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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL PROBATE DIVISION

IN RE)
)
THE DOROTHY HORWITZ)
)
FAMILY TRUST, DATED MARCH 6, 2012,) NO. BP153887
)
AS AMENDED.)
_____)

DEPOSITION OF DORIS TUCKER
WEDNESDAY, JUNE 3, 2015

HEF COURT REPORTING
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Reported by: Rose M. Heffernan, RPR, CLR, CSR No. 9820

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL PROBATE DIVISION

IN RE)
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THE DOROTHY HORWITZ)
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FAMILY TRUST, DATED MARCH 6, 2012,) NO. BP153887
)
AS AMENDED.)
_____)

DEPOSITION OF DORIS TUCKER, taken on behalf of the
Objector, Respondent and Trustee, at 21550 Oxnard
Street, Third Floor, Woodland Hills, California,
commencing at 10:26 a.m., Wednesday, June 3, 2015,
pursuant to Subpoena, before Rose M. Heffernan, RPR,
CSR No. 9820.

1 APPEARANCES :

2

3 FOR THE OBJECTOR/RESPONDENT AND TRUSTEE,
4 HOOVER J. LOUIE:

5

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12

13 FOR THE DEFENDANTS:

14

15 Appearing telephonically:
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17 In Propria Persona
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PLAINTIFFS'

EXHIBIT DESCRIPTION MARKED

1 Notary journal entry dated 11/18 14

2 Addendum 22

3 Jurat 23

1 WOODLAND HILLS, CALIFORNIA; WEDNESDAY, JUNE 3, 2015

2 10:26 a.m.

3 --oOo--

4
5 DORIS TUCKER,
6 having been first duly sworn, was
7 examined and testified as follows:

8
9 EXAMINATION

10 BY MS. MORROW:

11 Q. Could you please state and spell your name for
12 the record.

13 A. My name is Doris Tucker. D-o-r-i-s
14 T-u-c-k-e-r.

15 Q. And, Ms. Tucker, have you ever had your
16 deposition taken before?

17 A. Yes.

18 Q. On how many occasions?

19 A. Maybe once.

20 Q. Okay. I'm just going to go over a few ground
21 rules --

22 A. Sure.

23 Q. -- just so we get a complete record.

24 The court reporter to your right is taking down
25 everything that we say today in this room. It's therefore

1 important that I remember to let you finish your answer
2 before I speak, and that you remember to let me finish my
3 question before you speak.

4 It's also very important that you understand the
5 question. You're the only person that really matters in
6 this room. So if for some reason you don't understand a
7 question that I ask, let me know, I'm happy to reword it,
8 break it down into two questions, whatever it takes to
9 ensure that you understand the question.

10 Do you understand that?

11 A. Yes.

12 Q. If for any reason you want to take a break at any
13 time, just let me know. If you want to stretch your legs,
14 get a glass of water, just let me know. I'm happy to take
15 a break at any time.

16 Is there any reason why you cannot give your best
17 testimony today?

18 A. No.

19 Q. Okay. Because the court reporter is taking down
20 everything that is said today, it's important that you
21 give your best testimony. And I do need to advise you
22 that if you change any of your answers substantially, like
23 a "yes" to a "no," and if this matter were to go to trial,
24 that's something that somebody could comment upon
25 negatively.

1 Do you understand that?

2 A. Yes, I do.

3 Q. But when you receive the transcript that the
4 court reporter will be preparing, it is important that you
5 make any corrections that you deem necessary.

6 Do you understand that?

7 A. Yes, I do.

8 Q. Okay. Now, I understand that you are currently a
9 notary, licensed by the State of California. Is that
10 correct?

11 A. Yes.

12 Q. And approximately how long have you held that
13 notary license from the State of California?

14 A. Let me explain. The notary license I have held
15 almost 20 years, but every four years it has to be
16 renewed.

17 Q. Okay. So you have been a licensed notary for
18 approximately 20 years, but that time includes your
19 extensions every four years?

