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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: CIVIL TERM : PART 24

-----X
ANONYMOUS,

Plaintiff,

-against-

Index No.
314860/2011

ANONYMOUS,

Defendant.

-----X
Bench Trial

New York Supreme Court
71 Thomas Street
New York, New York 10007
October 9, 2012

B E F O R E:

HON. ELLEN GESMER, Justice of the Supreme Court

A P P E A R A N C E S:

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60 Centre Street - Room 420
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Proceedings

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2 THE COURT OFFICER: Calling Index No. 314860 of
3 2011, in the matter of Anonymous versus Anonymous.

4 MS. COHEN: Harriet Newman Cohen and Paul C.
5 Kurland, Cohen Rabin Stine & Schumann, LLP, 7 Times Square,
6 38th Floor, New York, New York 10036, for Vedula Murti.

7 MS. STEINBERG: Karen Steinberg, 31 East 32nd
8 Street, Suite 300, New York, New York 10016, appearing as
9 guardian ad litem for the children.

10 MS. KALIA: Seema Kalia, appearing pro se, 251
11 West 92nd Street, Apartment 3E, New York, New York 10025.

12 MS. COHEN: When I may speak, Your Honor, I would
13 like permission.

14 MS. KALIA: As would I.

15 THE COURT: Just a minute.

16 Okay, Ms. Cohen.

17 MS. COHEN: Just in terms of housekeeping, with
18 respect to the ongoing trial, I would like to hand up to
19 the Court for the notebook of prior marked exhibits, a
20 supplement for the end of the judge's notebook, which are
21 premarked Exhibits 126 through 128, which are not yet in
22 evidence, premarked Exhibit 130, which is in evidence and
23 they're three-hole punched just for the sake of
24 completeness of your notebook.

25 I would also like to hand up a notebook called 2
26 of 2 and entitled Plaintiff's Exhibits, which is two

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2 premarked exhibits; one of them is the current temporary
3 order of protection, which expires today, which we will
4 need to have extended before the end of the day. That is
5 in here as Exhibit 132. And there is an exhibit premarked
6 Exhibit 131, which consists of 236 pages of emails from
7 Seema Kalia to us since the start of this trial, in
8 particular, since August 11th, but for the most part, since
9 August 22nd to date, those are supplementary premarked
10 exhibits.

11 THE COURT: They are supplementary, but not
12 consented to; is that correct, so they're premarked for
13 identification only?

14 MS. COHEN: Correct, Your Honor.

15 THE COURT: Okay.

16 MS. COHEN: In terms of my housekeeping, I would
17 like to reiterate that we need the TOP extended.

18 THE COURT: I got that.

19 MS. COHEN: That we would also like a ruling that
20 there are to be no more motions made by anybody, not by
21 Ms. Kalia and not by our side without permission of Your
22 Honor. We are --

23 THE COURT: I don't know what -- has there been a
24 motion made?

25 MS. COHEN: Yes, there have been three motions
26 made, three motions made, one to the Court of Appeals, one

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2 to the Appellate Division and one to the New York State
3 Supreme Court, all to stay the temporary custody order of
4 August 22nd.

5 THE COURT: I don't think there's any basis for
6 me to prevent anyone from seeking relief from a higher
7 court. And in terms of relief from me, she -- anybody
8 would have to bring by order to show -- I expect that any
9 applications would be made by order to show cause. So if
10 they're brought by order to show cause, then it requires --

11 MS. COHEN: It's not, Your Honor, it's a notice
12 of motion that was made to room 130. Our papers are due
13 shortly.

14 THE COURT: I will hear it in due time, but my
15 court rules express a strong preference of motions being
16 made by order to show cause. If it's made by notice of
17 motion, I will deal with it when it gets here.

18 MS. COHEN: Your Honor, then what we would like
19 to --

20 THE COURT: When is it returnable?

21 MS. COHEN: It is returnable on the 25th of
22 October. Our papers --

23 THE COURT: By that time it will be done.

24 MS. COHEN: Our papers are supposed -- there's a
25 timetable for papers. We do not want to have to respond to
26 a notice of motion which is asking for the same relief as

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2 is going on in this trial. It's a terrible waste of money,
3 of legal fees and of the Court's time. So we would like
4 that motion to be put over and if there is to be any papers
5 from us, Your Honor will indicate at some future time when
6 papers might be due. It's completely duplicative of what's
7 going on in this courtroom.

8 THE COURT: When is that application returnable?

9 MS. COHEN: In room 130. The application --

10 THE COURT: Do not interrupt me, please.

11 Okay, have you requested from Ms. Kalia an
12 adjournment of that? Have you discussed it with her?

13 MS. COHEN: I will ask -- I was away, I'm going
14 to ask Mr. Kurland to respond.

15 THE COURT: Have you discussed it with her?

16 MR. KURLAND: With Ms. Kalia?

17 THE COURT: Yes.

18 MR. KURLAND: No, I haven't, Your Honor.

19 THE COURT: Please don't ever ask me for
20 something before discussing it among yourselves.

21 MR. KURLAND: We've been requested by Ms. Kalia
22 in writing not to communicate with her, other than in
23 writing.

24 THE COURT: So why didn't you request in writing
25 that you adjourn the motion?

26 MR. KURLAND: Because I would like everything on

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2 the record with Ms. Kalia because of her --

3 THE COURT: If you put it in writing it will be
4 on the record. Why didn't you send her a letter saying we
5 would like to adjourn this?

6 Okay, in the future --

7 MR. KURLAND: Yes, Your Honor.

8 THE COURT: And always do not raise any issue
9 with me before raising it with your colleagues or
10 adversaries.

11 MS. KALIA: If I could explain this.

12 THE COURT: Ms. Kalia, just a moment.

13 Okay.

14 MS. KALIA: Can I speak to this point?

15 MS. COHEN: Yes, Ms. Kalia.

16 MS. KALIA: Mr. Kurland sent me an email
17 confirming they would be at the motion returnable
18 October 23rd, so I'm confused now about this change. I
19 have the email at home. I didn't know it was going to be
20 an issue. But if we can continue, I would like to move for
21 a continuance based on the fact that my counsel is not
22 here.

23 THE COURT: You don't have counsel.

24 MS. KALIA: I'm trying to retain counsel.

25 THE COURT: Okay, I am not adjourning the case in
26 the middle of the trial.

1 Proceedings

2 MS. KALIA: Well, then I would like --

3 THE COURT: I have given you many opportunities.

4 MS. KALIA: I would like to --

5 THE COURT: Do not speak over me.

6 This case was adjourned before for you at your
7 request. You had counsel, counsel was discharged. You had
8 plenty of time to get counsel. It has been almost a month
9 since we were last here. You knew the date.

10 Have you already retained counsel?

11 MS. KALIA: He can't obtain the Court file.

12 THE COURT: Yes, retain --

13 MS. KALIA: Conditional --

14 THE COURT: Excuse me --

15 MS. KALIA: Conditional --

16 THE COURT: Excuse me --

17 MS. KALIA: Conditional on getting the court
18 file --

19 THE COURT: No. Listen to me --

20 MS. KALIA: I don't know how to answer that.

21 THE COURT: Do not interrupt would be a good
22 start.

23 Have you retained counsel?

24 MS. KALIA: I have not signed a retainer
25 agreement.

26 THE COURT: Okay, then you have not retained

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2 counsel.

3 MS. KALIA: He can't. I need an order to get the
4 court file because Mr. Burke is not releasing it, so I can
5 return --

6 THE COURT: That's not how it works.

7 MS. KALIA: I'm sorry. I can't obtain the court
8 file so I can sign the retainer agreement. I need an order
9 for Mr. Burke to release the court file.

10 THE COURT: Okay, that's not how it works. If
11 your lawyer files a notice of appearance after you retain
12 him, then he can make a motion for the Court file, but
13 until he files an appearance, a notice of appearance, I
14 can't do anything for him.

15 So we will go forward today. Your lawyer, I'm
16 sure, is familiar with the process. Who is the person who
17 you're speaking with?

18 MS. KALIA: Thompson Campagna. And I would like
19 to file a motion to appeal your last decision.

20 THE COURT: You can file any motion you want, but
21 today we're going forward to trial. You had almost a month
22 since we were last here. Today we are proceeding with the
23 trial.

24 MS. KALIA: I would also like to submit --

25 THE COURT: Now, with regard to --

26 MS. KALIA: Some new documents --

1 Proceedings

2 THE COURT: With regard to --

3 MS. KALIA: -- regarding a motion for recusal.

4 THE COURT: Excuse me.

5 MS. KALIA: I would like to be heard --

6 THE COURT: Excuse me.

7 MS. KALIA: -- on a motion for you to recuse
8 yourself.

9 THE COURT: Excuse me. Just a moment. You may
10 not speak while I'm speaking.

11 With regard to your motion that is on in room 130
12 on October 24th, do you have a copy of that?

13 MS. KALIA: No, I do not.

14 MR. KURLAND: I have a copy of it, Your Honor, if
15 you would like to see it.

16 THE COURT: May I see it?

17 MR. KURLAND: Yes, Your Honor.

18 (Document was handed to the Court.)

19 MS. KALIA: The judge of the Appellate Division
20 confirmed in her order that that motion would go forward.
21 It says so in her order.

22 THE COURT: Do you have an copy of an order?

23 MS. KALIA: I didn't bring it because I didn't
24 think it was subject to today's proceeding.

25 MS. STEINBERG: Your Honor, I have the Appellate
26 Division's order.

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2 THE COURT: May I have that?

3 MS. STEINBERG: Yes.

4 (Document was handed to the Court.)

5 THE COURT: So this denied the application for a
6 stay of my temporary custody order.7 MS. KALIA: Subject to a three-person panel
8 deliberation on October 23rd.

9 MS. COHEN: I can't hear her, Your Honor.

10 THE COURT: Can you repeat that?

11 MS. KALIA: It says explicitly that this will be
12 heard before a three-person panel on October 23rd.

13 MR. KURLAND: Your Honor, if I may just --

14 THE COURT: Just a minute.

15 The order explicitly does not stay this hearing,
16 so we're going forward today.

17 MS. KALIA: I would like to make a motion to --

18 THE COURT: Excuse me. Excuse me.

19 With regard to the motion on October 24th, I'm
20 not going to do anything regarding that at this time. You
21 can make you application in that part. It is not before me
22 at this time.23 MS. KALIA: Your Honor, based on the evidence, I
24 would like to make a motion for you to recuse yourself.

25 THE COURT: That motion is denied.

26 MS. KALIA: I would like to submit the evidence

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1 into the record.

2 THE COURT: No, this is not an appropriate time
3 for that. You've made that motion, I had denied it
4 previously.
5

6 MS. KALIA: I have more information that's
7 pertinent to this proceeding.

8 THE COURT: Make your motion in writing. I am
9 not taking oral motion with regard to that at this time.

10 MS. KALIA: Okay.

11 THE COURT: Anything further?

12 MS. KALIA: Yes. Again, this is subject to the
13 legitimacy of this proceeding because I have now received
14 two letters from the Judicial Commission that your actions
15 are under review. I have also filed a criminal kidnapping
16 complaint against my opposing counsel, my ex-husband --

17 THE COURT: Slow down.

18 MS. KALIA: I was contacted by a prosecutor at
19 the Department of Justice who is investigating the matter
20 and said you would not recuse yourself because you would be
21 incriminating yourself for your involvement in this matter.

22 And there has been a liable claim that was filed
23 by Ms. Cohen in this matter regarding my action against
24 Trinity and Wachtell Lipton and Cy Vance, and it has now
25 been removed from the state court file, and I think given
26 the fact that there seems to be some federal intervention

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2 here, we should reconsider whether it's appropriate for you
3 to proceed, include those documents into evidence when
4 they're clearly the subject of a federal investigation, as
5 I have stated repeatedly in this proceeding.

6 THE COURT: Are you making an application to me
7 for some relief?

8 MS. KALIA: I would like you to recuse yourself.

9 THE COURT: That's denied. Anything else?

10 MS. KALIA: I would like this entire proceeding
11 to be nullified based on the fact there is an underlying
12 conflict and great interference with a federal
13 investigation currently with the DOJ.

14 THE COURT: That application is denied. Anything
15 further?

16 MS. KALIA: Yes. Ann Csydor and the children
17 have reported that they have been trying to reach
18 Ms. Steinberg for over a week. My son has reported abusive
19 behavior by my ex-husband and Ms. Steinberg has not
20 arranged to meet with the children. So I'm not comfortable
21 with her speaking with any regard to custody issues today
22 given the fact that new events have transpired.

23 The children are under great distress. They've
24 asked me, they've asked their babysitter --

25 THE COURT: Are you making an application?

26 MS. KALIA: Yes, I would like there to be a

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2 continuance until Ms. Csydor meets with the children.

3 THE COURT: That application is denied.

4 Mr. Murti was on the witness stand. We will
5 continue will redirect I believe unless you have finished
6 redirect.

7 MR. KURLAND: No, we have more redirect.

8 THE COURT: Okay, redirect.

9 Mr. Murti, please step up.

10 (Witness entered the witness stand.)

11 THE COURT: Mr. Murti, let me remind you that you
12 are still under oath.

13 THE WITNESS: Yes.

14 REDIRECT EXAMINATION (CONTINUED)

15 BY MR. KURLAND:

16 Q Good morning, Mr. Murti.

17 When you were examined by Ms. Kalia she asked you some
18 questions about an occasion where you left a vacation on
19 Martha's Vineyard and left your wallet and keys on Martha's
20 Vineyard. Would you tell the Court what happened on that day?

21 A Prior to that day my wife and I had an argument. This
22 was in context of while we were separated. She found out that
23 I had an affair with someone and that she became quite angry at
24 that.

25 I was in Martha's Vineyard and my wife basically took
26 my wallet, took my keys, took my Blackberry, took the internet

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)
2 connection, basically took everything in order to make sure
3 that I had no means of communication, nor any means to
4 possibly, you know, be able to function for work or any of
5 those types of things. Basically, it was the equivalent of
6 house arrest.

7 So on the day in question --

8 THE COURT: Which was when?

9 THE WITNESS: It would have been August something
10 or another. I don't recall the exact date.

11 Q Of which year?

12 A 2011.

13 On that date, when the babysitter came to watch my
14 son, cause my wife had taken our daughter --

15 MS. KALIA: Could I object? He has the wrong
16 year, it was 2010.

17 THE COURT: No, you may not object on that basis.
18 Overruled. And please don't interject in the middle of
19 testimony. You can object after a question or you may move
20 to strike at the end of the testimony, but you may not
21 interrupt in the middle of a portion of the testimony.

22 You were saying, when the babysitter came to look
23 after your son.

24 THE WITNESS: When the babysitter came to watch
25 over my son, I basically realized I had to get back to New
26 York City. Without any means of communication and under

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 the circumstances, I felt that my job was at jeopardy.

3 I was able to basically leave the house. I was
4 able to catch one of the local buses on Martha's Vineyard.
5 I was able to contact my office and arrange for Western
6 Union to provide me some cash, and without a phone, without
7 any ID and no other means, I was able to take the bus and I
8 was able to get back to New York and I was able to get to
9 work.

10 MS. KALIA: Move to strike. We were not on
11 Martha's Vineyard in 2011.

12 THE COURT: Denied.

13 MR. KURLAND: Your Honor, I would like at this
14 point to ask Ms. Kalia whether the documents that had been
15 previously marked on September 5th when the record was
16 stricken, and we have provided her with a transcript of
17 that day's testimony and provided her with the documents in
18 the binder, whether she consents to the admission of the
19 documents that were marked on that day.

20 MS. KALIA: I don't care what you do, this
21 proceeding is illegal.

22 THE COURT: Do you consent to the admission of
23 the documents which were marked into evidence on
24 September 5th.

25 MS. KALIA: Insofar as my position is this is an
26 illegal proceeding. He can do what he wants.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Okay, I'll take that as a no, so you
3 may wish to proceed.

4 MR. KURLAND: Okay. May I ask the court officer
5 to put those documents -- either give them to me so I could
6 show them to the witness one at a time or give them to the
7 witness, whichever you prefer, Your Honor.

8 THE COURT: You can just give them to the
9 witness.

10 MR. KURLAND: They're over there, I believe. It
11 starts with No. 63.

12 May I assist the court reporter since I think I
13 know where they are, Your Honor?

14 THE COURT: Court officer.

15 MR. KURLAND: Court officer, I'm sorry.

16 THE COURT: You may.

17 Q I would like to show you what has been marked for
18 identification as Exhibit 63.

19 (Document was handed to the witness.)

20 Q Do you have that in front of you?

21 A Yes, I do.

22 Q Do you recognize that document?

23 A Yes, I do.

24 Q What do you recognize it to be?

25 A An email from Seema Kalia to myself.

26 Q What was the date of the email?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 A October 27, 2011.

3 Q Did you receive the email on or about that day?

4 A Yes.

5 MS. STEINBERG: Your Honor, we offer Exhibit 63
6 into evidence.

7 THE COURT: Any objection?

8 MS. STEINBERG: No.

9 THE COURT: Any objection?

10 MS. KALIA: Yes.

11 THE COURT: What is the objection?

12 MS. KALIA: That the proceeding is illegal.

13 THE COURT: Do you wish to voir dire?

14 MS. KALIA: What do you mean? I don't care.

15 This whole thing is going to be nullified. Do what you
16 want.

17 THE COURT: Exhibit 63 is received in evidence.

18 (WHEREUPON, Plaintiff's Exhibit 63 was received
19 in evidence.)

20 THE COURT: Mr. Kurland, you may proceed.

21 MR. KURLAND: Okay.

22 (Document was handed to the witness.)

23 Q Mr. Murti, do you have in front of you Exhibit 67
24 marked for identification.

25 THE COURT: They were actually all marked into
26 evidence on September 5th, but we will deem them only

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 marked into evidence since that day's proceedings were
3 vacated, so it's essentially marked for identification.

4 MR. KURLAND: Yes, Your Honor.

5 MS. COHEN: Your Honor, I believe you misspoke
6 just now. Could Your Honor ask the court reporter to read
7 back what Your Honor just said?

8 THE COURT: Sure.

9 (The record is read by the reporter.)

10 THE COURT: Okay, deem them marked only for
11 identification.

12 MS. COHEN: Thank you.

13 Q I show you what's been marked for identification as
14 Exhibit 67. Do you recognize that document?

15 A Yes, I do.

16 Q What do you recognize it to be?

17 A An email from Seema Kalia to myself.

18 Q What's the date of the email?

19 A October 28, 2011.

20 Q And did you receive it on or about October 28, 2011?

21 A Yes.

22 MR. KURLAND: Your Honor, I offer Exhibit 67 into
23 evidence.

24 MS. STEINBERG: No objection.

25 THE COURT: Ms. Kalia, any objection?

26 MS. KALIA: I don't care what you do, this

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 proceeding is illegal.

3 THE COURT: Received in evidence.

4 (WHEREUPON, Plaintiff's Exhibit 67 was received
5 in evidence.)

