

SATURDAY, FEBRUARY 4, 2017; 10:12 A.M.

TORRANCE, CALIFORNIA

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THE VIDEOGRAPHER: Good morning. This is the videotaped deposition of Leroy Del Yoshi Whaley taken at 1925 West 190th Street, Torrance, California on Saturday, February 4, 2017, in the matter of Wade Robson, an individual, versus MJJ Productions, Inc., et al. Case number BC508502, Superior Court of California, County of Los Angeles.

This deposition is on behalf of the Plaintiffs. My name is Jeannie Schwarze with Dean Jones Legal Videos, Inc. of Los Angeles and Santa Ana, California. This deposition is commencing at 10:12 a.m.

Would all present please identify themselves beginning with the deponent.

THE WITNESS: Leroy Whaley.

MR. FINALDI: Vince Finaldi; Manly, Stewart and Finaldi for the Plaintiff.

MS. MacISAAC: Suann MacIsaac for the Defendants and the witness.

THE VIDEOGRAPHER: Madam court reporter, would you please swear in the witness.

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LEROY DEL YOSHI WHALEY,

CALLED AS A WITNESS BY AND ON BEHALF OF THE PLAINTIFF,  
AFTER BEING DULY SWORN, WAS EXAMINED AND TESTIFIED AS  
FOLLOWS:

EXAMINATION

BY MR. FINALDI:

**Q** Could you please state your full name for the record.

A Leroy Del Yoshi Whaley.

**Q** And how do you spell Del Yoshi?

A Del, D-E-L, and then space, Yoshi, Y-O-S-H-I.

**Q** And Whaley is W-H-A-L-E-Y, correct?

A Correct.

**Q** What's your date of birth?

A 4-22-77.

**Q** Have you ever had your deposition taken before?

A I don't believe so.

**Q** I'm going to go through the ground rules for a deposition so you understand what's happening here today. Seated to your left is a court reporter. She's taking down, stenographically, everything being said.

A Uh-huh.

**Q** So for that reason, it's important we get

audible responses. Answers like uh-huh and huh-uh don't translate well into a written record. Okay. So if I remind you of that from time to time, it's not because I'm trying to be rude. It's because I am trying to get a clear written record.

A Yes.

Q Also, because she's taking down everything being said, it's important only one person speak at a time. If we both speak at the same time, it will make it really difficult for the court reporter. So a good rule of thumb is if you let me finish my question, give it a second afterwards, we can make sure that I'm actually done with my question and it's not just a pause and it can give your attorney a chance to object if she'd like to. All right?

A Uh-huh.

Q If you provide a response to the question, I'll assume you understood it. So for that reason, if any of my questions are vague or ambiguous, let me know and I'll rephrase it so we can get the answers to the questions that I'm trying to ask. All right?

A Yes.

Q And I won't be offended.

And also, you can take a break any time you would like.

A Uh-huh.

Q The only thing I ask is if a question's pending, please answer the question and then we can take a break. All right.

Last admonition. I don't want any wild guesses that are not based upon your own personal experience or recollection.

A Uh-huh.

Q Some things we're going to be talking about may have happened 10, 15, even 20 years ago.

A Yes.

Q You may not remember exact dates and times.

A Yeah.

Q And that's perfectly understandable. In those instances, I am entitled to your best estimate that is based upon your own personal experience. So, for example, to show the difference between a guess and an estimate, if I was to ask you the length of the table in front of you, because you've personally seen it, you could say it's about 10 feet long.

If I was to ask you the length of the table in my office, because you've never seen it, that's a wild guess that's not based upon your own personal experience.

Do you understand the difference?

A Yes.

**Q** **Alrighty. Have you ever been diagnosed with any memory problems?**

**A** **No.**

**Q** **Is there any reason why you would not be able to give your best, most truthful and accurate testimony here today?**

**A** **No.**

**Q** **Okay. What's your current address?**

**MS. MacISAAC:** You can contact the witness -- if you want to give your address, that's fine. But you can contact the witness through us.

**MR. FINALDI:** If we're going to start like this already, you know, it's going to be -- it's going to be a very short deposition --

**MS. MacISAAC:** You've actually --

**MR. FINALDI:** -- because I'm not going to play these games again.

**MS. MacISAAC:** -- done that with witnesses as well.

**MR. FINALDI:** So --

**THE WITNESS:** Yeah. You already have my address.

**BY MR. FINALDI:**

**Q** **You live at the same place where we served you?**

**A** **Yeah. You mean, where your guy cut me off in**

the street and hopped out of his car and blocked me and my child in my car. Yeah.

**Q Okay. That's how he served you?**

A Yeah. Fuckin' dirt bag.

MS. MacISAAC: Let's try not to swear here --

BY MR. FINALDI:

**Q So how many times did he come to your**

THE WITNESS: That's going to be hard if you didn't want me to swear.

BY MR. FINALDI:

**Q Yeah. How many times did he come to your house and try and serve you or your mother and --**

A He only tried to serve me once. And I -- that was in the middle of the street where he blocked the road and hopped out of his car.

**Q All right. And do you remember his name?**

A No, I don't.

**Q Alrighty. Do you have any intention of moving any time in the next couple months?**

A No.

**Q And you live with your mother, correct?**

A Yeah, she lives with me. She's ill.

**Q And your wife Kristen, right?**

A Yes.

**Q Where do you work?**

A I work for a fish importer.

Q Yeah. What's it called?

A I don't know why that pertains to this.

MS. MacISAAC: It's personal.

BY MR. FINALDI:

Q I'm going to ask the question. If you don't want to answer the question --

A I decline to answer.

MS. MacISAAC: Okay.

BY MR. FINALDI:

Q You decline to answer the question?

MS. MacISAAC: I will assert an objection that it's entirely irrelevant information. It's confidential. This witness has already provided his address. He can be contacted through counsel. He's being brought here today to be asked about events that took place not 10 or 15 years ago --

MR. FINALDI: Ma'am --

MS. MacISAAC: -- more like 25 years ago.

MR. FINALDI: -- that's not an objection.

MS. MacISAAC: So it is an objection for the record. You're wasting time.

MR. FINALDI: It's not an objection. If you have an objection, make an objection.

MS. MacISAAC: I made the objection.

MR. FINALDI: And you're the one who's wasting time already.

BY MR. FINALDI:

Q So you're not going to give your place of working, sir?

A No, I'm not.

Q Okay. Is there something funny? I don't --

A Yeah. Yeah. You but --

Q Okay.

A -- we'll leave it at that.

Q And what's funny? I don't get it.

A You're an ambulance chaser to me.

Q Okay. What's an ambulance chaser?

A You're trying to dig up money.

MS. MacISAAC: This is argumentative. It's a waste of everyone's time

MR. FINALDI: Miss MacIsaac

MS. MacISAAC: including

MR. FINALDI: You should really

MS. MacISAAC: Counsel, it's a Saturday.

MR. FINALDI: You should --

MS. MacISAAC: This third party witness has been nice enough to come. Can you try to control yourself.

MR. FINALDI: Ma'am, we're here on a Saturday



because he requested to be here on a Saturday. Is that true?

THE WITNESS: I requested to not be here at all.

BY MR. FINALDI:

Q Okay. Did you request to have this on a day where you're not working?

A Yes.

Q And you work Monday through Friday?

A Yes.

Q At that fish place?

A Yes.

Q And where is that located? Which city?

A It's in L.A. here.

Q What's your date of birth?

A You already asked me that.

Q It's April '77. And what's your mother's name?

A Jolie Levine.

Q When you were a child, do you remember that your mother worked for Michael Jackson --

A Yes.

Q -- the entertainer?

Had you ever met Michael Jackson?

A Yes.

Q When you first met Michael Jackson, do you

**remember where that was?**

A I believe it was at a recording studio.

**Q Do you remember which one?**

A No, I don't. There's a lot of them.

**Q Do you remember where it was?**

A L.A. here.

**Q And do you know who your mom was working for at the time?**

A No.

**Q Do you know what your mom was working on at the time?**

A No.

**Q Was it one of Michael Jackson's projects; do you know?**

A When I met him?

**Q When you first met him.**

A No. She wasn't working on one of those projects.

**Q How old were you when you first met him?**

A I honestly can't tell you a correct age.

**Q Do you know if it was the '70s or the '80s?**

A It was in the '80s. Late '80s, I believe.

**Q The late '80s?**

A Yeah. Later, you know. Honestly, I -- I couldn't tell you what year it was.

Q Okay. Is your best estimate in the later part of the '80s being from '85 to '89?

A Yeah. Something around there.

Q So you were about somewhere around 10 years old?

A Yeah. 10, 11. Something like that. Probably 11.

Q And where did you and your mother live at the time; do you remember?

A In the Valley. San Fernando Valley.

Q Do you remember the street?

A No.

Q At the time did you and your mother just live alone?

A Yeah.

Q Okay. And when you first met him, could you describe how that went down? Were you there with your mother while she was working or do you like arrive after school?

A I -- yeah. I don't even -- she was at a studio.

Q Okay. And somehow you were there. And do you remember -- can you describe how it was when you first met him? What happened? Did he come up to you and talk to you? Did you go up to him? Autographs, anything like

**that?**

A I think I was with her that day because I had broke my leg. I had a cast on, so I couldn't go to school. That's about all I remember.

**Q Was he recording?**

A I don't know.

**Q Okay.**

A There's lots of people in a music studio.

**Q There were many people at this recording studio?**

A Most recording studios have multiple rooms, so there's multiple famous people at their locations at all times.

**Q Okay. And is there anything else about that first meeting with him that you remember?**

A No. Like I said, just remember my leg was broken.

**Q Did you actually meet him that day or did you just see him in the studio?**

A No. I believe I met him. I was -- there's like a common area and everyone walks by and everyone would just kind of say hi to me because I was sitting there with a broken leg.

**Q Okay. And do you remember the next time you met him?**

A No, not anything specific.

