

EXHIBIT J

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF WESTCHESTER

-----X

NOELLE FELDMAN,

Plaintiff,

-against-

Index No.

69747/14

WILLIAM KNACK,

Defendant.

-----X

September 30, 2015

10:34 a.m.

VIDEOTAPED DEPOSITION of NOELLE FELDMAN, the Plaintiff herein, taken pursuant to Court Order, and held at the law offices of Bleakley, Platt & Schmidt, LLP, before Gabriel Alicea, a Court Reporter and Notary Public of the State of New York.

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

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BLEAKLEY PLATT & SCHMIDT, LLP

4

Attorneys for Plaintiff

5

One North Lexington Avenue

6

White Plains, New York 10601

7

BY: JOHN P. HANNIGAN, ESQ.

8

-and-

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PETER F. HARRINGTON, ESQ.

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McCARTHY FINGAR, LLP

12

Attorneys for Defendant

13

11 Martine Avenue, 12th Floor

14

White Plains, New York 10606

15

BY: JOSEPH J. BROPHY, ESQ.

16

17

ALSO PRESENT:

18

Peter Lott (Videographer)

19

Susan Lampasona

20

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1 IT IS HEREBY STIPULATED AND AGREED, by and
2 between counsel for the respective parties hereto,
3 that: All rights provided by the C.P.L.R., and Part
4 221 of the Uniform Rules for the Conduct of
5 Depositions, including the right to object to any
6 question, except as to the form, or to move to
7 strike any testimony at this examination are
8 reserved; and in addition, the failure to object to
9 any question or to move to strike any testimony at
10 this examination shall not be a bar or waiver to
11 make such motion at, and is reserved to, the trial
12 of this action.

13 This deposition may be sworn to by the witness
14 being examined before a Notary Public other than the
15 Notary Public before whom this examination was
16 begun, but the failure to do so or to return the
17 original of this examination to counsel, shall not
18 be deemed waiver of the rights provided by Rules
19 3116 and 3117 of the C.P.L.R., and shall be
20 controlled thereby. The filing of the original of
21 this deposition is waived.

22 IT IS FURTHER STIPULATED, that a copy of this
23 examination shall be furnished to the attorney for
24 the witness being examined without charge.

1 MR. HANNIGAN: This is John Hannigan. We
2 are here with my client to start the
3 deposition. She has to excuse herself for a
4 minute to go to the ladies' room. This is a
5 difficult experience as it is, and she has
6 built up to this for a long time, and she needs
7 to excuse herself for a few minutes. I hope
8 you understand. Thank you.

9
10 (Discussion held off the record.)

11
12 THE VIDEOGRAPHER: We are now going on the
13 record. The time is 10:40 on 9/30/15. This is
14 the video deposition of Noelle Feldman in the
15 matter of Feldman versus Knack. This
16 deposition is being held at One North Lexington
17 Avenue, White Plains, New York. My name is
18 Peter Lott, and I am the video specialist
19 representing DALCO Reporting. Will the counsel
20 and all present please identify themselves for
21 the record.

22 MR. BROPHY: For the defendant, Dr. Knack,
23 Joseph Brophy, McCarthy Fingar, LLP.

24 MR. HANNIGAN: For the plaintiff, Noelle

1 Feldman, John P. Hannigan, H-A-N-N-I-G-A-N.
2 Bleakley Platt & Schmidt.

3 MR. HARRINGTON: For the plaintiff, Noelle
4 Feldman, Peter Harrington, also with Bleakley
5 Platt & Schmidt.

6 MR. BROPHY: And also present is a
7 paralegal, Susan Lampasona, from McCarthy
8 Fingar, LLP.

9 THE VIDEOGRAPHER: The deponent may now be
10 sworn in.

11
12 NOELLE FELDMAN,
13 having been first duly sworn by the Notary Public
14 (Gabriel Alicea), and stating her address as 9A
15 Lewis Road, Pound Ridge, New York 10576, was
16 examined and testified as follows:

17

18 EXAMINATION

19 BY MR. BROPHY:

20 Q. Good morning.

21 A. Good morning.

22 Q. My name is Joseph Brophy. I am an
23 attorney for Dr. Knack. I am going to ask you a
24 series of questions today. Have you ever given a

1 deposition before?

2 A. No, I have not.

3 Q. Then I am going to go into a little bit
4 more detail than I might with someone who had. This
5 is a question-and-answer session. So the first
6 thing you need to do is listen to my questions and
7 make sure you understand them before you try to
8 answer them. Will you do that?

9 A. Yes, I will.

10 Q. If you do not understand a question that I
11 have asked, will you please let me know, and I will
12 try to rephrase it so you do understand?

13 A. Yes. I certainly will.

14 Q. If you answer a question, I am going to
15 assume that you understood it. Fair enough?

16 A. Yes. That's fair enough.

17 Q. And the court reporter is taking down
18 everything that I say and everything that you say
19 and everything that your attorney may say. So if
20 you would like to have something read back, the
21 court reporter can read it back to you. In other
22 words, if you don't hear a question, your attention,
23 you know, is distracted, you can hear it over again.
24 Understood?



1 A. Yes.

2 Q. So have you ever sued anyone for personal
3 injuries before this case?

4 A. No, I have not.

5 Q. Have you ever been convicted of a crime?

6 A. No.

7 MR. HANNIGAN: Try to keep your voice up
8 as much as you can. Okay?

9 Q. What if anything have you reviewed in
10 preparation for giving testimony today?

11 MR. HANNIGAN: You mean, documents?

12 MR. BROPHY: Documents, pictures,
13 audiotapes, anything.

14 A. I don't understand that question.

15 Q. Well, let me try it this way.

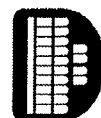
16 A. Okay.

17 Q. In the process of preparing to be deposed
18 today, I assume you have spoken to your attorney,
19 and I can't ask you about that. You understand
20 that?

21 A. Well, of course. Yeah.

22 Q. Okay. But in the process of preparing,
23 did you look at any legal papers?

24 A. Some, yes.



1 Q. What legal papers did you look at?

2 A. I'm not really sure.

3 Q. Did you look at a complaint?

4 A. Yes.

5 Q. Did you look at a bill of particulars?

6 A. I'm not sure. I don't recall.

7 MR. BROPHY: So let's have this document

8 marked Defendant's A for identification.

9 Please push that down to the court reporter, if
10 you would. A copy for you, sir.

11

12 (Defendant's Exhibit A, SUMMONS,
13 was marked for identification.)

14

15 Q. Okay. Take a quick look at Defendant's A.

16 Flip through it, if you like --

17 A. If I like?

18 Q. -- and I am going to ask you a couple of
19 questions about it.

20 A. Okay.

21 Q. My first question is: Is Defendant's A, a

22 summons and complaint in this case, one of the

23 documents that you reviewed in preparation for

24 coming here to testify today?

1 A. I don't understand. I don't know.

2 MR. HANNIGAN: Tell him.

3 A. I am not litigious. I don't understand
4 that, what you are asking me.

5 Q. Let me ask it this way: Have you read
6 Defendant's A or any part of Defendant's A in the
7 last few --

8 A. What's Defendant's A?

9 Q. That's the document in your hand. It has
10 a sticker on it that says "Defendant's A."

11 A. Well, excuse me, sir. I -- as I said, I
12 am not an attorney. I am not a litigious person. I
13 have never sued anyone before. So I would
14 appreciate a little patience.

15 Q. Okay.

16 A. Otherwise, you know --

17 Q. Do you have the question?

18 MR. HANNIGAN: Turn your tone down a
19 little bit. Might be helpful too.

20 Q. Do you have the question?

21 A. What question is it? You are not being
22 specific. You are being like -- you are being,
23 quite frankly, a little snarky, and I am not
24 appreciating it.



1 Q. The question is -- the question is: Have
2 you read Defendant's A or any portion of Defendant's
3 A in the last week?

4 A. I don't know what Defendant's A is.

5 MR. HANNIGAN: It's this document, is
6 Defendant's A.

7 THE WITNESS: Okay. Well --

8 MR. HANNIGAN: Let me finish. Once the
9 sticker is put on it, this is Defendant's A.

10 THE WITNESS: Okay.

11 MR. HANNIGAN: He wants to know whether,
12 in the last week, you read this. If you did,
13 tell him yes. If you didn't, tell him no.

14 A. No, I did not.

15 THE WITNESS: Thank you for clarifying.

16 MR. HANNIGAN: Just -- okay. Everybody
17 calm down.

18 THE WITNESS: Sorry.

19 MR. HANNIGAN: No problem.

20 MR. BROPHY: Okay. You can keep that by
21 you for the moment. Let's mark this -- this
22 document Exhibit B. This is a verified bill of
23 particulars. I will pass this over to the
24 court reporter. Thank you. Mr. Hannigan --

1 MR. HANNIGAN: Thank you.

2

3 (Defendant's Exhibit B,
4 BILL OF PARTICULARS, was
5 marked for identification.)
6

7 Q. Take a look at Defendant's B, and I am
8 going to ask you a couple of questions about it.
9 Tell me when you are ready.

10 A. I am ready.

11 Q. Is Defendant's B, your verified bill of
12 particulars, one of the legal documents that you
13 reviewed in preparation for coming here to testify
14 today?

15 A. Are you asking a time and date?

16 MR. BROPHY: Read the question back,
17 please.

18

19 (Record read back.)
20

21 A. Yes.

22 Q. Can you recall, as you sit here right now,
23 any other legal documents that you reviewed in
24 preparation for your testimony today, other than

1 Exhibit B, your verified bill of particulars?

2 MR. HANNIGAN: Objection as to form as to
3 the term "legal documents." You can answer, if
4 you understand the question.

5 A. I don't understand the question.

6 Q. Let me sharpen the question a little bit.
7 You see, on this document, Exhibit B -- actually,
8 Exhibit A too -- right at the beginning, there is a
9 statement, "Supreme Court State of New York, County
10 of Westchester, Noelle Feldman, plaintiff, against
11 William Knack, defendant"? You see that?

12 A. Yes. Of course I do.

13 Q. Okay. That is called a caption.

14 A. Okay.

15 Q. Legal documents have a caption on them.

16 A. Thank you for clarifying.

17 Q. Okay. In preparation for testimony --
18 your testimony today, have you reviewed any other
19 legal documents with that caption on it besides your
20 verified bill of particulars, Exhibit B?

21 A. I can't recall.

22 Q. Have you reviewed any other documents of
23 any nature in preparation for coming here to testify
24 today?

1 A. Yes.

2 Q. What have you reviewed?

3 A. I don't remember.

4 Q. Have you reviewed any medical records?

5 A. I don't remember.

6 Q. Have you reviewed any audiotapes?

7 A. No.

8 Q. Have you reviewed any transcripts of any
9 conversations?

10 A. Yes.

11 Q. What transcripts of what conversations
12 have you reviewed?

13 A. The two with Dr. Knack.

14 Q. What conversations are those that you are
15 referring to? When did you have these conversations
16 with Dr. Knack of which you reviewed a transcript?

17 A. I don't remember the exact date.

18 MR. HANNIGAN: Then tell him. That's
19 fine.

20 Q. Was anyone else in -- on -- withdrawn.

21 Were these conversations that you --

22 withdrawn.

23 The transcript of conversations that you
24 reviewed, were those conversations that were had in

1 connection with some police investigation?

2 A. I don't understand the question. Maybe if
3 this is more -- if you could ask more concisely and
4 not so -- be so verbose. I don't know.

5 Q. Who prepared the transcripts that you told
6 us that you reviewed?

7 A. I don't know.

8 Q. Did you prepare them?

9 A. No.

10 Q. Okay. Were they transcripts of audiotaped
11 conversations?

12 A. Yes.

13 Q. Were they transcripts of telephone
14 conversations?

15 A. Yes.

16 Q. Who made the audiotapes from which the
17 conversations were transcribed?

18 MR. HANNIGAN: Objection as to the term,
19 Who made them.

20 Q. If you know.

21 MR. HANNIGAN: Who made them? That's my
22 objection. You can answer.

23 A. You have to rephrase the question to where
24 it's -- I can understand it, because they are kind

1 of --

2 Q. That's all you have to say.

3 A. Good.

4 Q. I will rephrase the question.

5 A. Please do.

6 Q. Did you audiotape any conversations that
7 you had with Dr. Knack?

8 A. No.

9 Q. Did someone else audiotape some
10 conversations that you had with Dr. Knack?

11 A. Yes.

12 Q. Who audiotaped the conversations that you
13 had with Dr. Knack?

14 A. The Chappaqua Police Department.

15 Q. Any particular individual in the Chappaqua
16 Police Department whom you could name?

17 A. Yes. Detective Jim Wilson.

18 Q. And do you know what year that these
19 audiotapes were made?

20 A. This last year.

21 Q. Did you review any emails in preparation
22 for your testimony today?

23 A. Yes.

24 Q. And do you recall what emails those were?

1 A. Yes.

2 Q. Please explain.

3 MR. HANNIGAN: Objection as to form. You
4 can answer.

5 A. You're too vague.

6 Q. Excuse me? Okay. Who sent the emails
7 that you -- that you reviewed?

8 A. Who sent them where? What are you talking
9 about?

10 Q. Didn't you just tell me that you reviewed
11 some emails?

12 A. Yes, I did. Yes, I did, but your
13 questions are very vague.

14 Q. I will try to sharpen the question.

15 A. Please do.

16 Q. I want to make sure you understand them.

17 A. Yes, I would like that.

18 Q. Okay. How many emails did you review in
19 preparation for testifying today?

20 A. I believe it was two.

21 Q. Who composed those emails, if you know?

22 A. I don't understand your question.

23 Q. When you send someone an email -- let's
24 try it that way. Were they emails that you sent to

1 somebody or emails that someone else made?

2 A. Yes, of course.

3 Q. I'm sorry. That was -- were they emails
4 that you sent to somebody, that you reviewed?

5 A. Yes. Yes, they were.

6 Q. To whom did you send those emails?

7 A. Were to -- I sent emails to Dr. Knack. He
8 sent emails to me.

9 Q. Okay. Did you review emails that you sent
10 to Dr. Knack?

11 A. Yes. I already told you that.

12 THE WITNESS: I'm getting like -- I need a
13 break. I really do.

14 MR. HANNIGAN: All right. We will talk
15 outside. Give me five minutes.

16 MR. BROPHY: Sure.

17 THE VIDEOGRAPHER: We are now going off
18 the record at 10:54.

19

20 (Recess taken.)

21

22 (Defendant's Exhibit C,
23 TRANSCRIPT, was marked for
24 identification.)

1 THE VIDEOGRAPHER: We are now coming back
2 on the record at 11:10 a.m.

3
4 BY MR. BROPHY:

5 Q. Does the document which we have had marked
6 as Exhibit C, which is now before you, appear to be
7 a transcript of the conversations that you were
8 referring to before the break?

9 A. Yes.

10 MR. HANNIGAN: Counsel, has a copy of this
11 been supplied to us before?

12 MR. BROPHY: Yeah.

13 MR. HANNIGAN: Who prepared this?

14 MR. BROPHY: We did. Did you provide us
15 with a copy of the transcript that you
16 prepared?

17 MR. HANNIGAN: No. But I didn't mark it
18 at a deposition either.

19 MR. BROPHY: There you go.

20 MR. HANNIGAN: Just so the witness
21 understands that this transcript is not the one
22 that we showed you during your preparation.
23 This was prepared by them.

