

Hearing

Vol 4

STATE OF CONNECTICUT  
COURT OF PROBATE  
DISTRICT OF GREENWICH

District No. 057

COPY

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ESTATE OF/IN THE MATTER OF \*

GEORGE ALLEN SMITH IV, deceased \* Case No. 05-0496

\* \* \* \* \*

Greenwich, CT

March 14, 2008

2:00 P.M.

PROBATE HEARING VOL. IV

Confidential and Closed to Public Per Court Order  
of May 18, 2007, and Subject to  
FBI Non-Disclosure Agreement  
Closed to Public

BEFORE: HONORABLE DAVID W. HOPPER

Reported by:  
Aimee Suhie, LSR, RPR  
Campano & Associates  
Court Reporting Services

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1 APPEARANCES:

2 FOR THE PETITIONER JENNIFER HAGEL-SMITH:

3 BRODY WILKINSON, P.C.

4 BY: DOUGLAS R. BROWN, ESQUIRE

MELINDA TODGHAM, ESQUIRE

2507 Post Road

5 Southport, CT 06890

6 - and -

7 FARRELL, GUARINO & BOCCALATTE, P.C.

8 BY: ELIZABETH N. BYRNE, ESQUIRE

141 Broad Street

9 Middletown, CT 06457

10 FOR THE RESPONDENTS GEORGE SMITH III  
AND MAUREEN SMITH:

11 IVEY, BARNUM & O'MARA

12 BY: MICHAEL C. JONES, ESQUIRE

DONAT C. MARCHAND, ESQUIRE

170 Mason Street

13 Greenwich, CT 06836

14 - and -

15 LAW OFFICES OF JOHN R. GULASH, JR.

16 BY: EUGENE J. RICCIO, ESQUIRE

350 Fairfield Avenue

17 Bridgeport, CT 06601

18 ALSO PRESENT: JENNIFER HAGEL-SMITH  
MAUREEN SMITH  
19 GEORGE SMITH III  
20  
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1  
2 TESTIMONY OF JENNIFER HAGEL-SMITH (CONTINUED)

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1 THE COURT: Attorney Jones, you ready to  
2 proceed?

3 MR. JONES: Yes, Your Honor.

4 THE COURT: Ms. Hagel-Smith, you're still  
5 under oath.

6 THE WITNESS: Okay.

7 CROSS-EXAMINATION BY MR. JONES [Cont'd]:

8 Q. Good afternoon, Jennifer.

9 A. Good afternoon.

10 Q. Is it fair to say that after you returned  
11 from Turkey that you were very critical of RCL and their  
12 employees -- the actions of their employees?

13 A. On certain aspects for sure.

14 Q. I mean, you were pretty vocal in public in  
15 your criticism?

16 A. At times.

17 Q. You made the rounds of some of the talk  
18 shows?

19 A. No. Only -- When I first got home, I  
20 actually didn't talk to anybody and probably was many --  
21 five months later, six months later until I then -- It  
22 was right around the time of Congress was my first  
23 anything that was a sort of a statement that came out.

24 Q. But you went on some of the talk shows,  
25 correct?

1 A. I went on two.

2 Q. You went on Oprah?

3 A. I went on Oprah.

4 Q. Scarborough?

5 A. Scarborough, that was a hearing. That was  
6 for the hearing.

7 Q. But you did -- But you had --

8 A. Yes.

9 Q. And then also -- But so there was no  
10 interview by Joe Scarborough of you at any time?

11 A. No, there was.

12 Q. Okay.

13 A. I said right around the hearings. I'm saying  
14 it's not like I came home and all of a sudden I was on  
15 TV.

16 Q. No, I understand. But it wasn't -- the way  
17 you said "the hearings" I thought you meant that the  
18 hearings were shown on the Scarborough show?

19 A. On the same day.

20 Q. But you actually went on the Scarborough show  
21 as well, correct?

22 A. Yes.

23 Q. And you also went on The Early Show, I  
24 believe?

25 A. Yes.

1 Q. Any other shows?

2 A. That's it.

3 Q. Okay. And I believe that one of your  
4 criticisms was that the cruise line had failed to  
5 properly secure the crime scene; is that correct?

6 A. I had some questions pointed directly at the  
7 cruise line president, and I questioned that and --

8 Q. Okay. And you also -- I think it was your  
9 belief, express belief at the time that if the crime  
10 scene had been properly secured, you might have gotten  
11 more answers about what happened to George; is that  
12 correct?

13 A. I said if we still had that scene, that blood  
14 stain, whatever, if it was still in existence, they could  
15 do some things that they weren't able to do.

16 Q. Okay. I believe another criticism was that  
17 the cruise line had made a premature decision to call  
18 George's disappearance an accident; is that correct?

19 A. Did I say that? I'm saying if I -- What are  
20 you referring to?

21 Q. Well, I think within the first couple of  
22 days, wasn't there a report issued by the cruise line?

23 A. Yes, we all thought it was an accident.

24 Q. And didn't you at some point criticize the  
25 cruise line for declaring George's disappearance an

1 accident so quickly?

2 A. Not at first. I think it took many months;  
3 and it was probably more because other people, mostly  
4 attorneys and especially the Smith family who were sort  
5 of conversing my mind.

6 Q. At some point you went out in the public and  
7 criticized the cruise line for declaring George's  
8 disappearance an accident so early on; isn't that  
9 correct?

10 A. I mean, I don't know exactly what -- I want  
11 to say -- I want to agree with you, but I don't know  
12 exactly what you're referring to. At some point I was  
13 very critical and I had questions, and I was very direct  
14 in my questioning. You can get the transcript, I'm sure,  
15 and we can see I was --

16 Q. We'll get there.

17 A. We were adversarial, put it that way.

18 Q. I think on Direct you were also critical of  
19 the cruise line. You had mentioned the fact that there  
20 were supposed to be two security guards with you at all  
21 times. What happened? They weren't, though, correct?

22 A. They were not.

23 Q. And can you explain about that?

24 A. Well, as we all know, there's not dozens of  
25 security guards on cruise ships. And as hectic as that



1 day was, they decided or determined that they were going  
2 to go and -- you know, go back to the ship and they  
3 needed to be used elsewhere. Obviously that was not a  
4 priority. So yes, it's fair to say I wasn't a priority  
5 and they didn't stick to their word or so I understood  
6 it.

7 Q. And you were critical of the cruise line at  
8 some point --

9 A. For doing that.

10 Q. -- in public for doing that, correct?

11 A. Yes.

12 MR. JONES: Have this marked, please.

13 MS. STROILI: Twenty-one. No, you're the  
14 other. Sorry. It's double C.

15 (Whereupon, International Cruise Victims  
16 document was marked as Opponents' Exhibit CC.)

17 Q. Jennifer, I'm showing you Exhibit CC.

18 A. International Cruise Victims?

19 Q. Right. Can you tell me what the  
20 International Cruise Victims is?

21 A. International Cruise Victims is an  
22 organization that was co-founded by Ken Carver and the  
23 Smith family, and I later joined. And it's a advocacy  
24 group for legislative reform for the cruise industry. So  
25 it's a collection of people's events and stories so that

1 people can sort of, you know, get past their own and kind  
2 of see that there's a bigger issue at stake here. But  
3 it's sort of people sharing their stories. And so I  
4 don't like the word "victims" because I don't think -- I  
5 feel like I'm a survivor, but I think it's a good group  
6 of -- it's an advocacy group.

7 Q. I think you've explained that. And they have  
8 a Web site, correct?

9 A. They have a Web site.

10 Q. And could you review the document, see  
11 Exhibit CC?

12 A. Sure. And which part would you like me to --

13 Q. Just generally at this point. Do you  
14 recall sending this statement to -- or posting this  
15 statement on their Web site?

16 A. I sent it to their editor, and then the  
17 editor looked at it and edited it and posted it.

18 Q. But you did send this to the Web site,  
19 correct?

20 A. I'm sure I did.

21 Q. Can I direct your attention to the third  
22 paragraph?

23 A. Sure.

24 Q. And if you would look at the sentence three  
25 lines down that starts --

1 A. "The captain lied about where I was going" --

2 Q. If you let me ask the question, okay? I'll  
3 tell you what, why don't you read from "The captain lied"  
4 and stop with the words "from the start" at the end of  
5 that paragraph?

6 A. Sure. "The captain lied about where I was  
7 going and with whom, but more importantly he appeared  
8 satisfied to get me off the ship, expedite the  
9 investigation, and keep his schedule. The captain did  
10 not seem very concerned about my husband, and to this day  
11 he has repeatedly lied about how this tragic news was  
12 relayed to us, the way he conducted himself the day  
13 George disappeared, and how he prematurely labeled this  
14 'an accident' and influenced the way in which George's  
15 death was investigated from the start."

16 Q. Okay. Stop there. So in fact -- and this  
17 was -- this document was published on the Web site,  
18 correct?

19 A. Yes, it was.

20 Q. And so in fact, you did criticize how the  
21 cruise line or the captain had labeled this an accident  
22 from the start, correct?

23 A. He had a report, and he said it was an  
24 accident.

25 Q. "Yes" or "No," Jennifer?

1 A. Yes.

2 Q. Now, you say here just a little bit above  
3 that, you said that "The captain did not seem very  
4 concerned" and then it goes on to say "and to this day he  
5 has repeatedly lied about how this tragic news was  
6 relayed to us." What did that mean? How was he lying?

7 A. I don't recall now. But I do know, for  
8 example, the captain was not my favorite person because  
9 he was -- he'd made a comment that was very vicious in my  
10 mind that was -- he was the first person to ever say  
11 George slept in another room or slept in another cabin.  
12 And, of course, that makes it sound like we were a couple  
13 of swingers. And he didn't sleep in other cabins.  
14 And --

15 Q. And let me cut you off there. Did he have  
16 a -- Do you know what his basis for saying that was?

17 A. His basis for saying that, I think, was when  
18 he was either talking to me or on one of my reports or  
19 something -- and, mind you, these things are being sort  
20 of translated -- either he misunderstood what was being  
21 relayed to him about why I wouldn't be concerned that  
22 saying he was out late another night and maybe he thought  
23 I said he slept out somewhere else another night. So he  
24 missed that. And that was very -- that was hurtful, and  
25 that was obviously repeated then; the media takes it

1 and goes --

2 Q. And that's why you were upset with him,  
3 correct?

4 A. Very much so.

5 Q. And we're sort of working backwards here, but  
6 when you first started to read, it says "The captain lied  
7 about where I was going and with whom." What does that  
8 refer to?

9 A. I was told I was to go right down and have a  
10 first interview right there on the ship. I was never  
11 told I was going to be driven into town and taken away  
12 from the ship area.

13 Q. And further you even went to the hospital --

14 A. Correct.

15 Q. -- even further away, correct?

16 A. Right.

17 Q. All right. Let's go to the next paragraph,  
18 starts "We wish that the ship"?

19 A. "We wish that the ship could have remained at  
20 Turkey so that other important witnesses and people of  
21 interest could have been interviewed and/or interrogated  
22 as well." The reason for that is because the last -- I  
23 think and I don't remember my mind at the time of writing  
24 this. But the last people that took George to the room,  
25 not all of those people were interviewed by the Turkish

1 officials so --

2 Q. Okay. And we're going to get into that.

3 A. Okay.

4 Q. If you continue reading, please?

5 A. "Crucial statements from neighboring cabins  
6 were not taken, along with statements from all the" --

7 THE COURT: Slowly.

8 A. "Crucial statements from neighboring cabins  
9 were not taken along with statements from all of the  
10 passengers last seen with George as well as crew  
11 members."

12 Q. Let's stop right there. Which crew  
13 members -- Are there any particular crew members that you  
14 were referring to when you made that statement whose  
15 statements have not been taken?

16 A. No, but not every passenger was interviewed.  
17 So at the end of the day when you're thinking you want --  
18 literally we would have liked every person. You know  
19 that they didn't even get the last four people that put  
20 him into the room, and they clearly didn't get it; they  
21 were missing people, and it wasn't like they were --

22 Q. Two things: They did get some of the people  
23 that put him in the room, correct?

24 A. They did get some.

25 Q. Okay. We'll get into that. But I was

1 focusing on the comment about crew members, not  
2 passengers.

3 A. That was just coupling it as a whole like  
4 saying -- I don't know and I can't remember if I had  
5 someone specific in mind.

6 Q. Okay. That's good.

7 A. Okay.

8 Q. Just in an effort to keep it moving, that's  
9 all.

10 A. Okay. Keep going.

11 Q. Want to read the next sentence, please, where  
12 it starts "It seems"?

13 A. "It seems that an abundance of evidence and  
14 many important clues sailed away that evening with the  
15 cruise ship as opposed to being uncovered by the FBI who  
16 did not board the ship until two days later."

17 Q. Okay. Stop there. Now, the FBI eventually  
18 got on the ship, right?

19 A. Right.

20 Q. Do you --

21 A. In fact, the first FBI person who was on the  
22 ship was the guy that was really with me; so they always  
23 say, the cruise line, that, well, the FBI really was  
24 there the first day. And I always said, well, he was on  
25 vacation; the doesn't count, so --

1 Q. And he wasn't there in an investigative  
2 capacity, he was in there to try and help you?

3 A. But he did go into the room, so they always  
4 try to --

5 Q. Okay. So when did an actual team of FBI  
6 agents get on the ship?

7 A. Obviously I wasn't there, but we think it was  
8 two days later or I assume because I -- how would I know  
9 that otherwise? At the time we believed that they didn't  
10 get on until a couple of days later.

11 Q. And the ship had already sailed from Turkey  
12 at that point, correct?

13 A. Yes, it sailed that evening.

14 Q. Okay. And there also were -- I believe that  
15 a team of RCL lawyers got on the ship pretty quickly; is  
16 that correct?

17 A. Par for the course. That's what they do,  
18 yes.

19 Q. And do you know when the RCL lawyers were on  
20 there?

21 A. I do not know. I believe it was that day,  
22 that same day and probably even before any other  
23 investigators.

24 Q. And --

25 MR. BROWN: Just testify to what you



1 know, all right?

2 Q. Do you know the name Carol Finkelhoff; do you  
3 know the name?

4 A. Yes, I do.

5 Q. And who is she?

6 A. She's an RCL attorney.

7 Q. And she is with Mr. Peltz's office?

8 A. Yes.

9 Q. And was she one of the attorneys that was --  
10 that went on to the cruise ship?

11 A. I do not know.

12 MS. STROILI: Exhibit DD.

13 (Whereupon, excerpt from Congressional  
14 testimony was marked as Opponents' Exhibit DD.)

15 Q. You can -- Jennifer, you can give that to  
16 Doug. This is --

17 A. Okay. Thank you. Okay. Page 16.

18 Q. Hold on. Let us get there.

19 MR. JONES: Your Honor, just for your  
20 sake, as you'll hear, this is an excerpt from  
21 Congressional testimony. I've included the front end of  
22 this just so that it's clear what it is. And it does  
23 include, I think, a statement from Christopher Shays and  
24 one other Congressional gentleman, and then we do get  
25 into a statement from Jennifer, which I believe --

1 THE COURT: Okay.

2 MR. JONES: -- Jennifer's statement is --

3 A. Sixteen.

4 MR. JONES: Yes, on page 16.

5 Q. Now, Jennifer, on December 13, 2005, you were  
6 in Washington, D.C., to testify before Congress regarding  
7 cruise ship safety; is that correct?

8 A. No. I just submitted a statement. I did not  
9 testify.

10 Q. You did not --

11 A. No.

12 Q. -- did not testify before Congress?

13 A. No, I did not.

14 Q. You did appear before Congress, though?

15 A. Oh, yes.

16 Q. You were there for the hearings, correct?

17 A. Oh, of course.

18 Q. And you were there with family members?

19 A. Yes, a ton of family members.

20 Q. So you didn't actually -- you didn't  
21 actually --

22 A. I didn't get up and speak.

23 Q. But you submitted this. Did anyone read this  
24 into the record?

25 A. I think parts of it were read by Christopher

1 Shays.

2 Q. Okay. All right. And let's go to paragraph  
3 17.

4 THE COURT: Paragraph or page?

5 MR. JONES: I'm sorry, page 17.

6 Q. And if you go down to the sixth paragraph?

7 A. Okay. Do you want me to read that?

8 Q. No. It's okay. The last sentence, "He  
9 promised my dad that two ship security officers would  
10 accompany me at all times. He ensured us that the  
11 officers would promptly return me to the ship." The "he"  
12 that you're referring to there is the captain?

13 A. The captain.

14 Q. And this is the reference once again in  
15 public to the fact --

16 A. The fact that he was not right about that,  
17 yes.

18 Q. And then the next paragraph, "I was  
19 interrogated by a Turkish police officer in an office at  
20 the port. I was then driven into the city to a Turkish  
21 police station where I was mocked and taunted as I sat  
22 crying and bewildered. Where were the two cruise line  
23 security officers? I was then taken against my will,  
24 further from the cruise ship, to a hospital." So when  
25 you made that visit to the hospital, you did not -- you

1 didn't want to go there?

2 A. No, and I don't think the -- Maria from RCL  
3 that was with me wanted to go either, but we really  
4 didn't have much of a choice.

5 Q. And she was the only person that was with  
6 you?

7 A. She was the only person.

8 Q. At that time were you considered a suspect by  
9 the Turkish authorities?

10 A. I mean, I would assume that, you know, in  
11 hindsight you look back and maybe I was. I think in most  
12 cases whenever it's a spouse, usually they look at the --  
13 or excuse me, when somebody goes missing or something,  
14 usually you find later like the spouse is the first  
15 person that they try to eliminate.

16 Q. But, in fact, at that time they did -- at  
17 least for a short time, they considered you a suspect,  
18 correct?

19 A. I guess so.

20 Q. When they took your statement, they gave you  
21 the Turkish --

22 A. Oh, yeah.

23 Q. -- version of the Miranda rights? They  
24 warned you --

25 A. I don't know.

1 Q. They warned you that you could have an  
2 attorney present?

3 A. I don't know if it was that formal. They  
4 probably should have, but I don't know.

5 Q. Okay.

6 A. I actually don't recall. I'm not going to  
7 say they didn't. They might have.

8 Q. Okay. Let's get down to the last paragraph  
9 there. "The ship sailed without me that evening. I was  
10 left in Turkey with no money, no plane ticket, no food,  
11 nothing . . . The cruise line did not offer me help with  
12 a flight, hotel arrangements or anything. I could not  
13 speak the native language, and I felt abandoned." When  
14 you made these statements, were they accurate?

15 A. Yes. I had an IOU slip from the embassy, and  
16 we were keeping a tab of costs.

17 Q. Because you were borrowing money --

18 A. Because I was borrowing money and the -- you  
19 know, I think it was unbeknownst to the cruise line  
20 because obviously it would be good PR for them to have  
21 this be happening. They actually always thought that  
22 they -- I had money or paid --

23 Q. They may have thought that, but, in fact --

24 A. But that was not the case.

25 Q. And you were pretty upset about that,

1 correct?

