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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 07-12641-BKC-AJC

In Re:

ORIGINAL

LORRAINE BROOKE ASSOCIATES, INC.
Debtor.

ALL MOTIONS ON CALENDAR

May 17, 2007

The above-entitled cause came on for hearing before the HONORABLE A JAY CRISTOL, one of the judges of the UNITED STATES BANKRUPTCY COURT, in and for the SOUTHERN DISTRICT OF FLORIDA, at 51 SW 1st Avenue, Miami, Dade County, Florida on May 17, 2007, commencing at or about 3:30 p.m., and the following proceedings were had:

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APPEARANCES:

KENDRICK G. WHITTLE, ESQUIRE

On behalf of the Debtor

DREW DILLWORTH, Trustee

BERGER SINGERMAN, by

BRIAN RICH, ESQUIRE,

and

DOUGLAS BATES, ESQUIRE,

On behalf of the Trustee

GENOVESE JOBLOVE & BATTISTA, by

BRETT AMRON, ESQUIRE,

and

COOK PERKISSW & LEW, by

DAVID J. COOK, ESQUIRE

and

PETER T. HAVEN, ESQUIRE

and

SOMMER BARNARD, by

JONATHAN G. POLAK, ESQUIRE

On behalf of the Frederic Goldman

- - - - -

I N D E X

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1 THE COURT: We're here on the matter of
2 Lorraine Brooke Associates, Inc.

3 Counsel that are going to participate may
4 state their appearances.

5 MR. WHITTLE: Kendrick Whittle on behalf
6 the debtor, your Honor.

7 THE COURT: Are you a lawyer, Mr. Whittle?

8 MR. WHITTLE: Yes. I have a -- I guess we
9 can start with that, your Honor.

10 When I discovered, I got a friendly call
11 from my mother at 8:00 in the morning, that it was
12 reported that my bar license was suspended and/or
13 I'm on probation. That is not true. I have here,
14 your Honor, the only thing that I could grab in the
15 limited amount of time, is a letter from the Florida
16 Bar, that I got from their website, that I am a
17 lawyer in good standing.

18 THE COURT: That's helpful.

19 MR. WHITTLE: Would you like to ---

20 THE COURT: So, state your appearance.

21 MR. WHITTLE: No, if the Court would like
22 to see it, I have it.

23 THE COURT: We'll get to that. Right now
24 well just proceed.

25 MR. WHITTLE: Okay.

1 THE COURT: That's a different issue.
2 You're here representing whom, sir?

3 MR. WHITTLE: Lorraine Brooke Associates.

4 THE COURT: Very well.

5 MR. RICH: Good afternoon, Judge Cristol.
6 Brian Rich, from Berger Singerman, on behalf of
7 Drew Dillworth, the Chapter 7 trustee, and
8 Mr. Dillworth is also present in Court, as is my
9 colleague Douglas Bates.

10 MR. DILLWORTH: Good afternoon, Judge.

11 THE COURT: Very well.

12 MR. BATTISTA: Good afternoon, your Honor.
13 Paul Battista of Genovese Joblove & Battista
14 representing Frederic Goldman and, Judge, I want to
15 introduce to your Honor my co-counsel, you've heard
16 from them on the phone, but have not meet them in
17 person. This is David Cook, to my right, who is
18 admitted pro hac vice in the matter, Jonathan Polak,
19 who is also admitted pro hac vice, and
20 Mr. Peter Haven, who is also admit pro hac vice.

21 THE COURT: Very well.

22 MR. COOK: Good afternoon, your Honor.
23 David Cook on behalf of Fred Goldman.

24 THE COURT: Good afternoon.

25 Anyone else?

1 (No verbal response.)

2 THE COURT: All right. We have a number of
3 matters on the calendar. We can take them in the
4 order that they're listed on the calendar.

5 The first matter is the motion to convert
6 Chapter 7 to Chapter 11 filed by the debtor.

7 MR. WHITTLE: Yes, sir.

8 Yes, your Honor. Respectfully, to be very
9 brief, on April 13th we proceeded this matter with a
10 petition for relief, we filed a Chapter 7.

11 Subsequently, after speaking with officers
12 of the company, as well as the attorney for the
13 corporation, it was better thought that this company
14 could remain as a viable vehicle, so we filed a
15 motion to a convert to an 11.

16 THE COURT: Well, what is the business of
17 this company?

18 MR. WHITTLE: Your Honor, I would like to
19 bring forth one of the officers, the founding
20 attorney, who can -- who will address some of the
21 aspects of LBA, if you don't mind, that's what I call
22 Lorraine Brooke Associates, and he can further go
23 along the lines of what the Court -- you know, what
24 the business is and why we believe that it can
25 continue doing what it does and hopefully pay off its

1 creditors.