24 THE WITNESS: Okay.

1 MR. HANNIGAN: So for you to testify about
2 it, you would have to read it closely --

3 THE WITNESS: Okay.

4 MR. HANNIGAN: -- which I'm sure he would
5 want you to do.

6 MR. BROPHY: I am just establishing my
7 database right now. That's all.

8 MR. HANNIGAN: Great.

9 Q. In preparation for testifying today, did
10 you review any of Dr. Knack's records of his
11 treatment of you?

12 A. Yes.

13 Q. In preparation for testifying today, did
14 you review any of Dr. Shander's records of her
15 treatment of you?

16 A. No.

17 Q. In preparation for testifying today, did
18 you review any of Mira Renchner's records of her
19 treatment of you?

20 A. Mira Renchner?

21 Q. I'm sorry. I have never met the lady.
22 Pronounced, Mira?

23 A. No. I just didn't recognize the name.

24 No, I did not.

1 Q. In preparation for testifying today, did
2 you review transcripts of any text messages between
3 you and Dr. Knack?

4 A. No.

5 Q. That's a no?

6 A. No.

7 Q. In preparation for testifying today, did
8 you review any records from Silver Hill Hospital?

9 A. No.

10 Q. So other than the bill of particulars and
11 the transcript of the police calls and the emails,
12 did you review anything else in preparation for
13 coming here to testify today?

14 MR. HANNIGAN: Before you answer, I just
15 want to make the record clear that Exhibit C,
16 the transcript, is not the transcript that she
17 may have reviewed. This is the transcript
18 prepared by your office, which we did not have
19 and, therefore, she could not have reviewed.

20 MR. BROPHY: Fair enough.

21 Q. Okay. Do you have the question or would
22 you like it back?

23 A. I would like it back.

24 MR. BROPHY: Reread the question, please.

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(Record read back.)

THE WITNESS: Could you repeat that,
please.

(Record read back.)

A. No.

Q. Did you take any medications in the last
24 hours?

A. Yes, I did.

Q. What did you take?

A. I took my Focalin and my spironolactone.
It's for my skin.

Q. What's the Focalin for?

A. My ADHD.

Q. Do either of these medications affect your
ability to remember?

A. No.

Q. Do either of these medications affect your
ability to understand questions?

A. No.

Q. Do either of these medications affect your
ability to respond to questions?

1 A. No.

2 Q. Have you been prescribed any medications
3 that you haven't taken in the last 24 hours?

4 MR. HANNIGAN: In her entire life? What
5 about --

6 Q. Let me try it this way --

7 MR. HANNIGAN: Please.

8 Q. -- when was the last time that you saw a
9 doctor who prescribed medication to you?

10 A. I don't understand the question.

11 Q. I will sharpen the question further. When
12 is the last time that you saw Dr. Shander?

13 A. About six weeks ago.

14 Q. When did you see Dr. Shander six weeks
15 ago?

16 A. Excuse me?

17 Q. Where did you see Dr. Shander --

18 A. At her home, slash, office.

19 Q. When you saw Dr. Shander in her office
20 about six weeks ago, did she prescribe any

21 medications to you?

22 A. Yes, she did.

23 Q. What did she prescribe?

24 A. My ADHD medication and my -- my nighttime

1 medication.

2 Q. What's your nighttime medication?

3 A. Trazodone.

4 Q. What's that for?

5 A. To sleep. And it's for depression.

6 Q. Are you prescribed that with instructions
7 to take it daily?

8 A. Nightly.

9 Q. Nightly. Did you take it last night?

10 A. No.

11 Q. Pardon?

12 A. No, I did not.

13 Q. When is the last time you took it?

14 A. A couple of weeks ago.

15 Q. When you visited Dr. Shander about six
16 weeks ago, did she render a bill for services?

17 A. Yes.

18 Q. Do you have a copy of that bill?

19 A. No.

20 Q. Did you pay the bill?

21 A. No.

22 Q. Prior to -- did she give you a bill?

23 A. She doesn't give me a bill.

24 Q. When was the last time that you saw

1 Dr. Shander prior to six weeks ago?

2 A. Probably about a month ago. A month ago,
3 maybe.

4 Q. In the month -- this is September. In the
5 month of August, did you see her before?

6 A. As I said, a month prior to that.

7 Q. July?

8 A. I guess so, yeah.

9 Q. What did she do for you in July?

10 A. We talk. She gives me medication if I
11 need it, a prescription.

12 Q. When you talk to Dr. Shander, does she
13 make notes of what you tell her?

14 MR. HANNIGAN: Contemporaneously, you
15 mean, or in her presence, I gather? Is that
16 what you mean?

17 MR. BROPHY: That's the question. I will
18 sharpen the question if I don't get an answer.

19 MR. HANNIGAN: Sure. Sure.

20 A. Sometimes, she does.

21 Q. So just to sharpen the question,
22 sometimes, when you talk to Dr. Shander, does she
23 write things down as you are speaking?

24 A. Sometimes.

1 Q. Does she write things down with a pen and
2 paper or some other way?

3 A. Both, I guess. Pen and paper and -- I am
4 not really sure. I'm not really sure how she does
5 it, because some -- she multitasks.

6 Q. Do you ever get emails from Dr. Shander?

7 A. No.

8 Q. Do you ever send emails to Dr. Shander?

9 A. I did in the past.

10 Q. When is the last time you sent Dr. Shander
11 an email?

12 A. Probably a couple years ago.

13 Q. Have you sent emails to Dr. Shander on
14 more than one occasion?

15 A. Yes, I have.

16 Q. Could you give me your best estimate of
17 how many times you sent emails to Dr. Shander?

18 A. I can't -- I can't say.

19 Q. More than ten?

20 A. I can't say.

21 Q. More than one?

22 A. Yes.

23 Q. You already told us. Okay. And the
24 emails that you have sent to Dr. Shander -- are

1 those emails stored on a computer of yours or in
2 some other manner?

3 A. They used to be.

4 Q. Has the -- let's try it this way. When
5 you sent emails to Dr. Shander, did you use a
6 computer or a handheld device or what?

7 A. Both. I used -- I used an iPad and a
8 phone that has now -- has been destroyed.

9 Q. Do you still have the iPad?

10 A. Yes.

11 Q. And do you know whether you still have the
12 same email account that you used to send emails to
13 Dr. Shander?

14 A. No.

15 Q. No, you don't know, or no, you don't have
16 it?

17 A. No, I don't have it, nor do I have the
18 iPad as well.

19 Q. Okay. Have you ever seen Dr. Shander take
20 notes on a computer during a session you've had with
21 her?

22 A. Yes.

23 Q. Have you ever paid Dr. Shander for her
24 services?

1 A. Yes.

2 Q. How have you paid Dr. Shander for her
3 services?

4 A. I paid in cash.

5 Q. Does she give you a receipt?

6 A. No.

7 Q. Have you ever paid Dr. Shander by check?

8 A. Yes.

9 Q. When is the last time you paid her by
10 check, to the best of your recollection?

11 A. 2012, I think.

12 Q. Do you still have that checking account?

13 A. No, I do not.

14 Q. Do you have any records of that checking
15 account?

16 A. No, I do not.

17 Q. Did you ever communicate with Dr. Shander
18 by Facebook?

19 A. No. No.

20 Q. Why haven't you taken your Trazodone for
21 the last couple of weeks?

22 MR. HANNIGAN: Objection as to form. You
23 can answer, if you can, if you understand it.

24 THE WITNESS: I understand it.

1 MR. HANNIGAN: Okay.

2 A. It makes me too groggy in the morning.

3 Excuse me.

4 Q. Does Dr. Shander know that you haven't
5 been taking the medication that she prescribed to
6 you?

7 A. Yes, she does.

8 Q. How does she know?

9 A. I told her.

10 Q. When did you tell her?

11 A. I told her several times. Last time I saw
12 her and the time before, because it makes me very
13 groggy. I take it on an as-needed basis.

14 Q. Did you see Dr. Shander in May of this
15 year?

16 A. I don't remember.

17 Q. Has Dr. Shander, this year, prescribed to
18 you a medication called "Clonopin"?

19 A. Yes, she has.

20 Q. Are you supposed to take that every day?

21 A. Yes, I am.

22 Q. Are you taking it every day?

23 A. No, I am not.

24 Q. Does she know that?



1 A. She does.

2 Q. This year, has Dr. Shander prescribed --
3 withdrawn.

4 Do you know what Clonopin is for?

5 A. It's --

6 MR. HANNIGAN: Objection as to form. You
7 can answer.

8 A. It's for -- it's for anxiety and -- it's
9 for anxiety.

10 Q. You suffer from anxiety?

11 A. Excuse me?

12 Q. Do you suffer from anxiety?

13 A. At times.

14 Q. And why haven't you been taking the
15 Clonopin?

16 A. Because I haven't been --

17 MR. HANNIGAN: Objection as to form. You
18 can answer.

19 Q. Excuse me?

20 A. I haven't been anxious.

21 Q. Have you been -- this year, have you been
22 prescribed a medication by Dr. Shander called
23 "Wellbutrin"?

24 A. I was.

1 Q. Do you still have a prescription for
2 Wellbutrin?

3 A. No, I do not.

4 Q. She discontinued that, did she?

5 A. Yes, because I had seizures. It's not
6 good for that.

7 Q. When did you start having seizures?

8 A. When I was 17.

9 Q. Has Dr. Shander, this year, prescribed to
10 you a medication called "doxepin hydrochloride"?

11 A. Yes, she has.

12 Q. Do you know what that was for?

13 A. To sleep.

14 Q. Is that for -- as needed, or are you
15 supposed to take it every day?

16 A. As-needed basis.

17 Q. Where do you bill your prescriptions,
18 currently?

19 A. Different pharmacies.

20 Q. Name them.

21 MR. HANNIGAN: That's a question. What he
22 meant to say is, Can you please name them.

23 Q. Please name them.

24 A. Yeah. Well, Bedford Pharmacy, CVS,

1 sometimes, Jacobson's. I think that's it.

2 Q. Which CVS do you --

3 A. The one in Mount Kisco.

4 Q. Where is Jacobson's Pharmacy?

5 A. In Mount Kisco.

6 Q. Was Dr. Shander prescribing medication to
7 you in 2014, last year?

8 A. Was she prescribing it?

9 Q. Yes, ma'am.

10 A. Yes, she was.

11 Q. And were you filling prescriptions that
12 she wrote for you?

13 A. Yes.

14 Q. And what pharmacies were you using in
15 2014?

16 A. The same thing.

17 Q. How about 2013? Was Dr. Shander writing
18 prescriptions to you in 2013?

19 A. She was.

20 Q. And were you filling those prescriptions?

21 A. Yes.

22 Q. Where were you filling them?

23 A. Same.

24 Q. Same question regarding 2012. Any

1 different pharmacies you were using in 2012?

2 A. No.

3 Q. When did you start seeing Dr. Shander?

4 A. When did I first --

5 Q. Yes.

6 A. When I was at Silver Hill, Silver Hill
7 Hospital.

8 Q. And before -- and she's a psychiatrist, is
9 she?

10 A. Yes, she is.

11 Q. And before you were going to Dr. Shander,
12 were you going to a different psychiatrist?

13 A. Yes.

14 Q. Is that Dr. Nowillo?

15 A. Yes.

16 Q. How long did you go to her?

17 A. Just a couple of months.

18 Q. Why did you stop going to her?

19 A. I didn't like her.

20 Q. Why didn't you like her?

21 A. She was cold.

22 Q. Before you went to Dr. Nowillo, did you go
23 to a different psychiatrist?

24 A. Yes.

1 Q. Who was that?

2 A. Dr. Alexander Lerman.

3 Q. Dr. Lerman?

4 A. Lerman.

5 Q. How long did you go to him?

6 A. Maybe it was three or four years.

7 Q. Why did you stop going to him?

8 A. He violated a HIPAA law.

9 Q. How so?

10 A. I don't want to talk about that.

11 Q. I'm asking about it. What did he do?

12 A. I don't want to talk about it.

13 MR. BROPHY: Mark it for a ruling, please.

14

15 RULING MARKED:

16

17 Q. Did Dr. Nowillo prescribe medications to
18 you?

19 A. Yes, she did.

20 Q. Did you take the medications that she
21 prescribed in accordance with the instructions that
22 she gave you?

23 A. Yes.

24 Q. Did you ever skip medications that she

1 told you to take?

2 A. No.

3 Q. How about Dr. Lerman? Did Dr. Lerman
4 prescribe medications to you?

5 A. Yes.

6 Q. And did you comply with Dr. Lerman's
7 instructions about the medications you were supposed
8 to take?

9 A. Yes, I did.

10 Q. Did you ever skip medications that Dr.
11 Lerman told you to take?

12 A. No.

13 Q. So was it only when you started going to
14 Dr. Shander that you started skipping medications
15 that you were given?

16 A. I need to clarify this.

17 MR. HANNIGAN: Go ahead.

18 A. I don't skip medications. Okay? I --
19 Dr. Shander said, if you are not depressed, don't
20 take it and -- or Clonopin makes me sleepy, I can't
21 drive. So I'm not going to take it. So it's not
22 like I am skipping medication. I take it on an
23 as-needed basis, and she understands that.

24 Q. Okay.

1 A. So I just want to clarify that.

2 MR. HANNIGAN: Anytime you want to clarify
3 something --

4 Q. So if I understand correctly --

5 MR. HANNIGAN: Don't talk over me. Okay?
6 Please?

7 MR. BROPHY: Okay.

8 MR. HANNIGAN: Thank you, sir.

9 Q. If I understand --

10 MR. HANNIGAN: I won't do it to you.

11 MR. BROPHY: I'm sorry? Did I doing
12 something?

13 MR. HANNIGAN: You were talking over me --

14 MR. BROPHY: I apologize.

15 MR. HANNIGAN: -- and I won't do that to
16 you.

17 Q. Let me ask you this: Have you had
18 conversations with Dr. Shander in which you have
19 told her that you decide when you need to take
20 medications?

21 A. No.

22 Q. Does Dr. Shander know that you are taking
23 medications when you think you need them?

24 A. I don't understand that question at all.

1 That's --

2 MR. HANNIGAN: Okay. That's all you have
3 to say, you don't understand.

4 THE WITNESS: Okay. Yeah.

5 Q. Let's look at Exhibit B, which is the
6 bill -- the verified bill of particulars. I am
7 going to call your attention, particularly, to
8 paragraph 7 --

9 MR. HANNIGAN: Turn to paragraph 7.

10 Q. -- "injuries sustained by plaintiff."

11 MR. HANNIGAN: You want her to read that
12 to herself?

13 MR. BROPHY: Yes.

14 Q. Read it to yourself. I am going to ask
15 you a few questions about it.

16 A. All right.

17 Q. Let's start with the last point. "A large
18 dark bruise to plaintiff's buttocks." When did you
19 sustain that bruise?

20 A. When he raped me.

21 Q. When was that?

22 A. In January.

23 Q. What year?

24 A. 2013.

1 Q. Did you ever seek medical treatment for
2 that -- that bruise on your buttocks?

3 A. No.

4 Q. Did you ever go to an emergency room
5 following the alleged rape?

6 A. No.

7 Q. Did you ever have suicidal thoughts prior
8 to the alleged rape?

9 A. When I was a teenager, yes.

10 Q. Between the time that you were a teenager
11 and the time that the alleged rape took place, did
12 you ever have suicidal thoughts?