20 A. Yes, it does.

21 Q. Not an extension. A renewal.

22 A. A renewal.

23 Q. Okay. And did you take classes to become a
24 notary?

25 A. Yes, I did.

1 Q. Okay. And do you take classes when you renew
2 your license or do you study for the test?

3 A. Yes, I do.

4 Q. And every four years you take a notary test?

5 A. Yes, I do.

6 Q. And do those classes include information
7 regarding witnesses' identification documents?

8 A. Yes, it does.

9 Q. And are you employed by somebody or are you
10 self-employed?

11 A. Both.

12 Q. Okay. Who are you employed by?

13 A. I work as a notary for a company called Express
14 Pack & Ship.

15 Q. Express Pack & Ship?

16 A. Um-hmm.

17 Q. And in addition to being an employee for Express
18 Pack & Ship, you also are self-employed; is that
19 correct?

20 A. Yes, I am.

21 Q. And is that as a notary?

22 A. That is both as a notary.

23 Q. Okay. Just to give me some idea -- I don't even
24 know how to quantify this -- as to how many documents
25 you've notarized. Can you -- can you give me any idea,

1 perhaps by month or --

2 A. That would require me -- to be accurate, okay --

3 Q. Okay.

4 A. -- that would require me going through every
5 notary book that I have filled since the time I have
6 become a notary. So we would have to say hundreds and
7 hundreds, even thousands of signatures or notarizations in
8 different areas.

9 Q. Would it be safe to say you've notarized over 100
10 documents?

11 A. Definitely.

12 Q. Okay.

13 A. I mean, you know, I might do a hundred a month.

14 Q. Okay.

15 A. So it just depends.

16 Q. Okay. And do you -- as a self-employed notary,
17 do you advertise or is it word of mouth?

18 A. Both.

19 Q. Okay. And I take it you've been to the Garden
20 Crest Rehabilitation facility before?

21 A. Yes.

22 Q. Do you recall when you first went to Garden
23 Crest?

24 A. I've gone several -- on several different
25 occasions.

1 Q. Okay. Is that in your work through Express Pack
2 & Ship, or is that in your work as a self-employed
3 notary?

4 A. That's in my work as a self-employed notary.
5 Garden Crest is a client of mine. So is Orit Shapiro.

6 Q. And when you have been called to Garden Crest as
7 a notary, does one person, the same person, call you each
8 time, or has different persons called you?

9 A. The same person calls me each time, which is Orit
10 Shapiro.

11 Q. Okay. All right. And do you know Orit in a
12 social way or in just a business relationship?

13 A. Business relationship.

14 Q. And what type of facility do you understand
15 Garden Crest to be?

16 A. A rehabilitation center and nursing facility for
17 patients with different requirements.

18 Q. Now, in your focusing on your work as a
19 self-employed notary, do you have a regular practice when
20 you are called to notarize a document?

21 Let's say I'm a customer and I call you and I
22 say, "Will you come to my house to notarize a document?"
23 Do you have a practice that you would ordinarily follow if
24 you came to my house to notarize a document?

25 A. Sure.

1 Q. Okay. Can you walk me through that.

2 A. Sure.

3 I would introduce myself, "I am the notary
4 requested, as per requested. I need to look at the
5 documents that you need notarized. We need to go over
6 them. And there may be a few questions I need to ask you
7 regarding the notary."

8 Q. Okay. So you get the document and you look it
9 through. Let's say there aren't any -- well, if you had a
10 question about the document, you would ask the witness,
11 correct?

12 A. I would ask you, if you are the person requesting
13 the notary.

14 Q. Okay.

15 A. All right. Now, I would also need your
16 identification. You must present your identification to
17 me because I am here to verify that you are who you say
18 you are.

19 Q. And you would verify that identification?

20 A. Correct.

21 Q. Okay. And then if you were satisfied with the
22 document and the identification, would you notarize the
23 document?

24 A. Yes.

25 Q. And generally do you evaluate the person, their

1 demeanor, their answers to your questions to ensure that
2 they are competent to sign the document?

3 A. Yes, I do.

4 Q. And would you do that if the witness, the person
5 signing the document, was an elderly person?

6 A. Definitely.

7 Q. If you had concerns about a witness's awareness
8 or competency, would you ask questions to inquire
9 further?

10 A. Yes, I would.

11 Q. Okay. Do you have a specific question that you
12 usually ask, or do you just feel out the situation?

13 A. I usually feel out the situation and then adjust
14 the questions according to the situation.

15 Q. Have you ever declined to notarize a document
16 because you did not feel comfortable with the situation?

17 A. No.

18 Q. You've always been presented with a witness that
19 you felt was competent, and you felt comfortable with the
20 documents?

