

GRAHAM E. BERRY, Bar No.128503
Attorney at Law
3384 McLaughlin Avenue
Los Angeles, California 90066-2005
Telephone: (310) 745-3771
Facsimile: (310) 745-3771
Email: grahamberry@ca.rr.com

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]

1 needs -- I think he mentioned that he needs relief from
2 some of those sanctions.

3 Q There's been a lot of sanctions against him,
4 haven't there?

5 A Motions probably by you.

6 Q In fact, he loses just about everything he
7 touches, doesn't he?

8 MS. MATTHAI: Well --

9 THE WITNESS: I'm glad you opened that area.
10 I remember us joking about sanctions, and how you would
11 put the sanctions into Day of the Child. We joked
12 about -- I think you got 27- or \$2,800 one day, and
13 made it available to Day of the Child. It was a big
14 joke.

15 BY MR. MOXON:

16 Q You thought it was a joke?

17 A No. You thought it was a joke.

18 Q You didn't?

19 A You were providing the funds to run a company
20 so I would testify on your side.

21 Q I never said that to you, did? I never,
22 ever --

23 A It was understood.

24 Q Just understood?

25 A Just as you said downstairs last night, you

1 told me several times, I just didn't believe you.

2 Q That's an absolute lie.

3 MS. MATTHAI: Well, Mr. Moxon, is that --
4 Object. It's vague and ambiguous. You're arguing
5 again with the witness. There's not a question.

6 MR. MOXON: I'm just responding to him, since
7 he made a comment about something I supposedly said.

8 MS. MATTHAI: That's the difficulty we have
9 with the situation.

10 MR. MOXON: You created it. Ms. Matthai. I'm
11 going to seek sanctions. This has nothing to do with
12 this case. This is entirely for the purpose of Berry
13 in his actions against the Church of Scientology and to
14 give me a black eye. He's already been sanctioned by
15 at least seven different judges for his misconduct.
16 And so I don't even want to get into it with you, but
17 I'm going to, you know, continue with the deposition.

MS. MATTHAI: That's all I'm asking.

18 MR. MOXON: If you have an objection, make an
19 objection.

20 Q MS. MATTHAI: All I'm asking is that you
21 conduct yourself in a professional --

22 MR. MOXON: If you have an objection --

23 MS. MATTHAI: Excuse me. May I finish?

24 MR. MOXON: No. If you want to make an

1 objection to a question, make an objection to a
2 question. I don't need your --

3 MS. MATTHAI: I have done so, and I will
4 continue to do so.

5 MR. MOXON: Good.

6 MS. MATTHAI: I'm simply asking that you
7 behave in a professional manner and ask the questions
8 that you wish to ask, rather than arguing with the
9 witness.

10 BY MR. MOXON:

11 Q Did Berry ever talk to you about the Pattison
12 case?

13 Let me go back to the prior question.

14 I never said to you that any money I gave to
15 you is in exchange for testimony. Did you claim that's
16 something you just understood?

17 A It is my testimony that it was understood by
18 me, and confirmed numerous times through
19 communications, both e-mail and verbally, throughout
20 -- your representation of me.

21 Q That was your understanding, anyway?

22 A Understanding, and confirmed vis-a-vis written
23 e-mails and communications between us, and verbal
24 conversations.

Are you swearing under penalty of perjury that

1 sometime I actually said to you -- actually said it,
2 not just your understanding -- but actually said to you
3 that your testimony somewhere was in exchange for
4 money?

5 A It is my testimony that it was understood
6 between both of us that I would be -- that you were
7 doing the things you were doing in exchange for me
8 being 100 percent, as in an exhibit previously.

9 Q Is that the best answer I'm going to get from
10 you?

11 A At this moment, yes.

12 Q Yes. Did you know, by the way, that Berry has
13 never paid any of these alleged sanctions that you
14 claim?

15 A I have no knowledge one way or the other.

16 Q I want to go back for a moment to this time
17 period that you were talking about concerning Mr. Berry
18 and your relationship back in 1994.