13 A. No.

14 Q. Do you know what the word "pervasive"
15 means?

16 A. Yes, I do.

17 Q. Okay. Did you ever discuss suicidal
18 thoughts with any psychotherapist following the
19 alleged rape?

20 A. In the past or the present?

21 Q. Following the alleged rape, from the time
22 that happened until today --

23 A. The past or the present.

24 Q. Listen to the question, please.

1 A. I am listening.

2 Q. I will withdraw that question.

3 From the time that the alleged rape
4 occurred, until today, have you discussed pervasive
5 suicidal thoughts with any psychotherapists?

6 A. You have to repeat it.

7 MR. BROPHY: Repeat it. Read it back,
8 please.

9
10 (Record read back.)

11
12 A. Yes.

13 Q. Who?

14 A. Actually, I -- can I withdraw that?

15 MR. HANNIGAN: Say whatever you want.

16 A. I withdraw that. No.

17 MR. HANNIGAN: Now that you thought about
18 it, you want to revise your answer?

19 THE WITNESS: Yes.

20 MR. HANNIGAN: Okay.

21 Q. Let me make sure I understand your answer.

22 These pervasive suicidal thoughts that are alleged
23 in your bill of particulars, did you ever tell a
24 psychotherapist about that?

1 A. No.

2 Q. That's a no?

3 A. That's a no.

4 Q. In your bill of particulars, you allege
5 emotional distress due to the defendant's conduct.
6 How did that emotional distress manifest itself?

7 A. Severe depression.

8 Q. Anything else?

9 A. Extreme isolation.

10 Q. Anything else?

11 A. Lost -- I lost all interest in activities
12 that I once enjoyed.

13 Q. What activities?

14 A. Going to the gym and just interacting with
15 people.

16 Q. Any other ways in which this emotional
17 distress manifested itself?

18 A. Horrible nightmares on a nightly basis.

19 Q. Anything else?

20 A. Not wanting to leave my house, being
21 frightened all the time.

22 Q. Frightened of what?

23 MR. HANNIGAN: Objection as to form. You
24 can answer.

1 A. Just frightened. Just frightened.

2 Q. Any other manifestations of this emotional
3 distress that you can think of right now?

4 A. Being sad all the time.

5 Q. Anything else?

6 A. Not interacting with my children as much.
7 Sorry.

8 Q. Anything else?

9 A. Anything else what?

10 Q. Would you like to take a break? Because I
11 am going to have to ask you about this stuff.

12 A. I know you do.

13 MR. HANNIGAN: You are asking. She's
14 answering.

15 MR. BROPHY: Okay.

16 A. More fearful of being around men,
17 withdrawn.

18 Q. Anything else?

19 A. Yes.

20 Q. Tell me about it.

21 A. Feeling --

22 MR. HANNIGAN: Take your time.

23 A. He raped my soul. Not just my body. He
24 raped my soul.

1 Q. I am asking about ways in which the
2 extreme emotional distress --

3 A. I am telling you --

4 Q. -- manifested itself.

5 A. -- he raped my soul, and that's how I
6 felt.

7 Q. Are you an alcoholic?

8 A. Yes.

9 Q. Did -- were you -- at the time the alleged
10 rape occurred, were you drinking?

11 A. No.

12 Q. Following the occurrence of the alleged
13 rape, did you start drinking again?

14 A. Yes.

15 Q. Tell me about that.

16 A. I just did.

17 Q. Pardon?

18 A. I just did.

19 Q. How long did you continue drinking after
20 the alleged rape?

21 MR. HANNIGAN: Objection as to form. You
22 can answer, if you understand.

23 A. I don't know. A month, maybe, or two. I
24 don't know. A couple months. Then I stopped.

1 Q. Have you ever been treated for severe
2 depression prior to the alleged rape?

3 A. Once.

4 Q. When?

5 A. I think it was -- it was the late 1980s,
6 maybe. I don't remember the exact date.

7 MR. HANNIGAN: Your best estimate is fine.

8 A. '87, maybe.

9 MR. HANNIGAN: If you can't, then don't.

10 A. Maybe '87. I am not really sure.

11 Q. Did you ever have nightmares prior to the
12 alleged rape?

13 MR. HANNIGAN: Objection as to the form.

14 He is talking about your whole life, from the
15 time you were born, I guess, since there's no
16 time frame.

17 A. On occasion.

18 Q. Let me ask you this: During the year
19 prior to the alleged rape, were you having a problem
20 with nightmares on a regular basis?

21 A. No.

22 Q. What gym were you going to, by the way?

23 A. The gym at Armonk.

24 Q. You said you stopped going to the gym

1 after this alleged rape. What gym were you going to
2 before the alleged rape?

3 A. I just told you.

4 MR. HANNIGAN: She just answered.

5 A. The gym.

6 Q. What gym?

7 MR. HANNIGAN: The gym at Armonk.

8 A. It's called "The Gym."

9 Q. It's called "The Gym." Okay. Where is
10 the gym called "The Gym" located?

11 A. In Armonk.

12 Q. Okay. Did you have a membership?

13 A. Yes, I did.

14 Q. When you would go to the gym in Armonk,
15 would you sign in in some manner?

16 A. No. You just swipe your card.

17 Q. You still belong to that gym?

18 A. Yes.

19 Q. Did you receive any psychiatric treatment
20 for the severe depression that you are attributing
21 to the alleged rape?

22 A. Not -- no. Not really. I mean, I -- I
23 saw Dr. Shander. So yes, but --

24 Q. Did she treat you for the severe

1 depression that you say you were having after the
2 alleged rape?

3 A. Yes.

4 Q. Did you tell her that Dr. Knack raped you?

5 A. Initially, no.

6 Q. Did there come a time that you ultimately
7 told her about it?

8 A. Yes, I did.

9 Q. When did you ultimately tell her about it?

10 A. I don't remember when I ultimately told
11 her about it. I don't remember the exact date.

12 Q. Well, let me ask it this way: Did you
13 tell her about it within a month after it happened?

14 A. I don't remember.

15 Q. Did you tell her about it within a year
16 after it happened?

17 A. Yes. I believe so.

18 MR. HANNIGAN: What did you say?

19 THE WITNESS: I said, "Yes. I believe
20 so."

21 MR. HANNIGAN: Okay. Because I couldn't
22 hear you. Thank you.

23 Q. Looking at paragraph 8 at your bill of
24 particulars, the last sentence in the bottom of the

1 page, it says, "At present, plaintiff has received
2 treatment for the injuries sustained at hands of
3 defendant from the following healthcare
4 professionals." Then it says, "Ellen Shander, MD,
5 and Mira Renchner."

6 Besides Dr. Shander and Mira Renchner,
7 have you received treatment for the injuries you
8 allegedly sustained at the hands of the defendant
9 from anybody else?

10 A. No.

11 Q. What treatment have you received from
12 Dr. Shander for the injuries you say you sustained?

13 A. Therapy. Therapy.

14 Q. You were going to Dr. Shander for therapy
15 before this alleged rape; is that right?

16 A. Yes.

17 Q. When did you start with -- you said you
18 started with her at Silver Hill?

19 A. Yes.

20 Q. And what was she treating you for when you
21 were at Silver Hill?

22 A. Several things.

23 Q. What?

24 A. PTSD. Complex PTSD.

1 Q. Anything else that she was treating you
2 for at Silver Hill that you can recall?

3 A. Generalized depression.

4 Q. Anything else?

5 A. No.

6 Q. You were in Silver Hill on two occasions?

7 A. Yes.

8 Q. What precipitated the first admission?

9 A. I was drinking.

10 MR. HANNIGAN: You want to take a break?

11 Q. You went in voluntarily?

12 A. Yes.

13 MR. HANNIGAN: Did you say you want to
14 take a break?

15 THE WITNESS: Yes.

16 MR. HANNIGAN: Sure. Let's take a few
17 minutes.

18 MR. BROPHY: Okay.

19 MR. HANNIGAN: Thank you.

20 THE VIDEOGRAPHER: We are now going off
21 the record at 11:47.

22

23

(Recess taken.)

24

1 THE VIDEOGRAPHER: We are now coming back
2 on the record at 12:01 p.m.

3
4 BY MR. BROPHY:

5 Q. Getting back to the bill of particulars
6 where you indicated that you were intermittently
7 confined to home through the date of the incident to
8 the present time, how long were you confined to
9 your -- withdrawn.

10 Were you confined to your home in the days
11 immediately following the alleged rape?

12 A. I don't understand that question.

13 MR. HANNIGAN: Objection as to the term
14 "intermittently confined." She never used
15 those words.

16 MR. BROPHY: It's in her bill of
17 particulars and she signed it. Okay?

18 MR. HANNIGAN: She never used those words
19 in the deposition, is what I --

20 Q. Okay. I am referring to your bill of
21 particulars in paragraph 8. Okay? It says here,
22 "As a direct result of defendant's unlawful, illegal
23 contact, plaintiff was intermittently confined to
24 her home from the date of the incident through the

1 present time," period. So I'm going to ask you a
2 question about those -- that confinement to the
3 home.

4 Were you confined to your home for a
5 period of time immediately following the alleged
6 rape?

7 A. I was --

8 MR. HANNIGAN: Objection as to form as to
9 the term, confined to her home. You can
10 answer.

11 A. I was never confined.

12 Q. All right. So you used the wrong word in
13 the bill of particulars?

14 A. No, I did not. I never used those words.

15 Q. Did you sign the bill of particulars?

16 A. Yes.

17 Q. Did you read it before you signed it?

18 A. Yes. I believe so.

19 Q. Okay. So let's try it this way --

20 A. I am not sure I read this, actually.

21 Q. Let me try it this way. Was there a
22 period of time immediately following the alleged
23 rape that you didn't go out of your house?

24 A. Yes.

1 Q. How long was the first period of time
2 following the alleged rape that you did not leave
3 your house?

4 A. What do you mean by, "first period"?

5 Q. Talking about the period of time -- was
6 there -- let me try it again. Was there a period of
7 time immediately following the alleged rape that you
8 did not leave your house?

9 A. That is correct.

10 Q. How long was that period?

11 A. This is -- this is -- I can't.

12 MR. HANNIGAN: If you don't understand the
13 question, just say so.

14 THE WITNESS: Yeah, I don't. I really
15 don't.

16 MR. HANNIGAN: You either understand it or
17 you don't.

18 THE WITNESS: Okay. I don't.

19 MR. HANNIGAN: Okay. Then you tell him,
20 then he has to re-word it or something.

21 THE WITNESS: Okay. Okay.

22 Q. I will try it again. Following the
23 alleged rape, you went home, did you?

24 A. Yes.

1 Q. Following the alleged rape, did you stay
2 in your house for some period of time?

3 A. Three months.

4 Q. Following the alleged rape, was there a
5 period of time when you stayed in your house and
6 didn't go out at all?

7 A. I do not understand the question.

8 Q. Do you understand what it means to stay in
9 your house?

10 A. Yes, I do. Of course I do.

11 Q. All right. Since you understand what it
12 means --

13 A. But I have children. So I have to take
14 them to school.

15 Q. What day of the week did the alleged rape
16 take place?

17 A. I believe it was -- well, it was either a
18 Tuesday or a Thursday. Maybe, it was a Thursday.

19 Q. Did you go out of your house for any
20 reason the following day?

21 A. Yes. To take my children to school.

22 Q. Any other reason?

23 A. No.

24 Q. Did you go out of your house for any

1 reason the second day following the alleged rape?

2 A. To take my children to school.

3 Q. Did you go out for any other reason?

4 A. No.

5 Q. When is the first time you went out of
6 your house for any reason other than to take your
7 children to school following the day of the alleged
8 rape?

9 A. It was a long time.

10 Q. Was it more than one week?

11 A. Definitely.

12 Q. Was it more than two weeks?

13 A. Yes.

14 Q. When is the first -- what is the first
15 reason that you went out of the house following the
16 alleged rape, other than to take your children to
17 school?

18 MR. HANNIGAN: Objection as to form. All
19 of this is if you recall.

20 MR. BROPHY: Everything is if you recall.

21 MR. HANNIGAN: Yeah. But asking about --

22 MR. BROPHY: You don't need to coach your
23 client, counselor.

24 MR. HANNIGAN: -- a particular day three

1 years ago is ridiculous on its face. That's
2 why I said that, but you have -- you are
3 entitled to ask those questions.

4 A. I don't remember. A long time.

5 Q. Let me withdraw the last question and try
6 another way. Following the alleged rape, did you go
7 back to Dr. Shander -- withdrawn. Let me rephrase
8 it.

9 Following the alleged rape, did you go to
10 Dr. Shander at some point?

11 A. At some point.

12 Q. How long after the alleged rape was the
13 first time you saw Dr. Shander?

14 A. I don't remember the exact date.

15 Q. Did you see Dr. Shander within a week
16 after the alleged rape?

17 A. No.

18 Q. Did you see her within a month after the
19 alleged rape?

20 A. Unh-unh.

21 Q. That's a no?

22 A. That's a no.

23 Q. Did you see Dr. Knack within a week after
24 the alleged rape?

1 A. No.

2 Q. Did you see Dr. Knack within a month after
3 the alleged rape?

4 A. Yes.

5 Q. How long was it from the date of the
6 alleged rape until the first time you saw Dr. Knack
7 again?

8 A. I don't recall the exact time frame, but
9 it was like a couple of weeks. I think, two or
10 three weeks.

11 Q. Did you have a calendar of your
12 appointments in 2013?

13 A. Yes.

14 Q. How did you keep that calendar?

15 A. On the wall.

16 Q. Was it on -- was it on an electronic
17 device? Was it on the wall?

18 A. It was on the wall on my children's
19 calendar, school calendar.

20 Q. Did you write down dates of your
21 appointments with Dr. Knack on that calendar?

22 A. Yes, I did.

23 Q. Did you write down dates or your
24 appointments with Dr. Shander on that calendar?

1 A. Yes, I did.

2 Q. Where is that calendar now?

3 A. I don't know.

4 Q. You don't have it?

5 A. I don't know. I just moved. I don't
6 know.

7 Q. You might have it?

8 A. Possibly.

9 Q. Do you remember making a point of keeping
10 it?

11 A. Yes, I did.

12 Q. From the time you started going to
13 Dr. Shander until the date of the alleged rape,
14 about how many times did you see her?

15 A. I don't remember.

16 Q. Did you go to Dr. Shander's office on some
17 regular basis, whether weekly or monthly or some
18 other regular basis from the time that you were
19 discharged from Silver Hill until the date of the
20 alleged rape?

21 A. No.

22 Q. Following the date of the alleged rape,
23 did you go to Dr. Shander's office on any regular
24 basis, whether weekly, monthly, bi-monthly, or

1 anything else?

2 A. No.

3 Q. How did you make appointments with
4 Dr. Shander? In 2013, how did you make appointments
5 with Dr. Shander? Did she give you a new
6 appointment when you left her office, or did you set
7 it up in some other manner?

8 A. I would just -- we would just do it by
9 text. She -- we would just do it by text.

10 Q. Were there any periods of time from the
11 beginning of your treatment with Dr. Shander until
12 today when you did not see her for a period of six
13 months or longer?

14 A. No. I don't believe so. No.

15 Q. Did you ever -- withdrawn.

16 When you did communicate to Dr. Shander
17 that Dr. Knack had raped you, how did you
18 communicate that to her? Was it face-to-face or
19 some other way?

20 A. Face-to-face.

21 Q. Was that during a session at her office?

22 A. Yes.

23 Q. Was it in 2013?

24 A. I don't recall if --

1 Q. There came a time that you made a
2 complaint about Dr. Knack to the police; is that
3 right?

4 A. That's right.

5 Q. Did you tell Dr. Shander that Dr. Knack
6 had raped you before you made any complaint to the
7 police?

8 A. I don't recall.

9 Q. Aside from anything that you may have
10 written for your lawyer, which I am not entitled to,
11 did you ever write to anybody, whether in a letter
12 or electronic communication, that Dr. Knack had
13 raped you?

