

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INDUSTRIAL QUICK SEARCH, Inc.,
MICHAEL MEIRESONNE,
MEIRESONNE & ASSOCIATES, Inc.,

Plaintiff(s),

vs.

Civil Action No.
1:09-cv-01340-SLT-JO

MILLER, ROSADO & ALGOIS, LLP,
CHRIS ROSADO and NEIL A. MILLER,
ESQ.,

Defendant(s).

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DEPOSITION OF

CHRISTOPHER ROSADO

October 26, 2011

11:00 a.m.

Lewis Brisbois Bisgaard & Smith LLP  
77 Water Street  
New York, New York

Beforc Margaret Eustace, a Shorthand Reporter and  
notary public, within and for the State of New York.



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| <p>1 UNITED STATES DISTRICT COURT<br/>2 EASTERN DISTRICT OF NEW YORK<br/>3 -----<br/>4 INDUSTRIAL QUICK SEARCH, Inc.,<br/>5 MICHAEL MEIRESONNE, MEIRESONNE &amp;<br/>6 ASSOCIATES, Inc.,<br/>7<br/>8 Plaintiffs,<br/>9<br/>10 Civil Action No.<br/>11 -against- 1:09-cv-01340-SLT-JO<br/>12<br/>13 MILLER, ROSADO &amp; ALGOIS, LLP,<br/>14 CHRIS ROSADO and NEIL A. MILLER, ESQ.,<br/>15 Defendants.<br/>16 -----<br/>17<br/>18 DEPOSITION OF CHRISTOPHER ROSADO, a<br/>19 Defendant herein, taken by Plaintiffs,<br/>20 pursuant to Notice, at the offices of Lewis<br/>21 Brisbois Bisgaard &amp; Smith LLP, 77 Water<br/>22 Street, New York, New York, on Wednesday,<br/>23 October 26, 2011, at 11:00 a.m., before<br/>24 Margaret Eustace, a Shorthand Reporter and<br/>25 notary public, within and for the State of New<br/>York.</p> | <p>1<br/>2<br/>3 IT IS HEREBY STIPULATED AND AGREED<br/>4 that all objections, except as to the form of<br/>5 the questions, shall be reserved to the time<br/>6 of the trial;<br/>7 IT IS FURTHER STIPULATED AND AGREED<br/>8 that the within examination may be subscribed<br/>9 and sworn to before any notary public with the<br/>10 same force and effect as though subscribed and<br/>11 sworn to before this court.<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                                            |
| <p>1<br/>2 APPEARANCES:<br/>3 SECREST WARDLE<br/>4 Attorneys for Plaintiffs -<br/>5 Pro Hac Vice<br/>6 2025 East Beltline SE, Suite 209<br/>7 Grand Rapids, Michigan 49546<br/>8 (616) 285-0143<br/>9<br/>10 BY: HENRY EMRICH, ESQ.<br/>11<br/>12 LEWIS BRISBOIS BISGAARD &amp; SMITH LLP<br/>13 Attorneys for Defendants<br/>14 77 Water Street, Suite 2100<br/>15 New York, New York 10038<br/>16 (212) 232-1370<br/>17 BY: PAULA GILBERT, ESQ.<br/>18<br/>19 ALSO PRESENT: MICHAEL MEIRESONNE<br/>20<br/>21 ***<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                                                                                                                                                             | <p>1<br/>2 (January 28, 2003 letter was<br/>3 premarked Plaintiffs' Exhibit 1<br/>4 for identification.)<br/>5<br/>6 (E-mail chain was premarked as<br/>7 Plaintiffs' Exhibit 2 for<br/>8 identification.)<br/>9<br/>10 (Neil Miller's time records<br/>11 were premarked as Plaintiffs'<br/>12 Exhibit 3 for identification.)<br/>13<br/>14 (Invoices were premarked as<br/>15 Plaintiffs' Exhibit 4 for<br/>16 identification.)<br/>17<br/>18 Whereupon,<br/>19 CHRISTOPHER ROSADA,<br/>20 after having been first duly sworn, was<br/>21 examined and testified as follows:<br/>22 EXAMINATION<br/>23 BY MR. EMRICH:<br/>24 Q. Good morning, Mr. Rosada.<br/>25 My name is Henry Emrich. We are here</p> |



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| <p>1 C. Rosada</p> <p>2 in the matter pending against your law firm</p> <p>3 arising out of the representation of your firm</p> <p>4 of Mr. Meiresonne and Industrial Quick Search</p> <p>5 Company, and, I believe, Meiresonne &amp;</p> <p>6 Associates, that occurred a few years ago.</p> <p>7 Have you ever had your deposition</p> <p>8 taken before?</p> <p>9 A. Yes.</p> <p>10 Q. How many times?</p> <p>11 A. Once.</p> <p>12 Q. What were the circumstances regarding</p> <p>13 that?</p> <p>14 A. It was a medical malpractice action.</p> <p>15 Q. Could you provide for me a brief</p> <p>16 discussion of your background prior to</p> <p>17 becoming a lawyer?</p> <p>18 A. I don't understand your question.</p> <p>19 Q. You don't understand my question?</p> <p>20 A. Yes.</p> <p>21 Q. Where did you go to college?</p> <p>22 A. Harvard.</p> <p>23 Q. And what did you study at Harvard?</p> <p>24 A. I was an economics major.</p> <p>25 Q. Where did you go to law school?</p> | <p>1 C. Rosada</p> <p>2 litigation?</p> <p>3 A. No.</p> <p>4 Q. And after leaving Haythe &amp; Curley,</p> <p>5 where did you go to work?</p> <p>6 A. I started my own practice.</p> <p>7 Q. Why did you leave Haythe &amp; Curley?</p> <p>8 A. I wanted to work for myself.</p> <p>9 Q. So when did you start your own</p> <p>10 practice?</p> <p>11 A. I believe in April 2002 or 2000 --</p> <p>12 I'm sorry, 1992. Excuse me.</p> <p>13 Q. Do you live here in New York?</p> <p>14 A. Yes.</p> <p>15 Q. Where do you live?</p> <p>16 A. Laurel Hollow.</p> <p>17 Q. What is your address there?</p> <p>18 A. 101 Holly Lane.</p> <p>19 Q. Are you married?</p> <p>20 A. Yes.</p> <p>21 Q. How long have you been married?</p> <p>22 A. Since 1999.</p> <p>23 Q. Children?</p> <p>24 A. Yes.</p> <p>25 Q. How many children?</p>                               |
| <p>1 C. Rosada</p> <p>2 A. Harvard.</p> <p>3 Q. When did you graduate from Harvard?</p> <p>4 A. 1988.</p> <p>5 Q. Any other degrees?</p> <p>6 A. No.</p> <p>7 Q. After graduating from Harvard, where</p> <p>8 did you go to work?</p> <p>9 A. I worked for a law firm Haythe,</p> <p>10 H.A.Y.T.H.E., &amp; Curley, C.U.R.L.E.Y.</p> <p>11 Q. Where was Haythe &amp; Curley located?</p> <p>12 A. In Manhattan.</p> <p>13 Q. Are they still in existence today?</p> <p>14 A. No.</p> <p>15 Q. What did you do there?</p> <p>16 A. I was an associate.</p> <p>17 Q. How long did you work there?</p> <p>18 A. Approximately four and a half years.</p> <p>19 Q. What kind of things did you work on</p> <p>20 there?</p> <p>21 A. Litigation and bankruptcy matters.</p> <p>22 Q. With regard to the litigation, what</p> <p>23 kind of litigation did you work on?</p> <p>24 A. All forms of commercial litigation.</p> <p>25 Q. Any particular kind of commercial</p>                               | <p>1 C. Rosada</p> <p>2 A. Two.</p> <p>3 Q. And their ages?</p> <p>4 MS. GILBERT: Objection to form.</p> <p>5 A. 8 and 10.</p> <p>6 Q. When you started your own practice in</p> <p>7 April of 1992, did you start on your own?</p> <p>8 A. Yes.</p> <p>9 Q. Was that here in Manhattan?</p> <p>10 A. No.</p> <p>11 Q. Where was it?</p> <p>12 A. In Mineola.</p> <p>13 Q. I'm not from here; where is Mineola?</p> <p>14 A. On Long Island.</p> <p>15 Q. Is that a city or township?</p> <p>16 A. It's a village.</p> <p>17 Q. What did you do in Mineola?</p> <p>18 MS. GILBERT: Objection to form.</p> <p>19 A. When I began my own law practice?</p> <p>20 Q. In regard to your law practice.</p> <p>21 A. When I first started?</p> <p>22 Q. Yes.</p> <p>23 A. General practice.</p> <p>24 Q. What did that involve?</p> <p>25 A. Commercial litigation.</p> |



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| <p>1 C. Rosada</p> <p>2 Q. Any particular kind of commercial</p> <p>3 litigation?</p> <p>4 A. No.</p> <p>5 Bankruptcy work.</p> <p>6 Q. That was your specialty?</p> <p>7 A. I wouldn't call it a specialty.</p> <p>8 MS. GILBERT: Objection to form.</p> <p>9 Q. Just something you worked on</p> <p>10 primarily?</p> <p>11 A. I never said I worked on it</p> <p>12 primarily. You asked what I practiced. I am</p> <p>13 trying to tell you.</p> <p>14 Q. Did that compose the primary part of</p> <p>15 your practice or the majority?</p> <p>16 MS. GILBERT: Objection to the form.</p> <p>17 A. Which one, bankruptcy?</p> <p>18 Q. Yes.</p> <p>19 A. No.</p> <p>20 Q. What did --</p> <p>21 A. I am not sure this was the primary</p> <p>22 focus at that point in time.</p> <p>23 Q. Did your work ever involve litigation</p> <p>24 of intellectual property matters?</p> <p>25 A. Yes.</p>                                                                  | <p>1 C. Rosada</p> <p>2 time 2003 rolled around in these particular</p> <p>3 areas of copyright infringement or patent</p> <p>4 infringement, or you didn't work in patent</p> <p>5 infringement, but copyright infringement, and</p> <p>6 those types of matters?</p> <p>7 MS. GILBERT: Objection to form.</p> <p>8 A. I didn't hear the date. I'm sorry.</p> <p>9 Q. Prior to 2003, how many matters would</p> <p>10 you have tried involving copyright</p> <p>11 infringement.</p> <p>12 A. None.</p> <p>13 Q. How about any unfair business</p> <p>14 practice?</p> <p>15 A. Also none.</p> <p>16 Q. Did you advertise at all in your</p> <p>17 practice as you began your private practice?</p> <p>18 MS. GILBERT: Objection to form.</p> <p>19 A. Not that I recall.</p> <p>20 Q. Did you hold yourself as any kind of</p> <p>21 specialist in any of these areas that we have</p> <p>22 talked about?</p> <p>23 MS. GILBERT: Objection to form.</p> <p>24 A. Not that I recall.</p> <p>25 Q. When did you first become affiliated</p> |
| <p>1 C. Rosada</p> <p>2 Q. What kind of intellectual property</p> <p>3 matters?</p> <p>4 A. I had been involved in several</p> <p>5 copyright infringement and/or unfair</p> <p>6 competition cases. Both at the firm I told</p> <p>7 you about and then on my own.</p> <p>8 Q. How about patent infringement</p> <p>9 matters?</p> <p>10 A. No patent infringement matters.</p> <p>11 Q. Unfair competition matters?</p> <p>12 A. Yes.</p> <p>13 Q. Specifically what kind of unfair</p> <p>14 competition matters?</p> <p>15 A. I don't understand your question.</p> <p>16 Q. Any particular kind of unfair</p> <p>17 competition matters?</p> <p>18 A. No.</p> <p>19 Q. Just general practice? General in</p> <p>20 that field?</p> <p>21 MS. GILBERT: Objection to form.</p> <p>22 A. If I understand your question, the</p> <p>23 answer is yes, people were asserting unfair</p> <p>24 competition claims.</p> <p>25 Q. How many cases had you tried by the</p> | <p>1 C. Rosada</p> <p>2 with Mr. Miller?</p> <p>3 A. I am not sure I understand the</p> <p>4 question entirely.</p> <p>5 Q. When did you first meet Mr. Miller?</p> <p>6 A. Sometime in the early '90s.</p> <p>7 Q. What were the circumstances regarding</p> <p>8 your meeting?</p> <p>9 A. He was a suite mate, we were both in</p> <p>10 the same suite in the same building.</p> <p>11 Q. When did you and Mr. Miller become</p> <p>12 connected in practicing law together?</p> <p>13 MS. GILBERT: Objection to the form.</p> <p>14 A. Sometime in the '90s I used Neil to</p> <p>15 work on some files of mine. I can't recall</p> <p>16 the precise date.</p> <p>17 Q. What kind of files?</p> <p>18 A. Always litigation.</p> <p>19 Q. When did the law firm of Miller</p> <p>20 Rosado and -- how do you pronounce that last</p> <p>21 name?</p> <p>22 A. Algios.</p> <p>23 Q. Algios.</p> <p>24 -- when did that firm begin?</p> <p>25 A. I don't recall if it was January of</p>                                                  |



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| <p>13</p> <p>1 C. Rosada</p> <p>2 2000 or January 2001. I believe -- I think it</p> <p>3 was January 2000, but I am not sure.</p> <p>4 Q. And how did you meet Mr. Algios?</p> <p>5 A. He was also a suite mate of mine.</p> <p>6 Q. So the three of you decided to form a</p> <p>7 practice together?</p> <p>8 A. Essentially.</p> <p>9 Q. Was it formed then in 2001?</p> <p>10 A. Like I said, I don't remember if it</p> <p>11 was January 2000 or January 2001, but I</p> <p>12 believe one of those dates.</p> <p>13 Q. Fair enough.</p> <p>14 Was it an LLP at that time?</p> <p>15 A. Yes.</p> <p>16 Q. And did it only involve the three of</p> <p>17 you?</p> <p>18 A. Yes.</p> <p>19 Q. Were there any other associates in</p> <p>20 the firm?</p> <p>21 A. At any time?</p> <p>22 Q. From 2001 to 2003.</p> <p>23 A. We did have an associate at one</p> <p>24 point. I don't know if she was there in that</p> <p>25 time frame.</p> | <p>15</p> <p>1 C. Rosada</p> <p>2 A. Yes. I shouldn't say I don't know.</p> <p>3 I don't recall. I know he did litigation but</p> <p>4 I don't recall, sitting here today, what his</p> <p>5 background was.</p> <p>6 Q. What kind of litigation did he work</p> <p>7 on?</p> <p>8 MS. GILBERT: Objection to form.</p> <p>9 A. I just said I don't recall.</p> <p>10 Q. You don't know as you sit here today</p> <p>11 what his background was?</p> <p>12 MS. GILBERT: Objection to the form.</p> <p>13 A. By background, I assume you are</p> <p>14 asking what his pedigree was, and no, I don't.</p> <p>15 Q. What kind of legal matters,</p> <p>16 substantive legal matters did he handle or he</p> <p>17 have a particular expertise in handling?</p> <p>18 A. To my knowledge, he was working on</p> <p>19 commercial litigation.</p> <p>20 MR. EMRICH: Counsel, you just had</p> <p>21 an off-the-record communication with your</p> <p>22 client.</p> <p>23 Did you want to take a break and talk</p> <p>24 with your client?</p> <p>25 MS. GILBERT: No, please continue.</p> |
| <p>14</p> <p>1 C. Rosada</p> <p>2 Q. And in 2003, were there other</p> <p>3 employees in your firm?</p> <p>4 A. Yes.</p> <p>5 Q. And how many?</p> <p>6 A. I believe there were three.</p> <p>7 Q. What were their names and roles?</p> <p>8 A. We had a secretary, Regina Allen,</p> <p>9 A.L.L.E.N. we had a paralegal Bonnie,</p> <p>10 B.O.N.N.I.E., Siegel, S.I.E.G.E.L., and I</p> <p>11 don't remember who our third employee was at</p> <p>12 the time.</p> <p>13 Q. So Ms. Siegel was a paralegal?</p> <p>14 A. Yes.</p> <p>15 Q. And the third employee, what was --</p> <p>16 was it a him or a her?</p> <p>17 A. It was her.</p> <p>18 Q. What was her function?</p> <p>19 A. She would have been a legal</p> <p>20 secretary.</p> <p>21 Q. What kind of litigation background</p> <p>22 did Mr. Miller have?</p> <p>23 A. I don't know.</p> <p>24 Q. Did you ever learn what kind of</p> <p>25 litigation background he had?</p>     | <p>16</p> <p>1 C. Rosada</p> <p>2 BY MR. EMRICH:</p> <p>3 Q. Did Mr. Miller have any training</p> <p>4 background or expertise in handling of</p> <p>5 copyright infringement matters?</p> <p>6 A. I don't recall.</p> <p>7 Q. Did he have expertise in handling</p> <p>8 patent litigation matters?</p> <p>9 A. I don't recall.</p> <p>10 Q. Did he have any experience in</p> <p>11 handling unfair business practice litigation?</p> <p>12 A. I don't recall.</p> <p>13 Q. Mr. Rosada, prior to today's</p> <p>14 deposition, how did you to prepare for it?</p> <p>15 A. I met with my counsel earlier today.</p> <p>16 Q. Was that the first time?</p> <p>17 A. That I met with my counsel?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 Q. That you met with them.</p> <p>20 A. No. I think I met with Mr. Anesh at</p> <p>21 the inception of the litigation.</p> <p>22 Q. So you have met with your counsel</p> <p>23 twice in this matter?</p> <p>24 MS. GILBERT: Objection to the form.</p> <p>25 A. Yes.</p>                                                     |



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| <p>1 C. Rosada</p> <p>2 Q. When you say you met with your</p> <p>3 counsel this morning before this deposition,</p> <p>4 that would have been Mr. Anesh?</p> <p>5 A. And Ms. Gilbert.</p> <p>6 Q. I was going to ask you that.</p> <p>7 How long did you spend with them?</p> <p>8 A. A little over an hour.</p> <p>9 Q. Had you talked to them prior to</p> <p>10 meeting with them today about today's</p> <p>11 deposition?</p> <p>12 A. I don't believe so.</p> <p>13 Q. So no communication with them?</p> <p>14 A. I didn't say that. You asked if I</p> <p>15 spoke to them.</p> <p>16 Q. So you did not speak with them?</p> <p>17 A. Correct.</p> <p>18 Q. Did you have communication with them?</p> <p>19 A. Yes.</p> <p>20 Q. How many times?</p> <p>21 A. I don't recall.</p> <p>22 Q. How did that communication occur?</p> <p>23 MS. GILBERT: Objection to the form.</p> <p>24 A. I believe it was by e-mail.</p> <p>25 Q. Did you talk with Mr. Miller about</p> | <p>17</p> <p>1 C. Rosada</p> <p>2 today. I made sure he was covering.</p> <p>3 Q. Something that you were to cover?</p> <p>4 A. It was one of my matters, correct.</p> <p>5 Q. So he had to cover it for you?</p> <p>6 A. Correct.</p> <p>7 Q. Was that all that you discussed with</p> <p>8 Mr. Miller when you talked with him about this</p> <p>9 deposition?</p> <p>10 MS. GILBERT: Objection to the form.</p> <p>11 I want to caution the witness not to</p> <p>12 reveal any privileged communications he</p> <p>13 had with Mr. Miller.</p> <p>14 BY MR. EMRICH:</p> <p>15 Q. Was that the only thing that you</p> <p>16 talked about?</p> <p>17 A. I believe so.</p> <p>18 Q. Did you look at any documents?</p> <p>19 A. When I came to speak with my lawyers</p> <p>20 this morning.</p> <p>21 Q. That would have been the first time</p> <p>22 you looked at any documents?</p> <p>23 A. Yes.</p> <p>24 Q. You didn't look at any documents with</p> <p>25 Mr. Miller?</p>                                                                    |
| <p>18</p> <p>1 C. Rosada</p> <p>2 today's deposition?</p> <p>3 A. Yes.</p> <p>4 Q. When did you talk with him?</p> <p>5 A. Yesterday.</p> <p>6 Q. Was that the only time you talked</p> <p>7 with him about today's deposition?</p> <p>8 A. No.</p> <p>9 Q. How many other times have you talked</p> <p>10 with him?</p> <p>11 A. I think one before.</p> <p>12 Q. Where did those discussions take</p> <p>13 place?</p> <p>14 A. In our offices.</p> <p>15 Q. Why did you talk with him?</p> <p>16 A. I just told him that I was --</p> <p>17 MS. GILBERT: Objection to the form.</p> <p>18 A. -- being deposed.</p> <p>19 Q. Why did you talk with him?</p> <p>20 A. I told him I was being deposed.</p> <p>21 Q. So in two conversations that all</p> <p>22 talked about was with regard to this</p> <p>23 deposition?</p> <p>24 A. It was about scheduling as well.</p> <p>25 There is another matter the firm is handling</p>                                              | <p>19</p> <p>1 C. Rosada</p> <p>2 A. No.</p> <p>3 Q. Specifically with regard to what you</p> <p>4 looked at this morning, was that the first</p> <p>5 time and the only time you have looked at</p> <p>6 documents prior to your deposition in order to</p> <p>7 get ready or prepare for your deposition?</p> <p>8 A. Yes.</p> <p>9 Q. What specifically did you look at?</p> <p>10 A. I looked at the retainer letter, I</p> <p>11 looked a several e-mails. I looked at certain</p> <p>12 pleadings.</p> <p>13 Q. Which pleadings?</p> <p>14 A. I looked at, I believe, the complaint</p> <p>15 in this action.</p> <p>16 Q. Anything else?</p> <p>17 A. I think I looked at the second</p> <p>18 amended complaint in the underlying Thomas</p> <p>19 action. I looked IQS's answer in the</p> <p>20 underlying Thomas action. And I looked at</p> <p>21 some billing records.</p> <p>22 Q. Anything else?</p> <p>23 A. I may have looked at some of our</p> <p>24 discovery compliance in this action.</p> <p>25 Q. What would that have been?</p> |
| <p>20</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>20</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



