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

In Re)
)
) Case No. BP153887
THE DOROTHY HORWITZ FAMILY)
TRUST, DATED MARCH 6, 2012,)
AS AMENDED.)
_____)

DEPOSITION OF ROSE APARICIO

TAKEN AT: One World Trade Center, Suite 1660
Long Beach, CA 90831
DATE/TIME: Friday, June 5, 2015
12:12 p.m. - 1:15 p.m.
REPORTER: Sharon A. Golding
CSR No. 5934
JOB NO.: 3762

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7 (Via telephone)

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I N D E X

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I N F O R M A T I O N R E Q U E S T E D

(None)

Q U E S T I O N S W I T N E S S R E F U S E D T O A N S W E R

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1 Long Beach, California; Friday, June 5, 2015

2 12:12 p.m.

3 * * *

4

5 ROSE APARICIO,

6 having been first duly sworn, was examined and testified

7 as follows:

8

9 EXAMINATION

12:12 10 BY MS. MORROW:

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

13 A Rose, R-O-S-E, Aparicio, A-P-A-R-I-C-I-O.

14 Q Have you ever had your deposition taken before?

12:12 15 A No.

16 Q There are a few ground rules that I want to go
17 over to ensure that we get an accurate record.

18 The court reporter sitting to your left is
19 taking down everything that's said in the room today.

12:12 20 For that reason, it's important that I remember to let
21 you finish your answer, and you remember to let me
22 finish my question so that we're not talking over each
23 other.

24 Do you understand that?

12:12 25 A Yes.

12:12 1 Q I'm very guilty of using my hands a lot and
2 making motions, but those are not things that can be
3 taken down accurately by the court reporter. Nor can
4 she take down accurately things like "uh-huhs,"
12:12 5 "huh-uhs" or shrugs of the shoulders, nods of the head,
6 things like that. So if you could please remember to
7 answer in an audible tone.

8 Do you agree?

9 A Yes.

12:13 10 Q Let's see. If for any reason you don't
11 understand a question that I ask, just let me know.
12 You're the only one that matters in this room. If we
13 all understand the question but you don't, we're going
14 to reask it, ask it in a different manner, break it down
12:13 15 into two questions. We want to ensure that you
16 understand the question.

17 Do you understand that?

18 A Yes.

19 Q If you answer a question, I'll assume that you
12:13 20 understand it.

21 Fair enough?

22 A Yes.

23 Q Do you have any questions about the deposition
24 process?

12:13 25 A No.

12:13 1 Q Is there any reason why you couldn't give your
2 best testimony today?

3 A No.

4 Q I understand that you are a resident of
12:13 5 San Gabriel; correct?

6 A Yes.

7 Q How long have you lived in San Gabriel?

8 A Fifty, sixty -- sixty years.

9 MS. LISA APARICIO: Fifty --

12:14 10 THE WITNESS: We moved -- in 1973 I moved to
11 San Gabriel.

12 Q BY MS. MORROW: And where did you move from?

13 A Rosemead.

14 Q I understand that you have been a friend of
12:14 15 Dorothy Horwitz's for a number of years.

16 A Since 1952.

17 Q Where did you live in 1952?

18 A I lived in Los Angeles.

19 Q And what were the circumstances of how you met
12:14 20 Dorothy?

21 A When I first came out of high school, I got a
22 job at La Jolla Sportswear, and that's where I met
23 Dorothy.

24 Q She was working there also.

12:14 25 A Yes.

12:15 1 Q In Los Angeles.

2 A Yes.

3 Q How old were you both at that time?

4 A I was 18.

12:15 5 Q Was Dorothy about the same?

6 A Dorothy is four years older than I am.

7 Q Okay. And was she married at the time?

8 A No. We were both single.

9 (Discussion held off the record.)

12:15 10 Q BY MS. MORROW: What was your position at
11 La Jolla Sports?

12 A Mostly accounts.

13 Q And how about Dorothy?

14 A Dorothy was a bookkeeper.

12:15 15 Q And did your friendship start as soon as you
16 met or did it develop over the years?

17 A No, it started as soon as we met.

18 Q And did Dorothy live in Los Angeles at that
19 time?

12:16 20 A Yes.

21 Q And at some point she got married and you got
22 married; correct?

23 A Yes.

24 Q And you knew her husband Walter.

12:16 25 A Yes.

12:16 1 Q In the last ten years, it's my understanding
2 that Dorothy lived in Rosemead.

3 A Yes.

4 Q And approximately how far was her home in
12:16 5 Rosemead from your home in San Gabriel?

6 A About 15 minutes.

7 Q Fifteen-minute drive?

8 A Yes.

9 Q Okay. And is it your understanding that until
12:17 10 her retirement, Dorothy continued her career as a
11 bookkeeper?

12 A Yes.

13 Q And in your experience in working with Dorothy,
14 did you find her to be a good bookkeeper?

12:17 15 A Excellent.

16 Q Accurate?

17 A Most accurate.

18 Q Attentive to details?

19 A Absolutely.

12:17 20 Q How long did you work together at La Jolla?

21 A I think it was four years.

22 Q After that, did you work together again?

23 A No.

24 Q But you remained friends.

12:17 25 A Yes.

12:17 1 Q It was about 60 years of friendship.

2 A Yes.

3 Q In the 60 years of your friendship, what was
4 the longest period that you went without speaking to
12:18 5 Dorothy?

6 A We spoke every day.

7 Q Did you ever go one year without speaking with
8 her?

9 A No.

12:18 10 Q Did you ever go one month without speaking to
11 her?

12 A No.

13 Q And eventually you had children.

14 A Yes.

12:18 15 Q Your daughter Lisa.

16 A Lisa.

17 Q And do you have other children?

18 A I have Paul, my son, uh-huh.

19 Q And did Dorothy meet Lisa and Paul?

12:18 20 A Oh, yeah. She practically helped me raise
21 them.

22 Q I understand you have a grandson Nicolas?

23 A Nicolas, yes.

24 Q Nicolas Sanchez?

12:18 25 A Uh-huh.

12:18 1 Q And Dorothy met Nicolas?

