

1 V I R G I N I A

2 IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

3 CHERI SMITH, :

4 Complainant, :

5 -vs- : In Chancery No. 53360

6 WESLEY C. SMITH, :

7 Defendant. :

8 Leesburg, Virginia

9 Wednesday, January 28, 2004

10 Deposition of:

11 IGOR BAKHIR,

12 a witness, called for examination by counsel for the
13 defendant, pursuant to notice, at the offices of John C.
14 Whitbeck, KAZEM, WHITBECK, SECK & KAZEM, 15-D Loudoun
15 Street, S.W., Leesburg, Virginia, beginning at 10:30 a.m.,
16 before Wendy L. Wieben, a Court Reporter and a Notary Public
17 in and for the State of Virginia at Large, when there were
18 present on behalf of the respective parties:
19
20
21
22
23

1 FOR THE COMPLAINANT:
2 Loretta Vardy, Esquire
3 12388 Silent Wolf Drive
4 Manassas, Virginia 20112
5 703-791-6078

FOR THE DEFENDANT:

6 John C. Whitbeck Jr., Esquire
7 KAZEM, WHITBECK, SECK & KAZEM
8 15-D Loudoun Street, S.W.
9 Leesburg, Virginia 20175
10 703-777-1795

FOR THE WITNESS:

11 Charles A. Anderson, Esquire
12 GRENADIER, ANDERSON, SIMPSON, STARACE & DUFFETT
13 11710 Plaza America Drive, Suite 130
14 Reston, Virginia 20190
15 703-683-9000

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I N D E X

16 WITNESS PAGE
17 IGOR BAKHIR
18 Examination by Mr. Whitbeck 3

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E X H I B I T S

19 FOR IDENTIFICATION
20 PAGE
21

22 None.

23 -0-

P R O C E E D I N G S

2 Whereupon,

3 IGOR BAKHIR,

4 a witness, was called for examination by counsel on behalf
5 of the defendant, and, after having been duly sworn, was
6 examined and testified as follows:

EXAMINATION BY COUNSEL ON BEHALF OF THE DEFENDANT

8 BY MR. WHITBECK:

9 Q It is Wednesday, January 27, 2004 -- or the 28th,
10 2004. You're here in the law offices of Kazem, Whitbeck,
11 Seck & Kazem for the deposition.

12 Sir, could you state and spell your name?

13 A Igor Bakhir, first name, I-G-O-R, and last name
14 B-A-K-H-I-R.

15 Q Do you have a middle name, sir?

16 A Possibly here, Valerievich.

17 THE REPORTER: You're going to have to spell
18 that.

19 THE WITNESS: Give me a piece of paper.

20 MR. ANDERSON: While he's doing that, I'll put on
21 the record that shortly before 10:00 this morning I took a
22 call from a woman identifying herself as Loretta Vardy,
23 whose voice I recognized, saying that she would be late,

1 that she had had some difficulty with her car on Route 15
2 getting here and offering -- authorizing us to proceed
3 without her.

4 MR. WHITBECK: You are Mr. Charles Anderson?

5 MR. ANDERSON: That's correct. I represent
6 Mr. Bakhir.

7 BY MR. WHITBECK:

8 Q Mr. Bakhir, is that right?

9 A Yeah.

10 Q I'm going to ask you a series of questions, I'm
11 going to try to get through it as quickly as possible. No
12 intention of embarrassing you, this is simply to gather
13 evidence for a divorce case in the matter of Cheri Smith
14 versus Wesley Smith.

15 Certainly, anytime you want to take a break,
16 consult with your counsel, please feel free to do so. If
17 you need coffee, water, anything, just let me know.

18 A Okay.

19 Q What's your address, sir; could you state your
20 address, please?

21 A 1548 Cameron Crescent Drive, Apartment 21-B,
22 Reston, Virginia, ZIP Code 20190.

23 Q That's in Reston?

1 A Yep.

2 Q What's your phone number at your apartment?

3 A 703-834-7574.

4 Q Do you have a cellular phone?

5 A Yes.

6 Q What's that phone number?

7 MR. ANDERSON: I'm going to advise my client at
8 this point to take the Fifth Amendment to any questions that
9 might lead to evidence concerning adultery or that directly
10 address adultery or the nature of his relationship with the
11 complainant in this case, Cheri Smith.

12 MR. WHITBECK: I -- certainly, a telephone number
13 is not evidence of sexual conduct, nor, as you all know,
14 this is also a custody matter, and whether this gentleman is
15 around Liam Smith or calling Liam Smith is relevant to that.
16 He can take the Fifth Amendment as to criminal conduct such
17 as sexual contact, but I think it's improper for him to not
18 answer questions unrelated to that.

19 MR. ANDERSON: Go ahead give him the telephone
20 number. We'll go on a question-by-question basis.

21 THE WITNESS: 703-930-8171.

22 BY MR. WHITBECK:

23 Q And your work phone number?

1 (Whereupon, a recess was taken.)
 2 MR. WHITBECK: For the record, Loretta Vardy,
 3 counsel for Cheri Smith, the complainant, has just arrived
 4 and is present.
 5 BY MR. WHITBECK:
 6 Q Mr. Bakhir, have you used any other cellular
 7 phones in the last four years?
 8 A No.
 9 Q You've had that cell phone for how long, then?
 10 A I don't know, maybe three, two years.
 11 Q You didn't have a cell phone before that?
 12 A No, I don't.
 13 Q Is this home telephone number that you stated
 14 earlier, is that your home telephone phone number for the
 15 last four years?
 16 A I think for the last three years.
 17 Q Do you remember your home telephone number before
 18 that?
 19 A I didn't have.
 20 Q You didn't have a telephone before that?
 21 A I stayed in this apartment three years.
 22 Q What's your date of birth?
 23 A March 8, 1965.

1 Q Did you tell us your work phone number already?
 2 MR. ANDERSON: I believe so.
 3 BY MR. WHITBECK:
 4 Q Why don't you state it again. She came in, I
 5 didn't hear. Can you state a work telephone number again?
 6 A 703-318-4560.
 7 Q What is your place of birth?
 8 A I better write it because --
 9 Q That's all right. It's not the United States,
 10 correct?
 11 A Okay.
 12 Q Russia?
 13 A Soviet Union, former Soviet Union.
 14 Q Would it be Russia now?
 15 A Yes, Russia.
 16 Q Are you still -- are you a U.S. citizen?
 17 A No.
 18 Q What's your immigration status currently? Do you
 19 have a green card, visa, what?
 20 A Alien applicant.
 21 Q What is that? What's your understanding of what
 22 that is?
 23 A You better ask my immigration lawyer. It's a

1 long explanation.
 2 MR. ANDERSON: I'm going to object to relevancy.
 3 What difference does it make?
 4 MR. WHITBECK: Okay. He still has to answer the
 5 question.
 6 BY MR. WHITBECK:
 7 Q What's your understanding of what your
 8 immigration status is?
 9 A I'm legal here. I have work authorization.
 10 That's pretty much it.
 11 Q Does it expire at any time?
 12 A You can renew it every year.
 13 Q It's your understanding it renews annually?
 14 A It depends.
 15 Q Depends on what?
 16 MR. ANDERSON: I'm going to renew the -- you've
 17 got a whole list of -- how many pages have you got there?
 18 So if you have relevant questions, go ahead and get to them,
 19 because I'm only going to let him answer so many irrelevant
 20 questions. You started a half hour late, we're leaving, so
 21 pick up the pace.
 22 MR. WHITBECK: You're can leave, but there will
 23 be a rule issued if you leave. This subpoena's good for the

1 day until we're done so I'm going to ask him questions, and
 2 whether you believe it's relevant or not, that doesn't
 3 matter at this point. You can advise him as to what he has
 4 to answer criminally, but we're not going to do this all
 5 day.
 6 BY MR. WHITBECK:
 7 Q Your understanding is that this can be renewed
 8 annually?
 9 A Yeah.
 10 Q Do you have any plans to move back to Russia at
 11 this time?
 12 A No. I have job here. I have everything here.
 13 Q Are you planning on applying to be a U.S.
 14 citizen?
 15 A I don't know.
 16 Q You plan on staying here permanently? Are you
 17 planning on staying here for the next five years?
 18 A If I find job in Europe, I will move to Europe if
 19 I find job somewhere else good job, good pay, so who cares.
 20 Q Are you actively seeking a job in Europe right
 21 now?
 22 A No.
 23 Q Are you actively seeking other employment in the

1 United States?
 2 A Yeah.
 3 MR. ANDERSON: I'm going to have an ongoing
 4 relevancy objection. I'll just say "relevancy" from time to
 5 time.
 6 MR. WHITBECK: Counsel for the complainant can
 7 make objections.
 8 MR. ANDERSON: I can make objections.
 9 MR. WHITBECK: You cannot make objections.
 10 You're not a party to this case.
 11 MR. ANDERSON: I'm his representative.
 12 MR. WHITBECK: You're not his representative for
 13 the purpose of making objections for the complainant.
 14 MR. ANDERSON: I'm not making objections for her.
 15 MR. WHITBECK: I want on the record that --
 16 MR. ANDERSON: I want on the record that you
 17 started a half hour late; you didn't have a right to do
 18 that. You don't even have a valid service on him.
 19 MR. WHITBECK: It's posted service. I don't know
 20 what the purpose of this is --
 21 MR. ANDERSON: The purpose is to tell you to move
 22 along. We're not going to spend the whole day because you
 23 can't ask a relevant question.

1 BY MR. WHITBECK:
 2 Q Are you -- do you regularly drink alcohol?
 3 A Not really.
 4 Q Approximately how much per week, how many drinks
 5 do you have per week?
 6 MR. ANDERSON: Relevancy objection again.
 7 MS. VARDY: I'll make the relevancy objection as
 8 well.
 9 THE WITNESS: What kind of alcohol?
 10 BY MR. WHITBECK:
 11 Q Alcohol, beer, wine.
 12 A Maybe once a month.
 13 Q Once a month?
 14 A Yeah, overall, if you take a year, I can say.
 15 Q What kind of car do you drive?
 16 A Honda Accord 2000 coupe.
 17 Q What color is it?
 18 A Black, I think. It's a black, maybe blue,
 19 depends of light.
 20 Q What's your driver's license number -- or, excuse
 21 me, your tag number?
 22 A Don't remember.
 23 Q Liam Smith ever ridden in your car?

1 A Not as far as I remember.
 2 Q Cheri Smith ever ridden in your car?
 3 MR. ANDERSON: Objection, take the Fifth
 4 Amendment on anything having to do with his relationship
 5 with Mrs. Smith.
 6 BY MR. WHITBECK:
 7 Q It's not implying -- with respect to Liam Smith,
 8 have you ever transported Cheri Smith to pick up her child?
 9 MR. ANDERSON: Going to object, Fifth Amendment.
 10 THE WITNESS: I'll go with my attorney.
 11 BY MR. WHITBECK:
 12 Q What's your driving record like?
 13 A What?
 14 Q What's your driving record like? Do you have any
 15 speeding tickets?
 16 A About four years ago.
 17 Q Reckless driving convictions?
 18 A No.
 19 Q DUI's?
 20 A A clean history.
 21 Q Are you a convicted felon?
 22 A No.
 23 Q Ever been convicted of a misdemeanor for lying,

1 cheating, or stealing?
 2 A Okay. Can you rephrase the questions because
 3 level -- of like, maybe high school stealing, because my
 4 English. You ask about --
 5 Q Have you ever been convicted of a larceny,
 6 meaning stealing?
 7 A No.
 8 Q Shoplifting?
 9 A I already answered this question because you ask
 10 question in general have I ever been convicted --
 11 Q Have you ever been convicted of perjury?
 12 A No.
 13 Q Any member of Cheri's family, Cheri Smith's
 14 family, ridden in your car that you can recall since you've
 15 met her?
 16 MR. ANDERSON: Can you define the word "family"?
 17 MR. WHITBECK: Sister, brother, mother, father?
 18 THE WITNESS: No.
 19 BY MR. WHITBECK:
 20 Q Anyone else drive your car more than once a
 21 month?
 22 A Please describe what mean drive else?
 23 Q Get in the car, put the seatbelt on, turn the

1 key, ignition on?
 2 A My kid, but he drove with me.
 3 Q Does anyone else drive your car, use your car
 4 more than once a month?
 5 A No.
 6 Q In the last four years has anyone else used your
 7 car more than once a month; have you loaned it to anybody?
 8 A No.
 9 Q No?
 10 A This car, no.
 11 Q How long have you had this 2000 Honda Accord?
 12 A Since -- I think it's been almost -- actually, it
 13 was, like, four years.
 14 Q Four years?
 15 A Uh-huh.
 16 Q When did you first meet Cheri Smith?
 17 MR. ANDERSON: Fifth Amendment.
 18 MR. WHITBECK: He can testify as to whether he
 19 knows her.
 20 MR. ANDERSON: He can answer all your questions;
 21 he's not going to. Go ahead.
 22 BY MR. WHITBECK:
 23 Q Tell me any family members that you regularly

1 see more than once a year?
 2 A Again?
 3 MR. ANDERSON: Who is family?
 4 BY MR. WHITBECK:
 5 Q Your family, can you tell me any of your family
 6 members that you regularly see more than once a year?
 7 MR. ANDERSON: Relevancy.
 8 MR. WHITBECK: Let's go off the record for a
 9 minute.
 10 (Whereupon, a recess was taken.)
 11 BY MR. WHITBECK:
 12 Q You have any family members that you see
 13 regularly more than once a year?
 14 A Please specify.
 15 Q Family members: mother, father, brother, sister,
 16 cousins, uncles, aunts?
 17 A I don't have anybody here.
 18 Q Do you see any of them more than once a year?
 19 A Did you hear my answer? I said I don't have
 20 anybody here.
 21 Q You don't have anyone, but do you see any of
 22 them?
 23 A No.

1 MR. ANDERSON: Mr. Bakhir -- just as a point of
 2 clarification -- doesn't speak English as his native tongue,
 3 and when you defined family members you didn't include
 4 children and he has a son that he sees --
 5 BY MR. WHITBECK:
 6 Q You have a son that you see more --
 7 A He lives with me.
 8 Q How old is your son?
 9 A Almost 17.
 10 Q Seventeen years old. He lives in the apartment
 11 with you that you live in?
 12 A Yep.
 13 Q Are you divorced?
 14 A Yep.
 15 Q What how long ago were you divorced?
 16 A A couple of years, I think.
 17 Q Where is your wife now?
 18 A No idea.
 19 Q Do you have -- do you ever see her?
 20 A No.
 21 Q Do you communicate with her at all?
 22 A No.
 23 Q Did you have counsel during the divorce? Was it

1 in court?
 2 MS. VARDY: What's the relevance there? It's his
 3 divorce.
 4 MR. SMITH: I'll answer it for you: If he's
 5 going to sleep with my wife, be around my son, every single
 6 aspect of this guy's character and life is relevant. If
 7 that's not clear to you, get a different job.
 8 MR. WHITBECK: Let's move on.
 9 BY MR. WHITBECK:
 10 Q Was Cheri Smith -- the name Cheri Smith mentioned
 11 in any court papers or anything having to do with your
 12 divorce?
 13 A With my divorce?
 14 Q Yes.
 15 A No.
 16 Q Did you receive court papers from your wife or
 17 her lawyer or the Court during your divorce?
 18 A Yeah, I think so.
 19 Q Was the name Cheri Smith ever mentioned in those
 20 papers?
 21 MR. ANDERSON: He's going to take the Fifth
 22 Amendment. The papers speak for themselves.
 23

1 BY MR. WHITBECK:
 2 Q What was the basis for the divorce?
 3 MR. ANDERSON: You're talking about his divorce,
 4 right?
 5 MR. WHITBECK: Yes.
 6 BY MR. WHITBECK:
 7 Q Adultery, physical or mental abuse, desertion,
 8 anything like that?
 9 MR. ANDERSON: Let me talk with my client for a
 10 second.
 11 (Whereupon, a recess was taken.)
 12 BY MR. WHITBECK:
 13 Q Let me ask you again: What was the basis for the
 14 divorce?
 15 A To tell you the truth, I don't remember.
 16 Q Did your wife cheat on you?
 17 A You can go to the Fairfax County Court and find
 18 the case.
 19 Q You don't recall why you got divorced?
 20 MR. ANDERSON: Objection. You didn't properly
 21 characterize his answer. Why he got divorced and what the
 22 papers say may not be the same thing.
 23

1 BY MR. WHITBECK:
 2 Q Why did you get divorced, in your mind?
 3 A Wife left, just left.
 4 Q Did she tell you why she left?
 5 A I didn't speak with her since she left.
 6 Q Did she tell you when she left why she was
 7 leaving?
 8 MR. ANDERSON: I'm going to object to relevancy,
 9 this is invasion of his privacy, this has nothing to do with
 10 your case.
 11 MR. WHITBECK: If the name Cheri Smith was
 12 involved at all in that divorce it is relevant to the case.
 13 MS. VARDY: John, you have no reason to believe
 14 that it is. He has answered --
 15 MR. WHITBECK: That's what we do depositions for,
 16 is to find out if that's the case. He can take the Fifth,
 17 fine, but it's relevant.
 18 THE WITNESS: Not as far as I remember. You can
 19 write -- name Cheri Smith, as far as I remember, never
 20 mentioned during divorce case.
 21 BY MR. WHITBECK:
 22 Q Did you and your wife have conversations about
 23 Cheri Smith while you were still married?

