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Defendant and Cross-Complainant *pro se*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT**

KENDRICK MOXON

Plaintiff,

v.

GRAHAM BERRY,

Defendants.

GRAHAM E. BERRY, an individual;

Cross-Complainant,

v.

KENDRICK L. MOXON, an individual;

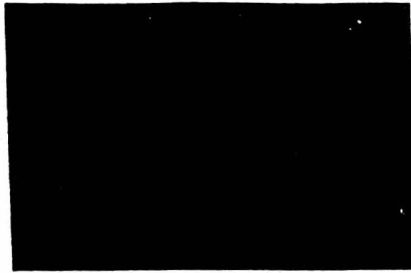
Cross-Defendant.

Case No. BC429217

**DEFENDANT AND CROSS-
COMPLAINANT'S APPENDIX NO. I
OF EXHIBITS AND REQUEST FOR
JUDICIAL NOTICE FILED AS PART OF
THE UNVERIFIED ANSWER AND
VERIFIED COMPULSARY CROSS-
COMPLAINT HEREIN.**

Action filed: January 5, 2010

[Filed concurrently with: (1) Judicial Council
of California Form MC-701 (C.C.P. §391.7;
(2) Appendix No. II of Exhibits [Exhibits B-
D]; (4) Appendix No. III of Exhibits
[Exhibits E-J] ; Unverified answer and
verified cross-complaint]



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

MICHAEL HURTADO,)	
)	
Plaintiff,)	
)	
vs.)	No. BC 208227
)	
GRAHAM E. BERRY,)	
)	
Defendant.)	
_____)	

DEPOSITION OF: VANESSA HURTADO

TAKEN ON: December 8, 2000

NO. 14977 REPORTED BY: KAREN R. PINN
CSR NO. 5574

EXHIBIT 14

900

1 A More than a year ago.

2 Q Where were you?

3 A In my house.

4 Q Did you just see it once?

5 A Yes.

6 Q Do you still have the videotape?

7 A No, I don't have it. It's not in my hands. I

8 don't know who has it.

9 Q Did your parents watch the videotape with you?

10 A Yes, they did.

11 Q Was anyone else present when the videotape was

12 shown other than you and your parents?

13 A ^{V.H. Two} ~~An attorney, detective?~~

14 Q Anyone else?

15 A ^{V.H. No, no one else.} ~~I believe maybe my sister. I don't remember.~~

16 ~~No, I don't think she was there~~

17 Q Do you recall that the person that showed you

18 the videotape was named Eugene Ingram?

19 A ^{V.H.} ~~I believe so.~~ YES

20 Q Was it your understanding that he was a

21 detective?

22 A Yes.

23 Q Did Mr. Ingram come to your house alone?

24 A ^{V.H.} ~~Not a lot. Very -- sometimes.~~ No.

25 Q I just want to focus on the first time.

1 A Oh --

2 Q The first time -- let me ask you this. The
3 first time Mr. Ingram came to your house, did he show
4 you and your parents the videotape?

5 A Yes -- let me see. Yes, I believe so.

6 Q The first time that Mr. Ingram came to your
7 house and showed your family the videotape, did he come
8 alone?

9 A Yes, he did -- wait. No. He came with
10 somebody else, I think.

11 Q Who did he come with?

12 A Another detective.

13 Q Did they give anyone in your family their
14 business cards?

15 A Yes, ~~they did~~ ^{u.H.} their telephone numbers on paper.

16 Q Do you know where those business cards are
17 now?

18 ^{u.H.} A ~~I think~~ ^{My} my father has them, ~~I believe. Or~~
19 ~~maybe not a business card, maybe~~ ^{yes, u.H.} his number.

20 Q Do you recall who answered the door when
21 Mr. Ingram and the second person came?

22 A ~~My mother, probably.~~ ^{u.H.} My father.

23 Q How did it come about that you and your mother
24 and father all wound up watching this videotape?

25 A They came and started talking to us about

1 Michael and his situation or something. And he just
2 started explaining to us about the criminal lawyer, and
3 he started explaining to us -- showed us the videotape
4 that he wasn't lying as a sign of proof.

5 Q Before he showed you the tape, what did
6 Mr. Ingram tell you?

7 A Oh, I don't remember that. Let me see. ^I
8 don't know. That there could be a possibility that ^{v. Mr. Berry} ~~he~~
9 abused my brother. And I believe that's true because
10 he was calling various times.

11 Q What else did Mr. Ingram say before he showed
12 you the videotape?

13 A I don't remember. He just tried to explain
14 the situation between the criminal lawyer and my
15 brother, and he just showed us the tape, like I said,
16 to show proof.

17 Q What did he explain about the situation
18 between the lawyer and your brother?

19 A That possibly the lawyer abused my brother.

20 Q Did he say anything else about the
21 relationship between the lawyer and your brother?

22 A That's, basically, it. He just took advantage
23 of my brother, like he did to various other small boys
24 all over the country.

25 Q Did Mr. Ingram tell you that Mr. Berry took

1 advantage of small boys all over the country?

