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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 GRAHAM CHASE ROBINSON,

4 Plaintiff,

New York, N.Y.

5 v.

19 Civ. 9156 (LJL)

6 ROBERT DENIRO, *et al.*,

7 Defendants.

8 -----x

9 November 3, 2023
10 9:00 a.m.

11 Before:

12 HON. LEWIS J. LIMAN,

13 U.S. District Judge

14 -and a Jury-

15 APPEARANCES

16 SANFORD HEISLER SHARP, LLP
17 Attorneys for Plaintiff

18 BY: BRENT HANNAFAN
19 ANDREW MACURDY
20 KATE MACMULLIN
21 VINCENT MCKNIGHT, JR.

22 TARTER, KRINSKY & DROGIN, LLP
23 Attorneys for Defendants

24 BY: RICHARD C. SCHOENSTEIN
25 INGRID CARDONA
LAURENT DROGIN
BRITTANY LAZZARO
-and-

TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP
BY: GREGORY BENNETT

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1 (Trial resumed; jury not present)

2 THE COURT: Anything from plaintiff before we start?

3 MR. MACURDY: One thing I just wanted to confirm, your
4 Honor, is when DX 93 and 95, the AmEx charges came in, I just
5 wanted to confirm that those are subject to connection and
6 defense would have to call Mr. Tasch to authenticate those as
7 business records. Your Honor, that is on page --

8 THE COURT: No, I remember it. I will hear from
9 defendants with respect to that but I don't know that that
10 would delay us bringing in the jury.

11 MR. MACURDY: No, your Honor. Just a bigger point I
12 am just flagging.

13 THE COURT: Anything from defendant before we bring in
14 the jury?

15 MR. SCHOENSTEIN: No, your Honor. We can talk about
16 that issue some other time.

17 THE COURT: One quick thing for the parties.
18 Apparently, the breakfast did not come in for the jurors so
19 when we get word that the breakfast has arrived, we make take a
20 brief break for the jury to come back and get coffee and a
21 doughnut or whatever.

22 Let's put the plaintiff on the stand and bring in the
23 jury.

24 (Continued on next page)

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1 (Jury present)

2 THE COURT: Be seated. Welcome back, members of the
3 jury. I hope you all had a pleasant evening.

4 Ms. Robinson, you are reminded you are still under
5 oath.

6 Counsel, you may proceed.

7 MR. HANNAFAN: Thank you, your Honor.

8 GRAHAM CHASE ROBINSON, resumed.

9 DIRECT EXAMINATION

10 BY MR. HANNAFAN:

11 Q. Good morning, Ms. Robinson.

12 A. Good morning.

13 Q. You testified yesterday that you were hired as an executive
14 assistant at Canal.

15 A. Yes.

16 Q. You testified you were hired at Canal as an executive
17 assistant?

18 Q. Did your title ever change?

19 A. Yes.

20 Q. How many times?

21 A. Twice.

22 Q. When was the first time?

23 A. The first time it changed April of 2011.

24 Q. Why did it change?

25 A. It changed after I had spoken to Bob toward the end of 2010

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1 and the beginning of 2011, wanting to be promoted and move off
2 of his desk as his assistant, I wanted to focus solely on film
3 production work with him.

4 Q. What was your new title?

5 A. Director of production.

6 Q. When you said you wanted to focus on film production with
7 him, what type of work was that, generally?

8 MR. SCHOENSTEIN: Objection.

9 THE COURT: Sustained.

10 Q. What type of work was involved with film production for
11 Mr. De Niro?

12 MR. SCHOENSTEIN: Objection.

13 THE COURT: Sustained.

14 Q. What type of things did you do for Mr. De Niro while you
15 were in a position of director of production?

16 A. I handled creating budgets for him for his films he was
17 acting in, I would put together expenses such as what costs his
18 crew would be, private plane travel, hotels, hotel for family.
19 Just logistics, things that he would need on set so I would
20 create the perk budgets. I would do scouting trips where I
21 would go and see different hotels for him and look for a suite
22 for him but also something for a gym room; he had a gym on
23 every set so we would have a separate room for that. I would
24 meet with production, I would go over the production schedule
25 and any carve-out dates that Bob had that he would not be able

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1 to film. I would help, at times, set up hair and makeup tests
2 prior to filming, also possible script readings that they did
3 with the full cast.