1 MR. ANDERSON: Objection. Take the Fifth
 2 Amendment.
 3 THE WITNESS: Could you specify time frame, just
 4 time frame?
 5 BY MR. WHITBECK:
 6 Q Do you recall any discussion or conversation
 7 between you and your wife where the name Cheri Smith came
 8 up?
 9 MR. ANDERSON: Take the Fifth Amendment.
 10 THE WITNESS: I'll take Fifth Amendment, but --
 11 MR. WHITBECK: Why don't you let him answer no if
 12 the answer to the question is no?
 13 MR. ANDERSON: Because that could be a waiver of
 14 the Fifth Amendment.
 15 BY MR. WHITBECK:
 16 Q Do you discuss personal relationships, romantic
 17 relationships, with any family members?
 18 MR. ANDERSON: Take the Fifth Amendment.
 19 BY MR. WHITBECK:
 20 Q Do you discuss personal relationships, romantic
 21 relationships, with any friends?
 22 MR. ANDERSON: Take the Fifth Amendment.
 23

1 BY MR. WHITBECK:
 2 Q Who would you say is your best friend?
 3 A I don't have best friends.
 4 Q Do you have any friends, male friends, that you
 5 regularly hang out with?
 6 A Not in U.S.
 7 Q No friends?
 8 A Not here, not in this country.
 9 Q Any co-workers that you see outside of work?
 10 A What do you mean "see outside of work"?
 11 Q That you socialize with, go to a bar with, go to
 12 dinner with?
 13 A I don't talk with them, basically, if we went
 14 somewhere or we went just for a party.
 15 Q So you do go to social events with co-workers?
 16 A Very seldom.
 17 Q Who would that be?
 18 A I don't know what you say. What do you mean who
 19 would it be? You need name?
 20 Q I need names. I want the names of anybody that
 21 you regularly -- co-workers that you would go out to a bar
 22 with or hang out with after work?
 23 A How it's effect --

1 MR. ANDERSON: I'm going to direct him to take
2 the Fifth Amendment again.
3 THE WITNESS: Okay.
4 BY MR. WHITBECK:
5 Q Do you have a roommate that lives with you and
6 your son?
7 A No.
8 Q Does your son -- do you discuss personal
9 relationships you may have with your son?
10 MR. ANDERSON: Take the Fifth Amendment.
11 THE WITNESS: I'll go with my attorney.
12 BY MR. WHITBECK:
13 Q Where are you employed?
14 A SAIC.
15 Q What does that stand for?
16 A It's Science Applications International
17 Corporation.
18 Q What's your work address?
19 A I don't remember the building number, but it's
20 Roger Bacon Drive in Reston.
21 Q What's your position there?
22 A Program analyst, I think.
23 Q Program analyst?

1 A Uh-huh.
2 Q What is a program analyst?
3 A Software development, pretty much.
4 Q What is your hourly wage or salary?
5 A I don't even know.
6 MR. ANDERSON: I'm going to object to it on
7 relevancy, but I think you have to answer it.
8 THE WITNESS: My salary I can say. I don't know
9 the hourly rate.
10 BY MR. WHITBECK:
11 Q What's your salary?
12 A Seventy thousand.
13 Q Do you have vacation time each year?
14 A Yeah, but I use it only once.
15 Q How many vacation days, how many paid vacation
16 days do you get a year?
17 A Depends on calendar sometimes. Week, sometimes,
18 about two weeks.
19 Q Two weeks paid. How much unpaid leave do you
20 have?
21 A What do you mean, unpaid leave?
22 Q If you took a day off you would not get paid. Do
23 you have a set amount of days where if you took off you

1 would not get paid, over the two weeks vacation?
2 A I didn't get question, but I cannot take more
3 than -- I have to make 40 hours a week to get all the
4 benefits, even vacation, and medical insurance, and all this
5 stuff, so if I take day off, so I basically have to return
6 it.
7 Q So your testimony, you're not granted unpaid
8 vacation time as part of your job?
9 A Rephrase.
10 Q Is it your testimony that the company does not
11 allow you to take vacation time that is not paid?
12 A Allowed, but per request. So you need to --
13 like, guys from India who work for us usually apply, because
14 they can't go for one week to India, they usually take
15 months and they take an advance. In this case, you need to
16 get it all approved. So if I live here I don't need this
17 stuff. If I take off, I take off.
18 Q In the year 2004 have you taken any paid vacation
19 leave?
20 A 2004?
21 Q Yes, this year.
22 A Not as far as I remember.
23 Q What about the year 2003, how many days did you

1 take off in the year 2003?
2 A I don't have time cards with me.
3 Q Give me your best recollection. What do you
4 remember taking off in 2003? I have a calendar if you'd
5 like to look at it. Would that help?
6 A The way you ask questions, the way I answer you.
7 I don't remember. So if you want, go for it and get these
8 numbers from my company.
9 Q One day, more than one day?
10 A More than one, I did.
11 Q More than five days?
12 A Don't remember.
13 Q When did you start working at SAIC?
14 A '99 August. It's actually not SAIC, it's --
15 there is a child company. It's a long story.
16 Q August of 1999, you began working there?
17 A Yeah.
18 Q So in August of 1999, how many days off did you
19 take off in 1999; do you recall?
20 A No.
21 Q More than five?
22 A I worked as a -- I wasn't -- so I didn't have
23 paid vacation, whatever I took off it's on my own. As far

1 as I remember I didn't take vacation first two years at
 2 least.
 3 Q So you took no more than five days off in 1999?
 4 A I don't remember that I took even one day off
 5 except when I got sick completely, because I wasn't paid for
 6 those days.
 7 Q In 2000 do you recall vacation days you took?
 8 A I better tell you about my vacation because it's
 9 easy to remember. First vacation I spent with my mom. I
 10 flew to Russia.
 11 Q When was that?
 12 A It was summer, August, two years ago.
 13 Q 2002, summer of 2002 was your first vacation?
 14 A From here, I think it will be 2001, yes.
 15 Q Anybody go with you?
 16 A No. It was, like, five days plus take off two
 17 days because it's nine-hours flight, and I went skiing.
 18 Q Nobody accompanied you on that trip from the
 19 United States to Russia?
 20 A Who is going to -- I didn't even take my son for
 21 the funeral.
 22 Q There was a funeral for your mother?
 23 A Yes.

1 Q Did you make a phone call to Cheri Smith during
 2 that trip?
 3 MR. ANDERSON: Objection -- Fifth Amendment.
 4 Don't answer the question.
 5 THE WITNESS: I'll take Fifth Amendment.
 6 BY MR. WHITBECK:
 7 Q Did you make a phone call to anybody else in the
 8 United States while you were there?
 9 MR. ANDERSON: Objection, implies that he made a
 10 phone call to Cheri Smith, the way the question's worded.
 11 BY MR. WHITBECK:
 12 Q Other than Cheri Smith, did you make a phone call
 13 to anyone else?
 14 A Probably to my kid.
 15 Q Anybody make a telephone call to you while you
 16 were on that trip?
 17 A No. I didn't have cell phone with me.
 18 Q You received no phone calls the entire trip?
 19 A Have you ever been in Russia?
 20 MR. ANDERSON: Just yes or no.
 21 THE WITNESS: No.
 22 BY MR. WHITBECK:
 23 Q Did you -- tell me about your next vacation that

1 you took,
 2 A It's a ski trip.
 3 Q Where was that?
 4 A Snowshoe.
 5 Q When was that?
 6 A It was 26 -- last year between Christmas and New
 7 Year -- and January 1.
 8 Q 2003?
 9 A 2003-2004.
 10 Q So between 2001 when you went to Russia for the
 11 funeral and 2003 you took no other vacations?
 12 A I probably went -- I can tell you -- I cannot
 13 tell you exact date, but I probably went for one year in
 14 U.S. since my mom died. I cannot tell you exact date.
 15 Q Let's go year by year. Let me try and make this
 16 easier on you. 2001, other than your trip to Russia, did
 17 you take any other vacation?
 18 A I didn't have vacation time, so --
 19 Q No days off from work?
 20 MR. ANDERSON: You can answer these questions
 21 just yes or no.
 22 THE WITNESS: No.
 23

1 BY MR. WHITBECK:
 2 Q You didn't take any vacation days off and stay
 3 home?
 4 A Except if I was sick leave.
 5 Q Just sick leave?
 6 A Yeah.
 7 Q 2002, did you take any vacation days at all in
 8 2002 other than sick leave?
 9 A I don't think so, but I don't remember.
 10 Q 2003, other than the ski trip to Snowshoe, did
 11 you take any vacation days for trips?
 12 A No. I didn't have comprehensive leave.
 13 Q You took a ski trip to -- where's Snowshoe?
 14 A What?
 15 Q Where is Snowshoe?
 16 A It's West Virginia.
 17 Q Did you drive there?
 18 A Yeah, I drove there.
 19 Q Did anybody accompany you on that trip?
 20 MR. ANDERSON: Take the Fifth.
 21 BY MR. WHITBECK:
 22 Q Other than Cheri Smith, did anybody accompany you
 23 on that trip?

1 MR. ANDERSON: Take the Fifth.
 2 BY MR. WHITBECK:
 3 Q Did your son accompany you on that trip?
 4 MR. ANDERSON: Take the Fifth.
 5 BY MR. WHITBECK:
 6 Q Liam Smith accompany you on that trip?
 7 MR. ANDERSON: Fifth.
 8 MR. WHITBECK: You don't have Fifth Amendment
 9 privilege for that. It's a custody question.
 10 MR. ANDERSON: Take it to Court. You think
 11 because it's a custody question he doesn't get to take the
 12 Fifth?
 13 MR. WHITBECK: Liam is not going to implicate him
 14 in an adultery case. You want to go to Court with it or do
 15 you want him to answer? He can answer yes or no with Liam
 16 Smith. I mean that -- I understand your client's right to
 17 the Fifth Amendment, but there's a line. If he was in the
 18 car with Liam Smith --
 19 MS. VARDY: John, you know that Liam was with
 20 Wesley that week.
 21 MR. WHITBECK: I don't know. That's why I'm
 22 asking. I don't know.
 23 MR. SMITH: If that's the case, why doesn't he

1 answer the question?
 2 BY MR. WHITBECK:
 3 Q So your answer is no, Liam was not with you for
 4 that trip to Snowshoe?
 5 A You hear my answer.
 6 Q Would you please give me your answer again? I
 7 did not hear it.
 8 MR. ANDERSON: We're taking the Fifth Amendment
 9 about any questions about the trip to Snowshoe.
 10 BY MR. WHITBECK:
 11 Q How many hours a day do you work?
 12 A At least eight.
 13 Q On a typical day how many hours would you work?
 14 A Eight, maybe more than that.
 15 Q How many days a week do you work more than eight
 16 hours a day?
 17 A Usually five. If I have emergency, I usually go
 18 to work unscheduled, so it can be at night.
 19 Q Do you have a set schedule?
 20 A What do you mean?
 21 Q Do you have 8 until 5, 9 until 5?
 22 A No. Flexible.
 23 Q Flexible?

1 A Uh-huh.
 2 Q Who's your supervisor? Who's your direct
 3 supervisor?
 4 A What for you need this?
 5 MR. ANDERSON: Go ahead and tell him.
 6 THE WITNESS: Peter Berty.
 7 BY MR. WHITBECK:
 8 Q Can you please spell --
 9 MR. SMITH: B-E-R-T-Y.
 10 MR. WHITBECK: Let him answer the question.
 11 THE WITNESS: Berty.
 12 BY MR. WHITBECK:
 13 Q Do you have an office, cubicle; what's your work
 14 station look like?
 15 A Office. Right now office.
 16 Q Can you close the door to your office?
 17 A Yeah, but I cannot do this. I'll die.
 18 Q Can you close the door if you wanted to?
 19 A If I want, yes, I can.
 20 Q Any windows in the office?
 21 A No.
 22 Q So if you close the door nobody would be able to
 23 see into the office?

1 A I think so.
 2 Q Are there offices around you?
 3 A Yeah, the whole floor.
 4 Q Who works in the offices next to yours?
 5 A I don't remember guy's last name.
 6 Q What's his first name?
 7 A Allan.
 8 Q Are you in a corner office?
 9 A No, I don't think so.
 10 Q So there are offices on either side of you,
 11 correct?
 12 A A bunch of offices.
 13 Q So next to you we have an office on the right?
 14 A No.
 15 Q No office on the right?
 16 A No.
 17 Q So you're the end office?
 18 A I have office in front of my office.
 19 Q You have an office in front of your office?
 20 A Uh-huh.
 21 Q What does that mean?
 22 A Like, office corridor and another office.
 23 Q So there's only an office directly in front of

1 you?
 2 A (Witness indicated.)
 3 Q That's Allan, is there?
 4 A Uh-huh.
 5 Q Any cubicles or other work stations around your
 6 office?
 7 A No. We have special place for cubicles.
 8 Q Who is your human resources person at work?
 9 A No idea.
 10 Q Who do you speak to when you have questions about
 11 benefits or vacation?
 12 A I don't have any questions.
 13 Q So do they give you a name of someone you want to
 14 talk to for employment questions other than your supervisor?
 15 A Again?
 16 Q Do they give you the name of somebody in the
 17 company you should ask employment questions to?
 18 A I'm sure they did.
 19 Q Who's that?
 20 A I would answer this question. I don't remember.
 21 Q Cheri Smith work anywhere near your office?
 22 A Near my office?
 23 Q Yes. Is she in your building?

1 A Now?
 2 Q Yes.
 3 A No.
 4 Q What building does she work in?
 5 A Somewhere in Tysons.
 6 Q You're in the Reston office, correct?
 7 A Yeah.
 8 Q Was she ever working in the Reston office?
 9 A Yes, she did.
 10 Q When was that?
 11 A Probably first year she started.
 12 Q When was that?
 13 A I don't remember when she started. I assume,
 14 like, around 2001.
 15 Q Was it summertime?
 16 A Your client knows this stuff.
 17 Q I'm asking you: Summertime, winter, spring?
 18 A I don't know.
 19 Q Was it cold outside during the time; do you
 20 remember?
 21 A I didn't hire her. I don't remember.
 22 Q You don't recall at all when she started in
 23 2001?

1 A No.
 2 Q Do you recall when she moved from the Reston
 3 office to the Tysons Corner office?
 4 A It was about -- I think a couple of years ago
 5 maybe.
 6 Q 2002?
 7 A Probably.
 8 Q Can you recall how much time you actually worked
 9 in the same office with her?
 10 A What do you mean, the same office?
 11 Q In the Reston office, how long you worked
 12 together?
 13 A Let's specify office because you just used term
 14 "her office" -- it's my room.
 15 Q I'm sorry, I know we have a language barrier
 16 here.
 17 MR. ANDERSON: Do you mean building?
 18 BY MR. WHITBECK:
 19 Q The Reston building, do you recall how long
 20 between the time she started and the time she went to the
 21 Tysons Corner building that you-all worked in the same
 22 Reston building?
 23 A About a year, maybe less than that.