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| <p>21</p> <p>1 C. Rosada</p> <p>2 A. I believe it was responses to</p> <p>3 interrogatories.</p> <p>4 Q. Anything else?</p> <p>5 A. Not that I recall.</p> <p>6 Q. When you say you looked at some</p> <p>7 e-mails, what e-mails do you recall looking</p> <p>8 at?</p> <p>9 A. Several e-mails from 2003 and some</p> <p>10 other e-mails from, I believe, 2006.</p> <p>11 Q. Were these e-mails from your firm?</p> <p>12 A. Some of them may have been. I don't</p> <p>13 think there were any general one way or</p> <p>14 another.</p> <p>15 Q. Do you have those e-mails with you</p> <p>16 today?</p> <p>17 A. I don't have them, but my counsel has</p> <p>18 them.</p> <p>19 MR. EMRICH: Do you have them here</p> <p>20 with you today?</p> <p>21 MS. GILBERT: They were produced by</p> <p>22 plaintiff in this action.</p> <p>23 MR. EMRICH: Could we identify on the</p> <p>24 record what e-mails he looked at, please.</p> <p>25 MS. GILBERT: Off the record for a</p>                                                 | <p>23</p> <p>1 C. Rosada</p> <p>2 about. These are your productions, you</p> <p>3 can ask the witness about them.</p> <p>4 MR. EMRICH: Okay.</p> <p>5 MS. GILBERT: February 4, 2003 from</p> <p>6 Mr. Rosada to Mr. Meiresonne, looks like a</p> <p>7 string from February 4, 2003, string of</p> <p>8 e-mails.</p> <p>9 MR. EMRICH: Have you produced these</p> <p>10 e-mails previously?</p> <p>11 MS. GILBERT: You have produced</p> <p>12 these.</p> <p>13 MR. EMRICH: Okay, go ahead.</p> <p>14 MS. GILBERT: February 5, 2003 from</p> <p>15 Mr. Meiresonne to Mr. Rosada.</p> <p>16 MR. EMRICH: Okay.</p> <p>17 MS. GILBERT: February 6, 2003 from</p> <p>18 Mr. Meiresonne to Mr. Rosada.</p> <p>19 February 11, 2003 from Mr. Meiresonne</p> <p>20 to Mr. Rosada.</p> <p>21 February 12, 2003 from Mr. Meiresonne</p> <p>22 to Mr. Rosada.</p> <p>23 February 13, 2003 from Mr. Meiresonne</p> <p>24 to Mr. Rosada.</p> <p>25 MR. EMRICH: And that's it?</p>                                                                     |
| <p>22</p> <p>1 C. Rosada</p> <p>2 second.</p> <p>3 MR. EMRICH: Sure.</p> <p>4 (Discussion held off the record.)</p> <p>5 MR. EMRICH: Back on the record.</p> <p>6 I would like the date of the e-mail</p> <p>7 and the parties to the e-mail and the</p> <p>8 regarding.</p> <p>9 MS. GILBERT: I am not going to</p> <p>10 describe what it is regarding. I will</p> <p>11 give you the date of the e-mail and</p> <p>12 parties name though.</p> <p>13 MR. EMRICH: Go ahead.</p> <p>14 I want to know what specific e-mails</p> <p>15 he reviewed, please.</p> <p>16 MS. GILBERT: Absolutely. January</p> <p>17 27, 2003 is the date of the first e-mail</p> <p>18 from Mike Meiresonne -- I apologize if I</p> <p>19 am mispronouncing that -- to Chris Rosado.</p> <p>20 MR. EMRICH: What does that e-mail</p> <p>21 relate to?</p> <p>22 MS. GILBERT: I don't want to put on</p> <p>23 the record what it relates to. You can</p> <p>24 ask him about these e-mails. I am not</p> <p>25 going to describe what the e-mails are</p> | <p>24</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: No, I am looking</p> <p>3 through. I want to make sure what I am</p> <p>4 giving you is accurate.</p> <p>5 February 18, 2003 from Mr. Meiresonne</p> <p>6 to Mr. Rosada,.</p> <p>7 March 10, 2003 from Mr. Meiresonne to</p> <p>8 Mr. Rosada.</p> <p>9 MR. EMRICH: What was the date of</p> <p>10 the last one?</p> <p>11 MS. GILBERT: March 10, 2003.</p> <p>12 Some of these the dates are cut off.</p> <p>13 If it would be easier -- off the</p> <p>14 record.</p> <p>15 (Discussion held off the record.)</p> <p>16 MR. EMRICH: The record should</p> <p>17 reflect counsel and their client left the</p> <p>18 room to have a conference and we are now</p> <p>19 back on the record.</p> <p>20 MS. GILBERT: So I have agreed to</p> <p>21 give you range of pages from your disk</p> <p>22 that you produced, plaintiffs' production,</p> <p>23 that's the easiest way to identify.</p> <p>24 MR. EMRICH: Do you have a clean</p> <p>25 copy of those documents with you today</p> |



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1 C. Rosada  
2 here in this office somewhere?  
3 MS. GILBERT: I have the disk. I  
4 don't want to interrupt the deposition to  
5 take time --  
6 MR. EMRICH: I want to see what  
7 specific documents that he reviewed prior  
8 to today. Whether we have them or not is  
9 really irrelevant. I want to know what he  
10 reviewed, and if we can't identify them, I  
11 would like to see them.  
12 MS. GILBERT: Okay.  
13 MR. EMRICH: We can do it at a  
14 break.  
15 MS. GILBERT: At a break I will go  
16 and print them and we can continue at this  
17 point with the deposition.  
18 MR. EMRICH: That's fair, okay.  
19 BY MR. EMRICH:  
20 Q. So were those the only e-mails you  
21 would have reviewed, Mr. Rosada, prior to  
22 today's deposition?  
23 MS. GILBERT: Objection to the form.  
24 A. The ones that my counsel showed me?  
25 Q. Yes.

26

1 C. Rosada  
2 A. Yes.  
3 Q. You have not reviewed any other  
4 e-mails?  
5 A. My answer remains the same, no.  
6 Q. Do you recall the last date of any  
7 e-mail that you would have reviewed prior to  
8 today's deposition?  
9 A. I don't understand the question.  
10 Q. Do you recall what the last date or  
11 the date on the last e-mail you reviewed prior  
12 to today's deposition in terms of a  
13 chronological order?  
14 A. That I reviewed with my counsel  
15 today?  
16 Q. Yes.  
17 A. No.  
18 Q. So you haven't reviewed any other  
19 e-mails?  
20 A. Again, no.  
21 Q. And what was the purpose of reviewing  
22 the e-mails?  
23 MS. GILBERT: I am going to object  
24 to the form.  
25 His answer could contain privileged

27

1 C. Rosada  
2 information.  
3 BY MR. EMRICH:  
4 Q. Without revealing privileged  
5 information, any particular reason why you  
6 reviewed the e-mails?  
7 A. Because my counsel showed them to me.  
8 Q. Fair enough.  
9 Q. Did you review any correspondence in  
10 this case prior to today's deposition?  
11 A. Other than e-mails?  
12 Q. Yes, sir.  
13 A. I don't believe so.  
14 Q. Would that also be true for any other  
15 correspondence or any correspondence reviewed  
16 by you related to this matter prior to today's  
17 date irrespective of whether or not it was  
18 reviewed in preparation for your deposition?  
19 MS. GILBERT: Objection to form.  
20 A. As I indicated, counsel, I didn't  
21 review anything before I came here today.  
22 Q. We were talking again about things  
23 that you would have reviewed.  
24 Did you review any expert reports  
25 prior to today's deposition?

28

1 C. Rosada  
2 A. No.  
3 Q. Have you ever seen any expert  
4 reports --  
5 A. Not that I recall.  
6 Q. -- related to this matter prior to  
7 today's deposition?  
8 A. Not that I recall.  
9 Q. Did you review any deposition  
10 testimony prior to today's deposition?  
11 A. No.  
12 Q. Did you discuss with Mr. Miller his  
13 deposition testimony at any time prior to  
14 today's deposition?  
15 MS. GILBERT: Objection to the form  
16 in that he could reveal privileged  
17 communications between Mr. Rosada and  
18 Mr. Miller.  
19 A. I don't believe so.  
20 Q. Mr. Miller and you are still  
21 together?  
22 A. Yes.  
23 Q. Is Mr. Algios still with the firm?  
24 A. Yes.  
25 Q. Do you have other lawyers working in



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| <p>1 C. Rosada</p> <p>2 your firm at the present time?</p> <p>3 A. No.</p> <p>4 Q. Have there been any other lawyers</p> <p>5 working in your firm since 2003?</p> <p>6 A. Yes.</p> <p>7 Q. And the names of those persons?</p> <p>8 A. We had an associate for a brief time,</p> <p>9 Preeti, P.R.E.E.T.I., Kohli, K.O.H.L.I.</p> <p>10 Q. What was the last name?</p> <p>11 A. K.O.H.L.I.</p> <p>12 Q. Anyone else?</p> <p>13 A. No.</p> <p>14 Q. When was that person employed by the</p> <p>15 firm?</p> <p>16 A. I don't recall.</p> <p>17 Q. Describe for me the hierarchy of the</p> <p>18 firm. Are you all equal partners?</p> <p>19 A. Yes.</p> <p>20 Q. Do any of you hold any particular</p> <p>21 titles in the firm?</p> <p>22 A. No.</p> <p>23 Q. Is there a managing partner?</p> <p>24 A. No.</p> <p>25 Q. Has there ever been a managing</p>                                                                 | <p>1 C. Rosada</p> <p>2 have any experience in terms of producing</p> <p>3 documents?</p> <p>4 MS. GILBERT: Objection to the form.</p> <p>5 A. I don't know.</p> <p>6 Q. Do any of them have experience with</p> <p>7 Bates stamping of documents?</p> <p>8 A. Yes.</p> <p>9 Q. Which one?</p> <p>10 A. Bonnie Siegel.</p> <p>11 Q. Do you know how long she has had the</p> <p>12 ability or knowledge to Bates stamp documents?</p> <p>13 A. No.</p> <p>14 Q. Is it a recent development for her or</p> <p>15 something she has always had?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know if she ever received any</p> <p>18 specific training regarding Bates stamping of</p> <p>19 documents?</p> <p>20 A. I don't know.</p> <p>21 Q. Mr. Rosada, I am going to show you</p> <p>22 what I have marked as Plaintiffs' Exhibit 1.</p> <p>23 I ask you to take a look at that.</p> <p>24 (Witness complies.)</p> <p>25 A. Okay.</p>                                                                |
| <p>1 C. Rosada</p> <p>2 partner?</p> <p>3 A. No.</p> <p>4 Q. No officers, then, in the firm among</p> <p>5 the three of you?</p> <p>6 A. No.</p> <p>7 Q. Are your interests in the firm equal?</p> <p>8 A. I don't understand your question.</p> <p>9 Q. Do you all have the same interest in</p> <p>10 relation to the other partners --</p> <p>11 MS. GILBERT: Objection to the form.</p> <p>12 Q. -- or does one person have a greater</p> <p>13 ownership interest in the firm than the</p> <p>14 others?</p> <p>15 A. No, it is all equal.</p> <p>16 Q. Do you still have three nonlawyer</p> <p>17 personnel working for you?</p> <p>18 A. Yes.</p> <p>19 Q. The same persons as in 2003?</p> <p>20 A. Two of them.</p> <p>21 Q. Which person is no longer working</p> <p>22 there, the one that you couldn't come up with</p> <p>23 name of?</p> <p>24 A. Correct.</p> <p>25 Q. Do any of these nonlawyer personnel</p> | <p>1 C. Rosada</p> <p>2 Q. Have you seen this before?</p> <p>3 A. Yes.</p> <p>4 Q. What is that, sir?</p> <p>5 A. It is a retainer letter between my</p> <p>6 firm and Industrial Quick Search.</p> <p>7 Q. That letter was authored by you?</p> <p>8 A. Yes.</p> <p>9 Q. Does that describe the parameters of</p> <p>10 the work to be done in this case?</p> <p>11 MS. GILBERT: Objection to the form.</p> <p>12 A. No.</p> <p>13 Q. Does it describe the scope of the</p> <p>14 representation?</p> <p>15 A. It contains the parameters of our</p> <p>16 representation of Industrial Quick Search,</p> <p>17 yes.</p> <p>18 Q. In the first paragraph of that letter</p> <p>19 it indicates you are going to be primarily</p> <p>20 responsible for the handling of this matter;</p> <p>21 is that correct?</p> <p>22 MS. GILBERT: Objection to the form.</p> <p>23 A. It says I will have primary</p> <p>24 responsibility for your representation.</p> <p>25 Q. So I am correct in what I said?</p> |



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1 C. Rosada

2 A. I don't believe you are.

3 Q. Tell me why I am not correct. You

4 just read it to me.

5 A. Essentially what it is saying is that

6 I am going to have the prime responsibility

7 for client contact with Mr. Meiresonne.

8 Q. I am going to ask you to take a look

9 at that letter and I want you to read for me

10 the -- or I want you to go down to the seventh

11 sentence or line, correct?

12 A. Yes.

13 Q. And I want to go over to the sentence

14 starting with "I." And I am going to read

15 it. I want you to listen to me.

16 "I will have primary responsibility

17 for your representation although I may consult

18 and utilize other attorneys and legal

19 assistants in the best exercise of my

20 professional judgment."

21 Is that correct? Did I read that

22 correctly?

23 A. You did.

24 Q. I've heard counsel describe a number

25 of e-mails between you and Mr. Meiresonne

34

1 C. Rosada

2 following the date of that letter, going

3 through a period at least until March 10, 2003

4 where you and Mr. Meiresonne had contact,

5 correct?

6 MS. GILBERT: Objection to the form.

7 A. That you heard it, yes, I guess you

8 did hear it.

9 Q. I heard your counsel read those into

10 the record as e-mails you read, correct?

11 A. That I reviewed, correct.

12 Q. So were you handling this matter for

13 Mr. Meiresonne?

14 MS. GILBERT: Objection to the form.

15 A. The answer is no.

16 Q. You were not?

17 A. Was I handling it, no. My firm was

18 handling it.

19 Q. Did you ever have a discussion with

20 Mr. Meiresonne about who was to handle the

21 matter?

22 A. Yes, absolutely.

23 Q. What did you tell him?

24 A. That Neil Miller would be primarily

25 responsible for the litigation.

35

1 C. Rosada

2 Q. When did you tell him that?

3 A. I don't recall.

4 Q. Why would you send a letter out, if I

5 may ask, Mr. Rosada, and state in that letter

6 that you were going to have primary

7 responsibility for your representation when,

8 in fact, you were not?

9 MS. GILBERT: Objection to the form.

10 A. I disagree with what is your

11 characterization. What was meant by that, is

12 that I would be the primary client contact on

13 this litigation. And I was. I was

14 responsible for billing because I had brought

15 Industrial Quick Search to the firm and that I

16 would have contact with Mr. Meiresonne.

17 Q. What does the term primary

18 responsibility for your representation mean to

19 you?

20 A. What I just told you.

21 Q. So at some point then did you stop

22 working on the file?

23 A. No.

24 MS. GILBERT: Objection to form.

25 Q. Was there a point where you worked on

36

1 C. Rosada

2 the file?

3 A. Yes.

4 Q. At what point did you work on the

5 file?

6 A. Intermittently throughout the

7 representation.

8 Q. Did you communicate with the client

9 throughout the representation?

10 A. I don't recall.

11 Q. I will show you what we have marked

12 as Exhibit 2. Take look at that if you would.

13 (Witness complies.)

14 A. Okay.

15 Q. Is that an e-mail from you to

16 Mr. Meiresonne?

17 MS. GILBERT: Objection to the form.

18 A. It appears to be.

19 Q. And date of that e-mail is?

20 A. It says March 27, 2003.

21 Q. With regard to the second paragraph

22 of that e-mail, could you read that into the

23 record, please?

24 A. "We will discuss a discovery strategy

25 in the very near future. Normally federal



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| <p>1 C. Rosada</p> <p>2 courts are strict about compliance with the</p> <p>3 discovery schedule. Although I believe we</p> <p>4 will have some ability to put matters off</p> <p>5 short term due to our substitution."</p> <p>6 Q. As you sit here today, do you recall</p> <p>7 what you meant by a discovery strategy?</p> <p>8 A. No.</p> <p>9 Q. Did you ever have a discussion with</p> <p>10 him about your discovery strategy?</p> <p>11 A. I don't recall.</p> <p>12 Q. Did you ever communicate anything in</p> <p>13 writing to him about a discovery strategy?</p> <p>14 A. I don't recall.</p> <p>15 Q. As you sit here today, what would you</p> <p>16 mean by discussing a discovery strategy as set</p> <p>17 forth in that e-mail?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 Q. What would that have entailed?</p> <p>20 MS. GILBERT: Objection.</p> <p>21 A. I don't recall.</p> <p>22 Q. In the course of your representation</p> <p>23 of Mr. Meiresonne and IQS, do you recall</p> <p>24 sending him any letters?</p> <p>25 MS. GILBERT: Objection to the form.</p>                                    | <p>37</p> <p>1 C. Rosada</p> <p>2 My second point is I instruct the</p> <p>3 client not to have discussions with anybody</p> <p>4 about this case or to take any action in this</p> <p>5 case without consulting with us. I obviously</p> <p>6 tell them not to discuss the matter with</p> <p>7 anybody because whatever they discuss with</p> <p>8 somebody else might be discoverable.</p> <p>9 The third instruction I always give</p> <p>10 is not to destroy anything or do anything</p> <p>11 again without discussing with us.</p> <p>12 That's my custom and practice.</p> <p>13 I specifically remember when we first</p> <p>14 met, because it was a Saturday and both Neil</p> <p>15 and I were there, which was fairly unusual,</p> <p>16 and Mr. Meiresonne and one of his daughters</p> <p>17 were there, and I remember asking his daughter</p> <p>18 to leave the conference we were in for one</p> <p>19 second to have a discussion with</p> <p>20 Mr. Meiresonne. I don't recall the</p> <p>21 particulars of what was said, but given that I</p> <p>22 asked his daughter to leave, given my custom</p> <p>23 and practice, I believe that's exactly what I</p> <p>24 would have done. That's what I do with all my</p> <p>25 clients.</p> |
| <p>38</p> <p>1 C. Rosada</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you recall ever sending him what</p> <p>4 we refer to as a litigation hold letter?</p> <p>5 A. I don't recall.</p> <p>6 Q. Did you have any discussions with him</p> <p>7 specifically about discovery preservation or</p> <p>8 document preservation?</p> <p>9 A. Yes, I believe so.</p> <p>10 Q. When did you have that discussion?</p> <p>11 A. It would have been in our initial</p> <p>12 meeting.</p> <p>13 Q. What would you have told him?</p> <p>14 A. My custom and practice is whenever we</p> <p>15 are engaged in the firm upon my initial</p> <p>16 meeting with the client, I go over some ground</p> <p>17 rules. One of the ground rules is -- I</p> <p>18 usually go over three points.</p> <p>19 The first thing I talk about is I</p> <p>20 sort of analogize a litigation to a war. And</p> <p>21 I say in any war there will be some battles</p> <p>22 you will lose and some casualties you will</p> <p>23 take. If you are not prepared to lose some</p> <p>24 battles and take some casualties, don't get</p> <p>25 involved in the war.</p> | <p>40</p> <p>1 C. Rosada</p> <p>2 Q. Would you have billed for this</p> <p>3 conversation?</p> <p>4 A. Yes. It was probably -- if we had</p> <p>5 the initial meeting, it would have been part</p> <p>6 of that billing.</p> <p>7 Q. So Mr. Miller would also have billed</p> <p>8 for this meeting?</p> <p>9 A. We never double bill in my firm.</p> <p>10 Q. So only one of you would have billed?</p> <p>11 A. Absolutely.</p> <p>12 Q. Would the bill reflect what was</p> <p>13 talked about?</p> <p>14 A. Just initial consultation.</p> <p>15 Q. Do you recall the date of this</p> <p>16 meeting?</p> <p>17 A. I don't.</p> <p>18 Q. Did you then follow-up those</p> <p>19 instructions in any kind of correspondence to</p> <p>20 Mr. Meiresonne?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Is it your custom and practice to do</p> <p>23 that?</p> <p>24 A. No.</p> <p>25 Q. Why not?</p>                                                                                                                                                                                                                                                                                                                                                        |



