESPONSIVE, BUT I THINK  
16 WE'VE COMPLETED THE ANSWER.

17 BY MR. RAMNANEY:

18 Q BUT AT SOME POINT IN SOME OF THE E-MAILS  
19 SHE WROTE TO MR. COHEN WHICH YOU WERE COPIED ON, SHE  
20 REQUESTED TAX INFORMATION. EVEN THOUGH I UNDERSTAND  
21 THAT YOU BELIEVE SHE HAD IT ALREADY, DID SHE REQUEST  
22 THAT INFORMATION, MR. KORY?

23 A I -- I SUPPOSE -- YOU KNOW, I'D HAVE TO  
24 LOOK AT SPECIFIC E-MAILS, BUT I ALWAYS RECALL THAT THOSE  
25 REQUESTS TO HIM, AS WHAT I THOUGHT WERE PART OF A RUSE.  
26 BECAUSE SHE WAS REALLY CALLING TO SAY SHE WAS GOING TO  
27 TAKE YOU DOWN.

28 THE COURT: THE QUESTION IS JUST WHETHER SHE

1 ASKED.

2 THE WITNESS: AS -- AS -- AS AN ASIDE WITHIN A  
3 LONG --

4 MR. RAMNANEY: OBJECTION. NO QUESTION PENDING.

5 THE COURT: NO ASIDES. THANK YOU.

6 THE WITNESS: ALL RIGHT.

7 BY MR. RAMNANEY:

8 Q MR. KORY, LET ME ASK YOU. YOU NEVER  
9 DIRECTLY SENT ANY DOCUMENTS TO HER, BECAUSE YOU FELT SHE  
10 HAD THEM ALREADY; ISN'T THAT CORRECT?

11 MS. STREETER: OBJECTION; ASKED AND ANSWERED.

12 THE WITNESS: I DIRECTLY GAVE DOCUMENTS -- I  
13 GAVE ALL THE DOCUMENTS REQUIRED FOR HER TAX INFORMATION  
14 WHEN SHE WAS FULLY REPRESENTED IN JANUARY -- JANUARY,  
15 FEBRUARY, MARCH, APRIL 2005.

16 BY THEN WE HAD COMPLETED OUR FORENSIC  
17 ACCOUNTING, ALL THE INFORMATION WAS GIVEN TO HER. VERY  
18 SOPHISTICATED TAX LAWYER TO HER TAX ACCOUNTANTS, AND SHE  
19 FIRED THEM.

20 BY MR. RAMNANEY

21 Q OKAY. SO AFTER THAT POINT IN 2005, YOU  
22 NEVER SUBMITTED THOSE DOCUMENTS AGAIN TO HER, EVEN  
23 THOUGH SHE ASKED BETWEEN 2005 AND 2011?

24 MS. STREETER: OBJECTION; ASSUMES FACTS NOT IN  
25 EVIDENCE, MISSTATES THE WITNESS' TESTIMONY. WITNESS  
26 SAYS MS. LYNCH NEVER ASKED HIM.

27 THE COURT: WELL, NO. I THINK WE'VE COVERED  
28 THAT SUBJECT ENOUGH. WE'RE GOING AROUND IN CIRCLES NOW.

1 BY MR. RAMNANEY:

2 Q NOW, MR. KORY, DID YOU HIRE AN  
3 INVESTIGATOR TO TRACK DOWN MS. LYNCH? ON BEHALF OF  
4 MR. COHEN.

5 MS. STREETER: OBJECTION; RELEVANCE.

6 THE COURT: OVERRULED.

7 THE WITNESS: YES.

8 BY MR. RAMNANEY:

9 Q AND ISN'T IT TRUE THAT HE'S ACCOMPANIED  
10 YOU TO COURT AND HAS ACTUALLY BEEN IN THIS COURTROOM A  
11 NUMBER OF TIMES; ISN'T THAT TRUE?

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

13 THE COURT: SUSTAINED.

14 MR. RAMNANEY: WE ARE ON DEFENSE F, YOUR HONOR?

15 THE COURT: E.

16 MR. RAMNANEY: YOUR HONOR, I'M HOLDING IN MY  
17 HAND A THREE-PAGE TRANSCRIPT -- OR A FOUR-PAGE  
18 TRANSCRIPT. I'D LIKE TO MARK IT AS DEFENSE E. IT HAS  
19 PREVIOUSLY BEEN SHOWN TO THE PROSECUTION.

20 THE COURT: IS THIS THE SAME AS --

21 MR. RAMNANEY: IT'S THE SAME TRANSCRIPT. IT  
22 JUST HAS SOME MARKS THAT I'VE MADE ON IT.

23 THE COURT: OKAY. IT WILL BE MARKED AS  
24 DEFENSE E FOR IDENTIFICATION.

25

26 (MARKED FOR IDENTIFICATION: TRANSCRIPT  
27 DEFENSE EXHIBIT E)

28

1 BY MR. RAMNANEY:

2 Q NOW, YOU HEARD THOSE VOICE MAILS THAT  
3 WERE PLAYED IN COURT A FEW MOMENTS AGO WHEN YOU WERE  
4 TESTIFYING WITH MS. STREETER. DO YOU REMEMBER THAT,  
5 MR. KORY?

6 A I DO.

7 Q NOW, I'M HOLDING IN MY HAND A TRANSCRIPT  
8 THAT WILL BE MARKED AS DEFENSE E, AND I'VE HIGHLIGHTED  
9 SOME PASSAGES IN THAT TRANSCRIPT. I'M GOING TO READ ONE  
10 OF THEM. IT SAYS, "I WILL FUCKING DESTROY THEM  
11 LEGALLY." DO YOU REMEMBER THAT BEING SAID ON THE VOICE  
12 MAIL BY MS. LYNCH?

13 A YES.

14 Q OKAY. ON THE SECOND PAGE I HIGHLIGHTED  
15 ANOTHER PASSAGE. IT SAYS, "AND I AM LITIGATING THIS IN  
16 A COURT OF LAW." DO YOU REMEMBER HEARING THAT ON THE  
17 VOICE MAIL?

18 A YES.

19 Q OKAY. WERE THOSE ACCURATE AS YOU  
20 REMEMBER THEM WHEN YOU RECEIVED THEM?

21 THE COURT: I DON'T UNDERSTAND THE QUESTION.

22 BY MR. RAMNANEY:

23 Q DO YOU REMEMBER RECEIVING THAT ACTUALLY  
24 IN THE VOICE MAIL?

25 MR. RAMNANEY: I'M GOING TO WITHDRAW THE  
26 QUESTION. I APOLOGIZE, YOUR HONOR.

27 THE COURT: OKAY. THANK YOU.

28

1 BY MR. RAMNANEY:

2 Q NOW, MR. KORY, TO YOUR KNOWLEDGE, HAS  
3 MS. LYNCH COME ANYWHERE NEAR YOUR OFFICE SINCE 2006?

4 A I DON'T -- WHAT ARE YOU DEFINING BY NEAR?

5 Q WITHIN A HUNDRED YARDS. TO YOUR  
6 KNOWLEDGE, HAS SHE COME WITHIN A HUNDRED YARDS?

7 A TO MY KNOWLEDGE, NO.

8 Q HAS SHE COME WITHIN A HUNDRED YARDS OF  
9 YOURSELF, TO YOUR KNOWLEDGE?

10 A ONLY WHEN IN THE PROCEEDING IN COLORADO.

11 Q IN THE COURTROOM PROCEEDING?

12 A RIGHT.

13 MR. RAMNANEY: I HAVE NO FURTHER QUESTIONS, YOUR  
14 HONOR.

15 THE COURT: OKAY. REDIRECT?

16 MS. STREETER: NO, YOUR HONOR.

17 THE COURT: OKAY. THANK YOU, MR. KORY.

18 THE WITNESS: THANK YOU.

19 THE COURT: YOU MAY STEP DOWN.

20 CAN I SEE COUNSEL AT A SIDEBAR, PLEASE.

21 MR. KELLY: YOUR HONOR, SUBJECT TO RECALL?

22 THE COURT: YES, ALWAYS SUBJECT TO RECALL.

23

24 (A SIDEBAR CONFERENCE WAS HELD  
25 AND REPORTED AS FOLLOWS:)

26

27 THE COURT: WE'RE ON THE RECORD OUTSIDE THE  
28 PRESENCE OF THE JURY. ARE YOU THROUGH WITH YOUR

1 WITNESSES?

2 MS. STREETER: PEOPLE REST. PEOPLE MOVE OUR  
3 EVIDENCE -- WE'D LIKE TO MOVE OUR EVIDENCE.

4 THE COURT: WE'LL GET INTO THAT.

5 WHAT ARE YOUR PLANS AT THIS POINT?

6 MR. KELLY: OUR PLANS ARE WE WANT TO FIND OUT  
7 ABOUT AGENT TEJEDA.

8 THE COURT: I WILL TELL YOU MY STRONG VIEW IS  
9 I'M NOT GOING TO DELAY THE TRIAL FOR AGENT TEJEDA. YOU  
10 GUYS, WHETHER YOU KNEW HIS NAME OR NOT, YOU WERE WELL  
11 AWARE OF THE RELATIONSHIP, IF ANY, AND I THINK IT WAS  
12 QUITE TANGENTIAL OF THE MERITS OF THE IRS THING LONG  
13 BEFORE THE TRIAL, AND I'M NOT GOING TO DELAY AT THIS  
14 POINT THE TRIAL.

15 MR. KELLY: WHAT WE WOULD ASK IS HE SAID HE WAS  
16 GOING TO CALL. MAYBE WE CAN MAKE A CALL DURING THE  
17 LUNCH HOUR AND FIND OUT IF THERE'S AN ANSWER THAT WE  
18 CAN --

19 THE COURT: OKAY. WELL YOU CAN LET ME KNOW.

20 MR. RAMNANEY: YOUR RULING IS NOT THAT HE'S NOT  
21 PRECLUDED FROM TESTIFYING; IT'S THAT YOU WON'T DELAY THE  
22 TRIAL.

23 THE COURT: I WON'T DELAY THE TRIAL. I'LL  
24 RESERVE JUDGMENT ON WHETHER I ALLOW HIM TO TESTIFY.

25 MR. KELLY: ANOTHER THING.

26 THE COURT: YES.

27 MR. KELLY: I'VE DONE SOME RESEARCH ON MR. COHEN  
28 AND HE'S IN THE PAST MADE INTERVIEWS ABOUT HAVING USED

1     LEGAL AND ILLEGAL DRUGS.

2             THE COURT:  NO WE'RE NOT GOING TO GET INTO THE  
3     ISSUE OF HIS DRUG USE.

4             MR. KELLY:  I WILL SAY THE EVIDENCE THAT WAS  
5     PRESENTED POINTS TO, PERHAPS, DEFAMATORY IN NATURE.  AND  
6     I DO THINK THAT IF THAT'S THE CASE THAT THE PEOPLE BE  
7     PRECLUDED FROM SAYING THAT BECAUSE DRUG USE WAS  
8     MENTIONED, THEREFORE, IT WAS HARASSING AND THREATENING.

9             MS. STREETER:  CAN I?

10            THE COURT:  YES.

11            MS. STREETER:  PERHAPS IF THE COURT RECALLS I  
12     NEVER SPECIFICALLY ASKED MR. COHEN --

13            THE COURT:  YOU DID NOT.

14            MS. STREETER:  THERE WAS A REASON WHY I NEVER  
15     DID BECAUSE I HAD A FEELING WHEN HE WROTE AND WHAT HE  
16     WROTE --

17            THE COURT:  THEN WE DON'T NEED TO GET INTO THAT.

18            MS. STREETER:  AND JUST SO I'M CLEAR.  THE  
19     PEOPLE MENTIONED THE DRUG USAGE NOT TO USE AS  
20     DEFAMATORY, THAT WAS MORE AS A COMMON SCHEME AND PLAN  
21     AND I DID IT FOR THE E-MAILS AND THE VOICE MAIL  
22     MESSAGES.  THAT WAS THE REASON THE PEOPLE DID THAT.

23            MR. KELLY:  I WILL SAY THEY SPENT A BIG PORTION  
24     OF THE E-MAILS HIGHLIGHTING THE DRUG USE AND IN FACT A  
25     LOT OF THOSE MESSAGES REFERRED TO PRIOR DRUG USE AND NOT  
26     NECESSARILY CURRENT DRUG USE.

27            THE COURT:  WHETHER HE USED DRUGS OR NOT USED  
28     DRUGS IS NOT THE ISSUE AND TO THE EXTENT THEY REFER THEY

1 DO GO TO THE ISSUE -- I MEAN, TO THE EXTENT THAT YOU  
2 BRING UP THAT SUBJECT, IT GOES TO THE ISSUE OF WHETHER  
3 THE CALLS WERE DURING THE COURSE OF BUSINESS, ET CETERA,  
4 ET CETERA.

5 MR. KELLY: I DO THINK IT GOES TO THE 653.  
6 WHETHER THEY WERE MEANT TO ANNOY OR HARASS, IF HE HAS  
7 HIMSELF PROCLAIMED TO BE A DRUG USER, THEN I THINK IT  
8 MITIGATES THE LEVEL OF HARASSMENT IF SHE KNOWS AND HE  
9 KNOWS.

10 THE COURT: YOU KNOW WE COULD HAVE 500 MINI  
11 TRIALS IN THIS CASE ABOUT LOTS OF SUBJECTS BUT WE'RE NOT  
12 GOING TO DO IT.

13 DOES YOUR CLIENT PLAN TO TESTIFY?

14 MR. KELLY: AT THIS POINT I'M ASSUMING THAT  
15 THAT'S THE CASE. I KNOW THE DEPUTY WANTED TO TALK ABOUT  
16 IT.

17 THE COURT: MAYBE I THINK WHAT THE DEPUTY WANTS  
18 TO DO OR PROPOSES TO DO IS TO, IF SHE'S GOING TO TESTIFY  
19 TO HAVE HER TAKE THE STAND BEFORE THE JURY COMES IN SO  
20 THAT HE DOESN'T -- IT'S NOT AS CONSPICUOUS THAT HE  
21 ESCORTS HER CLOSELY AND THEN HE WILL STAND CLOSE BY AS  
22 HE ALWAYS DOES WITH DEFENDANTS ON THE STAND.

23 MS. STREETER: IF THAT'S THE CASE, I HAVE TO  
24 MOVE ALL THE STUFF THAT I HAVE FROM THE WITNESS STAND.

25 MR. KELLY: WE WOULD JUST ASK THAT THE COURT  
26 TELL THE JURY ANY TIME A DEFENDANT TAKES THE STAND --

27 THE COURT: IF YOU WANT ME TO DO THAT I WILL BE  
28 HAPPY.

1 MR. RAMNANEY: THAT WOULD BE A GOOD ADMONISHMENT  
2 TO THE JURY.

3 THE COURT: DON'T READ ANYTHING INTO IT IT'S  
4 JUST NORMAL PROCEDURE.

5 MR. RAMNANEY: IN TERMS OF SCHEDULING,  
6 YOUR HONOR, I KNOW THE PEOPLE HAVE VOLUMES OF EXHIBITS  
7 THAT THEY WANT TO MOVE INTO EVIDENCE. I THINK WE --

8 THE COURT: YES, OF COURSE. I THINK WHAT I'M  
9 GOING TO DO NOW IS EXCUSE THE JURY FOR LUNCH. WE CAN  
10 TAKE UP THE ENTRY OF THE EXHIBITS. I WILL HAVE YOU  
11 ANNOUNCE THE PEOPLE HAVE NO FURTHER WITNESSES AND THEN  
12 I'LL EXCUSE THE JURY, TELL THEM WE HAVE SOME LEGAL  
13 MATTERS WE HAVE TO TAKE UP.

14 AND THEN IF YOU ARE GOING TO MAKE A --  
15 MR. KELLY: MOTION.

16 THE COURT: -- A MOTION. WHAT YOU CAN SAY IS  
17 THE PEOPLE REST SUBJECT TO THE ADMISSION OF EXHIBITS.

18 MS. STREETER: OKAY.

19 THE COURT: I'LL SAY WE'LL RULE ON THE SPECIFIC  
20 EXHIBITS LATER AND WE CAN DO THE --

21 MR. KELLY: WE SHOULD FIRST DO THE EVIDENCE AND  
22 THEN I THINK THE 1118 SHOULD BE AFTER WE DECIDE WHAT  
23 EVIDENCE IS IN AND OUT.

24 THE COURT: WE'LL DO IT FIRST AND THEN YOU CAN  
25 MAKE THE MOTION.

26 MS. STREETER: OKAY, PERFECT.

27 THE COURT: THANK YOU.

28

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

4 THE COURT: MS. STREETER, DO THE PEOPLE HAVE ANY  
5 FURTHER WITNESSES?

6 MS. STREETER: THE PEOPLE REST SUBJECT TO THE  
7 MOVING OF THE EXHIBITS INTO EVIDENCE.

8 THE COURT: OKAY. LADIES AND GENTLEMEN, WE HAVE  
9 A FEW LEGAL MATTERS I NEED TO TAKE UP BEFORE WE GET TO  
10 THE NEXT STAGE. SO I'M GOING TO DISMISS YOU FOR LUNCH  
11 RIGHT NOW SO WE CAN TAKE UP THESE EXHIBIT ISSUES, AND WE  
12 WILL RETURN AT 1:30 AND TAKE IT FROM THERE. WE'LL SEE  
13 WHAT WE HAVE NEXT.

14 OKAY. SEE YOU AT 1:30. PLEASE BE ON  
15 TIME AND I'LL TRY TO START RIGHT AWAY. THANK YOU.

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

20  
21 THE COURT: OKAY. LET'S TAKE UP THE MATTER OF  
22 THE EXHIBITS. I'LL HEAR FROM THE DEFENSE ON OBJECTIONS,  
23 IF ANY, TO PARTICULAR EXHIBITS.

24 MR. KELLY: I GUESS I DON'T KNOW WHAT -- IF  
25 EVERYTHING THAT'S BEEN MARKED IS TRYING TO BE MOVED INTO  
26 EVIDENCE.

27 THE COURT: I BELIEVE PEOPLE -- THAT'S THE  
28 PEOPLE'S INTENTION.

1           MR. KELLY: I DON'T BELIEVE THEY'VE LAID A  
2 FOUNDATION FOR -- FOR ALL THE BINDERS. THEY'VE LAID A  
3 FOUNDATION FOR CERTAIN E-MAILS AND CERTAIN BINDERS, BUT  
4 NOT TO GET THAT WHOLE --

5           THE COURT: I THINK -- MY OWN VIEW IS THEY'VE  
6 LAID SUFFICIENT FOUNDATION FOR THE ENTRY OF THE BINDERS.

7           MR. KELLY: I WILL NOTE THAT THE BINDERS --  
8 THERE HASN'T BEEN EVIDENCE SUGGESTING THAT THE  
9 WITNESS -- THE FOUNDATION THEY LAID IS THAT CDS WERE  
10 PRINTED OUT BY LAW CLERKS WHO HAD NO KNOWLEDGE OF THE  
11 E-MAILS OTHER THAN WHAT THEY WERE GIVEN, AND THEY  
12 PRINTED OUT THE CDS.

13          THE COURT: WELL, THERE'S TESTIMONY, STARTING  
14 WITH MR. COHEN, THAT HE WOULD SAVE THE E-MAILS, FORWARD  
15 THEM TO HIS LAWYERS. THERE'S TESTIMONY FROM THE LAWYERS  
16 THAT THEY WERE PUT ON SERVERS AND THEN AT THE DIRECTION  
17 OF THE LAWYERS THEY WERE BURNED ONTO A CD, AND THE CD  
18 WAS PROVIDED TO THE PEOPLE, AND THE PEOPLE PRESENTED  
19 WITNESSES THAT SAID, WE TOOK THE CDS THAT WERE GIVEN AND  
20 PRINTED THEM OUT AND CHECKED THEM AGAINST THE E-MAILS.  
21 SO I THINK THERE'S BEEN A SUFFICIENT FOUNDATION.

22          MR. KELLY: WHAT WE DON'T KNOW IS WHAT E-MAILS  
23 WERE ACTUALLY PUT ON THE CDS, AND WHAT HAPPENED TO THE  
24 CDS ONCE THEY WERE FROM THE ATTORNEYS' HANDS TO THE LAW  
25 CLERKS' HANDS.

26          THE COURT: I DON'T THINK THAT LEVEL OF DETAIL  
27 IS NECESSARY FOR FOUNDATION FOR THE DOCUMENTS.

28          MR. RAMNANEY: I'D ALSO LIKE TO ASK THE COURT,

1 YOUR HONOR, AS TO THE TESTIMONY OF THE SECOND LAW CLERK.  
2 SHE TESTIFIED AS TO TWO OF THE BINDERS, THAT SHE DID  
3 NOT -- SHE PRIMARILY CHECKED THE E-MAILS TO SEE IF THEY  
4 WERE IN CHRONOLOGICAL ORDER AND NOT FOR CONTENT. I  
5 THINK THAT'S HIGHLY RELEVANT.

6 I THINK MR. KORY'S TESTIMONY IS CRITICAL  
7 TO THE ARGUMENT THAT SAVING THE E-MAILS WAS -- THE  
8 SECRETARY DID NOT READ EVERY SINGLE PAGE. I THINK THAT  
9 GOES TO OUR ARGUMENT THAT WHAT ISN'T AUTHENTICATED BY  
10 THE WITNESS SPECIFICALLY AS TO THE E-MAIL THAT HE  
11 RECEIVED, I BELIEVE SHE'S INTRODUCED INTO EVIDENCE. WE  
12 ARE NOT ARGUING THE FOUNDATION OF THE SPECIFIC E-MAILS.

13 BUT DOCUMENTS THAT HAVE NOT BEEN RECEIVED  
14 OR OBSERVED BY ANY OF THE WITNESSES, EACH AND EVERY  
15 PAGE, I BELIEVE THE INTRODUCTION INTO EVIDENCE WITHOUT  
16 ANY REVIEW, I DON'T BELIEVE THAT THERE IS A FOUNDATION  
17 FOR THOSE DOCUMENTS.

18 THE COURT: I THINK THERE HAS BEEN SUFFICIENT  
19 FOUNDATION. LET'S MOVE ON TO ANY OTHER.

20 MR. KELLY: YOUR HONOR, I WILL -- ALSO ON THAT,  
21 WE HAD RAISED THE 402 REGARDING 352 OF ANY CONTENT  
22 THAT'S BURIED IN THESE E-MAILS, AND THE COURT HAD  
23 MENTIONED THAT.

24 THE COURT: YES. THAT WAS BEFORE I UNDERSTOOD  
25 THE CONTEXT OF THE ISSUES. IT SEEMS TO ME THAT THE VERY  
26 FACT OF ALL THE NONEXTRANEIOUS CONTENT IS RELEVANT TO THE  
27 ISSUE IN 653 OF WHETHER THERE'S A LEGITIMATE BUSINESS,  
28 ORDINARY COURSE OF BUSINESS PURPOSE, AND A NECESSITY

1 ISSUE ON THE COURT ORDER. SO I THINK ALL OF IT NEEDS TO  
2 COME IN.

3 MR. KELLY: IN TERMS OF -- ARE WE ADMITTING THE  
4 CDS AS WELL AS THE PRINTOUTS?

5 THE COURT: YES. THE CDS WILL NOT BE SENT INTO  
6 THE JURY ROOM. WHAT I ALWAYS DO WITH CD EXHIBITS IS TO  
7 KEEP THEM OUT, AND IF THE JURY WANTS TO HAVE THEM HEARD  
8 THEY'RE HEARD IN OPEN COURT.

9 MR. KELLY: I BELIEVE THERE WERE CERTAIN CDS ON  
10 THE FIRST DAY OF --

11 MS. STREETER: THERE WAS ONE --

12 MR. KELLY: -- PLAYING THE AUDIO CDS THAT WAS  
13 NOT --

14 MS. STREETER: THERE WAS ONE VOICE MAIL MESSAGE  
15 THAT I WAS NOT ABLE TO PULL UP. I THINK IT WAS BECAUSE  
16 OF THE LEVEL OF SOPHISTICATION OF THAT RECORDING.

17 THE COURT: RIGHT.

18 MS. STREETER: THAT JUNE 4TH, THAT ONE, THERE IS  
19 ONE PAGE IN THE TRANSCRIPT. SO IN THAT ONE PAGE, THE  
20 PEOPLE ARE NOT SEEKING TO ADMIT THAT PORTION OF THE  
21 TRANSCRIPT. BUT OTHER THAN THAT, THE PEOPLE ARE SEEKING  
22 INTRODUCTION.

23 THE COURT: WELL, WHAT WE CAN DO IS TO MASK OUT  
24 THAT PORTION OF THE TRANSCRIPT BEFORE THE EXHIBITS ARE  
25 OFFICIALLY ENTERED.

26 MS. STREETER: RIGHT.

27 MR. KELLY: WE WOULD ARGUE PEOPLE'S 25, WHICH  
28 SEEMS TO BE A LOG, IS HEARSAY. IT WASN'T CONDUCTED IN

1 THE REGULAR COURSE OF BUSINESS. NO FOUNDATION HAS BEEN  
2 LAID FOR THAT.

3 THE COURT: I THOUGHT A SUFFICIENT FOUNDATION  
4 FROM MS. RICE WAS LAID FOR THAT.

5 MR. KELLY: WE DO RETAIN OUR OBJECTION TO  
6 PEOPLE'S 26. IT'S NOT CERTIFIED, IT'S NOT -- THE  
7 ACCURACY OF THE TRANSCRIPT IS INSUFFICIENT. THE  
8 FOUNDATION FOR THE TRANSCRIPT IS INSUFFICIENT.

9 THE COURT: I THINK THERE'S A GOOD ARGUMENT ON  
10 THE COLORADO TRANSCRIPT.

11 MS. STREETER: THE PEOPLE SUBMIT.

12 THE COURT: SO 26 WILL NOT BE ENTERED INTO  
13 EVIDENCE.

14 MR. KELLY: WILL?

15 THE COURT: WILL NOT.

16 MR. KELLY: OKAY. WE WOULD OBJECT TO  
17 PEOPLE'S 23. THIS IS AN E-MAIL WHERE MR. COHEN WAS NOT  
18 IN THE LIST OF RECIPIENTS, AND FOR THAT MATTER, WE WOULD  
19 OBJECT TO ANY E-MAIL THAT WAS SENT -- THAT WAS NOT SENT  
20 TO MR. COHEN.

21 THE COURT: NO, I THINK THEY GO TO THE ISSUE OF  
22 INTENT. SO I'M GOING TO ALLOW THAT.

23 MR. RAMNANEY: BUT I GUESS OUR OBJECTION, YOUR  
24 HONOR, IS THAT THERE IS NO FOUNDATION LAID AS TO HOW  
25 THIS E-MAIL CAME INTO THE ATTORNEYS' POSSESSION IF IT  
26 WAS NOT SENT DIRECTLY TO MR. COHEN OR TO THE ATTORNEY.

27 THE COURT: MS. STREETER.

28 MS. STREETER: I BELIEVE MR. COHEN MENTIONED

1 THAT HE HAD E-MAILS THAT WERE FORWARDED TO HIM, AND HE  
2 SAID THAT HE RECOGNIZED THAT E-MAIL.

3 THE COURT: THAT'S CORRECT.

4 MS. STREETER: HE SAID HE RECOGNIZED THAT.

5 THE COURT: I DO RECALL THAT NOW.

6 MR. RAMNANEY: OUR OBJECTION IS THAT THE  
7 DOCUMENT WE HAVE IS NOT A FORWARD, AND WE HAVE NO  
8 INFORMATION AS TO WHERE THIS INFORMATION WAS FORWARDED  
9 TO MR. COHEN FROM, AND THE TESTIMONY I DON'T BELIEVE IS  
10 CORROBORATED BY THE DOCUMENT THAT HAS BEEN PRESENTED.

11 THE COURT: I THINK THERE'S SUFFICIENT  
12 FOUNDATION FOR ITS ENTRY.

13 OKAY. ANYTHING ELSE TO COVER?

14 MR. KELLY: WE WOULD STILL MOVE TO EXCLUDE  
15 PEOPLE'S 3 AND 4. THESE WERE DOCUMENTS THAT WE HAD NOT  
16 BEEN GIVEN NOTICE OF. AND STILL WE DID REQUEST IT AT  
17 THE TIME AND NO COPIES WERE PROVIDED.

18 THE COURT: THESE ARE THE FORMAL COLORADO  
19 RESTRAINING ORDERS AND PROOF OF SERVICE.

20 MS. STREETER: NO, THAT'S THE CALIFORNIA ORDER.

21 MR. KELLY: FROM 2005.

22 THE COURT: THREE IS THE COLORADO ORDER.

23 MS. STREETER: NO, THREE --

24 THE COURT: THREE IS THE THREE-PAGE -- OH, THE  
25 THREE-PAGE CALIFORNIA ORDER, THAT'S CORRECT.

26 MR. KELLY: AND THEN FOUR IS THE PROOF OF  
27 SERVICE OF THAT ORDER.

28 THE COURT: YES, I THINK -- ARE THEY CERTIFIED

1 COPIES?

2 MS. STREETER: YES.

3 THE COURT: YES, I THINK THEY WILL COME IN.

4 MR. KELLY: I BELIEVE THAT THERE'S NO FURTHER  
5 OBJECTION, OTHER THAN THOSE STATED AND MADE PRIOR TO AND  
6 DURING THE PORTION OF THE TRIAL.

7 THE COURT: RIGHT. EXHIBITS -- PEOPLE'S  
8 EXHIBITS 1 THROUGH 25 AND 27 AND 28 ARE ADMITTED INTO  
9 EVIDENCE.

10 MS. STREETER: OKAY.

11

12 (ADMITTED INTO EVIDENCE:

13 PEOPLE'S EXHIBIT NOS. 1-25, 27, 28)

14

15 THE COURT: OKAY. DO YOU HAVE A MOTION YOU'D  
16 LIKE TO MAKE?

17 MR. KELLY: ONE MOMENT, YOUR HONOR.

18 WE DO MAKE AN 1118.1 MOTION ON ALL  
19 CHARGES, SPECIFICALLY TO THE 273.6, SUBSECTION (A),  
20 CHARGES UNDER -- IT IS DEFENSE'S POSITION THAT THIS TYPE  
21 OF ORDER DOES NOT FIT UNDER SUBSECTION (A), THE  
22 REQUIREMENT OF THE ORDER.

23 THE COURT: OKAY. THE MOTION TO DISMISS IS  
24 DENIED. I GUESS WE'LL PICK UP AT 1:30?

25 MR. KELLY: YES, YOUR HONOR.

26 THE COURT: YES. WHAT WE'RE GOING TO DO, IF  
27 MS. LYNCH CHOOSES TO TESTIFY, WE'LL HAVE HER -- WE'LL  
28 FIRST OF ALL WE'LL CLEAR ALL THE STUFF OFF THE BENCH.

1 WE WILL HAVE HER SEATED BEFORE THE JURY COMES IN. I  
2 WILL GIVE AN INSTRUCTION TO THE JURY THAT IT IS NORMAL  
3 COURT PROTOCOL WHENEVER A DEFENDANT IS TESTIFYING THAT  
4 THE DEPUTY BE -- THAT THE DEPUTY STAND BY THE WITNESS  
5 STAND. SO THEY ARE NOT READING ANYTHING INTO THAT.

6 THE DEFENDANT: I'M GOING TO TESTIFY.

7 THE COURT: OKAY.

8 THE DEFENDANT: BUT I WANT TO HEAR ABOUT THE IRS  
9 AGENT FIRST.

10 THE COURT: WELL, YOU CAN TALK TO YOUR LAWYERS  
11 ABOUT THAT, OKAY?

12 MS. STREETER: THANK YOU, YOUR HONOR.

13 THE COURT: THANK YOU. I'LL SEE YOU GUYS AT  
14 1:30.

15

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

18

19

20

21

22

23

24

25

26

27

28

1 CASE NUMBER: 2CA04539  
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH  
3 LOS ANGELES, CALIFORNIA; WEDNESDAY, APRIL 11, 2012  
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE  
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861  
6 TIME: P.M. SESSION  
7 APPEARANCES:

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

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

20  
21 THE COURT: LET'S GO ON THE RECORD.

22 MS. STREETER: YOUR HONOR, DOES THE COURT NEED  
23 TO CALL THE NAME OF THE CASE?

24 THE COURT: NO. YOU CAN TALK.

25 MS. STREETER: I JUST WANT TO MAKE SURE. I HAD  
26 DETECTIVE VIRAMONTES COME BECAUSE HE CALLED ME DURING  
27 LUNCH, ASKING IF I KNEW WHETHER OR NOT DEFENSE COUNSEL  
28 WAS GOING TO NEED HIM, AS HE HAS A SCHEDULED PREPAID

1 VACATION THAT'S BEEN SCHEDULED FOR -- FOR HOW LONG?

2 THE WITNESS: TWO MONTHS.

3 MS. STREETER: TWO MONTHS, THAT HE CANNOT GET  
4 HIS MONEY BACK ON AND HE LEAVES TOMORROW AND WILL NOT  
5 RETURN UNTIL TUESDAY. SO THE DEFENSE, THE DEFENSE IS  
6 ASKING THAT DETECTIVE VIRAMONTES BE ON CALL, AND AFTER  
7 TODAY, YOU KNOW, I CAN'T SEE US GOING TO TUESDAY. AFTER  
8 TODAY, I DON'T KNOW HOW IT'S POSSIBLE FOR HIM TO  
9 LEGITIMATELY BE ON CALL.

10 SO IF THE DEFENSE IS NOT INCLINED TO CALL  
11 HIM RIGHT NOW OR SOMETIME THIS AFTERNOON, IT WOULD SEEM  
12 THAT, YOU KNOW, THAT --

13 THE COURT: MR. KELLEY.

14 MR. KELLY: I DON'T THINK THAT THAT'S  
15 NECESSARILY CONSIDERATION. I MEAN, JUST TO KEEP HIM IN  
16 THE JURISDICTION. I THINK IT WOULD -- IT WOULD BE  
17 FOOLISH JUST TO LET HIM GO.

18 WHETHER I THINK HE IS GOING TO BE NEEDED  
19 OR NOT, AT THIS POINT I DON'T THINK THAT'S GOING TO BE  
20 AN ISSUE. I DON'T THINK WE WOULD, BUT YOU NEVER KNOW  
21 AND HE'S HERE, JUST TO BE SAFE. IF THE COURT --

22 THE COURT: I'M NOT GOING TO MAKE HIM CANCEL A  
23 VACATION WHICH HE HAS TICKETS AND --

24 MR. KELLY: IF THE COURT MAKES THAT RULING, IF  
25 HE IS INDEED REQUESTED TO COME AND IS REQUESTING TO COME  
26 UNTIL TUESDAY, THE COURT CAN MAKE THAT DETERMINATION AT  
27 THAT TIME. AS I SAID, I DON'T --

28 THE COURT: WE'LL SEE WHERE WE ARE THEN.

1 MR. KELLY: I WOULD JUST, FOR THE SAKE OF  
2 RETAINING JURISDICTION, ASK THAT HE BE PLACED ON CALL.

3 THE COURT: HAVE YOU SUBPOENAED HIM?

4 MR. KELLY: WE DID SUBPOENA HIM, YES.

5 THE COURT: OKAY. WELL, I'LL PLACE YOU ON CALL  
6 FOR NOW, DETECTIVE, AND MS. STREETER WILL LET YOU KNOW  
7 BY THE END OF THE DAY WHAT THE STATUS IS. OKAY?

8 THE WITNESS: THANK YOU, YOUR HONOR.

9 THE COURT: THANK YOU SO MUCH FOR COMING.

10 OKAY. ARE WE GOING TO HAVE MS. LYNCH  
11 TAKE THE STAND BEFORE THE JURY COMES IN?

12 THE DEFENDANT: NOW?

13 THE COURT: IF YOU WANT TO.

14 ARE ALL OUR JURORS HERE?

15 OKAY. LET'S BRING THEM IN.

16

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

20

21 THE COURT: OKAY. WELCOME BACK, LADIES AND  
22 GENTLEMEN.

23 AS YOU KNOW, PEOPLE HAVE RESTED THEIR  
24 CASE. IT'S NOW TIME FOR THE DEFENSE TO PRESENT THEIR  
25 CASE AND THEY HAVE CALLED MS. LYNCH TO THE STAND AND SHE  
26 WILL BE THEIR FIRST WITNESS.

27 YOU'LL NOTICE THE BAILIFF SITTING OVER  
28 THERE. THAT'S A ROUTINE PROCEDURE. WHENEVER ANY

1 DEFENDANT TESTIFIES, THE BAILIFF SITS THERE. IT'S JUST  
2 ROUTINE, DON'T READ ANYTHING INTO IT BECAUSE IT HAS NO  
3 SIGNIFICANCE.

4 SO WITH THAT, MR. KELLY, WHENEVER YOU ARE  
5 READY.

6 IF YOU WOULD STAND, PLEASE.

7

8 D E F E N S E

9

10 KELLEY LYNCH,  
11 THE DEFENDANT CALLED AS A WITNESS ON HER OWN BEHALF, WAS  
12 SWORN AND TESTIFIED AS FOLLOWS:

13

14 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

15 DO YOU SOLEMNLY STATE THAT THE TESTIMONY  
16 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT,  
17 SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE  
18 TRUTH, SO HELP YOU GOD?

19 THE WITNESS: YES, ABSOLUTELY.

20 THE CLERK: YOU MAY BE SEATED. PLEASE STATE AND  
21 SPELL YOUR FIRST AND LAST NAME FOR THE RECORD.

22 THE WITNESS: KELLEY, K-E-L-L-E-Y, LYNCH,  
23 L-Y-N-C-H.

24 THE CLERK: THANK YOU.

25

26 DIRECT EXAMINATION

27 BY MR. KELLY:

28 Q GOOD AFTERNOON, MS. LYNCH.

1 A GOOD AFTERNOON.

2 Q I FIGURE IT'S PROBABLY BEST TO START FROM  
3 THE BEGINNING. SO DO YOU KNOW LEONARD COHEN?

4 A OF COURSE I DO.

5 Q WHEN DID YOU MEET LEONARD COHEN?

6 A I MET LEONARD COHEN APPROXIMATELY 1985.  
7 I HAD SPOKEN WITH HIM EARLIER, BUT THAT'S WHEN I  
8 ACTUALLY MET HIM.

9 Q WHEN YOU MET HIM, WERE YOU EMPLOYED AT  
10 THE TIME?

11 A I WAS.

12 Q WHERE WERE YOU EMPLOYED?

13 A I WAS EMPLOYED IN NEW YORK CITY WITH A  
14 LAW FIRM BY THE NAME OF MACHAT & MACHAT.

15 Q WHAT WAS YOUR ROLE IN THAT LAW FIRM?

16 A WELL, MY ROLE WAS PRETTY MUCH -- MARTY  
17 MACHAT WAS A PARTNER, I WAS HIS ASSISTANT, LEGAL  
18 ASSISTANT, SECRETARY, PARALEGAL, OFFICE MANAGER.

19 Q OKAY. NOW, DID AT ANY TIME AFTER YOU HAD  
20 MET MR. COHEN, DID YOU EVER BEGIN WORKING FOR MR. COHEN?

21 A YES, I DID.

22 Q WHEN DID YOU START WORKING FOR MR. COHEN?

23 A I BEGAN WORKING AS MR. COHEN'S PERSONAL  
24 MANAGER IN APRIL 1988 AFTER MR. MACHAT'S DEATH.

25 Q HOW DID YOU GO ABOUT GETTING THAT  
26 POSITION?

27 A MARTY MACHAT DIED.

28 Q AND DID YOU STAY IN NEW YORK?

1 A YES, I DID.

2 Q AND WHEN YOU WERE -- HOW LONG WERE YOU IN  
3 NEW YORK WHEN YOU WERE MR. COHEN'S PERSONAL MANAGER?

4 A I WAS IN NEW YORK FROM 1988. I BELIEVE I  
5 MOVED OUT HERE WITH MY HUSBAND AND SON IN VERY LATE  
6 1989, VERY EARLY 1990.

7 Q AND AT THAT TIME IN LATE '88, EARLY 1990,  
8 AROUND THAT TIME WHEN YOU WERE IN NEW YORK, WAS  
9 MR. COHEN ALSO IN NEW YORK?

10 A MR. COHEN WOULD BE IN NEW YORK FROM TIME  
11 TO TIME. HE DID NOT RESIDE THERE.

12 Q NOW, WHAT WAS YOUR ROLE WHEN YOU  
13 INITIALLY WERE HIRED AS PERSONAL MANAGER? WHAT DID THAT  
14 ENTAIL?

15 A WELL, A PERSONAL MANAGER IS A VERY TRICKY  
16 THING TO DESCRIBE. AND I THINK THE BEST WAY TO DESCRIBE  
17 IT IS YOU'RE KIND OF THE CEO FOR AN ARTIST, WHICH  
18 REQUIRES A HUGE TEAM OF PEOPLE THAT WOULD BE COMPRISED  
19 OF, FOR INSTANCE, AN ARTIST, ATTORNEYS, LEGAL TEAM  
20 TRANSACTIONAL LAWYERS, TAX LAWYERS, ACCOUNTANTS,  
21 BUSINESS MANAGERS. THE RECORD COMPANY, TOURING  
22 COMPANIES, PUBLISHING COMPANIES. IT'S QUITE A JOB. SO  
23 YOU'RE SORT OF OVERSEEING ALL OF THAT, AND YOU'RE REALLY  
24 THE TOUCHPOINT WITH THE ARTIST HIMSELF FOR ALL THESE  
25 INDIVIDUALS.

26 Q WHO WOULD GO ABOUT GETTING THESE  
27 INDIVIDUALS TO WORK FOR MR. COHEN?

28 A WELL -- WHO WOULD GO ABOUT GETTING THEM,

1     HIRING THEM?

2             Q           YES.

3             A           WELL, I MEAN, IT WOULD DEPEND. IF A  
4     TRANSACTIONAL ATTORNEY WAS NEEDED OR A BUSINESS  
5     MANAGER -- I'LL GIVE AN EXAMPLE. LEONARD COHEN HIRED A  
6     BUSINESS MANAGER BY THE NAME OF RICH FELDSTEIN, A VERY  
7     FAMOUS, VERY WELL KNOWN, YOU KNOW, A WELL-CREDENTIALLED  
8     BUSINESS MANAGER IN L.A., AND HIS RECOMMENDATION CAME  
9     FROM AN ARTIST BY THE NAME OF DON WOODS, OF THE BAND WAS  
10    NOT WAS, WHO'S A MUTUAL FRIEND OF MR. COHEN AND MINE,  
11    BECAUSE LEONARD COHEN FELT THAT HIS TOUR MANAGER WAS  
12    STEALING FROM HIM. AND SO HE ASKED ME TO FIND A  
13    BUSINESS MANAGER.

14            MS. STREETER: OBJECTION.

15            THE COURT: OVERRULED.

16            THE WITNESS: HE ASKED ME TO FIND A BUSINESS  
17    MANAGER. I BROUGHT RICH FELDSTEIN IN, MR. COHEN  
18    APPROVED THAT. DON WAS RECOMMENDED TO HIM. HE'S ALSO  
19    MADONNA'S BUSINESS MANAGER, SO HE'S WELL-KNOWN IN THE  
20    INDUSTRY. THIS IS HOW IT WOULD HAPPEN. AND THEN HE  
21    CAME IN AND DID AN AUDIT AND THERE WAS NO SUCH TRUTH TO  
22    THAT ALLEGATION.

23    BY MR. KELLY:

24            Q           WHEN YOU -- YOU SAID THAT YOU WORKED FOR  
25    MR. COHEN WHEN -- YOU STARTED IN 1988. DID YOU HAVE ANY  
26    KIND OF AN AGREEMENT FOR HOW YOU WOULD BE COMPENSATED?

27            A           DID LEONARD COHEN AND I HAVE ANY  
28    AGREEMENT? NO, WE ACTUALLY DIDN'T HAVE ANY AGREEMENT

1 BECAUSE I -- WELL, WE HAD AN AGREEMENT HOW I WOULD BE  
2 COMPENSATED TO BEGIN WITH, AND THAT WAS A CERTAIN WEEKLY  
3 AMOUNT WHICH I CAN'T REMEMBER RIGHT NOW. BUT WHAT WE  
4 AGREED TO IS THAT WE WOULD SEE IF I COULD HANDLE THE  
5 RESPONSIBILITY OF BEING LEONARD COHEN'S PERSONAL  
6 MANAGER. THAT WE AGREED ON.

7 THEN WHAT HAPPENED IS LEONARD COHEN'S  
8 TOUR PROMOTER, FLEMMING SCHMIDT, WANTED TO BE HIS  
9 PERSONAL MANAGER. SO FOR A VERY BRIEF TIME WHILE  
10 LEONARD COHEN WAS PROMOTING I'M YOUR MAN ALBUM IN 1988  
11 FLEMMING SCHMIDT DID INDEED BECOME HIS PERSONAL MANAGER.

12 WHAT HAPPENED IS FLEMMING SCHMIDT ANNOYED  
13 THE HELL OUT OF THE RECORD COMPANY AND BECAME  
14 PROBLEMATIC FOR MR. COHEN. I WAS DOING ALL THE WORK,  
15 AND AT THAT TIME IT WAS AGREED THAT I WAS MR. COHEN'S  
16 PERSONAL MANAGER. THERE WAS NEVER ANY DISCUSSION.  
17 THERE WAS AN ONGOING DEBATE ABOUT WHEN I WOULD BEGIN  
18 RECEIVING 15 PERCENT, WHICH WAS AGREED TO AT A LATER  
19 POINT IN TIME.

20 IT WAS NEBULOUS, IS MY ANSWER.

21 Q OKAY. AT A LATER TIME DID YOU EVER HAVE  
22 THAT FORMAL AGREEMENT AS TO COMMISSION?

23 A ABSOLUTELY.

24 Q WHAT WAS THAT AGREEMENT?

25 A OUR AGREEMENT WAS THIS: WHEN THE LAST  
26 DEAL THAT MR. COHEN TESTIFIED TO YESTERDAY THAT HE WAS  
27 EXAMINING DOING, WE WERE GOING TO DO THAT DEAL.  
28 MR. COHEN WANTED TO DO IT. IT WAS WITH SONY. AND AT

1 THAT POINT WE WOULD DO WHAT IS CALLED AN ACTUAL FORENSIC  
2 ACCOUNTING ON A LEDGER, TAKING INTO CONSIDERATION ALL  
3 INCOME, ALL ASSIGNMENTS. I HAD ASSIGNMENTS TO ME,  
4 THEY'RE NONREVOCABLE FOR INTELLECTUAL PROPERTY DATING  
5 BACK TO 1967. ANY SO-CALLED ADVANCES I MAY HAVE  
6 RECEIVED ON MY INTELLECTUAL PROPERTY.

7 WE WOULD TAKE INTO CONSIDERATION  
8 CORPORATE DISTRIBUTIONS, WHICH WERE TO BE  
9 RECHARACTERIZED BY HIS TAX LAWYER. I DO NOT KNOW WHAT  
10 THAT MEANS.

11 ANYTHING I PAID OUT FOR MR. COHEN,  
12 ANYTHING I PAID OUT ON BEHALF OF HIS CHILDREN. I  
13 MANAGED HIS SON, ADAM. ALSO ANY MONEYS THAT I OWED  
14 LEONARD COHEN PERSONALLY AND ANY MONEY WHICH LEONARD  
15 COHEN OWED ME. WE WERE GOING TO DO A COMPLETE  
16 ACCOUNTING. NOT FORENSIC, ACTUALLY, ACCOUNTING. THAT  
17 WAS OUR AGREEMENT.

18 AT THAT TIME, WE WOULD TAKE INTO  
19 CONSIDERATION THAT MY MANAGEMENT AGREEMENT WENT BACK TO  
20 1988 AND IT WAS INDEED 15 PERCENT.

21 Q NOW, HOW LONG DID YOU ACTUALLY WORK WITH  
22 MR. COHEN?

23 A FROM 1988 UNTIL THE FALL OF 2004.

24 Q OKAY. NOW, DURING THAT TIME, FROM THE  
25 FALL OF '88 TO 2004, HOW OFTEN WOULD YOU COMMUNICATE TO  
26 MR. COHEN?

27 A ABOUT 50 TIMES A DAY.

28 Q WHAT FORM WOULD THESE COMMUNICATIONS

1 TAKE?

2 A WELL, BEFORE THE INTERNET, OBVIOUSLY WE  
3 WOULD BE ON THE PHONE AND BY FAX. PERSONALLY, WHEN I  
4 LIVED IN L.A. WE WERE IN THE SAME OFFICE FREQUENTLY.

5 Q AND THEN AFTER THE INTERNET, HOW ABOUT  
6 THAT?

7 A ALL THE TIME. ALL THE TIME.

8 Q AND WOULD THIS BE VIA E-MAIL?

9 A YEAH.

10 Q AND HOW OFTEN WOULD YOU SAY WITH E-MAILS  
11 THAT YOU WOULD TALK TO MR. COHEN?

12 A HOW OFTEN?

13 Q HOW OFTEN WOULD YOU E-MAIL MR. COHEN  
14 WHILE YOU WERE WORKING WITH HIM?

15 A WELL, I MEAN, I WOULD FORWARD ALL KINDS  
16 OF REQUESTS TO HIM, OR, YOU KNOW, WE -- IT JUST DEPENDED  
17 ON ISSUES. THESE DEALS WERE OF THE UTMOST IMPORTANCE TO  
18 LEONARD COHEN. SO FROM APPROXIMATELY 1996 UNTIL 2004,  
19 THE LAST DAY I WORKED WITH HIM WAS OCTOBER 21ST,  
20 LEONARD COHEN LITERALLY BADGERED ME ABOUT THESE DEALS  
21 MORNING, NOON AND NIGHT.

22 Q NOW, YOU -- WE HEARD TESTIMONY THAT  
23 AROUND 2004 THERE WAS AN ALBUM PRODUCED CALLED *DEAR*  
24 *HEATHER*. ARE YOU FAMILIAR WITH THAT?

25 A YES, I AM.

26 Q WHAT WAS YOUR INVOLVEMENT WITH THAT  
27 ALBUM?

28 MS. STREETER: OBJECTION; RELEVANCE.

1 THE COURT: OVERRULED.

2 THE WITNESS: WELL, AS A MANAGER YOU'RE INVOLVED  
3 IN A TEAM OF -- AND I WAS NEGOTIATING WITH MR. COHEN'S  
4 ATTORNEYS. AT THE TIME THEY WOULD HAVE BEEN GRUBMAN,  
5 INDURSKY AND GREG MCBOWMAN, THAT WOULD BE A ROYALTY  
6 CONSULTANT FOR MR. COHEN. AND WHAT WE WERE NEGOTIATING,  
7 IT WAS AN EXTREMELY MISERABLE NEGOTIATION. I THINK  
8 EVERYBODY WOULD AGREE TO THAT. THAT'S HEARSAY.

9 AND WE WERE TRYING TO GET WHAT MR. COHEN  
10 WANTED, WHICH WAS A MILLION DOLLAR ADVANCE. HE HAD A  
11 CONTRACTUAL OBLIGATION FOR THE ALBUM, AND HIS ADVANCE  
12 WAS ALREADY INCLUDED IN THAT. SO THIS WAS A VERY TRICKY  
13 AND STICKY SITUATION WITH SONY, AND LEONARD COHEN WAS  
14 WITHHOLDING THIS ALBUM UNTIL HE GOT THE AMOUNT HE  
15 WANTED.

16 AND SO THIS BECAME A VERY LABORED AND  
17 EXTREMELY INTENSIVE NEGOTIATION, WITH SONY FEELING QUITE  
18 HOSTILE ABOUT THE WHOLE SITUATION. SO IT WENT ON FOR A  
19 YEAR.

20 Q WHAT WAS YOUR -- WHAT DID YOU DO FOR THIS  
21 ALBUM?

22 A WELL, I MEAN, WHAT I HAD TO DO IS, THERE  
23 WAS -- THERE'S A LOT OF COMPONENTS TO A RECORD CONTRACT  
24 NEGOTIATION. THEY'RE VERY SPECIFIC AND SOPHISTICATED  
25 CONTRACTS THAT INCLUDE CERTAIN TYPES OF ROYALTY  
26 CALCULATIONS, AND SO YOU NEED PEOPLE ON BOARD THAT  
27 UNDERSTAND THIS TYPE OF ACCOUNTING. THAT WOULD BE GREG  
28 MCBOWMAN. HE WORKED AT SONY BUSINESS AFFAIRS. AND THEN

1 YOU'D HAVE YOUR TRANSACTIONAL ATTORNEYS AND YOU MIGHT  
2 HAVE A TAX LAWYER LIKE RICHARD WESTIN.

3 AND SO WHAT YOU'RE DOING IS YOU'RE A PART  
4 OF THE NEGOTIATIONS AND YOU'RE BRINGING INFORMATION TO  
5 LEONARD COHEN, AND ACTUALLY ALSO WORKING ON BEHALF OF  
6 THE LABEL TO SOME DEGREE TO TRY TO GET SOMEONE TO AGREE  
7 TO CERTAIN TERMS SO THAT THIS DOESN'T DRAG OUT  
8 INTERMINABLY.

9 SO YOU'RE A FACILITATOR, YOU MIGHT MAKE  
10 RECOMMENDATIONS TO THE ARTIST. YOU WILL BRING THE  
11 ARTIST'S COMMENTS AND DEMANDS AND CONCERNS AND  
12 COMPLAINTS BACK. YOU'LL, YOU KNOW, REVIEW INFORMATION.

