

# EXHIBIT

6

**In the Matter of**

Case No.: 1:22-cv-1032 (PKC) (JRC)

**IME WATCHDOG, INC.**

v.

**GELARDI, et al.**

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**Examination of Safa Abdulrahim Gelardi**

*Thursday, February 2, 2023*

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**The Little  
Reporting  
Company**

469 Seventh Avenue  
12th Floor  
New York, NY 10018  
tel: 646-650-5055  
[www.littlereporting.com](http://www.littlereporting.com)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
Case No.: 1:22-cv-1032 (PKC) (JRC)

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IME WATCHDOG, INC.,

Plaintiff,

-against-

SAFA ABDULRAHIM GELARDI, VITO GELARDI,  
GREGORY ELEFTERAKIS, ROMAN POLLAK,  
ANTHONY BRIDDA, NICHOLAS ELEFTERAKIS,  
NICHOLAS LIAKIS, and IME COMPANIONS LLC,

Defendants.

-----X

3000 Marcus Avenue  
Lake Success, New York  
February 2, 2023  
10:30 a.m.

Video Examination before Trial of DEFENDANT,  
SAFA ABDULRAHIM GELARDI, held pursuant to  
Notice, held at the above-mentioned time and  
place, before Ruthayn Shalom, a Notary Public  
of the State of New York.

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

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ALSO PRESENT:

Carlos Roa  
Vito Gelardi  
Rich Morales, Videographer

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IT IS HEREBY STIPULATED AND AGREED, by  
and between the attorneys for the respective  
parties hereto, that this examination may be  
sworn to before any Notary Public.

IT IS FURTHER STIPULATED AND AGREED that  
the sealing and filing of the said examination  
shall be waived.

IT IS FURTHER STIPULATED AND AGREED that  
all objections to questions except as to form  
shall be reserved for trial.

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S A F A A B D U L R A H I M G E L A R D I,  
a Defendant, having been first duly sworn by  
Ruthayn Shalom, a Notary Public of the State of  
New York, and stating her address as 148  
Claypit Road, Staten Island, New York 10309,  
10309, was examined and testified as follows:

10:30:16 MR. KATAEV: We are on the record. We are  
10:30:18 here for the deposition of Safa Gelardi and we  
10:30:21 have a initial dispute that's preventing us  
10:30:24 from beginning the deposition. It is  
10:30:26 Plaintiff's position --

10:31:09 THE VIDEOGRAPHER: We are on the record.  
10:31:11 Time is approximately 10:31 a.m. Today is  
10:31:14 February 2nd, 2023. This is the video  
10:31:18 deposition of Safa Abdulrahim Gelardi in the  
10:31:21 Matter of IME Watchdog, Inc. versus Safa  
10:31:31 Abdulrahim Gelardi et al.

10:31:35 My name is Richard Morales, legal  
10:31:37 videographer on behalf of Little Reporting.  
10:31:41 Today we are at the office of Milman Labuda  
10:31:43 located at 3000 Marcus Avenue, Suite 3WE,  
10:31:49 Lake Success, New York 11042.

10:31:53 Will counsel please introduce yourselves.

10:31:56 MR. KATAEV: Good morning. My name is

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2 10:31:58 Emanuel Kataev of Milman Labuda Law Group, PLLC  
3 10:31:58 for the Plaintiff.

4 10:32:02 MR. WARNER: For the Defendant and  
5 10:32:02 Deponent, Safa Gelardi. It's Jonathan Warner  
6 10:32:05 of Warner & Scheuerman.

7 10:32:06 THE VIDEOGRAPHER: The court reporter is  
8 10:32:09 Ruthayn Shalom with Little Reporting. Will you  
9 10:32:12 please swear in the witness.

10 10:32:15 (Whereupon, the witness was sworn in by the court  
11 10:32:15 reporter.)

12 10:32:15 THE VIDEOGRAPHER: You may now proceed.

13 10:32:15 MR. KATAEV: Good morning, Mr. Projansky.  
14 10:32:26 For the record, we are on the line with  
15 10:32:28 Magistrate Judge Cho's law clerk about a  
16 10:32:28 deposition dispute that's preventing the  
17 10:32:28 parties from starting the deposition.

18 10:32:30 To outline the nature of the dispute, we  
19 10:32:38 noticed the videotaped deposition of the  
20 10:32:39 witness. We are here in a conference room  
21 10:32:44 altogether for an in-person deposition, the  
22 10:32:44 videographer is here and the witness has  
23 10:32:46 appeared with a hat on covering her eyes.

24 10:32:49 THE WITNESS: I can remove my hat.

25 10:32:52 MR. KATAEV: And a mask on covering her

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mouth preventing the parties from being able to observe the witness's demeanor. We've asked the witness by and through counsel to remove the mask and she has refused to do so, however, approximately a week and a half ago there was an event with the New York State Trial Lawyers Association wherein approximately 600 attorneys were present and this witness in particular was there without a mask on and we submit that this is an attempt by the witness to hide her demeanor and prevent the parties to observe her demeanor during the deposition.

We ask for a court order that requires her to remove the mask and we are prepared if there are any health concerns to either separate her in a different room or distance her further in the room she's currently in. That's the nature of the dispute.

MR. PROJANSKY: Have you discussed alternatives like moving the witness to a different room?

MR. WARNER: No, those have not been discussed nor was a discussion ever raised about removing her hat, which she just did.

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10:33:57 She has a mask on, she doesn't feel well, and  
10:34:00 in lieu of calling and trying to cancel the  
10:34:05 deposition, she's wearing a mask.

MR. PROJANSKY: Mr. Kataev, is that  
possible to provide another room to the  
witness?

MR. KATAEV: We would have to determine  
the logistics, it's not something that would be  
easy to do, it would probably kill a whole  
hour. We are looking to begin the deposition  
and finish. To the extent she is not feeling  
well, the only health concern is to everyone  
else and everyone else is fine with accepting  
the health concern. She doesn't suffer from  
any health concern by removing the mask because  
no one else here is sick.

MR. PROJANSKY: I think it would be  
preferable if the parties could come up with a  
solution that would satisfy the witness's  
health concerns without having Judge Cho having  
to rule about someone wearing a mask.

MR. KATAEV: The way we view it, this  
deposition is similar to a court proceeding.  
If Judge Cho had this witness on the witness

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stand, Judge Cho would want this individual not to wear a mask.

The record in this case is very substantial about the lack of candor and other issues concerning the truthfulness of the witness. It's extremely important in this case where there has been a demonstrated record of lack of candor that we be able to observe the demeanor of the witness.

MR. PROJANSKY: Right, but can you observe the demeanor of the witness in a different room?

MR. KATAEV: It's not something we could do with spending over an hour setting it up. We don't want to engage in that process unnecessarily, it would be very burdensome. The only room equipped with technology is the conference room that we are in now where you joined us on.

MR. PROJANSKY: Let me have Judge Cho call you back in maybe about ten minutes.

MR. KATAEV: We are going to remain on this line and we are also remaining in the virtual meeting.

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2 10:36:02 MR. PROJANSKY: Sounds good. Thank you.

3 10:36:17 THE VIDEOGRAPHER: The time is 10:36 a.m.

4 10:36:19 We are going off the record.

5 15:20:05 (Whereupon, an off-the-record discussion was held.)

6 10:49:13 THE VIDEOGRAPHER: The time is 10:49 a.m.

7 10:49:20 We're back on the record.

8 10:49:24 MR. KATAEV: Good morning, Judge Cho.

9 10:49:28 JUDGE CHO: Good morning. Who is on for

10 10:49:28 plaintiff?

11 10:49:28 MR. KATAEV: Emanuel Kataev of Milman

12 10:49:28 Labuda Law Group, PLLC. I'm here with Jamie

13 10:49:33 Felsen as well.

14 10:49:36 JUDGE CHO: Who is representing the

15 10:49:39 deponent?

16 10:49:40 MR. WARNER: Jonathan Warner, Your Honor,

17 10:49:40 of Warner & Scheuerman.

18 10:49:41 JUDGE CHO: To confirm, you're deposing

19 10:49:47 Safa Gelardi?

20 10:49:49 MR. KATAEV: That's correct.

21 10:49:49 MR. WARNER: That's correct.

22 10:49:51 JUDGE CHO: Are we on the record with your

23 10:49:55 court reporter?

24 10:49:56 MR. KATAEV: Yes.

25 10:49:57 JUDGE CHO: Is the witness in the room

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right now or no?

MR. KATAEV: She is.

MR. WARNER: She is.

JUDGE CHO: Why don't you send her

outside.

MR. KATAEV: She's currently leaving the

room. All right, Judge, we're ready.

JUDGE CHO: All right, my law clerk

called, you guys, so he gave me a heads up as

to what the issue is. Is the only issue

whether she takes her mask off or not,

Mr. Kataev, is that the only issue?

MR. KATAEV: That's correct. She took her

hat off already.

JUDGE CHO: Okay. Who wants the mask

removed, you, Mr. Kataev?

MR. KATAEV: Yes. The Plaintiff wants the

mask removed. We have a videotaped deposition

that we noticed. She knew it was going to be

videotaped. Her basis for keeping the mask on

is she's not feeling well. We are all

accepting the risk that we may get sick with

something.

And then further, a week and a half ago,

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she was at the New York State Trial Lawyers Association event with over 600 attorneys, no mask on, in close proximity to hundreds of people not -- clearly not showing the same concern.

We submit that this is an attempt to hide her demeanor and we respectfully refer the Court to the April 4, 2022 Show Cause Hearing transcript and Judge Chen's subsequent order finding that this witness in particular did not testify with candor and had a pension for not telling the truth. It's crucial for us to be able to observe her demeanor in this case.

JUDGE CHO: Mr. Warner, do you want to be heard?

MR. WARNER: Yes, I do. I don't think demeanor has anything to do with it. The woman is uncomfortable, she's not feeling well, we didn't try and bust the deposition but she feels much more comfortable with a mask on.

Her eyes are perfectly visible to the videographer as is her testimony. I don't see why she should be forced to take a deposition under the present circumstances where, in

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2 10:51:58 excess of 450 people a day are dying without a

3 10:52:03 mask on.

4 10:52:03 Whether Mr. Kataev is comfortable or not

5 10:52:04 with her being ill is not the issue here.

6 10:52:09 MR. KATAEV: I would just rebut with --

7 10:52:11 JUDGE CHO: Hold on. I'm sorry. Go

8 10:52:15 ahead, Mr. Warner, anything else?

9 10:52:18 MR. WARNER: No, that's all, Your Honor.

10 10:52:19 JUDGE CHO: Mr. Kataev, would you rather

11 10:52:21 do this by Zoom instead?

12 10:52:26 MR. KATAEV: No, Your Honor, we have a

13 10:52:28 videographer here.

14 10:52:28 JUDGE CHO: I understand that. One way to

15 10:52:30 address this issue is if we get her remotely

16 10:52:31 where she's in another room completely, you can

17 10:52:36 do it by Zoom, she can take her mask off and

18 10:52:39 then she's not close to anyone. That's an

19 10:52:43 alternative. Is that something you would

20 10:52:45 consider?

21 10:52:46 MR. KATAEV: We wouldn't be able to do

22 10:52:46 that, Your Honor, without busting today's

23 10:52:46 deposition and starting all over because it

24 10:52:48 would take us hours to get that kind of setup,

25 10:52:51 and also the court reporter herself, the reason

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why this issue came up in the first place is the court reporter herself asked her to take the mask off so she could properly do her job.

That's the reason we are doing all this, we want a good record. We have over 19,000 documents so if she's in a separate room and we want to show her 70 exhibits, it's going to make it a logistical nightmare to make this happen.

JUDGE CHO: Okay. Understood. Do you have a mask that's one of those shield type masks, Mr. Kataev?

MR. KATAEV: No, I don't believe we do.

JUDGE CHO: Mr. Warner, I assume you don't have one of those masks with you, do you?

MR. WARNER: No, I don't, Your Honor.

JUDGE CHO: Would she feel comfortable, Mr. Warner, wearing one of those types of masks, do you know, a face shield?

MR. WARNER: Yes, I assume she would.

JUDGE CHO: Is the issue, Mr. Warner, of her getting sick or of her getting all of you sick?

MR. WARNER: I think it's both. I think

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the mask protects her to the extent that she might not be doing well right now, but it also affects everyone else in the room as well.

MR. SHALIT: Could I be heard, Your Honor?

This is Leo Shalit, counsel for Carlos Roa. I would like to the note that the mask the witness is wearing is a flimsy mask. It's not a KN95, it's a basic cloth mask that doesn't have any type medical clearance or use and I would like to add that to the record.

JUDGE CHO: Okay. Is it one of those medical blue masks that everyone else is wearing?

MR. WARNER: No, actually. It's a dark -- I'm not so sure it's not a KN95.

MR. SHALIT: It's a cloth mask.

JUDGE CHO: Is anyone else wearing a mask in the room?

MR. KATAEV: No.

MR. WARNER: At this point, no.

JUDGE CHO: Other than the videographer and the three attorneys, is there anyone else in the room with you?

MR. KATAEV: We have one, two, three,

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2 10:54:54 four, five, six, seven, eight, nine, ten people

3 10:54:59 including the witness in the room.

4 10:55:00 JUDGE CHO: Okay. Is it a pretty sizable

5 10:55:02 conference room, can all of you social distance

6 10:55:05 or not really?

7 10:55:06 MR. WARNER: No. We can't social

8 10:55:08 distance. It's a small conference room.

9 10:55:11 MR. KATAEV: It's a large enough

10 10:55:13 conference room to fit 14 people. We are

11 10:55:17 comfortable stepping back from our desks.

12 10:55:19 JUDGE CHO: How about this -- I guess the

13 10:55:23 question is, Mr. Warner, do you have -- if this

14 10:55:29 case were to go to trial, are you confident

15 10:55:33 that your client would show up for trial? Do

16 10:55:36 you have any reason to believe that she

17 10:55:36 wouldn't?

18 10:55:38 MR. WARNER: Of course she would. She

19 10:55:40 would definitely show up for trial.

20 10:55:43 JUDGE CHO: Because the dilemma is, let's

21 10:55:44 say, she's not available for whatever reason

22 10:55:44 and the Plaintiffs need to rely on her video

23 10:55:44 deposition, the jury would, I'm sure, like to

24 10:55:54 see her without a mask on. Do you understand

25 10:55:56 that?

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2 10:55:57 MR. WARNER: I understand that,

3 10:55:58 Your Honor, but my client with be showing up

4 10:56:03 for trial. If she doesn't show up for trial,

5 10:56:06 there will be a default entered against her.

6 10:56:10 Unless she's dead.

7 10:56:12 JUDGE CHO: Right, that's what I'm saying.

8 10:56:14 If the witness is unavailable, the best

9 10:56:14 evidence would be this video deposition, right?

10 10:56:19 As you sit here now, you have no reason to

11 10:56:24 believe she wouldn't be present for trial,

12 10:56:27 correct?

13 10:56:28 MR. WARNER: Absolutely none.

14 10:56:29 MR. KATAEV: Your Honor, just to push back

15 10:56:29 on that, even if she were available for trial,

16 10:56:33 this video testimony would be used to impeach

17 10:56:35 any of her testimony at trial and it would be

18 10:56:39 difficult to make that argument if she's

19 10:56:42 wearing a mask because the jury would not be

20 10:56:45 able to observe her demeanor.

21 10:56:48 JUDGE CHO: Mr. Warner, let me ask you a

22 10:56:50 question: Would she be willing to come back

23 10:56:54 another day without her mask on?

24 10:56:56 MR. WARNER: Yes, of course. We have done

25 10:57:01 nothing other than appear.

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MR. KATAEV: Your Honor, if the Court is inclined to rule that she should come back another day, we have a day set aside for tomorrow and we are prepared to do that, if the Court rules that way. We submit that the Court should rule respectfully that she should take her mask off, but if the Court is not inclined to do so, we are prepared to move forward tomorrow.

JUDGE CHO: Well, look, I don't know whether she is going to recover overnight if she's sick. If the issue is, if she's sick today and that's why she's wearing her mask, perhaps the happy medium is for her to come back on a day when she's not sick and she can take her mask off.

I guess, Mr. Warner, the question for you is: Is it your representation that at some point in time she would be willing to appear for a deposition without her mask; is that fair to say?

MR. WARNER: Yes, it is fair to say. It is fair to say and she will, although her husband is scheduled for tomorrow. I don't see

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why we wouldn't proceed with the scheduled witness for tomorrow because there is not enough time for her to recover necessarily and we could reschedule her deposition within a very short period of time. There has been no effort to push it back and as Your Honor is well aware, the discovery deadline has been extended through May 15th.

JUDGE CHO: Here is the question for you, Mr. Kataev, I hear what you're saying. I hear you want to do a deposition of her without her mask on. It doesn't seem like she's prepared to go forward today without her mask, but if you want to continue today with her mask on, you are entitled to do so, but you're also entitled to have her come back for another deposition without her mask on as well.

MR. KATAEV: May I will briefly confer with my client, Your Honor?

JUDGE CHO: Go ahead. I have an eleven o'clock conference.

MR. KATAEV: We are running.

Your Honor, we conferred with the client internally and we believe the best route to go

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2 10:59:18 is we are going to a store and get a face

3 10:59:18 shield that's clear and we will begin the

4 10:59:23 deposition today.

5 10:59:25 JUDGE CHO: Okay. Any objection,

6 10:59:27 Mr. Warner?

7 10:59:29 MR. WARNER: None.

8 10:59:29 JUDGE CHO: The deposition will proceed

9 10:59:31 today and she will wear a face shield.

10 10:59:36 MR. KATAEV: Thank you, very much,

11 10:59:37 Your Honor.

12 10:59:39 JUDGE CHO: We are adjourned.

13 10:59:42 THE VIDEOGRAPHER: The time is 10:59 a.m.

14 10:59:44 We are going off the record.

15 11:48:47 (Whereupon, an off-the-record discussion was held.)

16 11:53:23 THE VIDEOGRAPHER: The time is 11:53 a.m.

17 11:53:24 We are back on the record.

18 11:53:27 EXAMINATION BY

19 09:46:40 MR. KATAEV:

20 11:53:28 MR. KATAEV: On the record. Good morning,

21 11:53:46 everyone. We are back on the record after

22 11:53:49 resolving a deposition dispute. Plaintiff

23 11:53:52 reserves the right to seek additional time for

24 11:53:55 the deposition given we will most likely not be

25 11:53:56 able to complete seven hours today. Before I

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S. Abdulrahim Gelardi

11:53:59 begin, I want to ask my esteemed counsel on the  
11:54:01 other side whether we are agreeing to the usual  
11:54:01 Federal stips?

MR. WARNER: Yes.

11:54:05 MR. KATAEV: For the record, that's  
11:54:05 filing, sealing and certification is waived.  
11:54:08 Objections, except as to form, are reserved for  
11:54:10 trial. The examination may be sworn to before  
11:54:12 any notary public and a copy of the transcript  
11:54:16 will be sent to the attorney representing the  
11:54:18 witness.

Is that correct, Mr. Warner?

MR. WARNER: That's correct.

BY MR. KATAEV:

11:54:21 Q Good morning. My name is Emanuel Kataev.  
11:54:23 I'm the attorney for Plaintiff, IME Watchdog. From  
11:54:28 here on in, I will refer to Plaintiff as Watchdog  
11:54:33 unless otherwise stated; is that okay?

A Yes, that's fine.

11:54:38 Q I will also be referring to Daniella Levi,  
11:54:40 the principal of Plaintiff as Mrs. Levi, okay?

A Okay.

11:54:44 Q We will also be discussing an individual  
11:54:48 named Carlos Roa who my colleague, Leo Shalit,

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2 11:54:49 represents and is present today -- both of which are

3 11:54:54 present today and I will be referring to him as Roa,

4 11:54:54 okay?

5 11:54:56 A Okay.

6 11:54:57 Q As for IME Companions, LLC, a Defendant in

7 11:54:59 this case, I will be referring to that entity as

8 11:55:00 just Companions, okay?

9 11:55:04 A Okay.

10 11:55:06 Q Today I will be asking you a series of

11 11:55:07 questions related to the subject matter of this

12 11:55:09 lawsuit as well as various background information.

13 11:55:11 From time to time, your attorney may object. If he

14 11:55:14 does, you may answer unless he specifically

15 11:55:17 instructs you not to do so; do you understand that?

16 11:55:20 A Yes.

17 11:55:21 Q Have you ever been deposed before?

18 11:55:23 A Once.

19 11:55:24 Q When was that?

20 11:55:26 A I can't recall.

21 11:55:26 Q Was it more than ten years ago?

22 11:55:30 A I don't recall honestly.

23 11:55:31 Q I will go over some of the ground rules

24 11:55:33 for a deposition to make sure we have a smooth day

25 11:55:39 today and a clear record of what we are asking and

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1 S. Abdulrahim Gelardi

2 11:55:42 what you're answering today.

3 11:55:43 First, please keep your voice loud  
4 11:55:44 and clear for the court reporter. Second, please  
5 11:55:48 answer in words. No body gestures and no mumbling.  
6 11:55:51 Third, allow me to complete my question before you  
7 11:55:55 answer and I will give you the same courtesy.

8 11:55:58 Are those rules understandable for  
9 11:56:00 you so far?

10 11:56:01 A Yes.

11 11:56:01 Q If you don't understand the question,  
12 11:56:04 please let me know and I will rephrase. However, if  
13 11:56:06 you answer, I will assume that you understood the  
14 11:56:08 question; do you understand that?

15 11:56:10 A Yes.

16 11:56:16 Q We are looking for your best recollection  
17 11:56:18 of events today and mostly beginning from 2017 until  
18 11:56:22 the present day. While I don't want you to guess at  
19 11:56:25 answers, even your memory is not crystal clear, I'm  
20 11:56:25 still entitled to your best recollection.

21 11:56:29 Do you understand that?

22 11:56:30 A Understood.

23 11:56:33 Q You can take a break any time for any  
24 11:56:35 reason except when there is a question pending. You  
25 11:56:37 have to answer that pending question before we take

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1 S. Abdulrahim Gelardi

2 11:56:40 that break, okay?

3 11:56:41 A Okay.

4 11:56:41 Q Do you understand these ground rules?

5 11:56:43 A Yes.

6 11:56:43 Q Your testimony today is subject to the

7 11:56:45 same oath and same penalty of perjury as if you were

8 11:56:46 testifying in court. Do you understand that?

9 11:56:50 A Yes.

10 11:56:50 Q Do you understand what the term perjury

11 11:56:52 means?

12 11:56:54 A Yes.

13 11:56:54 Q What does that mean to you?

14 11:56:56 A Lying under oath, correct?

15 11:57:03 Q Going back to the deposition that you

16 11:57:06 don't recall when it occurred, were you a plaintiff

17 11:57:08 or a defendant or a witness in that case?

18 11:57:15 A I don't know. It was -- it was a car

19 11:57:18 accident.

20 11:57:20 Q Okay. I want to refer your attention to

21 11:57:27 the beginning of November 2022 for the next series

22 11:57:33 of questions I have.

23 11:57:35 Have you ever retained the services

24 11:57:37 of one Steven Stanulis or a company called Silver

25 11:57:42 Shield?

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1 S. Abdulrahim Gelardi

2 11:57:42 A Yes.

3 11:57:43 Q You retained the services of that person  
4 11:57:45 and that company to track the whereabouts of one  
5 11:57:49 Carlos Roa, correct?

6 11:57:50 A No.

7 11:57:53 Q Why did you retain the services of that  
8 11:57:56 firm and Mr. Stanulis?

9 11:58:00 A To find out whether Carlos Roa was behind  
10 11:58:03 the smear campaign that was going on.

11 11:58:08 Q Part of the duties of this firm and that  
12 11:58:10 individual was to track the whereabouts of Mr. Roa,  
13 11:58:14 correct?

14 11:58:14 A No.

15 11:58:15 Q How do you know that?

16 11:58:16 A Because I didn't ask for that.

17 11:58:18 Q By retaining the services of that  
18 11:58:39 individual, you understand that there was contact  
19 11:58:43 between him and the private investigator, correct?

20 11:58:48 MR. WARNER: Objection to form.

21 11:58:48 A No.

22 11:58:53 Q Do you recall testifying at the April 4,  
23 11:58:55 2022 Show Cause Hearing that we had in this case?

24 11:59:00 A Vaguely.

25 11:59:01 Q When you testified in that case, were you

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telling the truth?

A To the best of my knowledge.

Q You understand that it's very important to

tell the truth in this kind of proceeding because

otherwise our system of justice would not work,

correct?

MR. WARNER: Objection to form. When I

object, you can answer.

A Repeat the question.

MR. KATAEV: Read it back, please.

(Whereupon, the referred to question was read back

by the reporter.)

A Correct.

Q It would be fair to say that what you

testified to in April of 2022 was more accurate and

your memory was more fresh than it is right now in

February of 2023, correct?

A I don't understand the question.

Q In April of 2022, you testified at the

Show Cause Hearing, correct?

A Yes.

Q You testified about events that occurred

from 2017 to the present, correct?

A To the best of my knowledge.

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S. Abdulrahim Gelardi

12:00:18 Q Today you're going to testify about the  
12:00:19 same things, correct?

12:00:21 A I'm assuming so.

12:00:23 Q My question is: Your memory was more  
12:00:26 fresh in April of 2022 about those events than it is  
12:00:30 now because of the passage of time, correct?

12:00:37 A I don't think so.

12:00:41 Q Going back to our questions about  
12:00:45 Mr. Stanulis and Silver Shield, how did you go about  
12:00:56 engaging Mr. Stanulis and Silver Shield?

12:01:00 A Repeat the question.

12:01:07 (Whereupon, the referred to question was read back  
12:01:07 by the reporter.)

12:01:21 A Engaging like -- explain, please.

12:01:24 Q How did you go about hiring him?

12:01:27 A Online.

12:01:28 Q How did you find him?

12:01:30 A Online.

12:01:31 Q What did you do to find him online?

12:01:34 A I looked up P.I.

12:01:36 Q What was the reason you chose this  
12:01:40 particular firm?

12:01:41 A No particular reason.

12:01:42 Q Did you choose this firm because it was

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2 12:01:44 closer to where you live?

3 12:01:47 A No.

4 12:01:50 Q When did you first meet with him?

5 12:01:58 A I don't recall meeting with him.

6 12:02:00 Q When did you first communicate with him?

7 12:02:05 A I don't know the exact date.

8 12:02:07 Q Did you sign a contract with him on the  
9 12:02:08 same date you first spoke with him?

10 12:02:15 A I don't think I signed anything.

11 12:02:18 Q You don't recall signing any agreement  
12 12:02:19 with Mr. Stanulis of Silver Shield?

13 12:02:22 A No, I don't.

14 12:02:23 MR. KATAEV: I'm going to offer to the  
15 12:02:24 witness what's been previously marked as  
16 12:02:28 Plaintiff's 1, providing a courtesy copy to  
17 12:02:30 opposing counsel.

18 12:02:33 MR. WARNER: Thank you.

19 12:02:35 Q Take a second to review it, please.  
20 12:02:38 (Plaintiff's Exhibit 1, Marked for Identification.)

21 12:02:42 (Witness perusing document.)

22 12:02:55 MR. WARNER: Listen carefully to the  
23 12:02:56 question.

24 12:02:57 A What was the question?

25 12:02:58 Q Do you recognize this document?

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2 12:03:00 A No, actually, I don't.

3 12:03:01 Q Did you see that on the front page of this  
4 12:03:03 document on the first page it says your name as a  
5 12:03:06 party to this agreement?

6 12:03:10 A Yes.

7 12:03:11 Q The scope of work explains that the agency  
8 12:03:12 is hired to conduct an investigation specifically  
9 12:03:16 explained below, correct?

10 12:03:19 MR. WARNER: Objection.

11 12:03:23 Q You can answer.

12 12:03:33 A Repeat that question.

13 12:03:59 (Whereupon, the referred to question was read back  
14 12:03:59 by the reporter.)

15 12:03:59 BY MR. KATAEV:

16 12:04:00 Q It's the first sentence under, Scope of  
17 12:04:05 work, if that helps.

18 12:04:05 A Okay.

19 12:04:06 Q Is that what it says?

20 12:04:08 A Yes.

21 12:04:08 Q It says in the summary that you paid for  
22 12:04:12 ten hours at \$100 per hour for an investigation,  
23 12:04:14 correct?

24 12:04:15 A Correct.

25 12:04:16 Q On the second page under, Rates, it says,

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S. Abdulrahim Gelardi

12:04:18 The hourly rate for surveillance is billed at \$100  
12:04:22 per hour, correct?

12:04:24 A Correct.

12:04:24 Q You hired this private investigator to do  
12:04:27 surveillance, correct?

12:04:28 A No.

12:04:41 Q Go all the way to the eighth page, you  
12:04:53 will see two signatures. On the second signature,  
12:05:01 that's your signature, correct?

12:05:04 A No.

12:05:04 Q You don't know whose signature this is?

12:05:08 A I did not sign this document.

12:05:10 Q Go to the next page, please.

12:05:13 A Sure.

12:05:13 Q This is an auto trail for an electronic  
12:05:15 signature and it says that on November 2nd, 2022,  
12:05:19 this document that we just reviewed was sent to  
12:05:24 Safagelardi@gmail.com at 17:30 UTC time, which we  
12:05:29 would have to convert to eastern time.

12:05:31 Do you recall receiving any email  
12:05:34 with this document for electronic signature?

12:05:37 A Yes.

12:05:39 Q You electronically signed this document,  
12:05:43 correct?

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2 12:05:44 A Yes.

3 12:05:44 Q You signed it two days after you received  
4 12:05:49 it, correct?

5 12:05:51 A I'm not sure.

6 12:05:53 Q If you look at the document it says that,  
7 12:05:55 Signed by Safa Gelardi, next to November 4, 2022; do  
8 12:06:00 you see that?

9 12:06:01 A I see it.

10 12:06:02 Q Based on what's written in this document,  
11 12:06:03 do you have any reason to doubt that you signed it  
12 12:06:08 on November 4, 2022?

13 12:06:10 A No.

14 12:06:12 Q Before you signed this contract, how many  
15 12:06:16 times did you speak with Mr. Stanulis or any  
16 12:06:19 employee of the Silver Shield Investigation Services  
17 12:06:22 team?

18 12:06:32 (Whereupon, the referred to question was read back  
19 12:06:33 by the reporter.)

20 12:06:49 A Once.

21 12:06:50 Q What did you say to the individual and  
22 12:06:53 what did the individual say to you?

23 12:06:58 A I explained that I wanted -- I explained  
24 12:07:01 what I wanted from them, that I wanted to find out  
25 12:07:06 whether Carlos Roa was behind this smear campaign

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S. Abdulrahim Gelardi

2 12:07:08

that -- about IME Companions and myself.

3 12:07:17

Q When you engaged the services of this

4 12:07:19

firm, did you explain that you are under a temporary

5 12:07:21

restraining order and not to contact any employee of

6 12:07:25

IME Watchdog, Inc.?

7 12:07:32

A I don't believe I knew that.

8 12:07:35

Q You are aware that Mr. Roa is a current

9 12:07:38

employee of IME Watchdog, Inc., correct?

10 12:07:42

A Yes.

11 12:07:45

Q After you signed the contract, how many

12 12:07:47

times did you speak with any individual from Silver

13 12:07:51

Shield?

14 12:07:56

A Maybe twice.

15 12:07:59

Q What happened during the first

16 12:08:00

conversation after you signed the contract? What

17 12:08:02

did you say to him and what did he say to you?

18 12:08:06

A I explained to him that I wanted to find

19 12:08:08

out if Carlos Roa was behind the smear campaign that

20 12:08:14

was going on about IME Companions and myself, and he

21 12:08:18

said sure.

22 12:08:20

Q That was the first conversation before I

23 12:08:22

signed the contract, correct?

24 12:08:25

A Yes.

25 12:08:26

Q That conversation was with Mr. Stanulis,

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2 12:08:28 correct?

3 12:08:29 A No.

4 12:08:30 Q Who did you have that conversation with?

5 12:08:33 A I don't recall, but it was a female.

6 12:08:36 Q Do you recall the female's name?

7 12:08:37 A No.

8 12:08:39 Q What form or method did you have that

9 12:08:41 conversation?

10 12:08:43 A Phone.

11 12:08:45 Q You called the phone number or did you

12 12:08:46 receive it?

13 12:08:47 A No, I received a callback.

14 12:08:49 Q What is the phone number that you used to

15 12:08:51 contact that number? What was your phone number

16 12:08:54 that you used?

17 12:08:56 A My cellphone number, (718)749-4732.

18 12:09:02 Q Is that a cellphone or a landline?

19 12:09:05 A Cell.

20 12:09:05 Q What carrier do you use?

21 12:09:11 A AT&T. I'm not sure.

22 12:09:16 Q Is it TMobile?

23 12:09:22 A TMobile.

24 12:09:24 Q How long was that first conversation with

25 12:09:25 the female?

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1 S. Abdulrahim Gelardi

2 12:09:29 A I don't know. It was short.

3 12:09:31 Q After you signed the contract, who, if

4 12:09:34 anyone, did you speak with first about this matter?

5 12:09:43 A I don't recall.

6 12:09:46 Q Did you ever speak with a Mr. Stanulis?

7 12:09:50 A I never knew anyone's last name.

8 12:09:57 Q What do you recall about the first

9 12:09:59 conversation you had with any individual from Silver

10 12:10:01 Shield about the terms of that contract and its

11 12:10:06 goal?

12 12:10:08 MR. WARNER: I'm sorry. What was the

13 12:10:09 last?

14 12:10:10 MR. KATAEV: And its goal.

15 12:10:12 MR. WARNER: And its goal, thank you.

16 12:10:15 A I explained what I wanted. They explained

17 12:10:17 that they can definitely do it and he said someone

18 12:10:22 was going to call you. So the second time I spoke

19 12:10:25 to someone, it was a male.

20 12:10:28 Q What did he say to you and what did you

21 12:10:30 say to him?

22 12:10:31 A I said to him I need to find out if this

23 12:10:34 guy is behind the smear campaign that's going on

24 12:10:36 about me and my company.

25 12:10:36 Q What did he say in response?

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1 S. Abdulrahim Gelardi

2 12:10:39 A He said, Tell me about the smear campaign.

3 12:10:40 I said, There is false email that was created to

4 12:10:44 smear my company and it's obvious who it's coming

5 12:10:47 from, so I just wanted to find out for sure if it

6 12:10:51 was him. So I gave him the information of his name

7 12:10:57 and where he lived and that was it.

8 12:11:04 Q What was your understanding of what the

9 12:11:05 private investigator would do in order to achieve

10 12:11:09 this goal?

11 12:11:11 A The private investigator was to befriend

12 12:11:15 Mr. Roa and get him to admit that he was behind the

13 12:11:19 smear campaign.

14 12:11:20 Q What, if anything, else was he supposed to

15 12:11:22 do?

16 12:11:24 A That's it.

17 12:11:25 Q Did anyone from the private investigation

18 12:11:26 company contact you and say, We have spoken to

19 12:11:31 Mr. Roa?

20 12:11:32 A No.

21 12:11:32 Q What, if any, other updates did you get

22 12:11:35 about this investigation?

23 12:11:39 A The last update I got was I got a call

24 12:11:42 from a man named Steve. Steve stated there was a

25 12:11:46 tracker that was found. I said, I don't know what

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1 S. Abdulrahim Gelardi

2 12:11:51 you're talking about, and he said, Well, we placed a

3 12:11:54 tracker to make it economic for us, so he found it

4 12:11:59 and that was it. He said, We cannot continue with

5 12:12:06 the investigation and it was over.

6 12:12:11 Q How did you make the payment of \$1,000 to

7 12:12:14 this private investigation firm?

