

IN THE CIRCUIT COURT OF THE  
SIXTH JUDICIAL CIRCUIT OF THE  
STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO. 23-02935CF

TOMASZ KOSOWSKI,

Defendant.

\_\_\_\_\_/

VIRTUAL DEPOSITION OF JAKE PILLSBURY, ESQUIRE

DATE: May 9th, 2024

TIME: 1:21 p.m.

PLACE: Various Remote Locations  
Via Zoom Video Communications

REPORTER: KIMBERLY L. RENFROE, RPR

VIRTUAL  
APPEARANCES:

NATHAN T. VONDERHEIDE, ESQUIRE  
ALEXANDRA G. SPADARO, ESQUIRE  
Assistant State Attorney  
Post Office Box 17500  
Clearwater, Florida 33762  
For the State

BJORN E. BRUNVAND, ESQUIRE  
Brunvand Wise, P.A.  
615 Turner Street  
Clearwater, Florida 33756  
For the Defendant

AMANDA POWERS SELLERS, ESQUIRE  
Amanda Powers Sellers, P.A.  
6344 Roosevelt Boulevard  
Clearwater, Florida 33760  
For the Defendant

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## 1 DEPOSITION IN DISCOVERY

2 JAKE PILLSBURY, ESQUIRE

3 Pursuant to notice duly given, the virtual  
4 deposition of JAKE PILLSBURY, ESQUIRE, called by the  
5 Defendant in the above-styled cause, was taken by me, a  
6 Notary Public in and for the State of Florida at Large,  
7 at the time and place and in the virtual presence of  
8 counsel enumerated on Page 2 hereof.

9 Thereupon, it was stipulated and agreed by and  
10 between the attorneys for the respective parties, by and  
11 with the consent of the said JAKE PILLSBURY, ESQUIRE,  
12 that signature to the said deposition be waived.

13 THE COURT REPORTER: Would you raise your  
14 right hand for me, please?

15 Do you swear or affirm that the testimony  
16 you're about to give in this cause will be the  
17 truth, so help you God?

18 THE WITNESS: I do.

19 THE COURT REPORTER: Thank you.

20 JAKE PILLSBURY, ESQUIRE, having been first duly  
21 sworn via Zoom Video Communications, upon interrogation  
22 in discovery, testified as follows:

## 23 DIRECT EXAMINATION

24 BY MR. BRUNVAND:

25 Q. My name is Bjorn Brunvand, along with Amanda

1 Sellers, and also Nathan Vonderheide is present for the  
2 State. We're here on the State of Florida versus Tomasz  
3 Kosowski.

4 If you could please state your name?

5 A. Sure. My name is Jacob Pillsbury.

6 Q. And Mr. Pillsbury, you are a practicing  
7 attorney?

8 A. Yes.

9 Q. And how long have you been a member of the  
10 Florida Bar?

11 A. Just under 12 years.

12 Q. Okay. And do you currently have your own  
13 practice?

14 A. Yes, I have a solo firm, small firm.

15 Q. Okay. And -- and what kind of cases do you  
16 handle?

17 A. I handle primarily criminal defense and family  
18 law matters. I'd say right now it's probably about  
19 65/35 in favor of criminal defense.

20 Q. Okay. All right. And how did you get  
21 involved in the matter of Tomasz Kosowski versus Dunedin  
22 Surgical Consultants LLC, et al.?

23 A. I was contacted by Ms. Friend's former  
24 counsel, Andrew Hill, who was a former attorney who had  
25 previously represented her in the case. I knew him from

1 law school. He asked me for -- to help her prepare for  
2 a deposition that Mr. Koso -- or Dr. Kosowski was  
3 taking.

4 Q. Okay. And when was that?

5 A. They con -- they contacted me in either March  
6 or April of -- I think it was April of 2022.

7 Q. Okay.

8 A. Sounds right to me. I -- they contacted me,  
9 like, very soon before the deposition was scheduled to  
10 happen. Like, it was very, very short term.

11 Q. And were you then retained to represent the --  
12 Jennifer Friend?

13 A. On a temporary basis. I was hesitant to get  
14 involved in the case from the beginning because it's a  
15 civil matter, it's not some -- I mean, I've done plenty  
16 of civil matters in my career, this was not the type of  
17 case that I had worked before but eventually I agreed to  
18 represent her for the purpose of the deposition only.

19 Q. Okay.

20 A. And that deposition was scheduled April 18th,  
21 I believe, of that year.

22 Q. Of 2022?

23 A. Correct.

24 Q. All right. And -- and so who was present for  
25 that deposition?

1           A.     So Ms. Friend was being deposed; I was there  
2     on her behalf. Steven Cozzi was present; he was the  
3     defense attorney for all of the defendants that were not  
4     Ms. Friend; so Dunedin Surgical Consults, Erel Laufer,  
5     Brian Wolstein; all of the other named defendants in  
6     that case he was representing. And then Kosowski was  
7     representing himself so he was conducting the  
8     examination.

9           Q.     All right. And was this done via Zoom or in  
10    person?

11          A.     No, it was in person. It was in New Port  
12    Richey.

13          Q.     All right. And whose office was it in?

14          A.     I think it's like call -- I think it's called  
15    like Executive Suites. It's a -- it's a -- it's like a  
16    court reporter's, like, office building where civil  
17    depos are done right there by the New Port Richey  
18    Courthouse on Government.

19          Q.     Okay. All right.

20          And so that -- that's the first time you meet Tom  
21    Kosowski?

22          A.     Yeah.

23          Q.     And so tell me about -- tell me about that,  
24    what -- what was his demeanor like?

25          A.     I mean, I -- I don't recall his demeanor when

1 I arrived. Because Tom -- he's a different person in  
2 different scenarios. You know, he -- you know, but I --  
3 I don't recall much about him when I arrived. I think I  
4 may have been the last one there because it's so far for  
5 me. And I just remember the depo being a mess. You  
6 know, he's not an attorney, he doesn't know how to ask  
7 good questions. So he was pretty aggressive throughout  
8 the thing. He obviously hated my client, that was  
9 pretty clear. And he was, you know -- he was pretty --  
10 pretty unpleasant to be in the same room as that day.

11 Q. Okay. And -- and so you said -- I think -- I  
12 think you said something like he can -- he could be very  
13 different from one occasion to the next; what did you  
14 mean by that?

15 A. So, like, I -- he -- I think he's good at  
16 like -- I think he's good at putting on, like, a -- you  
17 know, like a kind face in certain scenarios.

18 Q. Okay.

19 A. But anytime he was actively doing any work on  
20 the case itself he was kind of a terror.

21 Q. Okay. So when -- when -- when -- when the --  
22 when the whole thing first starts, when everyone shows  
23 up, normally you exchange pleasantries and then greet  
24 each other; did that happen in -- on this particular  
25 day?



1           A.    It may have.  It -- I don't see any -- I don't  
2   have any reason to believe it didn't --

3           Q.    Okay.

4           A.    -- because I didn't register him being  
5   difficult until the deposition was in -- is actually  
6   happening.

7           Q.    Okay.

8           A.    And then there was just a flurry of -- it was  
9   just constantly having to object because of the way  
10   questions were being asked because they were being  
11   reasked over and over.

12          Q.    Okay.

13          A.    And it was just -- it kind -- it kind of  
14   devolved over the course of the -- of the depo.  And it  
15   lasted forever.  It lasted so long.

16          Q.    Okay.  How long did it last?

17          A.    I can't recall exactly.  I remember it was  
18   much longer than I expected because I had -- what I  
19   had -- I remember thinking I had -- had not charged  
20   enough --

21          Q.    Okay.

22          A.    -- to do the job.

23          Q.    All right.  But you don't remember if it was a  
24   half day, a full day?

25          A.    It wasn't a full day; it was -- it was at

1 most, a -- a half -- it was several hours. I don't know  
2 if it was three or four hours. It was -- it was long,  
3 though. It was long for the type of deposition.

4 Q. All right.

5 And when you say that he's -- he becomes  
6 aggressive, what -- could you elab -- is -- is -- is it  
7 apparent from reading the transcript or -- or -- you  
8 know --

9 A. If you ask me, it is, but I was there.

10 Q. Well --

11 A. So, not -- things don't always translate onto  
12 paper the way that they're presented in person. And I  
13 can read the transcript, and I can -- I can see where,  
14 you know, his tone changes, and where he becomes, you  
15 know, angry or frustrated or -- there were also periods  
16 of time where he would ask a question, and then there  
17 would be an answer and then there would be a long delay;  
18 and then he would ask a similar question or the same  
19 question.

20 I don't think that first depo was as bad as later  
21 depos, but I remember at the end of it thinking that was  
22 pretty crazy. I understand why they hired me.

23 Q. Okay.

24 And so -- and -- and -- and -- it appears that  
25 your -- you -- you -- your involvement evolves beyond

1 just being there for that one deposition?

2 A. Yes. They --

3 Q. Okay.

4 A. After the fact, you know, they had discussed  
5 possibly bringing me on as a full representative. I was  
6 hesitant to do that. The reason they hired me for the  
7 depo is because they were worried about Mr. Kosowski's,  
8 you know, history of being aggressive in the case.  
9 According to them, that -- I don't know how aggressive  
10 he was before that day so I -- I can't testify to that  
11 but --

12 Q. When -- when you say --

13 A. -- that's what --

14 Q. -- when you say they?

15 A. Oh. Mr. Hill and my client, Ms. Friend, they  
16 were concerned --

17 Q. Okay.

18 A. -- about it which is why they reached out to  
19 me.

20 Q. Okay.

21 A. And then -- they had --

22 Q. Mr. -- Mr. Hill, was he -- was he still  
23 practicing or not practicing?

24 A. No. He had been disbarred.

25 Q. Okay. But he was still assisting sort of as a

1     paralegal or --

2           A.     No.  He never assisted me in the case.  I  
3     think -- I think that, you know, they had a personal  
4     relationship.

5           Q.     Okay.

6           A.     And so he had asked me to help her at that  
7     level.

8           Q.     All right.

9           A.     I -- he wasn't filing anything in the case.  
10    He had been removed by the Court, I think he -- at least  
11    a year before then, maybe even more than a year before  
12    then.

13          Q.     Removed by the Court in this case?

14          A.     In the civil case, yes.

15          Q.     In the civil case.

16          A.     He -- he was removed following -- once the  
17    Court became aware that he was no longer qualified to  
18    practice law in the state of Florida he was removed by  
19    the Court several months later.  I think the Court  
20    became aware of it -- aware -- aware of his permanent  
21    basis, basically, and then she removed him as a result  
22    of continued in -- non-competent representation, to say  
23    it in a fair way --

24          Q.     Okay.

25          A.     -- you know.

1           So she removed him; he reached out to me, said this  
2 person needed help; I talked to her, found out why she  
3 wanted help; I did the depo; and then a couple months  
4 later they asked me to get involved --

5           Q.    And were you then --

6           A.    -- with this case.

7           Q.    -- retained to -- to be counsel of record at  
8 that point?

9           A.    Yes. That's when she retained me on like a  
10 permanent basis to -- to handle -- I thought the case  
11 was going to arbitration in August of that year, so that  
12 would have been August of --

13          Q.    Twenty-two?

14          A.    -- '22, and I got involved. Once I got  
15 involved I saw the case was a mess and I moved to  
16 continue arbitration based on that and it took me months  
17 to get to a place where I could do really anything on  
18 it.

19          Q.    And -- and what -- did it -- was it a mess in  
20 part because of the previous counsel for --

21          A.    Yes.

22          Q.    -- Jennifer Friend?

23          A.    Yes.

24          Q.    Okay.

25          Did you know Steven Cozzi at -- at -- when you --

1 when you first became involved in this case?

2 A. I met him during this case. Met him --

3 Q. Through --

4 A. -- at Ms. Friend's deposition.

5 Q. Okay.

6 A. I talked to him before that and he --

7 Mr. Cozzi was -- after meeting him, he was actually a  
8 not insignificant reason why I agreed to represent her.

9 Q. Okay. How's that?

10 A. Well, I had -- I had discussed with him  
11 getting involved and he had indicated to me that he  
12 really hoped I would because I think the -- I think  
13 there being two pro se parties on either side of the  
14 case was creating a very difficult litigation for him.

15 Q. Okay.

16 A. Despite the fact that he was, obviously, very  
17 competent.

18 Q. Okay. Despite the fact that who was,  
19 obviously, very competent?

20 A. Steven.

21 Q. Okay. Okay.

22 And did you and -- and -- and Steven develop a  
23 friendship during the time period that you were on the  
24 case?

25 A. I would describe it as a friendship. I liked

1 Steve. We were work colleagues, but, I mean, I would  
2 consider him a friend for sure.

3 Q. Okay. I know prior to the hearing last summer  
4 you had provided Mr. Vonderheide with some text messages  
5 between yourself and Mr. Cozzi.

6 A. Yes. I believe that was the -- I believe that  
7 most of the -- all of the text messages I had exchanged  
8 with him. I believe.

9 Q. Okay. That was going to be -- that was going  
10 to be my question.

11 A. I --

12 Q. Was -- was that all the text messages between  
13 you and Mr. Cozzi?

14 A. I'm fairly certain it is, yes.

15 Q. Okay.

16 If -- if it was not all of them, I mean, would that  
17 be because something had been maybe deleted at some  
18 point or do you believe that nothing has been deleted?

19 A. I don't think anything's been deleted.

20 Q. Okay.

21 A. I don't delete my messages because from time  
22 to time I need to refer back to them for a variety of  
23 reasons, so --

24 Q. Right.

25 A. -- I don't set my messages to delete. I

1 don't -- I don't manually delete my messages. So --

2 Q. Okay.

3 A. -- as far as I know, I provided the State with  
4 every message I sent to him and he --

5 Q. Okay.

6 A. -- sent to me.

7 Q. Can -- can you do us a favor, after this  
8 deposition is done at some point, and it's not urgent,  
9 but if you could just look at what you gave to Nathan  
10 and compare it with what you have and just make sure?

11 A. Oh, I've already done that.

12 Q. Okay.

13 A. Yeah. Everything that's in my phone --  
14 everything that's in my phone has been provided.

15 Q. Perfect. Okay. Very good. All right.

16 Tell me about your impressions of -- of  
17 Steven Kosowski [sic] as the case progressed. You know,  
18 so -- so you first meet him at the deposition of -- of  
19 your client in New Port Richey in April of 2022 or  
20 thereabouts, when is the next time you have contact  
21 with --

22 MS. SELLERS: Bjorn?

23 Q. (By Mr. Brunvand) -- with Dr. Kosowski?

24 A. With Steven or with Tom?

25 Q. I'm sorry. I'm sorry. With -- with -- with



1 Tom Kosowski. Sorry.

2 A. I believe my next contact with -- with Tom  
3 would have been a phone conference. It would have  
4 either been a hearing after I filed in on the case, like  
5 a case management conference or a scheduling conference,  
6 or it would have been one of the phone conferences that  
7 we had with the arbitrator who was assigned at that  
8 time. And his name I do not recall. But we had, I  
9 believe, two or three phone conferences with him between  
10 late July and September. So it would have been one of  
11 those two phone conferences that I next was in the  
12 presence of your -- your client.

13 Q. Okay. And -- and how was he during those  
14 encounters?

15 A. I don't remember how he was during the  
16 conferences with the arbitrator. I think it was  
17 probably some of the same things where he would bring up  
18 issues that were irrelevant to what we were there to  
19 talk about, where he would want to complain about, you  
20 know, past actions of the defendants and -- and things  
21 like that, but I don't recall him specifically during  
22 that. I know during the phone hearings was when he  
23 would make some pretty outlandish claims. He'd  
24 basically misrepresent things to the Court.

25 Q. Such as?

1           A.    Well, he would say he never received any  
2   discovery responses. That was an ongoing theme with  
3   him. He would tell the Court repeatedly, he would  
4   complain about responses to requests for production and  
5   never receiving anything in response to them; which was  
6   just not -- not accurate.

7           Q.    Now, --

8           A.    There were some responses that were never --  
9   like, never -- formal answers to the responses were not  
10  filed but the documents were provided, but when the  
11  Court would ask him to expand on that he would just say  
12  I have received nothing. And he did that often and it  
13  was -- it ended up costing all of -- him, my client,  
14  Steve's clients, it ended up costing them a lot of money  
15  and time for -- for any inaccurate information that he  
16  was providing to the Court. And he would get very,  
17  like, heated and frustrated during those hearings  
18  with -- those telephone hearings with the judge and he  
19  would ask for a lot of things that were not really  
20  appropriate and based on representations that were not  
21  accurate.

22           The details of those phone conversations are kind  
23  of hard to recall. I mean, it's several -- I mean,  
24  we're talking about like 2002 [sic], almost two years  
25  ago, so it's hard to remember the specific details.

1 Q. Did --

2 A. But I remember as those conferences went on  
3 his -- his demeanor would get more and more aggressive  
4 every time.

5 Q. Were -- were those -- were there generally  
6 court reporters present for any of these hear --  
7 hearings?

8 A. I never ordered -- I never ordered a court  
9 reporter for any of the telephonic hearings because they  
10 weren't, you know, substantive, they were all basically  
11 scheduling or discovery issues and, you know, for most  
12 of these I was just appearing on behalf of somebody who  
13 really wasn't being targeted. I was just there as one  
14 of the party's representatives, so I don't re -- I don't  
15 recall there being court reporters on most of these.

16 Q. Okay.

17 A. I have never seen a transcript of any of these  
18 telephone hearings so I'm not aware of -- of them.

19 Q. Were you the one that was producing -- you  
20 said discovery was being produced; was it produced by  
21 you or by -- by Mr. Cozzi?

22 A. I did not produce any discovery until after  
23 there was a motion ordering a response to old discovery  
24 that was filed long before I filed in on the case later  
25 on. Most of -- all of the documents that were provided

1 to Mr. Kosowski were provided before I ever got involved  
2 in the case.

3 Q. By whom?

4 A. Both Jennifer Friend and primarily by  
5 Mr. Cozzi and his clients. There was a Dropbox that was  
6 set up where all of this was compiled. It was, you  
7 know, organized by specific responses to specific things  
8 and -- and it was -- there was just -- there was a ton  
9 of information in there. Like --

10 Q. Okay.

11 A. -- so many documents.

12 Q. Jumping forward to the March 21st, 2023 phone  
13 hearing; tell me about that hearing.

14 A. It was a phone hearing. I believe it had been  
15 set for the purpose of scheduling additional hearings --

16 Q. Okay.

17 A. -- for a bunch of outstanding discovery  
18 motions and requests that had been filed following close  
19 of discov -- I mean, it was -- I can't remember if it  
20 was set by Steve, I think it was, but it was for the  
21 purpose of scheduling hearings that -- or hearings on  
22 motions that had all been -- or almost all had been  
23 filed by Tom.

24 Q. Okay.

25 A. So it was a 30-minute hearing, it was supposed

1 to be for scheduling. I logged on. I was working from  
2 home that day. I logged on; it was a -- it was a, you  
3 know, a conference call line that we called. I called  
4 about five minutes before the hearing started, got let  
5 in right away, I believe it's -- it's a open line that  
6 the judge uses for short hearings so there's people in  
7 and out of them.

8 Q. Okay.

9 (Ms. Sellers left the meeting.)

10 A. I -- I believe. Not a hundred percent certain  
11 on that, but I -- when I logged on, I was let in. I  
12 could hear the judge speaking right away and, actually,  
13 I think the judge started addressing our case before  
14 10:30, which is when it was scheduled to start.

15 Q. Okay.

16 Do you know if there was a court reporter present  
17 for that hearing?

18 A. I don't think there was. But, there might  
19 have been. I would have to check the notice. I -- I  
20 haven't looked at that. I looked at the docket briefly,  
21 recently and -- and I -- but I could check the notice  
22 and tell you if it was noticed with a court reporter,  
23 but I don't think there was.

24 Q. Okay. So would the notice always tell us  
25 whether or not there was a court reporter present?

1 A. Typically.

2 Q. Okay. Okay.

3 A. Yeah.

4 Q. They put that --

5 A. They typically -- that -- that -- that would  
6 be included.

7 Q. Just like on the Certificate of Service?

8 A. It would be on the Notice of -- of Hearing.

9 So the Notice of Hearing will say, you know, location  
10 time, log-in details, judge, purpose of the hearing, and  
11 then whether or not there -- if there's a court reporter  
12 it'll usually list the name and -- of that person --

13 Q. Okay.

14 A. -- for that service.

15 Q. All right.

16 Steven Cozzi does not appear for that phone  
17 hearing.

18 A. He did not.

19 Q. What, if -- if anything, do you do when he's  
20 not appearing?

21 A. So, I addressed an issue. Initially, I  
22 addressed an issue. Tom had filed more interrogatories  
23 after close of discovery. We had a discovery cut-off  
24 date; Tom disregarded that and continued to file  
25 discovery requests afterwards. I told the Court that I

1 had not been aware that they had been filed but since I  
2 saw that they had been filed before the hearing I let  
3 her know I would be filing responses to them as soon as  
4 possible --

5 Q. Okay.

6 A. -- so hopefully we wouldn't need a hearing on  
7 that. Because, I mean, he -- Tom would file Motions to  
8 Compel without ever contacting me and asking me to  
9 respond to answers or giving me a good faith letter or  
10 notice or anything, he would just file Motions to  
11 Compel. And --

12 Q. What -- and -- and what's a -- what's a good  
13 faith letter?

14 A. It's just a 10-day notice that you're -- that  
15 you're behind on discovery, that you need to provide  
16 discovery within ten days.

17 Q. That -- is that required or is that something  
18 that's -- that's just sort of courtesy?

19 A. I think it's required.

20 Q. Okay.

21 A. I'm not as familiar with the rules of civil  
22 procedure as I am with criminal or family. I believe  
23 it's required that you give a notice, a good faith  
24 notice on -- on -- before you file a Motion to Compel --

25 Q. Okay.

1           A.    -- in civil cases, but I could be wrong about  
2   that.  Again --

3           Q.    All right.

4           A.    -- civil is not my specialty.  But I -- I  
5   addressed that first.

6           Q.    Okay.

7           A.    That's the first thing I -- because Steve  
8   didn't need to be there for that and we were early.  
9   Although, it was weird that he wasn't there early,  
10   because he always was.