21 A. Yes.

22 Q. And in regard to Garden Crest, do you know if
23 they have a sign there or some type of literature
24 regarding your services, or is that a word-of-mouth
25 customer?

1 A. That is a word-of-mouth customer situation.

2 Q. And sitting here today, do you recall that you
3 were called out there on November 18th, 2013 to notarize a
4 document?

5 A. Yes.

6 Q. Okay. And do you recall, was it Orit Shapiro who
7 called you to notarize a document?

8 A. Yes, on behalf of the client.

9 Q. Okay. And how long, if you recall, before you
10 go -- let's say as a general practice, how long in advance
11 would Orit call you to come out and notarize a document?
12 The day before? Two days before?

13 A. It would just depend, because usually I have to
14 set an appointment. I have to schedule a client in
15 between other clients, mostly because I am a busy
16 notary.

17 Q. In regards to the notary of November 18th, do you
18 recall when you were called by Orit to conduct that notary
19 service?

20 A. Yes. It was an advance notice.

21 Q. Okay. It wasn't that day?

22 A. No.

23 Q. I'm going to show you a document that I'll mark
24 as Exhibit 1. It's your journal entry I believe that you
25 provided to me from November 18th. It's two pages.

1 A. Yes, it is.

2 (Exhibit 1 was marked for identification.)

3 BY MS. MORROW:

4 Q. Okay. When you arrived on November 18th, can you
5 walk me through what you recall occurred.

6 A. I arrived at the facility. I went to the office,
7 manager's office first.

8 Q. Is that Orit?

9 A. Yes. Which I always do. And then we proceeded
10 to the area where the client was.

11 Q. Going back to when you arrived at the office,
12 manager's office, was Orit there?

13 A. Yes.

14 Q. Okay. And did she tell you what your notary
15 services were requested for?

16 A. No.

17 Q. Did she tell you for whom the services were
18 requested for?

19 A. Definitely. We had a preset appointment --

20 Q. Okay.

21 A. -- so I knew the client's name.

22 Q. So Orit had given you the client's name when she
23 called you prior to November 18th?

24 A. Correct.

25 Q. And did she tell you that the client was Dorothy

1 Horwitz?

2 A. Yes, she did.

3 Q. In what area was Dorothy located when you and
4 Orit went to see her?

5 A. She was in one of the other buildings. I think
6 it was the area where she has, you know, dining privileges
7 also. It was a separate -- where her room is located,
8 there is a desk. Okay. So --

9 Q. Was it a common area or was it her room?

10 A. Her room is where the -- well, you know what, I'm
11 not sure if it was exactly her room, but we were in a
12 room.

13 Q. Okay.

14 A. She and I and the witness, which was Orit. Okay.

15 Q. And just the three of you were present in the
16 room?

17 A. Correct.

18 Q. And were you sitting -- all three sitting at a
19 table or at a desk?

20 A. Desk.

21 Q. At a desk.

22 And I take it you introduced yourself to Dorothy.

23 A. Yes, I did.

24 Q. Okay. And you asked her for her document?

25 A. I asked her for identification first.

1 Q. Okay. And what identification do you recall that
2 she gave you?

3 A. California driver's license.

4 Q. Okay. And I take it you found that ID to be
5 sufficient.

6 A. Yes, because it's valid. It was valid.

7 Q. Okay. And then did you ask for the document to
8 be notarized?

9 A. I asked her had she previously received her
10 addendum to her wishes, once I find out it was an addendum
11 from her.

12 Q. When did you first find out that the addendum was
13 the document you were asked to notarize?

14 A. She told me.

15 Q. When you -- Dorothy did?

16 A. Dorothy did all of this, yes.

17 Q. Okay. So after you arrived and you and Orit went
18 to meet with her, she told you that she had an addendum to
19 her trust that she was asking you to notarize?

20 A. Correct.

21 Q. Okay. And you asked her if she had previously
22 received the addendum?

23 A. Yes. And she told me she had it. I needed to
24 know if she had it in her physical hands or presence,
25 because if she didn't have it, I could not notarize it.

1 Q. Okay. So if she didn't receive that addendum
2 previously or have it previously in her possession, you
3 would not have notarized the document?