8 12:12:16 A With my credit card.

9 12:12:18 Q Was the payment of \$1,000 the only payment

10 12:12:23 you made?

11 12:12:24 A I don't recall. I believe so.

12 12:12:27 Q You exchanged test messages with the

13 12:12:28 private investigation team, correct?

14 12:12:39 A I'm not sure who it was.

15 12:12:41 Q You have test messages with someone from

16 12:12:43 that team, correct?

17 12:12:48 A I don't know.

18 12:12:52 Q Did you ask for your money back after they

19 12:12:54 told you they can no longer perform those services?

20 12:12:58 A I have not yet.

21 12:12:59 Q Do you plan to?

22 12:13:01 A I have not yet.

23 12:13:02 Q Other than \$1,000, did you pay anything

24 12:13:04 else?

25 12:13:05 A No, not that I recall.

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1 S. Abdulrahim Gelardi

2 12:13:07 Q I'm going ask that you preserve any  
3 12:13:09 written communications via text, email or otherwise  
4 12:13:13 with this private investigation team and we will  
5 12:13:17 follow up in writing for their production.

6 12:13:19 (Counsel Request.)

7 12:13:19 BY MR. KATAEV:

8 12:13:57 Q Going back to April of 2017, you received  
9 12:14:02 an email at some point from one Adam Rosenblatt  
10 12:14:06 containing materials from IME Watchdog, correct?

11 12:14:11 A I did receive emails from Adam Rosenblatt.  
12 12:14:14 I don't recall the date.

13 12:14:20 Q You previously testified that you did not  
14 12:14:22 open these emails for months; do you recall that  
15 12:14:25 testimony?

16 12:14:30 A I don't.

17 12:14:35 Q Is it still your testimony that any emails  
18 12:14:37 that you initially received from Adam in or about  
19 12:14:41 April of 2017 are emails that you did not open for  
20 12:14:44 months?

21 12:14:49 A I did not read those emails for months.

22 12:15:02 Q One followup question about the private  
23 12:15:04 investigator. When you were informed that they  
24 12:15:09 could no longer continue with the investigation,  
25 12:15:11 what specifically did they tell you as to the reason

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S. Abdulrahim Gelardi

12:15:15 why?

12:15:17 A No reason why. I don't recall.

12:15:22 Q Were you informed that Silver Shield and

12:15:25 Stanulis produced this contract pursuant to a

12:15:28 subpoena?

12:15:29 A No.

12:15:31 Q Were you informed that Silver Shield

12:15:34 and/or Stanulis was contacted by counsel for

12:15:37 Mr. Roa?

12:15:38 A No.

12:15:38 Q Were you informed that Carlos Roa knew

12:15:42 about the GPS device that was placed on his car?

12:15:49 MR. WARNER: Objection to form. You can

12:15:49 answer.

12:15:51 A Repeat it.

12:15:52 MR. KATAEV: Read it back, please.

12:15:54 (Whereupon, the referred to question was read back

12:15:54 by the reporter.)

12:16:05 A Yes.

12:16:08 Q Did you ask for details during that

12:16:11 conversation?

12:16:11 A I asked, What GPS device.

12:16:16 Q What did he say?

12:16:17 A He said -- he explained that they do --

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it's a standard practice and they do place a GPS device to make it more economical for them so that was it.

Q Are you aware that doing that is illegal?

A No.

Q Do you have any knowledge as to whether the private investigator has a license?

A No.

Q Did you investigate that before hiring him?

A No.

Q Going back to the questions that we had about when you received emails from Adam, I'm referring to your testimony, which I will place up on the screen.

MR. KATAEV: Let the record reflect that we have placed documentary 46-1 bearing the page ID 906, page 46 of the April 4, 2022 Show Cause Hearing on the screen for everyone to be able to read from it.

I have highlighted lines 14 through 25 for the witness to review.

Q Please review and let me know when you're done.

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12:19:49

A Okay.  
  
(Witness perusing document.)  
  
A I'm done.  
  
Q In this transcript, you testified that you did not open the emails from Adam sent in April of '17 for months, correct?  
  
A That's what it says.  
  
Q My question is: Do you stand by that testimony today; is that true?  
  
A I don't recall when I opened those emails.  
  
Q Going to page 86 of the same transcript referring you to lines three through eight, which I have highlighted. Please review and let me know when you're done.  
  
(Witness perusing document.)  
  
A Yes, okay, I'm done.  
  
Q My question is again, you stand by that testimony from April 4th that you did not immediately open any emails from Adam?  
  
A I do not recall.  
  
Q Even after reviewing this testimony?  
  
A Even after reviewing, I don't recall.  
  
Q You are aware, correct, that in this case, pursuant to an order of the court, you have

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2 12:19:54 submitted your personal cellular phone and personal  
3 12:19:58 and business computer devices for forensic imaging,  
4 12:20:04 correct?

5 12:20:05 A Yes.

6 12:20:05 Q You are aware that the Plaintiff in this  
7 12:20:08 case has received approximately 25,000 separate  
8 12:20:14 documents with your emails, correct?

9 12:20:20 A No. I'm not aware.

10 12:20:29 Q Between the years 2017 and 2019, did you  
11 12:20:34 ever look at or consult or use in any manner the  
12 12:20:38 information that Adam sent you to further your  
13 12:20:41 business, IME Companions?

14 12:20:42 A No.

15 12:20:51 Q During the Show Cause Hearing, we had  
16 12:20:54 produced to you an exhibit containing a 2017 of  
17 12:20:57 April printing of a 2016 customer list with IME  
18 12:21:06 Watchdog's customers. Do you recall seeing that  
19 12:21:08 exhibit at the Show Cause Hearing?

20 12:21:10 A Yes.

21 12:21:10 Q You testified then that you did not use  
22 12:21:13 that list for purposes of furthering your business,  
23 12:21:16 IME Companions; do you recall that testimony?

24 12:21:18 A Yes.

25 12:21:19 Q Do you stand by that testimony today?

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2 12:21:23 A I do.

3 12:21:37 Q You also testified at the Show Cause

4 12:21:39 Hearing that you were never provided contact

5 12:21:41 information for law firms from Adam; do you recall

6 12:21:45 that?

7 12:21:45 A Yes.

8 12:21:46 Q Do you stand by that testimony today?

9 12:21:49 A I believe so. I'm not sure.

10 12:22:02 Q Based on the information produced in the

11 12:22:05 forensic analysis, are you prepared to admit today

12 12:22:08 that you did, in fact, receive emails from Adam with

13 12:22:12 the contact information of individuals at law firms?

14 12:22:17 A No.

15 12:22:18 Q You testified at the Show Cause Hearing

16 12:22:20 that you did not need Adam's help to know who to

17 12:22:24 contact at each law firm; do you remember that?

18 12:22:29 A I do.

19 12:22:30 Q Do you stand by that testimony today?

20 12:22:33 A I do.

21 12:22:38 Q You stated at the Show Cause Hearing that

22 12:22:40 you did not consult the list of clients that IME

23 12:22:44 Watchdog had in the calendar year 2016 because you

24 12:22:49 had other means of obtaining those customers; do you

25 12:22:52 recall that testimony?

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2 12:22:56 MR. WARNER: Objection to form. Read that

3 12:22:58 to me.

4 12:22:58 (Whereupon, the referred to question was read back

5 12:22:58 by the reporter.)

6 12:23:39 MR. WARNER: Thank you, Madame Reporter.

7 12:23:40 You can answer.

8 12:23:49 A I don't recall a lot of testimony, but I'm

9 12:23:53 going to say, yes. This is -- okay.

10 12:24:04 MR. KATAEV: For the record, we've placed

11 12:24:04 up on the screen page 99 of the transcript and

12 12:24:07 I've highlighted lines six through nine.

13 12:24:11 Q I want to confirm your answer.

14 12:24:17 A I'm reading it, I see it. I'm sure I said

15 12:24:20 it, but I don't recall.

16 12:24:21 Q What were the other means that you had to

17 12:24:24 obtain clients?

18 12:24:27 A Gregory had his own list. My partner had

19 12:24:30 his own list of attorneys.

20 12:24:34 Q Do you ever discussing opening a competing

21 12:24:52 business to IME Watchdog with Adam Rosenblatt?

22 12:25:00 A He discussed with me.

23 12:25:02 Q Your testimony at the Show Cause Hearing

24 12:25:15 was that you were not rushing to open that kind of a

25 12:25:19 business right away, correct?

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2 12:25:22 A If that's what it says.

3 12:25:24 Q Referring to page 35 of the Show Cause

4 12:25:45 Hearing, which is up on the screen, lines two to

5 12:25:49 four. You testified at the Show Cause Hearing that

6 12:25:53 you did not discuss opening a competing business

7 12:25:57 with Adam, correct?

8 12:26:07 A I had no intention of starting an IME

9 12:26:11 business. It was Adam's idea.

10 12:26:13 Q Ultimately, you did form an IME business

11 12:26:18 without Adam, correct?

12 12:26:20 A Correct.

13 12:26:25 Q When was it your -- withdrawn.

14 12:26:29 When was the first time you first

15 12:26:32 intended to open an IME observer business?

16 12:26:43 A I don't recall, but I'm going to take a

17 12:26:45 guess and say maybe late 2017.

18 12:27:00 MR. WARNER: Please don't guess. You can

19 12:27:02 tell your best recollection to Mr. Kataev, but

20 12:27:05 don't guess.

21 12:27:06 A I'm not sure.

22 12:27:14 Q Is it still your testimony that you never

23 12:27:16 requested information from Adam about IME Watchdog?

24 12:27:21 A Yes.

25 12:27:26 Q Is it testimony your today that the IME

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2 12:27:29 observer business model did not pique your interest

3 12:27:32 when you first heard about it?

4 12:27:34 A Repeat it.

5 12:27:36 (Whereupon, the referred to question was read back

6 12:27:36 by the reporter.)

7 12:27:59 A Yes.

8 12:28:05 Q When did you first hear about this

9 12:28:06 business?

10 12:28:09 A I don't recall exactly.

11 12:28:11 Q Did you first hear about it from Adam

12 12:28:13 Rosenblatt or someone else?

13 12:28:15 A Only Adam Rosenblatt.

14 12:28:16 Q Did Ronald Rosenblatt ever discuss this

15 12:28:20 IME observer business concept?

16 12:28:25 MR. WARNER: Safa, you must let him

17 12:28:25 complete his question first.

18 12:28:26 MR. KATAEV: I'll rephrase.

19 12:28:28 A I'm sorry.

20 12:28:30 Q Did you ever discuss with Ronald

21 12:28:32 Rosenblatt the concept of an IME observer business?

22 12:28:37 A Never discussed, no.

23 12:28:40 Q Your testimony today is that the first

24 12:28:42 time you ever discussed this business model of an

25 12:28:45 IME observer business is with Adam Rosenblatt,

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12:28:48 correct?

12:28:49 A What do you mean by discussed?

12:28:52 Q The concept of this kind of business.

12:28:54 A What does the word discussed mean?

12:28:57 Q In any way, shape or form; text message,  
12:28:59 email, phonecall, in-person conversation, carrier  
12:29:04 pigeon, whatever?

12:29:04 A Your question is what exactly did I  
12:29:06 discuss?

12:29:07 Q Did you discuss the IME observer business  
12:29:10 model with Ronald Rosenblatt ever?

12:29:15 A Does discussion mean that I spoke?

12:29:24 Q He said something to you about it or you  
12:29:26 said something to him about it, either way?

12:29:29 A Ronald Rosenblatt mentioned the IME  
12:29:31 business as one of his ideas, yes.

12:29:33 Q Did that happen before you first spoke  
12:29:36 with Adam or after you spoke with Adam?

12:29:38 A It was before I spoke with Adam.

12:29:41 Q What did Ronald Rosenblatt say to you  
12:29:45 about the IME observer business model?

12:29:47 A He mentioned he came up with a lot of  
12:29:50 ideas and Daniella Levi stole his ideas.

12:29:59 Q What did you say in response?

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2 12:30:02 A What did I say in response?

3 12:30:05 Q Yes.

4 12:30:07 A I didn't say anything.

5 12:30:10 Q How did it come to be that you spoke to

6 12:30:12 Adam about this business?

7 12:30:14 A Ronald Rosenblatt brought Adam to me and  
8 12:30:18 begged me to talk to him.

9 12:30:21 Q What happened when Adam came to speak with  
10 12:30:25 you with Ronald?

11 12:30:27 A I said to both of them, This is not the  
12 12:30:30 time and place and I'm at work and to please not do  
13 12:30:35 this at my place of work again.

14 12:30:37 Q Subsequent to that conversation, did you  
15 12:30:41 speak with Ronald and/or Adam again about this  
16 12:30:44 topic?

17 12:30:47 A Yes.

18 12:30:48 Q What happened during that conversation?  
19 12:30:49 What did they say to you and what did you say to  
20 12:30:55 them?

21 12:30:59 A I'm not sure exactly, but I can tell you  
22 12:31:01 to the best of my recollection, Adam Rosenblatt -- I  
23 12:31:13 don't recall.

24 12:31:20 Q Is it still your testimony today that  
25 12:31:21 following that conversation this IME observer

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2 12:31:25 business model did not pique your interest?

3 12:31:28 A It did not pique my interest right away.

4 12:31:41 Q Did Ronald Rosenblatt ever send you any

5 12:31:43 materials or information about IME Watchdog?

6 12:31:45 A Yes, I believe so.

7 12:31:53 MR. KATAEV: Let's mark this as 2 for now.

8 12:31:59 (Plaintiff's Exhibit 2, Marked for Identification.)

9 12:31:59 BY MR. KATAEV:

10 12:32:14 Q I'm handing to you what has been

11 12:32:17 previously marked as Plaintiff's Exhibit 2. I will

12 12:32:19 represent to you it's a declaration, a sworn

13 12:32:21 statement under penalty of perjury by Ronald

14 12:32:23 Rosenblatt in this case. I would like you to read

15 12:32:32 it please and let me know when you're done.

16 12:32:36 MR. KATAEV: Correction for the record,

17 12:32:37 it's an Affidavit sworn to before a notary

18 12:32:38 public.

19 12:32:39 (Witness perusing document.)

20 12:33:05 A Okay.

21 12:33:06 Q Now that you've read this affidavit which

22 12:33:09 was sworn to on July 29, 2022, is it still your

23 12:33:14 testimony that Ronald Rosenblatt told you this IME

24 12:33:15 observer business model was his idea and Daniella

25 12:33:19 stole it?

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2 12:33:19 A Yes.

3 12:33:20 Q What you're saying effectively is that  
4 12:33:23 Ronald Rosenblatt is a liar?

5 12:33:24 A Yes.

6 12:33:25 MR. WARNER: Objection to form. You can  
7 12:33:26 answer.

8 12:33:26 Q Is it your belief that everyone in this  
9 12:33:30 case is a liar except you?

10 12:33:37 MR. WARNER: Objection to form. You can  
11 12:33:37 answer.

12 12:33:39 A I don't understand your question.

13 12:33:42 Q Are you taking the position that everyone  
14 12:33:45 in this case is a liar except you?

15 12:33:49 A I'm taking the position that there are  
16 12:33:52 many liars in this case and I do not believe I lied.  
17 12:34:00 Ronald Rosenblatt said it was his idea from the day  
18 12:34:03 I met him.

19 12:34:05 Q Even though he first met Daniella Levi in  
20 12:34:08 2014, and Daniella Levi started this business in  
21 12:34:11 2011?

22 12:34:14 A Not my problem. That's what he said.

23 12:34:17 Q At the time these discussions were held  
24 12:34:42 with Adam and Ronald, and I'm speaking about the  
25 12:34:45 initial discussions, you were already working with

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2 12:34:48 Ronald Rosenblatt in another business venture; isn't

3 12:34:51 that true?

4 12:34:52 A Yes.

5 12:34:52 Q That business venture was Med Mal USA,

6 12:34:57 correct?

7 12:34:57 A Correct.

8 12:35:00 Q Is that still a business venture that

9 12:35:04 you're involved in?

10 12:35:05 A No.

11 12:35:06 Q When did you cease being involved in that

12 12:35:11 venture; month and year approximately?

13 12:35:18 A Approximately -- approximately maybe

14 12:35:23 September or -- maybe on or around I'm going to say

15 12:35:30 between August to October of 2017. I don't remember

16 12:35:34 exactly.

17 12:35:35 Q What led you to no longer being involved

18 12:35:41 in that business?

19 12:35:44 A Ronald Rosenblatt was difficult to reach

20 12:35:49 due to his drug problem. It could not work.

21 12:36:00 Q You testified at your Show Cause Hearing

22 12:36:02 that you were busy working in this venture with

23 12:36:05 Mr. Rosenblatt when Adam spoke to you about IME

24 12:36:08 Watchdog; do you recall that testimony?

25 12:36:11 A No, but it sounds correct.

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2 12:36:13 Q What is it you were busy doing in that  
3 12:36:16 venture at that time?

4 12:36:21 A Are you asking about Med Mal?

5 12:36:23 Q Correct.

6 12:36:25 A We were building the site, getting the  
7 12:36:27 information, learning what it was, putting it  
8 12:36:34 together.

9 12:36:42 MR. KATAEV: Note for the record, I've  
10 12:36:42 placed up on the screen page 116 from the  
11 12:36:45 transcript for the witness to review.

12 12:36:57 Q Now at the time you entered into a  
13 12:37:00 business venture with Mr. Rosenblatt, he was a  
14 12:37:04 customer at the bank you worked for, correct?

15 12:37:07 A Correct.

16 12:37:08 Q That's how you first met him, correct?

17 12:37:12 A Correct.

18 12:37:13 Q When did you first learn about Mr. Ronald  
19 12:37:16 Rosenblatt's drug problem?

20 12:37:27 A When did I learn? I don't know.

21 12:37:30 Q Did you learn about the drug problem  
22 12:37:32 before you entered into the business with him?

23 12:37:35 A I presumed.

24 12:37:37 Q What made you presume that he had a drug  
25 12:37:39 problem before you entered into a business venture

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with him?

A Just certain behaviors.

Q Can you be more specific; what did you see?

A Excessive sweating, drooling, very hyper, just a presumption.

Q Did you come to see or witness anything that confirmed your suspicion that he may have a drug problem?

A Yes.

Q What was that?

A We found him with vomit all over his clothes and he was passed out.

Q Where did you find him?

A I don't recall. It was some place, I think it is restaurant in Queens where he asked us to meet him.

Q Even though you suspected that he had a drug problem, you still went into business with him, correct?

A Correct.

Q When you ceased working -- withdrawn.

After you ceased working with Ronald Rosenblatt on Med Mal USA, did you and Ronald

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Rosenblatt have any claims against each other or any lawsuit?

A No.

Q How did you go about ending your business relationship with Ronald Rosenblatt?

A We just stopped communicating.

Q Is it fair to say that Med Mal never took off?

A Yes.

Q During your working relationship with Ronald Rosenblatt, did Med Mal USA have any paying customers?

A Yes.

Q Approximately how many customers paid for the services that Med Mal USA offered?

A Approximately, I'm going to take an approximate guess on maybe seven to ten.

Q What time span was that?

A A matter of weeks.

Q You continued working at the bank while running that business with him, correct?

A Correct.

Q You only stopped working at the bank after you launched the IME observer business, correct?

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2 12:40:18 A Correct.

3 12:40:19 Q Did you voluntarily leave from your

4 12:40:22 employment with the bank?

5 12:40:23 A Yes, I did.

6 12:40:24 Q You were not terminated, correct?

7 12:40:26 A I was not terminated.

8 12:40:33 Q You testified at the Show Cause Hearing

9 12:40:35 that it was not important for you to know which law

10 12:40:39 firm paid full price to IME Watchdog from Adam.

11 12:40:43 Do you recall that testimony?

12 12:40:44 A Yes.

13 12:40:45 Q When you refer to paying full price, what

14 12:40:49 does that mean as opposed to what?

15 12:40:53 A As opposed to discounted prices.

16 12:40:58 Q Why wouldn't that be important for you to

17 12:40:59 know entering into that business?

18 12:41:04 A It wasn't important.

19 12:41:14 Q You also testified that you never told

20 12:41:16 prospective customer law firms that their clients

21 12:41:20 were not safe with IME Watchdog because Daniella

22 12:41:23 Levi is an attorney, correct?

23 12:41:25 A Correct.

24 12:41:27 Q You stand by that testimony today?

25 12:41:33 A I do stand by.

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2 12:41:34 Q You also testified at the Show Cause

3 12:41:36 Hearing that you only asked Adam for one report and

4 12:41:41 only used that report for quality control.

5 12:41:44 Do you recall that testimony?

6 12:41:46 A Again, Mr. Kataev, I don't recall the

7 12:41:48 testimony, but if it's there I'm going to say yes, I

8 12:41:52 see it.

9 12:41:57 MR. KATAEV: Let the record reflect I have

10 12:41:59 placed up on the screen page 51 of the Show

11 12:42:02 Cause Hearing and I'm referring the witness to

12 12:42:05 lines one through 19.

13 12:42:09 (Witness perusing document.)

14 12:42:09 BY MR. KATAEV:

15 12:42:20 Q Take a second to review and let me know

16 12:42:21 when you're done.

17 12:42:22 A I'm done. I'm done.

18 12:42:37 Q Are you aware the forensic evidence

19 12:42:38 produced to us in this case shows that there are

20 12:42:42 routine emails from Adam to you with IME Watchdog

21 12:42:47 reports?

22 12:42:48 MR. WARNER: Objection to form.

23 12:42:49 A Yes.

24 12:42:49 Q You stand by your testimony here that you

25 12:42:52 only asked him for one and you only used it for

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quality control?

A Yes.

Q Why would Adam send you other reports

after this?

A Ask Adam.

Q It's your testimony today that you never

copied any report made by IME Watchdog?

A Correct.

Q It's your testimony today that you created

your own marketing material and did not use any of

IME Watchdog's materials?

A Yes.

Q Do you maintain your testimony that you

did not receive any financial benefit from the

information obtained from Adam?

A Yes.

Q You still deny that you instructed Adam to

destroy any evidence after being served?

A Yes.

Q That's despite the recorded telephone

conversation --

A No one asked him to destroy anything.

Q I want to finish my question.

That's despite the recorded telephone

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12:43:54 conversation produced to you and shown at the Show  
Cause Hearing?

12:43:59 A Yes.

12:44:01 Q You also testified at the Show Cause

12:44:02 Hearing that the only information you showed to

12:44:06 Gregory Elefterakis, E-l-e-f-t-e-r-a-k-i-s, before

12:44:12 forming Companions were two IME Watchdog invoices

12:44:15 that you obtained from Adam. Do you still stand by

12:44:18 that testimony?

12:44:19 A Yes.

12:44:19 Q You did not show Mr. Elefterakis the 2016

12:44:23 list of customers?

12:44:26 A I don't believe so.

12:44:28 Q You're not sure one way or the other; is

12:44:31 that your testimony?

12:44:32 A I don't believe so. I don't believe

12:44:34 anything was of interest to me other than the fact

12:44:37 that he had the same name on the invoice.

12:44:43 Q You also testified at the Show Cause

12:44:44 Hearing that you made very little money from the

12:44:47 rental properties that you own; do you recall that

12:44:50 testimony?

12:44:50 A Yes.

12:44:51 Q What does very little mean?

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2 12:44:54 A Relative to what?

3 12:44:56 Q I want an understanding of what you mean  
4 12:44:58 by very little. How much is very little?

5 12:45:00 A I'm sorry, the question is not clear.

6 12:45:16 Q Referring you to pages 75 through 76 of  
7 12:45:19 the Show Cause Hearing transcript placed up on the  
8 12:45:22 screen. I'm going to read it into the record:

9 12:45:28 Isn't it true that you bragged to  
10 12:45:30 people at IME Companions that one rental property  
11 12:45:34 covers your mortgage for that property and your  
12 12:45:34 home.

13 12:45:35 Answer: No.

14 12:45:36 You have a rental property located in  
15 12:45:37 Lake Harmony, Pennsylvania, correct?

16 12:45:41 Answer: Correct.

17 12:45:41 You charge \$358 per night per stay at  
18 12:45:42 that Lake Harmony location, correct?

19 12:45:47 Answer: Correct.

20 12:45:47 You also own a rental property in  
21 12:45:48 Brooklyn, right?

22 12:45:51 Answer: No, I do not.

23 12:45:53 You and your husband also flip homes  
24 12:45:54 for a profit, correct?

25 12:45:55 Answer: No, we do not.

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1 S. Abdulrahim Gelardi

2 12:46:07 Also referring to page 75 of the same

3 12:46:11 transcript earlier than what I just placed on the

4 12:46:14 record, lines 14 through 17.

5 12:46:18 Question: You and Mr. Vito Gelardi

6 12:46:20 have other sources of income from which you derive

7 12:46:22 income, correct?

8 12:46:24 Answer: No, we have some rental

9 12:46:26 properties, but very little income, Your Honor, from

10 12:46:29 anything other than IME Companions.

11 12:46:30 You see that?

12 12:46:32 A Yes.

13 12:46:32 Q When you said, Very little income, what

14 12:46:34 did you mean by that? What are the amounts that you

15 12:46:37 were referring to?

16 12:46:38 A I wasn't referring to any amount. I was

17 12:46:41 referring to very little income.

18 12:46:44 Q How much is very little income?

19 12:46:46 A Not enough to -- just not enough, very

20 12:46:50 little.

21 12:46:51 Q Not enough to support the lifestyle that

22 12:46:54 you were currently maintaining, correct?

23 12:46:56 A I don't have a lifestyle to support.

24 12:46:58 MR. WARNER: Safa, let him finish his

25 12:47:02 question, please. Listen to the question and

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1 S. Abdulrahim Gelardi

2 12:47:04 let him complete it.

3 12:47:06 BY MR. KATAEV:

4 12:47:06 Q Not enough to support the lifestyle that  
5 12:47:08 you were maintaining at that time, correct?

6 12:47:11 MR. WARNER: Objection to form.

7 12:47:12 A No.

8 12:47:21 Q What percentage of your income comes from  
9 12:47:22 rental property as compared to IME Companions?

10 12:47:27 A I would say approximately maybe  
11 12:47:32 20 percent.

12 12:47:35 Q Is the remaining 80 percent exclusively  
13 12:47:36 from Companions or is it divided further?

14 12:47:42 A Companions.

15 12:47:43 Q Other than Companions and the rental  
16 12:47:46 property, you have no other source of income,  
17 12:47:49 correct?

18 12:47:49 A No.

19 12:47:50 Q Does your husband, Vito Gelardi, have any  
20 12:47:58 business ventures that he's involved in?

21 12:48:00 A No.

22 12:48:03 Q When did that come to be the case?

23 12:48:08 A I'm not sure.

24 12:48:10 Q Is it not true that he previously worked  
25 12:48:12 in construction?

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1 S. Abdulrahim Gelardi

2 12:48:13 A He did.

3 12:48:14 Q When did he stop doing so?

4 12:48:18 A I want to say -- I don't know.

5 12:48:29 Q You don't what year?

6 12:48:33 A No.

7 12:48:34 Q Is the construction company that he worked

8 12:48:35 in a company that he owned?

9 12:48:39 A No.

10 12:48:49 Q You understand that whenever you presented

11 12:48:52 to the court and filed with the court any sworn

12 12:48:54 declaration by you, that that was under penalty of

13 12:48:57 perjury, correct?

14 12:48:59 A Yes.

15 12:49:04 Q Are you familiar or have you been advised

16 12:49:06 of the consequences for engaging in perjury?

17 12:49:09 MR. WARNER: Don't discuss. Object and

18 12:49:10 direct the witness not to answer. Do not

19 12:49:12 reveal the substance of any communication

20 12:49:15 you've had with me or any prior counsel.

21 12:49:19 MR. KATAEV: I'll rephrase the question.

22 12:49:20 BY MR. KATAEV:

23 12:49:20 Q Are you familiar with the consequences for

24 12:49:25 engaging in perjury?

25 12:49:27 A No.

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1 S. Abdulrahim Gelardi

2 12:49:33 Q You testified earlier that you've only  
3 12:49:34 taken one deposition before and you don't recall  
4 12:49:37 when, correct?

5 12:49:38 A Yes.

6 12:49:40 Q With respect to this deposition, how did  
7 12:49:42 you prepare for it?

8 12:49:46 A I didn't.

9 12:49:47 Q Did you speak -- without revealing the  
10 12:49:49 communications you had with your attorney, did you  
11 12:49:51 speak with your attorney to prepare for the  
12 12:49:54 deposition?

13 12:49:54 A No.

14 12:49:55 Q Did you review any documents prior to the  
15 12:49:57 deposition?

16 12:49:58 A No.

17 12:50:02 Q Did you speak to anyone other than your  
18 12:50:05 attorney about the deposition?

19 12:50:07 A No, not that I recall.

20 12:50:18 Q Have you reviewed the Complaint in this  
21 12:50:20 case?

22 12:50:20 A No.

23 12:50:22 Q Did you ever review the First Amended  
24 12:50:23 Complaint in this case?

25 12:50:25 A No.

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S. Abdulrahim Gelardi

12:50:26 Q I'm speaking in general, not just  
12:50:28 preparation.

12:50:29 A I didn't.

12:50:33 Q Have you looked at any of the documents  
12:50:35 produced by the forensic examiner in this case?

12:50:40 A Yes.

12:50:41 Q How did you go about viewing it?

12:50:43 A On my computer.

12:50:44 Q Did you use a program called Relativity?

12:50:48 A Yes.

12:50:49 Q When was the first time that you reviewed  
12:50:52 documents through the Relativity program?

12:50:57 A When it was provided to me.

12:50:59 Q Do you recall when?

12:51:01 A No. I can take a guess, maybe a month  
12:51:06 ago.

12:51:18 Q Some competency questions. There is no  
12:51:21 reason that you can't participate in today's  
12:51:22 deposition and provide truthful testimony, correct?

12:51:26 A Correct.

12:51:27 Q You haven't consumed any drugs, alcohol or  
12:51:29 medications in the last 24 hours that would affect  
12:51:31 your ability to testify truthfully?

12:51:34 MR. WARNER: Reread the question back

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1 S. Abdulrahim Gelardi

2 12:51:37 again?

3 12:51:37 MR. KATAEV: Sure.

4 12:51:38 (Whereupon, the referred to question was read back  
5 12:51:38 by the reporter.)

6 12:51:59 A No.

7 12:52:02 Q Now, you testified that you have access to  
8 12:52:05 Relativity and you did review some of the documents  
9 12:52:07 produced by the forensic examiner, right?

10 12:52:10 A Yes.

11 12:52:10 Q My question is: Did you do that generally  
12 12:52:13 when you had access to it or did you also do it to  
13 12:52:16 prepare for today's deposition?

14 12:52:18 A Generally.

15 12:52:20 Q Prior to today's deposition in preparation  
16 12:52:22 for it, you did not go on Relativity and review the  
17 12:52:25 documents, correct?

18 12:52:26 A Yes.

19 12:52:27 Q Did you speak with Vito about today's  
20 12:52:28 deposition?

21 12:52:29 MR. WARNER: I'm going to object and  
22 12:52:31 direct her not to answer that question. That  
23 12:52:33 is covered by the marital privilege.

24 12:52:36 MR. KATAEV: I'm familiar with the marital  
25 12:52:37 privilege and I won't ask for content, but I

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1 S. Abdulrahim Gelardi

2 12:52:40 want to ask about whether the conversation

3 12:52:41 happened; yes or no. Would that question be

4 12:52:44 okay?

5 12:52:45 MR. WARNER: Yes, that would be

6 12:52:45 acceptable.

7 12:52:45 BY MR. KATAEV:

8 12:52:45 Q With that qualification in mind, did you

9 12:52:48 discuss today's deposition with Vito?

10 12:52:51 A Yes.

11 12:52:57 Q When you were logged onto Relativity to

12 12:53:00 review documents produced by the forensic examiner,

13 12:53:04 did you in any way save certain documents or mark

14 12:53:08 certain documents; did you go through that process?

15 12:53:14 A I believe the ones between my attorney and

16 12:53:17 myself were marked privileged.

17 12:53:20 Q During the time that you had a discussion

18 12:53:23 with Vito about today's deposition, was anyone else

19 12:53:26 present in the room?

20 12:53:30 A No.

21 12:53:37 Q When was the last time you logged onto

22 12:53:40 Relativity to review documents produced by the

23 12:53:44 forensic examiner?

24 12:53:49 A I don't recall. It was right before we

25 12:53:53 gave you guys access to it.

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S. Abdulrahim Gelardi

12:53:55 Q Understood. When was the last time you  
12:54:01 spoke to Ronald Rosenblatt?

12:54:05 A I don't recall.

12:54:06 Q Has it been years?

12:54:13 A Yes, I would say that.

12:54:15 Q Ever since you ceased working with Ronald  
12:54:17 Rosenblatt in or about August or September of '17,  
12:54:21 did you have any contact with him after?

12:54:24 A Yes.

12:54:27 Q Was that in or about 2018, 2019 or some  
12:54:32 point later?

12:54:33 A Some point later.

12:54:34 Q Do you recall whether you spoke to him in  
12:54:36 2020 or 2021?

12:54:39 A Yes.

12:54:40 Q What did you speak with him about?

12:54:43 A My father was dying and I wanted to talk  
12:54:47 to him about the Covid virus.

12:54:50 Q That was the only thing you two discussed?

12:54:54 A Yes.

12:54:54 Q I hope your father is well.

12:54:56 A He passed. Thank you.

12:54:58 Q I'm sorry.

12:55:04 Your name is placed on the caption as

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1 S. Abdulrahim Gelardi

2 12:55:07 Safa Abdulrahim Gelardi; is that correct?

3 12:55:08 A Yes.

4 12:55:08 Q Abdulrahim is your maiden name; is that

5 12:55:12 right?

6 12:55:13 A No.

7 12:55:14 Q Where do you get that name from?

8 12:55:15 A That's not my name.

9 12:55:17 Q Is your correct maiden name Abdulrahman

10 12:55:21 with an A-N?

11 12:55:23 A Yes.

12 12:55:25 Q Your current address is 148 Clay Pit Road,

13 12:55:29 correct?

14 12:55:29 A Yes.

15 12:55:30 Q Do you rent or own that property?

16 12:55:32 A Own.

17 12:55:33 Q Is the mortgage paid in full on that

18 12:55:35 property?

19 12:55:35 A No.

20 12:55:36 Q What is the approximate amount on that

21 12:55:40 mortgage?

22 12:55:45 A Approximate maybe 800.

23 12:55:48 Q You purchased that property on January 26,

24 12:55:50 2021, correct?

25 12:55:53 A Yes.

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1 S. Abdulrahim Gelardi

2 12:55:54 Q You placed a down payment of 220,000 for

3 12:55:57 that property, correct?

4 12:55:59 A Yes, I believe so.

5 12:56:03 Q To the best of your recollection, the full

6 12:56:05 purchase price of that property was \$995,000,

7 12:56:07 correct?

8 12:56:09 A Yes.

9 12:56:10 Q You also own a piece of real property at

10 12:56:12 332 88th Street in Brooklyn, New York, correct?

11 12:56:17 A No.

12 12:56:17 Q You no longer own that property?

13 12:56:19 A No longer.

14 12:56:19 Q When did you dispose of that property?

15 12:56:28 A I don't recall.

16 12:56:29 Q Was it within the last year?

17 12:56:31 A No.

18 12:56:35 Q You sold it, correct?

19 12:56:37 A Correct.

20 12:56:39 Q With respect to the mortgage that we just

21 12:56:41 discussed at 148 Clay Pit Road on Staten Island,

22 12:56:45 that is with Freedom, correct?

23 12:56:50 A No.

