

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

CASE NO: 11-2687-RBR

IN RE:

ROTHSTEIN ROSENFELDT ADLER, P.A.

Debtor.

_____x

HERBERT STETTIN, Chapter 11 Trustee,

Plaintiff,

-vs-

LEVINSON & COMPANY, INC.,
d/b/a LEVINSONS JEWELERS,

Defendants.

_____ /

DEPOSITION OF

SCOTT W. ROTHSTEIN

Taken on Behalf of the Trustee

DATE TAKEN: Thursday, December 22, 2011
TIME: 1:00 p.m. - 5:30 p.m.
PLACE: James Lawrence King Federal
Justice Building
99 Northeast Fourth Street
Miami, Florida 33124

Examination of the witness taken before:

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1 THEREUPON:

2 SCOTT W. ROTHSTEIN,
3 having been first duly sworn or affirmed, testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. LICHTMAN:

7 Q Let the record reflect, this is the deposition
8 of Scott Rothstein in the case of Herbert Stettin,
9 Chapter 11 Trustee, plaintiff versus Levinsons and
10 Company, Inc. d/b/a Levinsons Jewelers pending in the
11 United States Bankruptcy Court for the Southern District
12 of Florida. Case number 11-2687-RBR.

13 Mr. Rothstein, we're going to bypass the typical
14 question of asking where you live and all that background
15 information. I think we covered that in our 2004. I'm
16 not going to get an answer anyway.

17 A That's correct.

18 Q Before I get right to the heart of the issues,
19 because we wish to and need to be efficient today. State
20 on the record a stipulation that I've reached with
21 Mr. Atlas immediately prior to beginning the deposition,
22 which is that the questions and answers that I asked you
23 at the beginning of the 2004 Exam with respect to why you
24 would tell the truth, that whole realm of questioning
25 would pertain equally to the transcript today, so that we

1 don't have to go through that question and answer
2 period.

3 A Understood.

4 Mr. LICHTMAN: Do you agree, Mr. Atlas?

5 MR. ATLAS: Correct.

6 MR. LICHTMAN: I didn't mean to exclude

7 Mr. Houston.

8 BY MR. LICHTMAN:

9 Q Mr. Rothstein, just as background - and I take
10 it that you know this - to be blunt: The Trustee is
11 suing Levinsons for fraudulent transfers, money that we
12 submit they should not have received from you, and I'll
13 leave it at that so I don't get into anything too
14 argumentative.

15 A I understand that.

16 Q In the course of the Trustee's investigation of
17 Levinsons on March 23, 2010, we took the 2004 Exam of
18 Robin Levinson. I know that you know who Robin is,
19 correct?

20 A I do.

21 Q I want to read to you a portion of that
22 transcript. This is at Page 34, Line 13.

23 A Okay.

24 Q Question: Well, how about then on a personal
25 level? Was there a point in time where Scott turned from

1 being an arm's length customer who came in the store to
2 purchase jewelry to Scott a friend?

3 Answer: No.

4 Question: Okay. Does that suggest that from
5 your perspective Scott was never a friend?

6 Answer: Correct.

7 Question: Okay. Never social friends?

8 Answer: No.

9 Question: Was he a social friend of Scott's --
10 I mean, excuse me, of Mark's?

11 Answer: You'd have to ask Mark.

12 Question: From your observation as his wife,
13 you know, and business partner?

14 Answer: No.

15 Let me now go to Page 37. Actually, I'm going
16 to skip to Page 160. This is Page 160

17 Question: In private you thought he was a jerk,
18 didn't you?

19 Line 15, Answer: I thought he was unusual, an
20 unusual character.

21 I think that Ms. Levinson tried to make clear
22 she didn't view you as being a friend of hers or Mark's.
23 How would you respond to that?

24 MR. HOUSTON: Object to the form of the
25 question.

1 BY MR. LICHTMAN:

2 Q Do you agree that that's a true statement?

3 MR. HOUSTON: Same objection.

4 THE WITNESS: No, it's false.

5 BY MR. LICHTMAN:

6 Q Tell me first in general terms why you disagree
7 with that statement.

8 A It's nonsense because we were absolutely
9 friends. Anyone that knew us that would tell the truth
10 would tell you that we were absolutely friends. We did
11 things together, we had conversations about things that
12 you don't have with people that are not your friends.

13 Q Who would be witnesses to the fact that you were
14 friends?

15 A Ted Morse, my wife, Kimberly, my parents, Kip
16 Hunter Epstein, Joey Epstein, Angela from Capital Grille,
17 Amy Howard, Stu Rosenfeldt.

18 Q Any of your other friends?

19 A A couple of the Plantation cops that used to
20 work details for the Levinsons when their store was in
21 Plantation. You'd have to check the detail lists.
22 Several of the Fort Lauderdale police officers who worked
23 details for the Levinsons in their Las Olas store when I
24 was in there. You have to check those detail slips.

25 Those people they would absolutely, if they

1 testified truthfully, say that we were not only friends
2 but that we were good friends.

3 **Q Other people at Levinsons that you know of?**

4 A If they testified truthfully, sure. Conti; tall
5 guy whose name I don't remember, probably most of the
6 people.

7 **Q Okay. I seem to understand that you had like
8 different tiers of friends?**

9 A I think actually you created that.

10 **Q No, I think you created that. Is that a fair
11 statement you had different levels of friends?**

12 A In my mind I don't think I made them into
13 levels. There were people I considered to be my inner
14 circle of friends, people like the Morses.

15 **Q Who would your inner circle of friends be?**

16 A Ted Morse was inner circle, Ron Picou was inner
17 circle, John Bria was inner circle. A guy by the name of
18 Jack Hardy, who since passed away, he was inner circle.

19 **Q Crocket Herd?**

20 A Crocket Herd was inner circle.

21 **Q Mo Saheal?**

22 A Mo Saheal next step out. Marty Hines next step
23 out.

24 **Q How close to that inner circle was Mark and
25 Robin?**

1 A Robin it's different because that's like the
2 boys' circle. Robin would have been one step removed
3 from that, but on the female level. There was a small
4 group of females, in this specific instance me, Kip
5 Hunter Epstein and Robin Levinson and we called ourselves
6 together, the girls. We would have a thing called the
7 girls lunch.

8 **Q Okay. Purely on a friendship basis you would**
9 **then say that Robin was one of your closest female**
10 **friends, period?**

11 A Yes.

12 **Q How about Mark?**

13 A I was not as close to Mark friendship-wise as I
14 was Robin, but we developed a good friendship. We drank
15 together, we smoked cigars together, we talked about
16 personal things. We did some illegal business together.

17 **Q We'll get to that. Would it be a fair statement**
18 **that as the years went by you became closer to Mark?**

19 A Yes, I became very fond of him actually.

20 **Q Did you ever have dinner at their house?**

21 A I did.

22 **Q How many times would you say?**

23 A A handful.

24 **Q Did they --**

25 A Not including like events. I was there for a

1 bunch of events where I ate there also separately.

2 Q When you say a handful and separately you mean
3 where it was just a social occasion with you and the
4 Levinsons?

5 A Right, not an event.

6 Q Or Kim, you and the Levinsons?

7 A Yes.

8 Q Did they ever come to your home?

9 A They came to my home for the cocktails and the
10 like. Mark came, this is non-events, they came to my
11 house for a lot of events.

12 Q I'm talking non-events.

13 A Yes.

14 Q Okay. And did you ever stop by the Levinson's
15 for drinks?

16 A I used to stop by their home for drinks, and I
17 used to go to the store to drink Vodka with Mark having
18 nothing to do with business, just to go in there to
19 drink.

20 Q How often would you say you went to their house
21 just to have drinks?

22 A I'd be guessing, a little more than a handful of
23 times.

24 Q Is that more than five when you say a handful?

25 A Yes.

1 **Q How many times did you go to the liquor - excuse**
2 **me, go to the Levinsons store to have drinks?**

3 A I had drinks with Mark in the store probably
4 several, more than a dozen times, possibly more than two
5 dozen times.

6 **Q And Mark also joined you for drinks with your**
7 **inner circle; is that correct?**

8 A Yes. There was a point in time when Robin had
9 asked me to try to include Mark in some of the things,
10 that he didn't have a lot of male friends that he hung
11 around with and he wanted to get to know our group. I
12 brought him into the circle and he hung out with us and
13 came to a couple of our Wednesday night dinners with us,
14 came and hung out with us at Bova, had cocktails with us
15 outside, that sort of thing.

16 **Q Is there anybody else in the Fort Lauderdale**
17 **community that you kind of brought into that inner circle**
18 **besides Mark?**

19 MR. HOUSTON: Object to the form.

20 THE WITNESS: John Harris, I brought John Harris
21 into the group.

22 MR. LICHTMAN: What was the wrong with the
23 question?

24 MR. HOUSTON: You're using this inner circle in
25 two different ways, Chuck. One is inviting Mark to

1 join the inner circle for dinner and the other being
2 part of the inner circle. I don't think your
3 question is clear enough.

4 BY MR. LICHTMAN:

5 **Q Did you understand my question?**

6 A So far.

7 **Q Okay.**

8 MR. HOUSTON: Objection still stands.

9 BY MR. LICHTMAN:

10 **Q You understood my question to mean you invited**
11 **him to have drinks and/or dinner with your friends that**
12 **were part of the inner circle?**

13 A Yes. I invited Mark to have dinner with me and
14 cocktails with me with my closest friends.

15 I think a lot of them, I can tell you several of
16 them had an impression of Mark that I thought was
17 incorrect. They didn't like him, and I brought him in
18 and I think they realized that he was a decent sort of
19 guy.

20 **Q After you introduced him to them?**

21 A Afterwards, yes.

22 **Q All right. You're aware that the Levinsons had**
23 **a boat, correct?**

24 A They did, a Riva.

25 **Q Were you on that boat ever?**

1 A Prior to me purchasing it, I was on it four or
2 five times.

3 **Q Is it true you were asked to drive that boat?**

4 A I was, Mark wasn't really a great captain.

5 **Q How many times did you drive their boat?**

6 A Of the four or five times we were on it, three
7 or four of it.

8 **Q Then ultimately you came to buy that boat from
9 the Levinsons, correct?**

10 A I did.

11 **Q How did that come to pass?**

12 A They told me that they were looking to sell the
13 boat, I said, I'll buy it from you. They said, what do
14 you offer? I said, I'll give you whatever you paid for
15 it. They told me what they paid for it and I believe
16 that's what I paid. I think I paid 500,000 for it.

17 **Q Do you know if that was the fair market value
18 for the boat at the time?**

19 A It was not, I overpaid for it.

20 **Q Why did you do that?**

21 A As we've heard over the last nine days, I was
22 stealing a tremendous amount of money. I really, again,
23 I spent it like I hated it. And it would have been
24 beneficial to them and I didn't really think much of it.

25 **Q When you said it would have been beneficial to**

1 **them, was that part of your thought process when you**
2 **bought the boat from them?**

3 A Yes, I was trying to be kind.

4 **Q Did they question why you would pay full retail?**

5 A I don't think they -- I don't recall them
6 questioning me at all. I think they were thrilled that I
7 was paying what they were asking for it.

8 **Q How old was the boat when you bought it?**

9 A I don't recall, it was fairly new. They hadn't
10 had it for a very long time.

11 **Q A year, two years?**

12 A Something like that. I'd be guessing, I don't
13 want to guess.

14 **Q Okay. There came a point in time that you and**
15 **Kim broke up before you got married, do you recall that?**

16 A Yes, we were engaged and then we had some
17 problems and she went up to North Carolina to stay with
18 her family.

19 **Q Do you recall discussing that with Robin?**

20 A I did actually.

21 **Q What were the circumstances?**

22 A I was pretty upset and Robin had heard through
23 Kip Hunter that I was pretty upset and she called to
24 check on me. She wrote me an e-mail. Actually you know
25 the way she found out, she had written me an e-mail and

1 she was asking something about Kim and I or something of
2 that nature and I actually responded to the e-mail, Kim
3 and I are no longer together, it's a long story.

4 Subsequent to that Kip Hunter and I and Robin
5 had one of our quote, unquote, girls lunches, and I
6 talked to them about what was going on and what happened
7 with Kim and I.

8 **Q With the exception of Robin and Kip did you**
9 **broadcast your break-up with Kim to other women in the**
10 **community that you knew?**

11 MR. HOUSTON: Object to the form of the
12 question.

13 THE WITNESS: No, I did not.

14 BY MR. LICHTMAN:

15 **Q You considered that a private issue?**

16 A I tried to keep it private, yes.

17 **Q You mentioned these girls lunches a couple of**
18 **times. Was that actually the phrase that you**
19 **collectively referred to it?**

20 A It was.

21 **Q How many times did you have these girls lunches?**

22 A More than a handful. I'd say between six and 10
23 times, I'm really guessing, but it was more than a
24 handful of times.

25 **Q Over what period of time?**

1

[REDACTED]

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[REDACTED]

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24

Q Okay. In Robin's Rule 2004 Exam at Page 41,

25

Line 18 I asked the question: Did you ever have dinner

1 with Scott? And she answered: Once.

2 Question: Where was that?

3 Answer: China Grille.

4 Question: Fort Lauderdale or Miami Beach?

5 Answer: Fort Lauderdale.

6 Question: How long ago?

7 Answer: Probably three years ago.

8 For the record, that would have made it 2007.

9 Would that have been a true statement as of that
10 time?

11 MR. HOUSTON: Object to the form of the
12 question.

13 THE WITNESS: No.

14 BY MR. LICHTMAN:

15 Q Tell me why that's not true.

16 A Because I had dinner with them other times. As
17 a matter of fact, me and a girl I was seeing at the time
18 and Kip Hunter Epstein and Joey Epstein and her and Mark
19 we all had dinner at the China Grille on South Beach.
20 And we had had dinner on other occasions. We had dinner
21 together, actually Robin and Mark, myself, I don't
22 remember whether my wife was with us at the time, and Kip
23 and Joey had multiple dinners at Capital Grille together.

24 Q Okay.

25 A They loved wine, I loved wine, we used to take

1 various bottles of wine. We both had wine lockers at
2 Capital Grille. We would share bottles of wine out of
3 there.

4 Q In the course of this litigation Levinsons was
5 required, pursuant to Federal 7026 - bankruptcy Rule 7026
6 to file initial disclosures. In those disclosures they
7 list a number of names that they state Miss Epstein may
8 testify to the business relationship between the
9 Levinsons and Rothstein's falsity of allegations
10 contained in the Trustee's Complaint.

11 So, what I'd like to do is go down this list and
12 see if --

13 A I'm sorry, you said Miss Epstein may testify,
14 what?

15 Q That Miss Epstein would have testimony relevant
16 to the issue of the business relationship between the
17 Levinsons and you --

18 A Okay.

19 Q -- on a contention that we've pled allegations
20 that are untrue. So, I'm going to ask you these names
21 and tell me if you have any idea the foundation of which
22 any of these people would have personal knowledge as to
23 your business relationship with the Levinsons, okay?

24 A Okay.

25 Q Glenn Singer?

1 A I don't know who that is.

2 **Q Michael Criden?**

3 A I don't remember who that is.

4 **Q Roger Shiffman?**

5 A I don't know who that is.

6 **Q John Kross, also known as Footy?**

7 A Yes. He would know actually about my business
8 relationship and my personal relationship because there
9 were a couple of times that he would have seen me with
10 Kip and Robin.

11 **Q Okay. Jordan Zimmerman?**

12 A Jordan only would have known that I was a
13 customer at the Levinsons store.

14 **Q Were you friends with Jordan?**

15 A No.

16 **Q Tony Segreto?**

17 A He would know about my business relationship
18 with them. I don't know if he would know about my
19 personal relationship with them but he knew I was a
20 customer of the store.

21 **Q How do you know?**

22 A He was there when I was there.

23 **Q Okay.**

24 A And I was friendly with Tony, we talked about
25 shopping at Levinsons.

1 **Q Jerry Greenspoon?**

2 A Jerry was at events that I was at at the
3 Levinsons so he would know that. He was actually in the
4 store on several occasions while I was shopping in the
5 store. He was there with his wife, I believe, and I was
6 there buying things. So he would be able to attest of
7 seeing me buying things and he and I talking about
8 watches and the like. Other than that we were
9 acquaintances, we weren't friends.

10 **Q Ned Siegel?**

11 A Who?

12 **Q Ned Siegel?**

13 A I don't know who that is. If I do I don't
14 remember the name.

15 **Q Leslie Epstein?**

16 A Leslie Epstein? I don't know. Is that one of
17 Kip's relatives? I don't know. The name is sort of
18 familiar to me but I don't know who it is.

19 **Q Jeff Rimer?**

20 A It rings a bell but I don't recall who that is
21 or why that person would know anything about me and my
22 business at Levinsons.

23 **Q Howard Dvorkin?**

24 A Howard would know about my -- not my friendship
25 with them but he would definitely know that I was a

1 customer at Levinsons.

2 Q Anything more than the fact you were a customer?

3 A Well, Howard didn't like me very much so I can't
4 tell you what he would say one way or the other.

5 Q Patti Morse?

6 A Who is that?

7 Q Patti Morse?

8 A Patti, if she testified truthfully, would tell
9 you not only that I was a customer, but that I was very
10 close friends with Robin.

11 Q Neil Goodman at Aventura?

12 A Neil would know I was a customer and friends
13 with them.

14 Q Bill Matz?

15 A Bill Matz would know that I was a customer and
16 friends with them. As a matter of fact, I sat down one
17 night, Bill Matz and his wife were having dinner with a
18 couple of people including Kip and Mark and they invited
19 me to sit down and join them.

20 Q Howard Engle of New York.

21 A I don't recollect who that is.

22 Q David Levine of Chicago?

23 A I don't recall who that is.

24 Q Eric Zeitlin of Berkowitz, Dick, Pollack and
25 Brant?

1 A I knew a bunch of the guys from the Berkowitz
2 accounting firm but just by sight, not by name. I don't
3 know who that is.

4 **Q Whitney Shiffer? That's also a Berkowitz**
5 **person.**

6 A Okay. Doesn't ring a bell.

7 **Q Sam Madison?**

8 A Sure, Sam would know about my shopping there and
9 my friendship. I became pretty good friends with Sam and
10 his wife.

11 **Q Is that the Sam Madison that played for the**
12 **Dolphins?**

13 A Yes. And Sam and I actually used to tease Mark
14 all the time when we were in the store.

15 **Q About what?**

16 A Just in general just tease him, we'd joke around
17 with him. There were times when I was at the store
18 following events, we were sitting around having
19 cocktails, usually drinking Vodka with Mark, it would be
20 me, Sam Madison, Dan Marino, Mark, couple of the other
21 guys, maybe Ted Morse was there, and we'd be teasing
22 Mark.

23 **Q Okay.**

24 A Running around behind the, we used to go behind
25 the cabinets there.

1 **Q Cliff Floyd?**

2 A I don't know who that is.

3 **Q Will Allen?**

4 A That name rings a bell but I don't know why.

5 **Q Steve Martorano?**

6 A Yeah, perfect to refresh my recollection. I had
7 at least, at least - now this is going to add to the
8 number of times we went to dinner. I had at least half a
9 dozen dinners at Martorano's alone, skip all the other
10 places, with Robin, Mark, Kip and Joey. We used to go to
11 dinner there all the time. I bet you if you check
12 receipts and stuff that it's probably closer to a dozen
13 times at that restaurant. And we would be there for
14 hours. We were all very good customers of Martorano's.

15 **Q Reuven Porges?**

16 A Unless that's the Reuven from Plantation
17 Jewelers, I'm not sure who that is.

18 **Q He is from Plantation. I don't know if he's**
19 **from the jewelers.**

20 A If it's that Reuven he would not only know
21 about, if it's Reuven from Plantation Jewelers he would
22 not only know about my business relationship with the
23 Levinsons, but he might have information regarding some
24 of the other things that I did with Mark.

25 **Q Would that be the under the table cash**

1 **transactions that I've alleged in the complaint?**

2 A Yes.

3 MR. HOUSTON: Object to the form of the
4 question.

5 BY MR. LICHTMAN:

6 **Q How do you know he might have knowledge about**
7 **that?**

8 A This is going to get into something that I think
9 is going to fall within privilege but there was someone
10 in Plantation that I did business with through a member
11 of law enforcement and --

12 **Q Talk slow so that nothing gets disclosed that**
13 **shouldn't.**

14 A Okay. And Reuven, if that's the Reuven from
15 Plantation Jewelers, excuse me, not Plantation Jewelers,
16 Fountain Jewelers, may have come into possession of one
17 or more of the loose stones that I was purchasing and
18 selling.

19 **Q Did Mr. Porges, to the best of your knowledge,**
20 **know that you were engaged in that activity with**
21 **Mr. Levinson?**

22 A Again, assuming that that is the man from
23 Fountain Jewelers, I can't tell you specifically what he
24 knew because I didn't have direct contact with him in
25 that regard. I only heard about it from somebody I knew

1 in Plantation.

2 Q Do you have a belief that he knows?

3 A I have a belief that the owner of Fountain
4 Jewelers has reason to know that I was doing cash
5 transactions with Mark Levinson.

6 Q Eve Semel, S-E-M-E-L?

7 A I recognize the name but I don't know what she
8 would know.

9 Q Stanley Tate?

10 A I don't recognize the name.

11 Q Sheldon Polish?

12 A I recognize that name but I don't know what he
13 would know.

14 Q Craig Sherman?

15 A I recognize that name but I do not know what he
16 would know.

17 Q Brent Overman?

18 A I don't know who that is.

19 Q Michael Cohen, Sunny Isles?

20 A If it's the Michael Cohen I'm thinking about, he
21 would know about my business relationship but I don't
22 know how much.

23 Q Meaning the business relationship with
24 Levinsons?

25 A Yes.

1 **Q Craig Weiner?**

2 A Craig, that name rings a bell but I don't know
3 why.

4 **Q David Rosenbaum?**

5 A Rings a bell but I don't know why.

6 **Q Steve Farbman?**

7 A I don't know who that is.

8 **Q Scott Hunter?**

9 A He would know about my business relationship
10 with them and my personal relationship with them.

11 **Q Is Scott any relation to Kip?**

12 A Her brother.

13 **Q Did you do business with Scott?**

14 A At one point in time I considered doing business
15 with him, but I never ended up doing any business with
16 him.

17 **Q Steven Shonebarger from Core View SA?**

18 A Yes. He would know about my business
19 relationship with them.

20 **Q How do you know that?**

21 A Because I purchased some very expensive watches
22 from him through Levinsons.

23 **Q David Almagor of Almagor Diamonds?**

24 A Yes. He would know about my business
25 relationship with him.

1 Q How would you know that?

2 A He assisted in getting diamonds that I was
3 interested in purchasing.

4 Q Were any of those diamonds that were purchased
5 through cash transactions?

6 A I have no idea one way or the other.

7 Q Okay.

8 A He could have been a diamond designer for all I
9 know.

10 Q Did you ever communicate directly through your
11 firm's e-mail system with David Almagor?

12 A I may have. I don't have an independent
13 recollection of that.

14 Q I have before you a number of documents. I
15 premarked them so that we can get through them quicker
16 without me having to mark them now and save the time of
17 the walking of the 12 feet. So if you go to that stack
18 of documents.

19 A Yes, sir.

20 (Whereupon, Trustee's Exhibit No. 1 was marked
21 for identification.)

22 BY MR. LICHTMAN:

23 Q You'll see Exhibit 1 before you. It's an e-mail
24 dated November 28, 2005, it's from you to Robin.

25 And I just realized, before I go there just tell

1 me how long prior to your leaving the country had you
2 done business with Levinsons; do you recall,
3 approximately?