2 THE COURT: Very well. Let's hear from
3 him.

4 MR. WHITTLE: Yes, your Honor. I'll call
5 Mr. Leonardo Starke.

6 THE COURT: That's not the witness box.
7 The witness box is over there, but are you being
8 called as a witness or are you ---

9 MR. WHITTLE: Yes, as a witness,
10 your Honor.

11 THE COURT: Okay.

12 DIRECT EXAMINATION

13 BY MR. WHITTLE:

14 Q Mr. Starke, would you state your name for
15 the record?

16 A Leonardo Starke.

17 Q Your address?

18 A 3340 McDonald Street, Coconut Grove,
19 Florida 33133.

20 Q What is your occupation?

21 A I'm an attorney and a businessman.

22 Q Okay, and in the matter at hand today,
23 what is your association with Lorraine Brooke
24 Associates?

25 A At this point I am simply an attorney.

1 Q Okay. Did you help form Lorraine Brooke
2 Associates?

3 A Yes, sir.

4 Q Okay, and on whose behalf did you form this
5 company?

6 A Arnelle Simpson and her siblings.

7 Q Okay, and what was the purpose of forming
8 Lorraine Brooke Associates?

9 A To protect the business interests and
10 privacy of Ms. Simpson and her brothers and sister in
11 pursuit of a publishing opportunity.

12 Q Besides -- so, what did you initially do to
13 form LBA?

14 A I met with -- I spoke with Ms. Simpson and
15 she give me a name that she thought they would want
16 to use for the company, and I formed the company.

17 Q And did you do anything else on behalf of
18 LBA?

19 A Yes, I did a lot of things. I negotiated
20 the publishing agreement between LBA and Harper
21 Collins, I did various corporate documents,
22 contracts, I handled the checkbook for the company,
23 ongoing communication with Ms. Simpson, other
24 attorneys that happened to be involved in other
25 matters, so it was a wide array of things.

1 Q At any time were you an officer or director
2 of the company?

3 A Yes, I was -- initially I was the initial
4 director when the company was formed, but that
5 changed immediately when the organizational meeting
6 occurred, and Ms. Simpson became the sole director,
7 and I, at that point, became a, I think,
8 vice-president and secretary.

9 Q But from your prior testimony it seems as
10 though you ran the company?

11 A Well, pretty much. You'd have to know
12 Ms. Simpson. I've know her for over 10 years. I've
13 done some personal legal work for her over the years,
14 and I know that she -- to a person, she's a people
15 person, and her business acumen is -- she's not good
16 at that, and she -- I thought it -- she asked me to
17 assist her, and knowing her as I do, I felt like she
18 probably needed the assistance, and it wasn't a
19 problem for me.

20 Q And did you make all the decisions on
21 behalf of LBA?

22 A No, sir.

23 Q Okay. Who else did?

24 A Well, Arnelle Simpson.

25 Q Okay, and how did, directed to the Judge's

1 question, how did LBA make money?

2 A LBA negotiated a publishing contract with
3 Harper Collins Publishing, and as a result of that
4 contract it received revenue.

5 Q Okay. Now, this company was formed when?

6 A In March of 2006.

7 Q So it's basically a brand new company?

8 A It's a baby company, yes.

9 Q How have you been able to negotiate a
10 contract on behalf of the company?

11 A I'm sorry, could you ---

12 Q Have you been able to negotiate this
13 contract with Harper Collins on behalf of this
14 company?

15 A Yes, sir.

16 Q Okay. Did LBA have any other income source
17 that you know of?

18 A No, sir.

19 Q Did LBA make any purchases?

20 A Yes, sir.

21 Q What type of purchases were they?

22 A It purchased a used vehicle.

23 Q And when did they do that?

24 A I believe in late October 2006.

25 Q And why did LBA buy a vehicle?

1 A I spoke with Ms. Simpson, and she shared
2 with me that she really needed transportation, and
3 she wanted to know if the company had sufficient
4 resources to acquire a car, and I asked her what she
5 was talking about in terms of numbers. She told me
6 the number, and I said well, yeah, there is
7 sufficient resources for that.

8 Q Does LBA still have this vehicle?

9 A No, sir.

10 Q And why not?

11 A I believe in February of this year I spoke
12 again with Ms. Simpson and she, you know asked me
13 again about, you know, where are we financially,
14 where is the company financially, and she said, well,
15 we don't really have enough money to continue to --
16 or to pay to really operator or pay for repairs,
17 maintenance of this vehicle, couldn't I just take
18 over the car, if I'm going to have to come out of my
19 own pocket, and I said, well, yeah, when it's your
20 company, you can do that, but recognize there are
21 probably tax consequences for you personally if you
22 were to do that, and that's what I explained to her,
23 how it could be done, and she said, okay, fine, if
24 that's what she has to do, no problem.