Q Did you eventually become friends with him?

A Yeah. When he was recording the Bad album.

Q Was he recording the Bad album at the same studio?

A That I first met him at?

Q Yes.

A I don't believe so, no. I think it was a different studio.

Q And it's my understanding your mother was working on the Bad album?

A Yeah. She -- I forget how or what she exactly did but, yeah, I believe she did work on the Bad album.

Q At one point in time your mother came to be employed by Michael Jackson; is that correct?

A Yeah. That was after the Bad album was made.

Q Okay. Before Michael Jackson, do you know who she worked for, who she was employed by?

A Quincy Jones, I believe.

Q When you first met Michael Jackson, did you know who he was as far as the entertainer or was he just some person?

A To me just some person.

Q Okay. How did it come about that you became -- you and Michael Jackson became friends?

MS. MacISAAC: Vague and ambiguous. You can answer.

THE WITNESS: I don't know. Hanging out at the studio.

BY MR. FINALDI:

**Q** Okay. Under the Code of -- California Code, we're required to provide you payment. It's a witness fee. It's your mileage and a statutory fee. The total is \$36.26. I'll give you a check for that.

A All right.

**Q** We'll mark as Exhibit A for the record the Notice of Deposition of Leroy Del Yoshi Whaley with Production of Documents. I'll let your counsel see it first and I'll ask you if you've seen that.

MS. MacISAAC: You can look at it.

BY MR. FINALDI:

**Q** Have you seen that before today?

A Uh-huh.

**Q** Yes?

**Did you have a chance to search for the documents that we requested that you bring?**

A I don't have any documents.

**Q** Okay. You don't have any materials or documents related to Michael Jackson?

A No. Remember, this wasn't the day of everyone

with a cellphone camera.

**Q** Yeah. You have no, like, letters from him or you know --

A No.

**Q** Okay.

A Letters, no.

**Q** No photos with him or anything like that?

A No. Just whatever his, you know, photography people took or whatever when we were on tour which was very little.

**Q** Yeah. But you don't have copies of those photos, right?

A No. You would have to go find -- who is it? Mr. Harrison Funk, I believe.

**Q** Was that one of the photographers?

A Yes.

**Q** Alrighty.

A Can never forget that guy.

**Q** He was on the Bad Tour?

A He was around, yeah. I forget exactly when.

**Q** And for what reason do you say you can't forget him?

A Just with the name like Harrison Funk, it's just kind of hard to forget.

**Q** Gotcha.

A Even as a kid.

Q It's my understanding you were on part of the

**Bad Tour?**

A Yeah. I came out to visit my mom.

Q Okay. Do you remember which cities you went to?

A No. I went to Europe. There was a really nice lady on the plane.

Q Did you fly out alone or did someone fly with you?

A No. I flew out alone.

Q And do you know who paid for that? Was that --

A My mother.

Q Your mom.

Did you attend any of the U.S. legs of that tour?

A I think I went to a couple shows here and there. I believe I went to Denver.

Q How about any of the Asia legs of the tour?

A No.

Q When you were in Europe on part of that Bad Tour, do you remember where you slept?

A In my mom and mine's hotel room.

Q Okay. And it was just the two of you in the room?



A Yeah. Occasionally, I would fall asleep in the chef's room because I hang out with him.

**Q Was that -- he's got a long last name; do you remember?**

A Dharmalingam Punasami (phonetic).

**Q We'll have to get the spelling of that off the record.**

A Very good guy.

**Q Gotcha. Do you stay in contact with him?**

A I haven't talked to him in a few years but yeah.

**Q Was -- during this time of the tour, was his hotel room in the same hotel as your mother's?**

A Uh-huh.

**Q Yes?**

A Yeah.

**Q And Mr. Jackson's hotel room was in the same hotel?**

A Yes. Everybody's hotel rooms were usually on the same floors or --

**Q Do you remember any other kids being on that tour?**

A I think at one point Jimmy Safechuck.

**Q Do you remember meeting Jimmy Safechuck?**

A Yeah.

**Q Was he close to your age or a little younger?**

A Honestly, I can't remember. I think we were close in age.

**Q Did you -- did you only meet Jimmy during this tour or did you meet him in other places as well or --**

A I, literally, only met him once or twice.

**Q Okay. And do you know if it was on the tour both times?**

A I believe it was on the tour. I remember his parents.

**Q And do you remember what your impressions of Jimmy were at the time?**

A Just -- honestly?

**Q Uh-huh. Yes.**

A Seemed very star struck. Him and his family. I grew up in the music industry. These are all just people to me.

**Q When you say, "star struck," what do you mean by that? Like --**

A You know, when you see people staring at famous people like they're God. Like that.

**Q Was Jimmy nice?**

A Sure. Like I said, I don't remember much.

**Q Okay.**

A I remember meeting him. Never had any problems

with him. We were kids.

**Q No negative experience with him?**

A No.

**Q Or his parents?**

A No.

**Q Okay. Parents seemed nice?**

A Yeah. Stetna Jean(ph) was nice.

**Q What was that?**

A I think that's his mom. Stetna Jean.

**Q Gotcha. And did you know why they were on the tour?**

MS. MacISAAC: Calls for speculation. If you know.

THE WITNESS: Yeah. I don't. I have no clue as to why they were there.

BY MR. FINALDI:

**Q When you were there in Europe on the Bad Tour, did you attend the actual concerts?**

A Most of the time, no.

**Q Where would you stay when the concerts were going on?**

A I was at the hotel.

**Q And would your mother be at the concerts?**

A Yeah.

**Q Okay.**

A Of course.

Q Would you be at the hotel with like the chef or someone or --

A Yeah, or one of the body guards hanging out.

Q Do you remember the names of the body guards?

A Chuckie.

Q Was that the large gentleman that wore the top hat?

A Yes, that was Chuckie.

Q Did you get along with Chuckie?

A Yeah. Chuckie's awesome.

Q Do you remember his last name?

A No. I just know Chuckie.

Q Do you still know him?

A No.

Q When is the last time you communicated with him that you recall?

A Back then. Miko Brando was around every so often depending upon when and where.

Q All right.

A Miko was fun to be with as a kid.

Q For what reason?

A He was just a very lively, outgoing guy.

Q And did he ever kind of like watch over you while your mother was doing other work like the chef

would do or --

A No. I mean, I'd -- I remember hanging out with Miko, occasionally.

Q Okay. And do you know what -- it's my understanding Miko Brando was an employee of MJJ Productions like your mother was.

Was that your understanding as well?

A As a kid, I don't --

MS. MacISAAC: Calls for speculation.

THE WITNESS: Yeah. I don't know who he was.

He was just this cool dude.

BY MR. FINALDI:

Q Do you remember what his job was? Like, would he drive the limo? Would he --

A Yeah. He seemed to be a driver.

Q Do you remember the names of any of the other bodyguards?

A Hillary, I guess, would be one.

Q How about Mr. Bray?

A Yeah. Mr. Bill Bray, yes.

Q Were they all nice to you?

A Oh, yes.

Q You got along with all of them?

A Oh, yeah. They all treated me like family.

Everyone did. It was a big family.

**Q What's that? It was a big family?**

A Uh-huh. They -- it was -- everyone looked out for each other.

**Q What do you mean by that?**

A Just lots of caring people.

**Q Wasn't your mother fired from MJJ Productions?**

A Fired, let go. However you want to call it, yeah.

**Q Without notice, right? Without warning?**

A I don't know as far as warning or notice or any of that stuff. I was just a kid. All I know is she was not working for him any more.

**Q Okay. Well, she said in her deposition that she was fired. It was kind of a surprise to her. It wasn't something that was planned.**

**Does that comport with your understanding?**

A Again, I was a kid. I don't --

**Q Okay.**

A I don't know the details of --

**Q Yeah. Were you upset when your mother was let go?**

A Oh, yeah.

**Q For what reason?**

A Again, just -- you know, it's like a family so you feel betrayal. Like, why did -- why did you fire

her?

**Q** When she was let go from MJJ Productions, was it still just the two of you living together?

A Yeah. I believe so. Yeah.

**Q** As of the time that she was let go from MJJ, did you have any kind of a nanny, like, a live-in type nanny?

A From when she was let go?

**Q** Yeah.

A No.

**Q** How about -- so during the time that your mother worked for MJJ Productions, you didn't have any kind of a nanny?

A When she worked for MJJ Productions, yes. When she was on tour, I had a nanny when she was not in the States.

**Q** So you only had a nanny when she was not in the U.S.?

A Uh-huh.

**Q** Yes?

A Yes.

**Q** And what was the name of the nanny?

A One of them was Debbie and I think the other one was Michele.

**Q** Do you remember their last names?

A No.

**Q All right.**

A Lucky I remember their first names. I didn't like them very much.

**Q Gotcha. Do you know if they worked for MJJ Productions or --**

A No. They worked for my mother.

**Q Okay. When your mother was not out of the country, so when she was in the U.S. working for MJJ Productions, and she would be at work --**

A Uh-huh.

**Q -- was there anyone that would watch you?**

A Well, as I got older, I was just a latchkey kid.

**Q Okay.**

A You know, go to school, come home.

**Q Okay. It's my understanding you guys lived on Coldwater Canyon at one point in time?**

A Yeah. That was way later on. That was way after the fact.

**Q After your mother --**

A Had been let go from MJJ Productions. That was --

**Q While she worked for MJJ Productions, do you know how far away you lived from Michael Jackson's**



**Hayvenhurst home in Encino?**

A I couldn't tell you miles. It wasn't that far.

**Q It was -- what would you say? Within 10 miles or so?**

A Well, we were in Van Nuys is where we lived back then, I believe.

**Q So --**

A So Van Nuys to Encino.

**Q All right.**

A Google it.

**Q Not very far.**

**Did you ever -- so at the time, would you, for example, like take the bus to school or take any public transportation?**

A My school was half-a-block away.