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| <p>41</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection to the form.</p> <p>3 A. I don't know how to answer that</p> <p>4 question.</p> <p>5 Q. It is not something you do then?</p> <p>6 A. I said no.</p> <p>7 Q. At the time of your initial</p> <p>8 representation of Mr. Meiresonne, was there a</p> <p>9 particular individual in your firm who would</p> <p>10 have been familiar with or qualified to handle</p> <p>11 document production?</p> <p>12 MS. GILBERT: Objection to the form.</p> <p>13 A. I don't understand your question.</p> <p>14 Q. Was there someone in your firm with</p> <p>15 particular knowledge or expertise in the</p> <p>16 protocols for handling the production of</p> <p>17 documents?</p> <p>18 A. I was proficient. Mr. Miller was</p> <p>19 proficient.</p> <p>20 Q. Anyone else?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Did you involve any paralegal or</p> <p>23 legal assistants in the document production or</p> <p>24 review?</p> <p>25 A. Not that I recall.</p>                                                                                                                   | <p>43</p> <p>1 C. Rosada</p> <p>2 were to withhold a document, would you prepare</p> <p>3 a privilege log?</p> <p>4 A. If I was doing it personally?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 Q. If you were doing it personally, was</p> <p>7 it your custom and practice?</p> <p>8 A. Yes.</p> <p>9 Q. How about Mr. Miller?</p> <p>10 MS. GILBERT: Objection to form.</p> <p>11 A. I don't know.</p> <p>12 Q. At the time you undertook</p> <p>13 representation of Mr. Meiresonne, were you</p> <p>14 familiar with Bates stamping of documents?</p> <p>15 A. You keep saying I undertook. It was</p> <p>16 the firm that undertook representation of</p> <p>17 Mr. Meiresonne.</p> <p>18 Q. Well, whether it was you or whether</p> <p>19 it was the firm, I am asking you were you</p> <p>20 familiar with what Bates stamping involved?</p> <p>21 A. You don't have to scream. I do know,</p> <p>22 yes.</p> <p>23 Q. That would have been true -- I am not</p> <p>24 screaming.</p> <p>25 That would have been true in January</p> |
| <p>42</p> <p>1 C. Rosada</p> <p>2 Q. Was it your custom and practice to</p> <p>3 review any documents produced by your clients</p> <p>4 for privilege?</p> <p>5 MS. GILBERT: Objection to form.</p> <p>6 A. Can you repeat it?</p> <p>7 Q. Was it your custom and practice to</p> <p>8 review any documents that your clients would</p> <p>9 produce to the other side in litigation?</p> <p>10 MS. GILBERT: Objection to the form.</p> <p>11 A. Read the question back.</p> <p>12 (Record read.)</p> <p>13 A. It would depend on the matter.</p> <p>14 Q. What do you mean by that?</p> <p>15 A. I don't know how else to say it.</p> <p>16 Q. Was it your custom and practice to</p> <p>17 review a document to be produced to the other</p> <p>18 side in discovery for privilege before turning</p> <p>19 it over to the other side?</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 Q. Yes or no, it is a simple answer.</p> <p>22 A. It is not a simple answer, but I</p> <p>23 think the answer is probably yes.</p> <p>24 Q. Was it your custom and practice if</p> <p>25 you were producing numerous documents and you</p> | <p>44</p> <p>1 C. Rosada</p> <p>2 of 2003?</p> <p>3 A. Yes.</p> <p>4 Q. Would that have been true when you</p> <p>5 had this conversation with Mr. Meiresonne in</p> <p>6 your offices --</p> <p>7 MS. GILBERT: Objection to the form.</p> <p>8 Q. -- with Mr. Miller present that you</p> <p>9 referred to this discussion about war?</p> <p>10 MS. GILBERT: Object.</p> <p>11 A. That I was familiar with Bates</p> <p>12 stamping?</p> <p>13 Q. Yes. Would you have discussed it</p> <p>14 with him?</p> <p>15 A. I don't think I would have discussed</p> <p>16 Bates stamping in particular, no.</p> <p>17 Q. Is it your custom and practice, sir,</p> <p>18 to inventory documents before they are</p> <p>19 produced to the other side in discovery?</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 A. No.</p> <p>22 Q. It is not?</p> <p>23 A. Not to inventory them, no.</p> <p>24 Q. What is your custom and practice in</p> <p>25 terms of keeping track of documents produced</p>                                                  |



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| <p>45</p> <p>1 C. Rosada</p> <p>2 to the other side in discovery?</p> <p>3 MS. GILBERT: Objection to the form.</p> <p>4 A. When we get a discovery demand in a</p> <p>5 particular matter, we provide that discovery</p> <p>6 demand to the client, we discuss the</p> <p>7 particular demand with the client. The client</p> <p>8 then produces whatever documents he or she or</p> <p>9 it has in its possession. We review them,</p> <p>10 whichever ones are responsive to the demand,</p> <p>11 we provide, and the ones that aren't</p> <p>12 responsive, we either return to the client or</p> <p>13 in some instances we retain documents we have</p> <p>14 but were not produced.</p> <p>15 Q. What you are telling me is it is your</p> <p>16 custom and practice when you send out a</p> <p>17 document request to the client that you</p> <p>18 received from the other side to get documents</p> <p>19 back and review them?</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 A. I don't know. If a client produces</p> <p>22 them, I am not sure of the logistics of it</p> <p>23 all, if I am understanding the question.</p> <p>24 Q. You told me the standard procedure is</p> <p>25 you send a document production request to</p> | <p>47</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection to the form.</p> <p>3 A. It would depend on the matter.</p> <p>4 Q. So the answer is yes?</p> <p>5 A. No, it would depend on the matter.</p> <p>6 Q. Do you discuss the issue of</p> <p>7 privilege?</p> <p>8 MS. GILBERT: Objection to the form.</p> <p>9 A. If it is relevant.</p> <p>10 Q. Do you advise the client what</p> <p>11 privilege is?</p> <p>12 A. It would depend on the matter.</p> <p>13 Q. So I am assuming, then, if there are</p> <p>14 privileged documents you would advise the</p> <p>15 client of what is privileged and what isn't</p> <p>16 privileged, correct?</p> <p>17 MS. GILBERT: Objection to the form.</p> <p>18 A. Yes.</p> <p>19 Q. And I take it you would also discuss</p> <p>20 such concepts as relevance, correct?</p> <p>21 MS. GILBERT: Objection to the form.</p> <p>22 A. It would depend on the matter.</p> <p>23 Q. Would you explain to the client what</p> <p>24 is a relevant document?</p> <p>25 A. It would depend on the matter.</p>                                                                                 |
| <p>46</p> <p>1 C. Rosada</p> <p>2 clients, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Presumably that production, request</p> <p>5 for production is accompanied by a letter,</p> <p>6 correct?</p> <p>7 A. I am sure accompanied by some</p> <p>8 communication.</p> <p>9 Q. And that communication would say what</p> <p>10 typically?</p> <p>11 A. I am not sure there is a typical</p> <p>12 letter, but there is some kind of</p> <p>13 communication regarding it.</p> <p>14 Q. Do you advise the client of the type</p> <p>15 of documents that are to be supplied?</p> <p>16 A. It would depend on the matter.</p> <p>17 Q. Do you advise the client of the</p> <p>18 parameters of what is to be produced insofar</p> <p>19 as documents are concerned?</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 A. It would depend on the matter.</p> <p>22 Q. Do you discuss with them any</p> <p>23 particular description of the scope of what</p> <p>24 the client is supposed to produce in response</p> <p>25 to those document requests?</p>                                                                                                                                                                                                | <p>48</p> <p>1 C. Rosada</p> <p>2 Q. Would you expect that that would be</p> <p>3 something that you would do as a matter of</p> <p>4 your custom and practice?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. It would depend on the matter.</p> <p>7 Q. So there are matters where you tell a</p> <p>8 client to produce documents without discussing</p> <p>9 relevance?</p> <p>10 MS. GILBERT: Objection to the form.</p> <p>11 That's not what he said.</p> <p>12 A. I don't recall. But if it was</p> <p>13 relevant, I would discuss it with the client.</p> <p>14 Q. Is it your job as a lawyer to explain</p> <p>15 to the client what is relevant?</p> <p>16 MS. GILBERT: Objection to the form.</p> <p>17 Q. Is that part of your custom and</p> <p>18 practice, sir?</p> <p>19 MS. GILBERT: Objection to the form.</p> <p>20 A. It depends on the matter.</p> <p>21 Q. There are matters, then, that you</p> <p>22 would not tell your client what is relevant?</p> <p>23 MS. GILBERT: Objection to the form.</p> <p>24 A. I just answered that question.</p> <p>25 Q. Is it your custom and practice to</p> |



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| <p>1 C. Rosada<br/>2 explain privilege in the context of a<br/>3 particular document production?<br/>4 MS. GILBERT: Objection to the form.<br/>5 Asked and answered.<br/>6 A. It would depend on the matter.<br/>7 Q. When a document production request is<br/>8 sent to the client such as in this case, do<br/>9 you discuss with the client or advise the<br/>10 client about specific procedures with regard<br/>11 to producing documents in response to that<br/>12 request?<br/>13 MS. GILBERT: Objection to the form.<br/>14 A. I didn't handle document production<br/>15 in this case.<br/>16 Q. I am asking about your custom and<br/>17 practice.<br/>18 Is it your custom and practice to<br/>19 give instructions to the client about what<br/>20 they are to do insofar as production of the<br/>21 documents responsive to that production<br/>22 request?<br/>23 MS. GILBERT: Objection to the form.<br/>24 A. It would depend on the matter.<br/>25 Q. Is it your practice to give the</p>                                                          | <p>1 C. Rosada<br/>2 MR. MEIRESONNE: Henry, can we take<br/>3 a minute?<br/>4 MR. EMRICH: Let's take a short<br/>5 break.<br/>6 (Discussion held off the record.)<br/>7 MR. EMRICH: Back on the record.<br/>8 Q. Mr. Rosada, is it your expectation<br/>9 that any attorney what handles a matter for a<br/>10 client on behalf of your firm, is it your<br/>11 expectation that they follow the same custom<br/>12 and practice with regard to document<br/>13 production as you would?<br/>14 MS. GILBERT: Objection to the form.<br/>15 A. I don't know.<br/>16 Q. You don't know that?<br/>17 A. I would assume that they would do<br/>18 something similar, if not identical.<br/>19 Q. You would certainly expect them to<br/>20 adhere to the standard of care for the<br/>21 production of documents, correct?<br/>22 MS. GILBERT: Objection to the form.<br/>23 A. If I understand your question, yes.<br/>24 Q. So it wouldn't matter who handled the<br/>25 matter, a legal matter, on behalf of a client</p> |
| <p>1 C. Rosada<br/>2 client advice about document retention?<br/>3 MS. GILBERT: Objection to the form.<br/>4 Say the question again.<br/>5 Q. Is it your practice to give the<br/>6 client instruction regarding document storage<br/>7 or document retention?<br/>8 A. I don't know about document storage,<br/>9 but I told you before that when we are<br/>10 initially engaged, during the initial client<br/>11 meeting, I have this broad overview with the<br/>12 client. Among other things that I talk about<br/>13 is document retention.<br/>14 Q. So what kind of things do you talk<br/>15 about in connection with document retention?<br/>16 A. Pretty basically not to destroy or<br/>17 get rid of anything without discussing it with<br/>18 us first.<br/>19 Q. Do you discuss with them whether or<br/>20 not a client has a document retention policy?<br/>21 A. Not that I recall.<br/>22 Q. Do you ever request if a client has a<br/>23 document retention policy?<br/>24 MS. GILBERT: Objection to the form.<br/>25 A. Not that I recall.</p> | <p>1 C. Rosada<br/>2 in your firm, you would expect them to adhere<br/>3 to whatever that standard of care was for the<br/>4 production of documents?<br/>5 MS. GILBERT: Objection to the form.<br/>6 A. I don't understand your question.<br/>7 Q. In your conversations with<br/>8 Mr. Meiresonne, were you ever made aware that<br/>9 any documents have been discarded or<br/>10 destroyed?<br/>11 MS. GILBERT: Objection to the form.<br/>12 A. After the fact.<br/>13 Q. I am talking about in your<br/>14 discussions prior to, let's say, March 31,<br/>15 2003.<br/>16 A. No.<br/>17 Q. As a matter of practice and a matter<br/>18 of your custom and practice, if a client were<br/>19 to tell you that documents, potentially<br/>20 relevant documents had been destroyed or<br/>21 discarded, what would you do?<br/>22 MS. GILBERT: Objection to the form.<br/>23 A. I would inquire further.<br/>24 Q. What particular steps would you take?<br/>25 MS. GILBERT: Objection to the form.</p>              |



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| <p>53</p> <p>1 C. Rosada</p> <p>2 A. I would try and ascertain what</p> <p>3 documents were destroyed.</p> <p>4 MS. GILBERT: Objection to the form.</p> <p>5 Q. Why?</p> <p>6 A. Because it might be relevant to the</p> <p>7 litigation.</p> <p>8 Q. Why?</p> <p>9 A. For the reasons that occurred here,</p> <p>10 that there might be spoliation.</p> <p>11 Q. I take it that would be true for any</p> <p>12 lawyer handling a matter on behalf of your</p> <p>13 firm?</p> <p>14 MS. GILBERT: Objection to the form.</p> <p>15 A. I can't speak for the other lawyers</p> <p>16 in the firm.</p> <p>17 Q. Would you expect that as a matter of</p> <p>18 custom and practice?</p> <p>19 MS. GILBERT: Objection to the form.</p> <p>20 A. I can't speak for the other lawyers</p> <p>21 in the firm.</p> <p>22 Q. When Miller Rosado &amp; Algios handles a</p> <p>23 matter, are there different standards of care</p> <p>24 for handling these issues depending on who the</p> <p>25 lawyer might be handling the case?</p>                                                                                                                | <p>55</p> <p>1 C. Rosada</p> <p>2 matters would you give or want to determine</p> <p>3 the names of those persons involved in the</p> <p>4 production or preservation of documents?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. I don't know if it would depend on a</p> <p>7 matter as opposed to the circumstances of a</p> <p>8 particular action.</p> <p>9 Q. So, in other words, you might have</p> <p>10 communication with persons in a company who</p> <p>11 might be responsible for or involved with the</p> <p>12 production and preservation of documents?</p> <p>13 MS. GILBERT: Objection to the form.</p> <p>14 A. I might.</p> <p>15 Q. Was there a particular point in this</p> <p>16 case where you turned over responsibility of</p> <p>17 the file to Mr. Miller?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. Mr. Miller was responsible for the</p> <p>20 litigation from inception.</p> <p>21 Q. So he was involved with this matter</p> <p>22 from the time you met with Mr. Meiresonne in</p> <p>23 your office?</p> <p>24 A. Correct.</p> <p>25 Q. And he would have been responsible</p> |
| <p>54</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection to the form.</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Do you or any other member of your</p> <p>5 firm send out specific instructions to clients</p> <p>6 about the instruction for discarding or</p> <p>7 preservation of documents?</p> <p>8 MS. GILBERT: Objection to the form.</p> <p>9 A. I don't know what the other lawyers</p> <p>10 in my firm do, but I do not.</p> <p>11 Q. Is there a reason why you do not?</p> <p>12 A. No.</p> <p>13 Q. Do you make any attempt to identify</p> <p>14 who might be the key players in a company that</p> <p>15 you are representing or a client that you are</p> <p>16 representing with regard to the production or</p> <p>17 preservation of documents?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. It would depends on the matter.</p> <p>20 Q. What situations would you then --</p> <p>21 would you expect to have those kinds of</p> <p>22 conversations with?</p> <p>23 MS. GILBERT: Objection to the form.</p> <p>24 A. I don't even understand the question.</p> <p>25 Q. If you learned -- what kind of</p> | <p>56</p> <p>1 C. Rosada</p> <p>2 for handling matters in this litigation from</p> <p>3 that time?</p> <p>4 A. To the extent I understand the</p> <p>5 question, yes.</p> <p>6 Q. Along with you?</p> <p>7 A. To a lesser degree, correct.</p> <p>8 Q. Did there come a time where he took</p> <p>9 over primary responsibility of the handling of</p> <p>10 this matter on behalf of the firm?</p> <p>11 MS. GILBERT: Objection to the form.</p> <p>12 A. From the inception.</p> <p>13 Q. So you are telling me, as you sit</p> <p>14 here today, then you would have been</p> <p>15 responsible or had primary responsibility for</p> <p>16 handling this matter all throughout the</p> <p>17 litigation?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 That's not what he said.</p> <p>20 A. I would have primary responsibility</p> <p>21 for client contact between Mr. Meiresonne and</p> <p>22 the firm.</p> <p>23 Q. I am talking about handling the</p> <p>24 matters with regard to the litigation.</p> <p>25 A. Mr. Miller was responsible for the</p>                                                                   |



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| <p>57</p> <p>1 C. Rosada</p> <p>2 underlying litigation from inception of the</p> <p>3 retention.</p> <p>4 Q. What exactly was your role then?</p> <p>5 Explain to me what your role was.</p> <p>6 A. I would have billed Mr. Meiresonne.</p> <p>7 I would have communicated with Mr. Meiresonne</p> <p>8 if he wanted to speak about the matter, he</p> <p>9 wanted to call the firm. He could have called</p> <p>10 and asked for me. I would have discussed</p> <p>11 whatever concerns he had.</p> <p>12 Q. Did you have regular communication</p> <p>13 with Mr. Meiresonne?</p> <p>14 A. I don't think that I had regular, but</p> <p>15 I certainly spoke to him.</p> <p>16 Q. And you said you billed him.</p> <p>17 How would you have known what to bill</p> <p>18 if you weren't working on the matter?</p> <p>19 A. We have a billing program.</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 Q. Describe that for me.</p> <p>22 A. We have an Amicus Attorney Program,</p> <p>23 which is a calendar and billing program, and</p> <p>24 Mr. Meiresonne's matter was entered into that</p> <p>25 program.</p> | <p>59</p> <p>1 C. Rosada</p> <p>2 review it for sense and sensibility. And</p> <p>3 there were several occasions during the course</p> <p>4 of retention that I had discussions with Neil</p> <p>5 and/or Mike regarding strategy.</p> <p>6 Q. Specifically?</p> <p>7 A. The only one I specifically recall is</p> <p>8 the issue about damages after the spoliation</p> <p>9 decision came down.</p> <p>10 Q. That would be after the hearing?</p> <p>11 A. It was after the decision, so it</p> <p>12 would have been after the hearing.</p> <p>13 Q. Were you ever involved in providing</p> <p>14 any privilege or preparing any privilege log</p> <p>15 for Mr. Meiresonne?</p> <p>16 A. No.</p> <p>17 Q. Were you ever involved in actually</p> <p>18 reviewing documents that were to be produced?</p> <p>19 A. No.</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 Q. Were you ever involved in trying to</p> <p>22 determine what documents were subject to</p> <p>23 production and what documents were not subject</p> <p>24 to production?</p> <p>25 MS. GILBERT: Objection to the form.</p> |
| <p>58</p> <p>1 C. Rosada</p> <p>2 Q. In connection with your</p> <p>3 responsibilities in this case, did you have</p> <p>4 any oversight of what was going on in the</p> <p>5 litigation?</p> <p>6 A. No.</p> <p>7 Q. So you would not have reviewed what</p> <p>8 Mr. Miller was doing with regard to the</p> <p>9 handling of the litigation?</p> <p>10 MS. GILBERT: Objection to the form.</p> <p>11 A. I didn't say that.</p> <p>12 Q. Did you have oversight?</p> <p>13 MS. GILBERT: Objection to the form.</p> <p>14 A. The answer is no.</p> <p>15 Q. Did you involve yourself in any</p> <p>16 aspect of the handling of the litigation at</p> <p>17 any point after March of 2003?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. When you say did I involve myself,</p> <p>20 no. But I was asked to participate in certain</p> <p>21 parts of it.</p> <p>22 Q. What were those parts?</p> <p>23 A. Generally I would review any material</p> <p>24 document that went out, such as a pleading or</p> <p>25 response to discovery, some motion. I would</p>                                                  | <p>60</p> <p>1 C. Rosada</p> <p>2 A. No.</p> <p>3 Q. Did you ever review any documents for</p> <p>4 privilege?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. Not that I recall.</p> <p>7 Q. Were those tasks that were assigned</p> <p>8 to Mr. Miller?</p> <p>9 MS. GILBERT: Objection to the form.</p> <p>10 A. Yes.</p> <p>11 Q. And performed by Mr. Miller?</p> <p>12 MS. GILBERT: Objection to the form.</p> <p>13 A. I don't know.</p> <p>14 Q. Did you specifically ever provide any</p> <p>15 assistance to Mr. Meiresonne in producing any</p> <p>16 documents?</p> <p>17 A. No.</p> <p>18 Q. Did you ever answer any questions</p> <p>19 that Mr. Meiresonne may have asked Mr. Miller</p> <p>20 or the firm about production of documents?</p> <p>21 MS. GILBERT: Objection to the form.</p> <p>22 A. Not that I recall.</p> <p>23 Q. Did you ever come out to</p> <p>24 Mr. Meiresonne's business to review any</p> <p>25 documents?</p>                                                                                                                                                 |