4 I mean, there was a lot that I had done in terms of
5 film production.

6 Q. Did you work with any of Mr. De Niro's representatives
7 outside of Canal?

8 A. Yes.

9 Q. Who?

10 A. I worked closely with Peter Grant, Bob's entertainment
11 attorney, and Josh Lieberman, Bob's Agent at CAA.

12 Q. What did you do with Mr. Grant?

13 MR. SCHOENSTEIN: Objection.

14 THE COURT: Basis?

15 MR. SCHOENSTEIN: What is broad, vague.

16 THE COURT: Overruled.

17 A. Sorry. Can you repeat the question?

18 Q. What did you do with Mr. Grant?

19 A. I worked with Peter and Josh together on Bob's contract and
20 his deal when it came to films, commercials, and commercials
21 that he was doing. We would discuss Bob's needs and the costs
22 of it, I would give them estimates on that. And any sort of
23 logistical needs that he would need such as how many private
24 plane trips back and forth, how many hotel rooms, what crew he
25 would want and what their rates were. I sort of would go

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1 through the list with them.

2 Q. You mentioned earlier that you would work on Mr. De Niro's
3 perk budget?

4 A. Yes.

5 Q. What is a perk budget?

6 A. A perk budget is an allotted amount of money that Bob would
7 get for items such as private plane travel, hotels. Sometimes
8 it included his crew, below the line crew such as hair, makeup,
9 wardrobe, local driver, PA. It just depended on each of the
10 projects but it was just an allotted amount of money that was
11 accounted for for those specific things.

12 Q. How long did you serve as director of production at Canal?

13 A. From 2011 to 2017.

14 Q. Did you receive a new title in 2017?

15 A. I did.

16 Q. What was that title?

17 A. VP of production and finance.

18 Q. Who came up with that title?

19 A. I did, after speaking with Bob.

20 Q. Why did you want the title VP production and finance?

21 A. There were a couple of reasons. At that time I had spoken
22 to Bob about transitioning out of Canal Productions and giving
23 him two years so that I could transition out. It would be a
24 good title for what I had spoken to Bob about where I wanted to
25 go with my career, wanting to start my own production company,

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1 wanting to work on my own projects so it made sense. I also
2 wanted to get recognition for some of the work that I had been
3 doing for him and the things that he had asked, the perk
4 budgets -- such as the perk budgets. So -- yeah.

5 Q. How long had you been at Canal at the time you became the
6 vice president of production and finance?

7 A. About 10 years.

8 Q. What was your salary when you were vice president of
9 production and finance?

10 A. I believe my salary was 150.

11 Q. Who approved that title?

12 A. Bob.

13 Q. So, there were some questions I think earlier in the trial
14 about how Canal Productions doesn't actually produce anything.
15 Were you here for that?

16 A. Yes.

17 Q. So why did you want to have the word "production" in your
18 title?

19 A. Because while it is not the arm that actually produces, it
20 handles the specific production needs of Bob for the films that
21 he acts in. So not every single film he acts in is something
22 that he produces or that Tribeca produces. Actually, most of
23 what he films has nothing to do with Tribeca Productions.

24 Q. Similarly, there are questions about how Canal doesn't
25 finance anything. Why was the term "finance" in your title?

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1 MR. SCHOENSTEIN: Objection.

2 THE COURT: Sustained.

3 Q. Why did Mr. De Niro approve the term "finance" to be in
4 your title?

5 MR. SCHOENSTEIN: Objection.

6 THE COURT: Sustained.

7 MR. HANNAFAN: Sorry. What is the objection?

8 THE COURT: The basis is that there is no way in which
9 she can testify to why Mr. De Niro approved it. She can
10 testify to what she asked Mr. De Niro, what Mr. De Niro said,
11 but she can't get into Mr. De Niro's head.

12 BY MR. HANNAFAN:

13 Q. Did you discuss with Mr. De Niro wanting to have the new
14 title: Vice president production and finance?

15 A. Yes.

16 Q. With respect to the finance portion, what did you and he
17 discuss?

18 A. We discussed that I had been working on these perk budgets,
19 I had been handling all the expenses and tracking them,
20 invoicing, doing all of these things, but there were a couple
21 other projects that Bob had me do during my time at Canal that
22 had to do with tracking down bills, paying, organizing things
23 such as with his ex-girlfriend Toukie Smith. So, I had been
24 doing a lot of work with her in that area.

25 Q. Did you and Mr. De Niro exchange e-mails about your new

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1 title?

2 A. Yes.

3 Q. Is it fair to say that you were pushing him to get the new
4 title?

5 A. Yes. I was advocating for myself.

6 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
7 89?