19 Q Do you remember an interview I had with you
20 shortly after you hired me to defend you in the case
21 Berry filed against you, an interview that I taped
22 outside your home in North Hollywood or Van Nuys,
23 whatever it was?

24 A I do remember the interview, yes.

25 Q That was --

1 detail about his sexual exploits with boys under the
2 age of 16. He would sodomize the boys and have them
3 orally copulate his penis. May, '84 and February, '85,
4 I observed at least 50 to 60 boys between the age of 14
5 and 16 in the company of Berry at the lawfirm on East
6 53rd."

7 Cipriano says, "Right. Most of the kids slept
8 there. Most of them were homeless. Like I said,
9 they're runaways and whatever, and all of a sudden
10 you're -- they're like catapulted into a place where
11 they never have to buy food or drugs."

12 MS. MATTHAI: "Drinks."

13 THE WITNESS: "Drinks."

14 MR. MOXON: "Drinks."

"They don't have to pay for drugs."

Isn't that what that says?

A That is correct.

Q Were you lying when you made those statements
in this taped interview?

MS. MATTHAI: The question is compound.

THE WITNESS: This whole interview was based
upon your sitting at the same outdoor table in my yard
in Van Nuys, taking a look at a BMW that was leased by
Christine and myself, in which you asked me how many
payments behind or was it paid up. The answer was no.

1 I said three months -- I believe, it was three months
2 plus late fees. You asked how much that was, and I
3 think I said it was around 15- or \$1,600. You asked
4 about other bills between Christine and I. I said,
5 "Probably another 6- or 700."

6 The following Monday, you have Mr. Barton
7 write me a \$2,500 check in exchange for this, or
8 somehow provided it to Christine.

9 BY MR. MOXON:

10 Q Let me ask you the question again.

11 When you made these statements to me on this
12 taped interview, were you lying to me?

13 A I was saying what you wanted to hear, because
14 that was the understanding.

15 Q That was what in your mind, was that there
16 some understanding?

17 A That was -- it was the understanding.

18 Q In your mind?

19 A Our mind, I believed.

20 Q s You had no idea what understanding was in my
21 mind, did you Mr. Cipriano?

22 A Well, you kept providing money. And based on
23 the fact that our whole relationship started with your

24 Ingram, threatening and intimidating me to
25 the false declaration in 1994. It was just a

1 continuation of all that, sir.

2 Q I move to strike that.

3 Now, the question to you again is: When you
4 made this statement to me, were you lying, "yes" or
5 "no"?

6 A You would make a statement. And it was to
7 your speech here that I say, "Right." I was saying
8 exactly what you wanted to hear on the tape.

9 Q I was quoting your sworn declaration, wasn't
10 I?

11 A The sworn declaration that was obtained
12 through intimidating me?

13 Q What's your problem with answering my
14 questions? For the past two days you've been answering
15 Ms. Matthai's questions. Every time I ask you a
16 question, you ask me another question in your response.

17 A Because Ms. Matthai asked very straightforward
18 questions.

19 Q Okay. Here's the question: When you made
20 these statements to me I've just quoted, were you lying
21 or not?

22 A I was saying what you wanted to hear.

23 Q So you were lying?

24 A I was saying what you wanted to hear.

25 Q That's not responsive, Mr. Cipriano.

1 any fashion; is that correct?

2 A That's correct.

3 Q But you knew, you had some kind of
4 understanding, that some day I might give you some
5 money if you told me what I wanted to hear; is that
6 right?

7 A The afternoon of --

8 Q Is that your understanding?

9 A I'm answering the question.
10 I said -- quit badgering.

11 Q Did you understand?

12 A I said quit badgering me.

13 Q I want you to answer.

14 A Then shut up.

15 MS. MATTHAI: Mr. Berry -- excuse me --
16 Mr. Moxon, he's not required to answer your questions
17 "yes" or "no." and I believe it's inappropriate for you
18 not to give the witness an opportunity to state his
19 answer, since you asked.

