

SUPERIOR COURT  
JUDICIAL DISTRICT OF STAMFORD/NORWALK  
at STAMFORD

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ROBIN HERZOG,  
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Plaintiff,  
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VS.  
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GEOFF HERZOG,  
\*  
\*  
Defendant.  
\*  
\*  
\* \* \* \* \*

Case No. FST FA 15-6026880

Westport, CT  
December 3, 2015  
10:20 a.m.

- - -  
DEPOSITION OF GEOFF HERZOG  
- - -

APPEARANCES:

FOR THE PLAINTIFF:  
LAW OFFICE OF MELISSA NEEDLE, LLC  
BY: MELISSA J. NEEDLE, ESQUIRE  
830 Post Road, Suite 101  
Westport, CT 06880  
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E-Mail: Melissa@needlelawoffice.com

- Cont'd -

FOR THE DEFENDANT:

LAX & TRUAX, LLC

BY: LESLIE I. JENNINGS-LAX, ESQUIRE

2507 Post Road, Suite PH

Southport, CT 06890

Phone: (203) 254-9877

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E-Mail: Ljenningslax@laxandtruax.com

ALSO PRESENT: ROBIN HERZOG (Via Telephone)

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1 Deposition of GEOFF HERZOG, the  
2 defendant herein, taken on behalf of the plaintiff  
3 herein, for the purpose of discovery and for use  
4 as evidence in this cause, pending in the Superior  
5 Court for the Judicial District of  
6 Stamford/Norwalk, at Stamford, pursuant to Notice,  
7 before Matina Papas, RPR, Licensed Shorthand  
8 Reporter, No. 00489, and a Notary Public within  
9 and for the State of Connecticut, at the Law  
10 Office of Melissa Needle, LLC, 830 Post Road,  
11 Suite 101, Westport, Connecticut, on the 3rd day  
12 of December, 2015 at 10:20 a.m., at which time  
13 counsel appeared as hereinbefore set forth . . .

8  
9 S T I P U L A T I O N S

10 IT IS HEREBY STIPULATED AND AGREED TO  
11 by and among counsel for the respective parties  
12 hereto that all technicalities as to the proof of  
13 the official character of the authority before  
14 whom the deposition is to be taken are waived.

15 IT IS FURTHER STIPULATED AND AGREED TO  
16 by and among counsel for the respective parties  
17 hereto that any objections to the sufficiency of  
18 the Notice are waived.

19 IT IS FURTHER STIPULATED AND AGREED TO  
20 by and among counsel for the respective parties  
21 hereto that all objections, except as to form, are  
22 reserved to the time of trial.

23 IT IS FURTHER STIPULATED AND AGREED TO  
24 by and among counsel for the respective parties  
25 hereto that the reading and the signing of the  
deposition by the deponent are not waived.

1 (Whereupon, the Notice of Deposition, Plaintiff's Exhibit  
2 No. 1, was marked for Identification.)

3 MS. NEEDLE: Why don't we swear in  
4 the witness.

5 Thereupon:

6 GEOFF HERZOG, residing at 98 Palmer  
7 Street, Stamford, Connecticut, being first duly  
8 sworn, as hereinafter certified, was examined and  
9 testified as follows:

10 THE COURT REPORTER: Stipulations?

11 MS. JENNINGS-LAX: I'm fine with  
12 the usual stipulations, but he is going to read and  
13 sign.

14 MS. NEEDLE: Okay.

15 DIRECT EXAMINATION BY MS. NEEDLE:

16 Q. Mr. Herzog, have you ever been deposed  
17 before?

18 A. No.

19 Q. I am going to tell you sort of the  
20 rules. I am sure your lawyer has gone over it with  
21 you, but I am going to ask you a series of  
22 questions, and if you answer the question, I am  
23 going to assume that you understood the question and  
24 your answer will stand. Okay?

25 A. Okay.

1 Q. If you don't understand the question  
2 that I am asking, just ask me to rephrase it and I  
3 will be happy to do so.

4 A. Okay.

5 Q. If at any time you want to take a break,  
6 you have to let me know, and I am happy to do so as  
7 long as it's not in the middle of a series of  
8 questions. Okay?

9 A. Okay.

10 Q. Have you taken any medication today that  
11 will impact your ability to answer any questions?

12 A. No.

13 Q. Have you taken any medication today at  
14 all?

15 A. Yes.

16 Q. What have you taken?

17 A. Focuset (phonetic) is the name of it.

18 Q. What's it for?

19 A. It was prescribed as a potential kind of  
20 drug to allow me to focus better.

21 Q. Who was it prescribed by?

22 A. My physician.

23 Q. And what's your physician's name?

24 A. Doctor Simon O'Regan.

25 Q. And how do you spell that medication?

1 A. I don't know.

2 Q. Focuset?

3 A. I can go get the bottle if you want.

4 Q. How often do you take it?

5 A. Once a day.

6 Q. Do you take it in the morning?

7 A. Yes.

8 Q. And what period of time have you been  
9 taking this medication?

10 A. I'm not sure exactly when I started but  
11 maybe a couple of months.

12 Q. So since around October?

13 A. Maybe September I started.

14 Q. Do you take any medications other than  
15 the focuset?

16 A. I am prescribed asthma medication but I  
17 don't take them.

18 Q. How come?

19 A. Because I have not had an attack or I  
20 don't feel as wheezy anymore.

21 Q. I am going to show you Plaintiff's  
22 Exhibit 1. It's already been marked. It is the  
23 Notice of Deposition. Have you seen that document  
24 before?

25 A. Yes, I have.

1 Q. And when you turn to Page 2, there is a  
2 Schedule A. Do you see that?

3 A. Yes.

4 Q. And Item 1 requests that you bring  
5 copies of all paystubs or other evidence of any  
6 income received by you since November 1, 2015.

7 Did you bring that with you?

8 A. I brought some. I brought one. Most of  
9 my paystubs are at the house where I am no longer  
10 able to get them.

11 I am receiving weekly income that  
12 doesn't change from check to check, so I brought one  
13 check as an example of it.

14 Q. Can I please have that?

15 MS. NEEDLE: Can we mark that,  
16 please.

17 (Whereupon, a Paystub from NBTY, Plaintiff's Exhibit No.  
18 2, was marked for Identification.)

19 A. What that paystub does not include is  
20 medical.

21 Q. What do you mean by that?

22 A. There's no medical deductions being  
23 currently taken. There will be as of January 1st.

24 Q. Why aren't medical deductions currently  
25 being taken?

1           A.       My previous company is currently  
2 covering our medical.

3           Q.       And when do the elections for the  
4 medical insurance have to be paid?

5           A.       I missed them. I e-mailed Kevin to tell  
6 you that I needed the Social Security numbers. So I  
7 will have to make -- I am hoping to say a change  
8 of -- what do you call it?

9                               MS. JENNINGS-LAX: Status.

10          A.       Will allow me to reenroll January 1st.

11          Q.       And is there a human resource person at  
12 NBTY that you have spoken to with regard to the  
13 medical insurance?

14          A.       No. I've only -- the e-mails they have  
15 sent me.

16          Q.       And who sends the e-mails? Who are they  
17 from?

18          A.       The provider of NBTY's medical  
19 insurance.

20          Q.       And who is that?

21          A.       I don't remember.

22          Q.       So when does the medical insurance that  
23 you're currently under expire?

24          A.       January 31st. And that will be the  
25 event that -- I'm sorry, December 31st -- that will



1 be the event that triggers the need to enroll in  
2 NBTY.

3 Q. Do you know if you are going to be able  
4 to get insurance through NBTY?

5 A. Yes. I have confirmed that I will be  
6 able to get insurance for the entire family as of  
7 January 1st.

8 Q. And that includes Robin?

9 A. Yes.

10 Q. And do you know what type of medical  
11 plan it is?

12 A. There are two plans: A PPO and a  
13 non-PPO. I guess one is for out of network and one  
14 is for just in-network.

15 Q. Have you received a copy of the medical  
16 insurance plan?

17 A. It's online. You have to use Social  
18 Security numbers to sort of build it, so I haven't  
19 built it yet. But I have -- I have received in  
20 general what the plans are, information on the  
21 plans.

22 Q. Would you be willing to allow Robin to  
23 sign the family up for the plan?

24 A. Robin -- I mean, Robin has seen both  
25 plans. And as the employee, I have to sign them up,

1 but I would be willing to do it in consultation with  
2 Robin.

3 Q. Okay.

4 A. The plan that we are on currently now is  
5 the in-network plan, meaning, that we don't go to  
6 out-of-network providers.

7 Q. And that's through your old employer?

8 A. Right. So my view is we would probably  
9 do that. But if there is some reason, I would be  
10 open to consideration.

11 Q. Do you know what insurance company is  
12 the provider?

13 A. No, I don't. I don't remember.

14 Q. Did you bring any other documents  
15 responsive to Item No. 1 on Schedule A?

16 A. No. I have gotten the numbers of my --  
17 can I ask a question?

18 Q. Sure.

19 A. Is 401(k) plan in here?

20 Q. This is any income that you've received.  
21 Have you received any income from a 401(k) plan?

22 A. No.

23 Q. So, no, it wouldn't be.

24 A. So the only other sheet I have, which I  
25 have in an e-mail and I can print out here, is what

1 I'm receiving from my previous company until the end  
2 of this year biweekly.

3 Q. And what are you receiving from the  
4 other company?

5 A. How much?

6 Q. Yes.

7 A. It's -- I don't want to give out the  
8 wrong number, because I don't know exactly. It's  
9 4,000 and something paid biweekly. I mean, again, I  
10 will print out the form so I have it accurate. I  
11 don't want to give a wrong number.

12 Q. How come you didn't print it out prior?

13 A. I forgot.

14 Q. And who was your prior employer?

15 A. Combe, C-O-M-B-E.

16 Q. C-O-M-B-E?

17 A. Yes.

18 Q. And the 4,000 and something is per week?  
19 Per month?

20 A. It's biweekly every other week, again,  
21 ending December 31st.

22 Q. Item No. 2 on Schedule A, statements for  
23 all accounts maintained with any financial  
24 institution from November 1, 2014 to the present.

25 A. I have a copy of my -- I did not provide

1 the shared account that Robin has. I brought what I  
2 have, because she has all the statements, and all  
3 the information goes to the house.

4 I only provided the other account that I  
5 hold by myself and the AmEx card that I have. But I  
6 misread it. I read it as of November 1st, 2015, so  
7 I have to go back and get additional statements.

8 MS. NEEDLE: Can we mark this,  
9 please.

10 (Whereupon, a Quorum Federal Credit Union Account  
11 Statement Printout, dated 11/30/15, Plaintiff's Exhibit  
12 No. 3, was marked for Identification.)

13 Q. So Exhibit 3 is a single piece of paper  
14 from Quorum Federal Credit Union and you have a  
15 checking and savings account; is that correct?

16 A. Yes, that's correct.

17 Q. And the last four digits of the checking  
18 account are 0080?

19 A. Yes, that's correct.

20 Q. And the last four digits of the savings  
21 account are 0000?

22 A. That's correct.

23 Q. And it's slightly cut off. Is the  
24 entire account number there? See how it's slightly  
25 cut off right here?

1           A.       I can provide that to you afterwards. I  
2 mean, I just printed out what was on the screen.

3                   MS. JENNINGS-LAX: Melissa, if I  
4 may?

5                   Do you know whether the account has more  
6 than eight digits, the account number?

7                   THE DEPONENT: I don't know.

8                   MS. JENNINGS-LAX: Okay. Because I  
9 am assuming that's what you were trying to figure  
10 out.

11           Q.       (By Ms. Needle) You didn't -- when did  
12 you open this Quorum bank account?

13           A.       I don't remember.

14           Q.       Was it five years ago?

15           A.       No. It was probably this year.

16           Q.       This year in 2015?

17           A.       Yes, I think so.

18           Q.       Was it in the winter of 2015?

19           A.       No -- wait, it would have been in the  
20 spring or the summer or early -- I don't want to  
21 guess. It was sometime this year but not in the  
22 winter.

23           Q.       What's the date of this statement that  
24 you gave me?

25           A.       It's yesterday's date.

1 Q. Where on that statement does it have  
2 yesterday's date?

3 A. I mean, I printed out, you know, what I  
4 could from the statement. If you want to give me  
5 specifics of what --

6 Q. Well, No. 2 requests that you produce to  
7 me the bank statements for all accounts that you own  
8 from November 1, 2014 to the present.

9 A. This is the only account that I own.

10 Q. But you only printed out one piece of  
11 paper. Where are the other statements? Where is  
12 the statement from September? Where is the  
13 statement from October? Where is the statement from  
14 August?

15 A. I don't get statements on this account.  
16 It's not a VISA, like, there's no credit card. It  
17 will just show a series of transactions.

18 Q. Well, where are the series of  
19 transactions from the prior months?

20 A. I will have to print them out. There is  
21 not an easy way for me to get that. Unless I can  
22 ask Quorum for a list of all the account  
23 transactions from November 1st, which is what can  
24 do.

25 Q. Okay. You will get those to me?

1           A.        I will, yes. I will get a list of all  
2 the transactions.

3           Q.        Other than the Quorum account, do you  
4 own any other individual accounts?

5           A.        I have an account at Fidelity with my  
6 401(k) and I have an account at another institution  
7 with a second 401(k).

8           Q.        And since November 1st of 2015, have you  
9 withdrawn any money from either of those 401(k)  
10 plans?