11          Q.    Okay.

12          So at -- at some point is there any discussion  
13   about where Steve is and why Steve isn't on the call?

14          A.    Yeah.  So --

15          Q.    When was that?

16          A.    -- after I addressed that Tom wanted to be  
17   heard on it so he wanted to tell the Court that I was a  
18   bad person or incompetent or whatever he was talking  
19   about that day, because I --

20          Q.    Do you -- do you recall what he said?

21          A.    He was mad about my answers to prior  
22   interrogatories that I had filed with some objections  
23   and he didn't like the organization or some of -- some  
24   of what I included.  He said it wasn't good enough.  You  
25   know, he asked -- he provided interrogatories or -- or



1 questions to my client that my client just could not  
2 provide an answer to because it was outside of her  
3 knowledge. So I would answer that; I would put that in  
4 my answer and he didn't -- that wasn't good enough for  
5 him. And that was despite the fact that he had already  
6 done the deposition of my client twice.

7 So he would just -- he would tell the Court, you  
8 know, these answers are unacceptable and he was going on  
9 into issues and then he -- you know, once he gets  
10 rolling -- once he would get rolling, he -- you know, he  
11 had a list of grievances about everybody involved that  
12 he would -- that he would go back to every time and he  
13 started talking about those things and some of them, you  
14 know, had to do with Steve or Steve's clients and so  
15 that's when I brought it up to the Court. I believe I  
16 brought it up to the Court that Steve wasn't there, that  
17 we needed him there, that it was his --

18 Q. Okay.

19 A. -- you know, that part of this purpose we were  
20 having this hearing was so that we could all coordinate  
21 a schedule to get these motions heard and I -- you know,  
22 I don't recall if it was me or the Court or Tom that  
23 initially brought up that Steve wasn't there but I did  
24 tell the Court that I would reach out to him and I -- I  
25 sent Steve a message saying where are you, or something

1 to that effect. So I actually reached -- I actually  
2 sent a text message to Steve while I was on this call  
3 asking him where he was.

4 Q. Okay. Did you get a response to that?

5 A. No.

6 Q. Okay.

7 You said -- you said Tom Kosowski had a list of  
8 grievances; can you -- can you be more specific about  
9 what the list of grievances were and --

10 A. Yeah. I mean, he --

11 Q. Let's -- let's specifically talk about list of  
12 grievances that involved you specifically.

13 A. Me -- he was very angry at me because I got a  
14 default judgment set aside that had been issued years  
15 before I got involved in the case.

16 Q. Okay.

17 A. So he was mad about that and he had filed  
18 another motion for -- he -- it was a Motion for Final  
19 Judgment is what he titled it, but it was technically  
20 asking for a default judgment but without because.

21 Q. Okay.

22 A. So he had that pending, he was mad about -- it  
23 was always about discovery.

24 Q. Okay.

25 A. And it was -- it was always back to discovery.

1 Like, he was always -- didn't have any discovery, never  
2 received any discovery, never received any responses,  
3 and then when he -- you know, when we would point out  
4 the things that had been provided that responded to his  
5 request, he would get it, put it in front of his face,  
6 and then the next time we're in front of the Court he  
7 would be right back to saying I never received any  
8 responses to discovery.

9 So it was just very, you know -- and -- and -- you  
10 know, I understand there was a lot of discovery in the  
11 case and there were a lot of -- a lot of pleadings that  
12 were filed with improper titles and improper labels,  
13 there were a lot of requests that went out repeatedly  
14 asking for the same thing. There -- there was -- I  
15 mean, the -- the -- the Request for Production that he  
16 asked for, requested for voluminous communications and  
17 emails, which were -- provided, again, long before I got  
18 involved in the case. So a lot of his grievances had to  
19 do with that.

20 He had -- he was complaining that some of what was  
21 provided by Steve's clients were forgeries because the  
22 dates on them were not the same that they would have  
23 been when they were initially sent out. And despite  
24 there being a very good reason why the dates were  
25 different, that was explained to him repeatedly, he kept

1 going back to saying that there were forgeries and  
2 accusing Steve of, you know, being underhanded and --  
3 and he -- I mean, he would send emails to the Court  
4 saying that both of us should have been reported to the  
5 Bar and, you know, that we were -- you know --

6 Q. Did he -- did he ever report either one of you  
7 to the Florida Bar?

8 A. I -- I never got a complaint. I never got a  
9 Bar complaint regarding him. I never got any notice  
10 that anybody complained about me to the Bar on this  
11 case. You know, I -- I haven't gotten a Bar complaint  
12 from him.

13 Q. Okay. You said at some point that, you know,  
14 he would -- and -- and this was earlier on in -- in --  
15 in the representation, that he would talk about you  
16 being a bad person or some -- something to that effect.

17 A. I can't remember exactly what language he  
18 used.

19 Q. Okay.

20 A. I mean --

21 Q. Would it be -- would it be fair to say that --  
22 was he frustrated about the fact that the case had been  
23 taking a long time and not really going anywhere?

24 A. He was definitely frustrated.

25 Q. Okay.

1           A.    He -- he was definitely frustrated for sure,  
2   and angry a lot of the time.

3           Q.    Okay.  And -- and right or wrong, did he  
4   believe that he had been wronged?

5           A.    I have no idea what he believes.

6           Q.    I mean, but what was your perception, I mean,  
7   based on his demeanor and what have you?

8           A.    I think he hated everybody involved.  I think  
9   he --

10          Q.    Okay.

11          A.    I think he hated all the defendants.  I think  
12   he -- he had either felt like he had been wronged or  
13   felt like he had been disrespected or felt like he was  
14   owed something maybe; I don't know.

15          Q.    Okay.

16          A.    But I -- I feel, personally, that his behavior  
17   and the way that he was -- he was way too smart to be  
18   doing and saying the things that he was doing and saying  
19   in the case that were like demonstrably incorrect and  
20   false.  He was way too smart for that not to be  
21   intentional.  So my feeling was he was trying --

22          Q.    Could you --

23          A.    -- to make the --

24          Q.    Could you --

25          A.    -- case --

1 Q. -- an example?

2 A. Yeah. I mean, he was -- he was lying about  
3 discovery, he -- repeatedly to the Court and he  
4 wasn't -- he was never, like, admonished for it. And we  
5 had a -- we had a special master get assigned to the  
6 case because he kept telling the Court that he had not  
7 gotten anything in response to Request for Production  
8 and we have a four-hour -- maybe not -- four -- we had  
9 multi-hour meeting with Jack Day at Steve's office in  
10 September or October of '22 where, you know,  
11 everything -- you know, he gave this long presentation  
12 of all this stuff that he wanted and we went through --  
13 I -- I participated in this. I went through and found  
14 documents that were provided in response to all of  
15 the -- each one of his things that he wanted during that  
16 meeting where it was pointed out to him that, in -- in  
17 fact, he had received these documents in response to his  
18 Request for Production and there was a -- and the  
19 special master issued a report basically saying the same  
20 thing. Saying, okay, there's these couple of things  
21 that Steve's clients should provide now, that should  
22 clear all this up; which they then subsequently  
23 immediately do, I believe. And he still kept telling  
24 the Court --

25 Q. When you say -- when you say "they

1 subsequently immediately do, I believe," what does that  
2 mean?

3 A. I -- I -- I -- they -- I know that they  
4 provided those. Judge Day asked for a joint statement  
5 on specific things. I know that they provided that as  
6 soon as possible after it, as we could. I had to get my  
7 client to sign off on some things so it took -- it took  
8 some -- it took some time. My client's not as quick to  
9 act as Steve's are. They're very professional, my  
10 client's less --

11 Q. Your client living in -- in -- in Pinellas  
12 County or where was your client living?

13 A. I think she lives in Pasco.

14 Q. Okay. All right.

15 A. I believe that's where she was living at the  
16 time at least. But she's not -- I mean, she's not a  
17 multi-million-dollar business and she -- I mean, she's  
18 not a sophisticated party like Steve -- like Steve's  
19 clients were, she's just a --

20 Q. Okay.

21 A. -- person. So it took some time to get our  
22 part of it done but we responded as requested by the  
23 special master within a reasonable amount of time and  
24 the -- whatever else was requested of Steve he provided  
25 before our joint statement was filed.

1           So, you know, Tom got everything he asked for and  
2 more and then he would continue to tell the Court that  
3 he hadn't received -- and, I mean, there's filings. I  
4 mean, you can go through the docket and read his file  
5 and see that he continued to say he hasn't received  
6 these things.

7           And -- and, you know, complaining about, you know,  
8 what -- it just -- it seemed very much like he just  
9 wanted to create problems intentionally throughout the  
10 case because he either was willfully ignorant or  
11 willfully ignoring the fact that, you know, the  
12 documents had already been provided or he was  
13 intentionally misleading the Court on that issue; one or  
14 the other.

15          Either way, it became clear to me that the  
16 documents in the discovery were not actually what was  
17 important to him. What was important to him was feeling  
18 like he was controlling the case and causing -- running  
19 up costs to my clients and to Steve's clients. That was  
20 my -- that was my read on the situation as a  
21 professional. If felt that way. That's what it looked  
22 like to me. Whether he felt aggrieved or not, I -- I  
23 think is secondary.

24          Q.    Okay.

25          Let me -- I'm going to -- I'm going to switch away



1 from talking about the case a little bit and -- and go  
2 into a -- into a couple of other areas that my client is  
3 concerned about.

4 Derrion Rich, is that someone you know?

5 A. Yeah, he's a client of mine.

6 Q. Okay. And -- and court appointed or retained?

7 A. Court appointed.

8 Q. Okay.

9 Do you know what he's currently charged with in --  
10 in Pinellas County?

11 A. Yes, I do.

12 Q. What -- what is that?

13 A. He has multiple cases. He has some  
14 trafficking charges, he has a -- he has a second-degree  
15 murder charge pending, sale and possession.

16 Q. Okay.

17 A. He has battery on inmate --

18 Q. Okay.

19 A. -- from 2020, I think.

20 Q. Okay.

21 A. His case is very old. It came to me very old  
22 though.

23 Q. When -- when did -- when you get appointed to  
24 it?

25 A. Last year.

1 Q. Last year? Like late last year or --

2 A. No. Like a year ago. Something about --

3 Q. Okay.

4 A. Like a -- like about a year ago, I believe.

5 Q. All right. Is that case set for trial?

6 A. It is, in -- in September.

7 Q. Okay.

8 It sounds -- based on the na -- the charges that  
9 you mentioned is trafficking and murder; I mean, he's  
10 looking at a -- possibly a -- a life sentence and  
11 decades in prison? Yes?

12 A. Yes.

13 Q. Okay.

14 A. That he -- if -- if convicted, he could get  
15 life. He will get life if he's convicted of the murder.

16 Q. Okay.

17 And -- and you said he's been in the Pinellas  
18 County Jail for how long, several --

19 A. Like six years.

20 Q. Six years? Okay.

21 Do you know where he's currently housed at the  
22 Pinellas County Jail?

23 A. I don't -- I know where he was housed last  
24 time I was at the jail, which is in -- on 2F.

25 Q. Okay. All right.

1           A.    Because I don't -- I don't go to 2F because  
2   that's where your client is.

3           Q.    Okay. All right.

4           Do you know if he was transferred from the box to  
5   2F?

6           A.    How?

7           Q.    No. Do you know if he was transferred from  
8   being in the box to 2F? Not how but --

9           A.    I -- I don't. I don't. I don't know --

10          Q.    Okay.

11          A.    -- where he was before 2F. I don't remember.  
12   I know that he was -- I know that he's been in max the  
13   entire time that I've had him. He's been in a variety  
14   of places. They've moved him out -- around a lot.

15          I know at one point there was another potential  
16   battery on an inmate that, I guess, didn't get filed or  
17   hasn't been filed. I haven't been appointed on that for  
18   sure.

19          Q.    Okay.

20          A.    So I -- I know that he -- he's had a couple of  
21   disciplinary issues and they've moved him around.

22          Q.    Do you know that he has been in and currently  
23   is in the same cell pod as Tom Kosowski, 2F2?

24          A.    I know he's in -- I know he's on 2F. I --  
25   I -- I didn't -- maybe I did know he was in the same

1 pod.

2 Q. Okay.

3 A. I don't -- maybe I knew he -- I knew he was on

4 2F. I don't go to 2F. If I see 2F --

5 Q. Okay.

6 A. -- I don't go.

7 Q. Okay.

8 A. I -- I won't -- I will not go to the same  
9 floor as your client's cell is on.

10 Q. Understood.

11 A. I -- I -- the last thing I want to do is --  
12 is -- is be around him, see him, create a problem for  
13 the deputies there and make -- make somebody angry.  
14 Like, it's hard enough for them in there, I don't -- the  
15 last thing I want to do is make it difficult.

16 Q. Understood.

17 Did you have any involvement or participation in  
18 him being transferred to 2F2?

19 A. No. I have no control over anything that the  
20 jail does.

21 Q. Okay.

22 A. I never will.

23 Q. Well, I -- I know -- I know you don't have  
24 control over where people might go in the jail --

25 A. Fair. Yeah.

1 Q. -- but DIU sometimes can control where people  
2 go; right?

3 A. Okay. Yeah.

4 Q. And -- and detectives, with the encouragement  
5 of DIU and what have you, sometimes can place people  
6 in -- in pods where they're hoping that they may elicit  
7 con -- conversations.

8 A. I have -- let me -- let me -- that -- that's  
9 true. For sure.

10 Q. Yeah.

11 A. I -- I have never -- I've never actually  
12 spoken with anybody at DIU be -- be -- beyond asking for  
13 disciplinary reports if I need one. I wouldn't even  
14 know how to go about asking -- I -- I -- my --  
15 Derrion -- Mr. Rich has not offered any cooperation  
16 through me or that I am aware of to anyone since he's  
17 been housed there.

18 Q. Okay.

19 A. So I -- I do not believe that he was  
20 intentionally placed there by anybody and certainly I  
21 had no involvement in that.

22 Q. Okay.

23 Have you discussed with him the possibility of --  
24 of him cooperating with the prosecution against  
25 Dr. Kosowski?

1           A.    No.  I don't think that the State would work  
2 with Mr. Rich.

3           Q.    Okay.

4           A.    And I -- and, frankly, I don't -- I don't --  
5 I -- I would never ask for that type of thing.  That  
6 would be -- I -- if I -- if I asked Mr. Rich to do  
7 something for the police or for the State, because of a  
8 case that I am involved in as a witness, I think that  
9 that would be ethically -- I -- I think that would --  
10 that would be a violation of all kinds of ethical  
11 responsibilities that I have as an attorney.  I don't  
12 know that for sure but it certainly feels like it would  
13 be.  And I -- it's just not something that I would ever  
14 willfully do no matter how -- no matter what kind --  
15 type of case it was.

16          Q.    But -- but -- but, certainly, I mean,  
17 you're -- you're -- you do know that inmates sometimes  
18 will get special deals if they provide information about  
19 other inmates to the prosecution.

20          A.    I've -- I've -- I know that that's possible --

21          Q.    Right.

22          A.    -- in certain cases.

23          Q.    And it's usually in the more serious cases.

24          A.    The cases -- I have -- I have actually never  
25 worked a case with a jailhouse snitch before.

1 Q. Okay.

2 A. I've -- I've certainly -- I've certainly known  
3 other people who have and --

4 Q. Right.

5 A. -- typically they involve people admitting to  
6 heinous crimes and, you know, admitting to like  
7 locations of things and things like that. You know,  
8 that's my understanding. And my wife's really into True  
9 Crime so I'm sure she actually has heard a lot more  
10 about it than I have because I don't --

11 Q. Okay.

12 A. -- I don't do this on my -- my free time.

13 Q. Okay.

14 A. But you might. I don't know if you're the  
15 same way, but I -- last thing I want to do is talk about  
16 criminal stuff when I'm not working.

17 Q. Understood. Understood.

18 The -- specifically have you asked Mr. Rich to ask  
19 Tom Kosowski about what kind of a plea deal he might be  
20 amenable to or accept?

21 A. No.

22 Q. Okay.

23 A. Not at all.

24 Q. So if Mr. Rich is making statements a -- about  
25 having been asked by you, for example, about a ten-year

1 sentence, that would not be coming from you?

2 A. No.

3 Q. If -- if that's happening.

4 A. No.

5 Q. Okay.

6 A. No.

7 The only thing I've ever said to Mr. Rich is that  
8 I'm not coming to his floor while he's on 2F because I  
9 don't want to interact with one of the other inmates  
10 there.

11 Q. Okay.

12 A. Yeah.

13 Q. Did you mention the name of the inmate?

14 A. I think he asked me.

15 Q. Okay.

16 A. I think so. I think he kind of knew already.

17 Q. Okay.

18 A. So I -- I told him I can't talk about it.

19 Q. And have you told Mr. Rich that he would get  
20 time served if he was to cooperate against Mr. Kosowski?

21 A. No. Mr. Rich is never going to get time  
22 served if he's convicted of what he's facing right now.  
23 I would never tell him something that wasn't true.

24 Q. And you've not spoken with the State Attorney  
25 about -- about that possibility?



1 A. No.

2 Q. Okay.

3 A. No.

4 Q. Have you discussed -- with the -- with the  
5 exception of -- of speaking with the State, the  
6 prosecutors on this case, have you discussed your  
7 testimony and -- and the circumstances involving  
8 Dr. Kosowski with any other lawyers?

9 A. I -- I have talked to colleagues and advised  
10 them that I was a witness in this case.

11 Q. Okay.

12 A. And I have talked to colleagues and advised  
13 them that I had already testified in the case when I  
14 testified during the bond hearing.

15 Q. Right.

16 A. I think all that's public record, so...

17 I have not -- are you asking me if I've like sought  
18 legal counsel?

19 Q. No, I'm not asking if you sought -- no. No.

20 A. Okay.

21 Q. Or -- well, I mean, that could be -- it --  
22 that would be -- that could be another question, but  
23 the -- just about having had discussions about the --  
24 the facts, about what happened, what didn't happen,  
25 other -- other than what you just indicated.

1           A.    I mean, I talked to my friends about what  
2 happened for sure.

3           Q.    Right.  Who -- who have you spoken with?

4           A.    I mean --

5           Q.    As far as your friends.

6           A.    I guess I don't know what you're asking.  
7 What -- what specifically are you asking me?  Who I --

8           Q.    Who have you spoken to about the facts and  
9 circumstances that are relevant to this case --

10          A.    Okay.

11          Q.    -- as -- as far as your friends?  For example,  
12 you -- you -- you just indicated --

13          A.    I have talked to my wife.

14          Q.    Uh-huh.

15          A.    I've talked to -- I've talked to Pearlman  
16 about, it I think.

17          Q.    Okay.

18          A.    I think I asked him for advice --

19          Q.    Okay.

20          A.    -- about like protecting myself.

21          Q.    Protecting -- protecting yourself in what  
22 sense?

23          A.    Like, being concerned about, like, potentially  
24 being murdered --

25          Q.    Okay.

1 A. -- by Mr. Kosowski. Or being --

2 Q. Is that --

3 A. -- a potential --

4 Q. -- after his arrest?

5 A. No. I think that was before his arrest.

6 Q. They -- you spoke with -- with Lee Pearlman  
7 before his arrest --

8 A. I --

9 Q. -- about being --

10 A. I -- I don't -- I don't know if I actually  
11 spoke with him in detail about anything, but I know that  
12 I -- I know that the week of Tom's arrest, that week --  
13 there was a period where we went sure what had happened  
14 and then there was appeared where -- well, we suspected  
15 what happened right away.

16 Q. Okay.

17 A. Right away we suspect -- I suspected what --  
18 what happened.

19 Q. When you -- when you say right away, what does  
20 that mean?

21 A. I mean, I -- I knew Steve missed the hearing  
22 at 10:30 and by 11:30 I'd been contacted by his boss to  
23 tell me that he'd vanished. When that happened, my  
24 initial thought was maybe Tom did something.

25 And so my fear related to what happened to Steve

1 kind of began within the first 24 hours of him going  
2 missing because of the pattern of behavior I had seen  
3 from Tom throughout the case. So I had asked -- I  
4 had -- I had told people that I was concerned about the  
5 fact that Steve had gone missing and I had asked for  
6 advice on, you know, what I should do to protect myself  
7 and I -- I believe I talked to -- to Lee about it  
8 because Lee is a -- a friend and a former mentor and I  
9 think I was just -- I was just reaching out for like  
10 a -- like a -- I don't know, some help.

11 Q. Okay. So --

12 A. Because I --

13 Q. -- after --

14 A. Because I was afraid.

15 Q. After the --

16 A. I was afraid. As long as he was out there I  
17 was --

18 Q. So after Steven Cozzi is missing, and before  
19 Tom Kosowski is arrested, you spoke with Lee Pearlman  
20 about your concern for your safety.

21 A. Yeah.

22 Q. And did you specifically tell Lee Pearlman  
23 that your concern was that Tom Kosowski was going to  
24 harm you?

25 A. I don't -- I think I told him that I -- I

1 suspected that, you know, the case that I was working  
2 with Steve had something to do with it. I don't know  
3 that I ever used -- I don't know that I ever used  
4 Kosowski's name with --

5 Q. Do -- do -- do you recall if you specifically  
6 talked to Mr. Pearlman about who it was that you were  
7 concerned might be harming you?

8 A. You know, I -- I -- I -- it's a long time ago,  
9 I don't remember.

10 Q. Do you -- do you --

11 A. I don't remember specifics. I know that I was  
12 afraid and I know that at one point I had a meeting  
13 scheduled with Lee or I went somewhere with Lee and I  
14 think I -- you know, I mentioned it to him that I was,  
15 you know, concerned about this thing and I had asked him  
16 advice. I don't even remember if -- if we spoke about  
17 it at length, I just remember mentioning it in passing.

18 Q. Okay.

19 A. And, yeah, I have mentioned to quite a few  
20 people that I was a wit -- that I'm a witness. I mean,  
21 that's all public record.

22 Q. Sure. Sure.

23 A. But --

24 Q. And -- and -- and my question is really more  
25 of do -- do you talk to them about the substance of your

1 testimony.