20 MR. MOXON: I want an answer to my actual
21 question, not something else.

22 Q The question is --

23 Actually, you asserted that because I
24 mentioned a BMW to you, that you had some understanding
25 that I really wanted you to lie to me about Berry, and

1 that I would pay for payments on your girlfriend's BMW
2 if you told me lies about Berry, is what you told me
3 the understanding was.

4 A That's a long question. I haven't asserted --
5 it's long and ambiguous.

6 The answer to the question is, prior to the
7 tape going on on this particular occasion, you asked
8 me -- "That is a beautiful car." It was sitting there
9 top down. And you asked if we owned it or leased it.
10 And once we ascertained how much it was behind in
11 payments, you said, "Call my office on Monday. We'll
12 work that out." And then the tape went on.

13 Q Incredible. Under penalty of perjury, you're
14 telling me that I told you --

15 A To call your office on Monday.

16 Q -- that I would make the payments on your BMW

17 A You said, "Call my office on Monday and we'll
18 work it out." And we did work it out. You had Jeffre
19 Barton send 2,500.

20 Q Incredible. Absolutely incredible.

21 MS. MATTHAI: Mr. Moxon, again I would ask yo
22 to be professional and ask your questions without
23 commentary on whatever the answers may be.

24 BY MR. MOXON:

25 Q Let me just clarify something for you, becau

1 Q The question is: When you made these
2 statements to me, did you intend to lie to me?

3 MS. MATTHAI: Objection. Compound.

4 THE WITNESS: I am objecting to the compound,
5 too, whatever that means. I need legal representation.

6 BY MR. MOXON:

7 Q You sure do.

8 A Thank you for telling me that.

9 Q You should never have come here at all. You
10 do need legal representation, Mr. Cipriano.

11 A You've given me the opportunity again to
12 respond to that -- which you wouldn't let me respond to
13 that a few minutes ago.

In the last few weeks, I --

14 Q There's no --

The question is: When you made these
statements to me that I just quoted, did you make
them -- did you intend to lie to me?

15 A I said what you wanted to hear in exchange for
monetary exchange. I said what you wanted to hear.

16 Q Does that mean you were lying?

17 A I said what you wanted to hear. Asked and
answered.

18 Q Okay. Here's the problem I've having with
19 you: If I ask you if this room is nice, and you think

1 MS. MATTHAI: That's a flagrant misstatement
2 of the law, Mr. Moxon.

3 Let's move on.

4 BY MR. MOXON:

5 Q Did you ever see Berry with a boy you thought
6 might be under the age of 18?

7 A No.

8 Q You told me you did, didn't you? "Yes" or
9 "No"?

10 A I told you what I thought you wanted to hear.

11 Q Answer my question.

12 A I told you what I thought you wanted to hear
13 based on the threats, based on the intimidation by
14 Mr. Ingram, based on money you were providing me each
15 step of the way.

16 Q Did I ever make a threat to you?

17 A No. Did you ever make a threat to me, no.

18 Q I'm not asking you what you thought you wanted
19 me to hear.

20 Did you ever say that you saw Berry with boys
21 under the age of 18 that you knew he was having sex
22 with?

23 MS. MATTHAI: Did he say those words to you?

24 BY MR. MOXON:

25 Q Answer.

1 Q Did you ever come into the office in the
2 morning and see some boys in Berry's office who you
3 understood to be prostitutes and whose ages you didn't
4 know?

5 MS. MATTHAI: I'm going to object to the term
6 "boys." That's vague and ambiguous.

7 THE WITNESS: So you're asking did I come in
8 and see boys in the office that were prostitutes that
9 were underage? You're asking three different questions
10 there; right?