4 A. No, I would not.

5 Q. Okay. And did she hand you the addendum at that
6 time?

7 A. Yes, she did. But prior to the addendum, I asked
8 several questions. I asked Dorothy how was she doing that
9 day. I asked her to tell me a little bit about her life.

10 Q. And why did you ask those questions?

11 A. Because the response to the questions could
12 determine whether or not she was of sound mind.

13 Q. And when you asked her how she was doing that
14 day, do you recall what she said?

15 A. She told me that she was fine; you know, that she
16 had -- she had been taking medication because she didn't
17 feel that she was going to be on this earth long; and she
18 wanted these changes in effect before her transition or
19 something happened with her health.

20 Q. Okay. And did she tell you about her life?

21 A. A little bit.

22 Q. Okay. Were her responses to you sufficient so
23 that you believed she was of sound mind?

24 A. Her responses were quick and accurate. And I
25 have to do a judgment call. Okay? So because of a

1 judgment call, I have -- you know, with the questions,
2 it's determined on the response time. Hers were
3 immediate. So, yes.

4 Q. She appeared clear-minded?

5 A. Clear-minded.

6 Q. I'm going to show you a document that has numbers
7 on the bottom. They're HORW0041 through to HORW0045. And
8 I will represent that these were produced by Mr. Solomon's
9 counsel in this case, and they are entitled -- the first
10 document is the "Affidavit of Dorothy Horwitz."

11 If you can take a look at those five pages.

12 A. Yes.

13 Q. And have you seen that document before?

14 A. Yes, I have.

15 Q. And do you recognize this as being the
16 addendum -- do you recognize pages 0043 through 0045 as
17 being the addendum that Dorothy Horwitz gave to you?

18 A. That is correct.

19 Q. The first page is entitled "The Affidavit of
20 Dorothy Horwitz." Is any writing on that page yours?

21 A. Yes, the writing on this page is mine, because it
22 states here that, "The undersigned affiant, being first
23 duly sworn on oath, deposes and says that the Addendum to
24 the Living Trust and the Distribution of Assets, see
25 attached pages."

1 Q. So that printing there is yours, correct?

2 A. Yes, that is correct.

3 Q. And do you recognize that stamp, notary stamp, as
4 being your stamp?

5 A. Yes, it is.

6 Q. And on the -- about midway on the right-hand side
7 is what looks to be a Social Security number. Do you
8 recognize -- is that your writing there? It says
9 "555-40-9854."

10 A. That's her Social Security number, yes.

11 Q. And did she give you that Social Security number
12 at that time?

13 A. Yes, she did.

14 Q. And you wrote that Social Security number down?

15 A. Yes, I did. For the addendum, yes, ma'am.

16 Q. Do you remember, did Dorothy know that Social
17 Security number off the top of her head? Do you recall?

18 A. I don't exactly recall whether she had the card
19 with her or she knew it off the top of her head. I don't
20 remember exactly how that went.

21 Q. But she gave you the number?

22 A. Yes, she did.

23 Q. Okay. And did you see her sign this affidavit in
24 your presence?

25 A. Yes.

1 Q. And is that her signature in the bottom
2 right-hand side?

3 A. This is her signature.

4 Q. The next page is entitled "California Jurat with
5 Affiant Statement."

6 A. Yes.

7 Q. HORW0042.

8 A. Um-hmm.

9 Q. And do you recognize that document?

10 A. Yes. That is what we call a "jurat," which is
11 administering an oath to the client that the client swears
12 that all the documents are complete, true and correct to
13 the best of her knowledge.

14 Q. And did you administer an oath to Dorothy at that
15 time?

16 A. Yes, I did.

17 Q. And is the handwriting on this document, the
18 California jurat, your handwriting with the exception of
19 the signature?

20 A. Everything, with the exception of the signature,
21 is my writing.

22 Q. And did Dorothy Horwitz sign this in your
23 presence?

24 A. Yes, she did.

25 Q. And did you take a thumbprint of Dorothy at that

1 time?

2 A. Yes, I did.

3 Q. Is that her thumbprint on the bottom part?

4 A. Yes, it is.

5 Q. Is that your stamp?

6 A. Yes, it is.

7 Q. The next page says "Dorothy Horwitz, Number 1" --
8 I believe it says "Addendum."

9 There is a witness's signature on this addendum.
10 Do you recognize that signature?

11 A. I think it's Orit's signature.

12 Q. Okay. Because you've notarized documents for
13 Orit before, correct?

14 A. Correct.

15 Q. And Orit was present when you notarized this
16 document?

17 A. She was present and listening to the entire
18 conversation, as a witness for the client, as well as a
19 witness for me doing the notarization.