2 A. It was a stressful day. It was stressful.  
3 That just added to it.

4 Q. Were you upset?

5 A. Yes, I was very upset.

6 Q. And you were obviously upset enough that you  
7 included this in your Congressional testimony, correct?

8 A. Yes. I thought it was very callous.

9 Q. And then on page 18, third paragraph down,  
10 "The cruise line has taken advantage of my silence.  
11 Initially the cruise line issued a statement attacking  
12 George, stating that it was just an accident and  
13 suggesting that it was all George's fault." Do you know  
14 who issued -- You said the cruise line issued that  
15 statement?

16 A. The cruise line was all on TV saying that  
17 this was a horrible accident, there was drinking, this  
18 and that. And because we weren't saying anything, it was  
19 kind of, you know, sort of fair game. I've been attacked  
20 by pretty much every person in the situation, and most of  
21 the time I've been pretty quiet.

22 Q. Okay.

23 A. But it kind of catches up with you at some  
24 point.

25 Q. All right. You've answered the question.

1 And then the following sentence, "Subsequently I have  
2 come to learn that the cruise line knew all along that  
3 there was blood in and outside of our cabin as well as  
4 other substantial evidence of foul play." How did you  
5 know all along about the blood that -- How did you find  
6 out that the cruise line knew all along about the blood  
7 in and outside of the cabin?

8 A. I learned that from sort of the Smith family  
9 who was always talking about this blood or whatever; they  
10 would always say there was all this blood in the cabin,  
11 all this foul play. And it was always like there was  
12 foul play. So it was a constant, constant, constant --

13 Q. But you were also in pretty close discussions  
14 at that time with the FBI, correct?

15 A. Right. And then --

16 Q. That's --

17 A. Well, I wanted to finish. It's important.

18 Q. You've answered the question.

19 A. I saw then after that --

20 THE COURT: Just answer the questions.  
21 You can always get a cross-examination or redirect.

22 A. Remind me to say it later.

23 THE COURT: Go ahead, whenever you're  
24 ready.

25 Q. Okay. Go down to the fifth paragraph "In

1 recent months I have learned that Royal Caribbean is a  
2 corporate felon involving crimes of dishonesty. They are  
3 incapable of protecting U.S. citizens without direct  
4 federal oversight and regulation." How did you find out  
5 that RCL was a corporate felon?

6 A. How do you think? Mr. Walker. I didn't mean  
7 to be a wise guy. I mean, like literally once we got  
8 this far into it, we learned everything there is to know  
9 about a cruise line that was negative. And it was like  
10 attorney after attorney that we saw gave us earfuls and  
11 earfuls of this is the seediest industry you'll ever  
12 find; there is a dark side to the cruise ship industry.  
13 So we felt like wow, this is something we didn't know  
14 before we went on this cruise ship.

15 Q. But the fact of the matter is before  
16 Congress, your statement accuses them of being a  
17 corporate felon.

18 A. Which they are.

19 Q. Okay. And how do you know that they're a  
20 corporate felon?

21 A. From James Walker and other -- Well, he  
22 definitely knows that. I know that they got in trouble  
23 for dumping stuff, so --

24 Q. We're going to get there.

25 THE COURT: Thank you.



1 MS. STROILI: EE.

2 (Whereupon, press release from Department of  
3 Justice was marked as Opponents' Exhibit EE.)

4 MR. JONES: Thank you.

5 Q. Jennifer, I show you Exhibit EE.

6 A. Mm-hmm.

7 Q. Okay.

8 MR. JONES: For the record, this is a  
9 press release from the Department of Justice dated  
10 Tuesday, June 2, 1998, and the heading "Royal Caribbean  
11 To Plead Guilty to Conspiracy, Obstruction of Justice."  
12 And, Your Honor, I'd just like to read a few of the  
13 passages into the record, and I'm going to ask Jennifer  
14 some questions.

15 THE COURT: No objection.

16 Q. It begins with -- says on the first page  
17 which is -- the way they have it here in the exhibit it's  
18 page 2 of 10. At the top it says "\$9 Million Criminal  
19 Fine Largest Ever for Cruise Ship Case. Announcing the  
20 largest fine ever for an environmental crimes case  
21 involving cruise ships, the Department of Justice today  
22 said that Royal Caribbean Cruises Ltd, RCCL, one of the  
23 world's largest passenger cruise lines, will pay a \$9  
24 million penalty and plead guilty to a fleet-wide  
25 conspiracy of dumping oil into the ocean and lying to the

1 U.S. Coast Guard to cover up the crimes." Continue on to  
2 page 3 of 10, the second full paragraph -- Are you with  
3 us, Jen?

4 A. Yes.

5 Q. RCCL, also known as Royal Caribbean  
6 International, will plead guilty to eight felony counts  
7 involving two separate indictments; one in Miami and one  
8 in Puerto Rico." Going over to page 4 --

9 MR. BROWN: Still regarding the dumping?

10 MR. JONES: Well, it's regarding the  
11 indictments and what they pled guilty to.

12 Q. The second full paragraph on page 4, "RCCL  
13 will plead guilty to two counts of obstruction of  
14 justice: (i) witness tampering (ordering an engineer to  
15 lie to a federal grand jury); and (ii) destroying  
16 evidence of a bypass pipe used to make illegal discharges  
17 from the cruise ship, quote, Sovereign of the Seas, end  
18 quote. According to a joint factual statement signed by  
19 RCCL: 'Shortly after the Sovereign of the Seas left San  
20 Juan, a senior officer aboard the cruise ship ordered the  
21 crew to work through the night to dismantle a bypass pipe  
22 used to circumvent the oil water separator and to  
23 discharge oily bilge waste overboard. The pipe was cut  
24 into small pieces and placed in a Dumpster in Miami,  
25 Florida, on October 29, 1994. The bypass pipe was

1 removed and destroyed because crew members of RCCL's  
2 cruise ship believed that the Coast Guard had not  
3 discovered its true purpose and intended to prevent the  
4 Coast Guard from making this discovery when the agency's  
5 investigation continued in Miami.'" "

6 Further down on that page, page 5, the second  
7 full paragraph says "Before U.S. District Court Judge  
8 Donald Middlebrooks in Miami, RCCL will pay a \$1 million  
9 criminal fine and plead guilty to presenting a false oil  
10 record book for the, quote, Nordic Empress, end quote,  
11 cruise ship during a Coast Guard pollution investigation  
12 in 1993. Like other RCCL cruise ships, the Nordic  
13 Empress was equipped with a bypass pipe that circumvented  
14 the oil water separator, a required pollution prevention  
15 device. When the Coast Guard boarded the ship to  
16 investigate, it was presented with a false log that  
17 omitted some oil discharges and misrepresented others."  
18 Following into the next paragraph --

19 MR. BROWN: Your Honor, they didn't want  
20 me to read an e-mail from Maureen to Jennifer because it  
21 was taking a long time. We're reading about oil dumping  
22 and corporate --

23 MS. BYRNE: In 1993.

24 MR. BROWN: I mean, at what point are we  
25 going to say okay --

1           A.           I mean, I see the relevance obviously --

2                       MR. JONES: First of all, I think that  
3 I'm conducting the Cross. We gave them a lot of leeway  
4 yesterday. They read pages and pages of e-mails. This  
5 happens to be -- to go right to the heart of the matter  
6 with respect to RCCL. There's only a little more to read  
7 and I'll start asking questions.

8                       THE COURT: Okay. Proceed, but let's not  
9 make it too much of a habit during the day, but to be  
10 fair.

11                      MR. JONES: I understand. Following down  
12 again on page 5, the last full paragraph starts with "The  
13 criminal conviction of Royal Caribbean sets an important  
14 precedent that foreign flag vessels cannot lie with  
15 impunity and immunity in our ports and waters." And  
16 finally, Your Honor, on page 8, at the bottom, the last  
17 full paragraph "RCCL maintained, used and presented for  
18 inspection by the U.S. Coast Guard, oil record books for  
19 RCCL cruise ships which contained material false  
20 statements and from which other material information was  
21 omitted for the purpose of concealing from the U.S. Coast  
22 Guard the bypassing, improper use and malfunction of the  
23 oil water separator and the overboard discharge of oil  
24 contaminated bilge waste."

25           Q.           Jennifer, you had started -- when I first

1 started to read from that exhibit, you had started to  
2 mention about oil dumping. Had you discussed with  
3 Mr. Walker the fact that Royal Caribbean had pled guilty  
4 in this case?

5 A. Yes.

6 Q. And what were those discussions? What did he  
7 tell you?

8 MR. BROWN: Whoa, whoa, whoa, no. I'm  
9 sorry, Your Honor, attorney/client privilege.

10 THE COURT: Sustained.

11 Q. As a result of discussions with your  
12 attorney, you became aware that Royal Caribbean had been  
13 a convicted corporate felon; is that correct?

14 A. I learned when we all -- and when I looked at  
15 the Smiths' house for the first time when we all met  
16 Mr. Walker together is when he brought up that fact.

17 Q. Mr. Walker brought it up?

18 A. And other -- I don't know if other attorneys  
19 did too; I do not recall, but we all heard it at the same  
20 time.

21 Q. So it seemed -- and I think from what you've  
22 testified already today, it seems like it was pretty  
23 common knowledge that Royal Caribbean had been involved  
24 in this situation?

25 A. Yes.

1 Q. And were you also aware at the time that the  
2 case also involved deleting information from records that  
3 were kept in -- log books kept on the ships?

4 A. Yes. That's why they got in such big  
5 trouble, right.

6 Q. Now, several months after you had publicly  
7 gone out and criticized Royal Caribbean and you had  
8 appeared -- or at least your testimony had been submitted  
9 to Congress, you signed a settlement with Royal  
10 Caribbean; is that correct?

11 A. It was a year later.

12 Q. Actually it was six months, wasn't it? Your  
13 testimony before Congress was December of '05, correct?

14 A. Yes.

15 Q. And the first settlement was signed sometime  
16 in July of '06, correct?

17 A. Mm-hmm.

18 Q. So it was about six or seven months?

19 A. Right.

20 Q. Okay. Not a year?

21 A. Not a year.

22 Q. Okay. Is it fair to say that if this  
23 settlement is approved, you're going to have to now  
24 trust, as you described, this corporate felon to be  
25 honest and forthright in connection with turning over to

1 you documents that you seek?

2 A. Just as we'd have to trust them if they were  
3 under oath. Yes, at some point you have to trust people.

4 MR. JONES: It's already in. Yes,  
5 please.

6 Q. Jennifer, I show you -- Want me to take those  
7 other exhibits?

8 A. Sure.

9 Q. Okay. Jennifer, I show you Opponents'  
10 Exhibit Q entitled "Settlement Agreement," and you  
11 entered into a settlement agreement with RCL sometime in  
12 June of '06, correct?

13 A. Correct.

14 Q. And do you know who drafted Exhibit Q?

15 A. I do not recall.

16 Q. So you don't know if it was Mr. Walker or  
17 representatives of the cruise line?

18 A. I'm not sure. Could be a combination.

19 Q. Do you know who would have done the first  
20 draft?

21 A. I don't generally know how it's done.

22 Q. But in this case do you know who did?

23 A. I don't know. I can't say. I'm sorry.

24 Q. Did you -- At some point did you see a draft?

25 A. It was talked about, and at some point it was

1 put in paper. I think it was signed a couple weeks  
2 later, but I think the outline during the last settlement  
3 agreement was outlined in very sort of broad strokes  
4 terms until if you notice the -- I think it would have  
5 run out on July 5th, so this wasn't even signed till  
6 after that. But I think that in this case --

7 Q. Let me just stop you. You say "it would have  
8 run out." You're talking about the statute of  
9 limitations, correct?

10 A. I believe so, yeah.

11 Q. That would have expired on July 5th?

12 A. Yes.

13 Q. And you signed this, I believe, on July 11th;  
14 is that correct?

15 A. Yes.

16 Q. And it looks like the cruise line also signed  
17 it -- actually looks like the cruise line might have  
18 signed it on July 27th; is that correct?

19 A. If they did, they did, yeah, sure.

20 Q. Look at page 6.

21 A. Okay.

22 Q. Okay. But the settlement itself, basically  
23 the general terms of the settlement, do you know when  
24 they were reached?

25 A. The 28th and 29th, morning of the 29th, I



1 think -- and I think as soon as the general terms were  
2 released, Mr. Walker sent an e-mail outlining the general  
3 terms and sent it to Mr. Rivkind.

4 Q. And this is the general terms of --

5 A. June 29th.

6 Q. -- June 29th, right?

7 A. Yes, I believe so.

8 Q. And if you look at paragraph 4 of this  
9 agreement it calls for the approval of the, quote,  
10 Connecticut Probate Court; is that correct?

11 A. Yes. I told him I would be taking it to the  
12 Connecticut Probate Court.

13 Q. So was that provision something that you  
14 wanted in the agreement?

15 A. Yeah. I don't think it would really matter  
16 to them where it was taken.

17 Q. So the cruise line didn't ask for that  
18 provision?

19 A. No. I -- In fact, it probably would have  
20 been settled had it not been taken to Connecticut for  
21 recourse so no.

22 Q. But is it your testimony here today that it  
23 was you and not the cruise line that wanted that  
24 provision put into the agreement?

25 A. Yes. I didn't want to -- I wanted to show my

1 hand, and I felt that that was the best thing -- I felt  
2 like that would be in the best interests of everybody,  
3 and it was my doing.

4 Q. Were you aware -- Do you know what the cruise  
5 line's response to the fact that you asked for that was?

6 A. I do not recall, but I'm sure they would  
7 probably -- Well, actually, you're right. I don't have  
8 to guess. I don't -- whatever. I do not recall.

9 Q. Okay. Now, this -- I guess we'll call it the  
10 July '06 settlement agreement, this does not mention  
11 George III and Maureen Smith by name, does it?

12 A. No, it does not.

13 Q. And there are no other beneficiaries of the  
14 estate, this estate other than yourself, George III and  
15 Maureen; is that correct?

16 A. That is correct.

17 Q. Okay. How did you first find out about the  
18 possibility that a settlement could be reached?

19 A. Well, in any case at any time a settlement  
20 could be reached.

21 Q. In this case how did you first find out?

22 A. In this case? It was my -- I guess I have a  
23 different way of going about things. I like to talk to  
24 people. I felt throughout this endeavor that so many  
25 times attorneys miscommunicate, and --

1 Q. If you could just answer the question.

2 A. I'm just saying this is how. So I figured  
3 out that there are other avenues of getting things done  
4 and that sometimes you can try to talk to people and  
5 communicate openly; and if you want information or if you  
6 want these things, sometimes you can raise your hand and  
7 ask for it and so --

8 Q. So are you saying that you actually  
9 approached the cruise line about settlement?

10 A. No, I don't think that's fair to say. I  
11 think I asked them for things. For example, I'll give  
12 you an example. Dr. Lee, when he was supposed to go on  
13 the ship, they were only going to allow him two hours.  
14 And I met Adam Goldstein, the president of RCL, on Oprah.  
15 And he -- it was the first time we had an encounter, and  
16 it was very bizarre.

17 Q. And when was that?

18 A. That was in January of '06, I believe.

19 Q. Okay.

20 A. And he, after that was over -- a very surreal  
21 setting obviously, any time you're sitting next to Oprah  
22 and the president of RCL. So he said and he handed his  
23 card and said, "Really I'm so" -- obviously sorry, this  
24 and that. But he said, "If you need anything, here's my  
25 card, just let me know." And then Dr. Lee had said two

1 hours really isn't going to be enough time.

2 Q. When was this?

3 A. In January.

4 Q. Oh.

5 A. So I said, "Well, I'm going to ask for more  
6 time." And so that's how we got a full day. So once I  
7 realized --

8 Q. I don't mean to keep cutting you off, but I'm  
9 just trying to keep this on a time line. So you  
10 contacted -- When Dr. Lee in January of '06 said it  
11 wasn't enough time, you yourself contacted Mr. Goldstein?

12 A. Yes, I did.

13 Q. Not Mr. Walker?

14 A. No.

15 Q. And what did you say? Did you call him?

16 A. No.

17 Q. Did you write to him?

18 A. Sent him an e-mail.

19 Q. Okay, sent him an e-mail. And what did you  
20 ask in the e-mail?

21 A. I told him that you remember how you said you  
22 wanted to help? Well, there are things that we want.  
23 There are things that we're looking for, and this is one  
24 example of right now, right before us we have this  
25 opportunity and Dr. Lee wants to board the ship. Can you

1 please allow us the time?

2 Q. But that doesn't really get to the answer to  
3 my question which was with respect to the settlement  
4 itself.

5 A. It was the beginning of a dialog.

6 Q. So after -- So you requested Mr. Goldstein  
7 that Dr. Lee be allowed on the ship for a full day as  
8 opposed to two hours?

9 A. Right.

10 Q. And eventually -- there was still some  
11 resistance to that, wasn't there?

12 A. No. Once I got -- Once I was able to get in  
13 touch with him -- See, the attorneys are always very  
14 resistant. So we asked Peltz, and he would be like no or  
15 this or that. But it's funny because you'd think that  
16 the president would always be in contact with the main  
17 attorney on the case, but sometimes the attorneys have a  
18 mind of their own and they'll kind of bicker between each  
19 other. And then as soon as Adam heard that this is what  
20 I wanted and that's what we needed, he said sort of  
21 granted.

22 Q. Okay. So at some point he agreed and they  
23 gave the full day?

24 A. That's right.

25 Q. What was your next communication with Adam?

1           A.       It was another -- I think it was him being  
2 like okay, we -- I don't actually remember. I'd have to  
3 go back and look, but it was very much like we want this  
4 information. And I think at some point -- and I know  
5 this doesn't go into sort of our settlement negotiations,  
6 but I basically said this is what we want. And so at  
7 some point --

8           Q.       What was the "this"?

9           A.       We want the information. I mean, I basically  
10 said that I'm going to be having my attorney and have  
11 your attorney and we are going to try to get this  
12 information that we want.

13          Q.       And when was that?

14          A.       In the spring or right after that, like  
15 January going to February after they boarded the ship.  
16 Even though there was still that mud-slinging on TV, mind  
17 you, so don't forget there's a lot of circus going on.  
18 But all of a sudden we have this communication, and it's  
19 between me and the president. And I basically said, you  
20 know, despite the fact that you have your guys and people  
21 going on TV and saying not the nicest things about my  
22 husband and I, you know -- and I also did say, I'm like  
23 can you cut that out? It's very hurtful. And so he  
24 said, you know, I will, I'll do my best.

25          Q.       And these were e-mail communications?

1 A. E-mail.

2 Q. Was Mr. Walker aware of them?

3 A. He thought it was a little bizarre. He  
4 thought it was a little bit like playing -- he just said,  
5 "I've never had this sort of situation before." I don't  
6 think he ever had a client that actually had interactions  
7 and communications directly with -- It's never happened  
8 before.

9 Q. Okay. He told you that?

10 A. Yes. Well --

11 Q. What specific information did you ask Adam  
12 for?

13 A. All of it, whatever they had.

14 Q. Well, can you be more specific, please?

15 A. Everything that was in sort of paragraph  
16 form, the thing that we rehashed and rehashed in our  
17 December settlement, all of those things which I don't  
18 remember specifically. But generally we wanted any  
19 information that they had; and we wanted to, you know,  
20 have -- sort of keep the lines of communications open.  
21 It wasn't that I was asking for, you know, here's the 16  
22 things I want, make it happen. It was building a little  
23 bit of trust. Nobody -- We sort of didn't -- We had a  
24 distrust obviously, and you're building or you're opening  
25 up a line of communication. And there's sometimes ways

1 of getting things done that don't require a lot of -- you  
2 know.