2 A She also helped me bring him up too. Lisa
3 worked.

4 Q And you provided care for Nicolas while Lisa
12:19 5 worked.

6 A Yes.

7 Q And Dorothy spent quite a bit of time with
8 Nicolas.

9 A Yes, uh-huh.

12:19 10 Q And how old is Nicolas today?

11 A Twenty-two.

12 Q And where does Nicolas live?

13 A 5139 North Muscatel Avenue, San Gabriel.

14 Q So at some point during your friendship,
12:19 15 Dorothy married Walter; correct?

16 A Yes.

17 Q And you and your husband spent time with
18 Dorothy and Walter; correct?

19 A Oh, yes.

12:19 20 Q Did you ever during your 60 years of friendship
21 meet any relatives of Dorothy's? Not of Walter's; just
22 of Dorothy's.

23 A Oh, yes. Her mother came to visit back in the
24 day. I don't remember the year. And we also -- Dorothy
12:20 25 and I went out to Florida to visit her mother. And who

12:20 1 else? Her brother. I knew her brother. And that's
2 about it. I didn't meet any of the cousins.

3 Q How about any of Dorothy's nieces or nephews?

4 A No. Her brother's, no.

12:20 5 Q So you met her brother and her mother.

6 A Yes.

7 Q And you stayed with her mother in Florida.

8 A Yes.

9 Q How about Walter's relatives?

12:20 10 A No, I never had occasion to -- well, his --

11 Walter's sister and brother-in-law used to come to stay

12 with Dorothy when the brother-in-law was a pilot, and he

13 used to come. I didn't meet him or the sister.

14 Q So you have never met any relatives of

12:21 15 Walter's.

16 A No.

17 Q And you did not travel with Dorothy to see any

18 relatives of Walter's.

19 A No.

12:21 20 Q In her last year, Dorothy spent some time at

21 Kaiser hospital.

22 A Yes.

23 Q And I was looking through the records, and many

24 of the medical records refer to someone being present by

12:21 25 the name of "Rose."

12:21 1 Can I assume that that's you, Rose Aparicio?

2 A Yes.

3 Q You went to visit Dorothy frequently at Kaiser

4 hospital.

12:21 5 A Yes. Practically every day.

6 Q Ultimately she was moved to Garden Crest.

7 Is that your understanding?

8 A Yes.

9 Q And you visited her there frequently.

12:22 10 A Yes.

11 Q And at some point in 2013, did Dorothy call and

12 ask you to get a document from her computer?

13 A Yes.

14 Q Okay. And do you know approximately when that

12:22 15 was?

16 A No, I don't remember.

17 Q Okay. In relation to when she died -- she died

18 on November 25th, 2013.

19 A Uh-huh.

12:22 20 Q -- do you recall if it was a month before or

21 two months before?

22 A Actually, I don't recall.

23 Q Sure.

24 A There was so much going on.

12:22 25 Q I'm sure.

12:22 1 And plus, that's almost three years ago -- or
2 two years ago now.

3 A Yeah.

4 Q When she asked you to get a document from her
12:22 5 computer, was she at Kaiser at that time or at
6 Garden Crest?

7 A She was at Garden Crest, I believe. Maybe --
8 it might have been Kaiser. I don't recall.

9 Q Okay. And what did she tell you the document
12:23 10 was, or did she?

11 A Oh, yeah, she did. She told me it was an
12 addendum and that she had changed it because Mr. Solomon
13 refused to come and collect Walter's stuff.

14 Q And when you say she changed it, do you mean
12:23 15 the trust?

16 A Yes.

17 Q There are, to my understanding, two Solomons,
18 Murray Solomon and Dennis Solomon.

19 When Dorothy mentioned she was changing her
12:23 20 trust because Mr. Solomon refused to come get Walter's
21 things, do you know if she was referring to both of them
22 or to a specific one?

23 A No. Definitely to Dennis.

24 Q Okay. So walk me through.

12:23 25 Did you get this request by telephone from

12:24 1 Dorothy?

2 A No. It was in person.

3 Q You were visiting at the time, and she asked
4 you to get the document.

12:24 5 A Yes.

6 Q So what did you do next? Did you go to her
7 house?

8 A Yes, I did. And it was in the computer, and I

9 didn't know how to pull it out of the computer. I

12:24 10 didn't even know how to find it in the computer. I had

11 to ask my daughter to come and help me print it out. So

12 that's how we did it.

13 Q Did you have a key to her home?

14 A Yes, I did.

12:24 15 Q And did she give it to you for purposes of

16 getting this document?

17 A Well, she gave it to me because she had stuff

18 in the house that -- in the condo that she wanted to

19 have at the hospital and at Garden Crest. So I kept

12:24 20 going back and forth and back and forth.

21 Q So while Dorothy was in Kaiser and
22 Garden Crest, she requested you get various things from
23 her condo.

24 A Yes.

12:24 25 Q So you would go to her condo, retrieve them and

12:24 1 then bring them to her.

2 A Right.

3 Q So in regard to the addendum, did she tell you
4 specifically it was in the computer?

12:25 5 A Yes.

6 Q Okay. So did you go first to look at it alone
7 or did you go with your daughter Lisa from the
8 beginning?

9 A No, I went first alone. And I couldn't handle
10 the machine, so I called my daughter to help me.

11 Q Okay. And then when you went back the second
12 time, did you go with your daughter?

13 A Yes.

14 Q Okay. And did you see your daughter turn on
12:25 15 the computer?

16 A Yes.

17 Q And did you see her access a document?

18 A Yes.

19 Q And did you observe your daughter making any
12:25 20 changes to that document?

21 A No.

22 Q So your daughter printed up the document as it
23 had already been prepared.

24 A Yes.

12:25 25 Q And is it your understanding that Dorothy

12:25 1 prepared that document?

2 A Yes.

3 Q Dorothy was computer literate.

4 A Yes. Somewhat. Somewhat.

12:26 5 Q Not like the really young ones these days;

6 right?

7 A No, no. Right.

8 Q After your daughter printed the document, did
9 she give it to you?

12:26 10 A Yes.

