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

- - -

In re:)
)
)
CONSERVATORSHIP OF) Case No. 18STPB04265
)
)
NICHELLE NICHOLS)
)
)
_____)

REMOTE DEPOSITION OF
BJ HAWKINS, PH.D.
MARINA DEL REY, CALIFORNIA
FRIDAY, SEPTEMBER 25, 2020

REPORTED BY:
ANITA A. SHENIAN
CSR NO. 12325
VERITEXT LEGAL SOLUTIONS ASSIGNMENT NO. 4264047

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

- - -

In re:)
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CONSERVATORSHIP OF) Case No. 18STPB04265
)
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NICHELLE NICHOLS)
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_____)

Remote deposition of BJ HAWKINS, PH.D., taken on
behalf of INTERESTED PARTY/FRIEND, in Marina Del Rey,
California, commencing at 10:05 a.m., Friday,
September 25, 2020, before ANITA A. SHENIAN,
CSR No. 12325.

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

FOR THE INTERESTED PARTY/FRIEND ANGELIQUE FAWCETTE:

BERBERIAN AIN, LLP

BY FARRIS E. EIN, Esq.

500 North Central Avenue

Suite 940

Glendale, California 91203

(818) 808-0048

farris@berberianain.com

FOR THE CONSERVATOR KYLE JOHNSON:

MARVAN LAW, APC

BY JEFFREY P. MARVAN, Esq.

500 South Grand Avenue

Suite 1490

Los Angeles, California 90071

(213) 386-5988

jeff@marvanlaw.com

ALSO PRESENT: ANGELIQUE FAWCETTE, Interested
Party/Friend
KYLE JOHNSON, Conservator

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I N D E X

WITNESS BJ HAWKINS, PH.D.

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EXHIBITS

CONSERVATOR'S

LETTER	DESCRIPTION	PAGE
Exhibit A	Order after Hearing, filed December 4, 2018	51
Exhibit B	Reply of Angelique Fawcette to Conservator's Opposition to Petition to Enforce Court Ordered Visitation Rights	57
Exhibit C	First and Final Account and Report of Former Temporary Conservator BJ Hawkins, Ph.D.	63
Exhibit D	Letter to Jeffrey Marvan, Esq., from Tristan Bufete, Esq., dated January 16, 2019	66
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EXHIBITS (continued)

CONSERVATOR'S

LETTER	DESCRIPTION	PAGE
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INTERESTED PARTY/FRIEND'S

(NONE)

QUESTIONS THE WITNESS WAS EITHER INSTRUCTED NOT TO
ANSWER OR REFUSED TO ANSWER ARE INDICATED IN THE
TRANSCRIPT WITH A POUND (#) SIGN AND ARE LOCATED ON THE
FOLLOWING PAGE AND LINE NUMBERS:

(NONE)

INFORMATION TO BE SUPPLIED IN THE TRANSCRIPT:

(NONE)

1 MARINA DEL REY, CALIFORNIA; FRIDAY, SEPTEMBER 25, 2020

2 10:05 A.M.

3 --oOo--

4
5
6 COURT REPORTER: Raise your right hand, please.

7 Do you solemnly swear that the testimony you
8 shall give in the cause now pending shall be the truth,
9 the whole truth, and nothing but the truth?

10 THE WITNESS: Yes.

11 COURT REPORTER: Thank you.

12
13 BJ HAWKINS, PH.D.,

14 having been first duly sworn, was examined
15 and testified as follows:

16
17 EXAMINATION

18
19 BY MR. AIN:

20 Q. Good morning, Dr. Hawkins.

21 A. Good morning.

22 Q. Can you please state and spell your full name
23 for the record.

24 A. BJ Hawkins, Dr. BJ Hawkins, Dr. "B," as in
25 "boy," "J," the initial "J," Hawkins, H-A-W-K-I-N-S.

Page 6

1 Q. Dr. Hawkins, can you give me a little bit of
2 background on your profession in relation to probate and
3 conservatorships?

4 A. Yes. I'll start with my educational
5 background. I have a Master's and Ph.D. from University
6 of Southern California. I have a Bachelor's and
7 Master's from UCLA.

8 I have a strong business background, including
9 Fortune 100 experience.

10 I also worked as a senior executive handling
11 complex and pro bono businesses, and I was a small
12 business entrepreneur.

13 I am a licensed professional fiduciary. I
14 have been appointed by the courts in trust matters,
15 special needs trust, conservatorships, successor
16 trustee.

17 And I have also worked as an administrator.
18 I've had cases that are both private cases and court
19 supervised cases.

20 I also testified as an expert witness in
21 breach of fiduciary duty, conservator and trustee
22 malfeasance fraud.

23 Q. Okay. Are you familiar with the matter of the
24 conservatorship of Nichelle Nichols?

25 A. Yes.

1 Q. What was your relationship at any point to
2 this matter?

3 A. I was appointed by the courts as a temporary
4 conservator of the estate.

5 Q. Okay. Do you remember when about, a month or
6 year when that was done?

7 A. I believe it was in 2018. I do not have the
8 exact date in front of me, but that is something that I
9 can look to see when the original appointment was. To
10 my understanding, I think it was in November 2018. It
11 wasn't --

12 Q. Okay.

13 A. I'm not sure about that. I don't have that
14 date in front of me.

15 Q. It's not that concerning right now. I don't
16 need that bit of information. Like you said, we can
17 verify that, if we do, in a document out there.

18 I didn't do the usual introduction of the
19 deposition, you being an expert, and I presume you have
20 testified many times before?

21 A. Yes, I have.

22 Q. You've had your deposition taken?

23 A. Yes, I have.

24 Q. So you are familiar with the rules of us
25 taking turns.

1 A. Yes, I am.

2 Q. Speaking so the court reporter can hear us
3 clearly. Also, of course, you are here to give us your
4 best testimony based on your recollection and anything
5 that may help you in recalling the answers to the
6 questions that we will ask.

7 You know the difference between speculating
8 and guessing and having a fair estimate based on your
9 personal knowledge and information available to you.

10 I'm not going to take up any more time going
11 through that, unless you have questions for me about the
12 deposition proceedings.

13 A. No, I do not at this time.

14 Q. Okay. I promise we will try to wrap this up
15 in an hour; so I'm going to commit to that.

16 So let me just jump straight into the matter
17 at hand, our case. When you became involved with the
18 Nichelle Nichols's matter, do you have any recollection
19 about who was involved in her life at the time when you
20 became the temporary conservator?

21 A. Yes. I took over from another licensed
22 professional fiduciary, Norine Boehmer. Norine Boehmer
23 had been the conservator of the person and of the
24 estate.

25 I came in as temporary conservator of the

1 estate only, and Kyle Johnson, the son, was appointed at
2 the same time as conservator of the person.

3 Q. Okay.

4 A. I was asked to take this appointment by the
5 son, family members, and friends.

6 Q. What was going on with Nichelle Nichols at the
7 time personally as far as her wellbeing may be
8 concerned?

9 A. There had been a medical examination that
10 indicated that she had dementia. It was my
11 understanding, from the medical reports, it was mild to
12 moderate dementia.

13 There were a number of financial issues,
14 including issues with real property, personal property,
15 and contracts.

16 There was some allegations that I received
17 that indicated that there were suspicions of wrongdoing,
18 and that is financial wrongdoing.

19 Q. Who or how did you receive the information
20 pertaining to financial wrongdoing?

21 A. I received the information from a number of
22 different sources. One, it is my team and myself as a
23 licensed professional fiduciary process that when we
24 take over a case, we do a review and analysis and
25 usually some interviews. We interview family. We

1 interview friends. And in this case, we interviewed the
2 last or former fiduciary.

3 We assembled that information and went about
4 attempting to marshal financial assets, real assets,
5 real property assets, and any other assets that the
6 conservatee had.

7 And it was in this process of both interviews,
8 analysis, and looking at the reports from the former
9 fiduciary that we came to the conclusion that there were
10 financial issues.

11 Q. What sort of financial issues do you recall
12 there being?

13 A. There were funds that couldn't be accounted
14 for. There was an issue with clear title on both pieces
15 of real property. There were contracts that either had
16 expired or were poorly written. There were a number --
17 there were funds where we could not determine the source
18 of the funds. And importantly, there was a significant
19 amount of unpaid debt.

20 Q. Who was handling Nichelle Nichols's finances
21 during this time period?

22 A. The previous fiduciary.

23 Q. Do you know for how long he or she had -- I
24 believe you said her name was Angela?

25 A. No, her name was Norine Boehmer, spelled

1 B-O-E-H-M-E-R. Norine is the first name.

2 Q. She was serving as conservator both over the
3 estate and the person?

4 A. Yes.

5 Q. And how long was she in that position?

6 A. I do not remember the exact amount of time. I
7 believe it was short of a year, but you would have to
8 look at the court documents from the time of appointment
9 to the time I took over.

10 I'm not exactly certain as to the exact
11 amount, but I would say that it was in the range of just
12 under a year.

13 Q. These questionable transactions and financial
14 issues that you and your team of investigators
15 uncovered, did you notice, or do you recall, if any of
16 them predated Norine Boehmer's involvement?

