

Hearing

Vol 3

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STATE OF CONNECTICUT  
COURT OF PROBATE  
DISTRICT OF GREENWICH  
District No. 057

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ESTATE OF/IN THE MATTER OF \*  
GEORGE ALLEN SMITH IV, deceased \* Case No. 05-0496

\* \* \* \* \*

Greenwich, CT  
March 11, 2008  
9:23 a.m.

**CONFIDENTIAL**

PROBATE HEARING VOL. III

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May 18, 2007, and Subject to FBI Non-Disclosure Agreement  
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BEFORE: HONORABLE DAVID W. HOPPER

Reported by:  
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Court Reporting Services

Campano & Associates  
Court Reporting Services

## 1 APPEARANCES:

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21 MAUREEN SMITH  
22 GEORGE SMITH III  
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TESTIMONY OF JENNIFER HAGEL-SMITH

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16. Vanity Fair article titled "Honeymoon Over"

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17. Document re: ticket

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18. Economist report

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19. Report

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20. Prescription drug records from George

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1 THE COURT: Everyone's here who's  
2 supposed to be here?

3 We're starting, as far as continuing on  
4 the testimony of Jennifer Hagel-Smith.

5 You're still under oath.

6 MR. RICCIO: Can I raise a preliminary?  
7 Maybe this is a misunderstanding.

8 THE COURT: Sure.

9 MR. RICCIO: In Mr. Brown's brief in  
10 opposition to our -- his Motion In Support of the  
11 Approval of Settlement, mentioned on page 29 a  
12 report from a Dr. Clarkson from the University of  
13 Miami, which there's been some testimony about.  
14 That's that \$1.5 million figure. We only have one  
15 page of that report, and I didn't know whether or  
16 not -- it's just this? I don't know whether this  
17 is Dr. Clarkson's report. It's not clear to us. I  
18 don't know whether or not there's more pages to  
19 this that I just didn't get.

20 MR. BROWN: Jim Walker did testify to the  
21 report. That's all I have. My knowledge is it's a  
22 one-pager.

23 MR. RICCIO: There's no document that  
24 relates to it?

25 MR. BROWN: I'll ask him at the break.

1 MR. RICCIO: I don't have a problem with  
2 the Court considering it. These reports are  
3 normally multi-page documents.

4 Okay, I just make that request --

5 MS. BYRNE: We'll inquire.

6 MR. RICCIO: This doesn't even identify  
7 who the author is. You identified who the author  
8 is, but the document didn't.

9 THE COURT: Before you start, how much  
10 time do you think you're going to require?

11 MR. BROWN: It depends on how fast the  
12 court reporter can stay up with the witness.

13 I'm hoping, your Honor, to be done  
14 with -- I feel like I'm definitely going to be done  
15 with Ms. Hagel-Smith today. I don't know how long  
16 Mr. Jones is going to question, so I really have no  
17 idea.

18 Then I have Mr. Hagel as my last witness.  
19 He's going to be a short witness. I only have him  
20 to talk about two things. But every time we talk  
21 about a short witness -- I notice that Mr. Mase,  
22 who I thought was a short witness, was two hours.  
23 Jennifer's already gone for an hour and a half.  
24 I'm hopeful we're going to be done with her today.  
25 Some people believe we're not going to be done with

1 her today. I don't know how many questions  
2 Mr. Jones is going to have. We'll just have to  
3 see.

4 THE COURT: We're scheduled from now to  
5 12:30. I did notice we had a cancellation this  
6 afternoon. I'm not going to put anybody on the  
7 spot. If you've got other things going on this  
8 afternoon, that's fine. Right now I have a hearing  
9 at 1:00 and 1:30. If you all have nothing else to  
10 do -- I'm sure you have other things -- but if you  
11 wanted to, you're welcome to come back. I'll leave  
12 that up to the parties. If you can't do it, I  
13 understand that. I'm open from probably around  
14 2:00 to the rest of the day.

15 Okay. Maybe during the next break you  
16 all can talk as to whether that works for you. And  
17 if it didn't, we have it scheduled for a week or  
18 two down the road, I think.

19 MR. JONES: This Friday afternoon.

20 THE COURT: Whenever you're ready.

21 MR. BROWN: Thank you, your Honor.

22 JENNIFER CAROL HAGEL-SMITH, being previously duly sworn,  
23 was examined and testified as follows:

24 CONTINUED DIRECT EXAMINATION BY MR. BROWN:

25 Q Jennifer, I think the last time -- I think we

1 left off on the night of hanging out with Paul and  
2 Galina. So maybe -- I really don't know where the  
3 testimony ended. So I'm simply going to ask you to go  
4 over just what happened on that night.

5 A I think that I -- I left off where the boys  
6 were hanging out and Paul had put George to bed. He was  
7 able to get him back to the room and kind of put him in  
8 bed, and then they kind of, you know, fell on top of each  
9 other. It's kind of a funny scene, and George kisses him  
10 good night on the cheek, and he's his new best friend.  
11 Of course it's funny because we just met them. But we  
12 did hit it off with them, and, you know, that we're going  
13 to see them again, we're going to go to dinner, we're  
14 going to hang out. Paul and Galina leave the room. This  
15 is about 3:00 to 4:00 in the morning. This is late.

16 So the next day -- or later that morning we  
17 wake up, and I am looking forward to get off the ship,  
18 because today's Florence, and we had decided that,  
19 instead of taking a tour we were going to get a taxi with  
20 another couple or somebody so that instead of being on a  
21 huge group tour we can have more independence with times.

22 And George was very, you know, under the  
23 weather that morning, with good reason. Him and Paul had  
24 finished off, if not the bottle, a good portion of it,  
25 and just two guys drinking, buddies having fun. So we



1 wake up. He didn't feel all that great, but he's fine to  
2 get going.

3 So we get dressed and we're headed out for the  
4 day. My mom's Italian so I'm excited because I'm  
5 planning on getting her a purse there. George wants to  
6 buy some sunglasses. We have things that we want to get.  
7 It's supposed to be a wonderful city and full of  
8 shopping. So we're excited.

9 Then we get on this -- excuse me. We leave  
10 the ship. We meet for the first time this family,  
11 referred to as the Askin family. They're significant  
12 because Josh Askin was one of the last four people to be  
13 seen with George. And we -- it's kind of funny, because  
14 there's five of them. There's two parents and three  
15 kids. There's me and George.

16 So we all squish into this van together.  
17 George and I are in the front. It's the taxi driver, van  
18 driver, me, then George next to the door. And then the  
19 Askins fill up the two middle seats in the back of the  
20 van.

21 We do some introductions. They seem like a  
22 really great family, and they are. We learn Mr. Askin is  
23 a doctor. They live, I think, in Orange County,  
24 California. The three kids just seem really adorable.  
25 Josh is, I think, freshman year or early college. The

1 daughter is still, I believe, in high school. Then  
2 there's a younger son who looks like he's in middle  
3 school.

4 So I was joking with George that we're on a  
5 European vacation with this family. We take off and we  
6 start driving along. And it's about a -- 45 to an  
7 hour -- don't quote me on the times -- to Florence from  
8 the port. So we get sort of halfway there, and the  
9 driver pulls off to the side to a gas station. We go in  
10 and George starts to really not feel very well at all.  
11 He gets, I think, something to drink. I think that was  
12 it, I think just something to drink. Everyone kind of  
13 gets out, stands up, stretches.

14 Then we get back in the van. So by the time  
15 we get going this time, all of a sudden he digresses to a  
16 point where he literally -- there's something wrong. It  
17 seems like he can't -- he can't talk very well, he  
18 can't -- after a while, five minutes driving, all of a  
19 sudden he looks like he's almost limp, and he feels like  
20 he needs to get out of the car. So he tells me -- I  
21 don't know if he said he's going to throw up or  
22 something, or he just needs the guy to pull over. In  
23 Italy the streets are very narrow. Everybody drives like  
24 a maniac, so this was no small feat to get over to the  
25 side of the road.

1                   So we were talking, only we can hear each  
2 other, and he says, all of a sudden, too, that he can't  
3 see anything. So something had happened, and I'm  
4 thinking, I have no idea what's going on. I'm getting  
5 nervous or worried. I'm telling the Askin family in the  
6 back that, oh, you know, he just had too much to drink  
7 last night, he's a little, you know, under the weather.  
8 And they said, oh, don't worry about it, we've all been  
9 there. And Mrs. Askin is saying, we were young once too,  
10 or -- you know, this and that. They said, you know,  
11 don't be embarrassed.

12                   But then it turned -- embarrassment turns to  
13 concern very quickly because it wasn't just, you know, a  
14 normal hangover for George. Something going on that's  
15 not quite -- it's not quite right. And literally, now he  
16 can't see. So we pull over. He means to get out of the  
17 car to go and either throw up or something, but he can't  
18 even move now, so he can't even leave the front seat to  
19 get out.

20                   So I'm panicked in the front. I tell him that  
21 everything's going to be fine. I said, don't worry,  
22 we'll get you to -- we'll go see a doctor, we'll go to a  
23 hospital, we'll do something. I'll pay the Askins, they  
24 can get dropped off and we'll just head back to the ship  
25 or head somewhere, because at this point he needs help.

1 Something's very wrong. It seems to me that he's very  
2 sick in another way. Maybe it's alcohol poisoning or  
3 whatever, but when you're in another country -- I was  
4 very concerned.

5 And Mr. Askin is saying, you know, when we get  
6 out, get him some vitamin C, that's the cure-all for a  
7 hangover. And I'm like, you know, okay, but at the same  
8 time, the fact that he couldn't see anything and the fact  
9 that he couldn't move, it was a little more than just --  
10 it seemed a little more than a hangover. I'm not a  
11 doctor, so I have no idea.

12 But we get to Florence eventually. The Askins  
13 are in the back. They're all ready to go. George, when  
14 we get there, is waiting in the front seat. He's still  
15 not moving, but at the same time, once we get to  
16 Florence, he's talking, so he's coming out of whatever  
17 that funk that he was in when we were -- during the ride.  
18 So he can't move and leave the van for about half an  
19 hour. Thankfully it's our private van, we have it for  
20 the day, so he can just stay in there.

21 Eventually, the Askins leave. We say, you  
22 know, that -- we decide -- or George tells me it's okay,  
23 that we don't need to go back to the ship, he's going to  
24 be okay, he just needs some time. That's what he tells  
25 me. I say okay, and I'm relaying this to the Askins.

1 They go off and we decide we're going to meet at --  
2 whether it be in the middle of the day, I don't remember  
3 now. Maybe it was like 1 o'clock. We were going to meet  
4 again and then decide what we were going to do, because  
5 Mr. Askin wanted them to go see -- wanted us all to go to  
6 the Leaning Tower. He just wants his kids to experience  
7 all these things. They obviously don't care because  
8 they're kids. They're just like, "Dad, we just want to  
9 go shopping, see you later." So they take off.

10 I'm there with George. I take him to a  
11 restaurant. I don't know the name of it. I guess it's  
12 not that important. But I order him pasta, I order him  
13 soda, I order him french fries. I'm thinking if he can  
14 eat something then maybe he'll start to feel better.

15 So I think he took maybe one or two fries. I  
16 don't even know -- I don't remember if he even took a  
17 bite of the pasta. Eventually he comes slowly, slowly,  
18 slowly out of this. But at the restaurant it was like --  
19 it was getting him to a chair, letting him sit. Then  
20 when we finally left the restaurant -- and, you know,  
21 there were definitely people looking at us because there  
22 was something wrong -- it wasn't -- it just seemed  
23 abnormal.

24 So, fast forwarding ahead, some time goes by.  
25 I'm able to get him to -- there's this big center square

1 and all these people -- and it's hot in Italy this time  
2 of year. So I sort of bring him to this seating area.  
3 It was in the sun. He wants me to go -- he's saying go,  
4 I'll wait here, have a good time. I'm like, I can't  
5 leave you here, it's a hundred something degrees, you're  
6 not well. So I say I'm going to look for a pharmacy and  
7 try to get him something.

8 The day wears on. Long story short, he  
9 finally does come out of it, and I then bring him to a  
10 shaded area so he's sitting, you know -- at this point it  
11 doesn't matter that it's dirty ground, but he's sitting  
12 like against the building, you know, where it's shady, on  
13 the ground, it's cooler. A couple hours go by and he  
14 feels better. So we go and he wants to take me to buy  
15 some gelato. And I feel like he's feeling really bad  
16 because he thinks he's ruining the day. But it's not  
17 about ruining the day; at this point it was a level of  
18 concern there.

19 Then all of a sudden, it's like -- not  
20 miraculously, it took a long time -- but he started  
21 feeling better. He's walking around. Now we're going  
22 into shops. He has some ice cream. We're shopping. He  
23 buys a pair of sunglasses. So all of a sudden he starts  
24 to come out of this.

25 And, you know, then we're going to get

1 something to eat. We order pizza, and I guess in his  
2 mind he's thinking he's feeling better, he orders a beer.  
3 You know, of all things. Maybe hair from the dog that  
4 bit you or something. But it seems like he's just trying  
5 to have a good time again and get back into honeymoon  
6 party mode.

7 I know that was a long story, but it's only --  
8 maybe it's relevant, maybe it's not relevant, you know.  
9 At the end of the day, who knows. But by the time, you  
10 know, we get back and meet the Askins -- Josh Askin comes  
11 back with his family. George says to the Askins, "I'm so  
12 sorry. I feel like I have to reintroduce myself because  
13 I literally" -- he wasn't talking and whatnot. He shakes  
14 Mr. Askin's hand and says, "Hello, how are you, I'm  
15 George." It was kind of like he was embarrassed that he  
16 had been in this state and now he feels like he can start  
17 over fresh with them now that he's feeling better.

18 So we ended up -- oh, and then the other side  
19 note was that Josh Askin says, you know, "I met you  
20 before. I met you last night. You don't remember. You  
21 were out at the pool area with Paul."

22 George is like, "I'm sorry, I don't remember."

23 He's like, "Yeah, you guys were hanging out,  
24 you guys were funny, you guys were talking to everyone  
25 going by. We were talking to you. You guys were having

1 a lot of fun."

2 So he had already met Josh Askin, unbeknownst  
3 to him, didn't remember. But we ended up deciding to  
4 forget the tower, and, of course, the kids always win, so  
5 the father was disappointed, but we go and shop with  
6 them. So this time we're actually shopping, at least  
7 with Josh, I think maybe Josh and his sister. They're  
8 younger than us. They want to, you know, kind of maybe  
9 tag along, I don't know. So they're shopping around with  
10 us. We're just checking out some of the shops.

11 Then Josh shows George at some point at the  
12 end of the day, towards the end of the day, this bottle  
13 that he bought. The thing I remember him saying was that  
14 it was something illegal, you couldn't buy it in the  
15 States. I didn't know at the time, you know, the bottle  
16 was the absinthe or whatever the name they had talked  
17 about later. At the time I just remember, significant,  
18 because he said you couldn't buy it in the U.S. and it  
19 was illegal. He's in college, that appeals to him. It  
20 is what it is.

21 So we're going -- the end of the day, we're  
22 deciding to go back to the ship, and by now we're really  
23 chatty with the Askins. They're a really nice family.  
24 We're going back to the ship. We're going to go for  
25 dinner. We actually, at the end of the day, we had such



1 a good time with them we decided that we're going to do  
2 that again sometime, and that we would share a cab maybe  
3 sometime in the future. So we give somebody -- maybe Mr.  
4 Askin and George exchanged cabin numbers so that we can  
5 call them if we ever wanted to do another excursion  
6 together.

7 So getting back to the ship, and going to  
8 dinner, and now we, you know -- oh, going back to the  
9 ship, I guess the other important thing is that the, you  
10 know, the girls, and me and Mrs. Askin, the daughter, are  
11 sort of talking about our purchases. The boys are  
12 walking together, and Josh hands George this bottle and  
13 says, "I have tighter pants," you know, or something,  
14 "not as big of a tee-shirt, can you carry this on for  
15 me." George says no problem. Puts what we later learn  
16 is probably the bottle of absinthe in his front pants and  
17 his tee shirt is over it and they walk on the ship. As  
18 soon as they walk on the ship and go through -- I don't  
19 remember if we have to dip our Seapass again to go on --  
20 I know you do when you get off. You probably do. He  
21 gives it back to Josh, and we all are -- break for dinner  
22 and shower up and whatever.

23 So that was it with the Askins for then. I  
24 would see them -- or George and I would see them  
25 periodically from that day forward because they're

1 familiar faces. It's a huge ship, though, so, you know,  
2 there might be 2,000 people on the ship. You're not  
3 going to see them all the time, but when we do -- and I  
4 have to say that there's not that many kids on the Royal  
5 Caribbean ship; it's not Carnival Cruises where you tend  
6 to have a younger crowd. So there was a certain older  
7 group that was younger than George and I that would kind  
8 of gravitate towards each other. By this point in the  
9 cruise you could see this sort of younger crowd sort of  
10 forming. And then there was George and I, and then Paul  
11 and Galina, who are sort of like the honeymoon type age  
12 people, 25, 26, in that range, and we went to some -- you  
13 know, they had some like honeymoon -- some corny stuff,  
14 honeymoon couples all get together. We had something --  
15 we had like cake eating and dancing. They try to play up  
16 the honeymoon aspect of it.

17 I think there's always this notion that we  
18 were hanging out with this younger crowd during the trip,  
19 but that really wasn't the case. The only young person  
20 that we met was this Josh Askin, and with his family. We  
21 weren't out every night doing shots at the bar with these  
22 18 year olds, 16 year olds. That wasn't what we were  
23 doing. So --

24 Q Let's go to the July 4.

25 A Okay.

1           Q       Start at the beginning and run through what  
2 happened that day into the night.

3           A       Okay. So this is the day before the event. I  
4 don't even know what to reference that as. But this is  
5 the day leading up to.

6                   We are in Mykonos, and Greece is one of  
7 George's favorite places, so he's really excited. He's  
8 been to Greece before, he's been on a cruise before and  
9 he's been with his family to Greece before. So he's  
10 thrilled.

11                   We get off the ship and we go and we sit down  
12 and have pita and tzatziki, and we're looking out and  
13 we -- it's around -- we had kind of a later start. It's  
14 around 11:00 or 12:00. We have the first drink of the  
15 day, instead of waking up having orange juice you're  
16 having a beer. So -- I know that sounds a little crazy,  
17 but for some reason at that time it seemed okay.

18                   And then we sit and we have that, and then we  
19 walk a little bit more. We go to little shops. And then  
20 we actually end up seeing -- they were filming *Wild On*  
21 *Mykonos*, which was a Tara Reid -- I don't know if it was  
22 necessarily her show, but she was there. It was kind of  
23 funny because we're trying to get a picture of George and  
24 Tara. He's trying to work up the nerve to take a picture  
25 with her. We're at this next place and we see this

1 couple that we know, Bobby and Jackie Freeland. This  
2 is the other couple that we end up forming a good  
3 relationship with. They're actually much older. They  
4 were probably more like my parents' age at the time, you  
5 know, 46, 47, 48, in that age range. They have young  
6 daughters. They were there for their anniversary. And I  
7 just always talked to Jackie all the time. I said, "It's  
8 so nice that you come with your girls. I'm close to my  
9 parents, too." So we had a great relationship. We would  
10 see Mr. Freeland at the casino and Jackie would always  
11 be there. So the four of us would always be at the craps  
12 table, because her husband liked to play with George, and  
13 I was playing with them.

14 So we saw the daughter sitting next to the  
15 same table where Tara Reid is. We're like, perfect, we  
16 can go talk to the Freelanders and then we can kind of  
17 check out the scene there. So we go and talk to them.  
18 Eventually George is trying to work up the nerve to ask  
19 for the picture. So he has another drink and then he  
20 decides to finally -- I said, "Take the camera and just  
21 say you're on your honeymoon. Who's going to say no to  
22 that." It's kind of a rare occasion, you only do that  
23 once. So he goes and does just that. She goes, that's  
24 fine, whatever; he takes a picture with her.

25 And he comes back, and we're going on, that's

1 kind of like a highlight, we'll send that to all his guy  
2 friends when we get back. They'll get a kick out of it.

