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

11 **KENDRICK MOXON**

12 Plaintiff,

13 v.

14 **GRAHAM BERRY,**

15 Defendants.

16 **GRAHAM E. BERRY**, an individual;

17 Cross-Complainant,

18 v.

19 **KENDRICK L. MOXON**, an individual;

20 Cross-Defendant.
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27
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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]

EXHIBIT 15

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REPORTERS

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

MICHAEL HURTADO,

Plaintiff,

versus

GRAHAM E. BERRY,

Defendant.

No., BC 208 227

DEPOSITION OF: MICHAEL HURTADO

TAKEN ON: July 25, 2000

VOLUME 2: Pages 11 to 209, inclusive

NO. 14294 REPORTED BY: LES F. MARTIN
EXHIBIT 15 3286, RPR

Los Angeles

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San Francisco

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1 A Yes, I have.

2 Q What other felony charges have you pled to?

3 A The felony charge over the paraphernalia. My
4 lawyer was Berry, Graham Berry. And then I realized
5 that I didn't have a really honest lawyer; so I changed
6 lawyer.

7 Q And who was your lawyer at that point?

8 A I can't recall.

9 Q Let's go back to March of 1998 when you met
10 Graham Berry at Numbers. Okay?

11 Please describe the circumstances of the
12 meeting itself. Did you go up to him? Did he come up
13 to you? What happened?

14 A Okay. I was by the bar, and I was there maybe
15 just 5, 10 minutes when I got in, and I was approached
16 by Berry. He introduced himself. I introduced myself.

17 From there, he invited me over to the table,
18 and he bought me a drink. There was two -- there was
19 four guys with him, who appeared to be early in their
20 20s. The other two appeared to be teenagers.

21 Q What were the names of the people at the table?

22 A You know, at that point I was drinking. I had
23 a few rounds. We were talking. They didn't tell --
24 they did tell me names, but I do not recall.

25 Q Did you ever see any identification of any of

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1 that you had sex with Graham Berry?

2 A I would say a week later.

3 Q And how did that come about?

4 A He called me and told me, "You do remember what
5 we spoke about," about the sex for him representing me.

6 I said, "Yes."

7 He said, "There is -- we did it 3 times and you
8 owe me more."

9 I said, "Okay."

10 I felt like telling him, "No, I'm not going to
11 do this," but I was scared at what his great abilities
12 can do and harm me in any kind of way; so I just went
13 with it. A deal is a deal. And he came to pick me up,
14 and we went to his house.

15 Q Okay. Can you tell me when that was.

16 A Summertime.

17 Q What month was it?

18 A I can't recall the month.

19 Q Did Graham Berry ever give you money other than
20 you've told us he gave you money on the first night that
21 you went over to his house?

22 A I believe he did because I was going to school,
23 and he said, "If you need any money for school or
24 whatever."

25 I said, "I don't really need any money, but I

1 A No.

2 Q You mentioned that you had worked as an actor
3 from time to time; is that correct?

4 A Yes.

5 Q Are you a member of Screen Actors Guild?

6 A No, I'm not.

7 Q Are you a member of any acting union?

8 A Yes.

9 Q What acting union are you a member of?

10 A Unlimited Casting.

11 Q Where is Unlimited Casting?

12 A It's off of La Cienega and between 3rd and
13 Melrose.

14 Q When did you first do work through
15 Unlimited Casting?

16 A Like, in -- I would say around '94.

17 Q And when was the last time you worked through
18 Unlimited Casting?

19 A I had a couple of jobs like in November,
20 December, '99; but I couldn't remember. Before that,
21 around summertime, I believe so.

22 And then I was with another agency,
23 Cenex Casting.

24 Q C-e-n-e-x?

25 A C-e-n-e-x, yes.

1 Q Okay. Any others?
2 A I took some acting classes with Sue Burston.
3 Q Burston?
4 A Burston, yes.
5 Q Did she have a company or business?
6 A She's the manager.
7 Q Of what company?
8 A I can't recall.
9 Q Where is it located?
10 A In Hollywood.
11 Q When did you take classes with Sue Burston?
12 A In '99.
13 Q What classes did you take?
14 A I took a commercial workshop.
15 Q Pardon?
16 A Commercial workshop.
17 Q Anything else?
18 A That's about it.
19 Q What acting jobs have you done?
20 A Acting jobs, I've done -- I worked in "Strange
21 Days." I was hired from Cenex Casting.
22 Q Okay.
23 A I worked on that for at least 4 to 5 months --
24 Q Okay.
25 A -- straight.

1 Q Santa Monica?

2 A Santa Monica, Ontario. He lives in Ontario.

3 Q How did it come about that you did plumbing
4 jobs with Eric Brockway?

5 A His grandfather was a plumber and when his
6 father -- when his grandfather died, he passed the
7 business to Eric. And from there, Eric got lots of jobs
8 and needed help; and he taught me lots of things about
9 plumbing, and I worked for him for a while.