17 A. Yes, they did.

18 Q. Do you know who was managing the conservatee's
19 financial affairs before Norine Boehmer?

20 A. Well, from the research and analyses that we
21 did, there were a number of individuals. There were
22 individuals that were still currently involved, and
23 there were individuals that no longer were involved but
24 had influence or had participation in both the
25 contracts, as well as the handling of her finances.

1 I can elaborate.

2 Q. Sure. Please.

3 A. I can elaborate and give you what I recall as
4 some of the individuals who were involved.

5 Q. If you can, please.

6 A. Gilbert Bell, who had been described as a
7 longterm friend and at various times an agent or a
8 manager for Ms. Nichols. There was also an accountant,
9 a CPA, who had handled certain accounts.

10 And then there were -- I think it was PayPal
11 or some other Internet-based fund that came from
12 appearances. And it was unclear at that time where some
13 of those funds from her appearances, as part of the
14 original Star Trek cast, the distribution and who
15 handled those accounts.

16 Q. When Norine Boehmer took over, did you notice
17 or have any information as to whether she conducted any
18 sort of investigations into these financial issues under
19 Gilbert Bell and the CPA that were managing Ms. Nichols?

20 A. I will say that during the interview process
21 and in the analysis that I conducted, it appeared to me
22 that she had not rigorously investigated that what she
23 had done as a temporary because she was a temporary
24 conservator, was to basically hold things as they were
25 prior to any further appointment or judicial decision

1 about whether she would continue.

2 So with respect to the real property, there
3 had not been analysis. And my background in business
4 would say there had not been extensive examination on
5 the financial side.

6 Q. Other than those two individuals that --
7 Gilbert Bell and the CPA that was handling certain
8 accounts, was there any other individual at that time
9 that was involved in any of these financial transactions
10 that you were discovering to be at issue?

11 A. Yes, there was a contractor who was handling
12 appearances, and I extensively reviewed his contract and
13 the funds flow to him and from him. And I do not have
14 his name. He had the existing contract with Ms. Nichols
15 for the Star Trek appearances and any other media
16 appearances.

17 Q. Okay.

18 A. They also ran her social media.

19 Q. Okay. Do you know my client, Angelique
20 Fawcette?

21 A. Yes, I do.

22 Q. When do you remember meeting her, if at all?

23 A. I met her in the courtroom, the Stanley Mosk
24 Courtroom in the department that we -- Department 11 of
25 the Stanley Mosk Courtroom when she appeared as a friend

1 of the conservatee.

2 Q. What did you know about her at that time, if
3 anything, prior to meeting her?

4 A. I did not know her. I had never met her and I
5 did not know of her.

6 Q. What was -- did you have a conversation when
7 you first met her at Stanley Mosk in Department 11?

8 A. I wouldn't call it a "conversation." I would
9 call it an introduction. She introduced herself. She
10 was represented by counsel.

11 Her counsel was familiar with me. Her counsel
12 spoke with me afterwards, and she introduced herself as
13 a friend of Ms. Nichols.

14 Q. What is your knowledge as to
15 Angelique Fawcette's involvement in the proceedings
16 moving forward as it pertained to the conservatee?

17 A. Ms. Fawcette had presented to the court, or
18 her counsel had presented to the court, her desire to
19 maintain the close friendship that she had developed
20 over the years with Ms. Nichols.

21 And she was especially interested in being
22 able to visit the conservatee and to maintain that
23 relationship, which was described in various ways as
24 extended family, concern for someone she considered an
25 elder or someone that she considered the same as you

1 would consider a second mother.

2 Q. Were you at any point required to give any
3 opinion or testimony as to Angelique Fawcette's
4 involvement with the conservatee?

5 A. Yes. Because it was a court ordered
6 visitation subsequent to her counsel's presentation to
7 the court, there was -- I believe it was an order that
8 she be allowed visitation. That visitation was a
9 supervised visitation.

10 And I say "supervised," in quote, in the sense
11 that I was asked, as a third party neutral, to be
12 present at the time that there was supervision.

13 I do not believe that the order was specific
14 in either the time or the place. That was to be worked
15 out and coordinated by myself and my case assistant.

16 Q. At that time, did you have any reservations or
17 concerns as to whether such visitations should be
18 allowed with the conservatee?

19 A. No, I had no reservations, nor did I have any
20 concerns.

21 Q. You didn't see that my client,
22 Angelique Fawcette, was a threat in any way to
23 Nichelle Nichols?

24 A. Initially, I could not make that
25 determination. Subsequently, I made the determination

1 that she was not a threat, nor was there any potential
2 for harm.

3 Q. And that would be part of your duty as a
4 conservator to determine what was in the best interest
5 of the conservatee when it came to all aspects of care,
6 financial or otherwise, and whether such visitations
7 would be in her best interest; correct?

8 A. Well, I would like to answer the question by
9 saying that I am a mandated reporter, which means that I
10 am legally required to report any incidents, or
11 potential, for elder physical abuse or financial abuse
12 or harm.

13 And at that level, there was absolutely no
14 concern, financial or physical. But my team did
15 subsequent interviews with Ms. Fawcette, and that is
16 how -- and we did research. I did not know her before.
17 So I have contacts in the industry, and she has done her
18 principle work in Los Angeles.

19 So we reviewed her background. And after that
20 review and looking in her charity work and other
21 efforts, we did not have any concerns. If anything, it
22 was the exact opposite.

23 Q. As far as the wrongdoers that you mentioned,
24 being Gilbert Bell, the CPA, and the contractor, during
25 your initial investigations -- sorry.

1 Were the contractor handling her appearances,
2 did you see or witness any relationship between these
3 individuals and Angelique Fawcette?

4 A. I would like to clarify something.

5 I found no wrongdoing with the contractor.
6 Quite the contrary. I found that he had gone above and
7 beyond the contract and had provided many benefits
8 beyond what an ordinary contractor of that type of
9 contract would have done.

10 Q. Okay.

11 A. If you could repeat the question.

12 Q. Of course. As far as the financial issues you
13 were discovering, was Angelique Fawcette's name coming
14 up as someone involved in any of those transactions?

15 A. Yes, her name did come up.

16 Q. When did it come up?

17 A. When Kyle Johnson presented her name to me.

18 Q. When did he present her name to you?

19 A. I engaged in face-to-face meetings with
20 Mr. Johnson. And at the first face-to-face meeting, he
21 indicated it directly.

22 Q. What did he tell you about Angelique?

23 A. I cannot --

24 MR. MARVAN: I'll just object as hearsay, but
25 obviously you can proceed.

1 THE WITNESS: I can't remember his exact words, but
2 he expressed concern, and he also expressed that he had
3 heard that she had been involved in some way with a
4 GoFundMe account; but he did not provide any
5 documentation or hard evidence.

6 BY QUESTIONER:

7 Q. What was your understanding -- what was the
8 nature of his concern? Was he suggesting that there was
9 financial wrongdoing?

10 MR. MARVAN: Leading, objection.

11 THE WITNESS: Kyle indicated that he had concerns
12 about the GoFundMe account. He was very specific in
13 that he reiterated a number of times that he wanted the
14 GoFundMe account looked at. He also requested, or he
15 told me, that he was going to have other parties send me
16 information that indicated some wrongdoing.

17 BY MR. AIN:

18 Q. Did you ever receive anything from the other
19 parties?

20 A. I did. I received one email, and it indicated
21 that I should look into it, but there was no documents
22 or no substantive examples of anything. It was just an
23 email from a friend of the family that indicated I
24 should look into it.

25 Q. Who was the email from?

1 A. A Beverly Cole, C-O-L-E.

2 Q. Do you know, did he mention how much money was
3 involved with this GoFundMe account?

4 A. No one ever mentioned how much money was
5 involved.

6 Q. Okay. What was his concern about it, if you
7 understood anything more?

8 A. It was her concern, and it was a general
9 concern that was not backed up with any documents or any
10 evidence.

11 Q. Did you produce this email to us? Is that one
12 of the documents produced?

13 A. Yes.

14 Q. Okay. Did you receive anything else from
15 anyone else?

16 A. I did not receive anything from any other
17 family member or any professional as it related to the
18 GoFundMe account. I did receive information from the
19 GoFundMe administrators.

20 Q. Okay. Earlier on in this process when
21 Kyle Johnson first asked you to look into it or at some
22 point later?

23 A. After we began to do our analysis of the
24 finances, we reviewed all accounts that we were aware of
25 and the GoFundMe was neither.

1 So, like, an out or an undue -- I mean, there
2 wasn't any special emphasis. It was a part of our
3 routine process of looking at all accounts.

4 Q. Did Kyle raise any other concerns about
5 Angelique Fawcette with you in that first meeting other
6 than his suspicion about the GoFundMe account?

7 A. Yes.

8 Q. What else did he tell you?

9 A. He said that he did not like her, or did not
10 care for her.

11 MR. MARVAN: I will object as hearsay again.

12 MR. AIN: Okay.

13 THE WITNESS: Okay. Can I continue?

14 MR. AIN: Yes. Just so you know, the attorney will
15 assert the objections, but you are still going to be
16 entitled to answer the questions.

17 THE WITNESS: As I indicated previously, my case
18 assistant and I have regular meetings with Kyle because
19 he was conservator of the person. During those
20 meetings, we had a review of the case and of the
21 condition of the conservatee.

