

DAVID SIVELLA vs TOWNSHIP OF LYNDHURST, ET AL.
David Sivella on 01/25/2024

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION: BERGEN COUNTY
3 DOCKET NO. BER-L-007990-21

3 -----

4 DAVID SIVELLA, :
5 Plaintiff, :
6 vs. :
7 TOWNSHIP OF LYNDHURST, et :
8 al., :
9 Defendants. :

10 -----

11 VIDEO DEPOSITION OF:
12 DAVID SIVELLA
13 THURSDAY, JANUARY 25, 2024
14 10:37 a.m.

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HUSEBY, INC.
1230 West Morehead Street, Suite 408
Charlotte, North Carolina 28208
(704) 372-4593

DAVID SIVELLA vs TOWNSHIP OF LYNDHURST, ET AL.
David Sivella on 01/25/2024

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<p>1 2 3 Transcript of Video Deposition taken in 4 the above-entitled matter by and before Carrie L. 5 Cuhadaryan, a Certified Court Reporter within and 6 for the State of New Jersey, taken at METROPOLITAN 7 CENTER, 1 Meadowlands Plaza, Suite 200, East 8 Rutherford, New Jersey, 07073, on THURSDAY, JANUARY 9 25, 2024, commencing at 10:35 a.m., pursuant to 10 notice. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 A P P E A R A N C E S: (cont'd) 2 3 A L S O P R E S E N T: 4 THOMAS DEL VECCHIO, VIDEOGRAPHER 5 PAUL HAGGERTY 6 MICHAEL CARRINO 7 RICHARD PIZZUTI 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 A P P E A R A N C E S: 2 3 LAW OFFICES OF JILLIAN T. WEISS, P.C. 4 BY: JILLIAN T. WEISS, ESQ. 5 242 Main Street, No. 304 6 Beacon, New York 7 (845) 709-3237 8 jweiss@jtweisslaw.com 9 Attorneys for the Plaintiff 10 11 KEENAN & DORIS, ESQS. 12 BY: IAN DORIS, ESQ. 13 71 Union Avenue, Suite 105 14 Rutherford, New Jersey 07070 15 (201) 355-8110 16 Attorneys for the Defendants 17 18 PIERSON FERDINAND LLP 19 100 Overlook Center, 2nd Floor 20 Princeton, New Jersey 08540 21 mukti.patel@perferd.com 22 (848)200-2335 23 Attorneys for the Defendant, 24 Richard Pizzuti 25</p>	<p>1 I N D E X 2 WITNESS EXAMINATION PAGE 3 DAVID SIVELLA BY MR. DORIS 9 4 5 E X H I B I T S 6 NUMBER DESCRIPTION PAGE 7 Sivella-1 photo sheet 155 8 Sivella-2 2/13/21 letter 155 9 Sivella-3 text messages 155 10 Sivella-4 7/5/18 letter 155 11 Sivella-5 campaign literature 155 12 Sivella-6 police report 155 13 Sivella-7 e-mail and text messages 155 14 Sivella-8 e-mail and text messages 156 15 Sivella-9 9/3/19 letter 156 16 Sivella-10 9/24/19 letter 156 17 Sivella-11 9/23/19 letter 156 18 Sivella-12 9/24/19 letter 157 19 Sivella-13 e-mail chain 157 20 Sivella-14 4/18/23 e-mail 157 21 Sivella-15 Alampi Complaint 157 22 Sivella-16 records re DiMaggio 157 23 Sivella-17 Bonnie Mizdol document 157 24 Sivella-18 list of counsel 157 25 (continues)</p>

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1 process but we're gonna go over a few ground rules
2 just so we're clear.

3 Obviously you're under oath so your
4 testimony today is just as important if you gave it
5 in front of a judge and jury.

6 Do you understand that?

7 A Yes, I do.

8 Q And you swore to tell the truth and
9 I'm sure you'll do that; is that correct?

10 A Yes, I will.

11 Q Often times in a deposition people
12 will sometimes talk over each other. It just
13 happens in common conversation, but for purposes of
14 today, we should try to be mindful of that. The
15 reason for that is, as you know, the court reporter
16 is taking everything down that is spoken today. So
17 even though you may know the question I'm about to
18 ask, let me finish my question before you answer and
19 I will try to do the same and not ask the next
20 question until you've completed your answer. Okay?

21 A Yes, sir.

22 Q Also, if you don't understand a
23 question I ask, you can of course ask me to restate
24 it, rephrase it, clarify. That's important because
25 if you answer a question today, it will be assumed

1 throughout this case and particularly at trial that
2 you understood the question. The reason I'm telling
3 you that instruction now is because if you give an
4 answer today that's different at the time of trial,
5 you can be confronted with your testimony.

6 Do you understand that?

7 A Yes, I do, sir.

8 Q Okay. And at that time at trial or
9 some subsequent proceeding after the deposition you
10 would not be permitted at that time to say I didn't
11 know what's what you meant or I didn't understand
12 the question. So if that's the case, please state
13 it upfront and we'll clarify.

14 MS. WEISS: I object to that
15 instruction.

16 A I was gonna --

17 MS. WEISS: I object to that
18 instruction but you may proceed.

19 A Could you repeat that instruction?

20 Q No.

21 A Okay, well, then I don't understand
22 it.

23 Q Okay. Fair enough.

24 If you want to take a break at any
25 time today, you can do that. Just let us know.

1 Nobody wants you to guess at an
2 answer, so if you don't know the answer or you don't
3 recall, those are perfectly acceptable answers.

4 You may be asked for information such
5 as time or distance, things of that nature where if
6 you don't know the exact answer, you can estimate
7 but it has to be a reasonable estimation and just
8 please advise us if that's your best answer, if you
9 give that answer. Okay?

10 A Um-hmm. Yes, sir.

11 Q What is it about the instruction that
12 you found difficult?

13 A The structure of the wording.

14 MS. WEISS: Are you asking him?

15 MR. DORIS: Yes.

16 A The structure of the wording was
17 convoluted. Can you repeat it.

18 MR. DORIS: Yeah, can we read back
19 that instruction?

20 (Whereupon, the requested portion was
21 read back by the reporter.)

22 BY MR. DORIS:

23 Q So I'll try to rephrase it.

24 If you don't understand a question I
25 ask you today, it's important that you clarify --

1 get clarification on that question. Because at the
2 time of trial or a subsequent proceeding after this
3 deposition, you're not going to be permitted to say,
4 well, I didn't know that's the question you were
5 asking me. I didn't understand.

6 A I understand that.

7 MS. WEISS: I reiterate my objection.

8 MR. DORIS: Fair enough.

9 BY MR. DORIS:

10 Q Can you just tell us your date of
11 birth, Mr. Sivella?

12 A ~~XXXXXXXXXX~~

13 Q And what is your social security
14 number?

15 A I'm not saying.

16 MS. WEISS: Objection. So that is a
17 confidential matter and would need to be
18 designated as confidential. We're happy to
19 provide it outside of the testimony, though.

20 MR. DORIS: I think he can state it
21 for the record and we'll make sure that it's
22 marked confidential. Court reporter doesn't
23 have to take it down, I'm sure.

24 THE WITNESS: May I speak?

25 MS. WEISS: Sure.

1 A You put things into the record
 2 confidentially, interviews with these gentlemen, and
 3 IA, which I've honored. I've never looked at them
 4 because they were personal in nature, about their
 5 personnel records. And you're asking me for my
 6 social security number which impacts credit and
 7 everything else. And these gentlemen, we have an
 8 adversarial relationship and they're sitting in the
 9 room and they've abused already or alleged to have
 10 abused systems of government for tracking
 11 information. So I am not giving you that number.

12 Q Well, unfortunately --

13 A You can get it from my attorney
 14 privately.

15 MS. WEISS: We will provide it.

16 Q Okay. One other important point to
 17 make. We have a confidentiality agreement in this
 18 case which you should be aware of.

19 A I'm aware it had to do with IA
 20 investigations, sir.

21 Q It has to do with a number of things.
 22 But we're proceeding with this deposition under
 23 that.

24 A Not according to my agreement
 25 personally. For the record.

1 Q I don't know what you mean by that.

2 A In no way, shape or form did I agree
 3 to make this private.

4 Q Make what private?

5 A This deposition, any deposition in
 6 this case.

7 Q Well --

8 A I respected that the attorney, former
 9 attorney said that, according to him, and he has
 10 been discharged for a variety of reasons. According
 11 to him at that time, those IA interviews needed to
 12 be kept confidential because, according to you, I
 13 would post them on social media which I did not.

14 Q Okay.

15 A Even attempt to do. And those videos
 16 have been in my possession while I was without
 17 counsel and I did not look at them out of respect
 18 for your wishes. So --

19 THE VIDEOGRAPHER: Well, one way or
 20 the other we have to have this confidentiality
 21 thing sorted out.

22 MS. WEISS: All right. So let me say
 23 this. Here's how it's sorted out. The
 24 agreement is currently ordered by the judge.

25 THE WITNESS: Which judge?

1 MS. WEISS: The previous judge.

2 THE WITNESS: Well, that's an issue
 3 at hand.

4 MS. WEISS: All right. But in any
 5 event, we will address that issue another time,
 6 but the point is any party can designate
 7 something that's confidential and then there's
 8 a procedure and therefore if somebody objects
 9 to that confidentiality how to review it. So
 10 unless it's designated, you know, by you or
 11 other parties as confidential, it's not
 12 automatically confidential. And please correct
 13 me if I'm wrong.

14 MR. DORIS: I think that's right but
 15 it also included deposition transcripts and
 16 obviously video and things of that nature.

17 MS. WEISS: If designated.

18 MR. DORIS: Correct.

19 MS. WEISS: Right. Are you so
 20 designating?

21 MR. DORIS: If I choose to I'll do it
 22 after the deposition.

23 MS. WEISS: All right.

24 BY MR. DORIS:

25 Q Okay. Can you tell me where you

1 currently reside.

2 A New York City.

3 Q What's the address?

4 A [REDACTED]
 5 New York, New York. Would you like the zip?

6 Q If you have it.

7 A [REDACTED].

8 Q And who do you reside there with?

9 A My husband.

10 Q And what's his name?

11 A Darwin Belen. B-E-L-E-N.

12 Q And at the time of this incident,
 13 which was December 6th, 2019 -- is that correct?

14 A The incident at hand, yes.

15 Q Okay. At that time were you married
 16 to Mr. Belen?

17 A Yes.

18 Q Have you and Mr. Belen remained
 19 married from that time until the present?

20 A Yes.

21 Q Are you currently employed?

22 A I am retired.

23 Q What are you retired from?

24 A Life.

25 Q Retired from life.

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1 A I just do litigation with the Township
2 of Lyndhurst.
3 **Q That's your job?**
4 A My full-time occupation. At this
5 point, yes, sir, given the way you've handled this
6 case.
7 **Q And prior to retirement where were you**
8 **employed?**
9 A Bergen County Housing Authority.
10 **Q What year --**
11 A And the Township of Lyndhurst.
12 **Q What year were you employed at the**
13 **Bergen County Housing Authority?**
14 A Through 2011.
15 **Q From what years, though?**
16 A Pardon me?
17 **Q What from what years?**
18 A 2008.
19 **Q To 2011; is that right?**
20 A Correct.
21 **Q And since 2011, when you left the**
22 **Bergen County Housing Authority did you have any**
23 **other employment?**
24 A No.
25 **Q You consider your litigation against**

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1 **Lyndhurst as a full-time job?**
2 A Sir, I'm going to answer this question
3 this way. We did this the last deposition, you and
4 I had where you interviewed me, you asked me about
5 my professional background, so just repeat the same
6 answers.
7 And by the way, you included this in
8 something where you -- regarding Anthony DiMaggio
9 where you claimed I was bragging that I had
10 unlimited funds, that I was wealthy. You claimed I
11 was bragging about it, when in fact I was answering
12 your question, much the same way you're asking them
13 right now.
14 So the answer to your question is
15 this: I am blessed in my life to be wealthy enough
16 to be able to support myself and to support my
17 family and to pursue things that I find
18 philanthropically in the best interest of the public
19 as I am doing in this case.
20 **Q And -- sorry, I didn't --**
21 A Thank you.
22 **Q Please continue.**
23 A So you stated in one document that I
24 was bragging that I had so much money that I could
25 do things like in your -- what you couched it, not

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1 me, I could harass Anthony DiMaggio because he was
2 filing false police reports which is a little
3 convoluted in my mind since he was the one filing
4 the false police reports and I was responding to
5 that. But that's the answer to my question -- your
6 question.
7 **Q Well, I'm afraid it doesn't really**
8 **answer my question.**
9 A Okay.
10 **Q So let me -- let me see if I can**
11 **rephrase it.**
12 Is the answer to my question, then,
13 you have not been employed since you left the Bergen
14 Housing Authority in 2011?
15 A No, since 2013 when I left Lyndhurst.
16 **Q Okay. Now, you referred to some other**
17 **lawsuit that you had filed before that Anthony**
18 **DiMaggio was involved in.**
19 A Several.
20 **Q Okay. For the record, though, that**
21 **lawsuit was dismissed, was it not?**
22 A Would you like me to answer that
23 question?
24 **Q Well, I asked it.**
25 A How it occurred?

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1 **Q No, I didn't ask how it occurred. I**
2 **asked you was it dismissed.**
3 A It was withdrawn.
4 **Q Okay.**
5 A There are two lawsuits, to be clear.
6 Which one are you referring to?
7 **Q Both.**
8 A Which one? Both -- which -- which
9 two?
10 **Q Well, there's only two?**
11 A For the record --
12 **Q Are there only two?**
13 A What are these lawsuits that you're
14 referring.
15 **Q How would I know? You're the one that**
16 **brought it up, so my question --**
17 A But you asked me if it was dismissed
18 so you must have some sense --
19 (Whereupon, a discussion was held off
20 the record.)
21 A There were two suits. There was one
22 suit brought in federal court in 2018.
23 May I refer to documents, sir, that I
24 reviewed to prepare for this?
25 **Q You can do whatever you want. I**

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<p>1 didn't ask you to but you can.</p> <p>2 A Okay, I will. So in September of 2019</p> <p>3 there was a federal lawsuit brought before Judge</p> <p>4 Cathy Waldor in federal court.</p> <p>5 Q Okay.</p> <p>6 A Regarding Anthony DiMaggio placing a</p> <p>7 911 phonecall to the Lyndhurst Police Department and</p> <p>8 reporting hate crimes in the Township park that were</p> <p>9 occurring by three individuals, three young men.</p> <p>10 One named Brandon Sena; one my son, Aldwin King</p> <p>11 Belen; and another Myko -- various. And we can get</p> <p>12 the spelling on that. Wouldn't even try at this</p> <p>13 time.</p> <p>14 Anyway, Mr. Joel Silberman represented</p> <p>15 me in that lawsuit. You represented the Township of</p> <p>16 Lyndhurst. And appearing for the DiMaggios was a</p> <p>17 gentleman named Michael Baldassare and Jennifer Mara</p> <p>18 who are the last defense attorneys for Joseph</p> <p>19 Ferriero. A federal felon who was the Bergen County</p> <p>20 democratic chairman.</p> <p>21 Also at this proceeding was an</p> <p>22 attorney representing Mr. Silberman who appeared but</p> <p>23 Mr. Silberman did not tell me that the person was</p> <p>24 appearing or why the person was appearing. Now,</p> <p>25 there were a couple of dates during this proceeding</p>	<p>1 A I am being responsive. You asked me</p> <p>2 about the dismissal and I'm explaining the</p> <p>3 evolution. Thank you, sir. Thank you. Appreciate</p> <p>4 that.</p> <p>5 Now, you were with Mr. Silberman and</p> <p>6 his attorney and Mr. Alampi and Mr. Baldassare and</p> <p>7 yourself during a period of time, I would say went</p> <p>8 from forty-five minutes to an hour. When Mr.</p> <p>9 Silberman returned, he told me that he was in a</p> <p>10 professional predicament. And the reason he was in</p> <p>11 a professional predicament, as my attorney, was</p> <p>12 because he accompanied one of these young men into</p> <p>13 the Lyndhurst Police Department to file a police</p> <p>14 report about Mr. DiMaggio's 911 -- false 911 call.</p> <p>15 False call claiming hate crimes that all records</p> <p>16 show never occurred.</p> <p>17 Now, when Mr. Silberman did this, you,</p> <p>18 according to Mr. Silberman -- but we'll have to call</p> <p>19 him to clarify this -- Mr. Silberman claimed you,</p> <p>20 Mr. Alampi and Mr. Baldassare said that there was</p> <p>21 security footage from the Lyndhurst Police</p> <p>22 Department lobby room, waiting room where you enter</p> <p>23 the police department. There is a window, there's a</p> <p>24 holding room and that's where you process a</p> <p>25 civilian, or whatever it is your business is with</p>
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<p>1 before this dismissal. One occurred in early</p> <p>2 December -- September -- strike -- December -- early</p> <p>3 September of 2019 where I appeared and Mr. Silberman</p> <p>4 appeared and his attorney appeared and you appeared</p> <p>5 and Mr. Baldassare, Mr. Ferriero's former defense</p> <p>6 attorney, appeared for Anthony and Joyce DiMaggio.</p> <p>7 Also appearing was Carmine Alampi, the Township</p> <p>8 attorney.</p> <p>9 During this quote hearing, I was left</p> <p>10 alone in the courtroom, federal courtroom --</p> <p>11 referring to federal courtroom. And the five of you</p> <p>12 either went into chambers with the judge or went</p> <p>13 somewhere else. And I'll make an aside: During</p> <p>14 this period of time I went into a men's room and you</p> <p>15 followed me into that men's room during that hearing</p> <p>16 which was inappropriate, to say the least, having</p> <p>17 contact with another person's client. Now --</p> <p>18 Q Going to the bathroom is appropriate?</p> <p>19 No, I'm sorry. Thank you. By the way, just so</p> <p>20 you're clear. I'm going to ask the questions and</p> <p>21 you're going to answer the questions. So if this is</p> <p>22 --</p> <p>23 A This is my answer.</p> <p>24 Q I'm going to allow you to continue but</p> <p>25 you're really not being responsive.</p>	<p>1 the Lyndhurst Police Department. There was a</p> <p>2 recording in that room showing him doing this and</p> <p>3 assisting one of the civil plaintiffs in filing a</p> <p>4 criminal police report.</p> <p>5 I am not a practicing attorney. I was</p> <p>6 there as well. I am not a practicing attorney. But</p> <p>7 you and Mr. Alampi and Mr. Baldassare and</p> <p>8 Mr. Baldassare, apparently very aggressively so,</p> <p>9 threatened Mr. Silberman with his professional</p> <p>10 license if this case was not withdrawn.</p> <p>11 Mr. Silberman asked me how I felt</p> <p>12 about this. I was not the plaintiff, but I was</p> <p>13 paying for the case. And one of the plaintiffs was</p> <p>14 my son. So he asked me, basically, for empathy in</p> <p>15 the predicament that he was in and also because I</p> <p>16 know the tactical nature of the people involved,</p> <p>17 specifically Mr. Alampi who I have a twenty, thirty</p> <p>18 year history with.</p> <p>19 I said, Joel, no one ever representing</p> <p>20 me is going to have their careers destroyed in the</p> <p>21 process of representing me regardless of whether</p> <p>22 they made a mistake or not. And the case was</p> <p>23 dropped.</p> <p>24 Would you like me to address the</p> <p>25 second case?</p>

