

NEW YORK STATE SUPREME COURT  
COUNTY OF WESTCHESTER : PART TJR

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NOELLE FELDMAN,

Plaintiff,

- against -

WILLIAM KNACK,

Defendant.  
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INDEX NO. 69747/2014  
Westchester County Courthouse  
White Plains, N.Y. 10601  
MARCH 7, 2017

B E F O R E:

HON. TERRY JANE RUDERMAN,  
Justice

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

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SUSAN L. LAMPASONA, ESQ.

SUSAN M. LANZETTA  
Official Court Reporter

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N. Feldman - Direct

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(The following takes place after  
Opening statements by the Court and  
counsel:)

(Sworn jury enters courtroom and  
take their seats in the jury box.)

THE COURT: Call your first  
witness.

MR. HARRINGTON: We call Noelle  
Feldman.

N O E L L E F E L D M A N, Pound Ridge,  
called as a witness, having been first duly  
sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HANNIGAN:

Q. Good morning, Noelle. Are you ready  
to proceed?

A. Yes, I am.

Q. Were you a patient of the defendant  
William Knack?

A. Yes, I was.

Q. When did you first become Dr.  
Knack's patient?

A. It was mid of July, 2011.

Q. Why did you go to him?

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A. I was -- my husband and I were in marital counselling. We were having marital problems and I was drinking too much.

Q. Were you his patient in January, 2013?

A. Yes, I was.

Q. In January 2013 did Dr. Knack rape you?

A. Yes, he did.

MR. BROPHY: Objection. That was leading.

MR. HARRINGTON: We'll come back to that later.

THE COURT: As I indicated, if you have an objection, stand up.

MR. BROPHY: I'm so sorry.

THE COURT: Then the witness will wait to answer.

MR. BROPHY: I'm sorry for not rising. I was making a note and that one kind of burned past me.

Q. Noelle, where were you born?

A. Robinsdale, Minnesota.

Q. What's your mom's name?

1 N. Feldman - Direct 4

2 A. Diniela.

3 Q. What's your dad's name?

4 A. Robert.

5 Q. Are either of your parents living?

6 A. No.

7 Q. When did your dad die?

8 A. 2001.

9 Q. How about mom?

10 A. 2012.

11 Q. Do you have any siblings?

12 A. Yes. Five.

13 Q. What are their names?

14 A. Eldest is Dennis. Then Cindy. My

15 brother Bobby. And Mimi and Jeannie and I'm the

16 youngest.

17 Q. Are all your siblings still living?

18 A. No, my brother Bobby died in 1976.

19 Q. How old were you when that

20 happened?

21 A. 16, I believe.

22 Q. Let's talk about growing up in

23 Minnesota.

24 MR. BROPHY: I'm sorry I'm having a

25 lot of trouble hearing.

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THE COURT: All right. Please  
speak louder.

THE WITNESS: I'm sorry. I'll try.

Q. Let's talk about growing up in  
Minnesota. Your home life. How was your  
relationship with your dad?

A. It wasn't good.

Q. Why is that?

A. He's -- he sexually abused me.

Q. Did he do that once or more than  
once?

A. More than once.

Q. Did he do that frequently?

A. I don't think whenever the  
opportunity arose. Usually it was a couple of  
times a week.

Q. How old were you when your dad  
first abused you?

A. I was in kindergarten.

Q. What did he do to you?

A. He would come into my room and he  
would -- sorry. He'd like scoop me up and he  
would take me to the basement.

Q. What happened in the basement?

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A. He tied my wrists around like a pole, like the pole in the basement and then he raped me.

Q. Did your dad have intercourse with you?

A. Yes.

Q. When that happened would he say anything to you?

A. He told me that he had to teach me about the horrors of the world, that it was for my own good. Be quiet.

Q. How long did this go on for?

A. Until I was about eight and a half.

Q. And then it stopped?

A. Yes.

Q. And how is it that you remember it stopped when you were eight and a half?

A. Because I came home from school one day and I know it was snowing and I went into my mother's bedroom and the side of her jaw had like a cage, steel cage on it, like it was wired. And he had broken her jaw and he was gathering his belongings to make a hasty exit.

Q. Did your dad move out?

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A. Yes.

Q. Did he ever reconcile with your  
mom?

A. Never, no.

Q. When your dad was abusing you, did  
you ever tell anyone about it at the time?

A. No.

Q. Was there any of your siblings that  
you were particularly close to?

A. My brother Bobby.

Q. Did you tell Bobby?

A. No.

Q. Your other brother Dennis, were you  
close to him?

A. No.

Q. Why not?

A. Because about the same time my dad  
was abusing me, a couple of times I was playing  
in the basement and he approached me -- I don't  
know how to say it.

Q. What did he do?

A. I just remember like as a child,  
from the waist down.

Q. How old was Dennis at the time?

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A. 16 maybe.

Q. What did he do?

A. He made me put -- he put his -- he put it like -- he put --

Q. Did he make you perform oral sex?

A. I mean -- yeah. I'm sorry.

Q. How often did this happen?

A. It was only a couple of times.

MR. HARRINGTON: May I approach.

THE COURT: Yes.

THE WITNESS: Thank you.

A. It was a couple of times. Two or three times. I don't know.

Q. Let's return to when your dad moved out. Did you have more contact with your dad after he moved out?

A. More contact?

Q. Did you see him again?

A. I did see him again.

Q. How often would you see him after he moved out?

A. Probably in the beginning every other weekend, it wasn't a set thing.

Q. Did you ever live in the same house



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with him again?

A. Yes, I did.

Q. Roughly how old were you when that happened?

A. I think I was about 16.

Q. And how did that come about?

A. Well, my mother -- I have a sister Mimi who has brain damage and my mother was hitting her with a wire coat hanger and I could hear it upstairs. I went upstairs and I took the coat hanger out of her hand, and I said stop.

Q. Then what happened?

A. She told me to get the F out and pack my F'ing bags.

Q. Did you?

A. I had to.

Q. Where did you go?

A. She took me to my dad's house.

Q. Was your dad home?

A. No, he wasn't home.

Q. What did you do?

A. I sat on the steps with my stuff, bags, garbage bags, waited for him to come.

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2 Q. Did he come home?

3 A. Yeah, it was almost dark.

4 Q. What did he say when he saw you?

5 A. He was angry. He said how dare she

6 think she can just dump you off here without

7 calling me.

8 Q. Did you stay with your dad after he

9 said that?

10 A. No, I didn't want to stay with him.

11 Q. Where did you go?

12 A. I ran away.

13 Q. To where?

14 A. This place my sister had somehow

15 found on Pillsbury Avenue in southeast

16 Minneapolis.

17 Q. Which sister?

18 A. Jeannie.

19 Q. How old was Jeannie at the time?

20 A. She wasn't quite eighteen. She had

21 already run away as well.

22 Q. So you went with Jeannie?

23 A. We called it the dough boy because

24 it was on Pillsbury Avenue.

25 Q. Did you stay there for a period of

1 N. Feldman - Direct 11

2 time?

3 A. I did.

4 Q. How long?

5 A. A couple of months.

6 Q. Do you remember roughly how old you

7 were?

8 A. I remember it was summer time, I

9 turned 16.

10 Q. Where did you go from the dough boy

11 house?

12 A. I went to my father's house.

13 Q. Why did you move back with your

14 dad?

15 A. I didn't have anywhere else to go.

16 Q. Did you want to move back to your

17 mom's?

18 A. Yes.

19 Q. Why didn't you?

20 A. She didn't want me.

21 Q. Were you concerned living with your

22 dad?

23 A. Yes.

24 Q. At that point did you remember what

25 he had done to you earlier?

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A. Yes.

Q. And why did you go there again?

A. I didn't have any where else to go.

Q. After you moved back in with your dad, did he sexually abuse you again?

A. Yes.

Q. Was there any physical abuse?

A. Yes.

Q. How long did you stay at your dad's after you left the dough boy?

A. Six months or so.

Q. Where did you go after that?

A. I went to my mom's.

Q. Did she welcome you back at that point?

A. Not really.

Q. How did you get back there?

A. My step father told her that it was the right thing to do.

Q. What's his name?

A. Joseph Servino.

Q. Did you have a good relationship with Mr. Servino?

A. I did. He was a really nice man.

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Q. How long was he married to your mom?

A. About twenty years.

Q. And then what happened? They get divorced?

A. Yes.

Q. Did your dad ever get remarried?

A. Yes.

Q. To whom?

A. A woman named Helga Book.

Q. Did Helga have any children from a prior marriage?

A. She had one child named Briatti.

Q. So you had a step sister?

A. Yes.

Q. Did there come a time when your dad killed your brother Bobby?

A. Yes.

Q. When was that?

A. July -- I'm sorry. I'm sorry. July 1976.

Q. Why did your dad kill your brother Bobby?

A. Bobby was getting out of the marine

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2 corp after two tours of duty in Viet Nam.

3 MR. BROPHY: I'm sorry. I really

4 can't hear the witness' testimony.

5 THE WITNESS: I'm doing the best I

6 can, Your Honor.

7 MR. BROPHY: Your Honor, perhaps

8 this would be a good time to take a

9 little break.

10 HE WITNESS: I'm okay.

11 THE COURT: We did just break.

12 MR. HARRINGTON: Try to keep your

13 voice up. I know it's a tough subject.

14 MR. BROPHY: Could we have the

15 question back from the court reporter.

16 (Read back.)

17 THE COURT: Continue.

18 A. Yes. When he came home he stayed

19 with my dad, he and Biatti fell in love. And

20 they put an announcement, their engagement

21 announcement in the Minneapolis Star Tribune

22 and Helga found out about it and went -- she

23 was upset, to say the least. And my dad and

24 Helga had gone up north and had been heavily

25 drinking. And when they came home they

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confronted Biatti and Bobby about this. And Helga flew into a rage and started hitting Biatti with a wooden spoon, like really hard. And Bobby tried to stop her. And my dad always carried a .38. We ate dinner at our dinner table with a .38 on the table. He went to get his .38 and he shot my brother three times.

Q. Did your dad ever get convicted of that?

A. No.

Q. Where did you go after your dad killed Bobby?

A. Well, I had already moved out prior to that.

Q. Did you go overseas?

A. Well, no, before my dad killed Bobby I had been back at my mom's and after my dad killed my brother, my mother sent me to central South America to live with various relatives, I never even met.

Q. How long were you overseas?

A. I think it was almost a year.

Q. When you returned, where did you live?

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2 A. My mother's.

3 Q. And at some point you left Saint

4 Paul area?

5 A. Yes.

6 Q. Where did you go?

7 A. To Los Angeles.

8 Q. Why did you move to California?

9 A. Because I met who was then to

10 become my husband.

11 Q. You got married?

12 A. Yes.

13 Q. How old were you when you got

14 married?

15 A. Eighteen.

16 Q. How long were you married?

17 A. About a year and a half.

18 Q. Did you have any children?

19 A. I had one child -- we had one

20 child.

21 Q. Boy or girl?

22 A. Boy.

23 Q. Name?

24 A. Albert.

25 Q. And while you were living in



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California, were you assaulted?

A. Yes.

Q. How old were you, roughly?

A. About 22 or 23.

Q. What happened?

A. My girlfriend called me and asked me to meet her at a club and I went. At some point I needed to use the ladies room, I couldn't find her, because I went with a girlfriend. So I went by myself. There was a long corridor and I went in there and it was empty and I went in the middle stall and as I turned to close the door to the stall these two guys burst into the stall.

Q. Were you raped?

A. Yeah. And they choked me. The first guy that came in choked me.

Q. Did you go to the police?

A. No.

Q. Why not?

A. I just felt embarrassed and like ashamed.

Q. Did they get away?

A. Yeah, they ran away and my

1 N. Feldman - Direct 18

2 girlfriend came in looking for me.

3 Q. Were you in a relationship at that

4 time?

5 A. Yes. I was in a relationship with

6 -- he wasn't my fiance at that time, but Peter.

7 Q. Did you and Peter remain in

8 California after that incident?

9 A. No. I had a residence in

10 California. He lived in New York and Hong Kong.

11 Q. Did you eventually move to New

12 York?

13 A. Yes.

14 Q. Why did you move there, to be with

15 Peter?

16 A. Not just to be with Peter but at

17 the time my modeling career was taking off.

18 Q. When was that?

19 A. 1984.

20 Q. And ultimately at some point did

21 you and Peter part ways?

22 A. Yes.

23 Q. When was that?

24 A. 1991.

25 Q. Why did you part ways?

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A. I got pregnant.

Q. Did you have the baby?

A. No.

Q. What happened?

A. He wanted me to have an abortion and I didn't want to. And I relented and I did. And I was resentful and angry about him and angry at myself. It just messed me up.

Q. Were you hospitalized after that?

A. Yes.

Q. How long after the abortion?

A. Shortly after. I can't say.

Q. Why did you go to the hospital?

A. I just felt so emotionally fragile.

Q. Were you seeing a therapist at the time?

A. Yes, Dr. Cheryl Lee Shoufer.

Q. Did Dr. Shoufer bring you to the hospital?

A. Yes.

Q. Did you ever tell Dr. Shoufer about your dad and brother abusing you?

A. No.

Q. Did you tell your dad had killed

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your brother?

A. Yes.

Q. Let's talk for a second about alcohol. Are you an alcoholic?

A. Yes.

Q. When do you first remember thinking you had a problem with drinking?

A. In my late 30's.

Q. What caused you to think that?

A. I just knew it. I was just drinking too much. I just was.

Q. Have you ever been involved in any sobriety programs?

A. Yes, AA.

Q. How has that worked out for you over the years?

A. Pretty well. I'm still in AA.

Q. Do you have relapses?

A. From time to time unfortunately.

Q. How are you doing lately?

A. I'm doing well, thank you.

Q. When was the last time you had a drink?

A. It was July of 2016.

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2 Q. Do you remember why?

3 A. It was the anniversary of my

4 brother's death.

5 Q. Let's get back to the time line

6 again. At some point while living in New York,

7 you met another man and got married?

8 A. Yes.

9 Q. What's his name?

10 A. Andrew Feldman.

11 Q. What year did you get married to

12 Andy?

13 A. 1983.

14 Q. Did you have children?

15 A. Yes. Two.

16 Q. Names and ages?

17 A. Bobby is 22 and Susie is 19.

18 Q. At some point did you experience

19 marital problems with Andy?

20 A. Yes.

21 Q. What were some of the problems?

22 A. We were both drinking and my son

23 Bobby has certain learning disabilities and --

24 Q. Did that cause conflict?

25 A. A lot of conflict. I worked very

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hard to -- and worked with the school a lot to help him and my husband just was very rigid, very unyielding.

Q. Did you seek counselling, the two of you?

A. Yes, we saw Dr. Linsner for marital counselling.

Q. Did you also see Dr. Alexander Lerman?

A. Not for marriage counsel. Bobby saw Dr. Lerman.

Q. Did you also see Dr. Lerman?

A. Yes.

Q. When?

A. I think I began in 2005. I'm not sure of the date.

Q. Doctor Lerman was a psychiatrist, right?

A. Yes.

Q. And at some point did you stop treating with Dr. Lerman?

A. Yes, I did.

Q. When approximately?

A. I think it was early July of 2011.

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Q. Why?

A. He started this experimental trauma group therapy, he said he had never done before and there were three women in it. He said to me -- I don't know what had led up to it, but he had divulged -- he said if it wasn't for you, your son would be either dead or in a mental institution. Something like that.

Q. He said that in the group?

A. Yes.

Q. Did that trouble you?

A. Very much. I think it was meant to be a compliment, but it really wasn't.

Q. Was that the reason why you stopped seeing Dr. Lerman?

A. Yes. Yes. I felt betrayed.

Q. Did you ever tell another patient in the group that you thought Dr. Lerman had stared at your breasts?

A. Yeah. Yes, I did. I did mention that.

Q. How did that come up?

A. We were just talking outside in the parking area of his house and she was talking

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about him falling asleep during sessions. And I said he's done that to me too and sometimes he stairs at my breasts. But it wasn't a big deal.

Q. Is that one of the reasons you left treatment?

A. No, not at all.

Q. Did you ever mention to that patient that his fly was down?

A. No. With the sleeping thing that we were talking about, where he would fall asleep, one time I was waiting in the waiting room and he came out like he had just woken up from a nap and had just used the bathroom and he was zipping up his fly. It was just an observation. I didn't think it was anything.

Q. Were either one of things you just told us a reason why you left treatment with Dr. Lerman?

A. No.

Q. And after you left treatment with Dr. Lerman, did there come a time you were referred to Dr. Knack?

A. Yes.

Q. When was that?



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A. July, 2011.

Q. Who referred you?

A. Doctor Linsner, Jerome.

Q. The psychologist whom you were treating with with Andy?

A. Yes. Marriage counselling.

Q. At some point during treatment with Dr. Knack, did you share with him that you had been sexually abused by your father and brother?

A. Yes.

Q. How soon into treatment did you share that?

A. Within the first couple of months.

Q. Was it the first first session?

A. No.

Q. Did you tell him about being assaulted in that night club in California?

A. Yes.

Q. Did you tell him you had a drinking problem?

A. Yes.

Q. Did you talk to him about marital issues?

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A. Yes.

Q. Were you going through divorce proceedings when you first entered treatment with Dr. Knack?

A. No.

Q. Did you talk to Dr. Knack about the possibility of separation or divorce?

A. Yes.

MR. BROPHY: Your Honor, I've been very for bearing with leading. We are getting into treatment now with Dr. Knack. I will object to leading now.

THE COURT: Sustained.

Q. What type of topics did you discuss in therapy with Dr. Knack?

A. It's hard to say.

Q. What were the topics you went to see him for?

A. My drinking. In the beginning he was very helpful. And problems with my husband and the conflict between my son and my husband, and the problems and like walls I kept hitting with trying to get my son the services I wanted him to have.

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Q. Did you come to trust Dr. Knack?

A. I did.

MR. BROPHY: Your Honor --

MR. HANNIGAN: Just because it calls for a yes or no.

MR. HARRINGTON: Just because it calls for a yes or no answer doesn't make it leading.

THE COURT: Sustained. There has been a lot of leading.

Q. During the time you were treating with Dr. Knack did you go to rehab?

A. Yes.

Q. When was that?

A. I think it was January, late January, 2012.

Q. Where did you go?

A. Silver Hill in Connecticut.

Q. Is that a hospital?

A. Yes.

Q. And how long were you there?

A. About twelve days.

Q. What kind of treatment did you undergo?

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N. Feldman - Direct

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A. Psychiatric counselling, medication, adjustment and they had work shops planned throughout the day, like a schedule and then at the end of the day a group discussion on how our days went.

Q. Were you treated by any psychiatrists?

A. Yes, Ellyn Shander.

Q. Did you continue treatment with Dr. Shander after you left Silver Hill?

A. Yes, I did.

Q. Did you return to treatment with Dr. Knack?

A. Yes, I did.

Q. When did you resume treatment with Dr. Knack after leaving Silver Hill?

A. It was I think like a week or two afterwards, maybe more, I'm not sure. But it was in March.

Q. Up to that point had Dr. Knack done anything to you which made you uncomfortable?

A. No.

Q. Did you find his treatment helpful up to that point?

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A. Yes.

Q. How did you pay for Dr. Knack's treatment?

A. I would write a check at the end of a session.

Q. Did there come a time when you had difficulty making payment?

A. Yes. It was when my husband knew I was starting divorce proceedings against him and he refused to pay for anything.

Q. Did that problem get resolved?

A. Well it did. I just told Dr. Knack I don't think I can see you any more because I can't pay you.

Q. What did he say?

A. He said well, I think it's important that you stay in treatment. So you don't have to pay me every session. Just pay me when you can.

Q. And did you do that?

A. I tried to, yes. I endeavored to.

Q. After you returned from Silver Hill did the nature of your relationship change with Dr. Knack?

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A. It did.

Q. How?

A. Well, starting with the first time I saw him after being in Silver Hill, he was standing at the door, as he always did, with the door open and as I came in he just gave me a big hug, like, tight, and hard, like a big hug.

Q. Had he done that before?

A. No.

Q. How did it make you feel?

A. I was taken a back and just, okay, that's weird.

Q. Did that happen once or more than once?

A. Well, that was the first time it happened.

Q. Did it ever happen again?

A. Yes.

Q. What else?

A. What do you mean?

MR. BROPHY: Your Honor, can we have a time line here, please.

THE COURT: Right. What is this

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time?

MR. HARRINGTON: The time line is after leaving Silver Hill Hospital and resuming treatment with Dr. Knack in February of 2012.

MR. BROPHY: Thank you.

Q. In addition to these hugs, was there anything else about the nature of your relationship with Dr. Knack that changed after leaving Silver Hill?

A. Yes.

Q. What?

A. From time to time he would make comments on my appearance.

Q. Like what?

A. That made me very uncomfortable, you're wearing my favorite outfit, jeans, T-shirt, no make-up.

Q. Did he comment on other outfits?

A. Yes.

Q. What did he say?

A. Well, I remember a time when I had to see my divorce attorney in the city, so I was wearing a skirt and I had an evening

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appointment, around six o'clock. I said I really need to leave. I had to leave kind of early. I needed to make my mom a cake, it was her birthday. And he said I would love to see you in that skirt, in those heels, with just a smudge of flour on your face.

Q. What did you say to him when he said that?

A. That's never going to happen.

Q. Did that make you uncomfortable?

A. Very.

Q. Did you leave session?

A. Yes.

Q. In addition to hugging you and making comments, did he do anything else after you left treatment -- after you left Silver Hill and resumed treatment with Dr. Knack?

A. There were lots of things he did.

Q. Like what?

A. I think you need a hug. It was always like when I was crying, like really upset.

Q. Did he ever try to kiss you?

A. Yes.



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Q. When he would try to kiss you, what would you say?

A. Stop.

Q. What would he say?

A. I'm sorry. I'm really sorry. I could get in a lot of trouble for this.

Q. Were there any other comments that you remember Dr. Knack making during that period of time?

A. I remember one time my husband -- he had suggested my husband, because the divorce papers were coming, my lawyer said forewarn him because my husband had a tendency to be violent and I was really worried about him flipping out. So he said maybe it's a good idea you tell Andy here, you meet him here and tell him here the divorce papers are coming tomorrow and I thought that was a good idea. And then I came -- I arrived a little early and I was in Dr. Knack's in the office, the actual office, not the waiting room, I was waiting there and he asked me if I liked Irish sausage.

Q. Did you understand what he meant?

A. Not at first. I was like what.

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Q. Then what happened?

A. My husband came in the door -- the outer door coming into the waiting room, and the door creaked very loudly and he smiled and said that's why I never oil that door. And then it kind of clicked for me.

Q. Aside from what you've told us already, did Dr. Knack do anything else that made you uncomfortable?

A. He did a lot of things to make me uncomfortable.

Q. Aside from the attempts at hugging you and kissing you and the comments, is there anything else he ever did that made you uncomfortable?

A. He raped me.

Q. We're going to get to that. Did he ever drop his pants in front of you?

MR. BROPHY: Objection.

A. Yes, he did.

THE COURT: Sustained.

Q. Was there anything else Dr. Knack did other than what you told us?

A. Yes.

1 N. Feldman - Direct 35

2 Q. What did he do?

3 A. He dropped his pants.

4 Q. When did that happen?

5 A. It was about the same time frame of

6 between March -- it was that spring.

7 Q. Of 2012?

8 A. Yes. Yes. Before I went into Silver

9 Hill for the second time.

10 Q. Tell us what happened?

11 A. He dropped his pants in front of

12 me.

13 Q. Where were you?

14 A. I was on the sofa.

15 Q. Where was he?

16 A. First he was in the chair and he

17 approached me and came up to me and dropped

18 them.

19 Q. Underwear as well?

20 A. He dropped the pants and then it

21 was the underwear.

22 Q. Did he say anything to you?

23 A. No.

24 Q. What did you do?

25 A. I looked away. And then I grabbed

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my stuff and left.

Q. Did you ever speak to him about that?

A. Yes.

Q. What did you say?

A. Why? Why? Why are you doing this.

Q. What did he say to you, I'm talking specifically about the incident you just described?

A. I don't remember specifically but it was always the same thing.

Q. Which was?

A. I love my wife. I'm sorry. I could get in a lot of trouble for this.

Q. And yet despite these things you went back to him?

A. Yes, because he promised not to do it again.

Q. Do you understand in this case that Dr. Knack is claiming that you sexually assaulted him?

A. Yes.

MR. BROPHY: Leading, Your Honor.

THE COURT: Sustained.

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Q. Did you sexually assault Dr. Knack?

