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COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,	)	
	)	
PLAINTIFF-RESPONDENT,	)	
	)	SUPERIOR COURT
VS.	)	NO. A-090435
	)	
JOE HUNT, AKA JOSEPH HUNT,	)	
AKA JOSEPH HENRY GAMSKY,	)	
	)	
DEFENDANT-APPELLANT.	)	

OCT 9 1987

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY  
HONORABLE LAURENCE J. RITTENBAND, JUDGE PRESIDING  
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP  
STATE ATTORNEY GENERAL  
3580 WILSHIRE BOULEVARD  
ROOM 800  
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 49 OF 101  
(PAGES 2323 TO 2427, INCLUSIVE)

COPY

ROSEMARIE GOODBODY, CSR NO. 932  
SALLY YERGER, CSR NO. 2008  
OFFICIAL REPORTERS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )

PLAINTIFF, )

VS. )

JOSEPH HUNT, )

DEFENDANT. )

NO. A-090435

REPORTERS' DAILY TRANSCRIPT  
WEDNESDAY, FEBRUARY 11, 1987

VOLUME 49

PAGES 7323 TO 7497 INCL.

APPEARANCES:

FOR THE PLAINTIFF: IRA REINER, DISTRICT ATTORNEY  
BY: FREDERICK N. WAPNER, DEPUTY  
1725 MAIN STREET  
SANTA MONICA, CALIFORNIA 90401

FOR THE DEFENDANT: ARTHUR H. BARENS, ESQ.  
10209 SANTA MONICA BOULEVARD  
LOS ANGELES, CALIFORNIA 90067

AND

RICHARD C. CHIER, ESQ.  
10920 WILSHIRE BOULEVARD  
LOS ANGELES, CALIFORNIA 90024

ROSEMARIE GOODBODY, CSR NO. 932  
SALLY YERGER, CSR NO. 2008  
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ORIGINAL



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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, FEBRUARY 11, 1987; 10:40 A.M.

2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE.)

4  
5 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.

6 CALL YOUR NEXT WITNESS, PLEASE.

7 MR. WAPNER: DIANE JAMES.

8  
9 DIANE JAMES,

10 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED

11 AS FOLLOWS:

12 THE CLERK: IF YOU WOULD RAISE YOUR RIGHT HAND TO BE  
13 SWORN, PLEASE.

14 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY  
15 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE  
16 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP  
17 YOU GOD?

18 THE WITNESS: I DO.

19 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE WITNESS  
20 STAND.

21 WOULD YOU STATE YOUR NAME FOR THE RECORD.

22 THE WITNESS: DIANE JAMES.

23 THE CLERK: A-N-E?

24 THE WITNESS: YES, WITH ONE N.

25  
26 DIRECT EXAMINATION

27 BY MR. WAPNER:

28 Q MISS JAMES, IN JUNE OF 1984, WHERE WERE YOU

1 EMPLOYED?

2 A PRUDENTIAL-BACHE SECURITIES AT 9701 WILSHIRE  
3 BOULEVARD IN BEVERLY HILLS.

4 Q WHAT IS PRUDENTIAL-BACHE?

5 A IT IS A SECURITY INVESTMENTS FIRM FOR STOCKS  
6 AND BONDS AND OTHER TYPES OF INVESTMENT PRODUCTS.

7 Q WHAT DID YOU DO FOR THEM AT THAT TIME?

8 A I WAS A STOCK BROKER. I WAS EMPLOYED AS AN  
9 ACCOUNT EXECUTIVE IN THE SALES FORCE.

10 Q AND SHORTLY BEFORE WEDNESDAY, JUNE THE 6TH OF 1984,  
11 WERE YOU CONTACTED BY A MAN NAMED RONALD LEVIN?

12 A YES, I WAS.

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2-1  
1 Q DID YOU EVENTUALLY MEET MR. LEVIN ON THE 6TH  
2 OF JUNE?

3 A YES, I DID.

4 Q DID YOU RECOGNIZE THE PERSON DEPICTED IN THE  
5 PHOTOGRAPH, PEOPLE'S 6?

6 A YES, I DO.

7 Q WHO IS THAT?

8 A RON LEVIN.

9 Q DO YOU REMEMBER WHEN IT WAS THAT YOU FIRST  
10 SPOKE WITH MR. LEVIN?

11 A IT WAS A COUPLE OF DAYS BEFORE THE 6TH. IT  
12 COULD HAVE BEEN THE PRECEDING WEEK. BUT THERE WAS A SERIES  
13 OF THREE OR FOUR PHONE CALLS.

14 Q WHAT WAS THE FIRST PHONE CALL THAT YOU GOT FROM  
15 HIM?

16 A IT WAS INQUIRING ABOUT A MONEY MARKET, CHECK  
17 WRITING AND VISA CARD PRIVILEGES BETTER KNOWN AS OUR  
18 COMMAND FUND.

19 Q WHEN MR. LEVIN CALLED, DID HE FIRST ASK YOU  
20 ABOUT THE COMMAND FUND OR DID HE ASK IF YOU HAD ACCOUNTS  
21 WITH CERTAIN PRIVILEGES AND IF YOU WOULD TELL HIM ABOUT  
22 THE ACCOUNT?

23 A HE WAS INQUIRING ABOUT AN ACCOUNT WITH CERTAIN  
24 PRIVILEGES. HE WAS LOOKING FOR AN ACCOUNT THAT WOULD HAVE  
25 A MONEY MARKET FUND WITH CHECKS AND VISA AND THAT COULD BE  
26 USED IN A CORPORATE NAME.

27 Q WHEN HE FIRST CALLED ABOUT THAT ACCOUNT, DID HE  
28 SET UP THE ACCOUNT OR WAS HE GETTING INFORMATION?

1           A       HE WAS GENERALLY FEELING -- HE WAS FEELING ME  
2       OUT AND HE WAS FEELING OUT INFORMATION IN REGARDS TO OUR --  
3       OR MORE OR LESS INQUIRING WHAT HE COULD DO WITH THE ACCOUNTS.

4           Q       WHAT DO YOU MEAN WHEN YOU SAY HE WAS "FEELING  
5       YOU OUT" OR "FEELING OUT" THE ACCOUNT?

6           A       HE WAS FEELING OUT WHAT COULD BE DONE WITH THE  
7       ACCOUNT ITSELF. HE WAS INQUIRING OF ME HOW TO WRITE THE  
8       CHECKS AND HOW HE WOULD HAVE TO DO THE APPLICATIONS.

9                   HE WAS A VERY DETAILED PERSON AS FAR AS KNOWING  
10       EVERYTHING IT COULD DO AND CAN DO AS FAR AS THE KINDS OF  
11       PRIVILEGES HE COULD ACTUALLY DO WITH THE ACCOUNT.

12          Q       WHAT KIND OF PRIVILEGES DID HE SEEM TO WANT?

13          A       HE WANTED TO KNOW WHERE HE COULD USE THE ACCOUNT,  
14       WHO COULD USE THE ACCOUNT. HE WANTED TO KNOW ABOUT THE  
15       INTERNATIONAL TRAVELING, WHETHER HE COULD USE THE VISA CARD  
16       INTERNATIONALLY, WHETHER HE COULD USE THE CHECKS INTERNATIONALLY,  
17       IF SOMEBODY ELSE COULD SIGN FOR HIM, AN OFFICER OF THE  
18       CORPORATION.

19          Q       AND WHAT DID YOU TELL HIM?

20          A       I TOLD HIM THAT HE COULD, BUT I WOULD NOT ADVISE  
21       THAT HE SHOULD PUT IT DOWN UNDER ANOTHER OFFICER UNLESS HE  
22       EXPLICITLY TRUSTED THEM.

23                   HE SAID THERE SHOULD BE NO PROBLEM, ALL OF THE  
24       PEOPLE WHO WERE EMPLOYED WERE TRUSTWORTHY.

25          Q       AND AFTER THAT FIRST CONVERSATION, DID YOU TALK  
26       TO HIM AGAIN?

27          A       YES, I DID.

28          Q       WHEN WAS THAT?



1           A           IT WAS THE FOLLOWING DAY OR THE DAY AFTER.  
2           THERE WERE ABOUT THREE PHONE CALLS BUT I DON'T REMEMBER IF  
3           IT WAS ONE RIGHT AFTER THE OTHER, YOU KNOW IN SUCCESSION  
4           OR IF IT WAS YOU KNOW, SPORADIC.

5                       HE WANTED TO KNOW AT THAT POINT BECAUSE I TOLD  
6           HIM IF HE OPENED UP THE ACCOUNT, THAT HE -- HE ALSO MENTIONED  
7           TO ME THAT HE WAS GOING TO DO SOME TRAVELING AND HE WOULD  
8           NEED IT RIGHT AWAY.

9                       AND I MENTIONED TO HIM THAT HE WOULD NOT BE  
10          ABLE TO USE THE VISA OR THE CHECKING. HE WOULD BE ABLE  
11          TO USE THE MONEY IN THE ACCOUNT, THE MONEY MARKET FUND,  
12          BUT HIS CHECKS AND HIS VISA WOULD NOT BE READY FOR HIS  
13          USE WITH A TRIP IMMEDIATELY.

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1 Q DID HE TELL YOU WHEN HE WAS SCHEDULED TO RETURN  
2 OR WHAT HE WAS GOING TO DO ON HIS RETURN?

3 A HE SAID HE WOULD BE BACK SHORTLY. IT WAS NOT  
4 SOMETHING THAT IT WAS A LONG TRIP.

5 Q DID HE GIVE YOU ANY INDICATION OF WHAT HE WAS  
6 GOING TO DO WHEN HE CAME BACK WITH REGARD TO THE ACCOUNT?

7 A YES.

8 HE WAS GOING TO ADD MORE MONEY TO IT AND HE WAS  
9 GOING TO DO SOME STOCK TRADING.

10 Q AND WHEN IN RELATION TO THESE --  
11 WELL, DID HE EVENTUALLY COME IN AND OPEN THE  
12 ACCOUNT?

13 A YES, HE DID.

14 Q ON THE DAY THAT THE ACCOUNT WAS OPENED, DID  
15 YOU HAVE A CONVERSATION WITH HIM ON THE TELEPHONE BEFORE  
16 IT WAS OPENED?

17 A YES, I DID.

18 Q DID HE MAKE A REQUEST OF YOU?

19 A YES, HE DID REQUEST A COUPLE OF THINGS.

20 ONE, BEFOREHAND, WAS WHERE HE WANTED TO KNOW HOW  
21 TO WIRE FUNDS INTERNATIONALLY IF HE COULD NOT USE THE  
22 CHECKING ACCOUNT AND THE VISA ACCOUNT AND THEN HE WAS IN,  
23 I GUESS, A MEETING OF SOME SORT -- HE WAS WAITING FOR A  
24 PHONE CALL AT HIS OFFICE.

25 Q OKAY, SLOW DOWN A LITTLE BIT.

26 A OKAY. HE WAS WAITING FOR A PHONE CALL.

27 Q LET ME JUST ASK YOU A QUESTION ABOUT THAT:  
28 DID YOU TALK TO HIM AT HIS, WHEN HE TOLD YOU THAT HE WAS

1 AT HIS OFFICE ON JUNE 6 -- OR EXCUSE ME -- ON THE DATE THE  
2 ACCOUNT WAS OPENED?

3 A DID I TALK TO HIM ON THAT DAY?

4 Q YES.

5 A YES, I DID.

6 Q DID HE MAKE A REQUEST OF YOU?

7 A YES, HE DID.

8 Q WHAT WAS THAT?

9 A THAT I PICK UP THE CHECK THAT WOULD BE THE  
10 DEPOSIT TO OPEN UP THE ACCOUNT FOR THE COMMAND CORPORATE  
11 ACCOUNT.

12 Q WHAT DID YOU TELL HIM?

13 A I SAID I COULD NOT DO THAT AT THAT TIME BECAUSE  
14 I WAS -- I HAD ANOTHER PRIORITY. I HAD TO FILL OUT SOME  
15 OTHER APPLICATIONS AND MEET FEDERAL EXPRESS BY 6:00 THAT  
16 NIGHT.

17 Q WHAT TIME WAS THAT PHONE CALL?

18 A IT WAS APPROXIMATELY ABOUT 4:00, 4:30 IN THE  
19 EVENING -- OR AFTERNOON -- I AM SORRY.

20 Q AND UP UNTIL THAT POINT, HAD YOU MET MR. LEVIN?

21 A NO.

22 Q DID YOU MEET HIM LATER THAT DAY?

23 A YES, I DID.

24 Q APPROXIMATELY WHAT TIME?

25 A THAT MUST HAVE BEEN ABOUT 5:00, 5:30.

26 Q AND WHERE WAS THAT THAT YOU MET HIM?

27 A AT MY OFFICE AT PRUDENTIAL-BACHE, 9701 WILSHIRE  
28 BOULEVARD.

1 Q WHAT FLOOR OF THAT BUILDING WERE YOU ON?

2 A GROUND FLOOR AT THAT TIME.

3 Q WHAT IS THE CROSS STREET AT 9701 WILSHIRE?

4 A I THINK, I BELIEVE IT IS BEDFORD DRIVE.

3A FO.

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1 Q HOW FAR WAS THAT FROM PECK DRIVE, WHICH IS WHERE  
2 SAKS.FIFTH AVENUE IS?

3 A OH, JUST ABOUT THREE OR FOUR BLOCKS.

4 Q THREE OR FOUR BLOCKS?

5 A UH-HUH.

6 Q IS THAT YES?

7 A YES.

8 I AM SORRY.

9 Q WOULD THAT BE TO THE WEST OF PECK DRIVE TOWARDS  
10 WESTWOOD --

11 A YES.

12 Q -- FROM SAKS FIFTH AVENUE?

13 A YES.

14 Q AND WHAT TIME WAS IT, AGAIN, THAT HE CAME TO YOUR  
15 OFFICE?

16 A ABOUT 5:00, 5:30.

17 Q WHEN MR. LEVIN CAME TO YOUR OFFICE, WHAT HAPPENED?

18 A HE APOLOGIZED FOR BEING SO RUDE AND BECAUSE  
19 WE WENT BACK AND FORTH WITH PICKING UP THE CHECK, YOU KNOW,  
20 HE WAS INSISTENT THAT I PICK UP THE CHECK AT THAT POINT  
21 BECAUSE HE WAS WAITING FOR THIS VERY IMPORTANT PHONE CALL.

22 Q WHEN YOU TALK ABOUT PICKING/<sup>UP</sup>THE CHECK IN THESE  
23 DISCUSSIONS THAT YOU HAD WITH HIM BEFORE THAT DAY, HAD YOU  
24 DISCUSSED WITH HIM THE FACT THAT HE WAS ACTUALLY GOING TO  
25 OPEN THE ACCOUNT?

26 A YES.

27 HE REALLY WANTED TO OPEN UP THE ACCOUNT AND HE  
28 WAS JUST INTERESTED IN BASICALLY, BEFORE HE DID MAKE A

1 COMMITMENT, WHAT IT COULD DO.

2 Q DID YOU TELL HIM WHO THE CHECK WAS TO BE PAID  
3 OUT TO?

4 A I CAN'T RECALL THAT.

5 Q DID YOU TELL HIM THE FORM THAT THE CHECK WAS TO  
6 BE IN?

7 A NO.

8 Q DID YOU HAVE A REQUIREMENT AT THAT TIME AS TO  
9 WHETHER YOU WOULD TAKE PERSONAL CHECKS OR WHETHER YOU WOULD  
10 ONLY TAKE CASHIER'S CHECKS?

11 A NO.

12 Q AND WHEN HE CAME INTO THE OFFICE ON JUNE THE 6TH,  
13 DID HE BRING A CHECK WITH HIM?

14 A YES, HE DID.

15 Q AND WHAT WAS THE AMOUNT OF THAT CHECK?

16 A \$14,000.

17 Q WHEN HE CAME INTO THE OFFICE, WHAT DID HE DO?

18 A HE JUST BASICALLY STAYED FOR ABOUT FIVE TO  
19 SIX MINUTES. HE JUST KIND OF TALKED ABOUT NOTHING BECAUSE  
20 WE WERE KIND OF ARROGANT TO ONE ANOTHER ON THE PHONE AND  
21 HE JUST HANDED ME THE CHECK.

22 Q WHAT WAS THE CHECK FOR?

23 A THE CHECK WAS FOR THE PRUDENTIAL-BACHE COMMAND  
24 ACCOUNT IN THE NAME OF GENERAL NEWS CORP.

25 Q AND AFTER YOU TOOK THAT CHECK, WHAT DID YOU DO  
26 WITH REGARDS TO OPENING UP AN ACCOUNT FOR HIM?

27 A I JUST DEPOSITED -- ACTUALLY, THAT NIGHT, IT  
28 WAS LOCKED UP IN THE CASHIER'S CHAMBERS.

1 Q WHY WAS THAT?

2 A BECAUSE IT WAS TOO LATE TO DEPOSIT FOR THAT  
3 PARTICULAR DAY. THE CASHIERS' CLOSE THEIR BOOKS AT 1:00.  
4 THEY LEAVE AT 4:00.

5 Q WHAT DID YOU DO WITH THE CHECK THE NEXT DAY?

6 A I HAD NO CONNECTION WITH THE CHECK IN TERMS OF  
7 PHYSICALLY TOUCHING IT.

8 IT WAS LOCKED UP IN THE CASHIER'S AND THEN IT  
9 JUST FOLLOWS THE NORMAL PROCEDURE OF BEING BOOKED IN OR  
10 DEPOSITED LIKE IN A BANK.

11 Q AS FAR AS THE ACCOUNT OPENING DOCUMENTS, DID YOU  
12 PREPARE THOSE?

13 A YES, I DID.

14 Q AND WHAT WERE THE PRIVILEGES THAT HE GOT UNDER  
15 THAT ACCOUNT?

16 A HE GOT THE NORMAL MONEY MARKET CHECKING PRIVILEGES  
17 AND VISA CARD USES, ONLY UNDERNEATH HIS NAME, THOUGH, AS  
18 RONALD LEVIN, THE PRESIDENT.

19 Q AND DID THAT ACCOUNT GENERATE STATEMENTS EVERY  
20 MONTH?

21 A YES, IT DID.

22 MR. WAPNER: YOUR HONOR, I HAVE A DOCUMENT THAT I WOULD  
23 LIKE TO MARK AS PEOPLE'S 56 FOR IDENTIFICATION, IT APPEARS  
24 TO BE --

25 THE COURT: 56?

26 MR. WAPNER: 56, YES.

27 IT APPEARS TO BE STATEMENTS FROM PRUDENTIAL-BACHE  
28 SECURITIES.

4-1

1 Q SHOWING YOU 56 FOR IDENTIFICATION, DO YOU  
2 RECOGNIZE THAT?

3 A YES, I DO.

4 Q WHAT IS IT?

5 A THEY ARE PRUDENTIAL BACHE SECURITY STATEMENTS,  
6 MONTHLY STATEMENTS THAT ARE GENERATED FOR EVERYBODY'S  
7 ACCOUNT.

8 Q ARE YOU FAMILIAR WITH HOW THOSE ARE PREPARED?

9 A YES.

10 Q HOW ARE THEY PREPARED?

11 A THEY ARE PREPARED ON A MONTHLY BASIS IN TERMS  
12 OF ACTIVITY THAT IS GENERATED IN THE ACCOUNT.

13 Q WHO PREPARES THEM?

14 A OUR CORPORATE OFFICE IN NEW YORK, COMPUTERS.

15 Q IS THERE THE FIRST STATEMENT THAT IS ON TOP --  
16 WHAT DATE IS ON IT?

17 A JUNE, 1984, JUNE 1ST TO JUNE 30, 1984.

18 Q AND DOES THAT INDICATE ON THE DATE THAT THE  
19 ACCOUNT WAS OPENED?

20 A YES.

21 Q WHAT WAS THAT?

22 A JUNE 7.

23 Q WHY WOULD IT BE THE 7TH?

24 A SIMPLY BECAUSE HE CAME IN LATE THAT NIGHT  
25 OF JUNE 6TH AND WE HAD NO WAY OF WIRING, BECAUSE IT IS  
26 NEW YORK TIME TO BEGIN WITH. SO IT WOULD HAVE TO BE  
27 DEPOSITED THE NEXT DAY AND THE WIRES WOULD GO TO NEW  
28 YORK ON JUNE 7, AS OPPOSED TO JUNE 6.



1 Q ON THE 6TH IS WHEN YOU SAW HIM AND THE ACCOUNT  
2 WAS OPENED AS FAR AS YOU WERE CONCERNED?

3 A THAT'S RIGHT.

4 Q AS FAR AS THE RECORD-KEEPING FOR PRUDENTIAL  
5 BACHE, THEY DIDN'T GET THE RECORDS UNTIL THE NEXT DAY?

6 A THAT'S CORRECT.

7 Q AND DO YOU RECALL NOW WHETHER HE GAVE YOU --  
8 WHAT TYPE OF CHECK HE GAVE YOU?

9 A I WOULD ASSUME IT WOULD BE THE CORPORATE  
10 CHECK BECAUSE WE WOULD NOT BE ABLE TO ACCEPT A PERSONAL  
11 CHECK FOR THE CORPORATION. IT WOULD BE UNDER GENERAL  
12 NEWS.

13 Q WHAT WAS THE NAME UNDER WHICH THAT ACCOUNT  
14 THAT MR. LEVIN OPENED WAS OPEN?

15 A GENERAL NEWS CORP.

16 Q AND WHO WAS AUTHORIZED TO -- WHOSE NAME WAS  
17 ON THE ACCOUNT BESIDES GENERAL NEWS CORPORATION?

18 A RON LEVIN.

19 Q ANYBODY ELSE?

20 A NO.

21 Q AND THE MONEY MARKET ACCOUNT, WAS THE MONEY  
22 IN THERE EARNING INTEREST?

23 A YES, IT WAS.

24 Q AND I ASSUME THAT IT WAS A FLUCTUATING INTEREST  
25 RATE, DEPENDING UPON WHAT THE RATES WERE AT THE TIME?

26 A THAT'S CORRECT.

27 Q THE STATEMENTS THAT ARE GENERATED EVERY MONTH --  
28 LET ME BACK UP A LITTLE BIT.

1 HE HAD THE PRIVILEGE OF A VISA CARD ON THAT  
2 ACCOUNT?

3 A YES, HE DID.

4 Q HOW WOULD THAT BE ISSUED TO HIM?

5 A UNDERNEATH THE GENERAL NEWS CORPORATION.

6 Q IN REGARD TO WHEN YOU OPENED THE ACCOUNT,  
7 DID YOU DO SOMETHING TO PUT INTO MOTION THE ISSUANCE  
8 OF A VISA CARD?

9 A SURELY. IT WAS A WHOLE APPLICATION THAT  
10 WAS SIGNED AND INFORMATION PUT DOWN.

11 Q AND AFTER THAT APPLICATION WAS FILLED OUT,  
12 HOW WOULD THE VISA CARD BE ISSUED?

13 A TO GENERAL NEWS CORP.

14 Q WHO WOULD ISSUE THE CARD?

15 A OUR CENTRAL CONTROL SYSTEM IN NEW YORK.

16 4B FO.  
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4B-1

1 Q I AM TRYING TO GET AT HOW LONG IT TAKES FROM  
2 THE TIME WHEN HE TALKS TO YOU, WHEN YOU MAKE THE APPLICATION,  
3 TO THE TIME THE CARD IS THEN ISSUED.

4 A THEN WE SEND THE APPLICATIONS TO NEW YORK.  
5 AND THEN NEW YORK PROCESSES THE APPLICATION LIKE A BANK,  
6 JUST AS YOU WOULD ON A BANK OR ANY KIND OF CREDIT. IT  
7 TAKES ABOUT TWO WEEKS.

8 THE COURT REPORTER: PLEASE SLOW DOWN.

9 Q BY MR. WAPNER: DID HE HAVE THE RIGHT, THE  
10 PRIVILEGE TO WRITE CHECKS AGAINST THIS MONEY MARKET ACCOUNT?

11 A YES, HE DID.

12 Q HOW WOULD THE CHECKS ON THE ACCOUNT BE ISSUED?

13 A THE SAME WAY THAT THE VISA CARD WOULD. IT  
14 WOULD COME FROM THE SAME DEPARTMENT.

15 Q DID HE GET ANY TEMPORARY CHECKS AT THE TIME  
16 THE ACCOUNT WAS OPENED?

17 A NO, HE DID NOT.

18 Q SO IF HE WANTED TO USE THE MONEY IN THAT  
19 ACCOUNT BETWEEN THE TIME IT WAS OPENED AND THE TIME HE  
20 GOT THE CHECKS, HOW WOULD HE DO THAT?

21 A CALL ME.

5 FO.

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1 Q WHAT WOULD YOU DO IF HE CALLED YOU?

2 A THEN WE JUST PUT IN A CHECK REQUEST.

3 Q DID HE HAVE, AS OF JUNE THE 6TH, THE PRIVILEGES  
4 TO WIRE MONEY INTERNATIONALLY?

5 A YES, HE DID.

6 Q HOW WOULD THAT BE DONE?

7 A HE WOULD JUST NOTIFY THE OFFICE, PRUDENTIAL-BACHE  
8 INTERNATIONAL, THAT HE WANTED TO, YOU KNOW, HAVE THE MONEYS  
9 WIRED TO HIM AND WE WOULD WIRE IT FROM THERE.

10 Q HOW LONG WOULD THAT TAKE?

11 A INSTANTANEOUSLY.

12 Q AND DOES THE STATEMENT THAT YOU HAVE FOR JUNE  
13 REFLECT THE INITIAL DEPOSIT OF \$14,000?

14 A YES, IT DOES.

15 Q AND THE NEXT MONTH'S STATEMENT IS JULY; IS THAT  
16 RIGHT?

17 A THAT'S CORRECT.

18 Q AND WAS THERE ANY ACTIVITY BY THE CUSTOMER ON  
19 THAT ACCOUNT IN JULY?

20 A NO.

21 Q IS THE BALANCE THE SAME AT THE END OF JULY?

22 A NO.

23 Q WHY?

24 A BECAUSE THERE IS INTEREST THAT WAS EARNED AND  
25 THEN ADDED INTO THE MONEY MARKET FUNDS SO IT READ \$14,188.

26 Q AND WERE THERE ANY WIRE TRANSFERS DONE IN  
27 JULY?

28 A NO, NONE.

5-2  
1 Q WAS A CREDIT CARD USED IN JULY?

2 A NONE.

3 Q IF THE CREDIT CARD HAD BEEN USED, WOULD IT  
4 SHOW ON THAT STATEMENT?

5 A ABSOLUTELY.

6 Q ARE THOSE STATEMENTS THE COMBINED STATEMENT OF  
7 ALL ACTIVITY ON THE ACCOUNT?

8 A YES.

9 Q IF THERE HAD BEEN A CHECK WRITTEN, WOULD IT SHOW  
10 ON THOSE STATEMENTS?

11 A YES.

12 Q IF THERE HAD BEEN A WIRE TRANSFER, WOULD IT SHOW  
13 ON THOSE STATEMENTS?

14 A YES.

15 Q IF A CREDIT CARD HAD BEEN USED, IT WOULD SHOW  
16 ON THAT STATEMENT?

17 A YES, IT WOULD.

18 Q IS THERE ANY INDICATION ON THE JULY STATEMENT  
19 THAT THERE WERE ANY CHECKS WRITTEN?

20 A NO, NONE AT ALL.

21 Q HOW ABOUT WIRE TRANSFERS?

22 A NONE.

23 Q WAS THE CREDIT CARD EVER USED?

24 A NO.

25 Q AND IN AUGUST, WAS THERE ANY ACTIVITY ON THE  
26 ACCOUNT?

27 A NONE.

28 Q WHAT WAS THE BALANCE AT THE END OF AUGUST?

5-3  
1 A \$14,326.

2 Q AND WHY IS THAT DIFFERENT, DOES THAT INDICATE  
3 INTEREST EARNED DURING THAT MONTH?

4 A YES, THAT IS A CONTINUATION OF INTEREST COMPOUNDING.

5 Q AND IN SEPTEMBER OF 1984, WAS THERE ANY ACTIVITY?

6 A NONE.

7 Q NO VISA, NO CHECKS AND NO WIRE TRANSFERS, CORRECT?

8 A THAT'S CORRECT.

9 Q WHAT IS THE BALANCE AT THE END OF THAT MONTH?

10 A \$14,487 -- OR 57 CENTS.

11 Q THAT WOULD INDICATE INTEREST EARNED THAT MONTH?

12 A YES.

13 Q WHAT ABOUT OCTOBER?

14 A THE SAME SITUATION.

15 Q WAS THERE ANY ACTIVITY AT ALL IN THE ACCOUNT?

16 A NONE, OTHER THAN THE COMPOUNDING OF INTEREST.

17 Q WHAT ABOUT NOVEMBER?

18 A SAME SITUATION.

19 Q AND NO ACTIVITY AT ALL IN THE ACCOUNT?

20 A NONE AT ALL.

21 Q WHAT ABOUT IN DECEMBER?

22 A NONE AT ALL.

23 IT IS JUST A RECAP OF JUST INTEREST THAT WAS  
24 EARNED AND THAT WOULD HAVE TO BE REPORTABLE TO THE GOVERNMENT.

25 Q THERE WAS NO ACTIVITY AT ALL IN THAT ACCOUNT?

26 A NONE.

27 Q AND WHAT ABOUT JANUARY OF THE NEXT YEAR?

28 A OKAY. THIS IS SHOWING ACTIVITY BUT IT WAS A

1 SALE OF THE MONEY MARKET FUNDS, MEANING THAT THERE WAS A  
2 CANCELLATION OF THE MONEY MARKET FUND OR A WITHDRAWAL AND  
3 THAT IS FOR \$14,827 TOTAL.

4 Q THAT WAS THE TOTAL BALANCE OF THE ACCOUNT?

5 A THAT'S CORRECT.

6 Q DOES IT SHOW WHO THAT WENT TO?

7 A IT DOESN'T SHOW WHO IT WENT TO BUT I DO KNOW WHO  
8 IT WENT TO.

9 Q WHO WAS THAT?

10 A THAT WAS MR. OSTROVE, HIS ATTORNEY OR EXECUTOR.  
11 WE HAD RECEIVED A LETTER DEMANDING THE FUNDS  
12 BE RETURNED TO HIM BECAUSE HE WAS THE EXECUTOR.

13 THE COURT: YOU MEAN THE CONSERVATOR, DO YOU MEAN?

14 Q BY MR. WAPNER: THAT IS DAVID OSTROVE?

15 A I DON'T RECALL HOW THE LETTER READ BUT IT WAS --  
16 HE DID SEND US A LETTER OF A MISSING PERSON SO IT MIGHT HAVE  
17 BEEN THE CONSERVATOR.

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6A-1

1 Q BY MR. WAPNER: AND WAS THAT THE ENTIRE BALANCE  
2 IN THE ACCOUNT?

3 A YES.

4 Q FROM THE TIME THE ACCOUNT WAS OPENED UNTIL  
5 THE TIME YOU SENT THE CHECK TO MR. OSTROVE, WAS THERE  
6 ANY ACTIVITY IN THE ACCOUNT WHATSOEVER?

7 A NONE.

8 Q DID YOU, AT SOME POINT, GET SOME REQUESTS  
9 FROM THE OFFICE IN NEW YORK FOR A CORPORATE SEAL?

10 A YES, WE DID. WHEN WE DID FILL OUT THE APPLICATIONS,  
11 RON LEVIN DID SIGN THE APPLICATIONS FOR THE CORPORATION.

12 HOWEVER, HE DID NOT, YOU KNOW, PLACE THE  
13 CORPORATE SEAL. AND THE ASSISTANTS USUALLY TAKE CARE  
14 OF APPLICATIONS, ANYWAY. SO IT WAS SENT ON TO NEW YORK  
15 WITHOUT THE CORPORATE SEAL.

16 AND IN NEW YORK, BEING A LARGE CORPORATION,  
17 IT TOOK A COUPLE OF MONTHS BEFORE THEY RETURNED THE APPLICATION,  
18 STATING THAT THEY NEEDED THE CORPORATE SEAL.

19 THE COURT REPORTER: PLEASE SLOW DOWN.

20 Q BY MR. WAPNER: WHEN YOU GOT THIS REQUEST,  
21 WHAT DID YOU DO?

22 A WE THEN PROCEEDED TO TRY TO CONTACT RON LEVIN.

23 Q WHERE DID YOU GO?

24 A MY ASSISTANT WENT UPSTAIRS TO THE PLACE WHERE  
25 WE ORIGINALLY DROPPED THE APPLICATIONS OFF, WHICH WAS  
26 ON THE EIGHTH FLOOR OF PRUDENTIAL BACHE, NOT OUR OFFICES  
27 PARTICULARLY, BUT THE BUILDING AT 9701 WILSHIRE.

28 Q WHY DID YOU GO UP THERE?



1           A        BECAUSE HE TOLD ME IN ONE OF OUR CONVERSATIONS  
2 THAT THAT WAS ANOTHER OFFICE OF HIS.

3           Q        DID YOU FIND OUT -- WHAT DID YOU FIND OUT  
4 WHEN YOU WENT UP THERE?

5           A        WELL, THE FIRST TIME, THERE WAS NO PROBLEM.  
6 WHOEVER SHE HANDED THE APPLICATION TO, YOU KNOW, TOOK  
7 THEM IN AND THEN WE WERE ABLE TO, YOU KNOW -- I DON'T  
8 KNOW WHETHER HE CAME TO GET THE MAIL OR WE PICKED THEM  
9 UP AGAIN. BUT THERE WAS NO PROBLEM RECEIVING THE APPLICATIONS  
10 BACK.

11                    BUT, TWO MONTHS DOWN THE ROAD, I WOULD SAY  
12 IN SEPTEMBER OR OCTOBER, MY ASSISTANT WENT UPSTAIRS TO  
13 TRY TO PUT THE APPLICATIONS IN AGAIN AND THERE WAS NO  
14 SUCH OFFICE OR NOBODY KNEW OF HIM.

6B FO.

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1 Q AND DID THAT CALL THE ACCOUNT TO YOUR ATTENTION?

2 A NOT REALLY. IT KIND OF FLAGGED SOMETHING.

3 BUT THEN, PEOPLE MOVE AROUND AND ARE IN TRANSIT.

4 THAT IS TO BE EXPECTED. BUT SHE WAS CONCERNED  
5 BECAUSE SHE HAD ALSO WRITTEN A COUPLE OF LETTERS, CORRESPONDENCE,  
6 TRYING TO CONTACT HIM THIS WAY, IN ADDITION TO GOING UPSTAIRS  
7 ON THE EIGHTH FLOOR.

8 Q DID YOU EVER GET ANY RESPONSE?

9 A NONE WHATSOEVER.

10 MR. WAPNER: THANK YOU. NOTHING FURTHER.

11

12 CROSS-EXAMINATION

13 BY MR. BARENS:

14 Q YOU MENTIONED THAT WHEN THE ACCOUNT WAS GOING TO  
15 BE OPENED, THERE WAS SOME DISCUSSION ABOUT ADDING ANOTHER  
16 PERSON TO THE ACCOUNT?

17 A YES.

18 Q DO YOU KNOW WHO THAT OTHER PERSON WAS?

19 A NO. HE MENTIONED AN AUTHORIZED OFFICER OF  
20 HIS CORPORATION.

21 Q AND YOU MENTIONED THAT PRIOR TO YOUR MEETING  
22 MR. LEVIN, YOU HAD -- I DON'T KNOW. I THINK YOU USED THE  
23 EXPRESSION "THREE OR FOUR CONVERSATIONS" WITH HIM?