11          A.        No.

12          Q.        Have you ever withdrawn any money from  
13 either of those 401(k) plans?

14          A.        Yes.

15          Q.        When was the last time you withdrew  
16 money from either of those 401(k) plans?

17          A.        It would be approximately seven years  
18 ago.

19          Q.        Okay. Now, the pay that you are  
20 currently earning from NBTY is that directly  
21 deposited into your Quorum checking account 0080?

22          A.        Yes, it is now.

23          Q.        And for what period of time was the N --  
24 for how long has NBTY been directly deposited into  
25 your individual Quorum account?

1           A.       It hasn't happened yet. It will happen  
2 the first time this week.

3           Q.       Where was it going prior to --

4           A.       They were giving me physical paychecks.

5           Q.       Oh, they were physically giving you the  
6 check; it wasn't directly deposited?

7           A.       No. I think there was one direct  
8 deposit into our joint account.

9           Q.       And then after that -- so when was the  
10 direct deposit into the joint account?

11          A.       I would have to look at the account.

12          Q.       And subsequent to that, they were giving  
13 you physical checks?

14          A.       Yes.

15          Q.       Why did it change?

16          A.       From the physical to the direct deposit?

17          Q.       From the direct deposit into the joint  
18 account to the physical checks.

19          A.       Once I was notified by my lawyer that I  
20 should no longer --

21                   MS. JENNINGS-LAX: If I may? Don't  
22 say what a lawyer has said to you.

23          A.       Okay.

24          Q.       Why did you do it? I will withdraw the  
25 question.



1                   Did you talk to your employer and ask  
2 them to cease directly depositing your pay into the  
3 joint account?

4           A.       Yes.

5           Q.       And when did you do that?

6           A.       I don't remember the date.

7           Q.       Was it after you were served on  
8 November 9th with the restraining order and the  
9 divorce papers?

10          A.       It would have been after November 9.

11          Q.       And did you inform your wife that you  
12 were no longer directly depositing your pay into the  
13 joint account?

14          A.       I am not able to inform my wife about  
15 anything at this time.

16          Q.       So the answer is no?

17          A.       The answer is I am not able to, whether  
18 I wanted to or not.

19          Q.       Did you?

20          A.       No.

21          Q.       When you received the physical checks  
22 from your employer, what did you do with them?

23          A.       I was holding on to them.

24          Q.       Have you deposited them into your Quorum  
25 account?

1 A. Since then, yes.

2 Q. When did you deposit them into the  
3 Quorum account?

4 A. A variety of different times.

5 Q. Why did you hold on to them?

6 A. Because I had no address to have them  
7 delivered to. So what was happening is normally  
8 they would mail it somewhere, but they were mailing  
9 it to the different places I was staying while I was  
10 trying to find a place to live. So I would have  
11 to -- if they mail it, as an example, to a hotel, I  
12 would have to wait to get to the hotel, and then I  
13 would have to wait to deposit it.

14 Q. Why did you have to wait to deposit it?

15 A. Well, until I had time.

16 Q. Have you been using funds that are in  
17 the joint account since November 9th?

18 A. Since November 9th -- what day was that  
19 during the week?

20 Q. Thursday, I believe.

21 A. So before November 9th, my pay was going  
22 into the account.

23 Q. Into the joint account?

24 A. Into the joint account. And the -- I  
25 have -- there's been very minor incidentals I've

1 used the joint account for. I think one meal, some  
2 socks and shirts at Wal-Mart. And I am putting  
3 money into the account for the kids. And so when I  
4 took the kids to the Norwalk Maritime Museum, I  
5 charged it to the joint account.

6 Q. Have you put any money into the joint  
7 account since November 9th?

8 A. Yes.

9 Q. How much?

10 A. \$500 a week.

11 Q. \$500 a week. And how much money a  
12 week -- well, let me ask you this: The pay that you  
13 are getting from NBTY, how often do you get paid?

14 A. Weekly.

15 Q. So you're receiving a gross amount of  
16 2,980.77 a week from NBTY?

17 A. There's gross and net. So --

18 Q. I am asking you gross.

19 A. Yes, that's my gross.

20 Q. That's your gross. And you are  
21 receiving a gross or net number of 4,000 and  
22 something from Combe?

23 A. I'm sorry, can you say that question  
24 again?

25 MS. NEEDLE: I am going to ask

1 you -- you're showing him notes in the middle of my  
2 question?

3 MS. JENNINGS-LAX: It was actually  
4 prior to your question, but --

5 MS. NEEDLE: It was in the middle  
6 of my question. All right. If you want to take a  
7 break, I am happy to do it. All you have to do is  
8 ask.

9 Q. (By Ms. Needle) My question to you is  
10 the 4,000 and something dollars that you get paid  
11 biweekly from Combe, is that a gross or a net  
12 amount?

13 A. It's a net amount.

14 Q. Okay. So it's approximately 2,000 net a  
15 week from Combe that you are receiving and  
16 approximately -- if we look at the net number from  
17 NBTY, can you tell me what --

18 A. It's on the check, 2152.07.

19 Q. So you're receiving approximately 4152  
20 net per week and you're contributing \$500 per week  
21 into the joint bank account; is that correct?

22 A. For the kids.

23 Q. Well, regardless of what it's for,  
24 that's what you are doing, correct?

25 A. Yes. No other requests have been made

1 for the house. No requests have been made for money  
2 at this point.

3 Q. No. 3 requires you to produce copies of  
4 any and all charges through the use of credit cards  
5 or charge accounts in your name from November 1,  
6 2014 to the present.

7 Did you bring any documents responsive  
8 to Request No. 3 on the Schedule A of your Notice of  
9 Deposition?

10 A. I did. I brought -- I misread it. I  
11 didn't realize it was 2014. I brought the one  
12 credit card I have in my own name as of  
13 November 1st, 2015. But I will go back and get the  
14 other statements.

15 Q. Well, how many credit cards do you have  
16 that are in your name, individually?

17 A. Just the American Express. And this  
18 card was only used for Costco, I mean, primarily.  
19 It's a Costco membership American Express.

20 Q. And you are certain you don't have any  
21 other credit cards in your name individually, sir?

22 A. I had an Amazon card. I think it was  
23 canceled. But I don't have any of the statement  
24 information.

25 Q. When was the Amazon card canceled?

1 A. I think in the summer.

2 Q. Have you used the Amazon card this year  
3 prior to it being canceled?

4 A. Not that I am aware of. The intent of  
5 the card was to save money on a purchase. We paid  
6 off the purchase. I believe it was also used to pay  
7 the \$99 Prime fee and then we canceled it. I think  
8 I canceled it, but I haven't used it since. I was  
9 told to cancel it.

10 Q. And that was always an individual Amazon  
11 card? Or was it a joint card?

12 A. I think it was an individual.

13 Q. Other than the Amazon card that was  
14 canceled and the American Express, do you have any  
15 other individual credit cards?

16 A. No.

17 Q. Can I see what you brought in response  
18 to Item No. 3?

19 A. Sure. This is a statement and itemized  
20 information for a Costco card from November -- at  
21 least November 1st, onwards, 2015. I can go back  
22 and get the previous statements.

23 Q. Is this one statement?

24 A. Because the current statement hasn't  
25 been issued right for these days, I gave you the

1 last statement I have. And then I printed out all  
2 the itemized purchases made on the card up until  
3 today.

4 MS. NEEDLE: Can we mark this,  
5 please.

6 (Whereupon, a Costco American Express Statement, closing  
7 date 12/8/15, Plaintiff's Exhibit No. 4, was marked for  
8 Identification.)

9 A. To my best recollection, that's the only  
10 credit card I use and have.

11 Q. Is this an American Express card?

12 A. Yes.

13 Q. Why does it have the Costco insignia on  
14 it?

15 A. Because it's also my American Express  
16 Costco card, so it's through Costco that I got this  
17 American Express.

18 Q. What's Jowdy and Jowdy?

19 A. That's a legal firm.

20 Q. What type of law do they do?

21 A. They do a variety of different laws. I  
22 can't speak to their entire portfolio.

23 Q. Did you retain them?

24 A. Yes.

25 Q. Why did you retain them?

1           A.       Do I have to answer that?  Isn't this a  
2 privileged question?

3           Q.       No.  Your lawyer will object, trust me.

4                   MS. JENNINGS-LAX:  You may answer  
5 the type of law for which you retained them.

6           A.       I retained them for criminal law.

7           Q.       Okay.  And what is Spring Hill Suites?

8           A.       That's where I stayed once I was not  
9 allowed to go back to my house.

10          Q.       And where is that located?

11          A.       In Long Island.

12          Q.       Is that close to your place of  
13 employment?

14          A.       Yes.

15          Q.       How long did you stay at Spring Hill  
16 Suites?

17          A.       Fourteen days.

18          Q.       Have you paid the American Express bill  
19 since November?

20          A.       I made one -- sorry, there were two  
21 payments made -- I believe it was November 10th or  
22 11th -- that covered family expenses previous to the  
23 9th and a portion of the Spring Hill Suites.  None  
24 of the other expenses have been paid for.

25          Q.       And from what account did you --



1           A.           From our joint account.  None of the  
2 other expenses have been paid.

3           Q.           They have been paid from what account?

4           A.           I'm sorry?

5           Q.           You said the other expenses have been  
6 paid?

7           A.           No, I'm saying currently none of the  
8 other expenses have been paid.

9           Q.           And is it your intention to pay the  
10 other expenses from your individual Quorum account?

11          A.           Yes.

12          Q.           What did you buy at Costco for \$480?

13          A.           I bought a computer.

14          Q.           A computer.

15          A.           If you look at the other sheets, you  
16 will see that that portion has been covered.

17          Q.           This portion has been covered?

18          A.           No.

19                      MS. JENNINGS-LAX:  Can I explain?

20                      MS. NEEDLE:  Go ahead.

21                      MS. JENNINGS-LAX:  That is  
22 something that shows up on the computer.  He wasn't  
23 able to get it clear, so that's why you have two  
24 sheets printed out.  If you look at the other  
25 summary of charges -- you have another two sheets

1 that show summary of charges -- that part of it is  
2 uncovered. So together they make a full listing of  
3 the charges that have been incurred. Do you see?

4 MS. NEEDLE: Yes, I do.

5 Q. (By Ms. Needle) So the \$2,500 charge  
6 here is the same \$2,500 charge on November 23rd for  
7 Jowdy and Jowdy?

8 A. I was just trying to make sure that  
9 the -- yes.

10 Q. And you will get me the balance of the  
11 American Express statements through November 1,  
12 2014?

13 A. Yes.

14 Q. And how quickly do you think you can do  
15 that, sir?

16 A. I think by the end of this week.

17 Q. What do you have to do to get these  
18 statements; go online and print them out?

19 A. Yes.

20 Q. You can't do that today?

21 A. I can try to do it tonight and give it  
22 to my lawyer tomorrow, which will be the end of the  
23 week.

24 Q. And how about the Quorum bank  
25 statements, can you do that as well online?

1           A.       No. I have no ability to print out  
2 previous -- I would have to go to Quorum and ask  
3 them to send me a summary. I don't have that  
4 ability online.

5           Q.       So you have to physically go to the  
6 bank?

7           A.       The way I would do it online is it would  
8 just keep scrolling down, so I can try to do  
9 multiple screen shots as far back as it will go. It  
10 will appear somewhat similar to how the American  
11 Express is going to come out. Or I can ask them to  
12 do a summary on it.

13          Q.       When I look at Exhibit 3, this Quorum  
14 statement, it says on here "last 15 days" but I'm  
15 not seeing the last 15 days on this one piece of  
16 paper.

17          A.       That's right. The way the website works  
18 is you would click on "Classic Checking" and it  
19 would show you itemized and you would scroll through  
20 all the itemized.

21          Q.       And you can't print that out?

22          A.       I can. I am just saying it'll appear  
23 like the -- I can't print out all the itemized. I  
24 will have to go through each itemized and take a  
25 screen shot, go back and do another screen shot.

1 Q. Can you contact Quorum bank and ask them  
2 to send you copies of your bank statements?

3 A. Yes, that's what I plan to do.

4 Q. And have you done that yet?

5 A. No.

6 Q. Why didn't you do it when you got the  
7 Notice of Deposition?

8 A. All I thought you wanted to know was  
9 what the account was.

10 Q. So just to make sure, you don't have any  
11 other individual credit card statements, other than  
12 the American Express and the Amazon card that you  
13 believe was canceled?

14 A. Yeah, the Amazon statements would be at  
15 the house. I don't have the ability to get them.

16 Q. And when do you believe the Amazon was  
17 canceled?

18 A. Sometime in the summer of this year.

19 Q. And when was the last time you used it?

20 A. It was only used twice: Once was to  
21 make a purchase; and once was to pay for Amazon  
22 Prime.

23 Q. And what was the purchase it was used  
24 for?

25 A. The shelving set that went into the

1 basement.

2 Q. Okay. Item No. 4 on Schedule A, any and  
3 all external hard drives that you removed from the  
4 marital home.

5 A. I did not remove any hard drives in the  
6 marital home on or about November 9th.

7 Q. Any and all gaming systems that you  
8 removed from the marital home.

9 A. I have the Xbox available. I think it's  
10 been discussed.

11 Q. It's in your car?

12 A. I thought it was. I would have to go  
13 back to my house and get it. But it's packed up.

14 Q. Why did you think it was in your car?

15 A. I put it in a bag and I left that bag in  
16 my house. But it's packed up and ready to go.

17 Q. No. 6, copies of any and all evidence,  
18 including but not limited to photographs and glass  
19 vials of hydromorphone or any other drugs that you  
20 have found pursuant to Paragraph 9 of your affidavit  
21 on November 9th, 2015.