2 A Yes, he did.

3 Q What did he tell you about that?

4 A He just said that he took advantage of small
5 boys all over the country, like I said. You keep
6 asking the same question.

7 Q I'm sorry, I couldn't hear the last --

8 A He just took advantage of small boys all over
9 the country and showed me proof, paperwork and video
10 cassettes, and to my parents, in general, in ^{v.t. Mr. Wagner} his office
11 with other judges and lawyers.

12 Q I want to focus just on the first meeting that
13 you had with Mr. Ingram. Okay?

14 A Okay.

15 Q Mr. Ingram told you that Mr. Berry abused your
16 brother and that he took advantage of small boys all
17 over the country; correct?

18 A Yeah, I believe so.

19 Q What else did Mr. Ingram tell you before he
20 showed you the videotape?

21 A I don't remember. My parents were there, so
22 he was just talking to my parents about the situation
23 between him and my brother, I believe, of how -- such a
24 bad man he is and, you know, he should just be sued.
25 Why have a bad lawyer like that.

1 Q While Mr. Ingram was there, did you remain in
2 the room with Mr. Ingram the whole time?

3 A I was in the living room. I believe so. Yes,
4 I was there just until the video ^{was shown v.H.} and then I left, ^{and v.H.} ~~and I~~
5 ~~think~~ he just remained there talking to my parents.

6 Q How long did you and your mother and father
7 talk to Mr. Ingram before he showed you the video?

8 ^{v.H. Only a short time, 3-5 minutes.}
A ~~15 minutes, 20 minutes.~~ I don't really
9 remember.

10 Q What else did Mr. Ingram tell you about
11 Mr. Berry being a bad man?

12 A I just told you before. That he just abused
13 kids.

14 Q Did Mr. Ingram tell you how many kids
15 Mr. Berry allegedly abused?

16 A That's in the paperwork. He has that. The
17 other lawyers have that. More than a hundred. I don't
18 know.

19 Q Did Mr. Ingram indicate to you that Mr. Berry
20 abused more than a hundred boys?

21 A He didn't indicate that. It just seemed like
22 it from the paperwork I saw, from the proof.

23 MR. BYRNES: If I could just -- before we
24 started, Ms. Sellars gave you the difference between an
25 estimate and a guess and a couple of times now you've

1 given an answer and you'll say, "I don't remember." "I
2 don't know"; then you start adding stuff on. You've
3 done it a few things now. This time you said "more
4 than a hundred." Then afterwards you said "I don't
5 know."

6 Is that an estimate? Do you have some kind of
7 vague recollection of what's occurred, or is that your
8 impression as compared to what somebody told you? Do
9 you understand the difference?

10 THE WITNESS: Yeah. I think it's my
11 impression --

12 MR. BYRNES: You are allowed --

13 THE WITNESS: -- from what he told me, from
14 what the detective told me.

15 MR. BYRNES: You are certainly allowed to draw
16 whatever impressions you want, but you have to let us
17 know when you are making an estimate --

18 THE WITNESS: Or it's vague.

19 MR. BYRNES: -- or when it's kind of more of a
20 guess or you are using your own deductive reasoning and
21 you are coming to a conclusion as compared to someone
22 else having told you that as a statement of fact.

23 BY MS. SELLARS: . . .

24 Q Did Mr. Ingram indicate to you how many boys
25 Mr. Berry allegedly abused?

1 A I'm not really sure. Probably more than a
2 hundred or something, like I said.

3 Q Is that what Mr. Ingram told you?

4 A Yes. He told me a lot, ~~like, maybe even 300~~ ^{I don't know, V.H. how many.}

5 ~~I mean, a lot.~~ It's more than just a normal quantity.
6 He just showed me some evidence on paperwork of certain
7 things he did to young boys.

8 Q I'd like to focus on what Mr. Ingram told you
9 first. Have you now told me everything that Mr. Ingram
10 told you?

11 A Yes.

12 Q Did the man that was with Mr. Ingram say
13 anything?

14 A Yeah, I believe so. He was just explaining
15 the situation, like the other detective was.

16 Q What did the man that was with Mr. Ingram say
17 to you?

18 A He didn't say to me anything. He was just
19 explaining it to my parents, mainly, and I was just
20 listening.

21 Q What did the man who was with Mr. Ingram say
22 to your parents?

23 A Just about the situation, about the lawyer.

24 Q What did he say?

25 A I don't remember. He just explained the

After the videotape, probably 20 minutes or something. He was there -- they were both there, everything, altogether, from beginning to end, about an hour, a little more than an hour.

Q Have you told me everything you remember Mr. Ingram and the other man saying in the hour that they were at your parents' house?

A Yes.

Q Before Mr. Ingram and the other man left, did they make arrangements to meet with your parents again?

A Yes.

Q What were those arrangements?

A To come to the criminal offices on Wilshire.

Q Did they give your parents some sort of business cards so they would know where to go?

A Yes.

Q Did Mr. Ingram tell your parents to go to a lawyer's office?

A Yes, a criminal lawyer's office. *Also, it was our choice to go there. V.H.*

Q Was that lawyer Mr. Wager?