24 A UH-HUH.

25 Q AND YOU DON'T --

26 MR. WAPNER: WAS THAT YES?

27 THE WITNESS: YES, SORRY.

28 Q BY MR. BARENS: YOU DON'T RECALL PRECISELY WHEN THAT

1 FIRST CONVERSATION WAS?

2 A I WOULD SAY THAT IT WOULD BE THE MONDAY OR THE  
3 FRIDAY BEFORE THE 6TH.

4 Q ALL RIGHT. DID HE TELL YOU HOW HE HAPPENED TO  
5 BE CALLING YOU?

6 A NO, HE DID NOT.

7 Q YOU NEVER ASKED WHO REFERRED HIM OR ANY OF THAT  
8 SORT OF THING?

9 A IT IS TYPICAL IN OUR INDUSTRY TO HAVE CALLS IN  
10 ON A DAILY BASIS. IF YOU HAPPEN TO BE ON THE FLOOR, YOU KNOW,  
11 BEING SALESPERSON OF THE DAY, THEN YOU WOULD TAKE THE  
12 CALLS.

13 Q A COLD CALL LIKE THAT?

14 A YES.

15 Q OKAY. WHEN HE FIRST TALKED TO YOU, DO YOU  
16 REMEMBER FROM THE VERY FIRST CONVERSATION, WHAT HIS INTEREST --

17 A EXCUSE ME? HIS INTEREST?

18 Q IN THE ACCOUNT WAS? WHAT WAS THE FOCUS OF HIS  
19 INTEREST OR THE TYPE OF QUESTION THAT HE WAS ASKING?

20 A HIS MAIN FOCUS WAS BASICALLY ITS USE, HOW HE  
21 COULD USE IT AND THE FUNCTION OF THE ACCOUNT AND HOW FAR  
22 HE COULD GO WITH THE ACCOUNT.

23 IN OTHER WORDS, WHAT IS THE MOST THE ACCOUNT  
24 COULD DO, VERSUS THE LEAST.

25 Q AND THE TYPES OF THINGS THAT YOU MENTIONED EARLIER,  
26 HE SEEMED TO HAVE A PARTICULAR INQUIRY ABOUT WHETHER IT  
27 COULD BE USED FOR INTERNATIONAL WIRING AND BANKING?

28 A THAT'S CORRECT.

1 Q AND WHAT DID YOU EXPLAIN TO HIM YOU FOLKS COULD  
2 DO IN THAT REGARD?

3 A THAT WE HAD INTERNATIONAL OFFICES AND THAT HE  
4 COULD USE THE VISA CARD INTERNATIONALLY AND THE CHECKS YOU KNOW,  
5 PROVIDED THAT THE SERVICES WERE ACCEPTED.

6 Q AND DID HE INQUIRE OF YOU ABOUT YOUR FACILITIES'  
7 ABILITY TO WIRE TRANSFER MONEYS TO ANY PLACE IN THE WORLD?

8 A YES, HE DID.

9 Q AND WHAT DID YOU TELL HIM ABOUT THAT?

10 A I TOLD HIM IT COULD BE DONE.

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7-1

1 Q NOW, WITH THE TYPE OF ACCOUNT THAT LEVIN  
2 OPENED WITH YOU, HOW LONG WOULD IT TAKE TO LIQUIDATE  
3 THAT ACCOUNT?

4 A INSTANTANEOUSLY. IN OTHER WORDS, IT HAS  
5 ONE-DAY SETTLEMENT.

6 Q YOU BET.

7 INSTANTLY, IN OTHER WORDS, IF I WAS THAT  
8 ACCOUNT HOLDER AND I SAID TO YOU, "WIRE ME THE MONEY  
9 TO EGYPT" OR WHEREVER, YOU COULD IMMEDIATELY DISPOSE  
10 OF MY ACCOUNT, COULD YOU NOT?

11 A THAT'S CORRECT.

12 Q AND WIRE THE FUNDS TO WHEREVER I WAS?

13 A THAT'S CORRECT.

14 Q NOW, YOU MENTIONED TO US THAT IN FACT HE  
15 WAS INTERESTED IN SOME INTERNATIONAL TRAVEL?

16 A YES.

17 Q YOU MENTIONED THEN THERE WAS SOME INTERVENING  
18 PHONE CALLS LEADING TO AN OCCASION WHERE HE WAS PHYSICALLY  
19 PRESENT IN YOUR OFFICE?

20 A THAT'S CORRECT.

21 Q THE DAY THAT HE WAS PHYSICALLY PRESENT IN  
22 YOUR OFFICE WAS JUNE THE 6TH?

23 A YES, IT WAS.

24 Q AND DID THERE SEEM TO BE ANY URGENCY IN THE  
25 WAY MR. LEVIN HAD ADDRESSED YOU THAT DAY PRIOR TO HIM  
26 COMING TO YOUR OFFICE?

27 A YES.

28 Q DID HE EXPLAIN TO YOU WHAT THE URGENCY INVOLVED?

1           A        I AM SORRY. WAS THE URGENCY AS FAR AS OPENING THE  
2 ACCOUNT WAS CONCERNED OR --

3           Q        URGENCY IN MOVING AHEAD WITH YOU OR WHATEVER  
4 THE SENSE WAS THAT YOU COULD HAVE, FROM THE WAY YOU TESTIFIED,  
5 AT LEAST, I GOT AN IMPRESSION THAT YOU WERE BEING PRESSED  
6 A BIT OR THERE WAS SOME ANXIETY OR TENSION OR SOMETHING.

7           MR. WAPNER: OBJECTION. VAGUE AND IT IS NOW COMPOUND.

8           THE COURT: SUSTAINED.

9           Q        BY MR. BARENS: ALL RIGHT. WE WILL GO BACK  
10 TO THE FIRST QUESTION: DID YOU GET A SENSE OF SOME URGENCY?

11          A        YES.

12                    BUT HE WAS ALWAYS URGENT IN HIS CONVERSATIONS.

13          Q        I SEE.

14                    AND DID HE EVER EXPLAIN TO YOU WHAT THE APPARENT  
15 HURRY SEEMED TO BE?

16          A        HE JUST KIND OF ALWAYS PUT IT ON THE TRIP,  
17 THAT HE WAS BUSY DOING SOMETHING, BUSY DOING BUSINESS,  
18 BUSY GETTING READY. BUSY. JUST BUSY.

19          Q        AND BUSY BECAUSE HE WAS LEAVING TOWN?

20          A        HE DID HAVE -- HE DID HAVE A TRIP PLANNED  
21 AT THAT POINT.

22          Q        YOU TOLD ME OR YOU TOLD THE COURT THAT HE  
23 SAID HE WAS EXPECTING AN IMPORTANT PHONE CALL?

24          A        YES, HE WAS.

25          Q        DID HE SAY WHOM THAT PHONE CALL WAS FROM?

26          A        NO, SIR.

27          Q        DID HE GIVE YOU ANY INDICATION AT ALL AS  
28 TO WHAT IT WAS GOING TO BE ABOUT?

1 A NO.

2 Q DID HE INDICATE TO YOU HOW LONG HE HAD BEEN  
3 WAITING FOR THAT PHONE CALL?

4 A HE DID INDICATE HE WAS WAITING FOR A WHILE  
5 FOR THAT PHONE CALL.

6 Q AND THAT CALL SEEMED TO MAKE HIM HAVE TO  
7 STAY HOME AND THAT IS WHY HE COULDN'T COME TO SEE YOU?

8 A THAT'S CORRECT.

9 Q NOW, AS FAR AS THIS VISA CARD IS CONCERNED,  
10 DID YOU ACTUALLY PHYSICALLY ISSUE THE CARD?

11 A NO, I DON'T PHYSICALLY ISSUE IT.

12 Q DO YOU KNOW AS A MATTER OF FACT WHETHER OR  
13 NOT THE CARD, THE PIECE OF PLASTIC, I PRESUME IT IS,  
14 I PRESUME IT TO BE, WAS EVER ACTUALLY ISSUED?

15 A I DON'T KNOW WHETHER HE EVER RECEIVED IT,  
16 NO, PHYSICALLY RECEIVED IT OR NOT.

17 Q IS THAT A CREDIT CARD OR A DEBIT CARD ACTUALLY?

18 A THAT IS A DEBIT CARD.

19 Q RIGHT.

20 IT IS NOT REALLY A CREDIT CARD AT ALL.

21 COULD YOU EXPLAIN TO THE JURY WHAT WE MEAN?

22 WE HAVE BEEN SAYING CREDIT CARD AND THAT  
23 IS REALLY NOT ACCURATE, IS IT?

24 A WELL, IT IS USED THE SAME WAY AND IT HAS  
25 THE SAME PRIVILEGES AS A CREDIT CARD, BUT IT FUNCTIONS  
26 DIFFERENTLY IN THE SENSE THAT YOU HAVE -- IS VERY MUCH  
27 LIKE AMERICAN EXPRESS BUT IT IS CHARGED THAT DAY, IN  
28 OTHER WORDS, IT IS JUST LIKE WRITING A CHECK. THE DAY

1 YOU USE THAT CARD IS THE DAY YOUR ACCOUNT IS DEBITED.

2 Q SO IT DRAWS DOWN THE BALANCE YOU HAVE IN  
3 THE MONEY MARKET ACCOUNT?

4 A THAT'S CORRECT.

5 Q THUSLY, IT IS NOT AN EXTENSION OF CREDIT  
6 BY YOUR INSTITUTION?

7 A THAT'S CORRECT.

8 Q NOW, WHEN YOU ESTABLISH AN ACCOUNT OF THIS  
9 NATURE, DO YOU HAVE A CREDIT APPLICATION?

10 A NO.

11 Q AND YOU DON'T TAKE ANY HISTORY ON THE PERSON  
12 AS FAR AS REFERENCES OR CREDIT OR ANYTHING?

13 A ON THAT YOU DO, YES.

14 Q YOU DO THAT?

15 A WE DON'T HAVE A CREDIT BALANCE LIKE YOU DO  
16 WITH THE NORMAL -- OR GO IN TO VERIFY SALARY PER SE BUT  
17 YOU DO HAVE REFERENCE, BANK REFERENCES AND YOU DO HAVE  
18 PERSONAL INFORMATION, AGE, DATES, CORPORATIONS, CORPORATION  
19 TITLES, THAT KIND OF THING.

20 Q DO YOU GET ANY BANK REFERENCES?

21 A YES.

22 Q DID YOU DO THAT IN THIS INSTANCE?

23 A I AM SURE I DID.

24 I DON'T HAVE THE APPLICATION IN FRONT OF  
25 ME.

26 IT IS ON THE APP, YES.

27 Q YOU DON'T HAVE THE APPLICATION WITH YOU?

28 A IN FRONT OF ME, NO.



1 Q WERE YOU ASKED TO BRING THAT?

2 A NO.

3 Q YOU WEREN'T ASKED TO BRING THAT?

4 A IT WAS PRESENTED AT THE LAST TRIAL.

7A FO.

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7A- 1 Q IT WAS?

2 ALL RIGHT. DO YOU RECALL DOING THE INTERVIEW  
3 YOURSELF WITH MR. LEVIN IN TERMS OF SOLICITING THE INFORMATION  
4 ON THAT APPLICATION?

5 A YES.

6 Q DO YOU RECALL WHAT YOU WERE TOLD IN TERMS OF  
7 BANK REFERENCES?

8 A NO, I DON'T.

9 Q WERE YOU TOLD OF MORE THAN ONE BANK ACCOUNT?

10 A NO.

11 Q YOU DON'T RECALL THAT?

12 A NO -- I AM SORRY -- I DO RECALL IT WAS JUST ONE  
13 BANK AND THAT WAS THE ONE THAT GENERAL NEWS WAS ON.

14 I DON'T RECALL THE ONE IT WAS.

15 Q DID YOU TAKE ANY LISTING OF ANY SORT OF ASSETS  
16 OR ACCOUNT BALANCES?

17 A NO.

18 THAT IS NOT NEEDED.

19 Q NO?

20 DO YOU GO THROUGH HIS INCOME?

21 A IN THIS CASE, IT WOULD NOT BE HIM PERSONALLY.  
22 IT WOULD BE THE CORPORATION'S INCOME.

23 Q DID YOU ASK ABOUT THAT?

24 A YES, I DID.

25 Q DO YOU RECALL WHAT YOU WERE TOLD?

26 A NO.

27 Q SO REALLY, YOUR FOCUS OF ATTENTION IN THIS  
28 INSTANCE ONLY WENT TO GENERAL NEWS?

7A-  
1 A YES.

2 Q DID YOU HAVE ANY DISCUSSION WITH LEVIN ABOUT  
3 WHAT HE DID FOR A LIVING?

4 A HE MENTIONED THAT HE WAS A WRITER OF SOME SORT,  
5 JOURNALIST.

6 I WAS NOT TOO IN PARTICULAR FOR DETAILS. HE  
7 RUBBED ME THE WRONG WAY -- EXCUSE ME -- THAT IS --

8 Q THAT IS ALL RIGHT.

9 A HE WAS TRYING TO IMPRESS ME IN TERMS OF OPENING  
10 UP THE ACCOUNT BECAUSE PEOPLE DO NOT, BROKERS ARE NOT  
11 OVERWHELMED WITH OPENING UP MONEY MARKET FUNDS.

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1 Q I SHOULD THINK. THERE IS A DIFFERENCE BETWEEN  
2 OPENING A MONEY MARKET ACCOUNT IS THERE NOT, AND OPENING  
3 THAT OTHER KIND OF ACCOUNT WHERE YOU MAKE MONEY, CALLED A  
4 TRADING ACCOUNT?

5 A THIS IS TRUE. THERE IS A DIFFERENCE.

6 Q OKAY. SO PRUDENTIAL-BACHE, THE OTHER TYPE OF  
7 THING YOU DO FOR PEOPLE, IS YOU BECOME THEIR BROKER?

8 A THAT'S RIGHT.

9 Q AND THAT AS THE END RESULT OF THOSE KINDS OF  
10 SERVICES, YOU CAN EARN A COMMISSION?

11 A THIS IS CORRECT.

12 Q AND THAT IS NOT WHAT WE ARE TALKING ABOUT HERE?

13 A NO.

14 Q IS IT A TOTALLY DIFFERENT TYPE OF THING?

15 A YES, IT IS.

16 Q OKAY. WHEN MR. LEVIN CAME TO THE BANK TO SEE YOU,  
17 DID ANYBODY COME WITH HIM?

18 A NO. HE WAS ALONE.

19 Q HE WAS ALONE?

20 A YES.

21 Q AND PRIOR TO -- STRIKE THAT.

22 ON AN OCCASION, YOU WENT UPSTAIRS OR WAS IT  
23 YOUR ASSISTANT THAT WENT UPSTAIRS TO THE SEVENTH FLOOR TO  
24 LEAVE AN APPLICATION?

25 A IT WAS MY ASSISTANT.

26 Q WHEN WAS THAT?

27 A THAT WOULD BE -- I COULD NOT RECALL. I BELIEVE  
28 IT WOULD BE -- YOU TAKE THE GENERAL INFORMATION DOWN ON WHAT

BA-  
1 WE CALL OUR ACCOUNT SHEET. THAT IS OUR KIND OF TYPICAL  
2 THING WITH INFORMATION FOR THE BROKERS. THAT IS THE  
3 APPLICATION FOR THE ACTUAL COMMAND ACCOUNT, IN OTHER WORDS.  
4 HE WAS ENTITLED TO THE MONEY MARKET FUND ANYWAY, WITHOUT  
5 THE APPLICATION.

6 THE COURT REPORTER: PLEASE SLOW DOWN.

7 THE WITNESS: SO, HE JUST OPENED UP THE ACCOUNT AND  
8 PLACED IT IN THE MONEY MARKET FUND UNTIL THE ACTUAL COMMAND  
9 ACCOUNT WAS APPROVED. AND THAT APPLICATION HAVING BEEN  
10 UP -- IT WAS BEFOREHAND. IT WAS BEFORE I ACTUALLY, PHYSICALLY  
11 SAW HIM.

12 Q BY MR. BARENS: IT WOULD HAVE BEEN AT SOME POINT  
13 IN TIME PRIOR TO JUNE 6TH, IN ANY EVENT?

14 A THAT'S RIGHT.  
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BB FO.

8E 1 Q DID MR. LEVIN PERSONALLY BRING THAT APPLICATION  
2 WITH HIM ON THE 6TH?

3 A NO, HE DID NOT.

4 Q SO YOU DON'T KNOW WHEN THAT WAS DELIVERED TO YOUR  
5 OFFICE?

6 A THAT'S CORRECT.

7 Q HOW WAS MR. LEVIN DRESSED?

8 A CASUALLY.

9 Q CASUALLY?

10 A YES.

11 Q DO YOU RECALL WHAT HE WAS WEARING, BY CHANCE?

12 A NOT REALLY. I KNOW THAT HE WAS NOT IN A SUIT,  
13 YOU KNOW A SUIT JACKET OR A SPORTS JACKET.

14 I WAS MORE OR LESS LOOKING AT HIS FACE BECAUSE I  
15 WAS SAYING, HOW COULD SOMEONE FAIRLY DECENT LOOKING, BE SO  
16 ARROGANT ON THE PHONE. HE DID NOT SEEM TO BE HOSTILE IN  
17 PERSON.

18 Q A DISTINCTIVE LOOKING FELLOW?

19 A YES.

20 Q A FACE YOU WOULD REMEMBER?

21 A I WOULD SAY.

22 MR. BARENS: THANK YOU, MA'AM.

23 MR. WAPNER: I HAVE A FEW QUESTIONS.

24  
25 REDIRECT EXAMINATION

26 BY MR. WAPNER:

27 Q WHEN YOU TALKED TO HIM AND HE SAID HE WAS  
28 WAITING FOR A PHONE CALL, WAS THIS IN THE CONTEXT OF WANTING

1 YOU TO COME OVER AND DELIVER THE APPLICATION OR PICK UP THE  
2 CHECK?

3 A PICK UP THE CHECK.

4 Q ALL RIGHT. SO YOU DON'T KNOW WHETHER HE WAS  
5 ACTUALLY WAITING FOR A PHONE CALL OR WHETHER IT WAS SOME  
6 MANIPULATIVE DEVICE TO GET YOU TO COME OVER AND PICK UP THE  
7 CHECK INSTEAD OF HIM COMING TO YOUR PLACE?

8 A THAT'S CORRECT.

9 Q AND WHEN YOU TALKED TO HIM IN THE DAYS BEFORE  
10 JUNE THE 6TH ABOUT THE ACCOUNT, DID HE INQUIRE ABOUT THE  
11 CREDIT CARD THAT WOULD BE ISSUED ON THE ACCOUNT?

12 A YES, HE DID.

13 Q DID YOU EXPLAIN TO HIM HOW IT WORKED?

14 A YES.

15 Q THAT IT WAS IN FACT, A DEBIT CARD?

16 A YES.

17 Q DID HE APPEAR TO UNDERSTAND THAT?

18 A YES, HE DID.

19 Q THE APPLICATION THAT WAS TAKEN UPSTAIRS AT  
20 9701 TO THE EIGHTH FLOOR, IS THAT SOMETHING THAT YOU HAD  
21 TO HAVE COMPLETED BEFORE THE ACCOUNT WAS OPENED?

22 A YES.

23 Q AND YOU WOULD NOT HAVE OPENED THE ACCOUNT UNLESS  
24 THAT HAD BEEN COMPLETED?

25 A THAT'S CORRECT.

26 Q SO IF HE DIDN'T HAVE IT WITH HIM ON THE 6TH,  
27 THAT WOULD LEAD YOU TO BELIEVE THAT YOU GOT IT BACK SOMETIME  
28 BEFORE THAT, CORRECT?

1           A        THAT'S CORRECT.

2           MR. WAPNER:  MAY WE APPROACH THE BENCH BRIEFLY?

3           THE COURT:  YES.

4                    (THE FOLLOWING PROCEEDINGS WERE  
5                    HELD AT THE BENCH:)

6           MR. WAPNER:  IN ONE OF HER ANSWERS, THIS WITNESS USED  
7           THE PHRASE, SOMETHING ABOUT THE "LAST TRIAL."  I DON'T  
8           WANT TO GIVE THE JURORS THE IMPRESSION AND I AM SURE COUNSEL  
9           DOESN'T EITHER, THAT MR. HUNT WAS TRIED BEFORE.

10                   AND BEFORE I ASKED ANY QUESTIONS OF THIS WITNESS,  
11           IN AN ATTEMPT TO CLARIFY THAT, I THOUGHT I WOULD COME TO  
12           THE BENCH TO SEEK SOME CLARIFICATION.

13           THE COURT:  WELL, WHAT I THINK I OUGHT TO DO IS TO  
14           TELL HER THERE WAS SOME OTHER PROCEEDINGS AT WHICH SHE  
15           TESTIFIED SO IT WON'T BE AT ANOTHER TRIAL AND --

16           MR. WAPNER:  WOULD IT BE APPROPRIATE TO ASK HER A  
17           QUESTION, SUCH AS "WERE YOU PRESENT AT ANOTHER PROCEEDINGS  
18           IN THIS CASE AND WAS MR. HUNT THERE?"

19           THE COURT:  I HAVE AN IDEA.  WHY DON'T YOU STIPULATE  
20           THAT THE REFERENCE TO ANOTHER TRIAL MEANS SOME OTHER  
21           PROCEEDINGS.

22           MR. WAPNER:  NOT INVOLVING MR. HUNT?

23           MR. BARENS:  YOUR HONOR, COULD I JUST SAY SOMETHING?

24           THE COURT:  YES.

25           MR. BARENS:  COULD WE JUST STATE FOR THE RECORD IN  
26           FRONT OF THE JURY THAT THE OTHER PROCEEDINGS SHE WAS AT,  
27           DID NOT INVOLVE MR. HUNT?  COULD WE MAKE AN AFFIRMATIVE  
28           STATEMENT?



1 THE COURT: YES. THAT IS ALL RIGHT, ISN'T IT? THE  
2 OTHER PROCEEDINGS IN WHICH SHE TESTIFIED, IT WASN'T ANOTHER  
3 TRIAL. YOU CAN STIPULATE THAT THE REFERENCE TO ANOTHER  
4 TRIAL -- YOU WILL STIPULATE THAT WHAT WAS MEANT BY THE  
5 OTHER TRIAL IS THAT IT WAS SOME OTHER PROCEEDINGS NOT INVOLVING  
6 MR. HUNT.

7 MR. BARENS: AGREEABLE, YOUR HONOR.

8 THE COURT: WHERE SHE HAD TESTIFIED.

9 MR. CHIER: WHY DOESN'T HE JUST LEAD HER?

10 THE COURT: YOU TALK TO HIM, NOT TO ME.

11 MR. BARENS: I THOUGHT HE WAS, YOUR HONOR. THANK YOU  
12 FOR YOUR COURTESY ON THAT, JUDGE. WHY DON'T YOU JUST SAY  
13 THERE IS A STIPULATION, YOUR HONOR? COUNSEL HAVE AGREED  
14 AND SO FORTH.

15 THE COURT: THEN YOU BETTER AGREE TO THE STIPULATION.  
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(WHEREUPON, THE FOLLOWING PROCEEDINGS  
WERE HELD IN OPEN COURT:)

MR. WAPNER: COUNSEL, MAY IT BE STIPULATED THAT  
IN THE ANSWER TO ONE OF THE QUESTIONS WHEN THIS WITNESS  
REFERRED TO THE OTHER TRIAL, THAT THAT WAS IN FACT ANOTHER  
PROCEEDING IN THIS CASE NOT INVOLVING MR. HUNT?

MR. BARENS: WITH THE EXCEPTION THAT WHEN YOU SAY  
IN THIS CASE, THIS CASE INVOLVES MR. HUNT AND THAT CASE  
DID NOT.

IT WOULD JUST BE ANOTHER PROCEEDING THAT  
COULD NOT INVOLVE MR. HUNT -- THAT DID NOT INVOLVE MR.  
HUNT.

THE COURT: DID YOU STIPULATE IN SOME OTHER PROCEEDINGS  
THAT SHE HAD TESTIFIED?

MR. BARENS: YES, NOT INVOLVING MR. HUNT.

THE COURT: ALL RIGHT, NOT INVOLVING MR. HUNT.

SO THE JURY WILL ACCEPT THAT AS AN EXPLANATION  
OF THE REMARK THAT THIS WITNESS HAD MADE ABOUT SOME OTHER  
TRIAL.

MR. BARENS: THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT. ANYTHING FURTHER?

MR. WAPNER: I HAVE NOTHING FURTHER.

THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU  
MAY BE EXCUSED.

MR. WAPNER: DAVID OSTROVE.

DAVID OSTROVE,  
CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED

1 AS FOLLOWS:

2 THE CLERK: IF YOU WOULD RAISE YOUR RIGHT HAND  
3 TO BE SWORN, PLEASE.

4 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY  
5 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT  
6 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT  
7 THE TRUTH, SO HELP YOU GOD?

8 THE WITNESS: I DO.

9 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE STAND  
10 AND STATE AND SPELL YOUR NAME FOR THE RECORD, PLEASE.

11 THE WITNESS: DAVID OSTROVE, O-S-T-R-O-V-E.

12

13

DIRECT EXAMINATION

14

BY MR. WAPNER:

15

Q MR. OSTROVE, WHAT IS YOUR OCCUPATION?

16

A I AM AN ATTORNEY AND A CERTIFIED PUBLIC ACCOUNTANT.

17

Q ARE YOU CURRENTLY LICENSED TO PRACTICE BOTH

18

OF THOSE PROFESSIONS IN THE STATE OF CALIFORNIA?

19

A YES, SIR.

20

Q DO YOU KNOW TWO PEOPLE, ONE NAMED MARTIN

21

LEVIN AND ONE NAMED ROBERT LEVIN?

22

A YES, SIR.

23

Q IN CONNECTION WITH THIS CASE, DID THEY CONTACT

24

YOU?

25

A YES.

26

Q AND DO YOU KNOW APPROXIMATELY WHEN THAT WAS?

27

A TOWARD THE MIDDLE TO FALL OF 1984.

28

Q AND IN WHAT CONNECTION?

9-3  
1           A        IN CONNECTION WITH THE FACT THAT RONALD LEVIN  
2 WAS MISSING.

3           Q        AND SUBSEQUENTLY WERE YOU --

4           MR. BARENS:   EXCUSE ME, YOUR HONOR.   COULD WE APPROACH  
5 THE BENCH FOR JUST A MOMENT?

6           THE COURT:   ALL RIGHT.

7           MR. BARENS:   THANK YOU, YOUR HONOR.

8                   (WHEREUPON, THE FOLLOWING PROCEEDINGS  
9 WERE HELD AT THE BENCH:)

10          MR. BARENS:   I AM SORRY, YOUR HONOR.   I HAD FORGOTTEN  
11 TO REQUEST OF THE COURT THE SAME ADMONITION THROUGH THE  
12 PEOPLE TO THIS WITNESS THAT WE HAD TO MRS. LEVIN, THERE  
13 ARE QUESTIONS THAT WILL BE ASKED OF THIS WITNESS ASKING  
14 AS COUNSEL IN THE CAPACITY, THAT COULD ELICIT RESPONSES  
15 ON THE ULTIMATE FACT OR THE ULTIMATE ISSUE BEFORE THE  
16 JURY.

17          THE COURT:   HE JUST SAID MISSING, THAT IS ALL.

18          MR. BARENS:   I KNOW.   I WOULD TRUST THAT MR. WAPNER  
19 HAS CAUTIONED THE WITNESS NOT TO USE AN IMPROPER EXPRESSION  
20 IN DESCRIBING THE CONDITION OF THE --

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1 THE COURT: YOU MEAN LIKE SHE DID ABOUT "KILLED"?

2 MR. BARENS: OR HIM SAYING HE HAD BEEN KILLING  
3 OR HE WAS DEAD OR THINGS OF THAT NATURE, SIR:

4 MR. WAPNER: WELL, I DIDN'T CAUTION THE WITNESS  
5 BUT I DON'T ANTICIPATE ASKING THIS WITNESS QUESTIONS  
6 OF THAT NATURE.

7 MR. BARENS: COULD YOU CAUTION HIM SO HE DON'T  
8 DO THAT?

9 THE COURT: WHY DON'T YOU GO UP TO THE WITNESS  
10 STAND AND JUST TELL HIM NOT TO REFER TO HIS BEING KILLED.

11 MR. BARENS: OR HIM BEING DEAD.

12 MR. WAPNER: OKAY.

13 MR. BARENS: THANK YOU, YOUR HONOR.

14 THANK YOU, MR. WAPNER.

15 (WHEREUPON, THE FOLLOWING PROCEEDINGS  
16 WERE HELD IN OPEN COURT:)

17 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER  
18 AND THE WITNESS.)

19 Q BY MR. WAPNER: WERE YOU RETAINED BY --  
20 FIRST OF ALL, DID YOU KNOW MR. ROBERT LEVIN,  
21 WHO IS THE BROTHER OF RON LEVIN?

22 A YES.

23 Q HOW DO YOU KNOW HIM?

24 A HE WAS ONE OF MY STUDENTS FROM -- I AM AN  
25 ADJUNCT PROFESSOR OF LAW AT SOUTHWESTERN UNIVERSITY OF  
26 LAW AND HE HAD BEEN ONE OF MY STUDENTS.

27 Q IN WHAT COURSE?

28 A IT WAS EITHER IN ONE OF THE TAX COURSES I

1           TEACH OR IN WILLS AND TRUSTS, I AM NOT CERTAIN.

2           Q       DID MR. LEVIN ULTIMATELY RETAIN YOUR SERVICES?

3           A       YES.

4           Q       FOR WHAT PURPOSES?

5           A       HE ASKED ME IF I WOULD SERVE AS A CONSERVATOR  
6           FOR THE ESTATE OF RONALD LEVIN.

7           Q       WHAT IS A CONSERVATOR?

8           A       A CONSERVATOR IS A PERSON WHO PRESERVES THE  
9           ASSETS OF THE ESTATE.

10          Q       AND UNDER WHAT CIRCUMSTANCES IS A CONSERVATOR  
11          REQUESTED?

12          A       IF A PERSON IS INCOMPETENT AND UNABLE TO  
13          TAKE CARE OF HIS OWN AFFAIRS OR, AS IN THIS CASE, IF  
14          IT IS ALLEGED THAT THE PERSON IS MISSING AND THERE ARE  
15          BUSINESS AFFAIRS TO BE TAKEN CARE OF AND HE IS NOT PRESENT  
16          TO TAKE CARE OF THEM.

17          Q       AND AFTER YOU WERE RETAINED BY MR. LEVIN,  
18          WHAT DID YOU DO?

19          A       I FILED A PETITION WITH THE SUPERIOR COURT  
20          OF LOS ANGELES TO BE APPOINTED CONSERVATOR OF THE ESTATE  
21          OF RONALD GEORGE LEVIN.

22          Q       AND WHEN DID YOU FILE THAT?

23          A       IT WAS IN THE FALL OF 1984. I THINK IN ABOUT  
24          SEPTEMBER OR OCTOBER.

25          Q       AFTER YOU FILED THE PETITION, WAS THERE SOME  
26          ACTION BY THE COURT ON IT?

27          A       YES.

28          Q       WHAT WAS THAT?

1           A       THE COURT APPOINTED ME CONSERVATOR OF THE  
2 ESTATE OF RONALD GEORGE LEVIN.

3           Q       HOW LONG AFTER THE FILING OF THE PETITION?

4           A       IT TAKES APPROXIMATELY FOUR TO SIX WEEKS  
5 BEFORE IT IS HEARD.

6           Q       AFTER IT IS HEARD --

7                   WELL, ON THE DAY THAT IT IS HEARD, DOES THE  
8 COURT MAKE THE DECISION?

9           A       YES, ORALLY AND THEN THE COURT HAS TO SIGN  
10 A FORMAL ORDER, WHICH IT DID.

11          Q       AND DO YOU KNOW APPROXIMATELY WHEN THAT WAS  
12 SIGNED?

13          A       TO THE BEST OF MY RECOLLECTION, IT WAS IN  
14 LATE NOVEMBER OF EARLY DECEMBER OF 1984.

15          Q       DO YOU HAVE A COPY OF THAT WITH YOU IN YOUR  
16 FILES?

17          A       I DO.

18          Q       IS IT BY YOUR RIGHT SIDE SOMEWHERE IN THERE?

19          A       I THINK I COULD FIND IT RATHER QUICKLY.

10 FO.

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10. 1 MR. WAPNER: ALL RIGHT.

2 THE COURT: DO YOU ACTUALLY NEED THE FORMAL DOCUMENT  
3 OR JUST HIS TESTIMONY FOR THE PURPOSE OF ESTABLISHING THAT  
4 HE WAS THE CONSERVATOR AT THIS POINT?

5 MR. WAPNER: I JUST WANT TO GET THE DATE.

6 THE WITNESS: I THINK I HAVE IT, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 THE WITNESS: YES. THE LETTERS OF CONSERVATORSHIP  
9 WERE ISSUED NOVEMBER 29, 1984.

10 Q BY MR. WAPNER: AND WHEN YOU SAY THE "LETTERS OF  
11 CONSERVATORSHIP" WHAT ARE THOSE?

12 A THAT IS THE DOCUMENT THAT THE COURT SIGNS THAT  
13 OFFICIALLY APPOINTS ONE A CONSERVATOR.

14 Q AND AFTER YOU WERE OFFICIALLY APPOINTED AS  
15 THE CONSERVATOR ON NOVEMBER 29, 1984, WHAT DID YOU DO IN  
16 TERMS OF TRYING TO ORGANIZE THE AFFAIRS OF THIS ESTATE?

17 A I ATTEMPTED TO MARSHAL ALL OF THE ASSETS OF  
18 RONALD GEORGE LEVIN.

19 Q HOW DID YOU GO ABOUT DOING THAT?

20 A I WENT TO HIS RESIDENCE AND I GATHERED UP ALL OF  
21 HIS MAIL, BANKBOOKS, LOOKED THROUGH HIS RECORDS. THERE WERE  
22 SOME CHECKS THAT WERE THERE.

23 AND I SENT LETTERS TO ALL OF THE BANKS, EVERY  
24 BANK THAT -- ANY BANKBOOK, ANYWHERE IN HIS APARTMENT, REGARDLESS  
25 OF THE DATE. I SENT LETTERS TO THE BANK TO DETERMINE IF IN  
26 FACT, THERE WERE ANY FUNDS IN THOSE ACCOUNTS.

27 MR. WAPNER: MAY I HAVE A MOMENT?

28 THE COURT: YES.



10-2

1 (PAUSE.)

2 Q BY MR. WAPNER: YOU SAID THERE WAS A CHECK AT  
3 THE APARTMENT. WHAT WAS THAT?

4 A THAT WAS A CHECK FROM SECURITY PACIFIC BANK  
5 PAYABLE TO GENERAL NEWS CORPORATION IN THE SUM OF \$10,022.50.

6 Q AND DID YOU GET THAT FROM THE APARTMENT OR DID YOU  
7 GET THAT FROM MR. LEVIN OR DO YOU REMEMBER?

8 THE COURT: WHICH LEVIN?

9 MR. WAPNER: THANK YOU.

10 Q MARTIN LEVIN?

11 A TO THE BEST OF MY RECOLLECTION, MARTIN LEVIN  
12 HANDED THAT TO ME IN MY OFFICE.

13 Q AND HOW MANY TIMES WOULD YOU SAY THAT YOU WERE  
14 AT MR. RONALD LEVIN'S APARTMENT?

15 A SEVERAL TIMES FROM THE TIME I WAS APPOINTED  
16 CONSERVATOR UP UNTIL THE TIME THAT WE AUCTIONED EVERYTHING  
17 OFF AND SETTLED OUR DISPUTE WITH THE LANDLORD.

18 I WAS THERE SEVERAL TIMES --

19 THE COURT: YOUR DISPUTE WITH WHAT?

20 THE WITNESS: WITH THE LANDLORD, YOUR HONOR.

21 THE COURT: ALL RIGHT. THE LANDLORD OF THE APARTMENT  
22 HOUSE?

23 THE WITNESS: YES.

24 Q BY MR. WAPNER: SHOWING YOU A CHECK THAT WE  
25 HAVE MARKED AS PEOPLE'S 130 FOR IDENTIFICATION, DO YOU  
26 RECOGNIZE THAT?

