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4 **Telephone Conversation**
5 **January 2, 2007**
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0 APPEARANCES: KENNETH T. WASSERMAN, ESQ.
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2 ELIZABETH COMBIER

3 Pro Se Plaintiff
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5 DETECTIVE MICHAEL AHEARNE

6 New York Police Department,

7 19th Precinct, 153 East 67th St.

8 New York, NY 10065
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1 [START 01-Track 01.mp3]

2 MR. KENNETH WASSERMAN: Concerning the - -
3 tomorrow - - .

4 MS. ELIZABETH COMBIER: - - .

5 MR. WASSERMAN: Then another day.

6 MS. COMBIER: No. You have no case Mr.
7 Wasserman.

8 MR. WASSERMAN: Okay. I'll - - with the
9 letter.

10 MS. COMBIER: Mr. Wasserman, Mr. Wasserman.
11 Yes. What exactly are you trying to do?

12 MR. WASSERMAN: Take your deposition
13 relating to the Stipulation that we entered
14 into.

15 MS. COMBIER: On?

16 MR. WASSERMAN: I'm sorry. That's the other
17 case. This case I'm taking the deposition with
18 respect to the trust case which also relates to
19 the - - Stipulation entered into.

20 MS. COMBIER: But I believe that Judge Ross
21 [phonetic] has not decided that motion yet.

22 MR. WASSERMAN: That's Judge Roth. The
23 deposition tomorrow is the deposition before the
24 Supreme Court.

25 MS. COMBIER: There is no case with the

1 Supreme Court.

2 MR. WASSERMAN: I beg to differ. You-I
3 think you'll find that there is.

4 MS. COMBIER: Well I think that you'll find
5 that there isn't.

6 MR. WASSERMAN: Okay. Well we'll both - -
7 return our position.

8 MS. COMBIER: What case is it Mr. Wasserman?

9 MR. WASSERMAN: The name of the case you're
10 talking about, the caption of the case.

11 MS. COMBIER: The case that was abandoned in
12 civil court in 1999 by you.

13 MR. WASSERMAN: No. You can continue - - if
14 you wish.

15 MS. COMBIER: Mr. Wasserman, prove me wrong
16 then.

17 MR. WASSERMAN: Well, the Judge told you,
18 you were wrong, but maybe you were - - . So,
19 we'll, we'll take it up in another matter and I
20 appreciate your telling me that you're not going
21 to be present so that I don't have to have a
22 court reporter present. And we'll communicate
23 further.

24 MS. COMBIER: Well let me ask you a
25 question. Did the bank show up at your

1 depositions?

2 MR. WASSERMAN: I've been in communication
3 with the banks and they are in the process of
4 refiling with the - - .

5 MS. COMBIER: They are. And who have you
6 been speaking to?

7 MR. WASSERMAN: I think at this time I'll
8 speak to - - . But I think that this is up to
9 you. If you want to speak to the banks today.

10 MS. COMBIER: Give me the names.

11 MR. WASSERMAN: No. At this time I'm not
12 going to tell you who.

13 MS. COMBIER: Why not.

14 MR. WASSERMAN: Because I don't think it's
15 something that you're entitled to.

16 MS. COMBIER: In a case that involves me,
17 Mr. Wasserman?

18 MR. WASSERMAN: The documents are - - . I
19 will certainly supply you with a copy.

20 MS. COMBIER: Excuse me, Mr. Wasserman. Are
21 you—who's paying you to do this?

22 MR. WASSERMAN: It's Ms. Stubb [phonetic]
23 Ms. Combiere; I think that that's not an issue
24 that you are really entitled to know.

25 MS. COMBIER: It absolutely is. This is a

1 trust case that ended in 1999 that had my name
2 involved in it.

3 MR. WASSERMAN: Ms. Combier, good luck to
4 you. We'll be communicating further, and so
5 I'll see you next. Have an enjoyable New Year.

6 [END WASSERMAN CONVERSATION]

7 [START DET. AHEARNE CONVERSATION]

8 MS. COMBIER: The complaint that I filed in
9 August, No. 8018 against Mr. Kenneth Wasserman.
10 I believe you called him and told him not to
11 pursue calling me up and harassing me.