3 Then we decide that we're going to get mopeds.  
4 It's really like a motorcycle. We were going to see the  
5 island that way. It's nude beaches, naked beaches. It  
6 seems like a -- anything goes type of island, and this --  
7 you know, you hear stories about some of these Greek  
8 islands at some of the parties. We decide we're going to  
9 see some of these famous beaches by moped.

10 We start going. We're not wearing any  
11 helmets, and we're on this dinky moped -- it's actually  
12 quite big, it was like a mini motorcycle, and gas gauge  
13 doesn't work, and like you're just hoping you can get to  
14 the beach okay.

15 So George -- I don't think he has much  
16 experience on a motorcycle, but regardless, we were  
17 coming -- you know -- one thing that would stand out for  
18 that particular day is we're going to the beach and we --  
19 and I'm just hanging on tight and I'm saying, and I  
20 actually tell him this, I say, "My mother would kill us  
21 if she knew we were on this thing and we weren't wearing  
22 helmets." I literally remember saying that, because I  
23 was never allowed to go on motorcycles, mopeds, and  
24 without a helmet.

25 We're going around a corner and George hits

1 like a sand patch or something. There's a huge -- looks  
2 like a tour bus or something coming around the other way.  
3 We hit that, and we have to jump off, you know, so we --  
4 we have to leave the moped or we're going to die, we're  
5 going to go into this bus. So we both are able to get  
6 off, and the thing goes down. We weren't very hurt. I  
7 don't think -- I think we were more stunned than  
8 anything. And I get back on and I said, that's it, while  
9 we're on this thing, no more drinks, no more anything.  
10 We're going to like go to the beaches and then we're  
11 returning this thing. He was totally in agreement. He's  
12 like, okay, that's fine. It shook us both up, and it was  
13 a scary moment, and you always hear about accidents --  
14 people going on vacation and not really realizing the  
15 rules of the road. So that was sort of unnerving. So  
16 that was sort of, you know, a crazy experience during  
17 that day.

18 So we get back eventually. We drop off the  
19 moped. We decide we're going to go have some mussels.  
20 I'm sorry -- I always bring up when we're having drinks,  
21 but I guess it's a part of this. I'm not trying to bring  
22 up every drink that we're having. So I always feel  
23 like -- I'm not trying to talk about every single drink  
24 that we're having, I just feel it's relevant because of  
25 the situation. That's all.

1                   So we get back and we're having mussels and  
2 we're having another drink. I don't remember what,  
3 either -- you know, drinks are either vodka soda or vodka  
4 tonic or a beer. Those are really the drinks that we  
5 normally have, unless they're having a nice dinner and  
6 then it would be a red wine or something.

7                   We end up having two orders of mussels. They  
8 were really good. We stay there kind of late in the day.  
9 We're overlooking the water. It's really gorgeous, and  
10 we're talking about, you know, maybe getting a house  
11 there some day, getting a time share, doing something  
12 because we think it's so beautiful. We're thinking of  
13 coming back in the fall, and what friends we're going to  
14 come back with. There's couples that we hang out with  
15 we're thinking of taking a trip and we say this would be  
16 perfect. We're discussing that.

17                   Eventually it's getting later in the day and  
18 we're supposed to meet Paul and Galina that night for  
19 dinner, because on a previous night Paul and Galina  
20 treated us for dinner. On a cruise ship you can pay up  
21 to go sit in a private dining -- there's a restaurant  
22 called Chops, and there's another restaurant, I don't  
23 remember the name now. So one night they took us to this  
24 other place, so we were sort of going to do payback and  
25 do that as well.

1                   They end up going to the buffet sort of later  
2 in the day, so now they decide -- well, rewind.

3                   George buys two bottles of vodka and some Red  
4 Bulls to bring back on to the ship. Because, you know,  
5 then he doesn't have to pay for drinks. He's thinking  
6 it's probably better alcohol or whatever. So he brings  
7 that on board. Obviously unbeknownst to the cruise line.

8                   So we go --

9                   Q       Was there a rule -- I have never been on a  
10 cruise. You're not allowed to bring alcohol on board?

11                  A       You're not supposed to do that. In fact, if  
12 everybody did that, they'd probably lose, you know, a lot  
13 of earnings that way. So you're not supposed -- like in  
14 a restaurant, you're not supposed -- except for BYOB,  
15 most restaurants make most of their money off the  
16 alcohol. And I'm sure cruise lines work in a similar  
17 fashion.

18                  So we go and we're going to go meet them for  
19 dinner. We have a 9 o'clock reservation. And they  
20 call -- somehow we called them and they said, you know  
21 what, we'll meet you guys after dinner, we'll meet you at  
22 11:00, at the Schooner bar, which is right outside Chops  
23 Restaurant. We said that's fine.

24                  So it's going to be just the two of us. We're  
25 like, oh, this is nice, we'll just have a nice romantic



1 dinner. So we get ready and we have, you know, an hour  
2 to get ready, both of us. I'm thinking, this is great,  
3 I'm going to be late. He's kind of rushing me out the  
4 door, I'm putting my makeup on. We're like typical like  
5 getting ready for dinner just like every other night. He  
6 makes himself a drink, he has a cigar on the patio. Not  
7 patio, I don't know, the deck area. It saves me some  
8 time while I'm getting ready because he's not complaining  
9 about me taking too long because he's relaxing and just  
10 watching the water and whatever.

11 We go and leave for dinner about 9 o'clock.  
12 And we're supposed to -- so we didn't end up meeting  
13 them. So we go to this dinner just by ourselves. We get  
14 to the dinner. We had this beautiful meal. We had a  
15 nice bottle of wine with dinner. And at the end of  
16 dinner, I start to not feel well. I had gotten sick one  
17 other time when we were on the cruise, but I think that  
18 was the just seasickness and whatnot. One night I just  
19 couldn't go out at all. This was different. All of a  
20 sudden I felt I didn't feel well, like I'm going to throw  
21 up, so I tell that to George. He says, okay -- this is  
22 at the end of dinner. He had just ordered us our after  
23 dinner drinks. He ordered me an Irish coffee -- I think  
24 he got two Irish coffees. So I leave. I go to the  
25 bathroom. I throw up everything. I throw up my whole

1 dinner. And I come back, and I actually feel okay. I  
2 don't feel like I have the flu, I don't feel like I need  
3 to go right to bed, that I can't stand up anymore.

4 So he says, you know, "Are you okay?"

5 I say, "Yeah. You know, actually I feel much  
6 better now." So, you know, maybe not the smartest thing,  
7 but I finished my wine that we had left and I'm having  
8 the Irish coffee that he'd ordered. And we are going to  
9 meet -- it's almost 11 o'clock so we're going to meet  
10 Paul and Galina right outside the Schooner bar.

11 So we get there and just Galina is there. She  
12 said, "Paul's already at the casino."

13 And I said, "All right, we'll meet you there."

14 And George says, "All right, we'll go up to  
15 the room. I'm going to drop off my jacket." Because  
16 normally when he doesn't, I end up holding it all night  
17 because it gets really hot. So we're right there, so I'm  
18 going to drop it off -- we're going to drop it off.

19 And on the way up to get into, you know,  
20 different clothes or whatever, and I see Jackie  
21 Frelander. She says, "Oh, you guys look great."

22 I said, "We just ate at Chops."

23 "Oh, Jennifer, you look great. Are you  
24 wearing Diane von Furstenburg?" It's a dress designer.

25 So I told George -- I said, well, maybe I'll

1 just keep my dress on for a little longer. Because I  
2 decided, I only wore this two hours so I'll keep it on  
3 tonight. It's kind of like a BG stretch dress. It's  
4 relevant only later because I end up at some point going  
5 to bed in the same dress.

6 And we go and meet Galina at 11 o'clock --  
7 excuse me. So we go back down. We drop off his jacket.  
8 We go back down. And Paul is there, I think. And at  
9 this point in the night, my recollection is we're going  
10 to the casino, we are gambling just like we would on any  
11 normal night. Playing craps, we're playing blackjack.  
12 Maybe sometimes together, maybe sometimes separate, like  
13 our normal routine. There are people around us. I can  
14 tell you by this point in the trip we know all of the  
15 casino dealers. There's not very many, there's probably  
16 five. It's a very small casino. It's not what we think  
17 of when we think of Mohegan or Foxwoods or something.  
18 The gaming area for all the blackjack --

19 MR. JONES: Can I interrupt you for one  
20 second.

21 We haven't heard a time frame since they  
22 got on the boat.

23 THE WITNESS: 11 o'clock was when we met  
24 Paul and Galina. 9:00 was when we went to dinner.  
25 So it was probably around 11:30, 12 o'clock when

1           we're at the casino area.

2                   MR. JONES: Thanks.

3                   THE WITNESS: No problem.

4           A        So then -- I don't know, as most people when  
5 they're out, they're not really keeping track of time.  
6 So at this point, I'm just saying, you know, I would  
7 assume it was around that time because we're coming back  
8 down.

9                   I -- at this time, coming back to the casino  
10 area, we're just doing our normal routine. You know,  
11 people would say, what were you drinking. I'd say, I  
12 don't remember exactly what I was drinking at this time,  
13 but I can tell you it would be a Michelob Ultra, a vodka  
14 soda, or -- that would actually be it. That would be one  
15 of those two things. That would be a normal drink of  
16 choice.

17           Q        Was George drinking, too?

18           A        Yes. And that would be -- he would usually do  
19 a vodka tonic or vodka soda and -- most of the time that  
20 would be his drink throughout and usually change it up.

21           Q        What happened after the casino?

22           A        Well, the casino goes on for a while. This is  
23 where I start to lose time and not remember things. And  
24 then by the time I do remember, like in little  
25 snippets -- for example, you know, Jackie Freeland said

1 I had a full conversation with her between the casino and  
2 going to the bar area, which I completely, you know,  
3 don't remember. But then you're thinking, when someone  
4 tells you, do I remember or do I only remember because  
5 she's telling me. So at this point I'm not even able to  
6 say that I remember even bumping into her again.

7 And the idea of someone, you know, saying, do  
8 you -- you're starting -- clearly you're starting to  
9 black out. I remember going to this revolving bar and  
10 I remember thinking that the bar is spinning. And I  
11 really do think it actually is a revolving bar. But  
12 regardless, I'm remembering this revolving bar, and I'm  
13 remembering, like I said, a sense of a tiredness or sense  
14 of that -- and then that's really all I remember. And I  
15 remember -- I feel like I remember a bit of a  
16 conversation with a woman who was there for like a family  
17 reunion or something, and I remember this feeling of this  
18 whole family being around or this whole family being  
19 there.

20 The other significant thing I remember is that  
21 when we go into this bar area, or revolving bar, our  
22 casino dealer, Lloyd, is there, and George and Lloyd are  
23 like kind of buddies. It's our favorite casino dealer.  
24 They're kind of, they're -- I would say friendly. He  
25 gets in, and he says, "Hey, Lloyd Banks." His real name

1 is Lloyd, and Lloyd Banks is the real name of the rapper,  
2 50 Cents. It's kind of like their little joke between  
3 each other.

4 And eventually -- what struck me and why I  
5 remember that is because he was there not as a dealer,  
6 but he was there as just sort of off duty. So that's why  
7 that stands out in my mind.

8 And I felt like there wasn't a lot of sitting  
9 down, and I can remember -- I felt there was like high  
10 tables or standing up. And I remember being just --  
11 either I was getting to a point where I couldn't -- I  
12 just remember being just tired, or I have to go home or  
13 I'm standing up, but I'm -- and then that's it. And I  
14 literally don't remember --

15 Q When is the next -- I'm sorry. You want to  
16 finish? You don't remember?

17 A I mean -- I wake up the next morning and I'm  
18 in --

19 Q That's the next thing that you remember?

20 A That's it.

21 And I wake up the next morning and I'm in bed,  
22 and I'm wearing my same, you know, dress. But it's --  
23 you know, coupled with, you know, heels, it looks nice  
24 and dressed up. With flip-flops it's just like a summer  
25 dress. It's kind of stretchy, it's comfortable.

1                   So I wake up. And, you know, don't ask me  
2 why -- if someone's in that state or whatever, and they  
3 wake up -- and the first thing I remember is I have a  
4 massage appointment. I realize that sounds kind of high  
5 maintenance. Meanwhile George is not in the room, and my  
6 thought is he must be with Paul and Galina. He must have  
7 went to their room. Because, I guess, when you have no  
8 other thought that leads you in any other direction, you  
9 go with what you do know. What I did know, if he was out  
10 late it would be with Paul, that late. And if there's  
11 only other one place he could possibly be, it would be in  
12 their room. They must have been drinking late and he  
13 probably couldn't get back home and he probably just  
14 crashed there.

15                   So George -- as fun loving as he is, and as  
16 wonderful as he is, he's also, on certain aspects, a  
17 little frugal in certain areas, meaning if they were  
18 going to charge him for missing his massage, that would  
19 have gotten under his skin. I remember thinking, see  
20 what happens, you drink too much, I'm going to go to my  
21 massage, you're going to miss yours, and they're going to  
22 charge you anyway. I'm thinking, that's really going to  
23 make him mad, that they're going to charge him, and he  
24 missed it and didn't even get to enjoy it.

25                   So I go to my massage, which I think is a

1 10 o'clock massage or something. They have me arriving  
2 at like 8:30. So they have me arriving early for my  
3 massage. I could guess that -- I shouldn't guess -- but  
4 I could guess that there is a number of reasons I could  
5 have arrived early. Either I'm dumb and just came early,  
6 or there's a time change of an hour difference when you  
7 go into the next one. George, if there's one thing  
8 about him, he was diligent about knowing about time  
9 changes, because as soon as -- for example, this last  
10 Sunday, I'm the kind of person that would keep my clocks  
11 in the fall -- or I should say in the fall, I like --  
12 I'm always late, so I like to keep them like that so I  
13 can be on time. Whereas George, if there's a time  
14 change, would change it. That could be a reason. I have  
15 no idea why.

16 But all that I do know is that by this time, I  
17 later learned that -- once I'm in the spa area and going  
18 for my massage, you are no longer able to hear any  
19 announcements. And that's significant because apparently  
20 they were paging -- shortly after I arrived there is  
21 when -- you know, probably within the next half an hour,  
22 they start paging us, because -- which I later learned  
23 that there is now -- the crew or someone, they find blood  
24 on the awning beneath our balcony. So they don't know if  
25 it's an animal or person, whatever. The point is there's



1 blood there and they need to figure out why it's there,  
2 and is it a person. So obviously the cruise line -- by  
3 process of elimination, they were going up to --  
4 obviously at the time I didn't know this, but I later  
5 learned they were going up on every person's balcony that  
6 was above that, they were trying to account for. We were  
7 the only two people they couldn't account for. They  
8 thought both George was missing and I was missing. And  
9 then only at some point later, maybe around 10 o'clock, I  
10 don't really know, and this is only from reports, when  
11 they find me in the massage area. I'm not aware that we  
12 are the missing couple, that we're missing.

13 So I'm -- I don't remember if I was pulled out  
14 of the room or whether I'd started. I don't even  
15 remember the massage anymore, and I don't know if it's  
16 because of the news I was about to hear kind of makes you  
17 lose, in a sense, anything around that time.

18 But there was three men in white uniform that  
19 I remember, and they come and find me in the spa. And  
20 they say, "Is your name Jennifer?"

21 And I say yes.

22 And they said, "Is your husband George Smith?"

23 And I say yes.

24 And they said, "Do you know where he is? We  
25 can't find him."

1                   When someone's telling you that and they're  
2                   approaching you in like a force, when there's three  
3                   people, like you just knew something was terribly wrong,  
4                   and you knew that they weren't telling you this because,  
5                   you know, either you had a little too much to drink, you  
6                   know, where is he. It was definitely all over their  
7                   faces, just like an utter, wow, we have to tell you this,  
8                   so it's like terrible news.

9                   I don't know how I somehow figured it out or  
10                  what, but at some point you just know that this is --  
11                  this isn't good. They really mean that he's in some way  
12                  gone. Not the normal, we're looking for him. But the  
13                  way that they approached me and the way that they  
14                  described, you know, what they did know -- and at some  
15                  point they did say they had found -- I don't know if they  
16                  told me directly or I heard them, or what they didn't  
17                  say, they had seen or found some blood beneath our  
18                  balcony.

19                  So as you can imagine, at this time, you're  
20                  literally -- like I remember just kept like grabbing my  
21                  hands and grabbing my arms, because I was like, this  
22                  cannot be happening. You know, he must be somewhere. He  
23                  must be passed out somewhere, he must be with Paul and  
24                  Galina -- he must be somewhere.

25                  Your mind and your body are just literally

1 going like numb. And you're not able to like articulate  
2 what you're feeling, but you almost feel like you're --  
3 it's an out-of-body experience where you feel like you're  
4 in a movie. It's the best way I can describe it.

5 So I'm walking around now following after  
6 these security guards. And I go to this main ship area  
7 and I see Mrs. Askin and Mr. Askin and Josh and his  
8 family. And by this time I am, you know, I'm shaking,  
9 I'm numb, I'm crying, I'm confused. I don't know what  
10 the heck is going on. They say they're searching the  
11 ship again. Mrs. Askin's hugging me. I'm crying.

12 It was literally such a moment of confusion,  
13 and the weirdest part is that you're in this open ship  
14 and all of these people are, you know, smiling and  
15 laughing and they're taking pictures, and they're  
16 literally going on with their vacation, and they have no  
17 idea in the middle of all this, you are -- like you feel  
18 your life is over and you're watching this and you're  
19 thinking, this can't be real.

20 So for a long time I'm just there with  
21 Mrs. Askin. And then at some point they put me with a  
22 security guard -- excuse me, a person from customer  
23 service, and I don't even remember -- I don't remember  
24 her name right now. So she's with me, and I'm just  
25 crying and I feel just utterly just disheveled in like

1 the whole sense of the word. I don't even know what to  
2 do.

3 I have -- security guards that have no  
4 answers. They're doing searches of the ship. They can't  
5 find him. Now everybody's sort of talking about blood  
6 and -- so at some point they take me into this room,  
7 because our room is now sealed off, and they give me a  
8 pill or something to take, and I don't know what it is,  
9 and I take that with water. Obviously it must be  
10 something to calm me down. And I'm in this room now and  
11 it's apparently the only cabin left on the ship, so it's  
12 way down low. And I'm -- you know, never get to sort of  
13 see our room or our things.

14 At some point -- you know, this woman is with  
15 me, you know. My recollections, and they'll always say,  
16 we didn't tell her to do this and we didn't tell her to  
17 do that. What I remember is someone saying or suggesting  
18 do you want to shower, do you want something. You know,  
19 I'm taking a shower, I'm in the shower. You're so numb  
20 that you don't even know what to do. You just are having  
21 moments of like walking through the motions. Your body  
22 is doing something and your mind -- all I kept thinking  
23 was this has to be a dream, this cannot be real, this  
24 cannot be real.

25 By the time I come out, there's a robe there,

1 towels, whatever, I assume. And no clothes because I  
2 have only this same dress I'm wearing. So they try to  
3 get me some clothes and of course everything says Royal  
4 Caribbean Cruise Ships. Right now you don't really --  
5 you don't care. It's not a vanity thing. It's just like  
6 this disgusting -- like right now already you're feeling  
7 like there's nothing celebratory about anything that's  
8 ever going to exist in my life again. Why do I want to  
9 wear a cruise line tee-shirt and shorts. It sort of adds  
10 insult to injury. You're just really numb and you're not  
11 really understanding fully and grasping the severity, but  
12 at the same time you are. Because it's too much, I  
13 think, for your mind and body to handle all at once.

14 And so, again, I'm just crying and shivering  
15 and shaking. I remember feeling just so cold. I'm now  
16 in the bed in this cabin and there's this woman -- I  
17 remember her name was Maria, Marie -- and I say that I  
18 want to call my parents, that I want to call George's  
19 parents. And I'm just crying again. She says, you know,  
20 they're doing another search, maybe hold off on calling,  
21 you know, calling our parents.

22 So I said, well, I have to call somebody. I  
23 need to talk -- I was just a mess. And so I try my  
24 sister, and I'm not remembering it's 4th of July weekend  
25 and she always goes with her husband and his family,

1 they rent a beach house on the Cape. Everybody in the  
2 United States is in their aftermath of our just beautiful  
3 wedding, so everyone's in the summer mode now. It's also  
4 probably 4:00, 5:00, 6:00 in the morning, American time.