22 During these meetings, Kyle frequently made
23 comments, negative comments, about Angelique Fawcette.

24 BY MR. AIN:

25 Q. What sort of negative comments do you recall

1 him making?

2 MR. MARVAN: If I can just ask if I can have a
3 running objection as to any hearsay without having to
4 make every hearsay objection.

5 MR. AIN: Sure.

6 MR. MARVAN: Thank you.

7 MR. AIN: Thank you. We will have a standing
8 objection on that.

9 THE WITNESS: Kyle indicated to me and to my case
10 assistant that he felt that Angelique had taken GoFundMe
11 funds.

12 He also indicated that he didn't trust her.
13 And these were a part of the dialogue in the meetings.
14 So it wasn't one meeting. It wasn't two meetings. It
15 was a number of meetings where that was part of the
16 report giving process.

17 BY MR. AIN:

18 Q. Okay. Now, at some point did you advise
19 Kyle Johnson in the future that the GoFundMe funds were
20 received by you, or access to them?

21 A. Yes, I did.

22 Q. All right. Let's go back to these meetings.
23 How often would you meet with Kyle Johnson and your case
24 assistant early on when you were still conservator?

25 A. Early on, and I would say in the first two

1 months, we met by phone two to three times a week, and
2 we met in person once a week.

3 Subsequent to that, on some weeks it would be
4 a phone call twice a day, on some weeks it would be
5 three or four times a -- calls would be three or four
6 times a week. And then also there were frequent emails.

7 After the two-month period, the numbers of
8 meetings in person declined, but there were regularly
9 scheduled weekly phone meetings.

10 Q. How many times did Kyle Johnson, for any
11 reason, bring up the GoFundMe issue in these meetings
12 and calls?

13 A. I cannot give you an exact number, but I can
14 make an estimate.

15 Q. If you could, please.

16 A. Okay. It was more than 20 times.

17 Q. What would you say to him, if anything,
18 whenever he raised these concerns about the GoFundMe
19 account?

20 A. Again, the GoFundMe account was only one of a
21 number of accounts. So I explained, as part of my
22 responsibility as a conservator, it was my
23 responsibility to review every account, and the GoFundMe
24 account would be reviewed the same as any other account
25 subsequent to that explanation.

1 And it was a detailed explanation because we
2 had both graphs and charts and tables where we indicated
3 what our process was from gaining access to a password
4 to printouts of statements to analyses and view of the
5 statements.

6 So after about the 15th time, we indicated
7 that our initial information and review indicated that
8 that was not a priority for us; that there were a number
9 of larger priorities that related to a crisis management
10 in the debt that was owed.

11 Q. What other source of complaints or issues did
12 Kyle Johnson bring up about Angelique Fawcette in his
13 meetings or communications with you?

14 A. That he didn't want her to have access or
15 visit with his mother.

16 Q. Did he ever explain why?

17 A. He didn't like her. And he gave no reason for
18 why he didn't like her.

19 Q. Did you ever ask him why he didn't like her?

20 A. I asked him specifically as a conservator and
21 as a licensed professional fiduciary, had he seen or had
22 reason to believe that she had done any harm?

23 And he said -- and he again referred to the
24 GoFundMe account, but he did not indicate that there had
25 been any other type of harm. It was more or less, "I

1 don't like her. I don't want her on this property."

2 Q. Did he ever suggest that she has done anything
3 criminal in nature?

4 A. That's a difficult question for me to answer.
5 I would like to put some context around any response
6 that I would have.

7 Q. Please do, go ahead to the extent you can.
8 I'm not asking an opinion on or a legal conclusion of
9 the crime, but did he ever suggest that, or request that
10 it be shown that Angelique has done something that could
11 potentially be considered illegal?

12 A. Kyle, in our weekly meeting, framed the
13 interaction of a number of individuals as criminal. So
14 it was a broad based, "This person must be a criminal.
15 This person must be a criminal. This person."

16 Angelique was included in the listing of
17 individuals that he indicated that he was sure they had
18 participated in criminal activities. My background in
19 crisis management and financial review has included
20 fraud, mismanagement, and malfeasance. I did not see
21 any of those elements that would indicate that I would
22 have to report to authorities about what I perceived as
23 criminal activities.

24 Again, I'm a mandated reporter, and if I had
25 determined that there was any criminal wrongdoing

1 occurring, I would have been required to report that
2 with specific reference to Angelique.

3 Q. Understood. Other than what we've talked
4 about thus far, were there any other conversations you
5 had with Kyle Johnson where Angelique Fawcette came up?

6 A. Yes.

7 Q. Please can you tell me.

8 A. Specifically, when the court approved or
9 ordered a visitation by Angelique with Ms. Nichols, my
10 case assistant, Stephanie Davis, arranged, coordinated
11 the luncheon. She was present as a third party neutral
12 throughout the luncheon. She observed the interaction
13 between Kyle and Ms. Nichols prior to the meeting,
14 subsequent to the meeting, and she also observed the
15 interaction between Ms. Nichols and Angelique.

16 And Kyle had asked for a report on the meeting
17 and had provided instructions prior to the meeting.

18 Q. What did he want you to report?

19 A. He wanted to report anything that we felt was
20 negative.

21 Q. Did he specify anything he wanted articulated
22 in the report?

23 MR. MARVAN: Objection; I think this is getting to
24 double hearsay. So I just want to make sure that that's
25 clear for the record.

1 MR. AIN: Okay.

2 THE WITNESS: Kyle spoke directly because I was
3 present at the beginning of the meeting with Angelique
4 and Ms. Nichols. Stephanie Davis, the case assistant,
5 as I indicated, coordinated and had oversight for the
6 luncheon meeting. There was food. There was drink.
7 There was a setup, and Ms. Nichols invited Ms. Davis to
8 sit down on the luncheon part of the meeting with
9 Angelique and Ms. Nichols.

10 Kyle objected to the food, and he objected --
11 and when I say "objected," he told me directly that he
12 didn't see that it was necessary, and he attempted to
13 place restrictions. And when I say, "attempted to place
14 restrictions," he was very concerned about the amount of
15 time that was spent at the luncheon meeting.

16 BY MR. AIN:

17 Q. You mentioned a report. Is that he wanted a
18 report to him or a report to a certain party? I was
19 confused as to who was this report to be prepared for.

20 A. We prepared a report for the five of the
21 meetings, and should be called upon to relate the
22 report. And it was a description of what occurred; who
23 was involved, the length of time, and the -- what
24 occurred.

25 For example, there was a luncheon part and

1 then there was a visitation part between Angelique and
2 Ms. Nichols.

3 We observed that Ms. Nichols, for example, was
4 smiling, greeted warmly, hugged, was happy.

5 She was not happy before. She was just -- she
6 wasn't smiling. She wasn't bubbly. When Angelique
7 arrived, she was. We reported that --

8 MR. MARVAN: Objection; speculation.

9 THE WITNESS: We reported what she saw, when she
10 smiled, when she hugged, when she kissed and asked --

11 With a dementia patient, sometimes they are
12 not responsive. She was very responsive and asked how
13 Angelique and her husband had been.

14 When Kyle wanted and requested that we provide
15 details, I wasn't there throughout the meeting; so he
16 questioned me and then he questioned Stephanie.

17 BY MR. AIN:

18 Q. What did he question Stephanie about?

19 A. The details of the meeting.

20 Q. Okay. And was he suggesting that --

21 A. I'm sorry.

22 Q. Was he asking about -- was he asking about did
23 any negative things happen at the meeting? Is that what
24 he wanted to inquire about?

25 MR. MARVAN: Objection; leading.

1 THE WITNESS: I don't know why or his purpose for
2 inquiring. What I can tell you is what his response was
3 to our report; that it was a good meeting. His response
4 to the report was that he did not want to continue to
5 hear about the good meeting.

6 BY MR. AIN:

7 Q. Did he at any point ask you to find a way to
8 end these visitations?

9 A. What he indicated to me -- by "indicated,"
10 what he said to me, he didn't want any more meetings.

11 Q. Did he ever make any threats in your presence
12 towards Angelique Fawcette?

13 A. I have to give a context for that.

14 Q. Okay.

15 A. Kyle and the fiduciary team had regular
16 meetings. During those regular meetings, Kyle made
17 accusations of criminal activities. He also made -- he
18 also told the fiduciary team that it was his intent to
19 restrict certain people from having access to
20 Ms. Nichols. That was part of his reporting. That was
21 part of the regular meetings.

22 That in the meeting discussions, Kyle
23 Johnson's report was who he intended to restrict from
24 having access to his mother. Angelique was one of those
25 individuals that he repeatedly said that he wanted to

1 restrict from having access to his mother.

2 Q. Did you ever hear him make any physical
3 threats towards Angelique Fawcette?

4 A. No.

5 Q. Okay. Did he ever make any comments to you
6 that you knew to be false about Angelique Fawcette other
7 than the GoFund --

8 MR. MARVAN: Objection; vague and -- yeah, can you
9 restate it?

10 MR. AIN: And assumes facts not in evidence. Sure.

11 BY MR. AIN:

12 Q. Did Kyle Johnson at any point ever make any
13 statements that were defamatory about
14 Angelique Fawcette?

15 MR. MARVAN: Objection; calls for a legal
16 conclusion.

17 THE WITNESS: Kyle Johnson routinely made threats
18 against individuals, including myself and my team
19 members. He was not exclusive. He was inclusive of his
20 threats and his use of profanity against myself and
21 other individuals.