**Q What school did you go to?**

A I don't remember the name. It was an elementary school there and the junior high school was right down the street, too.

**Q So you walked to school?**

A Yeah.

**Q Now, it's my understanding when your mom began working for Michael Jackson --**

A Uh-huh.

**Q -- she worked at the Hayvenhurst home; is that**

correct?

A Honestly, I don't know where she went to work.

Q Did you ever go to the Hayvenhurst home?

A Yeah. I went there a couple times.

Q And how did it come about that you went to the Hayvenhurst home?

A With my mother.

Q Did your mom have a car at the time?

A Yeah.

Q Do you remember what kind of car?

A No.

Q Do you remember what color?

A No.

Q Do you remember if it was like a van or a two-door, four-door pick-up truck?

A It was a car. It had four doors.

Q And do you know why she took you there the times she did?

MS. MacISAAC: Calls for speculation. If you know.

THE WITNESS: I have no --

BY MR. FINALDI:

Q When she brought you there -- so the first time she brought you there, do you know how long she had been working for them?

A No.

**Q And what do you remember about the first time you went there?**

MS. MacISAAC: Lacks foundation. You can answer if you remember something.

THE WITNESS: It reminded me -- it was, like, really, really well manicured, everything. All of the gardens. There was like a little aviary out back.

BY MR. FINALDI:

**Q With birds?**

A Yeah.

**Q So you went inside of the gates?**

A Uh-huh.

**Q Yes?**

A Yes.

**Q Do you remember there being a guard shack in the front with a gate?**

A Yes. Oh, he had one of the cars from Mr. Toad's Wild Ride. Like, an actual functioning --

MS. MacISAAC: Wow --

THE WITNESS: -- car version of the Mr. Toad's Wild Ride car that you ride at Disneyland.

MS. MacISAAC: That's cool.

THE WITNESS: Yeah, it was. It actually worked.

MR. FINALDI: Gotcha.

BY MR. FINALDI:

**Q Did you go inside of the actual -- one of the houses?**

A At Hayvenhurst?

**Q Yes.**

A There was only one house there that I remember.

**Q Okay. And did you go inside of the main house?**

A Yeah.

**Q Where in the house?**

A Honestly, it was so big, I don't -- I mean, the kitchen. I don't know.

**Q Did you ever go in Michael's room?**

A There never seemed to be a room that was, like, Michael's room. There just was a bunch of cool stuff everywhere.

**Q Do you remember there being a spiral staircase outside that goes up to a door that goes into the house?**

A No, I don't.

**Q All right. Did you ever stay the night at Hayvenhurst?**

A I don't remember. I don't believe I did.

**Q Do you remember the last time you saw Michael Jackson?**

A No. I can't give you an exact year. It was --

I might have been 15 when I saw him. 14, maybe. I don't know.

**Q Was your mom still working for him?**

A No. I was with my aunt.

**Q Where were you?**

A At a studio.

**Q Okay. Your aunt worked at a studio as well?**

A Yeah.

**Q And --**

A You have to know this already. Come on.

**Q I just know what you're telling me.**

A That's not true.

**Q When you saw him the last time, was he there recording something or working?**

A I have no clue.

**Q Was it just like a hi?**

A Yep. Said hey. He said hey. Good-bye.

**Q As of this time, were you still upset with him about your mom being let go?**

A No. I was a kid back then. I didn't understand business and didn't understand how things run in the real world. So, of course, as a kid your mother getting fired for what you perceive as no apparent reason doesn't necessarily mean that's the truth.

**Q Okay. It's my understanding you were around 12**

or 13 when she was let go?

A Yeah. Somewhere around there. Probably around 12, 12-and-a-half.

Q When you were on the Bad Tour, do you know where Jimmy Safechuck would sleep?

MS. MacISAAC: Calls for speculation.

THE WITNESS: No.

BY MR. FINALDI:

Q Michael you said was in the same hotel. Was he on the same floor as your mother or a different floor?

MS. MacISAAC: Asked and answered.

THE WITNESS: Every hotel was different.

BY MR. FINALDI:

Q Were you in different hotels on that Bad Tour?

A Yeah. Every city you'd go to a different hotel.

Q Okay. But it was my understanding that you went to Europe. So did you go to different cities while you were in Europe?

A Yeah. We went multiple places in Europe.

Q Okay. Do you know how many different legs of that European part of the tour you were on?

A No. I was a kid. It was just amazing.

Q Was this during your summer break or something?

A Yeah. I believe it was.

**Q** Do you know if you spent your whole summer break there?

**A** I don't know how long I spent.

**Q** Okay. Do you know if he went to Hungary?

**A** I do not know.

**Q** And you don't have any photos from that time that you were on the tour?

**A** No.

**Q** Okay. Did you ever have any that you may have gotten rid of or lost or anything like that?

**A** Photos of him -- of me and him?

**Q** Photos of yourself on that tour.

**A** Oh, myself on the tour. No, we didn't really take many photos back then. It wasn't -- it's not nowadays where every 10-year-old kid has a camera phone. It just -- nobody -- pictures were not being snapped like that.

**Q** Alrighty. In between the time your mom was let go from MJJ Productions and the time that you said you saw him, Michael Jackson, at the studio when you were there with your aunt -- what was your aunt's name?

**A** Shari.

**Q** How do you spell that?

**A** S-H-A-R-I.

**Q** And what's her last name?

A Suttcliffe.

Q How do you spell that?

A S-U-T-T-C-L-I-F-E, I believe.

Q Does she still work in the industry?

A Oh, yeah.

Q Do you know who or which company she was working for at the time that you saw Michael Jackson when you were 15?

A No.

Q Okay. And do you know what her job was at the time in the industry?

A Production coordinator, I believe. Something like that.

Q It's my understanding that she's the one that kind of got your mother into the business; is that correct?

MS. MacISAAC: Calls for speculation. If you know.

THE WITNESS: I was a kid. I don't know who -- I know they were both in the music industry.

BY MR. FINALDI:

Q When you would spend time at the studio when your mother worked for Quincy Jones, did any of his kids come to the studio; "his," being Quincy Jones?

A Yes.



**Q Did you spend time with Kidada?**

A Kidada, Rashida, yes. Snoopy, yes. We grew up in the studios.

**Q Gotcha. Did you ever spend time with those girls and Michael Jackson together?**

A I mean, at one point we had to. I mean, they're Quincy Joneses' kids and we're all at the studio.

**Q Alrighty. Did you ever swim in Michael Jackson's pool at Hayvenhurst?**

A I don't remember. I don't think so.

**Q Do you remember Michael Jackson had a maid named Blanca?**

A I remember a Bianca. I don't know if that was the same --

**Q I believe Michael called her Bianca.**

**What do you remember about her?**

MS. MacISAAC: Vague and ambiguous.

THE WITNESS: Honestly, I -- a Hispanic lady. That's what I remember as a child.

BY MR. FINALDI:

**Q Yeah. Was she nice to you?**

A Yeah. Again, everyone was nice.

**Q Okay. Did you have much interaction with her or was she basically working all the time?**

A I didn't really have much interaction with her.

**Q Do you remember she had a son named Jason?**

A Vaguely. I didn't know his name.

**Q You vaguely remember a Jason being at the Hayvenhurst home?**

A I vaguely remember her having a son. Again, I didn't know his name.

**Q Okay. Do you remember playing with him there?**

A No.

**Q Do you remember interacting with other kids there at Hayvenhurst?**

A No.

**Q And so when you were at Hayvenhurst, do you remember spending time with Michael Jackson?**

A Not really.

**Q You don't remember -- well, do you remember him having a video arcade there?**

A At the Hayvenhurst house?

**Q Video games?**

A I don't remember an arcade there. I remember a -- he had a candy store.

**Q And you went in the candy store, right?**

A Yeah. I was a child. Come on. What child wouldn't go in a candy store. There was tons of free candy.

**Q Who would you go in the candy store with?**

A My mom. Well, it wasn't really a candy store. It was just a room full of candy.

**Q Yeah.**

A Ice cream and --

**Q Was that in the main house?**

A No. It was off the garages or whatever.

**Q Okay. It's my understanding that when your mom first started working for MJJ Productions, her office was at Hayvenhurst but it wasn't in the main house, it was, like, in a separate building that was kind of next to it?**

A Again --

**Q Do you recall that?**

MS. MacISAAC: Calls for speculation.

THE WITNESS: -- I don't remember.

BY MR. FINALDI:

**Q Do you remember the name of the woman that worked with your mother at MJJ?**

A Her assistant?

**Q Yes.**

A I believe it was Liz.

**Q And --**

A I think.

**Q Are you still in contact with her?**

A No. I'm in contact with no one.

**Q Gotcha. Who else do you remember seeing at the**

**Hayvenhurst home?**

A Joe Jackson.

**Q And what was your impression of him?**

A Scary dude. He was big and had a really deep voice and he had this big mole on his head. And as a kid, he scared the living daylights out of you.

**Q Yeah. Was he ever mean to you or was it just his appearance?**

A His presence, his voice. Just --

**Q Did Michael ever say anything about his father to you?**

A Not really. Not that I can remember.

**Q I assume that the security guards at that Hayvenhurst home were nice as well?**

A Yeah. I don't remember who they were exactly but, again, everyone was nice.

**Q Do you remember what any of the security guards at the Hayvenhurst home looked like?**

A No.

**Q Do you remember Chuckie working at the Hayvenhurst home?**

A No.

**Q How about Hillary?**

A No.

**Q Do you remember seeing Bill Bray there?**

A No.

**Q How about any of his other family members, his sisters, his brothers? Michael Jackson's.**

A I think La Toya may have been there once.

**Q Did you ever meet Katherine?**

A I think one time in passing.

MR. FINALDI: All right. Let's take a quick break.

THE VIDEOGRAPHER: Off record. 10:48 a.m.

(Off the record.)