3 Q. And your testimony is that these e-mails back  
4 and forth occurred literally within 60 days or so of your  
5 Congressional testimony?

6 A. Yeah. I mean, if you saw the -- Did you ever  
7 see the Oprah show? I mean, we were there on the couch  
8 being very -- somewhat adversarial towards each other.  
9 And I asked him -- and it would get heated; and it was a  
10 very good, healthy conversation. And, actually, it was  
11 very therapeutic. I mean, it was nice to be able to look  
12 at a person and have that interaction. And I think it  
13 was very healing in many ways.

14 Q. Do you know if -- At that time Mr. Walker and  
15 Mr. Rivkind were still working pretty closely together on  
16 this case, correct?

17 A. I would say that they were still in  
18 communication, and we know their communication is  
19 whatever.

20 Q. But --

21 A. They were in communication.

22 Q. But they weren't fighting with one another.  
23 At that point, I mean, things were good between them? I  
24 think they both testified to that at least in that time  
25 frame?



1 A. Sure.

2 Q. But do you know if Mr. Walker ever notified  
3 Mr. Rivkind that you were having these sort of  
4 back-channel discussions with Mr. Goldstein?

5 A. No. And I don't even think that -- I don't  
6 think it would be appropriate. I mean it was really I  
7 think -- at that time, it was like uncharted territory.  
8 I don't think it was something -- I don't think -- I  
9 mean, what are you trying to say, that he should have  
10 shared something that was just between Adam and I?

11 Q. Well, you just said that, but that's a good  
12 question. Can you answer it?

13 A. I don't think so. I think that by this time,  
14 as you could see of the December 24th e-mails coming from  
15 the Smith family, there was already problems. And they  
16 didn't want to communicate with the cruise line.

17 Q. We're aware of that. But the attorneys at  
18 that point did not have problems, they were communicating  
19 with one another?

20 A. Right.

21 Q. Right? And the question was, are you aware  
22 of whether or not Mr. Walker notified Mr. Rivkind of your  
23 back-channel communications with Adam Goldstein?

24 A. No.

25 Q. All right. So what was Mr. Goldstein's

1 response to your request for the information?

2 A. Obviously he said, you know, "I know it was a  
3 very awkward situation being on this show. I think  
4 you -- we handled it as well as we could have and I'm  
5 sorry we had to meet under these circumstances. And, you  
6 know, again, we're very sorry and I'm happy" -- Basically  
7 it was an opening to, wow, I can't believe this girl just  
8 e-mailed. I think he was probably surprised to get the  
9 e-mail from me.

10 Q. The question was what was his response to  
11 your request for the information?

12 A. That was that, and then it was I will talk to  
13 whoever. And I don't remember verbatim, but it was I  
14 will let, you know, Mr. -- whoever know. And then it was  
15 something like if you don't hear back from me or that's  
16 not okay by the end of the week, let me know.

17 Q. Okay. And then --

18 A. And then it was okay.

19 Q. But you didn't get the information, correct?

20 A. No. I didn't ask for the information then.  
21 I just asked for the extra day -- the day on the ship.

22 Q. Well, I think you had just testified that  
23 after you got the day on the ship, then you sent him --  
24 somehow you got in touch with him again and you started  
25 to ask for the information, and I asked you which

1 information and you said you didn't get specific. So  
2 you've got to -- unless I'm hearing it incorrectly, you  
3 have a request in there to Adam for the information.  
4 What was his response other than I'll just pass it along?  
5 Did you get the information?

6 A. I think you're -- Wait. You're thinking I'm  
7 asking for the information right away. What it was is  
8 I'm asking for a little -- this is what we needed. I  
9 needed more time. He said you can have more time. And  
10 I'd have to go back and read the e-mails, but it was very  
11 slow progression. And then if they would say something,  
12 for example, that was not appropriate or not true, there  
13 would be like this wall again and then I was very  
14 distrustful of him.

15 Q. We covered all that. I think -- and I don't  
16 really want to go back and read it, but I think you  
17 testified that you asked for the information --

18 A. At some point down the road. It wasn't like  
19 within the first couple of --

20 Q. When was that; do you know?

21 A. It was around -- It was during our first  
22 settlement talk in April, I would say. That was when we  
23 said, well, let's talk about what it is that we want.

24 Q. How did that April settlement conversation or  
25 meeting, whatever, mediation come about?

1           A.       I don't remember if it was him or me. But it  
2 was clear that I'm someone who likes to get things done  
3 and sort of communicate. So I wanted very much to have a  
4 face-to-face with -- I'm like that. So whether I said it  
5 or he said it, it was clear that, you know, we were both  
6 going to say this is going to be hard, but we're going to  
7 try to talk about some of these things.

8           Q.       So it's your testimony, then, that the April  
9 meeting came about as a result of communications between  
10 you and Adam Goldstein?

11          A.       That's right.

12          Q.       And not Mr. Walker communicating with Peltz's  
13 office?

14          A.       Well, they had to do the logistics. We would  
15 do the main stuff, and then he would -- they would do  
16 like figuring out the logistics of it.

17          Q.       And what were the logistics? Where did the  
18 meeting take place?

19          A.       In Miami.

20          Q.       And were you present?

21          A.       Mm-hmm.

22          Q.       Was Mr. Walker present?

23          A.       Mm-hmm.

24          Q.       Who was present for Royal Caribbean?

25          A.       I think Adam Goldstein and the head of

1 their -- Oh, what's her name. I forget. Do you remember  
2 the name of the head -- like whoever their head lady is,  
3 she was there. I'm trying to remember her name. I can't  
4 remember right now.

5 Q. From?

6 A. From RCL.

7 Q. Not the lawyers, you're talking about?

8 A. Not the lawyers.

9 Q. Is it Cam Powell?

10 A. No. She wasn't an attorney. She was like  
11 the head of their -- I don't know.

12 Q. So one of the top people in RCL?

13 A. The top people, right.

14 Q. And their attorneys were there?

15 A. Mr. Peltz was there, I believe, yes.

16 Q. Anyone else from Mr. Peltz's firm?

17 A. I'm not -- I do not recall.

18 Q. Okay. Now, at this point there had been some  
19 testimony in previous days by either Mr. Walker or  
20 Mr. Rivkind about Steven Marks and Mr. Podhurst; they  
21 were not --

22 A. That was at the end.

23 Q. They were not present?

24 A. Yes.

25 Q. Was there a mediator present at this --

1 A. There was a mediator present but not in the  
2 general -- We talked first and then --

3 Q. Without a mediator?

4 A. Right. We talked first without a mediator.

5 Q. So you talked -- and I'm not asking about the  
6 specifics of the discussion.

7 A. That's fine.

8 Q. So you talked first. In other words, the  
9 lawyers and the clients talked, correct?

10 A. Yes.

11 Q. You and Mr. Walker --

12 A. All together in a room.

13 Q. In a room with no mediator, correct?

14 A. With no -- Maybe he was there. I don't  
15 remember. I think the mediator was listening to  
16 everything, so yes.

17 Q. And where was the -- do you know where the  
18 mediator was from?

19 A. I think he was a retired judge.

20 Q. But he was independent, he was somebody --

21 A. Independent.

22 Q. He was somebody that was hired to be at this  
23 mediation?

24 A. Yes. He was an independent party.

25 Q. And do you know -- Whose suggestion was it

1 that a mediator should be present?

2 A. I do not recall.

3 Q. Do you know if you had to pay for the  
4 mediator's services?

5 A. I doubt it. Pretty sure no.

6 Q. How long did this settlement or mediation  
7 session last?

8 A. Mm. I would say hours.

9 Q. So it was -- it just all took place in one  
10 day?

11 A. All in one day.

12 Q. Was it held in Peltz's offices or --

13 A. It was held at a hotel.

14 Q. And there was no -- Mr. Rivkind wasn't  
15 invited, correct?

16 A. No.

17 Q. Do you know if Mr. Rivkind was aware of the  
18 meeting?

19 A. No.

20 Q. Do you know if there was a specific  
21 discussion about whether or not he would be invited to  
22 the meeting?

23 A. He definitely was not invited to the  
24 reason -- to the meeting, and he definitely was not  
25 invited on purpose to the meeting because there was

1 definitely -- right after this event happened, Bree Smith  
2 told RCL that they did not want to be contacted  
3 whatsoever.

4 Q. But that -- you said "after this event," you  
5 mean after this meeting?

6 A. No, prior -- right after the July 5th event,  
7 they -- RCL had contacted the Smith family and Bree said,  
8 "You're not to call us anymore," cut off all  
9 communication with them. So at some point through the  
10 media they sort of realized that there was actually other  
11 people involved, not just, you know, Smith parents, that  
12 there was also me and that I was another -- I was another  
13 party, but I was one who did want to communicate.

14 Q. Okay. But I guess I don't understand your  
15 answer. Based on the fact that Bree said something  
16 back at --

17 A. No, that's not what -- I mean, it was clear  
18 that they did not want to openly communicate or -- I  
19 mean, that there would be none of that.

20 Q. And that's why their attorney wasn't invited  
21 to the meeting?

22 A. Yes. The RCL, I don't think -- Well,  
23 whatever.

24 Q. Did a settlement result out of the April  
25 meeting?



1 A. No.

2 Q. Do you remember how things were left at the  
3 end of that day down in Miami?

4 A. Not good.

5 MR. BROWN: I object.

6 A. Well, we didn't settle it then, did we? So I  
7 guess not good. It didn't end well.

8 Q. Why is that?

9 A. I mean, I'm not going to say, obviously  
10 but -- because I can't. But at the end of the day, it  
11 wasn't like, you know, I was just this, you know, weak  
12 little thing that showed up and was going to go away. I  
13 was clearly -- There was things I wanted and information;  
14 and they weren't, you know, stepping up to the plate in a  
15 way that I thought was adequate. So we left.

16 Q. Now, at this point have you gotten a response  
17 from Mr. Goldstein on your request for information?

18 A. Yes, and hence the settlement.

19 Q. No. I mean, up until the April meeting, you  
20 said it didn't go the way you wanted, so obviously you  
21 still haven't gotten the information from Mr. Goldstein  
22 despite the e-mails back and forth?

23 A. Oh, no, no, no. They wanted to give the  
24 information; but I think it was like, okay, we have this,  
25 you know, media case. They gave us information one time

1 back in November or December; they gave us a bunch of  
2 photos and stuff. And what happened was those photos  
3 ended up on cable news. So they didn't -- And the FBI  
4 had said not to share any of this stuff, so now there was  
5 no trust.

6 Q. So obviously they were -- at this point,  
7 then, you said they had this media case, they were  
8 concerned about the public relations factor of this,  
9 correct?

10 A. That's not what I was saying. What I was  
11 saying is they were concerned that they were trying to  
12 share information with the families but that it wasn't --  
13 like they would like give us information, but there was  
14 no trust that it would stay -- it was sacred.

15 Q. But the fact of the matter is at this point  
16 they were expressing concern about the fact that their  
17 image in the public was being affected by this case; is  
18 that a fair statement?

19 A. No, I don't think powerful company comes in  
20 and like, we're concerned about our image. Obviously we  
21 were aware of that. We know that they were aware of  
22 that, I guess; but they don't come into the mediation  
23 expressing that.

24 Q. How did you know that they were aware of  
25 that?

1           A.       Because any time -- any time a company's in  
2 the news, if it's not good, then it's not good.

3           Q.       So it's fair to say that Royal Caribbean  
4 would have been worried about their public image,  
5 correct?

6           A.       Any time somebody goes overboard, it's not  
7 good for the cruise line.

8           Q.       Please answer my question. Is it fair to say  
9 that Royal Caribbean would have been worried about their  
10 public image?

11          A.       Sure, definitely. For sure.

12          Q.       I'm going to ask you a question that your  
13 lawyer's going to object to.

14          A.       That's fine.

15                   MR. BROWN: Thank you.

16                   MR. JONES: No, but we're going to get  
17 into this now anyway, so we might as well just raise the  
18 issue.

19          Q.       Did RCL during the April mediation express  
20 the strength and weaknesses of your case and their case?

21                   MR. BROWN: Objection. I mean, I've  
22 really allowed everything because I don't think it was  
23 objectionable, the questions about who was there and --  
24 It goes back to what we talked about at one of the last  
25 days, Your Honor, and you ruled on it.

1 MR. RICCIO: Isn't really the privilege  
2 what the content of the communication? I mean, I think  
3 that's what's misconstrued a little here. It's the  
4 content. If I say to you -- If you ask somebody, was a  
5 demand made, is that just the fact it was made, is that  
6 privileged? It's really the content to say to someone,  
7 well, how much was asked for. I mean, that's privileged.  
8 I would agree. Under the Court's ruling, that's  
9 privileged.

10 MR. BROWN: The only thing I find -- I  
11 mean, Your Honor, you ruled on this two or three hearing  
12 days ago. We can have an adjournment. We can call Bob  
13 Peltz. I can tell him to come up here for a scheduled --  
14 you know, between now and, you know, the week of the 24th  
15 and we can have an argument. What is distinctive -- What  
16 I think is very relevant to this whole conversation, the  
17 settlement's in front of everybody, I mean, the results  
18 of the settlement. I mean, the result of, at least from  
19 my hearing the testimony, two days of mediations is that  
20 there was a settlement reached. I don't know why, you  
21 know, what are -- I don't understand what we're doing  
22 talking about, you know, what was discussed. They want  
23 to know what offer was made, what the counter was. You  
24 know, that's clearly -- that's privileged mediation. I  
25 mean, you don't go into mediation without it.

1 MR. JONES: You're right. But the fact  
2 of the matter is this is a closed hearing, right? The  
3 person that this information is going to is the person  
4 that has to decide whether or not this is a legitimate  
5 settlement agreement. It would seem to me in order to  
6 determine that, it would be helpful to know what was said  
7 on each side, how much was offered, how much was asked  
8 for, what -- if the cruise line thought there were  
9 weaknesses in their case, if we thought we had certain  
10 strengths, all of that factors into what the end result  
11 is. And all I'm doing with this witness -- you have a  
12 right; we argued this with a different witness. I'm  
13 asking this witness; you're raising it. The fact of the  
14 matter is I'm establishing once again the fact that your  
15 side and Royal Caribbean do not want the judge to find  
16 out what the back-and-forth was. It seems to me that  
17 helps him to decide whether or not this is a good  
18 settlement.

19 A. I have no problem --

20 MR. BROWN: You can bring it up every  
21 time. I'm only doing what I think I'm legally bound to  
22 ethically as an attorney. I mean, my client's not afraid  
23 to talk about it. Mr. Walker talked about a lot of  
24 hypotheticals from the first mediation, and you don't  
25 have to be a brain surgeon to understand what he was

1 saying.

2 MR. RICCIO: Did he tell us what the  
3 demand -- whether demands were made, whether there was  
4 back and forth?

5 MR. BROWN: No, he didn't go into --

6 MR. JONES: That's right.

7 MR. BROWN: But I --

8 MR. RICCIO: Well --

9 MR. BROWN: Your Honor, I understand this  
10 is a very important matter to both sides. It's unusual  
11 because there's a lot of media attention on this matter  
12 for a variety of reasons. This is a hearing on whether  
13 or not a settlement agreement should be approved. I  
14 mean, pretty soon we're going to be asking, you know,  
15 what people had for breakfast. I just feel like this is  
16 a settlement agreement, it's before the Court, the  
17 mediation discussions are privileged. It was ruled on  
18 before Mr. Walker. I don't know why we're having this  
19 argument.

20 MR. JONES: Let me ask you a question.  
21 How come -- Why -- If Royal Caribbean -- Obviously Royal  
22 Caribbean has an interest in getting this thing approved.  
23 They sent one of their own guys up here to testify on  
24 your behalf, all right, as an expert.

25 MR. BROWN: They sent a lawyer who

1 represents them in other cases to come up to testify.

2 MR. JONES: To act as an expert witness  
3 in this case.

4 MR. BROWN: And he was qualified.

5 MR. JONES: If Royal Caribbean really  
6 wants this settlement to go through, why aren't they  
7 waiving that claim of privilege? I don't understand  
8 that. I mean, they can take Mr. Walker off the hook,  
9 they can take you off the hook and they can say, you know  
10 what? You guys can get into what the back-and-forth was.  
11 They can do that. They want this settlement taken care  
12 of.

13 MR. BROWN: And the reason is because  
14 there is a provision in the settlement agreement that  
15 says that the Court and another Court may not approve the  
16 settlement agreement and then a lawsuit can take place.  
17 They have a legitimate reason to say that their mediation  
18 discussions should be privileged in the event that this  
19 lawsuit actually will take place in three years.

20 MR. JONES: Or sooner.

21 THE COURT: I'm going to sustain the  
22 objection. But, of course, if you can get Gribbon to  
23 waive it, it's always -- the more information, the more  
24 helpful it is. However, I'm not going to upset the  
25 privilege of their negotiations unless they waive it.

1 Q. Jennifer, let's move on. Did you --  
2 Ultimately you come to a settlement agreement in June,  
3 correct?

4 A. Yes.

5 Q. At least the terms. The thing gets signed up  
6 in July, right? The January settlement discussions, how  
7 did they come about?

8 A. January? I don't know what you're talking  
9 about.

10 Q. I'm sorry, the June settlement discussions,  
11 how did they come about?

12 A. I think that -- I don't know exactly how it  
13 came about. It's clear that we attempted to communicate  
14 and get some things done and didn't work out. And then  
15 eventually as we got closer to the day --

16 Q. You mean in April?

17 A. Meaning the failed settlement, whatever.

18 Q. Okay.

19 A. Didn't work out. But I also too -- I  
20 actually was -- either way, I knew that we could go  
21 forward and it would be a tough road or we could figure  
22 it out. And those were the only two options. Either we  
23 were going to figure it out, you know, everyone would  
24 play nice in the sandbox and we were going to get this  
25 done or we were going to go forward.



1 Q. So please answer the question.

2 A. Okay.

3 Q. When did -- The April mediation didn't work,  
4 right, you said both sides walked away?

5 A. Mm-hmm.

6 Q. How did the next contact regarding the  
7 settlement come about?

8 A. I do not recall, but I know it was June 28th.  
9 And as you can see, that's very close to the date that --  
10 you know, the -- kind of the end limit.

11 Q. Who contacted whom; do you know?

12 A. I do not recall.

13 Q. At this point, though, is it fair to say that  
14 it's Mr. Walker talking with the lawyers for the cruise  
15 line, correct?

16 A. During the settlement discussions?

17 Q. During -- From April to June when you started  
18 to -- you said on the 28th or the 29th there were  
19 discussions, correct?

20 A. In between the failed one and the new one  
21 there were some discussions between, yes, the attorneys.  
22 And I don't know if I contacted Adam again or if he  
23 contacted me again or something, but there was another  
24 attempt to get things off the ground.