22 BY MR. AIN:

23 Q. What sort of threats do you recall him making
24 about others or yourself?

25 A. I can't really recall any threats that he made

1 against others. I can only recall the threats that he
2 made directly toward me. There were --

3 Q. Can you tell --

4 A. There were comments that he would get me, that
5 he would fix me, that he would hurt me.

6 Q. Why would he say those things to you? What
7 was the issue that he was having with you to threaten
8 you in such a fashion?

9 MR. MARVAN: Objection; speculation.

10 THE WITNESS: I can't -- I do not know why he said
11 those things. It appeared to me, based upon my
12 experience as a conservator dealing with volatile family
13 situations, that it was unprovoked anger.

14 So during the latter parts of the meeting, I
15 am giving the reports and summaries, if he disagreed, he
16 may explode in anger. So his disagreements were
17 expressed in angry tones and profanity.

18 BY MR. AIN:

19 Q. Did he ever express such anger towards you in
20 connection with discussing Angelique Fawcette?

21 A. No.

22 Q. Do you remember him ever making similar
23 threats such as the ones you received about
24 Angelique Fawcette?

25 MR. MARVAN: Objection; asked and answered.

1 THE WITNESS: No, he made threats about our
2 handling of the GoFundMe account.

3 BY MR. AIN:

4 Q. Did he at any point suggest to you that he
5 believes Angelique Fawcette has access to Nichelle
6 Nichols's finances?

7 A. Kyle repeatedly said that he {sic} had access
8 to the finances that went into the GoFundMe account.

9 Q. I'm sorry. Repeat that.

10 A. Kyle repeatedly made accusations and
11 statements that Angelique had access to finances that
12 went into the GoFundMe account.

13 Q. Meaning finances of Nichelle Nichols?

14 A. Yes.

15 Q. Did he ever say how much that was?

16 A. Yes. He indicated that it was large sums of
17 money.

18 Q. At some point, you discovered how much money
19 was in this GoFundMe account?

20 A. Yes.

21 Q. Was it a matter of less than \$3,000, I
22 believe?

23 A. Yes. That's my recollection. And the
24 statements were reviewed to see how much money had
25 flowed into the account. We had to rely on the

1 statements that were provided by the GoFundMe
2 administrators.

3 Q. Did you find anything that supports Kyle's
4 suspicions about Angelique Fawcette's wrongdoings?

5 A. No, we did not find any indication. And the
6 GoFundMe administrators reviewed the account for fraud,
7 and they issued a report to us.

8 Q. Is it true that Angelique Fawcette never
9 herself had access to these funds that provided you with
10 the information to contact GoFundMe?

11 MR. MARVAN: Objection; leading.

12 THE WITNESS: During the time -- I only can speak
13 during the time when I was the court appointed temporary
14 conservator.

15 During that time, GoFundMe advised us of the
16 process that we required. Part of that process was to
17 ask for information from Angelique. Angelique provided
18 the information after -- excuse me.

19 When we followed the instructions from
20 GoFundMe and asked the questions from Angelique, she
21 provided the information that she had. We turned that
22 information over to GoFundMe, and, therefore, she no
23 longer had access to the account. I had access to the
24 account as the conservator.

25 ///

1 BY MR. AIN:

2 Q. Was Kyle Johnson made aware of this in any of
3 your meetings or discussions?

4 A. Kyle Johnson was repeatedly made aware of this
5 by written comments, by in-person meetings, by telephone
6 meetings. He was made aware of it. He was made aware
7 of it repeatedly, frequently, and often every time he
8 would raise the issue.

9 This was after the report, the reporting and
10 the analysis that had been done.

11 Q. Did Kyle Johnson at any point try to suggest
12 that Angelique Fawcette was conspiring with Gilbert Bell
13 in any way?

14 A. Again, giving context. Kyle Johnson felt that
15 there were a number of people conspiring, including
16 toward the end of my appointment that I was conspiring
17 with Gilbert Bell.

18 So that the vendor, the contractor for the
19 events, was conspiring with Gilbert Bell.

20 MR. MARVAN: Objection; nonresponsive.

21 BY MR. AIN:

22 Q. Were any of those allegations ever made about
23 Angelique Fawcette specifically working with
24 Gilbert Bell?

25 A. I don't recall.

1 Q. Okay. Did you have any reason -- did they
2 suggest to you any reason that --

3 MR. MARVAN: Objection; vague --

4 BY MR. AIN:

5 Q. -- that Angelique Fawcette --

6 MR. MARVAN: -- as to "they."

7 BY MR. AIN:

8 Q. Okay. Was there at any time an attempt by
9 Kyle Johnson to keep Nichelle Nichols from appearing in
10 court?

11 MR. MARVAN: Objection; speculation.

12 THE WITNESS: The answer is "yes," he did not
13 prepare her for court despite the fact that in our
14 meetings, we indicated when -- that she had to be
15 dressed, her hair had to be done, clothing laid out.
16 And Kyle disregarded those instructions.

17 MR. MARVAN: Objection; argumentative, speculation,
18 lack of personal knowledge.

19 BY MR. AIN:

20 Q. Did Kyle ever discuss with you how he felt
21 about Judge Barbara Johnson?

22 A. Yes.

23 Q. What did he say to you with regards to the
24 judge?

25 A. He indicated that the judge should not have

1 allowed Angelique visitation.

2 (Reporter requests clarification.)

3 THE WITNESS: Correct.

4 BY MR. AIN:

5 Q. Did he at any point ever express what he
6 believed the Judge Barbara Johnson thought of
7 Angelique Fawcette, whether she thought positively of
8 her or not?

9 MR. MARVAN: Objection; leading.

10 THE WITNESS: I don't recall.

11 BY MR. AIN:

12 Q. Did he ever make any comments or suggestions
13 that he was in any way related to the judge?

14 A. Not that I recall.

15 Q. Were you ever offered anything of value by
16 Kyle Johnson in exchange for attempts to sway you in any
17 way in performing your role as a conservator?

18 A. Yes.

19 Q. What was that?

20 A. He said that I could be continued to be paid
21 as a conservator and could have the successor trustee
22 appointment if I agreed to follow his instructions in
23 some specific areas.

24 Q. What was it he wanted specifically that you
25 do?

1 A. He wanted to be able to control who had access
2 to his mother. He wanted me to specifically "go after
3 Gilbert Bell." He wanted me to fire the contractor for
4 the events.

5 And there were some other -- there were some
6 other financial matters that during our meetings we had
7 indicated that he had responsibility for.

8 For example, receipts for supplies for the
9 conservatee that he had not supplied. And he indicated
10 that he wanted that to stop also, and then he would
11 allow the appointment, as had been agreed to.

12 The "appointment" meaning the conservatorship
13 of the estate on a permanent basis and the appointment
14 as successor trustee in order to deal with the issues
15 and the crisis with the real property.

16 Q. Did he ever suggest offering any sort of
17 compensation to anybody to get them to go away or agree
18 to leave Nichelle Nichols alone?

19 MR. MARVAN: Objection; leading, argumentative.

20 THE WITNESS: He offered compensation for a
21 particular person to come in and take over the
22 contracting. And he became enraged when I did not agree
23 to what he offered or wanted to happen.

24 BY MR. AIN:

25 Q. What was that that you recall?

1 A. He wanted a nonpracticing attorney to become
2 the agent for Ms. Nichols. That was not feasible
3 because this individual did not have an agent's license.

4 MR. MARVAN: Objection; calls for expert
5 information that is not -- and lack of foundation.

6 THE WITNESS: It is my practice, as a conservator,
7 to check the licenses of any professional to have some
8 determination.

9 And the individual voluntarily told me that he
10 did not hold a license to be an agent, and that's a
11 requirement in the State of California.

12 MR. MARVAN: Objection; misstates the law.

13 THE WITNESS: So basically my analysis, I vetoed
14 that as in the best interest of the conservatee.

15 BY MR. AIN:

16 Q. Were these things that Kyle Johnson was
17 suggesting not in the interest of the conservatee?

18 A. The demands that Kyle Johnson made were often,
19 in my opinion as a licensed professional fiduciary and
20 conservatee, not in the best financial interest or other
21 interest of the conservatee.

22 Q. Did you ever witness any sort of emotional or
23 verbal abuse towards Nichelle Nichols by Kyle Johnson?

24 A. I'm not prepared to call a meeting of the
25 actions that I observed as verbal abuse. I would

1 characterize it as harshly speaking.

2 Q. On how many occasions do you remember seeing
3 or witnessing Kyle Johnson harshly speaking to
4 Nichelle Nichols?

5 A. Two.

6 Q. Did you at any point reach an opinion as to
7 whether Kyle Johnson was qualified to care for
8 Nichelle Nichols's person or estate?

9 A. Yes, I did.

10 Q. And when was that?

11 A. Among the documents that I provided was a
12 report that I presented to the judge, and my counsel
13 distributed to other counsels present. It was not
14 formally filed.