THE VIDEOGRAPHER: Returning to record at 10:53 a.m.

BY MR. FINALDI:

**Q You understand you're still under oath, correct?**

A Correct.

**Q All right. You understand the oath that you took pledges you to tell the truth under penalty of perjury, right?**

A Yes.

**Q Okay. Your mother said she began working for Michael Jackson in about 1987. Does that comport with your understanding?**

A Again, I don't remember any exact dates.

**Q Does that seem --**

A Seems correct, yeah.

Q And she said she worked for him for about two years. Does that seem about right?

A Sure. Yes.

Q During that time do you know if she worked for anyone else?

A I don't know.

Q Did you have a job during that time?

A No.

Q No paper route or anything like that?

A No.

Q Okay. Do you remember meeting someone named Jonathan Spence?

A No.

Q A kid? No.

So you never spent the night at the Hayvenhurst home with Michael, right?

A Not that I can recall, no.

Q And did you ever spend time with Michael alone anywhere?

A I think Denver when we lit fireworks off in the hotel room.

Q Was that on the Bad Tour?

A I believe so, yes.

Q And who was lighting off the fireworks with

you?

A Me and Michael Jackson.

**Q In the hotel or somewhere else?**

A In the hotel room.

**Q Inside his actual room?**

A Yes.

**Q Wow. What kind of fireworks?**

A They were -- it was, like, some sort of snake or something.

**Q And --**

A It shut the whole hotel down.

**Q Gotcha. Who -- who brought the fireworks? You or him or someone else?**

A It was one of the security guards.

**Q Gotcha. Was there anyone else there or was it just the two of you?**

A When we were lighting fireworks off?

**Q Yeah.**

A Yeah, it was just us two. That's what happens when you leave two kids together with fireworks.

**Q Gotcha. So Michael was a kid at the time?**

A He, to me, was always a big kid.

**Q For what reason do you say that?**

A By his behaviors, mentality.

**Q In what ways?**

A He was just a big kid. Lived carefree. Very young. I don't think he ever got a chance to grow up.

**Q Why do you say that?**

A His father made him work from when he was a child.

**Q Who told you that?**

A It's just well-known. I mean, they were the Jackson 5. They were kids then.

**Q And the brothers had to work as well, right?**

A Well, they were part of the Jackson 5, so, yes.

**Q Did you ever see the brothers acting the same way that Michael did, this child-like?**

A Yeah. They're all big kids.

**Q Which of the brothers had you met?**

A Over the years probably all of them at one point or another.

**Q Are you friends with Taj?**

A No.

**Q Have you ever met him?**

A No.

**Q Okay. So aside from being alone with Michael and in his hotel in Denver on the Bad Tour, had you ever been alone with him anywhere else?**

A Not that I can recall. There was always people around.



**Q Had you ever been in a car alone with him?**

A A handful of times, yeah.

**Q In which situations?**

A We'd go shopping.

**Q He would take you shopping?**

A Yeah. We'd just go shopping. Not necessarily me. We would just go shopping and --

**Q Shopping for what?**

A Video games.

**Q And who would drive?**

A He would.

**Q What would he drive?**

A A car.

**Q Do you remember what he was driving?**

A Probably a Mercedes.

**Q Black Mercedes?**

A Yeah. I would guess so.

**Q Did he ever take you in the white Bronco?**

A A white Bronco I do not remember.

**Q All right.**

A Isn't that OJ?

**Q OJ as well.**

A That's the only white Bronco I remember is OJ.

**Q Unfortunately, Michael had one as well. Now --**

A I never saw a White Bronco.

**Q** Gotcha. Would he ever wear any masks or disguises when he went out with you?

**A** Yeah. He would put on, like, a hat or something and -- nothing too involved.

**Q** And what kind of stores would you go to to get these video games? Like, toy stores and things?

**A** Yeah. And whatever --

**Q** Did he ever buy you any gifts there at any of these stores?

**A** Yeah. He bought me some games once, I think.

**Q** Video games?

**A** Yeah.

**Q** Anything else?

**A** Not that I can recall.

**Q** So when he would take you to the store, how would that come about that he would take you to the store? Like, how he would --

MS. MacISAAC: I'll object as vague and ambiguous as there was a constant -- if you want to ask if there was a constant practice or something or an individual, if you recall.

BY MR. FINALDI:

**Q** Do you understand the question?

**A** Repeat it.

**Q** Yeah. So you said sometimes he would take you

and you would go shopping. How would that come about?

MS. MacISAAC: Objection; vague and ambiguous, compound.

BY MR. FINALDI:

Q Would he just show up at the house and say you want to go shopping?

MS. MacISAAC: Objection; vague and ambiguous and compound.

THE WITNESS: I don't know.

MS. MacISAAC: Calls for speculation.

BY MR. FINALDI:

Q Would he take you from the studio?

A Honestly, I don't remember. I just know we go somewhere cool. There was a magic store we would go to.

Q Do you remember where that was?

A No.

Q And there would be no one else with you on these trips besides him?

A Yeah.

Q Okay. Like your mother wouldn't go?

A No.

Q Where would your mom be at the time?

A She would --

MS. MacISAAC: Objection; I mean, vague and ambiguous. Was the mother always in the same place?

MR. FINALDI: Ma'am --

MS. MacISAAC: Calls for speculation.

MR. FINALDI: Ma'am. Ma'am, just --

MS. MacISAAC: Try to ask a question. It's  
compound.

MR. FINALDI: Ma'am, don't be rude.

MS. MacISAAC: It cannot be responded to.

MR. FINALDI: Don't be rude. Just state an  
objection for the record. Thank you.

BY MR. FINALDI:

Q So when you would go on these trips shopping with Michael, do you know if your mom would be working?

A I don't know what she was doing. Most kids don't keep tabs on their parents.

Q Uh-huh. Do you see any reason why you would have had to stay the night at Michael Jackson's home?

A Probably because I wanted to.

Q Okay. So you did stay the night at his home?

A If I did it would be because I wanted to.

Q Why would you have wanted to?

A Who doesn't want to hang out with somebody who's fun? Especially a kid.

Q Do you remember speaking to the police in 1993?

A Yeah. The pair of detective liars, yeah. Trying to intimidate and lie to a child. Unbelievable.

**Q** Okay. Tell me about that. So there was two detectives?

**A** The police came to my door, two detectives. A male and, I believe, a female and they tried to tell me that they had pictures of me naked, amongst other things. And I sat there and told them they were liars. While they did this all with a minor without a guardian, without any sort of legal representation.

**Q** Do you know that the police don't have to tell your mother when they talk to you in such a situation legally?

**A** For a minor, yes, they do. They can't just --

**Q** All right. You don't know that they can go and talk to you without your mother there?

**MS. MacISAAC:** What is it --

**MR. FINALDI:** -- it's perfectly legal.

**MS. MacISAAC:** Calls for speculation. Calls for speculation. What does it matter?

**MR. FINALDI:** Just state an objection.

**BY MR. FINALDI:**

**Q** So did you know they're allowed to do that legally?

**A** Well, if they are, that's bullshit.

**Q** Okay.

**A** Because all they tried to do is intimidate and

lie to a child and it didn't work.

**Q What did they lie about?**

A They tried to lie and say they had naked pictures of me.

**Q Yeah. And how do you know that was a lie?**

A Because they didn't.

**Q How do you know?**

A Because there are none.

**Q How do you know?**

A Because there are none. That's how I know.

**Q Did they ask you questions about Michael**

**Jackson?**

A Sure. That's what they were there for.

**Q Did you answer them truthfully?**

A Yes.

**Q You wouldn't lie to the police, right?**

A No. As I just stated, the police were lying to me.

**Q Have you ever been arrested?**

**MS. MacISAAC: I'm going to object. It's confidential and personal. I mean, what is it relevant to?**

**MR. FINALDI: It's public record.**

**THE WITNESS: Well, look it up.**

BY MR. FINALDI:

Q Have you ever been arrested?

A Look it up.

Q I most definitely will.

A I don't recall.

Q You don't recall?

A I don't recall.

Q You ever been charged with a crime?

A No.

Q How many times have you been arrested?

MS. MacISAAC: You know what, I'm just going to -- this is such a waste of a third party's time. He's never been charged with a crime.

MR. FINALDI: Ma'am, if you have an objection, state the legal objection.

MS. MacISAAC: You know what, it's not even admissible, his arrest. Okay.

MR. FINALDI: If you have an objection --

MS. MacISAAC: I'm going to object.

MR. FINALDI: -- state the legal objection.

MS. MacISAAC: I object. I'm going to object.

If you feel comfortable answering the question, you know, then you should answer it. Obviously, if you recall being arrested --

MR. FINALDI: You're obstructing.

MS. MacISAAC: -- you can answer, if you want to. If you don't want to, you don't have to answer.

MR. FINALDI: You're obstructing the deposition.

THE WITNESS: Never been arrested.

BY MR. FINALDI:

Q Never been arrested?

A No.

Q And then why did you say you don't know earlier?

A Because I'm tired of your banter.

Q My banter? What do you mean by that?

MS. MacISAAC: I'm going to object; argumentative. And I want you to understand you are under oath, so you have to tell the truth. So even if you're annoyed or you feel like this is a waste of your time -- which I completely understand why you do. You're a third party witness. I get that, Yoshi.

But if you recall -- if you don't know if you've been arrested, like, you recall getting pulled over and you can't remember, then you can explain that. If you don't want to talk about arrests, you don't have to talk about it. But I need you -- you have to tell the truth. You're under oath. So if you have something --

THE WITNESS: To my recollection, I've never



been arrested.

MS. MacISAAC: Okay. Thank you.

BY MR. FINALDI:

**Q Now, Miss MacIsaac is your lawyer today, correct?**

A Yes.

**Q Okay. Are you paying her?**

A No.

**Q And how did you get into contact with her?**

A After your process server served us.

