

EXHIBIT “I”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----x

NYMP ACQUISITION, LLC, AS ACQUIRER OF Index No.
SUBSTANTIALLY ALL OF THE ASSETS OF 602220-12
NEW YORK MERCHANTS PROTECTIVE CO., INC.,

Plaintiff,

- against -

33 UNION SQUARE WEST, INC., D/B/A UNION
SQUARE WINE & SPIRIT AND UNION SQUARE
WINES & SPIRITS, AND XYZ CORP." THE NAME
OF SAID DEFENDANT BEING FICTITIOUS AND
UNKNOWN TO PLAINTIFF, PERSON INTENDED
BEING AS DESCRIBED HEREIN,

Defendants.

-----x

90 Merrick Avenue

East Meadow, NY 11554

July 15, 2013

10:10 a.m.

EXAMINATION BEFORE TRIAL OF JOHN HOPKINS, witness
herein, held at the above mentioned time and place, taken
before Lynn Luckman, a Notary Public and Shorthand
Reporter within and for the State of New York.

STIPULATIONS

1
2 IT IS HEREBY STIPULATED by and between the
3 attorneys for the respective parties hereto that:

4 All rights provided by the CPLR and Part 221 of
5 the Uniform Rules for the Conduct of Depositions,
6 including the right to object to any question, except as
7 to form, or to move to strike any testimony at this
8 examination is reserved; and in addition, the failure to
9 object to any question or to move to strike any testimony
10 at this examination shall not be a bar or waiver to make
11 such motion at, and is reserved to, the trial of this
12 action.

13 This deposition may be sworn to by the witness
14 being examined before a Notary Public other than the
15 Notary Public before whom this examination was begun, but
16 the failure to do so or to return the original of this
17 deposition to counsel shall not be deemed a waiver of the
18 rights provided by Rule 3116 of the CPLR and shall be
19 controlled thereby.

20 The filing of the original of this deposition is
21 waived.

22 IT IS FURTHER STIPULATED that a copy of this
23 examination shall be furnished to the attorney for the
24 witness being examined without charge.

1 A P P E A R A N C E S:

2

3 CERTILMAN, BALIN, ADLER & HYMAN, LLP

4 Attorneys for Plaintiff

5 90 Merrick Avenue

6 9th floor

7 East Meadow, NY 11554

8 BY: ANTHONY CUMMINGS, ESQ.

9

10

11 IRA LEVINE, ESQ.

12 Attorney for Dfendants

13 33 UNION SQUARE WEST, INC., D/B/A UNION

14 SQUARE WINE & SPIRIT AND UNION SQUARE

15 WINES & SPIRITS

16 320 Northern Boulevard

17 Suite 14

18 Great Neck, NY 11021

19 BY: IRA LEVINE, ESQ.

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21

22

23

24

25

1 JOHN HOPKINS

2 J O H N H O P K I N S, the witness herein,
3 after having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. LEVINE:

8 Q Please state your full name
9 for the record.

10 A John Hopkins.

11 Q Please state your present
12 address for the record.

13 A 242 Forest Avenue, Glen Ridge,
14 New Jersey 07028.

15 Q Mr. Hopkins, my name is Ira
16 Levine, and I represent 33 Union Square West,
17 Inc. I'm going to refer to them as "Union
18 Square West."

19 I'm going to ask you a series
20 of questions this morning, and there are a
21 couple of ground rules. You need to give
22 verbal answers to the questions. The court
23 reporter cannot take down a nod or a shrug of
24 the shoulders or a wink. Do you understand
25 that?

JOHN HOPKINS

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A Yes, I do.

Q When I ask you a question, if
you don't understand that question, please
let me know and I will try to rephrase it.
Do you understand that as well?

A Yes, I do.

Q Have you ever been examined
before at a deposition?

A I have.

Q How many times?

A I believe once or twice.

Q What kind of case was it? You
don't have to tell me anything else.

A It was ~~market specialities~~, it
was a commercial-type case.

Q It was a commercial case?

A Yes.

Q Are you employed by NYMP on
any basis?

A I am employed by the parent
company of NYMP.

Q What is the name of the parent
company of NYMP?

A Professional Security

~~Meaning~~
A+
Measurement
Specialties

JOHN HOPKINS

1

2 Technologies.

3

Q Where is that company located?

4

A Nutley, New Jersey.

5

Q Nutley?

6

A Yes.

7

Q What kind of business does

8

Professional Security Technologies engage in?

9

A They are in the security

10

business, both monitoring and systems

11

integration.

12

Q So, you install security

13

systems, correct?

14

A Correct.

15

Q You also monitor and you have

16

a central station?

17

A We contract out the central

18

station.

19

Q What is the relationship

20

between Professional Security Technologies

21

and NYMP?

22

A Richard Rockwell is the owner

23

of NYMP; he is also the owner of Professional

24

Security Technologies.

25

Q Are you an officer --

IC
For NYMP -
Main Security -
Mission has a
control
still

JOHN HOPKINS

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2

A Yes, I am.

3

Q -- of NYMP?

4

A Yes, I am.

5

Q What position do you hold at

6

NYMP?

7

A Chief Executive Officer.

8

Q What position did you hold at

9

Professional Security Technologies?

10

A Chief Executive Officer.

11

Q Are you familiar with a

12

company known by the name of New York

13

Merchants Protective Co., Inc.?

14

A Yes, I am.

15

Q What type of business is New

16

York Merchants Protective Co., Inc., what do

17

they engage in?

18

A They engage in monitoring

19

systems, monitoring as well as the

20

installation of equipment.

21

Q Did there come a time when

22

NYMP purchased the assets of New York

23

Merchants?

24

A Yes. NYMP Acquisition Corp.

25

purchased certain assets of New York

JOHN HOPKINS

1

2 Merchants.

3 Q When did that take place?

4 A February of 2012.

5 Q Was that acquisition

6 memorialized in writing?

7 A There is an Asset Purchase
8 Agreement.

9 Q Who are the parties to the
10 Asset Purchase Agreement?

11 A The parties are -- the
12 business was under receivership, and the
13 receivers were charged with selling the
14 assets, of which we acquired.

15 Q What type of assets did you
16 acquire?

17 A We acquired accounts,
18 monitoring accounts; we acquire intangible
19 assets, and certain tangible assets, like
20 furniture and vehicles.

21 Q Were there any assets that
22 were excluded from the purchase?

23 A For this business? I don't
24 recall. But, the Asset Purchase Agreement
25 would be definitive.

JOHN HOPKINS

MR. LEVINE: I'm going to
renew my call for the
production of the Asset
Purchase Agreement.

I assume that you will take
that under advisement?

MR. CUMMINGS: Yes. We
will take it under advisement.

EXAMINATION RESUMED BY

MR. LEVINE:

Q Did you review any documents
in preparation for this deposition today?

A I did review documents.

Q What documents did you
review?

A I reviewed the court filings.