A Yes. Like five other lawyers. Four or five criminal lawyers were there, including the head one, which is, I think, Wagner probably, an old guy.

Q Did you accompany your parents to the lawyer's office approximately a week later?

1 A Yes. I think it was a week later. About a
2 week later, a week and a half. Yes, I did.

3 Q So there was you, your mom, and your dad?

4 A Yes.

5 Q Did anyone else go to the lawyer's office?

6 A No, just my mom and I. That was it. *And my father.*
V.H.

7 Q One of the lawyer's names was Mr. Wager;
8 correct?

9 A Yes.

10 Q What does Mr. Wager look like?

11 A He's just older, sixties. I don't know.
12 Probably early seventies or something, sixties. He was
13 just older, white hair, kind of chubby. He's the head
14 of the criminal lawyers there in the office building.

15 Q Who else was present at that meeting?

16 A The two detectives and the other lawyer who
17 was -- he dealt with criminal -- he was a criminal
18 lawyer.

19 Q Was his name Kendrick Moxon?

20 A I don't remember. He had like dirty blonde
21 hair, my color hair, very Caucasian-looking.

22 Q Why do you believe that the second lawyer was
23 a criminal lawyer?

24 A Because I asked.

25 Q And he said he was a criminal lawyer?

1 A On Wilshire.

2 Q What part of town?

3 A Where Bank of America is, in that same
4 building.

5 Q Wilshire is about 40 miles long, I would
6 guess, and there are lots of Bank of Americas on it.

7 A It's a couple of blocks from Westwood and
8 Wilshire.

9 Q Was anyone else present at the meeting other
10 than the two detectives, Mr. Wager, the second
11 attorney, your parents and yourself?

12 A I don't remember.

13 Q How long did the meeting last?

14 A An hour.

15 Q What was your understanding of the purpose of
16 the meeting?

17 A To sue.

18 Q To sue Mr. Berry?

19 A Berry.

20 Q And you knew that going into the meeting;
21 correct?

22 A Right.

23 Q What did Mr. Wager say during that meeting?

24 A I don't remember. He was just explaining
25 about Mr. Berry.

1 Q What did Mr. Wager say about Mr. Berry?

2 A Explaining what kind of lawyer he is and that
3 he's bringing -- the way his actions are, his outside
4 actions are bringing them down, because he's in the
5 same area as them.

6 Q Did Mr. Wager tell you that Mr. Berry's
7 conduct was affecting criminal lawyers?

8 A Yes.

9 Q Did you have any understanding one way or the
10 other whether Mr. Berry specialized in criminal law?

11 A No. I just know that he did specialize in
12 criminal law, supposedly, because of what he -- what
13 the main guy told me.

14 Q Mr. Wager?

15 A Mr. Wager told me that, by his outside actions
16 of what he's doing, he is bringing the rest of the
17 lawyers down because he's in the same area. They are
18 all criminal lawyers, I assume, so I assume Berry is a
19 criminal lawyer, too.

20 Q Did Mr. Wager ever specifically tell you that
21 Mr. Berry is a criminal lawyer?

22 A Yes.

23 Q What actions did Mr. Wager tell you by
24 Mr. Berry were affecting other criminal lawyers?

25 A Just by his actions, by what he's doing.

1 Q Did Mr. Wager say what actions?

2 A Yeah. The actions of ^{him V.H.} ~~he was~~ abusing young
3 kids and he showed me a pamphlet, this thick, of all
4 the years of what he's been doing. It's been occurring
5 since the '80s, I assume.

6 Q What did Mr. Wager say about Mr. Berry abusing
7 young kids?

8 A I don't really remember. He just showed --
9 Eugene showed us -- showed me a pamphlet of stuff that
10 Berry has done to kids.

11 Q Do you recall Mr. Wager saying anything about
12 Mr. Berry abusing kids?

13 A I don't remember. I just remember -- the main
14 part that I remember is that he's, by his outside
15 actions, bringing them down and they should sue him to
16 get him out of the circle. They are using my brother
17 in this because he's the most recent one.

18 Q Did Mr. Wager tell you that the reason they
19 wanted your brother to sue was he was the most recent
20 one to have relations with Mr. Berry?

21 A Yes.

22 Q During that meeting, did your parents agree to
23 hire Mr. Wager?

24 A Yes.

25 Q Did your parents agree to pay Mr. Wager?

1 A There was no money going around at that time,
2 that I remember.

3 Q Was there any discussion at all of paying
4 Mr. Wager for his services?

5 A No. Yes & X.

6 Q Did your parents hire Mr. Wager to represent
7 your brother in a criminal action that was pending?

8 A Well, they just went along with it. When we
9 went to the meetings, they just went along with it and
10 they started to believe, you know, what was going on
11 with the proofs and they believed Mr. Wager would be
12 good in this.