10 Q How did that happen? How did Eric find you to
11 give him help?

12 A We were friends since we were 10 years old.

13 Q Did you go to school with him?

14 A He went to Edison once. One day.

15 Q Is he a family friend?

16 A Yes.

17 Q All right. Is he still living in Ontario?

18 A Yes.

19 Q When was the last time you worked for him doing
20 a plumbing job?

21 A I believe it was early '99.

22 Q And approximately how many plumbing jobs have
23 you done with Eric Brockway?

24 A I would say maybe 20 or more.

25 Q Any other jobs that you have done that you

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1 okay, he'll be there in court for me. He reminded me
2 that "You know what this means?"

3 And I said, "Yes, I know what it means."

4 In regarding that I would have to have sex four
5 more times for the this new case.

6 Q And did you ask Berry to represent you?

7 A Yes.

8 Q All right. Did you ever talk to a public
9 defender about that drug paraphernalia case?

10 A No.

11 Q Did you appear in court with Graham Berry on
12 the drug paraphernalia charge?

13 A Yes.

14 Q Was anyone with you -- let me rephrase that.
15 By the time you appeared in court, had you been
16 released from jail?

17 A No. I wasn't released until I took -- I took
18 the deal.

19 Q Okay. How long did you spend in jail on that
20 drug paraphernalia charge before you took the deal?

21 A 2 1/2 days.

22 Q Okay. And what was your understanding of the
23 deal?

24 A It was a felony and a division testing. It
25 was, like, 18 months division program. Then they

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1 would -- if I complete the program, they would erase the
2 felony and no charge.

3 Q Who did you talk about that deal with?

4 A With Berry.

5 Q Did you talk about it with anybody else?

6 A Not that I recall.

7 Q Did Graham Berry tell you anything about why
8 that deal was available to you?

9 A Because he said it was the best that he could
10 do.

11 Q Did he tell you whether he thought it was a
12 good deal or a bad deal?

13 A I felt that it was a bad deal.

14 Q Okay. Did he tell you whether it was a good
15 deal or a bad deal?

16 A He said it was a pretty good deal, that it
17 could have been worse.

18 Q All right. Why did you feel it was a bad deal?

19 A Because, for one, it wasn't my pipe and it's a
20 felony and it is an 18-month program. It's too long.
21 It's ridiculous.

22 Q What was your understanding of what you would
23 be required to do during the 18-month program?

24 A I believe drug testing and then someone would
25 come to my house at any time and check my room for

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1 anything.

2 Q Okay. Did you understand there were any other
3 requirements?

4 A That I would have to check in, probably -- I
5 figure I would have to check in in a month a couple of
6 times.

7 Q Okay. How many times -- what was your
8 understanding of how frequent the drug testing would be?

9 A I don't know. I was assuming it would be bad
10 because it's a felony.

11 Q Did you agree to take this deal?

12 A I told him that, if he could fight it more, get
13 it reduced, something better, but he said this is the
14 best he could do, he offered.

15 Q It was two days after you were arrested that
16 you agreed to this deal?

17 A Yes.

18 Q All right. And you got out of jail at that
19 time?

20 A Yes.

21 Q All right. Did you ever participate in any
22 drug testing?

23 A No.

24 Q Did you ever participate in any drug
25 rehabilitation program?

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1 A No.

2 Q Did you -- was there any drug testing done at
3 all?

4 A For that case, no.

5 (Interruption.)

6 BY MS. MATTHAI:

7 Q As a result of the plea that you made on the
8 paraphernalia charge, were you required to do anything?

9 A Regarding --

10 Q Yeah. Did you actually do anything as a result
11 of the plea?

12 A No. Because I was -- at that point, Gene -

13 MS. PAQUETTE: Hold on for a second. Hold on
14 for a second.

15 MS. MATTHAI: We're not going to hold on for a
16 second here.

17 MS. PAQUETTE: Yes.

18 MS. MATTHAI: We're entitled to know what
19 Mr. Ingram did.

20 MS. PAQUETTE: Not if it is enveloped in the
21 attorney-client privilege.

22 MS. MATTHAI: Soliciting him as a client isn't
23 attorney-client work product.

24 MS. PAQUETTE: Don't mischaracterize it that
25 way. No. She asked you a question: If you ever --

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1 have you ever -- did you ever do a drug rehab program?
2 MS. MATTHAI: No. That's not my question.
3 MS. PAQUETTE: What is your question?
4 MS. MATTHAI: I'll rephrase my question.
5 Q When did you first meet Gene Ingram?
6 MS. PAQUETTE: Objection. Relevance. You can
7 tell her when you first met him.
8 THE WITNESS: I won't answer.
9 MS. MATTHAI: You are worried about this,
10 Ms. Paquette. You seem to be very violent in my your
11 objection.
12 MS. PAQUETTE: I'm not violent.
13 MS. MATTHAI: You seem semihysterical.
14 MR. BYRNES: We don't need this.
15 MS. MATTHAI: Okay.
16 Q When did you first meet Mr. Ingram?
17 A I don't recall.
18 Q How did you first meet Mr. Ingram?
19 A He came to my house.
20 Q Okay. Were you present when he first came to
21 your house?
22 A Yes.
23 Q Okay. Was anyone else present when he first
24 came to the house?
25 A Yup.

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1 Q Who else was present?