15 And in that report, I went into detail,
16 including the table of incidents where I felt it was not
17 indicated that it would be in the best interest of the
18 conservatee to have Kyle in a conservatorship or trustee
19 role.

20 Q. Did the issue of selling Nichelle Nichols's
21 assets ever come up with Kyle Johnson?

22 A. Yes.

23 MR. MARVAN: Once this question is done, I'm going
24 to need a brief break.

25 MR. AIN: Sure. We can do that.

1 BY MR. AIN:

2 Q. Can you please tell me, Dr. Hawkins, in what
3 context that came up?

4 A. Yes. We had independent review, the terms of
5 whether the real estate had cleared title, whether there
6 was any obligation, and the manner in which the title
7 was held.

8 After that review, we were very concerned and
9 felt that both -- it was important to protect the
10 conservatee's financial interest to take certain action.

11 And we did not feel that Kyle -- Kyle's
12 reaction was not one that he wanted more detail, nor did
13 he care to listen to the analysis. He was dismissive
14 and --

15 MR. MARVAN: Objection; speculation.

16 THE WITNESS: He was dismissive of us as in walking
17 away or getting off the phone. I would characterize
18 that as dismissive.

19 MR. AIN: Okay. We will take a ten-minute break,
20 if that's okay. Thank you, Dr. Hawkins. We will be
21 right back.

22 THE WITNESS: All right. Thank you.

23 (A recess was taken.)

24 MR. AIN: If we can please go back on the record,
25 Madam Court Reporter.

1 BY MR. AIN:

2 Q. Welcome back, Dr. Hawkins. Can you hear me
3 still?

4 A. Yes, I can.

5 Q. Thank you for your time again today. I'm
6 hoping to just about wrap up my questions, and
7 Mr. Marvan has a few questions for you as well.

8 A. All right.

9 Q. With that, we were talking about your report.
10 Without having to resort to reading your report, what is
11 your opinion of Kyle Johnson's ability to care for the
12 conservatee?

13 A. Well, I would not like to generalize. I made
14 specific analyses and opinions and recommendations in
15 the report. The report dealt with things like
16 healthcare, care of the person, the branding to bring in
17 more money. And in all of those areas, there were
18 sufficient reasons for concerns.

19 So I believe that the report would have to be
20 looked at in total to go beyond that summary. There was
21 sufficient concern in my role as a fiduciary and
22 conservator; otherwise, I would not have taken the time
23 to write the report and to have counsel submit it to the
24 judge.

25 Q. Did you at any point conclude that

1 Kyle Johnson is fit enough to act as a conservator for
2 the conservatee?

3 MR. MARVAN: Objection; calls for a legal
4 conclusion, lack of foundation.

5 THE WITNESS: I think that that is a decision for
6 the judge to make. What I did was to provide what I
7 thought documentation, evidence, analysis that there
8 were areas of deep and grave concern that he would not
9 be able to act in the best interest of the conservatee,
10 despite the fact that it was his mother and despite the
11 fact that it is my general position that a member of the
12 family is in the best position to act in the role of
13 conservatorship of the person.

14 BY MR. AIN:

15 Q. Do you have any belief that Kyle Johnson may
16 be violent in any way?

17 A. I can only --

18 MR. MARVAN: Objection; speculation.

19 THE WITNESS: I can only relate to his actions
20 toward me. And in his actions toward me, he acted in a
21 violent manner on at least two occasions.

22 BY MR. AIN:

23 Q. Did the discussions of moving Nichelle Nichols
24 ever come up with Kyle Johnson or anyone else?

25 MR. MARVAN: Objection; relevance.

1 THE WITNESS: In the meetings, the conservatorship
2 meetings that were routinely had, the idea or the option
3 of moving Ms. Nichols out of state was brought up by
4 Kyle Johnson during the content part of the meeting.

5 BY MR. AIN:

6 Q. Did you at any point formulate an opinion as
7 to whether it will be in the interest of the conservatee
8 to relocate her out of state?

9 A. Yes, I did develop an opinion.

10 Q. What is that opinion?

11 MR. MARVAN: Objection; relevance.

12 THE WITNESS: The opinion was developed after
13 numerous conversations with the conservatee, with
14 friends that had known her for a number of years, and
15 with members of her family. The summary of that
16 information was that she wished to stay in her home.

17 MR. MARVAN: Objection; speculation.

18 THE WITNESS: That she wished to stay in her home.

19 And in addition to that, she had expressed
20 that she wanted to die there. In talking with
21 individuals in the industry --

22 MR. MARVAN: Objection; double hearsay.

23 THE WITNESS: -- it was -- this was a part of our
24 interview process and procedures as we ascertained what
25 would be the conservatee's wishes. We were told

1 repeatedly how she had acquired the property, the
2 process, and she is a known star.

3 And we were given evidence, and that evidence
4 we used, triangulation, which means we go through a
5 process by getting the information from one person and
6 trying to document in at least by two other sources.
7 And in this triangulation process, it was consistent
8 that the property was her pride and joy, and she saw it
9 as an estate.

10 From personal experience, I sat with her on at
11 least three occasions on the property, and she walked
12 through the garden, talked about plantings, talked about
13 what she wanted to see in the future.

14 BY MR. AIN:

15 Q. Okay. You mentioned a non-licensed attorney
16 with no agency license as well. What was the person,
17 the name of that person, if you recall?

18 A. The first -- I don't -- he wasn't licensed --
19 a licensed attorney, but I do not believe he was
20 licensed to practice in California.

21 The only reason I said that I do not believe
22 was because I believe I can recall, and he told me in
23 the conversation, that he was a nonpracticing attorney,
24 but he was licensed in another state. He also told me
25 in a meeting, which we had to, again, gather information

1 and to marshal assets that he was not licensed to act as
2 an agent.

3 Q. You don't remember his name?

4 A. Yes. His first time was Scott.

5 Q. Last name?

6 A. I can look it up, but I don't remember the
7 last name.

8 Q. That's okay for now. Thank you.

9 You mentioned an agreement that you were asked
10 to enter into. Was that, like, a secret agreement,
11 like, a side deal suggested by Kyle Johnson or anyone
12 else?

13 MR. MARVAN: Objection; leading, vague as to
14 "agreement."

15 THE WITNESS: I would not characterize it as a side
16 deal. I would characterize it as a requirement in which
17 I was to continue.

18 So it was a demand that was made of me.

19 BY MR. AIN:

20 Q. Going back and concluding with the GoFundMe
21 account, was there ever a hearing in court where the
22 judge inquired or asked about the GoFundMe account?

23 A. I do not --

24 Q. If you recall.

25 A. I do not recall if that was a specific matter

1 that was brought up in court. I do recall that it was a
2 specific marshaling of the assets. Okay. It was
3 reviewed in the process of marshaling assets, and there
4 were certain determinations made about the GoFundMe
5 account.

6 Q. Is there anything else we haven't discussed
7 today that I didn't ask you relating to these particular
8 issues we went over that you'd like to articulate?

9 MR. MARVAN: Objection; calls for a narrative.

10 (Reporter requests clarification.)

11 THE WITNESS: The only thing I would like to
12 articulate is to emphasize that I follow a best
13 practices process when I take over any case. That best
14 practices process was followed in this case.

15 There was documentation into a database, in a
16 management database, which included reports of meeting
17 schedules, data that was received, information about the
18 conservatee.

19 I believe that that is important because it
20 speaks to a process of procedures and best practices,
21 which were followed in this case.

22 So from that -- and that is the manner in
23 which I prepared my report, rendered any appearances,
24 and answered the questions today.

25 ///

1 BY MR. AIN:

2 Q. Okay. Thank you. Did you see any of the
3 videos that were released to the media pertaining to
4 Nichelle Nichols?

5 A. Yes, I believe that I looked at one. Someone
6 sent it as an attachment to an email.

7 Q. Did you formulate any opinions or concerns
8 about that video?

9 MR. MARVAN: Objection; vague as to what video. I
10 think we need a broader description as there have been
11 many videos.

12 BY MR. AIN:

13 Q. What is it that you remember seeing and did
14 you have any opinion about what you witnessed or what
15 you saw?

16 A. I don't really recall. I tend not to be one
17 that pays attention to that type of media. I believe
18 that the ones that I'm referring to, I believe there was
19 more than one video that was attached on an email.

20 And my opinion was that was so unfortunate
21 that those things were occurring to someone who is an
22 icon in the African-American and entertainment
23 community. So it was a feeling of sadness.

24 Q. Are you referring to anything you saw where
25 Nichelle Nichols was --

1 MR. MARVAN: Objection; leading.

2 BY MR. AIN:

3 Q. -- screaming, or yelling?

4 MR. MARVAN: Objection; leading.

5 THE WITNESS: As I said, there were several emails
6 where there were attachments. I felt sadness of what
7 was happening to her. And, certainly, any video that I
8 saw where there was an indication of distress would
9 further the sadness.

10 MR. AIN: Okay. I have no further questions at
11 this time. Thank you, Dr. Hawkins. I may have one or
12 two follow-up after Mr. Marvan's examination.