6 MR. KURLAND: Your Honor, may I publish one line
7 of this?

8 THE COURT: No, we're not going to spend time on
9 that.

10 Q Mr. Murti, do you have before you Exhibit 87 marked
11 for identification?

12 A Yes, I do.

13 Q Do you recognize it?

14 A Yes, I do.

15 Q What do you recognize it to be?

16 A An email from Seema Kalia to myself.

17 Q What is the date of the email?

18 A Friday, May 7, 2010.

19 Q Could you keep your voice up, Mr. Murti?

20 A Yes.

21 Q And speak slowly.

22 Did you receive Exhibit 87 on or about May 7, 2010?

23 A Yes, I did.

24 MR. KURLAND: We offer Exhibit 87 into evidence.

25 THE COURT: Any objection?

26 MS. STEINBERG: No.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Ms. Kalia?

3 MS. KALIA: I don't care what you do, the
4 proceeding is illegal.

5 THE COURT: Plaintiff's 87 is received in
6 evidence.

7 (WHEREUPON, Plaintiff's Exhibit 87 was received
8 in evidence.)

9 Q Mr. Murti, I ask you to look at Exhibit 89 marked for
10 identification.

11 (Document was handed to the witness.)

12 Q Do you recognize that document?

13 A Yes, I do.

14 Q What do you recognize it to be?

15 A An email from Seema Kalia to myself.

16 Q What is the date of the email?

17 A Tuesday, June 15, 2010.

18 Q Did you receive it on or about Tuesday, June 15, 2010?

19 A Yes, I did.

20 MR. KURLAND: Your Honor, we offer Exhibit 89
21 into evidence.

22 THE COURT: Any objection?

23 MS. STEINBERG: No objection.

24 MS. KALIA: Do what you want, you're all under
25 investigation by the DOJ.

26 THE COURT: Plaintiff's 89 is received in

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 evidence.

3 (WHEREUPON, Plaintiff's Exhibit 89 was received
4 in evidence.)

5 Q Mr. Murti, I show you what has been previously marked
6 as Exhibit 90 for identification.

7 (Document was handed to the witness.)

8 Q Do you recognize that document?

9 A Yes, I do.

10 Q What do you recognize it to be?

11 A An email from Seema Kalia to myself.

12 Q What is the date of the email?

13 A Tuesday, July 13, 2010.

14 Q Did you receive that document, Exhibit 90, on or about
15 July 13, 2010?

16 A Yes.

17 MR. KURLAND: Your Honor, we offer Exhibit 90 in
18 evidence.

19 MS. STEINBERG: No objection.

20 THE COURT: Ms. Kalia?

21 MS. KALIA: Why don't we ask Cy Vance?

22 THE COURT: Do you have any objection to that
23 document coming into evidence?

24 MS. KALIA: I think we should ask Cy Vance.

25 MS. COHEN: Your Honor, I can't hear her.

26 THE COURT: Do you have any objection, yes or no?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MS. KALIA: I object to the fact that this
3 proceeding is illegal and none of it should be happening.

4 THE COURT: Plaintiff's Exhibit 90 is received in
5 evidence.

6 (WHEREUPON, Plaintiff's Exhibit 90 was received
7 in evidence.)

8 Q Mr. Murti, I show you what has been marked as Exhibit
9 91 for identification.

10 (Document was handed to the witness.)

11 A Yes.

12 Q Do you recognize that document?

13 A Yes, I do.

14 Q What do you recognize it to be?

15 A An email from Seema Kalia to my cousin and to my work
16 associates.

17 Q And did you receive it on or about July 20, 2010?

18 A Yes, I did.

19 MR. KURLAND: Your Honor, I offer Exhibit 91 into
20 evidence.

21 MS. STEINBERG: No objection.

22 THE COURT: Ms. Kalia?

23 MS. KALIA: My position is this proceeding is
24 illegal.

25 THE COURT: Plaintiff's Exhibit 91 is received in
26 evidence.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MR. KURLAND: Your Honor, I also point out that
3 this document was admitted the last time we were here on
4 the 12th.

5 THE COURT: Please try not to repeat yourself or
6 to offer documents which are already received. I have very
7 limited trial time.

8 MR. KURLAND: Yes, Your Honor.

9 Your Honor, I place before Mr. Murti Exhibit
10 No. 122.

11 (Document was handed to the witness.)

12 THE COURT: Do you have it?

13 MR. KURLAND: It's a large group of documents.

14 THE COURT: Do you have it, Mr. Murti?

15 THE WITNESS: Yes, I do.

16 Q Do you recognize those documents, Mr. Murti?

17 A Yes, I do.

18 Q What do you recognize them to be?

19 A A sequence of emails dating back from February 2010
20 from Seema Kalia to myself.

21 MR. KURLAND: Your Honor, we offer those
22 documents within Exhibit 122 that were from Seema Kalia
23 rather than the ones that are responses to Seema Kalia.

24 THE COURT: Well, can you put the ones which
25 you're offering so we know what document it is that you're
26 offering or are they in a string?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MR. KURLAND: They're in a long string of emails.

3 THE COURT: Okay. Are you going to cross out the
4 ones that you're not offering?

5 MR. KURLAND: I think we --

6 THE COURT: I want the record to be clear.

7 MR. KURLAND: Okay, we'll cross them out if
8 they're not crossed out already.

9 THE COURT: Okay, fine.

10 MS. STEINBERG: No objection.

11 THE COURT: Are you finished questioning?

12 MR. KURLAND: Yes.

13 THE COURT: Any objection, Ms. Steinberg?

14 MS. STEINBERG: No.

15 THE COURT: Any objection, Ms. Kalia?

16 MS. KALIA: Yes, because this proceeding is
17 illegal.

18 THE COURT: Is that your only objection?

19 MS. KALIA: No, I think it's probably irrelevant.

20 THE COURT: Any other objection?

21 MS. KALIA: That you shouldn't be presiding when
22 you're under federal investigation.

23 THE COURT: Plaintiff's Exhibit 122 is received
24 in evidence.

25 (WHEREUPON, Plaintiff's Exhibit 122 was received
26 in evidence.)

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MR. KURLAND: Your Honor, would the court officer
3 please place in front of Mr. Murti Exhibit 125, part one
4 and part two?

5 (Documents were handed to the witness.)

6 Q Mr. Murti, do you recognize those documents?

7 A Yes, I do.

8 Q What do you recognize them to be?

9 A This is an order of protection for myself and my
10 children from Seema Kalia.

11 MR. KURLAND: Your Honor, these are the two
12 orders that Your Honor issued, the first one on
13 August 24th, the second one on August 29th. We offer them
14 into evidence.

15 THE COURT: Any objection?

16 MS. STEINBERG: No.

17 THE COURT: Any objection?

18 MS. KALIA: Yes, this proceed is illegal. You're
19 under federal investigation, you shouldn't be presiding.

20 THE COURT: Any other grounds?

21 MS. KALIA: This is all ridiculous and
22 irrelevant.

23 THE COURT: Overruled. Plaintiff's Exhibit 125
24 is received in evidence.

25 (WHEREUPON, Plaintiff's Exhibit 125 was received
26 in evidence.)

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MR. KURLAND: Would you please place in front of
3 Mr. Murti Exhibit 4, please?

4 (Document was handed to the witness.)

5 Q Mr. Murti, do you recognize Exhibit 4?

6 A Yes, I do.

7 Q What do you recognize it to be?

8 A My daughter Lola's third grade report card.

9 MR. KURLAND: Your Honor, I offer Exhibit 4 into
10 evidence.

11 THE COURT: Any objection?

12 MS. STEINBERG: I have no objection.

13 THE COURT: Any objection?

14 MS. KALIA: I don't care what you do.

15 THE COURT: Received in evidence.

16 (WHEREUPON, Plaintiff's Exhibit 4 was received in
17 evidence.)

18 MR. KURLAND: Would you place before the witness
19 Exhibit 5 for identification?

20 (Document was handed to the witness.)

21 Q Do you recognize Exhibit 5, Mr. Murti?

22 A Yes, I do.

23 Q What do you recognize it to be?

24 A My son Dravin's kindergarten report card.

25 MR. KURLAND: Your Honor, we offer Exhibit 5 into
26 evidence.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MS. STEINBERG: No objection.

3 THE COURT: Any objection, Ms. Kalia?

4 MS. KALIA: I don't care what you do. You people
5 look ridiculous.

6 THE COURT: Plaintiff's Exhibit 5 is received in
7 evidence.

8 (WHEREUPON, Plaintiff's Exhibit 5 was received in
9 evidence.)

10 MR. KURLAND: Would you place before the witness
11 Exhibit 123?

12 (Document was handed to the witness.)

13 THE COURT: Question?

14 Q Do you recognize Exhibit 123, Mr. Murti?

15 A Yes, I do.

16 Q Can you tell the Court what you recognize it to be?

17 A These are a package of emails that concern my wife's
18 communications with the Trinity School.

19 MR. KURLAND: Your Honor, we offer Exhibit 123
20 into evidence with respect to the emails sent by Ms. Kalia.
21 The other ones are part of the string of emails back and
22 forth. I offer those into evidence.

23 MS. KALIA: This time I object based on the fact
24 that these documents were removed by federal investigators
25 from the court record for the purposes of a secret
26 investigation. And given that, I know you don't believe

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)
2 that the IRS applies in your courtroom, I don't believe
3 it's appropriate to be putting evidence from a civil
4 proceeding in a federal investigation into a divorce trial.

5 THE COURT: All right, that objection is
6 overruled.

7 Ms. Steinberg?

8 MS. STEINBERG: No objection.

9 THE COURT: Plaintiff's Exhibit 123 is received
10 in evidence over objection.

11 (WHEREUPON, Plaintiff's Exhibit 123 was received
12 in evidence.)

13 MR. KURLAND: Would you place before the witness,
14 please, Exhibit 7 for identification?

15 (Document was handed to the witness.)

16 Q Do you recognize Exhibit 7?

17 A Yes, I do.

18 Q What do you recognize it to be?

19 A An email from Seema Kalia to myself, my attorney
20 Harriet Cohen, and to her previous attorney, to the Court and
21 to our primary babysitter and to the court appointed forensic
22 psychiatrist.

23 Q What is the date of the email?

24 A Thursday, August 23rd.

25 Q Of which year?

26 THE COURT: What is the number?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT OFFICER: 7.

3 A Year 2012.

4 MR. KURLAND: Your Honor, we offer Exhibit 7 for
5 identification into evidence.

6 MS. STEINBERG: I have no objection.

7 THE COURT: Any objection, Ms. Kalia?

8 MS. KALIA: Yes, my objection is the same, that
9 this proceeding is illegal and we're wasting everyone's
10 time.

11 THE COURT: Plaintiff's Exhibit 7 is received in
12 evidence.

13 (WHEREUPON, Plaintiff's Exhibit 7 was received in
14 evidence.)

15 THE COURT: Can I see that?

16 (Document was handed to the Court.)

17 THE COURT: Go ahead.

18 MR. KURLAND: Madame Court Officer, would you
19 place Exhibit 8 in front of the witness, please, for
20 identification?

21 (Document was handed to the witness.)

22 Q Mr. Murti, do you recognize Exhibit 8?

23 A Yes.

24 Q What do you recognize it to be?

25 A An email from Seema Kalia to myself and to my attorney
26 and to her attorney, to the Court and to my babysitter.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 Q What is the date on the email?

3 A Wednesday, August 22nd.

4 Q Which year?

5 A 2012.

6 Q When I ask you a date, would you give the year as
7 well, please?

8 A Yes.

9 MR. KURLAND: Your Honor, we offer --

10 Q Did you receive this email on or about August 22nd?

11 A Yes.

12 MR. KURLAND: Your Honor, we offer Exhibit 8 into
13 evidence.

14 MS. STEINBERG: No objection.

15 THE COURT: Ms. Kalia?

16 MS. KALIA: Same objection, this proceeding is
17 illegal and this is a waste of time and resources.

18 THE COURT: Plaintiff's Exhibit 8 is received in
19 evidence.

20 (WHEREUPON, Plaintiff's Exhibit 8 was received in
21 evidence.)

22 MR. KURLAND: Would you please place before
23 Mr. Murti Exhibit 9 for identification?

24 (Document was handed to the witness.)

25 Q Do you recognize Exhibit 9?

26 A Yes, I do.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 Q What do you recognize it to be?

3 A An email from Seema Kalia to myself, to the Court, to
4 my attorney and to her previous attorney.

5 Q What is the date of the email?

6 A Wednesday, August 22, 2012.

7 Q Did you receive it on or about that time?

8 A Yes.

9 MR. KURLAND: Your Honor, we offer Exhibit 9 into
10 evidence.

11 MS. STEINBERG: No objection.

12 THE COURT: Ms. Kalia?

13 MS. KALIA: Same objection, this proceeding is
14 illegal.

15 THE COURT: Plaintiff's Exhibit 9 is received in
16 evidence over objection.

17 (WHEREUPON, Plaintiff's Exhibit 9 was received in
18 evidence.)

19 Q I show you what has been marked as Exhibit 10
20 for identification.

21 (Document was handed to the witness.)

22 Q Mr. Murti, do you recognize Exhibit 10?

23 A Yes, I do.

24 Q What do you recognize it to be?

25 A An email from Seema Kalia to myself, to my lawyer, to
26 the Court and to her previous attorney and to the court

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 appointed forensic psychiatrist.

3 Q What is the date on the email?

4 A Wednesday, August 22, 2012.

5 Q Did you receive it on or about that day?

6 A Yes.

7 MR. KURLAND: Your Honor, we offer Exhibit 10
8 into evidence.

9 MS. STEINBERG: No objection.

10 THE COURT: Ms. Kalia?

11 MS. KALIA: Same objection, the proceeding is
12 illegal given that you're under federal investigation.

13 THE COURT: Overruled. Plaintiff's Exhibit 10 is
14 received in evidence.

15 (WHEREUPON, Plaintiff's Exhibit 10 was received
16 in evidence.)

17 MR. KURLAND: Twelve.

18 Q Mr. Murti, I show you what has been previously marked
19 as Exhibit 12 for identification.

20 (Document was handed to the witness.)

21 Q Do you recognize that document?

22 A Yes, I do.

23 Q What do you recognize it to be?

24 A An email from Seema Kalia to her attorney, to myself
25 and to my attorney.

26 Q What is the date on Exhibit 12?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 A Monday, August 20, 2012.

3 Q Did you receive it on or about that day?

4 A Yes.

5 MR. KURLAND: Your Honor, we offer Exhibit 12
6 into evidence.

7 MS. STEINBERG: I have no objection.

8 THE COURT: Ms. Kalia?

9 MS. KALIA: Same objection, you're under federal
10 investigation, you shouldn't be presiding.

11 THE COURT: Overruled. Plaintiff's Exhibit 12 is
12 received in evidence.

13 (WHEREUPON, Plaintiff's Exhibit 12 was received
14 in evidence.)

15 MR. KURLAND: Would the court officer please
16 place Exhibit 13 before the witness?

17 (Document was handed to the witness.)

18 Q Mr. Murti, do you recognize Exhibit 13?

19 A Yes, I do.

20 Q What do you recognize it to be?

21 A An email from Seema Kalia to myself and a variety of
22 individuals.

23 THE COURT: What is the date? Perhaps when you
24 identify you can just tell us the date.

25 THE WITNESS: Sunday, July 22, 2012.

26 Q Did you receive that document on or about that day?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 A Yes, I did.

3 MR. KURLAND: We offer Exhibit 13 into evidence.

4 THE COURT: Ms. Steinberg?

5 MS. STEINBERG: No objection.

6 THE COURT: Ms. Kalia?

7 MS. KALIA: Same objection, Judge Gesmer is under
8 investigation and should not be presiding.

9 THE COURT: Overruled. Plaintiff's Exhibit 13 is
10 received in evidence.

11 (WHEREUPON, Plaintiff's Exhibit 13 was received
12 in evidence.)

13 Q Mr. Murti, I show you what has been marked as Exhibit
14 14 for identification.

15 (Document was handed to the witness.)

16 Q Do you recognize that document?

17 A Yes, I do.

18 Q Do you see a date when it was printed from the
19 internet?

20 A Yes, this document was printed on August 17, 2012, and
21 this is a posting that my wife placed on the internet trying to
22 raise funds for a book she claimed she was in the process of
23 writing.

24 Q Did you see this on the internet?

25 A Yes, and also, she sent it to me via email as well.

26 MR. KURLAND: Your Honor, I offer Exhibit 14 into

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 evidence.

3 MS. STEINBERG: No objection.

4 MS. KALIA: I would like to clarify, the book is
5 sold, it is being written.

6 THE COURT: Do you have an objection to this
7 document being admitted into evidence?

8 MS. KALIA: It's out of date.

9 THE COURT: Do you have any objection to this
10 document being received in evidence?

11 MS. KALIA: Same as before, you shouldn't be
12 presiding, you're under investigation.

13 THE COURT: Overruled. Plaintiff's Exhibit 14 is
14 received in evidence.

15 (WHEREUPON, Plaintiff's Exhibit 14 was received
16 in evidence.)

17 Q I show you what has been marked as Exhibit 15.

18 (Document was handed to the witness.)

19 Q Do you recognize Exhibit 15?

20 A Yes, this is an email that was sent by Seema Kalia to
21 myself, to my previous attorney, to her attorney on Tuesday,
22 July 31, 2012.

23 Q Did you receive it on or about that day?

24 A Yes.

25 MR. KURLAND: We offer Exhibit 15 into evidence.

26 MS. STEINBERG: No objection.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Ms. Kalia?

3 MS. KALIA: Judge Gesmer is under investigation
4 and should not be presiding. This entire proceeding is
5 illegal.

6 THE COURT: Plaintiff's Exhibit 15 is received in
7 evidence over objection.

8 (WHEREUPON, Plaintiff's Exhibit 15 was received
9 in evidence.)

10 MR. KURLAND: Would you place Exhibit 18 before
11 the witness, please, Court Officer?

12 (Document was handed to the witness.)

13 Q Do you recognize Exhibit 18, Mr. Murti?

14 A Yes, I do.

15 Q What is the date and what do you recognize it to be?

16 A This is an email from my previous attorney to Harriet
17 Cohen, and Seema Kalia sent that previously. This is an email
18 from Seema Kalia to myself that I sent to my previous attorney
19 that was forwarded to my current attorney, and that was on
20 Monday, August 6, 2012.

21 Q What is the date of the email from Ms. Kalia?

22 A June 20, 2012.

23 MR. KURLAND: Your Honor, we offer Exhibit 18
24 into evidence.

25 MS. STEINBERG: No objection.

26 MS. KALIA: Same objection, Judge Gesmer is under

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 federal investigation and should not be presiding. The
3 entire proceeding is illegal.

4 THE COURT: Plaintiff's Exhibit 18 is received in
5 evidence over objection.

6 (WHEREUPON, Plaintiff's Exhibit 18 was received
7 in evidence.)

8 MR. KURLAND: Exhibit 27, please.

9 (Document was handed to the witness.)