2 A My parents were there. and he came and showed
3 a --

4 MS. PAQUETTE: Michael, just answer her
5 question. We're not going to get into what you were
6 shown or what was said.

7 MS. MATTHAI: We are going to get into it.

8 MS. PAQUETTE: You are not --

9 MS. MATTHAI: You instruct him not to answer
10 this, and we'll be back into court based on the
11 testimony had from the parents about what happened.
12 We'll go right down to court.

13 MR. BYRNES: Wait a second.

14 (Discussion off the record.)

15 MR. BYRNES: He answered the question.

16 BY MS. MATTHAI:

17 Q Who all was present at your house when
18 Eugene Ingram arrived?

19 A My parents.

20 Q Was anybody else there?

21 A I believe my grandmother.

22 Q Okay. Anyone else?

23 A Possibly my sisters.

24 Q Okay. Which sisters?

25 A Both of them.

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1 was regarding Berry speaking about his wrongdoings with
2 me.

3 Q What was -- was this a deposition of
4 Graham Berry?

5 A Yes.

6 Q And who was asking the questions of Mr. Berry?

7 A I don't recall.

8 Q All right. What, if anything, did Mr. Ingram
9 say before he showed the videotape?

10 A I don't recall.

11 Q Did Mr. Ingram say was on the videotape?

12 A Nope. Because he was there to show it to me.

13 MR. BYRNES: Pardon?

14 THE WITNESS: No. Because was there to show it
15 to me instead of telling me. That was the purpose of
16 him bringing the tape, to show it to me.

17 MS. MATTHAI: Okay.

18 Q Did he tell you why he was going to show you
19 the videotape?

20 A I don't recall, but it's all regarding the
21 wrongdoing of what Berry did.

22 Q What wrongdoings?

23 A Representing me wrongly and possibly me using
24 drugs and overdrinking.

25 Q What did Mr. Berry say in the videotape with

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1 A I can't recall.

2 Q Did Mr. Ingram talk to you on that day about
3 retaining a different lawyer?

4 A No.

5 Q What else did Mr. Ingram say while he was at
6 your house?

7 A That this -- that there is a possibility that
8 there could be a civil suit against Berry.

9 Q Did Mr. Ingram say that before or after he
10 showed the videotape?

11 A After, I believe.

12 Q All right. Did he say that to you, or did he
13 say that to your parents or both?

14 A All of us.

15 Q All right. What did he say about the
16 possibility of a civil suit?

17 A I don't -- I don't remember. It wasn't that
18 much. He -- he said a few things about me that
19 occurred. That was true. That did, in fact, happen.
20 And I told him that I felt raped when this was
21 occurring. He said it was a good possibility for me to
22 sue Berry for his wrongdoings.

23 Q Who did Mr. Ingram say he was when he came to
24 your house?

25 A A private investigator.

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1 THE WITNESS: That was -- I believe that was
2 his lawyer.

3 BY MS. MATTHAI:

4 Q You believe that was your father's lawyer?

5 A It was his lawyer, too, because he had a car
6 accident that he was dealing with.

7 Q Okay. What is your understanding of when
8 Mr. Wager first represented your father?

9 A When I told him about my case and he told me
10 about his, and he told me he has a better attorney for
11 me, and I agreed.

12 Q All right. What was the nature of your
13 father's case that he had with Mr. Wager?

14 A The nature of his case?

15 Q Yeah. What kind of a case was it?

16 A Automobile accident.

17 Q Okay. So at some point your father told you
18 that Mr. Wager was representing your dad on an auto
19 accident case and you should see him about the criminal
20 case?

21 A Right.

22 Q Did Mr. Ingram take you to see Mr. Wager?

23 A My father did.

24 Q All right. Did you ever have any discussion
25 with Mr. Ingram about Mr. Wager?

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1 MR. BYRNES: -- he didn't meet Rick until May.

2 Go ahead, if you know.

3 THE WITNESS: Okay. Say it again.

4 BY MS. MATTHAI:

5 Q What was the conversation that you had -- what
was said in the conversation you had with Mr. Ingram
7 about Mr. Wager?

8 A About -- regarding everything, my case, and
9 also Wager talked about -- about the civil case.

10 Q What was said?

11 A I told him what happened, what occurred. I
12 told him the truth.

13 Q What did he say?

14 A Excuse me?

15 Q What did Mr. Ingram say?

16 A Ingram say? He was asking me questions of what
17 occurred with Mr. Berry.

18 Q All right. And you told him that you had sex
19 with Mr. Berry; correct?

20 A Yes.

21 Q And you told him that Mr. Berry had represented
22 you on the two criminal charges; correct?

23 A Yes.

24 Q And Mr. Ingram told you that there was a civil
25 suit that you could file against Mr. Berry; correct?

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1 A Correct.

2 Q Did he tell you that you would get money out of
3 the civil suit?

4 A Correct. It was a possibility.

5 Q Did he give you any estimates as to how much
money you could get out of the civil suit?

7 A I can't recall.

8 Q Did he -- did he tell you of any advantage of
9 filing the civil suit other than you could get money
10 from it?

11 A I figured, you know, a person like this,
12 doesn't deserve anything good; so I just don't believe
13 in a person in a career that should be able to have sex
14 with minors and do drugs and offer drugs to minors. I
15 don't believe in that; so that is why I'm suing.