13 I TAKE SHORTHAND, I HAVE BEEN A  
14 SECRETARY, SO I WOULD TAKE PERFECT SHORTHAND NOTES AT  
15 EVERY MEETING I HAD, OR CONVERSATION, AND SO THEN I WAS  
16 ABLE TO CONVEY EVERYTHING TO MR. COHEN IN GREAT DEGREE,  
17 AND THEN WOULD BE ABLE TO CONVEY BACK WHAT HE WANTED. I  
18 WOULD BE ASKED FOR INFORMATION, PERHAPS YEARS WORTH OF  
19 ROYALTY STATEMENTS, CONTRACTS I WOULD HAVE TO FIND. DO  
20 ALL SORTS OF THINGS.

21 Q WHEN YOU WORKED FOR MR. COHEN, WOULD YOU  
22 SAY THAT YOU WERE THOROUGH?

23 A I WOULD SAY THAT IS AN UNDERSTATEMENT.

24 Q OKAY. NOW, WHAT PERIOD OF TIME WOULD YOU  
25 SAY THAT YOU WORKED ON THAT *DEAR HEATHER* ALBUM?

26 A *DEAR HEATHER* WAS DONE WHILE LEONARD COHEN  
27 WAS ON MT. BALDY. HE HAD A RECORDING UNIT UP THERE. SO  
28 I WOULD SAY HE WENT TO MT. BALDY PRIMARILY TO FINISH

1 WRITING THIS ALBUM. SO HE BEGAN WORKING ON IT IN 1994.

2 ANOTHER THING I WOULD DO, WHICH ISN'T  
3 REALLY IN THE REALM OF A PERSONAL MANAGER, WOULD BE TO  
4 HELP OVERSEE OBTAINING STUDIO TIMES. SEEING IF CERTAIN  
5 MUSICIANS ARE AVAILABLE.

6 NORMALLY A PRODUCER WOULD DO ALL OF THIS.  
7 DO THE PRODUCTION CONTRACTS, WHICH ARE -- KIND OF EVEN  
8 ACCOUNTANTS CAN'T FIGURE THESE OUT. THEY'RE INSANE.

9 AND, YOU KNOW, ALL KINDS OF THINGS. DEAL  
10 WITH LYRICS, HANDLE PUBLISHING, CONTACT CO-SONGWRITERS  
11 TO WORK OUT TERMS, TRY TO EXPLAIN TO THEM WHAT IS GOING  
12 ON, SEE IF THEY NEEDED TO TALK TO MR. COHEN'S ATTORNEYS.  
13 LOTS OF DIFFERENT THINGS. 1999 FORWARD TO 2004.

14 Q YOU MENTIONED MT. BALDY. WHAT IS  
15 MT. BALDY?

16 A MT. BALDY IS A ZEN CENTER OUTSIDE OF LOS  
17 ANGELES ABOUT 45 MINUTES.

18 Q HOW LONG WAS MR. LEONARD COHEN IN  
19 MT. BALDY?

20 A LEONARD COHEN WAS ON MT. BALDY ON AND OFF  
21 FROM APPROXIMATELY 1994 TO 1997. HE WASN'T REALLY  
22 THERE, HE WOULD GO AND STAY THERE PRIMARILY DURING THE  
23 MONTHLY ROHATSU.

24 Q THAT'S -- IN 1994 TO 1997, THAT'S WHEN  
25 THE *DEAR HEATHER* ALBUM WAS WORKED ON IN MT. BALDY?

26 A YEAH. HE MIGHT HAVE GONE UP THERE A BIT  
27 AROUND '98, '99 ALSO. HE HAD A GUEST CABIN THERE ALSO.

28 Q NOW, HOW MUCH DID YOU ACTUALLY MAKE,

1 COMMISSIONWISE, ON THAT *DEAR HEATHER* ALBUM?

2 A NOTHING.

3 MS. STREETER: OBJECTION; RELEVANCE.

4 THE COURT: SUSTAINED.

5 MS. STREETER: MOVE TO STRIKE.

6 THE COURT: THE ANSWER IS STRICKEN.

7 BY MR. KELLY:

8 Q WE HEARD E-MAILS AND VOICE MAILS TALKING  
9 ABOUT YOU NEEDING TO GET PAID. WHAT WERE YOU REFERRING  
10 TO IN THOSE E-MAILS?

11 A MY COMMISSIONS THAT WERE WITHHELD ON *DEAR*  
12 *HEATHER*, MY COMMISSIONS THAT WERE WITHHELD ON *BOOK OF*  
13 *LONGING*, MY COMMISSIONS THAT WERE WITHHELD ON THE DEAL  
14 HE STOPPED THAT WE HAD WORKED ON FOR YEARS. MY  
15 COMMISSIONS ON A LITHOGRAPH DEAL. THESE ARE MILLIONS OF  
16 DOLLARS IN COMMISSIONS. MY COMMISSIONS, ACTUALLY, I  
17 SHOULD HAVE HAD ON THE TOUR ITSELF. MERCHANDISING,  
18 ET CETERA.

19 Q NOW, YOU HAD MENTIONED ALSO AN ADVANCE  
20 FROM SONY. DID YOU IN YOUR ROLE AS A PERSONAL MANAGER  
21 EVER WORK OUT ANY PRIOR DEALS WITH SONY?

22 A DID I PERSONALLY?

23 Q YES, OR WERE YOU INVOLVED IN ANY WAY?

24 A YES, THERE WAS A DEAL IN 1996 ON BEHALF  
25 OF THE COMPANY. IT WAS A STOCK DEAL LEONARD COHEN DID  
26 WITH SONY BY HIS COMPANY CALLED STRANGER MUSIC. THEN  
27 THERE WAS A DEAL IN 2001 WITH A COMPANY THAT WAS REALLY  
28 ESSENTIALLY LEONARD COHEN'S CALLED TRADITIONAL HOLDINGS.

1 SO TWO OTHER DEALS.

2 Q NOW, YOU SAID THAT YOUR BUSINESS  
3 RELATIONSHIP ENDED ON OCTOBER 21ST, 2004?

4 A ESSENTIALLY, YES.

5 Q WHY DID IT END?

6 A WELL, IT'S A COMPLICATED ANSWER, BUT I  
7 WOULD SAY BECAUSE LEONARD COHEN HEARD I WAS GOING TO THE  
8 INTERNAL REVENUE SERVICE ABOUT WHAT I WAS TOLD IS  
9 CRIMINAL TAX FRAUD.

10 Q WE'LL GET TO THAT IN A MOMENT.

11 NOW, PRIOR TO YOUR ENDING OF THAT  
12 BUSINESS RELATIONSHIP, WE HEARD TESTIMONY THAT YOU HAD A  
13 MEETING WITH MR. KORY, ROBERT KORY.

14 A WELL, I HAD A MEETING WITH ROBERT KORY, I  
15 HAD A LUNCH WITH ROBERT KORY IN THE SPRING OF 2005. I  
16 STOPPED IN TO SEE ROBERT KORY --

17 THE COURT: JUST WAIT FOR A QUESTION.

18 THE WITNESS: OH.

19 THE COURT: IT WAS A PRELIMINARY QUESTION.

20 THE WITNESS: I APOLOGIZE.

21 THE COURT: OKAY.

22 BY MR. KELLY:

23 Q WHAT WAS THAT MEETING WITH MR. KORY  
24 ABOUT?

25 A THE MEETING AT LUNCH OR --

26 Q YES, THE LUNCH MEETING.

27 A I FORGET HOW THE MEETING CAME ABOUT. I  
28 KNOW I TALKED TO AN ATTORNEY BY THE NAME OF BERT

1 DYKESLER. I NO LONGER WAS REALLY REPRESENTED. I WENT  
2 TO MR. DYKESLER. HE WORKS WITH PROSKAUER ROSE. HE  
3 REPRESENTED ME VERY, VERY BRIEFLY.

4 MS. STREETER: OBJECTION; NONRESPONSIVE.

5 THE WITNESS: HE TOLD ME IT WAS OKAY TO GO TO  
6 THIS MEETING WITH ROBERT KORY. SO I WENT TO HAVE LUNCH  
7 WITH HIM. I'M NOT SPECIFICALLY CERTAIN WHY --

8 THE COURT: OVERRULED.

9 THE WITNESS: WHAT WE WERE GOING TO TALK ABOUT,  
10 ABOUT LEONARD COHEN AND MYSELF.

11 SO I WENT TO LUNCH, AND WHAT WE DISCUSSED  
12 WERE VARIOUS ISSUES. I WAS TOLD BY MR. KORY THERE'S  
13 FRAUD, TAX FRAUD ON EVERY ENTITY: BLUE MIST TOURING,  
14 TRADITIONAL HOLDINGS, LC INVESTMENTS. THERE WERE  
15 PROBLEMS WITH THE STRANGER MUSIC DEAL THAT HAD TAX  
16 ISSUES. THE IRS WOULD DEMAND INFORMATION GOING BACK  
17 YEARS, AND THE HOLDING PERIODS WITH RESPECT TO  
18 COPYRIGHTS THAT WERE SOLD ARE ILLEGAL. I SAID I HAD  
19 WONDERED ABOUT THAT. HIS LAWYER HAD WORKED ON THAT.

20 WE TALKED ABOUT -- HE ASKED ME IF I WOULD  
21 MEDIATE WITH MR. COHEN IN A PRIVATE MEDIATION ON  
22 MR. COHEN'S SIDE AGAINST HIS ADVISORS. PARTICULARLY  
23 THEY WANTED TO GO AFTER NEAL GREENBERG AND RICHARD  
24 WESTIN AND THEIR INSURANCE COMPANIES. MR. KORY TOLD ME  
25 THAT ALLEN -- I MEAN ARTHUR INDURSKY, DON FRIEDMAN AND  
26 STUART FRIED OF GRUBMAN, INDURSKY FIRM COMMITTED FRAUD  
27 AND INDUCEMENT, AS DID GREG MCBOWMAN. THAT I HAD A  
28 LAWSUIT THEY WOULD HELP ME WITH AGAINST EVERY SINGLE ONE

1 OF LEONARD COHEN'S ADVISORS. THAT I WAS USED  
2 HORRENDOUSLY AS A PAWN, AND HE TOLD THE WAITRESS THAT WE  
3 WERE THERE ABOUT A DIVORCE AND SERIOUS TAX PROBLEMS.  
4 BY MR. KELLY:

5 Q WERE YOU EVER ASKED TO GIVE FALSE  
6 INFORMATION THAT WOULD HURT MR. GREENBERG AND HELP  
7 MR. COHEN?

8 A I DON'T KNOW IF I WAS ASKED TO GIVE FALSE  
9 INFORMATION. I WOULD NOT CHARACTERIZE THE CONVERSATION  
10 THAT WAY. I WAS ASKED TO TESTIFY THAT NEAL GREENBERG  
11 DEFRAUDED LEONARD COHEN, AND I MOST CERTAINLY DO NOT  
12 FEEL THAT NEAL GREENBERG DEFRAUDED HIM. I FEEL THAT  
13 LEONARD COHEN, NEAL GREENBERG AND RICHARD WESTIN WERE  
14 WRAPPED IN ATTORNEY-CLIENT PRIVILEGE AND THEY ALL  
15 DEFRAUDED THE U.S. GOVERNMENT.

16 Q DID YOU EVER AGREE TO ANY OF THAT?

17 A NO. I FELT I WAS BEING ASKED TO  
18 PARTICIPATE IN CRIMINAL CONDUCT.

19 Q OKAY. NOW, AT ANY TIME AFTER YOUR  
20 BUSINESS RELATIONSHIP WITH MR. COHEN ENDED, DID THE  
21 POLICE, EITHER FEDERAL OR STATE, EVER QUESTION YOU FOR  
22 FRAUD?

23 A NO. I HAD AN UNUSUAL ENCOUNTER WHERE  
24 LAPD SHOWED UP AT MY HOUSE, LIED TO ME. SAID THAT THERE  
25 WAS A JEWEL THIEF IN MY NEIGHBORHOOD AND THAT THEY WERE  
26 INVESTIGATING THIS JEWEL THIEF AND THEY WOULD LIKE TO  
27 SEE RECEIPTS OF JEWELRY I MAY HAVE PAWNED TO MAKE SURE  
28 THAT A JEWEL THIEF DIDN'T SELL THEM.

1 Q OKAY. MS. LYNCH, IF YOU COULD JUST FOCUS  
2 ON THE QUESTIONS I ASK.

3 A WELL, THAT WAS LAW ENFORCEMENT, RIGHT?

4 Q WELL, DID ANY LAW ENFORCEMENT, EITHER  
5 FEDERAL OR STATE, EVER QUESTION YOU ABOUT THEFT?

6 A FEDERAL OR STATE LAW ENFORCEMENT ABOUT  
7 THEFT?

8 Q YES, ABOUT THEFT FROM MR. COHEN.

9 A NO, NOT THAT I CAN RECALL.

10 OH, YEAH. ACTUALLY -- WELL, THEFT, NO.

11 Q DID ANY LAW ENFORCEMENT, EITHER FEDERAL  
12 OR STATE, EVER QUESTION YOU ABOUT EMBEZZLEMENT FROM  
13 MR. COHEN?

14 A NOT THAT I RECALL.

15 Q NOW, I WANT TO TALK TO YOU A LITTLE BIT  
16 ABOUT -- THERE WAS EVIDENCE ABOUT CUSTODY OF YOUR SON.  
17 AND WHO -- WHICH SON ARE WE -- WAS THERE A CUSTODY  
18 ISSUE?

19 A THERE'S A CUSTODY ISSUE WITH MY SON, RAY.

20 Q WHO IS RAY?

21 A RAY IS MY YOUNGER SON.

22 Q AND HOW OLD IS RAY?

23 A RAY IS 19 YEARS OLD.

24 Q AND WHEN WAS THIS CUSTODY ISSUE WITH RAY,  
25 REGARDING RAY?

26 A IT BEGAN ON MAY 25TH, 2005.

27 Q OKAY. WHAT HAPPENED ON MAY 25TH, 2005?

28 A A SWAT TEAM CAME TO MY HOUSE. I GUESS.

1 I WAS TOLD IT WAS A SWAT TEAM.

2 Q AT ANY POINT, DID YOU ACTUALLY HAVE A  
3 LEGAL CUSTODY BATTLE REGARDING RAY?

4 A UP UNTIL THAT POINT?

5 Q OR ANY POINT AFTER THAT.

6 A YEAH, THE NEXT DAY.

7 Q OKAY. AND WHAT WAS THAT CUSTODY ISSUE?

8 A THAT I WAS TAKEN TO KING-DREW BY LAPD, I  
9 LIVED IN BRENTWOOD, AND WHEN I WAS RELEASED 24 HOURS  
10 LATER A CUSTODY MATTER HAD BEEN FILED.

11 Q OKAY. NOW, ARE YOU AWARE WHETHER OR NOT  
12 FOR THAT CUSTODY BATTLE, ONE DAY AFTER THAT INCIDENT  
13 WITH THE POLICE, DID MR. KORY HAVE A DECLARATION IN THAT  
14 CASE?

15 A THE SAME DAY, MAY 25TH, 2005.

16 Q OKAY. NOW, HOW WELL DO YOU KNOW OR DID  
17 YOU KNOW MR. KORY?

18 A I DON'T KNOW MR. KORY AT ALL.

19 Q HOW MANY TIMES HAD YOU -- PRIOR TO THIS  
20 DATE, HAD YOU ACTUALLY BEEN IN PHYSICAL CONTACT WITH  
21 MR. KORY?

22 A I HAD LUNCH WITH HIM, I STOPPED BY HIS  
23 OFFICE, AND I SAW HIM AT THE RESTRAINING ORDER HEARING  
24 IN BOULDER.

25 Q OKAY. SO DURING THOSE 16 YEARS THAT YOU  
26 WORKED WITH MR. COHEN, DID YOU EVER KNOW MR. KORY?

27 A NO, I DID NOT.

28 Q DURING THOSE 16 YEARS THAT YOU WORKED

1 WITH MR. COHEN, WAS MR. KORY MR. COHEN'S ATTORNEY?

2 A NOT THAT I KNOW OF.

3 Q SO THE PERSON THAT YOU HAD MET THREE  
4 TIMES IN YOUR LIFE WROTE A DECLARATION IN YOUR CUSTODY  
5 BATTLE THAT HAPPENED ONE DAY AFTER THE POLICE CAME?

6 A YES. STATING THAT HE WAS WRITING IT ON  
7 BEHALF OF HE AND LEONARD COHEN.

8 Q NOW, YOU MENTIONED EARLIER ABOUT IRS AND  
9 TAX SITUATION. WERE YOU EVER CONTACTED BY ANY TAX  
10 AUTHORITIES REGARDING MR. COHEN'S TAXES?

11 A I DON'T KNOW IF I WAS CONTACTED REGARDING  
12 MR. COHEN'S TAXES. AS I REPORTED THE TAX FRAUD TO AGENT  
13 BILL BETZER, I WAS WORKING ON PAYING MY OWN TAXES, AND  
14 HE SUGGESTED THAT I CONTACT THE FRAUD UNIT WITH ANYTHING  
15 I HAD TO REPORT. AND SO I CONTACTED THE FRAUD UNIT BY  
16 PHONE AND THEN I FILED A COMPLAINT ON LINE WITH THE IRS.  
17 AND I ALSO CALLED THE IRS IN WASHINGTON.

18 Q WHEN WERE YOU TOLD TO CONTACT THE FRAUD  
19 UNIT?

20 A I SPOKE TO AGENT BILL BETZER ON  
21 APRIL 15TH, 2005 AFTER I PAID MY TAXES IN FULL.

22 Q OKAY.

23 A HE TOLD ME THAT NORMALLY THIS TYPE OF  
24 THING IS BROUGHT --

25 MS. STREETER: OBJECTION; NONRESPONSIVE.

26 THE COURT: SUSTAINED.

27 WAIT FOR A QUESTION.

28 THE WITNESS: OKAY.

1 BY MR. KELLY:

2 Q WHAT DID YOU TELL THESE AUTHORITIES WHEN  
3 YOU SPOKE TO THEM?

4 MS. STREETER: OBJECTION; RELEVANCE.

5 THE COURT: SUSTAINED.

6 BY MR. KELLY:

7 Q YOU HEARD VOICE MAILS REGARDING IRS; IS  
8 THAT CORRECT?

9 A RIGHT.

10 Q CAN YOU TELL US WHAT YOU MEANT?

11 A WHAT I MEANT BY THE IRS?

12 Q YES.

13 A WELL, I DID RECEIVE AN E-MAIL -- I MEAN I  
14 DID RECEIVE A PHONE CALL FROM AGENT KELLY SOPKU OF THE  
15 TREASURY REGARDING THIS MATTER. AND I DID MEET WITH HER  
16 AND HER PARTNER, WHOSE NAME IS BRANDON.

17 Q WHAT YEAR WAS THAT?

18 A THAT WAS 2007.

19 Q AND WHAT -- BASED ON WHAT YOU SAW IN THE  
20 E-MAIL -- DID YOU WRITE ABOUT THIS IN ANY OF YOUR  
21 E-MAILS?

22 A YEAH, I DID WRITE ABOUT THAT.

23 Q WHAT DID YOU WRITE ABOUT IN THOSE  
24 E-MAILS?

25 A WELL, I THINK I ATTACHED AGENT SOPKU'S  
26 E-MAIL TO ME, SAYING THAT SHE FOUND AN APPROPRIATE  
27 INDIVIDUAL FOR ME, WHICH IS AGENT -- TO REPORT THIS TO,  
28 WHICH IS AGENT LUIS TEJEDA OF THE IRS UNIT IN LOS

1 ANGELES. AND TO GO TO AGENT TEJEDA WITH WHATEVER  
2 INFORMATION AND EVIDENCE I HAD REGARDING THIS TAX  
3 MATTER.

4 Q DID YOU EVER NOTIFY MR. COHEN OR ANY OF  
5 HIS REPRESENTATIVES ABOUT THIS TAX ISSUE?

6 A WELL, THEY HAVE A COPY OF THE E-MAIL TO  
7 ME FROM KELLY SOPKU. SO YES, I DID.

8 MS. STREETER: OBJECTION; NONRESPONSIVE.

9 THE COURT: OVERRULED.

10 BY MR. KELLY:

11 Q NOW, AFTER YOU SENT THIS E-MAIL REGARDING  
12 YOUR CONVERSATIONS WITH AGENT SOPKU --

13 A RIGHT.

14 Q -- DID MR. COHEN EVER GET A RESTRAINING  
15 ORDER AGAINST YOU IN THE STATE OF CALIFORNIA?

16 A YOU KNOW, I'M A LITTLE UNCLEAR ABOUT THE  
17 RESTRAINING ORDERS IN CALIFORNIA. MY ANSWER RIGHT NOW  
18 IS YES, BECAUSE IT'S OBVIOUS HE DID. BUT I HAVE A LOT  
19 OF CONFUSION ABOUT IT.

20 Q NOW, AT ANY TIME FROM 2004 OR 2005 TO  
21 NOW, DID THE POLICE EVER CONTACT YOU ABOUT THREATENING  
22 MR. COHEN?

23 A NOT THAT I KNOW OF.

24 Q DID THEY EVER CONTACT YOU ABOUT  
25 THREATENING MR. COHEN'S SON?

26 A NO.

27 Q DID THEY EVER CONTACT YOU ABOUT  
28 THREATENING MR. COHEN'S DAUGHTER?

1 A NO.

2 Q DID THEY EVER CONTACT YOU ABOUT  
3 THREATENING MR. KORY?

4 A NO.

5 Q DID THEY EVER CONTACT YOU ABOUT  
6 THREATENING MR. KORY'S DAUGHTER?

7 A NO. I DON'T KNOW THAT MR. KORY HAS ANY  
8 CHILDREN.

9 Q NOW, DURING THESE VOICE MAILS AND  
10 E-MAILS, WE HEARD ABOUT PHIL SPECTOR. WHAT'S YOUR  
11 KNOWLEDGE ABOUT PHIL SPECTOR? HOW DO YOU -- WHERE DID  
12 THAT COME FROM?

13 A WHEN MARTY MACHAT DIED -- MARTY MACHAT  
14 REPRESENTED LEONARD COHEN AND PHIL SPECTOR. HE WAS  
15 THEIR ATTORNEY AND PERSONAL MANAGER. WHEN HE DIED, I  
16 ULTIMATELY BECAME LEONARD COHEN'S PERSONAL MANAGER AND I  
17 INTERNEED WITH PHIL SPECTOR.

18 FOR -- ESPECIALLY FOR 1988 AND '89.  
19 THEREAFTER, I WORKED FOR HIM FROM TIME TO TIME.

20 Q NOW, WE HEARD EVIDENCE ABOUT AN INTERVIEW  
21 THAT MR. COHEN HAD WITH THE LOS ANGELES POLICE  
22 DEPARTMENT.

23 A I BELIEVE IT WAS ACTUALLY THE SHERIFF'S  
24 DEPARTMENT. I THOUGHT IT WAS LAPD TOO.

25 Q WELL, WERE YOU PRESENT FOR THIS  
26 INTERVIEW?

27 A I WAS PRESENT BEFOREHAND WITH MY  
28 ATTORNEY, STEVE CRON.

1 Q OKAY. AND WHAT HAPPENED AFTER YOU WERE  
2 PRESENT?

3 A I EXPLAINED TO STEVE CRON THAT THE  
4 DETECTIVES HAD ASKED ME TO ARRANGE AN APPOINTMENT WITH  
5 LEONARD COHEN AND I DID NOT WANT TO BE DRAGGED INTO PHIL  
6 SPECTOR'S MATTER. I THOUGHT IT WOULD AFFECT THE CUSTODY  
7 OF MY CHILD TO SOME DEGREE, AND I JUST REALLY DID NOT  
8 WANT TO BE DRAGGED INTO IT.

9 SO MR. CRON ADVISED ME TO LEAVE THE HOUSE  
10 BEFORE THE DETECTIVES CAME. I WAS LEAVING AND RAN INTO  
11 DETECTIVES TOMLIN AND FORNIER OUT ON THE STEPS OF  
12 LEONARD COHEN'S HOUSE.

13 Q YOU HEARD THE STORY ABOUT PHIL SPECTOR  
14 PUTTING A GUN TO MR. COHEN'S HEAD?

15 A WELL, I'VE HEARD THAT HE PUT A GUN TO HIS  
16 NECK AND I'VE HEARD HE'S PUT IT TO HIS HEAD.

17 Q NOW, IS THIS WHAT YOU HAD LEARNED FROM  
18 MR. COHEN PRIOR TO THAT INTERVIEW WITH THE POLICE?

19 A NO, IT IS NOT.

20 Q AND WHAT WERE YOU UNDER THE IMPRESSION  
21 OF?

22 MS. STREETER: OBJECTION; RELEVANCE.

23 THE WITNESS: I WAS NOT UNDER THE IMPRESSION, I  
24 WAS TOLD.

25 THE COURT: SUSTAINED.

26 BY MR. KELLY:

27 Q NOW, YOU HEARD VOICE MAILS AND E-MAILS  
28 REGARDING THE PHIL SPECTOR ISSUE, AND YOU MENTIONED IN

1 THE E-MAIL ABOUT -- SOMETHING ABOUT A GRAND JURY. WHAT  
2 DID YOU MEAN IN THOSE E-MAILS?

3 A WHAT I MEANT IS THAT NICK BROWN OF THE UK  
4 TELEGRAPH WROTE ME --

5 MS. STREETER: OBJECTION; RELEVANCE.

6 THE COURT: OVERRULED.

7 THE WITNESS: -- AND ADVISED ME THAT HE WAS  
8 WRITING A BOOK ON PHIL. THAT HE HAD GRAND JURY  
9 TESTIMONY, AND THAT LEONARD COHEN HAD TESTIFIED AGAINST  
10 PHIL SPECTOR. HE LATER WROTE, RECENTLY, AND SAID HE WAS  
11 CONFUSED. IT WASN'T ACTUALLY TESTIMONY -- THIS WAS IN  
12 THE PAST COUPLE OF DAYS, A FEW DAYS, AND IT WASN'T  
13 ACTUALLY TESTIMONY. STATEMENTS WERE GIVEN OF  
14 LEONARD COHEN'S TO THE GRAND JURY. SO I WAS CONFUSED,  
15 AND BECAUSE MR. BROWN FELT THAT LEONARD COHEN HAD GIVEN  
16 TESTIMONY, I THOUGHT HE TESTIFIED AND WAS SHOCKED.  
17 BY MR. KELLY:

18 Q NOW, WE ALSO HEARD EVIDENCE ABOUT A  
19 DEFAULT JUDGMENT IN 2005. ARE YOU FAMILIAR WITH THAT?

20 A YES, I AM.

21 Q NOW, DID YOU EVER RECEIVE ANY SUMMONS  
22 REGARDING THAT LAWSUIT?

23 MS. STREETER: OBJECTION; RELEVANCE.

24 THE WITNESS: I WAS NEVER SERVED WITH A LAWSUIT.

25 THE COURT: OVERRULED.

26 BY MR. KELLY:

27 Q DID YOU EVER GET ANY DISCOVERY ABOUT THE  
28 LAWSUIT?

1           A           I RECEIVED ONE DOCUMENT REQUEST FROM  
2 GIBSON, DUNN, AND I DIDN'T REALIZE IT WAS FROM ANOTHER  
3 LAWSUIT. I DIDN'T REALIZE UNTIL KEN FREEMAN, JUDGE KEN  
4 FREEMAN'S COURT TRANSCRIBER/REPORTER CALLED ME RECENTLY  
5 AND TOLD ME THAT THERE ARE TWO LAWSUITS AND NOT JUST  
6 ONE.

7                       SO I RECEIVED A DOCUMENT REQUEST IS WHAT  
8 I'M STATING, AND THAT'S WHAT I RECALL.

9           Q           DID YOU EVER GET THE COMPLAINT IN THAT  
10 CASE?

11           A           NO. I READ THE COMPLAINT WHEN IT WAS PUT  
12 ONLINE IN APRIL OF 2010 AND I WAS ASTOUNDED AT THE  
13 ALLEGATIONS.

14           Q           DID YOU EVER APPEAR IN COURT IN THAT CASE  
15 IN 2005?

16           A           NO, I DID NOT. I WAS NOT NOTIFIED AS TO  
17 ANY HEARINGS.

18           Q           WERE YOU EVER REPRESENTED BY AN ATTORNEY  
19 IN THAT CASE IN 2005?

20           A           I WAS NOT.

21           Q           DID YOU EVER PRESENT YOUR VERSION OF THE  
22 STORY OR THE ACCOUNT OF THAT CASE TO ANYONE IN 2005?

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

24           THE COURT: I'LL ALLOW THIS QUESTION.

25           THE WITNESS: WELL, I MEAN, TO THE NEWS MEDIA.

26 BY MR. KELLY:

27           Q           BUT TO COURT ANYTIME DURING THE LEGAL  
28 PROCEEDINGS?

1           A           NO.

2           Q           NOW, YOU ALSO MENTIONED IN YOUR E-MAILS  
3 AND VOICE MAILS SOMETHING ABOUT WORKING PRO BONO FOR  
4 MR. COHEN. WHAT DID YOU MEAN IN THOSE VOICE MAILS AND  
5 E-MAILS?

6           A           WELL, NO. MY WAGES WERE GARNISHED THIS  
7 PAST SEPTEMBER, 2011, BY THE STATE. AND THEY WANT MY  
8 2004 AND '05 TAX RETURNS, WHICH IS WHAT I HAVE BEEN  
9 FEARING. AS DOES THE IRS NOW.

10                   AND WHAT I AM SAYING IS THAT I SAID THAT  
11 I WAS CONFUSED ABOUT HOW TO FILE MY TAX RETURNS.  
12 BECAUSE LEONARD COHEN HAS GONE INTO COURT AND STATED, I  
13 BELIEVE, IF MY INTERPRETATION IS CORRECT, HIS  
14 ALLEGATIONS THAT IF HE DEPOSITED HIS ROYALTIES INTO HIS  
15 PERSONAL ACCOUNT I WAS NOT ENTITLED TO MY COMMISSION.

16           Q           OKAY. DID YOU WORK PRO BONO AT ANY  
17 TIME --

18           A           NO, AND THAT'S WHAT DOUG DAVIS OF THE  
19 FRANCHISE TAX BOARD SAID TO ME: YOU DIDN'T WORK PRO  
20 BONO FOR MR. COHEN, DID YOU.

21           Q           WHO IS DOUG DAVIS?

22           A           DOUG DAVIS IS A TAX ADVOCATE THAT WAS  
23 ASSIGNED TO ME TO REMOVE THE LIEN WHILE I ATTEMPTED ONCE  
24 AGAIN TO GET THE TAX INFORMATION I NEEDED TO FILE MY  
25 RETURNS.

26           Q           WE'LL GET TO THAT IN A MOMENT.

27                   NOW I WANT TO TALK TO YOU ABOUT THE 2000  
28 ORDER IN COLORADO. WHY WERE YOU IN COLORADO?

1           A           WELL, MY SON HAD A VERY SERIOUS ACCIDENT.  
2 HE HAD HIS FINGER RIPPED OFF. THAT WAS IN 2007. SO A  
3 FRIEND OF MIND, A TIBETAN LAMA BY THE NAME OF YONGZIN  
4 RINPOCHE, FELT THAT, YOU KNOW, I'VE BEEN THROUGH A LOT  
5 AND THINGS WERE VERY STRESSFUL FOR ME. I ENDED UP  
6 HOMELESS IN 2006 AND HE AND HIS WIFE ASKED ME TO VISIT.

7           Q           OKAY. YOU SAID YOUR SON HAD LOST HIS  
8 FINGERS. ARE WE TALKING ABOUT RICK?

9           A           RUTGER, MY OLDER SON.

10          Q           HOW OLD IS RUTGER?

11          A           RUTGER IS 25.

12          Q           HE WAS 25 AT THE TIME?

13          A           HE'S 25 NOW.

14          Q           HOW OLD WAS HE BACK IN 2000 --

15          A           WELL, THIS HAPPENED IN FEBRUARY 3RD, I  
16 REMEMBER, BECAUSE THAT'S THE SAME DAY BILL HAD A MAJOR  
17 INCIDENT IN HIS HEALTH. AND MINE HAPPENED IN 2007.

18          Q           WHAT WAS YOUR STATE OF MIND AROUND THE  
19 DATE OF THE HEARING FOR THE 2008 ORDER?

20          A           I FELT TORTURED BY THAT TIME, TO BE  
21 HONEST WITH YOU.

22          Q           WHAT DO YOU MEAN?

23          A           I MEAN I FELT THAT I'VE BEEN THROUGH A  
24 TREMENDOUS AMOUNT AND THAT, YOU KNOW, I'VE BEEN DEALING  
25 WITH THIS ON MY OWN. I COULDN'T AFFORD ATTORNEYS, YOU  
26 KNOW, AFTER A CERTAIN AMOUNT OF TIME. MY COMMISSIONS  
27 WERE WITHHELD, I LOST MY HOUSE AND I COULDN'T EVEN  
28 AFFORD A LAWYER FOR RAY'S CUSTODY MATTER, AND SO I FELT

1 TORTURED, LITERALLY.

2 Q NOW, YOU SAID SOMETHING ABOUT RUTGER  
3 LOSING HIS FINGER. NOW, IS THERE ANY REFERENCE TO THIS  
4 IN THE E-MAILS THAT YOU'VE HEARD?

5 A I BELIEVE THERE IS, YES. I THINK  
6 LEONARD COHEN TESTIFIED TO SOMETHING ABOUT IT.

7 Q AND DID YOU EVER SAY THAT MR. COHEN CUT  
8 OFF MR. -- OR YOUR SON'S FINGERS?

9 A NO, I DID NOT.

10 Q WHAT DID YOU MEAN WHEN YOU TALKED ABOUT  
11 BLAMING MR. COHEN?

12 A I DON'T BLAME MR. COHEN. MY SON, RUTGER,  
13 PERSONALLY BELIEVES THAT IF I HAD NOT GONE TO THE IRS,  
14 REPORTED THIS TAX FRAUD, CREATED A CONTENTIOUS SITUATION  
15 WITH LEONARD COHEN, THAT HE WOULDN'T HAVE LOST HIS  
16 FINGERS.

17 MS. STREETER: OBJECTION.

18 THE COURT: SUSTAINED.

19 MS. STREETER: MOVE TO STRIKE.

20 THE COURT: THE ANSWER IS STRICKEN.

21 BY MR. KELLY:

22 Q YOU'VE NEVER ACCUSED MR. COHEN FOR BEING  
23 RESPONSIBLE FOR CUTTING OFF --

24 MS. STREETER: OBJECTION AS TO --

25 THE WITNESS: WELL, HE DOESN'T HAVE A MEAT  
26 GRINDER AT WHOLE FOODS, SO IT WOULD BE IMPOSSIBLE.

27 MS. STREETER: OBJECTION; NONRESPONSIVE.

28 THE COURT: SUSTAINED.

1 MS. STREETER: MOVE TO STRIKE.

2 THE COURT: THE ANSWER IS STRICKEN.

3 BY MR. KELLY:

4 Q NOW, YOU SAID THAT YOU COULDN'T AFFORD AN  
5 ATTORNEY BACK IN 2008. SO DID YOU HAVE ANY  
6 REPRESENTATION --

7 A NO.

8 Q -- BY COUNSEL?

9 A NO.

10 Q DID YOU EVER SEE ANY DECLARATIONS THAT  
11 WERE WRITTEN REGARDING THAT 2008 ORDER?

12 A THE RESTRAINING ORDER?

13 Q IN 2008, YES.

14 A AFTER I ASKED THE JUDGE TO MAKE THAT  
15 PERMANENT, I WENT BACK TO THE COURT BECAUSE I HAD BEEN  
16 SHOCKED TO HEAR FROM JUDGE ENICHEN THAT LEONARD COHEN  
17 ACTUALLY FLEW INTO BOULDER FOR THIS. BECAUSE I DIDN'T  
18 EVEN KNOW HE WAS ON TOUR.

19 MS. STREETER: OBJECTION; NONRESPONSIVE.

20 THE COURT: SUSTAINED. JUST ANSWER THE  
21 QUESTION.

22 THE WITNESS: YES.

23 SO I WENT BACK AND READ HIS DECLARATION,  
24 YES.

25 BY MR. KELLY:

26 Q AND WERE YOU ACTUALLY PRESENT FOR THAT  
27 PRELIMINARY HEARING BACK IN 2008?

28 A IS THAT WHAT THE HEARING WAS?

1 MS. STREETER: OBJECTION.

2 THE COURT: OVERRULED.

3 THE WITNESS: IS THAT A PRELIMINARY HEARING?

4 BY MR. KELLY:

5 Q WE HEARD EVIDENCE THAT MR. COHEN  
6 TESTIFIED AT A HEARING IN COLORADO.

7 A OH, NO, I WASN'T THERE. I DIDN'T EVEN  
8 KNOW HE WAS IN COLORADO.

9 Q OKAY. WERE YOU -- DID YOU EVER WAIVE AN  
10 EVIDENTIARY HEARING IN THAT CASE?

11 A I MOST CERTAINLY DID NOT.

12 MS. STREETER: OBJECTION; RELEVANCE, YOUR HONOR.  
13 352.

14 THE COURT: OVERRULED.

15 THE WITNESS: ABSOLUTELY NOT.

16 BY MR. KELLY:

17 Q DID YOU EVER PRESENT EVIDENCE IN THAT  
18 2008 HEARING?

19 A NO ONE DID.

20 MS. STREETER: OBJECTION. VAGUE AS TO WHICH  
21 HEARING.

22 THE COURT: OVERRULED.

23 BY MR. KELLY:

24 Q YOU MENTIONED THAT YOU HAD ASKED TO BE A  
25 PROTECTED PARTY IN THAT ORDER.

26 A I ASKED JUDGE ENICHEN, I TOLD HER  
27 LEONARD COHEN WAS DANGEROUS TO ME, AND I ASKED HER IF  
28 THE RESTRAINING ORDER WOULD PROTECT ME.

1           Q           OKAY.  AND WHAT WERE YOU UNDER THE  
2 IMPRESSION OF?

3           A           THAT THIS MAN HAS TRIED TO DESTROY MY  
4 LIFE, AND I FELT I SHOULD BE PROTECTED BY A RESTRAINING  
5 ORDER.

6           Q           DID YOU BELIEVE THAT THAT ORDER WAS  
7 PROTECTING YOU?

8           A           I DON'T REALLY BELIEVE RESTRAINING ORDERS  
9 PROTECT ANYONE, TO BE HONEST WITH YOU.

10          Q           DID YOU BELIEVE --

11          A           BUT I HOPED THAT IT WOULD STOP SOME OF  
12 THE INSANITY.

13          Q           OKAY.  WERE YOU -- DID YOU EVER CONTACT  
14 ANY AUTHORITIES REGARDING MR. COHEN?  ANY LAW  
15 ENFORCEMENT?

16          A           YES, ACTUALLY.  REPEATEDLY.

17          Q           AND WHEN DID YOU DO THAT?

18          A           FOR A NUMBER OF YEARS.  I'VE CONTACTED  
19 LAPD FOR YEARS ABOUT LEONARD COHEN.  I'VE CONTACTED THE  
20 DISTRICT ATTORNEY'S OFFICE.  I'VE FILED A COMPLAINT WITH  
21 THE DISTRICT ATTORNEY'S MAJOR FRAUD UNIT.  I'VE KEPT THE  
22 DISTRICT ATTORNEY COPIED IN ON E-MAILS, YOU KNOW, SO  
23 THAT NO ONE CAN DENY LATER THAT I HAVE ATTEMPTED TO  
24 REPORT THESE TYPES OF TACTICS THAT HAVE BEEN USED  
25 AGAINST ME.

26                       I'VE CONTACTED THE FEDERAL BUREAU OF  
27 INVESTIGATION ABOUT IT.  I'VE CONTACTED AGENT SOPKO, WHO  
28 IS INTELLIGENCE WITH THE TREASURY, WITH THE IRS.

1           Q           OKAY. DID YOU -- YOU SAID THAT YOU HAD  
2 REQUESTED THAT THE ORDER BE PERMANENT. WHAT DID YOU  
3 MEAN BY PERMANENT?

4           A           WELL, I MEAN, I UNDERSTAND TWO ASPECTS OF  
5 A RESTRAINING ORDER. NOW, WHEN SOMEONE GETS A  
6 RESTRAINING ORDER IT GOES INTO THE PRELIMINARY HEARING,  
7 WHICH IS WHAT YOU SAID LEONARD COHEN WAS AT AND I  
8 WASN'T; THAT'S A TEMPORARY RESTRAINING ORDER. AND THEN  
9 ONCE YOU GO INTO THE HEARING -- I DIDN'T GO TO THE  
10 HEARING IN 2005. I THOUGHT WHEN I WAS SERVED THE TRO,  
11 THAT I WAS ALREADY UNDER A RESTRAINING ORDER. I WASN'T  
12 REPRESENTED.

13                       THEN, THAT THAT BECOMES PERMANENT FOR A  
14 COUPLE OR A FEW YEARS. THAT WAS MY UNDERSTANDING.

15           Q           OKAY. DID YOU BELIEVE THAT THE ORDER IN  
16 COLORADO HAD EXPIRED?

17           A           YES, I DID.

18           Q           YOU MENTIONED EARLIER ALSO ABOUT THE TAX  
19 INFORMATION THAT YOU HAD LEARNED ABOUT REGARDING -- OR  
20 AFTER YOUR CONVERSATION WITH DOUG DAVIS. WHAT EXACTLY  
21 DID YOU -- WHAT KIND OF TAX INFORMATION WERE YOU LOOKING  
22 FOR?

23           A           WELL, DOUG DAVIS WAS A VERY KIND MAN AND  
24 AGREED TO REMOVE THE TAX LIEN. BECAUSE I WOULD HAVE  
25 ENDED UP HOMELESS AGAIN. BUT HE TOLD ME HE WOULD GIVE  
26 ME 60 DAYS TO OBTAIN -- FIRST OF ALL, WE WENT OVER THE  
27 FACT THAT I WAS CONFUSED ABOUT WHAT TO CALL WHAT I  
28 THOUGHT WERE MY COMMISSIONS ON *DEAR HEATHER*, BECAUSE

1 LEONARD COHEN HAD SAID IF HE DEPOSITED IT INTO HIS  
2 PERSONAL ACCOUNT, I WASN'T ENTITLED TO IT. I HAVE  
3 EVIDENCE PROVING OTHERWISE.

4 BUT I'M CONCERNED ABOUT FILING ANYTHING  
5 THAT COULD BE CONSTRUED AS FRAUDULENT, AND BECAUSE OF  
6 THE TACTICS USED AGAINST ME IN THE LEGAL ISSUES WHERE  
7 EVERYTHING IS TWISTED, I DON'T WANT TO FILE ANYTHING  
8 THAT'S CONFUSING.

9 SO HE TOLD ME THEY DON'T BELIEVE I DID  
10 CHARITABLE OR PRO BONO WORK. SO DOUG DAVIS TOLD ME TO  
11 REPORT THAT AS INCOME, AND I TOLD MR. DAVIS THIS HAS  
12 BEEN SINCE 2004, I WOULD CALL CITY NATIONAL BANK TO SEE  
13 IF I COULD GET COPIES OF MY BANK STATEMENTS, EVEN THOUGH  
14 I DON'T HAVE THE MONEY. HE SAID THEY PROBABLY WON'T  
15 HAVE THEM ANY LONGER.

16 SO, THEY DIDN'T CALL ME BACK, THEY  
17 REFUSED TO CALL ME BACK. I CALLED THEIR LEGAL  
18 DEPARTMENT ALSO.

19 MS. STREETER: OBJECTION; NONRESPONSIVE.

20 THE WITNESS: AND WHAT THEY ASKED --

21 THE COURT: LET'S WAIT FOR A QUESTION.

22 BY MR. KELLY:

23 Q YOU MENTIONED SOMETHING ABOUT CITY  
24 NATIONAL BANK. WHAT DID YOU DO TO CONTACT CITY NATIONAL  
25 BANK?

26 A I CALLED THEIR LEGAL DEPARTMENT TO ASK  
27 FOR MY BANK STATEMENT.

28 MS. STREETER: OBJECTION; RELEVANCE.

1 THE COURT: SUSTAINED.

2 MS. STREETER: MOVE TO STRIKE.

3 THE COURT: SUSTAINED. THE ANSWER IS STRICKEN.  
4 BY MR. KELLY:

5 Q WE'VE HEARD VOICE MAILS AND E-MAILS  
6 REQUESTING TAX INFORMATION.

7 A RIGHT.

8 Q WHAT TAX INFORMATION WERE YOU REQUESTING?

9 A I AM TRYING TO DETERMINE THE TOTAL AMOUNT  
10 THAT I WAS GIVEN AS A COMMISSION IN THE YEAR 2004. NOT  
11 JUST FOR *DEAR HEATHER*, THERE ARE OTHER ROYALTIES.

12 Q OKAY. DID YOU TRY TO GET THIS  
13 INFORMATION FROM OTHER SOURCES?

14 A WELL, I TRIED TO GET IT FROM CITY  
15 NATIONAL BANK, WHICH WOULD BE THE ONLY OTHER SOURCE.

16 Q DID YOU ACTUALLY HAVE THOSE ACTUAL  
17 PHYSICAL RECORDS IN YOUR POSSESSION?

18 A NO. I'VE LOST EVERYTHING.

19 Q WHEN DID YOU LOSE EVERYTHING?

20 A WELL, I LOST MY HOUSE IN 2005 AND MY  
21 STORAGE IN 2006.

22 MS. STREETER: OBJECTION; NONRESPONSIVE.

23 THE COURT: OVERRULED.

24 THE WITNESS: SO I HAVE NOTHING.

25 BY MR. KELLY:

26 Q FROM 2006 TO 2012, DID YOU EVER RECEIVE  
27 THE DOCUMENTATION THAT YOU WERE REQUESTING FROM  
28 MR. COHEN?

1           A           NO, I HAVE NOT.

2           Q           FROM 2006 TO 2012, DID YOU EVER RECEIVE  
3 THAT TAX INFORMATION THAT YOU WERE REQUESTING FROM  
4 MR. KORY?

5           A           NONE OF IT.

6           Q           FROM 2006 TO 2012, DID YOU EVER GET THE  
7 TAX INFORMATION YOU WERE REQUESTING FROM MS. RICE?

8           A           NO.

9           Q           FROM 2006 TO 2012, DID YOU EVER GET ANY  
10 OF THE TAX INFORMATION THAT YOU NEEDED BY ANY ACCOUNTANT  
11 OF MR. COHEN'S?

12          A           NO, I DID NOT.

13          Q           FROM 2006 TO 2012, DID YOU EVER GET ANY  
14 OF THE TAX INFORMATION THAT YOU NEEDED FROM ANYONE  
15 RELATED TO MR. COHEN?

16          A           NO, I DID NOT. I'VE BEEN TOLD THAT --  
17 MS. STREETER: OBJECTION; NONRESPONSIVE.

18          THE WITNESS: -- THE RESTRAINING ORDER NOW  
19 PROHIBITS IT.

20          MS. STREETER: NO QUESTION PENDING.

21          THE COURT: SUSTAINED.

22 BY MR. KELLY

23          Q           WE HAVE SEEN VOLUMES OF E-MAILS THAT  
24 YOU'VE -- THAT HAVE BEEN WRITTEN. DID YOU WRITE THESE  
25 E-MAILS?

26          A           WELL, I'VE WRITTEN E-MAILS, I'M NOT GOING  
27 TO GIVE A BLANKET STATEMENT THAT I'VE WRITTEN ALL THE  
28 E-MAILS. I WILL GO THROUGH EVERY ONE OF THEM AND SAY

1 WHETHER OR NOT I DID.

2 Q BUT THE ONES THAT YOU'VE HEARD IN COURT,  
3 DID YOU WRITE THOSE E-MAILS?

4 A IT SEEMS LIKE I DID, YES.

5 Q WHY DID YOU INCLUDE SO MANY PEOPLE IN  
6 THOSE E-MAILS?

7 A WHAT DO YOU MEAN? IN WHO I'VE CC'D?

8 Q YES.

9 A BECAUSE I WAS ADVISED TO DOCUMENT  
10 EVERYTHING IN E-MAILS, AND I WAS ADVISED TO COPY  
11 WITNESSES IN. AND SO SOME OF THOSE WITNESSES ARE, I  
12 FELT, THE IRS COMMISSIONER'S STAFF, THE FEDERAL BUREAU  
13 OF INVESTIGATION, THE DEPARTMENT OF JUSTICE, AGENT  
14 SOPKU. NOW MR. DOUG DAVIS.

15 I FELT BECAUSE I DON'T HAVE A LAWYER AND  
16 I WAS TOLD I MIGHT PROBABLY BE A WITNESS IN PHIL  
17 SPECTOR'S MATTER, THAT I SHOULD COPY IN DENNIS RIORDAN,  
18 POSSIBLY BRUCE CUTLER. CLEARLY THE DISTRICT ATTORNEY'S  
19 OFFICE.

20 IT'S A VERY SERIOUS MATTER AND I DON'T  
21 HAVE LEGAL REPRESENTATION. SO I FELT IT WOULD BE  
22 GOOD -- INSTEAD OF SOMEBODY LATER SAYING THIS IS HEARSAY  
23 OR SHE TOLD ME THIS, SHE TOLD ME THAT, THAT ALL PARTIES  
24 WOULD BE COPIED IN SO I COULDN'T BE ACCUSED OF ANYTHING  
25 THAT LOOKED LIKE A DISPARITY LATER.

26 Q WHY ARE THESE E-MAILS SO LONG?

27 A WELL, I DON'T KNOW. I MEAN, THERE'S  
28 DIFFERENT PARTIES COPIED IN.

1 Q OKAY. DID YOU -- THESE THREADS, DO YOU  
2 KNOW THAT THERE'S -- THAT E-MAILS HAVE THREADS OF  
3 MULTIPLE E-MAILS?

4 A RIGHT.

5 Q DID YOU SEND ALL OF THOSE E-MAILS WITHIN  
6 THAT THREAD TO EVERY INDIVIDUAL?

7 A YEAH. IF WHAT YOU'RE SAYING IS -- THE  
8 E-MAILS MIGHT HAVE GONE ON FOR A MONTH. IT MIGHT BE ONE  
9 THREAD. AND WHAT I WOULD DO, FOR INSTANCE, IF I WAS  
10 WRITING AN ISSUE THAT I FELT DEALT WITH THE IRS, I WOULD  
11 WRITE TO THE IRS COMMISSIONER'S STAFF.

12 IF I WAS WRITING SOMETHING HAVING TO DO,  
13 I FELT, WITH THE FEDERAL BUREAU OF INVESTIGATION, WHICH  
14 THEY TOLD ME, LET THE IRS TAKE THE LEAD, WE WILL BE  
15 BROUGHT IN WITH RESPECT TO CRIMINAL WITNESS AND EVIDENCE  
16 TAMPERING, I WOULD COPY IN THE FBI.

17 IF I FELT IT HAD TO DO SOMETHING WITH  
18 PHIL SPECTOR, I WOULD COPY IN DENNIS RIORDAN, AT A TIME  
19 DORON WEINBERG, IRIS KEITEL, MR. SPECTOR'S FORMER  
20 MANAGER AT ABKCO RECORDS. STEVE COOLEY, ALAN JACKSON,  
21 TRUC DO, WILLIAM FRAYEH, WHO IS AN INVESTIGATOR, AND  
22 JOHN THOMPSON WHO CAME TO MEET WITH ME. I FILED A  
23 COMPLAINT ABOUT THE D.A. WITH INTERNAL AFFAIRS.

24 Q DID YOU BELIEVE IN SENDING E-MAILS THAT  
25 YOU ATTACHED MR. COHEN TO, THAT YOU WERE VIOLATING THE  
26 LAW?

27 A NO.

28 Q DID YOU BELIEVE THAT WHEN YOU SENT THESE

1 E-MAILS --

2 A WHICH E-MAILS?

3 Q ALL THE E-MAILS. DID YOU EVER BELIEVE  
4 THAT YOU WERE DOING IT TO HARASS SOMEONE?

5 MS. STREETER: OBJECTION.

6 THE WITNESS: ABSOLUTELY NOT.

7 THE COURT: OVERRULED.

8 THE WITNESS: TO HARASS SOMEONE?

9 BY MR. KELLY:

10 Q WAS IT EVER YOUR INTENT TO HARASS ANY OF  
11 THE RECIPIENTS OF THE E-MAIL?

12 A NO, IT WAS NOT.

13 Q WAS IT EVER YOUR INTENT TO THREATEN ANY  
14 OF THE INDIVIDUALS IN YOUR E-MAIL?

15 A NO, IT WAS NOT.

16 Q YOU -- AT ANY TIME SINCE 2006 TO 2012,  
17 HAVE YOU MADE ACTUAL THREATS TO MR. COHEN?

18 A NO.

19 Q HAVE YOU MADE ANY THREATS TO MR. KORY?

20 A NO.

21 Q HAVE YOU MADE ANY THREATS TO MS. RICE?

22 A NO.

23 Q HAVE YOU EVER GONE TO MR. COHEN'S  
24 CONCERT?

25 A MR. COHEN IS CLEAR THAT I'VE TOLD HIM I'D  
26 NEVER, FROM 2004, SIT IN A ROOM WITH HIM AGAIN, LET  
27 ALONE GO TO ONE OF HIS CONCERTS. I COULD HARDLY GO TO  
28 IT WHEN I WAS MANAGING HIM.