10 Q Do you recognize Exhibit 27?

11 A Yes, I do. It's an email from Seema Kalia to myself,
12 to my previous attorney and to her previous attorney dated
13 Friday, August 3, 2012.

14 Q Did you receive it on or about that day?

15 A Yes.

16 MR. KURLAND: We offer Exhibit 27 into evidence.

17 THE COURT: Ms. Steinberg?

18 MS. STEINBERG: I have no objection.

19 THE COURT: Ms. Kalia?

20 MS. KALIA: I would still like a right to counsel
21 given that you're under federal investigation. I don't
22 feel comfortable representing myself pro se. I would like
23 to revisit the issue of why I can't have counsel here.

24 THE COURT: You have every right to have brought
25 counsel, but you chose not to do that.

26 MS. KALIA: That was before I knew you were under

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 federal investigation, and which I can prove. And now that
3 the matter has gotten much more complicated, I don't think
4 I should be required to represent myself. The
5 circumstances have changed since I chose to represent
6 myself.

7 I'm here against my will. I'm here under
8 objection. I'm here only because you threatened to
9 incarcerate me previously if I filed motions on my behalf.

10 THE COURT: I never threatened to incarcerate
11 you.

12 MS. KALIA: Ms. Harounian indicates that you did
13 and I have proof that you did.

14 THE COURT: Could you repeat your last sentence?

15 MS. KALIA: I have proof that you did. Jackie
16 Harounian will swear to a statement that you have
17 threatened me illegally, you threatened to incarcerate me.
18 Just like you criminally affected my children until I
19 released your friend Cy Vance and your people at Wachtell
20 from this --

21 THE COURT: You have to slow down.

22 MS. KALIA: -- Wachtell Lipton and Cy Vance from
23 the criminal investigation, which is not for me to do cause
24 now you are all under investigation.

25 Now that I know this, I don't feel comfortable
26 representing myself pro se. It's a complete denial of my

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 rights to ask me to handle such a legally complicated --

3 THE COURT: Please slow down, Ms. Kalia.

4 MS. KALIA: It's completely inappropriate for you
5 to require me in these changed circumstances to represent
6 myself where you know you were under investigation and I am
7 not equipped legally and technically and professionally to
8 handle such a complicated scenario.

9 This is a waste of time. It is a waste of
10 energy. It has to be dealt with at a very high level and
11 this proceeding is a farce and it's a complete lack of
12 respect for the legal process.

13 THE COURT: Plaintiff's Exhibit 27 is received in
14 evidence over objection.

15 MS. KALIA: I can do this all day if you insist,
16 but I'm not here willingly.

17 THE COURT: We will continue to do the trial all
18 day. If you choose not to be here, that's your choice.

19 MS. KALIA: I know because there's no Federal Law
20 in your courtroom, the Tax Law doesn't apply here, I know.

21 THE COURT: Continue.

22 (WHEREUPON, Plaintiff's Exhibit 27 was received
23 in evidence.)

24 MR. KURLAND: I would like to show the witness
25 Plaintiff's Exhibit 33 for identification.

26 (Document was handed to the witness.)

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 Q Do you recognize Exhibit 33?

3 A Yes, I do. This is an email dated May 17, 2012 that
4 was originally written from my wife and then the response on
5 top is from my previous attorney.

6 Q Did you see it on or about May 17, 2012?

7 A Yes, I did.

8 MR. KURLAND: Your Honor, we offer Exhibit 33
9 into evidence.

10 MS. STEINBERG: No objection.

11 THE COURT: Ms. Kalia?

12 MS. KALIA: I'm here under protest for fear of
13 the legal retaliation and threatened incarceration and I
14 object to this entire proceeding, as you are under federal
15 investigation.

16 THE COURT: Plaintiff's Exhibit -- any other
17 grounds?

18 MS. KALIA: I would like to be represented by
19 counsel.

20 THE COURT: You have every right to be
21 represented by counsel. You didn't bring counsel here with
22 you today.

23 MS. KALIA: I would like a motion to have my file
24 released to my counsel so I can sign a retainer.

25 THE COURT: If you want to make a motion, that's
26 fine. I have not received any written motions from you.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MS. KALIA: I made an oral motion, I would like
3 it addressed.

4 THE COURT: I'm not addressing your oral motions.
5 If you wish to make a motion on papers, then we'll address
6 it.

7 MS. KALIA: I can't draft papers because I don't
8 have counsel.

9 MS. COHEN: There are many people -- we have an
10 office for the unrepresented --

11 MS. KALIA: Fine. Can we take a continuance?

12 THE COURT: The office --

13 MS. KALIA: I would like --

14 THE COURT: You cannot speak.

15 THE COURT OFFICER: You have to wait until the
16 judge finishes.

17 THE COURT: We have an office for the
18 unrepresented. You had full access to that. As to
19 unrepresented people, many unrepresented people with a far
20 less education than you do are able to file motions.

21 MS. KALIA: Many are not appearing before judges
22 that are under --

23 THE COURT: Excuse me.

24 MS. KALIA: -- federal investigation.

25 THE COURT: Excuse me. I understand that you
26 have a legal degree from Canada. So I understand that you

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 are very well educated.

3 I have not received a written motion from you. I
4 will only rule on written motions.

5 MS. KALIA: I would like a continuance so I can
6 file a written motion.

7 THE COURT: That's denied.

8 What is your position with regard to Plaintiff's
9 Exhibit 33 for identification?

10 MS. KALIA: That this proceeding is illegal, you
11 should not be presiding and I'm here under duress and I'm
12 here under protest.

13 THE COURT: Plaintiff's Exhibit 33 is received in
14 evidence.

15 (WHEREUPON, Plaintiff's Exhibit 33 was received
16 in evidence.)

17 MR. KURLAND: Could you please place Exhibit 34
18 in front of Mr. Murti?

19 (Document was handed to the witness.)

20 Q Do you recognize Exhibit 34, Mr. Murti?

21 A Yes, this is an email from Seema Kalia to my wife that
22 was sent to me on October 6, 2011.

23 Q Did you receive it on or about that date?

24 MR. KURLAND: Your Honor, I would like to move
25 Exhibit 34 into evidence.

26 MS. STEINBERG: No objection.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Ms. Kalia?

3 MS. KALIA: I would like to make a motion to have
4 counsel representing me here.

5 THE COURT: I will certainly consider it.

6 MS. KALIA: I would like to seek a continuance so
7 I can file --

8 THE COURT: Excuse me. I will certainly consider
9 any motion on papers.

10 MS. KALIA: I would like to seek a continuance so
11 I can file papers.

12 MS. COHEN: We have had four weeks since we were
13 last here. You had plenty of time to make any motion you
14 chose to. I am not adjourning this proceeding. In fact,
15 the Appellate Division even considered your application
16 that I stay this proceeding and denied that application. I
17 am not staying this application.

18 What is your position with regard to Plaintiff's
19 Exhibit 34?

20 MS. KALIA: That this entire proceeding is
21 illegal and you're wasting the Court's resources. You
22 should not be presiding and you know it.

23 THE COURT: Plaintiff's Exhibit 34 is received in
24 evidence over objection.

25 (WHEREUPON, Plaintiff's Exhibit 34 was received
26 in evidence.)

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Mr. Kurland.

3 MR. KURLAND: Yes. I would like to show the
4 witness Exhibit 43 for identification.

5 (Document was handed to the witness.)

6 Q Do you recognize Exhibit 43, Mr. Murti?

7 A Yes, I do. It's an email from Seema Kalia to myself
8 dated Wednesday, August 17, 2011.

9 Q Did you receive it on or about that date?

10 A Yes, I did.

11 MR. KURLAND: We offer Exhibit 43 into evidence.

12 MS. STEINBERG: No objection.

13 THE COURT: Ms. Kalia?

14 MS. KALIA: I'm objecting because you're under
15 investigation by the Commission on Judicial Conduct and you
16 should not be proceeding and you know that. This entire
17 proceeding is illegal and inappropriate and I think you
18 should recuse yourself.

19 THE COURT: Plaintiff's Exhibit 43 received in
20 evidence over objection.

21 (WHEREUPON, Plaintiff's Exhibit 43 was received
22 in evidence.)

23 MR. KURLAND: Would you please place in front of
24 the witness Exhibit 44?

25 (Document was handed to the witness.)

26 Q Mr. Murti, do you recognize Exhibit 44?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 A Yes, I do.

3 Q What do you recognize it to be?

4 A An email from Seema Kalia to myself on Wednesday,
5 August 17 2011.

6 Q Did you receive it on or about that day?

7 A Yes, I did.

8 MR. KURLAND: Your Honor, we offer Exhibit 44
9 into evidence.

10 MS. STEINBERG: No objection.

11 THE COURT: Ms. Kalia?

12 MS. KALIA: I object to this proceeding because
13 it's illegal and you know it.

14 THE COURT: The objection is overruled.
15 Plaintiff's Exhibit 44 is received in evidence. I would
16 also like to point out that Exhibit 44 specifically states
17 that it includes an email from the U.S. Attorney
18 Mr. Bharara stating that a federal investigation by this
19 office is not warranted at this time.

20 MS. KALIA: What is date on that email?

21 THE COURT: August 17, 2011.

22 MS. KALIA: I think there has been a new
23 investigation opened since that.

24 THE COURT: This is not time for you to testify.

25 MS. KALIA: Well, I'm objecting to the
26 irrelevance and inaccuracy of the document.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Overruled. Plaintiff's 44 is in
3 evidence.

4 (WHEREUPON, Plaintiff's Exhibit 44 was received
5 in evidence.)

6 MR. KURLAND: Would you please place in front of
7 Mr. Murti Exhibit 47 for identification?

8 (Document was handed to the witness.)

9 Q Mr. Murti, do you recognize Exhibit 47?

10 A Yes, I do.

11 Q What do you recognize it to be?

12 A An email from Seema Kalia to myself on August 17,
13 2011.

14 Q And did you receive it on or about that time?

15 A Yes.

16 MR. KURLAND: Your Honor, we offer Exhibit 47
17 into evidence.

18 MS. STEINBERG: No objection.

19 THE COURT: Ms. Kalia?

20 EUFRPBLGTS: This entire thing is a farce. I
21 object to all of it. I don't want to participate in it.
22 It is beneath me and it should be beneath all of you.

23 THE COURT: Plaintiff's Exhibit 47 received in
24 evidence.

25 (WHEREUPON, Plaintiff's Exhibit 47 was received
26 in evidence.)

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Does somebody have their phone on?
3 Turn off your phone, please.

4 MS. KALIA: I'm trying to communicate with my
5 lawyer about what to do in this impossible situation
6 because I'm afraid of being incarcerated by you. So if I
7 turn off my phone I will really have no legal
8 representation.

9 THE COURT: I'm directing you to turn off your
10 phone.

11 MS. KALIA: Okay, is that on the record?

12 THE COURT: I just said it.

13 Mr. Kurland, you may continue.

14 MR. KURLAND: I would like to show the witness
15 what has been marked as Exhibit 48 for identification.

16 (Document was handed to the witness.)

17 Q Mr. Murti, do you recognize Exhibit 48?

18 A Yes, this is an email from Seema Kalia to myself on
19 August 17, 2011.

20 Q Did you receive it on or about that day?

21 A Yes.

22 MR. KURLAND: Your Honor, we offer Exhibit 48
23 into evidence.

24 MS. STEINBERG: No objection.

25 THE COURT: Ms. Kalia?

26 MS. KALIA: I object to the entire proceeding.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Plaintiff's Exhibit 48 is received in
3 evidence over objection.

4 (WHEREUPON, Plaintiff's Exhibit 48 was received
5 in evidence.)

6 Q Mr. Murti, I ask you to look at Exhibit 50 for
7 identification.

8 (Document was handed to the witness.)

9 Q Do you recognize Exhibit 50, Mr. Murti?

10 A Yes, I do.

11 Q What do you recognize it to be?

12 A An email from Seema Kalia to myself on August 19,
13 2011.

14 Q Did you receive it on or about that day?

15 A Yes.

16 MR. KURLAND: We offer Exhibit 50 into evidence.

17 MS. STEINBERG: No objection.

18 THE COURT: Ms. Kalia?

19 MS. KALIA: I'm objecting that what a disgrace
20 this is. I can't believe I'm sitting here doing this with
21 you.

22 THE COURT: Plaintiff's Exhibit 50 is received in
23 evidence over objection.

24 (WHEREUPON, Plaintiff's Exhibit 50 was received
25 in evidence.)

26 MR. KURLAND: Would you please place in front of

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 the witness Exhibit 51?

3 (Document was handed to the witness.)

4 Q Do you recognize Exhibit 51, Mr. Murti?

5 A Yes, I do.

6 Q What do you recognize it to be?

7 A An email from Seema Kalia to myself on August 29,

8 2011.

9 Q Did you receive it on or about that day?

10 A Yes, I did.

11 MR. KURLAND: Your Honor, we offer Exhibit 51
12 into evidence.

13 MS. STEINBERG: No objection.

14 THE COURT: Ms. Kalia?

15 MS. KALIA: Same objection, the entire proceeding
16 is illegal and I'm here without the right to counsel.

17 THE COURT: Plaintiff's Exhibit 51 is received in
18 evidence over objection.

19 (WHEREUPON, Plaintiff's Exhibit 51 was received
20 in evidence.)

21 MR. KURLAND: Would you please place in front of
22 the witness Exhibit 52?

23 (Document was handed to the witness.)

24 Q Mr. Murti, do recognize Exhibit 52?

25 A Yes, I do.

26 Q What do you recognize it to be?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 A An email from Seema Kalia to myself on August 29,
3 2011.

4 Q Did you receive it on or about that time?

5 A Yes, I did.

6 MR. KURLAND: Your Honor, we offer Exhibit 52
7 into evidence.

8 MS. STEINBERG: No objection.

9 THE COURT: Ms. Kalia?

10 MS. KALIA: I object that this proceeding is
11 illegal and I don't have the right to counsel.

12 THE COURT: Overruled. Plaintiff's Exhibit 52 is
13 received in evidence.

14 (WHEREUPON, Plaintiff's Exhibit 52 was received
15 in evidence.)

16 Q I show you what has been marked as Exhibit 53,
17 Mr. Murti.

18 (Document was handed to the witness.)

19 Q Do you recognize Exhibit 53?

20 A Yes, I do.

21 Q What do you recognize it to be?

22 A An email from Seema Kalia to myself on June 9, 2011.

23 Q Did you receive it on or about that time?

24 MR. KURLAND: Your Honor, we offer Exhibit 53
25 into evidence.

26 MS. STEINBERG: No objection.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Ms. Kalia?

3 MS. KALIA: Same objection, you shouldn't be
4 presiding when you know you're under investigation.

5 THE COURT: Plaintiff's Exhibit 53 received in
6 evidence over objection.

7 (WHEREUPON, Plaintiff's Exhibit 53 was received
8 in evidence.)

9 MR. KURLAND: Would you please place in front of
10 the witness Exhibit 55?

11 (Document was handed to the witness.)

12 Q Do you recognize Exhibit 55?

13 A Yes, I do.

14 Q What do you recognize it to be?

15 A An email from Seema Kalia to myself on June 23rd of
16 2011.

17 Q Did you receive it on or about that time?

18 A Yes, I did.

19 MR. KURLAND: Your Honor, we offer Exhibit 55
20 into evidence.

21 MS. STEINBERG: No objection.

22 THE COURT: Any objection, Ms. Kalia?

23 MS. KALIA: Same as before, you shouldn't be
24 presiding when you know you are under investigation and you
25 have a conflict of interest.

26 THE COURT: Overruled. Plaintiff's Exhibit 55 is

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 received in evidence.

3 (WHEREUPON, Plaintiff's Exhibit 55 was received
4 in evidence.)

5 MR. KURLAND: Would you please place in front of
6 the witness Exhibit 57?

7 (Document was handed to the witness.)

8 Q Do you recognize Exhibit 57, Mr. Murti?

9 A Yes, it's an email from Seema Kalia to myself on
10 August 2nd of 2011.

11 Q Did you receive it on or about that day?

12 A Yes.

13 MR. KURLAND: Your Honor, we offer Exhibit 57
14 into evidence.

15 MS. STEINBERG: No objection.

16 THE COURT: Ms. Kalia?

17 MS. KALIA: I object that the proceeding is
18 illegal. You should not be presiding when you know you're
19 under investigation.

20 THE COURT: Overruled. Plaintiff's Exhibit 57
21 received into evidence.

22 (WHEREUPON, Plaintiff's Exhibit 57 was received
23 in evidence.)

24 THE COURT: Let me say two things; one, I am not
25 aware of any federal investigation.

26 MS. KALIA: Oh, I have a letter here. Can I

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 present it?

3 THE COURT: No.

4 MS. KALIA: I believed it was copied to you.

5 THE COURT: Excuse me. No. 2 --

6 MS. KALIA: Can I enter it into evidence?

7 THE COURT: No, it is not your turn.

8 MS. KALIA: Well, you can become aware that
9 you're under investigation very quickly.

10 THE COURT: No. 2, to the extent that a complaint
11 has been filed with the Commission on Judicial Conduct,
12 that is not a basis for me to grant a motion for recusal
13 under ample case law to that effect.

14 MS. KALIA: No, I'm referring to the federal
15 investigation of you and your contact with Cy Vance in this
16 proceeding and Wachtell Lipton.

17 THE COURT: Okay, next.

18 Q Do you have Exhibit 73 in front you, Mr. Murti?

19 A Yes.

20 Q Do you recognize Exhibit 73?

21 A Yes, I do.

22 Q What do you recognize it to be?

23 A It's an email from Seema Kalia to myself on
24 November 15, 2011.

25 Q Did you receive it on or about that time?

26 A Yes, I did.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MR. KURLAND: Your Honor, we offer Exhibit 73
3 into evidence.

4 MS. STEINBERG: No objection.

5 THE COURT: Ms. Kalia?

6 MS. KALIA: Same objection, that you know you're
7 under federal investigations and you should not be
8 presiding.

9 THE COURT: Plaintiff's Exhibit 73 is received in
10 evidence.

11 (WHEREUPON, Plaintiff's Exhibit 73 was received
12 in evidence.)

13 MR. KURLAND: Exhibit 78, please.

14 (Document was handed to the witness.)

15 Q Mr. Murti, do you recognize Exhibit 78?

16 A Yes, I do.

17 Q What do you recognize it to be?

18 A It was an email from Seema Kalia to my babysitter
19 Aneesha John. So the original email is from Seema to her and
20 then the second -- the forwarding is from Aneesha to myself,
21 and this occurred on December 3rd of 2011.

22 Q Did you receive it on or about that day?

23 A Yes, I did.

24 MR. KURLAND: Your Honor, we offer Exhibit 78
25 into evidence.

26 MS. STEINBERG: No objection.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Ms. Kalia?

3 MS. KALIA: Objection because you're under
4 federal investigation. You should not be presiding.

5 THE COURT: Plaintiff's Exhibit 78 is received in
6 evidence over objection.

7 (WHEREUPON, Plaintiff's Exhibit 78 was received
8 in evidence.)