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| <p>61</p> <p>1 C. Rosada</p> <p>2 A. No.</p> <p>3 Q. Did you ever come out to</p> <p>4 Mr. Meiresonne's business at all?</p> <p>5 A. No.</p> <p>6 Q. Again, were those things being</p> <p>7 handled by Mr. Miller?</p> <p>8 MS. GILBERT: Objection to the form.</p> <p>9 A. What things?</p> <p>10 Q. The production of documents, the</p> <p>11 review of documents, the review of documents</p> <p>12 for privilege?</p> <p>13 MS. GILBERT: Objection to the form.</p> <p>14 A. Document production was handled by</p> <p>15 Mr. Miller.</p> <p>16 Q. That's something you would expect him</p> <p>17 to handle?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. Yes.</p> <p>20 Q. Again, would you expect him as a</p> <p>21 member of your firm to review documents that</p> <p>22 were to be produced for privilege?</p> <p>23 MS. GILBERT: Objection to the form.</p> <p>24 A. It would depend on the matter.</p> <p>25 Q. Would you expect him to review</p>                                                                                                                                                                                                                                            | <p>63</p> <p>1 C. Rosada</p> <p>2 produced documents without reviewing them for</p> <p>3 privilege?</p> <p>4 MS. GILBERT: Objection to the form.</p> <p>5 A. Not that I recall.</p> <p>6 Q. How about as to whether or not the</p> <p>7 documents subject to -- are relevant or</p> <p>8 discoverable?</p> <p>9 MS. GILBERT: Objection to the form.</p> <p>10 A. Not that I recall.</p> <p>11 Q. You certainly don't leave those kinds</p> <p>12 of determinations to the client, do you?</p> <p>13 MS. GILBERT: Objection to the form.</p> <p>14 A. I don't understand your question.</p> <p>15 Q. Do you leave to the client as a</p> <p>16 matter of your custom and practice a decision</p> <p>17 as to what document is discoverable?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. I still don't understand the</p> <p>20 question.</p> <p>21 Q. Do you leave it to the client to</p> <p>22 determine what documents should be produced?</p> <p>23 A. To some degree you have to.</p> <p>24 Q. Do you leave it to the client to</p> <p>25 determine what document is privileged?</p>                                                                          |
| <p>62</p> <p>1 C. Rosada</p> <p>2 documents as to whether they are relevant?</p> <p>3 MS. GILBERT: Objection to the form.</p> <p>4 A. It would depends on the matter.</p> <p>5 Q. Just out of curiosity, what matters</p> <p>6 can you think of involving document</p> <p>7 production, what circumstances, what matters</p> <p>8 would give rise to you not reviewing a</p> <p>9 document to determine if it was relevant?</p> <p>10 MS. GILBERT: Objection to the form.</p> <p>11 A. I don't understand your question.</p> <p>12 Q. As you sit here, you say it depends</p> <p>13 on the matter when I ask these questions as to</p> <p>14 whether you review them for privilege.</p> <p>15 What particular matters can you think</p> <p>16 of where you would not review a document to</p> <p>17 determine if it was privileged before</p> <p>18 producing it?</p> <p>19 A. I don't know if it was one issue or</p> <p>20 if it is litigation globally. It would depend</p> <p>21 on the facts and circumstances of that</p> <p>22 particular action on how we approach the</p> <p>23 document production.</p> <p>24 Q. Are there matters that you can tell</p> <p>25 me about as you sit here today where you have</p> | <p>64</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection to the form.</p> <p>3 A. Not generally.</p> <p>4 Q. So that's something you make a</p> <p>5 decision on, correct?</p> <p>6 A. I don't have access to all the files</p> <p>7 for all clients. I can only review what they</p> <p>8 provide to me. That's why I don't understand</p> <p>9 certain your questions. Certainly, it has not</p> <p>10 been my custom and practice in document</p> <p>11 production for me to review every document a</p> <p>12 client may have in his office or offices from</p> <p>13 the beginning of time until then.</p> <p>14 That's why I send the discovery</p> <p>15 demand to them, and as the matter dictates,</p> <p>16 discuss where I think it is appropriate to</p> <p>17 discuss it with them.</p> <p>18 Q. And then, again, when you turn over</p> <p>19 documents, I take it, you review them before</p> <p>20 they get turned over?</p> <p>21 MS. GILBERT: Objection to the form.</p> <p>22 A. It would be my custom and practice</p> <p>23 whatever documents were produced to me by the</p> <p>24 client, I would review them before they were</p> <p>25 turned over.</p> |



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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 C. Rosada</p> <p>2 Q. And I take it that that would be a</p> <p>3 custom and practice for your firm as well,</p> <p>4 correct?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. I can't speak for other people in my</p> <p>7 firm.</p> <p>8 Q. Would you expect that other people in</p> <p>9 your firm who are attorneys in the State of</p> <p>10 New York practicing in this particular area,</p> <p>11 would it be your expectation that each of them</p> <p>12 would adhere to the same custom and practice</p> <p>13 as you with regard to production of documents?</p> <p>14 MS. GILBERT: Objection to the form.</p> <p>15 A. I can't speak for other employees in</p> <p>16 my firm.</p> <p>17 Q. Mr. Rosada, as I have listened to you</p> <p>18 today I get the impression that you and</p> <p>19 Mr. Miller were interchangeable in terms of</p> <p>20 the handling of this matter for</p> <p>21 Mr. Meiresonne; is that correct?</p> <p>22 MS. GILBERT: Objection to the form.</p> <p>23 A. That's not correct at all.</p> <p>24 Q. Why isn't that correct? What is not</p> <p>25 correct about that?</p> | <p>65</p> <p>1 C. Rosada</p> <p>2 A. Not that I recall.</p> <p>3 Q. Any of the other attorneys in</p> <p>4 Mr. Rittenger's law firm?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. Not that I am aware of.</p> <p>7 Q. With regard to this particular</p> <p>8 matter, do you know why your firm was hired?</p> <p>9 A. You would have to ask Mr. Meiresonne.</p> <p>10 Q. I am asking you if you know as you</p> <p>11 sit here today any particular reason why he</p> <p>12 came to your firm?</p> <p>13 A. I don't.</p> <p>14 Q. Any particular reason why you ended</p> <p>15 up taking the matter in or taking</p> <p>16 responsibility for the matter?</p> <p>17 MS. GILBERT: Objection to the form.</p> <p>18 A. I don't understand the question.</p> <p>19 Q. In your firm, did you get some kind</p> <p>20 special credit for bringing in a matter?</p> <p>21 MS. GILBERT: Objection to the form.</p> <p>22 A. When you say special credit, what do</p> <p>23 you mean? I don't understand the question.</p> <p>24 Q. From a billing standpoint, from a</p> <p>25 compensation standpoint?</p> |
| <p>66</p> <p>1 C. Rosada</p> <p>2 A. Mr. Miller was assigned</p> <p>3 responsibility for handling the underlying</p> <p>4 litigation.</p> <p>5 Q. Did you ever send a letter out to</p> <p>6 Mr. Meiresonne telling him that?</p> <p>7 MS. GILBERT: Objection to the form.</p> <p>8 A. No.</p> <p>9 Q. Did you ever send an e-mail to</p> <p>10 Mr. Meiresonne telling him that?</p> <p>11 MS. GILBERT: Objection to the form.</p> <p>12 A. There was no reason to. He was told</p> <p>13 that in the initial meeting. That's why</p> <p>14 Mr. Miller was there.</p> <p>15 Q. Mr. Rosada, did you have any prior</p> <p>16 experience with the -- with Mr. Rittenger's</p> <p>17 law firm prior to this particular case?</p> <p>18 A. I don't believe so.</p> <p>19 Q. How about Mr. Miller?</p> <p>20 A. I don't know.</p> <p>21 Q. Did you have any connection or</p> <p>22 relationship with Mr. Rittenger?</p> <p>23 A. No.</p> <p>24 Q. So you had not known him prior to</p> <p>25 this case?</p>                                                                                                                            | <p>68</p> <p>1 C. Rosada</p> <p>2 A. Yes.</p> <p>3 Q. Tell me about that.</p> <p>4 A. Our general policy is whoever brings</p> <p>5 the client to the firm takes 25 percent of the</p> <p>6 billing and the rest is firm income.</p> <p>7 Q. Was that the situation here?</p> <p>8 A. Yes.</p> <p>9 Q. So you brought the client to the</p> <p>10 firm?</p> <p>11 A. I was the client -- he contacted me,</p> <p>12 but if I understand your question --</p> <p>13 Q. Do you know why he contacted you?</p> <p>14 A. I believe he was referred to me by</p> <p>15 another client.</p> <p>16 Q. Mr. Rosada, I ask you to take a look</p> <p>17 at what I have marked as Exhibit 4 and ask you</p> <p>18 if those look familiar.</p> <p>19 (Witness complies.)</p> <p>20 A. Okay.</p> <p>21 Q. Have you had a chance to look at</p> <p>22 those, sir?</p> <p>23 A. I looked through. I didn't review</p> <p>24 each and every time entry.</p> <p>25 Q. Do they look familiar?</p>                                                                                                                                    |



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1 C. Rosada

2 A. They appear to be either time entries

3 or bills rendered by the firm to

4 Mr. Meiresonne on this matter.

5 Q. For work done by your firm?

6 A. Correct.

7 Q. I notice at the top of every bill

8 where the time entries appear there is the

9 name Chris Rosada.

10 Why is that, sir?

11 A. That's just the way the Amicus

12 program prints.

13 Q. Are these particular bills then sent

14 out under your signature?

15 A. There is no signature.

16 Q. Are they sent out by you?

17 A. Yes.

18 Q. So you review each of these bills

19 before they get sent out?

20 MS. GILBERT: Objection to the form.

21 A. My custom is to review bills before

22 they are sent out.

23 Q. Why?

24 A. To make sure they are accurate.

25 Q. What do you look at?

70

1 C. Rosada

2 A. To make sure there is not some

3 mistake when somebody types something in.

4 Q. Anything else?

5 A. It would depend on the matter, I

6 guess.

7 Q. Specifically with respect to this

8 matter, did Mr. Miller review the bills before

9 they went out?

10 MS. GILBERT: Objection to the form.

11 A. Not that I recall.

12 Q. Just so I understand, how would you

13 know they were accurate?

14 A. When you say how would I know they

15 were accurate --

16 Q. You said you wanted to review them

17 for accuracy?

18 MS. GILBERT: Objection to the form.

19 A. If I saw that somebody misplaced a

20 decimal and somebody spent 24 hours on

21 document production doing a pleading, I could

22 see that that's a typo, so I would know that.

23 I will generally be familiar with the

24 matters, what's going on generally. That

25 would be another way I would know.

71

1 C. Rosada

2 Q. Anything else?

3 A. Not that I recall.

4 Q. Before those time records are

5 produced, how was time logged in your firm?

6 A. It is put directly in the Amicus

7 program.

8 Q. So into a computer?

9 A. Correct.

10 Q. So each of you had a computer that

11 you would have entered time into?

12 MS. GILBERT: Objection to the form.

13 What time are you talking about?

14 Q. In 2003.

15 A. Yes.

16 Q. And then are monthly performance

17 produced or computer sheets showing the time

18 that has been entered?

19 A. No.

20 Q. What is produced?

21 A. What is produced when?

22 Q. After the time has been entered, how

23 does time end up onto your bills?

24 A. I run a report.

25 Q. What kind of report?

72

1 C. Rosada

2 A. A time report.

3 Q. Is that a computer report?

4 A. From Amicus.

5 Q. Is that a computer program?

6 A. Amicus Attorney is a computer

7 program.

8 Q. So you are able to pull that out --

9 MS. GILBERT: Objection to the form.

10 Q. -- from the Amicus program?

11 A. I am able to pull out the time

12 entries from the computer program, correct.

13 Q. Okay, not a problem for you?

14 A. When you say not a problem I don't

15 know what you mean.

16 Q. You are able to do that as a member

17 of your law firm with that program in place?

18 MS. GILBERT: Objection to the form.

19 A. It is one of the points of the

20 program.

21 Q. It is a simple question. I am just

22 trying to ascertain --

23 A. And I am just trying to answer.

24 Q. Now, I am going to show you what we

25 have marked as Exhibit 3 and ask you to take a



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73

1 C. Rosada  
 2 look at those.  
 3 (Witness complies.)  
 4 A. Okay.  
 5 Q. What are those?  
 6 A. They appear to be certain invoices  
 7 from the firm.  
 8 Q. That's different from what we just  
 9 looked at that was sent to Mr. Meiresonne,  
 10 correct?  
 11 MS. GILBERT: Meaning Plaintiffs'  
 12 Exhibit 4?  
 13 MR. EMRICH: Yes.  
 14 A. If you are asking if they are IQS  
 15 bills, no, they don't appear to be.  
 16 Q. They are other client matters?  
 17 A. They appeared to be.  
 18 Q. Are these pulled from the same  
 19 program?  
 20 A. Some of them.  
 21 Q. What about the others?  
 22 MS. GILBERT: Objection to the form.  
 23 Q. Where do the others come from?  
 24 MS. GILBERT: Objection to the form.  
 25 A. I don't know.

74

1 C. Rosada  
 2 Q. When was the Amicus program in place?  
 3 A. I don't know.  
 4 Q. Was it in place in 2003?  
 5 A. Yes.  
 6 Q. So you had the ability to access that  
 7 program for billing information pertinent to a  
 8 particular client?  
 9 A. No.  
 10 MS. GILBERT: Objection to the form.  
 11 Q. What information could you access and  
 12 how could you access it?  
 13 A. Some of my other partners didn't use  
 14 the Amicus program for billing purpose, I did.  
 15 Q. Did Mr. Miller use the Amicus  
 16 program?  
 17 A. Not to my knowledge.  
 18 MS. GILBERT: In 2003.  
 19 A. For billing purposes in my matter, in  
 20 a matter that I brought into the firm, I input  
 21 that matter into the Amicus Attorney so I  
 22 establish a matter because it is a calendaring  
 23 and billing program. If Mr. Miller worked on  
 24 that matter, he would input time right into  
 25 the program.

75

1 C. Rosada  
 2 Q. And he would do that on his computer?  
 3 A. You would have to ask Mr. Miller.  
 4 Q. I am asking if you know as the keeper  
 5 of this program as or the one who maintains  
 6 this program and the one who sent these bills  
 7 out?  
 8 MS. GILBERT: Objection to the form.  
 9 A. IT maintains the computers. I don't  
 10 maintain the computers.  
 11 Q. Who was the IT guy in 2003?  
 12 A. I don't know.  
 13 Q. Who is the IT guy today?  
 14 A. Michael Delaura, D.E.L.A.U.R.A., I  
 15 believe.  
 16 Q. How long has he been your IT guy?  
 17 A. I don't know.  
 18 Q. Is he with a company?  
 19 A. Yes.  
 20 Q. What is the name of the company?  
 21 A. Binary --  
 22 Q. B.I --  
 23 A. N.A.R.Y.  
 24 Q. Just Binary?  
 25 A. I am going to finish.

76

1 C. Rosada  
 2 Q. I am sorry. I apologize?  
 3 A. Platform. Platform or Platforms. I  
 4 don't know if it is singular or plural.  
 5 Q. And what is the address of Binary  
 6 Platform?  
 7 A. I don't know.  
 8 Q. Are they here in New York?  
 9 A. Yes.  
 10 Q. Any particular part of New York?  
 11 A. They are on Long Island.  
 12 Q. Is that where we are today on Long  
 13 Island?  
 14 A. No, we are in Manhattan.  
 15 Q. I don't know, that's why I am asking.  
 16 A. I don't know anything west of the  
 17 Hudson so...  
 18 Q. So I take it that your firm is in  
 19 Long Island?  
 20 A. Yes.  
 21 Q. I just know it is big, this place we  
 22 are at.  
 23 A. Certainly a lot of people.  
 24 Q. By virtue of the fact that the  
 25 records, the time records that you have there



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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 C. Rosada</p> <p>2 are different and they are represented to us</p> <p>3 as being Mr. Miller's time records for matters</p> <p>4 he handled in the time frame from April 1,</p> <p>5 2003 through September 1, 2003, I take it he</p> <p>6 was using a different billing system for other</p> <p>7 clients of his than was used in this</p> <p>8 particular case?</p> <p>9 MS. GILBERT: Objection to the form.</p> <p>10 A. Yes.</p> <p>11 Q. That was because this was your</p> <p>12 matter, Mr. Rosada, that you brought in?</p> <p>13 MS. GILBERT: Objection to the form.</p> <p>14 A. The difference in bill was</p> <p>15 historical.</p> <p>16 Q. There is no need to be defensive. I</p> <p>17 am trying to understand why we have so many</p> <p>18 different billing forms in this particular</p> <p>19 case.</p> <p>20 A. I am not being defensive. When I</p> <p>21 said it's historical, I am trying to explain.</p> <p>22 Q. Explain it for me.</p> <p>23 A. The different billing packages were</p> <p>24 historical. Before we were a firm, each of us</p> <p>25 used a different billing software and then we</p> | <p>77</p> <p>1 C. Rosada</p> <p>2 Q. What would depend on matter? What do</p> <p>3 you mean by that?</p> <p>4 A. If I brought a client to the firm,</p> <p>5 that client would be automatically entered</p> <p>6 into the Amicus program. Anybody in the firm</p> <p>7 who worked on the program, whether Neil or I,</p> <p>8 on a very rare occasion our other partner Lou,</p> <p>9 that time would be entered directly in the</p> <p>10 Amicus program.</p> <p>11 Q. With regard to Mr. Miller's</p> <p>12 professional --</p> <p>13 A. Finish your question.</p> <p>14 Q. With regard to Mr. Miller's rendering</p> <p>15 professional services, it depended on the</p> <p>16 matter as to how he would keep track of the</p> <p>17 time?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. Again, if I understand your question,</p> <p>20 if Mr. Miller brought a client to the firm,</p> <p>21 how he rendered his bills, I don't know</p> <p>22 entirely what his custom and practice was in</p> <p>23 2003.</p> <p>24 Q. As you look at the bills in that time</p> <p>25 frame, that spans the bills in front of you in</p> |
| <p>78</p> <p>1 C. Rosada</p> <p>2 carried it over to when we became a firm.</p> <p>3 Q. Is that still the way you do things</p> <p>4 today?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. Less so today.</p> <p>7 Q. Just so I am clear and I can</p> <p>8 understand why there are several different</p> <p>9 formats that appear in that sheaf of bills for</p> <p>10 Mr. Miller is because he used different</p> <p>11 billing formats depending on a particular</p> <p>12 client; is that correct?</p> <p>13 A. If I understand the question yes.</p> <p>14 Q. So some of the formats are</p> <p>15 typewritten and some of them are handwritten,</p> <p>16 correct?</p> <p>17 MS. GILBERT: Objection to the form.</p> <p>18 A. I think part of this -- I don't think</p> <p>19 there would be handwritten bills. I think</p> <p>20 these are supporting entries.</p> <p>21 Q. That's how he logs his time when he</p> <p>22 creates a particular entry or performs the</p> <p>23 service?</p> <p>24 MS. GILBERT: Objection to the form.</p> <p>25 A. It would depend on the matter.</p>                                 | <p>80</p> <p>1 C. Rosada</p> <p>2 Exhibit 3, does that account for why there are</p> <p>3 so many different formats?</p> <p>4 MS. GILBERT: Objection to the form.</p> <p>5 A. When you say so many --</p> <p>6 Q. Or several formats?</p> <p>7 A. Again, if I understand your question,</p> <p>8 the answer is yes.</p> <p>9 Q. Thank you.</p> <p>10 And I take it because of that you are</p> <p>11 not able to get an idea or you are not able to</p> <p>12 use this Amicus to get a handle on what each</p> <p>13 particular attorney is working on at any given</p> <p>14 time; is that correct?</p> <p>15 MS. GILBERT: Objection to the form.</p> <p>16 A. That's correct.</p> <p>17 Q. I am just trying to understand some</p> <p>18 things, Mr. Rosado, that's all.</p> <p>19 Mr. Rosada, with regard to the work</p> <p>20 done by the Miller Rosado &amp; Algios firm in</p> <p>21 this particular case back in 2003, there was</p> <p>22 pending in I believe the Federal District</p> <p>23 Court for the Southern District of New York;</p> <p>24 is that correct?</p> <p>25 A. That's correct.</p>                               |