13 Q Is it your understanding that Mr. Wager was
14 hired to represent your brother in a pending criminal
15 action?

16 A Yes.

17 Q Is it your understanding that your brother had
18 been charged with possession of drug paraphernalia?

19 A I don't know that. I've never seen my brother
20 do drugs. I just seen him drinking a couple of times.
21 He has a drinking problem. But relating to drugs -- I
22 hear stuff about drugs. I've literally never seen
23 cocaine in his room or any of that stuff. That's
24 just --

25 Q The question is, Did you have any

1 understanding that there were criminal charges against
2 your brother for having drug paraphernalia?

3 A No.

4 Q What was it you believed Mr. Wager was being
5 hired to do?

6 MR. BYRNES: Irrelevant. Objection.

7 THE WITNESS: To have my brother sue Mr. Berry
8 for him abusing my brother and other kids, and maybe
9 Berry has done drugs or something, cocaine probably.
10 He's psycho.

11 BY MS. SELLARS:

12 Q Did Mr. Wager say in that meeting that he
13 would agree to file a lawsuit against Mr. Berry?

14 A Yes.

15 Q Did Mr. Wager say in that meeting that
16 Mr. Berry uses cocaine?

17 A I don't know.

18 Q Did Mr. Wager say in that meeting that
19 Mr. Berry uses any kind of drugs?

20 A No. I heard that from Eugene.

21 Q Was there any discussion at all in that
22 meeting about the pending criminal charges against your
23 brother?

24 A About putting criminal charges against my
25 brother or --

1 Q No. Was there any discussion at all about
2 existing criminal charges against your brother?

3 A No. Just criminal -- just the lawsuit against
4 Berry.

5 Q The whole subject of the meeting was just
6 about suing Mr. Berry; correct?

7 A That and also like showing proof of what, you
8 know, he's done in the past. My brother is one of the
9 recent victims, and that probably Mr. Berry does drugs
10 or he does drugs and -- I don't know about that, but I
11 just saw proof about him abusing young children.
12 That's the main point.

13 Q Did the second lawyer say anything during that
14 meeting?

15 A I don't remember.

16 Q Were the lawyers taking notes during the
17 meeting?

18 A Yes, they were.

19 Q Your brother did not attend that meeting;
20 correct?

21 A No.

22 Q Do you have any understanding as to why your
23 brother did not attend that meeting?

24 A I don't know where he was.

25 Q Were you living in your parents' home at that

1 time? .

2 A Yes.

3 Q Was your brother living in your parents' home
4 at that time?

5 A Yes.

6 Q At the end of the meeting, your parents had
7 agreed to hire Mr. Wager to file a lawsuit against
8 Mr. Berry; correct?

9 A Yes.

10 Q Did they sign any papers?

11 A ~~No.~~ Yes V.A.

12 Q Did your parents also agree to hire the second
13 attorney to sue Mr. Berry?

14 A The second attorney, meaning?

15 Q The second attorney in that room.

16 A No. I don't remember. They just went along
17 with it. My parents don't know what's going on. They
18 just can't believe what's going on. They just went
19 along with it, I guess, to -- I guess they just hired
20 the main guy to sue Mr. Berry, what's going on with the
21 situation. I mean, they just --

22 Q Your parents just went along with what the
23 lawyers said; correct?

24 A Basically.

25 Q They went along with what Mr. Ingram said;

1 correct?

2 A Yes.

3 Q And they took their recommendations; correct?

4 A Right.

5 Q But your parents really didn't have a full
6 understanding of the situation, they were relying on
7 the lawyers and Mr. Ingram; correct?

8 A Yes. Even though -- and they did see proofs.
9 They did believe. They've never been involved in a
10 situation like this. They just pretty much went along
11 with it even though they did see proof that this was
12 true.

13 Q Did Mr. Wager show you or your parents any
14 evidence or proof?

15 A Paperwork.

16 Q What paperwork did Mr. Wager show you?

17 A Just a pamphlet -- Eugene showed it to me,
18 mainly. It was just there and Eugene showed me proof
19 of what Berry has done with kids, sickening stuff.

20 Q My question is, Did your parents -- I'm sorry.
21 My question is, Did Mr. Wager show you any written
22 evidence of Mr. Berry's conduct?

23 A Yes. They had a pamphlet there on the desk.
24 I assume he did show us and Eugene just slid it over to
25 me.

1 Q What do you mean by a "pamphlet"?

2 A Just kind of like this, written stuff of
3 Berry, of his past actions. Just a bunch of recent
4 stuff of what's he's done.

5 Q Was it a stack of papers?

6 A Yes.

7 Q Were they bound together in any way?

8 A It was just stapled, a bunch of papers
9 stapled, I believe.

10 Q What documents were in that group of stapled
11 papers?

12 A I didn't really read it. I read a couple of
13 lines saying one kid that he abused on the East Coast,
14 in New York or something, what he's done to him. So I
15 didn't read anymore.

16 Q How long did you spend reading?

17 A Just two minutes, a couple of minutes.

18 Q Did your parents spend any time reading the
19 information?

20 A They just looked at it, but they didn't really
21 read through it.

22 Q Can you estimate for me how long they spent
23 looking through the pamphlet?

24 A They didn't really look at the pamphlet.
25 Probably just like less than a minute. They just

1 glanced at it and they didn't really go through it. I
2 was pretty much the one who read up on it, saw what it
3 was about.