11 BY MR. MOXON:

12 Q No. It's one question. That you thought
13 might be underage.

14 A That I thought might be underage, no.

15 Q Okay. You told me you did, didn't you?

16 A Under threat and payment for my testimony.

17 Q So if somebody --

18 A We can go on for the next ten days this way.

19 Q We may. We may.

20 A I hope so.

21 Q Are you basically telling me that you just
22 lied to me for a couple of years, telling me
23 allegations about Berry because you had some
24 understanding that that's what I wanted to hear? Is
25 that the bottom line here?

1 A I told you what --

2 Q Didn't you --

3 A I told you what you wanted to hear. You paid
4 me. It kept Ingram away from me; it kept away any
5 threats of anything happening. And you continued to
6 buy away judgments from me, and everything else.

7 Q Move to strike that.

8 A Of course. It's the truth, isn't it?

9 Q If it's the truth, you can tell me that.

10 A It is. I have the exhibits to prove it.

11 Q Mr. Cipriano, just listen to my question and
12 see if you can answer the question.

13 All of the questions I'm asking, I know you
14 have this line you keep repeating, but it's not really
15 responsive to my question.

16 My question is, basically: You lied to me,
17 you're saying, for a period of two years, telling me
18 allegations about Mr. Berry because you thought that
19 that's what I wanted to hear?

20 A That is what you wanted to hear. That is what
21 you coached me to do. That is what I was threatened
22 and intimidated to do. And that's what I was paid to
23 do.

24 Q And when I interviewed you in March of 1998,
25 the second time I ever met you, you claim I was

1 of me.

2 Q So every declaration I ever gave you was
3 perjury, you signed it --

4 A I cannot define what perjury is and --

5 Q Every declaration that I ever gave you was --
6 ~~and you signed it knowing that you were signing~~
7 something that was false? Is that what your testimony
8 is?

9 A Every declaration that you prepared for me to
10 sign was what you wanted to hear, and what you wanted
11 written, and what you wanted to file in court, and what
12 you wanted for everything.

13 Q Okay.. That's not what I asked you, Robert.
14 What I asked you is: Did you sign it in your
15 own mind thinking "I'm signing something falsely"?

16 A My answer again is the same. I signed what
17 you prepared with the commencement of the threat and
18 ~~intimidation and the payments thereafter.~~ Almost every
19 time you gave me something to sign, you look at the
20 same date or day after, and there is a payment of some
21 sort.

22 Q Move to strike that.

23 A The record will support that.

24 Q What's the problem with just actually
25 answering my question? If you want to tell the truth,

CERTIFIED COPY

MILLER & COMPANY
REPORTERS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

MICHAEL HURTADO,)
)
Plaintiff,)
)
versus) No. BC 208227
)
GRAHAM E. BERRY,)
)
Defendant.)
-----)

DEPOSITION OF: ROBERT JOHN CIPRIANO

TAKEN ON: August 9, 2000

VOLUME IV: Pages 409 through 546, inclusive

CONFIDENTIAL

NO. 14339 REPORTED BY: CATHERINE A. SPASARO
CSR No. 2446, RPR

Los Angeles

San Francisco

800.487.6278

137

1 some ways that you can get some money in the future?

2 A Nope.

3 Q Do you have any understanding in your own
4 mind, that you haven't voiced to Berry, about how
5 you're going to get money in the future?

6 A Yes.

7 Q What is that?

8 A I object to -- privacy. Your organization, or
9 agents of your organization, or your clients, have
10 threatened me in the past. And on that basis I'm not
11 going to give any information as to where or what I
12 choose to do as employment.

13 Q Who do you claim, as an agent of mine,
14 threatened you?

15 A I have declarations that I clearly laid out.
16 Eugene Ingram.

17 Q Eugene Ingram.

18 Anyone else you claim has threatened you?

19 A Eugene Ingram.

20 Q Mr. Cipriano, anyone else other than
21 Eugene Ingram?

22 A I've answered the question. Eugene Ingram.

23 Q So, no one else other than Eugene Ingram?

24 A No one else what?

25 Q You've got to answer the specific question I

1 I'm sorry. Go ahead.

2 BY MR. MOXON:

3 Q When you made that statement to me in March of
4 1998, did you believe it to be true?

5 MS. MATTHAI: Compound. It's also asked and
6 answered.

7 THE WITNESS: The answer to that question,
8 once again, is that you were paying my bills; I was
9 telling you what you wanted to hear.