A. No.

Q. Ever?

A. No.

Q. Did you ever initiate any sexual contact whatsoever?

A. No.

Q. Did you ever flash Dr. Knack?

A. No.

Q. At some point when you were treating with Dr. Knack, was your mom living with you?

A. Yes.

Q. Did your mom dad when you were treating with Dr. Knack?

A. Yes.

Q. When was that?

A. It was April, 2012.

Q. After your mom died, did you go back to rehab?

A. Yes, I did.

Q. How long after?

A. Like less than two weeks.

Q. And how long were you there?

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A. About 45 days.

Q. As an in-patient?

A. Yes.

Q. And during your stay, did you have any contact with Dr. Knack?

A. He called me once when I was at River House, which is the house I was staying at, they have different houses. He called me. I was doing laundry. He called me and asked how I was doing. And I said fine. I'm going to be leaving in like a week or so. And he said he couldn't wait to see me.

Q. And did you return to treatment with Dr. Knack?

A. Yes.

Q. When you got out?

A. I did.

Q. And did he continue on with the behavior you testified to earlier?

MR. BROPHY: Objection.

THE COURT: Sustained.

A. He did but it was sporadic.

THE COURT: If I sustain an objection means do not answer the

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question.

THE WITNESS: I'm sorry. I don't know what that means.

THE COURT: Please ask another question.

Q. Did there come a time when Dr. Knack raped you?

MR. BROPHY: Objection.

A. Yes.

Q. When?

THE COURT: Overruled.

Q. When did that happen?

A. It was January of 2013.

Q. Tell me what you remember happening?

A. I arrived at his office and sat in my usual spot and I was so upset, I was so upset and again he came over like you need a hug. But I don't believe to be touched. I don't like to be touched. And I said, no, no, no. He sort of perched -- I would always sit to the right of the couch and he would sit diagonally from me. He came over and kind of perched himself on the right arm of the sofa where I

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was. And then he lunged at me and, you know,  
pushed me down on the sofa on my back.

Q. Did you struggle to get him off?

A. I did.

Q. Did you say anything?

A. I don't think so. I think I just  
like -- I remember just like whimpering. I felt  
there was no use.

Q. What happened next?

A. He -- he, like, he pulled my  
underwear down and he raped me.

Q. Did he have sex with you?

A. Yes.

Q. What were you wearing?

A. I remember seeing my attorney  
earlier in the day and I was wearing a skirt.

Q. How long did this go on for?

A. I can't say. It happened real fast.

Q. And where did this happen?

A. In his office.

Q. In his actual treatment room?

A. Yes.

Q. Is Dr. Knack's office connected to  
his home?



1 N. Feldman - Direct 41

2 A. Yes. It's sort of like a basement

3 thing.

4 Q. And while this was happening, was

5 anyone else home, to your knowledge?

6 A. I remember that when it was

7 happening that I could hear like footsteps

8 above which made it more horrible.

9 Q. Besides intercourse, did Dr. Knack

10 do anything else to you?

11 A. Yes.

12 Q. What did he do?

13 A. At some point he like flipped me

14 over and he bit me. He bit me really, really

15 hard.

16 Q. Where?

17 A. On my back side. Really hard.

18 Really hard.

19 Q. What happened after he bit you?

20 A. I -- I scrambled up and pulled

21 myself, like, together, and I grabbed my coat

22 and my bag and left. Before I left he looked

23 very smug.

24 Q. Did he say anything to you or did

25 you say anything to him?

1 N. Feldman - Direct 42

2 A. I don't remember.

3 Q. Where did you go?

4 A. I went straight home.

5 Q. And what did you do?

6 A. The kids were watching TV in the

7 family room and we had a back staircase leading

8 from the garage to the kitchen to go up. I said

9 hey, I'm home. And then I took a shower.

10 Q. Did you go to the police?

11 A. No.

12 Q. Why not?

13 A. I was embarrassed. I was ashamed.

14 Q. Did you have any contact with Dr.

15 Knack after this incident?

16 A. He called me.

17 Q. When?

18 A. I think it was that night, maybe,

19 that night. I think it was that night. I was in

20 the laundry room and you can close the door to

21 the laundry room from the kitchen. And the kids

22 are in the family room, so it's like private.

23 Q. What did he say?

24 A. He said we need to talk about this.

25 I said I don't want to come back to see you any

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more. I was like really upset. And he said we need to talk about this. You need to come in. And I said I don't want to.

Q. What else did he say, if anything?

A. I don't remember everything. But that was basically, like, he said we need to talk about this. We need to talk about this. And he apologized, and said I could really get into a lot of trouble.

Q. Did you agree to go back to see Dr. Knack and talk about it?

A. Reluctantly, I did.

Q. Before we talk about that. What medication did you take, if any, on the day that Dr. Knack raped you?

A. Just my ritalin.

Q. What's that for?

A. My ADHD.

Q. Did you take anything else that day?

A. No.

Q. Did you have any other active prescriptions at that time?

A. Yes.

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Q. What were they?

A. My klonopin.

Q. What's that for?

A. It's for anxiety. But I really only take it in the evening, like around six or seven.

Q. Do you take that pursuant to a prescription or something else?

A. Doctor Shander prescribes it for me.

Q. You would take it in the evening?

A. Really in the evening because it made me very sleepy.

Q. Do you take it every day?

A. Not every day. Sometimes I wouldn't take it. If I wasn't anxious I didn't take it.

Q. So when Dr. Knack raped you in January of 2013, in addition to the klonopin and the ritalin, what other prescriptions did you have?

A. She also prescribed trazodone for me to sleep. All the prescriptions are what I took when I was in Silver Hill, except the Depakote.

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Q. On that date did you take the  
trazodone?

A. No, I only take that at night to go  
to sleep.

Q. After this happened, when did you  
first go back to see Dr. Knack?

A. Oh, gosh, maybe a week.

Q. Did you confront him about what he  
did?

A. I did.

Q. What did you say?

A. I said how could you do this to me.

Q. What did he say?

A. I said you hurt me.

Q. What did he say?

A. He said I'm sorry. And then he  
talked about how he loved his wife. I said then  
love her and leave me alone.

Q. Did you confront him about biting  
you?

A. Yes, I did. I said you bit me. You  
bit me. I said I can barely sit down. There's a  
huge bruise. Huge.

Q. What did he say?

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A. I wanted to give you something to remember me by.

Q. Did you respond to that?

A. No.

Q. What did you do?

A. I became -- I became so upset that I had to leave.

Q. But you eventually went back?

A. Yes.

Q. Why?

A. I had no one else. I didn't have anyone else. I don't have any family here. And he helped me with dealing with my husband. I just felt like I had no one else. I just didn't have anyone else.

Q. Did he ever make comments to you again?

A. Not for a while, but eventually, yeah.

Q. And how would you respond?

A. Just leave.

Q. Did the topic of him raping you ever come up again?

A. Yes.

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Q. And how would it come up?

A. I don't remember specifically.

Q. Did you raise it?

A. I would raise it.

Q. Do you remember how you would raise it?

A. Well, from time to time when I would get really upset he would threaten me with Silver Hill. He would say, like, do we need to go back to Silver Hill.

Q. At some point, did you take your kids to see Dr. Knack?

A. Yes.

Q. Is this after he raped you?

A. Yes.

Q. When was that?

A. It was the spring of 2013.

Q. Why did you take your kids to see Dr. Knack?

A. Because we had previously discussed that, because we had these impending divorce proceedings coming up. He suggested it would be a good idea for him to like see the children and see how they're doing with it and to help

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them process their feelings, you know, get an idea of how they were, you know, dealing with it, the tumult of it.

Q. And did you agree?

A. Reluctantly.

Q. What steps, if any, did you take with respect to your children seeing Dr. Knack?

A. Well, it's a very small office and a very small waiting room and I sat like right outside the door, right there.

Q. Was the door closed?

A. Yes.

Q. So your children individually would be in the room with him?

A. Well, there were times they went together. I think the first time certainly they went together, maybe the first couple of times. And then my son Bobby saw him individually. We would stagger, like he would see him one week and then another week.

Q. Would Susie ever see him behind close doors?

A. She wanted to be tested -- she did when she wanted to be tested.



1 N. Feldman - Direct 49

2 Q. And you were there in waiting room?

3 A. Yes, I was.

4 Q. Looking back on it, do you think it

5 was a mistake?

6 A. It was a mistake.

7 MR. BROPHY: Objection.

8 THE COURT: Sustained.

9 Q. You testified earlier you saw Dr.

10 Shander after leaving Silver Hill?

11 A. Yes.

12 Q. Did you ever talk to Dr. Shander

13 about Dr. Knack comments and conduct?

14 A. I did.

15 Q. What did you tell her?

16 A. I told her that -- I mean earlier

17 than that, I told her that I didn't think he

18 really cared about me, I told her about the

19 comments he would make about my appearance and

20 I told her about the threats he made about

21 sending me back to Silver Hill when I would get

22 upset about those comments, and you know, the

23 advances he would make.

24 Q. Were you still seeing Dr. Shander

25 in January of 2013?

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A. Yes. I don't know if I saw her then. I remember she was in France for a period of time because of friend of her's was dying.

Q. Did you see her after January of 2013?

A. Yes.

Q. Did you tell her that he had raped you?

A. I couldn't say it at first.

Q. Did you eventually tell her?

A. Yes.

Q. Did there come a time when you talked to Dr. Shander about leaving treatment with Dr. Knack?

A. Yes, actually several times.

Q. Did Dr. Shander ever recommend that you should leave treatment?

MR. BROPHY: Objection.

THE COURT: Sustained.

Q. Did there come a time you left treatment with Dr. Knack?

A. Yes.

MR. HARRINGTON: Can we mark this.

(Marked Plaintiff's Exhibit 1 for

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identification.)

Q. Noelle, I'm showing you what's marked Exhibit 1 for identification, do you recognize it?

A. Yes, I do.

Q. What is it?

A. It's the e-mail I sent to Dr. Knack when I decided not to see him any more.

Q. What's the date of it?

A. November 14 of 2013.

MR. HARRINGTON: Your Honor, I offer it into evidence.

MR. BROPHY: No objection.

THE COURT: Exhibit 1 received into evidence.

(Plaintiff's Exhibit 1 marked in evidence.)

Q. Is there anything in that e-mail about Dr. Knack raping you?

MR. BROPHY: Objection. The document is now in evidence. Sustained.

Q. Did Dr. Knack respond to that e-mail?

A. No.

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Q. Did you ever see him again in treatment after that e-mail?

A. No.

Q. Did your kids ever see him again in treatment?

A. No.

Q. At some point did you go to the police?

A. Yes.

Q. When was that?

A. I think it was February of 2014.

Q. Why did you go do that? What prompted you to do that?

A. I -- I was -- I had a boyfriend at the time, someone I was beginning a relationship with, but I had a really difficult time beginning a relationship because of all of this and I told him why and I told him what Dr. Knack did to me .

Q. And then you went to the police?

MR. BROPHY: Objection.

THE COURT: Sustained.

MR. BROPHY: I move to strike the unresponsive part of the answer.

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N. Feldman - Direct

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THE COURT: Granted. We are back  
to why did you go to the police.

Q. Why did you go to the police?

A. My boyfriend urged me to.

Q. Did you?

A. Yes, I did.

Q. And who did you meet?

A. Detective Jim Wilson.

Q. And what did you tell him?

A. I told him about him groping me,  
touching me, trying to kiss me, hugging me like  
really hard, those type of things.

Q. Did you tell him anything else?

A. Not at that time.

Q. At a later time?

A. I did.

Q. What did you tell him?

A. I told him he raped me.

Q. What, if anything, did Detective  
Wilson suggest you do at that point?

A. He suggested we make like some tape  
recordings, first he suggested I see him and  
wear like a wire and I didn't want to see him.  
He said are you willing to make a tape. And I

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N. Feldman - Direct

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said that I would do.

Q. And did you?

A. Yes, I did.

Q. And where were those calls made from?

A. At the New Castle Police Department.

Q. Was anyone with you when those calls were made?

A. Detective Wilson was with me.

Q. Did you record them?

A. No.

Q. Did anyone record them?

A. Detective Wilson did that.

Q. Did there come a time that you learned the District Attorney was not going to prosecute Dr. Knack?

A. Yes.

Q. And how did you feel about that?

A. Upset. Very upset.

Q. Let's talk about your life since Dr. Knack did that to you. Has it been impacted?

A. You know, I went to this man for

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N. Feldman - Direct

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help. I was reluctant to trust him because he is a man. And I went to him for help. And --

THE COURT: Sustained. Perhaps this is a good time to break for lunch. This is a new area. We break approximately 12:30 and resume at 2 o'clock. You will come back here and you will hear me say it over and over again, please do not talk among yourselves or with anyone else about the case and please no research of any sort. No books, magazines or anything else. See everybody at two o'clock.

(Sworn jury exits the courtroom.)

A F T E R N O O N S E S S I O N.

THE COURT: Bring in the jury.

(Jury enters courtroom.)

THE COURT: We will continue with direct. Please remember you are still under oath and keep your voice up.

THE WITNESS: Yes, Your Honor.

Q. Noelle, please tell the jury specifically how your life has been impacted as a result of Dr. Knack's raping you?

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N. Feldman - Direct

56

A. I'm not myself. I feel like not just my body was raped, but my soul was raped. I feel dismantled, in that everything that makes you feel like your human is gone. I don't feel alive. My life has never been easy but going to someone for help and having that person betray me in such a brutal way. I have recurrent nightmares. Horrible nightmares. I'm afraid of everything.

Q. What type of nightmares?

A. You want to hear about the nightmare?

Q. Yes.

A. I'm trying to get home and I'm running and running along side the freeway and there is this person and he's, he says he's going to help me get home and I can't keep up. He's running too fast. And he starts -- I think he's helping me but then he turns around and starts throwing rocks at me. I'm thinking why, why? I just want to get home and then he would help me again and then he would throw rocks at me again and at the end of the dream he collapses on the sidewalk.



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N. Feldman - Direct

57

Q. Have you relapsed?

A. I did in July.

Q. Of this year?

A. Of 2016.

Q. Have you talked to anybody about  
this?

A. Yes.

Q. Who?

A. I talked to my doctor, they knew  
about it.

Q. Doctor --

A. He's my gastroenterologist.

Q. How about Dr. Shander?

A. Yes.

Q. How else has your life been  
affected by this?

A. I just don't trust anyone anymore.  
I don't go out ever. I don't ever go out. I'm  
totally isolating myself. I used to walk the  
dogs everyday. I don't do that any more. I  
constantly -- I need to put the alarm on. I  
take no pleasure in anything. All the things I  
used to do, like cooking and baking, that I  
loved to do, I don't do any of that.

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N. Feldman - Direct

58

Q. Have you done anything to try and cope, how do you cope?

A. I pray. I pray.

Q. Does that work?

A. Sometimes.

Q. Have the kids been supportive?

A. My kids have been really supportive but it's been really difficult for them.

Because they see how much I've changed. They see that. This is not about -- they know I've had a hard life. They know I've had a hard life. They don't know everything, but they know. And this is not about what happened to me as a kid. This is about me going to someone about what happened to me as a kid and that person even doing worse, worse harm than I could ever have imagined or predicted.

Q. How about your relationship with Andy, today, how is that?

A. We're okay. We have a cordial relationship. We have dinner together occasionally with the children when Bobby is on leave block.

Q. How's Bobby?

1 N. Feldman - Direct 59

2 A. Bobby is doing very well. Thank

3 you.

4 Q. What's he up to?

5 A. He's squad leader of the mortar (?)

6 Team and he's a lance corporal.

7 Q. Where is he stationed?

8 A. In Hawaii.

9 Q. How about your daughter?

10 A. She's in SUNY Purchase, she's a

11 freshman. She's doing very well.

12 Q. And you haven't had a drink since

13 July of 2016?

14 A. No, I haven't.

15 Q. Sounds like your trying to rise

16 above it?

17 A. I am and I think I have.

18 MR. HARRINGTON: Thanks for telling

19 your story. No further questions, Your

20 Honor.

21 THE COURT: Thank you. You may

22 cross examine the witness.

23 MR. BROPHY: Just for housekeeping

24 purposes, there was an e-mail that was

25 marked and received as Plaintiff's 1?

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N. Feldman - Cross

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THE COURT: Plaintiff's 1.

MR. BROPHY: Let's start with that.

If I may have a moment. I have a blowup  
I'd like to use.

MR. BROPHY: We can mark this.

(Marked Defendant's G for  
identification. )

THE COURT: I assume there is no  
objection to G.

MR. HANNIGAN: No objection.

THE COURT: Exhibit G is received  
into evidence.

(Marked defendant's G in evidence.)

CROSS EXAMINATION

BY MR. BROPHY:

Q. I'm going to ask you some questions  
about this e-mail. Do you have a copy in front  
of you?

A. Yes.

Q. This is what you complained about  
in the e-mail. Sexual acting out?

A. Correct.

Q. Hugs so hard they left bruises?

A. Correct.

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N. Feldman - Cross

61

Q. Bruises where?

A. On my body.

Q. What part of your body?

A. My arms.

Q. So that's not about the bruise on your behind that you told us about?

A. No.

Q. You left that out?

A. I did.

Q. Kissing me on the couch. You put that in there, yes?

A. Yes.

Q. Commenting on my clothes and body?

A. Yes.

Q. By the way, I threw up all the way home the last time you did it. What's it?

A. The comment about my appearance.

Q. So the last time you made the comment about liking your appearance you call a sexual voice you threw up on the way home?

A. Yes, I did.

Q. Did you have some help composing this e-mail?

A. I told Dr. Shander about it and I

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N. Feldman - Cross

62

told her I was so upset I couldn't articulate myself. I didn't know how to say it. I just didn't know how to say it. So she helped me.

Q. How exactly did she help you?

A. Could you be more specific.

Q. I'm asking you to be specific, ma'am. How exactly did Dr. Shander help you?

A. She just helped me put it into words, to articulate it.

Q. So if I understand correctly, let me ask it this way. Were you with Dr. Shander in her office when you had a conversation about sending this e-mail?

A. Yes.

Q. And how long before -- this e-mail is 8:13 a.m., is this a prior date prior to November 14 that you were in her office and had this conversation?

A. I think it was the day before.

Q. And when you -- was this the very first time you told her about Dr. Knack's misbehavior?

A. I believe so, yes.

Q. Did she ask you any questions?

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N. Feldman - Cross

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A. Yes.

Q. What questions did she ask you?

A. They were very private. She asked me how I was dealing with it. Just along that line.

Q. Did she ask you to be more specific about what Dr. Knack allegedly did?

A. Whatever is in that e-mail is what I told her specifically.

Q. That's not the question. Please listen to the question. Did she ask you to elaborate on the claims that you had against Dr. Knack?

A. I don't remember.

Q. This is someone that you trusted; is that right, Dr. Shander?

A. Yes.

Q. Someone you still trust, true?

A. Yes.

Q. In fact, right after you sent this e-mail to Dr. Knack, you sent a copy of it to Dr. Shander, isn't that right?

A. Yes.

Q. And you told Dr. Shander in effect

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N. Feldman - Cross

64

that you love her and you appreciate her support?

A. And I felt free.

Q. And do you still feel that way about Dr. Shander?

A. Yes.

Q. You also say in this e-mail I am going off to work on my own magnificence.

I'm sorry, would you please explain your magnificence?

A. Dr. Shander said just keep working on your own magnificence. That's why I said that in reference to what she told me.

Q. What does that mean to you?

A. I guess just being the best person I possibly could be, that's the way I interpreted it.

Q. So that was Dr. Shander's term, she was encouraging you to work on your magnificence?

A. Yes.

Q. And that's what you were doing by sending this e-mail?

A. It was the beginning of it, yes.



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N. Feldman - Cross

65

Q. Let's go back to the beginning of your relationship with Dr. Knack. You told us you haven't had an easy life?

A. Yes.

Q. But in your life you've had ups and downs, fair to say?

A. I guess that's fair to say, yes.

Q. And when you walked into Dr. Knack's office for the first time in July of 2011, you were in one of the downs, fair to say?

A. Yes.

Q. You were in a very bad marriage, true?

A. True.

Q. And now you are out of that marriage?

A. True.

Q. Dr. Knack helped you do that?

A. Yes, he did.

Q. And as a result of being out of that marriage you are in a better place than before you were in that marriage, fair to say?

A. Yes and no.

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N. Feldman - Cross

66

Q. Now you have a very serious drinking problem, isn't that true?

A. I did.

Q. Not any more?

A. No.

Q. When you walked into Dr. Knack's office in July of 2011, were you in control of your drinking?

A. No.

Q. Pardon me?

A. No.

Q. Your drinking was in control of you at that time, isn't that fair to say?

A. True.

Q. And Dr. Knack encouraged you to over a period of time get to a rehab, is that true?

A. Yes.

Q. In fact before you got to Silver Hill your drinking got even worse?

A. True.

Q. First time you were in Silver Hill you had been binge drinking for a period of time; isn't that true?

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N. Feldman - Cross

67

A. Yes.

Q. A pint of hard liquor a day?

A. I don't remember.

Q. More?

A. I don't remember.

Q. Do you deny your drinking that much  
at that time?

MR. HARRINGTON: Objection. Asked  
and answered.

THE COURT: Sustained.

Q. Now you're a person who takes pride  
in her appearance, fair to say?

A. Yes.

Q. But when you were first at Dr.  
Knack's office you were neglecting your  
appearance, weren't you?

A. That's not true.

Q. Were you neglecting your appearance  
when you went into Silver Hill for the first  
time?

A. I guess you could say some what.

Q. And the drinking that you were  
troubled with when you first saw Dr. Knack, you  
had started that episode of heavy drinking

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N. Feldman - Cross

68

while you were Dr. Lermna's patient; isn't that true?

A. Yes, that's true.

Q. But you concealed it from Dr. Lerman, didn't you?

A. I think he knew.

Q. Did you conceal it from him?

A. I didn't try to.

Q. But it wasn't Dr. Lerman who helped you with your drinking problem?

A. No.

Q. It was Dr. Knack who helped you with your drinking problem, isn't that true?

A. Some what Dr. Knack encouraged you to go to A A, isn't that true.

A. No. I had already been in AA before that. At one point he encouraged me to go back.

Q. Were you reluctant to go back to AA until Dr. Knack encouraged you to go back?

A. No.

Q. Why did he have to encourage you?

A. I don't know.

Q. But he did, yes?

A. He did.

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N. Feldman - Cross

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Q. And then you went back?

A. Yes. Eventually.

Q. And while you were his patient you went back to AA, isn't that true?

A. Yes.

Q. And he encouraged you to stick with it?

A. Yes.

Q. And you did?

A. Yes.

Q. And that helped you, fair to say?

A. Yes.

Q. So Dr. Knack helped you with regard to your marriage, yes?

A. Yes.

Q. And he helped you in regards to your drinking?

A. Yes.

Q. Before we leave the subject --

MR. BROPHY: Your Honor, at this time I'm offering the records of Silver Hill Hospital which have been marked as Defendant's Exhibit A in evidence.

MR. HARRINGTON: Your Honor, may we

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N. Feldman - Cross

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approach.

THE COURT: Yes.

(Approach off the record.)

THE COURT: Exhibit A will be marked into evidence subject to redactions on what is not related to treatment. We will have to look at it to the end of trial.

(Marked Defendant's A in evidence.)

MR. BROPHY: For the record, I am going to ask questions about 2:51 and 2:52. I will show these to counsel.

MR. HARRINGTON: Okay.

THE COURT: Please proceed.

Q. I'm going to ask you a question from page 251?

THE COURT: Do you want her to have a copy?

MR. HARRINGTON: Yes. Going forward we will need a copy for the witness and for counsel.

Q. Under history of present illness, I call your attention about a third of the way down where it says patient reports she drinks a

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N. Feldman - Cross

71

pint/a quart of brandy or scotch. Do you see that?

A. Yes.

Q. And that was on January 30, 2012 when you told that to Dr. Shander?

A. I don't remember the exact day I told her.

Q. Does that refresh your recollection that you told Dr. Shander --

A. Some what. But I don't drink scotch. Sometimes brandy, but not scotch.

Q. Over the past 2.5 weeks has been drinking a pint a day. Drinks in the morning at times. Feels guilty about it. Is that what you told Dr. Shander in January?

A. That sounds correct, yes.

Q. And this was after you were in treatment with Dr. Knack for a number of months?

A. Correct.

Q. So you weren't getting better, true?

A. In the beginning I was. And then at that point I wasn't.

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N. Feldman - Cross

72

Q. And you agree you needed to be hospitalized?

A. I do agree.

Q. You went in voluntary?

A. I went voluntarily.

Q. Further down the page, patient reports she has been struggling with flashbacks, nightmares and intrusive thoughts about the death of her brother when she was a teenager. Is that what you reported?

A. Yes.

Q. So the nightmare you told us about a few minutes ago, that's not something new?

A. That's something new.

Q. That's a new nightmare?

A. Yes, it is.

Q. But you had terrifying nightmares for years before, isn't that true?

A. I had nightmares, yes, sometimes.

Q. Page 252 states patient has been drinking a few pints of scotch a day. Is that accurate information?

A. I didn't drink scotch.

Q. Did you drink a few pints of hard



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N. Feldman - Cross

73

liquor a day?