Q What did you review in
connection with the court filings?

A I reviewed the filings and the
attachments.

Q What else did you review, if
anything?

A That is pretty much it. That
summarized our position.

JOHN HOPKINS

Q I see that you have documents
in front of you today.

A Yes.

Q What do those documents
consist of?

A Specifically, I am looking at
the contract.

Q Anything else?

A These are the court filings
and the attachments. (Indicating). I also
have the instructions on how to do deposition
preparation.

MR. LEVINE: Why don't you
produce this document?

MR. CUMMINGS: This is
attorney/client communications,
and it's privileged.

MR. LEVINE: Okay.

EXAMINATION RESUMED BY

MR. LEVINE:

Q So, your attorney produced or
prepared a document for you to review in
connection with this deposition, is that
correct?

JOHN HOPKINS

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2

A Correct.

3

Q What is the title of that

4

document?

5

A "Deposition Preparation."

6

MR. LEVINE: I would like

7

to have this document marked.

8

You can hold on to it, but I

9

will ask you to bring it to the

10

court on Wednesday.

11

MR. CUMMINGS: Sure.

12

MR. LEVINE: Let's mark

13

this document as Defendant's

14

Exhibit A.

15

(Defendant's Exhibit A marked for

16

identification).

17

MR. LEVINE: So that the

18

record is clear, I am calling

19

for the production of the

20

deposition preparation

21

document which has been marked

22

as Exhibit A.

23

Mr. Cummings, I assume that

24

you are not going to

25

voluntarily turn this document

JOHN HOPKINS

over to me, are you?

MR. CUMMINGS: I am
asserting the attorney/client
privilege. We will take it up
in the court, as you suggested.

EXAMINATION RESUMED BY

MR. LEVINE:

Q Did NYMP acquire all of the
contracts of New York Merchants?

A Yes.

Q Were there any contracts that
were excluded from the purchase?

A Not for New York Merchants.

Can I elaborate on that?

Q Yes, please.

A This was in receivership.

This is another entity called "Nationwide," a
separate entity. Nationwide owned the
central station and also owned some of their
accounts. We did not acquire any Nationwide
accounts.

Q In the Purchase Agreement --
is that a fair description, to call it a
"Purchase Agreement"?

JOHN HOPKINS

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2

A Yes.

3

Q In the Purchase Agreement, was

4

there a schedule of accounts that were

5

actually purchased by NYMP, or were the

6

accounts referenced by some other method?

7

A My recollection is this is the

8

schedule of accounts that was produced at the

9

closing, the closing of the acquisition.

10

Q Was the account with Union

11

Square Wines one of the accounts that was

12

listed in the schedules?

13

A I would have to verify that.

14

Q You don't know that sitting

15

here today?

16

A I know it was one of our

17

accounts. I would have to check because they

18

canceled the account.

19

Q How do you know that it was

20

one of your accounts?

21

A Because it was in our system,

22

it's in our management information and

23

accounting system.

24

Q What is your management

25

account and information system?

JOHN HOPKINS

A It is called SEDONA,
S-E-D-O-N-A.

Q What type of program is that?

A That's a computer program.

Q How did the account of Union
Square find its way into SEDONA?

A It found its way into Union
Square Wines, they had a contract back in
2006 I believe it was. At that point the
contract was put into the accounting system,
the management information system.

Q The SEDONA system was
originally operated by New York Merchants,
and NYMP acquired that, correct?

A We acquired -- we took over
the license. I believe New York Merchants
Company was prior to us acquiring them,
converted into SEDONA, and we took over the
SEDONA accounting system.

MR. LEVINE: I am going to
call for the production of the
SEDONA system with respect to
Union Square. I am referencing
some other accounts later, but

1 JOHN HOPKINS

2 right now I am calling for the
3 production of the SEDONA system
4 with respect to Union Square.

5 MR. CUMMINGS: What does
6 that mean when you say that you
7 are calling for "the production
8 of the system"?

9 MR. LEVINE: I would like
10 to see any printouts with
11 respect to Union Square, any
12 information that can be
13 downloaded on the SEDONA system
14 concerning or referencing Union
15 Square, from the beginning of
16 the account in 2006, if you
17 have it, to the present time,
18 if you have it.

19 MR. CUMMINGS: So, you are
20 looking for the electronically
21 stored information on this
22 particular client or customer?

23 MR. LEVINE: Correct.

24 MR. CUMMINGS: And any
25 entries as it relates to the

JOHN HOPKINS

relationship between the two parties?

MR. LEVINE: Correct. I couldn't have said it better myself.

MR. CUMMINGS: Is that something that can be done?

THE WITNESS: We can print account history out of the system.

MR. CUMMINGS: Okay. I believe that is what you are looking for and asking for.

EXAMINATION RESUMED BY

MR. LEVINE:

Q When you acquired, and when I say "you" I mean NYMP, when you acquired the account of Union Square Wines, was there a paper file that you also took possession of?

A For Union Square we did come cross a file, yes.

Q What was in that file?

A I don't know the entire contents. I do know that we had in the file

JOHN HOPKINS

a contract.

Q Do you know if there are any other documents that were in the file?

A I would have to verify that.

Q Do you know if NYMP maintains that paper file to this day?

A Yes, they would have the file.

MR. LEVINE: Counsel, I call for the production of the paper file.

MR. CUMMINGS: We will take that under advisement.

MR. LEVINE: Let's mark Defendant's Exhibit B.

(Defendant's Exhibit B marked for identification).

EXAMINATION RESUMED BY

MR. LEVINE:

Q Mr. Hopkins, do you know who Michael Gordon is?

A I know the name.

Q How do you know the name, in what context?

A I believe he was a salesperson

JOHN HOPKINS

for New York Merchants.

Q Do you know whether Mr. Gordon prepared a proposal which was submitted to Union Square Wines?

A What time period are you talking about?

Q Prior to the execution of the contract.

A 2006?

Q Yes.

A I am not familiar with what happened.

Q I want to show you the document which I have had marked as Exhibit B for identification. (Handing).

Have you ever seen this document before?

A I have.

Q When did you see this document?

A Most recently today.

Q Today?

A Yes, today.

Q Today was the first time that

JOHN HOPKINS

1

2 you have seen this document?

3

A I don't know if I saw it

4

before, but I did see it today, yes.

5

Q Was this document in the file

6

of NYMP and was it part of the Union Square

7

file?

8

A I don't know if that was in

9

the file or not.

10

Q I want you to turn your

11

attention to this. Have you ever seen a

12

similar document like this before in

13

connection with any New York Merchants

14

accounts?

15

A I have seen documents similar

16

to this, yes.

17

Q Do you know what this document

18

consists of?

19

A This is the proposal.

20

Q What is the nature of the

21

proposal that came out of New York Merchants?

22

A It defines the equipment.

23

Q When you say "it defines the

24

equipment," can you --

25

A It defines the equipment to be

JOHN HOPKINS

1
2 installed.