27 A YES.

28 Q WHAT IS IT?

1           A           THAT IS THE CHECK FOR \$10,022.50 FROM SECURITY  
2 PACIFIC NATIONAL BANK. IT IS A CASHIER'S CHECK.

3                        THAT IS THE SAME CHECK I JUST REFERRED TO,  
4 ENDORSED BY ME AS CONSERVATOR.

5           Q           AND DID YOU RECEIVE THE FUNDS FROM THAT CHECK?

6           A           YES. I DEPOSITED THAT CHECK IN THE CONSERVATORSHIP  
7 ACCOUNT AND IT WAS PAID, YES.

8           Q           IN MARSHALING ALL OF THE ASSETS, DID YOU MAKE  
9 OR ARE YOU REQUIRED TO MAKE AN ACCOUNTING?

10          A           YES.

11          Q           AND DID YOU IN FACT, DO THAT?

12          A           YES, SIR.

13          MR. WAPNER: YOUR HONOR, I HAVE A DOCUMENT AT LONG LAST,  
14 THE BEGINNING. MAY IT BE MARKED AS PEOPLE'S NO. 1 FOR  
15 IDENTIFICATION?

16          THE COURT: THAT WILL BE SO MARKED.

17          MR. WAPNER: IT SAYS "RE THE CONSERVATORSHIP OF  
18 RONALD GEORGE LEVIN, A MISSING PERSON, SCHEDULE OF CASH  
19 RECEIPTS."

20          Q           MR. OSTROVE, DO YOU RECOGNIZE THAT DOCUMENT  
21 THAT WE HAVE MARKED AS PEOPLE'S 1 FOR IDENTIFICATION?

22          A           YES.

23          Q           AND IS THAT THE DOCUMENT YOU PRODUCED IN COURT  
24 AT ANOTHER HEARING IN THIS MATTER?

25          A           YES.

26          Q           AND THAT WAS APPROXIMATELY THE MIDDLE OF 1985?

27          A           YES.

28          MR. BARENS: STIPULATING COUNSEL, THAT THAT DID NOT

1 INVOLVE MR. HUNT?

2 MR. WAPNER: YOUR HONOR, THERE WAS NO REFERENCE TO  
3 THAT AT THIS POINT. I JUST MERELY -- WELL, IT IS SO  
4 STIPULATED.

5 MR. BARENS: SO IT IS NOT MISLEADING.

6 THE COURT: ALL RIGHT.

7 Q BY MR. WAPNER: IN ANY EVENT, THAT DOCUMENT WAS  
8 LEFT IN THE POSSESSION OF THE COURT, IS THAT RIGHT?

9 A YES.

10 Q IT WAS KEPT AS FAR AS YOU KNOW, IN THE CLERK'S  
11 OFFICE FROM 1985, MAY OF 1985 OR SO, UNTIL TODAY'S DATE?

12 A YES.

13 Q AND I ASSUME AVAILABLE FOR VIEWING?

14 A YES.

15 Q ALL RIGHT. AND WHAT IS THE DOCUMENT THAT YOU  
16 HAVE IN FRONT OF YOU, THAT IS PEOPLE'S 1?

17 A THAT IS AN ACCOUNTING THAT I PREPARED WHICH  
18 SHOWS ALL OF THE CASH RECEIPTS THAT I RECEIVED AS  
19 CONSERVATOR FROM DECEMBER 4TH, 1984 -- THE DOCUMENT SAYS  
20 DECEMBER 4TH, 1985. THAT IS TYPOGRAPHICAL ERROR.

21 IT IS DECEMBER 4TH, 1984 UP UNTIL MARCH 8TH, 1985.

22 Q ALL RIGHT. DO YOU HAVE A PEN IN FRONT OF YOU?  
23 WOULD YOU WRITE ON THAT DOCUMENT WHERE THAT TYPOGRAPHICAL  
24 ERROR IS, JUST WRITE IN "TYPO" OR SOMETHING OF THAT NATURE,  
25 SO WE KNOW WHAT YOU ARE REFERRING TO?

26 A (THE WITNESS COMPLIES.)

27 Q AND THE FIRST ITEM THAT IS ON THAT SCHEDULE OF --  
28 WELL, TELL US, THIS DOCUMENT, IS IT A COMPILATION OF ALL

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OF THE MONEY THAT YOU RECEIVED? IS THAT RIGHT?

A IT IS ALL OF THE MONEY THAT I RECEIVED IN CONNECTION WITH THIS ESTATE FROM DECEMBER 4TH, 1984, WHICH WAS MY OPENING DEPOSIT, TO MARCH 8, 1985 AND SUBSEQUENT TO MARCH 8, 1985 I DID RECEIVE ADDITIONAL FUNDS.

11 FC.

11-1

1 Q WHAT ELSE HAVE YOU RECEIVED?

2 A I RECEIVED FUNDS FROM THE SALE OF ALL OF  
3 THE CONTENTS OF RONALD GEORGE LEVIN'S APARTMENT, WHICH  
4 WERE SOLD BY ABEL AUCTIONEERS.

5 THE COURT REPORTER: HOW DO YOU SPELL ABEL?

6 THE WITNESS: A-B-E-L.

7 Q BY MR. WAPNER: THE DOCUMENT THAT IS PEOPLE'S  
8 1, THOUGH, DOES THAT REFLECT ALL OF THE LIQUID ASSETS,  
9 CASH ASSETS THAT YOU WERE ABLE TO MARSHAL?

10 A YES. THAT REFLECTS ALL OF THE CASH ASSETS  
11 THAT I WAS ABLE TO DISCOVER BELONGING TO RONALD GEORGE  
12 LEVIN, THAT IS CORRECT.

13 Q AND WHAT IS THE SECOND ITEM ON THIS LIST?

14 A YOU MEAN UNDER DATE OF DECEMBER 21, '84?

15 Q NO. I AM SORRY.

16 THE SECOND ITEM UNDER THE DATE OF DECEMBER  
17 4TH OF WHAT SAYS "85" BUT YOU SAY IS A TYPO.

18 A OKAY. THE DATE DECEMBER 4TH, '85 SHOULD  
19 BE DECEMBER 4TH, '84 AND I HAVE WRITTEN "TYPO" WITH MY  
20 INITIALS AND THE WORD "84" AS YOU HAD ASKED ME TO DO.

21 Q CORRECT. ALL RIGHT.

22 A YOU MEAN THE SECOND ITEM, E. LEITZ, INCORPORATED?

23 Q YES. WHAT WAS THAT?

24 A THAT WAS AN ITEM PAYABLE TO GENERAL NEWS  
25 CORPORATION, WHICH WAS SENT BY THIS COMPANY, E. LEITZ,  
26 INCORPORATED, TO RONALD GEORGE LEVIN'S APARTMENT.

27 Q AND THE NEXT ITEM WAS WHAT?

28 A THAT WAS --

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THE COURT: HOW MUCH WAS THAT CHECK?

THE WITNESS: \$525, YOUR HONOR.

Q BY MR. WAPNER: THANK YOU, YOUR HONOR.

AND THE NEXT ITEM WAS?

A THE NEXT ITEM WAS A \$7 CHECK FROM THE STATE OF CALIFORNIA, A CHECK PAYABLE TO INFORMATION RESEARCH CORPORATION.

Q YOU TOOK THE TROUBLE TO EVEN NOTE ON HERE A CHECK FOR \$7?

A YES, SIR.

Q AND THE NEXT ITEM WAS WHAT?

A A CHECK FOR \$15.95 FROM FIDELITY DAILY INCOME TRUST FUND, INCORPORATED, PAYABLE TO GENERAL PRODUCERS CORP.

Q AND THE NEXT ITEM IS WHAT?

A \$49 CHECK FROM M.C.O. HOLDINGS, INCORPORATED, PAYABLE TO RONALD LEVIN.

Q AND THE NEXT ITEM?

A A \$29.76 CHECK FROM PACIFIC BELL PAYABLE TO NETWORK NEWS, INCORPORATED.

Q AND THE NEXT ITEM?

A A \$16.22 CHECK FROM NEWS AMERICA SYNDICATE PAYABLE TO GENERAL NEWS CORP.

Q AND WHY DO ALL OF THOSE COME UNDER THE DATE OF DECEMBER 4, 1984?

A BECAUSE THAT WAS MY INITIAL DEPOSIT. I HAD JUST BEEN APPOINTED CONSERVATOR AND THAT WAS MY -- THAT WAS THE FIRST TIME I HAD THE ABILITY TO OPEN A CONSERVATORSHIP

1 ACCOUNT.

2 Q HOW DID YOU COME ACROSS THOSE ITEMS?

3 A THEY WERE ALL AT THE APARTMENT OF RONALD  
4 LEVIN.

5 Q AND THE TOTAL AMOUNT OF THOSE ITEMS IS WHAT?

6 A \$10,665.43, WHICH WAS THE TOTAL OF MY OPENING  
7 DEPOSIT.

8 Q AND DID YOU MAKE COPIES OF THOSE CHECKS BEFORE  
9 YOU DEPOSITED THEM?

10 A YES.

11 Q ARE THOSE ALTOGETHER IN ONE PLACE?

12 A I HAVE THOSE ALTOGETHER, YES.

13 Q AND THESE WERE CHECKS APPARENTLY FOR DIFFERENT  
14 BUSINESSES OR ENTITIES THAT OWED EITHER MR. LEVIN OR  
15 ONE OF HIS COMPANIES MONEY?

16 A YES.

17 MR. WAPNER: MAY THIS DOCUMENT BE MARKED PEOPLE'S  
18 161 FOR IDENTIFICATION?

19 THE COURT: IT WILL BE SO MARKED.

20 Q BY MR. WAPNER: AFTER YOU COLLECTED THOSE  
21 INITIAL ASSETS, DID YOU COLLECT OTHER ASSETS?

22 A YES.

23 Q WHAT IS THE NEXT THING THAT YOU COLLECTED?

24 A I COLLECTED THREE CHECKS FROM OLYMPIC NATIONAL  
25 BANK AND DEPOSITED THEM ON DECEMBER 21, 1984.

26 Q AND WHAT WERE THOSE CHECKS FOR?

27 A THEY WERE TO CLOSE THREE ACCOUNTS AT THE  
28 OLYMPIC NATIONAL BANK IN THE NAME OF GENERAL NEWS CORPORATION,

1 JOURNAL OF INVESTIGATIVE REPORTING AND GENERAL PRODUCERS,  
2 CORP.

3 Q WHAT WERE THE AMOUNTS OF THOSE CHECKS?

4 A THE GENERAL NEWS CORPORATION ACCOUNT HAD  
5 A BALANCE OF \$664.29.

6 THE JOURNAL OF INVESTIGATIVE REPORTING HAD  
7 A BALANCE OF \$29.60.

8 AND THE GENERAL PRODUCERS ACCOUNT HAD A BALANCE  
9 OF \$144.89.

10 Q DO YOU HAVE COPIES OF THOSE CHECKS?

11 A I DO.

12 Q AND ARE THEY ALL TOGETHER AND STAPLED IN  
13 ONE DOCUMENT CONSISTING OF THREE PAGES?

14 A YES. THEY WERE ALL THREE CASHIER'S CHECKS.

15 MR. WAPNER: MAY THOSE BE MARKED AS 162 FOR IDENTIFICATION,  
16 YOUR HONOR?

17 THE COURT: SO MARKED.

18 Q BY MR. WAPNER: MR. OSTROVE, WHEN YOU OBTAINED  
19 THESE CASHIER'S CHECKS AND YOU CASHED THEM, THE ORIGINALS  
20 GO BACK TO THE BANK; IS THAT RIGHT?

21 A YES, SIR.

22 Q DID YOU CLOSE OUT ANY OTHER ACCOUNTS OF MR.  
23 LEVIN?

24 A YES.

25 Q WHAT WAS THE NEXT ACCOUNT?

26 A IN JANUARY OF 1985, I RECEIVED A CHECK FROM  
27 PRUDENTIAL BACHE PAYABLE TO ME AS CONSERVATOR OF THE  
28 ESTATE OF RONALD GEORGE LEVIN IN THE SUM OF \$14,925.16.



1 Q AND DID YOU MAKE A COPY OF THAT CHECK?

2 A I DID.

3 MR. WAPNER: MAY THAT BE MARKED AS 163 FOR IDENTIFICATION,  
4 YOUR HONOR?

5 THE COURT: ALL RIGHT, IT WILL BE SO MARKED.

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1 Q BY MR. WAPNER: AND WHAT WAS THE NEXT THING THAT  
2 YOU DID?

3 A I RECEIVED A CHECK FROM U.S. TRUST COMPANY ALSO  
4 PAYABLE TO ME AS CONSERVATOR OF THE ESTATE OF  
5 RONALD GEORGE LEVIN, A MISSING PERSON.

6 Q AND WHAT WAS THE AMOUNT OF THAT CHECK?

7 A IT WAS IN JANUARY OF 1985. IT WAS \$9,970.48.  
8 THAT WAS DESIGNATED MR. RONALD GEORGE LEVIN'S HOUSEHOLD  
9 ACCOUNT.

10 THAT CHECK CLEARED OUT THAT ACCOUNT.

11 Q DO YOU HAVE A COPY OF THE CHECK THAT YOU OBTAINED  
12 FROM THEM?

13 A YES, SIR.

14 MR. WAPNER: MAY THAT BE 164 FOR IDENTIFICATION, YOUR  
15 HONOR?

16 THE COURT: YES.

17 Q BY MR. WAPNER: AND WHAT WAS THE LAST ITEM THAT  
18 IS ON THAT SCHEDULE OF CASH RECEIPTS?

19 A IT WAS A CHECK FROM FIDELTY SELECT PRECIOUS  
20 METALS IN THE SUM OF \$10.22, WHICH I RECEIVED IN MARCH AND  
21 DEPOSITED ON MARCH 8, 1985. THAT WAS MADE PAYABLE TO  
22 GENERAL PRODUCERS CORPORATION.

23 Q DO YOU HAVE A COPY OF THAT CHECK?

24 A YES.

25 MR. WAPNER: MAY THAT BE 165 FOR IDENTIFICATION?

26 THE COURT: YES.

27 Q BY MR. WAPNER: MR. OSTROVE, WHAT IS THE TOTAL  
28 AMOUNT OF ALL OF THE CHECKS -- LET ME BACK UP.

2- 1 DO THE AMOUNTS THAT YOU HAVE JUST TOLD US ABOUT,  
2 REPRESENT THE TOTAL OF ALL OF THE LIQUID ASSETS THAT YOU  
3 WERE ABLE TO OBTAIN FROM MR. LEVIN'S ESTATE?

4 A YES.

5 Q AND WHAT IS THE GRAND TOTAL ON THAT?

6 A \$26,410.07.

7 Q NOW, BESIDES BEING BROUGHT THINGS BY MARTIN LEVIN,  
8 WHAT DID YOU DO AT THE TIMES YOU WENT OVER TO RON LEVIN'S  
9 APARTMENT ON PECK DRIVE?

10 A I TOOK AWAY WITH ME ALL THE MAIL THAT CAME IN.  
11 BUT AS SOON AS I WAS APPOINTED EXECUTOR, I CHANGED --

12 THE COURT: EXECUTOR?

13 THE WITNESS: EXCUSE ME, YOUR HONOR. AS SOON AS I  
14 WAS APPOINTED CONSERVATOR, I CHANGED THE ADDRESS SO THAT  
15 SOON AFTER I WAS APPOINTED, THE MAIL STARTED COMING  
16 DIRECTLY TO MY OFFICE, SO I DIDN'T HAVE TO CONTINUALLY  
17 GO TO MR. LEVIN'S APARTMENT.

18 Q WHAT IS THE ADDRESS OF YOUR OFFICE?

19 A 6380 WILSHIRE BOULEVARD, SUITE 1207.

20 Q AND WAS YOUR OFFICE IN THE SAME -- HAS IT BEEN  
21 IN THE SAME PLACE FROM THE TIME YOU WERE APPOINTED  
22 CONSERVATOR OF THE ESTATE UNTIL THE PRESENT TIME?

23 A YES.

24 Q WHEN YOU WENT OVER TO RONALD LEVIN'S APARTMENT,  
25 WHAT WAS YOUR PURPOSE IN BEING THERE?

26 A TO MAKE SURE WHETHER I HAD ALL OF THE CASH AND  
27 OTHER ASSETS, SO THAT I COULD FILE AN INVENTORY WITH THE  
28 COURT.

12-  
1 Q DID YOU ATTEMPT TO GO THROUGH ALL OF THE ITEMS  
2 THAT WERE IN HIS APARTMENT?

3 A YES.

4 Q HOW MANY DIFFERENT TIMES WOULD YOU SAY YOU WERE  
5 OVER THERE?

6 A TO THE BEST OF MY RECOLLECTION, I WAS THERE MAYBE  
7 TEN TIMES OR MORE.

8 Q AND DURING THE TIME THAT YOU WERE THERE, WHAT  
9 PART OF HIS APARTMENT DID YOU SPEND THE MOST OF YOUR TIME IN?

10 A MOST OF THE TIME WAS SPENT IN THE -- HE HAD A ROOM  
11 THAT WAS SET UP LIKE AN OFFICE. AND THEN HE HAD ANOTHER  
12 LITTLE, INNER ROOM OR CLOSET THAT WAS ALSO SET UP LIKE AN  
13 OFFICE.

14 BUT I SPENT A GREAT DEAL OF TIME THROUGHOUT THE  
15 APARTMENT, MR. WAPNER, BECAUSE WE HAD TO MAKE A DETAILED  
16 INVENTORY OF EVERYTHING IN THE APARTMENT.

17 Q SO, THERE WAS ONE LARGER ROOM THAT MAY HAVE  
18 BEEN A BEDROOM AT ONE TIME, THAT WAS SET UP AS AN OFFICE,  
19 RIGHT?

20 A THAT'S CORRECT.

21 Q AND THEN THERE WAS A SMALLER, WHAT APPEARED TO  
22 HAVE BEEN A CLOSET AT ONE TIME?

23 A YES, SIR.

24 Q DID MR. LEVIN HAVE SOME BOOKS -- WELL, LET ME  
25 ASK YOU THIS.

26 HOW WERE HIS FILES ARRANGED, THE ONES THAT YOU  
27 SAW?

28 A VERY METICULOUSLY, VERY CAREFUL AND IN CHRONOLOGICAL

1 ORDER BOTH AS TO LAWSUITS AND PLEADINGS AND THINGS OF THAT  
2 NATURE, AS WELL AS HIS FINANCIAL RECORDS.

3 Q AND HOW WERE THE FINANCIAL RECORDS? DID THE  
4 FINANCIAL RECORDS APPEAR TO HAVE BEEN KEPT?

5 A THEY WERE KEPT VERY METICULOUSLY. HE HAD  
6 THREE-RING BINDERS AND EVERY TIME HE WOULD SEND OUT A CHECK,  
7 HE WOULD MAKE A PHOTOCOPY OF THE CHECK AND A PHOTOCOPY OF  
8 THE LETTER THAT WENT WITH IT, EVERY CHECK, EVERY PIECE OF  
9 CORRESPONDENCE IN CHRONOLOGICAL ORDER.

10 Q AND DID YOU GO THROUGH ALL OF THOSE BINDERS IN  
11 AN ATTEMPT TO MARSHAL THE ASSETS?

12 A I WENT THROUGH ALL OF THOSE BINDERS FOR THE  
13 PURPOSE OF DETERMINING WHAT THE ASSETS WERE, ATTEMPTING  
14 TO DETERMINE WHAT THE ASSETS WERE, YES.

15 Q AND IN GOING THROUGH THOSE BINDERS, NOTING THAT  
16 THEY WERE KEPT IN CHRONOLOGICAL ORDER, IN ANY OF THEM DID  
17 YOU SEE ENTRIES AFTER JUNE 6, 1984?

18 A NO.

19 Q WHEN YOU SAY THAT THEY WERE VERY METICULOUSLY  
20 KEPT, WAS HE PRETTY METICULOUS ABOUT KEEPING THINGS IN ORDER  
21 BUT IN NICE BINDERS WITH LABELS AND EVERYTHING?

22 A YES, SIR.

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1 MR. WAPNER: YOUR HONOR, I HAVE TWO PICTURES THAT  
2 I WOULD LIKE TO MARK AS PEOPLE'S NEXT IN ORDER AS 166  
3 AND 167, WHICH APPEAR TO BE DEPICTING THE INTERIOR OF  
4 THE SMALL OFFICE IN MR. LEVIN'S HOME.

5 THE COURT: IT WILL BE 166-A AND -B.

6 MR. WAPNER: THANK YOU. I AM TRYING TO KEEP THIS  
7 UNDER 200, YOUR HONOR.

8 THE COURT: I DON'T THINK WE WILL, THOUGH.

9 MR. WAPNER: AS 166-B -- WELL, AS 166-A, A PHOTOGRAPH  
10 THAT APPEARS TO DEPICT A PORTION OF THAT OFFICE, INCLUDING  
11 ALMOST THE ENTIRE BOOKSHELF, AND AS 166-B, WHAT APPEARS  
12 TO BE A CLOSER-UP PORTION OF PART OF IT.

13 THE COURT: ALL RIGHT.

14 Q BY MR. WAPNER: MR. OSTROVE, DO YOU RECOGNIZE  
15 THOSE TWO PHOTOGRAPHS?

16 A YES.

17 Q WHAT ARE THEY?

18 A THIS IS THE SMALLER INNER OFFICE, WHICH PROBABLY  
19 AT ONE TIME HAD BEEN A CLOSET, AND IT CONTAINED ALL OF  
20 THESE THREE-RING BINDERS AND THESE DRAWERS WITH VARIOUS  
21 FORMS THAT ARE DEPICTED IN 166-A, AND 166-B IS A DIRECT  
22 SHOT OF THE WALL THAT HAD THE THREE-RING BINDERS.

23 Q AND DOES 166-B GIVE YOU A FAIRLY CLOSE SHOWUP  
24 VIEW OF HOW HE KEPT THE BINDERS AND THE LABELS?

25 A YES.

26 Q WERE THEY ALL TYPED?

27 A YES.

28 MR. WAPNER: MAY I JUST PASS THIS BRIEFLY IN FRONT

1 OF THE JURY?

2 THE COURT: YES.

3 (MR. WAPNER SHOWS EXHIBITS TO JURY.)

4 Q BY MR. WAPNER: INCIDENTALLY, IN 166-B --  
5 HAD YOU EVER MET MR. LEVIN, RONALD LEVIN?

6 A NO.

7 Q YOU HAD SEEN PICTURES OF HIM?

8 A IN HIS APARTMENT, YES.

9 Q AND THIS PHOTOGRAPH THAT IS IN 166-B THAT  
10 IS IN THE FRAME, DOES THAT APPEAR TO YOU TO BE A PHOTOGRAPH  
11 OF MR. LEVIN?

12 A WELL, THERE IS A FEW IN THE FRAME THERE ACTUALLY.

13 THE COURT: HE DIDN'T KNOW HIM. WHAT DIFFERENCE  
14 DOES IT MAKE?

15 THE WITNESS: IN THE MIDDLE OF THE FRAME, ACTUALLY.

16 MR. WAPNER: I WILL WITHDRAW THE QUESTION, YOUR  
17 HONOR.

18 Q BY MR. WAPNER: WHEN YOU FOUND DOCUMENTS  
19 IN THE APARTMENT THAT APPEARED TO INDICATE SUMS OF MONEY,  
20 DID YOU TRY AND OBTAIN THE MONEY FROM THOSE DOCUMENTS?

21 A YES.

22 Q DID YOU FIND TWO CHECKS WRITTEN ON A SWISS  
23 BANK ACCOUNT?

24 A YES.

25 MR. WAPNER: YOUR HONOR, I HAVE HERE A DOCUMENT  
26 THAT I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 4 FOR IDENTIFICATION  
27 AND IT IS -- WELL, IT IS ACTUALLY FOUR PIECES OF PAPER,  
28 INCLUDING AN ACCOUNT CHARGE NOTICE, TWO CHECKS AND AN

1 ENVELOPE; MAY THIS COLLECTIVELY BE MARKED AS PEOPLE'S 4?

2 THE COURT: IT WILL BE SO MARKED.

3 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 4 FOR  
4 IDENTIFICATION, DO YOU RECOGNIZE THAT?

5 A YES.

6 Q WHAT IS IT?

7 A THESE ARE THE TWO SWISS BANK ACCOUNT CHECKS  
8 THAT WERE IN ONE OF THE DRAWERS IN RONALD GEORGE LEVIN'S  
9 APARTMENT.

10 MR. BARENS: MIGHT WE APPROACH AT THIS JUNCTURE,  
11 YOUR HONOR?

12 MR. WAPNER: WHAT IS IT, APPROACH THE BENCH?

13 MR. BARENS: YES.

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1 MR. BARENS: MAY WE HAVE THE CHECKS AS WELL, YOUR HONOR?

2 THE COURT: YES.

3 (WHEREUPON, THE FOLLOWING PROCEEDINGS  
4 WERE HELD AT THE BENCH:)

5 THE COURT: YES?

6 MR. BARENS: YOUR HONOR, AS YOUR HONOR IS WELL AWARE,  
7 ONE OF THE CRITICAL ISSUES IN THIS CASE IS WHETHER OR NOT  
8 MR. LEVIN HAD MONEY AND, IF SO, TO WHAT EXTENT AND IF SO,  
9 TO WHERE.

10 IN MY READING OF THE PITTMAN TRIAL TRANSCRIPT,  
11 I FIND THAT THE NEXT QUESTIONS THAT I ANTICIPATE MR. WAPNER  
12 WILL GET INTO WILL BE NECESSARILY REQUIRING HEARSAY ANSWERS  
13 ABOUT WHAT SOMEONE IN SWITZERLAND SAID WAS OR --

14 THE COURT: WAS WHAT?

15 MR. BARENS: WHAT SOMEONE IN SWITZERLAND AT A BANK TOLD  
16 THIS PERSON OR SOMEONE ASSOCIATED WITH THE BANK TOLD THIS  
17 WITNESS ABOUT THE STATUS OF MR. LEVIN'S ACCOUNTS IN  
18 SWITZERLAND AND ABOUT THE LEGITIMACY OR ILLEGITIMACY OF  
19 THESE CHECKS AND ABOUT THE SUFFICIENCY OR NONSUFFICIENCY OF  
20 FUNDS IN MR. LEVIN'S ACCOUNTS.

21 NOW, I DON'T THINK THAT THERE WOULD BE ANY  
22 DISPUTE, YOUR HONOR, THAT THAT IS HEARSAY. THERE IS NO  
23 DISPUTE THAT THAT SORT OF TESTIMONY WOULD BE HEARSAY.

24 THE QUESTION IS: DOES IT FALL WITHIN ANY  
25 EXCEPTION TO THE HEARSAY RULE THAT WOULD PERMIT IT TO BE  
26 HEARD?

27 WE KNOW, YOUR HONOR, IT COULD ONLY BE OFFERED  
28 FOR THE TRUTHFULNESS OF THE STATEMENT. IT COULD ONLY BE

1 OFFERED FOR THAT SO THAT SOMEONE ON THE JURY, FOR INSTANCE,  
2 WOULD BE DRAWING A CONCLUSION ON THIS HEARSAY.

3 I WOULD SUBMIT THAT YOUR HONOR NOT PERMIT ANY HEARSAY  
4 OF THAT NATURE. WE WOULD VIGOROUSLY OBJECT TO ANY HEARSAY  
5 OF THAT NATURE ON A CRITICAL AND PIVOTAL ISSUE HERE.

6 MR. WAPNER: WHAT IS THE HEARSAY STATEMENT, COUNSEL?

7 MR. BARENS: IT WILL BE, IN A READING OF THE PITTMAN  
8 TRANSCRIPT, YOUR HONOR MIGHT RECALL, THERE WAS SOME DISCUSSION  
9 ABOUT IRREGULARITY OF SIGNATURES, THE FACT THAT AN ACCOUNT  
10 WAS N.S.F. THAT HE HAD A CERTAIN AMOUNT OR NOT A CERTAIN  
11 AMOUNT OF FUNDS ON DEPOSIT THERE. THE FACT AS TO WHETHER THE  
12 SIGNATURE WAS REGULAR OR IRREGULAR. ALL OF THAT IS HEARSAY,  
13 YOUR HONOR.

14 THE COURT: DID I PERMIT THAT IN THE OTHER TRIAL?

15 WELL, THAT WAS AN EXHIBIT IN THE OTHER TRIAL?

16 MR. WAPNER: IT WAS ADMISSIBLE IN THE OTHER TRIAL.

17 THE COURT: AND WAS RECEIVED?

18 MR. WAPNER: IT WAS RECEIVED.

19 THE COURT: WHAT IS YOUR ANSWER TO THE CONTENTION  
20 MADE HERE THAT IT IS NOT ADMISSIBLE?

21 MR. BARENS: BEFORE HE RESPONDS, YOUR HONOR, NOT TO BE  
22 IMPOLITE, BUT MR. YOUNG DID NOT OBJECT.

23 I OBJECT.

24 THE COURT: ALL RIGHT.

25 MR. WAPNER: THE OFFER OF PROOF AS TO THESE CHECKS IS  
26 THAT HE GOT THESE CHECKS, HE SENT THEM THROUGH AND HE DIDN'T  
27 GET ANY MONEY BACK.

28 AS TO WHAT THEY SAID, YOUR HONOR --

1 THE COURT: HE DIDN'T GET ANY MONEY BACK?

2 MR. WAPNER: AND HE DIDN'T GET ANY MONEY BACK.

3 THE COURT: WHO DIDN'T GET ANY MONEY?

4 MR. WAPNER: OSTROVE. HE FOUND THE CHECKS AND HE SENT  
5 THEM THROUGH ON THE ACCOUNT AND THEY CAME BACK AND HE DID NOT  
6 OBTAIN ANY MONEY FROM THEM.

7 I DON'T SEE HOW THAT --

8 MR. BARENS: YOUR HONOR, IF MR. WAPNER IS ADVISING THE  
9 COURT THAT HE IS NOT GOING TO GET INTO ANY INQUIRY WITH THIS  
10 WITNESS CONCERNING WHAT SOMEONE TOLD HIM OR SAID THE REASON  
11 FOR THAT WAS OR THINGS OF THAT EXPLANATORY TYPE NATURE, I  
12 WOULD NOT HAVE ANY OBJECTION.

13 I AM SIMPLY READING, FOLLOWING WHAT COMES IN  
14 IN THE NEXT QUESTIONS IN THE PITTMAN MATTER.

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1 MR. WAPNER: WELL THIS DOCUMENT INCLUDES A STATEMENT  
2 FROM THE WELLS FARGO BANK. NOW, IF IT IS NECESSARY,  
3 WE WILL HAVE SOMEONE HERE. WE CAN LAY A FOUNDATION.

4 THE COURT: I DON'T THINK IT IS NECESSARY.

5 MR. WAPNER: FOR THAT DOCUMENT AS A BUSINESS RECORD.

6 THE COURT: YOU MAY PROCEED. I WILL DENY YOUR  
7 MOTION.

8 MR. BARENS: COULD I JUST MAKE ONE COMMENT FOR  
9 THE RECORD?

10 THE COURT: GO AHEAD.

11 MR. BARENS: OF A MORE SPECIFIC NATURE, BECAUSE  
12 AT A LATER TIME, IT COULD BECOME IMPORTANT ON THE RECORD.

13 THIS IS ALL COMPOUND HEARSAY THAT IS BEING  
14 PRODUCED. PRODUCED. WELLS FARGO --

15 THE COURT: WELL, ALL OF THE RECORDS, CHECKS AND  
16 EVERYTHING ARE ALL HEARSAY. WHY DIDN'T YOU MAKE ANY  
17 OBJECTIONS AT THAT TIME?

18 MR. BARENS: I AM MAKING IT NOW ON THIS DOCUMENT.

19 THE COURT: ON THIS DOCUMENT? MOTION DENIED.

20 MR. BARENS: I WOULD JUST LIKE TO FINISH MY OBJECTION.

21 THE COURT: GO AHEAD.

22 MR. BARENS: YOUR HONOR, WE HAVE A WELLS FARGO  
23 DOCUMENT HERE WHEREIN THE WELLS FARGO PERSON MAKES A  
24 REFERENCE TO A CHECK BEING N.S.F.

25 THE STATEMENT BY WELLS FARGO IS, IN THE FIRST  
26 INSTANCE, HEARSAY. AND IN THE SECOND INSTANCE, WELLS  
27 FARGO MUST BE IN THAT REPRESENTATION RELYING ON WHAT A  
28 THIRD PARTY HAS TOLD THEM FROM SWITZERLAND, IN ORDER

1 TO MAKE THE COMMENT ON THAT CHECK.

2 THEREFORE, IT IS PRIMA FACIE, A COMPOUND  
3 HEARSAY.

4 THE COURT: I DON'T KNOW WHY YOU ARE SINGLING OUT  
5 THIS PARTICULAR CHECK AND THIS PARTICULAR TRANSACTION  
6 INVOLVING THE SWISS BANK ACCOUNT. IS IT BECAUSE IT WAS  
7 A CHECK OF A MILLION FIVE HUNDRED THOUSAND DOLLARS DRAWN  
8 ON IT?

9 MR. BARENS: ABSOLUTELY.

10 THE COURT: YOU MAY PROCEED.

11 MR. BARENS: YOUR HONOR, I WILL AT THE SAME TIME,  
12 JUST SO YOUR HONOR WILL KNOW, ON THESE TYPES OF THINGS  
13 WHERE THERE IS A COMPOUND HEARSAY REQUIRED -- ALTHOUGH  
14 I REALIZE THAT THE JUDICIAL POLICY IN LOS ANGELES COUNTY  
15 OF RECENT HAS BEEN MUCH MORE LIBERAL IN ITS INCLINATION  
16 IN THE HEARSAY RULE -- I AM NOT FAMILIAR WITH THE LIBERALITY  
17 EXTENDING TO COMPOUND HEARSAY.

18 THE COURT: YOU MAY PROCEED. YOU HAVE GOT YOUR  
19 RECORD MADE.

20 MR. WAPNER: I WILL JUST ASK HIM ABOUT IT AND THEN  
21 WE CAN BREAK FOR THE NOON RECESS?

22 THE COURT: SURE.

23 (THE FOLLOWING PROCEEDINGS WERE HELD IN  
24 OPEN COURT IN THE PRESENCE OF THE JURY:)

25 MR. WAPNER: MR. OSTROVE, SHOWING YOU A PORTION  
26 OF PEOPLE'S 4, WHICH CONSISTS OF TWO CHECKS, WHAT BANK  
27 ARE THOSE CHECKS DRAWN ON?

28 A SWISS CREDIT BANK IN ZURICH.

1 Q AND THE TOP OF THOSE TWO CHECKS IS FOR WHAT  
2 AMOUNT?

3 A IT IS FOR \$500,000, 500,000 U.S. DOLLARS.  
4 AND THE OTHER ONE IS FOR \$980,877.83, U.S. DOLLARS.

5 Q WHERE DID YOU GET THOSE CHECKS? HAVE YOU  
6 SEEN THOSE CHECKS BEFORE?

7 A YES.

8 THE COURT: HE TOLD US THAT HE FOUND IT IN A DRAWER,  
9 DIDN'T YOU?

10 THE WITNESS: YES, FROM RONALD GEORGE LEVIN'S APARTMENT.

11 Q BY MR. WAPNER: DID YOU TAKE THOSE OUT OF  
12 HIS APARTMENT?

13 A YES. I TOOK THEM FROM THERE. THEY MAY HAVE  
14 ACTUALLY BEEN HANDED TO ME BY MARTIN LEVIN.

15 THE COURT: EXPLAIN THOSE CHECKS TO US. WHO WERE  
16 THEY DRAWN ON? WHO DREW IT? WHAT HAPPENED?

17 MR. BARENS: YOUR HONOR, I DID NOT HEAR YOUR HONOR'S  
18 QUESTION.

19 THE COURT: WHO DREW THE CHECKS?

20 THE WITNESS: THE CHECKS APPEARED TO BE DRAWN,  
21 YOUR HONOR, AS CASHIER'S CHECKS. THEY ARE PAYABLE TO  
22 RONALD GEORGE LEVIN, BOTH OF THEM.