14 A. No.

15 MR. HANNIGAN: Does that include Dr. Knack
16 in that universe of humans?

17 MR. BROPHY: That's a question, and it has
18 been answered.

19 MR. HANNIGAN: Objection as to form to
20 that question.

21 A. Yeah. That's not -- that's not --
22 that's -- I don't like that. It's -- then I will
23 withdraw my answer.

24 MR. BROPHY: So read the question back,

1 please.

2

3

(Record read back.)

4

5

Q. And your answer is?

6

A. I wrote Dr. Knack.

7

Q. What did you write to Dr. Knack?

8

MR. HANNIGAN: Objection as to form. You want her to recite the letter to you or what?

9

10

Q. Was it in the form of a letter, an email, a text message, or what?

11

12

A. It was an email.

13

Q. Do you have a copy of that email that you could show me?

14

15

MR. HANNIGAN: With her in her pocketbook? Is that what you are asking her? No, she doesn't. We have it. You gave it to us.

16

17

18

Q. The email that you -- withdrawn.

19

So if I understand your answer correctly, you sent an email to Dr. Knack at some time in which you accused him of having raped you?

20

21

22

A. I sent an email to him about his misconduct and sexually -- sexually inappropriate behavior.

23

24

1 Q. When did you send him that email?

2 A. In November.

3 Q. 2013?

4 A. 2014, I believe.

5 Q. Did you send a copy of that email to
6 Dr. Shander?

7 A. I don't remember.

8 MR. BROPHY: Let's mark this document.

9

10 (Defendant's Exhibit D,
11 POLICE STATEMENT, was
12 marked for identification.)

13

14 Q. Take a look at Exhibit D. I want to ask
15 you a couple questions about it.

16 A. Yes, I am looking at it. Okay.

17 Q. First of all, you recognize the name on
18 top, Jim Wilson?

19 A. Yes, I do.

20 Q. Who is that?

21 A. The detective I first reported Dr. Knack
22 raping me.

23 Q. And this copy has the name of the person
24 who sent the email blacked out.

1 A. So?

2 Q. Okay. You see that?

3 A. Of course I do.

4 Q. But is this -- is this a copy of an email
5 that you sent to Mr. Wilson with the -- with your
6 name blacked out?

7 MR. HANNIGAN: Objection as to form. I
8 don't understand the part about the blacked
9 out --

10 THE WITNESS: Yeah, I don't either.

11 Q. You see the document in front of you?

12 A. Of course I do.

13 Q. Okay. Top of the page, it says, "Jim
14 Wilson"?

15 A. Yes.

16 Q. Next line, it says "from"?

17 A. Yes.

18 Q. Can you read on there who it is from?

19 A. No.

20 Q. Pardon me?

21 A. No.

22 Q. Why not?

23 A. It's blacked out, as you can see. You
24 know --

1 MR. HANNIGAN: Okay. That's fine. You
2 answered. Be quiet. He wants to play games.
3 Fine.

4 Q. Bearing in mind that this copy appears to
5 have your -- somebody's name blacked out. Does that
6 appear to you to be a copy of something that you
7 sent to Jim Wilson?

8 A. I never sent anything with names blacked
9 out. So no.

10 Q. Ms. Feldman --

11 A. Excuse me.

12 Q. -- if the name "from" was not blacked out,
13 do you know whose name would appear under the
14 blackout in that document, Exhibit D?

15 MR. HANNIGAN: Objection as to form. The
16 dripping sarcasm is noted for the record.
17 Counsel, who blacked this out? Do you know?

18 MR. BROPHY: Presumably, the police
19 blacked it out.

20 MR. HANNIGAN: When you produced it to us,
21 it wasn't blacked out. So why don't you show
22 her the copy you produced to us, and that would
23 stop this --

24 MR. BROPHY: I do not have a copy of an

1 email to Jim Wilson that is not blacked out.
2 That copy was produced by the New Castle Police
3 pursuant to a FOIL request.

4 MR. HANNIGAN: Well, it's causing
5 confusion. We've never seen this before.
6 Neither has she. So she is a lay witness.

7 Q. Okay. So regardless --

8 MR. HANNIGAN: She doesn't understand your
9 questions.

10 MR. BROPHY: Fine.

11 Q. Regardless of your recollection of --
12 withdrawn.

13 Let me start over. Okay. Detective -- it
14 says, "Detective Wilson, thank you so much for
15 helping me. The first email is what I wrote to
16 Dr. Shander after telling her about Dr. Knack." Is
17 the sentence that I read a sentence that you wrote
18 in a message to Mr. Wilson?

19 MR. HANNIGAN: That's fair.

20 A. Yes.

21 Q. And below that, there is a date,
22 November 14th, 2013, 8:22 a.m. And would you please
23 read to me what is written there, beginning with the
24 words, "I just mailed it," until the end of the

1 sentence that ends, "In my life." Just read it to
2 me for the record.

3 A. "I just mailed it. Thank you so much for
4 helping me and supporting me. I feel so much
5 better, stronger. I am off to work on my own
6 magnificence. I love you and respect you beyond
7 words. I feel so blessed you are in my life."

8 Q. Is that what you just read, the text of an
9 email that you wrote to Dr. Shander?

10 A. A text of an email? I am not -- I
11 don't -- I --

12 MR. HANNIGAN: Just, if you don't
13 understand, say you don't understand. Okay?
14 And that's it. Thank you.

15 Q. Let me try it this way. Is what you just
16 read to me something that you wrote to Dr. Shander
17 in an email?

18 A. Yes.

19 Q. And below that is a message dated
20 November 14th, 2013, at 8:13:06 a.m. EST to
21 knackw.@oldwestbury.edu, "Subject: Therapy." And
22 without reading the whole thing, is the writing that
23 appears below the word "therapy," down to the last
24 sentence, "Find my own power and magnificence,"

1 something you wrote?

2 A. Yes, it is.

3 Q. Is that something that you wrote to Dr.
4 Knack?

5 A. Yes, it is, as you can see.

6 Q. Prior to the -- withdrawn.

7 And does the date of November 14th,
8 2013 -- is that when you recall writing that email
9 to Dr. Knack?

10 A. Yes.

11 Q. You sent a copy of that email to
12 Dr. Shander, question mark?

13 A. I don't remember.

14 Q. Do you remember sending any other email to
15 Dr. Shander in which you alleged that Dr. Knack had
16 engaged in some type of misconduct to you?

17 A. No.

18 Q. That's a no?

19 A. No.

20 Q. Prior to November 14th, 2013, when was the
21 last time that you saw Dr. Knack?

22 A. I don't know. Maybe a couple of weeks
23 before.

24 Q. What was the purpose of you seeing him a

1 couple of weeks before November 14th, 2013?

2 A. Therapy. Therapy.

3 Q. From the time of the alleged rape until
4 November of 2013, about how many times did you see
5 Dr. Knack for therapy?

6 A. I -- I don't remember. I do not remember.

7 Q. Did you see Dr. Knack at least once a
8 month from January of 2013 until October of 2013?

9 A. It was sporadic. I can't say.

10 Q. Did you have a regular schedule day or
11 days when you were supposed to see Dr. Knack?

12 A. Yes, I did.

13 Q. And how many --

14 MR. HANNIGAN: Objection as to form. Time
15 frame.

16 Q. Was that weekly, more than once a week?
17 What?

18 A. Excuse me?

19 Q. How long did you have -- was your
20 arrangement to see Dr. Knack in 2013?

21 A. Two times a week.

22 Q. And did he charge you for his services?

23 A. Not at that time, no.

24 Q. When is the last time that he charged you

1 for his services?

2 A. I don't remember.

3 Q. Did he charge you for his services at any
4 time in 2013?

5 A. I don't remember. I don't -- I think so.
6 I'm not sure.

7 Q. Did you ever write Dr. Knack checks in
8 payment for his services?

9 A. Yes, I did.

10 Q. Did you ever write any checks in payment
11 for his services in 2013?

12 A. I don't remember.

13 Q. If you did write Dr. Knack checks in
14 payments of his services in 2013, on what account
15 would those checks have been written?

16 A. A joint account to my husband and myself.

17 Q. Did there come a time when you no longer
18 had access to that joint account?

19 A. Yes.

20 Q. Where was that?

21 A. When -- prior to our separation.

22 Q. When were you separated from your husband?

23 A. On Mother's Day, May of 2013 or --

24 MR. HANNIGAN: You have to speak up and

1 give your answer in full.

2 THE WITNESS: I know. I generally speak
3 low. It's just -- it's me.

4 MR. HANNIGAN: Okay.

5 A. Yes. It was 2013.

6 Q. Are you currently a patient of Mira
7 Renchner?

8 A. No, I am not.

9 Q. When is the last time you saw Mira
10 Renchner?

11 A. Several months ago.

12 Q. How many times have you been to Mira
13 Renchner altogether?

14 A. I don't have an exact number. Can't say.

15 Q. More than once?

16 A. Yes.

17 Q. As many as five times?

18 A. Yes.

19 Q. As many as ten times?

20 A. Maybe.

21 Q. Did you pay Mira Renchner for her
22 services?

23 A. Yes, I did.

24 Q. How did you pay her?

1 A. By a check.

2 Q. Was the check from your own checking
3 account?

4 A. Yes, it was.

5 Q. Have you ever paid Dr. Shander for her
6 services with checks out of your own checking
7 account?

8 A. In the past, yes.

9 Q. Do you still have the checking account
10 that you used to pay checks to Dr. RENCHNER?

11 A. Yes.

12 Q. You still have the checking account that
13 you used to pay -- write checks to Dr. Shander?

14 A. Yes. Well, actually, no. Not
15 Dr. Shander.

16 Q. That was a different checking account from
17 the one that you used to pay Ms. RENCHNER?

18 A. Yes.

19 Q. What check account was that?

20 A. Our joint account.

21 Q. So since you separated from your husband,
22 did you ever pay Dr. Shander by check?

23 A. Yes.

24 Q. On what account?

1 A. Personal account, I think. I'm not sure.

2 Q. Did you ever pay Dr. Shander using a
3 credit card?

4 A. No.

5 Q. Did you ever pay Ms. RENCHNER using a
6 credit card?

7 A. No.

8 Q. How did you find -- how did you find your
9 way to Dr. -- Ms. RENCHNER?

10 A. I had seen her in the past, about ten
11 years ago. She was recommended by my doctor.

12 Q. What doctor then?

13 A. At Mount Kisco Medical Group. I don't
14 remember who it was.

15 Q. Do you know a doctor at Mount Kisco
16 Medical Group by the name of Dr. Jacobowitz?

17 A. Yes, I do.

18 Q. Has Dr. Jacobowitz rendered any treatment
19 for any of the injuries you claim in this lawsuit?

20 A. No.

21 Q. Have you ever told Dr. Jacobowitz about
22 the alleged rape?

23 A. Yes, I did.

24 Q. When?

1 A. I don't know.

2 Q. Was it -- did you tell her about it in her
3 office?

4 A. Yes.

5 Q. Did you tell her about it this year?

6 A. I'm not sure.

7 Q. Did you tell her about it last year?

8 A. I'm not sure when I told her. I just told
9 you I'm not sure.

10 Q. Did you go to a doctor by the name of Ross
11 Levy, a dermatologist?

12 A. Yes.

13 Q. Did you ever tell him that Dr. Knack raped
14 you?

15 A. No.

16 Q. Do you go to a doctor called Michelle
17 Warren, an endocrinologist?

18 A. Yes.

19 Q. Did you ever tell her that Dr. Knack raped
20 you?

21 A. No.

22 Q. Do you go to a doctor by the name of Amy
23 Louis?

24 A. Yes.

1 Q. Did you ever tell her that Dr. Knack raped
2 you?

3 A. I don't remember.

4 Q. In addition to being a doctor, Amy Louis
5 is your friend; isn't that right?

6 A. That's correct. Yes, that's correct.

7 Q. When was your first -- when was the first
8 time you went to Mira Renchner?

9 A. I don't remember.

10 Q. Aside from the ten years ago. I am
11 talking about currently.

12 A. I understand what you are saying.

13 Q. Thank you.

14 A. Oh, gosh.

15 MR. BROPHY: Okay. So we have an open
16 question. Perhaps I didn't hear the answer.
17 Can you read back the last question and answer,
18 please.

19

20 (Record read back.)

21

22 MR. BROPHY: Has there been an answer to
23 that question?

24

1 (Record read back.)

2

3 Q. Okay. So let me circle back to that. Did
4 you see Mira Renchner in 2013?

5 A. No.

6 Q. 2014?

7 A. No.

8 Q. Did you see her this year?

9 A. Yes.

10 Q. When, for the first time, did you see her
11 this year?

12 A. I don't remember. It was earlier in the
13 year, I believe.

14 Q. And on the first occasion of the first
15 visit to Mira Renchner, what happened on that visit?

16 MR. HANNIGAN: Objection as to form.
17 Vague and ambiguous.

18 MR. BROPHY: Can she answer it?

19 A. No.

20 Q. No. That's -- I am asking your counsel.

21 MR. HANNIGAN: I don't know.

22 Q. You can't answer it? On the occasion of
23 your first visit to Mira Renchner, did she give you
24 some forms to fill out?

1 A. I don't think so.

2 MR. BROPHY: Mark this.

3

4 (Defendant's Exhibit E,
5 MIRA RENCHNER REPORT,
6 was marked for identification.)
7

8 Q. All right. If you could be so kind as to
9 flip to the second page of Exhibit E, which has a
10 title on my copy, "Basic Procedural Script for
11 Resource Development and Installation." Is that
12 what it says on your copy too?

13 A. Yes, it is. Yes, it does.

14 Q. There is some handwriting on -- this
15 appears to be a form. Would you agree?

16 A. No, I wouldn't, actually.

17 Q. What would you -- how would you
18 characterize it?

19 A. A questionnaire.

20 Q. Okay.

21 A. It's not a document.

22 Q. Okay. On this questionnaire, there is
23 some handwriting.

24 A. I see that.

1 Q. Is it yours?

2 A. No.

3 Q. Did you ever fill out any type of a
4 questionnaire for Ms. Renchner?

5 A. No.

6 Q. Okay. So if we look through --

7 MR. HANNIGAN: Joe, just so we are clear
8 about this, it's -- you are asking her about
9 the handwriting portion --

10 MR. BROPHY: Yes.

11 MR. HANNIGAN: -- not the printed portion;
12 right?

13 MR. BROPHY: Yes.

14 MR. HANNIGAN: And that is not your
15 handwriting?

16 THE WITNESS: No.

17 MR. HANNIGAN: Okay. Thank you.

18 Q. Flip over a couple of pages. There is a
19 written document with the title, "Treatment Sequence
20 Plan." It says, "Presenting complaint," slash,
21 "current symptoms." And then there is some
22 handwritten entries on there.

23 Any of that your handwriting?

24 A. No. None of this is.

1 Q. Okay.

2 A. This isn't even treatment for what I am --

3 MR. HANNIGAN: He didn't ask you that.

4 Okay? Just answer the question he is asking
5 you, please.

6 THE WITNESS: All right.

7 Q. And this is faxed, and there are numbers
8 on the top of the pages. Turn to page 9, if you
9 would, please. That's a handwritten document that
10 has a date at the beginning, 2/12/15. You have it?