4 A Five or six years.

5 Q 2004, 2003?

6 A '04, '05, you have to look at the receipts,
7 something like that.

8 Q How did you get to meet them?

9 A Through Kip. Kip.

10 Q At a party, right?

11 A It was at a party.

12 Q Then you went to the store after that and the
13 relationship grew from there; is that a fair statement?

14 A That's correct, that's a fair statement.

15 Q So take a look at Exhibit 1 and read it to
16 yourself, please.

17 MR. ATLAS: One is the 11/28/05.

18 Q Yes.

19 A Okay.

20 Q The first page of this it discusses that you had
21 funds in an account, deposit check on the 30th. Do you
22 recall anything about this particular e-mail?

23 A Specifically, no.

24 Q Is there anything that you can recall
25 specifically with respect to how you did business with

1 **Levinsons in terms of paying them by check?**

2 A Yes.

3 **Q Tell me what you recall.**

4 A My main methodology - I had two main
5 methodologies of paying Levinsons for the purchases.
6 American Express and check. The third methodology was
7 some kind of little credit card that they had, a
8 Levinsons credit card. I frequently paid by check and it
9 was almost exclusively a postdated check. Let's say I
10 was purchasing, \$300,000 worth of jewelry or watches from
11 them, I would give them perhaps three postdated checks
12 for \$100,000 each, based upon my cash flow, and they
13 would deposit them on those days.

14 **Q Was that a systematic process of how you paid**
15 **Levinsons by check?**

16 A Yes, I considered it systematic.

17 **Q Was there any rhyme or reason as to how you came**
18 **about that the payments were made by check like that?**

19 A Yes. I would normally contact -- while I was
20 even at the store once we had figured out how much I was
21 spending, we'd calculate out how much money we had coming
22 in from various legitimate and mostly illegitimate means,
23 how much money I would have access to, and that's how we
24 would space the checks out.

25 You should see if you go through all the e-mails

1 between Robin and I and all the checks, you should see a
2 number of them where, I'm not sure any checks were ever
3 dishonored, but I had to tell her the money is not there,
4 don't deposit the check, hold the check. And there may
5 have been a case where they actually deposited the check
6 and it came back and then I had to -- though I really
7 don't recall that happening very much, it was
8 dishonored. There may have been a couple but I don't
9 recall that.

10 **Q Did you ever sign any kind of written personal**
11 **guarantee to Levinsons for payment of jewelry that you**
12 **bought from them?**

13 A For payment by check?

14 **Q For payment by check or credit card.**

15 A I may have signed a credit card agreement.

16 **Q Anything other than that?**

17 A No.

18 **Q Did you have any other written agreement that**
19 **dealt with the purchase of jewelry generally besides the**
20 **credit card with Levinsons?**

21 A Like a written agreement?

22 **Q Yes.**

23 A No. The only thing I remember doing was
24 sometimes when I would purchase the jewelry she'd have me
25 sign the receipt.

1 Q You'll see that this e-mail is dated on November
2 28, 2005?

3 A Yes.

4 Q Was the Ponzi scheme in existence by then?

5 A Yes.

6 Q How many lawyers did RRA have at that time?

7 A I don't recall, a handful.

8 Q Was it generating revenues sufficient for you to
9 spend material amounts of money on jewelry?

10 A No, sir.

11 Q Is it your belief that the money you spent on
12 jewelry and other purchases, I think you had a yellow
13 Maserati at that time, was it the product of Ponzi
14 funds?

15 MR. HOUSTON: Object to the form.

16 THE WITNESS: It was a yellow Ferrari. And yes,
17 it was.

18 BY MR. LICHTMAN:

19 Q You'll see that the e-mail also says that
20 references regarding your finances should go to someone
21 named Lydia. Who is Lydia?

22 A Lydia Duchette, she was one of our assistants.
23 She was actually an assistant to Debra.

24 Q Why would you direct communications with respect
25 to funds in your account would go only to you or Debra?

1 A There was an occasion when Robin had called the
2 office and spoke with Lydia, I don't know how she got
3 connected to Lydia. But she asked Lydia about whether
4 funds were available to deposit a check. Lydia told me
5 about it and I didn't want her discussing that with
6 Lydia. I wanted those discussions with me or Debra.

7 **Q That's because Debra knew what you were up to at**
8 **that point in time, account balances; is that a fair**
9 **statement?**

10 MR. HOUSTON: Object to the form.

11 THE WITNESS: That is a fair statement.

12 MR. LICHTMAN: What is the objection?

13 MR. HOUSTON: You're leading, it's your witness.

14 BY MR. LICHTMAN:

15 **Q So what was the reason that you didn't want her**
16 **to know? Her being, so the record is clear, Lydia.**

17 A I didn't want Lydia asking questions about my
18 finances. I didn't want her anywhere near my finance at
19 that level. Debra was in the most inner circle of my
20 criminal activity, Lydia was not.

21 **Q Take a look at the second page of Exhibit 1,**
22 **somehow it got mismarked. Should have probably been a**
23 **separate exhibit. It's an e-mail dated December 8,**
24 **2005.**

25 A Yes, sir.

1 Q Talks about a dispute over a winder box?

2 A I remember this.

3 Q Tell me what you recall.

4 A I had purchased a 40 watch watch winder made by
5 Orbita, like a 40 or \$50,000 purchase, and I put it on my
6 American Express card. The watch winder wasn't working,
7 and one of my staff contacted American Express and said
8 we weren't going to be paying for this product until the
9 repaired one or a new one was provided.

10 Q A \$40,000 watch winder?

11 A It was 40 or \$50,000, yes.

12 Q And did you ever have any discussion with Robin
13 since she's the one that authored the e-mail to you
14 December 8th about getting that repaired?

15 A They actually, I believe, got me a new one sent
16 over.

17 Q How did that ultimately get paid for?

18 A Either American Express or check.

19 Q Did you have any agreement with Robin concerning
20 your use of American Express and any credit limits that
21 you would ever charge on it?

22 A Only that I had no limit. It was a centurian
23 card. It was a black card. There was no limit on it.

24 (Whereupon, Trustee's Exhibit No. 2 was marked
25 for identification.)

1 BY MR. LICHTMAN:

2 Q Exhibit 2, this is an e-mail trail from December
3 15, 2005. You see that? You'll see it says Page 2 at
4 the bottom. It's Robin to you. It's 4:33 p.m. Do you
5 see that portion of the e-mail?

6 A I do.

7 Q Okay.

8 MR. ATLAS: Is that a two-page exhibit?

9 MR. LICHTMAN: Three page exhibit, December 15,
10 2005.

11 BY MR. LICHTMAN:

12 Q The top line of the e-mail, "Thanks. I will
13 have Deb re-cut the checks now.

14 Okay. You'll see at the bottom of Page 2 and
15 the top of Page 3 it defines dates that Robin says you
16 agreed on for payment. I'm going to assume it's
17 jewelry. January 1, 2006, and January 30, 2006, not
18 January 30 and February 28. "Please" is written in big
19 capital letters.

20 Do you recall the circumstances of this e-mail
21 and the issue with respect to payment?

22 A I do.

23 Q What is it you recall?

24 A I told her that the payments were going to be
25 made on the dates that are here, 1/1 and 1/30. And when

1 I believe Deb did the checks, she did it based upon our
2 actual cash flow.

3 Q And that would mean that the cash flow would
4 have been what?

5 A Off. That without maneuvering additionally I
6 wouldn't have been able to pay those checks. But it
7 appears from reading the e-mail above that I'm asking who
8 actually signed the checks, Debra or Irene, to sign the
9 checks.

10 Q Did you have discussions with Robin about your
11 need to pay for jewelry that you bought from them based
12 on cash flow if and when it came in?

13 A Yes.

14 Q Did you describe to her what the source of the
15 cash flow was?

16 A Just investments. I never went any further with
17 her.

18 Q When you say "investments," did you discuss at
19 all firm business with her and the money that you were
20 getting from compensation as an attorney?

21 A Did I say it's compensation from an attorney?

22 Q That wasn't really worded very well.

23 A Okay.

24 Q Did you discuss with her money that you were
25 making legitimately as an attorney, your ability to buy

1 **jewelry from your RRA salary?**

2 MR. HOUSTON: Object to form.

3 THE WITNESS: I didn't specify one way or the
4 other with her. She did from time to time joke
5 around with me saying that Mark should come to work
6 for me, saying that I'm not really exactly sure what
7 you do, but I need to have my husband come to work
8 for you.

9 BY MR. LICHTMAN:

10 Q Okay.

11 A Take that in for what it's worth.

12 Q **How many times did you have a discussion with**
13 **her like that?**

14 MR. HOUSTON: Object to the form of the
15 question.

16 THE WITNESS: It wasn't that frequent. On
17 exceptionally large purchases or there were times
18 when I would go in, for example, and she'd show me
19 six watches, and I would all of a sudden decide I'll
20 take all six.

21 She'd say, "I love you." You know, typical
22 nonsense.

23 And, you know, she would make comments in the
24 vein of, I need to be doing what you're doing,
25 something like that.

1 I mean, she didn't know -- I never discussed
2 with her the fact I was in the middle of a giant
3 criminal enterprise.

4 BY MR. LICHTMAN:

5 Q Well, you didn't discuss that with anybody --

6 A Not --

7 Q -- the way that you testified over the last two
8 weeks?

9 A No. Only little pieces to people who needed to
10 be involved in.

11 Q Okay.

12 A Or the big pieces to the people involved in it.

13 Q From your conversations with her, what was your
14 understanding that -- What was it that you told her with
15 respect to how you would pay for jewelry based on cash
16 flow issues?

17 A That I had to wait for money to come in.

18 Q And for what period of time did you tell her
19 that?

20 A From almost the beginning of time when I started
21 buying utilizing postdated checks.

22 Q Did she go along with that plan?

23 A As long as I was paying and the checks were
24 clearing, she was fine.

25 Q The top portion of the e-mail says, "Thanks. I

1 will have Deb re-cut the checks now. Ciao, ciao, ciao.

2 I'm wearing my ring. People want to kiss it."

3 Do you recall what that refers to?

4 A I do.

5 Q Tell me.

6 MR. HOUSTON: Object to the form of the

7 question.

8 THE WITNESS: The first part is Deb re-cutting
9 the checks for the right dates. I told Deb, Maneuver
10 around whatever you've got to do from whatever trust
11 accounts. Irene needs to move the money from all of
12 or investor accounts, which were trust accounts
13 also.

14 And, "I'm wearing my ring." I purchased a very
15 expensive, actually I think it was a couple of them,
16 but I purchased a very expensive ring. And when I
17 actually put it on in the store, she said, "You
18 should have people kiss it." So I was commenting,
19 people want to kiss it.

20 BY MR. LICHTMAN:

21 Q Why would people want to kiss your ring?

22 MR. HOUSTON: Object to the form of the

23 question.

24 BY MR. LICHTMAN:

25 Q From your understanding of the conversation that

1 **you had with Robin?**

2 MR. HOUSTON: Same objection.

3 THE WITNESS: To show their respect.

4 BY MR. LICHTMAN:

5 **Q Why would they show you respect to the best of**
6 **your knowledge?**

7 MR. HOUSTON: Object to form.

8 THE WITNESS: There was a rather funny
9 conversation that I had with Robin and Mark once when
10 they were at my home. Patti Morse had painted a
11 picture of me to look like a picture of Al Pacino as
12 the Godfather sitting in a chair. And that's how the
13 whole kissing the ring thing started. It was a
14 reference to that.

15 BY MR. LICHTMAN:

16 **Q The Godfather picture?**

17 A The Godfather picture, yes.

18 **Q So that had to occur around December of 2005 at**
19 **least, right?**

20 A At least, yeah. I don't recall the specific
21 time period, but yes.

22 (Whereupon, Trustee's Exhibit No. 3 was marked
23 for identification.)

24 BY MR. LICHTMAN:

25 **Q Take a look at Exhibit 3. It's an e-mail to**

1 Robin from you dated January 23, 2006. See that? Now
2 look at the bottom for January 23, 1:17 p.m., Robin
3 writes to you that American Express declined your card
4 for the January 21st charge of the \$58,830.

5 Do you see that?

6 A Yes.

7 Q You said a moment ago that you had the American
8 Express black card with no limit, right?

9 A Yes.

10 Q Explain how it was that a charge get denied?

11 A My recollection is that I constantly had
12 problems with American Express because of the sheer
13 volume of charging activity on the card. It would get
14 declined from time to time. Sometimes American Express
15 would panic because I was spending a lot of money. And
16 they'd say, "You're fine. Just send some money in and
17 you can match it."

18 You'll see that I would do a check over the
19 phone with them. At that moment let's say I had five or
20 \$600,000 outstanding on the card. I'd send in two or
21 \$300,000 before and then tell Robin, "Go ahead, run it."

22 Q What was the source of the funds, the two
23 300,000, as an example?

24 A Ponzi money.

25 Q Do you recall there being any degree of

1 frequency with respect to rejected charges by American
2 Express on purchases made at Levinsons?

3 A It happened frequently, not just with
4 Levinsons. It happened frequently. I was constantly
5 having to call American Express letting them know it was
6 me making all the charges. Their concern was just the
7 sheer totals. I would bring the totals down and then
8 they would go ahead and let the charges go through.

9 Q Are you aware of the total amount you spent on
10 your American Express card over a four year period, 2005
11 to 2009?

12 A Somewhere between 20 and \$30 million.

13 Q We degree.

14 The top portion of the e-mail for January 23rd
15 says, "I just used it for 112,380."

16 Tell me what you understand that to mean.

17 A I was just saying that I had just used the
18 card. I don't know where the number comes from. I was
19 just saying I just used it.

20 Q Was it to purchase more jewelry from Levinsons,
21 is that what you were suggesting?

22 A No. I was just suggesting that I had just used
23 the card.

24 Q So you were telling her you spent \$112,000
25 someplace else?

1 A Yes.

2 (Whereupon, Trustee's Exhibit No. 4 was marked
3 for identification.)

4 BY MR. LICHTMAN:

5 Q See Exhibit 4. Exhibit 4 is an e-mail trail for
6 February 20, 2006. The top entry is to Robin and it's
7 from you. And the line says, "Not doing so great."

8 MR. ATLAS: Is this a one-page exhibit?

9 MR. LICHTMAN: Three-page.

10 BY MR. LICHTMAN:

11 Q However --

12 A You're at the top. I'm sorry.

13 Q I'm at the top, yeah.

14 A Yes.

15 Q And it goes down for a few days.

16 A Yes.

17 Q If you look in the bottom of Page 1 it says,
18 "Hi, busy man." This is from Robin to you. "Hi, busy
19 man. Where are you? Photo shoot next week. SHD be
20 fun." I'm assuming that means, should be fun. And then,
21 "Help," with a lot of exclamation points. The \$71,000
22 credit card bounced. Please advise."

23 I want to take this line-by-line.

24 The first line says, "Hi, busy man. Where are
25 you?" Was it customary for Robin to keep track of where

1 **you were?**

2 MR. HOUSTON: Object to the form of the
3 question.

4 THE WITNESS: She'd ask from time to time where
5 I was, what I was doing.

6 BY MR. LICHTMAN:

7 **Q Was that part of your friendship?**

8 A Yes.

9 **Q Did you usually stay in touch with her?**

10 A I did.

11 **Q The next line says, "Photo shoot next week."**

12 **What does that mean, do you know?**

13 A I don't know if this is around the time that
14 they were doing the Live Life Levinsons Style Campaign.
15 That was one of the photos. I did a couple different
16 photo shoots for them for charity events or other store
17 events. And I did a shoot for them in the Live Life
18 Levinsons Style Campaign.

19 **Q What was that?**

20 A They had lot of local and national celebrities,
21 but more local celebrities Dan Marino, Alonzo Mourning,
22 some other people doing advertising for them. They had
23 this whole campaign that Kip had actually come up with
24 called Live Life Levinsons Style. And they put like a
25 blurb about you on there and put it in magazines and the

1 like. And they asked me if I would do it for them, and I
2 said absolutely I would.

3 **Q You mentioned that Dan Marino and Alonzo**
4 **Mourning did it also.**

5 A I did.

6 **Q Did they get paid?**

7 A To my understanding from speaking to Dan and
8 Alonzo, they did, yes.

9 **Q Did you get paid?**

10 A No.

11 **Q Why didn't you get paid?**

12 MR. HOUSTON: Object to the form of the
13 question?

14 THE WITNESS: They were my friends. I didn't
15 need money from them.

16 BY MR. LICHTMAN:

17 **Q Did they ask you if you would do it for free?**

18 A I volunteered to do it for free. They were my
19 friends.

20 **Q You're unclear as to whether or not this**
21 **February 20th entry for the photo shoot was the Live Life**
22 **Levinsons Campaign or a different one?**

23 A There were a couple of different photo shoots
24 that I did for them at their request for various events.

25 **Q Do you recall the other one?**

1 A I don't. It was for either charities or some
2 other ad that they were putting in a magazine or
3 something. I don't recall specifically.

4 **Q And then you'll see that she writes, "And Help,"**
5 **with the exclamation points, \$71,000 credit card**
6 **bounced."**

7 A Yes.

8 **Q Do you recall that instance?**

9 A I don't recall that specific instance, but I
10 recall she and I had some very funny conversations
11 because when the credit card got rejected she used to say
12 "it bounced." I wrote, "Do you mean rejected? Do not
13 understand how a credit card bounced. Let me know so I
14 can fix."

15 You'll see my comment again, again, again with a
16 smiley face because I was constantly having to fix that.

17 **Q Did she respond to that in any fashion orally or**
18 **verbally to the best of your knowledge as to, Why does**
19 **this keep happening with you?**

20 A We had some conversations about that.

21 **Q What do you recall about those conversations?**

22 A She asked me why I was having the problems with
23 American Express, and I told her.

24 **Q What did you say?**

25 A It was just the sheer amount of money I was

1 spending on there. It was making American Express
2 nervous.

3 Q Did she ask what you were spending the sheer
4 amount of money on?

5 A She made a comment that -- she didn't ask me
6 what I was spending it on. She did once or twice. Maybe
7 Mark did. One of them said to me, "You better not be
8 buying jewelry anywhere else."

9 I made the comment, I said, "I buy stuff at
10 Mayors because you guys don't carry Rolex."

11 But there was a funny situation where she had
12 said to me, actually at one of our, quote, unquote, girls
13 lunches where she made a comment, she goes, "I want to
14 know exactly how much money you have to spend on a black
15 American Express card for it to actually get denied
16 because you're spending too much.

17 Q Now, the top of the e-mail, we've been working
18 backwards, but actually your response to her starts with
19 the statement, "Not doing so great. Kim and I are no
20 longer engaged. Sent her to North Carolina to stay with
21 her mom for awhile. Will tell you more when I see you."

22 Do you recall discussing that with her then? Is
23 that what we talked about earlier in your deposition
24 today?

25 A Yes.

1 **Q** **And, in fact, did you have a conversation with**
2 **her about it and talk about your personal matters with**
3 **her?**

4 A Multiple.

5 **Q** **Multiple as it pertained to Kim?**

6 A Yes. Right up to the point in time when Kim and
7 I got back together, yes.

8 **Q** **Do you know what Robin's relationship was with**
9 **Kim at the time that you broke up?**

10 A I think they probably considered each other
11 friends, but nothing like my relationship with Robin.
12 Probably more on the acquaintance level.

13 **Q** **Did that change over time one way or the other?**

14 A I don't know if -- yeah, I think it did
15 actually. I think it did because --

16 **Q** **Describe for me how.**

17 A In speaking with Kim even recently, I think that
18 she always considered Robin Levinson to be a good friend
19 because I remember after I made the decision to come back
20 and turn myself in, and Kim, unfortunately the brunt of
21 all this, as I'm sure you well know, came down on her.

22 She had very few friends that were real friends,
23 and Robin was actually very kind to her.

24 **Q** **How is that?**

25 A She stayed in contact with her even after I came

1 back and turned myself in. I mean, the press was going
2 crazy on her. People were going crazy on her. Kim
3 didn't have any idea what was going on. She thought I
4 was a successful businessman.

5 Q What did Robin do for Kim?

6 A She stayed in touch with her.

7 Q When everybody else abandoned her, is that what
8 you're saying?

9 A Almost all, almost all of Kim's - I'll use the
10 term loosely - friends abandoned her. Robin was one of
11 the very few, probably less than a handful of people that
12 stayed in touch with her.

13 MR. LICHTMAN: Off the record.

14 (A discussion was had off the record.)

15 MR. LICHTMAN: Back on the record.

16 BY MR. LICHTMAN:

17 Q Now, go to Page 2 of that e-mail. The bottom
18 says, the bottom part of the e-mail is from Robin to you,
19 it says, I'm having -- IS AM EX having a tea party
20 again." Do you know what that means?

21 A Where is this?

22 Q Look page 2, the middle?

23 A Hold on. Here it is.

24 Q Right in the middle.

25 A It says, "Is Am Ex having a tea party again?"

1 Q Okay. Oh, is Am Ex having a tea party again?

2 A Yes. "Is Am Ex having a tea party again? Can I
3 run the card."

4 Q For 71,000, for that \$71,000 transaction from
5 the preceding day, right?

6 A Yes.

7 Q I assume that got resolved?

8 A Yeah. I was actually having lunch with Albert
9 Peter on one of their Silversea ships that was docked. I
10 took care of it when I got off the ship.

11 Q And that shows the next day, February 22, 2006?

12 A Yes.

13 Q Is that what you're alluding to?

14 A Yes.

15 Q Read that out loud, please.

16 A Mine or hers?

17 Q Start with yours.

18 A It says, "I will handle Am Ex. I just need to
19 call the idiots again. I will speak to you about Kim.
20 Tough stuff," with a sad face.

21 Q Now, in the bottom which actually preceded that
22 it starts off - this is Robin to you: "Brief me on what
23 happened with you and Kim. Are you all right? Is there
24 anything I could do for you?"

25 Do you see that?

1 A Yes.

2

3

4 A For the life of me I don't recall.

5 Q It would be a fair statement, though, that she
6 talked to you about her personal life, correct?

7 A Yes.

8 Q And you talked to her about yours, right?

9 A Yes.

10 (Whereupon, Trustee's Exhibit No. 5 was marked
11 for identification.)

12 BY MR. LICHTMAN:

13 Q Next exhibit, Exhibit 5, is an e-mail dated
14 March 2, 2006, if you'd take a moment and read it all to
15 yourself.

16 A Sure.

17 Q Subject: "Hey gorgeous."

18 A Yes.

19 Q Do you recall this e-mail?

20 A I do actually.

21 Q What is it that you remember about this e-mail?

22 A I had, as was typical of my relationship with
23 them, provided them with what I thought was a series of
24 post-dated checks. Generally I didn't do it, by the way,
25 generally Deb would do the post-dated checks, and someone

1 would run them over or I'd give them to them when I saw
2 them, and they kept them in file to deposit them on
3 specific dates.

4 There was confusion as to whether or not they
5 had checks or not to cover a particular purchase. I
6 agreed to allow them to put a particular purchase on
7 American Express.

8 The check got deposited. I had not instructed
9 the bank to transfer enough funds, so the bank was
10 looking for the money to cover the check. I just wanted
11 to know what was going on.

12 And then down at the bottom I'm referring to
13 things the way we usually do. It actually refreshes my
14 recollection to the fact that she and I -- I used to go
15 kayaking frequently. And she actually said that she was
16 doing it. I don't remember if she was doing ocean
17 kayaking or river kayaking, but we were going to go
18 together.