11 Q Okay. Did you read it over?

12 A Yes.

13 Q Okay. And did you bring it to Dorothy?

14 A Yes.

12:26 15 Q Okay. Did you make any handwritten remarks on
16 the document?

17 A No.

18 Q Okay. How long after your daughter printed it
19 up did you take it to Dorothy, approximately?

12:26 20 A The next day.

21 Q Okay. And you delivered it specifically to
22 Dorothy.

23 A Put it in her hands.

24 Q Okay. Sorry. I'm just looking for a document
12:27 25 here.

12:27 1 I'm going to show you a three-page document
2 that was produced by Mr. Solomon, and the numbers on the
3 document are HORW 0043, HORW 0044 and HORW 0045.

4 At the top of the document is a fax
12:28 5 confirmation number.

6 With the exception of that fax confirmation
7 number and the numbers that I read off to you, is this
8 the document that you recognize as having been printed
9 from the computer?

12:28 10 And I understand that there is some handwriting
11 on it, but if you can look at the typed portion and tell
12 me whether this is the document you recognize as having
13 been printed in your presence from the computer.

14 A That's about it.

12:28 15 Q Okay. Do you recognize any handwriting on that
16 first document?

17 A Dorothy's.

18 Q Okay. That's Dorothy's at the top there where
19 it says "Addendum no. 1"?

12:28 20 A This is Dorothy's (indicating).

21 Q In her handwriting.

22 A Yes.

23 Q Do you recognize that printing also?

24 A That's Dorothy's.

12:28 25 Q Okay. The next document says -- it's HORW

12:29 1 0044, and it says "Addendum to Dorothy Horwitz's Living
2 Trust," and there's some printing.

3 Do you recognize that?

4 A That's Dorothy's, uh-huh.

12:29 5 Q And same thing with the next document.

6 A Yes, uh-huh.

7 Q That's Dorothy's handwriting?

8 A Uh-huh.

9 MS. MORROW: I'll mark that as Exhibit 1.

12:29 10 (Whereupon, the document referred to
11 was marked for identification as Exhibit 1,
12 a copy of which is attached hereto.)

13 Q BY MS. MORROW: Prior to seeing these documents
14 that we just marked as Exhibit 1, did you ever see any
12:29 15 trust documents of Dorothy's?

16 A Yes.

17 Q Okay. And was that the original trust
18 agreement?

19 A Yes.

12:29 20 Q Okay. And when did Dorothy show that to you?

21 A She didn't show it to me. We discussed it
22 after she -- I took her to the lawyer to have the trust
23 done. She asked me to do that. And after she finished,
24 she told me what she had done with the trust. So I knew
12:30 25 what was in the trust already.

12:30 1 Q Okay. You didn't see a written copy of it, but
2 you discussed with Dorothy what was in it.

3 A Correct. I didn't see the written copy until I
4 was cleaning out the condo.

12:30 5 Q Okay.

6 A But I knew what was in it already.

7 Q Okay. When you discussed the trust document
8 and the original -- the original trust document and the
9 addendum to the trust with Dorothy, did you ever ask her
10 to give Nicolas Sanchez money?

11 A No. As a matter of fact, I thought it was a
12 very bad thing for a 20-year-old boy.

13 Q It was Dorothy's decision to leave him money.

14 A She did it. She didn't discuss it with me.
12:30 15 She did it without my knowledge.

16 Q And is it your understanding that that was her
17 decision based on the time that she had spent with
18 Nicolas?

19 A Oh, yeah. She loved him.

12:31 20 Q Did you yourself ever ask Dorothy to give money
21 in her trust or in her addendum to anybody?

22 A Not at all.

23 Q The third page of the Exhibit 1 is a list of
24 charities.

12:31 25 Are you the one who suggested that Dorothy

12:31 1 leave her money to those charities?

2 A No. Sorry.

3 Q Those were Dorothy's decisions.

4 A Yes.

12:31 5 Q Before Dorothy died, did you have an

6 understanding as to who Hoover Louie was?

7 A Oh, I've heard of Hoover for years from

8 Holly Bra, yes. I had never met him personally until

9 after Dorothy died.

12:32 10 Q To your understanding, was he an accountant
11 that worked with Holly Bra?

12 A Yes. Yes.

13 Q And then ultimately became an accountant for
14 Walter and Dorothy?

12:32 15 A Yes.

16 Q You never worked for Hoover?

17 A No.

18 Q You never worked with Hoover?

19 A No.

12:32 20 Q You only met him after Dorothy died.

21 A Yes.

22 Q Now, you saw Dorothy on a daily basis up till

23 when? She died on November 25th.

24 A I was there the day before she died.

12:32 25 Q That would be November 24th.

12:32 1 A I believe that -- I'm not sure of the date.
2 I've forgotten. Yes, I was there with Ed Liu. He was
3 there too.

4 Q I understand he was somebody who helped her at
12:33 5 home.

6 A Yes.

7 Q Okay. And so you and Ed were visiting her on
8 the day before she died.

9 A Yes.

12:33 10 Q Was she awake?

11 A Oh, yeah. We were chatting and laughing. It
12 was -- you know, she was sick, but she was, you know,
13 glad to see us, and we were talking, and she was as well
14 as she could be at that point.

12:33 15 Q Was she clear-minded?

16 A Oh, yes.

17 Q Is it your belief that the addendum reflects
18 Dorothy's wishes?

19 A That's what Dorothy wanted after everything.

12:33 20 MS. MORROW: I have no further questions at this
21 time.

22 Mr. Solomon?

23 MR. SOLOMON: Yes, I'd like to.

24 ///

12:33 25 ///

12:33

1

EXAMINATION

2

BY MR. SOLOMON:

3

Q This is Dennis Solomon. We've never met to my knowledge; is that correct?

12:33

5

A Yes.

6

Q You had said that I had refused to come out and get Walter's things.

8

A Yes.

9

Q Do you recall when Dorothy asked me to do that?

12:34

10

A Yes. I remember her telling me shortly after she was diagnosed early in 2012. Dorothy mentioned -- she had been talking about sending you the sculptures and the -- the wood sculptures, and I remember her telling me that she had called you.