8 Q. Do you recognize this document?

9 A. Yes.

10 MR. HANNAFAN: Your Honor, if there is no objection, I
11 move to admit?

12 MR. SCHOENSTEIN: No objection.

13 THE COURT: Received.

14 (Plaintiff's Exhibit 89 received in evidence)

15 BY MR. HANNAFAN:

16 Q. If we can look in the middle of the first page, the date?

17 A. December 11.

18 Q. Yes. I just want to make sure the jury can see. What is
19 the date of this e-mail to you? It says "Bob." Is that
20 referring to Mr. De Niro?

21 A. December 11, 2017.

22 Q. And the "to," the "Bob," is that Mr. De Niro?

23 A. Yes.

24 MR. HANNAFAN: If you could back out and just go to
25 page 2? That's fine.

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1 Q. And you wrote: Below is what we discussed. Current title,
2 director of production. New title, VP production and finance.

3 A. Yes.

4 Q. And then you say: My job encompasses a lot from
5 production, budgets, deals, logistics, financial perks.

6 Were those the things that you were describing to us
7 just a little bit ago?

8 A. Yes.

9 Q. It says: To managing the office, oversight, finance,
10 salaries, bonuses, HR, and operational.

11 When you say "oversight," what were you talking about?

12 A. Facilitating all of the sort of needs at the office and the
13 office employees, passing along the time sheets, giving the
14 petty cash out, having Bob approve the salaries and bonuses.
15 So, the there were a couple of things there.

16 Q. You have HR. What were you referring to?

17 A. When Bob was found that he should have been paying
18 overtime, I worked with opposing counsel, Mr. Drogin, on
19 implementing the documents that they wanted at Canal
20 Productions.

21 Q. You said: To finance, cash flow in the office, personal
22 and Canal finances.

23 Just generally, what were those?

24 A. Petty cash. Well, I didn't oversee petty cash, there were
25 minor things that I had spoken to Bob about putting in petty

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1 cash sheets so things were traceable. In terms of personal,
2 Canal -- Bob had me reviewed view bills, things like that --
3 sorry -- in terms of Canal finances. In terms of personal, I
4 had been handling a large project for Bob regarding his
5 ex-girlfriend Toukie Smith and helping her with a bunch of her
6 financial bills and just sort of trying to organize everything
7 for her. So yeah. Sorry.

8 Q. Let's break that down a little bit. You just mentioned,
9 focusing on petty cash, you mentioned someone else was in
10 charge of petty cash. Who was in charge of petty cash?

11 A. Michael Kaplan.

12 Q. And then, continuing on in your e-mail you said: Funds
13 like Clay Lacy. What did that refer to?

14 A. Bob had -- Clay Lacy was the charter company that Bob used
15 for private planes. He would put money in from some of the
16 leftover money from his perk deals that he had with production,
17 he would put it in and save it for personal travel instead of
18 using it for that production so there was this ongoing fund of
19 money that when he would take private planes it would be
20 subtracted from, or when there wasn't that money there would be
21 times that he would have to pay for the private plane travel.
22 So, it was all tracked in this Excel sheet that I had.

23 Q. Are you a fan of Excel spread sheets?

24 A. I am. I am.

25 Q. On to the next paragraph you said: Through my time here, I

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1 have not only found TFI money that Berdon missed.

2 What are you referring to when you say "TFI money that
3 Berdon missed"?

4 A. Tribeca Film Institute was a non-profit that Robert
5 De Niro -- Bob -- and Jane Rosenthal had started. In my review
6 of some documents, I came across \$356,000 that Berdon had
7 missed that was a debt that Bob's for-profit company was
8 holding on to for the non-profit because the non-profit
9 couldn't pay the medical health plan for their employees. So
10 there was this situation where you had a for-profit holding on
11 to the debt of a non-profit company.

12 Q. So what happened to that money?

13 MR. SCHOENSTEIN: Objection.

14 THE COURT: Sustained.

15 Q. Do you know what happened to that money?

16 A. Yes. It had been deducted as a loss from Tribeca Film
17 Center, which was the for-profit entity, and eventually Bob
18 forgave that money -- forgave that -- technically -- loan is
19 what he called it.

20 Q. You said you executed three Tribeca projects on operational
21 cost/financial, and medical. What were you referring to?

22 A. I'm sorry that's -- I am looking to see where it is.

23 Q. It is the second line on the bottom paragraph.

24 A. Bob had me put together and review the financials for the
25 Tribeca Film Festival and Tribeca Film Enterprises. I put a

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1 compilation, a binder together with all of the documents for
2 him. I had looked into some expenses that he had requested I
3 look into and keep for his records such as Jane Rosenthal, she
4 was putting in hair and makeup bills for events to a non-profit
5 that was deeply in debt. So, those were some of the types of
6 things he wanted me to keep track of.