**Q Okay.**

A I, in fact, tried to contact you and called your office but you never called me back.

**Q Oh. Why were you trying to call me?**

A To see what's going on.

**Q So how did you get a hold of Miss MacIsaac?**

A Called them.

**Q Where did you get their number?**

A It's called the internet.

**Q What did you look up to find them?**

A Well, it was on -- right there, it says MJJ Productions, it says the lawyers you're going after.

**Q Okay. So you typed in MJJ Productions and the lawyers' names came up?**

A Yeah.

**Q** Okay. And who did you speak to first?

**A** I don't recall.

**Q** Did you have a meeting with them?

**A** No.

**Q** Never?

**A** Just phone.

**Q** Do you remember Michael Jackson having a bed that kind of pulled down out of the wall at Hayvenhurst?

**A** No.

**Q** Do you remember him having mannequins at the Hayvenhurst home?

**A** No.

**Q** Do you remember him having a monkey there?

**A** I remember him having a monkey. I don't remember him having a monkey there.

**Q** Did you ever go to the Neverland Ranch?

**A** I believe once.

**Q** Was that while your mother was still working for MJJ?

**A** Yes, I believe so.

**Q** Do you know if you stayed the night there?

**A** No, I did not.

**Q** How did you get to the ranch?

**A** With my mother.

**Q** And you just stayed for the day or something?

A Yeah.

Q What do you remember about being at the ranch?

A It was big.

Q And do you remember what you did while you were at the ranch?

A No.

Q Was Michael there when you were there?

A No.

Q Did you go on the rides or anything?

A No.

Q Did you go in the home, the main home?

A Yeah.

Q Did you go in Michael's room?

A Not that I recall, no.

Q Were there any other kids there when you were there at Neverland?

A No.

Q You were just interviewed by one -- one time by the police in '93?

A I believe so, yeah.

Q And it was in your mother's apartment on Coldwater Canyon, right?

A Yes.

Q Did you call your mother on the phone when they came?

A Yeah, I believe I did.

**Q And what did you tell her?**

A That the police were there.

**Q And what did she say to you?**

A She -- I don't remember exactly. I just knew she was on her way.

**Q Do you know how long your conversation with the police was?**

A No, I don't recall.

**Q Were you scared?**

A No.

**Q Do you know if they recorded the conversation?**

A I don't know.

**Q You don't remember seeing a tape recorder or anything?**

A No, I don't recall.

**Q What were they wearing?**

A I don't recall.

**Q Do you know if they were in plainclothes or they were --**

A Yeah, they were in plainclothes.

**Q Were they nice to you?**

A No.

**Q No?**

A No.

**Q** What do you mean by that?

A They were trying to intimidate a child. It's not being very nice.

**Q** In which ways do you say they were trying to intimidate you?

A That's just the vibe I got.

**Q** Were you all sitting down? Were you standing up?

A Sitting down.

**Q** Like at the dining table or something?

A I don't know. Dining table, living room.

**Q** Okay. Do you remember Michael Jackson taking any photos of you?

A No.

**Q** Do you remember ever taking photos with Michael Jackson?

A Not specifically.

**Q** Do you remember anything else about Jason, Bianca's son?

A Again, like I said, I never knew his name and I just knew she had a son. That's all I remember.

**Q** Okay. Do you remember a security guard named Leroy Thomas --

A No.

**Q** -- at Hayvenhurst?

Do you know that there were several security guards of Michael Jackson who were interviewed by the police before they interviewed you?

A No.

Q Did you know that there was a security guard named Leroy Thomas who testified to the police that he was called on the phone one day by Michael Jackson and Michael Jackson instructed him to go inside of his room --

A Uh-huh.

Q -- to take a photo, which was of a boy with Asian features that was apparently naked, and rip up the photo and throw it away?

A Okay.

Q Did you know that a security guard had testified about that?

A No.

Q Okay. We'll mark this as Exhibit B for the record. I'll let you see it for yourself, if would you like to see it.

A I don't need to.

MS. MacISAAC: Well --

BY MR. FINALDI:

Q Well, here's Exhibit B and it -- the part that's marked talks about how there was a photograph of

an Asian boy that he was asked to rip up. Okay?

A Well, that only limits it down to the whole Asian race.

Q It does.

MS. MacISAAC: If we assume that it's true.

BY MR. FINALDI:

Q Earlier --

MS. MacISAAC: Amazingly, the photo never -- was destroyed so no one could ever see it.

BY MR. FINALDI:

Q Now, the reason I tell you is because your mother had testify that there was no such photo ever and she seemed surprised when she learned that --

MS. MacISAAC: No.

MR. FINALDI: Ma'am. If you have an objection, make an objection.

MS. MacISAAC: I do.

MR. FINALDI: But please let me finish my question.

MS. MacISAAC: Sure.

BY MR. FINALDI:

Q So for that reason, I'm letting you know that there was someone who testified about a photograph. It's not something that just --

A That's fine. It wasn't me.

MS. MacISAAC: I'm going to object that it  
misstates the witness's testimony. The witness actually  
testified that the police told her they had the photo --  
okay -- that they had a photo. And she did not --

MR. FINALDI: Ma'am --

MS. MacISAAC: -- express surprise.

MR. FINALDI: -- that's a speaking objection.

Just state the legal objection.

MS. MacISAAC: Well, I think you wildly  
misstated --

MR. FINALDI: It's improper.

MS. MacISAAC: -- wildly misstated what  
happened to mislead this witness.

MR. FINALDI: Just play by the rules, please.

THE VIDEOGRAPHER: Mr. Whaley, do you have a  
cellphone in your pocket, maybe close to that microphone  
chord?

THE WITNESS: On my hip.

THE VIDEOGRAPHER: Would you mind putting that  
on the tape so it's away from that chord. Getting a  
buzzing.

THE WITNESS: Is it still buzzing?

THE VIDEOGRAPHER: No. So far. It must be  
when it transmits.



BY MR. FINALDI:

Q Now, when you would spend time with Mr. Jackson or your mother worked for him, do you remember any other Asian children -- seeing any other Asian children at all?

A I don't know.

Q Okay. And it's my understanding you're part Asian, correct?

A Part Japanese.

Q Okay. Your father's name Mr. Whaley, what was his first name?

A Frank.

Q And at the time that your mother was working for MJJ Productions, your father and mother had already divorced, correct?

A Father was dead.

Q He had already passed away as well?

A Yes.

Q Okay. Do you remember a security guard named Fred Hammond?

A No.

Q This is another security guard who was interviewed by the police during that 1993 investigation and I'll show it to you. I'll actually mark the portion that he talks about, if you can just read that.

MS. MacISAAC: Do you have a copy for me?

MR. FINALDI: That's the only copy I have but we can make a copy on the break, if you like.

BY MR. FINALDI:

Q Do you see that portion that's highlighted?

A Uh-huh.

Q Yes?

A Yes.

Q Would you mind sliding it back to me. I'll read it into the record. Thanks. So Mr. Hammond said that he observed Jolie Levine's son Yoshi go with Jackson to Jackson's room late at night. "Jackson took other boys there but he didn't know who they were."

Do you remember ever going to Michael Jackson's room late at night?

A No. I don't recall.

Q Could I see those two exhibits, please. And the A as well. Thank you.

Earlier you said something about an ambulance chaser. What does that mean?

A Like all the people that seem to go after him, they're just after one thing and that's money.

Q Yeah. Okay. What do you mean, "all the other people that go after him"?

A Well, it's well public knowledge a lot of people have tried to go after him.

Q Do you know the names of any?

A I can't tell you off the top of my head. I don't care enough.

Q Okay. Do you remember a security guard named Mr. Starks?

A No.

Q Exhibit D for the record I'll mark, it's a statement of Mr. Starks, where he said he recalled seeing Jolie Levine's son visit Jackson's room at night on at least two occasions and spending many hours there. Miss Levine was a Jackson employee.

MS. MacISAAC: Can I see? I would like to object for the record that you're representing that this is a statement. This is -- there's nothing about this that suggests it was necessarily created by Mr. Starks and we previously had a number of --

MR. FINALDI: That's a speaking objection.

MS. MacISAAC: -- of witnesses --

MR. FINALDI: That's a speaking objection.

MS. MacISAAC: -- disaffirm these kind of police reports.

MR. FINALDI: It's improper.

MS. MacISAAC: It's not --

MR. FINALDI: You're violating the rules.

MS. MacISAAC: How about it's improper to

mischaracterize --

MR. FINALDI: You're violating the rules.

MS. MacISAAC: Is this a statement by Starks?

MR. FINALDI: No -- no reason --

MS. MacISAAC: Do you have any idea what it is?

MR. FINALDI: Ma'am --

MS. MacISAAC: Vince, I'm asking you a

question.

MR. FINALDI: Ma'am --

MS. MacISAAC: Did you misrepresent what the

document was?

MR. FINALDI: Ma'am. Stop yelling, please.

MS. MacISAAC: I'm not yelling.

MR. FINALDI: No reason --

MS. MacISAAC: But you're telling me to play by

the rules --

MR. FINALDI: No reason to be --

MS. MacISAAC: -- when you affirmatively

misrepresented what the document was.

MR. FINALDI: Ma'am, I did not. I read  
straight from the document. And second of all, under the  
Mary Martha Stewart case, you're not allowed to say  
anything except for an objection.

MS. MacISAAC: I object.

MR. FINALDI: Okay. If you want to meet and

confer --

MS. MacISAAC: -- to mischaracterizing police

reports --

MR. FINALDI: Ma'am --

MS. MacISAAC: -- that are not signed --

MR. FINALDI: And you're cutting me off.

MS. MacISAAC: -- as statements --

MR. FINALDI: And you're cutting me off.

MS. MacISAAC: -- from witnesses.

MR. FINALDI: Yes.

MS. MacISAAC: That's what I object to.

MR. FINALDI: Yes. That's exactly what it was

is a statement.