24 12:56:51 Q What is the name of the mortgagee for the

25 12:56:54 property in Staten Island?

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S. Abdulrahim Gelardi

12:57:03 A I'm not sure. Maybe Wells Fargo. I'm not  
12:57:06 sure.

12:57:08 Q When did you first buy the property in  
12:57:10 Brooklyn on 88th Street?

12:57:16 A I don't know. Maybe 20 years ago  
12:57:17 approximately, to the best of my knowledge.

12:57:21 Q Do you recall whether you -- would it  
12:57:22 refresh your recollection if I told you that public  
12:57:24 records show you bought it on March 12, 2004?

12:57:31 A It could. That's possible.

12:57:34 Q You initially purchased it for \$499,550,  
12:57:39 correct?

12:57:41 A To the best of my knowledge, yes.

12:57:44 Q When you sold it, how much did you sell it  
12:57:47 for?

12:57:52 A I don't know. My husband handles that.

12:57:55 Q Would it refresh your recollection if I  
12:57:56 told you that the property was sold on January 12,  
12:57:59 2022 for 1.38 million?

12:58:04 A It's possible.

12:58:08 Q That property was a three-family property,  
12:58:10 correct?

12:58:11 A No.

12:58:13 Q What kind of property was it?

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1 S. Abdulrahim Gelardi

2 12:58:15 A It was a two-family.

3 12:58:19 Q What was your use for that property when  
4 12:58:21 it was purchased throughout the time you owned it?

5 12:58:25 A It was my primary home.

6 12:58:28 Q When did you first move to Staten Island?

7 12:58:35 A Twenty -- I want to say 2019. I want to  
8 12:58:40 say -- on or around 2019/2020.

9 12:58:44 Q You held on to the Brooklyn property for  
10 12:58:46 approximately one year after moving to Staten  
11 12:58:50 Island, correct?

12 12:58:55 A I'm going to say I don't know but sounds  
13 12:58:57 correct.

14 12:58:59 Q What was the reason you decided to  
15 12:59:00 initially hold on to the property?

16 12:59:09 A There was no reason.

17 12:59:10 Q What was the reason you ultimately decided  
18 12:59:13 to sell the property?

19 12:59:19 A I think that was my husband's decision.

20 12:59:21 Q Did he discuss -- withdrawn.

21 12:59:26 Between the time that you moved out  
22 12:59:28 to Staten Island and held on to the property, did  
23 12:59:30 you rent out the property?

24 12:59:35 A Yes.

25 12:59:40 Q What was the amount of rent you charged

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1 S. Abdulrahim Gelardi

2 12:59:42 for renting the property?

3 12:59:44 A I don't know.

4 12:59:45 Q Is that something that Vito would know?

5 12:59:47 A Yes.

6 12:59:58 Q In or about February 28th of 2017, you

7 13:00:05 also bought a single-family home with Vito located

8 13:00:07 at 19 Summit Drive in Mount Pocono, Pennsylvania,

9 13:00:09 correct?

10 13:00:13 A Correct.

11 13:00:13 Q The purchase price for that property was

12 13:00:14 \$157,000, correct?

13 13:00:17 A Correct.

14 13:00:18 Q You put down \$31,400 and took out a

15 13:00:23 \$157,000 mortgage with Quicken Loans, correct?

16 13:00:30 A Again, that's what my husband does. I

17 13:00:33 don't handle that.

18 13:00:34 Q You're not sure?

19 13:00:35 A I'm not sure.

20 13:00:36 Q Generally speaking, you rented out that

21 13:00:38 property using short-term rental services such as

22 13:00:42 Airbnb, VRBO, Bookings.com and Expedia, correct?

23 13:00:44 A Correct.

24 13:00:46 Q To your knowledge, how much would you

25 13:00:48 charge for renting out that property?

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S. Abdulrahim Gelardi

13:00:50 A Um, I'm not sure.

13:00:56 Q To your knowledge, how much rental income  
13:00:59 did that property earn on a yearly basis  
13:01:02 approximately?

13:01:03 A I'm not sure.

13:01:07 Q A lawsuit was filed against you by a  
13:01:09 municipality called Monroe County for doing  
13:01:13 short-term rentals out of that home, correct?

13:01:16 A Yes.

13:01:17 Q What is the status of that lawsuit?

13:01:19 A It was dropped, to my knowledge.

13:01:21 Q To your knowledge, was there a settlement?

13:01:23 A No.

13:01:26 Q You sold that property in July of 2018,  
13:01:28 correct?

13:01:34 A I'm going to assume, yes.

13:01:37 Q You sold it for \$171,000, correct?

13:01:41 A I'm going to assume, yes.

13:01:43 MR. WARNER: If you don't know, say, I  
13:01:46 don't know.

13:01:47 A I don't know.

13:01:47 Q What was the reason this property was  
13:01:50 sold?

13:01:51 A You have to ask Vito.

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1 S. Abdulrahim Gelardi

2 13:01:58 Q You also have a single-family home that  
3 13:02:00 was purchased at 1523 North Hollywood Street in  
4 13:02:05 Philadelphia, Pennsylvania, correct?

5 13:02:07 A Correct.

6 13:02:08 Q That home was purchased on October 11th of  
7 13:02:10 2018 for \$81,000; is that right?

8 13:02:15 A I don't know.

9 13:02:17 Q To your knowledge, do you personally own  
10 13:02:22 that property with Vito or did you own it through  
11 13:02:25 some other way?

12 13:02:26 A You have to ask Vito.

13 13:02:30 Q To your knowledge, is V&S Holdings a  
14 13:02:33 company or entity that owned that real property?

15 13:02:38 A I'm not sure.

16 13:02:40 Q What is the reason that this property was  
17 13:02:41 purchased to your knowledge?

18 13:02:46 A I'm not sure.

19 13:02:47 Q To your knowledge, was the property  
20 13:02:48 purchased to flip it?

21 13:02:57 A I don't know.

22 13:02:59 Q To your knowledge, was that property  
23 13:03:02 ultimately sold?

24 13:03:03 A No.

25 13:03:05 Q It's not true that the property was sold

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1 S. Abdulrahim Gelardi

2 13:03:07 on October 21st, 2021?

3 13:03:11 A It was not sold.

4 13:03:15 Q It's true that you placed it up for sale

5 13:03:18 but no one made an offer on it, correct?

6 13:03:22 A I don't know.

7 13:03:23 Q You ultimately removed that property from

8 13:03:25 the market in March of 2022, correct?

9 13:03:29 A I don't know.

10 13:03:29 Q Currently, is that property being rented

11 13:03:40 out?

12 13:03:41 A Yes.

13 13:03:41 Q For short-term rental or otherwise?

14 13:03:44 A Otherwise.

15 13:03:46 Q You have a long-term tenant in that

16 13:03:48 property?

17 13:03:49 A Yes.

18 13:03:49 Q What is the amount of rent that's being

19 13:03:53 charged on that property?

20 13:03:54 A I don't know.

21 13:03:55 Q Is that something Vito would know?

22 13:03:57 A Yes.

23 13:04:04 Q You also bought a single-family home with

24 13:04:06 Vito located at 9 Woods End in Lake Harmony,

25 13:04:09 Pennsylvania, correct?

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1 S. Abdulrahim Gelardi

2 13:04:12 A Yes.

3 13:04:12 Q That was purchased on July 11th of 2019  
4 13:04:16 for \$315,000, correct?

5 13:04:25 A I don't know.

6 13:04:27 Q Do you recall whether you placed a down  
7 13:04:28 payment of 431,500 on that property?

8 13:04:34 A My husband handles that stuff.

9 13:04:38 Q Do you have any knowledge as to whether  
10 13:04:40 you have a mortgage of \$283,500 with Keystone  
11 13:04:47 Premier Settlement Services for that property?

12 13:04:53 A I don't know.

13 13:05:08 Q With respect to the rental properties that  
14 13:05:09 are owned, you're not involved in any way in terms  
15 13:05:13 of managing the financial aspect of it?

16 13:05:16 MR. WARNER: Objection to form.

17 13:05:19 A Answer?

18 13:05:20 Q You can answer.

19 13:05:21 A Repeat it.

20 13:05:25 MR. KATAEV: Read it back.

21 13:05:26 (Whereupon, the referred to question was read back  
22 13:05:26 by the reporter.)

23 13:05:53 A Very little involved.

24 13:05:57 Q The reason you purchased the Lake Harmony  
25 13:06:00 property was to rent it out, correct?

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S. Abdulrahim Gelardi

13:06:02 A Correct.

13:06:03 Q Short-term rental or long term?

13:06:05 A Short term.

13:06:07 Q How much do you charge for the rental

13:06:10 generally speaking?

13:06:13 A Lake Harmony, I believe it's about \$350 a

13:06:19 night. I'm not sure.

13:06:24 Q Do you know how much is earned annually

13:06:26 for that property?

13:06:29 A No.

13:06:29 Q To your knowledge, how are the reviews for

13:06:35 that property?

13:06:37 A I don't know. I haven't looked in a

13:06:38 while.

13:06:41 MR. KATAEV: Off the record.

13:06:43 (Whereupon, an off-the-record discussion was held.)

13:06:47 MR. KATAEV: Back on.

13:06:48 Q You also have a single-family home that

13:06:50 you own with your husband, Vito, at 1475 Moon Valley

13:06:52 Drive in ChampionGate, Florida, correct?

13:06:56 A Correct.

13:06:57 Q This property was purchased in December of

13:06:58 2021 for \$684,500, correct?

13:07:03 A Correct.

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S. Abdulrahim Gelardi

13:07:04 Q To your knowledge, was a down payment of  
13:07:05 \$414,500 placed on it?

13:07:10 A I don't know.

13:07:11 Q To your knowledge, was there a mortgage of  
13:07:13 \$270,000 with United Wholesale Mortgage, LLC on that  
13:07:19 property?

13:07:20 A I don't handle it.

13:07:21 Q You also rented out that property with  
13:07:24 Short Term Rental Services, correct?

13:07:26 A Correct.

13:07:28 Q Is it fair to say that Vito handles the  
13:07:30 banking aspect with respect to the short-term  
13:07:33 rentals?

13:07:34 A Yes.

13:07:34 Q Is it fair to say that Vito handles all  
13:07:35 the mortgages with that?

13:07:38 A Yes.

13:07:38 Q Has that always been the case since you  
13:07:41 started in those ventures?

13:07:42 A Yes.

13:07:44 Q How much do you charge generally for the  
13:07:46 Florida rental?

13:07:54 A I don't know. You can easily look it up.

13:07:57 Q In terms of this particular property, you

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2 13:07:59 listed it for sale in September of 2022 for

3 13:08:03 \$975,000, correct?

4 13:08:06 A Yes.

5 13:08:07 Q The price has been reduced on January 5 of

6 13:08:10 this year to \$899,900, correct?

7 13:08:17 A I believe so. I don't know.

8 13:08:19 Q Is there any particular reason that you're

9 13:08:21 looking to sell this property in Florida?

10 13:08:23 A No particular reason.

11 13:08:27 Q Finally, you also purchased a

12 13:08:32 single-family historic home with your husband Vito

13 13:08:34 located at 5265 Milford Road in East Stroudsburg,

14 13:08:39 Pennsylvania, correct?

15 13:08:41 A Correct.

16 13:08:41 Q You purchased that property in April of

17 13:08:44 2022 for \$535,000, correct?

18 13:08:47 A Correct.

19 13:08:47 Q You put a down payment of \$107,000 and

20 13:08:49 obtained a mortgage of \$428,000 from Lakeside

21 13:08:52 Investment Corp., correct?

22 13:08:59 A I don't know.

23 13:09:00 Q Vito handled that, correct?

24 13:09:02 A Yes.

25 13:09:03 Q That property is also used for short-term

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S. Abdulrahim Gelardi

13:09:05 rentals?

13:09:06 A Yes.

13:09:06 Q Do you know how much you charged generally speaking for the rental?

13:09:12 A I think it's the same as Lake Harmony. I don't know.

13:09:17 Q Potentially \$350 a night?

13:09:20 A I would say.

13:09:21 Q Do you know how much is earned generally speaking approximately for a year from that property?

13:09:25 A No.

13:09:26 Q To your knowledge, is your name on the mortgage for that property or any of the other properties?

13:09:32 A Yes.

13:09:33 Q As an individual guarantor or as the mortgagor?

13:09:39 A I don't know.

13:09:47 Q Are you in default on any of the mortgages for any of the properties you own?

13:09:51 A No.

13:09:52 Q You're current on all the financial obligations with respect to all the mortgages?

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1 S. Abdulrahim Gelardi

2 13:09:57 A I believe so. I don't know. Vito handles

3 13:10:00 all of that.

4 13:10:02 Q Going back to the property on Staten

5 13:10:03 Island. You reside there as your primary residence

6 13:10:06 with your husband and children, correct?

7 13:10:08 A Correct.

8 13:10:09 Q You were born on November 25 of 1974,

9 13:10:11 correct?

10 13:10:13 A Yes.

11 13:10:13 Q Where were you born?

12 13:10:14 A Jordan.

13 13:10:18 Q At the time you were born in 1974, was it

14 13:10:21 Jordan then?

15 13:10:23 A I don't know.

16 13:10:24 Q When did you first arrive to the

17 13:10:26 United States?

18 13:10:28 A I believe I was two.

19 13:10:30 Q That would be in 1976?

20 13:10:34 A I guess so.

21 13:10:35 Q Do you recall what month?

22 13:10:37 A No.

23 13:10:38 Q Have you ever visited Jordan since your

24 13:10:40 arrival to the United States?

25 13:10:44 A Yes, I believe so.

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1 S. Abdulrahim Gelardi

2 13:10:45 Q When was the last time you went to Jordan?

3 13:10:48 A I don't recall.

4 13:10:49 Q Was it more than ten years ago?

5 13:10:51 A Yes.

6 13:10:53 MR. KATAEV: We can take a break now.

7 13:10:54 Let's go off the record.

8 13:10:58 THE VIDEOGRAPHER: The time is 1:10 p.m.

9 13:11:01 we going off the record.

10 13:11:04 (Whereupon, an off-the-record discussion was held.)

11 13:47:46 (Lunch recess taken.)

12 13:52:45 THE VIDEOGRAPHER: The time is 1:52 p.m.

13 13:52:46 We are back on the record.

14 13:52:49 BY MR. KATAEV:

15 13:52:51 Q Good afternoon. We are back on the record

16 13:52:54 following lunch. I want to remind you that you're

17 13:52:57 still under oath and my first question is: During

18 13:53:07 the lunch break, without discussing any

19 13:53:09 conversations you had with either your attorney or

20 13:53:14 your husband, did you discuss your testimony in this

21 13:53:17 case?

22 13:53:19 A Yes.

23 13:53:20 Q Have you ever placed your name on any

24 13:53:22 independent medical examination report obtained from

25 13:53:29 IME Watchdog and called it your own?

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1 S. Abdulrahim Gelardi

2 13:53:30 A No.

3 13:53:31 Q Have you ever sent a report for an

4 13:53:35 independent medical examination by IME Watchdog to

5 13:53:41 employees, independent contractors, or agents of

6 13:53:43 Companions to teach them how to properly write a

7 13:53:49 report?

8 13:53:50 A No.

9 13:53:50 MR. KATAEV: Let's mark this as 3, please.

10 13:54:16 (Plaintiff's Exhibit 3, Marked for Identification.)

11 13:54:15 BY MR. KATAEV:

12 13:54:16 Q I've handed to you, Ms. Gelardi, what is a

13 13:54:19 March 14, 2019 email from the forensic production

14 13:54:27 together with an attachment. I would like to refer

15 13:54:31 your attention. After you have an opportunity to

16 13:54:33 review it, let me know.

17 13:54:36 (Witness perusing document.)

18 13:54:58 Referring to the first page of the

19 13:55:00 email on top. On March 14, 2019 at 1:24 p.m., Adam

20 13:55:07 sent you an email with the subject, Sample report,

21 13:55:11 with the body of the message saying, Thank you,

22 13:55:14 correct?

23 13:55:16 A Yes.

24 13:55:17 Q And you did receive that email from Adam,

25 13:55:19 correct?

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1 S. Abdulrahim Gelardi

2 13:55:20 A Yes.

3 13:55:21 Q Then approximately four hours later the  
4 13:55:25 same day, you forward that email to Carlos Roa,  
5 13:55:27 correct?

6 13:55:30 A I'm going to say, yes.

7 13:55:34 Q In that email there was an attachment  
8 13:55:36 that's labeled, Emilio\_Gonzalez\_dradam\_vendor with  
9 13:55:36 the date of July 19, 2016, correct?

10 13:55:48 A Yes.

11 13:55:50 Q That attachment was sent in a Word format,  
12 13:55:52 correct?

13 13:55:55 A I don't know how it was sent.

14 13:55:56 Q If you look at the last four letters of  
15 13:55:59 the attachment, it says, period D-O-C-X; do you see  
16 13:56:03 that?

17 13:56:06 A Okay.

18 13:56:06 Q To your knowledge, is that a Word file?

19 13:56:14 A I'm going to assume so, yes.

20 13:56:16 Q It was not sent to you in pdf format in  
21 13:56:21 this email, correct?

22 13:56:22 A I'm not sure how it was sent.

23 13:56:23 Q To your knowledge, were you able to open  
24 13:56:26 this attachment and edit it?

25 13:56:30 A No.

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S. Abdulrahim Gelardi

13:56:31 Q To your knowledge, would you be able to  
13:56:33 open this attachment and edit it?

13:56:35 A Yes.

13:56:37 Q Why is it that Adam sent you this report  
13:56:41 on March 14, 2019?

13:56:50 A I don't recall exactly.

13:56:53 Q Why is it that you forwarded it to Mr. Roa  
13:56:57 a few hours later the same day?

13:57:00 A Mr. Roa handled all the reports. He  
13:57:04 handled a lot of duties at IME Companions  
13:57:08 including -- you know, I don't recall why he asked  
13:57:13 for it.

13:57:15 Q Mr. Roa no longer works at IME Companions,  
13:57:17 correct?

13:57:18 A Correct.

13:57:19 Q Who handles all the reports now?

13:57:22 A I do and there is a gentleman named Jeff  
13:57:27 who does my editing.

13:57:29 Q That individual is Jeff Biebem,  
13:57:29 B-I-E-B-E-M, correct?

13:57:34 A Yes.

13:57:41 Q Let's go to the next page. This report is  
13:57:46 a document prepared by IME Watchdog, correct?

13:57:50 A Yes.

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1 S. Abdulrahim Gelardi

2 13:57:52 Q It says at the top in clear bold letters  
3 13:57:54 that this confidential attorney work product,  
4 13:57:56 correct?

5 13:57:57 A Yes.

6 13:58:02 Q Is there any significance with the fact  
7 13:58:05 that it was a independent medical examination  
8 13:58:08 conducted by Dr. Adam Bender?

9 13:58:12 A I'm going to say, yes.

10 13:58:16 Q What is significant about Dr. Adam Bender?

11 13:58:21 A I believe Dr. Bender is a very  
12 13:58:28 difficult -- I would say one of the most difficult  
13 13:58:35 IME physicians.

14 13:58:37 Q And by having this kind of a report, it's  
15 13:58:40 something that assisted you in running your business  
16 13:58:43 with Companions, correct?

17 13:58:47 A No.

18 13:58:48 Q When Adam sent you this email, on the  
19 13:58:49 first page he put in the message, Thank you; do you  
20 13:58:52 see that?

21 13:58:53 A Yes.

22 13:58:53 Q Why was he thanking you?

23 13:58:55 A I don't know.

24 13:58:56 Q What did he thank you for?

25 13:58:57 A I don't know.

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S. Abdulrahim Gelardi

13:58:59 Q Did he thank you for the fact that you  
13:59:01 paid him for this report?

13:59:04 A No, I never paid for this report.

13:59:05 Q To your knowledge, there is no record of  
13:59:08 any transaction in exchange for this report?

13:59:14 A Absolutely not.

13:59:17 Q Is it because of the fact that Dr. Adam  
13:59:20 Bender is more difficult with conducting -- I will  
13:59:22 refer to independent medical exams as IMEs going  
13:59:26 forward -- with conducting IMEs, that that was the  
13:59:29 reason you asked for a copy of the report?

13:59:32 MR. WARNER: Objection to form. She  
13:59:34 said -- she didn't say she asked for copies.

13:59:38 Q You can answer.

13:59:39 A I didn't ask for a copy of the report.

13:59:41 Q Is the reason why you received the report  
13:59:43 because Dr. Adam Bender is more difficult with doing  
13:59:46 IMEs?

13:59:47 A Um, I want to retract my last statement.  
13:59:58 I do believe I asked for this report.

14:00:01 Q Why is that?

14:00:03 A I asked for this report because -- what I  
14:00:07 did ask for actually is, is Dr. Bender difficult  
14:00:12 across the board or just -- it was a question about

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1 S. Abdulrahim Gelardi

2 14:00:19 Dr. Bender. I don't recall ever asking for the

3 14:00:22 report, but I recall asking about Dr. Bender.

4 14:00:29 Q At the time this email was sent in March

5 14:00:31 of 2019, did you have what you would characterize as

6 14:00:33 a good relationship with Adam Rosenblatt?

7 14:00:42 A What is good?

8 14:00:48 Q Is it fair to say that you needed this

9 14:00:50 report to help you with your business?

10 14:00:55 A No.

11 14:00:55 Q With respect to your prior answer to my

12 14:00:59 immediately preceding question, what does good mean

13 14:01:03 to you?

14 14:01:05 A What does good mean to me? I want to

15 14:01:17 answer your question.

16 14:01:21 Q What do you mean by your testimony that

17 14:01:26 you had a good relationship with Adam in March of

18 14:01:29 2019; how was your relationship good?

19 14:01:31 A In March of 2018?

20 14:01:35 MR. WARNER: 2019.

21 14:01:37 Q 2019 when the email was sent.

22 14:01:39 A I'm sorry, Mr. Kataev, I'm not

23 14:01:42 understanding that question properly.

24 14:01:44 Q I asked you how you would characterize

25 14:01:45 your relationship with Adam Rosenblatt in March of

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S. Abdulrahim Gelardi

'19 when this email was sent and you said, Good.

A I did?

Q That's my understanding. Was your relationship with Adam good in March of 2019?

A I didn't say it was good. I said, What is good.

Q Let's take step back. At the time that Adam sent you this email in March of 2019, how would you characterize your relationship with him?

A Just -- I want to say average.

Q What does that mean? What was your relationship like?

A We didn't have a relationship, Mr. Kataev.

Q What was the basis of him sending you this email?

A I asked him about Dr. Bender.

Q He voluntarily sent you this report?

A He voluntarily sent me a lot of stuff.

Q Without you prompting him?

A Without.

Q Why would he do that?

A Because it's Adam.

Q What does that mean?

A Ask Adam. He sent it to everybody.

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S. Abdulrahim Gelardi

14:02:51 Q Who else are you aware of that Adam sent a  
14:02:54 report like this to?

14:02:56 A He sent the exact information that he sent  
14:03:00 to me to a gentleman, he was a chiropractor. I  
14:03:06 can't remember his exact name, but it was a  
14:03:10 chiropractor that got all the exact same  
14:03:15 information, and he also wanted to start a  
14:03:19 business -- Adam approached him to start the  
14:03:21 business with him as well. I don't recall. He also  
14:03:23 sent this exact same information to the people of  
14:03:25 Law Cash.

14:03:32 Q How do you know that Adam sent these  
14:03:34 reports to the chiropractor and to Law Cash?

14:03:39 A Because he told me.

14:03:40 Q What did he say to you and what did you  
14:03:43 say to him in response?

14:03:45 A He told me at one point that he was going  
14:03:48 to start a business with doctor -- I can't remember  
14:03:53 his name.

14:03:54 Q The chiropractor?

14:03:56 A Right. The chiropractor.

14:03:57 Q You can refer to him as the chiropractor.

14:03:59 Go on, continue with your answer.

14:04:03 A I recall that -- and I said, Good, good

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2 14:04:06 for you.

3 14:04:08 Q When was this?

4 14:04:10 A This was after I started IME Companions.

5 14:04:13 This was after we started our business and, you

6 14:04:23 know, then the chiropractor -- he mentioned him

7 14:04:27 multiple times. He said he was going to get out of

8 14:04:32 the grips of Daniella Levi and if I didn't want to

9 14:04:36 do it with him, he found somebody who did. Listen,

10 14:04:40 Adam says a lot of things and does a lot of things.

11 14:04:44 I'm not in control of him.

12 14:04:45 Q Did you ever speak to the chiropractor?

13 14:04:49 A No. I don't recall speaking to the -- I

14 14:04:51 don't even remember his name.

15 14:04:56 Q You said that the Adam sent the

16 14:05:00 chiropractor items after you started your business.

17 14:05:02 Was that before this March 2019 email

18 14:05:05 or after?

19 14:05:07 A Oh, I don't know when he sent it. He just

20 14:05:10 told me he sent it. He just told me he was going to

21 14:05:14 start a business with the chiropractor. I don't

22 14:05:17 even know his name.

23 14:05:19 MR. KATAEV: Let's mark this as 4.

24 14:05:24 (Plaintiff's Exhibit 4, Marked for Identification.)

25 14:05:36 (Witness perusing document.)

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1 S. Abdulrahim Gelardi

2 14:05:36 BY MR. KATAEV:

3 14:05:50 Q Before we get into this exhibit, some  
4 14:05:54 followup questions. You testified at the Show Cause  
5 14:05:56 Hearing that you only asked for reports for quality  
6 14:06:00 control purposes; do you recall that testimony?

7 14:06:03 A Not really, but if it's there, I'm sure I  
8 14:06:07 did.

9 14:06:07 MR. KATAEV: I'm referring the witness to  
10 14:06:18 the screen which has the Show Cause Hearing  
11 14:06:20 transcript of page 51 and I have highlighted  
12 14:06:25 lines 11 through 19. I will read for the  
13 14:06:29 record.

14 14:06:29 The Court asked: What was the report?

15 14:06:32 Answer: It was a doctor's report. It was  
16 14:06:33 a report from a Watchdog that observed a  
17 14:06:38 particular doctor.

18 14:06:38 The Court asked: And why did you ask him  
19 14:06:41 for that?

20 14:06:41 Answer: I asked him for that report  
21 14:06:43 because the doctor was very difficult and he  
22 14:06:46 gave us a very difficult time. We also  
23 14:06:50 observed with that doctor. I just wanted to  
24 14:06:51 find it out if it was something he normally  
25 14:06:54 does and it was just for quality control.

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S. Abdulrahim Gelardi

14:06:58 Based on the testimony I just read, your  
14:07:00 testimony, is it accurate to state that you  
14:07:05 asked for the report in order to further  
14:07:07 Companions' business?

14:07:11 A No.

14:07:12 Q What do you mean by quality control?

14:07:15 A I don't even know what I mean by quality  
14:07:16 control. I know that I asked for the report -- I  
14:07:20 didn't asked for the report. I asked about  
14:07:22 Dr. Bender and if he was difficult across the board.  
14:07:28 Maybe -- I don't recall asking for the report.

14:07:31 Q As you sit here today, are you still  
14:07:33 denying that you asked Adam for that report?

14:07:36 A I'm not sure.

14:07:37 Q You realize that you testified on  
14:07:39 April 4th that you asked Adam for that report,  
14:07:42 correct?

14:07:43 A Yes, I do.

14:07:44 Q Do you withdraw your testimony earlier  
14:07:46 today at today's deposition that you did not ask him  
14:07:50 for that report?

14:07:51 A I don't recall asking for the report.

14:07:54 Q Was your memory better in April of 2022  
14:07:59 when you testified to this?

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S. Abdulrahim Gelardi

14:08:01 A I don't -- I don't recall asking for the  
14:08:04 report.

14:08:06 Q Let's look at what I've marked as  
14:08:09 Plaintiff's Exhibit 4. I will represent to you that  
14:08:13 this is a IME report prepared by your company,  
14:08:16 Companions, that has to do with Dr. Adam Bender; do  
14:08:21 you see that?

14:08:29 A Yes.

14:08:30 Q Take an opportunity to review, please.

14:08:33 A Yes.

14:08:46 Q You observed this IME, correct?

14:08:53 A No, I did not.

14:08:54 Q If you look at the middle of the first  
14:08:57 page, it says, Observed by Safa Gelardi?

14:09:00 A I see that.

14:09:01 Q You're saying this report is incorrect?

14:09:03 A I'm saying this report was done by Carlos  
14:09:06 Roa. I did not observe this report. He knows he  
14:09:10 did this report.

14:09:12 Q Your testimony today is that Carlos Roa  
14:09:16 copied the report in Plaintiff's Exhibit 3 and put  
14:09:18 your name and letterhead on it?

14:09:21 A Yes, absolutely.

14:09:21 Q You're saying that you did not know that

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1 S. Abdulrahim Gelardi

2 14:09:24 this happened?

3 14:09:25 A I did not know until it was presented to  
4 14:09:28 me in court.

5 14:09:55 Q Is it fair to say that this exact report  
6 14:09:57 was something you sent in all your marketing  
7 14:09:59 materials to prospective law firm customers?

8 14:10:07 A No, it is not.

9 14:10:14 Q Comparing the two reports, the date of  
10 14:10:16 accident and the client's attorney and the IME  
11 14:10:19 doctor are all the same, correct?

12 14:10:21 A Yes.

13 14:10:22 Q In other words, this is a report of an IME  
14 14:10:25 that you never observed, correct?

15 14:10:27 A Correct, that Carlos Roa fudged.

16 14:10:42 MR. KATAEV: Let's go off the record for a  
17 14:10:44 second.

18 14:10:46 THE VIDEOGRAPHER: The time is 2:10 p.m.

19 14:10:47 We are going off the record.

20 14:10:50 (Whereupon, an off-the-record discussion was held.)

21 14:14:09 THE VIDEOGRAPHER: The time is 2:14 p.m.

22 14:14:19 We are back on the record.

23 14:14:21 BY MR. KATAEV:

24 14:14:26 Q Ms. Gelardi, for the record, you are  
25 14:14:27 married to Vito Gelardi, correct?

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S. Abdulrahim Gelardi

14:14:29 A Yes.

14:14:31 Q You met him for the first time while he  
14:14:33 was a patron of the bank you worked in, correct?

14:14:37 A Yes.

14:14:38 Q That was at which bank?

14:14:41 A I don't recall.

14:14:44 Q Where did you get married?

14:14:49 A Texas.

14:14:53 Q Prior to your marriage of Mr. Gelardi, had  
14:14:55 you ever been married before?

14:14:57 A No.

14:15:10 Q Have you ever been arrested before?

14:15:12 A No.

14:15:13 Q Have you ever been convicted of any crime?

14:15:15 A No.

14:15:15 Q What is your highest level of education?

14:15:19 A I have a bachelors.

14:15:21 Q Where?

14:15:22 A Fordham University.

14:15:26 Q What was the major?

14:15:30 A It was economics and finance.

14:15:36 Q Prior to college, did you go to high  
14:15:38 school and graduate from high school?

14:15:40 A Yes.

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1 S. Abdulrahim Gelardi

2 14:15:41 Q Where?

3 14:15:43 A Fort Hamilton High School.

4 14:15:45 Q Bronx?

5 14:15:46 A No, Brooklyn.

6 14:15:50 Q You obtained a high school diploma?

7 14:15:55 A Yes.

8 14:15:55 Q Was there any gap in your education  
9 14:15:57 between high school and college?

10 14:16:00 A I believe one year. No, actually no.

11 14:16:03 Q No gap?

12 14:16:03 A No, I don't believe so. I don't recall  
13 14:16:04 but I don't believe so.

14 14:16:26 Q Immediately prior to the time you formed  
15 14:16:30 Companions, where did you work?

16 14:16:34 A Sterling National Bank.

17 14:16:36 Q What was the month and year you started  
18 14:16:38 there and the month and year you stopped working  
19 14:16:40 there?

20 14:16:41 A I don't recall the month and year I  
21 14:16:42 started.

22 14:16:44 Q What about the year?

23 14:16:47 A I don't recall the year. I want to say I  
24 14:16:50 can approximate for you -- I don't recall. I might  
25 14:16:57 have been there three years, three and a half, four

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S. Abdulrahim Gelardi

years. Something like that.

Q What position or job title did you hold?

A I was a vice president.

Q Vice president of what? There is a lot of  
vice president of banks.

A I was a branch manager.

Q For one branch?

A Yes.

Q Which branch was that?

A Forest Hills?

MR. WARNER: Are we done with 4?

MR. KATAEV: We are all done with 4, for  
now.

BY MR. KATAEV:

Q Would it refresh your recollection if I  
told you that your resume says that you worked at  
Sterling National Bank from November 2015?

MR. WARNER: From when?

MR. KATAEV: November of 2015.

A I don't recall. I think it was before  
that but I'm not sure.

Q At the time you worked at Sterling, you  
were required to abide by the bank's policies,  
correct?

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S. Abdulrahim Gelardi

14:18:16 A Correct.

14:18:17 Q One of those policies includes a  
14:18:19 prohibition against working with any customer of a  
14:18:23 bank in any business outside of the bank, correct?

14:18:27 A Correct.

14:18:28 Q You nonetheless engaged with Ronald  
14:18:31 Rosenblatt during this time in Med Mal USA, correct?

14:18:36 A That is not correct.

14:18:40 Q How so?

14:18:41 A Ronald Rosenblatt was not a customer of  
14:18:42 the bank when I started working with him. He became  
14:18:46 a customer of the bank later. I would just cash  
14:18:49 checks for him that he would come into the bank -- I  
14:18:52 helped him to get his checks cashed. He was not a  
14:18:56 customer at the time.

14:18:58 Q Would it not be a conflict of interest for  
14:19:03 you to serve him in his banking needs while you were  
14:19:06 in business with him?

14:19:07 MR. WARNER: Objection to form.

14:19:08 A No.

14:19:09 Q What basis do you have to say that?

14:19:12 A Is that question for me?

14:19:14 Q Yes.

14:19:14 A I'm sorry, I don't understand it.

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14:19:17

Q

What is your basis for saying it's not a

3

14:19:19

conflict of interest? How do you know it's not a

4

14:19:20

conflict of interest?

5

14:19:21

A

I don't believe it's a conflict of

6

14:19:22

interest.

7

14:19:23

Q

It's based on your belief?

8

14:19:26

A

Yes.

9

14:19:26

Q

What was your compensation at Sterling

10

14:19:29

Bank?

11

14:19:30

A

I don't recall. Maybe 90 a year.

12

14:19:36

Q

Was there any incentive or bonus

13

14:19:38

structure?

14

14:19:40

A

No.

15

14:19:40

Q

That's a flat salary, correct?

16

14:19:44

A

I believe so.

17

14:19:45

Q

You resigned from this bank, correct?

18

14:19:47

A

Correct.

19

14:19:47

Q

You did not get fired from it?

20

14:19:49

A

No.

21

14:19:50

Q

Prior to working at Sterling, you worked

22

14:19:52

at Capital One Bank in Brooklyn, correct?

23

14:19:57

A

I think that was after Sterling. No, I'm

24

14:20:01

sorry. I apologize, yes.

25

14:20:03

Q

You worked there for approximately three

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1 S. Abdulrahim Gelardi

2 14:20:05 years, correct?

3 14:20:06 A Yes.

4 14:20:07 Q There you were a branch manager for

5 14:20:09 multiple branches; is that right?

6 14:20:11 A Yes.

7 14:20:12 Q Working at that bank you were subject to

8 14:20:14 similar policies that we just discussed at Sterling,

9 14:20:16 correct?

10 14:20:19 A I believe so. I don't know.

11 14:20:23 Q Prior to working at Capital One Bank, you

12 14:20:26 worked at family business called Primal Development;

13 14:20:30 is that right?