11 A. Yes. 2/12/15?

12 Q. It says "2/12/15" on my copy. Do you
13 agree?

14 A. Okay. I'm just --

15 Q. Is any of that your handwriting?

16 A. No, it isn't.

17 Q. Does the date, 2/12/15, does that refresh
18 your recollection as to when you saw Ms. Renchner
19 for the first time for psychotherapy this year?

20 A. No. This was not the first time.

21 Q. You saw her before 2/12/15, this year?

22 A. I believe so. It might have been a time
23 before that I saw her. This, I think, was the
24 second time.

1 Q. All right. And so there were other times
2 after 2/12/15?

3 MR. HANNIGAN: She said there was one
4 other time. Objection as to form.

5 Q. How many other times were there after
6 2/12/15 that you saw Ms. Renchner this year?

7 A. I don't know. I didn't keep track.

8 Q. More than one?

9 A. Yes.

10 Q. More than five?

11 A. I don't think so.

12 Q. Did you go to her -- when is the last time
13 you went to her?

14 A. I don't remember. This isn't therapy
15 anyway.

16 MR. HANNIGAN: Just answer the questions,
17 please.

18 THE WITNESS: Okay. Okay. Okay.

19 Q. What did Ms. Renchner do to help you, if
20 anything?

21 A. Therapy.

22 Q. What did -- describe the therapy.

23 Describe her approach to therapy. What did she do?

24 MR. HANNIGAN: Objection as to form. You

1 can answer, if you know.

2 Q. Did you talk to her? Did you listen to
3 her? Did you write things down, what?

4 MR. HANNIGAN: Objection. That was four
5 questions at once.

6 MR. BROPHY: All right. I'll break it up.

7 MR. HANNIGAN: Why don't we try one
8 question, one answer. We will do better that
9 way, usually.

10 MR. BROPHY: Fine.

11 MR. HANNIGAN: Thank you.

12 Q. In your therapeutic visits to Ms.
13 Renchner, did you talk to her?

14 A. I'm sorry?

15 MR. BROPHY: Read back the question,
16 please.

17

18 (Record read back.)

19

20 A. Yes.

21 Q. How long were those visits?

22 A. 45 minutes.

23 Q. And what did you talk to her about?

24 A. I can't say.



1 Q. Do you remember what you talked to her
2 about?

3 A. Yes.

4 Q. Why can't you say that?

5 A. It was private. Therapy is private.

6 Q. Nothing is private in this lawsuit once
7 you have made an allegation.

8 MR. HANNIGAN: Yeah.

9 Q. Please answer the question.

10 MR. HANNIGAN: If you remember any of the
11 subject matter that you talked to her about,
12 tell him what you remember.

13 A. I don't -- there were many things. I
14 don't remember.

15 Q. Tell me anything you remember talking --
16 telling Ms. Renchner during the visits you had with
17 her.

18 A. I don't remember.

19 Q. Did Ms. Renchner help you with any
20 techniques to relieve the complaints that you had?

21 A. Complaints?

22 Q. Let me try it this way. When you went to
23 Ms. Renchner, did you have some -- some symptoms of
24 emotional -- of an emotional nature?

1 A. Yes.

2 Q. You had nightmares?

3 A. Yes.

4 Q. You had depression?

5 A. Yes.

6 Q. You had anxiety?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes. Yes.

10 Q. You had flashbacks?

11 A. Yes.

12 Q. Did Ms. Renchner teach you any techniques
13 or strategies to help manage those feelings?

14 A. Yes, she did.

15 Q. What did she teach you?

16 A. I forgot what it is called, but she taught
17 me to imagine a calm place.

18 MR. HANNIGAN: Not like a deposition.

19 Q. Anything else?

20 A. No. We talked about that a lot. I don't
21 remember.

22 Q. Why did you stop going to Ms. Renchner?

23 A. She wasn't really helping me.

24 Q. Did you have a conversation with her your

1 last visit, when you told her that you weren't
2 coming back?

3 A. No.

4 Q. You just stopped going?

5 A. No.

6 Q. Did you -- did you inform her in some
7 manner that you did not intend to return?

8 A. Yes.

9 Q. How did you inform her?

10 A. I sent her a text.

11 Q. Can you retrieve a copy of that text?

12 A. Excuse me?

13 Q. Can you retrieve a copy of that text?

14 A. I might be. I could, probably. I'm not
15 sure.

16 Q. I may have asked this question already; if
17 so, forgive me. Have you communicated with
18 Dr. Shander by text from time to time?

19 A. Yes.

20 Q. Do you have access to copies of any of the
21 texts in which you have communicated with
22 Dr. Shander?

23 A. No.

24 Q. Why not?

1 A. My phone -- the storage is full on my
2 phone.

3 MR. BROPHY: This would be a good time to
4 take a lunch break.

5 MR. HANNIGAN: Okay. We will see you in
6 like 45 to an hour?

7 MR. BROPHY: 45 to an hour.

8 MR. HANNIGAN: Great.

9 THE VIDEOGRAPHER: We are now going off
10 the record at 12:45 p.m. This is the end of
11 Tape Number 1.

12

13 (Recess taken.)

14

15 THE VIDEOGRAPHER: This is the beginning
16 of Tape Number 2 in the deposition of Noelle
17 Feldman. We are now going back on the record
18 at 2:03 p.m.

19 Q. Ms. Feldman, when did you begin going to
20 Dr. Knack?

21 A. I believe it was summer -- towards the end
22 of summer 2011.

23 Q. Why did you start going to him?

24 A. It was suggested to me by my -- another

1 doctor.

2 Q. What doctor?

3 A. Dr. Linser.

4 Q. Linser, L-I-N-S-E-R, I believe?

5 A. Yes.

6 Q. Did you have an understanding of the
7 reason Dr. Linser recommended you to see Dr. Knack?

8 A. Yes.

9 Q. What was your understanding?

10 A. To help me with my alcohol addiction.

11 Q. When you first went to Dr. Knack's office,
12 did you go by yourself, or did you go with somebody?

13 A. I went with my husband.

14 Q. Did you go into the -- withdrawn.

15 Did you and your husband go there in the
16 same car?

17 A. No. We met there, I believe. I'm not
18 sure. I don't know if he drove me or -- we
19 usually --

20 Q. Just tell me what you remember.

21 A. I don't -- I don't think so. No.

22 Q. You don't think so, what?

23 A. I don't think we went in the same car.

24 Q. The office of Dr. Knack, where you went,

1 was that the same office where you always went for
2 your sessions with him?

3 A. Yes.

4 Q. Would you please describe it.

5 A. What part of it?

6 Q. Well, drive your car somewhere, I guess, a
7 parking lot, right, or a driveway?

8 A. A driveway. You drive your car down the
9 driveway, then you go to the right around the back,
10 and there is outside, you know, door that leads to a
11 small waiting room, which is to the right. And
12 there is a small sofa. And to the immediate -- to
13 the left. And then to the immediate right, there is
14 a bathroom. And then his office is adjacent to the
15 bathroom.

16 Q. Can you describe his office, please.

17 A. Yes. To the immediate right is his desk.
18 And -- and then as you -- then it's a small room.
19 Then there is like a small sofa, a small table next
20 to that. Opposite that is a bookcase. And then
21 next to the bookcase is his chair -- his chair.

22 Q. When you -- withdrawn.

23 For your first visit to Dr. Knack, did you
24 arrive on time?

1 A. I was a little late.

2 Q. And who was there when you walked in?

3 A. Dr. Knack and my husband.

4 Q. And tell me what you remember about the
5 very first visit.

6 A. There wasn't much to it. I -- I was
7 reticent. I just -- I knew I needed help. And so I
8 just -- just sat there, basically, and listened.

9 Q. During that first visit, did you make any
10 show of being emotional or being upset in any way?

11 A. No. I was -- no. I remember being very
12 quiet.

13 Q. Now, I'm not going to ask you about every
14 single visit, but were there a few visits in the
15 beginning where you and your husband were both
16 there?

17 A. No.

18 Q. Just the very first one?

19 A. Yes.

20 Q. Okay. And were you experiencing some
21 marital problems at the time that you started going
22 to Dr. Knack?

23 A. Yes.

24 Q. Tell me about those, please.

1 MR. HANNIGAN: Objection as to form. I
2 think you should ask her specific questions,
3 but it is up to you.

4 MR. BROPHY: I am not asking a specific
5 question. I want her stream of consciousness
6 about it. Do you have an objection? Are you
7 going to tell her not to answer?

8 MR. HANNIGAN: You are not going to get a
9 stream of consciousness. Yes, I will instruct
10 her not to give you a stream of consciousness,
11 if that's what you are asking me. Definitely.
12 And you can mark that for a ruling, if you
13 would like.

14 Q. Let me ask it this way: What problems
15 were there in your marriage at that time?

16 MR. HANNIGAN: See, that wasn't so hard.

17 A. A lot of fighting, and he was physically
18 abusive.

19 Q. Anything else?

20 A. That sums it up, pretty much. Yes. No,
21 there wasn't.

22 Q. Aside from your marital problems and your
23 alcohol problems, were you experiencing any other
24 difficulties in your life when you started going to

1 Dr. Knack?

2 A. My mother was dying.

3 Q. Were you close to your mother?

4 A. Yes.

5 Q. Where did your mother live at the time?

6 A. She lived with me.

7 Q. How long has she been living with you?

8 A. Three years.

9 Q. At the time you started going to Dr.
10 Knack, were you holding down a job?

11 A. No, other than being a mother. No.

12 Q. When was the last time that you were
13 gainfully employed prior to 2011?

14 A. Before I got married.

15 Q. When did you get married?

16 A. 1993.

17 Q. 1993. And how did you support yourself
18 prior to 1993?

19 MR. HANNIGAN: Immediately prior, I'm
20 assuming?

21 Q. Before you got married, yeah.

22 MR. HANNIGAN: Well, there is a lot of
23 years, but okay. Go ahead.

24 A. Are you asking -- I'm not -- I don't

1 understand it.

2 Q. All right. Let me rephrase the question.
3 In 1993, before you got married, did you have a job?

4 A. Yes.

5 Q. Where?

6 A. At a place called Eurodontel [ph.].

7 Q. And could you describe the job that you
8 had?

9 A. It was a textile -- they sold couture
10 fabric.

11 Q. What did you do there?

12 A. I showed fabric.

13 Q. How long did you work there?

14 A. Two years. Maybe three.

15 Q. What other -- what other types of work did
16 you do prior to the job at the textile place, just
17 in general?

18 A. I was a model.

19 Q. When were you a model?

20 A. Excuse me?

21 Q. When were you a model.

22 A. Since I was 15.

23 Q. Until when?

24 A. Until I was about 28. No. Actually,

1 about 30.

2 Q. All right. Any other jobs you can think
3 of that you did?

4 A. No.

5 Q. What's your highest level of education?

6 A. Excuse me?

7 Q. What is your highest level of education
8 that you have completed?

9 A. High school and about a year-and-a-half of
10 college.

11 Q. Where did you go to high school?

12 A. In Maplewood, Minnesota.

13 Q. Where did you go to college?

14 A. NYU.

15 Q. When did you go to NYU?

16 A. In 19 -- 1984.

17 Q. So getting back to 2011, when you started
18 seeing Dr. Knack, you told me that you were taking
19 care of your mother. You had children to take care
20 of. What other activities were you engaging in in
21 2011?

22 MR. HANNIGAN: Objection as to form. You
23 can answer.

24 A. I would go to the gym, take the children

1 places, you know, walk my dogs, bake, cook. I was a
2 mom.

3 Q. Were you in AA in 2011?

4 A. I started going to AA.

5 Q. Did you start going to AA before or after
6 you started with Dr. Knack?

7 A. Well, I had gone briefly before, and then
8 I started going regularly after.

9 Q. Did Dr. Knack encourage you to go to AA
10 regularly?

11 A. Yes, he did.

12 Q. What was your initial impression of Dr.
13 Knack?

14 MR. HANNIGAN: Objection as to form.

15 A. I -- I don't -- I didn't form an
16 impression immediately. I didn't know him.

17 Q. Did Dr. Knack ever meet with either of
18 your children?

19 A. Yes.

20 Q. When?

21 A. Gosh. 2012, maybe.

22 Q. Which -- you have a boy and a girl?

23 A. Yes, I do.

24 Q. Which one of your children did he meet

1 with?

2 A. Both of them.

3 Q. Why?

4 A. Because I was getting ready to divorce my
5 husband, and I wanted to make sure they were okay
6 with it and --

7 Q. Did Dr. Knack meet with your children once
8 or more than once?

9 A. More than once.

10 Q. Did Dr. Knack -- whenever your children
11 met with Dr. Knack, were you present?

12 A. Yes.

13 Q. Did he meet with -- did they both come
14 together each time that they went to Dr. Knack, or
15 did he see one or the other at different times?

16 A. Which question are you asking,
17 specifically?

18 Q. Okay. When you -- let's ask about your
19 son. On the occasions that Dr. Knack saw your son,
20 you were always there, yes?

21 A. I was outside the room, yes.

22 Q. On the occasions that Dr. Knack saw your
23 son, did his sister come in with him?

24 A. Yes.

1 Q. Every time?

2 A. Several times.

3 Q. Were there occasions when Dr. Knack would
4 see your son, and his sister wouldn't be with him?

5 A. Yes.

6 Q. Okay. Now, same question about your
7 daughter. Was there occasions when your daughter
8 would go to Dr. Knack accompanied by her brother?

9 A. Yes.

10 Q. Just setting a -- yes.

11 A. I mean, it's --

12 Q. I am asking a simple question.

13 MR. HANNIGAN: It's only simple if it's
14 simple to her; right?

15 Q. Okay. Let me rephrase the question.

16 A. I already answered --

17 Q. Are there times when your daughter would
18 see Dr. Knack, and her brother would not be present?

19 A. Yes. They both did.

20 Q. Okay. Were there occasions when your
21 daughter would see Dr. Knack, and you would wait
22 outside in the waiting room, and she would be in his
23 office with him alone?

24 A. Yes.

1 Q. About how many times?

2 A. I think it was three.

3 Q. Did there come a time that you went into
4 Silver Hill Hospital?

5 A. Yes.

6 Q. When, for the first time, did you go to
7 Silver Hill Hospital?

8 A. January 28th, 2012, I believe.

9 Q. Whose idea was that, for you to go into
10 Silver Hill Hospital?

11 A. Dr. Knack.

12 Q. Did Dr. Knack explain to you why he
13 recommended you should go there?

14 A. Of course.

15 Q. What was his -- what was the reason he
16 gave why you should go in?

17 A. He said I needed a break and to go
18 somewhere to rest.

19 Q. Did you agree with that at the time?

20 A. Yes.

21 Q. And how long were you in Silver Hill
22 Hospital the very first time?

23 A. I believe it was 12 days.

24 Q. What did they do for you while you were

1 there?

2 A. Well, I was detoxing, first of all. And,
3 you know, you go to therapy.

4 Q. What type of therapy?

5 A. All different types.

6 Q. Tell me all the types that you remember.

7 A. Art therapy, meditation. They do
8 question -- like acting out, doing some acting out
9 with our other -- with a partner, let's say. How to
10 handle certain situations, stuff like that.

11 Q. That's when you met Dr. Shander?

12 A. What do you mean?

13 Q. When you went to Silver Hill Hospital the
14 first time, is that when you met Dr. Shander?

15 A. Yes.

16 Q. Did you have one-on-one psychotherapy
17 sessions with Dr. Shander at that time?

18 A. Yes, I understand. Yes.

19 Q. About how many, if you recall?

20 A. I don't remember.

21 Q. Did you like Dr. Shander then?

22 A. Yes, I did. And yes, I do.

23 Q. Up to the time that you went into Silver
24 Hill Hospital, were you continuing to see

1 Dr. Linser?

2 A. No.

3 Q. When did you stop going to him?

4 A. When I started seeing Dr. Knack.

5 Q. From the time you started to see Dr. Knack
6 until you went into Silver Hill Hospital, could you
7 describe what kind of treatments you were getting
8 with Dr. Knack? What were you doing with him?