25 Q Now, was LBA a solvent company when this

1 transfer was made?

2 A Yes, sir.

3 Q And how -- and when did LBA, as an entity,
4 become insolvent?

5 A Probably in March of this year. There was
6 voluminous, I guess, filings by attorneys
7 representing Fred Goldman in California, initially
8 against Lorraine Brooke and O.J. Simpson, and there
9 was a Federal Court action filed in California in
10 late December, if I'm not mistaken. I was actually
11 served with the complaint in Federal Court.

12 That complaint was dismissed by the Federal
13 Court Judge in late January, if I'm not mistaken, but
14 then in mid to late January I returned from vacation
15 and I had a message on my voice mail that there were
16 hundreds of pages of faxes waiting for me at an
17 office where I'm of counsel, and so, of course, I
18 didn't know what it was, so I went to pick them up,
19 and it was documents referring to Mr. Goldman's
20 efforts to collect money from O.J. Simpson, and so I
21 spoke -- I went over the documents, I sent a -- I
22 think I sent an e-mail to Mr. Cook at that time
23 advising him that that office, I'm only of counsel, I
24 don't have an office there, and it's not the
25 appropriate place to forward documents, that office

1 has nothing to do with Lorraine Brooke.

2 I didn't get a response, to my knowledge,
3 from him, but -- and then into March, I believe,
4 there may have been a two month window that they
5 continued to mail, fax, voluminous documents to the
6 law firm of Ritter Zaretsky & Lieber, and since the
7 Federal case was dismissed, these other matters I
8 didn't deem appropriate to Lorraine Brooke, they were
9 against O.J. Simpson, and ultimately, after
10 conversating with attorneys in California, they said
11 you guys probably need to try to find a lawyer out
12 here because of the litigation that's going on, and
13 as a result of that an attorney was hired named
14 Tappan Zee, and within, I'm sure, a week's time
15 Lorraine Brooke probably generated 15 to \$20,000 in
16 legal fees.

17 Q And has Lorraine Brooke Associates been
18 able to pay those fees?

19 A No, sir.

20 Q Okay, and why did Lorraine Brooke
21 Associates decide to file bankruptcy?

22 A Well, after, I think, maybe a week or so
23 after Mr. Zee was hired, and of course I was spending
24 an enormous amount of time in terms of assisting him
25 and dealing with all the stuff that was coming to

1 Miami, I spoke with Ms. Simpson and just told her
2 where we were and she, of course, you know, was
3 amazed at, you know, how do you amass that much in
4 bills that quickly, and I'm like that's what happens
5 when lawyers are handling this type of stuff.

6 Ultimately -- I'm sorry, next question.

7 Q Just, the question is why did you file, and
8 you said because of fees?

9 A No, I mean, she said, well, how are we
10 going to pay this, and I'm like, well, you know, the
11 only thing you have right now as an asset is the
12 dollars that are in the bank, which may be at that
13 time was less than \$1,000 and rights to the book that
14 was never published.

15 Q Okay.

16 A And so I said, I told her that that's all
17 you have, and she's, like, well, what do we do? I'm,
18 like, I don't know.

19 Q And why did you wait until April 13th to
20 file this bankruptcy?

21 A I spoke with -- I was speaking with a law
22 school classmate who practiced out of New York, and I
23 was just talking to him about, you know, all of this,
24 and telling him, I said, you know, what does a
25 company do when it's drowning in litigation, that it,

1 number one, doesn't think it should be in, it's in
2 another state, has limited resources, what can you
3 do, and he said, well, probably the only way to stop
4 the bleeding is you probably need to consider
5 bankruptcy, and so that's when I spoke with her and
6 said, I'll try to contact some local bankruptcy
7 attorneys to see what can be done.

8 Q And were you able to contact some local
9 attorneys and what was the result?

10 A Well, ultimately we were able to come to
11 you and hire you.

12 Q Okay. Now, at this moment what do you
13 believe is the future for Lorraine Brooke Associates?

14 A I believe Lorraine Brooke Associates has
15 great opportunities. To my understanding there are
16 parties of interest to publish the book, which
17 Lorraine Brooke has the rights to, and there are
18 other potential deals, publishing deals that
19 Lorraine Brooke can pursue. There have been
20 inquiries and special interest in additional
21 publishing deals.

22 Q And do you believe that if these additional
23 deals and the publishing rights are retained, would
24 Lorraine Brooke be able to pay its current debts now?