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1 Q **No. I'd just like to confirm, then,**
2 **that the case that we were referring to was actually**
3 **withdrawn.**
4 A Yes, it was.
5 Q **Okay.**
6 A Because of those reasons.
7 Q **Okay. Fair enough.**
8 **You had indicated earlier that you**
9 **reviewed some things before your deposition today.**
10 **Can you please tell me what documents you referred**
11 **to --**
12 A Sure.
13 Q **-- in order to prepare for today's**
14 **deposition.**
15 A Absolutely. I beg some tolerance
16 here, if you don't mind. I'm going to go through
17 them in chronological order, if you don't mind.
18 Q **I don't.**
19 A Thank you, sir. I appreciate that.
20 So would you just give me one second
21 to return things to their files?
22 Q **Please do.**
23 A I'm getting a little older now, have
24 to be a little more methodical.
25 Q **Yeah, take all the time you need.**

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1 A Thank you, sir.
2 All right. So in preparing for this,
3 would you like me to go through everything I
4 reviewed?
5 Q **Yes, please.**
6 A Okay. I'm going to start with -- and
7 please, I beg everyone's tolerance and the dates
8 seem inconsistent with the current events but they
9 lead up to being relevant in the current events.
10 You asked me earlier was I married. I
11 also have two adopted children. And at their
12 adoption in 2009, January 16th of 2009, the
13 proceeding was held in Bergen County Superior Court.
14 And at that time I was the housing director, the
15 executive director of the Bergen County Housing
16 Authority. That position was attained because
17 Joseph A. Ferriero, the Bergen County democratic
18 chairman at the time -- actually, for quite sometime
19 prior to that -- since 1988, this is now 2008 going
20 into 2009, so the chairman for ten years at that
21 point -- called me and asked me to attend my
22 children's adoption proceeding.
23 We had no invited guests, it was a
24 technicality to us. We had gone through all of the
25 background checks and things that you need to do as

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1 a proforma event. But Mr. Ferriero had been
2 indicted one week prior to that. And I consented to
3 his attendance because I felt he was in emotional
4 need in a time of trouble. And even though I'm not
5 personally friendly with him and my entire
6 relationship with him has been political and
7 professional -- I will loosely call it professional
8 -- political -- I agreed for him to come.
9 THE WITNESS: And who here would like
10 copies of things? So I made copies for people.
11 A You, Mr. Doris?
12 Q **No thank you.**
13 MS. PATEL: When -- only when we
14 enter it into an exhibit?
15 A No one wants copies?
16 Q **No. Not right now.**
17 A So these are photographs of that
18 proceeding. And up here is me with my family. At
19 the table in the courtroom. Behind us is Joseph
20 Ferriero. Here is a picture of me, my husband, my
21 two kids and the judge in that case. Judge Lisa
22 Perez Friscia. And here is a picture of
23 Mr. Ferriero in the same position Judge Friscia is
24 in at the same time and place.
25 The proceeding went as they normally

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1 do, nothing eventful. But after the proceeding was
2 over, Judge Perez Friscia, who I had never met
3 before, pulled me aside and said thank you very much
4 for letting Joe come today.
5 And I said -- looked at her
6 quizzically why. And she said, well, you know, Joe
7 and I are, you know, we've been seeing each other.
8 And I was incredulous to say the
9 least. Mr. Ferriero and she disappeared from the
10 room at the same time. I left.
11 And I'm making note of this now
12 because it becomes relevant as we go down the road.
13 THE WITNESS: Anybody who wants these
14 things, I'm going to put them back in the
15 files. You can have copies. I made copies for
16 everybody.
17 A So Judge Perez Friscia enters the
18 picture. I reviewed these documents to confirm. I
19 have, not with me, but I can make available
20 documents with her signature on them, authorizing
21 that adoption.
22 Now, in 2016, April of 2016, the
23 Township of Lyndhurst passed a joint consent
24 agreement to build what at the time was called a
25 junior high school. It morphed over time into being

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1 called a middle school. It was during its
2 construction. But at the time I'm referring to it
3 was always referred to as a junior high school.
4 Just in case people see documents and get confused.
5 I hired an attorney named Carl --
6 strike that -- my neighbor, a plumber, John Carbone,
7 a Bergen County attorney to challenge the legitimacy
8 of the joint consent agreement of the Board of
9 Education of Lyndhurst. And the Town Commissioners
10 of Lyndhurst in making a joint agreement to finance
11 through the Township the construction of a school
12 building. I won't go into the technical background
13 issues as to why that's improper but there's plenty
14 of record on that.
15 But I filed that suit in April of 2016
16 with Mr. Carbone. Mr. Carbone -- now, that case was
17 based on the fact that the Township and the school
18 board did not properly pass the resolutions and
19 ordinances to borrow this money. And what that
20 meant was it was a technical mistake. They held the
21 public hearing for the passage of this resolution,
22 I'll call it, after the vote. Not before the vote.
23 And in consulting with Mr. Carbone, that case --
24 that vote could be challenged and he explained to me
25 quite clearly that it was a technical foul, if you

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1 will. They could cast a revote. And I would only
2 be stopping it temporarily.
3 And I said, that's okay. I think --
4 it buys me time to figure out if there's a better
5 way to challenge this and it gets more public
6 attention to the impropriety of it in general as a
7 concept.
8 That case went to Bergen County
9 Superior Court. And in that court, it filed
10 April 21st, 2016, just so you know. I'll provide
11 these, made copies. I'm referring to a document
12 from Pashman Stein, and an attorney named CJ
13 Griffin. It's a letter dated February 13, 2021, and
14 it outlines the history of this case because she is
15 seeking on my behalf the files for this case that
16 Mr. Carbone refused to turn over for quite sometime,
17 meaning a year.
18 **Q Excuse me, just have a clarification**
19 **question. Mr. Carbone was your attorney?**
20 A That is correct.
21 **Q And he was refusing to --**
22 A That is correct.
23 **Q -- turn over documents to you?**
24 A That is correct. That is correct.
25 And we have a record of that back and forth.

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1 So in this case, which Mr. Carbone did
2 represent me, this case, which from my understanding
3 now should have basically been an Order to Show
4 Cause or some sort of a rapid examination of the
5 vote itself and an order for a revote, if the vote
6 was not taken properly.
7 This case, through a series of
8 permissions given by the Superior Court of Bergen
9 County, dragged on from April of 2016 until June of
10 2017. And during that time, while this is going on,
11 I think the case started out with a Greg Paladino
12 and then suddenly Judge Lisa Perez Friscia is
13 assigned to the case regarding Lyndhurst. That is
14 the same judge, to be clear, who did my adoption
15 proceeding.
16 Also, to be clear, I never met the
17 judge during this proceeding. Mr. Carbone dealt
18 with the court exclusively along with Douglas Bern,
19 former Freeholder democrat under Joseph Ferriero. I
20 was a candidate for Freeholder in 1999. I
21 campaigned with Mr. Bern extensively. He had been
22 elected the year before. I can attest based on my
23 experience with Mr. Ferriero that year he was the
24 county chairman that Mr. Bern is a loyalist to
25 Mr. Ferriero. He handled matters for some third

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1 party bought entity. I don't believe you were
2 involved in that case.
3 Also involved in that case was another
4 loyalist of Ferriero I believe and Erik Bernstein.
5 But anyway, the list of attorneys at the table is
6 not as important as what occurred.
7 So this matter that dragged on and on
8 and on, which at that time I did not mind because I
9 was awaiting a decision on my own behalf as to
10 whether or not I would run for commissioner in
11 twenty -- May of 2017 which would have been a filing
12 deadline of March. The more time this went on, I
13 didn't ask any questions, quite honestly, because I
14 thought, good, I can just redo this myself if I get
15 elected, if I run.
16 I never ran for a variety of reasons
17 and I think I've established quite well that I'm
18 unelectable in Lyndhurst. But the -- the issue that
19 is highly questionable, why I reviewed this
20 document, is that depositions became part of this
21 process. Deposing Richard Dilascio, over what I
22 don't know. It was a vote having to do with whether
23 or not they took public questions before or after
24 the vote. It was not a question of whether or not
25 the vote was legal in and of itself but the process

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1 of how they did it. But they did depositions and
2 they dragged this on and on and on.
3 In May of 2017, that election was
4 held. And in that election, I did not run. You had
5 two incumbent tickets running. And what I mean by
6 that, to be clear, one ticket consisted of three
7 incumbents, John Montillo, Theodore Dudek, Matty
8 Russo and Chris Musto and a gentleman named Cardino,
9 first name escapes me. That was the incumbent
10 ticket run by Richard Dilascio, the Township
11 attorney.
12 The opposition ticket was the
13 incumbent mayor, Robert Giangeruso, who at that time
14 was the former police commissioner, removed because
15 of insurance company recommendations because of the
16 number of lawsuits including Mr. Giangeruso
17 attempting to appoint police officers -- in fact he
18 did but they were removed -- appoint police officers
19 who had failed their psych tests. So Mr. Giangeruso
20 is considered a high risk to the insurance company
21 of Lyndhurst.
22 The opposition ticket was the
23 incumbent mayor, Robert Giangeruso, who at that time
24 was the former police commissioner, removed because
25 of insurance company recommendations because of the

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1 Chief Jarvis' father, also named Richard Jarvis,
2 Chief Richard Jarvis, chief, his father, a plumber
3 named Richard Jarvis was another candidate.
4 The fifth candidate lost, Mr. Montillo
5 won.
6 So in that election, the majority
7 control of the Lyndhurst commission changed control.
8 It went from a board controlled by Richard Dilascio,
9 as Township attorney -- Richard was a former mayor.
10 And his majority was Mr. Montillo who became police
11 commissioner after Mr. Giangeruso as an agreement
12 with the insurance company and that was the basis of
13 this split, by the way. And Mr. Russo and
14 Mr. Dudek, all incumbent.
15 Now, all of the contractors for this
16 project I opposed, this school project, had all been
17 selected. The architects. The construction manager
18 was supposed to be Richard Dilascio until the May
19 election.
20 At the same time that Judge Friscia
21 was pacing out this case that should have been
22 decided months earlier, there was an election that
23 was held in Lyndhurst, in early May of 2017.
24 Mr. Haggerty's mother won a seat, Karen Haggerty,
25 Richard Jarvis won a seat, Thomas Dilascio was

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1 reelected, excuse me, Robert Giangeruso was
2 reelected and Mr. Montillo came in fifth and was
3 reelected.
4 Shortly after that election and the
5 change of power in Lyndhurst, Judge Friscia signed
6 an order sending it back to Lyndhurst to finally
7 cast a revote in this case I had brought over a year
8 earlier. And I remind everyone, if you lost track
9 of the players here, Judge Friscia is the same
10 person who told me in 2009, December 16, that she
11 was romantically involved with Joseph A. Ferriero.
12 Bear with me. We'll rapidly make
13 sense.
14 So what occurred in June of 2017 is
15 Carmine Alampi became Township attorney.
16 **Q Mr. Sivella, can I just interrupt you.**
17 **A No, you can not.**
18 **Q Well, I am going to. Just -- just**
19 **briefly.**
20 **You realize the question that was**
21 **asked was just what documents you reviewed to**
22 **prepare for today's deposition. You know that,**
23 **right?**
24 **A I'm aware of your question, I'm**
25 **answering in my --**

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1 **Q In your way. Okay. Thank you. I**
2 **just wanted to make sure.**
3 **A Thank you. I'm answering in my way**
4 **but I appreciate your interest.**
5 **Q Thank you.**
6 **A The -- the June of 2017 reorganization**
7 **meeting of the Township of Lyndhurst resulted in**
8 **Carmine Alampi becoming the Township attorney. And**
9 **a re-passage of the vote to approve the bonding of a**
10 **new junior high school through the Township of**
11 **Lyndhurst.**
12 **In addition, as the summer of 2017**
13 **went on, other votes were cast. The architects were**
14 **replaced. The construction manager was replaced.**
15 **The construction manager is a particular interest to**
16 **me while I review these documents because the**
17 **construction manager was Epic Management, a**
18 **contributor totaling \$90,000 to Joseph Ferriero's**
19 **Democratic Party. Clearly someone with a**
20 **relationship with Joseph Ferriero.**
21 **The architects, Di Caro and Rubino,**
22 **are literally promoted on Wood Ridge Township**
23 **stationery by Senator Paul Sarlo, who is also the**
24 **mayor of Wood Ridge, and Chris Eilert, who is his**
25 **chief of staff, not only in his legislative office**

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1 but is also the administrator of Wood Ridge.
2 All of the contractors were replaced
3 by people friendly to Mr. Sarlo or Mr. Ferriero. So
4 I reviewed that document to refresh my memory about
5 those things.
6 And again, I will provide everybody
7 with copies of these things and I also freely admit
8 that I am sharing attorney-client work product and I
9 know that opens up to discovery any of that
10 particular attorney's communications with me and I
11 have no issues with that.
12 So this places us in summer of 2017.
13 During this period of time there was an active
14 lawsuit in federal court regarding the conduct of
15 one of the people in this room, Captain Carrino; and
16 his superior, Carmine Laterio, who at that time was,
17 I believe, a captain who went on to become a deputy
18 chief; and an officer named Fernandez whose first
19 name I think is Robert but I'm not certain about
20 that. And the fact set of that case is very
21 well-documented. It went to the Supreme Court of
22 the United States.
23 We don't need to go into that here.
24 But in the process of that case being adjudicated,
25 there was a deposition held in the town hall of

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1 Lyndhurst in a room -- and you gentlemen who work in
2 the police department here can probably tell the
3 name. I don't know the name. But there's an
4 anteroom in between what was the library and the old
5 town hall when they bridged the buildings together.
6 And I forget what the name is, emergency meeting
7 room, whatever they call it.
8 But anyway, there was a deposition
9 held in the Township of Lyndhurst. The attorney
10 representing me at the time whose documents are not
11 in here was a Nicholas Doria. And you were in
12 attendance, Mr. Doris as the -- for the same reason
13 you're here today, as the JIF attorney for the
14 Township of Lyndhurst. And the subject of the
15 deposition was then Chief James O'Connor.
16 Before that deposition started -- and
17 I do not have documents on this, I have notes. I
18 checked the notes, but that's public record. That
19 deposition was held on February 7, 2018.
20 At that deposition, we were sitting
21 across the table from one another and you leaned
22 over to me and said, Do you know Joseph Ferriero?
23 And I said yes.
24 And you said, I know him very well.
25 I said, that's nice.

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1 And then you went on to offer,
2 voluntarily, as I was not asking you any questions
3 about this, is my recollection, you went on to offer
4 that you frequently visited him in prison, federal
5 prison.
6 **Q Say -- I'm sorry --**
7 **A You went on to offer to me --**
8 **Q Right.**
9 **A -- that you were so close to**
10 **Mr. Ferriero you frequently visited him in federal**
11 **prison.**
12 **Q Oh, okay.**
13 **A You can confirm or deny that as your**
14 **pleasure. I'm sure there's record of that.**
15 **Q I don't need to but you can go ahead.**
16 **A Sorry, I didn't mean to interrupt you.**
17 **Q No, no, no. Carry on, please. It's**
18 **very interesting.**
19 **A Yes, it is to me.**
20 **Q I bet.**
21 **A So during this you said -- you went on**
22 **to say -- well, I assume I asked you, why would you**
23 **visit him, or looked at you oddly, because you went**
24 **on to offer that you owed your job to Joseph**
25 **Ferriero, that you had been a republican assistant**

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1 county counsel under Pat Schuber and the Republicans
2 in Bergen County and that when the democrats took
3 control, that you went to Mr. Ferriero because you
4 had -- recently divorced, I believe, and you had a
5 young daughter to support.
6 **Q You sure about all these facts?**
7 **A I am sure about what you said to me,**
8 **yeah. I'm saying it under oath, sir.**
9 **Q I know that. That's why I'm asking.**
10 **Be cautious. But if you're sure of them go ahead,**
11 **please.**
12 **A Well, I will try not to take you using**
13 **the phrase be cautious as not a threat but I am**
14 **speaking the truth.**
15 **Q It's meant to be a friendly reminder.**
16 **A Of what?**
17 **Q That you are under oath and you need**
18 **to tell the truth.**
19 **A I'm well aware of that.**
20 **Q Okay. Carry on.**
21 **A So at that time you described to me**
22 **that he saved your job in the county counsel's**
23 **office and allowed you to stay. And you would have**
24 **stayed under the county counsel Esther Suarez.**
25 **Now, Esther Suarez for anybody who**

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1 doesn't know who Esther Suarez is, is -- Esther
2 Suarez is the Hudson County prosecutor currently.
3 She was also Bob Menendez's choice for U.S. attorney
4 and was rejected by the Biden administration because
5 she was perceived as being the person Bob Menendez
6 wanted as U.S. attorney to quash the investigation
7 of Fred Davies. And it didn't quite work out.
8 Now, back to my point. So at this
9 deposition, you say these things to me and you
10 remind me that you're very loyal to him. And I was
11 bewildered by this. This is my own personal
12 interpretation of this.
13 I was truly bewildered why you were
14 saying this and what this had to do with anything we
15 were doing that day other than the fact that I am
16 not necessarily considered the most loyal person to
17 Mr. Ferriero because I cooperated with federal
18 authorities investigating him before he went to
19 prison the first time. The only time as of now.
20 Now, that deposition in and of itself
21 is uneventful. However, after that and that case
22 was proceeding, excuse me, that case against
23 Mr. Carrino was proceeding.
24 **Q I'm sorry. Just clarification.**
25 A Sure.