20 Q. Did you stamp the two documents that you looked
21 at, HORW0041 and 0042, and HORW0043 on November 18th,
22 2013?

23 A. Yes, I did.

24 Q. Okay. Sometime after November 18th, were you
25 called by Orit Shapiro in regards to a missing signature

1 on this document here which is marked HORW0042?

2 A. This is optional.

3 Q. Okay.

4 A. Because here's the thing. This is a State of
5 California form. Okay?

6 Q. Yes.

7 A. Standard form. All right. The only signature
8 required is the signature of Dorothy Horwitz.

9 Q. Okay.

10 A. My stamp stands for my signature, my
11 identification. It's my number.

12 Q. Okay. But at some time did you later go back and
13 sign the document upon Orit's request?

14 A. I did.

15 MS. MORROW: Okay. I'll mark the five-page
16 addendum as Exhibit 2.

17 (Exhibit 2 was marked for identification.)

18 THE WITNESS: And I did. She asked me for a
19 signature, and I told her I would provide the signature.

20 BY MS. MORROW:

21 Q. Okay. You had no doubt that when you signed the
22 document later, that was the same document that you had
23 signed on November 18th?

24 A. It was the same document. And the thing of the
25 matter is, okay, here is -- she proved to me on the basis

1 of satisfactory evidence to be the person that was in
2 front of me, which is what I require from every client as
3 far as their identification. The identification has to be
4 current. If it's expired, it still has to be within the
5 five years of issuance, which is the State of California
6 law.

7 MS. MORROW: Okay. I'll mark this California
8 jurat with Mrs. Tucker -- Ms. Tucker's signature as
9 Exhibit 3.

10 (Exhibit 3 was marked for identification.)

11 THE WITNESS: Yes.

12 BY MS. MORROW:

13 Q. Looking at this document again, HORW00- --

14 A. -41?

15 Q. -- -41, is that a form that you brought with you
16 when you came, or is that a document -- a form Dorothy had
17 with her?

18 A. This is my form.

19 Q. Okay. And looking at the next form --

20 A. This is also my form.

21 Q. Okay. That's HORW0042. And those are common
22 forms that a notary has --

23 A. Has.

24 Q. -- such as yourself?

25 A. Correct.

1 Q. Okay.

2 A. I am the type of notary who carries forms with
3 me, because you never know what form you are going to need
4 to do the notarization.

5 Q. You are a very professional, amazing notary.

6 At any time while you were present with Dorothy
7 and Orit on November 18th, do you recall that -- do you
8 recall a person named Rose being present also in the
9 room?

10 A. No.

11 Q. Okay.

12 A. Rose was not there.

13 Q. Okay. What would be the total time, if you
14 recall, that you spent at Garden Crest on that day?

15 A. Probably a couple hours.

16 Q. The room in which you were sitting when the
17 document was -- the addendum was signed, was that a
18 well-lit room?

19 A. Yes, it was.

20 Q. Okay. And then after notarizing the addendum,
21 did you have -- did you and Dorothy complete a journal
22 entry in your notary journal?

23 A. Yes, we did, which is what this portion is.

24 Q. And you're pointing to Exhibit 2?

25 A. Yes, I am. And her fingerprint. And the

1 reason -- you know, her hands -- she apologized because
2 her hands were a little shaky. Okay? But her print, that
3 is her print.

4 Q. Okay.

5 A. So --

6 Q. And she signed your book?

7 A. Yes, she did.

8 Q. Okay. Did you see any signs, when you were
9 questioning Dorothy, that she had dementia?

10 A. No. I'm not a doctor. I would not be able to
11 attest to that.

12 Q. But you yourself, just common knowledge, there's
13 nothing that indicated that she had dementia such that she
14 didn't know what she was doing?

15 A. No. There was no question in my mind or, you
16 know, in my presence or Orit's that she did not know what
17 she was doing, because we discussed this addendum of hers
18 at length.