5 And so I can't get in touch with her, and the  
6 next call is to my little brother, Johnny. Obviously,  
7 you know, again, it's 4th of July weekend, and it's  
8 probably 6:00 in the morning, and it's an unknown number,  
9 he doesn't pick up.

10 At some point, I just -- like forget this, I  
11 need to talk to somebody. I need to get in touch with my  
12 family. I remember struggling even to remember numbers.  
13 I couldn't remember my parents' telephone number. I  
14 couldn't remember -- they were staying at my family  
15 cottage in Rhode Island. I couldn't -- you know, it's a  
16 number I know by heart. I couldn't come up with simple  
17 things at that time.

18 I remember my -- somebody picking up the  
19 phone. It's my mother picking up the phone. I'm just  
20 crying and screaming, and she just starts crying and  
21 screaming. And my father gets on the phone. And I must  
22 have been just crying so hard he just starts crying,  
23 and --

24 Q If you need to take a break, Jen, take a  
25 break.

1           A        I'm fine.

2                    So I'm saying, you know, they don't know where  
3 George is and they found blood, you know. Between all of  
4 my, you know, sobbing, somehow he's making out some words  
5 and he knows that, you know, George has gone missing.  
6 And basically because -- you know, if it's just he's  
7 missing, he's missing. But because of the blood  
8 everybody knew that that was it. He had gone missing  
9 and they thought -- who knows when they thought it was,  
10 and other details had to follow. But at that point it  
11 didn't really matter because the end result was the same.

12                    At that point, too, I think everybody --  
13 nobody in their right mind was, you know, thinking, foul  
14 play or murder. That was the last thing -- you're on a  
15 vacation and people are having fun and nobody's thinking  
16 that. This was the most unbelievable thing you can  
17 imagine happening. It's so -- it's enough to swallow  
18 that, and you're trying to make sense of it. The only  
19 thing you can think of is someone getting so drunk that  
20 they fall overboard. Given what has been going on in a  
21 sense it was, oh, my God, was he that dumb, did he really  
22 get up on the ledge, maybe he was smoking a cigar, maybe  
23 he did something like that. Oh, my God, I can't believe  
24 this. You're trying to make sense of a situation that's  
25 so bizarre that you're just using the schema you have to

1 make sense of it.

2 So at that point whatever I was relaying to my  
3 family was what was being relayed to me, which was, you  
4 know, that this is a tragic -- sort of at that point it  
5 was kind of believed at that point that it was a tragic  
6 accident.

7 Q Then what happened after your talk with your  
8 dad?

9 A I told my dad to call the Smith family. And  
10 he's, you know, he's crying, and -- it really just -- an  
11 unbelievable, unbelievable scene, from just me just  
12 crying -- and like you're crying like a child would cry,  
13 like wailing, screaming, crying. It's not like normal,  
14 you know, little sobs. I can remember thinking I don't  
15 sound like myself. And I remember hearing my dad even  
16 crying. He's bawling like a little kid, too. This was  
17 like -- this was the most extreme situation you can  
18 imagine.

19 And then eventually I'm taken out of that room  
20 and brought to -- they say -- apparently Turkey was  
21 starting to investigate this situation. And I'm going  
22 to -- they bring me to go see the captain, and they  
23 reunite me with Paul and Galina. So I'm there between  
24 Paul and Galina. Again, I'm crying. She's there holding  
25 my hand and he's on the other side of me, because these



1 are the only people -- they must have somehow been  
2 looking for us. They said they heard our names or  
3 something, and so they of course come, they want to know  
4 what's going on. Paul is talking to the captain, the  
5 captain is there, and he's very concerned about me  
6 leaving the ship to go to Turkey, because apparently --

7 Q Who's "he"?

8 A Paul's concerned. I think they're Ukrainian  
9 or something. But they're from Staten Island, New York,  
10 Paul and Galina. But he's very concerned. And the  
11 captain is there, and they want to take me off the ship  
12 for questioning. Paul, I think he's trying to be sort of  
13 the man of the house right now for me, he's saying, she's  
14 not going anywhere. Have them come here and question her  
15 here, whatever. She's staying right with us. The  
16 captain is like these are the orders and we're going to  
17 do what we have to do.

18 I call my father again. My father gets on the  
19 phone with the captain. First he gets on the phone with  
20 Paul, and Paul's explaining the situation. And, you  
21 know, I'm not able to articulate everything that's going  
22 on. Paul's there to say, "They just want to ask her some  
23 questions." He said, "I don't know, Mr. Hagel, I  
24 wouldn't trust my daughter in Turkey. Who knows, I'd  
25 have her stay here and have them come question her." My

1 dad is hearing this from him. He's not there.

2 My family, by this time -- the whole family  
3 knows what's going on. And they get us -- eventually the  
4 captain gets on the phone with my dad and says, "I assure  
5 you, I'm going to have her with my two security guards at  
6 all times. They're going to take her down, answer a few  
7 questions, then she'll be right back on the ship."  
8 There's some conversations with my dad, Paul and the  
9 captain. And they said, you know what, that's fine.

10 So I go down with the two security guards, and  
11 still this woman from customer service is there, Maria.  
12 And at some point there's sort of this makeshift  
13 interview room where it's just a room with someone who's  
14 interpreting, and --

15 Q Is this on the dock? Are you still on the  
16 ship?

17 A This is -- you're off the ship but it's right  
18 attached to the dock. It's sort of an office, almost  
19 like you're not on land yet. You're going out of the  
20 ship, but as soon as you're off the ship, it's like --  
21 somehow it's an office, it's almost attached to the dock.

22 So we're there, and I see some people that I  
23 recognized from either the night before or just familiar  
24 faces on the cruise ship. And I remember them all  
25 looking at me, like, wow, this is like horrible, this is

1 awful. Because at this time most people that were sort  
2 of in that -- that know each other knew the situation,  
3 and then I come off the ship and they're like, poor  
4 thing, this is awful. I remember a couple of the  
5 mothers -- this one mother of one of the kids was just  
6 like, kind of like shaking -- you poor thing. Just  
7 knowing that this is awful, what you and your whole  
8 family -- I mean, everybody was just crushed.

9 Q Then what happened?

10 A So we go and after those questions they take a  
11 statement, and there's this person interpreting what I'm  
12 saying, and I don't even know what -- I later read the  
13 statement, which sounds so, you know, ridiculous and  
14 dumb. It's very short and very choppy. And just very --  
15 you know, it's literally -- this isn't like the most  
16 maybe professional way, but nobody really cared. It was  
17 such a moment of utter sheer panic and just -- oh my  
18 goodness.

19 And then they said they want to take me to the  
20 Turkish police station. So now Paul and Galina are still  
21 there, but I said, you know -- they're concerned that I'm  
22 going there, but then the cruise ship security guards  
23 then leave and they go back to the ship. So now I'm  
24 there with just this woman Maria. She's not a security  
25 guard, she's from customer service, which is very

1 different, obviously, different type of role that she  
2 would play.

3           And I -- there's two Turkish police officers  
4 and there's a police car. So she sort of offers to go  
5 with me. And I just -- you know, I don't really -- at  
6 this point I'm kind of like zombie-like, I'm just going  
7 through the motions. I'm just doing what people are  
8 telling me to do. I don't really care. So I'm going  
9 into this car, you know, really -- this is almost like  
10 third world country, and police cars aren't what we think  
11 here at Greenwich, Connecticut. They certainly aren't  
12 wearing those uniforms. It's seedy, no seat belts, the  
13 car's dirty. You go to the police station and it's not  
14 like a police station we think of. I'm driving into this  
15 town and it just is such an odd strange place and a seedy  
16 place, is the only way I can really describe it. The  
17 people and language and everything is very different.  
18 This was not like Italy and not like Greece. This was  
19 somewhere completely different.

20           So I go to the police station, and I don't  
21 know what exactly we're waiting for. I'm not really  
22 quite sure why I'm there, what's going on. I'm  
23 continuing to just cry and shake and shiver. I remember  
24 being so cold. And then an hour goes by, and they say  
25 they need to take you to a hospital. So I, of course --

1 at this point I don't know why I'm going or what's going  
2 on, but I go again into this car with the police  
3 officers, and there's not -- you know, they're not  
4 hunky-dory, this isn't a nice place, they weren't very  
5 nice people. We go to a hospital. And, again, this  
6 isn't hospitals like here in the U.S. Like one person's  
7 finishing up and we're already in the room. There's not  
8 like this sort of privacy thing that we think of, where  
9 we sign this, fill out this, and wait, and structured.  
10 It was really none of that. So we go in and people are  
11 just coming out and it was very bizarre. The doctor is  
12 there. He sort of like lifts my shirt up and he looks  
13 down my pants. It was so bizarre, but I didn't really --  
14 it was kind of sort of a strip search or some sort of  
15 body check. And I'm usually a pretty modest person, but  
16 at the same time it doesn't really matter because you  
17 don't -- again, you're just numb and you really don't  
18 care and it's not -- it's not important.

19 So I go back to the police station -- and this  
20 is turning into what feels like a really long day of just  
21 waiting. I'm not really quite sure what we're waiting  
22 for. Apparently there's some word of some Turkish FBI  
23 consulate who's there, who happens to be on vacation with  
24 his wife. So he is going to somehow -- he's the closest  
25 person, he's within like an hour from -- the U.S. Embassy

1 or -- somehow needs some help at this point, because now  
2 they have this American woman that they have to -- so by  
3 the time he comes with his wife, I can tell he's  
4 noticeably annoyed that I'm there, it's like what the  
5 heck is she here for, what's going on. He talks to --  
6 apparently it's like a judge or something, and he talks  
7 to them. We talk to somebody else --

8 Q Where are you right now?

9 A At the police station in Turkey, which is a --  
10 very away from the ship.

11 And then at some point, you know, he said,  
12 "Have you talked to your family?"

13 I said, "No. We can't make any phone can  
14 calls in here."

15 He said, "That's ridiculous. Here's my cell  
16 phone, call away. Do whatever you have to do." He's on  
17 the phone. Again, he's talking to my father, talking to  
18 my family. It's like every time I get on the phone with  
19 my family it's bursts of tears. It's like numbness and  
20 then bursts of tears. Just that connection to something,  
21 someone that I know -- it's just a very weird feeling.  
22 And everybody's very far away.

23 So we get back, eventually -- this is later in  
24 the day. So this has been a long day. So we get back  
25 later in the day and we're next to -- sort of the end of

1 the day and the ship's going to sail off, and I know that  
2 at some point it was talked about --

3 Q Were they giving you updates with respect to  
4 trying to find George during the day?

5 A No. They did not give me updates. I don't  
6 know if they were giving, you know, my father or family  
7 or whoever updates. But it was -- at some point there  
8 was -- it was no longer -- I don't remember -- I can't  
9 say because I don't remember. They could have been  
10 giving me updates, but it wasn't like people were holding  
11 out sort of hope that he was, you know, somewhere on the  
12 ship. There was not this let's check under every table  
13 again -- even though they were doing that, that wasn't  
14 even -- it wasn't really -- that wasn't thought of, you  
15 know, in that sense. I think that people -- the idea was  
16 that he went overboard, not he's missing inside the ship.  
17 So that was --

18 So here I am in Turkey, anyway, long story  
19 short, it was -- a decision was made to, you know, just  
20 reunite me with people I know, my family, and clearly --  
21 everyone's looking at me -- by this time I don't -- I  
22 look pretty much like a mess, you know. I just -- I can  
23 barely just hold myself up. I'm tired, I'm exhausted,  
24 I'm drained. And now the ship is going to be leaving.

25 So they drag me, the FBI -- I can't remember

1 his name, but the consulate or the FBI officer, and his  
2 wife, take -- drive me back to the ship with this woman,  
3 and at some point everybody -- whether it's the FBI or my  
4 dad, they were trying to figure out ways to get me to my  
5 family. My grandmother's actually in Italy with my aunt  
6 at this time, because my -- some of my family is from  
7 Italy. They're thinking maybe we can get her there.  
8 They're just trying to think of the fastest way possible  
9 to collect me, because I'm like this desperate kid that  
10 is -- you know, you go away on your honeymoon, you're  
11 sort of this 25-year-old young adult, with a bright  
12 future, so excited. Now I'm literally like this  
13 5-year-old kid that just needs someone to fetch. It's  
14 literally a concern for the U.S. Embassy, the consulate.  
15 People were like, you know, get this girl home. So at  
16 some point there is travel arrangements made. My dad  
17 wired money to somebody, maybe the FBI or the embassy or  
18 something so they can make arrangements.

19 Q So you never went back on the ship?

20 A So I never went back on the ship.

21 And I gave the code to our safe to the FBI guy  
22 or his wife or the customer relations person. And I  
23 remember it because it was our wedding date. So that's,  
24 you know, something I could clearly remember even then.

25 And then --



1 Q Then what happened?

2 A And then they all go up together. I think the  
3 customer relations -- I think I'm left with the FBI's  
4 wife, and they go up and collect all of our things. We  
5 have so much stuff and so many -- we both had two  
6 suitcases, and by this time in the trip we had bought so  
7 much stuff. So here I am one person, and the FBI, this  
8 guy, he had a rental van or something. And by the time I  
9 come out of this little room where I'm sitting, I go -- I  
10 walk out and I'm looking and it's like two gigantic  
11 suitcases, two medium suitcases, and like ten plastic RCL  
12 bags with their logos. It's like sitting there on the  
13 dock. And it just obviously -- I mean, it's not  
14 physically possible for me to travel with all this. The  
15 FBI guy is -- "I'll ship some of this."

16 I said, "Can you please, we'll pay you back or  
17 something, my dad will help out. If you can ship this  
18 home." And we somehow -- I guess we gave him an address  
19 or something. And I just took one suitcase and maybe one  
20 bag or two bags or something like that, and the rest of  
21 it -- I think that's what I was able -- regardless. The  
22 rest of it was shipped back.

23 And I go -- now I'm with somebody else. I'm  
24 with this woman. It's her first day on the job. This  
25 poor thing was probably like, you know, what did I sign

1 up for. Because I'm just crying. And I don't have -- I  
2 don't have any money, and she doesn't seem to have that  
3 much money either -- I'm sorry. I'll hurry up --

4 Q Tell us, where did you go from there.

5 A Now they have to make arrangements for us to  
6 stay overnight because the next plane doesn't leave  
7 Kusadasi to Istanbul until the very next morning. So I  
8 go to this hotel room and she asked me if I have money.  
9 And I say, no, I don't, and so she -- we're kind of --  
10 it's not really a problem, because obviously at that  
11 point there were bigger problems, but she keeps a tally  
12 and all I can tell her is we'll pay her back.

13 So this woman is there. She's talking to my  
14 family. I think she's from the embassy -- I'm pretty  
15 sure she is from the embassy and she can speak multi --  
16 and she can speak English and she can speak their  
17 language. I'm just crying. The only thing I want to  
18 know is, you know -- the only thing I'm really doing  
19 right now is just -- I'm just heartbroken, literally. I  
20 feel like just crying. I feel like my life is over and I  
21 really -- I don't care about anything.

22 So I'm in this Turkish hotel room. She's in  
23 there first and she gives my family, which is like my  
24 mom, dad, aunts and uncles, the number to the room so  
25 that they can just talk to me. I'm just sitting there

1 all night until, you know 4:00 or 5:00 in the morning  
2 until we're about to leave. I'm just crying on the phone  
3 with my grandmother. Then they pass the phone to my mom,  
4 then they pass the phone to my dad, then they pass the  
5 phone to, you know, a cousin. It's literally just  
6 sobbing. And everyone on the other line is sobbing, too,  
7 because there they were, June 25, watching us say "I do,"  
8 and they love George, you know, like a son, like a  
9 brother, like a nephew. He's become an important part of  
10 our family, too. So everybody is just -- on all sides  
11 we're just broken.

12 And so the next morning we get up and go to --  
13 we drive an hour or two to this airport, and then the  
14 airport, from there it's a plane to Istanbul, and then  
15 from Istanbul there's like a layover, so it's like  
16 another half a day in the airport. Then you're  
17 finally -- then you're going to JFK. You know, you're  
18 not sleeping because you can't sleep, but at the same  
19 time you're just not -- you're just so numb. You kept  
20 getting passed from person to person.

21 You know, I kept thinking how are people going  
22 to recognize me in the airport. For whatever reason,  
23 they could pick me out really quickly. I was the crying,  
24 you know, American young woman, and I probably looked  
25 like total disaster and they would say, "Are you

1 Ms. Hagel-Smith," and I would say yes. So from airport  
2 to place to place, I just kept going and waiting with  
3 these total strangers. And they really just couldn't  
4 offer any condolences. Nobody could.

5 Then when we get to JFK -- I remember that  
6 flight just being so long and just, you know, like you're  
7 seeing people from all over the world, and babies crying,  
8 and of course it's reminding you of the kids you won't  
9 have, and a couple holding hands, that's reminding me of  
10 George, and I start crying again. It's like literally  
11 every little thing -- you're so raw. So by the time you  
12 get to JFK, getting out and I'm walking off the plane and  
13 I see my parents and I literally like collapse. They  
14 take both of my arms and they're walking on either side  
15 of me and they're walking me out of the airport.

16 And I just cry so hard when I see them, and I  
17 think -- because I thought at some point, too, that I  
18 would never see them again. You know, I don't even know  
19 what I thought. I see my sister, I saw my brother, my  
20 sister's husband. And, you know, every time you see  
21 somebody new it's like you're crying all over again,  
22 you're crying all over again.

23 We get back. The FBI brings us right through  
24 and we go to the car or some kind of van or some little  
25 van or something, and I say, you know, "Are we going to

1 the Smiths?" They say, "No, we're going home.  
2 Everybody's tired." And I start telling them about, you  
3 know, our cruise and I start -- I told them about the  
4 prescription drugs and I start saying, you know, I don't  
5 know what happened, but basically filling them in on some  
6 things that they had no idea about and some things that,  
7 you know, in my mind -- because we -- you know, our  
8 thinking that it's probably accidental because that's  
9 all everyone's been saying, so those are the relevant  
10 things.

11 So we get back to, you know, my house, and  
12 literally just the world shut down around us. My dad  
13 doesn't work. My mom doesn't work. They're lucky that  
14 they own their own businesses. Nothing really matters  
15 right now. We're all home in this big nest. My sister  
16 and her husband, my sister's -- my nephew, my sister's  
17 baby -- at the time everybody leaves what they're doing  
18 and they come to the house. And this is how we are for a  
19 couple of weeks.

20 You know, like at night I'm sleeping in  
21 between my parents. You literally become like a child  
22 again. People are just waiting for you to crack because  
23 you're just so -- you're beyond -- it's just beyond words  
24 and nobody really knows what to do. People are bringing  
25 over food. It's like there's a funeral for somebody, and

1 you're not accepting the fact that this is happening.  
2 Because it's shocking. So the first few weeks are just  
3 family, friends, everybody.

4 But more significantly, who comes in the first  
5 couple of weeks, too, are our new friends that we make,  
6 with the FBI. Within a few days of me being home, all of  
7 a sudden this case turns from being a supposed accident  
8 to -- and probably, you know, thankful to Bree for  
9 calling the FBI and getting them involved, because I  
10 believe, and I'm not sure, but I think that they were --  
11 I think it was her who inquired and said this can't be  
12 accident, this must be something different. There must  
13 be foul play, it must be murder, it must be something.

14 So that's when it went from, you know, this  
15 sort of lost George to this accident to being this really  
16 dark other side that didn't even cross my mind, that  
17 didn't even seem relevant. And so there you are -- I  
18 think they probably gave me the first few days just to be  
19 with my family. But then after a week they came over,  
20 and with my parents, sitting at my kitchen table, they --  
21 you know, this was like a family ordeal. My brother went  
22 to print out all the honeymoon pictures for the FBI so  
23 they can have it so I can use that in talking.

24 And the first day they came they just wanted  
25 me to run through the whole honeymoon, through the whole

1 story. Did anyone look at you funny, did anybody this,  
2 did anybody that. Every picture -- as much as I do talk,  
3 it took a long time to get through. We went through  
4 every day. They were very methodical. The next day they  
5 came and it was like, okay, do it again. This time they  
6 were going to take notes, whatever.