16 Q Did Mr. Ingram tell you that Mr. Berry had sex
17 with minors on a regular basis?

18 A He had been investigating it for a while.

19 Q Did Mr. Ingram tell you how long he had been
20 investigating Mr. Berry?

21 A For a long, long time. Several years.

22 Q What did Mr. Ingram tell you about Mr. Berry's
23 sex life?

24 A That he had sex with minors. He seduces people
25 on the Internet. He's -- he's not -- that he wasn't

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1 really a man of his word with his work and other people,
2 cheated people.

3 He's a bad guy.

4 Q What else did Mr. Ingram tell you about
5 Mr. Berry?

6 A Basically, that's it.

7 Q Okay. Did Mr. Ingram tell you anything about
8 Mr. Berry's use of drugs?

9 A No. I told him that.

10 Q Okay. Did Mr. Ingram tell you any specific
11 information about Mr. Berry having sex with people under
12 18 years of age?

13 A Yes.

14 Q What did Mr. Ingram tell you?

15 A He said that he assumed that he -- that he was
16 sued before and that he was -- it was indicated that he
17 was having sex with minors.

18 That's it.

19 Q Okay. Who did he say had sued Mr. Berry
20 before?

21 A Other -- I don't know. Other people out there.

22 Q You mentioned, when we were talking before,
23 that the first time that you met Mr. Berry at Numbers
24 that a group of you left Numbers and went to Mr. Berry's
25 house; correct?

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1 concerning the relationship between Mr. Moxon and the
2 Church of Scientology?

3 A No.

4 Q Okay. Did -- did you have any understanding of
5 what kind of legal work Graham Berry did?

6 MR. BYRNES: At what time? At what point in
7 time?

8 MS. MATTHAI: Any time.

9 MR. BYRNES: His understanding at any time or
10 Graham Berry's legal work?

11 MS. MATTHAI: His understanding.

12 MR. BYRNES: What point in time?

13 MS. MATTHAI: Any time.

14 MR. BYRNES: Objection. Vague.

15 BY MS. MATTHAI:

16 Q At any time before this lawsuit was filed, did
17 you have any understanding regarding what type of legal
18 work Graham Berry did?

19 MS. PAQUETTE: Objection. It's vague.

20 THE WITNESS: I don't recall.

21 MS. MATTHAI: All right.

22 Q Did you pay Mr. Wager for his services?

23 A For -- for the payment?

24 Q Yes.

25 A We agreed to payment, and I paid him some

1 Graham Berry?

2 A No.

3 Q Any other drugs other than marijuana that you
4 used after you met Graham Berry?

5 A Well, I did start smoking a lot of pot when I
6 was smoking with Berry and drinking excessively.

7 I can't recall.

8 Q Okay.

9 A I can't recall.

10 Q Have you used any other illegal drugs other
11 than marijuana since you met Graham Berry?

12 A No. I can't say I have.

13 Q Did -- how many times were you arrested for
14 public drunkenness before you met Graham Berry?

15 MS. PAQUETTE: Objection. You already asked
16 him this. He answered.

17 THE WITNESS: I answered the questions.

18 BY MS. MATTHAI:

19 Q Can you tell me how many times you were
20 arrested for public drunkenness before you met
21 Graham Berry.

22 A Yes, I did.

23 Q How many?

24 A I recall a few. More than one.

25 Q Now, when -- how many times did you meet with

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1 Mr. Wager?

2 A Mr. Wager, about 3 times.

3 Q How many times did you go to court with
4 Mr. Wager?

5 A Probably 2 to 3 times.

6 Q All right. What happened the first time you
7 went to court with Mr. Wager?

8 A It was regarding the paraphernalia, and then
9 regarding -- I can't recall.

10 Q Well, has Mr. Wager represented you on any
11 matters other than the paraphernalia charge?

12 A I believe so. I can't recall.

13 Q What other matters has Mr. Wager represented
14 you on besides the paraphernalia charge?

15 A I had a -- probably hasn't been. I'll leave it
16 at that.

17 Q Has any lawyer other than a public defender,
18 Mr. Wager, and Mr. Berry represented you on any criminal
19 charge?

20 A No.

21 MR. BYRNES: What about me?

22 MS. MATTHAI: Sorry. You are standing right
23 there.

24 THE WITNESS: Mr. Byrnes.

25 ///

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1 Q Okay.

2 MR. BYRNES: We know. That's not what she
3 asked you, though.

4 BY MS. MATTHAI:

5 Q I'm asking you if anybody helped you write the
6 letter.

7 A I can't recall.

8 Q Did anyone tell you to write the letter?

9 A Mostly, I write my letters.

10 MR. BYRNES: Do you have a computer? Did you
11 actually use the machine that generated this? Is this
12 you doing the inputting, creating the letter?

13 THE WITNESS: No. I don't have a computer.

14 BY MS. MATTHAI:

15 Q Do you have a typewriter?

16 A My sister does.

17 MR. BYRNES: Did somebody else other than you
18 type that up on a computer or typewriter?

19 THE WITNESS: No. I believe I agreed -- I gave
20 some words to do this.

21 MR. BYRNES: Okay.

22 BY MS. MATTHAI:

23 Q To whom?

24 A To Wager.

25 MR. BYRNES: Okay.

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Michael Hurtado
2907 Urban Avenue
Santa Monica, CA 90404

January 25, 1999

Graham Barry
Attorney At Law
One Wilshire Blvd.
21st Floor
Los Angeles, CA 90017

Dear Mr. Barry:

This letter is to notify you that I have retained the services of Donald R. Wager to represent me in the Santa Monica Municipal Court case scheduled for hearing on January 27, 1999. At this time I request that you immediately turn my file over to Mr. Wager.