25 A I'm absolutely certain, since its debts are

1 probably less than \$40,000.

2 MR. WHITTLE: No further questions,
3 your Honor.

4 THE COURT: Does anyone care to
5 cross-examine?

6 MR. COOK: Thank you.

7 CROSS-EXAMINATION

8 BY MR. COOK:

9 Q Mr. Starke, do you have the binder in front
10 of you here?

11 A No.

12 MR. BATTISTA: Judge, may I approach?

13 THE COURT: You may.

14 BY MR. COOK:

15 Q Let's take a look here ---

16 MR. BATTISTA: Judge, may I approach with a
17 binder for yourself?

18 THE COURT: You may.

19 MR. BATTISTA: Thank you.

20 BY MR. COOK:

21 Q Now, if you can take a look at ---

22 MR. COOK: Counsel, do you have a copy?

23 MR. WHITTLE: Yes. Thank you.

24 BY MR. COOK:

25 Q Let's take a look at Tab 1, Mr. Starke.

1 Are those the Articles of Incorporation that you
2 caused to be filed with the Secretary of State?

3 A Yes.

4 Q Ever heard of an entity called Justin
5 Communications?

6 A Yes.

7 Q And you incorporated that entity, is that
8 correct?

9 A I believe so.

10 Q And you incorporated that entity in
11 approximately 2003, is that correct?

12 A I don't recall.

13 Q Okay, and do you remember the officers and
14 directors of Justin Communications?

15 A Offhand, no.

16 Q Would that be the Simpson children?

17 A Could be, yes.

18 Q Could be.

19 Now, as to this entity called Lorraine
20 Brooke Associates, the officers and directors, again,
21 would be the Simpson children, is that correct?

22 A No, a combination.

23 Q A combination, okay, and that would be
24 Arnelle Simpson, is that correct?

25 A Are we talking about ---

1 Q Well, let's deal with Lorraine Brooke
2 Associates.

3 A Yes.

4 Q And that would be Justin Simpson, is that
5 correct?

6 A Yes.

7 Q Okay, and there is a third Simpson child?

8 A There is four children.

9 Q Yes, and the third -- and what's the name
10 of the third child who is an officer and director?

11 A Sydney Simpson, Jason Simpson.

12 Q Okay. You're familiar with what's called
13 contributed capital?

14 A Ah ---

15 Q You're familiar with capital?

16 A More or less.

17 Q Yeah, you probably formed close to 200
18 corporations, isn't that correct, sir?

19 A I don't know, maybe more.

20 Q Maybe more, and you're familiar with shares
21 of stock, is that correct?

22 A Yes.

23 Q Okay, and can you tell me the total amount
24 which the Simpson children contributed to the
25 formation of Lorraine Brooke Associates?

1 A I don't understand your question.

2 Q Let's move on to Tab Number 2. Have you
3 seen this document before?

4 A Yes, sir.

5 Q Okay. Let's take a look here, and this is
6 the contract with an entity called Harper Collins
7 Publishers, is that correct?

8 A Yes, sir.

9 Q And let's take a look here on Page 17, is
10 that your signature, sir?

11 A Yes, sir.

12 Q And that's the signature of Judith Regan,
13 as far as you know?

14 A That's what it says, yeah.

15 Q Okay, and that's the signature of Jane
16 Friedman, as far as you know, is that correct?

17 A I wasn't present when they signed it, so I
18 have to assume it is. I don't know.

19 Q Now, let's take a look here at what's
20 marked as Exhibit A on Page 22. Do you recognize
21 that document, sir?

22 A Yes, sir.

23 Q Okay, and ---

24 A Page 22?

25 Q Yes, on the very bottom there, it's Page 22

1 of Exhibit 2. It's marked ---

2 A I'm sorry. I'm sorry.

3 Q That's all right.

4 A Yes.

5 Q And you see -- and who signed that
6 document?

7 A O.J. Simpson.

8 Q Okay, and did you see him sign his name to
9 this document?

10 A I don't recall.

11 Q Okay.

12 A I don't recall.

13 Q And in looking at this document here, I'd
14 like to draw your attention to what is marked -- it's
15 Page 1, Paragraph 1, do you see that paragraph, sir?

16 A Yes.

17 Q Okay, and for the record, and if the Court
18 will bear with me: "The proprietary grants to the
19 publisher the exclusive right to publish, reproduce
20 and distribute the work in all languages, and to
21 exercise and grant to third parties the rights to the
22 work described in Paragraph 6 throughout the world
23 (the territory) for the full term of the copyright
24 available to the work in the territory." Do you see
25 that, sir?