14 14:20:30 A Yes.

15 14:20:32 Q Primal Development is a business owned by

16 14:20:36 who?

17 14:20:36 A I don't know.

18 14:20:39 Q You put in your resume that it's a

19 14:20:39 family --

20 14:20:41 A I believe Primal Development was owned by

21 14:20:44 Vito.

22 14:20:46 Q It says here on your resume that Primal

23 14:20:49 Development is closed. Do you recall whether -- how

24 14:20:53 that happened?

25 14:20:55 A No.

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1 S. Abdulrahim Gelardi

2 14:20:59 Q Prior to working at Primal Development,  
3 14:21:01 you worked at Washington Mutual and JP Morgan Chase  
4 14:21:06 Bank in Brooklyn, correct?

5 14:21:08 A I believe so.

6 14:21:09 Q You were a business banking specialist  
7 14:21:12 there from June of 2007 until October of 2009?

8 14:21:17 A I believe so.

9 14:21:18 Q In what ways, if any, were your duties as  
10 14:21:21 a business banking specialist there different from a  
11 14:21:24 branch manager at the subsequent banks you worked  
12 14:21:27 at?

13 14:21:27 A A business banking specialist was  
14 14:21:33 responsible for obtaining new business.

15 14:21:38 Q Whereas a branch manager did more than  
16 14:21:41 that?

17 14:21:41 A Yes.

18 14:21:42 Q Was a branch manager also responsible for  
19 14:21:44 bringing in business?

20 14:21:45 A I believe so.

21 14:21:46 Q You also worked for three years at  
22 14:21:48 Citibank and for four years at JP Morgan Chase Bank  
23 14:21:52 as a senior client financial analyst and a personal  
24 14:21:58 banker, correct?

25 14:22:00 A I believe so.

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1 S. Abdulrahim Gelardi

2 14:22:01 Q How many years collectively do you have in  
3 14:22:03 banking experience?

4 14:22:05 A I would say approximately 20. A little  
5 14:22:08 over 20.

6 14:22:12 Q It's your testimony today that despite all  
7 14:22:15 your banking experience, you're not involved with  
8 14:22:17 managing the finances when it comes to the rental  
9 14:22:19 properties?

10 14:22:20 A Yes.

11 14:22:25 Q You did meet Ronald Rosenblatt for the  
12 14:22:27 first time at Sterling, correct?

13 14:22:29 A Correct.

14 14:22:47 Q Did you ever get fired from any of the  
15 14:22:49 jobs that you've had at the banks that we discussed?

16 14:22:55 A I don't recall. I don't believe so. I  
17 14:23:00 don't think I have ever been fired. I don't recall.

18 14:23:03 Q The 90,000 that you earned as a senior  
19 14:23:11 branch manager at Sterling, is that the most  
20 14:23:17 compensation you have ever been paid by a bank in a  
21 14:23:20 year?

22 14:23:20 A No.

23 14:23:21 Q There were times prior to that employment  
24 14:23:23 that you earned more, correct?

25 14:23:25 A Correct.

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1 S. Abdulrahim Gelardi

2 14:23:35 Q When did you separate from employment with  
3 14:23:42 Sterling National Bank; month and year is fine?

4 14:23:48 A I believe November 2017 or on or about  
5 14:23:51 around there.

6 14:23:59 Q Why did your employment end with JP Morgan  
7 14:24:01 Chase in 2004 when you were a personal banker and  
8 14:24:06 assistant treasurer?

9 14:24:09 A People jump around for better positions  
10 14:24:11 for more money.

11 14:24:13 Q Is that what you did?

12 14:24:15 A I believe so.

13 14:24:15 Q You don't know for sure?

14 14:24:17 A No. I'm telling you I believe so.

15 14:24:20 Q Your testimony is that you left for a  
16 14:24:22 better opportunity?

17 14:24:24 A I don't recall but I believe so.

18 14:24:28 Q Why did you leave your employment with  
19 14:24:30 Citibank in 2007 as a senior client financial  
20 14:24:35 analyst?

21 14:24:36 A I don't recall.

22 14:24:36 Q Why did you leave your position as a  
23 14:24:38 business banking specialist at WaMu/JP Morgan Chase  
24 14:24:42 in October 2009?

25 14:24:45 A I don't recall.

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1 S. Abdulrahim Gelardi

2 14:24:46 Q Why did leave your position with Primal  
3 14:24:48 Development?

4 14:24:50 A I don't recall.

5 14:24:51 Q Did you leave your position with Primal  
6 14:24:53 Development because the business closed?

7 14:24:57 A It's possible.

8 14:25:00 Q Why did you leave your position with  
9 14:25:02 Capital One Bank in November 2015 where you were a  
10 14:25:05 multi-branch manager?

11 14:25:07 A I don't recall.

12 14:25:24 Q During the time that you worked at each of  
13 14:25:25 those banks, were you ever demoted or asked to  
14 14:25:29 resign from any of them?

15 14:25:31 A I'm not sure. I don't recall. I don't  
16 14:25:34 think so.

17 14:25:34 Q Were there any gaps in your working  
18 14:25:39 experience?

19 14:25:40 A Mr. Kataev, I don't recall. This is  
20 14:25:41 20 plus years ago.

21 14:25:43 Q This is your life, you lived it. You  
22 14:25:46 don't recall?

23 14:25:48 A Correct. Not every aspect, no.

24 14:26:01 Q Do you have any documents related to your  
25 14:26:03 prior jobs?

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1 S. Abdulrahim Gelardi

2 14:26:05 A No.

3 14:26:10 Q Were you required to sign any agreements  
4 14:26:11 with the banks that you worked with?

5 14:26:16 A I'm not sure what you mean.

6 14:26:18 Q Were there any restrictive covenant  
7 14:26:20 agreements requiring you to not compete?

8 14:26:27 A I don't believe so.

9 14:26:28 Q Were there any nondisclosure agreements or  
10 14:26:31 confidentiality agreements?

11 14:26:34 A I don't recall. Maybe, I don't know.

12 14:26:37 Q Were there any policies that you signed  
13 14:26:39 concerning conflicts of interest?

14 14:26:41 A I'm sure there was but I don't recall.

15 14:27:00 Q Other than the personal injury action in  
16 14:27:04 which you testified and this lawsuit, have you ever  
17 14:27:08 been a party to any other lawsuit as a defendant or  
18 14:27:10 a plaintiff?

19 14:27:16 A I recall a lawsuit that we -- that I was  
20 14:27:19 in with Empire State Bank.

21 14:27:26 Q When did you work at Empire State Bank?

22 14:27:33 A Right before Sterling.

23 14:27:37 Q You never listed Empire State Bank in your  
24 14:27:41 resume, did you?

25 14:27:43 A I'm not sure. I don't know.

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14:27:45 Q Would there be any reason why you would

3

14:27:48 not include Empire State Bank in your resume?

4

14:27:52 A Because it was short-lived. I don't know.

5

14:27:55 Q How long did you work at Empire State

6

14:27:58 Bank?

7

14:27:58 A A very short period of time.

8

14:28:01 Q What was the lawsuit about with respect to

9

14:28:03 Empire State Bank?

10

14:28:04 A It was a class action lawsuit. I don't

11

14:28:06 recall exactly. All the employees.

12

14:28:10 Q What was the -- withdrawn.

13

14:28:12 Is that lawsuit still active?

14

14:28:15 A No.

15

14:28:16 Q Was it disposed of?

16

14:28:19 A What does that mean?

17

14:28:21 Q Is the lawsuit over?

18

14:28:22 A Yes.

19

14:28:24 Q How did the lawsuit terminate?

20

14:28:26 A It was settled.

21

14:28:30 Q Did you sign any agreement requiring the

22

14:28:33 settlement terms to be confidential?

23

14:28:41 A I'm not sure.

24

14:28:49 Q Who else was a party to that lawsuit suing

25

14:28:52 the bank?

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S. Abdulrahim Gelardi

14:28:54 A I believe it was five of us. I really  
14:28:56 don't remember their names.

14:28:58 Q Does Jamie Dellasala ring a bell?  
14:28:58 D-e-l-l-a-s-a-l-a.

14:29:10 A Yes.

14:29:11 Q Is Christine Bazolla someone that rings a  
14:29:15 bell?

14:29:16 A Yes.

14:29:16 Q What about Teresa Pommerenk?  
14:29:17 P-o-m-m-e-r-e-n-k.

14:29:24 A I don't know if she was part of the  
14:29:25 lawsuit. I'm not sure.

14:29:27 Q Do you recall who she is?

14:29:28 A I remember the name.

14:29:30 Q Is that another plaintiff?

14:29:33 A I don't recall, Mr. Kataev.

14:29:39 Q Where was the branch located that you  
14:29:41 worked in at Empire State Bank?

14:29:44 A Bay Ridge, Brooklyn.

14:29:54 Q I'm going to hand to you what we will be  
14:29:59 marking at Plaintiff's Exhibit 5.

14:30:01 (Plaintiff's Exhibit 5, Marked for Identification.)

14:30:15 MR. KATAEV: Copy to counsel.

14:30:17 MR. WARNER: Thank you.

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1 S. Abdulrahim Gelardi

2 14:30:17 BY MR. KATAEV:

3 14:30:29 Q Take a minute to review that.

4 14:30:33 A Okay.

5 14:31:10 Q I have placed up on the screen a copy of

6 14:31:13 the same complaint that you have in front of you.

7 14:31:30 Is it accurate that you state that you sued Empire

8 14:31:33 State Bank for discrimination based on your national

9 14:31:37 origin?

10 14:31:38 A Yes.

11 14:31:38 Q And for hostile work environment?

12 14:31:41 A Yes.

13 14:31:49 Q With respect to paragraph 13 of the

14 14:31:50 complaint that was filed, you allege that you were

15 14:31:54 the only Arabic and Arabic-speaking employee at

16 14:31:58 Empire; is that correct?

17 14:31:59 A Yes.

18 14:32:01 Q The reason why you were hired is because

19 14:32:02 of the fact that you speak Arabic?

20 14:32:07 A I don't think I was hired for that.

21 14:32:10 Q Isn't that what it says over here in the

22 14:32:12 complaint?

23 14:32:13 A I highly doubt I was hired because I speak

24 14:32:15 Arabic. Okay.

25 14:32:36 MR. WARNER: There is no question

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1 S. Abdulrahim Gelardi

2 14:32:37 outstanding.

3 14:32:37 BY MR. KATAEV:

4 14:32:41 Q Did you undergo any deposition in this  
5 14:32:43 case?

6 14:32:45 A I don't recall, Mr. Kataev.

7 14:32:50 Q You retained an attorney named Walker G.  
8 14:32:57 Harmon in the case?

9 14:32:58 A I believe so.

10 14:33:01 Q How did you find Mr. Harmon?

11 14:33:03 A Online.

12 14:33:08 Q You signed a retainer agreement with  
13 14:33:10 Mr. Harmon?

14 14:33:11 A I believe so.

15 14:33:14 Q When was the last time you spoke with  
16 14:33:16 Mr. Harmon?

17 14:33:18 A When the case settled.

18 14:33:21 Q You received some form of financial  
19 14:33:24 compensation based on the settlement?

20 14:33:26 A I believe so.

21 14:33:27 MR. WARNER: At this point, I'm going to  
22 14:33:31 object. It's far afield from the issues in the  
23 14:33:32 case. She already indicated to you that she  
24 14:33:34 doesn't know whether there is a confidentiality  
25 14:33:34 agreement that covers this, so at this point in

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1 S. Abdulrahim Gelardi

2 14:33:37 time I think that the questions that you're

3 14:33:40 asking, Mr. Kataev, are immaterial to the

4 14:33:43 issues in this case may impact a potential

5 14:33:47 confidentiality.

6 14:33:48 MR. KATAEV: I will move on.

7 14:33:49 MR. WARNER: I will say that the potential

8 14:33:52 harm to Ms. --

9 14:33:59 MR. KATAEV: I will move on.

10 14:34:01 MR. WARNER: -- Gelardi. I'm looking at

11 14:34:07 Abdulrahman, but it's obviously before your

12 14:34:08 marriage.

13 14:34:08 BY MR. KATAEV:

14 14:34:09 Q When were you married?

15 14:34:10 A That was not before my marriage. We were

16 14:34:14 married -- I believe June 1st. Adam was born 2014

17 14:34:31 so I'm going to say 2013.

18 14:34:38 Q Other than this lawsuit and the -- other

19 14:34:41 that the lawsuit we just looked at and this lawsuit

20 14:34:45 and the prior personal injury action that you talked

21 14:34:49 about, have you been a party to any other lawsuit?

22 14:34:52 A Not that I know of.

23 14:34:54 Q In this complaint, you allege that you

24 14:34:56 were fired because of your national origin, correct?

25 14:34:59 A Yes.

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1 S. Abdulrahim Gelardi

2 14:35:00 Q Is this the only bank that you were fired  
3 14:35:02 from?

4 14:35:03 A I believe so.

5 14:35:04 Q In what year did you first meet Ronald  
6 14:35:21 Rosenblatt?

7 14:35:23 A I want to say 2016.

8 14:35:32 Q It was at the bank, Sterling Bank,  
9 14:35:33 correct?

10 14:35:34 A Correct.

11 14:35:35 Q You were an employee at the time you met  
12 14:35:37 him, correct?

13 14:35:38 A Correct.

14 14:35:39 Q And he was a customer at the time,  
15 14:35:39 correct?

16 14:35:41 A No.

17 14:35:41 Q Why did he come into the bank if he was  
18 14:35:43 not a customer?

19 14:35:45 A Because he would collect a check from  
20 14:35:48 directly across the street from the bank, from an  
21 14:35:52 attorney by the name of Bruce Povman and no one  
22 14:35:57 would help him cash checks. I guess he went  
23 14:35:59 bank-hopping and I helped him.

24 14:36:03 Q Your testimony is that Ronald Rosenblatt  
25 14:36:06 walked into Sterling Bank on behalf of someone else,

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S. Abdulrahim Gelardi

14:36:09 not as a customer himself personally, correct?

A No. On behalf himself, but he was not a customer at the time.

Q He was merely someone who was not a customer seeking to cash a check?

A Correct.

Q Did you assist him with cashing that specific check?

A Yes. I don't recall. I believe so.

Q Is that the only check he ever came in to cash or did he routinely come in?

A It became a routine.

Q What is the nature of the checks that he came in to cash, to your knowledge?

A To my knowledge, I believe he claimed he was consulting with attorneys and they would give him a check and he had no way of cashing it.

Q Did you seek to have Ronald Rosenblatt become a customer of Sterling National Bank and open an account for him?

A Yes.

Q Did he open an account in 2016?

A I believe so.

Q How would you describe your relationship

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S. Abdulrahim Gelardi

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14:37:15 with Mr. Ronald Rosenblatt at that time in 2016?

3

14:37:21 A At that time, I had sympathy for him.

4

14:37:24 Q Why did you have sympathy for him?

5

14:37:29 A Have you met Ronald?

6

14:37:30 Q I have not. Please explain in your own

7

14:37:32 words.

8

14:37:33 A I felt sorry for him. He was an older

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14:37:36 man. He was -- he was -- for lack of better words,

10

14:37:43 looked like he was beat up from life. I felt sorry

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14:37:47 for him.

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14:37:48 Q One of the ways you sought to help him was

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14:37:51 to open a bank account for him, correct?

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14:37:54 A No. I had to open a bank account for him

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14:37:57 because I would no longer cash his checks with him

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14:38:01 being a noncustomer.

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14:38:02 Q Why is that?

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14:38:03 A Because it was the proper thing to do. I

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14:38:06 can do it once or twice as a courtesy, but then

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14:38:10 eventually if this is going to be ongoing, I would

21

14:38:13 have to have you become a customer.

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14:38:17 Q You first entered into a business venture

23

14:38:20 with Ronald in 2017, correct?

24

14:38:24 A I want to say -- I want to say it might

25

14:38:29 have been 2016. I'm not 100 percent sure.

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S. Abdulrahim Gelardi

14:38:34 Q Whose idea was it to start the venture  
14:38:37 that you went into with Ronald?

14:38:40 A Whose idea to enter the venture?

14:38:43 Q Correct.

14:38:45 A Vito's.

14:38:45 Q How did Vito become involved with your  
14:38:48 conversation with Ronald?

14:38:51 A I would go home and I would tell him, I  
14:38:54 met this guy and every day he would come and pitch  
14:38:58 his idea. Every single day he was so passionate  
14:39:02 about it, he was so passionate about all his ideas.  
14:39:04 He had so many, but he was passionate more about the  
14:39:08 Med Mal than anything else, but he regurgitated so  
14:39:12 many ideas.

14:39:13 Q Did you go into business with him because  
14:39:16 you felt sorry for him?

14:39:18 A No. We believed it might have been a good  
14:39:21 idea.

14:39:22 Q When we refer to the good idea, we are  
14:39:24 referring to the medical malpractice screening  
14:39:28 business?

14:39:28 A Correct.

14:39:32 Q At that time in 2016 when you met Ronald  
14:39:35 Rosenblatt, you had no prior medical background,

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S. Abdulrahim Gelardi

14:39:38 correct?

14:39:39 A No.

14:39:40 Q No prior nursing background, correct?

14:39:43 A Correct.

14:39:43 Q No prior legal background; is that right?

14:39:46 A Yes.

14:39:47 Q Similarly, no paralegal background, right?

14:39:50 A Correct.

14:39:53 Q You also had no prior exposure to medical  
malpractice case, correct?

14:39:59 A Correct.

14:40:03 Q Would you agree with me that in order to  
14:40:05 properly screen a medical malpractice case that you  
14:40:09 would effectively be giving legal advice?

14:40:15 A No. I don't think it would be -- it would  
14:40:18 be coming from a physician, a doctor. Not from me,  
14:40:21 I never screened a case.

14:40:23 Q What is it that you did in the venture?

14:40:26 A I was administrative. I just helped him  
14:40:29 start the site. I was the business side of it. I  
14:40:34 would have no knowledge of how to screen a case.

14:40:38 Q Would it be fair to say that in order to  
14:40:41 properly screen a medical malpractice case, Ronald  
14:40:44 Rosenblatt would effectively be giving medical

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S. Abdulrahim Gelardi

14:40:47 advice?

14:40:49 A No.

14:40:50 MR. WARNER: Objection. Calls for an  
14:40:50 expert conclusion. You can answer.

14:40:54 A No. It was not medical advice. The whole  
14:40:56 thing was built around -- this is not medical  
14:41:00 advice. You don't need HIPAA to be a part of this  
14:41:03 idea of his. He had it all planned out. He just  
14:41:07 needed someone to listen to him maybe.

14:41:11 Obviously, Daniella listened to him  
14:41:12 as well because she did the same thing. It was  
14:41:19 about -- let me try to recall. To the best of my  
14:41:23 recollection, it was only giving an expert opinion  
14:41:29 on whether or not the case could be potential  
14:41:36 malpractice. It was never medical or legal advice  
14:41:38 and it was based on whatever the client's -- the  
14:41:43 information that the client inputted, but we were  
14:41:48 not giving any medical advice whatsoever.

14:41:51 MR. KATAEV: Move to strike as  
14:41:52 nonresponsive concerning the portion of the  
14:41:55 answer from that testimony concerning Daniella  
14:41:57 Levi.

14:41:57 BY MR. KATAEV:

14:41:59 Q With respect to Ronald Rosenblatt, do you

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2 14:42:04 have any knowledge as to whether he is a licensed  
3 14:42:05 medical professional or doctor?

4 14:42:08 A He did tell me he lost his license to  
5 14:42:13 practice medicine.

6 14:42:14 Q He told you that before entering into the  
7 14:42:16 medical malpractice screening business, correct?

8 14:42:19 A Correct.

9 14:42:20 Q You knew he had no license to serve as a  
10 14:42:24 doctor in conducting this business, correct?

11 14:42:26 MR. WARNER: Objection to form. That's  
12 14:42:28 not what she said. She said he lost his  
13 14:42:31 license to practice medicine.

14 14:42:34 MR. KATAEV: I'm going to caution you,  
15 14:42:34 Counselor, about Rule 30 and speaking  
16 14:42:34 objections. I believe you say, Objection and  
17 14:42:34 the basis and that's it.

18 14:42:35 Please answer the question.

19 14:42:39 A Read the question.

20 14:42:40 (Whereupon, the referred to question was read back  
21 14:42:40 by the reporter.)

22 14:42:40 BY MR. KATAEV:

23 14:43:05 Q He told you that he didn't have a license  
24 14:43:07 to serve as a doctor before entering the medical  
25 14:43:10 malpractice screening business, correct?

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2 14:43:12 A No. He said to me he surrendered his  
3 14:43:15 license voluntarily.

4 14:43:19 Q Don't you think he should have had a  
5 14:43:21 medical license in order to be giving the advice  
6 14:43:23 that he sought to give in this medical malpractice  
7 14:43:27 screening business?

8 14:43:28 MR. WARNER: Objection.

9 14:43:28 A There was no medical advice given. It was  
10 14:43:32 expert opinion based on the information the client  
11 14:43:37 gave us. To have an expert opinion, you do not need  
12 14:43:40 to give medical advice.

13 14:43:44 Q As far as you're concerned, a doctor  
14 14:43:48 without a license can provide an expert opinion?

15 14:43:52 A Can a lawyer give an expert opinion on  
16 14:43:55 medical?

17 14:43:55 Q I need an answer to the question, please.

18 14:43:58 A I'm sorry, repeat the question, please.

19 14:44:00 (Whereupon, the referred to question was read back  
20 14:44:00 by the reporter.)

21 14:44:09 A Yes. To my knowledge, I believe he can.

22 14:44:13 Q In terms of your initial meeting with  
23 14:44:16 Ronald Rosenblatt, that occurred at the bank,  
24 14:44:18 correct, in person?

25 14:44:20 A Yes.

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2 14:44:22 Q What was the timeline of events, how did  
3 14:44:26 you go from meeting with him at the bank to entering  
4 14:44:31 into this venture with him? Did you have weekly  
5 14:44:34 meetings? Did you start getting on the phone? Were  
6 14:44:36 you exchanging emails? Can you give me a detailed  
7 14:44:38 sort of timeline of how your relationship with him  
8 14:44:43 progressed in terms of communicating about this  
9 14:44:45 business venture?

10 14:44:48 A I want to say, to the best of my  
11 14:44:50 recollection, he might have lived in the area  
12 14:44:53 because he popped in very often. He came to the  
13 14:44:57 bank very often sometimes with no business, no  
14 14:45:00 banking business and he would just talk and talk and  
15 14:45:06 he wanted someone to please take this idea and do  
16 14:45:11 some -- help him, you know, he popped in often.

17 14:45:17 Q Did you exchange emails with him about the  
18 14:45:20 medical malpractice screening business?

19 14:45:23 A I believe so, yes.

20 14:45:31 Q You had cellphone calls with him as well?

21 14:45:34 A Yes.

22 14:45:34 Q And text message exchanges?

23 14:45:37 A I believe so.

24 14:45:38 Q Outside of the bank, did you ever hold any  
25 14:45:41 meetings with Ronald?

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2 14:45:42 A Yes.

3 14:45:43 Q Where would you usually meet outside of  
4 14:45:45 the bank?

5 14:45:47 A I want to answer the previous question.  
6 14:45:49 We never had meetings in the bank. He would pop in  
7 14:45:55 and talk. That's not a meeting.

8 14:45:58 Q Where did you have meetings outside the  
9 14:46:00 bank?

10 14:46:00 A We would talk over the phone. He's also  
11 14:46:04 come to my residence. We've also been to his  
12 14:46:09 residence. We never had a meeting at the bank, but  
13 14:46:12 we would -- he would pop in and talk.

14 14:46:15 Q My questions right now on focused on any  
15 14:46:19 meetings you had.

16 14:46:20 A The meeting were done outside the bank,  
17 14:46:22 Mr. Kataev. Most of the time maybe either in a  
18 14:46:25 restaurant or at my home or just random places, but  
19 14:46:33 I would say the majority would be at my home.

20 14:46:36 Q You had many meetings with him about this?

21 14:46:40 A A few. Quite a few. I don't recall how  
22 14:46:42 many, but yes, we sat and we discussed this idea and  
23 14:46:47 we put it together, you know, we met a few times.

24 14:46:54 Q You mentioned a name earlier, Bruce  
25 14:46:55 Povman, P-o-v-m-a-n, correct, an attorney?

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2 14:47:00 A Yes.

3 14:47:01 Q Is Bruce Povman a -- was Bruce Povman a

4 14:47:05 customer of Sterling Bank at the time you met Ronald

5 14:47:08 Rosenblatt?

6 14:47:09 A I don't know. I'm not sure.

7 14:47:11 Q Did you ever meet Bruce Povman?

8 14:47:14 A I did.

9 14:47:15 Q You met Bruce Povman at his office with

10 14:47:19 Ronald, correct?

11 14:47:20 A Correct.

12 14:47:22 Q Was Bruce Povman in any way involved in

13 14:47:24 your venture with Ronald Rosenblatt?

14 14:47:28 A To my recollection, no, but I know that --

15 14:47:31 I don't know. What I can tell you is Ronald told me

16 14:47:35 he tried to get Bruce Povman to join this venture

17 14:47:40 with him and from the information that Ronald

18 14:47:46 Rosenblatt gave me, Bruce Povman didn't seem he was

19 14:47:50 interested.

20 14:47:50 Q To your knowledge, was Bruce Povman an

21 14:47:52 attorney for Ronald?

22 14:47:55 A For Ronald, no. I don't know.

23 14:47:57 Q Did you have any contract with Ronald

24 14:48:00 Rosenblatt?

25 14:48:01 A No.

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1 S. Abdulrahim Gelardi

2 14:48:01 Q Why is that?

3 14:48:04 A We didn't get to that part.

4 14:48:10 Q The business that you formed with Ronald

5 14:48:12 was call Medmalscreening.com, correct?

6 14:48:17 A Correct.

7 14:48:17 Q Absent your -- as to the written contract

8 14:48:20 between you two, did you have any verbal agreement

9 14:48:23 with him?

10 14:48:26 A I don't remember talking agreement with

11 14:48:28 him. We talked mostly about the business -- about

12 14:48:32 the idea and the screenings and how -- what it is

13 14:48:37 and, you know.

14 14:48:40 Q Is it fair to say that the division of

15 14:48:42 labor between you and Ronald in that business would

16 14:48:45 be that he performed the screenings and you would

17 14:48:47 perform the administrative functions and business

18 14:48:50 development?

19 14:48:51 A To start, yes.

20 14:48:52 Q Did you have any discussions about how

21 14:48:56 each of you would split any profits or revenue that

22 14:49:01 business received?

23 14:49:03 A We did discuss that he would get paid per

24 14:49:09 screening.

25 14:49:10 Q Did he ever discuss with you that you

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14:49:11 would get a portion of XYZ from each screening fee?

14:49:17 A I don't recall the agreement financially.

14:49:20 I just know that he didn't contribute anything.

14:49:22 That's all I can tell you.

14:49:27 Q Contribute, you're referring to financial?

14:49:29 A Yes.

14:49:29 Q Did you make a personal financial

14:49:31 investment in this business?

14:49:33 A Yes.

14:49:33 Q How much did you invest in this business?

14:49:38 A To the best of my recollection maybe

14:49:41 around \$50,000.

14:49:44 Q Did you recover any amount of your

14:49:46 investment?

14:49:47 A Very little.

14:49:50 Q What's very little; \$1,000, \$10,000?

14:49:54 A I don't recall. I just know we were never

14:49:57 made whole.

14:50:00 Q To your knowledge, you formed that entity

14:50:03 with Ronald Rosenblatt in January of '17, correct?

14:50:09 A Yes, that puts perspective. I'm not sure,

14:50:12 Mr. Kataev, but possibly.

14:50:15 Q Did you represent to Ronald that you are a

14:50:16 wealthy investor?

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1 S. Abdulrahim Gelardi

2 14:50:20 A No.

3 14:50:21 Q Did you ever represent to him that you  
4 14:50:23 successfully financed several businesses?

5 14:50:25 A No.

6 14:50:35 Q When was the first time you heard about  
7 14:50:38 IME Watchdog?

8 14:50:39 A When I met Ronald Rosenblatt.

9 14:50:43 Q When specifically; at the bank, after?

10 14:50:45 A When I first met him -- when I first met  
11 14:50:49 Ronald Rosenblatt and I cashed his check, he sat  
12 14:50:54 down, he just talked and talked and talked about all  
13 14:51:00 his genius ideas.

14 14:51:07 Q Is it fair to say that with respect to  
15 14:51:11 most of his ideas, you wouldn't ask him any  
16 14:51:14 questions about it?

17 14:51:14 A I asked. I asked questions about some of  
18 14:51:17 them.

19 14:51:19 Q With respect to the entity that was  
20 14:51:22 formed, the Med Mal Screening, you formed that  
21 14:51:24 entity, correct?

22 14:51:26 A Yes.

23 14:51:28 Q In terms of the \$50,000, what was it spent  
24 14:51:31 on?

25 14:51:32 A Websites, the websites were the major

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cost. There were two websites. I don't recall what else. I do recall ad words, Google ad words, marketing.

Q In terms of the conversations that you had with Ronald Rosenblatt, were there any witnesses that observed the conversation that you had from time to time?

A I don't believe so.

Q Was Bruce Povman ever a witness to any of the conversations you had with Ronald about this venture?

A I don't think.

Q What about Adam?

A Adam eventually came later.

Q When you created the website for Med Mal Screening, did you use a company called Lumina?  
L-u-m-i-n-a.

A Correct.

Q How did you come to find that company?

A I don't recall if -- I might have looked them up online.

Q To your knowledge, how much money did you pay to Lumina for the website for Med Mal Screening?

A To the best of my knowledge, I want to say

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1 S. Abdulrahim Gelardi

2 14:53:01 maybe 30 to 40.

3 14:53:03 Q It took a substantial portion of what you  
4 14:53:05 invested?

5 14:53:06 A Yes.

6 14:53:07 Q Going back to your conversations with  
7 14:53:09 Ronald about IME Watchdog, those conversations took  
8 14:53:12 place at Sterling Bank, correct?

9 14:53:15 A Yes, and other places.

10 14:53:18 Q During your conversations with Ronald, did  
11 14:53:26 he ever inform you that he offered to partner with  
12 14:53:30 Daniella Levi for the medical malpractice business?

13 14:53:34 A He never mentioned he offered to partner.  
14 14:53:37 He mentioned that -- he might have mentioned he  
15 14:53:41 offered to partner. What he said to me was he went  
16 14:53:45 to her with a great idea and he knows her because he  
17 14:53:49 was screening cases for her and he came up with this  
18 14:53:53 genius idea and she liked it and she kicked him to  
19 14:53:58 the curb, his words.

20 14:54:00 Q In other words, she turned him down?

21 14:54:02 A She didn't turn him down. According to  
22 14:54:04 him, she stole his idea.

23 14:54:07 Q Do you know any knowledge as to whether  
24 14:54:09 Ms. Levi had a medical malpractice screening  
25 14:54:12 business?

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2 14:54:13 A I believe she does.

3 14:54:15 Q What is the basis for your belief?

4 14:54:18 A I saw it online.

5 14:54:19 Q What did you see online?

6 14:54:21 A I saw Malpractice Watchdog online, I also  
7 14:54:24 saw a previous post on Facebook of her Malpractice  
8 14:54:29 Watchdog that was posted around 2015.

9 14:54:36 Q Other than that, you have no other reason  
10 14:54:38 to know that Daniella Levi actually operates a  
11 14:54:41 medical malpractice screening business, correct?

12 14:54:44 A Correct.

13 14:54:48 Q You testified at the Show Cause Hearing  
14 14:54:49 that prior to learning about IME Watchdog, you had  
15 14:54:56 no idea what the acronym IME stood for, correct?

16 14:54:59 A Correct.

17 14:54:59 MR. KATAEV: Let the record reflect that  
18 14:55:01 we have pages 28 to 29 of the Show Cause  
19 14:55:05 Hearing on the screen, line 24 on page 28 and  
20 14:55:09 line 2 on page 29 confirming that testimony.

21 14:55:10 BY MR. KATAEV:

22 14:55:13 Q What email address did you use to  
23 14:55:17 communicate with Ronald Rosenblatt in 2016 going  
24 14:55:19 forward?

25 14:55:20 A I believe I primarily used

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1 S. Abdulrahim Gelardi

2 14:55:22 Safagelardi@gmail.com.

3 14:55:25 Q Did you use any other email addresses?

4 14:55:27 A I don't think, but I'm not sure. I have  
5 14:55:30 two emails, personal emails. I don't believe I have  
6 14:55:34 ever given him my Yahoo email because I don't use it  
7 14:55:39 often or for anything important.

8 14:55:55 Q Based on your initial conversation with  
9 14:56:00 Ronald, what was your understanding of what the IME  
10 14:56:02 Watchdog business is?

11 14:56:06 A Based on my conversations with Ronald  
12 14:56:08 Rosenblatt, all he ever mentioned about IME was the  
13 14:56:13 idea, how he came up with it, and how Daniella stole  
14 14:56:18 it, and then she felt so sorry for him that he said,  
15 14:56:23 The least you can do is hire son since you stole  
16 14:56:28 my idea.

17 14:56:44 MR. KATAEV: Move to strike the  
18 14:56:44 nonresponsive portions of that answer.

19 14:56:49 BY MR. KATAEV:

20 14:56:50 Q With respect to the Yahoo email, what is  
21 14:56:54 that email address?

22 14:56:55 A Safa\_1125@yahoo.com.

23 14:57:08 Q What was, to your recollection, Ronald's  
24 14:57:13 description of what the business is?

25 14:57:17 A Ronald's description of the IME business

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2 14:57:20 or the med mal business?

3 14:57:22 Q The IME business.

4 14:57:24 A Ronald's description of the IME business

5 14:57:26 was a non-attorney would attend with a claimant or

6 14:57:33 plaintiff to an IME exam. It would be a lot

7 14:57:40 cheaper, more efficient for attorneys, and this way

8 14:57:44 the attorney would know what is going on and be able

9 14:57:48 to control what their clients are saying or doing

10 14:57:53 and he just went on about the whole idea.

11 14:57:59 Q Going back to Med Mal Screening, did you

12 14:58:01 ever have an accountant involved with respect to

13 14:58:02 that venture?

14 14:58:03 A I believe my accountant started it for me,

15 14:58:05 yes, formed the corporation.

16 14:58:08 Q That accountant is Five Pillars, right?

17 14:58:10 A Correct.

18 14:58:11 Q Was any attorney ever involved in the

19 14:58:14 venture with Ronald?

20 14:58:15 A No.

21 14:58:16 Q You did, in fact, build a website for the

22 14:58:25 money that you paid, correct?

23 14:58:27 A Yes.

24 14:58:27 Q Is that website still up?

25 14:58:31 A Yes.

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1 S. Abdulrahim Gelardi

2 14:58:31 Q Lumina built it, correct?

3 14:58:33 A Yes.

4 14:58:33 Q You exclusively paid for it with no

5 14:58:37 contribution from Ronald?

6 14:58:40 A Yes.

7 14:58:41 Q To your knowledge, is that business still

8 14:58:43 operating?

9 14:58:44 A It's dormant.

10 14:58:45 Q It become dormant immediately after you

11 14:58:48 stopped in August or September of '17?

12 14:58:52 A Yes.

13 14:58:53 Q To your knowledge, what is the total

14 14:58:55 income generated from that business from its

15 14:58:57 inception up until you ceased working at it?

16 14:59:03 MR. WARNER: Objection. When you say,

17 14:59:03 Income, do you mean general revenue?

18 14:59:04 MR. KATAEV: Revenue.