25 Q. But you don't know, who approached who?

1 A. I don't recall.

2 Q. But it is -- if I heard you correctly,  
3 though, you said the contact didn't take place until June  
4 28th?

5 A. The actual physical sitting together.

6 Q. But were there phone discussions or e-mails  
7 before that?

8 A. There was something.

9 Q. Do you know when that "something" started to  
10 take place?

11 A. Probably just after the failed one. I mean,  
12 I actually -- I don't know but April, May June.

13 MR. BROWN: Just testify to what you  
14 know. Don't guess.

15 A. I do not recall.

16 Q. Jennifer, just if you could look at  
17 Opponents' Exhibit Q again. In paragraph 3, it says  
18 that -- I'm just going to paraphrase a little bit, but it  
19 says "Royal Caribbean will pay Jennifer Hagel-Smith the  
20 sum of \$950,000 to settle all claims." Have you ever  
21 received any payment or consideration from RCL to settle  
22 your individual claims?

23 A. No.

24 Q. And is there any agreement about anything  
25 pending right now between you and Royal Caribbean outside

1 of this settlement?

2 A. No.

3 Q. So there's presently no agreement pending to  
4 pay you for your individual claim; is that correct?

5 A. Mm-hmm.

6 Q. You have to answer.

7 A. No, no, sorry.

8 MR. BROWN: Wait. I think the question  
9 was something else. Can you read --

10 MR. JONES: It was different from the  
11 first one.

12 (Whereupon, the requested portion of  
13 the record was read by the reporter.)

14 A. Yes, that's correct.

15 Q. Okay. So now we move forward. We're in  
16 June.

17 A. I looked at the clock.

18 Q. No. It's just we move forward, we're in June  
19 now. Discussions are taking place and you said at some  
20 point there was another meeting; is that correct?

21 A. June 28th.

22 Q. And where was that meeting?

23 A. Miami.

24 Q. And who was present?

25 A. Me and Mr. Walker and the attorneys you

1 mentioned earlier.

2 Q. Mr. Marks and Mr. Podhurst?

3 A. And Richard Fain. He's the sort of -- not  
4 currently because now Adam's the CEO, too, president and  
5 CEO, but he's in charge of all the Royal Caribbean,  
6 Celebrity -- he's like the --

7 Q. He's pretty much the head honcho?

8 A. The top guy.

9 Q. The top guy? Okay. And so obviously this  
10 was pretty important to Royal Caribbean?

11 A. Mm-hmm.

12 Q. They were sending in the high-powered guns?

13 A. Mm-hmm. Yes. Sorry. I'm sorry.

14 Q. You do have to answer.

15 A. I apologize.

16 Q. And now, this meeting took place in Miami.  
17 Was it again in a hotel?

18 A. I think it was like a weird place like an  
19 airport hangar, hotel.

20 Q. And how long did that meeting take place?

21 A. I do not recall, but --

22 Q. Did it go more than one day?

23 A. No, not more than one day.

24 Q. So again, it was just a one-day meeting?

25 A. It was a one-day meeting. But the attorneys

1 kept talking into the evening and the next morning.

2 Q. But you were only present --

3 A. I was only present for that one day.

4 Q. And was there a mediator present at these  
5 settlement discussions?

6 A. No.

7 Q. Before arriving at the settlement, did you  
8 hire or consult with an economist?

9 A. I believe Mr. Walker did.

10 Q. Okay. Because in your deposition  
11 testimony -- and we can pull it out, but when Mr. Kelley  
12 asked you that question, you said, "No." Do you recall  
13 that? Do you recall your answer?

14 A. No, I didn't. But if you look at the notes  
15 that the judge sort of sent you after when I read  
16 through, I added a part that said "No, but my attorney  
17 did."

18 Q. But you personally had not contacted or  
19 talked to an economist?

20 A. No, but Mr. Walker did.

21 Q. And were you aware at that Mr. Walker had  
22 contacted an economist at that point?

23 A. I don't exactly know when he told me what;  
24 but I know that that's part of him evaluating the case.

25 Q. Okay.

1 MR. BROWN: Your Honor, I need to ask for  
2 just a five-minute break.

3 THE COURT: Is that all right?  
4 (Whereupon, a recess was taken.)

5 THE COURT: We ready? Proceed.

6 MR. JONES: Your Honor, I'd like to  
7 show --

8 A. Do you want me to give this?

9 Q. You should hang on to that because there will  
10 probably be more questions on it, unless you want to just  
11 put it on the table.

12 A. That's fine.

13 Q. Petitioner's 19, I show you that and I ask  
14 you if you recognize that.

15 A. Yes.

16 Q. And that is your economist's report; is that  
17 correct?

18 A. Yes.

19 Q. Okay.

20 A. I believe so.

21 Q. All right. And, Jennifer, have you seen that  
22 document before?

23 A. I believe so.

24 Q. Had you seen it before the hearing date? I'm  
25 not sure which date we put it into evidence, but had you

1 seen it before we started these hearings?

2 A. I don't know if -- I don't remember  
3 physically seeing it, but I remember talking about it or  
4 just discussing it.

5 Q. Discussing it with the economist?

6 A. Nope. No. I know, sorry.

7 Q. Discussing it with Mr. Walker, without giving  
8 me the discussions?

9 A. Yes.

10 Q. So you have discussed this with Mr. Walker?

11 A. Yes.

12 Q. But you don't recall -- you have never  
13 discussed this directly with the economist; is that  
14 correct?

15 A. That's correct.

16 Q. Okay. Do you know if there is any more --  
17 are there any more pages to this report?

18 A. Oh, I think Liz was going to look into that.

19 THE WITNESS: Is there, Liz?

20 MR. BROWN: The question is, do you know?

21 A. Do I know? No, but we can find out. We're  
22 supposed to find out.

23 Q. On the next break. I should have asked the  
24 question before, but could you check with your counsel  
25 and see?

1 MR. JONES: Can we go off the record for  
2 a second?

3 THE COURT: Off the record.

4 (Discussion off the record.)

5 Q. Jennifer, do you know when this document was  
6 prepared?

7 A. No, I do not. Is there a date on?

8 Q. That's what I'm looking for.

9 MR. BROWN: You either know or you don't.

10 A. I don't -- I'm not sure. Maybe it's the  
11 "past future date."

12 MR. BROWN: You can only testify to what  
13 you know.

14 Q. "Past future date" on the bottom is what,  
15 March 15th?

16 A. March 15, '06. Maybe that's it. I don't  
17 know, but maybe that could be it.

18 Q. But you never -- I think you testified you  
19 haven't seen this prior to the hearings?

20 A. That's correct.

21 Q. Okay. Do you know how much the economist was  
22 paid for this report?

23 A. I do not know.

24 Q. Are you aware of what level of income your  
25 economist used for George in order to prepare this



1 report?

2 A. I believe it was around \$50,000.

3 Q. And that would be the reference to the base  
4 income down at the bottom there on the left, 2005  
5 \$50,000?

6 A. There it is, yes.

7 Q. Are you aware that the RCL economist report  
8 used two different income levels for George, one at  
9 50,000 and one at a hundred thousand?

10 A. Yes.

11 Q. You're aware of that?

12 A. Yes.

13 Q. Do you have any idea why your economist did  
14 not prepare or run numbers based on the  
15 hundred-thousand-dollar income for George?

16 A. I don't know. Maybe they thought they could  
17 just double it. I don't know.

18 Q. You don't know?

19 A. I don't know.

20 Q. Jennifer, when -- without getting into the  
21 substance of --

22 A. Wait. Can we go back? I think maybe because  
23 they didn't -- it would make sense --

24 MR. BROWN: Just don't.

25 A. Never mind.

1 MR. BROWN: You'll get a chance.

2 Q. Jennifer, you testified on Direct -- and if I  
3 paraphrase your testimony incorrectly, I'm sure you or  
4 someone will let me know. But you testified on Direct  
5 that this was a, quote, huge case and was receiving,  
6 quote, a great deal of attention; is that correct?

7 A. Yes.

8 Q. And you testified something to the effect  
9 that you had become a figurehead for the victims' causes  
10 or something to do with the ICB and you had more or less  
11 become more or less a figurehead for their cause?

12 A. By default, yes.

13 Q. What do you mean "by default"?

14 A. Well, there was really no way -- Honeymoon  
15 refers to two, so here I am left. I, mean really -- it  
16 was all over the news; so any time this is on, I am the  
17 survivor.

18 Q. So you had more or less -- Is it fair to say  
19 you had become more or less the symbol for this -- the  
20 momentum that was starting to build against --  
21 publicity-wise against the cruise line?

22 A. A portion of, for sure.

23 Q. I'm sorry, I didn't hear you.

24 A. A portion of. I don't know if it was -- if  
25 it was -- it was, yes, me, a part of, but I don't know

1 what percent.

2 Q. But you did say you were the figurehead so --

3 A. When the case came out, people just started  
4 coming out of the woodwork because it was all over the  
5 news so it became its own thing. I don't know how to  
6 really best describe it.

7 Q. What do you mean?

8 A. It sort of took on a life of its own.

9 Q. And this was -- when you say "it," you mean  
10 the -- sort of the media circus surrounding --

11 A. That and then it kicked off this legislative  
12 changes which is still going on -- which is going on  
13 today. Last week California just passed a law that they  
14 now have sort of like marshals on every cruise ship. So  
15 it's still been going on.

16 Q. So your efforts and the efforts of the Smith  
17 family put Royal Caribbean right in the bull's-eye with  
18 respect to the publicity on this thing; is that correct?  
19 Is that fair to say?

20 A. That's right.

21 Q. You heard Mr. Rivkind testify that this was  
22 a, quote, landmark case. Do you agree with that  
23 assessment?

24 A. No. I think a landmark case is when a  
25 decision is made and it changes a law forever. Isn't

1 that what -- I don't know, but isn't that a landmark  
2 case?

3 Q. But in terms of the fact that this situation  
4 was pretty much -- pretty unusual that -- the magnitude  
5 of the publicity this case was getting?

6 A. Yes. It had all the elements, you know, a  
7 couple; their honeymoon; Greenwich, Connecticut. You  
8 know, so --

9 Q. Do you agree that RCL would place a high  
10 value on eliminating the publicity that this case was  
11 receiving?

12 A. Yes. How high, I do not know.

13 Q. And at this point, I mean, they had Congress  
14 breathing down their neck, correct?

15 A. Yes.

16 Q. And --

17 A. And they still do.

18 Q. They still do; that's correct, yes. And the  
19 media is still interested in this case, correct?

20 A. Somewhat, not as much as in the beginning, of  
21 course. It came in waves and then kind of died off a  
22 little bit. And if there's still ever someone who goes  
23 missing, they will still reference our case.

24 Q. But with respect to this case, the media is  
25 out there, right? I believe, in fact, at one meeting

1 Ms. Byrne stated that isn't Court TV going to do some  
2 sort of special about this case?

3 A. They might be. Every once in a while,  
4 they'll say, you know, unsolved cases or something and it  
5 will come up. So I feel like maybe for the rest of my  
6 life a couple times a year, I might see myself.

7 Q. But the fact of the matter is they're  
8 supposed to run a special on this case and --

9 A. I wasn't aware of that. And if Liz said  
10 that, I'm sure that's the case. I don't know when the  
11 date is or what it is.

12 MS. BYRNE: She doesn't know.

13 MR. JONES: I understand that. I'm just  
14 asking if she knew.

15 Q. Have you received phone calls from some of  
16 the media outlets regarding this case since the fact that  
17 this hearing was going to take place has become public?

18 A. It's safe say to that any public outlet, if I  
19 called, I could go on, for example, their show.

20 Q. Including national media sources, right?

21 A. Yes.

22 Q. Do you know if Mr. Walker considered the  
23 publicity value of this case when he was analyzing this  
24 settlement?

25 MR. BROWN: Objection.

1           A.       I think you should ask him.  Yeah, I was  
2 going to say that's probably better for him to be asked.

3           Q.       Did you consider it?

4           A.       What?  Consider what?

5           Q.       Did you consider the publicity value of this  
6 case when you were settling it?

7           A.       I think that that was always a factor.  It's  
8 hard to say because we were a year out how much impact  
9 that would have at the bottom, you know, for the -- if  
10 there was a monetary value, that aspect of it.

11          Q.       Did you yourself place any monetary value on  
12 the public relations value of this case?

13          A.       No.

14          Q.       You did not or you felt that there was no  
15 value?

16          A.       I never thought in my mind -- I mean, I never  
17 thought like it's this X amount; that's what I would  
18 place on the PR value.  That was not actually even a  
19 thought.

20          Q.       Jennifer, just so we're clear, though, you  
21 recognized there was a publicity value to this case?

22          A.       Yes.  And I guess what I'm saying is --

23          Q.       You've answered the question.

24          A.       Okay.  I don't want it to be taken out of  
25 context for later.  I want to say that obviously there's

1 an element of PR. It's not that I didn't consider it at  
2 all, but the point on it wasn't the thing I was focused  
3 on. I never gave it an X value to say this is PR versus  
4 this is the negligence.

5 Q. Did you focus more on the value of George's  
6 life from an income standpoint?

7 A. There's no value -- Oh, you mean from an  
8 actual --

9 Q. Listen to the whole question, okay?

10 A. Okay.

11 Q. So you can answer.

12 A. What is the whole question?

13 MR. JONES: Could you read the question,  
14 please?

15 (Whereupon, the requested portion of  
16 the record was read by the reporter.)

17 A. I mean, it's a loss of support. So I think  
18 that would definitely be taken into consideration.

19 Q. But was that the main consideration?

20 A. There was so many considerations, so that was  
21 a part of.

22 Q. I mean in terms of valuing the case, when  
23 putting a dollar amount on it?

24 A. I mean, even if you take the highest amount,  
25 say it was 50 in this case, double that, make it a

1 hundred, even if we valued it at 200, say he was making  
2 \$200,000 a year --

3 Q. Let's not -- That's a hypothetical. The fact  
4 is it was valued at 50, wasn't it?

5 A. No. This is an example. I don't think we  
6 said this is the value. You know, I just think that this  
7 is an example. I'm just saying we could use any number  
8 you want. But when you talk about all the other factors  
9 like comparative negligence, Athens Convention, DOHSA and  
10 all these other concerns, it's hard to put the dollar  
11 amount on what would have really, you know, been the end  
12 result.

13 Q. One of the things that you focused on when  
14 you -- in terms of settling this case or at least if you  
15 were going to go forward with this case was you were  
16 going to have to prove the liability of Royal Caribbean;  
17 is that correct?

18 A. One of the things.

19 Q. In some connection with George's death?

20 A. Proved that they had some cause.

21 Q. I'm sorry?

22 A. Proved that they had some cause in his death.

23 MR. JONES: I need Exhibit P, please.

24 Q. Jennifer, I'm going to show you Exhibit P.

25 A. Sure.



1 Q. Okay. Do you recognize that document?

2 A. Can you tell me roughly what this is so --

3 Q. Yes. I mean, it's been testified to that  
4 that's the complaint that Mr. Walker was going to file  
5 down in the Florida Court on your behalf.

6 A. I would be careful about saying -- I mean,  
7 he's a little more -- It was not filed; so unless this is  
8 a final copy, I wouldn't say that this is -- would be the  
9 thing. I don't feel comfortable saying that at all.  
10 There's things in here that even he -- He's much more  
11 reckless, I think, than I would be. I'm a little bit  
12 more conservative. He's kind of the "throw up everything  
13 and see what sticks"; that's what their attorneys'  
14 approach is. So there are some things in here I thought  
15 he was reaching.

16 Q. Okay, but that's not the question. The  
17 question is --

18 A. Well, okay.

19 Q. I believe Mr. Walker has testified that this  
20 is the complaint or pretty close to the version of the  
21 complaint that he would have filed in Florida if he had  
22 gone forward with your lawsuit?

23 A. Right. That's what he said, then that's what  
24 he said.

25 Q. Do you agree with that?

1 A. It would have been something similar.

2 Q. Do you have any idea -- I mean, take your  
3 time and look at it. But do you know what differences  
4 there would have been?

5 MR. BROWN: He's not --

6 A. Yes. For example, Number 58, that's wrong.

7 MR. BROWN: He's not asking if it's  
8 accurate. He's asking is this the draft complaint that  
9 Mr. Walker had ready to file?

10 A. This was something he was going to be filing.  
11 It was maybe not going to be exact, but this would have  
12 been --

13 Q. Pretty close, right?

14 A. -- pretty close.

15 Q. And he was your lawyer, right? I mean, he's  
16 the one that had the experience with respect to how to  
17 draft and file complaints?

18 A. Yes. But he was a little more --

19 Q. I'm just asking the question.

20 A. Okay. All right.

21 Q. Did you read this complaint? Did you -- I'm  
22 sorry, strike that. Did you see this complaint at some  
23 point?

24 A. At some point, yes.

25 Q. When?

1           A.       I think -- I would say don't quote me on  
2 this, but I know I'm being quoted. When I went down, I  
3 think, to Miami, and that's June 28th, we were sort of  
4 looking at this because if things didn't go well, then we  
5 would have to revisit this.

6           Q.       Okay. And it's fair to say this was already  
7 prepared, correct?

8           A.       This was prepared.

9           Q.       And did you review it with -- And, again,  
10 don't tell me about the discussions with him. But did  
11 you review this with him?

12          A.       Not fully, like in part -- the gist of it. I  
13 mean, we had a long time to talk about some of the things  
14 that we were going to be arguing or some of the things  
15 that we were going to try to accomplish here.

16          Q.       Did you read it at that point?

17          A.       I don't know if I read it fully through right  
18 before the settlement thing. It was -- he brought it,  
19 and this was going to be another reason for us to have to  
20 meet after if things didn't go well.

21          Q.       Did you skim it?

22          A.       Parts.

23          Q.       Do you remember what parts?

24          A.       Not offhand.

25          Q.       Direct your attention to paragraph 10 on page

1 3?

2 A. Okay. Want me to read it?

3 Q. Yes, please. Slowly, okay?

4 A. "Over the course of the years preceding  
5 plaintiff's cruise, there have been hundreds of crimes  
6 committed against passengers on defendant's cruise ships  
7 including the MV Brilliant of the Seas. There have  
8 been" -- what does that mean, by the way? -- is to be  
9 omitted?

10 Q. Maritime Vessel.

11 A. "There have also been many incidents of  
12 missing passengers and crew members who have disappeared  
13 from defendant's cruise ships including Brilliant of the  
14 Seas under suspicious circumstances." Keep going?

15 Q. Yes.

16 A. "The last such missing person from the  
17 Brilliance of the Seas before the cruise in question  
18 occurred in October 2004 when a young man disappeared  
19 over the railing of the cruise ship following an argument  
20 with another man on the ship. This incident was not  
21 timely reported or investigated and defendants summarily  
22 dismissed the incident as a suicide."

23 Q. Now, were you aware of that information prior  
24 to seeing this complaint?

25 A. I do not recall.

1 Q. Do you recall reading this paragraph when you  
2 were skimming the document?

3 A. I do not recall.

4 Q. I direct your attention to paragraph 52, if  
5 you could just read the first sentence and then letter A  
6 there?

7 A. 52-A, "By failing to provide an" --

8 Q. I'm sorry. Start with what's next to 52,  
9 "Defendants breached."

10 A. "Defendants breached the duty to exercise  
11 reasonable care for the safety of its passenger George  
12 Smith and was negligent in one or more of the following  
13 respects (A), by failing to provide an adequate number of  
14 supervisory personnel aboard the vessel."