3 Q Does it also give a quote on a
4 price?

5 A It does.

6 Q What is the price that is
7 given for the equipment?

8 A (Indicating). I am looking at
9 the price for the equipment, and it is
10 \$8,300.

11 Q Does it also indicate who is
12 going to own the equipment?

13 A Yes.

14 Q According to the proposal, who
15 is the owner of the equipment?

16 A Union Square.

17 Q Am I correct to say, and we
18 can both read English, that it states "After
19 one year of the monthly amount, we will
20 revert to \$258.81. You will own all of the
21 burglar alarm and closed circuit TV
22 equipment," is that correct?

23 A Yes.

24 Q Is it your understanding that
25 based upon this proposal Union Square was

JOHN HOPKINS

1

2 going to be the owner of the equipment which
3 they ended up paying for in accordance with
4 the proposal?

5 A Underneath, as part of the
6 Agreement, that is my understanding.

7 Q Did there come a time when
8 Union Square entered into a contract with New
9 York Merchants?

10 A 2006.

11 Q Do you have a copy of that
12 contract with you?

13 A I do.

14 Q May I see it?

15 A (Handing).

16 MR. CUMMINGS: Let the
17 record reflect that the witness
18 just handed Mr. Levine a four-
19 page document.

20 MR. LEVINE: Let's mark
21 this as Defendant's Exhibit C.

22 (Defendant's Exhibit C marked for
23 identification).

24 EXAMINATION RESUMED BY

25 MR. LEVINE:

JOHN HOPKINS

Q Mr. Hopkins, I want to show
you this document. (Handing).

See if you can identify it.

A This is the contract between
Union Square and New York Merchants.

Q Does NYMP maintain the
original contract in its file?

A Original? I would have to
verify if it was an original or a copy with
you.

MR. LEVINE: If we leave a
space in the transcript, I ask
that you indicate whether you
have the original in the file
or not, okay?

THE WITNESS: Yes.

(INSERT)

MR. CUMMINGS: Don't worry.
It will all be in the
transcript.

EXAMINATION RESUMED BY

MR. LEVINE:

Q The contract that was prepared

JOHN HOPKINS

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and presumably executed, did that contract conform with the proposal which Mr. Gordon prepared which was marked as Exhibit B for identification?

A I would have to verify that.

Q Sitting here today, are you able to verify it?

A (The witness peruses).

Can you read that back?

(The requested question was read back by the reporter).

A The copy you have of the document, I can see that the numbers seem to reconcile.

Q To the best of your knowledge, Union Square was purchasing equipment that was installed, am I correct?

A We are verifying that fact with our office. But, the documents do indicate what you stated.

Q When you are saying that you are "verifying that," what do you mean by that?

A Having someone in the office

JOHN HOPKINS

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2 who is familiar with the account to verify
3 it.

4 Q Who would that person be?

5 A Joann Goldfine.

6 Q Is Joann Goldfine an employee
7 of NYMP?

8 A She is.

9 Q Was she an employee of New
10 York Merchants?

11 A Yes, she was.

12 Q Am I correct in stating that
13 when the account and the business
14 transitioned from New York Merchants to the
15 receiver to NYMP, Ms. Goldfine remained an
16 employee?

17 A Yes.

18 Q What was Ms. Goldfine's
19 position at NYMP?

20 A I am not sure of her exact
21 title. She is a coordinator of the
22 contracts.

23 Q Was she a manager of customer
24 relations?

25 A That would probably be a

JOHN HOPKINS

correct title.

MR. LEVINE: Let's mark

Defendant's Exhibit D.

(Defendant's Exhibit D marked for
identification).

EXAMINATION RESUMED BY

MR. LEVINE:

Q Mr. Hopkins, I'm going to now
show you this letter from Ms. Goldfine which
was marked as Exhibit D for identification.

(Handing).

Have you ever seen this
document before?

A I did.

Q When did you see this
document?

A This morning, most recently.

Q Had you seen it before?

A Not of my recollection.

Q Without disclosing any
attorney/client communications, did your
lawyer ever show you this document prior to
this morning?

A I don't recall if that was in

JOHN HOPKINS

a document that was sent to me by an attorney. I would have to verify that.

Q Are you aware that one of the claims in this lawsuit is to recover the equipment that was installed back in 2006?

A Yes.

Q Please take a look at this letter.

Does this letter indicate and confirm that the equipment was purchased by Union Square?

A (The witness peruses).

This letter does seem to confirm that, but that is what I am confirming with my office.

Q Who did you speak to when you called your office this morning to confirm whether or not the equipment was purchased by Union Square?

A Joann Goldfine and Ted Rechner, R-E-C-H-N-E-R.

Q Did you speak to Ms. Goldfine?

A I did.

Q What did you say to

1 JOHN HOPKINS

2 Ms. Goldfine?

3 A I asked her what her
4 recollection was. She did not have this
5 letter in front of her.

6 Q What did she say she was going
7 to do?

8 A That she would check.

9 Q You also spoke to Ted Rechner?

10 A Yes.

11 Q Who is Ted Rechner, what
12 position does he hold in the company?

13 A Ted is our chief innovator, he
14 heads up the information technology area.

15 Q For what purpose did you
16 contact Mr. Rechner?

17 A He reports to me. He is just
18 someone who knows the system.

19 Q Would there be any notations
20 on the SEDONA system or anywhere else or any
21 other documents that would indicate whether
22 equipment was owned by the subscriber or
23 owned by the company?

24 A That is what we are verifying.

25 Q Where would that information

1 JOHN HOPKINS

2 normally be inputted as to whether or not the
3 equipment was owned by the subscriber or
4 leased to the subscriber?

5 A Specifically, I am not
6 familiar enough with the SEDONA system to
7 tell you exactly what module that it would be
8 noted in.

9 Q Would it be noted on the
10 SEDONA system?

11 A It should be.

12 Q Should be?

13 A Yes.

14 Q Sitting here today, you don't
15 know whether the information as to the
16 ownership of the installed equipment is noted
17 on the SEDONA system?

18 A I don't know specifically
19 because we acquired that. That was part of
20 the assets that we acquired, was the
21 information in the system. We didn't put it
22 in ourselves.

23 Q Do you know who Mitchell
24 Soodak is?

25 A I don't know, but for some

JOHN HOPKINS

reason I thought I heard the name. I couldn't tell you how.

Q If I told you that Mr. Soodak was a principal of Union Square Wines, would that refresh your recollection?

A Maybe, yes.

Q Do you know how many locations, if any, Mr. Soodak had entered into contracts with either New York Merchants or NYMP?

A I am familiar with just what this case is about.

Q Are you familiar with any locations for a business known as "Columbus Avenue Spirits"?

A Specifically, I know Union Square.

Q So, you don't know whether Mr. Soodak or any companies that he owns or controls had entered into monitoring agreements with NYMP for any other locations?