7 And then, in terms of the medical, Bob's company Canal
8 Riverside, which was his personal staff, and Tribeca
9 Productions and Tribeca Film Center, which Bob owns 100
10 percent, were on the same medical plan that was managed by
11 Tribeca, Sandy O'Hearan and Jane Rosenthal. This medical plan
12 had Bob's family on it, his kids, his wife, ex-girlfriend --
13 yes, his ex-wife, his current wife, and all his kids and his
14 staff on it and the insurance plans that they --

15 MR. SCHOENSTEIN: Objection, your Honor.

16 A. Sorry.

17 THE COURT: Basis?

18 MR. SCHOENSTEIN: Testimony about his family's
19 insurance plan? Relevance.

20 THE COURT: Yes. Sustained.

21 Q. Why don't we move on?

22 A. Sorry.

23 Q. That is a lot there, that's all right. That was not a
24 great question by me, I will try to be a bit more focused.

25 Moving on to the next sentence you say: I have worked

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1 to ensure that you are being cost efficient as well as
2 functioning as best we can.

3 Briefly, can you tell us what you meant?

4 A. I'm sorry. Can I just see where that line is?

5 Q. Yes.

6 A. OK. I looked at different vendors to see if there were
7 ways to sort of cut costs when it came to different vendors
8 that we used. Sort of wherever I could organize or I could,
9 you know, there could be some possible cost savings and things,
10 I researched and looked into, to see if there were other
11 options.

12 Q. Looking at that top paragraph you say: I've worked to make
13 Canal labor law compliant when Sandy O'Hearan and her Tribeca
14 HR missed that.

15 Again, very briefly, what did that refer to?

16 A. I worked with opposing counsel, Mr. Drogin, on
17 implementing --

18 MR. SCHOENSTEIN: Objection; privilege.

19 MR. HANNAFAN: I don't think she was describing any
20 privileged communications.

21 THE COURT: Let me instruct you not to describe any
22 conversations with counsel or anything that you learned from
23 counsel for the company.

24 THE WITNESS: OK.

25 Q. So just again, without getting any communications from

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1 Mr. Drogin, just generally what happened with respect to making
2 Canal labor law compliant?

3 A. I was asked by them to implement specific paperwork.

4 Q. Going to the next paragraph you say: I don't get any -- I
5 don't get acknowledgment on any films I work on for you which
6 has been disappointing, but when it comes to Jane and Berry, I
7 will not be bullied into taking an assistant credit. That
8 would diminish the job I do. It's a game they play and I will
9 always rise above it.

10 When you talk about not getting acknowledgment on any
11 films you work on, are you talking about Mr. De Niro's films?

12 A. Yes.

13 Q. And when you say you don't get acknowledgment, what are you
14 referring to?

15 A. I'm sorry. Repeat that?

16 Q. Yes. When you said "I don't get acknowledgment," what are
17 you referring to?

18 A. So I rarely, of all the production work I did for Bob on
19 his films, I didn't receive credit at the end of a film as
20 typically happens at the end of the film when you have been
21 working on.

22 Q. So the laundry list of names that go by at the end of a
23 film, your name was not being included?

24 A. No.

25 Q. Did you want that to happen?

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1 A. It would be -- it would have been wonderful to have that,
2 especially on stuff that Bob was specifically producing with
3 Jane and with Berry because I still did handle Bob's production
4 work on that.

5 Q. And then the last paragraph you say: In short, I'd like my
6 title to reflect the work I do. These titles recognize my job
7 and the hard work I do for you. I hope you agree.

8 MR. HANNAFAN: Can we go back to the first page?

9 Q. I think you said earlier that the first e-mail that we saw
10 here was December 11. Did you forward a subsequent e-mail to
11 Mr. De Niro on December 23rd?

12 A. Yes.

13 Q. And you said: Reminder, before this year ends.

14 I take it he had not gotten back to you with respect
15 to your initial e-mail on December 11?

16 A. No.

17 Q. And did Mr. De Niro respond?

18 A. Yes.

19 Q. What did he say?

20 A. OK. Go with it. Thanks. B.

21 Q. You responded to Mr. De Niro: Thanks. This means the
22 world to me.

23 A. Yes.

24 Q. Ms. Robinson, did it mean the world to you to get that new
25 title?

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1 A. It did.

2 Q. Why?

3 A. Because I felt that it was acknowledging some of the work
4 that I had been doing and it also, we had talked about my
5 wanting to transition out and he had been supportive of my
6 transition and wanting to start my own company, my own
7 projects, so at that time, yes, I was -- it was.