19 14:59:06 A I want to say maybe a couple of grand.

20 14:59:12 Q \$2,000?

21 14:59:13 A Yeah, minimal. I don't recall.

22 14:59:17 Q To your knowledge, is the entity that you

23 14:59:19 formed with Ronald still in existence?

24 14:59:23 A Yes.

25 14:59:25 Q But you're no longer involved, correct?

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1 S. Abdulrahim Gelardi

2 14:59:28 A Let me go back to your previous question.

3 14:59:30 I never formed it with Ronald. I formed it -- his

4 14:59:34 name is not on the corporation.

5 14:59:37 Q Okay. The revenue that was generated for

6 14:59:45 that business, did it go into a bank account for the

7 14:59:47 entity you formed or did it go elsewhere?

8 14:59:51 A Yes, it went into the bank account for the

9 14:59:53 entity that was formed.

10 14:59:56 Q Ronald was paid out of that?

11 14:59:59 A I believe so. Most -- no, I'm going to

12 15:00:03 say he was from -- it didn't generate money. I was

13 15:00:06 paying him before it even generated money. I was

14 15:00:10 paying him out of my personal funds.

15 15:00:20 Q Other than your conversation with Ronald

16 15:00:23 about your father, did you ever have any

17 15:00:27 communication with him after that conversation?

18 15:00:30 A Yes.

19 15:00:32 Q What did you discuss in the conversation

20 15:00:34 you had after the conversation about your father?

21 15:00:39 A I believe I had -- I believe I only had

22 15:00:42 one conversation with him where I wished him happy

23 15:00:48 birthday.

24 15:00:48 Q Was that by phone, in person, text or

25 15:00:51 email?

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S. Abdulrahim Gelardi

15:00:52 A By phone. I haven't seen him in years.

15:00:55 Q Did the entity that you formed in the  
15:00:57 venture with Ronald file tax returns in any year?

15:01:01 MR. WARNER: Objection to form. She  
15:01:03 said -- objection to form.

15:01:08 A It didn't. I don't recall, but I don't  
15:01:11 think so.

15:01:15 Q As far as you know, do you owe Ronald any  
15:01:17 money?

15:01:18 A I do not.

15:01:19 Q For anything arising out of the venture?

15:01:22 A No, I do not.

15:01:23 Q Have you discussed this lawsuit with  
15:01:25 Ronald?

15:01:26 A No.

15:01:28 Q Have you attempted to contact Ronald?

15:01:30 A No.

15:01:33 Q Do you or Ronald have any financial  
15:01:35 obligations to each other either regarding the  
15:01:37 business you went into together or otherwise?

15:01:41 A No.

15:01:48 Q As you sit here today, you're not  
15:01:51 currently independently involved in any business  
15:01:54 that screens medical malpractice cases, correct?

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S. Abdulrahim Gelardi

A Correct.

Q Between the time you left in August or September of '17 from the venture with Ronald up until today, were you ever involved during that time period in medical malpractice screening?

A Repeat that question.

Q I'll rephrase it and I will break it down. It will be a long question.

I know that you stopped working with Ronald in August or September of '17, and I know you're not currently working in that medical malpractice screening business now, but in between those two time periods, did you independently or with anyone else outside of Ronald work in a medical malpractice screening business?

A No.

Q How do you know an individual named Arnie Baum?

A Arnie Baum is the CFO of Subin & Associates.

Q Subin & Associates. S-u-b-i-n.

When did you first meet Arnie?

A I don't recall. Maybe 2018.

Q How did you first meet him?

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1 S. Abdulrahim Gelardi

2 15:03:11 A I showed up -- I met him at Subin &

3 15:03:13 Associates, the firm.

4 15:03:15 Q You -- in terms of -- for lack of a better

5 15:03:20 word, instead of a cold call, you appeared at the

6 15:03:25 office?

7 15:03:26 A I don't recall but I believe so.

8 15:03:27 Q Did you have any business relationship

9 15:03:30 with Mr. Baum outside of Subin?

10 15:03:33 A No.

11 15:03:35 Q Did you at any time form any business

12 15:03:38 venture with Arnie Subin?

13 15:03:40 A No.

14 15:03:42 Q Isn't it true that you formed the entity

15 15:03:45 Med Mal I USA, LLC with Mr. Baum?

16 15:03:49 A No.

17 15:03:49 Q Did Arnie Baum become a shareholder or

18 15:03:58 member at any point after you formed this LLC?

19 15:03:59 A No.

20 15:03:59 MR. WARNER: Which LLC are you referring

21 15:03:59 to?

22 15:03:59 MR. KATAEV: Med Mal I USA, LLC. When I

23 15:03:59 say one, it's the Roman numeral one.

24 15:04:00 Q The answer is no?

25 15:04:00 A Yes.

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S. Abdulrahim Gelardi

15:04:15 Q Same question with respect to Mr. Baum's  
15:04:16 wife, did she ever become a shareholder or member at  
15:04:19 any point after you formed this LLC?

15:04:23 A No.

15:04:26 Q Do you have any independent business  
15:04:27 dealings with Arnie Baum outside of his role at  
15:04:30 Subin?

15:04:31 A No.

15:04:37 Q When was the first time you met Adam?

15:04:40 A I met Adam when I was working with his  
15:04:44 father.

15:05:12 Q How did the meeting with Adam come about?

15:05:17 A During the time that I was working with  
15:05:20 Ronald, he spoke about his son a lot. He spoke  
15:05:24 about how abused he is by Daniella Levi. He spoke  
15:05:29 about how humiliated he is by Daniella Levi. He  
15:05:32 spoke about how much help he needs. Ronald  
15:05:35 Rosenblatt just speaks.

15:05:48 Q What was discussed at your first meeting  
15:05:50 with Adam following Ronald's discussion about Adam?

15:05:55 MR. KATAEV: Move to strike the  
15:05:55 nonresponsive portions of that testimony. The  
15:05:59 prior testimony?

15:06:00 Reread the question.

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1 S. Abdulrahim Gelardi

2 15:06:05 (Whereupon, the referred to question was read back

3 15:06:05 by the reporter.)

4 15:06:27 A Are you asking me what was discussed the

5 15:06:29 first time I've met Adam?

6 15:06:32 Q Correct.

7 15:06:32 A So the first time I met Adam nothing was

8 15:06:35 discussed. It was an introduction.

9 15:06:40 Q Prior to you first meeting Adam, was there

10 15:06:43 any stated purpose for meeting with him?

11 15:06:48 A His father, Ronald Rosenblatt, wanted me

12 15:06:52 to meet with him. He mentioned it over and over and

13 15:06:55 over again that he wanted me to meet with his son so

14 15:06:59 that I can help his son -- in Ronald word's, get out

15 15:07:06 of the grip of Daniella Levi.

16 15:07:09 Q When you met Adam, did Adam echo those

17 15:07:13 words?

18 15:07:14 A Yes.

19 15:07:14 Q What did Adam say?

20 15:07:16 A Very bad things, really horrible things.

21 15:07:21 Q What did you say in response?

22 15:07:24 A When I first met him, I said, I can't do

23 15:07:27 this now. It's an introduction. I said, Listen, I

24 15:07:31 can't do this right now, I have to go back to work.

25 15:07:33 It was just complaints.

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1 S. Abdulrahim Gelardi

2 15:07:35 Q When was this?

3 15:07:37 A The first time I met Adam?

4 15:07:40 Q Yes.

5 15:07:40 A I don't recall, Mr. Kataev. It was in the

6 15:07:44 interim, the timeframe that I was working with

7 15:07:47 Ronald.

8 15:07:49 Q Would it be fair to say you first met Adam

9 15:07:52 in 2017?

10 15:07:55 A Yes, that would be a fair statement.

11 15:07:58 Q Do you recall in relation to that when you

12 15:08:00 formed Med Mal USA I, LLC?

13 15:08:10 A I didn't understand the question.

14 15:08:11 Q Let me take a step back.

15 15:08:13 Med Mal I USA, LLC is the entity that

16 15:08:15 you formed to do the medical malpractice screening

17 15:08:18 business with Ronald or was it a different entity

18 15:08:23 that you formed?

19 15:08:25 A It was the Med Mal. I do recall there was

20 15:08:27 Med Mal USA and Med Mal I USA. It had nothing to do

21 15:08:34 with any other partnerships. I think there was an

22 15:08:37 error in the filing so we had to use the one to

23 15:08:40 refile. Something like that.

24 15:08:44 Q Both of those entities are entities in

25 15:08:47 which you are the sole member?

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S. Abdulrahim Gelardi

15:08:49 A Correct.

15:08:50 Q You formed those entities with your  
15:08:51 accountant, both of them?

15:08:55 A I believe so.

15:08:56 Q My question is in relation to your first  
15:08:58 meeting with Adam, you formed both of those entities  
15:09:01 before, right?

15:09:02 A Yes, I believe so.

15:09:08 Q Is it fair to say that as a result of the  
15:09:11 conversations that occurred between you, Ronald and  
15:09:13 Adam, that you conditioned your continuing  
15:09:18 partnership with Ronald on the medical malpractice  
15:09:19 screening on him setting up a meeting with you and  
15:09:24 Adam?

15:09:25 A No.

15:09:25 MR. WARNER: Objection. You can answer.

15:09:28 A Untrue.

15:09:29 Q Prior to your meeting with Adam, did you  
15:09:31 ask Ronald questions about Adam?

15:09:34 A No.

15:09:40 Q When you first met Adam, is it --  
15:09:43 withdrawn.

15:09:45 When you first met Adam, were the  
15:09:47 only participants in the meeting you, Adam and

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1 S. Abdulrahim Gelardi

2 15:09:50 Ronald?

3 15:09:53 A Correct.

4 15:09:56 Q On the day that you formed the medical  
5 15:10:00 malpractice screening LLC, did you form any other  
6 15:10:05 business entities?

7 15:10:06 A Not that I recall.

8 15:10:14 Q At the meeting with Adam, did you ask him  
9 15:10:16 questions about IME Watchdog?

10 15:10:18 A No.

11 15:10:22 Q Based on what you learned about IME  
12 15:10:25 Watchdog, is it fair to say you wanted to open a  
13 15:10:31 business like that yourself?

14 15:10:33 A Repeat that.

15 15:10:33 MR. KATAEV: Read it back.

16 15:10:35 (Whereupon, the referred to question was read back  
17 15:10:35 by the reporter.)

18 15:10:49 MR. WARNER: Objection to form. You can  
19 15:10:49 answer.

20 15:10:52 A Yes, I believe that's a fair statement.  
21 15:10:54 I'm not sure.

22 15:10:55 Q That was after you learned about the  
23 15:10:57 business, correct?

24 15:10:58 A Correct.

25 15:10:59 Q Did Adam Rosenblatt ever meet your

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S. Abdulrahim Gelardi

15:11:02 accountant at Five Pillars?

15:11:04 A No.

15:11:05 Q What about Ronald?

15:11:06 A No.

15:11:09 Q It's also fair to say that you were  
15:11:10 attracted to the idea of starting your own business  
15:11:14 and being your own boss, correct?

15:11:16 A Yes.

15:11:24 Q In terms of opening up an IME observer  
15:11:27 business, did you believe you could do that by  
15:11:30 yourself?

15:11:34 A Yes, I did.

15:11:35 Q That's true even though you don't have  
15:11:39 real knowledge about the personal injury field?

15:11:41 A Yes, I did.

15:11:43 Q How would you go about -- withdrawn.

15:11:47 Did you and Adam Rosenblatt --

15:11:48 withdrawn.

15:11:52 Did you ever connect Adam Rosenblatt  
15:11:55 to your accountant by phone, email or otherwise?

15:11:59 A I don't believe so, no.

15:12:07 Q When you met Adam, you knew that he was  
15:12:09 the president of IME Watchdog, correct?

15:12:13 A No. I knew that he was an employee of

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1 S. Abdulrahim Gelardi

2 15:12:16 Watchdog.

3 15:12:34 Q Once you formed an interest in opening up  
4 15:12:36 a competing IME business, did you make promises to  
5 15:12:41 Adam in exchange for him helping set up the  
6 15:12:44 competing business?

7 15:12:45 A No.

8 15:12:46 Q Did Adam give can you his business card  
9 15:12:48 when you first met him?

10 15:12:51 A No. Not to my recollection, no.

11 15:12:57 Q You had discussions with Adam about  
12 15:13:00 partnering up together in a competing business,  
13 15:13:02 correct?

14 15:13:10 A What was the question?  
15 15:13:11 (Whereupon, the referred to question was read back  
16 15:13:11 by the reporter.)

17 15:13:19 A I have to say no, we never discussed  
18 15:13:23 partnership.

19 15:13:25 Q What, if any, discussions did you have  
20 15:13:27 about a competing business in which both of you are  
21 15:13:31 participating?

22 15:13:33 A We met with Adam once at a restaurant. I  
23 15:13:39 told my husband, The guy is -- he wants to meet with  
24 15:13:44 us, you want to hear him out. We decided to meet  
25 15:13:48 with him to hear him out, to hear what he has to

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1 S. Abdulrahim Gelardi

2 15:13:52 say. That's all it was.

3 15:13:54 Q What did he say to you and what did you  
4 15:13:56 say to him?

5 15:13:57 A Nothing was said. All they did was bash  
6 15:14:00 Daniella Levi at that meeting, everybody.

7 15:14:10 Q But at some point, did you ask details  
8 15:14:13 about the business?

9 15:14:15 A We never got a chance to. They showed up,  
10 15:14:17 a crowd, we didn't talk any business. It was just  
11 15:14:22 eating and drinking and bashing and complaining.

12 15:14:29 Q Did you ever offer Adam an equity stake in  
13 15:14:32 the new venture for an IME observer business?

14 15:14:35 A No.

15 15:14:36 Q Did you ever promise Adam that you would  
16 15:14:46 finance the entire venture if he went into business  
17 15:14:50 with you in a competing business?

18 15:14:52 A No.

19 15:14:55 Q Did you ever represent to Adam that you  
20 15:14:57 and Vito are very wealthy and can finance a  
21 15:15:00 business?

22 15:15:01 A No.

23 15:15:02 Q Did you ever tell Adam that you owned the  
24 15:15:04 church where you were living and were supers there?

25 15:15:17 A No.

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S. Abdulrahim Gelardi

MR. WARNER: I'm sorry, owned the church?

MR. KATAEV: Owned the church where you were living and served as supers there. Answer was, no.

BY MR. KATAEV:

Q Is it true that you once lived in a church and served as a super there?

A We never served as supers. We did live in a church.

Q Did you serve as custodians while living in the church?

A I did not serve as anything for the church.

Q Did you get paid by the church while you were living there?

A No.

Q Did the church pay rent?

A To who?

Q To you or Vito as property owners?

A I'm not understanding your question, Mr. Kataev.

Q I'll withdraw it.

Did you ever tell Adam that you built and financed many business ventures?

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1 S. Abdulrahim Gelardi

2 15:16:00 A No.

3 15:16:00 Q Did you ever tell Adam that you promised  
4 15:16:02 to make him a millionaire?

5 15:16:04 A No.

6 15:16:07 Q Did you ever tell Adam that he was wasting  
7 15:16:09 his life working for Daniella Levi when he could be  
8 15:16:13 the owner of his own business?

9 15:16:16 A I might have said something like that,  
10 15:16:18 yes.

11 15:16:19 Q Why did you say that?

12 15:16:20 A Because he didn't have to stay and be  
13 15:16:22 abused and humiliated if he didn't want to. He  
14 15:16:28 could leave. It was a human conversation.

15 15:16:31 Q Following those conversations that you  
16 15:16:33 allege happened, did you offer anything to Adam in  
17 15:16:37 terms of going into business together on a competing  
18 15:16:40 business?

19 15:16:42 A No.

20 15:16:44 Q You state that Adam was humiliated. How  
21 15:16:48 was he humiliated?

22 15:16:51 A According to Adam, he was belittled and  
23 15:16:55 yelled at and treated horribly and Daniella was  
24 15:17:00 horrible to him and just complaint after complaint.  
25 15:17:03 He cried, literal tears over and over and over,

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1 S. Abdulrahim Gelardi

2 15:17:08 literal. I believed him.

3 15:17:14 Q Did you tell Adam that in order for you to  
4 15:17:17 be involved in this business, you need more  
5 15:17:19 information to learn about it?

6 15:17:21 A No.

7 15:17:26 Q Did you offer Adam cash in exchange for  
8 15:17:29 information on the IME Watchdog business model?

9 15:17:34 A No.

10 15:17:37 Q You first met with Adam in April of 2017,  
11 15:17:38 correct?

12 15:17:41 A I don't recall exactly.

13 15:17:47 Q In April 2017, Adam met with you and  
14 15:17:50 provided you confidential information about IME  
15 15:17:54 Watchdog, correct?

16 15:17:56 A I'm not -- what was the question, please?  
17 15:17:58 (Whereupon, the referred to question was read back  
18 15:17:58 by the reporter.)

19 15:18:13 A Provided me how?

20 15:18:16 Q Hand to hand.

21 15:18:17 A No.

22 15:18:19 Q Did Adam provide you this information in  
23 15:18:23 any other way?

24 15:18:25 A Adam started sending emails after emails  
25 15:18:28 after emails. That was the only form of -- that was

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1 S. Abdulrahim Gelardi

2 15:18:38 the only way that he gave me information.

3 15:18:43 Q After he provided you this information,  
4 15:18:44 did you pay him \$5,000 in cash?

5 15:18:47 A Absolutely not.

6 15:18:48 Q Are you aware that Adam testified that you  
7 15:18:52 paid him with cash for this information?

8 15:18:55 A I don't care.

9 15:18:56 Q Why would Adam have any reason to lie  
10 15:19:00 about being paid in cash for this information?

11 15:19:01 A Adam is a pathological liar, it turns out  
12 15:19:05 to be.

13 15:19:08 Q Do you recall reading Adam Rosenblatt's  
14 15:19:09 affidavit in this case dated April 20, 2022?

15 15:19:15 A I do recall reading. I don't recall  
16 15:19:16 everything in it.

17 15:19:17 Q Why do you think he would confess to  
18 15:19:21 receiving a cash bribe from you if he never received  
19 15:19:24 it?

20 15:19:25 MR. WARNER: Objection to form.

21 15:19:26 A You want to know what I think? What I  
22 15:19:27 think is he was blackmailed by you guys because no  
23 15:19:32 cash was ever given ever.

24 15:19:37 Q Even after you formed Companions and Adam  
25 15:19:41 stayed with IME Watchdog, he still routinely

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1 S. Abdulrahim Gelardi

2 15:19:43 provided you with various documents and information,

3 15:19:43 correct?

4 15:19:46 A Routinely, no.

5 15:19:49 MR. KATAEV: Let's mark this as 6.

6 15:19:51 (Plaintiff's Exhibit 6, Marked for Identification.)

7 15:19:58 MR. KATAEV: Let's go off the record.

8 15:20:01 THE VIDEOGRAPHER: The time is 3:19 p.m.

9 15:20:02 We are going off the record.

10 15:20:05 (Whereupon, an off-the-record discussion was held.)

11 15:32:56 THE VIDEOGRAPHER: The time is 3:33 p.m.

12 15:33:09 We are back on the record.

13 15:33:13 BY MR. KATAEV:

14 15:33:15 Q I have placed in front of you,

15 15:33:16 Ms. Gelardi, was has been marked as Plaintiff's

16 15:33:19 Exhibit 6. I will represent to you it's an email

17 15:33:22 from Adam to you dated June 28, 2017. Do you

18 15:33:27 recognize this email?

19 15:33:29 A Vaguely.

20 15:33:31 Q In this email, Adam is asking you for your

21 15:33:34 thoughts on a structure for compensation to be

22 15:33:40 received between him and you in a competing IME

23 15:33:44 observer business, correct?

24 15:33:50 A I don't think so, Mr. Kataev.

25 15:33:52 Q What is the nature of this email?

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1 S. Abdulrahim Gelardi

2 15:33:54 A I have no idea.

3 15:33:55 Q Why would Adam send you an email asking  
4 15:33:58 what your thoughts are on a compensation structure?

5 15:34:02 A You know, as a matter of fact, I do recall  
6 15:34:06 this. He was talking to an investigator in  
7 15:34:09 California and he asked me for my thoughts on this  
8 15:34:15 structure. He was going to start the IME business  
9 15:34:17 with a different gentleman other than the  
10 15:34:22 chiropractor, with someone from California who he  
11 15:34:26 stated was his friend and is willing to do it with  
12 15:34:29 him.

13 15:34:29 Q This is the same chiropractor you spoke  
14 15:34:32 about previously?

15 15:34:33 A No, sir. No. This is someone completely  
16 15:34:35 new.

17 15:34:36 Q In California?

18 15:34:37 A Yes, I do recall him saying it's his  
19 15:34:41 friend in California.

20 15:34:42 Q That individual in California is also a  
21 15:34:45 chiropractor?

22 15:34:46 A No. Just someone. He never mentioned  
23 15:34:49 what he did. I think he said he was in finance.

24 15:34:52 Q What did you do when you received this  
25 15:34:54 email?

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S. Abdulrahim Gelardi

15:34:55 A I don't think I did anything with it.

15:34:57 Q Did you respond to the email?

15:34:58 A I don't think so.

15:34:59 Q Did you call him about this email?

15:35:01 A I don't think so. I don't recall. I do  
15:35:02 recall him explaining there was a friend of his in  
15:35:06 California who was willing to go into business with  
15:35:09 him.

15:35:12 Q Your testimony as you sit here today is  
15:35:15 you never offered Adam a sliding scale of salary  
15:35:18 versus equity in a competing venture, correct?

15:35:22 A Absolutely not.

15:35:37 MR. KATAEV: Mark this as 7.

15:35:40 (Plaintiff's Exhibit 7, Marked for Identification.)

15:35:57 (Witness perusing document.)

15:35:57 BY MR. KATAEV:

15:36:36 Q All right, I have handed you what has been  
15:36:42 marked as Plaintiff's Exhibit 7. I will represent  
15:36:45 to you that it is a April 28, 2017 email from Adam  
15:36:50 to you containing the profit and loss statements of  
15:36:53 IME Watchdog for calendar years 2014, 2015 and 2016.

15:37:00 Do you recognize this email?

15:37:03 A Vaguely, yes.

15:37:06 Q This email was sent following your first

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1 S. Abdulrahim Gelardi

2 15:37:08 meeting with Adam, correct?

3 15:37:14 A My first meeting with Adam was an  
4 15:37:15 introduction.

5 15:37:20 Q This email was sent following your meeting  
6 15:37:23 at the restaurant with a whole bunch of other people  
7 15:37:27 who were bashing Daniella, correct?

8 15:37:30 A Honestly, I don't recall but it's  
9 15:37:33 possible, but I don't recall.

10 15:37:34 Q The email says, Good evening Safa. As per  
11 15:37:39 our discussion attached please find the P&L for IME  
12 15:37:42 Watchdog for the last three years; do you see that?

13 15:37:44 A Yes.

14 15:37:45 Q When he refers to the discussion, he's  
15 15:37:47 referring to the fact that you had asked him for  
16 15:37:49 these reports, correct?

17 15:37:51 A Wrong.

18 15:37:51 Q What is he referring to when he says, As  
19 15:37:55 per our discussion?

20 15:37:56 A I have no idea.

21 15:37:57 Q You don't recall what you discussed with  
22 15:37:59 Adam?

23 15:38:00 A I recall that I discussed nothing about  
24 15:38:02 the business yet, but a hello and we will see and we  
25 15:38:05 will think about it. There was nothing discussed.

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1 S. Abdulrahim Gelardi

2 15:38:08 Q Adam just randomly sent you three years  
3 15:38:13 worth of profit and loss statements?

4 15:38:16 A Yes.

5 15:38:16 Q He continues in the email, I would like  
6 15:38:18 for you to really understand this company could have  
7 15:38:20 achieved an even greater success had any  
8 15:38:24 reinvestment been made or if a serious marketing  
9 15:38:27 strategy been established; do you see that?

10 15:38:31 A I do.

11 15:38:33 Q What is your understanding as to why he's  
12 15:38:34 telling you this?

13 15:38:35 A Adam just tells people stuff.

14 15:38:41 Q Did you review the attachments in this  
15 15:38:44 email?

16 15:38:45 A Yes.

17 15:38:46 Q You reviewed them on the same day or  
18 15:38:48 within a couple of days of receiving the email?

19 15:38:51 A I don't recall.

20 15:38:59 Q Did you see that in calendar year 2016,  
21 15:39:02 IME Watchdog had gross revenues of nearly  
22 15:39:05 one million dollars?

23 15:39:08 A I don't recall but yes.

24 15:39:11 Q Did you see in the preceding year of 2015,  
25 15:39:15 IME Watchdog had gross revenues of \$835,000?

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1 S. Abdulrahim Gelardi

2 15:39:24 A Yes, I see that.

3 15:39:25 Q Did you see in the year prior that IME had  
4 15:39:29 gross revenues of \$525,000?

5 15:39:33 A Yes.

6 15:39:33 Q When you received this email, did you at  
7 15:39:35 any point ever forward it to anybody?

8 15:39:40 A I believe so. I believe I wanted -- I  
9 15:39:45 believe I wanted to see if this is factual from a  
10 15:39:51 financial expert.

11 15:39:55 Q Who, if anyone, did you send this to?

12 15:39:58 A It had to be maybe my brother, maybe my  
13 15:40:01 accountant.

14 15:40:04 Q Anyone else that you can think of that you  
15 15:40:06 would send this to?

16 15:40:07 A No.

17 15:40:08 Q Are you specifically denying that you sent  
18 15:40:09 it to anyone else?

19 15:40:11 A I'm not specifically denying. I'm saying  
20 15:40:13 I don't recall sending it to anyone other than if I  
21 15:40:16 did, it would have been maybe my accountant.

22 15:40:21 Q Why is it that you wanted to determine  
23 15:40:23 whether this was factually accurate?

24 15:40:29 A Why did I want to -- repeat that.

25 15:40:32 (Whereupon, the referred to question was read back

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1 S. Abdulrahim Gelardi

2 15:40:32 by the reporter.)

3 15:40:43 A Because it's interesting.

4 15:40:46 Q It did pique your interest, correct?

5 15:40:49 A Yes.

6 15:40:50 Q You were first -- withdrawn.

7 15:40:52 Your interest was first piqued in  
8 15:40:54 this business upon receiving these P&Ls, correct?

9 15:40:58 A I would say, yes.

10 15:41:22 MR. KATAEV: Let's mark this as 8.

11 15:41:25 (Plaintiff's Exhibit 8, Marked for Identification.)

12 15:41:27 BY MR. KATAEV:

13 15:41:45 Q I have handed to you, Ms. Gelardi, what  
14 15:41:48 has been marked as Plaintiff's Exhibit 8, and I will  
15 15:41:51 represent to you these are certified copies by the  
16 15:41:55 New York State Department of State of the  
17 15:41:58 Certificate of Corporation of IME Guarddog, Inc.  
18 15:42:08 which was formed -- withdrawn.

19 15:42:09 Do you recognize this document?

20 15:42:10 A No.

21 15:42:14 Q On the second page of this document it  
22 15:42:21 says the name of this corporation is IME Guarddog,  
23 15:42:23 Inc.; do you see that?

24 15:42:25 A Yes.

25 15:42:28 Q The corporation designated Five Pillars as

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1 S. Abdulrahim Gelardi

2 15:42:32 the service of process address in paragraph five; do

3 15:42:38 you see that?

4 15:42:39 A Yes.

5 15:42:40 Q Five Pillars is your accounting firm,

6 15:42:42 correct?

7 15:42:43 A My previous, yes.

8 15:42:44 Q Who is your current accounting firm?

9 15:42:48 A My current accounting firm is Greg Elisito

10 15:42:50 & Associates.

11 15:42:54 Q When did you make the change to a

12 15:42:56 different accounting firm?

13 15:42:58 A I want to say two-and-a-half, maybe three

14 15:43:01 years ago, two, three years ago.

15 15:43:03 Q Weeks or years?

16 15:43:05 A Years.

17 15:43:06 Q What was the reason you switched from Five

18 15:43:11 Pillars to the new firm?

19 15:43:13 A I just believed -- I believe Five Pillars

20 15:43:18 was a tax preparer. I didn't think he was an

21 15:43:23 accountant. We wanted to get a CPA.

22 15:43:27 Q If you look at the last page of this

23 15:43:29 document, it says that Adam Rosenblatt is the

24 15:43:32 incorporator of this business, correct?

25 15:43:35 A Yes.

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1

S. Abdulrahim Gelardi

2

15:43:37

Q

Do you know whether Adam Rosenblatt is

3

15:43:39

aware of this document?

4

15:43:42

A

I'm not aware of this document.

5

15:43:44

Q

You deny forming this entity?

6

15:43:46

A

I completely deny forming this entity.

7

15:44:14

Q

On the bottom of page three, it says that

8

15:44:17

this Certification of Incorporation was filed with

9

15:44:20

the New York State Department of State on May 4th of

10

15:44:24

2017, correct?

11

15:44:25

A

I see that.

12

15:44:28

Q

This is exactly or approximately one week

13

15:44:33

prior to the email you received from Adam; is that

14

15:44:33

right?

15

15:44:34

A

If you say so.

16

15:44:36

Q

Well --

17

15:44:37

MR. WARNER: We will stipulate that the

18

15:44:39

email is dated April 28th.

19

15:44:40

BY MR. KATAEV:

20

15:44:42

Q

This entity was formed on May 4th in the

21

15:44:44

same year, correct?

22

15:44:47

A

Correct.

23

15:44:47

Q

You deny forming this entity?

24

15:44:49

A

Completely.

25

15:44:49

Q

Even though this is your accounting firm?

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1 S. Abdulrahim Gelardi

2 15:44:52 A Yes.

3 15:45:18 MR. KATAEV: Let's mark this as 9.

4 15:45:20 (Plaintiff's Exhibit 9, Marked for Identification.)

5 15:45:34 (Witness perusing document.)

6 15:45:34 BY MR. KATAEV:

7 15:45:43 Q I have handed to you what has been marked

8 15:45:46 as Plaintiff's Exhibit 9. It is similarly a

9 15:45:49 certified copy of the Certificate of Incorporation

10 15:45:50 for Med Mal I USA, Inc., which was also formed --

11 15:45:53 withdrawn.

12 15:45:53 Do you recognize this document?

13 15:45:59 A Yes.

14 15:46:01 Q You formed this entity, correct?

15 15:46:04 A Yes.

16 15:46:05 Q This entity was formed on May 4, 2017,

17 15:46:07 correct?

18 15:46:08 A Yes.

19 15:46:09 Q It was formed by your accounting firm,

20 15:46:13 Five Pillars, correct?

21 15:46:14 A Correct.

22 15:46:15 Q On the same day that IME Guarddog was

23 15:46:17 formed, correct?

24 15:46:21 A Yes.

25 15:46:24 MR. KATAEV: This is 10.

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1 S. Abdulrahim Gelardi

2 15:46:25 (Plaintiff's Exhibit 10, Marked for Identification.)

3 15:46:47 (Witness perusing document.)

4 15:46:47 BY MR. KATAEV:

5 15:46:48 Q I have handed to you what has been marked

6 15:46:51 as Plaintiff's Exhibit 10. It's a publicly

7 15:46:53 available web page listing public information

8 15:46:57 concerning corporations and this particular document

9 15:47:02 is about V&S Holdings 1, Inc. Do you recognize this

10 15:47:07 document?

11 15:47:08 A Yes.

12 15:47:08 Q This is an entity that you and your

13 15:47:11 husband own?

14 15:47:12 A Yes.

15 15:47:12 Q You also formed this entity on May 4,

16 15:47:15 2017, correct?

17 15:47:16 A Yes.

18 15:47:17 Q The registered address is the same address

19 15:47:18 as your accounting firm, correct?

20 15:47:20 A Yes.

21 15:47:21 Q That's Five Pillars, correct?

22 15:47:23 A Yes.

23 15:47:23 Q Is it fair to say that Five Pillars opened

24 15:47:25 all three entities on the same date?

25 15:47:28 A That's what it looks like.

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S. Abdulrahim Gelardi

15:47:29 Q You asked them to open these three  
15:47:31 companies, correct?

15:47:33 A No.

15:47:33 Q You didn't ask them to open any of those  
15:47:36 companies?

15:47:37 A I didn't ask them to open IME Guarddogs.

15:47:41 Q You asked them to open up V&S and Med Mal?

15:47:45 A Correct.

15:47:45 Q You deny forming IME Guarddog, correct?

15:47:47 A I would never form a corporation in  
15:47:50 someone else's name.

15:47:53 Q You realize you previously testified that  
15:47:56 Adam had never had any contact with your accounting  
15:47:59 firm, correct?

15:48:00 A Yes. Not that I know of.

15:48:18 MR. KATAEV: Let's do 11.

15:48:20 (Plaintiff's Exhibit 11, Marked for Identification.)

15:48:20 BY MR. KATAEV:

15:48:57 Q Let's go back to the exhibit with IME  
15:49:00 Guarddog. I believe that's eight. Going to the  
15:49:07 third page of this document, do you know where Adam  
15:49:12 Rosenblatt currently lives?

15:49:14 A I don't.

15:49:15 Q Do you have any idea where this address

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1 S. Abdulrahim Gelardi

2 15:49:18 came from?

3 15:49:19 A I have no idea.

4 15:49:20 Q Are you aware that Adam does not live at  
5 15:49:22 this address?

6 15:49:23 A No. I never had Adam's address.

7 15:49:31 Q How would Adam know about Five Pillars if  
8 15:49:34 not for you?

9 15:49:35 A Maybe through his father.

10 15:49:37 Q Did Adam Rosenblatt ever open up a bank  
11 15:49:45 account at Sterling?

12 15:49:50 A I don't recall. I don't think so.

13 15:50:06 MR. KATAEV: We gave her 11.

14 15:50:09 Q Referring to Plaintiff's Exhibit 11 now, I  
15 15:50:11 will represent to you that this is a April 29, 2017  
16 15:50:17 email from you to Adam with a subject, Adam  
17 15:50:20 Rosenblatt SS number, and in the subject it says,  
18 15:50:23 Adam Rosenblatt SS number, Doc Rosenblatt SS number  
19 15:50:28 and addresses; do you see that?

20 15:50:30 A Yes.

21 15:50:32 Q What was the purpose of this email?

22 15:50:34 A I don't recall. I have no idea.

23 15:50:35 Q Why could you need to know Adam or Ronald  
24 15:50:39 Rosenblatt's Social Security number?

25 15:50:41 A Maybe for banking purposes. I have no

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1 S. Abdulrahim Gelardi

2 15:50:43 idea.

3 15:50:45 Q Did Adam provide you his Social Security  
4 15:50:50 number and his address?

5 15:50:51 A No.

6 15:50:51 Q Did Ronald Rosenblatt provide you his  
7 15:50:54 Social Security number and address?

8 15:50:55 A I believe Ronald never gave me his Social  
9 15:50:59 but I believe he gave me his address.

10 15:51:03 Q How did he give it to you?

11 15:51:06 A I don't recall. He might have said it to  
12 15:51:08 me or texted it to me because I know we went to his  
13 15:51:12 home one time or a few times.

14 15:51:44 MR. KATAEV: Let's mark this as 12.

15 15:51:45 (Plaintiff's Exhibit 12, Marked for Identification.)

16 15:52:06 (Witness perusing document.)

17 15:52:06 BY MR. KATAEV:

18 15:52:09 Q I have handed you what has been marked as  
19 15:52:12 Plaintiff's Exhibit 12. I will represent to you  
20 15:52:15 it's a January 2017 bank statement for Adam  
21 15:52:17 Rosenblatt with Sterling National Bank.

22 15:52:21 Do you recognize this document?