9 A. Talking.

10 Q. From the time that you started going to
11 Dr. Knack until you went into Silver Hill Hospital,
12 did he ever act inappropriately with you?

13 A. Could you repeat that.

14 MR. BROPHY: Read it back, please.

15

16 (Record read back.)

17

18 A. No.

19 Q. Do you think you benefited from your first
20 stay at Silver Hill?

21 A. Yes, I did.

22 Q. So following your discharge from Silver
23 Hill, did you continue seeing Dr. Knack?

24 A. Yes.

1 Q. What frequency did you see him after your
2 first Silver Hill admission until the second one?

3 A. Twice a week.

4 Q. And were you admitted to Silver Hill a
5 second time?

6 A. Yes, I was.

7 Q. Why?

8 A. My mother died, and I started drinking
9 again.

10 Q. Did Dr. Knack suggest that you needed to
11 go into Silver Hill a second time?

12 A. Yes. I wanted to.

13 Q. Would you like to take a break?

14 MR. HANNIGAN: What do you need?

15 THE WITNESS: Tissues, I guess.

16 MR. HANNIGAN: Tissues?

17 Q. Ready for a question?

18 A. Yes.

19 Q. How long were you in Silver Hill the
20 second time?

21 A. About -- I think it was 40 days. 40 days.

22 Q. Starting when?

23 A. May 11th through June 19th of 2000 --

24 Q. That was 2012?

1 A. Yes.

2 Q. Who were your doctors in Silver Hill, the
3 second admission?

4 A. Dr. Shander, initially, and then Dr. G.

5 Q. G-E-E?

6 A. Well, no. Everyone called him "Dr. G." I
7 don't -- it was like --

8 Q. Oh, okay.

9 A. That's a name I can't pronounce.

10 Q. That's a nickname, doctor, initial, G?

11 A. Yes.

12 Q. Did you only see this Dr. G while you were
13 at Silver Hill?

14 A. Yes.

15 Q. What's Barrett House?

16 A. Barrett House is where, if you do the
17 inpatient program for any type of substance abuse or
18 alcohol abuse, that's where you go.

19 Q. So did you go there for a period of time?

20 A. Yes.

21 Q. That was part of the 40 days?

22 A. Yes.

23 Q. Do you think you benefited from the second
24 admission to Silver Hill and Barrett House?

1 A. Not in Barrett House.

2 Q. Why not?

3 A. It just wasn't the right environment for
4 me.

5 Q. So you were in Silver Hill -- Silver Hill
6 is a separate location from Barrett house, is it?
7 Explain, please.

8 A. Silver Hill is a separate location. It's
9 up on a hill. It's a big house. It's where people
10 go, initially. And the other houses, I think there
11 are four or five, are across the street.

12 Q. So you were in Silver Hill how long in the
13 second hospitalization, out of the 40 days you told
14 me about?

15 A. It might have been -- I'm not sure,
16 actually. A couple weeks, maybe, or less. I don't
17 remember.

18 Q. And did you feel you were benefiting from
19 that couple of weeks there?

20 A. Very much, yes.

21 Q. Okay. And would you please explain to me
22 why you didn't feel you benefited so much from
23 Barrett House?

24 A. The women were very mean and a little

1 scary.

2 Q. Who was mean and scary? I'm sorry.

3 A. The women.

4 Q. Oh, the other people? The other
5 residents?

6 A. Yes.

7 Q. When you were at Silver Hill the second
8 time, had you yet started -- withdrawn.

9 You eventually were divorced from your
10 husband, Mr. Feldman; is that right?

11 A. That's correct. Well, actually, I'm
12 separated.

13 Q. Oh, you are not -- you are just separated
14 right now?

15 A. Yes.

16 Q. Did someone commence a divorce proceeding?

17 A. Yes.

18 Q. Who commenced a divorce proceeding?

19 A. My attorney.

20 Q. You did through your attorney?

21 A. Yes.

22 Q. When?

23 A. I think that was 2011. Yes, it was.

24 2011. Yes.

1 Q. And how did you find that particular
2 attorney?

3 A. Dr. Knack suggested him.

4 Q. And you are still using that attorney
5 today?

6 A. Yes, I am.

7 Q. Are there any proceedings in the
8 matrimonial case that are actively going on right
9 now?

10 A. Unh-unh.

11 MR. HANNIGAN: You have to answer. Did
12 you say no?

13 THE WITNESS: Yes.

14 MR. HANNIGAN: Okay. I didn't hear you.

15 A. No.

16 Q. Between the time that you -- withdrawn.
17 Between your two admissions to Silver
18 Hill, did you continue going to Dr. Knack?

19 A. Yes. For -- not regularly.

20 Q. Why did you not see him regularly in that
21 period of time?

22 A. My mother was dying.

23 Q. And during that period of time between
24 your two admissions to Silver Hill, did Dr. Knack

1 ever act towards you in any manner that you
2 considered to be inappropriate?

3 A. Yes, he did.

4 Q. How did that begin?

5 A. The first time I got out of Silver Hill.

6 Q. Tell me what happened.

7 A. Well, soon as I started walking through
8 the door, he was waiting there. And he gave me a
9 big hug, and it made me uncomfortable.

10 Q. Were there any other incidents with Dr.
11 Knack that made you feel uncomfortable between the
12 two admissions to Silver Hill?

13 A. Many. Several.

14 Q. Tell me about them.

15 A. Later on that day, that same day, when he
16 gave me the hug, the first time I saw him after
17 Silver Hill, he sat next to me, and he was trying to
18 hug me and kiss me and grope me.

19 Q. Were there any other incidents of this
20 type of behavior before you went back into Silver
21 Hill the second time?

22 A. I don't understand the question.

23 Q. Well, you just described an occasion when
24 Dr. Knack was trying to kiss you and was groping

1 you. Were there any other such occasions when he
2 did things like that --

3 A. Yes.

4 Q. -- before you went back into Silver Hill
5 the second time?

6 A. Yes.

7 Q. So was it -- was he doing things like this
8 on every time you would come in or with what
9 frequency?

10 A. It was sporadic. It wasn't every time I
11 came in.

12 Q. Any other kinds of inappropriate behavior
13 Dr. Knack was engaging in between the first time you
14 were in Silver Hill and the second time you went in?

15 A. Yes.

16 Q. Tell me about it.

17 A. I thought I just did.

18 Q. I am asking about other stuff. You told
19 me about big hug, him trying to kiss and grope you.
20 Any other inappropriate behavior he was engaging
21 in --

22 A. He would --

23 Q. -- at that period of time?

24 A. I understand. He would say inappropriate

1 things, or he would comment too many times on my
2 appearance. He would look at me very lasciviously.
3 He made me uncomfortable. He would just make
4 comments on my appearance.

5 Q. Okay. You have now told me about all of
6 the inappropriate behavior on the part of Dr. Knack
7 towards you up to the time you went into Silver Hill
8 the second time?

9 MR. HANNIGAN: Is that a question?

10 MR. BROPHY: Yes, it's a question.

11 MR. HANNIGAN: It doesn't have any
12 question-like words in it.

13 MR. BROPHY: If you read it back, it
14 certainly was a question, counselor. But if
15 you have a problem with it, I'll rephrase.

16 MR. HANNIGAN: Please rephrase it.

17 Q. Have you now -- is there any other
18 inappropriate behavior on the part of Dr. Knack that
19 you haven't now told me about that happened up to
20 the point you went into Silver Hill the second time?
21 Anything else?

22 A. I just told you.

23 MR. HANNIGAN: Okay. He is asking if
24 there is anything else.

1 A. I told you, I said he would say things
2 that were like suggestive and inappropriate.

3 Q. Anything else that you haven't told me
4 about already that happened between Dr. Knack and
5 you that were inappropriate up to the time you went
6 into Silver Hill the second time? Anything else?

7 MR. HANNIGAN: If you have told him
8 everything, tell him you have told him
9 everything.

10 THE WITNESS: Getting upset.

11 MR. HANNIGAN: Just answer the question.
12 Did you tell him everything you can recall --

13 THE WITNESS: Yes, I did.

14 MR. HANNIGAN: -- other than that?

15 THE WITNESS: Yes, I did.

16 MR. HANNIGAN: Okay. Thank you.

17 Q. When did you get out of Silver Hill the
18 second time?

19 A. As I said before, it was like around
20 June 19th of 2012.

21 Q. June 2012. I'm sorry if I repeated the
22 question to you.

23 A. That's fine.

24 Q. Now, when you -- from June of 2012, when

1 you got out of Silver Hill the second time until the
2 time of the alleged rape, were you going to Dr.
3 Knack on a regular basis?

4 A. No.

5 Q. Did you have regular appointments with
6 Dr. Knack in that period of time?

7 A. Yes.

8 Q. Were you keeping your appointments
9 regularly?

10 A. No.

11 Q. Why not?

12 A. He made me uncomfortable.

13 Q. Did you ever look for another
14 psychotherapist in that period of time?

15 A. No. I -- no. I -- no. I was seeing
16 Dr. Shander from time to time.

17 Q. Did you tell Dr. Shander in that period of
18 time prior to the alleged rape that Dr. Knack was
19 making you feel uncomfortable?

20 A. Yes. I think so. Well, I --

21 MR. HANNIGAN: Just answer it as best you
22 can, Noelle.

23 A. I made references. I didn't --

24 Q. Did you -- between -- between June of

1 2012, when you got out of Barrett House, and January
2 of 2013, when Dr. Knack allegedly raped you, did you
3 stay sober the whole time?

4 A. First, I need to -- I didn't stay in
5 Barrett House, as I said before. I was -- I didn't
6 stay there the whole time.

7 Q. Well, let's forget about Barrett House for
8 now, and let me just ask the question this way.
9 Between June of 2012, January of 2013, did you stay
10 sober?

11 A. Yes, I did.

12 Q. The whole time?

13 A. I might have slipped, but for the most
14 part, yes.

15 Q. Between June of 2012 and January of 2013,
16 were you under the care of Dr. Shander?

17 A. Yes.

18 Q. Was Dr. Shander prescribing medication for
19 you when you would go to see her during that period
20 of time?

21 A. Yes.

22 Q. Were you faithfully taking the medication
23 that she gave you as prescribed during that period?

24 A. Yes, I did.

1 Q. Did you feel that the medication that Dr.
2 Shander was prescribing for you between June of 2012
3 and January of 2013 was helping?

4 A. Somewhat. Sometimes, it did. Sometimes
5 it, didn't.

6 Q. Did you make any attempt between June of
7 2012 and January of 2013 to look for a job?

8 A. No.

9 Q. Did anyone ever suggest to you during that
10 period of time that you should look for a job?

11 A. Only Dr. Knack.

12 Q. And what was your reaction to that
13 suggestion?

14 A. I -- I said that I didn't really feel like
15 getting a job.

16 Q. Did the suggestion from Dr. Knack that you
17 should look for a job upset you?

18 A. No.

19 Q. Did it make you angry?

20 A. No. It made me laugh.

21 Q. Between June of 2012 and January of 2013,
22 did Dr. Knack encourage you to go to AA?

23 A. Yes.

24 Q. Were you going to AA during that period of

1 time?

2 A. Yes, I was.

3 Q. Were you going regularly?

4 A. Yes, I did -- I was.

5 Q. Did you feel it was benefiting you?

6 A. Yes, I did.

7 Q. After -- from June of 2012 until the time
8 of the alleged rape in January of 2013, were there
9 any other occasions when Dr. Knack would act to you
10 in ways that you would consider to be inappropriate?

11 MR. HANNIGAN: Excuse me. Can I have that
12 read back. I'm sorry.

13

14 (Record read back.)

15

16 A. Yes.

17 Q. How frequently?

18 A. I don't remember. It was sporadic.

19 Q. What kinds of behavior was he displaying
20 towards you in that period of time that you
21 considered to be inappropriate?

22 A. Commenting on my appearance, looking at me
23 inappropriately, and the same -- trying to hug me
24 and -- the same thing. Hug me, kiss me.

1 Q. Did he ever -- up until the time that he
2 allegedly raped you, did he ever proposition you
3 that you should have sex with him?

4 A. No.

5 Q. Up until the time that he allegedly raped
6 you, did he ever ask you to perform any sexual acts
7 upon him?

8 A. No.

9 Q. Up to the time that he allegedly raped
10 you, did he ever ask you to perform oral sex on him?

11 A. No.

12 Q. When was the last time before the alleged
13 rape that Dr. Knack acted in a manner towards you
14 that you thought was inappropriate?

15 A. I think it was in the fall. I don't
16 remember.

17 Q. Were you still living with your husband
18 between June of 2012 and January of 2013?

19 A. Yes.

20 Q. Was he -- was he being physically abusive
21 to you at all during that period of time?

22 A. Yes.

23 Q. Was he being sexually abusive to you --

24 A. Yes.

1 Q. -- during that period of time? That's a
2 yes?

3 A. Yes.

4 Q. Did you -- did you tell Dr. Shander about
5 sexual abuse on the part of your husband?

6 A. I don't remember.

7 Q. Did you tell Dr. Knack about sexual abuse
8 on the part of your husband?

9 A. Yes.

10 Q. And did he comment on it? What did he say
11 about it?

12 A. I don't remember.

13 MR. BROPHY: Let's take a five-minute
14 break.

15 MR. HANNIGAN: Sure. That's a good idea.

16 THE VIDEOGRAPHER: We are now going off
17 the record at 2:43 p.m.

18

19 (Recess taken.)

20

21 (Defendant's Exhibit F,

22 MULTI-PAGE DOCUMENT

23 CONTAINING EMAILS, was

24 marked for identification.)

1 THE VIDEOGRAPHER: We are now coming back
2 on the record at 3:05 p.m.

3

4 BY MR. BROPHY:

5 Q. Okay. I'm going to ask you a few
6 questions about the alleged rape in January of
7 2010 --

8 MR. HANNIGAN: 2010?

9 MR. BROPHY: 2013. Thank you.

10 Q. Okay. Did this alleged rape take place
11 more toward the beginning, the middle, or the end of
12 the visit to Dr. Knack?

13 A. Sort of the beginning. Pretty much, the
14 beginning.

15 Q. Did you bring anything to the office with
16 you that day?

17 A. Coat and a handbag.

18 Q. What were you wearing at the time of the
19 alleged rape; and what was he wearing prior to the
20 rape?

21 A. I was wearing a skirt. And I don't
22 remember the top I was wearing. And boots.

23 Q. Do you still have any of the clothing that
24 you were wearing that day?

1 A. Yes.

2 Q. Which -- what clothing that you were
3 wearing that day do you still have?

4 A. All of it.

5 Q. Is any of it now torn or damaged?

6 A. No. No.

7 Q. Are there any bodily fluids on any of that
8 clothing?

9 A. I don't -- I -- I had it dry cleaned.

10 Q. What were you doing? And what was Dr.
11 Knack doing just before the alleged rape?

12 A. He sat in his chair, and I sat in my spot
13 on the sofa.

14 Q. Did he say anything to you that you recall
15 before the alleged rape took place?

16 A. He commented on my appearance.

17 Q. Anything else?

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

20 Q. How long did the whole incident take from
21 beginning to end, best estimate?

22 A. It was very fast. I didn't time it, but
23 it was -- it happened very fast.

24 Q. What did you do immediately after the

1 incident?