12:34

15

First of all, she was very annoyed with you, Mr. Solomon, because you gave her the run-around with your Social Security when she wanted to put you in her will. I'm sure you're not aware of that, but she was very annoyed with you. And she said she called you as soon as she was diagnosed. She wanted to start taking care of things.

22

Q And did she say that she wanted me to come out and take everything of Walter's back?

24

A Well, his artwork. That was all that was left in there.

12:35

25

12:35 1 Q All of his artwork.

2 A Yes.

3 Q I see.

4 And had he or she given away any of the artwork
12:35 5 prior to that time that you know of?

6 MS. MORROW: Objection. Calls for speculation; not
7 within the personal knowledge of the witness.

8 MR. SOLOMON: That she knows of.

9 Q Did Dorothy tell you that she had given away
12:35 10 any of the artwork?

11 A No.

12 Q Mrs. Aparicio, Ms. Morrow has not objected to
13 that question. Can you please answer that.

14 MS. MORROW: She answered it.

12:35 15 MR. SOLOMON: Oh, okay.

16 Q You say that the handwriting on the addendum
17 pages is Dorothy's.

18 Did her handwriting change as she got sicker?

19 A Yes.

12:36 20 Q So that really wasn't her normal handwriting;
21 is that correct?

22 MS. MORROW: Objection. I object to the use of the
23 word "normal." I don't even know what that means. It
24 was probably normal on the day that she wrote it.

12:36 25 Q BY MR. SOLOMON: Was that her handwriting prior

12:36 1 to going into Garden Crest?

2 A No. The handwriting was, not the printing.

3 Q Not the printing.

4 I see.

12:36 5 You said she had discussed the original trust
6 documents with you just after she -- at some point close
7 to when she went to the lawyer; is that correct?

8 A Yes.

9 Q And in the original trust document, that
12:37 10 retained the same adaptation of her funds as reflected
11 in the addendum; is that correct?

12 MS. MORROW: I'm sorry. Can you repeat that
13 question.

14 MR. SOLOMON: Yes.

12:37 15 The original -- the distribution of funds in
16 the original trust document, to the best of what Dorothy
17 had told her -- told Ms. Aparicio, was that reflected in
18 the distribution of funds in the addendum documents?

19 THE WITNESS: No.

12:37 20 Q BY MR. SOLOMON: Hello?

21 MS. MORROW: She answered "no."

22 Q BY MR. SOLOMON: What were the differences?

23 MS. MORROW: I'm going to object just to the extent
24 she said she didn't read the original one.

12:38 25 But do you understand the question?

12:38 1 THE WITNESS: Yes, I do.

2 I know that she -- in the original she gave my
3 grandson more money, and in the addendum she gave him
4 less, which was fine with me.

12:38 5 Q BY MR. SOLOMON: How much more money did she
6 give him in the original one than in the addendum?

7 A I'm not -- you know, I'm not sure, but I know
8 that there were three of you in the original trust. We
9 didn't go into the nitty-gritty, and she didn't read the
10 whole trust to me. So there's a lot I don't know.

11 Q I see.

12 And what was the reason that you thought that
13 she would reduce the amount that she would give to your
14 grandson in the addendum?

12:39 15 MS. MORROW: Objection. Calls for speculation.

16 THE WITNESS: I don't know.

17 MR. SOLOMON: I want to know what Ms. Aparicio
18 thinks is the reason.

19 THE WITNESS: I think the reason she changed the
12:39 20 original trust was her annoyance with you, and I think
21 that she decided the charities would be much better off
22 than anyone else with the funds.

23 That's only speculation, though. I don't know
24 what was in her mind.

12:39 25 Q BY MR. SOLOMON: I see.

12:39 1 And on a day-to-day basis from the time she was
2 sick, did you go over to her house every day?

3 A Just about every day or she came to my house
4 because she was still driving up until -- almost to the
12:39 5 end.

6 Q When did she stop driving?

7 A Oh, well, about October.

8 Q About October of 2013?

9 A Yes.

12:40 10 Q And this was just before she went into
11 Garden Crest; is that correct?

12 A Yes.

13 Q Okay. How did Dorothy feel about Walter?

14 A Oh, she adored him.

12:40 15 Q And this was throughout their entire marriage?

16 A Yes.

17 Q And what sort of things did they do together?

18 A Well, Walter loved the races, so every Saturday
19 he would go either to Hollywood Park or Santa Anita,
12:40 20 drop Dorothy off at my house, and we'd go off and play
21 and he'd go off and play.

22 Q I see.

23 And what other things did Dorothy and Walter do
24 together?

12:41 25 A Oh, they went on cruises, trips. They were

12:41 1 with us quite a bit.

2 Q Did you go on any cruises with them?

3 A No, I never went on any cruises. But Dorothy
4 and I did travel quite a bit.

12:41 5 Q And where did you travel to?

6 A Oh, we went to Hong Kong and China. We went to
7 Florida. We went to Puerto Rico. We went to Canada.

8 Q And would you provide the approximate dates and
9 the reasons that you went to those --

12:41 10 MS. MORROW: I'm going to object on grounds of
11 relevancy.

12 I don't see any relevancy to why they went or
13 even the dates.

14 THE WITNESS: It was vacation.

12:42 15 Q BY MR. SOLOMON: It was all vacation.

16 And was this -- well, I think the date is
17 relevant to try and put it in some perspective.

18 MS. MORROW: I don't think it is relevant. Maybe
19 you could ask the last time she went.

12:42 20 Q BY MR. SOLOMON: I'd like to know the
21 approximate dates of each of the times. If you can
22 answer that. Approximate dates.

23 A I'd have to look at my papers. I'm not -- I
24 couldn't tell you. I've 81. How can I remember all
12:42 25 this stuff?

12:42 1 Q I see.

2 Did you go anywhere the last decade with her?

3 A I can't even remember the last decade.

4 Where did I go?

12:42 5 MS. LISA APARICIO: Georgia.

6 THE WITNESS: Oh, yes. We went to Georgia to attend

7 my grandson's graduation from boot camp.

8 Q BY MR. SOLOMON: From boot camp?

9 A Yes.

12:42 10 Q And this was in the military?