13 THE WITNESS: Okay.

14

15 EXAMINATION

16

17 BY MR. MARVAN:

18 Q. Good morning, Dr. Hawkins. It's still morning
19 for another 20 minutes.

20 A. Yes.

21 Q. So I did send you an email with a few exhibits
22 that were "attached." I sent it to the court reporter
23 as well. Do you have that email?

24 A. Yes. I have -- I think I printed out. Were
25 there two documents?

1 Q. Actually, there's been a follow-up email.
2 However, it's been sent to the court reporter. I'm also
3 going to attempt to do it via screen sharing so we can
4 review it together. Okay?

5 A. All right.

6 Q. Before we get there, just because this is a
7 relatively unique type of deposition, although not
8 unique for our time period, I would just ask you if
9 there's anyone else in the room with you at this
10 juncture?

11 A. No.

12 Q. And is there -- are there any documents that
13 you have referred to during the examination by Mr. Ain?

14 A. Yes. It's the two documents that I believe
15 that you sent, and then I have my file, and then I have
16 the subpoena.

17 Q. Okay. So could you describe the two documents
18 that I sent to you, please?

19 A. Okay. One is an -- it says, "RE:
20 Conservatorship of the Person and Estate of Nichelle
21 Nichols, Proposed Conservatee." It was filed
22 December the 4th, 2018.

23 Q. Okay. And the second document?

24 A. And the second document is a letter. It's a
25 letter from Tristan Bufete to you, dated January the 16,

1 2019.

2 MR. MARVAN: Very well. Okay.

3 So Madam Reporter, I think that we are going
4 to have to ask that those four documents be marked as
5 evidence. Perhaps we can do that at the end of the
6 deposition for clarity's sake, when we are not in the
7 midst of conversation.

8 So I just ask that you keep those close to you
9 so that we can have them marked as you refer to them
10 during the course of the deposition. Okay?

11 So first of all, I'd like to do this screen
12 sharing. So give me a moment.

13 THE WITNESS: You forced me to put my reading
14 glasses on.

15 MR. MARVAN: I apologize, but I think I do.

16 So I'm going to open it up. And is this -- we
17 can go off the record for a moment.

18 (There was a discussion held off the record.)

19 BY MR. MARVAN:

20 Q. Back on the record.

21 Dr. Hawkins, on the screen in front of you is
22 what I will mark as Exhibit A, which is a court filed,
23 stamped December 4th, order after hearing for a hearing
24 date of November 8th.

25 Do you see that?

1 A. Yes.

2 (Whereupon Conservator's Exhibit A was
3 marked for identification, and it is
4 attached hereto.)

5 BY MR. MARVAN:

6 Q. And do you see on Page 3 of Exhibit A,
7 Paragraph 10.

8 A. Yes.

9 Q. Do you see where it says that
10 "Angelique Fawcette is directed to provide all GoFundMe
11 funds to temporary conservator of the estate forthwith"?

12 A. Yes.

13 Q. Do you know, as of November 8th, whether you
14 were acting as temporary conservator?

15 A. No. I wasn't. I believe that this was
16 continued to January.

17 Q. Were you the temporary conservator on
18 November 8, 2018?

19 A. Let me see here.

20 MR. AIN: Norine Boehmer.

21 BY MR. MARVAN:

22 Q. And I'll point your attention to Paragraph 4,
23 which is on Page 2., which is on the screen, actually,
24 if you'd like to look at the screen.

25 A. Yes. It would indicate that I was because the

1 letters were extended to January the 30th. So they
2 expired on the 8th.

3 I guess if the question is since the letters
4 expired on the 8th, and it would take time for the
5 temporary letters to be issued, there's always a
6 question about whether or not I could act during that
7 time period from the 8th until I received the official
8 letters.

9 Q. Okay. So it is your testimony today that you
10 may not -- that you may have had a gap in time in which
11 you were acting as temporary conservator?

12 A. Yes, depending upon if the letters were signed
13 that day and I received them that day.

14 Q. Do you recall whether or not the letters
15 actually did expire on November 8, 2018?

16 A. It would appear from Paragraph 4 as to --
17 stated that it says that the letters are extended to
18 January the 30th, which in my experience, would indicate
19 that at the date of the hearing that the letters
20 expired.

21 Q. Isn't it also common practice to have the
22 letters extended a bit beyond the date of the continued
23 hearing as of -- so that there is no gap, based upon
24 your experience?

25 A. No, it is not. I've had a number of instances

1 where I have been sharply rebutted by nursing homes or
2 assisted living, saying that -- or banks -- that we
3 don't have. Sometimes they extend the courtesy and
4 sometimes they don't.

5 MR. MARVAN: Objection; nonresponsive, move to
6 strike.

7 BY MR. MARVAN:

8 Q. My question is: Isn't it often common
9 practice to actually have the previously issued
10 temporary letters beyond the date of the next hearing?

11 A. That has not been my experience.

12 Q. Understood.

13 So my next question for you: Do you recall
14 whether or not the temporary conservator of the person
15 had the authority to determine visitors and restrict
16 visitation before this hearing date?

17 A. Could you repeat the question?

18 MR. MARVAN: Madam Reporter, could you read the
19 question, back, please?

20 (The record was read by the reporter.)

21 THE WITNESS: No.

22 BY MR. MARVAN:

23 Q. Can you explain what you mean by "no"?

24 A. If I recall correctly, Angelique Fawcette had
25 appeared with counsel, and there was some specific

1 discussion about whether or not the conservator of the
2 person had the right to restrict her visitation.

3 If you are speaking about the roles and rules
4 as it relates to a conservator of the person, there are
5 best practices.

6 And then there are, what I would call,
7 official rules. The official rules are that the
8 conservatorship of the person covers all aspects of the
9 person.

10 Q. So my question for you: Do you recall whether
11 or not there was a specific order that the temporary
12 conservator of the person could restrict visitation?

13 A. No, no.

14 Q. So you do not recall, or there was not a
15 specific order authorizing the temporary conservator to
16 restrict visitation before November 8th, 2018?

17 A. I don't recall.

18 Q. If there was a specific order that restricted
19 visitation before November 8th, 2018 -- strike that.

20 If there was a specific order in place that
21 authorized the temporary conservator of the person to
22 restrict visitation before November 8th, 2018, would
23 that affect your prior testimony regarding the ability
24 of my client to restrict the visitation of Ms. Fawcette?

25 A. I can't really respond to that.

1 Q. Why not?

2 A. Because I'm not in a position to make a legal
3 conclusion about a ruling on a -- on a legal ruling in
4 terms of restrictions.

5 I mean, to my knowledge, there was not an
6 order in place, a restraining order, or a restrictive
7 order in place.

8 Q. My question for you, as a professional
9 fiduciary that acts as a conservator of the person and
10 estate, if there was such an order in place, would that
11 impact your testimony in terms of the propriety of the
12 temporary conservator of the person restricting
13 Ms. Fawcette from visiting with the temporary
14 conservatee before November 8th, 2018?

15 A. Yes, if there was a restraining order in
16 place, it would.

17 Q. That's not my question. It's not about a
18 restraining order. It's about an order under the
19 probate code, code section -- probate code section of
20 independent powers authorizing the temporary conservator
21 to restrict visitation.

22 MR. AIN: Objection; calls for a legal opinion,
23 speculative, argumentative.

24 Go ahead.

25 ///

1 BY MR. MARVAN:

2 Q. You can answer.

3 A. I am not familiar with that order in the way
4 that you stated it. I am familiar with the fact that
5 conservatorships of the persons or the conservator of
6 the person needs to act in the best interest and in the
7 least restrictive manner.

8 Q. Okay. Do you see in Paragraph 6 of Exhibit A
9 wherein it says that "Prior to Angelique's first visit
10 with temporary conservatee, Angelique Fawcette must
11 execute a nondisclosure agreement"?

12 A. Yes.

13 Q. Did you ever see a copy of that nondisclosure
14 agreement?

15 A. I don't recall.

16 Q. Do you see in Paragraph 5 where it indicates
17 that Angelique Fawcette is authorized to visit with
18 temporary conservatee two times per month for one to two
19 hours per visit?

20 A. Yes.

21 Q. Were you the temporary conservator of the
22 person before November 8th, 2018?

23 A. Yes, I believe I was according to the
24 documents that I have in front of me.

25 Q. I am now opening Exhibit B, or a document that

1 is entitled, "Reply of Interested Party/Friend
2 Angelique Fawcette to Conservator's Opposition to
3 Petition." It does not have a file stamp date on it;
4 however, do you see this document in front of you, or do
5 you see this document on the screen?

6 A. Yes.

7 Q. I would ask that this be marked as Exhibit B.
8 (Whereupon Conservator's Exhibit B was
9 marked for identification, and it is
10 attached hereto.)

11 BY MR. MARVAN:

12 Q. And in this document on Page 14 of the
13 document, which I'm getting to in a moment, which is
14 Exhibit A, there's an email that you sent on August 5th,
15 2020. Do you recall this email?

16 A. Yes.

17 Q. Can you read it over, please. And let me know
18 when you need me to scroll.

19 A. I'm at the end.

20 Q. Okay. Did you ever marshal the GoFundMe
21 funds?

22 A. Yes, we did marshal.

23 Q. When did you marshal them?

24 A. I don't have an exact date, but it was after
25 we had handled some, what we call more important

1 accounts, after we determined it was a relatively small
2 sum.