9 Q Mr. Murti, I'm going to show you Exhibit 79 for
10 identification.

11 (Document was handed to the witness.)

12 Q Do you recognize Exhibit 79?

13 A Yes, I do.

14 Q What do you recognize it to be?

15 A An email from Seema Kalia to myself dated January 1,
16 2012.

17 Q Did you receive it on or about that day?

18 A Yes, I did.

19 MR. KURLAND: Your Honor, we offer Exhibit 79
20 into evidence.

21 MS. STEINBERG: No objection.

22 THE COURT: Ms. Kalia?

23 MS. KALIA: I don't care what you do, the
24 proceeding is illegal.

25 THE COURT: Plaintiff's Exhibit 79 is received in
26 evidence without objection.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 (WHEREUPON, Plaintiff's Exhibit 79 was received
3 in evidence.)

4 MR. KURLAND: Exhibit 80, please.

5 Q Mr. Murti, I show you what has been marked as Exhibit
6 80 for identification.

7 (Document was handed to the witness.)

8 Q Do you recognize that document?

9 A Yes, and it's an email from Seema Kalia to myself,
10 again dated January 1st of 2012.

11 Q Did you receive it on or about that date?

12 A Yes.

13 Q Would you please keep your voice up, Mr. Murti?

14 A Yes.

15 MR. KURLAND: We offer Exhibit 80 into evidence,
16 Your Honor.

17 MS. STEINBERG: No objection.

18 THE COURT: Ms. Kalia?

19 MS. KALIA: It's entered into evidence that you
20 know you're being investigated. Dr. Schiller notified you.
21 I don't understand why you say that you aren't aware of it.
22 Dr. Schiller sent emails that indicated that she was
23 questioned by the Department of Treasury about that. It
24 was entered into the record by Plaintiff's counsel. I'm
25 not sure I understand why you're waiving my objection, but
26 this is an illegal proceeding.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: There is nothing illegal about this
3 proceeding. The objection is overruled and Plaintiff's
4 Exhibit 80 is received in evidence.

5 (WHEREUPON, Plaintiff's Exhibit 80 was received
6 in evidence.)

7 Q Mr. Murti, I show you what has been marked as Exhibit
8 81.

9 (Document was handed to the witness.)

10 Q Do you recognize that document, Mr. Murti?

11 A Yes, I do.

12 Q What do you recognize it to be?

13 A An email from Seema Kalia to myself dated January 1,
14 2012.

15 Q Did you receive it on or about that date?

16 A Yes, I did.

17 MR. KURLAND: Your Honor, we offer Exhibit 81
18 into evidence.

19 MS. STEINBERG: No objection.

20 THE COURT: Ms. Kalia?

21 MS. KALIA: I object because this proceeding is
22 illegal.

23 THE COURT: Overruled. Plaintiff's Exhibit 81 is
24 received in evidence.

25 (WHEREUPON, Plaintiff's Exhibit 81 was received
26 in evidence.)

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MR. KURLAND: 82, please.

3 Q Mr. Murti, I show you what has been marked as Exhibit
4 82 for identification.

5 (Document was handed to the witness.)

6 Q Do you recognize that document?

7 A Yes, I do. It's an email from Seema Kalia to myself
8 dated January 1, 2012.

9 Q Did you receive it on or about that day?

10 A Yes, I did.

11 MR. KURLAND: Your Honor, we offer Exhibit 82
12 into evidence.

13 MS. STEINBERG: No objection.

14 MS. KALIA: Same objection; this proceeding is
15 illegal and all of you know it.

16 THE COURT: Plaintiff's Exhibit 82 is received in
17 evidence.

18 (WHEREUPON, Plaintiff's Exhibit 82 was received
19 in evidence.)

20 MR. KURLAND: Your Honor, Exhibits 83 and 84,
21 which were introduced on the 5th of September and then
22 subsequently not part of the record because of the vacating
23 of the day of testimony on September 5th were introduced on
24 September 12th, so there is no need to go to Exhibits 83
25 and 84 again.

26 THE COURT: Or the need to have repeated any of

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 that.

3 MR. KURLAND: Okay.

4 THE COURT: Thank you.

5 MR. KURLAND: Your Honor, I would like to place
6 in front of the witness Exhibit 95.

7 Q Mr. Murti, I show you what has been marked as Exhibit
8 95 into evidence.

9 (Document was handed to the witness.)

10 Q Do you recognize that document?

11 A Yes, I do. It's an email from Seema Kalia to myself
12 dated August 2nd of 2011.

13 Q Did you receive it on or about that date?

14 A Yes, I did.

15 MR. KURLAND: Your Honor, we offer Exhibit 95
16 into evidence.

17 MS. STEINBERG: No objection.

18 THE COURT: Ms. Kalia?

19 MS. KALIA: I object because the proceeding is
20 illegal and because you've been notified that you're being
21 investigated by the Department of Treasury by Dr. Schiller.

22 THE COURT: I don't recall Dr. Schiller being an
23 agent of the Office of the Treasury.

24 MS. KALIA: I'm just relying on the exhibits they
25 submitted.

26 THE COURT: Okay. Plaintiff's Exhibit 95 is

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 received in evidence over objection.

3 (WHEREUPON, Plaintiff's Exhibit 95 was received
4 in evidence.)

5 MR. KURLAND: Can you please place Exhibit No. 97
6 in front of the witness?

7 (Document was handed to the witness.)

8 Q Do you recognize Exhibit 97?

9 A Yes, I do. It's an email from Seema Kalia to myself
10 dated November 22, 2010.

11 Q Did you receive it on or about that day?

12 A Yes, I did.

13 MR. KURLAND: Your Honor, we offer Exhibit 97
14 into evidence.

15 MS. STEINBERG: No objection.

16 THE COURT: Ms. Kalia?

17 MS. KALIA: I would like to take a comfort break
18 before we continue in this theater of the absurd.

19 THE COURT: I would like your view on Plaintiff's
20 Exhibit 97.

21 MS. KALIA: This proceeding is illegal because
22 you've been notified that you're being investigated by the
23 Department of Treasury. You should not be presiding.

24 THE COURT: That objection is overruled.
25 Plaintiff's 97 in evidence over objection.

26 (WHEREUPON, Plaintiff's Exhibit 97 was received

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 in evidence.)

3 THE COURT: We will take a five-minute break.

4 (Brief recess taken.)

5 THE COURT: You may be seated.

6 Mr. Murti, please step back up.

7 (Witness resumed the witness stand.)

8 THE COURT: Let me remind you that you're still
9 under oath.

10 Mr. Kurland, you may inquire. Please bear in
11 mind that I'll read the exhibits and if there is any
12 duplication of the content, I may not need to read the same
13 concept more than once. There is no jury here, it's just
14 me.

15 MR. KURLAND: I understand.

16 THE COURT: So if you think that there's enough
17 that I will get the idea that you're trying to convey, then
18 you don't need to do it another time, but I will not
19 interfere with how you will put on your case, it's just
20 something that you should be aware of.

21 MR. KURLAND: I am aware. There is a few more,
22 your Honor. It's not too many.

23 THE COURT: Okay.

24 MR. KURLAND: Would you show Exhibit 98, please?

25 (Document was handed to the witness.)

26 Q Mr. Murti, do you recognize Exhibit 98?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 A Yes, I do. It's an email from Seema Kalia to myself
3 dated November 22, 2010.

4 Q Did you receive it on or about that time?

5 A Yes.

6 MR. KURLAND: Your Honor, we offer Exhibit 98
7 into evidence.

8 MS. STEINBERG: No objection.

9 THE COURT: Ms. Kalia?

10 MS. KALIA: I object that the proceeding is
11 entirely illegal and because Judge Gesmer is aware she is
12 being federally investigated.

13 THE COURT: I am not aware of any federal
14 investigation against me. But even if there were, it would
15 not make this proceeding illegal. I have not recused
16 myself. The fact that there was a complaint made with the
17 Judicial Conduct Commission, that does not require me to
18 recuse myself. I am completely --

19 MS. KALIA: Dr. Schiller notified you of the
20 Department of Treasury's investigation --

21 THE COURT: Excuse me.

22 MS. KALIA: -- for interfering with a witness.

23 THE COURT: Excuse me. I am completely
24 openminded about this case. There is no basis to grant the
25 motion to recuse and it is denied. And your objection to
26 Plaintiff's Exhibit 98 is denied.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 I would like to put out that all that Dr.
3 Schiller said is what she was told by you, not by anybody
4 else. And the fact that Dr. Schiller was told by you that
5 there was a federal investigation doesn't mean that there's
6 a federal investigation.

7 MS. KALIA: Federal prosecutors told me --

8 THE COURT: Excuse me.

9 MS. KALIA: -- there was a federal investigation
10 of you.

11 THE COURT: I'm sorry?

12 MS. KALIA: The federal prosecutors who spoke to
13 me, interviewed me about your bias, about your coercion,
14 interference with evidence --

15 THE COURT: Excuse me.

16 MS. KALIA: -- advised me.

17 THE COURT: Excuse me.

18 MS. KALIA: -- you're under federal
19 investigation.

20 THE COURT: I have no documentation from anybody,
21 no claim by anybody except you that anybody --

22 MS. KALIA: And Dr. Schiller.

23 THE COURT: Excuse me.

24 Dr. Schiller conveyed to me what you said. That
25 is not independent corroboration. You conveyed to me that
26 you're claiming that somebody else said this to you. I do

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)
2 not accept that at face value. I have not been informed
3 there is a federal investigation of me by anybody with
4 authority to tell me that and I do not believe that there
5 is.

6 Your application is denied.

7 (WHEREUPON, Plaintiff's Exhibit 98 was received
8 in evidence.)

9 THE COURT: Mr. Kurland, you may continue.

10 MR. KURLAND: Would you show the witness Exhibit
11 108, please?

12 (Document was handed to the witness.)

13 Q Do you recognize Exhibit 108?

14 A Yes, I do.

15 Q What do you recognize it to be?

16 A It's an email from Seema Kalia to myself dated
17 Saturday, March 20, 2010.

18 Q Did you receive it on or about that date?

19 A Yes, I did.

20 MR. KURLAND: Your Honor, we offer Exhibit 108
21 into evidence.

22 MS. STEINBERG: No objection.

23 MS. KALIA: Objection that the proceeding is
24 illegal, same as earlier.

25 THE COURT: That objection is overruled.
26 Plaintiff's Exhibit 108 is received in evidence.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 (WHEREUPON, Plaintiff's Exhibit 108 was received
3 in evidence.)

4 Q I show you Exhibit 114.

5 (Document was handed to the witness.)

6 A Yes, this is an email from Seema Kalia to myself dated
7 Saturday, March 27, 2010.

8 Q Did you receive it on or about that day?

9 A Yes.

10 MR. KURLAND: Your Honor, we offer Exhibit 114
11 into evidence.

12 MS. STEINBERG: No objection.

13 THE COURT: Ms. Kalia?

14 MS. KALIA: Same objection. This proceeding is
15 illegal.

16 THE COURT: Plaintiff's Exhibit 114 is received
17 in evidence over objection.

18 (WHEREUPON, Plaintiff's Exhibit 114 was received
19 in evidence.)

20 Q I show you what has been marked as Exhibit 115.

21 (Document was handed to the witness.)

22 A Yes, this is an email from Seema Kalia to myself dated
23 March 30th of 2010.

24 Q Did you receive it on or about that day?

25 A Yes.

26 MR. KURLAND: We offer Exhibit 115 into evidence.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Ms. Steinberg?

3 MS. STEINBERG: No objection.

4 THE COURT: Ms. Kalia?

5 MS. KALIA: Same objection, the proceeding is
6 illegal.

7 THE COURT: Plaintiff's Exhibit 115 is received
8 in evidence over objection.

9 (WHEREUPON, Plaintiff's Exhibit 115 was received
10 in evidence.)

11 Q I show you Exhibit 117.

12 (Document was handed to the witness.)

13 Q Do you recognize Exhibit 117, Mr. Murti?

14 A Yes, it's an email from Seema Kalia to her lawyer at
15 the time, Guy Halperin and to myself dated Saturday, August --
16 April 3, 2010.

17 Q Did you receive it on or about that time?

18 A Yes, I did.

19 MR. KURLAND: Your Honor, we offer Exhibit 117
20 into evidence.

21 MS. STEINBERG: No objection.

22 THE COURT: Ms. Kalia?

23 MS. KALIA: Same objection.

24 THE COURT: Plaintiff's Exhibit 117 is received
25 in evidence over objection.

26 (WHEREUPON, Plaintiff's Exhibit 117 was received

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 in evidence.)

3 MR. KURLAND: Would you please show the witness
4 126?

5 (Document was handed to the witness.)

6 Q Have you seen Exhibit 126? Do you recognize Exhibit
7 126?

8 A Yes, it's an email from Seema Kalia to Dr. Schiller
9 and other -- and to my attorney Harriet Cohen.

10 Q What is the date?

11 A Sunday, September 2, 2012.

12 Q Did you see it at or about that time?

13 A Yes.

14 MR. KURLAND: Your Honor, we move Exhibit 126
15 into evidence.

16 MS. STEINBERG: No objection.

17 THE COURT: Ms. Kalia?

18 MS. KALIA: Same objection.

19 THE COURT: Plaintiff's Exhibit 126 is received
20 in evidence over objection.

21 (WHEREUPON, Plaintiff's Exhibit 126 was received
22 in evidence.)

23 Q Mr. Murti, I show you Exhibit 127.

24 (Document was handed to the witness.)

25 Q Do you recognize 127?

26 A Yes, I do.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 Q What do you recognize it to be?

3 A It's an email from Seema Kalia to Dr. Schiller and
4 myself and sent to my lawyers.

5 Q Did you see it at or about the date on the email?

6 A Yes. The date is September 3, 2012.

7 MR. KURLAND: Your Honor, I offer Exhibit 127
8 into evidence.

9 MS. STEINBERG: No objection.

10 THE COURT: Ms. Kalia?

11 MS. KALIA: Same objection as before.

12 THE COURT: Plaintiff's Exhibit 127 is received
13 in evidence over objection.

14 (WHEREUPON, Plaintiff's Exhibit 127 was received
15 in evidence.)

16 Q I show you Exhibit 128.

17 (Document was handed to the witness.)

18 Q Have you seen that document before?

19 A Yes. It's an email sent to my lawyer from Seema Kalia
20 and also sent to Dr. Schiller, and the date appears to be
21 September 4, 2012.

22 Q Did you receive it on or about that time?

23 A Yes.

24 MR. KURLAND: Your Honor, we offer Exhibit 128.

25 MS. STEINBERG: No objection.

26 THE COURT: Ms. Kalia?

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 MS. KALIA: Same objection as before, this
3 proceeding is illegal for many reasons.

4 THE COURT: Is this the document you claim gives
5 me notice there is an investigation of me?

6 MS. KALIA: I'm not paying attention, I don't
7 know.

8 THE COURT: Okay.

9 Plaintiff's Exhibit 128 is received in evidence
10 over objection.

11 MS. KALIA: No, but you received notice in many
12 other ways.

13 (WHEREUPON, Plaintiff's Exhibit 128 was received
14 in evidence.)

15 MR. KURLAND: Your Honor, I would like to mark
16 for identification Exhibit 129, but I am not offering it, I
17 just want it marked for identification at this time.

18 THE COURT: Okay.

19 (WHEREUPON, Plaintiff's Exhibit 129 was marked
20 for identification.)

21 MR. KURLAND: I have no other questions at this
22 time for this witness.

23 May I have a minute, Your Honor?

24 THE COURT: Yes.

25 (Brief pause in the record.)

26 MR. KURLAND: Your Honor, I apologize, I have one

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 more to offer. It's Exhibit 132.

3 MS. COHEN: It's in the booklet.

4 THE COURT: Do you have an extra copy?

5 MR. KURLAND: That's in your book.

6 MS. COHEN: That's in your book, Your Honor.

7 MR. KURLAND: The second volume that we handed
8 up.

9 MS. COHEN: Volume 2 of 2.

10 MR. KURLAND: It's just two exhibits in there,
11 Your Honor.

12 MS. COHEN: It's the last page, Your Honor.

13 THE COURT: Thank you.

14 (WHEREUPON, Plaintiff's Exhibit 132 was marked
15 for identification.)

16 THE COURT: Is 132 in front of the witness?

17 MR. KURLAND: Yes.

18 Q Do you see Exhibit 132 for identification, Mr. Murti?

19 A Yes, I do.

20 Q What is it?

21 A Yes, it's a copy of the order of protection that had
22 been granted me by the Court for Seema Kalia.

23 Q And what's the date on it, it's the last page?

24 A Dated August -- dated September 12, 2012, in effect
25 until October 9, 2012.

26 MR. KURLAND: Your Honor, we offer Exhibit 132 in

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 evidence.

3 MS. STEINBERG: No objection.

4 THE COURT: Ms. Kalia?

5 MS. KALIA: Same objection, but I'm not paying
6 for this, so just --

7 THE COURT: I'm sorry?

8 MS. KALIA: Same objection, the proceeding is
9 illegal. You have been notified multiple ways that you are
10 under investigation. This proceeding is illegal.

11 THE COURT: Overruled. Plaintiff's Exhibit 132
12 is received in evidence since that is the only objection.

13 (WHEREUPON, Plaintiff's Exhibit 132 was received
14 in evidence.)

15 THE COURT: Anything else?

16 MR. KURLAND: Your Honor --

17 THE COURT: Are you offering 131?

18 MR. KURLAND: Yes, 131 is a series of emails
19 since --

20 THE COURT: Are you offering them?

21 MR. KURLAND: I would like them marked for
22 identification and I will offer them into evidence, Your
23 Honor.

24 THE COURT: Okay.

25 MR. KURLAND: I don't believe this witness can
26 identify them, they're not addressed to him.

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)

2 THE COURT: Well, then you're not offering them
3 at this time?

4 MR. KURLAND: I'm not offering them at this time.

5 THE COURT: That's what I was asking, okay.

6 MR. KURLAND: So I have no other questions of
7 this witness at this moment, Your Honor.

8 MS. STEINBERG: I have no questions.

9 THE COURT: Ms. Kalia, do you wish to question
10 this witness?

11 MS. KALIA: I thought that was redirect.

12 THE COURT: It was. I would permit you the
13 courtesy of recross if you would like to do it.

14 MS. KALIA: No, I'm going to stay with the fact
15 this proceeding is illegal I think. But this is great fun.

16 THE COURT: Okay. You may step down, Mr. Murti.
17 (witness exited the witness stand.)

18 THE COURT: Do you have another witness?

19 MR. KURLAND: Yes.

20 THE COURT: You may call your next witness.

21 MR. KURLAND: I call Seema Kalia.

22 THE COURT: Okay, just one second.

23 Ms. Kalia, would you step up, please?

24 MS. KALIA: The witness list indicates
25 Dr. Schiller is appearing first.

26 THE COURT: They are not bound by the order in

1 V. Murti - by Plaintiff - Redirect (Mr. Kurland)
2 the witness list.

3 MS. KALIA: Is she appearing, can you tell me
4 that?

5 THE COURT: I don't know if she is going to
6 arrange to appear or not, but you have been called as a
7 witness. Please step up.