2 A. The testimony, no. I mean, but, like --

3 Q. Or the substance of --

4 A. I told -- I told people what happened.

5 Q. Okay.

6 A. I told people what happened. I told people  
7 that I was on a phone call with Tom the same time that  
8 Steve -- that -- the same morning as Steve went missing,  
9 I told people that. And I don't -- I don't know who --  
10 how many different people I've said that to. I -- I  
11 don't -- I know my wife has heard it.

12 Q. Okay.

13 What about the statement that -- that you were in  
14 fear of Tom Kosowski; who -- who would you have said  
15 that to?

16 Well -- well, prior to -- prior -- prior to Steve  
17 Cozzi missing, did you tell anyone that you were in --  
18 in fear of Tom Kosowski?

19 A. Maybe the cops.

20 Q. But prior to Steve Cozzi going missing.

21 A. Oh. Oh --

22 Q. Did you --

23 A. -- no. I would never have admitted that I was  
24 afraid of Tom at that -- I would never have -- before --  
25 before Steve went missing, like, there's no way I would

1 have admitted I was afraid of Tom. But I thought he  
2 was -- my wife was afraid of him.

3 Q. Okay.

4 A. I mean, my wife was concerned he was going to  
5 do something like this months before it -- after the  
6 Tricia Mason depo.

7 Q. And -- and -- so tell me about that. How  
8 did -- how does your wife -- is your wife a lawyer?

9 A. No.

10 Q. Okay. So tell me about how -- what -- what is  
11 it that you tell your wife that causes her to be afraid  
12 of -- of -- of --

13 A. I told her what Tom did to Steve in the  
14 bathroom.

15 Q. Okay. So let -- let's talk about that.

16 A. Okay.

17 Q. What -- what -- what happened?

18 A. I just know secondhand what Steve told me.

19 Q. Okay.

20 A. After the depo, Steve told me that in the  
21 middle of the deposition Tom approached him in the  
22 bathroom. While he was actively using the bathroom, Tom  
23 called him a scumbag, said something about either  
24 winning or taking Steve down or something like that.  
25 Said that -- he told me that he was, you know, pretty

1     intimidated by it, that he -- you know, that it made him  
2     nervous. And I asked him why he didn't throw him out of  
3     his office at that time. And I -- I encouraged him  
4     to -- to inform the Court what happened and move for  
5     sanctions and move -- and, you know, I encouraged him  
6     to, obviously, never let Tom into his office again. And  
7     I believe he -- and this is all in a phone conversation  
8     and --

9           Q.     So -- so I just want to make sure I -- so --  
10     so he's -- he's -- he said that -- that Tom said that he  
11     was a scumbag?

12           A.     Yeah.

13           Q.     And then -- and he said that he was going to  
14     take him down; meaning like take him down in court? I  
15     mean, what does that mean?

16           A.     That -- that was what I understood.

17           Q.     Okay.

18           A.     Or he was going to win. I can't --

19           Q.     All right.

20           A.     -- remember the language because this isn't in  
21     writing, this is just a recollection of a phone call  
22     from January of last year. And I --

23           Q.     Okay.

24           A.     -- think it was -- he -- he's either like I'm  
25     going to win or I'm going to take you down or I'm going



1 to beat you or -- I -- I don't know but --

2 Q. And "beat you" is referring to beat you in  
3 court?

4 A. Yeah, my -- the -- my understanding was he  
5 said something about, you know, him believing he was  
6 going to win the case.

7 Q. Okay.

8 A. But I don't know exactly what the language  
9 was. But I know that he called him a scumbag -- well, I  
10 know that that's what Steve heard -- said he said, you  
11 know.

12 Q. Okay.

13 A. And he's telling me this and, you know, he  
14 told me that he was intimidated. I mean, Tom was a lot  
15 bigger than Steve.

16 Q. But it doesn't sound like he did any -- any  
17 physical violence to Steve?

18 A. Oh, no way. No.

19 Q. Okay.

20 A. If -- if -- if -- if -- if Steve had told me  
21 that Tom had put his hands on him at that point, like, I  
22 probably would have called the cops myself.

23 Q. Okay.

24 So -- so, anything else about what was reported to  
25 you by Steve as far as the conversation in the bathroom?

1 Other than --

2 A. That's what I can recall. That's what I can  
3 recall.

4 Q. And then you conveyed that to your wife?

5 A. Some portion of it. And likely --

6 Q. Okay.

7 A. -- just mentioned in passing, you know, the --  
8 you know, I would -- I won't talk to my wife about the  
9 substance of depositions or, you know, any of the  
10 substance of the cases that I work on because the last  
11 thing I want to do is draw her into details about cases  
12 that, you know, involve me -- me or my clients, but I  
13 believe I said -- I -- I informed her, like, of the --  
14 the behavior that I saw during the hearing, which I  
15 thought was beyond crazy.

16 Q. Okay.

17 A. Because, I mean, Tricia Mason was just not a  
18 person who deserved the type of treatment she got during  
19 that depo.

20 Q. Okay. So tell me about that. I mean, there's  
21 a transcript of it; right?

22 A. Yeah.

23 Q. But -- but -- but tell me what happened in  
24 that -- in that depo that -- that -- that you --

25 A. Oh, he beat her up.

1 Q. -- you view as very bad.

2 A. Yeah. He's a -- I mean, he just beat her up.  
3 Like, he just asked her the same things over and over  
4 and over again. He would misquote another person's depo  
5 transcript and then ask her if that person was lying.  
6 You know, he would -- he was just, you know -- he spent  
7 a sub -- substantial amount of time at the beginning of  
8 the depo trying to get her to -- to basically say that  
9 Steve had coached her into lying about her parents being  
10 sick or something like that and just asked her a ton of  
11 questions about Steve. Like, a significant portion of  
12 the beginning of that depo was about -- was questions  
13 about Steve, which I thought was very strange.

14 She was very uncomfortable throughout the thing.  
15 You know, I'm watching it second -- I'm watching it  
16 through a computer screen and I can hear her voice, I  
17 can hear how frustrated and -- and, you know, just  
18 beaten up she seems during the depo and she is just --  
19 she -- she keeps getting asked this -- I mean, I don't  
20 know how many times he asked the same question but it  
21 seemed like a lot and he would ask the same question and  
22 he would go and -- ask another thing and then he'd go  
23 back and ask the same question again, which is not the  
24 way you do a depo, at least not that I've seen. So  
25 we're just objecting the whole time.

1           And then there's arguments about whether or not the  
2     objections are appropriate. It was, you know -- it was  
3     very -- it felt like a defendant's depo. You know, not  
4     a third party -- or I guess -- I guess she worked for  
5     one of the def -- defendants, but she wasn't responsible  
6     for anything that he was accusing them of.

7           Q.     But -- but again, I mean, no -- no -- no  
8     threat of harm -- physical harm, it's just --

9           A.     Oh, no.

10          Q.     -- annoying --

11          A.     No, no, no.

12          Q.     It sounds like he's just, you know, like --

13          A.     I -- I --

14          Q.     -- asking way too many questions.

15          A.     Well, it's just -- just -- just his overall  
16     demeanor.

17          Q.     Okay.

18          A.     Overall demeanor, the tone of his questions,  
19     the tone of his voice, the -- the type of questioning,  
20     the type of language he was using, which was, you know,  
21     accusatory, and, you know, just very, you know, -- very,  
22     you know, loose-tie detective in a dark room with a  
23     lightbulb over your head sort of thing, you know.

24          Q.     And -- and this was via -- via Zoom?

25          A.     I was on Zoom. I had a hearing -- a -- a

1 hearing come up that morning that kept me in Bradenton  
2 longer than I expected --

3 Q. Okay.

4 A. -- so I asked for permission to appear via  
5 Zoom so that I would not delay this depo anymore because  
6 it had already been delayed a couple of times and Tom  
7 was pissed about it so I didn't want to be a reason why  
8 things didn't work out.

9 Q. Okay.

10 A. So I was on Zoom, they were at Steve's office.

11 Q. Got it.

12 Do you know who initiated the Zoom session?

13 A. Court reporter, I believe.

14 Q. Do you know whether or not it was recorded?

15 A. It wasn't.

16 Q. Was not?

17 A. I do not believe -- it was -- I -- I'm like  
18 99 percent sure that it was recorded audio because  
19 that's basically how all court reporters do it, that I  
20 know of. I'm not a hundred percent sure on that.

21 Q. Okay.

22 A. But I -- I know that it -- I -- I do not  
23 believe it was video recorded, no.

24 Q. Who -- who was the court reporter, if you  
25 know?

1           A.    I don't know.  It would have been on the  
2 notice.

3           Q.    Was it --

4           A.    He used the same people every time.  I think  
5 it was Anthem.

6           Q.    Okay.  All right.  And this would be  
7 Steve Cozzi would have picked --

8           A.    No, Tom.  Tom.

9           Q.    Tom did.  Okay.

10          A.    Tom was ordering these --

11          Q.    Gotcha.

12          A.    -- so he would know.

13          Q.    All right.

14          I want to talk a little bit about the March 28th,  
15 2023 hearing.

16          A.    Uh-huh.

17          Q.    You -- you recall that?

18          A.    Yes.

19          Q.    Okay.

20          Do you recall that there were five plaintiff  
21 motions that were scheduled for hearing on that day?

22          A.    There were.

23          Q.    Okay.

24          And I think those were scheduled a week earlier at  
25 that March 21st hearing.

1 A. Yep.

2 Q. Okay.

3 Do you recall what the motions were?

4 A. I'd have to go back and look. I think they  
5 were Motions to Strike Affirmative Defenses, Motions for  
6 Sanctions, Motions to Compel Interrogatory Answers, I  
7 believe.

8 Q. Motion for Subpoena Deuces Tecum?

9 A. That sounds right.

10 Q. Okay. I think --

11 A. I don't know --

12 Q. I think you got all five?

13 A. I got them, wow.

14 Q. I think you got all five, yeah.

15 A. Wow. Okay.

16 Q. So did you appear for the March 28th hearing?

17 A. I did.

18 Q. Okay.

19 Did you know that Tom Kosowski had been arrested  
20 for murder at that time?

21 A. Yes.

22 Q. Okay. Did --

23 A. I did.

24 Q. Who else appeared for that hearing?

25 A. Jake Blanchard appeared, I --

1 Q. Okay.

2 A. -- believe.

3 Q. Anyone else?

4 A. I think both of us spoke. And  
5 Judge Muscarella was present.

6 Q. Okay. Anyone else?

7 A. My client may have been there on the phone.

8 Q. Okay. On the phone or with you?

9 A. She was not with me. She --

10 Q. Okay.

11 A. -- may have -- she may have called in; I don't  
12 think so. She did for some of the motion hearings but  
13 these were just discovery motions so I --

14 Q. Okay.

15 A. -- it was pretty -- didn't really want to deal  
16 with it. So I don't -- I don't -- I don't think she was  
17 there but she might have been.

18 Q. Do you know if any members from law  
19 enforcement were present via phone for that hearing?

20 A. Not that I recall.

21 Q. Okay.

22 Did you arrange for a court reporter to be present  
23 for that hearing?

24 A. I did not. It was not my motions -- wasn't my  
25 hearing.



1 Q. Okay.

2 Do you know whether or not Mr. Blanchard arranged  
3 for a court reporter to be present for that hearing?

4 A. I don't know if he did or didn't. I --

5 Q. Okay.

6 A. -- don't believe a court reporter was present.

7 Q. Okay.

8 Did you advise the Court that Tom Kosowski had been  
9 arrested for murder before the hearing started?

10 A. I think I -- I advised the Court during the  
11 hearing --

12 Q. Okay.

13 A. -- that he -- he had been accused of -- of  
14 murdering Steve.

15 Q. Did the Court appear to already know that he  
16 had been --

17 A. Yeah.

18 Q. -- arrested for murder?

19 A. Yeah. I'm sorry for talking over you. Yes,  
20 the Court knew, I believe.

21 Q. We all have that bad habit of talking on top  
22 of each other.

23 A. Yeah.

24 Q. Okay.

25 Was there -- was that discussion taking place at

1 the beginning of the hearing?

2 A. Yes.

3 Q. Okay.

4 Did anyone -- well, did you raise a concern about  
5 whether or not Mr. Kosowski had the ability to call into  
6 the hearing?

7 A. No.

8 Q. Okay.

9 Having worked as a public defender and doing  
10 criminal defense work, you -- you know that inmates  
11 don't always have access to a phone.

12 A. Oh, of course, yeah.

13 Q. Yeah.

14 Did anyone, Mr. Blanchard or -- or -- or  
15 Judge Muscarella voice any concerns about Tom Kosowski  
16 and whether or not he would be able to appear for this  
17 phone hearing?

18 A. I do not recall whether there was a  
19 conversation about whether he would be allowed to be  
20 involved; we just mentioned that he wasn't there.

21 Q. Okay.

22 The five motions that were all set for hearing,  
23 they were all his motions; right?

24 A. Yes.

25 Q. Did you make arguments against the motions?

1           A.    I asked for them to be denied.

2           Q.    Did you make arguments other than just saying  
3 I'm asking that they be denied?

4           A.    I don't recall what I said.

5           Q.    Okay. Do you recall --

6           A.    I -- I definitely made a statement. I  
7 definitely -- I definitely told the Court why they  
8 should -- I -- I mean, they were meritless for the most  
9 part.

10          Q.    Okay. Okay.

11          A.    So, I mean, it was pretty easy for me to argue  
12 that they should be denied. I mean, there was a reason  
13 why there were five motions set on a 30-minute motion  
14 calendar.

15          Q.    Understood.

16          And -- and what about Mr. Blanchard, did he  
17 argue --

18          A.    I believe -- I believe he did. Whatever  
19 motions were addressed to his clients, I believe he  
20 asked the Court to deny them as well, but I -- I  
21 couldn't tell you the -- the meat of his argument; I  
22 don't remember.

23               MR. BRUNVAND: ASA Spadaro was just joining  
24 us, so...

25               (Alexandra G. Spadaro, Esquire, joined the

1 Zoom meeting.)

2 Q. Did anyone argue the motions for the  
3 plaintiff, Tom Kosowski?

4 A. Nobody argued in favor -- Tom did not have an  
5 attorney --

6 Q. Right.

7 A. -- present.

8 Q. Right.

9 A. And he was not present himself, so the judge  
10 relied on his written pleadings.

11 Q. Okay.

12 Did the judge rule on all five motions during the  
13 hearing?

14 A. Either during the hearing or subsequently, she  
15 asked me to prepare proposed orders denying the motions.

16 Q. Okay.

17 A. I -- I don't remember whether she ruled on  
18 them instantly while we were all there, I can't  
19 remember, or if it was a phone call or a -- a  
20 correspondence later asking me, but I -- I think she  
21 denied them all during the hearing but I can't remember  
22 whether it was immediately or if it was -- you know,  
23 sometimes judges take a little bit of time to -- to --  
24 to issue a ruling.

25 Q. Sure. But -- but, generally, unless the

1 parties all agree, a judge isn't going to call you up to  
2 discuss a ruling.

3 A. No. Generally not.

4 Q. Okay.

5 A. It would have been -- if there -- if I'm not  
6 mistaken, and again, I don't remember exactly what  
7 happened during that phone call, you know, I have -- I  
8 was very sleep deprived during that hearing.

9 Q. Okay.

10 A. But if I remember correctly, I believe she  
11 denied the motions during the hearing. But I'm not -- I  
12 know that she denied them all, the timing I'm not a  
13 hundred percent certain on.

14 Q. Okay.

15 The next hearing that takes place -- before I go to  
16 that, do you recall how long -- I know it was set for  
17 30 minutes, do you -- do you recall how long the hearing  
18 lasted on March 28th?

19 A. I think it -- I think it went beyond  
20 30 minutes.

21 Q. I'm sorry?

22 A. I think it -- I think it went more than  
23 30 minutes --

24 Q. All right. Hold --

25 A. -- but I don't know. I don't know. I

1     didn't --

2             Q.     Right.

3             A.     -- have a timer on, I don't have a transcript.

4     I don't know.

5             Q.     Yep.

6             Give me a moment.

7             You were on the hearing from beginning to end?

8             A.     I believe so.   Yes.

9             Q.     Okay.

10            A.     I think so.

11            Q.     Is your number 727-262-1006?

12            A.     Yes.

13            Q.     So if -- if it shows that you were logged on  
14   for that hearing for 20 minutes --

15            A.     I wouldn't contest that.

16            Q.     Okay.   All right.   So it may have felt like  
17   more than 30 but it was -- 20 sounds okay?

18            A.     Yeah, exactly.

19            Q.     Okay.

20            A.     I -- I don't -- I don't know why I would  
21   have -- I don't know -- again, I don't know how long it  
22   lasted.   Yeah --

23            Q.     Sure.

24            A.     -- it felt longer.   But if my phone -- I -- I  
25   believe I was on during the entire hearing --

1 Q. Okay.

2 A. -- you know.

3 Q. Well -- and I can tell you the -- the --  
4 according to the phone records, you were on the -- you  
5 were on the hearing longer than everybody else.

6 A. Okay.

7 Q. There was -- let's see here. Do you know --  
8 727-637-2551; do you know who -- who that number belongs  
9 to?

10 A. No, not off the top of my head.

11 Q. All right.

12 And there's a 954-861-7673.

13 A. I don't know that number either.

14 Q. 727-494-9004?

15 A. I -- I -- again, I don't know it off the top  
16 of my head.

17 Q. That's fine.

18 And then there's a 727-464-3263.

19 A. Yeah. I don't know that.

20 Q. And then yours. So you --

21 A. The only number I recognize is mine. Sorry.

22 Q. Okay. That's fine. That's fine.

23 Okay. So the hearing: 20 minutes.

24 A. Sounds like it.

25 Q. At least your involvement in it was

1 20 minutes.

2 A. If -- if -- if my phone record says I was on  
3 the phone for 20 minutes, that -- I -- I would not have  
4 logged off before it was over.

5 Q. Can -- can -- can you do me a favor and --  
6 and -- and -- when we're done here, can you check your  
7 phone records just to see if -- if it -- if it is  
8 consistent with -- with the records that we have from  
9 the Court?

10 A. I -- I can -- I can try, yeah.

11 Q. Okay. I mean --

12 A. I can ask.

13 Q. -- if it -- if it's easy to do, that would --  
14 that would be awesome.

15 A. Yeah, I don't -- I don't mind. I -- let me  
16 say this, I don't have any reason to contest that that  
17 hearing lasted 20 minutes.

18 Q. Okay.

19 A. Yeah, if -- if -- if my phone was only on for  
20 20 minutes, I don't know if I can go back, you know,  
21 14 months in my phone to see how long it lasted for.

22 Q. Sure. Probably not.

23 A. Right. Def -- definitely not.

24 But again, I don't have any reason to dispute that  
25 specifically. I don't think --



1 Q. Okay.

2 A. -- the hearing was -- I think the one that  
3 went long was the summary judgment hearing. That was --

4 Q. May 2nd.

5 A. -- the later one. Yeah. That -- that hearing  
6 went long.

7 Q. Okay.

8 And -- tell you what, before we get to that, let  
9 me -- let me just look through some of these notes that  
10 I have here.

11 And as to the March 28th, 2023 hearing, as far as  
12 you know, was it audio recorded?

13 A. I don't believe it was.

14 Q. Okay. And certainly you -- you would not have  
15 audio recorded it.

16 A. No.

17 Q. Do you have an opinion of the affidavit of  
18 Purva Sobti? Are you familiar with that?

19 A. I don't know who that is.

20 Q. Okay. And it's spelled P-U-R-V-A S-O-B-T-I.  
21 It's an affidavit from the civil case.

22 A. I --

23 Q. Don't know?

24 A. I have no idea what that is. I mean, if I --

25 Q. Okay.

1           A.    -- I may have looked at it at one point.  Like  
2   I said, there's a lot of documents in that case.  I  
3   don't -- I don't have an opinion on that.  I don't know  
4   what that is.

5           Q.    Okay.  All right.

6           As far as -- so we -- we talked about the fact that  
7   the March 28th hearing lasted 20 minutes.  As far as the  
8   time for each motion that was dedicated to each motion  
9   do you have any idea --

10          A.    I do not.

11          Q.    Okay.

12          A.    I know that -- I believe one of the motions  
13   was a Motion to Compel.

14          Q.    Okay.

15          A.    If I'm not wrong it would have been a Motion  
16   to Compel Interrogatory Answers from my client and, you  
17   know, I just informed the Court, like, I -- you know,  
18   I -- I had resolved this already or I never received  
19   a -- a good faith correspondence on this --

20          Q.    Okay.

21          A.    -- and it -- it's being resolved or it's been  
22   resolved.  And so it was denied with, you know -- a  
23   Motion to Compel you can re-raise.

24          Q.    Okay.

25          A.    It's not a -- it's not a -- so that would have

1 taken no time whatsoever to argue. The -- the -- the  
2 substance of the other ones, I -- I do not recall.

3 Q. Okay.

4 Do you recall the substance of any of  
5 Mr. Blanchard's arguments?

6 A. No. I know that some of the -- anything  
7 involving discovery -- I mean, we had -- we had -- we  
8 had an arbitration scheduled in like two weeks and we  
9 had -- we had a discovery cutoff months before that, so,  
10 I think those issues were pretty easy to argue as well  
11 because we'd been told to stop with the discovery  
12 multiple times since I had gotten involved in the case,  
13 so...

14 Q. Do you specifically recall the information  
15 that was being requested in the Motion to Compel?

16 A. No.

17 Q. Might it have been tax-related documents from  
18 your client, Jennifer Friend?

19 A. I don't -- I don't recall. It got -- it could  
20 have been.

21 Q. Okay. Do you recall whether or not the tax  
22 records had been requested from -- from your client?

23 A. I'm sure -- I'm sure they were at one point.

24 Q. Do you know whether or not it was ever  
25 provided?

1           A.    I would have to go through the discovery and  
2   then look and I'm sure some of it -- I'm sure some was.

3           Q.    Okay.  If -- if you could take a look at that  
4   and let Nathan know, that would -- I would appreciate  
5   that.