A. I can't quantify it.

Q. Enough to give you black outs?

A. Once in a while.

Q. So it was after this admission to Silver Hill Hospital that you say that Dr. Knack began acting inappropriately to you; is that right?

A. Yes.

Q. Was it also about the time that you were getting out of Silver Hill Hospital for the first time that you were in the process of finalizing the divorce papers?

A. No, I wasn't in the process of finalizing it.

Q. When was that?

A. That was in July.

Q. So the divorce papers were served in July of -- what year?

A. 2012. I don't remember exactly when my divorce papers were served to my husband. My mother was dying at that time. And I don't remember exactly when.

Q. That you were finalizing your

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N. Feldman - Cross

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divorce papers in 2012?

A. No, I was not finalizing, I was initiating my divorce proceedings.

Q. You were getting ready to initiating your divorce proceedings?

A. I was in the process of initiating.

Q. As of the time you were in Silver Hill Hospital you had not yet had those papers served on your husband, is that true?

A. I'm not sure. I think it might be.

Q. So that must have been very stressful at that time, to being ready to divorce this husband of yours who had been abusing you for so many years, fair to say?

A. It was all stressful, yes. It was all stressful. It wasn't as stressful as my mother dying.

Q. I was just about to ask that. So your mother had been living with you for a few years prior to 2012; is that correct?

A. Yes.

Q. Earlier when you were testifying about your child hood you testified that you had some problems in your relationship with

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N. Feldman - Cross

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your mother when you were young, is that true?

A. Yes.

Q. As she got older did you work through those problems with her?

A. Before she did, we did.

Q. How long before she died?

A. I can't say. I can't give you a date.

Q. In general, did you feel before you went into Silver Hill Hospital for the first time that you had worked through with your mother, made peace with your mother, or was that something you had to do after you got out of Silver Hill Hospital?

A. No, we made piece before she died.

MR. HARRINGTON: Objection to relevance.

THE COURT: Overruled.

Q. So you can't tell me when?

A. No.

Q. You can't tell me if it was in 2012?

A. I can tell you it was in 2012 because my mother died in 2012.

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N. Feldman - Cross

76

Q. So you made piece with your mother  
some time in 2012?

A. Yes.

Q. So working through that process had  
to be very stressful also, fair to say?

A. No.

Q. Pardon me?

A. No. It was cathartic.

Q. When your mother was actively dying  
-- when did she pass away?

A. April 24, 2012.

Q. And while your mother was --  
withdrawn. You got out of Silver Hill the first  
time in early part of February 2012?

A. Yes.

Q. Your mother died April 25?

A. 24.

Q. So the fact that she was dying, was  
that another stress or for you?

A. Yes.

Q. And then when she actually died  
then you relapsed severely, true?

A. Yes.

Q. And you were readmitted to Silver

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N. Feldman - Cross

77

Hill Hospital voluntarily following your mother's death; is that correct?

A. Yes.

Q. And that would have been --

A. May 11.

MR. BROPHY: I'm going to ask some questions.

MR. HARRINGTON: The witness will need a copy as well. The last time we gave the witness our copy.

MR. BROPHY: I do not have an extra copy. I will hand this up to the witness.

(Handing to witness).

Q. So this is a discharge summary from Barrett House dated June 20, 2012?

A. I wasn't discharged from Barrett House on June 20. I was discharged from River House.

Q. River House is part of the Silver Hill complex?

A. Yes. There are several houses.

Q. So you were discharged from River House on June 20, 2012?

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N. Feldman - Cross

78

A. That's correct.

Q. As a matter of fact you were discharged against medical advice, isn't that true?

A. That's what they said.

Q. So in your discharge summary at page 284 it states that you had been drinking two pints daily since mother die on 4/24/12.

A. I must be on the wrong page. I'm sorry.

MR. HARRINGTON: If I can assist?

THE WITNESS: I found it.

Q. Is that a true statement?

A. As I said before, I must have said that but I can't quantify how much I was drinking at the time.

Q. You did then didn't you?

A. I did but I was drinking at the time.

Q. You were drinking even more then than you were in the first admission, when you went into Silver Hill the first time?

A. I'm sorry.

Q. You were drinking even more after

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N. Feldman - Cross

79

your mother died and before you went into Silver Hill the second time than you had been before you were there the first time, true?

A. I can't say. I don't remember.

Q. Let me ask you this, when you testified a few minutes ago that Dr. Knack hugged you so hard he left bruises on your arms, was that during the period of time between the first and second Barrett House admission or some other time?

A. I wasn't admitted to Barrett House two times.

Q. I'm sorry. I misspoke. I'll rephrase the question.

You testified earlier that Dr. Knack hugged you so tightly that he bruised your arms and I'm asking you now, did that happen between the first time you were admitted to Silver Hill and the second time?

A. Yes.

Q. And take a look at page 285. Did you tell the doctor that your husband was currently physically and sexually abusing you, did you tell her that?

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N. Feldman - Cross

80

A. Well, he's always been physically abusive. I told her that.

Q. Did you tell her that he was currently abusing you as of the time that you were admitted to Silver Hill for the second time?

A. Yes. On occasion.

Q. As a matter of fact when you were admitted to Silver Hill for the second time you had multiple bruises on your arms and legs, isn't that true?

A. Yes.

Q. And you are saying some of those were from Dr. Knack and some of those were from your husband?

A. I didn't say that.

Q. Well I'd like to know. Were some of those bruises --

A. No, they were not from Dr. Knack.

Q. So the bruises that you had when you were admitted to Silver Hill for the second time, those were from your husband?

A. Yes.

Q. Even though you say that Dr. Knack



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N. Feldman - Cross

81

had hugged you so tightly he gave you bruises before that admission? I'll withdraw the question.

When you were admitted to Silver Hill for the second time, were those bruises that Dr. Knack gave you, were they gone?

A. They weren't bruises from Dr. Knack at that time. They were from what my husband did to me.

Q. So whatever bruises you had gotten from Dr. Knack between the two admissions were gone by the time you got to the second admission, is that what you are telling us?

A. I'm not sure exactly when I got those bruises. But they were gone. The bruises I had when I was admitted to Silver Hill were from my husband and I told the doctor that.

Q. As a matter of fact you had bruises on your body when you were admitted to Silver Hill the first time, isn't that true?

A. I don't remember.

Q. Isn't it a fact that each time that you were admitted to Silver Hill Hospital someone would examine you for bruises, do you

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N. Feldman - Cross

82

remember that?

A. You mean both times I was admitted.

Q. Each time, the first time and the second time?

A. I misunderstood your question.

Q. Let me repeat the question. Isn't it a fact that each time that you were admitted to Silver Hill Hospital somebody would check your body for whatever injuries that you might have coming in?

A. They checked my body. I didn't know they were checking it specifically for bruises. They certainly were noticeable.

Q. The first time that you went into Silver Hill Hospital, did you have bruises on your body?

A. I don't remember.

MR. BROPHY: Page 13 of the record, I'll show it to counsel, something called a body check sheet dated January 28, 2012.

Q. Now that you've seen that page, does that refresh your recollection that not only did you have bruises on your legs when you

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N. Feldman - Cross

83

were admitted to Silver Hill Hospital but you also had a bite mark on your thigh, does that refresh your recollection?

A. I remember having a lot of bruises on my body.

Q. I'm asking if it refreshes your recollection that you had bruises on your thigh when you were admitted to Silver Hill Hospital the first time?

A. Yes.

Q. And were those bruises inflicted upon you by your husband?

A. Yes.

Q. And there was a bite mark on I believe your left thigh at that time?

A. I don't remember that.

Q. It's reflected on the paper, isn't it?

A. If it's on there it must be so. But I don't remember.

MR. BROPHY: I would ask to publish that page to the jury.

(Jury perusing exhibit.)

MR. BROPHY: At this time, Your

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N. Feldman - Cross

84

Honor, I'm going to offer a couple of items in evidence. I'm going to offer Defendant's B, which are Dr. Knack's original office notes.

MR. HARRINGTON: Stipulated Your Honor.

THE COURT: Exhibit B received into evidence.

MR. BROPHY: Exhibit C which are Dr. Shander's office notes.

MR. HARRINGTON: This is subject to the same discussion we had.

THE COURT: Subject to any redactions that are not related to treatment.

MR. BROPHY: Exhibit D which are certain checks written by the plaintiff to Dr. Knack.

MR. HARRINGTON: No objection.

THE COURT: Exhibit D is received into evidence.

MR. BROPHY: Exhibit E which are certain records from the United Health Care insurance company.

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N. Feldman - Cross

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MR. HARRINGTON: Same as before.

THE COURT: Subject to redactions.  
Exhibit E admitted into evidence  
subject to redactions.

MR. BROPHY: Exhibit F which are  
prescription records for Noelle Feldman  
from CVS Pharmacy in Mount Kisco for  
the years 2012 through 2015.

MR. HARRINGTON: Again subject to  
redaction pursuant to the discussion we  
had.

THE COURT: Those are  
prescriptions, unless they are not  
related. What is this subject to?

MR. HARRINGTON: Fair point, Your  
Honor.

THE COURT: Exhibit F is received  
into evidence.

MR. BROPHY: G was the blowup. I'm  
going to offer the police report as  
Defendant's H.

MR. HARRINGTON: Stipulated, Your  
Honor.

THE COURT: Exhibit H received

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N. Feldman - Cross

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into evidence.

MR. BROPHY: This will be I. This is page two of five of the police report.

THE COURT: I assume no objection on Exhibit I.

MR. HARRINGTON: If I could suggest, there is a lot of exhibits coming in at once. Can we take a break once he admitted these.

THE COURT: So that's Exhibit I.

MR. HARRINGTON: No objection to that.

(Marked Defendnat's Exhibit I in evidence.)

MR. BROPHY: That's all for now.

THE COURT: Let's take a short break now.

(Jury exits courtroom for a brief recess.)

MR. HARRINGTON: May I raise an issue before the jury comes in. Detective Wilson is here. Mr. Campos can bring the technology down to subpoena records so Det. Wilson can at

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N. Feldman - Cross

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least listen to it.

MR. BROPHY: It's okay with me.

THE COURT: We e-mailed early on to Eileen to say you would be going. If there is any problem, call upstairs to chambers.

(The sworn jury enters the courtroom and takes their seats in the jury box.)

MR. BROPHY: I'm going to ask the witness some questions regarding statements that are attributed to her on the police report. I would ask the Court officer could hand her a copy of the police report which is Defendant's H in evidence.

(Handing to witness.)

Q. On or about February 4, 2014 did your friend Tom Wade accompany you to the police station in order to talk to a Detective there?

A. Yes.

Q. When you spoke to a Detective, was that Detective Sergeant Wilson?

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N. Feldman - Cross

88

A. Yes.

Q. Do you know if Mr. Wade is acquainted with Detective Sergeant Wilson previously?

A. He had never met Detective Wilson. His father and his brother had been -- they had been retired but they were in the police department in Mount Kisco and since this was in New Castle he just asked his brother how to go about reporting this and Detective Wilson was the person, I guess, that got the call.

Q. So is it your understanding the original call came from Tom?

A. Could you be more specific. The original call to the police department?

Q. To the police. Let's start over. Is it your understanding that Tom called the police initially?

A. Yes.

Q. And when you met with Detective Sergeant Wilson for the first time, did you meet with him alone?

A. I met with him alone when it came to -- I mean, tomorrow tomorrow took me there.



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N. Feldman - Cross

89

I met Detective Wilson and he took me to a room, and yes, I met him alone.

Q. So you told Detective Wilson your story?

A. Yes.

Q. And when you told Detective Wilson your story, it was you and Detective Wilson?

A. Yes.

Q. And did he take some notes at that time?

A. Yes, I believe he did.

Q. Had you seen the police report before?

A. No.

Q. The bottom of the first page that has the incident report form on it. You see this page, it says incident report on the first page.

A. I don't see it.

MR. BROPHY: I'll open it to the appropriate page.

Q. Last sentence, last two lines on the bottom of the page, it says she stated that she started to see him, meaning Dr. Knack, as a

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N. Feldman - Cross

90

patient in 2010. Do you see that?

A. Yes.

Q. Is that an accurate statement?

A. I must have misspoke.

Q. In terms of what?

A. Well it was 2010. It was 2011.

Q. So the answer is that's not an accurate statement, it was 2010?

A. No, it wasn't 2010.

Q. The top of the next page, I have this blown up so the jury can look at it. She explained at the time she was bringing a lot and Dr. Knack recommended treatment at the Silver House in Connecticut. Is that an accurate statement?

A. He recommended I go to Silver Hill. Not silver house.

Q. Other than that is the statement accurate?

A. Yes.

Q. After she got out of treatment she started to see Dr. Knack as a patient in 2011. Is that an accurate statement?

A. I didn't start to see him in 2011.

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N. Feldman - Cross

91

Until July.

Q. So you went to Silver Hill twice in 2012?

A. Correct.

Q. If the report suggests you went to Silver Hill in 2011, that's inaccurate?

A. It's inaccurate.

Q. The next sentence, the third line from the top on page two, while seeing him in 2011 she stated that he started to hug her and one time grabbed her buttocks so hard that it left a bruise. Is that an accurate statement?

A. I don't remember that. I don't remember saying that. I think I was referring to when he bit me.

Q. When she would see him she stated that he would have her leave her purse and jacket outside of his office in the waiting area. Did you tell him that?

A. Detective Wilson?

Q. Yes, ma'am.

A. I told him that was the first time he hugged me inappropriately. He picked up my bag and my trench coat. I didn't know what he

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N. Feldman - Cross

92

was doing. But he placed them outside of the office. And I was totally confused. That happened one time.

Q. That only happened that one time?

A. Yes.

Q. Did Dr. Knack ever tell you to leave your things outside of the office?

A. No.

Q. So if it says here he stated that he would have her leave her jacket, purse and jacket outside of his office in the waiting room, that's not quite right either?

A. It's a misunderstanding, I think.

Q. It's not quite accurate?

MR. HARRINGTON: Your Honor, she didn't write the report.

THE COURT: Yes.

Q. So you don't have any idea why Dr. Knack would have taken your purse and jacket outside of the room?

A. No, I don't.

Q. But it only happened once?

A. Yes, that's true.

Q. Why did you even bother mentioning

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N. Feldman - Cross

93

it?

A. Because it struck me as so odd.

Q. So let's go down the page a little bit. She stated that Dr. Knack would start off by hugging her and make comments about what she was wearing on her body. Is that an accurate statement?

A. Yes, it is.

Q. She would see him twice a week and always wanted a hug and always wanted to see her and would be angry if she didn't come and see him?

A. Could you repeat that.

Q. She would see him twice a week and always wanted a hug and always wanted to see her and would be angry if she didn't come and see him. Period. Is that an accurate statement?

A. Who would want a hug. I didn't want a hug. I'm unclear who wanted a hug.

MR. HARRINGTON: Probably a better question for Detective Wilson.

THE COURT: Yes.

Q. Skip down two lines. She also describes some incidents during this time that

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N. Feldman - Cross

94

Dr. Knack would drop his pants and would want oral sex?

A. That happened one time as well.

Q. That Dr. Knack asked for oral sex?

A. Not verbally.

Q. As a matter of fact he never asked you for oral sex ever, did he?

A. Not verbally.

Q. It was your interpretation of what he was doing that he wanted oral sex?

A. Yes, because his pants --

Q. I'm sorry?

A. Yes. Yes.

Q. But he never made you perform oral sex on him?

A. No.

Q. Or came out and asked you for it?

A. Not verbally.

Q. And he never asked you for intercourse, did he?

A. Not verbally.

Q. And then he went on it says she also stated he would make comments like his Irish sausage. Would always hug her, kiss and

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N. Feldman - Cross

95

even bit her once. She stated when she would see him she would sit on the couch and he would sit right next to her. Is that what you told him?

A. No.

Q. That's wrong too?

A. Yes.

Q. And then -- are there more things that you related to him in the course of this conversation that aren't in the report that we've just gone over?

A. Yes.

Q. Tell me what else you told him?

A. When.

Q. On the first occasion?

A. No, that's what I told him. But I didn't say always. There are some things that were misunderstood, or miss stated. I can't stay. But it wasn't always. I know I didn't say always, that he always did those things.

Q. So the things that you told Detective Wilson about were that Dr. Knack would hug you very hard?

A. At times.

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N. Feldman - Cross

96

Q. You told him that Dr. Knack would make comments about what you were wearing and about your body?

A. At times.

Q. You told him that he would drop his pants and wanted oral sex?

A. One time.

Q. But you told him that?

A. That's correct.

Q. And you stated he would make comments about his Irish sausage?

A. One time.

Q. And that he would always hug you and would kiss you --

A. Not always. No.

Q. But he would kiss you?

A. Tried to.

Q. And even bit you once?

A. That was when he raped me.

Q. But you didn't tell him --

A. I didn't. I'm sorry.

Q. You did not tell him on the first occasion that you went to the police to make a report on Dr. Knack that he raped you, did you?



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N. Feldman - Cross

97

A. No. No, I didn't.

Q. Miss Feldman, didn't you take it as a very serious matter that you were making allegations of sexual abuse of your psychologist to the police?

A. Yes.

Q. Didn't you feel obligated to tell the truth to the police when you walked in the office after waiting all this time to tell them everything?

A. I wanted to they will them everything, it was really difficult for me to articulate everything that had happened. It was difficult for me to just come forward. Period.

Q. Anything else?

MR. HARRINGTON: Can she finish her answer.

MR. BROPHY: That's what I was inviting her to do.

MR. HARRINGTON: Actually you talked over her.

Q. Anything else you want to add to that answer?

MR. HARRINGTON: Do you want to ask

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N. Feldman - Cross

98

it back.

THE COURT: You want to hear just  
the response.

Q. So you did tell him the truth?

A. Yes, I did.

Q. You didn't tell him the whole  
truth?

A. No, I didn't.

Q. As a matter of fact the paragraph  
in the middle of the page it states in 2012 she  
stated that Dr. Knack wasn't charging her for  
her therapy sessions. Did you tell him that?

A. Yes.

Q. That's not true, is it?

A. He knew I was having -- I don't  
remember exactly the time when he said to me  
because my husband wasn't giving me any money  
and I don't remember the exact time or like the  
date when he said he wouldn't charge me. I  
don't remember that date. I'm sorry.

Q. Do you remember it was in 2012 when  
he stopped charging you for therapy sessions?

A. Yes, at some point. I just don't  
remember the date.

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N. Feldman - Cross

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MR. BROPHY: Your Honor, I'd like to show the witness Defendant's Exhibit D in evidence.

Q. Are those copies of checks that you wrote to Dr. Knack?

A. Yes.

Q. What is the date of the last check that you wrote to Dr. Knack?

A. I think it's -- I can't really see. I think it says 5/16.

Q. May 16?

A. Yes, May 16.

Q. What year?

A. '13.

Q. You say that Dr. Knack raped you on the ten of January?

A. About that date, yes.

Q. Isn't it true that you wrote a check to Dr. Knack on the 17th of January?

A. Yes.

Q. And you gave it to him in his office on that day?

A. Yes.

Q. So in 2012 he was charging you?

1 N. Feldman - Cross 100

2 A. It's possible. I don't remember all  
3 the dates exactly. I just don't remember all  
4 the dates. But the discussion was there because  
5 I was starting the divorce proceedings with my  
6 attorney and my mom was dying at that time.

7 Q. May of 2013 your mother had been  
8 deceased for over a year, isn't that true?

9 A. Yes.

10 Q. So what you just said about your  
11 mother dying had nothing to do with your making  
12 an incorrect answer?

13 MR. HARRINGTON: Objection. He's  
14 miss characterizing the testimony  
15 entirely.

16 THE COURT: Sustained.

17 Q. Now you had the opportunity --  
18 withdrawn.

19 Let's go to the paragraph which  
20 starts with the statement that Dr. Knack wasn't  
21 charging you for therapy sessions, two  
22 sentences down Detective Wilson writes I asked  
23 her if anything else happened to her other than  
24 what she was telling me and she said no. Is  
25 that an accurate description of the

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N. Feldman - Cross

101

conversation that you had with Det. Wilson in February?

A. Yes.

Q. He said did anything else happen and you said no?

A. That's correct.

Q. No, it's not correct, according to?

MR. HARRINGTON: She answered the question.

THE COURT: Sustained.

Q. She did tell me that she has spoken to Dr. Shander, her current therapist about what happened and she helped her write Dr. Knack an e-mail confronting him about what happened. Is that a correct statement?

A. Yes.

Q. But it is true that as of February, 2014, you had never yet told Dr. Shander that Dr. Knack raped you?

A. I don't remember the exact dates. I know Dr. Shander was out of the country. I don't remember the exact dates. I'm sorry.

Q. Did Det. Wilson ever ask you about a calendar?

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N. Feldman - Cross

102

A. Yes.

Q. In fact he asked you more than once about a calendar?

A. Calendars, yes.

Q. You never produced them, did you?

A. I looked for them, I found several calendars.

Q. Did you give them to him?

A. No.

Q. Did you preserve them?

A. Yes.

Q. Do you actually have a calendar for 2013 right now that you could produce?

A. I can't produce it, because my things are in storage. But I have it.

Q. You had a subsequent meeting with Detective Wilson?

A. Yes.

Q. Would you like to have the report back to look at?

A. I still have it.

Q. Before you had the meeting with Detective Wilson, he called you some time in April of 2014, isn't that true?

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N. Feldman - Cross

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MR. HARRINGTON: Do you want to point her to a spot in the report.

THE COURT: It's the bottom of the same page, I believe. April 21, is that the paragraph you are referring to.

MR. BROPHY: Yes, Your Honor, thank you.

Q. So it was in a telephone conversation on the 21 of April, 2014, that for the first time you told Detective Wilson that Dr. Knack raped you, correct?

A. I thought I told him in person. But if he wrote it that way that's probably the way it happened.

Q. And when you did tell him that Dr. Knack had raped you, did he ask you when it happened?

A. Yes.

Q. Did you tell him?

A. I believe so.

Q. Did you tell him any of the details that you related to the jury in Court here this morning?

A. No.

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N. Feldman - Cross

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Q. Did you ever tell him any of the details that you related this morning?

A. I don't believe so.

Q. Didn't he ask?

A. I don't remember.

Q. And he asked you for a calendar in that conversation, according to the report, isn't that right?

A. I don't remember when he asked me for the calendar.

Q. Bottom of the first full paragraph?

A. I see where it is. But if you are asking me my recollection, I don't remember exactly when he asked for the calendar. I do recall he asked me for a calendar and I do recall I told him that I had saved all the school calendars for all the years my children went to school.

Q. But you never produced it?

A. No.

Q. And the next full paragraph relates a conversation that Detective Wilson had with Dr. Shander. Since you weren't part of that conversation I will not obviously ask you any



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N. Feldman - Cross

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questions about it. This is just for a time  
line.

So would it be fair to say that as  
of the 27 of may, 2014, you had still not told  
Dr. Shander your trusted psychiatrist that Dr.  
Knack raped you?

A. No. I don't believe so.

Q. As you sit here today, can you tell  
me when for the first time you told your  
psychiatrist that Dr. Knack raped you?

A. It was about the time when I wrote  
the letter, the e-mail. I don't remember  
though.

Q. Excuse me. Is there anything in the  
e-mail that has been shown to the jury about  
Dr. Knack raping you?

A. In which e-mail?

MR. BROPHY: I'm sorry. I didn't  
here.

THE COURT: In which e-mail.

Q. Exhibit G. November 14, 2013, have  
we not agreed there is nothing in that e-mail  
about rape?

A. Yes, sir.

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N. Feldman - Cross

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Q. And up to that time you hadn't told Dr. Shander that Dr. Knack raped you?

A. No.

Q. In April of 2014, after you had been to the police you still hadn't told Dr. Shander that Dr. Knack had raped you?

A. I don't think so.

Q. You were going to her regularly, weren't you?

A. Not really. As often as I could.

Q. As of may of 2014 you still hadn't told Dr. Shander that Dr. Knack raped you, true?

A. As I said, I'm not sure about the dates, the exact dates.

Q. I'm trying to find out what happened first, second third. I will ask the question I asked a few minutes ago, please answer it if you can. When for the first time, if ever, did you tell Dr. Shander that Dr. Knack raped you?

A. The fact of the matter is I don't remember exactly when I told her.

Q. Can you give me even an estimate?

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N. Feldman - Cross

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A. It was near about the time I wrote -- when we wrote the e-mail.

Q. The e-mail was in November of 2013?

A. Yes.

Q. And didn't you just agree with me you didn't tell Dr. Shander about the rape at that time?

MR. HARRINGTON: We're going down the same road a few times in a row now.