1 Q DID YOU EVER STAY OUTSIDE HIS HOUSE?

2 A I HAVE NEVER GONE NEAR MR. COHEN AGAIN,  
3 SINCE 2004.

4 MR. KELLY: I HAVE NOTHING FURTHER AT THIS TIME.

5 THE COURT: OKAY. CROSS-EXAMINATION.

6 MS. STREETER: WOULD YOU GIVE ME A MOMENT, YOUR  
7 HONOR?

8 THE COURT: SURE.

9

10 CROSS-EXAMINATION

11 BY MS. STREETER:

12 Q GOOD AFTERNOON, MS. LYNCH.

13 A GOOD AFTERNOON.

14 Q NOW, YOU MENTIONED THAT YOU HAD A MEETING  
15 WITH MR. KORY ABOUT ISSUES HAVING TO DO WITH MR. COHEN?

16 A I MET WITH MR. KORY TWICE. WHICH TIME?

17 Q WELL, MY UNDERSTANDING, THERE WAS A LUNCH  
18 MEETING; IS THAT RIGHT?

19 A YES, THERE WAS A LUNCH.

20 Q AND THAT WAS 2006?

21 A NO, THAT WAS THE SPRING 2005.

22 Q OKAY. AND THE SECOND MEETING, WHAT DAY  
23 WAS THAT?

24 A IT WAS IN THE SPRING -- AFTER THAT. IT  
25 WAS IN THE SPRING OF 2005.

26 Q IN 2006, YOU WERE STILL IN THE LOS  
27 ANGELES AREA, RIGHT?

28 A NO. I WAS IN SANTA MONICA, HOMELESS.

1 AND THEN I WAS -- SOMEONE ASKED ME TO COME STAY WITH  
2 THEM.

3 Q THE ADDRESS THAT YOU HAD WAS ON  
4 MANDEVILLE ROAD; IS THAT RIGHT, MS. LYNCH?

5 A UNTIL DECEMBER OF 2005.

6 Q OKAY. AND SO THE LAST ADDRESS THAT  
7 ANYBODY KNOWS THAT YOU HAD IN LOS ANGELES AROUND THAT  
8 TIME WAS ON MANDEVILLE ROAD, CORRECT?

9 MR. KELLY: OBJECTION; SPECULATION.

10 THE WITNESS: APART FROM MY E-MAIL ADDRESS, YES,  
11 WHICH EVERYONE HAS.

12 THE COURT: SUSTAINED.

13 MR. KELLY: MOTION TO STRIKE.

14 THE COURT: THE ANSWER IS STRICKEN.

15 BY MS. STREETER:

16 Q YOU DID LIVE ON MANDEVILLE ROAD?

17 A THE LAST ADDRESS PEOPLE WOULD HAVE HAD IN  
18 L.A. WOULD BE 1614 OCEAN IN SANTA MONICA. I THINK I  
19 MADE THAT PUBLIC IN ONE OF MY E-MAILS.

20 Q BUT PRIOR TO THAT, THAT OTHER ADDRESS  
21 THAT YOU HAD WAS ON MANDEVILLE ROAD, RIGHT?

22 A UNTIL I LOST MY HOUSE IN 2005, YES.

23 Q NOW, AS FAR AS THE TIMING OF WHEN YOU  
24 LOST YOUR HOUSE, RIGHT NOW, AS IT STANDS, THE ONLY  
25 SIGNAL WE HAVE THAT IS FOR YOU, RIGHT, MS. LYNCH?

26 A I DON'T UNDERSTAND THE QUESTION AT ALL.

27 Q WELL, THE INFORMATION ABOUT WHEN DID AND  
28 DID NOT LOSE YOUR HOUSE, THE ONLY PERSON THAT'S

1 TESTIFIED TO THAT RIGHT NOW, AS IT STANDS RIGHT NOW,  
2 MS. LYNCH, IS YOU?

3 A ARE YOU ASKING ME --

4 MR. KELLY: OBJECTION.

5 THE WITNESS: -- ARE YOU TELLING ME I'M THE ONLY  
6 PERSON THAT TESTIFIED THAT I LOST MY HOUSE?

7 THE COURT: SUSTAINED. YOU DON'T HAVE TO ANSWER  
8 IT.

9 BY MS. STREETER:

10 Q WHEN ARE YOU SAYING THAT YOU PUBLISHED  
11 THAT YOU LIVED IN SANTA MONICA?

12 A WELL, THERE WAS A HOMELESS SHELTER WHERE  
13 YOU CAN REGISTER TO HAVE AN ADDRESS, AND SO AT SOME  
14 POINT IN EARLY 2006.

15 Q OKAY. AND YOU PUT A FORWARDING ADDRESS,  
16 RIGHT, TO --

17 A I DON'T KNOW. I BELIEVE I DID, ACTUALLY,  
18 BUT I DON'T KNOW. I COULDN'T TESTIFY TO THAT OR SWEAR  
19 TO THAT.

20 Q AND SO THE PRIOR ADDRESS YOU HAD WAS ON  
21 MANDEVILLE ROAD, RIGHT?

22 A I JUST SAID THAT THREE TIMES.

23 I SAID I COULDN'T TESTIFY TO THAT  
24 FORWARDING ADDRESS.

25 MS. STREETER: THERE WAS NO QUESTION PENDING.

26 OKAY. YOUR HONOR, THE PEOPLE HAVE A  
27 FOUR-PAGE DOCUMENT. WE'D LIKE TO HAVE THAT MARKED AS  
28 PEOPLE'S, I GUESS -- ACTUALLY, IT'S A FIVE-PAGE

1 DOCUMENT. WE'D LIKE TO HAVE THAT MARKED AS PEOPLE'S 28,  
2 I THINK IT IS. IF THAT'S THE NUMBER I AM ON.

3 THE COURT: TWENTY-NINE.

4 MS. STREETER: TWENTY-NINE.

5

6 (MARKED FOR IDENTIFICATION: FIVE-PAGE  
7 DOCUMENT AS PEOPLE'S EXHIBIT NO. 29)

8

9 BY MS. STREETER:

10 Q I'M GIVING YOU PEOPLE'S 29. TAKE A LOOK  
11 AT THAT.

12 A RIGHT.

13 Q AND LOOK AT THE PROOF OF SERVICE.

14 A RIGHT.

15 Q OKAY. NOW, THAT DOCUMENT, THAT'S THE  
16 JUDGMENT THAT WAS ENTERED AGAINST YOU, CORRECT?

17 MR. KELLY: OBJECTION; LACK OF FOUNDATION.

18 THE WITNESS: I DON'T KNOW.

19 THE COURT: THE QUESTION IS WHETHER IT WAS.

20 THE WITNESS: I CAN'T ANSWER THAT.

21 BY MS. STREETER:

22 Q DOES IT SAY JUDGMENT?

23 A IT DOES SAY THAT.

24 MR. KELLY: OBJECTION; FOUNDATION.

25 THE WITNESS: SCOTT EDELMAN AT GIBSON, DUNN --

26 THE COURT: DON'T ANSWER IT. THERE'S NO  
27 QUESTION PENDING.

28 WHAT WAS THE QUESTION?

1 MS. STREETER: DOES THE DOCUMENT SAY JUDGMENT?

2 MR. KELLY: OBJECTION; HEARSAY.

3 THE WITNESS: I SAID YES.

4 THE COURT: OVERRULED.

5 BY MS. STREETER:

6 Q AND YOU'RE LISTED AS THE DEFENDANT,  
7 CORRECT?

8 MR. KELLY: OBJECTION. THE DOCUMENT HAS LACK OF  
9 AUTHENTICATION. THIS WITNESS HAS SAID SHE DOESN'T KNOW.

10 THE COURT: THE QUESTION IS FINE.

11 THE WITNESS: I AM LISTED AS THE DEFENDANT, YES,  
12 INDEED.

13 BY MS. STREETER:

14 Q AND ON THE PROOF OF SERVICE, WHICH IS  
15 ABOUT THE FOURTH PAGE, IT LISTS AS THE ADDRESS --

16 A 2648 MANDEVILLE CANYON ROAD, AND I TOLD  
17 YOU I DON'T KNOW IF I FILED A FORWARDING ADDRESS.

18 Q OKAY. NOW, MS. LYNCH, YOU TESTIFIED THAT  
19 AS A PERSONAL MANAGER YOU WERE BASICALLY KIND OF LIKE A  
20 CEO OF A PERSONAL CORPORATION, RIGHT?

21 A WELL, I'M PARAPHRASING DONALD PASSMAN,  
22 WHO HAS WRITTEN A BOOK ON WHAT A PERSONAL MANAGER DOES.  
23 SO, YES.

24 Q SO, YES, YOU WERE LIKE A CEO, CORRECT?

25 A I'M PARAPHRASING DON PASSMAN. I THINK IT  
26 KIND OF SUMS IT UP. IT'S NOT EXACTLY HOW I'D SAY IT.  
27 BUT AS I SAID, IT'S COMPLICATED TO DESCRIBE.

28 Q YOU WERE IN CHARGE OF A LOT OF THINGS,

1 RIGHT? A LOT OF DOCUMENTS, CORRECT?

2 A I WAS IN CHARGE OF MANY THINGS. I DON'T  
3 KNOW -- WHAT DO YOU MEAN BY DOCUMENTS? I REALLY WOULD  
4 LIKE YOU TO BE CAREFUL HERE.

5 Q OKAY. YOU KNOW WHAT, I DON'T WANT TO  
6 CONFUSE YOU, SO IF THERE'S SOMETHING I DON'T  
7 UNDERSTAND --

8 A WELL, FOR INSTANCE, MR. COHEN TESTIFIED  
9 YESTERDAY --

10 THE COURT: NO --

11 THE WITNESS: -- THAT HIS ATTORNEY WAS IN CHARGE  
12 OF CORPORATE --

13 THE COURT: PLEASE. PLEASE. ASK A QUESTION,  
14 PLEASE.  
15 BY MS. STREETER:

16 Q YOU WERE IN CHARGE OF ANY CONTRACTS THAT  
17 MAY HAVE BEEN FORWARDED TO MR. COHEN, CORRECT?

18 A I WOULD HAVE COPIES OF ALL CONTRACTS.  
19 MR. COHEN WOULD RECEIVE THEM TOO.

20 Q YOU WERE IN CHARGE OF ANY BUSINESS THAT  
21 WANTED TO DO WORK FOR HIM, LIKE SONY OR ANY OTHER?

22 A WHAT DO YOU MEAN BY THAT REALLY,  
23 BUSINESS? I WASN'T IN CHARGE OF, I WAS THE RECIPIENT OF  
24 COPIES OF.

25 Q WELL, YOU WOULD DETERMINE --

26 A SO I WOULD MOST CERTAINLY HAVE THEM.

27 Q YOU WOULD -- OKAY. YOU WOULD PROVIDE  
28 ASSISTANCE FOR ANY CONTACT YOU MAY HAVE WITH A MUSIC

1 COMPANY, CORRECT?

2 A ABSOLUTELY.

3 Q WITH ANY MUSIC PRODUCER, CORRECT?

4 A MOST MUSIC PRODUCERS, ABSOLUTELY I WOULD  
5 BE IN CONTACT WITH THEM.

6 Q YOU WOULD HAVE CONTACT OR BE IN CHARGE OF  
7 ANY TOURING SCHEDULES THAT HE MAY HAVE HAD?

8 A I WOULD NOT BE IN CHARGE OF TOURING. THE  
9 TOURING MANAGER WOULD BE. I WOULD COMMUNICATE --

10 Q WITH THE TOURING MANAGER, CORRECT?

11 A MOST CERTAINLY.

12 Q YOU WOULD COMMUNICATE WITH ANY SCHEDULING  
13 AS FAR AS WHERE HE STAYED --

14 A NO, THAT WOULD BE THE TOUR MANAGER. I  
15 WOULD COMMUNICATE WITH THE TOUR MANAGER, I WOULD BE  
16 GIVEN AN ITINERARY.

17 Q YOU WOULD PASS THAT ITINERARY OVER TO  
18 MR. COHEN?

19 A NO. MR. COHEN WOULD BE GIVEN THAT BY THE  
20 TOURING MANAGER.

21 Q BUT YOU WOULD KNOW WHAT IT IS?

22 A I WOULD BE GIVEN A COPY, MOST DEFINITELY.

23 Q BECAUSE YOU NEEDED TO KNOW WHERE  
24 MR. COHEN --

25 A YES, OF COURSE. I WOULD HAVE TO CONTACT  
26 HIM. AND ALSO MR. COHEN WOULD LET ME KNOW WHERE HE WAS  
27 AT ALL TIMES.

28 Q AND YOU WERE ALSO IN CHARGE OF -- YOU HAD

1 HIS PERSONAL INFORMATION, LIKE WHERE HE BANKED, RIGHT?

2 A OF COURSE I DID.

3 MR. KELLY: OBJECTION; RELEVANCE.

4 THE COURT: OVERRULED.

5 BY MS. STREETER:

6 Q WHAT HIS ACCOUNT INFORMATION WAS, RIGHT?

7 A OF COURSE, YES.

8 Q YOU WERE ABLE TO SIGN HIS CHECKS, RIGHT?

9 A ABSOLUTELY. I WAS A SIGNATORY.

10 Q YOU HAD ACCESS --

11 A BUT HE SIGNED THEM, ACTUALLY.

12 Q OKAY. BUT YOU COULD SIGN ON HIS CHECKS,

13 RIGHT?

14 A HE TOURED AND TRAVELED, SO OF COURSE I

15 COULD.

16 Q YOU COULD MAKE DEPOSITS FOR HIM?

17 A ABSOLUTELY.

18 Q YOU COULD MAKE WITHDRAWALS FOR HIM,

19 RIGHT?

20 A ABSOLUTELY.

21 Q NOW, YOUR POSITION IS, IF THE PEOPLE  
22 UNDERSTAND YOU CORRECTLY, THAT THE MEETING THAT MR. KORY  
23 HAD WITH YOU WAS BECAUSE MR. COHEN WAS DOING SOMETHING  
24 ILLEGAL, RIGHT?

25 A NO.

26 Q OKAY. MR. COHEN'S BUSINESSES THAT --

27 A NO, THAT IS NOT WHY WE MET. IS THAT WHAT  
28 YOU'RE ASKING?

1 Q YES.

2 A THAT IS NOT WHY I FELT WE WERE MEETING.

3 Q OKAY.

4 A OKAY?

5 Q BUT --

6 A WE WERE TRYING TO WORK OUT SOME OF THE  
7 PROBLEMS BETWEEN ME AND MR. COHEN WHEN I WAS NO LONGER  
8 REPRESENTED.

9 Q BUT DURING THE COURSE OF THAT MEETING, IF  
10 THE PEOPLE UNDERSTAND YOU CORRECTLY, MR. KORY INTIMATED  
11 TO YOU THAT THERE WAS A LOT OF ILLEGALITY GOING ON WITH  
12 THE TAX INFORMATION THAT HAD BEEN FILED ON MR. COHEN'S  
13 BEHALF, CORRECT?

14 A WE DIDN'T TALK ABOUT THE TAX INFORMATION  
15 THAT WAS FILED. WHAT MR. KORY TOLD ME IS THAT THERE WAS  
16 TAX FRAUD ON ALL ENTITIES. SPECIFICALLY, BLUE MIST  
17 TOURING, LC INVESTMENTS AND TRADITIONAL HOLDINGS. THAT  
18 LEONARD COHEN'S ADVISORS CREATED THIS, THAT I HAD A  
19 CAUSE OF ACTION AGAINST EVERY ONE OF HIS ADVISORS, AND  
20 IN PARTICULAR THEY FELT THAT NEAL GREENBERG AND RICHARD  
21 WESTIN WERE TO BLAME AND HAD DEFRAUDED LEONARD COHEN.

22 Q OKAY. AND THERE WAS NO MENTION THAT YOU  
23 HAD DEFRAUDED HIM, RIGHT?

24 A NO, THERE WAS MENTION THAT I WAS USED AS  
25 A PAWN.

26 Q OKAY. NOW, IT WAS GREENBERG, RIGHT?

27 A PRIMARILY NEAL GREENBERG AND RICHARD  
28 WESTIN.

1 Q WESTIN, CORRECT?

2 A THAT'S CORRECT.

3 Q NOW, MR. GREENBERG WASN'T MR. COHEN'S  
4 PERSONAL MANAGER, RIGHT?

5 A MR. GREENBERG WAS MR. COHEN'S FINANCIAL  
6 ADVISOR AND INVESTOR.

7 Q SO, NO, HE WASN'T THE PERSONAL MANAGER,  
8 RIGHT?

9 A THERE ARE TWO DIFFERENT ISSUES. TOTALLY  
10 TWO DIFFERENT JOBS.

11 Q MR. WESTIN WASN'T MR. COHEN'S --

12 A NO. HE WAS HIS TAX LAWYER AND ADVISOR,  
13 AND PREPARED HIS TAX RETURNS.

14 Q SO MR. WESTIN JUST DID THE TAXES, RIGHT?

15 A NO, HE DIDN'T JUST DO THE TAXES. HE  
16 STRUCTURED CORPORATIONS, HE DID MANY THINGS.

17 Q ANYTHING TAX-RELATED CORRECT?

18 A HE STRUCTURED CORPORATIONS. I DON'T KNOW  
19 IF THAT'S TAX-RELATED. BUT HE DID MANY DIFFERENT  
20 THINGS.

21 Q SO THE TWO PEOPLE --

22 A HE PREPARED TAX RETURNS.

23 Q SO MR. GREENBERG AND YOU WERE THE TWO  
24 PEOPLE THAT HAD THINGS TO DO WITH FINANCES WITH  
25 MR. COHEN --

26 A NO. THERE WERE ACCOUNTANTS, THERE WAS A  
27 BUSINESS -- AT ONE POINT THERE WAS A BUSINESS MANAGER.  
28 THERE WERE BOOKKEEPERS, GENE RANSAN FOR MANY, MANY

1 YEARS. THERE WERE MANY PEOPLE INVOLVED.

2 Q PERHAPS I'M NOT CLEAR. I'M TALKING ABOUT  
3 THE YEAR OF 2004 WHEN YOU WERE RELEASED FROM MR. COHEN'S  
4 EMPLOY.

5 A I QUIT. I WAS NOT RELEASED. I WOULDN'T  
6 MEET WITH HIM AND HIS TAX LAWYER.

7 WHAT IS YOUR QUESTION, MS. STREETER?

8 Q IN 2004 --

9 A RIGHT.

10 Q -- YOU WERE ONE OF THE PEOPLE THAT HAD  
11 ACCESS TO HIS BANK ACCOUNT, CORRECT?

12 MR. KELLY: OBJECTION; ASKED AND ANSWERED.

13 THE WITNESS: NEAL GREENBERG HAS NOTHING TO DO  
14 WITH LEONARD COHEN'S BANK ACCOUNT.

15 THE COURT: SUSTAINED. IT'S ALREADY BEEN ASKED.

16 THE WITNESS: YOU'RE CONFUSING TWO ACCOUNTS.

17 MR. KELLY: MOTION TO STRIKE.

18 THE COURT: JUST WAIT FOR THE QUESTION. THE  
19 ANSWER IS STRICKEN.

20 BY MS. STREETER:

21 Q MS. LYNCH, AT THE TIME THAT YOU QUIT  
22 MR. COHEN'S EMPLOY --

23 A RIGHT.

24 Q -- HE HAD RECENTLY SOLD HIS SONGBOOK A  
25 FEW YEARS BEFORE, RIGHT? OR A YEAR OR SO BEFORE,  
26 CORRECT?

27 A TRADITIONAL HOLDINGS SOLD SOME ASSETS  
28 THAT IT APPARENTLY DID NOT OWN, YES, TO SONY.

1 Q AND IT WAS MR. COHEN'S SONGBOOK, RIGHT?

2 A NOT JUST MR. COHEN'S. I OWN 15 PERCENT  
3 OF THE INTELLECTUAL PROPERTY. SO BOTH MR. COHEN AND  
4 MYSELF, YES.

5 Q PART OF THAT WAS HIS SONGBOOK?

6 A ABSOLUTELY. EIGHTY-FIVE PERCENT. MOST  
7 DEFINITELY. YOU WOULD CALL IT HIS PUBLISHING CATALOGUE,  
8 NOT HIS SONGBOOK.

9 Q IT WAS SOLD FOR SEVERAL MILLION DOLLARS,  
10 CORRECT?

11 A YES, IT WAS SOLD FOR A NUMBER OF MILLION  
12 DOLLARS.

13 Q AT THE POINT THAT YOU QUIT MR. COHEN'S  
14 EMPLOY, THERE WAS ONLY A HUNDRED THOUSAND DOLLARS LEFT  
15 IN THAT ACCOUNT?

16 A I DON'T KNOW ABOUT THAT. THERE WERE  
17 LOANS FROM MR. COHEN THAT WERE NOT REPAID. SO THERE  
18 WOULD NEED TO BE AN ACCOUNTING TO DETERMINE WHAT WAS  
19 LEFT.

20 Q OKAY. THERE WASN'T MILLIONS IN THERE?

21 A THERE WERE ASSETS, OKAY.

22 Q IN THE BANK ACCOUNT?

23 A THERE WERE ASSETS.

24 Q OKAY.

25 A THAT WAS ONE ASSET, THE BANK ACCOUNT,  
26 150,000. THERE WERE OTHER ASSETS.

27 Q BUT THAT BANK ACCOUNT HAD ONLY 150,000?

28 A RIGHT, AND THERE WERE OTHER ASSETS.

1 THERE WERE MILLIONS IN OTHER ASSETS.

2 Q AND YOU HAD ACCESS TO THAT BANK ACCOUNT?

3 A NO, I DID NOT HAVE ACCESS. NEAL  
4 GREENBERG WAS HIS FINANCIAL ADVISOR. I HAD NO ACCESS.

5 Q ALL RIGHT. NOW, YOU MENTIONED THAT YOU  
6 WERE TRYING TO CONTACT MR. COHEN IN REFERENCE TO TAX  
7 INFORMATION YOU NEEDED, RIGHT? THAT YOUR 1099 OR K-1?

8 A MANY DIFFERENT TAX AND ACCOUNTING AND  
9 FINANCIAL. INFORMATION I REQUIRED TO DEAL WITH MY  
10 FEDERAL AND STATE TAX RETURNS.

11 I THINK WE'RE REALLY CLEAR, RIGHT?  
12 YOU'VE READ THE E-MAILS?

13 Q NOW, ONCE YOU WERE RELEASED FROM OR QUIT  
14 MR. COHEN'S EMPLOY, AT SOME POINT LATER THE IRS WAS OF  
15 THE OPINION THAT THE MONEY THAT WAS MISSING OUT OF HIS  
16 ACCOUNT, THAT WAS INCOME TO YOU, CORRECT?

17 MR. KELLY: OBJECTION; SPECULATION, YOUR HONOR.

18 THE COURT: OVERRULED.

19 THE WITNESS: I'VE NEVER HEARD THAT. I'VE MET  
20 WITH THE AGENTS FOR THE TREASURY AND I'VE NEVER BEEN  
21 TOLD THAT, EVER.

22 BY MS. STREETER:

23 Q WELL, YOU MENTIONED --

24 A I TALKED TO AGENT TEJEDA, I'VE NEVER  
25 HEARD THAT.

26 Q WELL, YOU MENTIONED THAT THE IRS CAME  
27 AFTER YOU --

28 A THEY DIDN'T COME AFTER ME.

1 Q OKAY -- DID THE IRS EVER CONTACT YOU?

2 A NO.

3 MS. STREETER: I HAVEN'T FINISHED MY QUESTION,  
4 YOUR HONOR.

5 THE WITNESS: GO AHEAD.

6 THE COURT: GO AHEAD.

7 BY MS. STREETER:

8 Q AFTER YOU QUIT MR. COHEN'S EMPLOY, DID  
9 THE IRS EVER CONTACT YOU ABOUT PAYING BACK TAXES?

10 A NO. I WAS ARRANGING TO PAY TAXES THAT  
11 WERE CURRENT THAT HAD NOTHING TO DO WITH THIS, AND THEY  
12 DIDN'T -- THEY SENT ME A TAX NOTICE IN 2004. IT HAS  
13 NOTHING TO DO WITH THIS SITUATION, AND I PAID THAT.  
14 SINCE THAT, NO, I'VE NEVER HEARD FROM THE IRS THAT I  
15 OWED THE MONEY. I HAD MY WAGES GARNISHED BY THE STATE.

16 Q AND THE IRS NEVER CONTACTED YOU ABOUT ANY  
17 BACK TAXES THAT YOU OWE?

18 A THE STATE TOLD ME THAT BECAUSE I DON'T  
19 HAVE THE TAX INFORMATION, I NEED TO FILE MY RETURNS,  
20 INCLUDING ANY DEDUCTIONS, BUSINESS EXPENSES, TO FOLLOW  
21 MY PRIOR YEAR TAX RETURNS AND GUESS. SO I CONTACTED THE  
22 IRS FOR THAT, FOR THOSE RETURNS, AND I WAS TOLD THE IRS  
23 WOULD LIKE ME TO FILE MY 2004 AND '05 RETURNS. I DON'T  
24 OWE ANY MONEY. I LOST MY GREETING CARD COMPANY, I HAVE  
25 HUGE LOSSES.

26 Q SO IT'S YOUR TESTIMONY THAT NO ONE  
27 ASSOCIATED WITH MR. COHEN, MR. KORY, MS. RICE OR ANY OF  
28 HIS BUSINESS PEOPLE EVER GAVE YOU INFORMATION, THE TAX

1 DOCUMENTS THAT YOU ARE REQUESTING?

2 A FOR THE YEARS 2004 AND '05, THAT'S  
3 CORRECT. AND THEY'VE TESTIFIED TO THAT AS WELL.

4 Q NOW, YOU MENTIONED THAT THE REASON THAT  
5 YOU CONTINUED TO CONTACT MR. COHEN WAS SOLELY FOR  
6 BUSINESS PURPOSES, THAT IT WAS TO GET THE INFORMATION  
7 FOR THE TAX DOCUMENTS?

8 A DID I SAY SOLELY FOR BUSINESS PURPOSES?

9 MR. KELLY: OBJECTION; MISSTATES THE EVIDENCE.

10 THE WITNESS: I DON'T RECALL THAT.

11 THE COURT: OVERRULED.

12 BY MS. STREETER:

13 Q IS THAT THE REASON WHY YOU CONTINUED TO  
14 CONTACT HIM, IS THAT YOU NEEDED --

15 A ONE OF THE MAIN REASONS I CONTACTED  
16 LEONARD COHEN IS FOR -- I HAVE K-1S THAT WERE  
17 TRANSMITTED TO THE IRS THAT DO NOT BELONG TO ME. I WAS  
18 NOT A PARTNER ON LC INVESTMENTS. THAT CAUSES TREMENDOUS  
19 CONFUSION WITH MY TAXES.

20 I HAVE A DEFAULT JUDGMENT WHERE TWO  
21 COMPANIES HAVE BEEN -- LEONARD COHEN SAID HE'S THE  
22 BENEFICIAL OWNER. THAT IS NOT FACTUAL. I HAVE THE  
23 EVIDENCE. THIS CAUSED MY FEDERAL TAX RETURNS THAT WERE  
24 FILED TO BE ALTERED. THIS CAUSES CONFUSION FOR ME.

25 Q OKAY.

26 A I HAVE TRIED TO GET ALL OF THIS  
27 CLARIFIED. I'VE ASKED FOR -- THERE IS NOT A FORENSIC  
28 ACCOUNTING, THERE IS A LEDGER.

1                   DEAR HEATHER, LEONARD COHEN TESTIFIED,  
2 THE INCOME AND ROYALTIES WERE ON THE ACCOUNTING --

3                   MS. STREETER: YOUR HONOR, THIS IS  
4 NONRESPONSIVE.

5                   THE COURT: YES. LET'S --

6                   MS. STREETER: IF I COULD JUST ASK MY NEXT  
7 QUESTION.

8 BY MS. STREETER:

9                   Q           SO -- AND IT'S ALSO YOUR TESTIMONY THAT  
10 THE E-MAILS YOU SENT, YOU DIDN'T FEEL THAT THOSE WERE  
11 HARASSING, RIGHT, MS. LYNCH? THEY'RE --

12                  A           ASKING FOR INFORMATION FOR MY FEDERAL TAX  
13 RETURNS AND STATE -- INCLUDING WHEN I'VE BEEN GARNISHED  
14 IS HARASSMENT?

15                  Q           RIGHT. THAT'S WHAT YOU'RE SAYING, NONE  
16 OF THE E-MAILS WERE HARASSING?

17                  A           I WAS ALSO GIVEN LEGAL ADVICE THAT NO ONE  
18 CAN PREVENT ME FROM REQUESTING THAT INFORMATION FROM  
19 MR. COHEN.

20                  MS. STREETER: MOVE TO STRIKE AS NONRESPONSIVE.

21                  THE COURT: SUSTAINED.

22 BY MS. STREETER:

23                  Q           THE PEOPLE WANT TO MAKE SURE THAT WE'RE  
24 UNDERSTANDING. IT'S YOUR POSITION THAT THE E-MAILS THAT  
25 WERE SENT --

26                  A           NO. I FEEL LIKE I'M BEING HARASSED BY  
27 NOT BEING GIVEN THE INFORMATION.

28                  Q           SO THAT'S A NO?

1           A           THAT'S MY ANSWER.

2           MS. STREETER:   YOUR HONOR, THE PEOPLE HAVE  
3 PEOPLE'S 19 THAT'S BEEN MOVED INTO EVIDENCE, AND IT'S  
4 THE BINDER THAT HAS E-MAILS DATED DECEMBER 18TH, 2011.

5           THE COURT:   OKAY.

6           MS. STREETER:   ONE OF TWO.

7 BY MS. STREETER:

8           Q           I'M SHOWING YOU PEOPLE'S 18 THAT'S BEEN  
9 MOVED INTO EVIDENCE.   OKAY.   THE FIRST E-MAIL OUT OF  
10 THIS BINDER IS DATED DECEMBER 18TH, 2011 AT 5:01 P.M.,  
11 CORRECT?

12          A           YES, IT IS.

13          Q           OKAY.   ONE MOMENT.

14          A           I'M SORRY.   I CAN'T SEE IT FROM HERE.

15          Q           MY BAD, MS. LYNCH.

16                   AND THEN THE FIRST PART, THE SUBJECT IT  
17 SAYS, RE:   MARTY MACHAT LETTER TO CANNON CARTER/IRVING  
18 TRUST RE:   HIS SHARE OF THE STRANGER MUSIC,  
19 INCORPORATED, RIGHT?

20          A           THAT'S CORRECT.

21          Q           OKAY.   THERE'S NO MENTION IN THAT ABOUT  
22 REQUEST FOR TAX DOCUMENT IN THAT --

23          A           NO, BUT THIS IS INFORMATION WHERE I FEEL  
24 THAT LEONARD COHEN SOLD SOMETHING THAT I WAS PART OF THE  
25 DEAL.   THIS HAS TO DO WITH A VERY SERIOUS BUSINESS  
26 MATTER THAT I WOULD LIKE TO PUT ON THE RECORD, MY  
27 FEELING ABOUT.   I WAS NOT TOLD -- ADVISED AT THE TIME BY  
28 MR. COHEN THAT STEVEN AND MARTY MACHAT OWNED 15 PERCENT.

1 SO THAT'S WHY THAT IS HERE.

2 Q SO IT WASN'T JUST TAXES THAT YOU  
3 CONTACTED MR. COHEN ABOUT, THERE WERE OTHER THINGS --

4 A OTHER FRAUDULENT MATTERS.

5 Q -- THAT HAD NOTHING TO DO WITH --

6 A THIS MAY HAVE TO DO WITH TAX MATTERS,  
7 YES. AS I TOLD YOU, ROBERT KORY TOLD ME THAT THERE WERE  
8 PROBLEMS WITH STRANGER MUSIC AND TAXES, AND THIS IS  
9 STRANGER MUSIC.

10 Q BUT ON THAT THERE'S NOTHING ABOUT TAXES,  
11 CORRECT?

12 A BUT STRANGER MUSIC IS A TAX PROBLEM, AND  
13 I'VE GONE TO THE IRS ON THAT AS WELL. SO THAT IS A TAX  
14 MATTER, YES.

15 Q SO, NOW I'M GOING TO SHOW YOU THE LAST  
16 E-MAIL IN THIS BINDER.

17 THIS IS SUNDAY, DECEMBER 18TH, 2011, SAME  
18 DATE, AT 5:26 P.M., RIGHT? CORRECT?

19 A WHAT IS IT?

20 YES, EXACTLY.

21 Q AND THAT E-MAIL CAME ABOUT 15 MINUTES  
22 LATER AFTER THE FIRST E-MAIL?

23 A I DON'T KNOW. I DIDN'T LOOK AT THE TIME  
24 ON THE FIRST E-MAIL. YOU CAN GO AHEAD AND LOOK.

25 Q 5:01 -- PEOPLE APOLOGIZE. TWENTY-FIVE.

26 A ISN'T THE OTHER ONE A.M.?

27 Q OKAY. DO YOU SEE, MS. LYNCH, 5:01  
28 P.M. --

1           A           IT'S NOT THAT DRAMATIC, MS. STREETER.  
2   YOU ARE SCREAMING IN MY EAR.

3           Q           5:26 P.M., CORRECT? TWENTY-FIVE MINUTES  
4   LATER, RIGHT?

5           A           ALL RIGHT.

6           Q           BETWEEN THE TIME OF THE FIRST E-MAIL AT  
7   5:01 AND 5:26 P.M. THERE'S ABOUT 12 E-MAILS, RIGHT?

8           A           I DON'T KNOW. I'M NOT COUNTING THEM.

9           Q           OKAY. DO YOU SEE THE YELLOW TABS? COULD  
10   YOU COUNT FOR THE PEOPLE?

11          A           YEAH. ONE, TWO, THREE, FOUR, FIVE, SIX,  
12   SEVEN, EIGHT, NINE, TEN, ELEVEN, TWELVE, THIRTEEN.

13          Q           OKAY. THIRTEEN E-MAILS DURING THAT  
14   25-MINUTE TIME PERIOD, CORRECT?

15          A           RIGHT. YEAH. AND AS I SAID, DIFFERENT  
16   PEOPLE ARE ADDRESSED.

17          Q           OKAY. DIRECTING YOUR ATTENTION TO THE  
18   LAST ONE. THE SUBJECT LINE OF THAT ONE IS ABOUT PHIL  
19   SPECTOR, CORRECT?

20          A           YES, IT IS.

21          Q           IT HAS NOTHING TO DO WITH YOUR TAXES,  
22   CORRECT?

23          A           NO, IT DOESN'T. IT HAS TO DO WITH THE  
24   FACT THAT I THINK LEONARD COHEN HAS LIED ABOUT PHIL  
25   SPECTOR HOLDING A GUN ON HIM. SO AS I SAID, I'M COPYING  
26   EVERYBODY SO WE ARE ALL ON THE SAME PAGE.

27          Q           SO IT WASN'T JUST THE TAXES --

28          A           NO, IT WASN'T JUST THE TAXES. IT'S A

1 VERY SERIOUS MATTER WHERE I'M NOT REPRESENTED BY A  
2 LAWYER.

3 MS. STREETER: YOUR HONOR, LET ME FINISH.

4 THE COURT: LET HER FINISH THE QUESTION.

5 BY MS. STREETER:

6 Q I'M SORRY, MS. LYNCH. I JUST WANTED TO  
7 ASK YOU A FEW QUESTIONS AND THEN YOUR ATTORNEYS WILL BE  
8 ABLE --

9 A GO AHEAD, MS. STREETER. PLEASE ASK.

10 Q SO IT'S NOT JUST THE TAXES THAT YOU WERE  
11 CONTACTING MR. COHEN --

12 A IT'S PRIMARILY THE TAXES. WHERE THERE'S  
13 MATTERS WITH -- I THINK A PHIL SPECTOR MURDER TRIAL IS A  
14 DEADLY SERIOUS MATTER, AS DOES THE D.A. I BELIEVE, AND  
15 SO ANYTHING THAT I AM DISCUSSING, PHIL SPECTOR, AND  
16 ANYTHING WHERE I FEEL LEONARD COHEN LIED ABOUT THAT,  
17 YES, I HAVE COPIED THE D.A. IN, I'VE COPIED OTHER PEOPLE  
18 LIKE DENNIS RIORDAN, AS I SAID EARLIER. I'VE COPIED  
19 LEONARD COHEN IN SO THAT EVERYBODY IS ON THE SAME PAGE  
20 AND I CANNOT BE ACCUSED LATER OF SAYING ONE THING TO ONE  
21 PERSON AND ANOTHER THING TO ANOTHER PERSON.

22 THAT'S CORRECT.

23 Q NOW --

24 A I THOUGHT I'D BEEN CLEAR ABOUT THAT.

25 Q NOW, THIS -- THE FIRST E-MAIL THE PEOPLE  
26 SHOWED YOU THAT CAME IN AT 5:01 P.M.

27 A RIGHT.

28 Q YOU SAID IT WAS ABOUT BUSINESS, RIGHT?

1           A           I SAID IT WAS ABOUT STRANGER MUSIC, AND  
2   THAT MR. KORY AND I DISCUSSED THAT THERE WERE TAX ISSUES  
3   ON THAT.

4           Q           OKAY. ON THAT ONE, THAT'S BUSINESS --  
5   BUSINESS ISSUES AND TAX-RELATED ISSUES, YOU SENT THE  
6   E-MAIL TO MR. COOLEY, THE DISTRICT ATTORNEY FOR THE  
7   COUNTY OF LOS ANGELES.

8           A           YEAH. I HAD SENT -- I HAD FILED A  
9   COMPLAINT WITH THE MAJOR FRAUD UNIT OF THE DISTRICT  
10  ATTORNEY'S OFFICE ABOUT ALL OF THIS.

11          Q           BUT LET'S BE CLEAR, MS. LYNCH.  
12  MR. COOLEY CAN GIVE YOU NO INFORMATION ABOUT YOUR TAX  
13  DOCUMENTS THAT YOU'RE TALKING --

14               MR. KELLY: OBJECTION; SPECULATION.

15               THE COURT: OVERRULED.

16               THE WITNESS: I DON'T KNOW WHAT MR. COOLEY CAN  
17  GIVE ME. I KNOW WHAT IT SAYS ON THE WEB SITE ABOUT  
18  FRAUD.

19  BY MS. STREETER:

20          Q           BUT AT THE TIME --

21          A           I HAVE NO IDEA WHAT MR. COOLEY CAN DO.

22               THE COURT: LET HER FINISH THE QUESTION, PLEASE.

23  BY MS. STREETER:

24          Q           MR. COOLEY, AS FAR AS YOU KNOW, HAD NO  
25  DEALINGS WITH STRANGER MUSIC, RIGHT?

26          A           MR. COOLEY'S WEB SITE SAYS THAT THEY  
27  HANDLE FRAUD OVER \$300,000, AND GOES INTO GREAT DETAIL  
28  ABOUT HOW THEY TREAT VICTIMS. AND THEY HAVE A FRAUD

1 COMPLAINT THAT YOU CAN FILE, WHICH I DID, WITH THE MAJOR  
2 FRAUD UNIT, AND APPARENTLY THEY WILL THEN INVESTIGATE.

3 Q OKAY. ON THAT WEB SITE, DOES IT MENTION  
4 THAT IT HAS ANYTHING TO DO WITH STRANGER MUSIC,  
5 MS. LYNCH?

6 A NO. IT HAD TO DO WITH A PERSON BEING  
7 DEFRAUDED. WHY WOULD IT MENTION STRANGER MUSIC?

8 Q ON THAT WEB SITE, DOES IT HAVE ANYTHING  
9 THAT WOULD INDICATE TO YOU THAT IT COULD HELP YOU GET  
10 INFORMATION ABOUT TAX DOCUMENTS YOU SAY YOU NEED FROM  
11 MR. COHEN?

12 A WELL, THAT'S NOT WHY I WAS SENDING THIS  
13 TO STEVE COOLEY.

14 Q SO LET'S BE CLEAR THEN. THERE IS  
15 NOTHING --

16 A I'VE BEEN CLEAR WITH YOU, RIGHT? THERE  
17 ARE FRAUDULENT MATTERS WHERE I THINK EVERYBODY NEEDS TO  
18 BE INVOLVED. I WAS TOLD TO DOCUMENT EVERYTHING WITH ALL  
19 PARTIES COPIED IN.

20 Q WHO'S THE PERSON THAT TOLD YOU THAT,  
21 MS. LYNCH?

22 A I WAS TOLD FIRST BY HIS HOLINESS, KUSUM  
23 LINGPA, AND WITH WITNESSES. HE WAS CONCERNED ABOUT MY  
24 WELFARE, AS WAS HIS HOLINESS, THINLEY NORBU, MY  
25 RELIGIOUS ADVISORS. I WAS THEN LATER GIVEN LEGAL ADVICE  
26 TO DO THAT.

27 Q WHO'S THE LEGAL PERSON --

28 A I WOULD HAVE TO GO BACK AND READ MY

1 NOTES, BUT I WAS ADVISED BY MORE THAN ONE ATTORNEY. IN  
2 FACT, I TALKED TO THE D.A. IN ORANGE COUNTY ABOUT THIS,  
3 OR SANTA ANA, WHO TOLD ME IT WAS A VERY GOOD IDEA TO  
4 DOCUMENT IT. AND WHEN I FELT I WAS THREATENED BY  
5 SOMEONE AT THE D.A.'S OFFICE, TOLD ME TO REPORT THAT  
6 INDIVIDUAL TO INTERNAL AFFAIRS AND THE ATTORNEY GENERAL.

7 Q ALL RIGHT.

8 A AND THAT IT WAS A VERY GOOD IDEA TO  
9 DOCUMENT EVERYTHING FOR THE RECORD --

10 MS. STREETER: YOUR HONOR, THERE'S NO QUESTION  
11 PENDING AT THIS POINT.

12 THE COURT: LET'S WAIT FOR A QUESTION.  
13 BY MS. STREETER:

14 Q BUT AT THIS POINT WE DON'T HAVE THE NAMES  
15 OF THE LEGAL PEOPLE --

16 A I'M NOT GOING TO SPECULATE --

17 MR. KELLY: OBJECTION.

18 THE WITNESS: -- ABOUT WHO GAVE ME WHAT WHEN.

19 THE COURT: SUSTAINED.

20 BY MS. STREETER:

21 Q NOW, YOU MENTIONED THAT THE E-MAILS WERE  
22 EITHER ABOUT THE TAX FRAUD YOU WANTED TO REPORT OR  
23 BUSINESS OR TAX DOCUMENTS, RIGHT, MS. LYNCH?

24 A I THINK ALL OF THE BUSINESS DOCUMENTS, I  
25 THINK TECHNICALLY, FROM WHAT I CAN TELL, HAVE TO DO WITH  
26 TAX FRAUD RIGHT NOW, THAT I'VE SEEN. INCLUDING STRANGER  
27 MUSIC, OKAY?

28 BECAUSE I WAS TOLD, AS I TESTIFIED, THAT

1 THE HOLDING PERIODS ARE ILLEGAL.

2 THE COURT: WAIT FOR A QUESTION. WAIT, PLEASE.

3 THE WITNESS: WELL, I THINK WE SHOULD BE CLEAR  
4 ABOUT STRANGER MUSIC.

5 THE COURT: PLEASE JUST LISTEN TO THE QUESTION.

6 MS. STREETER: PEOPLE HAVE EXHIBIT NUMBER 11,  
7 PEOPLE'S EXHIBIT, AND IT SAYS -- THE E-MAIL IS DATED  
8 DECEMBER 22ND, 2011 TO DECEMBER 23, 2011.

9 BY MS. STREETER:

10 Q I WANT TO SHOW YOU THE FIRST PAGE, THE  
11 FIRST E-MAIL IN THAT BINDER.

12 A YES.

13 Q OKAY. THAT'S DATED DECEMBER 22ND, 2011,  
14 RIGHT?

15 A THAT'S CORRECT.

16 Q OKAY. AND THE SUBJECT ABOUT THAT E-MAIL  
17 IS MR. COHEN'S PENIS?

18 A THAT'S CORRECT.

19 Q HOW DOES THAT RELATE TO THE TAXES?

20 A BECAUSE I HAVE HAD IT AT THIS POINT WITH  
21 ASKING FOR SIX YEARS FOR DEADLY SERIOUS INFORMATION THAT  
22 I NEED TO FILE MY TAX RETURNS, AND SOMEONE -- MY GAY  
23 FRIEND, MICHAEL, ASKED ME, WHAT SIZE MR. COHEN'S PENIS  
24 WAS, AND FELT THAT PERHAPS HE'D LIKE TO DISCUSS THAT.

25 SO THIS IS AT THE END OF SIX TORTUROUS  
26 YEARS WHERE NO ONE WILL COMMUNICATE WITH ME ABOUT  
27 ANYTHING.

28 SO I WAS ALSO TALKING ABOUT, I THINK,

1 WHAT SOMEONE'S VIEW WAS ON THE PHIL SPECTOR MATTER.

2 Q OKAY. AND WHERE ON THE FIRST PAGE IS  
3 THERE ANY MENTION ABOUT TAXES?

4 A IT'S ON THE SECOND PAGE.

5 Q BUT ON THE FIRST PAGE --

6 A IT'S ON THE SECOND PAGE.

7 Q BUT ON THE FIRST PAGE THERE IS NO MENTION  
8 OF THAT?

9 A WELL, I DON'T KNOW IF THIS WOULD HAVE  
10 BEEN THE FIRST PAGE WHEN I'M LOOKING AT IT ON THE  
11 SCREEN. IT'S ON THE SECOND PAGE. THERE IS NOTHING I  
12 CAN SEE ON THE FIRST PAGE.

13 Q AND YOU SENT A SIMILAR E-MAIL A DAY  
14 LATER?

15 A THE SWAT INCIDENT IS ON THE FIRST PAGE.

16 Q THAT HAS NOTHING TO DO WITH YOUR TAX  
17 ISSUES?

18 A BUT IT HAS TO DO WITH CRIMINAL ACTIVITY,  
19 I BELIEVE.

20 Q ALL RIGHT. SO LET ME ASK YOU. YOU  
21 DIDN'T THINK SENDING AN E-MAIL OUT TO -- YOU DIDN'T SEND  
22 THE E-MAIL TO JUST MR. COHEN, RIGHT?

23 A MR. COHEN DOESN'T HAVE ANYTHING TO DO  
24 WITH WHO I COPY MY E-MAILS TO.

25 Q DID YOU SEND THAT PARTICULAR E-MAIL TO  
26 MORE THAN ONE PERSON?

27 A OBVIOUSLY.

28 Q DID YOU -- AND YOU SENT IT TO PEOPLE

1 OTHER THAN MR. COHEN, RIGHT?

2 A THAT'S CORRECT.

3 Q SO, THE PEOPLE -- ARE THE PEOPLE CORRECT  
4 IN UNDERSTANDING THAT YOU DON'T SEE THAT AS ANNOYING TO  
5 SEND OUT A MASS E-MAIL ABOUT A GENTLEMAN'S PENIS SIZE?

6 A I HAVE NO IDEA. MR. COHEN DIDN'T MIND  
7 LOOKING AT PEOPLE DEFECATING ON ONE ANOTHER IN FRONT OF  
8 ME.

9 THE COURT: THE ANSWER IS STRICKEN. IT'S  
10 NONRESPONSIVE.

11 BY MS. STREETER:

12 Q DO YOU CONSIDER THAT ANNOYING, MS. LYNCH?

13 A I HAVE NO IDEA. I WOULD CONSIDER IT  
14 ANNOYING TO HAVE TO ASK FOR TAX INFORMATION FOR SIX  
15 YEARS.

16 MS. STREETER: OBJECTION. NONRESPONSIVE AFTER I  
17 HAVE NO IDEA, YOUR HONOR.

18 THE COURT: THE ANSWER IS STRICKEN.

19 BY MS. STREETER:

20 Q NOW, YOU HEARD -- WHILE YOU WERE IN THE  
21 TRIAL, YOU HEARD THE VOICE MAIL MESSAGES THAT WERE  
22 PLAYED, RIGHT?

23 A YES, I DID.

24 WELL, ACTUALLY, SOME OF THEM I COULDN'T  
25 UNDERSTAND BUT I DID HEAR THEM.

26 Q OKAY. ALL RIGHT. AND DO YOU REMEMBER --  
27 DO YOU RECALL A VOICE MAIL MESSAGE IN APRIL 8, 2011,  
28 PAGE 10, AT 6:11 P.M., THE MIDDLE OF THAT, YOU

1 MENTION -- ABOUT THE MIDDLE OF THE PAGE YOU STATED,  
2 "MR. COHEN" --

3 MR. KELLY: YOUR HONOR, I BELIEVE SHE'S  
4 REFERENCING A DOCUMENT MY CLIENT DOESN'T HAVE.

5 THE COURT: SHE CAN DO THAT. SHE'S JUST ASKING  
6 A QUESTION. LET'S HEAR THE QUESTION.  
7 BY MS. STREETER:

8 Q DO YOU RECALL STATING TO MR. COHEN ON A  
9 VOICE MAIL THAT, "OLIVER STONE, ASSHOLE. I DIDN'T FUCK  
10 HIM, MOTHERFUCKER"?

11 A BECAUSE HE WENT INTO MY SON'S FATHER'S  
12 OFFICE AND SAID I HAD SEX WITH OLIVER STONE.

13 Q OKAY. SO YOU REMEMBER SAYING THAT,  
14 RIGHT?

15 A BECAUSE HE WENT INTO MY SON'S FATHER'S  
16 OFFICE AND -- AFTER WE PARTED WAYS, AND SAID I HAD SEX  
17 WITH OLIVER STONE, WHICH I DID NOT.

18 Q DO YOU THINK THAT'S ANNOYING?

19 A NO, I THINK IT'S OUTRAGEOUS THAT HE WOULD  
20 GO IN AND LIE ABOUT THAT.

21 Q ALL RIGHT. GOING FURTHER. E-MAIL, SAME  
22 DATE AT 6:14 P.M. "I FUCKED OLIVER. I FUCKED RICHARD."

23 A YES. HE ACCUSED ME OF HAVING SEX WITH  
24 HIS TAX LAWYER, WHICH I DID NOT. I FOUND THAT  
25 UNBELIEVABLY OUTRAGEOUS. TO MY SON'S FATHER.

26 Q YOU DON'T THINK THAT'S ANNOYING?

27 A IT WAS INDEED ANNOYING TO ME.  
28 UNBELIEVABLE.

1 Q DO YOU THINK IT'S ANNOYING -- WOULD BE  
2 ANNOYING TO MR. COHEN?

3 A WHY WOULD MR. COHEN ACCUSE ME OF HAVING  
4 SEX WITH HIS TAX LAWYER AND OLIVER STONE AND BE ANNOYED?  
5 IT SEEMS LIKE I SHOULD BE ANNOYED SINCE HE LIED.

6 WHEN IT WAS ROBERT KORY WHO SAT DOWN  
7 ABOUT THIS.

8 MS. STREETER: THERE'S NO QUESTION PENDING.

9 THE COURT: JUST WAIT.

10 MS. STREETER: ONE MOMENT, YOUR HONOR. I'M  
11 LOOKING FOR SOMETHING ELSE. SORRY.

12 BY MS. STREETER:

13 Q DID YOU EVER -- DO YOU RECALL ALSO  
14 TELLING MR. COHEN, IN WHICH YOU DIDN'T THREATEN HIM, DO  
15 YOU REMEMBER TELLING MR. COHEN, SENDING HIM A NUMBER OF  
16 E-MAILS SAYING I'M GOING TO TAKE THE D.A. DOWN, THE  
17 DISTRICT ATTORNEY DOWN?

18 A I THINK THE D.A. SHOULD BE INVESTIGATED  
19 FOR WHAT'S GONE ON HERE.

20 Q SO THAT'S A YES?

21 A THAT'S MY PERSONAL OPINION.

22 Q SO THAT'S A YES?

23 A YEAH. YEAH, I THINK HE SHOULD BE LEGALLY  
24 TAKEN DOWN AND INVESTIGATED. I'VE BEEN VERY CLEAR ABOUT  
25 THIS.

26 Q AND YOU DON'T THINK THAT MR. COHEN SHOULD  
27 FEEL ANY --

28 A I DON'T THINK MR. COHEN SHOULD FEEL

1 ANYTHING ABOUT WHAT I SAY ABOUT STEVE COOLEY. HE  
2 DOESN'T KNOW THE MAN.

3 Q BUT YOU SENT HIM ALL THOSE E-MAILS,  
4 RIGHT?

5 A I DON'T KNOW. ALL THOSE E-MAILS?

6 Q YOU SENT HIM E-MAILS THAT SAID, I'M GOING  
7 TO TAKE STEVE COOLEY DOWN?

8 A I SENT HIM THAT ONE, I KNOW. SO WHAT?  
9 WHY WOULD THAT ANNOY LEONARD COHEN? IS HE PROTECTING  
10 STEVE COOLEY?

11 I MEAN, THAT SEEMS LIKE A REAL STRETCH.

12 MS. STREETER: THERE'S NO QUESTION PENDING, YOUR  
13 HONOR.

14 BY MS. STREETER:

15 Q ALL RIGHT. NOW, LET'S TALK ABOUT THE  
16 RESTRAINING ORDER IN COLORADO. YOU WERE -- YOU WERE AT  
17 THE HEARING IN COLORADO, CORRECT?

18 A I TOLD THE JUDGE I FELT LEONARD COHEN WAS  
19 DANGEROUS TO ME AND ASKED IF THIS RESTRAINING ORDER  
20 WOULD PROTECT ME, THAT'S CORRECT. THERE WAS NO  
21 EVIDENTIARY HEARING.