22 A. Those are the pictures I have.

23 MS. NEEDLE: Can you mark these,  
24 please.

25 (Whereupon, a Packet of Photos, Plaintiff's Exhibit No. 5,

1 was marked for Identification.)

2 Q. Did you take photographs of the objects  
3 that are in Exhibit 5?

4 A. Yes.

5 Q. And did you take them on your phone?

6 A. Yes.

7 Q. Were they all taken at the same time?

8 A. No, they were taken at different times.

9 Q. Can you tell me when each was taken?

10 A. I can only tell you approximate times,  
11 unless you want me to refer to my phone.

12 Q. You can refer to your phone.

13 A. I don't have it.

14 Q. You don't have your phone with you  
15 today, sir?

16 A. I have my work phone, but these were  
17 taken on my personal phone.

18 Q. And you don't have your personal phone  
19 with you today?

20 A. No.

21 Q. Do you have any other phones besides  
22 your personal phone and your work phone?

23 A. No.

24 Q. And your personal phone is what type of  
25 phone?

1           A.        An iPhone.

2           Q.        Where is it?

3           A.        I think it's at home.

4           Q.        You left your personal --

5           A.        No, at my new place.

6           Q.        At your new place?

7           A.        Yes.

8           Q.        Where you are currently living?

9           A.        Yes.

10          Q.        What is your phone number?

11          A.        203 --

12          Q.        Your personal phone is 203 --

13          A.        (203)274-1732.

14          Q.        What is your work phone number?

15          A.        Can I refer to my phone?

16          Q.        You don't know your work phone number by

17 heart?

18          A.        No, I just got this.

19          Q.        When did you get it?

20          A.        It would have been -- when did I get the

21 phone or my work number? Sorry, I have a work cell

22 phone and a work direct line. Which number are you

23 referring to?

24          Q.        Well, you're holding a phone in your

25 hand, correct?

1 A. Yes.

2 Q. And that's a cell phone, correct?

3 A. Yes.

4 Q. And what type of phone is that?

5 A. An iPhone.

6 Q. And is that a work iPhone?

7 A. Yes.

8 Q. And your employer NBTY gave you that  
9 iPhone?

10 A. Yes.

11 Q. When did they give you that iPhone?

12 A. Can I look at the calendar?

13 Q. No. Do you know off the top of your  
14 head? What month did they give you the phone?

15 A. It would have been this month.

16 Q. This month is December.

17 A. Sorry, November. At the very beginning  
18 of -- probably the -- probably the very beginning of  
19 November I got it.

20 Q. When did you start working for NBTY?

21 A. October 19th.

22 Q. And they gave you this phone at the  
23 beginning of November that you are holding in your  
24 hand?

25 A. Yes.



1 Q. And as you sit here now, you do not know  
2 the telephone number?

3 A. No, I don't. I know how to get it but I  
4 haven't memorized it. It's on my business card.

5 Q. Do you have a business card with you?

6 A. Yes.

7 Q. Can I see the business card?

8 MS. NEEDLE: Can we mark this.

9 (Whereupon, a Business Card, Plaintiff's Exhibit No. 6,  
10 was marked for Identification.)

11 Q. And is this phone number listed on your  
12 business card that's been marked as Exhibit 6 the  
13 phone number for the cell phone that sits in front  
14 of you?

15 A. Yes.

16 Q. So if I were to dial that phone number  
17 on your business card, this phone would ring?

18 A. Yes.

19 Q. Do you have any personal information on  
20 the business phone?

21 A. My GMail account, it's linked to this  
22 phone.

23 Q. So you can access your GMail account  
24 from that cell phone?

25 A. Yes.

1 Q. So as you sit here today at your  
2 deposition, you cannot tell me when these  
3 photographs were taken?

4 A. I can tell you it was in the month of --  
5 approximately the month of July.

6 Q. In the month of July, you took these  
7 photographs?

8 A. Yes.

9 Q. And the first photograph is a picture of  
10 a vial that has an expiration date of 6/2013.

11 A. Yes.

12 Q. Can you tell me where this vial was when  
13 you took the photograph?

14 A. It is in our downstairs bathroom.

15 Q. So this vial was sitting in the  
16 downstairs bathroom?

17 A. Yes, medicine cabinet.

18 Q. And what is it a vial of, do you know?

19 A. I think the other pictures show us.

20 Q. Can you tell me which other pictures go  
21 with that?

22 A. That picture.

23 Q. So this is the vial of Flumazenil  
24 injection -- sorry, I am not a medical person.

25 MS. JENNINGS-LAX: I think the

1 reporter might ask you --

2 Q. So Page 1 and Page 3 of this packet go  
3 together?

4 A. Yes.

5 Q. And you found this in the medicine  
6 cabinet in the marital home?

7 A. Yes.

8 Q. And was it empty?

9 A. I believe there was something inside it.

10 Q. Well, it looks like there is a seal on  
11 top of it. Was it sealed? Was it partially used?  
12 You can't tell from the photograph.

13 A. There was contents in it. I don't know  
14 what its original fill date is.

15 Q. When you found this vial, what did you  
16 do other than take a picture of it?

17 A. I threw it out.

18 Q. You threw it out. Did you talk to your  
19 wife about it?

20 A. Not this particular vial. I have handed  
21 her previous vials in the past and she told me not  
22 to throw them out and that she would take care of  
23 them.

24 Q. Did you have any other conversations  
25 with her about the Flumazenil that's in this

1 photograph?

2 A. I can't remember if I talked to her  
3 specifically about that one. This was an issue -- I  
4 talked to her a lot about these things.

5 Q. Okay. Well, what did you say?

6 A. That they are dangerous and it shouldn't  
7 be here.

8 Q. And what was her response?

9 A. That I couldn't throw it out, that she  
10 would take care of it.

11 Q. And did she tell you what she meant by  
12 that?

13 A. She said that she would take it back to  
14 the hospital.

15 Q. And what's the second picture of?

16 A. It's another vial I found in the same  
17 medicine -- it looks like the same medicine cabinet.

18 Q. Did you find it at the same time?

19 A. Yes.

20 Q. Did you move the vials prior to taking a  
21 picture?

22 A. I twisted one to show the expiring date.

23 Q. So this vial was expired when you took  
24 the picture?

25 A. Yes.

1 Q. And is there another picture that goes  
2 with the vial on the second page?

3 A. No.

4 Q. And when did you take this photograph?

5 A. Around the same time.

6 Q. In July?

7 A. Yes.

8 Q. And when you took the photograph, did  
9 you talk to your wife about this vial?

10 A. I can't remember if it was this  
11 particular vial. I talked to her a lot about all  
12 the vials I found.

13 Q. How many vials have you found in the  
14 last year?

15 A. More than 20.

16 Q. More than 20. Okay. And when you found  
17 the vials, on every occasion, did you say to Robin,  
18 what's going on?

19 A. Well, I just give them back to her and  
20 say to get rid of them.

21 Q. Did you ever call the hospital? I take  
22 that back.

23 In July when you found at least the  
24 vials that are pictured in the first few pages, did  
25 you contact the hospital?

1 A. No.

2 Q. Why not?

3 A. I didn't want anything to happen to  
4 Robin's job.

5 Q. And the last two pages, do they go  
6 together?

7 A. Yes.

8 Q. When did you take this paragraph?

9 A. Same -- around the same time in July,  
10 but I think it was before the other ones.

11 Q. So did you -- other than the photographs  
12 that appear on Exhibit 5, have you taken any  
13 photographs of any other vials that you allegedly  
14 found?

15 A. No.

16 Q. Why not?

17 A. I wasn't collecting evidence.

18 Q. But why did you take them in July?

19 A. I took them to -- I sent them to my  
20 parents and asked them what I should do.

21 Q. Oh, you sent them to your parents. Did  
22 you send them to anyone else?

23 A. No.

24 Q. Why did you send them to your parents  
25 and ask what to do?

1           A.        Because I didn't know what to do.

2           Q.        What were your concerns?

3           A.        I couldn't figure out why the vials were  
4 still there. The last vials that you saw, I had  
5 given Robin those -- I've seen more of those before  
6 and have handed them back to her. But in the past,  
7 I just didn't know what they were. I took those  
8 pictures when I Googled what the contents were.

9           Q.        With regard to Item 6 on this Schedule  
10 A, you gave me the photographs. Do you have any  
11 other documents responsive to Item 6 on the Notice  
12 of Deposition?

13          A.        I don't have any other pictures of  
14 drugs. Can you be more specific of what else you  
15 are asking for?

16          Q.        Any and all evidence -- not just  
17 photographs -- any evidence that you have to support  
18 the claim that you make in Paragraph 19 of your  
19 affidavit?

20          A.        That's all I have is those pictures.

21          Q.        That's it?

22          A.        Mm-hmm.

23          Q.        Item 7, all correspondence, including  
24 but not limited to, e-mails to or from any third  
25 party regarding the minor children for the period

1 November 1, 2014 to the present.

2 Did you bring any documents responsive  
3 to Item 7 on Schedule A of the Notice of Deposition?

4 A. No.

5 Q. Why not?

6 A. Do you want to go through each one?

7 Q. Mm-hmm, please.

8 A. So any school teacher, school official,  
9 I don't have any e-mails to school teachers or  
10 school officials.

11 Q. Is that because you have never e-mailed  
12 any school teacher or school official?

13 A. Yes, to the best of my recollection.  
14 When I searched my e-mail account, nothing came up.

15 Q. Do you know the name of Mikayla's school  
16 teacher?

17 A. Mrs. Haggerman.

18 Q. And Asher's school teacher?

19 A. Sister Luiga.

20 Q. Okay. And, B, do you have --

21 A. I have participated in a soccer  
22 association, and I've reached out to the person to  
23 make sure it's okay that I give the correspondence.  
24 Once I hear back that he's okay with that, then I  
25 will provide it.



1 Q. Who is the person that you corresponded  
2 in the soccer association?

3 A. Who --

4 Q. Who was the person that you corresponded  
5 with in B to make sure it was okay that pursuant to  
6 a Notice of Deposition you give the documents?

7 A. I am going to reach out to Steve Sisti.

8 Q. Who is Steve Sisti?

9 A. He runs the youth soccer league that I  
10 coached.

11 Q. And what is the content of the e-mail or  
12 e-mails that are responsive to --

13 A. Letting parents know when the games are  
14 and who was responsible for snacks.

15 Q. Okay. And, C?

16 A. To the best of my knowledge, when I was  
17 able to search, I haven't e-mailed any medical or  
18 medical health provider for the minor children.  
19 I've made phone calls but -- so I guess it would be  
20 my phone records.

21 Q. Who is the children's pediatrician?

22 A. Dr. O'Regan.

23 Q. And you have never e-mailed him?

24 A. No.

25 Q. How about Item D?

1           A.       D and E, I have to go through in detail,  
2 because I have a lot of e-mails. I weekly  
3 correspond with our families, sending pictures of  
4 the kids, and there's a lot of them, so I am going  
5 through that now.

6           Q.       Did you bring any?

7           A.       No.

8           Q.       Nothing?

9           A.       Nothing.

10          Q.       Other than photographs, any written  
11 correspondence about the children?

12          A.       I have to go through it. There's a lot.  
13 I have a lot of e-mails. I tried to search by name,  
14 and there's a lot that have come up, so I have to go  
15 through them.

16          Q.       When can you have that completed by?

17          A.       It's going to take a long time.

18          Q.       That wasn't my question, sir. My  
19 question is when can you have it completed by?

20          A.       I have no idea.

21          Q.       A week?

22          A.       No. It's going to be longer than that.

23          Q.       Two weeks?

24          A.       It's going to be longer than that. I  
25 have a lot of e-mails. I have to go through the

1 contents of every single e-mail that when I go  
2 through Google and type in Asher, Abbigail or  
3 Mikayla pops up, I will have to go through it and  
4 determine if it's about them and print them out. It  
5 is very, very labor intensive.

6 Q. A month?

7 A. I don't think I can do it then.

8 Q. When can you do it, sir? A year?

9 A. I am hoping within six months.

10 Q. Within six months. Okay.

11 MS. JENNINGS-LAX: Melissa, I am  
12 willing to talk to my client about a reasonable time  
13 period in which to get documents that are responsive  
14 to a labor-intensive request that was made a week  
15 ago.

16 MS. NEEDLE: Thank you.

17 Q. (By Ms. Needle) How about Item 8, do  
18 you have any documents responsive to Item 8?

19 A. Again, when I typed in Robin into my  
20 Google account, almost every e-mail came up. So I  
21 have not had a chance to go through all of them yet.

22 Q. And you didn't bring any with you at  
23 all?

24 A. Not yet.

25 Q. In the last month, have you sent an

1 e-mail to any school teacher or school official  
2 about your wife?

3 A. No.

4 Q. In the last month, have you sent any  
5 person involved in any extracurricular activity for  
6 any of the minor children an e-mail about your wife?

7 A. Can you help clarify what you mean by  
8 "extracurricular activity"?

9 Q. What do you think an extracurricular  
10 activity for the minor children is?

11 A. I guess what I am trying to ask is,  
12 like, the YMCA? Or like a playdate?

13 Q. Either.

14 A. I don't think so.

15 Q. Have you e-mailed any family friends  
16 about Robin in the last month?

17 A. Yes.

18 Q. Who have you e-mailed?

19 A. My parents.

20 Q. Anyone else?

21 A. To the best of my recollection, no. I  
22 don't e-mail a lot of people stuff. Primarily my  
23 e-mail is taking pictures of kids on the weekend and  
24 sending them out to our family.