10 BY MR. MOXON:

11 Q Okay. And what bill had I paid?

12 A Immediately prior to asking me these
13 questions, you asked me a number of questions about my
14 BMW and the current financial status of Christy and
15 myself. And when I told you what I testified to
16 yesterday about that situation, you said, "Call my
17 office Monday morning, and we'll take care of it."

18 Q Just for the record, I refute what you just
19 said.

20 A I am sure you do.

21 Q You refuse to answer that question?

22 A Asked and answered.

23 Q You refuse to answer this question?

24 A Asked and answered.

25 MR. MOXON: We'll use this to strike all his

1 BY MR. MOXON:

2 Q Page 6 of Exhibit No. 44. The paragraph a
3 little beyond halfway down the page, you make the
4 statement, quote, "I ran Capri Productions which was
5 management company and he ran L'Etoile Talent Agencies
6 supposedly as an agent. The fights started right about
7 then because he was, you know, get these sixteen and
8 seventeen year old kids and go have their picture taken
9 and they think they're going to become a famous model
10 and what they're doing is they're fuck buddy for
11 Spiegelman. It was -- I put up with it to a degree,"
12 end of quote.

13 When you made that statement to me, did you
14 intend to tell the truth?

15 A I repeat my previous answer.

16 Q Which is?

17 A This is what you wanted to hear in return for
18 the financial incentive.

19 Q Does that mean you're lying to me? You
20 thought I wanted to hear it, and you were lying to me?

21 A I'm not going to define what lying is or
22 isn't.

23 Q Okay. At the bottom of page 6, I say to you,
24 quote, "Oh I see. He would just bring them on and
25 pretend."

1 You state, "Right he wouldn't do anything
2 because he couldn't do anything. He didn't know what
3 the hell the business was about to start with. It was
4 ploy to get kids."

5 And then I say, "Okay, these were, some of
6 them were under age or how old were they?"

7 You state, "They were under aged they were of
8 age, you know, sixteen to eighteen."

9 When you made that statement to me -- end of
10 quote.

11 When you made that statement to me, did you
12 intend that to be a truthful statement?

13 A That's what you wanted to hear in return for
14 the financial incentive.

15 Q Did you intend that to be a truthful
16 statement?

17 A Asked and answered.

18 Q And towards the top of page 7, continuing, you
19 make the statement, quote, "I wanted to run the company
20 in a professional way and grow it and I was starting to
21 become pretty famous because I was good. I started
22 signing management contracts with pretty big names.
23 Mickey Rooney, Johnny Crawford, Jake LaMotta. I was
24 flying back and forth between the east coast and west
25 coast. Getting -- what I was doing was recreating

1 their careers because a lot of them had problems, had
2 got drunk or whatever along the way and their careers
3 weren't what they used to be. We exposed them.
4 Spiegelman was there with his little boys and all that
5 stuff over there" --

6 MS. MATTHAI: I'm sorry, Mr. Moxon. What page
7 is that?

8 MR. MOXON: -- end of quote.

9 Page 7.

10 Q When you made that statement to me, did you
11 intend that to be a truthful statement?

12 MS. MATTHAI: It's compound.

13 BY MR. MOXON:

14 Q Answer.

15 A I'm going to say that the entirety of this
16 transcript --

17 Q No. Answer my question. And then you can
18 comment.

19 A Let me answer.

20 The entirety of this transcript is what you
21 wanted to hear. And I was giving it in lieu of
22 financial incentive. To break this down paragraph by
23 paragraph, that's the answer to every paragraph.