19 **Q So where it says, "Let's go out. Let's get**
20 **drunk. Let's go kayaking. Something. Love you again.**
21 **Me." Did she mean that in jest? Tell me what it was you**
22 **were thinking when you wrote that.**

23 **A** I was thinking that we should go out and get
24 drunk. We had done that before. I was thinking we
25 should go kayaking. It was something we talked about

1 doing. And "something," meaning we should get together.
2 It was not unusual.

3 Q How many times did you go out and get drunk with
4 Robin?

5 A She didn't always get drunk. It was hard to get
6 her drunk. She drank very slow. Kip and I, we'd get
7 drunk.

8 Q She drank at the lunches, though, that you had
9 at Capital Grille, correct?

10 A At a lot of them. She drank more at our
11 dinners. I think she was concerned -- I used to tell her
12 -- I'm sorry. But I used to tell her, "Come on. If you
13 drink a lot I'll go back to the store and shop a lot.
14 Because maybe I'll be able to take advantage of you a
15 little bit and get a little better pricing."

16 Q How did that go? How did she respond to that?

17 A She laughed it off and probably didn't drink
18 anything.

19 Q You mentioned that Deb would take care of these
20 checks?

21 A Yes.

22 Q Deb was your employee at the time?

23 A Yes.

24 Q So Deb is writing personal checks or company
25 checks for you for purchases of jewelry and dealing with

1 **Robin and Levinsons generally; is that correct?**

2 MR. HOUSTON: Object to the form of the
3 question.

4 THE WITNESS: Yes. Either writing personal
5 checks and making sure that Irene transferred money
6 from the corporate or trust accounts to cover the
7 personal checks, or she was writing corporate checks
8 and making sure there was enough money in the
9 corporate accounts to cover the purchases.

10 BY MR. LICHTMAN:

11 **Q Did Robin ever ask you why RRA employees were**
12 **handling your personal finances?**

13 A No. The only thing she said to me was that I
14 have a very large staff and she'd like to borrow it. I
15 didn't appear to be doing any of my own accounting and
16 purchasing and handling of my money.

17 (Whereupon, Trustee's Exhibit No. 6 was marked
18 for identification.)

19 BY MR. LICHTMAN:

20 **Q Take a look at the next e-mail, Exhibit 6. It's**
21 **two e-mails from March 7, 2006.**

22 A Yes.

23 **Q The first one, which is written at 4:42 p.m. you**
24 **write to Robin. "Do not ever forget to tell me you love**
25 **me."**

1 A Yes.

2 Q And Robin writes back, one minute later, "I love
3 you lots and lots and lots."

4 A Well, no. That's me writing to her, Chuck.

5 Q Oh, okay. I'm sorry.

6 Was it customary that you would write her those
7 kind of e-mails?

8 MR. HOUSTON: Object to the form.

9 THE WITNESS: I don't know if you'd say it was
10 customary. She was my friend. In all my e-mails
11 people that I had affection for I said, "I love
12 you."

13 If you talk to people that saw Robin and I
14 interact, and I used to make Mark crazy, I flirted
15 with Robin constantly. I used to tell Mark right in
16 front of Robin, "If you are not going to take good
17 care of her, I will." I used to tell her right in
18 front of Mark. I used to tell her in front of the
19 Plantation cops, we've been out in the Plantation,
20 saw her in the middle of the store in Fort
21 Lauderdale, "Mark, you better take care of this woman
22 or I'm going to run away with her and it will be
23 Rothstein's instead of Levinsons.

24 BY MR. LICHTMAN:

25 Q Okay. To be fair, is it correct that you never

1 had any kind of relationship with Robin other than
2 friendship?

3 A No, no. I wasn't really looking to have a
4 relationship. I was just flirting with her.

5 Q I understand, but just so the record is clear.

6 A And there was never any physical relationship
7 between Robin and I. Just a very good friendship.

8 (Whereupon, Trustee's Exhibit No. 7 was marked
9 for identification.)

10 BY MR. LICHTMAN:

11 Q Take a look at Exhibit 7.

12 A Yes.

13 Q This is June 2, 2006.

14 A I've got June 14th.

15 Exhibit 7.

16 MR. NURIK: We're missing 7 and 8.

17 MR. LICHTMAN: June 2, 2006.

18 MR. NURIK: It looks like we're missing 7 and 8.

19 MR. LICHTMAN: I have 8 here. We'll put this
20 into the record. I'll mark it.

21 BY MR. LICHTMAN:

22 Q I'm going to hand you Exhibit 7. This is
23 June 2, 2006. At the bottom Robin writes to you and
24 says, "Did you get my e-mail the other day? What's good
25 for lunch next week?"

1 A Okay.

2 Q How was it that lunches typically got set up?

3 A Either I would set it up, Robin would set it up,
4 or Kip would set it up by phone or by e-mail.

5 Q I see what happened. The next exhibit that I
6 had marked here as 8 was actually a duplicate of that.
7 So we're going to skip and go to Exhibit 9.

8 A Okay.

9 (Whereupon, Trustee's Exhibit No. 9 was marked
10 for identification.)

11 BY MR. LICHTMAN:

12 Q You should have a document now that's June 14,
13 2006?

14 A I do.

15 Q That's from you to Kip.

16 MR. LICHTMAN: Bill, I'm having difficulty.
17 Bill, please.

18 MR. ATLAS: What page?

19 MR. LICHTMAN: June 14, 2006, from Scott to Kip
20 and Robin.

21 BY MR. LICHTMAN:

22 Q It says, "Great time the other night. Cannot
23 thank you guys enough. Please do me a huge favor and
24 hold the Am Ex charge until Monday."

25 Is that customary in terms of the times you

1 **dealt business with them?**

2 A Yes. They were very accommodating.

3 **Q Did they ever complain to you about it?**

4 MR. HOUSTON: Object to form.

5 THE WITNESS: I'm sorry. Say that again.

6 BY MR. LICHTMAN:

7 **Q Did they ever complain to you about the fact**
8 **that you would ask them to hold Am Ex charges or take**
9 **checks over a period of time?**

10 A They never complained. Sometimes they jokingly
11 whined to me about it. But they never complained. They
12 were very good about it. I was spending millions of
13 dollars in their store.

14 **Q You see at the bottom it says, procrastinator of**
15 **payments?**

16 A Yes.

17 **Q Did they ever joke with you about that?**

18 A Yeah, we joked around about it.

19 (Whereupon, Trustee's Exhibit No. 10 was marked
20 for identification.)

21 BY MR. LICHTMAN:

22 **Q Exhibit 10.**

23 A And you could see just -- I do want to point out
24 that I sent this e-mail to Robin and to Kip, and the
25 subject was, "Hey, my little hotties." That's our girls

1 lunch chatter.

2 MR. HOUSTON: Object and move to strike,
3 non-responsive.

4 BY MR. LICHTMAN:

5 Q When you say, "Hey, my little hotties" in the
6 subject line, is that a reference to anything in
7 particular?

8 A It is.

9 Q Tell me.

10 A It's a pet name that I had for Kip and Robin.

11 Q How often did you use that with them?

12 A It depends on whether I was flirting with them
13 or not, what kind of mood I was in. It wasn't unusual.

14 Q Tell me how that related to the girls lunch that
15 you referred to?

16 A Because I used to go out. I'd be going to
17 Capital Grille normally for the lunch, and we'd go in and
18 it would be me with the two sophisticated pretty women on
19 my arms. It was fun. They were good friends.

20 Q Now let's go to Exhibit 10. It's an e-mail
21 chain, June 20, 2006, from you to Kip.

22 A To Kip and to Robin.

23 Q And Robin. You see that?

24 A I do.

25 Q That discusses running \$165,000 Am Ex issue. Do

1 **you recall that?**

2 A I don't recall specifically, but it sounds like
3 what would normally be going on.

4 **Q This was somewhat typical for how you ran Am Ex**
5 **through Levinsons, correct?**

6 MR. HOUSTON: Object to the form of the
7 question.

8 THE WITNESS: Yes.

9 BY MR. LICHTMAN:

10 **Q The next page on the bottom, June 20th, Robin to**
11 **you. "Am Ex didn't go through."**

12 **See that?**

13 MR. ATLAS: Is that also 9?

14 MR. LICHTMAN: That is part of 10, not 9.

15 THE WITNESS: Yes. I'm looking at all three
16 pages. I recall this.

17 BY MR. LICHTMAN:

18 **Q Tell me what you recall.**

19 A There was a very large purchase that I was
20 making, and when they were running the credit card when
21 it didn't go through, they kept running it. And American
22 Express, every time you put the card through, they put
23 that amount of money on hold. So it was jamming the card
24 up.

25 And they had at one point in time - and I don't

1 know if this was the instance or not - they had a machine
2 that you couldn't put more than \$99,999.99 on, so when I
3 made a purchase over that, they had to break it up into
4 pieces. So there was all kinds of confusion as to what
5 was actually going on with these purchases.

6 (Whereupon, Trustee's Exhibit No. 11 was marked
7 for identification.)

8 **Q All right. Document 11. This is August 20,**
9 **2006.**

10 **A Yes.**

11 **Q The top of this, this is from you to Robin. It**
12 **discusses another transaction. But it says, "I will**
13 **handle. Busy with my daughter. Her mom was just**
14 **diagnosed with breast cancer. Lots of love. Me."**

15 **You agree this is another instance --**

16 **MR. ATLAS: That's August 20th?**

17 **MR. LICHTMAN: Pardon?**

18 **MR. ATLAS: I thought you said August 11th.**

19 **MR. LICHTMAN: August 20th.**

20 **MR. HOUSTON: Exhibit 11.**

21 **MR. LICHTMAN: Exhibit 11.**

22 **BY MR. LICHTMAN:**

23 **Q Another instance where you were sharing personal**
24 **details of your life?**

25 **A I was. The mother of my daughter was ill at the**

1 time.

2 Q Who, Safra?

3 A Yes.

4 Q Did you talk with Robin about that as well?

5 A Yes, I did.

6 Q Did she ever talk to you about family health
7 issues?

8 A She talked to me about family. I don't remember
9 specifically whether it was health issues. But, again,
10 despite what Robin is saying, we were close friends. I
11 certainly felt comfortable discussing my family's issues.

12 Q Okay.

13 A She talked to me a lot when I was having
14 problems with my daughter.

15 (Whereupon, Levinsons Exhibit No. 12 was marked
16 for identification.)

17 BY MR. LICHTMAN:

18 Q Next, Exhibit 12. Let's start at the bottom of
19 page one. This is from Kip to you August 31, 2006,
20 regarding a Kunz watch.

21 A Yes.

22 Q The e-mail in its entirety indicates that
23 there's a watch that they have that they want you to
24 see. And you say, "How much?"

25 They say, 300 -- Excuse me. There's actually no

1 indication I see on the e-mail as to the amount. It just
2 says, "Okay. Send it over. Bill my credit card on
3 September 20th."

4 Do you recall that?

5 MR. ATLAS: The two-page exhibit, correct?

6 MR. LICHTMAN: Two-page exhibit.

7 BY MR. LICHTMAN:

8 Q Do you recall how much the watch was, if you can
9 recall the Kunz watch?

10 A I don't recall. I do recall from time to time
11 purchasing stuff and either sending them an e-mail
12 without me even looking at it and me just saying, All
13 right. Send it over. Bill my card.

14 Q On a certain date?

15 A Yes.

16 Q You picked the date, correct?

17 A Deb actually picked the date because she would
18 have to get with the bank. Usually when we were doing
19 this I'm pretty sure we used the Gibraltar account. So
20 she would get with John Harris or Lisa Ellis and Irene
21 and make sure the funds were going to be available to
22 move around and then the payment would be made.

23 Q So on a transaction such as this you would have
24 consulted with Debra before you told the Levinsons how
25 much money you would pay and when?

1 A Unless Deb wasn't around I always consulted with
2 her before I made any large purchase because she was the
3 one tracking, along with Irene, the Ponzi payments that
4 needed to be made.

5 (Whereupon, Trustee's Exhibit No. 13 was marked
6 for identification.)

7 BY MR. LICHTMAN:

8 Q Go to the next exhibit, 13. Start at the
9 bottom. This is from September 11, 2006. The bottom
10 e-mail is from Robin to you.

11 MR. ATLAS: I'm sorry, Chuck. What is the date?

12 MR. LICHTMAN: September 11th. It's Exhibit 13.

13 BY MR. LICHTMAN:

14 Q Here we are -- this is in all capital letters.
15 "Here we are again. Am Ex denied the charge due for
16 today of 56,710. Could you please," exclamation marks,
17 "take care of this. I really depend on your commitment,"
18 exclamation marks.

19 Do you see that?

20 A I do.

21 Q Do you remember the circumstances behind Robin
22 sending you that e-mail?

23 A I just recall the America Express card -- I
24 recall this because I remember the conversation we had
25 about her writing in capitals. But it was another one of

1 the situations where American Express had declined. I
2 had to call American Express and the charge went through.

3 Q All right. That got fixed?

4 A It did.

5 Q On the response that you wrote, which is the top
6 part of the e-mail, it says -- First you describe the
7 situation of trying to get it paid. Then you tell her to
8 stop yelling at you. Not a great way to approach you.
9 It says, "Second, we are friends. Third, close friends.
10 Fourth, I believe that I am a fairly decent customer. "

11 Did Robin ever contest that you were friends?

12 MR. HOUSTON: Object to the form of the
13 question.

14 THE WITNESS: No. And I don't see attached
15 here, Chuck -- I remember this because there should
16 be another e-mail where she's actually responding to
17 me saying how close we are.

18 BY MR. LICHTMAN:

19 Q That's next, actually.

20 A Attached to this? No.

21 Q Next exhibit.

22 A Oh.

23 (Whereupon, Trustee's Exhibit No. 14 was marked
24 for identification.)

25 BY MR. LICHTMAN:

1 Q Exhibit 14, do you see that?

2 A Yes.

3 Q Did you talk with her about it also?

4 A Yes.

5 Q What was it you recall talking about with her?

6 A Just that I was emotionally attached to her and
7 that I took offense when I thought she was yelling. And
8 that's actually when she wrote back to me and said she
9 always types in caps so she doesn't have to do the shift
10 key. I told her that in e-mail and text lingo capitals
11 was somebody yelling.

12 Q And in all the e-mails prior to this she didn't
13 write in caps either, did she?

14 A No.

15 (Whereupon, Trustee's Exhibit No. 15 was marked
16 for identification.)

17 BY MR. LICHTMAN:

18 Q Exhibit 15.

19 MR. ATLAS: What is the date?

20 BY MR. LICHTMAN:

21 Q October 18, 2006.

22 A You skipped 14?

23 Q That was the response.

24 A That's what I was referring to. Okay.

25 Q This talks about buying some stones,

1 **8-and-a-half to 10 carats?**

2 A Yes.

3 Q Do you recall what those stones were?

4 A Yes.

5 Q What were they?

6 A Diamonds.

7 Q Where are they? What happened to them?

8 A Where are they now?

9 Q Yes. Do you know?

10 A My recollection is they were among the stones
11 that I did with Mark in cash. This is '06. Yes.

12 Q Why is it that it stands out to you that these
13 would be stones that you did in cash?

14 A Because I tried to only by large stones when I
15 was purchasing for cash because I did not want to have to
16 carry a lot of things with me. It was easier to carry in
17 one stone -- you could carry hundreds of thousands of
18 dollars. The transportability was important to me. And
19 the people that I was also moving the stones to, if I
20 wasn't selling them back to Mark, also like large stones.

21 Q What was the purpose of you buying these large
22 stones when you say portability?

23 A It was a way to hold cash in something that was
24 not volatile.

25 Q Was there any other purpose of why you did it?

1 A The only other purpose was that I knew I could
2 turn it back into cash very quickly when I needed cash.

3 **Q Did you ever in fact do that in transactions**
4 **with Mark?**

5 A I did.

6 **Q How many times would you say?**

7 A More than a handful. I really can't quantify it
8 for you.

9 **Q Meaning more than five?**

10 A Not many more than five, but yes.

11 **Q Six, seven, eight?**

12 A I don't want to guess.

13 **Q But, more than five?**

14 A There were definite -- going to take -- Here's
15 the way we need to break it down. It's well more than
16 five if you're talking about breaking it into separate
17 transactions. Me purchasing the stones, one
18 transaction. Me selling it back to him, two
19 transactions.

20 Then it's probably closer to a dozen
21 transactions because there might be a time when I
22 purchased two stones from him, went back, needed cash for
23 something else I was doing related to one of the
24 tentacles of the Ponzi scheme, sold him one stone, got
25 cash, then had to go sell another one to him, get cash.

1 So, if you're breaking it down that way, you
2 have more probably closer to a dozen transactions.

3 **Q When was the first time you recall you bought**
4 **loose stones from Mark?**

5 A I don't recall the time frame.

6 **Q Approximately?**

7 A Probably right around this time, if I had to
8 give you my best guesstimate.

9 **Q For what period of time did it continue?**

10 A Right up until the Ponzi scheme exploded.

11 **Q Did Robin know, to the best of your knowledge?**

12 A I'm pretty sure that she knew, yeah. Mark and
13 I - certain things had to be done, we went into his
14 office to do it. He had to shut off the camera in his
15 office for us to do it. He would close the door. It
16 was -- there was a door from his office, robin's office
17 was right next door, and there was a doorway into her
18 office, so you have to close that door also.

19 **Q Why is it you think Robin knew?**

20 A Conversations that I had with her, Mr. Lichtman,
21 there were conversations --

22 **Q What type of things? What did he say to you?**

23 A Did Mark say to me?

24 **Q Yes, that would lead you to conclude that Robin**
25 **knew.**

1 MR. HOUSTON: Object to the form.

2 THE WITNESS: It was more what Robin said to me.

3 BY MR. LICHTMAN:

4 Q What did Robin say?

5 MR. HOUSTON: Objection.

6 MR. LICHTMAN: What is the objection?

7 MR. HOUSTON: Hearsay.

8 BY MR. LICHTMAN:

9 Q Go on.

10 A Are you boys making money together? Is
11 everything going good? Is Mark taking good care of you?
12 She actually asked me - actually not only asked me, it
13 was her idea that I was able to keep from time to time
14 certain of the loose stones locked in their safe.

15 Q And in fact, did you?

16 A I did, yes.

17 Q These are loose stones that you paid for with
18 cash?

19 A Correct.

20 Q How is it that you came to the point of
21 believing that you could do cash transactions with
22 Levinsons to begin with?

23 A It went pretty much the same way I did
24 transactions with everybody.

25 Q Explain, please.

1 A Yes. He told me the stones --

2 MR. HOUSTON: Objection to form.

3 THE WITNESS: -- and I paid him in cash. He
4 took it.

5 BY MR. LICHTMAN:

6 **Q Did you --**

7 A Easiest way to do it, you don't say will you
8 take cash. I took cash out and paid him out of my
9 briefcase.

10 **Q Do you recall approximately what the average**
11 **cost was for each such acquisition or purchase?**

12 MR. HOUSTON: Object to the form.

13 THE WITNESS: It could run anywhere from just
14 shy of \$100,000 to several hundred thousand dollars,
15 just depended.

16 BY MR. LICHTMAN:

17 **Q So, does that --**

18 A It wouldn't have been in any one purchase. I
19 can tell you this, it wouldn't have been in excess of
20 \$500,000 because about the most that I could put in the
21 briefcase I used, which was this T. Anthony black
22 briefcase, if I was carrying hundreds I could carry about
23 400, \$450,000 in there.

24 **Q How do you know that?**

25 A I stocked it full from time to time.

1 Q I suspect I ought to stop right there on that
2 question. I see Mr. LaVecchio smiling.

3 With respect to Levinsons, does it mean when you
4 went to buy one of the first loose stones that you came
5 with your briefcase filled with cash?

6 A I didn't come in the front door of the store
7 filled with cash, no. Normally what I would do - this is
8 back before Bobby is even in existence.

9 Q Before who?

10 A Bobby Scandiffio, my bodyguard.

11 If I was going to the Plantation store, then I
12 would have usually put my car around back or on the side
13 actually, not back, off to the side, not in front of the
14 store because there were Plantation cops in the store all
15 the time. I didn't know whether they were say, quote,
16 unquote, friends or cops. If that makes any sense. I
17 think you understand what I'm trying to say.

18 Once I established what we were doing, I would
19 go into the store --

20 Q So, the --

21 A -- with my briefcase with money in it.

22 Q Initially your loose stones purchases for cash
23 started at the Plantation store?

24 A From the Plantation store then to the Las
25 Olas --

1 Q You did it also on Las Olas?

2 A Yes.

3 Q The transactions at the Las Olas store, you
4 would walk in. Did you normally walk into the front
5 door --

6 A I would come --

7 Q -- on any normal day if you were going to buy
8 something?

9 A Normal day, I would park out front -- sometimes
10 I parked in the back. Probably more often I parked out
11 front and go in the front door, but there were times when
12 I came around the side.

13 Q How --

14 A When I was bringing cash into the store I came
15 around the side because there - in Plantation it was easy
16 to go in the front door because you don't have foot
17 traffic there. That was a destination store, a little
18 bitty strip mall.

19 Las Olas you had a tremendous amount of foot
20 traffic. It would look very strange, me getting out of -
21 I'm already, as we all know, excessively flashy, pulling
22 up in a Rolls Royce Phantom in one of my insane suits
23 carrying a large briefcase walking into a jewelry store,
24 usually at that point in time with a bodyguard. I mean,
25 I'm asking for more scrutiny than I already had.

1 So I would park around the side or I would park
2 out front, go inside, get my briefcase once we were going
3 to do the transaction, and I'd bring it into Mark's
4 office.

5 **Q When it came to making these acquisitions, did**
6 **you have a prior phone call with Mark where you said you**
7 **were looking for certain types of stones or an e-mail**
8 **such as this saying you're looking for something that's**
9 **eight-and-a-half to 10 carats?**

10 A It was rare that I would mention that in an
11 e-mail. It was usually a conversation with Mark. This
12 is probably right around the time that I would have done
13 my first cash transaction with them because I think this
14 was intended to be a regular transaction where I would
15 then sell the stones elsewhere. That's the best of my
16 recollection.

17 **Q So, Mark would, one way or the other, know that**
18 **you wanted to have a, stone and he would let -- How would**
19 **you know if he had a stone available for you?**

20 A If I wasn't asking and he had something he
21 wanted to move, he would tell me.

22 **Q And then what would happen next in the**
23 **transaction; you'd go to the store with your briefcase of**
24 **cash?**

25 A We would discuss the amounts, approximate.

1 Q **In the store or in a call before?**

2 A This is before, either personally or over the
3 phone.

4 Q **You knew what you were buying before you got
5 there?**

6 A I had a pretty good idea.

7 Q **Okay.**

8 A Sometimes by the time I got there he either
9 decided he didn't want to move the stone -- I don't
10 know. You'd have to ask him what his thought process
11 was. Sometimes he had an additional stone that perhaps
12 he wanted to move.

13 Q **And then what would happen once you got to the
14 store?**

15 A I don't know. He told me the camera in his
16 office was off. That was always a concern to me. You
17 may discover differently.

18 Q **Why was it a concern to you?**

19 A I didn't want this cash transaction on film.

20 Q **That would be also he told you, he said, am I
21 correct, the camera was going to be turned off?**

22 A He told me the camera was off.

23 Q **What was your understanding why he wanted it
24 off?**

25 A He was taking a large amount of cash from me. I

1 don't suppose he had any reason to have it on there
2 either unless he was going to blackmail me, which he
3 never did.

4 **Q Then what happened?**

5 A I would go into the office. He'd show me the
6 stones. I would generally look at them under a loop to
7 make sure they matched what he was telling me they were
8 or I trusted him.

9 **Q Are you sophisticated enough to know as to the**
10 **quality of a diamond?**

11 A I was by that point in time. I had two other
12 very dear friends in the diamond business who taught me a
13 tremendous amount about stones, yes.