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| <p>1 C. Rosada</p> <p>2 Q. The particular matter that we are in</p> <p>3 today, involved in today taking your</p> <p>4 deposition, is in a different District Court?</p> <p>5 A. Is that a question?</p> <p>6 MS. GILBERT: Objection to the form.</p> <p>7 Q. Yes.</p> <p>8 A. Yes.</p> <p>9 Q. And it's the Eastern District; is</p> <p>10 that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. As a litigator, as an attorney</p> <p>13 practicing in this particular area, have you</p> <p>14 had experience in both courts?</p> <p>15 A. Yes.</p> <p>16 MS. GILBERT: Objection to the form.</p> <p>17 Q. Does your custom and practice in</p> <p>18 terms of how you handle a matter or how your</p> <p>19 firm handles a matter differ depending on</p> <p>20 whether it is the Federal District Court for</p> <p>21 the Southern District of New York or the</p> <p>22 Federal District Court for the Eastern</p> <p>23 District of New York?</p> <p>24 MS. GILBERT: Objection to the form.</p> <p>25 A. I don't believe so.</p>                                                                          | <p>81</p> <p>1 C. Rosada</p> <p>2 as the matter your firm was retained to handle</p> <p>3 on behalf of Mr. Meiresonne and his companies?</p> <p>4 MS. GILBERT: Objection to the form.</p> <p>5 A. I don't understand the question.</p> <p>6 Q. Are you familiar with the what</p> <p>7 standard of care is for attorney handling the</p> <p>8 matter?</p> <p>9 MS. GILBERT: Objection to the form.</p> <p>10 A. I don't understand your question.</p> <p>11 Q. What don't you understand about my</p> <p>12 question?</p> <p>13 A. When you say standard of care, I am</p> <p>14 not sure what you are referring to.</p> <p>15 Q. The standard of care handling a</p> <p>16 matter for an attorney, that governs an</p> <p>17 attorney's actions, governs his conduct?</p> <p>18 A. I don't understand.</p> <p>19 Q. As to whether it meets the standard</p> <p>20 of care?</p> <p>21 MS. GILBERT: Objection to the form.</p> <p>22 Q. You don't know what standard of care</p> <p>23 is for an attorney practicing law in either of</p> <p>24 these districts?</p> <p>25 MS. GILBERT: Objection to the form.</p> |
| <p>82</p> <p>1 C. Rosada</p> <p>2 Q. Would that be true with regard to</p> <p>3 your firm's handling of client matters?</p> <p>4 MS. GILBERT: Objection to the form.</p> <p>5 A. If there is distinction between</p> <p>6 Eastern District and Southern District?</p> <p>7 Q. Yes, in terms of your custom and</p> <p>8 practice.</p> <p>9 A. I don't believe so.</p> <p>10 Q. Okay.</p> <p>11 Q. Would that also hold true for any</p> <p>12 other attorney handling a matter in either the</p> <p>13 Eastern District or Southern District?</p> <p>14 MS. GILBERT: Objection to the form.</p> <p>15 A. I don't know.</p> <p>16 Q. Is the standard of care applicable to</p> <p>17 an attorney handling a matter on behalf of a</p> <p>18 client in either district court the same, as</p> <p>19 far as you know?</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 A. To the extent I understand your</p> <p>22 question, it is the same.</p> <p>23 Q. Are you familiar, sir, with what the</p> <p>24 standard of care is or was in 2003 for an</p> <p>25 attorney of your firm handling a matter such</p> | <p>84</p> <p>1 C. Rosada</p> <p>2 A. About having professional competent</p> <p>3 representation?</p> <p>4 Q. You certainly know what I am asking</p> <p>5 you, don't you?</p> <p>6 A. No. Don't testify for me, sir.</p> <p>7 MS. GILBERT: Objection to the form.</p> <p>8 Q. Is it your opinion that an attorney</p> <p>9 should have competence in handling a</p> <p>10 substantive issue in the courts, in either</p> <p>11 court that we have mentioned?</p> <p>12 MS. GILBERT: Objection to the form.</p> <p>13 A. Yes.</p> <p>14 Q. Again, do you know what that standard</p> <p>15 of care is?</p> <p>16 MS. GILBERT: Objection to the form.</p> <p>17 A. I don't understand your question, I'm</p> <p>18 sorry.</p> <p>19 Q. Did you consider yourself competent</p> <p>20 to handle the particular matter on behalf of</p> <p>21 Mr. Meiresonne and his companies back in 2003?</p> <p>22 A. Me, myself?</p> <p>23 Q. Yes.</p> <p>24 A. Yes.</p> <p>25 Q. Did you consider Mr. Miller competent</p>                                                                                                     |



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| <p>85</p> <p>1 C. Rosada</p> <p>2 to handle the matter back in 2003?</p> <p>3 A. Yes.</p> <p>4 Q. Did you consider your firm competent</p> <p>5 to handle the matter on behalf of</p> <p>6 Mr. Meiresonne and his companies back in 2003?</p> <p>7 A. Yes.</p> <p>8 Q. I asked you previously if you had</p> <p>9 reviewed any of the expert reports in this</p> <p>10 case and you indicated that you had not; is</p> <p>11 that correct?</p> <p>12 A. I said not that I recall.</p> <p>13 Q. Did you ever have any discussions</p> <p>14 with your expert that has been retained to</p> <p>15 review the work done in this case?</p> <p>16 A. Not that I recall.</p> <p>17 Q. Any communications of any kind with</p> <p>18 them?</p> <p>19 MS. GILBERT: Objection to the form.</p> <p>20 A. Not that I recall.</p> <p>21 Q. Did anyone ever tell you what that</p> <p>22 person's opinions were?</p> <p>23 MS. GILBERT: Objection.</p> <p>24 A. Not that I recall.</p> <p>25 Q. How about with regard to plaintiffs'</p>                                                                                                                       | <p>87</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection to the form.</p> <p>3 A. Correct.</p> <p>4 Q. Do you have any knowledge as to</p> <p>5 whether or not there were any departures from</p> <p>6 the standard of care by Mr. Miller in regard</p> <p>7 to the two matters you just mentioned?</p> <p>8 MS. GILBERT: Objection to the form.</p> <p>9 A. What two matters?</p> <p>10 Q. Regarding handling of the document</p> <p>11 production and handling of the evidence at the</p> <p>12 hearing.</p> <p>13 MS. GILBERT: Objection.</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. That knowledge would come from what?</p> <p>16 A. My general understanding of the</p> <p>17 cases.</p> <p>18 Q. But not a review of anything that</p> <p>19 happened during the critical times?</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 A. When you say critical times, I am not</p> <p>22 sure what you mean.</p> <p>23 Q. Let's say March 2003 until August of</p> <p>24 2003.</p> <p>25 A. Okay.</p> |
| <p>86</p> <p>1 C. Rosada</p> <p>2 expert, did anyone ever discuss with you those</p> <p>3 opinions?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Do you have any knowledge or</p> <p>6 understanding of what plaintiffs' claims are</p> <p>7 with regard to the allegations of negligence</p> <p>8 on the part of Mr. Miller?</p> <p>9 MS. GILBERT: Objection to the form.</p> <p>10 A. Yes.</p> <p>11 Q. What is your understanding of what</p> <p>12 those allegations of negligence relate to?</p> <p>13 A. My understanding of the claims in</p> <p>14 this action is that the plaintiffs are</p> <p>15 alleging that Mr. Miller didn't adequately</p> <p>16 supervise document production and/or didn't</p> <p>17 introduce certain evidence in the damages</p> <p>18 portion that would have changed the outcome of</p> <p>19 the matter.</p> <p>20 Q. Is that the extent of your knowledge?</p> <p>21 A. That's my general understanding.</p> <p>22 Q. I've heard you testify today that you</p> <p>23 didn't review any correspondence or any other</p> <p>24 e-mails other than what you have testified to</p> <p>25 earlier, correct?</p> | <p>88</p> <p>1 C. Rosada</p> <p>2 Q. Any idea what Mr. Miller did at that</p> <p>3 time insofar as the production of documents?</p> <p>4 A. Not that I recall sitting here today.</p> <p>5 Q. Did you ever read the hearing</p> <p>6 transcript in this case?</p> <p>7 A. Not that I remember.</p> <p>8 Q. So it would be your position that</p> <p>9 your firm, Mr. Miller or your firm, did</p> <p>10 nothing negligent in the handling of</p> <p>11 Mr. Meiresonne's matter?</p> <p>12 MS. GILBERT: Objection to the form.</p> <p>13 A. Absolutely.</p> <p>14 Q. Absolutely what?</p> <p>15 A. Absolutely not.</p> <p>16 Q. Mr. Rosada, when was the first time</p> <p>17 you were aware that there had been a problem</p> <p>18 with regard to the production of documents in</p> <p>19 this particular case?</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 A. The date?</p> <p>22 Q. Yes, sir.</p> <p>23 A. I don't recall.</p> <p>24 Q. Approximately.</p> <p>25 A. I don't recall the date.</p>    |



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| <p>89</p> <p>1 C. Rosada</p> <p>2 Q. Do you have any approximate idea of</p> <p>3 the time when you first became aware of it?</p> <p>4 MS. GILBERT: Objection.</p> <p>5 He said he doesn't recall.</p> <p>6 A. It would have been after the</p> <p>7 plaintiffs made their spoliation motion.</p> <p>8 Q. So that would have been what,</p> <p>9 ,sometime in September or October 2003?</p> <p>10 A. I don't know.</p> <p>11 Q. How did you become aware of it?</p> <p>12 A. Mr. Miller told me.</p> <p>13 Q. What did he tell you?</p> <p>14 A. That the plaintiffs had made a</p> <p>15 spoliation motion.</p> <p>16 Q. What specifically did he tell you?</p> <p>17 Did you read the motion?</p> <p>18 A. At some point I read the motion.</p> <p>19 Q. Would it have been in connection with</p> <p>20 that conversation?</p> <p>21 MS. GILBERT: Objection to the form.</p> <p>22 A. Or conversation shortly thereafter.</p> <p>23 Q. Did you have any discussion with</p> <p>24 Mr. Miller about that particular motion and</p> <p>25 basis for the motion?</p>                                                 | <p>91</p> <p>1 C. Rosada</p> <p>2 would have told you no, what I reviewed today.</p> <p>3 If you asked me any e-mails at any time, I</p> <p>4 would have told you I don't recall.</p> <p>5 Q. Did you and Mr. Miller communicate at</p> <p>6 all in writing about what had transpired?</p> <p>7 MS. GILBERT: Objection to the form.</p> <p>8 A. I don't believe so.</p> <p>9 Q. Did you and Mr. Miller communicate by</p> <p>10 computer about what had transpired?</p> <p>11 MS. GILBERT: Objection to the form.</p> <p>12 A. I don't believe so.</p> <p>13 Q. Did he send you a copy of a motion by</p> <p>14 computer to look at or did you pull it out of</p> <p>15 the file?</p> <p>16 MS. GILBERT: Objection to the form.</p> <p>17 A. I don't recall.</p> <p>18 Q. What did you do when you found out</p> <p>19 that the spoliation motion had been filed?</p> <p>20 MS. GILBERT: Objection to the form.</p> <p>21 A. I don't understand your question.</p> <p>22 Q. After you found out that the</p> <p>23 spoliation motion had been filed and related</p> <p>24 to the document production that occurred</p> <p>25 sometime in August 2003, what did you do?</p> |
| <p>90</p> <p>1 C. Rosada</p> <p>2 A. I am sure I did, but I don't recall</p> <p>3 the particulars.</p> <p>4 Q. Did you ask him what he had done in</p> <p>5 connection with the document production?</p> <p>6 A. I don't recall.</p> <p>7 Q. Did you ask him if he could -- if</p> <p>8 there were any -- did you look at any</p> <p>9 correspondence in the time frame from March</p> <p>10 2003 to the time that motion was filed?</p> <p>11 MS. GILBERT: Objection to the form.</p> <p>12 A. I don't believe so.</p> <p>13 Q. And you didn't review any e-mails</p> <p>14 during that time frame?</p> <p>15 MS. GILBERT: Objection to the form.</p> <p>16 A. I don't recall.</p> <p>17 Q. When you said earlier you hadn't</p> <p>18 reviewed any e-mails except e-mails that the</p> <p>19 attorney produced, correct?</p> <p>20 A. You were talking about in preparation</p> <p>21 for the deposition.</p> <p>22 Q. I asked you previously whether you</p> <p>23 reviewed any e-mails at any time.</p> <p>24 A. If your question was any e-mails at</p> <p>25 any time in connection with this deposition, I</p> | <p>92</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection to the form.</p> <p>3 A. I don't recall in particular, but I</p> <p>4 probably discussed the matter with Neil.</p> <p>5 Q. Is that the only person you discussed</p> <p>6 it with?</p> <p>7 A. I am sure I discussed it at some</p> <p>8 point with Mr. Meiresonne.</p> <p>9 Q. Why did you discuss it with</p> <p>10 Mr. Meiresonne?</p> <p>11 A. I was part of the case.</p> <p>12 Q. Well, you weren't involved in that</p> <p>13 document production, were you?</p> <p>14 A. No, I was not.</p> <p>15 MS. GILBERT: Objection to the form.</p> <p>16 Q. You told me Mr. Miller had been</p> <p>17 supervising it, correct?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. Yes.</p> <p>20 Q. Why did you have a discussion with</p> <p>21 Mr. Meiresonne?</p> <p>22 A. Why?</p> <p>23 Q. Yes.</p> <p>24 A. Because I was part of the case.</p> <p>25 Q. What do you remember about that</p>                                                                                                                                                                                                         |



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| <p>93</p> <p>1 C. Rosada</p> <p>2 discussion?</p> <p>3 A. I don't remember the particulars of</p> <p>4 the conversation or conversations. It may</p> <p>5 have been more than one.</p> <p>6 Q. Did you ask him what had happened?</p> <p>7 A. I don't believe I was the person</p> <p>8 doing the questioning and answering.</p> <p>9 Q. Who was?</p> <p>10 A. Probably Mr. Miller.</p> <p>11 Q. So if Mr. Miller was doing the</p> <p>12 questioning and answering, why would you have</p> <p>13 talked to Mr. Meiresonne?</p> <p>14 MS. GILBERT: Objection to the form.</p> <p>15 A. I was part of the conference call.</p> <p>16 Q. As you sit here today, what do you</p> <p>17 recall specifically about what gave rise to</p> <p>18 the motion for spoliation motion?</p> <p>19 A. My recollection is that there were</p> <p>20 allegations that Mr. Meiresonne destroyed</p> <p>21 documents in 2001 and again in 2003.</p> <p>22 Q. When in 2003?</p> <p>23 A. I don't recall.</p> <p>24 Q. Did you have any conversations with</p> <p>25 him about that?</p> | <p>95</p> <p>1 C. Rosada</p> <p>2 Q. Did you have any discussion with</p> <p>3 Mr. Meiresonne about whether or not there was</p> <p>4 a document retention policy in place at his</p> <p>5 company at that time?</p> <p>6 A. I don't recall.</p> <p>7 Q. Did you ever ask him to explain to</p> <p>8 you what had happened with regard to the</p> <p>9 documents that were allegedly destroyed in</p> <p>10 July 2003 or in 2001?</p> <p>11 A. I don't know if I ever asked that</p> <p>12 question, but it was surely discussed.</p> <p>13 Q. Do you ever recall telling him that</p> <p>14 based on what he told you that it sounded like</p> <p>15 a typical or normal way for a business person</p> <p>16 to handle the discarding of documents?</p> <p>17 MS. GILBERT: Objection to the form.</p> <p>18 A. I don't recall ever having that</p> <p>19 conversation.</p> <p>20 Q. Is it possible you had that</p> <p>21 conversation?</p> <p>22 MS. GILBERT: Objection to the form.</p> <p>23 A. Anything is possible, but certainly</p> <p>24 doubtful.</p> <p>25 Q. Why is that, sir?</p>                                                                                                                        |
| <p>94</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection to the form.</p> <p>3 A. I believe I did.</p> <p>4 Q. What do you recall about those</p> <p>5 conversations?</p> <p>6 A. I don't recall the specifics of the</p> <p>7 conversation.</p> <p>8 Q. Did you provide any advice to</p> <p>9 Mr. Meiresonne about the particular motion</p> <p>10 that had been filed?</p> <p>11 MS. GILBERT: Objection to the form.</p> <p>12 A. Independent of Mr. Miller, I don't</p> <p>13 believe so.</p> <p>14 Q. Did you provide any recommendations</p> <p>15 to Mr. Meiresonne as to how he should respond</p> <p>16 to that motion or how your firm should respond</p> <p>17 to that motion?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. Independent of Mr. Miller, I don't</p> <p>20 believe so.</p> <p>21 Q. Did you provide any indication to</p> <p>22 Mr. Meiresonne whether or not the motion was</p> <p>23 something that he should concern himself with?</p> <p>24 MS. GILBERT: Objection to the form.</p> <p>25 A. I don't recall.</p>           | <p>96</p> <p>1 C. Rosada</p> <p>2 A. Because that's not something I think</p> <p>3 I would have said based on the facts as I</p> <p>4 understand them.</p> <p>5 Q. Did you go back and review any of the</p> <p>6 e-mails or correspondence leading up to the</p> <p>7 document inspection that occurred at his</p> <p>8 business in August of 2003?</p> <p>9 A. Not that I recall.</p> <p>10 Q. Did you ever make any inquiries about</p> <p>11 that particular document inspection?</p> <p>12 MS. GILBERT: Objection to the form.</p> <p>13 A. I don't understand your question.</p> <p>14 Q. Did you ever ask Mr. Meiresonne about</p> <p>15 that particular document inspection that</p> <p>16 occurred at his business in August of 2003?</p> <p>17 A. Like I said, during these conference</p> <p>18 calls, one or more conference calls we</p> <p>19 certainly discussed the background of the</p> <p>20 document production, but I don't remember the</p> <p>21 particulars of what was discussed.</p> <p>22 Q. Did you discuss the aspects of that</p> <p>23 document inspection at Mr. Meiresonne's</p> <p>24 business in August of 2003 with Mr. Miller?</p> <p>25 A. Independently of Mr. Meiresonne?</p> |



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1 C. Rosada  
 2 MS. GILBERT: Objection to the form.  
 3 Q. Yes.  
 4 A. Not that I recall.  
 5 Q. Did you ask or take it upon yourself  
 6 to review any e-mails that exchanged hands  
 7 between Mr. Miller and Mr. Meiresonne in the  
 8 days leading up to the document inspection?  
 9 MS. GILBERT: Objection to the form.  
 10 A. Not that I recall.  
 11 Q. Is that something that you think you  
 12 should have looked at?  
 13 MS. GILBERT: Objection to the form.  
 14 A. Mr. Miller was primarily responsible  
 15 for the handling of the case, so he was  
 16 handling whatever motions came in.  
 17 Q. So you weren't playing any role in  
 18 terms of advising Mr. Meiresonne about how to  
 19 handle that motion, is that what you are  
 20 saying?  
 21 MS. GILBERT: Objection to the form.  
 22 A. That's not what I am saying at all.  
 23 Q. What are you saying?  
 24 A. I am saying when Mr. Miller or  
 25 Mr. Meiresonne consulted with me, I rendered

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1 C. Rosada  
 2 whatever opinion they asked me.  
 3 Q. So how were you able to render an  
 4 opinion if you didn't know what the facts  
 5 were?  
 6 MS. GILBERT: Objection to the form.  
 7 A. Who said I didn't know what the facts  
 8 were.  
 9 Q. Did you know what the facts were?  
 10 MS. GILBERT: Objection to the form.  
 11 A. I knew what they explained to me and  
 12 I rendered an opinion --  
 13 Q. What did they explain to you?  
 14 A. I don't recall the particulars of the  
 15 conversations.  
 16 Q. Do you recall the generalities?  
 17 A. Yes.  
 18 Q. What do you recall?  
 19 A. I recall discussing the spoliation  
 20 motion.  
 21 Q. Did you ask Mr. Miller about how he  
 22 handled the document inspection at  
 23 Mr. Meiresonne's business in August of 2003?  
 24 MS. GILBERT: Objection to the form.  
 25 A. I don't recall.