1 A I'm sorry, where are you reading from?

2 Q I'm reading what appears to be Page 1,
3 Paragraph 1.

4 A Of which document?

5 Q Of Exhibit 2, sir.

6 A Page 1, Paragraph 1.

7 Q Yes, of Exhibit 2, sir. It's called grant
8 of rights.

9 A Oh, I'm sorry, yes.

10 Q Okay, and from that you understood as a
11 signatory that Harper Collins had the exclusive right
12 to publish throughout the world, in all languages,
13 the book generally under the title of If I Did It, is
14 that correct, sir?

15 A I believe so.

16 Q And let's take a look at on Page 10 of
17 Exhibit 2, Paragraph 9(a). Do you see that, sir?

18 A Page 10?

19 Q Yes, sir.

20 A Paragraph ---

21 Q 10 -- Paragraph 9, I'm sorry.

22 A Paragraph 9, yes.

23 Q And, again, for the record, it says: "The
24 proprietor warrants to the publisher that: The
25 author and the writer are the sole authors of the

1 work and the proprietor is the sole owner of the
2 rights granted in this agreement and has not
3 assigned, pledged or otherwise encumbered them and
4 has right to enter into this agreement."

5 Were you aware of this particular term when
6 you signed Exhibit 2?

7 A I believe so.

8 Q And I presume that you, as an attorney and
9 a businessman, negotiated with -- was it
10 Transactional Marketing Partners, is that ---

11 A TMP.

12 Q That was Mr. Brett Saxon, isn't that
13 correct?

14 A That's correct.

15 Q And that was your main point of contact?

16 A He was the point of contact.

17 Q The point of contact.

18 A Yes.

19 Q And let's take a look on Page 11,
20 Sub-Paragraph 2 and it says: "The work is an
21 original work, has never before been published in
22 whole or in part or in any form in the territory, is
23 not in the public domain in any country in the
24 territory and does not infringe any copyright or
25 other proprietary or personal right."

1 Do you see that, sir?

2 A Yes, sir.

3 Q And you were aware of that at the time you
4 signed the agreement, is that correct?

5 A I believe so.

6 Q Take a look on Page 12, Paragraph 10(b)(1),
7 and do you see that term, sir?

8 A Yes, I'm looking at it.

9 Q Okay, and are you familiar with that term,
10 it's called a non-compete term?

11 A Yes.

12 Q Okay, and then let's take a look on
13 Page 13, Paragraph 11(a), you're generally familiar
14 with copyrights, is that correct?

15 A Page 13, 11(a), okay.

16 Q You're generally familiar with copyrights?

17 A Generally, yes.

18 Q And you generally understand that a
19 copyright gives a copyright holder the right to
20 exclude others from the publication of the material?

21 A Correct.

22 Q Okay, and looking at this document here,
23 that the holder of the copyright is Lorraine Brooke
24 Associates, is that correct?

25 A Yes.

1 Q Okay, and in your dealings with
2 Mr. Saxon -- let me back up.

3 You were satisfied ultimately with the
4 outcome of the business transaction, isn't that
5 correct?

6 A Yes, the company was satisfied, yes.

7 Q Yes, and as vice-president you successfully
8 negotiated the deal with Harper Collins with the
9 publication of the book called If I Did It?

10 A Yes.

11 Q And your primary point of contact, of
12 course, was Arnelle Simpson, isn't that correct?

13 A Yes.

14 Q Okay, and she was the person who was
15 directing your efforts, isn't that correct?

16 A Yes.

17 Q And, in fact, she was the person who was,
18 on behalf of Lorraine Brooke Associates, dictating
19 the specific terms of the agreement, is that
20 correct?

21 A No, sir.

22 Q You know Mr. O.J. -- Orenthal James
23 Simpson, is that correct?

24 A Yes, sir.

25 Q Have you performed legal services for him

1 in other matters?

2 A Yes, sir.

3 Q Okay, and when did you first perform legal
4 services on behalf of Mr. Simpson?

5 A Maybe 2000, 2001.

6 Q And did Mr. Simpson participate in any way
7 in the negotiations over this contract?

8 A No.

9 Q Did Mr. Simpson have anything to do with
10 this contract at all?

11 A Yes.

12 Q Okay, and his participation, of course,
13 would be his signature on Page 22, isn't that
14 correct?

15 A With regard to the contract, yes.

16 Q That's correct and, in fact, what was
17 published would be approximately seven chapters of a
18 publication, primarily dealing with his relationship
19 with his wife, Nicole Brown Simpson and the murders
20 Nicole Brown Simpson and Ronald Goldman, isn't that
21 correct?

22 A I believe that's what the publisher wanted,
23 yes.

24 Q That's correct, and that is the
25 intellectual property which you provided, isn't that

1 correct?