7 We numbered every picture for them. We talked  
8 about the relevance of every picture.

9 And they had -- we gave them the prescription  
10 drugs because I had one suitcase and a couple little  
11 bags, and in the little bags were his wallet, I believe,  
12 the prescription drugs, and I put that in the suitcase,  
13 because when I was in the Turkish hotel I remember seeing  
14 the prescription drugs and thinking these aren't mine,  
15 and I'm traveling, these need to go into a suitcase  
16 because you're not allowed to travel with prescription  
17 drugs unless they're your own. So we gave those to the  
18 FBI. Anything left over -- there might have been -- I  
19 might have went home with two big suitcases. So one,  
20 everything that was George's and left over, at some point  
21 the FBI said, "We'd like to collect that. We'd like to  
22 have it back." So of course they did that and they  
23 collected that.

24 The other thing they wanted to do was they  
25 wanted to get keys to the apartment, and they wanted to

1 check out the apartment. So they were actually the first  
2 ones back to the apartment, not me. And they just wanted  
3 to make sure nothing was awry, just check out the place.  
4 They took -- you know, George liked to smoke pot. They  
5 took some marijuana pipes from him and maybe a cigar  
6 cutter and some other things, just picking up some  
7 things.

8 Then eventually --

9 Did you want to ask me a question? I'm sorry.

10 Q Well, how many times -- during the summer,  
11 were you living at your parents' --

12 A Yes.

13 Q -- after you got back?

14 A Yes.

15 Q Did you ever go back to the Greenwich  
16 apartment?

17 A Yes.

18 Q When did you move back to the Greenwich  
19 apartment?

20 A I never moved back there ever.

21 Q Okay. During that summer period, how many  
22 times did you meet with the FBI?

23 A Numerous times. They were -- you know, it was  
24 funny, because they literally became like, you know -- we  
25 would call them, they would call us. They became like --



1 they would come over. They knew my parents very well.  
2 They started to know my family very well. They also felt  
3 just awful. But at the same time, I felt like this was  
4 my new job. Maybe in some ways it gave me some purpose,  
5 you know. I didn't want to wake up in the morning, you  
6 know, you don't want to go to bed at night. You feel  
7 like you lose everything in an instant. You lose your  
8 husband, you lose like your future, your new job, your  
9 new life, your new career, everything. All the things  
10 that you identify yourself with, you lose.

11 And then I really didn't feel like there was  
12 much purpose. I woke up and there was no job to go to,  
13 there was no husband to come home -- it was like, I'm at  
14 my parents' house. I haven't been at my parents'  
15 house -- I hadn't lived home since before college. So it  
16 was, you know, it was different.

17 At same time, the FBI was looking to me for a  
18 lot of this gray information or sort of answers to does  
19 this person look familiar, what do you think of this  
20 picture. I spent so many days and so many hours with  
21 them, in working with them.

22 I remember, you know, just going there and  
23 getting -- you know, doing the fingerprints and hair and  
24 all that. They wanted to see if there was anyone in our  
25 room besides George and I. So if there was a fingerprint

1 that wasn't his and wasn't mine -- by the way, they were  
2 able to get some of that stuff through -- by going to the  
3 apartment. Being able to get George's fingerprints, for  
4 example, being able to match fingerprints in the  
5 apartment with fingerprints that they found on the cruise  
6 ship, you know, these are his. Then they were able to,  
7 from like a letter, a Valentine's Day card that he gave  
8 me, because he licked the seal they were able to test the  
9 DNA. That's how they were able to test the blood on the  
10 awning and that's how they were able to say -- confirm  
11 that it was his blood. And these were all things I was  
12 doing with them, and these were all things I was helping  
13 them with. In many ways, maybe that was useful for me,  
14 because it gave me something to do. It gave me some  
15 purpose at that time.

16 And, you know, I was -- you know, we didn't  
17 talk -- I think I --

18 Q Let me stop you for a second.

19 Now you've come back. Can you please  
20 describe, what was your contact with the Smiths, Maureen  
21 and George?

22 A At first we talked a little, just very little.  
23 And I remember telling them about the prescription drugs,  
24 and I remember Maureen saying, you know, she didn't know  
25 about them, and she wouldn't have let him go on them,

1 something to that effect.

2 And I think I talked to -- at least Bree or --  
3 you know, Bree pretty much knew -- Bree was kind of the  
4 sort of spokesperson for the family. It was a difficult  
5 time, and I think she, you know, was just being like the  
6 point person. We had conversations early on.

7 What's funny is that we became closer after  
8 this had happened, because George and Bree really weren't  
9 all that close before the situation. And I think after  
10 the fact is when sort of she feels like this is -- her  
11 family and -- almost brought him -- brought them closer  
12 even after his death in some odd way. I know that  
13 probably sounds odd. She was living in Hong Kong --

14 Q When did you see the Smiths for the first time  
15 after you came back?

16 A I probably saw them in two weeks. I'm not  
17 really sure. I think the first time I saw them they came  
18 to the beach house with my family.

19 Don't forget, the media is -- we live on a  
20 cul-de-sac. The media is everywhere. They're leaving  
21 plants at the front door, they're leaving cards, they  
22 want to talk to you. Barbara Walters -- every major  
23 media person wants your story and wants to talk to you.  
24 And you are -- you know, you're in your house grieving,  
25 not privately, necessarily, but as much as you can during

1 that time.

2 So I think the Smiths are probably having some  
3 of the same thing, where there's media. It wasn't just  
4 like we could hop in a car and go over -- we could do  
5 that, and we did do that. It was actually easier -- we  
6 met twice, I think, in Rhode Island, so they came --  
7 their Newport home, I think which there was no media  
8 there, so that was their escape. And our escape was  
9 Rhode Island, my family had a beach house.

10 So the Smiths came there. That was the first  
11 time even conversations about suing the cruise line had  
12 come up. Literally, we're on this porch, crying. I  
13 remember Mr. Smith saying, "I'm going to sue them for a  
14 hundred million dollars." Basically saying we're going  
15 to crush them, we're going to sink them, just -- you  
16 know, they're going to get their pound of flesh. You'll  
17 see, we're going to take down the whole industry.

18 There was definitely -- there was some sort  
19 of -- as George's wife and --

20 Q What was your feeling about that at the time?

21 A I mean, it was -- I mean, I thought that was a  
22 very odd amount or whatever in the sense of, of course  
23 you're angry, of course you're mad, and that's normal.  
24 And I think people who go through anything, you know,  
25 super tragic, you either sort of -- you yield to it and

1 say, you know, this is what it is and I'm going to have  
2 to embrace this, or some people fight it. And some  
3 people get mad, some people get angry, and some people  
4 want their pound of flesh. Sometimes you want that at  
5 first and then you can come out of that stage. You can  
6 at first be really angry and really confused.

7 Q I'm just asking what was your -- at the  
8 time --

9 A At the time that was the last thing on my  
10 mind. I'm not thinking of suing somebody. You're  
11 thinking of something you just lost. Literally the most  
12 important thing was gone, so there's really not -- there  
13 wasn't a second and third or fourth. It was literally  
14 how were we going to deal with this situation that has  
15 happened to us.

16 I'm working with, you know, the FBI now. I  
17 feel like in some odd way that they're going to be our  
18 savior, that if something did happen, they were going to  
19 put their FBI caps on and they'll find -- if anything did  
20 happen, because at that point the FBI always said we're  
21 going down every track; it's either accident, foul  
22 play -- no one really ever said suicide because I think  
23 we all kind of said he was a happy guy, that's not even  
24 plausible. No one even uttered the words, so I don't  
25 think we ever -- maybe they thought it, but it's not

1 something we talked about.

2 Q When did you start changing your mind with  
3 respect to suing the cruise line?

4 A There were -- it's a good question. I guess  
5 what happened was slowly -- sort of a slow progression,  
6 where the summer was really spent just kind of huddled  
7 up. And then after that, it was -- this could be  
8 something more. Now, mind you, I went from thinking this  
9 is completely -- must have been an accident, because  
10 nobody kills people on their honeymoon. It's so asinine  
11 it was crazy. Then little by little, the fact that the  
12 FBI was involved, and the fact that people were saying  
13 they were cleaning up, you know, evidence, and they were  
14 purposely doing this and purposely doing that -- for the  
15 first couple of months I didn't even watch TV, so I  
16 didn't know -- and that was you, you know, an order from  
17 the FBI. Don't watch TV and don't put it on, we want you  
18 to keep your story straight. We don't want people  
19 telling you what you remember. We don't want to hear  
20 something that you learned from the TV, so literally  
21 don't watch it.

22 That only lasted so long, a couple months  
23 later, it's like curiosity. I remember I slept over my  
24 grandmother's house, and she can't hear as well, so she  
25 has the TV blaring in the other room and I'm still

1 sleeping. And I can hear, you know, "Honeymoon Cruise  
2 Disaster." I'm like, what is going on. I walk out and  
3 it was -- it was like -- she was like, oh my God, and she  
4 turned it off. But at the same time, this was going on.  
5 Unbeknownst to me in my little world with the FBI, this  
6 was on the news night after night after night after  
7 night. And I didn't even --

8 Q When are we talking about?

9 A You know, five weeks, six -- I have no idea.  
10 This is on the news, I guess, a couple days after it  
11 happened. And I think it had been on the news in some  
12 format almost every day or every few days since the  
13 event. And I'm sure there was highs and lows and lulls  
14 and whatnot.

15 Q During the summer and early fall, were you in  
16 communication or seeing the Smiths?

17 A Yes. And I would go over their house. They  
18 would come to the beach, with my family. There was  
19 definitely -- they definitely thought that their son was  
20 murdered. They still think that their son was murdered,  
21 I think. I don't want to put words in anybody's mouth.

22 I was of the belief, and the FBI was of the  
23 belief, that they didn't know what had happened, and they  
24 were going to pursue every avenue. And that is literally  
25 my mind-set. And the moment I would let my mind go to

1 someone did this to him, it was like -- it's actually  
2 like a disgusting feeling, like why would somebody want  
3 to take somebody from you? Why would somebody want to  
4 destroy another person's life? It was actually crossing  
5 over a line that was sort of sinister. Maybe it was much  
6 easier thinking that he didn't remember anything, he  
7 didn't feeling anything, it was just an accident, hope it  
8 happened quick, and maybe it was just something  
9 instantaneous. The hard part is thinking that somebody  
10 purposely did something.

11 Q But you were open to the possibility --

12 A Of course.

13 Q -- that something did happen --

14 A Open to every possibility, because that's what  
15 the FBI was. But we weren't shutting down one. Just  
16 because, you know, mentally it was easier to think one  
17 way doesn't mean that -- your brain knows that all these  
18 avenues were open. They were proceeding on such, and we  
19 were following that.

20 They were just -- you know, I would go over,  
21 for example, the Smiths, and they would say there was all  
22 this blood all over the room and there was this, did you  
23 see the blood. And it was like -- and Bree would say,  
24 "Mom, you know," or "Dad, we're not supposed to talk  
25 about this. The FBI said we're not supposed to discuss



1 this in front of Jennifer. We're not supposed to discuss  
2 this with Jennifer." And I didn't say anything except  
3 for the fact they knew we had gone to dinner, I had  
4 thrown up, I blacked out, and I don't remember anything.  
5 And that was literally my part in this. At the same time  
6 there was this, well, she'll remember something  
7 eventually, that maybe she blacked it out. Maybe  
8 something traumatic happened. Maybe somebody was -- they  
9 say someone was raping her and George came in to rescue  
10 her and he was trying to protect her honor.

11 Q These conversations would take place with the  
12 Smiths?

13 A These were some of the ideas they had had.

14 Another idea would be maybe he was kidnapped,  
15 maybe someone had kidnapped him and brought him  
16 somewhere.

17 Or maybe he had -- you know, there was just  
18 different theories. With every theory, especially the  
19 ones that included me being sexually assaulted or raped,  
20 I was like, oh, I don't know. But at the same time, you  
21 know -- it is what it is. I wasn't trying to -- if they  
22 had these theories, it was fine.

23 They thought there was all this blood in the  
24 room. There was no blood in the room. What we did learn  
25 and what we all know -- there was never --

1 Q Would this take place in conversations with  
2 the Smiths?

3 A Sometimes Bree would cut them off, they  
4 would -- we shouldn't say anything. There would be open  
5 conversations about that, they thought maybe I was  
6 getting assaulted and maybe George tried to protect me,  
7 was protecting my honor. That could be a theory. And  
8 there was a number of different theories.

9 They thought, well, maybe you should go see a  
10 psychic, and then caused -- actually, it didn't cause a  
11 problem. It was just -- the FBI were like, these  
12 aren't -- it's a psychic, you know, it's not a doctor.  
13 We don't advise it. Kind of like do what you want, but  
14 that's not -- and my dad and my mom and me, we don't  
15 believe in that anyway.

16 But these were some of the avenues that --  
17 some of their thought processes -- this girl named  
18 Yolanda or something, they wanted me to go see her.  
19 Meanwhile this is an active investigation.

20 Q This is in the summer and fall, these  
21 conversations?

22 A Yeah, this is in the summer, early fall.

23 Q You were getting along -- these were  
24 conversations in person, on the phone, what?

25 A Both, and at the cottage, and conversation

1 between Bree and my dad or -- and then my dad would say,  
2 Bree, no, we don't believe in that, we're not going to do  
3 that. Not only that, but this is an active ongoing FBI  
4 investigation. Who knows what kind of -- kooks out  
5 there. In fact, when something like this does happen,  
6 you'll learn, if you ever have a tip line or something  
7 else, there's crazy people in this world. Sometime -- it  
8 was like, we're not doing that. That was it.

9 Q When does a rift develop with the Smith  
10 family?

11 A A rift develops when -- when we were deciding  
12 on attorneys. Bree is kind of -- actually, Bree and my  
13 dad are talking quite a bit, too. She's kind of taking  
14 the point --

15 Q Give me a time frame.

16 A I would say -- I'm going over there more often  
17 in the summer, August, September. The last time I go  
18 there is -- the last time I see them at their home, I  
19 think, is like October 2. It was the day after George's  
20 27th birthday. Because that's the last time we did  
21 something together as a family. We wrote a nice letter  
22 to the Greenwich newspaper remembering George, and that  
23 was the last time that I was over their house. But  
24 before that I would come over there.

25 It was -- when I first got home I didn't see

1 them for the first couple of weeks, then I would start to  
2 see them. Then I would be allowed to drive on my own to  
3 go see them. Because, don't forget, with media after you  
4 and with the FBI -- the FBI was like, have my number  
5 ready on speed dial, if anyone's ever following you, if  
6 anyone's ever chasing you or something, you just call me,  
7 don't stop, keeping driving, or whatever. They were very  
8 concerned about people invading our personal privacy as  
9 well.

10 At some point, you know -- when we start  
11 talking, at some point it's clear that there is some  
12 lawsuit to be had in a sense that there were some things  
13 that wouldn't necessarily -- well, we can go into why it  
14 would be reasonable or not. Some of these will be aired  
15 out later.

16 But, you know, at the end of the day you have  
17 a cruise line who, as Jim said, is having passengers who  
18 are drinking alcohol. Yes, they're not force-feeding us  
19 and not putting it down our mouth, but at the same time  
20 condoning this type of atmosphere. There were complaints  
21 and calls made during that evening when I was found  
22 unconscious, which I kind of skipped over that part, when  
23 I'm found unconscious by the cruise line, brought back to  
24 my room -- you know, the idea that they didn't go and  
25 look for George at that time or didn't realize that

1 something was awry, that something was amiss. Why would  
2 you let a woman that you find unconscious in a hallway  
3 go back to a room that's empty? The other part of that  
4 was -- the other half was there had been complaints made  
5 to that room prior. So if they had put all these dots  
6 together, perhaps they would have gone looking for George  
7 earlier. Perhaps if he was on a balcony, perhaps if he  
8 was bleeding on an awning, that they could have somehow  
9 prevented his death if that was the case, or turned the  
10 ship around to go look for him if they had figured out  
11 that he was missing closer to that time.

12 So the idea that they put me back in the room  
13 and they were trying -- you know, we brought this woman  
14 back to her room. But there was something already going  
15 on with that room, that maybe if they had taken the time  
16 to figure it all out, and maybe the argument could be  
17 made if there were more security guards aboard the cruise  
18 line, if there was, you know, a security guard for every  
19 20 passengers or something of that nature, this would be  
20 a very different situation maybe.

21 Q So these were things that were discussed  
22 between your family and the Smith family during --

23 A Yes.

24 Q -- this fall period?

25 A Yes, and then once you start going down that

1 road, it was people were saying -- now it became a media  
2 thing too. So people were saying -- you start hearing  
3 about all these other cases. All of a sudden ours is a  
4 huge case. People start coming out of the woodwork  
5 saying they did this to us, this to us, this to us.

6 So the idea that our case came out -- people  
7 were saying you have a case and this is something  
8 where -- because it brought so much attention.

9 Q Let me go back to --

10 A Okay.

11 Q -- when did a rift develop with the Smiths,  
12 and why?

13 A Okay. So now we're looking for attorneys.  
14 They have some idea for attorneys, we have some ideas for  
15 attorneys. You know, at the end of the day, you can go  
16 and interview a bunch of guys, and some are large firms  
17 and some are small. But you really have to like the  
18 person, in my mind. I understood it was going to be a  
19 long road ahead.

20 Everyone had an opportunity to meet  
21 Mr. Walker. And I think he's a pretty nice guy, and he's  
22 a very honest person and he has kids and he is married.  
23 And I felt like he had the experience, you know, and I  
24 was -- you know, there were times I would say, but is he  
25 the best person and is he the person that's needed for

1 this. Kind of went back and forth.

2 I would discuss this with Bree. She said, I  
3 think we need a bigger firm. So we called in -- I think  
4 it was Louis and Senterfitt or something. We met with  
5 them, and I really liked them. I thought that they were  
6 very smooth guys. They seemed like -- wow, if these guys  
7 were in the courtroom this would be -- they'd do  
8 excellent. But as you can see from our e-mails, which is  
9 in the brief, they didn't really give the matter a lot of  
10 attention, they didn't really hold the purse strings, it  
11 was a big firm. And they said -- they wanted how many  
12 depositions would we have to do, where are the people we  
13 would have to do. They needed to assess the value of the  
14 case. They weren't looking at George like anything else  
15 other than a dollar, a dollar sign.

16 And, really, as a family, it was more than  
17 that. There was so much going on. We had wanted  
18 information, we had wanted to know --

19 Q What happened -- are you -- what happened with  
20 respect to the attorneys?

21 A Okay. So we -- they end up saying, well, we  
22 don't like Walker, we dismiss him, we don't think he's  
23 good. In fact, I remember, they called him an ambulance  
24 chaser, which I thought was kind of funny. I don't think  
25 he's that. I think he's a nice guy. He --

1 Q They chose a different attorney?

2 A They wanted to choose someone else.

3 Now, the other thing that happened, there was  
4 a fall out when I was on the phone with Bree, and we were  
5 talking about the prescription drugs -- meanwhile four  
6 weeks after this had happened I already volunteered for a  
7 polygraph with the FBI. They were over my house multiple  
8 times. They were very clear that the polygraph was not  
9 to be discussed with anybody, and they even said,  
10 especially the Smiths, because there was some concern  
11 that -- you know, there were times when -- I'm not saying  
12 it happened all the time, but there were times when, for  
13 example, Mr. Smith called the news station, or someone  
14 said maybe he committed suicide or something, he would  
15 call, it would be late at night, and he would say, my son  
16 did not do this or that. There were times there would be  
17 some outbursts with the media. They weren't necessarily  
18 trustworthy. It wasn't necessarily like everything would  
19 be sacred.

20 The FBI said this was a very important tool.  
21 If people don't want to volunteer for this willingly,  
22 then that could be significant. So here I am, like,  
23 let's go. Four weeks into this I had done so much with  
24 them. We had talked about and collected things -- I  
25 mean, literally, we were working shoulder to shoulder by



1 this point.

2 I wasn't sharing certain things with the  
3 investigation with the Smith family because, number one,  
4 they had a different -- they had different ideas about  
5 what was happening. It was a very -- it was very  
6 singular in their thinking. It was only murder and it  
7 was nothing else.