MR. BROPHY: I'll move on.

THE COURT: A good idea.

MR. BROPHY: I would like to mark some exhibits. This is a copy of the summons and complaint. Marked J and I have this. Mark this defendant's K.

Q. You told us on your direct examination that there a time you placed some telephone calls to Dr. Knack from the police station; is that right?

A. Yes.

Q. Who is telephone did you use?

A. The New Castle Police Department.

Q. And you didn't use your own telephone?

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N. Feldman - Cross

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A. No.

Q. And when you made those telephone calls, let's talk about the first one. Was Detective Wilson in the room with you when you made the first one?

A. Yes.

Q. Before you made that telephone call, did Detective Wilson and you discuss what you were going to ask Dr. Knack or talk to Dr. Knack about?

A. No.

Q. When you made the first phone call to Dr. Knack, that would have been June of 2014?

A. I don't remember the exact date.

Q. Whenever you made the first telephone call to Dr. Knack, was doctor -- excuse me, was Detective Wilson able to hear everything that you said and everything Dr. Knack said?

MR. HARRINGTON: Objection. Calls for speculation.

THE COURT: Sustained.

Q. Let's talk about -- how long was

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N. Feldman - Cross

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the first phone call?

A. I don't remember how long it was.

Q. Was it five minutes?

A. It was longer than five minutes.

MR. HARRINGTON: Asked and  
answered, Your Honor.

THE COURT: Overruled.

Q. How long was the second telephone  
call?

A. It was longer than the first one.  
I'm not sure. I didn't time it. I can't say  
like an exact time. I don't know. Maybe fifteen  
-- I'm guessing. Fifteen minutes. I don't know.

Q. Have you seen any transcripts of  
the call, the second call?

A. I don't think so. I might have. I  
don't believe so.

Q. Have you ever listened to the  
recordings of either of those phone calls?

A. Yes, I have.

Q. When for the first time?

A. I don't remember.

Q. I'm going to use the examination  
before trial for the first time. Would Your

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N. Feldman - Cross

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Honor like a copy?

THE COURT: Yes.

(Handing to Court.)

THE COURT: Ladies and gentlemen,  
an examination before trial is an  
examination that's taken by a witness  
or an individual under oath and it's  
recorded by a stenographer, much as  
sitting in Court today. Afterwards  
there is an opportunity for the person  
who is examination was taken to review  
and make corrections had there been a  
transcription error. This can be used  
in Court subject to some limitations  
and it's often used to impeach the  
credibility of something they said  
before or it could be substitution of a  
life witness under certain  
circumstances. Subject to any  
objections that you may be hearing, you  
can considering this testimony.  
Q. So your examination before trial on  
the 30th of September, 2015, page 13 line six I  
asked you the following question and you gave

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N. Feldman - Cross

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the following answer:

"Q. Have you reviewed any audio tapes?

"A. No."

Was that a true answer September 30th of 2015?

A. I can't say. I'm not sure.

Q. Next question you were asked: "Have you reviewed any transcripts of any conversations?

"A. Yes."

Do you remember giving that answer to that question?

A. Yes.

Q.

"Q. What transcripts and what conversations have you reviewed?

"A. The two with Dr. Knack."

You gave that answer to that question?

A. I believe I did, yes.

Q. And we were talking about the audio tapes that were made of the conversations that you made -- the calls you made from the police

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N. Feldman - Cross

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department?

A. Yes.

Q. So now my question is when have you actually listened to the recordings, to the voices on the recordings, when?

MR. HARRINGTON: Your Honor, this question has been asked at least three times.

MR. BROPHY: I haven't got an answer yet.

THE COURT: She said she doesn't remember. Sustained.

Q. But you do remember you heard the recordings?

A. Yes.

Q. And when you heard those recordings, did you hear Dr. Knack's voice throughout the second recording?

A. Throughout? Could you be more specific.

Q. Throughout.

A. Could you be more specific. I didn't hear the entire -- the first part of the recording is -- I don't know what happened but



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N. Feldman - Cross

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his voice is inaudible. But it was just a very small portion of the first part of the recording.

Q. When you were actually speaking to him from the police station when you made the recording of the second conversation, were you able to hear everything he said?

A. Yes, I was.

Q. Can you be more specific in the portion of the second audio recording that you listened to in which you couldn't hear Dr. Knack, how long was that portion of the audio tape?

A. I didn't say I couldn't hear.

MR. HARRINGTON: Asked and answered again.

THE COURT: Sustained.

Q. Is it your testimony that on the recording of the second conversation when you listened to that recording, you were able to hear everything that Dr. Knack said, is that your testimony?

MR. HARRINGTON: He mischaracterizes the testimony again.

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2 THE COURT: Sustained.

3 Q. Is it your testimony that there was

4 a portion of the second audio recording that

5 you listened to in which Dr. Knack's voice was

6 inaudible?

7 A. Yes.

8 Q. In terms of minutes, how many

9 minutes?

10 A. I don't know.

11 Q. But your recollection is it was

12 just a very short time?

13 A. Yes.

14 Q. Less than five minutes?

15 MR. HARRINGTON: Your Honor, we've

16 been on this now for three minutes.

17 THE COURT: Sustained.

18 MR. BROPHY: I'd like to mark this

19 document.

20 (Marked defendant's L for

21 identification.)

22 MR. BROPHY: I need to lay a

23 foundation.

24 Q. Do you recognize the handwriting?

25 A. Yes.

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N. Feldman - Cross

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Q. Who is?

A. It's mine. Except in the second page at the top.

Q. Are these notes that you made to use during the telephone conversations with Dr. Knack from the police department?

A. Yes, they are. Yes.

MR. BROPHY: I offer them.

MR. HARRINGTON: No objection, Your Honor.

THE COURT: Exhibit L received into evidence.

(Marked Defendant's Exhibit L into evidence.)

Q. So let's look at the second page first. Right in the middle of the second page there is a paragraph that starts hi, it's Noelle. Do you see that?

A. Yes, sir.

Q. Did you write that?

A. Yes.

Q. Please read that entire paragraph to the jury in a loud voice?

A. Hi. It's Noelle. And then blah,

1 N. Feldman - Cross 116  
2 blah. I said whatever. I think I said do you  
3 have a minute. I need to speak with you about  
4 what happened, what you did. I'm working on my  
5 fourth step and have been -- I can't really  
6 read my writing. I'm sorry. For three months. I  
7 need you to apologize for what happened in your  
8 office in December. You owe me at least that,  
9 what you did was wrong. You know what I'm  
10 talking about.

11 Q. That's the whole paragraph?

12 A. Yes, sir.

13 Q. What happened in his office in  
14 December?

15 A. Nothing of any serious consequence.  
16 I just got the month wrong.

17 Q. So when you made this phone call to  
18 Dr. Knack -- this is a note for the first phone  
19 call, right?

20 A. I don't know which phone call it  
21 is.

22 Q. In the first phone call you talked  
23 about working on your fourth step, does that  
24 refresh your recollection?

25 MR. HARRINGTON: He's

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characterizing evidence that's not in  
evidence yet.

THE COURT: Sustained.

Q. Let me try it this way. Do you have  
a recollection of telling Dr. Knack in either  
of the two telephone calls that you were  
working on your fourth step?

A. Yes.

Q. What is the fourth step of the  
twelve steps of AA?

A. It's I guess taking an inventory of  
your actions.

Q. Of your own actions; is that right?

A. Yes.

Q. Is it about taking responsibility  
for things you've done wrong?

A. Or things I might have done better.

Q. Let's go back to the first page.  
Can you read this, so the jury can hear it?

MR. HARRINGTON: Maybe he can  
direct the witness where to start.

Q. Very top of the page?

MR. HARRINGTON: You started in the  
middle on the last one.

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Q. Top of the page?

A. He's done. I nailed him.

Q. Is that what you told Detective  
Wilson?

A. Yes.

Q. And that was after which  
conversation?

A. I don't remember.

Q. Read me what you wrote after he's  
done, I nailed him?

A. Dr. Knack I'm having a hard time.  
Did you ever feel bad about what you did. Do  
you know what -- you almost killed me. I came  
to you for help. I want to ask why. Why you did  
what you -- do what you did. Um. I can't really  
read. Something about and by the way I think it  
says why did you put my coat and bag outside  
your office the first time, two weeks after I  
got out of Silver Hill. You yourself said it  
was wrong. Did you know in advance that you  
were going to do it. Did you target me  
exclusively or have you done this before. I  
hate you. I remember once you said that you'd  
feel like a real prick if you thought that I

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was doing badly because of you. It's true. You know that nothing -- I'm sorry. That nothing about my life has been easy. It took a lot to learn just how to smile. You are a bad man.

Q. That was your script for the second phone call, wasn't it?

A. It wasn't a script. It was something I scribbled before I made the phone call.

Q. You read from it during that phone call, didn't you?

A. No. I didn't. There were just bullet notes to remind myself so I could stay calm.

Q. During this alleged incident on January 10, on or about January 10, 2013, did Dr. Knack rip and tear your clothing?

A. You mean when he raped me?

Q. That's what I'm asking about?

A. I don't know if it was ripped or torn.

MR. BROPHY: Showing you Defendant's J for identification.

Q. Take a look at paragraph 14. You

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N. Feldman - Cross

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know this document, don't you?

A. Yes, I do.

Q. That is your complaint in this case?

A. Yes.

Q. Those are the claims that you are making to the Court, correct?

A. I'm sorry?

Q. Page three. Paragraph 14. Do you have it?

A. Yes, sir.

Q. In your complaint it says that Dr. Knack proceeded to rip and tear portions of plaintiff's clothing, is that what it says in the complaint?

A. Yes, sir, it did.

Q. But you don't remember?

A. It might have been ripped or torn. I don't remember.

Q. There is something in your complaint that you submitted to the Court that you are alleging is true and you don't remember if it's true?

MR. HARRINGTON: Asked and



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2 answered, Your Honor.

3 THE COURT: Sustained.

4 Q. Let me ask you this, I'll try to

5 move things along. Do you still have the

6 clothing that you were wearing at that time?

7 A. I might. I'm not sure.

8 Q. It isn't ripped and torn, is it?

9 A. I don't know. Half of my clothing

10 is in storage. I don't have all my clothing.

11 Q. Page 110 of your examination before

12 trial. Bottom page 109 to page 110.

13 MR. HARRINGTON: Your Honor, I'm

14 not sure if the witness has it in front

15 of her or not.

16 THE COURT: She doesn't have a

17 copy.

18 Q. Line 23.

19 "Q. Do you still have any of the

20 clothing that you were wearing on that day?

21 "A. Yes.

22 "Q. Which, what clothing that you

23 were wearing on that day do you still have?

24 "A. All of it.

25 "Q. Is any of it now torn or

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N. Feldman - Cross

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damaged?

"A. No, no."

Were you asked those questions and did you give those answers under oath on September 30, 2015?

A. I must have, if it's written down.

MR. BROPHY: Your Honor, would you like to continue working until 4:30?

THE COURT: Yes.

MR. BROPHY: Will do.

THE COURT: So the jury knows, these time schedules are not made up individually. The Court system tells us we can work from 9:30 to 4:30. And we break for lunch at 12:30 to 2. So you can expect that schedule.

MR. BROPHY: Your Honor, I would like to show the amended Bill of Particulars to plaintiff.

THE COURT: That's Exhibit K.

(Handing to witness).

Q. Bottom of page two, paragraph eight. Your amended Bill of Particulars, did you allege that as a direct result of

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N. Feldman - Cross

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defendant's unlawful illegal conduct, plaintiff was intermittently confined to her home from the date of the incident through the present time. Is that your allegation?

A. Yes.

Q. How long was it before you saw Dr. Knack again after the alleged rape?

A. I think it was about a week.

Q. Page 53 of your examination before trial line 2.

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

"A. Yes.

"Q. How long was it from the day of the allege rape until the first time you saw Dr. Knack again?

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

Is that your testimony?

A. Yes.

Q. But you see a check that you wrote that you were there a week, so you were there a week later?

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N. Feldman - Cross

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A. Yes, I owed him money. I wanted to pay.

Q. How long was this period of time that you say you were confined to your home?

A. I'm still confined to my home.

Q. Well, in your examination before trial in the top of page fifty were you asked this question and did you give this answer following the alleged rape did you stay in your house for some period of time?

"A. Three months."

Did you give that answer to that question?

A. Well, that was the worst of it. That was the worse time.

Q. But during that three month period you went out of your house to see Dr. Knack, yes?

A. Yes.

Q. You returned to the place where you say you were raped a week later to pay your rapist, is that what you did?

A. Apparently, yes.

Q. And how long was it before you saw

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N. Feldman - Cross

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Dr. Shander again?

A. I don't remember. I don't remember.

Q. Page 52 of your examination before trial were you asked line 15: "Did you see Dr. Shander within a week after the alleged rape?"

"A. No.

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

"A. Uh-uh.

"Q. That's a no?"

"A. That's a no."

MR. BROPHY: Your Honor, I believe we put a copy of Dr. Shander's records in evidence as Exhibit C.

MR. HARRINGTON: I don't believe I have a copy of that.

MR. BROPHY: We have more.

Q. Did you ever look at Dr. Shander's records before?

A. No.

Q. Take a look at page ten.

MR. BROPHY: I'm sorry. I made a mistake. I apologize to the Court and the jury and the witness.

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N. Feldman - Cross

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Q. Take a look at page 11 please of Dr. Shander's records, do you see a date in the upper right-hand corner?

A. Yes, sir.

Q. What is the date?

A. One 14, 2013.

Q. That's four days after the alleged rape?

A. Yes.

Q. And it starts off by saying I started thinking about stuff and I drank a pint of vodka. Is that what you told Dr. Shander on that day?

A. If it's on this paper I must have told her that. I don't remember everything I've ever told her on every date.

Q. Would you agree that on the 14 of January, 2013, four days after the alleged rape you were in your psychiatrist's office and you didn't tell her anything about the alleged rape?

A. No.

Q. You don't agree?

A. No, I did not tell her.

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N. Feldman - Cross

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Q. Did Dr. Shander actually treat you for any injuries you claimed you sustained as a result of this rape?

A. No.

Q. Take a look at your Bill of Particulars?

A. I don't know what that is.

Q. The top of page three?

MR. HARRINGTON: Your Honor, if we can have an exhibit letter. That would be helpful.

THE COURT: That's K.

MR. BROPHY: I have it.

(Handing to witness.)

Q. That amended Bill of Particulars has a date on it, does it not?

A. I'm not sure what page you are referring to.

Q. Look at page five. That's the page that says verification. Top of the page says verification, does it not?

A. I don't see. I'm sorry. I'm sorry. Page five. Yes I have it.

Q. Top of page five there is a

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N. Feldman - Cross

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verification. And you signed it. Isn't that true?

A. Yes.

Q. And what does it say starting with Noelle Feldman?

A. Noelle Feldman being duly sworn deposes and says I am the plaintiff in the within matter. I have read the annexed Bill of Particulars, know the contents thereof and the same is true to my knowledge except those matters therein which are stated to be alleged on information and belief and as to those matters I believe them to be true.

Q. Signed Noelle Feldman?

A. Yes, sir.

Q. And there is a notary stamp from your attorney Peter Harrington on the bottom of the page?

A. Yes, sir.

Q. And at the top of page three, please read where it starts at present?

THE COURT: Are you introducing this into evidence.

MR. BROPHY: I don't know it's



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N. Feldman - Cross

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appropriate for a pleading to go into  
evidence.

THE COURT: But you are asking her  
to read it. Anyway, we will resume with  
this tomorrow morning. We will conclude  
the testimony for today. We will resume  
tomorrow at 9:30. Come up here to the  
14 floor. No discussions with anyone  
about the case and no research of any  
kind about the case. I'll see you all  
tomorrow.

(The sworn jury exits the  
courtroom.)

(Case adjourned to March 8, 2017.)

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N. Feldman - Cross

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MARCH 8, 2017.

NEW YORK STATE SUPREME COURT

COUNTY OF WESTCHESTER : PART TJR

NOELLE FELDMAN, Plaintiff,

-against-

WILLIAM KNACK, Defendant.

INDEX NUMBER: 69747/2014

CONTINUED: TRIAL

BEFORE: HON. TERRY JANE RUDERMAN,  
Justice of the Supreme Court

APPEARANCES: Same as previously noted.

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THE COURT: We are ready to proceed.  
Let's bring the jury in.

(Jury enters the courtroom and take  
their seats.)

THE COURT: You may resume the  
stand.

(Plaintiff resumes the witness  
stand.)

THE COURT: I remind you, you are  
still under oath. This is continued

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N. Feldman - Cross

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cross examination.

CROSS EXAMINATION

BY MR. BROPHY:

Q. I was asking questions about Exhibit K for identification. When we recessed yesterday I asked you questions about your amended verified Bill of Particulars, do you recall that?

A. Yes, I do.

Q. Have you had an opportunity to look that over overnight?

A. No, I did not.

Q. Let me ask you, isn't it a fact that in your amended verified Bill of Particulars you made a claim that you received treatment for injuries sustained at the hands of the defendant from Dr. Shander?

MR. HARRINGTON: Your Honor, should she have the document in front of her.

MR. BROPHY: She does.

THE COURT: I think she does.

MR. BROPHY: Page three at the top.

THE WITNESS: Can you tell me what page please.

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N. Feldman - Cross

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MR. BROPHY: Page three at the top.

THE COURT: Do you recall the question?

THE WITNESS: No, I'm sorry.

(Read back )

A. I'm not sure I if I really understand the question but I'll answer as best I can, I needed to seek help, I needed to -- I just felt like everything was bubbling over and I needed help. I'm not sure, as I said before, I'm not sure I fully understand the question.

Q. Did you understand what your amended Bill of Particulars was when you signed the verification?

A. No, I don't understand everything.

MR. BROPHY: Your Honor, may we approach.

MR. HARRINGTON: Your Honor, this is a legal document. It's not evidence.

MR. BROPHY: That's why I want to approach.

(Approach off the record.)

Q. On page three of your amended Bill of Particulars on the top, does it not say that

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N. Feldman - Cross

133

you received treatment for injuries sustained at the hands of the defendant from Dr. Shander?

A. Physical or mentally?

Q. I'm asking for a yes or no if you can answer me what it says in the document that you signed and swore was true?

A. I really still don't understand the question.

Q. You don't understand what it means to receive treatment from a physician?

A. Not in the way you are asking it, I'm sorry.

Q. Isn't it a fact you never received treatment from Dr. Shander for any injuries you claimed you sustained in this case?

A. No, that's not true.

Q. What treatment did she give you for the injuries you say you sustained in this case?

A. She listened to me. She always does.

Q. And that was the treatment?

A. I think that's what psychotherapy is about.

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N. Feldman - Cross

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Q. I want to ask you a question about the rape that you allege occurred on or about January 10, 2013. After Dr. Knack alleged raped you and then you said he flipped you over on the couch, did I understand that testimony correctly?

A. You did.

Q. How did he do that?

A. Grab my hips and flip me.

Q. Grab your hips.

During the three month period that you allege that you didn't leave your home, actually you were going to Dr. Knack on a number of occasions, isn't that true?

A. Yes.

Q. You were going to Dr. Shander on a number of occasions, too, isn't that true?

A. Yes.

Q. How often were you going to Dr. Shander in that period of time?

A. I can't really say because I can't really afford it all the time. And it was contingent on her availability. But, as often as I could.

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N. Feldman - Cross

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(Marked Defendant's M for  
identification.)

MR. HARRINGTON: No objection.

THE COURT: Received into  
evidence. What is it?

MR. BROPHY: It's a number of checks  
written to Dr. Shander between December  
of 2012 and May of 2013.

(Marked Defendant's M in evidence.)

THE COURT: Give it to the  
witness.

(Handing to witness).

Q. Are those checks you wrote to Dr.  
Shander for her services?

A. That's correct.

Q. I would ask you to tell us from the  
last date, in other words the last page, could  
you please work your way backwards and tell us  
the date of the last check you wrote to Dr.  
Shander and the amount and proceed backwards  
through the dates.

A. 5/3/13. \$200.

Q. That was on a joint checking  
account?

1 N. Feldman - Cross 136

2 A. Yes, that was when my husband and I

3 had a joint checking account.

4 Q. And it was some time after 5/3 of

5 '13 that you lost access to your husband's

6 checking account; is that correct?

7 A. I didn't lose access, no.

8 Q. Why didn't you keep writing checks?

9 A. There wasn't any money in the

10 account.

11 Q. Your husband took the money out of

12 the account?

13 A. I'm assuming so.

14 Q. You didn't have enough money of

15 your own?

16 A. No, I did not.

17 Q. The last one prior to May 3 was

18 what date?

19 A. There are some out of sequence.

20 There are some from 2012 in between 2013.

21 Q. Is there a check you wrote on March

22 29 or March 28, 2013, to Dr. Shander for \$1200?

23 A. Yes.

24 Q. Is there a check that you wrote on

25 February 19, 2013 to Dr. Ellen Shander for



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N. Feldman - Cross

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\$200?

A. Yes.

Q. Is there a check that bears the date of January 24, 2012 to Dr. Shander for \$200?

A. Yes.

THE COURT: What's the date?

Q. The date on the check is -- the number of the check is 3650. The date is January 24, 2012?

A. I see January 26.

Q. And it shows below that that the check was processed on February 1, 2013?

A. Yes.

Q. So perhaps you made a mistake on the date in January as people do.

MR. HARRINGTON: Objection.

THE COURT: Sustained.

Q. 3864 was written on January 4, 2013 to Dr. Shander, how much?

A. \$500.

Q. Without going through each check, would it be fair to say you were writing checks to Dr. Shander on a monthly or more than

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N. Feldman - Cross

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monthly basis between September 2012 and May 2013?

A. Yes.

Q. Does that mean you were seeing her on a monthly or more than monthly basis?

A. I was.

Q. So you were leaving your house to go to Dr. Shander, a couple of times of month, after the alleged rape?

MR. HARRINGTON: I think the testimony was monthly.

THE COURT: Sustained.

Q. You were leaving your house to see Dr. Knack after the alleged rape, correct?

A. Yes.

Q. You were leaving your house to take your children to school after the alleged rape?

A. Yes.

Q. Were you leaving your house to go to a job after the alleged rape?

A. No.

Q. You didn't have a job, did you?

A. No, my job was being a mother.

Q. Did Dr. Knack ever suggest to you

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N. Feldman - Cross

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while he was being your doctor that you should seek a gainful job to make money?

A. He suggested it, yes.

Q. And what was your reaction?

A. I was overwhelmed with what I had already and my husband didn't want me to work. But I was overwhelmed with taking care of my mother and the children and everything else.

Q. Did you testify that you laughed at him?

A. No. At least I don't recall.

Q. Have you gotten a job since 2013?

A. No.

Q. Who is supporting you?

A. My husband.

Q. Are you getting some time of maintenance from your ex-husband?

A. Yes, I do.

MR. HARRINGTON: Objection to relevance.

THE COURT: Sustained.

Q. Did you also leave your house in this three month period that you said you didn't leave your house to go to the drug store

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N. Feldman - Cross

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to pick up prescriptions?

MR. HARRINGTON: Objection.

Characterizing the testimony.

THE COURT: Sustained.

Q. Did you also leave your house in this three month period to go to the drug store and pick up prescriptions?

A. Yes.

MR. BROPHY: Let the record reflect the witness is being shown Defendant's Exhibit F in evidence.

Q. Can we agree this appears to be a copy of prescription records from CVS pharmacy?

A. Yes.

Q. That's one of the pharmacies that you would go to at that time?

A. Yes.

Q. And if we look at page 2 of 5 there is a column for prescriber name?

A. Yes.

Q. And column for date filled, do you see that?

A. Yes.

Q. Move your finger down to where you

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N. Feldman - Cross

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see under prescriber name Dr. Shander?

A. Yes.

Q. A little more than half way down the page there are a number of prescriptions for something called Bupropion?

A. Yes.

Q. Do you know what that is?

A. Bupropion is the brand name.

Q. She was prescribing that as of the time this alleged rape occurred; is that right?

A. Yes.

Q. And she has stopped prescribing it since then; is that correct?

A. That's correct.

Q. And one of the dates that you picked up a prescription for Bupropion is February 13, 2013?

A. Yes.

Q. At date was March 11, 2013?

A. Yes.

Q. And in addition if we go down farther there are some more prescriptions by Dr. Shander for trazodone?

A. Yes.

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N. Feldman - Cross

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Q. And you picked one up on the 13 of March; is that correct? I'm sorry. The 13 of February?

A. Yes.

Q. At one on April 5?

A. Yes.

Q. Those are all days you went to the pharmacy?

A. Yes.

Q. You told us you were taking Focalin or Adderall, I forget?

A. I think probably both. We were trying to find the right medication for me.

Q. One time or another you were taking both?

A. Not both at the same time. But I tried both to see how it would suit me.

Q. Do you know what you were taking in January, which one you were taking in January of 2013?

A. I couldn't say.

Q. Do you know what dosage you were taking in January of 2013?

A. No.

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N. Feldman - Cross

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Q. Do you know what dosage you are taking now?