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1 **Q A lawsuit against Mr. Carrino?**
2 A Yes, he was named as one of the people
3 in the lawsuit against the Township of Lyndhurst,
4 you're well aware, you're involved in that case.
5 **Q I'm not, I'm asking --**
6 A You want me to explain?
7 **Q No, no, no. I just want to clarify.**
8 **You're saying he was a defendant in that other**
9 **lawsuit?**
10 A One -- I believe one of the named
11 defendants.
12 **Q Okay.**
13 A I believe Carrino, Laterio, Giangeruso
14 as mayor, and the Township of Lyndhurst as a whole.
15 I may not have the entire list correct. But --
16 **Q But the people you named were**
17 **definitely parties, you're saying?**
18 A The ones I just named?
19 **Q Yes.**
20 A To the best of my recollection.
21 **Q Okay.**
22 A All right. So at that time, months go
23 by and I receive a phonecall from Joseph Ferriero,
24 who an attorney of mine told me he had been let out
25 of prison recently, meaning it could have been a

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1 couple months. So I'm going to place this just for
2 the sake of the record, that I would say somewhere
3 between our conversation in February 7 of 2018 and
4 my phonecall from Mr. Ferriero, Mr. Ferriero was
5 released from prison, to the best of my
6 understanding. And he asked to see me. And I --
7 for the same reason I agreed to him coming to my
8 children's adoption proceedings, I agreed to meet
9 him for lunch in Hackensack, New Jersey. This would
10 be about May of 2018.
11 And at that meeting, it was in an
12 outdoor restaurant on Prospect Avenue, he brought
13 his -- what he told me was his service dog and we
14 sat outside and Mr. Ferriero explained to me that he
15 had gotten out of prison early because he was in an
16 alcoholic rehabilitation program. That's how he got
17 out early.
18 As he sat there, and drank Chivas on
19 the rocks -- not on the rocks -- straight, for, I'd
20 say, several drinks. I was not drinking. And as he
21 was doing this, he got down to business as to why he
22 had called me to this meeting. He asked to see me.
23 He originally said he had wanted to do a website.
24 We had done a website and that was the guise of
25 meeting, he wanted to do a political website, got

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1 back into the game, handicapping politics, that sort
2 of thing. And instead, what it turned into was
3 Mr. Ferriero telling me, David, I don't want you to
4 file another lawsuit against the construction of the
5 school in Lyndhurst. And I looked at him, like,
6 what business be this of you? My town, my town, my
7 family's town, you don't live there. I don't even
8 know if you ever entering the space before?
9 Actually, I take that back, he did in
10 2008 when -- I'm sorry. In 2008, Richard Dilascio,
11 Tom DiMaggio, Bobby Giangeruso and the incumbent
12 board of commissioners all changed from Republican
13 Party to the Democratic Party and that was arranged
14 by me. So Mr. Ferriero was in town for that. But
15 that was a decade before.
16 So at this meeting, he's telling me
17 not to file another lawsuit on this case. He
18 proceeds to tell me that Carmine Alampi, the
19 Township attorney, had arranged for him to get quote
20 unquote the title work for the construction of this
21 new school project and that I was to step out. And
22 I just listened and looked. Didn't say a word.
23 He went on to say, I have a file on
24 Senator Paul Sarlo -- of criminal activities of
25 Senator Paul Sarlo and he is to do what I tell him.

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<p>1 He repeated this multiple times. He further went on 2 to say, I got Lou Stellato. For the record, Lou 3 Stellato is the former mayor of Lyndhurst and at the 4 time of this meeting with Ferriero, he was the 5 democratic chairman of Bergen County, Mr. Ferriero's 6 former position before he went to prison. 7 And he goes on to tell me that 8 Mr. Stellato also owed him because he got 9 Mr. Stellato his pension because Mr. Stellato was 10 the county -- I want to say coroner, although I know 11 Mr. Stellato, I worked for Mr. Stellato going back 12 to 1989. He is a mortician. I understand quite a 13 good one but he's a mortician. I didn't understand 14 what role he had as a county coroner, but hey. All 15 right. 16 So he also went on to say that while 17 he was in prison, it was arranged for him to get 18 this work, you know, during the period of time you 19 were visiting him in prison. 20 Q I'm sorry, I was visiting him? 21 A If what I said is true, according to 22 you. But that can be verified, I'm sure. 23 Q I'm sure it can. 24 A So at that -- at that point, I had 25 heard more than enough and I left more than enough</p>	<p>1 believe, and I'm not accusing this young man of 2 this, but there is a witness to me going to the 3 F.B.I. At that time for some reason I was not 4 driving. I had not given up my driver's license 5 yet. I subsequently stopped driving in 2019 because 6 of epilepsy issues but at that time in 2018, I was 7 still driving, but for some reason I did not drive 8 this day. And I took a young man with me to the 9 F.B.I. -- he drove me and stayed outside, did not 10 come in -- in Woodland Park. And I did so for a 11 couple of reasons, I think. Because I knew I was 12 trying to educate this person because he was going 13 to run for the school board in 2019, young man named 14 Anthony Dell'Aquila. And he did subsequently get 15 elected to the school board and served two years. 16 But it was very important given the level of 17 corruption I've observed over my career and 18 specifically in this particular case that 19 Mr. Dell'Aquila understood that if he wanted my 20 support for the school board, that this type of 21 behavior, meaning Mr. Ferriero's involvement in a 22 project like this, these type of back room deals, 23 were not acceptable. So -- and I thought best way 24 to teach is through example. 25 So I bring him, have him drive me to</p>
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<p>1 on the table to pay the bill and I walked away. And 2 I thought about what I had just heard for a couple 3 of days. I was appalled, to say the least. 4 And Mr. Ferriero -- these are copies 5 of all of the phonecalls between May 31st and 6 July 26th of 2018. Phonecall after phonecall after 7 phonecall. And this does not include all of the 8 calls that were hung up and the text messages which 9 I'd have to look through. And in these contacts, 10 there is an increasing frenzy to speak to me because 11 I realize Mr. Ferriero was drunk. He said things 12 that he should not have said or realized after the 13 fact he should not have said. And as a consequence, 14 he was extremely upset. 15 I had two choices. One, call him back 16 and participate in what I considered at that point 17 to be a criminal conspiracy similar to the one that 18 sent him to prison in 2015, or I could do what I 19 think any proper person should do in this situation, 20 I could submit to an interview with the F.B.I. 21 Which I did in June of 2018. And I have all these 22 messages. I will put them back. They're available 23 upon anyone's request. 24 After that, things started to get very 25 interesting. I don't know -- I have reason to</p>	<p>1 the F.B.I., he can attest to this. And I went in 2 for an interview for about an hour. And when I came 3 out -- and he was aware of the -- not aware of all 4 these details but he was aware there was a general 5 problem with that school -- and I said to him, 6 Anthony, if you ever see anything, if you get 7 elected and you ever see anything happening on that 8 school board, don't come to me, you go right to the 9 proper authorities and you report it. That's how 10 you handle these things. 11 After that, I became acquainted, or 12 during that time I became acquainted with Richard 13 Pizzuti. And these are part of the documents I also 14 reviewed, so I'll bring them out now. 15 MS. PATEL: Before you start on the 16 next set of documents can we take a short 17 break? 18 (Whereupon, a discussion was held off 19 the record.) 20 THE VIDEOGRAPHER: This is the end of 21 media number two. The time is 10:37 a.m. We 22 are off the record. 23 (Whereupon, a discussion was held off 24 the record.) 25 THE VIDEOGRAPHER: It is 11:37 a.m.</p>

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1 We are off the record.
2 (Whereupon, a brief recess was
3 taken.)
4 THE VIDEOGRAPHER: This is media
5 number three. Time is 11:51 a.m. We are back
6 on the record.
7 A Shall I pick up where I left off?
8 **Q Sure.**
9 A All right. So after Mr. Ferriero
10 approached me in 2018, around, before, just after
11 that period of time, through a woman named Patricia
12 Scott -- she is deceased -- I met a Richard Pizzuti
13 for the first time. I did not know him before.
14 Richard was interested in running for the school
15 board. And I have been known to on occasion run
16 some pretty good campaigns, unfortunately not for
17 myself. And the -- this is just a submission, this
18 is a piece of literature I did for Richard Pizzuti.
19 Good looking guy, right? This was done in 2018.
20 And I helped raise money for
21 Mr. Pizzuti. I wrote this and had it produced for
22 him and it was mailed. And Mr. Pizzuti went on to
23 win that election quite handily, he was the top
24 vote-getter. And I'm not saying that gratuitously.
25 It's relevant to I think the predicament everyone is

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1 in or at least some people are in today.
2 So Mr. Pizzuti established himself in
3 this election as two things: One, as an associate
4 of mine. Two, as a very potent vote-getter in
5 Lyndhurst, on his own right. And that, just for the
6 record as well, was unknown because Richard Pizzuti
7 to my knowledge had never run for office before
8 that.
9 So that period of time Richard Pizzuti
10 would have filed to run for the school board
11 somewhere during the month of July of 2018. His
12 intentions were becoming known, if they weren't
13 known already. And at that time I began -- I had
14 opened -- I had started a website in 2017 called
15 Lyndhurst 07071.com. And the purpose of that was to
16 distribute public information in the public
17 interests about government and its politicians in
18 Lyndhurst. And, also, to be able to have a forum in
19 which to publish public documents. And the school
20 board was of interest to me, I was helping
21 Mr. Pizzuti, and that was my first forray into
22 school elections after having opposed that middle
23 school described earlier -- strike that -- the
24 junior high school described earlier.
25 So as part of the beginning of that

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1 process, I went through my records and I have a
2 Pashman Stein letter here. This is from CJ Griffin,
3 and because I had to seek CJ's assistance as an OPRA
4 expert because when I requested the bills for no bid
5 contract work done in the public schools by
6 Commissioner John Montillo, M-O-N-T-I-L-L-O, and
7 Commissioner Richard Jarvis, J-A-R-V-I-S, the father
8 of current police chief Richard Jarvis, then
9 Lieutenant Jarvis. When I requested their bills, I
10 got a bill for \$2,454 for what my attorney said were
11 2 inches of documents. \$2,500 approximately for
12 2 inches of copies of what they did not want out
13 obviously which were \$300,000 in bills no bid work
14 charged by John Montillo, commissioner, and some
15 sixty or \$70,000 worth of work charged no bid by
16 Commissioner Jarvis over a period of years. For
17 Mr. Montillo, it was during his entire tenure as a
18 commissioner with a very few exceptions. 300,000
19 worth of work with the exception of maybe \$10,000
20 worth of work that happened prior to his election.
21 So he had a massive increase in income as a result
22 -- strike that. After his election as commissioner.
23 Commissioner Jarvis had a longer
24 period of time as a non-elected official doing no
25 bid work. But continued to do so after he was

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1 elected. So when I requested these documents, I got
2 a bill for \$2400.54. Coincidentally, at the same
3 time, Richard Pizzuti is preparing to run for an
4 office that affects those people getting that income
5 because he could have, as school board trustee with
6 the majority, removed those people as no bid
7 contractors, if he chose to and had a majority who
8 worked with him. And that is the beginning, in my
9 opinion, of Mr. Pizzuti's issues with the Township
10 of Lyndhurst.
11 And I mean specifically the police
12 department because the photograph that you saw --
13 I'll take it out again. Could never look at Ricky
14 too much. This photograph was taken by Officer
15 Fernandes' wife and I was present when that was
16 done. It was done in a park in Rutherford. And
17 when Officer Fernandez's wife -- and Officer
18 Fernandez is the officer who went to the house -- my
19 house, was the subject of the lawsuit with
20 Mr. Carrino there. When Officer Fernandez
21 recognized I was with Mr. Pizzuti, his wife, when
22 they put that together, Mr. Pizzuti reported to me
23 he had to keep his distance publically from me
24 because he was getting a lot of internal pressure
25 from people who really disliked me in Lyndhurst

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1 police department. And that's understandable. I
2 wasn't personally offended by that. I actually felt
3 very bothered that that was happening to him. And I
4 continued to support him. This wasn't even produced
5 yet when he told me that but I continued to produce
6 it because what the photographer thinks of me was of
7 no consequence to me.

8 So that marks the beginning,
9 July 2018, August 2018, thereabouts, that began a
10 period of time where Mr. Pizzuti, to my
11 understanding, started having issues with the
12 Lyndhurst Police Department. But Mr. Pizzuti has
13 always been highly professional, at least with me.
14 I can't speak to anything else in his career but my
15 experience with him, Mr. Pizzuti never referred to
16 internal issues specifically, he just made reference
17 to them that -- in one case, specifically,
18 Fernandez, that he was having a problem with. And I
19 didn't inquire because I didn't want to put him in
20 any further jeopardy.

21 All right. So this is July of 2018.
22 So tensions are building. And then we get into
23 August of 2018. And I reviewed those documents.
24 And in August of 2018, Mr. Sena, whose name you
25 have, Brandon Sena, actually, the event occurred

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1 that resulted in some of the activity later in
2 court. Some of the events started occurring.

3 And in this particular case -- I've
4 got copies for everyone here -- there's a police
5 report. And this is a police report reflecting
6 Commissioner Karen Haggerty, the mother of defendant
7 Paul Haggerty, contacting the Lyndhurst police
8 because there was a male in the park soliciting and
9 creating a disturbance of some sort. And among the
10 officers to appear are Lieutenant Carrino, also a
11 defendant in this case.

12 There's -- you can read the report
13 yourself. In short, he was doing nothing that was
14 illegal. There was no purpose in calling the
15 police. They did it anyway. And there was nothing
16 they could do. However, Mr. Sena recorded with his
17 phone -- I think, I was not present -- recorded with
18 his phone some footage of his interactions with the
19 Lyndhurst police during this. Not Mrs. Haggerty,
20 not Commissioner Haggerty. She was not in any of
21 this, but then Lieutenant Carrino was. And on that
22 website I mentioned, Lyndhurst 07071.com, I took
23 Brandon Sena's video of his interactions with the
24 police where they're trying to get his name and
25 other things, and he's saying, I don't have to give

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1 you my name, I didn't do anything. And they
2 eventually agreed that he didn't have to, referring
3 to Mr. Carrino and a colleague, I believe
4 Mr. Phillip Reyna. They eventually leave him alone
5 and later in that month, this video of Mr. Carrino
6 and Mr. Sena goes up on my website, Lyndhurst
7 07071.com.

8 Shortly after that, my records with
9 attorney CJ Griffin, I'm reporting this to CJ
10 Griffin, we get -- Brandon Sena calls me in distress
11 because he started receiving text messages from
12 Lieutenant Carrino's son. Also, I believe Michael
13 Carrino who, currently and after this event, after
14 this event, and I'll say it one more time for
15 emphasis, after this event, shortly after, within
16 two years, less, is a cop himself, is now a
17 Lyndhurst police officer himself, appointed by
18 Robert Giangeruso. And I remind people there is no
19 civil service test in Lyndhurst. It's at the will
20 of the police commissioner.

21 So Mr. Carrino's son reached out to
22 Brandon. Yo, this is Brandon, right? This is
23 Michael Carrino. Listen, I'm usually a pretty laid
24 back chill kid, but when you bring my family in to
25 it -- that would be you.

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1 **Q Who are you referring to?**
2 A I'm referring to Michael -- now
3 Captain Michael Carrino, then Lieutenant Michael
4 Carrino.

5 But when you bring my family into it,
6 that's when -- I'm sorry.

7 Do you want me to stop for a minute?
8 **Q No, no. Please continue.**
9 A I am usually a pretty laid back chill
10 kid but when you bring my family into it that's when
11 it gets -- I get real. I get real. So I'm gonna
12 tell you now, if you record my dad -- referring to
13 Lieutenant Michael Carrino -- again and post it on
14 your little website -- referring to Lyndhurst
15 07071.com -- I am gonna have to do something about
16 it. I hope you get that loud and clear.

17 There's unintelligible stuff like --
18 (unintelligible) -- I can't even say it. Kids. And
19 then he says, you can come talk to my face -- come
20 talk to me face-to-face -- this is Mr. Carrino,
21 young Mr. Carrino. I hope you get it loud and
22 clear. Says it again for the second time.

23 Brandon Sena responds: Are you
24 threatening me? Mr. Carrino responds, young
25 Mr. Carrino responds: Not threatening you, man,

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<p>1 don't be smart. All right? Not gonna get you 2 anywhere with me. 3 Brandon Sena then cites freedom of the 4 press in the United States is legally protected by 5 the First Amendment to the United States 6 Constitution. 7 And Mr. Carrino ends by saying, he, 8 I'll bet, do it again, do it again, and the 9 conversation ends. 10 A police report was made about this 11 interaction. Shortly thereafter I went with 12 Mr. Sena to make this police report. I do not know 13 if this was reviewed in the process of hiring young 14 Mr. Michael Carrino as a police officer who has a 15 gun and a badge and a taser and mace. I do not 16 know. But I do know that there is a history of 17 Mr. -- Mayor Giangeruso who is also Police 18 Commissioner Giangeruso, appointing officers with 19 mental issues. And this was highly disturbing to 20 say the least. And also the fact that this animus 21 existed is part of the basis of why I reviewed this. 22 Excuse me just one second. I'm 23 putting this back in order so I can make reference 24 to it. Thank you for your patience. 25 Now, that brings us back to</p>	<p>1 would get information through Pat Scott. I talk to 2 her quite frequently. And in one particular case 3 something troubled me so much that I shared this 4 with attorney CJ Griffin in efforts to get an OPRA 5 request to find out if this was true because this 6 was highly disturbing issue. And mind you, there is 7 some history with the DiMaggio family to begin with, 8 but this was not a direct issue with me or them, 9 this had to do with school issues and the like. 10 Gina DiMaggio is a public school 11 teacher in Lyndhurst, New Jersey. She is the 12 daughter of then Commissioner Thomas DiMaggio. In 13 September of 2019, Thomas DiMaggio was a 14 commissioner. His daughter was a teacher in the 15 Lyndhurst public schools. His son, just for the 16 record, was a sheriff's officer in the Bergen County 17 Sheriff's Department, a job I helped facilitate him 18 getting. 19 I get a text message, copy of a text 20 message given to me by Pat Scott, between 21 Mr. Pizzuti and I believe Pat Scott, but I don't 22 know for certain. But she gave it to me. And the 23 dialogue is this is a rabbit hole later blah, blah, 24 blah. They're referring to a matter involving Gina 25 DiMaggio. And this is not Ricky Pizzuti speaking,</p>
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<p>1 Mr. Pizzuti. And this is now a year after where I 2 left off. We're now in September 5th of 2019. And 3 just so everybody understands where we are in time 4 and space, in terms of events, Mr. Pizzuti was 5 elected. He was sworn in in January of 2019. I had 6 very little contact with him directly because of the 7 aforementioned issues he was having with the police 8 department and harassment internally in the police 9 department because of his association with me. 10 But -- 11 Q Just object to that. 12 A I'm telling you what my opinion is and 13 what my experience was and what I saw him going 14 through with my own two eyes. 15 Q You realize you're answering the 16 questions about what documents you reviewed still, 17 correct? 18 A Thank you for your clarification. I 19 appreciate that. Yes, I do. 20 Q Okay. 21 A I'm a very thorough guy. 22 Q If you say so. 23 A I do. Thank you. 24 So -- so I often got information about 25 things that concerned Mr. Pizzuti. Sometimes I</p>	<p>1 this is someone telling me, telling this person in a 2 text what Ricky Pizzuti said. 3 The cop who handled the Gina DiMaggio 4 investigation of her interactions with a student, a 5 former student, was a police officer named Guirland, 6 G-U-I-L -- according to this -- G-U-I-L-R-L-A-N-D, 7 don't know if that's correct spelling -- claiming 8 that he, Guirland, and Tony DiMaggio are very close 9 friends. Ricky, meaning Mr. Pizzuti -- this is 10 according to this document -- Ricky said this is 11 very suspect because Guirland who is close to Tony 12 DiMaggio investigated Gina DiMaggio. 13 And the dialogue goes down to 14 something strange happening because of some e-mails 15 with the schools. And I'll cut to the chase. I 16 ended up OPRA requesting e-mails from the Lyndhurst 17 High School server system, Lyndhurst public school 18 system, server system. And I don't recall off the 19 top of my head if I got them or not. I don't 20 believe that I did. They were redacted. There's 21 nothing that stands out in my mind right now. 22 But the issue at hand was Gina 23 DiMaggio received a very sexual message from a very 24 young man who was a former student of hers 25 indicating they had some sort of a familiarity, to</p>

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1 say the least. But in error, I guess -- I'm
2 assuming that -- he sent this to her government
3 school public e-mail. And Mr. Pizzuti, I think, is
4 a pretty upstanding person and dedicated person to
5 the public interest, he was clearly distressed by
6 this.