1 Q Where was her office or cubicle or work station
 2 in relation to yours?
 3 A About the opposite side of the building, not
 4 building, our section of the building.
 5 Q How big is your section, do you know?
 6 A I think about 30 meters away.
 7 Q Do you know what that is in feet? I don't.
 8 A Come on.
 9 MR. ANDERSON: About a hundred yards.
 10 BY MR. WHITBECK:
 11 Q Imagining a hundred yards size --
 12 MR. SMITH: It's about 30 yards.
 13 THE WITNESS: Thirty multiply by 30, you'll get
 14 centimeters, yeah.
 15 BY MR. WHITBECK:
 16 Q About 30 yards?
 17 A Yeah.
 18 Q In the 30-yard area or the 30-meter area, where
 19 would she be in relation to you in terms of her location,
 20 your location in the Reston building when she was there?
 21 MS. VARDY: John, I'm going to object to the
 22 relevance. If you're arguing the custody, what is the
 23 relevance of the answer you've given so far as it has to do

1 with custody?

2 MR. WHITBECK: You can object to the relevance

3 and preserve your objection for court.

4 THE WITNESS: What's the question?

5 BY MR. WHITBECK:

6 Q The question is: In the 30-meter section that

7 you work in, that you and Cheri Smith worked in when she was

8 still in the Reston building, how far away from you was she

9 from you?

10 MR. ANDERSON: I think he asked and answered

11 that, a hundred feet.

12 THE WITNESS: A hundred feet.

13 BY MR. WHITBECK:

14 Q So she's a hundred feet from you?

15 A Uh-huh.

16 Q When you come into the office or leave the office

17 did you have to pass her work station?

18 A No.

19 Q Did she have to pass your work station to get to

20 her work station?

21 A No.

22 Q Would there be any reason for you to interact

23 during the work day?

1 A Not as far as I remember.

2 Q You didn't share the same position where you need

3 to work together, right?

4 A No.

5 Q Didn't have projects that you had to work on

6 together?

7 A What do you mean, work together?

8 Q Did you share the same supervisor at the time she

9 was there?

10 A I don't know who was her supervisor.

11 Q So you did not share the same supervisor?

12 MR. ANDERSON: He says he doesn't know.

13 THE WITNESS: I don't know who is her supervisor.

14 If you mean you work on the projects -- so -- that is a mail

15 system so you don't need to go to someone's suite.

16 BY MR. WHITBECK:

17 Q During the time that Cheri Smith and you worked

18 in the Reston building did you ever work on any projects or

19 jobs together?

20 A Not as far as I remember.

21 Q Other than a friendship or saying hi, you had no

22 reason to have any contact with her?

23 A I think so. Its environment in our division, I

1 mean, people -- I don't know who worked around the corner

2 sometimes. They hire people, they fire people, who knows.

3 I mean 30 percent rotation, come on. I can't remember all

4 names.

5 Q Who else was working in your section when Cheri

6 Smith and you were working in the Reston building at the

7 same time?

8 A I don't remember.

9 Q Cannot remember one person?

10 A I just answered this question, the rotation was

11 really big at that time and people just -- one person today

12 in the room, another person tomorrow.

13 Q So of all the people that were working in that

14 section it's your testimony that you only remember yourself

15 and Cheri Smith?

16 A No, this is not my testimony.

17 Q Then tell me who you recall working in that same

18 section with you during that time?

19 A I don't remember this guy's name. He lives

20 somewhere here, but he moved out.

21 Q Is it your testimony he's the only person you can

22 remember that worked in your section?

23 A In my section, I think guy's name is Louis, and

1 another woman -- okay, if you want exactly, here is our area

2 (indicating), my office (indicating), there is another

3 office here (indicating), there were two ladies, Chinese or

4 Vietnamese, complicated name in English, Louis here

5 (indicating), and Cheri's office was here (indicating).

6 Q So she was directly across from you?

7 A Uh-huh.

8 Q Could you see her office from your office?

9 A This is the corridor -- around this is corridor

10 around, and it's right here (indicating). So I can spend

11 months and didn't see these two guys or whoever's working in

12 these offices in a month.

13 Q What floor is this in the building?

14 A Second.

15 Q Second floor?

16 A Uh-huh.

17 Q How do you get up -- the elevator or stairs?

18 A There are three entrances, any entrance you can

19 use. There are two stairs completely independent and two

20 elevators near the main entrance. I think you know.

21 Q Is it the same entrance that everybody uses or

22 did you use a separate entrance from those people?

23 A Depends on where you park your car.

1 Q Where in relation to your office were the
2 entrances and exits?

3 A Which one? All of them?

4 Q Tell me about all of them.

5 A One far side of the building was stairs, another
6 main entrance somewhere here (indicating), another back
7 entrance here with stairs (indicating), main entrance has
8 elevators, it doesn't have stairs.

9 Q Those are near Cheri's office?

10 A No.

11 Q Nearer to her office and your office?

12 A No.

13 Q I'm not clear. So let's back up a little bit.

14 A I'll clear up for you if I understand your
15 question correctly. There is no way that I have to pass
16 near her office on my way to work or from work. Is that
17 clear?

18 Q Very clear. From what you were saying -- just so
19 I'm clear on something else -- two Vietnamese ladies were on
20 one side of your floor, correct?

21 A (Witness indicated.)

22 Q On the other side was a gentleman name Louis?

23 A (Witness indicated.)

1 Q Is that all at the time you and Cheri were
2 working on the same floor?

3 A In my area, yes.

4 Q So you, two Vietnamese ladies, Louis, and Cheri
5 Smith, five people on the floor total?

6 MR. ANDERSON: He's making the distinction
7 between "area," and you're using the word "floor," and they
8 don't mean the same things.

9 THE WITNESS: I'll tell you -- you have to
10 specify what do you mean because you try to confuse me on
11 purpose, I'm sure.

12 BY MR. WHITBECK:

13 Q I'm confused, so that's -- I'm not trying to
14 confuse you. You have a good attorney here to take care of
15 that. You have --

16 A Do you want me to --

17 Q I want you to listen to my question. You have a
18 floor, second floor, on that second floor there's a section
19 you work in; is that how it works?

20 A Yes.

21 Q In that section there are five people total?

22 A Yes.

23 Q How many people -- how many other sections are

1 there on the second floor?

2 A Another two, one big along the building and the
3 same section on the other side.

4 Q Those individuals, would they have to use the
5 same entrances and exits that you use?

6 A There are three entrances. You can use whatever
7 you want.

8 Q Tell me again where the entrances and exits are
9 on the floor.

10 A Main entrance --

11 Q There's one by you; is that right?

12 A No. One entrance here (indicating).

13 Q You're saying "here"; the Court Reporter can't
14 get that. Can you --

15 MS. VARDY: Again, you're asking for floor and
16 section. When you're saying there are three entrances, are
17 you taking the building as a whole so if we were to walk in
18 from the side of the building there's a set of stairs going
19 up the one side, and a set of stairs going up the other
20 side, and elevators in the middle?

21 MR. ANDERSON: I'll have him draw.

22 THE WITNESS: Let me paint, because it kind of --
23 my building, main entrance, back entrance, back entrance,

1 stairs, stairs, huge corridor. This is elevators, two
2 elevators (indicating). This entrance, this entrance
3 (indicating), you can go to this corridor (indicating), go
4 through this entrance (indicating), or through this entrance
5 (indicating). There is door here, there is door here
6 (indicating).

7 Q Where's your section?

8 A My section, my office is here (indicating).

9 Q Where is Cheri Smith's office at that time?

10 A Here (indicating).

11 Q Where is the two Vietnamese ladies' office?

12 A One lady I think is here (indicating), guy is
13 here (indicating).

14 Q Louis?

15 A Yes.

16 Q Was there a Russian woman that worked in your
17 section also?

18 A What?

19 Q Was there a Russian woman that worked in your
20 section also that you recall?

21 MR. ANDERSON: You mean back in 2002?

22 MR. WHITBECK: Yes. I'm sorry. At that time.

23 THE WITNESS: I don't remember when she started.

1 BY MR. WHITBECK:

2 Q Do you recall if she was working there at the
3 same time as Cheri Smith was working there?

4 A Probably. I'm not sure. I'm not sure. I can't
5 tell exactly.

6 Q For the record, your section is rectangular in
7 shape in one corner of the building?

8 A Yes.

9 Q You have an elevator in the middle of the floor
10 that goes up and down that you can use as an entrance?

11 A Yeah. You can use either way. Like, if you go,
12 you can use either way. For example, I usually use stairs,
13 this stairs or this stairs (indicating), depends where I
14 park my car, whole parking around. So there is no way I can
15 pass this way (indicating).

16 Q From your section -- for the record, is that --
17 is your section surrounded by walls?

18 A Yeah. This complete block.

19 Q Is there an exit from the section, from the walls
20 of the section?

21 A Again, what do you mean, the walls of the
22 section? I'm painting. This is block (indicating). Each
23 office is like this (indicating). Inside, some technical

1 stuff and CBI, confidential stuff. And office here
2 (indicating). That's it. There are -- there is corridor
3 around (indicating) so you can walk.

4 Q Do you have your own entrance and exit from your
5 office onto the corridor?

6 A Yes.

7 Q Does every office have that, do you know?

8 A Every office in the building?

9 Q Every office in your section.

10 A Yeah, I think so.

11 Q Did Cheri Smith's office have its own entrance
12 and exit at that time?

13 A What do you mean, your own? It's a corridor,
14 it's a public.

15 Q Was there a doorway from Cheri Smith's office to
16 the outside corridor?

17 A No. It's open space. All doors removed. The
18 only doors we have on the floor is here (indicating) and
19 here (indicating) because this stairs (indicating) goes
20 outside. I mean, cold, would be cold, I think.

21 Q Cheri Smith did not have to walk by your office
22 to get out of her office?

23 A Exactly. You got it.

1 Q I'll move on from that.

2 Do you get annual or periodic performance
3 reviews?

4 A Yeah.

5 MR. ANDERSON: Object, relevance.

6 MS. VARDY: I will also object to relevance.

7 BY MR. WHITBECK:

8 Q Has Cheri Smith ever been asked to perform any of
9 your performance reviews?

10 A Again?

11 Q Has Cheri Smith ever been assigned the task of
12 reviewing your performance?

13 MS. VARDY: I object on relevancy.

14 THE WITNESS: I can answer this question. Have
15 you ever worked for any company?

16 MR. WHITBECK: I'm asking the questions.

17 MR. ANDERSON: Just answer it yes or no?

18 THE WITNESS: No.

19 BY MR. WHITBECK:

20 Q Has Cheri Smith ever been assigned the task of
21 gathering information to be used in your performance review?

22 A Rephrase it.

23 Q Has Cheri Smith ever participated in your

1 performance review?

2 A No.

3 Q Has she ever been a person that your supervisor
4 would speak to in drafting and making your performance
5 review?

6 A No, I don't think so.

7 Q Have you ever discussed your performance reviews
8 with Cheri Smith?

9 A No.

10 Q Is it your testimony she is totally unrelated to
11 any performance review you've had since you've been working
12 there?

13 A Completely.

14 Q Who does your performance reviews?

15 A You mean who checks?

16 Q Yeah. Who would be the person who --

17 A My supervisor, so he sent out my performance to
18 me.

19 Q Has he done that since you started working here?

20 A Yeah.

21 Q Anybody else done a performance of you since
22 you've worked there?

23 A No.

1 Q Cheri Smith ever assigned you work to do?
 2 A Not as far as I remember. It's a chain of
 3 command. She was the same employee as me.
 4 Q So she --
 5 A Only my supervisor can give me assignment. It's
 6 a policy of the company.
 7 Q You all are equal in position?
 8 A I don't know about her position. I can tell you
 9 about my position. Because I did development, the only
 10 person could give me assignment, my supervisor or guys from
 11 another division who needs help with development through my
 12 supervisor.
 13 Q Do you get a lunch break during the day?
 14 MS. VARDY: John, I've got to object to the
 15 relevance on this.
 16 MR. WHITBECK: If he's going to lunch with Cheri
 17 Smith I have a right to ask about it. This is ridiculous.
 18 BY MR. WHITBECK:
 19 Q Do you have a lunch break during the day?
 20 A Sometimes.
 21 Q Do you normally take a lunch break?
 22 A No.
 23 Q You work through lunch?

1 A We have kind of vending machine, you can go and
 2 buy something there.
 3 Q Is that usually what you do?
 4 A Most people do.
 5 Q This year have you taken a lunch break and left
 6 the building, in January 2004?
 7 A Yeah.
 8 Q How many times?
 9 A I don't know.
 10 Q How many times this week?
 11 A This week?
 12 Q Uh-huh.
 13 A Zero.
 14 Q How about the week before?
 15 A I think zero too.
 16 Q How about the week before that, the 12th, 13th,
 17 14th, 15th, and 16th?
 18 A I don't remember.
 19 Q What about the week before, the 5th through the
 20 9th, how many times did you take a lunch break?
 21 A I don't remember.
 22 Q Other than Cheri Smith, who else do you go to
 23 lunch with if you go out to lunch on occasion?

1 MS. VARDY: I object to that. It implies that he
 2 does go out to lunch with Cheri Smith.
 3 MR. WHITBECK: You can't assert his Fifth
 4 Amendment privilege. Go ahead.
 5 MR. ANDERSON: That wasn't the nature of her
 6 objection.
 7 MR. WHITBECK: Whatever it is, fine. It's on the
 8 record.
 9 BY MR. WHITBECK:
 10 Q Do you go to out to lunch with anybody other than
 11 Cheri Smith from work?
 12 A Not really. I mean, the question, check your
 13 question. You ask question in specific way. Check your
 14 question.
 15 Q Let me make it simpler for you --
 16 A Because your question --
 17 Q -- in January of 2004 have you gone out --
 18 A -- excuse me. You ask question "other than."
 19 You use my problem with English language. I think you ask
 20 "other than Cheri Smith." I think your original question
 21 was I go out, I went for lunch in January. Then you
 22 specify. Because you confuse me with question, and your
 23 second question wasn't exactly as the first question.

1 Q Mr. Bakhir, you're a smart guy and you can
 2 understand exactly what I'm saying to you.
 3 A I don't.
 4 Q In January of 2004 --
 5 A Did I ask --
 6 Q -- stop, stop. In January of 2004 --
 7 A -- did I ask --
 8 Q -- I'm asking the questions. In January of 2004
 9 have you gone out to lunch other than -- with anyone other
 10 than Cheri Smith outside the building?
 11 A What does it mean "other than"?
 12 Q Cheri Smith, everyone else. I'm not talking
 13 about Cheri Smith. I'm talking about anyone else you work
 14 with. Have you gone out to lunch this month out of the
 15 building with anyone but Cheri Smith?
 16 A In January?
 17 Q Yes, January 2004.
 18 A No.
 19 Q 2003, December 2003, did you go to lunch --
 20 A Don't remember.
 21 Q Do you recall November of 2003?
 22 A No.
 23 Q Do you recall October 2003?

1 A Come on, that's far away. I don't remember.
 2 Q Are you going to be able to recall any lunches
 3 with anyone other than Cheri Smith that you've gone to?
 4 A (Witness indicated.)
 5 Q Can you tell me in general some of the people
 6 that you work with that you may have gone to lunch with
 7 since you've worked there?
 8 A At least not from my division, so in my division
 9 people --
 10 Q Other than in your section, your division, have
 11 you gone to lunch with anyone that you work with or that
 12 works for SAIC?
 13 A No, they don't work for SAIC.
 14 Q Who would that be? During the workday.
 15 A During the workday -- I don't remember names.
 16 Too many people, may be a long time ago.
 17 Q Think real hard. In the last year, two years,
 18 tell me some of the people that you've gone out to
 19 lunch with.
 20 A Pretty much one or two.
 21 Q Who would that be?
 22 A A guy who worked at the tower.
 23 Q When was that?