BY MR. FINALDI:

Q So did you know there was multiple security guards that told the police they had seen you going to Michael Jackson's home at night on several occasions?

A I don't talk to any of them. How would I know?

Q Yeah. Do you dispute that you had gone to Michael Jackson's home at night on several occasions when you were young?

A I can't recall what times.

Q Do you remember that you did?

MS. MacISAAC: Asked and answered.

THE WITNESS: Again, I can't recall what times

I went there. Time was kind of irrelevant to a child.

BY MR. FINALDI:

**Q** Okay. Let's see that one back, please.

**Is it something that you've just tried not to remember through your life, like, you just want to forget about it or --**

**A** No. I remember plenty. I remember a lot of great people. I remember a lot of fun times.

**Q** I'm talking about, specifically, with respect to Mr. Jackson.

**A** Again, I remember a lot of great people and a lot of great times.

**Q** Do you remember any other experiences with Mr. Jackson other than what you've already testified to?

**A** No. Not really.

**Q** Did you ever -- so at the times that Michael had you -- you went shopping in his car, did he come back to the property and go through the gates with his car, the property being the Hayvenhurst property?

MS. MacISAAC: Objection; compound.

THE WITNESS: I don't remember.

BY MR. FINALDI:

**Q** Do you remember if he had a cellphone in the car, one of those larger car phones?

**A** I don't remember.

**Q Do you remember ever staying in the guard shack at Hayvenhurst?**

MS. MacISAAC: Objection; vague and ambiguous as to staying.

THE WITNESS: Yeah. What do you mean by staying in the guard shack?

BY MR. FINALDI:

**Q Did you ever go inside of it?**

A Me?

**Q Yeah.**

A I don't believe so, no.

**Q Okay.**

A I'm not a guard.

**Q Yeah.**

A I was just a kid.

**Q Well, if a security guard said you went there once and you were spending time there waiting for Mr. Jackson to arrive, do you recall anything about that?**

A No.

**Q Do you remember Mr. Jackson had a Jacuzzi at the Hayvenhurst home, up the spiral staircase and on the deck?**

A No.

**Q Did you ever go swimming with Michael Jackson?**

A You asked me that already.

MS. MacISAAC: Asked and answered.

BY MR. FINALDI:

**Q No. No. I asked you if you ever went swimming there. I'm asking now if you ever went swimming with Michael Jackson anywhere?**

A I told you before, I never went swimming there.

**Q I'm not saying there.**

MS. MacISAAC: Anywhere.

BY MR. FINALDI:

**Q I'm limiting it to there. You said you had been --**

A Never went.

**Q -- on the Bad Tour.**

A I don't recall ever swimming with Michael Jackson.

**Q Okay. I'm going to mark as Exhibit E for the record this police record regarding Yoshi Whaley. I'll give that to you to look at.**

MS. MacISAAC: Yoshi, I'd like you to read the -- read it over and let us know when you're done and then he'll ask you questions about it.

BY MR. FINALDI:

**Q Did you know that the police made a record of their interview with you?**

A Oh, good.



Q Go ahead and take your time. Let me know when you're done and we'll talk about it.

A All right.

Q It says --

MS. MacISAAC: You can hold on to that.

BY MR. FINALDI:

Q Leave that there because I'm going to refer to certain parts of it. So it says that they interviewed you on the 4th of October 1993.

Does that sound about right?

A I don't know.

Q Do you know what time of year, if it was --

A No.

Q -- if it was around Halloween?

A Nope.

Q It says it was at 5:45 p.m. Was it at night that they interviewed you?

A I don't recall.

Q Alrighty. It says location was 5055 Coldwater Canyon, Number 217, in Los Angeles.

That was where your mother lived at the time, correct?

A We lived there.

Q Okay. And it says the officers were named Sicard and Ferrufino.

Do those names ring a bell?

A I don't know.

Q Okay. It says, "On the above date and time, detectives interviewed Yoshi Whaley, age 16, at his residence."

Do you remember you were about 16 at the time they interviewed you?

A Again, I don't remember what age I was.

Q Did you have a car when were you 16?

A No.

Q Okay. It says, "Yoshi stated that he met Michael Jackson at a studio during the recording of the album Bad."

Do you remember telling them that?

A No. I don't remember telling them any of that. I was a child.

Q Okay. Well, you were 16, though, right?

A Yeah. That was a long time ago.

Q Yeah. But that is a true statement that you met Michael --

A I actually believe I met him previous to that.

Q Previous to Bad. Okay. But you met him at a studio, that's correct, right?

A Uh-huh.

Q Yes?

A Yes.

Q It says, "At the time Yoshi's mother, Jolie Levine, was working for Michael Jackson as the music contractor for the album." That's true, right?

A I believe she didn't actually work for Michael. She was the contractor. She worked for the -- usually, the producer.

Q Quincy Jones, right?

A Yes.

Q Okay. It says, "Levine" -- "Levine was later hired as Jackson's executive secretary."

That's true, right?

A I don't know what she got hired on for. I just know she got hired.

Q It says, "Yoshi stated that he used to hang around the studio and one day his mother introduced him to Michael Jackson."

Do you remember telling the police that?

A Again, I don't remember telling the police much of any of this. I just know that they were trying to intimidate me and force me to say shit. So again, I really hold no bearing to this, whatsoever, 'cuz they're a bunch of liars.

Q Why do you say they're a bunch liars?

A Because that's all they did to me was lie to me

and tell me they had things and that things happened when they didn't.

Q Yeah. What else did they lie to you about?

A They lied to me about things happening sexually.

Q Yeah.

A They lied to me saying that things were happening to me that weren't. They lied to me saying they had photographs that they didn't have.

Q Anything else?

A That's about it.

Q All right.

A It's enough for me.

Q And --

MS. MacISAAC: I would agree with that.

BY MR. FINALDI:

Q -- is there --

A To me this whole page --

MR. FINALDI: Personal comments --

THE WITNESS: -- you're reading from --

MR. FINALDI: Yes.

THE WITNESS: -- is complete bullshit.

MR. FINALDI: Okay.

THE WITNESS: I have nothing to discuss about it because those cops are liars and I got nothing to say.

They should -- I really hope they got fired.

BY MR. FINALDI:

Q Gotcha. Now, is it your impression only that those two cops are liars or maybe all --

A Those two were definitely liars because I had interaction with them and they lied straight to a child's face and tried to intimidate one and tell me things happened that didn't.

Q Yeah. Is there any other experiences you've had with law enforcement that give you that impression?

A No. That was the big one.

Q Just those two?

A Yeah.

Q And have you ever discussed that with your mother?

A Not really, no. Maybe a little. I don't -- just that they were liars trying to intimidate a kid and they couldn't even do that.

Q Did you tell Michael Jackson that they had come to interview you?

A I don't believe so.

Q You never talked with Michael about it?

A Huh-uh.

Q No?

A No.

**Q How about his lawyers?**

**A Nope.**

**Q Do you know your mom did?**

**MS. MacISAAC:** Calls for speculation.

**THE WITNESS:** I don't know what she did.

**BY MR. FINALDI:**

**Q Did the police ever try and interview you again?**

**A No.**

**Q They never tried to contact you --**

**A No.**

**Q -- and you just didn't talk to them?**

**A Not that I remember.**

**Q Alrighty. So it is true that you used to hang around the studio and one day your mother introduced you to Michael Jackson?**

**MS. MacISAAC:** Objection; it misstates what the witness has said --

**THE WITNESS:** Yeah.

**MS. MacISAAC:** -- the testimony was previously but you can answer.

**BY MR. FINALDI:**

**Q Is that true?**

**A No, it's not true.**

**Q** So which part is not true? Your mother never introduced you to Michael Jackson?

**A** No. She didn't direct me -- she didn't directly introduce me to him.

**Q** It says, "Yoshi is not quite sure but he thinks Michael Jackson asked him for his telephone number."

**Did that happen?**

**A** No, not that I recall. Again, everything on that page is a bunch of lies from two police officers that were lying. So you can keep reading off that page. I'm going to keep --

**Q** I'm going to.

**A** -- telling you the same thing.

**Q** I'm going to.

**A** I'm going to keep telling you the same thing.

**Q** All I want you to do is tell the truth.

**A** Yeah. And again, I'm telling you the truth.

They're liars.

MS. MacISAAC: So let's go line by line because there are many different statements in here, whether or not you said it that day.

MR. FINALDI: Ma'am -- ma'am, you'll have a chance to ask questions if you want later. Okay.

BY MR. FINALDI:

**Q** Now, did you ever speak with Michael Jackson

over the phone?

A Probably a handful of times.

Q For what reason?

MS. MacISAAC: Objection -- objection as to compound. If you can break --

MR. FINALDI: Ma'am --

MS. MacISAAC: -- it down or a general practice.

MR. FINALDI: Ma'am, I don't have to. All right. You're being obstreperous --

MS. MacISAAC: I can says it's not admissible.

MR. FINALDI: Then make an objection.

MS. MacISAAC: So objection --

MR. FINALDI: Make an objection.

MS. MacISAAC: -- that it's compound.

MR. FINALDI: Make an objection.

MS. MacISAAC: Objection that it lacks foundation there was a general practice.

MR. FINALDI: Ma'am, just make an objection.

MS. MacISAAC: Objection; that it's unintelligible and unanswerable.

MR. FINALDI: All right. You're just interfering. All right.

BY MR. FINALDI:

Q So why would you have to speak with him on the



phone? Do you remember?

MS. MacISAAC: Same objections.

THE WITNESS: I don't remember why.

BY MR. FINALDI:

Q Do you know how many times you spoke with him on the phone?

A I just told you, I don't remember.

MS. MacISAAC: Objection; asked and answered.

THE WITNESS: Probably a handful.

BY MR. FINALDI:

Q Do you know how long the conversations would be?

A No.

Q Where would you be when you would speak with him on the phone?