8 And so there was also things, too, where --  
9 unless you're with us you're against us. So I kind of  
10 always felt like I wanted to be open to everything, but  
11 at the same time there were things they were saying that  
12 just weren't right. For example, what did you think of  
13 all the blood in the room, or what about -- they weren't  
14 accurate. I don't know where the reports were coming  
15 from or these ideas were coming from that they had. But  
16 the FBI didn't know that to be true, and neither did I.

17 With my dealings with the FBI, I looked at  
18 video of the room. I mean, I knew what this room looked  
19 like inside and out. And you can't see any blood. You  
20 can't see any of that. The room looks a little messy,  
21 but we're halfway through our trip and this was -- our  
22 room looks lived in.

23 So, you know, some of these stories -- then  
24 they're saying there was a party in your room. Who were  
25 all those people in your room? You guys were having a

1 party in there. Not only do I not remember that night,  
2 but I'm trying to say, no, we didn't have parties in our  
3 room.

4 Q Other than --

5 A Other than the sort of misinformation, what  
6 else was going on?

7 Q You said there was a rift with respect to the  
8 attorneys --

9 A Rift with respect to the attorneys --

10 Q I guess there --

11 THE COURT: You want to take a few  
12 minutes. Fifteen minutes?

13 (Whereupon, a recess was taken.)

14 MR. JONES: Can we try to get time, also?  
15 I think I also said I was confused as to what time,  
16 where we were.

17 Q Was there a rift with the Smith family with  
18 respect to the attorneys, and when was it?

19 A Right. There is -- well, there's a couple of  
20 e-mails in the brief where we actually start -- and Bree  
21 and I -- do you have that handy so we can actually get  
22 the date?

23 Q I'll do it right now.

24 A While he's doing that I can just keep talking  
25 and just say that I interviewed a number of attorneys --

1 Q Hold on a second.

2 MR. BROWN: This will be our first  
3 exhibit for today.

4 MS. STROILI: Petitioner's Exhibit 15.

5 (Whereupon, the multiple e-mails between  
6 Jennifer Hagel-Smith and Bree and Maureen was marked as  
7 Petitioner's 15.)

8 A So --

9 Q I'm going to give this to you since this is  
10 the one that's marked.

11 A Okay. So obviously you can tell, October 22,  
12 we're still talking --

13 Q First off, what is this, that you've got?

14 A This is an exhibit. This is an e-mail --

15 Q Look at the whole thing, though. Look at the  
16 whole thing for a second.

17 Is it one e-mail?

18 A Oh, this is multiple e-mails between myself  
19 and Bree and Maureen.

20 Q From what time period to what time period?

21 A From October 22 all the way up to Christmas  
22 Eve of 2005.

23 And in October we were all still, you know --  
24 we were all still getting along. We had kind of, you  
25 know, drawn our separate lines in terms of, you know,

1 what we might have thought were some of the possibilities  
2 of what had happened, and us being sort of open and their  
3 approach being it was this one particular thing, the "M"  
4 word, you know. They were saying it was murder. We were  
5 saying, along with the FBI, working with the FBI, that  
6 all avenues were still open, that we weren't sure what it  
7 was.

8 That was the only sort of -- even at that  
9 time, even though we're still talking and getting along,  
10 we're looking for attorneys, but we already had some  
11 different beliefs. Okay.

12 Moving along, I'm interviewing at this point  
13 in September and October a number of attorneys, small  
14 firms, big firms, Jack Hickey, for example, Ackerman  
15 Senterfitt was a larger firm that we interviewed. There  
16 was Chuck Lipcon and Margulies. All of these names are  
17 pretty well-known within the cruise industry as firms  
18 down in Miami-Dade County, which is where we would have  
19 to bring a lawsuit.

20 Q Were these interviews with the Smith family?

21 A The only interview that took place with the  
22 Smith family was the first time that we all met Jim  
23 Walker, and that was at the Smiths' house. I was  
24 actually sleeping over there and I was going to take the  
25 baby while they were talking to Jim. But then I said,

1 you know, this is going to be something that I'm going to  
2 be involved in for the next couple of years, I want to  
3 hear what he's all about, and I want to sit in.

4 So when he got there, he actually didn't know  
5 I was going to be there, and I think he was actually  
6 surprised. And he basically had gone over the different  
7 laws, which he talked about in greater depth a few days  
8 ago. And at this point we were just trying to figure out  
9 who was going to be best for each family. And by this  
10 point we had also, too -- they said they were going to  
11 have their own lawsuit and -- I was going to be the sort  
12 of the big lawsuit, the Death On The High Seas, and they  
13 were going to have their own lawsuit filed, too. Their's  
14 was going to be for, I think, emotional distress,  
15 something along those lines.

16 At some point -- the only other falling out  
17 before the last, where they actually said we don't want  
18 to talk to you anymore, is, you know -- it was brought  
19 up, you know, between Bree and my father, my father said,  
20 well, you know, Bree, I don't really think it would be a  
21 great idea if Jennifer -- if they depose Jennifer, they  
22 being the cruise line. The concern there was that,  
23 besides all of this drinking, all of this prescription  
24 drug use would come out. That would be just detrimental  
25 to any lawsuit clearly, moving forward, and in the

1 future, and didn't think that that would be a good thing  
2 at all.

3 There was no doubt, and it was all over the  
4 news, this talk of drinking and, you know -- I'll even  
5 regress to go back and talk about, you know, the idea  
6 that there was some sort of fight on the cruise, that I  
7 had, you know, either gotten so drunk that --

8 Q Let's stay away from that.

9 A Okay. I just want to get -- going back  
10 into -- I'm trying to establish the fact that everything  
11 had already been said that could ever be said about two  
12 people drinking on a cruise ship. But the missing piece  
13 that was crucial was this part about the prescription  
14 drugs. And when I described that or we would talk about  
15 that with Maureen or Bree or whatever, I was met with  
16 anger, animosity towards me. There was a real problem  
17 for whatever reason. Any time I would bring that up,  
18 that it didn't matter, that I could say whatever I want  
19 about George, or they could say whatever they want in the  
20 media, that that did not matter. And I thought, well,  
21 there's millions of people in this world, and some people  
22 who, like myself, or like my own family, if you don't --  
23 if you're not on prescription drugs or you don't know  
24 someone in your immediate family that's on them, who  
25 knows what you think of them. And so it's not fair to

1 say it wasn't going to be a big deal and that there  
2 weren't people out there who might think it was a big  
3 deal, especially coupled with all this drinking.

4 So there was another divide there, where we  
5 thought that that would be a major concern down the road  
6 in a big case against the cruise line. We were pretty  
7 sure that would come out in a deposition, I don't see how  
8 it couldn't, that was going to be a real obstacle, one of  
9 many. That was also a point of sort of where there was a  
10 little bit of a divide.

11 The next thing that happened was Bree had  
12 talked to -- she thought that was kind of odd, and what  
13 happened was, she said, "I find that quite odd that she  
14 wouldn't want to be deposed." Sort of kind of saying  
15 maybe there was a reason or I was hiding something or  
16 there was something more, which was ludicrous, you know,  
17 number one. But the second part of it was, she didn't  
18 even know at that time that I had already gone and sat  
19 and volunteered for a polygraph test, basically that the  
20 FBI and I talked pretty much every day on a daily basis.

21 So the first thing I did, when this  
22 conversation took place, I called Sean O'Malley, the head  
23 of the FBI. I said, "Just so you know, you'll probably  
24 be getting a call." Because it was clear that Bree found  
25 that so odd in some way that she was saying, well, I

1 think that's unusual that she doesn't want to be deposed.  
2 We're trying to relay it's about this prescription drugs,  
3 not this missing information.

4 MR. JONES: When was this? Sorry.

5 THE WITNESS: This is in October.

6 MR. JONES: Of '05?

7 THE WITNESS: Yes. This is in October.

8 A I called Sean, and Sean says, "I already  
9 know." He's like, "Don't worry, I know what's going on."  
10 Because I'm trying to say, "Sean you're going  
11 to get a call from Bree. She's going to say I don't want  
12 to be deposed."

13 Obviously, we've gone through my polygraph,  
14 we've done all that stuff, but they don't know that. And  
15 there's a reason they don't know that. It's because the  
16 FBI pretty much said don't tell anybody and don't tell  
17 the Smith family.

18 So he says, "Don't worry. I already know."  
19 So he has this poll sort of on both families, and he's  
20 sort of like the middle road, between. You know, it is  
21 what it is. It was during that time. So Sean -- in  
22 fact, I often say that now, but that was something Sean  
23 used to always say. "You know what, Jennifer, it is what  
24 it is." He would say, "Don't worry about it, we already  
25 know."



1 Moving forward, that was in October --

2 Q In November you got appointed, right?

3 A In November I'm appointed.

4 Q Did the Smiths contest it?

5 A No, they did not contest it.

6 So in November we also hire separate  
7 attorneys. They said in one of these e-mails, which is  
8 not the first one, not the second one, but . . . .

9 Q I point you to the bottom of page 2 and going  
10 to page 3.

11 A Okay.

12 Q Start at the bottom of page 2.

13 A Okay. Bottom of page 2.

14 Q What is that?

15 A This is Lawyer Decision, that's the subject.  
16 And it's an e-mail from Maureen to me.

17 Q What date?

18 A On October 30, 2005.

19 (Reading) And she says, Hi, Jen. Hope all is  
20 well. Bree is busy with the baby right now so I have  
21 decided to write this e-mail to you. George, Bree, and  
22 myself have decided that Louis's firm is not the  
23 representation that will work for us. We have decided  
24 that we -- that as we have different objectives in our  
25 dealings with Royal Caribbean, that it is best that you

1 and your family hire your own law firm and that you will  
2 feel comfortable with. Both firms will be able to work  
3 together and we will let you know once we have made a  
4 decision. This will be in the next couple of weeks. We  
5 feel strongly that the life of our son and brother will  
6 never be forgotten and we are going to do everything in  
7 our power to accomplish this. He was a fine young man  
8 and we are going to go on to prove this. We will be  
9 starting our TV appearances as soon as we hire our  
10 lawyers.

11 And the e-mail below that, from Bree, to  
12 Louis, from Ackerman and Senterfitt, is saying just that,  
13 with respect to Jennifer, she is free to do what she  
14 wants -- I'm just paraphrasing -- and we don't want to  
15 hire you.

16 So then, you know, moving forward, the next  
17 e-mail, as you can see, is now sort of November. So  
18 we're -- we've all, at this point, decided to hire  
19 different people. This is now four or five months later.

20 Q If you could --

21 A And then Maureen says, you know, in November,  
22 (Reading) Hope all is well. How is the apartment  
23 clearing out? I am sure it is very traumatic, but has to  
24 be done. I will be speaking with Mike tomorrow, the  
25 Realtor, about renting the apartment and was wondering

1 when I could give him the all clear when he can start  
2 showing the place. Then it talks about getting a copy of  
3 the wedding video.

4 Q So you're getting along but you're having some  
5 disagreements?

6 MR. JONES: I'm sorry. She just read  
7 from an e-mail. I'm not sure what e-mail that was.

8 THE WITNESS: It's right above the  
9 November 21 e-mail. We're on page 4. I apologize.

10 MR. JONES: I'm sorry.

11 THE WITNESS: That's okay.

12 A And then, at the bottom --

13 Q If you could --

14 A At the bottom, we're going back and forth --

15 Q If you could --

16 A We're having friendly e-mails, but even --

17 Q I want you to finish your thought, but go  
18 to -- if you would go to the page --

19 MR. BROWN: I'm sorry, everybody, it's  
20 not numbered.

21 Q But it's an e-mail that's on Friday,  
22 December 2, 2005.

23 A Okay. December 2, okay. So this is Friday,  
24 December 2, 2005. At this point --

25 Q If you could, please read this e-mail for the

1 Court.

2 A Okay. The subject is Hearings for RCL. At  
3 this point -- this is a bigger thing than just --

4 Q First read the e-mail for the Court and then  
5 you can comment on it.

6 THE COURT: And read as slowly as you can  
7 for her sake.

8 A Just as a tiny bit of background. I had just  
9 called the house and asked to come to the hearings down  
10 in Washington with the Smith family, even though we're  
11 having some difference of opinion on lawyers and  
12 everything else. There is a much bigger issue that's  
13 going on now, that's very important, and it's -- it's  
14 industry-wide changes that are all of a sudden coming  
15 into play with the cruise line, because our story brought  
16 upon this huge wave of -- every person that was ever  
17 affected in a negative way, every person who had ever  
18 gone off a cruise ship, was now sort of coming around  
19 this story. So we had another purpose here. I wasn't  
20 just this widow of this guy who fell off a cruise ship.  
21 I was all of a sudden, you know, the "honeymoon cruise  
22 wife." So I had this other purpose, other people. And  
23 they wanted to see some changes in the cruise industry.  
24 So we were sort of the figurehead of that.

25 So I call. And Maureen says (Reading), Hi,

1 Jen. In response to your phone call earlier today, we  
2 would like to let you know that we will be going down to  
3 Washington alone with our lawyer. We have far too many  
4 questions regarding your whereabouts on the night our son  
5 and brother went missing on your honeymoon cruise.  
6 Saying all the time to us, Sean knows where I was, is  
7 just not good enough. We are family, and from day one,  
8 Jen, you have known a lot more than you are saying, and  
9 we are going through hell with Georgie no longer here.  
10 Royal Caribbean have a cover-up, and that is our main  
11 priority right now. But we also believe that you also,  
12 Jen, have a cover-up. Where were you, Jen? Why did you  
13 leave Turkey so soon? Anybody with half a conscience  
14 would have stayed there to determine what circumstances  
15 were surrounding this tragedy. If it was you that had  
16 gone missing, we would have flown over to help Georgie,  
17 who would still have been in Turkey to do all that he  
18 possibly could to help find out what happened to you and  
19 get some answers. We had to fly to Greece to get some  
20 answers for our son. We will, in public, Jen, stand  
21 together with our lawyers for our lawsuit. But morally  
22 you know that we are not together with you. As far as  
23 the compassion your family has shown towards us at this  
24 most terrible time in our lives, it just has not been  
25 there. Georgie would be so ashamed of you and your

1 family if he was around, but thank God he is not here to  
2 witness the cruelty of yourself and your family towards  
3 us. He was such a wonderful young man, and you cannot,  
4 no matter how hard you try to dirty his name, because you  
5 see, Jen, you are no angel, either. The truth shall come  
6 to the forefront, as lies have lives of their own, you  
7 know. We have shown you over the years nothing but  
8 kindness. You lived in our home for over a year with us,  
9 even after George's disappearance. You were welcome in  
10 our home for three months, and we were so loyal to our  
11 son and thought you could do no wrong. Then the  
12 stumbling blocks started coming and made us very  
13 suspicious of you, your family, and your actions. You  
14 had a very loyal and loving husband you could have had a  
15 wonderful future with, and I find your betrayal of him  
16 and us unexcusable. George, Maureen, and Bree.

17 Q Did you respond to that e-mail?

18 A And I responded (Reading) George, Maureen, and  
19 Bree, I received your e-mail. I'm sorry you have these  
20 feelings. I have been forthright with everyone regarding  
21 George's disappearance. Please know that I am committed  
22 to finding out what happened to George and I on our  
23 honeymoon. I seek the truth, just as you do, and with  
24 the truth, hopefully you will see a different side of  
25 things. I will look out for your best interests as we

1 fight the cruise line, and I hope that you reconsider  
2 your feelings and look after mine. George is proud of  
3 me, and he is proud of all of us. He is my best friend  
4 and the person I love and will forever love. I know  
5 George is with us right now. We cannot forget that we  
6 were all victims that horrible night. I am glad that  
7 you're going to the hearings in Washington. This will be  
8 the beginning of a long and difficult process. I hope to  
9 sit with you at the hearings. I will not let the cruise  
10 line continue to destroy what is left of our family.

11 Q Did she respond?

12 A Yes. She responded (Reading) Hi, Jen. From  
13 day one you and your family have been saying that  
14 Georgie's death is a tragic accident. Several times you  
15 have repeated this to us. Even when you knew the amount  
16 of evidence there was in your stateroom contradicting  
17 this, you continued on with your charade. Jen, I don't  
18 need you to tell me the feelings my son has or had for  
19 me. I know the relationship we had. It was based on  
20 love and respect for each other for 27 years. Bree has  
21 been relentless in her search for justice for George.  
22 She is the one who contacted all the authorities at the  
23 very beginning when Georgie first went missing. She did  
24 all this work alone, Jen, without any help from your  
25 family. So now we are going to Washington alone. Jen, I

1 am heartbroken that I feel not only have I lost George,  
2 but I have also lost you as a daughter-in-law, but I will  
3 accept this with a heavy heart and move on with our fight  
4 against Royal Caribbean. We will get to the bottom of  
5 what happened to George on that night. Maybe not today  
6 or tomorrow, but the truth will prevail. The hearings  
7 are in Washington, are open to the public, so you can go  
8 yourself. But we ourselves will prefer to sit alone.

9 Q What date was that?

10 A That was December 5.

11 Q Can you go to the next e-mail.

12 A So this is the last e-mail -- oh, maybe it  
13 wasn't the last one. This is one -- well . . . .

14 Q When is it?

15 A This is December 24, Christmas Eve.

16 Q From whom to whom?

17 A Maureen.

18 Q To who?

19 A To me, Jennifer. So I get this on Christmas  
20 Eve.

21 (Reading) Today is Christmas Eve. We here at  
22 Glen Ridge Road are a heartbroken family --

23 MR. JONES: Your Honor, I'm not sure why  
24 we are reading all these e-mails into the record.  
25 They are what they are.



1 MR. BROWN: Because they specifically  
2 explain there is a problem --

3 THE WITNESS: This is the last --

4 MR. JONES: It seems like we're spending  
5 a lot of time. The judge can read the e-mails.

6 MR. RICCIO: She can synthesize them,  
7 can't she?

8 MR. BROWN: Okay.

9 THE WITNESS: I think this last one, if  
10 you don't mind -- actually this is the only one I  
11 think is good because I think this one is -- that's  
12 it. I won't read any more.

13 But I think the issue here is how did the  
14 relationship fall apart and what were the different  
15 mind-sets of the family.

16 MR. RICCIO: I think you've done a good  
17 job in trying to explain that from your side of the  
18 position as to why.

19 Q Could you --

20 A The only other thing here I think that's  
21 interesting is after, you know, all of the sort of the  
22 negative stuff, is that I get this. Just like the last  
23 e-mail, I forward these to the FBI, and I respond. And I  
24 think if, you know -- at the end of this, it's like  
25 basically all this e-mail is about me and what do you

1 know, what did you see, and so I can preface it with  
2 that.

3 Q I'll tell you what --

4 And then you responded?

5 A Fine. So that wasn't very nice. Then I  
6 responded.

7 Q If you could then go to the very last e-mail,  
8 to your response, and read that for the Court.

9 A Okay. (Reading) Dear Maureen -- this is the  
10 response back --

11 Q You responded. You responded on the same day?

12 A Basically I'm saying I'd like to come and talk  
13 to you at your home. And basically saying, you know  
14 where I was found. The FBI knows where I was found. If  
15 you wanted me to come and sit and talk to you again I  
16 will do that.

17 Q Okay. Now go to the very last e-mail.

18 A Then Maureen writes back --

19 Q What date?

20 A December 24.

21 Q Same day?

22 A Same day. This is all Christmas Eve.

23 (Reading) Jen, not good enough. You have told  
24 the FBI a wealth of information and us nothing. Speak to  
25 our lawyer, Brett, who happens to be a lovely family man

1 and understands our feelings. After that, we will see if  
2 we can sit down and talk because I think after six months  
3 on Monday you're still going to give us the same  
4 run-around and we are very sick of it. Maureen.

5 So --

6 Q After this e-mail, did you have any contact  
7 with Maureen, George, or Bree?

8 A No. But I did try --

9 Q From this e-mail to the time when you settled  
10 the lawsuit in principle with the cruise line, did you  
11 have any conversation or e-mail with the Smith family?

12 A No.

13 Q All communications with the Smith family were  
14 between Mr. Walker and Mr. Rivkind?

15 A Yes, except for the time I called Mr. Rivkind,  
16 too.

17 Q Okay. Could you please -- let's switch into  
18 what did you do as administrator of the estate.

19 A As soon as I became administrator, Liz was  
20 able to sort of get the general finances of the estate in  
21 order, any open accounts. I can say that the account  
22 has, you know, roughly \$8,000 in it today. We were able  
23 to set up the estate, we were able to pay some bills, we  
24 were able to sell George's car. We did that in the fall  
25 after I became administrator. We had to ask for, you

1 know, as the estate -- I think a letter was sent from  
2 Bree -- excuse me, from Liz to the Smith family, they  
3 okayed that, they signed off on that, we sold the car.