4 Q Did you just read the first two pages?

5 A Yeah. And I glimpsed through towards the end,
6 too, and it was just all relating to the same thing of
7 what he's done.

8 Q Is there any way you can identify or better
9 describe any of the documents you looked at?

10 A Just, basically, he's abused kids, that he
11 does sickening stuff, what he wants kids to do to him.

12 Q Does the name Robert Cipriano strike a bell
13 with you?

14 A No. Is he the kid in the East Coast or
15 something? I don't know.

16 Q In the documents that you read, what did they
17 say was done to the kid in the East Coast?

18 A That he likes -- I don't know. I don't know
19 if it was just him or various other kids, but it's
20 pretty sickening -- that he likes kids to do number 2
21 on him.

22 Q Well, now we have an age gap. What do you
23 mean by "number 2"?

24 A He likes kids -- he likes to see kids shit on
25 him. That's what it said on there. Just really

1 sickening stuff. I didn't read anymore. And the boy
2 probably was in his early twenties, all young kids.

3 Q Do you have any actual information as to the
4 ages of any of the people that you've been referring to
5 as kids that Mr. Berry was involved with?

6 A I just think they are just -- from what Eugene
7 was telling me and looking at the pamphlets, they were
8 just in their early twenties or 18, 19, 24, 25, boys,
9 only boys, no females involved.

10 Q How thick was the pamphlet that Eugene showed
11 you?

12 A It was about this thick altogether --

13 Q So --

14 A -- maybe a little bit more. About the same,
15 all this thick.

16 Q It was about an inch thick?

17 A Right. And the case about that, I looked
18 through -- it was in the middle. It was like -- it was
19 all related to stuff like that.

20 Q Do you estimate it was approximately a hundred
21 pages?

22 A Right; correct.

23 Q Do you know what happened to that pamphlet?

24 A No. It was just relating to his actions.
25 Basically, what I saw was just what Berry has done,

1 just past stuff that they kept in a file from him of
2 his past actions; that they have been researching him
3 for so many years, and that was one of the things they
4 had

5 Q Who had been researching Mr. Berry for many
6 years?

7 A All of them.

8 Q Mr. Wager?

9 A ~~Yes, I think, and the detectives;~~ ^{No, not Mr. Wagner, only V.H.} all of them
10 were in there.

11 Q Mr. Wager told you that he had been
12 investigating Mr. Berry for many years; correct?

13 A ~~Yes.~~ ^{No. V.H.}

14 Q And the two detectives, one of them named
15 Eugene, also told you that he had been investigating
16 Mr. Berry for many years; correct?

17 A Yes.

18 Q Did Eugene tell you who he was working for
19 when he started investigating Mr. Berry?

20 A ~~For the main guy, for Wager.~~ ^{For Moxon. V.H.}

21 Q Did Mr. Ingram tell you that he worked for
22 Mr. Wager?

23 A ~~I assume so. Because he told us to come there~~
24 ~~a week later, and we were just all talking to the head~~
25 ~~guy, which is Wager. So I assumed he worked for him.~~ ^{No. V.H.}

1 ~~They were all in there.~~

2 Q Did Mr. Ingram ever tell you that he worked
3 for Mr. Wager?

4 MR. BYRNES: Not what you assume, what he
5 actually said.

6 THE WITNESS: No.

7 BY MS. SELLARS:

8 Q Did Mr. Wager tell you that Mr. Ingram worked
9 for him?

10 A No. *I am not sure. v.H.*
~~I think Ingram did tell me that he worked~~
11 ~~for Mr. Wager. Yeah, he did.~~

12 MR. BYRNES: Just before we go too far, we've
13 had a couple of references to the transcript that I
14 think the court reporter has in front of her. You were
15 saying "this" at one point, and she was describing what
16 the pamphlet looked like and then she was also
17 describing the thickness. It appears to be a
18 transcript from a deposition, so it's on an 8 1/2-by-11
19 piece of paper.

20 BY MS. SELLARS:

21 Q So that we have a clear record, was the
22 pamphlet that you were shown by Mr. Ingram in
23 Mr. Wager's office approximately an inch thick?

24 A It was this thick. It was all these papers
25 combined, altogether.

2 And the papers were 8 1/2 by 11, a standard
3 paper size?

4 A Yes.

5 Q Did Mr. Ingram ever tell you why he had
6 decided to start investigating Mr. Berry?

7 A He was just saying -- or Wager was pretty much
8 saying in that meeting that he should be sued and he
9 should be out of the circle because of his past actions
10 and his bringing them down and they don't need a lawyer
11 like that.

12 Q I'm focusing on what Mr. Ingram said.

13 A Of what he said?

14 Q Did Mr. Ingram ever tell you why he had been
15 investigating Mr. Berry for years?

16 A Because he abuses children. He abuses young
17 boys; that's why.

18 MR. BYRNES: She asked you "did he" and you
19 can say "yes" or "no."

20 THE WITNESS: Yes.

21 BY MS. SELLARS:

22 Q What did Mr. Ingram tell you about why he
23 started investigating Mr. Berry?

24 A Because he abuses children; that's why. My
25 brother is one of the victims.

26 Q Did Mr. Ingram ever tell you how he first

1 learned that Mr. Berry allegedly abuses children?