7 And again, I remind you, I am
8 perceived -- I think at that point in time
9 Mr. Pizzuti and I were to be on the same page
10 politically, so if I did something it might be
11 perceived as Richard Pizzuti doing it. I e-mailed,
12 I -- strike that.

13 I OPRA requested, OPRA, Open Public
14 Records Act. I OPRA requested through CJ Griffin
15 copies of Miss DiMaggio's e-mails. And to the best
16 of my recollection, this issue was very politely
17 swept under the rug.

18 I did one other thing myself. And I
19 remember it vividly. I can find out the exact date
20 because I had tickets to the U.S. Open that night
21 and my husband and I were on our way to the U.S.
22 Open and I had the driver stop at the young man's
23 house, this Mr. Garcia, who's an adult at that time.
24 And I went and knocked on his door to check on him
25 because I was concerned that if he in fact had been

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1 taken care of -- taken advantage of by a politically
2 powerful family member, in Lyndhurst, with a long
3 history of abuse from the Lyndhurst Police
4 Department resources in the record that I knew of,
5 that he might very well be unable to defend himself
6 in this situation.

7 The young man answered the door and
8 basically freaked out. And said no, no, no. And
9 that was the end of that. Never approached him
10 again.

11 So that builds this animosity going on
12 in Lyndhurst during this time involving the
13 DiMaggios, Haggertys, Carrinos and Mr. Pizzuti.

14 I'm only making reference to this in a
15 timeline because we've already discussed this. It
16 is at this same time in September of 2019 that
17 Mr. Doris and Mr. Alampi and Mr. Baldassare -- you
18 want that spelling?

19 Michael Baldassare appeared in federal
20 court in a case involving Tony DiMaggio making a
21 false police report, a false 911 call. There is a
22 recording of Mr. DiMaggio -- his recognizable voice,
23 no one disputes this -- making this call saying,
24 hey, you got to come down to the park. There's
25 people handing out hate fliers.

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1 **Q Just note for the record that you were**
2 **making some type of -- mimic?**

3 A I was mimicking him, yes, because he
4 has a very distinctive voice. That was the point of
5 it. I was mimicking the distinctiveness of his
6 voice.

7 So he has a recognizable voice and
8 he -- no officer, he wasn't on duty that day. I'll
9 give him that. He was a civilian -- not a civilian,
10 but he was not acting in his official capacity that
11 day. But he was the son of a commissioner who was
12 present, his sister is a public school teacher and
13 he is a sheriff's officer and works in the courts of
14 Bergen County. He should know better, in short.

15 So I took that to court. And during
16 that time I also wanted to make one other minor note
17 just so everybody understands my relationship with
18 Mr. Doris is not always -- well, he makes reference
19 to me imitating people in a way of -- what he claims
20 is to be disrespectful.

21 I have a memo from Mr. Silberman, my
22 attorney at the time, referring to when he was in
23 that closed meeting with Mr. Doris and the judge,
24 according to him. And Mr. Doris referred to me,
25 David Sivella, as a petulant child, quote unquote.

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1 I am a petulant child according to
2 Mr. Doris because I object to people legally file
3 suits to stop people from placing false 911 calls
4 that could result in harm to individuals who are the
5 subject of it.

6 I believe today -- I'm kind of an old
7 man now but I believe today -- what is the word now
8 when you call up -- call false police reports, and
9 send cops to people's houses, kids do it when they
10 play video games. Swatting? Thank you,
11 Mr. Haggerty. Swatting. It's a very similar type
12 of tactic only using the Lyndhurst Police Department
13 as a tool for whatever you want to call that. You
14 want to call it political, I would call it perhaps
15 lacking in some serious judgment, perhaps worthy of
16 some mental health evaluations.

17 So this is all going on in September
18 of 2019 through that month. And there's more. In
19 short, though, what you see here is a building of
20 tensions and a building of not only tensions
21 regarding myself, but also regarding the people
22 around me.

23 At this time I do not have documents
24 for this. This will have to be done at further
25 depositions, but at this time, September -- August

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<p>1 of 2019, there is a party at the home of the Boves. 2 The B-O-V-E, I believe, the Boves are related to 3 this because Anthony Dell'Aquilla, the young man who 4 at that point is running for the school board, an 5 active candidate, sixty days out or so from the 6 election. His girlfriend is named Bove, I don't 7 know her first name, never met her. But she -- her 8 parents have a party at her house. And I don't hear 9 about this right away. I hear about it after the 10 fact because Mr. Dell'Aquilla, when he finally did 11 tell me, told me that -- he didn't tell me 12 immediately because he thought I would be extremely 13 angry and that was a good assessment. I was 14 extremely angry although not out of control about 15 it, but furious that an adult would do this to a 16 young man.</p> <p>17 At this party, I assume in front of 18 numerous witnesses, because it was at a party, 19 captain then I think Lieutenant Carrino tells 20 Mr. Bove -- tells Miss Bove's parents that their 21 daughter should not be allowed to date 22 Mr. Dell'Aquilla because Mr. Dell'Aquilla is 23 associated with me.</p> <p>24 Now, this is all happening around the 25 same time Mr. Pizzuti is getting increasing</p>	<p>1 Now, this ethics complaint from the 2 Office of New Jersey Attorney Ethics is dated 3 October 11th, 2019. So we come out of a federal 4 case where Mr. Alampi and Mr. Doris and 5 Mr. Baldassare are threatening Mr. Silberman and 6 making -- you know, better drop the case or else.</p> <p>7 And Mr. Alampi is then brought up on 8 attorney ethics charges and he's brought up on -- 9 and I'm being very general, goes on for five, six 10 pages. But the two major issues are, one, he's 11 tampering with his trust account. Now, that is an 12 almost automatic disbarment under the rules of New 13 Jersey ethics from my understanding. You tamper 14 with trust fund accounts, it was \$150,000 I believe 15 the number is. His defense was he borrowed it. 16 You're not allowed to borrow money from your trust 17 accounts. But anyway, that will be resolved by the 18 fine process in New Jersey to review such matters.</p> <p>19 The other thing that Mr. Alampi did 20 that is germane to this case as well or at least 21 this history as well, is Mr. Alampi employed a 22 gentleman named Dennis Oury, O-U-R-Y. Dennis Oury 23 is Mr. Ferriero's co-defendant in the matters that 24 sent him to prison in 2015. He was his co-defendant 25 from the time of my child's adoption, in front of</p>
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<p>1 pressures himself politically that I'm observing. 2 And from my observation, I think Ricky is not a 3 coward but I think he was genuinely upset about what 4 was going on around him and somewhat bewildered 5 about what to do about it and I think he did not 6 understand, although we did have some reference 7 conversations to some of these things, I don't think 8 he understood the depth of the political interests 9 here and the level of the power players involved 10 here involved in the school, specifically that he 11 now had access to information about as a school 12 board elected member.</p> <p>13 Now, another event occurs in 2019, 14 fall of 2019. My attorney, CJ Griffin, notifies me 15 that Township attorney Carmine Alampi has been 16 brought up on ethics charges before the New Jersey 17 Supreme Court. This is the same person who is, to 18 be clear, the same person Mr. Ferriero referred to 19 as the person who got him the title work for the 20 Lyndhurst middle school. This is the same person, 21 the Township attorney.</p> <p>22 Mr. Alampi is also, historically, I've 23 known him for decades, he's also the personal 24 attorney and political attorney of Louis Stellato, 25 the then county chairman.</p>	<p>1 Judge Friscia, through Mr. Ferriero's imprisonment. 2 I believe Mr. Oury pled to something and maybe 3 cooperated. I don't know what. Maybe he got 4 parole. I don't remember. But he was disbarred and 5 he was a felon and you're not allowed to hire 6 disbarred attorneys to work in a law office. In 7 fact, my reading of New Jersey ethics is that you're 8 not even allowed to rent office space to a disbarred 9 attorney to avoid the appearance of impropriety 10 where you have a disbarred attorney anywhere near 11 the practice of law.</p> <p>12 So this happens to Mr. Alampi. I 13 publish this. I have copies for everybody. I 14 publish this on my website. I had to send someone 15 to Trenton to get this. It's public information. 16 Nothing illegal about showing it to anybody or 17 anything like that. You just can't get this over 18 the internet. You have to go there and copy it 19 yourself.</p> <p>20 Now, this is an aside, I know this has 21 nothing to do with your question per se but it 22 speaks to my mindset. Now, at this point I am 23 extraordinarily cornered about what looks like a 24 Rico level operation going on in the town my family 25 called home for a hundred years. And Alampi, no</p>

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1 doubt, Mr. Alampi, no doubt had to be concerned
2 about this because these charges are guaranteed
3 disbarment. We sit here five years later, going on
4 five years later, can't speak to what's going on
5 with that. But anyway, that's another building of
6 tensions.

7 Again, because of my opposition,
8 because of my publication of this information
9 publically, because of Mr. Pizzuti's association
10 with me publically, more pressure builds on all of
11 us and -- and on that level, Mr. Pizzuti, I
12 apologize to you personally, I haven't seen you. I
13 apologize for you bearing a brunt of that.

14 Also at this time, November of 2019.
15 Back to the DiMaggios again. This time Tony
16 DiMaggio, the officer who made a false 911 call
17 reporting a hate crime, takes me to court and files
18 a complaint against me for harassment in the
19 Lyndhurst Police Department. I believe the officer
20 who took that report was officer Passamano. A crime
21 of harassment. Of course I fight this because I
22 didn't harass him at all.

23 What happened was a -- there was a --
24 a misdialled phonecall that was quickly terminated
25 that he turned into harassment. Never repeated,

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1 made early in the evening. And the reason it
2 occurred is someone sent me a text message that it
3 was a copy of a message from Tony DiMaggio's wife.
4 And when I called that person back, it dialed all
5 three people. That person was Michelle Scott.

6 So Mr. DiMaggio takes me to Lyndhurst
7 court. What you call me petulant child over.

8 **Q You're referring to me?**

9 A Yeah, I'm referring to you
10 specifically, sir.

11 He takes me. And who's representing
12 him? Ian Doris. That representing -- it's not as
13 the Township because this is not a Township matter.
14 He's doing it out of a private agreement or out of
15 the goodness of his heart, whatever the case may be.
16 But he is representing Mr. DiMaggio.

17 Now, I -- I did not drop this. And I
18 did eventually and I will tell you why. But I did
19 not drop this through the entire election between
20 this occurring in November of 2019 and my running
21 for commissioner in May of 2021, this case was not
22 dropped. And the reason it was not dropped is
23 because in absolutely no uncertain terms was I going
24 to not make sure that the sheriff of Bergen County
25 did not understand he had what appeared to be a

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1 rogue, unstable police officer on his hands. And I
2 had a history and a reason for having that opinion
3 of Mr. DiMaggio being unstable.

4 In 2008, when Mr. DiMaggio sought to
5 become a sheriff's officer, I was, believe it or
6 not, Ian, fairly influential person once upon a
7 time. The -- Mr. -- Mr. DiMaggio, the father,
8 Thomas, in order to change his party affiliation in
9 Lyndhurst -- we attempted to get everybody to change
10 at once and we did succeed in that. They went from
11 all republican board of commissioners to all
12 democratic. I was the person who negotiated that
13 between Mr. Ferriero who at that point was not even
14 under suspicion of an investigation, I will mention.
15 And Richard Dilascio, the mayor who I was close to.
16 And Richard Dilascio dealt with his commissioners
17 who were Giangeruso, DiMaggio, Haggerty, your uncle.
18 I'm pointing at Officer Haggerty. That's his uncle
19 who was a commissioner, Brian Haggerty, and one
20 other, I don't remember. Not important. But all of
21 them changed. And all of them did it of their own
22 free will, meaning nobody had any -- nobody had
23 anything held over their head to do it but only one
24 of them demanded something and that was Thomas
25 DiMaggio. And what Thomas DiMaggio demanded was

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1 that his son, who was a corrections officer, be made
2 a sheriff's officer. And since I'm surrounded by
3 officers in this room we all understand how the
4 rules of police appointments in the sheriff's office
5 works. It's civil service but there's a 15 percent,
6 and that is -- they call it the 15 percent. And
7 distinguish that means you can make somebody a cop,
8 I believe Officer Haggerty's brother is one of the
9 15 percent currently, where the sheriff can appoint
10 you an officer, you don't have to go through the
11 normal processes. It's sort of a courtesy given to
12 the sheriffs, if you will. So everybody else is
13 taking a test to apply for the job legitimately and
14 there's 15 percent are held back to be politically
15 appointed.

16 In Lyndhurst, everyone is politically
17 appointed. There is no test. They may use the
18 chief's test now but everyone is politically
19 appointed. There is no standard by which you can
20 say this is not fair, I am more qualified. Up to
21 the commissioner of police.

22 So this is 2008. I'm at the Housing
23 Authority and during that year --

24 **Q Sorry. We're back to 2008?**

25 A Yeah, this is reference.

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1 **Q Trying to follow.**
2 A I'm happy to clarify anything you'd
3 like. You good?
4 So 2008, I'm giving you, by the way,
5 just to clarify, I'm giving you the reason I know
6 that Tony DiMaggio, Officer Tony DiMaggio has
7 displayed instability on the job.
8 **Q Which has nothing to do with this**
9 **case.**
10 A Has to do with me explaining why I
11 brought all these documents.
12 **Q Right. Correct.**
13 A So I had a breakfast meeting with
14 Joseph Ferriero in 2008 at the Hasbrouck Heights
15 Sheraton where he had all these morning meetings
16 with your former boss as well, Esther Suarez. She
17 wasn't there at that moment but these were regular
18 meetings, county and the executive, me, Esther
19 Suarez, whoever needed to be there to do whatever
20 Mr. Ferriero's bidding was that particular day,
21 would meet him at the Hasbrouck Heights Sheraton
22 before his indictment.
23 At one of those meetings, sheriff --
24 then sheriff Leo McGuire calls. I'm sitting alone
25 at a table with Mr. Ferriero this time. And this is

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1 back in the day where you have flip phones, at least
2 he had a flip phone. So he had two phones. McGuire
3 calls. And on the phone with Sheriff McGuire, his
4 undersheriff, I believe his name is Ralph Rivera.
5 But Rivera I'm sure. Ralph I'm pretty sure of.
6 He's now public safety director of Bergen County, I
7 believe.
8 They both call Joseph Ferriero up
9 because Joseph Ferriero was the one who gave the
10 order to hire Tony DiMaggio as a political
11 appointee. And they did. And he was there for six
12 weeks, I remember that very vividly, six weeks on
13 the job. And I can hear Leo McGuire screaming on
14 the phone. Screaming. Having a fit. And so was
15 Ralph Rivera which as a former state trooper was a
16 little out of character for him.
17 Leo McGuire, former police officer
18 from Oakland, not as surprising that he would be
19 more emotional but the other guy was pretty tight.
20 And they're both bouncing off walls because Tony
21 DiMaggio is lording all over guys who got their jobs
22 straight up, meaning they took the test, they got
23 the job legitimately and he's telling these people
24 I'm protected. I'm more important than you. And he
25 is acting so erratically and so out of control, he's

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1 even being insubordinate to the sheriff and the
2 undersheriff. And they want him gone.
3 And Joseph Ferriero said to them, you
4 can't do that. I don't -- I will not allow you to
5 do that. I made a promise to Thomas DiMaggio. And
6 that was the last I saw of that dialogue. But
7 clearly the sheriff at that time had a huge problem
8 with this man who years later was calling 911
9 reporting false hate crimes, who was filing false
10 harassment charges. And this is a bit of a smart
11 comment but I'm sorry, and whose attorney was
12 blaming the victim as a petulant child.
13 So you have all of this tension going
14 on in November, December of 2019 and I had a
15 seizure. Another one. My second of the year. The
16 first occurred while I was driving in April of 2019.
17 Stress contributes to seizures. This was a massive
18 amount of stress.
19 And on December 6th, the events in
20 this case occur. And Mr. Pizzuti, I believe, I'm
21 not familiar with the exact details of his case, but
22 I believe within weeks of him giving me some
23 information about what's going on here, which I will
24 discuss when you ask me questions which you
25 obviously will. Within weeks of that, Mr. Pizzuti

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1 himself is now the target. And I'm just going to
2 point out one other thing here. And this is
3 incidental but I did review these and I want to put
4 this on the record.
5 Dennis Oury, the person I referred to
6 in Carmine Alampi's ethics charges, the person
7 employed by Dennis Oury -- by Carmine Alampi, Dennis
8 Oury, his law partner was a woman named Bonnie
9 Mizdol, M-I-Z-D-O-L. That was his law partner when
10 he was an active lawyer in his hey day where he
11 started making a lot of money working with Joe
12 Ferriero, where maybe even some of the things he
13 ended up being criminally charged with occurred.
14 But Bonnie Mizdol, I'm not implying she was involved
15 directly with anything, she was his law partner, had
16 a very good relationship with Dennis Oury. She was
17 made a judge. First, she's made a family court
18 judge and she is the presiding court judge over the
19 family court. Coincidentally at the same time,
20 Judge Perez Friscia is assigned to my children's
21 adoption case so Mr. Ferriero can see his, quote,
22 according to the judge, girlfriend. And later,
23 Judge Mizdol, Bonnie Mizdol is made assignment judge
24 in Bergen County. So she is the person, to be clear
25 -- crystal clear to everybody in this room, she's