25 Q. How about texting?

1 A. I have texted with friends.

2 Q. Who have you texted with about Robin in  
3 the last month?

4 A. I have to go back and check.

5 Q. Remember, sir, you are under oath. As  
6 you sit here today --

7 A. Can I look at my phone?

8 Q. Sure.

9 A. I've texted a Dennis Puebla.

10 Q. That's not a family friend, is it?

11 A. Oh, I'm sorry. I've texted David  
12 Vintiner, V-I-N-T-I-N-E-R.

13 Q. Who else?

14 A. Julian Vigder, V-I-G-D-E-R. And that's  
15 it.

16 Q. And what did you say to David Vintiner  
17 about your wife?

18 A. He mentioned Robin. "In Long Island" --  
19 this is me -- "In Long Island near work but I am  
20 coming to Stamford tomorrow. Not sure I can make  
21 gaming. I will probably stay in Stamford and  
22 probably at the house."

23 His response, "Okay, Robin is working  
24 tomorrow night, right? Do you want me to come by  
25 after I get back from New York?"

1                   And my response is, "No, it's okay. I  
2 will let you know when I can talk."

3                   That was the summary.

4           Q.       And what was the date of that?

5           A.       November 11th.

6           Q.       And since that time, you haven't had any  
7 texts communications with Mr. Vintiner?

8           A.       I have. I've had lots. None involving  
9 Robin.

10          Q.       And how about Julian Vigeer?

11          A.       Vig, Vigder, V-I-G-D-E-R.

12          Q.       Okay. Sorry, I thought you said B.

13          A.       I don't have his texts on the phone. I  
14 was probably letting him know that we were getting  
15 divorced.

16          Q.       You just looked at the phone and --

17          A.       Yeah, I don't have Julian's text on this  
18 phone. But I know that I've texted Julian about it.

19          Q.       Have you texted anyone else about Robin  
20 in the last month?

21          A.       My parents.

22          Q.       Anyone else?

23          A.       Actually, no, I take that back. I  
24 didn't text my parents. Their phone is not capable  
25 of text, only phone calls.

1 Q. So you e-mail your parents?

2 A. I e-mail or call my parents.

3 Q. Anyone else that you texted about Robin,  
4 other than the two gentleman you mentioned?

5 A. Andrew Carney. But, again, letting him  
6 know that I was getting divorced. Various updates.

7 Q. Is Andrew Carney one of the gentlemen  
8 who was in court on November 20th?

9 A. Yes.

10 Q. And what's your relationship with  
11 Mr. Carney?

12 A. Our daughters are in the same school.

13 Q. Why was he in court with you?

14 A. He was going to talk about how we get  
15 together, and when we get together with our  
16 daughters, what he sees. He's come to the house a  
17 lot of times, and he has engaged with both Robin and  
18 I on different occasions.

19 Q. And did you contact him and request that  
20 he come to court on November 20th?

21 A. Yes.

22 Q. What did you ask him to do?

23 A. Talk about how our kids -- how I am when  
24 we are together or how he's seen me.

25 Q. And was there another gentleman in

1 court?

2 A. Yes.

3 Q. And who was that?

4 A. Rob Burke.

5 Q. And what was the --

6 A. Same thing. His relationship is his  
7 kids are friend with ours, and I asked him to come  
8 and talk about what he sees.

9 Q. So these are the only documents that you  
10 brought pursuant to the Schedule A that's attached  
11 to the Notice of Deposition, Items 1 through 5 in  
12 front of me, correct?

13 A. Correct.

14 Q. It's really, 2 through 5, because 1 is  
15 the Notice of Deposition.

16 MS. JENNINGS-LAX: We also have  
17 available the Xbox, but you and I have discussed  
18 that.

19 MS. NEEDLE: Well, you don't have  
20 available the Xbox, because he testified he left it  
21 at home.

22 MS. JENNINGS-LAX: But he also said  
23 that he could run and get it.

24 But regardless, for, you know, the  
25 ability to copy it would be fine if we were given a



1 time frame.

2 MS. NEEDLE: And at the break, I  
3 will let you know what that time frame is, okay.

4 If we could just take a break now, I  
5 will talk to Jessica about that. So just a short  
6 break.

7 (Whereupon, a recess was taken.)

8 MS. JENNINGS-LAX: I need to make a  
9 clarification -- or not a clarification but a change  
10 for the record. When he identified Steven Sisti as  
11 the individual who he contacted with respect to  
12 soccer, that's the wrong person. It's Bob Pepi.

13 THE DEPONENT: Will contact him.

14 MS. JENNINGS-LAX: Okay. You  
15 haven't contacted him?

16 THE DEPONENT: No, will contact  
17 him.

18 MS. JENNINGS-LAX: And that's  
19 because it involves other people's children.

20 Q. (By Ms. Needle) Have you applied for  
21 any new credit cards since July 1st of this year?

22 A. No.

23 (Whereupon, Attorney Needle re-joined Mrs. Herzog  
24 telephonically to the deposition.)

25 MS. NEEDLE: Oh -- Robin?

1 MRS. HERZOG: Yes.

2 MS. JENNINGS-LAX: Do you want to  
3 tell Robin about the change or no?

4 MS. NEEDLE: We corrected the  
5 record. It wasn't Steve Sisti, who Geoff --

6 MS. JENNINGS-LAX: As the soccer  
7 manager.

8 MS. NEEDLE: It was --

9 MS. JENNINGS-LAX: Bob Pepi. Not  
10 spelled like the pizza place.

11 MS. NEEDLE: How is it spelled?

12 MS. JENNINGS-LAX: P-E-P-I.

13 MS. NEEDLE: And then I asked Geoff  
14 if he had applied for any new credit card since  
15 July 1, 2015 and he said he had not.

16 Q. (By Ms. Needle) What is your address?

17 A. Where I am renting?

18 Q. Where you are renting.

19 A. Ninety-eight Palmer Street, Stamford,  
20 Connecticut.

21 Q. Ninety-eight?

22 A. Palmer Street.

23 Q. Have you ever taken Adderall?

24 A. I don't know what that is.

25 Q. Have you ever taken a medication called

1 "Adderall"?

2 A. I don't think so.

3 Q. Have you ever taken a medication, the  
4 generic form of Concerta?

5 A. Yes. I think that's the one I was  
6 trying to tell you I took today.

7 Q. You told me you took the focus --

8 A. I think I just misspoke.

9 Q. For how long have you been taking this  
10 medication?

11 A. The Concerta, I think I answered that in  
12 the beginning. I think it's been -- I can't  
13 remember when I was prescribed it. It was  
14 probably -- you know what, I don't remember.

15 Q. Months or years?

16 A. Oh, months.

17 Q. A year ago were you taking any  
18 medications?

19 A. Asthma medications.

20 Q. That's it?

21 A. Yes.

22 Q. And are you certain that the Quorum  
23 statements aren't available online?

24 A. I mean, they are available online. I  
25 just have to go through and cycle through them.

1 That's what I was explaining to you. So I have to  
2 do multiple screen shots.

3 Q. Why do you have to do screen shots? If  
4 you are on a regular computer, you can't simply  
5 print out a Quorum bank statement?

6 A. Not to my knowledge. The way that -- I  
7 can show you on a computer if you wanted to, but the  
8 way it works is you select the account, and then it  
9 shows you your transactions for a period of time,  
10 and then there is a button at the bottom that says  
11 "see more", and it will cycle through more.

12 MS. JENNINGS-LAX: Can I see if I  
13 can clarify?

14 MS. NEEDLE: Go ahead.

15 MS. JENNINGS-LAX: You can't get a  
16 PDF?

17 THE DEPONENT: I don't think so.  
18 I've never tried.

19 MS. JENNINGS-LAX: Because that's  
20 essentially what you were asking?

21 MS. NEEDLE: Yes. And I am fairly  
22 certain that you can because the parties have a  
23 joint Quorum account and my client has been able to  
24 very simply and easily print out the Quorum banking  
25 records.

1 MS. JENNINGS-LAX: Does she do it  
2 as a PDF?

3 MS. NEEDLE: I will find out.

4 MS. JENNINGS-LAX: Okay.

5 THE DEPONENT: I am not aware of  
6 how to do that.

7 Q. (By Ms. Needle) With regard to the  
8 medical insurance, you stated earlier that you  
9 didn't sign up for the medical insurance because you  
10 didn't have the Social Security numbers for the  
11 children and for your wife.

12 What was the end date which you could  
13 have signed up for the medical insurance had you had  
14 that information?

15 A. I don't remember. It was when I  
16 e-mailed Kevin. Again --

17 Q. Was it the last day that you e-mailed  
18 Kevin?

19 A. Probably. But, again, just to be clear,  
20 that any change in status allows you to resign up.  
21 Losing coverage from your old company is a change in  
22 status. So I have no worries that I won't be able  
23 to sign up from NBTY.

24 Q. And you don't have any written  
25 communication from anyone indicating that it will

1 not be a problem transitioning from your old medical  
2 insurance coverage to new medical insurance?

3 A. I haven't written anyone about that.

4 Q. Has anyone written to you, sir?

5 A. No.

6 Q. Did you ever work for Kraft Foods?

7 A. Yes.

8 Q. And did you have any sort of retirement  
9 plan with Kraft Foods?

10 A. Yes.

11 Q. And did you remove any funds from that  
12 retirement plan from Kraft Foods ever?

13 A. Yes.

14 Q. When was the last time that you removed  
15 funds from the Kraft Food retirement plan?

16 A. It would have been when I -- sorry,  
17 there are two things. There's a 401(k) that I  
18 generated from Kraft income and then a pension plan.  
19 The 401(k) dollars, when I left Kraft, I transferred  
20 into my Fidelity 401(k).

21 Q. And what's going on with the pension  
22 plan?

23 A. I tried to get them to give me a payout  
24 of \$13,000 but -- which Robin signed -- but they've  
25 lost it. So I will be getting a check for \$89 a

1 month starting sometime soon.

2 Q. What do you mean "they've lost it"?

3 A. I had a form -- so I had a form that we  
4 filled out that I mailed. And the -- I got a letter  
5 from Kraft saying they never received it, and they  
6 declined to give me the money.

7 Q. Do you have the letter from Kraft in  
8 which they declined to give you the money?

9 A. I have it, but I don't have it on me.

10 Q. Where is it?

11 A. It's probably at home.

12 Q. On Palmer Street?

13 A. Yes.

14 Q. Is it one of the items you took when you  
15 retrieved your belongings from the marital home?

16 A. No. This was something they just sent  
17 me about a week or two ago.

18 Q. Have you received any money from that  
19 pension?

20 A. No. The intent was to try to get  
21 instead of a monthly payment of \$89 to get \$13,000,  
22 but it didn't -- they didn't give it to me.

23 Q. Because you didn't mail the form in on  
24 time?

25 A. I mailed the form in, and I have the

1 tracking from USPS. It just never got delivered.  
2 And the USPS people don't know where it is.

3 Q. Okay.

4 A. And I have all that documentation.

5 Q. Do you have a Bank of America credit  
6 card?

7 A. I don't have one, no. I mean, we had a  
8 joint Bank of America account, but I think Robin  
9 closed it.

10 Q. You don't have an individual Bank of  
11 America credit card?

12 A. No.

13 Q. Do you have a Quorum credit card?

14 A. Joint.

15 Q. This American Express statement that is  
16 part of Exhibit 4 ends in account 1008. Do you see  
17 that?

18 A. Yes.

19 Q. For how long have you had this American  
20 Express card that ends in 1008?

21 A. At least over a year.

22 Q. Did you have a prior card that you  
23 reported stolen?

24 A. Sure, yes. So the number might have  
25 changed.



1 Q. And when did you report that card  
2 stolen?

3 A. Well, recently and probably a few times  
4 over the course of having it -- not stolen, lost.

5 Q. When you say "recently", in the last  
6 week or two?

7 A. Yes. I left the card somewhere so I  
8 asked American Express for a new one. It's the same  
9 account, just a different number.

10 Q. I am confused.

11 A. How can I help you?

12 Q. If I were to look in your wallet right  
13 now --

14 A. You would not see an American Express  
15 card.

16 Q. So Account No. 1008 is lost?

17 A. No, the account is in tact. The  
18 individual card, which is connected to that account  
19 was lost and they are sending me a new one. It  
20 hasn't arrived yet.

21 Q. And you lost it within the last week?

22 A. Yes, I lost it when I was renting a  
23 U-Haul moving furniture.

24 Q. When did you rent a U-Haul to move  
25 furniture?

1 A. Last week, last Friday.

2 Q. And where did you move furniture from  
3 and where did you move it to?

4 A. I bought furniture off Craigslist and  
5 moved it to 98 Palmer Street.

6 Q. And with what funds did you use to  
7 purchase the furniture?

8 A. Cash from my individual account.

9 Q. From the Quorum account?

10 A. From the individual account.

11 Q. From the individual Quorum account, you  
12 took cash out?

13 A. Yes.

14 Q. How much cash did you take out, sir, to  
15 purchase new furniture?

16 A. Probably around \$800.

17 Q. Okay. And prior to having Account 1008  
18 with American Express, you had a different account  
19 number?

20 A. I mean, I don't think when we change the  
21 card the account number changes, just the card  
22 number.

23 Q. So will I be able to get all of the  
24 statements for the last year?

25 A. Yes.

1 Q. You could do that online, correct?

2 A. Yes, yes. It doesn't matter the card  
3 number.

4 Q. In the last 12 months, sir, how many  
5 American Express cards have you misplaced or lost?

6 A. Maybe three or four.

7 MS. NEEDLE: I'll be right back.

8 (Whereupon, a brief recess was taken.)