14 **Q Who is that?**

15 A Ronnie Behan and Ovi Levy.

16 **Q So then you would look at the stone and what was**
17 **next?**

18 A We would agree on the price and I'd pay him, put
19 the stones in a little black bag and put them in my
20 pocket. And drink.

21 **Q After you closed the transaction in the office?**

22 A He always had Vodka, always. He always had
23 Vodka on ice in that store.

24 **Q Where did he keep the Vodka?**

25 A I don't remember. He had a little refrigerator

1 in the office, and I think they also had some in the
2 freezer in the main kitchen.

3 Q Did you ever see what he did with the cash once
4 you gave it to him?

5 A As I gave it to him -- we'd start the
6 transaction. He would be behind the desk. I would be
7 over here. When I paid him I always sat next to him,
8 came around the side of the desk and sat or stood next to
9 him. I usually had the cash bundled. I'd give him the
10 cash. Sometimes he counted it, sometimes he didn't.

11 Q When you say bundled, you mean like how you
12 would get it from the bank in stacks --

13 A Either in --

14 Q -- of hundreds?

15 A When I passed the cash it was always rebundled.
16 As a matter of fact, there were instances where I
17 actually had someone in my office help me rebundle it
18 because I didn't want the bank -- if it was cash I took
19 out of the bank, I didn't want the bank -- a lot of times
20 they stamped it with the bank name on it. I didn't want
21 that on there.

22 Frequently it would be rebundled in our
23 rubberbands or our own money seals that we got from a
24 bank without a bank stamp on it.

25 I would give him the money. I don't recall

1 exactly what -- he had it on that little side thing he
2 had at his desk, and then we drank.

3 **Q What little side thing?**

4 A Like a credenza.

5 **Q Did he put the money in there?**

6 A I don't remember whether he put it in there or
7 left it up there. We started drinking.

8 **Q Did you see him --**

9 A One time he put it in a shopping bag. I said,
10 you do realize I'm going to leave my briefcase here and
11 I'm picking up the shopping bag as I go out the door. I
12 think I actually picked the bag up and started walking
13 with it.

14 **Q As a joke?**

15 A Yes.

16 **Q Did you ever see him put the money anywhere else
17 besides that one time in the shopping bag?**

18 A No.

19 **Q Did anybody else ever come into the office while
20 you were behind closed doors with him?**

21 A No, they had -- no one, not even Robin came in
22 that office when we weren't doing transactions. If we
23 were in there having a personal conversation and those
24 doors were closed, no one ever just walked in.

25 **Q And you engaged in, you said, more than a**

1 **handful of those type of transactions?**

2 A If you're counting each thing as a separate
3 transaction, yes. You have to have the other side of
4 that. You have to have me selling him back the stones as
5 well.

6 **Q Why would you sell it back to him the stones?**

7 A Unfortunately, I had significant need for cash
8 in things that I was doing related to the tentacles of
9 the Ponzi scheme. And when I needed cash, I had various
10 ways of getting it. One of the ways was, let's say I
11 paid \$200,000 for a stone or two from Mark. I could go
12 back to Mark. I'd sell it back to him for 150,000.
13 Again, I needed the cash. I didn't care about the loss.

14 **Q Did you in fact do that?**

15 A I did it on more than several occasions, yes,
16 sir.

17 **Q When you say more than several, how many can you**
18 **recall, approximately?**

19 A Three to five.

20 **Q How would it come about --**

21 A No more than that.

22 **Q How would it come about that you would get back**
23 **to Levinsons' store for them to buy - for Mark to buy**
24 **back the diamonds?**

25 A I discussed it with Mark beforehand.

1 **Q How much notice did you give him?**

2 A Not much. Enough time for him to get the cash,
3 I suspect.

4 **Q Do you know where he got the cash?**

5 A I have no idea. I always had the feeling he had
6 a lot of cash laying around. There were a couple times
7 before we went out that he said, "I have to stop by the
8 store and pick up money." They weren't a big cash
9 business. It's not like he was going in the cash
10 register. He would go to the store and get cash and we'd
11 head out.

12 **Q Was there some average amount of time when you**
13 **would buy a stone and go back to them if you decided you**
14 **needed to sell it?**

15 A No. One time I did it in like 48 hours because
16 I didn't realize I had to take care of something. I had
17 just purchased a stone from him and I had to sell it
18 right back to him.

19 **Q Do you recall what the dollars were on the**
20 **purchase and the sale?**

21 A On that one?

22 **Q Yes.**

23 A It was significant. It was in excess of
24 \$100,000, not more than 200,000. But I remember breaking
25 his chops. A couple of days after I was in the store and

1 he was handling my purchase and he almost - that's why it
2 sticks out. He almost never handled sales to me. It was
3 always Robin or Conti.

4 **Q Meaning regular retail sales?**

5 A Retail sales almost never.

6 **Q Describe the circumstances of the transaction**
7 **that you remember, the one where you went back in a**
8 **couple days later.**

9 A I went back in -- I had gone back in a couple
10 days later with the stone, very short period, maybe only
11 two days. I told him, I said, "Listen, you want to make
12 some quick money." Mark always, "Yeah, of course." "I
13 need to sell you the stone back. I need to get some of
14 my money back." That's what it was. I sold it back to
15 him for whatever, 40, 50, \$60,000 less, a substantial
16 discount.

17 The reason I remember the whole transaction so
18 specifically is that a couple days later I was in the
19 store, Mark was actually handling the sale of a watch to
20 me. And I was unusually -- because normally I never
21 broke their chops about price. Whatever it was they
22 said, they said it's discounted already, and I took it.

23 But I kept breaking his chops saying, "you need
24 to give me your best price on this. You just made a boat
25 load of money off me just the other day," referring to

1 the transaction. You need to give me a better discount.

2 Q Did he?

3 A Yes, he did.

4 Q Did he ask you why you had to sell the stone
5 back to him?

6 A No.

7 Q Was that at the Plantation store or Las Olas
8 store?

9 A Las Olas.

10 Q Can you tie it to any specific time-frame?

11 A I'm sorry, I can't.

12 Q Can you recall which stone it was?

13 A It wasn't a colored stone. No, I can't.

14 Q Typically what was the size of the stones that
15 you were looking to buy in these type of transactions?

16 A Five carats and up.

17 Q Did you have any sale backs to -- sales back,
18 excuse me, to Levinsons when they were in Plantation or
19 were they all Las Olas?

20 A I think all the sales back -- I had sales back
21 to other people, but the only sales back I had to
22 Levinsons, to the best of my recollection, was at the Las
23 Olas store.

24 Q When you said you had sales back to other
25 people, meaning diamonds that you bought from Levinsons

1 **that you sold to others?**

2 A Diamonds I brought from Levinsons that I sold to
3 others and diamonds I bought from other people that I
4 sold to others.

5 Q **Sounds like it's interesting, but I don't have**
6 **time to get into that right now.**

7 A I don't think I can tell you anyway.

8 Q **Did Mark ever have any discussions with you**
9 **about him being involved in the colored diamond business**
10 **with people in Canada or buying colored diamonds from**
11 **people in Canada?**

12 A Briefly, I wasn't overly interested because
13 while color stones had a great value if they - you know
14 if there was no fluorescence, if they were good quality
15 stone, the darker canary diamonds, for example, but more
16 difficult to move afterwards.

17 Q **There's a statement in Exhibit 15, it says,**
18 **"Sunday after the game what are your creative ideas.**
19 **Share with me, baby." Do you know if that pertains as**
20 **relates to --**

21 A More friendship stuff.

22 Q **It relates to an e-mail that Robin had written**
23 **to you: "Let me know. Mark and I have a creative idea**
24 **to make room for both of us."**

25 **Do you know what that means?**

1 A I do.

2 **Q Tell me.**

3 A Prior to this they had known I was looking at
4 houses, to purchase another new home, and they offered to
5 sell me their home. And they -- This is one of the
6 things that kind of led me to believe that Robin knew
7 that I had substantial amounts of cash. Because when she
8 writes to me, "Mark and I have a creative idea that may
9 work for both of us," they were going to sell me the home
10 for substantially less than the asking price with a
11 significant discount for cash payment.

12 **Q And what happened with respect to that?**

13 A Nothing. I wasn't interested in the house after
14 looking at it.

15 **Q Who was it that said cash payment; was that Mark
16 or Robin or both?**

17 A The first time I had the discussion with them
18 was both of them at their house.

19 **Q All right. Did there -- There came a time that
20 Levinsons moved to Las Olas. You're familiar with that,
21 right?**

22 A Yes, I am.

23 **Q The rumor on the street was that you had some
24 involvement in helping them get opened; is that true or
25 false?**

1 A If you call purchasing millions of dollars of
2 stuff from them, yes, I did. Other than that, no.

3 **Q So, you didn't finance any portion of that move;**
4 **is that a fair statement?**

5 A I did not. I was asked to, though.

6 **Q You say you were asked to. Tell me what you**
7 **mean.**

8 MR. HOUSTON: Object to the form.

9 THE WITNESS: Mark and I talked on more than
10 several occasions, meaning between three and half a
11 dozen occasions, about me potentially investing in
12 Levinsons Jewelers. There should be e-mail traffic
13 to that regard, at least in a joking fashion he wrote
14 an e-mail, but he was serious. We actually had
15 discussions.

16 (Whereupon, Trustee's Exhibit No. 42 was marked
17 for identification.)

18 BY MR. LICHTMAN:

19 **Q Turn to Exhibit 42.**

20 A I'm sorry?

21 **Q Exhibit 42. Exhibit 42 is September 21, 2008.**

22 A Mr. Lichtman, can we take two seconds to use the
23 restroom?

24 MR. LICHTMAN: Sure.

25 (Thereupon, a short break was taken.)

1 BY MR. ATLAS:

2 Q You have before you Exhibit 42. And a few
3 minutes ago before the break you were discussing
4 circumstances about possibly owning a portion of
5 Levinsons Jewelers?

6 A Yes.

7 Q Do you recall this e-mail?

8 A Let me read it real quick.

9 I do.

10 Q Tell me the circumstances that you recall behind
11 this e-mail.

12 A It was Mark's precursor to serious discussions
13 we had about me potentially investing in Levinsons. They
14 needed -- to the best of my recollection they needed
15 cash, not cash, cash, but they needed money.

16 Q What was your understanding as to that they
17 needed money? Where did that come from?

18 A From Mark.

19 Q Did he say what they needed money for?

20 A For the expansion to Las Olas.

21 Q And in terms of the expansion, was it for
22 build-out costs? Was it for inventory? What was your
23 general understanding?

24 A It was an overall need because they were having
25 to keep the Plantation store open. I remember discussing

1 with him the fact that I thought that was insane. He
2 said, Well, we're going to leave Plantation open. We're
3 going to do repairs out there, that kind of stuff because
4 they had a lease out there and didn't want to break the
5 lease, something along those lines.

6 **Q Meaning they would then have two stores?**

7 A Yes. And you're talking about '08. You're not
8 talking about fantastic economic times. It was
9 expensive.

10 Now, I don't know whether they actually had
11 sufficient funds. They must have eventually. But I
12 think that they were looking not to strap themselves or
13 even close to it or having an investor. Because it was
14 clear to me from conversations that I had with Mark that
15 he was legitimately wanting me to invest. He saw me
16 investing in all these other business. You can see he's
17 referencing the fact that I bought Bova's in Boca and I
18 was already talking about opening Bova on Las Olas.

19 **Q Did he know about any of your other investments?**

20 MR. HOUSTON: Object to the form --

21 BY MR. LICHTMAN:

22 **Q -- such like in the watch company, Renato?**

23 MR. HOUSTON: Object to form.

24 THE WITNESS: I don't remember the date. Once I
25 owned Renato he knew about it because I had asked

1 him --

2 BY MR. LICHTMAN:

3 **Q Let me rephrase. Did you ever tell him that you**
4 **had acquired an interest in Renato?**

5 A When I did, yes. I told him about it.

6 **Q Why would you tell him?**

7 A Because Renato is a watch company. And I felt
8 perhaps if we decided to ever go retail we could put them
9 there. As a matter for a fact, for a short period of
10 time we did have Renato watches in the store. Our whole
11 concept behind Renato was not retail. It was on-line and
12 TV, shop NBC and QVC.

13 **Q Did you discuss with Mark that your were**
14 **acquiring an interest in the vodka company Georgio?**

15 A Yes.

16 **Q When did you do that?**

17 A I told him I bought part of a vodka company
18 afterwards.

19 **Q Why would you tell him that?**

20 A Because he was a friend. I discussed those
21 things with him.

22 **Q Did you tell him that you had acquired an**
23 **interest or purchased the Versace Mansion?**

24 A Yes.

25 **Q Case Casuarina?**

1 A Yes.

2 Q When did you do that?

3 A I don't recall. You mean when or why?

4 Q First when.

5 A I don't recall when.

6 Q Around the same time you would have bought it,
7 though?

8 A It would have been after I purchased it.

9 Q Actually it was well publicized in the
10 newspapers, wasn't it?

11 A It was.

12 Q Why did you tell him?

13 A Because he was a friend of mine.

14 Q Did you discuss these matters with Robin also?

15 A Yes.

16 Q Did they ever ask you where you were getting the
17 money to buy all these things from?

18 A They did not ask me, no. Just Robin's running
19 commentary on -- it's almost like one of those things,
20 What's he eating, whatever he's doing, I'll have some of
21 that.

22 Q Okay.

23 A That kind of commentary.

24 Q To be sure because we sat through eight days,
25 eight-and-a-half days actually of testimony so far, you

1 didn't actually go out and tell people, by the way, I'm
2 doing a Ponzi scheme. I've got all this cash, correct?

3 A No.

4 MR. HOUSTON: Object to the form of the
5 question.

6 BY MR. LICHTMAN:

7 Q You didn't have a dialogue like that with the
8 Levinsons, right?

9 A Never.

10 Q Would it be a fair statement you didn't say to
11 them, I'm engaged in illegal activity either?

12 A Never.

13 Q During 2008 and 2009 do you recall whether or
14 not your purchases of jewelry increased or decreased?

15 A Increased.

16 Q Do you recall what the state of the economy was
17 in 2008 and 2009?

18 MR. HOUSTON: Object to the form of the
19 question.

20 THE WITNESS: Very bad.

21 BY MR. LICHTMAN:

22 Q It got worse from in 2008 and 2009 from
23 preceding years, right?

24 A The end of 2008 the financial markets were a
25 disaster.

1 **Q** **Did they ever ask you how it was that you could**
2 **have all this access to money when the economy was**
3 **otherwise tanking around them?**

4 MR. HOUSTON: Object to the form of the
5 question.

6 THE WITNESS: Again, nothing more than Robin's
7 commentary.

8 BY MR. LICHTMAN:

9 **Q** **Did they ever talk to you about the effect of**
10 **the economy and your ability to generate cash?**

11 MR. HOUSTON: Object to the form.

12 THE WITNESS: In this matter --

13 MR. LICHTMAN: What's wrong with that?

14 MR. HOUSTON: That's a vague question to me.

15 BY MR. LICHTMAN:

16 **Q** **Did you understand the question?**

17 A I did.

18 **Q** **Okay. Is there any question I've asked you that**
19 **you haven't understood so far?**

20 A So far nothing. I understand everything you're
21 asking me.

22 I had that conversation with them this way:
23 They were talking to me about how bad the jewelry
24 business was because of the economy. We'd have
25 conversations about what the market was doing, that

1 everything was tanking, that real estate could be had at
2 a very low price. And they were, you know, complaining
3 about how difficult it was. And Robin made the
4 commentary that my business seemed to be inflation
5 proof.

6 Q Did you respond to that?

7 A Only to say my businesses seemed to doing pretty
8 well.

9 Q All right. Did they ever tell you what
10 percentage of business you were of their gross sales in
11 the year 2008 or 2009?

12 MR. HOUSTON: Object to the form of the
13 question.

14 MR. LICHTMAN: What's wrong with that?

15 MR. HOUSTON: Who is they?

16 MR. LICHTMAN: The Levinsons.

17 MR. HOUSTON: Both of them together?

18 MR. LICHTMAN: Either/or.

19 THE WITNESS: Mark Levinson, Robin Levinson,
20 Conti, several of the other salespeople repeatedly
21 told me that I was their largest customer.

22 BY MR. LICHTMAN:

23 Q Over what period of time did you hear that?

24 A I heard that towards the end of '08 and it was a
25 recurring theme through '09.

1 **Q How about 2005, 2006, did you ever have**
2 **discussions with Mark or Robin about that fact back then?**

3 A I commented about that my purchases from them
4 were growing, but I don't recall specifically whether
5 they told me I was their largest customer back then. You
6 know what, though? While Kip was working for them she
7 had made a comment a few times that I was well on the way
8 to becoming their largest customer.

9 **Q What year did Kip join RRA?**

10 A I don't know. It was at the same exact time she
11 was leaving Levinsons. That's all I remember.

12 **Q How did it come about that Kip joined RRA?**

13 A Kip and I had a number of discussions about
14 taking her marketing show on the road, expanding it
15 beyond the Levinsons. At the time she was making I think
16 \$150,000 a year or \$200,000 a year, something like that,
17 plus a bonus structure, as the president of marketing for
18 Levinsons.

19 And she had expressed the want and desire to
20 expand to do other things because she was being
21 approached by athletes, by other RRA companies to do their
22 marketing, and staying at Levinsons she couldn't do
23 that.

24 I told her, I said, "We should go into business
25 together. You could continue to market the law firm and

1 assist us and you can market all our other businesses."

2 And she went and spoke to the Levinsons. She
3 did not tell them that she was coming to work for me
4 because she thought they would be very upset. So she
5 told them that she was forming Kip Hunter Marketing.
6 This way she stayed representing the Levinsons.

7 I formed a separate company to purchase 50
8 percent of Kip Hunter Marketing to give us want to move.
9 So if they ran a corporate search on Kip Hunter Marking
10 it wouldn't come back to me.

11 **Q Did you ever discuss it with Mark or Robin?**

12 A I did later on, not in the beginning.

13 **Q Were they upset that Kip basically joined you?**

14 A No. I think they were ready to not have an
15 in-house marketing person at that point in time.

16 **Q I didn't ask the question. I want to go back to
17 the stones for a moment.**

18 **Is it a fair statement you have no paperwork to
19 support that you purchased or sold stones with Mark?**

20 A There's no paperwork in existence on my end with
21 regard to any cash purchases of diamonds.

22 **Q Do you know why that is?**

23 A To avoid detection.

24 **Q Is it a fair statement when you say "on your
25 end," that when you purchased the stones Mark never gave**

1 **you any proof of purchase?**

2 A He never gave me any paperwork. I wouldn't even
3 take -- on occasion he had appraisals. I said, "Get rid
4 of that. I don't want those appraisals. I don't want
5 anything having to do with those stones."

6 **Q Would you agree that he did give you appraisals**
7 **for most or all of everything else that you bought?**

8 A To the best of my recollection I got an
9 appraisal on every other thing that I purchased from the
10 Levinsons.

11 **Q Were there any other type of jewelry like**
12 **watches or anything else that they ever bought back from**
13 **you for cash?**

14 A No. Not for cash, no.

15 **Q Trades?**

16 A On a very rare occasion I might trade in a
17 watch, but that was a rarity.

18 **Q Did you or RRA pay \$10,000 to sponsor Levinsons**
19 **new store opening on Las Olas?**

20 A Yes.

21 **Q How did that come to pass?**

22 A They asked me to sponsor it, and I said yes.

23 **Q How did you agree on a price?**

24 A They asked me for \$10,000, and I said yes.

25 **Q Why? Why did you do it?**

1 A Because they were friends.

2 Q Did you ever negotiate jewelry prices with them
3 when you bought jewelry?

4 A Did I negotiate with them?

5 Q Yes. Did you try to get a better price ever?

6 A Maybe one percent of the time, maybe.

7 Q Did you have any general understanding with them
8 that they would charge you full retail or you would get a
9 percentage discount?

10 A My general understanding was I was getting what
11 was referred to as the Rothstein discount.

12 Q Which meant?

13 A That I was getting a good substantial discount.
14 Whether they actually gave it to me or not, I couldn't
15 have cared less.

16 Q Because it wasn't your money?

17 A That's right. As I said repeatedly, I was
18 spending it like I hated it.

19 Q Did you ever try to find whether or not you were
20 paying full retail or were getting some kind of special
21 discount?

22 A I did not.

23 Q So you have no knowledge one way or the other?

24 A I do not.

25 Q Did you ever refer people to Levinsons to buy

1 jewelry?

2 A I did.

3 Q Who?

4 A Probably the biggest customer was Ted Morse.

5 Q How do you know that Ted got there through you?

6 A How do I know that?

7 Q Yes.

8 A Because Mark and Robin both asked me to convince
9 him to please shop with them. It was well known around
10 town that he was always buying extremely expensive
11 jewelry for Patti, his wife. It was also well known that
12 he shopped exclusively with Beverly's Jewelers. The
13 Morse car dealerships had a very longstanding
14 relationship with Beverly's Jewelers.

15 In fact, Beverly's was the exclusive jeweler for
16 their Cash Bash where they would give away cash to their
17 top salesmen and stuff. They had a big party. And
18 Beverly's Jewelers would actually come to Cash Bash and
19 set up display cases and stuff and actually sell jewelry
20 to the salesmen after these salesmen won the cash. So
21 Ted for most of the time up until I sent him over to
22 Levinsons was buying exclusively from Beverly's.

23 Q What other people did you send there?

24 A I sent Albert Peter there. I sent David Boden
25 there. I sent Steve Lippman there. I sent Les Stracher

1 there. Ovadia Levy purchased some stuff from them.

2 Q Picou.

3 A Ron Picou purchased from them. I sent him over
4 there.

5 Q Any other of your inner circle?

6 A I don't recall whether -- Jack Hardy may have
7 purchased stuff from them. I don't recall. It was my
8 general practice that if I met someone who had
9 significant financial strength that I became friendly
10 enough with to refer them, that I would send them to the
11 Levinsons.

12 Q In our Complaint at Paragraph 23,
13 Paragraph 23(a), the Trustee alleged that "Rothstein was
14 regularly allowed to take expensive jewelry out of the
15 store or have it delivered to his office, and he was not
16 required to pay for it under consistent terms and
17 business practices, including, but not limited to,
18 Rothstein issuing post-dated checks to Levinsons."

19 Is that true or false?

20 A It's true.

21 Q We also pled in Paragraph 23(b) that, "Rothstein
22 paid Levinsons with no regularity either as to time or
23 mode."

24 Is that true or false?

25 A That's true.

1 Q In paragraph 23(c) we write, "In some cases
2 Levinsons would be paid with an RRA American Express
3 card, although Levinsons would not put the charge through
4 until Rothstein said it was okay to do so."

5 Is that true or false?

6 A That's true.

7 Q Paragraph 23(d), we write, "In other cases
8 Levinsons would be paid by check from the RRA operating
9 account."

10 Is that true or false?

11 A That's true.

12 Q Paragraph 23(e), we write, "In many cases
13 Levinsons was paid from one of Rothstein's individual
14 accounts that was funded by contemporaneous cash
15 transfers from RRA."