A I can't answer specifically. I believe that there were three or four other accounts, but I don't know the details of

JOHN HOPKINS

them. That is my recollection.

MR. LEVINE: Let's mark

Defendant's Exhibit E.

(Defendant's Exhibit E marked for
identification).

EXAMINATION RESUMED BY

MR. LEVINE:

Q I now want to show you what we
have had marked as Defendant's Exhibit E for
identification. (Handing).

I ask if you can identify this
letter.

A It's a letter to Union Square
Wines from Wayne Wahrsager.

Q Who is Mr. Wahrsager?

A He was the president of New
York Merchants Protective.

Q On August 30th of 2007?

A Yes.

Q When was the first time that
you saw this letter?

A Again, in reviewing these
documents.

Q That was basically today for

JOHN HOPKINS

1

2 the first time?

3 A Yes.

4 Q Is that correct?

5 A Yes.

6 Q Did you discuss this letter
7 with Ms. Goldfine?8 A I discussed (indicating) the
9 letter from Joann Goldfine with Ms. Goldfine.10 Q How about the letter from
11 Mr. Wahrsager?12 A I didn't discuss that with
13 her.14 Q Was that because you didn't
15 know of the letter, or was it that you just
16 concentrated on her letter?17 A Just concentrated on her
18 letter.19 Q Sitting here today, you don't
20 know whether Exhibit E for identification is
21 in the paper file of NYMP with respect to
22 Union Square Wines, is that correct?

23 A I don't know that.

24 Q Your answer would be the same
25 for Exhibit D, as well?

JOHN HOPKINS

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A Correct.

3

Q What type of service was New

4

York Merchants engaged to provide to Union

5

Square Wines when they signed the contract?

6

A Monitoring-type services.

7

Q What does that consist of?

8

A I am looking at the contracts.

9

"Burglar, cc TV, open closing monitoring,

10

guard response."

11

Q Was there a time frame in the

12

contract for the length of service provided?

13

A Ten years.

14

Q Ten years, beginning in 2006,

15

correct?

16

A Correct.

17

Q Ending in 2016, presumably?

18

A Correct.

19

Q Did there come a time, to the

20

best of your knowledge, whether New York

21

Merchants modified the contract, the duration

22

of the contract?

23

A This contract, not to my

24

understanding.

25

MR. LEVINE: Let's mark

JOHN HOPKINS

Defendant's Exhibit F.

(Defendant's Exhibit F marked for
identification).

EXAMINATION RESUMED BY

MR. LEVINE:

Q To the best of your knowledge,
did there come a time that New York Merchants
notified its customers that it was converting
annual contracts to a month-to-month basis?

A Yes. I am familiar with that
letter. (Indicating).

Q I want to show you the letter.
You can identify it, and you said that you
are familiar with this letter, correct?

A Yes.

Q When for the first time did
you see this letter?

A It would have been 2011.

Q Was it before or any NYMP
acquired the assets?

A It was before.

Q Do you know whether or not
that letter was sent to all of the customers
of New York Merchants?

JOHN HOPKINS

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A I can't speak for exactly how

or if they all received it. It was my

understanding that it was sent to customers.

Q Do you know if it was sent to

Union Square?

A I couldn't speak first hand on

that.

Q Has NYMP taken any action with

respect to this letter?

A Our position is that that is

an unauthorized letter. We dispute the

validity of it.

Q Where is it an unauthorized

letter?

A You have to refer more to your

attorneys. My understanding is that he was

not authorized to send a letter like that.

Q What is the basis of your

understanding?

A I am not a lawyer.

Q I am not asking you for a

legal opinion.

A Yes. Just based on

conversations I have heard amongst our

JOHN HOPKINS

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attorneys.

Q Who are your attorneys?

A Joel Morgenthau.

Q Joel Morgenthau?

A Yes.

Q What firm is he with?

A Morgenthau & Grenes,

G-R-E-N-E-S.

Q Who else, anyone else?

A Those are our lawyers. The

other side is the receiver's attorney.

Q You mentioned the receiver.

Who is the receiver?

A The firm is -- I am drawing a

blank. Acampuro (phonetic). There is

another name.

Q Do you know when the receiver

was appointed?

A It's a matter of court

records. I'm not sure exactly what date it

was.

Q Was this letter prepared and

sent before or after the receiver was

appointed?

JOHN HOPKINS

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A I would have to check the court dates. You could check if you can. I don't want to guess and be off.

Q Have you received any communications from any subscribers that received this letter?

A They basically told you that "We are no month-to-month, our leases or annual agreements don't control any more," or words to that effect. We have received certain communications from some customers.

Q How many customers?

A I don't have the number.

Q Is it more than five or less than five?

A I would say it's more than five.

Q Is it more than ten?

A I would be guessing.

Q Have they communicated with you in writing, or was it done orally or both?

A It's my understanding that in order to cancel an account, I believe we

JOHN HOPKINS

needed something in writing.

Q What response, if any, have you given to customers who have claimed that their accounts were now month-to-month accounts?

A It depends on the customer. We disagreed with that letter, so we are defending our position.

Q How are you defending your position?

A Either verbally or through legal action.

Q Do you know of any legal actions where the validity of this letter is at issue?

A This legal action.

Q This legal action?

A Yes.

Q Are there any other legal actions, to the best of your knowledge, where the validity of the December 13th letter that was marked as Exhibit F for identification is at issue?

A Specifically, I don't know.

1 JOHN HOPKINS

2 THE WITNESS: Am I allowed
3 to ask him --

4 MR. LEVINE: You can ask
5 him anything that you want.

6 MR. CUMMINGS: The only
7 thing is that if there is a
8 question open you need to
9 respond. Then we can step
10 outside if necessary, into the
11 conference room across the
12 corridor.

13 THE WITNESS: Can I?

14 MR. LEVINE: Go ahead.
15 There is no outstanding
16 question.

17 Let's take a break.

18 (A recess was taken).

19 EXAMINATION RESUMED BY

20 MR. LEVINE:

21 Q Is that your answer, after
22 confirming with counsel?

23 A This case is where we are
24 arguing the validity of that letter.

25 Q You are making your stand on

JOHN HOPKINS

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2 my case, is that correct?

3 A Yes.

4 Q Morgenthau & Grenes, where are
5 they located?

6 A New York City, Manhattan.

7 Q Am I correct in stating that
8 Union Square is the only subscriber who has
9 relied on the validity of this letter?10 A We have had customers call to
11 cancel, referencing that letter.

12 (Indicating).

13 Q What has been your response
14 when customers have called to cancel their
15 contract in relying on this letter, Exhibit F
16 for identification?17 A I have not spoken directly to
18 a customer, this is third-party.

19 Q To the best of your knowledge?

20 A To the best of my knowledge,
21 our response is that we don't -- we take
22 exception to the letter and we try to
23 convince the customer to stay with us.24 Q Do you know whether you were
25 uniformly successful, or were there times

JOHN HOPKINS

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2 where you were not successful?