22 Q BUT THAT WAS A DECISION YOU MADE,  
23 CORRECT? THE COURT ASKED YOU --

24 A I DIDN'T MAKE ONE. I DIDN'T KNOW WHAT AN  
25 EVIDENTIARY HEARING WAS UNTIL I ASKED AFTERWARDS. SO  
26 IT'S NOT A DECISION I MADE. I COULDN'T TAKE IT ANY  
27 LONGER.

28 Q DID THE COURT EVER -- IN COLORADO EVER

1 TELL YOU THAT IF YOU DIDN'T LIKE HER RULING YOU COULD  
2 APPEAL IT?

3 A I ASKED IF I COULD -- I THOUGHT I ASKED  
4 IF I COULD SUE FOR FRAUD AND PERJURY.

5 Q SHE TOLD YOU THIS ISN'T THE PLACE TO  
6 HANDLE IT, RIGHT?

7 A RIGHT. THAT WE COULDN'T TALK -- SHE  
8 COULDN'T ADVISE ME LEGALLY, RIGHT.

9 Q CORRECT. AND SHE TOLD YOU THAT WHATEVER  
10 RULING THAT SHE MAKES AS FAR AS THE RESTRAINING ORDER,  
11 THAT YOU COULD APPEAL IT, CORRECT?

12 A I BELIEVE SHE DID. I'M NOT CERTAIN.

13 Q BUT YOU DIDN'T APPEAL?

14 A I ACTUALLY FILED A MOTION TO VACATE WITH  
15 JUDGE ENICHEN AFTER I WENT BACK AND I REALIZED THAT  
16 LEONARD COHEN'S PERJURY AND FRAUD WAS EXCESSIVE.

17 Q DO YOU HAVE A DOCUMENT FOR THAT,  
18 MS. LYNCH?

19 A I BELIEVE MY ATTORNEYS REQUESTED THAT.

20 MR. KELLY: OBJECTION.

21 THE COURT: OVERRULED.

22 THE WITNESS: MR. COHEN'S LAWYERS WERE SERVED  
23 WITH THAT DOCUMENT.

24 BY MS. STREETER:

25 Q SO DO YOU HAVE IT, THE DOCUMENT?

26 A NO. I WAS ARRESTED IN BERKELEY, AND I  
27 HAVEN'T HAD ACCESS TO ANY OF MY DOCUMENTS. THEY ARE ALL  
28 IN BERKELEY RIGHT NOW. BUT I HAVE THE COPY --

1 Q BUT YOU HAVE FAMILY, RIGHT?

2 A I DON'T HAVE ANY FAMILY IN THE BAY AREA,  
3 THANK YOU, AND THEY ALL WORK. AND MY FATHER HAS  
4 CANCER -- STROKE, SO IT'S VERY DIFFICULT RIGHT NOW.  
5 BUT, YES, I DO HAVE FAMILY, AND I'M NOT ESTRANGED FROM  
6 MY CHILDREN, AS YOU TOLD THE JUDGE.

7 MS. STREETER: NO QUESTION PENDING, YOUR HONOR.

8 THE COURT: LET'S WAIT FOR A QUESTION.

9 BY MS. STREETER:

10 Q ALL RIGHT. NOW, YOU MENTIONED THAT YOU  
11 WEREN'T CLEAR ABOUT THE RESTRAINING ORDER IN CALIFORNIA,  
12 IS THAT WHAT YOU SAID?

13 A YEAH, I WAS NOT CLEAR. I THOUGHT THAT  
14 THERE WAS A RESTRAINING ORDER IN CALIFORNIA. I THOUGHT  
15 I WAS SERVED WITH ONE. AND I DIDN'T REALIZE I WAS ABLE  
16 TO ATTEND A HEARING, WHICH I DID NOT ATTEND. I DIDN'T  
17 UNDERSTAND RESTRAINING ORDERS. I DON'T KNOW WHAT THE  
18 BASIS OF THAT RESTRAINING ORDER WAS, OR WHY  
19 LEONARD COHEN WOULD EVER -- WHAT I KNOW IS THE SHERIFF'S  
20 DEPARTMENT CAME TO MY HOUSE --

21 MS. STREETER: YOUR HONOR, NONRESPONSIVE AT THIS  
22 POINT.

23 THE WITNESS: -- TO GET MY DOCUMENTS.

24 THE COURT: LET'S WAIT, PLEASE.

25 BY MS. STREETER:

26 Q AT THE HEARING IN COLORADO, THERE WAS A  
27 QUESTION ABOUT THE RESTRAINING ORDER IN CALIFORNIA,  
28 CORRECT?

1           A           THERE WERE SOME BACK AND FORTH ABOUT WHAT  
2       INDIRECTLY MEANS.

3           Q           OKAY. THE QUESTION ON WHETHER OR NOT YOU  
4       WERE SERVED WITH THE RESTRAINING ORDER --

5           A           THE QUESTION WAS REALLY ABOUT WHETHER I  
6       UNDERSTOOD WHAT DIRECTLY OR INDIRECTLY MEANS.

7           MS. STREETER: YOUR HONOR --

8           THE COURT: LET'S LET HER FINISH.

9           THE WITNESS: THAT'S MY ANSWER.

10          THE COURT: SHE HASN'T FINISHED ASKING IT.

11          MS. STREETER: I'M ON PAGE 9 OF THE TRANSCRIPT.  
12       BY MS. STREETER:

13          Q           THE QUESTION THE PEOPLE HAVE IS, WHEN YOU  
14       WERE AT THE HEARING IN COLORADO YOU WERE SPECIFICALLY  
15       ASKED WHETHER OR NOT YOU WERE SERVED WITH A CALIFORNIA  
16       RESTRAINING ORDER, CORRECT?

17          A           RIGHT.

18          Q           AND YOUR ANSWER WAS YES?

19          A           YEAH. I ASKED SERGEANT FERNANDEZ TO  
20       THROW IT IN THE TRASH CAN. THAT'S CORRECT.

21          Q           AND THEN THERE WAS QUESTIONING ABOUT YOU  
22       NOT BEING ABLE TO CONTACT MR. COHEN, CORRECT?

23          A           I DON'T KNOW. COULD YOU SHOW ME THE  
24       TRANSCRIPT, PLEASE.

25                       I MEAN, I DON'T THINK WE HAVE TO DESCRIBE  
26       IT. WE CAN READ IT.

27          Q           IT'S THE BOTTOM OF PAGE 9, RIGHT HERE.

28          THE COURT: EVERYONE HOLD OFF. THE REPORTER IS

1 CHANGING HER PAPER.

2 OKAY. YOU HAVE A QUESTION, MS. STREETER?

3 MS. STREETER: YES.

4 BY MS. STREETER:

5 Q YOU WERE ASKED ABOUT THE CALIFORNIA  
6 ORDER, THAT YOU KNEW YOU CAN'T CONTACT MR. COHEN?

7 A RIGHT. AND IT HAD EXPIRED AS OF THIS  
8 HEARING, RIGHT? THAT ONE?

9 I NEED TO KNOW WHICH ONE WE'RE TALKING  
10 ABOUT.

11 THE COURT: YOU HAVE TO LET HER ASK THE  
12 QUESTION.

13 BY MS. STREETER:

14 Q THE ONLY ISSUE I HAVE, THE QUESTION I  
15 HAVE, IS WERE YOU ASKED AT THE HEARING IN COLORADO --

16 A YES. I JUST LOOKED AT THE TESTIMONY AND  
17 THE ANSWER IS YES. I SAID, YES, I WAS.

18 Q OKAY. NOW, IN THE MIDDLE OF THE  
19 QUESTIONING, THE HEARING STARTED, ACTUALLY STARTED ON  
20 THE RESTRAINING ORDER IN COLORADO, RIGHT?

21 MR. KELLY: OBJECTION; VAGUE.

22 THE COURT: I DON'T UNDERSTAND THE QUESTION.

23 THE WITNESS: YEAH, I DON'T UNDERSTAND IT.

24 BY MS. STREETER:

25 Q LET ME REPHRASE, OKAY.

26 AT THE HEARING IN COLORADO, MR. STEINBERG  
27 ACTUALLY PUT YOU ON THE WITNESS STAND, RIGHT?

28 A WELL, THE JUDGE ASKED ME TO COME UP, YES.

1           Q           AND MR. STEINBERG, WHO WAS MR. COHEN'S  
2 ATTORNEY, ACTUALLY STARTED ASKING YOU QUESTIONS,  
3 CORRECT?

4           A           THAT'S CORRECT.

5           Q           OKAY. AND DURING THE MIDDLE OF THE  
6 QUESTIONING ABOUT YOUR UNDERSTANDING OF THE RESTRAINING  
7 ORDER, YOU DECIDED THAT THIS IS OKAY, I'LL AGREE TO THE  
8 RESTRAINING ORDER, CORRECT?

9           A           I SAID THIS IS INSANE. HE WOULDN'T  
10 ANSWER OR COULDN'T ANSWER A QUESTION ABOUT INDIRECTLY,  
11 AND THAT RESTRAINING ORDER HAD EXPIRED SO I WAS REALLY  
12 UNCLEAR ABOUT WHAT WAS GOING ON THERE.

13          Q           OKAY.

14          A           I MEAN, IT WAS REALLY IRRELEVANT TO ME TO  
15 BADGER ME ABOUT SOMETHING THAT HAD EXPIRED.

16               MS. STREETER: THERE'S NO QUESTION PENDING.

17               THE COURT: JUST WAIT FOR A QUESTION, PLEASE.

18               THE WITNESS: YEAH.

19 BY MS. STREETER:

20          Q           THERE WERE QUESTIONS ABOUT WHAT INDIRECT  
21 CONDUCT -- CONTACT --

22          A           I ASKED WHAT INDIRECTLY MEANT, YES.

23          Q           BUT ON THE ISSUE OF CONTACTING MR. COHEN  
24 DIRECTLY, YOU SAID YOU UNDERSTOOD, DIDN'T YOU?

25          A           NO. I SAID I WAS SERVED, I THOUGHT.  
26 THEY ASKED IF I HAD READ THE RESTRAINING ORDER, I  
27 THOUGHT I HAD SAID I WASN'T CERTAIN ABOUT THAT. BECAUSE  
28 I DON'T BELIEVE I HAD ACTUALLY. I WAS REALLY UNDER

1 GRAVE PRESSURE IN 2005.

2 Q OKAY. BUT IN A PREVIOUS QUESTION YOU  
3 JUST AGREED THAT YOU TOLD THE COURT IN COLORADO THAT YOU  
4 WERE SERVED WITH THE RESTRAINING ORDER IN CALIFORNIA.

5 A I THOUGHT YOU JUST SAID I SAID DID I  
6 UNDERSTAND I COULDN'T CONTACT MR. COHEN, BUT YOU WERE  
7 ASKING WAS I SERVED. IT SEEMS LIKE THERE ARE TWO  
8 QUESTIONS.

9 Q MS. LYNCH, DO YOU RECALL TESTIFYING AT  
10 THE HEARING IN COLORADO THAT YOU WERE SERVED WITH THE  
11 RESTRAINING ORDER?

12 A I DO. I JUST SAID I DID.

13 Q DO YOU ALSO RECALL TESTIFYING AT THE  
14 HEARING IN COLORADO THAT YOU UNDERSTOOD YOU COULD HAVE  
15 NO DIRECT -- THE PEOPLE AREN'T TALKING ABOUT INDIRECT --  
16 DIRECT CONTACT WITH MR. COHEN?

17 A I DON'T KNOW. IT COULD HAVE VERY WELL,  
18 BUT COULD YOU SHOW ME MY TESTIMONY AND I COULD CONFIRM  
19 IT FOR YOU.

20 "AND THAT IT PROHIBITED YOU FROM HAVING  
21 EITHER CONTACT" -- WE'VE GOTTEN THERE, YES. THIS IS ON  
22 THE EXPIRED RESTRAINING ORDER, CORRECT.

23 Q SO YOU UNDERSTOOD YOU COULD HAVE NO  
24 DIRECT CONTACT?

25 A FROM 2005 UNTIL '08, YES, AND THIS WAS  
26 AFTER THAT, RIGHT?

27 Q OKAY.

28

1 BY MS. STREETER:

2 Q YOUR HONOR -- I MEAN MS. LYNCH, TOWARD  
3 THE END OF THE HEARING, AFTER THERE WAS A DISCUSSION --  
4 QUESTIONING OF YOU ABOUT WHAT WAS INCLUDED IN THE  
5 CALIFORNIA RESTRAINING ORDER, YOU JUST STOPPED AND SAID  
6 THAT YOU WOULD AGREE TO THE PERMANENT RESTRAINING ORDER,  
7 CORRECT?

8 A YEAH. I FELT REALLY TORTURED BY THE  
9 HEARING, AS I TOLD THE JUDGE. ABSOLUTELY.

10 Q OKAY. MS. LYNCH, ISN'T IT TRUE WHAT YOU  
11 SAID IS THAT THEY'VE DESTROYED MY LIFE --

12 MS. STREETER: THIS IS ON PAGE 20, COUNSEL.

13 BY MS. STREETER:

14 Q "THEY'VE DESTROYED MY LIFE. THEY'VE  
15 TERRORIZED ME. ROBERT KORY HAS A DECLARATION ON MY  
16 SON'S CUSTODY MATTER." CORRECT? ISN'T THAT WHAT YOU  
17 SAID?

18 A YES.

19 Q THERE IS NO MENTION THAT THIS -- THAT  
20 PARTICULAR HEARING, IN THAT PARTICULAR HEARING THAT YOU  
21 HAD ANY PROBLEMS, RIGHT?

22 A WHAT ARE YOU TALKING ABOUT?

23 MR. KELLY: OBJECTION; VAGUE.

24 BY MS. STREETER:

25 Q YOU JUST MENTIONED THAT, IF THE PEOPLE  
26 UNDERSTAND YOU CORRECTLY, YOU WERE OUT OF SORTS AT THE  
27 POINT DURING THE HEARING IN COLORADO, CORRECT?

28 A I DIDN'T SAY I WAS OUT OF SORTS, I SAID I

1 FELT TORTURED. BUT I DON'T UNDERSTAND YOUR QUESTION  
2 ABOUT WHAT I SAID.

3 Q ALL RIGHT. AND THERE IS NO MENTION IN  
4 THE TRANSCRIPT THAT YOU FELT TERRORIZED BY THE HEARING  
5 IN COLORADO?

6 A I THINK I DID SAY I FELT TORTURED TO THE  
7 JUDGE.

8 Q BUT NOT IN REFERENCE TO THE RESTRAINING  
9 ORDER, CORRECT?

10 A WELL, I FELT TORTURED THERE, ACTUALLY.  
11 SO MAYBE I DIDN'T MENTION THAT SPECIFICALLY, BUT I MEANT  
12 THE PROCEEDING.

13 Q SOMETIME AFTER THAT, YOU JUST DECIDED, I  
14 WANT -- I'LL AGREE TO THE PERMANENT RESTRAINING ORDER?

15 A I DIDN'T DECIDE, I ASKED THE JUDGE IF IT  
16 WOULD PROTECT ME. BECAUSE I FELT THAT LEONARD COHEN WAS  
17 DANGEROUS TO ME.

18 Q AND THE JUDGE TOLD YOU NO, THAT YOU  
19 COULDN'T SUE LATER, THAT ONCE YOU AGREED TO THE  
20 PERMANENT RESTRAINING ORDER --

21 A I THOUGHT SHE SAID IT WOULD PROTECT ME.  
22 JUDGE ENICHEN.

23 Q OKAY. DO YOU RECALL ASKING MS. -- THE  
24 JUDGE, MAY I ATTACK THIS LATER -- THIS LATER AS FRAUD  
25 AND PERJURY? DO YOU REMEMBER ASKING THAT?

26 A YEAH. THEN ULTIMATELY SHE SAID SHE IS  
27 NOT A LAWYER AND SHE CAN'T GIVE ME ADVICE. ISN'T THAT  
28 WHAT SHE SAID?

1 Q DO YOU REMEMBER THAT THE COURT'S ANSWER  
2 WAS NO?

3 A BUT DOESN'T IT GO ON AND SAY SHE CAN'T  
4 GIVE ME ANY LEGAL ADVICE?

5 Q MAY I -- DO YOU RECALL SAYING TO THE  
6 COURT, MAY I SUE LATER IF IT'S FRAUD AND PERJURY? DO  
7 YOU REMEMBER ASKING THE COURT?

8 A YES, I DO.

9 Q DO YOU RECALL THE COURT SAYING, NO, I'M  
10 NOT GIVING YOU LEGAL ADVICE, I'M JUST ASKING YOU THE  
11 QUESTION OF WHETHER OR NOT YOU AGREE TO THE TEMPORARY  
12 ORDER THAT WAS PREVIOUSLY ISSUED TODAY? RIGHT?

13 A I DON'T REMEMBER IT, BUT YOU'RE READING  
14 IT. YES, ABSOLUTELY I HEAR IT.

15 Q AND YOU SAID YES?

16 A OKAY.

17 Q AND AT THAT POINT THE COURT GRANTS THE  
18 ORDER, RIGHT, MS. LYNCH?

19 A I SUPPOSE SO, YES, INDEED.

20 YEAH. IN FACT, WHEN I FILED THE MOTION  
21 TO VACATE, SHE TOLD ME -- SHE REMINDED ME THAT I ASKED  
22 FOR THE RESTRAINING ORDER.

23 MS. STREETER: NONRESPONSIVE.

24 THE COURT: LET'S WAIT FOR A QUESTION.

25 BY MS. STREETER:

26 Q NOW, YOU MENTIONED THAT YOU HAVEN'T  
27 THREATENED MR. COHEN; IS THAT RIGHT?

28 A I DON'T BELIEVE I'VE THREATENED MR. COHEN

1 AT ALL.

2 Q AND YOU'RE SAYING YOU DIDN'T THREATEN HIM  
3 IN THE TIME PERIOD OF FEBRUARY 2011 TO DECEMBER --

4 A I'M SAYING THAT I DON'T BELIEVE I'VE EVER  
5 THREATENED LEONARD COHEN.

6 Q OKAY.

7 MS. STREETER: I'M LOOKING FOR SOMETHING, YOUR  
8 HONOR.

9 BY MS. STREETER:

10 Q DO YOU REMEMBER TELLING MR. COHEN A  
11 NUMBER OF TIMES IN THESE E-MAILS THAT YOU WERE GOING TO  
12 TAKE HIM DOWN?

13 A YES, AND I'VE ALSO SAID VERY MANY TIMES  
14 LEGALLY. IT'S EVEN IN THE LAPD COMPLAINT.

15 Q BUT THERE ARE TIMES THAT YOU'VE JUST  
16 SAID, I'M GOING TO TAKE HIM DOWN?

17 A YEAH. THAT'S A COLLOQUIAL WAY OF  
18 SPEAKING. ABSOLUTELY.

19 Q BUT YOU DIDN'T USE THE PHRASE --

20 A BUT I'VE USED THAT MANY TIMES. IT'S EVEN  
21 IN THE LAPD REPORT.

22 Q DO YOU REMEMBER TELLING MR. COHEN IN THE  
23 VOICE MAILS THAT HE SHOULD KILL HIMSELF?

24 A WELL, I CAN'T KILL HIM. IF HE KILLS  
25 HIMSELF.

26 Q DID YOU SAY THAT?

27 A YES, I SAID THAT. ABSOLUTELY.

28 Q YOU ALSO SAID THAT HE SHOULD KILL HIS

1 FAMILY, CORRECT?

2 A I DIDN'T SAY HE SHOULD KILL HIS FAMILY.  
3 MAYBE I SAID YOU SHOULD KILL YOURSELF AND YOUR CHILDREN,  
4 BUT THAT'S NOT SOMETHING THAT I COULD ACTUALLY DO.

5 MS. STREETER: YOUR HONOR, I CAN'T FIND THE  
6 VOICE MAIL MESSAGE AT THIS POINT.

7 ALL RIGHT. THANK YOU. THE PEOPLE HAVE  
8 NO MORE QUESTIONS.

9 THE COURT: ANY FURTHER DIRECT?

10 MR. KELLY: I BELIEVE SO. SHOULD WE TAKE OUR  
11 RECESS?

12 THE COURT: YEAH, WHY DON'T WE TAKE -- LET OUR  
13 REPORTER REST HER FINGERS FOR ABOUT 15 MINUTES, AND  
14 WE'LL PICK UP AT 3:25.

15

16 (RECESS.)

17

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

21

22 THE COURT: OKAY. ALL OUR JURORS ARE PRESENT.  
23 WHENEVER YOU ARE READY, MR. KELLY.

24

25 KELLEY LYNCH,  
26 THE DEFENDANT CALLED AS A WITNESS ON HER OWN BEHALF,  
27 RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

28

## REDIRECT EXAMINATION

BY MR. KELLY:

Q MS. LYNCH, JUST SEEING YOU ON DIRECT AND  
CROSS-EXAMINATION, ARE YOU UPSET?

A ABSOLUTELY.

Q ARE YOU AGGRAVATED?

A I WOULD SAY SO.

Q WHY?

A WELL, THIS IS A LOT AND I'VE BEEN THROUGH  
A LOT. AND, YOU KNOW, I ACTUALLY REALLY DO FEEL QUITE  
TORMENTED BY THIS, AND I THINK THE TACTICS USED AGAINST  
ME HAVE BEEN UNCONSCIONABLE, AND FROM MY PERSPECTIVE,  
ALL I'VE DONE IS TO BE HONEST ABOUT WHAT I FEEL ABOUT  
PHIL SPECTOR. I DIDN'T WITNESS ANYTHING AND DIDN'T WANT  
TO BE DRAGGED INTO THAT MATTER. I HAVE NOTHING TO  
OFFER, AND I FEEL LIKE LEONARD COHEN HAS THROWN ME UNDER  
A BUS.

I HAVEN'T SEEN MY YOUNGER SON FOR SEVEN  
YEARS.

MS. STREETER: OBJECTION, YOUR HONOR.

THE COURT: YES. LET'S CONFINE IT.

BY MR. KELLY:

Q YOU SAID THAT YOU FELT THAT YOU'VE BEEN  
TORMENTED. DID YOU EVER SAY ANYTHING OF THAT NATURE IN  
2008 IN COLORADO?

A YES.

Q AND WHAT DO YOU REMEMBER SAYING THEN?

A I THOUGHT I SAID TORMENTED OR TORTURED,

1 ONE OR THE OTHER. SOMETHING LIKE THAT.

2 Q DID YOU EVER SAY THAT YOU WERE BEING  
3 TERRORIZED?

4 A YEAH, I FEEL LIKE I'VE BEEN TERRORIZED.

5 Q AT ANY POINT WERE YOU EMOTIONAL IN THAT  
6 2008 PROCEEDING?

7 A YEAH, I'VE BEEN EMOTIONAL QUITE A LOT OF  
8 TIMES. I MEAN, I THINK I'M A HUMAN BEING, RIGHT? MY  
9 CHILDREN HAVE BEEN TARGETED.

10 MS. STREETER: OBJECTION. THERE IS NO QUESTION,  
11 YOUR HONOR.

12 THE COURT: OVERRULED. ASK YOUR NEXT QUESTION,  
13 MR. KELLY.

14 BY MR. KELLY:

15 Q DID THE JUDGE AT ANY POINT STOP THE  
16 PROCEEDINGS IN COLORADO?

17 A YEAH.

18 Q AND FOR WHAT PURPOSE?

19 A TO GIVE ME SOME KLEENEX.

20 Q OKAY. AND ABOUT HOW LONG WAS THERE A  
21 RECESS?

22 A I DON'T KNOW. A COUPLE OF MINUTES.

23 Q NOW, MS. STREETER ASKED YOU ABOUT A  
24 DOCUMENT THAT YOU HAD IN BERKELEY, CALIFORNIA.

25 A RIGHT.

26 Q HAVE YOU -- DO YOU HAVE FAMILY IN  
27 BERKELEY, CALIFORNIA?

28 A NO, I DON'T.

1 Q WHAT WERE YOU DOING IN BERKELEY,  
2 CALIFORNIA?

3 A I LIVED IN BERKELEY.

4 Q WERE YOU WORKING?

5 A YEAH, I WAS WORKING THE GRASSROOTS  
6 CAMPAIGN, HELPING OUT THE ACLU.

7 Q HAVE YOU BEEN ABLE TO GO BACK TO BERKELEY  
8 SINCE YOU WERE ARRESTED TO GET ANY DOCUMENTS?

9 A I'VE BEEN INCARCERATED BECAUSE I CAN'T  
10 AFFORD BAIL, SO I CAN'T GO ANYWHERE.

11 Q MS. STREETER ALSO MENTIONED THIS JUDGMENT  
12 THAT SHE SHOWED YOU DURING HER CROSS-EXAMINATION. DO  
13 YOU REMEMBER THIS?

14 A YES, I DO.

15 Q DID YOU EVER GET THIS ON OR ABOUT  
16 MAY 15TH, 2006?

17 A I COULDN'T HAVE. I WAS HOMELESS.

18 Q OKAY. SO ON THAT DATE OR AROUND THAT  
19 DATE YOU DIDN'T HAVE A PLACE TO LIVE?

20 A NO, I DID NOT.

21 Q ANYWHERE ON THIS PAPER THAT SHE GAVE YOU  
22 THAT STATED THAT YOU ACTUALLY RECEIVED THIS DOCUMENT?

23 A NO, THERE'S NOT.

24 Q MS. STREETER ALSO ASKED YOU QUESTIONS  
25 REGARDING THE END OF YOUR BUSINESS RELATIONSHIP WITH  
26 MR. COHEN.

27 A RIGHT.

28 Q AND ASKED QUESTIONS ABOUT MONEY THAT WAS

1 NOT IN HIS ACCOUNT?

2 A I DON'T BELIEVE THERE WASN'T ANY MONEY IN  
3 HIS ACCOUNT. I DON'T KNOW WHAT THAT MEANS.

4 MS. STREETER: OBJECTION. THERE IS NO QUESTION,  
5 YOUR HONOR.

6 THE COURT: OVERRULED.

7 BY MR. KELLY:

8 Q AT ANY TIME, HAVE YOU EVER BEEN ARRESTED  
9 OR CHARGED WITH ANYTHING REGARDING STEALING FROM  
10 MR. LEONARD COHEN?

11 MS. STREETER: ASKED AND ANSWERED.

12 THE COURT: OVERRULED.

13 THE WITNESS: ONLY IF SOMEONE WOULD LIKE TO  
14 PERJURE THEMSELVES, BECAUSE I HAVE EVIDENCE. SO THE  
15 ANSWER IS NO.

16 BY MR. KELLY:

17 Q YOU'VE NEVER BEEN ARRESTED FOR STEALING  
18 FROM MR. COHEN?

19 A NO, I HAVE NOT, BECAUSE I NEVER STOLE  
20 FROM MR. COHEN. NO CONTRAIR.

21 Q MS. STREETER ALSO ASKED YOU QUESTIONS  
22 REGARDING HAVING KNOWLEDGE OF A CALIFORNIA ORDER. DO  
23 YOU REMEMBER THOSE?

24 A YES, I DO.

25 Q NOW, WHAT ORDER WERE YOU REFERRING TO?

26 A THE ONE THAT HAD EXPIRED FROM 2005 I  
27 THOUGHT WE WERE REFERRING TO. BECAUSE THAT'S THE ONLY  
28 ONE, RIGHT?

1 Q HAVE YOU EVER BEEN GIVEN KNOWLEDGE OF ANY  
2 ORDER FROM CALIFORNIA AFTER 2005?

3 A NO. I DON'T BELIEVE SO.

4 MR. KELLY: I HAVE NOTHING FURTHER.

5 THE COURT: ANYTHING FURTHER, MS. STREETER?

6 MS. STREETER: JUST BRIEFLY.

7

8 RECROSS-EXAMINATION

9 BY MS. STREETER:

10 Q MS. LYNCH, ALL THOSE VOICE MAIL MESSAGES  
11 THAT WE HEARD THAT WERE PLAYED, YOU WERE SOBER WHEN YOU  
12 MADE THOSE, CORRECT?

13 MR. KELLY: OBJECTION. OUTSIDE THE SCOPE OF  
14 CROSS.

15 THE WITNESS: NO, I WAS NOT. THERE WERE SOME  
16 WHERE I DRANK TOO MUCH.

17 THE COURT: OVERRULED.

18 THE WITNESS: LEONARD COHEN HAS TESTIFIED I WAS  
19 SLURRING, RIGHT?

20 BY MS. STREETER:

21 Q I'M ASKING YOU, MS. LYNCH.

22 A I ANSWERED THE QUESTION.

23 Q BUT SOME OF THEM YOU WERE SOBER, RIGHT?

24 A YOU WOULD HAVE TO PLAY THEM FOR ME.

25 AND I FOUND THE SOUND DISTORTED. I  
26 COULDN'T TELL.

27 THE COURT: JUST ANSWER THE QUESTION, PLEASE.

28 THE WITNESS: I CAN'T ANSWER A BLANKET

1 STATEMENT, YOUR HONOR.

2 THE COURT: JUST SAY THAT.

3 THE WITNESS: YEAH.

4 MS. STREETER: NOTHING FURTHER.

5 THE COURT: ANYTHING FURTHER?

6 MR. KELLY: NOT AT THIS TIME.

7 MAY WE APPROACH?

8 THE COURT: YES.

9

10 (A SIDEBAR CONFERENCE WAS HELD  
11 AND REPORTED AS FOLLOWS:)

12

13 THE COURT: YES.

14 MR. KELLY: DEFENSE IS ASKING TO WITHHOLD  
15 RESTING UNTIL THE MORNING.

16 THE COURT: FOR THE REASON?

17 MR. KELLY: OF A POTENTIAL WITNESS THAT WE HAD  
18 MENTIONED. I BELIEVE WE'LL WRAP THIS UP.

19 THE COURT: IRS. WHAT IS THE STATUS?

20 MR. KELLY: WE WEREN'T ABLE TO HEAR BACK FROM  
21 HIM.

22 THE COURT: WHO IS THIS PERSON?

23 MR. RAMNANEY: MR. LUIS TEJEDA WAS MENTIONED.

24 THE COURT: YOUR CLIENT HAS HAD KNOWLEDGE OF HIM  
25 FOR QUITE SOME TIME. IT'S NOT A SURPRISE; THAT SHOULD  
26 HAVE BEEN TAKEN CARE OF. I'M NOT GOING TO DELAY THE  
27 CASE FOR NOW.

28 MR. KELLY: THE OTHER POTENTIAL WITNESS I'VE

1 BEEN TRYING TO SPEAK WITH IS HER SON RUTGUER. HE'S  
2 TRIED TO GET OUT OF WORK TODAY BUT SAYS HE'S OFF  
3 TOMORROW.

4 THE COURT: AND WHAT TESTIMONY CAN HE OFFER?

5 MR. KELLY: HE'S LISTED PRETTY MUCH ON EVERY  
6 E-MAIL AS WELL.

7 THE COURT: THAT DOESN'T -- SO ARE A LOT OF  
8 PEOPLE. SO IS COOLEY.

9 MR. KELLY: I GUESS THE BIG PORTION OF HIS  
10 TESTIMONY IS HE WAS PRESENT DURING THAT 2005 INCIDENT  
11 WITH THE SWAT TEAM.

12 THE COURT: I THINK THAT IS VERY, VERY  
13 TANGENTIAL.

14 MR. KELLY: OKAY.

15 THE COURT: OKAY.

16 MR. KELLY: IN THAT CASE THERE IS THE ISSUE OF  
17 GETTING MY CLIENT BACK TO --

18 THE COURT: SHE'S ALREADY SAID SHE'S IN CUSTODY  
19 SO I DON'T THINK THAT'S A BIG DEAL.

20 MR. KELLY: OKAY.

21 THE COURT: OKAY.

22 WHAT I PLAN TO DO IS IF YOU'RE DONE WITH  
23 HER AND DON'T HAVE FURTHER WITNESSES TODAY IS TO READ  
24 THE INSTRUCTIONS TO THE JURY. EVERYBODY GETS A COPY SO,  
25 YOU KNOW, IF IT WASN'T THE CASE I WOULDN'T DO IT UNTIL  
26 THE MORNING, MIGHT AS WELL USE THE TIME. I DON'T WANT  
27 THESE GUYS TO GET FRUSTRATED. I'LL READ THEM THE  
28 INSTRUCTIONS TODAY AND DO CLOSING IN THE MORNING.

1 MR. KELLY: HOW LONG DO YOU -- IT'S 3:40 SO.

2 THE COURT: YES, I SHOULD BE ABLE TO GET THEM  
3 DONE BY -- OKAY.

4 MR. KELLY: I KNOW THE COURT GAVE US THE COPIES  
5 IN THE AFTERNOON SO I DON'T KNOW IF THERE WAS ANYTHING,  
6 BUT IF EVERYTHING IS BASED ON --

7 THE COURT: EVERYTHING IS BASED ON WHAT WE SAID.  
8 I TRIED TO BE EXTRA CAREFUL IN MY LUNCH HOUR. IF THERE  
9 IS ANY CORRECTION TELL ME AND IN THE MORNING WE'LL ISSUE  
10 A CORRECTIVE INSTRUCTION.

11 MR. KELLY: OKAY.

12 THE COURT: OKAY.

13 MS. STREETER: I HAVE A DOCUMENT, THE -- I HAD  
14 SOMETHING MARKED I THINK 29, THE JUDGMENT.

15 THE COURT: YES.

16 AND YOU ARE GOING TO MOVE YOUR EXHIBITS?

17 MR. KELLY: I THINK WE'LL MOVE SOME INTO  
18 EXHIBITS.

19 THE COURT: DO YOU KNOW WHICH ONES BECAUSE I'M  
20 GOING TO ASK YOU RIGHT NOW.

21 MR. RAMNANEY: WE ONLY HAVE A FEW.

22 MR. KELLY: I'M NOT ASKING FOR A.

23 THE COURT: DO YOU HAVE ANY OBJECTION TO ANY OF  
24 THE DEFENSE EXHIBITS?

25 MS. STREETER: NO.

26 THE COURT: SHE DOESN'T HAVE ANY OBJECTION. SO  
27 WHICHEVER ONES YOU WANT.

28 MR. KELLY: I'M NOT MOVING A. THAT WAS THE ONLY

1 ONE I ENTERED.

2 MR. RAMNANEY: I'LL NEED TO REVIEW THEM SHORTLY.

3 THE COURT: OKAY.

4

5 (THE FOLLOWING PROCEEDINGS WERE

6 RESUMED IN OPEN COURT IN THE

7 PRESENCE OF THE JURY:)

8

9 THE COURT: ANY FURTHER QUESTIONS?

10 MR. KELLY: NOTHING FURTHER.

11 MS. STREETER: NOTHING FURTHER.

12 THE COURT: YOU CAN STEP DOWN.

13 THE WITNESS: THANK YOU.

14 THE COURT: DOES THE DEFENSE HAVE FURTHER

15 WITNESSES AT THIS TIME?

16 MR. RAMNANEY: NO FURTHER WITNESSES AT THIS  
17 TIME, YOUR HONOR.

18 THE COURT: DO YOU HAVE EXHIBITS YOU WANT TO  
19 MOVE IN?

20 MR. RAMNANEY: YES, YOUR HONOR. I THINK THE  
21 ONLY EXHIBITS I'D LIKE TO MOVE INTO EVIDENCE IS  
22 DEFENSE D.

23 THE COURT: D?

24 MS. STREETER: WHAT IS D AGAIN?

25 MR. KELLY: THE FIVE-PAGE ORDER.

26 THE COURT: I HAVE DEFENSE --

27 MR. RAMNANEY: YES. A COPY OF THE COLORADO  
28 COURT OPINION, YOUR HONOR.

1 THE COURT: THAT WASN'T USED.

2 THE CLERK: THAT WAS MARKED, YOUR HONOR.

3 THE COURT: IT WAS MARKED?

4 THE CLERK: YEAH, AS D.

5 THE COURT: OKAY. WE CAN -- THAT'S FINE.

6 EXHIBIT D, DEFENSE EXHIBIT D IS ADMITTED  
7 INTO EVIDENCE, AND THE PEOPLE HAVE AN ADDITIONAL EXHIBIT  
8 TO OFFER?

9 MS. STREETER: TWENTY-NINE.

10 THE COURT: OKAY. AND EXHIBIT 29 IS ADMITTED  
11 INTO EVIDENCE AS WELL.

12 MR. KELLY: THANK YOU, YOUR HONOR.

13

14 (ADMITTED INTO EVIDENCE:  
15 DEFENSE EXHIBIT D)

16

17 (ADMITTED INTO EVIDENCE:  
18 PEOPLE'S EXHIBIT NO. 29)

19

20 THE COURT: DO DEFENSE REST?

21 MR. KELLY: YES, YOUR HONOR.

22 THE COURT: OKAY, LADIES AND GENTLEMEN OF THE  
23 JURY, THAT CONCLUDES THE CLOSING OF THE EVIDENCE. WHAT  
24 I AM GOING TO DO NOW IS TO GIVE YOU THE JURY  
25 INSTRUCTIONS THAT ARE APPLICABLE TO THE CASE. THE CLERK  
26 IS PASSING OUT TO EACH OF YOU A COPY OF THOSE. YOU CAN  
27 READ ALONG IF YOU WISH. YOU WILL EACH HAVE A COPY TO  
28 TAKE INTO THE JURY ROOM WHEN YOU BEGIN TO DELIBERATE, SO

1 IT'S NOT NECESSARY FOR YOU TO TAKE NOTES ON THEM BECAUSE  
2 YOU'LL HAVE THE INSTRUCTIONS THEMSELVES.

3 SO LET ME BEGIN BY READING THESE TO YOU  
4 ONCE YOU ALL HAVE COPIES.

5

6 JURY INSTRUCTIONS

7

8 THE COURT: (READING.)

9 MEMBERS OF THE JURY, I WILL  
10 NOW INSTRUCT YOU ON THE LAW THAT  
11 APPLIES TO THIS CASE. EACH OF  
12 YOU HAS A COPY OF THESE  
13 INSTRUCTIONS TO USE IN THE JURY  
14 ROOM.

15 YOU MUST DECIDE WHAT THE  
16 FACTS ARE. IT IS UP TO ALL OF  
17 YOU, AND YOU ALONE, TO DECIDE  
18 WHAT HAPPENED, BASED ONLY ON THE  
19 EVIDENCE THAT WAS PRESENTED TO  
20 YOU IN THIS TRIAL. DO NOT LET  
21 BIAS, SYMPATHY, PREJUDICE, OR  
22 PUBLIC OPINION INFLUENCE YOUR  
23 DECISION. BIAS INCLUDES, BUT IS  
24 NOT LIMITED TO, BIAS FOR OR  
25 AGAINST THE WITNESSES, ATTORNEYS,  
26 DEFENDANT OR ALLEGED VICTIM BASED  
27 ON DISABILITY, GENDER,  
28 NATIONALITY, NATIONAL ORIGIN,

1 RACE OR ETHNICITY, RELIGION,  
2 GENDER IDENTITY, SEXUAL  
3 ORIENTATION, AGE, SOCIOECONOMIC  
4 STATUS OR FAME.

5 YOU MUST FOLLOW THE LAW AS I  
6 EXPLAIN IT TO YOU, EVEN IF YOU  
7 DISAGREE WITH IT. IF YOU BELIEVE  
8 THAT THE ATTORNEYS' COMMENTS ON  
9 THE LAW CONFLICT WITH MY  
10 INSTRUCTIONS, YOU MUST FOLLOW MY  
11 INSTRUCTIONS. PAY CAREFUL  
12 ATTENTION TO ALL OF THESE  
13 INSTRUCTIONS AND CONSIDER THEM  
14 TOGETHER. IF I REPEAT ANY  
15 INSTRUCTION OR IDEA, DO NOT  
16 CONCLUDE THAT IT IS MORE  
17 IMPORTANT THAN ANY OTHER  
18 INSTRUCTION OR IDEA JUST BECAUSE  
19 I REPEATED IT.

20 SOME WORDS OR PHRASES USED  
21 DURING THE TRIAL HAVE LEGAL  
22 MEANINGS THAT ARE DIFFERENT FROM  
23 THEIR MEANINGS IN EVERYDAY USE.  
24 THESE WORDS AND PHRASES WILL BE  
25 SPECIFICALLY DEFINED IN THESE  
26 INSTRUCTIONS. PLEASE BE SURE TO  
27 LISTEN CAREFULLY AND FOLLOW ANY  
28 OF THE DEFINITIONS I GIVE YOU.

1 WORDS AND PHRASES NOT  
2 SPECIFICALLY DEFINED IN THE  
3 INSTRUCTIONS ARE TO BE APPLIED  
4 USING THEIR ORDINARY, EVERYDAY  
5 MEANINGS.

6 SOME OF THESE INSTRUCTIONS  
7 MAY NOT APPLY, DEPENDING ON YOUR  
8 FINDINGS ABOUT THE FACTS OF THE  
9 CASE. AFTER YOU HAVE DECIDED  
10 WHAT THE FACTS ARE, FOLLOW THE  
11 INSTRUCTIONS THAT DO APPLY TO THE  
12 FACTS AS YOU FIND THEM.

13 DO NOT DO ANY RESEARCH  
14 REGARDING THIS CASE ON YOUR OWN  
15 OR AS A GROUP. DO NOT USE A  
16 DICTIONARY, THE INTERNET OR OTHER  
17 REFERENCE MATERIALS. DO NOT  
18 INVESTIGATE THE FACTS OR LAW. DO  
19 NOT CONDUCT ANY EXPERIMENTS OR  
20 VISIT THE SCENE OF ANY EVENTS  
21 INVOLVED IN THE CASE. IF YOU  
22 HAPPEN TO PASS BY THE SCENE, DO  
23 NOT STOP TO INVESTIGATE.

24 YOU WERE GIVEN NOTEBOOKS AND  
25 MAY HAVE TAKEN NOTES DURING  
26 TRIAL. YOU MAY USE YOUR NOTES  
27 DURING DELIBERATIONS. THE NOTES  
28 ARE FOR YOUR OWN INDIVIDUAL USE

1 TO HELP YOU REMEMBER WHAT  
2 HAPPENED DURING THE TRIAL.  
3 PLEASE KEEP IN MIND THAT YOUR  
4 NOTES MAY BE INACCURATE OR  
5 INCOMPLETE. PLEASE DO NOT REMOVE  
6 YOUR NOTES FROM THE JURY ROOM.  
7 AT THE END OF THE TRIAL, YOUR  
8 NOTES WILL BE COLLECTED AND  
9 DESTROYED.

10 THE FACT THAT A CRIMINAL  
11 CHARGE HAS BEEN FILED AGAINST THE  
12 DEFENDANT IS NOT EVIDENCE THAT  
13 THE CHARGE IS TRUE. YOU MUST NOT  
14 BE BIASED AGAINST THE DEFENDANT  
15 JUST BECAUSE SHE WAS ARRESTED,  
16 CHARGED WITH A CRIME OR BROUGHT  
17 TO TRIAL.

18 A DEFENDANT IN A CRIMINAL  
19 CASE IS PRESUMED TO BE INNOCENT.  
20 THIS PRESUMPTION REQUIRES THAT  
21 THE PEOPLE PROVE A DEFENDANT  
22 GUILTY BEYOND A REASONABLE DOUBT.  
23 WHENEVER I TELL YOU THAT THE  
24 PEOPLE MUST PROVE SOMETHING, I  
25 MEAN THEY MUST PROVE IT BEYOND A  
26 REASONABLE DOUBT.

27 PROOF BEYOND A REASONABLE  
28 DOUBT IS PROOF THAT LEAVES YOU

1 WITH AN ABIDING OR LASTING  
2 CONVICTION THAT THE CHARGE IS  
3 TRUE. THE EVIDENCE NEED NOT  
4 ELIMINATE ALL POSSIBLE DOUBT,  
5 BECAUSE EVERYTHING IN LIFE IS  
6 OPEN TO SOME POSSIBLE OR  
7 IMAGINARY DOUBT.

8 IN DECIDING WHETHER THE  
9 PEOPLE HAVE PROVED THEIR CASE  
10 BEYOND A REASONABLE DOUBT, YOU  
11 MUST IMPARTIALLY COMPARE AND  
12 CONSIDER ALL THE EVIDENCE THAT  
13 WAS RECEIVED THROUGHOUT THE  
14 ENTIRE TRIAL. UNLESS THAT  
15 EVIDENCE PROVES THE DEFENDANT  
16 GUILTY BEYOND A REASONABLE DOUBT,  
17 SHE IS ENTITLED TO AN ACQUITTAL  
18 AND YOU MUST FIND HER NOT GUILTY.

19 YOU MUST DECIDE WHAT THE  
20 FACTS ARE IN THIS CASE. YOU MUST  
21 USE ONLY THE EVIDENCE THAT WAS  
22 PRESENTED IN THE COURTROOM.  
23 EVIDENCE IS THE SWORN TESTIMONY  
24 OF WITNESSES, THE EXHIBITS  
25 ADMITTED INTO EVIDENCE, AND  
26 ANYTHING ELSE I TOLD YOU TO  
27 CONSIDER AS EVIDENCE.

28 NOTHING THAT THE ATTORNEYS

1 SAY TO YOU IS EVIDENCE. IN THEIR  
2 OPENING STATEMENTS AND IN THE  
3 CLOSING ARGUMENTS YOU WILL HEAR,  
4 THE ATTORNEYS DISCUSS THE CASE  
5 BUT THEIR REMARKS ARE NOT  
6 EVIDENCE. THEIR QUESTIONS TO THE  
7 WITNESSES WERE NOT EVIDENCE.  
8 ONLY THE WITNESS'S ANSWERS WERE  
9 EVIDENCE. THE ATTORNEY'S  
10 QUESTIONS ARE SIGNIFICANT ONLY IF  
11 THEY HELPED YOU TO UNDERSTAND THE  
12 WITNESS'S ANSWERS. DO NOT ASSUME  
13 THAT SOMETHING IS TRUE JUST  
14 BECAUSE ONE OF THE ATTORNEYS  
15 ASKED A QUESTION THAT SUGGESTED  
16 IT WAS TRUE.

17 DURING THE TRIAL, THE  
18 ATTORNEYS OBJECTED TO QUESTIONS  
19 OR MOVED TO STRIKE ANSWERS GIVEN  
20 BY THE WITNESSES. I RULED ON  
21 THOSE OBJECTIONS ACCORDING TO THE  
22 LAW. IF I SUSTAINED AN  
23 OBJECTION, YOU MUST IGNORE THE  
24 QUESTION. IF THE WITNESS WAS NOT  
25 PERMITTED TO ANSWER, DO NOT GUESS  
26 WHAT THE ANSWER MIGHT HAVE BEEN  
27 OR WHY I RULED AS I DID. IF I  
28 ORDERED TESTIMONY STRICKEN FROM

1 THE RECORD, YOU MUST DISREGARD IT  
2 AND NOT CONSIDER THAT TESTIMONY  
3 FOR ANY PURPOSE.

4 YOU ALSO MUST DISREGARD  
5 ANYTHING YOU SAW OR HEARD WHEN  
6 THE COURT WAS NOT IN SESSION,  
7 EVEN IF IT WAS DONE OR SAID BY  
8 ONE OF THE PARTIES OR WITNESSES.

9 THE COURT REPORTER HAS MADE  
10 A RECORD OF EVERYTHING THAT WAS  
11 SAID DURING THE TRIAL. IF YOU  
12 DECIDE THAT IT IS NECESSARY, YOU  
13 MAY ASK THAT THE COURT REPORTER'S  
14 RECORD BE READ TO YOU. YOU MUST  
15 ACCEPT THE COURT REPORTER'S  
16 RECORD AS ACCURATE.

17 FACTS MAY BE PROVED BY  
18 DIRECT OR CIRCUMSTANTIAL  
19 EVIDENCE, OR BY A COMBINATION OF  
20 BOTH. DIRECT EVIDENCE CAN PROVE  
21 A FACT BY ITSELF. FOR EXAMPLE,  
22 IF A WITNESS TESTIFIES THAT HE  
23 SAW IT RAINING OUTSIDE BEFORE HE  
24 CAME INTO THE COURTHOUSE, THAT  
25 TESTIMONY IS DIRECT EVIDENCE THAT  
26 IT WAS RAINING.

27 CIRCUMSTANTIAL EVIDENCE,  
28 ALSO CALLED INDIRECT EVIDENCE,

1 DOES NOT DIRECTLY PROVE THAT FACT  
2 TO BE DECIDED, BUT IT IS EVIDENCE  
3 OF ANOTHER FACT OR GROUP OF FACTS  
4 FROM WHICH YOU MAY LOGICALLY AND  
5 REASONABLY CONCLUDE THE TRUTH OF  
6 THE FACT IN QUESTION. FOR  
7 EXAMPLE, IF A WITNESS TESTIFIES  
8 THAT HE SAW SOMEONE COME INSIDE  
9 WEARING A RAINCOAT COVERED WITH  
10 DROPS OF WATER, THAT TESTIMONY IS  
11 CIRCUMSTANTIAL EVIDENCE THAT IT  
12 WAS RAINING OUTSIDE. BECAUSE IT  
13 MAY REASONABLY AND LOGICALLY  
14 SUPPORT THAT CONCLUSION.

15 BOTH DIRECT AND  
16 CIRCUMSTANTIAL EVIDENCE ARE  
17 ACCEPTABLE TYPES OF EVIDENCE TO  
18 PROVE OR DISPROVE THE ELEMENTS OF  
19 A CHARGE, INCLUDING INTENT AND  
20 MENTAL STATE AND ACTS NECESSARY  
21 TO A CONVICTION, AND NEITHER IS  
22 NECESSARILY MORE RELIABLE THAN  
23 THE OTHER. NEITHER IS ENTITLED  
24 TO ANY GREATER WEIGHT THAN THE  
25 OTHER. YOU MUST DECIDE WHETHER A  
26 FACT IN ISSUE HAS BEEN PROVED  
27 BASED ON ALL THE EVIDENCE.

28 BEFORE YOU MAY RELY ON

1 CIRCUMSTANTIAL EVIDENCE TO  
2 CONCLUDE THAT A FACT NECESSARY TO  
3 FIND THE DEFENDANT GUILTY HAS  
4 BEEN PROVED, INCLUDING THE  
5 SPECIFIED ACTS AND THE SPECIFIC  
6 INTENT AND GENERAL INTENT  
7 REQUIRED FOR EACH CRIME, YOU MUST  
8 BE CONVINCED THAT THE PEOPLE HAVE  
9 PROVED EACH FACT ESSENTIAL TO  
10 THAT CONCLUSION BEYOND A  
11 REASONABLE DOUBT.

12 ALSO, BEFORE YOU MAY RELY ON  
13 CIRCUMSTANTIAL EVIDENCE TO FIND  
14 THE DEFENDANT GUILTY, OR TO FIND  
15 THAT THE DEFENDANT HAD THE  
16 SPECIFIC INTENT REQUIRED IN THIS  
17 CASE, YOU MUST BE CONVINCED THAT  
18 THE ONLY REASONABLE CONCLUSION  
19 SUPPORTED BY THE CIRCUMSTANTIAL  
20 EVIDENCE IS THAT THE DEFENDANT IS  
21 GUILTY AND THAT SHE HAD THE  
22 REQUISITE SPECIFIC INTENT. IF  
23 YOU CAN DRAW TWO OR MORE  
24 REASONABLE CONCLUSIONS FROM THE  
25 CIRCUMSTANTIAL EVIDENCE, AND ONE  
26 OF THOSE REASONABLE CONCLUSIONS  
27 POINTS TO INNOCENCE AND ANOTHER  
28 TO GUILT, YOU MUST ACCEPT THE ONE

1            THAT POINTS TO INNOCENCE.  
2            SIMILARLY, IF ONE OF THOSE  
3            REASONABLE CONCLUSIONS FROM  
4            CIRCUMSTANTIAL EVIDENCE SUPPORTS  
5            A FINDING THAT THE DEFENDANT DID  
6            HAVE THE REQUIRED INTENT, AND  
7            ANOTHER REASONABLE CONCLUSION  
8            SUPPORTS A FINDING THAT SHE DID  
9            NOT, YOU MUST CONCLUDE THAT THE  
10           REQUIRED INTENT WAS NOT PROVED BY  
11           THE CIRCUMSTANTIAL EVIDENCE.  
12           HOWEVER, WHEN CONSIDERING THE  
13           CIRCUMSTANTIAL EVIDENCE, YOU MUST  
14           ACCEPT ONLY REASONABLE  
15           CONCLUSIONS AND REJECT ANY THAT  
16           ARE UNREASONABLE.

17                YOU ALONE, MUST JUDGE THE  
18           CREDIBILITY OR THE BELIEVABILITY  
19           OF THE WITNESSES. IN DECIDING  
20           WHETHER TESTIMONY IS TRUE AND  
21           ACCURATE, USE YOUR COMMON SENSE  
22           AND EXPERIENCE. YOU MUST JUDGE  
23           THE TESTIMONY OF EACH WITNESS BY  
24           THE SAME STANDARDS, SETTING ASIDE  
25           ANY BIASES OR PREJUDICES YOU MAY  
26           HAVE. YOU MAY BELIEVE ALL, PART,  
27           OR NONE OF ANY WITNESS'S  
28           TESTIMONY. CONSIDER THE

1 TESTIMONY OF EACH WITNESS AND  
2 DECIDE HOW MUCH OF IT YOU  
3 BELIEVE.

4 IN EVALUATING A WITNESS'S  
5 TESTIMONY, YOU MAY CONSIDER  
6 ANYTHING THAT REASONABLY TENDS TO  
7 PROVE OR DISPROVE THE TRUTH OR  
8 ACCURACY OF THAT TESTIMONY.  
9 AMONG THE FACTORS THAT YOU MAY  
10 CONSIDER ARE:

11 HOW WELL COULD THE WITNESS  
12 SEE, HEAR, OR OTHERWISE PERCEIVE  
13 THE THINGS ABOUT WHICH THE  
14 WITNESS TESTIFIED?

