

1 Q. It also says, at the hearing another trooper
2 apparently lied under oath and the AG dismissed the
3 charges. Had you had that discussion with Paul Walton
4 that another trooper apparently lied under oath and
5 the AG dismissed the charges?

6 A. I did not have any conversation with him about that?

7 Q. Do you know who he was referring to?

8 A. No clue.

9 MR. CLARK: Foundation.

10 A. Sorry. No clue.

11 BY MS. PUZZUOLI:

12 Q. In this e-mail it also states, I was contacted by the
13 media and shown a copy of an affidavit authored by
14 Trooper Busacca. The affidavit was not part of our
15 investigation. Did Paul Walton approach you and tell
16 you that he was contacted by the media ever?

17 A. I dont recall.

18 Q. And this was authored on December 11, 2020, by the
19 way, and it's the one from Paul Walton to Barb
20 Morrison. Do you know how the media got a copy of an
21 affidavit authored by Trooper Busacca?

22 A. Which affidavit? I think there were two or three.

23 Q. The one that Paul Walton's referring to in this case?

24 MR. CLARK: I object to foundation.

25 BY MS. PUZZUOLI:

1 Q. And I'll go on and read some more to see if it gives
2 you any information. The best that the sheriff and we
3 can figure out, so obviously you had some conversation
4 with Paul Walton, right?

5 A. I said I did, yes.

6 Q. Yeah. The best that the sheriff and we can figure out
7 is that Busacca filed -- filled out an affidavit using
8 a people versus caption. It has been notarized, as
9 well. The sheriff is investigating the origins of the
10 affidavit. That affidavit contains language that
11 states that the victim child made credible disclosures
12 of sexual abuse at Care House?

13 MR. CLARK: Is there a question?

14 A. And your question?

15 BY MS. PUZZUOLI:

16 Q. That's the affidavit I'm referring to.

17 A. I don't know what your question is.

18 MS. PUZZUOLI: Okay. Would you repeat the
19 question, please, Alan?

20 (The following requested portion of the
21 record was repeated by the court reporter
22 at 12:21 p.m.:

23 Q. The sheriff is investigating the
24 origins of the affidavit. That affidavit
25 contains language that states that the

victim child made credible disclosures of sexual abuse at Care House?)

BY MS. PUZZUOLI:

Q. I'll ask another question. Let me ask you this. Paul Walton says, the best that the sheriff and we can figure out, and he's referring to you and himself. Who else is he referring to in we, do you know?

MR. CLARK: Foundation.

A. I have no clue. You have to ask him.

BY MS. PUZZUOLI:

Q. It says, the best that the sheriff and we can figure out is that Busacca filed an affidavit, etc. As I stated, the sheriff is investigating the origins of this affidavit. Was Sheriff Bouchard investigating the origins of the affidavit or was it you?

A. No. Many times people refer to the sheriff as the Sheriff's Office.

O. Okay.

A. That's what I assume he's talking about.

8. Were you investigating the origins of the affidavit?

A. Which affidavit are you talking about?

Q. Any affidavit, how's that?

A. I remember there was another affidavit that Heather Catallo sent me and asked me if I'd ever seen it before and I said no, I've never seen it before and it

was not a part of any file that we had that anybody had shared with us.

Q. Were you investigating the origins of that affidavit?

A. I don't know about investigating. We were curious as to what was that affidavit about, and if I remember correctly, it might have had something to do with -- I'm speculating here, but with the divorce proceedings or the custody proceedings in Florida. So there would have been a second affidavit that Busacca may have done to support the custody battle in Florida, that's what I recall.

Q. It then says that the affidavit contains language that states the victim child made credible disclosures of sexual abuse at a care house. You did not know of Brittany Hescott's testimony in the June 2016 deposition, correct?

A. I already said --

MR. CLARK: Asked and answered.

A. -- I had no clue.

BY MS. PUZZUOLI:

Q. Right. So based on that testimony the child did make credible disclosures, correct?

MR. CLARK: No. Object to form, it
erizes --

BY MS. PUZZUOLI:

1 Q. Would you disagree with that?

2 A. Yes. According to the Prosecutor's Office, the memos

3 that I saw, that did not occur.

4 Q. Okay. Did you speak to everyone at Care House or

5 anyone at Care House to determine if their interview

6 revealed disclosures?

7 A. No, I did not.

8 Q. The next part of this says, and it's from you, I am

9 10-4, just let me know. Brady and I spoke this AM

10 also on that matter and he let me know you would be

11 contacting me. Who are you referring to as Brady?

12 A. Brady Boucher, I believe.

13 Q. What discussions did you have with Brady Boucher on

14 the --

15 A. Several. He told me he was doing an internal

16 investigation on Busacca. We had several

17 conversations over a period of time.

18 Q. And had --

19 A. I recall --

20 Q. I'm sorry, I didn't mean to cut you off?

21 A. Nope, Brady Boucher.

22 Q. Did you reach out to Brady Boucher or had he reached

23 out to you originally?

24 A. No, he reached out to me, he called me.

25 Q. There's then a memo from Philip Menna, M-E-N-N-A, at

1 the Michigan State Police, Mike, I just spoke to Brody
2 and he advised that it will need to be a bit later in
3 the week, he has a new document he needs to deal with
4 first and then we can wrap this thing up. Will be in
5 touch.

6 And then another e-mail after that talks
7 about him having an opening on his schedule and to
8 have a teams meeting online with myself and Lieutenant
9 Brody Boucher from our professional standards section
10 to follow up on an internal investigation we are
11 wrapping up reference Trooper Busacca.

12 Were you involved in that teams meeting?

13 A. It never happened. I never heard from him again after
14 that e-mail.

15 Q. What statements did you make to Brody Boucher
16 regarding Trooper Busacca?

17 MR. CLARK: Object to form.

18 A. I don't recall. I think he recorded the interview, as
19 I recall. I guess you'd have to talk to him.

20 BY MS. PUZZUOLI:

21 Q. In the discussions you had with Lieutenant Boucher did
22 you accuse --

23 A. It's Boucher.

24 Q. Boucher, I'm sorry. You're right.

25 A. That's okay. I just remember Boucher.

1 Q. Did you accuse Trooper Busacca of being untruthful?
2 A. I don't recall exactly what occurred there. I'd have
3 to listen to the tape recording. I know I brought
4 concerns forward about his truthfulness for sure. In
5 my opinion his omissions in the affidavit, the
6 original affidavit, his omissions are like a Franks
7 violation. By not telling the judge the whole story
8 it's basically a lie by omission. You're familiar
9 with Franks, I'm sure.

10 Q. Were you aware that Trooper Busacca had several people
11 look at the affidavit to make sure it met with
12 standards?