A. Yes.

Q. What?

A. I'm taking Ritalin.

Q. What dosage are you taking?

A. Twenty milligrams.

Q. Did you ever take more than twenty milligrams a day of Ritalin?

A. No.

Q. Ever take more than twenty milligrams of Adderall?

A. No. I don't take anything more than what's prescribed. And I'm saying no, I don't take more than it says to take.

Q. Do you know if the dosage you were told to take ever exceeded more than 20 milligrams a day?

A. Yes, it does. I take it more than once a day.

Q. Right now you are taking two ten milligram tablets a day?

MR. HARRINGTON: I'm not sure what medicine we are talking about.

1 N. Feldman - Cross 144

2 MR. BROPHY: Ritalin.

3 Q. Ritalin is for your ADD?

4 A. Yes.

5 Q. It's a stimulant?

6 A. Yes.

7 Q. Adderall is stimulant?

8 A. Yes.

9 Q. Focalin is a stimulant?

10 A. Yes.

11 Q. Do you know if the dosages of all

12 those have been the same?

13 A. It depends on the medication.

14 Q. Was there ever a time that you were

15 -- withdrawn.

16 Did you ever sustain a serious

17 injury to your shoulder?

18 A. Yes.

19 Q. When was that?

20 A. In July 2000.

21 Q. How did that injury happen?

22 A. My husband broke my shoulder.

23 Q. Did you have surgery for that?

24 A. Yes. Two times.

25 Q. First time when?



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N. Feldman - Cross

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A. April 2001, I believe. And the second one I think was in March or April of 2010.

Q. At some point did you have health insurance on your husband's account through United Health Care?

A. That's correct.

Q. And did you have insurance on United Health Care in 2012?

A. Yes.

Q. Where did you have your surgery for your shoulder the last time?

A. I don't remember the exact name of the place. It's in Mount Kisco. It's right on Bedford Road. It was within the Mount Kisco Medical Group. It's ambulatory.

Q. Did you ever some treatment in November of 2014 through the hospital for special surgery, does that sound familiar?

A. Yes.

Q. I'm sorry, 2012?

A. I believe so.

Q. Would that be your shoulder surgery?

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N. Feldman - Cross

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A. No, not my shoulder surgery.

Q. What treatment did you have from the hospital of special surgery in November of 2012?

A. I don't remember. I know I've been there several times for Cortizone shots. But I can't say exactly what I was there for at that time.

Q. So were you in some serious pain November 2012, December 2012?

A. I'm always in pain with my shoulder.

Q. Were you prescribed opioids for pain in your shoulder in the latter part of 2012?

A. Probably, yes.

MR. BROPHY: I'd like to have this marked please. It's page ten of 26.

(Marked Defendant's N for identification.)

MR. BROPHY: Can I show this to the witness.

THE COURT: Are you moving that into evidence.

1 N. Feldman - Cross 147

2 MR. BROPHY: I'm offering N.

3 MR. HARRINGTON: No objection.

4 (Marked Defendant's N into

5 evidence.)

6 Q. Do you recall a time in December of

7 2012 when you were in Dr. Shander office and

8 you complained to her of shoulder pain?

9 A. Yes.

10 Q. Did she prescribe anything for you

11 for shoulder pain?

12 A. I don't think so.

13 Q. Did anyone else?

14 A. I think it might have been the

15 doctor who did my last surgery. I don't

16 remember his name, at Mount Kisco Medical

17 Group. I also had a Cortizone shot there as

18 well.

19 Q. Did you tell Dr. Shander that

20 opioids made you throw up?

21 A. Yes.

22 Q. Nevertheless you were taking them

23 at that time?

24 A. No.

25 MR. HARRINGTON: It's a pretty

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N. Feldman - Cross

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generic description.

THE COURT: Sustained.

Q. Do you remember what you were taking?

A. Advil. I took Advil for my shoulder.

Q. Would you please take a look at page 2 of your prescription records which I believe should be still in front of you. You see the name Evan Kerris?

A. Yes.

Q. Who is that?

A. That's the doctor who did the surgery on my shoulder.

Q. You picked up a prescription on October 19, 2012?

A. Yes.

Q. What was that for?

A. Hydrocodone.

Q. Do you know what hydrocodone is?

A. Yes, I do.

Q. Is that an opioid, to your knowledge?

MR. HARRINGTON: Objection.

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N. Feldman - Cross

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THE COURT: Sustained.

Q. Is that what was making you throw up?

A. All of them made me throw up. My husband insisted on getting the prescription and cutting them in half and cutting them in quarters and it made me very nauseas.

Q. So nevertheless you refilled that prescription for hydrocodone with acetaminophen on the 2nd of November; isn't that correct?

MR. HARRINGTON: Can we get a year.

MR. BROPHY: 2012.

A. If it says so.

Q. Filled on the second of December of 2012 for hydrocodone?

A. Yes.

Q. And if we look down a couple more columns, there is a prescription from someone called Amy Lewis for hydrocodone on the 14 of November for 60?

A. It says that.

Q. You know who Amy Lewis is?

A. Yes, I do.

Q. She's your dermatologist?

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N. Feldman - Cross

150

A. Yes.

Q. You got a prescription for hydrocodone from your dermatologist?

A. I don't remember that. But I must have if it says it here.

Q. And lastly we have you back on December 6 of 2012 you filled a prescription from Dr. Claris for 120 hydrocodone; is that right?

A. It says that. I find that hard to believe, quite frankly.

Q. Why do you find it hard to believe?

A. Because that's a lot of pills and I didn't take a lot of pills. That's all.

Q. 120 hydrocodone would be a couple months supply, wouldn't it?

A. Yes.

Q. What would happen to you if you were to take hydrocodone while you were drinking alcohol?

A. I didn't do that. But I'm sure it would be a bad thing to do.

MR. BROPHY: That's all. Nothing further on cross examination.

1 N. Feldman - Redirect 151

2 THE COURT: Do you have any

3 redirect?

4 MR. HARRINGTON: Thank you, Your

5 Honor.

6 REDIRECT EXAMINATION

7 BY MR. HARRINGTON:

8 Q. Good morning, Noelle. Do you

9 remember being asked on cross examination about

10 whether your clothing was torn when Dr. Knack

11 raped you?

12 A. Yes, I do.

13 Q. As you sit here today, do you

14 remember whether it was?

15 A. I don't. I'm sorry. I don't.

16 Q. When doctor name raped you, did he

17 pull on your underwear?

18 A. Yes.

19 Q. Is it possible he tore it when he

20 did that?

21 MR. BROPHY: Objection. Leading.

22 Calls for speculation.

23 THE COURT: Sustained.

24 MR. HARRINGTON: I'll rephrase it.

25 MR. BROPHY: I see what you are

1 N. Feldman - Redirect 152

2 holding up. I'll stipulate that the

3 page that I can see from here, I

4 believe it's the same Bates number, you

5 don't have to dig through the records.

6 THE COURT: So that's from Exhibit

7 A page 13.

8 Q. I'd like to show you what has been

9 previously shown to you, it's page 13 of your

10 Silver Hill records. There are two dates on the

11 top of that, is there not?

12 A. Yes.

13 Q. What date is your birthday?

14 A. Yes.

15 Q. What's the other date?

16 A. The day I was admitted to Silver

17 Hill for the first time.

18 Q. And what's the date?

19 A. 1/28/2012.

20 Q. Almost a full year before the

21 incident of this case?

22 A. Yes.

23 Q. That was January 2013?

24 A. Yes.

25 Q. Do you see the word bite on that



1 N. Feldman - Redirect 153

2 document on the upper left of that document?

3 A. Yes. And a question mark.

4 Q. Is there a question mark next to

5 that?

6 A. Yes.

7 Q. Do you know as you sit here today

8 whether you had a bite mark in that area of

9 your body when this examination was done?

10 A. I don't remember a bite mark. No.

11 Q. It looks like the person who did

12 the examination doesn't know either?

13 MR. BROPHY: Objection.

14 THE COURT: Sustained.

15 Q. In any event did the mark reference

16 as being on the front of your thigh have

17 anything to do with bite mark that Dr. Knack

18 left on you when he raped you?

19 A. No, it doesn't.

20 Q. I want to turn back to the police

21 report which is Exhibit H. The police report,

22 you were cross examined about the contents of

23 that report, do you remember that?

24 A. Yes.

25 Q. Did you tell your story to

1 N. Feldman - Redirect 154

2 Detective Wilson as best you could when you

3 first met with him?

4 MR. BROPHY: Objection.

5 THE COURT: Overruled.

6 A. I did. I told him as best I could,

7 as honestly as I could and as much as I could

8 at the time.

9 Q. And it wasn't until the third time

10 you spoke with him that you told him you got

11 raped, correct?

12 A. Yes.

13 Q. Why did you wait?

14 MR. BROPHY: Your Honor, we had this

15 on direct.

16 THE COURT: Overruled. You can

17 answer.

18 A. I just couldn't articulate -- I

19 just couldn't. I'm sorry. I just couldn't find

20 the words. I couldn't. I felt ashamed. And just

21 scared. I just couldn't find the words. I just

22 couldn't articulate.

23 Q. Let's talk for a second about after

24 this incident. You were questioned recently

25 this morning about how often you left your

1 N. Feldman - Redirect 155

2 house. Isn't it a fact you left your house to  
3 seek care and take care of your kids?

4 A. That's all I did. Just whatever was  
5 necessary.

6 Q. And you were cross examined  
7 yesterday for two hours and again this morning  
8 and maybe some more. I'm going to ask you this,  
9 did any of what Mr. Brophy has asked you cause  
10 you want to change your testimony about what  
11 happened to you in January of 2013?

12 A. No.

13 MR. BROPHY: Objection.

14 THE COURT: Sustained.

15 MR. HARRINGTON: Thank you. No  
16 further questions.

17 MR. BROPHY: No recross.

18 THE COURT: Thank you. You may  
19 step down.

20 (Plaintiff steps down.)

21 MR. HANNIGAN: May we take a  
22 morning recess.

23 THE COURT: We will take a short  
24 break before the next witness.

25 (The jury exits the courtroom for a

1 Det. Wilson - Direct 156

2 brief recess.)

3 THE COURT: Back to the request to  
4 charge, I have yours, plaintiff. I need  
5 yours.

6 MR. BROPHY: I'll have mine this  
7 afternoon. I still haven't seen theirs.

8 MR. HARRINGTON: I will have the  
9 office send it.

10 MR. BROPHY: If you make it a word  
11 document, that would make my life  
12 easier.

13 (Brief recess taken at this time.)

14 THE COURT: Let's bring the jury  
15 in.

16 (The sworn jury enters the  
17 courtroom and take their seats in the  
18 jury box.)

19 THE COURT: Call your next  
20 witness.

21 MR. HARRINGTON: Plaintiff calls  
22 Detective Wilson.

23 J A M E S M. W I L S O N, James M Wilson.  
24 Poughkeepsie, New York, called as a witness on  
25 behalf of the Plaintiff, having been first duly

1 Det. Wilson - Direct 157

2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. HARRINGTON:

5 Q. Good morning, Detective. Are you

6 currently employed?

7 A. Yes, I'm currently employed. Not as

8 a police officer.

9 Q. When did you retire from being a

10 police officer?

11 A. May of 2016.

12 Q. From where?

13 A. New Castle Police.

14 Q. How long were you employed by the

15 New Castle Police Department?

16 A. Roughly 24 years.

17 Q. When were you hired?

18 A. February of '91 or '92. '91, I

19 believe.

20 Q. When you joined the force what rank

21 did you have?

22 A. I joined as a patrolman.

23 Q. At some point did you change rank?

24 A. Yes, I did.

25 Q. When was that?

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Det. Wilson - Direct

158

A. In 1998 I was promoted to Detective.

Q. Did your rank change again after that?

A. Yes, in 2005 I was promoted to patrol sergeant.

Q. Is that a uniformed position?

A. Yes, sir, it is.

Q. And how long did you hold that position?

A. Roughly a year, year and a half.

Q. And then did you obtain a different rank?

A. Detective Sergeant.

Q. When was that?

A. 2007, I believe.

Q. And how long did you have the rank of Detective Sergeant?

A. From 2007 until I left in May of 2016.

Q. As a Detective Sergeant, what were your duties and responsibilities?

A. Supervision of the Detective Bureau. I also worked on criminal cases.

1 Det. Wilson - Direct 159

2 Q. And how many detectives did you

3 supervise when you were Detective Sergeant?

4 A. When I first became Detective

5 Sergeant it was myself and three others and

6 then it was reduced to myself and two others.

7 Q. And as a Detective before you

8 became Detective Sergeant, what were your

9 duties and responsibilities then?

10 A. As a Detective?

11 Q. Yes.

12 A. Criminal investigations.

13 Investigations.

14 Q. Approximately how many criminal

15 investigations were you personally involved in

16 while with the New Castle Department?

17 A. For my whole career? Hundreds if

18 not thousands.

19 Q. Did you have any claims involving

20 sexual assault during that time?

21 A. Yes, sir, I did.

22 Q. How many?

23 A. Dozens.

24 Q. Were you involved in an

25 investigation concerning Noelle Feldman and

1 Det. Wilson - Direct 160

2 William Knack?

3 A. Yes, sir I was.

4 Q. What was that investigation about?

5 A. It was a sexual abuse possible as

6 it came in originally.

7 Q. How did you become involved

8 personally in that investigation?

9 A. I had received a phone call from a

10 subject by the name of Thomas Wade. He told me

11 he had a friend that he'd like -- that was

12 having some issues and seeing a doctor and he

13 wanted -- she was looking for some help.

14 Q. Did he tell you the name of that

15 person?

16 A. Originally, no.

17 Q. At some point?

18 A. At some point, yeah.

19 Q. What did he tell you?

20 A. Actually he came in and I met him

21 and he came in with Miss Feldman.

22 Q. Did you meet Miss Feldman more than

23 once?

24 A. Yes.

25 Q. How many times did you meet her?



1 Det. Wilson - Direct 161

2 A. Half a dozen times at least.

3 Q. Did you speak with her on the

4 phone?

5 A. Yes, sir, I did.

6 Q. Did you have some e-mail

7 communication with her?

8 A. Yes, I did.

9 Q. And when you communicated with

10 Noelle either on the phone or in person, did

11 you take notes?

12 A. Yes, I did.

13 MR. HARRINGTON: I'd like to mark

14 this, please.

15 (Marked Plaintiff's 2 for

16 identification.)

17 Q. Before I talk to you about that,

18 was it your policy to take notes when you spoke

19 with someone during the course of an

20 investigation?

21 A. I mean it was during the course of

22 the investigation we take notes.

23 Q. That was my question. Did you

24 maintain the notes?

25 A. Yes.

1 Det. Wilson - Direct 162

2 Q. Where would you maintain your

3 notes?

4 A. Your notes would be contained in a

5 case folder.

6 Q. For this particular investigation,

7 did you create a case folder?

8 A. Yes, I did.

9 Q. I want to show you what is marked

10 for identification as Plaintiff's Exhibit 2. Do

11 you recognize that document?

12 A. Yes.

13 Q. What is it?

14 A. These are my notes.

15 Q. Concerning the Knack investigation?

16 A. Yes.

17 Q. Did you make these notes in the

18 ordinary course of your duties as a New Castle

19 Police Department Detective?

20 A. Yes.

21 Q. Did you put those notes in the case

22 folder that you created for the Knack

23 investigation?

24 A. Yes, sir, I did.

25 Q. Is it the policy of the New Castle

1 Det. Wilson - Direct 163

2 Police Department to keep notes such as this in

3 the case folder of a particular investigation?

4 A. Yes.

5 Q. Were those notes made at or around

6 the time of the events reflected on those

7 notes?

8 A. Yes.

9 MR. HARRINGTON: I offer Exhibit 2

10 into evidence.

11 MR. BROPHY: No objection.

12 Q. Detective, in addition to making

13 handwritten notes, did you make any other

14 documents during the course of the Knack

15 investigation?

16 A. Yes, a police report.

17 Q. I'm showing you now Exhibit H in

18 evidence. Do you recognize that document?

19 A. Yes.

20 Q. Is that your police report that you

21 just referred to?

22 A. Yes, a version of my police report.

23 Q. And does it concern the Knack

24 investigation?

25 A. Yes.

1 Det. Wilson - Direct 164

2 Q. Did you prepare this report in the

3 regular course of your duties as a Detective?

4 A. Yes, sir.

5 Q. Does the report contain various

6 entries on different dates?

7 A. Yes.

8 Q. Were those entries prepared at or

9 around the time of the events recorded?

10 A. Yes. I would do my report off notes

11 sometimes, so it wouldn't be right --

12 Q. Sometimes they are based off the

13 notes we just admitted into evidence like

14 Exhibit 2?

15 A. Yes.

16 Q. Did you maintain that report in the

17 normal course of your duties?

18 A. Yes, I did.

19 Q. Did that also go in the case

20 folder?

21 A. It's a computer system. So it's

22 typed in the computer system and printed out

23 and goes into the case folder.

24 Q. Is it the policy of the New Castle

25 Police Department to make police reports such

1 Det. Wilson - Direct 165

2 as that?

3 A. Yes, sir.

4 Q. During your work as a Detective,

5 did you ever have occasion to record phone

6 conversations?

7 A. Yes, sir, I did.

8 Q. Approximately how many times in

9 your career have you done that?

10 A. Several times.

11 Q. On those occasions were you

12 personally involved in the making of the

13 recordings?

14 A. Yes, some I was present and some

15 yes.

16 MR. BROPHY: I'm sorry.

17 THE COURT: What did you just say?

18 THE WITNESS: Was I personally

19 involved, yes.

20 MR. HARRINGTON: I can pose the

21 question.

22 Q. On the occasions that you were

23 involved in investigations with regarded calls

24 were you personally involved in making them?

25 A. Yes.

1 Det. Wilson - Direct 166

2 Q. During the course of the Knack

3 investigation, did the idea of making recorded

4 calls between Noelle Feldman and Dr. Knack come

5 up?

6 A. Yes, sir, it did.

7 Q. How did the idea of creating

8 recorded calls between Noelle Feldman and Dr.

9 Knack come up?

10 A. It came up in a meeting with the

11 District Attorney's office.

12 Q. Is there a term used for this type

13 of call?

14 A. Controlled phone calls.

15 Q. Did Noelle Feldman consent to a

16 controlled call being made in this case?

17 A. Yes, she did.

18 Q. What technology did the New Castle

19 Police Department have in 2014 to do controlled

20 calls?

21 A. We use a digital voice recorded

22 made by Olympus.

23 Q. Does it have a model number?

24 A. Yes, it does.

25 Q. Do you know what it is?

1 Det. Wilson - Direct 167

2 A. WS-100, I believe.

3 Q. Were you knowledgeable in how to  
4 use that equipment?

5 A. Yes, I was.

6 Q. And how did you come by that  
7 knowledge in how to use the equipment?

8 A. It came through using it and also  
9 the owners manual.

10 Q. Did you ultimately record any calls  
11 between Noelle Feldman and Dr. Knack?

12 A. Yes, I did.

13 Q. How many?

14 A. There was two actual phone calls  
15 and one phone call was placed but was not  
16 answered.

17 Q. Where were the calls made from?

18 A. Made from an office within the New  
19 Castle Police Department.

20 MR. HARRINGTON: Your Honor, may he  
21 refer to his report for the next  
22 question.

23 THE COURT: Sure.

24 Q. The first call, can you refer to  
25 your report and tell me when that was made. And

1 Det. Wilson - Direct 168

2 I don't mean the call where you didn't make

3 contact. The first call where you did make

4 contact?

5 A. Okay. That was the 18th of June.

6 Q. And you used the Olympus equipment

7 to make that call?

8 A. Yes, sir.

9 Q. To record that call, I should say?

10 A. Correct. Yes.

11 Q. And after that call was complete,

12 did you listen to it? You can refer to your

13 report to refresh your recollection.

14 A. Yes, I did.

15 Q. Did you save that recording after

16 you listened to it?

17 A. Yes, it was a digital system so it

18 was downloaded on to a computer.

19 Q. Did you listen to that call in

20 preparation for your testimony today?

21 A. Yes, I have.

22 Q. When did you listen to it?

23 A. I heard it yesterday.

24 Q. Where?

25 A. In this court building in the



1 Det. Wilson - Direct 169

2 records room, I believe.

3 Q. Again referring to your report, was

4 there another call that was recorded in this

5 investigation?

6 A. Yes, sir, there was.

7 Q. What's the date of that call?

8 A. That was on the 17th of July.

9 Q. Was that also made from the New

10 Castle Police Department?

11 A. Yes, sir, same office.

12 Q. And using the same equipment

13 referred to earlier, the Olympus?

14 A. Yes.

15 Q. After that call was complete, did

16 you listen to it?

17 A. No, I did not actually listen to

18 it. The next day on the 18th.

19 Q. After you listened to it, did you

20 save it?

21 A. Yes, sir.

22 Q. To the system you just referred to?

23 A. Correct.

24 Q. Did you listen to that call in

25 preparation for your testimony today?

1 Det. Wilson - Direct 170

2 A. Yes, sir, I did.

3 Q. Yesterday?

4 A. Yesterday, yes, sir.

5 Q. Same place?

6 A. Same place, yes.

7 Q. Now during a portion of that call,

8 July 17th call, are you unable to hear Dr.

9 Knack's voice?

10 A. On the July -- yes. You don't hear

11 it and towards the middle or towards the end

12 you hear his voice.

13 Q. Can you hear Noelle Feldman's voice

14 throughout that call?

15 A. Yes, you do.

16 MR. HARRINGTON: Can we mark this.

17 THE COURT: Exhibit 3.

18 (Marked Plaintiff's Exhibit 3 for

19 identification.)

20 Q. Detective, I'm showing you a

21 computer disc marked Plaintiff's Exhibit 3,

22 have you seen this particular disc before?

23 A. Yes, this was the one from

24 yesterday.

25 Q. The one you listened to?

1 Det. Wilson - Direct 171

2 A. Yes.

3 Q. From the subpoena records room?

4 A. Yes.

5 Q. What does that disc contain?

6 A. It contains three phone calls, the

7 two that were connected when that conversation

8 took place and one where a call was made and

9 there was no answer.

10 Q. Was that disc produced to this

11 courthouse pursuant to subpoena served upon the

12 New Castle Police Department?

13 A. Yes.

14 Q. Does that disc contain true and

15 accurate copies of the recordings you made on

16 June 18, 2014 and July 17, 2014 in connection

17 with the Knack investigation?

18 A. Yes, sir. What I heard yesterday

19 was the same from those two dates, June and

20 July.

21 MR. HARRINGTON: I offer Exhibit 3

22 into evidence.

23 MR. BROPHY: Very brief voir dire.

24 THE COURT: Sure.

25 VOIR DIRE EXAMINATION

1 Det. Wilson - Direct 172

2 BY MR. BROPHY:

3 Q. Detective Wilson, you prefer to be

4 called that?

5 A. Mr. Wilson is fine.

6 Q. I just want to make sure I

7 understand when these calls were placed you

8 weren't listening to the call, the two sides of

9 the call as it was being made?

10 A. No, sir. I didn't hear the phone

11 call, no.

12 Q. And as I remember in your report

13 you stated -- withdrawn.

14 Did you state in your report how

15 long either of those telephone calls were?

16 Take your time and look at your report.

17 A. The length of the calls?

18 Q. Yes, sir.

19 A. Just on the 17th it said the call

20 lasted several minutes.

21 Q. 17th of July. How long?

22 A. On my report it says the call

23 lasted several minutes.

24 Q. I'm sorry, Mr. Wilson. Can you be

25 more precise than several minutes as to how

1 Det. Wilson - Direct 173

2 long that call lasted?

3 A. It lasted -- I don't know how long

4 it lasted. I can't give you an exact time.

5 Q. Now you know how long it lasted,

6 right?

7 A. Well, I listened to it yesterday.

8 Q. When you listened to it yesterday,

9 how long was it?

10 A. I believe exactly --

11 Q. As close as you can tell me.

12 A. I believe it was around seven

13 minutes, the second call.

14 MR. HARRINGTON: Your Honor, with

15 respect, the call is as long as it is,

16 and it's sitting right there.

17 Q. And you told us a moment ago some

18 portion of the second call, that you couldn't

19 hear what Dr. Knack was saying, can you be --

20 can you tell me with some precision how much

21 time on that tape you couldn't hear his voice?

22 MR. HARRINGTON: Objection, Your

23 Honor. This is cross, not voir dire.

24 THE COURT: Sustained.

25 MR. BROPHY: That's all the voir

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Det. Wilson - Direct

174

dire, Your Honor.