2 A No.

3 Q Were you ever shown any evidence that
4 Mr. Berry had any kind -- strike that. Were you ever
5 shown any evidence that Mr. Berry abused young men
6 under 21 years old?

7 A Well, the only evidence I saw was a pamphlet
8 and the video, which shows the way he talks about young
9 boys and getting pleasure from them, and I think he did
10 mention my brother. I think he did say Michael.

11 Q Mr. Ingram took that videotape with him;
12 correct?

13 A Yes, he did.

14 Q And you haven't seen it since he first brought
15 it to your house?

16 A No, I haven't seen it since.

17 Q And the pamphlet that we've talked about at
18 Mr. Wager's office stayed in his office; correct?

19 A Yes.

20 Q And you haven't seen it since that meeting;
21 correct?

22 A Correct.

23 Q Have you ever heard of an attorney named
24 Kendrick Moxon?

25 A Was he there in the meeting?

1 MR. BYRNES: You have to answer --

2 THE WITNESS: No. I'm not good with names.
3 I'm good with faces.

4 BY MS. SELLARS:

5 Q What did the man who had dirty blonde hair and
6 was Caucasian -- can you give me a better description
7 of him?

8 A What was his name or --

9 Q Let's start with, What was his name?

10 A I don't know his name. He was just a criminal
11 lawyer. He was one of the lawyers there.

12 Q What did he look like?

13 A He was in his thirties. I don't know, just
14 Caucasian. He was taking notes there as well, and he
15 was part of their team. That's, basically, it.

16 Q Did anyone tell you that he worked for
17 Mr. Wager?

18 A No, no one ever told me. I just assumed he
19 probably did.

20 Q Did he wear glasses?

21 A I don't remember.

22 Q How tall was he?

23 A Five-eight, five-nine.

24 Q What was his build? Heavy? Thin?

25 A What was his -- not too built and not too

1 thin. Just regular.

2 Q Would you describe him as a medium build?

3 A Medium.

4 Q Did he say anything during the meeting?

5 A No -- oh, I don't know. I don't remember.

6 Q Who did most of the talking during the
7 meeting?

8 A Eugene did and the main person.

9 Q Mr. Wager?

10 A Mr. Wager. I keep forgetting his name.
11 Mr. Wager, Eugene, and probably the other detective.
12 And he did say some things, too, the Caucasian man with
13 the dirty blonde hair. He said a couple of things but
14 not as much. He was just mainly taking a lot of notes.

15 Q Do you remember anything he said?

16 A No, I don't remember.

17 Q Did your parents have any discussion with your
18 brother, Michael, between the time Mr. Ingram first
19 came to the house and when you and your parents went to
20 see the lawyer?

21 A No.

22 Q Did Michael know that you and your parents
23 were going to go see the lawyer?

24 A No.

25 Q Why not?

1 A I don't know. He wasn't around. He didn't
2 know what was going on. He didn't know until later.

3 Q Was Michael present during the time that
4 Mr. Ingram was first at your house showing the
5 videotape?

6 A No.

7 Q Was Mr. Wager hired to represent Michael in a
8 lawsuit against Mr. Berry?

9 A I don't know if he was hired, but I just know
10 that he was just planning to sue Mr. Berry.

11 Q Your parents had no knowledge of what actually
12 went on between Mr. Berry and your brother; correct?

13 A That's correct.

14 Q And you had no knowledge of what actually went
15 on between Mr. Berry and your brother; correct?

16 A That's correct.

17 MR. BYRNES: You mean other than what they've
18 been told or what might be on the video?

19 MS. SELLARS: Personal knowledge.

20 THE WITNESS: No, not until we saw the video.
21 They said, "Oh, what's going on here?"

22 BY MS. SELLARS:

23 Q At the time you went to the lawyer's office,
24 your parents had no personal knowledge of what went on
25 between Mr. Berry and your brother; correct?

1 Q Other than what you've just told me, did your
2 brother ever tell you any other reason why he's suing
3 Mr. Berry?

4 A That he had just been taken advantage of, he
5 just said that, in a sentence. I don't remember. That
6 was, basically, it. And they -- they tape-recorded our
7 telephone -- what is it? They tapped our telephone, so
8 he won't be calling anymore -- Mr. Berry -- because he
9 would call.

10 Q My question is, Did your brother ever tell you
11 any other reason that he was suing Mr. Berry other than
12 Mr. Berry took advantage of him?