15 Q. Let's go to D. Could you read that?

16 A. "By permitting its crew members to mingle and  
17 drink alcohol with the passengers in the casinos, bars  
18 and discos on the cruise ships."

19 Q. And if you could read H?

20 A. "By making sale of alcohol a top priority on  
21 the cruise ship, by hiring hundreds of bartenders,  
22 waiters and servers who work on tips and are trained to  
23 push the sale of alcohol in order to ratchet up on-board  
24 revenues while simultaneously hiring only a few and  
25 largely inexperienced security personnel."

1 Q. I'm going to ask you to read two more short  
2 ones, T on page 15?

3 A. "By concealing, suppressing and  
4 mischaracterizing information involved prior incidents  
5 where passengers are victimized aboard defendant's  
6 vessels."

7 Q. And then V as in Victor.

8 A. "By protecting defendant's business interests  
9 and media image at the expense of other passengers and  
10 other members of the public who are victims of shipboard  
11 crime."

12 Q. Jennifer, if this case did not settle, you  
13 were prepared to file this complaint, were you not?

14 A. Yes, not this complaint but a complaint.

15 Q. Something very similar, correct?

16 A. Yes.

17 Q. And you were prepared to make those  
18 allegations against Royal Caribbean, correct?

19 A. Many of them.

20 Q. Okay. Most of them; is that fair to say?

21 A. Most of them.

22 Q. But if Mr. Walker had put these allegations  
23 in a draft, you -- I mean is it fair to say that you  
24 would have followed his advice that they should remain in  
25 there?

1           A.        If I felt that they were fair statements.  If  
2 I didn't, I would tell him.

3           Q.        But did you have any reason to believe that  
4 any of these allegations were not fair statements?  You  
5 yourself -- Well, let me let you answer.

6                   MR. BROWN:  Are we talking at the time?

7                   MR. JONES:  We're talking about in June  
8 when this thing was going to be filed.

9           A.        I mean, I'd have to read through every single  
10 one.  I think what this really is and what they do is  
11 they pretty much all of their cases are going to probably  
12 read similar and if they know that the cruise ships, for  
13 example, aren't adequately staffed, I'm sure that M and M  
14 and L are in almost all of the complaints.  So I don't  
15 think he just drafted this for me.  I'm sure he cut and  
16 pasted a lot of this.

17           Q.        Well, a lot of what happened here happened to  
18 you, didn't it?

19           A.        It sure did.

20           Q.        I mean, you agree they didn't have adequate  
21 security on that ship, correct?

22           A.        I would still agree.  I think that they're  
23 probably understaffed in terms of security.

24           Q.        And you agreed that they pushed the alcohol  
25 on the passengers, wouldn't you?

1           A.       I would say that's how they make most of  
2 their money.

3           Q.       So a lot of these paragraphs, even if they  
4 were general to other cases, they also fit your case,  
5 didn't they?

6           A.       Right.

7           Q.       So chances are most of these paragraphs would  
8 have been included in the complaint when it was filed; is  
9 that a fair statement?

10          A.       That's a fair statement.

11          Q.       Now, this complaint was never filed, correct?

12          A.       That's correct.

13          Q.       And Mr. Walker never conducted any discovery  
14 against the cruise line, correct?

15          A.       Well, I guess so, that's correct. I don't  
16 know, discovery?

17          Q.       Discovery meaning were any depositions taken?

18          A.       From the cruise ship personnel? No.

19          Q.       There was no discovery taken of the cruise  
20 line prior to the filing?

21          A.       Other than our written requests.

22          Q.       Right. You had requests for information?

23          A.       Right.

24          Q.       But again, up until this point, the  
25 information other than, I think, some cruise brochures --



1 A. Depositions? No.

2 Q. Jennifer, are you aware that RCL has withheld  
3 information from the FBI that it has in its possession  
4 that they claim has been subjected to both  
5 attorney/client privilege and work product rules?

6 A. What are you referring to exactly?

7 Q. Please just answer the question.

8 A. No. I'm saying what are you referring to, in  
9 our case or in general?

10 Q. In your case are you aware of that?

11 A. That they're withholding information from the  
12 FBI?

13 Q. Based upon work product and attorney/client  
14 privilege.

15 A. Such as? Like what kinds of products are you  
16 talking about?

17 MR. BROWN: If you can't answer it, you  
18 can't answer it. He's asking you a lawyer question. You  
19 answer as you best can.

20 Q. Well, you were present at one of the three  
21 meetings that were held. Are you aware that the cruise  
22 line is withholding information and they have used as an  
23 excuse for withholding that information attorney/client  
24 privilege and the work product rule?

25 A. Yes, like their notes, yeah.

1 Q. So you are aware of that?

2 A. Just -- You're talking about like notes,  
3 yeah.

4 Q. It's more than just notes.

5 A. Like what? Like I'm saying if you know of  
6 something that they're withholding, can you say it so I  
7 know what you're talking about?

8 Q. Does it trouble you that the cruise line  
9 would actually withhold information from the FBI?

10 A. Yes. I think it would be safe to say if it  
11 was pertinent in the case.

12 Q. And what -- can you conceive of any reason  
13 why the cruise line would withhold information from the  
14 FBI that might be helpful to finding out what happened to  
15 George?

16 A. You're assuming that information that they're  
17 withholding might be helpful to the case. They might  
18 just be withholding documents that are attorneys, you  
19 know, writing notes to each other that they don't want.  
20 So it depends on what you're talking about.

21 Q. Isn't it fair to say that if the cruise line  
22 is withholding information from the FBI that the FBI has  
23 asked for that that's information RCL deems to be pretty  
24 important?

25 A. Yes, but I'm not under the impression that

1 they're withholding something from the FBI that has great  
2 impact on our case.

3 Q. You don't, but you have no idea whether it  
4 could be pretty important information as well, correct?

5 A. That's correct.

6 Q. So I ask the question again: What  
7 conceivable reason could RCL have for withholding -- if  
8 you can think of any -- for withholding information from  
9 the FBI that might be helpful to finding out what  
10 happened to George?

11 A. The only thing that they could be  
12 withholding -- I don't know. I'm not even going to  
13 guess. That's something to guess at.

14 Q. All right.

15 MR. JONES: Opponents' Exhibit A,  
16 settlement agreement.

17 Q. Actually, we can take that stuff back.

18 A. Okay.

19 Q. Okay. Thank you.

20 A. Thank you.

21 Q. Jennifer, I show you a copy of the settlement  
22 agreement that was signed in December of 2006. For the  
23 record, it's Opponents' Exhibit A.

24 A. Mm-hmm.

25 Q. I direct your attention to paragraph 4 on

1 page 3, and it starts out the first sentence, "Following  
2 the approval of this agreement," and then it goes down  
3 further and talks about the "turning over in good faith  
4 of all relevant ship's logs, videotapes" et cetera. I  
5 don't want to have to read the whole thing. It's been  
6 read a few times.

7 A. Yes.

8 Q. Couple of questions: That -- It's pretty  
9 clear that this information doesn't get turned over  
10 unless you settle this case, correct, and the  
11 settlement's approved?

12 A. Yes. But even as of recently they've even  
13 said you can -- we can look at all the information.

14 Q. That's not -- The question is the information  
15 contained in here does not get turned over unless the  
16 settlement is approved; is that correct?

17 A. Correct.

18 Q. All right. And, once again, you've heard  
19 this discussed with Mr. Rivkind as well as Mr. Walker,  
20 but you talk about relevant ship logs, videotapes,  
21 security reports. Again, you heard some of the  
22 testimony, but are you aware in this document anywhere  
23 where who determines what's relevant?

24 A. Well, I think we -- that was like --

25 Q. It's a pretty straightforward question.

1           A.       Yes. I'm aware that you have some issues  
2 with that, and I think it was made very clear by everyone  
3 that there's going to be things that are going to be  
4 turned over and if there's things missing, it will be  
5 very evident to whoever's looking.

6           Q.       On the face of this document, does this  
7 document, this settlement agreement determine who decides  
8 what's relevant, as far as you know?

9           A.       As far as I know, RCL would determine what's  
10 relevant.

11          Q.       Ultimately in the first instance, correct?

12          A.       In the first instance. And if we felt that  
13 they weren't being forthright --

14          Q.       You answered the question. Thanks for trying  
15 to keep this moving.

16          A.       All right.. Keep going.

17          Q.       Hypothetically if there's any information --  
18 if any of this information were to implicate RCL in  
19 George's disappearance, you would have no -- because  
20 you've settled and the settlement would be approved, you  
21 would have no recourse against RCL, civil recourse; is  
22 that correct?

23          A.       No, because that would be fraud.

24          Q.       No, if --

25          A.       If they were lying, and they had something to

1 do with it; is that what you're saying?

2 Q. That wasn't the question. If this  
3 information is turned over --

4 A. Yes.

5 Q. -- and there's something in this information  
6 that implicates RCL in George's disappearance, at that  
7 point you would have no recourse civilly against RCL; is  
8 that correct?

9 A. That is correct. You're saying if I looked  
10 at the information after I settled and I wanted to go sue  
11 them again, I couldn't do it.

12 Q. Yes, okay.

13 A. Hence the settlement.

14 Q. They would basically be off the hook,  
15 correct?

16 A. That's how it works.

17 Q. You've stated -- I think on Direct you stated  
18 and also in your deposition that RCL has over 100  
19 statements from passengers; is that correct?

20 A. No. I said something -- I said between 60  
21 and a hundred.

22 Q. Actually, in -- and we can find it --

23 A. Well, around a hundred or whatever.

24 Q. In your deposition you said a hundred, right?

25 A. Okay.

1 Q. And --

2 A. But I think I've since learned it might be 70  
3 or 80; that's probably why I just -- as we learned  
4 information --

5 Q. And how did you find that out?

6 A. I think I asked Attorney Walker. I remember  
7 him saying something between -- I remember a different  
8 number than it wasn't just a hundred; it might have been  
9 just under. I was always given the impression that it  
10 was around a hundred.

11 Q. So somewhere between 60 and a hundred,  
12 correct?

13 A. Correct.

14 Q. And that information came from Mr. Walker,  
15 that didn't come from any back-channel communications  
16 with Adam?

17 A. It may have come from one of their attorneys.  
18 I don't recall at this time.

19 Q. But if it came from one of their attorneys,  
20 it would have come to Mr. Walker, not to you. You  
21 weren't in contact with their attorneys as well without  
22 Mr. Walker, were you?

23 A. No. Maybe it was talked about during one of  
24 the settlement discussions. I don't remember when I  
25 first heard that. It very well could have come from

1 firsthand me knowing that. They might have said it  
2 during one of the conversations.

3 Q. During one of the settlement discussions --

4 A. Very well could have.

5 Q. -- this might have been talked about?

6 A. It may have been.

7 Q. And based upon your direct testimony, it's my  
8 understanding that those statements have not been turned  
9 over to you, correct?

10 A. That's correct.

11 Q. And do you have any idea why those statements  
12 haven't been turned over as part of the initial  
13 production of tickets and brochures that RCL gave?

14 A. I don't know why they didn't initially, but  
15 there was a problem right after they gave us the first  
16 information. I think it's clear that there was a trust  
17 issue. They gave us information and then it ended up on  
18 the news that evening, so that's a problem.

19 Q. Well, I don't know if I agree with that.

20 A. I'm just trying to let you see things from  
21 another perspective too.

22 Q. But there was -- at one point there was a  
23 batch of documents which we can mark into evidence but --  
24 and Mr. Brown has put some of it into evidence which  
25 contained --



1 A. Pictures.

2 Q. Mostly brochures, and the only real substance  
3 were --

4 A. I think there were like 80 pictures.

5 Q. Yes. There were some pictures that were sort  
6 of tough to see. But there were -- and I think there  
7 were like four or five statements, correct, from some of  
8 the Turkish authority statements, which we're going to  
9 get into, not a lot of substance. But these statements  
10 that you're referring to, the 60 or 70 to a hundred  
11 statements, they were not included in that first batch of  
12 documents that was turned over, correct?

13 A. That's correct.

14 Q. And this would have been before -- You keep  
15 alluding to somebody going to the meeting, but that batch  
16 of statements was -- of documents was turned over pretty  
17 much at the get-go, right? I think the testimony was the  
18 January or December 19th letter that was sent that  
19 itemized everything that Royal Caribbean was turning  
20 over --

21 A. Okay.

22 Q. -- correct?

23 A. I guess.

24 MR. BROWN: Whoa, whoa. No, no, no.

25 Don't say "Yes," "No." That question, I don't even know

1 what the question is.

2 Q. There was a letter -- There was a letter that  
3 was put into evidence. I can find it.

4 A. Coming from RCL?

5 Q. Coming from RCL which itemized documentation  
6 that was turned over, correct?

7 A. At that time, right.

8 Q. And that letter contained -- itemized  
9 mostly -- it was December 19, 2005, letter.

10 MR. JONES: I'm sorry, Your Honor.

11 MS. BYRNE: Exhibit 8.

12 Q. Well, just for expediency sake, at some point  
13 they sent this letter --

14 A. Which included all the stuff.

15 Q. Which included all the stuff, right? Okay.

16 These statements were not part of that turn-over of  
17 documents; is that correct?

18 A. That's correct.

19 Q. Okay. And this information was provided  
20 before there was any problem with the Smiths or anyone  
21 else giving documentation to the media, correct?

22 A. That's correct.

23 Q. Do you have any reason to know why these  
24 documents, statements of passengers -- not employees of  
25 Royal Caribbean, just passengers on the ship -- do you

1 have any reason to know why those statements were not  
2 turned over at the initial turning over of documents?

3 A. I mean, privacy issues? I mean, the  
4 passenger statements, that would be a problem.

5 Q. But as far as you know, they're not subject  
6 to attorney/client privilege or work product, correct?

7 A. I'm not sure.

8 MR. BROWN: Answer what you know.

9 Q. I understand you're a layman.

10 A. I do not know.

11 Q. I understand you're a layman. Looking once  
12 again at Exhibit -- Opponents' Exhibit A, if you would  
13 look at page 4 and it's the full paragraph just before  
14 letter 5-A.

15 A. The decedent's parents?

16 Q. The decedent's parents. And you don't have  
17 to read it, but basically that paragraph talks about  
18 whether or not the documentation has been turned over to  
19 the Smiths, is that correct, this is in the settlement?

20 A. It says that they will make the same  
21 information, documents available to his parents under the  
22 same terms and conditions.

23 Q. But there's a condition, right? And the  
24 condition is that the Smiths have to settle any potential  
25 claims they have against Royal Caribbean as well, right?

1 A. Yes, but that's --

2 Q. Okay. Okay.

3 A. But I want to add something, but I won't add  
4 something, okay.

5 Q. You can do that when Doug you asks the  
6 questions, okay?

7 A. Okay.

8 Q. Does this settlement agreement address what  
9 would happen if -- Right now -- I'm sorry, strike that.  
10 Right now the Smiths have a case pending against Royal  
11 Caribbean down in Florida, correct?

12 A. Pending? On appeal.

13 Q. Okay, because it has been dismissed --

14 A. It's been tossed out twice; now it's on  
15 appeal.

16 Q. Okay. And it's been appealed, correct?

17 A. Yes.

18 Q. Let's assume hypothetically that that appeal  
19 is dismissed as well, okay, it's not allowed and the  
20 case -- so ultimately their case down there is dismissed.  
21 Does this document anywhere talk about what happens if  
22 their case is dismissed in terms of the turning over of  
23 documents?

24 A. No. But I can say that it --

25 MR. BROWN: You answered it.

1 Q. So is it conceivable that if the case is  
2 dismissed, even though the Smiths would pose no legal  
3 danger to the cruise line that the cruise line could  
4 still refuse to give them the documents?

5 A. They could. But I mean, if the idea is get  
6 the information, it doesn't make sense why someone  
7 wouldn't want to get the information.

8 Q. But the fact of the matter is the way the  
9 settlement agreement is written, it only addresses what  
10 happens if they settle, correct?

11 A. It only -- I guess in this paragraph it does.  
12 But to add to that, they have offered a third party to  
13 look at all the witness statements.

14 Q. That's not -- That has nothing to do with the  
15 document -- the language in this agreement, correct?  
16 I've asked --

17 A. That's correct.

18 Q. I'll ask a specific question again. In this  
19 agreement, does it deal with any other situation other  
20 than the Smiths settling any claims they have against  
21 RCL?

22 A. No.

23 Q. Okay. So is it conceivable that if the case  
24 in Florida is dismissed, it would mean that the Smiths  
25 have not settled, couldn't the cruise line still keep you

1 from withholding the information from the Smiths?

2 A. But I would never allow that. I mean, I  
3 continue --

4 Q. But it's not a question of what you -- What  
5 does the document say?

6 A. I think you're -- It's kind of a Catch-22  
7 because you're basically saying if they refuse to ever be  
8 compliant with anybody under any terms that people are  
9 trying to communicate with them, how is anybody ever  
10 going to give them information if they're not saying I'll  
11 take it? It's kind of a Catch-22.

12 Q. No. What I'm saying is -- I'll say it for  
13 you and then you can agree whether or not it's an  
14 accurate statement: If their case is dismissed, right,  
15 the way this thing is written, if their case is dismissed  
16 and even if the Smiths go -- the case is dismissed, Royal  
17 Caribbean could as a result of the Smiths being a pain in  
18 their butt for so many years could basically say, guess  
19 what? You could only get it if you had settled with us,  
20 you didn't settle with us, we got your case dismissed,  
21 now you can't have the information, that scenario could  
22 play out under this language; isn't that true?

23 A. That could play out.

24 Q. Okay. When you settled this -- entered into  
25 this settlement, you were representing the Smiths'

1 interests as well, correct?

2 A. And I still do.

3 Q. Okay. In the settlement, it talks about --  
4 the December settlement talks about in paragraph 1 that  
5 you received \$950,000, correct?

6 A. Me, PR.

7 Q. Okay. And then it talks about in paragraph  
8 2, receiving \$100,000 for legal costs, correct?

9 A. That's correct.

10 Q. And then at some point that's been bumped up  
11 to \$110,000?

12 A. That's correct.

13 Q. There's a letter that says that?

14 A. An addendum? Yes.

15 Q. And do you know what the reason for the  
16 bump-up was?

17 A. Something to do with the -- Dr. Lee. And we  
18 basically said we're going to be helping to pay or  
19 continue on this investigation and --

20 Q. So there were additional costs that needed to  
21 be covered; is that a fair statement?

22 A. No. I said you show me that you care about  
23 helping us. We need --

24 Q. Said to who?

25 A. RCL, that --

1 Q. Through Mr. Walker or with Adam?

2 A. Not with Adam. I don't remember. It's  
3 either Richard or Adam or one of the representatives from  
4 RCL.

5 Q. Richard is?

6 A. Richard's the head, head guy over there.

7 Q. Is that Fain?

8 A. Fain.

9 Q. And he's the CEO?

10 A. He's in charge of Celebrity, Royal Caribbean,  
11 like a bunch of them, so he's the --

12 Q. But he's the top guy?

13 A. He's the -- Yes.

14 MR. BROWN: Testify as to what you know.

15 A. I know that I said, you know, we want to  
16 continue on with this investigation after we get this  
17 information and if you really mean that you want to help  
18 like you always say you do, then why don't you pay some  
19 part of the investigation?