16 Is that true or false?

17 A Either contemporaneous or subsequent, if it was
18 a post-dated check that is true.

19 Q I couldn't hear. Or subsequent --

20 A Or subsequent if it was a post-dated check. The
21 transfer will be contemporaneous with the date on the
22 check.

23 Q Any time that you wrote a check out of your
24 personal account it was indeed funded by one of the RRA
25 accounts maintained at either Gibraltar or TD Bank; is

1 **that correct.**

2 MR. HOUSTON: Object to the form of the
3 question.

4 THE WITNESS: That's correct.

5 BY MR. LICHTMAN:

6 **Q Because you had no independent income other than**
7 **the money that you were taking from the Ponzi scheme, and**
8 **all that money went into RRA accounts, correct?**

9 MR. HOUSTON: Objection.

10 MR. LICHTMAN: What's the objection?

11 MR. HOUSTON: Compound question and leading
12 question.

13 BY MR. LICHTMAN:

14 **Q You can answer it. What was the source of the**
15 **funds in your personal account?**

16 A One or two percent was legitimate income from
17 RRA. The remainder was all from the Ponzi scheme or
18 tentacles of the Ponzi scheme.

19 **Q When you say one or two percent, do you remember**
20 **you didn't cash checks for the last two years you were at**
21 **RRA?**

22 A Yes.

23 **Q Paragraph 23(f), we write, "In many instances**
24 **Robin or other Levinsons employees telephoned and worked**
25 **with RRA employees to get Levinsons paid on jewelry**

1 purchases purportedly made by Rothstein."

2 Is that true or false?

3 A That's true.

4 Q Paragraph 23(g) says, "Levinsons gave Rothstein
5 a \$100,000 credit line without conducting a credit check
6 on him."

7 Is that true or false.

8 MR. HOUSTON: I'd like to make a continuing
9 objection to the extent, Chuck, that you're going to
10 ask him to confirm your allegations. Same
11 objection.

12 THE WITNESS: I don't know if they ran a credit
13 check or not, but they did give me the credit line.

14 BY MR. LICHTMAN:

15 Q Did you ever learn that a credit check was run
16 on you at all?

17 A No.

18 Q Were you ever asked to produce any kind of
19 financial material at Levinsons?

20 A No.

21 Q During the course of the time you were going
22 through this process of having difficulty getting your
23 American Express charges run through or that you were
24 holding checks, did they ever ask you for financial
25 support or any kind of collateral?

1 A No.

2 Q Were you ever asked to provide financial
3 statements?

4 A No.

5 Q Were you ever asked to fill out any kind of
6 application or other form that you had to divulge your
7 income or source of income?

8 A No.

9 MR. HOUSTON: Object to the form of the
10 question.

11 BY MR. LICHTMAN:

12 Q Do you know if Levinsons ever used a check
13 cashing company to verify the amount of available cash
14 that you had when you tendered checks to them?

15 A They did.

16 Q How do you know that?

17 A Because early on in my relationship this company
18 used to tell them not to take my checks.

19 Q And did they take them anyway?

20 A Yes.

21 Q How do you know that that happened?

22 A They told me.

23 Q Who?

24 A Mark and Robin.

25 Q When you say "early on," meaning in 2005, 2006?

1 A Yes.

2 Q Did that continue on thereafter?

3 MR. HOUSTON: Object to the form of the
4 question.

5 THE WITNESS: You'll have to look. For as long
6 as they had that company, that company rejected
7 checks of mine all the time.

8 BY MR. LICHTMAN:

9 Q They took your checks notwithstanding?

10 A Yes.

11 Q Did they ever talk to you as to whether or not
12 they had policies in the store in terms of taking checks
13 from customers?

14 A They did.

15 Q When you say they did, who did?

16 A Robin.

17 Q What did she say to you?

18 MR. HOUSTON: Object to the form.

19 THE WITNESS: When she was using this company, I
20 said, "Why do you keep doing this? We keep getting
21 rejected. You keep taking my checks anyway. Why do
22 we have to go through this?"

23 She said, "That's our company policy. We
24 normally do not take a check if it doesn't get
25 approved by this company."

1 BY MR. LICHTMAN:

2 Q What did you say in return?

3 A Thank you.

4 Q This would have been in the time period 2005,
5 2006?

6 A Yes.

7 Q Was there ever a point in time that Robin
8 suggested to you that you should use a different credit
9 card to charge purchases?

10 MR. HOUSTON: Objection.

11 THE WITNESS: Yes.

12 MR. LICHTMAN: What's the objection?

13 MR. HOUSTON: Leading.

14 BY MR. LICHTMAN:

15 Q Did you ever have any discussions with Robin
16 about using any other credit cards besides American
17 Express?

18 A Yes.

19 Q What was the discussion?

20 MR. HOUSTON: Objection.

21 THE WITNESS: She wanted me to use another
22 credit card.

23 BY MR. LICHTMAN:

24 Q When did that happen?

25 A I don't recall specifically.

1 Q Was there a point in time that you got a
2 Levinsons card?

3 A Yes.

4 Q Describe how that came about?

5 A Robin suggested that I get it, and I got it.

6 Q Did she explain to you why?

7 A I don't remember actually.

8 Q Do you recall using it?

9 A I did.

10 Q Did that have the same payment issues to the
11 best of your recollection as those we've described
12 through the course of the deposition today?

13 MR. HOUSTON: Object to the form of the
14 question.

15 THE WITNESS: No. There were no problems with
16 that, no.

17 BY MR. LICHTMAN:

18 Q Did Robin ever say to you that you were the
19 worst payment client that Levinsons had?

20 MR. HOUSTON: Object to the form of the
21 question.

22 THE WITNESS: The worst payment client? I was
23 never the worst payment client.

24 MR. LICHTMAN: Let me rephrase.

25 BY MR. LICHTMAN:

1 Q In terms of payment issues, did Robin ever
2 discuss with you whether or not you were a good or a bad
3 pay client?

4 MR. HOUSTON: Objection.

5 THE WITNESS: No, never.

6 BY MR. LICHTMAN:

7 Q On Page 105 of her transcript Robin was asked --
8 actually it's Page 104 -- Strike that. Never mind.
9 Withdrawn.

10 Did Robin and you ever have a discussion where
11 she said you weren't -- to the effect that you weren't a
12 friend, you were just a customer?

13 MR. HOUSTON: Objection.

14 THE WITNESS: No, sir. And that wasn't the
15 case.

16 BY MR. LICHTMAN:

17 Q Did you ever have dinner with her at Runway 84?

18 A I brought Mark to Runway 84.

19 Q Describe when you took Mark to Runway 84, what
20 happened?

21 A He commented that he thought he was stepping
22 into the Goodfellas set.

23 Q Did you have any discussions with him when you
24 took him to Runway 84 about his possibly selling any of
25 the people there diamonds?

1 A Yes.

2 MR. HOUSTON: Objection.

3 BY MR. LICHTMAN:

4 **Q Did you have any discussions about business with**
5 **Mark when he went to Runway 84?**

6 MR. HOUSTON: Objection.

7 THE WITNESS: I did.

8 BY MR. LICHTMAN:

9 **Q What discussions did you have with him?**

10 MR. HOUSTON: Objection.

11 THE WITNESS: He inquired about whether or not
12 he might be able to get customers from Runway, and I
13 told him that would be a big no, no.

14 BY MR. LICHTMAN:

15 **Q When you say "customers," customers for what?**

16 A Customers for diamonds and the like.

17 **Q Is that his language or yours?**

18 A No. "Do you think I can do any business like I
19 do with you with these guys?"

20 And I said, "You could, but it would not be a
21 good idea."

22 **Q Why?**

23 A Because he liked being in only one piece. I
24 explained to him that these were not business people that
25 he was used to doing business with.

1 Q Okay.

2 A That they paid when they felt like paying if
3 they felt like paying.

4 MR. LICHTMAN: All right. I think that I'm out
5 of time.

6 So I know that you have a group of exhibits that
7 did not make it into the record, so what I'll do for
8 right now is take those back, and we'll just make
9 sure that we have the ones that were identified in
10 the record. So I think that they're in sequence
11 until we get to something like Exhibit 42.

12 (Thereupon, a brief recess was taken.)

13 CROSS EXAMINATION

14 BY MR. ATLAS:

15 Q Good afternoon, Scott?

16 A Good afternoon, Jan.

17 Q As you might expect I'm going to have a number
18 of questions. And obviously as history has shown if I'm
19 not clear about questions, just indicate. I'll try and
20 rephrase it so that you understand it.

21 A I will.

22 Q I want to ask you a question about Exhibit 42
23 that Mr. Lichtman showed you. That was the e-mails
24 between you and Mark regarding the questions that Chuck
25 asked you about investing in Levinsons Jewelers.

1 A Yes, sir.

2 Q Now, does that e-mail refer to investing in
3 Levinsons Jewelers or does that e-mail refer to owning
4 Levinsons Jewelers?

5 A Well, the way I --

6 Q If you look at the language that I think you
7 authored.

8 A The language?

9 Q I'm sorry. That Mark --

10 A The language that Mark used is the word "own" in
11 quotes. That's weird. He's got Levinson Jewelers in
12 quotes and own in quotes. But he uses the word "own."

13 Q In your mind was there a distinction in your
14 conversations between buying the jewelry store and
15 investing in the jewelry store?

16 A The distinction was when I actually spoke to
17 Mark about it I had read this as invest in it because he
18 knew I was investing in a lot of business. When I spoke
19 to him it was directly about an investment in Levinsons.

20 Q You don't recall Mark mentioning to you about,
21 If you're in the mood to buy the business, we can talk?

22 A Buy the entire business?

23 Q Yes.

24 A I don't recall that. No, sir.

25 Q So, I recall reading -- and if you can't hear

1 me --

2 A I can hear you fine.

3 Q I recall in reading the daily transcripts that
4 you mentioned that when you left for Morocco you brought
5 a bunch of watches with you?

6 A I did.

7 Q Isn't it fair to say, Scott, that you actually
8 enjoyed the appearance and workmanship of the watches?

9 A I loved it. Yes.

10 Q And at any number of the events that were
11 sponsored, the watch events when the actual
12 manufacturers, the vendors would actually come, you
13 actually involved yourself in many conversations with
14 that vendor's representative, did you not?

15 A I did.

16 Q And you were interested in learning about how
17 the watches work and the history of the manufacturer?

18 A That's correct.

19 Q You considered yourself a connoisseur so to
20 speak of the differentiations between the longstanding
21 centuries old Swiss manufacturers, correct?

22 A No. I was really just learning. Conti was
23 great at it. He knew more than just about anybody I
24 knew. I was learning.

25 Q And, in fact, you had many conversations, did

1 you not, with Conti about what is it that they refer to,
2 Scott, the complications?

3 A Yes. Conti is so knowledgeable, though, he
4 would say things that would go right over my head.

5 Q And, in fact, you spent a fair amount of time
6 with Franck Meller when he came over to the United States
7 and visited the store, did you not?

8 A I did.

9 Q Is it also fair to say that the appearance and
10 workmanship and knowledge that you were gaining as to the
11 watches was as equally, if not more important, than the
12 appearance of success that was generated from wearing
13 them?

14 A That's a tough question. I loved the whole
15 watch world. That was important to me. I didn't stop to
16 think -- and maybe this is something that people are
17 mistaken about. I didn't stop to think that if I wear an
18 expensive watch people will think I'm wealthy and
19 therefore they will invest in my Ponzi scheme. That's
20 not the way it worked.

21 The thought process was always you basically
22 convince yourself you are wealthy even though you're
23 stealing money. It was other people's money, but I had
24 attained a substantial amount of other people's money, so
25 it's like a fantasy world.

1 **Q Actually you covered my question within your**
2 **answer there in the sense that you weren't really**
3 **thinking about using the watches as an imprimatur of**
4 **success as much as you were enjoying the watches**
5 **themselves for their own history and beauty, correct?**

6 A It was a combination of that and something that
7 was - literally as I look back on it now, wrong inside my
8 head. I mean, I purchased things that I'd never use. I
9 just kept purchasing, purchasing, purchasing.

10 **Q Did you ever recommend Levinsons Jewelers as a**
11 **potential customer for Gibraltar?**

12 A To John Harris. I don't know if I mentioned it
13 to Gibraltar. I asked Mark at one point in time to bank
14 with TD, but I'm not sure that I ever -- I might have. I
15 don't know one way or the other, Jan.

16 **Q As you sit here today do you recall having**
17 **recommended Levinsons Jewelers to either of the banks?**

18 A I remember having a conversation with
19 Mr. Spinoso about it, but for the life of me I can't
20 remember what the extent of the conversation was or
21 whether it went anywhere.

22 **Q You will agree that neither Robin nor Mark ever**
23 **invested in any of the structured settlements, correct?**

24 A Never. I never offered them to them and any
25 never invested.

1 Q In fact, you never had any conversations with
2 them about it?

3 A That's correct.

4 Q What kind of relationship did you have with Dan
5 Marino?

6 A We were friends. I called him from time to
7 time. He would call me from time to time. We
8 socialized.

9 Q How did you meet Marino?

10 A I met him actually originally through Kip.

11 Q Did you understand that Marino was a paid
12 spokesperson for Levinsons Jewelers?

13 A Yes.

14 Q And did you have conversations with Marino about
15 that?

16 A I did.

17 Q Did your relationship with Marino expand beyond
18 the connection with Levinsons Jewelers?

19 A Actually I need to correct what I said before.
20 I actually met Dan through a guy named Dave Lageschulte
21 who was one of the owners of Hooters down here.

22 Q Lags?

23 A Lags, yes. Now you know who I'm talking about.
24 Yes. I met Dan years before through Lags. I was
25 representing LTP Management, which was the parent company

1 to the Hooters down here, and I met Dan through them.

2 Q That's Champ's partner?

3 A Exactly.

4 Q Did you also develop a relationship with Alonzo
5 Mourning?

6 A I did.

7 Q And how did that relationship begin?

8 A I met Alonzo through Kip and through the
9 Levinsons.

10 Q That was when Kip was the director of the
11 marketing for Levinsons Jewelers, correct?

12 A She was either still the director of marketing
13 or running Kip Hunter and still doing their marketing.

14 Q Did you have any involvement with Alonzo
15 Mourning's Foundation?

16 A I did.

17 Q In that connection did you have occasion to work
18 with Neil Goodman in that regard?

19 A Neil the limo guy?

20 Q In this regard to the Alonzo Mourning
21 Foundation.

22 A The limo guy you're talking about?

23 Q Neil Goodman from Aventura Limo.

24 A I actually met Neil well previously to that
25 through Kip. I was looking to change limo companies.

1 Q Did you in fact use Aventura Worldwide?

2 A I did.

3 Q Did you also have a relationship with Dwyane
4 Wade?

5 A I did.

6 Q Did that relationship originate with Kip or with
7 Levinsons Jewelers, if you recall?

8 A I might have met Dwyane for the very first time
9 when I was out with Footy, John Kross. But the
10 relationship, we became friends after we started doing --
11 he was doing work with Levinsons. I was doing purchasing
12 from Levinsons, so I would see him and stuff. And then
13 we started socializing.

14 Q And these are all people that you also would
15 have interacted at the various Levinsons Jewelers
16 functions, correct?

17 A Sure. At those functions, at functions at my
18 restaurants, at functions at other places, charity balls,
19 sure.

20 Q And at the various Levinsons Jewelers functions
21 you would have had your picture taken with Alonzo or
22 Danny or Dwyane Wade or any of those people that would
23 have been at the events, correct?

24 A Not only at the events. I had them taken in my
25 restaurant with me. I had them taken at my home, at the

1 arena, a parties. There was a party -- I don't remember
2 what it was. There was a party down at Prime 112. No.
3 I was actually at dinner with Alonzo at Prime 112, and we
4 took pictures down there with a bunch of other guests.
5 It was a variety of things.

6 Q And you touched upon in answer to one of
7 Mr. Lichtman's questions that you also knew Bill Matz,
8 correct?

9 A I did.

10 Q And that relationship with Mr. Matz, how did
11 that come about?

12 A I was out with Kip somewhere, I don't remember
13 where. Kip and I spent a lot of time together. Actually
14 I was at Capital Grille and Bill was there and Kip
15 introduced me.

16 Q In fact, Kip Hunter Epstein was a source of a
17 lot of connections for you, was she not, in terms of
18 meeting people?

19 A Yes. She was a great friend. From way, way
20 back she was always trying to help me generate business.

21 Q You have of a high regard for Kip Epstein, do
22 you not?

23 A I do actually, yes.

24 Q Would the same thing apply to Joey Epstein, too?

25 A No.

1 **Q You don't have a high regard for Joey. Why is**
2 **that?**

3 A Because he was abusive to Kip.

4 **Q So your feelings about Joey had to do with the**
5 **spousal relationship?**

6 A That and just his general attitude. He ticked
7 off a lot of my friends. He had a very rude demeanor
8 around people that were trying to be nice to him. He had
9 a type of personality -- we had a very forgiving group of
10 guys. We were kind of rough language-wise and the like.
11 And, you know, you need to take everything in stride.

12 And when Joey got mad at somebody, it was over.
13 There was no turning back. And that created a lot of
14 pressure. And he had split up with Kip a bunch of times,
15 and he put me in a very bad position with Kip because he
16 had a lot of various affairs going on while I was very
17 close to Kip, and I couldn't tell Kip about it. It was
18 making me very uncomfortable. So I had a lot of problems
19 with Joey on and off.

20 **Q Did you ever discuss that with him?**

21 A I did.

22 **Q And on more than one occasion?**

23 A I did.

24 **Q Did you have conversations with Joey about his**
25 **infidelity with respect to Kip?**

1 A I did.

2 Q How did he react to that?

3 A He got angry with me.

4 Q Did it ever come about after that that your
5 relationship with him was in some respect restructured,
6 that you got along with him?

7 A Yes.

8 Q Okay.

9 A Yes. Kip asked me to -- they had gotten back
10 together, and Kip asked me to put things back together
11 with him, and I did. I tended to be a very, very
12 forgiving person. I can't think of very many people in
13 the world that I stayed mad at, even now.

14 Q In many of the e-mails that we've seen that were
15 introduced by Mr. Lichtman today and many of the e-mails
16 that were referred to during this eight days now --

17 A This is day nine.

18 Q Nine days of testimony.

19 A Yes.

20 Q Is it fair to say that you had a certain unique
21 method of communicating in the e-mails?

22 MR. LICHTMAN: Objection, form.

23 THE WITNESS: I had, Jan, a unique method of
24 communicating verbally and in e-mails, yes.

25 BY MR. ATLAS:

1 Q And the language and the affection and the
2 expression of viewpoints is almost like a Scott-speak. I
3 recall during the last few days you used the term
4 Ponzi-speak.

5 A I did?

6 Q With respect to the matter of communicating with
7 various people. Is it fair to say that the way you
8 communicate in these e-mails is a form of Scott-speak?

9 A I think that the way I communicate in general in
10 these e-mails and otherwise, even right up until now, I
11 have what I call a unique way of communicating with
12 people.

13 Q Now, you recall when Jackson's was open for the
14 450, way back when, when Jack still had the restaurant?

15 A I do.

16 Q Is it fair to say also that you would spend some
17 time at Jackson's at the end of the workday?

18 A Almost every day.

19 Q Right. And you and I ran into each other a
20 number of times there; didn't we?

21 A We certainly did.

22 Q Who were the people that you regularly hung out
23 with there in Jack's little bar area in the restaurant?

24 A Our regular crowd was me, Ted Morse, John Bria,
25 Crocket Herd, Marty Hines, Jack Hardy, Les Stracher, from

1 time to time. And then there were other people that came
2 in and out of that crowd, a guy named Mark Grant from
3 time to time when he was in town. Then Mr. Scherer and
4 his friends would be sitting at another table.
5 Mr. Scherer, Mr. Collins and Mr. Brauser.

6 **Q Was in Scherer sitting at your table?**

7 A No, no, he sat at his own table.

8 **Q His own table, right?**

9 A Yeah.

10 **Q Just wanted to clarify.**

11 A So we would jump back and forth. I was a table
12 jumper. I would move to table to table.

13 MR. SCHERER: Let the record reflect, I always
14 paid for my own drinks out of earned money.

15 THE WITNESS: Yes, he did.

16 BY MR. ATLAS:

17 **Q I wanted to find out whether anyone stole**
18 **cashews from anyone else.**

19 A No, but we had -- I don't need to tell you,
20 Jackson's was a great watering hole, a great place to
21 meet people and also to spend great time with your
22 friends, especially back when they still allowed cigar
23 smoking in restaurants.

24 **Q Did the same level of activity, after Jack**
25 **closed the restaurant, occur at - I guess it was Riley**

1 **McDermott's after that?**

2 A Yes.

3 Q **And then again when it became Bova?**

4 A Yes.

5 Q **Would you have had the same group of people that**
6 **you would interact with at the same time of day?**

7 A Yes, our group of guys pretty much was
8 consistent throughout this entire time period.

9 Q **Now --**

10 A With people coming in and out.

11 Q **Did you also make it a habit during those years**
12 **to spend time at Capital Grille, that's an obvious**
13 **question because Mr. Lichtman asked you about a number of**
14 **Capital Grille events. But did you also spend time at**
15 **Capital Grille?**

16 A I spent a tremendous amount of time there, yes.

17 Q **You would have a good relationship with Angela**
18 **Nowland, right?**

19 A From my way of thinking, I had an excellent
20 relationship with Angela. She was a very dear friend.

21 Q **She certainly would have been there most all the**
22 **time you were there; correct?**

23 MR. LICHTMAN: Objection.

24 BY MR. ATLAS:

25 Q **She was the manager; right?**

1 A She was there more at night than at lunch. So,
2 if you're trying to figure out who to talk to see me
3 having lunch with Robin, go to the other people that work
4 like Amy Howard people that did lunch. If you're trying
5 to figure out nighttime, I would go to Angela, to Mark
6 Gruverman, who was the chef at the time. Bill, Big Bill
7 the waiter, Jason. We all traveled together actually,
8 yeah. Those are the people I would talk to.

9 **Q Now, you mentioned, I believe, that you had a**
10 **lot of dealings with Conti at Levinsons Jewelers;**
11 **correct?**

12 A The bulk of my watch purchases at Levinsons
13 originated with Conti because he was so knowledgeable.

14 **Q Did you also deal with Conti with respect to non**
15 **watch purchases?**

16 A I did. But more - when it was jewelry it would
17 be more Robin. And if it was diamonds specifically I
18 would generally like to talk to Mark about it.

19 **Q Now, did Conti ever come to your office?**

20 A Frequently.

21 **Q What was he doing at your office?**

22 A Delivering jewelry and watches.

23 **Q And when he delivered --**

24 A Picking up checks.

25 **Q Sorry, what?**

1 A Picking up checks.

2 Q **He actually picked up checks?**

3 A He did.

4 Q **When he delivered jewelry did you have to sign**
5 **something for it?**

6 A I may have. I don't recall what the process
7 was. I'm pretty sure when he gave me the jewelry I
8 signed a receipt, but I don't have a specific
9 recollection one way or the other.

10 Q **If I were to suggest to you a memorandum that**
11 **Levinsons Jewelers used which would acknowledge the**
12 **receipt of a piece of jewelry; does that refresh your**
13 **recollection at all?**

14 A Yes. And I think that the check dates, the
15 dates I was going to pay were also on those. I think
16 you're correct, sir.

17 Q **So, there wouldn't have been a time as far as**
18 **you know that Conti would have brought a piece of jewelry**
19 **or a watch over to the office and would have left it with**
20 **you without a receipt; correct?**

21 A Conti? No. That usually happened with Robin.

22 Q **What happened with Robin?**

23 A On these, what I was talking about these girls
24 lunches, when we would go out to lunch, Robin would
25 frequently bring jewelry with her, I'd say, bring a

1 watch, bring a watch, bring a couple watches, bring
2 whatever you have new. She'd bring it and if I'd decide
3 to purchase it she would leave it with me and someone
4 would bring a receipt later and pick up the checks.

5 Q So, your testimony is that Robin would actually
6 leave a piece of jewelry with you without having you sign
7 a memorandum?