19 MS. MORROW: I have no further questions at this
20 time.

21 Do you have questions, Mr. Solomon?

22 MR. SOLOMON: Yes. First I'd like to object to
23 the deposition. I did not receive copies of the signed
24 addendum, and nor did I receive copies of the journal
25 entries.

1 THE WITNESS: Yes, he did.

2 MR. SOLOMON: So I would just like to mark my
3 objection, and will ask that the deposition be continued,
4 but I will ask a number of questions at this time.

5 MS. MORROW: Mr. Solomon, I do want to point out
6 that I actually used your copy of the addendum as an
7 exhibit specifically so that I knew that you had a copy of
8 it. And I myself, Margaret Morrow, sent you copies of the
9 journal entry on at least two occasions.

10 So we will go ahead and note your objection, but
11 also my response.

12 MR. SOLOMON: Very good.

13

14 EXAMINATION

15 BY MR. SOLOMON:

16 Q. Ms. Tucker, when you said that you went over the
17 addendum at length with Dorothy Horwitz, what did she tell
18 you about the addendum?

19 A. She told me that these were her wishes, and she
20 wanted this in place.

21 Q. Which -- what were her wishes?

22 A. The distribution of her assets.

23 Q. I see.

24 And do you recall any specifics about the
25 distribution of her assets that she told you?

1 A. Just the ones that are listed, the general
2 listings of the assets. I know that you are Dennis J.
3 Solomon, and I know that she only left you \$5.

4 Q. Did anyone coach you prior to this deposition?

5 A. No.

6 Q. Did you talk to Mr. -- Attorney Ling?

7 A. I have spoken with him on several occasions, but
8 no one is in a position to coach me.

9 Q. I see.

10 Is it common for you to go over the content of
11 the documents at length with your -- with your clients?

12 A. Sure, if my client wants to discuss it.

13 Q. And in this case Mrs. Horwitz wanted to discuss
14 it?

15 A. That's correct.

16 Q. How much time did you spend in her room?

17 A. A couple of hours.

18 Q. And what did you do for that couple of hours?

19 A. She was talking.

20 Q. And what did she talk about?

21 A. Her addendum to her living trust.

22 Q. I see.

23 Did you see -- was there any evidence of her
24 religion?

25 A. She already had explained to me that she was

1 Jewish.

2 Q. I see.

3 And that was something she was proud of; is that
4 correct?

5 MS. MORROW: I'm going to object. Calls for
6 speculation. Outside the personal knowledge of the
7 witness.

8 Just what you can perceive.

9 MR. SOLOMON: I'll rephrase the question.

10 BY MR. SOLOMON:

11 Q. Was it your perception that she was proud of
12 being Jewish?

13 A. When someone mentions their religious
14 affiliation, they are usually proud of what denomination
15 of religion that they practice.

16 Q. And that would be your assumption in this
17 particular case; is that correct?

18 A. Correct.

19 Q. Was Ms. Orit Shapiro there at all times?

20 A. Yes, she was.

21 Q. And I recall that you weren't sure if it was her
22 initials as the witness on what I call page 3 of the
23 addendum.

24 Did you actually -- in your signature, my
25 observation is that your signature is not on this page.

1 Did you actually witness Orit Shapiro sign that
2 document?

3 MS. MORROW: I'm going to object as to the
4 characterization that it's initials. It appears to me to
5 be a signature. But did you see the witness sign that?

6 THE WITNESS: Yes.

7 BY MR. SOLOMON:

8 Q. You specifically saw the witness sign that?

9 A. I had to, yes.

10 Q. And was that before or after Dorothy Horwitz
11 signed that?

12 A. After.

13 Q. After. Okay.

14 At the top of the page there is some handwriting
15 that says "Dorothy Horwitz." Is that visible in your
16 copy?

17 A. That is Dorothy's handwriting.

18 Q. And did you witness her sign -- do that
19 handwriting?

20 A. Yes.

21 Q. And we're talking about on page 3, which begins
22 with, "Upon my death"; is that correct?

23 A. That is correct.

24 Q. And on page 4, there seems to be some handwriting
25 there. Did you -- the beginning of addendum 2, is that

1 Dorothy Horwitz's handwriting?

2 A. Yes, it is.

3 Q. And did you witness -- did you witness her sign
4 that?

5 A. Yes, she did.

6 Q. And on page 5, there's some additional
7 handwriting on the top of the page beginning with addendum
8 2. Did you witness Dorothy Horwitz sign that?