15 HOW WELL WAS THE WITNESS  
16 ABLE TO REMEMBER AND DESCRIBE  
17 WHAT HAPPENED?

18 WHAT WAS THE WITNESS'S  
19 BEHAVIOR WHILE TESTIFYING?

20 DID THE WITNESS UNDERSTAND  
21 THE QUESTIONS AND ANSWER THEM  
22 DIRECTLY?

23 WAS THE WITNESS'S TESTIMONY  
24 INFLUENCED BY A FACTOR SUCH AS  
25 BIAS OR PREJUDICE, A PERSONAL  
26 RELATIONSHIP WITH SOMEONE  
27 INVOLVED IN THE CASE, OR A  
28 PERSONAL INTEREST IN HOW THE CASE

1 IS DECIDED?

2 WHAT WAS THE WITNESS'S

3 ATTITUDE ABOUT THE CASE OR ABOUT

4 TESTIFYING?

5 DID THE WITNESS MAKE A

6 STATEMENT IN THE PAST THAT IS

7 CONSISTENT OR INCONSISTENT WITH

8 HIS OR HER TESTIMONY IN COURT?

9 HOW REASONABLE IS THE

10 TESTIMONY WHEN YOU CONSIDER ALL

11 THE OTHER EVIDENCE IN THE CASE?

12 DID OTHER EVIDENCE PROVE OR

13 DISPROVE ANY FACTS ABOUT WHICH

14 THE WITNESS TESTIFIED?

15 HAS THE WITNESS ENGAGED IN

16 OTHER CONDUCT THAT REFLECTS ON

17 HIS OR HER BELIEVABILITY?

18 DO NOT AUTOMATICALLY REJECT

19 TESTIMONY JUST BECAUSE OF

20 INCONSISTENCIES OR CONFLICTS.

21 CONSIDER WHETHER THE DIFFERENCES

22 ARE IMPORTANT OR NOT. PEOPLE

23 SOMETIMES HONESTLY FORGET THINGS

24 OR MAKE MISTAKES ABOUT WHAT THEY

25 REMEMBER. ALSO, TWO PEOPLE MAY

26 WITNESS THE SAME EVENT, YET SEE,

27 HEAR OR REMEMBER IT DIFFERENTLY.

28 IF YOU DECIDE THAT A WITNESS

1 DELIBERATELY LIED ABOUT SOMETHING  
2 SIGNIFICANT IN THIS CASE, YOU  
3 SHOULD CONSIDER NOT BELIEVING  
4 ANYTHING THAT THAT WITNESS SAYS.  
5 OR, IF YOU THINK THE WITNESS LIED  
6 ABOUT SOME THINGS, BUT TOLD THE  
7 TRUTH ABOUT OTHERS, YOU MAY  
8 SIMPLY ACCEPT THE PART THAT YOU  
9 THINK IS TRUE AND IGNORE THE  
10 REST.

11 NEITHER SIDE IS REQUIRED TO  
12 CALL ALL WITNESSES WHO MAY HAVE  
13 INFORMATION ABOUT THE CASE OR TO  
14 PRODUCE ALL PHYSICAL EVIDENCE  
15 THAT MIGHT BE RELEVANT.

16 THE TESTIMONY OF ONLY ONE  
17 WITNESS CAN PROVE ANY FACT.  
18 BEFORE YOU CONCLUDE THAT THE  
19 TESTIMONY OF ONE WITNESS PROVES A  
20 FACT, YOU SHOULD CAREFULLY REVIEW  
21 ALL THE EVIDENCE.

22 IF YOU DETERMINE THERE IS A  
23 CONFLICT IN THE EVIDENCE, YOU  
24 MUST DECIDE WHAT EVIDENCE, IF  
25 ANY, TO BELIEVE. DO NOT SIMPLY  
26 COUNT UP THE NUMBER OF WITNESSES  
27 WHO AGREE OR DISAGREE ON A POINT  
28 AND ACCEPT THE TESTIMONY OF THE

1 GREATER NUMBER OF WITNESSES. ON  
2 THE OTHER HAND, DO NOT DISREGARD  
3 THE TESTIMONY OF ANY WITNESS  
4 WITHOUT A REASON OR BECAUSE OF A  
5 PREJUDICE OR DESIRE TO FAVOR ONE  
6 SIDE OR THE OTHER. WHAT IS  
7 IMPORTANT IS WHETHER THE  
8 TESTIMONY OR OTHER EVIDENCE  
9 CONVINCES YOU, NOT JUST THE  
10 NUMBER OF WITNESSES WHO TESTIFY  
11 ABOUT A CERTAIN POINT.

12 DURING THE TRIAL, CERTAIN  
13 EVIDENCE WAS ADMITTED ONLY FOR A  
14 LIMITED PURPOSE, WHICH THE COURT  
15 EXPLAINED TO YOU AT THE TIME.  
16 YOU MAY CONSIDER THAT EVIDENCE  
17 ONLY FOR THAT LIMITED PURPOSE AND  
18 FOR NO OTHER.

19 YOU HAVE HEARD EVIDENCE OF  
20 STATEMENTS THAT CERTAIN WITNESSES  
21 MADE BEFORE THE TRIAL. IF YOU  
22 DECIDE THAT THE WITNESS MADE  
23 THOSE STATEMENTS, YOU MAY USE THE  
24 STATEMENTS IN TWO WAYS: ONE, TO  
25 EVALUATE WHETHER THE WITNESS'S  
26 TESTIMONY IN COURT IS BELIEVABLE,  
27 AND TWO, AS EVIDENCE THAT THE  
28 INFORMATION IN THOSE EARLIER

1 STATEMENTS IS TRUE.

2 WITNESSES GAVE THEIR  
3 OPINIONS DURING TRIAL. YOU MAY  
4 BUT ARE NOT REQUIRED TO ACCEPT  
5 THOSE OPINIONS AS TRUE OR  
6 CORRECT. YOU MAY GIVE THE  
7 OPINIONS WHATEVER WEIGHT YOU  
8 THINK APPROPRIATE. CONSIDER THE  
9 EXTENT OF THE WITNESS'S  
10 OPPORTUNITY TO PERCEIVE THE  
11 MATTERS ON WHICH HIS OR HER  
12 OPINION WAS BASED, THE REASONS  
13 THE WITNESS GAVE FOR ANY OPINION,  
14 AND THE FACTS OR INFORMATION ON  
15 WHICH THE WITNESS RELIED IN  
16 FORMING THAT OPINION. YOU MUST  
17 DECIDE WHETHER THE INFORMATION ON  
18 WHICH THE WITNESS RELIED WAS TRUE  
19 AND ACCURATE. YOU MAY DISREGARD  
20 ALL OR ANY PART OF AN OPINION  
21 THAT YOU FIND UNBELIEVABLE,  
22 UNREASONABLE, OR UNSUPPORTED BY  
23 THE EVIDENCE.

24 THE PEOPLE PRESENTED  
25 EVIDENCE THAT THE DEFENDANT  
26 COMMITTED OTHER CERTAIN ALLEGED  
27 ACTS THAT WERE NOT CHARGED AS  
28 OFFENSES IN THIS CASE, NAMELY,

1 CERTAIN VOICE MAILS AND E-MAILS  
2 PRIOR TO THE DATES OF THE ALLEGED  
3 OFFENSES IN THIS CASE.

4 YOU MAY CONSIDER THIS  
5 EVIDENCE ONLY IF THE PEOPLE HAVE  
6 PROVED BY A PREPONDERANCE OF THE  
7 EVIDENCE THAT THE DEFENDANT IN  
8 FACT COMMITTED THOSE ACTS. PROOF  
9 BY A PREPONDERANCE OF THE  
10 EVIDENCE IS A DIFFERENT BURDEN OF  
11 PROOF THAN PROOF BEYOND A  
12 REASONABLE DOUBT. A FACT IS  
13 PROVED BY A PREPONDERANCE OF THE  
14 EVIDENCE IF YOU CONCLUDE THAT IT  
15 IS MORE LIKELY THAN NOT THAT THE  
16 FACT IS TRUE.

17 IF THE PEOPLE HAVE NOT MET  
18 THIS BURDEN, YOU MUST DISREGARD  
19 THAT EVIDENCE ENTIRELY.

20 IF YOU DECIDE THAT THE  
21 DEFENDANT COMMITTED THE EARLIER  
22 ACTS TESTIFIED TO, YOU MAY, BUT  
23 ARE NOT REQUIRED TO CONSIDER THAT  
24 EVIDENCE FOR THE LIMITED PURPOSE  
25 OF DECIDING WHETHER OR NOT THE  
26 DEFENDANT ACTED WITH THE SPECIFIC  
27 INTENT TO HARASS OR ANNOY AS  
28 ALLEGED IN COUNTS 2 AND 4 IN THIS

1 CASE.

2 DO NOT CONSIDER THAT  
3 EVIDENCE FOR ANY OTHER PURPOSE.

4 IF YOU CONSIDER THAT THE  
5 DEFENDANT COMMITTED THE ACTS,  
6 THAT CONCLUSION IS ONLY ONE  
7 FACTOR TO CONSIDER, ALONG WITH  
8 ALL THE OTHER EVIDENCE. IT IS  
9 NOT SUFFICIENT BY ITSELF TO PROVE  
10 THAT THE DEFENDANT IS GUILTY OF  
11 THE CHARGED OFFENSES. THE PEOPLE  
12 MUST STILL PROVE EACH AND EVERY  
13 ELEMENT OF THOSE CHARGED OFFENSES  
14 BEYOND A REASONABLE DOUBT.

15 THE CRIMES CHARGED IN THIS  
16 CASE REQUIRE PROOF OF THE UNION,  
17 OR JOINT OPERATION, OF ACT AND  
18 WRONGFUL INTENT.

19 THE CRIME OF VIOLATION OF A  
20 PROTECTIVE ORDER, AS CHARGED IN  
21 COUNTS 1, 3, 7, 8 AND 9, REQUIRES  
22 PROOF OF ONLY GENERAL CRIMINAL  
23 INTENT. FOR YOU TO FIND THE  
24 DEFENDANT GUILTY OF THIS CRIME,  
25 THE DEFENDANT MUST NOT ONLY HAVE  
26 COMMITTED THE PROHIBITED ACT BUT  
27 MUST HAVE DONE SO WITH WRONGFUL  
28 INTENT. A PERSON ACTS WITH

1           WRONGFUL INTENT WHEN SHE DOES A  
2           PROHIBITED ACT.   HOWEVER, IT IS  
3           NOT REQUIRED THAT SHE INTEND TO  
4           BREAK THE LAW.   THE ACT REQUIRED  
5           IS EXPLAINED IN THE INSTRUCTIONS  
6           FOR THAT CRIME.

7                   THE CRIME OF ANNOYING OR  
8           HARASSING TELEPHONE CALLS OR  
9           E-MAILS, AS CHARGED IN COUNTS 2  
10          AND 4, REQUIRES A SPECIFIC INTENT  
11          OR MENTAL STATE.   FOR YOU TO FIND  
12          THE DEFENDANT GUILTY OF THIS  
13          CRIME, SHE MUST NOT ONLY HAVE  
14          INTENTIONALLY COMMITTED THE  
15          PROHIBITED ACT, BUT MUST HAVE  
16          DONE SO WITH A SPECIFIC INTENT,  
17          NAMELY, AN INTENT TO ANNOY OR  
18          HARASS MR. COHEN.

19                   THERE ARE SEVEN COUNTS THAT  
20          THE JURY MUST RENDER A VERDICT ON  
21          IN THIS CASE.   COUNTS 1 THROUGH 4  
22          AND COUNTS 7 THROUGH 9.   COUNTS 5  
23          AND 6 IN THE ORIGINAL COMPLAINT  
24          ARE NOT BEFORE THE JURY.   DO NOT  
25          SPECULATE OR CONSIDER IN ANY WAY  
26          WHY YOU DO NOT NEED TO DECIDE  
27          THOSE COUNTS.

28                   THE DEFENDANT IS CHARGED IN

1           COUNTS 2 AND 4 WITH MAKING  
2           ANNOYING OR HARASSING TELEPHONE  
3           CALLS AND E-MAILS TO LEONARD  
4           COHEN IN VIOLATION OF CALIFORNIA  
5           PENAL CODE SECTION 653M,  
6           SUBSECTION (B). COUNT 2 ALLEGES  
7           THAT SUCH CALLS AND CONTACTS WERE  
8           MADE ON OR BEFORE -- ON OR  
9           BETWEEN THE DATES OF FEBRUARY 1  
10          AND JUNE 30TH, 2011. COUNT 4  
11          ALLEGES THAT SUCH CALLS AND  
12          CONTACTS WERE MADE ON OR BETWEEN  
13          THE DATES OF JULY 1, 2011 AND  
14          JANUARY 9, 2012.

15                 TO PROVE THAT THE DEFENDANT  
16                 IS GUILTY OF THIS CRIME, THE  
17                 PEOPLE MUST PROVE ALL OF THE  
18                 FOLLOWING:

19                 NUMBER ONE, THE DEFENDANT  
20                 MADE REPEATED TELEPHONE CALLS OR  
21                 REPEATED CONTACTS BY E-MAIL, OR A  
22                 COMBINATION OF CALLS AND CONTACTS  
23                 TO LEONARD COHEN.

24                 NUMBER TWO, THE DEFENDANT  
25                 MADE SUCH CALLS AND/OR CONTACTS  
26                 WITH THE INTENT TO ANNOY OR  
27                 HARASS MR. COHEN.

28                 NUMBER THREE, THE CALLS OR

1 CONTACTS WERE NOT MADE IN GOOD  
2 FAITH OR IN THE ORDINARY COURSE  
3 AND SCOPE OF BUSINESS.

4 IT IS NOT NECESSARY THAT A  
5 CONVERSATION ACTUALLY ENSUED FROM  
6 THE TELEPHONE CALLS OR CONTACTS  
7 FOR THE STATUTE TO HAVE BEEN  
8 VIOLATED.

9 THE DEFENDANT IS CHARGED IN  
10 COUNTS 1, 3, 7, 8 AND 9 WITH  
11 VIOLATING A COURT ORDER IN  
12 VIOLATION OF PENAL CODE SECTION  
13 273.6(A). THE SEPARATE COUNTS  
14 CHARGE VIOLATIONS DURING  
15 DIFFERENT PERIODS OF TIME.

16 COUNT 1 CHARGES THAT THE  
17 DEFENDANT VIOLATED A PROTECTIVE  
18 ORDER ON OR BETWEEN THE DATES OF  
19 FEBRUARY 1 AND JUNE 30TH, 2011.

20 COUNT 3 CHARGES THAT THE  
21 DEFENDANT VIOLATED A PROTECTIVE  
22 ORDER ON OR BETWEEN JULY 1ST AND  
23 DECEMBER 14, 2011.

24 COUNT 7 CHARGES THAT THE  
25 DEFENDANT VIOLATED A PROTECTIVE  
26 ORDER ON OR BETWEEN DECEMBER 15  
27 AND 31, 2011.

28 COUNT 8 CHARGES THAT THE

1           DEFENDANT VIOLATED A PROTECTIVE  
2           ORDER ON OR BETWEEN JANUARY 1 AND  
3           31 -- THAT SAYS 2012, IT SHOULD  
4           BE 2011. I AM CORRECTING IT AND  
5           YOU SHOULD CORRECT THAT, OR I'LL  
6           GIVE YOU CORRECTED COPIES.

7           COUNT 9 CHARGES THAT THE  
8           DEFENDANT VIOLATED A PROTECTIVE  
9           ORDER ON OR BETWEEN FEBRUARY 1 --  
10          NO, I'M SORRY. HERE'S WHAT COUNT  
11          8 SHOULD SAY. COUNT 8 CHARGES  
12          THAT THE DEFENDANT VIOLATED A  
13          PROTECTIVE ORDER -- YES, I GUESS  
14          IT'S ON -- IT'S CORRECT IN THE --  
15          IN WHAT I HAVE WRITTEN. I  
16          MISTAKENLY CORRECTED MYSELF.

17          AS IT WAS ORIGINALLY WRITTEN  
18          WAS CORRECT. IT'S JANUARY 1 AND  
19          31, 2012.

20          AND THEN COUNT 9 CHARGES  
21          THAT THE DEFENDANT VIOLATED A  
22          PROTECTIVE ORDER ON OR BETWEEN  
23          FEBRUARY 1 AND FEBRUARY 29, 2012.

24          TO PROVE THAT THE DEFENDANT  
25          IS GUILTY OF THESE CRIMES, THE  
26          PEOPLE MUST PROVE ALL OF THE  
27          FOLLOWING:

28          NUMBER ONE, THAT ON OR ABOUT

1           SEPTEMBER 2ND, 2008, IN CASE  
2           NUMBER BQ33717 AND 2008C000776, A  
3           COURT ISSUED A PROTECTIVE ORDER  
4           THAT THE DEFENDANT STAY AWAY FROM  
5           AND HAVE NO CONTACT, IN PERSON OR  
6           BY TELEPHONE OR OTHER ELECTRONIC  
7           MEANS, WITH LEONARD COHEN.

8           NUMBER TWO, THAT THE  
9           DEFENDANT KNEW OF THIS COURT  
10          ORDER.

11          NUMBER THREE, THAT THE  
12          DEFENDANT HAD THE ABILITY TO  
13          FOLLOW THE COURT ORDER.

14          AND NUMBER FOUR, THAT THE  
15          DEFENDANT WILLFULLY VIOLATED THE  
16          COURT ORDER DURING THE PERIOD  
17          SPECIFIED IN THE COUNT.

18          SOMEONE COMMITS AN ACT  
19          WILLFULLY WHEN HE OR SHE DOES IT  
20          WILLINGLY OR ON PURPOSE.

21          YOU MAY CONSIDER EVIDENCE,  
22          IF ANY, OF VOLUNTARY INTOXICATION  
23          ON THE PART OF THE DEFENDANT ONLY  
24          IN A LIMITED WAY. YOU MAY  
25          CONSIDER THAT EVIDENCE ONLY IN  
26          DECIDING WHETHER THE DEFENDANT  
27          ACTED WITH THE SPECIFIC INTENT TO  
28          ANNOY OR HARASS LEONARD COHEN, AS

1 CHARGED IN COUNTS 2 AND 4.

2 A PERSON IS VOLUNTARILY  
3 INTOXICATED IF HE OR SHE BECOMES  
4 INTOXICATED BY WILLINGLY USING  
5 ANY INTOXICATING DRUG, DRINK, OR  
6 OTHER SUBSTANCE KNOWING THAT IT  
7 COULD PRODUCE AN INTOXICATING  
8 EFFECT, OR WILLINGLY ASSUMING THE  
9 RISK OF THAT EFFECT.

10 IN CONNECTION WITH THE  
11 CHARGE OF ANNOYING OR HARASSING  
12 TELEPHONE CALLS, THE PEOPLE HAVE  
13 THE BURDEN OF PROVING BEYOND A  
14 REASONABLE DOUBT THAT THE  
15 DEFENDANT ACTED WITH THE SPECIFIC  
16 INTENT TO ANNOY OR HARASS LEONARD  
17 COHEN. IF THE PEOPLE HAVE NOT  
18 MET THIS BURDEN, YOU MUST FIND  
19 THE DEFENDANT NOT GUILTY OF  
20 ANNOYING OR HARASSING TELEPHONE  
21 CALLS.

22 YOU MAY NOT CONSIDER  
23 EVIDENCE OF VOLUNTARY  
24 INTOXICATION FOR ANY OTHER  
25 PURPOSE. VOLUNTARY INTOXICATION  
26 IS NOT A DEFENSE TO A VIOLATION  
27 OF A PROTECTIVE ORDER.

28 THE PEOPLE HAVE PRESENTED

1 EVIDENCE OF MORE THAN ONE ACT TO  
2 PROVE THAT THE DEFENDANT  
3 COMMITTED THE OFFENSES WITH WHICH  
4 SHE IS CHARGED. YOU MUST NOT  
5 FIND THE DEFENDANT GUILTY UNLESS  
6 YOU ALL AGREE THAT THE PEOPLE  
7 HAVE PROVED THAT THE DEFENDANT  
8 COMMITTED AT LEAST ONE OF THESE  
9 ACTS AND YOU ALL AGREE ON WHICH  
10 ACT OR ACTS SHE COMMITTED.

11 EACH OF THE COUNTS CHARGED  
12 IN THIS CASE IS A SEPARATE CRIME.  
13 YOU MUST CONSIDER EACH COUNT  
14 SEPARATELY AND RETURN A SEPARATE  
15 VERDICT FOR EACH ONE.

16  
17 (END OF READING.)  
18

19 THE COURT: LADIES AND GENTLEMEN, I AM GOING TO  
20 READ THE REMAINING INSTRUCTIONS TO YOU AFTER CLOSING  
21 ARGUMENTS, WHICH WE WILL HEAR IN THE MORNING.

22 HOW EARLY WOULD YOU LIKE TO COME  
23 TOMORROW?

24 TEN O'CLOCK?

25 I SEE 10:00 AS THE PREVAILING, SO I'LL  
26 SEE YOU ALL AT 10 O'CLOCK. IT'S EXTREMELY IMPORTANT AT  
27 THIS STAGE PARTICULARLY THAT YOU NOT DISCUSS THE CASE  
28 WITH ANYONE. SO I'LL SEE YOU BRIGHT AND EARLY AT

1 10 O'CLOCK. WE'LL HEAR CLOSING ARGUMENTS, I'LL GIVE YOU  
2 THE FINAL CHARGE AND YOU'LL GO INTO THE JURY ROOM TO  
3 DELIBERATE.

4                   THANK YOU, LADIES AND GENTLEMEN. PLEASE  
5 LEAVE THE INSTRUCTIONS ON YOUR CHAIRS WITH YOUR  
6 NOTEBOOKS.

7

8                   (AT 4:10 P.M., AN ADJOURNMENT WAS TAKEN  
9                   UNTIL APRIL 12, 2012, AT 10:00 A.M.)

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1 CASE NUMBER: 2CA04539  
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH  
3 LOS ANGELES, CALIFORNIA; THURSDAY, APRIL 12, 2012  
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE  
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861  
6 TIME: A.M. SESSION  
7 APPEARANCES:

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

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

20  
21 MR. KELLY: AGAIN, I WANT TO RAISE THE ISSUE  
22 AGAIN YESTERDAY WITH THAT AGENT TEJEDA FROM THE IRS. HE  
23 STILL HAS NO DEFINITIVE WORD FROM HIS LEGAL COUNSEL.  
24 AND AGAIN, WE WOULD JUST MAKE THAT STANDING REQUEST.  
25 THEY'RE MEETING THIS MORNING, APPARENTLY FROM  
26 DISCUSSIONS WE HAD. WE'D ASK TO DELAY.

27 THE COURT: OKAY. WELL, THE REQUEST IS DENIED  
28 FOR THE REASONS AS PREVIOUSLY STATED ON THE RECORD.

1 MR. KELLY: YES.

2  
3 (THE FOLLOWING PROCEEDINGS WERE HELD  
4 IN OPEN COURT IN THE PRESENCE OF THE  
5 JURY:)

6  
7 THE COURT: OKAY. GOOD MORNING, LADIES AND  
8 GENTLEMEN. YOU'VE NOW HEARD ALL THE EVIDENCE. YOU'VE  
9 GOTTEN MOST OF THE INSTRUCTIONS. THE ONLY INSTRUCTIONS  
10 I HAVE TO GIVE YOU CONCERN HOW TO ORGANIZE YOURSELF IN  
11 THE JURY ROOM, AND I'LL GIVE THOSE TO YOU AFTER YOU HEAR  
12 CLOSING ARGUMENTS.

13 LET ME JUST EXPLAIN ONE THING ABOUT  
14 CLOSING ARGUMENTS. YOU WILL HEAR FIRST FROM THE  
15 PROSECUTOR, MS. STREETER, WHO WILL PRESENT HER CLOSING  
16 ARGUMENT. WHEN SHE IS DONE, YOU WILL HEAR FROM  
17 MR. RAMNANEY ON BEHALF OF THE DEFENDANT, WHO WILL  
18 RESPOND TO MS. STREETER'S ARGUMENT AND PRESENT ANY  
19 ARGUMENTS HE WISHES TO MAKE. AND THEN WHEN HE'S DONE,  
20 YOU'LL HEAR AGAIN FROM MS. STREETER.

21 SO YOU'LL HEAR TWICE FROM THE PROSECUTION  
22 AND ONCE FROM THE DEFENSE. THE REASON FOR THIS IS  
23 THE PEOPLE HAVE THE BURDEN OF PROOF. IT'S NOT BECAUSE  
24 I'M FAVORING ONE SIDE OR THE OTHER AND IT'S NOT BECAUSE  
25 MR. RAMNANEY WOULDN'T LOVE TO TALK TO YOU A SECOND TIME.  
26 I'M SURE HE WOULD, BUT THAT'S JUST THE WAY THE PROCEDURE  
27 WORKS. SO WITH THAT, I AM GOING TO TURN THE PODIUM OVER  
28 TO MS. STREETER.

1 MS. STREETER.

2 MS. STREETER: THANK YOU, YOUR HONOR.

3

4 OPENING ARGUMENT

5 BY MS. STREETER:

6 DID YOU GUYS HEAR IT? DID YOU HEAR IT  
7 YESTERDAY FROM THE TESTIMONY OF MS. LYNCH? COME ON.  
8 YOU HEARD IT. SHE SAID AS MUCH. SHE AGREES WITH  
9 THE PEOPLE'S THEORIES OF THE CASE, THAT IN A ONE-YEAR  
10 PERIOD MS. LYNCH SENT MR. COHEN A BARRAGE OF E-MAILS AND  
11 LEFT HIM NUMEROUS VOICE MAIL MESSAGES, SOMETIMES  
12 OBSCENITY LACED, SOMETIMES WITH THREATS, AND SHE DID IT  
13 WITH THE INTENT TO ANNOY AND FOR NO PURPOSE.

14 COME ON. YOU HEARD THAT YESTERDAY. SHE  
15 DIDN'T SAY IT DIRECTLY, BUT WHEN YOU PARSE THROUGH  
16 EVERYTHING THAT WAS SAID, SHE ADMITS IT. SHE AGREES  
17 WITH THE PEOPLE. SHE ADMITS THAT ALL OF THIS WAS HER  
18 HANDIWORK. SHE ADMITS THAT THE FIRST TRANSCRIPT, THAT  
19 WAS HER VOICE. THE SECOND TRANSCRIPT, THAT WAS HER  
20 VOICE. SHE ADMITS THAT SHE SENT MR. COHEN E-MAILS WHERE  
21 THERE ARE COMMENTS LIKE HOW BIG IS YOUR PENIS OR FUCK  
22 THE DA OR FUCK YOU. SHE ADMITS THAT SHE SENT VOICE MAIL  
23 MESSAGES SAYING I FUCKED OLIVER STONE. COME ON. YOU  
24 HEARD IT. SHE SAID SHE DID IT. ALL RIGHT. WE ALL  
25 HEARD SHE SAID SHE DID IT.

26 NOW, IT MAY BE WHAT ONE CALLS GUILTY WITH  
27 AN EXPLANATION, BUT SHE SAID SHE DID IT. AND LET'S TALK  
28 A LITTLE BIT ABOUT WHAT THE PEOPLE LIKE TO CALL GUILTY

1 WITH AN EXPLANATION. WHEN THE PEOPLE WERE LISTENING TO  
2 MS. LYNCH TESTIFY, IN ABOUT THE MIDDLE OF IT THERE'S  
3 THIS INCIDENT THAT I'M SURE ALL YOU ARE FAMILIAR WITH,  
4 THAT'S KIND OF RUNNING THROUGH THE PEOPLE'S MINDS ABOUT  
5 A SIMILAR FAMOUS PERSON -- ACTUALLY, ONE OF OUR FORMER  
6 PRESIDENTS -- THAT GOT HIMSELF IN A BIT OF HOT WATER  
7 THAT WAS ALL DONE TO HIS MAKING. AND WHEN -- IF THE  
8 TRUTH FINALLY CAME TO LIGHT AND HE WAS QUESTIONED BY AN  
9 ATTORNEY ABOUT A PARTICULAR INCIDENT THAT HE DID OR DID  
10 NOT DO TO A YOUNG INTERN AND HE WAS ASKED A QUESTION AND  
11 HIS RESPONSE WAS WELL, IT DEPENDS ON WHAT YOUR  
12 DEFINITION OF IS IS.

13 AND THAT'S WHAT KEPT RUNNING THROUGH THE  
14 PEOPLE'S MINDS AS THE PEOPLE LISTENED TO MS. LYNCH,  
15 PARTICULARLY WHEN WE ASKED HER THE QUESTION ABOUT  
16 WHETHER OR NOT SHE ADDRESSED MR. COHEN IN OBSCENE  
17 LANGUAGE. DID YOU SAY I FUCKED OLIVER STONE OR OTHER  
18 SIMILAR WORDS? AND SHE HAD AN EXPLANATION. WELL, I DID  
19 IT BECAUSE OF THIS. AS THE PEOPLE SAID, GUILTY WITH AN  
20 EXPLANATION. OR WELL, IT DEPENDS ON WHAT YOU MEAN BY  
21 THE DEFINITION OF IS.

22 SO THE PEOPLE WE ARE TALKING ABOUT IN  
23 THIS CASE, THE PEOPLE WANT YOU TO KEEP IN MIND THAT  
24 DESPITE ALL THE PEOPLE THAT WERE MENTIONED, LIKE DONALD  
25 WOODS, MIKE LOVE, EVEN MR. COHEN, BOB DYLAN, BOB CUTLER,  
26 ALAN JACKSON, STEVE COOLEY, ALL THIS THAT WAS MENTIONED,  
27 THAT THIS CASE IS ABOUT A VERY, VERY NARROW SET OF  
28 ISSUES. OKAY.

1                   AND THOSE ISSUES ARE:

2                   ONE, WHETHER OR NOT THERE WAS A VALID AND  
3   LAWFULLY ISSUED RESTRAINING ORDER AND WHETHER OVER  
4   APPROXIMATELY A 14-MONTH PERIOD ON SEVERAL OCCASIONS  
5   MS. LYNCH VIOLATED THAT VALIDLY AND LAWFUL ISSUED  
6   RESTRAINING ORDER.

7                   TWO, WHETHER OR NOT OVER A ONE-YEAR  
8   PERIOD MS. LYNCH EITHER VIA E-MAIL OR PHONE CALLS MADE  
9   ANNOYING AND HARASSING PHONE CALLS THAT INCLUDED OBSCENE  
10  LANGUAGES OR THREATS FOR NO GOOD REASON. NOT IN GOOD  
11  FAITH.

12                  THAT'S IT. IT'S REAL SIMPLE. THIS CASE  
13  ISN'T ABOUT WHAT HAPPENED AT THE MEETING BETWEEN SHE AND  
14  MR. KORY, WHERE THAT MEETING HAPPENED, HOW LONG IT LAST,  
15  WHAT THE WAITER SAID TO EITHER SHE OR MR. KORY.  
16  ALTHOUGH AFTER HEARING THE TWO OF THEM TESTIFY  
17  YESTERDAY, THE PEOPLE HAVE NO DOUBT THAT IT WAS A VERY,  
18  VERY LIVELY MEETING. OKAY.

19                  THE CASE IS NOT ABOUT -- ABOUT THE  
20  UNLAWFUL -- WHETHER OR NOT MS. LYNCH WAS EVER CHARGED  
21  CRIMINALLY WITH STEALING FROM MR. COHEN, ALTHOUGH IT  
22  DOES WEIGH A BIT ON HER CREDIBILITY ISSUE. ALL RIGHT.

23                  THE CASE IS NOT ABOUT WHETHER OR NOT IT  
24  WAS RIGHT FOR MR. COHEN'S ATTORNEYS TO BILL HIM WHEN  
25  THEY CAME TO COURT TO TESTIFY OR EVEN WHETHER THEY DID  
26  OR WHETHER OR NOT MR. COHEN SHOULD BE CHARGED FOR IT.

27                  AND LET'S JUST TALK A LITTLE BIT ABOUT  
28  WHETHER OR NOT THAT'S SOMETHING MR. COHEN SHOULD DO OR

1 DECIDE NOT TO DO. AT THE END OF THE DAY, WHAT HAPPENS  
2 BETWEEN HE AND HIS ATTORNEY AND WHAT HE HAS, HE AND HIS  
3 ATTORNEY, DO IS HIS OWN BUSINESS. YOU KNOW WHY?  
4 BECAUSE THAT'S HIS MONEY AND HE GETS TO SPEND HIS MONEY  
5 HOWEVER ME MAY SEE FIT.

6 AND DO NOT THINK THAT MR. COHEN IS NOT  
7 ASTUTE ENOUGH TO DECIDE THAT I DON'T WANT MY ATTORNEYS  
8 SITTING OUT HERE IN COURT WAITING, WHERE THEY MAY OR MAY  
9 NOT BILL HIM. OKAY. THAT IS NOT WHAT THIS CASE IS  
10 ABOUT.

11 AND TO A LARGE EXTENT, IT REALLY ISN'T  
12 ABOUT WHETHER IN FACT THEY ARE GOING TO GET PAID OR HOW  
13 MUCH THEY'RE GOING TO GET PAID. NORMALLY, YOU KNOW,  
14 THERE ARE CASES WHERE WHAT SOMEBODY IS GETTING PAID,  
15 THAT IS IMPORTANT; IT DOES GO TO THEIR BIAS. AND WE CAN  
16 ALL SEE WHY WHETHER OR NOT SOMEBODY GETS PAID, WHETHER  
17 OR NOT THAT WOULD BE IMPORTANT IN JUDGING THE  
18 CREDIBILITY OF A WITNESS. BUT NOT HERE. NOT THIS CASE.  
19 AND NOT NOW.

20 WHY? BECAUSE WE HAVE ALL THIS EVIDENCE.  
21 OKAY. THIS IS ALL MS. LYNCH'S HANDIWORK. HOW CAN HER  
22 ATTORNEYS LIE ABOUT CALLS THAT SHE MADE THAT YOU HEARD?  
23 HOW CAN HER ATTORNEYS LIE ABOUT E-MAILS THAT SHE SENT?  
24 AND MIND YOU, THERE'S STILL PEOPLE'S 10 THAT HAS LOADS  
25 AND LOADS OF E-MAILS THAT WERE NOT PRINTED. SO THIS IS  
26 NOT THAT CASE, WHERE SOMEBODY IS GETTING PAID THAT IT  
27 MATTERS TO THE PEOPLE'S WITNESSES BECAUSE WE HAVE SO  
28 MUCH EVIDENCE OF THE DEFENDANT'S HANDIWORK OF HER GUILT

1 THAT IT DOESN'T MATTER. OKAY. SO THAT'S SOMETHING TO  
2 KEEP IN MIND.

3 BUT LET'S JUST TALK A LITTLE BIT ABOUT  
4 WHAT THE COURT HAS INSTRUCTED YOU AND WHY WITH  
5 MS. LYNCH'S TESTIMONY SHE DID INDEED SAY GUILTY, GUILTY,  
6 GUILTY, GUILTY, GUILTY. OKAY. AND LET'S TALK ABOUT THE  
7 COUNTS INVOLVED IN THE RESTRAINING ORDER COUNT, WHICH  
8 THE PEOPLE SEE THERE IS NO WAY MS. LYNCH CAN WIGGLE HER  
9 WAY OUT. THIS IS NOT THE COUNT WHERE ONE COULD EVEN  
10 MAKE A SIMILAR-TYPE STATEMENT, AS A FORMER PRESIDENT  
11 DID, IT DEPENDS ON WHAT YOUR DEFINITION OF IS IS,  
12 BECAUSE THIS IS PRETTY CUT AND DRY WHEN IT COMES TO THE  
13 RESTRAINING ORDER. OKAY.

14 SO, IF YOU MAY RECALL, THE COURT HAS  
15 INSTRUCTED YOU THAT ON OR ABOUT SEPTEMBER 2ND, 2008 IN  
16 CASE NO. BQ33717 IN 2008, C0076, A COURT ISSUED A  
17 PROTECTIVE ORDER THAT THE DEFENDANT, MS. LYNCH, STAY  
18 AWAY FROM AND HAVE NO CONTACT IN PERSON OR BY TELEPHONE  
19 OR OTHER ELECTRONIC MEANS, E-MAILS, WITH LEONARD COHEN.  
20 THE DEFENDANT KNEW OF THE ORDER, THE DEFENDANT HAD THE  
21 ABILITY TO FOLLOW THE ORDER AND THE DEFENDANT WILLFULLY  
22 VIOLATED SAID ORDER.

23 SO LET'S TALK FIRST ABOUT THE EASY  
24 ELEMENTS, OKAY, THE COLORADO ORDER. EVERYBODY AGREES  
25 THERE'S A COLORADO ORDER. MR. COHEN SAYS THERE'S A  
26 COLORADO ORDER, MS. RICE SAID THERE'S A COLORADO ORDER,  
27 MR. KORY SAID THERE'S A COLORADO ORDER. BUT MORE  
28 IMPORTANTLY, MS. LYNCH SAYS THERE WAS A COLORADO ORDER.

1 AND IT GETS EVEN BETTER.

2 MS. LYNCH AGREES THAT SHE WAS INDEED  
3 THERE AT THAT HEARING ON THE COLORADO ORDER AND IT WAS  
4 NOT MR. COHEN'S ATTORNEY OR MR. COHEN'S REPRESENTATIVE  
5 THAT STOPPED THE HEARING AND SAID LET'S DO THIS. IT WAS  
6 MS. LYNCH. SHE ADMITS THAT. SHE ADMITS THAT THERE WAS  
7 A COLLOQUY BETWEEN SHE AND THE COURT, EXPLAINING WHAT  
8 THE RAMIFICATIONS WOULD BE OF THE RESTRAINING ORDER.  
9 SHE ADMITS THAT, EVEN ASSUMING THE COURT HADN'T  
10 EXPLAINED THAT, SHE KNEW WHAT A STAY-AWAY ORDER WAS  
11 BECAUSE, OH, YEAH, SHE WAS SERVED WITH ANOTHER ONE NOT  
12 QUITE THREE YEARS PRIOR, IN 2005. OKAY.

13 SHE ALSO ADMITS THAT, BECAUSE SHE WAS  
14 THERE, SHE KNEW ABOUT THE ORDER. AND THEN ABOUT  
15 UNDERSTANDING IT, DO YOU RECALL THE TESTIMONY THAT  
16 THE PEOPLE ELICITED FROM MS. RICE AFTER THERE WAS  
17 QUESTIONING AND ANSWERING BY THE COURT IN COLORADO ON  
18 WHETHER OR NOT MS. LYNCH UNDERSTOOD. AND HER WORDS WERE  
19 EXACTLY, AND I WANT TO QUOTE THIS:

20 I UNDERSTAND DEADLY SERIOUS WHAT IT  
21 MEANS.

22 SO THE ONLY CONCEIVABLE WAY MS. LYNCH  
23 COULD TRY TO GET OUT OF THIS IS TO SAY THAT SHE DIDN'T  
24 WILLFULLY DO IT OR SHE DIDN'T HAVE THE ABILITY TO FOLLOW  
25 THE COURT ORDER. AND THAT'S KIND OF WHAT SHE WAS --  
26 THE PEOPLE THINK SHE WAS TRYING TO DO YESTERDAY. BUT  
27 LET'S KEEP SOMETHING IN MIND: MS. LYNCH IS AN  
28 INCREDIBLY BRIGHT AND CAPABLE WOMAN. IF YOU TAKE

1 NOTHING ELSE AWAY FROM HER TESTIMONY, THAT SHOULD BE  
2 CLEAR TO YOU.

3                   YOU KNOW, PERHAPS IT'S JUST THE PEOPLE,  
4 BUT IT SOUNDS LIKE IT'S GREAT AS WHAT THE MUSIC BUSINESS  
5 PRODUCED. IT IS A PRETTY CUTTHROAT, ROUGH-AND-TUMBLE  
6 BUSINESS. AND IT LOOKS LIKE THOSE YEARS THAT SHE WAS  
7 WORKING WITH MR. COHEN, SHE GAVE AS GOOD AS SHE GOT, AND  
8 SHE COULD STAND FIRM AND TALL UP AGAINST ANYBODY IN  
9 HANDLING MR. COHEN'S BUSINESS. ESSENTIALLY, IT SOUNDS  
10 LIKE SHE WAS RUNNING A MINI-CORPORATION.

11                   AND WE ARE NOT TALKING ABOUT JUST  
12 ANYBODY. THE EVIDENCE IS: NO EVIDENCE TO THE CONTRARY;  
13 THAT SHE HAD SOME SCHOOLING AT THE WHARTON SCHOOL OF  
14 BUSINESS, THAT VERY FAMOUS INSTITUTION IN THE UNIVERSITY  
15 OF PENNSYLVANIA; SHE HAD LEGAL TRAINING. THEY BOTH --  
16 SHE SAID IT AND MR. COHEN SAID IT. OKAY. SHE HAD  
17 EXPERIENCE IN THE ENTERTAINMENT BUSINESS.

18                   THIS IS THE OTHER THING THE PEOPLE FOUND  
19 A LITTLE INTERESTING. SHE KNOWS WHAT A 1099 IS, A  
20 K-1 -- A K-1. WHOEVER HEARD OF A K-1 BEFORE THIS CASE?  
21 THE FTB AND THE IRS. DID ANYONE KNOW THERE WAS A  
22 DIFFERENCE BETWEEN THE FTB AND THE IRS? OR WHAT THE FTB  
23 IS? OKAY.

24                   SO SHE IS A BRIGHT, BRIGHT WOMAN, WHICH  
25 RAISES THE NEXT POINT THE PEOPLE HAVE. SO IF SHE'S SO  
26 BRIGHT AND IF SHE'S SO WELL-VERSED AND EDUCATED, HOW  
27 COME SHE CLAIMS THAT SHE WAS HAVING SOMETHING -- AND,  
28 MIND YOU, THIS IS WOMAN WHO KNOWS WHAT A K-1 IS HAVING A

1 HARD TIME UNDERSTANDING A SIMPLE PHRASE THAT SAYS  
2 SOMETHING AS SIMPLE AS: IT IS ORDERED THAT YOU, THE  
3 RESTRAINED PERSON -- THAT WOULD BE MS. LYNCH -- SHALL  
4 HAVE NO CONTACT OF ANY KIND WITH THE PROTECTED PERSON.

5 AND YOU ARE GOING TO SEE THIS EXHIBIT.  
6 YOU WANT TO KNOW WHAT THE BEST PART IS ABOUT THE  
7 NO-CONTACT PART? NOT JUST NO CONTACT IS IN BOLD, BUT  
8 SHALL HAVE NO CONTACT WITH IS IN BOLD, TOO, JUST IF BY  
9 CHANCE, YOU WANT TO TRY AND SKIM OVER IT AND NOT SEE IT.  
10 SO ARE WE TO BELIEVE THAT A WOMAN WHO IS ASTUTE ENOUGH  
11 TO ESSENTIALLY RUN A MINI-CORPORATION FOR 15 YEARS IS  
12 CLUELESS AS TO WHAT NO CONTACT MEANS?

13 AND THAT SHE SHOULD HAVE NO -- NO CONTACT  
14 AT ALL, THROUGH EVEN DIRECT OR INDIRECT WITH MR. COHEN,  
15 SERIOUSLY? IS THIS NOT LIKE THAT FORMER PRESIDENT WHO  
16 SAID IT DEPENDS ON WHAT YOUR DEFINITION OF IS IS?

17 AND THEN THE OTHER THING ABOUT NOT  
18 UNDERSTANDING THE RESTRAINING ORDER -- AGAIN, REMEMBER  
19 SHE TESTIFIED AT THE COLORADO HEARING, I KNOW WHAT NO  
20 CONTACT MEANS. OKAY. SO CLEARLY SHE KNOWS WHAT THE  
21 RESTRAINING ORDER MEANT, WHAT SHE COULD AND COULD NOT  
22 DO.

23 BUT AGAIN GETTING BACK TO HER TRYING TO  
24 WIGGLE HER WAY OUT OF IT, PERHAPS YOU MAY RECALL THE  
25 TESTIMONY THE PEOPLE TRIED TO ELICIT FROM HER ABOUT  
26 QUESTIONING THE CALIFORNIA RESTRAINING ORDER. SHE KEPT  
27 ASKING IF IT EXPIRED IN 2008. RIGHT, IT WAS 2008 THAT  
28 IT EXPIRED? BECAUSE THIS IS SOMEBODY WHO KNOWS.

1 REMEMBER, THERE WAS EVIDENCE THAT SHE CONTINUED HER  
2 CONTACTING MR. COHEN. THIS IS SOMEBODY WHO KNOWS THAT  
3 SHE'S GOT TO WATCH WHAT SHE SAYS AND BE CAREFUL BECAUSE  
4 SHE CAN'T ADMIT ON THE STAND THAT SHE VIOLATED THAT  
5 CALIFORNIA ORDER. SO SHE IS SMART AND SHE KNOWS WHAT  
6 SHE'S DOING, WHICH RAISES THE OTHER POINT.

7                   WHEN THE PEOPLE INQUIRED FROM MS. LYNCH  
8 ON HAVING EVIDENCE OR PROOF OF OTHER INFORMATION TO  
9 CORROBORATE WHAT HER STORY IS, WHY WAS IT ALWAYS ONLY AT  
10 THOSE POINTS THAT SUCH CALAMITIES, UNFORTUNATE INCIDENTS  
11 WOULD ALWAYS HAPPEN TO SUCH A WELL-EDUCATED,  
12 WELL-VERSED, KNOWLEDGEABLE WOMAN? WHY IS THAT? WHY IS  
13 THE HOMELESSNESS ALWAYS HAPPENING, SO SHE SAYS, AT THE  
14 POINT WHEN THE DEFAULT JUDGMENT ORDER WOULD HAVE BEEN  
15 SENT TO HER?

16                   OR WHY IS ALL THE TRAUMA HAPPENING AT THE  
17 POINT THAT SHE ADMITTED AND AGREED THAT SHE WANTED THE  
18 COLORADO RESTRAINING ORDER? WHY IS THAT? IS IT A MERE  
19 CONTRIVANCE TO GET SOME SYMPATHY FROM YOU ALL?  
20 THE PEOPLE SUBMIT THAT IT IS. SHE KNOWS WHAT SHE'S  
21 DOING. OKAY. AND ALL THIS ABOUT ALL THE BAD THINGS  
22 THAT HAPPENED TO HER, THE ONLY EVIDENCE WE HAVE OF THAT  
23 IS HER UNCORROBORATED STATEMENT.

24                   NOW LET'S TALK ABOUT SOMETHING ELSE THAT  
25 THE PEOPLE THOUGHT A LOT ABOUT, WHAT THE DEFINITION OF  
26 IS IS. AND THIS WOULD BE AT THE END OF THE DAY, WHEN  
27 THE PEOPLE ASKED MS. LYNCH WHETHER OR NOT SHE HAD EVER  
28 BEEN INTOXICATED WHEN SHE MADE ANY OF THE VOICE MAIL

1 CALLS TO MR. COHEN, AND SHE MIGHT HAVE FUMBLER AND SAID  
2 I THINK SO, YEAH, SOME OF THEM.

3 AND THE PEOPLE ASKED FOR EXAMPLES. AND  
4 THEN SHE ENDED IT BY SAYING WELL, ISN'T THAT WHAT  
5 MR. LEONARD COHEN SAID? DIDN'T HE SAY THAT I WAS  
6 INTOXICATED? THE PEOPLE THOUGHT THAT WAS SIMPLY  
7 AMAZING. SHE HAD JUST BEEN ON THE WITNESS STAND,  
8 CALLING HIM A THIEF, SAYING ALL KINDS OF BAD THINGS  
9 ABOUT HIM. IN ALL HER E-MAILS, VOICE MAIL MESSAGES, SHE  
10 HAS CALLED THAT GENTLEMAN EVERYTHING OTHER THAN THE NAME  
11 OF GOD. AND WHEN IT IS TO HER BENEFIT TO HELP HER GET  
12 AWAY WITH A CRIME THAT SHE HAS COMMITTED, SHE SUDDENLY,  
13 SUDDENLY WANTS US TO TAKE THE WORD OF MR. COHEN.

14 YES, IT IS INDEED TRUE THAT, AS THE COURT  
15 HAS INSTRUCTED YOU, THAT VOLUNTARY INTOXICATION IS  
16 SOMETHING THAT SHE CAN USE TO NEGATE THE CHARGE OF  
17 ANNOYING PHONE CALLS BECAUSE THAT CHARGE, UNLIKE THE  
18 RESTRAINING ORDER VIOLATION, REQUIRES A SPECIFIC INTENT  
19 TO ANNOY. AND LET THE PEOPLE READ JUST A LITTLE BIT  
20 OF -- NOT A LITTLE BIT, BUT THE WHOLE THING OF WHAT THE  
21 ELEMENT FOR THAT CRIME IS.

22 THE DEFENDANT MADE REPEATED TELEPHONE  
23 CALLS OR REPEATED CONTACT BY E-MAIL OR A COMBINATION OF  
24 CALLS OR CONTACT TO LEONARD COHEN. THE DEFENDANT MADE  
25 SUCH CALLS AND/OR CONTACTS WITH THE INTENT TO ANNOY OR  
26 HARASS, AND THE CALLS AND CONTACT WERE NOT MADE IN GOOD  
27 FAITH. OKAY.

28 SO SHE'S NOT DENYING THE CALLS; IT'S THAT

1 SHE DIDN'T DO IT TO ANNOY. SO OF COURSE SHE'S GOING TO  
2 USE HER FALLBACK POSITION AND SAY HEY, I WAS DRUNK. NOW  
3 REMEMBER THIS IS SOMEBODY WHO HAS LEGAL TRAINING, SO SHE  
4 KNOWS WHAT SHE'S DOING TO TRY TO GET HERSELF OUT OF  
5 TROUBLE. OKAY?

6 BUT WHEN THE PEOPLE ASKED HER FOR ANY OF  
7 THE SPECIFIC ONES WHERE SHE WAS INTOXICATED, COULD SHE  
8 ANSWER THAT? NO. THAT'S WHEN SHE FELL BACK ON WHAT  
9 MR. COHEN SAID. SHE IS NOT INTOXICATED ON ALL THOSE  
10 PHONE CALLS. INDEED, THERE'S ONE IN PARTICULAR  
11 THE PEOPLE WANT YOU TO KEEP IN MIND OF. IT'S IN THE  
12 SECOND TRANSCRIPT AND IT'S IN A CALL WHERE SHE'S ON THIS  
13 TIRADE, AND THEN SHE SAYS ANYTHING ELSE, GREEDY ASSHOLE?  
14 PAUSE. I KNOW. PAUSE. I CURSE. SHE'S NOT DRUNK ON  
15 THAT ONE. SHE'S STONE COLD SOBER. SHE KNOWS EXACTLY  
16 WHAT SHE'S DOING. OKAY. AND SHE INTENDED TO ANNOY HIM.  
17 ALL RIGHT.

18 BUT LET'S JUST SAY THAT PERHAPS THAT'S  
19 NOT ENOUGH TO BELIEVE THAT THE PEOPLE HAVE PROVEN THAT  
20 THERE IS INTENT TO ANNOY. WHAT OTHER EVIDENCE WOULD ONE  
21 THINK THAT PERHAPS THE PEOPLE HAVE TO PROVE THAT THERE  
22 WAS THIS BARRAGE OF PHONE CALLS AND E-MAILS WAS INTENT  
23 TO ANNOY?

24 ANNOYING. A-N-N-O-Y-I-N-G. ANNOYING.  
25 AND THERE'S STILL ONE, TWO VOLUMES, THREE, FOUR, AND TWO  
26 TRANSCRIPTS LEFT. WHAT MORE DO YOU NEED FOR THE INTENT  
27 TO ANNOY? OKAY. THAT'S NOT GOOD ENOUGH? LET'S TALK  
28 ABOUT DECEMBER 18TH. IN THE SPAN OF 25 MINUTES, SHE

1 SENDS OUT 14 E-MAILS ON SUBJECTS NOT ALL HAVING TO DO  
2 WITH THE K-1, 1099, FTB, IRS. COME ON. SERIOUSLY.  
3 THIS IS NOT YET ANOTHER EXAMPLE OF IT DEPENDS ON WHAT  
4 THE DEFINITION IS IS? THE PEOPLE SUBMIT TO YOU THAT IT  
5 IS. RIGHT?

6 SO -- AND YOU CAN READ THOSE E-MAILS.  
7 THAT'S WHAT'S SO GREAT ABOUT THE E-MAILS, NOT JUST  
8 HAVING THE VOICE MAIL MESSAGES. THE PEOPLE WANT YOU TO  
9 KEEP IN MIND THERE'S STILL PEOPLE'S 10 WITH ALL OF THE  
10 OTHER E-MAILS THAT WEREN'T PRINTED OUT.

11 BUT READ THOSE E-MAILS. YOU WILL BE HARD  
12 PRESSED NOT TO FIND AN OBSCENITY IN ONE OF THOSE  
13 E-MAILS. AND THOSE E-MAILS HAVE NOUN, VERB AND SUBJECT.  
14 OKAY. OKAY. SOMETIMES IT MAY BE FUCK YOU,  
15 MOTHERFUCKER, BUT IT STILL HAS A NOUN AND A VERB IN IT.  
16 AND IT SOUNDS LIKE SOMEBODY WHO IS QUITE COMPOSED, QUITE  
17 ARTICULATE AND KNOWS EXACTLY WHAT SHE'S DOING.