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<p>1 the person that appointed the judge in the school 2 case in Lyndhurst, Judge Perez Friscia, assignment 3 Judge Mizdol, Mizdol, whatever, would have assigned 4 that to her technically. And she is -- was still 5 assignment judge when this case began. And to my 6 horror, and why my former attorney is no longer 7 here, I discovered Judge Lisa Perez Friscia was once 8 again overseeing a case involving me. This one.</p> <p>9 I had a conversation about other legal 10 matters with State Senator Holly Shepisi. She's a 11 Republican. Approximately December of 2022. I 12 mentioned to her this concern about this judge. I 13 mention to her my cooperation with the F.B.I. on 14 Mr. Ferriero and a few other things having to do 15 with estate issues and issues with the surrogate's 16 office, and there are a few judicial issues going 17 on. I'm not going to go into specifics about them 18 and they don't have anything to do with this case, 19 but I'm just mentioning it so no one thinks I'm 20 omitting it intentionally.</p> <p>21 There's going to be things that have 22 to be -- they are being addressed. Judge Nasta in 23 this case was made aware of everything I'm saying in 24 this room, in camera, in August of 2023 including 25 what I said about you, Mr. Doris.</p>	<p>1 and I believe Mr. Pizzuti.</p> <p>2 The school project that I was 3 referring to in these records is under investigation 4 by the SEC or was. Subpoenaed on its financing. I 5 have my own personal opinion as to why that is, 6 because the woman who signed the documents, a Joan 7 Barone signed the documents allowing for that 8 federal financing, public financing of that project 9 is not a certified financial officer. But she's 10 signed as one. And that's only the beginning of the 11 problems I suspect of that. But that I am sure will 12 be handled by the SEC however they choose to handle 13 it. It's being investigated, I believe, by the 14 former Attorney General of New Jersey who is now 15 with the SEC.</p> <p>16 So you've got a lot of, in my opinion 17 and why I review these things, is there's a pattern 18 of things that pose threats to individuals in this 19 room. Perhaps you, Mr. Doris. Certainly 20 Mr. Alampi. Certainly Mr. Ferriero and his 21 influence over anybody he might have influence over 22 be it you or others.</p> <p>23 And that -- I will leave it with that 24 and leave you to your questions. That is what we're 25 dealing with here. And -- and -- and I understand</p>
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<p>1 Now, how he's handling that, I trust 2 he'll do as all good judges do, but I think the 3 judicial system itself should do its own 4 housekeeping. I think the integrity of the judicial 5 system is important as I think the integrity of the 6 police is as well.</p> <p>7 And both of these -- this particular 8 case has overlapping concerns on my part in both of 9 these things. Now, I'm just mentioning this. This 10 is just a document showing that Ian Doris worked for 11 Esther Suarez. This is -- as county counsel, 12 democrat.</p> <p>13 This is the judicial selection review 14 committee of Bergen County. Who sits on it? 15 Disbarred, soon to be. Strike that. Soon to be 16 brought up on charges, Carmine Alampi is selecting 17 judges in Bergen County, or at least advising them 18 on behalf of the bar association. Along with 19 Michael Dressler who has some interesting issues of 20 his own right now in terms of employing disbarred 21 attorneys in the surrogate's office. These are the 22 people picking judges.</p> <p>23 Also as an aside, these are 24 Mr. Alampi's bills, recent. Showing a couple of 25 things that increase the tensions directed at myself</p>	<p>1 the process, Mr. Doris. I really do. I really 2 respect the process. I respect you have a right to 3 ask me questions and get answers that are truthful. 4 I respect that.</p> <p>5 I also understand -- I've been in 6 politics since I've been a teenager. I'm sixty -- 7 almost sixty-three years old. I used to -- started 8 off working for a county chairman named Vincent 9 Rigolosi. That is in the 1980's. Jimmy Checky 10 who's from Lyndhurst was his close friend. I was 11 seventeen, sixteen, seventeen, eighteen. I've been 12 in rooms and watched those men decide who judges 13 should be in Bergen County. I know how judges are 14 appointed.</p> <p>15 I know the role state senators play in 16 that and Paul Sarlo, S-A-R-L-O, specifically, a 17 person specifically involved in this Lyndhurst 18 school project decides who judges are in Bergen 19 County. And -- and -- and just for the record, as 20 well, Mr. Schiller, I insisted he file this in 21 federal court. He insisted it be filed in Bergen 22 County court and because of the deadlines involved 23 and because at the end of the day I always refer -- 24 defer to the person with the license, I don't have 25 one, it was filed here. And here we are with a</p>

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1 judge who just happens to be the judge that Joe
2 Ferriero wanted to see one last time before he went
3 to the big house because she was his girlfriend,
4 according to her, coming to my adoption. Judge
5 Mizdol, Dennis Oury's former law partner assigned
6 her that task. Then later when I file a lawsuit on
7 the Lyndhurst schools to block the construction of
8 that school, once again she ends up ruling in that
9 case dragging it out, just long enough so that
10 within thirty days of the election in Lyndhurst and
11 the change of power to Ferriero's controlled
12 administration, the Stellato-Ferriero
13 administration, she rules and sends it back so they
14 can reappoint all of the contractors to their
15 favored people including, according to Joe
16 Ferriero's own words to me, himself. Mizdol is the
17 assignment judge and then we end up here, gentlemen,
18 in this case. Which I did not want filed in Bergen
19 County for the exact reasons I'm outlining here but
20 it was and here we are. And lo and behold, Judge
21 Friscia ends up getting this case as well. And it
22 drags out, on and on and on with back and forths
23 about interrogatories and depositions being canceled
24 nonstop.
25 **Q And also people not responding to**

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1 **interrogatories, correct?**
2 A Wouldn't know.
3 **Q What do you mean you wouldn't know?**
4 A I wouldn't know. You have to talk to
5 my former attorney about that.
6 **Q All right. So then why don't we just**
7 **start there.**
8 A Sure, whatever you want.
9 **Q So you're telling me that you didn't**
10 **identify the name of a witness in this case?**
11 A That's correct.
12 **Q And then withhold that information?**
13 A That's correct.
14 **Q You didn't do that?**
15 A I'm sorry. No, no, I did do that.
16 **Q You did do that?**
17 A I did not hear the word didn't.
18 **Q Yes. So you did do that?**
19 A I did do that. Absolutely.
20 **Q And then even after the court issued**
21 **an order telling you that you had to provide it you**
22 **still refused to do that, correct?**
23 A I fought it but I did it when the
24 court ordered me to do it.
25 **Q Are you saying you did it the first**

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1 **time the court ordered you to do it or was it an**
2 **additional order?**
3 A I did it -- I did it when my attorney
4 told me it had to be done.
5 **Q Yeah, that's not my question. My**
6 **question --**
7 A I understand that it's not your
8 question. I'm telling you what I know.
9 **Q A court order was issued compelling**
10 **you to provide that name and you did not. Right?**
11 A I don't agree with that.
12 **Q You don't agree that there was a court**
13 **order compelling you to --**
14 A (Cross-talk.)
15 **Q You don't agree that there was a court**
16 **order compelling you to provide the name of a**
17 **witness?**
18 A I don't have any knowledge of that.
19 **Q You have no knowledge of that?**
20 A I do not.
21 **Q Okay. And there was a second order or**
22 **a second go round with the court where you were**
23 **compelled again to provide that information?**
24 A I'm aware of one time that I was
25 compelled by the Court to do it and I did it.

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1 **Q And you did it immediately upon that**
2 **court order or did you wait?**
3 A Well, there were other issues going
4 on.
5 **Q Fair enough.**
6 A I have to explain them because you
7 asked me a question.
8 **Q I'm not asking you to explain.**
9 A I realize but I have to.
10 **Q Fair enough but I'm asking you a**
11 **simple question?**
12 THE VIDEOGRAPHER: Can you read back
13 the question, please.
14 (Whereupon, the last question was
15 read back by the reporter.)
16 **Q Is that true?**
17 A I don't have a clear understanding of
18 what was going on during a period of time from
19 approximately April of 2023 through the hiring of --
20 through me representing myself per se for a brief
21 period and before the hiring of Jillian Weiss.
22 What occurred is when I brought up
23 with Brian Schiller my concerns about Judge Friscia
24 and the connections of you to Mr. Ferriero, the
25 connections of Mr. Alampi to a potential likely

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1 crime, and other things, Mr. Schiller stopped
2 speaking to me. I have records of that. He would
3 not take my calls. I did not know what was going
4 on.

5 **Q Okay. So --**

6 A But if the Court orders me to do
7 something, I don't take that lightly. I wouldn't
8 have done that and I did do it and I understood that
9 had to be done.

10 **Q So whatever the date is that you**
11 **provided that, how soon before that did you learn**
12 **that there was a court order compelling you to**
13 **provide that information?**

14 A Until today, I didn't honestly
15 understand there was a court order.

16 **Q Really? And you didn't tell your**
17 **attorney that you refused to provide that**
18 **information?**

19 A Initially I did. I said no.

20 **Q Oh, okay.**

21 A I thought that was a dialogue going
22 back and forth.

23 Do you understand the distinction? I
24 did not -- I was not doing it in defiance of a court
25 order. I assumed that it was dialogue going on

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1 between you and Mr. Schiller.

2 **Q You think a court order --**

3 A I did not see a court order.

4 **Q And you weren't advised of a court**
5 **order?**

6 A Not that I recall.

7 **Q Okay. What I'd like to do is, I'd**
8 **like to have these documents copied before we leave.**

9 A I have copies for you.

10 MS. WEISS: Okay.

11 MR. DORIS: I'd like to compare the
12 originals and the copies to make sure --

13 MS. WEISS: Sure. That's fine.

14 MR. DORIS: And then we can mark them
15 as a group.

16 MS. WEISS: Sure. Okay.

17 A I already have the copies, I have five
18 copies.

19 **Q Okay.**

20 A And then original.

21 MS. WEISS: All right. When should
22 we come back?

23 (Whereupon, a discussion was held off
24 the record.)

25 THE VIDEOGRAPHER: This is the end of

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1 media number three. The time is 12:49 p.m.
2 We're off the record.
3 (Whereupon, a luncheon recess was
4 taken.)

5 THE VIDEOGRAPHER: Good afternoon.
6 This is media number four. The time is
7 1:43:00 p.m. We are back on the record.

8 BY MR. DORIS:

9 **Q Good afternoon, Mr. Sivella. We're**
10 **back on the record. So before I begin, I just want**
11 **to note for the record that in response to my**
12 **question regarding what documents you reviewed, the**
13 **record will reflect this but it's my understanding**
14 **that your response was over an hour long.**

15 **So I just want to put that on the**
16 **record just for the written record but of course**
17 **that will be reflected once we have that transcript.**
18 **Just a couple follow-up questions.**
19 **Before today, have you ever met**
20 **Michael Carrino?**

21 A Yes, I believe I have. Not in a --
22 I'm hesitating the way I'm answering because I don't
23 think we had a direct interaction. I was not at my
24 house when he came there. I met him, like, in a
25 group setting perhaps. Michael Carrino could

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1 probably clarify better than me if he remembers.

2 **Q So you knew who he was?**

3 A Of course.

4 **Q But you never really had any**
5 **conversations with him before today, correct?**

6 A I really didn't have any conversation
7 with him today and I'm not trying to be
8 argumentative. I just want to clarify what I mean
9 by meeting Michael Carrino. So right now, you could
10 say I met Michael Carrino, but Michael Carrino and I
11 have not had a conversation today, so quote unquote,
12 I have not met him where I had dialogue with him.

13 I have in these types of situations
14 been in his presence more than once that I can
15 recall, political events or whatever, but I don't
16 recall ever having a one-on-one type of substantial
17 conversation with him.

18 **Q Okay. What about Vincent Auteri, have**
19 **you ever met him before?**

20 A Don't have a recollection of Vincent.

21 **Q And Paul Haggerty, have you ever met**
22 **him before today?**

23 A I remember walking past Paul Haggerty
24 at a public thing in the park but not -- and I think
25 I was with Michelle Scott and she said hello to him.

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1 I may have said hello to him in the same -- but
2 again the same type of answer. I never really had
3 an interaction with him.
4 **Q No conversations or anything?**
5 A Not that I recall.
6 **Q Same thing with Mike, no**
7 **conversations?**
8 A Not that I recall.
9 **Q Okay.**
10 A I'm not saying it absolutely never
11 happened. I just don't recall it, if it did.
12 **Q All right. You had talked about a**
13 **lawsuit that went to the Supreme Court. Do you**
14 **remember that?**
15 A Yes, sir.
16 **Q That was the lawsuit that you had**
17 **filed against the Mayor Giangeruso in Lyndhurst; is**
18 **that right?**
19 A Yes.
20 **Q And the result of that case was it was**
21 **ultimately dismissed as a matter of law, correct?**
22 A My understanding, yes.
23 MS. WEISS: Objection to the
24 question.
25 A I just want to say I'm not a lawyer,

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1 I'm not a board admitted lawyer and I cannot speak
2 as legal authority on that.
3 **Q Oh, fair enough.**
4 A I know I went to law school but I
5 never practiced law.
6 **Q We're going to get into that in a**
7 **minute, but in terms of the case, it was dismissed;**
8 **that's your understanding?**
9 A As a matter of law I believe it was
10 dismissed because the -- and again, I'm not a
11 lawyer, I believe that the Mayor Giangeruso could
12 not be -- even though the fact set was not disputed
13 per se, meaning these events did occur, the
14 liability of Mayor Giangeruso is in some dispute and
15 there was differences in the appellate courts as to
16 what law governed, which is why it went to the
17 Supreme Court and it was just not heard, so -- that
18 could still be a question for another case, I guess.
19 **Q Well --**
20 A Not mine, but some case.
21 **Q To clarify, the District Court case**
22 **which was filed in federal court was dismissed,**
23 **right?**
24 A Again, sir, same answer. I had a
25 lawyer handling that, the process involved in that

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1 you'd have to refer to that.
2 **Q You don't know if your case was**
3 **dismissed?**
4 MS. WEISS: He doesn't know.
5 MR. DORIS: I'm asking him.
6 A Asked and answered.
7 MS. WEISS: You're not the lawyer.
8 A Asked and answered.
9 **Q I thought you weren't a lawyer?**
10 MS. WEISS: Okay, well, I'll say
11 that. Asked and answered. But you can just
12 tell him again. It's not a big deal.
13 MR. DORIS: And by the way, that's
14 not a proper objection just so you know. But
15 go ahead.
16 MS. WEISS: Well, you can make the
17 objection, just doesn't get ruled on until
18 later.
19 **Q Fair enough.**
20 A This is a lot of fun. I'm not
21 certain.
22 **Q You're not certain if your case was**
23 **dismissed?**
24 A I'm not certain in terms of how that
25 case came to an end.

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1 **Q Not asking you how -- the terms. I'm**
2 **asking if you know one way or the other whether it**
3 **was dismissed by a judge.**
4 A I don't recall.
5 **Q Okay.**
6 MS. WEISS: Objection to all this
7 line of questioning. Go ahead.
8 **Q Okay. The case proceeded in the**
9 **appellate court, correct?**
10 A Don't recall.
11 **Q You don't recall -- wait, let me**
12 **finish my question, sir. I gave you plenty of time**
13 **to ramble.**
14 A Ramble?
15 **Q You don't recall --**
16 A You're being disparaging.
17 **Q No. You don't recall if your case**
18 **against Mayor Giangeruso and the Township proceeded**
19 **to the Third Circuit Court of Appeals?**
20 A I do recall that.
21 **Q And do you recall it being dismissed**
22 **there?**
23 A I don't -- I recall it going from the
24 Third Circuit where there was some ambiguity as to
25 what the Third Circuit thought versus other circuits

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1 ruling on similar fact sets and that the attorney
2 who handled that, Joel Silberman, said we would have
3 to go to the Supreme Court to get a ruling on that,
4 do you want to do that, and I said yes.

5 **Q Okay.**
6 A That's what I recall.
7 **Q Right. So I'll represent to you that**
8 **your case was dismissed in Federal District Court.**
9 **And I'll also represent to you that it was upheld,**
10 **the dismissal was upheld in the Third Circuit**
11 **Appellate Court.**
12 **Does that refresh your recollection?**
13 A No. Because I told you what I -- I'm
14 taking your word for it as an attorney that you know
15 what you're talking about so if that's what you tell
16 me, I will accept that as a fact. But I don't know
17 that personally.

18 **Q You don't?**
19 A No.
20 **Q Well, then how is it that you would**
21 **file an appeal in the Supreme Court if you didn't --**
22 **if you got a favorable disposition in the Third**
23 **Circuit?**
24 MS. WEISS: Objection.
25 A Obviously there was no conclusive

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1 result. And to get a conclusive result we had to
2 file an appeal to the Supreme Court. That's what
3 was done.

4 **Q Right. And they didn't take your**
5 **appeal, correct?**
6 A They did not.
7 MS. WEISS: Objection to that
8 question. Go ahead.
9 **Q Okay. Have you ever filed an ethics**
10 **complaint against Joel Silberman?**
11 A No.
12 **Q Have you ever sued Joel Silberman?**
13 A No.
14 **Q Have you ever filed an ethics**
15 **complaint against Mr. Schiller?**
16 A No.
17 **Q Have you ever sued Mr. Schiller?**
18 A No.
19 **Q Have you ever filed a lawsuit against**
20 **any attorney that ever represented you in any case?**
21 A No.
22 **Q Have you ever filed any ethics**
23 **complaints against any of the attorneys that**
24 **represented you in any case?**
25 A No.

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1 **Q You had mentioned earlier about a**
2 **website.**
3 A Yes.
4 **Q Lyndhurst 07071. Did you ever write**
5 **on that website under the name Jimmy Scoops?**
6 A Yes.
7 **Q Okay. I want to ask you a few**
8 **questions about the case that you referenced with**
9 **the DiMaggio family.**
10 **You filed a lawsuit in that particular**
11 **case against Tom DiMaggio, Anthony DiMaggio, Tom's**
12 **wife, and I believe the Township; is that correct?**
13 A I'm not sure about Tom DiMaggio
14 personally in that case.
15 **Q But the other names you did?**
16 A To the best of my recollection -- this
17 is sometime ago -- I believe it was Joyce DiMaggio,
18 Anthony/Tony DiMaggio, that would be the son of
19 Thomas DiMaggio, and I think the Township of
20 Lyndhurst was named because they participated in --
21 the action with what the DiMaggios were doing,
22 police reports or whatever. I follow attorney's
23 guidance on those things.
24 **Q Understood.**
25 **That lawsuit was withdrawn by you?**

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1 A Which one are you referring to, sir?
2 **Q The one --**
3 A Federal Court?
4 **Q Yes.**
5 A That was withdrawn under the
6 circumstances I described earlier.
7 **Q No appeal was filed out of that,**
8 **correct?**
9 A It is withdrawn under the
10 circumstances I described earlier.
11 **Q I understand that but I'm saying no**
12 **appeal was ever filed, right?**
13 MS. WEISS: Well, objection.
14 A From my perspective?
15 **Q No, just from the factual basis. Did**
16 **it occur or not? Was there an appeal filed from**
17 **that?**
18 MS. WEISS: They withdrew it.
19 **Q I understand.**
20 A I would appeal my own withdrawal? I
21 don't understand the question.
22 **Q I'm having trouble. Sometimes you**
23 **seem like you think you're a lawyer and other times**
24 **you think that you're not. So I'm trying to ask you**
25 **a question -- a simple question. Either you did or**

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1 **did not.**

2 A Mr. Doris, you have on a couple of

3 occasions in this deposition editorialized in what

4 you think I'm doing or not doing. How I speak --

5 I've never represented myself as an attorney. I've

6 made it very clear I am not. How I speak and how I

7 conduct myself, how you interpret that is for your

8 own interpretation. But you to label me which you

9 consistently do as either a petulant person and now

10 I'm presenting myself as a lawyer, not as a lawyer.

11 Allow me to answer your questions, I will, but

12 please, you know, provocation.