4 We did just everything that you would do if  
5 you were the administrator of the estate.

6 Besides that, I -- you know, becoming the  
7 administrator, this -- I think a letter of intent or  
8 something was filed -- to RCL basically saying, you know,  
9 give us this information or we intend to -- sort of a  
10 letter of intent, so they are aware that we're opening up  
11 something against them, if that makes sense.

12 And hired Dr. Lee within a week after I was  
13 appointed.

14 Q I'm going to make our testimony easier by  
15 saying: You were here when Mr. Walker testified about  
16 the things that you did. Were you involved with him in  
17 those endeavors?

18 A I didn't, for example, go on the ship, but I  
19 was fully aware of Dr. Lee's involvement, what was going  
20 on. Soon as Dr. Lee -- they got off the ship, he called  
21 me right away. I was very hands on, just as I am with  
22 every aspect of my life. So I was very hands on with  
23 Liz, I was very hands on with Jim, Dr. Lee. I went to go  
24 visit Dr. Lee. We looked at pictures from the cruise  
25 ship together. You know, he's -- with his magnifying

1 glass, was talking about some of the ideas he has, some  
2 of the things that a normal investigator might do. And  
3 obviously a lot of the things that he has and he would  
4 need are sitting in the FBI's office. So that was always  
5 an issue.

6 It was clear that he needed more information.  
7 It was -- we were suing RCL for information. That was  
8 sort of the basis of our lawsuit, because we were coming  
9 after them with -- not asked for dollar amounts, we were  
10 coming after them, asked for information. This is what  
11 we were asking for.

12 So I guess I'll let you ask the rest of the  
13 questions, but -- for once.

14 But at this point we'd just been -- I had been  
15 doing everything that I was -- you know, had signed up to  
16 do, and I think doing it well. I think I was fair to  
17 everybody. I had never said a bad word about my in-laws,  
18 and to this day, you know, I continue to hope -- I think  
19 I hoped all along that -- I would dream about going over  
20 there and having a door fling open and somebody coming  
21 out and embrace me or hug me. So no one can say that,  
22 even with all the negative that was thrown my way, I  
23 didn't once ever not want us to be together, and I didn't  
24 ever once not want us to be able to patch things up. I  
25 don't want to, you know, think of my in-laws as anything

1 but, you know, my in-laws.

2           And I think at the end of the day, even though  
3 I was doing a job, I think I had everybody's best  
4 interests in mind. And I actually can even say, you  
5 know, going forward to actually the settlement  
6 agreement -- it's funny that everybody keeps, you know,  
7 poking at my words or wording. I was very proud of that  
8 agreement, and I think it's ironic when I say I'm looking  
9 forward to, you know, communicating, getting some  
10 answers, you know, doing all this with, you know, sort of  
11 a positive attitude, because I feel like, you know, the  
12 end result is always the same, nobody wins in a situation  
13 like this. This is a lose-lose for everybody in the  
14 sense that George is never coming back. So once you  
15 swallow that whole, there are some things that are  
16 important, however, that we, as a family, need, that are  
17 important to us. Some information, which, you know --  
18 "closure" is a funny word. It's never going to bring  
19 George back, and we're never going to forget this. And  
20 our lives will never ever be the same. That is what it  
21 is. This will follow me for the rest of my life every  
22 day, as it will his family, as it will anybody who goes  
23 through something as terrible. But at the same time,  
24 some of the things we will be getting, I felt like, and I  
25 still feel like, through the settlement, you know, would

1 provide some answers.

2 Q We've gone off course, but we might as well  
3 keep going.

4 Why did you settle this case?

5 A I settled this case for a number of reasons.  
6 And I will just quickly go through them.

7 Number one, we were at a point where I was  
8 working pretty much side by side with the FBI. As this  
9 started going longer and longer, and Sean had promised  
10 this was going to be months, not years, and the longer we  
11 were going out, the less -- I was very confident in the  
12 FBI all along, I have to say that. I really think that  
13 they are just a stand-up organization. I did believe in  
14 everything they were doing, and I felt like they were  
15 going to follow every possible lead. And that's what  
16 they do, they exhaust leads until there is no more. But  
17 there did come a time, for example, in March, where Sean  
18 and I are talking about, you know, this blood theory.  
19 There was no blood in the room, but I'm going, Sean,  
20 maybe on those towels, it's probably my makeup. Then,  
21 sure enough, in March of 2006, end of February, early  
22 March, they ask -- at this time I'm living in Boston.  
23 I'm at the Boston FBI headquarters, handing over  
24 canisters of makeup that was used to wipe -- you know, at  
25 the end of the night or whatever, that was on the corner,

1 because -- on these cruise ships that's how they know  
2 that your towels are dirty, you have to put them on the  
3 ground, that's the rule.

4           It was conversations like that with Sean where  
5 I sort of had a cat's eye view of their investigation.  
6 If they were really leaning in one area or another, they  
7 wouldn't necessarily say so. But when they're asking for  
8 makeup to tie up the -- to sort of wrap up any of these  
9 blood rumors, I should say, you know, at that time it  
10 sort of was dawning on me that this isn't necessarily  
11 going to end up in any answer, and that the FBI wasn't  
12 necessarily going to come up with anything.

13           Sean made it very clear that they had not  
14 ruled out accident. He made it very clear that they  
15 didn't rule out foul play. But the fact of the matter is  
16 in his mind that it was 50/50. So it was something that  
17 I've always -- I've just been pretty much modeling what  
18 they've been doing, and just saying if they think it's  
19 50/50, then I'm going to say it's 50/50.

20           So they were sort of -- I felt like they were  
21 the ones to go to when it came to having an opinion on  
22 that.

23           Now, as far as -- you know, fast forward to  
24 the time of the settlement. Nothing much really  
25 transpired there except -- that was the problem. The



1 less frequently I was called in and talking with the FBI  
2 and the less sort of interesting a lot of our work  
3 became, that was also -- that was kind of a clue that,  
4 you know, there weren't as many hot leads as there was in  
5 the beginning. So that was that.

6 The other thing, too, was they had kind of  
7 described that there was an -- this was an active and  
8 ongoing investigation. And they made it very clear that  
9 this could be active and ongoing forever, that this could  
10 be open forever. If something's active and ongoing, then  
11 they were never going to turn over their case file to us  
12 so we could sue a third party if there was anybody else.  
13 They were going to keep all this information. And as we  
14 learned and as we know, anything we would get in an  
15 active investigation, most of it would be redacted  
16 anyway. So using -- or thinking the FBI is going to help  
17 us go after a third party, if there was even one to go  
18 over, was ridiculous. And they made it very clear that's  
19 not what they were there for. They weren't there for the  
20 civil -- they really didn't care what was going on in  
21 Probate Court here or if there was ever a third party.  
22 That was not their interest. Their interest was this is  
23 an investigation. They didn't even know whether it was  
24 criminal or accident at this point. And that is --  
25 that's important to know. And that never faltered with

1 the FBI.

2 Today, what's most important, you know -- I'll  
3 regress --

4 Q Hold on --

5 MR. JONES: Let's ask questions.

6 Q Let's go back to my question on why did you  
7 settle.

8 A We don't have to go into Athens Convention, we  
9 all know about that. We all know about DOHSA. Jim  
10 Walker wasn't the first attorney to bring up any of these  
11 issues. We weren't even telling these attorneys about  
12 the prescription drugs. We were just feeling them out,  
13 interviewing them to get a sense in the beginning when  
14 we -- you know, what this case was all about. One  
15 attorney said, "I'm not even sure you have a case." This  
16 was in the beginning when we were interviewing attorneys.  
17 Because once they -- you know, there was clearly -- some  
18 things you could point at RCL, but when you looked at  
19 DOHSA, those laws, and the Athens Convention, and we  
20 were, you know, suing just basically for loss of support,  
21 but with comparative negligence, that was an issue.

22 It would be silly not to think that that was a  
23 factor. That was always a factor.

24 And the other thing was, okay, yes, there was,  
25 you know, things said in the media; every story you could

1 possibly come up with. But I felt like, you know,  
2 George's honor is still very much intact and there's no  
3 need to, you know, just let it all out there in terms of  
4 prescription drug use and whatnot. It's not appropriate.  
5 I think that it's not something he'd ever want people to  
6 know. It's not even something he told his closest  
7 friends or family. I think that the idea that -- the  
8 idea that, you know, our lives were becoming open books  
9 was very disturbing to me, but at the same time, you  
10 know -- I remember telling my mother, "Mom, I'm a very  
11 private person," and she said, "Not anymore, you're not."  
12 Because literally anything and everything that people  
13 could think of or dream of was being put out there. And  
14 not only that, but is out their forever. I will be  
15 Googled for the rest of my life. And that is what it is,  
16 and do I --

17 Q You've seen the motion to remove you, and you  
18 brought up the things that are out there about you and  
19 what happened that night.

20 A Right.

21 Q You're familiar, I assume, with the things --

22 A Of course.

23 Q -- that have been alleged between your  
24 blackout and your waking up?

25 A Of course. I mean --

1 Q Hold on.

2 MR. BROWN: This is Exhibit . . . .

3 MS. STROILI: 16.

4 (Whereupon, the *Vanity Fair* article titled  
5 "*Honeymoon Over*" was marked as Petitioner's Exhibit 16.)

6 Q Can you identify --

7 A This is the *Vanity Fair* article titled  
8 "*Honeymoon Over*." And this is -- and I won't read it,  
9 but --

10 Q Are you familiar with the article?

11 A Yes. I read this before. In fact --

12 Q Is this article one of many regarding what  
13 happened that night?

14 A Come again?

15 Q Is this one of many regarding what happened  
16 that night?

17 A Yes. This is one of many, many.

18 Q And you're familiar with things that have been  
19 alleged about you with respect to that evening?

20 A Yes.

21 Q And were those things out in the public during  
22 the period before and during the settlement talks?

23 A Yes, but actually they were out long before.  
24 They were -- these were out within a few months of the  
25 summer, when the event actually happened. So that was

1 out already in the fall of 2005.

2 Q Does the information that was out in the media  
3 have any bearing on your settling this matter?

4 A No. I would have to say that -- I mean, if  
5 anything, it would be nice -- if we went through this  
6 full case and we sued RCL, to say I could have an  
7 opportunity to sort of clear my name and George's name  
8 and say, you know what, we actually weren't this swinging  
9 couple that were crazy. We really weren't that.

10 It was a really horrific situation. At the  
11 end of the day, it's not important -- I shouldn't say  
12 that. It is important, but at the same time, it's out  
13 there forever. It is what it is. Unless I go back and  
14 start suing people for misstatements and misinformation  
15 and smearing my name and defamation of character, which  
16 I'm not going to do, because, quite honestly, it's silly,  
17 it's mudslinging, and if you can't get through that,  
18 then, you know, quite frankly, you're one of these people  
19 who are not going to be able to come out of it. This  
20 stuff would make you just depressed, if that's the world  
21 you live in, I suppose.

22 Q Did the settlement benefit the Smiths?

23 A I would say the settlement benefits -- I mean,  
24 they might think otherwise. I would say in my capacity  
25 as the PR, the settlement would benefit the Smiths in

1 that it was brought through Connecticut Probate Court,  
2 number one, and also I --

3 Q Why is that important?

4 A Well, if it wasn't settled in Connecticut  
5 Probate Court, say it was settled in Florida, for  
6 example, under DOHSA, obviously, as we all heard, this is  
7 a claim really for loss of support, which goes directly  
8 to the wife. In the situation, it would be allotted  
9 directly to me, or apportioned basically to me. Going  
10 through the Connecticut Probate Court I willingly and  
11 knowingly put it through the Connecticut system so that  
12 they would just share in any of the proceeds that were  
13 applicable under the Connecticut probate law. That was  
14 understood.

15 Q So at the time you settled it was your  
16 intention that they would receive a financial benefit by  
17 the settlement?

18 A I mean, clearly, or else I wouldn't have  
19 brought it to Connecticut. I think that was known.

20 And also, I think I wanted to show, here are  
21 my hands. I was really -- you know, at this point when  
22 you're really always doing the right thing and taking the  
23 high road, at some point you want someone to see that,  
24 look, I'm not trying to do anything bad or wrong or  
25 negative. I'm really trying to do what I think is right,

1 and I felt that it was right and I felt very, you know,  
2 proud of it. I thought it was a good settlement. I  
3 still think it's a good settlement. I think that it  
4 changes, in a sense, over time, because, okay, just  
5 because the estate is dwindling away, I'm still talking  
6 about the settlement that was made way back when. So  
7 it's a different settlement now because of time, but, you  
8 know, at that time, I think it was an excellent  
9 settlement. I was very proud of it. I think the things  
10 that we talked about, some of the information we were  
11 going to gain access to, was something -- this is really  
12 significant. The fact of the matter is, we could have  
13 gone and sued RCL and there was no guaranteeing. There  
14 was no guarantee of an outcome that was favorable to us;  
15 we could have lost the whole thing. Could have never  
16 have gotten any of this information except for maybe  
17 basic stuff we could have demanded, but nothing  
18 significant. No sitdown conversation with the RCL  
19 attorneys, you know, none of these -- anything that was  
20 kept private we would not have gotten.

21 Q Are you familiar with how many witness  
22 statements and things there are?

23 A I would say between 60 and a hundred.

24 And I also -- the other thing that's  
25 significant is that there are those who would say, you

1 know, Jennifer has her own individual claims. And I also  
2 didn't ever want there to be any conflict of interest,  
3 and also know that the estate would benefit most if I  
4 wrapped that into just one, you know, George and I  
5 together, whatever I would have -- as wife would have  
6 collected under DOHSA and my own individual claims were  
7 just a sort of packaged deal, for me to then bring to the  
8 Connecticut Probate Court. So I wasn't trying to do any  
9 sort of funny business and settle outside and collect  
10 everything myself and not have this vetted. I clearly  
11 thought that any reasonable person would find this  
12 reasonable. So I was very confident, actually, that, you  
13 know, that it wasn't going to be an issue.

14 But at the same time, I will follow that right  
15 up with, it became evident right away, within the same  
16 day, that, you know, that right away that we were going  
17 to have to fight here. They made it very clear that  
18 whatever the settlement was, no matter what it was, was  
19 going to be fought. Without even being clear on the  
20 terms, it was going to be fought. So it was certainly --  
21 I guess you could say maybe a personal attack and not  
22 necessarily an attack on the -- I mean, an attack on the  
23 settlement. Any settlement was going to be fought.

24 MR. BROWN: Just housecleaning stuff,  
25 because I noticed it wasn't -- these things weren't



1           made exhibits when Mr. Walker was here.

2                   MS. STROILI: This is Exhibit 17.

3                   (Whereupon, the document re: ticket was marked  
4 as Petitioner's Exhibit 17.)

5           Q       Can you just identify for the Court what that  
6 is.

7           A       This is what they give you when you -- I think  
8 when you arrive on the cruise ship. It's kind of like  
9 your ticket, kind of -- I see our names. We signed this,  
10 actually.

11          Q       Is that the ticket that Mr. Walker was  
12 referring to when he testified?

13          A       I believe so.

14          Q       That's all.

15          A       Okay. Page 12 is where we signed it.

16                   MR. BROWN: I don't know if counsel is  
17 just willing to accept it as an exhibit. We had a  
18 discussion about this report that I'd just like  
19 marked as an exhibit.

20                   MS. STROILI: This is Exhibit 18.

21                   (Whereupon, the economist report was marked as  
22 Petitioner's Exhibit 18.)

23                   MR. RICCIO: Your Honor, we don't have  
24 any objection to marking the exhibit, but I -- this  
25 appears to be a full report from the economist,

1 right? This is the RCL one?

2 MR. BROWN: Yes.

3 MR. RICCIO: In contrast to the other  
4 document from the economist from Miami that  
5 presented a one-page thing.

6 MR. BROWN: Yes.

7 MR. RICCIO: This resembles more, to me,  
8 a traditional report from an economist than the  
9 one-page evaluation.

10 MR. BROWN: It was just discussed when  
11 Mr. Walker was talking.

12 Q The same thing. This was brought up when  
13 Mr. Walker was talking?

14 MR. JONES: These are already in  
15 evidence, or at least attached to your brief,  
16 correct?

17 MR. BROWN: Yes. I said I'm just doing  
18 some housecleaning. They weren't listed as  
19 exhibits.

20 MR. JONES: I just want to make sure  
21 they're not something different.

22 MR. BROWN: Not different from what's in  
23 the brief.

24 MS. STROILI: Exhibit 19.

25 (Whereupon, the report was marked as

1 Petitioner's Exhibit 19.)

2 Q You recognize these as reports?

3 A Yes.

4 Q These were things that you took into account  
5 when you were in settlement discussions?

6 A Yes.

7 There's one other thing that -- you just want  
8 to finish the housekeeping? Okay.

9 MR. BROWN: I'd like to mark this as an  
10 exhibit.

11 MS. STROILI: Exhibit 20.

12 (Whereupon, the prescription drug records from  
13 George was marked as Petitioner's Exhibit 20.)

14 Q Jennifer, are you familiar with this?

15 A Yes.

16 Q What is it?

17 A Prescription drug records from George,  
18 Walgreens.

19 Q What's it show on page 2?

20 A Page 2 shows the dates and times of different  
21 prescriptions being filled, and that was -- probably  
22 would have been the last refill before the cruise ship,  
23 'cause it's dated June 13. Actually, I don't know. I  
24 can't say. But it looks like it's close. It was a  
25 prescription drug refill for Clonazepam and also for

1 Zoloft.

2 Q Before George disappeared, were you familiar  
3 with -- did you know that he was -- had prescriptions for  
4 these drugs?

5 A Yes.

6 Q You knew the names?

7 A Well, Zoloft is more of a household name; I  
8 could pronounce that one. Probably the other one I  
9 wouldn't have been able to tell you the name. I just  
10 knew that there was two and they had two different  
11 functions.

12 Q I mean, did he ever talk about the drugs and  
13 whether or not he should be doing anything or not doing  
14 anything when he was taking them?

15 A No. The only thing I did ask him was to ask  
16 the doctor about having kids and if this could affect  
17 having kids. I mean, I'm a little, I guess, naive, in  
18 terms of effects, but I assumed that, you know, we were  
19 probably in a couple of years going to start trying to  
20 have kids, and I was concerned, if you're taking  
21 something, could it cause birth defects, could it cause  
22 anything. So those were the concerns that I was airing.

23 MR. BROWN: That's all I've got, your

24 Honor.

25 THE COURT: Okay.

1 MR. BROWN: May we take a five-minute  
2 break -- oh, wait.

3 Q Is there anything else, Ms. Hagel-Smith, you'd  
4 like to tell the Court?

5 A I think it's significant. Even though it  
6 wasn't at the time of the settlement, something now that  
7 is significant is the fact that we have had multiple  
8 meetings with the FBI, as you know, also. And -- we've  
9 met with the FBI. And the FBI has basically said -- you  
10 know, at this point something interesting has happened.  
11 Sean O'Malley, the lead investigator of the FBI, is  
12 leaving. He's going to Chicago. And he said that at  
13 this point in time --

14 MR. JONES: Your Honor, I'm going to  
15 object at this point. If they want to talk  
16 about -- because it is crucial what the FBI thinks  
17 or doesn't think. There's been a difference of  
18 opinion all along, as to -- even though we've all  
19 been in each of the meetings, as to what they've  
20 said, even though we've all sat in the meetings.  
21 Doug said to me many times, we must have been  
22 hearing different things.

23 THE WITNESS: Okay.

24 MR. JONES: I think if we're going to  
25 start getting into what Sean O'Malley's beliefs are

1 or statements that he made, then they can call Sean  
2 O'Malley.