A I don't know.

MS. MacISAAC: Objection -- objection; that it lacks foundation and implies there was always a location that one was in. It's compound.

BY MR. FINALDI:

Q Would you be at your home?

A I just told you I don't know.

Q And do you know where he was when he was speaking to you on the phone?

MS. MacISAAC: Calls for speculation.

THE WITNESS: No.

BY MR. FINALDI:

Q Would he ever call you from overseas?

A I don't know.

Q Did he ever call you at night?

A I don't recall when, where. You're talking about something that happened 20-some-odd years ago.

Q Uh-huh. Alrighty. It says, "Thereafter Michael Jackson used to come by every so often to his residence and pick him up."

Did that happen?

A Yeah. A couple times he came by and picked me up.

Q And when he would come by to pick you up, did he ever come by in the limo with Miko Brandon driving?

A I never -- I don't think I ever saw him in a limo.

Q When he would come by to pick you up, what would he be driving?

MS. MacISAAC: Objection --

THE WITNESS: Again --

MS. MacISAAC: -- vague and ambiguous. It lacks foundation. It's compound. And it suggests that there was a car he always came in. If you can answer --

MR. FINALDI: Of course, he came in a car.

MS. MacISAAC: But what kind of car --

MR. FINALDI: He would come by to pick him up.

MS. MacISAAC: He came a couple times.

MR. FINALDI: Ma'am. Ma'am --

MS. MacISAAC: You haven't established --

MR. FINALDI: Ma'am --

MS. MacISAAC: -- that he always had the same

--

MR. FINALDI: Ma'am.

MS. MacISAAC: -- car or that this witness  
remembers.

MR. FINALDI: Ma'am, just state -- just state  
your objection for the record. You're so obstreperous  
and unprofessional.

MS. MacISAAC: I did. I did. And you're all  
into name calling.

MR. FINALDI: You should stop. You should  
really stop.

MS. MacISAAC: All I'm saying is it lacks  
foundation and it suggests --

MR. FINALDI: So --

MS. MacISAAC: It's compound.

MR. FINALDI: Then why are you just restating  
the same objection over and over?

MS. MacISAAC: Because --

MR. FINALDI: It's not necessary.

MS. MacISAAC: -- you cannot say --

MR. FINALDI: You stated it.

MS. MacISAAC: -- if someone said I had eight  
conversations, where were you when you had these  
conversations.

MR. FINALDI: You stated the objection.

MS. MacISAAC: It is entirely objectionable.

You know it is.

MR. FINALDI: You stated the objection for the  
record. You don't need to keep saying it over and over.  
There's no reason for it.

MS. MacISAAC: Well, you asked me why I keep  
saying it.

MR. FINALDI: Yeah.

MS. MacISAAC: Because I want to object to the  
admissibility of every question.

MR. FINALDI: Just play by the rules.

MS. MacISAAC: That's how it works.

MR. FINALDI: Play by the rules.

MS. MacISAAC: Which is the rules, Vince. Do  
you know the rules?

MR. FINALDI: Yes, I do.

MS. MacISAAC: That's how it works.

MR. FINALDI: All right.

MS. MacISAAC: You reassert objections to new questions.

MR. FINALDI: Ma'am --

MS. MacISAAC: That's how it works.

MR. FINALDI: Ma'am. Ma'am, stop.

BY MR. FINALDI:

**Q So when he'd come by and pick you up at your home, do you know how he would get there?**

MS. MacISAAC: Objection --

THE WITNESS: By car.

MS. MacISAAC: -- lacks foundation.

BY MR. FINALDI:

**Q What kind of car?**

MS. MacISAAC: It's compound.

THE WITNESS: I don't remember.

BY MR. FINALDI:

**Q Would he be driving or someone else be driving?**

MS. MacISAAC: Same objections.

THE WITNESS: Honestly, I don't know. It would be Miko, it would be him. I don't know.

BY MR. FINALDI:

**Q If it was Miko driving, what would he be driving?**

A I don't know. I was a kid. I didn't check out cars.

Q But it wasn't a limo?

A No. It wasn't a big fancy limo.

Q Was it ever the Mercedes?

A Again, I was a kid. I don't know what cars they had.

Q Now, when he would pick you up, would your mother be home?

MS. MacISAAC: Objection.

THE WITNESS: I don't recall.

MS. MacISAAC: Let me just object. I'm sorry.

It lacks foundation. It's compound.

MR. FINALDI: It's none of those.

MS. MacISAAC: Okay. How -- what are you asking?

MR. FINALDI: It's none of those. Ma'am --

MS. MacISAAC: If there was a pattern?

MR. FINALDI: -- if you don't stop right now, I'm going to take a break, I'm going to suspend the deposition. I'm going to bring a motion for sanctions against you.

MS. MacISAAC: Okay. That's -- okay. Okay.

MR. FINALDI: I promise you. I promise you.

Okay.

MS. MacISAAC: You know what, Vince, I believe that Judge Beckloff will understand --

MR. FINALDI: I promise you.

MS. MacISAAC: -- that that question --

MR. FINALDI: Stop.

BY MR. FINALDI:

Q All right. Now, when Michael Jackson would come to your home and pick you up, would your mother be there or not or would you be home alone?

MS. MacISAAC: Objection; it lacks foundation. It's compound. It suggests that the same pattern always took place in different instances.

MR. FINALDI: Ma'am, that's a speaking objection. Once again, this is your last warning.

BY MR. FINALDI:

Q Would your mom be home or not, sir?

A I don't recall.

MS. MacISAAC: Same objections.

BY MR. FINALDI:

Q Did he ever come to pick you up when your mother wasn't home?

A I don't recall.

Q Now, when he would pick you up, would you tell your mother that you're going with him or would she not know sometimes?

MS. MacISAAC: Objection --

THE WITNESS: She would always know.

BY MR. FINALDI:

**Q How would she know?**

A She's my mother.

**Q Yeah. But how would she know when he came to pick you up and she wasn't home?**

MS. MacISAAC: Objection --

THE WITNESS: Again, I don't know whether she was home or not, so I don't know how you're -- I don't recall.

MS. MacISAAC: Lacks foundation. You have to give me a moment to object. And I'm sorry for the waste of that time. It's just that we have to for the future so that I can object to the question's admissibility at trial.

BY MR. FINALDI:

**Q Would he pick you up during the week?**

A I don't recall.

MS. MacISAAC: Same objection.

BY MR. FINALDI:

**Q What were your mom's general workdays when she worked for MJJ Productions?**

MS. MacISAAC: Calls for speculation.

BY MR. FINALDI:

**Q Was it a Monday-through-Friday type of deal or something different?**



MS. MacISAAC: Calls for speculation. If you know.

THE WITNESS: I don't know.

BY MR. FINALDI:

**Q Okay. And it says here he would take him shopping, to the movies and to the Encino residence to play video games.**

**So when Michael Jackson would pick you up, did he ever take you -- you already said he took you shopping. Did he ever take you to the movies?**

A I don't specifically remember going to a movie theater.

**Q How about to the Encino residence to play video games?**

A I don't specifically remember any incidences where he picked me up and we went and played video games at the Encino house.

**Q Now, you said he would pick you up and you would go shopping for video games.**

**In those instances, would you go back somewhere to play these video games that were purchased?**

A Yeah. Back home.

**Q To your home?**

A Uh-huh.

**Q And he would go there as well?**

A No. He would just drop me off.

Q **And you would go play the video games alone?**

A Uh-huh.

Q **Okay. It says, "Sometimes there was other kids and sometimes it was just Yoshi and Michael Jackson."**

**Did Michael Jackson ever pick you up with other kids as well?**

A Not that I recall, no. I recall hanging out with, like, him and Emmanuel Lewis --

Q **Where --**

A -- which I thought was a kid.

Q **And that was at the Encino house?**

A No. It was on some movie lot or studio or --

Q **Do you remember where it was?**

A No.

Q **What did you guys do together?**

MS. MacISAAC: Objection; vague and ambiguous. I don't even know who you're referring to.

MR. FINALDI: You can answer.

THE WITNESS: Yeah. Who are you referring to?

BY MR. FINALDI:

Q **Well, you just said he picked you up with Emmanuel Lewis. You thought Emmanuel Lewis is a child at the time.**

A No, I didn't say he picked me up with Emmanuel

Lewis. I said --

MS. MacISAAC: Misstates the witness's testimony.

THE WITNESS: That's not what I said.

BY MR. FINALDI:

**Q Okay. All right. So you hung out with Emmanuel Lewis and Michael Jackson. Is that what you said?**

A Uh-huh.

**Q All right. So what did you guys do together?**

A Hang out --

**Q Hang out.**

A -- watch TV.

**Q What is hanging out? What did you guys do?**

A I don't know. What's your definition of hanging out? Same as everyone else.

**Q I'm not the one --**

A Hanging out --

**Q -- who said it. You're the one who said it, sir.**

MS. MacISAAC: I know that it angers you that you don't like what this witness is saying today --

MR. FINALDI: Ma'am --

MS. MacISAAC: -- but could you try to be slightly more respectful.

MR. FINALDI: Ma'am, please.

MS. MacISAAC: And not get into a rapid fire where I can't object to the questions.

MR. FINALDI: Ma'am. Ma'am --

MS. MacISAAC: I'm objecting that you're being argumentative.

MR. FINALDI: Ma'am, it's not an objection.

MS. MacISAAC: Please don't argue with the witness.

BY MR. FINALDI:

**Q All right. So it was your words. You said we hung out together.**

A Yeah.

**Q And now you're asking me for the definition. It was your term, sir. So how do you define that?**

A It's not my term. It's in the dictionary.

**Q Okay. What do you mean by hanging out?**

A Hanging out, watching TV.

**Q Ah. Watching TV where?**

A Talking, laughing. You know, what friends do.

**Q And this is on that movie lot?**

A I believe it was a movie lot or it could have been a studio.