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1 C. Rosada  
 2 Q. Did you determine if he was present  
 3 for that document production?  
 4 MS. GILBERT: Objection to the form.  
 5 Q. Or inspection?  
 6 A. I found out subsequent that he was  
 7 not present at the production in Michigan.  
 8 Q. How did you find that out?  
 9 A. I believe Mr. Miller told me.  
 10 Q. Did that cause you any concern?  
 11 MS. GILBERT: Objection to the form.  
 12 A. No.  
 13 Q. It didn't cause you any concern?  
 14 MS. GILBERT: Objection to the form.  
 15 A. No.  
 16 Q. Why not?  
 17 MS. GILBERT: Objection.  
 18 A. I don't know how to answer that  
 19 question.  
 20 Q. You didn't see any reason for him to  
 21 be present at that document production?  
 22 MS. GILBERT: Objection to the form.  
 23 A. Not based on the conversations I had  
 24 with Mr. Miller.  
 25 Q. What conversations did you have with

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1 C. Rosada  
 2 Mr. Miller?  
 3 A. He told me at some point what went on  
 4 with the document production.  
 5 Q. What did he tell you?  
 6 A. I don't remember the particulars.  
 7 Q. Did you write it down?  
 8 A. No.  
 9 Q. Did you have any communication with  
 10 your insurance carrier following the filing of  
 11 this motion for spoliation motion?  
 12 MS. GILBERT: Objection to the form.  
 13 A. No.  
 14 Q. Did you make any claim or give notice  
 15 of any kind to your insurance carrier  
 16 following the filing of this motion?  
 17 MS. GILBERT: Objection.  
 18 A. No.  
 19 Q. Why not?  
 20 MS. GILBERT: Objection.  
 21 A. I didn't think I had reason to.  
 22 Q. And you don't recall looking at any  
 23 of the communications that went back and forth  
 24 between Mr. Meiresonne and Mr. Miller?  
 25 MS. GILBERT: Objection to the form.



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1 C. Rosada

2 Q. In the days leading up to that

3 document production --

4 MS. GILBERT: Objection.

5 A. The answer is still going to be no.

6 Q. Did you have any involvement with the

7 preparation of the response for the motion?

8 A. Other than probably reviewing it once

9 Neil drafted it, no.

10 Q. What exactly would you review it for

11 if you didn't know what had happened?

12 MS. GILBERT: Objection to the form.

13 A. I can still read it for persuasive

14 grammar, various other issues to see whether

15 or not it was legally persuasive and cited the

16 law correctly, et cetera.

17 Q. Did you have any communications with

18 Mr. Rittenger or anyone from his firm after

19 the motion had been filed?

20 A. Regarding the motion?

21 Q. Yes, sir.

22 A. No.

23 Q. Regarding what led to the motion?

24 A. No.

25 Q. Did you play any role in the hearing

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1 C. Rosada

2 that was held after the motion was filed?

3 A. No.

4 Q. Why not?

5 A. Because Mr. Miller was handling the

6 matter for the firm.

7 Q. Did you provide any advice to

8 Mr. Meiresonne about how that hearing should

9 be handled?

10 MS. GILBERT: Objection to the form.

11 A. Not that I recall.

12 Q. Did you discuss with Mr. Miller any

13 aspects of the introduction of evidence at

14 that hearing?

15 A. Not that I recall.

16 Q. After the decision by the judge came

17 down, did you have any involvement in this

18 matter?

19 MS. GILBERT: Objection to the form.

20 A. Yes.

21 Q. What was your involvement in this

22 matter at that point?

23 A. I believe I had subsequent

24 conversations with Mr. Meiresonne and

25 Mr. Miller regarding the ramifications of the

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1 C. Rosada

2 decision.

3 Q. What do you recall discussing with

4 them?

5 A. I don't think I recall the

6 particulars.

7 Q. Did you write any letters or other

8 correspondence to Mr. Meiresonne about what he

9 should or shouldn't do?

10 MS. GILBERT: Objection to the form.

11 A. Not that I recall.

12 Q. Did you discuss with him whether or

13 not he should appeal the matter?

14 A. Not that I recall.

15 Q. Did you discuss either of the those

16 concepts with Mr. Miller?

17 A. Not that I recall.

18 Q. Did you ever research the matter to

19 determine if, in fact, he had a basis for

20 appeal?

21 A. I don't think I did any research.

22 Q. Did Mr. Miller?

23 MS. GILBERT: Objection to the form.

24 A. I don't know.

25 Q. Would that have been something you

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1 C. Rosada

2 would have discussed with Mr. Miller?

3 MS. GILBERT: Objection to the form.

4 A. It may have.

5 Q. Did you have any discussions with

6 Mr. Rittenger or anyone from his firm after

7 the decision came down?

8 A. I believe so.

9 Q. What were the circumstances

10 surrounding those executions?

11 A. I believe I had one or two

12 conversations with Mr. Rittenger about trying

13 to settle the action.

14 Q. And what do you remember about those

15 discussions?

16 A. I don't remember anything about them.

17 Q. What did he tell you in response to

18 those communications?

19 MS. GILBERT: Objection to the form.

20 A. I don't remember.

21 Q. Why would you have been discussing it

22 with Mr. Rittenger if Mr. Miller had been

23 handling it?

24 MS. GILBERT: Objection to the form.

25 A. I don't know why I participated in



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1 C. Rosada  
 2 this particular aspect of it. I don't know.  
 3 I don't recall I should say.  
 4 Q. Had you talked to Mr. Meiresonne  
 5 about settlement before talking to  
 6 Mr. Rittenger?  
 7 A. Absolutely.  
 8 Q. Did you have specific authority?  
 9 A. I don't think we discussed a number.  
 10 I think we were trying to broach the subject  
 11 of settlement.  
 12 Q. So you had no authority to --  
 13 specific authority on settlement, but you just  
 14 wanted to discuss with Rittenger whether or  
 15 not he would settle?  
 16 MS. GILBERT: Objection to the form.  
 17 A. Not what I wanted to do.  
 18 Q. Who wanted to do that?  
 19 A. The client.  
 20 Q. So you are telling me it was his  
 21 decision to settle?  
 22 MS. GILBERT: Objection to the form.  
 23 A. It is always the client's decision at  
 24 the end of the day to take certain steps in  
 25 litigation.

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1 C. Rosada  
 2 I am trying to talk and you are  
 3 interrupting.  
 4 Q. My apologies, go ahead and talk.  
 5 A. I remember having a discussion with  
 6 Mr. Meiresonne after the decision came down  
 7 and at some point the issue about settlement  
 8 came up, and it was decided that I would make  
 9 the overture and call Mr. Rittenger just to  
 10 broach the subject about settlement, to feel  
 11 them out. There was no settlement authority,  
 12 there was no nothing, just to open up dialogue  
 13 about settlement.  
 14 Q. Again I am curious why you had that  
 15 discussion?  
 16 A. I don't remember, but it was a joint  
 17 decision. I think Mr. Meiresonne, Mr. Miller  
 18 and myself had a discussion and they said why  
 19 don't you give Mr. Rittenger a call.  
 20 Q. Did you have some particular or  
 21 unique expertise or quality that allowed you  
 22 to discuss this matter with Mr. Rittenger?  
 23 MS. GILBERT: Objection to the form.  
 24 A. No.  
 25 Q. Did you have any particular knowledge

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1 C. Rosada  
 2 about what happened that gave you a basis or  
 3 reason?  
 4 A. I knew what happened based on reading  
 5 the decision and reading the papers. I am a  
 6 fairly strong negotiator so I think the point  
 7 was have me at least broach the subject with  
 8 them.  
 9 Q. Before you bothered to broach the  
 10 subject of settlement with Mr. Rittenger, did  
 11 you review anything or come to any conclusions  
 12 about what Mr. Meiresonne's exposure was in  
 13 the case?  
 14 MS. GILBERT: Objection to the form.  
 15 A. Like I said, we certainly reviewed  
 16 the decision and the underlying motion papers.  
 17 Do I remember the details of  
 18 everything, no, I do not.  
 19 Q. You didn't really answer my question.  
 20 A. I certainly did.  
 21 Q. Before you had this discussion about  
 22 settlement with Mr. Rittenger, did you make  
 23 any -- did you investigate what the potential  
 24 exposure to Mr. Meiresonne was?  
 25 A. Did I personally?

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1 C. Rosada  
 2 Q. Yes, sir?  
 3 A. No, I didn't personally.  
 4 Q. Did Mr. Miller?  
 5 MS. GILBERT: Objection to the form.  
 6 A. I know that there was an  
 7 investigation about damages. I don't know  
 8 when that occurred.  
 9 Q. Who did the investigation on damages?  
 10 A. Mr. Miller.  
 11 Q. Did you review that?  
 12 A. At some point in time, yes.  
 13 Q. Did you agree with it?  
 14 A. I don't recall.  
 15 Q. Did you then go back to  
 16 Mr. Meiresonne and discuss with him what his  
 17 potential exposure was?  
 18 A. I don't remember the sequence. I  
 19 don't know if I had a discussion with him  
 20 before, after. I don't remember.  
 21 Q. Let me ask you: When you first took  
 22 this matter on, did you have any discussions  
 23 with Mr. Meiresonne about the exposure to his  
 24 company presented by that lawsuit?  
 25 A. I don't recall.



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2 Q. Is that something that as a matter of

3 your custom and practice you would do?

4 A. It would depend on the matter.

5 Q. In this matter, is it something that

6 you would expect to do?

7 MS. GILBERT: Objection to the form.

8 Q. Based on your custom and practice?

9 MS. GILBERT: Objection.

10 A. I don't think in the initial meeting

11 we discussed damages. We didn't have the full

12 file. We didn't have all the facts at hand.

13 At the time we probably just had the summons

14 and complaint, maybe the answer, so I don't

15 recall.

16 Q. So do you know this Mr. Schaefer, the

17 gentleman who wrote some memorandums about

18 copyright law on behalf of your firm in July

19 and August 2003?

20 A. Do I know him, no.

21 Q. Did you ever have any dealings with

22 him?

23 MS. GILBERT: Objection to the form.

24 A. He dealt pretty much exclusively with

25 Mr. Miller.

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1 C. Rosada

2 Q. Did you read the memorandums he had

3 prepared?

4 A. Yes.

5 Q. At the time he prepared them, was he

6 a lawyer?

7 A. No.

8 Q. What was he?

9 A. He was a law student.

10 Q. Do you know what year he was in or

11 had finished?

12 A. I don't recall.

13 Q. Does first year ring a bell?

14 A. I don't recall.

15 Q. Was he someone who did research for

16 your firm?

17 A. He did some work for Mr. Miller.

18 Q. Not for you?

19 A. Not for me directly. He did it at

20 the request of Mr. Miller.

21 Q. Was he on salary or was he paid by

22 the firm, an employee of the firm or an

23 independent contractor?

24 MS. GILBERT: Objection to the form.

25 A. He wasn't an employee of the firm.

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1 C. Rosada

2 Q. Again, specifically with regard to

3 this settlement, the settlement overtures and

4 this negotiating that you were going to do

5 with Mr. Rittenger, you don't recall having

6 any specific authority?

7 MS. GILBERT: Objection to the form.

8 A. I don't recall.

9 Q. Did Mr. Rittenger ever indicate to

10 you what their position was regarding

11 settlement?

12 A. I am sure they did at some point, but

13 I don't recall when that was.

14 Q. Did he ever make a demand to you?

15 A. I don't remember him ever making a

16 demand to me personally, no.

17 Q. Did there ever come a time when you

18 made an attempt to determine what

19 Mr. Meiresonne's exposure was and advise him

20 accordingly?

21 MS. GILBERT: Objection to the form.

22 A. Did I?

23 Q. Yes.

24 A. No.

25 Q. Did Neil Miller ever do that?

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1 C. Rosada

2 MS. GILBERT: Objection to the form.

3 A. I believe so.

4 Q. Was that something you were privy to?

5 A. I don't understand the question.

6 Q. Was it something you were aware of?

7 MS. GILBERT: Objection to the form.

8 A. That Mr. Miller was taking account of

9 the damages, yes, sir.

10 Q. Did you ever make an offer to

11 Mr. Rittenger?

12 A. I don't believe I did.

13 Q. Who did?

14 A. I don't know if anybody did, but I

15 don't believe I did, though.

16 MR. EMRICH: Let's take a short

17 break.

18 (Recess taken.)

19 MR. EMRICH: Back on the record.

20 Q. Mr. Rosada, I would like to ask you

21 some questions about the specifics of the

22 billing in this case.

23 A. Okay.

24 Q. You talked about the fact that you

25 were able to or that because you brought this



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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>113</p> <p>1 C. Rosada</p> <p>2 matter to the firm you received 25 percent of</p> <p>3 all billings; is that correct?</p> <p>4 A. Net billings.</p> <p>5 Q. What does that mean?</p> <p>6 A. Less disbursements on the case.</p> <p>7 Q. Do you have any idea what is billed</p> <p>8 in this case over the course of the</p> <p>9 representation?</p> <p>10 A. No.</p> <p>11 Q. Does \$450,000 ring a bell?</p> <p>12 MS. GILBERT: Objection to the form.</p> <p>13 A. No.</p> <p>14 Q. With respect to the billing,</p> <p>15 according to your letter, billings were to be</p> <p>16 sent on a monthly basis; is that correct?</p> <p>17 MS. GILBERT: Objection to the form.</p> <p>18 A. I don't remember if it is a periodic</p> <p>19 basis.</p> <p>20 Q. So, again, if it says that in your</p> <p>21 letter, is that something that again doesn't</p> <p>22 mean what it says?</p> <p>23 A. When you say again doesn't mean what</p> <p>24 it says, I don't know what you mean by that.</p> <p>25 Q. I am sure you don't?</p> | <p>115</p> <p>1 C. Rosada</p> <p>2 Q. Did he replenish any retainers that</p> <p>3 needed to be replenish when he was asked to</p> <p>4 replenish them?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. He was never asked to replenish a</p> <p>7 retainer.</p> <p>8 Q. Did he pay any retainer you asked him</p> <p>9 to pay in a timely manner?</p> <p>10 MS. GILBERT: Objection to the form.</p> <p>11 A. I believe the only one I asked him to</p> <p>12 pay was the initial one.</p> <p>13 Q. Do you know if other retainers were</p> <p>14 paid?</p> <p>15 MS. GILBERT: Objection to the form.</p> <p>16 A. I believe Mr. Meiresonne advance paid</p> <p>17 fees.</p> <p>18 Q. And at whose request was that?</p> <p>19 MS. GILBERT: Objection to the form.</p> <p>20 A. It would have been at</p> <p>21 Mr. Meiresonne's request.</p> <p>22 Q. Do you know why?</p> <p>23 A. I do not know why.</p> <p>24 Q. So there no issues with regard to</p> <p>25 payment in this case by Mr. Meiresonne?</p>                                                                                                                                               |
| <p>114</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection.</p> <p>3 MR. EMRICH: I will withdraw the</p> <p>4 comment.</p> <p>5 BY MR. EMRICH:</p> <p>6 Q. As part of your responsibilities in</p> <p>7 this case with billing, did you determine or</p> <p>8 attempt to determine if bills were sent on a</p> <p>9 monthly basis?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you know if they were?</p> <p>12 A. I don't believe they were.</p> <p>13 Q. If the letter that you sent, marked</p> <p>14 as Exhibit 1, says bills were to go out on a</p> <p>15 monthly basis and they didn't, why would that</p> <p>16 be?</p> <p>17 MS. GILBERT: Objection to the form.</p> <p>18 A. I don't recall.</p> <p>19 Q. Were all of your bills paid in a</p> <p>20 timely fashion by Mr. Meiresonne?</p> <p>21 A. I don't believe so.</p> <p>22 Q. Did he provide you whatever retainers</p> <p>23 you asked for in a timely fashion?</p> <p>24 MS. GILBERT: Objection to the form.</p> <p>25 A. I don't believe so.</p>                     | <p>116</p> <p>1 C. Rosada</p> <p>2 MS. GILBERT: Objection to the form.</p> <p>3 A. Not that I recall.</p> <p>4 Q. Were there any billing disputes with</p> <p>5 Mr. Meiresonne in this case?</p> <p>6 A. I don't believe there was a billing</p> <p>7 dispute. I believe that there was a mistake</p> <p>8 on one of the bills that sometime during the</p> <p>9 course of our representation our hourly rate</p> <p>10 had changed and the default rate was with what</p> <p>11 started to get billed to Mr. Meiresonne. The</p> <p>12 new higher default rate started getting billed</p> <p>13 to him by accident. It was an oversight on</p> <p>14 our part. Mr. Meiresonne noted it at one</p> <p>15 point and we refunded the discrepancy.</p> <p>16 Q. So in other words, you were over</p> <p>17 billing him?</p> <p>18 MS. GILBERT: Objection to the form.</p> <p>19 A. No, we were not purposely over</p> <p>20 billing him. It was a mistake.</p> <p>21 Q. Let me ask you this --</p> <p>22 A. I am trying to answer.</p> <p>23 MS. GILBERT: Please let him finish</p> <p>24 MR. EMRICH: My apologies.</p> <p>25 A. As I explained to you, during the</p> |



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2 course of his representation our standard

3 hourly rate increased. That increase is

4 entered into the Amicus program. Somehow,

5 again I am not expert on the program, that got

6 carried over to his bill. So for part of the

7 time entries he got billed at the higher rate,

8 and I did not realize it when the bill went

9 out. Mr. Meiresonne picked it up and he was

10 correct and I refunded the error to him

11 immediately.

12 Q. So, in other words, you were billing

13 him more than you had agreed to bill him?

14 MS. GILBERT: Objection to the form.

15 A. Again, not on purpose.

16 Q. I don't care whether it was on

17 purpose or not.

18 A. I am explaining to you. You keep

19 interrupting me. It makes it very difficult

20 to testify. I don't interrupt you when you

21 are asking questions.

22 Q. My apologies.

23 A. Like I told you, we had a new rate

24 that got entered as a default rate in the

25 program. That default rate got applied to his

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1 C. Rosada

2 bill at that juncture. That's what occurred.

3 Q. This was again something that would

4 have appeared in the bills that you reviewed

5 for accuracy before they went out?

6 MS. GILBERT: Objection to the form.

7 A. It would have been in the bills that

8 I reviewed, correct.

9 Q. Apparently you didn't catch it?

10 MS. GILBERT: Objection to the form.

11 A. I apparently did not catch it,

12 correct.

13 Q. Did you ever have any discussions

14 with Mr. Meiresonne or were you ever privy to

15 any discussions with Mr. Meiresonne where he

16 asked you not to pursue a particular task due

17 to the cost of that task?

18 MS. GILBERT: Objection to the form.

19 A. With me, not that I recall.

20 Q. So far as you know, that was not an

21 issue with any matters that you were doing?

22 MS. GILBERT: Objection to the form.

23 A. I said I never had a conversation

24 with Mr. Meiresonne to that effect.

25 Q. Did anyone else in the firm?

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1 C. Rosada

2 MS. GILBERT: Objection to the form.

3 A. I don't know.

4 Q. With regard to your firm's computer

5 system, who was responsible for maintaining

6 this in 2003?

7 A. I don't recall.

8 Q. Among the three of you, were either

9 of you -- did you have any particular

10 responsibility with regard to the maintenance

11 of the computer system?

12 A. No.

13 Q. So neither you nor Mr. Miller nor

14 Mr. Algios had any particular specialized

15 knowledge in dealing with it?

16 A. No.

17 Q. Did you have an IT person on staff?

18 A. No.

19 Q. You had this Mr. -- what was his name

20 again?

21 A. Delaura.

22 Q. Was he in place back in 2003?

23 A. I don't know.

24 Q. Do you know who was?

25 MS. GILBERT: Objection to the form.

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1 C. Rosada

2 A. I don't recall.

3 Q. What kind of computer system did you

4 have back in 2003?

5 A. I don't know.

6 Q. Is it the same system that's in place

7 today?

8 A. I don't believe so.

9 Q. When was it replaced?

10 A. I don't recall.

11 Q. What kind of system was put in?

12 A. I don't know.

13 Q. What kind of -- does your firm --

14 strike that.

15 Does your firm have a policy

16 regarding the preservation of any electronic

17 data or information on your computer system?

18 MS. GILBERT: Objection to the form.

19 A. I don't understand the question.

20 Q. How are the electronic communications

21 that occur on your computer preserved?

22 A. E-mails?

23 Q. Any electronic communications?

24 A. I don't understand electronic

25 communication.