9 MS. JENNINGS-LAX: While we were on  
10 break, I had Mr. Herzog go to his car. He was able  
11 to find his personal cell phone in his vehicle, so  
12 he has that available if you want to ask any  
13 follow-up questions with respect to anything on the  
14 personal cell phone.

15 MS. NEEDLE: Okay. Thank you.

16 Q. (By Ms. Needle) Where in your car was  
17 your personal cell phone?

18 A. It was under the seat.

19 Q. Under the seat. Is your job title  
20 marketing director to NBTY?

21 A. Yes.

22 Q. What's your annual compensation?

23 A. 155.

24 Q. Are you entitled to a bonus?

25 A. Yes.

- 1 Q. What's the bonus target?
- 2 A. 15 percent.
- 3 Q. And when is the bonus paid?
- 4 A. It is paid in December.
- 5 Q. At the end of December?
- 6 A. Mid December.
- 7 Q. Are you expecting a bonus this year?
- 8 A. No.
- 9 Q. When did you start working at NBTY?
- 10 A. October 19th.
- 11 Q. Where did you work prior to NBTY?
- 12 A. Combe, C-O-M-B-E.
- 13 Q. And how long did you work there?
- 14 A. About a year.
- 15 Q. And prior to Combe, where did you work?
- 16 A. Pepsi.
- 17 Q. How long did you work at Pepsi?
- 18 A. About three years.
- 19 Q. Why did you leave Pepsi?
- 20 A. I wasn't enjoying it.
- 21 Q. So you quit?
- 22 A. Yes.
- 23 Q. Did you quit prior to having the job at
- 24 Combe?
- 25 A. You are going to have to rephrase. I

1 was not employed by Combe at any time when I was  
2 employed by Pepsi.

3 Q. Was there a period of unemployment  
4 between Pepsi and Combe?

5 It's not a trick question, sir. Just  
6 tell me what happened with your employment history.

7 A. Sure. I left Pepsi. I had two weeks  
8 severance, and at the end of the two weeks, I joined  
9 Combe.

10 Q. Even though you quit, they gave you a  
11 severance?

12 A. Well, two weeks -- I gave them two  
13 weeks' notice, and they declined me having to be  
14 there.

15 Q. Okay. And why did you leave Combe?

16 A. I didn't like the culture, and I had a  
17 disagreement with my boss about how they do things  
18 there.

19 Q. What's your boss's name?

20 A. Ralph Marberger.

21 Q. How do you spell the last name?

22 A. M-A-R-B-E-R-G-E-R.

23 Q. Where is Combe located?

24 A. 1101 Westchester Avenue.

25 Q. In White Plains, New York?

1 A. Yes.

2 Q. And you did marketing at Combe?

3 A. Yes.

4 Q. Where is your current office located?

5 A. 1200 Smith Field Avenue, Ronkonkoma --  
6 2100 Smith Field Avenue, Ronkonkoma, New York.

7 Q. Do you drive to work?

8 A. Yes.

9 Q. How long is the commute?

10 A. About an hour and a half.

11 Q. Each way?

12 A. Yes.

13 Q. What are your hours?

14 A. Variable.

15 Q. What time do you typically get home from  
16 work?

17 A. Anywhere between -- I mean, I have the  
18 flexibility to come anywhere between 5:30 and 7:30.

19 Q. What are your responsibilities at work?

20 A. Running a brand.

21 Q. What's the brand?

22 A. Balance Bar.

23 Q. Do you work from home?

24 A. I have the option on Fridays to work  
25 from home.

1 Q. Only on Fridays?

2 A. Yes.

3 Q. In the last five years, what e-mail  
4 accounts have you had, personal e-mail accounts?

5 A. GeoffHerzog@GMail.com, and that's it.

6 Q. That's it? No other e-mail account?

7 A. We have -- the others were all shared.

8 So GeoffandRobin@hotmail.com, Geoff and Robin  
9 Herzog -- sorry, GeoffandRobinHerzog@GMail.com. And  
10 then I've had personal work e-mails. But you said  
11 personal accounts?

12 Q. Yes, only personal accounts.

13 A. Not work e-mails?

14 Q. Not referencing your work account.

15 A. GeoffHerzog@GMail.com.

16 Q. Do you know how Robin's health is?

17 A. Yes, I have a good idea.

18 Q. And how would you describe her health?

19 A. She has pain, a lot of pain from her  
20 injury. She has back pain, neck pain, from her  
21 injury when she was hit. She has degraded vision.  
22 She now has to wear glasses. I think that's about  
23 it.

24 Q. Do you know if she takes any  
25 medications?

1 A. I don't know.

2 Q. When you were living together, do you  
3 know if she took any medications?

4 A. At periods of time, she took medication.

5 Q. Nothing consistently?

6 A. I don't think so.

7 Q. So your current home on Palmer Avenue,  
8 are you renting that?

9 A. Yes.

10 Q. And did you sign a lease?

11 A. Yes.

12 Q. What's the term of the lease?

13 A. Six months.

14 Q. So when does it expire?

15 A. So I guess six months from  
16 November 28th, I think.

17 Q. I'm sorry?

18 A. Six months from November 28th.

19 Q. So you signed the lease November 28th?

20 A. Around November 28th.

21 Q. Okay. How far is -- is it 68 Palmer  
22 Avenue?

23 A. No, 98 Palmer.

24 Q. How far is 98 Palmer Avenue from the  
25 former marital home?



1           A.        I think over 400 feet is the best I can  
2 tell you.

3           Q.        Is it closer than half a mile?

4           A.        I don't know what half a mile is, I'm  
5 sorry.

6           Q.        How many streets away is it?

7           A.        I would need a map to tell you that.

8           Q.        Can you walk from your home to the  
9 former marital home?

10          A.        I can walk anywhere in Springdale.

11          Q.        Can you walk in less than five minutes  
12 from your home to the former marital home?

13          A.        I don't think so. I've never done it,  
14 but I don't think so.

15          Q.        Is it less than three miles from the  
16 former marital home?

17          A.        Yes.

18          Q.        Is it less than two miles from the  
19 former marital home?

20          A.        I don't know.

21          Q.        How many bedrooms are in the leased  
22 home?

23          A.        Three.

24          Q.        What's the cost of the rental home?

25          A.        \$2,500 a month.

1 Q. What does that include?

2 A. Nothing.

3 Q. So you have to pay utilities?

4 A. Yes.

5 Q. Did you have to put a security deposit  
6 down for the lease?

7 A. Yes.

8 Q. How much?

9 A. Two month's rent.

10 Q. When you returned to -- well, withdrawn.  
11 What's the address of the former marital  
12 residence?

13 A. 117 Knickbocker.

14 Q. When you returned to the Knickbocker  
15 house with the police after being served with the  
16 restraining order on November 9th, what belongings  
17 did you retrieve?

18 A. Clothes.

19 Q. Anything else?

20 A. Computer peripherals, cords, chargers, a  
21 mouse, keyboard. Those kind of assets. Xbox, an  
22 ice pack, my work phone. That's all I can  
23 recollect.

24 Q. Did you take any electronics, other than  
25 the Xbox, cords, chargers, mouse and keyboard on

1 November 9th?

2 A. No.

3 Q. How many police officers were at the  
4 house when you were retrieving your belongings on  
5 November 9th?

6 A. Two.

7 Q. Do you know their names?

8 A. No.

9 Q. Do you know if they witnessed you  
10 packing your belongings?

11 A. One was with me, but I don't know what  
12 he saw or didn't see.

13 Q. Are you aware that he saw you take the  
14 hard drives?

15 A. Kevin informed me of that.

16 Q. And what's your response to that claim?

17 A. I think I made that clear. I did not  
18 take any hard drives out of the home on  
19 November 9th.

20 Q. How many hard drives were there?

21 A. I'm sorry, you are going to have to be  
22 more specific.

23 Q. How many hard drives in the house on  
24 November 9th existed?

25 A. To the best of my knowledge, none.

1 Q. None?

2 A. I know later you found one, but I didn't  
3 remember it.

4 Q. Have you -- in the last five years, have  
5 you purchased any external hard drives?

6 A. Yes, we purchased a series of them.

7 Q. And when did you purchase them?

8 A. I don't recollect. But we would only  
9 purchase them when the last one had died. We would  
10 transfer the pictures over and use that one.

11 Q. How many hard drives have you purchased;  
12 do you recall?

13 A. No.

14 Q. What was the purpose of purchasing the  
15 hard drives?

16 A. We use it as backup for our pictures.

17 Q. What pictures?

18 A. Our family pictures.

19 Q. Have you ever put anything on an  
20 external hard drive other than family photographs?

21 A. Absolutely.

22 Q. What?

23 A. Work, any sort of stuff I was using;  
24 sometimes I would use it as a tool for taking data  
25 back and forth.

1 Q. For work either at Pepsi, at Combe and  
2 NBTY?

3 A. Yes, yes.

4 Q. So NBTY, as well?

5 A. Mm-hmm.

6 Q. And you would put it on the external  
7 hard drive?

8 A. Mm-hmm.

9 Q. And then you would take the external  
10 hard drive with you to you place of employ?

11 A. Yeah.

12 Q. Other than work materials and family  
13 photographs, have you ever downloaded anything to  
14 the external hard drives?

15 A. Not downloaded to. So, again, the way I  
16 would work is I would work on my home computer, I  
17 would move the files to the drive, use that to go  
18 back and forth.

19 Q. Did you ever download anything to the  
20 external hard drive?

21 A. I don't believe so. I believe  
22 everything was downloaded to our computer.

23 Q. How many external hard drives, if any,  
24 were in the marital home on November 9th?

25 A. To the best of my knowledge, none.

1 Q. None?

2 A. No. I know that you found one, but I  
3 didn't even remember that we had it.

4 Q. And do you remember it now?

5 A. I mean, I'm sure -- again, what we used  
6 to do is change the data and throw it out. I guess  
7 we just didn't with this one.

8 Q. What's the family computer that's in the  
9 home on Knickbocker?

10 A. A Dell.

11 Q. And prior to the Dell, what type of  
12 computer did you have?

13 A. I think we had another Dell.

14 Q. Another Dell. Okay. Where was the Dell  
15 that's in Knickbocker purchased?

16 A. I don't remember.

17 Q. Do you know when it was purchased?

18 A. No, I don't know.

19 Q. When you purchased it, did you put it in  
20 the home?

21 A. Yes.

22 Q. And you said there was another Dell in  
23 the home prior to the Dell that's currently there?

24 A. We would have only bought a new one if  
25 the old one didn't work anymore.

1 Q. And what happened to the prior computer?

2 A. I don't know. I don't remember.

3 Q. Do you know what happened to the prior  
4 hard drive that was in the prior computer?

5 A. I don't remember. I mean, I think we  
6 would have either tried to transfer the files to  
7 move them to the new computer. Or I think, if I  
8 remember, the reason we changed computers was there  
9 were viruses on the first computer and it wasn't  
10 booting.

11 Q. In the last six months, sir, have you  
12 purchased any tracking devices?

13 A. Six months, no.

14 Q. Over the last 12 months?

15 A. No.

16 Q. In the last six months, have you  
17 purchased any voice recorders?

18 A. Yes.

19 Q. When?

20 A. I don't remember.

21 Q. Was it last month?

22 A. No. It would have been in the summer.

23 Q. Where did you purchase them from?

24 A. I think it was from, like, Alibaba or a  
25 website I can't remember.

1 Q. You said Alibaba?

2 A. I think it was Alibaba. I can't  
3 remember what website.

4 Q. What type of voice recorder was it?

5 A. It was a USB.

6 Q. Why did you purchase it?

7 A. I use it to keep myself notes when I  
8 drive.

9 Q. Have you ever recorded your wife?

10 MS. JENNINGS-LAX: I am going to  
11 have my client assert his Fifth Amendment privilege.

12 Q. Have you ever told your wife you are  
13 recording her?

14 MS. JENNINGS-LAX: Hold on a  
15 second.

16 MS. NEEDLE: That one he can  
17 answer.

18 MS. JENNINGS-LAX: That one he can  
19 answer. You can answer.

20 THE DEPONENT: Yes.

21 Q. (By Ms. Needle) And have you recorded  
22 her?

23 MS. JENNINGS-LAX: Melissa?

24 Q. (By Ms. Needle) After you've told  
25 you're wife that you're recording her, have you, in



1 fact, recorded her?

2 MS. JENNINGS-LAX: I am not going  
3 to have him answer that question.

4 MS. NEEDLE: Why?

5 MS. JENNINGS-LAX: Are you asking  
6 whether in the same -- as if on a telephone call  
7 when you say, "this conversation is being recorded,"  
8 whether within that same time span he has, in fact,  
9 recorded her?