23 15:52:22 A I know that it's a statement, yes.

24 15:52:25 Q This is for a bank account that you helped  
25 15:52:30 Adam form, correct?

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1 S. Abdulrahim Gelardi

2 15:52:31 A No.

3 15:52:32 Q You didn't assist him in opening this  
4 15:52:35 while you were an employee of Sterling?

5 15:52:37 A I don't think I ever met Adam in  
6 15:52:40 January 2017. He must have had this account prior.

7 15:52:45 Q Is it fair to state that in order for Adam  
8 15:52:49 to have a bank account at Sterling, he would have to  
9 15:52:52 provide his name and address?

10 15:52:54 A Yes.

11 15:52:55 Q Is it fair to state that you could have  
12 15:52:58 obtained his address by looking up the banking  
13 15:53:02 records?

14 15:53:03 A I could have if I knew he had an account  
15 15:53:07 there.

16 15:53:14 Q I'm going to refer to you what's on the  
17 15:53:18 screen and I think what we could do is quickly print  
18 15:53:25 this so I can provide it and get it marked.

19 15:53:30 Take a second to review while we get  
20 15:53:33 it printed. In lieu of printing it, we will rely on  
21 15:54:11 what's on the screen. I will represent that this is  
22 15:54:14 a document produced by the forensic examiner  
23 15:54:15 Bates-stamped BRG8020, and that it's a April 29,  
24 15:54:20 2017 email from you to your accountant.

25 15:54:25 Do you recognize this email?

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S. Abdulrahim Gelardi

15:54:28 A Yes.

15:54:29 Q In this email, you forward to your  
15:54:33 accountant the three years worth of profit and loss  
15:54:36 statements from IME Watchdog, correct?

15:54:38 A Yes.

15:54:39 Q You testified earlier that you believed  
15:54:40 that you did so, correct?

15:54:42 A Yes.

15:54:43 Q Now when you sent this to your accountant,  
15:54:45 what did you say to him and what did he say to you?

15:54:50 A I said to him, Does this look accurate to  
15:54:54 you.

15:54:56 Q What did he say?

15:54:58 A I don't recall. I don't recall.

15:55:15 Q When you say you wanted to confirm that  
15:55:20 it's accurate, in what sense do you mean accurate?

15:55:24 A It looked profitable. I wanted to know if  
15:55:29 it could be -- if these are true numbers, could  
15:55:33 this -- could this be accurate.

15:55:38 Q You did that because you wanted to  
15:55:39 ascertain whether you wanted to open up a similar  
15:55:42 business, correct?

15:55:43 A I was interested. I was interested in  
15:55:48 whether or not the numbers were accurate.

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S. Abdulrahim Gelardi

15:56:25 MR. KATAEV: For the record, we are  
15:56:27 marking the exhibit that we looked at on the  
15:56:30 screen, BRG 8020, as Plaintiff's Exhibit 13.  
15:56:35 We will print out the email and the  
15:56:38 accompanying attachments and that will form 13  
15:56:41 and this will be 14 the next one.

(Plaintiff's Exhibit 13, Marked for Identification.)

(Plaintiff's Exhibit 14, Marked for Identification.)

(Witness perusing document.)

BY MR. KATAEV:

Q Did you forward the profit and loss  
statements to your accountant because you thought  
Adam was not telling you the truth or altered the  
document in any way?

A I'm sorry, repeat the question.

(Whereupon, the referred to question was read back  
by the reporter.)

A I forwarded -- I forwarded that to my  
accountant to ask a simple question, is this --  
could this be accurate or -- it was just a question  
to my accountant. He was an expert.

Q How would anyone other than IME Watchdog's  
accountants know whether this information was  
accurate?

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1 S. Abdulrahim Gelardi

2 15:58:18 A I wasn't asking if the information was  
3 15:58:20 accurate. I was asking about whether the business  
4 15:58:25 model could be, you know, this accurate. I wasn't  
5 15:58:30 asking about the financial information being correct  
6 15:58:34 or not.

7 15:58:42 Q You testified at the Show Cause Hearing  
8 15:58:43 that you didn't open any of Adam's emails for  
9 15:58:47 months. Doesn't this show that on the same day you  
10 15:58:51 received the emails from Adam that you forward them  
11 15:58:54 to your accountants?

12 15:58:57 A He sent so many emails. I opened maybe  
13 15:59:02 one or two. The rest to me were garbage. I had no  
14 15:59:07 idea what was in them.

15 15:59:09 Q Would it be fair to state that the email  
16 15:59:11 containing IME Watchdog's customers in 2016 was  
17 15:59:15 garbage?

18 15:59:16 A I know that this is what piqued my  
19 15:59:18 interest.

20 15:59:20 MR. KATAEV: We have marked 14.

21 15:59:26 Q I will represent to you it's an email  
22 15:59:29 dated April 29, 2017 from you to your accountant  
23 15:59:32 forwarding the email from the prior day sent by  
24 15:59:37 Adam. Do you recognize this document?

25 15:59:39 A Not really.

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S. Abdulrahim Gelardi

15:59:40 Q Take a second to look through the  
15:59:42 attachments and see what was attached to this email.

15:59:49 (Witness perusing document.)

15:59:49 BY MR. KATAEV:

16:00:10 Q Fair to say broadly speaking that Adam  
16:00:12 sent you financial information about IME Watchdog in  
16:00:16 this email, correct?

16:00:18 A Yes.

16:00:19 Q Upon receiving it, you forwarded it to  
16:00:21 your accountant, correct?

16:00:23 A Yes.

16:00:24 Q Why did you do that with respect to this  
16:00:26 email?

16:00:27 A It looked similar to the profit and loss  
16:00:31 statement.

16:00:33 Q You wanted to know if it was accurate?

16:00:34 A No. It was just for the same reason that  
16:00:39 I forwarded that one.

16:00:44 Q At the Show Cause Hearing, you testified  
16:00:45 that the only thing you ever received from Adam were  
16:00:50 two invoices and the customer lists, correct?

16:00:53 A I don't remember. I don't think so. I  
16:00:56 stated I receive many emails from Adam.

16:02:29 Q At your Show Cause Hearing on April 4,

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1 S. Abdulrahim Gelardi

2 16:02:33 2022, I'm referring you to the transcript at page 46

3 16:02:36 beginning on line 14. I'm going to read into the

4 16:02:42 record what was said and testified to.

5 16:02:45 The Court asked you: So, he, Adam

6 16:02:48 Rosenblatt, sent you the 2016 list of IME Watchdog's

7 16:02:51 customers?

8 16:02:53 Answer: He sent a lot of stuff,

9 16:02:54 Your Honor.

10 16:02:56 The Court asked: Well you received

11 16:02:58 that and she asked, when.

12 16:03:01 You answer: I would say on or

13 16:03:04 about -- was it April of 2017 around then, maybe

14 16:03:08 March.

15 16:03:08 The Court asked: What did you do

16 16:03:10 with that information?

17 16:03:11 Answer: I didn't open it for months,

18 16:03:13 Your Honor.

19 16:03:14 Do you see that testimony?

20 16:03:16 A Yes.

21 16:03:16 Q That ends on line 25?

22 16:03:19 A Yes.

23 16:03:20 Q That's not true based on what we just

24 16:03:22 reviewed, correct?

25 16:03:25 MR. WARNER: Objection. You can answer

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2 16:03:25 it.

3 16:03:26 A I did not open many of his emails for

4 16:03:29 months.

5 16:03:51 MR. KATAEV: Okay. I don't have anything

6 16:03:53 on these. Let's go to 15.

7 16:03:57 (Plaintiff's Exhibit 15, Marked for Identification.)

8 16:04:16 (Witness perusing document.)

9 16:04:16 BY MR. KATAEV:

10 16:04:35 Q Ms. Gelardi, I have handed you a document

11 16:04:37 marked as Plaintiff's Exhibit 15. I will represent

12 16:04:43 to you this is another email sent by you to your

13 16:04:47 accountant or April 29th, a day after Adam sent you

14 16:04:50 it and it has an attachment, IME Watchdog Client's

15 16:04:55 Master List 2017. Do you recognize this document?

16 16:05:00 A I don't actually but ask your question.

17 16:05:06 Q Why is it that you forwarded this master

18 16:05:10 list of clients from 2017 to your accountant?

19 16:05:17 A I don't know. I forwarded information to

20 16:05:20 my accountant in respect to, Do you think this is a

21 16:05:26 profitable business. What I was sending was just

22 16:05:31 forwarded. It's not like I was -- I was sending to

23 16:05:33 my accountant for his opinion on whether or not he

24 16:05:38 thinks that this is a profitable or accurate

25 16:05:41 business.

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16:05:41 Q How would your accountant know whether it  
16:05:44 would be a profitable or successful business?

16:05:47 A I don't know. I asked an expert. I  
16:05:49 wouldn't know.

16:05:50 Q What did he say to you when you asked him?

16:05:53 A He said it looks profitable.

16:05:56 Q Did he say anything else?

16:05:57 A Nothing.

16:05:58 Q Did you ask him any other questions?

16:06:00 A I don't recall.

16:06:07 Q If you go to the third page, I will  
16:06:11 represent to you this is the master list. It's an  
16:06:14 Excel spreadsheet that's so long and somehow made to  
16:06:20 fit on this page that it's so small you can't see  
16:06:23 anything on it.

16:06:24 I will represent to you that we have  
16:06:26 placed up on the screen this list as it is before  
16:06:34 printing it. The Excel spreadsheet is produced by  
16:06:39 the forensic examiner with the Bates stamp  
16:06:39 BRG8006.0001. Do you recall reviewing this Excel  
16:06:54 spreadsheet in April of 2017?

16:06:56 A I absolutely do not recall this sheet  
16:06:58 whatsoever.

16:07:01 MR. WARNER: What was the --

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2 16:07:03 MR. KATAEV: .0001.

3 16:07:06 MR. WARNER: Thank you.

4 16:07:06 BY MR. KATAEV:

5 16:07:07 Q In this sheet -- scroll to the top -- in  
6 16:07:10 this sheet, it lists every single customer as well  
7 16:07:16 the contact person at the customer and that contact  
8 16:07:19 person's phone number, correct?

9 16:07:21 A I see.

10 16:07:22 Q It also lists each such contact person's  
11 16:07:24 email address, correct?

12 16:07:26 A That's what I see.

13 16:07:27 Q Is it fair to say that this list provided  
14 16:07:29 you with information about who you could contact at  
15 16:07:34 every single customer in order to try solicit their  
16 16:07:38 business?

17 16:07:39 A I have never seen this list. If I had  
18 16:07:41 seen this list, I would have -- it's -- I have never  
19 16:07:46 seen this list before. I have never ever seen this  
20 16:07:49 list.

21 16:07:50 Q You forwarded this to your accountant.

22 16:07:52 A I forwarded emails to my accountant that  
23 16:07:55 Adam sent me. I didn't intentionally forward  
24 16:07:58 particular things. I have never seen this list.

25 16:08:03 Q It's your testimony that you never opened

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2 16:08:04 this list?

3 16:08:06 A I don't believe I ever opened that list  
4 16:08:08 until after the case, until after I was served.

5 16:08:34 Q On this list, just looking at the screen,  
6 16:08:34 how many customers are listed?

7 16:08:36 A It looks like 476.

8 16:08:45 Q When you sent these emails to your  
9 16:08:47 accountant and asked him questions about it, did you  
10 16:08:49 do so for the purpose of ascertaining whether the  
11 16:08:52 business could be replicated?

12 16:08:55 A No.

13 16:09:00 MR. KATAEV: Let's mark this 16.

14 16:10:06 (Plaintiff's Exhibit 16, Marked for Identification.)

15 16:10:06 BY MR. KATAEV:

16 16:10:18 Q I have handed you what has been marked as  
17 16:10:21 Plaintiff's Exhibit 16. I will represent to you  
18 16:10:24 that this is your email to your accountant  
19 16:10:28 forwarding the email you received in Plaintiff's  
20 16:10:32 Exhibit 7, which I've placed in front of you.

21 16:10:39 I just want to confirm, you did  
22 16:10:41 forward this email to your accountant with the  
23 16:10:44 attachments, correct?

24 16:10:45 A Yes.

25 16:11:22 Q Referring to your Show Cause Hearing

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2 16:11:25 testimony, pages 35 to 36 starting on line 24 of

3 16:11:30 page 35, you were asked by me: Adam gave you a

4 16:11:33 sales by customer summary for 2016 in or about April

5 16:11:38 of '17, correct? Your answer was no.

6 16:11:41 I asked you: Adam provided you with

7 16:11:44 contact information for each of the clients on the

8 16:11:45 sales by customer summary, correct? I was asked to

9 16:11:48 go slower, and your answer was no.

10 16:11:53 My question is: Is your testimony

11 16:11:55 the same today?

12 16:11:56 A Yes.

13 16:11:56 Q He did provide you?

14 16:11:58 A He did provide me the -- now I see this, I

15 16:12:03 have never seen it prior to the case.

16 16:12:06 Q Even though he forwarded it to your

17 16:12:07 attention?

18 16:12:08 A Even though -- I never opened it, I

19 16:12:14 forwarded it.

20 16:12:15 MR. KATAEV: Let's mark this as 17.

21 16:12:16 (Plaintiff's Exhibit 17, Marked for Identification.)

22 16:12:18 BY MR. KATAEV:

23 16:13:10 Q Take a second to review the email that I

24 16:13:14 have given you and the attachments.

25 16:13:20 (Witness perusing document.)

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2 16:13:23 Q Now before we get into this exhibit, with  
3 16:13:26 the exhibits that we just went over, the multiple  
4 16:13:29 emails that you received from Adam that you  
5 16:13:30 subsequently forwarded to your accountant.

6 16:13:33 The question is: Why did you forward  
7 16:13:35 something to your accountant that you yourself had  
8 16:13:37 not yet opened?

9 16:13:39 MR. WARNER: Objection to form. You can  
10 16:13:39 answer.

11 16:13:45 A I didn't want to open it. I wanted him to  
12 16:13:48 tell me -- I didn't know what was in them. I  
13 16:13:51 forwarded some. I didn't forward them all. I saw a  
14 16:13:54 few. I forwarded them. I barely looked at them.

15 16:14:02 Q Did you have a discussions with your  
16 16:14:04 accountant before you forwarded them?

17 16:14:07 A I believe I had a discussion with him  
18 16:14:09 after.

19 16:14:11 Q What did you say to him and what did he  
20 16:14:13 say to you?

21 16:14:14 A It was -- I don't remember when. It was a  
22 16:14:17 little after whenever we had time and I said, What  
23 16:14:21 do you think, do you think this is a profitable  
24 16:14:25 business. That's it. It's business advice.

25 16:14:33 Q Did you send your accountant emails from

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2 16:14:36 anyone else?

3 16:14:38 A I don't recall.

4 16:14:42 Q Was your accountant confused when he

5 16:14:45 received these emails out of nowhere?

6 16:14:48 A I'm sure he was. I didn't ask him.

7 16:14:54 Q Your testimony is that any emails that you

8 16:14:56 received from Adam, you just forwarded to your

9 16:14:59 accountant?

10 16:14:59 A Not any. Just a few. I sent him a few

11 16:15:02 and I spoke to him. I don't recall when but after.

12 16:15:08 Q What made you decide to send those few

13 16:15:12 emails but not others?

14 16:15:13 A The subject title.

15 16:15:19 Q Anything with financial information you

16 16:15:21 decided to send?

17 16:15:22 A Yes.

18 16:15:23 Q Is it because you don't understand the

19 16:15:24 financial information and wanted to?

20 16:15:30 A I just wanted to understand what --

21 16:15:33 whether the business was profitable, I wanted to

22 16:15:38 understand that this is -- I just wanted to

23 16:15:39 understand.

24 16:15:42 Q Fair to say the subject of the email is

25 16:15:44 something that interested you but you weren't

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interested in the attachments and reviewing it?

A I did not review the attachment. It's a fair statement to say. I figured he would be the expert depending on the subject.

Q All of these emails were received by your accountant one week before he opened or incorporated IME Guarddog, correct?

MR. WARNER: Objection.

A Yes.

Q You relied on Jay at Five Pillars with respect to financial information, even though you were in banking for 20 years?

A Yes.

Q Is it fair to say that because you were in banking for 20 years, you had a fair amount of knowledge about reading financial statements?

A I did not read financial statements.

Q Did you realize when you were sending this information to your accountant that you were forwarding confidential information of IME Watchdog?

A No.

Q We have an exhibit in front of you. I think it's 17. I will represent to you this is an October 19, 2017 email from Info@imecompanions.com

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2 16:17:12 to an individual with the e-mail address,

3 16:17:15 Washingtonsharee@yahoo.com.

4 16:17:22 Do you recognize this document?

5 16:17:23 A I recognize the attachments.

6 16:17:27 Q Do you recall sending an email like this

7 16:17:29 to an individual named Sharee Washington?

8 16:17:34 A I don't.

9 16:17:37 Q Does the name in the subject, Massiel

10 16:17:37 Delossantos ring a bell to you?

11 16:17:42 A No.

12 16:17:43 Q Is it fair to say that based on the

13 16:17:45 contents of this email that you are sending Sharee

14 16:17:51 Washington this information because she's going to

15 16:17:54 observe an IME?

16 16:17:56 A No.

17 16:17:56 Q Why did IME Companions send this email to

18 16:18:03 Sharee Washington?

19 16:18:06 A There were close to four or five people

20 16:18:09 working on the info email. I don't recall this

21 16:18:11 document. When we first started, it could be

22 16:18:17 because it was assigned to her, it could be for

23 16:18:20 other reasons. I don't recall.

24 16:18:22 Q The email says, Hello Sharee. Attached

25 16:18:25 there is a sample IME exam report, a basic

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questionnaire and the appointment information. You don't have to print out the IME report. It will be helpful once you accompany a client to an exam and need to write your report. Please print the basic questionnaire and the appointment sheet and take to your exam. You will meeting with Mohammed Abdul Romman in the medical office. He will train you on how to brief your patient. I will be available to answer any questions for you after. Good luck.

Safa Gelardi, IME Companions.

Is it fair to say, based on my

reading of this email to Sharee, that you wrote this email to her?

A Yes.

Q Is it fair to say that you're explaining to Sharee what she needs to do as an observer for an IME?

A Yes.

Q Is it fair to say that based on the subject of the email, the patient that is being examined or the personal injury client, the plaintiff that is being examined is Massiel Delossantos.

A Yes.

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16:19:36 MR. KATAEV: M-a-s-s-i-e-l

16:19:39 D-e-l-o-s-s-a-n-t-o-s.

16:19:50 Q In this email to Sharee, you have three  
16:19:52 attachments, correct?

16:19:54 A Yes.

16:19:55 Q The first one is an IME submission form,  
16:19:58 correct?

16:19:59 A Yes.

16:20:00 Q This is a standard one-page form that  
16:20:03 gives the basic information about the patient, the  
16:20:05 attorney, who is the customer, and the doctor who is  
16:20:09 performing the IME, correct?

16:20:11 A Yes.

16:20:12 Q Is this a form that you created?

16:20:14 A Yes.

16:20:14 Q It's not a form that you copied from IME  
16:20:18 Watchdog?

16:20:19 A I don't believe so.

16:20:22 Q The second document attached is a letter  
16:20:28 on the letterhead of Elefterakis, Elefterakis &  
16:20:30 Panek, correct?

16:20:35 A Yes.

16:20:36 Q It's addressed the to Massiel Delossantos  
16:20:37 and it notifies her about the date and time and

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location of the IME, correct?

A Yes.

Q This is something that your customer, Elefterakis, Elefterakis & Panek, provided you?

A Yes.

Q If you go down to page 288 of this attachment. In the email to Sharee, you provided her with an IME report from IME Watchdog, correct?

A Correct.

Q Why did you provide Sharee with a IME Watchdog report?

A IME Watchdog reports were available online.

Q Was this report available online?

A I'm not sure. It could have been.

Q You're not sure because some reports you obtained from Adam and others you obtained from the website, correct?

A Correct.

Q You provided this to Sharee in order to assist her with creating her report so she can copy what's in this report, correct?

A Not copy. Use to understand how to do a report.

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16:22:35 Q In the email, you are asking her to model  
16:22:39 her report after this report by IME Watchdog,  
16:22:41 correct?

16:22:42 A No.

16:22:44 Q What are you doing?

16:22:45 A This is a reference. This is a reference  
16:22:50 to what kind of report she will be submitting to us  
16:22:55 at a later date. This is just a reference on what  
16:22:58 we expect. Again, IME Companions' reports are  
16:23:05 completely different. Same information provided,  
16:23:06 same information needed, but they are different.

16:23:10 Q You stated in your email to Sharee that  
16:23:14 the report will be helpful once she accompanies a  
16:23:17 client to an exam and needs to write her report,  
16:23:20 correct?

16:23:21 A Correct.

16:23:21 Q You said that because it would be easier  
16:23:24 for her to copy this report rather than create her  
16:23:28 own report, correct?

16:23:30 A No.

16:23:36 Q If this report was not available on IME  
16:23:38 Watchdog's website, how did you obtain it?

16:23:42 A I don't know.

16:23:46 Q Is it fair to say that you used this

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2 16:23:48 report to help your employees or independent

3 16:23:52 contractors or agents understand how to observe an

4 16:23:56 IME?

5 16:23:58 A Not how to observe an IME, no. Just what

6 16:24:02 notes need to be taken.

7 16:24:04 Q Is it fair to say that you used IME

8 16:24:06 Watchdog's report to train the Companions that you

9 16:24:12 hired on how to do their jobs?

10 16:24:14 A No.

11 16:24:15 Q I want you to finish your answer.

12 16:24:20 A I'm finished.

13 16:24:21 Q Is it fair to say that you did not have

14 16:24:24 any reports of your own at the time you formed IME

15 16:24:26 Companions?

16 16:24:27 A That's fair.

17 16:24:28 Q Is that the reason you did not use a IME

18 16:24:34 Companions report?

19 16:24:34 A It's possible. I don't know. I don't

20 16:24:36 recall, but again, the report is just in reference

21 16:24:41 to what information is needed to be taken at the

22 16:24:46 exam. It's not for anyone to copy and they were

23 16:24:50 available online, not only on the website. There

24 16:24:56 are IME Watchdog reports available online.

25 16:25:02 MR. KATAEV: We are going to call for the

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production of all initial reports of IME  
Companions and we will follow up in writing.

THE WITNESS: Sure.

MR. WARNER: Don't respond. It's not for  
you to respond.

(Counsel Request.)

BY MR. KATAEV:

Q But it's fair to say that allowing Sharee  
Washington to use this report is in one way or  
another helping her on how to write a report?

A No, not helping her write a report.  
Helping her -- it's just so she would know it's  
informational on what information is needed for her  
to take at the IME exam.

MR. KATAEV: Let's take a three-minute  
break. Off the record.

THE VIDEOGRAPHER: The time is 4:25 p.m.  
We are going off the record.

(Whereupon, a short recess was taken.)  
(Whereupon, the referred to testimony was read back  
by the reporter.)

THE VIDEOGRAPHER: The time is 4:33 p.m.  
We are back on the record.

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2 16:33:18 BY MR. KATAEV:

3 16:33:19 Q We've come back after a break.

4 16:33:24 Ms. Gelardi, with respect to this  
5 16:33:25 exhibit and the email to Sharee Washington, is it  
6 16:33:27 fair to say that Ms. Washington was just hired or  
7 16:33:30 engaged by IME Companions?

8 16:33:35 A Sharee actually was never hired.

9 16:33:38 Q Did she perform -- did she observe the IME  
10 16:33:42 for that patient?

11 16:33:43 A No.

12 16:33:45 Q Let's go to within the exhibit to  
13 16:33:47 Bates-stamped 296 for now, please. While you're  
14 16:33:55 looking for that, do you know whether Ms. Washington  
15 16:33:57 was going to be hired?

16 16:34:00 A She might have been, but I don't know if  
17 16:34:03 she would have been hired, but she never showed and  
18 16:34:06 she wasn't hired.

19 16:34:10 Q How did you first get in contact with  
20 16:34:13 Ms. Washington?

21 16:34:14 A I believe it was through a Craigslist ad.

22 16:34:19 Q How did you know that you could do a  
23 16:34:21 Craigslist ad to hire individuals that could serve  
24 16:34:24 as Companions to observe IMEs?

25 16:34:31 A My husband puts out Craigslist ads

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16:34:32 multiple times for many different things.

3

16:34:33 Q Isn't it true that Adam also told you that

4

16:34:35 that's a good way to hire individuals to observe

5

16:34:39 IMEs?

6

16:34:39 A No.

7

16:34:40 Q Why did you send this email to her?

8

16:34:46 A She wanted to know more about the

9

16:34:48 position.

10

16:34:51 Q What, if anything, did you two say to each

11

16:34:53 other after you sent the email?

12

16:34:55 A I don't recall.

13

16:34:56 Q Did she ask you any questions about why

14

16:34:59 you provided her a report from a different company?

15

16:35:02 A No.

16

16:35:05 Q Do you have 296 open in front of you from

17

16:35:09 Plaintiff's Exhibit 17?

18

16:35:10 A Yes.

19

16:35:10 Q This is an email that's part of the

20

16:35:12 exhibit dated October 17, 2017 from IME Companions

21

16:35:19 to Moabulrahman@yahoo.com, correct?

22

16:35:22 A Correct.

23

16:35:23 Q The subject is IME Report. It contains an

24

16:35:27 attachment titled IME report.pdf, correct?

25

16:35:32 A Correct.

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16:35:32 Q The report that you sent to Moe  
16:35:35 Abdulrahman is an IME Watchdog report, correct?  
16:35:41 A Yes.  
16:35:41 Q Who is Moe Abdulrahman to you?  
16:35:43 A My brother.  
16:35:44 Q Was Moe involved in the business of IME  
16:35:47 Companions?  
16:35:47 A Yes.  
16:35:48 Q Is he still involved?  
16:35:49 A No.  
16:35:51 Q Why is he no longer involved?  
16:35:54 A He was only helping out. He had a  
16:35:56 full-time job of his own.  
16:35:58 Q Where does he work?  
16:36:00 A He is an RN.  
16:36:01 Q A registered nurse?  
16:36:03 A I believe so.  
16:36:05 Q Where does he serve as an RN?  
16:36:09 A I don't know. I think Brooklyn Hospital  
16:36:12 or something.  
16:36:16 Q Why did you send this report to Mo?  
16:36:21 A For the same purpose I sent it to Sharee.  
16:36:23 For him to overlook it to see what information we  
16:36:29 needed to collect at the IMEs.

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S. Abdulrahim Gelardi

16:36:31 Q In other words, you used this report in  
16:36:32 order to ascertain what you needed to do when  
16:36:37 observing IMEs, correct?

16:36:39 A No. This report was used as a reference.  
16:36:41 It was a reference. That's all it is.

16:36:47 Q Why did you specifically use an IME  
16:36:50 Watchdog report?

16:36:51 A They were available.

16:36:52 Q They were available because of your  
16:36:56 relationship with Adam, correct?

16:36:57 A They were available because Adam sent me  
16:37:01 one or two and they were available online.

16:37:05 Q These reports are not available anywhere  
16:37:07 else?

16:37:08 A I don't believe so. I don't know.

16:37:17 Q Prior to the time that you obtained an IME  
16:37:20 Watchdog report, you did not have any other IME  
16:37:23 reports from anywhere else outside of IME Watchdog,  
16:37:28 correct?

16:37:29 A Yes.

16:37:53 MR. KATAEV: Let's mark this as 18.

16:37:55 (Plaintiff's Exhibit 18, Marked for Identification.)

16:38:09 (Witness perusing document.)

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1 S. Abdulrahim Gelardi

2 16:38:09 BY MR. KATAEV:

3 16:38:15 Q I have handed to you, Ms. Gelardi, what  
4 16:38:18 has been marked as Plaintiff's Exhibit 18. I will  
5 16:38:22 represent to you it's an August 8, 2017 email from  
6 16:38:44 you to R. Pollak, P-o-l-l-a-k, 002 at Gmail.com.

7 16:38:52 Do you recognize this document?

8 16:38:53 A No.

9 16:38:55 Q This is an email that you originally sent  
10 16:39:01 to yourself from your Sterling National Bank email  
11 16:39:06 address to your personal email address the same day  
12 16:39:09 four hours earlier, correct?

13 16:39:17 A Okay. I see what you're saying, yes.

14 16:39:19 Q Once you sent it to your personal email  
15 16:39:23 you then forward it to Roman Pollak, correct?

16 16:39:25 A Yes.

17 16:39:27 Q Why is it that you sent an email from your  
18 16:39:30 work email to your personal email with this  
19 16:39:33 information?

20 16:39:35 A Why -- repeat that, please.

21 16:39:37 (Whereupon, the referred to question was read back  
22 16:39:37 by the reporter.)

23 16:39:52 A I don't know.

24 16:39:53 Q Is it because you received this  
25 16:39:54 information while you were at the bank and forwarded

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1 S. Abdulrahim Gelardi

2 16:39:57 it yourself from the bank?

3 16:40:00 A Possibly.

4 16:40:02 Q So is it fair to say that in or about

5 16:40:05 August 8 of 2017, Adam or Ron met with you and

6 16:40:09 provided you this information?

7 16:40:15 A I don't believe so. I don't know. I

8 16:40:22 don't think so.

9 16:40:24 Q Do you have a -- withdrawn.

10 16:40:26 In August of 2017, you were still

11 16:40:28 working at Sterling National Bank, correct?

12 16:40:31 A Yes.

13 16:40:32 Q At that time, did you have a computer that

14 16:40:35 you could use at home?

15 16:40:39 A A personal computer?

16 16:40:40 Q Yes.

17 16:40:41 A Yes.

18 16:40:46 Q The subject line of this email is blank,

19 16:40:50 but the attachments -- the main attachment is an

20 16:40:53 Excel spreadsheet that says, Attorney list over

21 16:40:57 10,000 in revenue; do you see that?

22 16:41:04 A Yes.

23 16:41:06 Q If you go to the next page there is a

24 16:41:08 one-page list of approximately 20 law firms;

25 16:41:10 correct?

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S. Abdulrahim Gelardi

16:41:10 A Yes.

16:41:12 Q Is it fair to say that this is a list of  
16:41:16 IME Watchdog customers that provide over 10,000 in  
16:41:23 revenue to IME Watchdog?

16:41:25 A I have no idea.

16:41:27 Q You made this list using the Excel program  
16:41:33 while at work at Sterling National Bank, correct?

16:41:34 A I don't know. I don't think.

16:42:15 Q You made this list from the master list  
16:42:18 that we reviewed previously, correct?

16:42:21 A No.

16:42:25 Q Where did this list come from?

16:42:29 A I don't recall, but I never made any list.

16:42:33 Q Why did you send this list to Roman  
16:42:36 Pollak?

16:42:38 A Possibly to -- possibly to ask him if they  
16:42:41 were his clients as well.

16:42:46 Q When you say his clients, are you stating  
16:42:48 that Roman Pollak is an attorney?

16:42:51 A No.

16:42:52 Q How -- if Roman Pollak is not an attorney,  
16:42:56 how would these law firms be his quote/unquote  
16:43:01 customers as well?

16:43:02 A Roman Pollak worked for a funding company.

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S. Abdulrahim Gelardi

16:43:06 Q How did you know Roman Pollak?

16:43:09 A He was a customer at the bank for -- he  
16:43:13 worked for Greg Elefterakis and he was the main  
16:43:18 person that came to the bank on behalf of Greg.

16:43:29 Q Why would Roman Pollak come on behalf of  
16:43:33 Greg to the bank?

16:43:35 A He worked for Greg.

16:43:38 Q Where?

16:43:39 A At Case Cash, the funding company.

16:43:52 Q Where was the funding company located or  
16:43:55 where was it located at the time in August of '17?

16:44:00 A Manhattan on Eighth Avenue.

16:44:03 Q Did Gregory Elefterakis' company have a  
16:44:07 bank account with Sterling National Bank?

16:44:09 A They did.

16:44:10 Q Is that how you knew Gregory Elefterakis  
16:44:13 and Roman Pollak?

16:44:14 A Yes.

16:44:16 Q When you sent this to Roman, what did you  
16:44:19 say to him and what did he say to you?

16:44:22 A I can't recall the conversation, but -- I  
16:44:28 wouldn't be able to recall a conversation like that.

16:44:33 Q You stated the funding company is located  
16:44:35 in Manhattan but you worked in Forest Hills in

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1 S. Abdulrahim Gelardi

2 16:44:40 Queens, correct?

3 16:44:42 A Correct.

4 16:44:43 Q Why would Roman or Greg come to bank with  
5 16:44:48 you in Forest Hills?

6 16:44:52 A I believe, and this is speculation, I  
7 16:44:58 believe Roman would visit Gregory's clients all over  
8 16:45:01 the place and one of the places I believe he had  
9 16:45:04 clients in Forest Hills, but I never asked.

10 16:45:07 Q This list that says, Attorney list over  
11 16:45:16 \$10,000 in revenue, did Adam create it and send it  
12 16:45:20 to you?

13 16:45:21 A I don't think so. I don't know. Adam  
14 16:45:22 sent a bunch of stuff. I don't know.

15 16:45:24 Q But you deny you created this list?

16 16:45:27 A I did not create this list.

17 16:45:40 Q Did you receive this list in April of 2017  
18 16:45:44 together with other documents?

19 16:45:47 A I don't know. Possible. He flooded my  
20 16:45:53 emails.

21 16:45:54 Q To your knowledge, where did this list  
22 16:45:56 come from?

23 16:45:59 A Speculation only, it might have been from  
24 16:46:03 Adam.

25 16:46:22 Q Did you delete all the emails that you

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1 S. Abdulrahim Gelardi

2 16:46:24 received from Adam?

3 16:46:26 A I don't think so.

4 16:46:29 Q I will represent to you that the only

5 16:46:31 emails that we have from Adam to you are the ones

6 16:46:35 that you forwarded to your account or elsewhere?

7 16:46:39 A I deleted nothing. I delete spam. I  
8 16:46:46 don't delete anything in my inbox. I have an email  
9 16:46:50 that floods with spam.

10 16:47:00 Q So where are all the emails between you  
11 16:47:03 and Adam?

12 16:47:05 A I'm sure I still have them.

13 16:47:07 MR. KATAEV: We will call for the  
14 16:47:09 production of all emails between the witness  
15 16:47:11 and Adam Rosenblatt as well as the emails  
16 16:47:15 between the witness and Roman Pollak.

17 16:47:17 (Counsel Request.)

18 16:47:26 MR. KATAEV: This is 19.

19 16:47:27 (Plaintiff's Exhibit 19, Marked for Identification.)

20 16:47:50 (Witness perusing document.)

21 16:47:50 BY MR. KATAEV:

22 16:48:21 Q At your Show Cause Hearing on April 4th,  
23 16:48:23 and I'm pointing to highlighted portions of your  
24 16:48:27 testimony from page 40 thereof from lines four to  
25 16:48:30 15, you testified that prior to forming IME

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S. Abdulrahim Gelardi

16:48:36 Companions with Greg Elefterakis, the only  
16:48:39 information you presented to him were two invoices;  
16:48:43 is that right?

16:48:43 A Yes.

16:48:45 Q You did not tell the court then that you  
16:48:47 had sent Roman Pollak any information about this  
16:48:51 business, did you?

16:48:53 MR. WARNER: Objection to form. You can  
16:48:53 answer it.

16:48:55 A I don't recall you asking.

16:49:08 Q At the time that you first spoke to  
16:49:09 Mr. Elefterakis about this business, you presented  
16:49:12 him with the two invoices and all the other  
16:49:18 documents that we have seen, correct?

16:49:23 MR. WARNER: Objection to form.

16:49:24 A No.