11 A Yes, it is.

12 Q And which service was this?

13 A National Guard.

14 MS. LISA APARICIO: Army.

12:43 15 THE WITNESS: Army.

16 Q BY MR. SOLOMON: If you had control of all of

17 the household assets and personal items in the home and

18 the safe deposit boxes --

19 A I had no entry to the boxes whatsoever. That

12:43 20 was not in my name. I had no keys. The keys went to

21 some -- went to Mr. -- to Hoover, and what was in the

22 house under Dorothy's instructions, I sent to Goodwill,

23 Salvation Army and Vietnam Vets.

24 Q And how about their personal papers and albums?

12:44 25 A Personal papers? I put all that in a bag for

12:44 1 Hoover.

2 Q I see.

3 And what about the photo albums?

4 A Photo albums, I asked her about that. She told
12:44 5 me, "Throw them away. Nobody's interested in them."
6 But I couldn't --

7 Q And you did throw them away?

8 A I couldn't do that. I sent photos to her best
9 friend in New York. I sent photos to her cousins. I
10 sent photos to Murray. And that's what I did.

11 Q And who was her best friend in New York?

12 A Adele.

13 Q Would you provide the full name and address of
14 her best friend in New York.

12:44 15 A No.

16 Q What?

17 A I said "no."

18 Q I'm going to ask you to provide the first
19 name -- the full name and address -- and the mailing
12:45 20 addresses of all persons to whom you distributed any of
21 the assets or any of the property or any of the
22 furnishings or any other items that were part of
23 Dorothy Horwitz's --

24 MS. MORROW: Mr. Solomon, she just named who she
12:45 25 sent the photos to, and now is your chance to question

12:45 1 her, but she's not required to do anything further but
2 to answer your questions.

3 MR. SOLOMON: I would like the full names and
4 addresses of each of those persons.

12:45 5 MS. MORROW: You can ask her, and if she has it, she
6 can say it now off the top of her head. If not, there's
7 nothing that requires her to get that for you.

8 MR. SOLOMON: I believe that you're incorrect.

9 MS. MORROW: You can provide me --

12:46 10 MR. SOLOMON: Are you her lawyer, Ms. Morrow?

11 MS. MORROW: No, but she is --

12 MR. SOLOMON: If you're not her lawyer -- let me
13 just be clear -- and she should be clear -- you're not
14 her lawyer; is that correct?

12:46 15 MS. MORROW: That's correct. But she's an
16 unrepresented --

17 MR. SOLOMON: You're giving her legal advice at this
18 time not to answer; is that correct?

19 MS. MORROW: She's an unrepresented party, so I'm
12:46 20 going to give her legal advice if I believe that
21 boundaries are being exceeded in this deposition.

22 MR. SOLOMON: And you think the address, the
23 identities -- the full identities of the persons to whom
24 she's mailed the property of the estate is out of
12:46 25 bounds; is that correct?

12:46 1 MS. MORROW: No. I'm happy to let the questioning
2 of her on the issue go forward. It's putting some duty
3 on her to provide you outside of this deposition with
4 any names or addresses.

12:47 5 MR. SOLOMON: She's already named the parties here.
6 We have -- to whom she has sent the items of the estate.

7 THE WITNESS: This is irrelevant. I can't remember
8 the addresses anyway. I don't have them in my head.

9 Q BY MR. SOLOMON: I would like you to provide to
10 the reporter those identities and addresses and any
11 precise addresses of all of the charities to which the
12 items from the estate were donated or disposed of. You
13 can decide whether you want to do that, but I'm making
14 this demand at this time.

12:47 15 I'll move on.

16 Do you know Orit Shapiro?

17 MS. MORROW: O-R-I-T, Shapiro.

18 THE WITNESS: No. I'm sorry. I didn't hear -- that
19 was confusing. Okay.

12:48 20 MS. MORROW: Do you know Orit Shapiro?

21 THE WITNESS: Oh. Oh, yeah. He's the guy in charge
22 of Garden Crest.

23 Q BY MR. SOLOMON: She is; yes?

24 A He is.

12:48 25 Q He is.

12:48 1 A The man that was in charge, I met him at
2 Garden Crest. The man that was in charge of
3 Garden Crest. I don't know what his name was.

4 Q Would that be Bob Bryant? Is that possible?

12:48 5 A I don't remember.

6 Q Was there a woman by the name of Orit with whom
7 Dorothy conversed quite a bit?

8 A I don't remember.

9 Q Pardon me?

12:48 10 A I don't remember.

11 Q Did she ever mention conversing with any of the
12 particular staff at Garden Crest?

13 A Yes, she did.

14 Q And do you recall whom she conversed with?

12:49 15 A I know she conversed with the manager.

16 Q And that was Bob Bryant? That was the man?

17 MS. MORROW: I'm going to object. You asked, and
18 she told you she did not recognize any of these names.

19 MR. SOLOMON: I see.

12:49 20 Q And could you describe the person physically:
21 How high, color hair, age?

22 MS. MORROW: I'm confused as to who you're talking
23 about.

24 MR. SOLOMON: This is the person that apparently
12:49 25 Rose met and who Dorothy conversed with frequently at

12:49 1 Garden Crest.

2 MS. MORROW: I think you're combining two different
3 things, and it's coming out a misstatement of the
4 testimony.

12:50 5 She said that -- Ms. Aparicio mentioned that
6 she met somebody there or saw somebody there, and she
7 mentioned that Dorothy conversed with some of the staff
8 at Garden Crest. But I don't think that they are
9 necessarily the same person.

12:50 10 So can you reask your question.

11 MR. SOLOMON: Yes, I'd be happy to.

12 Q Could you identify physically by height or age
13 or color of hair the individuals with whom Dorothy
14 conversed with most or frequently at Garden Crest or
15 mentioned at Garden Crest?

16 It's a compound statement, but if you can parse
17 it, I'd appreciate it.

18 A Okay. The manager I was introduced to -- and I
19 didn't pay much attention because I was focused on
12:51 20 Dorothy. I was there for Dorothy and her health, not
21 wondering who she was talking to; okay? But he was a
22 rather -- he was -- dark hair, Jewish fellow, slim.
23 That's about all I remember about him. I don't remember
24 his name.