23 Q BY MR. WAPNER: DID YOU PUT THOSE CHECKS --  
24 DID YOU DO SOMETHING WITH THOSE CHECKS?

25 A YES, SIR.

26 Q WHAT DID YOU DO?

27 A I DEPOSITED THEM IN MY CONSERVATORSHIP ACCOUNT  
28 AND THE BANK, MY BANK, PUT THEM THROUGH FOR COLLECTION.

1 Q WAS THAT AT YOUR REQUEST?

2 A YES.

3 Q WAS THAT FOR THE PURPOSE OF TRYING TO MARSHAL  
4 ALL OF THE ASSETS OF MR. LEVIN?

5 YES.

6 Q ALL RIGHT. AND DID YOU RECEIVE ANY FUNDS  
7 FROM EITHER ONE OF THOSE TWO CHECKS?

8 A NO.

9 Q WHEN DID YOU PUT THEM THROUGH FOR COLLECTION?

10 A IT LOOKS LIKE IT WAS IN DECEMBER OF 1984.

11 MR. WAPNER: THANK YOU. IS THIS THE PROPER TIME  
12 TO TAKE THE NOON BREAK, YOUR HONOR?

13 THE COURT: YES. LADIES AND GENTLEMEN OF THE JURY,  
14 WE'LL TAKE A RECESS NOW UNTIL 1:30 THIS AFTERNOON.

15 THE SAME ADMONITION THAT I GAVE YOU BEFORE  
16 APPLIES.

17 (AT 12:00 NOON A RECESS WAS TAKEN UNTIL  
18 1:30 P.M. OF THE SAME DAY.)

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15 - 1 SANTA MONICA, CALIFORNIA; WEDNESDAY, FEBRUARY 11, 1987; 1:40 P.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

5 THE COURT: ALL RIGHT, YOU MAY PROCEED.  
6

7 DAVID OSTROVE,

8 THE WITNESS ON THE STAND AT THE TIME OF THE NOON RECESS,  
9 HAVING PREVIOUSLY BEEN SWORN, RESUMED THE STAND AND TESTIFIED  
10 FURTHER AS FOLLOWS:

11 MR. WAPNER: THANK YOU, YOUR HONOR.  
12

13 DIRECT EXAMINATION (RESUMED)

14 BY MR. WAPNER:

15 Q MR. OSTROVE, I JUST WANT TO GO BACK TO SOMETHING  
16 THAT WE MAY NOT HAVE COMPLETEDLY COVERED THIS MORNING AND  
17 THAT IS, IN ADDITION TO THE CASH ASSETS THAT YOU RECOVERED  
18 FROM MR. LEVIN'S ESTATE, WAS THERE ANY PROPERTY, PERSONAL  
19 PROPERTY?

20 A YES.

21 Q WHAT WAS DONE WITH IT?

22 A IT WAS AUCTIONED OFF BY BOB ABEL AUCTIONEERS.

23 Q WAS THERE SOME PROCEDURES YOU HAD TO TAKE BEFORE  
24 YOU AUCTIONED OFF THE ITEMS?

25 A YES.

26 Q WHAT WAS THAT?

27 A BE APPOINTED CONSERVATOR BY THE COURT AND GET  
28 PERMISSION OF THE COURT FOR THE SALE OF THE ITEMS.



15- 1 Q DID YOU HAVE AN APPRAISAL OF THE ITEMS BEFORE THEY  
2 WERE AUCTIONED OFF?

3 A YES.

4 Q WERE ALL OF THE ITEMS FROM MR. LEVIN'S APARTMENT  
5 AUCTIONED OFF?

6 A YES.

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16 1 Q AND WHAT WAS THE NET RESULT TO THE ESTATE?

2 A WELL, THEY WERE APPRAISED FOR LESS THAN THEY  
3 WERE SOLD FOR. THE GROSS RECEIPTS FROM THE AUCTION WERE  
4 \$58,476. AND THEN THE AUCTIONEER HAD COMMISSION OUT OF THAT,  
5 OF COURSE.

6 Q ALL RIGHT. OTHER THAN THE \$58,000 THAT YOU TOLD  
7 US ABOUT AND I BELIEVE IT WAS \$36,000 THAT YOU TOLD US ABOUT  
8 THIS MORNING, WAS THERE ANY OTHER -- WERE THERE ANY OTHER  
9 ASSETS OF THE ESTATE?

10 A YES.

11 Q WHAT WERE THOSE?

12 A THERE WERE TWO OTHER BANK ACCOUNTS WHERE I HAD  
13 WRITTEN FOR THE BALANCES BUT THEY HAVE NEVER SENT ME THE  
14 BALANCES.

15 Q WHICH BANK ACCOUNTS WERE THOSE?

16 A ONE WAS THE CREDIT SUISSE BANK IN ZURICH.

17 Q AND HOW DID YOU DETERMINE THAT MR. LEVIN HAD AN  
18 ACCOUNT AT THE CREDIT SUISSE BANK?

19 A BECAUSE OF THOSE TWO CHECKS YOU ASKED ME ABOUT  
20 EARLIER, THOSE TWO LARGE CHECKS.

21 Q DID YOU GET ANY STATEMENTS IN THE MAIL FROM THE  
22 CREDIT SUISSE BANK?

23 A YES. I WROTE TO THEM ON DECEMBER 10, 1984, ASKING  
24 THEM FOR THE BALANCE. AND I GOT A STATEMENT DATED  
25 DECEMBER 31ST, 1984, FROM THEM.

26 Q WHAT WAS THE BALANCE AT THAT TIME?

27 MR. BARENS: OBJECTION, FOR THE RECORD. THE RESPONSE  
28 NOW WOULD BE HEARSAY.

1 THE COURT: OVERRULED.

2 Q BY MR. WAPNER: WHAT WAS THE BALANCE IN THE  
3 ACCOUNT IN DECEMBER OF 1984?

4 A DECEMBER 31ST, 1984, \$3.89 AMERICAN DOLLARS.

5 Q THEY NEVER SENT YOU THAT?

6 A NO, SIR.

7 Q WERE THERE ANY OTHER ACCOUNTS?

8 A YES. THERE WERE THREE ACCOUNTS WITH PROGRESSIVE  
9 SAVINGS AND LOAN.

10 Q WHAT WERE THE BALANCES IN THOSE ACCOUNTS?

11 A WELL, THERE WAS ONE IN THE NAME OF MAY BROTHERS  
12 LAND CORPORATION. THERE WAS \$1.01 IN IT.

13 THERE WAS ONE IN THE NAME OF NETWORK NEWS,  
14 INC., WHICH HAD \$1.00 AND THE L.A. FILM CORPORATION,  
15 \$51.19. THOSE FUNDS HAVE NEVER BEEN SENT TO ME, EITHER.

16 MR. WAPNER: YOUR HONOR, I HAVE A DOCUMENT THAT I  
17 WOULD LIKE TO HAVE MARKED AS PEOPLE'S 5. IT APPEARS TO  
18 BE A STATEMENT ON THE ACCOUNT OF CREDIT SUISSE, IN ZURICH.  
19 MAY THAT BE PEOPLE'S 5 FOR IDENTIFICATION?

20 THE COURT: SO MARKED.

21 Q BY MR. WAPNER: SHOWING YOU AN ITEM THAT WE  
22 HAVE MARKED AS PEOPLE'S 5, DO YOU RECOGNIZE THAT?

23 A YES.

24 Q WHAT IS IT?

25 A THIS IS A STATEMENT FROM THE CREDIT SUISSE  
26 BANK, DECEMBER 29, 1984.

27

28

1 Q AND DID YOU BRING THAT TO COURT THE LAST  
2 TIME YOU WERE HERE?

3 A YES.

4 Q WHAT DOES IT INDICATE ON THERE; IS THAT THE  
5 BALANCE THE SAME AS THE ONE YOU GAVE US?

6 A YES.

7 Q WHICH WAS WHAT?

8 A \$3.89.

9 THAT IS NOT THE SAME -- MR. WAPNER, THAT  
10 IS NOT THE SAME STATEMENT THAT I JUST REFERRED TO.

11 THE ONE I REFERRED TO IN MY TESTIMONY A MOMENT  
12 AGO WAS MARKED "CLOSING STATEMENT." IT IS ALSO DATED  
13 12-29-84.

14 AND THIS STATEMENT YOU JUST HANDED ME IS  
15 ENTITLED "CURRENT ACCOUNT." IT IS THE SAME STATEMENT  
16 BY THE SAME ACCOUNT AND AS OF THE SAME DATE BUT IT IS  
17 SLIGHTLY DIFFERENT, EXCEPT THAT THE RESULT IS THE SAME,  
18 \$3.89.

19 Q THAT WAS IN YOUR FILE, THE STATEMENT THAT  
20 YOU HAVE IN FRONT OF YOU THAT IS PEOPLE'S 5 WAS IN YOUR  
21 FILE AND YOU PROVIDED IT TO THE COURT THE LAST TIME YOU  
22 WERE HERE?

23 A YES.

24 Q MAY I HAVE JUST A MOMENT?

25 A CERTAINLY.

26 Q MAY I SEE THE ACCOUNT, THE STATEMENT THAT  
27 SAYS "CLOSING STATEMENT"?

28 A YES, SIR.

1 Q MR. OSTROVE, THIS STATEMENT THAT IS DATED  
2 12 -- ACTUALLY, BY THE WAY, IT IS WRITTEN HERE "31-12-84" --  
3 WAS THIS SENT TO YOU IN RESPONSE TO YOUR REQUEST OF THEM?

4 A EITHER THAT ONE OR PEOPLE'S 5, ONE OR THE  
5 OTHER. I DON'T RECALL WHICH RIGHT NOW. PROBABLY PEOPLE'S  
6 5 WAS SENT TO ME IN RESPONSE TO MY REQUEST, BECAUSE IT  
7 SHOWS ON THERE "\$3.89 TOTAL TURNOVER", WHICH WOULD INDICATE  
8 TO ME THE AMOUNT THAT WAS ALLEGEDLY TURNED OVER.

9 BUT I HAVE NEVER RECEIVED ANY FUNDS FROM  
10 THAT BANK.

11 Q THERE IS A COLUMN ON THE FAR RIGHT-HAND SIDE  
12 OF PEOPLE'S 5. WHAT IS THAT?

13 A THAT AS OF 12-31-84, IT SHOWS \$38.60 AMERICAN  
14 MONEY WITH A "C", WHICH I BELIEVE STANDS FOR CREDIT.

15 Q IS THAT IN A COLUMN THAT IS MARKED "BALANCE"?

16 A YES. THAT WOULD INDICATE THAT THE ACCOUNT  
17 WAS OVERDRAWN BY \$38.60 AS OF DECEMBER 31ST, '84.

18 Q HOW DO YOU KNOW THAT?

19 A BECAUSE \$38.60 CREDIT ON A BANK STATEMENT,  
20 IN MY JUDGMENT, MEANS THAT IT WAS AN OVERDRAFT BALANCE.

21 Q AND OTHER THAN THE PROGRESSIVE SAVINGS ACCOUNTS  
22 AND THAT \$3.89 IN THE SWISS ACCOUNT, WERE THERE ANY OTHER  
23 ASSETS OF MR. LEVIN'S THAT YOU WERE ABLE TO GARNER?

24 A OTHER THAN THOSE ACCOUNTS AND THE CASH ASSETS  
25 WHICH I TOLD YOU OF BEFORE AND THE PERSONAL PROPERTY  
26 THAT WAS AUCTIONED OFF, TO DATE, I KNOW OF NO OTHER ASSETS.

27 Q DID YOU FIND SOME PASSBOOKS IN GOING THROUGH  
28 HIS THINGS THAT HAD WHAT APPEARED TO BE LARGE AMOUNTS

17-3

1 OF MONEY IN THEM?

2 A YES. THERE WERE MANY PASSBOOKS IN THE DRAWERS,  
3 IN THOSE SMALL DRAWERS IN MR. LEVIN'S INNER OFFICE.

4 Q WHAT DID YOU DO WITH THOSE PASSBOOKS?

5 A IN EACH CASE, WE WROTE TO THE BANK AND FOLLOWED  
6 UP WITH TELEPHONE CALLS AND THERE WAS NO MONEY IN ANY  
7 OF THE ACCOUNTS.

8 Q DID YOU FIND A PASSBOOK FROM AMERICAN SAVINGS?

9 A YES.

10 Q DO YOU HAVE THAT IN FRONT OF YOU?

11 A YES.

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18 1 Q WHAT IS THE BALANCE IN THAT ACCOUNT?

2 A ACCORDING TO THIS PASSBOOK, \$1,500,000.

3 Q WHAT IS THE DATE ON THE PASSBOOK?

4 A JUNE 26, 1972.

5 Q HOW MANY ENTRIES ARE THERE IN THAT PASSBOOK?

6 A JUST THAT ENTRY. THAT WAS THE ONLY ENTRY,  
7 JUNE 26, 1972. IT SAYS "CK." WHICH MEANS CHECK, \$1,500,000.

8 THAT WOULD BE THE OPENING ENTRY AND THERE IS  
9 A BALANCE OF \$1,500,000. THAT IS THE ONLY ENTRY IN THE  
10 BOOK.

11 Q DID YOU WRITE TO AMERICAN SAVINGS?

12 A YES.

13 Q WHAT HAPPENED?

14 A THE ACCOUNT HAD BEEN CLOSED.

15 Q MAY WE HAVE THAT BOOK AS AN EXHIBIT?

16 A CERTAINLY.

17 MR. WAPNER: MAY THIS BE MARKED AS PEOPLE'S NEXT IN  
18 ORDER? THAT WOULD BE 167, YOUR HONOR.

19 THE COURT: YES.

20 MR. WAPNER: CAN THE RECORD REFLECT THAT I AM PUTTING  
21 A 167 ON THE FRONT WHERE IT SAYS "RONALD GEORGE LEVIN"?

22 THE COURT: YES.

23 Q BY MR. WAPNER: DID YOU FIND SOME OTHER PASSBOOKS  
24 WITH LARGE DENOMINATIONS IN THEM?

25 A YES.

26 THE COURT: LARGE DENOMINATIONS? DO YOU MEAN LARGE  
27 APPARENT BALANCES?

28 MR. WAPNER: LARGE APPARENT BALANCES.

18-  
1 THE WITNESS: YES.

2 Q BY MR. WAPNER: AND DID YOU FIND ONE ON GLENDALE  
3 FEDERAL SAVINGS?

4 A YES. I HAVE IT IN FRONT OF ME.

5 Q WHAT IS THE APPARENT BALANCE IN THAT ACCOUNT?

6 A WELL, AS OF APRIL 19, 1971, THERE IS ONE ACCOUNT  
7 NO. 10918 WHICH SHOWS AN OPENING DEPOSIT BY CHECK OF \$55,000  
8 AND THEN THERE ARE ALSO TWO OTHER GLENDALE FEDERAL SAVINGS  
9 ACCOUNTS.

10 THERE IS ACCOUNT NO. 612551 WHICH SHOWS A BALANCE  
11 OF \$100,000. AND THEN THERE IS AN ACCOUNT NUMBER AND AGAIN --

12 THE COURT: YOU MEAN A BALANCE, YOU MEAN?

13 THE WITNESS: IT SHOWS A DEPOSIT, YOUR HONOR,  
14 JULY 18, 1972, OF \$100,000 AND A BALANCE AS OF THAT DATE OF  
15 \$100,000. THERE IS NO OTHER ENTRY IN THE BOOK.

16 THE COURT: IT DOESN'T SHOW ANY WITHDRAWAL?

17 THE WITNESS: NO WITHDRAWAL OR NO OTHER DEPOSITS.

18 THE COURT: HOW DO YOU EXPLAIN THAT?

19 THE WITNESS: I WROTE TO THE BANK AND I DID GET AN  
20 EXPLANATION.

21 THE COURT: WHAT DID THEY TELL YOU?

22 THE WITNESS: THEY SAID --

23 MR. BARENS: YOUR HONOR --

24 THE COURT: YES? YOU HAVE AN OBJECTION? IT IS  
25 OVERRULED.

26 MR. BARENS: COULD I JUST STATE THE OBJECTION?

27 THE COURT: NO. YOU DON'T HAVE TO.

28 MR. BARENS: WELL, THEY WILL NEVER KNOW.



18 7  
1 THE COURT: ON ALL GROUNDS. GO AHEAD.

2 MR. BARENS: ALL RIGHT. THANK YOU.

3 THE WITNESS: THE BANK INFORMED ME THAT ALL THESE  
4 ACCOUNTS HAD BEEN CLOSED BECAUSE THE CHECKS THAT HAD BEEN  
5 USED TO OPEN THEM, WERE RETURNED NONSUFFICIENT FUNDS.

6 THE COURT: ALL RIGHT. THANK YOU.

7 Q BY MR. WAPNER: THERE IS A GLENDALE SAVINGS  
8 PASSBOOK THERE, A THIRD GLENDALE SAVINGS PASSBOOK?

9 A YES.

10 Q AND WHAT IS THAT AMOUNT?

11 A IT IS ACCOUNT NO. 612552. IT SHOWS A DEPOSIT  
12 ON JULY 18, 1972 BY CHECK OF \$850,000.

13 Q AND --

14 A THAT IS THE ONLY ENTRY IN THAT BOOK.

15 THE COURT: DID YOU WRITE TO THE BANK ABOUT THAT?

16 THE WITNESS: YES, YOUR HONOR.

17 THE COURT: WHAT DID THEY SAY?

18 THE WITNESS: THE SAME EXPLANATION.

19 THE COURT: RETURNED FOR NONSUFFICIENT FUNDS?

20 THE WITNESS: YES, SIR.

21 Q BY MR. WAPNER: IN ANY EVENT, DID YOU WRITE TO  
22 GLENDALE FEDERAL TO ASK THEM FOR THE MONEY FROM THOSE  
23 ACCOUNTS?

24 A YES. WE ASKED EVERY BANK WHERE WE HAD BOOKS.  
25 WE WROTE TO THE BANK AND WE FOLLOWED UP WITH PHONE CALLS  
26 AND IN EVERY CASE, IT WAS THE SAME RESULT, THAT THE DEPOSITS  
27 THAT WERE SHOWN, THAT THERE WAS NO BALANCE AND THAT THE  
28 REASON THERE WAS NONE IS BECAUSE THE CHECK THAT HAD BEEN

1 USED TO OPEN THE ACCOUNT, HAD BEEN RETURNED NONSUFFICIENT FUNDS.

2 MR. WAPNER: MAY THOSE THREE CHECKBOOKS FROM GLENDALE  
3 FEDERAL SAVINGS COLLECTIVELY BE 168 FOR IDENTIFICATION?

4 THE COURT: PASSBOOKS, YOU MEAN?

5 MR. WAPNER: PASSBOOKS, YES.

6 THE COURT: YES.

7 Q BY MR. WAPNER: AND THE DATE ON THOSE WERE ALL IN  
8 WHAT YEAR?

9 A 1972 ON THE \$850,000 AND THE \$100,000. AND 1971  
10 ON THE \$55,000.

11 Q AND THESE WERE FOUND IN THE DRAWERS OF THE DESK  
12 IN HIS SMALL OFFICE?

13 A CORRECT.

14 Q WAS THERE ONE PASSBOOK FROM HOME SAVINGS?

15 A YES.

16 Q AND WHAT WAS THE BALANCE IN THAT ACCOUNT  
17 SHOWN IN THAT PASSBOOK?

18 A THERE WAS ONE DEPOSIT SHOWN OF JULY 23, 1971  
19 FOR \$253,545.77.

20 AND THAT IS ACCOUNT NO. 01--706664-8 AND THAT WAS  
21 JULY 23, 1971. AGAIN, THAT IS THE ONLY ENTRY IN THE BOOK.

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1 Q DID YOU WRITE TO HOME SAVINGS TO ATTEMPT TO GET  
2 THE MONEY FROM THAT ACCOUNT?

3 A I DID.

4 Q AND WAS THERE ANY MONEY ACTUALLY IN THAT ACCOUNT?

5 A NO.

6 HOME SAVINGS WROTE ME BACK AND SAID THE ACCOUNT  
7 HAD BEEN CLOSED BECAUSE THEY WERE ALL UNCOLLECTED FUNDS  
8 BECAUSE THE CHECK THAT HAD BEEN USED WAS N.S.F.

9 MR. WAPNER: MAY THAT BE 169? YOUR HONOR, MAY THAT  
10 BE MARKED AS 169 FOR IDENTIFICATION?

11 THE COURT: SO MARKED.

12 Q BY MR. WAPNER: AND AS WITH THESE EXHIBITS THAT  
13 ARE 167, 168, AND 169, YOU WROTE TO EVERY BANK FOR EVERY  
14 ACCOUNT YOU COULD FIND A PASSBOOK FOR, IS THAT IT?

15 A YES.

16 Q DID YOU EVER GET ANY MONEY OTHER THAN WHAT YOU  
17 HAVE ALREADY TOLD US ABOUT?

18 A NO.

19 THE COURT: WHAT DO YOU MEAN BY ANY OTHER MONEY?  
20 THERE WASN'T ANY OTHER MONEY AT ALL.

21 MR. WAPNER: OTHER THAN THE \$36,000 HE HAS TOLD US THAT  
22 HE COLLECTED IN CASH AND ON THE PROPERTY.

23 THE COURT: IS THAT WHAT YOU MEANT? I THOUGHT YOU  
24 MEANT FROM THE PASSBOOK.

25 Q BY MR. WAPNER: THANK YOU, YOUR HONOR.

26 DID MR. LEVIN HAVE ANY CLAIMS AGAINST HIS  
27 ESTATE?

28 A YES.

1 Q IN WHAT AMOUNTS?

2 A WELL, PROGRESSIVE SAVINGS AND LOAN IS SUING HIM  
3 FOR \$150,000.

4 THERE IS A LARGE -- THERE IS AN INTERNAL REVENUE  
5 SERVICE ASSESSMENT FOR, TO THE BEST OF MY RECOLLECTION,  
6 ABOUT \$35,000.

7 THERE IS A LAWSUIT BY ONE OF THE BROKERAGE  
8 HOUSES FOR SOMETHING UNDER \$15,000.

9 Q IS THAT ABOUT \$7,000 OR \$7,800?

10 A THAT IS CORRECT.

11 Q AND WAS HE BEING SUED BY A MAN NAMED BOB GARDEN?

12 A I DON'T RECALL.

13 THE COURT: THAT WAS A MATTER THAT RESULTED IN THIS  
14 CRIMINAL COMPLAINT AGAINST HIM, DO YOU REMEMBER THAT?

15 THE WITNESS: I DON'T RECALL THAT, YOUR HONOR.

16 Q BY MR. WAPNER: DO YOU KNOW WHAT THE TOTAL AMOUNT  
17 OF CLAIMS AGAINST THE ESTATE BY VARIOUS PEOPLE WAS?

18 A APPROXIMATELY --

19 Q APPROXIMATELY WHAT?

20 A BETWEEN TWO HUNDRED TEN AND TWO HUNDRED FIFTY  
21 THOUSAND DOLLARS THAT I KNOW OF, MR. WAPNER.

22 Q WERE THERE ANY LAWSUITS THAT MR. LEVIN HAD WHERE  
23 HE WAS THE PLAINTIFF, WHERE HE WAS SUING SOMEBODY?

24 A YES.

25 Q WHAT WERE THOSE?

26 A HE HAD SEVERAL LAWSUITS, I THINK ABOUT TWO  
27 OR THREE LAWSUITS AGAINST DONALD REGAN, WHO IS NOW A MEMBER  
28 OF THE WHITE HOUSE STAFF, AND AT THAT TIME WAS SECRETARY OF

1 THE TREASURY, I BELIEVE.

2 Q WHAT WERE THOSE LAWSUITS ABOUT?

3 A FOR FAILURE TO ISSUE MR. LEVIN A PRESS PASS.

4 MR. BARENS: WE WOULD HAVE AN OBJECTION ON THE GROUND  
5 THAT THAT IS HEARSAY, FOR THE RECORD, YOUR HONOR.

6 THE COURT: HE HAS ALREADY TESTIFIED AND IT IS DEEMED  
7 A MOTION MADE TO STRIKE AND IT IS DENIED.

8 MR. BARENS: THANK YOU, YOUR HONOR.

9 Q BY MR. WAPNER: DO YOU HAVE COPIES OF THE PLEADINGS  
10 IN THOSE CASES?

11 A YES.

12 Q AND YOU CAN PRODUCE THEM FOR EXAMINATION IF  
13 COUNSEL WISHES TO SEE THEM?

14 A YES.

15 Q THE SUIT FOR THE PRESS PASS, WAS THERE ONE OR  
16 MORE THAN ONE SUIT THAT HE HAD PENDING?

17 A THERE WAS MORE THAN ONE SUIT AGAINST DONALD REGAN,  
18 TO THE BEST OF MY RECOLLECTION.

19 Q WAS THE CLAIM IN THOSE LAWSUITS THAT HE WANTED  
20 THE PRESS PASS BACK FOR A PARTICULAR PURPOSE?

21 A HE WANTED A PRESS PASS AND HE FELT THAT THE  
22 SECRET SERVICE HAD INAPPROPRIATELY DENIED HIM ONE.

23 Q IS THERE ANY -- DO YOU HAVE THE PLEADINGS IN  
24 ANY OF THOSE CASES WITH YOU WHERE IT INDICATES THE PRESS PASS,  
25 WHAT IT WAS DESIRED FOR?

26 THE COURT: I DON'T THINK WE HAVE TO GO INTO THAT  
27 EXTENSIVELY. THAT IS ENOUGH, THOSE ARE THE LAWSUITS HE  
28 INDICATED AND THAT IS THE PURPOSE OF LAWSUITS. IT

1 ACCOMPLISHES NOTHING TO HAVE THE PLEADINGS IN THE RECORD.  
2 IT JUST CLUTTERS THE RECORD.

3 Q BY MR. WAPNER: DO YOU HAVE ANYTHING IN THE  
4 RECORD -- WAS THERE ANYTHING IN THOSE RECORDS INDICATING  
5 HE WANTED THE PRESS PASS BACK FOR THE PURPOSE OF COVERING  
6 THE 1984 ELECTIONS?

7 A I DON'T KNOW.

8 Q WHAT HAPPENED TO THOSE LAWSUITS THAT WERE  
9 PENDING AGAINST MR. REGAN?

10 A I ASKED THE COURT TO GIVE ME PERMISSION TO ABANDON  
11 THEM.

12 19A FO.  
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9A-1

1 Q WHY?

2 A BECAUSE I COULDN'T SEE WHERE THEY COULD --  
3 MY JOB AS A CONSERVATOR IS TO GATHER ASSETS FOR THE CONSERVATOR-  
4 SHIP ESTATE AND THEY WOULD JUST INCUR LEGAL FEES AND  
5 NOT ACCOMPLISH ANYTHING FOR THE ESTATE.

6 Q IN OTHER WORDS, MR. LEVIN WASN'T SUING ANYBODY  
7 FOR MONEY; HE WAS JUST SUING TO GET HIS PRESS PASS BACK?

8 A WHETHER HE HAD AN ALTERNATIVE PRAYER FOR  
9 MONETARY RELIEF, I DON'T RECALL. BUT BASICALLY, HE WANTED  
10 HIS PRESS PASS.

0 FO.

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1 Q WHEN EXPENSES WERE INCURRED BY PEOPLE IN  
2 TAKING CARE OF THE ESTATE, PARTICULARLY MARTIN LEVIN,  
3 DID HE PRESENT YOU WITH BILLS FOR THOSE?

4 A YES.

5 Q AND DO YOU HAVE A BILL FROM FAIRFAX LOCK  
6 AND KEY?

7 A YES.

8 MR. WAPNER: MAY THAT BE MARKED AS 170 FOR IDENTIFICATION?

9 THE COURT: ALL RIGHT.

10 Q BY MR. WAPNER: WHAT WAS THE PURPOSE OF MR.  
11 LEVIN GIVING THIS TO YOU?

12 A IN ORDER THAT I COULD PRESENT IT TO THE SUPERIOR  
13 COURT, TO ASK THAT HE BE REIMBURSED OUT OF THE CONSERVATORSHIP  
14 ESTATE.

15 Q AND YOU MAINTAINED THAT IN YOUR FILES UNTIL  
16 YOU JUST GAVE IT TO ME RIGHT NOW?

17 A YES.

18 Q DID MR. LEVIN ALSO HAVE ANOTHER LAWSUIT GOING  
19 AGAINST THE SHERIFF OF LOS ANGELES COUNTY?

20 A YES.

21 Q AND DID THAT HAVE TO DO WITH A PRESS PASS  
22 ALSO?

23 A YES.

24 Q DID YOU GET A CHECK, I THINK YOU HAVE PREVIOUSLY  
25 TOLD US, FROM PRUDENTIAL BACHE?

26 A YES.

27 Q DID YOU WRITE TO THEM, ASKING THEM TO SEND  
28 YOU THE FUNDS IN THAT ACCOUNT?



1 A YES.

2 MR. WAPNER: YOUR HONOR, I HAVE A DOCUMENT HERE  
3 CONSISTING OF TWO PAGES THAT I WOULD LIKE TO HAVE MARKED  
4 AS PEOPLE'S 2 FOR IDENTIFICATION. IT IS A PRUDENTIAL  
5 BACHE STATEMENT AND A COPY OF A CHECK FROM PRUDENTIAL  
6 BACHE AND A DEPOSIT SLIP.

7 THE COURT: THAT IS THE ONE FOR 14,900 SOME-ODD  
8 DOLLARS?

9 MR. WAPNER: YES.

10 THE COURT: HE ALREADY TESTIFIED TO IT.

11 MR. WAPNER: HAS IT BEEN PREVIOUSLY MARKED?

12 THE COURT: DO YOU WANT TO FORMALLY MARK IT?

13 MR. WAPNER: YES.

14 THE COURT: 71?

15 MR. WAPNER: IT IS 2, ACTUALLY. IT IS 2.

16 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 2, DO  
17 YOU RECOGNIZE THAT?

18 A YES.

19 Q WHAT IS THAT?

20 A THAT IS A STATEMENT FROM PRUDENTIAL BACHE  
21 AND THE CHECK THAT I RECEIVED, A XEROX COPY OF THE CHECK  
22 THAT I RECEIVED. THE BACK SIDE OF THIS CHECK SHOWS MY  
23 ENDORSEMENT AND A COPY OF MY DEPOSIT SLIP, SHOWING I  
24 DEPOSITED IT INTO THE CONVERSATORSHIP ACCOUNT.

25 MR. WAPNER: AND, YOUR HONOR, AS PEOPLE'S 3 FOR  
26 IDENTIFICATION, A STATEMENT FROM THE UNITED STATES TRUST  
27 COMPANY, ACCOMPANIED BY A XEROX OF THE FRONT AND BACK  
28 OF A CHECK.

1 THE COURT: YES. 3, YOU SAID?

2 MR. WAPNER: YES.

3 Q SHOWING YOU PEOPLE'S 3, DO YOU RECOGNIZE  
4 THAT?

5 A YES.

6 Q WHAT IS IT?

7 A THAT IS THE STATEMENT FROM THE UNITED STATES  
8 TRUST COMPANY. THAT ORIGINAL STATEMENT, I THINK, I HAD  
9 EARLIER GIVEN YOU A XEROX COPY. THIS IS A XEROX COPY  
10 OF THE CHECK THAT THEY SENT ME, CLOSING OUT THAT ACCOUNT.  
11 THAT WAS THE HOUSEHOLD ACCOUNT.

12 Q WHAT IS THE AMOUNT OF THAT?

13 A \$9,970.48.

14 MR. WAPNER: MAY I HAVE ONE MOMENT, PLEASE?

15 (PAUSE.)

16 MR. WAPNER: NOTHING FURTHER.

17 THE COURT: ALL RIGHT. YOU MAY CROSS-EXAMINE.

18 MR. BARENS: THANK YOU, YOUR HONOR. GOOD DAY,  
19 SIR.

20

21 CROSS-EXAMINATION

22 BY MR. BARENS:

23 Q MR. --

24 THE COURT: OSTROVE.

25 Q BY MR. BARENS: MR. OSTROVE, JUST SO THAT  
26 I CAN MAKE SURE WE ARE ALL CLEAR ON THE LANGUAGE THROUGHOUT  
27 THIS MATTER, THERE IS AN ESTATE AND THERE IS AN ESTATE.  
28 IN YOUR BUSINESS, YOU DO A LOT OF PROBATE WORK?

1           A       YES, SIR.

2           Q       ALL RIGHT. IS IT TRUE THERE ARE DIFFERENT  
3 SORTS OF MEANINGS TO THE WORD "ESTATE"?

4           A       YES.

5           Q       ALL RIGHT. THERE CAN BE, IS IT NOT TRUE,  
6 SIR, AN ESTATE WHERE WE HAVE SOMEONE WHO HAS PASSED AWAY  
7 AND LEFT A WILL AND THERE IS PROPERTY AND ASSETS AND  
8 WE CALL THAT THE ESTATE OF THAT PERSON?

9           A       THAT'S CORRECT.

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1 Q THERE CAN ALSO BE AN ESTATE OF A PERSON IN  
2 BEING, IS THAT NOT TRUE?

3 A YES.

4 Q IN OTHER WORDS, A CONSERVATOR DEALS WITH  
5 THE ESTATE OF A PERSON IN BEING, PERHAPS INCAPACITATED  
6 OR MISSING OR ILL OR WHATEVER. BUT THEY WOULD STILL  
7 USE THE EXPRESSION "ESTATE" FOR THAT PERSON, WOULD THEY  
8 NOT?

9 A YES.

10 Q AND THERE ARE, IN FACT, TWO DIFFERENT DESCRIPTIONS  
11 OF CONSERVATORS POSSIBLE. ONE IS A CONSERVATOR FOR THE  
12 PERSON AND ONE IS A CONSERVATOR FOR THE ESTATE?

13 A THAT'S CORRECT.

14 Q THANK YOU, SIR. NOW, YOU MENTIONED EARLIER,  
15 I AM JUST GOING TO TRY TO GO THROUGH YOUR TESTIMONY CHRONO-  
16 LOGICALLY, INITIALLY -- THAT THERE WAS A DISPUTE WITH  
17 THE LANDLORD. YOU MENTIONED THAT EARLIER ON. WHAT WAS  
18 THAT ABOUT, SIR?

19 A CORRECT. RON LEVIN WAS SUING THE LANDLORD,  
20 BASED ON A WRITTEN OPTION AGREEMENT TO PURCHASE THE BUILDING  
21 IN WHICH HE LIVED. AND I BELIEVE THAT THE LANDLORD HAD  
22 ANSWERED AND WAS COUNTERSUING HIM.

23 Q DO YOU HAVE A COPY OF THAT LAWSUIT?

24 A YES.

25 Q AND IN ASKING ABOUT THAT LAWSUIT, WAS THERE  
26 A CLAIM OF FRAUD BY THE LANDLORD?

27 A YES.

28 Q AND WAS THERE A CLAIM THAT THERE HAD BEEN

1 SOME DOCUMENTATION FORGED?

2 A NO.

3 Q MANIPULATION OF DOCUMENTS, PERHAPS BETTER  
4 SAID?

5 A YES.

6 Q ALL RIGHT. WHILE WE WERE ON THAT SUBJECT,  
7 ALTHOUGH IT WAS NOT IN THE SAME CHRONOLOGY, YOU WERE  
8 MENTIONING THE LAWSUITS IN WHICH MR. LEVIN WAS A PARTY  
9 PLAINTIFF. WAS THERE A LAWSUIT AGAINST THE ROXBURY LAW  
10 SUITE?