13 MR. CLARK: Object to relevance.

14 A. No idea.

15 BY MS. PUZZUOLI:

16 Q. Okay. Attorneys who looked at it?

17 A. No idea.

18 MR. CLARK: Kolodziej?

19 BY MS. PUZZUOLI:

20 Q. Okay.

21 MR. CLARK: Former lawyers maybe.

22 MS. PUZZUOLI: No, the AG's Office, people
23 at the AG's Office.

24 MR. CLARK: Object to form as to lawyers
25 because some aren't lawyers anymore.

THE WITNESS: Or Laura Moody, who doesn't work there anymore. Oh, sorry.

BY MS. PUZZUOLI:

4 Q. Let me ask you this. This is an e-mail dated Tuesday,
5 November 10th from you to Robert -- or to Brody, and
6 it says, Brody: It's not our case file. I checked
7 with Paul Walton at the Prosecutor's Office and it is
8 not in their file either. Heather Catallo did send it
9 to me asking if we had ever seen this affidavit. I
10 told her we had not seen it nor were we aware of it.

What affidavit are you referring --

12 A. I think that's --

13 0. -- to here?

14 A. -- the one I just referenced that may have been used
15 in the case in Florida, but I don't know that for a
16 fact.

17 We had never seen it and it was not in our
18 file, and Paul Walton said he had never seen it and it
19 was not in their file.

20 Q. Well, why would it be in your file, it's a Florida --
21 it's a search warrant from Florida, right, why would
22 it be in your --

23 A. We gathered a lot of information regarding this,
24 documents that were shared with us. That's one that
25 was never shared with us.

1 Q. And then you say on November 9th before that the SIU
2 has the file. What file did they have?

3 A. They would have been the ones, again, that were going
4 to the bond hearing. They're the ones that were
5 following the case after he was charged, so that file.

6 Q. Why did you have the SIU unit going to the bond
7 hearing?

8 A. Again, because of our concerns about this case. There
9 was obviously something not right. I've testified to
10 that many times today.

11 Q. Yes, you have, I will concur. Had you ever sent the
12 SIU unit to a bond hearing before?

13 A. I don't know, I don't think so.

14 Q. Were any members of the SIU -- or wait, strike that.
15 Who did you send from the SIU unit to the
16 bond hearing?

17 A. I didn't send anybody. It would have been Captain
18 Quisenberry or Lieutenant Wilson.

19 Q. Were any members of the SIU unit possible witnesses?

20 A. Witnesses to what?

21 Q. Witnesses for the criminal case against McMaster and
22 Orr.

23 A. Not that I'm aware of.

24 Q. Did you ever put any surveillance on Busacca on
25 Schipani?

1 A. No.

2 Q. Have you heard of anyone that did?

3 A. No. Maybe the AG but I have no knowledge of that.

4 Q. All right. This is an affidavit that was attached to

5 those e-mails. It's pages 128 through 132. Is this

6 the affidavit that's being referred to in those

7 e-mails?

8 A. I believe so, yes.

9 Q. So that's the affidavit in November that you claim you

10 never saw before?

11 A. That's the one that Heather Catallo I believe sent me,

12 asked me if I'd ever seen it before.

13 Q. All right. I have your letter to Dana Nessel in this

14 package, it's 136 through 137, dated September 13th,

15 2019. I think we discussed why you said this case

16 came to our attention for several reasons, correct?

17 A. Yes.

18 Q. And you said most importantly was the fact that

19 Defendants were thoroughly investigated on the same

20 allegations in 2015 by the Oakland County Sheriff's

21 Office and the Oakland County Prosecutor's Office.

22 Tell me what facts you based your language on that

23 they were thoroughly investigated in 2015?

24 A. Because we --

25 MR. CLARK: Object to form and asked and

1 answered, but you can answer again.

2 A. I think it was 2016. If it says 2015 that might be a
3 type.

4 BY MS. PUZZUOLI:

5 Q. It does.

6 A. Okay. So that would have been the investigation done
7 by Detective Freiberg, the two investigations.

8 Q. Okay. But you hadn't reviewed his investigations you
9 told me, correct?

10 A. I hadn't but other people had.

11 Q. So when you made that statement that it had been
12 thoroughly investigated, you're relying on what
13 somebody else told you?

14 A. Well, I was told by the Prosecutor's Office, the memo
15 from Sara Pope-Starnes, Lieutenant Wilson, SIU.

16 Q. Who told you it had been thoroughly investigated?

17 A. Lieutenant Wilson, I'm sure, because he had his SIU
18 guys look at it.

19 Q. And was there any search warrant issued in that case?

20 A. No.

21 Q. Was there any visit to the Orr residence in that case?

22 A. I don't know.

23 Q. Did anyone talk to Larry Orr's probation officer from
24 his conviction for CSC previously --

25 A. I don't know.

1 Q. -- in that case?

2 A. I don't know.

3 Q. Had anyone talked to Brittany Hescott, who testified
4 about being aware of forensic interviewers saying
5 there was disclosures by the child in this case?

6 A. Again, I don't know who she is and I have no idea.

7 Q. You then state in this letter, after careful review it
8 was determined by all four agencies that the case
9 lacked evidence and probably cause to justify actions
10 by CPS or an arrest warrant for either Mr. Orr or Mr.
11 McMaster. You refer to the FBI as one of the
12 agencies. You have no personal knowledge as to what
13 they did, correct?

14 A. Only what Major Smith told me --

15 Q. Okay.

16 A. -- of his conversations with Chris Hess.

17 Q. All right. Do you have any information as to what
18 Child Protective Services did in full?

19 A. Yeah, I read their reports.

20 Q. You read their reports?

21 A. A long time ago, yes, in the beginning of this.

22 Q. When did you read the reports, was it during the 2016,
23 2019?

24 A. No. No, not until the State Police --

25 Q. Which reports?

1 A. Not until the State Police or the Attorney General's
2 Office. I'm not sure who was in charge of this case,
3 was investigating it, because they keep pointing
4 fingers at each other.

5 Q. It says you spoke -- or we have spoken to several
6 executive command officers with the Michigan State
7 Police. I know you said you talked to Captain Deasy.
8 Who else have you talked to prior to September 13th,
9 2019?

10 MR. CLARK: Foundation.

11 A. I spoke to Deasy. I know Major Smith talked to -- or
12 Captain Quisenberry and I believe Major Smith talked
13 to, I think he was an inspector at the time, Menna.
14 He's a captain now. And then inspector, now captain,
15 Smiley.