6           A.    If any of her tax documents were provided?

7           Q.    Yeah.  If -- if and what tax documents were  
8   provided and when.

9           A.    I mean, I don't know.  I mean, I can -- I  
10   can -- I can look --

11          Q.    Uh-huh.

12          A.    -- and -- and -- and see if -- if they were  
13   provided.

14          Q.    How -- how would it have been provided, via --  
15   via email, via Dropbox?

16          A.    Everything that was provided was -- was put  
17   into a Dropbox --

18          Q.    Okay.

19          A.    -- that Tom has a link to.

20          Q.    Would that Dropbox still be in existence?

21          A.    I think so.

22          Q.    Okay.  Maybe you could take a look in there  
23   and --

24          A.    Yeah.

25          Q.    -- and --

1           A.    Yeah.  I mean, I can -- I can -- I can look.  
2   You want me to look right now?

3           Q.    You can if you want to.

4           A.    I mean, I don't -- I don't particularly want  
5   to do anything, but -- but, you know.  I mean, --

6           Q.    Yeah, we can do it now.  If you -- if you have  
7   access to it now, sure.

8           A.    Sure.  Let me make sure it's still there.  I  
9   mean, it would -- it would take me -- it would take me a  
10  significant amount of time to go through all of this.

11          Q.    Let me -- let me ask you this -- yeah, so then  
12  let -- let's -- let's not do it now then.

13          A.    Okay.

14          Q.    Do you recall indicating, when you testified  
15  in Court, that you yourself had not produced any  
16  documents to Dr. Kosowski in the civil case?

17          A.    That is correct.

18          Q.    Okay.

19          A.    Because I got on the case late after the  
20  Request for Production to -- to Ms. Friend had already  
21  been served.

22          Q.    Okay.

23          A.    And my understand -- you know, I was given a  
24  link to a Dropbox where she had supplied her responses  
25  and Steve's clients had supplied their responses as well

1 and the -- the responsive documents were all in there  
2 when I reviewed it.

3 Q. Okay.

4 A. So all of that had been provided before I  
5 became involved in the case.

6 Q. Okay. At some point in the near future would  
7 you -- do you mind just looking to see if those tax  
8 records had been produced?

9 A. Sure.

10 Q. And you said by prior counsel, is what you're  
11 saying or --

12 A. It would have been -- I would assume it would  
13 have been done by Ms. Friend herself because it would  
14 have been after Mr. Hill was disbarred or suspended.

15 Q. Well -- well --

16 A. I don't know if he was disbarred or suspended.

17 Q. Okay.

18 Was Jennifer Friend representing herself at some  
19 point?

20 A. Yes.

21 Q. Okay.

22 A. Yeah. So from early 2021 until I became  
23 involved in the case, and even after my first  
24 involvement in the case, she represented herself. So  
25 for over -- well over a year and a half, I believe. For

1 about a year and a half she was self-represented.

2 Q. Okay.

3 I would -- I would just -- I would assume that  
4 if -- if you're indicating on March 28th that it's been  
5 taken care of, that you probably would have checked the  
6 Dropbox and made sure that, in fact, it had been taken  
7 care of and -- and --

8 A. I don't -- I don't specifically recall whether  
9 I checked the Dropbox before that hearing or not.

10 Q. So you may have done it just based on the  
11 representation of Ms. Friend said she had already done  
12 it?

13 A. Yes.

14 Q. Okay.

15 A. Potentially.

16 Q. Okay.

17 Do you recall the Motion for Sanctions; was that  
18 directed to your client?

19 A. I believe that was directed to Steve.

20 Q. Okay. Steve's client? Was --

21 A. Or Steve's client, I don't --

22 Q. Okay. But it didn't -- it wasn't -- it didn't  
23 involve you specifically.

24 A. He wasn't asking for sanctions against me.

25 Q. Or your client.

1 A. I don't believe so.

2 Q. Okay.

3 Do you recall what the argument was about or what  
4 the issue was?

5 A. I'd have to look at the motion. There were a  
6 lot of motions filed in the case. I -- I remember not  
7 needing to address it. I don't know why he would have  
8 wanted sanctions against me or my client. I don't  
9 recall him asking me for anything that I didn't give him  
10 or doing anything or --

11 Q. Right. And -- and I -- I'm not -- I'm not  
12 suggesting that it was --

13 A. Okay.

14 Q. -- directed towards you.

15 A. And I -- it could have been. I mean I -- I --

16 Q. No, I -- I believe it was -- it was not.

17 A. Okay. That's how I remember it.

18 Q. Okay.

19 A. That it was directed at Steve.

20 Q. I think it was addressed by Mr. Blanchard.

21 A. That's makes sense.

22 Q. Okay. But do you -- but you don't recall the  
23 substance of what Mr. Blanchard had to say about that.

24 A. No.

25 Q. Okay.



1           Do you -- have you represented a Mrs. Tricia Nuria  
2 [phonetic] Mason as a client?

3           A.     No.

4           Q.     What about Steven Cozzi; did he represent her  
5 as a client?

6           A.     I have no idea.

7           Q.     Okay.

8           Do you recall -- on the Motion for Subpoena Deuces  
9 Tecum, do you remember whether or not there were any  
10 objections raised or filed by the third party that were  
11 listed in the motion?

12          A.     I think if -- if -- if I'm recalling  
13 correctly, some of these subpoenas were directed towards  
14 law firms. And I think some of those law firms may have  
15 filed objections, if I'm -- if I'm thinking of the  
16 subpoenas that were at issue at this time.

17          Q.     Okay.

18          A.     And -- and -- and that issue was addressed by  
19 the Court following the Special Master Hearing. So the  
20 Court had already told Dr. Kosowski that he -- he was  
21 not allowed to issue subpoenas to these law firms at one  
22 point.

23          Q.     Okay.

24          A.     Court had told him that already. And I don't  
25 know if that's -- again, I'm trying to recall exactly

1 what was at issue during this hearing. I don't know if  
2 that -- those were the subpoenas that he was talking  
3 about in that motion, but if they were, then again, that  
4 would have been a very brief argument, you know: Judge,  
5 you've already addressed this issue.

6 And I -- I -- if those are the subpoenas that were  
7 at issue in that motion then yes, there were some  
8 objections, or at least an objection that had been  
9 filed. If I remember correctly. It would have been  
10 filed, though, so it would be in the record if it was  
11 there.

12 Q. Right.

13 A. So if it's not then, obviously, I'm  
14 remembering incorrectly but I believe there was at least  
15 one filed.

16 THE WITNESS: Excuse me.

17 MR. BRUNVAND: Do you want to --

18 THE WITNESS: Do you guys mind if I grab a --  
19 a water real quick? I'll be right back.

20 MR. BRUNVAND: No. No, not at all. Go ahead.

21 THE WITNESS: I'm sorry. You think I'd be  
22 used to talking this much.

23 Q. (By Mr. Brunvand) Yeah, it appears that the  
24 Subpoena Deuces Tecum at question dealt with records  
25 from: Jack Bernstein, injury lawyer, Culpepper Kurland,

1 Vincent Law, Catania and Catania, and Rubenstein Law.

2 A. Yeah. So at least one of those firms had  
3 filed an objection.

4 Q. Okay.

5 A. At least -- at least that's what my rem -- my  
6 memory is. I don't remember which one. It may have  
7 been Catania, and it may have been all of them.

8 Q. Would that -- and that would be on the docket;  
9 right?

10 A. It would be filed -- I'm guessing it would be  
11 a motion that -- or an objection that was actually filed  
12 in the case.

13 Q. Right.

14 A. Like a Request for a Protection Order or  
15 something along those lines. It would be something that  
16 you'd be -- it would be searchable in the case, which, I  
17 think because of the -- the nature of the case, I  
18 believe it's all public.

19 Q. Okay.

20 A. That is something I could search relatively  
21 quickly, if you want to take a break at some point, I  
22 could go back to it, but, --

23 Q. Yeah, why don't -- do -- do you want to -- why  
24 don't we take a little break right now and you can --

25 A. Okay. I'm happy to do that. That gives me --

1 Q. All right.

2 A. -- a chance to get --

3 MR. BRUNVAND: Take a five-minute break.

4 THE WITNESS: Okay.

5 MR. BRUNVAND: Five minutes, ten; how much do  
6 you need?

7 THE WITNESS: I -- I -- five minutes will let  
8 me see if there was anything filed in it.

9 MR. BRUNVAND: Thank you.

10 THE WITNESS: Okay.

11 (There was a brief recess at 2:52 p.m. and the  
12 proceedings reconvened at 2:57 with the same  
13 appearances.)

14 MR. BRUNVAND: I don't know if it's been  
15 five minutes or not but I'm back.

16 THE WITNESS: All right. I'm ready to go  
17 whenever you guys are.

18 MR. BRUNVAND: Yeah. I think we're all ready.

19 Q. (By Mr. Brunvand) What'd you find out?

20 A. So it looks like there weren't any objections  
21 filed by any of the law firms that were actually --

22 Q. Okay.

23 A. -- filed in the case. I don't know -- for  
24 some reason I -- I thought there had been an objection,  
25 maybe in correspondence somewhere that's in the Dropbox,

1 but I -- I don't know why it would be in the Dropbox  
2 either so maybe I'm misremembering that.

3 Q. Okay.

4 A. I know that -- that Steve had objected to  
5 subpoenas being issued to these law firms at one point  
6 and the Court -- there being a question of whether or  
7 not he had -- even had standing to object. But that the  
8 Court said that the subpoenas were not -- that -- that  
9 she didn't -- that he hadn't provided a compelling  
10 reason for her to grant the subpoenas and that his --  
11 that there would have been a reasonable objection by the  
12 attorneys' offices had the subpoenas been issued. So I  
13 don't even know that they were ever actually sent out to  
14 the law firms. But I know that -- I know that it was  
15 addressed during a -- a -- a telephone hearing with  
16 Judge Muscarella at one point and she told him not to  
17 send them.

18 Q. Okay.

19 A. Whether or not that was the right ruling, I  
20 don't know.

21 Q. So -- so maybe -- maybe -- I mean, at the  
22 hearing on March 28th, if Mr. Kosowski had been there,  
23 he would have had an opportunity to give the compelling  
24 reason, if there was one.

25 A. Well, she had already ruled on the issue.

1 Q. Right.

2 A. So she --

3 Q. But -- but she scheduled it for hearing.

4 A. And that was the -- that's the -- that's the  
5 Motion for Subpoenas Deuces Tecum; right?

6 Q. Right. Right.

7 A. Right. Well, the discovery had already closed  
8 at that point.

9 Q. No, no, I understand. But -- but -- but on  
10 the 21st of March, she didn't just say discovery is  
11 closed, I've already ruled on this, she actually set it  
12 for hearing a week later.

13 A. Right, she did.

14 Q. And then so, presumably, you know, if  
15 anything --

16 A. Oh, yeah, he would have --

17 Q. -- that -- that could have been one of the  
18 things he might have been able to say, here is the  
19 compelling reason.

20 A. If -- if he had -- if he had appeared, which  
21 he didn't, but if --

22 Q. Right.

23 A. -- he had showed up, he could have -- he would  
24 have been given an opportunity to -- to make an argument  
25 on what he put in his written motion.

1 Q. Yes. Sure. Sure.

2 And -- and we know that he didn't appear because he  
3 was in a paper suit in a health care in a suicide cell  
4 with no access to the phone.

5 A. I did not know that he was in a suicide cell  
6 or that --

7 Q. Right.

8 A. -- he was --

9 Q. You -- you learned that since -- since then  
10 you learned that.

11 A. I -- I -- I have -- I knew he was in custody.

12 Q. Okay.

13 A. I didn't know that he was in -- maybe I did --  
14 maybe I did know he went to health. I don't -- I don't  
15 remember whether I knew that or not at the time.

16 Q. Okay.

17 A. I knew he was in custody and he wasn't there.  
18 I thought -- I thought he might be there.

19 Q. Okay.

20 A. I didn't know that he -- I -- I didn't know  
21 that he was in health at the time --

22 Q. Okay. Okay.

23 A. -- for sure.

24 Q. All right.

25 I'm going to show you an order. All right. So

1 on -- on May 4th, Judge Muscarella signed orders denying  
2 the five motions that had been litigated on March --  
3 on -- well, I -- I don't know that I'm going to say  
4 litigated, that the five motions that came before her to  
5 be heard on the 28th of March there were five orders  
6 denying those that were filed on May 4th -- signed and  
7 filed on May 4th.

8 A. Sounds right.

9 Q. And on May 2nd -- May 2nd, which is the day of  
10 the summary judgment hearing, my recollection is that  
11 when the issue was brought up by Tom Kosowski that --  
12 that these motions needed to be addressed, that you had  
13 indicated that those had already been ruled upon in the  
14 March 28th hearing --

15 A. Potentially.

16 Q. -- do you recall that or no?

17 A. I don't specifically recall it but I -- I --  
18 I -- that sounds like me.

19 Q. Okay. So I'm going to show you one of those  
20 orders and they all -- they're all very similar.

21 Are you able to see this?

22 (Shares screen.)

23 A. Yes.

24 Q. Okay. Looking at the font and the style of --  
25 and all of that, does -- well, does that look like your



1 office prepared this or can you tell?

2 A. I prepared that. I know I prepared it. She  
3 asked me to prepare all of them.

4 Q. Okay. All right. And do you know -- do you  
5 know how those were provided to the Court? So my --

6 A. I had to send the Court -- I had to send the  
7 Court copies for everyone with envelopes and --  
8 prestamped envelopes and everything. I sent everything  
9 to the Court in a package so the Court could sign them  
10 and send them out to all the parties including --

11 Q. Okay.

12 A. -- including Tom.

13 Q. Okay. Do you know -- so you sent one to -- to  
14 Tom Kosowski at the jail?

15 A. That's -- I believe I did. I should have.

16 Q. You had -- he's listed as one of the people  
17 that's on there?

18 A. If he's on there I definitely did that.

19 Q. Okay. So -- and if for some reason he didn't  
20 receive it, it must have gotten lost somewhere along the  
21 way?

22 A. Potentially. Or maybe I sent it -- maybe I  
23 sent it to you.

24 Q. Well, you have my address on there, too,  
25 separately.

1           A.    Yeah.  I -- I -- I probably sent -- gave them  
2   copies to send to both of you.

3           Q.    Okay.  So when I look at -- at the -- the  
4   order and it has me as limited -- limited counsel and I  
5   believe I filed my Limited Notice of Appearance either  
6   the day of the May 2nd hearing or the -- maybe the day  
7   before.

8           A.    That sounds right to me.

9           Q.    Okay.  So it appears to me that these must  
10   have been prepared on or about May 2nd.

11          A.    That sounds right, yeah.

12          Q.    Okay.  And then they're signed by the judge on  
13   May 4th.

14          A.    Sounds right.

15          Q.    Okay.  All right.

16          Do you recall whether or not the judge asked you to  
17   do those orders on the May 2nd date or on -- on the  
18   March 28th date?

19          A.    I think she asked me to do them right away.

20          Q.    Okay.

21          A.    And I think -- I think I was delayed in  
22   getting them sent out to her.

23          Q.    Okay.

24          A.    Or maybe I sent them out and they didn't get  
25   addressed or it doesn't -- that doesn't sound like the

1 Court, though. I probably sent them out late.

2 Q. And the -- and the problem with that is you  
3 list -- you list me as limited counsel and that would  
4 not have been the case earlier.

5 A. So, clearly, these were drafted after you  
6 filed your notice.

7 Q. Okay. Very good.

8 A. Yeah. So I would have been late sending them  
9 out.

10 Q. Did Judge Muscarella tell you who to send --  
11 who to copy on it or did you know on your own that  
12 that's -- those are the people you needed to copy?

13 A. I copied everybody I thought was a party to  
14 the case or counsel --

15 Q. Right.

16 A. -- to one of the parties in the case. I  
17 wanted to make sure that they got to who they needed to  
18 go to and none of the other -- there wouldn't have been  
19 anybody else relevant to send it to.

20 Q. How did you learn that Tom Kosowski had been  
21 arrested for murder?

22 A. I think a sheriff's deputy told me.

23 Q. Okay. Do you recall when?

24 A. Yep. It was at the Clearwater Bar Oyster  
25 Roast on the Saturday following. So it would have been

1 several days after.

2 Q. The -- so March 25th?

3 A. That sounds --

4 Q. Yeah, March 25th?

5 A. Sounds correct.

6 Q. So the deputy actually came to the oyster  
7 roast and to -- or did he call you?

8 A. He was there already and maybe it wasn't a  
9 deputy. Maybe it was -- yeah, it was a deputy. Because  
10 like people were talking about what had just happened,  
11 the whole community was kind of shocked by what  
12 happened.

13 Q. Okay.

14 A. And, you know, I had -- I was still pretty  
15 afraid at this time. I went to this because I had  
16 volunteered to help out with the oyster roast. I  
17 volunteered to do bartending there because I wanted to  
18 meet more members because I had just joined the  
19 Clearwater Bar. I was trying to do more networking.

20 Q. Right.

21 A. And so I had agreed to do this thing and, you  
22 know, I don't like to not do things that I say I'm going  
23 to do, so even though I hadn't really been sleeping or  
24 doing much of anything, I felt obligated to go and do my  
25 shifts at doing the bartending thing there, which when I

1 got there I realized I, obviously, did not need to do  
2 because there were like plenty of people there that were  
3 doing it and it was just -- but I was there so I stayed  
4 for a little while and I think one of the deputies had  
5 mentioned that Tom had been arrested.

6 I knew that he had been stopped because my wife was  
7 monitoring the -- the calls from the sheriff's office.  
8 They publish their calls and we knew the report number  
9 from Steve going missing and so she was monitoring the  
10 sheriff's calls for that report number coming up or  
11 maybe it was a Lar -- maybe it was Largo's calls, I  
12 don't remember. She's very smart. And like very good  
13 at getting information. She's actually super useful to  
14 me. But --

15 Q. What's your wife's name.

16 A. Her name's Brenna [phonetic].

17 Q. Brenna?

18 A. Yeah.

19 Q. Okay.

20 A. But she -- she had told me earlier that --  
21 that -- that day that they had stopped Tom's vehicle, so  
22 I knew that they had stopped his vehicle or they had  
23 stopped somebody in his vehicle earlier that day. And  
24 then I had overheard one of the deputies saying  
25 something about him being arrested, so I knew at that

1 point that he was in custody. But --

2 Q. Okay. So the deputy didn't come to you to  
3 tell you specifically, you just --

4 A. I don't believe --

5 Q. -- overheard it?

6 A. -- so. No. They -- I don't -- I don't think  
7 so, no.

8 Q. Okay.

9 A. Nobody came and told me this person's arrested  
10 or whatever.

11 Q. Okay.

12 A. You know. I think I overheard somebody and I  
13 believe it was one of the deputies saying that -- that  
14 he was arrested and it was while I was, you know at the  
15 oyster roast.

16 Q. Okay.

17 A. And there was -- there was lots of police --  
18 there was lots of deputies there do -- doing security  
19 for the event.

20 Q. Sure.

21 A. I -- I -- again, I do not know who that person  
22 was. It's not somebody I know personally --

23 Q. Okay.

24 A. -- so...

25 Q. You -- you know that while inmates at the jail

1 have some email communication through the jail-monitored  
2 email, that they cannot receive or send regular email  
3 via the internet -- internet like the rest of the world;  
4 right?

5 A. Yeah, I know they can't -- they don't have  
6 computers so they can do that.

7 Q. Yeah.

8 So would -- I'm sorry?

9 A. Nothing. Sorry.

10 Q. Okay. Was -- as it relates to the March 28th  
11 hearing, was -- was any consideration given to let's  
12 find out if -- if he has the ability to participate, you  
13 know, possibly needing to continue it or anything like  
14 that?

15 A. I don't -- no. No, I don't think so.

16 Q. Okay.

17 A. I mean, I -- we knew why Tom wasn't there. He  
18 wasn't there because he, like, got arrested for  
19 murdering Steve.

20 Q. Sure.

21 A. So, like, I -- I did not expect to hear from  
22 him again in the case, to be honest with you, because I  
23 knew he was going to be facing, you know, prosecution  
24 for a serious charge, so I was just -- I was actually  
25 kind of surprised that he was involved in the case at

1 all going forward.

2 Q. You mean -- you mean on May 2nd?

3 A. Yeah, I was surprised he was there. I was --  
4 I was surprised he appeared on May 2nd -- well, I knew  
5 he was going to but I was surprised when I found out he  
6 was going to participate because it just seems kind  
7 of -- I mean, -- it seems -- it -- it's kind of a  
8 secondary issue to like the main issues that he's facing  
9 in his life. I was kind of surprised that he would  
10 spend the time to -- to continue this superfluous,  
11 essentially, frivolous litigation, you know. Like, I  
12 don't know why he's -- continues to care about this  
13 issue, you know at this point. But, you know, I don't  
14 know -- I can't get into his head, so...

15 But, no, I did not -- I did not ask the Court to --  
16 to, you know, halt all proceedings and make sure that,  
17 you know -- Tom was -- you know, had an opportunity to  
18 be heard on -- on these -- these motions that have been  
19 litigated and re-litigated over and over and over again  
20 for the entire year I had been on the case at that  
21 point. I --

22 Q. Okay.

23 A. I just -- if he wanted to refile them again  
24 she was going to let him file them again. Like, he's  
25 been allow -- he's been allowed to do whatever he wanted



1 in the case since I got involved so I -- there was no  
2 doubt in mind that if he wanted to refile these motions  
3 they could be reheard, or if he wanted to file a Motion  
4 for Rehearing he would have had that heard, too. You  
5 know, he was given so much leeway in the case.

6 Q. Well -- but, I mean, af -- af -- after the  
7 May 2nd hearing, I mean, he can't refile.

8 A. That's fair. That's fair. I mean, he could.  
9 He could --

10 Q. Right.

11 A. He could do at that point, but --

12 Q. The request --

13 A. -- I --

14 Q. -- he made the request in the May 2nd hearing  
15 to continue because he was in jail and had -- didn't  
16 have his notes, didn't have access to his computer, you  
17 know, didn't realize that the -- that it had been ruled  
18 upon, you know?

19 A. Yeah.

20 Q. Do you recall that?

21 A. I do.

22 Q. Yeah.

23 A. I do recall him asking for a continuance that  
24 day.

25 Q. And -- and she pretty much, I mean, gave it

1 very little consideration.

2 A. Well, the -- the -- the summary judgment  
3 motion had been pending for, I think, for over a year at  
4 that point.