24 Q Well, the first two paragraphs I read to you,
25 you said were accurate and truthful; right?

1 A Correct.

2 Q Okay. Did you just tell me that because
3 that's something I wanted to hear, or because it was
4 truthful?

5 MS. MATTHAI: Are you -- your question is
6 ambiguous as to are you asking when the tape was made?

7 MR. MOXON: Let me rephrase the question.

8 Q So some of these paragraphs you didn't have
9 any problem with telling me they were accurate;
10 correct? At least, you told me they were accurate.

11 A I'm going to say once again --

12 Q No, no.

13 MS. MATTHAI: Let him -

14 THE WITNESS: The entirety of this transcript
15 is what you wanted to hear and what you were paying me
16 or about to pay me money for. End of answer.

17 BY MR. MOXON:

18 Q You refuse to answer?

19 A Asked and answered.

20 MS. MATTHAI: You know, it may be that because
21 of the way the question is being phrased that
22 there's --

23 MR. MOXON: No, it's not. We don't need your
24 comments now.

25 MS. MATTHAI: I was going to try to help out,

1 but I guess you don't want that.

2 MR. MOXON: I don't need your coaching to the
3 witness.

4 MS. MATTHAI: I was going to try to coach you,
5 Mr. Moxon. Perhaps that was even a worse idea.

6 I think there may be some confusion by the way
7 it's phrased. That's all I was trying to tell you.
8 And I think you have run this --

9 BY MR. MOXON:

10 Q Let me ask you another question about this.

11 The bottom of page 7, quote, you stated, "You
12 know, it's like the inner workings of the Hasidic
13 things. Hidasa. And she" --

14 MS. MATTHAI: "Hadasha."

15 THE WITNESS: "Hadasha."

16 BY MR. MOXON:

17 Q You do know part of this. Okay. Back to it.

18 "Hidasa. And she had shown the will to a
19 couple of the high ranking members of Hidasa," end of
20 quote.

21 Is that something you wanted me to believe?
22 Or was that something you were actually stating
23 because --

24 A I repeat my previous answer once again for the
25 record, that the entirety of this transcript is what

1 you were -- offered and did pay me for, and this is
2 what you wanted to hear.

3 Q Okay. Now, is there some allegation about
4 Berry with Hadasha prior to this?

5 A Not to my knowledge.

6 Q So if I understand your testimony, you're --

7 A You asked --

8 Q -- not saying this transcript --

9 Just a minute.

10 A Go ahead.

11 Q You're not saying this transcript is all a
12 lie, is it? That everything you told me in this
13 interview in March of 1998 was a lie?

14 MS. MATTHAI: I'm going to object to that as
15 argumentative.

16 BY MR. MOXON:

17 Q Answer.

18 MS. MATTHAI: Excuse me --

19 MR. MOXON: I'm asking --

20 MS. MATTHAI: -- you're --

21 MR. MOXON: -- before -- since you're
22 interrupting me --

23 Q Let me ask you the question again,
24 Mr. Cipriano.

25 You're not saying that the entirety of

1 everything you said to me in March of '98 was a lie,
2 are you?

3 A That's not what I said. That wasn't my
4 answer.

5 Q So parts of -- at least parts of what you
6 said --

7 A My answer stands.

8 Q -- in this interview in March, 1998, you
9 believe were truthful; correct?

10 A My answer stands.

11 Q Let me repeat the question.

12 At least parts of what you told me which are
13 reflected in Exhibit 44 you intended to be truthful;
14 correct?

15 A My answer, once again, is the entirety of this
16 transcript, of this conversation, is --

17 Q Anything further? Do you refuse to answer
18 further?

19 A -- is what you wanted to hear and that you
20 paid for.

21 Q You refuse to answer further?

22 A That's my answer. I'm not refusing to respond
23 to this

24 Q We're done with it for the moment, but it's
25 going to have a long life.

1 we're testifying to here. And that is what this
2 deposition is about, as it pertains to Hurtado --

3 Q So --

4 A Let me finish.

5 Q Are you finished?

6 A Yes.

7 Q So how would anybody know -- looking at all
8 the declarations you've signed over the years, how
9 would anyone know, by looking at these declarations,
10 which are truthful and which aren't?