16 BY MS. PUZZUOLI:

17 Q. But Quisenberry is at Oakland County, correct?

18 A. He's a captain at the Sheriff's Office, yes.

19 Q. And so is the lieutenant, correct, Smith?

20 A. Lieutenant Wilson -- no --

21 Q. Wilson.

22 A. -- Major Smith is a retired major.

23 Lieutenant Wilson is now a captain but he
24 was a lieutenant at the time.

25 Q. With the Oakland County Sheriff's Office?

1 A. Correct.

2 Q. So you said executive command officers with the
3 Michigan State Police, so that was my question. So
4 you talked to Deasy and Menna?

5 A. Deasy, Menna, Smiley. I personally didn't talk to
6 Menna and Smiley. Major Smith and Captain Quisenberry
7 did. I had some correspondence with Menna, as you can
8 see by that e-mail, but then they never got back to
9 me. They never -- they were going to brief me. I had
10 a conversation with Menna on the phone. He called me
11 up and said we want to come and brief you about our
12 investigation on Busacca, and there was an exchange of
13 e-mails and then I never heard from them again.

14 Q. It says that at arraignment we found it somewhat
15 unusual that the assigned AGs had requested and then
16 obtained a no bond provision pursuant to MCR
17 6.106(b)(1) rather than a requested high cash bond.

18 What do you mean, it was somewhat unusual,
19 why are you commenting on what the --

20 A. I talked to --

21 Q. -- AG's Office request was?

22 A. -- Paul Walton about it, that was based on what Paul
23 Walton told me.

24 Q. Did you order any transcripts in the case?

25 A. Yes.

1 Q. Why?

2 A. Because I wanted to see what was going on during the
3 bond hearing.

4 Q. Had you ever ordered any transcripts in any other
5 case?

6 A. Oh, yeah, for sure.

7 Q. Directly through you you've ordered a transcript with
8 a court reporter or a court?

9 A. I've ordered lots of transcripts in my career.

10 Q. All right. You ordered the bond transcript in this
11 case. When did you determine that you wanted to see
12 what was going on at the bond hearing so you would
13 order the transcript?

14 A. I don't know.

15 Q. I then have an e-mail that starts with from McCabe to
16 Curtis Caid forward, Lauren Schipani vs. Michigan
17 Department of Attorney General, arbitration hearing,
18 dated August 12th, 2020, and you write, has she
19 contacted you? You're referring to Jean Marie Miller
20 in this?

21 A. Yes.

22 Q. And Jean Marie Miller had wrote you that the case went
23 to a prosecutor in Grand Rapids. They did not charge
24 her. So you were aware of that in August of 2020,
25 correct?

1 A. Yes.

2 Q. She also indicates to you that she did not know if
3 Lauren was on a Brady list. Did you ask her if Lauren
4 was being put on a Brady list?

5 A. I assume I did.

6 Q. Why would you ask if someone's being put on a Brady
7 list that's not an officer of yours?

8 A. It goes to truthfulness. Again, she's involved in the
9 investigation of this case.

10 Q. And I believe, and I can't tell from the e-mails --
11 yes, it's from you prior to that e-mail from Jean
12 Marie Miller. You send her an e-mail stating, do you
13 know if she's been charged criminally? MSP SIU
14 Livonia office interviewed Major Smith and I quite
15 some time ago. They told us they were investigating
16 her for perjury and they would submit the results of
17 their investigation to the prosecutor for charges.

18 Are you asking if Lauren has been charged
19 criminally, is that the gist of that e-mail?

20 MR. CLARK: Object to form.

21 A. I'm asking if she'd been charged criminally, yeah.

22 BY MS. PUZZUOLI:

23 Q. All right. And why are you asking if she's been
24 charged criminally?

25 A. Well, I think it would be pertinent to the ongoings in

1 this case.

2 Q. But this was not your case, was it, it was --

3 A. It was our --

4 Q. -- the AG's?

5 A. It was our case that was taken over by two departments
6 that never contacted us. Again, in my 44 year --

7 Q. I got that.

8 A. -- career I've never seen anything like this.

9 Q. You're also told that Lauren Schipani had filed a
10 grievance arising out of the termination of her
11 employment. You admit that, right?

12 A. I was told that by Miller, is that a question?

13 Q. Yes.

14 A. Yes.

15 Q. Okay. So you were aware that she was being looked
16 into criminally. She was terminated from her
17 employment because of this accusation of perjury,
18 correct?

19 MR. CLARK: I'm going to object to form, it
20 mischaracterizes the prior testimony specifically by
21 Ms. Grossi.

22 BY MS. PUZZUOLI:

23 Q. Were you aware that Lauren had been fired from her
24 employment as a --

25 A. Yes.

1 Q. -- result of an allegation --

2 A. I'm sorry.

3 Q. -- of perjury?

4 MR. CLARK: Object to form on that, but --

5 A. I don't know what they put in their write-up why they
6 terminated her. I just know she was terminated as a
7 result of this case.

8 BY MS. PUZZUOLI:

9 Q. And you're telling us you didn't know why as a result
10 of this case she was terminated?

11 A. I never saw their write-up or their investigation. I
12 just know that she was terminated. That's what Jean
13 Marie Miller told me and she was handling the
14 grievance arbitration on her appeal.

15 Q. All right. And then we have contact with you -- from
16 you to Alona Sharon saying, Captain Dale Miller will
17 make sure this is taken care of and Detective Freiberg
18 will testify. This is involving a subpoena for
19 Detective Freiberg.

20 Is this one of the conversations you had
21 with Alona Sharon?

22 A. There was an e-mail I had with her.

23 Q. Well, that's contact, correct?

24 A. Well, you said conversation. This is not --

25 Q. I'm sorry, you're right.

1 A. -- a conversation, this is an e-mail.

2 Q. I misspoke.

3 A. Yeah, this is my e-mail, yeah, correct.

4 Q. All right. So is that when the communications with
5 Alona Sharon began or is it not?

6 MR. CLARK: Foundation.

7 A. I couldn't tell you, I don't know.

8 BY MS. PUZZUOLI:

9 Q. Here's an e-mail from Jean Marie Miller that's to you
10 that states, Mike, I cannot find the arb decision you
11 sent me where discharge was upheld for lying. Can you
12 resend it to me? What were you sending her?

13 A. We had a deputy where he perjured himself and he filed
14 an arbitration grievance and the arbitrator upheld his
15 termination, so I sent her that case, Mark Ferguson.