5 Q. Sure. Sure. Sure.

6 A. And the discovery request that he made did not  
7 address any of the issues that Mr. Blanchard brought up  
8 during the summary judgment hearing, which was basically  
9 almost entirely the -- focused on the fact that my  
10 client was an independent contractor --

11 Q. Uh-huh.

12 A. -- according to his clients at the time. And  
13 because of that, the vast majority of -- of Tom's claims  
14 were just legally barred. And he -- he made a very  
15 compelling argument based on that and -- and no matter  
16 how many tax records or records he got from, you know,  
17 law firms or, you know, other motions regarding  
18 discovery that he already had, it wouldn't have changed  
19 the fact that they presented pretty undisputed evidence  
20 that she was an independent contractor and that kind of  
21 eliminated his ability to pursue these claims.

22 So, I mean -- so -- I mean you were there, I think.  
23 Weren't you?

24 Q. I was there.

25 A. It was -- yeah, I mean, it was -- Jake's

1 argument was pretty locked tight.

2 Q. I don't -- I -- I don't know anything about  
3 civil, so...

4 A. Yeah. You're a smart --

5 Q. I heard --

6 A. -- fellow.

7 Q. -- I heard him read off a bunch of stuff for  
8 about an hour and then --

9 A. That's fair.

10 Q. -- Dr. Kosowski asked for a continuance and it  
11 was denied.

12 A. Well, he never filed a Response of Pleading  
13 which you're required to do.

14 Q. Okay.

15 A. And --

16 Q. I don't know anything about any of that.

17 A. Right. So Tom, like, had neglected to respond  
18 to the motion as required and so, his argument would  
19 have been limited to what he filed anyhow.

20 Q. Okay.

21 A. So it's kind of -- continuing at that point  
22 would have been just another opportu -- ano -- another  
23 example of Tom being given rights that, you know,  
24 lawyers wouldn't have been given in the case; which  
25 happened repeatedly.

1 Q. But -- but --

2 A. I -- I have no doubt I would have been  
3 sanctioned if I had behaved like Tom in that case.

4 Q. Can --

5 A. No doubt. I probably would have gotten  
6 grieved.

7 Q. Can -- can we agree, though, that just missing  
8 a hearing versus being locked up in jail and not having  
9 access to your -- to your materials, you know, is a  
10 pret -- pretty significant difference? Sort of like  
11 being in the hospital.

12 A. I mean, I --

13 Q. Regard -- regardless of the ultimate outcome.

14 A. I mean, if you -- I mean, you -- you take  
15 responsibility for your own actions; and if you murder  
16 somebody and go to jail for murder, and you miss a  
17 hearing because of that, it's hard for me to feel a  
18 whole lot of sympathy --

19 Q. Understood.

20 A. -- for you because you don't get your  
21 discovery motions heard.

22 Q. Understood.

23 A. I understand where you -- I understand that  
24 he's -- would have wanted to be heard on those issues,  
25 but after the hearing there was no Motion for Rehearing,

1     there was no -- there was no additional motions filed,  
2     there was still, after that, despite the fact that  
3     the -- the summary judgment motion had been set for like  
4     six months, there was still no responsive pleading to  
5     the summary judgment ever filed, which should have been  
6     filed months previously.

7             So, like, I just -- I can understand why the Court  
8     said it's time for the hearing, you didn't do what you  
9     had to do for the hearing; I'm going to listen to the  
10    merits of this and if they're good I'm going to go ahead  
11    and rule on it. I can understand why the Court did  
12    that.

13            Q.     Sure.    Sure.

14            A.     But there's -- I mean, there's procedural  
15    rules that --

16            Q.     Yeah.

17            A.     -- you have to follow whether you're an  
18    attorney or a pro se litigant, and if you don't follow  
19    them, at some point the Court has to enforce them.

20            Q.     Understood.   Understood.

21            It's okay. We don't -- we don't -- we don't have  
22    to carry on this -- this discussion. That can be for  
23    another time.

24            A.     Okay.

25            Q.     During the -- your testimony during the bond

1 hearing in July of last year, I believe you testified  
2 that you pleaded with Judge Muscarella to not proceed,  
3 I -- I think you said on Page 150, I think it is. Like,  
4 I told the Court we need him here, they set this, I  
5 asked for the -- they asked for this.

6 Do you recall --

7 A. So you're talking about the --

8 Q. The -- the March --

9 A. -- conversation I had with the Court during  
10 the March 21st hearing?

11 Q. Correct. Yeah.

12 A. Yeah. I mean, I told the Court that day, and  
13 I'll say it again, Steve needed to be there, we had  
14 these motions scheduled, I needed to make sure he was  
15 available. I actually texted him when she was saying  
16 she was going to set them, asking him if these dates  
17 were going to work -- and times were going to work for  
18 him, just trying to get an answer.

19 Q. Right.

20 A. Did not know that he was never going to  
21 respond to me.

22 Q. Right. Would -- would it be fair to say that  
23 on March 28th, no one in that phone hearing said  
24 Tom Kosowski -- these are Tom Kosowski's motions, he  
25 should be here?

1 A. I -- I believe nobody said that.

2 Q. Okay. Okay.

3 A. He noticed it. He noticed it.

4 Q. What?

5 A. Tom noticed the hearing.

6 Q. I -- right. Yeah. I know.

7 A. He filed the notice.

8 Q. He -- but he was -- he was --

9 A. After he --

10 Q. -- not in custody --

11 A. -- killed the guy he -- he --

12 Q. -- when he filed.

13 A. -- he filed the notice.

14 Q. I know. I know. I know. But he was in a  
15 paper jumpsuit and -- and -- and he was not in custody  
16 at the time when -- when he filed the notice.

17 A. I know. I know.

18 Q. The -- the Notice of Hearing for the three --  
19 for the March 28th hearing, do you recall when that  
20 was -- when that was filed?

21 A. I think it was like a day after the hearing.  
22 It was either the same day or the next day. I want to  
23 say the hearing was on -- I think it was on a Tuesday --

24 Q. Yeah.

25 A. -- and I -- I think the notice was filed

1 pretty briefly and shortly thereafter.

2 Q. Can you see that -- this notice?

3 A. It looks like it was filed the same day.

4 Q. Okay.

5 A. 4:00 p.m.

6 Q. About 4:00 o'clock in the afternoon, shortly  
7 before 4:00?

8 A. (Nods head).

9 Q. Okay.

10 Do you recall and -- and -- going back to now the  
11 May 2nd hearing; do you recall that originally that  
12 hearing was scheduled to be in person?

13 A. Which hearing?

14 Q. The May 2nd hearing.

15 A. I mean, normally that's the hearing that would  
16 be done in person. Usually, the civil courts or family  
17 courts, they want hearings that are over an hour to be  
18 in person but sometimes they let -- some of the courts  
19 let them be Zoom. It just depends. This one, I think  
20 was a phone hearing because Tom was --

21 Q. Show -- showing you a Notice of Hearing that  
22 was filed on November 4th, 2022 shortly before  
23 11:00 a.m.

24 Does that appear to be a Notice of Hearing for an  
25 in-person hearing on those two motions?



1 A. Yes.

2 Q. And it was filed by Jake Blanchard?

3 A. Yes. I mean, it was probably prepared by  
4 Steve, but it was filed by Jake's office.

5 Q. Okay.

6 And on -- am I still sharing the screen or no?

7 A. No.

8 Q. Okay. Let me -- and then it looks like on  
9 March 29th there's an Amended Notice of Hearing making  
10 it telephonic for May 2nd, 2022?

11 A. Looks that way.

12 Q. Okay. When -- when a hearing is changed from  
13 in person to telephonic do -- do you normally confer  
14 with the parties and make sure everyone is in agreement  
15 to change it from in person to telephonic?

16 A. It would be the Court's prerogative.

17 Q. Right. But the -- the Court didn't -- didn't  
18 prepare the notice and file the notice.

19 A. Right. I don't know why this was changed from  
20 in person to telephonic.

21 Q. Okay.

22 A. It may have been just that the parties agreed  
23 that it was appropriate because, you know, coordinating  
24 transport from the jail to the Clearwater Courthouse to  
25 be in front of Judge Muscarella would have been

1 problematic, and I imagine Judge Muscarella wasn't  
2 interested in going down to the CJC to hold a hearing at  
3 a strange courtroom that she's not usually at, so I'm  
4 venturing a guess here, because I don't know why this  
5 changed. But I'm guessing that her office probably  
6 requested that it be done telephonically.

7 Q. That -- that her office reach -- reached out  
8 to Blanchard?

9 A. That would be my guess but I don't know. I  
10 wasn't involved.

11 Q. Did anyone reach out to you?

12 A. Not that I can recall. They probably did. I  
13 don't recall -- I just --

14 Q. Okay.

15 A. -- agreed to everything. It -- that's how --

16 Q. Okay.

17 A. -- I was from the beginning of my involvement  
18 in this case. I tried to just agree to everything I  
19 could.

20 Q. Right.

21 A. Because I was trying to get it to arbitration  
22 so I could get out, get off the case. I never -- yeah,  
23 I did not want to be involved in this case anymore.

24 Q. Okay.

25 Do you -- from what you know was -- I mean, Tom

1 Kosowski was still a party to the case; right?

2 A. Oh, yeah, he's the plaintiff.

3 Q. Right. Do you know if anyone consulted with  
4 him about changing the location?

5 A. I wasn't involved.

6 Q. Okay. Okay. So you don't know?

7 A. I don't know. I'm sorry.

8 Q. All right. That's okay.

9 A. He was involved. I know that -- I know that  
10 much. For most of the --

11 Q. Your -- your changing it from in person to --

12 A. Oh, no, he was involved in the hearing. I'm  
13 sorry. He wasn't involved -- I don't know that he was  
14 involved at all in changing -- in changing the way that  
15 the hearing was conducted.

16 Q. Okay. All right.

17 Do you know how he was put on notice of the change,  
18 if he was put on notice of the change?

19 A. I don't.

20 Q. Okay.

21 Do you know who arranged with the jail to have Tom  
22 Kosowski in a room where he could make the phone call  
23 for that hearing?

24 A. I don't know. I assume --

25 Q. Okay.

1 A. -- you.

2 Q. Wasn't me. It wasn't me.

3 A. It may -- it may have been Judge Muscarella.

4 Q. Okay.

5 A. But I -- I would guess that's who did it, but  
6 it -- I didn't have anything to do with that.

7 Q. Okay.

8 A. It wasn't my motion. Again, I was just  
9 present.

10 Q. Right.

11 A. I didn't even really speak during that  
12 hearing.

13 Q. So do you recall who was present for that  
14 hearing?

15 A. I know Jake and I were there; I believe you  
16 were there, Tom was there, Judge Muscarella was there,  
17 and I believe a court reporter was there.

18 Q. Okay.

19 Do you know who would have arranged for the court  
20 reporter to be there?

21 A. Probably Jake Blanchard.

22 Q. Okay.

23 A. It was his motion.

24 Q. Okay. Okay.

25 Do you recall that Tom Kosowski was actually --

1 ended up calling into the hearing late after the hearing  
2 had started?

3 A. I don't remember that. I know that he -- I  
4 know that he hung up before it was over.

5 Q. Before it was over?

6 A. And I know that the deputy called back and  
7 said that he hung up and left and stormed out of the  
8 room and that they weren't -- because there had been an  
9 issue with it going too long and the deputy saying that  
10 they weren't going to be able to keep him there and  
11 Judge Muscarella said, absolutely not, you're going to  
12 keep him there, figure it out. And so they kept him  
13 over longer. And so when he hung up the deputy called  
14 back and just made it clear to the judge that he wasn't  
15 withholding -- or Tom's ability to be involved, that he  
16 had willfully left early.

17 Q. And -- and when he -- when he had left was  
18 shortly after Judge Muscarella summarily or promptly  
19 denied his request for a continuance?

20 A. That's -- that's -- that's what I recall, yes.

21 Q. Okay.

22 Do you know whether or not that hearing was  
23 recorded? Audio recorded?

24 A. I know there was a court reporter there, so,  
25 again, probably.

1 Q. Okay.

2 A. I don't have -- I don't have the record --  
3 audio recording.

4 Q. Okay.

5 A. But I would -- I would bet the court reporter  
6 probably does.

7 Q. Do you recall the reasons Dr. Kosowski gave  
8 for why he wanted a continuance?

9 A. I recall him saying that he did not have  
10 computer access or that he didn't have notes or -- I  
11 don't remember the specifics of it but he hadn't  
12 complied with the -- the rules with re -- with regard to  
13 responding to a Summary Judgment, so, none of that  
14 argument would have been admit -- relevant at that point  
15 because there was no responsive pleading filed. So  
16 anything he brought up during the hearing would have  
17 been essentially trial by ambush, which you're --  
18 you're -- the rules are there to avoid. So, you know,  
19 he --

20 Q. So --

21 A. -- he just --

22 Q. So --

23 A. -- didn't do what he was supposed to do to  
24 respond to the thing.

25 Q. Okay. And, again, I don't know anything about

1 civil law.

2 A. Right.

3 Q. But -- but --

4 A. We're probably not too far apart here, Bjorn.

5 Q. Right. But -- but my -- my -- what -- what  
6 puzzles me is if there's nothing he can say or do during  
7 that hearing because he didn't file a responsive  
8 pleading, why is the Court scheduling an hour-long  
9 hearing?

10 A. I mean, they still -- this Court still has to  
11 decide whether the argument being made by the defendant  
12 is legally sufficient to justify a summary judgment, so  
13 there's still argument required.

14 Q. Sure. But if I re -- remember correctly,  
15 it -- it was all laid out in the pleading; maybe not,  
16 maybe I'm mistaken on that.

17 A. I don't remember, to be honest.

18 Q. That's fine.

19 A. It should have been. So, anything that he  
20 would -- anything that Jake was going to argue during  
21 that hearing should have been in written pleading also.

22 Q. Right.

23 A. So --

24 Q. And it just seems to me -- I mean, that it --  
25 that it was tracking it when he was -- it was almost

1     like he was reading it to the Court but I -- I don't  
2     know.

3           A.     He probably prepared his -- Jake's not a  
4     litigator.

5           Q.     Okay.

6           A.     So he probably repa -- prepared his entire  
7     statement in writing, would be my guess.

8           Q.     Understood.

9           A.     He's a bankruptcy lawyer.

10          Q.     Okay.

11          A.     So he doesn't -- he doesn't do this really.

12          Q.     So -- but that was -- was not necessarily a  
13     document that was part of the file that had been  
14     submitted to the Court.

15          A.     Right. I'm guessing if he was reading  
16     something it was probably a prepared speech or prepared  
17     argument.

18          Q.     Okay.

19          A.     And, frankly, I -- if I had been -- I mean, if  
20     I had been in his position in that particular case I  
21     probably would have done the same thing because it's  
22     very complicated and different from what I'm used to  
23     doing.

24          Q.     Sure. Sure.

25          And we may have already touched on this but just to



1 make sure I'm not missing something, when -- when --  
2 when Dr. Kosowski requests a continuance and indicates  
3 that there were outstanding motions, the ones that  
4 were -- you know, he didn't realize had been ruled on,  
5 on the March 28th hearing, you read out the substance of  
6 the orders on those five orders, so that -- do you  
7 recall that?

8 A. I do not, no.

9 Q. No? Okay. Okay.

10 A. (Shakes head). I may have said they were all  
11 denied.

12 Q. Okay.

13 A. I -- I don't -- I don't know --

14 Q. May you have -- may you have had maybe a draft  
15 that you had -- were reading from and saying, you  
16 know --

17 A. That sounds -- sounds correct.

18 Q. Okay.

19 A. I mean, that sounds like something I may have  
20 done.

21 Q. And then maybe --

22 A. And if the Court addressed those -- if -- if  
23 the Court was addressing those orders or asked about  
24 that or if they were brought up and I was given an  
25 opportunity to speak, I -- I would have said these were

1 all denied on this day.

2 Q. Okay. And if you had the draft you may have  
3 read -- read -- they're very brief, all the orders  
4 are --

5 A. Right. Straight forward. Denied.

6 Q. Yeah. Yeah.

7 A. Yeah.

8 Q. Okay.

9 A. I mean, they weren't -- they weren't  
10 substantive, they were all just dis -- discovery and --  
11 I guess the sanctions motion was -- I guess that was a  
12 little bit more complicated but I -- I did that as a  
13 favor. That wasn't even -- didn't have anything to do  
14 with me, I just did it because the Court asked me to.

15 Q. When -- when the orders -- when we look at the  
16 ones that -- we looked at one of them and they're all  
17 the same. It doesn't appear that they were uploaded  
18 through -- through what's called JAWS.

19 A. No. So I had to -- because there were pro se  
20 litigants involved, I had to provide paper copies and  
21 letters -- or excuse me, envelopes that were stamped and  
22 pre-addressed for everybody. So I had -- I literally  
23 had to mail a package to the Court with all of those  
24 documents in there so I sent all of that -- I sent -- I  
25 want to say I sent the -- I feel like I would have sent

1 the orders out to you and Jake via email --

2 Q. Okay.

3 A. -- first, just to see if there was any  
4 objection.

5 Q. Okay.

6 A. And then I would have sent all of that out --  
7 out to the Court once I didn't get an objection.

8 Q. All right. And then who would then actually  
9 file the orders with the clerk of court?

10 A. The judge, once they're signed.

11 Q. Okay.

12 A. So the judge signs them and then they -- they  
13 file a copy and then they send all the others out to the  
14 parties or the attorneys. Or the JA signs it and files  
15 a copy of it --

16 Q. Right.

17 A. -- I assume.

18 Q. Do you recall when -- after Dr. Kosowski asks  
19 to continue the hearing for him to be able to respond  
20 properly and what have you, and it was denied, do you  
21 rec -- do you recall him complaining that he wasn't  
22 being treated fairly?

23 A. I do. I do -- I do remember that.

24 Q. Okay. Someone -- I believe someone when --  
25 when he complained about not being treated fairly,

1 someone on the recording said something like fair, huh?  
2 Do you recall anyone saying that, like, sort of  
3 responding to him saying I'm not being treated fairly?

4 A. I mean, I don't recall that, but --

5 Q. Uh-huh.

6 A. -- that seems like a pretty reasonable  
7 response to me.

8 Q. Okay.

9 A. I mean, the -- kind of the audacity of that  
10 complaint from somebody in his position is kind of --

11 Q. Might that -- might that have been you or you  
12 don't know?

13 A. I don't recall doing that.

14 Q. Okay. But if someone did it, whether it was  
15 you or someone else, your thought is that is not an  
16 unreasonable response?

17 A. I don't think it's unreasonable to be a little  
18 bit -- to kind of see the gall in complaining about  
19 fairness when --

20 Q. Understood.

21 A. -- you know, you have no --

22 Q. Sure.

23 A. I mean, Tom knows what he did. And he's still  
24 making arguments.

25 Q. He -- he's presumed innocent.

1           A.    The Court certainly presumes him innocent, for  
2   sure.  I mean, I'm -- I -- I don't dispute that at all.

3           Q.    When -- in the March 21st hearing when you  
4   asked the -- the -- the Court -- you know, the -- or  
5   told the Court that really Steven Cozzi needed to be  
6   present, do you recall what -- what her response was?

7           A.    No.

8           Q.    Did she pause the proceeding?

9           A.    She just went forward with scheduling.

10          Q.    Okay.

11          A.    Because it was basically just a CMC.  I mean,  
12   for all intents and purposes it ended up being a  
13   scheduling hearing --

14          Q.    Okay.

15          A.    -- so...

16          Q.    But -- but you were concerned about Cozzi not  
17   being there.

18          A.    Right.  Because he was supposed to be there.

19          Q.    Right.

20          A.    When you don't show up for a hearing that  
21   you're supposed to be at, the Court still goes forward  
22   with the hearing.

23          Q.    Not all the time, but sometimes.

24          A.    Yeah, I mean, not all the time -- if there's  
25   a -- a justifiable excuse --

1 Q. Right.

2 A. -- you know, there's a -- you know, if there's  
3 a reasonable excuse, you know, if you've been in a car  
4 accident or, you know, you have an emergency or  
5 something like that.

6 Q. Right.

7 A. But you know the Court wasn't aware of that at  
8 the time. She wasn't aware that Steve wasn't going to  
9 show up for anymore hearings at that point.

10 Q. Right. But on March 28th the Court was aware  
11 that Kosowski was incarcerated.

12 A. Yes.

13 Q. And -- and -- and no one made any inquiries  
14 about his ability to call into that hearing.

15 A. I don't recall specifically what any -- I did  
16 not make an inquiry --

17 Q. Right.

18 A. -- as to whether or not he would be available.  
19 I did not.

20 Q. And you didn't represent Kosowski.

21 A. No.

22 Q. So -- so would you have any obligations to --  
23 on behalf -- on his behalf?

24 A. I don't -- I mean, I don't think I have any  
25 obligations to him beyond not violating my ethical

1 obligations or, you know, ensuring that the Court's not  
2 mislead.

3 Q. Right.

4 A. I think my -- I think -- I think I was  
5 obligated to inform the Court what I knew about where he  
6 was, which I did.

7 Q. Right.

8 A. But I'm not -- it's not my job to then  
9 advocate for him or ask the Court to give him undue  
10 grace under the procedural rules based on his position.

11 Q. Right.

12 A. You know, my job at that point is just to do  
13 what I can for my client, try and keep the case moving,  
14 try and remedy whatever outstanding issues I could  
15 remedy.

16 Q. Sure. I mean, your obligation is -- is to  
17 your client, Mr. Blanchard's obligation is to his  
18 clients, maybe the Court has a little bit of a broader  
19 obligation to make sure that everyone is being treated  
20 fairly and -- and receiving due process?

21 A. The Court's obligations are absolutely  
22 100 percent to make sure that, you know, the rules  
23 and -- and the laws are applied fairly to everybody.

24 Q. Right.

25 A. So, you know, what their specific obligations

1 are, is above my pay grade. Maybe one day I'll get to  
2 know that a little better but doubtful.

3 Q. Okay.

4 So we talked about the -- the Mason deposition.  
5 When -- when did -- did Steven Cozzi both text you and  
6 call you to tell you that -- that Dr. Kosowski had  
7 called him a scumbag?

8 A. I don't remember whether he put it in text or  
9 not. It would be in my text messages that have been  
10 provided, if he did. If we talked about it via text it  
11 would be in there. I know we talked on the phone.