8 (Witness entered the witness stand.)

9 SEEMA KALIA, having been duly sworn, took the
10 witness stand and testified as follows:

11 THE CLERK: You may be seated.

12 State your name for the record, please.

13 THE WITNESS: Seema Kalia.

14 THE COURT: You may inquire.

15 DIRECT EXAMINATION

16 BY MR. KURLAND:

17 MR. KURLAND: Would you show the witness Exhibit
18 131, please?

19 (Documents were handed to the witness.)

20 Q I show you a group of documents marked as Exhibit 131,
21 which comprise emails from you to various people in the period
22 starting August 11, 2012 to the period October 2, 2012. Did
23 you compose and send those emails?

24 A Do you mean this one that I did advise you is acting
25 out threats for Wachtell Lipton? Yes, I did.

26 MR. KURLAND: Your Honor, I offer Exhibit 131

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 into evidence.

3 MS. STEINBERG: No objection.

4 THE COURT: Any objection, Ms. Kalia?

5 MS. KALIA: I haven't seen these all. This is
6 the first I've seen them, so I don't know what's in here.

7 THE COURT: You can look at them.

8 MS. KALIA: Okay, that's going to take about two
9 hours.

10 THE COURT: You may look at them briefly.

11 MS. KALIA: I can't possibly --

12 THE COURT: Well, I will take no action on
13 whether or not they are admitted at this time and I will
14 rule on that after the lunch break.

15 MR. KURLAND: Thank you, Your Honor.

16 THE COURT: Next question.

17 MR. KURLAND: Okay. Would you show Exhibit 103
18 to the witness, please, in evidence?

19 (Document was handed to the witness.)

20 THE COURT: Mr. Kurland, if I forget, please
21 remind me about Plaintiff's Exhibit 131 after lunch.

22 MR. KURLAND: I will try to remember, Your Honor.

23 MS. COHEN: Your Honor, if I could suggest, all
24 of these exhibits are in Ms. Kalia's notebook, so if she
25 had that in front of her she --

26 THE COURT: She can look at it over the lunch

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 break.

3 MS. COHEN: No, no, I didn't mean that. I mean
4 Mr. Kurland is now going to ask her about individual
5 exhibits and if we could save time if instead of getting
6 them from the table, if she looked at them in her own
7 notebook. That's all I was suggesting. We gave a complete
8 set of all of the documents to Ms. Kalia.

9 THE COURT: Thank you, but she has to look at the
10 official copy in order to testify about it.

11 MS. COHEN: All right.

12 Q Do you recognize Exhibit 23, Ms. Kalia?

13 A This one email that refers to his history of mental
14 illness, yes.

15 MR. KURLAND: Your Honor --

16 THE COURT: Ms. Kalia, your job is to answer only
17 the question that is asked and not to elaborate. Just
18 answer what is asked. If you're asked if you can identify
19 something, the answer is yes or no. If you're asked to
20 identify it, you should tell us what it is. You may not
21 comment on the content of it at this time.

22 You will have an opportunity to testify later, at
23 which time you can say whatever you think appropriate, but
24 at this time, I'm directing you to answer only the question
25 that's asked.

26 MR. KURLAND: Your Honor, may I treat this

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 witness as hostile?

3 THE COURT: Absolutely.

4 Q You find that funny.

5 A No, I find you ridiculous and corrupt.

6 THE COURT: Next question.

7 Q On Exhibit 23, the last sentence of the email, you say
8 quote --

9 THE COURT: Wait a second. It has not been --
10 has it been offered?

11 MR. KURLAND: This is in evidence, Your Honor.

12 THE COURT: Okay.

13 MR. KURLAND: This in evidence. I have no other
14 exhibits at this time to offer into evidence, than 131.
15 All the documents I'm referring to are in evidence.

16 THE COURT: Okay, that's fine. Thank you.

17 Q You say, quote, have her hang out with the fucktard
18 kids of the Wall Street thieves at mediocre schools forever.

19 What does the word fucktard mean?

20 A I don't know, it's something my husband used to say a
21 lot.

22 Q When you wrote it what did you mean?

23 A I don't know, I used it because he said it all the
24 time.

25 THE COURT: Who is this email to?

26 THE WITNESS: I don't know, he wrote it.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 THE COURT: This email is from you. Yes,
3 Plaintiff's Exhibit 23 appears to be from you, doesn't it?

4 THE WITNESS: It's from a woman named Melissa
5 Ulto apparently, who I have not seen in a year and a half,
6 so I don't understand the context of this email at all.

7 THE COURT: Next question, please.

8 Q When you say, quote, he has this senile old lady
9 lawyer who gets confused, who were you referring to?

10 A I don't know, that was a long time ago, I don't
11 recall. It was a year and a half ago.

12 Q You say, quote, that fucking Trinity School and Cy
13 Vance broke him.

14 Who did Cy Vance break?

15 A When we received personal threats from Wachtell Lipton
16 and Cy Vance and racist emails, I would say he broke my
17 ex-husband.

18 Q Did you get an email from Cy Vance?

19 A I got a letter from a court marshal officer that said
20 he was asked by Cy Vance to write me and suggested my family
21 would be deeply shamed if I complained about the matter to
22 anyone.

23 Q Do you have a copy of that email?

24 A No, not with me. I was told to leave --

25 THE COURT: Thank you, you've answered the
26 question. You answered the question.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Next question.

3 MR. KURLAND: Would you show Exhibit 35 to the
4 witness, please?

5 (Document was handed to the witness.)

6 Q Who is Erik Wood?

7 A What exhibit are you asking me about?

8 Q I'm asking you who Erik Wood is?

9 A He's a special agent with the Department of Treasury.

10 Q Does he work for the government, to your knowledge?

11 A Yes.

12 Q Is he your lawyer?

13 A No, he's a special agent with the Department of
14 Treasury.

15 Q Okay. You say you have a, quote, tax lawyer who's
16 advising you, is that Mr. Wood?

17 A No.

18 Q Who is it?

19 A He's not on the record, and there are several.

20 Q Who are they?

21 A I don't know their names offhand. There are many
22 lawyers I have spoken to.

23 Q And you don't know their names?

24 A I couldn't tell you who advised me on what. I have
25 spoken to many people in many contexts.

26 Q Can you tell us the names of the lawyers that -- the

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)
2 tax lawyers that you have been referring to in this proceeding
3 who advised you?

4 A Not without a court order.

5 THE COURT: I'm directing you to answer that
6 question.

7 THE WITNESS: My fear is that they will be
8 retaliated against and receive threats.

9 THE COURT: I'm directing you to answer the
10 questions of the names of the tax lawyers who you consulted
11 with.

12 THE WITNESS: I don't know offhand, I don't
13 recall.

14 THE COURT: You don't recall the name of any tax
15 lawyer who advised you?

16 THE WITNESS: Not who advised me on specific
17 points.

18 THE COURT: Can you give us the name of any tax
19 lawyers who you have consulted in the last year?

20 THE WITNESS: I can't say that they're my tax
21 lawyers, so no, I cannot.

22 THE COURT: Can you give us the name of any tax
23 lawyer who you consulted with?

24 MS. KALIA: I have to -- actually, let me do this
25 differently.

26 THE COURT: I am directing you to give me the

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 name of any tax lawyer who you consulted in the last year.

3 THE WITNESS: Michael Timothy Wells.

4 Q Who is Mr. Wells?

5 THE COURT: Wait just a second.

6 Is there anyone else besides Mr. Wells?

7 THE WITNESS: David Schuster.

8 THE COURT: Can you spell that?

9 MS. KALIA: S-C-H-U-S-T-E-R.

10 THE COURT: Anyone else?

11 THE WITNESS: Several people whose names I don't
12 recall because this was over a year and a half ago.

13 THE COURT: Do you recall the names of any other
14 tax lawyers whom you consulted in the last year?

15 THE WITNESS: I just said that I didn't.

16 THE COURT: Thank you.

17 Q Mr. Wells --

18 THE COURT: Hold on one second.

19 MR. KURLAND: All right.

20 THE COURT: You may proceed.

21 Q Is Michael Timothy Wells a government lawyer?

22 A He was.

23 Q And is he still a government lawyer?

24 A I believe he occasionally acts on behalf of the
25 Treasury.

26 Q Is he employed by the federal government?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A I don't know if he is fully employed. I don't
3 believe -- I believe he is sometimes employed by them because
4 he has a very high level of specialization and he's brought in
5 on special projects, but he acts for private clients as well.

6 Q Did you retain Mr. Wells?

7 A No.

8 Q So he's not your lawyer?

9 A I've said that repeatedly.

10 Q What did Mr. Wells say to you and what did you say to
11 him?

12 A About what?

13 Q About anything.

14 When is the last time you spoke with him. I'll
15 withdraw that question.

16 A Half an hour ago.

17 Q And when you spoke with him a half an hour ago, what
18 did you say to him and what did he say to you?

19 A That's privileged discussion.

20 THE COURT: You just said he wasn't your lawyer,
21 it's not privileged.

22 THE WITNESS: Well, I spoke to him on the
23 assumption of the privacy.

24 THE COURT: Is he your lawyer?

25 THE WITNESS: I have not formally retained him,
26 but he is advising me, and I confided in him and I don't

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 wish to disclose the contents of that conversation.

3 THE COURT: He is your lawyer at this time?

4 THE WITNESS: No, he is not.

5 THE COURT: Was he your lawyer at the time you
6 spoke with him?

7 THE WITNESS: No.

8 THE COURT: Then there is no privilege and I
9 direct you to answer the question.

10 A You're asking what we talked about?

11 Q What did you say to him and what did he say to you?

12 A When?

13 Q Half hour ago.

14 A I said that we were proceeding even though Judge
15 Gesmer knows she is under federal investigation.

16 Q And what did he say to you?

17 A He said this is ridiculous and he was going to call
18 people at the DOJ now.

19 Q Is that all that you told Mr. Wells today?

20 A I told him that you were -- you had entered into
21 evidence exhibits from Ms. Schiller, who is not here --
22 Dr. Schiller -- indicating she has been interviewed by Treasury
23 and that I received them this morning and had not read through
24 them. And we discussed the fact that his contacts to the DOJ
25 have notified him that this matter is under federal
26 investigation, they confirmed it yesterday, and that the

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 investigation extended to Judge Gesmer and her desire to
3 intimidate me on behalf of government officials under
4 investigation.

5 Q How many times have you spoken with Mr. Wells?

6 A Fifty or 60.

7 Q How many times have you met with him in person?

8 A None, he lives in California.

9 Q How did you find Mr. Wells?

10 A He found me. He saw the report about Trinity School
11 and downloaded the tax documents through his official capacity
12 and was so concerned at the amount of crime that was going
13 unreported, he volunteered to help me.

14 Q Who is David Schuster?

15 A He is a tax lawyer at a firm in Long Island, but I met
16 with him over a year and a half ago.

17 Q When was the last time you spoke with him?

18 A A year and a half ago.

19 Q And is he a lawyer that was retained by you?

20 A No.

21 MR. KURLAND: Would you show the witness

22 Exhibit --

23 Q Do you have anything in writing from Mr. Wells, either
24 emails or letters?

25 A No.

26 Q Only phone calls?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A We are careful to only have phone calls.

3 Q Have you ever emailed anything to Mr. Wells?

4 A Emailed anything to Mr. Wells? I don't think so. I
5 don't know.

6 MR. KURLAND: Your Honor --

7 A I believe at the beginning of our relationship he was
8 interested in something I had written and I think I sent him
9 something unrelated that I had written, but for the most part,
10 he is very disciplined about his communications and we only
11 communicate by phone.

12 Q Did you originally begin discussing the Trinity School
13 with Mr. Wells?

14 A He contacted me to discuss the Trinity School.

15 Q That was the subject matter of your initial
16 conversations?

17 A As I recall, yes.

18 MR. KURLAND: I would like to show the witness
19 Exhibit 35, please, in evidence.

20 (Document was handed to the witness.)

21 THE COURT: Anymore questions?

22 Q Can you tell us what Exhibit 35 is?

23 A It appears to be a forward -- recent forward of an
24 email I sent to our -- the other parents at Trinity School upon
25 learning of the tax fraud.

26 Q So is it your testimony that everybody on this is a

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 parent of a Trinity School person?

3 A As far as I know.

4 MR. KURLAND: Would you show the witness Exhibit
5 34, please?

6 (Document was handed to the witness.)

7 THE COURT: Do you have a question?

8 Q Did you write Exhibit 34 on or about October 6, 2011?

9 A It appears that I did.

10 Q In the third paragraph, the second sentence it says,
11 quote, I lost the ring a few months ago when I took it off
12 doing a craft at Dravi's school. I haven't been able to find
13 it since.

14 When you wrote that was it true?

15 A No, I thought it was, but it wasn't.

16 Q Did you believe it true when you sent it?

17 A At that moment I did, but I quickly learned that, in
18 fact, Vedula had taken the ring. I found an email earlier
19 indicating that he had it the whole time.

20 Q But when you sent it you believed it to be true?

21 A Because I was on Fire Island, I didn't have access to
22 any email at the time he sent the original one.

23 Q You weren't on Fire Island on October 6, 2011, were
24 you?

25 A He had sent an email --

26 Q I'm asking you --

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 THE COURT: Answer the question that was asked.
3 Were you on Fire Island?

4 THE WITNESS: No.

5 Q And when did Dravi start school in the school year
6 beginning the fall of 2011?

7 A I don't recall.

8 Q Was it sometime around Labor Day?

9 A He was in summer school too, so it would have run the
10 entire time.

11 Q Where was he in summer school?

12 A He was in a special play group for his speech therapy
13 and we had classes and other things with that in late August.
14 I doubled up on classes that year because he wasn't talking.

15 MR. KURLAND: Would you show the witness Exhibit
16 86, please?

17 (Document was handed to the witness.)

18 Q Do you have Exhibit 86 in front of you, Ms. Kalia?

19 A Yes.

20 Q Did you write Exhibit 86?

21 A It appears that I did, but there is words missing, so
22 I'm not sure.

23 Q Okay. It says, quote, your brother's chronically
24 depressed white trash bride are completely depressing.

25 Did you say those things about your sister-in-law?

26 A I guess I did, it's here.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 MR. KURLAND: Can you show the witness Exhibit
3 103?

4 (Document was handed to the witness.)

5 Q Ms. Kalia, I draw your attention to the email on the
6 bottom half of that page dated February 4, 2010. Do you see
7 that?

8 A Yes.

9 Q Did you write that email and send it to your husband?

10 A I don't recall. It looks like it's over two and a
11 half years old, I have no idea.

12 Q Did you say to him, quote, you will never see your
13 children again?

14 A It doesn't sound like me. I have worked very hard and
15 paid him a lot of money to see his children often when he
16 refused.

17 Q Do you deny saying and writing you will never see your
18 children again?

19 A I don't know if I can deny it because it's two and a
20 half years ago, but it is not something I said with any
21 frequency. Generally, I had to bribe him to see the children.

22 Q When you say in the subject matter of Exhibit 103,
23 quote, you are a worthless husband, does that sound like you?

24 A Yes.

25 Q Did you write that?

26 A I can stipulate to the fact that he was a worthless

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 husband.

3 Q Did you write it?

4 A I don't know if that is my email. It doesn't sound
5 like the way I write and there are words missing and there are
6 spelling errors I don't make.

7 Q Would you look at Exhibit 28, please?

8 (Document was handed to the witness.)

9 Q Did you send that email dated April 30, 2012?

10 A I don't know, it's been a long time. 2010.

11 Q 2010, excuse me.

12 It says, subject, if you forget to bring me my son at
13 3:45, I will cut your nuts off.

14 A Actually, it says I will cut off your nuts, but it
15 doesn't sound like me. It also has his privacy message on it.
16 I don't work for a bilingual company, he does, so I'm confused
17 by the composition of the email.

18 Q Did you write to him on April -- do you deny writing
19 to him on April 30, 2010 in which you say, quote, I will cut
20 your nuts off?

21 A I'm saying I didn't write a bilingual French
22 disclaimer. The bottom of my email, it doesn't have it, so
23 this looks very odd, so I have to deny this as mine.

24 Q Well, Ms. Kalia, it's apparent that it was forwarded
25 by Mr. Murti, and therefore, the bilingual part on the bottom
26 is part of the forwarding, but if you take --

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A It's not apparent to me.

3 Q But if you take the email in the middle where it says
4 I will cut off your nuts, do you deny writing that?

5 A I have to deny the entire email because it's not
6 apparent to me that it isn't posted(sic) together in some way.

7 Q Do you recall sending an email --

8 A I have no recollection of this email. I don't know
9 how it was created. I don't know where it came from.

10 Q Have you made claims that Ms. Cohen was selected to be
11 yours husband's lawyer by Judge Gesmer?

12 A I was asked about how she became to be retained and I
13 asked my husband how she came to be retained and he told me
14 Judge Gesmer ordered him to retain Ms. Cohen.

15 Q Do you know that Ms. Cohen and your husband's prior
16 lawyer went to college together a very long time ago, do you
17 know that?

18 A How would I know that?

19 Q I'm asking if you have ever been made aware of that.

20 A In the context of him saying Gesmer made him hire
21 Cohen, no, that was not brought up.

22 Q In any context, did you know that?

23 A How would I know that?

24 Q Have you ever been told by anyone that Ms. Cohen and
25 Ms. Greenberg went to Barnard College together many, many years
26 ago?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A I don't care. I don't know if anyone told me because
3 I wouldn't care to listen.

4 Q The only question I'm asking is not whether you care,
5 but whether or not you were --

6 A I have answered your question.

7 THE COURT: Are you moving to strike?

8 MR. KURLAND: Yes.

9 THE COURT: The motion to strike is granted.
10 I am directing you to answer the question.

11 THE WITNESS: What is the question?

12 THE COURT: Excuse me.

13 Could you read it back, please?

14 (The record is read by the reporter.)

15 THE COURT: That requires a yes or no. Please
16 answer it yes or no.

17 A No.

18 THE COURT: Thank you. Next question.

19 Q Do you know that -- has anybody told you that
20 Ms. Greenberg is the one who requested Ms. Cohen to take over
21 the representation of Mr. Murti in this matter?

22 A No, Mr. Murti said that Judge Gesmer required him to
23 retain Ms. Cohen.

24 MR. KURLAND: Move to strike.

25 THE COURT: After no is stricken.

26 MR. KURLAND: Could you show the witness Exhibit

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 37?

3 (Document was handed to the witness.)

4 Q I draw your attention to the portion of Exhibit 37,
5 that is the email from you to Guy Halperin with a copy to
6 Mr. Murti dated April 13, 2010. Do you see that, Ms. Kalia?

7 A Yes.

8 Q Did you compose this email?

9 A I don't recall, it was over two and a half years ago.

10 Q Was Mr. Halperin your lawyer?

11 A Briefly.

12 Q I draw your attention to the fourth paragraph which
13 says, quote, I do not want to do anything to expedite his
14 reunion with the children b/c it is likely they will refuse all
15 contact forever for their own good. This was also the
16 psychiatrist's opinion, end the quote.