13 So what is the question, again, sir?

14 (Whereupon, the last question was

15 read back by the reporter.)

16 A The case was withdrawn. And no, I did

17 not file an appeal on my own withdrawal. That I'm

18 aware of --

19 Q Okay.

20 A -- unless someone did that without my

21 knowledge.

22 Q Was the document that was filed with

23 the court ending that case a voluntary dismissal?

24 MS. WEISS: Objection.

25 A It was -- yes, the plaintiffs in that

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1 case were my son, referring to the federal case,

2 where Anthony DiMaggio called 911, reported false

3 hate crimes, to be clear what case we're referring

4 to. The plaintiffs in that case was not myself

5 which explain some of my vagueness about the detail,

6 but my son, all adults, Brandon Sena, S-E-N-A, and

7 then Myko, you got that spelling. Those three

8 individuals were asked to withdraw by me and then

9 contacted Mr. Schiller to withdraw.

10 Q Is it fair to say on that --

11 A Mr. Silberman. I'm sorry, I misspoke.

12 Q No problem.

13 Is it fair to say on that day that you

14 were in court where that was discussed, that you

15 were not happy about the case having to be

16 dismissed?

17 A I was not happy, no. Of course I was

18 not happy.

19 Q From that courthouse did you go

20 directly to the Lyndhurst Police Department?

21 A I don't recall doing that.

22 Q Do you recall going to the Lyndhurst

23 Police Department, whether it was immediately after

24 or not, in order to file a complaint against Anthony

25 DiMaggio?

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1 A That would have happened. I don't

2 know where in the chain of events, like, four years

3 ago.

4 Q Okay. I'll represent to you that it

5 was the same afternoon as within a couple hours of

6 you leaving the courthouse. Does that refresh your

7 recollection?

8 A No.

9 Q Okay. Do you remember being told that

10 you would have to fill out the document if you

11 wanted to press charges at the police station. Do

12 you recall that?

13 A No.

14 Q You don't recall that.

15 Did you ever file those charges

16 against --

17 A Don't recall.

18 Q -- Anthony?

19 You did file a civil lawsuit, though,

20 against Anthony DiMaggio?

21 A In response -- in response to him

22 filing a harassment complaint against me.

23 Q Correct. And you filed a civil

24 lawsuit.

25 A Correct. In Bergen County.

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1 Q Do you recall on the day when you were

2 in court regarding the federal lawsuit, do you

3 recall the judge -- Judge Waldor advising you that

4 if you ever filed another case in federal court she

5 would make sure that the case came to her so that

6 she could monitor it and make sure that it had any

7 merit to it?

8 A I never had any interaction with Judge

9 Waldor directly. The lawyer dealt with Judge

10 Waldor.

11 Q You weren't in the courtroom when the

12 judge made that pronouncement?

13 A Not that I recall. I never had any

14 direct communication with her.

15 Q Do you recall her stating that on the

16 record?

17 A No, I do not.

18 Q Okay. So is it your testimony, then,

19 that the fact that this particular case was not

20 filed in federal court, the one we're here for

21 today, had nothing to do with the judge's admonition

22 that should you ever file another federal court case

23 she would actually be overseeing it?

24 A It certainly would not have bothered

25 me if she did.

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1 Q Right.
2 A Judge Waldor has a very good
3 reputation.
4 Q I agree. But the fact that it's not
5 filed in federal court, is it your testimony that
6 that had nothing to do with the fact that you were
7 trying to stay out of federal court because of --
8 A Not on my part.
9 Q Okay.
10 A Maybe on Mr. Silberman's part or his
11 associate Mr. Schiller's part, for the reasons I
12 described.
13 Q Mr. Silberman and Mr. Schiller, did
14 they -- were they part of the same law firm?
15 A No. Mr. Silberman referred
16 Mr. Schiller to me. I had never met Mr. Schiller in
17 person.
18 Q Okay. Now, you referenced earlier an
19 unsavory incident involving Gina DiMaggio where
20 somebody sent her an inappropriate picture; do you
21 recall that?
22 A Yes. I did not know it was a picture,
23 though. Thank you.
24 Q You became aware of that information
25 from a public record request that you had made,

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1 correct?
2 A No.
3 Q Did you get any information in any
4 Public Record Act request that you made or was made
5 on your behalf about that incident?
6 A Yes.
7 Q And where did that come from?
8 A It would have come from Pashman Stein,
9 the law firm, CJ Griffin, the attorney, making an
10 OPRA request to the Lyndhurst Board of Education for
11 whatever records would be available.
12 Q And she would have done that on your
13 behalf?
14 A Yes. But --
15 Q Go ahead.
16 A Just want to make one thing clear to
17 you if this matters to you. In no OPRA request that
18 CJ Griffin ever made for me did she refer to me as
19 anything but a client. Not by name. So there would
20 be a presumption that I was asking for it from -- if
21 CJ Griffin requested it, not a direct statement,
22 David Sivella wants this record.
23 Q Oh, I see. Okay. Well, in any event,
24 did you get records in one of those OPRA requests
25 regarding this particular incident where an

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1 inappropriate contact was made with Ms. DiMaggio?
2 A I recall getting something. I do not
3 recall the details of what that something was.
4 Q Do you recall one of the details being
5 the individual who engaged in the inappropriate
6 action?
7 A I'm sorry.
8 Q Do you recall one of the bits of
9 information you received being the name of the actor
10 that engaged in the inappropriate conduct?
11 A Perhaps. I don't remember.
12 Q Okay. Well, you had mentioned earlier
13 that you had gone to an individual's house, his name
14 I believe you said was Mr. Garciano; is that
15 correct?
16 A Yes.
17 Q How did you know who he was?
18 A I believe Pat Scott told me.
19 Q And who's Pat Scott?
20 A She's a former Township employee,
21 she's deceased. And I believe when you look at
22 these records that you're going to get copies of,
23 there's a text message where she's discussing this
24 with -- regarding Ricky Pizzuti's understanding of
25 the situation and -- and I think there's reference

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1 to his name Garcia in the e-mail that I sent to CJ
2 Griffin requesting the OPRA request. So apparently
3 I knew Garcia's name prior to that.
4 Q Okay. So you had some information on
5 who the actor was?
6 A My assumption based on what I told.
7 Q You didn't know him personally?
8 A Absolutely not.
9 Q No contact with him prior to --
10 A One time.
11 Q Prior to the first time we talked
12 about, there was no prior contact?
13 A One time when I was on my way to U.S.
14 Open I stopped at his house.
15 Q Okay. Fair enough. And when you went
16 to go meet him you understood he was the person who
17 engaged in that inappropriate contact with
18 Ms. DiMaggio?
19 A Allegedly.
20 Q Allegedly. Okay. But you understood
21 that?
22 A Correct.
23 Q And are you aware that the individual
24 you went to go see filed a complaint -- a police
25 complaint against you?

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1 A No.
2 Q Were you aware that that individual
3 was scared and upset that you went to his home and
4 had no idea how you got information about who he
5 was?
6 A No, I'm not.
7 Q Is it true that you offered him or
8 asked him if he was being represented by an
9 attorney?
10 A I asked him if he needed an attorney.
11 Q Why did you ask him that?
12 A Because I was under the impression
13 that he probably could not afford an attorney in
14 these circumstances and I certainly had a lot of
15 reason to understand that the Lyndhurst Police
16 Department routinely practices in a way outside the
17 lanes of normal process and that this person may
18 very well need an attorney to properly represent
19 himself because he was dealing with the child of a
20 very powerful local politician who had abused the
21 system repeatedly with his family.
22 Q And when you did do that, you were
23 aware that he was accused at least or alleged to
24 have been the person who sent inappropriate contact
25 to Ms. DiMaggio?

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1 A Again, repeat that.
2 MR. DORIS: You can read it back,
3 please.
4 (Whereupon, the last question was
5 read back by the reporter.)
6 A I did not know what the -- what the
7 inappropriate -- what the contents were per se. I
8 knew that -- that that -- or I had been informed or
9 had the impression that there was some question as
10 to whether or not Gina DiMaggio had acted in an
11 inappropriate way with a former student.
12 Q And you thought she acted in an
13 inappropriate way towards this individual?
14 A Yeah.
15 Q And that's why you offered your -- to
16 pay for legal counsel, correct?
17 A Yes. And by the way, Gina DiMaggio --
18 and I can look.
19 Q There's no pending question, sir.
20 There's no pending question. Thank you.
21 You referenced earlier some party that
22 you said Mr. Carrino was at, the Bove; is that
23 correct?
24 A Bove, I believe that's how it's
25 pronounced, B-O-V-E.

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1 Q And you're sure it was their party?
2 A Yeah, I was told that.
3 Q Were you present at the party?
4 A Absolutely not.
5 Q Who told you that's where the party
6 was at?
7 A Anthony Dell'Aquila.
8 Q Were you ever -- did you ever receive
9 information that at whatever party this was that
10 Mr. Carrino left the party because he wasn't
11 comfortable being in the presence of certain people
12 based on the actions they had taken?
13 A No, I did not.
14 Q Okay. Did you know that one of the
15 individuals that you were associated with or that
16 you said you were associated with was videotaping
17 Mr. Carrino's young daughter, teenager?
18 A I don't know what you're talking
19 about.
20 Q You don't know anything about that?
21 A No.
22 Q Okay. The case with Anthony DiMaggio,
23 you filed the civil lawsuit against him, correct?
24 A Which one are you referring to because
25 federal --

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1 Q The state court action.
2 A Yes.
3 Q Okay. And what was the basis of that
4 lawsuit, if you remember the allegations?
5 A He -- and again, this is going from
6 memory, I have not reviewed any documents regarding
7 this per se, at least not in detail. He filed a
8 criminal complaint, I believe, against me for
9 harassment of him. And I think his wife as well.
10 And that was the basis of it. It was a false report
11 which -- and he was -- you argued, actually, and one
12 thing I did, and it's in here, you argued that it
13 was even though he may have done it or did do it, he
14 never followed through on it, therefore it wasn't
15 actionable.
16 Q Well, let's be clear. Whatever you
17 say I said, the judge dismissed the case, didn't he?
18 A I think you understand my opinion of
19 your relationships with these parties with the
20 Bergen County court system, sir.
21 Q I don't --
22 A Yes, he did dismiss it, perhaps. I
23 don't know. You'd have to check the record.
24 Q I don't know what your opinion is nor
25 do I care. I'm asking you a straightforward

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1 question. Regardless of what our legal arguments
2 were made to the court, the judge dismissed that
3 case based on those legal arguments, correct?
4 A If you say so.
5 Q I'm asking you. Is that what
6 happened?
7 A If that's how it concluded. I told --
8 I told my attorney at that time, Mr. Rubis, after
9 two years of delays with that case I was moving to
10 New York, just end it.
11 Q So are you saying you dismissed that
12 lawsuit?
13 A It was dismissed. I don't recall the
14 terms of how it was.
15 Q Well, let me see if I can refresh your
16 recollection.
17 A Please.
18 Q There was a motion filed in lieu of an
19 answer which means we didn't even answer the
20 complaint. We told the judge in the motion based on
21 the law there's no basis for this lawsuit. And
22 based on that the judge threw your case out. Does
23 that refresh your recollection?
24 A No.
25 Q It doesn't?

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1 A If you say so, that's fine.
2 Q Okay.
3 A I accept your interpretation. You're
4 a barred licensed attorney.
5 Q Okay. The lawsuit that you filed
6 against the Lyndhurst school, or the school board,
7 I'm not sure how that went.
8 You did have a lawsuit with them,
9 correct?
10 A Which lawsuit? The one about the
11 middle school or junior high school that I referred
12 to with Mr. Ferriero?
13 Q How many lawsuits have you filed
14 against the Lyndhurst school board or their schools?
15 A I think it's just that one.
16 Q Okay. So then why did you ask me
17 which one?
18 A Because at that moment I hadn't
19 thought it through, so I thought you could be more
20 clear.
21 Q Even though there's only one.
22 A Now that I've thought it through I
23 agree there's only one but I still asked you to be
24 more clear.
25 Q And you were represented by

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1 Mr. Carbone, I think you said.
2 A That is correct.
3 Q Did you ever at some point fire
4 Mr. Carbone, for lack of a better word, term?
5 A No.
6 Q Is -- are those lawsuit -- that
7 lawsuit still pending?
8 A No.
9 Q What was the result of that lawsuit?
10 A I described it at length. Would you
11 like me to do it again?
12 Q I'd like you to answer my question,
13 yeah.
14 A The result was Judge Friscia, Mr.
15 Ferriero's friend, took a year to manage that case
16 through depositions and interrogatories and other
17 back and forth between attorneys including Doug
18 Bern. And one month after the change of government
19 of elected officials in political control, she sent
20 it back to Lyndhurst for a revote to continue on
21 business as usual.
22 Q And what happened?
23 A After that?
24 Q Yes.
25 A Lyndhurst revoted, and appointed

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1 people associated with Joe Ferriero to \$600,000
2 management position for the construction of the
3 school, no bid, that is Epic Management, and they
4 appointed no bid to DiCara and Rubino. It's an
5 architecture firm I believe based in Wayne and
6 appointed them as the architect, removing local
7 architect named Galloway, I think. And I believe,
8 not spoken to him in quite sometime, but I believe
9 Mr. Dilascio was supposed to have been the project
10 manager for that project for about \$150,000. So the
11 price went up quadrupled and they changed all of the
12 vendors.
13 Q And was that the end of the lawsuit
14 after the revote or --
15 A There was not a legal action taken by
16 me.
17 Q Okay. Why don't you just tell us
18 briefly what your education is.
19 A Like, story of education or my --
20 Q I don't need your life story, just
21 your education --
22 A It's a great store though.
23 Q I'm sure. All stories are great.
24 A Thank you. I have a J.D.
25 Q And you graduated from which college?

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1 A You mean undergrad?
2 Q Yes.
3 A Rutgers.
4 Q And what degree did you have?
5 A Political science.
6 Q What year did you graduate?
7 A 1995. Something like that.
8 Q And then right after that did you go
9 to law school?
10 A About a year.
11 Q Which law school did you go to?
12 A Yeshiva Cardozo School of Law.
13 Q You graduated from there?
14 A Yes.
15 Q With a J.D.?
16 A Yes.
17 Q Did you ever take any bar exam in any
18 state?
19 A Never.
20 Q The incident in this case, what was
21 your address at that time?
22 A My residential address?
23 Q Yes.
24 A 614 New York Avenue in Lyndhurst.
25 Q Do you still own that home?

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1 A I sold it in March of 2022.
2 Q Do you have any other properties that
3 you own in Lyndhurst?
4 A No.
5 Q This incident occurred back in
6 December of 2019. Who was living in the home with
7 you at that time besides your husband, if anyone?
8 A My son.
9 Q What's his name?
10 A King and his nickname is Aldwin
11 A-D-L-W-I-N, last name Belen, B-E-L-E-N.
12 Q On the night when this incident
13 occurred when you had the seizure, was he present?
14 A Yes.
15 Q Was there anybody else in the home
16 with you on that evening, before the police arrived?
17 A My husband and my son.
18 Q Was your son present for both
19 incidents that occurred?
20 A I was unconscious.
21 Q Okay. Well, still, my question
22 whether you were --
23 A I was unconscious.
24 Q I know. I understand what you're
25 saying but my question is, was he present?

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1 A I believe he was but I cannot attest
2 to that myself. I was unconscious.
3 Q Yes. I heard that for the third time
4 but I'm asking still whether he was or was not and
5 how do you know?
6 MS. WEISS: Objection to the
7 question.
8 MR. DORIS: You object to me asking
9 if his son was present.
10 MS. WEISS: Yes, because the
11 timeframe, he mentioned that there's two
12 incidents. Maybe you did --
13 MR. DORIS: Right. There are two.
14 MS. WEISS: So you're asking him a
15 frame -- certain period of time. He says he
16 was unconscious at some point, so he may know
17 at one point and not know at the other. So,
18 anyway.
19 MR. DORIS: Understood. There's
20 video that shows him interacting with people so
21 he wasn't unconscious the whole time.
22 A Okay. May I have a clarification
23 point on your knowledge and your lack of knowledge
24 and what epilepsy is.
25 Q No, you may not.

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1 MS. WEISS: No. You can explain
2 later.
3 (cross-talk)
4 A No idea what he's talking about
5 medically.
6 Q So the question is, was your son
7 present the first time when you had the seizure that
8 evening?
9 A I know he was present at some point.
10 Q Okay.
11 A I do not know anything about the
12 timeline of what that point was, whether it was the
13 entire duration from prior to the seizure and after,
14 or only during one of the events or only a portion
15 of one of the events. I have no recollection.
16 Q Correct. I understand it's your
17 recollection but I'm asking your knowledge from
18 other sources besides your recollection.
19 A My impression is that he was there
20 both times.
21 Q And you base that impression on what?
22 A His reference to the behavior of the
23 police in the house. Impression he was there both
24 times.
25 Q Okay.

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1 A But we can easily ask him.
2 Q Yeah, where does he currently reside?
3 A He resides in North Arlington.
4 Q What's his address?
5 A No idea.
6 Q You have no idea what your son's
7 address is?
8 MS. WEISS: Objection.
9 MR. DORIS: What's objectionable?
10 MS. WEISS: You said you don't know.
11 MR. DORIS: I just think it's odd.
12 MS. WEISS: Maybe odd or not but he
13 answered the question.
14 MR. DORIS: Okay.
15 BY MR. DORIS:
16 Q And that's a truthful response you
17 don't know where your son King lives?
18 A I know he lives in North Arlington. I
19 know I can get his address at home.
20 Q Okay.
21 A I have not abandoned him. I saw him
22 on Christmas.
23 Q I was never suggesting that. I just
24 wanted to know his address, but that's all right, we
25 can always follow up with your attorney.