3

A We have had success and we
4 have had companies that have cancelled.

5

Q What position have you taken
6 when customers have cancelled based upon
7 Exhibit F for identification?

8

A We don't agree, but we are
9 taking this case to go against the validity
10 of that letter.

11

Q I understand that you are
12 taking this case to go and contest the
13 validity of this letter, I understand that.

14

What I am asking you, were
15 there other instances where the validity of
16 this letter was the topic of conversation
17 between NYMP and the subscriber?

18

A Yes, there have been
19 occasions.

20

Q There are instances where NYMP
21 has permitted the subscriber to cancel, and
22 there are instances where they have not
23 permitted the subscriber to cancel, is that
24 correct?

25

A I would say "permitted" with

JOHN HOPKINS

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2 reservations. We don't agree with the
3 customer, but we have allowed the accounts to
4 be cancelled in the system.

5 Q How many accounts have you
6 allowed to be cancelled?

7 A Again, I don't have that
8 number.

9 Q You don't have the number. Is
10 the number something that you can access?

11 A Yes, we can do that.

12 Q From what system can you
13 access the number from?

14 A The SEDONA system.

15 Q Were there any formulas or
16 criteria that NYMP used when evaluating
17 whether to let the subscriber cancel the
18 contract in reliance upon Exhibit F?

19 A No specific formula.

20 Q Such as the length of the
21 contract, I mean if the contract had six
22 months to go and you let them out six months
23 early, and if the contract had ten years to
24 go and you let them out early, you're not
25 going to let them do that. Do you have any

JOHN HOPKINS

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2 --

3 A We don't have any written or
4 defined criteria.

5 Q This is done on a case-by-case
6 basis?

7 A Correct.

8 Q You definitely let customers
9 out in reliance upon Exhibit F, is that
10 correct?

11 A We have cancelled customers
12 who referred to Exhibit F.

13 MR. LEVINE: I'm going to
14 call for the production and the
15 identify of the names of all of
16 the customers that you have let
17 out in reliance upon Exhibit F.

18 EXAMINATION RESUMED BY

19 MR. LEVINE:

20 Q Why are you making a stand on
21 this case?

22 THE WITNESS: Can I ask my
23 attorney?

24 MR. LEVINE: No.

25 A We felt that this is a clear

JOHN HOPKINS

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2 violation of the contract. We had a contract
3 and we feel it is a valuable contract, one
4 that is rightfully ours.

5 Q Have you brought any
6 litigation against Mr. Wahrsager in
7 connection with the dissemination of Exhibit
8 F?

9 A I cannot speak to specifics.
10 But, it's a matter of court, record and I
11 believe you can see what litigation has taken
12 place and the contents of it. I believe it's
13 a matter of public record through the
14 receiver and various other entities.

15 MR. LEVINE: Just so that I
16 am clear, I also want the
17 access downloaded from the
18 SEDONA system of all the
19 documents relating to your
20 permitting customers to
21 terminate the service based
22 upon Exhibit F for
23 identification. What I want is
24 a list of the customers and any
25 information on the SEDONA

JOHN HOPKINS

system that relates to the
termination of the subscriber's
contract based upon Exhibit F
for identification.

EXAMINATION RESUMED BY

MR. LEVINE:

Q Are you familiar with an
account called Columbus Avenue Spirits?

A Not specifically.

Q How about Park East Wines?

A Again, those are the names --
I don't specifically know.

Are those the four that you
are referring to?

Q Correct.

Do you have files maintained
with respect to those four accounts?

A I would have to verify that.

MR. LEVINE: I call for the
production of the paper files
and the SEDONA files with
respect to Columbus Avenue
Spirits, Park East Wines,
Mitchell Soodak, it looks like

JOHN HOPKINS

447A East 87th Street,
penthouse. I would assume that
that's penthouse, correct?

THE WITNESS: Okay.

MR. CUMMINGS: Objection.

If they exist.

MR. LEVINE: If they exist.

EXAMINATION RESUMED BY

MR. LEVINE:

Q Are there any other
litigations with subscribers in which NYMP is
taking a stand with respect to
Mr. Wahrsager's December 13, 2010 letter?

A This is the case.

Q Are there any other cases?

A That are pending, specifically
relating to this?

Q Yes.

A No.

Q Is there any other litigation
pending between subscribers and NYMP with
respect to unpaid invoices?

A Yes.

Q How many are there?

JOHN HOPKINS

A There is one specific case.

Q What is the one specific case?

A It's a check cashing company.

Q Do you know the name?

THE WITNESS: Can I ask my attorney?

MR. LEVINE: What we will do, we will leave a space in the transcript. I ask that you provide the name of that case, and the names of the lawyers. I would also call for the caption, the index number and the court, whether it is Supreme Court of Civil Court or District Court. I ask that you provide me with that information when the transcript is returned.

THE WITNESS: That is fine.

(INSERT)

(INSERT)

JOHN HOPKINS

(INSERT)

(INSERT)

(INSERT)

(INSERT)

(INSERT)

(INSERT)

EXAMINATION RESUMED BY

MR. LEVINE:

Q What makes this contract so
valuable that you would make your stand on
the Union Square contract?

A It's a very valuable customer,
it's a good customer, and it was a good
contract.

MR. LEVINE: Let's mark

Defendant's Exhibit G.

(Defendant's Exhibit G marked for
identification).

JOHN HOPKINS

EXAMINATION RESUMED BY

MR. LEVINE:

Q Mr. Hopkins, have you ever
seen this letter before? (Handing).

A (The witness peruses).

I believe I saw this letter
this morning, which is why I didn't know the
other accounts. But, I was referring to them
there. (Indicating).

Q You have not seen this letter
before today?

A Not to my recollection.

Q Who is John Brady?

A John Brady? He worked for the
receiver in running the business.

Q Do you know if you have these
documents in your paper file?

A I don't know.

Q You acknowledge receiving this
document, correct?

A Yes.

Q This document was sent after
NYMP acquired the assets of New York
Merchants, correct?

JOHN HOPKINS

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A Incorrect.

3

Q That is incorrect?

4

A Yes.

5

Q This took place while the

6

receiver was appointed and was in control of

7

the assets?

8

A That is correct.

9

Q Do you know if the receiver

10

responded either in writing or verbally to

11

Exhibit G?

12

A I don't know what the

13

receiver's response was specifically. I

14

don't know the response.

15

Q Do you know generally?

16

A No. I don't know what the

17

response was.

18

Q Do you know whether the

19

receiver terminated the agreed to

20

cancellation of the contract?

21

A It's my understanding, in the

22

system this account was cancelled.

23

Q The account was cancelled?

24

A Yes.

25

Q What happens when an account

JOHN HOPKINS

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2 is cancelled?