2 A Correct.

3 Q Okay, and let's take a look here at what's
4 marked as Exhibits 3 A, B, C, D.

5 In fact, these exhibits represent the
6 transmittal of money from Transactional Marketing
7 Partners, TMP, to Lorraine Brooke Associates, isn't
8 that correct?

9 A Yes, sir.

10 Q And, in fact, the total sum received by
11 Lorraine Brooke Associates was somewhere in the
12 \$660,000 amount, isn't that correct?

13 A That's approximately right.

14 Q And, in fact, the sum of \$660,000, more or
15 less, was distributed to Mr. Simpson, isn't that
16 correct?

17 A No.

18 Q Okay. It's something less than that?

19 A Yes.

20 Q Okay, and in excess of 600 --

21 A Yes.

22 Q -- and less than 660?

23 A In excess of 600.

24 Q So, it's fair to state that the amount of
25 money that Mr. Simpson received from the proceeds was

1 \$600,000, isn't that correct?

2 A A little more than that, I believe.

3 Q Okay, and he received that pursuant to some
4 type of license agreement, isn't that correct?

5 A Yes.

6 Q And he licensed his name and story to
7 Lorraine Brooke Associates?

8 A That's correct.

9 Q And that license allegedly expired in
10 December of 2006 --

11 A Yes.

12 Q -- isn't that correct?

13 So, Lorraine Brooke Associates doesn't have
14 that license any more, is that correct?

15 A No, that's incorrect.

16 Q Okay, and if I go back to Exhibit 2, can
17 you show me anywhere in Exhibit 2 where this contract
18 with Harper Collins mentions that license? Can you
19 point that out to me, please?

20 A Mentions what license, sir?

21 Q The license which Lorraine Brooke
22 Associates had with Mr. Simpson to essentially sell
23 or vend or publish his life story, where would it be
24 in the Harper Collins contract, where could I find
25 that?

1 A It's Exhibit A, sir.

2 Q No, where is the license agreement
3 mentioned?

4 A No, it's in Exhibit A.

5 Q I'm not asking whether it's -- where in
6 Exhibit A does it say he licenses it, the word
7 "license"?

8 A I don't believe that it does. This was
9 drafted by Harper Collins. Harper Collins said this
10 is what they wanted Mr. Simpson to sign to assure
11 that Lorraine Brooke held the rights to grant to
12 Harper Collins --

13 Q Maybe ---

14 A -- and that's what was done.

15 Q Maybe you can be so kind to tell me where
16 in Exhibit 2 I can find some mention of Mr. Simpson's
17 license with Lorraine Brooke Associates, if you can
18 point that out to us, please?

19 A It's not in there.

20 Q Okay. It's not in there, and ---

21 A It wasn't required to be in there.

22 Q I didn't you ask you whether it was
23 required. I'm asking where it would be.

24 So, it's fair to state that the contract of
25 Lorraine Brooke Associates does not mention in any

1 way that Lorraine Brooke Associates had an alleged
2 license with O.J. Simpson, isn't that correct, sir?

3 A No, that's not correct.

4 Q Again, can you point that out to me?

5 A It's a matter of interpretation.

6 Q Well, show me the words.

7 A Well, let me read it. Paragraph 1. I
8 represent to HC that LBA has the right to enter into
9 the agreement and bind me personally to the terms.
10 That's exactly what it was referring to.

11 Q Where does it say that Mr. Simpson has a
12 non-exclusive license with LBA in this document?

13 A Paragraph 1, sir.

14 Q Can you point out to the word "license"?

15 A Sir, that's your interpretation. Harper
16 Collins understood that, Lorraine Brooke understood
17 that. If a third party didn't understand it, I can't
18 help that.

19 Q Okay, and as to the \$600,000 that
20 Mr. Simpson received, he received that because of his
21 entitlement under a license, is that correct?

22 A Yes.

23 Q Okay, and that license, by the way, is a
24 license, of course, that was not disclosed to Harper
25 Collins and the contract, isn't that correct?