17 Did you write those words?

18 A I guess I did, I don't recall.

19 Q Do you recall whether the his in that first sentence
20 refers to your husband?

21 A Yes, because he was having frequent panic episodes and
22 the doctor said not to let him see the children because the
23 children would become alienated from him.

24 MR. KURLAND: Move to strike everything after
25 yes.

26 THE COURT: Everything after yes is stricken.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Q Is the b/c because?

3 A Yes.

4 Q I draw your attention to the item numbered 2 below
5 that which says, you are not allowed to speak to, quote, Silly
6 Mille, as my counsel.

7 Who does Silly Mille refer to?

8 A That's what Vedula referred to as his lawyer.

9 Q This is something that you wrote, right?

10 A That's what he called her.

11 THE COURT: That's what he called who?

12 THE WITNESS: Millicent Greenberg.

13 THE COURT: So Silly Mille refers to Millicent
14 Greenberg?

15 THE WITNESS: That's how he referred to her.

16 THE COURT: That's stricken. I'm asking you a
17 question.

18 When you wrote Silly Mille does that refer to
19 Millicent Greenberg, yes or no?

20 THE WITNESS: As far as I know --

21 THE COURT: Does it refer in your email to
22 Millicent Greenberg, yes or no?

23 THE WITNESS: Yes.

24 THE COURT: Thank you.

25 Q Did you ever write an email to me which you called me
26 a moron?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A I would write that right now. I believe it to be
3 true.

4 Q Did you write one?

5 A Yes, many I'm sure. I'm preparing for a book.

6 THE COURT: That's stricken. You are only to
7 speak when there's a question.

8 MR. KURLAND: Would you show the witness Exhibit
9 59, please?

10 (Document was handed to the witness.)

11 Q Did you write the email dated September 22, 2011 to
12 your husband Mr. Murti?

13 A Yes.

14 Q Did you write the words, quote, but I don't want you
15 near the kids again? Did you write those words?

16 A Yes.

17 Q Would you look at Exhibit 37 again, please?

18 THE COURT: Do you have it in front of you?

19 THE WITNESS: Yes.

20 THE COURT: Question, please.

21 Q Would you look on the second page where it says please
22 cease all communication with Silly Mille?

23 A Yes.

24 Q And read down to the bottom of the page.

25 THE COURT: Silently? You're asking her to read
26 it silently?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Q Read it silently, please, to yourself.

3 What did you mean when you wrote at the bottom of the
4 page Aspi Land, what does that mean?

5 A Vedula has Asperbeger's Syndrome and refuses to be
6 treated for it.

7 Q Did you refer to it as Aspi Land?

8 A That's how we both referred to it.

9 Q You referred to it in this email as Aspi Land?

10 A Yes.

11 Q You say, quote, my daughter is right, he doesn't
12 deserve it. You wrote that?

13 A Yes.

14 Q And what is it that you refer to?

15 A My efforts to keep him integrated in the children's
16 lives.

17 Q Would you look at Exhibit 64, please?

18 A I don't have 64.

19 (Document was handed to the witness.)

20 Q Would you look at your email dated October 27, 2011?
21 Do you recall writing that email?

22 A No, I don't. This one I don't recall.

23 Q In the email when you say that if the credit card is
24 not reinstated you will call the police if your husband shows
25 up without doing what you have asked him to do, do you remember
26 doing that?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A No, I don't recall the email.

3 Q Would you look at Exhibit 11, please?

4 (Document was handed to the witness.)

5 Q Do you have that in front of you?

6 A Yes.

7 Q Did you send this email on August 22, 2012?

8 A Under duress.

9 MR. KURLAND: Move to strike.

10 Q I asked if you sent it.

11 A Under threat of incarceration I sent it.

12 MR. KURLAND: Move to strike.

13 THE COURT: Stricken. I'm directing you to
14 answer the question.

15 Could you read it back?

16 THE WITNESS: Yes.

17 THE COURT: Yes, you wrote it?

18 THE WITNESS: Yes, I wrote it.

19 Q In this email you say that Judge Paul Engelmayer is
20 Judge Gesmer's friend and colleague, did you say that?

21 A Yes.

22 Q And what evidence do you have that Judge Engelmayer
23 and his wife are Judge Gesmer's friends and colleagues?

24 A A friend of Emily Mandelstan told me.

25 Q And who is that friend?

26 A A woman at the school whose first name was -- oh,

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 gosh, Lisa something.

3 Q What name, I couldn't hear that?

4 A I can't remember her last name. I didn't know her
5 very well and she was asking about the divorce and I told her
6 about Judge Gesmer, and she had mentioned that Emily Mandelstan
7 said something about knowing about the divorce, and that's when
8 I looked up their relationship.

9 Q And how did you look it up?

10 A I just Googled their names and I saw that Judge Gesmer
11 and Justice Engelmayer attend New York County law events
12 together and had attended an event together on March 11th, the
13 day soon before Judge Gesmer decided to lower my child support
14 for the first time.

15 Q So you made the conclusion that because Judge Gesmer
16 and Judge Engelmayer might have been at the same Bar
17 Association event that they were friends?

18 A No, Lisa made that conclusion and suggested I look
19 into it.

20 Q And what's the first name of that woman who told you
21 that?

22 A Lisa.

23 Q L-I-S-A?

24 A Yes.

25 Q And is your assertion that Judge Engelmayer and his
26 wife Emily Mandelstan are currently under federal

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 investigation?

3 A No, I was mistaken at that time. I since learned that

4 Cy Vance has been having lunch with Judge Gesmer.

5 Q And how do you know that?

6 A A friend of mine saw them at a restaurant.

7 Q When was that?

8 A That would have been sometime about two months ago.

9 Q Do you know the name?

10 A I think -- I don't recall the exact date. I had a

11 friend email saying guess who I just saw in a restaurant?

12 Q And do you know the name of the restaurant?

13 A I don't know offhand, no, I don't recall.

14 Q Do you know the name of your friend?

15 A His name is Billy. I would have to check in my

16 records.

17 Q Billy?

18 A Billy something, yes.

19 Q You don't remember his last name?

20 A I don't know him very well. I have written about Cy

21 Vance publically many times and he wrote back.

22 Q Do you have a copy of that email?

23 A No, I didn't bring it.

24 Q Would you have it at home on your computer?

25 A Possibly.

26 MR. KURLAND: Your Honor, I call for the

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 production of the email.

3 THE COURT: You may send appropriate notices.
4 This is not discovery.

5 MR. KURLAND: Your Honor, I believe we have
6 already.

7 THE COURT: You may send appropriate notices to
8 request documents.

9 MR. KURLAND: We sent a subpoena.

10 THE COURT: You may serve a subpoena.

11 MR. KURLAND: We did.

12 THE COURT: I'm not directing discovery at this
13 time.

14 MR. KURLAND: We served a trial subpoena, Your
15 Honor.

16 MS. KALIA: I don't recall hearing anything about
17 Billy's correspondence.

18 THE COURT: Mr. Kurland, I said what I have to
19 say.

20 MR. KURLAND: Yes, Your Honor.

21 THE COURT: Ask your next question.

22 MR. KURLAND: Okay.

23 Q So when you wrote less than two months ago that Judge
24 Engelmayer and his wife were currently under federal criminal
25 investigation, that wasn't true, was it?

26 A I believe it was true at the time that I wrote it, so

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)
2 yes, it was true in my mind at the time I wrote it. But if
3 you're asking me if I think it's true today, I don't believe
4 they were under investigation. I do believe they were
5 questioned by federal law enforcement.

6 MR. KURLAND: Move to strike everything, other
7 than -- move to strike the answer, Your Honor, it's not
8 responsive.

9 THE COURT: Read back the question.

10 MR. KURLAND: I'll withdraw my objection, we'll
11 leave it.

12 THE COURT: Okay.

13 MR. KURLAND: Would you please show the witness
14 Exhibit 39?

15 (Document was handed to the witness.)

16 Q Do you recognize Exhibit 39?

17 A Yes.

18 Q Did you write that email?

19 A It was over two years ago. I guess I did, I don't
20 recall.

21 Q Is 808 Columbus Avenue where your husband lives now?

22 A I don't know.

23 Q You don't know where your husband lives?

24 A I've never been there. I haven't been there since he
25 moved in this time. I was there when he occupied the place
26 sometime ago.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Q When you wrote this in April of 2010, did you believe
3 that 808 Columbus Avenue at 99th Street was a suitable place
4 for your children to live?

5 A I said that it might be. I hadn't been there, I
6 didn't know.

7 Q You said it might actually be, right?

8 A I said it might actually be because I don't know, I
9 haven't been there.

10 Q If you look at Exhibit 39 again -- do you have that in
11 front of you?

12 A Yes.

13 Q -- is the subject of your email we have an appointment
14 to see apartments here tomorrow at two p.m.?

15 A It appears --

16 Q Do you see that?

17 A Yes, it appears that's correct.

18 Q And you were looking at 808 Columbus Avenue as a place
19 for you and your children to live as well as your husband?

20 A Oh, no.

21 Q You are certain of that?

22 A No, I'm not certain. I don't recall. It's two years
23 ago, I don't recall. We have moved a lot and I don't remember
24 if we were at that time still trying to reconcile and living
25 together or not.

26 Q Would you look at Exhibit 30, please?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 (Document was handed to the witness.)

3 Q I show you the portion of the email at the bottom of
4 the first page from 8:57 on February 5, 2010. The subject is
5 call me, it's an emergency, do you see that?

6 A Yes.

7 Q Did you write that email?

8 A Yes, I did. I remember this.

9 Q Did you say, quote, what the fuck kind of response is
10 that, three questions marks, you useless shit, he's trying to
11 kill us?

12 A Yes.

13 Q Who did you write that to?

14 A I wrote it to Vedula after trying to call him several
15 times.

16 Q And that was your response after he didn't return your
17 call on your timetable?

18 A It was an emergency and I had called police and he
19 still hadn't called me back.

20 Q Okay.

21 THE COURT: When you say he is trying to kill us,
22 who does he refer to?

23 THE WITNESS: We had a tenant in this home who
24 had a drinking problem and I was home alone with the kids
25 and he was confronting me about a rent refund he wanted and
26 I asked him to wait to deal with it and he became very

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)
2 belligerent and started chasing me up the stairs. I hurt
3 my leg and I was home alone with the kids and I was trying
4 to get Vedula to call me back to try to figure out what to
5 do and how to take care for the kids so I could go to the
6 hospital.

7 THE COURT: And what's the name of the tenant?

8 THE WITNESS: David Rutkin.

9 THE COURT: What was the last name?

10 MS. KALIA: Rutkin, R-U-T-K-I-N. It was a
11 horrible night.

12 THE COURT: Next question.

13 Q Would you look at Exhibit 32, please?

14 (Document was handed to the witness.)

15 Q Do you have it in front of you?

16 A Yes. Well, I don't know because the from and to lines
17 are deleted, so I don't know who this was sent to and how else
18 it was modified.

19 Q I'm looking at the portion that says on June 22, 2012
20 at 5:57 a.m. Seema Kalia wrote --

21 THE COURT: I think it's 5:57 p.m.

22 A I'm not comfortable --

23 THE COURT: Excuse me. I think you said a.m., I
24 believe it says p.m.

25 MR. KURLAND: P.m., I'm sorry, I apologize.

26 THE COURT: What's your question?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Q Do you recall writing the words, quote, Millicent, you
3 foul-mouthed halfwit, do you think if I had 400K I would spend
4 five minutes of my life dealing with the lowbrow human garbage
5 that is you and your client, quote? Did you write those words?

6 A I don't know because the mail has been clearly
7 tampered with. I don't know the content of the email.

8 Q Do you recall writing those words?

9 A I don't know because the email has been tampered with.
10 I can't speak with any certainty what it says.

11 Q Do you recall writing substantively about those
12 thoughts?

13 A Oh, I'm sure. I can stipulate to the fact that I
14 think Millicent it a foul-mouthed halfwit. I would maintain
15 that today. Just like I maintain, sir, that you are a moron.

16 Q Did you write, quote, also, I have signed a book deal
17 to publish my memoirs this fall, including my account of this
18 divorce matter, all correspondence you send to me or my lawyer
19 are my property and will be included as I desire?

20 A Again, the email has been tampered with. I can't tell
21 you what the original content was.

22 Q Did you write those words?

23 A I don't know if I wrote them in this context because
24 the email has been tampered with.

25 Q Do you recall writing those words?

26 A I don't know if I wrote them in this context because

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 the email has been tampered with.

3 MR. KURLAND: Move to strike.

4 THE COURT: No.

5 Q I'm asking you, Ms. Kalia, if it's your
6 recollection -- your independent recollection whether you wrote
7 those words?

8 A No, not -- no.

9 Q Okay. Did you write the words, quote, tread carefully
10 and know that everything you type will be made public if I
11 choose? Did you write those words?

12 A I don't know because the email has been tampered with.

13 Q Did you write the words have a good weekend being your
14 pathetic substandard lawyer that you are, etc.?

15 A I don't know.

16 You can go on through this, but I can tell you that I
17 can't confirm anything in a tampered email.

18 Q Have you signed a book deal?

19 A Yes.

20 Q Who did you sign the book deal with?

21 A Actually, I signed with a book agent.

22 Q Have you signed with a publisher?

23 A No, he decided to wait to put it up for bidding in
24 light of the new developments with Judge Gesmer and Cy Vance.

25 Q Would you look at -- who is the agent?

26 A I have spoken to three agents and the one I was

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 speaking to at that time was Pierre Lehu, L-E-H-U.

3 Q Have you signed with an agent?

4 A No. I've been waiting to get the bidding offers
5 started.

6 Q So you neither signed with an agent or publisher; is
7 that correct?

8 A We had discussions --

9 Q Can you please answer?

10 THE COURT: Is that yes or no?

11 THE WITNESS: No, no, no.

12 THE COURT: Thank you.

13 Q So to the extent that you said you had a book deal, is
14 that true?

15 A Yes, I have an agent representing me.

16 THE COURT: You have what representing you?

17 THE WITNESS: A book agent.

18 Q Who is the book agent?

19 A Pierre Lehu.

20 THE COURT: And did you sign a contract with
21 Mr. Lehu?

22 THE WITNESS: Not yet, no. We're still
23 negotiating the contract.

24 Q So you have not signed with an agent yet, you
25 negotiated with the agent, would that be fair to say?

26 A Yes.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Q Is the book already written?

3 A It was and it's now being rewritten.

4 MR. KURLAND: Would you show the witness Exhibit
5 49, please?

6 (Document was handed to the witness.)

7 Q Would you look at the top portion of the page that's
8 your email of Friday, August 19, 2011? Do you see that?

9 THE COURT: There are several. You have to
10 identify them by time.

11 MR. KURLAND: Yes.

12 Q This is the one at 10:46 p.m.

13 A 10:46 p.m.?

14 Q Yes, at the top of the page.

15 A It says 10:49 on mine.

16 Q Underneath that. It's the one from you to Mr. Murti
17 dated August 19, 2011 at 10:46 p.m., do you see that portion of
18 the document?

19 A Yes.

20 Q Is the Guy you're referring to your lawyer Guy
21 Halperin?

22 A He was.

23 Q And where you say Guy has instructions not to take
24 this senile old lady's calls, who does the senile old lady
25 refer to?

26 A I imagine it refers to Millicent Greenberg.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Q Well, you wrote the document, don't you know who you
3 are referring to?

4 A It's been two years, I don't recall the content of
5 every email I've written two years ago.

6 Q Well, this is about a year and a month or two ago.

7 A I don't recall.

8 Q You don't recall?

9 Who are you referring to as moron there?

10 A I don't recall, it's been too long.

11 Q Do you have a habit of calling people morons?

12 A Just you.

13 Q Well, were you referring to me there?

14 A No, but I don't recall. You asked if I had a habit
15 and I recall I have only used the word in relation to you
16 recently.

17 Q Have you ever used it in relation to anybody else?

18 A Not usually, no.

19 Q Have you ever used it with respect to your husband?

20 A I don't recall, probably.

21 Q Have you ever used it with respect to Ms. Greenberg?

22 A No, I don't think so.

23 MR. KURLAND: Your Honor, may I have a few
24 moments?

25 THE WITNESS: Can we take a bathroom break?

26 THE COURT: No, we're going to take our lunch

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)
2 break in five minutes, so I would just as soon press
3 through for another five minutes and then we will take a
4 lunch break.

5 MR. KURLAND: Yes, Your Honor.

6 THE COURT: When we resume after lunch at 2:15
7 sharp we will only be able to continue until 3:30 because I
8 have an emergency that I will deal with at 3:30, so I would
9 like to use the time we have now before lunch.

10 MR. KURLAND: Yes, Your Honor.

11 THE COURT: Continue, please.

12 All right, instead we'll break here and resume at
13 2:10 sharp.

14 MR. KURLAND: Thank you, Your Honor.

15 MS. COHEN: Very good, Judge.

16 THE COURT: You may step down.

17 (Witness exited the witness stand.)

18 THE COURT: I want to remind you that you were
19 asked whether you could identify Exhibit 131 as emails that
20 you sent and I am requesting that you spend the lunch hour
21 looking through those so that you can answer that question
22 when we resume.

23 Thank you. See you at 2:10 ready to go.

24 (WHEREUPON, there is a luncheon recess taken and
25 the case adjourned to 2:00 p.m.)

26 **AFTERNOON SESSION**

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 THE COURT: You may be seated.

3 It's now 2:25. I instructed everyone to be back
4 here at 2:10. I understand that everyone was except
5 Ms. Kalia.

6 Ms. Kalia, in the future, please be prompt.

7 Ms. Kalia, if you would resume the witness stand, please.

8 (Witness resumed the witness stand.)

9 THE COURT: Let me remind you that you are still
10 under oath.

11 Mr. Kurland, you may inquire.

12 THE WITNESS: Just a reminder, it's pronounced
13 Kalia.

14 THE COURT: Sorry.

15 Q Ms. Kalia, would you look at Exhibit 65, please?

16 (Document was handed to the witness.)

17 Q I'm looking at the email in Exhibit 65 sent Friday,
18 October 28, 2011 at 12:41 p.m., subject, you will not, will not
19 upper case, see the kids until this is restored. I promise you
20 that. Did you write that email?

21 A I don't recall.

22 Q Did you write the words, quote, we are ready to move
23 to Canada if we have to, but I will not tolerate your abuse any
24 longer?

25 A If I don't recall the emails, I can't recall the words
26 in them.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 THE COURT: I'm going to direct you just to
3 answer the question not in the conditional, but just answer
4 it. If you don't recall, that's fine, but you may not
5 answer it with a conditional phrase.

6 A I don't recall.

7 Q Do you remember writing those words to your husband,
8 whether in this email or not? Do you have any recollection of
9 writing those words?

10 A No.

11 Q Do you have a recollection of having written on
12 August 22, 2012, quote, we are set to appear at the Canadian
13 Embassy tomorrow for asylum?