16 Q. Had she asked you to send her that case?

17 A. Yeah, she did.

18 Q. All right. Mark Ferguson were different
19 circumstances, correct?

20 A. Yes.

21 Q. Was that involving a search warrant?

22 MR. CLARK: Object to form.

23 BY MS. PUZZUOLI:

24 Q. Do you know what Mark Ferguson was about?

25 A. Yeah, I know what it was about.

1 Q. Okay. And was that involving a search warrant he
2 conducted?

3 A. It was regarding a criminal case involving drugs that
4 he was involved in, yes.

5 Q. And testifying about a search and not including a
6 first search in the same area, something to that
7 effect?

8 A. That's what I recall.

9 Q. All right. Here's an e-mail from you to Tom Deasy on
10 March 9th of 2020 where you say, back on November 27th
11 I called you and asked for information and an update
12 on the circumstances regarding the Sean McMaster CSC
13 case. I expressed to you our extreme disappointment
14 when MSP Trooper Busacca nor any of his supervisors
15 reached out to us prior to re-investigating our case.

16 Was a criminal case pending against
17 McMaster at the time you were having this contact with
18 Deasy?

19 MR. CLARK: Foundation.

20 A. I'm not sure on the dates.

21 BY MS. PUZZUOLI:

22 Q. You say, Trooper Busacca was clearly in a leading role
23 in assisting the now-fired assistant AG and now-fired
24 AG Investigator Lauren Schipani as he sat in the lead
25 chair to the assistant AG during those extensive bond

1 hearings. In addition, I told you an MSP detective
2 lieutenant and a detective sergeant interviewed Major
3 Smith and I about a criminal investigation they were
4 conducting for possible perjury charges by Schipani of
5 the AG's Office. When we asked they both made it very
6 clear to us that they were not investigating Busacca
7 and their sole focus was on Schipani only.

8 After review of it, I know it's --

9 A. I remember it.

10 Q. I asked you if there was any kind of investigation of
11 Trooper Busacca. Why are you asking him if there's
12 any investigation of Trooper Busacca?

13 A. Because I wanted to know.

14 Q. Did you want an investigation of Trooper Busacca?

15 A. Well, I can just tell you if that occurred in our
16 department there would have been an internal and a
17 criminal investigation, so I asked him the same
18 question that would occur in our department, yes.

19 Q. So yes, you wanted an investigation against Trooper
20 Busacca?

21 A. I asked --

22 MR. CLARK: Object to form.

23 A. -- if they're -- I'm sorry.

24 MR. CLARK: Go ahead.

25 A. I asked if there was an investigation.

1 BY MS. PUZZUOLI:

2 Q. Okay.

3 A. I didn't ask them to conduct an investigation.

4 Q. But you asked because of why, you just were wondering
5 or --

6 A. Well, I -- again, I've never seen anything like this
7 in my career. I can't believe that they never reached
8 out to us, they never talked to us, they never got a
9 file. I just -- this was blowing me away, I just
10 could not believe what I was seeing, and you know
11 what, I had a moral and ethical obligation to look
12 into this.

13 Q. Did you have a moral and ethical obligation to look
14 into the fact that Oakland County did not bring
15 charges against the two men when [REDACTED] McMaster, the
16 small child, was making allegations and disclosures?

17 A. The Prosecutor's Office --

18 MR. CLARK: Object to form.

19 A. The Prosecutor's Office clearly said that there was no
20 charges to be filed. It was thoroughly investigated
21 according to the Oakland County Prosecutor's Office
22 and they chose not to charge anybody.

23 BY MS. PUZZUOLI:

24 Q. Do you know what --

25 A. I'm not a prosecutor.

1 Q. Do you know what basis they didn't charge on, if it
2 was just because they wanted more evidence or more
3 investigation to be done by Oakland County before they
4 brought the charges and possibly getting the case
5 dismissed because they didn't have enough evidence at
6 that point and if this case got dismissed a CSC
7 perpetrator would be -- couldn't be charged again?

8 A. I clearly remember --

9 MR. CLARK: Object to form.

10 A. I clearly remember an e-mail from Shareen Lynch to
11 Freiberg that indicated she didn't even think this was
12 sexual in nature, and she's a CSC prosecutor who does
13 it for a living. That's good enough for me.

14 BY MS. PUZZUOLI:

15 Q. When you say nobody got the file from Oakland County,
16 isn't it true that Lauren Schipani came to Oakland
17 County to pick up the file?

18 A. I don't know that she did. Somebody else did. We
19 would have copied the file long after the case had
20 already been prosecuted by the Attorney General's
21 Office.

22 Q. But somebody --

23 A. They got the file after they filed charges.

24 Q. But somebody had to --

25 A. I remember Captain Menna (sic) called up and then

1 Inspector Menna said can we get a copy of your file?
2 We said you got it and we copied it and we gave it to
3 them.

4 Q. So they did have the file, your file?

5 A. After the suspect -- after McMaster had been charged,
6 yes.

7 Q. And was that before the bond hearing?

8 MR. CLARK: Form and foundation.

9 A. I don't know, I can't remember.

10 BY MS. PUZZUOLI:

11 Q. Okay. So you state in this e-mail further down, you
12 indicated to me you did not know, referring to the
13 investigation --

14 A. Who's the e-mail to, refresh my memory, I'm sorry?

15 Q. It's right here. It's your e-mail.

16 A. Up to Deasy, okay.

17 Q. Yep. You state that he indicated to you he did not
18 know but you believed if there was one it was out of
19 MSP Lansing, not by the Second District. I also
20 expressed to you our questions on how Trooper Busacca
21 became involved with a detective from Center Line
22 Police Department. You told me you would get back to
23 me on this.

24 What did that matter?

25 A. Again, I had a moral and ethical obligation to look

1 into this. In my entire career I've never seen
2 anything like this.

3 Q. I understand but what did it matter how Trooper
4 Busacca became involved with a detective from Center
5 Line Police Department?

6 A. That's a logical question to ask, how does he get
7 involved in a case that Center Line P.D. has nothing
8 to do with.

9 Q. You then state, since then the below Detroit News
10 article has been printed and apparently according the
11 story MSP does have an investigation of Busacca
12 ongoing. Several weeks ago I reached out to the
13 Oakland County Prosecutor's Office and spoke with
14 Chief Assistant Prosecutor Paul Walton and asked them
15 to look at an affidavit that Busacca did for some
16 analysis.

17 So you'd agree with me you did, in fact,
18 ask Paul Walton to look at an affidavit that Busacca
19 prepared, correct?

20 A. I already said I did earlier when you asked me that
21 question.

22 Q. And that analysis is attached and it is very
23 disturbing. Why did you have Paul Walton do an
24 analysis of an affidavit prepared by Trooper
25 Busacca --

1 A. I'll repeat --

2 MR. CLARK: Object to form.

3 BY MS. PUZZUOLI:

4 Q. -- (inaudible) reason because --

5 A. I'll repeat --

6 Q. -- of your --

7 A. -- it again, in my entire career I've never seen
8 anything like this.

9 COURT REPORTER: I can't get all three of
10 you at once. Please try not to go over each other.
11 Thanks.

12 A. Sorry.

13 BY MS. PUZZUOLI:

14 Q. Let me get onto something else here. We were then
15 given an article, dismissed Michigan sexual conduct
16 case ruffles Florida custody battle, pages 154 through
17 158. Is this something you kept in your file, as
18 well?