20 Q. So you got them to agree to an extra 10 grand  
21 in costs?

22 A. That's it.

23 Q. It wasn't meant to elicit a long answer.

24 A. Okay.

25 Q. All right.



1 THE COURT: Just out of curiosity -- and  
2 I hate to interrupt, but just so we have a sense of  
3 timing because I know we have to end at 5 and I just want  
4 to give everyone an idea, are we going to go right up to  
5 5 with Cross?

6 MR. JONES: Oh, we're going to definitely  
7 go to 5 because even if I finish, I think they have  
8 Mr. Hagel outside, right?

9 MR. BROWN: I'd like to get to Mr. Hagel,  
10 but I think he was asking you how long you have.

11 MR. JONES: I could take till 5. I'm  
12 trying to move it along.

13 A. You ask quick; I'll answer quick.

14 Q. That would be helpful.

15 THE COURT: Okay. Keep going.

16 MR. JONES: Show the witness Exhibit 2,  
17 please, the statement settlement costs. This is the  
18 Applicant's Exhibit 2.

19 Q. Jennifer, I show you Exhibit 2. I'm going to  
20 direct your attention to there's a Schedule B attached to  
21 it in the back.

22 A. Okay.

23 Q. And down toward the bottom -- and this is  
24 very difficult to read, but about 15 or so entries up,  
25 there's an entry for "Public Relations Miscellaneous,"

1 and it's -- and honestly I can read the 27,000. It looks  
2 like there's some -- I don't know if that's \$27,000 even  
3 or if there's --

4 A. Where are you reading? You're on Schedule B.

5 Q. Schedule B.

6 A. Uh-huh.

7 Q. And at the top in the right-hand corner it  
8 says page 2. But at the bottom of the Schedule B, it  
9 says page 1, okay?

10 A. Yes.

11 Q. All right. And this is the custom  
12 transaction detail report which was --

13 A. Sure.

14 Q. -- which you guys -- which your side had put  
15 into evidence through Mr. Walker. And let's count, one,  
16 two, three -- it's about 18 or 19 lines up from the  
17 bottom.

18 A. I see where it is.

19 Q. It says "Public Relations Miscellaneous," and  
20 then it says -- let's say 27,000 and change?

21 A. Okay.

22 Q. Okay? What was that for?

23 A. That was for a PR person named Mike Paul.

24 This obviously was a case that was receiving a lot of  
25 public attention.

1 Q. Okay. Let me ask the questions, okay? And  
2 when was he hired?

3 A. I do not recall. It was --

4 MR. BROWN: You just testify to what you  
5 know.

6 A. I do not recall.

7 MR. BROWN: Mr. Walker could have  
8 answered this.

9 MR. JONES: But I'm allowed to ask her  
10 about it.

11 MR. BROWN: Of course you are.

12 MR. JONES: I don't need the commentary.

13 Q. So you don't recall when he was hired?

14 A. Not offhand, but if we look, you know, you  
15 can see generally when a bill came in.

16 Q. Okay. Do you know who hired him?

17 A. James Walker.

18 Q. And is it fair to say that by hiring a public  
19 relations person that you recognized that you had some  
20 image problems?

21 A. No, that's not exactly why. I think there's  
22 Jim is working and his wife in an office; it's a big  
23 case, and there were calls that are coming in and they  
24 are being met with pretty much -- you know, there's not  
25 enough time. So as quickly as RCL or other people can

1 put out statements, we just aren't responding to  
2 anything. And that can be a problem. A lot of big law  
3 firms, they might have a PR firm within them. That's not  
4 something we had the luxury of.

5 Q. So as far as you're concerned, the hiring of  
6 Mr. Paul had nothing to do with any image issues with  
7 respect to you and your activities on the cruise ship?

8 A. I mean, you always try to take me as an  
9 individual.

10 Q. Please answer the question.

11 A. It's -- We're a couple, and I think as a  
12 couple we were having problems in terms of the media, I  
13 think, coming down on -- focusing on certain things. And  
14 we were trying to get out negligence and other issues,  
15 and so I don't think it's for me personally.

16 Q. So is it fair to say, then, he was not hired  
17 to deal with your image problems?

18 A. PR guy; he's hired for the PR issues. You  
19 keep saying "image" because you keep trying to say that I  
20 have this awful image. In your mind if you think that,  
21 I'm sorry. But I feel like it's sad that you keep  
22 bringing that up. I mean, clearly it was a big PR case.

23 Q. Isn't it fair to say there was a lot of  
24 negative publicity about your activities?

25 A. Of course, about both of us. But you try to

1 carve me out. We're a package deal.

2 Q. But George was gone?

3 A. I understand that.

4 Q. And isn't it fair to say that a lot of the  
5 negative publicity focused on your actions that evening?

6 A. If that even happened, any of the actions  
7 that did happen or did not happen.

8 Q. Well, did you get drunk?

9 A. I got drunk.

10 Q. Did you black out?

11 A. I blacked out.

12 Q. Were you found in another part of the ship?

13 A. I was.

14 Q. Are there allegations that you had an  
15 argument and kicked your husband?

16 A. There is.

17 Q. Isn't it fair to say that all of those  
18 things, true or untrue, would create a negative view  
19 toward you?

20 A. Yes.

21 Q. And that it would be helpful to hire a public  
22 relations person to deal with that?

23 A. I mean, that would be one component. But a  
24 PR person's hired for -- That was one small part. And I  
25 also would like to remind you that if you were watching

1 all of the news, as quickly as I would get attacked,  
2 there would be people saying, oh, there they go,  
3 attacking the victim. So it wasn't always advantageous  
4 to attack me.

5 Q. So it's fair to say that a public relations  
6 person would be helpful in dealing with those attacks;  
7 isn't --

8 A. With any attack, not just me.

9 Q. Just quickly, just directing your attention  
10 to the top of that page, the 5th line item down?

11 A. Yes.

12 Q. Expert witness fees, \$6,000. Do you know who  
13 that was paid to?

14 A. I do not.

15 Q. Okay. And also down again about three or  
16 four lines below where Mr. Paul's public relations line  
17 item is, there's also 13,000 and change also for expert  
18 witness. It says "final" next to that. Do you have any  
19 idea who that was for?

20 A. I do not know.

21 Q. Do you know if those payments were for Dr.  
22 Lee?

23 A. I do not know.

24 Q. Would those payments have been for your  
25 economist?

1 A. I hope not.

2 Q. Do you know how much you paid the economist?

3 A. I do not know.

4 Q. Paragraph 3 talks about a donation to be made  
5 of \$25,000 each toward a fund. Can you give me the total  
6 that is to be paid out from Royal Caribbean?

7 A. Total?

8 Q. Strike -- I'm sorry; it was a bad question.  
9 But the total amount -- how much cash is Royal Caribbean  
10 laying out for the settlement?

11 A. \$950,000 to the estate. Costs don't even --  
12 aren't considered or don't come into play. If you turn  
13 your attention to page 2 on this, or excuse me, page 3,  
14 the total RCL payment says one million eighty-five  
15 thousand.

16 Q. That's the answer I was looking for.

17 A. Okay.

18 Q. Now, how much -- and Mr. Walker's on a  
19 contingency, correct? He's on a contingency?

20 A. Meaning he doesn't get paid unless --

21 MR. BROWN: Do you want to explain it?

22 MR. JONES: Well, the document sort of  
23 speaks for itself, but --

24 MR. BROWN: She's not a lawyer.

25 Q. Page 2?

1           A.       Are you saying he gets paid if we win or if  
2 we settle; is that what you're saying?

3           Q.       No. Let me ask the question. In the  
4 settlement statement of claims on page 2, it says  
5 attorneys' fees, one-third of gross. And it says  
6 316,666.66. I assume that's for Mr. Walker.

7           A.       For being an attorney, yes, for doing his  
8 part.

9           Q.       Jennifer, it will go a lot quicker if you  
10 listen to the questions. That's for Mr. Walker's fee,  
11 correct, for this matter?

12          A.       Yes.

13          Q.       And as you said, Dr. Lee comes out of that,  
14 you just testified to that, correct?

15          A.       Yes.

16          Q.       All right. Now, how about Mr. Brown, do you  
17 have an amount yet for his legal fees in this matter?

18          A.       Is that -- Wait. Can you repeat that again?

19                   MR. BROWN: Your Honor, actually, I mean,  
20 I'm going to -- I mean, I'm going to object only because,  
21 I mean, this question is a fine question. My fees are  
22 not part of the settlement agreement.

23                   THE WITNESS: That's true.

24                   MR. BROWN: I mean, at the final account,  
25 I know they're going to be attacked if we're going to



1 stay the way we are. But that doesn't go -- I've never  
2 had a settlement agreement come before a Court for a  
3 personal injury matter where all of the attorney fees are  
4 brought into it. I mean, then we can go into a whole  
5 discussion about why my attorney's fees are what they  
6 are.

7 MR. JONES: Well, the fact of the matter  
8 is the attorney fees are going to come out of the estate,  
9 I would assume for Mr. Brown and also for Ms. Byrne. And  
10 I think we're entitled to know -- I don't need an exact  
11 number. We're entitled to know how much of those fees  
12 are going to be applied for because that gives us an idea  
13 of how much is left for Jennifer and how much is left for  
14 my clients.

15 THE WITNESS: Well, I will say that --

16 MR. BROWN: No, no, this is an oral  
17 argument. This has actually been discussed on numerous  
18 occasions with counsel, so I don't know why -- I mean,  
19 I'll tell you what my fees are right now.

20 MR. JONES: Well, that's what we're  
21 asking.

22 MR. BROWN: They're growing. That's  
23 obvious to the Court. It's not part of the settlement  
24 agreement.

25 MR. JONES: I think I'm entitled to this

1 line of questioning. I think if he's going to make an  
2 application for fees that's going to come out of this  
3 estate, then we're entitled to know at least ball park  
4 what the number is.

5 MR. BROWN: I'll tell the Court. Why do  
6 I have to wait for my client?

7 MR. JONES: Your client is the personal  
8 representative, the administratrix of this estate. She  
9 should know how much you and Liz --

10 THE WITNESS: I do know.

11 MR. BROWN: She should know -- memorize  
12 what it is every month? I don't think so.

13 MR. JONES: No. I didn't ask her that;  
14 I'm just asking for a ball park figure on what the amount  
15 is. And I am sure you've prepped her well enough that  
16 she's going to talk about when those fees were incurred.  
17 But the fact of the matter is we're entitled to know ball  
18 park what those fees are and how they impact what comes  
19 out of the settlement.

20 MR. BROWN: Your Honor, if he's going to  
21 ask these questions, which is okay with me, but I want to  
22 state for the record if this settlement agreement had  
23 just had one hearing, I know what my fees would have been  
24 because of all the work I do with Koskoff, Koskoff &  
25 Bieder. I know what my fees are in this matter is a

1 hundred forty thousand right now, as of February 29th.  
2 And I can only imagine what they're going to be in March.

3 MR. JONES: Your Honor, if we didn't have  
4 to oppose this settlement, the fees would be a lot less.  
5 The fact of the matter is, unfortunately, the terms of  
6 this settlement required opposition.

7 MS. BYRNE: Your Honor, also I'm going to  
8 draw your attention to the statute that applies here,  
9 Section 45(a)151. The discussion there in Subsection B  
10 is with regard to the attorneys' fees and costs deducted  
11 from the actual settlement, nothing beyond that that  
12 isn't within the scope of the discussion.

13 THE COURT: I will say it's irrelevant  
14 for the purpose of the settlement, but obviously it's  
15 relevant when the accounting comes forward.

16 MR. JONES: Yes. I mean, if they want to  
17 submit some sort of statement to us. But all I'm asking  
18 for is a ball park, just an idea.

19 THE COURT: I think it was already stated  
20 at a hundred forty thousand.

21 MR. JONES: I didn't hear him.

22 THE COURT: Through February 29th.

23 MR. BROWN: Through February 29th.

24 MR. JONES: And is that just for your  
25 firm?

1 MR. BROWN: That's just for my firm.

2 MR. JONES: And how about Ms. Byrne?

3 MS. BYRNE: I can't actually answer that.  
4 I haven't seen one of my bills yet.

5 MR. JONES: Ball park?

6 MS. BYRNE: I can't. I really haven't  
7 paid any attention because we haven't been paid on this  
8 so it's -- you know, we just enter our time, and I  
9 just -- I don't remember what the final balance is or the  
10 interim balance is.

11 MR. JONES: Are these contingency matters  
12 or are they paid by the hour?

13 MS. BYRNE: Hourly, and it's 4:00.

14 MR. JONES: Direct took five hours.

15 THE WITNESS: All right, let's keep  
16 going.

17 Q. Jennifer, prior to the settlement in July of  
18 2006, did you personally speak to the Smiths or consult  
19 with them about the fact that you intended to and then  
20 did settle?

21 A. No. They did not want to speak with me.

22 Q. I'm sorry. I didn't hear you.

23 A. They did not want to communicate with me.

24 Q. Did you pick up the phone and call them?

25 A. No.

1 Q. And, in fact, they only found out about the  
2 settlement a couple of days before the deadline for  
3 filing their own lawsuit; is that correct?

4 A. I believe so.

5 Q. June 29th, that's when --

6 A. When Mr. Rivkind got the -- Yes.

7 Q. Didn't leave them much time, though, did it?

8 A. A week.

9 Q. That's not a lot of time.

10 A. Well, that's a lot of time actually.

11 Q. And you were the fiduciary then, correct?

12 A. Yes.

13 Q. And then prior to the December 2006  
14 settlement agreement, did you speak to the Smiths  
15 directly?

16 A. No, I did not.

17 Q. And that agreement actually references my  
18 name, correct?

19 A. We Connecticut-tized this agreement. If you  
20 notice, all the language is different. It's very  
21 different.

22 Q. But the fact of the matter is you didn't call  
23 them, correct?

24 A. No.

25 Q. And, again, you were acting as their

1 fiduciary?

2 A. Yes, I am.

3 Q. Jennifer, on Direct you testified that George  
4 was taking prescription drugs, correct?

5 A. Correct.

6 Q. A great deal has been made of that. You made  
7 several instances -- You mentioned several instances  
8 where George drank and you believed that he was taking  
9 his prescription drugs when he was drinking, correct?

10 A. There were signs that -- yeah, and we talked  
11 about it.

12 Q. But is it fair to say that you never put your  
13 foot down and said, "George, you really should stop  
14 drinking while you're taking these prescription drugs"?

15 A. No. If you remember in my deposition that he  
16 actually said he was going to stop drinking and he said  
17 when we got home he was no longer going to take the  
18 tranquilizer, so that's a home run.

19 Q. And that discussion took place during the  
20 dinner in Chops, correct?

21 A. That's right.

22 Q. And that was before the two of you then went  
23 out and both got pretty drunk, correct?

24 A. Correct.

25 Q. Prior to getting married, you and George

1 lived together, correct?

2 A. Correct, about a year and a half.

3 Q. I'm sorry?

4 A. About a year and a half.

5 Q. And during the time that you lived together,  
6 did you know where George kept his prescription drugs?

7 A. No.

8 Q. Okay. And prior to the cruise, you had never  
9 seen George take his prescription drugs, correct?

10 A. That's correct.

11 Q. And on the ship you never saw him take them,  
12 correct?

13 A. That's correct.

14 Q. And he never told you when he would take  
15 them, correct?

16 A. That's correct.

17 Q. Prior to your wedding, he never told you that  
18 he was experiencing side effects from the prescription  
19 drugs, correct?

20 A. That's correct.

21 Q. Okay. And he was drinking then, too,  
22 correct? I mean, you testified about the --

23 A. Yes.

24 Q. Now, at your deposition -- and if you want to  
25 look, it's at page 192, lines 15 and 16 -- Mr. Kelley

1 asked you whether or not you had, quote, any indication  
2 that either prescription had had a bad reaction on George  
3 when he drank. Do you recall your answer?

4 A. Well, I would have said "No."

5 Q. And you did say "No."

6 A. No. Hindsight is 20/20, obviously. I put  
7 the pieces together later.

8 Q. Well, the deposition was what?

9 A. A year after this happened, almost.

10 Q. It wasn't --

11 A. It was in April of 2006.

12 Q. Did you have any reason to believe that  
13 George was taking any more of the pills than were  
14 prescribed?

15 A. No.

16 Q. Have you ever filled a prescription and not  
17 taken all the pills in that prescription?

18 A. I don't have any prescriptions.

19 Q. Can you tell us who Dr. Cooper is?

20 A. Dr. Cooper is George's doctor.

21 Q. And are you aware that he was his doctor in  
22 terms of prescribing the prescription drugs, correct?

23 A. Correct.

24 Q. And are you aware that Dr. Cooper did not  
25 believe that George was abusing his prescriptions?



1 A. After the fact, same as how you learned.

2 Q. I'm not sure I understand that?

3 A. Meaning I never talked to Dr. Cooper after  
4 this event happened.

5 Q. And are you aware that Dr. Cooper --

6 MR. BROWN: Now is when he's asking.

7 Q. Are you aware -- Yes, I'm talking the  
8 present. Are you aware that Dr. Cooper's diagnosis of  
9 George's anxiety was very mild or moderate?

10 A. Sure. I think it was general anxiety and  
11 some OCD tendencies.

12 Q. And, in fact, George saw Dr. Cooper four  
13 times?

14 MR. BROWN: Only what you know. Are you  
15 aware of how many times George saw Dr. Cooper?

16 A. A few times.

17 MR. JONES: Judge, I have four notes --  
18 sets of notes. I can mark them all as one exhibit if it  
19 makes it easier.

20 THE COURT: That's fine.

21 MR. BROWN: What's the letter on this?

22 MS. STROILI: FF.

23 MR. JONES: That's two. I got two more  
24 coming.

25 (Whereupon, four sets of notes from Dr.

1 Stephen Cooper were marked as Opponents' Exhibit FF.)

2 Q. Jennifer --

3 MR. JONES: I'm sorry. What was the  
4 letter?

5 MS. STROILI: FF.

6 Q. Jennifer, I direct your attention to Exhibit  
7 FF which contains four sets of notes from Dr. Stephen  
8 Cooper--

9 A. Sure.

10 Q. -- who was treating George, and direct your  
11 attention to the first one in the stack.

12 MR. BROWN: Wait. I have one.

13 A. I read these.

14 Q. I think you can hand them to --

15 MR. BROWN: I only have one.

16 A. I have four. I can share with you.

17 MR. BROWN: April 19th. We can share.

18 MR. JONES: That's okay. Okay.

19 MR. BROWN: Okay. Thanks.

20 Q. Okay. We'll try to do this quickly, but  
21 you've got the first one. On the top there it says it's  
22 dated 4/19/2005, initial exam consult, correct?

23 A. Yes.

24 Q. And if you could just look at under  
25 "History"?

1 A. Yeah.

2 Q. Okay. I'm just going to go to the end under  
3 "History," the last three sentences, says "Based on the  
4 risk of morbidity without treatment and his report of the  
5 level of interference with functioning, severity of  
6 symptoms is considered moderate. He describes no  
7 symptoms of mania. No hallucinations, delusions or other  
8 symptoms of psychotic process are reported by him." You  
9 see that?

10 A. Yes.

11 Q. So based upon that, is it fair to say that  
12 George -- at least at that point Dr. Cooper felt that  
13 George's anxiety was moderate?