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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>121</p> <p>1 C. Rosada</p> <p>2 Q. Let's start with e-mails.</p> <p>3 A. We have a hosting service.</p> <p>4 Q. Who hosts it?</p> <p>5 A. I believe it is called Web Host.</p> <p>6 Q. How long have they hosted it?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you back up your computer system</p> <p>9 on a regular basis?</p> <p>10 A. Yes.</p> <p>11 Q. How long has that been done?</p> <p>12 A. I don't recall.</p> <p>13 Q. Was it being done in 2003?</p> <p>14 A. I don't recall.</p> <p>15 Q. Are those records maintained by</p> <p>16 anyone?</p> <p>17 A. When you say maintained by anyone --</p> <p>18 Q. The data backup.</p> <p>19 A. We have a backup drive or server,</p> <p>20 something like that.</p> <p>21 Q. Who maintains that?</p> <p>22 A. Currently?</p> <p>23 Q. Yes.</p> <p>24 A. Mr. Delaura.</p> <p>25 Q. Who would have maintained it back in</p>                                                                                                                                                                                                       | <p>123</p> <p>1 C. Rosada</p> <p>2 That's not what he said.</p> <p>3 A. I didn't say that at all.</p> <p>4 Q. What is the policy?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. Again, we retain -- when you are</p> <p>7 talking about -- I don't understand the term</p> <p>8 electronic communication entirely. But we</p> <p>9 retain things on our backup drive. They are</p> <p>10 saved to our server. I don't believe e-mails</p> <p>11 are saved to our server. And we have a backup</p> <p>12 of that server.</p> <p>13 Q. Did you, yourself, ever make any</p> <p>14 attempt to recover any e-mails that may have</p> <p>15 gone back and forth between Mr. Miller and</p> <p>16 Mr. Meiresonne going back to 2003 to present?</p> <p>17 MS. GILBERT: Objection to the form.</p> <p>18 A. Yes.</p> <p>19 Q. What efforts did you take?</p> <p>20 A. I looked at our web hosting to see</p> <p>21 whether or not I had an e-mail.</p> <p>22 Q. Would that have been true with regard</p> <p>23 to any e-mails between you and Mr. Miller?</p> <p>24 A. There were no e-mails between me and</p> <p>25 Mr. Miller.</p> |
| <p>122</p> <p>1 C. Rosada</p> <p>2 2003?</p> <p>3 MS. GILBERT: Objection to the form.</p> <p>4 A. Whoever the IT guy was in 2003.</p> <p>5 Q. How did you maintain any client</p> <p>6 documents that were stored on those computers?</p> <p>7 MS. GILBERT: Objection to the form.</p> <p>8 A. I don't understand the question.</p> <p>9 Q. Is there any policy for preserving</p> <p>10 what's on your computer system, client</p> <p>11 materials, documents or like?</p> <p>12 MS. GILBERT: Objection to the form.</p> <p>13 A. We have a backup server.</p> <p>14 Q. Do you retain tapes, do you retain</p> <p>15 disks, anything of that sort?</p> <p>16 A. I don't know what the standard</p> <p>17 practice is.</p> <p>18 Q. Who would know in your firm?</p> <p>19 A. The IT person. He is not with our</p> <p>20 firm, but the IT person would know.</p> <p>21 Q. What I am hearing you say then is</p> <p>22 that there really isn't an established firm</p> <p>23 policy for preserving electronic data at your</p> <p>24 firm?</p> <p>25 MS. GILBERT: Objection to the form.</p> | <p>124</p> <p>1 C. Rosada</p> <p>2 Q. So there was a particular document</p> <p>3 that you looked at?</p> <p>4 A. No.</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. I think my counsel asked me if I had</p> <p>7 any e-mails regarding this matter, and I</p> <p>8 looked on my e-mail host to see if I had any.</p> <p>9 Q. Were you ever aware that</p> <p>10 Mr. Meiresonne had communicated to Mr. Miller</p> <p>11 that a number of documents had been discarded</p> <p>12 in 2001?</p> <p>13 MS. GILBERT: Objection to the form.</p> <p>14 A. Ever at any time?</p> <p>15 Q. Yes, sir.</p> <p>16 A. Yes.</p> <p>17 Q. When were you made aware of that?</p> <p>18 A. I believe sometime after the</p> <p>19 spoliation motion.</p> <p>20 Q. Did you ever determine when that</p> <p>21 disclosure was made to Mr. Miller?</p> <p>22 A. I believe it was sometime after the</p> <p>23 spoliation motion.</p> <p>24 Q. Did you ever see any e-mails between</p> <p>25 Mr. Meiresonne and Mr. Miller that would have</p>                                                                                                    |



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1 C. Rosada  
 2 been dated in March or April 2003 in which  
 3 Mr. Meiresonne indicated to Mr. Miller that  
 4 certain documents had been discarded at some  
 5 point in time prior to that date?  
 6 MS. GILBERT: Objection to the form.  
 7 A. Not that I recall.  
 8 Q. Do you know if Mr. Miller was ever  
 9 made aware or ever acknowledged being aware of  
 10 those facts in March or April 2003?  
 11 MS. GILBERT: Objection to the form.  
 12 A. I didn't understand the question.  
 13 Can you read that back?  
 14 (Record read.)  
 15 A. Not to my knowledge.  
 16 Q. With respect to the handling of the  
 17 defense of this case, did you and Mr. Miller  
 18 discuss strategy?  
 19 A. On occasion.  
 20 Q. Do you recall specifically what was  
 21 discussed?  
 22 A. I do not.  
 23 Q. In the e-mail of March 27th that you  
 24 sent to Mr. Meiresonne that we talked about  
 25 earlier that's marked Exhibit 2, and we talked

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1 C. Rosada  
 2 about a discovery strategy, was that ever  
 3 discussed with Mr. Meiresonne by you?  
 4 MS. GILBERT: Objection to the form.  
 5 A. No.  
 6 Q. Again, what kind of strategy would  
 7 you have followed in this particular case?  
 8 MS. GILBERT: Objection to the form.  
 9 A. I would have to review documents  
 10 again. I don't recall.  
 11 Q. Again, there is no dispute in your  
 12 mind that an attorney such as yourself  
 13 practicing in 2003 in this area who -- strike  
 14 that.  
 15 Let me ask you this: There is no  
 16 dispute in your mind that Mr. Meiresonne or  
 17 any other client that you handled a matter for  
 18 should be advised that any and all documents  
 19 in their possession that may or may not be  
 20 relevant to a case should be preserved; is  
 21 that correct?  
 22 MS. GILBERT: Objection to the form.  
 23 If you can understand it, you can  
 24 answer.  
 25 A. Can I have the question read back.

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1 C. Rosada  
 2 It's hard to understand your questions.  
 3 MR. EMRICH: Strike that.  
 4 Q. Let's do this: Would you agree that  
 5 it is reasonable and prudent to advise a  
 6 client to not destroy potentially relevant  
 7 documents?  
 8 MS. GILBERT: Objection to the form.  
 9 A. It would depend on the matter.  
 10 Q. I am talking about a matter such as  
 11 this matter that you were retained to handle  
 12 pending in these courts, in this court that it  
 13 was pending in in 2003?  
 14 MS. GILBERT: Objection to the form.  
 15 A. During the pendency of the  
 16 litigation?  
 17 Q. Yes, sir.  
 18 A. Yes.  
 19 Q. You had told us that was done in this  
 20 conversation that you allegedly had with  
 21 Mr. Meiresonne; is that correct?  
 22 MS. GILBERT: Objection to the form.  
 23 A. Absolutely.  
 24 Q. You have told me it is not your  
 25 practice to send a litigation hold letter; is

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1 C. Rosada  
 2 that correct?  
 3 MS. GILBERT: Objection to the form.  
 4 A. That's correct.  
 5 Q. And do you know if Mr. Miller ever  
 6 sent such a letter here?  
 7 A. I don't know.  
 8 Q. Is it his practice to do that?  
 9 MS. GILBERT: Objection to the form.  
 10 A. You would have to ask Mr. Miller.  
 11 Q. Does the firm have a different  
 12 practice in regards to sending litigation hold  
 13 letters?  
 14 A. Not to my knowledge.  
 15 Q. As a matter of your custom and  
 16 practice in the course of handling matters  
 17 such as the matter in this case, that you  
 18 learn in the course of that matter that your  
 19 client has destroyed or discarded potentially  
 20 relevant documents, what is your -- what do  
 21 you do?  
 22 MS. GILBERT: Objection to the form.  
 23 Q. What action do you take?  
 24 MS. GILBERT: Objection to the form.  
 25 A. It depends on the matter.



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1 C. Rosada  
 2 Q. How would it depend on the matter?  
 3 MS. GILBERT: Objection to the form.  
 4 A. It would depend on the totality of  
 5 the circumstances.  
 6 Q. Is it something that you discuss with  
 7 the client then?  
 8 MS. GILBERT: Objection to the form.  
 9 A. I've never had a situation other than  
 10 this one where a client, to my knowledge,  
 11 destroyed relevant documents.  
 12 Q. So if you come -- if that knowledge  
 13 comes to you, what steps would you take?  
 14 MS. GILBERT: Objection to the form.  
 15 A. It would depend on the matter. I  
 16 haven't had to address that situation.  
 17 Q. Would you send a letter to the  
 18 client --  
 19 MS. GILBERT: Objection to the form.  
 20 Q. -- advising him to not destroy  
 21 documents or advising them what they do may  
 22 potentially impact the outcome of the  
 23 litigation?  
 24 MS. GILBERT: Objection to the form.  
 25 A. Again, I never had to address that

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1 C. Rosada  
 2 situation. It would depend on the totality of  
 3 the circumstances and particulars of that  
 4 matter.  
 5 Q. You are certainly familiar with the  
 6 doctrine of spoliation, correct?  
 7 A. Yes.  
 8 MS. GILBERT: Objection to the form.  
 9 Q. What is your understanding of that  
 10 doctrine?  
 11 MS. GILBERT: Objection to the form.  
 12 A. That you are not -- a party is not to  
 13 destroy or otherwise discard relevant  
 14 documents during the pendency of the matter.  
 15 Q. Again, is that the extent of your  
 16 obligation to simply tell the client that?  
 17 MS. GILBERT: Objection to the form.  
 18 A. I don't know how to answer that  
 19 question.  
 20 Q. Does someone -- go ahead.  
 21 A. I told you what my custom and  
 22 practice is. I can't tell you anything  
 23 different.  
 24 Q. Is it your custom and practice to  
 25 review documents before they are sent to the

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1 C. Rosada  
 2 opposing side in a case?  
 3 MS. GILBERT: Objection to the form.  
 4 A. Is it my custom and practice to  
 5 review documents?  
 6 Q. Yes.  
 7 A. I review whatever documents the  
 8 client --  
 9 Q. Is that your custom and practice?  
 10 A. You keep interrupting me.  
 11 Q. Sorry.  
 12 A. Whatever documents the client  
 13 produces to me.  
 14 Q. So that's your custom and practice?  
 15 MS. GILBERT: Objection to the form.  
 16 A. Yes.  
 17 Q. Again, why do you review the  
 18 documents before they are sent to the other  
 19 side?  
 20 MS. GILBERT: Objection to the form.  
 21 A. It would depend on the evidence, on  
 22 the facts of the particular matter.  
 23 Q. You said you do it all the time,  
 24 right?  
 25 MS. GILBERT: Objection to the form.

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1 C. Rosada  
 2 A. But the reasons depends on the facts  
 3 of the particular matter.  
 4 Q. What are the reasons for reviewing  
 5 documents before they are sent?  
 6 MS. GILBERT: Objection to the form.  
 7 A. Whether the documents are responsive  
 8 to the request.  
 9 Q. Anything else?  
 10 MS. GILBERT: Objection.  
 11 A. Whether or not there is any  
 12 privileged material.  
 13 Q. Anything else?  
 14 MS. GILBERT: Same objection.  
 15 A. Nothing else that I recall at the  
 16 moment.  
 17 Q. Have you ever been involved in a case  
 18 where a document inspection occurred at a  
 19 client's business?  
 20 MS. GILBERT: Objection to the form.  
 21 A. I don't recall.  
 22 Q. Is it your custom and practice in a  
 23 situation where documents are reviewed at a  
 24 client's business by the other side in  
 25 litigation for you to be present for that



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1 C. Rosada  
 2 inspection?  
 3 MS. GILBERT: Objection to the form.  
 4 A. It would depend on the particulars of  
 5 the matter.  
 6 Q. What particulars would warrant your  
 7 participation?  
 8 MS. GILBERT: Objection to the form.  
 9 A. The size of the discovery, the  
 10 location of the client, what the client's  
 11 desires were.  
 12 Q. The size, explain that for me.  
 13 MS. GILBERT: Objection to the form.  
 14 A. How voluminous the production was or  
 15 wasn't.  
 16 Q. If it is voluminous, would you want  
 17 to be present?  
 18 MS. GILBERT: Objection to the form.  
 19 A. I don't know, but that would be a  
 20 consideration.  
 21 Q. And when you said the location of the  
 22 client, what does that have to do with it?  
 23 MS. GILBERT: Objection to the form.  
 24 A. Whether the client would be willing  
 25 to incur the cost of me going to wherever he

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1 C. Rosada  
 2 or she is.  
 3 Q. Assuming that would be?  
 4 MS. GILBERT: Objection to the form.  
 5 A. That would be one of the factors we  
 6 consider.  
 7 Q. If they were willing to have you  
 8 present, I take it you would be present?  
 9 MS. GILBERT: Objection to the form.  
 10 That's not what he said.  
 11 A. How many times am I going to tell you  
 12 that it's the totally of the circumstances.  
 13 It depends on the facts of a particular  
 14 matter. I don't know how to answer any other  
 15 way.  
 16 Q. If a client didn't want you to be  
 17 present, what steps would you take with  
 18 respect to a document inspection or client  
 19 documents being reviewed by the other counsel?  
 20 MS. GILBERT: Objection to the form.  
 21 A. It would depend on the particulars of  
 22 the matter.  
 23 Q. Would you advise them as to how to  
 24 handle inspection or production of documents  
 25 for inspection?

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1 C. Rosada  
 2 MS. GILBERT: Objection to the form.  
 3 A. It would depend on the particulars of  
 4 the matter.  
 5 Q. Would you provide advice to them as  
 6 to how that is to be handled?  
 7 MS. GILBERT: Objection to the form.  
 8 A. It would depend on the particulars of  
 9 the matter.  
 10 Q. What particulars?  
 11 MS. GILBERT: Objection.  
 12 A. Do they have other counsel, how  
 13 extensive the production was, how meritorious  
 14 other case was, what is at issue. There are  
 15 so many different facts that would go into it.  
 16 It is not a one size fits all philosophy.  
 17 Q. So are you telling me then that  
 18 whether or not you advise a client about a  
 19 particular inspection would depend on the  
 20 factors that you have just indicated?  
 21 MS. GILBERT: Objection to the form.  
 22 A. Amongst others.  
 23 Q. What are the others?  
 24 MS. GILBERT: Objection to the form.  
 25 A. I don't know.

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1 C. Rosada  
 2 Q. Let me ask you, can you envision a  
 3 situation where you would allow a substantial  
 4 number of documents, say 30,000 documents or  
 5 more, to be inspected at your client's place  
 6 of business by the other side where you would  
 7 not be present?  
 8 MS. GILBERT: Objection to the form.  
 9 A. It would depend on the particulars of  
 10 the matter.  
 11 Q. I asked you to envision where you  
 12 wouldn't want to be present.  
 13 MS. GILBERT: Objection to the form.  
 14 A. I understand what you said. I gave  
 15 you the answer.  
 16 Q. All right. Would you instruct your  
 17 client to not produce documents or not allow  
 18 the other side to take the documents that were  
 19 inspected if you were not there?  
 20 MS. GILBERT: Objection to the form.  
 21 A. It would depend on the particulars of  
 22 the matter what my instructions would be.  
 23 Q. Have you ever turned over documents  
 24 to the other side in a litigation without  
 25 reviewing them?



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1 C. Rosada  
 2 MS. GILBERT: Objection to the form.  
 3 A. Not that I recall.  
 4 Q. I want you to assume that your client  
 5 told you they did not want to pay for you to  
 6 be there for this document production. I want  
 7 you to assume that they did not have other  
 8 counsel working on the matter. I want you to  
 9 assume that the client was looking to you or  
 10 your firm or whoever is handling the matter on  
 11 your behalf with respect to how a document  
 12 production or inspection at their place of  
 13 business by other side was to be handled, what  
 14 would you do, what steps would you take?  
 15 MS. GILBERT: Objection to the form.  
 16 A. It would depend on the particulars of  
 17 the matter.  
 18 Q. What advice would you give?  
 19 MS. GILBERT: Objection to the form.  
 20 A. It would depend on the particulars of  
 21 the matter.  
 22 Q. What particulars of the matter would  
 23 guide your advice?  
 24 MS. GILBERT: Objection to the form.  
 25 A. There are a myriad of factors.

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1 C. Rosada  
 2 Q. What are the factors?  
 3 MS. GILBERT: Objection to the form.  
 4 A. You keep asking me the same question  
 5 over and over and over, and you are going to  
 6 get the same answer.  
 7 Q. Okay.  
 8 Do you have any idea in this case  
 9 what was reviewed by counsel for the other  
 10 side in the document production at issue in  
 11 this case in August of 2003?  
 12 MS. GILBERT: Objection to the form.  
 13 A. No.  
 14 Q. Do you have any knowledge as to  
 15 whether there was any recording or  
 16 inventoring of what was reviewed by the other  
 17 side?  
 18 MS. GILBERT: Objection to the form.  
 19 A. No.  
 20 (NY Law Journal Article was  
 21 marked as Plaintiffs' Exhibit 5  
 22 for identification.)  
 23 Q. Mr. Rosada, I am going to show you  
 24 what I have marked as Plaintiffs' Exhibit 5.  
 25 MS. GILBERT: Do you have a copy?

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1 C. Rosada  
 2 MR. EMRICH: Sure (handing).  
 3 Q. Have you ever seen that document  
 4 before?  
 5 A. Not that I recall.  
 6 Q. Do you know what it is?  
 7 A. It's an article.  
 8 Q. Where does that article appear?  
 9 A. I have no idea.  
 10 Q. Does it say on the article where it  
 11 appears?  
 12 A. There is a name on it. I don't know  
 13 where it appeared.  
 14 Q. What is the name?  
 15 A. Are you going to ask me to read the  
 16 New York Law Journal?  
 17 Q. Is the New York Law Journal an  
 18 authoritative publication?  
 19 MS. GILBERT: Objection to the form.  
 20 A. I have no idea.  
 21 Q. If I were to tell you that that  
 22 document was provided by your law firm in  
 23 response to a document production that we sent  
 24 to your firm, do you have any idea or  
 25 explanation why it would be in the file?

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1 C. Rosada  
 2 MS. GILBERT: Objection to the form.  
 3 A. No.  
 4 Q. I am going to read a statement to you  
 5 and I am going to ask you if you agree with it  
 6 from this document.  
 7 Would you agree with me that the  
 8 document is entitled, "Spoliation of Evidence:  
 9 Attorneys Beware," correct?  
 10 MS. GILBERT: Objection to the form.  
 11 A. That's what it looks like.  
 12 Q. Do you know Edward Spiro?  
 13 A. No.  
 14 Q. Do you have any idea who he is?  
 15 A. The answer would still be no.  
 16 Q. Do you know of the law firm Morvillo  
 17 Abramowitz Grand Iason & Silberberg?  
 18 A. No.  
 19 Q. Have you ever read his publication,  
 20 "Civil Practice in the Southern District of  
 21 New York, Second Edition"?  
 22 MS. GILBERT: Objection to the form.  
 23 A. Not that I recall.  
 24 Q. Is the Southern District of New York  
 25 where this particular litigation was pending?



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1 C. Rosada

2 A. Are you talking about the Thomas

3 matter?

4 Q. Yes.

5 A. Yes.

6 Q. I will read this statement to you,

7 "This standard places a heavy burden" --

8 MS. GILBERT: Sorry to interrupt,

9 but where you are reading from?

10 MR. EMRICH: I am reading from the

11 second paragraph in the right-hand column

12 of the article on the first page of the

13 article.

14 Q. "This standard places a heavy burden

15 on potential litigants to identify and

16 preserve potentially relevant documents at the

17 earliest sign that litigation is likely."

18 Would you agree with that statement?

19 MS. GILBERT: Objection to the form.

20 A. Are you trying to ask me to comment

21 on a line taken out of context in an article

22 I've never read or seen before?

23 I want to make sure I understand the

24 question.

25 Q. Yes, I am asking would you agree with

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1 C. Rosada

2 that?

3 MS. GILBERT: Objection to the form.

4 A. I guess on the most general level, I

5 would say yes.

6 Q. "Companies that have document

7 retention destruction policies must ensure

8 that documents which would be destroyed in the

9 ordinary course of business are retained and

10 careful attention must be paid to preserving

11 electronic evidence, including e-mails and

12 other information stored on backup tapes."