14 A I don't have the exhibit in front of me.

15 THE COURT: That doesn't matter. The question is
16 do you remember writing that?

17 THE WITNESS: No.

18 Q Do you remember writing again on August 22, 2012,
19 quote, we will all be seeking asylum with the Canadian Embassy
20 tomorrow. If Vedula shows up here and attempts custodial
21 interference I will call the police, do you recall writing
22 that?

23 A I don't recall.

24 Q Do you recall --

25 THE COURT: Mr. Kurland, I want to caution you,
26 when you're reading things, you tend to speak about twice

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 as fast --

3 MR. KURLAND: Sorry, I apologize.

4 THE COURT: -- as you do in normal speech, so be
5 careful of that when you're reading. And also, don't talk
6 when I'm talking, as you just did.

7 MR. KURLAND: I apologize, Your Honor.

8 Q Ms. Kalia, did you on or about August 22, 2012 write
9 the words I am seeking asylum at the Canadian Embassy. I
10 believe I will be illegally detained by Judge Gesmer if I
11 appear in court tomorrow as retaliation for reporting her
12 friend and colleague Paul Engelmayer and his wife Emily
13 Mandelstan, currently under IRS criminal investigation for
14 their role as trustees at Trinity Episcopal Schools? Do you
15 recall writing that on August 22nd?

16 A I don't recall.

17 MR. KURLAND: Would you please show the witness
18 Exhibits 8, 9 and 10 in evidence, please?

19 (Documents were handed to the witness.)

20 Q Would you look at Exhibits 8, 9 and 10, please?

21 Have you had an opportunity to look at them?

22 A Yes.

23 Q Does that refresh your recollection?

24 A No.

25 Q Do you recall writing those emails?

26 A Nope.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Q You don't recall writing them?

3 A I don't recall.

4 Q When was the last time you saw Erik Wood in person?

5 A Actually, I retained a lawyer at the lunch hour and he
6 advised me not to disclose my discussions with law enforcement.

7 THE COURT: Well, I'm directing you to do so.

8 THE WITNESS: And I have been --

9 THE COURT: I am directing you to answer the
10 question.

11 When did you last see Erik Wood in person?

12 THE WITNESS: The lawyer representing me with the
13 federal investigation has advised me specifically not to
14 answer questions about confidential federal investigations.

15 THE COURT: Are you taking the Fifth Amendment?

16 THE WITNESS: I don't think I need the Fifth
17 Amendment, I am a government protected witness.

18 THE COURT: I have no documentation that you are
19 a government protected witness. I am directing you --

20 THE WITNESS: Well, then I would like --

21 THE COURT: Excuse me. I am directing you to
22 answer the last question, which is when did you last see
23 Erik Wood in person?

24 THE WITNESS: I don't recall.

25 Q Have you seen Erik Wood in person within the last
26 week?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A No.

3 Q Have you seen him in person within the last month?

4 A Yes.

5 Q Did you see him in person on the morning that you were
6 in your car in the taxi cab accident?

7 A Yes.

8 Q Did you see him before or after the taxi cab accident?

9 A Yes.

10 Q Before or after?

11 A Before.

12 Q And what did you speak with Mr. Wood about?

13 A That is a subject of a federal investigation. I have
14 been ordered specifically not to discuss it.

15 THE COURT: You have been ordered by whom?

16 THE WITNESS: By my lawyer Michael Wells.

17 THE COURT: Okay, your lawyer cannot give you
18 orders. I can give you orders and I am directing you to
19 answer that question.

20 What did you discuss with him on the morning of
21 your taxi cab accident?

22 THE WITNESS: That they were investigating Judge
23 Gesmer for bias and intimidation and using this divorce
24 proceeding to intimidate me at the behest of Wachtell
25 Lipton and Cy Vance and they were investigating that she
26 had tampered with the evidence of Dr. Schiller.

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 Q Have you seen Mr. Wood since that time?

3 A I don't think so, no.

4 Q Have you spoken with him on the phone since that time?

5 A Yes.

6 Q When is the last time you spoke with Mr. Wood on the
7 phone?

8 A Friday.

9 Q And what did you say to Mr. Wood and what did he say
10 to you?

11 A He warned me about intimidation and threats.

12 Q Warned you about making intimidation in accordance --

13 A No, he warned me that I would be intimidated here, as
14 I am currently. And I'm stating on the record, I feel
15 intimidated, I feel coerced. I'm answering these questions
16 under the threat of incarceration.

17 THE COURT: No one has threatened you with
18 incarceration.

19 THE WITNESS: Jackie Harounian, my previous
20 divorce lawyer, said Judge Gesmer repeatedly threatened to
21 incarcerate me if I didn't cooperate.

22 THE COURT: There is no question in front of you
23 now. I am advising you that I have not threatened you with
24 incarceration.

25 Next question, Mr. Kurland.

26 Q Were those his words or your words?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A Which words?

3 Q The words you just ascribed to Mr. Wood?

4 A Which words did I just describe to Mr. Wood?

5 THE COURT: Ascribe.

6 Q The words about intimidation, are those the words that
7 he said to you?

8 A I don't recall who said them first, but the purpose of
9 phone call was to discuss how to handle threats and
10 intimidation in the next few days.

11 Q Did he use the word warn in his conversation?

12 A I don't recall.

13 Q Would you please look at Exhibit 63?

14 (Document was handed to the witness.)

15 Q Before we look at Exhibit 63, do you have any writing
16 from Mr. Wood, any written communications within the last
17 month?

18 A No.

19 Q Okay. Would you look at the Exhibit 63, your email of
20 October 27, 2011 at 4:59 p.m.? Do you see that?

21 A Yes.

22 Q Do you remember writing that email?

23 A No.

24 Q Is this your email?

25 A I don't know.

26 Q Are you denying that you wrote this email?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A I'm saying I don't know.

3 Q Did you say, and by then the kids will have forgotten
4 about you?

5 A Like I said, I don't know.

6 Q Did you say it seems everyone agrees it is in the
7 best -- upper case -- interest of the children for you to never
8 see them again and they're right?

9 A As I said for the third time now, I don't think.

10 THE COURT: Okay. The question wasn't what you
11 had said before, the question was if you had said that in
12 the email. So I'm directing you to just answer the
13 question that is asked.

14 And it would be helpful if you ask more clear
15 questions.

16 MR. KURLAND: Yes, Your Honor?

17 A What is your question?

18 THE COURT: There is none right now, he's about
19 to ask one.

20 Q Aside from reference to the particular email, do you
21 ever recall in words or substance saying that it seems everyone
22 agrees it is in the best interest of the children for you to
23 never see them again and they're right?

24 A I don't recall.

25 Q Can you tell us the name of the lawyer that you
26 retained over the lunch hour?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 A Michael Wells.

3 Q But not in this proceeding, in the tax proceeding?

4 A He provides general advice on many related matters.

5 Q Is he your lawyer in this proceeding?

6 A He's not physically now because I was denied a
7 continuance.

8 Q Have you retained --

9 THE COURT: Let me just -- the only way somebody
10 would be an attorney in this proceeding is if they filed a
11 notice of appearance. There is no current notice of
12 appearance filed for Ms. Kalia that I am aware of.

13 MR. KURLAND: Okay.

14 Q Do you know whether Mr. Wells is admitted to practice
15 law in New York?

16 A I don't know.

17 MR. KURLAND: Your Honor, I have no other
18 questions of this witness, other than to offer Exhibit 131
19 into evidence.

20 THE COURT: Why don't you ask her the question
21 again?

22 MR. KURLAND: Yes, Your Honor.

23 Q Ms. Kalia, have you had an opportunity to look at
24 Exhibit 131 over the lunch hour?

25 A No, but that's fine.

26 THE COURT: What's fine?

1 S. Kalia - by Plaintiff - Direct (Mr. Kurland)

2 THE WITNESS: It's fine to admit it.

3 THE COURT: Okay. So Exhibit 131 is received in
4 evidence on consent.

5 (WHEREUPON, Plaintiff's Exhibit 131 was received
6 in evidence.)

7 MR. KURLAND: I have no further questions of this
8 witness at this time.

9 THE COURT: Ms. Steinberg, do you have any
10 questions?

11 MS. STEINBERG: Yes.

12 CROSS-EXAMINATION

13 BY MS. STEINBERG:

14 Q Ms. Kalia, you indicated that you retained Mr. Wells
15 over the lunch hour?

16 A Yes.

17 Q Did you sign a retainer agreement with him?

18 A No, he said as far as he was concerned he had always
19 been retained, and he clarified that for me.

20 Q Did you ever sign a retainer agreement with him?

21 A No, he was working pro bono so there was never an
22 exchange of a check.

23 MS. COHEN: I couldn't hear.

24 THE WITNESS: He was working pro bono so we never
25 exchanged a check or anything.

26 Q Have you ever exchanged any writings with him of any

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 sort?

3 A Yes.

4 Q And in those writings did he indicate -- withdrawn.

5 Did he send you anything in writing?

6 A A few things occasionally.

7 Q So what has he sent you in writing and during what
8 time period?

9 A Over the last four months.

10 He sends me the IRS circulars that are relevant to the
11 Trinity matter and he sent me the manual from the National
12 Association of Accounting Professionals amended to show that
13 non-profits are covered under Sarbanes-Oxley Law.

14 Q Has he sent you any documents written by him, letters,
15 forms or anything like that?

16 A I don't recall.

17 Q Have you signed any letters indicating that you have
18 retained him as your attorney in any respect?

19 A Yes.

20 Q And what have you signed?

21 A Emails.

22 Q So they don't actually have your signature though, it
23 was just your email address?

24 A I use a software app that has transmittal signatures.

25 Q Just changing the topic a little bit.

26 You have been having visits with your children three

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 days a week, right?

3 A Yes.

4 Q And your first visit was September 24th; is that
5 right?

6 A I'm not sure of the date.

7 Q It was the Monday after we went to the Appellate
8 Division; is that right?

9 A Yes.

10 MS. STEINBERG: Your Honor, I ask that the Court
11 take notice of -- withdrawn.

12 Q And do you recall that we went to the Appellate
13 Division on September 21st, it was a Friday?

14 A Yes.

15 Q So your first visit was Monday afternoon; isn't that
16 right?

17 A Yes.

18 Q And you subsequently have visits on every Monday and
19 every Thursday and every Saturday; is that correct?

20 A Yes.

21 Q And on Mondays and Thursdays what is the time of the
22 visits?

23 A I meet Ann Csydor at the Starbucks across the street
24 at 2:30. We walk over and get the kids from school and they
25 come home probably around 3:00 by the time we get home, and we
26 do homework and make dinner and watch TV, hang out.

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 Q And what time is the visit over?

3 A They leave around seven.

4 Q And on Saturdays are your visits from three to seven?

5 A Yes.

6 Q Now, while the children are with you and -- withdrawn.

7 So since you began visits, you have had seven visits;

8 is that right?

9 A I don't know.

10 Q So let's go back to September 24th. September 24th,
11 are you aware of whether or not September 24th was a Monday?

12 A I think it was because the 21st was a Friday.

13 THE COURT: There is a calendar on the wall over
14 there and I think we can all agree that September 24th was
15 a Monday.

16 Q So you had a visit with the children that Monday and
17 then the following Thursday you had a visit, right?

18 A Yes.

19 Q So that would be your second visit?

20 A Yes.

21 Q Saturday you had a visit, right?

22 A Yes.

23 Q The following Monday you had a visit, which would be
24 October 1st, right?

25 A Yes.

26 Q Then October 4th, which was Thursday was your next

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 visit; is that right?

3 A Yes.

4 Q And then October 6th, which was the Saturday that just
5 past, right?

6 A Yes.

7 Q And then yesterday you saw the children as well,
8 right?

9 A Yes.

10 Q Now, what do you do during visits with them?
11 Describe, for example yesterday.

12 A It varies. It's a tough time slot for me because my
13 counsel is in California, so that's the time when I have to
14 take a lot of work calls, but we do puzzles, we make dinner
15 together.

16 Yesterday we rolled pizza dough together and decorated
17 our own pizzas. If it's a weekday they do homework at the
18 dining table and I interact with them over that. I can't help
19 with the Spanish homework, so I'm not helpful there, but I read
20 with Dravin and I try to do a puzzle alone with him because
21 he's younger and he needs more time alone with me.

22 Q During the time that the children are with you, do you
23 spend most of that time with them?

24 A I think so.

25 Q You indicated that in the time during the weekdays,
26 I'm assuming, right, that you have to talk to your counsel; is

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 that right?

3 A Yes.

4 Q And from about 3:00 to 7:00 is the prime time for you
5 to speak with people in California?

6 A Yes.

7 Q And that's Mr. Wells that you speak to?

8 A Yes.

9 Q So let's say yesterday, did you speak with Mr. Wells
10 yesterday afternoon?

11 A I don't recall if it was yesterday afternoon. No, I
12 waited until after they left. I asked if I could call him back
13 at seven p.m.

14 Q So last week at some point did you speak with
15 Mr. Wells on Monday or Thursday?

16 A I don't know.

17 Q So when you go you bring them to your home, right?

18 A Yes.

19 Q Can you describe your home for the Court?

20 A It's a three bedroom apartment with a small family
21 room and it's comfortable and I try to maintain the atmosphere
22 and the routine as similar to their lives before this happened
23 as much as possible.

24 Q Okay, let me walk you through. You go in the front
25 door of the apartment, right?

26 A Yes.

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 Q What floor is it on?

3 A Third floor.

4 Q You take the elevator or walk?

5 A Usually walk.

6 Q So you walk into the apartment and what do you
7 immediately see when you walk into the apartment?

8 A A foyer.

9 Q Past the foyer, what is there?

10 A There's a hallway and then a parlor.

11 Q And is there a bedroom anywhere near that area?

12 A My bedroom is off the foyer.

13 Q To the right or left?

14 A To the left.

15 Q Then you walk down the hall and what is the next room
16 that you get to?

17 A After the parlor on the right side there's a dining
18 room.

19 Q It's on the right side also?

20 A Yes.

21 Q And then what do you get to?

22 A The next room is on the left, it's my son Dravin's
23 room, and on the right is the kitchen, and next to the kitchen
24 is the family room, and next to the family room is my
25 daughter's room, Lola's room.

26 Q And when the children are there you spend a lot of

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 time in the kitchen preparing dinner and getting the dishes
3 ready and all that sort of stuff, right?

4 A Yes.

5 Q And you also speak with -- withdrawn.

6 Is Aneesha present at the visits?

7 A Sometimes. She's there on Thursdays mostly.

8 Q And Ms. Csydor is there during the visits, right?

9 A Yes.

10 Q And are you permitted any time alone with either of
11 the children during those visits?

12 A Just when we walk home. The traffic of New York City,
13 I'm holding my son's hand and by necessity Ms. Csydor can't
14 physically hear everything we're saying.

15 Q What sorts of things do you talk to Dravin about?

16 A I try to maintain as much of the routine as we had
17 before. We talk about school, his friends, his teacher and his
18 after-school activities and then sometimes they raise their own
19 topics.

20 Q Now, when you are in the kitchen do you sometimes talk
21 with Aneesha about things that are going on with this case?

22 A Yes, yes. Aneesha and I are very good friends.

23 Q And when you have those conversations, in general,
24 where are the children?

25 A They are either in the dining room doing homework or
26 the family room.

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 Q And do you have any of these conversations with the
3 children?

4 A No.

5 Q Have the children asked you why their visits with you
6 are supervised?

7 A Yes.

8 Q And what have you said to them?

9 A That daddy requires it.

10 Q I'm sorry, what?

11 A I told them their father asked for supervised visits.

12 Q And did you explain to them why?

13 A Yes.

14 Q During the times that the children are with you have
15 you posted on social media, on Facebook or Twitter or any of
16 those things?

17 A I don't know.

18 Q You have no recollection of as to whether or not you
19 got on the computer during your visits with the kids?

20 A Oh, I know I was on the computer. I have a
21 freelancing job I'm up for and I have to maintain what is
22 called a cloud score of a certain social media presence, so if
23 I don't post a certain number of times a day it drops and that
24 affects my opportunities.

25 Q So on a regular visitation day, let's say last
26 Thursday, how many times do you think that you posted on social

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 media during the time of the visit?

3 A I don't recall. A lot will depend on election
4 coverage, things like that that I have to be responsive to.

5 Q Now, on October 4th, which would have been this past
6 Thursday, do you recall posting to any social media?

7 A I don't recall.

8 Q If I told you that you posted at 2:57, 6:23, 6:40 and
9 6:42, would that sound right to you?

10 A I don't know.

11 Oh, the kids were watching a movie and I was away from
12 them for an unusual amount of time, but they were so relaxed
13 and happy, I didn't want to interrupt them from a movie, so I
14 had more time without them than usual, but I was just trying
15 to -- I felt if I pulled them out of it to interact with me,
16 that would be forced, so I was on social media more than usual.

17 Q So you didn't watch the movie with the kids?

18 A There wasn't room with Aneesha and Ann and the two
19 kids on the two couches, there wasn't physically room in the
20 room for me.

21 Q On Saturdays when you visit with them, do you plan any
22 activities for them?

23 A I haven't yet, but we're going to go on a picnic
24 this -- well, the next time we can.

25 Q So this past Saturday what did you do?

26 A This past Saturday they came over, I think the weather

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)
2 wasn't cooperating, as I recall. The first few days they just
3 wanted to be home and in their rooms and playing and having
4 dinner.

5 Q In fact, they're very happy when they get to the
6 apartment because their room is there with all of their things;
7 isn't that right?

8 A I don't know if my daughter is. My son likes his
9 trucks.

10 Q And when they leave do they pack up some of their
11 belongings to take along with them to their father's?

12 A My son does. My daughter takes some clothes for the
13 week.

14 Q And have you ever told them not to take so many
15 clothes with them?

16 A No, my daughter was starting to pack at seven p.m. and
17 I said you have to start earlier if you want to go through
18 clothes because I was trying to observe the time limitation.

19 Q And when the children aren't there for their
20 visitation it's just you alone in the apartment?

21 A Yes.

22 Q What's your email address?

23 A Do I have to state it on the record?

24 THE COURT: Yes.

25 A Seemakalia@gmail.com.

26 Q And do you also have a presence on Twitter?

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 A Yes.

3 Q And what is that name?

4 A @Seemakalia.

5 Q And you're also on Facebook; is that right?

6 A Yes.

7 Q And you have subscribers on Facebook as well, right?

8 A Yes.

9 Q You have a public page?

10 A I don't know if it's -- yes, it's a public page. I
11 have about 30,000 readers.

12 Q And you have about how many subscribers, a little less
13 than 2,000?

14 A I don't know.

15 Q Are there pictures of your children on your Facebook
16 page?

17 A There were.

18 Q Are there now?

19 A There are currently, but they are old. I was advised
20 by a security expert to keep the children visible in case
21 someone from Wachtell tried to threaten or approach them, and
22 it's been helpful.