1 A I can't tell. It was probably summer or fall,
 2 early fall.
 3 Q Of 2003?
 4 A Yeah.
 5 Q You can't remember his name?
 6 A David.
 7 Q David what?
 8 A Come on, I don't ask him his last name.
 9 Q Anybody else?
 10 A A lady.
 11 Q A lady?
 12 A Uh-huh.
 13 Q Who would that be?
 14 A You mean -- what do you mean, "who it would be"?
 15 Q Who would that lady be?
 16 A She is not co-worker.
 17 Q Who is she?
 18 A She is just a female.
 19 Q What's her name?
 20 A Nadia.
 21 Q Where -- how do you know her?
 22 A She used to be -- she actually married -- my
 23 relationship. My ex-wife, brother -- it wasn't brother, but

1 I think he was, like, second cousin or whatever cousin.
 2 Q So she's your ex-brother-in-law's girlfriend?
 3 A Not brother-in-law, I think second cousin.
 4 Q Your ex-wife's second cousin's girlfriend?
 5 A I didn't say girlfriend. I said she married.
 6 Q Married, wife. So your ex-wife's second cousin's
 7 wife?
 8 A Yes.
 9 Q How many times have you gone to lunch with her in
 10 the last year?
 11 A I don't know, maybe three, four times.
 12 Q Is it your testimony that David and Nadia are the
 13 only people you can recall going to lunch with since you
 14 started working at SAIC?
 15 A Pretty much.
 16 Q Have you ever gone out to lunch with Cheri Smith?
 17 MR. ANDERSON: Objection. We're going to take
 18 the Fifth Amendment.
 19 BY MR. WHITBECK:
 20 Q January 2004, have you gone out to lunch with
 21 Cheri Smith?
 22 MR. ANDERSON: We continue to take the Fifth
 23 Amendment to any questions about him going out with Cheri

1 Smith, whatever the year is.
 2 BY MR. WHITBECK:
 3 Q Just for the record, January 2003 through
 4 December 2003, did you go out to lunch with Cheri Smith?
 5 MR. ANDERSON: Same.
 6 BY MR. WHITBECK:
 7 Q January 2002 through December 2002, did you go
 8 out to lunch with Cheri Smith?
 9 MR. ANDERSON: Same.
 10 BY MR. WHITBECK:
 11 Q January 2001 to December 2001, did you go out to
 12 lunch with Cheri Smith?
 13 MR. ANDERSON: Same objection.
 14 BY MR. WHITBECK:
 15 Q Ever go to lunch with Liam Smith?
 16 A Lunch? No.
 17 Q Never? Where do you usually go to lunch when you
 18 go? Do you have a favorite place?
 19 A I don't have favorite place, so.
 20 Q Many different places?
 21 A You mean, you're asking about my preference?
 22 Q Uh-huh. When you go to lunch, are you a regular
 23 at any restaurants, do you go to the same place often?

1 A So, I spend, like, first year here at McDonald's,
 2 so if I have time I got to Taco Bell right now.
 3 Q What's Nadia's last name?
 4 A What for you need that?
 5 Q Answer the question. What's her last name?
 6 A Bazarov.
 7 Q Can you spell that for the record, please?
 8 A B-A-Z-A-R-O-V.
 9 Q What's her address?
 10 A No idea.
 11 Q Do you know her phone number?
 12 A No.
 13 Q Do you know where she works?
 14 A Nope.
 15 Q So if you want to go to lunch with her, how do
 16 you contact her since you don't know where she is, does she
 17 call you?
 18 A Sometimes.
 19 Q So how do you get a hold of her if you want to go
 20 to lunch with her?
 21 A There are e-mails.
 22 Q What's her e-mail address?
 23 A What?

1 Q What is her e-mail address?
 2 A I don't have -- to remember all the mails.
 3 Q Do you have any other way of contacting her
 4 besides e-mail?
 5 A Sorry?
 6 Q Do you have any other way of getting a hold of
 7 her or contacting her besides e-mail?
 8 A If she needs, she calls.
 9 Q Do you ever call her?
 10 A No.
 11 Q Never?
 12 A No.
 13 Q If you contact her directly it's by e-mail?
 14 A Mostly.
 15 Q Mostly? What other ways do you contact her?
 16 A Visit them.
 17 Q Do where do you visit her?
 18 A Somewhere in Herndon.
 19 Q Is that where she lives?
 20 A Uh-huh.
 21 Q Do you know the street name?
 22 A No.
 23 Q How do you find it?

1 A I just know.
 2 Q By landmarks, you just find it by landmarks?
 3 A Probably.
 4 Q Cheri Smith ever gone with you over to Nadia's
 5 house?
 6 MR. ANDERSON: Take the Fifth Amendment.
 7 BY MR. WHITBECK:
 8 Q Do you have any credit cards?
 9 A Sure.
 10 Q What credit cards do you have?
 11 A Again, specify questions. If you questions --
 12 Q Do you have a Visa?
 13 A Yes.
 14 Q What bank is the Visa with?
 15 A No idea.
 16 Q Do you have it with you?
 17 MR. ANDERSON: We're not going to produce
 18 anything. You didn't subpoena anything.
 19 MR. WHITBECK: You didn't receive the subpoena
 20 for multiple documents posted on your door?
 21 MR. ANDERSON: This is what was posted on his
 22 door. If you see something that says "multiple documents,"
 23 let me know.

1 BY MR. WHITBECK:
 2 Q This is the only subpoena you received?
 3 So You have a Visa but you don't know what bank
 4 it's with?
 5 A I can check. If you want, I can check.
 6 Q I'd like you to check. Do you have a Master
 7 Card?
 8 A Yeah, sure.
 9 Q What bank is the Master Card with?
 10 A I mean, you didn't send me any questions before.
 11 How do I know? I can open my wallet and check it.
 12 Q You can check if you like.
 13 MR. ANDERSON: Don't bother.
 14 MS. VARDY: His answer is he doesn't know.
 15 THE WITNESS: It's a Master Card. Who cares?
 16 BY MR. WHITBECK:
 17 Q Do you have an American Express card?
 18 A No.
 19 Q Do you have a Discover card?
 20 A No.
 21 Q Do you have a --
 22 A No Diner's Club.
 23 Q Just two credit cards?

1 A Uh-huh.
 2 Q Do you have a Sears card?
 3 A I have a bunch of credit cards.
 4 Q Tell me all your credit cards, what you have.
 5 A Master Card and Visa card. Specific banks, I
 6 don't know.
 7 Q What other kind of charge cards do you have?
 8 MS. VARDY: John, I'm going to renew the
 9 relevance objection.
 10 MR. WHITBECK: If he's taken your client to
 11 Snowshoe, I'm entitled to ask him how he's paying for it.
 12 BY MR. WHITBECK:
 13 Q Do -- you have a Visa, Master Card; what other
 14 charge cards do you have?
 15 A Just Visa and Master Card.
 16 Q Do you have a card for any department stores?
 17 A No.
 18 Q Do you have a card for Home Depot?
 19 A I don't need.
 20 Q So, no, you don't?
 21 A No.
 22 Q Any Circuit City, any kind of electronic stores?
 23 A No, except credit cards Visa and Master Card.

1 Q So the only plastic cards that you have are the
 2 Visa and the Master Card?
 3 A Yep.
 4 Q Do you have a checking account?
 5 A Of course.
 6 Q With what bank?
 7 A Chevy Chase.
 8 Q Do you have a savings account at Chevy Chase?
 9 A No.
 10 Q Just a checking account?
 11 A Yep.
 12 Q Do you have any CDs or other investments?
 13 MR. ANDERSON: I'm going to object on relevance.
 14 THE WITNESS: My CDs?
 15 MR. WHITBECK: If he's cashing out his CDs to pay
 16 for gifts for Cheri Smith it's relevant, or Liam Smith, for
 17 that matter. Answer the question, or we can go to court.
 18 BY MR. WHITBECK:
 19 Q Do you have any investments, CDs, stocks, bonds,
 20 anything like that?
 21 A Not as far as I remember.
 22 Q Do you have one Visa?
 23 A No. I think two.

1 Q You have two Visas?
 2 A Probably.
 3 Q Do you have one Master Card?
 4 A No.
 5 Q You have two Master Cards?
 6 A Maybe.
 7 Q Three Master Cards?
 8 A I use one. I'll tell you, I use one.
 9 Q I want to know how many you have.
 10 A Three or four.
 11 Q Three or four Master Cards?
 12 A All together.
 13 Q All together three or four, okay. Which one do
 14 you use most often?
 15 A Now? I think Master Card.
 16 Q When you take it out and you look at it what
 17 would -- does it show who it's with, a bank or a company?
 18 A I never read the other side. Chase or something
 19 like that.
 20 Q Chase Manhattan Master Card?
 21 A Probably. Maybe not. I'm not sure.
 22 Q Do you have any debts on your credit card showing
 23 travel expenses?

1 MS. VARDY: Relevancy again.
 2 THE WITNESS: Again?
 3 BY MR. WHITBECK:
 4 Q Was the trip to Snowshoe, did you use a credit
 5 card to pay for that?
 6 A For trip?
 7 Q Yes.
 8 A No.
 9 Q Did you use cash to pay for that?
 10 A I didn't rent house there or whatever, all that
 11 stuff. So my friends invite me. Doesn't make sense.
 12 Q Did you have to pay for any of it?
 13 A Later.
 14 Q What did you use to pay for it?
 15 A I think check.
 16 Q Check? Who was the check made out to?
 17 A What do you mean, "made out to"?
 18 Q Who did you write the check to?
 19 A Probably to my friends.
 20 Q Who were your friends you were with?
 21 A Huh?
 22 Q Who were these friends you made the check out to?
 23 A Whoever rented lodging there, so I make payment

1 to this person.
 2 Q Who was that?
 3 MR. ANDERSON: Objection, Fifth Amendment.
 4 BY MR. WHITBECK:
 5 Q How much was the check for?
 6 A Cannot remember.
 7 Q Was this a day trip to Snowshoe?
 8 A What?
 9 Q Was this a day trip?
 10 A Day trip?
 11 Q Did you go for the day or did you go for three
 12 days, three days?
 13 A Seven days.
 14 Q Seven days. So you did stay overnight somewhere?
 15 A (Witness indicated.)
 16 Q Where did you stay?
 17 A I don't know address.
 18 Q Was it a hotel?
 19 A Some sort, I think.
 20 Q What did it look like?
 21 A Like townhouse or apartment. I think it was an
 22 apartment.
 23 Q So it was like an apartment that was rented?

1 A I don't know how the name is, lodging, lodging.
 2 It could be hotel. It's just building.
 3 Q Did it have -- you've been to a hotel before,
 4 haven't you, right?
 5 A Yeah.
 6 Q Did it have --
 7 A This definitely is not Holiday Inn hotel.
 8 Q So you think it's an apartment that was rented?
 9 A It's a complex.
 10 Q Was Liam Smith with you in this apartment?
 11 A No.
 12 MR. ANDERSON: Fifth Amendment. I think he
 13 already answered it.
 14 BY MR. WHITBECK:
 15 Q Was Liam Smith with you in the apartment?
 16 A No.
 17 Q Was he with you at all during those seven days?
 18 MS. VARDY: Objection.
 19 THE WITNESS: No.
 20 BY MR. WHITBECK:
 21 Q Did you ski all seven days?
 22 A Yeah.
 23 Q What was the dates you were there?

1 MR. ANDERSON: Asked and answered.
 2 MR. WHITBECK: I think he said December to
 3 January.
 4 MS. VARDY: He said December 26th to January 1st.
 5 BY MR. WHITBECK:
 6 Q Was it December 26th to January 1st?
 7 A I think so. Probably January 2nd, I think we
 8 came back.
 9 Q Did you purchase meals while you were there?
 10 MR. ANDERSON: We'll stipulate he didn't fast for
 11 the seven days.
 12 BY MR. WHITBECK:
 13 Q Did you pay for any of the meals that you
 14 consumed or ate while you were there?
 15 A No.
 16 Q You did not?
 17 A I didn't. You asked me --
 18 Q You personally?
 19 A No, I didn't.
 20 Q So other than the check that you wrote, did you
 21 spend any money during that trip?
 22 A Not as far as I remember.
 23 Q Did you give anyone any gifts on that trip?

1 A What?
 2 Q Did you give anyone gifts on that trip?
 3 MR. ANDERSON: Take the Fifth Amendment.
 4 THE WITNESS: Okay, I'll take the Fifth
 5 Amendment.
 6 BY MR. WHITBECK:
 7 Q The apartment you're in, is that an apartment
 8 that you lease?
 9 MR. ANDERSON: Are we talking about the trip now
 10 or are we talking about where he lives?
 11 MR. WHITBECK: The trip.
 12 BY MR. WHITBECK:
 13 Q Like a short-term-lease apartment; do you know?
 14 A I didn't do arrangements, so I have no idea.
 15 Like I said, I was invited.
 16 Q Was it someone else's idea to go on this trip?
 17 A I'm sure.
 18 Q You were just invited?
 19 A Yep.
 20 Q You and one other person? Was there anyone else
 21 on the trip with you?
 22 MR. ANDERSON: Take the Fifth.
 23

1 BY MR. WHITBECK:
 2 Q Other than Cheri Smith was there anyone else in
 3 the apartment with you?
 4 MR. ANDERSON: We're going to take the Fifth
 5 Amendment.
 6 THE WITNESS: I'll go with attorney.
 7 BY MR. WHITBECK:
 8 Q This person that you went to Snowshoe with, is
 9 there any other times you've gone for overnight trips with
 10 this person?
 11 MR. ANDERSON: Take the Fifth Amendment.
 12 THE WITNESS: I'll go with --
 13 MR. WHITBECK: I didn't fool you, huh?
 14 BY MR. WHITBECK:
 15 Q Let's switch gears a little bit and let's talk
 16 about your apartment. Did you sign --
 17 MS. VARDY: This is where he lives?
 18 MR. WHITBECK: Yes.
 19 BY MR. WHITBECK:
 20 Q I'm talking about your apartment where you live
 21 with your son. Did you sign a lease for that, or do you own
 22 it? Is it a condo or an apartment that you lease?
 23 A I rent it.

1 Q Are you the only one on the lease?
 2 A Me, my kid.
 3 Q Your son's on the lease?
 4 A Uh-huh.
 5 Q He signed as an actual -- he signed as an actual
 6 someone who's obligated under the lease?
 7 A No. His name should be on the lease as a person
 8 who resides in this apartment.
 9 Q You're the only one that signed it as obligated
 10 to pay rent?
 11 A Yes. I'm paying rent.
 12 Q Have you signed any other leases for future
 13 apartments? Do you plan on moving from your residence?
 14 A I just signed up --
 15 THE REPORTER: I'm sorry?
 16 BY MR. WHITBECK:
 17 Q Did you renew the lease?
 18 A Extend it for next year.
 19 Q Do you own any property, any residential
 20 property, houses, condos?
 21 A Not here in the United States.
 22 Q Just outside the United States?
 23 A (Witness indicated.)

1 Q Do you have any plans to purchase any houses or
 2 condominiums or townhouses?
 3 A No. It depends on market and whatever plans for
 4 future.
 5 Q Have you discussed residing with Cheri Smith?
 6 MR. ANDERSON: Take the Fifth Amendment.
 7 BY MR. WHITBECK:
 8 Q Does your wife pay child support?
 9 A Again?
 10 Q Does your ex-wife pay you child support?
 11 A Yes.
 12 Q How much a month do you get for child support?
 13 A Shoot, I cannot say exact amount a month. Looks
 14 like in six months it's around \$900, something like this.
 15 Q Where is that support coming from?
 16 A Again?
 17 Q Where is it coming from? You testified before
 18 that you don't know where your ex-wife is, so where is that
 19 support coming from? Is there a return address on the
 20 envelope when you get it?
 21 A That's a good question because checks she send,
 22 they have her name but they don't have her address.
 23 Q No address on the checks?

1 A Yeah.
 2 Q Any return address on the envelope?
 3 A No. I mean, the return address, she use dummy
 4 address, I'm sure.
 5 Q Does she ever see your son at all?
 6 A She has visitation.
 7 Q When?
 8 A Whenever she come to area.
 9 Q In the last year how often has she visited him?
 10 A Probably twice. I'm not sure because I didn't
 11 see her.
 12 Q She didn't tell you where she was, where she was
 13 living?
 14 A I mean, if she is -- she prefer don't tell me, I
 15 don't ask. I don't care, personally.
 16 Q She didn't tell you?
 17 A No, she didn't.
 18 Q You have no idea what her phone number is?
 19 A My kid probably does.
 20 Q You never speak to her on the phone?
 21 A I prefer not to talk at all.
 22 Q Did you have an attorney during the divorce?
 23 A Yep.