8 A Yes. When she brought it to lunch. She didn't
9 bring like a whole big note pad and stuff with her.

10 Q And when Conti came to your office would he
11 actually come into your office or would you meet him in
12 the lobby or would you meet him in the reception area?

13 A He would be in the lobby, like everybody else
14 was. And then I would send somebody to go get him, and
15 they would bring him back to my office.

16 Q When I say lobby, I guess to clarify, from the
17 ground floor of that building, I mean the lobby being the
18 reception area.

19 A The reception area on the 16th floor.

20 Q That's where you would meet him or someone would
21 bring actually up to your --

22 A My office was on the 16th floor. Someone, one
23 of my secretaries would go get him and bring him back to
24 my office, sometimes I would walk out there and go get
25 him.

1 Q You got married -- when you and Kim got married,
2 you got married at the Versace Mansion?

3 A We did.

4 Q And was there any particular reason why Mark and
5 Robin were not invited to the wedding?

6 A I don't recall specifically.

7 Q Was that a conscious decision on your part, or
8 alternatively was there just a narrow list of people that
9 were invited?

10 A I was very limited because of the space there.
11 But I can't recall one way or the other. I could ask
12 Kim, she would remember.

13 Q But, you do remember that they were not invited?

14 A I don't remember whether they weren't going to
15 be in town -- you have to ask them as well. I don't
16 remember why.

17 Q Okay. Now, did you ever take vacations with the
18 Levinsons?

19 A No. We were invited but we did not go.

20 Q The answer is no?

21 A The answer is no, we never took vacations -
22 never took them up on their offers.

23 Q What offers did they make?

24 A They offered to have me going skiing with them
25 and they offered for me to go to the watch show in Basel

1 in Switzerland.

2 Q Do you recall when that was?

3 A I don't.

4 Q You answered in response to Mr. Lichtman's
5 questions that you had, if I recall correctly, a number
6 of dinners at the Levinson home?

7 A Yes.

8 Q You indicated that it was more than a handful,
9 which I would interpret to be at least six?

10 A That's correct.

11 Q Do you recall who was present at these dinners
12 or was it just the four of you each time?

13 A Actually it was usually - the bulk of the time
14 and may have been every time it was me. I don't know
15 that Kim came with me to those dinners.

16 Q In these dinners --

17 A I remember two of them we were just sitting at
18 their counter in their kitchen, that little table off to
19 the side, we were sitting there eating and having
20 cocktails and we went in into their bar and had
21 cocktails.

22 Q Just the three of you?

23 A Yes.

24 Q This was distinction from any of the business
25 events that they had at their home?

1 A Yes, that's completely different.

2 Q And your testimony also was that you actually
3 had them for dinner at your home?

4 A I had them for drinks at my home. I recall them
5 eating at my home, but I don't recall how many times.

6 Q Well, was it a dinner party where they there
7 were a number of couples present or people or how did
8 that come about?

9 A There was one dinner party that I had, we had
10 just hired away the chef from Saint Regis, Toby came to
11 work for us personally. I was in the new house. And I
12 had a dinner party and Mark and Robin were there.

13 Q You mentioned also in response to one of
14 Mr. Lichtman's questions about the Live Life Levinsons
15 Style Campaign that they had created. Who's Joel
16 Feinberg, if you know?

17 A He had something to do -- he was a local
18 entrepreneur.

19 Q Did you ever meet Joel?

20 A I did.

21 Q More than one occasion?

22 A I did.

23 Q I know that Mr. Lichtman asked you about Roger
24 Shiffman because I think what Mr. Lichtman was doing is
25 he was reading names off our disclosures and you

1 indicated you didn't know who Roger Shiffman was?

2 A If I knew him, I don't remember his name. I
3 have no idea who he is.

4 Q Do you know who Mitchell Dreier is?

5 A I don't have an independent recollection, Jan.

6 Q Do you know who Robert Weinstein is?

7 A That name sounds familiar to me but I don't
8 recall who he is.

9 Q Do you know who Mac Hogil (phonetic) is?

10 A Sure.

11 Q And do you recall that the names I just - at
12 least the ones that you remember - Scott, do you remember
13 if any of that them had their photographs involved in the
14 Live Life Levinsons Style Campaign?

15 A I remember Mac's, sure.

16 Q You remember Joel Feinberg?

17 A Joel did.

18 Q Okay.

19 A The other people I don't recall one way or the
20 other.

21 Q Do you have any reason to believe that any of
22 them received payments for participating in the campaign?

23 A I wouldn't know one way or the other.

24 Q Did you ever complain to anybody that you hadn't
25 received payment for having your picture in the campaign?

1 A No, Jan. These people were my friends. I
2 wasn't going to take money from them for taking a picture
3 with them, no.

4 Q Right. So, that was never a concern that you
5 expressed that you hadn't gotten compensated for that,
6 like other people, like Marino?

7 A I never brought that up to them.

8 Q You knew in fact, did you not, that Danny and
9 Claire would get paid because they were already paid
10 sponsors, they got paid for using their names and their
11 photographs in connection with the Levinsons Jewelers;
12 correct?

13 A That's correct.

14 Q The same thing with Sam Madison, in fact,
15 because he was - at least at the time - a very valuable
16 member of the Dolphins, that he got paid also as being a
17 spokesperson for Levinsons Jewelers; correct?

18 A From speaking to Sam, yes.

19 Q Do you know who Anthony Rapp is?

20 A Name rings a bell. I don't remember who it is.

21 Q There was also a couple of questions that
22 Mr. Lichtman asked you about Levinsons extending you a
23 line of credit. Do you recall that?

24 A Yes.

25 Q I'm not sure that the answers were that clear or

1 maybe the question wasn't that clear. But is it your
2 testimony that Levinsons Jewelers extended you a line of
3 credit?

4 A I have no idea. It was Levinsons credit card.
5 I don't know who actually -- normally those credit cards
6 are owned by separate credit processing companies, you
7 get to put your name on it.

8 Q So, if in fact though that credit card that
9 Mr. Lichtman was asking you about was a Shoppers Club
10 credit card or a G.E. credit card whereby they provided
11 the extension on behalf of the merchant, it would be a
12 misstatement to say that it was Levinson extending the
13 credit; correct?

14 MR. LICHTMAN: Objection.

15 THE WITNESS: I don't know who extended me the
16 credit.

17 BY MR. ATLAS:

18 Q You don't know that Levinson extended the
19 credit?

20 A I have no idea who extended me the credit. I
21 know it was a Levinsons credit card.

22 Q When you were asked about whether Levinsons
23 Jewelers did a credit check, if it wasn't them extending
24 the credit, you wouldn't expect that they would do that;
25 correct?

1 A If it wasn't them extending the credit, I
2 wouldn't --

3 Q **There's an example of what I warned you about in**
4 **the beginning about asking a question that's not clear.**

5 **If they were not extending you credit, there**
6 **would have been no reason for them to do a credit check;**
7 **correct?**

8 A That's correct.

9 MR. LICHTMAN: Objection to form.

10 BY MR. ATLAS:

11 Q **Now, do you recall whether G.E. did a credit**
12 **check on you?**

13 A I do not have the slightest idea.

14 Q **They may have?**

15 A They certainly may have. I don't know. It
16 would be easy enough to check my old credit bureaus.

17 Q **If Shoppers Club was extending the credit, you**
18 **don't have any recollection whether they did or didn't do**
19 **a credit check?**

20 A I don't have a clue.

21 Q **Now, there's been -- there was a lot of**
22 **conversation earlier about loose diamonds, as I recall.**

23 A Who?

24 Q **Loose diamonds.**

25 A Oh, I thought you said Lou Steinman. Your

1 accent it worse than mine.

2 Q Loose Diamonds.

3 A Yes, loose diamonds.

4 Q What I'm referring to is loose diamonds.

5 A I got it.

6 Q We'll talk about Lou Steinman later.

7 Isn't it a fact that on occasion you did in fact
8 by diamonds, loose diamonds that were going to be set in
9 various items of jewelry?

10 A I did.

11 Q And that could be set in a ring for Kim, let's
12 say or somebody like that, but hopefully for Kim, a
13 necklace, a bracelet, things like that?

14 A Those were either for Kim or for me.

15 Q Now, you would want to and regularly you did,
16 look at, inspect, check out the diamonds before they
17 would be set in the item of jewelry; correct?

18 A Yes.

19 Q And you would also be involved, were you not, in
20 deciding what kind of setting would occur with respect to
21 those diamonds; correct?

22 A With certain particular items I was. Conti
23 would normally draw it out and I would approve it or not.

24 Q You also responded to Mr. Lichtman's question
25 about purchasing the Riva. What did you know about the

1 **Riva? And when I say Riva --**

2 A The boat.

3 **Q -- the boat.**

4 A I don't remember what I knew. I remember when
5 they were looking to sell it to me, I called my boat
6 captain, asked him about it. He came out with our first
7 mate and spent some time with the boat, took it for a sea
8 trial, I believe, told me it was a good purchase and I
9 purchased it.

10 **Q Were you told at that time by anybody that the**
11 **Riva was a very, very unique boat?**

12 A Yes.

13 **Q Do you recall what you were told about the Riva?**

14 A I was told that it was a very good boat.

15 **Q Was there anything unusual appearance-wise about**
16 **the Riva?**

17 A There was a lot unusual about it.

18 **Q About the wood.**

19 A Yes.

20 **Q Okay.**

21 A Very rare, the whole way the boat was set up was
22 rare. It had almost like a porsche convertible top that
23 would come up out of a hidden hatch. The wood was very
24 rare. The way the controls were set up, it's not a
25 standard throttle, it was two on the tree, drove me crazy

1 when I was first learning to run it. And my captain told
2 me it was a good boat, high quality, rare.

3 Q When you say your captain, I'm not sure what
4 you're referring to. Is that the person that was
5 responsible for your other boat?

6 A I had a captain that took care of any boat that
7 I owned, yes.

8 Q Now, you responded to a question of
9 Mr. Lichtman's by saying that he believed you over paid
10 for the boat. What was the basis for that statement?

11 A My captain told me I over paid for the boat.

12 Q What is his name?

13 A Neil Hotter.

14 Q Where is he located?

15 A Now, I don't have a clue. You could probably
16 find him through the Morses.

17 Q Is he still in this area?

18 A I haven't had any contact, except with a very,
19 very, very small group of people for the last two years.
20 So, I couldn't tell you one way or the other.

21 Q That was probably a sore question.

22 Was that the extent of your conversation with
23 Mr. Hotter, he just said, Scott, I think you over paid?

24 A No, we were out on one of my other boats. And I
25 told him I bought it, that he needed to go pick it up and

1 bring it over to the house. And he asked me what I paid
2 for it. I told him what I paid for it. I think it was
3 500 grand. He went, what, something like that. I said,
4 don't worry about it, just go pick it up.

5 Q Is that what the extent of the comment was like,
6 what, or expressing some dismay that you may have paid
7 too much?

8 A He made it -- I couldn't price it.

9 Q I understand.

10 A He made it clear to me that he thought that I
11 over paid for the boat.

12 Q Did he make it clear to you in any manner other
13 than saying, "what"?

14 A We talked about it but it was not something I
15 really wanted to talk about, Jan.

16 Q Okay.

17 A They asked me for 500,000. Whatever number they
18 asked me for, that's what I paid them. I didn't
19 negotiate with them.

20 Q Isn't it a fact if I recall your testimony
21 earlier, you asked them what they paid for it?

22 A I asked them what they paid for it.

23 Q They told you what they paid for it?

24 A Right. The best of my recollection, I paid them
25 what they paid for it. They got every penny that they

1 spent out of it. You just look and see the check that I
2 gave them and see what they paid for it then you'll know
3 for certain.

4 **Q Levinsons Jewelers received certain payments**
5 **from RRA as opposed to payments from either you or Kim?**

6 A You're not talking about the loose diamonds;
7 right?

8 **Q No. I'm talking about sponsorships. As you**
9 **indicated in response to Mr. Lichtman's questions, it was**
10 **RRA that paid for the sponsorship, but that was an RRA**
11 **marketing event; was it not?**

12 A Hang on. I want to make sure this is clear,
13 while I'm thinking about it, loose diamonds, again, so
14 we're clear --

15 **Q We're not talking about Lou Steinman now?**

16 A We're not.

17 Back when we were talking about that - I want to
18 make sure it's clear - the diamonds that I was having set
19 in all those settings were not the stones that I
20 purchased from Mark for cash. Those were stones that I
21 purchased normally through normal channels.

22 **Q I assumed you would clarify that at some point.**
23 **Let's get back to the sponsorship again. The**
24 **sponsorships were for the benefit of the law firm;**
25 **correct?**

1 A I don't know what you mean.

2 Q When RRA sponsored an event, such as the opening
3 of the store, or RRA sponsored something at Bank Atlantic
4 or RRA sponsored something at, I guess, I still think of
5 it as Joe Robby, whatever the name of it was, that was a
6 marketing device that many law firms used to promote
7 itself; correct?

8 A That was a marketing device, yes.

9 Q Right. And in fact, didn't RRA make payments to
10 Levinsons Jewelers on account of pens and other items
11 that were used as corporate gifts; clocks, pens, things
12 of that nature?

13 A Certain things, yes. Certain things that we
14 gave away as gifts to various people we did do that, yes,
15 sir.

16 Q Those would have been in many cases, holiday
17 gifts, Christmas gifts, things like that; correct?

18 A Correct.

19 Q Who is John Domico?

20 A I don't recall.

21 Q Name doesn't sound familiar to you?

22 A It sounds familiar to me, but I don't recall who
23 it is.

24 Q If I were to suggest to you that John Domico
25 worked for Levinsons Jewelers, would that help at all?

1 A It doesn't. Other than remembering - if you
2 gave me a list of the people's names, I could tell you
3 who I remember and who I don't. I dealt with Mark,
4 Robin, and Conti. And then there was another tall guy
5 there, for the life of me, I feel terrible, I can't
6 remember his name because he was a nice guy.

7 **Q Allen Finkel?**

8 A Allen, that's it. Other than that I dealt
9 infrequently with those people.

10 **Q Do you recall, did the Levinsons home have a**
11 **little separate building, which was like a guest house?**

12 A You mean where their mother lived?

13 **Q No.**

14 A I don't recall.

15 **Q Okay.**

16 A I remember off to the side when you went up,
17 there was a separate - I thought someone was staying in
18 there.

19 **Q Do you know who was staying in there?**

20 A I thought a relative was staying in there.

21 **Q Now, prior to this week - let's talk about last**
22 **week. Did you have occasion to meet with Mr. Lichtman or**
23 **Mr. Stettin in preparation for your depositions?**

24 A Can you ask that again, Jan?

25 **Q Not last week, but the week before, did you have**

1 occasion to meet with Mr. Lichtman or other
2 representatives of the Berger, Singerman Law Firm?

3 A No, sir.

4 MR. LICHTMAN: Objection.

5 Q When did you first meet with Mr. Lichtman
6 regarding this matter involving Levinsons Jewelers?

7 A I met with my attorney on August 12, right
8 around August 12.

9 Q 2011?

10 A 2011. Whatever week that was, the first two
11 days I met with Mark and the government. And the last
12 three days I met with Mr. Lichtman and a bunch of people.

13 Q Who were the people that you met with with
14 Mr. Lichtman?

15 A Mr. Stettin was there. Mr. Cimo was there, I
16 don't remember who else. There were a couple other guys
17 representing different variations of the Trustee. There
18 was somebody from their firm and one or two guys from
19 Genovese. I don't remember.

20 Q Is that Mr. Cimo?

21 A Yes.

22 Q Genovese Law Firm?

23 A Yes. And there then there was --

24 Q Was Richard Pollack there?

25 A Some forensics guy was there.

1 Q Was Richard Pollack there?

2 A I don't remember his name, Jan.

3 Q Was there a person there from the Berkowitz,
4 Dick, Pollack, Brant accounting firm?

5 A If that's where he was from, he didn't introduce
6 himself that way, it was just a forensics guy. I was
7 really paying attention to Mr. Cimo and Mr. Lichtman.

8 Q He characterized himself as a forensic guy?

9 A No, I characterized him that way.

10 Q What was he there for; do you recall? That's
11 not a fair question.

12 What were you told that he was there for?

13 A I wasn't told he was there for anything. They
14 were all there to ask me questions that I assumed were
15 approved by Judge Cohn.

16 Q How did you know -- strike that.

17 Why did you characterize him as a forensics guy?

18 A Did you ever talk to an accountant? That was
19 not complicated to figure out he was a forensics guy. It
20 was all numbers, nothing funny, nothing - it was not
21 amusing. When you live where I live you like to be
22 amused. He was not amusing.

23 Mr. Lichtman was a great lawyer and also very
24 entertaining as was Mr. Cimo.

25 MR. ATLAS: Nice compliment, Chuck.

1 MR. LICHTMAN: I'll take it. I need all the
2 help I can get.

3 BY MR. ATLAS:

4 **Q What questions did this forensics guy ask you?**

5 A Lordy, don't -- I was asked so many questions
6 over that week, I have been -- this all becomes -- I
7 don't mean to seem like I'm being evasive, I'm not. It's
8 just from the minute, literally, Jan, that I stepped off
9 that plane from Morocco I have been debriefing nearly
10 nonstop in one manner or another. It's all become one
11 giant question.

12 **Q But, you do recall that the forensics guy had**
13 **asked you some questions?**

14 A He definitely did, but --

15 **Q Did --**

16 A -- not anything that would stick with me.

17 **Q He did?**

18 A He definitely did.

19 **Q Do you recall how long he asked you questions?**

20 A I could say too long.

21 **Q I understand that.**

22 A But yeah, his were not the -- I can't -- there's
23 nothing about what he asked me, Jan, that stuck out in my
24 mind except that I was bored out of my mind when he was
25 talking to me.

1 Q Okay.

2 MR. NURIK: Be nice.

3 A It's the truth. He wants to know. That's it.

4 Q Since you obviously --

5 A I'm not attacking the guy. He was a very nice
6 guy, he seemed very intelligent, maybe too smart for me.

7 Q Right. Since you obviously were more
8 entertained by Mr. Lichtman, what questions did he ask
9 you?

10 MR. LICHTMAN: Objection, work product.

11 THE WITNESS: He is instructing me not to
12 answer?

13 MR. NURIK: You can't be instructed.

14 MR. HOUSTON: We're going to take the position
15 that you waived the work product, Chuck. Obviously
16 this is going to be in lieu of live argument in front
17 of Judge Ray.

18 I would take the position that since you have
19 incorporated a lot of the conversations had with
20 Mr. Rothstein during that interview into your
21 pleadings and other matters that were filed in this
22 case and other cases that you have impliedly waived
23 the work product protection.

24 For the record, I cite three cases in support of
25 that position. I guess we'll ultimately have to get

1 to Judge Ray on this. The Granite Partners case at
2 184 FRD49. And the Hearn versus Rhay case, which is
3 at 68 FRD 574. And lastly, the Cox versus
4 Administrator case, which is the 11th circuit case,
5 17 FED 3rd, 1386. And we would ask you to reconsider
6 the assertion of the work product as it relates to
7 specifically questions we might ask about Levinsons -
8 conversations you had about Levinsons.

9 MR. LICHTMAN: Let the record be clear that you
10 clearly came knowing that you were going ask
11 questions about this and didn't give me the courtesy
12 of saying this is going to be an issue and something
13 to be prepared to discuss it.

14 I see I have one of my co-counsel in the gallery
15 back there, I would like the opportunity to take a
16 couple minutes to look at the cases, to talk to
17 Mr. Elgidely and I think that Mr. Scherer would like
18 to talk to me for a moment.

19 MR. HOUSTON: So, we're clear --

20 MR. LICHTMAN: I have a common interest
21 agreement with Mr. Scherer.

22 MR. HOUSTON: Chuck, to be clear on the record
23 before you have your conversation, we obviously limit
24 whatever questions we have to just matters that
25 relate to Levinsons. And if there are none, we move

1 on.

2 MR. ATLAS: Let me reiterate, too, if you're
3 going to take a lot of time, let's discuss that right
4 now, because I don't want to lose the opportunity to
5 ask him questions.

6 MR. LICHTMAN: We started a few minutes late and
7 took a brake.

8 MR. HOUSTON: Let's go. Move on.

9 MR. LICHTMAN: You sprung this on me, for the
10 record.

11 (A discussion was had off the record.)

12 MR. LICHTMAN: Back on the record. We don't
13 waive the position that we've stated. However, under
14 the circumstances right now we think that if Counsel
15 for Levinsons would like to ask the questions that he
16 should proceed.

17 MR. HOUSTON: Ask questions about the interview
18 concerning Levinsons?

19 MR. LICHTMAN: Yes, we reserve our objection.

20 MR. HOUSTON: Thank you.

21 BY MR. ATLAS:

22 Q Sir, do you remember the question, Scott?

23 A I have no clue. It was about Levinsons.

24 Q About your conversations with Mr. Lichtman
25 because we already know how you feel about the forensics

1 guy.

2 A Yes.

3 Q **What did you discuss with Mr. Lichtman in that**
4 **week long adventure about Levinsons Jewelers?**

5 A I remember that Levinsons was a subject of it,
6 whether or not I was friends with Robin, similar stuff
7 that we talked about here today and stuff similar to what
8 you're asking me, but I don't remember the specific
9 questions he asked me.

10 Q **Do you remember what you told him?**

11 A I don't remember specifically. It would have
12 been consistent with what I'm saying here today. But it
13 was not -- when Levinsons came up during that meeting it
14 was not nearly as in depth as I've gone into with him
15 here today or with you here today.

16 Q **Was there a Court Reporter present?**

17 A No.

18 Q **Any notes made of your conversations with**
19 **Mr. Lichtman?**

20 A I don't know who was taking notes or not. I
21 wasn't taking any notes.

22 Q **I think you indicated that Mr. Stettin was**
23 **present as well?**

24 A Mr. Stettin, Mr. Cimo, Mr. Lichtman, the
25 forensics guy, some people from the government, Mark

1 Nurik.

2 Q Was Mr. Paul Singerman present?

3 A I think so. Yes, I think Mr. Singerman was
4 there.

5 Q And when you say people from the government, who
6 was there from the government?

7 A Is that okay?

8 Q That's not necessary.

9 Now, during those conversations regarding
10 Levinsons Jewelers, were you shown any documents?

11 A I don't recall being shown any documents during
12 the Levinsons portion of it. If I did they were
13 inconsequential; doesn't stick out in my mind.

14 Q I think you indicated that the time frame that
15 you met with Mr. Lichtman, Singerman, et al, was about a
16 week?

17 A I met with them for three days - actually two
18 and a half days.

19 Q Two and a half days. Of the two and a half
20 days, do you recall what percentage of the time was
21 devoted to Levinsons Jewelers?

22 A It was minimal compared to -- I mean, it took a
23 long time just to explain all the other things that were
24 going on, history.

25 Q Where did you meet them?

1 MR. LAVECCHIO: Objection.

2 A I can't tell you that.

3 Q That time-frame, if I recall correctly was
4 sometime in August?

5 A It was in August, yes.

6 Q Subsequent to that two and a half day period had
7 you -- did you again meet with Mr. Lichtman, Mr. Stettin
8 or Mr. Singerman again regarding Levinsons Jewelers?

9 A No, sir.

10 Q That means obviously prior to whenever you
11 arrived last Monday?

12 A I can't discuss when I arrived. I have not,
13 since that meeting just after August 12, I have not had
14 any conversations with Mr. Lichtman until I showed up in
15 this courtroom.

16 Q Did you furnish any information about Levinsons
17 Jewelers to any other person other than Mr. Lichtman or
18 Mr. Stettin or Mr. Singerman?