At this time I also request that you not contact me or any member of my family on any subject or for any reason whatsoever.

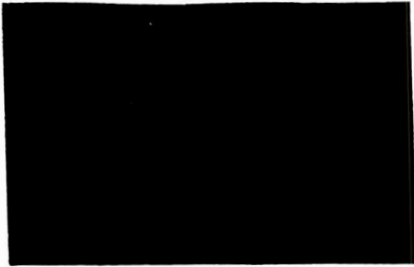
Sincerely,



Michael Hurtado

EXHIBIT 7
Les F. Martin
Case No. 2286
Date: 1/28/99
Witness: Hurtado

EXHIBIT 16



CERTIFIED COPY

MILLER & COMPANY MAY 16 2000
REPORTERS

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

MICHAEL HURTADO,)	
)	
Plaintiff,)	
)	
versus)	No. BC 208 227
)	
GRAHAM E. BERRY,)	
)	
Defendant.)	
-----)	

DEPOSITION OF: ANTHONY APODACA

TAKEN ON: May 3, 2000

NO. 14056

REPORTED BY:

KAMYA D. WILSON
CSR No. 6151, RPR

EXHIBIT 16

Los Angeles

San Francisco

800.487.6278

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1 Q Had you met Michael Hurtado before
2 Mr. Whitman told you that there were people who wanted
3 to talk to you?

4 A I don't remember. I remember there's a
5 possibility, but I'm not sure.

6 Q Do you recall where you were when you first
7 met Michael Hurtado?

8 A I might have been at my mom's house. I
9 might. I'm not sure. Or jail, one of them.

10 Q Has Mr. Hurtado been to your mom's house?

11 A I think so.

12 Q Do you know how many times he's been to your
13 mom's house?

14 A I don't.

15 Q Okay. For what reason has Michael Hurtado
16 been at your mom's house?

17 A Okay. Straight out, I'm just going to tell
18 you everything I know. The only thing I know is I
19 briefly met Graham Berry. It was a long time ago. I
20 was a drug addict. I don't pay attention nor do I,
21 you know, remember everybody that I meet. Okay? All
22 this stuff about this plaintiff trying to bribe me to
23 testifying -- okay? -- I don't go for that. I don't
24 remember, and I'm not no help to any of you.

25 Q Okay. Let me ask you some questions.

1 I'm trying to understand whether or not you
2 met Mr. Hurtado before or after your contact with the
3 social worker, Mr. Whitman?

4 A I'm assuming after.

5 Q Okay. And did someone introduce you to
6 Mr. Hurtado?

7 A I don't remember.

8 Q Now, after Mr. Whitman told you that some
9 people wanted to talk to you, did he tell you how to
10 get in touch with those people?

11 A I don't know. You can ask him.

12 Q Did you, in fact, meet with some people after
13 Mr. Whitman told you there were people who wanted to
14 speak with you?

15 A Yes. They tried to bribe me, like I said.
16 They bought me clothes. They gave me McDonald's
17 vouchers. They took me to a hotel. They were being
18 very scandalous. You know what I'm saying? They were
19 really putting pressure on me. You know what I'm
20 saying? And that's exactly why I lost contact with
21 all of them because, you know, like I said, I was a
22 heavy drug addict, and from time to time, I don't know
23 what goes on from one point in my life to another, and
24 I don't know why they are still bothering me with
25 this.

1 Q Okay. Let me back up just a little bit.

2 Did you go to an office where a videotape was
3 made with these people?

4 A I don't remember.

5 Q You do remember, though --

6 A I remember briefly that someone picked me up.
7 I don't know who.

8 Q Okay.

9 A And they videotaped me.

10 Q Okay.

11 A And that's all I remember.

12 Q Did they pay you money to make the videotape?

13 A They -- some lawyer that came to County Jail
14 gave me \$200. And they tried to give me 50 more
15 dollars to testify, and my mother's a witness to that.
16 And they gave me McDonald's food things, they bought
17 me a bunch of clothes, you know. And to be very
18 honest with you, I took it all and still didn't
19 testify.

20 Q And what kinds of clothes did they buy you?

21 A I don't remember. Just regular clothes.

22 Q Do you remember any of the clothes that they
23 bought?

24 A I lost them all.

25 Q Okay.

1 A I got arrested a few weeks after that and
2 lost that.

3 Q Was it -- was the payment of \$200 to
4 testify --

5 A It was in County Jail, in a trust fund.

6 Q So the money was placed in a trust fund in
7 the County Jail?

8 A Right. County records.

9 Q And was the money ever taken out of that
10 trust fund --

11 A When I got released.

12 Q And it was your understanding that they were
13 paying you that money to come testify?

14 A They didn't say it, but I'm not stupid, you
15 know; I wasn't born yesterday.

16 Q What was your understanding of what you were
17 expected to testify about?

18 A Something about Mr. Graham Berry picking me
19 up and what would I do with him and all that.

20 Q Do you recognize the man that's sitting to my
21 right, Mr. Berry?

22 A I don't recognize people. I mean -- every
23 time I'm prostituting out there, people say "Yeah, you
24 picked me up before." You know, I don't remember
25 these people, you know. I don't remember people.