19 MR. CLARK: I think that was a link on the
20 prior e-mail.

21 MS. PUZZUOLI: Well, that's what I'm
22 wondering.

23 A. This is referenced in that e-mail.

24 BY MS. PUZZUOLI:

25 Q. Okay. So that's something that was kept in your file,

1 as well, correct?

2 A. Oh, I'm sure it's in my file, sure. It probably came
3 from my file.

4 Q. Did you ever talk to anybody about Judge Nilon's
5 opinion, the Florida judge, regarding -- in a January
6 22nd hearing Nilon expressed suspicion and disbelief
7 regarding the Michigan criminal case and accused
8 Nessel of failing to be straightforward about the
9 reasoning behind the dismissal?

10 A. Did I ever talk to who?

11 Q. Anybody about this.

12 A. I don't know. I don't recall.

13 Q. Why did they drop an absolutely provable ironclad
14 case, Nilon said. According to the transcripts the
15 attorney general is going to have to come down here
16 and answer that question if you want me to rely on
17 this quote, those, quote, public statements regarding
18 the truthfulness of the victims in the case. And if
19 they're an elected official they should have to
20 explain it to their voters that they would drop an
21 ironclad case on a person charged with, you know,
22 serious child sexual allegations.

23 Did you ever discuss that with anybody?

24 MR. CLARK: Object to form, hearsay.

25 A. I dont recall.

1 BY MS. PUZZUOLI:

2 Q. Okay. Did you do anything yourself to determine if
3 any of the statements made in the affidavit for the
4 search warrant were true or not true?

5 MR. CLARK: Object to form, asked and
6 answered.

7 A. The original search warrant?

8 BY MS. PUZZUOLI:

9 Q. Yes.

10 A. Did I do what?

11 Q. Anything to determine if any of the statements were
12 true other than to ask other people to look into it.

13 A. I asked other people to look into it.

14 Q. Okay. But you yourself did nothing personally,
15 correct?

16 A. I don't think so.

17 Q. And you also have some handwritten notes that I'm
18 going to get to you -- or get to.

19 Before we stop today later on I'm going to
20 ask to see what he reviewed prior to his deposition so
21 I have that, as well.

22 I'm going to show you pages 187 through
23 192 -- or I'm sorry, I'll keep going here, through
24 200. Can you tell me what these are that were --

25 MR. CLARK: It's not complete so I'm going

1 to give him the complete e-mails (inaudible).

2 MS. PUZZUOLI: For who?

3 A. 185 and 186?

4 MS. PUZZUOLI: That's fine, I don't have a
5 problem with that.

6 A. Paul Walton sends me an e-mail from Sara Pope-Starnes,
7 Busacca affidavit. This is Sara Pope-Starnes' review
8 of the affidavit that Busacca did. What about it?

9 BY MS. PUZZUOLI:

10 Q. That was part of your file, correct?

11 A. Yes.

12 Q. Okay.

13 A. Paul Walton sent it to me.

14 Q. Okay. And I'm sorry, tell me If I'm wrong, but you're
15 saying you did not ask the Prosecutor's Office to make
16 a review of that affidavit or you did?

17 A. No, Paul Walton did this.

18 Q. All right, that's good. Thank you.

19 A. Okay.

20 Q. Let me show you what's marked 206 --

21 A. Put it right here?

22 Q. Yes, please. Let me show you what's been marked pages
23 206 through 210.

24 A. Okay.

25 Q. Are those your notes?

1 A. Yes.

2 Q. All in your own handwriting?

3 A. Yes.

4 Q. All right. Would you take a moment to review them,
5 please?

6 A. Okay.

7 Q. Okay. I'm going to ask you some questions about them.

8 A. Sure.

9 Q. It says, 5/8/19, 4:30 p.m., Tom Deasy call. In
10 quotes, not happy AG went to our trooper. Mother
11 knows someone at AG. Trooper on the road B talks to a
12 supervisor but was not told of the prior OC case.
13 Command didn't know. Lieutenant met with AG, do not
14 charge. AG, don't care if it makes OC look bad.

15 When you have in quotes not happy, is that
16 something Tom Deasy told you; where did you get that
17 information?

18 A. Tom Deasy said that to me.

19 Q. He said he was not happy?

20 A. He was very upset when he called me.

21 Q. And is this the result of a phone conversation you had
22 with him or did he call you before you called him or
23 had communications --

24 A. He called me --

25 Q. -- on this case?

1 A. -- as I recall.

2 Q. All right. And this is on page 206 all information
3 you're saying he told you?

4 A. He said he wasn't happy. He said an AG went to their
5 trooper. He said the mother knows someone at the
6 Attorney General's Office. The trooper on the road,
7 who's D. Busacca, talked to his supervisor but was not
8 told of the prior Oakland County case. Command did
9 not know, he was adamant about that, meaning him and
10 whoever else but he didn't know.

11 A lieutenant underneath him met with the
12 Attorney General's Office, had reviewed the case and
13 said do not charge McMaster. The AG said in response,
14 quote, don't care if it makes OC look bad. Those are
15 all from Tom Deasy.

16 Q. So you would agree with me that when the AG charged it
17 made OC look bad, which is Oakland County, or not?

18 MR. CLARK: Object to form, it
19 mischaracterizes the --

20 A. I don't think it made us look bad.

21 BY MS. PUZZUOLI:

22 Q. Did you agree with Tom Deasy that it -- well, strike
23 that.

24 It says, don't care if it makes OC look
25 bad. Do you think it made OC, Oakland County, look

1 bad for AG to charge --

2 A. That's what the -- can I look at that again? That's
3 what the attorney general said to somebody. He also
4 said -- Brian K. is the AG, he said we are with you
5 guys, that's Tom Deasy, and he said he called to
6 apologize. You should ask --

7 Q. To apologize --

8 A. -- him about that.

9 Q. -- for what?

10 A. About the way this case was handled and they never
11 reached out to us and he didn't know anything about it
12 and he was ashamed of what occurred.

13 Q. Okay. But --

14 A. He was upset --

15 Q. -- (inaudible) --

16 A. -- about what occurred, I'm sorry.

17 Q. My question is the fact that the AG's Office was
18 investigating this and didn't bring charges, in your
19 opinion did that make Oakland County look bad?