19 MR. NURIK: That's excluding Counsel, his
20 attorney, which of course there would be a
21 privilege.

22 MR. HOUSTON: He can answer yes or no.

23 MR. ATLAS: Marc, I think he can say whether he
24 gave it to you.

25 MR. NURIK: Because your question contains

1 content, I don't think that that's -- I think that's
2 still covered by the privilege as to --

3 BY MR. ATLAS:

4 **Q Let's start with this question. Other than with**
5 **Mr. Nurik, did you provide any information about**
6 **Levinsons Jewelers to anybody other than Mr. Stettin,**
7 **Mr. Lichtman, or Mr. Singerman?**

8 A Are we including the government in that?

9 **Q Okay. Let's see what that provokes.**

10 MR. NURIK: Other than the government.

11 MR. ATLAS: I don't think there's an objection
12 there.

13 MR. LAVECCHIO: Can I have one moment?

14 MR. NURIK: Just to speed this along, do you
15 care whether he provided it to the government? Might
16 we exclude them as well, as well as me?

17 MR. ATLAS: Yes.

18 MR. NURIK: That will save you time.

19 Say other than the government and other than
20 me.

21 MR. LAVECCHIO: Phrase it that way, that's fine.

22 BY MR. ATLAS:

23 **Q This is my concern, I'm not sure who it ask this**
24 **of. But if any of that information that was then**
25 **furnished to Counsel or the government was then furnished**

1 to Mr. Stettin, Mr. Singerman, or Mr. Lichtman, I need to
2 know that. So do you have knowledge of that?

3 A I don't.

4 Q Did anyone ever tell you that?

5 A No, sir.

6 Q Did you have any understanding that you were
7 providing information to anybody that would then be
8 transferred or transmitted to the Trustee or his lawyers?

9 A No, sir.

10 Q Okay. And you don't recall if you were given
11 any documents?

12 A Given any? I was shown documents.

13 Q Shown. I'm saying shown documents.

14 A But I don't recall any pertaining to Levinsons.
15 I may have been, but it's nothing that sticks out in my
16 head.

17 Q During that two and a half day period that you
18 met with Mr. Lichtman and Mr. Singerman and Mr. Stettin
19 and the others, did you discuss with them, not that guy
20 Lou Steinman, but did you discuss with them loose
21 diamonds, as you've talked about today?

22 A I don't remember specifically, but it's
23 certainly possible that I did.

24 Q Generally, did you discuss the concept of what
25 you told us today about these alleged transactions with

1 **Mark Levinson regarding the diamonds and the cash?**

2 A I may have, Jan, I just don't remember
3 specifically whether I did or didn't.

4 Q Do you remember discussing with them during
5 that -- I'm referring to that two and a half day period
6 for a moment.

7 A Sure.

8 Q Do you recall any conversations or discussions
9 with them at that time regarding the subject of selling
10 back of stones to generate cash?

11 A I don't recall specifically. I remember
12 discussing my relationship with Robin and Mark, but
13 beyond that I really don't -- I really don't remember. I
14 was discussing my overall business and business
15 relationship with them and friendship with them, but I
16 don't remember the specifics.

17 Q Is it fair to say that you would probably
18 remember discussing the type of transactions that you
19 described today with them at that time?

20 MR. LICHTMAN: Objection to form.

21 THE WITNESS: Given the scope of what I was
22 involved in, no, that's not a fair statement.

23 BY MR. ATLAS:

24 Q Okay. You talked about the cash transactions -
25 forget the diamonds for a moment - the cash transactions

1 **that, as you say occurred in Mark's office with the T.**
2 **Anthony briefcase that had a maximum of 450 grand in it?**

3 A That's how much it would hold. That's how I
4 knew that the transaction were no bigger than that. I'm
5 not saying I had a \$450,000 transaction with them.

6 Q **Do you remember any of that being discussed with**
7 **Mr. Lichtman, Singerman, or Stettin?**

8 A That I don't recall being discussed, no.

9 Q **Did you ever have a conversation with**
10 **Mr. Lichtman or Stettin or Singerman about any of those**
11 **subjects prior to today?**

12 A No. The only conversations from the time I came
13 back from Morocco until today, I mean until my deposition
14 started, was during that two and a half day period. I
15 never talked to any of those gentlemen otherwise.

16 Q **Did you at all ever indicate to them that you**
17 **had knowledge that Mark Levinson or Robin Levinson did**
18 **not report the receipt of these supposed cash**
19 **transactions to the government?**

20 A The conversation -- Did I have that conversation
21 with --

22 Q **With Messrs Lichtman, Singerman, Stettin, et al?**

23 A I don't remember having that conversation with
24 them, no, sir.

25 Q **Do you remember telling anybody --**

1 A I don't remember whether I --

2 Q **Sorry?**

3 A I don't remember if I had that conversation with
4 them now.

5 Q **Now, did Messrs Stettin, Lichtman or Singerman
6 ever discuss with you the existence of a, quote,
7 confidential informant?**

8 A Excuse me?

9 Q **Did Mr. Lichtman, Mr. Stettin, or Mr. Singerman
10 ever make mention of the fact that they had information
11 received from a, quote, a confidential informant? And I
12 obviously would mean other than yourself, did that term
13 or concept ever come up?**

14 A I don't remember them saying that to me.

15 Q **Has anyone mentioned that there's supposedly a
16 confidential informant that's provided information to
17 Mr. Lichtman and his partners?**

18 A Not to my recollection.

19 Q **Did you ever indicate to Mr. Lichtman, Stettin,
20 or Singerman that you could provide the identity of
21 anybody that could provide information about Levinsons
22 Jewelers?**

23 A I don't remember that.

24 Q **Okay.**

25 A I don't remember whether we ever discussed

1 anything like that.

2 Q Okay.

3 A As I sit here today, I don't remember. I don't
4 know anyone, I don't think, other than the people we've
5 already discussed.

6 Q So as you sit here today, do you think you would
7 remember if you actually gave names to Mr. Lichtman or
8 Mr. Stettin or anyone else in the firm about somebody
9 that could provide information about Levinsons Jewelers?

10 A I think that's something that I would remember
11 and I don't have a specific recollection of that.

12 Q During your meetings with Mr. Lichtman in that
13 time-frame did -- let me withdraw that.

14 At that time did they show you a copy --

15 MR. NURIK: One moment. One second.

16 BY MR. ATLAS:

17 Q I'm sorry. During that time-frame I asked you
18 about whether you were shown any documents, do you recall
19 being shown a draft or a proposed Adversary Complaint at
20 that time?

21 A I do not remember if they showed me any type of
22 draft complaint.

23 Q When do you recall the first time you heard
24 about the possibility of an Adversary Complaint being
25 filed against Levinsons Jewelers?

1 A At some point in time between the time that I
2 met for those two and a half days and prior to coming
3 here today I remember hearing something about the fact
4 the Levinsons were being sued. I may have heard it in
5 news reports, I may have heard it from a family member, I
6 don't remember.

7 Q So, it is your testimony that prior to August
8 12, 2011 you had not heard -- let me withdraw that.

9 Prior to August 12, 2011 you had not met or
10 provided any information to Mr. Lichtman, Mr. Stettin, or
11 Mr. Singerman?

12 A Prior to August 12, I never talked to them.

13 Q And prior to August 12, 2011 you had not seen or
14 been shown a proposed draft Adversary Complaint --

15 A That is --

16 Q -- against Levinsons Jewelers?

17 A That assumes I was shown it after August 12.

18 Q I understand that. Certainly your testimony is
19 that prior to that time you were not shown that?

20 A I was not. I don't remember being shown any
21 such document.

22 Q Subsequent to August 12, I may have asked this,
23 I apologize but, do you recall any of those gentlemen
24 discussing with you a proposed Adversary Complaint
25 against Levinsons Jewelers?

1 MR. NURIK: I think he answered that, Counsel.

2 THE WITNESS: I don't have any memory --

3 BY MR. ATLAS:

4 Q At all?

5 A -- of them discussing that with me when I was
6 there. It's not to say it didn't happen. I just don't
7 have any memory of it. I don't remember anyone
8 discussing this whole Adversary Complaint thing at any
9 time.

10 I was asked a lot of specific questions about a
11 lot of different things in a very short period of time
12 and I don't remember anyone saying, well, discussing what
13 their plans were with me.

14 Q During that time frame, did you know what an
15 Adversary Complaint was in the bankruptcy arena?

16 A I have a pretty good idea of what it is. But
17 still to this day even when I look at those pleadings,
18 various adversary complaints, I'm not sure what anyone is
19 trying to get at other than money.

20 Q Did they tell you at that time that they were
21 contemplating filing an Adversary Complaint against
22 Levinsons Jewelers?

23 A No.

24 Q Has anyone discussed the Adversary Complaint
25 against Levinsons Jewelers with you since that meeting on

1 **August 12?**

2 MR. NURIK: Other than possibly Counsel?

3 MR. ATLAS: Well, to tell you the truth, I'm not
4 excluding you from that question.

5 MR. NURIK: That hinges on the attorney/client
6 privilege and unless you exclude it you're going to
7 have a problem with him answering the question.

8 MR. ATLAS: Let me put this on the record,
9 unless you are acting as his Counsel in connection
10 with the Levinsons Jewelers matter --

11 MR. NURIK: I'm acting as his Counsel in
12 connection with all the matters. It doesn't depends
13 on turns upon what matter I'm representing him on if
14 I am his attorney. Any communications I have with
15 him as his attorney is privileged under law.

16 MR. ATLAS: Unless, of course, the information
17 was then transmitted to the Trustees or the Trustee
18 lawyers, in which event it no longer is privileged.

19 MR. NURIK: Counsel, right now you're asking him
20 about communications that may involve a communication
21 with me. Unless you accept that, the problem with
22 the question remains.

23 MR. ATLAS: Subject to whatever rights we have,
24 I understand --

25 BY MR. ATLAS:

1 Q Other than conversations with Mr. Nurik, have
2 you had conversations with anyone else regarding
3 Levinsons Jewelers and other than Mr. Lichtman and his
4 partners subsequent to that August meeting?

5 A Yes.

6 Q With whom?

7 MR. LAVECCHIO: If you want to carve out an
8 exception for the government we can also avoid a lot
9 of problems and have him answer your question.

10 MR. ATLAS: Okay. Put that aside for the
11 moment.

12 MR. NURIK? Accepting the government and
13 accepting his attorney?

14 THE WITNESS: Accepting the government and
15 accepting my lawyer I have not had any conversations
16 from the time of that August - just after August 12
17 meeting for TWO and a half days until I got here to
18 start being deposed a week ago Monday, with anyone
19 regarding the Levinsons.

20 BY MR. ATLAS:

21 Q So, when was the first time you saw the
22 complaint?

23 A Here.

24 Q Today?

25 A I don't know if it was today. Again, I've seen

1 a lot of documents over the last nine days. At some
2 point in time I saw the Complaint, sometime today there
3 was a couple of pages of the Complaint sitting here. I
4 don't remember if I looked at it or not. I remember
5 seeing something about Levinsons on it. Other than that,
6 I haven't looked at it.

7 **Q Do you have any recollection as to what day you**
8 **first saw it? And I am talking about just the Levinsons**
9 **Adversary Complaint?**

10 A It would have been in the last -- first of all,
11 I've never seen the entire thing. I recall looking at a
12 couple of pages of it just recently, last day or so.

13 **Q Who was present when you saw it?**

14 A My lawyer.

15 **Q Just Mr. Nurik?**

16 A Just Mr. Nurik.

17 **Q Other than meeting with Mr. Lichtman and**
18 **Mr. Stettin and Mr. Singerman on August 12 through the 14**
19 **presumably, what else have you done to prepare for your**
20 **testimony today in connection with the Levinsons Jewelers**
21 **issues?**

22 A As to the Levinsons issues, nothing.

23 No, that's not true.

24 **Q I knew if I waited long enough.**

25 A I was thinking. That's not true. I read part

1 of Robin Levinson's deposition.

2 Q When was that?

3 A I'd be guessing.

4 Q Try and guess.

5 A Months ago.

6 Q Months ago. How were you given a copy of her
7 deposition?

8 A Oh, Lordy. I don't think I'm allowed to say how
9 I get anything. Mr. LaVecchio?

10 MR. LAVECCHIO: I have to object.

11 BY MR. ATLAS:

12 Q I'd like to ask if it was given to you by the
13 government?

14 A I actually don't know.

15 Q You don't know who gave it to you?

16 MR. LAVECCHIO: I have to object. Don't go into
17 it.

18 THE WITNESS: Okay.

19 MR. LAVECCHIO: Have to object on privilege
20 grounds.

21 BY MR. ATLAS:

22 Q Did you read that after the August 12 meeting?

23 A Yes.

24 Q Do you recall when?

25 A I don't. Sometime between August 12 and the

1 beginning of this month.

2 Q Do you recall who was present when you read it?

3 A I can't tell you that.

4 Q Well, I don't think it's privileged --

5 A I can, but the Marshals will take you.

6 Q Other than the government, was anyone present
7 other than Mr. Nurik?

8 A While I was reading it? Like participating in
9 the reading of it?

10 Q Sitting there --

11 A Sitting where I was reading it?

12 Q -- or visiting with you?

13 A I can't tell you that. I'm not permitted to
14 discuss who was around me at the time I was reading it.

15 MR. LAVECCHIO: I think you can ask the question
16 a different way and get your answer. Not who was
17 sitting next to him or where he was or who else was
18 present in the room. You can ask him if he discussed
19 it with anybody, but his lawyer. That would cause a,
20 yes or no. Did other people give him input on that
21 issue while he was reading that. I think that could
22 be answered yes or no. You still may not be able to
23 get into the next answer. You're putting him in a
24 very bad situation the way it's phrased.

25 BY MR. ATLAS:

1 Q Okay. Did you discuss --

2 A You have the interest of these three Marshals
3 though. Probably shouldn't ask me that anymore.

4 Q Did you discuss with anyone while you were
5 reading the transcript the substance of the transcript?

6 MR. LAVECCHIO: Other than your lawyer or the
7 government.

8 BY MR. ATLAS:

9 Q Right. Other than the government or your
10 lawyer.

11 A Yes.

12 Q With whom?

13 A I can't tell you. I mean, I'm not permitted
14 legally to tell you.

15 MR. LAVECCHIO: Right.

16 BY MR. ATLAS:

17 Q Now, you made mention of the fact that you
18 smoked a cigar or smoked cigars with Mark Levinson?

19 A He wasn't a big cigar smoker.

20 Q Did you ever see him smoke a cigar?

21 A I saw him try a cigar.

22 Q What does that mean?

23 A He turned purple.

24 Q So, is that the extent of your reference to
25 smoking a cigar with him, he tried a cigar once and

1 **didn't like it?**

2 A I may have been imprecise. If I sit down with
3 10 guys, which was normal for a Wednesday, for example,
4 at Bova, and four of us are smoking and six are not. I'm
5 still going to have a cigar with the guys, so I was being
6 imprecise.

7 **Q So, in that reference it didn't necessarily mean**
8 **that Mark Levinson was smoking cigars?**

9 A The only thing I can tell you for certain that
10 Mark was doing was drinking Vodka. I can't tell you that
11 he was smoking a cigar.

12 There was one occasion I remember him smoking a
13 cigar with me outside of Bova, and it was a very strong
14 Pre-Castro Cuban and I don't think it agreed with him.

15 **Q You also made reference in response to**
16 **Mr. Lichtman's questions that Robin Levinson encouraged**
17 **him to go out with the guys, so to speak?**

18 A She did.

19 **Q Do you recall that?**

20 A She absolutely did, sir, yes.

21 **Q Your testimony is that Robin wanted him to go**
22 **out with you and a lot of these other fellows you were**
23 **talking about?**

24 A Robin wanted me to get him involved in my group
25 of friends, yes.

1 **Q Why was that?**

2 A I can tell you why she told me. I don't know if
3 she had some kind of ulterior motive, I don't know.

4 **Q Why did she want you to invite and encourage**
5 **Mark to spend time with you and the other guys?**

6 A She had seen me out with the guys frequently,
7 she liked the group and the way we interacted and she
8 wanted Mark to have that in his life, to have that kind
9 of group friendship where guys did a lot of things
10 together. That group of guys we traveled to NASCAR races
11 together, to the Kentucky Derby together, to Las Vegas
12 together, we did all kind of things together. I think
13 she wanted Mark to have that in his life, things other
14 than just family and work. That's what she expressed to
15 me.

16 **Q Did you ever have a conversation with anyone at**
17 **Levinsons Jewelers about using your watch collection for**
18 **marketing purposes?**

19 A For marketing for me?

20 **Q No, marketing for them.**

21 A Yes, they asked me to do a marketing piece, I
22 think for the Sun Sentinal. As a matter of fact I, this
23 has nothing to do with them, I regret doing it because
24 American Greed seems to have gotten ahold of a picture
25 that keeps showing me in that store.

1 **Q This picture?**

2 A Yes, with all the watches in front of me. It's
3 now all over, it's part of their commercial now. But
4 yes, they asked me to do a piece for them on watch
5 collecting. That was for the Sun Sentinal where they
6 were writing and I was supposed to mention Levinsons
7 repeatedly in the article, which I did. The photo was
8 shot in Levinsons.

9 And there was also a piece where I gave an
10 interview for a watch magazine, I don't remember I think
11 it was In Sync magazine, S-Y-N-C, also about my watch
12 collection and my relationship with the Levinsons.

13 **Q Did you ever complain to anyone at Levinsons**
14 **Jewelers or to Kip Epstein for that matter that you were**
15 **upset that you hadn't gotten a referral fee or a referral**
16 **amount of money because of all the people that you**
17 **introduced to them?**

18 A No, sir.

19 **Q That was never an issue with you getting paid to**
20 **introduce people to Levinsons Jewelers?**

21 A I never asked them for money, sir.

22 **Q Did you ever express to anybody that you were**
23 **disappointed or unhappy that you hadn't gotten a referral**
24 **fee as other people had?**

25 A I don't specifically recall saying that.

1 Q Okay. Did you have knowledge of the fact that
2 some people were paid money to introduce customers to
3 Levinsons Jewelers?

4 A Kip told me they were, yes.

5 Q What did Kip tell you?

6 A Kip told me that the Levinsons from time to time
7 reward people who send them big customers either by
8 giving them increased discounts in their purchases or
9 through payment.

10 Q Okay.

11 A Kip told me she was involved in that when she
12 was the president of their marketing.

13 Q Do you recall when Kip told you that?

14 A I don't. During the time that she was president
15 of their marketing.

16 Q Did she tell you that in front of anybody, or
17 was it just a conversation between the two of you?

18 A There might have been someone else there but I
19 have no recollection of that.

20 Q Do you in fact recall any conversations with Kip
21 Epstein about the Live Life Levinsons Style marketing
22 campaign?

23 A I do.

24 Q Do you recall asking Kip Epstein to get you
25 included in that campaign?

1 A I do not.

2 **Q What do you recall discussing with Kip about the**
3 **campaign?**

4 A Kip had asked me at one point in time if I would
5 agree to do it. Robin had asked me if I would agree to
6 do it. Then there was a lull in it and I remember
7 sending Kip an e-mail or maybe a text message saying,
8 what's the story? Are we doing this or not? That's
9 about all I remember about it, Jan.

10 **Q Your testimony would not be though that you were**
11 **the one that instigated the request to be included in the**
12 **Live Life Levinsons Style, Levinsons campaign?**

13 A I recall following up on it because I really
14 wanted to do it after the subject was broached with me
15 but I don't recall instigating it, no, sir. I recall
16 being asked to do it.

17 **Q Now you regularly attended store events,**
18 **marketing events with a variety of different vendors,**
19 **watch manufacturers, and what have you; did you not?**

20 A Yes, I think I was in that store second only to
21 employees. I was in that store frequently.

22 **Q You also attended a number of events that were**
23 **outside the store too; correct?**

24 A At the Levinsons home you mean and other
25 restaurants and things?

1 **Q Various different places where marketing events**
2 **were scheduled?**

3 A I actually helped him put some of those
4 together. Robin approached me to do some watch dinners
5 with some of my wealthier friends and clients. Yes, I
6 attended many of those.

7 **Q Where did those occur?**

8 A One occurred at a hotel off 17th Street,
9 I forget what hotel it is, right on the water there,
10 after a new restaurant opened up there. One occurred at
11 China Grille in Miami. There were a couple, at least one
12 at Bova. I'm sure there are more, sir, I just don't
13 remember.

14 **Q Did Kim also attend these events with you?**

15 A When we were together if she was in town, yes,
16 she attended with me.

17 **Q The discussions that you had with Mr. Lichtman**
18 **about the cash transaction involving the loose stones and**
19 **you talked about having transacted some of them in Mark's**
20 **office in the store; correct?**

21 A Yes.

22 **Q Did you also have such transactions occur in**
23 **your office?**

24 A No, sir.

25 With Mark you mean?

1 Q Yes.

2 A No.

3 Q Was Mark ever in your office?

4 A Yes.

5 Q When?

6 When I say office, I mean at the law firm.

7 A Just at the law firm, he was actually in my
8 office office.

9 Q Well, I am not sure I know what that means. I
10 was talking about the office at the law firm.

11 A I mean the office in the law firm, but I mean
12 not just like wandering around the offices, I mean back
13 in my personal office.

14 Q He was?

15 A He was.

16 Q On how many occasions?

17 A A few.

18 Q What were the circumstances --

19 A Three or four.

20 Q What were the circumstances surrounding him
21 being at your office?

22 A Cocktails --

23 Q Your office office.

24 A Cocktails with some friends.

25 Q Who was present?

1 A On one occasion it was me, Ted, Les Stracher,
2 Stu Rosenfeldt, Mark. On another occasion it was me,
3 Romina from Tom James, a friend from Runway 84 and Mark.

4 **Q Who was the friend?**

5 A Thomas is a relative.

6 **Q What does he do?**

7 A He's a businessman.

8 **Q So, there was at least one occasion in your**
9 **office with Ted Morse, Stu Rosenfeldt, Les Stracher, and**
10 **Mark and you, there was at least another occasion with**
11 **Romina from Tom James that's the clothier; right?**

12 A Yes.

13 **Q And was that the same time that Tom Zarella was**
14 **there, or was that a different time?**

15 A Romina was there and Mark was there the day Tom
16 Zarella was there.

17 **Q So that was just two events you've told me so**
18 **far?**

19 A Two times in my office. I had like a bar area
20 in there, we were in there.

21 **Q Okay.**

22 A Then there was one occasion where he was
23 upstairs in our -- was it upstairs, upstairs in our
24 shareholders lounge.

25 **Q That would have been the 17th floor?**

1 A 22nd floor.

2 **Q What was he doing in the shareholders lounge?**

3 A I invited him to come up, he was meeting us
4 downstairs and I invited him to come up and see it.

5 **Q So that time in the shareholders lounge it was
6 just you and Mark?**

7 A No, there was some other people from the firm
8 there. The shareholders lounge, when it was active,
9 there were shareholders going in and out and getting
10 cocktails and cigars and the like.

11 **Q Do you recall when that was?**

12 A Would have been after June of 2009 and the only
13 reason I remember is I had gotten this really cool
14 massage chair put in and I remember Mark sitting in it.
15 That was after June, it was given to me as a birthday
16 present in June.

17 **Q You recall Mark Levinson being in, not only in
18 your law office but actually in the shareholders lounge
19 on the 22nd floor after June of 2009 sitting in your
20 massage chair?**

21 A Yes, I do.

22 **Q And was it just you and him then or -- I'm
23 sorry, you said there may have been some other guys from
24 the office?**

25 A When the shareholders lounge was open, there

1 were a couple times I closed it. When it was open it was
2 a shareholders lounge people were wandering in and out
3 it. It was after hours and the door was open and the bar
4 was open and people were wandering in and out.