13 Would you agree with that statement?

14 MS. GILBERT: Objection to the form.

15 You can answer.

16 A. I don't know how I would answer that.

17 Q. So no agreement or disagreement?

18 A. Yes, I don't know how I would answer

19 that question.

20 Q. Would you agree with this statement,

21 "It is not sufficient for an attorney merely

22 to inform his or her client of the duty to

23 preserve evidence"?

24 MS. GILBERT: Objection to the form.

25 A. No.

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1 C. Rosada

2 Q. You would not agree with that?

3 A. No.

4 Q. Okay.

5 Q. When did you put your insurance

6 carrier on notice of the claim in this case?

7 MS. GILBERT: Objection to the form.

8 A. I don't recall.

9 Q. Would you have been the one that did

10 that?

11 A. I don't recall.

12 Q. Did you ever discuss with

13 Mr. Meiresonne the possibility that your firm

14 had a conflict of interest after the

15 spoliation motion had been filed?

16 MS. GILBERT: Objection to the form.

17 A. Not that I recall.

18 Q. Did you ever have this discussion

19 with him at any time?

20 MS. GILBERT: Objection to the form.

21 A. Not that I recall.

22 Q. Could you envision any circumstance

23 arising that would have prevented your firm

24 from continuing with the matter after that

25 spoliation motion was filed based on a

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1 C. Rosada

2 conflict of interest?

3 MS. GILBERT: Objection to the form.

4 If you understand, you can answer.

5 A. I don't know how to answer that

6 question.

7 Q. I may have asked you this, but did

8 you review the transcript of the hearing in

9 this case?

10 A. Not that I recall.

11 Q. Did you ever ask Mr. Miller if the

12 court asked him at the hearing whether or not

13 he was aware that documents had been destroyed

14 by Mr. Meiresonne?

15 MS. GILBERT: Objection to the form.

16 A. Not that I recall.

17 Q. Did Mr. Miller ever tell you that he

18 had told the court that he was never not aware

19 of documents having been destroyed?

20 MS. GILBERT: Objection to the form.

21 A. I don't understand the question.

22 Can you repeat it?

23 (Record read.)

24 Q. That he was not aware of documents

25 having been destroyed.



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1 C. Rosada  
 2 A. I don't recall.  
 3 Q. You brought with you a folder today?  
 4 A. Yes.  
 5 Q. What is in that folder?  
 6 A. Some client documents.  
 7 Q. So it doesn't have anything to do  
 8 with this case?  
 9 A. Nothing.  
 10 MR. EMRICH: Why don't we take a  
 11 recess and you can get the e-mails that we  
 12 talked about and I will review my notes  
 13 and we can decide where we are going.  
 14 (Recess taken.)  
 15 (E-mails were marked as  
 16 Plaintiffs' Exhibit 6 for  
 17 identification.)  
 18 MR. EMRICH: Mr. Rosada, we are  
 19 going back on record for just a couple  
 20 more questions.  
 21 Q. Mr. Rosada, I am going to show you  
 22 what we have marked as Exhibit 6. Your  
 23 counsel provided those to me and indicated to  
 24 me that those are copies of the e-mails that  
 25 you would have reviewed prior to today's

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1 C. Rosada  
 2 deposition; is that correct?  
 3 A. It appears to be, yes.  
 4 Q. And just so I am clear, you don't  
 5 recall reviewing any other e-mails prior to  
 6 today for any purpose whatsoever?  
 7 MS. GILBERT: Objection to the form.  
 8 A. I'm sorry, say that again?  
 9 Q. Have you reviewed any other e-mails  
 10 prior to today specifically with regard to  
 11 this particular matter?  
 12 A. No.  
 13 Q. Other than what you have in front of  
 14 you?  
 15 A. Yes. Just what I have in front of  
 16 me, correct.  
 17 Q. I pulled out one e-mail in there  
 18 where there is an e-mail Mike had sent to your  
 19 predecessor law firm indicating in that e-mail  
 20 this person was to communicate with you at  
 21 516-294-5301.  
 22 Was that your phone number back then?  
 23 A. We had a series of phone numbers.  
 24 MS. GILBERT: Can you identify that  
 25 document?

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1 C. Rosada  
 2 MR. EMRICH: I sure will. It is  
 3 part of a chain of e-mails. It looks like  
 4 it is dated --  
 5 THE WITNESS: It is impossible to  
 6 tell, but the top date is February 12,  
 7 2003.  
 8 BY EMRICH:  
 9 Q. On the other side of that it  
 10 indicates Mike is telling this other lawyer  
 11 that you are to be the lead attorney on the  
 12 file when it comes over to your firm.  
 13 Do you see that in that e-mail?  
 14 A. I do.  
 15 Q. Would that describe your role in this  
 16 case?  
 17 MS. GILBERT: Objection to the form.  
 18 A. The answer is no.  
 19 Q. Fine.  
 20 Now, with respect to the invoices  
 21 that we have looked at, are you able -- in  
 22 looking at those, can you tell me how much  
 23 Mike would have paid your law firm in, let's  
 24 say, 2003?  
 25 A. Not easily. I would have to go back

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1 C. Rosada  
 2 and -- I don't know if it was done other than  
 3 on an annual basis. I can do it by the  
 4 computer.  
 5 Q. You couldn't do it by looking at the  
 6 bills.  
 7 Let's try this: Do those bills  
 8 indicate or confirm a payment of \$25,000 made  
 9 on February 6, 2003?  
 10 MS. GILBERT: Objection to the form.  
 11 A. I don't know.  
 12 MS. GILBERT: Are you asking him to  
 13 look through the document?  
 14 MR. EMRICH: Yes, I did.  
 15 A. I don't know.  
 16 Q. How about on August 13, 2003 a  
 17 payment of \$25,000?  
 18 MS. GILBERT: Objection to the form.  
 19 A. I don't know if they have the dates  
 20 of payment on them.  
 21 Q. How about October 31, 2003, do they  
 22 reflect a payment of \$100,000?  
 23 MS. GILBERT: Objection to the form.  
 24 A. Certainly the payments would not have  
 25 been payments on account of the bill. Mike



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1 C. Rosada  
 2 was having retainers for some reason.  
 3 Q. You certainly keep track of those?  
 4 A. Correct.  
 5 Q. They are kept track on the bills to  
 6 show him what his account balance is, retainer  
 7 balance is?  
 8 A. Right.  
 9 Q. Do they show that?  
 10 A. There are balances the retainer  
 11 showed.  
 12 Q. Consistent with the numbers that I  
 13 have given you?  
 14 A. I don't know. I can't tie it into  
 15 the numbers you gave me.  
 16 Q. Do the bills in front of you reflect  
 17 a payment \$50,000 made on December 15, 2003?  
 18 MS. GILBERT: Objection to the form.  
 19 A. Again, it wouldn't have been a  
 20 payment on a particular bill. Mike was paying  
 21 advance retainers.  
 22 Q. So how can I find out, if I can't  
 23 look at your bills, how much you would have  
 24 billed Mike for your firm's services?  
 25 MS. GILBERT: Objection to the form.

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1 C. Rosada  
 2 A. You can certainly see how much we  
 3 billed him.  
 4 Q. By looking at those documents?  
 5 A. Yes.  
 6 Q. Can you tell us what you billed?  
 7 MS. GILBERT: Objection to the form.  
 8 A. You want me to go bill by bill?  
 9 Q. However you want to do it. Just tell  
 10 me.  
 11 A. On the bill on April 2, 2004 we  
 12 billed him \$95,125 in legal fees --  
 13 Q. Is that your first bill?  
 14 A. You keep interrupting me.  
 15 Q. I'm sorry.  
 16 A. -- and \$6,248 in disbursements. I  
 17 don't know what my first bill was or wasn't.  
 18 MR. MEIRESONNE: Off the record.  
 19 (Discussion held off the record.)  
 20 A. All I know is these are bills we had  
 21 we produced in discovery.  
 22 Q. Looking at those bills again, can you  
 23 tell me coming back what each bill and what  
 24 you billed reflects?  
 25 A. The summary page is in front and the

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1 C. Rosada  
 2 time charges are in back.  
 3 Q. Tick off what each bill provides.  
 4 MS. GILBERT: What are asking,  
 5 total?  
 6 BY MR. EMRICH:  
 7 Q. Read the amounts billed in a  
 8 particular bill.  
 9 A. On April 2, 2004 billed \$95,125.  
 10 Q. Does it say the period that included?  
 11 A. It tells when it's through, March 31,  
 12 2004. The first time charges on that one is  
 13 August 4, 2003..  
 14 Q. Okay?  
 15 A. The next one --  
 16 Q. Before you go to the next one, I take  
 17 it then there wouldn't have been monthly bills  
 18 from August of 2003 to April 2004?  
 19 MS. GILBERT: Objection to the form.  
 20 A. I don't recall.  
 21 Q. Okay.  
 22 A. The next bill -- I mean, these bills  
 23 are not sequential. They are not in time  
 24 order. But there is, I think, an overall bill  
 25 from the inception of the litigation that we

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1 C. Rosada  
 2 did some kind of aggregate to Mike at his  
 3 request apparently.  
 4 Q. What is the date of that?  
 5 A. April 12, 2007.  
 6 Q. What does it say?  
 7 MS. GILBERT: Identify the Bates  
 8 number.  
 9 A. 00022, April 12, 2007, it says total  
 10 amount remitted to Miller Rosado & Algios.  
 11 Those would have been monies that he put into  
 12 escrow with us, advance retainers. We put it  
 13 into an interest bearing account, and interest  
 14 accrued on it.  
 15 And we refunded part of the retainer  
 16 to him in the amount of 200,000, and the fees  
 17 and expenses that were billed through March  
 18 31, 2006, \$201,605.50.  
 19 Q. You say you refunded \$200,000 to him?  
 20 A. That's what I said.  
 21 Q. I am just asking you.  
 22 A. And I am just answering you.  
 23 Q. I know you are.  
 24 After that, were there additional  
 25 bills?



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1 C. Rosada  
 2 MS. GILBERT: After April 12, 2007?  
 3 MR. EMRICH: Yes.  
 4 A. That's the summary statement. The  
 5 bill on April 12th talks about the current  
 6 balance of retainer 54,000, a bill of  
 7 53,462.50 for legal fees.  
 8 MS. GILBERT: What's the Bates  
 9 number?  
 10 THE WITNESS: 23.  
 11 BY MR. EMRICH:  
 12 Q. Would that be in addition or over and  
 13 above the \$201,000 you referenced?  
 14 A. Yes.  
 15 Q. What was that amount again?  
 16 A. 54,787.75 -- I'm sorry, that was the  
 17 balance of the retainer. It was 53,462.50 and  
 18 \$347.46 for disbursements.  
 19 Q. Thank you.  
 20 Any other bills after that point?  
 21 A. After April 12, 2007?  
 22 Q. Yes.  
 23 A. No, the other bills are prior to.  
 24 Q. I'm sorry, they are not in sequential  
 25 order. If you would just go through them.

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1 C. Rosada  
 2 A. There is a June 4, 2007 bill.  
 3 Q. That would have been before the  
 4 August bill?  
 5 A. That would have been after. The last  
 6 bill that we just talked about was April.  
 7 This would have been after.  
 8 Q. All right.  
 9 A. \$10,687.50 in legal feels and \$948 in  
 10 disbursements, Bates number 37.  
 11 There was a July bill showing a  
 12 previous balance and then legal fees of  
 13 \$9,625. And that's it.  
 14 Q. Okay.  
 15 MS. GILBERT: That's Miller 41?  
 16 MR. EMRICH: Yes.  
 17 BY MR. EMRICH:  
 18 Q. Anything after that?  
 19 A. There is an August bill showing a  
 20 prior balance and then legal fees of  
 21 \$1,187.50.  
 22 There is an October 1st bill showing  
 23 legal fees of \$125.  
 24 It is out of sequence, September 4,  
 25 2007, legal fees of \$2,000.

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1 C. Rosada  
 2 And there are time sheets in back.  
 3 Q. So if my math is it correct, I have  
 4 somewhere in the neighborhood of \$278,000 in  
 5 legal fees billed; is that correct?  
 6 A. I didn't do the math.  
 7 MS. GILBERT: Objection.  
 8 Q. Okay, you can back to the record and  
 9 look at it later.  
 10 MR. EMRICH: Mark that, please.  
 11 (Bill was marked as  
 12 Plaintiffs' Exhibit 7 for  
 13 identification.)  
 14 Q. I am going to show you what we have  
 15 marked Exhibit 7?  
 16 MS. GILBERT: We will have to make a  
 17 copy for you.  
 18 Q. Take a look at that, Mr. Rosada.  
 19 (Witness complies.)  
 20 Q. What date is on that bill or what is  
 21 it?  
 22 MS. GILBERT: Objection to the form.  
 23 Q. What is it?  
 24 A. It's a bill.  
 25 Q. And the date of bill?

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1 C. Rosada  
 2 MS. GILBERT: Objection to form.  
 3 A. August 18, 2003.  
 4 Q. What period does it cover?  
 5 MS. GILBERT: Objection to the form.  
 6 A. January 27, 2003 through July 31,  
 7 2003.  
 8 Q. Would that be your initial bill?  
 9 MS. GILBERT: Objection to the form.  
 10 A. I don't recall.  
 11 Q. How much did you bill for legal  
 12 services in that bill?  
 13 A. My firm billed \$24,187.50 in legal  
 14 fees and \$62 in disbursements.  
 15 Q. Thank you.  
 16 Do you know when your firm's services  
 17 were terminated in this case?  
 18 A. No, I don't recall.  
 19 Q. Just so I am clear and understanding  
 20 what your arrangement was in your firm, you  
 21 would have received 25 percent of any of those  
 22 amounts that were billed?  
 23 MS. GILBERT: Objection to the form.  
 24 A. Not for disbursements.  
 25 Q. 25 percent of the legal services



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1 C. Rosada  
 2 billed; is that correct?  
 3 MS. GILBERT: Objection to the form.  
 4 A. Yes.  
 5 Q. We talked a little bit about your  
 6 backup system at your firm for your electronic  
 7 e-mails that we talked about and some other  
 8 things that you back up.  
 9 Do you preserve the disks that are  
 10 backed up in any kind archive?  
 11 MS. GILBERT: Objection to the form.  
 12 A. I don't know what disks you are  
 13 talking about.  
 14 Q. Any backup disks.  
 15 Do you back up information on to a  
 16 disk?  
 17 MS. GILBERT: Objection to the form.  
 18 A. I don't know.  
 19 MR. MEIRESONNE: Off the record.  
 20 (Discussion held off the record.)  
 21 Q. Do you back up your hard drive on  
 22 disks at your firm?  
 23 MS. GILBERT: Objection to the form.  
 24 A. I don't know how the backup is done.  
 25 Q. Is that something done by the IT

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1 C. Rosada  
 2 person?  
 3 MS. GILBERT: Objection to the form.  
 4 A. I believe he is the one that set it  
 5 up.  
 6 Q. Do you archive any of the backup  
 7 information?  
 8 MS. GILBERT: Objection to the form.  
 9 A. I don't understand your question.  
 10 Q. Do you put it in any kind of an  
 11 archive? Do you catalog it? Do you save it  
 12 in any kind of repository after it is backed  
 13 up?  
 14 MS. GILBERT: Objection to the form.  
 15 Q. Is that a matter of firm's policy?  
 16 MS. GILBERT: Objection to the form.  
 17 A. I still don't understand your  
 18 question.  
 19 Q. What do you do with the backup?  
 20 A. I don't understand how this thing is  
 21 backed up. I know we have a backup server.  
 22 What happens after that, I am not aware of  
 23 exactly the procedure.  
 24 Q. Let's ask this: If someone asked  
 25 you to produce certain information from a

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1 C. Rosada  
 2 particular time frame, let's say 2007, from  
 3 January 1st to December 31, 2007, from your  
 4 computer system, from the information  
 5 backed up, what do you do to obtain it?  
 6 MS. GILBERT: Objection to the form.  
 7 A. I would ask my IT guy.  
 8 Q. You don't know how it is kept or  
 9 recorded?  
 10 A. I don't know how it is done  
 11 physically.  
 12 Q. That's fair.  
 13 I think I asked this before, I  
 14 apologize if I did, but do you know how many  
 15 documents were removed from Mr. Meiresonne's  
 16 business by plaintiffs' counsel in August of  
 17 2003 when they inspected the documents?  
 18 MS. GILBERT: Objection to the form.  
 19 A. No.  
 20 Q. Mr. Rosada, I just have a couple last  
 21 questions.  
 22 As you sit here today knowing what  
 23 you know and looking at what you have looked  
 24 at, do you believe that your firm committed  
 25 any departure from the standard of care in any

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1 C. Rosada  
 2 aspect with any aspect of the handling of that  
 3 particular matter on behalf of Mr. Meiresonne  
 4 or IQS?  
 5 MS. GILBERT: Objection to the form.  
 6 A. No.  
 7 Q. How about the same question with  
 8 regard to yourself?  
 9 MS. GILBERT: Objection to the form.  
 10 A. No.  
 11 Q. How about the same question with  
 12 regard to Mr. Miller?  
 13 MS. GILBERT: Objection to the form.  
 14 A. No.  
 15 (Continued on next page to include  
 16 signature and jurat.)  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25



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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>161</p> <p>1</p> <p>2 Q. So you don't believe you have any</p> <p>3 liability or responsibility for what happened</p> <p>4 to Mr. Meiresonne?</p> <p>5 MS. GILBERT: Objection to the form.</p> <p>6 A. No.</p> <p>7 MR. EMRICH: Thank you.</p> <p>8 That's it.</p> <p>9 (Time noted: 2:15 p.m.)</p> <p>10</p> <p>11</p> <p>12 CHRISTOPHER ROSADA</p> <p>13</p> <p>14</p> <p>15</p> <p>16 Subscribed and sworn to</p> <p>17 before me this day</p> <p>18 of , 2011</p> <p>19</p> <p>20 Notary Public</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>163</p> <p>1</p> <p>2</p> <p>3 CERTIFICATION</p> <p>4</p> <p>5 I, MARGARET EUSTACE, a Shorthand</p> <p>6 Reporter and notary public, within and for the</p> <p>7 State of New York, do hereby certify:</p> <p>8 That CHRISTOPHER ROSADA, the</p> <p>9 witness whose examination is hereinbefore set</p> <p>10 forth, was first duly sworn by me, and that</p> <p>11 transcript of said testimony is a true record</p> <p>12 of the testimony given by said witness.</p> <p>13 I further certify that I am not</p> <p>14 related to any of the parties to this action</p> <p>15 by blood or marriage, and that I am in no way</p> <p>16 interested in the outcome of this matter.</p> <p>17</p> <p>18 IN WITNESS WHEREOF, I have</p> <p>19 hereunto set my hand this day of</p> <p>20 , 2011.</p> <p>21</p> <p>22</p> <p>23 MARGARET EUSTACE</p> <p>24</p> <p>25</p> |
| <p>162</p> <p>1</p> <p>2 INDEX</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 C. Rosada Mr. Emrich 4</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 PLAINTIFFS' DESCRIPTION PAGE</p> <p>8 1</p> <p>9 (Premarked) January 28, 2003</p> <p>10 letter 4</p> <p>11 2</p> <p>12 (Premarked) E-mail chain 4</p> <p>13 3</p> <p>14 (Premarked) Neil Miller's</p> <p>15 time records 4</p> <p>16 4</p> <p>17 (Premarked) Invoices 4</p> <p>18 5</p> <p>19 NY Law Journal</p> <p>20 Article 138</p> <p>21 6</p> <p>22 E-mails 145</p> <p>23 7</p> <p>24 Bill 155</p> <p>25</p>    | <p>164</p> <p>1 Deposition Errata Sheet</p> <p>2 DECLARATION UNDER PENALTY OF PERJURY</p> <p>3</p> <p>4 I declare under penalty of perjury</p> <p>5 that I have read the entire transcript of my</p> <p>6 Deposition taken in the captioned matter or</p> <p>7 the same has been read to me, and the same is</p> <p>8 true and accurate, save and except for changes</p> <p>9 and/or corrections, if any, as indicated by me</p> <p>10 on the DEPOSITION ERRATA SHEET hereof, with</p> <p>11 the understanding that I offer these changes</p> <p>12 as if still under oath.</p> <p>13</p> <p>14 CHRISTOPHER ROSADA</p> <p>15 Subscribed and sworn to on the ____ day of</p> <p>16 _____, 20 ____ before me.</p> <p>17</p> <p>18 Notary Public,</p> <p>19 in and for the State of</p> <p>20 _____.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                |



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| <p>1 Deposition Errata Sheet</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 _____</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 CHRISTOPHER ROSADA</p> | 165 |  |
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