3 THE WITNESS: Okay. Well, can I just do  
4 one thing, though?

5 THE COURT: Hold on. Your attorney is --

6 MR. BROWN: Your Honor, the only thing  
7 I'll say, we've had numerous status conferences  
8 before the Court about the FBI investigation. I  
9 think we can at least agree on one or two points --

10 THE WITNESS: Right, and if you --

11 MR. BROWN: -- that came out of the FBI  
12 investigation.

13 THE COURT: One at a time.

14 MR. BROWN: We definitely -- I do think  
15 we're looking through different glasses sometimes  
16 when we're in those FBI meetings, but I think that  
17 she can answer one or two questions from the FBI  
18 meetings that would be significant to the Court,  
19 such as --

20 MR. JONES: The attorneys were present at  
21 the meetings. I don't think it's fair for them to  
22 be asking Jennifer what Sean O'Malley said at a  
23 meeting that she wasn't at. If we're going to  
24 discuss with the judge what Sean O'Malley said,  
25 then it should be the people that were in the room.

1 That's the point; we're not going to compromise  
2 ourselves as witnesses. We can both certainly  
3 state what we heard at the meeting and see how  
4 close it is. But to have Jennifer talk about what  
5 she heard Sean O'Malley say at a meeting that she  
6 wasn't at, I don't think that's the way to do it.

7 MR. BROWN: No, definitely. She heard it  
8 from me and Liz Byrne --

9 THE WITNESS: I was --

10 THE COURT: One at a time.

11 Mr. Brown.

12 MR. BROWN: She can testify what came out  
13 of the meeting with the attorneys and the family.  
14 There was one meeting in October that the Smiths  
15 and Jennifer were at, and I can certainly ask --  
16 yes, what she's testifying to about Sean O'Malley  
17 leaving is attorneys only meeting. I can ask her  
18 one or two questions with respect to the meeting  
19 with the FBI. And I think that's fair.

20 MR. JONES: The meeting that she was  
21 present at, I don't have a problem with.

22 THE WITNESS: But I also had other  
23 meetings.

24 MR. BROWN: Let's just talk about --

25 MR. RICCIO: I don't want to interrupt,

1 but could we just be fair. There have been  
2 subsequent meetings with counsel. There certainly  
3 was a meeting and I think all the families were  
4 present. But there have been two subsequent  
5 meetings with just counsel and the FBI.

6 MR. JONES: And the question that was  
7 asked was regarding what Mr. O'Malley said at the  
8 last meeting, of counsel.

9 THE WITNESS: Could I ask a question? I  
10 think this is a fair question.

11 I think what he said is so crucial. I  
12 don't understand why we couldn't tell Judge Hopper.

13 MR. BROWN: This is a lawyer thing. He's  
14 saying that Mike and I can tell the Court what we  
15 heard about Mr. O'Malley. That's fine.

16 Q Did you have a meeting with the FBI in  
17 October?

18 A Yes.

19 THE COURT: October of what year?

20 Q October of 2007?

21 A Yes.

22 Is that the date of the meeting?

23 Q Who was present at the meeting?

24 A Maureen and George Smith; Debbie and John  
25 Hagel, my parents; myself; Liz Byrne. I'm forgetting



1 your name -- it's been a long day -- Doug Brown; the  
2 Smith family --

3 Q What took place --

4 A -- Mike Jones.

5 Q -- at the meeting?

6 A Basically we were talking about what they have  
7 done for the whole case, and -- which I have to say,  
8 almost none of it was news to me, because I had -- I have  
9 known almost everything except for a few things that were  
10 very interesting that they had brought up, about sailing  
11 patterns, international waters, what they found down to  
12 like the second. All very fascinating stuff. But --

13 Q Let me ask a few questions.

14 A Okay.

15 Q Did they make a representation with respect to  
16 an indictment?

17 A Yes. They said we have nothing or not enough  
18 at this time to do -- to move forward on that front. We  
19 have not enough information. They said they cannot rule  
20 out accident and they cannot rule out foul play.

21 And so it's significant because it's not like  
22 they're just pursuing a criminal investigation. And they  
23 are pretty much -- they said that they were at the end of  
24 their investigation, that they're -- they're at the end  
25 of their investigation and they don't foresee any of the

1 things that they're going to be doing moving forward  
2 changing the outcome. Which means this is going to be  
3 most likely active and open for the rest of our lives  
4 with no significant -- okay, and I'll stop. That's it.

5 Q Is there anything else --

6 MR. BROWN: Can we take a five-minute  
7 break, your Honor?

8 THE COURT: Sure.

9 (Whereupon, a recess was taken.)

10 THE COURT: Okay. Anything further?

11 MR. BROWN: Your Honor, I only have one  
12 or two more questions.

13 Q Jennifer, you talked about the FBI for a  
14 little bit. Were you familiar -- were you personally  
15 familiar with a grand jury investigation?

16 A Yes. I was called to testify as a witness a  
17 little over a year ago, actually. And Dr. Cooper was  
18 also called to testify as a witness, and I know because I  
19 actually had to sign some papers for him that day so he  
20 could talk about caring for George and his prescription  
21 drugs, so he could talk before me that day.

22 MR. BROWN: That's all I had, your Honor.

23 THE COURT: Okay.

24 Attorney Jones, I don't know which of  
25 your team is going to ask questions. About how

1 much time? We do have about 40 minutes that we  
2 could go if you wanted to.

3 MR. JONES: We can use the time, your  
4 Honor. I think this is going to take at least two  
5 hours.

6 THE COURT: Do you have any problem with  
7 the breakup of the --

8 MR. JONES: No, that's fine.

9 THE COURT: Okay. Proceed.

10 CROSS-EXAMINATION BY MR. JONES:

11 Q Jennifer, prior to this matter, at least this  
12 hearing, have you ever given testimony in any other  
13 matters?

14 A I have polygraph tests --

15 Q I'll be more clear. Testimony in a court  
16 proceeding.

17 A Yup. I just said I was called as a witness  
18 for a federal grand jury, about over a year ago.

19 Q How about in a civil proceeding?

20 A No. What do you mean?

21 Q Civil versus criminal.

22 A Nope.

23 Q Okay. And you've had your deposition taken in  
24 this matter; is that correct?

25 A Yes. You did it. I mean, well, John Q.

1 Kelly.

2 Q Who was present at the deposition?

3 A You were there, John Q. Kelly, Mr. Walker,  
4 Doug, Liz, and . . . .

5 Q Where was that deposition taken?

6 A At my house, and we were sitting around my  
7 kitchen table.

8 Q And it covered two days, correct?

9 A Two days.

10 Q Do you remember when that was?

11 A Yes. It was last summer.

12 Q Actually, I think it was April 13 and 17 of  
13 2007.

14 A Okay.

15 Q Does that sound correct?

16 A Yes.

17 Q You said Mr. Kelly asked the questions,  
18 correct?

19 A Yes.

20 Q You had counsel present?

21 A Yes, I did.

22 Q Have you been deposed in any other matters  
23 outside of this matter since that deposition?

24 A No.

25 Q Have you ever served as an administratrix or a

1 personal representative of anyone's estate outside of  
2 this matter?

3 A No.

4 Q So you basically had, other than this matter,  
5 you had no other experience with these types of matters  
6 outside of this matter?

7 A Yes. I think it's fair to say that most  
8 people would not have had experience in this type of  
9 matter.

10 Q If we can, we're going to try to limit the  
11 answers, okay?

12 A Okay.

13 Q I want to actually go to the FBI meeting that  
14 was addressed, that second meeting --

15 A Sure.

16 Q -- where the two families were present at.

17 Do you recall, there was an exchange,  
18 actually, between you and I at that meeting where I  
19 was -- I don't remember the exact substance, I think I  
20 was talking about our side's belief that there was foul  
21 play, and at one point you kind of cut me off and you  
22 said, "Well, Mike, that's because" -- something to the  
23 effect, don't quote me -- "you operate under the  
24 assumption that it was foul play and it wasn't an  
25 accident."

1 Do you recall, present at that meeting, was  
2 Assistant U.S. Attorney Peter Youngblood; is that  
3 correct?

4 A Yes.

5 Q Do you recall Mr. Youngblood actually  
6 interjecting and looking right at you and saying,  
7 "Jennifer, we also believe there was foul play," meaning  
8 the Department of Justice and the FBI.

9 A No. He said, "If we didn't think that there  
10 was a possibility of foul play or something, then we  
11 wouldn't be investigating this." Meaning they're not  
12 going to call out all the troops unless they thought  
13 there was something fishy or unique there.

14 Q You don't recall him saying that they felt  
15 there was actually -- that it really wasn't an accident,  
16 that there was something that happened that was more  
17 along the lines of foul play?

18 A Well, I mean, it's kind of -- because what I  
19 took from that is also the fact that they said they  
20 didn't have anything pointing at somebody or in a  
21 specific direction. And mind you, this wasn't my first,  
22 obviously, encounter with the FBI, and all along, and  
23 even on that day, I took it as they were going to exhaust  
24 every lead and that in the beginning there were things  
25 that seemed awry, that weren't right, which got them

1 involved in the first place. But they didn't say we one  
2 hundred percent don't believe there is a chance this is  
3 an accident. They definitely did not say that. In fact  
4 today, they would say it's both --

5 Q I'm going to cut you off there. I don't  
6 need --

7 A Okay.

8 Q Do you recall the first time you meet Attorney  
9 Walker?

10 A Yes, I do.

11 Q When was that?

12 A I was at the Smiths' family house, Glen Ridge  
13 Road in Greenwich, Connecticut.

14 Q Do you remember when that was?

15 A I believe -- it must have been September or  
16 October.

17 Q Of '05?

18 A Of '05.

19 Q Where was that meeting held, in their home?

20 A In their dining room.

21 Q Who was present?

22 A Bree, myself, Maureen, George, and Mr. Walker.

23 Q Do you recall Mr. Walker discussing the merits  
24 of the case with you at that first meeting?

25 A Mostly I remember him -- like the laundry list

1 of things that was wrong with the cruise industry and  
2 that was setting up the case.

3 Q Isn't it true that he told you at that meeting  
4 that you had a very strong case?

5 A We had -- that we had a very strong case, yes.  
6 But --

7 Q That's okay.

8 Isn't it also true at that meeting that he  
9 looked right at you and told you that he believed that  
10 the case was worth between 3 and 6 million dollars?

11 A I do not recall, but I think that the idea was  
12 that it could be a multimillion case. Okay?

13 Q Were those the words that he used?

14 A No. But I think -- I don't recall his  
15 specific words. I mean, this is almost three years ago  
16 now. But he said that there would be, obviously, worth  
17 there. Mind you, we didn't tell him about the  
18 prescription drugs --

19 Q Okay. If you could keep --

20 As you sit here today, you do not recall him  
21 saying he believed the case was worth --

22 A I --

23 Q As you sit here today you have no recollection  
24 of him telling you that the case was worth between 3 and  
25 6 million dollars. Is that your testimony?



1 A He might very well have.

2 Q But you don't recall?

3 A I don't recall that specifically, but he may  
4 very well have said that.

5 Q Now, you spoke on direct regarding the day of  
6 the night that George disappeared.

7 A Um-hum.

8 Q And you talked about the fact that there had  
9 been some drinking -- you talked, I think, about the  
10 first drink of the day.

11 A Yes.

12 Q Was that -- were both of you drinking that  
13 day, during the day?

14 A Yes.

15 Q Do you recall what you were drinking?

16 A I think I had a beer, and then I had one  
17 drink, and then he had two drinks -- but he's just  
18 bigger; I'm not trying to say he was, you know, doubling  
19 mine. But he would probably have a few more than I was  
20 drinking, but we were both drinking that day.

21 Q Then you got back to the ship. You had dinner  
22 reservations that evening, correct?

23 A Yeah.

24 Q And the reservations was at the Chops  
25 Steakhouse?

1 A Yup.

2 Q What time were your reservations?

3 A 9:00.

4 Q And I think you testified you shared a bottle  
5 of wine at dinner --

6 A Yes.

7 Q -- is that correct?

8 Do you recall what time you finished dinner?

9 A Around 11:00.

10 Q Then when you finished dinner, do you recall  
11 what time you left the Chops Steakhouse?

12 A Yes. We were meeting Galina at 11:00, just  
13 like -- go ahead.

14 Q Before meeting Galina, I believe you testified  
15 that you went up to your room?

16 A Yup.

17 Q What was the purpose of doing that?

18 A Drop off his jacket.

19 Q And then after you went up to the room, where  
20 did you go?

21 A Down to the casino.

22 Q And was there any -- did you stop off in the  
23 Schooner bar at all?

24 A No. We had already done that.

25 Q You had already done that?

1 A We had already saw Galina.

2 Q Okay.

3 A I said that earlier today, and as I said in my  
4 deposition, all in there as well, exactly that, the time  
5 line.

6 Q When you were at dinner, did either one of you  
7 have any mixed drinks?

8 A Not that I recall.

9 Q When you got back down -- I'm sorry. You met  
10 Galina at the casino?

11 A Yes.

12 Q And Paul was already in there?

13 A Yes.

14 Q I know I keep asking about time, but do you  
15 have any idea what time you got to the casino?

16 A It was probably 11:30, could be earlier.

17 Q What did you do when you went into the casino?

18 A Started gambling.

19 Q What type of gambling did you like to do?

20 A Blackjacks and craps.

21 Q Did you play craps or did he --

22 A I played both. I don't remember exactly what  
23 I played that specific night, but I play both.

24 Q George liked the craps?

25 A Mostly, but he could play blackjack, too,

1 sometimes.

2 Q You generally would play blackjack?

3 A I generally was playing craps throughout the  
4 cruise, but I was playing both.

5 Q Do you recall who the blackjack dealer was  
6 that evening?

7 A No, I do not.

8 Q I think you testified that you were also  
9 drinking in the casino?

10 A Yes.

11 Q Do you recall what you drank there?

12 A I do not remember. I could say it was either  
13 a Michelob or a mixed drink.

14 Q I think you also testified that at this point  
15 when you were in the casino things started to get a  
16 little fuzzy?

17 A A little bit.

18 Q Would you say that was from the effects of the  
19 alcohol?

20 A Must have been. Well, I had just thrown up,  
21 too, so -- I mean, a smart decision would have been to go  
22 to bed, but I wasn't that smart.

23 Q And are you familiar -- I think you mentioned  
24 a gentleman named Lloyd. Is that Lloyd Botha?

25 A Yes.

1 Q Can you tell us who Mr. Botha was?

2 A He was a dealer at the casino. We interacted  
3 with him almost every night on the cruise ship. George  
4 and I saw him and his girlfriend one night in the middle  
5 of the cruise. We were going to meet them for drinks.  
6 We really liked Lloyd, seemed like a very nice guy. We  
7 even saw him one night off the cruise when we were at  
8 Monte Carlo. We just came back and said, "Oh, we just  
9 won," because he's our dealer, so it's significant news  
10 to share with your casino dealer. That was it.

11 Q You didn't see him in the casino, though, that  
12 night, correct?

13 A No. I said that we saw him later. I didn't  
14 notice that he wasn't there. But what I did notice was  
15 that we saw him later. The reason why I noticed was  
16 because he wasn't in the casino. He was off duty.

17 Q Where did you see him?

18 A At this revolving bar.

19 Q The bar actually did turn, I believe, correct?

20 A See, I told you. I thought it did.

21 Q Do you recall, at the time you were in the  
22 casino, did you feel like you were starting to get  
23 intoxicated?

24 A No. I mean, not that I recall. But I guess  
25 most people maybe don't see it coming.

1 Q But you were drinking while you were in the  
2 casino?

3 A I was drinking there.

4 Q Do you recall what time you left the casino?

5 A No..

6 Q Do you recall leaving the casino?

7 A No.

8 Q Okay. So you don't recall who you were  
9 with --

10 A Oh, no. I vaguely could recall leaving the  
11 casino. I don't remember leaving the casino, but I  
12 remember entering the next place. So I guess you could  
13 say not leaving, but I remember some of the -- like the  
14 new scenery, I should say. I knew I wasn't in the casino  
15 anymore.

16 Q Do you recall who you left the casino with?

17 A With George.

18 Q Anyone else?

19 A I don't recall.

20 Q Do you have any idea what time you left the  
21 casino?

22 A No idea. I mean, based on all the time lines  
23 we've had, I can ballpark, between, you know, I'd say  
24 12:30 at night and 3 p.m. I mean, because that's when we  
25 know something significant took place in between.

1 Q Maybe to help you out a little bit --

2 A Okay.

3 MR. BROWN: Do you mean 3 a.m.?

4 A A.m.

5 Q Did you leave the casino when it was closing?

6 A I don't remember leaving -- oh, the casino.

7 No. The casino, I think, stays open until the last  
8 players leave. I don't think there's rules.

9 Q There's no set time for the closing of the  
10 casino?

11 A I don't believe so.

12 Q As you sit here today, have you become aware,  
13 based on any time lines, what time you left the casino?

14 A Today I have become aware simply because of  
15 Jackie Freeland saw us, and I think she said she saw me  
16 around 2:00 in the morning. I could be off a full hour.  
17 I have no idea. But I think she said, from her  
18 statement, she said that she saw me leaving and I looked  
19 perfectly fine -- or maybe it was 2:30. And she saw me  
20 and I talked to her, and she said she had grown daughters  
21 and she said I seemed very coherent.

22 Q Do you recall where you went next?

23 A To the revolving bar.

24 Q Just maybe to give the Court an idea, where is  
25 the casino located with respect to the revolving bar?

1           A        I thought it was across the hall.  But at some  
2 point I thought it was two floors away from each other.  
3 So I'm probably -- and there was a time, too, when I saw  
4 the model of the ship and I had memorized -- so right  
5 now, I can't tell you.  I'm sorry.  But I can probably --  
6 right online you can go to the Brilliance of the Seas and  
7 get --

8           Q        As you sit here today, you're not sure?

9           A        I'm not sure.

10          Q        Is it a relatively short walk?

11          A        Wait, I take it back.  Because now I remember  
12 from accounts -- as I sit here today, you have to take an  
13 elevator, so clearly it's not on the same floor.

14          Q        Do you know if the elevator went up or went  
15 down?

16          A        I have not a clue.  Probably up, because we  
17 were on the ninth floor.

18          Q        And you think two floors?

19          A        A couple of floors, I'm assuming.

20          Q        Do you have any idea what time -- what time  
21 you entered the revolving bar?

22          A        No.

23          Q        As you sit here today, has anyone told you or  
24 have you seen based on time lines what time you entered  
25 the revolving bar?



1           A       Based on what Jackie Freelanders had said, she  
2 saw us leaving, this was somewhere in the 2:00 -- so I  
3 would say somewhere between 2 a.m. and 3 a.m., based on  
4 other people's statements.

5           Q       Now, do you remember seeing Lloyd in the  
6 revolving bar?

7           A       Yes.

8           Q       How do you remember that?

9           A       Because, like I said, it stands out when you  
10 see people -- normally you see them in uniform and when  
11 they're not, especially on the ship -- and especially  
12 because George kind of makes a fuss over him when he sees  
13 him. He calls out his name.

14          Q       Did George do that when he saw him that  
15 evening in the revolving bar?

16          A       I don't remember specifically, but I believe  
17 so. It would be common, normal, for him to do that.

18          Q       Do you remember having any drinks in the  
19 revolving bar?

20          A       I know there was drinking, and I wouldn't be  
21 sitting there without a drink, so I would have drinks.  
22 Who bought me the drink and who brought it or whatever, I  
23 have no idea.

24          Q       Do you have any recollection of leaving the  
25 revolving bar?

1 A No.

2 Q So is it fair to say that your last memory of  
3 that evening would be standing in the revolving bar?

4 A Yes.

5 Q And I think on direct you testified about  
6 speaking to some woman who you thought was there with her  
7 family?

8 A Right.

9 Q When you were describing all that, that was in  
10 the revolving bar?

11 A That was in the revolving bar, right.

12 Q So you have no recollection of being anywhere  
13 else that evening; is that correct?

14 A Correct. That's right.

15 Q Now, do you have any recollection of where you  
16 were found that evening?

17 A No.

18 Q As you sit here today, are you aware of where  
19 you were found?

20 A Yes.

21 Q Can you tell us, please.

22 A I was found on sort of the polar opposite of  
23 where our room was located. If you think of the ninth  
24 floor like a football field, think of like two diagonal  
25 corners. Our room was down one hallway, and I ended up

1 supposedly taking a wrong turn out of the elevator, and  
2 walking and going on the other side, in the opposite  
3 direction.