20 A. I don't think it made us look bad. It just raised --

21 Q. Okay.

22 A. -- more questions, like what the heck is going on
23 here.

24 Q. You then have handwritten documents, it says 10:30,
25 5/10/19, Laura Moody, me and Smith. That's you and --

1 A. Major Smith.

2 Q. Talking to her?

3 A. On the phone, yes.

4 Q. Okay. And your notes, is this what she said?

5 A. Yes. Well, I'd have to look at them but those are my

6 notes as a result of --

7 Q. Why don't we go --

8 A. -- talking to her.

9 Q. -- go through them line by line.

10 A. Sure.

11 Q. Her attorney says -- or I'm sorry --

12 A. Her attorney, and --

13 Q. -- (inaudible) --

14 A. -- she bragged about it, it was some woman they had

15 hired from the Prosecuting Attorneys Association, I

16 think it was Hackley (phonetic), wrote the search

17 warrant.

18 Q. Oh, which search warrant?

19 A. The original search warrant --

20 Q. Okay.

21 A. -- for Oxford, that's my -- as I recall.

22 Q. Okay. So it was written by an attorney --

23 A. That's what she said.

24 Q. -- that's what she told you?

25 A. That's what she said.

1 Q. Okay.

2 A. MSP was invest -- was the investigating agency. She
3 was adamant that this was an MSP case. She kept
4 repeating that, you need to talk to the MSP. She
5 claims she had called Paul Walton prior to the search
6 warrant. She was 99% sure. Paul Walton told me that
7 she never called. She notified -- they notified the
8 local police, the Oxford Police Department. Well, the
9 Oxford Police Department had nothing to do with this
10 case. It was in Oxford Township. We're the
11 investigating agency. Nobody notified us.

12 Q. Okay. But an agency was --

13 A. And I pointed that out to her, I said who did you
14 notify, and she says to me, oh, we notified the Oxford
15 Police. I said well, why would you notify the Oxford
16 Police, this is in Oxford Township? The Oxford Police
17 are a village police department. This occurred in the
18 township.

19 Q. Okay. So what else --

20 A. Maybe she notified --

21 Q. -- did she tell you?

22 A. -- the Oxford Police, I don't know.

23 Q. Okay.

24 COURT REPORTER: Guys, you guys have got to
25 stop --

1 A. Sorry.

2 MS. PUZZUOLI: Sorry.

3 COURT REPORTER: The transcript's a mess, I
4 want you to know.

5 MS. PUZZUOLI: Oh, great. No, you're
6 better than that.

7 A. Sorry, I'll slow down. She claimed that MSP had our
8 entire file. I said how did they get that because
9 they didn't get it from us?

10 BY MS. PUZZUOLI:

11 Q. Okay.

12 A. I asked her if she was aware of a transcript of the
13 conversation in Florida, I believe, between Mrs.
14 McMaster and Mr. McMaster. She said she was. Several
15 times -- I thought it was strange, she kept saying
16 frankly speaking, that's why I wrote that down, again,
17 said that they told OC, meaning the Prosecutor's
18 Office, ahead of time. Okay. That's when she told me
19 about Danielle, I think that's Hagaman-Clark. Is that
20 her first name?

21 Q. I can't answer any questions.

22 A. I gotcha. Okay. From the Prosecutors Association
23 she's the best. Got things from the search warrant
24 that are inculpatory. I don't know what that means,
25 I'm not sure what that means.

1 Q. Did you ask her?

2 A. I don't recall. I'm just telling you I don't remem --
3 I don't know what that means. I asked her why we
4 weren't called. I don't think she had an answer for
5 that. Then she called the Oxford Police. They called
6 the Oxford Police Department. I talked about the two
7 doctors that had done the exam where Mrs. McMaster
8 took her for possible sexual assault.

9 We talked about a nasty divorce, she knew
10 it was a nasty divorce. Transcript Florida tape
11 recording. She said she was aware of it. I don't
12 know if she had the transcript or not. I asked her
13 what's Center Line's connection. Road patrol trooper
14 not a detective investigating this case.

15 So my question to her -- this whole thing
16 she kept saying call the State Police, you got to call
17 the State Police. This is a State Police case. This
18 is a State Police case. This is a State Police case.
19 She kept pointing fingers at the Michigan State Police
20 and I knew it wasn't right because the State Police
21 kept telling us it was an attorney general's case, so
22 we were getting this. Again, my antennae go up,
23 something's not right here.

24 Q. I think my antenna would go up when I heard her say we
25 found inculpatory evidence, as you noted there.

1 A. Yep, I don't re --

2 Q. What did --

3 A. I don't recall, I already answered that.

4 Q. And you didn't ask her what inculpatory evidence did

5 you find of this criminal sexual conduct?

6 A. You'd have to ask her.

7 Q. You weren't interested in that, or you didn't ask, or

8 you don't know if you asked, I mean --

9 A. I don't recall.

10 Q. If she would have told you the specifics of the

11 inculpatory evidence that they found would you have

12 noted that somewhere?

13 A. I don't know. I just don't recall that. That's what

14 I'm telling you, I don't recall. Do you want to go

15 over the Smiley phone call?

16 Q. Let me see. Thank you. No. Thank you. We don't

17 need to go over that one.

18 A. Yeah, it's probably not good for you.

19 Q. I don't think it matters one way or another. If you'd

20 like to go through the Smiley phone call --

21 A. Well, you handed --

22 Q. -- I'm happy to --

23 A. -- it to me so --

24 Q. -- do -- I'm happy --

25 A. -- you wanted me --

1 | 0. I'm happy to do --

2 A. -- to look at it.

3 Q. -- to do so, and it says wife in Florida has e-mailed
4 us.

5 Attorney here has asked for our file. We
6 told him he has to FOIA file. He will be subpoenaing
7 us. Lapeer Trooper Perkins. Per Center Line chief
8 Mrs. McMaster showed up with two banker boxes of
9 stuff. The detective there does not know Busacca.

10 | Correct, is that your notes?

11 A. Yeah, again raising an antenna, and I think he's the
12 one that told me Perkins was the guy that looked at it
13 from Lapeer. I think that Smiley told me that.

14 Q. All right. Then we have the following page, which
15 says, you told me that Gerald said he didn't know who
16 Busacca was. Who sent Mrs. McMaster to Gerald? Does
17 he know AAG Brian Kolodziej.