3 A Again, the SEDONA, you would
4 mark the account "cancelled," and you stop
5 invoicing the account. You would also notify
6 the central station to stop monitoring the
7 account.

8 Q Let's go back to the contract.

9 MR. LEVINE: Let's go off
10 the record. Mr. Cummings, if
11 you don't mind.

12 MR. CUMMINGS: Okay. Let's
13 go off the record.

14 (A discussion was held off the record).

15 EXAMINATION RESUMED BY

16 MR. LEVINE:

17 Q Getting back to Exhibit C for
18 identification, which is the contract, am I
19 correct that the contract had several items
20 to it, one was the installation of the
21 equipment, is that correct?

22 A Correct.

23 Q It had a central station
24 component where the alarm was being monitored
25 through a central station, is that correct?

JOHN HOPKINS

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2 A Correct.

3 Q Were there any other

4 components to the contract other than

5 installation and monitoring?

6 A I see "guard response" is
7 checked.

8 Q The guard response is checked?

9 A Yes.

10 Q Where is that checked?

11 A Right here, the description of
12 the system. (Indicating).13 Q The description of the system
14 was burglar and hold-up. What does "burglar"
15 mean?16 A A burglar being when someone
17 breaks into your -- again, I would be
18 speculating as to the difference between
19 burglar and how this would be -- there would
20 be some notification of hold-up. I don't
21 know what the system would do.22 Q "CCTV," I assume that that
23 means closed circuit television, is that
24 correct?

25 A Correct.

JOHN HOPKINS

Q Is that internal, or is that a transmission beamed to New York Merchants or the central station?

A It is internal.

Q Then, it says "open/closing monitoring." What does that mean?

A Open/closing is if you own a business and you are the owner and you are not there all the time, you want to know, for instance, you would want some indication that the burglar system was in fact set within a certain defined parameter of time, 7:15 as open and close, you would know that the building was closed and armed.

Q In your hypothetical, if my business was to close at 7:00 p.m. religiously, and by a quarter to eight you don't receive a signal that the store was closed, what did New York Merchants agree to do?

A Then, the signal would go back to the central station, and central station would reach out to whoever the authorized people on the account are, and receive

JOHN HOPKINS

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2 notification that the store did not close.

3 Q Would you call the police?

4 A There are certain parameters

5 within the account as to when the police are

6 called. I don't know what it is.

7 Q Tell me what "guard response"

8 is.

9 A Guard response would be the

10 certain situation that an alarm goes off and

11 a guard is dispatched, a third-party guard is

12 dispatched at that facility.

13 Q Is the guard armed or unarmed?

14 A I don't know. It's a guard

15 service.

16 Q A person in a security uniform

17 would be dispatched, correct?

18 A Yes. In a case of if the

19 signal -- that was either an alarm, if they

20 wanted that service, then yes. That is in

21 the contract. It is not for Merchants'

22 employees. It is contracted out to a third-

23 party.

24 Q Explain to me the mechanism,

25 so to speak. A signal comes in to the

JOHN HOPKINS

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2 central station and the central station then
3 notifies the third-party guard service.

4 A Specifically, I would be
5 speculating a little bit. A signal would
6 come in, and it is my understanding that at
7 that point prior to calling the police or the
8 Fire Department, you would dispatch a guard
9 to the facility to see if it looks okay.

10 Q Were there any other
11 components other than these several
12 components that are listed in paragraph 2 of
13 the first page of the contract?

14 A Not that I know of.

15 Q So, when the receiver received
16 the letter of cancellation, what services, if
17 any, did the receiver or NYMP cease doing on
18 behalf of the subscriber?

19 A I can't give you the specifics
20 as to what services were altered.

21 Q You don't know what the
22 services were that were altered?

23 A I don't know the specifics,
24 but I can get it.

25 Q How can you get it to give me

JOHN HOPKINS

that information?

A They are within SEDONA, and that would tell you the activities.

MR. LEVINE: To the extent that I have not asked for this, I want to see it in the SEDONA system.

EXAMINATION RESUMED BY

MR. LEVINE:

Q Is it fair to say that in some point in time following the transmission and receipt by the receiver of this letter, Exhibit G, that either the receiver or NYMP ceased monitoring via the central station the burglar and hold-up?

A Correct. They didn't do anything with the central station.

Q They didn't do anything with the closed circuit television that was internal to the store, correct?

A Correct.

Q How about opening and closing monitoring, did that service stop?

A Typically, that is all done

JOHN HOPKINS

with your monitoring of the account.

Q Just so that I am clear, you stopped the opening and closing monitoring, correct?

A That is correct.

Q How about the guard response, was that also stopped?

A That has to be verified, but I am sure it was.

Q Following the transmission and receipt by either the receiver or NYMP, were there any services that the receiver or you performed on behalf of the subscriber in accordance with this contract following the transmission of Exhibit G for identification?

A Again, I would have to find out the exact date. We can get the exact date that the monitoring ceased.

Q But, at some point in time, whatever that date is, NYMP stopped servicing this subscriber, Union Square Wines, am I correct?

A I will verify, Union Square Wines stopped paying invoices.

1 JOHN HOPKINS

2 Q After they stopped paying the
3 invoices, correct?

4 A Right.

5 Q When was the last invoice that
6 you sent to them?

7 A Again, I can verify and I can
8 get you the exact history.

9 Q Do you have the invoice with
10 you?

11 A I don't.

12 MR. LEVINE: I call for the
13 production of the final invoice
14 that was sent to Union Square
15 Wines.

16 EXAMINATION RESUMED BY

17 MR. LEVINE:

18 Q The letter, which I will let
19 you take a look at now, which was marked as
20 Exhibit G for identification, the letter from
21 Union Square Wines & Spirits states "Please
22 cancel my service due to continuous problems
23 and lack of service." Do you know what the
24 customer meant by that?

25 A I am not aware of any service

1 JOHN HOPKINS

2 issues.

3 Q You see that he makes
4 reference to four or five accounts, is that
5 correct?

6 A Correct.

7 MR. LEVINE: Let's mark
8 Exhibit H.

9 (Defendant's Exhibit H marked for
10 identification).

11 EXAMINATION RESUMED BY

12 MR. LEVINE:

13 Q I am going to show you what
14 has now been marked as Defendant's Exhibit H
15 for identification. (Handing). This is
16 another copy of the letter terminating. Do
17 you see the handwritten notations?

18 A I do.

19 Q Do you know whose handwritten
20 notations they are?

21 A I do not.

22 Q Are they Ms. Goldfine's or
23 anyone on behalf of NYMP?

24 A I don't know.

25 Q The handwritten notations

JOHN HOPKINS

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2 appear to have account numbers. Do those
3 account numbers look familiar to you?

4

A I recognize -- not the
5 specific accounts, but I recognize the
6 pattern.

7

Q What do you mean by "pattern"?

8

A The "W."

9

Q What does "W" mean?

10

A I mean, it's the start of --

11

Q It's the start of a lot of
12 accounts with a "W"?