11 A I don't know how to answer how somebody would
12 know one way or the other.

13 Q I don't, either.

14 A As to my testimony, I know what the truth is;
15 I'm telling the truth here. And that's it.

16 Q So we know you've lied a lot in the past. We
17 should believe you today?

18 A When I'm put under duress and threatened and,
19 unfortunately, compensated many, many, many, many,
20 thousand dollars of dollars by one side, okay?

21 Q Then you lie?

22 A No. I can't answer. The questions yesterday
23 brought up the penalties of perjury, and so forth,
24 which I don't have a legal definition on and my own
25 competent counsel to represent me on. I'm certainly

1 not going to incriminate myself in a deposition, or not
2 incriminate myself, until I have full definitions and
3 am properly represented.

4 Q You say you would lie in a declaration to get
5 a ride from Malibu to Palm Springs; right?

6 A I did not say --

7 Q Would you lie in a declaration if you were
8 going from Malibu to Santa Monica? I mean, if you were
9 getting a free ride that far?

10 A I did not say that.

11 Q Well, I'm asking: Would you? If somebody
12 were to give you a free ride in an emergency from
13 Malibu to Santa Monica, would you still lie?

14 A I refuse to answer that.

15 Q Suppose the driver didn't take you all the way
16 to Palm Springs, and suppose the driver that picked you
17 up in Malibu -- where you claimed you were being held
18 hostage -- only took you as far as Riverside. Would
19 you have still lied then? Would that be enough?

20 MS. MATTHAI: I'm going to object.
21 Argumentative. You're harassing the witness at this
22 point.

23 BY MR. MOXON:

24 Q Answer.

25 A I object to the whole line of questioning. I

1 A I believe that I was not detailed or specific.

2 Q I agree with you. But that's not my question.

3 Were there any questions -- were there -- was
4 there any testimony that you gave, as you sit here now,
5 that you reasonably believe now was inaccurate?

6 A Yes.

7 Q What?

8 A I've asked that you go back to the exhibits
9 and the questions and I'll answer each question.

10 Q You know, we've spent two days doing that. I
11 can go back over some. But what are you talking about?
12 What area are you talking about where you believe you
13 gave inaccurate testimony?

14 A Regarding all questions that I remember of the
15 taped conversation -- you have the date there, the
16 exhibits -- Exhibit No. 44 -- there are a great many
17 parts of this, quote, unquote, attorney-client
18 privileged client meeting between Kendrick Moxon and
19 Robert Cipriano in which I made false statements. And
20 the false statements were made based on the incentive
21 of \$2,500 that you -- or calling your office on Monday
22 with regard to --

23 Q Just a minute.

24 A You've asked me a question.

25 Q All right. So this --

1 give me was what -- allegedly what I wanted to hear; in
2 fact, there were better answers; right?

3 MS. MATTHAI: Objection.

4 THE WITNESS: They weren't --

5 MS. MATTHAI: It misstates the testimony of
6 the witness.

7 BY MR. MOXON:

8 Q Answer.

9 A Mr. Moxon --

10 Q What?

11 A All I have said is that I wish to modify some
12 of the -- my answers to reflect more specific and
13 detailed and accurate responses.

14 Q So in March of 1998, when we had a taped
15 interview -- just reflecting on Exhibit 44; correct?

16 A That is correct.

17 Q -- you intentionally lied to me in that
18 transcript -- correct? -- told me things that were not
19 true?

20 A There are portions of this transcript that are
21 false, that I gave to you based on the Ingram threats
22 of 1994 and the incentive to have my bills and my car
23 payments taken care of that morning.

24 MR. MOXON: Move to strike everything after
25 the first sentence.

1 Q Now I'm going to try to ask you a question.
2 And see if you can answer without repeating this mantra
3 that you stick on the end of every answer; okay?