MR. HARRINGTON: I now offer the Exhibit 3 into evidence.

MR. BROPHY: I previously made my objection, Your Honor.

THE COURT: This was discussed in chambers. I want to add that I had said that we could consider redacting the part where Dr. Knack is not heard on the recording and Mr. Brophy you said you would prefer it either came in it's in it's entirety rather than any redaction.

MR. BROPHY: If it comes in, my application is the whole thing comes in.

THE COURT: So Exhibit 3 is received into evidence.

MR. BROPHY: Note my exception, Your Honor.

(Marked Plaintiff's Exhibit 3 in evidence.)

MR. HARRINGTON: Your Honor, at this time I would like to play the

1 Det. Wilson - Direct 175

2 calls in their entirety for the jury.

3 I'm not finished with Mr. Wilson.

4 MR. BROPHY: I would prefer to cross

5 examine the witness before we listen to

6 the calls. That's my request.

7 THE COURT: It's his witness. He

8 can play the tapes whatever time he

9 wants in the testimony.

10 MR. HARRINGTON: I have a

11 technician here, Roy Campos, who can

12 play the calls.

13 THE COURT: There have been

14 several reference to tape calls, it's

15 really a digital recording. It's one in

16 the same.

17 MR. HARRINGTON: I failed to offer

18 these into evidence. Exhibit 2.

19 Detective Wilson's notes.

20 MR. BROPHY: I thought they were and

21 I didn't object, Your Honor.

22 (Plaintiff's Exhibit 2 in

23 evidence.)

24 (Digital recordings playing for the

25 jury in open Court.)

1 Det. Wilson - Direct 176

2 MR. HARRINGTON: Your Honor, the

3 second call is right behind this. I'd

4 like to play this now.

5 THE COURT: Sure.

6 (Digital recording playing for the

7 jury in open Court.)

8 DIRECT EXAMINATION CONTINUED

9 BY MR. HARRINGTON:

10 Q. Detective, when you first had

11 contact with Noelle Feldman, did she tell you

12 right away that Dr. Knack raped her?

13 A. No, she did not.

14 Q. At some point did she tell you?

15 You can refer to your report?

16 A. Yes.

17 Q. According to your report, when for

18 the first time did she tell you that, that she

19 had been raped?

20 A. It's dated April 21 on my report.

21 Q. Would that have been the third time

22 you spoke with her?

23 A. Yes, it appears so.

24 Q. Did you ask her why she hadn't told

25 you she was raped the first time you met?



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Det. Wilson - Direct

177

A. In that particular phone call --  
I'm just reviewing my report. She stated that  
she was embarrassed and didn't know how to tell  
me.

Q. Is it often the case with witnesses  
in an investigation that you don't get the  
whole story right away?

MR. BROPHY: Objection.

THE COURT: Overruled. You can  
answer the question.

A. I'm sorry. Can you repeat that.

Q. Is it typical in cases when you  
interview witnesses that the story you get is  
not one hundred percent the first time you talk  
to them?

MR. BROPHY: Objection. Different  
question.

MR. HARRINGTON: I can have it read  
back, the prior question, if that was  
good.

MR. BROPHY: I objected to the first  
one. I was overruled. And counsel asked  
another question.

THE COURT: Let's go back to the

1 Det. Wilson - Direct 178

2 first question.

3 (Read back by the court reporter.)

4 A. Yes, that does happen, yes.

5 Q. After the recorded calls were made,

6 did you ever speak directly with Dr. Knack?

7 A. On the telephone, yes.

8 Q. How many times?

9 A. I believe once.

10 Q. Take a look at your report?

11 A. I left a message for him on August

12 13th. And then he called me on the 15th.

13 Q. Did you tell him why you were

14 calling?

15 A. I explained to him that I wanted to

16 talk to him about Miss Feldman.

17 Q. At any time that you spoke to Dr.

18 Knack, did Dr. Knack tell you that Noelle

19 Feldman sexually assaulted him?

20 A. Not that I recall, no.

21 Q. If Dr. Knack did tell you that,

22 would you have made a note of it in your

23 report?

24 A. Yes, sir.

25 Q. That would be relevant to your

1 Det. Wilson - Direct 179

2 investigation, right?

3 A. Yes.

4 Q. Did you ever speak with an attorney

5 who told you he represented Dr. Knack?

6 A. Yes. Mr. Squirrel.

7 Q. David Squirrel?

8 A. Yes, sir.

9 Q. Did Mr. Squirrel ever tell you that

10 Dr. Knack had been sexually assaulted by Noelle

11 Feldman?

12 A. No, he did not.

13 Q. If he had told you that, would you

14 have made a note of it?

15 A. Yes, sir.

16 Q. Because that would be highly

17 relevant to this investigation, correct?

18 A. Correct.

19 Q. So at any time during your

20 investigation of Dr. Knack, did anyone ever

21 tell you that Dr. Knack had been sexually

22 assaulted by Noelle Feldman?

23 A. No, sir.

24 Q. So when was the first time you

25 heard that? From me?

1 J. Wilson - Cross 180

2 A. Yeah, the first time I heard it was

3 from you.

4 Q. A few weeks ago, right?

5 A. Yes.

6 MR. HARRINGTON: Thank you,

7 Detective. No further questions.

8 THE COURT: Mr. Brophy.

9 CROSS EXAMINATION

10 BY MR. BROPHY:

11 Q. At the point that you contacted Dr.

12 Knack, had the District Attorney already

13 advised you that they did not feel they could

14 go forward with the case? I call your

15 attention to page four of your report.

16 A. Yes, sir.

17 Q. The answer is yes, you were advised

18 that the District Attorney didn't want to go

19 forward with the case?

20 A. I had already spoken with the

21 District Attorney, according to my report, I

22 discussed it with her. Well, she stated she was

23 going to speak to someone else in her office

24 about this case.

25 Q. After that you were told by

1 J. Wilson - Cross 181

2 Detective Vargas, who is one of your

3 detectives, that he had spoken to her and the

4 case could not go forward with the information

5 that you had, correct?

6 A. That's in my report, correct.

7 Q. And that was before you tried to

8 call Dr. Knack?

9 A. Well, I believe that -- in my

10 report it does state that Detective Vargas did

11 speak with the ADA and stated the case could

12 not go forward. And in my report it is before I

13 reached out to Dr. Knack.

14 Q. I take you don't have any present

15 recollection to this stuff?

16 MR. HARRINGTON: Objection.

17 Characterizing.

18 THE COURT: Sustained.

19 Q. Do you have any present

20 recollection of being told by Detective Vargas

21 about this conversation with ADA Lopez?

22 A. I do recall that, yes.

23 Q. In the usual way you keep your

24 report a notation precedes a date, that means

25 it happened before that date? You tell me.

1 J. Wilson - Cross 182

2 A. Correct, yes.

3 Q. So it was on the 15th of July that

4 you received a call from Dr. Knack. According

5 to your report?

6 A. I'm sorry?

7 Q. My mistake. On the 15th of August,

8 2014, Dr. Knack returned your call, correct?

9 A. Correct.

10 Q. He didn't give you any information?

11 A. Correct.

12 Q. Was he obligated to?

13 A. No.

14 Q. Same question regarding his lawyer,

15 when his lawyer talked to you, was he obligated

16 to give you any information?

17 A. No, sir.

18 Q. And did you ever make any efforts

19 to obtain a copy of Dr. Knack's records?

20 A. No, sir. Well, what kind of

21 records?

22 Q. It was your understanding that he

23 had been rendering treatment as a psychologist?

24 A. Correct.

25 Q. Would it have been your expectation

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J. Wilson - Cross

183

that there would have been records?

A. Some sort of records, yes.

Q. And if you had wanted those records you could have asked Noelle Feldman to get those for you?

A. I could have, yes.

Q. But you didn't?

A. Well, I asked for a calendar, I believe.

Q. Why did you want a calendar?

A. Just to look at dates.

Q. And in fact you asked her repeatedly for a calendar?

A. I did ask a couple of times, yes, sir.

Q. She never produced it?

A. I never received a calendar.

Q. As a matter of fact when you are investigating an allegation of a crime, dates are really important, fair to say?

A. Fair to say.

Q. Before you can go forward -- well, I guess there are some crimes you don't know what happened, if you find a body in the woods

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J. Wilson - Cross

184

you don't know when the crime happened?

A. Sometimes dates can be difficult.

Q. But dates are important, and you want a date if you can get one.

A. Yes.

Q. For example -- well, okay. And you want times, times are important if there is a time period involved in a particular incident?

A. Yes, sir.

Q. As a Detective, you are all about facts, correct?

A. Correct.

Q. People may have strong feelings but you are trained to try to get through those feelings and get some facts?

A. Correct.

Q. As specific as possible?

A. Correct.

Q. Noelle Feldman never gave you a date when any alleged -- the first set of allegations she made, she didn't give you any specific dates at all, did she?

A. No, sir.

Q. She claimed the last date she saw



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J. Wilson - Cross

185

Dr. Knack was on the 12th of November, 2013,  
that's what was in your report?

A. The 12th or the 13th.

Q. Okay. I got November of 2013?

Q. And as a matter of fact one of the  
questions you ask in the initial interview  
after she related various types of sexual  
misconduct that she was alleging, you asked her  
if anything else happened. Do you remember  
that?

A. Yes.

Q. And she told you unequivocally, no?

A. Yes.

Q. And it was your obligation to write  
that down, wasn't it?

A. Yes, sir.

Q. Now right in the beginning did Miss  
Feldman give you some contact information for  
her psychiatrist?

A. She gave me a number for a  
particular doctor, yes.

Q. A Dr. Shander?

A. Yes, sir.

Q. And what did she tell you that Dr.

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J. Wilson - Cross

186

Shander could help with, if anything?

A. She had told me that she had confided in Dr. Shander and I believe that Dr. Shander helped her write that e-mail that she had sent to Dr. Knack.

Q. So you thought Dr. Shander would be a person worth talking to?

A. Yes, sir.

Q. And eventually by the time you did catch up with her, Noelle had already told you about the alleged rape; is that correct?

A. Correct.

Q. And did you have a conversation with Dr. Shander?

A. A brief conversation, yes, sir.

Q. To the best of your recollection, what did you say to her and what did she say to you? You can refer to your report, if you don't recall.

A. I asked Dr. Shander if she knew about Miss Feldman and Dr. Knack. She stated yes. That Miss Feldman had told her about inappropriate touching by Dr. Knack. She stated yes. I asked her if she knew anything about Dr.

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J. Wilson - Cross

187

Knack raping her and she stated no.

Q. In addition your report says she said no, that Miss Feldman never told her anything about being raped?

A. Correct.

Q. That's what Dr. Shander said to you?

A. Yes.

Q. And after she said that to you did she give you any more information?

A. No, she didn't want to talk any more.

Q. And she wasn't obligated to talk any more, was she?

A. No, she wasn't.

Q. Now, the District Attorney's office -- you report to the District Attorney's Office concerning ongoing investigations; is that correct?

A. Yeah, we work together in conjunction, correct.

Q. And the District Attorney's Office has access to something called a Grand Jury; is that right?

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J. Wilson - Cross

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A. Correct.

Q. So if the District Attorney's Office, correct me if I'm wrong, believes there is probable cause that a crime may have been committed do they have subpoena power?

MR. HARRINGTON: Objection, Your Honor.

THE COURT: Sustained.

Q. Does the District Attorney's Office have the power to compel witnesses, not parties necessarily, witnesses to talk that you don't have?

MR. HARRINGTON: Objection. Not the right witness for this testimony.

THE COURT: Sustained.

Q. Let's talk about these recorded phone calls. Whose telephone, if you know -- did you provide a telephone for Noelle Feldman to use to call Dr. Knack?

A. No, I did not.

Q. She had a phone that she used?

A. She used her cell phone.

Q. Would you explain to me how your recording equipment would work in conjunction

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J. Wilson - Cross

189

with this cell phone that she had? Can you give me a picture of the set up.

A. Yeah. It's a small recorder, digital recorder. You have a wire that has an ear piece, a listening and a mic all together. The ear piece goes in your ear and then you hold the cell phone, whatever phone, to that particular ear and it has both a mic, so it records both sides of the phone call.

Q. So the recording -- I'll hold up a phone. So the recording from the phone goes to a microphone in between the ear and the phone?

A. Yes, sir.

Q. And then goes right into the recorder?

A. Correct.

Q. You don't hear it?

A. No. The equipment I had that day, no.

MR. HARRINGTON: Objection. Vague and ambiguous. Who hears it?

THE COURT: Sustained.

Q. You couldn't hear it because it was the type of equipment you were using?

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J. Wilson - Cross

190

A. Right. I didn't have a particular device to do that.

Q. And that was true in both of the phone calls, correct?

A. Correct, yes.

Q. Now was there any equipment that you had like an oscilloscope, you know what an oscilloscope is? It shows a wavy line when a signal is passing through a machine. You are familiar with that?

A. Vaguely.

Q. Is it fair to say there wasn't any oscilloscope or anything associated with the recorder that could tell you whether it was picking up the whole conversation or not?

A. No, I believe it has a red light that it's on, it's working. That's it.

Q. Now that we know how this worked, if Noelle Feldman wasn't holding the phone right up to the microphone could that explain why the microphone might not pick up the signal?

A. Yes, that could happen, yes.

Q. So actually whether the microphone

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J. Wilson - Cross

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was picking up everything Dr. Knack said was under the control of Noelle Feldman?

MR. HARRINGTON: Objection. I think he talked about technology which could also been flawed.

THE COURT: Sustained.

Q. If Noelle Feldman for whatever reason wasn't holding the phone close enough to her ear would it be possible the microphone might not pick up what was coming in?

A. I guess that would be possible.

Q. Do you have any other explanation for why for a portion of the second recording it is not possible to hear what Dr. Knack is saying?

A. Unless he switched ears with the phone.

Q. Unless she switched ears?

A. Right.

Q. You've had the opportunity to listen here in court to the recordings. Did you make any effort to actually like look at your watch or time the duration that you couldn't hear?

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J. Wilson - Cross

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A. I'm sorry, sir. I did not.

Q. Let me ask you this --

THE COURT: Mr. Brophy, do you have much more?

MR. BROPHY: It's hard to say.

THE COURT: We will break for lunch. You may have redirect.

MR. HARRINGTON: Very brief.

MR. BROPHY: I do some more. We have to get to the notes. I have ten or fifteen minutes.

THE COURT: We are going to break for lunch. Jurors, please do not discuss the case, and no research. We will see you back at two o'clock.

(The sworn jury exits the courtroom for a luncheon recess.)

THE COURT: Are you going to have Dr. Greenfeld?

MR. HANNIGAN: He is here. He will testify whenever we are done with this witness.

THE COURT: All right. Two o'clock.



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J. Wilson - Cross

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(Case adjourned for a luncheon recess to 2:00 o'clock.)

A F T E R N O O N S E S S I O N

THE COURT: One of the jurors mentioned to the court officer that he recognized Detective Wilson from the town and he's the one who gave his father the ticket. He thought he should mention it.

MR. HANNIGAN: Not having spoken to him myself, I don't have any problem with it.

MR. BROPHY: No problem here.

THE COURT: Well, it's hearsay.

MR. HANNIGAN: I have no objection to the hearsay.

MR. BROPHY: No objection here.

THE COURT: Let's bring the jury in.

(The sworn jury enters the courtroom and takes their seats in the jury box.)

(Witness Detective Wilson resumes the witness stand.)

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J. Wilson - Cross

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THE COURT: Mr. Brophy, you have more questions.

MR. BROPHY: Can we have the last question and answer before lunch.

THE COURT: Yes.

(Read back by the court reporter.)

Q. Getting back to your report, Detective Wilson, bottom of page four I'm going to read you a sentence and ask you a couple of questions about it. Let me know when you are ready, sir.

A. Okay.

Q. I was contacted by an attorney John Hannigan who was retained by Miss Feldman after I had advised her that there were no criminal charges. Does your report reflect when you were contacted by Mr. Hannigan?

A. Well, there is no date when that was written.

MR. BROPHY: Your Honor, could the witness please be provided with Plaintiff's Exhibit 2, which are his notes.

THE WITNESS: I have them.

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J. Wilson - Cross

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MR. BROPHY: Do you have Defendant's Exhibit H which are Miss Feldman's notes?

THE WITNESS: No.

MR. BROPHY: It's not H. It's L. Defendant's L in evidence I will let you have that as well.

Q. First please flip through Plaintiff's Exhibit 2. This is something you've identified already.

A. Yes.

Q. Are all the notes in Plaintiff's Exhibit 2 in your handwriting, sir?

A. Yes, sir.

Q. And was it your custom and practice when you interviewed a complainant -- is that the right word?

A. Yeah. Victim.

Q. To make notes as the person was telling their story?

A. Yes.

Q. And the notes of the story that you heard initially from Miss Feldman on the pages that are numbered -- may I approach?

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J. Wilson - Cross

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THE COURT: If necessary. But if not, stay back.

THE WITNESS: Okay, yes.

Q. Is the answer a yes?

A. Can you repeat the question.

Q. Are those pages one, two and three?

A. Yes.

Q. When you take down information from someone making a complaint in a potential criminal case, do you take pains to accurately record what they tell you?

A. I try to, yes.

Q. If it says started seeing 2010, is that date something that you have taken particular attention to be accurate about?

A. Yes.

Q. Is that true of all the dates that you hear from someone who is making a complaint?

A. Yes.

Q. And here towards the bottom of page two there is a statement page 22, raped in NYC, not reported. Is that something Miss Feldman told you?

1 J. Wilson - Cross 197

2 A. Yes.

3 Q. NYC is an abbreviation for New York  
4 City?

5 A. Correct.

6 Q. And there is a notation right thigh  
7 has mole. Referring to whom?

8 A. Coming from Miss Feldman referring  
9 to Dr. Knack.

10 Q. And the top of page three there is  
11 a statement March 2011, first time. What is  
12 that referring to. If you can help us out.

13 A. I'm sorry. Repeat that.

14 Q. Top of page three, March 2011,  
15 first time. Can you tell what that was  
16 referring to?

17 A. Can I refer to my report?

18 Q. Absolutely. Take a look at anything  
19 you need.

20 A. I believe that's referring to when  
21 she started to see him after coming back --  
22 when she first started seeing him after  
23 returning from treatment.

24 Q. From where?

25 A. From treatment.

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J. Wilson - Cross

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Q. From a hospital?

A. Yeah.

Q. Going to the page after page three, there is a date on the top of the page. Date of August 5, '14?

A. Correct.

Q. What does it say after that?

A. It's timed 2:15 p.m., it's Bleakly Platt attorney Mr. John Hannigan.

Q. Does that note record when you were first contacted by Mr. Hannigan?

A. I believe so, yes.

Q. Was it then or later that Mr. Hannigan came to listen to the recordings, if you can tell me?

A. I'm not sure. I believe -- I'm not sure, sir.

Q. Going back to the face page with the sticker on it. I'm going to read to you -- why don't you read to me after what is written thereafter the telephone number 914 874-3455.

A. It states sex in your office. Did he admit it. Did he talk about sex. Then there wasn't -- I wasn't crossed out. I came to you

1 J. Wilson - Cross 199

2 crossed out. At the very bottom you used your

3 position as, I believe that's doctor, supposed

4 to be doctor.

5 MR. HARRINGTON: After sex in your

6 office. There are two words crossed

7 out. Could you have the witness read

8 them, please.

9 THE COURT: Sure.

10 THE WITNESS: Sex in your office.

11 Talk wife.

12 Q. And the date on the top of that

13 page is what?

14 A. July 17, 2014.

15 Q. Time?

16 A. 1:13.

17 Q. Is 1:13 just before the call?

18 A. I believe so, yes.

19 Q. Are these notes notes of something

20 that you discussed with Miss Feldman before the

21 call was placed, if you know?

22 A. It was right as we were making the

23 call. I believe maybe even possible while she

24 was making the call.

25 Q. Please explain what you mean, how

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J. Wilson - Cross

200

that transpired. I'm not quite clear.

A. Just trying to -- so she can ask certain questions on the phone.

Q. So if I understand correctly those are questions that you wanted her to ask Dr. Knack?

A. Correct.

Q. Take a look at Defendant's Exhibit L. Do you recall -- on the second page -- I'm sorry. Let me start over.

The first page starts with the words he's done. I nailed him. Is any of your handwriting on that page?

A. No.

Q. The second page that has the letter on top, is there anything on the top of that page that you wrote?

A. Yeah, it appears there are three lines or four lines to be exact in my handwriting.

Q. What are they?

A. Where did it happen. When did it happen. Need him to admit what happened to have closure.



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J. Wilson - Cross

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Q. Those are questions that you wanted answered in the course of that tape?

A. Correct.

Q. And the notations below that where it starts someone else's handwriting, hi, it's Noelle. Blah, blah. You see that on page two?

A. Yes.

Q. Did you see those notes before the June call was made?

A. No, I don't believe so.

Q. Same question regarding the notes on the first page of Exhibit L. Where it says on top, he's done. I nailed him. There are certain notes there. Did you see those notes prior to Noelle placing that call?

A. No.

Q. Did you have any conversation with Noelle before she placed the July call to the effect that it would be a good idea for her to have some notes to work from?

A. I believe she asked if she could write notes.

Q. Prior to the call?

A. Yes.

1 J. Wilson - Redirect 202

2 Q. So did you have an understanding

3 whether or not the notes on the first page of

4 Exhibit L are notes that she used during the

5 call or notes that she made at some other time?

6 A. No, they were during the call.

7 Q. Do you know if the notes on the

8 first page of Exhibit L were notes that she

9 made prior to the call, do you know one way or

10 the other?

11 A. No, these I believe were during the

12 call.

13 MR. BROPHY: Thank you for your

14 time, Detective Wilson. I have no more

15 questions for you.

16 THE COURT: Redirect.

17 MR. HARRINGTON: Yes. Thank you.

18 REDIRECT EXAMINATION

19 BY MR. HARRINGTON:

20 Q. I just want to clear up a few

21 things, Detective. During the control calls,

22 were you able to hear Noelle Feldman's voice

23 during the entire time?

24 A. Yes.

25 Q. Did you ever think or did you ever

1 J. Wilson - Redirect 203

2 believe at any time that Noelle Feldman was in

3 any way trying to manipulate the technology

4 used to make the phone calls?

5 MR. BROPHY: Objection.

6 THE COURT: Overruled.

7 Q. Did you ever think that?

8 A. No, I never thought that at all.

9 Q. Did you ever give Noelle Feldman a

10 script of what she was to say on the calls?

11 A. A script, no, no. I just wrote some

12 notes like we just discussed.

13 Q. To elicit answers from Dr. Knack?

14 A. Yes.

15 Q. And of course whatever Dr. Knack

16 said you didn't give him any guidance as to

17 that, right?

18 A. No, absolutely not.

19 Q. You didn't give him those answers?

20 A. No.

21 MR. HARRINGTON: Thanks.

22 MR. BROPHY: As you sit here today,

23 do you have any recollection during the

24 call of Noelle moving from the phone

25 from one ear to the other or moving it

1 Dr. Greenfeld - Direct 204

2 away from her ear?

3 A. I don't know, sir.

4 Q. If you noticed her doing something  
5 like that would you have cautioned her to in  
6 some way hold the phone?

7 A. Yes, I would.

8 THE COURT: You were there the  
9 whole time, correct?

10 THE WITNESS: Yes.

11 MR. HARRINGTON: Thank you.

12 THE COURT: Thank you, Detective.

13 (Witness excused.)

14 THE COURT: Next witness.

15 MR. HANNIGAN: Plaintiff calls Dr.

16 David Greenfeld.

17 D A V I D G R E E N F E L D, New Haven,  
18 Connecticut, having been first duly sworn,  
19 called as a witness on behalf of Plaintiff,  
20 testified as follows:

21 MR. HANNIGAN: If I can have two  
22 documents marked. Exhibit 4 and 5.

23 (Marked Plaintiff's Exhibit 4 and 5  
24 for identification.)

25 DIRECT EXAMINATION

1 Dr. Greenfeld - Direct 205

2 BY MR. HANNIGAN:

3 Q. Good afternoon Dr. Greenfield. Are

4 you married, sir?

5 A. Yes.

6 Q. Children?

7 A. Yes.

8 Q. How many?

9 A. Three children.

10 Q. How long have you lived at your

11 present address?

12 A. 27 years.

13 Q. Could you tell us about your -- I'd

14 like to start with your educational background

15 post high school. Where you went to college and

16 from there?

17 A. I went to Johns Hopkins University

18 in Baltimore followed by medical school at

19 Johns Hopkins School of Medicine. Internship at

20 Case Western Reserve in Cleveland, then

21 residency at Yale in psychiatry.

22 Q. Way back at Hopkins undergrad, did

23 you receive any honors when you were there?