13

A Yes. They start with "W."

14

Q Do you see amounts that are
15 handwritten in pencil or pen?

16

A I do.

17

Q You don't know what those
18 numbers correspond to?

19

A No.

20

Q Next to the account numbers
21 there are also amounts. Do you know what
22 those amounts correspond to?

23

A I don't know.

24

Q You see that there is one for
25 Union Square Wines, 325. Do you know what

JOHN HOPKINS

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2 that 325 means?

3 A I don't know.

4 Q You don't know whether that
5 meant that this was a quarterly payment or
6 not?

7 A I don't know.

8 Q Are there service tickets that
9 are maintained on paper or via computer?

10 A You can always print it out.
11 It's in the system also.

12 MR. LEVINE: I'm going to
13 call for the production of the
14 service tickets for all of the
15 accounts listed on Exhibit G
16 and Exhibit H, specifically to
17 the extent that you have not
18 produced them for Union Square
19 Wines, Columbus Avenue Spirits,
20 Park East Wines and Mitchell
21 Soodak.

22 EXAMINATION RESUMED BY

23 MR. LEVINE:

24 Q On Exhibit H there appears to
25 be a telephone or fax number of

1 JOHN HOPKINS

2 1-516-223-0767. Do you know what that number
3 is?

4 A I don't.

5 Q Was that New York Merchants'
6 fax number?

7 A I wouldn't know that. That can
8 be verified.

9 Q You don't know?

10 A I don't know.

11 MR. LEVINE: I ask that
12 that be verified.

13 Let's mark Defendant's
14 Exhibit I.

15 (Defendant's Exhibit I marked for
16 identification).

17 EXAMINATION RESUMED BY

18 MR. LEVINE:

19 Q I am now going to show you
20 what has been marked as Exhibit I for
21 identification. (Handing).

22 Can you identify this
23 document?

24 A It's a cancellation notice
25 form.

JOHN HOPKINS

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Q Is that a form of NYMP or your
other company?

4

A That would have been --

5

6

Q Or is that an internal New
York Merchants' form?

7

8

A It says "proprietary for and
deemed by TRG Associates."

9

10

Q Who is "proprietary TRG
Associates"?

11

12

13

14

15

A Yes. They are the firm --
John Brady, the president of the firm, they
were engaged by the receiver to oversee and
run the business during the period of
receivership.

16

17

18

19

Q Do you know if the receiver
corresponded with Mr. Soodak at any time
subsequent to the transmission of that
letter?

20

21

A I don't know. You would have
to contact the receiver or John Brady.

22

23

24

25

Q Do you know if there are any
notes in the file, in the SEDONA file or
otherwise, concerning what continued to be
continuous problems and lack of service?

1 JOHN HOPKINS

2 A I don't know of those issues.
3 Your request for the service tickets will
4 show that.

5 Q Sitting here today, you don't
6 know what the nature of the complaints that
7 the subscribed had, do you?

8 A No. It was prior to my time.
9 I do not.

10 MR. LEVINE: Let's mark
11 Defendant's Exhibit J.

12 (Defendant's Exhibit J marked for
13 identification).

14 EXAMINATION RESUMED BY
15 MR. LEVINE:

16 Q I will show you what was
17 marked as Defendant's Exhibit J for
18 identification and ask if you can identify
19 it. (Handing).

20 A That is a note within the
21 SEDONA system.

22 Q It says in the pertinent part
23 "said he went with DGA Alarm." Do you know
24 what that means?

25 A It was my understanding that

JOHN HOPKINS

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2 DGA Alarm is another monitoring company.

3 Q Did you ever verify whether he
4 went to DGA Alarm?

5 A We could not verify that.

6 Q Did you take any steps to
7 inquire of DGA Alarm?8 A We visited Union Square to
9 speak with someone, and we were unable to
10 verify that.11 Q When did you go down to Union
12 Square?13 A I can't tell you specifically.
14 I believe it was last summer or in that time
15 frame.

16 Q Last summer?

17 A The weather was nice.

18 Q Did you personally go?

19 A I was there.

20 Q Did you speak with anyone?

21 A I was there with Mr. Rockwell
22 and two other gentlemen.

23 Q Who is Mr. Rockwell?

24 A He was the owner of the
25 business, and we spoke to I believe two

JOHN HOPKINS

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2 gentlemen at the store. They did not give us
3 any information.

4

Q Did you go announced or
5 unannounced?

6

A We were unannounced.

7

Q Did you meet or speak with
8 Mr. Soodak?

9

A I did not speak with anybody
10 directly. Mr. Rockwell spoke.

11

Q You were present there with
12 Mr. Rockwell when he was speaking, correct?

13

A No, I was not present. I
14 believe he spoke to two people, but I was not
15 present for one of them.

16

Q During the one conversation
17 that you were present for, do you recall what
18 was said by Mr. Rockwell and what was said by
19 the other unidentified person?

20

A The person just worked at the
21 store, so they weren't giving any information
22 out.

23

Q Do you recall what
24 Mr. Rockwell said in sum and substance?

25

A Just to understand what

JOHN HOPKINS

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2 happened with the account, why we lost them.

3

4 Q The note also indicates, it
5 says "filled out an NYMP cancellation notice
6 form and gave to Joann for disposition." Do
7 you know what that --

7

A I see that.

8

Q Joann would be Joann Goldfine?

9

A Correct.

10

11 Q Do you know what disposition
12 was made or was is referred to on this
13 document?

13

14 A Not specifically, but
15 ultimately that Joann would be the one to
16 cancel it in the system.

16

17 Q Do you know whether
18 Mr. Rockwell or anyone on behalf of NYMP had
19 an occasion to speak to Mitchell Soodak?

19

20 A I don't know of any direct
21 dialogue with Mr. Soodak.

21

22 Q Do you know of any indirect
23 dialogue with Mr. Soodak?

23

A No.

24

25 Q NYMP or Mr. Rockwell or anyone
on your behalf, did they go down to try to

JOHN HOPKINS

1

2 speak to anyone on behalf of Union Square a
3 second time other than the first attempt that
4 you just alluded to?

5 A Not to my recollection.

6 Q I am going to show you the
7 verification, I am going to show it to you.
8 You can look at your copy of the Complaint,
9 and that appears to be a verification.

10 (Handing).

11 Is that your signature on the
12 verification?

13 A (The witness peruses).

14 That is correct.

15 Q You signed the verification on
16 the Complaint, correct?

17 A That is correct.

18 Q You affirmed that you knew
19 that the contents were true to your
20 knowledge, is that correct?

21 A Correct.

22 Q I would like you to turn to
23 page 8 of the Complaint.

24 A (The witness complies).

25 Q Please read paragraphs 8 and 9

JOHN HOPKINS

1

2 to yourself.