1 Q Who was that?
 2 A Barbara Fakoury.
 3 Q Can you spell that?
 4 A You ask question. The last name I cannot spell.
 5 I know how to pronounce.
 6 Q I'm going to ask you a series of questions. This
 7 isn't to embarrass you, it's just part of this process.
 8 Have you ever been diagnosed with a sexually
 9 transmitted disease?
 10 A No.
 11 Q You ever exhibited symptoms of a sexually
 12 transmitted disease?
 13 A I'm a donor.
 14 THE REPORTER: A what?
 15 MS. VARDY: A blood donor.
 16 BY MS. WHITBECK:
 17 Q Other than Cheri Smith are you currently engaged
 18 in a sexual relationship with anyone?
 19 MR. ANDERSON: Fifth Amendment.
 20 MR. WHITBECK: That's not illegal, to have sex
 21 with someone else.
 22 MR. ANDERSON: Is it if you're not married, in
 23 Virginia.

1 BY MR. WHITBECK:
 2 Q What's your preferred form of birth control?
 3 MR. ANDERSON: Fifth Amendment.
 4 BY MR. WHITBECK:
 5 Q What's your son's name?
 6 A Eugene in English.
 7 Q Eugene Bakhir?
 8 A Uh-huh. It's the English name because the
 9 original name I can write for you but you pronounce it
 10 differently.
 11 Q Do you know Liam Smith?
 12 MR. ANDERSON: Take the Fifth Amendment.
 13 BY MR. WHITBECK:
 14 Q When did you first meet Liam Smith?
 15 MR. ANDERSON: Take the Fifth Amendment to all
 16 the questions about Liam Smith.
 17 MR. WHITBECK: He does not have a Fifth Amendment
 18 right to not answer questions about custody related --
 19 MR. ANDERSON: You somehow think custody
 20 related --
 21 MR. WHITBECK: It has nothing to do with
 22 adultery, nothing.
 23 MR. ANDERSON: It has to do with his relationship

1 with this child's mother.
 2 BY MR. WHITBECK:
 3 Q Are you not answering the questions because of
 4 your relationship with the mother or because of some
 5 misconduct with Liam?
 6 MR. ANDERSON: Fifth Amendment.
 7 MR. SMITH: I'll report him then.
 8 MR. ANDERSON: Tell your client that if he makes
 9 a report and he can't prove it, then he'd better check his
 10 pocketbook.
 11 MR. WHITBECK: Stop it.
 12 MR. SMITH: If you don't tell me you're not, I'm
 13 going to assume you are.
 14 BY MR. WHITBECK:
 15 Q How many times have you seen Liam in the last
 16 week?
 17 MR. ANDERSON: Fifth Amendment.
 18 BY MR. WHITBECK:
 19 Q Have you ever been with Liam not around his
 20 mother? Have you ever baby-sat Liam?
 21 MR. ANDERSON: Let me think about that one. Take
 22 the Fifth Amendment.
 23 MR. WHITBECK: For the record, is it your

1 client's intent to take the Fifth Amendment with any
 2 question related to Liam Smith?
 3 MR. ANDERSON: Probably.
 4 MR. WHITBECK: Or do we want to go through this
 5 for two hours, ask every question?
 6 MR. ANDERSON: He's going to take the Fifth
 7 Amendment to questions involving Liam Smith and/or his
 8 mother.
 9 MR. WHITBECK: Of any nature?
 10 MR. ANDERSON: Yes.
 11 BY MR. WHITBECK:
 12 Q How many times have you seen Liam in the last
 13 week?
 14 MR. ANDERSON: I think we already took the Fifth
 15 Amendment.
 16 MR. WHITBECK: I'm going to ask him each question
 17 because I'm going to have to do a motion to compel.
 18 BY MR. WHITBECK:
 19 Q How many times have you seen Liam in the last
 20 month?
 21 MR. ANDERSON: Let me see the questions, maybe we
 22 can put them all on the record. Let me look at them.
 23 MR. WHITBECK: No, they're not questions.

1 They've got bullets. Go ahead.
 2 MR. SMITH: Don't let him see them.
 3 BY MR. WHITBECK:
 4 Q In the last month how many times have you seen
 5 Liam?
 6 MR. ANDERSON: Fifth Amendment.
 7 BY MR. WHITBECK:
 8 Q In the last six months how many times have you
 9 seen Liam?
 10 MR. ANDERSON: Fifth Amendment.
 11 BY MR. WHITBECK:
 12 Q How many times have you seen him in the last
 13 year?
 14 MR. ANDERSON: Fifth Amendment.
 15 BY MR. WHITBECK:
 16 Q When did you first meet Liam Smith?
 17 MR. ANDERSON: Fifth Amendment.
 18 BY MR. WHITBECK:
 19 Q Have you ever held Liam's hand?
 20 MR. ANDERSON: Fifth Amendment.
 21 BY MR. WHITBECK:
 22 Q Have you ever held or carried him?
 23 MR. ANDERSON: Fifth Amendment.

1 BY MR. WHITBECK:
 2 Q Have you ever hugged him?
 3 MR. ANDERSON: Fifth.
 4 BY MR. WHITBECK:
 5 Q Have you ever kissed Liam?
 6 MR. ANDERSON: Fifth.
 7 BY MR. WHITBECK:
 8 Q Have you ever playfully hit him or wrestled with
 9 him?
 10 MR. ANDERSON: Fifth.
 11 BY MR. WHITBECK:
 12 Q Have you ever disciplined Liam in any way?
 13 MR. ANDERSON: Fifth.
 14 BY MR. WHITBECK:
 15 Q Does Liam have a nickname for you?
 16 MR. ANDERSON: Fifth.
 17 BY MR. WHITBECK:
 18 Q Has he ever called you, Dad, Daddy, Papa, Father,
 19 any other such name?
 20 MR. ANDERSON: Fifth.
 21 BY MR. WHITBECK:
 22 Q Have you encouraged him to do this?
 23 MR. ANDERSON: Fifth Amendment.

1 BY MR. WHITBECK:
 2 Q Has Cheri Smith ever encouraged you to -- or
 3 encouraged him to call you Dad, Father, Papa, any name like
 4 that?
 5 MR. ANDERSON: Fifth Amendment.
 6 BY MR. WHITBECK:
 7 Q Liam ever ridden in your car?
 8 MR. ANDERSON: Fifth Amendment.
 9 BY MR. WHITBECK:
 10 Q Have you ever gone out to dinner with Liam?
 11 MR. ANDERSON: Fifth Amendment.
 12 BY MR. WHITBECK:
 13 Q Have you ever taken him to a zoo, amusement park,
 14 or fair, someplace like that?
 15 MR. ANDERSON: Fifth Amendment.
 16 BY MR. WHITBECK:
 17 Q Have you ever taken Liam to meet any of the
 18 family and friends?
 19 MR. ANDERSON: Fifth Amendment.
 20 BY MR. WHITBECK:
 21 Q Have you ever accompanied Mrs. Smith and Liam to
 22 socialize or to visit her family and her friends?
 23 MR. ANDERSON: Fifth Amendment.

1 MR. WHITBECK:
 2 Q Can you tell me the names of any friends of yours
 3 that may have seen you with Liam Smith?
 4 MR. ANDERSON: Fifth Amendment.
 5 BY MR. WHITBECK:
 6 Q What about neighbors of yours that may have seen
 7 you with Liam Smith?
 8 MR. ANDERSON: Fifth Amendment.
 9 BY MR. WHITBECK:
 10 Q Co-workers that may have seen you with Liam
 11 Smith?
 12 MR. ANDERSON: Fifth Amendment.
 13 BY MR. WHITBECK:
 14 Q Have you ever accompanied Cheri Smith to Liam's
 15 school?
 16 MR. ANDERSON: Fifth Amendment.
 17 BY MR. WHITBECK:
 18 Q Have you ever been to Liam's day care?
 19 MR. ANDERSON: Fifth Amendment.
 20 BY MR. WHITBECK:
 21 Q I might have asked this: Ever been alone with
 22 Liam?
 23 MR. ANDERSON: Fifth Amendment.

1 BY MR. WHITBECK:
 2 Q Ever sleep overnight in the same location as
 3 Liam?
 4 MR. ANDERSON: Fifth Amendment.
 5 BY MR. WHITBECK:
 6 Q Ever taken Liam or accompanied someone on an
 7 overnight trip or vacation with Liam?
 8 MR. ANDERSON: Fifth Amendment.
 9 BY MR. WHITBECK:
 10 Q Liam ever been to your residence, your current
 11 residence?
 12 MR. ANDERSON: Fifth Amendment.
 13 BY MR. WHITBECK:
 14 Q Has he ever been to a residence that you've had
 15 before?
 16 MR. ANDERSON: Fifth Amendment.
 17 BY MR. WHITBECK:
 18 Q Ever given any gifts to Liam?
 19 MR. ANDERSON: Fifth Amendment.
 20 BY MR. WHITBECK:
 21 Q What do you consider your relationship with Liam
 22 to be?
 23 MR. ANDERSON: Fifth Amendment.

1 BY MR. WHITBECK:
 2 Q Would you ever considered being a step-father to
 3 Liam?
 4 MR. ANDERSON: Fifth Amendment.
 5 BY MR. WHITBECK:
 6 Q Do you acknowledge Mr. Smith is Liam's father?
 7 MR. ANDERSON: Fifth Amendment.
 8 BY MR. WHITBECK:
 9 Q Have you --
 10 MR. ANDERSON: He would be more likely to know
 11 than my client.
 12 BY MR. WHITBECK:
 13 Q Have you or would you ever try to undermine
 14 Mr. Smith's relationship with his son?
 15 MR. ANDERSON: I'll take the Fifth Amendment.
 16 THE WITNESS: Actually, I didn't get question at
 17 all.
 18 BY MR. WHITBECK:
 19 Q Do you consider it appropriate for you to be
 20 spending time with Liam?
 21 MR. ANDERSON: Fifth Amendment.
 22 BY MR. WHITBECK:
 23 Q If the roles were reversed and people who you did

1 not know very well were spending time with your son, how
 2 would you feel about that?
 3 A Again, slowly.
 4 Q Let's talk about your relationship with your son
 5 for a minute. If somebody were spending time with your
 6 son --
 7 MR. ANDERSON: Objection. Relevancy.
 8 MS. VARDY: Objection. Relevancy.
 9 MR. WHITBECK: If he's spending time with Liam
 10 Smith it's relevant -- well, he can answer the question and
 11 you can object at trial.
 12 BY MR. WHITBECK:
 13 Q How would you like it if somebody was spending
 14 time with your son that you didn't know very well?
 15 MR. ANDERSON: You can answer that.
 16 THE WITNESS: Do I have to answer this question?
 17 It's a question about my son.
 18 MR. ANDERSON: Seems pretty irrelevant to me,
 19 but.
 20 THE WITNESS: Again, please?
 21 BY MR. WHITBECK:
 22 Q How would you feel about -- let me start over.
 23 If you believed that --

1 A Okay. I --
 2 Q Listen to my question: If you believed that
 3 somebody who was spending time with your son, was sleeping
 4 with your wife, would you approve of that? How would you
 5 feel about that?
 6 MR. ANDERSON: I'm going to object. Fifth
 7 Amendment.
 8 MR. WHITBECK: It's unrelated to whether he's
 9 committing adultery.
 10 MR. ANDERSON: Why don't we pull people off the
 11 street and ask their opinion.
 12 MR. WHITBECK: We're not doing that. We're
 13 deposing him today. Answer the question.
 14 MR. ANDERSON: Don't answer it. Go ahead.
 15 BY MR. WHITBECK:
 16 Q If in fact a -- let's -- irrespective of whether
 17 that person was sleeping with your wife -- how would you
 18 feel --
 19 MR. ANDERSON: Is this like some hypothetical,
 20 philosophical inquiry?
 21 MR. WHITBECK: Whatever you want to call it.
 22 MR. ANDERSON: We're not going to answer any more
 23 of those.

1 MR. WHITBECK: You can take the Fifth, but other
2 than that you have no standing to object.

3 BY MR. WHITBECK:

4 Q If somebody was -- a gentleman you did not know
5 very well was spending time with your son, how would you
6 feel about that?

7 MS. VARDY: Objection to relevance. He is --

8 MR. WHITBECK: Okay. Your objection's noted on
9 the record.

10 MR. ANDERSON: We're not going to bother
11 answering any more questions that have no relevance.

12 BY MR. WHITBECK:

13 Q Would you want to investigate that person's
14 background?

15 MR. ANDERSON: You want him to state that he's as
16 crazy as your client; is that what you're looking for? If
17 that will make you feel better, I can probably stipulate to
18 that, or at least that he thinks that your client's crazy
19 for doing this. Is that what you want?

20 MR. WHITBECK: So you're stipulating your
21 client's as crazy as my client?

22 MR. ANDERSON: No. You're right. He's --

23 MR. WHITBECK: This is not even professional.

1 MR. ANDERSON: This whole line of questioning is
2 ridiculous.

3 MR. WHITBECK: It's ridiculous. If he's spending
4 time with his son --

5 MR. ANDERSON: What difference does it make what
6 his opinion is about some theoretical person spending time
7 with his son?

8 MR. WHITBECK: You have no standing to object.

9 MR. ANDERSON: We're not going to answer the
10 question. So want to walk over to court now and do it, or
11 do you want to do it later on? I don't care.

12 MR. SMITH: Now would be fine.

13 MR. WHITBECK: We're not going to go down there
14 right now.

15 BY MR. WHITBECK:

16 Q If Mr. Smith instructed you not to go around his
17 son, would you respect that instruction?

18 MS. VARDY: Objection. It's hypothetical again.

19 MR. SMITH: Okay, fine. Should I do it then?

20 BY MR. WHITBECK:

21 Q Mr. Smith is instructing you not to be around his
22 son, Liam; do you intend to respect that instruction?

23 MR. SMITH: I don't want you to have any contact

1 with him whatsoever, no telephone, no pictures.

2 MR. ANDERSON: Fine. We get the point.

3 MR. WHITBECK: Will you respect that?

4 MR. ANDERSON: Fifth Amendment. We're not going
5 to answer any questions that have to do with Liam, any
6 questions that have to do with Liam's mother.

7 BY MR. WHITBECK:

8 Q Are you religious, Mr. Bakhir?

9 MS. VARDY: Objection. Relevancy.

10 MR. ANDERSON: What does the term -- what does it
11 mean?

12 THE WITNESS: What do you mean, religious?

13 BY MR. WHITBECK:

14 Q What religion are you?

15 A My own.

16 Q Your own religion?

17 A Yeah, let's say.

18 Q You don't belong to a specific religion?

19 A You mean specific church?

20 Q Yeah.

21 A No.

22 Q Do you go to church?

23 A I just answered this question.

1 Q You may not belong to a church, but do you go to
2 a church?

3 A No.

4 Q Ever had any discussion with Liam Smith about
5 religion?

6 MR. ANDERSON: Objection. Fifth Amendment.

7 BY MR. WHITBECK:

8 Q Do you believe in God?

9 MS. VARDY: Objection. This is of no relevance
10 whatsoever.

11 THE WITNESS: I'm sorry?

12 MR. WHITBECK: It's for the Judge to decide.

13 BY MR. WHITBECK:

14 Q Do you believe in God?

15 MR. ANDERSON: We're not going to answer that
16 question. The state can't compel an answer to that
17 question. If you can ask that question, you can ask any
18 question under the universe.

19 THE WITNESS: Could you bring some water, please?

20 MR. WHITBECK: We'll take a break in just a
21 minute. I'm almost done.

22 MR. ANDERSON: We're taking the break now.

23 (Whereupon, a recess was taken.)