24 A. Phi beta kappa.

25 Q. You said that your last education

1 Dr. Greenfeld - Direct 206

2 was your residency at Yale. What was that?

3 A. That was my psychiatric residency.

4 Training in psychiatry.

5 Q. How long did that last?

6 A. Four years.

7 Q. That was after you had a residency

8 at Case Western?

9 A. That was a medical internship.

10 Q. I know you are way ahead of me. If

11 you could wait until I finish my question.

12 A. Sorry.

13 Q. So when you finished your residency

14 in 72 in psychiatry at Yale, what did you do

15 next?

16 A. I spent two years working at the

17 counselling service for the university student

18 health service, counselling Yale students. And

19 then a couple of years of private practice and

20 then accepted an appointment as the director of

21 a hospital unit at Yale New Haven Hospital for

22 psychiatric in-patients.

23 Q. Was that 1974 to 1978?

24 A. No.

25 Q. What was that time frame?

1 Dr. Greenfeld - Direct 207

2 A. '74 to '78 was working for the

3 student health service and private practice.

4 Q. When you say private practice, what

5 does that mean?

6 A. I had a private office in New Haven

7 and saw private patients.

8 Q. And what type of patients did you

9 see during that time period?

10 A. General psychiatric patients pretty

11 much, adults.

12 Q. And in '78, what occurred with

13 respect to your career?

14 A. That's when I became an assistant

15 professor at Yale and became the director of

16 the in-patient hospital unit at Yale New Haven.

17 Q. Let's talk about your position on

18 the faculty at Yale. What department was that?

19 A. Department of psychiatry.

20 Q. And were you charged with the

21 responsibility to teach courses?

22 A. Not at that time. That was later.

23 Q. How long have you been on the

24 faculty at Yale in the psychiatry department?

25 A. Since 1978.

1 Dr. Greenfeld - Direct 208

2 Q. How long have you been on the

3 faculty at Yale as a professor of psychiatry?

4 A. Since 1978.

5 Q. Until when?

6 A. I still am.

7 Q. Tell me about the courses you

8 taught over the years that you've been charged

9 with the responsibility to teach there?

10 A. Well, for many years I was

11 responsible for the lectures for the Yale

12 medical students. They had a course in their

13 first year of medical school and a course in

14 their second year and I was responsible for the

15 lectures in both of those courses. I did that

16 for probably ten years, I can't remember

17 exactly.

18 Q. How about -- as the students

19 progress through their medical training, did

20 you teach upper class courses?

21 A. Well, in 1990 I became the director

22 of the Yale medical residency so I was in

23 charge, overall charge, of the education of

24 psychiatric residents for the department of

25 psychiatry.



1 Dr. Greenfeld - Direct 209

2 Q. What did that involve, what were  
3 your duties and responsibilities with respect  
4 to that job?

5 A. Actually that involved the entire  
6 management of their training from recruiting  
7 them to designing their curriculum, evaluating  
8 them and supervising them.

9 Q. Let's talk about your clinical  
10 experience. Your CV reflects that you initially  
11 had twelve years at an in-patient unit?

12 A. Correct.

13 Q. Can you describe that for us?

14 A. That was an adolescent and young  
15 adult treatment unit at Yale New Haven  
16 Hospital. Those days treatment was different  
17 than it is now. The average length of stay was  
18 two to three months and it specialized in  
19 severely ill patients, patients generally with  
20 psychiatric illness or trauma, histories or  
21 severe personality disorders.

22 Q. And did you also was it later that  
23 you became involved as director of a clinic for  
24 indigent patients?

25 A. That was later still. In 1996 I

1 Dr. Greenfeld - Direct 210

2 became the director of the West Haven Mental  
3 Health Center which is a clinic for indigent  
4 patients. It's a joint project between Yale and  
5 the state of Connecticut. It's funded by the  
6 state but staffed by Yale. And it involves  
7 treatment of uninsured people and the poor.

8 Q. In all of this clinical experience,  
9 can you tell us about your experience of  
10 patients who are the victims of abuse,  
11 physical, emotional or sexual abuse?

12 A. Well, in all of those  
13 responsibilities and different jobs I had,  
14 those were patients that I saw with  
15 considerable frequency. I have a particular  
16 interest in patients with severe illness and of  
17 course people in the hospital tend to be people  
18 who are severely ill almost by definition. So  
19 my teaching and treatment was focused on them  
20 and in my private practice I particularly had  
21 an interest in seeing patients with psychotic  
22 disorders, trauma histories and severe  
23 personality disorders.

24 Q. As to those patients you've just  
25 described, did you treat them both with respect

1 Dr. Greenfeld - Direct 211

2 -- I know this is a naive lawyer question, did

3 you treat them both with respect pharmacology

4 and talking type therapy?

5 A. Both.

6 Q. Can you tell us how that interacts

7 with each other?

8 A. Well, as a psychiatrist I could do

9 both and so part of my interest was in

10 integrating both the treatment of medicine and

11 psychotherapy and coordinating them carefully

12 and so I was responsible for both. And a lot of

13 my teaching of psychiatric residents, part of

14 my job was teaching them how to do both.

15 MR. HANNIGAN: At this point I

16 would offer Dr. Greenfeld as an expert

17 witness in the area of psychiatry as a

18 specialty in the personality disorders

19 with treating patients with abuse and

20 trauma.

21 MR. BROPHY: So stipulated.

22 THE COURT: All right.

23 Q. Doctor Greenfeld, when were you

24 retained in this case?

25 A. January of '15, I think.

1 Dr. Greenfeld - Direct 212

2 Q. January 15 of 2010?

3 A. No. For this case. January, I can't

4 remember the date.

5 Q. January 2015?

6 A. 2015.

7 Q. And were you asked to undertake

8 certain tasks initially as part of your

9 retention in this matter?

10 A. Yes, I was asked to review a number

11 of documents.

12 Q. What types of documents did you

13 review?

14 A. Well, there were a fair number of

15 them. I don't know if I can name them all.

16 Q. Feel free to refer to your report

17 which is marked as Exhibit 2?

18 A. That makes my life a lot easier.

19 Dr. Knack's private notes. Doctor Lerman's

20 medical record. Doctor Amy Lewis' record.

21 Pharmacy records --

22 THE COURT: That's not in

23 evidence. He can refresh his

24 recollection.

25 Q. Take a look at that and then tell

1 Dr. Greenfeld - Direct 213

2 us generally without reading what records you

3 reviewed?

4 A. All the medical records of the

5 physicians involved in Miss Feldman treatment,

6 Dr. Knack's -- the transcript of Dr. Knack's

7 testimony, Miss Feldman's testimony and the

8 transcript of the phone calls that were

9 recorded between them.

10 Q. Did you review the pharmacy

11 records?

12 A. Yes.

13 Q. Did you meet with Noelle Feldman,

14 if so, how often and what was the purpose of

15 that?

16 A. I met with her twice for 45 minutes

17 each and the purpose of that was to listen to

18 her version of events and to assess her as a

19 patient.

20 Q. Based on your review of the records

21 and your psychiatric evaluation of Noelle

22 Feldman and your training and experience having

23 been recognized as an expert and accepted as an

24 expert in psychiatry by the Court, have you

25 formulated certain opinions that you can give

1 Dr. Greenfeld - Direct 214

2 to us, the jury, with a reasonable degree of  
3 psychiatric medical certainty?

4 A. Yes.

5 Q. Now can you describe to us the  
6 significant events in Noelle Feldman life as  
7 you understand them to be that were important  
8 to you in doing your evaluation of her in  
9 formulating your expert opinions?

10 MR. BROPHY: I object to the  
11 question as posed for the reasons set  
12 forth in papers submitted to the Court.  
13 I would request the question be  
14 rephrased.

15 MR. HANNIGAN: I'll stand by the  
16 question. I believe I can ask the  
17 witness -- I think we should have a  
18 side bar.

19 THE COURT: Okay.

20 (Side bar off the record.)

21 Q. Can you tell us the significant  
22 events in Noelle Feldman's life that you found  
23 important with respect to formulating your  
24 opinions in this case?

25 A. Well --

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Dr. Greenfeld - Direct

215

Q. I want to caution you before you answer this, we don't want you to comment on what you think about the ultimate issues in this case, whether or not there was a rape, the credibility of the witnesses, stay away from those issues.

A. Certainly.

Well, in my opinion the central factor affecting her condition and much of her life has been the history of severe and repeated abuse that she suffered in childhood and that was abuse which was particularly brutal and prolonged, that was both verbal, physical and sexual. And that occurred early enough so that it really had a profound affect on her development and her subsequent difficulties in life. I think that abuse constituted trauma that has scarred her and continues to do so. My understanding is that she was subjected to repeated abuse over much of her development and was in effect trapped in a situation that she could not escape. Abuse of that sort causes severe damage and she suffered continuously from that. The pain of that

1 Dr. Greenfeld - Direct 216

2 experience really affected her ability to  
3 function right from its onset.

4 Q. Generally speaking, based on your  
5 clinical experience and being here as an  
6 expert, how does a person, not talking about  
7 Noelle Feldman, how does a person suffering  
8 from this early age repetitive trauma abuse  
9 interact with people later in life in  
10 especially stressful situations?

11 A. Well, the trauma and pain of that  
12 trauma forces people to find some way to cope  
13 with that and that is often a terrifying and  
14 humiliating experience. In order to cope with  
15 it people need to sort of shape their lives in  
16 away that makes them tolerated. That in turn  
17 produces a kind of chronic humiliation which is  
18 devastating for them.

19 Q. Do these type people generally  
20 speaking tend to stay in abusive relationships?

21 MR. BROPHY: Your Honor, that's a  
22 leading question.

23 THE COURT: Sustained.

24 Q. When these people who you described  
25 who is the subject of all this abuse, when they



1 Dr. Greenfeld - Direct 217

2 are in relationships, what happens?

3 A. Let me go back with that. Part of

4 the difficulty for people in that situation is

5 that they are plagued by memories of abuse that

6 torment them and a lot of energy and effort

7 they expend is learning how to cope with those

8 painful memories. And they do that in a variety

9 of ways. One possibility is that they simply

10 forget about them. But more often they

11 experience ways of disassociating themselves

12 from them and block off their feelings and

13 struggle with that. In any case --

14 Q. Let me ask you this, in your

15 opinion based on your work on this case and

16 what you've described you've done here, what

17 psychiatric diagnosis do you attribute to

18 Noelle Feldman?

19 A. She has post traumatic stress

20 disorder.

21 Q. Please tell us, what is that?

22 A. Post traumatic stress disorder is a

23 syndrome that comes as a result of that kind of

24 abuse. The effort to block out the memories and

25 painful occurrences produces a variety of

1 Dr. Greenfeld - Direct 218

2 difficulties for people and difficulties in

3 functioning, difficulties in relationship and

4 she clearly has had that right from the get go.

5 Q. How do patients that you've worked

6 with in the past, generally speaking, how does

7 this manifest itself in their day to day life,

8 if you are able to generalize.

9 A. From one thing they are humiliated

10 by their experience so they have difficulty in

11 establishing relationships. They are often

12 overly sensitive, over reactive and have

13 difficulty trusting people.

14 Q. Have you heard the term -- are you

15 familiar with the term rape trauma syndrome?

16 A. Yes.

17 Q. What is that?

18 A. Rape trauma involves the

19 psychological response of people --

20 Q. What kind of people?

21 A. The psychological response of

22 people to a history of rape.

23 Q. Can you describe that generally?

24 A. As I said, there are people who

25 have difficulty functioning. They are

1 Dr. Greenfeld - Direct 219

2 emotionally labile. They have difficulty  
3 trusting people. They are plagued by painful  
4 memories. Their ability to establish stable  
5 relationships and stable function is limited.

6 Q. What, if any, is the relationship  
7 between post traumatic stress disorder and rape  
8 trauma syndrome?

9 A. Well, rape trauma syndrome is a  
10 concept -- it's actually an older one  
11 established in the 1970's, and was one of the  
12 pioneering efforts to establish the fact that  
13 people who were raped often had very severe  
14 consequences and erratic behavior. It was later  
15 subsumed in post traumatic stress disorder. So  
16 it has been included more or less as a variant  
17 of post traumatic stress disorder.

18 Q. And when we talk about these  
19 various psychiatric disorders and the diagnosis  
20 of those type of disorders, is that similar to  
21 medical diagnosis like pneumonia?

22 A. No. Psychiatry -- our diagnostic  
23 system in psychiatry is primarily a descriptive  
24 one. Unlike medicine where we really understand  
25 the inner workings of the body, we describe

1 Dr. Greenfeld - Direct 220  
2 symptoms and the way people appear. So they are  
3 not precise. We do the best we can because we  
4 don't fully understand the workings of the  
5 brain.

6 Q. Would it be your view that that  
7 explanation you just gave may affect why we see  
8 different diagnoses in different records from  
9 different treatment people?

10 A. There is a good deal of overlap  
11 between these different diagnostic categories.  
12 Different clinicians will emphasize one versus  
13 the other. And frankly, it doesn't matter a  
14 great deal because the treatment is often the  
15 same despite whether the diagnosis is a little  
16 more this or a little more that.

17 Q. Doctor, Greenfeld, did you review  
18 Noelle Feldman's medical including her pharmacy  
19 records?

20 A. Yes, I did.

21 Q. And did you see that she had been  
22 prescribed various types of prescription  
23 medication over time?

24 A. Yes.

25 Q. And are you familiar with those

1 Dr. Greenfeld - Direct 221

2 medications?

3 A. Yes.

4 Q. Did you list -- do you recall them

5 or are they listed in your report?

6 A. Well, they are listed. Some of them

7 are.

8 Q. You can refresh your recollection

9 if you need to look at your report.

10 A. Yes. I can remember most of them, I

11 think.

12 Q. Tell us what you remember?

13 A. Well, she was a different ones at

14 different points. She was on a number of

15 different antidepressants. She was briefly on a

16 mood stabilizer that she didn't tolerate very

17 well. She was briefly on tranquilizers. She

18 was also on stimulants for attention deficit

19 disorder, difference ones at difference times.

20 Q. As a trained psychiatrist you are

21 familiar -- are you familiar with the effects

22 and potential interactions of these various

23 types of drugs?

24 A. Pretty much.

25 Q. Are these drugs that you have

1 Dr. Greenfeld - Direct 222

2 prescribed for many patients over the years?

3 A. Yes.

4 Q. And given the list of drugs that

5 Noelle Feldman had as prescription drugs, based

6 on your experience with these drugs, would any

7 of these drugs either by themselves or in

8 combination cause her to make up stories, false

9 accusations, things like that?

10 A. No.

11 Q. What is your basis for saying that?

12 A. Well, making up stories or false

13 accusations is not a side effect of the drugs.

14 People tolerate drugs more or less well and

15 sometimes have significant effects but

16 activities like making up stories or making

17 false accusations are complex mental operations

18 and not attributable to drugs.

19 Q. There was testimony here about Miss

20 Feldman having prescription medication for

21 oxycodone for shoulder pain. If she had been

22 taking oxycodone to any extent and if she had

23 been drinking, would the interaction of those

24 two cause her, in your experience, to make up

25 stories or make false accusations, any patient

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Dr. Greenfeld - Direct

223

to do that, forget about Miss Feldman?

A. The same answer for that really. One can have effects and certainly alcohol interacts with many medicine. It can make people unstable or confused and certainly unable to drive safely and lose motor coordination and behave inappropriately but not anything as complicated as formulating a false accusation.

Q. Doctor, do you understand from your review of the records in this case including Dr. Knack's deposition, that Dr. Knack claims that he did not rape Noelle Feldman but that she sexually assaulted him. Do you understand that?

A. Yes.

Q. And Dr. Greenfeld, is that claim that Noelle Feldman sexually attacked Dr. Knack consistent with your psychiatric evaluation Noelle Feldman's personality disorders?

MR. BROPHY: Objection.

THE COURT: Overruled.

A. Would you repeat the question.

(Read back.)

1 Dr. Greenfeld - Direct 224

2 A. I found that particular report a

3 bit odd.

4 MR. BROPHY: I'm sorry.

5 Q. What report are you talking about?

6 A. About her attack on Dr. Knack. From

7 one thing --

8 Q. Stick to her personality disorders,

9 don't comment on whether you think it's true or

10 not true.

11 A. Understood. Mrs. Feldman is

12 certainly a flirtatious and attractive and

13 interesting person and likes to engage men but

14 her history is such, given her abuse history,

15 that sex itself is very unpleasant and painful

16 for her, triggers all sorts of painful memories

17 and leads her to distance herself emotionally

18 from it so it offers very little in the way of

19 reward for her. Basically she prefers to not be

20 touched in a sexual way at all. So just on that

21 basis alone, I would think if she were

22 interested in persuading someone, it would be to

23 seduce him rather than to sort of attack for

24 her own satisfaction. And that would require an

25 approach that was to arouse him and make him



1 Dr. Greenfeld - Direct 225  
2 want to pursue her rather than try to progress  
3 sex for her satisfaction. So it doesn't quite  
4 fit from what I know about her.

5 Q. Do you understand from your review  
6 of the records that there were telephone  
7 conversations between Noelle and Dr. Knack that  
8 were taped by the police department as part of  
9 their investigation?

10 A. Yes.

11 Q. And is it your further  
12 understanding from your review of Dr. Knack's  
13 deposition and the records as to those tapes  
14 there were certain comments made on those tapes  
15 by Dr. Knack that might be looked at as  
16 incriminating such as saying he was sorry?

17 MR. BROPHY: I object to the  
18 characterization. If he wants to quote  
19 the statements, that would be fine.

20 THE COURT: Sustained.

21 Q. We all heard the tapes this  
22 morning. On the tapes there were certain  
23 comments made by Dr. Knack. And Dr. Knack has  
24 testified at his deposition he made those  
25 comments not because they were true but because

1 Dr. Greenfeld - Direct 226  
2 he was entering the delusion or tranquilizing  
3 -- attempting to tranquilize Miss Feldman. Are  
4 you familiar with this concept entering the  
5 delusion?

6 MR. BROPHY: It's not on the record  
7 in this case.

8 THE COURT: It's in the EBT.

9 MR. BROPHY: The EBT is not part of  
10 the record of this trial. No portion of  
11 the EBT has been offered. There has  
12 been no such testimony in this trial.

13 THE COURT: You can introduce it  
14 now and read the EBT. You can use an  
15 EBT for any purpose.

16 MR. HANNIGAN: I'll withdraw it and  
17 try another way.

18 THE COURT: Sustained.

19 Q. Are you familiar with this  
20 psychiatric term or methodology called entering  
21 the delusion or tranquilization method?

22 A. Yes.

23 Q. Tell us about your familiarity with  
24 that, what is that all about?

25 A. That is at this point a very old

1 Dr. Greenfeld - Direct 227

2 and dated idea that dates I think back to the

3 1950's, 60's at a time when psychoanalysis was

4 the primary psychiatric tool available to the

5 field when there were actually hospitals

6 devoted to psychoanalytic treatment of

7 schizophrenia and many theorists who wrote

8 about theoretical issues in this analytical

9 treatment of psychosis, schizophrenia in

10 particular, that idea of entering into the

11 delusion was part of that theoretical

12 background. There were several clinicians who

13 proposed that as a way to treat schizophrenia

14 delusions. People that have lost touch with

15 reality and kind of created a false world such

16 as the KGB is out to get me or men from Mars

17 are talking to me through fillings in my teeth

18 and so on. And the idea was rather than

19 challenge them and say that's absolutely not

20 true, which by the way clearly didn't work and

21 led to arguments, what they proposed is to

22 enter into the delusion with the patient and

23 explore with them. But the spirit was never to

24 agree with the delusion. It was never, yes, the

25 KGB is really after you and you ought to do

1 Dr. Greenfeld - Direct 228  
2 something about it. It was more in the spirit  
3 of I don't really understand why you would be  
4 thinking that but it clearly is disturbing and  
5 frightening and problematic for you and I would  
6 like to propose that we together explore it and  
7 see if we can figure out what it's about and  
8 how it happened.

9 I think that may have been tried on  
10 a few patients, but not for very long because  
11 antipsychotic drugs appeared roughly about the  
12 same time and changed the whole treatment of  
13 psychosis and that disappeared.

14 In the training of residents at  
15 Yale, that particular technique never even  
16 rated a mention historically. So it's very,  
17 very far away. It was never designed -- it was  
18 designed to be applied over a long period of  
19 time with schizophrenic patients in that spirit  
20 of exploring a possibility with them. It was  
21 never designed to agree with it or support a  
22 delusion. And it certainly was never designed  
23 for a telephone conversation and certainly  
24 never designed to confess falsely to having  
25 harmed the person.

1 Dr. Greenfeld - Direct 229

2 Q. We've heard references earlier in

3 the case to something called a disorder called

4 borderline personality disorder. You've seen

5 that term in the records reviewed in this case?

6 A. Yes.

7 Q. And at some point in the records,

8 do you have any recollection of Dr. Lerman

9 referring to this borderline personality

10 disorder?

11 A. No, he didn't refer to borderline

12 personality disorder. What he said, if I recall

13 correctly, and by the way I put that in in

14 error in my report that he diagnosed an

15 underlying borderline personality disorder.

16 Actually he said he thought that was becoming

17 more disturbing and showing more borderline

18 psychopathology and didn't list her in those

19 diagnoses.

20 Q. Did you formulate any opinion as to

21 whether she had borderline personality disorder

22 one way or the other?

23 A. Not really. There wasn't enough

24 clinical information. Borderline personality

25 disorder is a longitudinal disorder. It's

1 Dr. Greenfeld - Direct 230  
2 something part of your personality over the  
3 course of your life. So if you really want to  
4 do that diagnosis accurately you need  
5 historical information over time. So someone  
6 who is basic like a borderline personality  
7 disorder may indeed have that disorder but not  
8 necessarily. And in the time I spent with Miss  
9 Feldman I didn't have the time to really go  
10 through enough historical information to form a  
11 conclusion about that.

12 Q. Let me ask you this, if she had  
13 been diagnosed with borderline personality  
14 disorder and did suffer from that diagnosis, is  
15 it your experience that people with that  
16 diagnosis are prone to making false accusations  
17 or making up stories?

18 A. I have trouble with the notion that  
19 making up false stories or false accusations is  
20 a psychiatric symptom.

21 Q. Can you explain what you mean by  
22 that?

23 A. Well, people with psychiatric  
24 problems may make up false stories and lie  
25 about things and make false accusations, but

1 Dr. Greenfeld - Direct 231

2 they do it the way everybody else does. They

3 make up a story that then is false and use it

4 for whatever purposes they have in mind. They

5 may also be ill, but I don't know that those

6 things are necessarily connected. It is true --

7 I think, the place where I think there is some

8 confusion here is people with borderline

9 personality disorder have extreme moods and

10 mood swings and their moods distort their

11 thinking. So borderline -- people with

12 borderline personality disorder when you are

13 good, you are very good and when you are bad,

14 you are terrible. If they like you, you are the

15 best psychiatrist in the entire world. And if

16 they don't like you, you are mean and you don't

17 like them and you were never any good. That's

18 not the same as making up a story. It's a

19 distortion and it normally disappears when

20 their feeling disappears. So they may say

21 something to you when they are mad and when

22 they cool down they take it back. That's

23 different from making a false accusation and

24 sticking with it over time.

25 Q. Doctor Greenfeld, I'm almost done.

1 Dr. Greenfeld - Direct 232

2 Based on your work in this case and your  
3 experience, did you come to any conclusions  
4 regarding Noelle Feldman's personality disorder  
5 or disorders, if any?

6 A. As I said, it's my opinion that the  
7 primary diagnosis for her is post traumatic  
8 stress disorder. There is a fair amount of  
9 overlap between post traumatic stress disorder  
10 and borderline personality disorders. Their  
11 symptoms are in many ways similar, but not  
12 entirely. So I'm quite clear that she has PTSD  
13 and in a severe form. It is possible she has  
14 borderline personality disorder, but I think  
15 unlikely. But I can't say I have enough data to  
16 know for certain.

17 MR. HANNIGAN: Thank you, Doctor. I  
18 have nothing else at this point.

19 MR. BROPHY: May I have a few  
20 minutes, Your Honor, to prepare for  
21 cross.

22 THE COURT: Sure. We will take a  
23 short break.

24 (The sworn jury exits the courtroom  
25 for a brief recess.)



1 Dr. Greenfeld - Direct 233

2 (Brief recess taken).

3 (Jury enters courtroom.)

4 MR. BROPHY: I've had two exhibits

5 marked. Bedford Pharmacy records

6 Defendant's O. Lenox Hill Hospital

7 records Defendant's P. I will show it

8 to counsel.

9 I'm offering them.

10 MR. HANNIGAN: I have to look at

11 them.

12 MR. BROPHY: I thought we had a

13 stipulation. But I'll sit down.

14 MR. HANNIGAN: Your Honor, the

15 pharmacy records we can admit.