18 Are these all your questions there?

19 A. These are my notes.

20 Q. And are those your questions?

21 A. Yeah, this is when I talked to what's his name from
22 Center Line, the director.

23 Q. And then we have an e-mail as well that he left you,
24 correct?

25 MR. CLARK: That's not an e-mail.

1 BY MS. PUZZUOLI:

2 Q. Or I'm sorry, not an e-mail, but a voicemail that was
3 transcribed.

4 A. Do you want anything on this?

5 Q. Nope, we'll just put in the pile.

6 A. Just about how miffed he was about his detective?

7 Okay, fine. Yeah, this is Paul Myszenski's voicemail
8 to my landline phone at the Sheriff's Office.

9 Q. Got it. And the --

10 A. Hold on, my cellphone. I'm sorry, my cellphone.

11 Q. Okay. The next pages, 216 through 218, are questions
12 regarding the McMaster case. Who proposed those
13 questions?

14 A. Oh, myself and Major Smith put these together. This
15 is what I sent Paul Myszenski.

16 Q. And how many questions were there?

17 A. 13.

18 Q. Okay. If I may see those questions? Thank you. Did
19 Oakland County ever offer to reopen its investigation
20 of McMaster and Orr or do some further investigation
21 into the victim's allegations of criminal sexual
22 conduct?

23 A. I recall Major Smith telling Dana Nessel and everybody
24 at that table that look, if we miss something we want
25 to know about it, I remember that, that we were

1 concerned that hey, if we made a mistake here or we
2 missed something we'd sure like to know about it. I
3 do remember that.

4 Q. Did anybody offer to reopen the investigation?

5 A. Reopen, I -- no, I don't recall that.

6 Q. And these questions contained on pages 216 to 218 that
7 you sent to the Center Line director, you did not get
8 an answer to those questions, correct?

9 A. He sent me a nasty letter back --

10 Q. Yep, and let's --

11 A. -- telling me I could shove it up my butt.

12 Q. Let's take a look at that. June 24th, 2019, it's page
13 number 219. Dear Undersheriff McCabe, after reviewing
14 the questions you requested to be answered none of
15 those questions asked are related to the facts of the
16 case or the investigation that was conducted by the
17 sheriff's department. Rather, the questions asked are
18 an attempt to blame or point a finger at someone who
19 may have played a part of wanting the case to be
20 reinvestigated.

21 Who and how the case got brought to the
22 State Police to be reinvestigated is irrelevant, what
23 was not taken into consideration was the safety of a
24 four-year-old child. It is for these reasons that we
25 will not be answering any of the questions submitted,

1 nor will we be answering any other questions from your
2 office in the future. If you need any questions
3 answered regarding the McMasters case you will need to
4 contact the Michigan State Police or the Attorney
5 General's Office.

6 Is this the letter you're referring to that
7 you received --

8 A. Yes.

9 Q. -- from Director Myszenski after you sent him
10 questions you wanted him to answer?

11 A. Yes.

12 Q. All right. If you'll put that in the pile. You sent
13 him a letter back on June 26th, 2019. Do you recall
14 that?

15 A. Yes.

16 Q. Is this that letter?

17 A. Yes, it is.

18 Q. Did you ever meet with Tim Madison from the Michigan
19 State Police?

20 A. Who's he?

21 Q. Timothy Madison, Michigan State Police, do you know
22 him?

23 A. Who is he?

24 Q. He's a Michigan State Police officer.

25 MR. CLARK: Object to foundation.

1 A. Was he with Leemer (phonetic)?

2 BY MS. PUZZUOLI:

3 Q. His name's --

4 A. If he was with Weemer (phonetic), yes.

5 Q. -- Timothy Madison.

6 Do you recall ever speaking --

7 A. Is he a sergeant?

8 Q. I just have Timothy Madison. Do you recall --

9 A. I believe he --

10 Q. -- if he --

11 A. -- was the second officer -- there was a lieutenant

12 and a sergeant that came in and talked to Smith and I

13 and he did not have a business card, so that may be

14 him.

15 Q. And what did you discuss with him?

16 A. It was he and Weemer and Weemer was doing most of the

17 talking, as I recall, and they were telling us that

18 they were investigating Lauren Schipani.

19 Q. And so --

20 A. If that's Madison. I'm pretty sure that's who that

21 is.

22 Q. Were they asking for any information from you or you

23 just went there and got an update?

24 A. No, they came to see us. I didn't call them.

25 Q. Okay. They came to see you and what did you tell

1 them?

2 A. I told them --

3 MR. CLARK: Object to foundation.

4 A. -- about our concerns about the case.

5 BY MS. PUZZUOLI:

6 Q. And at that time what did you tell him your concerns
7 were, the same thing?

8 A. The same thing I've been repeating here all day.

9 Q. Okay. Did you mention Lauren Schipani when you
10 discussed them?

11 A. The brought up Lauren Schipani, I didn't.

12 Q. Okay. What did you say about --

13 A. I told them --

14 Q. -- Lauren Schipani?

15 A. -- I had major concerns, we had major concerns about
16 her testimony during the bond hearing.

17 Q. Did you ever say to them that she didn't tell the
18 truth?

19 A. They are the ones that used the word perjury, not I.

20 Q. Okay. Did you ever say to them that she did not tell
21 the truth?

22 A. I believe she did not tell the truth, correct, but
23 that was for them to determine, not me.

24 Q. But my question is did you ever tell them that she did
25 not tell the truth?

1 A. I said there were major problems with her testimony
2 and she may have not told the truth.

3 Q. And that's all you told them?

4 A. That's what I recall.

5 Q. Okay. We have an e-mail at pages 230 to 231 -- or I'm
6 going to keep going actually, to 233 that is from John
7 Pallas to you. It starts out, hi, Mike: I really
8 apologize. I have been in meeting after meeting the
9 last few days and I'm in one right now. I was told
10 about the charges while I was in a meeting yesterday
11 morning and texted you and Paul Walton right away to
12 at least let you know what I had just heard. I was
13 not able to step out of the meeting to call either of
14 you. I texted both of you because I did not want
15 either of you to hear about this from someone other
16 than a representative of this office. I can try to
17 give you a call tomorrow morning, etc.

18 Is this when you first found out that
19 McMaster and Orr had been criminally charged?

20 A. Yes.

21 Q. This would have -- this e-mail's dated May 8th, 2019.
22 Does that refresh your recollection?

23 A. If that's when they were charged, yes.

24 Q. Well, I don't know.

25 A. I believe --

1 Q. I'm looking at what --

2 A. I believe he --

3 Q. -- you provided us.

4 A. -- texted us when the charges were laid and he wanted

5 to let us know about it, correct.

6 Q. Okay. I'm trying to figure out how he knew to let you

7 know about --

8 A. Because I had --

9 Q. -- these charges?

10 A. I testified earlier that I had reached out to him

11 before. In fact, he told me he had kicked Busacca out

12 of his office in one of those conversations.