1 BY MR. WHITBECK:
 2 Q Just so I don't have go through every single
 3 question I have, is it your client's intention, to any
 4 questions related to Liam Smith of any nature, to take the
 5 Fifth Amendment to those questions?
 6 MR. ANDERSON: Yes.
 7 BY MR. WHITBECK:
 8 Q Have you ever discussed this divorce case with
 9 Cheri Smith?
 10 MR. ANDERSON: Take the Fifth Amendment.
 11 BY MR. WHITBECK:
 12 Q Has she made any statement to you about what she
 13 believes to be the cause of this divorce?
 14 MR. ANDERSON: Fifth Amendment.
 15 MR. WHITBECK: These are questions related to --
 16 it's not questions related to adultery. The question's
 17 related to whether she's made any statements. It doesn't go
 18 to her --
 19 MR. ANDERSON: Here's the problem that we have:
 20 The problem that we have is that if he answers any questions
 21 about personal discussions he has with Ms. Smith, or if he's
 22 had any, I don't see how I draw the line and say, okay, we
 23 answer that question, not this question, that question, not

1 this question. It goes to the nature of the relationship;
 2 we're not going to answer the question.
 3 MR. WHITBECK: What about an agreement that we
 4 will not -- we will agree not to argue for a waiver of Fifth
 5 Amendment on any adultery-type conduct. If he'll answer
 6 questions about Liam and about evidence related to the
 7 divorce case without going into his relationship with Cheri
 8 Smith, I will agree not to argue that's a waiver. I can
 9 argue about other reasons for having him answer the
 10 questions, but I will agree that these are not waivers with
 11 respect to adulterous conduct he may or may not have engaged
 12 in with her.
 13 MR. ANDERSON: We're just going to stick with the
 14 Fifth. The Judge will tell him what he's got to answer.
 15 MR. WHITBECK: Is it your client's intention to
 16 take the Fifth Amendment with respect to any questions
 17 related to what Mrs. Smith may or may not have discussed
 18 with him regarding the marriage?
 19 MR. ANDERSON: Yes.
 20 BY MR. WHITBECK:
 21 Q Have you ever observed Mr. Smith with Liam?
 22 A What?
 23 MR. ANDERSON: He's asking if you've ever seen

1 the father with the son.
 2 THE WITNESS: Did I ever saw --
 3 BY MR. WHITBECK:
 4 Q Have you ever seen this man and his son together?
 5 A Once.
 6 Q When was that?
 7 A I think it was probably the first day or
 8 interview and Mr. Smith came with Liam and Cheri for -- it
 9 wasn't a lunch, it was kind of -- I can't name it. We went
 10 to the small restaurant. I think that's probably Cheri's
 11 first day or something like that.
 12 Q You went to lunch with Cheri Smith, Wes Smith,
 13 and Liam Smith?
 14 A Yeah.
 15 Q What restaurant was it, do you know?
 16 A Plaza America, French restaurant, a small
 17 restaurant. I think Wes can recall this.
 18 Q Why were you there?
 19 MR. ANDERSON: What year?
 20 MR. WHITBECK: Because he said when she first
 21 started, her first day, 2001.
 22 BY MR. WHITBECK:
 23 Q Why would you accompany them on this lunch?

1 A People invite me.
 2 Q Who invited you?
 3 A I don't remember.
 4 Q Was there anyone else from SAIC there besides
 5 you?
 6 A My supervisor.
 7 Q Who else?
 8 A I think that's it.
 9 Q So you, your supervisor, Cheri Smith, Wes Smith,
 10 and Liam Smith went out to lunch in 2001?
 11 A I can't say it was lunch or whatever, but somehow
 12 I was invited. It was three years ago, four years ago, so
 13 you're asking me a question to recall all this stuff.
 14 Q Let's back up to 2001 when she first started at
 15 SAIC. I'm going to go through -- would you see Cheri Smith
 16 every day when she was working in your building?
 17 MR. ANDERSON: Is the question whether he saw her
 18 at work?
 19 MR. WHITBECK: Yeah.
 20 BY MR. WHITBECK:
 21 Q Did you see her every day at work, I mean, just
 22 in general, would you see her every day?
 23 A I already answered this question before. I saw

1 her, but not every day since how our offices -- so you can
2 see person maybe once a week, maybe on a meeting.

3 Q Have you ever seen -- did you ever see her when
4 she was working your building wearing short skirts?

5 A I don't remember.

6 Q You don't recall that?

7 A It's a clothes question.

8 Q She never wore anything -- any kind of skirt that
9 you would consider shorter than normal; do you recall?

10 MS. VARDY: Objection. John, what's the point
11 of --

12 MR. WHITBECK: If she's flirting, if she's
13 wearing suggestive clothing because she likes him, it's
14 relevant.

15 BY MR. WHITBECK:

16 Q Do you recall that?

17 A No. Our company has -- I was wearing once a
18 little bit lighter jeans and I was like -- my boss said,
19 "Look, it's okay, but color not okay." I think people
20 really concerned about it.

21 Q Do you recall Mrs. Smith ever wearing short
22 skirts to work?

23 A I cannot say.

1 Q You can't recall?

2 A No.

3 Q Do you ever remember her wearing low-cut blouses
4 or anything like that to work?

5 A People usually dress like business. I don't
6 know.

7 Q What about her?

8 A I don't know. But I don't think she wear
9 something different because everybody wear, like, business
10 clothes.

11 Q With respect to Cheri Smith, you ever seen her
12 wear a low-cut blouse, yes or no?

13 A No.

14 Q You ever noticed that sometimes she was not
15 wearing a bra?

16 A How do I know?

17 Q Yes or no.

18 A No.

19 MR. ANDERSON: We'll take the Fifth Amendment to
20 that. I don't want to get into how he would know.

21 BY MR. WHITBECK:

22 Q When you first met her did you consider her
23 attractive?

1 A Sorry?

2 MR. ANDERSON: Take the Fifth Amendment.

3 BY MR. WHITBECK:

4 Q Did you consider her attractive when you first
5 met her?

6 MR. ANDERSON: We're going to take the Fifth
7 Amendment to any questions about his emotional reaction to
8 her, his emotional response to her.

9 MR. WHITBECK: Is it your client's intention to
10 take the Fifth Amendment with respect to any physical
11 contact between himself -- of any nature between himself and
12 Cheri Smith?

13 MR. ANDERSON: Probably not to any. If you want
14 to ask if he ever shook hands with her or something like
15 that at work.

16 BY MR. WHITBECK:

17 Q Have you ever shaken hands with Cheri Smith at
18 work when she was working in your building?

19 A At least once when the supervisor, her supervisor
20 or whatever, her team leader, introduce new person to
21 division, you have to.

22 Q You shook hands when you met her?

23 A Yeah.

1 Q Have you ever hugged her at work, friendly, not
2 sexually?

3 MR. ANDERSON: Take the Fifth Amendment.

4 BY MR. WHITBECK:

5 Q Have you ever kissed her in greeting, like
6 cheek-to-cheek or just a friendly? Again, not --

7 MR. ANDERSON: Fifth Amendment.

8 MR. WHITBECK: It's your client's intention to
9 take the Fifth Amendment with respect to any physical
10 contact other than handshaking?

11 MR. ANDERSON: Yes.

12 BY MR. WHITBECK:

13 Q Have you been to any concerts in 2004 or
14 performances, symphonies, anything like that?

15 A In 2004?

16 Q Uh-huh.

17 A No.

18 Q How about 2003?

19 A Actually, I was at the concert you can name it's
20 a concert, some band play reggae. I went to it.

21 Q Reggae in 2004?

22 A Yeah. It's a week ago, I think.

23 Q You went with your son?

1 A My supervisor's son played in this band so we
2 were invited.
3 Q Who else was there?
4 A Supervisor.
5 Q Just you and your supervisor went?
6 A Yeah. He was inviting me and I took my kid.
7 Q Your, your son, and supervisor?
8 A Uh-huh.
9 Q Anybody else go?
10 A His wife.
11 Q I'm sorry?
12 A His wife.
13 Q Anybody else?
14 A What do you mean, anybody else?
15 Q You, your son, your supervisor, his wife?
16 A I actually went with my son only.
17 Q At this concert, how many people did you know and
18 who were they?
19 A I think four people.
20 Q So you, your son, your supervisor, his wife,
21 that's the only people you knew that were there?
22 A (Witness indicated.)
23 Q It's a lot simpler if you'd just answer the

1 question?
2 A I mean, the way you ask question --
3 Q Did you go to a concert or a symphony of any kind
4 in December of 2003, any kind of music playing, like that?
5 A No.
6 Q What about November of 2003?
7 A Last time was a couple of years ago, maybe a
8 year. A year ago, big theater from Moscow performance and I
9 went with my attorney.
10 Q In Moscow?
11 A Here, big theater from Moscow. I think it was
12 "Nutmcracker" or something like that. It was nice music.
13 Q Where was that?
14 A Kennedy Center.
15 Q Who did you go with?
16 A My attorney.
17 Q Your attorney?
18 A Yep.
19 Q Barbara?
20 A Yep, exactly.
21 Q Who invited you there; did she invite you?
22 A I invited her.
23 Q You invited her?

1 A Because she always wanted to listen to some
2 Russian music and there was a chance, I got the ticket.
3 Q January 2003?
4 A You can check schedule, Kennedy Center.
5 Q Why don't you answer me what you recall. January
6 2003? You said about a year ago.
7 A Not a year. It was probably end of November,
8 maybe beginning of December.
9 Q 2003?
10 A 2002, I think.
11 Q Between that Moscow theater performance at the
12 Kennedy Center and a reggae concert, did you go to any other
13 concerts, symphonies, any other musical-type events?
14 A No. I didn't have time.
15 Q So the only it's your testimony, the only musical
16 type events you've been to between those two events?
17 A Yeah.
18 Q Prior to the Moscow theater event, do you recall
19 any concerts, musical events that you went to?
20 A Nope.
21 Q Does your company have parties, holiday parties?
22 A Holiday parties? What does this mean?
23 Q Like a Christmas party, Halloween party, St.

1 Patrick's Day party, any holiday parties?
2 A I didn't attend this. So we didn't celebrate
3 this in Russia, so I personally don't care.
4 Q You don't celebrate Christmas?
5 A No. We celebrate kind of New Year in Russia.
6 Q Did you go to a New Year's Eve party this year?
7 I'm sorry, between 2000 -- December 31, 2003, did you go to
8 a New Year's party?
9 MR. ANDERSON: He already said he was in
10 Snowshoe.
11 MR. WHITBECK: I'm sorry. That's right.
12 THE WITNESS: There was no New Year's party.
13 BY MR. WHITBECK:
14 Q Did you have a Christmas party at SAIC, was there
15 a Christmas party for the company?
16 A What?
17 Q A Christmas party?
18 A No. It was in Crystal City somewhere.
19 Q You did not go?
20 A Come on, that's too far.
21 Q Christmas 2003, it's less than two months ago.
22 Did you go to a company Christmas party?
23 A Company, no. I said no.

- 1 Q It was in Crystal City?
- 2 A Yeah.
- 3 Q What about the year before, did you go to a
- 4 company Christmas party the year before that?
- 5 A No.
- 6 Q What about 2001, did you go to a company
- 7 Christmas party in --
- 8 A I'll tell you when. First year I joined
- 9 SAIC I was invited on Christmas party, it was few months
- 10 after I started, like, end of November, beginning of
- 11 December. That's only when I went to Christmas party.
- 12 Q Was Cheri Smith working at SAIC at that time?
- 13 A I don't think so.
- 14 Q January of 2004, have you gone to any other
- 15 parties? By parties I mean social gathering either at
- 16 someone's house or bar or restaurant where two or more
- 17 people are having a good time?
- 18 A No.
- 19 Q 2003, did you go to any parties that you can
- 20 recall?
- 21 A Yeah. I went to the party, but I don't recall
- 22 when and where.
- 23 Q Let's go to month to month. December, 2003?

- 1 A Like I said, don't bother. I don't remember.
- 2 Q Was it -- what was the weather like at the time?
- 3 A Weather like?
- 4 Q Was it hot; was it cold?
- 5 A I think it was summer.
- 6 Q Summer of 2003?
- 7 A Summer or maybe -- hold on. Maybe early spring.
- 8 Q Early spring 2003?
- 9 A Uh-huh.
- 10 Q Where was this party?
- 11 A Guy -- it was -- I think it was some sort of Old
- 12 Dominion, whatever. Guy left, SAIC was having something.
- 13 Q It was at Old Dominion?
- 14 A Name it. I don't know.
- 15 Q You said Old Dominion. Explain to me what that
- 16 means.
- 17 A It's a place name Old Dominion.
- 18 Q Where was it?
- 19 A Somewhere in this area.
- 20 Q Sterling?
- 21 A Hold on, I'll name it. It's not Sterling. Old
- 22 Dominion.
- 23 Q Ashburn?

- 1 A Wherever AOL headquarters.
- 2 Q So it's the Old Dominion Brewery over here in
- 3 Ashburn?
- 4 A Exactly. I'll just answer the rest of the
- 5 question. I'm sure you'll go back --
- 6 Q I'm going to stay with this for a minute. Old
- 7 Dominion Brewery, a co-worker of yours at SAIC was leaving?
- 8 A Yeah. I think whole division was there.
- 9 Q This was early spring of 2003?
- 10 A Yeah. I hope I remember correctly because guy
- 11 left about a year ago and he was -- he was unemployed for a
- 12 while, so I think it was spring.
- 13 Q How did you get there?
- 14 A How I got there?
- 15 Q Uh-huh.
- 16 A Can't say. Maybe somebody drove me. We usually
- 17 split the car.
- 18 Q Do you recall who drove you?
- 19 A No idea. Probably my supervisor. Probably I
- 20 drove myself. I don't remember.
- 21 Q Do you recall if anyone rode with you to the
- 22 party?
- 23 A What?

- 1 Q Do you recall if anyone rode in the car with you
- 2 to the party?
- 3 A Like I said, I don't remember. Maybe I drove
- 4 along probably with someone.
- 5 Q Tell me the names of the people who attended this
- 6 party, if you can recall any of them?
- 7 A My supervisor, me, I don't remember was division
- 8 manager there, but guys who left already, so I don't
- 9 remember exact names. So about 10, six to 10 people,
- 10 depends on time. Some people came later, some people came
- 11 earlier.
- 12 Q Best you can recall, please tell me the names of
- 13 those people that came to the Old Dominion Brewery for that
- 14 party in the spring of 2003?
- 15 A I can't remember exact names, so if I give you
- 16 names, so maybe this person didn't work there. I don't want
- 17 to mess up.
- 18 Q Why don't you give me your best guess?
- 19 A I don't remember.
- 20 Q Is it your testimony that your supervisor --
- 21 A I definitely know it was my supervisor with
- 22 his wife.
- 23 Q Who else?

1 A Jan, definitely. Probably her boyfriend. It's a
 2 male name -- I don't know her full name but short name is
 3 J-A-N.
 4 Q So Jan, her boyfriend, your supervisor, his wife,
 5 you, the gentleman that was leaving?
 6 A Cheri.
 7 Q Cheri Smith was there?
 8 A Probably.
 9 Q Was she or not?
 10 A I think she was.
 11 Q Did you speak to her that night?
 12 A I don't think so. I left early.
 13 Q You ignored her the entire night?
 14 A Not the entire night. I spend hour maybe, an
 15 hour and a half just to say bye to this guy.
 16 Q Old Dominion Brewery -- there's a bar in the
 17 middle of it, correct?
 18 A Not in the middle, but there was a bar.
 19 Q Close to the entrance? You walk in, the bar is
 20 right within your line of sight when you walk in, right?
 21 A The bar is to the left.
 22 Q Where was this party taking place, in the --
 23 A There are two places where you can handle this

1 kind of group of people.
 2 Q So there was a room off in the back?
 3 A No, no, no. It's just one place specifically for
 4 a group of people. It's set of tables, like, if you take
 5 this table, cut off one inch and you can sit people around.
 6 Q So one of the general tables that you can sit at?
 7 A Right. Near the entrance, yes.
 8 Q Was everybody sitting down during this party?
 9 A What do you mean, sitting down?
 10 Q Were you all sitting around the table, or
 11 standing up?
 12 A Sitting.
 13 Q Where was Cheri Smith sitting at the party?
 14 A I think at the corner whatever -- she came, one
 15 of the last persons.
 16 Q How close were you sitting to her?
 17 A Like, across.
 18 Q Directly across?
 19 A Clockwise sitting now, maybe far away because the
 20 table's, like -- like this corner and probably that corner
 21 (indicating).
 22 Q How long were you and Cheri Smith in the Old
 23 Dominion Brewery at the same time?