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1 A You can get his address. I'd be happy
2 to provide it to you.
3 Q Yeah, thank you. We'll follow up.
4 I'll do a letter, obviously.
5 A Okay. No problem.
6 Q Are you currently involved in any
7 other lawsuits besides this one?
8 A Yes.
9 Q How many?
10 A Let's see. I think the only active
11 one right now is with Pashman Stein.
12 Q Can you tell me what that lawsuit is.
13 A What is the nature of it?
14 Q The name of it and the nature of it.
15 A The name of it is I guess Pashman
16 Stein versus David Sivella. I don't really know
17 what the name of it is. The docket number I'm sure
18 we can provide to you if you want that, I don't have
19 it. And the nature of it is a claim of sixty
20 something thousand dollars or so for an election
21 case in Lyndhurst.
22 Q For -- for work they performed?
23 A For work -- they're billing for work
24 they did not perform which is why there's a lawsuit.
25 Q I understand that. The allegation

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1 that they're making is that you owe them legal fees
2 of some sort; is that fair?
3 A Yes. That's their claim.
4 Q Yes. What court is that filed in?
5 A They filed it in Superior Court in
6 Bergen County.
7 Q Do you use Pashman Stein for any
8 additional legal work since that lawsuit had been
9 filed?
10 A I have not used Pashman Stein since
11 they sent me that outrageous bill two and a half
12 years ago.
13 Q Who is the attorney, if there is one,
14 who represents you in that lawsuit?
15 A Sitting there.
16 Q Miss Weiss. I just need you to -- on
17 the record --
18 A Oh, I'm sorry. Forgive me, I'm sorry
19 about that. I didn't mean to disrespect.
20 Q No. Miss Weiss represents you in that
21 lawsuit; is that correct?
22 A Jillian Weiss, Esquire.
23 Q Thank you.
24 Are there any other lawsuits you
25 mentioned that you weren't sure if they were still

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1 exiting, any other lawsuits --
2 A All estates matters. Meaning, you
3 know, trusts and estates.
4 Q What are the names of those lawsuits?
5 A One is Polesetsky and -- don't ask me
6 to spell these names. Polesetsky and Osgys. Those
7 are cousins versus me as the executor of the estate,
8 Mildred Schlimbach, S-C-H-L-I-M-B-A-C-H.
9 Q What was Ms. Schlimbach's first name?
10 A Mildred.
11 Q And what -- are you related to her?
12 A I am her nephew.
13 Q Where is that lawsuit filed?
14 A Essex County.
15 Q What's the allegations in that
16 lawsuit?
17 A The allegations were undue influence
18 and it was dropped. It was settled.
19 Q You settled that lawsuit?
20 A Yep.
21 Q Do you remember when the lawsuit was
22 filed?
23 A Immediately after her death 2020.
24 Q And what were the terms of the
25 settlement?

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1 MS. WEISS: Objection. Can we go off
2 the record for a sec.
3 MR. DORIS: Sure.
4 MS. WEISS: Oh, that means we have to
5 go off the record. Okay. Never mind. You can
6 answer, if you know.
7 A Sure. What was the question? I'm
8 sorry. In the discussion of answering --
9 Q What were the terms of the settlement?
10 A I paid -- the estate paid the legal
11 bills of the plaintiffs and gave each one of them
12 \$50,000 because we concluded it was cheaper than
13 having a trial.
14 Q Who is the attorney that represented
15 you in that lawsuit?
16 A Two.
17 Q What were their names?
18 A First one was Nicholas Doria. He was
19 terminated.
20 Q Nicholas Doria, he represented you in
21 one of your other lawsuits against Lyndhurst, too,
22 correct?
23 A Correct.
24 Q And he was terminated?
25 A Correct.

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1 Q When was he terminated?
2 A August, September of 2022.
3 Q 2020?
4 A August or September, it was an ongoing
5 process of 2022.
6 Q Did you ever file any type of ethics
7 complaints?
8 A Not yet. Those things are in
9 progress.
10 Q Have you ever filed a lawsuit against
11 Nick Doria?
12 A Not yet. Those things are in
13 progress.
14 Q When you say they're in progress, are
15 they --
16 A They are under attorney review and I
17 am not going to discuss them if you don't mind.
18 Q No, no. I understand that. That's
19 what I was trying to find out.
20 A Yeah, yeah.
21 Q Fair enough.
22 A But I am happy to answer any of your
23 questions.
24 Q Attorney. Which attorney will be
25 representing you in that lawsuit?

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1 A I haven't selected the attorney yet.
2 I'm talking to several firms.
3 Q Who is the other attorney that
4 represented you in that lawsuit, the whatever --
5 A Successor attorney?
6 Q Yeah.
7 A David Pikus, P-I-K-U-S, of Bressler
8 Avery, et cetera, et cetera.
9 Q And the settlement was I guess
10 accomplished by him and his firm; is that fair to
11 say?
12 A It was done with him as representing
13 me in that and -- yes. And done through a mediator.
14 Q I know you had to pay \$50,000 to some
15 individuals. How many did you have to pay?
16 A The two plaintiffs.
17 Q It was two plaintiffs. Who are those
18 plaintiffs?
19 A In who are they to me?
20 Q Well, yeah. What were their names
21 first, I guess?
22 A One is Matthew Polesetsky, that one I
23 can spell. P-O-L-E-S-E-T-S-K-Y. He's a California
24 attorney. He is my cousin. I really don't know
25 him. I've met him twice. And the other is another

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1 cousin, different parents. It's a woman named Jamie
2 J-A-M-I-E -- and her last name -- I'll get it close,
3 Osgys, I think is how you say it -- O-S-G-Y-S or
4 something. Weird name. German name.
5 Q And she's your cousin?
6 A Cousin.
7 Q Okay. That was filed in -- you said
8 Essex County?
9 A I believe so. Because -- you -- all
10 you lawyers correct me if I'm wrong, but if it's
11 probated, it would have been filed in the place it
12 was probated?
13 Q Yeah.
14 A Essex County. All probates in Essex.
15 Q Okay. Were there any other lawsuits
16 that you've been involved in since 2019 to the
17 present?
18 A Another -- a lawsuit -- a caveat was
19 filed in another estate. That I'm the executor of a
20 will.
21 Q And --
22 A And do you want me to give you the
23 names?
24 Q Yeah.
25 A Okay. I can do that. All right.

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1 It's an aunt. My aunt. The -- her name is Marie,
2 not Maria. Marie. Sivella, my last name. And I
3 know there was a caveat filed but I don't -- we
4 never went to court on that because all of these
5 things were resolved globally based on the terms I
6 just described.

7 **Q Was that completely separate from the**
8 **other --**

9 A Same plaintiff.

10 **Q I thought the plaintiffs in the other**
11 **case --**

12 A Polesetsky was the plaintiff in that
13 one, filed the caveat. But to get you details of
14 that I'd have to consult with Mr. Pikus about that.

15 **Q Was that as a result -- I don't know**
16 **what a caveat is, honestly -- estate cases, but --**

17 A I could clarify for you.

18 **Q Yeah, please.**

19 A What a caveat is, just so everybody
20 understands, everybody, when somebody dies at some
21 point, when a person passes away and they have a
22 will, you have ten days in which from the date of
23 death you have to wait -- wait ten days from the
24 date of death to file an objection to the probate of
25 the will. So in Marie's case, my Aunt Marie's case,

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1 she had a will, and a trust named in that will, and
2 when the -- before I even filed, I was doing her
3 funeral during Covid, before I even filed the
4 paperwork on her estate, Matthew Polesetsky, during
5 her funeral, three days after her death, filed a
6 caveat. He didn't even understand the law. You
7 have to wait ten days to do this. But what a caveat
8 does is it freezes the probate of a will so people
9 can argue their cases. It either follows into a
10 lawsuit, becomes a lawsuit, or it gets negotiated
11 and settled out, however it gets settled. But for
12 the caveat to be released you either have to beat
13 them in court or they have to agree to drop the
14 caveat. And after Mr. Polesetsky did not fare too
15 well with his first lawsuit on a more major estate,
16 he dropped the caveat on Sivella as well.

17 **Q Was the more major estate the**
18 **Polesetsky estate or is this --**

19 A Well, Polesetsky is not an estate.
20 He's a plaintiff.

21 **Q Oh, I see. Okay. But they're not**
22 **suing you as the executor, right? Wasn't that an**
23 **estate claim, against the estate?**

24 A Correct.

25 **Q Yeah, that's what I meant.**

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1 A They were suing me as the executor.

2 **Q Correct.**

3 A And I was also a beneficiary, so I
4 don't know -- like you don't know what a caveat is,
5 I'm not necessarily sure what the overlap of my role
6 as a beneficiary versus executor but my role in
7 these lawsuits was defending the estates in terms of
8 the executor being the executor. And I'm sure in
9 the Schlimbach case it was in that role because
10 there was millions going to charity that -- that I
11 had to defend. They were trying to undo a will that
12 left million dollars to charity.

13 **Q Was -- just so I'm clear, the Marie**
14 **Sivella caveat that was filed, was that all part of**
15 **the same estate or was that a separate --**

16 A No. You want me to give you a
17 structure of estate --

18 **Q Well, if there's a different estate**
19 **I'd like to know --**

20 A That is a different estate.

21 **Q -- what that is.**

22 A That is a different estate. She is --
23 these are sisters.

24 **Q Okay.**

25 A So Marie is Mildred's sister.

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1 **Q Okay.**

2 A Younger sister. And when she passed
3 away a few months after Millie did, in September of
4 2020, and that would of course be a separate estate.

5 **Q Okay. And was that caveat resolved?**

6 A He dropped it.

7 **Q No money exchanged?**

8 A No.

9 **Q Did he drop it as part of the**
10 **settlement for the other case?**

11 A I would -- I refused to settle the
12 Schlimbach estate. I was going to take them to
13 court because they had such a bad case if they did
14 not drop all of this. Just stop all of this
15 stupidity.

16 **Q Is there any other lawsuits that**
17 **you've been involved in from December 2019 until**
18 **today?**

19 A I don't recall any.

20 **Q Just have a few questions now about**
21 **the allegations of this case.**

22 A Sure.

23 **Q Couple of the allegations that you**
24 **make in this lawsuit are that the defendants engaged**
25 **in unlawful conduct against you based on your sexual**

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1 orientation as well as your discrimination; is that
2 correct?
3 A Yes.
4 Q Okay. Sexual orientation, as an
5 openly gay man is what you're referring to?
6 A Yes.
7 Q Okay. And the disability, because
8 it's not necessarily spelled out, please tell me
9 what the disability that you're referring to?
10 A I am an epileptic. I believe that's
11 classified as a disability by Social Security
12 Administration.
13 Q Is there any other disability that you
14 claimed?
15 A Not that I recall.
16 Q Okay. Did you ever file for
17 disability based on your epilepsy?
18 A No.
19 Q Never filed with any government agency
20 for any type of benefits related to being epileptic?
21 A No.
22 Q Never declared disabled by social
23 security?
24 A No. But I was by the D.M.V. of New
25 Jersey.

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1 Q When did that occur?
2 A In the '80s. Started in 1980s.
3 Q What happened?
4 A I had a seizure, and by law, when you
5 have a seizure, in New Jersey, at least anyway, the
6 doctors report -- must report a seizure to the
7 Division of Motor Vehicles.
8 Q Okay. And did that result in you
9 having to lose your driving privileges for a period
10 of time?
11 A Yes.
12 Q How long about?
13 A It's happened about three or four
14 times. The law is six months minimum. But it never
15 was just six months. Sometimes it went a year.
16 Sometimes it took longer than a year. So, you know,
17 I don't really remember the exact details.
18 Q No, that's fine. Just so I understand
19 the process, if you -- if you have a seizure, you
20 report it to D.M.V. Do they automatically --
21 A Yes.
22 Q They automatically take --
23 A Until they verify, yes. I'm sorry,
24 yeah, they don't assume you're okay until they
25 verify you're okay. And the way it works, like

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1 right now, to be clear, I voluntarily don't drive
2 anymore.
3 Q Okay.
4 A Theoretically I could because I
5 haven't had a seizure since the night Mr. Pizzuti
6 was at my house, that was my last seizure. So I
7 could say I haven't had a seizure in a few years.
8 My medication is working now, give me a license
9 back. I choose not to do that because, you know,
10 prior to that, just six months earlier I crashed
11 into a guardrail on the New Jersey Parkway and --
12 having a seizure. And I stopped driving then. So
13 by the time Mr. Pizzuti was at my house, that -- on
14 December 6th, I was no longer driving.
15 Q That crash was in 2019?
16 A It was April -- early April 2019.
17 Here, I can give you the court records for it if you
18 want. That's in here.
19 Q Where was the accident, where did it
20 take place?
21 A Tinton Falls, is where I had to go to
22 court.
23 Q What happened?
24 A You mean the event that occurred?
25 Q Yes.

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1 A All right. So may I explain to you
2 what a seizure is like? Not trying to be -- I know
3 we have our times together but I'm not trying to be
4 obnoxious or anything like this. Just generally
5 trying to help you understand this.
6 So when you have -- there are
7 different types of seizures when you have epilepsy.
8 So you can have grand mal seizures and you can have
9 petit mal seizures or absence seizures.
10 Do you already know?
11 Q No.
12 A Okay. So the difference is this. And
13 I think I have a good way of explaining this to
14 everybody if you don't know the difference. I think
15 everybody knows the classic, I won't call it a joke
16 but the classic, you know, he's having a seizure and
17 that shaking. That's a grand mal seize. An absence
18 seizure or a petit mal seizure is -- and I shouldn't
19 be diagnosing Mitch McConnell but if everyone has
20 seen Mitch McConnell phase out in front of the
21 podium a couple of times, that's a petit mal
22 seizure. Even if it's not happening to him for some
23 reason, his symptoms are a petit mal seizure.
24 So the difference is this. And it's a
25 key difference. If you have a petit mal seizure,

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1 and Mitch McConnell is a great example for us to
2 all, you know, commonly understand this. If Mitch
3 McConnell -- strike that.
4 If -- if you have a petit mal seizure
5 and you observe Mitch McConnell at a microphone in
6 those moments on the news, you saw how he was okay,
7 then phased out, clearly didn't know where he was,
8 then came back and sort of knew where he was and
9 then kind of had to be ushered away, because he was
10 regaining consciousness all in front of you in a few
11 moments. But it did not attack his complete central
12 nervous system.
13 The condition I have is grand mal
14 seizures. And the reason I have grand mal seizures
15 is I was delivered with forceps as a kid, as a baby.
16 I have scar tissue on my right temple lobe that is
17 -- through years of testing is the source of -- of a
18 problem there, you know, electrical problem there.
19 So when I have a seizure, literally
20 you're like, I don't want to use the word "dead,"
21 but you're literally dead for a minute or two. So
22 your complete nervous system is basically
23 electrocuted, you stiffen up like a board, and you
24 collapse like a board into what I've injured myself
25 more than once. I know this from recovery. You

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1 collapse into whatever it is. So if you're standing
2 on a ladder and this happens, you're probably going
3 to die. If you're driving a car when this happens,
4 you're going to crash into a guardrail. You have no
5 conscious understanding of what happened.
6 Some people have auras, they call
7 them, I think, is when you're aware this may happen
8 to you and you can sit down or do something. I do
9 not. Not everybody has the same. So I do not know
10 what happened to me until I regain consciousness.
11 So in the case -- now I'm going to use
12 Mr. Pizzuti as an example, if I may, the night,
13 because that will illustrate this. I can remember
14 one thing about that night. One thing. Ricky
15 Pizzuti over my face and I recognized his face and I
16 said, hey, Ricky. And then I blanked out again. I
17 remember nothing that went on because when you have
18 these seizures, it purges your electrical system,
19 and -- every muscle -- you're aware of every muscle
20 you have after every one of these seizures because
21 everything hurts. It's gone through every muscle,
22 everything in your body.
23 So the thing that -- and I'm going to
24 take the liberty to explain this because I've seen
25 it come up in a few of the questions and

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1 interrogatories and things.
2 What is this altered state, this
3 question altered state. It's postictal. When you
4 have a seizure like that, you're in -- you collapse
5 as a board, you're out of it for maybe three or four
6 minutes and that's why you're shaking. Then you
7 slowly start to recover. And you could be walking
8 around talking to people and people may think, oh,
9 you know what's going on. You have no idea what's
10 going on. You literally don't even remember any of
11 it unless some hint of it sticks in your mind after
12 it's over.
13 And -- and so that's part of -- that's
14 why I meant maybe you need to understand what this
15 is about when you're asking me was my son there both
16 times. Wouldn't know. And part of it is just sort
17 of purges your memory for that period of time. And
18 when it's over, it takes, you know, time to recover
19 and get yourself back to full functionality because
20 you're not instantly okay. And also they tend to
21 drug you up when you're taken to the hospital, they
22 just dose you up heavily to just keep you from
23 seizing. Because once you have a seizure, as
24 Mr. Pizzuti witnessed that night, if you don't go to
25 the hospital, which I refused to, which is classic

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1 what you do when you have these seizures, no, no,
2 no, I wouldn't go to the hospital, you have another
3 one until you're medicated up and the process is
4 shut down.
5 So I hope that answers your question
6 about that.
7 **Q I think it does.**
8 **A Okay.**
9 **Q Just a general question, Mr. Sivella.**
10 **What facts do you have to support your allegation**
11 **that any of the defendants did something improper**
12 **towards you because of your sexual orientation?**
13 **A** There were references -- Mr. Pizzuti
14 indicated to me, and Pat Scott also backed this up
15 as well, that there were references to the size of
16 my penis in this whole thing. And I was in my
17 bedroom, in my bed, in my underwear, and that's --
18 my interpretation of the bit of a sexual -- and a
19 bias thing. You could say, and I'll use this as a
20 comparison, if I were a woman, any of the women in
21 this room, and I'm the husband, and I called an
22 ambulance, and the police came to my house and
23 recorded without telling us what was going on in the
24 bedroom and my wife who was having a medical
25 emergency was in her underwear in the bed, which of

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1 course I wouldn't be getting her dressed or
2 whatever, in my case I wet my pants and that's why
3 they took my pants off. But that's what I was told.
4 But the -- the point is, if you have male police
5 officers repeatedly looking at your wife, or any
6 woman in the state of undress, and they were male
7 police officers, and, you know, you could see her
8 nipples on her breasts because they're wet -- her
9 bra is wet or her T-shirt is wet, you can see the
10 contours of her vagina because her underwear is wet,
11 I define that as a sexual thing.
12 **Q Well, let me just be sure I**
13 **understand. You're a male, right?**
14 A Um-hmm.
15 **Q So comment about -- forget about the**
16 **comment about your penis. Let's talk about being on**
17 **video. Whether you're -- whatever your sexual**
18 **orientation is, right, gay or not gay, that's going**
19 **to appear on your -- whatever your body, whatever**
20 **state it's in is how it's gonna appear, correct?**
21 A I think the -- no disrespect.
22 **Q It's okay.**
23 A You're conflating the technicality of
24 the recording and obviously what happened because
25 this is what's happening and this is -- these are

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1 the facts. With what was done with that recording
2 after the fact.
3 **Q Okay.**
4 A Okay? I just want to be clear. And I
5 want to be clear about one other thing, too.
6 Because as much as certain people like to claim I do
7 not respect police, I have a lot of friends who are
8 police. I have a high degree of respect for police.
9 But I also -- and the people I associate with also
10 have a high level of expectation that police will
11 live up to that respect because they get and must
12 get a lot of latitude to do their jobs because the
13 public is a tough nut. So I understand that.
14 But in this case, you're talking about
15 what officer -- what Officer Capp did turning on the
16 camera, and Officer LeStrange did turning on the
17 camera. That part of processes, I understand it,
18 you know, they turned on their cameras responding to
19 a call. They didn't know what they were walking
20 into the first time. I understand that. But they
21 did not notify anyone in the house that they had
22 their cameras on. Neither one of them. And they
23 proceeded to keep them on during the entire time
24 they were there the first time when they did
25 discover it was a medical emergency.