13 A No.

14 Q Did your brother ever tell you what he hopes
15 to get out of this lawsuit?

16 A No.

17 Q When did Mr. Berry call your house?

18 A I don't know. That's in the tapes, I guess,
19 that the detectives have.

20 Q Was there a tap put on your telephone?

21 A Yes.

22 Q Did Mr. Ingram do that?

23 A I believe so, yes.

24 Q Did they tape all of your incoming and
25 outgoing telephone calls?

1 A ^{U.H.} ~~Yes. Sad, but true.~~ ^{U.H.}

2 Q Regardless of who called?

3 A ~~Yes.~~ No, only if Mr. Berry called. ^{U.H.}

4 Q How long was this phone tap on your phones?

5 A Months. I don't really remember. Three or

6 four months. I don't know. Probably longer.

7 Q Were all your phone calls recorded for months?

8 A ~~Yes.~~ No, only if Mr. Berry called. ^{U.H.}

9 Q What happened to the recordings of all your

10 phone calls?

11 A I don't know. I think the detective took some

12 of them until a certain point, and they put a

13 restraining order against him, I believe, to Berry, I

14 ~~think.~~ ^{U.H.} And I think my dad kept one of the tapes. I

15 think he has one of them or maybe he gave it to the

16 detective. I'm not really sure.

17 Q What is the basis for your belief that there

18 was a restraining order against Mr. Berry?

19 A So he would stop calling my brother and stop

20 bugging him.

21 Q Who told you there was a restraining order

22 against Mr. Berry?

23 A I think it was Eugene. I think it was Eugene.

24 To keep him away from my brother. ^{U.H.} But, I really don't know.

25 Q Before Mr. Ingram came to your house the first

1 Q And you don't know what, for purposes of the
2 law, constitutes proof of something; correct?

3 A Yeah; correct.

4 Q And you don't know if Eugene Ingram is a
5 truthful man or not; correct?

6 A Correct.

7 Q And you don't know if any of the information
8 in the pamphlet that was given to you was actually
9 true?

10 A Yeah; correct.

11 Q You don't know if Mr. Berry actually abused
12 any young men; correct?

13 A Correct.

14 Q And you don't know who was paying Mr. Ingram;
15 correct?

16 A Yeah; correct.

17 Q And you don't know why he came to your door
18 that day; correct?

19 A Yeah; that's right.

20 Q Have you told me everything that Michael ever
21 said to you about Graham Berry?

22 A Yes.

23 Q Have you told me everything that Michael ever
24 said to you about this lawsuit?

25 A Yes.

1 calls?

2 A No, because I moved out.

3 Q Were you ever told by anybody what Mr. Berry
4 said in those phone calls?

5 A No. Actually, they wanted to speak to
6 Michael.

7 Q Who told you that?

8 A Nobody. I just assumed.

9 Q Were you ever told what Mr. Berry said in
10 those phone calls?

11 A No.

12 Q Other than Mr. Wager, Mr. Ingram, and your
13 family, did anyone else know those phone calls were
14 being taped?

15 A Maybe a friend. Some of my friends knew.
16 Just friends around that were close to the family.
17 That's, basically, it.

18 Q What is your understanding as to why it was
19 decided to tap your phone or tape your phone calls?

20 A To have Mr. Berry -- to have Mr. Berry not
21 close to my brother, to keep him away, to use as
22 evidence against him in the future.

23 Q Who told you that?

24 A Eugene. I think he did that to use as
25 evidence against him, for him to keep away from my

1 brother.

2 Q To your knowledge, other than placing one or
3 two phone calls, did Mr. Berry do anything else to
4 attempt to contact your brother after Mr. Ingram first
5 visited your home?

6 A No, not that I know of.

7 Q Do you know how old Mr. Berry is?

8 A In his thirties, late thirties. I don't know.

9 Q What do you base that on?

10 A Early thirties. Because I've seen him before,
11 I think.

12 Q How tall is Mr. Berry?

13 A Probably as tall as him, five-nine.

14 Q Have you seen Mr. Berry in person?

15 A I have seen him.

16 Q Is he built thin? Heavy?

17 A He's thin.

18 Q He's quite a bit smaller than your brother?

19 A Yes.

20 Q Does Michael have a problem with his temper?

21 A Since he was a child. Yes.

22 Q He's consistently had a problem with his
23 temper since he was a child?

24 A Yes. He was in special classes all the way to
25 high school.

1 job?

2 A Right.

3 Q Do you know if your parents ever hired any
4 attorneys to represent Michael?

5 A Yeah, they did.

6 Q Who did they hire?

7 A I don't know his name. They hired somebody
8 that my brother referred to, some other attorney that
9 my brother knew. My father called him and paid him
10 some money to say some things in court. He was just
11 gone. I think this happened more than one time. I
12 don't really remember. For sure one time.

13 Q Has your father ever been involved in a
14 lawsuit?

15 A No.

16 Q Do you know if your father ever hired a lawyer
17 for any reason for himself?

18 A Yeah, I think he has, for his car accident or
19 something. Somebody hit him, so he got a lawyer.

20 Q When was the car accident?

21 A This is a long time ago. Four years ago. I
22 don't really remember. Just small matters. Nothing
23 really big. Just one time.