2 A. I pulled my underwear up and grabbed my
3 coat and my bag, and I -- I took off.

4 Q. Where were your coat and your bag?

5 A. On the far end of the sofa -- like draped
6 over the sofa.

7 Q. Were there ever any visits to Dr. Knack's
8 office when he would tell you to leave your things
9 outside the conference room?

10 A. No.

11 Q. Immediately after the incident happen, did
12 Dr. Knack apologize in any way or say anything?

13 A. No.

14 Q. What's the first conversation you had with
15 him after the incident?

16 A. It was -- a few weeks went by.

17 Q. Did you have any communication with him in
18 that period of a few weeks by email or any other
19 way?

20 A. I -- I don't remember.

21 Q. When for the first time did you return to
22 Dr. Knack's office after the incident?

23 A. A few weeks.

24 Q. When you returned to his office for the

1 first time after the incident, did he act
2 inappropriately again?

3 A. No.

4 MR. HANNIGAN: On that day, you mean, or
5 thereafter?

6 Q. On that day, the first time you came back.
7 After -- after you returned -- were there other
8 occasions --

9 MR. HANNIGAN: Start over again. Okay?

10 Q. Let's start over again. So I
11 understand -- the question was: On the first visit
12 back to Dr. Knack, did he act in any way
13 inappropriately?

14 A. He spoke inappropriately or he -- he
15 was -- he was arrogant.

16 Q. What did he say that was inappropriate
17 when you -- the first time you came back?

18 A. I don't remember. His whole -- very
19 cavalier and very arrogant.

20 Q. Did he make any reference to the fact that
21 he had -- he had done this to you?

22 A. No. I did.

23 Q. What did you say?

24 A. I told him -- I said, You hurt me. I

1 think I cursed too.

2 Q. How long did you stay in the office on
3 that -- on that occasion?

4 A. Not long.

5 Q. How long after that -- withdrawn.

6 Was that first visit you had back to
7 Dr. Knack's office following the alleged rape -- was
8 that still the month of January?

9 A. I think so.

10 Q. Did you see him again in the month of
11 January 2013?

12 A. Might have -- I don't -- actually, I don't
13 think so. I think it was March -- February. It
14 might have been February.

15 Q. How many times did you see him in February
16 of 2013?

17 A. I don't remember.

18 Q. Did you see him again in February 2013?

19 A. I don't understand that question.

20 Q. You told me that you saw Dr. Knack for the
21 first time following the alleged rape probably in
22 February of 2013.

23 A. Yes.

24 Q. Aside from that visit, probably in

1 February, were there any other visits of yours to
2 Dr. Knack in February of 2013?

3 A. I don't think so, but I am not sure.

4 Q. How about in March of 2013? Did you see
5 him in March?

6 A. I might have.

7 Q. Do you remember?

8 A. No. I -- I don't remember. I think so.

9 Q. Did you see him once or more than once in
10 March of 2013?

11 A. I don't remember.

12 Q. Did you have any email communications with
13 Dr. Knack in February of 2013?

14 A. I don't remember.

15 Q. March of 2013?

16 A. I don't remember.

17 Q. April of 2013?

18 A. I don't remember.

19 Q. We will get back to that. What
20 occurred -- withdrawn.

21 When you saw Dr. Knack in March of 2013,
22 the second visit following the alleged rape, how
23 long did you stay there?

24 A. I don't remember. I didn't stay very

1 long, but I --

2 Q. Did you talk to him?

3 A. Well, yes.

4 Q. What did you talk about?

5 A. I'm -- I'm confused here. You have to
6 clarify your questions, because --

7 Q. I am asking about the second time --

8 A. I know what you are asking about, but I am
9 just asking if you could be so kind as to make it a
10 little more clear so I can answer it as best as
11 possible.

12 Q. I am asking for your best recollection.
13 What is your best recollection of what you discussed
14 with Dr. Knack on the second visit after the alleged
15 rape, if you have a recollection?

16 A. I don't remember the second to the -- I
17 remember what I said the first, but not the second.

18 MR. HANNIGAN: Okay. Then just tell him.

19 THE WITNESS: Okay.

20 MR. HANNIGAN: Just because he asked
21 doesn't mean you have to have a recollection.

22 THE WITNESS: Okay.

23 MR. HANNIGAN: If you do, you do.

24 Q. Okay. I -- subsequent -- let's try to --

1 let's try to go to the very last visit with Dr.
2 Knack in 2013, and then we can fill in in between
3 and afterwards --

4 MR. HANNIGAN: Or maybe not.

5 MR. BROPHY: Maybe not.

6 Q. Let me ask you this: When was the last
7 time you saw Dr. Knack in his office?

8 A. It was the second week in -- I think it
9 was the 13th, maybe, of November. It was November,
10 but I don't know if it was the 13th or 14th.

11 Q. Do you remember anything specific that
12 transpired that caused that to be the last visit to
13 Dr. Knack?

14 A. Absolutely. I do.

15 Q. What was that?

16 A. As soon as I sat down on the sofa, which
17 he -- yes. It was like a new sofa. As soon as I
18 sat down on the sofa, he said, in a very sexual
19 voice, a real lascivious, kind of creepy voice, Oh,
20 you are wearing my favorite outfit: jeans, T-shirt,
21 and no makeup.

22 Q. Did he say anything else?

23 A. So how are you?

24 Q. Did he ask you to have sex with him that

1 day?

2 A. No.

3 Q. Between the time of the alleged rape and
4 the very last visit to Dr. Knack, were there any
5 occasions when he asked you to have sex with him?

6 A. No.

7 Q. Between the alleged -- the date of the
8 alleged rape and the last visit to Dr. Knack, did he
9 ever solicit any type of sexual contact with you?

10 A. No.

11 Q. No? Was there anytime ever that Dr. Knack
12 ever asked you to have oral sex on him?

13 A. No way. Unh-unh.

14 Q. Was there anytime -- did Dr. Knack kiss
15 you at any time between the time of the rape and the
16 last time you saw him?

17 A. No.

18 Q. Did he try to kiss you?

19 A. No.

20 Q. Did he grope you on any occasion during
21 that period of time?

22 A. No.

23 Q. Between the time of the alleged rape and
24 the very last time that you went to Dr. Knack's

1 office, did you ever ask his advice about your
2 daughter?

3 A. No.

4 Q. Between the -- I'm just going to say,
5 since the alleged rape was in January of 2013 -- let
6 me just make these questions for the calendar year
7 2013. In 2013, did you ever bake a cake for Dr.
8 Knack?

9 A. I didn't bake a cake. I baked all the
10 time. I didn't bake a cake for him.

11 Q. Did you ever bring a cake to his office
12 for him?

13 A. No, not at that time.

14 Q. Not in 2013?

15 A. No.

16 Q. Did you ever buy Dr. Knack a gift in 2013?

17 A. No.

18 Q. Did you ever try, yourself, to initiate
19 sex with Dr. Knack in 2013?

20 A. No.

21 Q. So getting back to this very last visit to
22 Dr. Knack in 2013, did any type of therapy session
23 take place during that visit?

24 A. No.

1 Q. Was there any therapy -- did you have any
2 therapy sessions with him at all in 2013 after the
3 time he allegedly raped you?

4 MR. HANNIGAN: Objection as to form. You
5 can answer, if you understand.

6 A. You have to repeat the question.

7 MR. BROPHY: Read it back, please.

8

9 (Record read back.)

10

11 A. Yes.

12 Q. How many times?

13 A. I don't know. You already asked me that
14 question though.

15 Q. Okay. What would these therapy questions
16 consist of?

17 A. Talking.

18 Q. Did you tell him about your problems?

19 A. That's the purpose of therapy.

20 MR. HANNIGAN: Just answer the questions,
21 please.

22 Q. Did Dr. Knack -- withdrawn.

23 After your mother passed away, did you
24 have anything to do with the administration of her

1 estate?

2 A. Yes.

3 Q. Did Dr. Knack help you with that at all?

4 A. Not really, no. He wasn't really there
5 for me.

6 Q. Did Dr. Knack ever help you with any of
7 your financial issues, helping you pay bills, stuff
8 like that?

9 A. No. No.

10 Q. During --

11

12 (Cell phone interruption.)

13

14 Q. Do you have a call? Would you like to
15 take a short --

16 A. No. I am turning it off.

17 Q. Okay. During 2013, after the alleged
18 rape, did you ever express any concern to Dr. Knack
19 about your daughter's behavior?

20 A. No.

21 Q. During 2013, did you ever ask Dr. Knack to
22 review any legal documents pertaining to your
23 divorce?

24 A. No. No.

1 Q. Did you ever send him any legal documents
2 pertaining to your divorce?

3 A. No.

4 Q. In the course of your divorce proceedings,
5 did the court appoint a lawyer as a guardian for
6 your daughter?

7 A. Yes.

8 Q. Did you ever give Dr. Knack permission to
9 talk to that person?

10 A. Yes.

11 Q. When was that?

12 A. I don't remember. Probably -- I believe
13 it was in July.

14 MR. BROPHY: Let's do the emails.

15 Counsel, these are for you. They have been
16 marked as Exhibit F, I believe. Okay. For the
17 record, Exhibit F consists of some emails which
18 Dr. Knack provided to us in which we previously
19 exchanged. I am not going to ask you about all
20 of them, but I am going to ask you about some
21 of them, Ms. Feldman.

22 MR. HARRINGTON: Joe, for the record, that
23 is a full and complete copy of the discovery
24 that you provided --

1 MR. BROPHY: Yes, it is.

2 MR. HARRINGTON: Okay. I am going to get
3 the date, and then we can put on the record
4 that it is part of the responses dated X.

5 MR. BROPHY: I can put it on the record
6 now, if you want.

7 MR. HARRINGTON: If you have it, that
8 would be good. That way, we know --

9 MR. BROPHY: Sure.

10 MR. HARRINGTON: -- if it matches up, you
11 know, make sure it is the same amount of pages
12 and all of that stuff. I -- I have it in my
13 office, if you want me to go --

14 MR. BROPHY: No. I'm sure -- we have it
15 here, don't we? Susan, didn't we bring a copy
16 of our responses?

17 MS. LAMPASONA: Yeah, we did.

18 MR. BROPHY: I thought we had one. That's
19 their responses to us. Do we have our
20 responses to them? Maybe, we didn't.

21 MR. HARRINGTON: I can lay hands on it.

22 MR. BROPHY: It's fine. It's fine. You
23 can look -- look at it at your leisure. It's
24 my -- my representation is that this --

1 MR. HARRINGTON: Okay.

2 MR. BROPHY: My representation is that we
3 took it, you know, right -- that we gave you
4 the same thing.

5 Q. So I am not going to ask you about all of
6 it, but I am going to ask you a few questions.

7 MR. HANNIGAN: So he will call your
8 attention to a particular point.

9 THE WITNESS: Okay.

10 Q. I will call your attention to what I am
11 interested in.

12 A. Okay.

13 Q. On the very first page, there is an email
14 dated February 19th, 2012, from Noelle Feldman, and
15 the email address is velvetpony31@gmail.com. My
16 question to you is: Was that an email account that
17 you were using at the time?

18 A. Yes.

19 Q. Do you -- is that still an active account
20 today?

21 A. Yes.

22 Q. Have you ever searched that account on
23 your own to attempt to determine if there are any
24 emails on that account in your possession or

1 available to you --

2 A. Yes.

3 Q. And are there any emails in that account
4 available to you between you and Dr. Knack?

5 A. A couple.

6 MR. BROPHY: For the record, they have not
7 been produced.

8 MR. HARRINGTON: Say that again, Joe.

9 MR. BROPHY: For the record, you have not
10 produced any emails from your client to Dr.
11 Knack. In fact --

12 MR. HARRINGTON: From that velvet pony
13 address?

14 MR. BROPHY: From any address. And your
15 response to our discovery demand was you didn't
16 understand it or words to that effect.

17 MR. HARRINGTON: We will make a formal
18 search --

19 MR. BROPHY: Thank you.

20 MR. HARRINGTON: -- and if the client can
21 provide them, we will provide them.

22 MR. BROPHY: Okay.

23

24 DOCUMENT/INFORMATION REQUESTED:

1 Q. Let's go back about five pages. There is
2 a page that has a color heading on it, "Gmail." And
3 the title of the first email on it is, "Bobby's
4 Therapy Appointment." Okay. Are you with me?

5 A. Just give me a moment, please.

6 MR. BROPHY: Okay. Can I show it to the
7 witness? Maybe you can help her out, Mr.
8 Hannigan.

9 MR. HANNIGAN: Yeah, sure.

10 MR. BROPHY: It's this page.

11 MR. HANNIGAN: I see it. Thank you.

12 MR. BROPHY: It's about five pages in.

13 MR. HANNIGAN: We'll get there. Okay. We
14 have it.

15 Q. Okay. You got it?

16 A. Yes.

17 Q. Okay. Third line down after the heading,
18 "Bobby's therapy appointment," there is a
19 subheading, "Noelle Feldman" -- Noelle -- and an
20 email address, "noelleabs@mac.com." Is that an
21 email that you were using at the time?

22 A. Repeat the question.

23 Q. Look at it. It's there, right next to
24 your name. You can read it. The question is: Is

1 that email, noelleabs@mac.com, an email you were
2 using at the time?

3 A. Obviously, because you see it in front --

4 MR. HANNIGAN: Just answer yes.

5 THE WITNESS: I will, but --

6 MR. HANNIGAN: If he asks obvious
7 questions, it's his right to do that. So just
8 answer him. His tone stinks, but I can't help
9 that.

10 Q. Is noelleabs@mac.com still an active email
11 account that you have access to?

12 A. No.

13 Q. Do you have, in your possession or control
14 or available to you, any other emails that you have
15 had sent to Dr. Knack on the account,
16 noelleabs@mac.com?

17 A. No.

18 Q. Okay. I would like you to go to a Gmail
19 page that you were looking at a moment ago that has
20 a picture of a horse on it. And there is an email
21 headed, "My horse, Kat" -- headed, "My horse, Kat."
22 Got it?

23 MR. HANNIGAN: K-A-T.

24 MR. BROPHY: K-A-T.

1 A. Yes.

2 Q. Do you recall sending the email titled,
3 "My horse, Kat," to Dr. Knack?

4 A. No. I don't remember. I don't remember.

5 Q. There is a picture of a horse below that.

6 A. I see.

7 Q. Is that a picture of a horse you had when
8 you were young?

9 A. Well, no. It's -- no. It's my horse I
10 gave to my son.

11 Q. I'm sorry. Who did you give it to?

12 A. My son.

13 Q. This is your oldest son?

14 A. No. It's not my -- it's my second son.

15 Q. Which son is that?

16 A. Bobby.

17 Q. Okay. Got it. So this is a picture of
18 your son, Bobby Feldman?

19 A. Yes.

20 Q. Okay. Got it. So the picture of your
21 son, Bobby, with the horse is not a picture of the
22 horse, Kat?

23 A. That's Kat.

24 Q. Why did you send Dr. Knack that email?

1 A. She died.

2 Q. I'm sorry. It didn't say that in the
3 email. Could you tell me, when did she die?

4 A. I don't know the exact date.

5 Q. I'm sorry? I cannot hear you.

6 A. I don't remember the exact date.

7 MR. HANNIGAN: She doesn't remember the
8 exact date the horse died --

9 MR. BROPHY: Okay.

10 MR. HANNIGAN: -- if that matters to you.

11 Q. Okay. Let's go to an email a couple pages
12 down entitled, "Missing Jewelry." It's got a date
13 on it, February 2nd, 2013?