12 MR. MICHAEL AHEARNE: Okay.

13 MS. COMBIER: Do you remember that.
14 Probably not, you have a lot of cases.

15 DETECTIVE AHEARNE: Go ahead.

16 MS. COMBIER: Okay. Mr. Wasserman has been
17 calling me up and harassing me by phone and in
18 person for eight years. And he just called me a
19 minute ago demanding that I come to his office
20 tomorrow morning for a deposition in a case that
21 doesn't exist and I told him I said, who's
22 paying you to do this. None of your business.
23 I'm not telling you anything. You better be
24 there and I'm very upset. I've had it. It's
25 been eight years. What do I do?

1 DETECTIVE AHEARNE: Well, Mr. Wasserman
2 works for a Judge for the Court.

3 MS. COMBIER: Who told you that?

4 DETECTIVE AHEARNEE: I confirmed it with the
5 Court.

6 MS. COMBIER: Oh. He's working for the
7 Court.

8 DETECTIVE AHEARNE: Yes, ma'am.

9 MS. COMBIER: And what is his title. What
10 is his job?

11 DETECTIVE AHEARNE: He is the--he's an
12 officer of - - . He's working for--directly in
13 connection with--I forgot the Judge's name
14 because I don't have the case in front of me.

15 MS. COMBIER: Moskowitz.

16 DETECTIVE AHEARNE: Moskowitz. Yes, that
17 sounds--that sounds familiar, yes. I had spoken
18 to--with Judge Moskowitz's court clerk.

19 MS. COMBIER: Eric Reese [phonetic]?

20 DETECTIVE AHEARNE: Ma'am, I don't remember
21 the names off the top of my head here. I've
22 handle about 300 cases since then. But I know--I
23 do recall this and I do recall contacting the
24 clerk in regards to this. Do you have an
25 attorney?

1 MS. COMBIER: Do I? No, I don't.

2 DETECTIVE AHEARNE: I mean, to come down
3 here to make a deposition. Or contact Mr.
4 Wasserman if you need to get in touch with an
5 attorney first before giving a deposition.

6 MS. COMBIER: Mr. Ahearne, please. Let me
7 backtrack just for a second.

8 DETECTIVE AHEARNE: It's Detective Ahearne.

9 MS. COMBIER: Oh, I'm sorry.

10 .DETECTIVE AHEARNE: I do recall--what can I
11 do for you ma'am?

12 MS. COMBIER: This man supposedly is an
13 attorney that was hired by my sister to get
14 money from my mother's estate.

15 DETECTIVE AHEARNE: So, Mr. Wasserman?

16 MS. COMBIER: Yes.

17 DETECTIVE AHEARNE: Ma'am, I contacted Mr.
18 Wasserman and I also confirmed with the Judge he
19 was acting in the scope of what the Court wanted
20 him to do. So if there is a problem with that I
21 would contact the Court directly. Okay, because
22 this ain't really--this is going to be by Court
23 Order. This really has nothing to do with the
24 police here. So if he's basically luring you in
25 there I would definitely confer with the Court

1 first or ask Judge Moskowitz's court clerk.
2 Okay, because he would be the one handling the
3 Judge's affairs. And I would confer with him
4 first to see if this is actually an order-if
5 this is ordered by the Court.

6 MS. COMBIER: But Mr. Ahearne, can I just
7 ask you a question? I filed harassment charges
8 against Mr. Wasserman.

9 DETECTIVE AHEARNE: Yes.

10 MS. COMBIER: I have the number of the
11 harassment-aggravated harassment for calling me
12 up and demanding extortion money for eight
13 years. I landed in the hospital this summer
14 because of his phone calls. That's why I filed
15 the harassment charge against him.

16 DETECTIVE AHEARNE: Right and I investigated
17 it ma'am. Okay, and it was determined that he
18 was acting in the scope of the Court and was
19 ordered by the Court to do this. So therefore,
20 there was no grounds for aggravated harassment.