18 BUT THIS IS THE THING THAT THE PEOPLE  
19 WANT YOU TO KEEP IN MIND WITH THE E-MAILS AND THE PHONE  
20 CALLS. IT'S NOT JUST THE OBSCENITIES. IT'S ALSO THE  
21 THREATS. NOW, THERE WAS QUESTIONING BY THE PEOPLE'S  
22 COLLEAGUE ON MR. COHEN ON SOME OF THE E-MAILS WHERE  
23 THERE WERE THINGS THAT WERE SAID AS SIMPLE AS I'M GOING  
24 TO TAKE YOU DOWN. OR THINGS ABOUT -- MENTIONING THE  
25 ARYAN NATION IN REFERENCE TO OTHER THINGS AND HOW THAT  
26 COULD BE A THREAT. ALL RIGHT?

27 SO THE PEOPLE JUST WANT YOU TO THINK OF  
28 ONE THING: THIS, ALL OF THIS THAT'S PRINTED OUT FOR

1 YOU, COVERS 13 DAYS. AND WHEN DID MR. COHEN SAY ALL  
2 THIS DRAMA WITH MS. LYNCH STARTED? ALMOST IMMEDIATELY  
3 IN 2005. SO LET'S GIVE MS. LYNCH 2005 AND 2012. THE  
4 TIME PERIOD FROM 2006 TO 2011 IS SIX YEARS. THAT'S  
5 2,190 DAYS. AND WHAT DID THE PEOPLE PRINT OUT FOR YOU?  
6 THAT NUMBER RIGHT THERE, LESS THAN ONE PERCENT OF WHAT  
7 HE'S BEEN THROUGH.

8 SO IF YOU WERE ANNOYED BY WHAT YOU SAW  
9 AND WHAT YOU READ, THINK ABOUT WHAT MR. COHEN WENT  
10 THROUGH. IF YOU WERE SHOCKED AND JUST WANTED TO PLUG  
11 YOUR EARS AND SAY MAKE IT STOP, THINK ABOUT WHAT  
12 MR. COHEN WENT THROUGH. THE PEOPLE PRINTED OUT HERE.

13 MR. RAMNANEY: OBJECTION; IMPROPER ARGUMENT,  
14 YOUR HONOR.

15 THE COURT: OVERRULED.

16 MS. STREETER: THE PEOPLE PRINTED OUT TO YOU  
17 LESS THAN ONE PERCENT OF WHAT HE WENT THROUGH. IMAGINE  
18 THAT.

19 AND THEN YOU HAVE MS. LYNCH SAY I DIDN'T  
20 MEAN TO ANNOY HIM. THAT WASN'T MEANT TO HARASS HIM.  
21 OH, COME ON. IF EVER THERE IS AN EXAMPLE OF WHAT IS THE  
22 DEFINITION OF IS IS MEANS, THIS WOULD BE IT. OKAY?

23 SO THINK ABOUT THREATS. WHEN SHE SAYS  
24 SOMETHING AS SIMPLE AS I AM GOING TO TAKE YOU DOWN, JUST  
25 THINK ABOUT HOW MUCH TIME AND ENERGY HAS GONE INTO ALL  
26 THOSE E-MAILS. WHO HERE WOULD FEEL SAFE JUST GETTING 13  
27 DAYS' WORTH OF E-MAILS LIKE THIS? HOW WOULD YOU NOT  
28 WANT TO BE CONCERNED ABOUT HAVING YOUR GRANDCHILDREN

1 PLAY OUT IN YOUR FRONT YARD OR YOUR KIDS PLAY OUT IN  
2 YOUR FRONT YARD? WHY WOULD YOU NOT TURN YOUR HEAD AND  
3 LOOK EVERY OTHER WAY JUST ON 13 DAYS OF THIS? OKAY.

4 SO WHY IS IT WHEN MR. COHEN SAYS SHE SAYS  
5 I WILL TAKE YOU DOWN, HE IS CONCERNED ABOUT HIS SAFETY?  
6 OR SHE SAYS I WANT TO BREAK THE DISTRICT ATTORNEY'S JAW?  
7 THE TOP LAW ENFORCEMENT OFFICIAL IN THIS COUNTY. I WANT  
8 TO BREAK HIS JAW. WHY WOULD ONE NOT BE CONCERNED ABOUT  
9 YOUR SAFETY AND THE SAFETY OF YOUR FAMILY? HOW IS THAT  
10 UNREASONABLE? THINK ABOUT THE AMOUNT OF ENERGY THAT SHE  
11 SPENT. NOT CONVINCED? OKAY. THINK ABOUT THIS.

12 SO THE ONLY TWO DATES THAT THE PEOPLE  
13 CROSS MS. COHEN [SIC] ON, ACTUALLY THREE DATES, WAS  
14 DECEMBER 18TH, PART OF IT; DECEMBER 22ND; AND  
15 DECEMBER 23RD. OKAY. AND SO THE PEOPLE TALKED TO HER  
16 ABOUT SENDING ALL THOSE E-MAILS PART OF THE DAY ON  
17 DECEMBER 18TH. AND THEN WE GOT TO DECEMBER 22ND AND  
18 DECEMBER 23RD. AND WHY DID SHE SAY THAT SHE SENT --  
19 MR. COHEN'S WORD -- SUCH A VILE, VILE E-MAIL TO  
20 EVERYBODY, VIRTUALLY. WHY DOES MR. LEONARD HAVE A TINY  
21 OR NONEXISTENT PENIS? WHY DID SHE SAY SHE DID THAT?  
22 BECAUSE SHE WAS ANGRY AT HIM. OKAY.

23 SO ALL THIS IS DONE TO GET A REACTION OUT  
24 OF HIM AND HE HAS NOT RESPONDED. SO WOULD ONE NOT BE  
25 CONCERNED ABOUT WHAT'S GOING TO HAPPEN NEXT IF YOU KEEP  
26 IGNORING IT AND THE THUNDER GETS LOUDER AND LOUDER?

27 AND, ACTUALLY, YOU KNOW WHAT? THIS MADE  
28 ME THINK ABOUT LISTENING TO COUNSEL QUESTIONING

1 MR. COHEN ABOUT WHY DON'T YOU USE A FILTER, WHY DON'T  
2 YOU BLOCK YOUR E-MAIL, WHY DON'T YOU CHANGE YOUR PHONE  
3 NUMBER? HAVE YOU EVER HEARD OF OR KNOWN SOMEBODY THAT  
4 HAD, LIKE, A DRIP IN THEIR FAUCET; IT WAS JUST A LITTLE  
5 BIT. AND THEY'RE LIKE OH, IT'S JUST DRIPPING A LITTLE  
6 BIT. I'LL IGNORE IT. IT WILL GO AWAY. AND AFTER TIME,  
7 THE DRIP GETS A LITTLE BIT LOUDER. OH, IT'S NOT THAT  
8 BAD. AND THEN IT GETS LOUDER AND LOUDER, AND THE NEXT  
9 THING THEY KNOW, THAT FAUCET HAS BROKEN BECAUSE THEY  
10 IGNORED IT. HOW IS THIS ANY DIFFERENT?

11 AND MR. COHEN TESTIFIED THAT WHAT SHE  
12 SENT AT THE BEGINNING OF 2005 IS NOT LIKE WHAT SHE WAS  
13 SENDING OR DOING AT THE END OF 2012. SO IT WOULD BE  
14 IMPRUDENT FOR HIM TO BLOCK HER E-MAIL. IT WOULD BE  
15 IMPRUDENT FOR HIM TO CHANGE HIS PHONE NUMBER. IT IS NOT  
16 SAFE. YOU KNOW HE IS DOING THE BEST HE CAN DO.

17 YOU KNOW, THE PEOPLE REALLY THINK IT'S A  
18 RISK WHERE A GENTLEMAN HAS DONE EVERYTHING THAT HE CAN  
19 TO KEEP HIMSELF SAFE. GET A RESTRAINING ORDER NOT ONCE,  
20 BUT TWICE. AND THEN SOMEHOW IT'S HIS FAULT THAT WE'RE  
21 ALL HERE. OKAY.

22 NOW LET'S TALK A LITTLE BIT ABOUT THE  
23 RESTRAINING ORDER, ABOUT WELL, GOSH, IF IT'S SO CLEAR  
24 WITH THE RESTRAINING ORDER, WE'VE BEEN SO CLEAR WITH  
25 THE -- WITH THE ANNOYING PHONE CALLS, WHY WOULD SHE DO  
26 THAT? DO YOU EVER, LIKE, HEARD OR HAD ANYBODY MENTION  
27 THAT YOU TEND TO VIEW PEOPLE THE WAY YOU SEE THE WORLD  
28 AND WHAT YOU SAY IS KIND OF A REFLECTION OF WHAT YOU

1 THINK OF OTHERS?

2 SO YOU RECALL THE QUESTIONING BY COUNSEL,  
3 DEFENSE COUNSEL, ON THE RESTRAINING ORDER AND NOT  
4 GETTING THE RESTRAINING ORDER BY MS. LYNCH. WHAT WERE  
5 HER WORDS? I DIDN'T THINK THAT IT WOULD MATTER, THAT  
6 THEY WOULD EVER ENFORCE IT. AND WHY WOULD SHE NOT THINK  
7 THAT A RESTRAINING ORDER WOULD MAKE A DIFFERENCE IN  
8 REFERENCE TO THE COLORADO ONE? REMEMBER, MR. COHEN HAD  
9 GOTTEN A RESTRAINING ORDER IN LOS ANGELES IN 2005, AND  
10 THE TESTIMONY OF MR. COHEN IS THAT THAT DIDN'T MAKE A  
11 BIT OF DIFFERENCE.

12 SHE CONTINUED TO CALL. SHE CONTINUED TO  
13 SEND HIM E-MAILS. IT DIDN'T STOP. BUT WHAT DID HE NOT  
14 DO? HE NEVER REPORTED HER. SO OF COURSE SHE'S GOING TO  
15 THINK RESTRAINING ORDER, YEAH, I'LL AGREE TO THAT.  
16 NOTHING HAS EVER HAPPENED TO ME BEFORE. I CAN KEEP  
17 ON -- WHAT WAS THE WORD SHE SAID? NOT ABATE. NOT  
18 ABATE. I CAN SEND HIM ALL THESE E-MAILS, HARASS HIM TO  
19 NO END, AND NOTHING WILL HAPPEN TO ME.

20 NOW, ONE MIGHT WONDER, IF IT'S SO CLEAR,  
21 THEN WHY ARE WE HERE? WHY ARE WE HAVING TO DO THE TRIAL  
22 IF THE PEOPLE'S EVIDENCE IS SO CLEAR? WELL, THE PEOPLE  
23 WILL TELL YOU WHY: BECAUSE THE UNITED STATES  
24 CONSTITUTION, WHICH THE PEOPLE THINK IS ONE OF THE BEST  
25 THINGS GOING, SAYS SO. IT SAYS SO. IT'S JUST AS SIMPLE  
26 AS THAT. MS. LYNCH HAS A CONSTITUTIONAL RIGHT TO MAKE  
27 ME THE PEOPLE'S REPRESENTATIVE TO PROVE THAT SHE IS  
28 GUILTY OF EVERY ELEMENT OF EVERY CHARGE. THAT'S WHY WE

1 ARE HERE TO TALK TO YOU.

2 IT'S NOT JUST TO PASS THE TIME OF DAY,  
3 BECAUSE THAT DOCUMENT THAT ALL OF US HOLD DEAR, THAT  
4 MAKES US WHO WE ARE AS AMERICANS, SAYS SO. AND IF THE  
5 UNITED STATES CONSTITUTION SAYS IT'S GOOD ENOUGH, THAT  
6 SHOULD BE GOOD ENOUGH FOR ALL OF US. OKAY.

7 NOW, THE NEXT THING THE PEOPLE WANT TO  
8 TALK ABOUT IS THE FINAL FALLBACK POSITION ON MS. LYNCH  
9 IF WHAT SHE DID WAS DONE IN GOOD FAITH FOR A LEGITIMATE  
10 PURPOSE.

11 NOW, YOU MAY RECALL THAT THE COURT GAVE  
12 YOU A JURY INSTRUCTION ABOUT CIRCUMSTANTIAL EVIDENCE AND  
13 USED A HYPO OF IF IT'S RAINING OUTSIDE. YOU DON'T SEE  
14 IT'S RAINING, BUT YOU HEAR IT. AND THEN YOU GO OUTSIDE  
15 THE NEXT DAY AND YOU SEE EVERYTHING IS WET. OKAY.  
16 THAT'S CIRCUMSTANTIAL EVIDENCE THAT IT RAINED. ALL  
17 RIGHT.

18 NOW, THE PEOPLE QUARREL THAT WHAT  
19 MS. LYNCH DID WAS FOR A LEGITIMATE PURPOSE. THE PEOPLE  
20 SEE THAT WHAT WAS DONE WAS DONE FOR A COMPLETELY  
21 DIFFERENT REASON. AND THE PEOPLE ALSO SEE THAT WHILE  
22 THE CHARGES IN THIS CASE MAY BE ANNOYING PHONE CALLS OR  
23 A COURT ORDER VIOLATION, THERE IS SOMETHING ELSE GOING  
24 ON. SO JUST BEAR WITH THE PEOPLE.

25 DO YOU RECALL MR. COHEN'S TESTIMONY ABOUT  
26 THE RELATIONSHIP THAT HE HAD WITH MS. LYNCH PRIOR TO HIM  
27 FIRING HER? HE TALKED ABOUT A VERY -- WHAT SEEMED TO BE  
28 A VERY WARM AND LOVING RELATIONSHIP ON HIS END. AND HE

1 TOOK HER IN. SHE SAT THE SABBATH WITH HIM. SHE CAME  
2 OVER FOR DINNER. SHE MET HIS FAMILY, HIS KIDS, HIS  
3 GRANDKIDS. SHE KNEW EVERYTHING ABOUT HIM. SHE ALSO HAD  
4 ACCESS TO EVERYTHING THAT WAS IMPORTANT TO HIM.

5 BUT WHEN IT CAME TO WHAT HE KNEW ABOUT  
6 HER OR THE IMPORTANT PEOPLE IN HER LIFE, WAS IT THE  
7 SAME? NO. WHAT DOES THAT SOUND LIKE TO YOU? RING A  
8 BELL? WHO DOES THAT? WHO -- WHAT PERSON? AND WHEN YOU  
9 THINK ABOUT THAT, KEEP IN MIND THAT AT THE END OF IT,  
10 MR. COHEN WAS LEFT WITH A SMALL AMOUNT OF MONEY. WHO  
11 DOES THAT, COME INTO SOMEBODY'S LIFE, BECOME AN INTEGRAL  
12 PART OF THAT PERSON'S LIFE, AND THE PERSON THAT YOU'RE  
13 INVOLVED WITH, YOU KNOW EVERYTHING ABOUT THEM, RIGHT  
14 DOWN TO THEIR SOCIAL SECURITY NUMBER, BUT THEY KNOW  
15 NOTHING ABOUT YOU.

16 CON ARTIST. C-O-N A-R-T-I-S-T. CON  
17 ARTIST. SO THIS ISN'T ABOUT MS. LYNCH BEING ANGRY THAT  
18 SHE DIDN'T GET HER TAX DOCUMENTS. THIS IS MS. LYNCH  
19 BEING ANGRY THAT MR. COHEN FIGURED OUT THAT SHE WAS HIS  
20 MARK, THAT SHE WAS TAKING HIM TO THE CLEANERS BEFORE SHE  
21 COULD GET OUT. THAT'S WHY SHE'S SO ANGRY. I MEAN, IT  
22 SOUNDS LIKE SHE HAD A GREAT LIFE WITH MR. COHEN, A  
23 FABULOUS LIFE, AND HAD ACCESS TO MILLIONS. AND HER  
24 FINGERS WERE JUST A BIT TOO STICKY OR A BIT TOO LONG  
25 BEFORE SHE COULD GET HER EXIT STRATEGY BEFORE HE FOUND  
26 OUT.

27 SO WHAT YOU HAVE HERE, WHAT THIS IS PROOF  
28 OF IS NOT A WOMAN WHO LEGITIMATELY WANTS HER IRS RECORDS

1 OR DOCUMENTS. IT IS THE UNRAVELING OF A CON.

2 NOW, THE PEOPLE STARTED THIS SAYING, YOU  
3 KNOW, IT DEPENDS ON WHAT YOUR DEFINITION OF IS IS. YOU  
4 KNOW THE OTHER THING, THE PHRASE THAT HAS BEEN RUNNING  
5 THROUGH MY MIND? STILL WATERS RUN DEEP. MS. LYNCH AT  
6 EVERY STAGE OF THIS TRIAL IN WHAT HAPPENED TO MR. COHEN  
7 HAS UNDERESTIMATED HIM. SHE UNDERESTIMATED THAT A  
8 GENTLEMAN WHO IS ASKED WHY ALL THIS IS HAPPENING TO YOU  
9 OR WHY THIS WAS DONE TO YOU DOESN'T RESPOND IN A MORE  
10 COARSE FASHION AND SAY I DON'T KNOW. THE WOMAN LOST HER  
11 MIND.

12 NO, HE RESPONDS VERY ELOQUENTLY AND SAYS  
13 SOMETHING LIKE SHE SEES ME AS THE AUTHOR OF MY DEMISE.  
14 MS. LYNCH GOT HOODWINKED AND PLAYED HER HAND THE WRONG  
15 WAY AND FORGOT ABOUT THE PHRASE STILL WATERS RUN DEEP.

16 THANK YOU.

17 THE COURT: THANK YOU VERY MUCH, MS. STREETER.

18 MR. RAMNANEY.

19 MR. RAMNANEY: THANK YOU, YOUR HONOR.

20

21 CLOSING ARGUMENT

22 BY MR. RAMNANEY:

23 LADIES AND GENTLEMEN, THE PROSECUTION IS  
24 RIGHT. I'M NOT GOING TO COME UP HERE AND TELL YOU THAT  
25 MS. LYNCH DIDN'T SEND E-MAILS OR VOICE MAILS. I'M NOT  
26 GOING TO COME UP HERE AND TELL YOU THAT IT WAS THE BEST  
27 IDEA TO SEND SO MANY E-MAILS. I'M NOT GOING TO COME UP  
28 HERE AND TELL YOU THAT IT WAS THE BEST IDEA TO SEND SO

1 MANY E-MAILS TO SO MANY PEOPLE.

2 BUT WHAT IS INDISPUTABLE, LADIES AND  
3 GENTLEMEN, IS MS. LYNCH HAS A LOT TO SAY. NUMBERS,  
4 DATES, NAMES. SOMETIMES THAT'S MIXED IN WITH A HARD  
5 EDGE AND ALCOHOL.

6 BUT THAT IS WHY MR. COHEN HIRED HER, TO  
7 BE HIS PERSONAL MANAGER, BECAUSE SHE WAS BEYOND  
8 THOROUGH. HER ATTENTION TO DETAIL IS UNPARALLELED. YOU  
9 SAW HER TESTIFY. HE GAVE HER THE KEY TO HIS EMPIRE AND  
10 ACCESS TO HIS LIFE SO THAT SHE COULD USE HER SKILLS TO  
11 MANAGE IT. EVEN MR. KORY, MR. COHEN'S NEW ATTORNEY, HE  
12 ADMITTED MS. LYNCH KNOWS MORE THAN ANYBODY ELSE ABOUT  
13 MR. COHEN'S FINANCIAL AFFAIRS AND BUSINESS AFFAIRS. BUT  
14 THAT IS EXACTLY WHY SHE'S ON TRIAL, LADIES AND  
15 GENTLEMEN, BECAUSE SHE KNOWS TOO MUCH.

16 NOW, WHAT DOES SHE KNOW, LADIES AND  
17 GENTLEMEN? IN OCTOBER 2004, AFTER SELLING HIS  
18 PUBLISHING CATALOGUE TO SONY FOR MILLIONS OF DOLLARS,  
19 LEONARD COHEN SAW HIS FORTUNE DWINDLING. SAW AFTER  
20 BUYING HOUSES AND REAL ESTATE AND NOT WATCHING HIS MONEY  
21 TOO CLOSELY, THAT THERE WASN'T AS MUCH MONEY IN HIS  
22 ACCOUNTS ANYMORE. SO HE PANICKED, LADIES AND GENTLEMEN.

23 AND AFTER HE PANICKED, HE CAME UP WITH A  
24 PLAN. WHAT WAS THAT PLAN? HE ASKED MS. LYNCH TO  
25 COOPERATE WITH HIM AND SAY THAT SHE WAS USED AS A PAWN  
26 BY HIS FINANCIAL ADVISORS AND BY HIS TAX LAWYERS TO  
27 DEFRAUD MR. COHEN, AND THAT THEY WOULD GO AFTER HIS  
28 FINANCIAL ADVISORS AND HIS TAX ADVISORS AND GET THAT

1 MONEY.

2 WHEN HE APPROACHED MS. LYNCH ABOUT THIS,  
3 SHE REFUSED. SHE SAID IT WASN'T TRUE. IT WASN'T RIGHT.  
4 SHE WENT TO THE IRS. SHE ENDED THEIR BUSINESS  
5 RELATIONSHIP, LADIES AND GENTLEMEN.

6 NOW, SHORTLY AFTER THAT, MR. KORY CAME  
7 INTO THE PICTURE. MR. KORY MET WITH MS. LYNCH AND THEY  
8 HAD A MEETING IN WHICH HE SAID THERE'S SOMETHING FUNNY  
9 GOING ON WITH MR. COHEN'S TAXES. MS. LYNCH AGREED. SHE  
10 KNEW. I THOUGHT THERE WAS ALWAYS SOMETHING FUNNY GOING  
11 ON.

12 AND SO HE ASKED HER ONCE AGAIN, WILL YOU  
13 COOPERATE IN OUR PLAN TO GO AFTER THE FINANCIAL ADVISORS  
14 AND THE TAX ADVISORS FOR MONEY, TO EXTORT MILLIONS OF  
15 DOLLARS FROM THEM SO WE CAN GET BACK MR. COHEN'S  
16 FORTUNE? SHE AGAIN -- MS. LYNCH REFUSED. NOW  
17 MR. KORY -- MR. COHEN HAD TO COME UP WITH A NEW PLAN.  
18 THEIR NEW PLAN WAS IF MS. LYNCH WASN'T WITH THEM, SHE  
19 WAS AGAINST THEM.

20 MS. LYNCH KNEW EVERYTHING. THIS IS A  
21 WOMAN WHO HAD BEEN MR. COHEN'S PERSONAL MANAGER FOR 16  
22 YEARS. SHE KNEW EVERYTHING GOOD; SHE KNEW EVERYTHING  
23 BAD. SHE KNEW WHICH SKELETONS HE KEPT IN THE CLOSET AND  
24 WHERE THE BODIES WERE BURIED. IT'S FIGURATIVE LANGUAGE,  
25 NOT ACTUALLY.

26 SO THEY KNEW THAT THEY HAD TO GO AFTER  
27 MS. LYNCH TO RUIN HER CREDIBILITY BECAUSE, LADIES AND  
28 GENTLEMEN, THE CRAZIER MS. LYNCH LOOKS, THE LESS ANYBODY

1 WILL BELIEVE WHAT SHE HAS TO SAY ABOUT MR. COHEN AND  
2 MR. KORY AND THEIR PLAN OR ABOUT MR. COHEN'S AFFAIRS.  
3 BECAUSE, YOU SEE, MR. COHEN, LADIES AND GENTLEMEN IS A  
4 CELEBRITY. HE'S AN ARTIST WHO HAS MADE A LIVING ON  
5 SELLING HIS IMAGE. HE SELLS TICKETS TO CONCERTS, THE  
6 MUSIC ALBUMS AND MERCHANDISE.

7 WHAT MR. KORY AND MR. COHEN DID TO  
8 MS. LYNCH IS THAT SHE LOST HER JOB, SHE LOST HER CAREER,  
9 SHE LOST HER HOME, SHE LOST HER CHILD BECAUSE MR. KORY  
10 FILED A DECLARATION IN HER CUSTODY MATTER. THEN THEY  
11 WENT AFTER HER CIVILLY. THEY SUED HER IN A LAWSUIT IN  
12 WHICH SHE HAD NO INVOLVEMENT, NO KNOWLEDGE OF, AND THEY  
13 GOT A JUDGMENT AGAINST HER.

14 THEN AGAIN THEY WENT AFTER HER. THEY GOT  
15 A RESTRAINING ORDER IN 2005 TO FURTHER HARASS HER. HER  
16 FINANCIAL AFFAIRS WERE RUINED, LADIES AND GENTLEMEN. IN  
17 SHAMBLES. SHE WAS FORCED TO LIVE ON THE STREETS,  
18 HOMELESS. MR. COHEN EVEN CONFIRMED THAT HE KNEW SHE WAS  
19 LIVING ON THE STREETS OF SANTA MONICA. BECAUSE IT WAS  
20 ALL PART OF THE PLAN ONCE SHE REFUSED TO COOPERATE WITH  
21 THEM.

22 SO, YES, MS. LYNCH WROTE A LOT OF E-MAILS  
23 TELLING HER SIDE OF THE STORY. AND, YES, SHE COPIED A  
24 LOT OF PEOPLE IN THOSE E-MAILS BECAUSE SHE WAS CRYING  
25 OUT FOR HELP. SHE WAS A WHISTLE-BLOWER, REPORTING WHAT  
26 SHE THOUGHT WAS CRIMINAL AND FRAUDULENT CONDUCT. SHE'S  
27 ASKING FOR HELP FROM STEVE COOLEY, THE DA, THE IRS, THE  
28 FBI, DEPARTMENT OF JUSTICE, LAWYERS SHE THOUGHT MIGHT

1     HELP HER.

2                     AND, YES, SHE WROTE EVERYTHING TO  
3     MR. COHEN, MR. KORY, MS. RICE BECAUSE, AT THAT TIME, SHE  
4     WASN'T REPRESENTED BY ATTORNEYS ANYMORE. SHE'S  
5     REPRESENTING HERSELF. AND BECAUSE OF SO MANY FALSE  
6     ACCUSATIONS AGAINST HER, SHE WANTED EVERYBODY ON THE  
7     SAME PAGE. SHE DIDN'T WANT ANYBODY TO ACCUSE HER OF  
8     MAKING ANYTHING UP OR MAKING STATEMENTS TO OTHER PEOPLE.  
9     SHE PUT EVERYBODY ON THERE AND PUT IT ALL OUT IN THE  
10    OPEN. BUT HER CRY FOR HELP IN HER CONSTANT E-MAILS,  
11    THOSE THEMSELVES, LADIES AND GENTLEMEN, WERE NOT  
12    CRIMINAL CONTACT.

13                    NOW, BEFORE I TALK ABOUT THE  
14    PROSECUTION'S CASE, I WANT TO TALK TO YOU A LITTLE BIT  
15    ABOUT THE LAW. EVERY DAY WHEN YOU'VE COME IN HERE,  
16    MS. LYNCH, THE JUDGE HAS TOLD YOU, WAS PRESUMED  
17    INNOCENT. THAT MEANS YOU HAVE TO ASSUME THESE CHARGES  
18    ARE FALSE AND THAT SHE'S WRONGFULLY ACCUSED. AND ONLY  
19    AFTER LOOKING AT THE PROSECUTION EVIDENCE, IF YOU  
20    BELIEVE THAT THEY'VE PROVED EVERY SINGLE ELEMENT BEYOND  
21    ANY AND ALL REASONABLE DOUBTS, ONLY THEN COULD YOU FIND  
22    HER GUILTY.

23                    AND LET ME BE CLEAR. THE PROSECUTION,  
24    LADIES AND GENTLEMEN, HAS 100 PERCENT, ALL OF IT, THE  
25    ENTIRE BURDEN TO PROVE TO YOU THAT SHE'S GUILTY.

26                    SO LET'S TALK ABOUT THEIR CASE. THEY PUT  
27    LEONARD COHEN ON THE STAND AS THEIR FIRST WITNESS. I  
28    WANT TO REMIND EVERYBODY THAT HE IS A WORLD FAMOUS

1 ENTERTAINER. THE MAN HAS BEEN IN SHOW BUSINESS FOR OVER  
2 50 YEARS. AND WHAT YOU SAW, LADIES AND GENTLEMEN, WAS A  
3 PERFORMANCE. SOMEONE WHO HAS BEEN IN THE SPOTLIGHT HIS  
4 ENTIRE LIFE. SOMEONE WHO HAS A TEAM OF ATTORNEYS TO  
5 PREP HIM FOR TESTIMONY.

6 LET'S TALK ABOUT HIS DEMEANOR ON  
7 TESTIMONY BECAUSE THAT'S REALLY IMPORTANT, LADIES AND  
8 GENTLEMEN. IF YOU READ JURY INSTRUCTION 226, IT TALKS  
9 ABOUT THE FACTORS THAT YOU SHOULD CONSIDER IN  
10 DETERMINING IF SOMEONE IS A CREDIBLE WITNESS OR NOT.  
11 AND ONE OF THOSE FACTORS IS THEIR DEMEANOR ON DIRECT AND  
12 CROSS-EXAMINATION.

13 NOW, WHEN MS. STREETER ASKED HIM  
14 QUESTIONS ABOUT E-MAILS THAT SPAN YEARS, MR. COHEN  
15 IMMEDIATELY GLANCED AT THE DOCUMENT AND HE SAID I  
16 RECEIVED IT, SOMETIMES EVEN ON E-MAILS WHERE HIS NAME  
17 WASN'T EVEN ON THE RECIPIENT LIST. I'VE RECEIVED THIS  
18 E-MAIL. I'VE READ IT. IMMEDIATELY.

19 BUT WHEN MY CO-COUNSEL CROSS-EXAMINED HIM  
20 ABOUT E-MAILS THAT HE TESTIFIED IN THIS HEARING, ALL OF  
21 A SUDDEN MR. COHEN COULDN'T REMEMBER. I'M NOT SURE IF  
22 THAT'S THE E-MAIL I TALKED ABOUT ON FRIDAY. I'M NOT  
23 SURE IF I TALKED ABOUT THAT THIS MORNING. ALL OF A  
24 SUDDEN, HIS MEMORY IS FAULTY. DOES THAT SOUND LIKE  
25 SOMEONE WHO HAS NOTHING TO HIDE OR HASN'T BEEN COACHED  
26 AS A WITNESS?

27 NOW, LADIES AND GENTLEMEN, WE ALSO HEARD  
28 TESTIMONY ABOUT MR. COHEN'S RELATIONSHIP WITH MS. LYNCH.

1 AT A PRIOR HEARING IN THIS MATTER, HE TESTIFIED THAT  
2 THEIR RELATIONSHIP WAS PURELY A BUSINESS RELATIONSHIP.  
3 BUT THEN, WHEN HE TESTIFIED ON THE STAND IN FRONT OF  
4 YOU, THE JURORS, HE SAID UNDER OATH THAT THEY HAD A  
5 SHORT, BRIEF INTIMATE RELATIONSHIP, A SEXUAL  
6 RELATIONSHIP. AND WHEN HE WAS ASKED, WELL, WHY THE TWO  
7 STORIES? WHY WHEN YOU WERE UNDER OATH AT THE PRIOR  
8 HEARING DID YOU SAY IT WAS ONLY A BUSINESS RELATIONSHIP  
9 AND NOW, UNDER OATH AGAIN, YOU'RE SAYING, WELL, IT WAS  
10 ALSO A LITTLE BIT MORE, IT WAS A SEXUAL RELATIONSHIP  
11 ALSO?

12 MR. COHEN'S RESPONSE WAS, WELL, MS. LYNCH  
13 DENIES IT AND, YOU KNOW, IN MY MIND IF SHE DENIES IT,  
14 THEN IT DIDN'T REALLY HAPPEN. LADIES AND GENTLEMEN, IF  
15 YOU'RE EVER IN YOUR ENTIRE LIFE GOING TO TELL THE TRUTH,  
16 WOULDN'T YOU DO IT UNDER OATH, UNDER PENALTY OF PERJURY  
17 AND IN A COURT OF LAW? MR. COHEN HAD TWO STORIES. WHAT  
18 DOES THAT SAY ABOUT HIS CREDIBILITY?

19 NOW, I ALSO WANT TO TALK ABOUT  
20 MR. COHEN'S APPARENT KNOWLEDGE OF HIS FINANCIAL AND  
21 LEGAL AFFAIRS ON DIRECT EXAMINATION VERSUS HOW HE  
22 RESPONDED TO THE QUESTIONS ON CROSS-EXAMINATION. ON  
23 DIRECT EXAMINATION MR. COHEN WAS TESTIFYING HE DOESN'T  
24 KNOW WHAT A W-2 FORM IS, HE ONLY LEARNED RECENTLY THAT A  
25 K-1 FORM HAS TO DO WITH TAXES, AND THAT HE ONLY ASKED  
26 TWO REAL QUESTIONS WHEN THINGS COME UP IN HIS FINANCIAL  
27 AND LEGAL AFFAIRS: IS IT LEGAL? IS IT SAFE?

28 AND HE DOESN'T WANT TO GET INVOLVED TOO

1 MUCH IN THE INTRICACIES OF THESE LEGAL ISSUES BECAUSE IT  
2 INTERFERES WITH THE CREATIVE PROCESS. THAT'S A VERY  
3 REASONABLE ANSWER. BUT WHEN MY CO-COUNSEL WAS  
4 CROSS-EXAMINING HIM ON ISSUES SUCH AS A DEFAULT JUDGMENT  
5 ENTERED AGAINST MS. LYNCH, ALL OF A SUDDEN MR. COHEN HAD  
6 DETAILS ABOUT HOW A FORENSIC ACCOUNTING WAS ENTERED AND  
7 THE JUDGE RELIED UPON THAT. HE'S WON TWO JUDGMENTS  
8 AGAINST HER. HE KNEW DETAILS, WHERE JUST ON DIRECT  
9 EXAMINATION HE DOESN'T GET INVOLVED IN THESE TYPE OF  
10 THINGS. IT SEEMS LIKE HE HAS A LOT MORE TO SAY THAN HE  
11 WAS LETTING ON TO.

12 FINALLY, MR. COHEN ALSO TALKED A LOT  
13 ABOUT HOW HE FELT THREATENED, AND THAT LISTENING TO  
14 THESE VOICE MAILS IS UNPLEASANT AND DEFAMATORY. I WANT  
15 TO FOCUS ON THAT THREATENED COMMENT. HE SAYS EVERY TIME  
16 HE SEES A CAR SLOW DOWN, HE GETS A LITTLE WORRIED  
17 BECAUSE OF THE E-MAILS THAT MY CLIENT SENT HIM.

18 THIS IS COMING FROM A MAN WHO SAYS HE  
19 RECORDED AN ALBUM WITH PHIL SPECTOR, A MAN WHO WAS  
20 CONSTANTLY DRUNK IN THE STUDIO, VOLATILE AND ALWAYS HAD  
21 GUNS ON HIM. AND A MAN WHO ONCE PULLED LEONARD COHEN,  
22 PUT HIS ARM AROUND HIM, PUT A GUN TO HIS HEAD. AND WHAT  
23 DID MR. COHEN SAY? I WASN'T THREATENED BY THAT. BUT  
24 HE'S THREATENED BY MY CLIENT SENDING HIM E-MAIL? DOES  
25 THAT SOUND REASONABLE AND CREDIBLE TO YOU, LADIES AND  
26 GENTLEMEN?

27 NOW, THE PEOPLE ALSO PUT ON ATTORNEY  
28 MICHELLE RICE. LADIES AND GENTLEMEN, THIS IS A WOMAN

1 WHO HAS MADE HER CAREER OFF OF KELLEY LYNCH. HER ENTIRE  
2 CAREER HAS BEEN SURROUNDED BY THE LITIGATION INVOLVED  
3 WITH KELLEY LYNCH, WITH RICHARD WESTIN AND NEAL  
4 GREENBERG. THOSE ARE THE FINANCIAL AND TAX ADVISORS FOR  
5 MR. COHEN. SHE BECAME PARTNER 18 MONTHS AGO WITH  
6 MR. KORY. SHE EVEN TESTIFIED THAT EVEN THOUGH SHE'S  
7 HERE UNDER SUBPOENA, SHE WAS BILLING MR. COHEN FOR HER  
8 TIME. BILLING HIM TO TESTIFY IN THIS CASE, WILLING TO  
9 STAND OUTSIDE IN THE HALLWAY AND WAIT FOR THIS CASE TO  
10 BE OVER. SHE'S AN ATTORNEY PAID TO BE AN ADVOCATE AND  
11 PAID TO BE A REPRESENTATIVE OF MR. COHEN.

12 NOW, SHE ALSO SAID SHE SENT AN E-MAIL TO  
13 MY CLIENT ON FEBRUARY 14TH, 2011. IN THAT E-MAIL SHE  
14 SAID WE REGISTERED AN ORDER IN CALIFORNIA. NOW, WE'RE  
15 GOING TO TALK A LITTLE BIT MORE ABOUT THAT ORDER, LADIES  
16 AND GENTLEMEN, BECAUSE THERE ARE REALLY TWO RESTRAINING  
17 ORDERS. THERE'S A COLORADO ORDER THAT WAS ISSUED, AND  
18 THEN THE REGISTRATION OF THAT ORDER IN CALIFORNIA COURT,  
19 RECOGNIZING COLORADO'S ORDER.

20 NOW, THE REGISTRATION OF THE COLORADO  
21 ORDER IN CALIFORNIA HAPPENED ON MAY 25TH. MS. RICE  
22 ADMITTED TO THAT. BUT SHE ALSO SAID SHE SENT AN E-MAIL  
23 TO MY CLIENT, MS. LYNCH, AND SAID WE REGISTERED THE  
24 ORDER IN CALIFORNIA. WHEN I ASKED HER, WELL, WHY DID  
25 YOU SAY THAT? YOU ACTUALLY HADN'T REGISTERED IT YET.  
26 YOU DIDN'T REGISTER IT UNTIL THREE MONTHS LATER.

27 WELL, TECHNICALLY, WE WERE RESEARCHING IT  
28 AND WE WERE TRYING TO FIGURE OUT WHAT TO DO. WELL,

1   TECHNICALLY, YOU DIDN'T REGISTER IT, BUT YOU FALSELY  
2   SAID THAT.  AND SHE GAVE ME A LAWYER ANSWER.  SHE TRIED  
3   TO EVADE IT.  WELL, WE'RE DOING RESEARCH.  WE NEED TO  
4   GET A CERTIFIED DOCUMENT.  SHE HAD AN EXPLANATION.  
5   GUILTY WITH AN EXPLANATION.  THAT'S WHAT THE PROSECUTOR  
6   SAID.  THAT'S WHAT SHE SAID.  SHE MADE A LIE, A MATERIAL  
7   MISREPRESENTATION IN AN E-MAIL TO MY CLIENT.  BUT SHE  
8   HAD AN EXPLANATION.  IF SHE DIDN'T WANT TO CONCEDE IT,  
9   SHE SHOULDN'T HAVE SAID THAT.

10                   NOW, MS. RICE ALSO COPIED OTHER PEOPLE IN  
11   THAT E-MAIL.  ALL THE PEOPLE THAT -- THE GOVERNMENT IS  
12   SAYING THAT MY CLIENT COPIED ON ALL THOSE E-MAILS TOO.  
13   MS. RICE REPLIED TO ALL OF THEM.  THEY WERE ALL INCLUDED  
14   IN THIS E-MAIL WHICH SHE WROTE TO MY CLIENT.  WHY?  
15   MS. RICE HAD NO EXPLANATION FOR THAT.

16                   NOW, THE PROSECUTION ALSO PUT ON  
17   MR. ROBERT KORY.  MR. ROBERT KORY, LADIES AND GENTLEMEN,  
18   IS MR. COHEN'S ATTORNEY, HIS PERSONAL MANAGER AND HIS  
19   BUSINESS MANAGER.  ALL THREE.  FINANCIAL STAKES IN ALL  
20   THREE ASPECTS OF HIS ROLES.  HE EVEN SAID 60 PERCENT OF  
21   HIS BUSINESS, AS MUCH AS 60 PERCENT OF HIS BUSINESS  
22   COMES FROM MR. COHEN.

23                   ON THE STAND HIS DEMEANOR WAS  
24   CONDESCENDING, ARGUMENTATIVE.  WE ASKED HIM QUESTIONS  
25   ABOUT A LAWSUIT IN WHICH HE WAS NAMED A DEFENDANT FOR  
26   CIVIL EXTORTION, CONSPIRACY, OUTRAGEOUS CONDUCT AND  
27   DEFAMATION.  BUT HE DIDN'T EVEN WANT TO ADMIT THAT HE  
28   HAD BEEN SUED OVER WHAT MY CLIENT SAID HAPPENED BY A

1 THIRD PARTY. HE WANTED TO TELL HIS SIDE OF THE STORY.  
2 HE HAD AN AGENDA. HE HAD TO GET ON THERE AND TELL US  
3 WHAT HAPPENED.

4 AND WHEN I WAS ASKING HIM QUESTIONS, WHAT  
5 WAS HIS DEMEANOR? EVEN SIMPLE QUESTIONS. I WANT YOU TO  
6 THINK ABOUT IT. MR. KORY SAT IN THIS WITNESS STAND, AND  
7 WHEN I ASKED HIM, STANDING OVER THERE: DID YOU HIRE A  
8 PRIVATE INVESTIGATOR? A VERY SIMPLE QUESTION, LADIES  
9 AND GENTLEMEN. HE THOUGHT ABOUT IT. YES. IT'S NOT A  
10 DIFFICULT QUESTION. THERE IS NOTHING TO HIDE THERE. HE  
11 WANTED TO MAKE SURE HE WASN'T GIVING AWAY ANYTHING THAT  
12 WOULD DAMAGE HIS CLIENT'S CASE, BECAUSE THIS IS ALL PART  
13 OF A PLAN, LADIES AND GENTLEMEN.

14 NOW, MR. KORY ALSO HAS BEEN GIVEN A LEVEL  
15 OF FAME AND ACCESS TO A PRIVILEGED WORLD. HE WENT TO  
16 THE GRAMMYS WITH MR. COHEN IN 2010. HE WAS FEATURED ON  
17 PEOPLE'S BLOGS. HE'S TAKEN PICTURES WITH MR. COHEN.  
18 BUT WHAT'S MOST DAMNING ABOUT MR. KORY'S TESTIMONY AND  
19 WHAT SHOWS THAT HE'S BIASED IN THIS CASE IS THAT HE  
20 FILED A DECLARATION IN A CUSTODY MATTER THAT ENDED UP  
21 WITH MY CLIENT LOSING HER SON.

22 WHY? HE'D ONLY MET MY CLIENT THREE  
23 TIMES. HE'D ONLY SEEN HER ONCE WITH HER CHILD. HE SAYS  
24 AS A PARENT HE WAS SO CONCERNED, LADIES AND GENTLEMEN,  
25 SO CONCERNED THAT HE SAW THIS ABUSIVE CONDUCT THAT HE  
26 DIDN'T CALL THE POLICE, HE DIDN'T CALL CHILD SERVICES.  
27 HE CALLED THE FATHER WEEKS LATER AND HE FILED A  
28 STRATEGIC AND MALICIOUS DECLARATION IN THE CUSTODY

1 MATTER WHICH RESULTED IN MY CLIENT LOSING HER SON. THIS  
2 WAS PART OF THE PLAN, LADIES AND GENTLEMEN.

3 LET'S THINK ABOUT THIS. ROBERT KORY HAD  
4 SEEN THE CHILD ONCE. FILED A DECLARATION. NOT  
5 LEONARD COHEN, WHO HAD KNOWN MY CLIENT FOR 16 YEARS. HE  
6 DIDN'T FILE A DECLARATION IN THAT MATTER. HE KNEW MY  
7 CLIENT FOR 16 YEARS AND HAD MET HER CHILDREN. HE DIDN'T  
8 EVEN FILE A DECLARATION IN THAT MATTER. WHY NOT? WHY  
9 ARE MR. COHEN'S ATTORNEYS GETTING INVOLVED? BECAUSE  
10 IT'S ALL PART OF A PLAN.

11 I'M NOT GOING TO FORGET ABOUT THE LAW  
12 CLERKS, LADIES AND GENTLEMEN. THEY TESTIFIED. AND THEY  
13 TESTIFIED ABOUT THESE -- ALL OF THIS EVIDENCE. THE  
14 VOLUMINOUS BINDERS HERE, LADIES AND GENTLEMEN, ARE MEANT  
15 TO SHOCK YOU. LOOK AT ALL THESE E-MAILS. I WANT YOU TO  
16 LOOK THROUGH THESE E-MAILS. I WANT YOU TO LOOK THROUGH  
17 WHAT'S IN THESE BINDERS. MS. LYNCH HAS NOTHING TO HIDE.

18 BUT I'M GOING TO GO GIVE YOU A SPOILER.  
19 MS. STREETER, SHE BROUGHT OUT THE WORST E-MAILS IN THIS  
20 TESTIMONY. AND SHE JUST HIGHLIGHTED BAD WORDS OUT OF  
21 CONTEXT TO TRY TO SHOCK YOU. OH, SHE SAID SOMETHING  
22 ABOUT FUCKING OLIVER STONE. WELL, YEAH, MY CLIENT  
23 EXPLAINED THAT. MR. COHEN ACCUSED HER OF SLEEPING WITH  
24 OLIVER STONE. SHE WANTED TO REFUTE THAT ACCUSATION  
25 AGAINST HER.

26 NOW LOOK AT SOME OF THESE BINDERS.  
27 THEY'RE INCREDIBLY THICK, BUT THESE TABS INDICATE HOW  
28 MANY E-MAILS ARE ACTUALLY IN THERE. AND THIS ONE --

1 LET'S COUNT, ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN,  
2 EIGHT, NINE, TEN, ELEVEN, TWELVE. TWELVE E-MAILS IN  
3 THIS BINDER. NOW, WAS EACH E-MAIL 50 PAGES LONG, AS WAS  
4 SAID IN TESTIMONY? DID MS. LYNCH GET TO HER COMPUTER  
5 AND FURIOUSLY TYPE 50 PAGES OF E-MAILS EVERY DAY TO  
6 MR. COHEN? THAT'S NOT WHAT HAPPENED.

7 WHAT THE PEOPLE DID WAS THEY PRINTED OUT  
8 AN E-MAIL, AND WHEN A NEW MESSAGE CAME ALONG, WHICH IS  
9 FIVE TO SEVEN LINES, THEY PRINTED OUT THE ENTIRE THREAD,  
10 ALL THE REPLIES, ALL THE FORWARDS. SO YOU'LL SEE.  
11 YOU'LL GO THROUGH ONE E-MAIL; YOU'LL HAVE 30 PAGES. THE  
12 NEXT E-MAIL WILL BE 32 PAGES. AND 30 OF THOSE PAGES ARE  
13 THE EXACT SAME AS THE PAGES BEFORE. AND YOU GO TO THE  
14 THIRD E-MAIL. THAT WILL BE 34 PAGES. THIRTY-TWO OF THE  
15 34 ARE THE SAME AS RIGHT BEFORE.

16 I'M NOT GOING TO COMMENT IF I THINK  
17 THAT'S A GOOD USE OF TAXPAYER MONEY, BUT THAT'S WHAT  
18 HAPPENED. THEY PRINTED OUT THESE E-MAILS OVER AND OVER  
19 TO SHOCK YOU. LOOK AT ALL THE E-MAILS.

20 NEW MESSAGES IN THIS CASE ARE OFTEN A FEW  
21 SENTENCES, LADIES AND GENTLEMEN. A FEW LINES ON A PAGE,  
22 NOT 50 PAGES. AND, LADIES AND GENTLEMEN, YOU HEARD  
23 MR. KORY, YOU HEARD MS. RICE, YOU HEARD MR. COHEN;  
24 THEY'VE BEEN TRACKING THESE E-MAILS SINCE 2005, SINCE  
25 THEY HATCHED THIS PLAN. SAVE IT ON THE SERVER.  
26 CAREFUL, DETAILED PROCESS, MAKING SURE THAT THEY  
27 REVIEWED IT. NOT BECAUSE THEY FEEL THREATENED. BECAUSE  
28 THEY HAVE A PLAN TO DISCREDIT MS. LYNCH.

1                   NOW, I WANT TO TALK TO YOU ABOUT THE  
2 ELEMENT OF THIS CASE AND THE TWO SEPARATE CHARGES,  
3 MULTIPLE COUNTS. THE FIRST CHARGE I'D LIKE TO TALK TO  
4 YOU ABOUT IS A VIOLATION OF PENAL CODE SECTION 273.6,  
5 VIOLATION OF A RESTRAINING ORDER.

6                   NOW, THE PEOPLE MUST PROVE THAT MS. LYNCH  
7 HAD KNOWLEDGE OF THE ORDER, SHE HAD THE ABILITY TO  
8 FOLLOW THE ORDER AND SHE WILLFULLY DISOBEYED THE ORDER.

9                   NOW, AS YOU READ THE JURY INSTRUCTION, IT  
10 WILL SAY A VALID PROTECTIVE ORDER WAS ISSUED IN TWO  
11 CASES, A COLORADO CASE, AND WAS SUBSEQUENTLY RECOGNIZED  
12 IN A CALIFORNIA ORDER. YOU'LL SEE THESE DOCUMENTS.  
13 THERE ARE TWO PAGES; THERE'S AN ATTACHMENT AND THERE'S A  
14 CALIFORNIA ORDER. THE CALIFORNIA ORDER NUMBER IS  
15 BQ033717.

16                   NOW, THE PEOPLE WANT YOU TO BELIEVE THAT  
17 MY CLIENT DID KNOWINGLY AND REPETITIVELY SEND E-MAILS IN  
18 VIOLATION OF A RESTRAINING ORDER AND COPY THE DA, THE  
19 FBI, THE IRS, HER FRIENDS, HER FAMILY. SHE JUST CREATED  
20 WITNESSES TO HER VIOLATIONS BECAUSE MY CLIENT SOMEHOW  
21 KNEW THAT SHE WAS VIOLATING A RESTRAINING ORDER. DOES  
22 THAT SOUND LIKE SOMETHING SOMEONE WOULD DO IF THEY KNEW  
23 THAT THERE WAS A RESTRAINING ORDER, THAT THEY WOULD KEEP  
24 SENDING E-MAILS AND COPYING WITNESSES ON IT?

25                   NOW, YOU HEARD EVIDENCE THAT THERE WAS A  
26 2005 CALIFORNIA ORDER. AND I WANT TO MAKE IT CLEAR:  
27 YOU ARE NOT BEING CHARGED WITH DETERMINING WHETHER OR  
28 NOT MS. LYNCH VIOLATED THAT 2005 CALIFORNIA ORDER.

1 THAT'S NOT AT ISSUE IN THIS CASE.

2 BUT IN THAT 2005 ORDER, AFTER A  
3 PRELIMINARY HEARING, A PERMANENT ORDER WAS ISSUED BY A  
4 CALIFORNIA COURT. BUT THAT PERMANENT ORDER IN  
5 CALIFORNIA, LADIES AND GENTLEMEN, IT EXPIRES IN THREE  
6 YEARS EVEN THOUGH IT'S CALLED PERMANENT.

7 NOW, WHEN MS. LYNCH WAS IN A COLORADO  
8 PROCEEDING, WHICH SEEMS SIMILAR, THEY ISSUED A PERMANENT  
9 ORDER. NOW, IN CALIFORNIA WHAT WE CALL PERMANENT ORDERS  
10 SOMETIMES HAVE AN EXPIRATION DATE. AND IN THIS CASE, AN  
11 EXPIRATION DATE WAS GIVEN IN THE CALIFORNIA ORDER. BUT  
12 IN COLORADO THERE IS NO EXPIRATION DATE ON THE ORDER.

13 SO IS IT REASONABLE TO BELIEVE THAT  
14 SOMEONE MIGHT THINK THAT THERE WAS AN EXPIRATION DATE ON  
15 AN ORDER THAT WAS CALLED PERMANENT IN COLORADO BECAUSE  
16 THERE WAS AN EXPIRATION DATE ON A PERMANENT ORDER IN  
17 CALIFORNIA?

18 NOW, LADIES AND GENTLEMEN, WE HEARD THAT  
19 THERE WAS A RESTRAINING ORDER IN 2005. WE ALSO HEARD  
20 THERE WERE E-MAILS SENT BETWEEN 2005 AND 2008. WE  
21 ALSO -- WE DIDN'T HEAR ANY TESTIMONY THAT MS. LYNCH WAS  
22 EVER PROSECUTED OR CHARGED WITH ANY CRIME FOR CONTACTING  
23 MR. COHEN IN THAT TIME PERIOD. SO THE PEOPLE WANT YOU  
24 TO BELIEVE THAT SHE HAD KNOWLEDGE OF THE 2005 ORDER; BUT  
25 IF SHE WAS NEVER PUNISHED FOR ALLEGEDLY VIOLATING IT,  
26 HOW WOULD SHE KNOW SHE WAS VIOLATING IT?

27 NOW, WE ALSO HEARD MS. RICE TESTIFY ABOUT  
28 THAT COLORADO ORDER. AND MS. RICE HERSELF, A TRAINED

1 ATTORNEY ADMITTED TO PRACTICE LAW, WAS CONFUSED. SHE  
2 BELIEVED SHE COULD NEVER SEND DOCUMENTS TO MS. LYNCH  
3 BECAUSE THAT WOULD VIOLATE THE RESTRAINING ORDER. YOU  
4 MAY HAVE MISSED THAT SHE SAID THAT. I DIDN'T BELIEVE I  
5 COULD SEND ANY TAX DOCUMENTS TO MS. LYNCH BECAUSE OF THE  
6 TERMS OF THE RESTRAINING ORDER IN COLORADO. NOW, IF  
7 MS. RICE, WHO'S A TRAINED ATTORNEY, ADVOCATE FOR  
8 LEONARD COHEN, DOESN'T EVEN UNDERSTAND THE TERMS OF THE  
9 RESTRAINING ORDER, HOW CAN MS. LYNCH?