23 Q What security person?

24 A His name is Sam Atar(ph).

25 Q Who does he work for?

26 A I don't recall. I talked to him a year ago when the

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 threats came from Wachtell.

3 Q Did he pay -- I mean did you pay him? I'm sorry,
4 withdrawn.

5 Did you pay him?

6 A I think I did, but I can't recall how much. It was a
7 one-time consult and he said be conspicuous and be loud because
8 they won't do anything if they think they will get caught. And
9 it worked because people reported seeing strangers approach my
10 children because they recognized my children.

11 Q You indicate that Wachtell threatened you?

12 A No, the threats came from different people and in
13 conjunction with actions taken against Wachtell.

14 Q Were the threats done verbally or in writing?

15 A Social media mostly and a few emails and then some
16 threatening phone calls. I had my land line disconnected.

17 Q On what social media did you receive these messages?

18 A Twitter and Facebook.

19 Q Did you download them or print them?

20 A I don't think I did. At the time it was overwhelming.
21 It was horrible shock that they had retaliated against me by
22 placing that article in the Daily Beast, and Vedula had
23 disappeared and was suffering from panic attacks and I was just
24 under a lot of stress trying to get money to feed them and I
25 don't know that I had the wherewith all.

26 Later I became more diligent about saving the evidence

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 of the retaliation.

3 MR. KURLAND: I move to strike. Not responsive.

4 Beyond the question.

5 THE COURT: Actually, an objection of the
6 questioner, not of the other part.

7 MS. STEINBERG: No, I'm not asking for it to be
8 stricken.

9 THE COURT: I didn't hear you object.

10 Q Ms. Kalia, you received emails also, you indicated,
11 from someone at Wachtell?

12 A I don't know if they were from Wachtell.

13 Q Lets talk about, who is Wachtell?

14 A Andrew Brownstein, Jeannemarie O'Brien. The people
15 who I know have been involved are Bob Morgenthau, the former
16 DA, and his wife Lucinda Franks, who wrote for the Daily Beast.

17 Q Wachtell is a law firm in New York City, right?

18 A Yes.

19 Q What is their full name?

20 A I don't know. I think Wachtell, Lipton, Rosen & -- I
21 don't know. Everyone calls them Wachtell. They're WLRK.com.

22 Q Does Mr. Morgenthau work for them?

23 A He's of counsel to the firm since 2010.

24 Q And have you had any communications yourself in person
25 with Mr. Morganthau?

26 A Not that I know of.

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 Q Have you had any personal conversations or
3 interchanges with Cy Vance?

4 A I had an -- I had a letter from a city marshal saying
5 he was writing on behalf of Vance wanting me to drop all
6 complaints or my family would be sorry.

7 Q Do you have that letter?

8 A Not with me.

9 Q Do you have that letter at home?

10 A No, I produced it to the federal investigators.

11 Q You didn't keep a copy for yourself?

12 A I was careful not to.

13 Q Why?

14 A Because my lawyer and I felt that it would -- that
15 Judge Gesmer would attempt to try to get copies for her own
16 purposes.

17 Q And who is the lawyer?

18 A Michael Wells.

19 Q But he just became your lawyer today?

20 A No, he advised me of what to give when so that I
21 didn't retain things.

22 Q Now, you have --

23 THE COURT: Who did you turn it over to in the
24 federal government?

25 THE WITNESS: The Department of Justice.

26 THE COURT: Who in particular?

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 THE WITNESS: He gave me an intake address. I
3 don't recall the name of the person.

4 Q Have you spoken with anybody from the Department of
5 Justice in say the last month?

6 A Yes.

7 Q And who have you spoken with?

8 A A federal prosecutor whose name I don't recall.

9 Q Do you have anything that would refresh your
10 recollection, any notes in your bag or anything like that?

11 A No. Michael advised me about keeping notes.
12 When this proceeding started and the children were
13 taken from me, he became much more concerned about my privacy
14 and my protection and trying to preserve what the DOJ was
15 doing.

16 Q To your knowledge -- withdrawn.
17 Have you asked Mr. Wells to appear her in Court on
18 this case?

19 A No.

20 Q Are you intending to call him as a witness on this
21 case?

22 A No.

23 Q Do you have any documentation that would indicate that
24 Mr. Wells has given you this advice?

25 A No, we have tried to keep everything verbal.

26 Q So you don't put anything in writing with him?

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 A No. As a matter of practice, no.

3 Q So there are no emails, no text messages?

4 A No.

5 Q Just phone calls?

6 A Yes.

7 Q And how often do you speak with Mr. Wells?

8 A Three or four times a day.

9 Q And he is representing you pro bono?

10 A Yes.

11 Q Do you know why?

12 A He had downloaded the tax returns that Wachtell Lipton
13 had removed from the internet, and being a tax attorney, a
14 federally admitted tax attorney, he had access to the original
15 filings. He saw the article that Lucinda Franks had placed in
16 the Daily Beast, was appalled, as he said, about what they had
17 said because it's a felony to deny when you're under criminal
18 investigation, and upon reviewing the claims himself, he felt
19 he should help me.

20 He's probably the leading expert on nonprofit tax law
21 in the country.

22 Q Let's go back to the story in the Daily Beast. Who
23 was the author of that story?

24 A An intern named Nick Summers.

25 Q Did you ever speak to Nick Summers?

26 A Yes.

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 Q And did he ask you for documentation with regard to
3 your claims against the Trinity School?

4 A No, but I sent him several packages.

5 Q So you're saying that in the article -- in the article
6 doesn't Mr. Summers say that you failed to provide him with
7 documentation?

8 A Which is why he's being sued for libel because I have
9 proof that I sent it.

10 Q Okay, let's just answer the question.

11 So in his document, in the actual story in the Daily
12 Beast, when he said that you didn't provide him with
13 documentation, he was lying, right?

14 A Yes.

15 Q And so now you have sued him, right?

16 A I had sued him, but the claim has disappeared from the
17 docket.

18 Q I don't understand.

19 A Well, I didn't understand either. I went looking for
20 it two weeks ago for something procedural and it was gone and
21 Michael Wells said he feels that because the claim pertains to
22 pertinent information, he thinks that it was removed by federal
23 authorities.

24 MS. COHEN: It was what?

25 THE WITNESS: Removed by federal authorities.

26 Q What exactly were you looking for that you believe was

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 removed by the federal authorities?

3 A I had filed a claim and I have a hard copy stamped at
4 home with the court file, and it should still be there because
5 not a lot has happened on the claim. It's very new and there
6 is no record of it ever having existed, and if I didn't have
7 the hard copy at home with the court stamp, I would be puzzled.

8 The Defendants had filed a couple of documents in
9 response, so they know it was there too, and now no one knows
10 where it is, and we're just leaving it until the Feds conclude
11 what they're doing.

12 Q Okay, let's step back for a second.

13 You have two cases that you filed here in Supreme
14 Court recently, in the last year or so?

15 A No, just one.

16 Q You didn't file a case against Trinity School?

17 A Nope, just the liable claim. Oh, but there are
18 Trinity School defendants on the libel claim.

19 Q And you're saying that the libel case is the one that
20 Mr. Summers was named in?

21 A Yes.

22 Q He was a named defendant individually in that lawsuit,
23 right?

24 A Yes.

25 Q How many defendants were named in that?

26 A I don't recall.

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 Q But there were a lot, right?

3 A I had to name all the trustees.

4 Q So there were more than ten?

5 A Probably.

6 Q Probably more than 20?

7 A I don't know.

8 Q And has there been any action on that file?

9 A Yes, the Daily Beast counsel from IAC contacted me,
10 which is the parent company to Newsweek Daily Beast.

11 Q And has there been any discussion with them about
12 settlement of that case?

13 A Yes.

14 Q Have they offered you any sort of amount of money to
15 settle?

16 A No. We started talking about money and then when the
17 children were taken from me and it appeared there were bigger
18 problems to handle, Michael advised me to hold off on anything
19 under the lawsuit until the Feds finished what they had to do.

20 Q What exactly are the Feds doing?

21 A I don't know.

22 Q But you speak with them, right?

23 A I do.

24 Q When we're talking about the Feds, in quotation marks,
25 who exactly are we speaking of?

26 A I'm talking about the DOJ and the special agents from

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 the Department of Treasury, and I believe Michael has submitted
3 things directly to the FBI, but I haven't corresponded with
4 them directly.

5 Q To your knowledge, as of now, have there been any
6 lawsuits filed in Federal Court with regard to any of these
7 investigations?

8 A Do you mean criminal indictments?

9 Q Any sort of actions whatsoever.

10 A I wouldn't have knowledge of that, no.

11 Q Are there other witnesses besides with regard to these
12 issues?

13 A Yes.

14 Q Who are the other witnesses?

15 A That I know of, Dr. Schiller and Dr. Brandt have been
16 interviewed about this proceeding in Judge Gesmer's bias and
17 intimidation and the illegal taking of the children.

18 Q You have asked many times here in Court whether
19 Dr. Schiller was going to testify, right?

20 A Yes.

21 Q And do you want her to testify?

22 A I don't think it matters at this point.

23 Q Do you intend to ask her questions about the
24 investigation?

25 A I don't think it would be proper to do so with Judge
26 Gesmer presiding. I think it has to be done in an external

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 proceeding, but probably done that way.

3 MS. STEINBERG: I have no other questions.

4 THE WITNESS: Can I take a rest break?

5 THE COURT: Before you do that, let's just
6 clarify what's going to happen next. You may testify
7 essentially on redirect at this time or you may just
8 testify on your own case. Why don't you think about that
9 while we take the recess and then you can tell me when we
10 get back?

11 THE WITNESS: Okay.

12 THE COURT OFFICER: Step down.

13 (Witness exited the witness stand.)

14 THE COURT: Five-minute recess.

15 (Brief recess taken.)

16 THE COURT OFFICER: All rise. Come to order.

17 THE COURT: You may be seated.

18 Ms. Kalia, do you wish to testify now in the
19 nature of redirect on the issues that have been covered by
20 Mr. Kurland and Ms. Steinberg or do you want to reserve
21 that until your own case?

22 MS. KALIA: Is the alternative that I would start
23 presenting my own case?

24 THE COURT: No. If you want to testify now, then
25 you will testify as to anything that relates to what the
26 questions you were asked by Mr. Kurland and Ms. Steinberg

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)
2 and then you will step down and they will put on whatever
3 other witnesses they have. If you don't, and I don't
4 even --

5 Do you have other witnesses?

6 MR. KURLAND: Just Dr. Schiller.

7 THE COURT: And when is she scheduled for?

8 MS. COHEN: Tomorrow.

9 MR. KURLAND: Tomorrow, Dr. Schiller.

10 THE COURT: Okay. If you don't testify now, then
11 I guess we would begin your case subject to their
12 completing their case with Dr. Schiller tomorrow and then
13 you would resume your case. So it really doesn't matter
14 because you'll go next in either event, so either as
15 redirect of yourself with regard to their questioning or
16 your affirmative case with regard to the position you wish
17 to take.

18 MS. KALIA: But --

19 THE COURT: My suggestion, since you're
20 unrepresented, is that you waive redirect at this time.
21 They will close subject to putting on Dr. Schiller tomorrow
22 and then you can resume the witness stand as your own
23 witness and tell me whatever it is you want to tell me.

24 MS. KALIA: Okay.

25 THE COURT: So if you're waiving redirect do you
26 have any other witnesses?

1 S. Kalia - by Plaintiff - Direct (Ms. Steinberg)

2 MR. KURLAND: I have no other witnesses. I may
3 have some redirect of this witness following --

4 THE COURT: Following up on --

5 REDIRECT EXAMINATION

6 BY MR. KURLAND:

7 MR. KURLAND: Would you please show the witness
8 Exhibit 21?

9 (Document was handed to the witness.)

10 Q Is this Exhibit 21 the summons with notice that you
11 filed in New York State Supreme Court?

12 A Is this your exhibit? What is the question?

13 Q The question is, is Exhibit 21 the file stamped copy
14 of the document that you claim to have filed in Supreme Court?

15 A Yes.

16 Q And is this the document you referred to in your
17 examination by Ms. Steinberg?

18 A No.

19 Q You filed another document?

20 A I filed the complaint within 90 days.

21 Q Right. And is the document --

22 THE COURT: So this is just the summons, okay.

23 Q Is the summons with notice the document that you
24 looked for and could not find in the file?

25 A I looked for both.

26 Q You couldn't find either of them?

1 S. Kalia - by Plaintiff - Redirect (Mr. Kurland)

2 A No.

3 Q Is it yes, that you couldn't find either of them?

4 A I could find no record of anything under my index
5 number.

6 Q Okay. And if you turn toward the back of Exhibit 21
7 following the exhibits there is something called verified
8 complaint, do you see that?

9 A Oh, yes.

10 Q And it's unsigned, do you see that?

11 A Yes.

12 Q Do you see that there's no index number?

13 A Yes.

14 Q Do you see that it doesn't say the date it was filed?

15 A Yes.

16 Q And do you see that there's no file stamp on this
17 document?

18 A On this document, yes.

19 Q Is it your testimony that at some point in time you
20 actually filed a verified complaint?

21 A Yes, I did.

22 Q Do you have a copy of it?

23 A Not on my person, no.

24 Q Do you have a copy of it anywhere?

25 A I have a copy at home.

26 Q Would you produce the document tomorrow morning?

1 S. Kalia - by Plaintiff - Redirect (Mr. Kurland)

2 Would you bring it with you?

3 A Sure. I can bring a copy, I don't have the original
4 anymore.

5 Q I understand that.

6 Do you know when you filed it?

7 A I believe it was July 25th or 26th, around that time.

8 Q Did you obtain a file stamped copy of it when you
9 filed it?

10 A Yes, I did.

11 Q Does the document you have have the file stamp on it?

12 A Yes, it does.

13 Q And did you serve all of the people who are listed on
14 the summons with notice?

15 A Yes.

16 Q Did you also serve each of them with the complaint?

17 A Yes.

18 Q And you served Lucinda Franks?

19 A Yes.

20 Q You served Henry Morgenthau?

21 A I would have to check. I believe we dropped some
22 defendants by the time the complaint came around with a view
23 that they would be better included in the Sarbanes-Oxley
24 complaint.

25 Q Did you serve Emily Mandelstan?

26 A Yes.

1 S. Kalia - by Plaintiff - Redirect (Mr. Kurland)

2 Q Have you subsequently dismissed the case against Emily
3 Mandelstan?

4 A No.

5 Q Have you served Robert Morgenthau?

6 A I would have to check.

7 Q Is Robert Morgenthau named as a party in this latest
8 litigation?

9 A I don't know if he is in this litigation. He is being
10 named in the Sarbanes-Oxley complaint with his partners at
11 Wachtell Lipton.

12 Q But that complaint has not been filed yet?

13 A No, it hasn't.

14 Q Do you have a lawyer who is representing you in that
15 action?

16 A No, I'm pro se.

17 Q Do you have a lawyer who is representing you in the
18 action that is reflected in Exhibit 21?

19 A No, I'm pro se in that as well.

20 MR. KURLAND: I have no other questions.

21 THE COURT: Okay. Do you now rest, except as to
22 the testimony by Dr. Schiller who is coming tomorrow?

23 MR. KURLAND: Yes, Your Honor.

24 MS. COHEN: Except, Your Honor, to the extent
25 that we need to have as a housekeeping matter, we're very
26 concerned about this, we need the temporary order of

1 S. Kalia - by Plaintiff - Redirect (Mr. Kurland)

2 protection extended today.

3 THE COURT: That has nothing to with whether you
4 rest.

5 MS. COHEN: I just wanted to make sure I don't
6 forget.

7 THE COURT: I understand. I've already --

8 MS. COHEN: And I would also --

9 THE COURT: My question is if you rest --

10 MR. KURLAND: The answer is --

11 THE COURT: -- subject to calling Dr. Schiller
12 tomorrow?

13 MR. KURLAND: Yes, Your Honor.

14 MS. COHEN: My request would be that it be
15 extended for a sufficient period of time so that we never
16 have to go to the police station to have it served again,
17 Your Honor, the temporary order of protection.

18 THE COURT: Okay, I'm extending it to October
19 24th because we're here tomorrow and then back on the 22nd,
20 23rd and 24th.

21 MS. COHEN: Can I request that it be extended
22 longer than that, Your Honor?

23 THE COURT: No. You can request it, but the
24 application is denied. It will be extended until
25 October 24th. You may make a further application on
26 October 24th.

1 S. Kalia - by Plaintiff - Redirect (Mr. Kurland)

2 MS. COHEN: Okay.

3 THE COURT: Okay. So Dr. Schiller will be here
4 at 9:30 tomorrow?

5 MS. COHEN: Yes.

6 THE COURT: Okay. So, Ms. Kalia, I would like
7 you to begin your case at this time. Are you calling any
8 witnesses other than yourself?

9 MS. KALIA: I'm not prepared to start my case
10 today.

11 THE COURT: Okay, well, you're going to start
12 your case today. This is the time for your case. Why
13 don't you --

14 MS. KALIA: I'm going to be calling Dr. Schiller.

15 THE COURT: Okay, I am directing you to start
16 your case today. We have 15 minutes of testimony to use
17 and if you're intending to testify, then I'm directing you
18 to use this time.

19 MS. KALIA: I am calling Dr. Schiller before I
20 testify.

21 THE COURT: I am directing you to call yourself.
22 Are you intending to call yourself as a witness?

23 MS. KALIA: I have nothing to say.

24 THE COURT: Okay. If you choose not to use --

25 MS. KALIA: I know.

26 THE COURT: -- this time, then you will not be

1 S. Kalia - by Plaintiff - Redirect (Mr. Kurland)
2 able to testify on your own behalf. Is that what you
3 choose to do?

4 MS. KALIA: I am not represented by counsel, so I
5 prefer not to say anything.

6 THE COURT: Okay. You have 15 minutes now to
7 begin your case.

8 MS. KALIA: I won't be saying anything.

9 THE COURT: So if you do not begin your testimony
10 on your own behalf now, then you will not be allowed, I
11 will not permit you to testify at a later point.

12 MS. KALIA: So be it.

13 THE COURT: Fine. Then I will see everyone at
14 9:30 tomorrow.

15 MS. COHEN: So we are going to wait for the
16 temporary --

17 THE COURT: Yes.

18 MS. COHEN: Ms. Kalia has to wait for it.

19 THE COURT: Ms. Kalia, please wait for a copy of
20 the order of protection.

21 See everyone here at 9:30 tomorrow morning.

22 (WHEREUPON, court is recessed and the case
23 adjourned to Wednesday, October 10, 2012 at 9:30
24 a.m.)

25 * * * * *

26 **C E R T I F I C A T E**

Laura L. Ludovico, SCR

1 S. Kalia - by Plaintiff - Redirect (Mr. Kurland)

2 I, Laura L. Ludovico, a Senior Court Reporter for
3 the State of New York do hereby certify that the foregoing
4 is true and accurate transcription of my original
5 stenographic notes.

6

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Laura L. Ludovico
Senior Court Reporter

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Laura L. Ludovico, SCR

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