3 Q. Did you marshal these funds before
4 January 30th, 2019?

5 A. I don't recall.

6 Q. Did you marshal these funds while you were
7 acting as temporary conservator of the person?

8 A. Yes.

9 Q. Strike that.
10 Did you marshal this while you were acting as
11 temporary conservator of the estate?

12 A. Yes.

13 Q. Would these funds have been reflected in your
14 accounting as marshaled assets?

15 A. No, because they were still in the account,
16 but we had access to them.

17 Q. So you did not put these funds into your
18 accounting at all?

19 A. No, we did not because they had not been
20 transferred from the GoFundMe account.

21 Q. So you never transferred these assets from the
22 GoFundMe account to the conservatorship estate; correct?

23 A. Correct.

24 Q. So in essence, these funds are still in the
25 GoFundMe account; correct?

1 A. I would not know at this point because all of
2 the information in terms of access to all of the
3 accounts were transferred to Kyle Johnson.

4 Q. So in fact, you never did marshal these
5 assets; correct?

6 A. Well, it depends on what you mean by
7 "marshal." I believe that we marshaled the assets.
8 There was a question about how those funds could be
9 transferred.

10 And what I was concerned about were tax
11 implications and see other implications. And without
12 discussing privileged information, this was a point of
13 discussion with counsel.

14 Q. Can you explain to me what the tax assessment
15 was?

16 A. I did not know how the funds should be
17 treated. And there was some concern because
18 Ms. Nichols's tax returns had not been filed for a
19 number of reasons.

20 As I indicated, there were a number of
21 financial issues and crises, and I did not want to
22 activate or have any tax consequence. And so I was in
23 the process of consulting with an independent CPA, and
24 that never occurred. I never had an opinion.

25 But this was in the context of other funds too

1 that were coming in to other accounts. So I treated
2 this as one of the accounts.

3 And as I said, I could not determine the tax
4 consequences. And I knew that once they would transfer
5 into the conservatee's account that it may cause a tax
6 action.

7 Q. How much were these funds?

8 A. I don't recall the exact amount, but I believe
9 it was under \$3,000.

10 Q. And you were worried about under \$3,000 as a
11 taxable event?

12 A. Yes. Yes, because I was not aware of what had
13 gone out before. Okay? And how -- because she was
14 still -- because of her role, and I guess it was SAG or
15 her role as an actress and so forth, it wasn't the usual
16 process. And I didn't know whether it would impact her
17 pension or anything else.

18 And before I made such a transfer, I wanted to
19 have the opinion of a financial professional, and I
20 wanted to speak with her CPA. Her CPA refused to
21 provide any information, any documentation.

22 And, as I said, after consulting with counsel,
23 we decided to come back to this at a later time.

24 We knew no one had access to the funds other
25 than us. We knew what the statements indicated were in

1 the account, and we decided to leave them in the account
2 because we knew we could access and they weren't going
3 away.

4 Q. Did you confirm that Ms. Fawcette did not have
5 access to these funds?

6 A. Yes, I did.

7 Q. How did you do so?

8 A. By talking with the GoFundMe administrators.

9 Q. Turning back to Exhibit A, I'm just trying to
10 make sure that I understand. There's a specific order
11 that Angelique Fawcette transferred the GoFundMe funds
12 to the temporary conservator of the estate forthwith.

13 A. That's correct.

14 Q. And did you ever get these assets transferred
15 to you as conservator of the estate?

16 A. I feel I did.

17 Q. Were they ever titled into your name as
18 conservator of the estate of -- temporary conservator of
19 the estate as Nichelle Nichols?

20 MR. AIN: Objection; calls for speculation, assumes
21 facts not in evidence.

22 You can answer.

23 THE WITNESS: According to the instructions
24 provided to me by the GoFundMe administrative or agents,
25 there was a process. They instructed Ms. Fawcette, and

1 they instructed us according to the process.

2 And in my opinion, Ms. Fawcette followed the
3 process. In my opinion, we followed the process. So we
4 were the only ones who had access to the funds.

5 BY MR. MARVAN:

6 Q. My question is: Were these funds ever
7 transferred into -- titled into the temporary
8 conservator of the estate of Nichelle Nichols?

9 A. In my opinion --

10 Q. It is a "yes" or "no" question, ma'am.

11 A. Not to me, it's not "yes" or "no."

12 In my opinion, the conservatorship had access
13 to these funds. Had I continued in the role, as I
14 believe, I would have taken further action, but I did
15 not take further action. This was not the highest
16 priority that I had for less than \$3,000 when I was
17 looking at hundreds of thousands if not millions. This
18 definitely was not the highest priority.

19 Q. Thank you. I'd like to now turn to the next
20 exhibit, which I'll mark as Exhibit C. And this is the
21 document entitled, "First and Final Account and Report
22 of Former Temporary Conservator, BJ Hawkins, Ph.D."

23 A. Right.

24 Q. Do you recognize this document?

25 A. Yes.

1 (Whereupon Conservator's Exhibit C was
2 marked for identification, and it is
3 attached hereto.)

4 BY MR. MARVAN:

5 Q. And I'm going do scroll down to Page 18 of the
6 document. And this Page 18 is the verification, which
7 means that all the -- are you familiar with what a
8 "verification" is?

9 A. Yes, I am.

10 Q. And can you describe what a verification is,
11 please?

12 A. A verification just basically says, to the
13 best of my knowledge, this is an accurate report and I
14 believe that the matters are true.

15 Q. Okay. And this verification also included
16 your fee declaration, along with basically billing
17 statements by yourself and Ms. Davis; correct?

18 A. Correct.

19 Q. My next question for you is: To your
20 recollection, did this accounting at all refer to the
21 GoFundMe funds?

22 A. I don't recall.

23 Q. Do you have a copy of this document?

24 A. Yes, I have it on my computer. I can bring it
25 up, or you can go to a certain page, which would be my

1 preference.

2 Q. Can you still read it?

3 A. Yes, I can.

4 Q. I think it is important, and I apologize to do
5 this to everyone, for you to read this document in its
6 entirety and see if it reflects any information
7 regarding the GoFundMe funds.

8 And I can scrawl through it with you or you
9 can pull it up on your computer and represent that you
10 have done it. I think it will be easier for you to do
11 it independently rather than me scrolling for you, but I
12 can do it either way.

13 A. What I can say, I can do it certainly that
14 way. Or you can point to, if there is any reference or
15 not. Okay?

16 Q. No. I think it is important that you actually
17 review the document, ma'am.

18 MS. FAWCETTE: Excuse me. But if this is 85 pages,
19 and I'm paying for this, you've got to do it some other
20 way. Do what you need to do, but I'm not paying for
21 that, Marvin. I'm sorry.

22 MR. AIN: Why don't we go off the record and she
23 can do that. Jeff, how much more time do you have after
24 this?

25 MR. MARVAN: Not much.

1 Okay. Why don't we go off the record and
2 then, Dr. Hawkins, you can review that document.

3 THE WITNESS: Okay.

4 MR. AIN: And then we will go back on when you are
5 ready.

6 (There was a discussion held off the record.)

7 THE WITNESS: Okay. I've read it.

8 MR. AIN: All right.

9 MR. MARVAN: Back on the record.

10 BY MR. MARVAN:

11 Q. So Dr. Hawkins, you've had an opportunity to
12 review your first account; correct? Anywhere in that
13 first account current is it referenced that you have
14 "Marshaled the GoFundMe account"?

15 A. It doesn't indicate that I marshaled any
16 account. I don't use those -- I'm not specifically on
17 that. It doesn't say, "Marshaled the account." It does
18 indicate the accounts that we did have under -- in the
19 bank account.

20 Q. But you have no indication that you received
21 any funds from GoFundMe in this accounting; correct?

22 A. That's correct.

23 Q. Okay. So based upon your accounting, if one
24 were to review your accounting, is it fair to assume
25 that there's no reflection of the GoFundMe asset coming

1 into the conservatorship estate?

2 A. Correct.

3 Q. Now, turning to a letter from Sacks, Glazier,
4 Franklin & Lodise, dated January 16th, 2019, can we
5 please mark this as Exhibit D?

6 (Whereupon Conservator's Exhibit D was
7 marked for identification, and it is
8 attached hereto.)

9 BY MR. MARVAN:

10 Q. I'd like to turn to Page 3. And you'll see it
11 says, "Status of GoFundMe funds raised by
12 Angelique Fawcette."

13 Do you see that?

14 A. I'm having some technical problems now. I'm
15 not --

16 Q. Okay. This is a batch of documents you
17 actually provided in your email from yesterday.

18 A. Okay. And what are you --

19 Q. My question to you is: On Page 3, there's a
20 italicized portion that says, "Status of GoFundMe funds
21 raised by Angelique Fawcette."

22 And that states that your letter demands a
23 status report regarding the GoFundMe funds raised by
24 Ms. Fawcette, and it says, "Dr. Hawkins is in the
25 process of collecting these funds." Is that correct?