12:51 25 Q And approximately how tall was he?

12:51 1 A Oh, I don't remember.

2 Q Was Dorothy Jewish?

3 A Was who?

4 Q Dorothy.

12:51 5 A Of course, Dorothy was Jewish.

6 Q Thank you.

7 Do you remember a conversation that we had
8 after Dorothy had entered Garden Crest?

9 A I don't remember.

12:52 10 Q And --

11 A What conversation? As I believe, we spoke
12 two times.

13 Q Yes.

14 And when was that?

12:52 15 A I don't remember when that was.

16 Q Was one of them before she died and one after?

17 A I don't recall. It wasn't important to me.

18 Q I see.

19 And if I were to try and help your recollection

12:52 20 by saying that I did call you after Dorothy had entered

21 Garden Crest and that we had discussed some of Walter's

22 items, would that help you recall the conversation?

23 A Yes. Somewhat of the conversation.

24 Q And one of those items that we discussed

12:53 25 were --

12:53 1 A A navy suit.

2 Q -- his sculptures.

3 A Oh, his sculptures, yes.

4 Q And a series of record albums, one being of

12:53 5 Cantor Pinchik?

6 A Which I sent to Murray.

7 Q You sent the album of Cantor Pinchik to Murray?

8 A Yes, I did, and the sculptures.

9 Q And do you recall what other items that you

12:53 10 sent?

11 A I sent him photographs. I sent him a picture

12 of Dorothy and Walter. I knew he would like that.

13 He's a very nice man, your brother.

14 Q Yes, he's a very nice man.

12:54 15 In their home, did they have any sort of Jewish

16 items in the home? A Star of David or menorah or

17 anything of that sort?

18 A No, neither Walter nor Dorothy was religious.

19 Dorothy was spiritual, though. She believed in God.

12:54 20 Q She believed in God.

21 I see.

22 So you don't recall any items of that sort?

23 A There are still some plates up on the wall of

24 the condo that are Jewish-related.

12:54 25 Q I see.

12:54 1 And how can you tell that they're

2 Jewish-related?

3 A Because Dorothy showed them to me, and she
4 explained them to me at the time.

12:54 5 Q Were they important to her?

6 MS. MORROW: Objection. Calls for speculation.

7 I mean, in relation to what?

8 Q BY MR. SOLOMON: Is it your impression that
9 they were important to her when she was explaining them
10 to you?

11 A I don't recall.

12 Q Have you taken any of her -- Ms. Aparicio, I
13 understand you're Catholic; is that correct?

14 MS. MORROW: Objection. Violation of privacy,
12:55 15 irrelevant, and I'm going to advise the witness not to
16 answer. That's way out of bounds.

17 Q BY MR. SOLOMON: You may answer if you feel
18 that it's appropriate, Ms. Aparicio.

19 A I don't mind.

12:55 20 I am Catholic.

21 Q Do you donate to St. Jude's?

22 A You're not --

23 MS. MORROW: Same objections. Violation of privacy;
24 way out of bounds.

12:56 25 Q BY MR. SOLOMON: And you may answer,

12:56 1 Ms. Aparicio.

2 MS. MORROW: But I'm going to advise the witness not
3 to, but of course, she can choose herself.

4 I don't believe the witness is going to answer.

12:56 5 Q BY MR. SOLOMON: Why do you believe -- this is
6 what you feel. Why do you believe that when Dorothy
7 wrote up the addendum that she put into the wording the
8 specific phrase that should Nicolas and yourself
9 predecease her, that the proceeds were to go to
10 St. Jude's charities?

11 A How would I know that?

12 MS. MORROW: Objection. Calls for speculation.

13 MR. SOLOMON: I asked what her impression was.

14 MS. MORROW: She said she doesn't know.

12:57 15 Q BY MR. SOLOMON: Did you call members of the
16 family when Dorothy died?

17 A She gave me a list to call, and I called
18 everyone on the list. If I reached them, I reached
19 them; and if I didn't, I didn't.

12:57 20 Q I see.

21 And you didn't reach me, and so you didn't call
22 again; is that correct?

23 A Your name was not on the list.

24 Q My name was not on the list of people to call;
12:57 25 is that correct?

12:57 1 A Yes.

2 Q Dorothy was cremated; is that correct?

3 A Yes.

4 Q And her ashes were scattered on the beach and

12:58 5 the ocean?

6 A Yes.

7 Q Is that correct?

8 A Yes.

9 Q Did you invite anyone to that ceremony?

12:58 10 A No. She didn't want a party.

11 Q She didn't want a party, so you did this with
12 yourself and, I imagine, your daughter; is that correct?

13 A No. I arranged it with -- she had all of this
14 set up already. All I had to do was call the mortuary,
12:58 15 and they took care of everything.

16 Q And the mortuary took care of scattering her
17 ashes?

18 A Yes. It goes out on a boat.

19 Q I see.

12:58 20 And Walter was buried at sea; is that correct?

21 A Yes.

22 Q And Dorothy must have been in some ways
23 relieved to also be in the same ocean; is that correct?

24 MS. MORROW: Objection. Calls for speculation;
12:59 25 irrelevant.

12:59 1 Q BY MR. SOLOMON: They were a very close couple.
2 Wasn't your impression that they were a very
3 close couple?

4 A They loved each other very much.

12:59 5 Q And certainly, Dorothy would very definitely
6 follow Walter's wishes in most things; is that correct?

7 MS. MORROW: Objection. Calls for speculation;
8 incomplete hypothetical as to what you're referring to.
9 It could be a whole gamut of things. Irrelevant.

12:59 10 Q BY MR. SOLOMON: You may answer the question if
11 you so choose.

12 MS. MORROW: I don't think she's going to.

13 Q BY MR. SOLOMON: Dorothy respected Walter's --
14 was it your impression that Dorothy respected Walter's
15 wishes?

16 MS. MORROW: Same objection. We could be talking
17 about picking out a dress to picking out a new condo.

18 Same objection. Calls for speculation;
19 incomplete hypothetical; irrelevant. We don't even have
13:00 20 any wishes here as to Walter, so I don't even know what
21 the relevancy is. There's no evidence in this case as
22 to any wishes by Walter.