10 MS. NEEDLE: Yes.

11 MS. JENNINGS-LAX: Because that's  
12 not the question that was exactly asked.

13 MS. NEEDLE: A telephone or with  
14 the voice recorder that he purchased.

15 MS. JENNINGS-LAX: Do you  
16 understand the question?

17 THE DEPONENT: No, I don't.

18 Q. (By Ms. Needle) Okay. You just  
19 testified that you told your wife that you were  
20 going to record her.

21 A. I didn't testify to that. That was not  
22 the question you asked.

23 MS. NEEDLE: Could you read back  
24 the question and the answer?

25 MS. JENNINGS-LAX: Can I give you

1 help a little with the question?

2 THE DEPONENT: No, let her read it.

3 MS. NEEDLE: Excuse me, you don't  
4 get to make the decisions here.

5 (Whereupon, the requested portion was read back.)

6 Q. So you have told your wife you are  
7 recording her?

8 MS. JENNINGS-LAX: Okay. I thought  
9 you said, "Have you told your wife you have recorded  
10 her?"

11 THE DEPONENT: That's what I  
12 thought you said.

13 MS. NEEDLE: That's not what I  
14 said.

15 THE DEPONENT: Then I amend my  
16 statement that it was if you had asked in the past  
17 tense, afterwards. So I have -- if the question  
18 were "have you told her you have recorded her?"  
19 Meaning, you did in the past tense, then the answer  
20 is yes.

21 To your question about that I am  
22 recording her, that if that's the question in the  
23 present tense, then the answer is no.

24 Q. (By Ms. Needle) Well, when had you  
25 recorded her in the past tense?

1 MS. JENNINGS-LAX: I am going to  
2 instruct my client not to answer that question.

3 MS. NEEDLE: Okay.

4 Q. (By Ms. Needle) Have you recorded your  
5 wife on more than a dozen occasions without her  
6 knowledge?

7 MS. JENNINGS-LAX: I am going to  
8 instruct my client not to answer that question.

9 Q. (By Ms. Needle) Do you possess any  
10 firearms?

11 A. No.

12 Q. Do you own any firearms?

13 A. No.

14 Q. In the last five years, have you ever  
15 owned any firearms?

16 A. No.

17 Q. Do you know your wife's Apple ID?

18 A. No.

19 Q. Do you participate in chat rooms?

20 A. Yes.

21 Q. For how long have you participated in  
22 chat rooms?

23 A. A very long time.

24 Q. Twenty years?

25 A. Your question is too vague for me to

1 answer. Chat rooms are -- a very broad sense of the  
2 word, I am in chat rooms every day at work. We use  
3 IM. So I don't understand the context of the  
4 question.

5 Q. How long have you been participating in  
6 chat rooms, whether it be personally or  
7 professionally?

8 A. Sure. Can you give me an explanation of  
9 what you mean by "chat room"?

10 Q. What do you think I mean by chat room?

11 A. Any place where someone talks online.

12 Q. So would you consider e-mail a chat  
13 room, sir?

14 A. No. But IM'g would be a chat room.

15 Q. How long have you participated in chat  
16 rooms where you role-play as Linda 24?

17 A. I don't remember the exact time I  
18 started, but it would have been around 2009 or 2010  
19 maybe.

20 Q. Who is Linda 24?

21 A. A character.

22 Q. Who created Linda 24?

23 A. I did.

24 Q. Why do you role-play as Linda 24?

25 A. It's a creative outlet.

1 Q. What are the screen names have you used  
2 in chat rooms?

3 A. Sara P. That was the only other.

4 Q. What is the significance of Linda 24, if  
5 any?

6 A. It's a name and an identifier of age.

7 Q. An identifier of?

8 A. Of age.

9 Q. When we were in court on November 20th,  
10 were you arrested?

11 A. Yes.

12 Q. What was the charge?

13 A. A violation of a restraining order.

14 Q. Did you violate the restraining order?

15 A. I don't know how to answer that. I  
16 haven't been found --

17 MS. JENNINGS-LAX: Hold on. Let me  
18 think about -- I am going to instruct my client not  
19 to answer that.

20 MS. NEEDLE: Okay.

21 Q. (By Ms. Needle) What did the charge  
22 claim -- in what way did the charge claim that you  
23 violated the restraining order?

24 A. It said I talked to someone at her work.

25 Q. Did you contact someone at her place of

1 employ?

2 A. I contacted --

3 MS. JENNINGS-LAX: I am going to  
4 instruct my client not to -- I am going to instruct  
5 my client not to answer that.

6 Q. (By Ms. Needle) What's the name of the  
7 lawyer representing you in connection to the  
8 violation of the restraining order?

9 A. Jeff Jowdy.

10 Q. How much have you paid him?

11 A. \$2,500.

12 Q. Do you owe him any money?

13 A. I mean, the 2,500 is a retainer, so I  
14 might at the end. I don't know.

15 Q. Have you received a bill from him?

16 A. No.

17 Q. Did you post a bond when you were  
18 arrested?

19 A. Yes.

20 Q. How much was the bond?

21 A. I think it's approximately \$1,500.

22 Q. Who paid the bond?

23 A. My parents did.

24 Q. Did you pay them back?

25 A. I am in the process of it.

1 Q. What does that mean "I am in the process  
2 of it"?

3 A. Because I have very little funds right  
4 now, I am paying them back as I get the money.

5 Q. What's the status of the criminal  
6 action?

7 A. I have a trial date on the 22nd.

8 Q. December 22nd?

9 A. Yes.

10 Q. Does your employer know that you were  
11 arrested?

12 A. No.

13 Q. Is there a criminal protective order in  
14 place?

15 A. I think so.

16 Q. You don't know as you sit here today?

17 A. I think it was explained to me that  
18 because I was charged, it was changed to a criminal  
19 protective order.

20 Q. Do you know what the orders and  
21 condition of the protective order are?

22 A. I think, as it's been explained to me,  
23 not to contact Robin or her work.

24 Q. When was the last time you went into a  
25 chat room as Linda 24?

1           A.       I can't remember. But probably maybe a  
2 year or two ago.

3           Q.       You know you are under oath, right?

4           A.       I can't remember. It was a long time  
5 ago. Just to be clear, I recently changed the name  
6 I use.

7           Q.       To what?

8           A.       To Sara P.

9           Q.       When was the last time you went into a  
10 chat room as Sara P?

11          A.       Sometime in October.

12          Q.       Why did you change your name from Linda  
13 24 to Sara P?

14          A.       Because I was being harassed online.

15          Q.       You were -- Linda 24 was being harassed  
16 online?

17          A.       Yes.

18          Q.       By who?

19          A.       Other people.

20          Q.       How many other people?

21          A.       I mean, just people were bothering me,  
22 so I changed my name.

23          Q.       Bothering you in what way?

24          A.       They were messaging me, people I didn't  
25 want to talk to.



1 Q. Did Linda 24 -- when you were  
2 role-playing as Linda 24, was Linda 24 ever a  
3 character under the age of 24?

4 A. Yes.

5 Q. Under the age of 20?

6 A. I think so. But, again, my chat -- the  
7 chats, I don't retain the memory of every one thing  
8 I've chatted.

9 Q. Did you have the opportunity to read the  
10 chat that was provided to your prior attorney?

11 A. Yes.

12 Q. And how old was Linda 24 in those chats,  
13 sir?

14 A. What was written there, I think it  
15 was -- I think -- I can't remember exactly, a  
16 teenager.

17 Q. A teenaged girl?

18 A. What was written there, yes. I'm not  
19 sure I remember typing that.

20 Q. Have you ever met any of the people you  
21 role-played with in a chat room?

22 A. No.

23 Q. Have you ever provided any personal  
24 information to anyone you've met in a chat room?

25 A. No.

1 Q. Have you ever provided an e-mail to  
2 anyone you've met in a chat room?

3 A. No. I mean, if I had, they have been  
4 made up e-mails but not real e-mails.

5 Q. They would have been made up e-mails?

6 A. Yes.

7 Q. Do you believe your wife is currently  
8 having an affair?

9 A. I don't know.

10 Q. Do you believe that your wife ever had  
11 an affair?

12 A. People have told me she has, but I'm  
13 undecided.

14 Q. Who told you?

15 A. Her coworkers in Toronto.

16 Q. What are their names, sir?

17 A. I don't remember.

18 Q. You don't remember their names?

19 A. No.

20 Q. And how long was that?

21 A. I guess when we were in Toronto, eight,  
22 nine years ago.

23 Q. Have you spoken to any of Robin's  
24 coworkers in Toronto in the last five years?

25 A. No.

1 Q. Do any of your children take  
2 medications?

3 A. They have at different periods of time.  
4 I don't believe that any of them are on medication  
5 right now.

6 MS. NEEDLE: Can we mark this,  
7 please.

8 (Whereupon, an Emergency Motion, dated 12/1/15,  
9 Plaintiff's Exhibit No. 7, was marked for Identification.)

10 Q. Do you recognize that document, sir.

11 MS. NEEDLE: I have an extra copy.  
12 Do you want one to look along?

13 MS. JENNINGS-LAX: Yeah. Thank  
14 you.

15 A. Yes, I do.

16 Q. Okay. Now, your affidavit is attached  
17 to the emergency motion, correct?

18 A. Yes.

19 Q. If I turn to No. 8 on your affidavit,  
20 you indicate that you were informed that she was at  
21 my daughter's school at 10:30 in the morning?

22 A. Yes.

23 Q. By whom were you informed, sir?

24 A. It was not a person. I was not informed  
25 by a person.

1 Q. Who -- what does that mean then?

2 A. It means from a phone, my work phone  
3 that I put in her car.

4 Q. So explain that to me. How does that  
5 work?

6 A. How does what work, I'm sorry?

7 Q. Your work phone was in your wife's car?

8 A. Yes.

9 Q. Why?

10 A. Because my wife the night before made a  
11 threat that she was going to take my children, and I  
12 was scared, and so I put in the phone to make sure  
13 she didn't.

14 Q. Did you tell your wife you were putting  
15 your phone in her car?

16 A. No.

17 Q. And how did you find out? The phone  
18 informed you that she was at --

19 A. Yes.

20 Q. -- the school?

21 A. Yes.

22 Q. How does that work?

23 A. The find-your-phone feature.

24 Q. So you plugged in the find-my-phone  
25 feature. Have you ever done that before, left your

1 phone in your wife's car so you could find her?

2 A. No.

3 Q. Did you have any other tracking device  
4 in your wife's car, other than your phone, sir?

5 A. No.

6 Q. Have you ever tracked your wife before?

7 Remember, you are under oath.

8 A. The only other time I tracked my wife is  
9 when she gave me her log-in so I could use the  
10 find-my-phone feature on her phone, just like she  
11 could use it on mine. That's the only other time  
12 I've been able to see where my wife has gone.

13 Q. You've never placed a tracking device in  
14 her car?

15 A. Never.

16 Q. Have you ever placed a tracking device  
17 in her pocketbook or her work bag?

18 A. No.

19 Q. Never?

20 A. Never.

21 Q. Didn't you tell your wife that a friend  
22 called you and said that your wife was in the car  
23 with a man?

24 A. That's what I told my wife at the time,  
25 yes.

1 Q. So you lied to your wife?

2 A. Yes.

3 Q. Have you lied at all today?

4 A. No.

5 Q. Why did you lie to your wife?

6 A. Because I was unsure of what she was  
7 planning to do with our children.

8 Q. Didn't you text your wife on Friday and  
9 ask her to pick up the kids?

10 A. Yes.

11 Q. So you weren't that afraid, were you?

12 A. My wife didn't respond to my text until  
13 3:30, the time when I am supposed to pick up my  
14 child.

15 Q. But regardless, you wanted your wife to  
16 pick up the kids. You said, I'm busy at work, pick  
17 up the kids.

18 A. Yes.

19 Q. So you weren't so afraid that she was  
20 going to do anything with the kids, were you?

21 A. I was, absolutely.

22 Q. Then why didn't you take the kids on  
23 Friday if you were so afraid?

24 A. I was working.

25 Q. Okay, sir. When did you retrieve your

1 work phone out of your wife's car?

2 A. On the Monday.

3 Q. On Monday?

4 A. Yes.

5 Q. So you were tracking her how many days,  
6 sir?

7 A. Until about Saturday night when it died.

8 Q. And she didn't know you were tracking  
9 her, did she?

10 A. I don't know.

11 Q. Have you ever -- withdrawn.

12 Sir, you just testified that you were --  
13 your wife made some threats the evening before about  
14 taking the kids?

15 A. Yes.

16 Q. Can you tell me where in your affidavit  
17 you make that claim?

18 A. I didn't make that claim in my  
19 affidavit.

20 Q. Oh, you didn't make that claim in your  
21 affidavit, but you are making it today?

22 I'll withdraw the question.

23 You do agree, sir, that on the Friday  
24 that's referenced in Paragraph 12 of your affidavit,  
25 you sent a text to your wife asking that she pick up

1 the children?

2 A. Yes.

3 Q. In Paragraph 13, you indicate the police  
4 repeated a new claim that my wife was making against  
5 me that she knew I was engaging in some kind of  
6 computer, online, fantasy play that involved  
7 children, which I absolutely deny.

8 Do you agree that you engage in online,  
9 fantasy play?

10 A. Yes.

11 Q. And do you agree that Linda 24 sometimes  
12 plays the role of a teenaged girl?

13 A. I'm not sure that I can remember  
14 exactly. But sometimes she might have been involved  
15 in being a 19 year old or younger, yes. But none of  
16 this involves children. It is all adults.