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1 And just for the record, Mr. Pizzuti,
2 Officer Pizzuti, Sergeant Pizzuti did not have his
3 camera on. The -- the second time they came back,
4 which was hours later, they again returned with
5 their cameras on. Again, did not inform anyone in
6 the house that their cameras were on. Recorded at
7 that point, I think I was in the bedroom, and that's
8 when they got bedroom underwear shots.
9 Now, I just want to be real clear and
10 I'm not trying to -- I just don't want to be unfair
11 to any officers here with this. The two young
12 officers that had their camera on, maybe they made a
13 mistake coming into the house the first time. The
14 second time, I wouldn't be as generous, I don't
15 know. But even so, I'll give them the benefit of
16 the doubt.
17 Let's assume that they were afraid I
18 might be injured and they wanted to make sure I
19 didn't blame them for that. So they want to record
20 it for their own security, you know, their own
21 professional security. I don't have a problem with
22 that. I don't have a problem with that as long as
23 they notify the people they were doing it and the
24 people -- other people who were there were okay with
25 that. But they didn't do that.

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1 Me personally, as long as that video
2 footage is secured and private, if they were doing
3 it to protect the integrity of the agency, the
4 police agency, and themselves as professionals, I
5 don't have a problem with that. My problem is that
6 they recorded it incorrectly, but everyone makes
7 mistakes. But it's what happened with it
8 afterwards, sir.
9 **Q That's the problem you have with this,**
10 **what happened afterwards?**
11 A Absolutely.
12 **Q Is it fair to say, though, then that**
13 **your lawsuit is not based on the fact that officers**
14 **engaged their video on their body worn cameras?**
15 A It is not based on that and I would
16 like to make one thing clear about that. That is
17 not to say they did not act incorrectly by not
18 properly notifying the people in the house that they
19 had their cameras on and what I just described. I
20 do not believe that they acted in a manner that was
21 correct under the policies as I understand them of
22 the State of New Jersey and the Lyndhurst Police
23 Department. But I do believe every officer in this
24 room at some point in their career has made a
25 mistake that should not cost them their career or

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1 even serious issue, you know.

2 **Q** Well -- okay.

3 A So that could fall under this. But --

4 **Q** What I'm trying to be clear about,

5 **though, we've got a complaint and I'm trying to find**

6 **out, are you saying that any of the officers, part**

7 **of your complaint, improperly used their video to**

8 **record you in any way?**

9 A I think with the improper part was

10 that they entered a private home. I don't dispute

11 them turning them on in the car, I didn't watch the

12 videos, I prefer not to watch. But I understand

13 they turned them on in route which would be normal

14 procedure as I understand it. But once they entered

15 the home, that they had an obligation to inform.

16 And I do have, just for the record, one video, body

17 cam video with myself and Officer Capp, the same

18 officer who entered my house, and this is September

19 of 2020, so about a year, ten months after the event

20 in my home.

21 And Officer Capp came to my house. We

22 met outside, because someone had sent a package of

23 mace, like numerous cans of mace to my house and I'm

24 like -- Lyndhurst politics, someone trying to send

25 me mace and get me in trouble. So I give it to the

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1 police. I call the police, and say please come pick

2 this up, and whatever you want to do with this

3 stuff. It was sent to a person not me. When I

4 looked up the name thinking it might be a neighbor,

5 it turned out to be dome epilepsy doctor with some

6 crazy ideas. This is some local person being a

7 jerk. So I turned it over.

8 The point, though, is when Officer

9 Capp came to my house -- and I have a recording of

10 this -- as he approached me with his camera already

11 activated on getting out of the car, as he

12 approached me, he said, I have my camera on. I am

13 required to tell you that.

14 So this was about ten months after the

15 event in my house. So I would presume that Officer

16 Capp got himself better educated in the process

17 between those events. But he himself said, I am

18 required to tell you.

19 Now, of course, I was in a state of

20 consciousness or altered state, whatever you want to

21 call it. I was not capable of giving consent when

22 the officers entered my house. So it was myself

23 alone and they -- I was alone and they entered and

24 they had their cameras on, I couldn't say to you

25 they didn't ask me. I couldn't even remember. But

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1 there were two other adults there, my husband who is

2 a registered nurse, and my son who is an adult man.

3 And they asked neither one of them and that's

4 reflected in the record, I assume, of those

5 recordings.

6 So my fault with those two gentlemen

7 is that they came to my house the first time in

8 error with those cameras on, did not inform. And

9 then -- but it's more understandable in that case

10 because they weren't sure what was going on. There

11 could have been domestic violence, there could have

12 been any -- murder, who knows. So I totally

13 understand that.

14 The second time they came they were

15 coming in response to my husband's 911 call. And

16 they turned them on again and did not tell anybody.

17 **Q** Well -- let's just talk about the two

18 **incidents that you're referring to. The first time**

19 **that they came to your house for the medical call,**

20 **that was much different than when Capp came to your**

21 **house because you received some package that you**

22 **were questioning.**

23 Do you agree with that?

24 MS. WEISS: Objection.

25 A It was not an emergency.

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1 **Q** Correct?

2 A The second time, correct.

3 **Q** The first time actually -- let me ask

4 **you this.**

5 Have you ever seen these videos?

6 A No. Me in that state?

7 **Q** Yeah.

8 A I can --

9 **Q** Capp and LeStrange?

10 A I have not watched them. I can't

11 watch. I mean, I think you can understand you don't

12 want to see yourself like that.

13 **Q** So before you filed this lawsuit, you

14 **never reviewed those videos?**

15 A I had Joe Silberman review them.

16 **Q** Okay. But you didn't, is my question?

17 A No.

18 **Q** So you -- as you sit here today you

19 **have no idea what actions you were taking on that**

20 **evening?**

21 A I relied on an attorney looking at

22 them all, Joel Silberman, he didn't eventually

23 represent me, he didn't do it, but he was in contact

24 with IA Auteri, Director Auteri in this matter.

25 That's in the record and he reviewed all of those

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1 videos and I asked very specific questions without
2 any grotesque details, did the officers behave in an
3 appropriate fashion. He said absolutely.
4 Absolutely. Meaning I'm not referring to the
5 cameras. I want to be clear. I'm referring to
6 their conduct in my home. There was -- no disputes
7 over their behavior.

8 **Q And the officers came, were they there**
9 **to help you? The officers who showed up that night**
10 **were there to help you; you would agree with that?**

11 A I believe Officer Pizzuti genuinely
12 wanted to help me. I know Brian Capp's reputation.
13 Because he was Jim O'Connor's -- his mother is Jim
14 O'Connor's secretary and I've known Jim O'Connor for
15 years. And I know from the community he has an
16 outstanding reputation as a fine young man.

17 Officer LeStrange, the only issue -- I
18 don't know him. The only issue I have with him is
19 that night, and I haven't looked at the videos and I
20 don't even know if it would be reflected in the
21 videos, is, as I was acting out, what concerned me
22 is my son said he kept tapping his gun as if I'm
23 going to, you know, have to use this if you don't
24 behave.

25 So there is basically a -- you can

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1 interview my son and talk to him about it. But the
2 issue I have, Mr. Doris, with this, is -- because we
3 can nitpick the specific behavior and so on. It's
4 an emergency situation. That's not the point. None
5 of that is the point. The point is once those young
6 men, meaning the young officers -- not including
7 Mr. Pizzuti in that -- once those young men went
8 back and logged those body cam footages with the
9 department, those -- that footage was used for
10 purposes that in no way, shape or form is reflected
11 in the law.

12 **Q That's according to you?**

13 A That's according to the law.

14 **Q Well, we'll see about that. But**
15 **before we get there, just factually, because I'm not**
16 **asking for legal conclusions. What I'm trying to**
17 **find out is, and I still don't think you've answered**
18 **my question.**

19 A I'll do my best.

20 **Q Are you suing any of the officers in**
21 **this case or is any part of your complaint based on**
22 **the fact that there was improper use by engaging the**
23 **videos?**

24 MS. WEISS: Objection.

25 A In my opinion the improper engagement

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1 was being in the house with them on and not telling
2 anyone that they had them on.

3 **Q That does not answer my question.**
4 **That gives me your opinion. I'm asking if it's part**
5 **of your lawsuit.**

6 MS. WEISS: Objection.

7 A I would have to rely on counsel to
8 answer that question.

9 **Q Well, I'm asking you what's your**
10 **understanding, then, of what your --**

11 A My understanding is that those cameras
12 should, if -- I'll put it to you this way. My
13 understanding is even if it's under the discretion
14 of the department to be recording that, the fact
15 that they did record it makes it imperative that
16 they safeguard it properly.

17 So if you're going to take your
18 prerogative and record something, then you have to
19 safeguard it. So if you're authorizing recording
20 and then you use it illegitimately, the recording of
21 it is part of that, too.

22 **Q Well, sir, I'm trying to break this**
23 **down so it's clear because it's not very clear.**
24 **You're talking about what the officers did in your**
25 **opinion with these videos after they were taken.**

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1 **Correct? That's part of what you're complaining**
2 **about; is that fair?**

3 A Of course.

4 **Q Okay. My question to you is,**
5 **specifically, is any part of your lawsuit alleging**
6 **that the officers improperly recorded you in your**
7 **home?**

8 A I think that would have to be worked
9 out in the case. I don't know yet if that's the
10 case.

11 **Q But you filed a lawsuit. So --**

12 A According to my lawyer's advice on the
13 basis that my lawyer thought that this should be
14 filed.

15 **Q You understand that there's no part of**
16 **your lawsuit that said they improperly recorded you?**

17 MS. WEISS: Objection.

18 A Then I think I've been going through
19 pains to be clear about this. But I'm going to do
20 it again.

21 **Q With all due respect, you're going to**
22 **have to try harder.**

23 A Anything for you.

24 But what I said to you is, I don't
25 think that them activating their cameras, coming to

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1 my home in and of itself was a problem. I don't
2 think if they were in my home and had informed
3 people we have recording devices on, we are going to
4 leave them on even if you object because we're
5 dealing with a person who might injure himself or
6 injure us and we have a potential liability here for
7 that reason, we must record this, I don't have an
8 objection to that.

9 My objection, and when you define
10 proper use of those cameras, my objection, and this
11 comes under the category of proper use, they went in
12 there without clarifying that those cameras were on.
13 They didn't even inform anyone those cameras were
14 on.

15 And I heard you at -- yeah,
16 Mr. Mazure's deposition where you made reference to
17 vibration and flashing lights and so on. And I
18 could address that to you very simply. No one with
19 a loved one in a medical emergency is paying
20 attention to what is going on on a police officer's
21 body. You've got vests on perhaps, you've got
22 taser, you've got gun. You've got armament strap, a
23 belt on it. All of those things. You think a
24 civilian with no background in law enforcement is
25 looking at that and saying, oh, of course that

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1 camera is on. They never informed anyone the
2 cameras were on.

3 **Q Did anybody that you're aware of ask**
4 **if the cameras were on?**

5 A No one was even registered. They were
6 focused on me, not cameras. Your average person --
7 I know about body cameras, you probably have
8 awareness of those. Your average person doesn't
9 know -- would never even register that or think
10 about that.

11 **Q Well, clearly, you were unable to say**
12 **could not be recorded, you couldn't?**

13 A Absolutely not.

14 **Q Did your husband at any time tell the**
15 **police officers stop recording?**

16 A My husband was unaware of the
17 recording until I found out about it.

18 **Q Right. So my question is, he never**
19 **said anything --**

20 A He was unaware.

21 **Q And your son didn't say anything**
22 **either?**

23 A My son was unaware but when I raised
24 it with him he said I was suspicious that they were
25 recording because he saw green lights on but he did

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1 not know what they meant.

2 **Q So he was aware of a green light on?**

3 A NO, he was aware of a green light and
4 he added it up after the fact. At the time he
5 didn't know what that meant because, again, you've
6 seen police officers in full regalia, right, out on
7 the road. These guys are getting -- and women
8 getting packed with equipment now.

9 **Q Do you agree with me that the most**
10 **important thing about the call that night was to**
11 **make sure you were safe?**

12 A I'm sorry?

13 **Q Do you agree with that, the most**
14 **important --**

15 A On whose part?

16 **Q On everybody's.**

17 A The Lyndhurst Police Department's
18 part? I'm not going to speak for Lyndhurst Police
19 Department.

20 **Q Not asking you to speak for them but**
21 **do you agree that that was the most important thing,**
22 **was to make sure you were safe that night when they**
23 **got that call?**

24 A I think the most important thing, as a
25 matter of duty, is, yes. Their intentions and what

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1 they were doing, I can't speak to that. I have been
2 through these procedures before.

3 I've been through these medical
4 emergencies before. Lyndhurst is the only place
5 I've encountered many cops in these situations and I
6 love cops because when you're in my condition, no
7 one encounters more public servants than I do in
8 that way. And most police officers are absolutely
9 outstanding. And New York police officers,
10 absolutely outstanding. And they see the worst of
11 it. But most of the time when these things occur, a
12 police officer may show up at first but as soon as
13 it's determined it's a medical emergency, the EMTs
14 take over and the police leave. And usually you
15 don't have three police officers from three
16 different cars showing up to one person's house
17 unless at first it's considered a threat. Once it's
18 established it's not, they keep coming back and
19 recording?

20 **Q How do you know --**

21 A All these things?

22 **Q Yeah. How do you know that they don't**
23 **send various calls and how do you know that they**
24 **only send one or two cars? How do you know any of**
25 **that?**

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<p>1 A I'm talking from my owner personal 2 experience. 3 Q Oh, I see. 4 Well, let's be clear on a couple of 5 things. You did not sue Officer LeStrange in this 6 lawsuit, correct? 7 A No. 8 Q And you did not sue Officer Capp in 9 this lawsuit? 10 A No. 11 Q And is that because you believe that 12 they didn't engage in any wrongful behavior? 13 A I believe they behaved -- engaged in 14 incorrect behavior in not informing that they turned 15 on their cameras. I think they are young officers. 16 Young men. And they did what they thought they 17 should do. I don't think they knew any better. And 18 I think if those videos were not accessed 19 improperly, none of this would ever have been an 20 issue and they might repeatedly still be doing it 21 now. I don't know. But I don't think they acted 22 with malice, is my point. 23 Q Is it fair to say that the main part 24 of your lawsuit is what you claim is improper use or 25 of those videos after the fact?</p>	<p>1 sheet, was marked for identification.) 2 (Whereupon, Exhibit Sivella-2, 3 2/13/21 letter, was marked for 4 identification.) 5 (Whereupon, Exhibit Sivella-3, text 6 messages, was marked for identification.) 7 (Whereupon, Exhibit Sivella-4, 7/5/18 8 letter, was marked for identification.) 9 (Whereupon, Exhibit Sivella-5, 10 campaign literature, was marked for 11 identification.) 12 (Whereupon, Exhibit Sivella-6, police 13 report, was marked for identification.) 14 (Whereupon, Exhibit Sivella-7, 15 e-mails and text messages, was marked for 16 identification.) 17 (Whereupon, Exhibit Sivella-8, e-mail 18 and text messages, was marked for 19 identification.) 20 (Whereupon, Exhibit Sivella-9, 9/3/19 21 letter, was marked for identification.) 22 (Whereupon, Exhibit Sivella-10, 23 9/24/19 letter, was marked for 24 identification.) 25 (Whereupon, Exhibit Sivella-11,</p>
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<p>1 A Yes. 2 Q Okay. 3 A While -- the caveat, there were 4 mistakes made in collecting that information, too, 5 but that's not the primary offense. 6 THE VIDEOGRAPHER: This is the end of 7 media number four. The time is 2:59 p.m. 8 We're off the record. 9 (Whereupon, a brief recess was 10 taken.) 11 THE VIDEOGRAPHER: This is media 12 number five. The time is 3:18 p.m. This is 13 the end of media number five of the videotape 14 deposition of Mr. David Sivella. This 15 deposition is going to be adjourned until a 16 time and place agreed upon by all parties. The 17 time is -- today is January 25th, 2024. The 18 time is 3:18 p.m. And we're off the record. 19 Thank you. 20 THE COURT REPORTER: Ms. Patel, are 21 you purchasing a copy? 22 MS. PATEL: Yes. 23 (Whereupon, the video deposition 24 adjourned at 3:18 p.m.) 25 (Whereupon, Exhibit Sivella-1, photo</p>	<p>1 9/23/19 letter, was marked for 2 identification.) 3 (Whereupon, Exhibit Sivella-12, 4 9/24/19 letter, was marked for 5 identification.) 6 (Whereupon, Exhibit Sivella-13, 7 e-mail chain, was marked for 8 identification.) 9 (Whereupon, Exhibit Sivella-14, 10 4/18/23 e-mail, was marked for 11 identification.) 12 (Whereupon, Exhibit Sivella-15, 13 Alampi complaint, was marked for 14 identification.) 15 (Whereupon, Exhibit Sivella-16, 16 records re DiMaggio, was marked for 17 identification.) 18 (Whereupon, Exhibit Sivella-17, 19 Bonnie Mizdol document, was marked for 20 identification.) 21 (Whereupon, Exhibit Sivella-18, list 22 of counsel, was marked for 23 identification.) 24 (Whereupon, Exhibit Sivella-19, 25 Judicial Selection, was marked for</p>

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1 identification.)
2 (Whereupon, Exhibit Sivella-20,
3 Alampi billing records, was marked for
4 identification.)
5 (Whereupon, Exhibit Sivella-21,
6 Tinton Falls transcript, was marked for
7 identification.)

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C E R T I F I C A T E

1
2
3 I, CARRIE L. CUHADARYAN, a Certified Court
4 Reporter, do hereby certify that prior to the
5 commencement of the examination, the witness was
6 duly sworn by me to testify the truth, the whole
7 truth and nothing but the truth.

8 I DO FURTHER CERTIFY that the foregoing is
9 a true and accurate transcript of the testimony as
10 taken stenographically by and before me at the time,
11 place and on the date hereinbefore set forth, to the
12 best of my ability.

13 I DO FURTHER CERTIFY that I am neither a
14 relative nor employee nor attorney nor counsel of
15 any of the parties to this action, and that I am
16 neither a relative nor employee of such attorney or
17 counsel, and that I am not financially interested in
18 this action.

19
20
21  

22 Carrie L. Cuhadaryan
23 Certified Court Reporter
24 License No. XI00229100
25

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