16:49:24 Q It's your testimony today that you did not  
16:49:25 show him the customer list?

16:49:26 A I did not.

16:49:26 Q It's your testimony today that you did not  
16:49:28 show him the profit and loss statements?

16:49:33 A It's my testimony that I do not recall  
16:49:35 showing Greg Elefterakis anything but two invoices.

16:49:39 Q Today or at the Show Cause Hearing?

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S. Abdulrahim Gelardi

16:49:41 A Today and at the Show Cause Hearing.

16:49:43 Q At the Show Cause Hearing, your answer as  
16:49:45 shown on the screen says, I presented him with two  
16:49:49 invoices, Your Honor, and as I recall you were very  
16:49:50 emphatic about that.

16:49:52 A Yes.

16:49:52 MR. WARNER: Objection to form.

16:49:53 Q You didn't say, as you recall, did you?

16:49:56 MR. WARNER: Objection to form.

16:49:58 Q You can answer.

16:50:01 A What is the question?

16:50:02 Q You didn't say at the Show Cause Hearing  
16:50:04 that you recall that, you stated it as a matter of  
16:50:08 fact, correct?

16:50:09 MR. WARNER: Objection to form.

16:50:11 Q You can answer.

16:50:13 A I really don't understand the question.

16:50:16 Q As you sit here today, you're saying, as I  
16:50:19 recall I only sent two invoices, but that's not what  
16:50:22 you said at the hearing, correct?

16:50:24 A It sounds the same to me.

16:50:27 Q I will represent to you it's not the same.

16:50:30 MR. WARNER: I'll object to the  
16:50:31 representation.

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1 S. Abdulrahim Gelardi

2 16:50:32 Q Looking at Plaintiff's Exhibit 19,  
3 16:50:33 representing to you that this is an October 19, 2017  
4 16:50:36 email from IME Companions by you to  
5 16:50:41 Alex.Silva819@gmail.com. This is similar to the  
6 16:50:47 email you sent to Sharee Washington; do you recall  
7 16:50:51 sending this email?

8 16:50:54 A I don't recall, but I'm sure I sent it.

9 16:50:57 Q You sent this email to Alex Silva because  
10 16:51:01 you hired or engaged him or her to observe IMEs,  
11 16:51:04 correct?

12 16:51:05 A Yes.

13 16:51:07 Q You state in here that, Attached is a  
14 16:51:08 basic questionnaire and a sample report, right?

15 16:51:13 A Okay.

16 16:51:14 Q You also state in the email to Alex that  
17 16:51:17 quote, You can save the sample report as a pdf and  
18 16:51:21 just edit it with the new information you gather  
19 16:51:25 from your exam, correct?

20 16:51:27 A That's what it says, yes.

21 16:51:28 Q You sent that because it's easier to edit  
22 16:51:30 this report rather than create a report yourself,  
23 16:51:35 right?

24 16:51:36 A Wrong.

25 16:51:55 Q Go to the next page of this exhibit.

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1 S. Abdulrahim Gelardi

2 16:51:56 There is a form with information to be filled in,  
3 16:52:00 correct?

4 16:52:00 A Yes.

5 16:52:01 Q Did you create this form or is this  
6 16:52:03 something that was copied from IME Watchdog?

7 16:52:09 A To be honest -- rephrase.

8 16:52:12 I believe Ronald Rosenblatt sent me  
9 16:52:19 this form.

10 16:52:20 Q This specific form that begins with  
11 16:52:22 client's name, attorney name, etc?

12 16:52:24 A Absolutely, correct. I believe Ronald  
13 16:52:25 Rosenblatt sent me this format.

14 16:52:28 MR. KATAEV: We will call for the  
15 16:52:29 production of all the emails from Ronald  
16 16:52:31 Rosenblatt and follow up in writing.

17 16:52:33 (Counsel Request.)

18 16:52:33 BY MR. KATAEV:

19 16:52:34 Q The report that you sent to Alex Silva is  
20 16:52:37 the same exact report that you had sent prior to  
21 16:52:40 Sharee Washington, correct?

22 16:52:41 A Correct.

23 16:52:41 Q It is also the IME Watchdog report,  
24 16:52:43 correct?

25 16:52:44 A Correct.

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S. Abdulrahim Gelardi

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16:52:54

Q

Did you hire Alex Silva?

3

16:52:56

A

Yes.

4

16:52:58

Q

Did he work at IME Companions?

5

16:53:00

A

Yes.

6

16:53:01

Q

Is he still working there today?

7

16:53:02

A

No.

8

16:53:04

Q

When did he or she stop working there?

9

16:53:10

A

A long time ago. I don't recall.

10

16:53:13

Q

Has it been years?

11

16:53:15

A

Yes.

12

16:53:16

Q

For all of the Companions that are hired

13

16:53:20

or engaged by IME Companions, does IME Companions

14

16:53:22

maintain a list with their names and contact

15

16:53:25

information?

16

16:53:25

A

We have a list of our Companions, yes.

17

16:53:29

Q

On that list is the first and last name of

18

16:53:32

each Companion?

19

16:53:35

A

I can make one.

20

16:53:36

Q

I'm asking if one exists.

21

16:53:38

A

No.

22

16:53:39

Q

Do you have any list with every

23

16:53:42

Companion's phone number?

24

16:53:46

A

No.

25

16:53:47

Q

Do you have a list of every Companion's

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1 S. Abdulrahim Gelardi

2 16:53:49 email address?

3 16:53:51 A If I have an actual list?

4 16:53:53 Q Correct. In your possession as of today,  
5 16:53:55 not one that would you make?

6 16:53:59 A I think -- I believe one previously before  
7 16:54:07 QuickBooks. I believe I did have a list with the  
8 16:54:10 Companions and their information.

9 16:54:11 MR. KATAEV: I'm going to ask that you  
10 16:54:12 preserve that list and produce it to us. We  
11 16:54:15 will follow up in writing.

12 16:54:15 (Counsel Request.)

13 16:54:15 BY MR. KATAEV:

14 16:54:16 Q You said that kept a list up until you got  
15 16:54:19 QuickBooks. Did you start keeping the Companions'  
16 16:54:21 contact information in QuickBooks?

17 16:54:23 A No.

18 16:54:24 Q Why did you stop keeping the list of  
19 16:54:26 Companions after you got QuickBooks?

20 16:54:30 A I used -- I no longer needed the list. I  
21 16:54:34 knew who was working for me.

22 16:54:47 Q This report that you sent to Alex Silva  
23 16:54:49 you sent it was because it was a good report that  
24 16:54:56 you wanted them to emulate, correct?

25 16:54:58 A No.

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S. Abdulrahim Gelardi

16:55:04 Q I want you to go please in this exhibit to  
16:55:06 Bates-stamped 315 on the bottom right. This is an  
16:55:15 email part of the exhibit dated October 18, 2017  
16:55:19 from you to Vito forwarding an email you received  
16:55:24 from Mohammad, and Mohammad is the same as Moe,  
16:55:30 correct?

A Yes.

Q That's your brother, correct?

A Yes.

Q Is this the same individual as Omar?

A No.

Q Omar is another brother you have?

A Yes.

Q In this email to Vito you ask him to check  
out Moe's report and you state it was good, correct?

A That's what it says, yes.

Q The email that he sent you contained the  
attachment on the next page, correct?

A This attachment?

Q Yes, page 316.

A Yes.

Q Is that correct?

A That's what it says.

Q By inference from your email, this report

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1 S. Abdulrahim Gelardi

2 16:56:21 was edited by Omar, correct?

3 16:56:24 A No.

4 16:56:26 Q So when you state to Vito, check out Moe's  
5 16:56:29 report, it was good, what do you mean by that?

6 16:56:32 A Moe is a very talented man and he's very  
7 16:56:36 aware of what exams should be. This might have been  
8 16:56:42 an error attachment, it might have been something  
9 16:56:45 else, but this is not Moe's report.

10 16:56:48 MR. WARNER: This referring to the  
11 16:56:49 document that follows page 315, correct?

12 16:56:53 THE WITNESS: Yes.

13 16:57:02 MR. KATAEV: We are good with this  
14 16:57:05 exhibit.

15 16:57:05 (Plaintiff's Exhibit 20, Marked for Identification.)

16 16:57:10 BY MR. KATAEV:

17 16:57:26 Q I have handed to you, Ms. Gelardi, what  
18 16:57:32 has been marked as Plaintiff's Exhibit 20. I will  
19 16:57:35 represent to you that it is another email that Adam  
20 16:57:40 sent to you on April 29, 2017. It contains an  
21 16:57:47 attachment. Do you recognize this document?

22 16:57:51 (Witness perusing document.)

23 16:57:54 A I did -- I do recognize it.

24 16:57:59 Q The subject of this email is, Additional  
25 16:58:02 breakdown of IMEs, correct?

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1 S. Abdulrahim Gelardi

2 16:58:03 A Yes.

3 16:58:04 Q In the attachment is a lot of information  
4 16:58:08 about the total number of IMEs conducted, the number  
5 16:58:11 of law firms in every year that IME Watchdog had and  
6 16:58:15 so on and so forth, correct?

7 16:58:18 A Yes.

8 16:58:25 Q What did you do with this email when you  
9 16:58:28 received it?

10 16:58:29 A I don't recall. Like I said, Adam flooded  
11 16:58:32 my emails.

12 16:58:59 Q After this email exchange between you and  
13 16:59:02 Adam on April 28th and April 29th of '17, when was  
14 16:59:07 the first time you had contact with him?

15 16:59:10 A When we met him at the diner.

16 16:59:17 Q Is your testimony that you received these  
17 16:59:19 emails before you met with him?

18 16:59:22 A Yes.

19 16:59:24 Q You deny that you gave him any form of  
20 16:59:26 money at the diner?

21 16:59:28 A Zero. Completely deny.

22 16:59:31 Q What is the name of the diner that you met  
23 16:59:33 him at?

24 16:59:34 A The Irish Cottage.

25 16:59:36 Q That's in Forest Hills, correct?

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1 S. Abdulrahim Gelardi

2 16:59:38 A Correct.

3 16:59:38 Q Are you a regular there?

4 16:59:40 A No. He chose it.

5 16:59:42 Q Do you know whether he's a regular there?

6 16:59:47 Where did you sit at the diner?

7 16:59:52 A Inside. There was no outside seating.

8 16:59:56 Q Did you sit close to the entrance or

9 16:59:58 further inside?

10 17:00:02 A I don't recall the layout. I don't recall

11 17:00:04 the layout.

12 17:00:05 Q Is it a large establishment?

13 17:00:08 A I think I have only been there once or

14 17:00:11 twice. I don't recall.

15 17:00:12 Q Besides Adam, who else was there?

16 17:00:16 A There was Jamal, there was two Spanish

17 17:00:21 guys, I don't recall their names. There was Julie,

18 17:00:26 his girlfriend, there were someone -- there was

19 17:00:32 Gabby. It was about a bunch of eight or nine -- at

20 17:00:36 least eight or nine people.

21 17:00:38 Q You were there with Vito?

22 17:00:40 A Yes.

23 17:00:42 Q How much time passed between the time you

24 17:00:45 got the emails and the meeting?

25 17:00:48 A I don't remember.

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1 S. Abdulrahim Gelardi

2 17:00:52 Q Was it a week, was it a month?

3 17:00:57 A It was definitely more than that, but I  
4 17:01:00 don't remember. It was the constant hounding, the  
5 17:01:07 reason we met with him. You can laugh but it's  
6 17:01:13 true.

7 17:01:13 Q Why did you meet with Adam after you  
8 17:01:16 received these emails?

9 17:01:18 A Because he was very adamant, his father  
10 17:01:24 was very adamant, they kept calling, they kept  
11 17:01:28 harassing, oh my God, it was -- they're a lot.

12 17:01:32 Q Was it more than two months between the  
13 17:01:35 time you got the emails in late April of '17 until  
14 17:01:40 you met with Adam at the diner?

15 17:01:42 A It was some time. It definitely wasn't a  
16 17:01:46 week or two.

17 17:01:48 Q You don't know if it was more than two  
18 17:01:50 months?

19 17:01:53 A I don't recall.

20 17:01:54 Q Who paid for the food at the diner?

21 17:01:57 A We did.

22 17:01:58 Q How did you pay for it?

23 17:02:01 A Vito paid.

24 17:02:02 Q Did he pay in cash or card?

25 17:02:04 A I don't think we ever carry cash.

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2 17:02:07 Q It was definitely a credit card?

3 17:02:10 A More than likely.

4 17:02:11 Q More than likely you used a IME Companions  
5 17:02:15 business card?

6 17:02:16 A No. IME Companions wasn't formed.

7 17:02:23 Q You would have had to have used a personal  
8 17:02:25 card or another business card, correct?

9 17:02:28 A I don't think we have any other business  
10 17:02:28 cards.

11 17:02:28 MR. KATAEV: We are going to call for the  
12 17:02:30 production of appropriately redacted credit  
13 17:02:34 card statements for the time period of  
14 17:02:36 April 2017 through July of 2017 to ascertain  
15 17:02:42 the exact date that the meeting at the diner  
16 17:02:43 happened.

17 17:02:47 (Counsel Request.)

18 17:02:47 BY MR. KATAEV:

19 17:03:00 Q Why did you feel it was incumbent upon you  
20 17:03:04 to meet with Adam if you felt like he was annoying  
21 17:03:06 you?

22 17:03:08 MR. WARNER: Objection to form. You can  
23 17:03:08 answer.

24 17:03:16 A Why did I feel the need to meet with Adam  
25 17:03:19 although I thought he was annoying; is that your

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17:03:22 question?

17:03:23 Q Yes.

17:03:26 A To give him a chance to speak, to hear  
17:03:34 what he had to say.

17:03:37 Q Why didn't you want to give him a chance  
17:03:39 to speak?

17:03:42 A Because we were working with his father.  
17:03:44 We were busy, we weren't interested in starting  
17:03:49 another business.

17:03:54 MR. KATAEV: Let's mark this as 21.

17:04:25 MR. WARNER: Off the record.

17:04:34 THE VIDEOGRAPHER: The time is 5:04 p.m.  
17:04:38 We are going off the record.

17:04:42 (Whereupon, an off-the-record discussion was held.)

17:05:50 THE VIDEOGRAPHER: The time is 5:05 p.m.  
17:05:51 We are on the record.

17:06:03 BY MR. KATAEV:

17:06:04 Q We were drawing the prior exhibit marked  
17:06:07 21. We will mark a different exhibit with that  
17:06:12 number.

17:06:13 Before I get to the next exhibit, you  
17:06:15 testified you were not interested in starting  
17:06:16 another business at the time you met with Adam. If  
17:06:19 that's the case, why did you incorporate V&S

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17:06:24 Holdings?

17:06:25 A V&S Holdings was for our real estate  
17:06:27 company.

17:06:28 Q If that's the case, why didn't you also  
17:06:30 incorporate Med Mal USA?

17:06:33 A Med Mal was the business that were working  
17:06:35 with his father on.

17:06:38 Q If that's the case, then why did you also  
17:06:39 incorporate IME Guarddog on the same day?

17:06:44 A We did not incorporate IME Guarddog.

17:06:47 Q Did you list Adam Rosenblatt as the  
17:06:50 incorporator to have some plausible deniability  
17:06:53 about IME Guarddog?

17:06:56 A No.

17:06:58 MR. KATAEV: Let's mark this as 21.  
17:07:02 (Plaintiff's Exhibit 21, Marked for Identification.)

17:07:18 (Witness perusing document.)

17:07:18 BY MR. KATAEV:

17:07:30 Q Before I get into introducing the exhibit,  
17:07:32 generally speaking, all the emails that I have shown  
17:07:35 you today have been either sent by you or received  
17:07:38 by you in the ordinary course of business, correct?

17:07:43 A Okay, yes.

17:07:44 Q You don't deny that you specifically sent

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2 17:07:48 or received any of these emails, correct?

3 17:07:51 A Correct.

4 17:07:53 Q With respect to Plaintiff's Exhibit 21, I

5 17:07:55 will represent to you it's another April 29, 2017

6 17:08:01 email from Adam to you and it contains an attachment

7 17:08:09 titled, Sales by client 2016.

8 17:08:12 Do you recognize this document?

9 17:08:14 A Yes.

10 17:08:14 Q In this document -- in this email, Adam

11 17:08:18 says to you, Attached please find sales by client

12 17:08:21 for 2016. Many of the clients prepay for IMEs on

13 17:08:26 the first of the month. Subin Associates gets an,

14 17:08:32 it says and, but he means an, a-n, 80 pack \$7,960.

15 17:08:37 Cherny gets a 40 pack, \$3,960, Cherny, C-h-e-r-n-y.

16 17:08:45 A number of other firms get smaller packs. On day

17 17:08:49 one I could bring in money. Adam.

18 17:09:00 Subin Associates is the first

19 17:09:01 customer that you obtained when you opened up IME

20 17:09:05 Companions, correct?

21 17:09:07 A No.

22 17:09:07 Q Which customer was the first one you

23 17:09:09 obtained when you opened up IME Companions?

24 17:09:14 A We obtained Liakas Law and Elefterakis,

25 17:09:28 Elefterakis & Panek first.

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17:09:30 Q Subin was the third customer that you  
17:09:32 obtained, correct?

17:09:34 A I want to say, I'm not sure. I'm not  
17:09:36 sure.

17:09:41 Q The law firm Elefterakis, Elefterakis &  
17:09:43 Panek has a familial relationship with Gregory  
17:09:49 Elefterakis, correct?

17:09:51 A Yes.

17:09:52 Q What is the nature of that relationship?

17:09:57 A I believe Greg Elefterakis is the uncle of  
17:09:59 the Elefterakis'.

17:10:03 Q And Liakas?

17:10:06 A And Liakas.

17:10:12 Q When you first formed -- withdrawn.

17:10:17 When you were in the process of  
17:10:19 beginning the IME observer business, did you have  
17:10:23 any meetings with Nicholas Elefterakis?

17:10:26 A No.

17:10:27 Q Same question for Nicholas Liakis?

17:10:31 A No personal meetings.

17:10:32 MR. KATAEV: L-i-a-k-a-s.

17:10:37 Q Did you have any phonecalls with either of  
17:10:40 the two?

17:10:40 A I had one phonecall, yes.

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2 17:10:43 Q With which one of them?

3 17:10:45 A Nick Elefterakis.

4 17:10:47 Q What did you say to him and what did he  
5 17:10:48 say to you?

6 17:10:48 A It was a conference call between Nick,  
7 17:10:53 Roman, I want to say Anthony, I'm not sure if  
8 17:10:59 Anthony was there, Anthony Bridda, and myself and  
9 17:11:03 Nick was on the call.

10 17:11:04 Q Was Vito present?

11 17:11:05 A No.

12 17:11:06 Q What was the conversation that was held  
13 17:11:09 between all of you?

14 17:11:11 A Roman made the call, he introduced me to  
15 17:11:13 Nick and he said, you know, Gregory was starting --  
16 17:11:18 he was telling Nick -- obviously Greg had already  
17 17:11:23 notified Nick that he was starting his own IME  
18 17:11:27 service and we -- Roman just wanted to get any  
19 17:11:32 questions or concerns that Nick may have on using  
20 17:11:37 Gregory -- IME Companions, what we formed with  
21 17:11:40 Gregory.

22 17:11:43 Q It's fair to say that Subin was the first  
23 17:11:46 customer you obtained outside of family connections  
24 17:11:50 to Gregory Elefterakis, correct?

25 17:11:55 A I don't think so.

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2 17:12:13 Q Looking at the next four pages of this

3 17:12:16 exhibit, it says on the top left that this 2016

4 17:12:24 sales by customer summary was created on April 29,

5 17:12:29 2017 at 5:54 p.m., correct?

6 17:12:33 A Yes.

7 17:12:38 Q Based on this list, you were able to tell

8 17:12:41 which customers provided the most revenue to IME

9 17:12:48 Watchdog, correct?

10 17:12:50 A Yes.

11 17:12:54 Q If you go to the fourth page of the actual

12 17:12:59 exhibit, Bates-stamped 219, Subin Associates

13 17:13:04 generated \$131,645 of revenue to IME Watchdog,

14 17:13:15 correct?

15 17:13:16 A Yes.

16 17:13:17 Q Most of the law firms listed here are

17 17:13:20 somewhere in the high three figures, low four

18 17:13:23 figures in terms of revenue, correct?

19 17:13:26 A Yes.

20 17:13:43 Q Would it be fair to say that approximately

21 17:13:46 20 percent of IME Watchdog's business was generated

22 17:13:50 by Subin?

23 17:13:53 MR. WARNER: Objection to form.

24 17:13:54 A I have no idea.

25 17:13:57 MR. WARNER: It wouldn't be fair to say.

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If you do math, Emanuel, a lot less than 20 percent. Less than 15 percent, if you can do math.

MR. KATAEV: Let the document speak for itself.

MR. WARNER: Sure. You divide 131 by 957 and you get a quick, off-the-hand maybe 14 percent.

MR. KATAEV: I've always wanted to do this in a deposition. Hey Siri, what is \$131,000 divided by \$957,000?

It didn't work.

MR. WARNER: She won't talk.

MR. KATAEV: Anything else on this? Let's go to 22.

(Plaintiff's Exhibit 22, Marked for Identification.)

(Witness perusing document.)

BY MR. KATAEV:

Q Ms. Gelardi, I have handed to you Plaintiff's Exhibit 22, which I will represent to you is a May 1st, 2017 email from Adam to you with the subject, Needed. Are you familiar with this email?

A Vaguely. Not really.

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17:16:04 Q In this email, Adam provides you with a  
17:16:08 list of items that you need to run an IME observer  
17:16:12 business, correct?

17:16:21 A Um, it looks like he -- more diarrhea of  
17:16:25 the email to me.

17:16:27 Q After you received this email in May of  
17:16:31 '17, did you go about obtaining these items?

17:16:38 A No, I did not.

17:16:40 Q In the IME Companions office today, are  
17:16:44 there two large white boards with markers?

17:16:48 A No, there is not.

17:17:03 Q In between the April 28th and April 29th  
17:17:06 emails from 2017 and this email, did you speak with  
17:17:10 Adam?

17:17:11 A No.

17:17:11 MR. KATAEV: 23.

17:17:30 (Plaintiff's Exhibit 23, Marked for Identification.)

17:17:51 (Witness perusing document.)

17:17:51 BY MR. KATAEV:

17:18:33 Q I have presented to you Plaintiff's 23,  
17:18:37 which I will represent to you is a May 3, 2017 email  
17:18:41 also from Adam to you with the subject, What the  
17:18:44 invoice looks like and two attachments.

17:18:47 Do you recall receiving this email?

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2 17:18:48 A Yes.

3 17:18:53 Q Was this email prompted by you asking him  
4 17:18:57 for a copy of this information?

5 17:18:59 A No.

6 17:19:00 Q So it's your testimony that Adam was  
7 17:19:03 randomly sending you emails from April 28th through  
8 17:19:09 May 3rd with information?

9 17:19:10 A Absolutely, yes.

10 17:19:11 MR. WARNER: Objection to form.

11 17:19:18 Q In this email, there are two attachments  
12 17:19:21 and each of them is a one-page invoice, correct?

13 17:19:24 A Yes.

14 17:19:26 Q Both of them are to Elefterakis,  
15 17:19:27 Elefterakis & Panek, correct?

16 17:19:30 A Yes.

17 17:19:34 Q This is how you first learned that the  
18 17:19:37 Elefterakis were involved with IME Watchdog,  
19 17:19:41 correct?

20 17:19:46 A It piqued my interest that they had the  
21 17:19:49 same name as Greg.

22 17:19:52 Q That's what prompted you to contact Greg,  
23 17:19:54 correct?

24 17:19:55 A Yes.

25 17:20:41 Q Now in terms of -- I want to pin down the

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testimony and be 100 percent accurate.

Your testimony is that --

MR. WARNER: Objection to form. You can answer.

Q Your testimony is that you did not speak with Adam at any point in time between the first time you met him with Ron Rosenblatt and some point after, potentially two months after these April 28 through May 3rd emails, correct?

MR. WARNER: I'm sorry, Madame Reporter, I didn't hear the answer.

MR. KATAEV: Let's read it back and then if necessary I will rephrase it.

(Whereupon, the referred to question was read back by the reporter.)

BY MR. KATAEV:

Q In other words, I will break it down. You testified about a meeting you had with Adam and Ron. You also testified --

A Not a meeting, an introduction.

Q An introduction. You testified about a meeting that you had with Adam and other IME Watchdog individuals at a diner?

A Yes.

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2 17:22:12 Q Your testimony today is that in between  
3 17:22:15 those two meetings, even though there is emails from  
4 17:22:18 April 28th through May 3rd, you did not have any  
5 17:22:23 meetings or communications with Adam other than  
6 17:22:26 those emails?

7 17:22:28 A That's correct, to my knowledge, the best  
8 17:22:29 to my knowledge.

9 17:22:33 MR. KATAEV: This is 24.  
10 17:22:34 (Plaintiff's Exhibit 24, Marked for Identification.)

11 17:22:52 (Witness perusing document.)

12 17:22:52 BY MR. KATAEV:

13 17:23:20 Q I presented to you Plaintiff's Exhibit 24,  
14 17:23:22 which I will represent to you is a May 3, 2017 email  
15 17:23:26 from Adam to you and an individual named Yaniv,  
16 17:23:30 Y-a-n-i-v at Luminasystems.com with the subject,  
17 17:23:36 Website concept, correct?

18 17:23:38 A Yes.

19 17:23:41 Q You're familiar with this email?

20 17:23:44 A Vaguely.

21 17:23:47 Q In this email Adam says to Yaniv and you  
22 17:23:50 that it was a pleasure meeting Yaniv today; do you  
23 17:23:55 see that?

24 17:23:56 A Yes.

25 17:23:58 Q Do you recall meeting with Adam and Yaniv

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2 17:24:00 about the website for a competing company?

3 17:24:03 A No.

4 17:24:05 Q Do you recall that you discussed needing a

5 17:24:07 website for IME Guarddog?

6 17:24:11 A No.

7 17:24:11 Q Do you still deny that you formed IME

8 17:24:14 Guarddog the following day?

9 17:24:16 A Yes, I totally deny it.

10 17:24:20 Q In this email, it says that the website

11 17:24:22 that's going to be made for IME Guarddog is going to

12 17:24:25 have a, "Significant amount of content to be taken

13 17:24:29 from IME Watchdog." Do you see that?

14 17:24:32 A Yes.

15 17:24:32 Q Is this conduct with respect to the

16 17:24:38 website basically the conduct that you engaged in

17 17:24:42 with the rest of the formation of IME Companions?

18 17:24:48 MR. WARNER: Objection to form. You can

19 17:24:51 answer?

20 17:24:52 A I don't understand.

21 17:24:53 Q Is what you did with the website taking

22 17:24:56 IME's content and using it for a competing website

23 17:25:01 the same thing that you did to form Companions?

24 17:25:05 A I still don't understand the question.

25 17:25:08 Q In other words, to create the website you

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used the content of IME Watchdog, correct?

A No.

Q It says in this email that Adam wrote that

you discussed taking a significant amount of content

to be taken from the IME Watchdog website.

A It looks like he discussed that with

Yaniv.

Q Are you denying that you were present at

the meeting?

A I was not at this meeting.

Q Were you participating in this meeting by

phone?

A No.

Q Did you participate in this meeting in any

way?

A No.

MR. KATAEV: 25.

(Plaintiff's Exhibit 25, Marked for Identification.)

BY MR. KATAEV:

Q With respect to the immediately preceding

Exhibit 24, why were you copied on the email with

Adam and Yaniv?

A I think that's a question for Adam. I

don't know.

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2 17:26:39 Q I have given you a document marked as  
3 17:26:46 Plaintiff's Exhibit 25. It's a -- I will represent  
4 17:26:50 to you it's an email dated June 23rd, 2017 from Adam  
5 17:26:56 to you and he's forwarding to you an email he  
6 17:27:01 received from Yaniv with a proposal to create the  
7 17:27:07 website; do you see that?

8 17:27:09 A Yes.

9 17:27:09 Q This Yaniv is the same person you used for  
10 17:27:12 Med Mal's website, right?

11 17:27:14 A Yes.

12 17:27:17 Q Did you open this email when you received  
13 17:27:19 it on June 23rd?

14 17:27:22 A I don't recall.

15 17:27:22 Q Did the email contain an agreement to be  
16 17:27:29 signed electronically?

17 17:27:31 A I don't recall.

18 17:27:32 Q Do you recall signing an electronic  
19 17:27:37 agreement to have Lumina Systems create the website  
20 17:27:41 for you for IME Guarddog?

21 17:27:45 A No, I don't recall.

22 17:27:46 MR. KATAEV: I'm going to call for the  
23 17:27:47 production of all emails and test messages with  
24 17:27:49 Lumina Systems. We will follow up in writing.

25 17:27:52 (Counsel Request.)

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BY MR. KATAEV:

Q Is it fair to say that based on these emails you were working with Lumina and Yaniv at the time?

A I believe we were still working together on Med Mal, yes.

Q Go to 262 from this exhibit. It's about the fourth page in.

A Um-hum.

Q This is an email exchange between you, Adam and Yaniv on the same subject, correct?

MR. WARNER: Objection. It's several emails it looks to me.

Q Looking at the bottom for the email that was sent at 8:18 by Adam, Adam notifies Yaniv that there is going to be a changed name and now it's going to be IME Sentinel; do you see that?

A Yes.

Q Who decided to change --

MR. WARNER: I'm sorry. Are you looking at 263?

MR. KATAEV: Two.

MR. WARNER: I apologize.

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2 17:28:58 BY MR. KATAEV:

3 17:29:00 Q Whose decision was it to change the name  
4 17:29:02 from IME Guarddog to IME Sentinel?

5 17:29:06 A Looks like Adam.

6 17:29:07 Q You did not participate in this decision?

7 17:29:10 A No.

8 17:29:10 Q He just copied you on that email, correct?

9 17:29:13 A Yes.

10 17:29:17 Q Two days later, Yaniv confirms and says he  
11 17:29:22 will update the proposal, correct?

12 17:29:24 A Yes.

13 17:29:25 Q On the same day you ask him to send the  
14 17:29:28 proposal because you can't find the breakdown for  
15 17:29:31 the cost, correct?

16 17:29:33 A Yes.

17 17:29:33 Q You asked him for that because you were  
18 17:29:35 going to be the person responsible in terms of  
19 17:29:37 financing the website, correct?

20 17:29:39 A No. I wanted to see a breakdown.

21 17:29:44 Q I have a general question and I hope you  
22 17:29:46 don't take offense to it. Do you have any problems  
23 17:29:49 with your memory?

24 17:29:51 A Sometimes, I mean, lately.

25 17:29:54 Q Did you suffer any injury or hit your head

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in any way that would affect your ability to  
remember things?

A No.

Q Have you ever been involved in some sort  
of accident or anything like that?

A No.

Q Do you suffer from any mental condition  
concerning your memory?

A No.

Q Have you ever been diagnosed with anything  
related to your memory?

A No.

Q Did you ever visit a doctor about your  
memory?

A No.

Q You don't have a neurologist, correct?

A No.

MR. KATAEV: Let's take a break. We will  
go off the record.

THE VIDEOGRAPHER: The time is 5:30 p.m.  
We are going off the record.

(Whereupon, a short recess was taken.)

THE VIDEOGRAPHER: The time is 5:40. We  
are back on the record.

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S. Abdulrahim Gelardi

17:40:15 MR. SHALIT: This is Leo Shalit. I'm  
17:40:17 counsel to Third-party Defendant Carlos Roa.  
17:40:20 There has been an off-the-record conversation  
17:40:22 between the parties. Unfortunately, I have to  
17:40:24 physically leave this deposition, but I will be  
17:40:27 continuing to join it electronically. I have  
17:40:29 logged in with the Teams application and my  
17:40:33 client consents to the foregoing.

THE VIDEOGRAPHER: The time is 5:40 p.m.

We are going off the record.

(Whereupon, an off-the-record discussion was held.)

THE VIDEOGRAPHER: The time is 5:42 p.m.

We are back on the record.

BY MR. KATAEV:

Q Ms. Gelardi, we are back on the record  
following another break, and I want to represent to  
you that my colleague here at my firm noticed that  
there has been exchange of text messages between  
yourself and your husband during the deposition.

To the extent that that happened, we  
are going to call for the production of those text  
messages. While there is a marital privilege, we  
submit that the marital privilege does not apply  
while you're in a live deposition. We'll deal with

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1 S. Abdulrahim Gelardi

2 17:43:26 that with your attorneys after, no need to respond

3 17:43:28 to anything, but I'm putting that on the record.

4 17:43:32 Before I get into more exhibits, we

5 17:43:39 are asking you first to preserve those text

6 17:43:40 messages. Please do not delete any. We will deal

7 17:43:48 with it after. Please preserve them.

8 17:43:49 I also have some other general

9 17:43:53 questions for you. In the course of performing your

10 17:43:58 duties and IME Companions, are you familiar with

11 17:44:02 what an SLR test is?

12 17:44:06 A No.

13 17:44:07 Q Do you know what the acronym SLR stands

14 17:44:10 for?

15 17:44:11 A No.

16 17:44:17 Q Do you know how an SLR test is performed?

17 17:44:20 A No.

18 17:44:21 Q Do you know -- if I told you that an SLR

19 17:44:25 test refers to a straight leg raise, does that

20 17:44:30 refresh your recollection as to what a SLR test is?

21 17:44:33 A Straight leg raise, you said?

22 17:44:36 Q Yes. Do you know what a straight leg

23 17:44:41 raise tests for?

24 17:44:43 A No.

25 17:44:44 Q Same question for Hawkins test, are you

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1 S. Abdulrahim Gelardi

2 17:44:47 familiar with that term?

3 17:44:48 A No.

4 17:44:49 Q Hawkins is H-a-w-k-i-n-s. Same question

5 17:44:53 for a Neers test, N-e-e-r test, do you know what

6 17:44:59 that is used for?

7 17:45:01 A No.

8 17:45:01 Q Same question for Spurlings test.

9 17:45:03 S-p-u-r-l-i-n-g-s.

10 17:45:08 A No.

11 17:45:09 Q Are you familiar with what the following

12 17:45:11 device is, it's call an ophthalmoscope?

13 17:45:13 O-p-t-h-a-l-m-a-s-c-o-p-e.

14 17:45:22 A No.

15 17:45:23 Q What about a goniometer?

16 17:45:24 G-o-n-i-o-m-e-t-e-r.

17 17:45:30 A I'm familiar with that one.

18 17:45:32 Q Can you repeat that?

19 17:45:35 A I am familiar with the goniometer.

20 17:45:38 Q What is that?

21 17:45:39 A It's a tool that physicians use to find

22 17:45:45 out the range of motion.

23 17:45:47 Q Of?

24 17:45:48 A Of whatever they're examining, whatever

25 17:45:52 joint.

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1 S. Abdulrahim Gelardi

2 17:45:55 Q Okay. When did you first learn about this  
3 17:45:58 particular tool?

4 17:46:00 A I learned about it during an IME exam.

5 17:46:04 Q Was that an IME exam that you observed?

6 17:46:08 A Yes.

7 17:46:08 Q Initially when you first started IME  
8 17:46:12 Companions, you observed many IMEs?

9 17:46:14 A I did.

10 17:46:15 Q Currently in running your business, do you  
11 17:46:17 still observe any IMEs?

12 17:46:19 A No.

13 17:46:23 Q Do you have any knowledge about what the  
14 17:46:25 McDonald test is?

15 17:46:27 A No.

16 17:46:29 Q Are you familiar with the difference  
17 17:46:29 between internal and external rotations?

18 17:46:34 A Yes.