23 Q BY MR. SOLOMON: Ms. Aparicio, I just want to
24 clear up a couple of things that we may have gone over
13:00 25 before.

13:00 1 Did you remove the personal items and personal
2 papers from the home, and you gave -- you threw away
3 most of them but you gave some to Hoover Louie; is that
4 correct?

13:01 5 MS. MORROW: Objection. Misstates the testimony.
6 She already testified that there are things still
7 remaining in the condo, even hanging on the wall, and
8 that she sent many of the things to the persons whom --
9 to relatives.

13:01 10 Can you rephrase the question.

11 MR. SOLOMON: Yes.

12 Q What did you do specifically with Walter's
13 personal writings?

14 A I sent what was relevant to Murray, and there
13:01 15 weren't -- there wasn't much there. I think Dorothy
16 cleaned out Walter's stuff years ago myself.

17 Q And did Dorothy keep anything of Walter's?

18 A Oh, there were a couple of pantsuits and a
19 couple of jackets, and that's about it. She kept his
13:02 20 boots.

21 Q And where did she keep his boots?

22 A By his side of the bed.

23 Q Thank you.

24 I'm going to -- let's see here.

13:02 25 Did you ever see the addendum while Dorothy was

13:02 1 alive?

2 MS. MORROW: She testified that she brought it to
3 her.

4 MR. SOLOMON: Excuse me.

13:02 5 Q Were you present when it was signed by Dorothy?

6 A No.

7 Q After it was signed by Dorothy, did you see the
8 addendum?

9 A I don't recall. Well, yes. Yes, I did see it.

13:03 10 Q And this was before she died.

11 A Yes.

12 Q And when she died, did you receive them in your
13 hands?

14 A Yes.

13:03 15 Q And what did you do with the addendum at that
16 point?

17 A Gave it to Hoover Louie.

18 Q And when did you do that?

19 A Well, I didn't -- I didn't go back to Dorothy's
13:03 20 condo until about a month after she died. I couldn't
21 face going in there. And I guess it must have been
22 about that time. I'm not -- I'm not too sure on the
23 dates of that. Everything is kind of fuzzy then.

24 Q And during that month that she died, who was
13:04 25 taking care of the condo?

13:04 1 A Nobody. The neighbors were keeping an eye on
2 it, and nobody was inside of the condo or taking care of
3 it or anything.

4 Q And this was Edward Louie?

13:04 5 A Yes.

6 Q And after that month went by, did you go to the
7 condo?

8 A I did what Dorothy asked me to do. I went in
9 there and cleaned it out. I cleaned out all her old
10 dishes, all her old linens, all her old clothes.
11 Everything. Pots and pans.

12 Q And you gave all those to either charities or
13 you sent some of them to other people, as you said
14 before; correct?

13:04 15 A Yes. Goodwill, Salvation Army.

16 Q And after you did that, what happened to the --
17 what was happening with the condominium?

18 A I don't know.

19 Q So when was the last time you were in the
13:05 20 condominium?

21 A It's been months.

22 Q Could you be more accurate?

23 A I can't remember. I can't remember. It's been
24 months since I've been in there. I've been busy.

13:05 25 Q And are there any other individuals that you

13:05 1 know of that have access to the condominium?

2 A No.

3 Q Who has keys to the condominium at this time?

4 A I do and Hoover Louie does and the realtor

13:05 5 does.

6 Q And what is the name of the realtor?

7 A Steven Tran.

8 Q And do you know what Steven Tran is doing with
9 the condominium at this time?

13:06 10 A Everything has been put on hold since you
11 started this proceeding.

12 Q I see.

13 And as far as -- you said it's been months. So
14 am I to understand you periodically go to the
13:06 15 condominium --

16 A I do not go to the condominium at all.

17 Q I see.

18 Does anyone that you know of -- any of your
19 family -- go to the condominium?

13:06 20 A Nobody else has the keys.

21 Q If Steven Tran were to allow other realtors to
22 access the condominium --

23 A It is my understanding that the condo is no
24 longer up for sale until after this is over.

13:06 25 Q And did you advise Steve Tran of that?

13:07 1 A Of what? No, I didn't. I don't have anything
2 to do with that. That's between the executor and the
3 realtor.

4 Q I see.

13:07 5 So at this point you have nothing to do with
6 any of the items of Dorothy's or the condominium or the
7 safe deposit boxes or any of the property; is that
8 correct?

9 A Yes. Nothing to do with any of it.

13:07 10 Q Did Dorothy give you any presents after she was
11 diagnosed?

12 MS. MORROW: Objection. Violation of privacy;
13 irrelevant. Dorothy could give a present to whoever she
14 wanted to.

13:07 15 MR. SOLOMON: I'm just asking. I believe that it's
16 relevant.

17 MS. MORROW: On what grounds? To what issue?

18 MR. SOLOMON: To the grounds of undue influence.

19 MS. MORROW: I don't see the relevance whether or
13:08 20 not she gave her a present.

21 MR. SOLOMON: I'm just asking. I believe that I'm
22 entitled to an accounting for three years, actually.

23 MS. MORROW: Not to an accounting of Mrs. Aparicio.
24 You may be entitled to an accounting of Dorothy Horwitz,
13:08 25 and I did already provide that. So I don't see the

13:08 1 relevance.

2 MR. SOLOMON: I'm asking the question. And
3 Ms. Aparicio may answer or she may not. I'm going to
4 insist that she does, and we'll move to compel.

13:08 5 MS. MORROW: She's not going to answer.

6 Q BY MR. SOLOMON: What happened to Dorothy's
7 jewelry?

8 A I have no idea. Dorothy put her jewelry in her
9 box.

13:09 10 Q In her safe deposit box?

11 A Yes.

12 Q And that's all of her jewelry; yes?

13 MS. MORROW: Calls for speculation.

14 THE WITNESS: How do I know?

13:09 15 MS. MORROW: It's only as to what you know.

16 Q BY MR. SOLOMON: Did you ever see Dorothy
17 wearing a Star of David?

18 A No, she wouldn't do that.

19 Q Or a hand -- it looked like a hand?

13:09 20 A No. That doesn't sound familiar to me.