24 Q You've told me that you spoke with Eugene
25 Ingram on the first day he came to your house.

1 A Before who?

2 Q Before Mr. Ingram came to your house.

3 A Oh, yes.

4 MS. SELLARS: I'm going to mark, as Exhibit A,
5 a document entitled "Declaration of Robert J.
6 Cipriano."

7 (Defendant's Exhibit A marked.)

8 BY MS. SELLARS:

9 Q I'd like you to review Exhibit A and tell me
10 when you have completed it.

11 MR. BYRNES: Can I ask, at this point, what's
12 the relevance of a declaration from Mr. Cipriano dated
13 1994 and signed in New York City? How is that related
14 to this lawsuit and, in particular, this witness?

15 MS. SELLARS: Can I ask you to locate and
16 produce the packet of documents that were given to this
17 young woman and her parents so that we can see what
18 they were given before they went, and while they went,
19 to Mr. Wager when they made the decision to go on with
20 this lawsuit?

21 MR. BYRNES: You could ask me. I had no idea
22 that such a thing existed until I heard it here in this
23 room. Mr. Ingram does not work for me. I have no
24 control over him. He's not my investigator. I have
25 absolutely no control over him.

1 I'll certainly mention what has transpired
2 here, including all the statements that are attributed
3 to him or any of his conduct. I can't tell you I'll
4 get that.

5 I can say, you are asking in a deposition,
6 that has now gone on for about five hours, you are
7 going to ask the deponent to read a declaration that
8 was executed in 1994 by someone named Robert Cipriano,
9 which we're led to believe in New York City, and
10 appears to relate to Mr. Berry. What is the reason
11 for -- you've already asked her. She said she doesn't
12 remember -- the name Robert Cipriano doesn't mean
13 anything. So I'm asking you to state, on the record,
14 what is the relevance of this?

15 MS. SELLARS: I want to know if this
16 declaration was part of the packet that she was given.

17 MR. BYRNES: Okay. Fair enough.

18 BY MS. SELLARS:

19 Q Okay. Have you completed reviewing Exhibit A?

20 A Yes, I have.

21 Q Do you recognize Exhibit A as part of the
22 pamphlet that you were shown?

23 A I believe so. Because I did see -- I seen
24 things like cocaine on there and homosexual stuff and
25 young children, young boys. I do remember now it was

1 under the age of 16. Everything else I just glanced
2 at. Those are the main things that came out.

3 Q Have you ever met Mr. Cipriano?

4 A No. Who is he?

5 Q Do you have any personal knowledge, one way or
6 the other, as to whether the statements made in this
7 declaration that we've marked as Exhibit A are, in
8 fact, true?

9 A If they are true, Exhibit A? I guess. I'm
10 not really sure. I don't know. I don't know.

11 Q You don't know whether any of those things
12 that Mr. Cipriano says actually happened; correct?

13 A Correct. I just -- the only evidence I've
14 seen was, from the pamphlet, the ages of the children.

15 Q That evidence that you saw in that pamphlet
16 you also don't know whether any of that evidence is
17 true; correct?

18 A Everything could be a whole scandal.

19 Q And when Mr. Ingram came to your door, you'd
20 never seen him before?

21 A That's correct.

22 Q Did he show you any identification indicating
23 that he was an upstanding citizen?

24 A I think he did show us his card or his -- that
25 he was a detective or something -- his badge or

1 will become very, very public?

2 A Become what?

3 Q Very public.

4 A I don't think it's going to become public. I
5 think it will go on trial. But my dad just wants to
6 move away. He wants to move. He's going to move to
7 Las Vegas. It's just very disturbing; it disturbs him.
8 He can't believe it. And the money is just ridiculous.
9 That's way overboard.

10 Q You were shown what you understood to be just
11 a piece of a videotape; correct?

12 A Right; correct.

13 Q You have no idea what Mr. Berry said on the
14 rest of that videotape; correct?

15 A Yeah; that's correct.

16 Q And you don't even know if that videotape was
17 spliced up so that Mr. Berry's testimony was somehow or
18 other changed; correct?

19 A Correct. I assume, if he had sex with my
20 brother, of course he would have sex with other guys,
21 but I just didn't know how far he would go.

22 Q If Mr. Berry had sex with other guys, that
23 would indicate he's gay; right?

24 A That's correct.

25 Q There is nothing wrong with being gay; right?

1 A No. But it just makes me sick of what he's
2 done for his pleasures.

3 Q Being gay is something that you find really
4 disgusting?

5 A That's correct.

6 Q And that's something that your father finds
7 really disgusting, too?

8 A That's correct.

9 Q And that attitude that gay sex is really
10 disgusting, that's something members of your family
11 have felt for a long time; correct?

12 A That's correct.

13 Q It's well-known in the family; correct?

14 A Yeah; that's correct.

15 Q What was Michael's learning disability?

16 A What was his learning disability?

17 Q Yes.

18 A I don't know. He just had trouble learning
19 I mean, I don't know. He was born before me. So he
20 passed elementary school and I started entering there
21 and he was just placed -- he just had problems as a
22 child. He was just an angry child. And my mom put him
23 in special classes because he needed it -- I guess he
24 did -- all the way through high school until he
25 finished.