21 MS. COMBIER: What? In a case that doesn't
22 exist.

23 DETECTIVE AHEARNE: In a case-obviously
24 there's a case that does exist ma'am.

25 MS. COMBIER: Why do you say obviously?

1 DETECTIVE AHEARNE: Because if there is a
2 Judge involved and I've been informed by the
3 Court itself--and this is the issue.

4 MS. COMBIER: Mr. Ahearne.

5 DETECTIVE AHEARNE: It's Detective Ahearne,
6 ma'am.

7 MS. COMBIER: Detective Ahearne. There is
8 no case.

9 DETECTIVE AHEARNE: Well then ma'am. Then
10 you know what--well like I said, I would contact
11 that Court.

12 MS. COMBIER: So you're not going to help me
13 with this matter.

14 DETECTIVE AHEARNE: Help you in what way
15 ma'am?

16 MS. COMBIER: To stop this man from calling
17 me up and demanding that I come into his office
18 to be harassed. He has been harassing me for
19 eight years.

20 DETECTIVE AHEARNE: He wants you to come in
21 to fill out a deposition, correct?

22 MS. COMBIER: A deposition in a case that
23 doesn't exist, and the way he has spoken to me
24 over the phone and in person for eight years.

25 DETECTIVE AHEARNE: Well then my suggestion

1 is if it is a civil matter to get an attorney
2 and have the attorney deal with it.

3 MS. COMBIER: It's a criminal matter sir-
4 Detective Ahearne.

5 DETECTIVE AHEARNE: How is it a criminal
6 matter, ma'am.

7 MS. COMBIER: He's extorting money and
8 racketeering. That's what he is doing. This
9 has nothing to do with anything that exists.

10 DETECTIVE AHEARNE: Then my suggestion to
11 you is that I would take your information and
12 whatever you have in this case down to the
13 Manhattan District Attorney's office and speak
14 with an investigator there. That would be my
15 suggestion at this point.

16 MS. COMBIER: So you are discarding
17 everything that I have told you.

18 DETECTIVE AHEARNE: Discarding everything?
19 Ma'am, I don't discard anything. Okay, I
20 entertained your complaints like I entertain
21 every complaint. Okay. I contacted Mr.
22 Wasserman. I then contacted the Court. The
23 Court told me that he was acting in the scope of
24 what the Judge wanted. Therefore, there was no
25 aggravated harassment. There was a case going

1 on. You're telling me there is no case.

2 MS. COMBIER: And, what did you find--

3 DETECTIVE AHEARNE: [Interposing] - - .

4 MS. COMBIER: What did you investigate?

5 DETECTIVE AHEARNE: No, no, no ma'am. I

6 don't have the case right in front of me. Okay,

7 this is back in August.

8 MS. COMBIER: I know but did you look into

9 if there was a case or not?

10 DETECTIVE AHEARNE: No, ma'am. All I wanted

11 to know--my initial thing here is there any type

12 of criminal act. I do not need to know anything

13 about a civil case--if there is a civil case.

14 The point of it is here that I confirmed with

15 the Court that this gentleman or whatever you

16 want to call him Mr. Wasserman was working in

17 the scope of what the Court wanted. That's it.

18 That's it. Therefore, it was ruled now that it

19 wasn't criminal. This is in regards to a civil

20 matter.

21 MS. COMBIER: Okay.

22 DETECTIVE AHEARNE: And I talked to Mr.

23 Wasserman--

24 MS. COMBIER: [Interposing] Detective

25 Ahearne. Okay.

1 DETECTIVE AHEARNE: And I told him that
2 Mr. Wasserman, if you need her to come in to use
3 a little bit-maybe a little bit, um-of lesser
4 harsh means. And I told him I really don't want
5 to have to be entertaining these-if you need her
6 down in Court you have your ways of going about
7 it, and I told him that as well.

8 MS. COMBIER: Okay, sir. Detective Ahearne.
9 What if the Judge is making up the case. Does
10 that make it criminal?

11 DETECTIVE AHEARNE: Well it could ma'am.
12 But you know something. I've got to tell you
13 something right now ma'am. That's way out of my
14 league here. Okay.