5 **Q Did Mark come over specifically to see the**
6 **shareholders lounge that day?**

7 A No, he came over to meet me, we were going to
8 have cocktails at Bova, I was still upstairs, I told him
9 to come upstairs and I would show him the shareholders
10 lounge.

11 **Q And this was after June of 2009?**

12 A The only reason I --

13 **Q No, I understand.**

14 A The only reason I remember the date is a friend
15 had gotten me this really cool massage chair for my
16 birthday and had it delivered, my birthday is June 10th,
17 so it was after June of 2009.

18 **Q Now, did you transact any of these diamond**
19 **events that you've described in your office?**

20 A I am sorry, say that again.

21 **Q Did you, in fact, transact any of these diamond**
22 **exchanges and cash exchanges in your office?**

23 **Your office office.**

24 A I don't recall doing that, sir, no.

25 **Q Do you recall ever doing that anywhere other**

1 **than in Mark's private office at the store?**

2 A You know, Jan, I may have I just don't have a
3 specific recollection of it.

4 **Q If you did it in Mark's home would you remember**
5 **that?**

6 A I might. I really - I just don't -- I don't
7 want to guess.

8 **Q That's okay.**

9 A I do not want to do anything to muddy this
10 record. I do not recall one way or the other.

11 **Q So as you sit here today, you have no**
12 **recollection of ever having had a diamond cash**
13 **transaction in your home, or Mark's home, or in your law**
14 **office?**

15 A You know, the more you're asking me about my
16 office, it's possible that the second -- well, that one
17 of the parts of the transaction did occur in my office
18 but I don't want to guess. The only thing that I
19 blatantly remember was his office.

20 **Q Do you have a copy of the Adversary Complaint in**
21 **front of you?**

22 A I do not.

23 **Q Can I approach?**

24 MR. NURIK: Sure.

25 THE WITNESS: Feel free.

1 MR. ATLAS: Could we mark that as Levinsons
2 Exhibit 1 for identification?

3 (Whereupon, Levinsons' Exhibit No. 1 was marked
4 for identification.)

5 BY MR. ATLAS:

6 Q What I've just shown you, Scott, is a copy of
7 the Adversary Complaint that was filed on October, 19,
8 2011.

9 A Okay.

10 Q So my first question would be, have you ever
11 seen that before?

12 A Pieces of it.

13 Q Do you recall that you saw pieces of it?

14 A Yes, just recently.

15 Q I'm going to ask you a couple of questions about
16 the Adversary Complaint and if you and Mr. Nurik would
17 follow along with me, that would be great.

18 A Okay.

19 Q Paragraph 18. Chuck, do you need a copy?

20 MR. LICHTMAN: I had one. I'm wondering --

21 MR. ATLAS: I have an extra copy.

22 MR. LICHTMAN: I had a working copy. You can
23 keep going. I know this was an extra.

24 BY MR. ATLAS:

25 Q Okay, Paragraph 18, are you looking at that?

1 A I just read it.

2 **Q Is that paragraph accurate?**

3 A Which paragraph?

4 **Q 18.**

5 A I don't know about the Aventura Jewelry exchange
6 when you say early 2000s. I don't know what that
7 time frame is.

8 **Q Says the late 1990s or early 2000s.**

9 A I understand that, but late 1990s I don't recall
10 whether I shopped there or not, but early 2000s I don't
11 know what, my recollection is I started shopping there
12 around 2004, 2005. With that explanation, yes, it's
13 accurate.

14 **Q Now, did you provide the information to**
15 **Mr. Lichtman about this paragraph?**

16 A If it came up in my conversation with him, which
17 I don't remember whether it did or not, then I'd either,
18 I don't know, I either provided it to him or confirmed
19 it.

20 **Q One of the answer possibilities is, I don't**
21 **know.**

22 A Yeah, but I'm trying to be helpful.

23 **Q I understand that, but I'm trying to figure out**
24 **where this information came from if it didn't come from**
25 **you.**

1 A I can't tell you whether I gave it to him or
2 not.

3 Q You don't -- as you sit here today, you don't
4 have a recollection of providing that information that's
5 in Paragraph 18 to Mr. Lichtman?

6 A Specifically, no, I don't.

7 Q And by the way, when I say Mr. Lichtman I'm
8 referring to Lichtman, Stettin, Singerman, Berger, all
9 the guys over there.

10 A Anyone who's there. No, I don't recall
11 providing that to them, no, sir.

12 Q Okay. If I may address your attention to
13 Paragraph 20.

14 A Yes.

15 Q And if could you take a quick look at that and
16 then I'll ask you some questions about it. By the way,
17 have you seen this paragraph before? Was this one of the
18 things you've seen before?

19 A Let me read it. I'll tell you in a second.

20 It's not.

21 Q It's not what?

22 A It's not one of the paragraphs I've seen before.

23 Q It's not. Did you furnish this information to
24 Mr. Lichtman?

25 A Hang on one second.

1 **Q I should say it's --**

2 MR. LICHTMAN: Objection to form.

3 BY MR. ATLAS:

4 **Q -- to Trustee's Counsel.**

5 A Okay.

6 MR. LICHTMAN: Objection to form.

7 MR. HOUSTON: What's the objection?

8 MR. LICHTMAN: Compound.

9 BY MR. ATLAS:

10 **Q Did you furnish any of this information to**
11 **Trustee's Counsel?**

12 **You're saying the objection is compound?**

13 A I may have, I don't have a specific recollection
14 one way or the other.

15 **Q As you sit here today, you don't recall**
16 **furnishing any of that information?**

17 A Did you tell Mr. -- hang on, I'm trying to go
18 section by section. It's a long paragraph. Give me a
19 minute.

20 Jan, I'm not sure whether I provided all of this
21 information to them or not. Paragraph 20 C the stuff
22 about Ted Morse and John and them, looks like something I
23 would have discussed, I just don't have a specific
24 recollection of it.

25 **Q Okay. You see the reference --**

1 A Hang on a second. I'm going to cover the rest
2 of it for you. Paragraph M about getting --

3 **Q M?**

4 A Yeah, 20 M looks like something I would have
5 discussed but I don't have a specific recollection one
6 way or the other.

7 **Q M is somewhat similar to B; correct?**

8 A Yeah, that looks -- yeah, the Denny Crane
9 comment, that looks like something I would have provided
10 but I don't have a specific recollection one way or the
11 other.

12 **Q Did you see the Denny Crane reference in any of**
13 **the e-mails between you and Mark?**

14 A No, I didn't see any of those yet.

15 **Q As we indicated earlier, this thing about**
16 **sharing a cigar, it was only that one instance when that**
17 **strong Cuban you gave him turned him purple; right?**

18 A Yeah, it didn't agree with him.

19 **Q Probably wouldn't agree with most people.**

20 A Probably not.

21 You know he actually, now that I'm thinking
22 about also, he did smoke cigars on more than one occasion
23 because I remember being at Bova with him and Ted Morse
24 was there and he bummed a cigar off Ted, I told Ted to
25 give him a mild cigar.

1 Q Paragraph 20 I, which is a reference to the fact
2 that you referred some of your friends to Levinsons
3 Jewelers without receiving any kind of referral fee or
4 returned favor?

5 A I don't remember discussing that one way or the
6 other. I may have, I just don't remember.

7 MR. NURIK: All your questions are about whether
8 or not he actually remembers discussing these things
9 with the Trustee or their Counsel, is that --

10 BY MR. ATLAS:

11 Q My question was, did you provide this
12 information to the Trustee's Counsel that's contained in
13 this paragraph?

14 A I may have. I don't have a specific
15 recollection one way or the other.

16 Q And if you did you would have had to have done
17 in this August 12th through August 14th period; right?

18 A Yes.

19 Q And you don't have a recollection of having seen
20 a draft Adversary Complaint at that time?

21 A No. No, sir, don't recall seeing that.

22 Q And I know this is going to be repetitive but
23 you certainly didn't meet with them prior to August 12th?

24 A No, sir, that I'm certain of.

25 Q Okay, moving on here. And you have -- Scott,

1 you've had a chance to look at all those sub-paragraphs
2 in Paragraph 20; correct?

3 A I did.

4 Q Looking at Paragraph 22 for a moment, there's a
5 reference -- let me withdraw that.

6 Did you provide the information in Paragraph 22
7 to the Trustee's Counsel?

8 A I don't recall one way or the other whether I
9 did or not.

10 Q Okay.

11 A I believe it could to be true but I don't --

12 Q As you sit here today, how do you know that
13 Levinsons did not treat Rothstein like any other
14 customer?

15 A That's what Kip told me.

16 Q The source of the information here comes from
17 Kip and you and presumably to the Trustee's Counsel but
18 you're not sure?

19 A I don't know that one way or the other, if I
20 look at, Jan, if I look at Paragraph 20-A through M --

21 Q Right.

22 A I read it. The allegations contained in 20-A.
23 through M, to my knowledge are true. I did have a
24 meeting with Trustee's Counsel for two and a half days.

25 Q Right.

1 A I remember him relating stories to me about his
2 dad in the jewelry business, I think, but I don't recall
3 the specifics.

4 **Q Did he ever talk to you about his children?**

5 A Only in the context of trying to help me with
6 the issues I was having with my daughter. I don't
7 remember him speaking about it specifically.

8 **Q Have you ever met his children?**

9 A In passing in the house, as they were passing
10 through they were always extremely active, moving around.

11 **Q Do you remember their names?**

12 A I do not.

13 **Q Do you remember if it was two boys, two girls,
14 boy and a girl, anything like that?**

15 A I remember a girl, I remember a boy, there may
16 have been more children, that's all I remember.

17 **Q When Kip told you that, as Paragraph 22 refers
18 to, that Levinsons did not treat you like any other
19 customer, when Kip told you that, was anyone else
20 present?**

21 A Ted Morse.

22 **Q Was this on one occasion or multiple occasions?**

23 A She said it to me a couple times when I was
24 making comments to her about making sure that I got the
25 proper treatment when I went in the store and when I

1 referred people there. And in the process of me
2 attempting to get Ted to become a customer there she
3 chimed in that you're going to get what she called the
4 Rothstein treatment.

5 **Q And did you ask her what she meant by the**
6 **Rothstein treatment?**

7 A No, I commented, I said that means you're going
8 to over pay.

9 **Q When, so you had that conversation with her on**
10 **more than one occasion because on one occasion you had it**
11 **with Morse?**

12 A On one occasion it came up.

13 **Q With Ted Morse?**

14 A With Ted Morse.

15 **Q Do you recall where you were?**

16 A At Capital Grill.

17 **Q Just the three of you?**

18 A No, it was a Friday afternoon. On Friday
19 afternoons me and all my friends, the group of friends
20 that we had would meet for lunch, usually around 1:00
21 we'd call it a day that was usually the end of our
22 business day on Fridays. And Kip on occasion was in the
23 restaurant, she'd come over and actually sit with us and
24 have a drink and it was during one of those lunches.

25 **Q During one of those lunches that she told you**

1 **that in Ted Morse's presence?**

2 A Yes. Kip was -- I mean you know Kip, Jan. Kip
3 is, when she's marketing for someone she's voracious and
4 a great marketer and she came right out and said: So
5 when are you going to start shopping at Levinsons.

6 **Q This conversation was before you had become a**
7 **customer?**

8 A No, she was saying this to Ted.

9 **Q Sorry, I misunderstood.**

10 A See said that to Ted Morse.

11 **Q In your presence?**

12 A Yes.

13 **Q At that time is when she said that you, as the**
14 **Paragraph 22 says, that Levinsons would not treat you**
15 **like any other customer, you'd get the Rothstein**
16 **treatment?**

17 A She said the Rothstein treatment and described
18 that I'm treated like gold there. They treated me very
19 well.

20 **Q Do you know -- do you have any reason to believe**
21 **that they didn't treat everyone very well?**

22 A My impression, given the amount of time I spent
23 in that store, was that there were several customers like
24 Craig Zinn, myself. Craig is the one that sticks out in
25 my head that were treated well. I pretty much had run of

1 the store. You could have mistaken me for an employee.
2 I mean, I would go back behind the counters and wander
3 around and look at stuff. And I'd go in the back and I'd
4 wander into Mark's office and get a drink or wander into
5 the kitchen. They were very accommodating, I would sit
6 in Mark's office and wait for him.

7 **Q Was Craig Zinn treated that way?**

8 A Not quite like that, but I remember he was very
9 affectionate with Robin and he seemed to be paly with
10 Mark.

11 **Q Were there other people that --**

12 A He had a personality very similar to mine, he
13 was very outgoing, Craig.

14 **Q Were other people treated that way as well,
15 based on your observance?**

16 A I'm the only person I ever saw roaming around
17 back there that was a customer. Roaming back behind the
18 counters and roaming in and out of the offices. I never
19 saw any other customer back there.

20 As a matter of fact, there were a couple
21 occasions, Conti will tell you, someone actually asked me
22 for help, they thought I did work there.

23 **Q Did you help them?**

24 A No.

25 **Q Now, as part of the Rothstein treatment that Kip**

1 was referring to, was that referral fee concept
2 discussed?

3 A In front of Ted?

4 Q No, with Kip. Were you supposed to be getting a
5 referral fee based upon introductions?

6 A It was my understanding that they paid certain
7 people referral fees in one way or another and I was not
8 getting that.

9 Q And that information came from Kip you said?

10 A That came from Kip.

11 Q Now, in looking at Paragraph 23 if you would,
12 Scott, turn to that.

13 A Yes, I'm looking at it.

14 Q Bottom of Page 6. Most of the Page 7, do you
15 recall if this area was what you had seen previously?

16 A Page 7 is one of the things I looked at in the
17 last couple of days.

18 Q Once again, I apologize if I've asked this
19 before, do you recall who showed it to you?

20 A I don't.

21 Q Do you recall when you --

22 A I'm not sure anyone actually showed it to me. I
23 think it was sitting here and I was looking at it.

24 Q During this last nine days, the Levinsons
25 Adversary Complaint was sitting there?

1 A In the last three days, four days. It was
2 recently.

3 Q That was sitting there before I brought it over
4 to you?

5 A Not this one. There were a couple of pages
6 sitting here, it may have been sitting with my lawyer.

7 Q There were a couple of pages on that table that
8 actually represented Page 7 of this Adversary Complaint?

9 A That's correct.

10 Q Did you ask -- withdraw that.

11 So, looking at Paragraph 23 G -- Let me withdraw
12 that.

13 This information, was this furnished by you to
14 the Trustee's Counsel?

15 A Paragraph 20 G?

16 Q No, the entire Paragraph 23, was the information
17 contained in Paragraph 23 furnished by you to the
18 Trustee's Counsel?

19 A All the information there, Jan, to the best of
20 my knowledge is true and it may have been discussed with
21 me with the Trustee during that two and a half day
22 meeting but I don't have a specific recollection one way
23 or the other.

24 Q So, if I understand what the answer is, you
25 don't, as you sit here today, have a recollection that

1 you provided this information to the Trustee's Counsel?

2 A If I did --

3 Q Is that your testimony?

4 A If I did, I don't have a specific recollection
5 of it, that's correct.

6 Q And once again, if you did provide it, it would
7 have had to have been at the August 12th through the 14th
8 meeting; correct?

9 A It would have had to have been because I haven't
10 spoke to them any other time.

11 Q Okay. Paragraph 23 G refers to Levinsons gave
12 Rothstein - and we touched upon this earlier, if you
13 remember --

14 A I remember.

15 Q -- Levinsons gave Rothstein a \$100,000 credit
16 line. That's not correct; is it?

17 A I don't know one way the other. If it's through
18 G.E. as you said, or through the Shoppers, whatever it
19 was.

20 Q Shoppers Club.

21 A I don't know what Levinsons relationship is with
22 those people. I don't know who gave me it. All I know
23 is that Robin suggested that I get this credit card, this
24 Levinsons credit card and I got it.

25 Q Now, I'd like to direct your attention to

1 Paragraph 24 and 25 --

2 A Okay.

3 Q -- of the Adversary Complaint. Do you see them?

4 A 24 and 25?

5 Q Correct.

6 A Yes.

7 Q Once again, did you provide that information
8 that's contained in Paragraph 24 and 25 of the Adversary
9 Complaint to the Trustee's Counsel?

10 A I may have but as I'm sitting here today, I
11 don't recall one way or the other whether I actually did.

12 Q If you did, once again, it would have had to
13 have been at the August 12th through the 14th meeting;
14 correct?

15 A That's correct.

16 Q Not before and not after?

17 A Not before and not after, that is correct.

18 Q I'd like to take a quick five minute break and
19 see what we have left to do in the next 15 minutes.

20 A Okay.

21 (Thereupon, a short break was taken.)

22 BY MR. ATLAS:

23 Q Okay. You all set, Scott?

24 A I am, sir.

25 Q Do you know who Harold Siegel is?

1 A I don't recall.

2 Q Did you ever have any conversations with Mark in
3 connection with what you testified earlier about the
4 loose diamonds as to where they were acquired?

5 A No.

6 Q Did you --

7 A Not that I recall, no.

8 Q Did you know where the loose diamonds were
9 acquired?

10 A No, sir.

11 Q You mentioned Canada and I wasn't sure whether
12 you were limiting your reference to Canada to the colored
13 stones or whether that related to diamonds in general?

14 A I think Canada was the colored stones.

15 Q And --

16 A I seem to recall a conversation with Mark when
17 we first started doing this, this conversation was in my
18 office and I don't know if we did a diamond transaction
19 that day in my office or not but we were in my office and
20 I had shown him something on a website that I had found
21 about diamonds and it had to do with certain diamonds now
22 being -- Are you with me?

23 Q Yes.

24 A Certain diamonds now being engraved with a laser
25 code, some kind of tracking code. And I specifically

1 said to him, did you see this? I take it you know about
2 this. Make sure that none of these diamonds that we're
3 doing these cash deals on have this little laser code.
4 And I seem to recall him saying something that he was
5 getting the diamonds from - not from his normal source,
6 but I don't know if that's true or not and I don't know
7 who his normal source is. I have no idea where he was
8 getting his diamonds.

9 **Q Did you ask him who his normal source was?**

10 A No.

11 **Q Did you ask at any time where the diamonds were**
12 **coming from?**

13 A My only concern was whether or not they had that
14 laser encoded thing on them.

15 **Q This time when you are referring to this**
16 **conversation about the website and this laser encoded**
17 **demarcation, was that one of the times in your office**
18 **that you told us about earlier?**

19 A No, it may have been another occasion because
20 I'm only picturing me and Mark in the office at that
21 time. See, the problem I have Jan, is that as you heard
22 over the last nine days, I did a lot of cash transactions
23 in my office and elsewhere and it's possible that part of
24 the cash transactions, in other words, him giving me back
25 the cash but not the actual exchange of stones would have

1 occurred in my office.

2 Q Did you --

3 A I remember -- see, one of my friends, one of my
4 diamond friends used to send me information, sites to
5 websites and stuff I remember showing this to Mark.

6 Q From who else did you buy loose diamonds?

7 A Ovi Levy, him and his father, a guy named Ronnie
8 Dehans (phonetic). There were some people in New York
9 that I bought loose stones from, that I sold loose stones
10 to.

11 Q Did Mark have --

12 A There may be other people.

13 Q Based on your testimony today, did Mark have
14 these stones in inventory or did he have to go get them?

15 A My recollection is that they were not in
16 inventory because again, I didn't want them to be able to
17 be tracked in any manner. So no paperwork, no appraisals
18 but I don't know for certain, they could have been in
19 inventory.

20 Q I thought you indicated earlier to us that there
21 were appraisals and you told him to throw them out?

22 A No, I didn't want appraisals.

23 Q I thought he showed you the appraisals?

24 A He did show me the appraisals. I said, no
25 paperwork, no appraisals, not that the stones didn't have

1 an appraisal, I didn't want and appraisal. I was not
2 insuring the stones.

3 **Q Give us one second.**

4 A You know, also Jan, with regard to loose stones,
5 I would have a conversation with Ted Morse because my
6 recollection is that he bought a loose stone to send to
7 his - he had a mistress up in Connecticut - and Ted and I
8 had a whole conversation about how to get ahold of a
9 loose stone. He was thinking about talking to J.R. Dunn
10 about it to Jimmy Dunn. I said, don't buy it from Jim.
11 I said, you're going to over pay on the stone. And I
12 know everything that Jim does because I bought some loose
13 stones from Jim, but they were all tracked stones,
14 appraisals with paperwork.

15 So, I don't know if the transaction ever went
16 through but I know that Ted was looking to do that. So
17 you may want to speak to him about that.

18 **Q Are you suggesting that Ted Morse bought a loose**
19 **stone from Levinsons Jewelers?**

20 A I'm telling you to go look in that direction. I
21 don't know one way the other. I'm telling you the
22 conversation I had with Ted because he needed to get a
23 stone for somebody in Connecticut.

24 **Q Have you furnished any information or spoken to**
25 **the government about Levinsons Jewelers?**

1 MR. LAVECCHIO: Objection, privilege.

2 MR. NURIK: Don't answer that.

3 MR. HOUSTON: Can you tell us the privilege on
4 the record, please?

5 MR. LAVECCHIO: Privilege is government
6 investigatory privilege.

7 MR. ATLAS: No further questions.

8 MR. LICHTMAN: I have one.

9 REDIRECT EXAMINATION

10 BY MR. LICHTMAN:

11 Q What benefit did RRA get for sponsoring
12 Levinsons events?

13 A I don't know of any specific benefit one way or
14 the other.

15 MR. LICHTMAN: Thank you.

16 (Thereupon, the deposition was concluded at
17 5:30 p.m.)

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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF BROWARD)

I hereby certify that I have read the foregoing deposition by me given, and that the statements contained herein are true and correct to the best of my knowledge and belief, with the exception of any corrections or notations made on the errata sheet, if one was executed.

Dated this ____ day of _____, 2011.

SCOTT W. ROTHSTEIN

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STATE OF FLORIDA)
COUNTY OF BROWARD)

I, the undersigned authority, certify that the
aforementioned witness personally appeared before me and
was duly sworn.

WITNESS my hand and official seal this 22nd day
of December, 2011.

Terri L. Wright
Notary Public - State of Florida
Commission No: DD 963327
Expiration Date: April 30, 2014

C E R T I F I C A T E

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STATE OF FLORIDA)

COUNTY OF BROWARD)

I, Terri L. Wright, Notary Public in and for the State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn to testify the whole truth; that I was authorized to and did report said deposition in stenotype; and that the foregoing pages are a true and correct transcription of my shorthand notes of said deposition.

I further certify that the said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of any party connected with this action, nor am I interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of December , 2011.

Terri L. Wright
Notary Public - State of Florida
Commission No: DD 963327
Expiration Date: April 30, 2014

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9 SCOTT W. ROTHSTEIN

10 RE: HOWARD STETTIN -V- LEVINSONS JEWELERS

11 Dear Mr. Rothstein:

12 Please take notice that on December 22, 2011,
13 you gave your deposition in the above-referred matter.
14 At that time, you did not waive your signature. It is
15 now necessary that you sign your deposition.

16 If you do not read and sign the deposition
17 within thirty (30) days, the original which has already
18 been forwarded to the ordering attorney, may be filed
19 with the Clerk of the Court. If you wish to waive your
20 signature, sign your name in the blank at the bottom of
21 this letter and return it to us.

22 Very truly yours,
23 United Reporting, Inc.

24 TERRI L. WRIGHT
25 Court Reporter - Notary Public

I do hereby waive my signature.

SCOTT W. ROTHSTEIN

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