14 A. Yes.

15 Q. It's referring to, "Susie found some
16 jewelry, an engagement ring, and some Jay jewelry."
17 What was the significance of that jewelry?

18 A. Excuse me?

19 Q. What was the significance of the
20 engagement ring and the Jay jewelry that you were --
21 that you were sending an email about?

22 MR. HANNIGAN: Objection as to form. You
23 can answer.

24 Q. You can answer.

1 A. It was jewelry he said was stolen, and my
2 daughter found it in his drawer.

3 Q. Okay. So you thought it was something
4 that you should tell Dr. Knack about?

5 A. Yes.

6 Q. Why?

7 A. Because it pertained to -- to my divorce,
8 and he knew the story.

9 Q. Let's go down to a couple of emails,
10 March 26, 2013. Title is, "Email to Lawyer." I can
11 tell you those are approximately -- those are in
12 chronological order, as far as I know.

13 MR. HANNIGAN: "Missing jewelry," then
14 "Feldman decision," "interim support."
15 Nothing -- "email to lawyer." There we go.

16 THE WITNESS: Okay. Thank you.

17 Q. Okay. Take a look at that for a minute.
18 I am just going to ask you a couple of questions
19 about it.

20 A. Okay.

21 Q. Who is Mr. Reig, R-E-I-G?

22 A. He is an attorney that was supposed to
23 help me with my mom's estate.

24 Q. Why did you copy -- why did you send

1 Dr. -- Dr. Knack a letter to Dr. Reig as an email?

2 A. What?

3 MR. HANNIGAN: Do you understand the
4 question?

5 THE WITNESS: No.

6 MR. HANNIGAN: Then say so, please.

7 THE WITNESS: Okay.

8 A. What was your question, why --

9 Q. Let me ask a different question. Having
10 reviewed this writing entitled, "Email to Lawyer,"
11 do you recall sending Dr. Knack this -- a copy of
12 this letter by email that appears on the document?

13 A. I -- I don't -- I don't recall it.

14 MR. HANNIGAN: All right. You don't
15 recall it.

16 Q. Did Dr. Reig have something to do with
17 your mother's estate?

18 A. Yes. Yes.

19 Q. Did you ask Dr. Knack for advice about how
20 to deal with Mr. Reig?

21 A. Yes.

22 Q. Let's move to an email dated June 20th,
23 2013, from Noelle Feldman to Dr. Bill Knack,
24 "Subject: I have been thinking."

1 A. June 20th --

2 MR. HANNIGAN: 2013.

3 THE WITNESS: Oh, there's -- I don't have
4 my glasses. Okay. I have it.

5 MR. HANNIGAN: One second.

6 MR. BROPHY: Okay.

7 MR. HANNIGAN: It's here. This is it
8 here.

9 Q. Okay. Take a quick look at it. I am not
10 going to ask a lot of questions about it.

11 A. Yes.

12 Q. Does that appear to be an accurate copy of
13 an email that you sent to Dr. Knack on or about
14 June 20th, 2013?

15 A. Yes.

16 Q. There is a reference to writings and
17 poetry that you sent to Dr. Knack.

18 A. Yes.

19 Q. What writings and poetry were those?

20 A. Same ones I sent to Dr. Shander and
21 another friend.

22 Q. How did you send those to Dr. Knack?

23 A. Email.

24 Q. When?

1 A. Must have been on that date.

2 Q. Do you remember when you sent them?

3 A. I'm assuming I sent them on Thursday,
4 June 20th. I don't remember, no.

5 Q. Do you still have copies of the writings
6 and poetry that you are -- that you are referring to
7 in the email of June 20th?

8 A. I might.

9 Q. No? Okay.

10 MR. HANNIGAN: She said, "I might," I
11 think.

12 Q. Oh, I'm sorry. You said you might?

13 A. Yes.

14 MR. BROPHY: Okay. We are going to ask
15 for their production.

16 THE WITNESS: If I can find it.

17

18 DOCUMENT/INFORMATION REQUESTED:

19

20 MR. HANNIGAN: You will send a letter
21 about all that, I imagine?

22 MR. BROPHY: Oh, of course. You are going
23 to get a letter and supplemental demands.

24 Q. Let's go to June 21st, 2013, "Subject: I

1 have been thinking." There are some duplicates in
2 between. Why there are duplicates, I cannot
3 explain.

4 A. Oh, this one?

5 MR. HANNIGAN: Yes. "By the way, please
6 stop telling me." Is that the one? Is that
7 the first line?

8 MR. BROPHY: "Actually, I am not sure I
9 want to come in anymore."

10 MR. HANNIGAN: And the date on that is the
11 21st?

12 MR. BROPHY: 21st of June.

13 MR. HANNIGAN: Let me look through this
14 pile. There is all these dates here.

15 MR. BROPHY: I'm sorry. That's the way
16 the document came to me. Would you like me to
17 show you my copy? Here you are. Can I have it
18 back before it gets mixed up with the other
19 stuff.

20 MR. HANNIGAN: Yeah.

21 MR. BROPHY: Thanks.

22 MR. HANNIGAN: Well, I don't see it here.
23 So we will have to use yours.

24 MR. BROPHY: Okay. I will pass it over to

1 the witness. We will try to figure this out
2 later.

3 MR. HANNIGAN: Sure.

4 Q. Take a look at that. Simple question:
5 Does that appear to be a copy of an email that you
6 sent to Dr. Knack on June 21st, 2013?

7 A. It appears to be, yes.

8 Q. Do you remember it? Do you remember it?

9 A. I don't remember.

10 Q. Do you remember that incident in March
11 that is referred to in the email?

12 A. Yes. I remember.

13 Q. Tell me about that incident, as you
14 remember it.

15 A. I was really sick, and I felt really,
16 really bad, and I -- I had to talk to him about my
17 divorce, and I -- I was really sick. He postponed
18 my appointment to later in the afternoon. So I had
19 to cancel my doctor's appointment, and I was upset
20 about that.

21 Q. And you gave that as a reason why you
22 weren't sure you wanted to go see him anymore?

23 A. Yeah.

24 MR. BROPHY: Just give me a moment. There

1 is a lot of stuff here. I don't think I am
2 going to be asking too many more questions
3 about the emails, but I just want to make sure.

4 Q. Okay. Here is -- let's go to June 26th,
5 2013. There is a color-printed email --
6 color-printed Gmail logo on top of the page, if that
7 will help you find it. There is a bunch of
8 duplicates and -- you know, in between. Sorry.
9 That's the way it came off the server.

10 MR. HANNIGAN: Is there a title on the
11 top?

12 MR. BROPHY: Title is "Suzannah."

13 MR. HANNIGAN: Okay. Got it.

14 MR. BROPHY: We're almost to the end.

15 THE WITNESS: I got it. Thank you.

16 Q. Okay. June 26th, 2013. Take a look at
17 this -- this string of emails between you and Dr.
18 Knack.

19 A. Yes.

20 Q. Okay. The first one starts, "Can you
21 please tell me when we can review Susannah's test
22 scores." And the last sentence at the bottom is,
23 "Please let me know when you have time to see her."

24 A. Yes.

1 Q. Okay. Do those appear to be emails that
2 went back and forth between you --

3 A. Yes.

4 Q. -- and Dr. Knack on June 26th, 2013?

5 A. Yes.

6 MR. BROPHY: Okay. I don't have any more
7 about the emails.

8 MR. HANNIGAN: Okay.

9

10 (Discussion held off the record.)

11

12 Q. Okay. Did there come a time that you made
13 a complaint to the New Castle Police about Dr.
14 Knack?

15 A. Yes.

16 Q. When for the first time did you make such
17 a complaint?

18 A. I don't remember, exactly. I don't
19 remember, but --

20 Q. Was it in 2013?

21 A. I don't remember.

22 MR. HANNIGAN: It's in the documents, you
23 know.

24 Q. Who made -- did you contact the police

1 yourself, or did somebody contact the police for
2 you, initially?

3 A. Someone contacted them for me, initially.

4 Q. Who was that?

5 A. My boyfriend.

6 Q. What's his name?

7 A. Tom.

8 Q. Did you ask him to do that?

9 A. No.

10 Q. Do you know what he told the police,
11 initially?

12 A. He told him what Dr. Knack did.

13 Q. What did he tell them Dr. Knack did, to
14 your knowledge?

15 A. I wasn't there. I wasn't there.

16 Q. Did there come a time when you spoke to a
17 police officer?

18 A. Yes.

19 Q. And the first time -- who was the first
20 police officer you spoke to?

21 A. Detective Jim Wilson.

22 Q. And when you spoke to Dr. -- to Detective
23 Jim Wilson for the first time, did you tell him what
24 Dr. Knack did?

1 A. Yes, I did.

2 Q. When you spoke to Detective Wilson for the
3 first time, did you tell him that Dr. Knack raped
4 you?

5 A. I told him everything.

6 Q. You told him everything the very first
7 time he interviewed you?

8 A. That's my recollection.

9 Q. Did you suggest that Detective Wilson
10 should talk to Dr. Shander?

11 A. I don't remember.

12 Q. Do you know whether Detective Wilson
13 talked to Dr. Shander?

14 A. I don't know. I don't remember. I don't
15 know.

16 Q. Did Dr. Shander ever tell you that she
17 spoke to Detective Wilson?

18 A. I don't remember.

19 MR. HANNIGAN: What?

20 A. I don't remember.

21 Q. Did you know that Dr. Shander denied that
22 you ever told her that Dr. Knack raped you?

23 MR. HANNIGAN: Objection as to form. If
24 you understand the question.

1 MR. BROPHY: Will you let her answer?

2 MR. HANNIGAN: Yeah, of course. I will
3 let her answer everything, until I tell her not
4 to --

5 MR. BROPHY: Fine.

6 MR. HANNIGAN: -- as I have done all day.

7 A. I don't -- I don't remember.

8 Q. Did you have phone conversations with Dr.
9 Knack with the police on the line?

10 A. Yes, I did.

11 Q. In any of those phone conversations, did
12 you say, in so many words, that Dr. Knack raped you?

13 MR. HANNIGAN: Objection as to the form of
14 the question as to the term, "In so many
15 words." That could mean anything to anybody,
16 but if you want to ask those kind of sloppy
17 questions, it's up to you. Go ahead.

18 MR. BROPHY: Thank you for the editorial
19 comment.

20 MR. HANNIGAN: Sure.

21 Q. You may answer the question.

22 MR. HANNIGAN: You are better than that
23 question.

24 MR. BROPHY: There are rules about

1 depositions, Mr. Hannigan, and you are not
2 following them.

3 Q. I will rephrase the question. In any
4 conversation that you had with Dr. Knack on the
5 telephone with the police on the line, did you ever
6 use the word "rape"?

7 A. No.

8 Q. Subsequently, did you ever have a
9 conversation with an assistant district attorney of
10 the County of Westchester in which you told her that
11 Dr. Knack raped you?

12 A. Yes.

13 Q. Did you want Dr. Knack to be prosecuted
14 for raping you?

15 A. Yes.

16 Q. Was he prosecuted by the district
17 attorney?

18 A. No.

19 Q. Do you know why not?

20 MR. HANNIGAN: Objection as to form. No
21 foundation.

22 A. No, I don't. I don't know why.

23 MR. BROPHY: Let me look at my file, and I
24 think we are almost done.

1 MR. HANNIGAN: You want two minutes? We
2 will step outside for a second.

3 MR. BROPHY: Sure. Why don't you take
4 five.

5 THE VIDEOGRAPHER: We are now going off
6 the record at 3:49 p.m.

7

8 (Recess taken.)

9

10 THE VIDEOGRAPHER: Coming back on the
11 record at 4:10 p.m.

12 MR. BROPHY: Okay. I have no more to
13 questions today. Reserving my right to further
14 deposition based on records that may be
15 obtained pursuant to follow-up demands that
16 will be provided to you shortly, based upon
17 testimony in the deposition. But other than
18 any follow-up, based upon new matter, I am
19 done. So at this point, unless you want to put
20 something on the record, unless you want to ask
21 a question, it's over to you.

22 MR. HANNIGAN: Thank you. The only thing
23 I will say is that she is here to answer
24 whatever questions remaining you may have. I

1 have no questions, and we are going to deem
2 this deposition closed. And if you want
3 further deposition based on whatever reasons,
4 you will have to make a motion and get another
5 deposition. Thank you.

6 MR. BROPHY: Okay. Closed.

7
8 (Discussion held off the record.)
9

10 THE VIDEOGRAPHER: We are now going off
11 the record at 4:11 p.m. This is the end of the
12 deposition of Noelle Feldman and the end of
13 Tape Number 2.
14

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16 (Time noted: 4:11 p.m.)
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STATE OF NEW YORK)

ss:

COUNTY OF)

I, NOELLE FELDMAN, hereby certify that I have read the pages of the foregoing testimony of this deposition and hereby certify it to be a true and correct record.

NOELLE FELDMAN

Sworn to before me this
____ day of _____, 2015.

Notary Public

	I N D E X	
1		
2		
3	EXAMINATION	PAGE:LINE
4	BY MR. BROPHY:	5:20
5		
6	DOCUMENT/INFORMATION	
7	REQUESTED:	124:24
8	DOCUMENT/INFORMATION	
9	REQUESTED:	132:18
10		
11	RULING MARKED:	33:15
12		
13	Defendant's Exhibit A,	
14	SUMMONS,	
15	was marked for identification:	8:12
16		
17	Defendant's Exhibit B,	
18	BILL OF PARTICULARS,	
19	was marked for identification:	11:3
20		
21	Defendant's Exhibit C,	
22	TRANSCRIPT,	
23	was marked for identification:	17:22
24		

1 Defendant's Exhibit D,
2 POLICE STATEMENT,
3 was marked for identification: 58:10

4
5 Defendant's Exhibit E,
6 MIRA RENCHNER REPORT,
7 was marked for identification: 72:4

8
9 Defendant's Exhibit F,
10 MULTI-PAGE DOCUMENT CONTAINING EMAILS,
11 was marked for identification: 108:21

12

13 (EXHIBITS RETAINED BY JOSEPH J. BROPHY, ESQ.)

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C E R T I F I C A T I O N

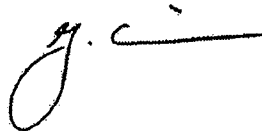
STATE OF NEW YORK)
) ss.
COUNTY OF ROCKLAND)

I, GABRIEL ALICEA, Court Reporter and
Notary Public within and for the County of Rockland,
State of New York, do hereby certify:

That I reported the proceedings that are
hereinbefore set forth, and that such transcript is
a true and accurate record of said proceedings.

AND, I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand.



GABRIEL ALICEA
Court Reporter



ERRATA SHEET

Deposition of: NOELLE FELDMAN

Re: NOELLE FELDMAN vs. WILLIAM KNACK

Date Taken: September 30, 2015

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(Signature)

Sworn to before me this
____ day of _____, 2015.

Notary Public



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I	3:8;70:4 address (5) 5:14;123:15; 124:13,14;125:20	63:15;64:3;68:22; 103:2,18;106:8; 107:12;109:6,10,19; 110:11,15;113:7,21; 114:22;115:14; 117:3,7,8,23;118:5; 120:17	114:17 Armonk (4) 42:23;43:7,11,14 around (3) 40:16;82:9;102:19	112:6,12,17;113:6; 114:19;118:21; 119:7,9;125:1; 133:18;136:2;141:10
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