1 A I have no idea. I probably left in half an hour,
 2 maybe less.
 3 Q So you were only there a half hour?
 4 A I came early so I spent about an hour probably,
 5 maybe more than that.
 6 Q She came when you had been there for about a half
 7 hour?
 8 A Yeah. And I probably took off, maybe.
 9 Q Did you speak with her during the party, were you
 10 talking to her?
 11 A Not as far as I remember.
 12 Q You completely ignored her the whole night?
 13 A Maybe say hi.
 14 Q That's it?
 15 A Yeah.
 16 Q Did you say good-bye to her when you left?
 17 A I mean, I didn't invite her to this party, come
 18 on.
 19 Q Did you not understand my question? Did you say
 20 good-bye to her when you left?
 21 A I said good-bye to everybody. "Guys, bye. Thank
 22 you. Good luck."
 23 Q Any other parties that you went to before that in

1 2003?
 2 A Not as far as I remember.
 3 Q What about 2002?
 4 A Probably fairway for lady, she left.
 5 Q Fairway?
 6 A What you call name when people leave?
 7 Q Farewell party?
 8 A Yeah.
 9 Q Where was that? Where was that party?
 10 A Lakeside Inn in Reston, I think.
 11 Q Who was there?
 12 A Division members, not all of them, but young guys
 13 definitely, the old guys usually.
 14 Q Was Cheri Smith there?
 15 A I'm not sure so I can't even recall. It was
 16 probably beginning of 2002.
 17 Q Is that the only party you went to in all of
 18 2002?
 19 A Yeah. Division very seldom pay for this kind of
 20 events.
 21 Q What about -- maybe you're not understanding me.
 22 What about in 2003, did you go to any parties outside of
 23 work that were not related to work or people you work with?

1 Did you go to friends' houses or bars or restaurants that
 2 were not related to your work?
 3 A To the restaurants maybe.
 4 Q Tell me about those.
 5 A With my kid to Fuddruckers, that's only place.
 6 Q Parties, I'm talking. Do you understand that
 7 English word "party"?
 8 A Yes.
 9 Q Parties, 2003, did you go to any other parties
 10 besides --
 11 A A party, it's a group of people, like, more than
 12 two, so the only event I told you about.
 13 Q That's it?
 14 A Yeah.
 15 Q Other than that the only social engagements you
 16 went to were with your son to Fuddruckers?
 17 A Fuddruckers, my son and his friends, that's what
 18 I mean by party because sometimes it's five kids.
 19 Q Is it your testimony you did not socialize with
 20 Cheri Smith in 2003?
 21 MR. ANDERSON: Take the Fifth Amendment.
 22 THE WITNESS: I'll go with my attorney.
 23 MR. WHITBECK: He testified that the social

1 engagement he went to was with his son, and if he can answer
 2 no to the question why don't we just eliminate the --
 3 MR. ANDERSON: Fifth Amendment.
 4 BY MR. WHITBECK:
 5 Q 2002, did you go to any other types of parties,
 6 get-togethers?
 7 A The only party I told you and Fuddruckers.
 8 Q Just the restaurant?
 9 A Yeah.
 10 Q What about 2001?
 11 A Yeah, party, probably birthday of some boys, they
 12 invited Eugene and I went there and played hockey in ice,
 13 whatever, somewhere in Ashburn.
 14 Q 2004, have you been to any museums or exhibits,
 15 places like that this month?
 16 A No.
 17 Q 2003, do you recall going to any museums or
 18 exhibits?
 19 A Not as far as I remember.
 20 Q If I went month by month would that help?
 21 A You can go, but if I don't remember, I don't
 22 remember. Go ahead.
 23 Q December of 2003, did you go to any museum or

1 exhibits?
 2 A No.
 3 Q November 2003?
 4 A No.
 5 Q October?
 6 A No, I don't think so.
 7 Q Is it your testimony the entire year of 2003 you
 8 did not go to any museums or exhibits?
 9 A If under museum, you mean there are a bunch of
 10 galleries in Reston.
 11 Q Galleries, you went to galleries?
 12 A Uh-huh.
 13 Q What kind of galleries?
 14 A It just a studio in Lake Ends Plaza.
 15 Q Is that the only gallery, museum, exhibit you
 16 went to in 2003?
 17 A Yes.
 18 Q What is it, an art studio?
 19 A I don't know. Maybe, it's already closed, who
 20 knows.
 21 Q You went there, what was it?
 22 A People come and they can paint there. I took my
 23 kid and said, "Look, you can take a lesson here."

1 Q You took your son to art lessons there?
 2 A He didn't attend lessons, I showed him this place
 3 and said, "Look, go and take."
 4 Q How many times did you go there?
 5 A Once. Kid say forget about it.
 6 Q Other than that gallery, did you go to any other
 7 museums, exhibits, or galleries?
 8 A No.
 9 Q What about 2002, did you go to museums, exhibits,
 10 or galleries in 2002?
 11 A Busy time for me, I don't think so.
 12 Q What about in 2001?
 13 A I can say the same, 2001, 2002 were really busy.
 14 Q Have you been to any natural or national parks
 15 this January 2004 other than Snowshoe? I don't know if it's
 16 a natural park or not.
 17 A What do you mean, national parks?
 18 Q Hiking, wilderness, forest, seashores, any parks
 19 like that?
 20 A Great Falls, I think.
 21 Q When did you go to Great Falls?
 22 A Whatever, late spring and fall, probably to which
 23 it's a nice place.

- 1 Q 2003, late spring or fall of 2003?
 2 A I think spring. I wasn't able to go for
 3 anywhere.
 4 Q Spring 2003 was the last time you've been to a
 5 natural park, national-park-type place?
 6 A Yeah, I think so. Late spring.
 7 Q Great Falls Park in Great Falls, Virginia?
 8 A I think so.
 9 Q Who were you there with?
 10 A By myself, come on. I used to go there. It's
 11 not actually Great Falls, it's in Riverbend.
 12 Q Did you go to Great Falls Park or Riverbend Park?
 13 A It's the same park.
 14 Q You went there by yourself?
 15 A Yep.
 16 Q Have you ever gone there with anyone else?
 17 A Not really. Quiet place.
 18 Q Never gone with anyone else?
 19 A No, except for Russian party.
 20 Q Except for what?
 21 A For kind of Russian party, but it was in 1999
 22 when we just came here.
 23 Q You ever been to Shenandoah National Park?

- 1 A Yeah, I've been there.
 2 Q When was the last time you've been there?
 3 A No idea, but I've been there.
 4 Q Was it before the year 2000?
 5 A Can't recall.
 6 Q Do you recall who you went with?
 7 A By myself.
 8 Q Have you ever been to Assateague Island?
 9 A What?
 10 Q Assateague Island. You ever heard of it?
 11 A No idea.
 12 Q In the last three years have you been to any
 13 amusement parks? Do you understand what that is, like
 14 King's Dominion, Busch Gardens?
 15 A Yeah.
 16 Q We'll start -- have you been to any this month,
 17 2004?
 18 A Two years ago and I think three years ago. Two
 19 years ago Six Flags, and three years ago -- two years ago
 20 Six Flags twice. And King's Dominion, one time long time
 21 ago, probably three years ago.
 22 Q Who did you go to Magic Mountain with those
 23 times?

- 1 A What?
 2 Q Six Flags, I'm sorry.
 3 A With son.
 4 Q Both times?
 5 A And his friend.
 6 Q Both times?
 7 A Yeah.
 8 Q Who did you go to King's Dominion --
 9 A King's Dominion, I went with -- I already
 10 mentioned -- my ex-wife cousin's family, so --
 11 Q To King's Dominion?
 12 A Yeah. She call me and invite me, we went.
 13 Q Did you go to an SAIC party at Magic Mountain --
 14 or Six Flags?
 15 A Yeah.
 16 Q When was that?
 17 A First time SAIC did it, it probably was two years
 18 ago, I think.
 19 Q So you testified that you went two times with
 20 your son and his friend and now you're saying that you
 21 actually went to an SAIC party there?
 22 A That's --
 23 Q Both times?

- 1 A -- the same place, so it's a free ticket.
 2 Q So, Six Flags for an SAIC event?
 3 A Yep.
 4 Q Was Cheri Smith at this event?
 5 A I don't think so.
 6 Q Either of the two times you went?
 7 A I didn't see her there if she was.
 8 Q Other than that, have you been to any amusement
 9 parks?
 10 A No. I wish I could but no time.
 11 Q Why is there a Shenandoah National Park brochure
 12 in your car right now?
 13 A What?
 14 Q Are you planning on going there?
 15 A Shenandoah National Park?
 16 Q Uh-huh.
 17 A I probably will go ski on the Presidents Day, but
 18 Shenandoah, what to do there?
 19 Q Is there a ski resort there, Shenandoah National
 20 Park?
 21 A I'm going probably to the Snowshoe for skiing on
 22 the Presidents Day, and I don't think -- I don't know what
 23 to do in Shenandoah in this season.

1 Q Do you have a Shenandoah National Park brochure
2 in your car?
3 A What?
4 Q Did you have a Shenandoah National Park brochure
5 in your car?
6 A I don't know, probably.
7 Q When did you pick that up?
8 A I don't think I picked it up.
9 Q Who gave it to you?
10 A Friends, probably.
11 Q Who?
12 A Guys.
13 Q What guys?
14 A You mean you need names, exact name?
15 Q Please. You said "guys," obviously not Cheri
16 Smith, so give me the name.
17 MR. ANDERSON: Go ahead and tell him.
18 THE WITNESS: Okay. Rafael.
19 BY MR. WHITBECK:
20 Q What's Rafael's last name?
21 A Don't know.
22 Q Is he a friend of yours?
23 A Kind of friend. I know him as Rafael.

1 Q Where do you know Rafael from?
2 A He used to work for my company.
3 Q You still keep in contact with him?
4 A Once in a while.
5 Q So he's your friend?
6 A I can't say he's my friend.
7 Q How do you keep in contact with him?
8 A What do you mean?
9 Q Do you call him?
10 A I usually send him mail.
11 Q You send him mail?
12 A Yeah. He's busy guy.
13 Q You just write him a letter, and send it in the
14 mail?
15 A Yes, if I need some information from him, his
16 advice, or whatever.
17 Q You just write him a letter?
18 A Uh-huh.
19 Q Do you ever call him on the telephone?
20 A He's a busy guy and he work sometimes in the --
21 Q Is your answer yes or no?
22 A No.
23 Q Did you ever send e-mails?

1 A Yes.
2 Q Where does he live?
3 A I think it's Cascades area.
4 Q Cascades? Okay. Where does he work?
5 A Right now I don't know. He left SAIC four and a
6 half, maybe.
7 Q Is it your testimony that the only time you
8 contact Rafael is through mail and e-mail, is that the only
9 time you would have contact?
10 A The form of conversation.
11 Q Is only mail or e-mail?
12 A If he needs me, he calls me.
13 Q So he calls you?
14 A Yes. I can call him on Caller ID but I never
15 write his -- phone as a phone number, whatever.
16 Q You don't know his last name?
17 MR. ANDERSON: You want us to continue?
18 MS. VARDY: Yeah. I need to take this.
19 MR. WHITBECK: You want to take a break?
20 MS. VARDY: Just need probably five minutes, if
21 that's okay.
22 (Whereupon, a recess was taken.)
23 (Whereupon, Ms. Vardy left the deposition.)

1 BY MR. WHITBECK:
2 Q Does your son call you Father, Dad, or Papa?
3 What does he call you usually?
4 A Dad.
5 Q Dad?
6 A Uh-huh.
7 Q Do you know Lisa Barnard?
8 A Who?
9 Q Lisa Barnard, B-A-R-N-A-R-D?
10 A No idea.
11 Q You don't know her?
12 A Huh-uh.
13 Q Do you know Kristin Knight?
14 A Yeah, I know Kristin.
15 Q How do you know Kristin Knight?
16 A She works for our company.
17 Q Does she work in your section?
18 A Yeah, you can say this.
19 Q Do you speak to her regularly?
20 A Not really. I usually --
21 Q Do you ever socialize with her outside of work?
22 A As with other people, I mean.
23 Q Tell me about Kristin Knight, when -- have you

1 socialized with her in January 2004?
 2 A What do you mean, socialize?
 3 Q Gone to restaurants, gone to galleries, gone to
 4 parties, gone to bars, gone to her house?
 5 A If you mean this, probably, yeah.
 6 Q Where have you gone? We're talking about January
 7 2004, this month.
 8 A January, no.
 9 Q You've not socialized with her outside of work?
 10 A I mean for future, in January, no socializing.
 11 Q What about -- when was the last time you
 12 socialized with Kristin Knight outside of work?
 13 A Last year, maybe November.
 14 Q Maybe November 2003?
 15 A Yeah, maybe. I'm not sure.
 16 Q Around that time?
 17 A Uh-huh.
 18 Q Where did you go?
 19 A Some Chinese place, I think.
 20 Q Who was with you?
 21 A Nobody.
 22 Q Just the two of you?
 23 A Yeah.

1 Q Did you go to lunch?
 2 A Yeah, I think so.
 3 Q Was it lunchtime?
 4 A Uh-huh.
 5 Q You testified before that you don't go out to
 6 lunch -- you couldn't remember going out to lunch with
 7 co-workers. Have I refreshed your recollection? Is there
 8 anyone else you go to lunch with?
 9 A You can ask questions.
 10 Q Who else besides Kristin Knight have you gone to
 11 lunch with?
 12 A Like I said, I don't socialize very often.
 13 Q It's amazing how you remember Kristin Knight all
 14 of a sudden. But before the Chinese restaurant, when was
 15 the time before that you --
 16 A You didn't ask about Kristin Knight, and my
 17 response was, yeah, Chinese restaurant, so what.
 18 Q I'm asking about her now. Before this Chinese
 19 restaurant lunch did you socialize with her outside of work?
 20 A What do you mean?
 21 Q What other times have you seen her outside of
 22 work?
 23 A Christmas party, SAIC Christmas party. She

1 joined the same time as me.
 2 Q This was that first Christmas party, 2001?
 3 A Uh-huh.
 4 Q So those are the only two times --
 5 A 2001, probably was 2000.
 6 Q So the company Christmas party, lunch, November,
 7 around November 2003, those are the only times you've
 8 socialized with Kristin Knight outside of work?
 9 A I don't think so.
 10 Q Tell me about the other times.
 11 A I don't remember.
 12 Q You don't recall?
 13 A No. If you give specific dates.
 14 Q Have you ever socialized with Kristin Knight and
 15 Cheri Smith's been present?
 16 A When?
 17 Q Anytime.
 18 MR. ANDERSON: Fifth Amendment.
 19 BY MR. WHITBECK:
 20 Q Do you know Ed and Sherry Day?
 21 A What?
 22 Q Ed and Sherry Day, D-A-Y, do you know those --
 23 Mr. and Mrs. Day?

1 A No.
 2 Q Do you know Cheri Smith's brother, Darryl?
 3 A No.
 4 Q Have you ever met any members of Cheri Smith's
 5 family?
 6 MR. ANDERSON: Fifth Amendment.
 7 BY MR. WHITBECK:
 8 Q I'm going to direct your attention to January 5,
 9 2004, were you driving on Prince William Parkway that night?
 10 A Yeah.
 11 Q Where were you going?
 12 A Home.
 13 Q What time of day was that?
 14 A What time was that?
 15 Q What time were you going home, driving on Prince
 16 William Parkway, what time of day or night was that?
 17 A I think it was around midnight, maybe over it.
 18 Q Where were you coming from?
 19 MR. ANDERSON: Fifth Amendment.
 20 BY MR. WHITBECK:
 21 Q Do you know where Mr. Smith lives currently?
 22 A What do you mean, apartment number?
 23 Q Do you know where he lives in Woodbridge?