4 Q Do you have any recollection of what time you  
5 were found?

6 A I have no recollection of that.

7 Q But as you sit here today, are you aware of  
8 approximately what time you were found?

9 A I was found approximately at 4:30 a.m.

10 Q Do you have any recollection of being found in  
11 the hallway?

12 A No.

13 Q As you sit here today, do you know who found  
14 you?

15 A RCL employees found me. I think they're --  
16 they found me and they called for -- they found me, they  
17 stayed with me. They have some sort of protocol. They  
18 call for help, a wheelchair --

19 Q I'll ask the next question.

20 A Right.

21 Q Do you have any recollection of being put in a  
22 wheelchair?

23 A No.

24 Q As you sit here today, are you aware that you  
25 were put into a wheelchair?

1 A Yes.

2 Q Do you have any idea what time that was?

3 A They found me at 4:30. I was put into a  
4 wheelchair, I think, quarter of 5:00, so 4:45. And I  
5 think, from the reports that they have, brought back to  
6 the room around 4:50, or 4:50s or something.

7 Q I guess for the purposes of the next few  
8 questions, you don't remember any of this; is that  
9 correct?

10 A No, that's correct.

11 Q Can you continue and tell us -- from what you  
12 understand today, they brought you back to the room?

13 A Um-hum.

14 Q Did at some point they put you back in the  
15 room?

16 A Yes. At some point -- and they had a female  
17 employee present --

18 MR. BROWN: Are you asking what she  
19 recollects?

20 MR. JONES: I just asked --

21 THE WITNESS: He said --

22 MR. JONES: -- as she sits here today --

23 THE WITNESS: -- as I sit here today.

24 MR. JONES: -- what is she aware of.

25 A I'm aware that they had a female employee --

1 this is according to the cruise line -- some FBI and some  
2 cruise line. They had a female employee, and maybe  
3 another employee too, I don't know if there's two or  
4 three of them, took me back into the room, picked me up  
5 and laid me on to the bed.

6 Q Do you have any recollection of George being  
7 in the room at that time?

8 A No. I don't even have a recollection of being  
9 put into the room at that time.

10 Q When was the last time that you remember  
11 seeing George that evening?

12 A I just remember being in a group setting. I  
13 don't remember the last thing we said to each other. I  
14 don't remember the last thing we did together, in terms  
15 of that evening. But I know that we went to this  
16 revolving bar together.

17 Q So your last memory of seeing him was in the  
18 revolving bar --

19 A Yes.

20 Q -- is that correct?

21 Jen, prior to that evening, had you ever drank  
22 so much alcohol that you had had memory loss?

23 A No. I mean, nothing that people couldn't jog  
24 your memory. You lose time when you drink. I -- I've  
25 drank enough before where, you know, you might not

1 remember things clearly or someone might say you did that  
2 and you don't remember. But never like, you know, pass  
3 out, fall on the ground, not remember someone carried me  
4 to my bed, that type of thing, no, that's extreme. I'm  
5 not saying I don't drink, I'm not trying to say I'm this  
6 little angel. I went to college, I had a good time in my  
7 life, I've gotten drunk before. But we also -- George  
8 and I like to drink a lot. But to this excess, to this  
9 point, would be rare. This is not normal.

10 Q So for you, that was the worse night you had  
11 ever had then?

12 A Yes.

13 Q Do you recall -- you had testified about  
14 waking up the following morning. Do you know what time  
15 you woke up?

16 A It was -- which I thought was in and around --  
17 in the 9s, closer to 10 o'clock, which as far as the  
18 cruise ship records it was closer to 9 o'clock. So I  
19 arrived around 8:30 for -- I was basically about an hour  
20 and 20 minutes early for my massage, so I was off on the  
21 time.

22 Q But in terms of waking up --

23 A It was in the morning, around sometime after  
24 8:30.

25 Q Is it fair to say that this blackout or memory

1 loss period lasted from approximately, say, somewhere  
2 between 2:00 and 3:00 a.m. and then 8:30?

3 A Yes.

4 Q And you had never had that happen before,  
5 correct?

6 A No. I mean, we all go to bed and wake up, so  
7 it's hard to say, what, if someone was trying to shake me  
8 awake and splash water on my face, what could have  
9 happened. But if you're sleeping . . . .

10 Q But you had been put back in the room, I think  
11 you were aware of the hour --

12 A Right.

13 Q -- sometime around 5 a.m., correct?

14 A Sometime around 4:30 they put me in the  
15 wheelchair, brought back into the room around -- yes,  
16 within 20 minutes they had maneuvered me from the hallway  
17 back into the room.

18 Q So we're closer to 5 a.m.?

19 A Yes.

20 Q Jen, it's been mentioned a couple of times  
21 now, I believe, on your direct, you're aware that there  
22 are witnesses who claim that you did get into an  
23 argument --

24 A Um-hum.

25 Q -- with George in the bar and you allegedly --

1 A Um-hum.

2 Q -- kicked him in the groin.

3 A Um-hum.

4 Q You're aware of the allegations?

5 A Very aware.

6 Q But as you sit here today, you have no  
7 recollection whether or not that happened?

8 A No, I do not.

9 Q If it did happen you wouldn't know; and if it  
10 didn't happen you wouldn't know?

11 A No. And clearly there's the story of George  
12 supposedly calling me a name, and I've heard also  
13 accounts that I was standing up, I couldn't stand up, I  
14 had my arm sort of draped around somebody, that looked  
15 like I was flirting.

16 Q Let's get to that --

17 A Well, I think it's important because you're  
18 talking about this moment.

19 Q I'll ask another question.

20 A Okay.

21 Q You're also aware of a statement that was  
22 made, I believe it was by Josh Askin, where he accused  
23 you of going home with another man that evening, correct?

24 A I was all over the ship, according to  
25 different witnesses, so, yes.



1 Q But as you sit here today, you have no  
2 recollection one way or the other whether or not that  
3 happened?

4 A The FBI --

5 Q I'm asking about your recollection.

6 A My recollection, no.

7 Q Do you have any recollection of leaving that  
8 bar or who you left that bar with?

9 A No.

10 Q Are you aware of any accounts or witness  
11 statements that deal with the time frame from when you  
12 left the revolving bar and then were found on the -- in  
13 the alcove area of the hallway --

14 A Yes.

15 Q -- on deck 9?

16 A There is an RCL employee who said he saw me  
17 come into the elevator. I looked like I needed some  
18 help, I guess, and they asked if I needed help. This is,  
19 of course, according to this witness.

20 Q Do we know what time that was?

21 A I think the time was 3:30, I think, according  
22 to this person.

23 Q Okay.

24 A Between maybe 3:30 and 4:00. I am not really  
25 exactly sure.

1 Q Do you know if that statement -- is that a  
2 written statement?

3 A There's been so many people on TV, so I can't  
4 discern one from the other. But I can say that it's --  
5 RCL also has, you know, has said or mentioned this person  
6 who saw me take a wrong turn.

7 Q But have you been given a witness statement to  
8 that effect?

9 A No. But you can also see in the letter from  
10 Attorney Peltz that RCL had some sort of either video or  
11 some firsthand knowledge of me taking a wrong turn.

12 Q But that actual information or evidence has  
13 not been given to you, correct?

14 A No.

15 Q Have you ever seen that, those statements,  
16 even if they were not given to you?

17 A No. But the FBI has confirmed that I was --  
18 where I was found, and they pretty much confirmed that  
19 same story.

20 Q Is it fair to say you have not seen any of  
21 those witness statements?

22 A That's fair to say.

23 Q Do you know if they're in the possession of  
24 Royal Caribbean?

25 A If they exist and they're from their own

1 employees and they took them, then, yes.

2 Q Have you had any conversations with  
3 representatives from Royal Caribbean about the existence  
4 of such statements?

5 A Of course.

6 Q Statements regarding where you were in that  
7 time frame?

8 A No, nothing was ever specific, you know, to  
9 me. I think it was, you know, we wanted all of the  
10 statements. I don't think I was saying I just want the  
11 statements having to do with me. I was never trying to  
12 separate the two.

13 MR. JONES: Your Honor, I'd like to show  
14 Jennifer, it's a previous exhibit, the February 2,  
15 2006, letter from Mr. Peltz. Unfortunately, I'm  
16 not sure what the exhibit number is.

17 A I know what letter that is.

18 Q It's February 2, 2006.

19 MR. JONES: It's from Peltz to Walker.

20 THE COURT: H.

21 MR. BROWN: 2/2/06?

22 MR. JONES: That's it.

23 Your Honor, if it's okay, I'll just

24 use --

25 THE COURT: As long as Attorney Brown is

1           okay with it.

2                   MR. BROWN:  It's fine, your Honor.

3                   THE COURT:  Okay.

4           Q       Jennifer, I'm showing you Exhibit H.  I  
5 believe this letter was introduced during Mr. Walker's  
6 testimony.

7           A       Yup.

8           Q       Have you seen this letter -- had you seen this  
9 letter --

10          A       Yes.

11          Q       -- before it was introduced as an exhibit?

12          A       Yes, I have.

13          Q       When had you seen it?

14          A       Around the time when it was written.

15          Q       Who showed it to you?

16          A       I believe Attorney Walker sent it to me.

17          Q       Did he discuss that letter with you?

18          A       Yes, we discussed it.  And I would say it's a  
19 prime example of sort of what I've learned is what  
20 attorneys do in their down time to each other.  It's kind  
21 of a friendly jabbing back and forth, and this was sort  
22 of par for the course.

23          Q       Let me direct you to the second page, first  
24 full paragraph.  I'd like to read it.

25                   "While we understand why your client is

1 embarrassed over her behavior, there is simply no  
2 evidence that we are aware to support your claim that she  
3 was given some type of drug to render her unconscious."

4 Let me stop there.

5 Was there some thought given to the fact that  
6 you might have been drugged?

7 A I never said I was drugged, and I was always  
8 very clear that I would never say I was drugged because  
9 people would always ridicule me and say she was trying to  
10 come up with some excuse as to getting that drunk. It  
11 was very clear, even if it was a possibility I was never  
12 going to raise it.

13 Q Where did that come from? Did Mr. Walker put  
14 that in a letter to Mr. Peltz?

15 A Actually, interestingly enough, somebody who I  
16 remember saying I may have been drugged was Brett  
17 Rivkind. He said it actually in an article, which I  
18 found ironic, because it seemed like everybody was using  
19 me when it was in a sense convenient, but on the flip  
20 side not convenient; you know, talking out of both sides  
21 of the mouth.

22 Q Neither you or Mr. Walker had ever claimed you  
23 were --

24 A I can't speak for Mr. Walker as I sit here.  
25 But I can say that I don't recall ever saying I think I

1 was drugged.

2 Q Okay. And then the letter continues,  
3 "Numerous witnesses saw your client voluntarily drinking  
4 to an excess. They have described her conduct as  
5 flirting with other men, which in turn provoked her  
6 husband into a verbal altercation. Numerous independent  
7 witnesses thereafter saw her kick her husband in the  
8 crotch, say some very nasty things to him, and then storm  
9 out of the lounge by herself."

10 A Okay.

11 Q Have any of these statements -- Mr. Peltz is  
12 talking about witness statements. Have any of these  
13 statements been turned over to you?

14 MR. BROWN: Why did you read that?

15 Aren't you going to ask her something?

16 MR. JONES: I'm not there yet, Doug.

17 Give me a chance.

18 THE COURT: Where are you going with it?

19 MR. JONES: The idea here, your Honor,  
20 is -- I'll ask the question.

21 Q Would you agree that the statements contained  
22 in this letter, I know you characterized it as back and  
23 forth between the lawyers, but wouldn't you agree that  
24 there are pretty harsh statements made here about you?

25 A Yeah. But, I mean, at this point, you know,

1 this is part of -- this is part of -- you should know by  
2 now, this is part of the big overall game. This is  
3 normal.

4 THE COURT: You can answer his question  
5 yes or no.

6 Q These are pretty harsh statements, aren't  
7 they?

8 A Yes, and there's one to refute every one.

9 Q Isn't it fair to say if you had brought this  
10 lawsuit you would have subjected yourself to some pretty  
11 harsh criticism?

12 A I think actually most of my part was aired and  
13 done.

14 Q But if a lawsuit had started and discovery had  
15 been brought and ultimately you did have to testify, you  
16 would have been subjected to some pretty very severe and  
17 critical examination of your activities that evening;  
18 isn't that correct?

19 A I would assume so.

20 Q Is it fair to say you would not have looked  
21 forward to that examination?

22 A No more than I look forward to having you read  
23 the paragraph. I mean, it's human nature. I think what  
24 you're trying to imply --

25 THE COURT: All you have to do is answer

1 the question.

2 Q Yes or no. It's fair to say you really  
3 wouldn't want to rehash this all over again, correct?  
4 Yes or no.

5 A No. I mean -- no.

6 Q Is it fair to say that at the time that you  
7 settled this case, you would have preferred to put all  
8 this behind you?

9 A No. I think that's a loaded statement. I  
10 don't think that's fair to say.

11 Q This is cross-examination. That's why I asked  
12 it.

13 A What do I prefer? What do I want to put  
14 behind me? You know, I will forever --

15 Q Jennifer, the question is: Wouldn't you, at  
16 the time that you settled this case, wouldn't you have  
17 preferred to put this matter behind you?

18 A I'm not trying to give you the right answer in  
19 trying to think this through, but -- what you're asking  
20 is saying, if I can make this all go away, if I could  
21 turn back the clocks? Who wouldn't? If I could bring  
22 him back today -- who wouldn't? That's such a crazy  
23 thing.

24 THE COURT: Sometimes -- I know there's a  
25 temptation to explain things, but your attorney



1 will have the right to redirect.

2 THE WITNESS: Okay.

3 Q Jennifer, let's go back to the morning that  
4 you were found, okay?

5 Again, I think you testified that your last  
6 memory of that evening was in the revolving bar, correct?

7 A Um-hum.

8 Q What's your next memory after that?

9 A Waking up.

10 Q Where did you wake up?

11 A Woke up in my bed.

12 Q Do you recall how you woke up?

13 A I woke up. I remember --

14 Q Was an alarm set or --

15 A There was no alarm set. But I remember waking  
16 up like, you know, that kind of panicky feeling like,  
17 what time is it.

18 Q Do you remember how you felt when you woke  
19 up?

20 A I could say groggy, a little tired. I don't  
21 remember today sitting here, but . . . .

22 Q Do you recall if you were hung over?

23 A No. I mean, I didn't feel like throwing up or  
24 something -- I didn't feel nauseous.

25 Q Was George in the room?

1 A No.

2 Q Do you have any idea what time it was? I  
3 think you had said it was about 8:30?

4 A Between 8:30 and 9:00.

5 Q When you woke up, did you make any effort to  
6 locate George?

7 A No.

8 Q At that point did you have any recollection as  
9 to how you got into your bed?

10 A No.

11 Q Did you eat anything --

12 A Nope.

13 Q -- when you woke up?

14 Did you clean up?

15 A Nope.

16 Q Your thoughts were, I had to get to my massage  
17 appointment?

18 A I didn't even brush my teeth. That's  
19 embarrassing to say, but it's true.

20 Q Did you change out of the dress that you  
21 had --

22 A No.

23 Q -- spoken about on direct?

24 A I just put flip flops on and grabbed my purse.

25 Q Then there was some issue with respect to the

1 time, which I think you discussed on direct, with respect  
2 to change in the daylight savings?

3 A Yes.

4 THE COURT: Daylight savings or just  
5 different time zone?

6 A Time change.

7 Q Different time zone.

8 Did you make any attempts before you left the  
9 room to try to locate George?

10 A No.

11 Q Did you call any of your friends to see if  
12 maybe he was --

13 A No.

14 Q -- in their rooms?

15 A No. It was still early.

16 Q Had George slept in any other rooms other than  
17 your cabin prior to that --

18 A No.

19 Q -- evening?

20 MR. JONES: Doug, to avoid having to put  
21 the whole deposition into evidence, what I was  
22 going to do was, at least at this point, refer to a  
23 question that was asked and an answer that was  
24 given. So I can put the one page in or I can just  
25 read from it. If you have a copy, you can read

1 along with it, if you have any problem with it as  
2 far as --

3 MR. BROWN: That's fine.

4 Q Jennifer, on page 219 of your deposition --

5 MS. BYRNE: Which day would this be?

6 Q First day, April 13. I'm sorry.

7 Jennifer, Mr. Kelly had asked you --

8 MR. BROWN: You want me to give it to  
9 her?

10 Q I'm going to read to you the question and your  
11 answer.

12 MR. BROWN: (Handing.)

13 THE WITNESS: Thanks.

14 Q Mr. Kelly, in line 19, asked: "Did you check  
15 to see whether George had shown up there before you?"

16 Line 21, you said: "No. He wouldn't have."

17 "Would it have been unlikely that he just  
18 would have gone to the appointment?"

19 "In my mind, he must have been sleeping  
20 somewhere still because he" -- it looks like a typo,  
21 says -- "with drank too much."

22 What did you mean by "sleeping somewhere  
23 still"?

24 A Just what I meant. In my mind, he wasn't  
25 there because he must have been passed out sleeping

1 somewhere, specifically with -- Paul or Galina's room.  
2 As George -- obviously, because I think he's still  
3 sleeping from drinking. I'm not thinking he's being an  
4 early riser, like, oh, he must have gotten there before  
5 me. I thought he was not going to get there at all.

6 Q I just wanted to make it clear. Your thought  
7 was he had slept in another cabin?

8 A Yes.

9 Q But he had never done that before?

10 A Right.

11 How about the word -- I think to clarify, like  
12 sleeping, like passed out.

13 Q There's no question before you, Jennifer.

14 MR. BROWN: Are we still in the depo,  
15 Mike?

16 MR. JONES: No. That's good. Thank you.

17 Q How did you find out that George was missing?

18 A As I described earlier, from the three men.

19 Q That was down when -- when you were down in  
20 the spa area?

21 A Yes.

22 MR. JONES: What time did you want to  
23 stop? The next section can be pretty lengthy.

24 THE COURT: Why don't we stop now, then.  
25 It's just about 1 o'clock.

1 I think we all plan on coming back on  
2 Friday at 2 o'clock, is the plan. How long would  
3 you like to run?

4 MR. BROWN: I want to run as long as  
5 possible. As long as you'll allow, your Honor.

6 MR. RICCIO: You say that, but when you  
7 ask questions, you ask one question, and she talks  
8 for 20 minutes. Not to be critical. If you want  
9 to hustle the thing up, there's other ways to  
10 hustle it up.

11 MR. BROWN: I don't understand.

12 MR. RICCIO: My point is, you can keep us  
13 here until 8, 9 o'clock at night, if the Court is  
14 willing to do that. But you ask one question, she  
15 talks for 20 minutes. It could be done in a more  
16 expeditious fashion, frankly.

17 MR. JONES: Your Honor, what time do  
18 you think that we would finish? 5 o'clock on  
19 Friday?

20 MR. RICCIO: My wife is going to Florida  
21 on Friday. Her mother is hospitalized. I have a  
22 ten-year-old daughter. I have to get home.

23 THE COURT: That's fine. What time do  
24 you want to --

25 MR. RICCIO: Whatever the Court's normal

1 business day is fine. But I can't stay until what  
2 everyone else imagines.

3 THE COURT: Why don't we just say  
4 5 o'clock, then, if that's acceptable.

5 Thank you for your time. We'll see you  
6 on Friday.

7 (Whereupon, the proceedings were adjourned at 12:58 p.m.)

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STATE OF CONNECTICUT  
COURT OF PROBATE  
DISTRICT OF GREENWICH  
District No. 057

\* \* \* \* \*

ESTATE OF/IN THE MATTER OF \*  
GEORGE ALLEN SMITH IV, deceased \* Case No. 05-0496

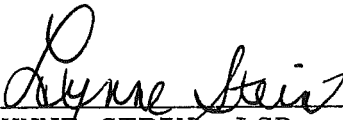
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Greenwich, CT  
March 11, 2008  
9:23 a.m.

PROBATE HEARING VOL. III

CERTIFICATION

I, Lynne Stein, Court Reporter and Notary Public for the  
State of Connecticut, do hereby certify that the  
foregoing 150 pages is a true and accurate transcription  
of the stenographic notes taken by me, to the best of my  
ability, in this case.

  
\_\_\_\_\_  
LYNNE STEIN, LSR  
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