11 A I DON'T RECALL.

12 Q YOU DON'T HAVE ANY EVIDENCE ON A CASE FILED  
13 BEARING C177994?

14 A I MAY HAVE IT HERE IN MY FILES, SIR. BUT  
15 RIGHT OFFHAND, I DON'T RECALL THAT CASE.

16 Q HOW ABOUT A LAWSUIT INVOLVING A HERBERT AVERY?

17 A I DON'T RECALL.

18 Q COULD YOU TAKE A MOMENT TO LOOK THROUGH THAT,  
19 PLEASE, THE STUFF WITH YOU, SIR?

20 A CERTAINLY.

21 Q THANK YOU. IF IT WILL HELP YOU, IT IS 11/23/82.

22 THE WITNESS: MAY I ASK COUNSEL A QUESTION?

23 THE COURT: YES, SURELY.

24 THE WITNESS: IS THAT A STATE COURT CASE OR A FEDERAL  
25 CASE?

26 MR. BARENS: IT IS A STATE SUPERIOR COURSE CASE.  
27 IT HAS A CROSS-COMPLAINT, SIR. IT IS CASE NO. C433315.

28

1 A WAS THE NAME OF THAT CASE GARDEN PHOTO CENTERS?

2 Q NO, SIR, NOT A RELATED MATTER.

3 HOWEVER, IF YOU HAVE THAT IN YOUR HAND, COUNSEL,  
4 WOULD YOU PLEASE LEAVE THAT ON THE TABLE?

5 A SURE.

6 AND THE CASE YOU ARE ASKING ABOUT IS AVERY?

7 Q A-V-E-R-Y, ACTUALLY, M.D.

8 A I DON'T SEE IT, COUNSEL.

9 Q ALL RIGHT. HOW DID YOU GO ABOUT, MR. OSTROVE,  
10 IN FINDING OUT WHAT LITIGATION MR. LEVIN WAS INVOLVED IN?

11 A WE WENT THROUGH HIS FILES AND PULLED OUT EVERYTHING  
12 THAT LOOKED AS IF IT WAS ACTIVE LITIGATION.

13 Q DID YOU DO ANY INDEPENDENT INVESTIGATION THROUGH  
14 THE SUPERIOR COURT SYSTEM INDEXING?

15 A I THINK THAT WE DID ASK OUR ATTORNEY SERVICE  
16 TO DO THAT, TO THE BEST OF MY RECOLLECTION, YES.

17 Q DID THEY EVER GIVE YOU ANY WRITTEN DOCUMENTS  
18 SHOWING THE RESULT OF THAT INVESTIGATION?

19 A I DON'T RECALL IF THEY GAVE US A WRITTEN DOCUMENT  
20 OR A TELEPHONE REPORT.

21 Q IN ANY EVENT, IT WOULD BE YOUR UNDERSTANDING  
22 THAT THEY FOUND NOTHING IN ADDITION TO WHAT YOU HAD?

23 A I WOULD HAVE TO ANSWER THAT THIS WAY: TO THE  
24 BEST OF MY RECOLLECTION, WE HAD ALL OF THE LAWSUITS THAT  
25 WERE STILL VIABLE, STILL ACTIVE..

26 Q DID YOU HAVE ANYTHING WHEREIN LEVIN WAS  
27 A PARTY PLAINTIFF VERSUS THE ESTATE OF LILLIAN WARNER?

28 A YES, I HAVE THAT HERE.

1 Q AND COULD I SEE THAT FOR A MOMENT?

2 A CERTAINLY.

3 MR. BARENS: IF I MIGHT, YOUR HONOR.

4 THE COURT: GO AHEAD.

5 MR. BARENS: THANK YOU, SIR.

6 Q BY MR. BARENS: MR. OSTROVE, ARE YOU AT LEAST  
7 GENERALLY FAMILIAR WITH THE CONTENTS OF THIS LITIGATION?

8 A YES, GENERALLY.

9 Q I SHOULD THINK.

10 IS THIS IN FACT THE LAWSUIT INVOLVING THE  
11 LANDLORD?

12 A YES.

13 Q AND WAS THERE A COMPLAINT AGAINST MR. LEVIN IN  
14 THIS LITIGATION?

15 A TO THE BEST OF MY RECOLLECTION, MR. LEVIN WAS  
16 FILING A COMPLAINT -- WAS FILING A CLAIM IN THE ESTATE OF  
17 LILLIAN WARNER BASED ON HIS ALLEGED AGREEMENT TO BE ENTITLED  
18 TO PURCHASE THE APARTMENT AND I SETTLED THAT CLAIM IN FAVOR  
19 OF -- THERE WAS A SETTLEMENT IN FAVOR OF MR. LEVIN.

20 Q SETTLEMENT IN FAVOR OF MR. LEVIN ON THIS CASE?

21 A YES.

22 MR. WAPNER: SO THE RECORD IS CLEAR, WHICH LEVIN IS THAT?

23 THE WITNESS: MR. RONALD GEORGE LEVIN.

24 Q BY MR. BARENS: AND IT IS YOUR TESTIMONY THAT  
25 THEY ACTUALLY CONCLUDED THIS CASE IN HIS FAVOR?

26 A WELL, IF YOU CONSIDER IT IN HIS FAVOR THAT  
27 JUDGE LEVITT, WHO THEN WAS HANDLING IT, PAID US A SUM OF  
28 MONEY, MY ANSWER IS YES.

A-1

1 THE COURT: HOW MUCH DID HE PAY YOU?

2 THE WITNESS: TO THE BEST OF MY RECOLLECTION, YOUR  
3 HONOR, IT WAS ABOUT \$50,000.

4 Q BY MR. BARENS: I NOTICE YOU DON'T MENTION THAT  
5 AS PART OF THE MONEYS RECEIVED BY THE ESTATE.

6 A I HAD NOT MENTIONED THAT BEFORE BUT NOW YOU HAVE  
7 REMINDED ME ABOUT IT, COUNSEL, SO I AM NOW MENTIONING IT.

8 Q ALL RIGHT. SO IN ADDITION TO WHAT YOU HAVE TOLD  
9 US ABOUT EARLIER, THERE WAS ANOTHER \$50,000?

10 A I BELIEVE IT WAS \$50,000.

11 I COULD TELL YOU IF I TOOK A FEW MOMENTS TO  
12 ACTUALLY LOOK OVER THE CORRESPONDENCE, I COULD TELL YOU  
13 EXACTLY, BUT THEY SETTLED WITH US AND THEY PAID US MONEY  
14 AND I BELIEVE IT WAS \$50,000.

15 Q OKAY. IS THERE ANY OTHER MONEY THE ESTATE  
16 RECEIVED FROM ANY OTHER SOURCE THAT YOU MIGHT HAVE OVERLOOKED  
17 IN YOUR INITIAL TESTIMONY?

18 A I CAN'T ANSWER THAT BECAUSE YOU ARE ASKING ME  
19 TO SPECULATE ABOUT SOMETHING I DON'T REMEMBER RIGHT NOW.  
20 IT IS POSSIBLE THERE MIGHT HAVE BEEN SOME OTHER AMOUNT THAT  
21 I HAVEN'T TESTIFIED ABOUT.

22 I HAVEN'T REFERRED TO ANY OF MY RECORDS. I HAVE  
23 BEEN TESTIFYING FROM MY RECOLLECTION.

24 Q OKAY. YOU SUBMITTED A FINAL ACCOUNTING IN  
25 SUPERIOR COURT EVENTUALLY, DID YOU NOT, SIR?

26 A NO, SIR.

27 THE CONSERVATORSHIP HAS NOT BEEN FINALIZED. I  
28 HAVE ONLY SUBMITTED ONE OR TWO ACCOUNTINGS.



1 Q OKAY. DID YOU EVER COME INTO POSSESSION OF ANY  
2 TRAVELER'S CHECKS?

3 A TRAVELER'S CHECKS? I DON'T BELIEVE SO, NOT TO  
4 MY RECOLLECTION.

5 Q DID YOU HAVE ANY RECORDS THAT SHOWED YOU THAT  
6 MR. LEVIN HAD MADE SUBSTANTIAL PURCHASES OF TRAVELER'S  
7 CHECKS?

8 A I HAVE NO RECORD TO SHOW THAT, NO.

9 I HAD HEARD CONVERSATIONS ABOUT IT.

10 I HAD NO RECORDS TO SHOW THAT.

11 Q IN YOUR WORK WITH THE ESTATE, YOU NEVER FOUND  
12 EVEN ONE TRAVELER'S CHECK?

13 A TO THE BEST OF MY RECOLLECTION, WE NEVER FOUND  
14 EVEN ONE TRAVELER'S CHECK.

15 Q OKAY. I NOTICE WHEN WE WERE BACK AT PEOPLE'S 161,  
16 THERE WERE A VARIETY OF CHDCKS IN THAT EXHIBIT -- I DON'T  
17 KNOW --

18 DO YOU HAVE THAT HANDY?

19 MR. BARENS: IF I HAVE A MOMENT, YOUR HONOR, WHILE WE  
20 LOCATE THE EXHIBIT.

21 THE COURT: YES. I THINK THERE WERE FIVE OR SIX CHECKS,  
22 WEREN'T THERE?

23 MR. BARENS: YES, I THINK THERE WERE AT LEAST THREE  
24 OR MAYBE IT IS 162 THAT HAS FIVE OR ONE OF THOSE, 162 HAS  
25 THREE TRAVELER'S CHECKS AND 161 HAS SOME OTHER CHECKS.

26 THE COURT: 162 HAS THREE CHECKS AND THE OTHER FILE,  
27 REMEMBER, HAS SMALL AMOUNTS WHICH WERE COLLECTED.

28 MR. BARENS: RIGHT.

-1 1 Q IT IS SOME CHECKS THAT TOTAL \$10,665?

2 A THAT IS MY OPENING DEPOSIT IN THE CONSERVATORSHIP  
3 ACCOUNT. THAT IS SEVEN CHECKS.

4 MR. BARENS: IF I MIGHT, YOUR HONOR?

5 THE COURT: YES.

6 Q BY MR. BARENS: SIR, DIRECTING YOUR ATTENTION  
7 TO THIS EXHIBIT, I SEE A CHECK HERE FOR E. LEITZ, L-E-I-T-Z,  
8 INC. PAYABLE TO GENERAL NEWS?

9 A CORRECT.

10 Q AND WHERE ARE THEY, APPARENTLY?

11 A ACCORDING TO THE CHECK, IN ROCKLEIGH, NEW JERSEY.

12 Q AND STILL ON THIS EXHIBIT, I SEE A CHECK HERE FROM  
13 THE FIDELTY INCOME TRUST ACCOUNT. AND DOES THAT CHECK SHOW  
14 WHERE THEY ARE LOCATED, ACTUALLY?

15 A WELL, THE CHECK IS PAYABLE AT STATE STREET BANK  
16 AND TRUST COMPANY IN BOSTON.

17 Q THANK YOU, SIR. AND I NOTICE A CHECK HERE FROM  
18 SOMETHING CALLED NEWS AMERICA SYNDICATE. DO YOU SEE THAT  
19 ONE?

20 A YES, SIR.

21 Q WHERE ARE THEY?

22 A CHICAGO.

23 Q ALL RIGHT, SIR. YOU MENTIONED IN REFERENCE TO  
24 PEOPLE'S 166-A AND -B, WHICH CONSISTS OF TWO PHOTOGRAPHS  
25 OF A SMALL OFFICE, THERE WERE A VARIETY OF DRAWERS IN THOSE  
26 PHOTOGRAPHS, WERE THERE NOT, SIR?

27 A IN THE ONES THAT I WAS SHOWN, YES. AND THOSE  
28 DRAWERS WERE SHALLOW DRAWERS THAT CONTAINED ALL DIFFERENT KINDS

1 OF FORMS AND STATIONERY AND THAT SORT OF THING.

2 Q DID THEY NOT IN FACT, CONTAIN STATIONERY ON A  
3 VARIETY OF HIS BUSINESSES?

4 A YES.

5 Q AND CORPORATIONS?

6 A YES.

7 Q IS IT NOT TRUE, THAT THERE YOU FOUND THE NAMES  
8 OF OVER 21 OR SO CORPORATIONS?

9 A IT IS POSSIBLE THAT THERE WERE THAT MANY. I  
10 DON'T RECALL.

11 Q WITH ACCOMPANYING STATIONERY?

12 A YES.

13 Q AND CORPORATE SEALS, SIR?

14 A IN THOSE DRAWERS YOU MEAN, COUNSEL?

15 Q AT LEAST SOME? WHERE DID YOU FIND THE 21 CORPORATE  
16 SEALS?

17 A I BELIEVE IN THE GARAGE THERE WERE CORPORATE  
18 MINUTE BOOKS AND CORPORATE SEALS, NOT IN THE DRAWERS IN  
19 THE OFFICE.

20 Q ALL RIGHT, SIR. NOW, YOU STARTED TALKING ABOUT  
21 THESE SWISS BANK ACCOUNTS --

22 THE COURT: BANK ACCOUNTS OR BANK ACCOUNT?

23 MR. BARENS: I DON'T KNOW YET, SIR.

24 THE COURT: IT WAS ONE BANK ACCOUNT WAS IT?

25 THE WITNESS: AS FAR AS I KNOW.

26 THE COURT: REFER TO IT AS ONE SWISS BANK ACCOUNT.

27 MR. BARENS: I AM INSTRUCTED, YOUR HONOR.

28 Q THESE SWISS BANK ACCOUNT THAT YOU ARE REFERRING

1 TO SIR, SHOWS A BALANCE AS OF DECEMBER, 1984?

2 A YES.

3 Q NOW, DO YOU HAVE THAT AROUND?

4 A YES.

5 THE COURT: IS THAT THE ONE WITH A \$3 BALANCE?

6 MR. BARENS: QUITE SO, YOUR HONOR. IT IS \$3 ACTUALLY  
7 AND 89 CENTS, YOUR HONOR.

8 THE COURT: YES.

9 Q BY MR. BARENS: THIS SHOWS, DOES HAVE THE WORDS  
10 "CURRENT ACCOUNTING."?

11 A IT SAYS "CURRENT ACCOUNTING.(1/84 EXPENSES)".

12 Q AND THE TIME FRAME APPARENTLY REFERENCED ON  
13 HERE IS 12/31/84?

14 A THAT'S CORRECT.

15 Q NOW, FROM LOOKING AT THAT, IT IS IMPOSSIBLE, IS  
16 IT NOT, SIR, TO TELL WHAT MONEYS HAD BEEN PUT IN OR OUT OF  
17 THAT ACCOUNT, DEPOSITED OR WITHDRAWN PRIOR TO THE DATE THAT  
18 YOU ARE LOOKING AT?

19 A IF YOU LOOK JUST AT THAT ONE STATEMENT, YES, SIR.

20 Q AND SO YOU CAN'T REALLY TELL ANYTHING ABOUT  
21 PRIOR ACTIVITY LEVELS IN THAT ACCOUNT, EXCEPT FOR THE BALANCE  
22 ON THE DATE INDICATED ON THE ACCOUNT?

23 A FROM LOOKING AT THIS STATEMENT, I CANNOT.

24 MR. BARENS: ALL RIGHT, SIR.

25 THE COURT: ARE THERE ANY OTHER STATEMENTS WHERE YOU  
26 CAN TELL HOW MUCH WAS DEPOSITED?

27 THE WITNESS: YES, YOUR HONOR.

28 THE COURT: DO YOU HAVE THOSE STATEMENTS?

1 THE WITNESS: I HAVE EARLIER STATEMENTS.

2 THE COURT: ALL RIGHT. YOU MIGHT ASK HIM ABOUT THAT,  
3 IF YOU WANT TO.

4 MR. BARENS: I WITHDRAW IT. I WON'T PROCEED WITH THAT.  
5 I AM DOING THE DEFENSE CASE.

6 THE COURT: WELL, YOU SAID INCLUDING THE STATEMENTS  
7 ALL IT SHOWS IS \$3.

8 BUT THERE ARE OTHER ENTRIES IN THAT ONE ACCOUNT  
9 SHOWING DEPOSITS FROM TIME TO TIME?

10 THE WITNESS: NO DEPOSITS.

11 THE COURT: ONLY WITHDRAWALS?

12 THE WITNESS: NO WITHDRAWALS.

13 THE COURT: NOTHING AT ALL?

14 THE WITNESS: CORRECT.

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1 THE COURT: YOU MEAN IT WAS AN ACCOUNT THAT WAS OPENED .  
2 UP AND THAT IS ALL HE DID WITH IT?

3 THE WITNESS: IT WAS JUST THAT ONE, SMALL BALANCE.

4 THE COURT: DID I CLEAR IT UP FOR YOU?

5 MR. BARENS: NOT NECESSARILY.

6 THE COURT: LET'S GO ON.

7 MR. BARENS: THANK YOU, SIR.

8 Q THE NEXT QUESTION I HAVE FOR YOU SIR, WOULD BE  
9 TO SHOW ME THESE THINGS YOU WERE JUST DISCUSSING WITH HIS  
10 HONOR.

11 A I HAVE A STATEMENT DATED JUNE 30, 1984, FROM  
12 THE SWISS BANK.

13 Q AND WHAT DOES IT SHOW YOU ON JUNE 30, 1984?

14 A IT SHOWS A BALANCE OF \$4.31 AMERICAN DOLLARS  
15 DEBIT.

16 Q THAT IS ALL THERE APPEARS TO BE IN THE BANK  
17 ACCOUNT AS OF THAT DAY, SIR?

18 A THAT'S CORRECT.

19 Q NOW, DO YOU HAVE THE ONE FROM MAY FOR ME, SIR?

20 A NO. I WAS APPOINTED -- THIS WAS THE EARLIEST  
21 STATEMENT THAT I FOUND. I GATHERED UP ALL OF THE STATEMENTS  
22 I COULD AND THE EARLIEST ONE, WAS THIS JUNE 30, 1984 STATEMENT.

23 Q YOU HAVE NO EVIDENCE FOR ME FOR MAY, 1984, SIR?

24 A I HAVE NOTHING FROM THAT BANK FOR MAY OF 1984.  
25 THAT'S CORRECT.

26 Q HOW DID YOU HAPPEN TO COME INTO POSSESSION OF  
27 DOCUMENTS YOU HAVE IN YOUR HAND THERE, FOR JUNE?

28 A THE ONE FROM JUNE 30TH OF 1984, I GOT FROM

1 RONALD GEORGE LEVIN'S APARTMENT. AND THE ONE FROM  
2 DECEMBER 31ST, 1984, THE SWISS BANK, IT CAME TO MY OFFICE  
3 BECAUSE BY THAT TIME, I HAD HAD ALL THE MAIL FORWARDED TO  
4 ME AS THE CONSERVATOR.

5 Q SIR, COULD YOU FIND NOTHING IN MR. LEVIN'S  
6 APARTMENT FROM ANY BANK STATEMENTS ON THAT ACCOUNT PRIOR  
7 TO JUNE OF 1984?

8 A TO THE BEST OF MY RECOLLECTION, THAT WAS THE  
9 ACCOUNT THAT I FOUND. THIS ONE OF JUNE 30, '84, WAS IT.  
10 I DIDN'T FIND ANY OTHERS. YES.

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1 Q NOTHING PRIOR THERETO, SIR?

2 A THAT IS CORRECT.

3 Q OF ANY KIND OF DESCRIPTION?

4 A AS TO THE SWISS BANK, THAT'S CORRECT.

5 Q THANK YOU, SIR.

6 NOW YOU INDICATED THAT YOU HAVE AN ENTRY  
7 THAT YOU BELIEVE TO BE AN OVERDRAFT ON THAT ACCOUNT,  
8 ACTUALLY.

9 AREN'T YOU TELLING THE COURT THAT YOU BELIEVED  
10 THAT THE \$3.89 REPRESENTS AN OVERDRAFT?

11 A NO, SIR.

12 THESE -- EACH MONTH THESE STATEMENTS  
13 INDICATE THERE WAS LIKE A SERVICE CHARGE BEING PUT THROUGH,  
14 SO THAT ON WHAT I SAID WAS AT THE END OF THE YEAR, THERE  
15 WAS AN \$38.60 OVERDRAFT, WHICH IN MY JUDGMENT IS AN ACCUMULATION  
16 OF SEVERAL MONTHS OF THESE THREE- OR FOUR-DOLLAR MONTHLY  
17 SERVICE CHARGES.

18 Q SO THE IMPLICATION OF THAT, SIR, IS THAT  
19 THE BANK CONTINUED ASSESSING SOME SORT OF A CHARGE ON  
20 THAT ACCOUNT EVERY MONTH?

21 A YES, SIR.

22 Q AND IT CONTINUED THUSLY AT LEAST THROUGH  
23 DECEMBER OF 1984?

24 A YES, SIR.

25 Q ALL RIGHT, SIR, YOU WENT ON AND TESTIFIED  
26 ABOUT A VARIETY OF BANK ACCOUNTS THAT WE UNDERSTAND,  
27 OR AT LEAST I UNDERSTAND REPRESENTED ACCOUNTS THAT OSTENSIBLY  
28 A CHECK WAS DEPOSITED INTO THAT HAD A SUBSTANTIAL APPEARANCE



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TO IT AND LATER ON THE ACCOUNT, IT TURNED OUT, THAT THE  
CHECK WAS N.S.F. OR FOR WHATEVER REASON, STOPPED OR WHATEVER,  
THAT THE ACCOUNT WASN'T REALLY FUNDED WITH THE MONIES  
DEPOSITED.

8A  
1 THE COURT: HE DIDN'T SAY THE CHECK WAS STOPPED.

2 HE SAID THE CHECK WAS N.S.F.; ISN'T THAT  
3 WHAT YOU SAID IN EACH CASE? DIDN'T YOU?

4 THE WITNESS: THAT WAS MY UNDERSTANDING, THAT IS  
5 CORRECT.

6 THE COURT: YOU DIDN'T SEE ANY STOPPED CHECKS?

7 THE WITNESS: I HAVE NEVER SEEN THAT OR BEEN TOLD  
8 THAT, NO.

9 THE COURT: WOULD YOU REPHRASE YOUR QUESTION, PLEASE?

10 MR. BARENS: I THOUGHT THE WITNESS USED THE WORDS  
11 "UNCOLLECTED FUNDS," SIR.

12 THE COURT: YOU SAID THAT HE USED THE WORDS "STOPPED  
13 PAYMENT."

14 MR. BARENS: MY UNDERSTANDING, YOUR HONOR, IS THAT  
15 UNCOLLECTED FUNDS CAN EITHER REPRESENT AN N.S.F. OR A  
16 STOPPED CHECK, THAT HAS BEEN MY KNOWLEDGE TO THIS POINT  
17 IN MY LIFE, SIR.

18 THE COURT: DO YOU KNOW OF ANY STOPPED CHECK AT  
19 ALL IN ANY OF THOSE ACCOUNTS, STOPPED PAYMENT CHECKS?

20 THE WITNESS: NOT ON ANY OF THE ACCOUNTS THAT I  
21 WAS TRYING TO COLLECT AS A CONSERVATOR.

22 THE COURT: SO IN EACH ACCOUNT, IT SAID NOT SUFFICIENT  
23 FUNDS; IS THAT CORRECT?

24 THE WITNESS: THAT'S CORRECT.

25 THE COURT: NOW THAT IS YOUR QUESTION, ISN'T IT?

26 MR. BARENS: 'TIS ACTUALLY.

27 Q ALL RIGHT, SIR, IT APPEARS THAT ALL OF THOSE  
28 ACTIVITIES OCCURRED IN 1971 AND IN 1972; ISN'T THAT CORRECT?

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1           A       AS TO THE ACCOUNTS THAT MR. WAPNER ASKED  
2 ME ABOUT, YES.

3           Q       NOW, DID YOU EVER GAIN ANY UNDERSTANDING  
4 AS TO WHY THERE WAS THAT TYPE OF ACTIVITY GOING ON IN  
5 1971 AND 1972?

6           A       NO, SIR.

7           Q       WOULD IT APPEAR TO YOU, SIR, THAT IF I HAD  
8 A BANK ACCOUNT BOOK THAT HAD THE APPEARANCE THOSE BOOKS  
9 HAD, IF I SHOWED THEM TO SOMEONE, I COULD GET CREDIT  
10 ON THEM?

11          A       THAT WOULD BE ONE REASON I MIGHT WANT TO  
12 DO THAT, YES.

13          Q       AND IT HAS AN APPEARANCE OF GENUINENESS?

14          A       YES, SIR.

15          Q       ONE OF THE LAWSUITS THAT YOU MADE REFERENCE  
16 TO INVOLVED PROGRESSIVE SAVINGS AND LOAN, DID IT NOT,  
17 SIR?

18          A       YES.

19          Q       AND DO YOU HAVE THAT WITH YOU?

20          A       YES.

21          Q       ALL RIGHT, IF YOU WOULD PLEASE OBTAIN THAT  
22 ONE, SIR.

23                   (PAUSE IN PROCEEDINGS.)

24           THE WITNESS: I APOLOGIZE TO THE COURT. I HAVE  
25 IT HERE. I JUST SAW IT IN THE LAST FEW MOMENTS AND I  
26 KNOW I HAVE IT HERE.

27           THE COURT: WHICH ONE IS THAT?

28           THE WITNESS: THAT IS PROGRESSIVE SAVINGS AND LOAN.

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1 THE COURT: ISN'T THAT THE ONE THAT YOU LEFT OUT  
2 THERE?

3 THE WITNESS: THAT IS POSSIBLE.

4 OH, YES, YES, I HAVE IT, COUNSEL.

5 MR. BARENS: OKAY, THANK YOU FOR TAKING THE TIME  
6 TO LOCATE THAT, MR. OSTROVE.

7 YOUR HONOR, THE DEFENSE REQUESTS THAT WE  
8 MARK THIS LITIGATION AS THE DEFENDANT'S NEXT.

9 THE COURT: YES. WHICH CASE IS THAT?

10 MR. BARENS: THIS IS PROGRESSIVE SAVINGS AND LOAN  
11 ACTUALLY.

12 THE COURT: ALL RIGHT. DEFENDANT'S C.

13 MR. BARENS: VERSUS A BUNCH OF PEOPLE.

14 THE COURT: ALL RIGHT. C.

15 MR. WAPNER: WELL, BEFORE WE MARK THINGS -- HE  
16 SAID "MARK THIS LITIGATION," I DON'T KNOW WHAT THAT MEANS.  
17 BUT SINCE WE ARE TALKING ABOUT AN ENTIRE FILE, THERE  
18 IS AN OBJECTION TO EVEN MARKING IT AS AN EXHIBIT UNTIL  
19 WE ARE TALKING ABOUT SPECIFIC DOCUMENTS.

20 IF HE WANTS TO PULL SPECIFIC THINGS OUT OF  
21 THERE, THEN THAT IS SOMETHING ELSE AGAIN.

22 THE COURT: WHAT IS IT YOU WANT FROM THERE? LET  
23 HIM TESTIFY AND ASK HIM SOME QUESTIONS ABOUT THAT, IF  
24 YOU WILL.

25 Q BY MR. BARENS: ALL RIGHT. DO YOU HAVE THE  
26 COMPLAINT THERE, SIR?

27 A YES.

28 Q ALL RIGHT. COULD YOU TAKE THE COMPLAINT

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1       OUT FOR ME, SIR?

2               A       CERTAINLY.

3               Q       DO YOU KNOW IF THAT CASE IS STILL PENDING?

4               A       IT IS.

5               THE COURT: IS THAT THE ONE YOU TOLD US WHERE THERE  
6 WAS A CLAIM FOR \$150,000?

7               THE WITNESS: THAT IS CORRECT, YOUR HONOR.

8               THE COURT: BY PROGRESSIVE?

9               THE WITNESS: BY PROGRESSIVE AGAINST RONALD GEORGE  
10 LEVIN AND OTHERS.

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1 THE COURT: WELL, WHO WERE SOME OF THE OTHER DEFENDANTS?

2 THE WITNESS: AS SOON AS I FIND THE COMPLAINT,  
3 YOUR HONOR, THIS JUST SAYS RON LEVIN ET AL. ON EVERYTHING  
4 THAT I HAVE LOOKED AT SO FAR.

5 THE COURT: WELL, THE ORIGINAL WOULD GIVE YOU THE  
6 NAMES, WOULDN'T IT?

7 THE WITNESS: YES, SIR. OKAY. IT IS RONALD LEVIN,  
8 MAY BROTHERS LAND CORPORATION, GENERAL INFORMATION CORPORATION,  
9 FIRST INTERSTATE BANK, LEN MARMOR, M-A-R-M-O-R, JOSEPH  
10 HUNT, CYCLATRONICS OF NORTH AMERICA, INC., B.B.C. CONSOLIDATED,  
11 TOM FRANK MAY II, EYE CONTACT ADVERTISING AND MITSUI  
12 MANUFACTURERS BANK.

13 THE COURT: ALL RIGHT. THANK YOU. GO AHEAD.

14 MR. BARENS: THANK YOU, YOUR HONOR. COULD WE MARK  
15 AS DEFENDANT'S NEXT IN ORDER, THIS?

16 THE COURT: CERTAINLY. DEFENDANT'S C.

17 MR. BARENS: THANK YOU. I THINK WE ARE ALL OF  
18 THE WAY UP TO "C" FOR THE DEFENSE.

19 Q NOW, IS THE GRAVAMEN OF THAT LAWSUIT TO THE  
20 EFFECT THAT RONALD --

21 MR. WAPNER: WELL, OBJECTION. I THINK THE DOCUMENT  
22 OUGHT TO SPEAK FOR ITSELF.

23 MR. BARENS: YOUR HONOR, WE HAVE HAD THAT SORT  
24 OF TESTIMONY THROUGHOUT THIS TRIAL AND --

25 THE COURT: LET'S NOT ARGUE ABOUT. GIVE US, AS  
26 BEST YOU CAN, A RESUME OF WHAT YOU THINK THE GRAVAMEN  
27 OF THE OFFENSE IS.

28 THE WITNESS: VERY WELL. THE ARGUMENT IS AS FOLLOWS,

1 COUNSEL --

2 Q BY MR. BARENS: YES, IF YOU WOULD.

3 A THAT PROGRESSIVE SAVINGS AND LOAN CONTENDS  
4 THAT RONALD LEVIN DEPOSITED TWO CHECKS THAT HE RECEIVED,  
5 I BELIEVE, FROM JOSEPH HUNT AND LEN MARMOR, TOTALING  
6 \$150,000, THAT THOSE TWO GENTLEMEN PUT STOP PAYMENTS  
7 ON THOSE CHECKS BUT THAT IN THE MEANTIME, RONALD GEORGE  
8 LEVIN WAS SUCCESSFUL IN HAVING PROGRESSIVE SAVINGS PAY  
9 AGAINST THEM TO THE TUNE OF \$150,000.

10 SO PROGRESSIVE SAVINGS IS UNHAPPY ABOUT THE  
11 FACT THAT IT IS OUT OF POCKET \$150,000.

12 Q OUT OF POCKET IN MR. LEVIN'S FAVOR?

13 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION.

14 THE COURT: SUSTAINED.

15 Q BY MR. BARENS: AND WHAT DO THEY SAY IN THEIR  
16 COMPLAINT?

17 THE COURT: I ASKED HIM ABOUT IT. HE TOLD YOU  
18 WHAT IT WAS.

19 Q BY MR. BARENS: WHAT DID THEY SAY HAPPENED  
20 TO THEIR MONEY, MR. OSTROVE?

21 A THEY SAY THERE WAS A CONSPIRACY BETWEEN LEN  
22 MARMOR, JOSEPH HUNT AND RONALD LEVIN TO DEFRAUD PROGRESSIVE  
23 SAVINGS.

24 Q AND DO THEY SAY MR. LEVIN GOT THE MONEY?

25 A I BELIEVE SO.

26 Q QUITE SO. NOW, DID YOU EVER -- WERE YOU  
27 ABLE TO TRACE BY THE WAY -- WHEN DID THEY SAY THIS ALL  
28 OCCURRED, SIR?

29 A ON OR ABOUT SEPTEMBER 12, 1983.

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1 Q ALL RIGHT. NOW WERE YOU SIR, ABLE TO TRACE  
2 WHERE THAT MONEY WENT IN MR. LEVIN'S RECORDS?

3 MR. WAPNER: OBJECTION, ASSUMING A FACT NOT IN EVIDENCE,  
4 THAT HE IS TALKING ABOUT AN ALLEGATION AND NOW MR. BARENS  
5 HAS MADE A STATEMENT WHERE THAT MONEY WENT. WE ARE GOING  
6 FROM ONE TO ANOTHER.

7 MR. BARENS: ALL RIGHT.

8 THE COURT: DO YOU KNOW ANYTHING MORE THAN WHAT YOU  
9 HAVE TOLD US IS IN THE COMPLAINT?

10 THE WITNESS: NO, YOUR HONOR. I REALLY DON'T.

11 Q BY MR. BARENS: ALL RIGHT. SO THE ANSWER TO  
12 MY QUESTION IS NO, SIR?

13 A THAT'S CORRECT, COUNSEL.

14 Q THANK YOU, SIR. NOW, WERE YOU FAMILIAR WITH A  
15 LAWSUIT OF -- BY BATEMAN, EICHLER, HILL, AS AGAINST  
16 MR. LEVIN?

17 A YES, SIR.

18 Q YOU DIDN'T MENTION THAT ONE EARLIER, DID YOU?

19 A YES.

20 Q YOU DID?

21 A I MENTIONED THAT THERE WAS A LAWSUIT IN THE  
22 BEVERLY HILLS MUNICIPAL COURT INVOLVING A BROKERAGE. THAT  
23 IS THE ONE.

24 Q DO YOU HAVE ANY DOCUMENTATION ON THAT, SIR?

25 A YES. I HAVE THAT FILE, HERE.

26 Q EARLIER ON, YOU TESTIFIED THAT THAT AMOUNTED TO  
27 \$7,800.

28 A THAT IS WHAT MR. WAPNER ASKED ME, TO THE BEST OF



1 MY RECOLLECTION. THAT IS THE AMOUNT THEY WERE SUING FOR.

2 Q ALL RIGHT, SIR. NOW, DID YOU EVER SPEAK TO  
3 A MR. CARPIO AT THE I.R.S. CONCERNING MR. LEVIN?

4 A I DON'T RECALL. I DON'T RECALL EVER SPEAKING  
5 TO ANYONE BY THAT NAME. BUT IT IS POSSIBLE THAT I DID.

6 Q DID YOU SPEAK TO I.R.S. PEOPLE CONCERNING  
7 MR. LEVIN?

8 A I HAVE A VAGUE RECOLLECTION OF A TELEPHONE CALL  
9 FROM AN I.R.S. REVENUE OFFICER, WHICH IS THE COLLECTION  
10 DEPARTMENT OF THE I.R.S. YES.

11 THE COURT REPORTER: HOW DO YOU SPELL THAT NAME?

12 MR. BARENS: C-A-R-P-I-O.

13 THE WITNESS: BUT I DON'T RECALL THAT INDIVIDUAL THAT  
14 YOU SPOKE OF.

15 THE COURT: DID YOU MENTION IT WAS A CLAIM FROM THE  
16 I.R.S. AGAINST THIS?

17 THE WITNESS: YES. THERE DEFINITELY WAS AN ASSESSMENT  
18 BY THE I.R.S.

19 THE COURT: WELL, YOU LISTED THAT AS ONE OF THE CLAIMS  
20 AGAINST THE ESTATE?

21 THE WITNESS: THAT IS ONE OF THE CLAIMS AGAINST THE  
22 ESTATE.

23 THE COURT: HOW MUCH IS THAT FOR?

24 THE WITNESS: TO THE BEST OF MY RECOLLECTION, AROUND  
25 \$35,000.

26 THE COURT: ALL RIGHT.

27 Q BY MR. BARENS: ALL RIGHT, SIR. ASIDE FROM THE  
28 CLAIM YOU TOLD US ABOUT INVOLVING THE I.R.S., ARE YOU AWARE OF

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1 ANY OTHER PENDING OR THREATENED CLAIMS BY THE I.R.S.?