1 A Visually, yeah.
 2 Q Have you been to his apartment?
 3 A No.
 4 Q How do you know where he lives?
 5 MR. ANDERSON: Fifth Amendment.
 6 BY MR. WHITBECK:
 7 Q Do you have any information as to why Cheri Smith
 8 was at Mr. Smith's apartment at about 1:00 in the morning on
 9 January 25, 2004?
 10 MR. ANDERSON: Fifth Amendment.
 11 BY MR. WHITBECK:
 12 Q Do you know Catherine Croft, attorney Catherine
 13 Croft?
 14 A Who?
 15 Q Attorney Catherine Croft?
 16 A No.
 17 Q Have you ever been to a University of Maryland
 18 alumni event?
 19 A Last word, "alumni"?
 20 Q University of Maryland alumni party or event of
 21 some type?
 22 A What is this?
 23 Q University of Maryland, it's a university in the

1 state of Maryland.
 2 A I know what university, what event?
 3 Q Have you been to a party -- in 2002 did you go to
 4 a party for the University of Maryland alumni for people who
 5 have gone to the college and since graduated?
 6 A No. I don't know what this is.
 7 Q Did you go to a Fall Harvest Party on
 8 October 25, 2002?
 9 A 2002 was really busy for me and I didn't went to
 10 any big events at least.
 11 Q Did you go to a cocktail party at a woman named
 12 Lisa's house on December 6, 2002?
 13 A Like I said, no.
 14 Q Have you been -- did you go to the SAIC dinner
 15 cruise on December 7, 2002?
 16 A Dinner cruise?
 17 Q Uh-huh.
 18 MR. ANDERSON: It would be a dinner on a boat on
 19 the Potomac, probably.
 20 THE WITNESS: Okay. I don't know what this is
 21 about.
 22 BY MR. WHITBECK:
 23 Q Did you go -- in December of 2002 did your -- do

1 you recall if your company sponsored a dinner event on a
 2 boat cruising around the Potomac River, something like that?
 3 A Please specify company.
 4 Q SAIC.
 5 A You cannot specify SAIC as a company because --
 6 Q Give me a break. The company that you work for,
 7 for crying out loud.
 8 A Listen to me, SAIC -- this is how SAIC works.
 9 SAIC is ownership. Yes, if you want to know how it's work.
 10 Q I don't want to know how it works. I want to
 11 know if you went to a dinner cruise in December of 2002.
 12 A If you --
 13 Q Answer the question. December 2002 did you go on
 14 a dinner cruise?
 15 A No.
 16 Q Thank you. Very simple. Have you ever been to
 17 Mr. Smith's residence on Huntsman Drive in Manassas?
 18 MR. ANDERSON: Fifth Amendment.
 19 BY MR. WHITBECK:
 20 Q Have you ever received a Russian greeting card
 21 from anyone in the United States?
 22 A No. Who knows what Russian greeting card means?
 23 Q Anybody purchased a Russian greeting card for

1 you, a birthday card, holiday card for you?
 2 A It wasn't Russian definitely. I don't think you
 3 can buy here Russian.
 4 Q Ever get a Russian Christmas card?
 5 A Russia doesn't have Christmas card.
 6 Q Did you go to a museum on December 21, 2003?
 7 A Like I said --
 8 Q Did you --
 9 A I already answered this question.
 10 Q Answer it again. Did you go to a museum on
 11 December 21, 2003?
 12 A No.
 13 Q You did not? Did you ever get a Russian New Year
 14 card from anybody in the United States?
 15 A The already answered this question. I already
 16 answered.
 17 Q I'm talking about a Russian New Year card. I
 18 know you said you don't celebrate it as a holiday, but let
 19 me ask you specifically about a Russian New Year card.
 20 A Made in Russia?
 21 MR. ANDERSON: You use the word "Russian," he
 22 thinks it means it was made in Russia.
 23

1 BY MR. WHITBECK:
 2 Q Any card in the Russian language or related to
 3 Russia?
 4 A In Russian language?
 5 Q Or related in any way to Russia, have you
 6 received a greeting card of any nature?
 7 A I received greetings on my birthday and on
 8 Christmas from my ex-relatives.
 9 Q Other than your ex-relatives, have you received
 10 it from friends?
 11 A Not as far as I remember.
 12 Q That jacket you're wearing right here that you
 13 brought today, how long have you owned that jacket?
 14 A I don't know -- five, six years.
 15 Q You wear it often in the cold?
 16 A Sometimes.
 17 Q Have you worn it at all this month before today?
 18 A Not always.
 19 Q Have you ever worn it this month before today?
 20 A I wear it this month.
 21 Q How many times do you think you've worn it?
 22 A No idea. If I am driving the car I usually take
 23 light coat, I definitely sure if I don't walk a long time

1 outside.
 2 Q Where were you on the night of Friday,
 3 January 16, 2004?
 4 A Friday, January 16th?
 5 MR. ANDERSON: Take the Fifth Amendment.
 6 BY MR. WHITBECK:
 7 Q Do you know Megan Aben, A-B-E-N?
 8 A No.
 9 Q Do you know Ruth Welch, W-E-L-C-H?
 10 A No.
 11 Q Do you know Erica Bugge, B-U-G-G-E?
 12 A No.
 13 Q Do you know Tiffany Bundy?
 14 A No.
 15 Q Have you ever been to the Caterpillar Clubhouse
 16 Day Care Center?
 17 A What?
 18 Q Have you ever been to the Caterpillar Clubhouse
 19 Day Care Center?
 20 A No.
 21 Q Have you ever been to Seven Oaks Day Care Center?
 22 A What is this Seven Oaks?
 23 Q Seven Oaks Day Care Center.

1 A No.
 2 Q Have you ever been to Round Elementary School in
 3 Manassas, Virginia?
 4 A No.
 5 Q Do you know Ashley Clark?
 6 A Who?
 7 Q Ashley Clark?
 8 A No.
 9 Q Do you know Carrie Dougher, D-O-U-G-H-E-R?
 10 A No.
 11 Q Do you know Tamara Feliciano? Ever met her?
 12 A No. This is surprises for me.
 13 MR. ANDERSON: Are these adult people you're
 14 asking him about?
 15 MR. WHITBECK: Uh-huh.
 16 BY MR. WHITBECK:
 17 Q Do you know Terry and Ken Landon, have you ever
 18 met them?
 19 A No.
 20 Q Do you know Delta Pelgrim, P-E-L-G-R-I-M?
 21 A No.
 22 Q Do you know Greg Wechter, W-E-C-H-T-E-R?
 23 A I know guy name Greg, I'm not sure.

1 Q Greg in Pennsylvania?
 2 A He's definitely not in Pennsylvania. So I don't
 3 know, some other person.
 4 Q Do you know -- I'll spell it for you, Irina,
 5 I-R-I-N-A, Tyurnina, T-Y-U-R-N-I-N-A?
 6 A It's our office manager.
 7 Q Was she the office manager when Cheri Smith
 8 worked at the Reston building?
 9 A I cannot tell, probably yes, but I'm not sure.
 10 Q Do you know Craig Wennet, W-E-N-N-E-T?
 11 A Craig or Greg?
 12 Q Craig, C-R-A-I-G.
 13 A No.
 14 Q Do you know Mary Kay Yates, Y-A-T-E-S?
 15 A No.
 16 Q What's your e-mail address at work?
 17 A I don't know.
 18 Q You don't know what your e-mail address is at
 19 work?
 20 A You go and see in the company records.
 21 Q Do you know it?
 22 A It's private company information.
 23 Q Do you know?

1 A Yes, I know.
 2 Q Can you state for the record what your e-mail
 3 address is?
 4 A No. It's a corporate property. I don't want to
 5 get junk mail on this.
 6 Q Sir --
 7 MR. ANDERSON: We'll take the Fifth Amendment.
 8 BY MR. WHITBECK:
 9 Q Do you have a home e-mail address?
 10 MR. ANDERSON: We'll take the Fifth Amendment.
 11 BY MR. WHITBECK:
 12 Q Have you ever been to a restaurant named
 13 Matsutake?
 14 A Yeah.
 15 Q When is the last time you were there?
 16 A No idea, a long time.
 17 Q Where is Matsutake?
 18 A There are a bunch of them around in the area.
 19 Q Where's the one you usually go to?
 20 A Rosslyn.
 21 Q You ever been to La Madeleine?
 22 A La Madeleine what?
 23 Q La Madeleine Restaurant?

1 A Yeah.
 2 Q In Reston?
 3 A Yeah.
 4 Q You go there for lunch?
 5 A Yes.
 6 Q Ever go there for dinner?
 7 A Not for dinner, just once with my attorney to
 8 celebrate my finalizing divorce case.
 9 Q How many times you been there for lunch?
 10 A Sometimes I go by myself just for lunch. It's
 11 cheap, like, three dollars meal, good food.
 12 Q Is there a Vietnamese restaurant you go to in
 13 Reston near your work?
 14 A Vietnamese?
 15 Q Uh-huh.
 16 A No. I don't like Vietnamese food. I know there
 17 is some whatever soup, famous soup, but I've never been
 18 there.
 19 Q Do you listen to classical music?
 20 A Not recently. Let's say I prefer live classical
 21 music, not CD.
 22 Q What about Stravinsky, do you like Stravinsky?
 23 A I never really listened to him.

1 Q You've never listened to Igor Stravinsky?
 2 A No.
 3 Q Not once?
 4 A Two CD's for me.
 5 Q Have you heard his songs?
 6 MR. ANDERSON: This is probably relevant --
 7 THE WITNESS: Stravinsky never wrote a song.
 8 MR. WHITBECK: Do you want to see the e-mails
 9 from him and my client's wife?
 10 BY MR. WHITBECK:
 11 Q You ever listen to Tchaikovsky?
 12 A Yeah.
 13 Q What's the "tower," as related to --
 14 A Tower, it's a term for SAIC headquarters in the
 15 city.
 16 Q Where is it, the tower?
 17 A Tysons Corner.
 18 Q Is that where Cheri Smith works right now?
 19 A Yeah. It's -- there are a few buildings.
 20 Q Who's David Cutler?
 21 A It's project leader.
 22 Q Your project leader?
 23 A I didn't work for him directly but I had some

1 assignments from him.
 2 Q Does Cheri Smith receive assignments from him?
 3 A Yeah, I think so.
 4 Q Does she still receive assignments from him?
 5 A How do I know? It's a different division.
 6 Q So your answer's no?
 7 A Uh-huh.
 8 Q You and Cheri Smith ever been assigned by David
 9 Cutler to the same projects or same assignment?
 10 A No. He cannot assign me because I didn't work
 11 for him.
 12 Q You like to read?
 13 A In Russian, yeah, not in English.
 14 Q Do you read frequently?
 15 A Last time I read something was, like, six years
 16 ago.
 17 Q So the last time you've read a book was six years
 18 ago?
 19 A (Witness indicated.)
 20 MR. WHITBECK: I'm assuming your client will take
 21 the Fifth Amendment to any questions about e-mails between
 22 him and Cheri Smith?
 23 MR. ANDERSON: Yes.

1 THE WITNESS: I would have questions about me
 2 too.
 3 BY MR. WHITBECK:
 4 Q You said that you have no set schedule, that you
 5 often work more than eight hours a day. Do you ever work
 6 later than 6 p.m.?
 7 A Yeah.
 8 Q How often?
 9 A Last half a year -- should be more than half a
 10 year, about a year over.
 11 Q What about when Cheri Smith was working in the
 12 same Reston building, did you ever work late during that
 13 time?
 14 A What? When I work late, I work from home
 15 usually.
 16 Q So you never work late at the office, only when
 17 you telecommute?
 18 A Usually telecommute, yeah.
 19 Q So have you ever worked late at the office?
 20 A No. I have a kid, I have to feed him.
 21 Q You -- strike that. Did you ever work late in
 22 the office when Cheri Smith was working in the Reston
 23 building?

1 A No.
 2 Q What time do you have to get home for your son?
 3 A Usually five or four.
 4 Q Four or five every night you're home?
 5 A Uh-huh, pretty much.
 6 Q What does your apartment look like? Is it
 7 two-bedroom, one-bedroom?
 8 A Standard two-bedroom apartment.
 9 Q You have one room, your son has one room?
 10 A Uh-huh.
 11 Q Kitchen?
 12 A Yep.
 13 Q How many bathrooms?
 14 A One.
 15 Q One bathroom?
 16 A Uh-huh.
 17 Q Did you have a common area or family room?
 18 A Yeah, some sort of a living room meshed with
 19 kitchen.
 20 Q Do you have a balcony of any kind?
 21 A Yeah.
 22 MR. SMITH: Was that yes or no to the balcony?
 23 MR. WHITBECK: Yes.

1 MR. ANDERSON: Yes.
 2 BY MR. WHITBECK:
 3 Q What was the reason -- did you file, did your
 4 wife file papers to divorce you?
 5 A I filed papers.
 6 Q You filed papers? You filed a Bill of Complaint,
 7 does at that sound familiar?
 8 MR. ANDERSON: Objection.
 9 THE WITNESS: Yeah. I filed Bill of Complaint.
 10 BY MR. WHITBECK:
 11 Q When you filed a Bill of Complaint what was your
 12 reason stated for the divorce?
 13 A Adultery.
 14 Q Adultery on your wife's part?
 15 A Yeah.
 16 Q Did she file a counter lawsuit to your Bill of
 17 Complaint?
 18 A No.
 19 Q She did not? Did he she file an answer?
 20 A Yes.
 21 Q What -- did the answer state a reason why she
 22 wanted a divorce?
 23 A Why she wanted a divorce? She never wanted

1 divorce. I filed and I got my divorce.
 2 Q Did it go to trial? Did you have a court
 3 hearing?
 4 A Yeah.
 5 Q Did she have a lawyer?
 6 A She was pro se.
 7 Q She testified in the hearing?
 8 A Yeah.
 9 Q Did you testify in the hearing?
 10 A Sorry?
 11 Q Did you testify in the hearing?
 12 A Yeah.
 13 Q This is Fairfax County?
 14 A Yes.
 15 Q What year would this have been?
 16 A Come on, just go to Internet and type --
 17 Q Just answer the question. What year would it
 18 have been?
 19 A I don't remember.
 20 Q You don't remember the year you got divorced?
 21 A 2002, May.
 22 Q Thank you.
 23 How did you feel when you found out your wife had

1 committed adultery?
 2 MR. ANDERSON: Objection. You're not going to
 3 ask him questions about his feelings.
 4 THE WITNESS: I can answer this question,
 5 actually.
 6 MR. ANDERSON: Go ahead and answer him.
 7 THE WITNESS: You mean feelings.
 8 MR. ANDERSON: This is the last question that you
 9 are going to ask for feelings. We're not going to be here
 10 for another five hours.
 11 BY MR. WHITBECK:
 12 Q I mean, you sued your wife for adultery as a
 13 basis for the divorce. Were you upset about it?
 14 A Let's make straight. I never sued her for
 15 adultery. I never sued her. I just -- to get divorced I
 16 need to file some papers and --
 17 Q And the reason you gave was adultery, correct?
 18 A Yes. Somebody told me reason.
 19 MR. ANDERSON: Don't bother answering the
 20 question. We're not answering the question.
 21 MR. WHITBECK: What's your basis for not
 22 answering the question?
 23 MR. ANDERSON: It's 1:30 --

1 MR. WHITBECK: That's not a basis for not
 2 answering the question.
 3 MR. ANDERSON: This is totally irrelevant,
 4 totally. His feelings are totally irrelevant.
 5 MR. WHITBECK: You have no standing to object to
 6 it.
 7 MR. ANDERSON: You got any more questions before
 8 we walk out?
 9 BY MR. WHITBECK:
 10 Q Have you ever been to his apartment?
 11 A At his apartment?
 12 Q Yes.
 13 A Inside? No.
 14 Q In Woodbridge?
 15 A No.
 16 Q Have you been to the apartment complex where he
 17 lives?
 18 MR. ANDERSON: Fifth Amendment.
 19 MR. WHITBECK: Okay. Thank you.
 20 MR. ANDERSON: We'll read.
 21 (Thereupon, the above proceedings concluded at
 22 approximately 1:26 p.m.)
 23

1 CERTIFICATE

2 STATE OF VIRGINIA:
 3 AT LARGE:

4
 5 Before me, this day, personally appeared Igor Bakhir,
 6 who, being duly sworn, deposes and says that the foregoing
 7 transcript of his deposition, taken in the matter, on the
 8 date, and at the time and place set out on the title page
 9 hereof, constitutes a true and accurate transcript of said
 10 deposition.

11
 12 Igor Bakhir

13
 14 SUBSCRIBED and SWORN to before me this day of
 15 , 2004, in the jurisdiction aforesaid.

16
 17 My Commission Expires:

18
 19 Date Notary Public

20
 21
 22
 23

1 CERTIFICATE OF REPORTER

2 I, Wendy L. Wieben, the officer before whom the
 3 foregoing deposition was taken, do hereby certify that the
 4 witness whose testimony appears on the foregoing deposition
 5 was duly sworn by me; that the testimony of said witness was
 6 taken by me stenographically, and that I thereafter reduced
 7 it to typewriting; that the foregoing is a true record of
 8 the testimony given by said witness; that I am neither
 9 counsel for, related to, nor employed by any of the parties
 10 to the action in which this deposition was taken; and,
 11 further, that I am not a relative or employee of any
 12 attorney or counsel employed by the parties thereto, nor
 13 financially or otherwise interested in the outcome of the
 14 action.

15
 16
 17 Wendy L. Wieben, CCR
 18 Notary Public in and for the
 19 State of Virginia at Large

20 My Commission Expires:
 21 August 31, 2006

22
 23

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