1 It's been too long ago. I can't remember his face.

2 Q So as you sit here today, you don't know one
3 way or the other whether you've ever met Mr. Berry
4 before?

5 A I might and I might not know him.

6 Q One of the things I have to -- one of the
7 ground rules, since she has to take down everything
8 that's said --

9 A I'm aware. I've been to court before.

10 Q The thing is, you have to wait for me to stop
11 speaking before you start --

12 A Oh, I'm sorry.

13 Q Because, otherwise, it makes her job very,
14 very hard.

15 A Sorry.

16 Q You do recall, though, that you made a
17 videotape in an office? Do you recall that?

18 A Briefly.

19 Q Let me show you a copy of a videotape.
20 Jose, can we run this through the monitor?

21 A Why are you showing me this tape?

22 Q To see if you recognize it. Also to see if
23 it's you.

24 (Whereupon, excerpts of the videotape
25 were shown to the witness.)

1 THE WITNESS: I was high when they picked me up.
2 So I don't know. Oooh, I must have been high coming
3 out looking like that. Huh-uh. I must have been
4 deathly high coming out looking like that.

5 BY MS. MATTHAI:

6 Q I was just showing it to refresh your
7 recollection.

8 Unless you object, I think we've probably
9 seen enough. Is that okay?

10 MS. PAQUETTE: That's fine.

11 MS. MATTHAI: Okay. Back to the camera.

12 THE WITNESS: I can't believe I looked like that.
13 I must have been so strung out at that point. Where
14 is that tape going? Where is that tape going? I look
15 like a fag. I look like I'm a Madonna fag or
16 something. I don't know.

17 BY MS. MATTHAI:

18 Q Okay. Let me ask you some questions: First
19 of all, while we were showing the tape, you said that
20 you must have been high when you made that tape;
21 correct?

22 A I know I was high because I would not have
23 left the house like that.

24 Q And you recall that the tape was made during
25 a period of time that you were, in fact, using a lot

17

1 of drugs?

2 A I was hooked on heroin; so I had a daily use,
3 and I had -- to go to this interview, I had to shoot
4 or I would have gotten sick.

5 Q Do you recall the contents of what you said
6 when that tape was made?

7 A (Witness shakes head from side to side.) I
8 don't know.

9 Q Do you remember who was present when that
10 tape was made?

11 A Three people, I think, or two people. I
12 don't know who -- I don't remember. Probably Hurtado
13 and the lawyer and someone else. I don't know.

14 Q Do you remember Mr. Moxon?

15 A Yeah, yeah, yeah, yeah.

16 Q Do you remember --

17 A I remember that name, not him.

18 Q Do you remember a Mr. Ingram?

19 A This was just so long ago; I don't know.

20 Q And is my understanding correct that someone
21 picked you up to go make this tape?

22 A Yes. Yes.

23 Q Where were you when they picked you up?

24 A My mom's house.

25 Q And did they tell you why they wanted to make

1 the tape?

2 A They were being -- very, very, very much
3 pressuring me, and if I was sober-minded, they
4 wouldn't have pressured me to do anything because, you
5 know, I'm not retarded. I know, you know. And they
6 took advantage of that.

7 Q And how did they pressure you?

8 A Because they were -- there was -- they
9 started pressuring me. I don't remember.

10 Q Did they say something or do something that
11 made you feel pressured?

12 A Something about me going to jail, and me and
13 you both know they can't put me in jail for -- you
14 know what I'm saying? Please.

15 Q So at the time, you felt pressured; so you
16 agreed to make the videotape?

17 A I was high. I didn't care. I didn't care
18 what I said or whatever.

19 Q Did they -- were you given any money or
20 clothing or anything for making a videotape?

21 A I don't remember that, but I do remember
22 after the videotape was made, they came to the house.
23 They offered me 50 more dollars -- something about
24 simple -- or some weird thing. I don't remember,
25 which it was tempting to take, since that would have

1 helped my drug use. But I was getting very tired of
2 them, and I disappeared on them.

3 Q On how many occasions have you seen
4 Michael Hurtado?

5 A I cannot remember. No more than five.

6 Q Can you tell me -- first of all, did you
7 speak with Michael Hurtado about making the videotape?

8 A I don't remember.

9 Q Do you remember any of the conversations
10 you've had with Michael Hurtado?

11 A Yeah. Something about -- something about his
12 kid or -- I don't know. His kid's father or some
13 family member, Graham Berry, something like that.