2 A NO.

3 Q THE CLAIM YOU ARE FAMILIAR WITH SIR, DO YOU KNOW  
4 WHAT PERIOD OF TIME THAT WOULD REFERENCE?

5 A SEVERAL YEARS AGO. I AM NOT EXACTLY SURE WHAT  
6 PERIOD.

7 Q ASIDE FROM ACTUALLY PURSUING THAT MATTER YOU FOUND  
8 IN THE APARTMENT, DID YOU DO ANY INDEPENDENT INVESTIGATION  
9 TO VERIFY THE EXISTENCE OR NONEXISTENCE, AS THE CASE MAY BE,  
10 OF ANY OTHER ASSETS?

11 A YES.

12 Q AND COULD YOU DESCRIBE WHAT THAT CONSISTS OF?

13 A YES. EVERY STATEMENT THAT WE RECEIVED IN THE  
14 MAIL OR ANYTHING WHERE YOU COULD GET A REASONABLE INFERENCE  
15 THAT MAYBE THERE WERE FUNDS THERE, WE WOULD WRITE TO GET  
16 A STATEMENT.

17 EVEN IF IT WAS A PIECE OF ADVERTISING LITERATURE  
18 FROM A STOCK BROKERAGE HOUSE OR SAVINGS AND LOAN, WE WOULD  
19 WRITE TO THEM TO SEE IF THERE WAS ANY ACCOUNT.

20 Q I SEE. OTHER THAN ACTIVITIES CONCERNING THINGS  
21 YOU FOUND IN THE APARTMENT OR THINGS THAT CAME TO YOU IN  
22 THE MAIL OR WERE PROVIDED TO YOU BY A MEMBER OF THE LEVIN  
23 FAMILY, WAS THERE ANY INDEPENDENT ACTIVITY DONE?

24 A YES.

25 Q TELL ME ABOUT THAT, SIR.

26 A I SPOKE TO SEVERAL DIFFERENT LAWYERS WHO HAD  
27 REPRESENTED RONALD GEORGE LEVIN. I SPOKE TO A TAX PREPARER  
28 WHO WAS DOING SOME WORK OR HAD DONE SOME WORK ON HIS TAX

1 RETURNS, TO TRY TO DETERMINE WHETHER THERE WERE ANY OTHER  
2 ASSETS THAT I SHOULD KNOW ABOUT. AND I SPOKE TO SEVERAL  
3 OF HIS ASSOCIATES AND FRIENDS. AS FAR AS I KNOW, THEY WERE  
4 FRIENDS.

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1 Q DID YOU DO A GRANTOR-GRANTEE INDEX SEARCH?

2 A WE DID A -- WE DID AN ASSET SEARCH THROUGH,  
3 YES, I BELIEVE WE DID, WE DID A STANDARD ASSETS SEARCH  
4 EITHER THROUGH OUR ATTORNEY SERVICE, WHICH HAS AN ASSET  
5 SEARCH DIVISION, OR THROUGH OUR INDEPENDENT INVESTIGATOR,  
6 I AM NOT SURE WHICH.

7 WE DID DO AN ASSET SEARCH, YES, SIR.

8 Q I AM NOT ASKING YOU THAT. I ASKED YOU IF  
9 YOU SPECIFICALLY EVER DID A GRANTEE-GRANTOR AND REVERSE  
10 INDEX SEARCH?

11 A TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT  
12 ASSET SEARCH WOULD INCLUDE THAT.

13 Q SIR, DID AMERICAN EXPRESS HAVE ANY CLAIM  
14 AGAINST THE ESTATE?

15 A YES, THEY HAVE A LARGE CLAIM AGAINST THE  
16 ESTATE.

17 Q YOU DIDN'T MENTION THAT ONE EARLIER ACTUALLY.  
18 HOW MUCH IS THAT ONE, SIR?

19 A I DON'T KNOW RIGHT OFFHAND, COUNSEL.

20 Q WOULD IT BE ABOUT \$56,000?

21 A THAT SOUNDS -- THAT AMOUNT SOUNDS FAMILIAR.

22 Q IS IT NOT TRUE THAT DURING THE MONTH OF MAY,  
23 1984, MR. LEVIN INCURRED AMERICAN EXPRESS CHARGES IN  
24 THE SUM OF \$30,000?

25 A I DON'T KNOW.

26 Q DO YOU HAVE ANYTHING THAT MIGHT HELP ME WITH  
27 THAT?

28 A I AM SURE I HAVE THE AMERICAN EXPRESS STATEMENT.

1 Q I NEED YOU TO PULL IT OUT, SIR.

2 A CERTAINLY.

3 (PAUSE IN PROCEEDINGS.)

4 THE WITNESS: COUNSEL, I DON'T SEE THE AMERICAN  
5 EXPRESS STATEMENT HERE SO I GUESS I DON'T HAVE IT. I  
6 GUESS I DO NOT HAVE IT HERE WITH ME TODAY OR IF I DO,  
7 I DON'T SEE IT AT THE MOMENT. I THINK I HAVE LOOKED  
8 AT ALL OF THE FILES.

9 BUT YOU ARE CORRECT, THERE WAS A LARGE AMOUNT  
10 DUE TO AMERICAN EXPRESS.

11 Q DO YOU HAVE THE AMERICAN EXPRESS MATERIALS  
12 SOMEWHERE, SIR?

13 A I DO, COUNSEL. I AM CERTAIN THAT WE DO.

14 IF I DON'T HAVE THEM HERE TODAY -- THIS STUFF  
15 WAS BROUGHT OVER FROM MY OFFICE ON VERY SHORT NOTICE  
16 AND IF I DON'T HAVE THEM HERE, THEN I SURELY HAVE IT  
17 AT MY OFFICE.

18 I DON'T RECALL YOU SUBPOENAING ANYTHING FROM  
19 ME, COUNSEL.

20 Q NO.

21 DIDN'T MR. WAPNER ASK YOU TO BRING ALL OF  
22 YOUR MATERIALS?

23 A NO.

24 Q HE ASKED YOU TO BRING SOME SELECTED MATERIALS?

25 A HE DIDN'T ASK ME TO BRING ANYTHING.

26 AFTER I GOT HERE TODAY, HE WAS SURPRISED  
27 THAT I DIDN'T HAVE MY MATERIALS AND SO I HAD MY SON BRING  
28 THEM OVER VERY QUICKLY AND APPARENTLY, ONE OF THE THINGS

1 HE DID NOT BRING IS THE FILE WITH ALL OF THE ACCOUNTS  
2 PAYABLE IN THERE BECAUSE THAT IS PROBABLY IN A DIFFERENT  
3 FILE.

4 Q SIR, AT ANOTHER HEARING OR ANOTHER PROCEEDINGS  
5 NOT INVOLVING MR. HUNT, YOU TESTIFIED ABOUT THOSE AMERICAN  
6 EXPRESS CHARGES, DID YOU NOT?

7 A I DON'T RECALL.

8 PERHAPS DURING THE BREAK, I COULD FIND THEM,  
9 COUNSEL.

10 MAYBE I DO HAVE THEM HERE. I JUST DIDN'T  
11 WANT TO TAKE AN INDEFINITE AMOUNT OF COURT TIME TO GET  
12 THEM.

13 THE COURT: IF YOU DON'T HAVE THEM NOW, WILL YOU  
14 GET THEM AND BRING THEM IN?

15 THE WITNESS: BY TOMORROW MORNING, I CERTAINLY  
16 WILL.

17 MR. BARENS: I APPRECIATE THAT, YOUR HONOR.

18 Q ASIDE FROM THE AMERICAN EXPRESS CHARGES,  
19 WERE THERE ANY OTHER CREDIT CARD CLAIMS AGAINST THE ESTATE?

20 A YES.

21 Q THE ESTATE OF THE PERSON?

22 A YES, THERE WERE.

23 Q WHO WERE THEY FROM?

24 A I DON'T RECALL THEM ALL RIGHT OFFHAND BUT  
25 THERE WAS -- I KNOW THERE WAS ONE CREDIT CARD THROUGH  
26 FIDELITY THAT WAS OVERDRAWN BY SEVERAL HUNDREDS, I CAN  
27 RECALL THAT RIGHT OFFHAND. AND THERE MAY HAVE BEEN OTHERS.  
28 BUT THOSE, I RECALL RIGHT OFFHAND.

1 THE COURT: WERE THEY IN SIZEABLE AMOUNTS?

2 THE WITNESS: I THINK THE ONLY ONE THAT WAS TO  
3 THE EXTENT COUNSEL HAS REFERRED TO WAS THE AMERICAN EXPRESS,  
4 YOUR HONOR.

5 MR. BARENS: YOUR HONOR, COULD WE MAKE IT CLEAR  
6 THAT WE ARE ASKING THE WITNESS TO PRODUCE EVERYTHING?

7 THE COURT: WELL, PRODUCE WHATEVER YOU HAVE WITH  
8 RESPECT TO CLAIMS AGAINST HIM, IF YOU WILL, PLEASE.

9 MR. BARENS: FOR 10:30 TOMORROW, YOUR HONOR?

10 THE COURT: SURE.

11 Q BY MR. BARENS: SIR, HOW MUCH WAS THE CLAIM  
12 OF GARDEN PHOTO?

13 THE COURT: HASN'T THERE BEEN TESTIMONY OF THAT?

14 MR. BARENS: NO, SIR, NOT THE AMOUNT OF THE CLAIM.

15 THE COURT: BY SCOTT FURSTMAN?

16 MR. BARENS: NO, SIR, MR. FURSTMAN WAS UNABLE TO  
17 RECALL THE AMOUNT OF THE CLAIM, SIR.

18 THE COURT: OH, ALL RIGHT.

19 THE WITNESS: THE GARDEN PHOTO V. NETWORK NEWS,  
20 IS THAT THE CASE YOU REFER TO?

21 MR. BARENS: YES, YES.

22 THE WITNESS: YOU WANT TO KNOW HOW MUCH THEY WERE  
23 SUING FOR?

24 MR. BARENS: YES, SIR.

25 THE WITNESS: IT SEEMS TO BE AN OPEN BOOK ACCOUNT  
26 CLAIM FOR CLOSE TO \$50,000, \$49,718.

27 Q BY MR. BARENS: IS THAT THE ONLY COUNT  
28 SEEKING MONEY, SIR?

1           A       WELL, THE COMPLAINT IS ENTITLED COMPLAINT  
2       FOR COMMON COUNTS.

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1 Q COULD YOU TURN TO THE PRAYER, IF YOU WOULD, SIR?

2 A THE PRAYER ASKS FOR JUDGMENT IN THE SUM OF  
3 \$49,718.09, INTEREST FROM THE DATE OF THE OBLIGATION, COSTS  
4 AND SUCH OTHER RELIEF AS THE COURT DEEMS JUST.

5 SO THE ANSWER TO YOUR QUESTION IS WHAT I SAID  
6 BEFORE.

7 Q THANK YOU, SIR. THOSE OTHER MISCELLANEOUS THINGS  
8 THEY REQUEST IN THAT INSTANCE, SIR, IS IT TRUE THAT THERE  
9 WERE SOME PIECES OF FURNITURE SOLD FROM THE APARTMENT?

10 A ALL OF THE CONTENTS OF THE APARTMENT, NOT ONLY  
11 THE FURNITURE.

12 Q WAS THERE A CLAIM AGAINST THE FURNITURE PORTION?

13 A YES.

14 Q AND HOW MUCH WAS THAT FOR? WAS IT \$30,000, SIR?

15 A I DON'T RECALL. THERE WERE PEOPLE WHO CALLED  
16 UP WHEN WE WERE DOING THAT AUCTION AND SAID THAT THINGS  
17 THAT WE WERE SELLING HAD NEVER BEEN PAID FOR.

18 Q YOU HAD ALL THESE PEOPLE LOOKING FOR THEIR  
19 THINGS, DID YOU, SIR?

20 A YES.

21 Q AND THEY SAID THEY HAD NEVER BEEN BOUGHT AND  
22 PAID FOR?

23 THE COURT: BOUGHT BUT NOT PAID FOR.

24 MR. BARENS: WELL, I AM ACTUALLY GOING TO ASK HIM THAT.  
25 BUT --

26 THE COURT: I DON'T UNDERSTAND.

27 MR. BARENS: I AM GOING TO ASK HIM IF THERE WERE  
28 PEOPLE CLAIMING THERE WERE THINGS THAT HE HAD NOT BOUGHT AT

26-2 1 ALL THAT JUST HAPPENED TO BE IN HIS APARTMENT.

2 THE COURT: YOU MEAN THAT HE STOLE?

3 MR. BARENS: I DON'T KNOW HOW THEY GOT THERE, SIR.

4 BUT HE MIGHT HAVE --

5 THE COURT: DID YOU MAKE A DISTINCTION BETWEEN THE  
6 FURNITURE THERE THAT WAS STOLEN AND THAT WAS BOUGHT?

7 THE WITNESS: NO ONE MADE ANY SUCH CLAIMS, YOUR HONOR.  
8 THE CLAIM WAS THAT IT HAD BEEN PURCHASED AND I THINK IN  
9 EVERY CASE, I HAD AN INVOICE TO BACK THAT UP BUT THAT IT  
10 HAD NOT BEEN PAID FOR.

11 Q BY MR. BARENS: ALL RIGHT. WAS THERE ANYTHING  
12 IN THE APARTMENT THAT ANYBODY APPROACHED YOU ABOUT THAT THEY  
13 JUST CLAIMED WAS THERE AND IT WAS REALLY THEIRS AND THEY  
14 WOULD LIKE IT BACK?

15 A YES.

16 Q WHAT WAS THAT, SIR?

17 A A GENTLEMAN BY THE NAME OF NEIL ANTIN CALLED  
18 ME AND CLAIMED THAT HE HAD CERTAIN CASSETTES WHERE HE HAD  
19 DONE SOME PHOTOGRAPHY. HE SAID THAT THOSE THINGS HE BELIEVED  
20 WERE IN THE GARAGE.

21 Q AND DID YOU GIVE THOSE TO MR. ANTIN?

22 A NO.

23 Q YOU STILL HAVE THOSE?

24 A I NEVER REALLY HAD THEM IN MY CUSTODY INSOFAR AS  
25 TAKING THEM OVER TO MY OFFICE, NO. I DON'T HAVE THEM.

26 Q WHAT HAPPENED TO THOSE?

27 A I DON'T KNOW. I THINK THEY PROBABLY WERE SOLD  
28 BY THE AUCTIONEER.

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THE AUCTIONEER, WHEN YOU DO AN AUCTION, IT IS  
LIKE THE LOCUSTS HAVE ATTACKED. THERE WAS NOTHING LEFT  
AFTER THAT. EVERYTHING THERE WAS SOLD BY THE AUCTIONEER.

Q OKAY. YOU COULDN'T TELL ME AS A MATTER OF FACT,  
WHETHER ANTIN'S MATERIALS THAT HE WAS TALKING ABOUT, WERE  
SOLD OR JUST NOT THERE OR WHATEVER?

A WELL, I WOULD HAVE TO ANSWER YOU THIS WAY.  
IT NEVER WAS DETERMINED THAT ANTIN HAD ANY MATERIALS THERE.  
HE ALLEGED THAT HE DID. AND I WAS REQUESTED NOT TO TURN  
ANYTHING OVER TO HIM.

26  
1 Q WHO REQUESTED THAT OF YOU, SIR?

2 A MARTIN LEVIN.

3 Q ALL RIGHT, SIR. WHAT ABOUT CAMERA EQUIPMENT AND  
4 THE APPARATUS OF NETWORK NEWS?

5 A WHAT ABOUT IT? I DON'T UNDERSTAND THE QUESTION.

6 Q DID YOU DISPOSE OF ANY MATERIALS OF THAT  
7 DESCRIPTION?

8 A I DON'T BELIEVE SO. I THINK THE CAMERA EQUIPMENT  
9 HAD ALL BEEN RETURNED TO THE VENDORS OR TURNED OVER TO THE  
10 POLICE BEFORE I EVER CAME INTO THAT APARTMENT.

11 Q YOU AT LEAST, NEVER FOUND ANY NETWORK NEWS  
12 CAMERA STUFF?

13 A THAT IS CORRECT. THERE MAY HAVE BEEN SOME,  
14 COUNSEL, BUT NOT TO THE EXTENT THAT I WAS GIVEN TO UNDERSTAND  
15 THERE HAD BEEN EARLIER.

16 I UNDERSTOOD THAT THERE HAD BEEN EXTENSIVE CAMERA  
17 EQUIPMENT WHICH HAD BEEN GIVEN BACK TO THE PERSONS TO WHOM  
18 IT SHOULD HAVE BEEN GIVEN.

19 Q WHO TOLD YOU THAT, SIR?

20 A I BELIEVE EITHER THE POLICE DETECTIVE OR  
21 MARTIN LEVIN OR BOTH.

22 Q ALL RIGHT. IN ANY EVENT, YOU NEVER FOUND ANY.  
23 WHEN YOU WERE DOING THE ESTATE WORK THAT YOU DID, DID YOU  
24 BECOME AWARE OF THE FACT THAT MR. LEVIN HAD CERTAIN OTHER  
25 NAMES HE USED?

26 A YES.

27 Q DID YOU EVER DO ANY ASSET SEARCHES ON THOSE  
28 OTHER NAMES?

26 - 1           A           I BELIEVE WE ASKED OUR ATTORNEY SERVICE TO DO AN  
2 ASSET SEARCH. WE GAVE THEM ALL OF THE NAMES THAT WE THOUGHT  
3 THAT PROPERTY MIGHT BE HELD UNDER.

4           Q           COULD YOU SHOW ME THE PAPERWORK YOU GOT BACK FROM  
5 YOUR ATTORNEY SERVICE ON THOSE NAMES, SIR?

6           A           COUNSEL, AS I TOLD YOU BEFORE, I DON'T KNOW THAT  
7 WE GOT ANY PAPERWORK BACK.

8           IF I HAVE ANY PAPERWORK, I WOULD BE GLAD TO SHOW  
9 IT TO YOU.

10           BUT IT SEEMS TO ME, TO THE BEST OF MY RECOLLECTION,  
11 I GOT A TELEPHONE REPORT BACK, NOT PAPERWORK.

12           Q           COULD YOU TELL ME WHAT NAMES YOU SEARCHED, SIR?

13           A           THE ONLY OTHER NAME THAT YOU ASKED ME A MOMENT  
14 AGO, WHETHER ANY HAD COME TO MY ATTENTION,  
15 MR. RONALD GEORGE LEVIN HAD USED ANOTHER NAME -- AND A BANKER  
16 FROM THE BANK OF AMERICA STANFORD BRANCH HAD TOLD ME THAT  
17 SHE HAD SPOKEN TO SOMEBODY WHO IDENTIFIED HIMSELF UNDER  
18 THE NAME OF WEATHERBY. AND IN MY JUDGMENT, THAT PERSON WAS  
19 RONALD GEORGE LEVIN, BASED ON MY CONVERSATION WITH HER.  
20 THE INFERENCE THAT I DREW WAS THAT RONALD GEORGE LEVIN HAD  
21 USED THAT NAME.

22           Q           AND SO YOU CALLED YOUR ATTORNEY SERVICE AND  
23 ASKED THEM TO DO AN ASSETS CHECK ON HIM?

24           A           TO THE BEST OF MY RECOLLECTION, WHEN I ASKED  
25 THEM TO DO AN ASSET SEARCH, I GAVE THEM ALL OF THE NAMES  
26 OF ALL OF THOSE CORPORATIONS AND I BELIEVE TO THE BEST OF  
27 MY RECOLLECTION, I GAVE THEM THE NAME WEATHERBY ALSO.

28           Q           COULD YOU TELL ME WHAT ATTORNEY SERVICE YOU MADE

1 THAT REQUEST TO, SIR?

2 A THAT IS LEGAL SUPPORT SERVICES.

3 Q LEGAL SUPPORT SERVICES?

4 A CORRECT.

5 Q WHERE ARE THEY, ACTUALLY?

6 A WELL, I HAPPEN TO HAVE ONE OF THEIR THINGS  
7 RIGHT IN FRONT OF ME. IT IS 1262-1/2 WEST 2ND STREET,  
8 LOS ANGELES, CALIFORNIA, 90026. THAT IS 1262-1/2 WEST 2ND  
9 STREET, LOS ANGELES, CALIFORNIA, 90026.

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1 Q AND YOU ONLY DID A CALIFORNIA SEARCH?

2 A TO THE BEST OF MY RECOLLECTION, YES.

3 Q DID YOU DO A SEARCH ON DR. PRESLEY REED?

4 A NO.

5 Q ASIDE FROM THE NAME R. MICHAEL WEATHERBY,  
6 DID YOU SEARCH ANY OTHER NAMES OF PERSONS RATHER THAN  
7 BUSINESSES OR ENTITIES, SIR?

8 A UNTIL YOU JUST SAID SO, I DIDN'T RECALL THAT  
9 IT WAS R. MICHAEL WEATHERBY, BUT NOW IT DOES RING A FAMILIAR  
10 NOTE.

11 I THINK WE GAVE ALL OF THE NOTES OF ALL OF  
12 THOSE MANY CORPORATIONS AND RONALD GEORGE LEVIN'S NAME,  
13 AND I BELIEVE THAT WE WOULD HAVE GIVEN THE NAME WEATHERBY,  
14 TOO, SINCE THAT LADY AT THE BANK HAD BROUGHT IT UP.

15 MR. BARENS: A MOMENT, IF YOU WOULD, YOUR HONOR.

16 (UNREPORTED COLLOQUY BETWEEN MR. BARENS  
17 AND MR. CHIER.)

18 Q BY MR. BARENS: DID YOU EVER SPEAK TO A ROBERT  
19 TUR?

20 THE COURT REPORTER: HOW DO YOU SPELL IT?

21 MR. BARENS: T-U-R, I THINK.

22 THE COURT: T-U-R?

23 MR. BARENS: YES, YOUR HONOR.

24 THE WITNESS: I DON'T RECALL.

25 Q BY MR. BARENS: DID YOU EVER SEE HIM LISTED  
26 AS A PARTNER OF MR. LEVIN'S IN NETWORK NEWS?

27 A I DON'T RECALL THAT NAME, COUNSEL.

28 Q IF YOU REFERRED TO THE CHECKS OF NETWORK

27-2

1 NEWS AS THE ASSETS OF MR. LEVIN IN FACT, WHY DID YOU  
2 NOT LOOK AT THE CAMERA EQUIPMENT OF NETWORK NEWS AS HIS  
3 ASSET?

4 A I DON'T BELIEVE, COUNSEL, THAT I HAVE SAID  
5 I DID NOT LOOK AT IT IN THAT RESPECT.

6 WHATEVER CAMERA EQUIPMENT WAS IN THE HOUSE  
7 WAS SOLD AT THE TIME OF THE AUCTION.

8 WHAT I SAID WAS, MY UNDERSTANDING WAS QUITE  
9 A BIT OF CAMERA EQUIPMENT HAD BEEN REMOVED BEFORE I WAS  
10 EVEN APPOINTED CONSERVATOR.

11 Q OKAY. SO THE ANSWER IS, IT JUST HAD NOT  
12 OCCURRED TO YOU AT THE TIME YOU CAME IN?

13 MR. WAPNER: OBJECTION AS ARGUMENTATIVE AND ASSUMES  
14 FACTS NOT IN EVIDENCE AND MISSTATES THE EVIDENCE.

15 THE COURT: SUSTAINED.

16 REPHRASE YOUR QUESTION.

17 MR. BARENS: I HAVEN'T ASKED THE QUESTION YET.

18 THE COURT: I THOUGHT IT WAS A QUESTION. DIDN'T  
19 YOU, MR. WAPNER?

20 MR. WAPNER: WELL, BY THE TIME HE STARTED OUT THE  
21 FIRST FEW SENTENCES HE HAD MISSTATED WHAT THE WITNESS  
22 HAD JUST STATED.

23 MR. BARENS: I AM SURE YOU GENTLEMEN CAN AGREE  
24 ON THAT BUT I HAVEN'T ASKED MY QUESTION.

25 THE COURT: LET'S GET TO THE QUESTION. WILL YOU  
26 ASK HIM AGAIN, PLEASE?

27 Q BY MR. BARENS: ALL RIGHT. BUT THE TIME  
28 YOU COMMENCED YOUR ACTIVITY, WAS IT A FACT THAT WHATEVER



1 EQUIPMENT, CAMERA EQUIPMENT THERE WAS OF NETWORK NEWS,  
2 WAS NO LONGER AVAILABLE TO YOU PHYSICALLY?

3 A COUNSEL, I HAVE TO ANSWER YOU THIS WAY: IN  
4 THE FIRST PLACE, I DON'T KNOW IF IT BELONGED TO NETWORK  
5 NEWS.

6 SECONDLY, I TOLD YOU, I THINK A COUPLE OF  
7 TIMES, THAT WHATEVER CAMERA EQUIPMENT WAS THERE WAS SOLD  
8 BY THE AUCTION.

9 AND THIRDLY, I WAS TOLD, I BELIEVE, BY BOTH  
10 THE POLICE AND MARTIN LEVIN THAT A GOOD DEAL OF CAMERA  
11 EQUIPMENT HAD BEEN RETURNED TO THE RIGHTFUL OWNER BEFORE  
12 I EVEN CAME IN TO THE CASE.

13 Q DID YOU EVER MAKE AN ATTEMPT TO CREATE SOME  
14 INVENTORY OF WHATEVER CAMERA OR PHOTOGRAPHIC EQUIPMENT  
15 THERE MIGHT HAVE BEEN THAT WAS OWNED BY NETWORK NEWS?

16 A EVERYTHING THAT WAS IN THE HOUSE WAS INVENTORIED.

17 Q NO, SIR, THAT IS ACTUALLY NOT MY QUESTION.

18 I AM ASKING YOU IF YOU EVER MADE AN ATTEMPT  
19 TO INVENTORY WHAT EQUIPMENT, CAMERA EQUIPMENT, APPARATUS  
20 ET CETERA, THERE WAS THAT HAD BEEN IN THE POSSESSION  
21 OF OR OWNED OR USED BY NETWORK NEWS.

22 A YOU MEAN DID I ATTEMPT TO SEPARATELY EARMARK  
23 THINGS THAT WERE ALLEGEDLY OWNED BY NETWORK NEWS?

24 Q YES, SIR.

25 A NO, SIR, I DIDN'T TRY TO EARMARK ANYTHING.

26 I JUST INVENTORIED EVERYTHING IN THE HOUSE.

27 Q I AM NOT ASKING YOU, SIR, AT ALL ABOUT WHAT  
28 WAS IN THE HOUSE NOW.

1 I AM TRYING TO DETERMINE IF YOU MADE ANY  
2 INVESTIGATION OR ATTEMPT TO INVENTORY WHAT EQUIPMENT  
3 OR ASSETS NETWORK NEWS HAD OF A CAMERA OR PHOTOGRAPHIC  
4 NATURE?

5 A NO.

6 MR. BARENS: THANK YOU, SIR.

7 THE COURT: I THINK THIS MAY BE THE TIME TO TAKE  
8 A LITTLE RECESS, LADIES AND GENTLEMEN. WE WILL TAKE  
9 A RECESS UNTIL 3:15.

10 THE SAME ADMONITION I GAVE YOU ABOUT TALKING  
11 AMONG YOURSELVES WOULD STILL APPLY.

12 (RECESS.)

13 (MR. CHIER EXITS THE COURTROOM.)  
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1 (THE FOLLOWING PROCEEDINGS WERE  
2 HELD IN OPEN COURT OUTSIDE THE  
3 PRESENCE OF THE JURY:)

4 THE COURT: ALL RIGHT.

5 MR. BARENS: WELL YOUR HONOR, AS IT TURNS OUT,  
6 MR. WAPNER HAD ON THE COUNSEL TABLE, THE AMERICAN EXPRESS  
7 STUFF WHILE I WAS FLAILING AWAY.

8 I WANT TO CONSERVE THE COURT'S TIME. I WANT  
9 TO DO THAT AND I NEED TO DO AN ANALYSIS OF THIS MATERIAL,  
10 COUPLED WITH AN ANALYSIS OF A MULTITUDE OF OTHER SUPPORTIVE  
11 DOCUMENTS THAT WERE IN THE PITTMAN THING THAT I NOW ASSOCIATE  
12 TOGETHER WITH THIS. ALL RIGHT?

13 I AM ASKING YOUR HONOR THEREFORE, THAT I WILL  
14 PROCEED -- HOW THIS CAME TO MY ATTENTION, I WENT UP TO  
15 MR. OSTROVE AT THE END OF THE BREAK AND ASKED WHY DON'T  
16 WE MEET TOMORROW MORNING EARLY AND GO OVER ALL THIS STUFF.  
17 HE THEN ADVISED ME THAT THE PEOPLE HAD THE STUFF.

18 SO NOW, I AM ASKING THE COURT, I NEED TO SPEND  
19 ROUGHLY 45 MINUTES TO AN HOUR, TO DO WHAT I FEEL INCUMBENT  
20 FOR ME TO DO IN PREPARATION OF QUESTIONING. I NEED TO DO  
21 IT.

22 SO I WOULD LIKE TO PROCEED WITH THIS WITNESS AT  
23 10:30 TOMORROW AND LET MR. WAPNER PUT HIS NEXT WITNESS ON  
24 NOW.

25 THE COURT: I DON'T UNDERSTAND. YOU SEEM TO BE ACTING  
26 AS THE ATTORNEY FOR THE CREDITORS. I DON'T UNDERSTAND THE  
27 PURPOSE OF ALL OF THAT.

28 MR. BARENS: YOUR HONOR, I --

1 THE COURT: I DON'T UNDERSTAND WHY YOU HAVE TO GO INTO ALL  
2 OF THIS DETAIL WITH RESPECT TO WHAT HE WAS OWING.

3 MR. BARENS: YOUR HONOR, THAT IS A PART OF MY DEFENSE,  
4 SIR.

5 THE COURT: THAT HE OWED A LOT OF MONEY?

6 MR. BARENS: NO, SIR.

7 THE COURT: I DON'T WANT TO KNOW WHAT THE DEFENSE IS.  
8 JUST KEEP IT TO YOURSELF.

9 MR. BARENS: I CAN'T TELL YOU --

10 THE COURT: BUT APPARENTLY, APPARENTLY I AM ONLY  
11 GOING BY APPEARANCES AND I DON'T KNOW WHAT YOUR DEFENSE IS.  
12 BUT, IT WOULD APPEAR THAT ALL YOU ARE DOING IS ASKING HIM  
13 ABOUT THINGS WHICH RELATE TO THE CREDIT OF THE DECEDENT --  
14 NOT THE DECEDENT, I AM TERRIBLY SORRY. I MEAN, THE MISSING  
15 PERSON AND I DON'T KNOW WHAT POINT YOU ARE TRYING TO ACCOMPLISH.

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1 MR. BARENS: SIR, I CAN ONLY ASSURE YOU IN GOOD FAITH  
2 THAT I AM GOING TO ACCOMPLISH SOMETHING IMPORTANT WITH THIS  
3 SEARCH FOR THE DEFENSE. I WON'T TAKE UP THE TIME UNNECESSARILY.  
4 I AM NOT HERE JUST TO TAKE UP THE TIME UNNECESSARILY.

5 THE COURT: DO YOU WANT TO MAKE AN OFFER ON THE RECORD,  
6 STATEMENT WITHOUT THE DISTRICT ATTORNEY PRESENT?

7 MR. BARENS: I CAN'T REALLY DO THAT WITHOUT DIVULGING  
8 MY DEFENSE.

9 THE COURT: I AM NOT THE PROSECUTOR. I AM JUST THE  
10 JUDGE WHO IS ON THE CASE.

11 MR. BARENS: I CAN ONLY SUBMIT AS AN OFFICER OF THIS  
12 COURT --

13 THE COURT: DO YOU WANT TO MAKE AN OFFER OF PROOF THEN?

14 MR. BARENS: NO, SIR. I JUST WANT TO PUT ON MY  
15 DEFENSE.

16 THE COURT: WELL, PUT ON YOUR DEFENSE WHEN THE TIME  
17 COMES. IN THE MEANTIME, ALL YOU ARE TRYING TO ESTABLISH  
18 IS THAT HE OWES A LOT OF MONEY TO PEOPLE.

19 MR. BARENS: NO, SIR, I RESPECTFULLY SUBMIT I WILL  
20 ACCOMPLISH MORE THAN THAT.

21 I AM SURE YOUR HONOR WILL BE SATISFIED IF I AM  
22 PERMITTED TO PROCEED AND TO PREPARE PROPERLY.

23 THE COURT: I DON'T WANT TO STAND IN THE WAY OF YOUR  
24 PREPARING PROPERLY BUT THE WAY IT SEEMS TO ME, ALL YOU ARE  
25 TRYING TO ESTABLISH IS THAT HE OWED A LOT OF MONEY TO A LOT  
26 OF PEOPLE.

27 MR. BARENS: I AM SURE, YOUR HONOR, THAT ONCE YOUR HONOR  
28 SEES WHAT I ESTABLISH, WHAT I SEEK TO DO, THAT YOU WOULD SEE I

1 DID NOT WASTE YOUR HONOR'S TIME.

2 MR. WAPNER: TWO THINGS. FIRST OF ALL, WHAT COUNSEL  
3 WANTS TO DO IS TO GO OVER TWO EXHIBITS THAT HE HAS NOW  
4 DISCOVERED FOR THE FIRST TIME WERE INTRODUCED IN THE PITTMAN  
5 TRIAL OVER A YEAR AND A HALF AGO AND THESE EXHIBITS ARE THE  
6 AMERICAN EXPRESS BILLS, STATEMENTS THAT WERE SENT EVERY MONTH  
7 TO MR. LEVIN'S HOUSE AND COLLECTED FROM THE HOUSE BY  
8 MR. LEVIN AND I BELIEVE GIVEN TO THE POLICE OR GIVEN TO  
9 MR. OSTROVE AND THEN TAKEN BACK AND GIVEN TO THE POLICE. AND  
10 THEN THERE ARE SOME DOCUMENTS THAT CONSIST OF MICROFILM COPIES  
11 OF THE CREDIT CARD SLIPS THAT SHOW WHAT IT WAS THAT WAS  
12 ACTUALLY PURCHASED THAT BUILT UP THE BALANCE TO THE POINT  
13 WHERE IT WAS, TO THE POINT THAT MR. LEVIN DISAPPEARED.

14 THEN I ASSUME HE THEN WANTS TO QUESTION THIS  
15 WITNESS ABOUT WHAT WERE THE CHARGES ON THAT ACCOUNT THAT  
16 LED UP TO THIS BALANCE AND THIS WITNESS IS INCOMPETENT TO  
17 TESTIFY ABOUT THAT. THOSE AREN'T HIS RECORDS.

18 THE RECORDS OF THE CHARGES THAT WERE MADE ON  
19 THE ACCOUNT ARE KEPT BY THE AMERICAN EXPRESS COMPANY. THE  
20 RECORDS OF THE CHARGES WERE PRODUCED AT THE PITTMAN TRIAL  
21 BY A MR. JOHN REEVES, WHO IS A REPRESENTATIVE OF AMERICAN  
22 EXPRESS COMPANY AND IS COMPETENT TO LAY THE FOUNDATION FOR  
23 THOSE RECORDS AS BUSINESS RECORDS AND HE CAN TELL HOW THEY  
24 ARE PREPARED.