9 A. Yes, I did.

10 Q. And I notice that on page 5 it says "Number 1
11 Addendum." On page 4 of -- page 3 it also says "Number 1
12 Addendum." Is that correct?

13 A. Yes, it is. But that is her writing, no one
14 else's.

15 Q. She did that while you were there?

16 A. Yes, she did.

17 Q. Is that correct?

18 A. Yes, she did.

19 Q. Thank you.

20 On page -- at the time when this was taking
21 place, you did not sign, personally sign, or attest to
22 with your full signature, your full notary signature, on
23 any document; is that correct?

24 MS. MORROW: I'm going to object to the addition
25 of the term "attest to." She already testified that she

1 attested to the document with her stamp.

2 If your question is in regard to her signature,
3 I'll let the question go forward.

4 MR. SOLOMON: Thank you.

5 BY MR. SOLOMON:

6 Q. Yes, with regard to your signature.

7 A. First of all, Mr. Solomon, California law is my
8 stamp carries more weight than any signature or printed
9 matter of my name.

10 Q. I see. But would you answer the question,
11 please.

12 MS. MORROW: Why don't you ask the question again
13 so we're sure we're on the same question.

14 BY MR. SOLOMON:

15 Q. Did you sign any of the documents at the time
16 that you placed your stamp on the documents?

17 A. I filled out the paperwork, me.

18 Q. I understand that, Ms. Tucker, and I'm just
19 asking if you actually signed any of the documents at that
20 time.

21 A. Yes, I'm sure I did.

22 Q. You're sure, you're absolutely sure you did sign
23 some of the documents?

24 A. Yes.

25 Q. Correct? That's your testimony?

1 A. That's my testimony, Mr. Solomon.

2 Q. And yet Orit Shapiro at some point called you to
3 ask that you sign an additional document; is that correct?

4 MS. MORROW: I'm going to object it

5 mischaracterizes her testimony. She specifically

6 testified that she went back and signed the same document

7 she had seen -- she had filled out previously.

8 BY MR. SOLOMON:

9 Q. Yes. So you went back and you signed the same
10 document that you had seen previously; is that correct?

11 A. That is correct.

12 Q. Thank you very much.

13 Was there -- what did you do after you left the
14 Garden Crest, do you recall?

15 MS. MORROW: I'm going to object. Irrelevant.

16 If you recall.

17 BY MR. SOLOMON:

18 Q. Do you recall what you did before?

19 A. I feel that your --

20 Q. Immediately before?

21 A. I feel that your question is irrelevant to my
22 business or to the fact of what I did before or after I
23 saw Ms. Horwitz.

24 Q. Well, do you have any other paperwork related to
25 this particular event or transaction?

1 For example, do you have a receipt of funds? Do
2 you have -- just, for example, let's start there. Did you
3 receive funds for your services?

4 MR. SOLOMON: That you recall.

5 THE WITNESS: Yes.

6 BY MR. SOLOMON:

7 Q. And do you have evidence of that receipt?

8 A. No.

9 Q. And why is it that you have no evidence of that
10 receipt?

11 A. Well, first of all, sir, I do not have to account
12 to you for any type of notary service that I do in the
13 State of California. You are not a judge. You are not
14 part of California state law, and it's not required for me
15 to reveal that information.

16 Q. Did you receive an e-mail request from me for a
17 copy of your journal related to Dorothy Horwitz?

18 A. Yes, I did, but you had already received that.

19 Q. And you did not -- you did not directly send me a
20 copy of your journal entry; is that correct?

21 A. Why should I?

22 Q. At the address?

23 A. First of all, Mr. Solomon, why should I? The
24 only people that can request that is an attorney or an
25 official of the State of California, not you.

1 Q. But when you received that, you passed that
2 information on to Ms. Morrow; is that correct?

3 A. That is correct.

4 Q. And she advised you as to how to respond; is that
5 correct?

6 MS. MORROW: I object. That mischaracterizes.
7 And, in fact, I addressed it specifically to you, and not
8 to Ms. Tucker, because, Mr. Solomon, I had already
9 produced the journal entry.

10 I had put in a request for the journal entry, or
11 Mr. Ling had, we had received it, and we had provided your
12 counsel a copy of that. So if you recall, I actually
13 responded to you, not to Ms. Tucker. I let you know that
14 it had been previously provided to your counsel.