12 Q. If it would be via text was -- was -- was it  
13 during the deposition or after the deposition?

14 A. I don't know. I don't know. I don't know if  
15 he texted me when it happened, maybe. I mean, I was  
16 on -- I was on Zoom so...

17 Q. Right.

18 A. You know, I feel like it was probably a  
19 situation where he didn't tell me about it until after  
20 the depo because I feel like if I had found out about it  
21 in the middle of the depo, I feel like I would have told  
22 him to end the depo.

23 Q. Okay.

24 A. And I -- I -- well, at least that's what I  
25 want to believe I would have done.



1 Q. Okay.

2 A. I don't -- I don't know. That's -- that's not  
3 fair, it's hypothetical, but I -- I -- I don't think he  
4 texted me in the middle of the depo but he might have.  
5 I know we spoke on the phone after the depo was over.  
6 I -- I feel like there were some texts messages as well  
7 and he may have told me in there that he called him a  
8 scumbag. I know we talked on the phone at -- at some  
9 point, so...

10 But Steve and I talked regularly after these  
11 hearings because it would be like a -- every time we had  
12 to have some time with Tom, it was just exhausting. It  
13 was awful to have to deal with him.

14 Q. In what sense?

15 A. He's just mean. He's just not a nice man.  
16 He's mean. He's aggressive. He's angry all the time.  
17 He's -- I mean, he's constantly calling people  
18 unethical. I mean, Steve is not -- I mean -- are we  
19 going to set our Bar licenses on fire for this case?  
20 Like, really? Like, talking about how, you know, these  
21 forgeries involved, you know. And the -- the merits of  
22 this case were so --

23 Q. What -- forgery -- forgery by whom?

24 A. I mean, he was accusing Steve of forgery.

25 Q. Steve or Steve's client?

1 A. He accused Steve directly.

2 Q. Okay.

3 A. In -- in front of the judge.

4 Q. And what was it -- what was it that Steve  
5 allegedly had forged?

6 A. These invoices. So he asked for invoices that  
7 were sent on these specific cases -- I'm -- I'm sorry,  
8 I'm -- my teeth are chattering because it's cold in here  
9 right now. He was asking for specific invoices that  
10 were sent to these law firms on these cases where he had  
11 done his like surger -- his like skin procedures on  
12 these people. Plastic surgery or some other type of  
13 procedure. And he would want the invoices that were  
14 sent from the Laufer Institute or -- and Dunedin  
15 Surgical, and all the other people, he would want their  
16 invoices that they sent to these law firms.

17 So when Steve got the invoices, the invoices were  
18 stored in an accounting software because, of course,  
19 they are, that's where they're getting generated from;  
20 and so when they get printed off, they have a new date  
21 on it because they -- the date gets printed off when the  
22 invoice gets printed off -- right? -- it's like totally  
23 reasonable. And Tom was complaining that because the  
24 dates were, you know -- you know, after he issued the  
25 Request for Production and the dates weren't back when

1 the invoices were originally sent that they were  
2 forgeries. And he said that over and over again. And  
3 Steve was just like I can't produce you the original  
4 document that was sent to a law firm. I -- I can't --  
5 like, I don't have it. I have copies that I can produce  
6 for you.

7 And he's in Court in front of the judge accusing  
8 Steve of forging these documents because of that. And  
9 he -- and he made that allegation multiple times and,  
10 you know, it was just very -- the guy was very  
11 unpleasant to be around. There -- there are people who  
12 are unpleasant to be around and Tom Kosowski is one of  
13 them. And --

14 Q. So --

15 A. -- and it doesn't surprise me. Like --

16 Q. So --

17 A. -- yeah, he wasn't --

18 Q. Did you and Steve -- Steve Cozzi have  
19 discussions about, you know, we should really make sure  
20 we have a court reporter present at all court hearings  
21 because of -- of the kind of allegations that were being  
22 made?

23 A. No.

24 Q. Okay.

25 A. No, because they weren't -- they were

1 meritless.

2 Q. Okay.

3 A. You know, if he -- if he -- if he wants to  
4 throw this around, you know, eventually the Court's  
5 going to catch on and --

6 Q. Okay.

7 A. -- she's going to shut it down, and she did  
8 eventually.

9 Q. Okay.

10 A. She gave him a lot of leeway at first. I  
11 mean, she reopened --

12 Q. So --

13 A. -- discovery for him at least three times  
14 since I got involved.

15 Q. Going back to the Mason deposition on  
16 January 26th, '23, right?

17 A. Yes, sir.

18 Q. Okay. Did you see whether or not  
19 Mr. Blanchard was present during that deposition?

20 A. I was not there, I could not see Mr. Blanchard  
21 in the room. I don't think he was in the room I don't  
22 know that though.

23 Q. Okay. Did you -- did you at any point --  
24 because I know you can't see -- you could just see the  
25 witness?

1 A. Yes.

2 Q. Okay. Did you ever hear Mr. Blanchard in the  
3 room?

4 A. No. I -- I barely knew Mr. Blanchard at this  
5 point. I -- I could not have -- I could not have  
6 identified Mr. Blanchard at this stage in litigation.  
7 So I wouldn't have known his voice, I wouldn't have  
8 known his face, I wouldn't have known him.

9 Q. Did -- did there appear to be like a break in  
10 the deposition that -- caused by Mr. Blanchard bursting  
11 into the room furious and upset that -- that you  
12 could -- anything that you saw that would suggest that  
13 to you?

14 A. I -- I didn't see that.

15 Q. Okay.

16 A. I was -- there was definitely a break.

17 Q. Okay.

18 A. And that break is when I -- is when I  
19 understand the confrontation in the bathroom happened.

20 Q. Right.

21 A. But when that was going on, I was not -- I  
22 was -- number one, I was not in front of my computer.  
23 We took a certain amount of time break and I was --

24 Q. Okay.

25 A. -- doing something else. When I get a break

1 in a depo I get up and walk around because sitting for  
2 hours is awful.

3 Q. Okay.

4 A. But, yeah, I don't -- I don't recall that. I  
5 did not see that.

6 Q. Okay.

7 A. So I don't know whether that was -- you know,  
8 recorded or not.

9 Q. Do you recall Steven texting you about  
10 Mr. Blanchard that -- the day of the deposition?

11 A. I'd have to refer back to my texts.

12 Q. Okay.

13 A. I know we text -- I know we would text  
14 regularly. That's one of the ways --

15 Q. Do you have -- do you have the texts readily  
16 available?

17 A. Yeah, they're still on my phone.

18 Q. Okay. You want to -- you want to take a look,  
19 it would be --

20 A. Sure. I -- sure, I'll take a look at them.

21 Q. All right. January 26th; right?

22 A. Yeah. Oh, we did talk -- so -- okay. I --  
23 yeah. Okay. I've had a chance to look at them so I --  
24 I know what we texted about that day.

25 Q. Okay.

1           A.    I -- I -- I -- the -- the -- Blanchard going  
2   into the depo room was not something he wrote to me in  
3   text.

4           Q.    Okay.

5           A.    He did -- it does look like he -- it does look  
6   like he texted me in the middle of the depo, which makes  
7   me feel awful.

8           Q.    Did -- did -- and -- and you mean about --

9           A.    Not shutting it down.

10          Q.    All right. No, no, but -- but what did he  
11   text you about in the middle of the depo?

12          A.    About Tom calling him a scumbag.

13          Q.    Okay. Okay.

14          A.    I mean, he wasn't a scumbag.

15          Q.    But --

16          A.    He was -- he was a nice dude.

17          Q.    Does he -- does he mention Blanchard at all  
18   in -- in -- in the text messages?

19          A.    I -- I didn't -- I didn't see him mentioning  
20   Jake in there.

21          Q.    Okay.

22          A.    I mean, I -- I may have missed -- I just  
23   looked at it briefly but I didn't see anything in there  
24   where he mentioned it.

25          Q.    Did he --

1           A.    I think he talked about it on the phone.

2           Q.    Okay. Did he talk about having -- him having  
3 to restrain Blanchard?

4           A.    I can't remember.

5           Q.    Okay.

6           A.    I -- I remember -- I remember asking him why  
7 he didn't cancel the depo and throw him out and I  
8 remember him telling me that Blanchard wanted to throw  
9 him out but that he was worried that the Court wouldn't  
10 think it was a big enough deal and that he'd get a  
11 grieve -- a Bar -- he was worried about a getting a Bar  
12 grievance from Tom.

13           And I kept telling him over and over again, man,  
14 like, yeah, anybody that's worked at the PD's office has  
15 had a Bar grievance and 90 percent of them just end up  
16 in a trashcan somewhere. So like -- like, you can't be  
17 worried about, you know, a crazy person sending a -- a  
18 Bar grievance on you. Like, the -- the people who look  
19 at those, like, do a good job of analyzing whether or  
20 not there's merits of them.

21           But I remember him telling me he was worried about  
22 getting grieved by Tom. And I remember him turn --  
23 telling me that he -- he convinced Jake not to throw him  
24 out because he just wanted the depo to be over and he  
25 didn't want Ms. Mason to have to sit for another depo.



1           It was -- he was caring. He's a caring guy. Like,  
2 he was worried about Ms. Mason because she was getting  
3 hammered and it's -- it's -- getting deposed is not fun,  
4 it's not -- not fun for anybody. And it's certainly not  
5 fun for people who aren't, you know, ready for it.

6           Q.     Sure.

7           A.     And especially not from somebody who's  
8 untrained and has no -- appears to have no empathy for  
9 the person they're talking to. So, he just wanted it  
10 over.

11          But, yeah, I remember him telling me about having  
12 to convince Jake not to throw him out but I don't  
13 remember him saying he had to restrain him or anything  
14 like that.

15          Q.     Okay.

16          What about at -- did you, at some point, witness an  
17 exchange between Steven Cozzi and Mr. Blanchard where it  
18 seemed like Steven was restraining Mr. Blanchard? Do --  
19 did you witness that?

20          A.     No.

21          Q.     Okay.

22          So we talked about the text message reference  
23 Dr. Kosowski calling Steven a scumbag.

24          Did you ever receive an email from Steven Cozzi  
25 regarding that same topic?

1 A. Probably.

2 Q. Do you know the date and then -- then -- well,  
3 and it was -- is that something you can locate?

4 A. I can look in the case and see if I saved it  
5 in there.

6 Q. Okay.

7 A. And I could -- I could let you know and I'd be  
8 happy to produce any emails regarding that depo if  
9 Nathan wants me to.

10 Q. Okay.

11 A. As long as they don't violate my  
12 attorney-client privilege, like I'll --

13 Q. Yeah.

14 A. -- I'll give -- I'll give you any emails with  
15 Steve regarding what happened during the depo.

16 Q. Right. And even if certain things had to be  
17 redacted, I mean, that's -- that's fine as well.

18 A. I will let you know.

19 Q. Okay.

20 A. If you want me to look through those --  
21 through my case emails and see if there's any references  
22 to that depo --

23 Q. And --

24 A. -- I'm -- I'm happy to do it.

25 Q. And really what I would ask, you know, and --

1 and, obviously, Nathan, you know, would be the one that  
2 would make the ultimate decision, but really any -- any  
3 email communications between you and -- and Steven Cozzi  
4 that may be relevant to this case as far as, you know,  
5 your discussions about Kosowski and -- and -- and what  
6 have you, I think would be important for us to be able  
7 to have access to.

8 A. Okay. If I can -- you know, there's going to  
9 be a -- a -- there's a -- most of the emails are going  
10 to be between Tom and the two of us.

11 Q. Okay.

12 A. Because Tom sent a lot of emails.

13 Q. Right.

14 A. So I -- I'm more of a pick up the phone when  
15 I'm dealing with co-counsel and stuff, but, obviously,  
16 some things have to be written.

17 Q. Sure. Sure.

18 A. But yeah, I'll -- I'll -- I'll look at see if  
19 there's anything relevant that you guys need.

20 Q. Did -- did -- did the State Attorney's Office  
21 ask you for those emails previously or -- or law  
22 enforcement?

23 A. I don't recall; they may have. They may have.  
24 I may have dropped the ball on giving them stuff. I  
25 don't know, I -- I don't recall.

1 Q. Okay. I think --

2 A. I don't think so but --

3 Q. Nat -- Nathan is shaking his head so I think  
4 it's not been requested so we -- we're requesting it  
5 now.

6 A. Okay.

7 Q. Yeah.

8 Did Steven Cozzi seek a protective order as it  
9 relates to Ms. Mason's deposition?

10 A. I think he may have.

11 Q. Do you re -- do you recall whether or not it  
12 was granted or denied?

13 A. I don't remember having a hearing on a  
14 protective order. I think they may have just been able  
15 to reschedule it.

16 Q. Okay.

17 A. Yeah. Tom was mad because it got rescheduled  
18 because Ma -- Mason was dealing with like sick family  
19 members or something and he was -- Tom was angry that it  
20 got rescheduled. So, I don't know if -- I don't know if  
21 Steve sought a protective order. I can't recall whether  
22 he sought a protective order because Tom unilaterally  
23 scheduled a depo, which is possible because it was the  
24 type of thing that he did. He did a lot of scheduling  
25 without conferring with me and I always just made it

1 work.

2 Q. Do you -- do you recall how many times that  
3 deposition had been rescheduled?

4 A. Once or twice, I believe; that I can recall.

5 Q. Okay.

6 A. They did a lot -- they did a lot of depos  
7 before I got involved, so it may have been more.

8 Q. Prior to your involvement?

9 A. Right.

10 Q. Okay.

11 And do you know, generally, what was the -- the  
12 reasons why it was rescheduled?

13 A. No. I mean, the last time it was rescheduled  
14 I know it was because she had a sick family member she  
15 was dealing with.

16 Q. Okay.

17 A. I think maybe she was out of the country.

18 Q. Okay.

19 A. That sounds familiar.

20 Q. Out of the country or sick family member?

21 A. Huh?

22 Q. Out of the country or a sick family member or  
23 both?

24 A. I think maybe both.

25 Q. Okay.

1           A.    I think maybe her parents lived abroad and  
2 they were sick or something.

3           Q.    Okay.  Costa Rica or something like that?

4           A.    That sounds familiar.

5           Q.    Okay.

6           A.    That sounds familiar.

7           Q.    Did you appear for her -- for her deposition  
8 on September 12th, 2022?

9           A.    I don't recall.  I don't think there was one,  
10 was there?

11          She may have been noticed for depo that day but  
12 didn't appear.

13          Q.    Okay.  Yeah, that's what it appears to be,  
14 that it was scheduled and then she did not appear.

15          A.    Okay.

16          If she was scheduled and it wasn't canceled and she  
17 didn't appear, then I was there.

18          Q.    Okay.

19          A.    Because if I hadn't been able to be there, I  
20 would have done what I did on -- in January and asked  
21 for accommodations because --

22          Q.    Okay.

23          A.    -- I don't --

24          Q.    So you would have been present, Steve Cozzi  
25 would have been present, Tom Kosowski would have been

1 present; anyone else, court reporter?

2 A. Probably.

3 Q. Anyone else?

4 A. That's who would have been there.

5 Q. Okay.

6 A. Obviously, Steve's staff.

7 Q. Do you know why the witness Ms. Mason didn't  
8 show up on that date?

9 A. No.

10 Q. I believe in the -- in the July hearing you  
11 had indicated that Dr. Kosowski had been told that  
12 Mrs. Mason had been out of the country on Page 162, I  
13 think you said --

14 A. You talking about my prior testimony and -- at  
15 the bond hearing?

16 Q. Yeah, sorry. Sorry.

17 A. Okay. Yeah.

18 Q. That --

19 A. That sounds right.

20 Q. -- and the fact that -- that he was told that.

21 A. I -- and, again, I -- this is all secondhand,  
22 right? So this is all what's getting reported to me.

23 Q. To you. Right.

24 A. Yeah.

25 Q. Do you -- do you know who told you that?

1 A. It would have been Steve or Steve's --

2 Q. Okay.

3 A. -- office.

4 Q. Okay.

5 Was -- do you know whether or not that information  
6 was accurate?

7 A. No idea.

8 Q. Okay.

9 A. No idea.

10 MR. BRUNVAND: Are we doing all right  
11 timewise?

12 THE WITNESS: Oh, I'm -- yeah, I'm good.

13 MR. BRUNVAND: Okay. All right.

14 THE WITNESS: I appreciate it. Thank you for  
15 asking.

16 MR. BRUNVAND: Okay.

17 THE WITNESS: Let me grab a drink real quick.

18 Q. (By Mr. Brunvand) Do you know where Ms. Mason  
19 actually was on December 12th, 2022?

20 A. No idea.

21 Q. Did you yourself ever tell Dr. Kosowski that  
22 Mrs. Mason was out of the country on December 12th,  
23 2022?

24 A. I -- I don't -- I don't think so.

25 Q. Okay.



1           A.    I don't know.  If -- if I did, it would have  
2 just been me giving him the same information that was  
3 given to me.  I never represented to Tom that I knew  
4 where Tricia Mason was.  The only place I've ever known  
5 where she was, was at the January 26th deposition.

6           Q.    Okay.

7           A.    I couldn't put her anywhere other than that  
8 day.

9           Q.    In -- in -- in your text messages, I  
10 believe -- and you have them so you can look as well.  
11 But with Steven Cozzi on December 12th, Steven Cozzi  
12 said to you:  I swear, I did not do that on purpose,  
13 LOL.

14           And you replied:  I love how -- I love how mad he  
15 was, just slowly turning red.

16           And then Steve Cozzi re -- replied:  Awesome.

17           Do you know what Steven Cozzi was talking about  
18 when he said I did not do that on purpose?

19           A.    What day was this?

20           Q.    That's the -- the December 12th, 2022 when --  
21 when the deposition had been scheduled.

22           A.    Huh.  Apparently my -- apparently I don't have  
23 all those depos -- or all those messages.

24           Q.    You don't have it?

25           A.    No, I don't.

1 Q. Like, it doesn't go back that far?

2 A. Mine -- on my phone, apparently don't. I  
3 don't know what happened there. I guess maybe because  
4 it's over 18 months ago, I don't know. It may be that I  
5 got a new phone.

6 Q. Oh, you know what, sometimes it -- sometimes  
7 it will refresh and it will pop up.

8 A. Yeah, I can't -- it -- it's not doing that  
9 right now, so...

10 Q. Okay. You want me to see if I can pull the  
11 hard copy of it?

12 A. If it's -- if it's in the messages that I gave  
13 to Nathan, then I pulled those off my phone.

14 Q. Okay.

15 A. So I will -- I will verify the authenticity of  
16 those messages.

17 Q. Say again?

18 A. I'll verify the anti -- the -- the  
19 authenticity of those messages.

20 Q. Sure.

21 A. If I gave those to Nathan, I pulled them off  
22 of my own phone.

23 Q. Yeah.

24 Do you recall -- or do you know or recall what he  
25 meant by: I did not do that on purpose, LOL?

1           A.    I'm -- I'm guessing it's -- I'm -- I'm  
2   guessing that it's Steve saying he didn't mean to make  
3   Tom angry because Tom would get angry especially when it  
4   was -- if it was just me and Steve, like Tom didn't have  
5   to put on any airs with anybody so he could just be as  
6   nasty as he wanted to be. And-- if -- again, I don't  
7   specifically recall what was going on, on December 12th  
8   of 2022, but, that was around the time when a lot of  
9   things were getting filed that Tom didn't like. Like, I  
10   had filed -- I had recently filed a motion to set aside  
11   the default judgment for my client, there was some --  
12   there was -- there was the ongoing discovery issues that  
13   he had kind of lost on, and he was -- he was getting  
14   more and more angry and we were regularly dealing with  
15   him being angry in the case.

16           So my guess is that Steve had said or done  
17   something that set Tom off and he probably stormed out  
18   or something and Steve texted me probably thinking  
19   that -- you know, worried that I was, you know, thinking  
20   something negative about something he had done; which,  
21   obviously, I don't -- like, I think Teve -- Steve was  
22   very professional in the case, but I think he was  
23   probably worried that I had, you know, thought that  
24   maybe he was -- done something unprofessional or  
25   something like that so he --

1 Q. So --

2 A. -- sent that message. That's my guess.

3 Q. Yeah, and it seems like -- like, maybe you  
4 guys are all on Zoom because you're describing how his  
5 face is turning -- slowly turning red --

6 A. That sounds right.

7 Q. Okay.

8 A. It -- I mean, it --

9 Q. Do you know -- could it have something to do  
10 with the --

11 A. Oh.

12 Q. -- the witness?

13 A. Oh. Oh. This just -- this is -- this depo --  
14 this time it was scheduled for a Zoom deposition.

15 Q. Uh-huh.

16 A. That's what we're referring to.

17 Q. Yes.

18 A. She didn't appear for the Zoom deposition and  
19 then apparently there was a connect -- he was try -- he  
20 was trying to make it happen and there was some kind of  
21 an issue with the witness's internet connectivity so we  
22 couldn't get her video to work so we couldn't depose her  
23 because we couldn't verify her identity so -- now I  
24 recall.

25 And I'm sorry for not recalling this before, it's

1 just been so long.

2 Yeah, Tom got super angry during this deposit --  
3 this supposed to be deposition because it didn't end up  
4 going on and happening. And he was -- he was turning  
5 red. Like, his -- his face was visibly turning red. As  
6 he's sitting there, you know, and -- and Steve's trying  
7 to explain to him and is actually, I think, apologizing  
8 that it's not going forward and is talking about this,  
9 that, and the other. And I think eventually Tom just  
10 like hung up.

11 Q. Okay.

12 A. I -- I -- that -- that -- that is -- I  
13 absolutely recall now. I don't know what triggered that  
14 memory in my brain, but that's -- that's the first time  
15 that we sat for that depo.

16 Q. Okay.

17 A. And she -- she was not able to connect, that  
18 was the problem. She tried to appear, but I guess  
19 the -- the -- the internet where she was was not strong  
20 enough.

21 Q. Okay.

22 So is he talking about that he's not on purpose  
23 making it seem like the internet is not connecting?

24 A. I -- I'm guessing. It's something he said. I  
25 don't recall exactly what went on, he probably said

1 something that set Tom off and then Tom yelled or  
2 whatever and then left. And then, you know -- or hung  
3 up or whatever or canceled the meeting because -- yeah,  
4 I think Tom may have been the host, or maybe the court  
5 reporter was the host, I don't recall. Maybe he left  
6 it. Again, I -- I'm not sure.