13 Q. And what did he tell you, what else did he tell you --

14 A. He was upset.

15 Q. -- about it?

16 A. He said that Busacca showed up on a Friday afternoon,

17 said I need the search warrant now, and he basically

18 told him Busacca -- this is what he said, Busacca said

19 this was the -- this case was his passion,

20 quote/unquote, if I recall correctly, and that no way

21 he was going to write a search warrant and he kicked

22 him out of his office, those were his words.

23 Q. And did he say why there was no way he was going to

24 write a search warrant?

25 A. Because he knew nothing about the case and Kolodziej

worked for him at the time and he knew nothing about the case. John was very upset in my conversation with him.

Q. Any other conversations with him?

A. Not off the top of my head. I did have further conversations with him where he told me Laura Moody probably would never call me back. I remember that. She's famous for not returning phone calls. I remember that, I thought it was kind of funny.

Q. Any other conversations with him regarding this case?

A. Not that I recall right now.

Q. All right. If you'll add those to the stack, please.

Here is an e-mail from Jennifer Przybylo,

P-R-Z-Y-B-Y-L-O. I probably slaughtered that name.

She's writing to you, Mr. McCabe, stating she wanted to let you know she's in the process of transcribing the requested transcripts. To answer your question, yes, another party has already made the request so your office will only be charged for one copy.

So this is in response to your request, I
assume, for the transcript, correct?

A. Yes.

Q. Which is at page 236?

A. Yes.

25 Q. I then have another e-mail, pages 237 to 238, from

John Pallas to you saying, hi, Mike: Not yet. I have been unable to connect with the people I need to get it from. This is April 1st, 2019, by the way. I am going to try again in the morning. Laura Moody is on annual leave this week. Thanks for understanding concerning this unfortunate situation. You and I have been friends a long time, it would hurt me deeply if this had led to a falling out between us.

What are you waiting for from him, do you know?

A. I think the affidavit and search warrant, I'm not sure.

Q. I also, at page 247 and 248, have a message from you to -- from Michael McCabe to Michael McCabe -- or I'm sorry, it was forwarded. One from you to Paul Myszenski, M-Y-S-Z-E-N-S-K-I. It says, Paul, have you talked to your detective yet, Mike.

Is that your e-mail to him?

A. Yeah, this is an e-mail from me to him.

Q. Okay. Then we have the next page, 248, and it says it's from you to Paul. Paul, I got your voicemail. Please read this. This contradicts what your detective told you. I will call you this afternoon.

A. It may be that.

Q. Well, I'm going to give you that next. So that's what

1 I'm referring to. What did you mean --

2 A. Well, as I re -- I'm sorry.

3 Q. And I'll let you read this if you need to, the rest of
4 the pages. I'm wondering what you meant contradicted
5 what the detective told him as you claimed?

6 A. Yeah, this contradicted what Paul told me, that his
7 detective knew nothing other than McMaster showed up
8 at his office unannounced. He agreed to look at the
9 file and he didn't know anything beyond that, and if
10 we had any further questions we should contact the
11 Michigan State Police or the Attorney General's
12 Office. So he contradicted -- what he told me what
13 his detective told him was contradicted in this police
14 report.

15 Q. Okay. So what in the police report contradicted what
16 the detective told him --

17 A. About Gerald's --

18 Q. -- about what you claim?

19 A. -- involvement with Busacca and Kolodziej.

20 Q. And what specifically?

21 A. Well, that this emanated from Gerald apparently either
22 to Kolodziej or to Busacca, and he said there was no
23 involvement between those people and his detective, so
24 this totally contradicted what he told me.

25 Q. All right. If you'll add that to the pile, please?

MR. CLARK: Gina, are you marking this whole stack as Exhibit B?

MS. PUZZUOLI: Yeah, I don't want to mark each one as an exhibit.

BY MS. PUZZUOLI:

6 Q. All right. You then have on page 264, what's been
7 provided is from Stephanie Lajdziak, L-A-J-D-Z-I-A-K,
8 to you regarding an Attorney General's Office
9 requesting 911 audio reports and dispatch card
10 regarding the McMaster home on 5/17. They are also
11 requesting all police reports for Larry Orr and the
12 PSI for his CSC conviction. I have to see if we even
13 have this. I was unsure if this should be processed
14 under FOIA or a professional courtesy and give them
15 everything un-redacted.

Did you ever respond to that because I
don't have an e-mail to that effect?

A. I'm sorry I responded and I told her have them file a FOIA.

20 Q. Would you have responded by e-mail?

21 A. I could have called her, I don't know.

22 Q. Okay. I don't have --

23 A. It's not ringing a bell.

24 Q. -- and e-mail?

25 A. It's not ringing a bell to me.

1 Q. Okay. If you'll put that in the stack, please.

2 MR. CLARK: Gina, sometime within the next
3 15 minutes if we could take a break I'd appreciate it?

4 MS. PUZZUOLI: Yeah.

5 BY MS. PUZZUOLI:

6 Q. Okay. This e-mail is at page 880, and let's see if it
7 goes on, and 881, 882 through 84 is attached, and it's
8 dated September 10th, 2020. It's from Brody Boucher,
9 and all it says is, thanks, I'll give you a call this
10 afternoon. And then you sent him an e-mail at 10:32
11 a.m. before that that says I'm really scared, with
12 laughing emojis, thought you might want this for your
13 file. Call me when you can. And attached is our
14 request for retraction of all false and defamatory
15 statements made against Lauren Schipani.

16 A. I remember it.

17 Q. Okay.

18 A. What about it?

19 Q. Is this what you attached to that e-mail when you said
20 I'm really scared with your laughing emojis?

21 A. Yeah.

22 Q. Did you think it was a joke receiving a cease and
23 desist letter?

24 A. No, I'm just really scared and I thought it was funny.

25 Q. Okay. Do you think it's funny when you receive a

1 cease and desist letter?

2 MR. CLARK: Object to form.

3 A. I thought this was funny.

4 BY MS. PUZZUOLI:

5 Q. Okay. So when you say this, you attached the cease
6 and desist letter, what's funny about a cease and
7 desist letter?

8 A. I just thought it was funny.

9 Q. Okay.

10 A. I don't know what else to tell you.

11 Q. All right. Have you ever received cease and desist
12 letters before?

13 A. Oh, I'm sure I have.

14 Q. What's so funny about cease and desist letters?

15 A. This one was funny because of the circumstances
16 involved.

17 Q. And why is that?

18 A. Because this case is ridiculous.

19 Q. And why is that?

20 A. As I've testified before, I've never seen anything
21 like it in my entire career.

22 Q. When you say this case are you referring to the
23 criminal case, are you referring to the civil case;
24 what are you referring to?

25 A. I'm referring to the whole thing.