15 MS. COMBIER: Okay, who takes care of that,
16 - - ?

17 DETECTIVE AHEARNE: That's between the
18 Manhattan District Attorney's Office. That's
19 why I'm telling you to go down there ma'am. I'm
20 telling you to go down there, ma'am, because
21 that's directly with the Court. Those people
22 deal directly with all the Judges. Okay, and
23 they can get this cleared up for you
24 immediately.

25 MS. COMBIER: Oh really, they do.

1 DETECTIVE AHEARNE: Yes, ma'am.

2 MS. COMBIER: Okay, so next time that Mr.
3 Wasserman's calls me up-

4 DETECTIVE AHEARNE: [Interposing] then what
5 you can do is if you go down to the Manhattan
6 District Attorney's Office, okay and ask to
7 speak with the investigators down there. You
8 have my name and number. You can easily have
9 them contact me as well.

10 MS. COMBIER: You can tell them what you
11 told me? It's false information.

12 DETECTIVE AHEARNE: I can tell--false
13 information.

14 MS. COMBIER: I, I have been--

15 DETECTIVE AHEARNE: Now listen. All I can
16 tell them is that--what--initially when I spoke
17 with you in August and I spoke with Mr.
18 Wasserman. They will be able--they have the
19 means. They have the computer systems. They
20 have everything there just to deal directly with
21 the Courts. Okay, so they have direct access
22 and they have direct contact with these people.
23 I do not. See, I entertain any type of criminal
24 action here. They would be able to tell you
25 exactly on their computer systems what exactly

1 this case is for and what exactly would be
2 your best - - .

3 MS. COMBIER: So if it-let me just get this
4 straight. If a Judge decides to put a case into
5 the computer even though it doesn't exist,
6 that's out of your league?

7 DETECTIVE AHEARNE: Ma'am, I can't turn
8 around-I could never just go and just arrest a
9 Judge in regards to a-an allegation of some kind
10 of misconduct.

11 MS. COMBIER: I don't believe I said arrest
12 a Judge. I'm saying that Mr. Wasserman-

13 DETECTIVE AHEARNE: That's what happened,
14 ma'am.

15 MS. COMBIER: No. Mr. Wasserman is making
16 all of this up.

17 DETECTIVE AHEARNE: Okay.

18 MS. COMBIER: With Mr. Rice-Reece, Rice who
19 is the Court clerk for Judge Moskowitz. I'm a
20 reporter. I know what I'm saying.

21 DETECTIVE AHEARNE: .Okay.

22 MS. COMBIER: So, none of that makes any
23 difference. Okay, right. I mean am I correct
24 about that?

25 DETECTIVE AHEARNE: You're trying to

1 somehow-is that supposed to make a difference
2 because you are a reporter.

3 MS. COMBIER: Um, well I'm just trying to
4 find-I'm just trying to find out-

5 DETECTIVE AHEARNE: [Interposing] are you
6 trying to intimidate me now?

7 MS. COMBIER: I'm sorry.

8 DETECTIVE AHEARNE: Are you trying to
9 intimidate me?

10 MS. COMBIER: No, not at all. I'm just
11 trying to find out if I have any say in what you
12 believe is going on here.

13 DETECTIVE AHEARNE: Ma'am, all-

14 MS. COMBIER: [Interposing] It's me versus
15 Mr. Wasserman.

16 DETECTIVE AHEARNE: Right.

17 MS. COMBIER: Mr. Wasserman, according to
18 you, is working for the Judge.

19 DETECTIVE AHEARNE: Yes. I was told by the
20 clerk-the Court that that is what is going on.

21 MS. COMBIER: So he is paid by the Court to
22 come after me.

23 DETECTIVE AHEARNE: Ma'am, all I can tell
24 you is bring this down to the D.A.'s Office.

25 MS. COMBIER: I certainly will and I think I

1 should deal with Ray Kelly [phonetic], as
2 well.

3 DETECTIVE AHEARNE: That's fine, ma'am.

4 MS. COMBIER: Thank you.

5 DETECTIVE AHEARNE: You're welcome.

6 [END 01-Track 01.mp3]

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C E R T I F I C A T E

The prior proceedings were transcribed from audio files and have been transcribed to the best of my ability.

Signature: _____

Date: May 6, 2010

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