7 I -- it just it seems like -- Tom was very angry  
8 during that depo. And I think that message indicates to  
9 me that Steve was saying I didn't intend to do that to  
10 him.

11 Q. Okay. I think you already indicated that you  
12 never represented Mrs. Mason.

13 A. No.

14 Q. And -- but I can't recall, did you indicate  
15 whether or not Steven Cozzi had represented Mrs. Mason?

16 A. I don't know the answer to that question.

17 Q. Okay.

18 Do you know if Steven Cozzi ever led Dr. Kosowski  
19 to believe that he represented Mrs. Mason in this  
20 case -- in -- in -- in the case, the civil case?

21 A. I don't know. I don't remember. I -- I  
22 don't -- I don't have any reason to believe he did,  
23 but --

24 Q. Okay.

25 A. -- I mean, he represented Ms. Mason's

1 employers -- or employer.

2 Q. Okay.

3 A. So I don't think -- I don't think he indicated  
4 he represented her but he may have; I wasn't there.

5 Q. Okay.

6 A. Or not that I can recall anyways.

7 Q. Do you recall in your testimony last summer  
8 describing Dr. Kosowski as extremely aggressive and  
9 having a very aggressive -- or really aggressive tone;  
10 do you recall that?

11 A. Yeah, that sounds --

12 Q. Okay. Can you elaborate a little bit on that?  
13 I mean, what -- what does that mean?

14 A. I mean, I think I was referring to how he  
15 questions people during depositions.

16 Q. Okay.

17 A. And I think he's just very aggressive with it.

18 Q. Is it like -- is it like he's doing like  
19 cross-examination almost or --

20 A. I mean, no, I wouldn't say cross-examination  
21 because cross-examination is artful --

22 Q. Okay.

23 A. -- and it's, like, thoughtful and is well  
24 designed and is, you know -- you know, a skill.

25 I think -- I think -- I think Tom interviews people

1 like a kid playing detective, a smart kid playing  
2 detective, you know. He -- he -- he -- he's trying to  
3 be Perry Mason and trap -- trip -- trip somebody up and  
4 get them to say something accidental or whatever and,  
5 you know, he's in your face, you know, and he's -- you  
6 know, ru -- I'm sorry, if you -- if you sit in front of  
7 somebody and ask them the same question over and over  
8 and over and over again, it starts to feel abusive.

9 Q. So -- so -- I mean, that could also be  
10 described as annoying; right?

11 A. I mean, it could be, yeah.

12 Q. And --

13 A. But --

14 Q. I mean, but --

15 A. It could also like -- he's not -- you know,  
16 he's -- he's intimidating.

17 Q. Okay. How is he intimidating?

18 A. I mean, he's a big guy. He's -- you know,  
19 he's -- he's, you know, very -- he has a very arrogant  
20 air about him. He is a very -- he's very direct. He's  
21 very -- he -- he's -- he's -- he's just -- he's -- comes  
22 across as like kind of -- he comes across as aggressive.  
23 I mean, I don't know how else to describe it. Like, he  
24 just -- he seems like if you don't say what you want --  
25 what he wants you to say, he gets -- he seems like he's



1     angry, his frustration comes out a lot. He just -- he  
2     comes across as the kind of person who, you know, is  
3     quick to anger.

4           Q.     If -- if I'm reading the deposition of -- of  
5     Ms. Mason, is it going to be apparent to me when I read  
6     the deposition that --

7           A.     I don't know about that. And I would be kind  
8     of -- it's kind of tough to read pa -- words on a page  
9     and get an idea of what a person's demeanor is. It's  
10    not really an effective way of capturing it. That's why  
11    there's video depos taken.

12          Q.     Would -- would you agree that -- I mean, yeah,  
13    that's why we do video depos of children, too, to make  
14    sure that both sides are protected; right?

15          A.     Right.

16          Q.     But, the -- the -- there's certainly  
17    aggressive language that if you look at it -- at -- at a  
18    transcript of aggressive language and you can say, yeah,  
19    this is aggressive language; that's not what we're  
20    talking about here?

21          A.     I mean, it's not like cursing at the deponent  
22    or anything like that, you're not screaming at people in  
23    the room. We --

24          Q.     Okay.

25          A.     -- we -- we wouldn't have let that happen.

1 Q. Okay. Okay.

2 A. But --

3 Q. So bottom line is, there's no -- you can't  
4 pinpoint a particular spot in the deposition and say ha,  
5 there it is, see?

6 A. I don't think you can look at a transcript and  
7 do that. I think if you --

8 Q. Okay.

9 A. -- watched a video of his -- one of his  
10 examinations you would be able to see what I was talking  
11 about.

12 Q. Okay. Do we know whether or not any of these  
13 videos exist?

14 A. I don't think they do.

15 Q. Okay. Okay.

16 A. I don't think they do. And -- and, obviously,  
17 hindsight, it would be lovely if we had them, but -- I  
18 mean, --

19 Q. On February 20th, 20 -- 2023, Steve Cozzi  
20 texts -- texted you something to -- something to the  
21 effect of: Did I get out of lying at Tricia's  
22 deposition?

23 A. Yes. I remember that -- that -- that -- that  
24 text message.

25 Q. And then he -- then he says: I'm reading the

1 transcript and there's a few places where it looks like  
2 I -- I got heated, maybe stepped out of line.

3 And then you respond: I don't recall you being out  
4 of line. I remember telling him to stop misquoting my  
5 client's depo, which was probably the -- the most heated  
6 thing said. If the most heated thing said that day was  
7 to do -- stop misquoting client's depo --

8 Let's see. Hold on a second. Oh, I'm sorry.  
9 It --

10 So, when -- when -- when you're saying that  
11 Dr. Kosowski is misquoting the depo, is -- is that one  
12 of the things that you're referring to as far as him  
13 being aggressive?

14 A. I mean, what he would do is he would -- he  
15 would pull -- he would paraphrase prior testimony of  
16 something somebody else had said and say: Is that a  
17 lie?

18 Q. Okay.

19 A. You know, which is like not really how you do  
20 a depo, but whatever. But he's paraphrasing.

21 Q. Okay.

22 A. He's not actually quoting what the person  
23 said, so he's putting it into his own language which,  
24 obviously, changes the meaning of what the person's  
25 saying. You're now taking their words and making them

1 fit a narrative you want them to fit and then you're  
2 asking a witness to make a judgment call on that during  
3 a deposition whether or not that's a lie.

4 And that's inappropriate for a number of reasons,  
5 so we object, obviously, when he does that. And when he  
6 did that -- he did that multiple times during the depo  
7 of Tricia Mason asking if my client was lying. And I  
8 finally said, if you are going to refer to prior  
9 testimony of my client you need to find where that  
10 testimony is in the prior transcript, point it out, and  
11 read off the page and line for it so that I can refer to  
12 it and make sure that you're not misquoting her. And  
13 then he starts to do that and I see that he's  
14 paraphrasing her and I asked him to stop.

15 And that is -- I mean, I am trying to keep that  
16 deposition on the rails because it -- there's so many  
17 objections during it that I don't know that it's ever  
18 going to be usable and it's -- you know, yes, that is  
19 part of what was not nice about what he was doing.

20 You know, and telling somebody so -- well, if  
21 somebody else said this, what do you think about that,  
22 you know, what -- is that a lie, you know? That's -- I  
23 mean, I don't know what the point of that is. I don't  
24 know -- it -- there's nothing -- there's no point to  
25 that other than to make the opponent feel like they are

1 a liar or they are misleading the person or they are,  
2 you know, mistaken. It -- it's literally -- the whole  
3 tactic is just to beat the person up or to make them  
4 change their testimony, which is just not what a depo is  
5 for.

6 So we objected, we asked him to stop, and he kept  
7 doing it and, you know, we moved on.

8 So, yeah, that is one of the tactics that he did  
9 during depositions that I've never seen a lawyer do before or  
10 since, and, you know, I thought was inappropriate and  
11 mean, frankly. I mean, just long and short of it. He's  
12 a mean dude, he's not nice. At least not to me. Or  
13 anybody else I've seen him deal with.

14 Q. Do -- do you recall -- and -- and again, going  
15 back to that hearing in July -- testifying that you were  
16 not getting paid by your client?

17 A. I testified to that?

18 Q. Yeah. Do -- do you recall testifying that you  
19 were not getting paid?

20 A. I mean, I -- I -- it's true. I -- I -- I was  
21 paid for a limited appearance fee and then I began  
22 billing my client at some point in the case but I have  
23 not been compensated for my time in the case.

24 Q. Did you have a retainer agreement?

25 A. I did. And I bill my client -- I -- I keep

1 track of my client's bills, my hours spent on the  
2 case --

3 Q. Right.

4 A. -- but my client is not financially in a  
5 position -- well, scratch -- my client -- I -- I am  
6 not -- I have not been compensated to date.

7 Q. Okay. What's -- what's -- what's the hourly  
8 rate in that retainer agreement?

9 A. I -- I'm not sure. I think it's like --

10 Q. Okay.

11 A. It's my normal -- it's my normal retainer of  
12 350 I think.

13 Q. 350 an hour? Okay. All right.

14 On February 2nd, 2023 with -- in a text exchange  
15 with -- with Steven Cozzi, you indicate: I let this guy  
16 under my skin for a -- for a second and then I  
17 remembered what an enormous attorney fee bill he's going  
18 to get to pay me at the end of the case and how I find  
19 his antics amusing.

20 Do you recall that?

21 A. I do remember send -- I -- I read that I sent  
22 that.

23 Q. Okay.

24 A. I mean, obviously, I was wrong. I'm not going  
25 to re -- receive anything on the case from him.

1           Q.    Right.  But at that time you -- your thought  
2   was that --

3           A.    My intention was to file a Motion for Summary  
4   Judgment in the case -- or excuse me file a proposal for  
5   settlement which was filed and then collect attorney's  
6   fees for everything after that was filed because I knew  
7   he wouldn't resolve and his --

8           Q.    Okay.

9           A.    -- case has no merit.  And I assume he has  
10   money -- assumed at the time, I know now he has money.  
11   So I assumed I would end up with a -- with an attorney's  
12   fee hearing based on his denial of my proposal for  
13   settlement and I thought I might be able to collect from  
14   him at the end of the case since I hadn't collected;  
15   but, that's not the way it went.

16          Q.    Did you have an agreement with your client  
17   that she did not have to pay you or was it just that she  
18   just isn't able to pay you?

19          A.    I -- I -- I told her from the beginning that I  
20   would -- that I would work the case and I would bill her  
21   and that hopefully at the end of the case I would be  
22   able to collect fees from the other side.

23          Q.    Okay.

24          A.    I mean, that was hope -- that was my intention  
25   was to try and make that happen from the beginning.  Or

1 get the case over with quickly because we were set for  
2 arbitration in August.

3 Q. Uh-huh. But my client would not have been  
4 able to succeed in arbitration because there had been a  
5 default sitting in the case for 18 months due to the  
6 neglect of her prior counsel.

7 Q. Okay.

8 A. And I didn't find out about that until after I  
9 had gotten in the case and started reading through  
10 the -- the docket, which is pretty long. And then I had  
11 to come up for a reason to set it aside.

12 Q. When -- when -- when you refer to the antics  
13 of Dr. Kosowski, same thing that we've been talking  
14 about?

15 A. Yeah, I mean, I was --

16 Q. Style of questioning and -- and -- and --

17 A. Well, honestly, what got under my skin was not  
18 the testimony. When he got under my skin is when he  
19 started sending emails and CCing -- sending nasty emails  
20 to me and CCing the Court on them, which is not  
21 appropriate.

22 Q. Uh-huh.

23 A. And making allegations about me, which were  
24 not true and --

25 Q. What kind of allegations?



1           A.     Saying I was -- I was difficult or  
2 nonresponsive or, you know, that I had -- you know, that  
3 I had not -- whatever. Sending -- he was forwarding  
4 emails that had nothing to do with the Court to the  
5 Court and including in there saying that I should be --  
6 that Steve and I should both be reported to the Bar, you  
7 know, things like that. Which, you know, if you think I  
8 should be reported to the Bar report me to the Bar, man;  
9 like, don't send it to the judge.

10          Q.     Okay.

11          A.     Like, I don't -- that got under my skin --

12          Q.     Okay.

13          A.     -- and I got upset about it. But, when I get  
14 upset, I just stop working and be mad and then I get  
15 over it like an adult. I don't throw a tantrum and, you  
16 know, trash everybody else involved in the case to the  
17 Court or, you know, commit a heinous crime.

18          Q.     Do you know what your -- what your total  
19 outstanding bill is for the services on that ca -- on  
20 the civil case?

21          A.     Yeah. I stopped billing the case after Tom  
22 got arrested. But I think my bill is like 13,000 --

23          Q.     Okay.

24          A.     -- something like that.

25          Q.     Is -- is there a -- a text from you where you

1 say: I have terrible hopes for this man's future?

2 A. I -- yeah, I wrote that.

3 Q. Okay. What -- what did you mean by that?

4 A. I mean, truthfully, I just -- I -- I don't  
5 want him to be happy. He's a -- he's a -- he's a bad  
6 person. He's done a lot of damage to a lot of people,  
7 he's hurt a lot of people as a doctor, you know, he's  
8 done a lot of damage to people, he's -- he's left people  
9 maimed. He's -- he's very unkind. He -- he was just --  
10 he was mean to everybod -- everybody I ever saw him  
11 interact with except for Jack Day. That's the only  
12 person I ever saw him be nice to. Everybody else I saw  
13 him treat like dirt; even Judge Muscarella.

14 Like, I'm surprised she let him get away with what  
15 he got away with in front of her courtroom. He was  
16 not -- he was not nice to -- in -- in her courtroom. He  
17 would talk over her. He's just -- like, I -- I --  
18 honestly, I -- I wish that he had moved away. You know,  
19 go -- go somewhere else. Go do a job where you're not  
20 going to butcher people, you know, where you're not  
21 going to leave people, you know, maimed, their body's  
22 disfigured, stop wasting the Court's time and attorneys'  
23 time and people's money on frivolous litigation that  
24 makes no sense. You know?

25 Q. And --

1           A.    I wanted him to disappear.

2           Q.    And -- and as it relates to that on -- on  
3   January 26th, 2023, Steven Cozzi, I believe, indicates  
4   that Dr. Kosowski: Left that woman with one breast,  
5   he's a butcher.

6           And -- and then you replied: Exactly. Fuck him,  
7   he shouldn't even be practicing.

8           Is that -- do you recall making that text?

9           A.    I did say that, yeah.

10          Q.    Okay.

11          A.    Yeah. She paid for -- this woman showed up at  
12   his business and put photographs of her disfigured chest  
13   all over the -- the lobby; papered the lobby with  
14   photographs of her disfigured chest because he did like  
15   five or six surgeries on this, you know, 60-year-old  
16   woman's breasts and ended up leaving her, like, maimed.

17          Now, I'm not a doctor. I don't know whether that  
18   was -- I don't know how that happened. But I know she  
19   was -- that's what she was upset about and he was trying  
20   to blame my client and her billing practices for why  
21   that person was angry. He -- he was trying to say, in  
22   the litigation, that the woman he left with one breast  
23   was mad because my client billed her insurance  
24   improperly, not because she was left with a completely  
25   disfigured torso following the five surgeries that

1 Dr. Kosowski did on her.

2 That was part of his claim that my client's billing  
3 tendencies upset that woman. Funny how she didn't show  
4 up at the office papering the office in the bills.

5 I don't think people like that should be practicing  
6 medicine but I'm not the medical board. He went to  
7 school, he got his license.

8 Q. As it relates to the cost of the special  
9 master with Judge Day, how was -- how was that resolved?

10 A. I think they -- I think the parties split the  
11 cost.

12 Q. Okay. So you -- like three ways?

13 A. Yes.

14 Q. Okay. And do you know what that amount was?

15 A. It was like 1800.

16 Q. 1800 total or 1800 per party?

17 A. I think it was like 18 -- I think it was like  
18 1800 tot -- it may have been more than that. I don't  
19 remember. My client paid like -- my client paid between  
20 like five and -- 500 and \$1,000 so I don't think it was  
21 more than three grand.

22 Q. Okay.

23 A. It wasn't -- it wasn't --

24 Q. Did everybody pay?

25 A. I believe so, yeah. My client took the

1 longest to pay but she paid eventually. I -- I had to  
2 make -- I had to make it happen.

3 Q. Okay.

4 You indicated earlier that you considered  
5 Steven Cozzi a -- a friend. Did you guys socialize  
6 outside of work?

7 A. Not really. I mean, I would have.

8 Q. But --

9 A. I think I -- I -- I think I asked him if he  
10 wanted to get a drink sometime because I didn't know  
11 that he didn't drink.

12 Q. Okay.

13 A. But he -- you know, he -- but I --

14 Q. And what did he -- what did he -- how was his  
15 response? Do you remember his response?

16 A. I mean -- I don't remember.

17 Q. Okay.

18 A. I don't remember.

19 Q. Did -- did you ever go to his house?

20 A. No.

21 Q. Did -- did he ever come to your house?

22 A. No.

23 Q. Okay.

24 Do you know his birthday?

25 A. I didn't, no.

1 Q. Okay.

2 A. We weren't -- like I said, we were work  
3 colleagues, primarily. I considered him a friend.

4 Q. Right.

5 A. There are people you work with that you like  
6 and people you work with you don't like --

7 Q. Sure.

8 A. -- you know.

9 Q. Sure.

10 A. I liked Steve. I would have gone to his house  
11 if he invited me.

12 Q. Sure. Sure.

13 So -- so you basically knew him for a year; right?

14 A. Yes.

15 Q. How many --

16 A. A little less.

17 Q. -- times -- how many times would you say that  
18 you saw him face-to-face?

19 A. Handful.

20 Q. Handful?

21 A. Yeah.

22 Q. Like -- so five, roughly?

23 A. Maybe.

24 Q. Okay.

25 A. Somewhere between five and ten.

1 Q. Okay.

2 A. I don't think I saw him -- I don't think I saw  
3 him ten times.

4 Q. Okay.

5 And when -- when -- does that include seeing him  
6 face-to-face on Zoom or just face -- or in person?

7 A. Oh, just face-to-face interactions.

8 Q. Okay.

9 A. I probably saw him on Zoom several times as  
10 well.

11 Q. Okay.

12 A. I don't recall how many.

13 Q. All right.

14 A. We had -- you know, we had meetings about the  
15 case from time to time because, you know, our clients  
16 weren't entirely aligned as far as what our positions  
17 were, but for the most part we were. So we, you know --

18 Q. Do you recall, on the March 21st, 2023  
19 telephone hearing, did Dr. Kosowski mention that  
20 Steven Cozzi was not present?

21 A. I believe so.

22 Q. Did he seem concerned?

23 A. No.

24 Q. Did you ask if -- I think you already answered  
25 it. Did you ask to continue the hearing or -- or did

1     you ask to -- to --

2           A.     I don't remember.

3           Q.     Okay. But you -- but you did express your  
4     concern that Steven Cozzi wasn't there.

5           A.     Yes, I was concerned he wasn't there.

6           Q.     Okay.

7           A.     That's why I texted him.

8           Q.     You did indicate that he should be here.

9           A.     Yes.

10          Q.     All right. So you may have asked to continue,  
11     you just don't recall.

12          A.     I don't recall. Yeah, I may have. I -- I --  
13     it was a scheduling hearing --

14          Q.     Right.

15          A.     -- so, I know I asked the Court to delay  
16     making any findings or setting anything until I could  
17     try to get a hold of him.

18          Q.     Okay.

19          A.     And I think at some point I -- I told the  
20     Court I was not able to get a hold of him. I wish the  
21     Court had called.

22          Q.     Do you recall if there were any motions  
23     were -- were heard on the scheduling?

24          A.     I don't think so.

25          Q.     Okay.



1           The -- the text message that you sent to Steven  
2   Cozzi during the hearing, it appears that it was sent at  
3   10:48 a.m.; does that sound right?

4           A.    One of them was, yeah.

5           Q.    Is that:  Where are you?

6           A.    That sounds right.

7           Q.    Okay.  Was that -- do you recall if that was  
8   the only one or did you send several?

9           A.    I sent:  Where are you.  I sent -- I told him  
10   when it was getting scheduled for.

11          Q.    Right.

12          A.    I told him that she was set -- I told him that  
13   she was setting the -- the hearings for March 28th.

14          Q.    Okay.

15          A.    And I asked him if -- if that was going to  
16   work for him because I wanted -- I wanted to make sure  
17   that I could tell the Court if he had an emergency or  
18   something and that wasn't going to work.  I -- I wanted  
19   to be able to, like, avoid this happening again because  
20   I didn't think he was dead.

21          Q.    Right.  Right.

22          A.    But, yeah, the -- I told him that.  And  
23   then -- I don't know if that's -- I sent him a text  
24   later that night because I was worried about him.

25          Q.    Do you remember how soon after the hearing on

1 the 21st you -- that you received a call from Steve

2 Blan -- or from Jake Blanchard about Steve --

3 A. It was pret -- it wasn't -- it wasn't that  
4 long. I think it was still the morning.

5 Q. Where were you at the time?

6 A. I don't recall.

7 Q. Okay.

8 A. I think I was --

9 Q. Where were you when you were appear --  
10 appearing by phone for the hearing?

11 A. I don't remember.

12 Q. Okay.

13 A. I think I was -- I think I was home.

14 Q. Okay.

15 A. I think I had a meeting -- I think I had a  
16 meeting downtown after the hearing and I think I went  
17 downtown Saint Pete, and I think I went down there. And  
18 I think Jake called me before I went downtown.

19 Q. And so when you -- what went through your --  
20 what went through your mind when you heard from Jake  
21 Blanchard?

22 A. Initially, I didn't understand that Steve went  
23 missing from the office. Initially, I thought he hadn't  
24 come in to work. So after the first phone call, I  
25 thought Steve must have overslept or maybe he's sick,

1 but, like, I was surprised because the -- the thing that  
2 sticks out to me is Jake said he just vanished. And  
3 that's just a really odd thing to say.