17 Q. Well, a teenager is not an adult, sir,  
18 is it?

19 A. I am an adult. The person I am chatting  
20 with is an adult.

21 Q. Linda 24 is role-playing as a child.

22 A. No, Linda 24 is an adult.

23 Q. Linda 24 in the chat rooms is pretending  
24 she is a teenaged girl, yes or no, sir?

25 A. Not all the time.



1 Q. Sometimes, though, yes?

2 A. Sometimes.

3 Q. Okay. Now, in Item 18, you indicate  
4 that Robin spent at least part of the weekend with  
5 someone she knows in Danbury, Connecticut?

6 A. Yes.

7 Q. How do you know that, sir?

8 A. Well, because that's where the phone led  
9 her to.

10 Q. Because you were tracking her?

11 A. Yes. Because she had threatened to take  
12 my kids.

13 Q. Although you don't claim that in your  
14 affidavit?

15 A. It was a moot point. She had taken my  
16 kids.

17 Q. Okay. No. 19, you indicate: I am very  
18 concerned for my children. Recently, I have been  
19 finding glass vials of hydromorphone around the  
20 house.

21 When was the most recent time that you  
22 found the hydromorphone?

23 A. Probably sometime in September.

24 Q. Is the hydromorphone in Plaintiff's  
25 Exhibit 5?

1 A. No, that's not the hydromorphone.

2 Q. You didn't take a photograph of the  
3 hydromorphone? This is several pages, this exhibit.

4 A. Okay. Yes, in that exhibit, there are  
5 pictures of the hydromorphone, yes.

6 Q. And now you are claiming you found this  
7 September?

8 A. No. Those I found, I told you, in July.

9 Q. You didn't take a picture of the  
10 hydromorphone that you found in September?

11 A. No. Anything I was finding afterwards,  
12 I was throwing out.

13 Q. You didn't take a picture of it before  
14 you threw it out?

15 A. No. I wasn't collecting evidence.

16 Q. Well, you were collecting evidence when  
17 you took these photographs.

18 A. I sent those specifically to my parents  
19 to ask them what I should do.

20 Q. Why did you have to take a photograph to  
21 ask your parents what to do?

22 A. I wanted them to see what I was dealing  
23 with.

24 Q. You couldn't just call them on the phone  
25 and say, I found a vial of --

1           A.       I did. They said, send us some  
2 pictures.

3           Q.       But you weren't collecting evidence?

4           A.       Again, no.

5           Q.       So when you found the hydromorphone in  
6 September, that's what you consider recent?

7           A.       Yes.

8           Q.       How come you didn't put down September  
9 in here?

10          A.       I don't -- at the time, I had -- my kids  
11 were gone and I was trying to get them back. I was  
12 trying to communicate as well as I could to my  
13 attorney. That's all I can tell you.

14                   I was very nervous and scared because  
15 Robin had taken the kids. She provided no  
16 communication. I had not heard from them. And as  
17 of Monday, they weren't in school. So I didn't know  
18 what the situation was. I would describe myself as  
19 very concerned.

20          Q.       Were you concerned because Robin wasn't  
21 communicating with you with regard to your children?  
22 Or were you concerned that Robin was taking drugs?

23          A.       I was concerned that -- both factors  
24 were coming into play.

25          Q.       You are under oath, sir. Let me ask you

1 this. I am just reminding you that you took an oath  
2 to tell the truth.

3 A. Sure.

4 Q. Is it your concern that your wife is  
5 using drugs that you claim to have found around the  
6 house?

7 A. I don't know if she is using them. But  
8 I am concerned that they are around the house and  
9 that they seem to keep being brought in where my  
10 kids can get at them.

11 Q. Is your concern that your children can  
12 get at them? Or is it your concern that your wife  
13 is using the drugs? That's all I am trying to  
14 figure out.

15 A. I am concerned that my kids are going to  
16 get at them.

17 Q. Okay. So you are not worried that Robin  
18 is using the drugs?

19 A. I am absolutely worried that Robin is  
20 using drugs.

21 Q. You are?

22 A. Absolutely. As her husband, as a  
23 friend, whatever, I am absolutely worried.

24 Q. Did you ever communicate this concern  
25 with her?

1           A.       No. I communicated about the drugs, and  
2 I was very scared that I kept seeing them, even  
3 though she told me she was going to get rid of them.

4           Q.       Now, in this application for emergency  
5 ex parte order of custody, you are requesting that  
6 you have sole custody of the children.

7           A.       That's in the request, yes.

8           Q.       Do you -- as you sit here today, do you  
9 believe that your having sole custody of the  
10 children is in their best interest?

11          A.       At the time I filed the motion, I felt  
12 it was in the best interest, because it was the only  
13 way, my lawyer informed me, that they would actually  
14 have to be returned.

15          Q.       Okay. That's fair. I understand that.  
16 I guess my question is, as we sit here today, is  
17 that still your request?

18                   Do you believe that's in the best  
19 interest of the children?

20                   MS. JENNINGS-LAX: Is that,  
21 Melissa, given all the circumstances as they  
22 currently exist, including an order of protection  
23 that prevents him from speaking with his wife about  
24 the children?

25                   MS. NEEDLE: No.

1 Q. (By Ms. Needle) If the order of  
2 protection were gone, do you believe it would be in  
3 your best interest to have sole custody of the  
4 children?

5 A. I would prefer joint custody. But I  
6 would want to make sure that these concerns I have  
7 with Robin were addressed. If it was turned out  
8 that it was just carelessness or whatever reason  
9 that they were bringing them home, then absolutely I  
10 think that Robin would make a great coparent, and I  
11 do want to be a coparent.

12 Q. Have you ever told anyone that you have  
13 a right to know where Robin is at all times?

14 A. No.

15 Q. Do you feel you have a right to know  
16 where Robin is at all times?

17 A. I don't feel I have that right.

18 Q. Prior to the divorce action, did you  
19 feel you had a right to know where Robin was at all  
20 times?

21 A. No.

22 Q. Have you ever accessed Robin's iPhone by  
23 looking at it?

24 A. When we knew each other's passwords,  
25 absolutely. As a matter of course, I would use it

1 for phones, for pictures, for taking pictures, for  
2 making calls. I accessed it on a regular basis, and  
3 I'm sure she accessed mine on a regular basis.

4 Q. Did you access her phone on a regular  
5 basis to determine who she was texting and who was  
6 texting her?

7 A. Texts would appear on her phone on the  
8 screen and I would ask her about them.

9 Q. Did you ever access her phone to look at  
10 her texts?

11 A. No.

12 Q. Did you ever access her phone to try to  
13 determine where she was?

14 A. As I've explained, yes, we both had  
15 agreed that we had each other's passwords for the  
16 find-your-phone, and we used that as a way to know  
17 where each other was, instead of having to call.

18 So, for instance, if Robin couldn't  
19 reach me at work and didn't know if I left work or  
20 not, she would do the find-my-phone. Because Robin  
21 didn't want me to call her hospital, if I wanted to  
22 know if she left or not, I would use that feature.  
23 And it was by permission.

24 Q. Have you ever accessed Robin's phone by  
25 using another device?

1 A. I'm not sure what you mean.

2 Q. Well, by going on the computer and using  
3 her Apple ID?

4 A. That would be another way I would use  
5 the find-my-iPhone.

6 Q. Have you ever accessed Robin's  
7 individual bank account?

8 A. She's shown it to me.

9 Q. Have you ever deposited money into  
10 Robin's individual bank account?

11 A. No, I have not. However, Quorum did  
12 make a mistake very recently about that.

13 Q. What does that mean?

14 A. It means I took \$3,600 out of the  
15 account.

16 Q. Out of --

17 A. Out of the joint account. And I was  
18 informed by my lawyer that I shouldn't have and I  
19 should put it back. I told Quorum to move that back  
20 to our joint account, but Quorum put it into Robin's  
21 account by accident. When I realized that it hadn't  
22 showed up, I called Quorum, and they fixed the  
23 transaction. Other than that, I've never accessed  
24 her account.

25 Q. So somehow money got from Robin's



1 individual account, and it was transferred into the  
2 joint Quorum account?

3 A. No. Let me rephrase and explain again.  
4 I took money, \$3,600, out of our joint account.

5 Q. At Quorum?

6 A. At Quorum to put into my individual  
7 account to pay my lawyer. I was told by my lawyer I  
8 shouldn't have done that. So I called Quorum and I  
9 asked them to put it back to our joint account. I  
10 called Quorum when the money didn't appear. They  
11 checked into it, and they said they had accidentally  
12 put the money into Robin's account.

13 Q. Robin's individual account at Quorum?

14 A. Yes. So I said that was not my  
15 instructions and they fixed it.

16 Q. What did they do to fix it?

17 A. They moved the 3,600 from her account to  
18 the joint account.

19 Q. They did it?

20 A. Quorum did. I have no ability to move  
21 money.

22 Q. So you didn't access Robin's individual  
23 account and transfer \$3,600 out of her account?

24 A. No. Quorum did that.

25 Q. Quorum did it. Okay. Have you ever

1 logged onto Robin's Apple account to view her  
2 private information, such as texts or e-mails?

3 A. I'm sorry, log into where?

4 Q. Have you ever logged into her Apple  
5 account?

6 A. No.

7 Q. Did you meet with DCF?

8 A. Yes.

9 Q. When?

10 A. Can I use my phone to tell you the  
11 calendar date?

12 Q. Sure.

13 A. I believe it was on the 13th of  
14 November.

15 Q. And did you go to DCF offices?

16 A. Yes.

17 Q. In Stamford?

18 A. I thought it was in Norwalk. Yeah, I  
19 went to their offices.

20 Q. And who did you meet with?

21 A. I can't remember her name.

22 Q. Maggie?

23 A. Maggie.

24 Q. How long did you meet with Maggie?

25 A. I think approximately an hour.

1 Q. Have you had any follow-up conversations  
2 with anyone at DCF?

3 A. Yes, I have had follow-up conversations  
4 with Maggie.

5 Q. How many?

6 A. A few.

7 Q. When was the last time you spoke with  
8 Maggie?

9 A. Maybe a week or two weeks ago. I can't  
10 remember.

11 Q. What have you discussed with Maggie?

12 A. The welfare of the kids.

13 Q. And have you expressed your concern  
14 about the welfare of the kids?

15 A. Absolutely.

16 Q. What are your concerns?

17 A. That the house they are living in now  
18 with my wife.

19 Q. What are your concerns about the house  
20 that they are living in now with your wife?

21 A. I've tried to make it very clear in all  
22 that we're talking about, that she is bringing home  
23 stuff from the hospital and leaving it around where  
24 they can get at it.

25 Q. And the last time you saw anything was

1 in September?

2 A. No, that's when I saw the hydromorphone.  
3 I've found vials all the time consistently. Most of  
4 them are some sort of injectable, and I usually just  
5 throw them out.

6 Q. And they are empty?

7 A. No, there's usually contents in them.  
8 If they're empty, it didn't matter.

9 Q. You never called DCF, though --

10 A. No.

11 Q. -- about your concern?

12 A. No, not at all.

13 Q. You never called anyone?

14 A. No. I did not want my wife to lose her  
15 job. Basically, I took it on myself to police.

16 Q. Other than the vials, are you concerned  
17 about anything else in the home?

18 A. I don't think so.

19 Q. Have you ever been physical with your  
20 wife?

21 A. Never.

22 Q. Have you ever pushed her?

23 A. Never.

24 Q. In Robin's application for relief from  
25 abuse, she talks about an incident that happened

1 with Asher.

2 A. Yes.

3 Q. Do you recall that incident?

4 A. Yes.

5 Q. Can you describe it for me?

6 A. Sure. Asher had wandered off. I went  
7 to find out where he went. He was in the kitchen.  
8 He was standing on the handle of the freezer door  
9 with the doors open trying to reach in to get water  
10 out of the fridge.

11 Q. And what did you do when you saw that?

12 A. I grabbed him around the chest and  
13 pulled him off the fridge.

14 Q. Did you yell at him?

15 A. I was angry with him. In the past, he's  
16 used the stool. But what he was doing was, I felt,  
17 very dangerous. If he had fallen, he could have  
18 badly hurt himself.

19 Q. Did Asher tell you that you were hurting  
20 him?

21 A. I don't remember that. I do know he was  
22 kicking, because he wanted to get back onto the  
23 fridge.

24 Q. Do you think it would be good for the  
25 children if you and Robin lived together in the same

1 house at this point in time after everything that's  
2 happened?

3 A. I don't know. We do have two separate  
4 bedrooms, one downstairs and one upstairs.

5 Q. Since the restraining order was served  
6 on you on November 9th, have you contacted your  
7 wife?

8 A. I texted her twice.

9 Q. Have you attempted to communicate with  
10 her in any other way, other than those two texts?

11 A. No, except through the lawyers.

12 Q. Except through the lawyers. How about  
13 your father?

14 A. My father did call and told me what  
15 happened, but it was not on my -- it was not under  
16 my guidance or suggestion.

17 MS. NEEDLE: Okay. Let's take a  
18 break. I am going to go talk to my client, okay.

19 MS. JENNINGS-LAX: I would like to  
20 talk to you about parenting time this weekend. I  
21 don't know if that's something you want to discuss  
22 while your client is still available.

23 MS. NEEDLE: Sure. Do you want to  
24 talk about it now, so I don't have to repeat it  
25 or --

1 MS. JENNINGS-LAX: Sure. So  
2 obviously my client would like as much parenting  
3 time as possible.

4 THE COURT REPORTER: Are we still  
5 on the record?

6 MS. JENNINGS-LAX: Oh, no. We can  
7 be off the record, I'm sorry.

8 (Whereupon, a discussion was held off the record.)