25 THIS WITNESS, MR. OSTROVE, DIDN'T WITNESS THE  
26 PURCHASE OF ANY OF THESE ITEMS. HE DOESN'T KNOW HOW THOSE  
27 ARE PREPARED AND AS FAR AS HE IS CONCERNED, THEY ARE HEARSAY  
28 BECAUSE EITHER HE CAN'T LAY A FOUNDATION FOR BUSINESS RECORDS

1 SO IT IS NOT --

2 THE COURT: YOU MEAN -- IS THE AMERICAN EXPRESS  
3 REPRESENTATIVE AVAILABLE?

4 MR. WAPNER: YES.

5 HE WAS ON THE WITNESS LIST THAT WAS PROVIDED TO  
6 COUNSEL AT THE BEGINNING OF THIS CASE.

7 HE TESTIFIED IN THE PITTMAN CASE AND LAID OUT  
8 THE FOUNDATION FOR THOSE MATERIALS AND BECAUSE HE WAS ON THE  
9 WITNESS LIST, OBVIOUSLY, I ANTICIPATE CALLING HIM AND I  
10 ASSUME COUNSEL ANTICIPATED THAT HE WOULD BE HERE.

11 THE COURT: WELL, YOU ARE GOING TO CALL HIM, ARE YOU?

12 MR. WAPNER: YES.

13 THE COURT: THAT WILL TAKE CARE OF THAT, WON'T IT?  
14 YOU KNOW ALL ABOUT IT.

15 MR. BARENS: I AM NOT SATISFIED.

16 THE COURT: WELL, I AM SATISFIED. I WILL SUSTAIN  
17 THE OBJECTION BY THE DISTRICT ATTORNEY.

18 MR. BARENS: WHAT IS THE OBJECTION --

19 THE COURT: ON THE AMERICAN EXPRESS MATTER, YOU WILL  
20 HAVE A WITNESS WHO CAN TESTIFY FULLY WITH RESPECT TO THAT.

21 WHAT IS THE OTHER MATTER?

22 MR. WAPNER: I AM NOT OBJECTING TO THE FACT THEY CAN  
23 USE THE STATEMENTS FROM THE AMERICAN EXPRESS CARD BECAUSE  
24 THOSE, I BELIEVE, MR. OSTROVE HAS SEEN OR THEY ARE SIMILAR  
25 TO WHAT HE SAW AND HE HAS PROBABLY SOME STATEMENTS IN HIS  
26 FILE AFTER THE DATE OF THE STATEMENTS THAT WE HAVE.

27 WHAT I AM SAYING IS I DON'T THINK IT IS PROPER  
28 FOR THIS WITNESS TO BE QUESTIONED ABOUT WHAT PARTICULAR CHARGES

1 WERE MADE ON THAT AMERICAN EXPRESS ACCOUNT BECAUSE HE IS  
2 NOT COMPETENT TO TESTIFY ABOUT THAT.

3 THE COURT: I WILL SUSTAIN THE OBJECTION.

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1 THE COURT: THIS IS WITHOUT PREJUDICE TO YOUR CALLING  
2 AN AMERICAN EXPRESS REPRESENTATIVE AND HAVING HIM IDENTIFY  
3 THEM.

4 MR. BARENS: MIGHT I JUST PROCEED THEN WITH THIS  
5 WITNESS BEFORE THE JURY, AS TO MATTERS THAT --

6 THE COURT: OTHER MATTERS.

7 MR. BARENS: THAT CAME PROPERLY TO HIS ATTENTION  
8 IN THAT REGARD?

9 THE COURT: OTHER MATTERS.

10 MR. BARENS: THESE CAME TO HIS ATTENTION AND HE  
11 DID SOME THINGS ABOUT THIS, YOUR HONOR. THESE ARE IN  
12 HIS PERSONAL KNOWLEDGE. YOUR HONOR, THIS IS --

13 THE COURT: ALL RIGHT. GO AHEAD. IF YOU WANT  
14 TO ASK HIM WHETHER OR NOT HE KNOWS ANYTHING ABOUT THAT,  
15 YOU CAN ASK HIM.

16 MR. BARENS: THAT IS WHAT I INTENDED TO DO.

17 THE COURT: YOU HAVE A MUCH BETTER WITNESS FROM  
18 AMERICAN EXPRESS.

19 MR. BARENS: YOU SEE, THE PEOPLE HAVE A GOOD FEELING  
20 ABOUT WHAT IS A GOOD WITNESS FOR ME AND --

21 THE COURT: LET'S GET THE JURY IN.

22 MR. WAPNER: I AM NOT TALKING ABOUT A GOOD WITNESS  
23 FOR HIM. I AM TALKING ABOUT A COMPETENT WITNESS TO TESTIFY.

24 THE COURT: WELL, I WILL SUSTAIN THE OBJECTION.

25 (THE JURY ENTERS THE COURTROOM.)

26 THE COURT: I THOUGHT YOU WERE LOOKING AT THE PRESS.

27 MR. BARENS: I WAS LOOKING AT MY CO-COUNSEL BACK  
28 THERE, MR. GREENHALGH, WHO WAS ON THE PITTMAN CASE, WHO

30A-2

1 I HAVE WORKED WITH --

2 THE COURT: WOULD YOU BE QUIET, WITH THE JURY PRESENT?  
3 ALL RIGHT. THE RECORD WILL INDICATE THE PRESENCE OF  
4 THE JURY. YOU MAY PROCEED WITH THE CROSS-EXAMINATION.

5 MR. BARENS: THANK YOU.

6 Q MR. OSTROVE, APPARENTLY WE HAVE LOCATED THIS.  
7 MIGHT I APPROACH THE WITNESS?

8 THE COURT: YES.

9 MR. BARENS: THANK YOU, YOUR HONOR.

10 Q WE HAVE LOCATED SOME AMERICAN EXPRESS CHARGE  
11 SLIPS OR SUMMARY SLIPS, SIR.

12 A YES.

13 Q AND IN WHOSE NAME ARE THOSE CHARGES APPARENTLY,  
14 SIR?

15 A GENERAL PRODUCERS CORPORATION.

16 Q AND DURING --

17 MR. WAPNER: EXCUSE ME FOR INTERRUPTING. THOSE  
18 HAVE PREVIOUSLY BEEN MARKED, I BELIEVE, AS PEOPLE'S 61  
19 FOR IDENTIFICATION.

20 MR. BARENS: I HAVE THEM ACTUALLY AS 51.

21 MR. WAPNER: THANK YOU. 51.

22 THE COURT: SO MARKED.

23 MR. WAPNER: THEY WERE CONTAINED IN AN ENVELOPE  
24 THAT ALSO BEARS THE NUMBER 51. MAY THEY BE SO MARKED?

25 THE COURT: YES.

26 MR. BARENS: I AGREE WITH THAT.

27 Q SIR, DID THOSE DOCUMENTS COME TO YOUR ATTENTION  
28 DURING THE COURSE OF YOUR ACTIVITIES AS CONSERVATOR IN

30A-3

1 THIS INSTANCE?

2 A YES.

3 Q AND HOW DID YOU COME INTO POSSESSION OF THOSE,  
4 SIR?

5 A INITIALLY, MR. MARTIN LEVIN WOULD HAVE GIVEN  
6 ME WHATEVER WAS THERE IN THE APARTMENT AND THEN THE LATER  
7 ONES AFTER THAT, JUST WERE STATEMENTS THAT CAME IN EVERY  
8 MONTH FROM AMERICAN EXPRESS SAYING "SERIOUSLY PAST DUE."

9 Q NOW, SIR, IF I MIGHT SPECIFICALLY REFERENCE  
10 YOU, I SEE A DATE ON THE VERY TOP SHEET OF THESE WHICH  
11 ARE STAPLED TOGETHER HERE. COULD YOU TELL ME THE DATE  
12 THAT IS INDICATED ON THERE, SIR?

13 A THE ONE ON THE TOP IS DATED 7/11/84.

14 Q WHAT IS THE BALANCE SHOWN DUE AND OWING AT  
15 THAT JUNCTURE AND TIME?

16 A \$49,626.98.

17 Q AND TO YOUR KNOWLEDGE, WAS RON LEVIN THE  
18 PERSON WHO WAS THE HOLDER OF THE CARD FOR THE ACCOUNT  
19 YOU ARE LOOKING AT?

20 A I DON'T KNOW.

21 Q IT IS IN THE NAME OF GENERAL PRODUCERS CORPORATION?

22 A GENERAL PRODUCERS CORPORATION.

23 Q DID YOU EVER LOOK AT ANY VERIFICATION SLIPS  
24 ON THE CHARGES THAT WERE MADE IN SUPPORT OF THIS DOCUMENT?

25 A I DON'T KNOW WHAT YOU MEAN BY "VERIFICATION  
26 SLIPS."

27 Q WELL, IN OTHER WORDS --

28 THE COURT: PARDON ME. DO YOU KNOW ANYTHING AT

30A-4

1 ALL ABOUT THOSE SLIPS AND THOSE CHARGES?

2 THE WITNESS: NO, SIR.

3 THE COURT: LET'S STOP AT THAT.

4 THE WITNESS: NOT ANY MORE THAN I KNOW ABOUT ANY  
5 OTHER ACCOUNT PAYABLE OF THIS ESTATE.

6 THE COURT: ALL RIGHT.

7 Q BY MR. BARENS: AS A PART OF THOSE DOCUMENTS  
8 THAT YOU TOOK A LOOK AT, THE VERY SECOND ONE SHOWS WHAT  
9 DATE ON IT, SIR?

10 A MAY 8, 1984.

11 Q WHAT IS DUE FOR THAT DATE, SIR?

12 A \$20,159.27.

13 Q NOW, SIR, AS YOU LOOK THROUGH THAT PACKAGE,  
14 CAN YOU FIND FOR ME THE SLIP FOR JUNE, 1984?

15 A YOU MEAN THE INDIVIDUAL CHARGE SLIPS?

16 Q I NOTICE THAT EACH OF THESE APPEARS TO BE  
17 MONTHLY IN NATURE, CONCLUDING WITH JULY. AND I JUST  
18 REFERENCED THE ONE FOR MAY.

19 I WOULD LIKE YOU TO FIND ME THE ONE FOR JUNE,  
20 1984.

21 A I DON'T SEE IT.

22 THE COURT: DID YOU SAY THERE WAS A CHARGE FOR  
23 JULY?

24 A MR. BARENS: SIR, A BALANCE FOR JULY.

25 THE COURT: YOU SAID IT WAS A CHARGE.

26 MR. BARENS: I DID NOT MEAN TO SAY THAT THERE WAS  
27 A CHARGE.

28 THE COURT: YOU MEAN A STATEMENT FOR THE MONTH.

1 MR. BARENS: I WILL GO BACK OVER THAT AND MAKE  
2 IT VERY CLEAR.

3 THE COURT: MAKE IT VERY CLEAR, PLEASE.

4 MR. BARENS: SHOULD I DO THAT FIRST?

5 THE COURT: YES.

6 MR. BARENS: ALL RIGHT.

7 Q I NEED TO INTERRUPT YOU FOR A MOMENT, SIR.  
8 IN LOOKING AT THE VERY TOP SLIP ON THERE, THERE IS A  
9 DATE, SIR?

10 A CORRECT.

30B FO.

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1 Q AND THE DATE IS?

2 A JULY 11, 1984.

3 Q SIR, DOES IT SHOW A BALANCE OUTSTANDING?

4 A YES.

5 Q AND WHAT IS THAT BALANCE?

6 A \$49,626.98.

7 Q ALL RIGHT, SIR. NOW, GOING --

8 THE COURT: WERE THERE ANY CHARGES FOR JULY?

9 Q BY MR. BARENS: COULD YOU TELL US?

10 A I CAN'T TELL FROM THIS, YOUR HONOR. ALL IT IS IS  
11 A STATEMENT.

12 THE COURT: WERE THERE ANY CHARGES FOR JUNE?

13 THE WITNESS: NO, SIR. I CAN'T TELL FROM THIS BECAUSE  
14 I DON'T HAVE THE INDIVIDUAL SLIPS.

15 THE COURT: ALL RIGHT. I DON'T UNDERSTAND WHY WE  
16 ARE DOING THIS. WE ARE GOING TO HAVE A WITNESS WHO WILL  
17 TESTIFY WITH RESPECT TO THAT, FROM AMERICAN EXPRESS. I  
18 DON'T KNOW WHY YOU ARE ASKING QUESTIONS OF THIS WITNESS.  
19 HE KNOWS NOTHING ABOUT IT. HE SAID HE FOUND IT --

20 MR. BARENS: I AM JUST ASKING HIM -- IT DOES MAKE A  
21 BIG DIFFERENCE. THE DOCUMENTS THAT HE WILL GIVE TESTIMONY  
22 ON, HAD TO DO DEAL WITH HIS ACTIVITIES AND CORRESPONDENCE  
23 AND --

24 THE COURT: THEY WERE GIVEN TO HIM. HE HAS NO  
25 PERSONAL KNOWLEDGE OF ANYTHING RELATING TO THESE PARTICULAR  
26 DOCUMENTS. YOU WILL HAVE A WITNESS WHO WILL TESTIFY TO THAT.

27 MR. BARENS: YOUR HONOR, I HAD A QUESTION PENDING WHERE  
28 I ASKED THE WITNESS TO PLEASE SHOW ME THE SLIP FOR THE MONTH OF

1 JUNE, 1984.

2 THE COURT: IS THERE ANY OBJECTION TO THAT?

3 MR. WAPNER: NO OBJECTION.

4 THE COURT: GO AHEAD.

5 THE WITNESS: I DON'T SEE ANY STATEMENT HERE FOR THE  
6 MONTH OF JUNE.

7 Q BY MR. BARENS: ISN'T IT TRUE THAT AMONG THOSE  
8 DOCUMENTS THAT GO MONTH BY MONTH, THERE IS NO STATEMENT FOR  
9 THE JUNE MONTH SHOWING?

10 A THERE IS NO JUNE STATEMENT IN WHAT YOU HAVE  
11 JUST HANDED ME, COUNSEL.

12 Q THANK YOU, SIR. BUT WE DID HAVE JULY ON TOP  
13 AND THEN WE HAD MAY?

14 A IN WHAT YOU JUST HANDED ME, THE ONE ON TOP IS  
15 JULY 11, 1984 AND THE ONE BELOW THAT IS MAY 8, 1984.

16 Q AND WHAT IS THE ONE BELOW THAT?

17 A APRIL 10, 1984.

18 Q AND WHAT IS BELOW THAT?

19 A SEPTEMBER 11, 1984.

20 Q SEPTEMBER 11, 1984?

21 A SEPTEMBER 11, 1984.

22 THE COURT: THAT IS THE STATEMENT THAT THEY SENT YOU?

23 THE WITNESS: YES, SIR.

24 THE COURT: THAT DOESN'T MEAN SOMETHING WAS CHARGED  
25 ON THAT PARTICULAR ACCOUNT, DOES IT?

26 THE WITNESS: NO. THOSE ARE JUST ALL STATEMENTS,  
27 YOUR HONOR.

28 THE COURT: ALL RIGHT.

1 Q BY MR. BARENS: CAN YOU TELL BY LOOKING AT THIS,  
2 WHETHER ANYTHING IS CHARGED OR NOT? CAN YOU?

3 A I CAN SEE DELIQUENCY CHARGES --

4 THE COURT: WELL, I INDICATED TO YOU THAT WE ARE  
5 GOING TO HAVE THE PERSON FROM AMERICAN EXPRESS. LET'S SAVE  
6 ALL OF THESE QUESTIONS FOR HIM. HE KNOWS ABOUT IT AND THIS  
7 GENTLEMAN DOESN'T.

8 LET'S GO ON, PLEASE.

9 MR. BARENS: RIGHT. ALL RIGHT.

10 Q SIR, AS TO THE MISSING JUNE STATEMENT OF BALANCE,  
11 DO YOU HAVE ANY KNOWLEDGE WHERE THAT IS, SIR?

12 A NO, SIR.

13 Q ALL RIGHT. IT WAS NOT AMONG THE DOCUMENTS YOU  
14 WERE EVER ABLE TO LOOK AT AND --

15 THE COURT: DO YOU KNOW FIRST, WHETHER IT WAS MISSING?

16 THE WITNESS: I DON'T RECALL WHETHER I EVER SAW IT  
17 OR NOT, YOUR HONOR.

18 THE COURT: ALL RIGHT.

19 Q BY MR. BARENS: YOU HAVE NO RECOLLECTION -- DO  
20 YOU RECALL SEEING THESE THINGS, SIR?

21 A YES.

22 MR. WAPNER: THESE THINGS REFERS TO 51?

23 THE COURT: YES.

24 Q BY MR. BARENS: IT REFERS TO THESE STATEMENTS IN  
25 MY HAND.

26 A YES. I BELIEVE THAT I GAVE THEM TO  
27 DETECTIVE ZOELLER OR I SAW MARTIN LEVIN AND HE GAVE THEM  
28 TO ME AND I GAVE THEM TO DETECTIVE ZOELLER. I DON'T REMEMBER



1 THE EXACT SCENARIO.

2 Q WHEN YOU GAVE THEM TO DETECTIVE ZOELLER, ARE YOU  
3 AWARE OF WHETHER OR NOT THE MONTH OF JUNE STATEMENT WAS  
4 PRESENT IN THE PACKET, SIR?

5 A I DON'T RECALL, COUNSEL.

6 Q YOU JUST HAVE NO RECOLLECTION?

7 A I HAVE NO RECOLLECTION.

8 THE COURT: WHAT IS THE IMPLICATION? THAT HE TOOK IT  
9 OUT OF THERE? IF IT WAS THERE, ARE YOU TRYING TO IMPLY  
10 TO THIS JURY THAT --

11 MR. BARENS: YOUR HONOR, I --

12 THE COURT: I WON'T HAVE ANYTHING FURTHER WITH RESPECT  
13 TO THESE STATEMENTS. YOU ASK THE AMERICAN EXPRESS  
14 REPRESENTATIVE WHO IS GOING TO TESTIFY IN THIS CASE ANYTHING  
15 RELATING TO THAT PARTICULAR PACKAGE.

16 MR. BARENS: YOUR HONOR, THE CHAIN OF CUSTODY IS WHAT  
17 I AM --

18 THE COURT: FORGET ABOUT THE CHAIN OF CUSTODY. I  
19 ORDERED YOU. YOU ARE NOT TO ASK HIM ANY FURTHER QUESTIONS  
20 ABOUT THAT. HE DOESN'T KNOW ANYTHING ABOUT IT.

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1 Q BY MR. BARENS: SIR, DO YOU HAVE ANY SLIPS  
2 IN CONJUNCTION WITH THE TYPES OF MATERIALS, AMERICAN  
3 EXPRESS MATERIALS LIKE THIS, THAT YOU TURNED OVER TO  
4 LIEUTENANT ZOELLER, OR LIKE ANY OTHER DOCUMENTS ASSOCIATED  
5 WITH TRANSACTIONS INVOLVING THE AMERICAN EXPRESS CARD  
6 THAT ARE IN YOUR OFFICE THAT YOU HAVE NOT BROUGHT TO  
7 COURT?

8 A NOT OTHER THAN WHAT YOU ARE HOLDING, COUNSEL,  
9 AND ALL OF THE INDIVIDUAL SLIPS THAT YOUR CLIENT IS NOW  
10 LOOKING AT, I DON'T HAVE ANYTHING ELSE.

11 Q ALL RIGHT. WHAT WE HAVE THAT WE ARE LOOKING  
12 AT NOW, XEROXES, DO YOU KNOW WHERE THE ORIGINALS ARE  
13 OF THE XEROXED MATERIAL WE ARE LOOKING AT?

14 A NO.

15 Q YOU KNOW WHEN YOU USE AN AMERICAN EXPRESS  
16 CARD, THE CLIENT, THERE IS LIKE A CARDHOLDER COPY THAT  
17 YOU CAN TEAR OFF AND TAKE WITH YOU TO GIVE YOUR ACCOUNTANT  
18 OR WHATEVER YOU DO WITH IT. DO YOU KNOW WHAT I MEAN  
19 BY THAT EXPRESSION?

20 A I CERTAINLY DO.

21 Q OKAY, YOU BET.

22 SIR, WHEN YOU WERE IN MR. LEVIN'S RESIDENCE,  
23 DID YOU EVER FIND ANY OF THOSE TYPES OF MATERIALS?

24 A YOU MEAN THE ORIGINAL ONE THAT YOU TAKE AWAY  
25 WHEN YOU LEAVE THE RESTAURANT OR THE VENDOR OR WHATEVER?

26 Q I WILL CALL IT ORIGINAL FOR THIS DISCUSSION.

27 A OR THE CARBON COPY?

28 Q YES.

31-2

1 A NO.

2 Q YOU DIDN'T FIND ANYTHING OF THAT NATURE?

3 A I DON'T RECALL AND IF I DID FIND IT, I DID  
4 NOT TAKE IT AWAY WITH ME.

5 Q YOU WOULD HAVE LEFT THAT IN THE APARTMENT?

6 A I DON'T RECALL EVER SEEING ANY, COUNSEL.

7 BUT IF I DID, I DID NOT TAKE THEM WITH ME.

8 Q ALL RIGHT. NOW DID YOU FIND IN THE APARTMENT,  
9 FILES THAT HAD IN IT INVOICES FOR PURCHASES AND -- BY  
10 THAT, YOUR HONOR, I AM REFERRING TO CLOTHING STORE PURCHASES --  
11 WHERE YOU WOULD HAVE, ASIDE FROM WHAT MIGHT OR MIGHT  
12 NOT HAVE BEEN CHARGED ON AMERICAN EXPRESS, THE VENDOR  
13 WOULD PERHAPS ISSUE A SALES SLIP, LET'S CALL IT; DID  
14 YOU FIND ANYTHING LIKE THAT?

15 A FOR CLOTHING SPECIFICALLY?

16 Q YES.

17 A I DON'T RECALL SEEING AN INVOICE FOR CLOTHING  
18 SPECIFICALLY.

19 Q ALL RIGHT. DID YOU FIND INVOICES OF ANY  
20 KIND OF DESCRIPTION FOR PERHAPS THE MONTH OF APRIL AND  
21 MAY OF 1984?

22 A I DON'T RECALL FINDING INVOICES FOR THOSE  
23 MONTHS, NO.

24 Q ALL RIGHT. DID YOU FIND INVOICES FOR MONTHS  
25 PRECEDING THOSE, SIR?

26 A I RECALL THAT THERE WAS SOME INVOICES FOR  
27 THINGS THAT WERE IN THE APARTMENT, FURNITURE, ARTWORK,  
28 THINGS OF THAT NATURE.

31-3

1 Q WHAT I AM FOCUSING ON, SIR, MIGHT GO MORE  
2 TO WHAT I WOULD CALL CONSUMER ACTIVITIES, CLOTHES, FOOD,  
3 ENTERTAINMENT.

4 A WHETHER I FOUND INVOICES FOR CLOTHES, FOOD,  
5 AND ENTERTAINMENT?

6 Q THAT TYPE OF THING.

7 A I HAVE NO RECOLLECTION OF FINDING ANY INVOICES  
8 FOR THOSE THINGS.

9 Q NOW, SIR, DID YOU FIND AIRPLANE TICKETS?

10 A AIRPLANE TICKETS?

11 Q YES, SIR.

12 A NO, SIR.

13 Q DID YOU FIND ANY TRAVEL AGENCY MATERIALS  
14 OR STATEMENTS?

15 A OH, THAT IS VERY POSSIBLE. MR. LEVIN HAD  
16 JUST AN ENORMOUS AMOUNT OF THINGS THERE AND I AM SURE  
17 INCLUDED IN THAT WERE TRAVEL AGENCY THINGS, YES.

18 Q DID YOU BRING THOSE TO COURT WITH YOU?

19 A NO, SIR, I DIDN'T TAKE ANY OF THAT AWAY.  
20 THERE WAS JUST A MASSIVE AMOUNT OF THINGS THERE. THERE  
21 WERE MAGAZINES AND ALL SORTS OF THINGS AND THAT IS WHAT  
22 I AM TALKING ABOUT, ADVERTISING-TYPE BROCHURES AND THINGS  
23 LIKE THAT. SOME OF THEM DEFINITELY HAD REFERENCE TO  
24 TRAVEL BUT THEY ARE NOT ANYTHING I WOULD BE INTERESTED  
25 IN TAKING AWAY WITH ME.

26 Q DID YOU FIND A LOT OF THAT TYPE OF MATERIAL?

27 A NEWSPAPERS, MAGAZINES, BROCHURES, YES, A  
28 LOT OF IT.

1 MR. BARENS: THANK YOU. A MOMENT, IF YOU WOULD,  
2 YOUR HONOR.

3 (UNREPORTED COLLOQUY BETWEEN MR. BARENS  
4 AND THE DEFENDANT.)

5 Q BY MR. BARENS: SIR, IN THE LEVIN APARTMENT,  
6 DID YOU LOCATE A COMPUTER?

7  
8 A THERE WAS A COMPUTER, YES, SIR.

9 Q DO YOU RECALL THE TYPE OF COMPUTER IT WAS,  
10 SIR?

11 A I DO.

12 Q AND WHAT WAS IT?

13 A MAC INTOSH.

14 Q WHAT HAPPENED TO THAT COMPUTER?

15 A TO THE BEST OF MY RECOLLECTION, IT WAS SOLD  
16 IN THE AUCTION.

17 Q DID YOU EVER ACCESS ANY OF THE DISKS ON THAT  
18 COMPUTER?

19 A NO, SIR.

20 I WOULDN'T KNOW HOW TO DO THAT IF MY LIFE  
21 DEPENDED ON IT, I WOULDN'T KNOW HOW TO DO THAT.

22 Q I WILL STIPULATE TO THE SAME PROBLEM.

23 DID YOU FIND ANY DISKS AROUND THE HOUSE THAT  
24 LOOKED LIKE THEY WOULD BE USED IN CONJUNCTION WITH THAT  
25 MACHINE?

26 A AT THAT POINT IN TIME, COUNSEL, I WOULDN'T  
27 HAVE KNOWN A COMPUTER DISK IF I SAW ONE.

28 Q OKAY. YOU ARE SAYING THAT THAT WAS ACTUALLY

1 SOLD DURING THE AUCTION?

2 A TO THE BEST OF MY RECOLLECTION.

3 OF COURSE, YOU KNOW, THERE IS A DETAILED  
4 LIST OF EVERYTHING THAT WAS SOLD.

5 Q AND YOUR TESTIMONY IS -- LET THE RECORD REFLECT  
6 I HAVE REPLACED 51 IN 51'S ENVELOPE, SO TO SPEAK.

7 SIR, DID YOU EARLIER TESTIFY THAT EVERYTHING ON  
8 THE APPRAISAL LIST WAS WHAT WAS THE SUBJECT MATTER OF WHAT  
9 WAS AUCTIONED?

10 A THAT'S TRUE.

31A FO.

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1 Q AND THE MAC INTOSH COMPUTER, THEREFORE, SHOULD  
2 BE ON THE APPRAISAL LIST?

3 A IF IT WAS THERE WHEN THE APPRAISER WENT THROUGH  
4 IT, IT SHOULD BE ON THE LIST, YES, SIR.

5 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

6 Q BY MR. BARENS: DO YOU HAVE COPIES OF THE  
7 APPRAISAL WITH YOU, SIR?

8 A YES.

9 Q COULD I HAVE YOU PULL THAT OUT, PLEASE, SIR?

10 A SURE.

11 YES, I HAVE THEM, COUNSEL.

12 Q ALL RIGHT, SIR, COULD YOU JUST LOOK THROUGH THE  
13 APPRAISAL LIST AND SHOW ME WHERE THE COMPUTER IS.

14 A OKAY. IF YOU LOOK -- I DON'T KNOW IF YOURS  
15 FOLLOWS THE SAME PAGING. I SEE SOMETHING HERE THAT SAYS  
16 "ELECTRONIC PRINTER, DIGITAL ELECTRONIC PRINTER, I.B.M."

32 FO.  
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32 1 Q I.B.M.?

2 A YES, BATTERY CHARGER, SONY ELECTRONIC DISK DRIVE,  
3 DIGITAL COMPUTER KEYBOARD, COMPUTER WITH SCREEN, NEXUS,  
4 RED CASE.

5 Q I CAN'T QUITE SEE THE REFERENCE TO A MAC INTOSH  
6 COMPUTER THERE, SIR.

7 A WELL, LET'S SEE. ITEM NO. 13 IS COMPUTER,  
8 OSBORNE, BOXED WITH SCREEN.

9 THEN ITEM 15 IS COMPUTER, DIGITAL.

10 MR. BARENS: I BELIEVE THAT THE COURT MIGHT TAKE NOTICE  
11 THAT DIGITAL IS THE NAME OF A MANUFACTURER. IT IS A GENERIC  
12 NAME.

13 MR. WAPNER: WELL, I DON'T --

14 THE COURT: WHAT IS THE MATERIALITY OF WHETHER OR NOT  
15 IT IS ON THE LIST OR IS NOT ON THE LIST? YOU WILL SHOW IT  
16 LATER ON? IS THAT RIGHT?

17 MR. BARENS: IT WILL BE MATERIAL ABOUT THE COMPUTER.

18 THE COURT: OKAY. ALL RIGHT. IS THAT YOUR BEST ANSWER?

19 THE WITNESS: COUNSEL, TO THE BEST OF MY RECOLLECTION,  
20 THERE WAS A COMPUTER THERE. IT WAS A MAC INTOSH. PERHAPS  
21 IT WAS A DIGITAL. PERHAPS I WAS MISTAKEN ABOUT THAT.

22 OR PERHAPS, THE MAC INTOSH COMPUTER WAS REMOVED  
23 FROM THE APARTMENT BEFORE THE APPRAISAL WAS DONE.

24 Q BY MR. BARENS: PERHAPS INDEED, SIR. ALL RIGHT,  
25 NOW, HOW MANY TYPEWRITERS DID YOU FIND IN THE APARTMENT, SIR?

26 A I DON'T RECALL.

27 Q DID YOU FIND TYPEWRITERS THERE?

28 A I REMEMBER SEEING A TYPEWRITER, AT LEAST ONE



1 TYPEWRITER THERE, I BELIEVE,

2 Q AND ON THE APPRAISAL, SIR, IS THERE A TYPEWRITER  
3 LISTED, IN FACT?

4 A I THINK SO. I THINK I JUST SAW ONE.

5 Q IF YOU JUST WHEN YOU COME TO IT SIR, TELL ME WHAT  
6 REFERENCE YOU ARE LOOKING AT AND IDENTIFY THE ITEM. YOU  
7 MIGHT LOOK AT PAGE 4 ITEM 57.

8 A EXCUSE ME?

9 Q YOU MIGHT LOOK ON PAGE 4, ITEM 57.

10 A OKAY. ITEM 57 SAYS "TYPEWRITER, I.B.M."

11 Q ALL RIGHT, SIR. IS THAT THE ONLY TYPEWRITER YOU  
12 FIND?

13 A IT SEEMS TO BE, COUNSEL.

14 Q YES, SIR?

15 A IT SEEMS TO BE THE ONLY ONE.

16 Q THE ONLY ONE?

17 A ON THE APPRAISAL LIST.

18 Q YOU DON'T SEE ANY REFERENCE OR DO YOU RECALL  
19 FINDING IN THE LEVIN APARTMENT, A MEMORY PROCESSOR TYPEWRITER?

20 A I DON'T RECALL. I REMEMBER SEEING A TYPEWRITER.  
21 I DON'T KNOW IF IT WAS MEMORY PROCESSOR TYPEWRITER OR NOT,  
22 COUNSEL.

23 Q IN LOOKING AT ALL OF THOSE FILES OF DOCUMENTS  
24 YOU TESTIFIED ABOUT, WHERE LEVIN WAS SO CONCERNED WITH  
25 CORRESPONDENCE AND COPIED HIS CHECKS AND STAPLED IT TOGETHER  
26 METICULOUSLY AND PUT IT IN HIS FILES AND ET CETERA ET CETERA,  
27 DID IT APPEAR THAT ALL OF THAT STUFF WAS GENERATED BY A  
28 SINGLE TYPEWRITER INSTRUMENT?

1           A        I COULDN'T POSSIBLY KNOW WHETHER IS WAS OR NOT,  
2 COUNSEL. I DON'T KNOW.

3           MR. BARENS: ALL RIGHT. THANK YOU, SIR.

4  
5                               REDIRECT EXAMINATION

6 BY MR. WAPNER:

7           Q        MR. OSTROVE, SHOWING YOU A PICTURE THAT I  
8 THINK WE HAVE MARKED ALREADY AS 16, IT IS NOT REALLY SUPPOSED  
9 TO BE A PICTURE OF A TYPEWRITER. BUT DO YOU SEE AN ITEM  
10 IN THERE THAT APPEARS TO YOU TO BE A TYPEWRITER?

11          A        YES.

12          Q        WHERE IS IT?

13          A        IT IS SITTING ON A DESK IN THE LITTLE OFFICE,  
14 RIGHT OFF OF THE LARGE OFFICE.

15          Q        AND THAT IS AT THE VERY TOP OF THAT PHOTOGRAPH?

16          A        YES.

17          MR. WAPNER: MAY I WALK IT BY THE JURY, PLEASE?

18          THE COURT: YES.

19                   (PAUSE.)

20          Q        BY MR. WAPNER: ALL YOU SEE IN THIS PICTURE IS  
21 BASICALLY THE BASE AND A PORTION OF THE KEYBOARD OF THE  
22 TYPEWRITER?

23

24

25

26

27

28

1           A       CORRECT.

2           Q       YOU ARE NOT AN EXPERT ON TYPEWRITERS, ARE YOU?

3           A       NO, I AM NOT.

4           Q       THE AMERICAN EXPRESS RECEIPTS THAT WERE 51, DO  
5 YOU HAVE ANY RECOLLECTION NOW AS TO WHEN YOU GOT THEM, HOW  
6 YOU GOT THEM, WHO YOU GOT THEM FROM AND WHERE THEY CAME  
7 FROM?

8           A       TO THE BEST OF MY RECOLLECTION, I INITIALLY  
9 RECEIVED THEM FROM MARTIN LEVIN. AND THEN THE LATER ONES  
10 WOULD JUST COME TO ME THROUGH -- AFTER I WAS APPOINTED  
11 CONSERVATOR, IF I GOT ANY AFTER THAT TIME, THEY WOULD JUST  
12 COME TO ME THROUGH THE MAIL, AFTER I CHANGED THE MAILING  
13 ADDRESS.

14          Q       BUT YOU DIDN'T CHANGE THE MAILING ADDRESS UNTIL  
15 SOMETIME IN DECEMBER, RIGHT?

16          A       THAT'S CORRECT. ALSO, THAT 51, I BELIEVE, WAS  
17 ADDRESSED TO -- NOT TO RON LEVIN'S APARTMENT ON PECK DRIVE,  
18 BUT TO A P.O. BOX. AND I DON'T KNOW WHETHER THAT PARTICULAR  
19 ADDRESS IS THE ONE THAT WAS CHANGED TO MY OFFICE OR NOT,  
20 SITTING HERE TODAY. SO IT MAY BE THAT I DIDN'T GET ANY  
21 STATEMENTS FROM AMERICAN EXPRESS.

22          Q       SO, SUFFICE IT TO SAY THAT YOUR RECOLLECTION  
23 ON THAT PARTICULAR POINT AS TO WHERE THESE DOCUMENTS THAT  
24 ARE 51 COLLECTIVELY CAME FROM, IS NOT REAL TERRIFIC?

25          A       WELL, I EITHER GOT THEM FROM THE APARTMENT OR  
26 MARTIN LEVIN SHOWED THEM TO ME AND THEN THEY WERE TURNED  
27 OVER EITHER TO YOU OR TO DETECTIVE ZOELLER.