10 MS. LYNCH EVEN TESTIFIED TO YOU, LADIES  
11 AND GENTLEMEN, THAT SHE BELIEVED, BASED ON HER ADVICE  
12 FROM OTHER LAWYERS, THAT SHE COULD CONTACT MR. COHEN AND  
13 HIS REPRESENTATIVES TO GET INFORMATION SHE NEEDED TO  
14 CURE HER FINANCIAL AND LEGAL TROUBLES. SHE BASED HER  
15 BELIEF ON ADVICE FROM ATTORNEYS.

16 NOW, I ALSO WANT TO TALK ABOUT KNOWLEDGE  
17 BECAUSE THERE IS NO PROOF OF SERVICE OF THIS CALIFORNIA  
18 ORDER, LADIES AND GENTLEMEN. YES, MS. LYNCH WAS IN  
19 COLORADO; THAT'S TRUE. SHE WAS THERE. NOW I WANT TO  
20 TALK ABOUT WHAT HAPPENED AT THAT HEARING IN JUST A  
21 MOMENT.

22 BUT THERE ARE TWO SEPARATE ORDERS, LADIES  
23 AND GENTLEMEN, ONE IN COLORADO AND ONE IN CALIFORNIA.  
24 AND THE CALIFORNIA ORDER, MS. LYNCH'S SIGNATURE IS NOT  
25 ON THE SHEET.

26 MS. STREETER: OBJECTION; MISSTATEMENT OF THE  
27 LAW, YOUR HONOR.

28 THE COURT: OVERRULED.

1 MR. RAMNANEY: HER SIGNATURE IS NOT ON THIS  
2 SHEET. THERE IS NO ATTACHED PROOF OF SERVICE BECAUSE IT  
3 WAS MAILED TO AN ADDRESS ASSOCIATED WITH MS. LYNCH. AND  
4 YOU CAN SEE THAT. IN CALIFORNIA WE HAVE A THING CALLED  
5 PROOF OF SERVICE. IN CALIFORNIA 2005 WHERE IT'S IN  
6 EVIDENCE, IT'S PEOPLE'S NO. 4. YOU CAN LOOK AT IT. IN  
7 THE 2005 CALIFORNIA ORDER THERE WAS A PROOF OF SERVICE.  
8 BUT THERE IS NO SUCH PROOF OF SERVICE ON THE CALIFORNIA  
9 2011 ORDER. NONE AT ALL.

10 WHAT ABOUT MS. RICE'S E-MAIL? SHE SAID  
11 HEY, WE REGISTERED THIS ORDER. BUT IF YOU REMEMBER, SHE  
12 SAID THAT BEFORE THEY ACTUALLY REGISTERED THE ORDER.

13 NOW, WE ALSO HEARD TESTIMONY ABOUT WHAT  
14 HAPPENED IN THAT COLORADO HEARING, LADIES AND GENTLEMEN.  
15 WE HEARD THAT MY CLIENT WAS AGITATED FROM MS. RICE. YOU  
16 HEARD MY CLIENT TALK ABOUT THAT HEARING. SHE WAS UPSET.  
17 SHE FELT TERRORIZED, TORTURED. SHE FELT THAT THE  
18 RESTRAINING ORDER PROTECTED HER, AND THE JUDGE SAID I  
19 CAN'T GIVE YOU LEGAL ADVICE. SHE WAS UNREPRESENTED. NO  
20 LAWYERS TO TALK TO, NOBODY TO ASK ADVICE FROM. TEAMED  
21 UP: MR. KORY; MS. RICE; MR. STEINBERG, THE OTHER  
22 ATTORNEY FOR MR. COHEN; AND THE JUDGE. SHE KNOWINGLY --  
23 UNDERSTAND THAT RESTRAINING ORDER? I DON'T THINK SO.

24 I WANT TO TALK TO YOU ABOUT THE OTHER  
25 CHARGE, THE ANNOYING PHONE CALLS OR ELECTRONIC CONTACT  
26 WITH THE INTENT TO ANNOY OR HARASS, A VIOLATION OF PENAL  
27 CODE SECTION 653M SUBDIVISION 2.

28 NOW, BEFORE WE TALK ABOUT THE ELEMENT IN

1 THAT CASE, I WANT YOU TO BE CLEAR. THE PEOPLE THREW OUT  
2 ALL THIS EVIDENCE AT YOU. ALL OF IT. SOME OF IT HAS  
3 NOTHING TO DO WITH THE YEARS THAT ARE CHARGED IN THE  
4 COMPLAINT. SOME OF IT HAS TO DO WITH 2005 AND 2006 AND  
5 2007 AND 2008, 2009, 2010. YOUR JOB IS NOT TO SEE IF  
6 MS. LYNCH VIOLATED ANY ORDERS IN THOSE YEARS. YOUR JOB  
7 IS JUST TO SEE IF SHE MADE ANNOYING PHONE CALLS OR  
8 ELECTRONIC CONTACT BETWEEN THE PERIOD OF FEBRUARY 1ST,  
9 2011 AND JANUARY 9TH, 2012.

10 NOW, THIS CASE HAS NOTHING TO DO WITH  
11 DEPUTY DISTRICT ATTORNEY ALAN JACKSON OR THE DISTRICT  
12 ATTORNEY, STEVE COOLEY. AND I HAVE NO IDEA WHY THE  
13 PROSECUTION SPENT SO MUCH TIME DISCUSSING THE REFERENCES  
14 TO THOSE PEOPLE IN THE E-MAILS. IT HAS NOTHING TO DO  
15 WITH OLIVER STONE.

16 WHAT I WANT YOU TO FOCUS ON IS THE TWO  
17 ELEMENTS, WHETHER OR NOT MS. LYNCH HAD THE INTENT TO  
18 ANNOY AND HARASS AND WHETHER OR NOT SHE MADE THESE  
19 E-MAILS IN GOOD FAITH.

20 NOW, WHEN I FIRST GOT ASSIGNED THIS CASE,  
21 I THOUGHT OF MY OWN EXPERIENCES WITH E-MAIL. AND I  
22 THOUGHT ABOUT TEN YEARS AGO, MY MOM, SHE GOT E-MAIL FOR  
23 THE FIRST TIME. AND MY MOM IS A RETIRED PHYSICIAN.  
24 SHE'S VERY EDUCATED, BUT SHE GOT KIND OF EXCITED WHEN  
25 SHE GOT E-MAIL. AND I WAS AN UNDERGRADUATE AND SHE  
26 STARTED SENDING ME A LOT OF THINGS: RECIPES, TIPS ON  
27 COOKING AND CLEANING, AND JUST E-MAILS ABOUT HOW I WAS  
28 DOING.

1                   SHE ALSO STARTED SENDING ME A LOT OF  
2 CHAIN LETTERS. AND I'M TALKING ABOUT EVERY TYPE OF  
3 CHAIN LETTER UNDER THE SUN. THE BLACK CAT PICTURE, IF I  
4 DIDN'T SEND IT TO 20 PEOPLE, I'D GET BAD LUCK. YOU  
5 KNOW, AN ANIMATION OF A MIRROR BREAKING, AND IF I BREAK  
6 A MIRROR -- SO I HAVE TO SEND IT TO EVERYBODY WITH THE  
7 LAST NAME M ON MY MAILING LIST. ALL KINDS OF STUFF.

8                   AND AT FIRST, YOU KNOW, I WAS A LITTLE  
9 SUPERSTITIOUS. I SENT THEM OUT. I SENT OUT THE  
10 E-MAILS. I DIDN'T WANT BAD LUCK FOR A FEW YEARS. BUT  
11 THEY KEPT INCREASING. EVERY DAY I GOT THEM. AND THEN I  
12 STARTED TO IGNORE THEM. I JUST PUT THEM INTO A BOX IN  
13 MY IN-BOX. I SAID I'D GET TO THEM LATER. SOMETIMES I  
14 WOULD FORWARD THEM; SOMETIMES I WOULDN'T.

15                  THEN I WENT HOME FOR THANKSGIVING. I  
16 SAID MOM, YOU KNOW, I LIKE THE E-MAILS, BUT EASE UP ON  
17 THE -- EASE UP ON THE CHAIN LETTERS. I DON'T WANT ANY  
18 MORE CHAIN LETTERS. I DON'T HAVE TIME.

19                  AND MY MOM SAID, OKAY, OKAY. I'LL TRY  
20 NOT TO SEND THEM. BUT IT DIDN'T WORK. I KEPT GETTING  
21 THEM. IN FACT, DURING THIS TRIAL, LADIES AND GENTLEMEN,  
22 I GOT AT LEAST TWO A DAY. MY MOM KEEPS SENDING THEM TO  
23 ME.

24                  NOW, AM I ANNOYED? ABSOLUTELY, I'M  
25 ANNOYED. AND DO I WANT THEM TO STOP? ABSOLUTELY, I  
26 WANT THESE E-MAILS TO STOP. BUT DO I THINK MY MOM'S  
27 INTENT IS TO ANNOY OR HARASS ME? ABSOLUTELY NOT. AND I  
28 UNDERSTAND THE SITUATION IS DIFFERENT, BUT I THINK THE

1 PRINCIPLE REMAINS THE SAME.

2 NOW, MS. LYNCH HAS BEEN REQUESTING  
3 DOCUMENTS RELATED TO ACCUSATIONS MADE AGAINST HER FOR  
4 OVER SIX YEARS. HER WAGES HAVE BEEN GARNISHED BY THE  
5 STATE TAX AUTHORITIES AND SHE'S DESPERATE TO GET THESE  
6 CRITICAL DOCUMENTS TO CLEAR HER NAME AND TO MOVE ON WITH  
7 HER LIFE. SHE'S NOT REPRESENTED BY ANY ATTORNEYS IN HER  
8 CIVIL MATTERS. SHE REPRESENTS HERSELF. SHE'S TRYING TO  
9 CLEAR HER NAME.

10 IN ALL OF THIS EVIDENCE, LADIES AND  
11 GENTLEMEN, IN ALL THE DOCUMENTATION MR. KORY AND  
12 MS. RICE DID, NOBODY COMES UP AND SHOWS YOU A LETTER OR  
13 A DOCUMENT OR A RECEIPT SHOWING WE TURNED THESE  
14 DOCUMENTS OVER TO HER AND WE'RE WAITING FOR HER TO LEAVE  
15 US ALONE. NOBODY SAID THAT. WHY NOT? BECAUSE IT  
16 DIDN'T HAPPEN, LADIES AND GENTLEMEN. THEY NEVER GAVE  
17 HER WHAT SHE ASKED FOR. AND THEY KEPT STONEWALLING HER  
18 AND STONEWALLING HER.

19 NOW, MS. LYNCH ISN'T HIDING FROM ANYBODY.  
20 WE KNOW A LOT OF THINGS ABOUT HER. SHE'S WORRIED, SHE'S  
21 QUICK TO CORRECT PEOPLE ON THE STAND, SHE'S QUICK TO  
22 CLARIFY. BUT WE KNOW ONE THING, IS THAT SHE'S NOT A  
23 LIAR, LADIES AND GENTLEMEN. IN FACT, SHE'S BRUTALLY  
24 HONEST. AND THE REASON WHY WE KNOW THIS IS BECAUSE THE  
25 UNITED STATES CONSTITUTION AFFORDS EVERY DEFENDANT THE  
26 RIGHT, ABSOLUTE RIGHT NOT TO TESTIFY.

27 BUT MS. LYNCH GAVE UP THAT RIGHT AND SHE  
28 SUBJECTED HERSELF TO THE SCRUTINY OF CROSS-EXAMINATION.

1 SHE PUT HERSELF IN FRONT OF YOU SO THAT YOU COULD HEAR  
2 HER TESTIFY. AND WE KNOW THAT SHE'S NOT A LIAR, BECAUSE  
3 THE PROSECUTION FAILED TO IMPEACH HER ON ANYTHING SHE  
4 SAID. THEY BROUGHT NOT ONE WITNESS, NOT ONE DOCUMENT,  
5 NOTHING TO IMPEACH HER STORY. WHY NOT? BECAUSE IT'S  
6 TRUE, LADIES AND GENTLEMEN.

7 NOW, IT'S TRUE THAT MS. LYNCH COPIED ALL  
8 KINDS OF PEOPLE IN THESE E-MAILS. SHE COPIED HER  
9 FRIENDS, HER FAMILY, ATTORNEY, THE AUTHORITIES. BUT,  
10 AGAIN, SHE HAD NO MONEY. SHE HAD NO ATTORNEY. SHE WAS  
11 TRYING TO CLEAR HER NAME. SHE WANTED TO DOCUMENT  
12 EVERYTHING, EVERYBODY TO BE ON THE SAME PAGE, NO FALSE  
13 ACCUSATIONS AGAINST HER. SHE WANTED TO TELL HER STORY  
14 AND EVERY RELEVANT PART OF IT TO EVERY SINGLE PERSON SHE  
15 THOUGHT WAS INVOLVED.

16 NOW, I DON'T BELIEVE MS. LYNCH -- OR THE  
17 EVIDENCE SHOWS THAT MS. LYNCH INTENDED TO ANNOY OR  
18 HARASS ANYBODY, BECAUSE NOBODY EVER CHANGED THEIR  
19 E-MAILS OR CHANGED THEIR PHONE NUMBER OR BLOCKED HER  
20 E-MAIL OR BLOCKED HER PHONE NUMBER. IN FACT, LADIES AND  
21 GENTLEMEN, THEY DIDN'T EVEN USE A SPAM FILTER. BECAUSE  
22 THEY WANTED TO KNOW WHAT SHE HAD TO SAY.

23 THEY COULD HAVE FIXED THE FAUCET, AS THE  
24 PROSECUTOR SAID. THEY COULD HAVE IF THEY WANTED TO.  
25 BUT THEY CHOSE NOT TO BECAUSE THEY WERE WORRIED ABOUT  
26 WHAT SHE KNEW AND WHO SHE WAS TELLING.

27 NOW, MR. COHEN ALSO SAID IT WOULD BE TOO  
28 DIFFICULT TO CHANGE HIS PHONE NUMBER, BECAUSE HE WOULD

1 HAVE TO NOTIFY HUNDREDS OF PEOPLE. HE WAS SO ANNOYED  
2 THAT HE DIDN'T WANT TO NOTIFY HUNDREDS OF PEOPLE ABOUT  
3 HIS CHANGE OF PHONE NUMBER OR CHANGE OF E-MAIL? WELL,  
4 THERE'S AN EASY WAY TO COMMUNICATE TO HUNDREDS OF PEOPLE  
5 IN ONE STEP. IT'S CALLED E-MAIL. BUT HE DIDN'T DO  
6 THAT.

7 NOW, ANOTHER REASON WHY WE KNOW SHE  
8 DIDN'T INTEND TO ANNOY OR HARASS ANYBODY, LADIES AND  
9 GENTLEMEN, IS BECAUSE SHE NEVER SHOWED UP AT MR. COHEN'S  
10 HOME. SHE NEVER SHOWED UP AT KORY AND RICE'S LAW  
11 OFFICES. SHE NEVER CAME TO A CONCERT. SHE NEVER WAS  
12 STALKING ANYBODY PHYSICALLY. IN FACT, THE ONLY TIME  
13 THESE INDIVIDUALS HAVE EVER SEEN HER IN THESE SEVEN  
14 YEARS IS AT COURT APPEARANCES. SHE STAYED AWAY.

15 LADIES AND GENTLEMEN, IN 2004 MS. LYNCH  
16 WAS THE CEO OF MR. COHEN'S BUSINESS AND PERSONAL  
17 AFFAIRS. TODAY SHE SITS IN FRONT OF YOU ON TRIAL. SHE  
18 LOST HER CAREER, SHE LOST HER HOME, SHE LOST HER SON,  
19 HER REPUTATION. SOME WOULD EVEN SAY HER SANITY. SHE'S  
20 SUFFERED ENOUGH.

21 MS. STREETER: OBJECTION; IMPROPER ARGUMENT.

22 THE COURT: OVERRULED.

23 MR. RAMNANEY: I ASK THAT YOU FIND MS. LYNCH NOT  
24 GUILTY.

25 THE COURT: THANK YOU VERY MUCH, MR. RAMNANEY.

26 MS. STREETER.

27 MS. STREETER: THANK YOU.

28

REBUTTAL ARGUMENT

BY MS. STREETER:

GOOD MORNING AGAIN.

YOU KNOW, IF YOU TAKE NOTHING AWAY FROM THIS TRIAL, IF YOU WANT TO BE CLEAR AS TO WHAT THIS CASE IS NOT ABOUT, THIS CASE IS NOT ABOUT HOW MANY E-MAILS MS. LYNCH SENT TO MR. KORY. THIS CASE IS NOT ABOUT WHETHER OR NOT MR. KORY IS A NICE MAN OR WHETHER OR NOT MR. KORY GAVE ATTORNEY-LIKE ANSWERS AT THE TRIAL. THIS CASE IS NOT ABOUT, TO A LARGE EXTENT, WHAT HAPPENED BETWEEN MS. LYNCH AND MS. RICE. THIS CASE IS NOT ABOUT WHAT -- DEFINITELY IS NOT ABOUT WHAT HAPPENED TO MS. LYNCH AND HER KIDS AND HER FAMILY AND HER FRIENDS, OR WHETHER OR NOT SHE WAS HOMELESS.

THIS CASE IS ABOUT WHAT MS. LYNCH DID TO LEONARD COHEN OVER A ONE-YEAR PERIOD; HOW SHE MADE HIS LIFE A COMPLETE AND UTTER LIVING HELL; HOW HE FEARED FOR HIS SAFETY; CAN'T EVEN HAVE COMPANY OVER AT HIS HOUSE WITHOUT HAVING TO WALK OVER TO HIS TELEPHONE, PICK IT UP, HANG IT BACK DOWN BECAUSE SHE'S RAGING ON THE PHONE AT HIM ABOUT SOMETHING THAT HAPPENED NEARLY TEN YEARS AGO. THAT IS WHAT THIS CASE IS ABOUT.

THE COURT DID NOT GIVE YOU INSTRUCTIONS OR TELL YOU THAT THERE WERE CHARGES THAT LISTED -- PEOPLE CAN'T REMEMBER -- WEINSTEIN, GREENBERG, WESTIN, KORY, RICE OR ANYBODY. THE ONLY PERSON THAT WAS LISTED WAS MS. LYNCH AND MR. COHEN. AND THAT IS ALL THIS CASE IS ABOUT. AND YOU ARE NOT TO BE AFFECTED BY FEELINGS OF

1 SYMPATHY OR OTHER THINGS IN REACHING YOUR DECISION AS TO  
2 WHETHER OR NOT MS. LYNCH MADE MR. COHEN'S LIFE A LIVING,  
3 LIVING HELL.

4 BEFORE THE PEOPLE GET TO THE REST OF THE  
5 COMMENTS I WANT TO MAKE, IN PARTICULAR ABOUT MR. KORY'S  
6 TESTIMONY. YOU KNOW, COUNSEL MADE A BIG DEAL ABOUT THE  
7 MANNER WITH WHICH HE ANSWERED THOSE QUESTIONS.  
8 THE PEOPLE WANT YOU TO KEEP SOMETHING IN MIND AS HE WAS  
9 ANSWERING THOSE QUESTIONS AND THAT HE ANSWERED THEM LIKE  
10 AN ATTORNEY WHICH, YES, HE SHOULD BECAUSE, IF YOU  
11 RECALL, DURING THE QUESTIONING HE MENTIONED HE HAD TO  
12 THINK ABOUT ATTORNEY-CLIENT PRIVILEGE.

13 YES, THE PEOPLE HAD HIM COME HERE TO  
14 TESTIFY. BUT AT THE END OF THE DAY, HE REPRESENTS  
15 MR. COHEN. AND IT'S HIS JOB AS BEING UNDER MR. COHEN'S  
16 EMPLOY, IS TO DO WHAT IS BEST FOR MR. COHEN. WITH THAT  
17 SAID, AGAIN THE PEOPLE STILL STICK TO THE POSITION. THE  
18 E-MAILS ARE FROM MS. LYNCH. THE VOICE MAIL MESSAGES  
19 WERE MADE BY MS. LYNCH. SO WHAT DOES IT HAVE TO DO WITH  
20 HOW LONG MR. KORY PAUSED AND ANSWERED THE QUESTIONS?  
21 THE ISSUE IS THAT BOTH HE AND MS. RICE, AS VERY GOOD  
22 ADVOCATES FOR MR. COHEN, WERE TRYING TO DO THEIR BEST TO  
23 KEEP THEIR CLIENT SAFE. OKAY.

24 NOW, ARE WE TO BELIEVE, AS COUNSEL SAID,  
25 THAT ALL OF THIS EVIDENCE IS ABOUT MS. LYNCH BLOWING THE  
26 WHISTLE ON MR. COHEN, HIS -- PICK A TOPIC, BECAUSE  
27 THE PEOPLE HEARD SO MANY REASONS AS TO WHAT THIS WAS.  
28 THE ILLEGAL TAX FRAUD, THE THEFT THAT WAS TAKEN OF HER.

1 YOU KNOW, WAIT LONG ENOUGH, YOU'LL FIND SOMETHING ELSE.  
2 ARE WE TO BELIEVE THAT?

3 THEN, IF SO, THEN EXPLAIN WHY IN A PRIOR  
4 COUNT 1 THAT IS NOT CHARGED IN 2008, WHY DID SHE BEGIN  
5 HER PHONE CALL BY SAYING, HEY, GAY FUCKING SERIAL MOTOR  
6 STALKER? WHAT DOES THAT HAVE TO DO ABOUT BEING A  
7 WHISTLE-BLOWER? OR, IF IT'S ABOUT BEING A  
8 WHISTLE-BLOWER, WHY IS IT SHE'S MAKING THE COMMENT I'M  
9 GOING TO TAKE YOU DOWN, BITCH? I'M GOING AT YOU  
10 FOREVER. WHAT DOES THAT HAVE TO DO WITH BEING A  
11 WHISTLE-BLOWER ON MR. COHEN FOR SOME ALLEGED CRIME THAT  
12 HE HAD DONE? RIGHT?

13 IF IT'S ABOUT BEING A WHISTLE-BLOWER AND  
14 LETTING EVERYBODY KNOW WHAT WRONG HE DID, THEN WHY ARE  
15 THERE COMMENTS LIKE MY MOTHER HAS HEART PROBLEMS, MY DAD  
16 HAD SURGERY, ASSHOLE. WHAT DOES THAT HAVE TO DO WITH  
17 THIS SO-CALLED NEED TO LET THE WORLD KNOW WHAT A  
18 CRIMINAL MR. COHEN IS? NOTHING. OKAY. ABSOLUTELY,  
19 POSITIVELY NOTHING. AS THE PEOPLE HAVE SAID TO YOU, ALL  
20 THIS IS IS THE UNRAVELING OF A CON AND A WOMAN WHO IS  
21 ANGRY THAT SHE GOT CAUGHT.

22 NOW, THE DEFENSE DIDN'T THINK MUCH OF  
23 THE PEOPLE'S LEAKY FAUCET EXAMPLE, THAT ALL YOU HAVE TO  
24 DO IS CHANGE THE NUMBER AND IT WILL STOP. WELL, LET'S  
25 THINK BACK. REMEMBER MR. COHEN TRIED TO STOP IT ONE  
26 TIME, HEARD MS. LYNCH RAGING, WALKED OVER TO HIS PHONE,  
27 PICKED IT UP, HUNG IT BACK UP. DID THAT STOP HER? NO.  
28 THAT'S HOW, IN THE SECOND TRANSCRIPT THAT THE PEOPLE

1 GAVE YOU, THERE IS A STATEMENT, HEY, COHEN, IT'S KELLEY  
2 LYNCH. SO WHAT, ARE YOU HANGING UP? SORRY. IT DIDN'T  
3 STOP HER.

4 PUTTING ON A SPAM FILTER, SENDING IT,  
5 BLOCKING HER E-MAIL MESSAGES, CHANGING THE PHONE NUMBERS  
6 WON'T MAKE A DIFFERENCE. AND THEN WHY, OH, WHY SHOULD  
7 MR. COHEN BE THE ONE WHO IS INCONVENIENCED ANY MORE?  
8 WHY SHOULD HE BE THE ONE THAT HAS TO MAKE CHANGES IN HIS  
9 LIFE BECAUSE A WOMAN WHO WAS TOLD NOT ONCE, NOT TWICE,  
10 BUT BY TWO SEPARATE COURTS -- TWO SEPARATE COURTS: STAY  
11 AWAY. CAN'T DO THAT. WHY DOES HE HAVE TO BE THE ONE  
12 THAT'S MAKING THE CHANGES?

13 YOU KNOW, THE DEFENSE CAN'T HAVE IT BOTH  
14 WAYS, THAT MS. LYNCH IS SO UNINFORMED AND DOESN'T KNOW  
15 WHAT'S HAPPENING, THAT SHE WAS TERRORIZED BY MS. RICE  
16 AND TERRORIZED BY MR. KORY, BUT THEN IS ASTUTE ENOUGH,  
17 SMART ENOUGH TO KNOW THAT SHE NEEDS THESE DOCUMENTS THAT  
18 NOBODY HERE HAS EVER HEARD ABOUT. SHE CANNOT HAVE IT  
19 BOTH WAYS.

20 AND THEN DEFENSE IS GOING TO HAVE YOU TO  
21 BELIEVE THAT THIS STAY-AWAY ORDER IS SO COMPLICATED THAT  
22 EVEN A WELL-SEASONED PROFESSIONAL ATTORNEY LIKE MS. RICE  
23 CAN'T UNDERSTAND SOMETHING AS SIMPLE AS SHALL HAVE NO  
24 CONTACTS OF ANY KIND. WHAT'S CONFUSING ABOUT THAT?  
25 NOTHING. ALL RIGHT. ABSOLUTELY, POSITIVELY NOTHING.

26 AND THE REASON WHY MS. LYNCH KEPT DOING  
27 WHAT SHE WAS DOING WAS NOT BECAUSE SHE DIDN'T THINK THAT  
28 THERE WAS ANYTHING WRONG WITH IT OR NOT BECAUSE SHE

1 DIDN'T REALIZE THAT SHE HAD VIOLATED THE LAW. IT'S  
2 BECAUSE MR. COHEN HAD NEVER GONE TO THE AUTHORITIES  
3 BEFORE AND SHE HAD NEVER BEEN CHARGED. THAT'S WHY.  
4 BECAUSE SHE HAD GOTTEN AWAY WITH IT. JUST LIKE SHE HAD  
5 GOTTEN AWAY WITH ALL THE OTHER HORRIBLE THINGS THAT SHE  
6 HAD DONE TO HIM IN THE PAST. IT'S JUST AS SIMPLE AS  
7 THAT. THIS IS NOTHING MORE, NOTHING LESS THAN THE  
8 UNRAVELING OF A CON.

9 IN CLOSING, THE PEOPLE JUST WANT YOU TO  
10 KEEP IN MIND ONE THING. THE DEFENSE COUNSEL MENTIONED A  
11 GREAT DEAL ABOUT WHAT YOU ARE TO DO AS JURORS AND THE  
12 BURDEN ON THE PEOPLE. OKAY. YES, IT IS TRUE,  
13 THE PEOPLE MUST PROVE THAT THE DEFENDANT IS GUILTY OF  
14 EACH AND EVERY ELEMENT OF THE CRIME BEYOND A REASONABLE  
15 DOUBT. BUT DO NOT, DO NOT IN SUCH A HORRIBLE CASE ALLOW  
16 THAT TERM TO OVERWHELM YOU.

17 THERE ARE JURORS IN THIS COURTHOUSE,  
18 EVERYDAY IN COURTHOUSES IN THIS COUNTY, STATE AND  
19 COUNTRY, EVERY SINGLE DAY ABLE TO REACH PROOF BEYOND A  
20 REASONABLE DOUBT. AND IF THERE IS EVER A CASE WHERE  
21 THERE IS DEFINITELY PROOF OF REASONABLE DOUBT, THIS IS  
22 IT. THANK YOU.

23 THE COURT: THANK YOU VERY MUCH, MS. STREETER.

24

25 FINAL JURY INSTRUCTIONS

26

27 THE COURT: (READING.)

28

LADIES AND GENTLEMEN OF THE

1 JURY, THAT CONCLUDES THE EVIDENCE  
2 AND ARGUMENTS. BEFORE I READ THE  
3 LAST INSTRUCTIONS TO OUR 12  
4 JURORS, I JUST WANT TO SAY  
5 SOMETHING TO OUR ALTERNATE:

6 THE JURY WILL SOON BE  
7 DELIBERATING, BUT YOU ARE STILL  
8 AN ALTERNATE JUROR AND ARE BOUND  
9 BY MY EARLIER INSTRUCTIONS ABOUT  
10 YOUR CONDUCT. DO NOT TALK ABOUT  
11 THE CASE OR ANY OF THE PEOPLE OR  
12 SUBJECT INVOLVED IN IT WITH  
13 ANYONE, NOT EVEN YOUR FAMILY AND  
14 FRIENDS. DO NOT HAVE ANY CONTACT  
15 WITH THE DELIBERATING JURORS. DO  
16 NOT DECIDE HOW YOU WOULD VOTE IF  
17 YOU WERE DELIBERATING. AND DO  
18 NOT FORM OR EXPRESS AN OPINION  
19 ABOUT THE CASE UNLESS YOU ARE  
20 SUBSTITUTED FOR ONE OF THE  
21 DELIBERATING JURORS. AND THAT IS  
22 NOT UNUSUAL TO HAPPEN, SO YOUR  
23 SERVICES MAY STILL BE NEEDED.

24 TO THE 12 JURORS: WHEN YOU  
25 GO INTO THE JURY ROOM, THE FIRST  
26 THING YOU SHOULD DO IS TO CHOOSE  
27 A FOREPERSON. THE JOB OF THE  
28 FOREPERSON IS TO SEE TO IT THAT

1 YOUR DISCUSSIONS ARE CARRIED OUT  
2 IN AN ORGANIZED WAY AND THAT  
3 EVERYONE HAS A FAIR CHANCE TO BE  
4 HEARD.

5 IT IS YOUR DUTY TO TALK WITH  
6 ONE ANOTHER AND TO DELIBERATE IN  
7 THE JURY ROOM. YOU SHOULD TRY TO  
8 AGREE ON A VERDICT IF YOU CAN.  
9 EACH OF YOU MUST DECIDE THE CASE  
10 FOR YOURSELF, BUT ONLY AFTER YOU  
11 HAVE DISCUSSED THE EVIDENCE WITH  
12 THE OTHER JURORS. DO NOT  
13 HESITATE TO CHANGE YOUR MIND IF  
14 YOU BECOME CONVINCED YOU ARE  
15 WRONG. BUT DO NOT CHANGE YOUR  
16 MIND JUST BECAUSE THE OTHER  
17 JURORS DISAGREE WITH YOU.

18 KEEP AN OPEN MIND AND OPENLY  
19 EXCHANGE YOUR THOUGHTS AND IDEAS  
20 ABOUT THE CASE. STATING YOUR  
21 OPINIONS TOO STRONGLY AT THE  
22 BEGINNING OR IMMEDIATELY  
23 ANNOUNCING HOW YOU PLAN TO VOTE  
24 WHEN YOU GET IN THE JURY ROOM MAY  
25 INTERFERE WITH AN OPEN  
26 DISCUSSION. PLEASE TREAT ONE  
27 ANOTHER COURTEOUSLY. YOUR ROLE  
28 IS TO BE AN IMPARTIAL JUDGE OF

1 THE FACTS, NOT TO ACT AS AN  
2 ADVOCATE FOR ONE SIDE OR THE  
3 OTHER.

4 AS I TOLD YOU AT THE  
5 BEGINNING OF THE TRIAL AND MANY  
6 TIMES SINCE, DO NOT TALK ABOUT  
7 THE CASE OR ABOUT ANY OF THE  
8 PEOPLE OR SUBJECT INVOLVED IN IT  
9 WITH ANYONE, INCLUDING BUT NOT  
10 LIMITED TO YOUR SPOUSE OR OTHER  
11 FAMILY, FRIENDS, SPIRITUAL  
12 LEADERS OR ADVISORS OR  
13 THERAPISTS. YOU MUST DISCUSS THE  
14 CASE ONLY IN THE JURY ROOM AND  
15 ONLY WHEN ALL JURORS ARE PRESENT.

16 DO NOT DISCUSS YOUR  
17 DELIBERATIONS WITH ANYONE UNTIL  
18 AFTER YOU'VE BEEN RELEASED AS  
19 JURORS.

20 IF YOU NEED TO COMMUNICATE  
21 WITH ME WHILE YOU'RE  
22 DELIBERATING, SEND A NOTE THROUGH  
23 THE BAILIFF, SIGNED BY THE  
24 FOREPERSON OR BY ONE OR MORE  
25 OTHER MEMBERS OF THE JURY. TO  
26 HAVE A COMPLETE RECORD OF THE  
27 TRIAL, IT IS IMPORTANT THAT YOU  
28 NOT COMMUNICATE WITH ME EXCEPT BY

1 WRITTEN NOTE. IF YOU HAVE ANY  
2 QUESTIONS, I WILL NEED TO DISCUSS  
3 THEM WITH THE ATTORNEYS BEFORE I  
4 ANSWER, SO IT MAY TAKE SOME TIME.  
5 YOU SHOULD CONTINUE YOUR  
6 DELIBERATIONS WHILE YOU WAIT FOR  
7 MY ANSWER. I WILL ANSWER ANY  
8 QUESTIONS IN WRITING OR OPENLY  
9 HERE IN OPEN COURT.

10 DO NOT REVEAL TO ME OR TO  
11 ANYONE ELSE HOW THE VOTE STANDS  
12 ON THE QUESTION OF GUILT UNLESS I  
13 SPECIFICALLY ASK YOU TO DO SO.  
14 YOUR VERDICT MUST BE UNANIMOUS.  
15 THAT MEANS TO RETURN A VERDICT  
16 EITHER WAY, ALL OF YOU MUST AGREE  
17 TO IT.

18 IT IS NOT MY ROLE TO TELL  
19 YOU WHAT YOUR VERDICT SHOULD BE.  
20 DO NOT TAKE ANYTHING I SAID OR  
21 DID DURING THE TRIAL AS AN  
22 INDICATION OF WHAT I THINK ABOUT  
23 THE FACTS, THE WITNESSES OR WHAT  
24 YOUR VERDICT SHOULD BE. AS I  
25 TOLD YOU AT THE BEGINNING, MY  
26 OPINION IS COMPLETELY IRRELEVANT  
27 BECAUSE YOU ARE THE JUDGES OF THE  
28 CASE.

1                   YOU MUST REACH YOUR VERDICT  
2                   WITHOUT ANY CONSIDERATION OF  
3                   PUNISHMENT. IF NECESSARY, THAT  
4                   WOULD BE MY JOB.

5                   YOU WILL BE GIVEN VERDICT  
6                   FORMS. AS SOON AS ALL JURORS  
7                   HAVE AGREED ON A VERDICT, THE  
8                   FOREPERSON MUST DATE AND SIGN THE  
9                   APPROPRIATE VERDICT FORM AND  
10                  NOTIFY THE BAILIFF. IF YOU'RE  
11                  ABLE TO REACH A UNANIMOUS  
12                  DECISION ON ONLY ONE OR SOME OF  
13                  THE CHARGES, FILL IN THAT VERDICT  
14                  FORM ONLY AND NOTIFY THE BAILIFF.  
15                  RETURN ANY UNSIGNED VERDICT  
16                  FORMS.

17  
18                   (END OF READING.)  
19

20                  THE COURT: LADIES AND GENTLEMEN, AT THIS TIME  
21 I'M GOING TO ASK THE CLERK TO SWEAR IN THE BAILIFF, WHO  
22 WILL TAKE CHARGE OF YOU, BUT I JUST WANT TO WISH YOU  
23 GOOD LUCK TO YOU IN YOUR DELIBERATIONS AND THANK YOU FOR  
24 YOUR ATTENTION DURING THE TRIAL.

25                  THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

26                   DO YOU SOLEMNLY STATE THAT YOU WILL  
27 TAKE CHARGE OF THE JURY AND KEEP THEM TOGETHER, THAT YOU  
28 WILL NOT SPEAK TO THEM YOURSELF NOR ALLOW ANYONE TO

1 SPEAK TO THEM UPON MATTERS CONNECTED WITH THE CASE  
2 UNLESS OTHERWISE INSTRUCTED BY THE COURT, AND WHEN THEY  
3 HAVE AGREED UPON A VERDICT YOU WILL RETURN THEM INTO THE  
4 COURT.

5 FURTHERMORE, DO YOU SOLEMNLY STATE THAT  
6 YOU WILL TAKE CHARGE OF THE ALTERNATE JUROR AND KEEP HER  
7 APART FROM THE JURY WHILE THEY ARE DELIBERATING ON THE  
8 CAUSE UNTIL OTHERWISE INSTRUCTED BY THE COURT, SO HELP  
9 YOU GOD?

10 THE BAILIFF: I DO.

11

12 (AT 11:50 A.M. THE JURY COMMENCED  
13 DELIBERATIONS.)

14

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

17

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28

1 CASE NUMBER: 2CA04539  
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH  
3 LOS ANGELES, CALIFORNIA; THURSDAY, APRIL 12, 2012  
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE  
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861  
6 TIME: P.M. SESSION  
7 APPEARANCES:

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

16  
17 (THE JURY RESUMED DELIBERATIONS.)

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

22  
23 THE COURT: CASE NO. 2CA04539, PEOPLE VERSUS  
24 KELLEY LYNCH. WE'VE BEEN ADVISED THAT THE JURY HAS  
25 REACHED A VERDICT.

26 WOULD YOU BRING OUR ALTERNATE IN AND BUZZ  
27 OUR JURY IN, PLEASE.

28

1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT IN THE PRESENCE OF THE  
3 JURY:)  
4

5 THE COURT: GOOD AFTERNOON, LADIES AND  
6 GENTLEMEN. WHO IS THE FOREPERSON OF THE VERDICT?

7 JUROR NO. 10?

8 HAS THE JURY REACHED A VERDICT ON ALL  
9 COUNTS?

10 JUROR NO. 10: YES, SIR, WE HAVE.

11 THE COURT: WOULD YOU HAND THE ENVELOPE TO THE  
12 BAILIFF, PLEASE.

13 THE VERDICT FORMS APPEAR TO BE IN ORDER.  
14 I ASK THE CLERK TO READ THE VERDICTS.

15 THE CLERK: (READING.)

16 IN THE SUPERIOR COURT OF THE  
17 STATE OF CALIFORNIA FOR THE  
18 COUNTY OF LOS ANGELES, CASE  
19 NO. 2CA04539, THE PEOPLE OF THE  
20 STATE OF CALIFORNIA VERSUS KELLEY  
21 LYNCH.

22 COUNT 1: WE, THE JURY IN  
23 THE ABOVE-ENTITLED ACTION, FIND  
24 THE DEFENDANT, KELLEY LYNCH,  
25 GUILTY OF THE CRIME THAT ON OR  
26 BETWEEN FEBRUARY 1ST, 2011 TO  
27 JUNE 30TH, 2011, THAT SHE DID  
28 WILLFULLY, UNLAWFULLY,

1 INTENTIONALLY AND KNOWINGLY  
2 VIOLATE A PROTECTIVE ORDER ISSUED  
3 ON SEPTEMBER 2ND, 2008, IN  
4 VIOLATION OF PENAL CODE SECTION  
5 273.6(A), A MISDEMEANOR, AS  
6 CHARGED IN COUNT 1 OF THE  
7 COMPLAINT.

8 THIS 12TH DAY OF APRIL,  
9 2012.

10 SIGNED JUROR NO. 10,  
11 FOREPERSON.

12 IN THE SAME CASE, CAUSE AND  
13 TITLE, COUNT NO. 2:

14 WE, THE JURY IN THE  
15 ABOVE-ENTITLED ACTION, FIND THE  
16 DEFENDANT, KELLEY LYNCH, GUILTY  
17 OF THE CRIME THAT ON OR BETWEEN  
18 FEBRUARY 1ST, 2011 TO JUNE 30TH,  
19 2011, THAT SHE DID WILLFULLY AND  
20 UNLAWFULLY WITH INTENT TO ANNOY  
21 AND HARASS MAKE REPEATED  
22 TELEPHONE CALLS OR REPEATED  
23 CONTACT BY MEANS OF ELECTRONIC  
24 COMMUNICATION TO ANOTHER PERSON,  
25 TO WIT: LEONARD COHEN, IN  
26 VIOLATION OF PENAL CODE SECTION  
27 653M(B), A MISDEMEANOR, AS  
28 CHARGED IN COUNT 2 OF THE

1 COMPLAINT.

2 THIS 12TH DAY OF APRIL,  
3 2012.

4 SIGNED FOREPERSON, JUROR NO.  
5 10.

6 IN THE SAME CASE, CAUSE AND  
7 ACTION, COUNT 3:

8 WE, THE JURY IN THE  
9 ABOVE-ENTITLED ACTION, FIND THE  
10 DEFENDANT, KELLEY LYNCH, GUILTY  
11 OF THE CRIME THAT ON OR BETWEEN  
12 JULY 1ST, 2011 TO DECEMBER 14TH,  
13 2011, THAT SHE DID WILLFULLY,  
14 UNLAWFULLY, INTENTIONALLY AND  
15 KNOWINGLY VIOLATE A PROTECTIVE  
16 ORDER ISSUED ON SEPTEMBER 2ND,  
17 2008, IN VIOLATION OF PENAL CODE  
18 SECTION 273.6(A), A MISDEMEANOR,  
19 AS CHARGED IN COUNT 3 OF THE  
20 COMPLAINT.

21 THIS 12TH DAY OF APRIL,  
22 2012.

23 SIGNED FOREPERSON, JUROR NO.  
24 10.

25 IN THE SAME CASE, CAUSE AND  
26 TITLE, COUNT 4:

27 WE, THE JURY IN THE  
28 ABOVE-ENTITLED ACTION, FIND THE

1           DEFENDANT, KELLEY LYNCH, GUILTY  
2           OF THE CRIME THAT ON OR BETWEEN  
3           JULY 1ST, 2011 TO DECEMBER 14TH,  
4           2011, THAT SHE DID WILLFULLY AND  
5           UNLAWFULLY WITH INTENT TO ANNOY  
6           AND HARASS MAKE REPEATED  
7           TELEPHONE CALLS OR REPEATED  
8           CONTACT BY MEANS OF ELECTRONIC  
9           COMMUNICATION TO ANOTHER PERSON,  
10          TO WIT: LEONARD COHEN, IN  
11          VIOLATION OF PENAL CODE SECTION  
12          653M(B), A MISDEMEANOR, AS  
13          CHARGED IN COUNT 4 OF THE  
14          COMPLAINT.

15                 THIS 12TH DAY OF APRIL,  
16                 2012.

17                 JUROR NO. 10, FOREPERSON.

18                 IN THE SAME CASE, CAUSE AND  
19                 TITLE, COUNT 7:

20                 WE, THE JURY IN THE  
21                 ABOVE-ENTITLED ACTION, FIND THE  
22                 DEFENDANT, KELLEY LYNCH, GUILTY  
23                 OF THE CRIME THAT ON OR BETWEEN  
24                 DECEMBER 15TH, 2011 TO  
25                 DECEMBER 31ST, 2011, THAT SHE DID  
26                 WILLFULLY, UNLAWFULLY,  
27                 INTENTIONALLY AND KNOWINGLY  
28                 VIOLATE A PROTECTIVE ORDER ISSUED

1           ON SEPTEMBER 2ND, 2008, IN  
2           VIOLATION OF PENAL CODE SECTION  
3           273.6(A), A MISDEMEANOR, AS  
4           CHARGED IN COUNT 7 OF THE  
5           COMPLAINT.

6           THIS 12TH DAY OF APRIL,  
7           2012.

8           JUROR NO. 10, FOREPERSON.

9           IN THE SAME CASE, CAUSE AND  
10          TITLE, COUNT NO. 8:

11          WE, THE JURY IN  
12          ABOVE-ENTITLED ACTION, FIND THE  
13          DEFENDANT, KELLEY LYNCH, GUILTY  
14          OF THE CRIME THAT ON OR BETWEEN  
15          JANUARY 1ST, 2012 TO  
16          JANUARY 31ST, 2012, THAT SHE DID  
17          WILLFULLY, UNLAWFULLY,  
18          INTENTIONALLY AND KNOWINGLY  
19          VIOLATE A PROTECTIVE ORDER ISSUED  
20          ON SEPTEMBER 2ND, 2008, IN  
21          VIOLATION OF PENAL CODE SECTION  
22          273.6(A), A MISDEMEANOR, AS  
23          CHARGED IN COUNT 8 OF THE  
24          COMPLAINT.

25          THIS 12TH DAY OF APRIL,  
26          2012.

27          SIGNED, JUROR NO. 10, FOREPERSON.

28          IN THE SAME CASE, CAUSE AND

1 TITLE, COUNT NO. 9:

2 WE, THE JURY IN THE  
3 ABOVE-ENTITLED ACTION, FIND THE  
4 DEFENDANT, KELLEY LYNCH, GUILTY  
5 OF THE CRIME THAT ON OR BETWEEN  
6 FEBRUARY 1ST, 2012 TO  
7 FEBRUARY 29, 2012, THAT SHE DID  
8 WILLFULLY, UNLAWFULLY,  
9 INTENTIONALLY AND KNOWINGLY  
10 VIOLATE A PROTECTIVE ORDER ISSUED  
11 ON SEPTEMBER 2ND, 2008, IN  
12 VIOLATION OF PENAL CODE  
13 SECTION 273.6(A), A MISDEMEANOR,  
14 AS CHARGED IN COUNT 9 OF THE  
15 COMPLAINT.

16 THIS 12TH DAY OF APRIL,  
17 2012.

18 SIGNED, JUROR NO. 10,  
19 FOREPERSON.

20  
21 (END OF READING.)  
22

23 THE CLERK: LADIES AND GENTLEMEN OF THE JURY,  
24 ARE THESE YOUR VERDICTS? SO SAY YOU ONE, SO SAY YOU  
25 ALL.

26  
27 (THE JURORS ANSWERED IN THE.  
28 AFFIRMATIVE.)

1 THE CLERK: YOUR HONOR, THEY ALL ANSWERED IN THE  
2 AFFIRMATIVE.

3 THE COURT: WOULD EITHER SIDE LIKE THE JURY  
4 POLLED?

5 MR. KELLY: YES, PLEASE.

6 THE COURT: PLEASE POLL THE JURY.

7 THE CLERK: WHEN I CALL OUT YOUR SEAT NUMBER,  
8 PLEASE ANSWER WITH A YES OR NO IF THESE ARE YOUR  
9 VERDICTS.

10 JUROR NO. 1, ARE THESE YOUR VERDICTS?

11 JUROR NO. 10: YES.

12 THE CLERK: JUROR NO. 2, ARE THESE YOUR  
13 VERDICTS?

14 JUROR NO. 2: YES, SIR.

15 THE CLERK: JUROR NO. 3, ARE THESE YOUR  
16 VERDICTS?

17 JUROR NO. 3: YES.

18 THE CLERK: JUROR NO. 4, ARE THESE YOUR  
19 VERDICTS?

20 JUROR NO. 4: YES.

21 THE CLERK: JUROR NO. 5, ARE THESE YOUR  
22 VERDICTS?

23 JUROR NO. 5: YES.

24 THE CLERK: JUROR NO. 6, ARE THESE YOUR  
25 VERDICTS?

26 JUROR NO. 6: YES.

27 THE CLERK: JUROR NO. 7, ARE THESE YOUR  
28 VERDICTS?

1 JUROR NO. 7: YES.

2 THE CLERK: JUROR NO. 8, ARE THESE YOUR  
3 VERDICTS?

4 JUROR NO. 8: YES.

5 THE CLERK: JUROR NO. 9, ARE THESE YOUR  
6 VERDICTS?

7 JUROR NO. 9: YES.

8 THE CLERK: JUROR NO. 10, ARE THESE YOUR  
9 VERDICTS?

10 JUROR NO. 10: YES.

11 THE CLERK: JUROR NO. 11, ARE THESE YOUR  
12 VERDICTS?

13 JUROR NO. 11: YES.

14 THE CLERK: AND JUROR NO. 12, ARE THESE YOUR  
15 VERDICTS?

16 JUROR NO. 12: YES.

17 THE CLERK: YOUR HONOR, THEY ALL ANSWERED IN THE  
18 AFFIRMATIVE.

19 THE COURT: DO BOTH SIDES WAIVE READING OF THE  
20 VERDICT?

21 WILL THE CLERK RECORD THE VERDICT.

22 BOTH SIDES WAIVE READING OF THE VERDICT  
23 AS RECORDED?

24 MR. KELLY: YES, YOUR HONOR.

25 MS. STREETER: THE PEOPLE DO.

26 THE COURT: LADIES AND GENTLEMEN OF THE JURY,  
27 YOU HAVE COMPLETED YOUR SERVICE. I WANT TO SINCERELY ON  
28 BEHALF OF ALL THE JUDGES OF OUR COURT THANK YOU. YOU'VE

1 REALLY UNDERTAKEN, IN MY VIEW, THE HIGHEST FORM OF  
2 PUBLIC SERVICE PEOPLE IN THIS COUNTRY CAN DO. AND I  
3 KNOW IT'S BEEN A BUSY TIME FOR YOU. I KNOW IT'S BEEN A  
4 DISRUPTION OF YOUR LIFE. I APPRECIATE ALL THE HARD WORK  
5 YOU'VE PUT IN ON THIS CASE.

6 AS I SAID BEFORE. NOW THAT YOU ARE  
7 DISCHARGED AS JURORS, YOU MAY DISCUSS THE CASE WITH  
8 ANYONE YOU WANT. YOU HAVE NO OBLIGATION TO DISCUSS THE  
9 CASE WITH ANYONE EXCEPT IF YOU WANT.

10 THE ATTORNEYS OFTEN FIND IT USEFUL AND  
11 HELPFUL TO SPEAK WITH JURORS AFTERWARDS, SO IF ANY OF  
12 YOU WOULD LIKE TO SPEAK WITH THE ATTORNEYS, THEY WILL BE  
13 OUT IN JUST A MOMENT IN THE HALL. YOU CAN WAIT OUT  
14 THERE. THOSE OF YOU WHO WANT TO JUST GET ON WITH YOUR  
15 LIVES, YOU CAN GO TO THE JURY ROOM, GET YOUR CERTIFICATE  
16 AND YOU'LL BE FREE OF SERVICE FOR A YEAR.

17 I HOPE NEVER TO SEE ANY OF YOU IN MY  
18 COURTROOM EXCEPT AS JURORS AGAIN. BUT GOOD LUCK TO ALL  
19 OF YOU. AND AGAIN, SINCERELY, THANK YOU.

20 JUST A REMINDER: YOU HAVE TO WAIT 90  
21 DAYS BEFORE NEGOTIATING ANY PAYMENT FROM ANYONE FOR ANY  
22 INFORMATION ABOUT THE CASE UNDER CALIFORNIA LAW. SO  
23 KEEP THAT IN MIND. AND IF ANYONE HARASSES YOU OR TRIES  
24 TO CONTACT YOU AGAINST YOUR WISHES, PLEASE LET THE  
25 BAILIFF KNOW AND LET THE COURT KNOW.

26 BUT AGAIN, THANK YOU AND GOOD LUCK TO ALL  
27 OF YOU. YOU ARE FREE TO GO.

28

1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT OUTSIDE THE PRESENCE  
3 OF THE JURY:)  
4

5 THE COURT: OKAY. COUNSEL, THE COURT WOULD LIKE  
6 TO SCHEDULE SENTENCING IN THIS COURT FOR NEXT TUESDAY AT  
7 9:30 IN THE MORNING. WOULD THAT DAY WORK FOR BOTH OF  
8 YOU?

9 MR. KELLY: AND THE COURT DOESN'T HAVE AN  
10 INDICATED AT THIS TIME?

11 THE COURT: NO. I'M GOING TO ASK BOTH -- AND  
12 THE REASON I WANT PUT IT OFF TILL TUESDAY IS I WANT  
13 INDICATIONS FROM BOTH OF YOU, PREFERABLY IN WRITING --  
14 NOT NECESSARY IF YOU DON'T WANT TO DO IT -- WHAT THE  
15 APPROPRIATE SENTENCE HERE WOULD BE.

16 THIS IS OBVIOUSLY NOT A CASE WHERE SIMPLE  
17 PROBATION AND A PROTECTIVE ORDER IS LIKELY TO BE THE  
18 INDICATED. SO THE COURT WOULD LIKE BOTH OF YOUR  
19 THOUGHTS ON WHAT WOULD BE APPROPRIATE IN THIS CASE.

20 MS. STREETER: YOUR HONOR, THE PROBLEM I HAVE IS  
21 I HAVE KIND OF ANOTHER QUALITY SENTENCING ON THE SAME  
22 DATE IN DEPARTMENT 43 ON THE PREVIOUS TRIAL THAT I JUST  
23 CONCLUDED, AND I'M NOT SURE HOW LONG THAT'S GOING TO  
24 TAKE.