21 Q Ms. Aparicio, what are your favorite charities?

22 MS. MORROW: I'm going to object. Violation of
23 privacy; no relevancy whatsoever.

24 I'm going to instruct the witness not to
13:10 25 answer.

13:10 1 Q BY MR. SOLOMON: Walter, when he went to the
2 racetrack, was fond of drawing horses; is that correct,
3 Mrs. Aparicio?

4 MS. MORROW: Same objection, and I'm going to add
13:10 5 calls for speculation. No relevance.

6 Where is the relevancy?

7 MR. SOLOMON: I believe that Mrs. Aparicio is
8 familiar with Walter's artwork. I'd just like to
9 understand the scope of her familiarity.

10 THE WITNESS: What was the question?

11 MS. MORROW: What's the question?

12 MR. SOLOMON: The question is, was she familiar with
13 Walter's drawings of horses?

14 THE WITNESS: Well, yes. They were in his condo.
13:11 15 They were on the walls. I saw them every time I went
16 there and visited.

17 Q BY MR. SOLOMON: And how many pictures did you
18 see or works did you see?

19 A Oh, I did not count them.

13:11 20 Q Approximately one, ten, five?

21 A Ask your brother. He has them all.

22 Q Did Walter have any sketch books that you sent?

23 A Yes. I sent some sketch books.

24 Q Did he have a sheaf or pile of prints between
13:11 25 two flat pieces of wood bound that you sent?

13:11 1 A I didn't understand that.

2 Q Did he have a number of artworks or paintings

3 of other paintings in a stack approximately two inches

4 thick between two flat pieces of wood?

13:12 5 A Whatever was there, Mr. Solomon, was sent to

6 your brother except for two pieces on the wall still.

7 Q There are two pieces on the wall.

8 A Yes. However, I'm not sending them. I'm done.

9 Q I beg your pardon?

13:12 10 A I am not sending them. I am done doing my

11 duty.

12 Q So you're resigning all your capacity in this

13 affair; is that correct?

14 MS. MORROW: I'm going to object.

13:12 15 MR. SOLOMON: Isn't that what she just said, she's

16 done doing her duty?

17 MS. MORROW: I think she's probably done with this

18 whole matter because she feels like she's being

19 harassed. So you can move on to the next question.

13:13 20 MR. SOLOMON: Very good.

21 Q Why do you think that Dorothy didn't leave

22 anything to your son or daughter, Lisa or Paul?

23 MS. MORROW: Objection. Calls for speculation;

24 violation of privacy; irrelevant.

13:13 25 MR. SOLOMON: I'm asking for her --

13:13 1 MS. MORROW: Wild speculation.

2 MR. SOLOMON: Hold on for just a second.

3 Would like to ask some specific questions
4 regarding the addendum. I don't have a copy -- an
13:14 5 actual copy of the original signed addendum. I also
6 don't have a full accounting of the estate, so I would
7 be unable to address those particular issues.
8 Therefore, I'm going to request that the deposition be
9 continued until such time as those are provided.

13:14 10 Other than that, I have no further questions.

11 MS. MORROW: For the record, I want to note that the
12 addendum that was used today and is marked with
13 Exhibit 1 was produced by Mr. Solomon's counsel and that
14 an accounting was provided in responses to discovery in
13:14 15 November 2014.

16 MR. SOLOMON: Duly noted.

17 I am complete.

18 MS. MORROW: Shall we stipulate that the court
19 reporter be relieved of her duties in that she will
13:15 20 prepare the transcript and send it to Mrs. Aparicio to
21 make any changes that she deems necessary -- any
22 corrections that you deem necessary;

23 And that you will advise me within 30 days of
24 any changes;

13:15 25 And that I will so advise you within two

13:15 1 business days, Mr. Solomon.

2 So stipulated?

3 MR. SOLOMON: We will stipulate that this partial --
4 the partial transcript may be prepared and that the
13:15 5 deposition is continuing.

6 MS. MORROW: You'll have to bring a motion to get it
7 reset, but so stipulated.

8 (Whereupon, the deposition was
9 adjourned at 1:15 p.m.)

13:15 10

11

12 I declare under penalty of perjury under the
13 laws of the State of California that the foregoing is
14 true and correct. Executed this ____ day of _____,
13:15 15 2____, at _____, California.

16

17

Witness Signature

18

19

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24

25

1 STATE OF CALIFORNIA)
)
2 COUNTY OF LOS ANGELES)

3

4

Reporter's Certificate

5

6

I, Sharon Amy Golding, Certified Shorthand

7

Reporter No. 5934, do hereby certify:

8

That prior to being examined, the witness named

9

in the foregoing deposition, to wit, Rose Aparicio, was

10

by me duly sworn to testify to the truth, the whole

11

truth and nothing but the truth;

12

That said deposition was taken down by me in

13

shorthand at the time and place therein named and

14

thereafter reduced to print by means of computer-aided

15

transcription under my direction, and the same is a

16

true, correct and complete transcript of said

17

proceedings;

18

I further certify that I am not interested in

19

the event of the action.

20

Witness my hand this 23rd day of June, 2015.

21

22

Sharon Amy Golding, CSR No. 5934

23

24

25

1 STATE OF CALIFORNIA)
)
2 COUNTY OF LOS ANGELES)

3

4 I, Sharon Amy Golding, Certified Shorthand
5 Reporter No. 5934, hereby certify that the attached
6 deposition is a correct copy of the original transcript
7 of the deposition of Rose Aparicio, taken before me on
8 June 5, 2015, as thereon stated.

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

11 Executed at Cerritos, California, this 23rd day of
12 June, 2015.

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Sharon Amy Golding, CSR No. 5934

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/	14;33:5;36:12,18; 37:1;39:23;44:23; 45:3,21;46:3,7;48:20	bound (1) 46:25 boundaries (1) 30:21 bounds (3) 30:25; 36:16,24	20:1;25:21;31:11; 37:10;42:12;45:21 chatting (1) 21:11 children (2) 9:13,17 China (1) 27:6	12;33:1,8,14,15; 34:8,21 cruises (3) 26:25; 27:2,3
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