

4

TED BERNSTEIN,

5 a witness herein being of lawful age, and being first  
6 duly sworn in the above cause, testified under oath  
7 as follows:

8

DIRECT EXAMINATION

9

BY MR. ELIOT BERNSTEIN

10

Q Ted, did you send me, Eliot, a letter on May

11

23 -- or on May 22, 2014?

12

A I believe I did.

13

Q Can you describe what the e-mail you sent

14

was --

15

MR. ROSE: Objection, best evidence.

16

BY MR. ELIOT BERNSTEIN

17

Q -- about?

18

THE COURT: Yeah, best evidence is the

19

e-mail. You can ask him questions about it, but

20

you are asking him to describe it.

21

MR. ELIOT BERNSTEIN: Okay.

22

BY MR. ELIOT BERNSTEIN

23

Q Did you use the words force and aggression

24

to -- to invoke a strategy of force and aggression

25

against Eliot Bernstein?

00093

1 A I don't know. Can I see the e-mail, please?

2 THE COURT: That's fair.

3 MR. ELIOT BERNSTEIN: Sure.

4 THE COURT: He's showing him a document.

5 MR. ROSE: I was just cautioning him not to  
6 publish the --

7 THE COURT: It's still ID only. Go ahead.

8 So you've shown him, Eliot, the document. What's  
9 your question?

10 BY MR. ELIOT BERNSTEIN

11 Q Did you say you were -- that you suggested  
12 using force and aggression with Eliot?

13 MR. ROSE: Object to the form.

14 THE COURT: Overruled.

15 THE WITNESS: No.

16 BY MR. ELIOT BERNSTEIN

17 Q Can you read that section into --

18 MR. ROSE: Objection to him reading it.

19 THE COURT: Well --

20 MR. ROSE: He can read it to himself.

21 THE COURT: Yeah, you can read it to yourself  
22 and then ask a question. But you also need to  
23 tell me what part you're reading.

24 MR. ELIOT BERNSTEIN: Him being aggressive  
25 and forceful.

00094

1 THE COURT: Where -- what paragraph should I  
2 read?

3 MR. ELIOT BERNSTEIN: Like the fifth line --  
4 the first one, two, three, four --

5 THE COURT: Okay. Let me read it.

6 MR. ELIOT BERNSTEIN: -- sixth line where it  
7 starts --

8 THE COURT: Give me a chance. Ted and I will  
9 read at the same time.

10 Okay. I read it. Go ahead.

11 THE WITNESS: I've read it too.

12 BY MR. ELIOT BERNSTEIN

13 Q Does that refresh your memory? Did you use --  
14 if you used the words --

15 A My answer is still no.

16 Q -- to be forceful and aggressive with Eliot?

17 A You asked if I used the words force and  
18 aggression.

19 Q Okay. I'll ask it again. Did you use the  
20 words being aggressive and forceful?

21 A Yes, I did.