1 A They didn't request it.

2 Q You're familiar with the signature of
3 Arnelle Simpson?

4 A Yeah, I've seen it.

5 Q Okay. Let's take a look at Tab Number 5.
6 Isn't that her signature, please?

7 A Looks to be.

8 Q Okay. She signed it in your office?

9 A I don't know.

10 Q Well, let's take a look at what's
11 Paragraph 5 at the very top here, and do you know
12 what a fax header is?

13 A Yes.

14 Q Is that a fax header there?

15 A Yes.

16 Q Is that your fax header?

17 A It is, but that doesn't mean she signed it
18 in my office. It means I faxed it.

19 Q Okay, you faxed it to where?

20 A I believe to Tappan Zee.

21 Q To Tappan Zee?

22 A Right.

23 Q And she was -- let's back up. She signed
24 this document, is that correct?

25 A I assume she did, yes.

1 Q Did she sign this in your office?

2 A I do not recall.

3 Q Did she sign this in Tappan Zee's office?

4 A I doubt that.

5 Q Okay. She actually resides with

6 Mr. Simpson, is that correct, in Miami?

7 A To my knowledge, yes.

8 Q So, did she come to your office to sign
9 this?

10 A I do not recall.

11 Q Okay. How did you come into possession of
12 this document?

13 A She may have brought it to me, and I faxed
14 it for her.

15 Q Okay, and let's take a look here at Exhibit
16 Number 5, Page 11, and Paragraph Number 8, do you see
17 that?

18 A Exhibit 5, Paragraph 11.

19 Q Paragraph 8.

20 A Paragraph 8.

21 Q Do you see that?

22 A Not yet.

23 Q And how many times did you call
24 Brett Saxon?

25 A Hold on. Let me get to the paragraph.

1 All right. Right to audit?

2 Q No, I'm looking at Exhibit 5, Page 11,
3 Paragraph 8.

4 THE COURT: I'm looking at -- I don't see a
5 Paragraph 8 on Page 11.

6 MR. COOK: No, no, your Honor, it's Tab 5.

7 THE COURT: I'm under Tab 5.

8 MR. COOK: It says declaration of
9 Arnelle Simpson.

10 THE COURT: Yes.

11 MR. COOK: And it's the first page there,
12 sir.

13 THE COURT: The first page?

14 MR. COOK: Yes, sir.

15 THE COURT: Okay. You said Page 11.

16 MR. COOK: Oh, I'm sorry, it was Page --
17 I'm sorry.

18 THE COURT: You mean the first page of 5?

19 MR. COOK: Yes, sir. Yes, sir.

20 BY MR. COOK:

21 Q How many times did you contact Brett Saxon?

22 A I have no idea.

23 Q More than once?

24 A Oh, yeah.

25 Q A number of times?

1 A Yes.

2 Q Okay. The sole business of LBA was a
3 contract with Harper Collins for the publication of
4 the book of If I Did It, isn't that correct?

5 A The sole business, no. The initial
6 business, yes.

7 Q Okay, and the initial -- and its initial
8 business was up to and including March of 2007, isn't
9 that correct?

10 A Oh, it would be even presently.

11 Q Okay, and its sole business is, in fact,
12 the publication of the book called If I Did It, isn't
13 that correct?

14 A No.

15 Q And if we look here, it says LBA has no
16 regular or systematic contact with any interest in
17 the State of California, does that include calls to
18 Brett Saxon located in Santa Monica, California?

19 A Where are you reading from?

20 Q I'm reading on the first page of Exhibit 5,
21 Paragraph 8, where Arnelle Simpson states that LBA
22 has no regular or systematic contact with any
23 interest in the State of California.

24 A I don't know what -- I didn't sign that, so
25 I don't know.

1 Q But it came from your office, isn't that
2 correct?

3 A Yeah.

4 Q And you earlier testified that
5 Arnelle Simpson is a people person, isn't that
6 correct?

7 A Yes.

8 Q Okay. You reviewed this document before it
9 went out?

10 A I don't know. I don't think so.

11 Q Well, did it come -- and do you have some
12 type of clerk, staff in your office?

13 A No.

14 Q Did you personally fax this to
15 Mr. Tappan Zee?

16 A Probably.

17 Q Okay, and when you faxed it, did you glance
18 at that and look at Paragraph 8 and say, well, that
19 might not be right?

20 A Well, it's not my document, so there is no
21 purpose for me to read it.

22 Q At the time were you an officer of LBA?

23 A Yes.

24 Q Okay, and you were vice-president at the
25 time?

1 A A vice-president, yes.

2 Q As of April 2007, isn't that correct?

3 A As of April 2007?

4 Q Yeah, as of April 2007 ---

5 A No, I wasn't vice-present.

6 Q So, you were not a vice-present, you were
7 the counsel to LBA?

8 A In April of this year?

9 Q Yes, sir.

10 A Yes.

11 Q Okay, and your job as counsel was to
12 represent LBA in its legal affairs, isn't that
13 correct?

14 A In part, yes.

15 Q Okay. Did you ever inform
16 Ms. Arnelle Simpson that there would be a sale of the
17 book rights of If I Did It sometime in April of 2007?