25 THE COURT: WHAT TIME IS IT SCHEDULED FOR?

26 MS. STREETER: NINE O'CLOCK. IF THE COURT WANTS  
27 TO DO 1:30...

28 MR. KELLY: I WAS GOING TO REQUEST 1:30 AS WELL.

1 THE COURT: WELL, LET'S DO 1:30 THEN. OKAY?

2 AND, AGAIN, THANKS TO ALL OF YOU FOR YOUR  
3 PROFESSIONALISM AND COURTESY.

4 GOOD LUCK TO YOU, MS. LYNCH. AND I'LL  
5 SEE YOU NEXT WEEK.

6 MS. STREETER: THANK YOU, YOUR HONOR.

7 THE COURT: BAIL WILL REMAIN AT 25,000.

8

9 (AT 4:30 P.M., AN ADJOURNMENT WAS TAKEN

10 UNTIL APRIL 17, 2012, AT 1:30 P.M.)

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1 CASE NUMBER: 2CA04539  
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH  
3 LOS ANGELES, CALIFORNIA; TUESDAY, APRIL 17, 2012  
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE  
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861  
6 TIME: P.M. SESSION  
7 APPEARANCES:

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

16  
17 THE COURT: GOOD AFTERNOON, EVERYONE.  
18 WE'RE HERE ON CASE NUMBER 2CA04539,  
19 PEOPLE VERSUS KELLEY LYNCH. THIS IS THE TIME SET FOR  
20 SENTENCING.

21 APPEARANCES, PLEASE.

22 MR. KELLY: MICHAEL KELLY, DEPUTY PUBLIC  
23 DEFENDER.

24 MR. RAMNANEY: NIKHIL RAMNANEY, DEPUTY PUBLIC  
25 DEFENDER, ON BEHALF OF MS. LYNCH WHO IS PRESENT IN  
26 CUSTODY BEFORE THE COURT.

27 MS. STREETER: SANDRA STREETER FOR THE PEOPLE.

28 THE COURT: OKAY. THERE'S A COUPLE OF MATTERS

1 TO TAKE UP. ONE, DEFENDANTS HAVE FILED A MOTION, NOTICE  
2 OF MOTION FOR A NEW TRIAL DUE TO NEWLY DISCOVERED  
3 EVIDENCE. I HAVE CAREFULLY READ THAT AND I'M GOING TO  
4 DENY THE MOTION WITHOUT FURTHER ARGUMENT.

5 THE MOTION ITSELF CONTAINS NO NEW  
6 EVIDENCE, MERELY THE PROMISE OF SOME NEW EVIDENCE. BUT  
7 EVEN IF IT WERE HERE AND AS DESCRIBED, THE COURT  
8 BELIEVES THAT THE DESCRIPTION FAILS TO MEET EVEN THE  
9 FIRST TEST, THE FIRST PRONG OF THE TEST SET FORTH IN  
10 PEOPLE V. WILLIAMS IN THAT THE EVIDENCE ITSELF IS NOT  
11 NEWLY DISCOVERED. THE DEFENDANT HERSELF, FROM THE  
12 DESCRIPTION, WAS CLEARLY AWARE OF ALL OF THE FACTS LAID  
13 OUT. WE HAD DISCUSSIONS ABOUT THEM DURING THE TRIAL  
14 WITH COUNSEL, SO I DO NOT FIND THE EVIDENCE TO BE NEWLY  
15 DISCOVERED.

16 SECONDLY, THE COURT IS CONVINCED THAT IT  
17 WOULD NOT RENDER A DIFFERENT RESULT, PROBABLE, EVEN IF  
18 ADMITTED ON RETRIAL. IN THE FIRST PLACE, IT COULD HAVE  
19 NO EFFECT ON THE FIVE 273.6(A) COUNTS, WHICH ARE  
20 VIOLATIONS OF COURT ORDERS.

21 SECONDLY, WHILE THE TWO 653M COUNTS OF  
22 WHICH THE DEFENDANT WAS CONVICTED DO HAVE A LEGITIMATE  
23 BUSINESS REASON EXCEPTION, THE EVIDENCE PRESENTED AT  
24 TRIAL MAKES IT ABUNDANTLY CLEAR THAT THE CONTACTS  
25 DEFENDANT HAD BOTH IN TERMS OF E-MAILS AND TELEPHONE  
26 CALLS WERE REplete WITH MATTERS THAT HAD ABSOLUTELY  
27 NOTHING TO DO WITH ANY TAX ISSUES. SO THAT EVEN IF THE  
28 EVIDENCE ESTABLISHED SUCH BASIS, IT WOULD NOT PROVIDE

1 ANY EXCUSE WHATSOEVER FOR THE VIOLATIONS THAT DEALT WITH  
2 THINGS AS FAR-FETCHED AS THE PHILLIP SPECTOR TRIAL AND  
3 JUST SCURRILOUS COMMENTS ABOUT DEFENDANT -- ABOUT  
4 DEFENDANT'S VICTIM.

5 SO THE MOTION, IT SEEMS TO THE COURT, IS  
6 NOT WELL TAKEN AND IS DENIED.

7 LET'S TURN TO SENTENCING. I HAVE READ  
8 THE PEOPLE'S MEMORANDUM ON SENTENCING, AND I'LL HAVE  
9 MORE COMMENTS ON IT IN AWHILE. BUT AT THIS TIME DOES  
10 DEFENSE COUNSEL WANT TO MAKE A PRESENTATION?

11 MR. KELLY: I AM LOOKING OVER THE EVIDENCE  
12 PRESENTED BY THE PEOPLE. IT LOOKS LIKE A LOT OF EXTRA  
13 EXHIBITS THAT I HAVEN'T HAD A CHANCE TO LOOK OVER THE  
14 CONTENT.

15 I WILL NOTE THAT MS. LYNCH DOES NOT HAVE  
16 ANY CALIFORNIA CRIMINAL RECORD, AS FAR AS I CAN TELL.  
17 AND TO THE EXTENT THERE IS ANYTHING, THERE'S BEEN NO  
18 INDICATION THAT THERE'S BEEN ANY OFFENSE IN MS. LYNCH'S  
19 HISTORY THAT INDICATES ANY PROPENSITY TOWARDS VIOLENCE  
20 OR ANY VIOLENT CONDUCT IN HER PAST. THIS ITSELF WAS A  
21 NONVIOLENT OFFENSE. THERE WERE, AS THE COURT MENTIONED,  
22 MULTIPLE E-MAILS, BUT THAT DOESN'T RISE TO THE LEVEL OF  
23 VIOLENCE.

24 ALSO, AS WAS NOTED DURING THE TRIAL, MUCH  
25 OF THIS TIME, THIS PERIOD, MS. LYNCH WAS -- OR ACTUALLY,  
26 AS FAR AS I CAN UNDERSTAND FROM THE ENTIRE PERIOD,  
27 MS. LYNCH WAS NOT EVEN IN SOUTHERN CALIFORNIA. SO THERE  
28 DOESN'T SEEM TO BE ANY LEGITIMATE THREAT THROUGH THIS

1 ENTIRE PROCESS IN THE LAST YEAR.

2 WHILE THERE WAS 1101 EVIDENCE OF SIMILAR  
3 E-MAILS, I DO BELIEVE THE CONDUCT AND THE CONTENTS OF  
4 THE E-MAILS WAS ACTUALLY IMPROVED IN THE LAST YEAR IN  
5 TERMS OF WHAT THE ACTUAL CONTENT SIGNIFIES.

6 DEFENSE WOULD ALSO ARGUE THAT THIS WAS A  
7 CONTINUOUS ACT. THAT IT'S SOMEWHAT ARBITRARY, THE  
8 DELINEATION BETWEEN COUNT TO COUNT. THIS WAS  
9 ESSENTIALLY ONE CONTINUOUS ACT WITH THESE E-MAILS THAT  
10 HAD BEEN ONGOING FROM FEBRUARY OF 2011 TO JANUARY 2012.

11 AND SO BASED ON THAT, WE DO BELIEVE  
12 PROBATION SHOULD BE GIVEN TO MS. LYNCH, WITH ANGER  
13 MANAGEMENT CONDITIONS PERHAPS, COMMUNITY SERVICE.  
14 OBVIOUSLY A PROTECTIVE ORDER AND A STRONG ADMONITION TO  
15 MS. LYNCH TO NOT INCLUDE OR CONTACT BY PHONE OR E-MAIL  
16 MR. COHEN, AND -- AS WELL AS HIS REPRESENTATIVES. THERE  
17 IS STILL A MECHANISM PERHAPS OF WHICH, IF THERE ARE  
18 DOCUMENTS THAT SHE DOES NEED, THERE COULD BE A MECHANISM  
19 TO OBTAIN THOSE RECORDS NOT DIRECTLY THROUGH MS. LYNCH  
20 AND BETWEEN MS. LYNCH AND ANY REPRESENTATIVE OF  
21 MR. COHEN.

22 THE COURT: I UNDERSTAND THE VICTIM IN THIS CASE  
23 WOULD LIKE TO MAKE A VICTIM IMPACT STATEMENT.

24 MS. STREETER: YES.

25 THE COURT: MR. COHEN, DO YOU WANT TO COME  
26 FORWARD?

27 MS. STREETER: AND AFTER MR. COHEN ADDRESSES THE  
28 COURT, THE PEOPLE HAVE SOME COMMENTS.

1 THE COURT: YES.

2 PLEASE COME FORWARD.

3 MS. STREETER: YES.

4 THE COURT: THAT WOULD BE FINE.

5 THE WITNESS: THANK YOU, YOUR HONOR. I'M  
6 GRATEFUL FOR THIS OPPORTUNITY TO SPEAK.

7 I WANT TO THANK THE COURT AND THE PERSON  
8 OF YOUR HONOR FOR THE CORDIAL, EVEN-HANDED AND ELEGANT  
9 MANNER IN WHICH THESE PROCEEDINGS HAVE UNFOLDED. IT WAS  
10 A PRIVILEGE AND AN EDUCATION TO TESTIFY IN THIS  
11 COURTROOM.

12 I WANT TO THANK THE CITY PROSECUTOR,  
13 MS. SANDRA JO STREETER FOR HER UNFLINCHING COMMITMENT TO  
14 THE CASE, FOR HER WISE, HONEST AND STRAIGHTFORWARD  
15 METHODS OF UNCOVERING THE TRUTH, AND FOR HER LIFELONG  
16 DEVOTION TO THE PEOPLE'S CAUSE.

17 I WANT TO THANK THE MEMBERS OF THE JURY  
18 FOR THEIR PATIENCE AND THEIR DISCERNMENT, AND FOR THEIR  
19 GRACIOUS ACCEPTANCE OF THE INTERRUPTION TO THEIR LIVES.  
20 IT IS MUCH APPRECIATED.

21 I WANT TO THANK THE PUBLIC DEFENDERS FOR  
22 THEIR RESTRAINT IN PRESENTING ONLY A PORTION OF THE  
23 MATERIAL THAT THEY KNEW WAS UNTRUE.

24 I WANT TO THANK THE DEFENDANT, MS. KELLEY  
25 LYNCH, FOR INSISTING ON A JURY TRIAL, THUS EXPOSING TO  
26 THE LIGHT OF DAY HER MASSIVE DEPLETION OF MY RETIREMENT  
27 SAVINGS AND YEARLY EARNINGS, AND ALLOWING THE COURT TO  
28 OBSERVE HER PROFOUNDLY UNWHOLESOME, OBSCENE AND

1 RELENTLESS STRATEGIES TO ESCAPE THE CONSEQUENCES OF HER  
2 WRONGDOING.

3 THIS EIGHT-YEAR ORDEAL OF HARASSMENT OF  
4 MY FAMILY, MY FRIENDS, MY ASSOCIATES AND MYSELF WAS  
5 DESIGNED SPECIFICALLY TO AVOID OR POSTPONE THE  
6 INEVITABLE DAY OF RECKONING WITH THE IRS, THE DAY WHEN  
7 SHE WILL BE BOUND TO ACCOUNT FOR THE TAXES SHE HAS  
8 NEGLECTED TO PAY ON THE STOLEN MONEY THAT SHE RECEIVED  
9 AND FAILED TO REPORT.

10 IMMEDIATELY UPON A FORENSIC ANALYSIS OF  
11 THE THEFT BY MOSS ADAMS, A HIGHLY RESPECTED FIRM IN THIS  
12 CITY, WE SUBMITTED A THEFT LOSS AMENDMENT TO THE IRS,  
13 AND THIS WAS THE CONSIDERED BASIS OF THEIR REFUND TO ME,  
14 A REFUND FOR THE TAXES I HAD PAID ON THE STOLEN MONEYS  
15 THAT I DID NOT RECEIVE.

16 MS. LYNCH HERSELF, HER FORMER TAX  
17 ATTORNEYS (WHOM SHE FIRED), HER ACCOUNTANT WHO RESIGNED,  
18 THE IRS, AND TWO COURTS OF LAW, ONE IN CALIFORNIA, A  
19 FEDERAL COURT IN COLORADO, HAVE LONG BEEN IN POSSESSION  
20 OF THESE VERY SAME AND VERY PUBLIC FORENSIC REPORTS  
21 WHICH THE PUBLIC DEFENDERS DARED TO ASSERT WE WITHHELD,  
22 AND OFFERED THIS FICTIONAL WITHHOLDING AS JUSTIFICATION  
23 FOR MS. LYNCH'S DAILY OBSCENITIES, DEATH THREATS AND  
24 MENACING FANTASIES OF REVENGE. MS. LYNCH IS IN FULL  
25 POSSESSION OF THE FORENSIC ANALYSIS. SHE JUST DOESN'T  
26 LIKE IT AND SHE HAS GONE TO UNACCEPTABLE -- UNACCEPTABLE  
27 LENGTHS TO IGNORE, DISCREDIT, THREATEN AND VILIFY ANY  
28 PERSON WHO, OR INSTITUTION, THAT HAS AFFIRMED IT.

1                   THIS IS, AS PROSECUTOR SANDRA JO STREETER  
2 SHARPLY OBSERVED, NOTHING BUT THE UNRAVELING OF A CON.

3                   IT GIVES ME NO PLEASURE TO SEE MY  
4 ONE-TIME FRIEND SHACKLED TO A CHAIR IN A COURT OF LAW.  
5 HER CONSIDERABLE GIFTS BENT TO THE SERVICE OF DARKNESS,  
6 DECEIT AND REVENGE. I FEAR THAT HER OBSESSIVE  
7 COMMITMENT TO THESE ACTIVITIES WILL RESUME AS SOON AS  
8 MS. LYNCH IS RELEASED. THEREFORE, I WILL BE GRATEFUL  
9 FOR WHATEVER RESPITE THE COURT WILL ALLOW MY CHILDREN,  
10 MY GRANDCHILDREN, MY FRIENDS AND ASSOCIATES AND MYSELF.

11                   I MUST CONFESS, SIR, THAT MS. LYNCH'S  
12 CONTEMPT FOR EVERY COURT ORDER AND EVERY LEGAL RESTRAINT  
13 THAT WE HAVE OBTAINED IN THE PAST, HER DEFIANCE OF THE  
14 LAW AND HER PLEDGE OF UNRELENTING WARFARE, DO NOT  
15 PRODUCE CONFIDENT FEELINGS OF RELIEF OR OPTIMISM.

16                   FINALLY, YOUR HONOR, I WOULD LIKE TO READ  
17 INTO THE PUBLIC RECORD MY GRATITUDE TO MY ATTORNEY,  
18 MS. LYNCH -- MS. MICHELLE RICE. WITHOUT HER METICULOUS  
19 ATTENTION TO A STAGGERING VOLUME OF MATERIAL (THOUSANDS  
20 OF E-MAILS, DOZENS AND DOZENS OF VILE VOICE MESSAGES),  
21 WE WOULD NOT BE HERE TODAY, AND THE FULL EXTENT OF  
22 MS. LYNCH'S DELIBERATE CRUELITIES AND EVASIONS WOULD NOT  
23 BE KNOWN. IT IS THROUGH MS. RICE'S PAINSTAKING  
24 MANAGEMENT OF THESE TOXIC DETAILS THROUGH MULTIPLE  
25 COURTS, BEFORE EMINENT JUDGES, THAT WE WERE ABLE TO  
26 PRESENT THIS CASE TO OUR ESTEEMED CITY PROSECUTOR,  
27 MS. SANDRA JO STREETER, WHO THEN SO SKILLFULLY AND  
28 STEADFASTLY ARGUED IT IN THE NAME OF JUSTICE BEFORE THIS

1 COURT AND THIS JURY.

2 YOUR HONOR, I AM DEEPLY GRATEFUL TO ALL  
3 WHO HELPED ME END THIS VICIOUS INTRUSION INTO MY LIFE  
4 AND THE LIVES OF MY FAMILY, FRIENDS AND ASSOCIATES, EVEN  
5 IF IT BE TEMPORARY. I AM GRATEFUL TO THE TAXPAYERS WHO  
6 HAVE FUNDED THESE PROCEEDINGS, AND I AM GRATEFUL TO THE  
7 LAPD AND THE PERSON OF DETECTIVE JOSE VIRAMONTES WHO  
8 ARRANGED AND EXECUTED THE ARREST OF THE DEFENDANT, AND I  
9 WANT TO THANK MR. STEVE STEVENS FOR HIS INVALUABLE  
10 CONSULTATIONS.

11 IT IS MY PRAYER THAT MS. LYNCH WILL TAKE  
12 REFUGE IN THE WISDOM OF HER RELIGION, THAT A SPIRIT OF  
13 UNDERSTANDING WILL CONVERT HER HEART FROM HATRED TO  
14 REMORSE, FROM ANGER TO KINDNESS, FROM THE DEADLY  
15 INTOXICATION OF REVENGE TO THE LOWLY PRACTICES OF  
16 SELF-REFORM.

17 MANY THANKS, YOUR HONOR, FOR THIS  
18 HOSPITALITY YOU'VE SHOWN ME AND FOR THIS OPPORTUNITY TO  
19 ADDRESS THE COURT. THANK YOU, SIR.

20 THE COURT: THANK YOU, MR. COHEN.

21 MS. STREETER.

22 MS. STREETER: I JUST WANT TO EMPHASIZE TWO  
23 POINTS THE PEOPLE MADE IN THEIR MOVING PAPERS. THE  
24 FIRST ONE IS THAT IT IS THE PEOPLE'S POSITION THAT THE  
25 ANNOYING PHONE CALL COUNTS DO MERGE WITH THE RESTRAINING  
26 ORDER COUNTS. HOWEVER, THE PEOPLE ARE OF THE POSITION  
27 THAT THE RESTRAINING ORDER DOES NOT -- THE COUNTS DO NOT  
28 MERGE.

1 COUNSEL IS OF THE OPINION THAT IT'S SOME  
2 ARBITRARY MANNER WITH WHICH THE PEOPLE PLED THE CASE.  
3 THE PROBLEM THE PEOPLE WERE FACED WITH IS EACH E-MAIL OR  
4 EACH VOICE MAIL ON A CLEAR READING OF THE RESTRAINING  
5 ORDER IS A VIOLATION, AND THE ONLY ALTERNATIVE THE  
6 PEOPLE SAW WOULD BE TO DO A VIOLATION FOR EACH  
7 RESTRAINING ORDER VIOLATION AND THAT DIDN'T SEEM  
8 APPROPRIATE. SO THE PEOPLE PLED IT AS A CONTINUING  
9 COURSE, ALLOWING THE JURY TO PICK WHAT E-MAIL, WHAT  
10 VOICE MAIL THEY SAW WERE A VIOLATION.

11 BUT NEVERTHELESS, THE PEOPLE FEEL THAT --  
12 STILL SEE THAT 654 DOES NOT APPLY ON THOSE COUNTS IN  
13 THAT THEY DON'T MERGE, AND THE SENTENCE -- THE MAXIMUM  
14 SENTENCE WOULD BE FIVE YEARS.

15 THE SECOND THING THE PEOPLE WANT TO  
16 EMPHASIZE IN PARTICULAR IS THE LETTER FROM DR. BACA.  
17 THE PEOPLE, YOU KNOW, GIVEN THIS SITUATION, THE PEOPLE  
18 ARE FACED WITH WE CAN'T FORCE MS. LYNCH TO SUBMIT TO A  
19 MENTAL HEALTH EVALUATION. THAT'S SOMETHING HER  
20 ATTORNEYS WOULD HAVE TO DO OR THE COURT WOULD HAVE TO  
21 DO. BUT THE PEOPLE HAVE BEEN INCREDIBLY CONCERNED BY  
22 SOME OF THE ACTIONS BY MS. LYNCH.

23 I JUST WANT TO EMPHASIZE SOME OF THE  
24 THINGS THAT MR. COHEN SAID, GIVING HIM A RESPITE. IT'S  
25 NOT JUST THE CONDUCT TOWARD MR. COHEN THE PEOPLE ARE  
26 PARTICULARLY CONCERNED ABOUT, BUT THE REASON THE PEOPLE  
27 ATTACHED LETTERS, AND THE PEOPLE MUST STATE -- FIRST  
28 EXPLAIN TO THE COURT HOW THE PEOPLE CAME UPON THE

1 LETTERS FROM MR. CUTLER'S OFFICE IN NEW YORK.

2 MR. CUTLER'S OFFICE, UPON HEARING ABOUT  
3 THIS CASE, CONTACTED THE PEOPLE THEMSELVES AND  
4 VOLUNTARILY SENT THE LETTERS TO THE PEOPLE THEMSELVES  
5 BECAUSE OF THEIR CONCERN. AND SO IT'S NOT JUST THE  
6 E-MAIL -- AND IN ADDITION, THE DISTRICT ATTORNEY'S  
7 OFFICE CONTACTED THE PEOPLE THEMSELVES OUT OF CONCERN BY  
8 WHAT MS. LYNCH IS DOING.

9 BUT OF THE TWO, WHAT THE PEOPLE FIND MOST  
10 CONCERNING ARE THE LETTERS THAT ARE SENT TO MR. CUTLER.  
11 BECAUSE IF ONE WERE TO READ THOSE LETTERS, ONE WOULD  
12 HAVE NO IDEA THAT THERE IS NO RELATIONSHIP, NO -- WHAT  
13 ONE WOULD VIEW AS A RELATIONSHIP BETWEEN MS. LYNCH AND  
14 MR. CUTLER. BUT SHE WRITES AS IF THE TWO OF THEM ARE  
15 LONG-LOST FRIENDS.

16 THIS IS A CONCERN THE PEOPLE HAVE,  
17 PARTICULARLY IN LIGHT OF SHOWING THOSE TO DR. BACA, IS  
18 THE FACT THAT IT APPEARS PART OF WHAT IS DRIVING THIS IS  
19 THAT MS. LYNCH HAS SOME UNDIAGNOSED MENTAL HEALTH ISSUE,  
20 AND THE DANGER THAT SHE POSES TO MR. COHEN, MR. CUTLER  
21 AND MR. COOLEY, AND SOCIETY IN PARTICULAR.

22 SO THE PEOPLE ARE CONCERNED WITH JUST  
23 PUTTING HER ON PROBATION, LETTING HER GO ON HER MERRY  
24 WAY BECAUSE WE SEE THAT SHE WOULD BE BACK HERE AND  
25 PERHAPS FOR SOMETHING MORE SERIOUS THAN WHAT SHE'S  
26 FACING NOW.

27 SO THE PEOPLE WOULD TRULY LIKE TO URGE  
28 THAT WHAT IS -- IS DONE IS THAT THE DEFENDANT IS ORDERED

1 TO GO TO A LOCKED MENTAL HEALTH FACILITY. IF SHE  
2 DOESN'T WANT TO DO THAT, THEN THE PEOPLE SEE THAT THE  
3 ONLY ALTERNATIVE IS FOR THE COURT TO GIVE MS. LYNCH THE  
4 MAXIMUM SENTENCE. TO DO AS MR. COHEN IS ASKING, TO GIVE  
5 HIM A BIT OF RESPITE.

6 THE COURT: DEFENSE WANTS TO BE FURTHER HEARD?

7 MR. KELLY: YES, I DO.

8 WHILE THERE IS A HISTORY BETWEEN THE  
9 PARTIES HERE, MS. LYNCH AND MR. COHEN, THIS CASE IS NOT  
10 ABOUT ANY INCIDENTS THAT TOOK PLACE IN 2004, 2005, OR  
11 ANY PERIOD PRIOR TO THAT.

12 I WILL NOTE THAT -- AGAIN, AS THE COURT  
13 MENTIONED, A LOT OF THESE E-MAILS ARE REALLY NOTHING IN  
14 GENERAL AND ARE NOT THREATENING IN NATURE. I BELIEVE  
15 THE PEOPLE DID POINT OUT THOSE E-MAILS THAT THEY  
16 BELIEVED WERE OF THE THREATENING NATURE, AND EVEN THEN  
17 IT WAS, AGAIN, VERY AMBIGUOUS.

18 AS FAR AS THE MENTAL HEALTH TREATMENT,  
19 THE PEOPLE, WHAT THEY PROPOSE IS TO PUT OFF SENTENCING  
20 FOR ONE YEAR. FOR A ONE-YEAR MENTAL HEALTH. AT THIS  
21 POINT, THAT DOESN'T SEEM APPROPRIATE, CONSIDERING WE  
22 DON'T KNOW IF THERE IS A CONDITION OR IF THERE IS, WHAT  
23 CONDITION IT WOULD BE.

24 THAT MENTAL HEALTH COUNSELING, OR AT  
25 LEAST A DIAGNOSIS OR SOME KIND OF EVALUATION, COULD BE A  
26 TERM OF THE PROBATION IF PROBATION IS GIVEN. BUT TO PUT  
27 OVER SENTENCING ALTOGETHER FOR THAT PERIOD OF TIME, I  
28 DON'T BELIEVE AT THIS TIME IS APPROPRIATE.

1                   BUT AGAIN, WE ARE -- IF IT IS SOMETHING  
2   THAT IS A TERM OF THE PROBATION, I'M SURE MS. LYNCH  
3   WOULD COMPLY WITH THAT TERM AND AT LEAST SPEAK TO  
4   SOMEONE AND SEE IF THERE IS AN EVALUATION THAT CAN BE  
5   GIVEN AND A DIAGNOSIS, IF ANY, THAT CAN BE GIVEN BASED  
6   UPON THAT.

7                   THE COURT: ANYTHING FURTHER? WOULD YOUR CLIENT  
8   LIKE TO MAKE A STATEMENT?

9                   THE DEFENDANT: I DO WANT TO MAKE A STATEMENT.

10                  THE COURT: WELL, YOU HAVE THE RIGHT TO.

11                  THE DEFENDANT: I WANT TO MAKE A SHORT  
12   STATEMENT.

13                         IT IS MY IMPRESSION THAT WHAT I DID HERE  
14   WAS I ACTUALLY WENT TO THE INTERNAL REVENUE SERVICE.  
15   I'VE HAD AGENTS FROM THE TREASURY FLY IN FROM WASHINGTON  
16   THAT ARE CRIMINAL INTELLIGENCE. THE FBI'S INVOLVED AND  
17   THE FBI TOLD ME TO LET THE IRS TAKE THE LEAD. IT WILL  
18   BE BROUGHT IN FOR CRIMINAL WITNESS AND EVIDENCE  
19   TAMPERING WITH RESPECT TO LEONARD COHEN. THAT IS  
20   FACTUAL, THOSE CONVERSATIONS ARE RECORDED.

21                         AND SO I DO BELIEVE THAT I HAVE ENGAGED  
22   IN EXCESSIVE, UNAUTHORIZED RAMBLING, AND THAT MY  
23   BEHAVIOR HAS BEEN EXCESSIVE. BUT WHAT I HAVE  
24   EXPERIENCED, REGARDLESS OF MS. STREETER'S VICIOUS, I  
25   THINK, ATTACK ON ME, AND WHAT MY CHILDREN HAVE GONE  
26   THROUGH, HAS BEEN EXTREME.

27                         I'VE PROVIDED EVIDENCE TO THE IRS THAT I  
28   HAVE BEEN DEFRAUDED BY LEONARD COHEN, STEVEN MACHAT, WHO

1 IS ABOUT TO SUE HIM FOR THEFT FOR THE SAME REASON.

2 AND I FEEL THAT I CAN STAY AWAY FROM  
3 MR. COHEN. I'M WILLING TO GO TO ANGER MANAGEMENT. I'M  
4 WILLING TO TAKE ANYTHING THE JUDGE SUGGESTS, AND MY -- I  
5 DID HAVE MY WAGES GARNISHED ALSO, YOUR HONOR. IT WOULD  
6 HAVE TAKEN 25 PERCENT OF MY INCOME, AND THE STATE DID  
7 TELL ME TO GO AND GET THE INFORMATION I NEEDED FOR MY  
8 TAX RETURNS.

9 MR. COHEN IS SAYING THIS FORENSIC  
10 ACCOUNTING. HIS OWN ACCOUNTANT, KEVIN PRINS, TOLD MINE  
11 IT IS NOT. HE DIDN'T HAVE THE BACKUP DOCUMENTATION.

12 SO I DON'T KNOW WHAT ANYONE ELSE IN MY  
13 POSITION WOULD DO, BUT I THINK THAT YOU'RE BETWEEN A  
14 ROCK AND A HARD PLACE WHEN THE IRS AND THE FRANCHISE TAX  
15 BOARD ARE DEMANDING INFORMATION. YOU HAVE K-1S THAT ARE  
16 ILLEGAL. I'M NOT A PARTNER IN LC INVESTMENTS AND IT'S  
17 ALL CONFUSING. I'M NOT REPRESENTED.

18 ONE LAST THING I'D LIKE TO SAY TO YOU,  
19 YOUR HONOR, IS THAT I CALLED THE STATE BAR AND THE  
20 AMERICAN BAR ASSOCIATION MANY TIMES, AND WAS TOLD THAT  
21 OPPOSING COUNSEL MUST TALK TO ME, AND THAT WOULD HAVE  
22 BEEN ROBERT KORY AND MICHELLE RICE, SCOTT EDELMAN. NO  
23 ONE WOULD EVER TALK TO ME. EVER. SO I'VE NEVER BEEN  
24 ABLE TO SETTLE ANYTHING.

25 AND THEN I WAS GIVEN LEGAL ADVICE THAT I  
26 COULD CONTACT MR. COHEN FOR TAX INFORMATION.

27 THE COURT: OKAY. ANY LEGAL CAUSE WHY SENTENCE  
28 SHOULD NOT NOW BE IMPOSED?

1 MR. KELLY: NO, YOUR HONOR.

2 MR. RAMNANEY: NO, YOUR HONOR.

3 THE COURT: OKAY. LET ME JUST -- BEFORE I  
4 PRONOUNCE SENTENCE, TELL YOU WHAT HAS GONE INTO MY  
5 CONSIDERATION.

6 FIRST, I THINK THE EVIDENCE, IT'S QUITE  
7 CLEAR THAT THE EVIDENCE DEMONSTRATED IN THIS CASE A LONG  
8 UNRELENTING BARRAGE OF HARASSING BEHAVIOR ON THE PART OF  
9 THE DEFENDANT THAT SPANNED A NUMBER OF YEARS AND WAS  
10 REALLY VILE. AND IT HAS NOTHING TO DO WITH WHETHER IT  
11 WAS LEONARD COHEN OR JOSEPH SMITH ON THE END OF THOSE.  
12 NO PERSON SHOULD BE SUBJECTED TO THAT KIND OF TARGETING  
13 BY ANYONE, AND THAT'S WHY WE HAVE STATUTES IN PLACE THAT  
14 PREVENT THAT.

15 THE DEFENDANT HAS ALSO THROUGHOUT THIS  
16 PROCEEDING, CONTINUING UP TO THE PAST MONTH, AS I READ  
17 FROM THE LETTERS, DISPLAYED AN UTTER CONTEMPT FOR THE  
18 JUDICIAL PROCESS AND FOR JUDICIAL ORDERS. THIS BEHAVIOR  
19 WAS ALL DONE IN CONTEMPT OF REPEATED ORDERS BY THE CIVIL  
20 COURTS THAT SHE NOT CONTACT MR. COHEN, AND THE DEFENDANT  
21 HAS IN FACT -- WHOEVER HAS THAT PHONE, WOULD YOU PLEASE  
22 TURN IT OFF.

23 SHE HAS INDICATED EXPRESSLY HER BELIEF  
24 THAT RESTRAINING ORDERS WILL HAVE NO EFFECT ON HER  
25 BEHAVIOR. HAS SAID SO A NUMBER OF TIMES IN THE EVIDENCE  
26 WE HEARD. SHE'S ALSO SHOWN NO REMORSE NOR GLIMMER OF  
27 ACKNOWLEDGMENT OF WRONGDOING FOR HER BEHAVIOR, EVEN UP  
28 TO THIS MOMENT.

1                   AND IN LIGHT OF ALL THOSE FACTORS, THE  
2 COURT HAS VERY FEW TOOLS AT ITS DISPOSAL IN THIS CASE.  
3 IN OTHER CASES I WOULD OFTEN GRANT PROBATION FOR A  
4 FIRST-TIME MISDEMEANOR, WITH THE EXPECTATION THAT A  
5 PROTECTIVE ORDER WOULD BE ABIDED WITH. I HAVE NO  
6 CONFIDENCE WHATSOEVER THAT A PROTECTIVE ORDER WOULD BE  
7 EFFECTIVE IN THIS CASE BECAUSE PAST PROTECTIVE ORDERS  
8 HAVE DONE NOTHING.

9                   THE ONLY THING THAT HAS CAUSED MS. LYNCH  
10 TO CEASE HER BEHAVIOR IS AN INABILITY TO ENGAGE IN THE  
11 BEHAVIOR, AND WHEN SHE WAS INCARCERATED THE BEHAVIOR  
12 STOPPED.

13                   THERE IS MUCH MERIT TO MS. STREETER'S  
14 SUGGESTION OF A MENTAL HEALTH FACILITY, BUT I'M NOT  
15 CONVINCED AT THIS POINT THAT THE DEFENDANT IS AMENABLE  
16 TO TREATMENT AND COOPERATIVE ENOUGH TO ENGAGE IN  
17 TREATMENT.

18                   AS MS. STREETER HAS INDICATED, THE  
19 MAXIMUM SENTENCE DEFENDANT WOULD FACE -- COULD FACE IN  
20 THIS CASE IS A JAIL TERM OF FIVE YEARS FOR THE FIVE  
21 COUNTS OF 273.6(A). I AGREE WITH YOUR ANALYSIS THAT THE  
22 653M COUNTS WOULD BE MERGED BECAUSE THE CONDUCT THAT  
23 FORMS THE BASIS FOR THOSE IS THE SAME CONDUCT THAT FORMS  
24 THE BASIS FOR VIOLATION OF THE PROTECTIVE ORDERS.

25                   SO THE COURT'S SENTENCE, THE COURT'S  
26 INDICATED SENTENCE, IF MS. LYNCH CHOOSES TO ACCEPT IT,  
27 WOULD BE AS FOLLOWS: DEFENDANT WOULD BE PLACED ON  
28 SUMMARY PROBATION TO THE COURT FOR A FIVE-YEAR PERIOD.

1 THAT'S 60 MONTHS. DURING THAT FIVE-YEAR PERIOD, SHE  
2 WILL SERVE A TERM OF 18 MONTHS IN THE COUNTY JAIL WITH  
3 CREDIT FOR THE TIME SHE'S SERVED. WHILE SHE IS IN  
4 SERVING THAT 18-MONTH SENTENCE, THE STATUTE REQUIRES  
5 THAT SHE UNDERGO DOMESTIC VIOLENCE COUNSELING.

6 MS. STREETER: OR PSYCHIATRIC COUNSELING.

7 THE COURT: I DON'T THINK THE TRADITIONAL  
8 DOMESTIC VIOLENCE COUNSELING IS THE KIND OF COUNSELING  
9 WE NEED HERE. WHAT I'M GOING TO DIRECT THE JAIL  
10 AUTHORITIES TO DO IS TO PUT TOGETHER A PROGRAM FOR  
11 MS. LYNCH WHILE SHE IS IN CUSTODY THAT WILL INCLUDE ON A  
12 WEEKLY BASIS FOR AT LEAST A YEAR ALL OF THE FOLLOWING:  
13 ANGER MANAGEMENT, ALCOHOL COUNSELING AND PSYCHIATRIC  
14 COUNSELING.

15 THERE WILL BE THREE-MONTH REPORTS TO THE  
16 COURT ON HER PROGRESS AND COOPERATION IN THAT EDUCATION  
17 PROGRAM. AND AT THE END OF HER 18-MONTH SERVICE, SHE  
18 WILL BE REQUIRED AS PART OF THIS PROBATION TO UNDERGO A  
19 MENTAL HEALTH EVALUATION AT THAT POINT, AT WHICH TIME  
20 THE COURT WILL CONSIDER WHATEVER RECOMMENDATIONS THE  
21 COUNSELOR HAS FOR FURTHER PSYCHIATRIC COUNSELING AS PART  
22 OF THE PROBATION.

23 IN ADDITION, MS. LYNCH IS BARRED BY  
24 STATUTE FROM OWNING OR POSSESSING ANY FIREARMS FOR THE  
25 NEXT TEN YEARS.

26 DOES DEFENDANT ACKNOWLEDGE AND ACCEPT  
27 THOSE TERMS AND CONDITIONS OF PROBATION?

28 MR. KELLY: YOUR HONOR, WE WOULD HAVE TO DISCUSS

1 THAT WITH HER AND IT WILL REQUIRE SOME TIME.

2 I WILL SAY THIS --

3 THE COURT: WELL, THE TIME -- YOU CAN DISCUSS  
4 IT. I WILL TAKE A RECESS TO ALLOW YOU TO DO THAT.

5 MR. KELLY: YES, YOUR HONOR.

6 I WILL NOTE, IF I MAY. I KNOW THE  
7 DEFENSE DID MAKE AN 1118.1 MOTION, AND AS THE COURT  
8 MENTIONED, THE REQUIREMENT OF DOMESTIC VIOLENCE IN THIS  
9 CASE. IT IS THE DEFENSE'S CONTENTION NOW, AS IT WAS  
10 THEN WHEN WE MADE THE MOTION, THAT A 273.6 IS NOT THE  
11 PROPER CHARGE FOR THIS TYPE OF CONDUCT. IN FACT, IT  
12 WOULD HAVE BEEN A 166, WHICH DOES SPECIFICALLY SAY UNDER  
13 166(A)(4), VIOLATION OF A COURT OUT OF STATE ORDER.

14 THE ORDERS THAT WERE GIVEN IN THIS CASE,  
15 THE COLORADO AND CALIFORNIA ORDERS, WERE NOT OF THE TYPE  
16 THAT ARE REQUIRED UNDER 273.6. I DO THINK THAT IS  
17 SOMETHING THE COURT SHOULD TAKE INTO ACCOUNT, GIVEN THE  
18 REQUIREMENT, THE STRICT REQUIREMENT UNDER 273.6, AND  
19 THERE IS A DIFFERENCE IN MAXIMUM SENTENCE BETWEEN THE  
20 TWO CHARGES. WHICH IS, I PROPOSE -- I -- I ASSUME THIS  
21 IS WHY THE PEOPLE WENT UNDER THIS COUNT AND NOT THE 166,  
22 BUT I DO BELIEVE IT WAS AN ERROR AND THAT WAS THE BASIS  
23 FOR THE 1118.1 ON THAT. BUT WE WOULD REQUEST A RECESS.

24 THE COURT: WELL, I WILL RECESS FOR 15 MINUTES.

25 IN ADDITION, THE OTHER CONDITION IS A  
26 STAY-AWAY PROTECTIVE ORDER.

27 MS. STREETER: FROM MR. KORY AND MS. RICE, AND  
28 THEN JUST TO INCLUDE THE COLORADO ORDER AS A TERM AND

1     CONDITION?

2             THE COURT:    YES.

3             MS. STREETER:  WHAT ABOUT MR. CUTLER AND

4     MR. COOLEY?

5             THE COURT:  WELL, I'M NOT GOING TO PROHIBIT ANY  
6     CITIZEN FROM CONTACTING A GOVERNMENT OFFICIAL.

7             MS. STREETER:  MR. CUTLER?

8             THE COURT:  MR. CUTLER I WOULD, IN LIGHT OF THE  
9     RECORDS BEFORE THE COURT THAT MR. CUTLER SAYS THAT HE  
10    HAS -- "MS. LYNCH HAS LEFT ME COUNTLESS VOICE MAILS  
11    ALMOST EVERY SINGLE NIGHT FOR THE PAST FIVE YEARS.  PART  
12    OF MY DAILY MORNING ROUTINE WAS TO GO THROUGH AND DELETE  
13    UPWARD OF 30 VOICE MAILS THAT SHE HAD LEFT THE NIGHT  
14    BEFORE."  I WILL INCLUDE MR. CUTLER IN THE PROTECTIVE  
15    ORDER.

16            MS. STREETER:  THANK YOU, YOUR HONOR.

17            THE COURT:  BUT ANYWAY, LET'S TAKE A 15-MINUTE  
18    RECESS.  IF MS. LYNCH CAN DECIDE IF SHE WANTS TO ACCEPT  
19    THESE CONDITIONS OF PROBATION.  IF NOT, WE WILL SIMPLY  
20    DO A JAIL SENTENCE.

21            MR. KELLY:  MAY WE APPROACH OFF THE RECORD?

22            MS. STREETER:  THANK YOU.

23

24                    (RECESS.)

25

26            THE COURT:  OKAY.  WE'RE BACK ON THE RECORD.

27                    MR. KELLY, MR. RAMNANEY.

28            MR. KELLY:  YES, YOUR HONOR.  WHILE THE --

1 MR. RAMNANEY AND I BELIEVE THAT IT MIGHT BE IN  
2 MS. LYNCH'S BEST INTEREST TO REJECT PROBATION IN THIS  
3 CASE, MS. LYNCH DOES WISH TO ACCEPT THE COURT'S  
4 PROBATION. HOWEVER, WE WOULD ASK AND WOULD OBJECT TO  
5 INCLUDING PROTECTIVE ORDERS ON INDIVIDUALS WHERE THERE'S  
6 BEEN NO TESTIMONY REGARDING, I DON'T BELIEVE,  
7 MR. CUTLER. THERE'S BEEN NOTHING, NO SWORN TESTIMONY AS  
8 TO ANYTHING REGARDING MR. CUTLER.

9 THE COURT: WELL, UNDER PROBATION THIS WOULD BE  
10 A VOLUNTARY PART OF THE PROTECTIVE ORDER, AND IT'S, IN  
11 MY VIEW, APPROPRIATE. SO WE'RE GOING TO HAVE THAT.  
12 MR. CUTLER WILL BE -- AS I SAID, I'M NOT GOING TO  
13 INCLUDE ANY GOVERNMENT OFFICIALS BECAUSE I DON'T BELIEVE  
14 IT'S PROPER TO ENJOIN PEOPLE FROM COMMUNICATING WITH  
15 GOVERNMENT OFFICIALS.

16 MR. KELLY: MS. LYNCH WOULD REQUEST THAT SHE BE  
17 ALLOWED, TO THE EXTENT POSSIBLE, TO CHOOSE HER OWN  
18 COURSE OF PSYCHOLOGICAL TREATMENT.

19 THE DEFENDANT: I DIDN'T ASK THAT.

20 THE COURT: WELL, WE WILL TAKE THAT UP AT THE  
21 APPROPRIATE POINT. IN CUSTODY THE CHOICES WILL PROBABLY  
22 BE LIMITED, IN ANY EVENT.

23 THE DEFENDANT: I ASKED IF I COULD HAVE A  
24 TIBETAN LAMA, BECAUSE THEY COUNSEL IN PSYCHOLOGY.

25 THE COURT: WELL, WE'LL TAKE THAT UP --

26 THE DEFENDANT: BECAUSE MY RELIGIOUS BELIEFS DO  
27 NOT BELIEVE IN PSYCHIATRY.

28 THE COURT: I UNDERSTAND.

1                   IN ANY EVENT, DOES DEFENDANT ACCEPT AND  
2   ACKNOWLEDGE THE TERMS AND CONDITIONS --

3                   THE DEFENDANT: YES. AGAINST MY LAWYERS' ADVICE  
4   I DO.

5                   THE COURT: OKAY.

6                   THEN THAT WILL BE THE SENTENCE OF THE  
7   COURT. THE FORMAL SENTENCE IS AS FOLLOWS: FOR THE FIVE  
8   VIOLATIONS OF PENAL CODE SECTION 273.6(A), THAT IS,  
9   COUNTS 1, 3, 7, 8 AND 9, DEFENDANT IS PLACED ON A TOTAL  
10  OF FIVE YEARS SUMMARY PROBATION ON THE FOLLOWING TERMS  
11  AND CONDITIONS:

12                   ON COUNT 1, DEFENDANT IS TO SERVE EIGHT  
13  MONTHS IN THE COUNTY JAIL. ON COUNT 3, EIGHT MONTHS IN  
14  THE COUNTY JAIL CONSECUTIVE. ON COUNT 7, EIGHT MONTHS  
15  IN THE COUNTY JAIL CONSECUTIVE. ON COUNT 8, SIX MONTHS  
16  IN THE COUNTY JAIL CONSECUTIVE. AND -- NO, I GUESS THIS  
17  IS -- THAT WAS WRONG. LET ME BACK UP A SECOND. THAT  
18  WAS THE 36-MONTH ALTERNATIVE WE WERE TALKING ABOUT.  
19  THIS IS THE 18 MONTH.

20                   SO IT WILL BE FOUR, FOUR, FOUR, THREE AND  
21  THREE. SO ON COUNT 1, ONE OF THE CONDITIONS IS FOUR  
22  MONTHS IN THE COUNTY JAIL. COUNT 3, FOUR MONTHS IN THE  
23  COUNTY JAIL CONSECUTIVE. COUNT 7, FOUR MONTHS IN THE  
24  COUNTY JAIL CONSECUTIVE. COUNT 8, THREE MONTHS IN THE  
25  COUNTY JAIL CONSECUTIVE. AND COUNT 9, THREE MONTHS IN  
26  THE COUNTY JAIL CONSECUTIVE.

27                   THE OTHER COMMON TERMS TO EACH OF THE  
28  PROBATIONS ON THOSE FIVE COUNTS IS AS FOLLOWS, AS I

1 INDICATED: DEFENDANT WHILE IN CUSTODY IS TO ENGAGE IN  
2 WEEKLY SESSIONS THAT WILL INCLUDE AT LEAST ANGER  
3 MANAGEMENT TRAINING, PSYCHOLOGICAL COUNSELING, ALCOHOL  
4 EDUCATION OR AA MEETINGS.

5 DEFENDANT IS NOT TO OWN, USE OR POSSESS  
6 ANY DANGEROUS OR DEADLY WEAPONS, INCLUDING FIREARMS, FOR  
7 THE NEXT TEN YEARS.

8 DEFENDANT IS TO COMPLY WITH THE TERMS OF  
9 THE STAY-AWAY PROTECTIVE ORDER THAT I WILL SIGN.

10 MS. STREETER: I'VE GIVEN IT TO MR. SMITH.

11 THE COURT: UPON DEFENDANT'S RELEASE -- OR PRIOR  
12 TO DEFENDANT'S RELEASE FROM CUSTODY, DEFENDANT SHALL  
13 SUBMIT TO A PSYCHOLOGICAL EVALUATION, AND THE COURT AT  
14 THAT POINT WILL CONSIDER WHAT FURTHER PSYCHOLOGICAL  
15 TREATMENT MIGHT BE APPROPRIATE.

16 IN ADDITION, THE COURT IMPOSES THE  
17 FOLLOWING FINES AND FEES REQUIRED BY LAW: A RESTITUTION  
18 FINE OF \$120. THERE IS A PROBATION REVOCATION  
19 RESTITUTION FINE IN THE SAME AMOUNT THAT WILL ONLY BE  
20 IMPOSED IF PROBATION IS REVOKED. A CONVICTION FEE OF  
21 \$30, A COURT SECURITY FEE OF \$40, A \$400 DOMESTIC  
22 VIOLENCE PAYMENT, AND \$1800 IN ATTORNEYS' FEES.

23 THANK YOU, COUNSEL. GOOD LUCK TO YOU,  
24 MS. LYNCH.

25 THE CLERK: DOES THE DEFENDANT ACCEPT THE TERMS  
26 AND CONDITIONS?

27 THE COURT: SHE ALREADY ACKNOWLEDGED THAT SHE  
28 DID.

1 MS. STREETER: ALL RIGHT. THANK YOU, YOUR  
2 HONOR.

3 THE COURT: THANK YOU. DEFENDANT IS REMANDED.  
4 THREE-MONTH PROGRESS REPORT. THAT WOULD  
5 BE -- I DON'T HAVE A THREE-MONTH CALENDAR DATE, SO.

6 MR. KELLY: YOUR HONOR, THERE ARE CREDITS THAT  
7 NEED TO BE --

8 THE COURT: OH, YES. WHAT ARE THE CUSTODY  
9 CREDITS?

10 MR. KELLY: FORTY-SEVEN DAYS' ACTUAL.

11 THE COURT: THAT WOULD BE CREDIT FOR 47 DAYS  
12 ACTUAL, 46 GOOD TIME/WORK TIME, FOR A TOTAL OF 93 DAYS'  
13 CREDIT. AND IT WILL BE A THREE-MONTH DATE FROM TODAY,  
14 WHICH WOULD BE --

15 MR. RAMNANEY: JULY 17TH, YOUR HONOR.

16 THE COURT: JULY 17TH IN DEPARTMENT 47 FOR  
17 PROGRESS REPORTS.

18 MS. STREETER: MS. LYNCH IS ORDERED OUT FOR THAT  
19 DAY?

20 THE COURT: YES. DEFENDANT IS ORDERED OUT FOR  
21 THAT DAY.

22 MS. STREETER: THANK YOU, YOUR HONOR.

23 THE COURT: THANK YOU, COUNSEL.

24 ONE MOMENT. AS TO COUNTS 2 AND 4,  
25 DEFENDANT ON EACH OF THOSE COUNTS IS SENTENCED TO SIX  
26 MONTHS IN THE COUNTY JAIL, CONSECUTIVE. IMPOSITION OF  
27 SENTENCE IS STAYED PURSUANT TO PENAL CODE SECTION 654.

28 MS. STREETER: PERFECT. THANK YOU, YOUR HONOR.

(WHEREUPON PROCEEDINGS WERE CONCLUDED.)

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1  
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA

3 FOR THE COUNTY OF LOS ANGELES

4 DEPARTMENT NO. 052 HONORABLE ROBERT C. VANDERET, JUDGE

5 THE PEOPLE OF THE STATE OF CALIFORNIA, )

6 PLAINTIFF, )

7 VS. )

NO. 2CR04539-01

8 KELLEY LYNCH, )

REPORTER'S  
CERTIFICATE

9 DEFENDANT. )  
10 \_\_\_\_\_ )

11  
12 I, CHRISTINE TAYLOR, OFFICIAL REPORTER OF THE  
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY  
14 OF LOS ANGELES, DO HEREBY CERTIFY THAT PAGES 1 THROUGH 32,  
15 INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF  
16 THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON  
17 APRIL 6, 2012.

18  
19 THIS TRANSCRIPT COMPLIES WITH SECTION 237(A)(2)  
20 OF THE CODE OF CIVIL PROCEDURE.

21  
22 DATED THIS 27TH DAY OF MAY, 2012.

23  
24   
25 CHRISTINE TAYLOR, RPR, CRR, CSR NO. 6373  
26 OFFICIAL COURT REPORTER  
27  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 52                      HON. ROBERT VANDERET, JUDGE

|                            |   |                 |
|----------------------------|---|-----------------|
| THE PEOPLE OF THE STATE OF | ) |                 |
| CALIFORNIA,                | ) |                 |
|                            | ) |                 |
| PLAINTIFF,                 | ) |                 |
|                            | ) |                 |
| VS.                        | ) | NO. 2CA04539-01 |
|                            | ) |                 |
| KELLEY LYNCH,              | ) |                 |
|                            | ) |                 |
| DEFENDANT.                 | ) |                 |

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|                       |   |    |
|-----------------------|---|----|
| STATE OF CALIFORNIA   | ) |    |
|                       | ) | SS |
| COUNTY OF LOS ANGELES | ) |    |

I, NADIA S. GOTT, OFFICIAL REPORTER OF THE  
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE  
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE  
FOREGOING PAGES 33 TO 98, COMPRISE A FULL, TRUE AND  
CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE  
ABOVE-ENTITLED MATTER ON FRIDAY, APRIL 6, 2012.

DATED THIS 30TH DAY OF MAY, 2012.

  
NADIA S. GOTT, CSR NO. 12597  
OFFICIAL COURT REPORTER

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

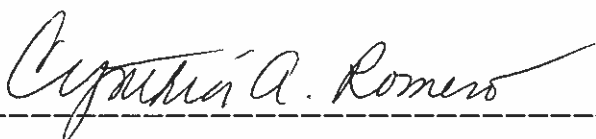
DEPARTMENT NO. 51                      HON. ROBERT C. VANDERET, JUDGE

|                                        |   |                 |
|----------------------------------------|---|-----------------|
| THE PEOPLE OF THE STATE OF CALIFORNIA, | ) |                 |
|                                        | ) |                 |
| PLAINTIFF,                             | ) |                 |
|                                        | ) | SUPERIOR COURT  |
| -VS-                                   | ) | NO. 2CA04539-01 |
|                                        | ) |                 |
|                                        | ) |                 |
| KELLEY LYNCH,                          | ) |                 |
|                                        | ) | REPORTER'S      |
| DEFENDANT.                             | ) | CERTIFICATE     |

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I, CYNTHIA A. ROMERO, CSR NO. 7861,  
OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE  
OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES, DO HEREBY  
CERTIFY THAT THE FOREGOING PAGES 99 THROUGH 645,  
INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT  
OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON  
APRIL 9, 10, 11, 12, 17, 2012.

EXECUTED THIS 4TH DAY OF JUNE, 2012.

  
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CYNTHIA A. ROMERO, OFFICIAL REPORTER