28          Q       THE \$50,000 IN SETTLEMENT THAT YOU OBTAINED FROM

1 THE LAWSUIT WITH LILLIAN WARNER, DID THAT GO INTO THE  
2 ESTATE?

3 A INTO THE CONSERVATORSHIP ACCOUNT, YES.

4 Q IS THERE AN ACCOUNTING OF THAT?

5 A I BELIEVE THAT THAT WENT TO -- THE COURT PERMITTED  
6 THAT TO GO TO MR. MARTIN LEVIN, TO REIMBURSE HIM FOR ALL  
7 THE MONEYS THAT HE LAID OUT IN LOANS THAT HE HAD MADE TO  
8 RONALD LEVIN.

9 Q HE ALSO, MR. LEVIN, MR. MARTIN LEVIN, ALSO HAD  
10 AN ASSIGNMENT OF THAT OPTION THAT WAS THE BASIS OF THE  
11 LAWSUIT?

12 A CORRECT. THAT'S CORRECT, YES. THAT REFRESHES  
13 MY RECOLLECTION, YES. HE HAD AN ASSIGNMENT OF THAT AND  
14 SO, THE COURT PERMITTED THOSE MONEYS TO GO DIRECT TO  
15 MR. LEVIN.

33 FO.

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33-1

1 Q AND SO THAT \$50,000 DIDN'T BECOME -- EVER  
2 REALLY BECOME PART OF THE ASSETS OF THE ESTATE?

3 A IT DID. I BELIEVE THE WAY IT WENT, I DEPOSITED  
4 IT INTO THE CONSERVATORSHIP ACCOUNT AND THEN WITH THE  
5 COURT'S PERMISSION, PAID IT OVER TO MR. MARTIN LEVIN.

6 Q OKAY. AND AT THE TIME THAT YOU REACHED THE  
7 SETTLEMENT OF THAT LAWSUIT, WHO WAS THE PLAINTIFF IN  
8 THE SUIT?

9 A WELL, THE CLAIMANT -- IT WAS A CLAIM AGAINST  
10 THE ESTATE OF LILLIAN WARNER, SO THEN THE PLAINTIFF WAS  
11 RONALD GEORGE LEVIN AND THE DEFENDANT WAS THE ESTATE,  
12 THE EXECUTOR OF THE ESTATE OF LILLIAN WARNER WHO, AS  
13 I RECALL, WAS MR. DOCKWEILER. AND SO HE -- I THINK HE  
14 ACTUALLY WAS THE DEFENDANT BECAUSE HE WAS THE LEGAL REPRESENTATIVE OF MRS. WARNER'S ESTATE.

15 Q MRS. WARNER HAD DIED?

16 A CORRECT.

17 Q DO YOU KNOW WHEN?

18 A NO.

19 Q AND THE LAWSUIT, WHEN IT WAS SETTLED, WAS  
20 AGAINST HER ESTATE; IS THAT RIGHT?

21 A THAT'S CORRECT.

22 Q AND MR. LEVIN WAS SUING THE ESTATE OF MRS.  
23 WARNER IN AN ATTEMPT TO PURCHASE THE BUILDING?

24 A YES, FOR SPECIFIC PERFORMANCE, CORRECT.

25 Q DO YOU HAVE IN YOUR FILES A COPY OF THE CHECK  
26 THAT FORMED THE BASIS FOR THAT LAWSUIT OR THE ORIGINAL  
27 CHECK THAT FORMED THE BASIS FOR THAT LAWSUIT?  
28

1           A        I AM SURE THAT I -- I AM SURE THAT IT IS  
2           IN THE LAWSUIT FILE, YES.

3           Q        LET ME ASK YOU SOME OTHER QUESTIONS AND MAYBE,  
4           DEPENDING UPON HOW LONG IT TAKES, BEFORE WE ARE READY  
5           TO BREAK, YOU CAN SEE IF YOU CAN FIND THAT FOR ME.

6                    THE STATEMENTS THAT YOU OBTAINED ON  
7           THE SWISS BANK ACCOUNT, DID THEY APPEAR TO BE STATEMENTS  
8           THAT CAME VERY SIX MONTHS AS OPPOSED TO ONCE A MONTH?

9           A        YES.

10          Q        AND WHY DO YOU SAY THAT?

11          A        BECAUSE THERE WAS ONE AS OF JUNE 30TH AND  
12          THE NEXT ONE WAS DECEMBER 31ST.

13          Q        SO IT IS NOT THAT YOU ARE MISSING THE ONES  
14          IN BETWEEN BUT YOU DIDN'T GET THEM EXCEPT EVERY SIX MONTHS?

15          A        THAT'S CORRECT.

16                    THERE WAS ONE THERE AT THE APARTMENT WHICH  
17          EITHER I FOUND OR MR. MARTIN LEVIN FOUND AND HANDED TO  
18          ME, WHICH WAS DATED JUNE 30TH, AND THE NEXT ONE WAS DECEMBER  
19          31ST.

20          Q        AND THE OTHER THING THAT I AM GOING TO ASK  
21          YOU TO LOOK FOR WHEN I THINK I HAVE RUN OUT OF OTHER  
22          QUESTIONS IS THE COMPLAINT ON THE LAWSUIT SEEKING THE  
23          RETURN OF HIS PRESS PASS.

24          A        OKAY, THAT I DID LOOK FOR THAT DURING THE  
25          BREAK AND I DON'T SEEM TO HAVE THOSE -- THOSE DONALD  
26          REGAN FILES HERE. BUT I WILL TAKE A LOOK. BUT AT FIRST  
27          GLANCE, I DIDN'T SEEM TO HAVE THEM.

28          Q        DO YOU HAVE IN THE FILE A LETTER THAT MR.

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27  
28

LEVIN WROTE TO SOMEONE REGARDING DEALING WITH THE I.R.S.  
REGARDING THE PREPARATION OF HIS TAX RETURNS, BACK TAX  
RETURNS FOR SEVERAL YEARS?

A OH, YES.

MR. BARENS: COULD THE DEFENSE ACCESS THAT, YOUR  
HONOR, BEFORE FURTHER TESTIMONY ON IT, PLEASE?

THE COURT: YES.

MR. WAPNER: DOES THAT MEAN HAVE ACCESS TO IT?

THE COURT: NO, NO. SHOW IT TO HIM.

MR. BARENS: OH, THANK YOU.

(WHEREUPON A DOCUMENT WAS HANDED TO

MR. BARENS BY MR. WAPNER.)

MR. BARENS: THANK YOU.

MR. WAPNER: YOUR HONOR, MAY THIS DOCUMENT BE MARKED  
AS PEOPLE'S 171 FOR IDENTIFICATION?

THE COURT: IT WILL BE SO MARKED.

33A FO.

33A-1

1 MR. BARENS: DID YOU WANT TO IDENTIFY THAT AS BEING  
2 A LETTER OF CERTAIN DATE, ET CETERA?

3 MR. WAPNER: THANK YOU, COUNSEL.

4 IT SAYS "RONALD GEORGE LEVIN" AT THE TOP  
5 AND BEARS THE DATE MAY 23, 1984 AND THE LETTER IS WRITTEN  
6 TO MARK D. PASTOR, P-A-S-T-O-R, ATTORNEY AT LAW, SIGNED  
7 PURPORTEDLY BY RONALD GEORGE LEVIN, 9701 WILSHIRE BOULEVARD.

8 Q BY MR. WAPNER: MR. OSTROVE, SHOWING YOU  
9 PEOPLE'S 171, WHAT IS IT?

10 A IT IS A LETTER THAT EITHER MARTIN LEVIN OR  
11 I FOUND AT RON LEVIN'S APARTMENT.

12 Q DID YOU HAVE IT IN YOUR FILE?

13 A YES.

14 Q AND THAT WAS WRITTEN TO MR. PASTOR?

15 A CORRECT.

16 Q WHAT WAS THE SUBJECT OF THAT LETTER?

17 MR. BARENS: YOUR HONOR, OUT OF AN ABUNDANCE OF CAUTION,  
18 THE DEFENDANT WILL MAKE A HEARSAY OBJECTION PRO FORMA ON THE  
19 DOCUMENT AND THEN YOU WILL PROCEED AS YOU DEEM IT APPROPRIATE.

20 THE COURT: YES, OUT OF AN ABUNDANCE OF CAUTION, I WILL  
21 PERMIT IT INTO EVIDENCE.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23 MR. WAPNER: THAT IS THE FIRST TIME YOU HAVE  
24 EVER DONE ANYTHING OUT OF AN ABUNDANCE OF CAUTION.

25 THE COURT: IS THAT CRITICAL OF ME?

26 MR. WAPNER: NO.

27 (LAUGHTER IN COURTROOM.)

28 MR. WAPNER: THAT WAS A JOKE AND I DIDN'T IDENTIFY



1 IT. I AM FALLING INTO MR. BAREN'S BAD HABIT OF NOT IDENTIFYING  
2 IT.

3 THE WITNESS: YOU ASKED ME WHAT THE SUBJECT MATTER  
4 IS?

5 MR. WAPNER: YES. PERHAPS YOU CAN JUST GIVE US  
6 THE SUBJECT MATTER.

7 A SAYS "1040 TAX RETURNS FOR '79, '80, '81, '82  
8 AND '83."

9 THE COURT: WHO WAS PASTOR?

10 THE WITNESS: PASTOR IS AN ATTORNEY-AT-LAW ON VENTURA  
11 BOULEVARD IN ENCINO, YOUR HONOR.

12 THE COURT: IS HE A TAX LAWYER THAT YOU KNOW OF?

13 THE WITNESS: I BELIEVE HE IS, YES.

14 MR. WAPNER: AND I THINK, YOUR HONOR, RATHER THAN  
15 CIRCULATING IT AT THIS TIME, IT WOULD BE APPROPRIATE TO  
16 ASK THE WITNESS TO READ FROM THE DOCUMENT.

17 THE COURT: YOU OFFER IT IN EVIDENCE FIRST?

18 MR. WAPNER: YES, MAY IT BE RECEIVED?

19 THE COURT: IT WILL BE RECEIVED.

20 YOU CAN READ IT NOW.

21 THE WITNESS: (READING:)

22 "MARK:

23 "I AM WRITING THIS AFTER NUMEROUS  
24 UNSUCCESSFUL ATTEMPTS TO REACH.

25 "I AM VERY CONCERNED ABOUT THE  
26 STATUS OF THE RETURNS YOU AND JONATHON HAYES  
27 ARE PREPARING FOR ME.

28 "AS I INFORMED YOU IN MY LETTER

1 OF FEBRUARY 20, 1984, SOME OF MY RECORDS  
2 ARE IN THE POSSESSION OF YOUR ASSOCIATE, CLARENCE  
3 E. HARRIS.

4 "AS YOU KNOW, MR. HAYES CANNOT  
5 PROCEED WITH THE RETURNS WITHOUT REFERRING  
6 TO THOSE RECORDS.

7 "I HAVE SO FAR HAD NO SUCCESS  
8 IN REACHING MR. HARRIS.

9 "PLEASE ATTEND TO THIS AS SOON  
10 AS POSSIBLE. I AM WORRIED THAT THE I.R.S.  
11 WILL BEGIN TO REGARD MY DEFAULT REGARDING  
12 THESE RETURNS AS WILLFUL UNLESS SOME  
13 PROGRESS IS SHOWN SOON."

14 AND THEN THERE IS A SIGNATURE AND THEN IT  
15 IS TYPED IN "RONALD GEORGE LEVIN, 9701 WILSHIRE BOULEVARD,  
16 EIGHTH FLOOR, BEVERLY HILLS, CALIFORNIA, 90212" AND THEN  
17 A TELEPHONE NUMBER.

34 FO.

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34-  
1 Q THANK YOU. WOULD YOU SEE IF YOU COULD FIND THE  
2 CHECK THAT FORMED THE BASIS FOR THAT LILLIAN WARNER LAWSUIT?

3 MR. BARENS: AGAIN, I REQUEST THAT THE DEFENSE BE ABLE  
4 TO SEE IT BEFORE THERE IS FURTHER TESTIMONY.

5 MR. WAPNER: OF COURSE, YOUR HONOR.

6 THE COURT: YES.

7 (PAUSE.)

8 THE WITNESS: YOUR HONOR, MAY I ASK COUNSEL SOMETHING?

9 THE COURT: YES.

10 THE WITNESS: WHAT IS THE DATE OF THE CHECK, MR. WAPNER?  
11 DO YOU KNOW?

12 MR. WAPNER: JULY 16, 1980.

13 THE COURT: 1980?

14 MR. WAPNER: CORRECT.

15 THE COURT: WHAT CHECK ARE YOU ASKING FOR?

16 MR. WAPNER: THE CHECK THAT FORMS THE BASIS FOR THE  
17 LAWSUIT.

18 THE COURT: I SEE. YOU MEAN AGAINST THE ESTATE,  
19 YOU MEAN?

20 MR. WAPNER: AGAINST THE LANDLORD, RIGHT.

21 THE COURT: YES. WARNER.

22 MR. BARENS: YOUR HONOR, THE DEFENSE OBJECTS TO A  
23 CONCLUSIONARY REMARK THAT FORMS THE BASIS -- I BELIEVE  
24 THAT THAT IS ARGUABLE, YOUR HONOR.

25 MR. WAPNER: I WAS TRYING TO BE DESCRIPTIVE.

26 THE COURT: I THINK I WILL INSTRUCT THE JURY AT THE  
27 CONCLUSION OF THIS CASE THAT QUESTIONS ARE NOT EVIDENCE.  
28 ONLY THAT IS EVIDENCE WHICH COMES BEFORE YOU IN THE FORM

34 ?  
1 OF THE QUESTION AND THE ANSWER. IT IS THE ANSWER WHICH  
2 GIVES LIFE TO THE QUESTION.

3 SO ANY QUESTIONS WHERE THERE ARE NO ANSWERS,  
4 YOU FORGET ABOUT THE QUESTIONS. JUST DISREGARD THEM. THEY  
5 ARE NOT EVIDENCE. ALL RIGHT?

6 THE WITNESS: YOU SAY JULY, 1980, COUNSEL?

7 MR. WAPNER: I BELIEVE IT IS JULY, 1980.

8 MR. BARENS: I THOUGHT THE POINT WAS WELL TAKEN,  
9 ACTUALLY.

10 THE COURT: ALL RIGHT.

11 THE WITNESS: COUNSEL, I DON'T SEE IT, RIGHT OFFHAND.  
12 BUT OF COURSE, IT IS A MATTER OF PUBLIC RECORD. IT IS  
13 IN THE PROBATE COURT FILE.

14 THE COURT: HAVE YOU GOT A COPY OF IT?

15 MR. WAPNER: I HAVE A COPY. PERHAPS IF I CAN TALK  
16 WITH THE WITNESS --

17 THE COURT: YOU CAN OFFER THAT. WE'LL SUBSTITUTE  
18 THE ORIGINAL WHEN YOU GET IT. IN THE MEANTIME, YOU COULD  
19 IDENTIFY IT.

20 THE WITNESS: THE ORIGINAL WOULD BE IN THE CUSTODY  
21 AND CONTROL OF MR. DOCKWEILER.

22 Q BY MR. WAPNER: WHAT YOU HAVE THERE IS A COPY?

23 A I AM SURE THAT I HAVE A COPY SOMEWHERE.

24 THE COURT: WELL, YOU HAVE A COPY?

25 MR. WAPNER: YES.

26 THE COURT: WELL, ALL RIGHT. YOU USE THAT. AND IF  
27 YOU CAN IDENTIFY IT --

28 MR. WAPNER: YOUR HONOR, MAY IT BE MARKED AS 172 FOR

34-7  
1 IDENTIFICATION?

2 THE COURT: IT WILL BE SO MARKED.

3 Q BY MR. WAPNER: SHOWING YOU 172, DO YOU RECOGNIZE  
4 THAT?

5 A YES.

6 Q IT IS MARKED AND IT SAYS ON THE BOTTOM "EXHIBIT A"  
7 RIGHT?

8 A CORRECT.

9 Q ALL RIGHT. AND WHAT IS THAT?

10 A THAT IS THE CHECK, THE REVERSE SIDE OF WHICH,  
11 RONALD GEORGE LEVIN CLAIMED GRANTED HIM AN OPTION TO PURCHASE  
12 THE PROPERTY IN WHICH HE RESIDED AT 144 TO 146 SOUTH PECK  
13 DRIVE, FOR THE SUM OF \$350,000.

14 Q AND WAS THERE ANY EXPIRATION DATE ON THAT OPTION?

15 A UP TO AND INCLUDING MARCH 1, 1987.

16 Q HOW MUCH WAS THAT CHECK FOR?

17 A THE CHECK WAS FOR \$100.

18 THE COURT: ALL RIGHT. THAT WAS THE OPTION, RIGHT?

19 THE WITNESS: YES. IT WAS PAYABLE TO A LILLIAN WARNER,  
20 YOUR HONOR. AND THEN THE ENDORSEMENT ON THE BACK IS WHAT  
21 IT ALLEGED TO BE THE OPTION AGREEMENT.

22 THE COURT: ALL RIGHT.

23 Q BY MR. WAPNER: AND WAS IT THAT CHECK THAT WAS  
24 THE SUBJECT OF THE NEGOTIATIONS BETWEEN YOU AND THE ESTATE  
25 OF MRS. WARNER THAT LED TO YOUR OBTAINING THE \$50,000?

26 A YES, ON BEHALF OF THE CONSERVATORSHIP ESTATE,  
27 I ASSERTED AS AN ADVERSARY FOR THE ESTATE, THAT WE WERE  
28 ENTITLED TO BUY THAT BUILDING FOR THAT PRICE.

1 Q AND THEN YOU GOT TOGETHER AND DECIDED THAT FOR  
2 \$50,000, YOU WOULD DROP YOUR CLAIM TO HAVE THE RIGHT TO  
3 PURCHASE THE BUILDING?

4 A WELL, TO THE BEST OF MY RECOLLECTION, IT WAS  
5 \$50,000 THAT WAS THE AMOUNT OF THE SETTLEMENT.

6 THE COURT: WERE YOU SATISFIED THAT THE VALUE OF THE  
7 BUILDING WAS MUCH MORE THAN THAT \$350,000?

8 THE WITNESS: I WAS, YOUR HONOR.

9 THE COURT: ALL RIGHT. WHAT IS THE DATE OF THAT CHECK  
10 AGAIN?

11 THE WITNESS: JULY 16, 1980.

12 THE COURT: 1980?

13 THE WITNESS: YES, SIR.

14 Q BY MR. WAPNER: THESE APPRAISAL LISTS THAT  
15 COUNSEL HAS BEEN REFERRING TO, DID YOU DO THE APPRAISAL?

16 A NO.

17 Q WHO DID THE APPRAISAL?

18 A WE HIRED AN INDEPENDENT APPRAISER BY THE NAME  
19 OF LEON SEVILLA, S-E-V-I-L-L-A.

20 Q AND THE ITEMS THAT WERE ON THE LIST FROM IT DO  
21 YOU KNOW HOW THOSE WERE COMPILED?

22 A YES.

23

24

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35-1

1 Q HOW WAS THAT?

2 A MR. SEVILLA WENT FROM ROOM TO ROOM, ALONG  
3 WITH ONE OF THE LAW CLERKS FROM MY OFFICE, AND MADE A  
4 DETAILED LIST OF EVERYTHING IN THE APARTMENT.

5 THE COURT: THEY INVENTORIED IT, YOU MEAN?

6 THE WITNESS: YES, SIR.

7 Q BY MR. WAPNER: DO YOU KNOW WHEN THAT WAS  
8 DONE?

9 A YES.

10 Q WHEN?

11 A MARCH OF 1985, THAT IS WHEN THE APPRAISAL  
12 WAS WRITTEN SO IT WAS DONE -- IT TOOK A LONG TIME TO DO  
13 IT. IT LOOKS LIKE HE STARTED DOING IT IN DECEMBER AND  
14 HE WORKED ON IT IN JANUARY AND MARCH, SO FROM DECEMBER  
15 THROUGH MARCH 5, IT WAS DONE DECEMBER '84 TO MARCH 5TH,  
16 '85.

17 Q DO YOU KNOW WHEN THE PROPERTY WAS ACTUALLY  
18 AUCTIONED OFF?

19 A SHORTLY THEREAFTER. I DON'T RECALL EXACTLY  
20 BUT I WOULD HAVE -- I HAVE THE AUCTION INFORMATION SOMEWHERE.

21 MR. WAPNER: I DON'T HAVE ANYTHING FURTHER, YOUR  
22 HONOR.

23 THE COURT: ANYTHING FURTHER?

24 MR. BARENS: YES, YOUR HONOR.

25

26 RE-CROSS-EXAMINATION

27 BY MR. BARENS:

28 Q MR. OSTROVE, WITH REFERENCE TO PEOPLE'S 172,

1 WHICH IS THAT CHECK FOR A HUNDRED DOLLARS LEVIN ISSUED  
2 THAT YOU USED THE EXPRESSION "CREATED AN OPTION FOR MR.  
3 LEVIN ON THAT WARNER PROPERTY"?

4 A YES.

5 Q OPTION, SIR, IS A LEGAL TERM, IS IT NOT?

6 A YES.

7 Q IMPLIES A BINDING CONTRACT?

8 AN OPTION IS A TYPE OF CONTRACTUAL AGREEMENT,  
9 SIR?

10 A YES.

11 Q AND WAS THERE A DISPUTE IN THAT SETTING WHETHER  
12 OR NOT IT WAS AN ENFORCEABLE CONTRACT?

13 A YES.

14 Q WAS THE SUIT INVOLVING SOMETHING, EITHER DIRECTLY  
15 OR ANALOGOUS TO AN ACTION FOUND IN SPECIFIC PERFORMANCE?

16 A YES.

17 Q YOU TOLD US, SIR, THAT THE DOCUMENT THAT IS  
18 MARKED AS EVIDENCE FORMED THE BASIS FOR THE CLAIM OR PART  
19 OF THE BASIS, AT LEAST, FOR THE CLAIM; WHAT DID THE OTHER  
20 SIDE SAY?

21 A THE DEFENSE CONTENDED THAT MRS. WARNER'S SIGNATURE  
22 HAD BEEN OBTAINED BY TRICK AND DEVICE BY RONALD GEORGE LEVIN.

23 MR. BARENS: THANK YOU, SIR.

24 NOTHING FURTHER, YOUR HONOR.

25  
26 FURTHER REDIRECT EXAMINATION

27 BY MR. WAPNER:

28 Q MRS. WARNER WASN'T AROUND AT THE TIME THAT



1 YOU SETTLED THE LAWSUIT, WAS SHE?

2 A NO, NO.

3 IT WAS THE LEGAL REPRESENTATIVE OF HER ESTATE,  
4 MR. DOCKWEILER, WHO ENGAGED RETIRED JUDGE, JUDGE BILL  
5 LEVITT TO REPRESENT HIM AND I, WHO SETTLED THE CASE.

6 MRS. WARNER WAS NOT AROUND.

7 MR. WAPNER: I HAVE NOTHING FURTHER.

8 THE COURT: ALL RIGHT, I THINK THERE MIGHT BE, MR.  
9 OSTROVE, SOME CONFUSION. I KNOW THERE IS A LITTLE IN  
10 MY MIND AND I WANT TO BE SURE THE JURY UNDERSTANDS IT.

11 THAT SWISS ACCOUNT, HAVE YOU GOT THOSE CHECKS?

12 THE WITNESS: YES, SIR.

13 THE COURT: LET ME SEE THEM, WILL YOU?

14 THE WITNESS: WELL, OH, DO I STILL HAVE THEM HERE?

15 I THINK MR. WAPNER NOW HAS THEM BACK AT COUNSEL  
16 TABLE AGAIN.

17 THE COURT: ALL RIGHT, THERE THEY ARE.

18 MR. WAPNER: THAT WOULD BE 4.

19 THE COURT: YES, 4 FOR IDENTIFICATION.

20 NOW, LET'S SEE, THE NAME OF THE BANK IS SWISS  
21 CREDIT BANK, TOWN BRANCH, ZURICH-RATHAUSPLATZ IN SWITZERLAND;  
22 IS THAT RIGHT?

23 THE WITNESS: YES, YOUR HONOR.

24

25

26

27

28

3!  
1 THE COURT: ALL RIGHT. NOW IN WHOSE NAME WAS THAT  
2 ACCOUNT?

3 THE WITNESS: THAT WAS THE ACCOUNT THAT WE HAVE BEEN  
4 REFERRING TO, IT WAS IN THE NAME OF RONALD GEORGE LEVIN.

5 THE COURT: RONALD GEORGE LEVIN; IS THAT CORRECT?

6 THE WITNESS: YES, YOUR HONOR.

7 THE COURT: NOW THE CHECK WHICH IS MADE PAYABLE, IS  
8 PAYABLE TO WHOM?

9 THE WITNESS: TORONALD GEORGE LEVIN.

10 THE COURT: NOW HE MADE OUT THIS CHECK HIMSELF, DID  
11 HE NOT, APPARENTLY?

12 THE WITNESS: APPARENTLY, YES.

13 THE COURT: SO HE MADE OUT A CHECK IN THE SUM OF  
14 \$500,000 ON HIS OWN BANK ACCOUNT MADE PAYABLE TO HIMSELF;  
15 IS THAT CORRECT?

16 THE WITNESS: THAT'S CORRECT.

17 THE COURT: AND THAT, YOU FOUND IN THE DRAWER THAT  
18 WAS NEVER CASHED, WAS IT?

19 THE WITNESS: THAT'S CORRECT.

20 THE COURT: ALL RIGHT. AND IT WASN'T UNTIL YOU WENT  
21 IN THE DRAWER AND YOU FOUND THAT PARTICULAR CHECK AND YOU  
22 THOUGHT, "OH, WELL, HERE THERE IS A LOT OF MONEY I WILL  
23 DEPOSIT;" ISN'T THAT RIGHT?

24 THE WITNESS: WE THOUGHT THAT WAS A POSSIBILITY,  
25 RIGHT.

26 THE COURT: THEN YOU DEPOSITED IT?

27 THE WITNESS: YES, I TOOK IT --

28 THE COURT: WHAT HAPPENED TO IT?

1 THE WITNESS: THEY WERE RETURNED FROM THE SWISS BANK  
2 MARKED "N.S.F."

3 THE COURT: THAT MEANT THAT HE DIDN'T, RONALD GEORGE LEVIN  
4 DID NOT HAVE MORE THAN \$3.50 IN THAT ACCOUNT AT THAT TIME;  
5 IS THAT RIGHT?

6 THE WITNESS: ACCORDING TO THE STATEMENT OF THE BANK,  
7 THAT IS CORRECT.

8 THE COURT: AND THE SECOND CHECK SIMILARLY --

9 INCIDENTALLY, IS THERE ANY DATE ON WHICH THAT  
10 CHECK WAS DRAWN, THE DATE THAT IT WAS DRAWN?

11 THE WITNESS: THE CHECKS WERE UNDATED, YOUR HONOR.

12 THE COURT: UNDATED?

13 THE WITNESS: YES, SIR.

14 THE COURT: IS THAT RIGHT?

15 NOW, THE SECOND CHECK IS IN THE SUM OF \$980,877,  
16 UNDATED, DRAWN ON THE SAME ACCOUNT, PAYABLE TO  
17 RONALD GEORGE LEVIN, SIGNED BY RONALD GEORGE LEVIN; IS THAT  
18 CORRECT?

19 THE WITNESS: I DON'T KNOW WHO SIGNED IT.

20 THE COURT: YOU DON'T KNOW WHO SIGNED IT?

21 THE WITNESS: THERE WAS A SIGNATURE ON IT AND WHEN  
22 THE BANK RETURNED IT, ONE OF THE THINGS THEY SAID WAS  
23 "N.S.F. AND IRREGULAR SIGNATURE."

24 THE COURT: AND THOSE TWO CHECKS ARE ON THAT ONE  
25 BANK ACCOUNT WHERE YOU TOLD US THERE WAS A BALANCE FIRST  
26 OF \$3 AND THEN LATER THERE WERE CHARGES AGAINST IT WHERE HE  
27 OWED \$38; IS THAT RIGHT?

28 THE WITNESS: YES, SIR.

35A 7  
1 THE COURT: ALL RIGHT, NOW COUNSEL HAD ASKED YOU ABOUT  
2 THOSE BANKBOOKS, YOU KNOW, WITH THE HUNDRED THOUSAND DOLLAR,  
3 \$250,000 DEPOSITS AND HE ASKED YOU WHETHER OR NOT THOSE  
4 BANK BOOKS HAD THE APPEARANCE OF GENUINENESS, I THINK HIS  
5 WORD WAS; DO YOU REMEMBER THAT?

6 THE WITNESS: I DO, YOUR HONOR.

7 THE COURT: ALL RIGHT, NOW DO THESE CHECKS HAVE THE  
8 APPEARANCE OF GENUINENESS, TOO?

9 THE WITNESS: THEY DID, YOUR HONOR.

10 IN FACT, THEY DID TO WELLS FARGO BANK ALSO.

11 THE COURT: YES.

12 AND ACTUALLY, THERE WAS NO SUCH MONEY IN THE  
13 ACCOUNT, WAS THERE?

14 THE WITNESS: THAT'S CORRECT.

15 THE COURT: ALL RIGHT, THAT IS ALL I HAVE ON THAT.

16 MR. WAPNER: YOUR HONOR, I HAVE JUST ANOTHER QUESTION  
17 ON THAT.

18 THE COURT: GO AHEAD.

19 Q BY MR. WAPNER: MR. OSTROVE, WHEN DID YOU PUT  
20 THOSE INTO THE WELLS FARGO BANK FOR COLLECTION?

21 A MAY I SEE THEM, YOUR HONOR?

22 THE COURT: YES. DECEMBER 12, SOMETIME LIKE THAT.

23 THE WITNESS: IT LOOKS LIKE IN DECEMBER, ON...  
24 11 DECEMBER, 1984, COUNSEL.

36-1

1 Q WHEN DID THEY COME BACK?

2 A JANUARY 4, 1985 IS THE DATE ON THE ACCOUNT  
3 CHARGE NOTICE FROM WELLS FARGO. EXACTLY WHEN THEY CAME  
4 BACK, I DON'T KNOW. BUT IT WOULD BE RIGHT AROUND THAT  
5 TIME.

6 Q OKAY. THE CHARGE NOTICE FROM WELLS FARGO  
7 IS CHARGING THE CONSERVATORSHIP OF THE ESTATE FOR THE  
8 COST OF PUTTING THEM THROUGH?

9 A YES, FOR \$95.16 TOTAL IN COMMISSIONS, POSTAGE  
10 AND CORRESPONDENT BANK CHARGES.

11 Q ON TWO CHECKS THAT WERE NO GOOD?

12 A THAT'S CORRECT.

13 MR. WAPNER: NOTHING FURTHER.

14 FURTHER RECROSS-EXAMINATION

15 BY MR. BARENS:

16 Q SIR, YOU HAVE SEEN A LOT OF EXAMPLES OF MR.  
17 LEVIN'S SIGNATURE, HAVE YOU NOT?

18 A YES.

19 Q DO YOU SEE MR. LEVIN'S SIGNATURE ON THIS CHECK?

20 A NO.

21 Q DO YOU SEE MR. LEVIN'S SIGNATURE ON THE OTHER  
22 CHECK?

23 A NO.

24 Q SIR, YOU HAVE SEEN A LOT OF TYPED MATERIALS  
25 OF MR. LEVIN'S, HAVE YOU NOT, SIR?

26 A YES.

27 Q HAVE YOU EVER SEEN TYPEFACE IN ANY OF HIS  
28 MATERIALS THAT LOOKS LIKE THE TYPING ON THIS CHECK?

1           A        I HAVE SEEN TYPEWRITING THAT LOOKS LIKE THE  
2           TYPEWRITTEN PART WHERE IT SAYS "BEVERLY HILLS, CALIFORNIA,  
3           \$500,000, RONALD GEORGE LEVIN," BUT NOT THIS BOTTOM PART  
4           WHERE IT SEEMS TO BE PRINTED BY SOME KIND OF SOMETHING  
5           OTHER THAN A TYPEWRITER, WHERE IT SAYS "RONALD GEORGE  
6           LEVIN KK" AND THE ACCOUNT NUMBER.

7           Q        IT IS DIFFERENT, IS IT NOT, SIR?

8           A        YES.

9           Q        OKAY.

10          A        YES. THAT IS WHY WE THOUGHT THAT THESE WERE  
11          CASHIER'S CHECKS BECAUSE THEY DON'T APPEAR TO BE THE KIND  
12          OF A CHECK THAT ONE DRAWS ON A PERSONAL ACCOUNT.

13          MR. BARENS: NOW, A MOMENT, IF I MIGHT, YOUR HONOR?

14          THE COURT: ALL RIGHT.

15                   (PAUSE.)

16          Q        BY MR. BARENS: SIR, I NOTICE ON THIS CHECK  
17          THERE APPEARS TO BE IN BOTH OF THE CHECKS FOR THAT MATTER,  
18          THERE APPEARS TO BE HANDWRITING IN INK. IS THAT CORRECT,  
19          SIR?

20          A        YES.

21          Q        DO YOU KNOW -- I MIGHT CALL IT A SIGNATURE  
22          FOR REFERENCE BUT I DON'T KNOW THAT IT IS, YOUR HONOR.

23                   BUT I WILL CALL IT A SIGNATURE FOR NOW. IT  
24          APPEARS TO BE A SIGNATURE. YOUR HONOR MIGHT WANT TO LOOK  
25          AT IT.

26          THE COURT: YES. I HAVE SEEN IT ON THE LEFT-HAND  
27          SIDE.

28          MR. BARENS: YES, YOUR HONOR.

1 THE COURT: THAT DOESN'T LOOK LIKE A SIGNATURE,  
2 WHICH APPEARS ON THAT LETTER THAT WAS SENT TO THE ACCOUNTANT,  
3 TAX ATTORNEY.

4 MR. BARENS: NO. ACTUALLY, IT DOES NOT. THAT IS  
5 MY POINT.

6 THE COURT: SURE.

7 Q BY MR. BARENS: THE SIGNATURE YOU SEE ON THIS  
8 CHECK, SIR, DOES NOT LOOK LIKE ANY SIGNATURE YOU EVER  
9 SAW OF RONALD LEVIN'S, DOES IT, SIR?

10 A NO, IT DOES NOT.

11 MR. BARENS: THANK YOU, SIR. NOTHING FURTHER.

12 THE COURT: ALL RIGHT. ANYTHING FURTHER?

13 MR. WAPNER: NO.

14 THE COURT: ALL RIGHT. DO YOU WANT MR. OSTROVE  
15 TO BRING ANYTHING TOMORROW, SO THAT YOU MAY LOOK AT IT  
16 OR WERE YOU SATISFIED WITH WHAT YOU HAVE SEEN?

17 MR. BARENS: WELL, YOUR HONOR, MAY WE HAVE AN ASSURANCE  
18 FROM THE PEOPLE AS TO THE PRODUCTION OF MR. REEVES, SO  
19 THAT I DON'T HAVE TO SCURRY AROUND, TRYING TO SUBPOENA  
20 HIM? THAT IS THE FELLOW FROM AMERICAN EXPRESS.

21 MR. WAPNER: HE IS ON THE ORIGINAL WITNESS LIST,  
22 YES.

23 THE COURT: HE WILL BE HERE.

24 MR. BARENS: AND I AM ASKING FOR A LITTLE ASSURANCE  
25 IN THIS WORLD --

26 THE COURT: IF YOU HAVE SUBPOENAED HIM, ALL RIGHT.  
27 THEN HE IS ON THE LIST.

28 MR. WAPNER: YES. JOHN REEVES. HE IS ON THE WITNESS LIST.

MR. BARENS: I WAS JUST LOOKING -- SINCE I KNOW  
WE ARE GOING THAT ROUTE, I WANTED SOME ASSURANCE.

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