

April 9, 2019

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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SHELDON BARR and THOMAS GARDNER,

Plaintiffs,

-against-

CITY OF NEW YORK and 116 EAST 65TH
STREET, LLC,

Defendants,

INDEX NO.: 159225/2010

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535 Fifth Avenue

New York, New York

April 9, 2019

10:07 a.m.

EXAMINATION BEFORE TRIAL of the Defendant,
116 EAST 65TH STREET, LLC, by GHISLAINE MAXWELL, in
the above-entitled action, held at the above time
and place, taken before a Notary Public of the State
of New York, pursuant to Order and Stipulations
between Counsel.

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

THE LAW OFFICE OF JOSEPH FALLER

Attorney for Plaintiffs

One Battery Park Place, 32nd Floor

New York, New York 10006

BY: GABRIEL FALLER, ESQ.

CROKO, LLC.

Attorney for Defendant

116 EAST 65TH STREET, LLC.

110 Old Country Road, Suite 2 South

Mineola, New York 11501

BY: MATTHEW CROKO, ESQ.

FILE NO.: AIGRIV 17007

April 9, 2019

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

IT IS HEREBY STIPULATED AND AGREED by and between/among counsel for the respective parties hereto, that:

All rights provided by the C.R.I.P., including the right to object to any question, except as to form, or to move to strike any testimony at this/these examination(s), are reserved, and, in addition, the failure to object to any question or to move to strike any testimony at this/these examination(s) shall not be a bar or waiver to make such motion or, and is reserved for the trial of this action:

IT IS FURTHER STIPULATED AND AGREED by and between/among counsel for the respective parties hereto, that this/these examination(s) may be sworn to by the witness(es) being examined, before a Notary Public other than the Notary Public before whom this/these examination(s) was/were begun; but the failure to do so, or to return the original of this/these examination(s) to counsel, shall not be deemed a waiver of the rights provided by

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S T I P U L A T I O N S (Cont'd)

Rules 3116 and 3117 of the C.P.L.R., and shall be controlled thereby;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that this/these examination(s) may be utilized for all purposes as provided by the C.P.L.R.;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that the filing and certification of the original of this/these examination(s) shall be and the same hereby are waived;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that a copy of the within examination(s) shall be furnished to counsel representing the witness(es) testifying, without charge.

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties

April 9, 2018

S E I E U I A 2 0 A S (continued)

hereby, that all rights provided by the R.P.I.P.,
and Part 201 of the Uniform Rules for the Conduct of
Depositions, including the right to object to any
question, except as to form, or to move to strike
any testimony at this examination is reserved; and
in addition, the failure to object to any question
or to move to strike any testimony at this
examination shall not be a bar or waiver to make
such motion at, and is reserved to, the trial of
this action.

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CHRISTLAINE MAXWELL

CHRISTLAINE MAXWELL, called as a witness, having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION BY

MR. FALLEN:

Q. Please state your name for the record.

A. Christlaine Maxwell.

Q. Please state your address for the record.

A. 44 Winnerton Street, London, England

SW16RN.

MR. FALLEN: Good morning, Ms. Maxwell. My name is Larry Fallick. I represent the plaintiffs in this action, Sheldon Barr and Thomas Garaner.

I will be asking you a series of questions about an accident that occurred back on September 9, 2015. Many of the questions are going to involve your ownership. When I say, "your ownership," I am referring to the ownership of 115 East 60th Street in Manhattan.

THE WITNESS: Okay.

MR. FALLEN: Before we start I have a few

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1 GEISTHAINE MAXWELL

2 basic rules I want to discuss with you. Please
3 make all your responses verbally. The Court
4 Reporter can't take down a shake or nod of the
5 head. Like you are doing right now.

6 THE WITNESS: Of course.

7 MR. FALKER: Please say yes or no.

8 THE WITNESS: Yes.

9 MR. FALKER: And try not to shrug your
10 shoulders or anything like that. Just make a 1
11 your response verbally.

12 THE WITNESS: I shall.

13 MR. FALKER: Please let me finish my entire
14 question before you give an answer. The Court
15 Reporter cannot take us both down speaking at
16 the same time.

17 Q. Is that agreeable?

18 A. Yes.

19 MR. FALKER: It's important that you stop
20 re if you don't understand a question. If you
21 do give an answer, I will assume that you
22 understand my question.

23 Q. Is that understood?

24 A. Yes.

25 Q. The address that you just gave the Court

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GRISTAIN, MAXWELL

Reporter, how long have you lived there?

A. 192, '93.

Q. Is that your primary residence at this time?

A. No. It's just a home that I have.

Q. How many homes do you own back in September of 2015?

A. Two.

Q. Where are those homes?

A. 116 East 65th Street and the one in London.

Q. When you say, "the one in London," you are referring to the address that you just gave?

A. Yes.

Q. Is that a private home?

A. Yes.

Q. Is that home owned by you individually or some other form?

A. It's owned by me.

Q. Is your name on the deed to that property or the title of the property?

A. It was back then. I kind of -- it was up until recently. I don't know. I can't remember what it is now, if I changed it or not.

Q. Back in September of 2015, did you or any

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1 GETHLAINE MAXWELL

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3 A. He was my lawyer for this matter.

4 KR. FALLIN: No further questions. Thank
5 you.

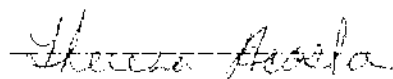
6 (Whereupon, the proceedings were concluded
7 at 1:47 a.m.)

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10 ---
11 GETHLAINE MAXWELL

12
13 Subscribed and sworn to
14 before me this day
15 of _____, 2019.

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18 Notary Public
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April 9, 2019

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2 CERTIFICATION3
4 I, Theresa Acosta, a Sherborn Reporter
5 and Notary Public of the State of New York, do
6 hereby certify:7
8 That, GUISLAINE MAXAM, the witness whose
9 examination is heretofore set forth, was duly
10 sworn, and that such examination is a true record of
11 the testimony given by such witness.12
13 I further certify that I am not related to
14 any of the parties to this action by blood or
15 marriage; and that I am in no way interested in the
16 outcome of this matter.17
18
19 
20 THERESA ACOSTA