16 THE COURT: Exhibit O.

17 MR. HANNIGAN: P is twenty or

18 thirty pages. There are a lot of

19 entries and notes. If he want to show

20 particular pages at a time. I can't

21 agree to admit these in mass.

22 MR. BROPHY: These are admissions of

23 an admission to Lenox Hill Hospital in

24 1991. We heard testimony about it and

25 we have a stipulation regarding

1 Dr. Greenfeld - Cross 234

2 foundation. I suggest --

3 THE COURT: Come up.

4 (Approach off the record.)

5 THE COURT: Exhibit O will be

6 admitted in evidence. Exhibit P we will

7 deal with the three pages or tell Mr.

8 Hannigan the three pages to look at.

9 MR. BROPHY: I've advised Mr.

10 Hannigan off the record which three

11 pages I'm going to use and I offer the

12 exhibit with the terms we discussed.

13 THE COURT: He's looking at it

14 now.

15 MR. HANNIGAN: I am, thank you. To

16 the extent I can read them, they are

17 handwritten notes, I have no objection.

18 THE COURT: P will be marked in

19 evidence, the three pages you pulled

20 out of the Lenox Hill record.

21 (Marked Defendant's O and P in

22 evidence.)

23 CROSS EXAMINATION

24 BY MR. BROPHY:

25 Q. Good afternoon, Doctor. How did you

1 Dr. Greenfeld - Cross 235

2 come to be retained by Mr. Hannigan's firm?

3 A. I don't recall actually.

4 Q. Did you have any prior relationship

5 with that firm?

6 A. No.

7 Q. Was it through some type of expert

8 witness service?

9 A. No.

10 Q. And would it refresh your

11 recollection if you looked at your report that

12 you were retained January 15, 2016?

13 A. Yes.

14 Q. And among the records that you

15 stated you reviewed, did you review Dr.

16 Shander's examination before trial or

17 deposition?

18 A. No.

19 Q. Did you know that she gave one?

20 A. No.

21 Q. You did review Dr. Shander's

22 records; is that correct?

23 A. Yes.

24 Q. Did you notice in Dr. Shander's

25 records there was a period over a year she had

1 Dr. Greenfeld - Cross 236

2 no records whatsoever of any visits?

3 A. I don't remember that.

4 Q. Defendant's C in evidence.

5 MR. HANNIGAN: It indicates these

6 documents are from 1991. Can we

7 stipulate to that?

8 MR. BROPHY: Yes, that's the Lenox

9 Hill record. I haven't gotten to that

10 yet.

11 Q. Having reviewed Dr. Shander's --

12 Exhibit C, Dr. Shander's records, do you agree

13 in those records there is a gap of over a year

14 at one point of recorded visits?

15 A. I don't recall that. Can you tell

16 me where that is?

17 Q. I'll move on. Regarding the

18 pharmacy records, were those records that you

19 received the Bedford Pharmacy records?

20 A. Yes.

21 Q. And I ask for a copy be provided to

22 you. Do you have it in front of you?

23 A. Yes.

24 Q. There are entries starting on

25 7/25/13 for something described as DEXMETHYLPH.

1 Dr. Greenfield - Cross 237

2 What is that?

3 A. Focalin.

4 Q. Is that a stimulant?

5 A. Yes.

6 Q. And is there a maximum recommended

7 daily dosage of that stimulant that you know

8 of?

9 A. I don't recall actually.

10 Q. Would it refresh your recollection

11 if I suggested that the recommended daily

12 dosage is a maximum of twenty milligrams per

13 day?

14 A. It may be.

15 Q. Does that sound reasonable to you?

16 MR. HANNIGAN: Objection.

17 A. It's not a drug I use so I can't

18 answer the question.

19 Q. So that is one of the drugs that

20 was prescribed by Dr. Shander; is that correct?

21 A. Correct.

22 Q. That is for something called ADHD?

23 A. Correct.

24 Q. And is ADHD something often seen in

25 combination with post traumatic stress

1 Dr. Greenfield - Cross 238

2 disorder?

3 A. Difficulties in focusing are common  
4 in post traumatic stress disorder. That is not  
5 the same as ADHD.

6 Q. So what about borderline  
7 personality disorder, do you agree that  
8 patients with borderline personality disorder  
9 almost invariably have either an anxiety  
10 disorder, eating disorders, attention deficit  
11 hyperactivity disorders, depressive symptoms,  
12 disassociated disorders of post traumatic  
13 stress disorder disorders. Let's take them one  
14 at a time. Is borderline personality disorder  
15 often seen in association with post traumatic  
16 stress disorder?

17 A. Yes, well frequently.

18 Q. And there is a reason for that,  
19 Isn't there?

20 A. I don't know that that's been  
21 established.

22 Q. But they are often seen together?

23 A. They can be.

24 Q. The recognized symptoms of one  
25 overlap with the recognized symptoms of

1 Dr. Greenfield - Cross 239

2 another?

3 A. That is true.

4 Q. And in addition symptoms of

5 depression are often seen with borderline

6 personality disorder?

7 A. Correct.

8 Q. Anxiety disorders are often seen

9 with borderline personality disorder?

10 A. Correct.

11 Q. And disassociated disorder are

12 often seen with borderline personality

13 disorder, do you agree with?

14 A. I would say disassociative symptoms

15 often seen but not necessarily disassociated

16 disorder. There is a difference between a

17 formal diagnosis where that's a primary

18 manifestation and transient symptoms and people

19 with borderline personality disorder have

20 transient symptoms of all sorts of things but

21 don't make the diagnosis.

22 Q. So one of those things is

23 disassociation?

24 A. Correct.

25 Q. Please explain to us what a

1 Dr. Greenfeld - Cross 240

2 psychiatrist means when a patient is showing

3 disassociation?

4 A. Actually there are different types

5 of disassociation. So it doesn't have a single

6 meaning but it means that there is a separation

7 between one's personal experience and one's

8 sense of self and feeling. So, for example,

9 people -- and it is in the category of an

10 anxiety disorder. It's an anxiety symptom,

11 generally a symptom of very severe anxiety and

12 that can include things like what used to be

13 called multiple personality disorder,

14 difficulties with having multiple identities,

15 but it can be a more simple form of being

16 disassociated from ones feelings. For example,

17 people with PTSD often experience

18 disassociation in response to severe memories

19 of abuse that are intolerable and where they

20 get so anxious and so distressed by that, they

21 can sort of shut down their feelings, I don't

22 mean they do it deliberately. It's something

23 that happens to them. They experience it as

24 being cut off from their feelings, they feel

25 anxious but not much else. They describe it as



1 Dr. Greenfeld - Cross 241

2 sitting aside and looking as though it's  
3 someone else. They can watch like experiencing  
4 this but they don't that feel much.

5 Q. Did you see the phrase borderline  
6 disassociation in any of the records you  
7 reviewed?

8 A. I don't recall that.

9 Q. I'd like to ask you questions about  
10 about borderline personality disorder. Are  
11 there certain recognized diagnostic criteria  
12 for borderline personality disorder?

13 A. Yes. Although they seem to change  
14 every fifteen minutes. There is a new set and  
15 the new set is a very complicated one that I  
16 don't have by memory, it's like a chinese  
17 memory, three from here and one from here.

18 Q. Are they contained in a publication  
19 called a DSM Manual of Mental Disorders?

20 A. Yes. The latest one is five.

21 Q. Have you had occasion -- what is  
22 DSM used for?

23 A. You know that two is an evolving  
24 work in progress. We used to rely on that as  
25 the main diagnostic system. Mainly because the

1 Dr. Greenfeld - Cross 242

2 insurance companies require it. So you had to

3 use their diagnostic system. We have switched

4 to ICD 10, International Diagnostic System and

5 so people don't use that much any more. So

6 there are now different kinds of borderline

7 personality disorder. As I mentioned earlier we

8 do descriptive diagnosis so you can pick -- I

9 had someone ask me a diagnosis right before DSM

10 5 was introduced. They asked me what the

11 diagnose was I said I can tell you one now but

12 in two months it will be different. So, yes, we

13 have them. But you have to tell me which one.

14 Q. As regard to borderline personality

15 disorder these theories diagnostic criteria are

16 used for coding?

17 A. Correct.

18 Q. What is coding in the medical

19 world?

20 A. Insurance.

21 MR. BROPHY: Let me mark this for

22 identification.

23 (Marked Defendant's Exhibit Q for

24 identification.)

25 Q. You haven't memorized all these

1 Dr. Greenfeld - Cross 243

2 diagnostic codes, have you?

3 A. No.

4 Q. But they have numbers?

5 A. They do.

6 Q. Borderline personality disorder has

7 number 301.83?

8 A. Yes.

9 Q. You saw that number in Dr. Lerman's

10 records, didn't you?

11 A. I don't recall.

12 Q. Let's see if you agree with some of

13 these diagnostic criteria. Number one. Frantic

14 efforts to avoid real or imagined abandonment?

15 A. Yes.

16 Q. A pattern of unstable intense

17 intrapersonal relationships characterized by

18 alternating between streams of ideation and

19 devaluation. Would you agree with that?

20 A. Yes.

21 Q. Do psychiatrists and psychologists

22 call that alternating between streams of

23 ideation and devaluation, do they call that

24 splitting, did you ever hear that expression?

25 A. Yes, that's not usually the way I

1 Dr. Greenfeld - Cross 244

2 connect that.

3 Q. So, in other words, in relationship

4 for a person -- of a person with borderline

5 personality disorder with another individual it

6 may be either putting that person way up on a

7 pedestal or devouring that person completely?

8 A. It may.

9 Q. And they can flip back and forth

10 really quickly?

11 A. Generally do.

12 Q. Especially -- one of the reasons

13 they might if they imagine some slight or

14 abandonment?

15 A. True.

16 Q. And people who have borderline

17 personality disorders sometimes misinterpret

18 other people's statements or other people's

19 even the way they look at them as hostile, is

20 that true?

21 A. I didn't understand the question.

22 Q. Do people who have borderline

23 personality disorders have a tendency to

24 misread other people's actions and words?

25 A. I'm not sure I agree with that one.

1 Dr. Greenfeld - Cross 245

2 Q. Would you agree that one of the  
3 characteristics of a borderline personality  
4 disorder is something called identity  
5 disturbance, a markedly and persistently  
6 unstable self image or sense of self?

7 A. Yes.

8 Q. Would you agree that impulsivity in  
9 at least two areas that are potentially self  
10 damaging not including suicidal behavior but  
11 impulsivity, for example, substance abuse or  
12 eating disorders that that is one of the  
13 diagnostic criteria of a borderline personality  
14 disorder?

15 A. Right.

16 Q. And recurrent suicidal behavior,  
17 gestures, threats, that's another diagnostic  
18 criteria for borderline personality disorder?

19 A. Correct.

20 Q. Affective instability, marked  
21 reactivity of mood, that's another diagnostic  
22 criteria, would you agree with that?

23 A. Yes.

24 Q. And chronic feelings of emptiness,  
25 is that another? How about inappropriate

1 Dr. Greenfeld - Cross 246

2 intense anger and difficulty controlling anger,

3 is that another?

4 A. Yes.

5 Q. And lastly transient stress related

6 paranoid ideation or severe associated

7 symptoms?

8 A. Yes.

9 Q. Wouldn't you agree that based upon

10 records of Noelle Feldman that you read that

11 she displays at least five or six, if not all

12 nine, of these in the records that you

13 reviewed?

14 A. The problem I have with the

15 question is that it is not enough for someone

16 to display those symptoms to rate the

17 diagnosis. It has to be persuasive and a

18 persuasive pattern, longitudinal over time.

19 Various people display all of these symptoms at

20 different times and don't rate the diagnosis.

21 Q. Isn't it a fact -- take a look at

22 Exhibit P in evidence which is a Lenox Hill

23 Hospital record. It's in front of you. You knew

24 from the history you were given that Miss

25 Feldman had been in Lenox Hill around that

1 Dr. Greenfeld - Cross 247

2 time?

3 A. That's all I knew.

4 Q. You weren't provided with that

5 record?

6 A. No.

7 Q. It's in front of you now. I would

8 ask you to look at page three, the discharge

9 summary, read to us the discharged diagnosis?

10 A. Yes.

11 Q. Discharge diagnosis?

12 A. Is borderline personality disorder

13 also adjustment disorder also pituitary

14 adenoma.

15 Q. She was described as having

16 decompensated, true?

17 A. I'm sorry. In this particular

18 record?

19 Q. Yes.

20 A. I haven't read it.

21 Q. Under history of present illness,

22 is she described as having increasing

23 depression and suicidal ideations?

24 A. Yes.

25 Q. And depressed, holding, clutching a

1 Dr. Greenfeld - Cross 248

2 pillow acknowledging suicide activities, recent

3 activities including walking in traffic and

4 wondering why cars are not hitting her?

5 MR. HANNIGAN: Objection to

6 relevance. This is 1991.

7 MR. BROPHY: I don't want to -- can

8 we approach the side bar.

9 THE COURT: Overruled.

10 Q. Is the behavior of walking out into

11 traffic and wondering why cars are not hitting

12 her, does that sound like a disassociated

13 episode?

14 A. Not particularly, no.

15 Q. What does it sound like to you?

16 A. A para suicidal behavior.

17 Q. Take a look at page 23. There is an

18 MD note dated 5/19/91 at 3 p.m.

19 A. I'm having trouble reading the page

20 numbers.

21 MR. BROPHY: They are hard to read.

22 They are there.

23 THE WITNESS: I'm looking for it.

24 MR. BROPHY: A note dated 5/19/91 at

25 3 p.m.



1 Dr. Greenfield - Cross 249

2 THE WITNESS: I don't seem to have

3 that.

4 MR. BROPHY: May I approach.

5 THE COURT: Sure.

6 THE WITNESS: Can you find that

7 for me.

8 MR. BROPHY: If counsel doesn't

9 object.

10 MR. HANNIGAN: I don't object.

11 MR. BROPHY: Thank you. Page 25.

12 A. Would you read it for me.

13 Q. Seen in initial intake chart

14 reviewed and case discussed with Dr. Gabrielle,

15 consulting psychiatrist. And patient's outside

16 therapist Dr. Shander. A phone number. Patient

17 has been urgently demanding to leave hospital.

18 Apparently since her arrival last p.m., she was

19 sitting outside of my office this morning and

20 introduced herself and asked to leave before I

21 even unlocked my door. Today she minimizes the

22 symptoms of presentation stating that she has

23 been hospitalized because of a -- I can't read

24 it. She denied suicidal ideation or -- can't

25 read, something thoughts. Past history with her

1 Dr. Greenfeld - Cross 250

2 family was dramatically distorted from the

3 information that Dr. Shander related to me

4 concerning three previous suicide attempts

5 which patient denied and family history of

6 father killing son. Seen intact and well

7 related. Blatant discrepancies in her histories

8 suggest that caution is warranted before rapid

9 mobilization and discharge.

10 Got that?

11 A. Yes.

12 Q. Impression. Rule out adjustment

13 disorder with depressive mood. Borderline PD

14 with histrionic features. Rule out

15 disassociative disorder. I don't know what that

16 is. And the plan is certify diagnosis

17 evaluate/observe for 24 hours. Did I read it

18 correctly?

19 A. I think so.

20 Q. So this apparently confirms a past

21 history of suicide attempts?

22 A. Correct.

23 Q. Which the patient denied?

24 A. Yes.

25 Q. And there is impression of

1 Dr. Greenfeld - Cross 251

2 borderline personality disorder with histrionic

3 features. Haven't heard that expression. What

4 does that mean?

5 A. Histrionic means overly dramatic.

6 Q. As a matter of fact, there is a

7 description of diagnostic criteria for

8 histrionic personality disorder in the DSM,

9 Isn't there?

10 A. There is.

11 Q. And it indicates, will you agree,

12 one of the characteristics of histrionic

13 personality disorder is uncomfortable in

14 situations in which he or she is not the center

15 of attention?

16 A. Yeah.

17 Q. Interaction with others is often

18 characterized by inappropriate sexually

19 seductive or provocative behavior. Do you agree

20 with that?

21 A. Yes.

22 Q. Displays rapidly shifting shallow

23 expression of emotions. Consistently uses

24 physical appearance to draw attention to self?

25 A. Yes.

1 Dr. Greenfeld - Cross 252

2 Q. Has a style of speech that is

3 excessively impressionistic and lacking in

4 detail?

5 A. Yes.

6 Q. What is impressionistic mean?

7 A. Giving general impressions rather

8 than specific information.

9 Q. Shows self dramatization,

10 theatrical and exaggerated expression of

11 emotion?

12 A. Yes.

13 Q. Is suggestible, easily influenced

14 by others or circumstances. And lastly

15 considers relationships to be more intimate

16 than they actually are?

17 A. Correct.

18 Q. And you've seen evidence of some at

19 least some of these traits in review of the

20 records of Noelle Feldman, haven't you?

21 A. There is a very large difference

22 between histrionic features and histrionic

23 personality disorder. Histrionic features means

24 they are transient and as I said about

25 borderline personality disorder they have just

1 Dr. Greenfeld - Cross 253

2 about every symptom imaginable transiently.

3 Q. So there are different kinds of

4 personality disorders, borderline,

5 narcissistic, and they all kind of overlap?

6 A. They overlap except the personality

7 disorder is designed to cover people where

8 there is a pervasive pattern. Not just

9 transient appearance of similar kinds of

10 symptoms and people are cautioned to exercise

11 care before labelling somebody like that.

12 Although that's not also respected because it's

13 a label that tends to follow people around for

14 the rest of their lives often based on

15 relatively trivial small presentations of a

16 symptom that's not a pervasive pattern.

17 Furthermore, borderline personality disorder is

18 not necessarily and often is not a life long

19 condition. It's typically onset in adolescence

20 and often people say it burns out by the mid

21 30's. Many of my borderline patients have

22 settled down into something rather much tamer,

23 often still very unhappy and troubled and

24 depressed. But without the flamboyant range of

25 spectacular symptoms that characterize their

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Dr. Greenfeld - Cross

254

teens and twenties.

Q. Well, in this case we're dealing with Miss Feldman who is now in her fifties.

MR. HANNIGAN: Objection. He's arguing with the witness.

THE COURT: Is there a question?

Q. So are there some factors that are associated with borderline personality disorder patients who are not amenable to treatment, who don't get better?

A. I'm sorry. I didn't get that.

Q. Well, some patients are more easily treatable than others, would you agree with that?

A. Certainly true.

Q. Psychotic patients, especially without drugs, are very difficult to treat, true?

A. True.

Q. Psychopathic, sociopathic people are almost impossible to treat, correct?

A. Often. Not always.

Q. But often are very difficult to treat. And borderline personality disorder

1 Dr. Greenfeld - Cross 255

2 patients who have severe and long standing  
3 symptoms are difficult to treat successfully,  
4 wouldn't you agree with that?

5 A. Well, the more severe the symptoms  
6 the more difficult they are to treat. But with  
7 those patients much depends on their motivation  
8 for treatment, even very severe borderlines who  
9 are determined to get better, often do.

10 Q. Is persistent anger over a period  
11 of many years an obstacle for successful  
12 treatment?

13 A. Not necessarily.

14 Q. What about a chaotic life?

15 A. That is often a obstructive because  
16 it's hard to get them in a stable treatment.

17 Q. How about conscientious toward the  
18 therapy?

19 A. I can count the number of times I  
20 get fired by my borderline patients in the  
21 teens.

22 Q. Compared to how many?

23 A. What I mean is when I add up how  
24 many times I've been fired by them, it's  
25 usually 15, 16, 17. Then they hire me again.

1 Dr. Greenfeld - Cross 256

2 Q. They come back?

3 A. They come back. They get enraged at

4 me and tell me I'm terrible, fire me and a week

5 later they are back with their tail between

6 there legs and say I didn't mean it. Can we

7 pick up where we left off.

8 Q. If a patient is deceitful or

9 anti-social is that an obstacle to successful

10 treatment?

11 A. Any patient?

12 Q. Particularly a borderline patient?

13 A. I haven't had that experience much.

14 Q. If a borderline patient is

15 extremely manipulative or seductive or

16 demanding, is that an obstacle?

17 A. Not necessarily.

18 Q. A chronic abuser of alcohol or

19 other substances, is that an obstacle to

20 successful treatment?

21 A. Often. It's very hard to treat

22 anyone who is intoxicated much of the time.

23 Q. Indeed intoxication also has

24 behavioral affects on patients, isn't that

25 true?



1 Dr. Greenfield - Cross 257

2 A. True.

3 Q. Excessive alcohol use people tend  
4 to become disinhibited?

5 A. Under the influence.

6 Q. And when they are not under the  
7 influence, they tend to be more depressed,  
8 correct?

9 A. Not necessarily. Sometimes.

10 Q. Is treatment of alcoholic patients  
11 one of your specialties?

12 A. Not particularly.

13 Q. Among the materials that you were  
14 asked to review, were you provided with a copy  
15 of the New Castle Police report?

16 A. No.

17 Q. Do you know anything about the  
18 manner in which the audio tapes were made or  
19 the circumstances in which they were made?

20 A. No, not particularly.

21 Q. Do you know -- withdrawn.  
22 Did you observe or notice -- I take  
23 it you haven't actually listened to the audio  
24 tapes?

25 A. No.

1 Dr. Greenfeld - Cross 258

2 Q. Only read a transcript?

3 A. Yes.

4 Q. Were there a number of questions or

5 things that Miss Feldman said and there was no

6 answer recorded from Dr. Knack?

7 A. Yes.

8 Q. Do you know why?

9 A. No. I assume the machine was

10 defective.

11 Q. Do you agree that in borderline

12 personality of a patient, deceitfulness,

13 chaotic life, profound hostility create

14 impractical barriers to treat?

15 MR. HANNIGAN: Asked and answered.

16 THE COURT: Sustained.

17 Q. What is the significance of a

18 borderline patient directing inordinate anger

19 toward their therapist?

20 A. I'm not sure I understand the

21 question. What does inordinate mean?

22 Q. Well you told us that borderline

23 patients often fly off the handle?

24 A. Yes.

25 Q. That's to be expected?

1 Dr. Greenfield - Cross 259

2 A. Yes.

3 Q. Have you seen borderline patients  
4 who show persistent patterns of anger toward  
5 their therapists over a period of years?

6 A. Once again, I'm not sure what the  
7 question is. You mean continuously or  
8 frequently or intermittently?

9 Q. I mean frequently. Frequently  
10 repeatedly showing anger and hostility toward  
11 their therapist. Is that something you've seen?

12 A. Often.

13 Q. And if it's carried to an extreme  
14 is that an impediment to successful treatment?

15 A. Define extreme.

16 Q. How about to the extent of a  
17 patient telling her therapist that she hates  
18 him?

19 A. Happens all the time.

20 Q. How about a patient attributing --  
21 how about a borderline patient telling her  
22 therapist that he doesn't care about her, is  
23 that frequent also?

24 A. If I had a nickel for every one of  
25 those, I'd be a rich man. These are patients

1 Dr. Greenfeld - Cross 260  
2 who overreact positively and negatively all the  
3 time. And when you accept a patient like that,  
4 you know what you are getting into and the task  
5 is to remain professional with them, despite  
6 the provocation, which is hard work. And when  
7 you set limits for them they don't like it and  
8 they blast you. And they fire you. If you have  
9 a pattern of consistently showing them you are  
10 trying to help them, that somehow gets through.  
11 So when they calm down and their anger settles  
12 down, which it does, they think about it and  
13 come back and realize, okay. But that's part of  
14 the deal. And if you can't really take that you  
15 shouldn't take them as a patient.

16 Q. One or two more questions. Among  
17 the materials you reviewed, did you review the  
18 report of Dr. Michael H. Stone?

19 A. Yes.

20 Q. Do you know who he is?

21 A. No.

22 MR. BROPHY: I have no more  
23 questions. One more.

24 Q. You saw a number of diagnosis for  
25 Miss Feldman in the records that you reviewed;

1 Dr. Greenfield - Cross 261

2 is that correct?

3 A. Correct.

4 Q. Did you ever see any treating

5 doctor diagnose her as having rape trauma

6 syndrome?

7 A. No.

8 MR. BROPHY: That's all.

9 MR. HANNIGAN: I have a follow up.

10 REDIRECT EXAMINATION

11 BY MR. HANNIGAN:

12 Q. A lot was made during this cross

13 examination about Exhibit P. Could you look at

14 that please. The Lenox Hill Hospital final

15 diagnosis.

16 A. Yes.

17 Q. Do you see where it says date

18 admitted 5/28/1991. Date discharge 5/30/91.

19 That's three days?

20 A. Yes.

21 Q. You were asked to read this or read

22 to you, discharge diagnosis is borderline

23 personality disorder. What do you think about

24 that about being diagnosed at three days at

25 Lenox Hill Hospital in 1991?