14 Q Did Michael Hurtado ever tell you that he
15 worked as a prostitute?

16 A I don't know -- am I -- it was something very
17 personal and private, but I don't know.

18 Q Okay. Would you recall Michael telling you
19 that he did work as a prostitute?

20 A I don't know.

21 Q Did you ever use drugs with Michael Hurtado?

22 A Not that I remember.

23 Q Okay. Do you know one way or another whether
24 Michael Hurtado uses drugs?

25 A I could care less.

EXHIBIT 17

LAW OFFICES OF LIOT J. ABELSON

WEST SUNSET BOULEVARD • SUITE 1100 • LC
TELEPHONE

GLEES, CALIFORNIA 90069-1911
960-1935 • FAX (323) 650-0464

September 13, 2000

VIA U.S. MAIL

Mr. Geoffrey Brodie
c/o Law Firm of Anthony Harper
Christchurch
New Zealand

Dear Mr. Brodie:

I am writing to you in connection with an investigation I am conducting into Graham E. Berry. The purpose of my investigation is to uncover unethical or illegal conduct committed by Mr. Berry. I understand you may have data that may be of help in my investigation. Specifically, I would appreciate any information you can provide concerning Mr. Berry's motives for embarking upon a course of action which would seem, to any objective observer, to be contrary to his own best interests, and a blatant attack on an international religion.

Over the past several years, Mr. Berry seems to have developed an obsession against a particular religion. This frame of mind has caused Mr. Berry to file multiple frivolous lawsuits for which he has been assessed approximately \$100,000 in sanctions by US courts. He has been held to be a vexatious litigant by one US judge - a designation which is placed on someone who repeatedly files frivolous pleadings. Such a designation is considered to be rare and severe as he is restricted from the usual privilege of filing suits. He has driven himself out of at least two prominent law firms and he has declared personal bankruptcy for the second time.

This obsession seems to have affected his personal life as well. To explain his professional shortcomings to the court, Mr. Berry describes in his own words his extensive drug and alcohol use and his mental problems such as suicidal ideation.

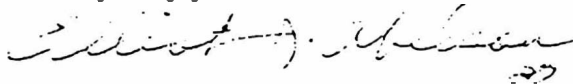
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Mr. Geoffrey Brodie
September 13, 2000
Page 2

One possible contributing factor to Mr. Berry's personal and professional disintegration and the devastation it has caused to his career, is the time which he is said to spend on the Internet. While on the one hand the Internet is a boon to improving communication and commerce, it can be a hot-bed of illicit sex and other negative influences. Mr. Berry has testified that he has used the Internet to procure sex from at least one young man and possibly others. He spends an inordinate amount of time in such pursuits.

Please review the enclosed documents and if you have any pertinent information which could shed any light on these matters, please do not hesitate to contact me.

Very truly yours,



Elliot J. Abelson, Esq.

EJA:sg
Enc.

cc: Riley Binford
Jennifer Jigargian
Douglas R. Hayden
Kirk H. Hurford
Temma Dahan
Deborah G. Rothaus
Evan Spiegel
Annette Waaler
Thomas J. Cahill - Departmental Disciplinary Committee, New York
William & Beverly Berry
David Gibson - Hamilton, New Zealand
Paul Middlemiss - Hamilton, New Zealand
James Alexander McIntyre - Sydney, Australia
Permanent Secretary Department of Justice - Wellington, New Zealand
Secretary Canterbury District Law Society - Christchurch, New Zealand
Legal Services Commissioner - Sydney, New South Wales

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1. Graham Berry: A Vexatious Litigant.
2. Court sanctions.
3. Mental problems and psychiatric drugs.
4. Voluntary bankruptcy.
5. Homosexual relationship with a client, contrary to the canon of ethics in California.
6. Suicidal Ideation.
7. Phone-sex/Cyber-Sex.

HURTADO -- Transcript of Videotape - April 22, 1999

Q. Okay, tell me your, uh --

A. Anthony Apodaca.

Q. Okay. And what's your date of birth?

A. August 8th, 1980.

Q. Okay, and, uh, (another voice here: _____ that picture). How tall are you? How much do you weigh?

A. 5-9, 138.

Q. Okay, and where do you live right now?

A. Hollywood.

Q. You -- you slept last night at your parents' house?

A. Right.

Q. Okay. Where do your parents live? What's the address?

A. 1017 Marwin Avenue --

Q. And that's --

A. Highland Park

Q. Highland Park. Okay. And what's the phone number?

A. 323/259-8492.

Q. Okay. Terrific. Now we showed you a photograph of a man, right?

A. Yes.

Q. And you wrote some information on it?

A. Yes, sir.

Q. What's the guy's name?

EXHIBIT 18

A. Raymond. [Graham?]

Q. Okay, does he have some type of, uh, accent?

A. English.

Q. An English accent? And what happened with him?

A. He, uh, we had, um, S&M contact.

Q. Was there any anal sex involved?

A. Yes.

Q. What did -- what did you do to him?

A. What did I do to him?

Q. Yeah. Or what did he did he do to you?

A. He burned my nipples. And (inaudible).

Q. He put his penis in your anus?

A. Yeah.

Q. Okay. And did he insert any other things in your rectum?

A. Yeah, a cylinder object. Looked like a lotion bottle.

Q. Okay. How many times did he do this?

A. We had two -- um, two experiences.

Q. How old were you, those two times?

A. 14 or 15.

Q. Okay. And at that time you were, uh, you were a prostitute?

A. Yes.

Q. Okay. Very good. Get a full picture of you here. Okay, Anthony, there's a picture on the desk here in front of you, right?