18 A Yeah, I'm sure we talked about it.

19 Q Okay, and she was informed of that, isn't
20 that correct?

21 A I believe so, yeah.

22 Q Did you know the date of the sale, sir?

23 A At some point, yes.

24 Q And at some point did you know the date of
25 the sale which would take place on or about April

1 of -- April 17th, 2007?

2 A At some point, yes.

3 Q And what point was that?

4 A I have no idea.

5 Q Well, did you know about the sale date
6 before April 17th or after April 17th?

7 A No, it was before then.

8 Q And that sale would be the sale of the book
9 rights, even though the book is allegedly in the name
10 of Lorraine Brooke Associates, isn't that correct?

11 A No, sir.

12 Q Well, at some time you must have known
13 about the sale, isn't that correct?

14 A Yes, I knew that there was a pending sale.

15 Q Okay. That didn't prompt LBA to file
16 bankruptcy, did it now?

17 A No, LBA had already talked about filing
18 bankruptcy before that.

19 Q Do you know the exact date and time that
20 LBA filed bankruptcy?

21 A No.

22 Q Do you know who the -- who Louis Brown is?

23 A Louis Brown?

24 Q Yes, Louis Brown.

25 A Are you speaking of Lou Brown.

1 Q Lou Brown, yes?

2 A Yes, I've never met him, but I have
3 contacted him before on behalf of the children.

4 Q And who is he?

5 A Lou Brown?

6 Q Yes.

7 A That's Nicole's father, if I'm not
8 mistaken.

9 Q Did you know that on the morning of
10 April 13th, 2007 that lawyers for the estate of
11 Nicole Brown Simpson attempted to obtain a
12 restraining order, do you know that?

13 A No, I didn't know that.

14 Q No?

15 A I mean, I heard about it after the fact,
16 but I didn't know it, no.

17 Q And do you know what time of day that Judge
18 Gerald Rosenberg denied the request for a restraining
19 order?

20 A No, sir.

21 Q Does 11:00 a.m. California time sound
22 familiar to you?

23 A No, sir.

24 Q No? Do you know what time of day this
25 bankruptcy was filed?

1 A No, sir.

2 Q No, you have no idea?

3 A No, I don't.

4 Q And of course the person who told you to
5 file this would be Arnelle Simpson, isn't that
6 correct?

7 A That told me to file it?

8 Q Yes.

9 A No, she told Mr. Whittle to file it.

10 Q But it was her decision, of course.

11 A Yes.

12 Q And it was solely her decision, isn't that
13 correct?

14 A She's the president.

15 Q In fact, Mr. O.J. Simpson, as far as you
16 know, had no hand in the operation of the business
17 called Lorraine Brooke Associates, isn't that
18 correct?

19 A That is correct.

20 Q Okay, and, in fact, his only involvement
21 was signing a license agreement, isn't that correct?

22 A No, he had to write the book.

23 Q Well, besides writing the book and the
24 license agreement, any other participation in the
25 management of Lorraine Brooke Associates?

1 A No, sir, that was my job.

2 Q Besides you running it, and Arnelle Simpson
3 running it, did Mr. O.J. Simpson have any
4 participation in the operation of Lorraine Brooke
5 Associates, other than writing the book and signing a
6 licensing agreement?

7 A No, sir.

8 Q No involvement, and it was totally your
9 role to run the business, is that correct?

10 A For the most part, yes.

11 Q Let's take a look on Tab 12. Have you seen
12 this document before?

13 A I believe, yes, I think I perused it.

14 Q Do you see the date that this petition was
15 filed?

16 A No. Where is it?

17 Q Lower right-hand corner, sir.

18 A Yes --

19 Q What time?

20 A -- it says April 13.

21 Q And what time?

22 A 2:05.

23 Q Okay, and let's take a look here at, on the
24 petition at Page -- what happens to be Page 3,
25 Tab 12, do you see that?

1 A I'm confused.

2 Q Let's take a look at Tab 12, Page 3, it's
3 the third page, it's the signature block.

4 A All right.

5 Q Do you see, is that Arnelle Simpson's
6 signature?

7 A No, not to my knowledge.

8 Q Okay. Were you in charge of aiding and
9 assisting Mr. Whittle in the filing of this
10 bankruptcy petition?

11 A Aiding and assisting? No. I know zero
12 about bankruptcy, absolutely nada.

13 Q Do you know who signed Arnelle Simpson's
14 signature?

15 A Do I know who signed it?

16 Q Yes.

17 A Yes, I learned subsequently that
18 Mr. Whittle did.

19 Q Did she give him authority to do so?

20 A She said she did.

21 Q She said she gave authority?

22 A That's what she said.

23 Q Do you know what Mr. Whittle's address is?

24 A No, not by heart.

25 Q Okay. Somewhere in Miami, of course, is