14 A. That's what he says. I agree.

15 Q. And then I think you referred to the fact  
16 that under the diagnosis -- it's down below -- it says  
17 "general anxiety disorder".

18 A. General anxiety began at age 18.

19 Q. Well, I meant at the bottom under  
20 "Diagnosis."

21 A. Yes, "general anxiety disorder."

22 Q. And it looks like on the second page there he  
23 begins him on Zoloft and also on Klonopin, correct?

24 A. Yes.

25 Q. The next visit -- if you would go to that

1 which is the third page down?

2 A. Okay.

3 Q. April 27, 2005?

4 A. Yes.

5 Q. Under "History"?

6 A. Yes.

7 Q. First sentence it says "Slight decrease in  
8 anxiety noted this week, tolerating Zoloft well so far,  
9 went up to 50 milligrams two days ago"?

10 A. Oh.

11 Q. And then next, "Behavior has been stable and  
12 uneventful. Medication compliance is good, rules are  
13 respected, and activities attended. No side effects are  
14 reported or in evidence," correct?

15 A. Correct.

16 Q. Okay. Go to the next set of progress notes  
17 from May 11, 2005.

18 A. Okay.

19 Q. All right? Once again, just looking at the  
20 last sentence of the first paragraph, it says "He  
21 describes no side effects and none are in evidence,"  
22 correct?

23 A. Correct.

24 Q. Okay. This is also getting to the point  
25 where the wedding's approaching, correct?

1 A. Right.

2 Q. So anxiety might be going up a little bit?

3 A. Sure.

4 Q. And then finally we have the last set of  
5 notes from 6/1 -- June 1, 2005. Under "History" it says  
6 "George is improving, really much, much better, feels  
7 anxiety is very improved at present." I'm not sure -- It  
8 says "Prob. Pert." there. And then says, "No anxiety is  
9 described. He describes no depressive symptoms. He  
10 specifically denies manic symptoms." Then it goes to the  
11 next paragraph, "Behavior has been stable and uneventful.  
12 Medication compliance is good, rules are respected and  
13 activities attended. He describes no side effects and  
14 none are in evidence."

15 A. Sounds like he's cured, I know.

16 Q. Sounds like he's doing pretty well, right?

17 A. Yes.

18 THE COURT: Just on these certain  
19 exhibits that you're reading, I've been handing them to  
20 the stenographer for purposes of her getting it right.  
21 Does anybody have an objection to that? I mean, you know  
22 that this all is confidential?

23 THE COURT REPORTER: Yes.

24 THE COURT: But if you don't want her to  
25 take it with her, just let me know.

1 MR. BROWN: It's fine. Your Honor, I had  
2 a discussion outside.

3 MR. JONES: I have no problem.

4 MR. BROWN: And there's an FBI  
5 nondisclosure rule.

6 THE COURT: Okay.

7 A. Are there any questions?

8 MR. BROWN: Do you have any further  
9 questions?

10 MR. JONES: Not on that, no.

11 Q. I don't know if I asked this question: So on  
12 the ship you never saw George take the prescription  
13 drugs, correct?

14 A. That's correct.

15 Q. Just very briefly, Jennifer, you talked on  
16 Direct about George's concerns with respect to -- talking  
17 about the liquor store now, with respect to the location  
18 of the liquor store; is that correct?

19 A. What aspect?

20 Q. You said you -- at some point you said --  
21 and, again, I don't want to put words in your mouth --

22 A. The rent, I think this is because it was  
23 rented, not owned.

24 Q. And then are you aware that Mr. and  
25 Mrs. Smith have owned that store over 25 years?

1 A. The contents, not the space.

2 Q. But they've owned --

3 A. Yes.

4 Q. -- the actual entity, the liquor store?

5 A. The name.

6 Q. But --

7 A. Not the space.

8 Q. The liquor store -- Are you aware that the  
9 liquor store has been at that location owned by the  
10 Smiths, even though they don't own the real estate, for  
11 over 25 years?

12 A. Yes.

13 Q. Are you also aware that the predecessor  
14 owners had been there for over another 45 years?

15 A. I wasn't aware about the owners before.

16 Q. Just asking. And now, are you also aware  
17 that the Smiths have just recently signed a new 10-year  
18 lease for the space?

19 A. Just recently? That's great. No --

20 Q. Are you aware of that?

21 A. -- I wouldn't have been.

22 MR. JONES: Your Honor, the next exhibit  
23 I thought was marked into evidence, but I couldn't find  
24 it on the sheet. It might be on the supplemental  
25 Ms. Stroili had given us, but it's the press release.

1 MS. STROILI: I didn't see it on there.

2 MR. BROWN: Which press release?

3 MR. JONES: The actual top page is a fax  
4 cover sheet from Mr. Walker dated June 29, 2006.

5 MS. STROILI: Turn the page on that one.  
6 What does it say?

7 MR. JONES: It says "Press Statement of  
8 Jennifer Hagel-Smith" on the second page.

9 MR. BROWN: I think it is an exhibit.

10 MR. JONES: I have plenty of them, so  
11 unless it's under --

12 MR. BROWN: Is it M maybe? No, I'm  
13 sorry. No, it's not.

14 MR. RICCIO: I don't think so. Exhibit  
15 BB.

16 MR. JONES: Doug, if you don't have it, I  
17 have a copy. Messing up your folder. Thank you.

18 Q. Jennifer, I show you Exhibit BB. I can take  
19 the rest of that if you want.

20 A. Yeah. Okay.

21 Q. The top sheet is the fax cover sheet from  
22 Mr. Walker's office, Mr. Walker to Ben Finley and Nancy  
23 Grace, correct?

24 A. Yes.

25 Q. And it's dated June 29, 2006?



1 A. Yes.

2 Q. It says "Press statement of Jennifer  
3 Hagel-Smith." If you would just take a minute to look at  
4 that press statement?

5 A. Sure.

6 Q. Okay.

7 A. I'm familiar with it. Go ahead.

8 Q. Now, is that the press release that you had  
9 issued after the settlement?

10 A. I had a personal statement. This is not it.  
11 And then -- Well, maybe it is. Hold on.

12 Q. Take your time.

13 A. Okay.

14 Q. Okay. Now, is that -- was that the press  
15 statement that you issued?

16 A. I'm not remembering, but it looks like it  
17 might be. Okay.

18 Q. And did you prepare that press release  
19 yourself?

20 A. And help with my counsel.

21 Q. Whose idea was the press release?

22 A. I think it was just -- I think it was an  
23 obvious thing, that there would have to be some sort of  
24 press release.

25 Q. Yes, but whose idea was it?

1 A. Mine, the attorneys. I can't recall.

2 Q. Either your idea or Mr. Walker's idea?

3 A. I do not recall.

4 Q. Do you know if this press release was part of  
5 the settlement agreement?

6 A. It was not part of the settlement agreement,  
7 but the settlement agreement was released in terms; so we  
8 had no physical, written, signed agreement during the  
9 time. So it was -- So I guess your next question might  
10 be, well, did you guys discuss what we might be putting  
11 out? And we did because we discussed the terms of the  
12 agreement.

13 Q. You discussed it with whom?

14 A. With RCL. We didn't sign anything, so it was  
15 important that they said look, this is what we outlined  
16 in our settlement agreement. And so it's relevant that,  
17 of course, they're going to have to kind of see because  
18 once we put it out there, it probably wouldn't be good to  
19 take it back and redo it.

20 Q. Let's back it up because I'm not really sure  
21 what you said.

22 A. Okay.

23 Q. Was this press release an issue or an item  
24 that was negotiated with RCL?

25 A. I do not recall, but I do know we talked

1 about the fact that there was going to be release. This  
2 is a very public case, and everybody knew the eve of --  
3 you know, was in a few weeks or whatever -- it was a week  
4 would be coming. So any time this would be a big deal if  
5 we reached a settlement, and we were outlining some  
6 things that we would be presenting.

7 Q. And that was -- And what you outlined, the  
8 draft -- is it fair to say that a draft of this was  
9 presented to RCL?

10 A. I do not recall, but --

11 MR. BROWN: That's your answer, then.

12 Q. You don't recall whether or not a draft of  
13 this was sent to RCL?

14 A. I want to say I think so only because it was  
15 almost like a preliminary part of the agreement.

16 Q. Do you know if RCL asked for this press  
17 release as part of the settlement?

18 A. I do not recall, but it outlines the  
19 settlement.

20 Q. Okay. But there's no mention of the press  
21 release in the December '06 settlement agreement; is that  
22 fair to say?

23 A. Oh, yeah. It's not part of the actual  
24 settlement.

25 Q. So it wasn't written into the settlement

1 agreement?

2 A. Oh, no.

3 Q. But was there, say, a side agreement that  
4 there would be a press release from you after the  
5 settlement?

6 A. I don't remember how it came to be, but it  
7 makes perfect sense that there would be some sort of  
8 announcement made.

9 Q. At the request of RCL?

10 A. No, that's not what I said. It was obvious  
11 that we were going to have to come out with a statement  
12 and if we were talking about --

13 Q. Let me stop you right there. Why is it  
14 obvious that you would have to make a statement?

15 A. Because it was -- this would be a big deal.  
16 People knew that there was --

17 Q. There was a lot of publicity about this case,  
18 right?

19 A. And I also think that it was -- you know,  
20 this is what's been accomplished.

21 Q. So Royal Caribbean knew that or assumed that  
22 you were going to issue a press release?

23 A. I can't make assumptions for them. I can  
24 only tell you that I don't recall how we exactly came to  
25 this. I can just say it makes perfect sense today as it

1 would then that we would issue a press statement. If  
2 there was ever a time to do it, it would be then.

3 MR. JONES: Do you have a copy of the  
4 deposition?

5 MR. BROWN: Yes.

6 MR. JONES: Put that out.

7 Q. Jennifer, in your deposition transcript --

8 MR. BROWN: Which date are we on?

9 MR. JONES: Oh, I'm sorry. The April  
10 13th, page 151.

11 A. Yes.

12 Q. All right. Line 19?

13 A. Yes.

14 Q. Mr. Kelley, "Question: After due liberation,  
15 you made a decision to settle the case. Was there a  
16 press release prepared" -- there's a typo, but "by on  
17 your behalf?" Your answer is "Yes"?

18 A. Yes.

19 Q. "Did you prepare that yourself?" Your answer  
20 was "Yes."

21 A. Wait. But there in that errata sheet I said,  
22 "Yes, with the help of my counsel." This wasn't just me.  
23 It was a big deal.

24 Q. It was a big deal, no argument there.

25 A. All right.

1 Q. Now, directing your attention to page 152,  
2 Mr. Kelley asks you at line 3 "In that press release  
3 generally was there some indication given by you as to  
4 why you've decided to settle the case?" And then if you  
5 go down to line 8, it says -- the sentence says "I think  
6 it is a very personal question, and I think it is  
7 something that between counsel. They would share the  
8 real nuts and bolts." What did you mean by that?

9 A. Meaning -- and obviously I talk fast so they  
10 always miss a lot of my words, but what it was saying is  
11 this was meaning to get the nuts and bolts.

12 Q. Right. So in other words, what you were  
13 saying was that the draft was being sent back and forth  
14 between the lawyers, right?

15 A. No, that's not what I said. I said -- I  
16 think -- Well, hold on. Let me read what I said.

17 Q. Okay. Read it.

18 A. I said, "I think it was very, you know,  
19 media-friendly" meaning there was something released,  
20 there was obviously going to be a really -- you know, the  
21 actual settlement agreement itself was going to be much  
22 more exact and precise. And there was going to be no  
23 ambiguities, and it was a work in progress and this was  
24 going to be the nuts and bolts and generally outlining  
25 what was discussed.

1 Q. So then what you're saying, then, is your  
2 reference to the real nuts and bolts was not to the press  
3 release going back and forth?

4 A. No. I'm not understanding really where  
5 you're going with this or whatever.

6 Q. You have to stop anticipating my questions  
7 and just answer the question before you.

8 A. I guess the nuts and bolts is -- There was a  
9 press release.

10 MR. BROWN: Can I clarify something?

11 THE COURT: Go ahead.

12 MR. BROWN: This testimony is about her  
13 press release that was in January of '07. What Mr. Jones  
14 is asking about is Royal Caribbean's press release on  
15 June 29 of '06.

16 MR. JONES: No.

17 MR. BROWN: This testimony is about her  
18 press release.

19 MR. JONES: I'm asking about her press  
20 release.

21 MR. BROWN: I'm saying that this  
22 conversation in the deposition is about her press  
23 release.

24 MR. JONES: No. Read the page before.

25 MS. BYRNE: There was more than one press

1 release, though. There was one that accompanied each  
2 version of the settlement agreement.

3 MR. RICCIO: Is there a page where  
4 there's a particular reference to what press release  
5 she's talking about?

6 MR. BROWN: I don't think so.

7 MR. RICCIO: It's the press release  
8 subsequent to the settlement.

9 MR. BROWN: Are we talking about the July  
10 or December?

11 MR. RICCIO: It says "After due  
12 deliberation you made a decision to settle the case."  
13 This is on page 151. "Was there a press release  
14 prepared?" "Yes." "Did you prepare it yourself?"  
15 "Yes." So it's talking --

16 MR. BROWN: It doesn't say July or  
17 December. I was at the depo, Gene. I know that John  
18 Kelley was confused.

19 MR. JONES: There's a transcript -- He's  
20 asking the questions.

21 MR. RICCIO: But the settlement was at  
22 the end of June. It can only be referring to this.

23 THE WITNESS: It actually wasn't.  
24 There's one that outlines more specifics, the \$950,000.  
25 Like it's very specific, and it outlines everything.



1 MR. RICCIO: But it's not in December.

2 THE WITNESS: Well, that's the one I was  
3 talking about.

4 MR. RICCIO: This was settled in June,  
5 late June. It couldn't possibly be referring to the  
6 December press release because the case was settled --

7 THE WITNESS: That's not true. When we  
8 were talking about this at my house at my kitchen table,  
9 I was talking about the one, I said, no, no, it was  
10 pretty specific; there was going to be \$950,000; there  
11 was going to be 25 here; there was going to be \$60,000  
12 and it was very much --

13 MR. RICCIO: She made the decision.

14 Q. The fact of the matter is you settled the  
15 case with the cruise line, you, as you said, prepared a  
16 press release, correct?

17 A. Yes.

18 Q. This press release that I'm questioning you  
19 on is the press release that you prepared, correct?

20 A. No. When this first came out, it --

21 MR. BROWN: Jennifer, listen to the  
22 question.

23 Q. In June of 2006, correct?

24 A. Yes.

25 Q. This is the press release that you prepared,

1 correct? I'll just -- You know what? We don't have to  
2 worry about the deposition.

3 A. Yes, I guess so.

4 Q. Are you aware of whether or not drafts of  
5 this press release went back and forth between Mr. Walker  
6 and representatives of the cruise line?

7 A. Not really or not aware. I could -- I  
8 mean --

9 Q. Are you aware of whether or not the substance  
10 of this press release was negotiated between Mr. Walker  
11 and the cruise line?

12 A. This was our first press release that  
13 outlined the things.

14 Q. That's not the question.

15 A. Okay. I'm not aware of how many times --

16 MR. BROWN: This has been asked and  
17 answered, Your Honor. This is trying to clarify and get  
18 better detrimental --

19 MR. JONES: Just trying to get a straight  
20 answer.

21 MR. BROWN: -- answer from the witness.

22 THE COURT: From what I can tell, the  
23 answer was "I'm not aware."

24 MR. JONES: All right. That's fine.  
25 We'll move on.

1 THE COURT: Is that correct?

2 THE WITNESS: That's correct.

3 Q. Okay. Jennifer, I direct your attention to  
4 page 2 --

5 A. Sure.

6 Q. -- of the press release. It's the third page  
7 of the exhibit.

8 A. Mm-hmm.

9 Q. Can you read the last paragraph of that for  
10 me?

11 A. "My discussions"?

12 Q. Yes.

13 A. Okay. "My discussions with Royal Caribbean  
14 have been very open as well as extremely productive and  
15 informative. This journey has always been a matter of  
16 principle for me and I know that George would be proud of  
17 what has been accomplished thus far in good faith as we  
18 continue to seek answers. I appreciate Royal Caribbean's  
19 cooperation, sincerity and efforts in moving forward  
20 which I believe will play a major role in helping all of  
21 us find closure. The memory of George will always live  
22 on in my heart, that of our families and everyone who  
23 knew him."

24 Q. This press release was issued before the  
25 settlement was executed, correct?

1 A. That's correct.

2 Q. What was the urgency for getting the press  
3 release out?

4 A. I do not recall.

5 Q. In fact, the Smiths' lawsuit hadn't even been  
6 filed when this press release was issued, correct?

7 A. I do not recall.

8 Q. What prompted you to include that language  
9 that you just read in this press release?

10 A. I think it ties them to say hey, this is what  
11 you said you were going to do and you're going to try to  
12 be cooperative and you say that you're going to -- you  
13 know, basically I'm restating that they've just kind of  
14 stepped up to the plate. It's kind of holding them to  
15 it.

16 Q. So several months before your testimony was  
17 submitted to Congress was that they were corporate felons  
18 and they couldn't be trusted and that they were basically  
19 dishonest?

20 A. I'm well aware of that.

21 Q. And then now you're giving them flowery  
22 accolades in a press release?

23 A. Well, as you -- I'm a very positive person,  
24 okay? I always see the glass as half full. I'm not a  
25 pessimist. And, you know, as angry or frustrating as

1 sometimes the situation has been, I fully believe that --  
2 you know, I want to believe that they are going to do all  
3 this. So am I naive? I hope not.

4 Q. You don't want me to answer that, right?

5 A. Don't answer that.

6 Q. All right. Jennifer, drinking on board  
7 cruise ships is fairly common, isn't it?

8 A. That's correct.

9 Q. It's not unusual for people --

10 MR. BROWN: Are we done?

11 MR. JONES: Yes.

12 Q. It's not unusual for people to bring their  
13 own liquor on board; is that correct?

14 A. That's correct.

15 Q. Cruise lines promote drinking, don't they?

16 A. They do.

17 Q. In fact, they make good money according to  
18 Mr. Walker, correct?

19 A. They do, yes.

20 Q. And your complaint makes that abundantly  
21 clear, the one that wasn't filed, correct?

22 A. Yes.

23 Q. Is it fair to say that every night when you  
24 were in the casino or in the revolving bar or when you  
25 would go out that most, if not all, people were drinking?

1 A. Correct.

2 Q. Is it fair to say that it would not be news  
3 to a judge or a jury that young people on their honeymoon  
4 drinking on a cruise ship was not unusual?

5 A. That's correct.

6 Q. Jennifer, you testified on Direct -- and,  
7 again, if I say something that's paraphrasing you  
8 incorrectly, please let me know. But you testified, I  
9 believe, on Direct that after George's disappearance when  
10 you first got access to a phone that you tried to call, I  
11 believe, your brother, correct?