1 A. That's correct.

2 Q. And this letter is dated January 16, 2019;
3 correct?

4 A. Correct.

5 Q. And your term of temporary conservatorship
6 terminated on January 30th, 2019; correct?

7 A. Correct.

8 Q. So did you collect those funds before
9 January 30th?

10 A. No. I just -- assumed control of it.

11 Q. What's the difference between assuming control
12 and collecting them, in your mind?

13 A. One is that it prevents access by any other
14 parties. The funds remain static. There were other
15 crises that I was dealing with, and I deemed that was
16 not the highest priority.

17 Q. But you did note that was an important issue
18 for you to at least address; correct?

19 A. Yes, he made that clear.

20 Q. Okay. And your accounting does not have any
21 indication that during the time period of you acting as
22 temporary conservator that you gained access or
23 exclusive access to those funds; correct?

24 A. Well, I believe that in the listing of time
25 that it indicated that we reviewed and gained access to

1 accounts. I do not believe that it specifically stated
2 to GoFundMe.

3 As I indicated, that was not a high priority
4 for me. And I deemed it, in my professional opinion, it
5 could not be a major significance to the conservatee's
6 financial wellbeing.

7 Q. But you knew that it was of crucial importance
8 in terms of litigation, didn't you?

9 A. No, I did not.

10 Q. So even though it was specifically mentioned
11 in a specific court order that you were to marshal these
12 funds or collect these funds, you did not deem that as
13 important, and you didn't deem it as -- correct?

14 A. I did not deem it as important in the
15 financial wellbeing of the conservatee.

16 Q. And you did not reflect any information about
17 this in your reporting to the Court; correct?

18 A. I believe that there were -- that there may
19 have been a document that had a statement in terms of
20 backup documents. But I do not recall directly.

21 I do recall that that information was given to
22 Mr. Johnson. So he, at any time after that information
23 was given to him, could have gained access.

24 Q. Did you specifically describe to -- how did
25 you provide that information?

1 A. Through my case assistant, Stephanie Davis.
2 She handled all of the transfers of the account. If you
3 will recall, we made numerous calls to Mr. Johnson. We
4 provided all passwords, all access to any information.

5 And we tried to, in the spirit of
6 collaboration and what was best for the conservatee, to
7 have meetings with Mr. Johnson to explain anything that
8 he did not understand. And he refused all such meetings
9 and refused to have an orderly transfer.

10 Q. Okay. Did Mr. Johnson ever inform you that
11 Ms. Fawcette was listed on the same power of attorney
12 that which Gilbert Bell was the listed agent of
13 Ms. Nichols?

14 A. I don't understand the question.

15 Q. Did Mr. Johnson ever inform you that
16 Ms. Fawcette was listed as the successor agent under
17 power of attorney or an advanced healthcare directive or
18 a durable power of attorney, in which Mr. Bell was
19 listed as the primary agent?

20 MR. AIN: Objection; compound.

21 You can answer.

22 THE WITNESS: I don't -- I don't recall. I don't
23 recall such a conversation. I don't recall such a
24 document, but I probably, even if I had, wouldn't have
25 regarded that with most -- much interest because as

1 conservatorship of the person, he had all medical
2 authority.

3 So I wouldn't have been looking outside of the
4 time I took over to the past when he had all medical
5 authority and healthcare decision making.

6 BY MR. MARVAN:

7 Q. Would it have been important to you to
8 determine whether or not there was any collaboration
9 between Mr. Bell and Ms. Fawcette over the period of
10 time that Mr. Bell was acting as agent under the power
11 of attorney for healthcare or agent under the durable
12 power of attorney?

13 A. As I indicated before, we reviewed documents,
14 and we interviewed all of what we call the interested
15 parties and individuals who interacted with it. And I
16 interviewed Bell myself, and there was nothing in the
17 documents that he provided or in his answers to my
18 questions that indicated that he worked with
19 Ms. Fawcette in any way that would have raised concerns
20 for me.

21 Q. I'm going to ask you the question again.

22 As a professional, if you were looking at a
23 power of attorney that named Mr. Bell as an agent under
24 the power of attorney for healthcare or as the agent
25 under the durable power of attorney, and the successor

1 agent was Angelique Fawcette, would that give you rise
2 for concern that there may be some collaboration between
3 the two?

4 MR. AIN: Calls for speculation and incomplete
5 hypothetical.

6 You can answer.

7 THE WITNESS: When you say, "acted as a successor
8 agent," are you talking about's as a healthcare agent?

9 BY MR. MARVAN:

10 Q. Yes. And power of attorney -- and agent under
11 the durable -- actually, strike it. We will ask the
12 question again.

13 Assuming that there's a document that named
14 Mr. Bell as the primary agent under advanced healthcare
15 directive and named Ms. Fawcette as the successor agent,
16 would that give you pause that they were collaborating
17 together?

18 A. No.

19 MR. AIN: Incomplete hypothetical.

20 BY MR. MARVAN:

21 Q. Second question: If there was a durable power
22 of attorney for finance, naming Mr. Bell as the primary
23 agent, and Ms. Fawcette as the successor agent, would
24 that give you cause for concern that there was
25 collaboration between Mr. Bell and Ms. Fawcette?

1 A. It would give me pause to investigate further.

2 Q. Thank you.

3 A. It would cause sufficient concern for me to
4 investigate further.

5 MR. MARVAN: I have nothing further. Only thing we
6 will need to do is clean up the additional exhibits that
7 need to be offered, which you can do, Mr. Ain, or I can
8 do it.

9 MR. AIN: You can go ahead -- yeah, you plan on
10 submitting A, B, C and D?

11 MR. MARVAN: I plan on submitting, A, B, C, and D.
12 And I believe we should mark Ms. Hawkins's -- or
13 Dr. Hawkins's, I apologize, Dr. Hawkins's CV that she
14 referred to as Exhibit E.

15 MR. AIN: Okay.

16 (Whereupon Conservator's Exhibit E was
17 marked for identification, and it is
18 attached hereto.)

19 MR. MARVAN: And then is there any other documents
20 other than A, B, C, D, and E that you have referred to
21 during the course of this deposition, Dr. Hawkins?

22 THE WITNESS: Yes. I believe, as I said, I'm blind
23 in terms of the screen now. I have the document, but
24 that's all. I had submitted both the letter that you
25 referred to from Tristan Bufete and your letter too.

1 MR. MARVAN: Yes, I understand that. Did you refer
2 to my letter during the course of this deposition?

3 THE WITNESS: I believe so.

4 MR. MARVAN: Then we will mark that as Exhibit F.

5 (Whereupon Conservator's Exhibit F was
6 marked for identification, and it is
7 attached hereto.)

8 MR. MARVAN: Dr. Hawkins, if you'd like, I have
9 Exhibit F. I do not have Exhibit E. So if you can
10 please forward Exhibit E to Mr. Ain, that would be
11 helpful.

12 THE WITNESS: Oh, the CV?

13 MR. AIN: Yes.

14 THE WITNESS: Do you have it, Mr. Ain?

15 MR. AIN: I don't believe so. If I do, I'll let
16 you know. But I didn't look at an email we received
17 this morning, but we received the one from last night.

18 MR. MARVAN: It didn't have it.

19 THE WITNESS: No, it didn't. I had sent it before.
20 But I'll send another one.

21 MR. MARVAN: Okay.

22 MR. AIN: Okay. Thank you.

23 MR. MARVAN: Nothing further.

24 MR. AIN: With that, I would like to allow the
25 court reporter to be relieved of her duties --

1 THE REPORTER: Mr. Ain, we're going to go by Code
2 right now. We'll just get the witness's mailing
3 address, the business address, and we will send her a
4 PDF.

5 MR. AIN: Okay.

6 MR. MARVAN: Yes, we can go by Code. So
7 stipulated.

8 MR. AIN: So stipulated.

9 THE WITNESS: It's going to be mailed?

10 (There was a discussion held off the record.)

11 (The proceedings concluded at 12:28 p.m.)
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STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, the undersigned, declare under penalty
of perjury that I have read the foregoing transcript,
and I have made any corrections, additions or deletions
that I was desirous of making; that the foregoing is a
true and correct transcript of my testimony contained
therein.

EXECUTED this _____ day of _____,
2020 at _____, _____.

BJ HAWKINS, PH.D.

1 STENOGRAPHIC REPORTER'S CERTIFICATE

2
3
4 I, ANITA A. SHENIAN, CSR No. 12325, Certified
5 Shorthand Reporter, certify;

6 That the foregoing proceedings were taken by me
7 remotely at the time and place therein set forth, at
8 which time the witness was put under oath by me;

9 That the testimony of the witness, the questions
10 propounded, and all objections and statements made
11 at the time of the examination were recorded
12 stenographically by me and were thereafter
13 transcribed;

14 That the foregoing is a true and correct transcript
15 of my shorthand notes so taken.

16 I further certify that I am not a relative or
17 employee of any attorney of the parties, nor financially
18 interested in the action.

19 I declare under penalty of perjury under the laws
20 of California that the foregoing is true and correct.

21 Dated this 20th day of October, 2020.

22
23 
24

25 ANITA A. SHENIAN, CSR No. 12325

[& - agreement]

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California Code of Civil Procedure

Article 5. Transcript or Recording

Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a seasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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