15 MR. SOLOMON: Ms. Morrow, did you receive an
16 e-mail from me recently that notified you that I had not
17 received the copy of the journal entry?

18 MS. MORROW: Yes. So we mailed, and I suggested
19 that you contact your prior counsel to get all your
20 documents and your file. At the same time, nevertheless,
21 even though I wasn't required to, I did provide you with a
22 copy of the journal entry.

23 MR. SOLOMON: And you provided this by mail
24 through your assistants; is that correct?

25 MS. MORROW: Yes. We were given an address from

1 your counsel, and that's the address that we must use.

2 MR. SOLOMON: And you did not -- you were not
3 willing to fax a copy to me; is that correct?

4 MS. MORROW: I don't recall that I ever have
5 received a fax number for you, and nor would I, because we
6 must serve you in the manner that your prior counsel
7 directed us to do so.

8 MR. SOLOMON: Ms. Morrow, you are with the firm
9 of Russell, Mirkovich & Morrow; is that correct?

10 MS. MORROW: Well, the nice thing is I'm not the
11 witness here, so I don't have to answer your questions.

12 MR. SOLOMON: Oh, you don't.

13 I have not received -- since I have not received
14 the copy of the journal entry and can't respond to that,
15 I'm going to ask that the deposition be continued until a
16 future time.

17 MS. MORROW: And I object to that request, but
18 you can go ahead and make it.

19 MR. SOLOMON: Then I have no further questions.

20 MS. MORROW: Shall we stipulate that the court
21 reporter be relieved of her duties;

22 That she will prepare the transcript and send it
23 to Ms. Tucker for her review;

24 That Ms. Tucker will advise me of any changes
25 within 30 days of her receipt of the transcript;

1 And that I will advise you, Mr. Solomon,
2 within -- within two business days of receipt of any
3 changes from Ms. Tucker. I will advise you of her
4 changes.

5 So stipulated?

6 MR. SOLOMON: I reserve all my objections to the
7 deposition and to continuing it, but we may relieve her to
8 go -- the -- I will agree to relieve her to go forward
9 with the deposition -- with transcribing the deposition
10 today, yes.

11 MS. MORROW: Okay. Thank you, Mr. Solomon.
12 Should we go ahead and disconnect?

13 MR. SOLOMON: Thank you, Ms. Morrow. Yes.
14 (Whereupon, proceedings
15 concluded at 11:10 a.m.)

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 2 COUNTY OF LOS ANGELES)

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I, DORIS TUCKER, certify:

That I have read the foregoing deposition pages
 _____ through _____, inclusive. I hereby state
 there are:

(check one)

_____ no corrections.

_____ corrections per attached.

I declare, under penalty of perjury, that the
foregoing is true and correct.

Executed this _____ day of _____, 2015,
 at _____, California.

DORIS TUCKER

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WITNESS' CHANGES OR CORRECTIONS

NOTE: If you are adding to your testimony, print the exact words you want to add. If you are deleting from your testimony, print the exact words you want to delete. Specify with "Add" or "Delete" and sign this form.

Deposition of: DORIS TUCKER
Case Title: In re the Dorothy Horwitz Family Trust
Date of Deposition: WEDNESDAY, JUNE 3, 2015

I, _____, have the following corrections to make to my deposition:

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4 I, ROSE M. HEFFERNAN, C.S.R. 9820, a Certified
 5 Shorthand Reporter in and for the County of Los Angeles,
 6 State of California, do hereby certify:

7 That prior to being examined, the witness named in
 8 the foregoing deposition, DORIS TUCKER, was by me duly
 9 sworn to testify the truth, the whole truth, and nothing
 10 but the truth.

11 That said deposition was taken before me at the
 12 time and place set forth and was taken down by me in
 13 shorthand and thereafter reduced to computerized
 14 transcription under my direction and supervision, and I
 15 hereby certify the foregoing deposition is a full, true,
 16 and correct transcript of my shorthand notes so taken. I
 17 further certify that I am neither counsel for nor related
 18 to any party to said action nor in any way interested in
 19 the outcome thereof.

20 IN WITNESS WHEREOF, I have hereunto subscribed my
 21 name this 15th day of June, 2015.

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 ROSE M. HEFFERNAN
 Certified Shorthand Reporter No. 9820