- A. Right.
- Q. Is, this is the man that you recognize as Graham?
- A. Yes, sir.
- Q. And you wrote a statement, "This is the person by the name of Gram. He paid me money on 2 occasions to have S.M. and anal sex with him in the area: West Hollywood. This happen when I was 14-15 years old. My date of birth is 8-8-80." You signed it, print your name and today's date is 4/22/99. And that's the guy that we're talking about with an English accent? And S&M is uh, what does S&M mean?
- A. When a person gets pleasure off of other people in pain.
- Q. So he used a cigarette and burned both of your nipples?
- A. (Nods.)
- Q. How much did he pay you the first time?
- A. Ninety bucks.
- Q. And he did it a second time?
- A. (Nods.)
- Q. How many days or weeks or months was it between the first and second time?
- A. A lot of months. Like, six months --
- Q. Six months?
- A. I guess somewhere around there.
- Q. And where did he pick you up the first time?
- A. I was on Orange.
- Q. Orange and what?
- A. Santa Monica Boulevard.
- Q. Okay. And the second time?

- A. On Highland and Santa Monica Boulevard. Highland and Santa Monica.
- Q. Highland and Santa Monica. Which motel did he take you to the first time?
- A. I don't remember.
- Q. Which area was it in?
- A. Hollywood.
- Q. And the second time?
- A. Hollywood
- Q. And did he burn your nipples on both times?
- A. I don't remember, you know that? He might have.
- Q. Okay. So he burned your nipples at least one time. First or second time or first time?
- A. Just one time.
- Q. Has anyone else ever done that to you?
- A. Yeah.
- Q. Okay. Do you remember him?
- A. Yeah, I remember him.
- Q. Okay. And how is it that you remember him as opposed to some other trick?
- A. Because I don't run across people that burn other people's nipples too much. Once in a great, great while it happens.
- Q. Okay. How much did he pay you the second time?
- A. One ten. I guess.
- Q. Okay. And on both occasions he, uh, had sex with you in your anus?
- A. Right.
- Q. He had anal sex on you, right?

A. Yeah.

Q And on each occasion, did he insert a foreign object in your anus as well? In your ass?

A. He might have. I was high.

Q. Okay. You remember on at least one occasion he did that, though?

A. Yeah.

Q. And it was a lotion bottle, you said earlier, or something like that?

A. Yeah.

Q. Okay. Very good. The uh, time is, uh 1:00 p.m. on April 22nd, 1999

A. Anthony nods.

END OF VIDEOTAPE.

EXHIBIT 19

✓
1 Kendrick L. Moxon, SBN 128240
2 MOXON & KOBRIN
3 6255 Sunset Blvd., Ste. 2000
4 Los Angeles, CA 90028
5 (323) 993-4435

6 Attorney for Plaintiff
7 MICHAEL HURTADO

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

10 MICHAEL HURTADO,

11 Plaintiff,

12 vs.

13 GRAHAM E. BERRY.

14 Defendant.

) Case No. BC 208227

) NOTICE OF DEPOSITON OF
) ANTHONY APODACA ©

15 TO DEFENDANT GRAHAM BERRY:

16 PLEASE TAKE NOTICE that the deposition of Anthony Apodaca will be taken at
17 10:00 a.m. on May 7, 1999, in the law offices of MOXON & KOBRIN, 6255 Sunset
18 Boulevard, Suite 2000, Los Angeles, California 90028, telephone number (323) 993-4435.
19 This deposition shall continue from day to day, Sundays and holidays excluded, until
20 completed.

21 The deposition shall be videotaped and will be taken upon oral examination,
22 pursuant to California Code of Civil Procedure Sections 2020 and 2025, before a Notary
23 Public or other officer authorized by law to administer oaths.

24 Dated: April 26, 1999

Respectfully submitted,

25 
26 Kendrick L. Moxon
MOXON & KOBRIN

Attorney for Plaintiff
MICHAEL HURTADO

NOTICE OF DEPOSITION

EXHIBIT 19

290

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action.

On April 26, 1999, I caused to be served the foregoing document described as NOTICE OF DEPOSITION OF ANTHONY APODACA, by hand, on interested parties in this action as follows:

Graham E. Berry, Esq.
Law Offices of Graham E. Berry
One Wilshire Blvd., 21st Floor
Los Angeles, CA. 90017

Executed on April 26, 1999, at Los Angeles, California.

I declare under penalty of the laws of the State of California that the above is true and correct.

CAROL NELSON
Print or Type Name


Signature

PROOF OF SERVICE BY HAND

STATE OF CALIFORNIA

ss.:

COUNTY OF LOS ANGELES

MOXON V. BERRY BC42917

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 3384 McLaughlin Avenue, Los Angeles, CA 90066. I am an officer of the court herein.

On February 12, 2010, I personally served on interested parties in said action the within:

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.

by placing a true copy thereof in sealed envelope(s) addressed as stated below and by delivering the envelope (s) by hand to the offices of the addressee (s).

Kendrick L. Moxon, Esq,
Moxon & Kobrin
3055 Wilshire Boulevard, Suite 900
Los Angeles, CA 90010

Telephone: (213) 487-4468
Facsimile: (213) 487-5385
Email: kmoxon@earthlink.net

Executed on February 12, 2010, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Graham E. Berry
(Type or print name)

(Signature)