9 (Whereupon, a recess was taken.)

10 MS. JENNINGS-LAX: A couple of  
11 clarifications on the basis of conversation with my  
12 client.

13 No. 1, when he left Pepsi and went to  
14 Combe, he did have Combe already set up. He just  
15 wasn't working in both locations at the same time,  
16 which is what he thought your question was. It was  
17 set up; and, likewise, he was in negotiations or  
18 having discussions with NBTY when he left Combe.  
19 But he was not working in both locations at the same  
20 time, and he didn't quit Combe. They negotiated a  
21 separation.

22 Also, the withdrawal that was taken from  
23 the 401(k) seven years ago was not a withdrawal. It  
24 was a loan. It was a loan that they used to put  
25 down money as a down payment on the house, and it

1 has been paid back over that period of time. So  
2 there have been no actual withdrawals from any  
3 401(k) plan.

4 MS. NEEDLE: Okay. Any other  
5 clarification?

6 MS. JENNINGS-LAX: I don't believe  
7 so.

8 MS. NEEDLE: Okay.

9 Q. (By Ms. Needle) With regard to Combe,  
10 did you get any shares or stock?

11 Is there any sort of arrangement that  
12 you have with them that if the company goes public  
13 that you own some shares?

14 A. No.

15 Q. Is there any payout to you or any  
16 benefit to you if the company goes public?

17 A. No.

18 Q. Do you own any shares of the stock?

19 A. No.

20 Q. Is there a deal that you will receive  
21 any stock?

22 A. No.

23 Q. So a stock option or stock was not part  
24 of your departure package?

25 A. No.



1 Q. Do you own any stock in Combe?

2 A. No. Combe is not a publicly-traded  
3 company.

4 Q. Do you own any units?

5 A. No.

6 Q. Do you own any part of the company at  
7 all?

8 A. No.

9 Q. Okay. Did you get reviews at Pepsi?

10 A. At Pepsi?

11 Q. Yeah.

12 A. Yes.

13 Q. Did you ever get a negative review?

14 A. No.

15 Q. Only positive?

16 A. Or met standard.

17 Q. Okay. So going back to your affidavit,  
18 that is Exhibit -- I think it's in front of you --

19 MS. JENNINGS-LAX: It's 7.

20 Q. Can you tell me, when did Robin threaten  
21 to take your kids?

22 A. Thursday night.

23 Q. Thursday night.

24 A. The Thursday night before she took them  
25 on Friday.

1 Q. When did you put the phone in her car?

2 A. Thursday night.

3 Q. What time Thursday night?

4 A. Around 9:30 p.m.

5 Q. Did you -- where was her car when you  
6 put the phone in it?

7 A. It was at Danbury Hospital.

8 Q. So you drove to Danbury Hospital on  
9 Thursday night?

10 A. Yes.

11 Q. What time did she make the threat to you  
12 that she was going to take the kids?

13 A. I guess it would have been sometime  
14 between 7:00 p.m. to 8:00 p.m. is when we talked.

15 Q. And did you talk in person? Or did you  
16 talk on the phone?

17 A. On the phone.

18 Q. And what was her reason for wanting to  
19 take the kids?

20 A. I had asked her about why she wanted to  
21 stop marriage counseling. I was saying, like, you  
22 know, "What do you want?" Essentially, "What do you  
23 want?" is how I left it. And she said something to  
24 the effect of, "Give me what I want or I will take  
25 the kids."

1 Q. And that's when you got scared and drove  
2 to Danbury Hospital and you put your work phone in  
3 her car?

4 A. Yes, that's correct.

5 Q. Your work phone from what employer?

6 A. NBTY.

7 Q. That's the phone that you didn't know  
8 the number to?

9 A. Yes.

10 Q. How did you get into her car to put the  
11 phone in it?

12 A. Just want to make sure we have a  
13 clarification.

14 Q. Sure, go ahead.

15 A. Robin does not own any cars. We have  
16 one joint car, which is a Honda Odyssey. We are  
17 both responsible for the payments, and we are both  
18 on the lease, as far as I'm concerned. We also both  
19 drive the car. I drive the car Fridays, Saturdays  
20 and Sundays. And she traditionally drives it during  
21 the week. So it is our car.

22 Q. Did you have a set of keys to that car?

23 A. Yes.

24 Q. And which car was it?

25 A. I had a set of keys to both cars.

1 Q. And which car did you place the work  
2 phone into so that you could track Robin's  
3 whereabouts?

4 A. Into the Honda Odyssey.

5 Q. And you had a set of keys to the Honda  
6 Odyssey when you put the telephone in that car?

7 A. Yes.

8 Q. And can you tell me, when did you remove  
9 your work phone from that car?

10 A. As I testified, it had died on Saturday.  
11 And I removed the dead phone on Monday when I was  
12 given a chance to by the police come back to the  
13 house.

14 Q. So when you came back to the house on  
15 Monday, what was the date on Monday, November 9th?

16 A. Whatever, the ninth -- this is the day  
17 of this.

18 Q. November 9th.

19 A. Yes.

20 Q. How did you get into the car?

21 A. I asked Robin if I could get something  
22 from the car. And she said, yes, so I opened it.  
23 It was unlocked.

24 Q. It was unlocked?

25 A. Wait, I'm sorry. Are we talking about

1 November 9th?

2 Q. Yes.

3 A. Yes.

4 Q. Did you take anything else out of the  
5 car?

6 A. No. I was looking for my lunchbox, as  
7 well, but she didn't find it. She didn't know where  
8 it was.

9 Q. So, specifically, Robin said to you on  
10 Thursday night on the telephone around between 7 and  
11 8 o'clock that she wanted to stop marriage  
12 counseling?

13 A. No. She had told me beforehand that she  
14 wanted to stop marriage counseling. And this was  
15 sort of our one chance, where we had to sort of have  
16 a talk about it.

17 Q. So what was the conversation on that  
18 Thursday night?

19 A. Well, I was just frustrated, because I  
20 said, "If you don't want to go to marriage  
21 counseling, like, what are we doing here? What's  
22 going on? Do you want to stay together?"

23 Basically, I was trying to understand  
24 where her head was at.

25 Q. And what was her response to you?

1           A.       I mean, I can't remember exactly, but,  
2 essentially, it came down to, you know, "You'll give  
3 me what I want or I will take the kids."

4           Q.       And that was the threat that you were  
5 afraid --

6           A.       Yes.

7           Q.       -- she was going to take off with the  
8 kids the next day?

9           A.       Yeah, I didn't have a time frame. But I  
10 assumed it was going to be -- yes, she was going to  
11 take off with the kids.

12          Q.       Okay. Do you have a copy of the lease  
13 for the house that you are renting on Palmer Street?

14          A.       I didn't bring it, but I can get a copy.

15          Q.       You will get me a copy?

16          A.       Sure.

17          Q.       Okay. You testified earlier that Linda  
18 24 was being harassed.

19          A.       Yes.

20          Q.       Can you -- how was she being harassed?  
21 In the chat rooms? Or via e-mail?

22          A.       Yes. It was just while I was in the  
23 chat room, people were messaging me to want to  
24 role-play, and I just didn't want to be bothered by  
25 those people. I guess "harass" isn't the correct

1 term. I was just being messaged and I didn't want  
2 to talk to them, so I changed my name.

3 Q. How much money have you gotten from your  
4 parents in the last three months?

5 A. I haven't received any money from my  
6 parents. I am in the process of getting a loan from  
7 them, though.

8 Q. You haven't received any money from them  
9 in the last three months?

10 A. You're right. I was given a loan from  
11 my parents of \$7,500.

12 Q. When?

13 A. I will have to go back to the date. It  
14 was sometime early November.

15 Q. Before or after the restraining order  
16 was served on you?

17 A. It was after -- I'm sorry, let me  
18 rephrase that. I received -- in the last three  
19 months?

20 Q. Yes.

21 A. So I can't remember the exact, but there  
22 were two payments that I received from my parents.  
23 One was for \$2,500; one was for a loan for \$7,500.

24 Q. When did you receive the \$2,500?

25 A. It would have been over the summer.

1 Q. And why did they give you \$2,500?

2 A. For the driveway. They wanted us to fix  
3 the driveway. We were going to use it for the back  
4 porch.

5 Q. And did you?

6 A. No.

7 Q. What did you do with the money?

8 A. It was still in my account.

9 Q. Which account?

10 A. My personal account.

11 Q. Your individual account?

12 A. Yeah. I had arranged for Ron, our  
13 handyman, to come the week of November 9th to come  
14 check out the porch and to give me an estimate.

15 Q. And the \$7,500, when did you --

16 A. That was afterwards, and that was for  
17 legal fees to my attorney.

18 Q. To which attorney?

19 A. To my previous attorney, Kevin Hoffkins.

20 Q. And did you pay that \$7,500 to Attorney  
21 Hoffkins?

22 A. My parents paid it to him and I got the  
23 loan from them for it. They paid him directly.

24 Q. Did you sign a note with your parents?

25 A. Yes.



1 Q. What are the terms of the note?

2 A. Payable upon demand.

3 Q. How much money have you paid Lax and  
4 Truax?

5 A. \$4,000.

6 Q. And was there a balance remaining of the  
7 \$7,500?

8 A. I don't know yet.

9 Q. When was the first time that you  
10 contacted Attorney Hoffkins?

11 A. In the summer.

12 Q. In June?

13 A. It would have been before June. You  
14 know what, I can't remember exactly. It was  
15 sometime in the summer. I can go back and get that  
16 date for you.

17 Q. Did you tell Robin you saw a divorce  
18 lawyer or a lawyer about divorce?

19 A. I did tell her, yes. I also told her  
20 that I decided to not go forward with it, that I  
21 thought we could work together, and he returned the  
22 money. So the \$2,500 was the money that was given  
23 back to me that we were going to use for the house.

24 Q. When was the first time you talked to  
25 your parents about borrowing money or -- withdrawn.

1                   When was the first time you talked to  
2 your parents about either borrowing or them giving  
3 you money so that you could retain a lawyer to help  
4 you with the divorce?

5           A.       It would have been when I talked to  
6 Kevin.

7           Q.       So in May, June, July of this year?

8           A.       Yes.

9           Q.       And that was \$2,500?

10          A.       Yes.

11          Q.       And you claim to have had a conversation  
12 with Robin about retaining a lawyer for divorce?

13          A.       No, I didn't claim to have retained a  
14 lawyer for divorce. I talked to her after the fact  
15 and said I had talked with a lawyer and laid out all  
16 of what the lawyer told me. And I told her -- I  
17 asked her if she wanted to have a divorce. My  
18 intent was that if she was willing, we would figure  
19 out a way to amicably split the assets and  
20 everything.

21                   MS. NEEDLE: Okay. I think that's  
22 all I have.

23                   Robin, I am going to conclude the  
24 deposition for now. Is there anything else you want  
25 me to review?

1 (Whereupon, a Attorney Needle and her client conferred  
2 telephonically off the record.)

3 MS. NEEDLE: I am going to ask one  
4 more question.

5 Q. (By Ms. Needle) Mr. Herzog, you just  
6 testified that you drove to Danbury Hospital on  
7 Thursday night and you put your work phone in  
8 Robin's car and you had a set of keys when you did  
9 that.

10 A. Yes.

11 Q. What happened to that set of keys that  
12 you had?

13 A. I put them back in the tray.

14 Q. You put them back where?

15 A. In the tray. I'm sorry, we have a  
16 silver tray that we keep all of our second sets of  
17 keys.

18 Q. Well, that's your first set of keys to  
19 that car, correct?

20 A. Right.

21 Q. So that's your set of keys to that car?

22 A. All of our keys -- every key that we put  
23 in, we put into the silver tray.

24 Q. Do you have a set of keys to the car  
25 that Robin is currently driving, sir?

1           A.           No, I don't.

2                           MS. NEEDLE: All right. That's all  
3 I have.

4                           MS. JENNINGS-LAX: No questions.

5                           MS. NEEDLE: I reserve the right to  
6 continue the deposition after I get all the  
7 documents if I need to, okay.

8                           MS. JENNINGS-LAX: Yes.

9                           MS. NEEDLE: All right. We can go  
10 off the record.

11 (Whereupon, the deposition was adjourned at 1:24 p.m.)

12 (Exhibits were retained by Attorney Needle.)

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STATE OF CONNECTICUT  
JUDICIAL DISTRICT OF STAMFORD/NORWALK

\_\_\_\_\_

GEOFF HERZOG

GEOFF HERZOG personally appeared  
before me at \_\_\_\_\_, Connecticut,  
this \_\_\_\_ day of \_\_\_\_\_, 2015 made oath  
and acknowledged this deposition to be a true and  
accurate transcription of his testimony.

My Commission Expires:

\_\_\_\_\_

NOTARY PUBLIC



## I N D E X

1			
2			PAGE
3	GEOFF HERZOG		
4	Direct Examination by Ms. Needle		4
5			
6		PLAINTIFF'S EXHIBITS	
7	No.	Description	ID
8	1	Notice of Deposition	4
9	2	Paystub from NBTY	7
10	3	Quorum Federal Credit Union Account	
11		Statement Printout, dated 11/30/15	12
12	4	Costco American Express Statement,	
13		closing date 12/8/15	23
14	5	Packet of Photos	29
15	6	Business Card	33
16	7	Emergency Motion, dated 12/1/15	83
17			
18			
19			
20			
21			
22			
23			
24			
25			