3 A (The witness peruses and
4 complies).

5 Okay.

6 Q Sitting here today, do you
7 know what NYMP's damages are?

8 A I don't have the number for
9 you, but it would be the value of the
10 contract.

11 Q When you say "the value of the
12 contract," what do you mean by that?

13 A The value of the monthly
14 reoccurring revenue that was supposed to go
15 to 2016.

16 Q Whatever the monthly payments
17 were, multiplied from the date of the breach
18 through 2016, is that correct?

19 A That is a reasonable way of
20 calculating it.

21 Q Is that your way of
22 calculating it?

23 A That is how we would calculate
24 it, yes.

25 Q Please turn to paragraph 21,

1 JOHN HOPKINS

2 and please read paragraph 21 to yourself.

3 A (The witness complies and
4 peruses).

5 Okay.

6 Q This makes reference to a
7 demand for payment that was duly made to
8 Union Square. Do you know when that demand
9 was made?

10 A It would have been through the
11 invoicing process, so it would have been back
12 in that 2012 time frame.

13 Q That would have been the
14 demand, that was the final invoice, am I
15 correct?

16 A The demand was for the
17 invoices that were unverified.

18 Q And unpaid as well?

19 A Unpaid, yes.

20 Q Did you receive any other
21 written communications or any oral
22 communications with respect to a demand for
23 payment?

24 A It would be noted on the
25 system. He would see the history of the

JOHN HOPKINS

1
2 conversations between our company and Union
3 Square, and the conversations, the collection
4 calls and things like that.

5 Q Do you know what the invoices
6 were, how much the invoices were for?

7 A I can give you the outstanding
8 ones that were unpaid.

9 MR. LEVINE: I believe I
10 asked for them already. In
11 case I didn't, I call for their
12 production.

13 THE WITNESS: That would be
14 in there.

15 MR. LEVINE: I have no
16 further questions of this
17 witness at this time.

18 I am going to reserve my
19 right to call a witness on
20 behalf of the plaintiff when I
21 receive the additional
22 documents that I have called
23 for. Accordingly, I am not
24 closing this deposition.

25 (TIME NOTED: 11:45 a.m.).

I N D E X

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WITNESS

EXAMINATION BY

PAGE

JOHN HOPKINS

MR. LEVINE

4

PLAINTIFF'S EXHIBITS

PAGE

Deposition Preparation

11

NY Merchants Protective Co., Inc.

17

Commercial Security Equipment Lease

21

Letter, 5-24-07

25

Letter, 8-30-07

30

Letter, 12-30-10

33

Letter, 1-28-12

47

Letter, 1-28-12

58

Cancellation Notice Form

61

Note within SEDONA system

63

PAGE/LINE

1 REQUESTS

2 Asset Purchase Agreement

9 2

3

4 Deposition Preparation document

11 17

5

6 Production of the SEDONA system with respect

7 to Union Square

14 21

8

9 Production of paper file

17 9

10

11 Indicate whether or not the original contract

12 is in the file

22 18

13

14 Production and identify of the names of all of

15 the customers let out in reliance upon Exhibit F

42 13

16

17 A list of the customers and any information on

18 the SEDONA system that relates to the termination

19 of the subscriber's contract based upon Exhibit F

20 for identification

43 15

21

22 Production of the paper files and the SEDONA

23 files with respect to Columbus Avenue Spirits,

24 Park East Wines and Mitchell Soodak

44 20

25

PAGE/LINE

1 REQUESTS

2

3 Provide the name of the case, the names of the
4 lawyers, the caption, the index number and the
5 court

46 22

6

7 To the extent not asked for, provide specifics
8 in the SEDONA system

55 5

9

10 Production of the final invoice that was sent
11 to Union Square Wines

57 12

12

13 Production of the service tickets for all of
14 the accounts listed on Exhibit G and Exhibit H,
15 specifically to the extent that they have not
16 been produced, for Union Square Wines,

17 Columbus avenue Spirits, Park East Wines and

18 Mitchell Soodak

60 12

19

20 Verify number 1-516-223-0767

61 11

21

22

23

24

25

ACKNOWLEDGMENT

STATE OF NEW YORK)
) s.s.
COUNTY OF Queens)

I, JOHN HOPKINS, hereby certify that I have read the transcript of my testimony taken under oath in my deposition of July 15, 2013; that the transcript is a true, complete and correct record of my testimony, and that the answers on the record as given by me are true and correct.

*Please reference Exhibit
Sheet page 84*

JH

JH
JOHN HOPKINS

Signed and subscribed before me this 26TH day of

September, 2013.

Susan Stankiewicz

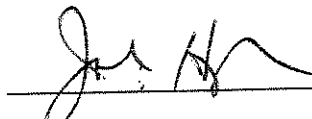
Notary Public

SUSAN STANKIEWICZ
NOTARY PUBLIC OF NEW JERSEY
ID# 2185821
COMMISSION EXP. FEB. 15, 2016

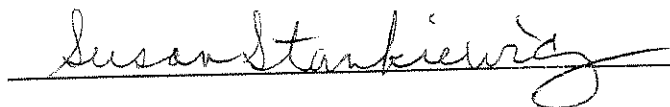
ACKNOWLEDGMENT

STATE OF NEW YORK)
) s.s.
COUNTY OF Queens)

I, JOHN HOPKINS, hereby certify that I have read the transcript of my testimony taken under oath in my deposition of July 15, 2013; that the transcript is a true, complete and correct record of my testimony, and that the answers on the record as given by me are true and correct.


JOHN HOPKINS

Signed and subscribed before me this 26TH day of
September, 2013.


Notary Public

SUSAN STANKIEWICZ
NOTARY PUBLIC OF NEW JERSEY
ID# 2185821
COMMISSION EXP. FEB. 15, 2016

C E R T I F I C A T E

STATE OF NEW YORK)

) s.s.

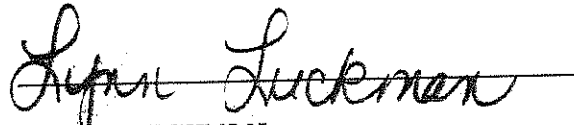
COUNTY OF NASSAU)

I, LYNN LUCKMAN, a Shorthand Reporter and Notary Public within and for the State of New York, do certify that;

THAT the witness whose deposition is hereinbefore set forth, was duly sworn by me, and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of July, 2013.


LYNN LUCKMAN

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Errata Sheet

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6	17		main source also has a CS
8	18	Acquire	Acquired
13	7	the	there
16	22	CROSS	ACROSS
22	12	need to verify if contract was in original in file	
27	13	chief innovation	Chief Innovation Officer
30	21	Question - what letter is being referenced?	
32	9	cc TV	CCTV
35	16	A CAMPURA	Silverman A Campura LLP
46	8	open item - need name of check cashing case	
57	24	was	is
66	2	them	it
69	17	UNverified	not sure this is the word I used

pg. 12 - 100 mg per AM - w -

LAWYER'S NOTES PERTAINING TO EBT