4 So I thought -- I thought maybe he had like, you  
5 know, just like taken the day off. Maybe he's just fed  
6 up. You know, our job sucks sometimes and, you know,  
7 maybe he just needed a mental health day or something, I  
8 don't know, and he just didn't call in or thought he  
9 might get in trouble for, like, not showing up, and not  
10 being in court. I didn't know what his relationship  
11 with Jake was at that time, so I didn't know.

12 I was worried a little bit but not like I was later  
13 when Jake called me back. He called me the second time  
14 and that's when he told me that they found all the blood  
15 in the bathroom. That's when he told me that, you know,  
16 Steve's phone was still playing a song in the office.  
17 That he just up and went missing from the office; his  
18 car was still there, his wallet, keys, and everything  
19 was still sitting there. And when he told me about the  
20 blood I freaked out.

21 I thought I was -- I -- I immediately thought it  
22 was Tom. And then I told myself I was being dramatic,  
23 you know, but like as soon as -- as soon as I told my  
24 wife Steve was missing she was convinced it was Tom.  
25 And then I talked to a detective and I told them

1 everything that I could recall and I told them what I  
2 remembered about Tom.

3 Q. Do you recall -- recall what -- what  
4 detective?

5 A. Yes. It was Detective Gay --

6 Q. Okay.

7 A. -- I believe.

8 Q. All right.

9 A. It was a phone conversation.

10 Q. Okay.

11 A. I think I was on my way because I freaked out.  
12 I was downtown. Yeah. And I got scared and I went  
13 home. And, you know, I kind of told my wife -- told my  
14 wife what was going on, and she got really scared and so  
15 she didn't want me to leave the house at all because we  
16 didn't know like who else might be targeted, if somebody  
17 else is targeted, you know.

18 So, yeah, there was a lot of fear and uncertainty  
19 for a while. So I didn't do a lot of leaving home  
20 until -- 'til -- except for when I had to, for a while.  
21 You know, somebody goes missing like that, it's pretty  
22 jarring. So...

23 Q. Do you try to text Steven Cozzi during the day  
24 of March 21st?

25 A. Besides the two that I already discussed --

1 Q. Right.

2 A. -- during the hearing I texted him that night.  
3 I sent him a text message asking him if he -- telling  
4 him I was -- basically, telling him I was worried about  
5 him. I don't remember exactly what I said, something  
6 like I hope they found you, I hope you're okay,  
7 something like that. I don't -- I don't remember.

8 I -- I really was just hoping that he would respond  
9 so that like -- for a number of reasons, selfish reasons  
10 probably, honestly. Like, I wanted him to be like,  
11 okay, yeah, I'm okay, I just had a bad day, I went  
12 missing, but like, you can like go to sleep now.

13 So, yeah, I was probably -- probably a little of  
14 that, too, to be honest.

15 Q. Right.

16 Did you try to call him, as well?

17 A. I don't remember.

18 Q. Okay.

19 A. I knew he didn't -- I -- I knew his phone had  
20 been left.

21 Q. You -- you -- I think you had -- it was during  
22 the bond hearing, too, that you talked about that you  
23 wouldn't go anywhere without carrying a firearm.

24 A. I didn't leave -- I -- I -- I -- I -- I  
25 started carrying a firearm as quickly as I could after

1 that because I didn't have a concealed permit. So my  
2 wife didn't want me leaving the house without a gun for  
3 a while. And then we found more -- you know, we found  
4 out more about the case.

5 Q. From whom?

6 A. Just from the -- the case, reading the docket  
7 reading the pleadings, reading the --

8 Q. Okay.

9 A. -- details.

10 Q. Okay. Not -- not from any individuals but  
11 just from reading the --

12 A. No.

13 Q. -- pleading?

14 A. Yeah, just keeping up.

15 Q. All right.

16 A. You know, reading about what was found and  
17 what -- you know, all that. So I became less concerned  
18 about it being, you know, some professional or something  
19 like that.

20 Q. So how long do you -- do you feel the need to  
21 carry a gun?

22 A. I mean, I still carry it from time to time.

23 Q. Okay.

24 A. Just depends. I was carrying it -- once I got  
25 my concealed I was carrying it basically always unless I

1 was going to a courthouse or jail or something.

2 Q. Okay.

3 A. So I did that for several months. Probably  
4 until about the end of the year. And then I stopped  
5 carrying it so much because I don't like carrying a gun.

6 Q. Okay. And when did you get your concealed  
7 carry license?

8 A. As quickly as I could after Steve went  
9 missing.

10 Q. Do you know -- do you know when -- do you have  
11 it?

12 A. I have it, it's in my wallet somewhere here.  
13 It's -- sometime in April, I think.

14 Q. Okay. How long does it take to get one?

15 A. Not long.

16 Q. Okay.

17 A. I had to do a firearm class, I did it the week  
18 after. I did a firearm class -- I've been around  
19 guns -- guns my entire life. My dad is a -- he sells  
20 firearm accessories. My -- my uncle has a -- a very,  
21 very big collection of firearms. They live in Texas,  
22 which, you know, they -- you know, I've been around them  
23 my entire life so I'm not uncomfortable being around  
24 them, I just never carried because I never felt the need  
25 to before.

1           So I -- I -- I went and did a firearm safety  
2   course. It -- it took like three hours and then you  
3   have to go -- like I streamlined it. I did -- went and  
4   got it as fast as I possibly could. I think it was a  
5   couple of weeks.

6           Q.    Okay. Okay.

7           A.    Because my wife -- my wife didn't want me  
8   leaving the house.

9           A.    Like, she -- she -- she didn't -- like, we  
10   were both pretty shaken up and scared for a while so  
11   she -- she didn't want me to leave the house. So until  
12   I got that it was not a lot of options for me.

13          Q.    Going -- going back briefly to the -- to the  
14   civ -- civil case, the -- the issues -- a lot of the  
15   issues in the civil case after you came on board  
16   involved were discovery issues, would that be a fair  
17   statement?

18          A.    Yes.

19          Q.    Okay. And you had indicated before that  
20   Dr. Kosowski would accuse you of -- of not being very  
21   responsive.

22          A.    Right.

23          Q.    Okay.

24          Did your -- you also talked about being a solo  
25   practitioner. I mean, were you -- were you providing



1 the responses in a timely fashion?

2 A. For the most part, yes. I mean, I was -- my  
3 business was brand new.

4 Q. Okay.

5 A. I had been in business for less than -- I  
6 think less than eight months.

7 Q. Okay.

8 A. When I got involved, maybe a little more --  
9 less than a year. And I didn't have -- I didn't have  
10 any support, I didn't have my systems in place. I was  
11 spending a lot of time just trying to keep myself  
12 together. I'm still doing that three years in,  
13 honestly.

14 And so, like, yeah, sometimes -- I didn't have  
15 anybody else to answer -- I didn't have a scheduling  
16 person to answer emails, I had to answer everything. So  
17 there -- I'm sure there were times when I didn't respond  
18 in the time that I -- in the amount of time that I would  
19 have liked to, for sure.

20 But, like, when that happened -- when that happened  
21 to me, I do everything that I can to accommodate the  
22 other people involved in the litigation. So if somebody  
23 asks for scheduling, and I don't respond within  
24 two days, and they set a hearing, I put it on my  
25 calendar and I make it work whether it -- whether it's

1 convenient or not, you know. And if -- if -- you know,  
2 if somebody asks me to schedule something, that -- that  
3 case in particular, like, there were very few times when  
4 I said no to scheduling, very few times.

5 Basically, everything was yes; me trying to make  
6 things happen, me trying to be accommodating, and not  
7 get in the way or delay litigation any more than I  
8 already had by just getting on. Because I knew the  
9 second -- the second I got on and I started seeing  
10 what -- what had been done by the attorney on my  
11 client's case, I knew that me getting involved was just  
12 going to make it all last longer.

13 Q. Uh-huh.

14 A. So.

15 Q. The -- on August 25th, 2022 you -- you texted  
16 Steven Cozzi about: My client --

17 Which I assume is referring to Jennifer Friend.

18 -- sent me everything she has related to the --  
19 those enumerated patients. I'm hoping it's an absolute  
20 mountain of paper, which I'm going to dump on him as  
21 soon as possible. Hopefully, that will suffice and we  
22 can end this ridiculous argument.

23 What are you referring to there?

24 A. He -- there were six or seven patients he had  
25 identified that he believed my client had improperly

1 completed their insurance paperwork or something. It  
2 was never quite clear exactly what he was accusing her  
3 of.

4 Q. Uh-huh.

5 A. And he wanted his -- his discovery requests  
6 were not, you know, tailored or, you know, targeted or  
7 anything. It would be like I want everything relating  
8 to this person that -- that this person has ever sent,  
9 an -- all communications regarding this person with  
10 every person they've ever sent. So, she would have to  
11 send emails with, you know, interoffice emails regarding  
12 this patient, so there's just this -- all these emails  
13 that were included.

14 Ultimately, my client ended up not giving me  
15 anything besides what she'd already given him at that  
16 point. So nothing else was disclosed to him because  
17 by -- I was not clear on this at this point, because,  
18 again I'm still digging through -- that was August, I  
19 filed it end of June?

20 Yeah. I'm still going through, you know, this  
21 mountain of discovery that there was in the case at this  
22 point, all these medical documents that have been  
23 provided in response to all these different requests for  
24 production. So I didn't even know what all had been  
25 turned over at that point.

1           So, when I'm sending that text to Steve, it's  
2   because we've just sat through a hearing where he's told  
3   the Court that none of these documents have been  
4   overturned. None of these documents have been given to  
5   him -- right? -- which wasn't true. What he wanted was  
6   a file written response because, I guess, she turned  
7   these documents over but never filed an actual answer to  
8   the RPOs -- or excuse me, the RFPs so --

9           Q.    The what? The what -- the what?

10          A.    The Request for Production. So she --

11          Q.    Okay.

12          A.    -- she gave him the document but never filed  
13   an -- an answer say -- or, you know, a response to the  
14   Request for Production saying these documents were  
15   provided.

16          Q.    What --

17          A.    These documents have been provided.

18          Q.    When you say that she gave the documents, are  
19   you basing that on -- on her telling you that she gave  
20   the documents or what are you basing that on?

21          A.    I'm basing that on -- yeah, on what was  
22   provided in the Dropbox.

23          Q.    Okay. Okay.

24          A.    So if you -- if you were to -- and I'm  
25   convinced he never actually did this. If you were to

1 actually go into the Dropbox and look through the  
2 documents that were in there, you would have found all  
3 of the documents that were responsive to his Request for  
4 Production in there. And I'm convinced he didn't do  
5 that because at the special master hearing he asked for  
6 specific documents, things that he said he did not have.

7 Q. Right.

8 A. Jack Day. And I --

9 MR. BRUNVAND: Excuse -- excuse me one second.

10 THE WITNESS: Yeah.

11 MR. BRUNVAND: Excuse me one second.

12 Sorry guys. Can you hear me?

13 THE WITNESS: Yeah.

14 MR. BRUNVAND: Okay. I had a dog emergency.

15 My apologies.

16 THE WITNESS: Hey, that's important.

17 Q. (By Mr. Brunvand) So -- all right. We --  
18 we're getting close to the end.

19 A. Okay. Thank God.

20 Q. On February 8th, 2023, Steve Cozzi texted you:  
21 Don't forget to email your written submissions to the  
22 judge.

23 And then you -- you replied: Just did. Thanks for  
24 the head's up.

25 And he -- Steven then responded: Just came

1 through. LOL.

2 And you replied: I wasn't about to give him time  
3 to respond.

4 What -- what -- what is that referring to?

5 A. Okay. I filed a motion to set aside a default  
6 judgment that was entered in the case about 18 months  
7 before I got involved back in November. We were set for  
8 arbitration back around the same time and before the  
9 arbitration date came up, I asked Tom to schedule this  
10 motion to be heard so that I could know whether or not  
11 my client was actually going to have any defense during  
12 the arbitration -- right? -- because if the motion for  
13 default was -- wasn't going to be set aside then my  
14 client was just looking at a damages argument. So it  
15 was going to help me prepare for arbitration the way  
16 that I needed to prepare for.

17 I thought the merits of my argument were pretty  
18 good, apparently the Court did, too, eventually, but Tom  
19 refused to set that for hearing. He said no, no matter  
20 what. We had a couple weeks, wouldn't set anything. I  
21 then went to the Court, I told them he would -- he would  
22 not agree to anything, he said he didn't have enough  
23 time to schedule it. I said, okay, then I'm not going  
24 to have to file a motion to continue and he's going  
25 to -- he, you know, freaked out and argued that that was

1 improper. So I -- I let the Court know, like, hey --

2 Q. You continued the arbitration?

3 A. Yes. I was asking to continue the arbitration  
4 so that we --

5 Q. Okay.

6 A. -- would have time to hear this motion.

7 Q. Okay.

8 A. And I did that knowing that the Court didn't  
9 want to continue arbitration and neither did Tom but I  
10 had to have this motion heard first; otherwise, we're  
11 having an arbitration on a case with a pending motion  
12 that is going to completely change the decision of the  
13 arbitrator. So it's like, why are we going to have an  
14 arbitration if all of the facts aren't going to be the  
15 same afterwards? It's just a waste of money.

16 So, I told the Court he wouldn't -- he refused to  
17 schedule. I was like, normally, I would not do this but  
18 the Plaintiff's saying, you know, he can't schedule this  
19 at all. I have -- I will make myself available on any  
20 day that he's available at any time he's available, he  
21 just needs to give us a time. He says I'm going to be  
22 out of the country, I can -- I won't be back in the  
23 country until the day before the arbitration. Right?  
24 Which almost certainly was not true, because he  
25 subsequently made different arguments about having

1 surgery schedules and he has surgery every single day  
2 and he does surgeries from sunup 'til sundown and -- and  
3 he can't -- he can't squeeze in a hearing, which, okay.

4 So the Court finally decided that they were just  
5 going to decide the motion on written submissions. So  
6 they gave us a deadline to file written submissions and  
7 I know what Tom files. I know how he writes, I know how  
8 he addresses legal issues and he doesn't. So I am not  
9 going to file something before the deadline and give him  
10 a playbook on how to respond to my motion. I was  
11 waiting 'til the last minute to file my -- my res --  
12 my -- my written submissions because I -- I didn't want  
13 to give him a -- a -- a -- good -- good way to argue  
14 against them.

15 I think it was savvy lawyering, honestly. And I  
16 filed my written submissions, he filed written  
17 submissions that were totally nonresponsive to the  
18 motions and the judge agreed with me and set aside the  
19 default judgment, which, obviously, Tom was not happy  
20 about. And --

21 Q. Was --

22 A. Huh?

23 Q. Was -- was that -- was that an emergency  
24 motion; is that how it was --

25 A. No.



1 Q. No? Okay.

2 A. I filed the motion in -- in November and then  
3 I went to set the hearing in -- in February. It was --  
4 it was a simple hearing, either the Court agreed with me  
5 or it didn't. The legal analysis was pretty  
6 straightforward. All of the pleadings, including the  
7 default judgment the order on the default judgment, the  
8 amended complaint, all of that was served on a person  
9 who was operating as a lawyer who is not licensed to  
10 practice law in the state of Florida at the time and was  
11 not legally practicing law in the state of Florida at  
12 the time. And my client's position -- my client filed  
13 an affidavit saying that she was unaware of any of that,  
14 which was in line with what I had learned during my work  
15 on the case.

16 Q. There -- there's an Emergency Motion to Quash  
17 Subpoenas filed February 8th, 2023.

18 A. That was filed by Steve.

19 Q. That was filed by Steve.

20 A. Yes.

21 Q. Okay. All right. And then -- and you filed  
22 your argument at the same time, February 8th?

23 A. My written submissions were filed on the  
24 deadline; I don't recall what day they were filed.

25 Q. Okay.

1           A.    It will be in the docket though.  Those were  
2   filed in the docket.  They were probably filed the  
3   day -- whatever day --

4           Q.    Feb -- February 8th is the day of the text,  
5   so --

6           A.    That would have been the day that they were  
7   sent and were filed then.

8           Q.    Okay.

9           A.    That sounds correct.

10          Q.    Did Tom Kosowski file anything on -- on the  
11   8th or --

12          A.    No, he filed before then.

13          Q.    Okay.  And then on -- and then on the 10th is  
14   when the order was issued?

15          A.    Yes.

16          Q.    Okay.

17          A.    Yeah, when Tom filed his responses I knew that  
18   he would feel like he was done.  So, I waited.

19          Q.    Did -- did you make a settlement offer in the  
20   case on behalf of your client?

21          A.    Yes.  I filed a Proposal for Settlement for  
22   \$3,000, I believe.

23          Q.    Okay.  And did Dr. Kosowski at any point make  
24   a settlement proposal?

25          A.    He filed a joint proposal for settlement to

1 all defendants for some astronomically high number. He  
2 wanted \$180,000 from my client.

3 Q. Okay. That -- that's not the astronomically  
4 high number?

5 A. No. He wanted -- that -- just from my client.

6 Q. Okay.

7 A. That was a big number. I mean, he -- he could  
8 go to trial and win, he's never going to get \$180,000  
9 from Jennifer Friend.

10 Q. Okay.

11 A. And he wanted more from all of the other  
12 defendants, too, including people who had nothing to do  
13 with any of the allegations in this case.

14 Q. And when you --

15 A. He wanted like -- he wanted over a million, I  
16 think.

17 Q. From the others?

18 A. For all -- just all together. I think all  
19 together the proposal for settlement was somewhere in  
20 excess of a million, I believe. I'd have to actually  
21 read -- do the math and everything, but it was high.

22 Q. Okay.

23 A. I don't know if he -- I don't know if he  
24 knows -- I -- I don't know what he knows but it seems  
25 clear to me he didn't know what the purpose of a PFS

1 was.

2 Q. Did you reply to his settlement offer?

3 A. Nope.

4 Q. The -- there's a text message where you --  
5 between you and Steven Cozzi where you talk about: Wait  
6 until he sees my offer.

7 Is that referring to the \$3,000?

8 A. Probably.

9 Q. Okay.

10 A. That's -- I think that's the only offer I ever  
11 made to him. I asked him repeatedly at the beginning of  
12 the case to make a demand because there never was one.  
13 I asked him throughout the case to -- to tell me what he  
14 wanted from my client and he wouldn't -- he wouldn't --  
15 he -- he didn't want to settle with one party, he wanted  
16 everybody to do a global settlement, which we couldn't  
17 agree to because our parties' interests were separate.  
18 So there was never -- there was never a demand.

19 Q. Is there anything that, as you sit there, that  
20 you think -- like, anything I missed as far as things  
21 that might be important for purposes of your involvement  
22 in this case?

23 A. Potentially.

24 Q. Okay.

25 A. I mean, nothing -- nothing that's coming to

1 mind right now. There might be.

2 Q. Okay.

3 A. You know, nothing -- nothing pops up right  
4 now, but my --

5 Q. Okay.

6 A. I -- I've --

7 Q. You --

8 A. -- been talking for a long time. I don't  
9 know --

10 Q. Sure.

11 A. -- for sure.

12 Q. Would -- would you -- would you extend me the  
13 courtesy of, if something comes up, let Nathan know, if  
14 it's -- if it's something significant and just, you  
15 know, let me know?

16 A. If -- I mean, if -- if you -- if -- you know,  
17 if there's something --

18 Q. I think I've asked you everything.

19 A. I -- if there's something that needs to be  
20 said that I haven't said at this point, I'll let you  
21 know.

22 Q. Okay.

23 A. But, I mean, you've got a pretty good  
24 understanding of what happened in the case. I'm sure  
25 there's information I know that you haven't asked about

1 but --

2 Q. Sure.

3 A. -- you know, I -- I -- nothing's -- nothing's  
4 coming to mind that I think you need to know right now.

5 Q. Okay. All right.

6 MR. BRUNVAND: Nathan, do you have any  
7 questions?

8 MR. VONDERHEIDE: I have 22 pages of notes and  
9 no further questions.

10 MR. BRUNVAND: Okay.

11 Do you want to read or waive?

12 THE WITNESS: I do not want to read.

13 MR. BRUNVAND: Okay.

14 THE WITNESS: I mean, -- I mean, I feel like  
15 that -- you know what --

16 MR. BRUNVAND: Hold -- hold on one second.

17 You want -- you don't want to read; right?

18 I mean, you -- you want to waive? Are you --  
19 whatever you want to do is fine. I mean, I --

20 THE WITNESS: Yeah. Yeah. I want -- no, I  
21 don't want to read. I don't -- I don't -- I don't  
22 want to -- I don't want to do that right now, no.

23 MR. BRUNVAND: Okay.

24 THE WITNESS: I don't have the time --

25 MR. BRUNVAND: All right.

1 THE WITNESS: -- for that right now.

2 MR. BRUNVAND: I have no other questions.

3 Nathan, you have no other questions?

4 MR. VONDERHEIDE: No further questions.

5

6 (THEREUPON, the virtual deposition concluded

7 at 5:21 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PINELLAS

I, the undersigned authority, certify that  
JAKE PILLSBURY, ESQUIRE personally appeared before me  
via Zoom Video Communications on May 9, 2024 and was  
duly sworn.

Witness my hand and official seal this 7th  
day of June, 2024.

  
KIMBERLY L. RENFROE, RPR



Notary Public, State of Florida  
Commission No.: HH 80650  
Expiration date: 1/31/25



## 1 REPORTER'S DEPOSITION CERTIFICATE

2 STATE OF FLORIDA

3 COUNTY OF PINELLAS

4 I, KIMBERLY L. RENFROE, Registered Professional  
5 Reporter, certify that I was authorized to and did  
6 stenographically report the virtual deposition of JAKE  
7 PILLSBURY, ESQUIRE; that a review of the transcript was  
8 not requested; and that the transcript is a true and  
9 complete record of my stenographic notes.

10 I further certify that I am not a relative,  
11 employee, attorney, or counsel of any of the parties,  
12 nor am I a relative or employee of any of the parties'  
13 attorney or counsel connected with this action, nor am I  
14 financially interested in the action.

15 Dated this 7th day of June, 2024.

16  
17   
18 KIMBERLY L. RENFROE, RPR

19  
20  
21 (Transcript was ordered by Bjorn E. Brunvand,  
22 Esquire, on May 9, 2024.)  
23  
24  
25