4 A The so-called mantra is the truth; so -

5 Q It's not the truth; so --

6 MS. MATTHAI: Mr. Moxon, please stop arguing
7 with the witness.

8 MR. MOXON: I'm not arguing, Ms. Matthai. If
9 you want to make an objection, make an objection.

10 MS. MATTHAI: I am asking, if nothing else --

11 MR. MOXON: If you --

12 MS. MATTHAI: -- for the sake of the court
13 reporter, for you to ask a question and allow the
14 witness to answer the question.

15 MR. MOXON: Ms. Matthai, if you had a modicum
16 of professionalism in this, and you wanted the
17 deposition to go right, you would tell the witness that
18 what the witness is supposed to do is answer the
19 question, not give an unresponsive answer. You know
20 exactly what you're doing.

21 Q Now, you intentionally lied to me,
22 Mr. Cipriano -- didn't you? -- when you gave me some of
23 the statements in March of 1998? Correct?

24 A I intentionally told falsehoods for the
25 purpose of your receiving what you wanted, and what you

1 were paying for.

2 Q Did I ever tell you, Mr. Cipriano, that you
3 ever should lie when I interviewed you in March, 1998?

4 A What you did, Mr. Moxon --

5 Q Answer my question. That's a "Yes" or "No."

6 A Which is the way you work, is you sit there
7 and you say, "What is it that you need? What is it
8 that you want with your life? What can I help you
9 with? How many car payments are you behind? How many
10 bills are you behind? I can help you with that. Call
11 my office on Monday. Now, do we understand each other?
12 Let's start the interview."

13 MR. MOXON: Move to strike. That's -- move to
14 strike. It's not responsive.

15 And just for the record --

16 THE WITNESS: That's the answer.

17 MR. MOXON: Just for the record --

18 THE WITNESS: That's the answer.

19 MR. MOXON: -- it's utterly untrue.

20 THE WITNESS: That's been the context of our
21 relationship since the beginning.

22 BY MR. MOXON:

23 Q You said you wanted to go through some of
24 these things again; so I'm asking you, point blank.
25 Answer my question or refuse to answer.

1 A I modified this answer to the portions of my
2 answer, being Exhibit 44, were falsehoods. Those
3 falsehoods were procured and paid for by you and
4 your --

5 Q Answer the question.

6 A -- P.I.

7 Q You got not a single penny prior to this
8 interview, did you?

9 A No. It followed in 24 hours.

10 Q That's what you claim.

11 A Let's subpoena Christine Gregos. She's the
12 one who received the money.

13 Q Under penalty of perjury, that's what you
14 claim?

15 A I do not know the definition of perjury. And
16 since you threatened me with it, I'm going to seek
17 counsel about it.

18 Q Good idea.

19 That means you tell the truth.

20 A If I am guilty of perjury, then you are, too,
21 buddy.

22 Q You claim you are receiving \$2,500, or a large
23 amount of money, for payment to some company within
24 24 hours of this March 2nd, 1997 interview?

25 A You said to call your office on Monday. You

1 made arrangements. I don't know exactly how many days
2 or how many hours it was thereafter that you had the
3 money wired into the account.

4 Q I ask you again, anyway. That's true?

5 A You even said at the time, "Let's not tell
6 anybody and let's not write up an agreement, because a
7 attorney should never give money to a client, never
8 loan any client money." You were very careful and said
9 that.

10 Q That's an absolute lie, since you're talking
11 about something I allegedly said to you.

12 But here's the question to you, Mr. Cipriano:
13 You knowingly lied to me, then, in March of 1998, when
14 you made statements to me concerning Graham Berry's
15 history; correct?

16 A Correct.

17 Q And you knowingly lied now, you're saying, on
18 the declaration you signed on June 16th, 2000, which
19 you signed under the penalty of perjury, and you put
20 your name to that -- you put your name to that knowing
21 you were lying?

22 A I signed that. And that is a total and
23 complete falsehood. I signed that in lieu of your
24 providing me and Dawn Renee Oates a ride home.

25 Q I never even talked to you about a