**Q How long were you together with them?**

A I don't recall.

**Q How did you get there?**

**A I also hung out with Sean Lennon. I mean --**

**Q How about Mr. Trump's son, did you ever hang out with him and Michael Jackson?**

**A Mr. Trump?**

**MS. MacISAAC: The president.**

**BY MR. FINALDI:**

**Q Eric -- Eric Trump.**

**A No. I've never even heard of him.**

**Q How about Michael Milken's kid, did you ever hang out with him and Michael?**

**A No. Didn't he do a bunch of fraud, Michael Milken or something like?**

**MS. MacISAAC: I think so.**

**BY MR. FINALDI:**

**Q So you don't remember how you got to the studio that time that you were hanging out?**

**A No. I'm a kid. I don't remember how I go to and fro places. Somebody drove me.**

**Q All right. Next line down it says, "According to Yoshi, he used to sleep over at Michael Jackson's Encino residence. Yoshi stated he would sleep in Michael's room but he slept in a Murphy bed located downstairs."**

**Did you tell the police that?**

A I don't recall what I told them. Again, it was so long ago.

**Q Do you remember sleeping over at Michael Jackson's Encino residence?**

MS. MacISAAC: Asked and answered.

BY MR. FINALDI:

**Q Does that refresh your recollection that you did sleep there downstairs in a Murphy bed?**

A Again, I don't remember. And I believe pretty much everything you're reading off that paper is a lie and a fabrication by the police.

**Q Why would they lie and fabricate this? Do you have any --**

A Well, the same reason why you so actively want to go after the estate. You're suing a dead man. Kind of seems desperate.

**Q Oh, okay. Do you know who my client is?**

A No. I have no clue who Wade Robson is.

**Q Well, actually, you know Jim Safechuck, right?**

A I met him twice, I believe.

**Q Do you know he's one of my clients?**

A Again, back to what I first said.

MS. MacISAAC: Do you know?

THE WITNESS: No. I didn't know he's your client.

BY MR. FINALDI:

**Q Do you know Wade Robson?**

**A No, I don't know Wade Robson.**

**MS. MacISAAC: It's asked and answered.**

BY MR. FINALDI:

**Q Do you know anything about my clients' allegations as far as what happened with the two of them?**

**A I don't care to.**

**Q Okay. It says, "Yoshi described Michael's room as a story bedroom with Michael's bed located upstairs and a spiral staircase connecting the upstairs to downstairs."**

**Do you recall that being the layout of Michael's bedroom in the Hayvenhurst home?**

**A No, I don't.**

**Q Do you remember telling the police that?**

**A No, I don't.**

**Q It says, "There is a bathroom downstairs to be used by Michael and/or his guests."**

**Do you remember that?**

**A No, I don't.**

**Q Do you remember telling the police that?**

**A No, I don't.**

**Q It says, "Michael's bedroom had two doors. One connected to the main house and the second connected to**

the backyard of the residence."

Do you remember that?

A No.

Q Do you remember telling him that?

A Nope.

Q It says, "Access can be made to the room through both doors."

You don't remember telling him that either, right?

A No.

Q It says, "Detectives asked Yoshi if he had ever been sexually molested by Michael Jackson and emphatically responded nothing ever happened. We used to play around like kids. He never laid a hand on me. Maybe a hug or two or a handshake. That was it. I never slept in Michael Jackson's bed and never slept naked in his bedroom."

Do you remember that conversation occurring with the detectives?

A No, I do not.

Q Do you remember telling the detectives any of this?

A I don't remember telling them any of that statement.

Q So did you -- is it true that you used to play



**with Michael Jackson like a kid?**

**A** Yeah. He was a big kid.

**Q** Okay. Did he ever give you a hug or two?

**A** Not that I can recall.

**Q** Did he ever shake your hand?

**A** Not that I can recall.

**Q** And your statement is you've never slept in his bed and never slept naked in his bedroom, right?

**A** That's what your paper says.

**Q** Okay. It says, "Yoshi remembers that Michael Jackson had a video arcade at the Encino residence where both of them played before going to sleep."

Does that refresh your recollection there was a video arcade there?

**A** No. I still don't remember an arcade being there.

**Q** Do you remember --

**A** I know there was one at Neverland but I don't remember one being at the Hayvenhurst house.

**Q** Do you remember ever playing video games with Mr. Jackson before going to sleep?

**A** No. I don't remember that.

**Q** It says, "Yoshi stated that he and Michael would sometimes play Hide and Go Seek around the house or they would go swimming before going to sleep."

Did you ever play Hide and Seek with Mr.

Jackson?

A No.

Q Does that refresh your recollection as to whether you ever went swimming with him before going to sleep?

A Again, those are all lies on that paper you're reading.

Q It says, "Yoshi stated that 'Michael Jackson is a very big kid inside.'"

Did you tell the police that?

A Again, I don't recall anything from that conversation with the police when I was 16 years old.

Q Is it true that you felt that Michael Jackson was a very big kid inside at the time?

A I feel to this day Michael Jackson is a big kid.

Q Okay. It says, "He grew up when he was young and never had a childhood. Now he plays like a little kid."

Did you believe that at the time?

A Yeah.

Q And you still believe it, right?

A Still do.

Q Do you remember telling the police that?

A No.

Q It says, "Yoshi believes that he visited Michael Jackson's Encino residence at least three dozen times and each time it was just he and Michael Jackson."

Do you remember telling the police that?

A No.

Q Is it true, that that happened, you went to his residence about three dozen times --

A No.

Q -- alone with Michael Jackson?

A No.

Q It says, "Yoshi stated that the security guards were nice to him and that they taught him how to use the billy club."

Do you remember telling the police that?

A No, I don't.

Q Is that a true statement that the security guards were nice to you?

A Again, everyone was nice to me.

Q Did they ever teach you how to use a billy club or show you a billy club?

A I don't recall that.

Q Next page. "Detectives informed Yoshi that there was a picture of him posing nude which was found in Jackson's bathroom at the Encino residence. See

interview of Leroy Thomas dated October 1, 1993."

Do you remember the detectives telling you that there was a picture of you posing nude in Jackson's bathroom?

A I just remember them telling me they had a picture of me. They did not give any details.

Q They didn't say it was nude?

A They said they had a picture of me.

Q Okay. And did you deny that there was any picture of you?

A Yes.

Q But you had already stated that there were people who had taken pictures of you on the Bad Tour, right?

A Well, no one directly set me up for a photograph. There's photographs around. Somebody may have snapped a photo. I never posed for anything.

Q Okay. So it was possible that Michael Jackson had some photo of you from the Bad Tour, right?

A I don't know.

Q Do you know why you would tell the police that there was never any photo of you?

A Because there was never any photo the way they were trying to insinuate there was.

Q Well, you just told me that the police didn't

tell you it was nude. It was just a photo of you, right?

MS. MacISAAC: He didn't say that. It misstates the witness's testimony. And earlier he said several times

MR. FINALDI: Ma'am --

MS. MacISAAC: -- the police did tell him --

MR. FINALDI: Ma'am --

MS. MacISAAC: -- it was a nude photo.

MR. FINALDI: Ma'am. Ma'am --

MS. MacISAAC: And his mother testified

MR. FINALDI: -- don't coach the witness.

MS. MacISAAC: -- the police told --

MR. FINALDI: Don't coach the witness.

MS. MacISAAC: You're misstating his previous testimony and you're trying to --

MR. FINALDI: Ma'am --

MS. MacISAAC: You're trying to make it look  
like he said something.

MR. FINALDI: All right. I'm suspending the deposition right now.

MS. MacISAAC: This is ridiculous.

MR. FINALDI: And we're going to bring a motion for sanctions against you. All right.

MS. MacISAAC: Let's take a break.

MR. FINALDI: No. I'm not taking a break.

MS. MacISAAC: We're perfectly willing -- this is a third party witness

MR. FINALDI: I'm here on a Saturday. All right.

MS. MacISAAC: You've misstated the witness's testimony.

MR. FINALDI: And you're wasting all our time.

MS. MacISAAC: You know what, I'm going to ask questions. I'm going to ask questions.

MR. FINALDI: The deposition is suspended. No.  
The deposition's suspended.

MS. MacISAAC: No, no. We're staying on. I'm  
asking the witness questions

MR. FINALDI: No.

MS. MacISAAC: if you're passing the witness.

MR. FINALDI: No. I'm not passing the witness. The deposition's suspended.

MS. MacISAAC: Can we meet and confer? Let's take a break.

MR. FINALDI: We're off the record.

MS. MacISAAC: No, no, we're not. Stay on the record. I would like to make a statement that I'm offering to meet and confer --

MR. FINALDI: We're off the record --

MS. MacISAAC: -- with the witness. I think that you misstated the witness's testimony.

MR. FINALDI: We're off the record.

MS. MacISAAC: And I'm going to ask the witness questions.

MR. FINALDI: I'm not playing these games with you anymore.

MS. MacISAAC: Let's stay on the record.

MR. FINALDI: I gave you plenty of warning.

MS. MacISAAC: You know what, Vince, you are so out of control.

MR. FINALDI: You ask questions --

MS. MacISAAC: You are so disrespectful.

MR. FINALDI: -- I'm going to include it in my motion for sanctions.

MS. MacISAAC: Okay.

MR. FINALDI: I'm not playing this game anymore. Okay.

MS. MacISAAC: You know what, we're off the record. Yoshi, I apologize.

THE VIDEOGRAPHER: Off record. 11:44 a.m.  
Videotaped deposition --

THE WITNESS: Can we still be on record and can I say he's a douche bag.

THE VIDEOGRAPHER: -- of Leroy Del Yoshi Whaley

is being adjourned at 11:44. This concludes tape 1 of 1.

Thank you.

(Deposition suspended at 11:44 a.m.)

(Exhibits A through E were marked by the  
Certified Shorthand Reporter.)

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