12 A. That's correct. My sister.

13 Q. And your sister, okay. And you finally got a  
14 hold of your dad or your parents?

15 A. Yes.

16 Q. And your dad agreed that he would call the  
17 Smiths, correct?

18 A. That's correct.

19 Q. But you hadn't tried to call the Smiths at  
20 that point, correct?

21 A. That's correct.

22 Q. And did your dad make contact with the  
23 Smiths?

24 A. Yes, he did.

25 Q. And you also, I believe, testified -- and I

1 think it was the night that you stayed over waiting for  
2 your flight, that you had trouble sleeping and you made a  
3 series of phone calls from -- was it still in Turkey?

4 A. I didn't make any phone calls. Those were  
5 all to me.

6 Q. I'm sorry?

7 A. They were all to me. I didn't make any phone  
8 calls.

9 Q. But you were on the phone a good part of the  
10 night, correct?

11 A. It was the phone being passed. It was a --  
12 someone called me.

13 Q. So there was only one phone call all night?

14 A. It was all family. I mean, they were all in  
15 the same house and cottage. They kind of all swarmed  
16 together, and they were just pass the phone and pass the  
17 phone.

18 Q. But I thought that you had testified that at  
19 that point you had access to either the FBI agent's phone  
20 or the woman that was --

21 A. That was during the day.

22 Q. At any point -- I guess the point is at any  
23 point during that time, did you personally attempt to  
24 call the Smiths?

25 A. No. I had my father call them.

1 Q. But again, after you had asked your dad to do  
2 that the next day when I think you testified you talked  
3 to your grandmother, cousins, your -- I think your  
4 sister, did you at any point when you had access to a  
5 phone --

6 A. I never made any phone calls. The phone call  
7 was to me, and it was obviously just a lot of crying  
8 phone calls and it was a whole night of it.

9 Q. All the phone calls came in?

10 A. From my family.

11 Q. Whose phone were you using?

12 A. The Turkish hotel room phone. Somehow the  
13 embassy woman that was with me was able to connect  
14 with -- I don't remember actually how she was able to  
15 connect with them or me or something and somehow got the  
16 number so that they were able to call it.

17 Q. Did you have the ability to call out?

18 A. I don't recall.

19 Q. Okay. When was the first time you talked to  
20 any of the Smiths after George's disappearance?

21 A. I think I want to say within the first week.

22 Q. And who did you talk to?

23 A. I want to say Maureen.

24 Q. I think again also on Direct, just to  
25 clarify, you had -- I think you testified that the FBI or



1 the U.S. Embassy had made a decision to get you home.  
2 Wasn't that decision -- And, again, I'm not paraphrasing  
3 what you said, but wasn't that decision to go home --

4 A. Made by my family.

5 Q. Yes, your family. It wasn't the FBI or the  
6 U.S. Embassy?

7 A. I think everybody wanted me to get reunited  
8 with my family. I think everybody thought it was not  
9 safe for me to --

10 Q. The decision was yours and your parents?

11 A. I would say everybody or anybody, anybody  
12 said you need to get this girl home.

13 Q. But who made the decision that you should go  
14 home?

15 A. I don't know exactly who made it.

16 Q. You also testified, I believe, that after you  
17 came home you lived with your parents for a while,  
18 correct?

19 A. That's correct.

20 Q. And you also met with the FBI numerous times,  
21 right --

22 A. That's correct.

23 Q. -- soon after -- like within a week of coming  
24 home? Okay. And within, I think, about two weeks, at  
25 least in your deposition you testified that you had --

1 there was some sort of visual physical exam with someone  
2 from the FBI?

3 A. That's correct.

4 Q. And the FBI also took fingerprints from you  
5 and a hair sample --

6 A. Hair.

7 Q. -- and blood sample. And all of that initial  
8 work and cooperation with the FBI, that was so that they  
9 could exclude you, correct, from being considered as any  
10 sort of suspect?

11 A. That, tested me to see if I was drugs, stuff  
12 like that.

13 Q. At that point they were ruling you out which  
14 they ultimately did, correct, as any sort of suspect?

15 A. Yes.

16 Q. And you spent pretty extensive time at the  
17 outset with the FBI?

18 A. Yes.

19 Q. And part of that reason was for exclusion  
20 purposes, correct?

21 A. Yes.

22 Q. And also to determine who else other than you  
23 and George would have been in the cabin, right?

24 A. Was in the room, correct.

25 Q. All right. Let's move to a different area,

1 Q. And this is also a statement that was turned  
2 over to you by RCL, correct?

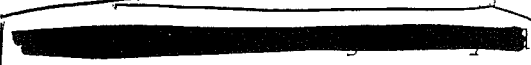
3 A. Correct.

4 Q. And this is the statement of Josh Askin --

5 A. That's correct.

6 Q. -- California boy that you referred to? And  
7 this was also taken the morning after George disappeared,  
8 correct?

9 A. That's correct.

10 Q. And rather than have you read the thing into  
11 the record, can you just go down to the bottom of the  
12 first page where it starts with 

13 

14 

15 A. "

16 Q. 

17 

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19 A. 

20 Q. 

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25 A. That's correct.

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Q. [REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

[REDACTED]

Q. [REDACTED]

A. [REDACTED]

[REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. I do not know.

Q. Do you know if the FBI knows?

A. I do not know.

Q. These statements were taken by the Turkish authorities, correct?

A. That's correct.

Q. Do you know -- And they also took your statement, correct?

A. That's correct.

1 Q. Do you know if they took the statements of  
2 Zachary Rozenberg -- took a statement from Zachary  
3 Rozenberg?

4 A. I don't think I've seen it if they did.

5 Q. So you don't know whether they did?

6 A. I don't believe so. I don't know.

7 Q. Okay. All right. That's fine. Do you  
8 know --

9 MR. BROWN: Are we done with HH?

10 Q. Do you know whether or not they took a  
11 statement from Rusty Kaufman?

12 A. I do not know.

13 Q. Do you know whether or not Royal Caribbean  
14 took statements from any of these Russian boys or Josh  
15 Askin?

16 A. I do not know.

17 Q. Do you know if Royal Caribbean has any  
18 statements in their possession taken by the Turks of the  
19 boys other than the ones that we have?

20 A. I do not know.

21 Q. And you've never had discussions with anybody  
22 from Royal Caribbean whether they --

23 A. Specific on who? No.

24 Q. Are you aware that Gregory Rozenberg has a  
25 criminal record?

1 A. I was made aware.

2 Q. And he's got a -- I believe he's got a  
3 conviction for a gun charge; is that correct?

4 A. If you say so, I'll believe that.

5 Q. And several marijuana charges?

6 A. I do.

7 Q. Are you aware?

8 A. I'm not aware of the specifics, but I knew he  
9 has a record.

10 Q. But I'm trying to save time.

11 A. He has a record.

12 Q. You had mentioned before another incident, so  
13 are you aware of -- I don't know, a couple days or three  
14 days after George's disappearance, isn't it true that the  
15 Rozenberg families and the Askin family, including the  
16 boys, were all asked to get off the ship?

17 A. That's correct.

18 Q. And that was after at least the Russians had  
19 been accused of raping a young lady?

20 A. That's correct.

21 Q. And they even went so far as to videotape the  
22 sexual encounter; is that correct?

23 A. That's correct.

24 Q. And do you know what happened with that?

25 A. I'm not aware.

1 Q. But the fact of the matter is at that point  
2 they were put off the ship?

3 A. That's correct.

4 Q. And it was in -- and it wasn't in the U.S.  
5 It was in some port --

6 A. Italy.

7 Q. In Italy. Are you -- Do you know why the  
8 Askins were included?

9 A. I would assume because Josh was hanging  
10 around with the boys.

11 Q. Do you know if Josh was involved in that  
12 incident?

13 A. I think I remember reports of hearing that he  
14 didn't actually do the taping or something, but he was  
15 kind of --

16 Q. He was in the room?

17 A. -- an innocent bystander or something.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. Actually, let me back up. Mr. Walker on  
25 Direct, he seemed fairly convinced that this was foul

1 play. I think he mentioned it four times.

2 A. He says he thinks anything that happens on a  
3 ship is foul play, though.

4 Q. With respect to this case, he was pretty  
5 definite that this situation involved foul play.

6 A. But he was never privy to the FBI meetings,  
7 and he's not aware of things that we know today.

8 Q. I'll be happy to go back to the record if  
9 there's any objection to this because --

10 A. That's fine. I'm just saying --

11 Q. But I think that on his Direct on at least  
12 three or four different occasions, he -- and I was  
13 surprised he said it, but he basically said that there  
14 was foul play involved here. He's convinced that -- in  
15 this situation, in George's situation.

16 A. That's most of the time his belief.

17 Q. [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED]



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[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. Okay. Are you aware of any information or materials that exist in the possession of RCL that implicates anyone else other than RCL in George's death?

A. Say that again. I'm sorry.

Q. Are you aware of any information or materials that exist in the possession of RCL that implicates anyone else other than RCL in George's death?

A. No. But it's my understanding that the information does not implicate RCL. Is that what you're saying? Are you saying other than RCL?

Q. No, that's not what I'm asking. I said is there any information that would implicate anyone other than RCL?

A. Not that I'm aware of. I don't know what's in the statement.

MR. BROWN: You answered it.

Q. And you said -- I think you did make a statement that the -- that the information would not implicate RCL?

A. I think --

1 Q. Who told you that?

2 A. I learned that from my counsel.

3 Q. And where did he learn that from?

4 A. I'm sure from their counsel.

5 Q. Okay.

6 MR. JONES: Your Honor, I'll probably  
7 finish in 10 or 15 minutes. I don't know if that's --  
8 that's 5:00.

9 THE COURT: Mm-hmm. Keep going.

10 Q. Okay. Jennifer, you testified on Direct that  
11 fairly early on, within, I think, a couple of weeks of  
12 George's disappearance that the families got together in  
13 Rhode Island; is that correct?

14 A. That's correct.

15 Q. And there was talk about suing RCL?

16 A. That's correct.

17 Q. At that point is it fair to say that the FBI  
18 was at least contemplating the fact that foul play was  
19 involved?

20 A. That's fair.

21 Q. Because they were excluding you, right?

22 A. Right.

23 Q. And at that point were they in communications  
24 with representatives of the Russians?

25 A. I don't -- I mean --

1 MR. BROWN: What you know.

2 A. I guess would be yes.

3 Q. And then at some point they actually -- they  
4 brought the Russians in for questioning, correct?

5 A. I believe so.

6 Q. Pretty soon after the event?

7 A. I don't know exactly what they did when.

8 Q. But they did do that, correct, as far as you  
9 know?

10 A. I told them to do that. I mean, I said, "Go  
11 and ask everybody questions" --

12 MR. BROWN: You can only testify as to  
13 what you know.

14 THE WITNESS: Okay.

15 MR. BROWN: You know, he's saying a lot  
16 of things, and you can only testify to what you know.

17 THE WITNESS: Okay.

18 Q. Now, again this was my impression, but on  
19 Direct you seemed somewhat surprised that the Smiths  
20 wanted, as you put it, their pound of flesh?

21 A. Did I say I sounded surprised?

22 Q. No. That was my impression. Were you  
23 surprised?

24 A. No.

25 Q. Do you think that it's a natural reaction for

1 a family to --

2 A. I think it's natural for anybody, especially  
3 when they think --

4 Q. Didn't you feel the same -- I'm sorry.

5 A. Well, I think everybody has different --  
6 Grief takes all kinds of roads, and everyone in this case  
7 had different things to take on. And so it's safe to say  
8 that they might have wanted a pound of flesh, and it's  
9 safe to say that there were moments when I did too.

10 Q. Even early on, right?

11 A. Specifically early on.

12 Q. You felt that way?

13 A. Not in the beginning, no.

14 Q. Not in the beginning?

15 A. Not when I first came home.

16 Q. I'm talking about two weeks.

17 A. Not for me. I didn't want my pound of flesh,  
18 not then.

19 Q. So, but that came?

20 A. Later, once I started meeting with the  
21 maritime attorneys and learning about this other  
22 industry.

23 Q. And started to find out what happened?

24 A. Starting to find out their track record.

25 Q. Also knowing what happened to you which we've

1 gone on about all day here?

2 A. Yes.

3 Q. Jennifer, do you feel that it impairs your  
4 ability to evaluate the settlement by not having the  
5 documents prior to settling -- "documents" meaning what  
6 we referred to in paragraph 4?

7 A. Does it impair my ability to settle because I  
8 don't have the documents first?

9 Q. Correct.

10 A. I -- No, because I knew that it wasn't RCL  
11 that I was -- that it was a third party, that it wasn't  
12 RCL.

13 Q. As you sit here today, you don't know if RCL  
14 was not involved in George's disappearance, correct?

15 A. No. But even Jim will tell you he doesn't  
16 think RCL is involved.

17 Q. But as you sit here today, do you have any  
18 evidence or proof that RCL was not involved in George's  
19 disappearance?

20 A. Yes.

21 Q. What evidence or proof is that?

22 A. I mean, not only just the fact that they have  
23 said it but the fact that they were willing to allow all  
24 this information to be seen by a third party.

25 Q. But we don't know what's contained in this

1 information, correct?

2 A. Well, they were going to allow us to see that  
3 prior to this hearing.

4 Q. Answer the question.

5 MR. BROWN: She is answering the  
6 question.

7 A. That's a fact. I mean --

8 Q. Do we know what is contained in this  
9 information?

10 A. No. But --

11 MR. RICCIO: Can I just stop this?  
12 because we're playing a little game here. We've been  
13 playing it all day, okay? What they're trying to put  
14 before the Court is settlement negotiations, so if we can  
15 talk about settlement negotiations in Connecticut --  
16 which I always thought were privileged under Connecticut  
17 law, aren't they? -- why is she allowed to spill this out  
18 because it fosters -- it supports her position. But we  
19 want to ask what happened in the settlement negotiations  
20 in Florida, hey, they're privileged, nobody can know  
21 nothing. We've been playing this little game all day,  
22 and you put her up to this obviously.

23 MR. BROWN: Whoa, whoa, whoa. You know  
24 that I put her up to something?

25 MR. RICCIO: Yes, I'll make the

1 statement. What, did she think of it herself? Does she  
2 have a law degree?

3 MR. JONES: The point is, though, that  
4 each time I ask the question, you -- The other thing --

5 THE COURT: Wait a minute. There was a  
6 statement made which may be out of order, Attorney Brown.

7 MR. BROWN: Your Honor, I'd just like to  
8 say I agree with you, the settlement negotiations are not  
9 supposed to be brought before the Court. He did ask a  
10 question to her that in this last response to the  
11 question he asked does she have any reason to believe,  
12 and she answered the question. I mean, if he asked her  
13 the question, he has to be ready for the answer.

14 MR. JONES: No, actually it wasn't a  
15 responsive answer. We can go back and read it, but what  
16 I got was something about a settlement offer that was  
17 made, which has been sent -- I mean, not that we need to  
18 go into it, but it was also then sent to the judge. I  
19 mean -- and for -- there's also -- there have been  
20 responses to that which we have kept from the judge  
21 because we've honored the confidentiality of the  
22 settlement discussions. Three times Jennifer has tried  
23 to get into what they're willing to do which is really  
24 irrelevant to the questions that I'm asking.

25 A. No.

1 Q. I'm asking what your knowledge is as you sit  
2 here today.

3 A. Yes.

4 Q. Are you aware of any facts or evidence or  
5 proof that exonerates or fails to implicate RCL in  
6 George's disappearance as you sit here today?

7 A. Yes. What I said -- and I'm not going to say  
8 it again because I'll get the wrath -- but you know what  
9 I'm talking about and I won't say it.

10 Q. You know what? Let's talk about it. They've  
11 agreed to show it to some -- show the information to some  
12 third party, correct?

13 A. Yes.

14 Q. But the fact of the matter is that  
15 information, you still don't know what is in that  
16 information, correct?

17 A. That's correct.

18 Q. You don't know that substance of that  
19 information?

20 A. That's correct.

21 Q. Right? And the fact that they want to show  
22 it to some maritime lawyer that they're going to get help  
23 to pick, that's irrelevant to what the actual information  
24 is, correct?

25 A. Well, we've said that we would all agree



1 so --

2 Q. But the fact of the matter is you don't know  
3 what's in that information?

4 A. No. But they said it implicates --

5 Q. Just answer the question.

6 THE COURT: Just answer.

7 MR. JONES: All right.

8 MR. BROWN: I just want to note for the  
9 record, Your Honor, Mr. Jones just voluntarily asked all  
10 those questions. I didn't make him. I didn't make my  
11 client answer.

12 MR. JONES: There have been three  
13 references to it; I figured I had to clean it up a little  
14 bit, and you've already sent it to the judge, so if he's  
15 read it, he's seen it.

16 Q. Jennifer, you've heard Mr. Walker state again  
17 when we went through it before on several occasions, and  
18 I think you just said that he believes that there's foul  
19 play. Do you agree with him?

20 A. No.

21 Q. How come?

22 A. Because I'm open to that there could be  
23 anything.

24 Q. So your lawyer believes that there was actual  
25 foul play, and your lawyer is the one who has had a lot

1 of the substantive negotiations with RCL, but you don't  
2 agree with his assessment there was foul play?

3 A. He thinks everything that happens is --  
4 there's something seedy. He hates the cruise lines. He  
5 hates the cruise lines

6 Q. In this situation, he's seen all the evidence  
7 that you've seen?

8 A. Right.

9 Q. He's a lawyer who's handled 500 cases, 250 of  
10 them or so against RCL, and he believes there's foul play  
11 but you disagree with him; is that your testimony?

12 A. Not that I disagree with him --

13 MR. BROWN: Your Honor, I object. She  
14 has answered it. She said it before, she thought it was  
15 50/50. She's probably said it on probably four or five  
16 occasions that she thought there could be foul play,  
17 could be an accident.

18 Q. So the fact of the matter is you disagree  
19 with your lawyer's assessment?

20 A. Sometimes.

21 Q. In this case, do you disagree with your  
22 lawyer's assessment that there was foul play?

23 A. I disagree that it's a hundred percent foul  
24 play.

25 Q. You answered the question.

1 MR. JONES: We're done, Your Honor.

2 THE COURT: Okay.

3 MR. BROWN: I mean, I have some Redirect.  
4 It's up to Mr. Riccio and his schedule. I have a  
5 baby-sitter at my house.

6 MR. JONES: We have to come back anyway.

7 MR. BROWN: I know we do. We said 5.  
8 It's fine.

9 THE COURT: On the 28th all day. You can  
10 go off.

11 (Whereupon, the hearing was  
12 adjourned at 5:00 p.m.)

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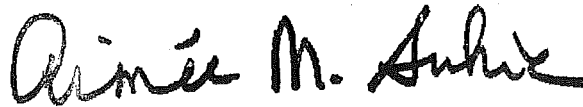
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5 IN RE : PROBATE COURT  
6 IN THE MATTER OF : J.D. of GREENWICH  
7 ESTATE OF/IN THE MATTER OF : March 14, 2008  
8 GEORGE ALLEN SMITH IV, deceased : Case No. 05-0496  
9

10 CERTIFICATION  
11

12 I, Aimee M. Suhie, Registered Professional  
13 Reporter, Notary Public for the State of Connecticut, do  
14 hereby certify that the foregoing 165 pages is a true and  
15 accurate transcription of the stenographic notes taken by  
16 me in the above-entitled action.

17   
18

Aimee M. Suhie, RPR

Notary Public

State of Connecticut

LSR No. 00022

My Commission Expires:

May 31, 2009