19 17:46:35 Q Can you describe them to me in laymen's  
20 17:46:37 terms?

21 17:46:39 A In laymen's term, the internal rotation is  
22 17:46:43 when you take the body part and you rotate it  
23 17:46:46 internally and same thing with external.

24 17:46:49 Q The converse?

25 17:46:50 A Yes.

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S. Abdulrahim Gelardi

17:46:51 Q You similarly learned that in the process  
17:46:55 of working and building IME Companions, correct?

17:46:59 A Correct.

17:46:59 Q Working at and building IME Companions,  
17:47:01 correct?

17:47:02 A Yes.

17:47:03 Q Are you familiar with the difference  
17:47:04 between a flexion and an extension?

17:47:09 A No.

17:47:10 Q Are you familiar with the difference  
17:47:11 between abduction versus adduction?

17:47:15 A No.

17:47:18 Q Similar questions: What about Hoffman's  
17:47:19 sign, H-o-f-f-m-a-n's sign, are you familiar with  
17:47:27 what that is?

17:47:29 A No.

17:47:36 Q With respect to the items that you did  
17:47:38 have knowledge about, you learned about that after  
17:47:41 forming Companions, correct?

17:47:44 A Correct.

17:48:12 MR. KATAEV: Let's have this marked as 26.  
17:48:15 (Plaintiff's Exhibit 26, Marked for Identification.)

17:48:49 (Witness perusing document.)

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1 S. Abdulrahim Gelardi

2 17:48:49 BY MR. KATAEV:

3 17:48:55 Q I have handed to you Plaintiff's  
4 17:48:56 Exhibit 26, which I will represent to you are emails  
5 17:49:01 that Adam Rosenblatt received from Capital One's  
6 17:49:04 banking system to Adam himself, and each of these  
7 17:49:11 documents contains information about money sent via  
8 17:49:16 Zelle either from IME Companions, LLC or I believe  
9 17:49:24 you personally. Do you recognize these documents?

10 17:49:28 A Yes.

11 17:49:29 Q Do you recall answering questions about  
12 17:49:31 these documents at the Show Cause Hearing?

13 17:49:33 A Yes.

14 17:49:35 Q My question is with respect to the first  
15 17:49:37 page. Why is it that you sent Adam \$100 on  
16 17:49:42 October 8, 2018?

17 17:49:50 A I sent Adam the Zelle for the use of one  
18 17:49:58 of his Watchdogs.

19 17:50:03 Q Which Watchdog was that?

20 17:50:09 A I don't recall. I don't know. I used his  
21 17:50:12 Watchdog interpreters at times and this is the  
22 17:50:16 payment for their service.

23 17:50:20 Q Did you pay Adam for the use of that  
24 17:50:22 Watchdog on the same day that the Watchdog was used?

25 17:50:27 A Yes. No, I'm sorry. I retract that

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1 S. Abdulrahim Gelardi

2 17:50:32 statement. I heard you wrong.

3 17:50:34 No, I did not pay him on the same day

4 17:50:37 it was used.

5 17:50:38 Q How would it work?

6 17:50:40 A At the end of the month.

7 17:50:42 Q This payment --

8 17:50:43 A Or the beginning of the month.

9 17:50:45 Q Which one it is?

10 17:50:46 A It could be either one. At the end of the

11 17:50:50 month, he would tally how many Watchdog interpreters

12 17:50:53 he allowed me -- he referred to me and I would make

13 17:50:57 payment for their services.

14 17:51:00 Q And why is that you did not Zelle Daniella

15 17:51:05 or IME Watchdog money for the use of its Watchdog?

16 17:51:12 A Adam didn't give me any other options.

17 17:51:16 Q Is this something that you would do often,

18 17:51:18 pay Adam for using a Watchdog of IME Watchdogs?

19 17:51:25 A At times, yes.

20 17:51:26 Q Is it your testimony today that you needed

21 17:51:29 to use Plaintiff's Watchdogs to cover IMEs sometimes

22 17:51:34 for your business?

23 17:51:38 A It is my testimony that I have used the

24 17:51:40 Watchdog interpreters at times for last-minute

25 17:51:43 requests for my clients, yes.

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S. Abdulrahim Gelardi

Q You would pay Adam for that?

A Yes.

Q To your knowledge, was Daniella Levi aware that this was going on?

A I have no idea.

Q As you sit here today, do you believe she was aware of it?

A I don't.

Q Why is that?

A I don't believe -- I don't believe anything Adam said anymore.

Q Why didn't you contact Daniella?

A I don't know.

Q How much would you pay for every IME interpreter?

A It varies. If it was in New York City, it would be \$60. Outside New York City depending on where, it would be either plus \$40 -- depending on the distance, Nassau \$40, Suffolk \$65 on top of the \$60.

Q This particular payment of \$100 was for what?

A I don't know.

Q How did you keep track of how much you

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1 S. Abdulrahim Gelardi

2 17:52:58 owed Adam for doing these things?

3 17:53:00 A It was a handful of times. There was no  
4 17:53:08 need for tracking.

5 17:53:13 Q Going to the next page on November 11,  
6 17:53:15 2019, you sent another \$100; is that correct?

7 17:53:20 A Yes.

8 17:53:23 Q Do you recall specifically why you sent  
9 17:53:25 this amount of money to him?

10 17:53:27 A For the same reason. I used his Watchdog  
11 17:53:29 interpreter for a last-minute request.

12 17:53:35 Q Are these payments by Zelle to Adam not  
13 17:53:40 some sort of reward for referring you a customer  
14 17:53:44 that IME Watchdog originally had?

15 17:53:46 A No.

16 17:53:50 Q Isn't it true that you paid Adam \$10 for  
17 17:53:53 every IME that he booked with you?

18 17:53:57 A No.

19 17:54:00 Q Did you think it was appropriate to pay  
20 17:54:02 Adam Rosenblatt personally instead of IME Watchdog?

21 17:54:07 A It was Adam's recommendation. He stated  
22 17:54:16 IME Guards did the same thing, that it was a common  
23 17:54:19 practice between the IMEs, between IME Watchdog and  
24 17:54:25 IME Guards.

25 17:54:26 Q On the third page on March 5, 2020, you

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1 S. Abdulrahim Gelardi

2 17:54:30 sent Adam \$230, correct?

3 17:54:33 A Yes.

4 17:54:33 Q To your knowledge, what was this for?

5 17:54:37 A For the same reason. Using an IME

6 17:54:39 Watchdog interpreter for a last-minute request.

7 17:54:42 Q When you say interpreter, are you

8 17:54:44 referring to someone who knows a language other than

9 17:54:48 English?

10 17:54:48 A Yes.

11 17:54:49 Q Which languages are those?

12 17:54:50 A Usually Spanish.

13 17:55:01 Q Prior to the time that you began paying

14 17:55:07 Adam by Zelle in October of 2019, did you pay Adam

15 17:55:11 for any kind of service he provided for any other

16 17:55:16 reason by any other method?

17 17:55:18 MR. WARNER: Objection to form.

18 17:55:18 A No.

19 17:55:19 Q Did you ever pay Adam in cash?

20 17:55:22 A Never.

21 17:55:22 Q Isn't it true that you started paying Adam

22 17:55:24 by Zelle because of your pregnancy and/or the birth

23 17:55:26 of your child?

24 17:55:30 A No.

25 17:55:48 Q If the converse was done where Daniella

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S. Abdulrahim Gelardi

Levi would pay Carlos by Zelle for letting him use  
Companions to cover last-minute request, would you  
be okay with that?

A They probably did.

Q Would you be okay with it?

A No.

Q You advertised for IME Companions that you  
accept all last-minute requests, correct?

A Yes.

Q Did the fact that Adam would help you  
cover last-minute requests with Watchdogs give you  
the ability to advertise that you could cover  
last-minute requests?

A No.

Q How would you be able to cover last-minute  
requests without Adam?

A I had many people. I would either -- how  
would I cover the last-minute requests without Adam?  
I would make sure it happened. I don't know. I  
would have Carlos go or anyone.

Q On the fourth page on July 3rd, 2020, you  
paid Adam \$200, correct?

A Yes.

Q Do you have any knowledge as you sit here

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1 S. Abdulrahim Gelardi

2 17:57:16 today what this payment was for?

3 17:57:20 A This payment was for the purpose of a  
4 17:57:23 referral of an IME Watchdog interpreter to interpret  
5 17:57:26 for one of my clients at an IME exam.

6 17:57:36 Q It's fair to say that when you are unable  
7 17:57:39 to cover an IME, you would rely on Adam to do it and  
8 17:57:43 you would pay him for it, correct?

9 17:57:47 MR. WARNER: Objection to form. You can  
10 17:57:47 answer.

11 17:57:49 A It was convenient. It wasn't -- I  
12 17:57:51 wouldn't solely rely on that but it became a  
13 17:57:55 connivence.

14 17:57:55 Q Is it your testimony that the payments  
15 17:57:57 that you made to Adam were solely for the purpose of  
16 17:57:59 covering last-minute request IMEs that you couldn't  
17 17:58:04 cover?

18 17:58:05 A Yes.

19 17:58:50 MR. KATAEV: For the record, it's Leo  
20 17:58:58 Shalit.

21 17:59:01 Q Go to the seventh page of this exhibit to  
22 17:59:12 the July 31st, 2020 email.

23 17:59:17 (Witness perusing document.)

24 17:59:17 BY MR. KATAEV:

25 17:59:28 Q Are you there?

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S. Abdulrahim Gelardi

17:59:29 A No, I can't find it.

17:59:31 Q It's the seventh page.

17:59:33 A Yes, I see it.

17:59:35 Q On July 1st, 2020 you paid Adam \$400,

17:59:44 correct?

17:59:46 A Correct.

17:59:47 Q Is it fair to say that as a result of the

17:59:49 increase in the amount, you were relying more and

17:59:52 more on Adam to cover IMEs?

18:00:01 A It could be that they were just farther in

18:00:02 distance, it could be there were more.

18:00:07 Q Were there any other reasons that you paid

18:00:10 Adam via Zelle?

18:00:13 A I paid through Adam for the Watchdogs. I

18:00:18 did not pay Adam for Adam. I paid Adam for the

18:00:23 Watchdog services.

18:00:28 Q You paid him because it was convenient if

18:00:31 you needed another Watchdog to cover an IME and you

18:00:34 didn't have one, correct?

18:00:37 A Yes.

18:00:38 Q And that convenience saved you time,

18:00:40 right?

18:00:43 A Yes.

18:00:43 Q The phrase that we often hear and accept

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S. Abdulrahim Gelardi

is, Time is money, correct?

A If I have ever heard that phrase before?

Q Yes.

A I have heard the phrase.

Q How much is your average IME invoice to a client?

A \$175 on average for the first hour.

Q To your knowledge, which Watchdogs would cover the IME?

A To my knowledge, I recall him using names like Ulysses, I recall him saying the name Ishmael, I recall Gabby, but I never spoke to them directly other than Gabby.

Q Would you pay these individuals separately?

A I would pay through Adam for them.

Q Was the money paid via Zelle intended for both Adam and the Watchdog?

A No. Just for the Watchdog services.

Q Adam didn't receive any financial benefit is what you're saying?

A Not from me, no.

Q As far as you understood it, the money you paid Adam was designed to be paid to the Watchdog

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1 S. Abdulrahim Gelardi

2 18:02:15 that did it?

3 18:02:16 A Correct.

4 18:02:16 Q With nothing paid to Adam?

5 18:02:19 A Correct.

6 18:02:24 MR. KATAEV: Let's take a break. Off the  
7 18:02:26 record.

8 18:02:27 THE VIDEOGRAPHER: The time is 6:02 p.m.

9 18:02:29 We are going off the record.

10 18:02:32 (Whereupon, an off-the-record discussion was held.)

11 18:09:44 THE VIDEOGRAPHER: The time is 6:09 p.m.

12 18:09:49 We are back on the record.

13 18:09:57 MR. KATAEV: Back from a break during  
14 18:09:58 which we had some technical issues. For the  
15 18:10:04 record, Leo Shalit who is representing  
16 18:10:06 Third-party Defendant Carlos Roa is present by  
17 18:10:10 phone. He had to leave early due to family  
18 18:10:11 obligations.

19 18:10:14 Can I have the last question and answer  
20 18:10:16 read back, please?

21 18:10:17 (Whereupon, the referred to testimony was read back  
22 18:10:17 by the reporter.)

23 18:10:17 BY MR. KATAEV:

24 18:10:54 Q When these Watchdogs would conduct the  
25 18:11:02 observations of an IME for Companions, how would you

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1 S. Abdulrahim Gelardi

2 18:11:05 obtain the report from them?

3 18:11:10 A I used IME Watchdog interpreters, not  
4 18:11:15 observers. They only interpreted for my clients.

5 18:11:22 Q You mentioned that Gabby is one of the  
6 18:11:26 individuals that you used, correct?

7 18:11:28 A Correct.

8 18:11:29 Q Gabby only knows English. Are you aware  
9 18:11:31 of that?

10 18:11:32 A Yes.

11 18:11:33 Q She's not an interpreter, correct?

12 18:11:35 A That's correct.

13 18:11:36 Q Why would you pay Adam for the use of  
14 18:11:39 Gabby's service?

15 18:11:40 A I never paid Adam for Gabby's service.  
16 18:11:42 Gabby reached out to me and asked me to pay her  
17 18:11:46 directly. Adam didn't give me the option to do that  
18 18:11:48 with the other Watchdogs. He demanded payment go  
19 18:11:52 through him so I wouldn't even know most of the time  
20 18:11:56 the identity of the Watchdog.

21 18:12:03 Q If Gabby only knows English and did not do  
22 18:12:07 interpreting services, did Gabby do regular IMEs?

23 18:12:10 A Yes.

24 18:12:11 Q How would you obtain the report from her?

25 18:12:14 A Gabby would email us like all the other

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1 S. Abdulrahim Gelardi

2 18:12:17 Companions.

3 18:12:18 MR. KATAEV: We are going to call for the

4 18:12:20 production of all emails between Gabby and

5 18:12:23 Companions and Safa. We will follow up in

6 18:12:23 writing.

7 18:12:24 (Counsel Request.)

8 18:12:24 BY MR. KATAEV:

9 18:12:25 Q You testified generally that Adam would

10 18:12:28 demand that the Zelle payments be sent to him so he

11 18:12:31 can pay the Watchdogs himself without, as far as you

12 18:12:34 know, any financial benefit to him.

13 18:12:37 Why would Adam do this?

14 18:12:40 A I don't know. I'm -- I don't know.

15 18:12:48 Q Did you have --

16 18:12:49 A The Watchdogs -- Adam explained to me that

17 18:12:52 the Watchdogs were independent contractors working

18 18:12:55 on behalf of Watchdogs. He explained to me that

19 18:13:00 this is a common practice and that, you know, IME

20 18:13:05 Watchdogs and IME Guards do the same.

21 18:13:11 Q Did you have contact with any Watchdogs

22 18:13:13 other than Gabby?

23 18:13:15 A No.

24 18:13:16 Q When you received the report, whose

25 18:13:25 letterhead would be on it?

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1 S. Abdulrahim Gelardi

2 18:13:27 A IME Companions.

3 18:13:30 MR. WARNER: Objection to form. What  
4 18:13:31 report are you referring to?

5 18:13:33 MR. KATAEV: The IME report.

6 18:13:35 A Gabby's IME report.

7 18:13:35 MR. WARNER: Gabby's IME report. Okay.

8 18:13:35 BY MR. KATAEV:

9 18:13:38 Q Did you ever use any IME Guards to cover  
10 18:13:41 any IMEs?

11 18:13:42 A No.

12 18:13:50 Q It's your testimony that you started doing  
13 18:13:52 this in 2019, but you did not do it in 2017 or 2018?

14 18:13:59 A I did not because it wasn't brought to my  
15 18:14:02 attention.

16 18:14:03 Q What wasn't brought to your attention?

17 18:14:05 A That this was a standard practice between  
18 18:14:07 Watchdog and Guards.

19 18:14:10 Q How did it come to your attention?

20 18:14:12 A Adam told me.

21 18:14:14 Q Why were you in contact with Adam in 2019?

22 18:14:18 A Adam came in contact with me after my  
23 18:14:21 mother died.

24 18:14:23 Q Why did he get in contact with you after  
25 18:14:26 your mother died?

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S. Abdulrahim Gelardi

18:14:27 A I don't recall. I remember we -- I

18:14:31 remember -- I don't recall. I just remember we had

18:14:35 contact after my mom died.

18:14:41 Q If you go to the page in this exhibit that

18:14:43 has the date November 11, 2020.

18:14:49 (Witness perusing document.)

18:15:03 A I don't have a November 11th.

18:15:04 MR. WARNER: Take a look at this.

18:15:12 Q This exhibit -- for this page of the

18:15:14 exhibit, you personally paid Adam \$160, correct?

18:15:20 A Correct.

18:15:20 Q That money did not come from the IME

18:15:24 Companions account, correct?

18:15:25 A Correct.

18:15:26 Q Why did you personally pay him instead of

18:15:28 through IME Companions?

18:15:30 A That must have been an error and I'm sure

18:15:33 I asked for it to come back and then re-sent through

18:15:34 IME Companions.

18:15:35 Q Why was that?

18:15:37 A It was an error. I didn't mean to pay him

18:15:41 through personal. I meant to pay him through IME

18:15:44 Companions because it was used for IME Companions.

18:15:53 Q If you go to the March 9th, 2021 and

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2 18:15:57 April 2nd, 2021 pages. On these pages --

3 18:16:07 A March 9th of what?

4 18:16:09 Q March 9, '21 and April 2nd, 2021. In

5 18:16:21 these two payments, the amount of payment is

6 18:16:27 divisible by ten, correct?

7 18:16:31 MR. WARNER: Is divisible by ten?

8 18:16:34 MR. KATAEV: That's correct.

9 18:16:35 A I think most of them are divisible by ten.

10 18:16:38 Q These have ten, not just a straight 100 or

11 18:16:41 200, correct?

12 18:16:42 A Correct.

13 18:16:42 Q The reason for that is because, like Adam

14 18:16:45 said, he was paid \$10 per IME referred to you,

15 18:16:49 correct?

16 18:16:51 A Wrong.

17 18:16:56 Q When you sent an IME interpreter from

18 18:16:59 Watchdog, is it your testimony that a Companion

19 18:17:01 observed the IME and the Watchdog interpreter was

20 18:17:06 with that Companion?

21 18:17:07 A No.

22 18:17:08 Q How would it work?

23 18:17:10 A A Watchdog would find a client in the

24 18:17:12 office. Most of the time it would be -- do you have

25 18:17:17 anyone at this office, I forgot to order a

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S. Abdulrahim Gelardi

18:17:21 Companion. I would find out to see if anyone was  
18:17:25 close enough.

18:17:25 I would do my best to get my own  
18:17:29 people there and then I would ask Adam if we are  
18:17:32 over 30 minutes or 40 minutes away and we are not in  
18:17:35 that office, then I would ask Adam -- call Adam and  
18:17:35 ask him, Do you have anyone at 717 Church, do you  
18:17:39 have anyone at whatever location, and if the answer  
18:17:42 was yes, I would have him find my client and once he  
18:17:48 found my client, confirmed with me that the  
18:17:50 interpreter was there with them, then that was it,  
18:17:55 just let me know when you're done.

18:17:59 Q What you're saying then is the interpreter  
18:18:02 was also the observer?

18:18:04 A Not observer, only interpreter.

18:18:08 Q So if the interpreter came and was with  
18:18:11 the client, was a Companion observer there at the  
18:18:14 same time?

18:18:15 A No. They the majority of these exams were  
18:18:19 for no-fault. No need for a report. It was just  
18:18:21 for interpretation purposes only.

18:18:24 Q When you sent anyone from Companions or  
18:18:34 obtained anyone from Watchdog for a no-fault exam or  
18:18:39 IME, did you keep a record of the date, customer,

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18:18:42 personal injury plaintiff and the observer at  
18:18:49 Companions that attended for that IME or no-fault  
18:18:52 exam?

A I would.

Q Did you record in those records the name  
of the person from Watchdog that covered it?

A No.

Q Why is that?

A Because I never had the name of the person  
there.

Q Would you notate it in any other form?  
Would you write, WD, for example?

A Yes.

Q Based on those records, we would be able  
to determine that a Watchdog observer was present,  
correct, or interpreter was present, correct?

A Sometimes it would say interpreter,  
sometime it would say Watchdog, sometimes I would  
put -- yes.

Q How would you bill the client in such a  
circumstance?

A I would bill them -- I would bill them  
like I would bill any other client.

Q Did you ever receive any bill from IME

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S. Abdulrahim Gelardi

18:20:04 Watchdog for the help that Adam gave you?

18:20:08 A No.

18:20:11 Q How would he tell you how much to pay?

18:20:13 A We would calculate it at the end of the  
18:20:15 month. They were a handful. It didn't take much  
18:20:19 recording to know.

18:20:21 Q In essence, you relied on Adam and IME  
18:20:24 Watchdog to provide you with the labor you needed to  
18:20:26 perform services, correct?

18:20:27 A No, I did not rely on Adam. I relied on  
18:20:30 the independent contractors that -- from Watchdog.

18:20:37 Q How did you record the payments you made  
18:20:40 to Adam on tax returns?

18:20:44 A How did I record the payments I made to  
18:20:48 Adam on my tax returns?

18:20:50 Q Yes.

18:20:53 A I wouldn't. I would record them as an  
18:20:57 expense to my company, the services that I paid.

18:21:01 MR. KATAEV: We are going to call for the  
18:21:04 production for all ads paid for hiring and/or  
18:21:08 engaging Companions.

18:21:21 (Counsel Request.)

18:21:21 BY MR. KATAEV:

18:21:23 Q You said that you would sort of reconcile

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with Adam on a monthly basis, but isn't it true that you would be unable to send a bill to your client until you knew what to charge for?

A No. We would always know when the exam is done. I would always know when the exam was done and my client and the Watchdog parted and it's simple enough.

Q I want to go to the third-from-last page. It has the date January 26, 2022 on it.

A Okay.

Q On January 26, 2022, you paid Adam \$500, correct?

A Correct.

Q It's your testimony today that this was for using IME interpreters and sometimes Gabby -- well, no, just for IME interpreters, correct?

A And sometimes Gabby.

Q Didn't you testify that you paid Gabby directly?

A Yes, I'm so sorry. I apologize, that is true.

MR. KATAEV: Let's mark this as 27.

(Plaintiff's Exhibit 27, Marked for Identification.)

MR. WARNER: At this time -- I think the

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1 S. Abdulrahim Gelardi

2 18:23:16 time is 6:30. My clients have childcare

3 18:23:22 responsibilities and they really have to be

4 18:23:23 leaving. It's 6:23. Maybe we could do a

5 18:23:27 ten o'clock start tomorrow with Ms. Gelardi.

6 18:23:30 MR. KATAEV: Let's go for seven more

7 18:23:30 minutes. We will stop at 6:30 and figure out

8 18:23:33 the logistics.

9 18:23:43 Let's do this as 27.

10 18:23:51 BY MR. KATAEV:

11 18:23:52 Q I have handed to you Plaintiff's

12 18:24:32 Exhibit 27, which I will represent to you is an

13 18:24:36 email from Adam to IME Companions dated January 27,

14 18:24:40 2022 at 10:00 a.m.; you see that?

15 18:24:44 A Yes.

16 18:24:45 Q The subject of the email is, Case law,

17 18:24:49 correct, but the message is blank except for Adam's

18 18:24:55 signature, correct?

19 18:24:57 A Yes.

20 18:24:58 Q If you go to the next page, and I still

21 18:25:06 want you to have this open with the Zelle payments.

22 18:25:09 The email that you're forwarding says that it's from

23 18:25:20 IME Companions to a Linda Hershfield at Perecman,

24 18:25:25 P-e-r-e-c-m-a-n, and Adam is copied on that email,

25 18:25:31 correct?

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1 S. Abdulrahim Gelardi

2 18:25:33 A There is some confusion here. Hold on.

3 18:25:36 This is from Adam to me.

4 18:25:38 Q Correct.

5 18:25:39 A Then this one is from me to Linda.

6 18:25:43 Q Correct.

7 18:25:44 A And Adam, correct?

8 18:25:45 Q That's right.

9 18:25:46 A Okay, yes.

10 18:25:49 Q The date of that email is January 24,

11 18:25:51 2022, correct?

12 18:25:54 A Correct.

13 18:25:55 Q In this email, you state the email says

14 18:25:59 it's from you, right?

15 18:26:00 A Correct.

16 18:26:02 Q Dear Linda, IME Companions only

17 18:26:03 represented the client in November. Please see

18 18:26:06 attached report. Please feel free to contact me

19 18:26:10 directly should you need anything else, correct?

20 18:26:13 A Correct.

21 18:26:14 Q Going down to the earlier email from

22 18:26:16 earlier in the day just a couple of hours prior,

23 18:26:19 Linda sends an email to Adam and she says, Dear

24 18:26:23 Adam, please provide us with reports from the

25 18:26:26 following IME exams for the above case, and she

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S. Abdulrahim Gelardi

18:26:29 lists four different plaintiffs with four different  
18:26:33 dates, correct?

A Correct.

Q All the way at the end of this there are  
18:26:43 six attachments, correct?

A Correct.

Q Two of them contain court decisions. One  
18:26:47 of them is a decision denying IME Watchdog notes,  
18:26:51 right?  
18:26:54

A Yes.

Q And another one is the Markel decision  
18:26:55 from the First Department regarding an appeal,  
18:26:58 correct?  
18:27:00

A Correct.

Q There is also a letter, a sample motion to  
18:27:02 quash, a notice of rejection, and a letter  
18:27:06 concerning work product, correct?  
18:27:09

A Correct.

Q Adam sent you those six attachments in the  
18:27:13 original latest email on January 27th, correct?  
18:27:16

A I think that's wrong. I think that's  
18:27:22 wrong. There is something wrong here. This was  
18:27:25 never sent to me in January. There is something  
18:27:28 wrong here.  
18:27:31

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1 S. Abdulrahim Gelardi

2 18:27:32 Q Would there be any reason for you or Adam  
3 18:27:36 to have those six attachments in an email to Linda  
4 18:27:38 Hershfield at Perecman?

5 18:27:39 A Yes, I would like to explain this to you  
6 18:27:41 because obviously you don't understand it. I want  
7 18:27:44 to make it clear to you.

8 18:27:45 Q Sure, go ahead.

9 18:27:46 A Linda emailed both of us because she was  
10 18:27:50 requesting from both sides. I sent in my side and  
11 18:27:56 left it alone. Nothing else had anything to do with  
12 18:27:59 me. I clearly said to her, We only covered you in  
13 18:28:03 November and here is the attached report. Nothing  
14 18:28:06 else pertains to me in this email.

15 18:28:10 Q The subject of both prior emails from  
16 18:28:14 Linda to you and Adam, and you to Linda and Adam is  
17 18:28:19 Gregors Vergowski versus 50 Court Street Associates,  
18 18:28:22 correct?

19 18:28:23 A Correct.

20 18:28:23 Q But the subject of the email that Adam  
21 18:28:25 sent is, Case law, correct?

22 18:28:27 A Yes.

23 18:28:28 Q The attachments, the six of them are the  
24 18:28:32 case law, correct?

25 18:28:34 A I have no idea. I'm explaining to you

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S. Abdulrahim Gelardi

18:28:37 that I don't understand this email thread but I do  
18:28:40 recall the Linda email. So something got  
18:28:44 discombobulated here.

18:28:46 Linda clearly asks the both of us,  
18:28:49 Send us these reports because they use both  
18:28:53 companies. I replied, I only covered you in  
18:28:56 November, please see attached report and if you need  
18:28:59 anything from us, please you can reach out to me  
18:29:02 directly.

18:29:03 Q Are you denying that Adam sent you the  
18:29:05 case law on January 27, 2022?

18:29:10 A I'm just telling you, I don't understand  
18:29:11 this email and what Linda would have to do with case  
18:29:14 law.

18:29:16 Q You're saying there is no connection  
18:29:17 between the January 27th email with the case law and  
18:29:20 the payment one day prior of \$500, correct?

18:29:23 A 100 percent, yes.

18:29:24 MR. KATAEV: We will go through two more  
18:29:27 exhibits and we will stop. This is 28.  
18:29:31 (Plaintiff's Exhibit 28, Marked for Identification.)

18:29:46 BY MR. KATAEV:

18:29:49 Q This exhibit is a test message exchange  
18:29:51 between yourself and Carlos Roa; do you recognize

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2 18:29:54 it?

3 18:29:55 A Yes.

4 18:29:57 Q In this test message exchange, you write

5 18:30:01 to Carlos, Call Carmen from Alan Ripka. They're

6 18:30:05 complaining about paying with credit card. They are

7 18:30:08 good for a few a week. 25 a month, they are

8 18:30:12 vulnerable; do you see that?

9 18:30:13 A Yes.

10 18:30:13 Q And Carlos responds to you, What did

11 18:30:16 Watchdog charge them? What would be the lowest we

12 18:30:20 do, right?

13 18:30:21 A Uh-huh.

14 18:30:23 Q Is that a yes?

15 18:30:24 A Yes.

16 18:30:24 Q You respond, They were paying full price.

17 18:30:26 Give them \$10 off the first IME if needed, right?

18 18:30:32 A Yes.

19 18:30:32 MR. KATAEV: Let's mark this as 29.

20 18:30:34 (Plaintiff's Exhibit 29, Marked for Identification.)

21 18:30:35 BY MR. KATAEV:

22 18:31:03 Q I will represent to you that Plaintiff's

23 18:31:06 Exhibit 29 is an email from Companions to Carlos

24 18:31:09 with a copy to crojas@alanripka.com. Do you

25 18:31:14 recognize this document?

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1 S. Abdulrahim Gelardi

2 18:31:15 A Yes.

3 18:31:17 Q Crojas@alanripka is an individual named  
4 18:31:19 Cookie, correct?

5 18:31:21 A Correct.

6 18:31:22 Q Cookie is a person responsible for  
7 18:31:25 scheduling IMEs at Alan Ripka's office, correct?

8 18:31:29 A I think she was the office manager at the  
9 18:31:30 time.

10 18:31:34 Q In the text message exchange that you had  
11 18:31:37 with Carlos, how do you know that Alan Ripka was  
12 18:31:40 complaining too much about paying with a credit  
13 18:31:43 card?

14 18:31:48 A I don't recall how I know.

15 18:31:51 Q You stated in the message to Carlos that  
16 18:31:53 they are vulnerable. Why did you say that?

17 18:32:02 A I don't remember 100 percent, but Carlos  
18 18:32:06 was also acting upon himself to obtain business as  
19 18:32:11 well.

20 18:32:15 Q You said they were paying full price. How  
21 18:32:18 do you know that?

22 18:32:19 A Perhaps I called the office and found out.

23 18:32:22 Q Are you saying that's what happened or --

24 18:32:25 A I'm saying I don't recall, but there is  
25 18:32:26 many ways of finding out what a client pays.

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1 S. Abdulrahim Gelardi

2 18:32:29 Q Isn't it true that Adam gave you this  
3 18:32:32 information?

4 18:32:32 A No. As a matter of fact, Carlos and I  
5 18:32:35 went into Ripka's office together.

6 18:32:39 Q After Adam provided you this information?

7 18:32:41 A No.

8 18:32:41 Q Do you know the date of these text  
9 18:32:44 messages?

10 18:32:45 A I don't. I do want to also remind you  
11 18:32:54 that Carlos was very hungry and was pursuing getting  
12 18:32:58 a lot of business himself on his own for the  
13 18:33:02 company.

14 18:33:03 Q Did Carlos have any interaction with Adam  
15 18:33:06 during this time?

16 18:33:07 A I don't believe.

17 18:33:08 Q That's because you kept the existence of  
18 18:33:11 Adam unknown to everyone, correct?

19 18:33:14 A No.

20 18:33:15 Q You are the individual who pointed Carlos  
21 18:33:20 in the direction of Alan Ripka, correct?

22 18:33:22 A I don't recall.

23 18:33:23 Q Carlos emailed Ripka and Cookie at Ripka  
24 18:33:26 on July 23rd, 2019 after you learned of this  
25 18:33:30 information from Adam, correct?

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1 S. Abdulrahim Gelardi

2 18:33:33 A It's possible. I don't recall. I don't

3 18:33:36 recall Adam ever giving me information on Alan

4 18:33:39 Ripka. I just don't recall.

5 18:33:42 Q If you look at the text message on the

6 18:33:44 bottom it says, July 22, 2019, correct?

7 18:33:47 A Correct.

8 18:33:47 Q That means these messages that we reviewed

9 18:33:51 occurred on or before July 22, 2019 at 3:08 p.m,

10 18:33:58 correct?

11 18:34:00 A Yes.

12 18:34:00 Q This email followed the next day, correct?

13 18:34:04 A Correct.

14 18:34:05 MR. KATAEV: I'm fine with stopping here.

15 18:34:06 Let's go off the record and discuss logistics.

16 18:34:39 THE VIDEOGRAPHER: The time is 6:34 p.m.

17 18:34:40 We are going all the record.

18 18:34:44 (Whereupon, an off-the-record discussion was held.)

19 18:38:56 THE VIDEOGRAPHER: This concludes the

20 18:38:57 video deposition of Safa Abdulrahim Gelardi.

21 18:39:00 The time is approximately 6:39 p.m. We are off

22 18:39:05 the record.

23 18:39:06

24 18:39:08 (Time noted: 6:39 p.m.)

25 18:39:08

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S. Abdulrahim Gelardi

18:39:08

18:39:08

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18:39:08

SAFA ABDULRAHIM GELARDI

18:39:08

18:39:08

Subscribed and sworn to before me this \_\_\_\_ day

18:39:08

of \_\_\_\_\_ 2023.

18:39:08

\_\_\_\_\_, Notary Public.

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19	18:39:08	PLAINTIFF'S	DESCRIPTION
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22	18:39:08	Exhibit 3	Sample report 81
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25	18:39:08	Exhibit 8	Dept. of State documents 152
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7	18:39:08	Exhibit 11	Email 4/29/17] 157
8	18:39:08	Exhibit 12	Sterling Bank, January 2017 159
9	18:39:08	Exhibit 13	IME Watchdog P&L 162
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22	18:39:08	Exhibit 26	Zelle payments 224
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26	16:25:32	Attorney Kataev has retained all exhibits.	
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2 16:25:32

C E R T I F I C A T I O N

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I, RUTHAYN SHALOM, a Court Reporter

5 16:25:32

and Notary Public within and for the State

6 16:25:32

of New York, do hereby certify:

7 16:25:32

That the witness whose deposition

8 16:25:32

is hereinbefore set forth, was duly sworn

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by me, and that the within transcript is a

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true record of the testimony given by such

11 16:25:32

witness.

12 16:25:32

I further certify that I am not

13 16:25:32

related to any of the parties to this action

14 16:25:32

by blood or marriage, and that I am in no way

15 16:25:32

interested in the outcome of this matter.

16 16:25:32

IN WITNESS WHEREOF, I have hereunto

17 16:25:32

set my hand this 13th day of February, 2023.

18 16:25:32

19 16:25:32

20 16:25:32

*Ruthayn Shalom*

21 16:25:32

RUTHAYN SHALOM

22

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ERRATA SHEET

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NAME OF CASE: IME WATCHDOG v GELARDI et al.

DATE OF DEPOSITION: February 2, 2023

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NAME OF DEPONENT: Safa Abdulrahim Gelardi

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\_\_\_\_\_  
SAFA ABDULRAHIM GELARDI

19 16:25:32

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2023  
\_\_\_\_\_, Notary Public.

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\_\_\_\_\_

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MY COMMISSION EXPIRES:

24 16:25:32

25

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