8 Q. Did you ever talk with Mr. De Niro about the value of a
9 title?

10 A. Yes.

11 Q. What did he say to you about the value of a title?

12 A. Chase, titles don't matter, it's what I say about you that
13 does.

14 Q. When was the first time he said that to you?

15 A. In my conversation in 2010 when I was discussing a
16 promotion and moving off of his desk.

17 Q. Did he say it again in your discussions in 2017, with
18 respect to this new title?

19 A. Yes. .

20 Q. December 2017 you received this new title. At that point
21 did you want to stay at Canal for your entire career?

22 A. No.

23 Q. What were you planning or what were you hoping to do?

24 A. I was hoping to eventually start my own company and work on
25 my own script projects, my own development projects.

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1 Q. Did you have any aspirations to go to school again?

2 A. I did.

3 Q. What were those?

4 A. I wanted to eventually get my MBA is sort of the direction
5 I wanted to go. In wanting to have my own company and wanting
6 to go out on my own I wanted to improve the foundation that I
7 had of the 10 years of experience that I gained at Canal and it
8 made sense that, you know, going back and getting my MBA would
9 be important.

10 Q. You told us a bit about some of the production work and
11 other things you did for Mr. De Niro at Canal. As part of your
12 job at Canal, did you also have to take care of any personal
13 matters for Mr. De Niro?

14 A. Yes.

15 Q. What types of personal matters did you have to take care of
16 for Mr. De Niro? Just give us categories.

17 A. Categories.

18 Q. Categories of things you had to take care of for
19 Mr. De Niro?

20 A. Items with his children, items with his family, kids'
21 schools, items for his ex-girlfriend. In 2018, helping him set
22 up his home and help design it.

23 Q. Did he ever ask you to assist him with his medical care?

24 A. Yes. That was a large one.

25 Q. Without getting into specifics, what types of things did he

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1 ask you to do to help him with his medical care?

2 A. I would remind him about the refills on his prescriptions.

3 I had an Excel sheet that I followed. I would help fill out

4 medical forms for him. I would, at times, accompany him to

5 doctor's appointments, if he requested. Things along that

6 line.

7 Q. Did he ever ask you to have any role in refilling his

8 prescriptions?

9 A. Yes.

10 Q. What was that?

11 A. I would speak to his doctor at UCLA and I would coordinate

12 getting the prescriptions or the refills and, at times, picking

13 up the prescription.

14 Q. Did Mr. De Niro ever ask you to accompany him to any

15 medical appointments?

16 A. Yes.

17 Q. When you were there, did he ever ask you to fill out any

18 forms for him?

19 A. Yes.

20 Q. Did he ever ask you to fill out who the emergency contact

21 was supposed to be?

22 A. Yes.

23 Q. Did he ever ask you to put down your contact information as

24 the emergency medical contact?

25 A. Yes, several times.

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1 Q. Did Mr. De Niro ever ask you to accompany him to the
2 emergency room?

3 A. Yes; twice.

4 Q. When was the first time?

5 A. The first time was the spring of 2017. I had been called
6 at about 5:00 in the morning that he had slipped down the
7 stairs and that he was requesting that I come over as quickly
8 as possible and take him to the emergency room.

9 Q. Did you do that?

10 A. Yes.

11 Q. How did you get there?

12 A. I got there by taxi.

13 Q. This was you went to his home?

14 A. Yes.

15 Q. By the time you got there, what time was it?

16 A. It was probably half an hour later. I had called his
17 doctor first to help facilitate him going through the emergency
18 room quickly.

19 Q. What happened when you got to Mr. De Niro's home?

20 A. I went up to his apartment and he met me at the door. We
21 then got into -- I had ordered an Uber and we then went to New
22 York Presbyterian.

23 Q. Did you assist Mr. De Niro when he got to the ER?

24 A. Yes.

25 Q. What did you do for him?

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1 A. I helped fill out forms and I was there -- I accompanied
2 him and stayed with him while the doctor was there while he did
3 the tests and everything.

4 Q. When you say fill out forms, they are just medical forms
5 that you would fill out?

6 A. Yes, the medical forms, listing myself as emergency
7 contact.

8 Q. Why did you list yourself as the emergency contact?

9 A. At his request.

10 Q. Was Mr. De Niro married at the time?

11 A. Yes.

12 Q. Did his wife show up?

13 A. No.

14 Q. Did any of his adult children show up?

15 A. No.

16 Q. You said that there were two times that you went to the
17 emergency room with Mr. De Niro. When was the second time?

18 A. The second time was a couple of months later, I think
19 summer 2017.

20 Q. And again, we don't need to get into details but did
21 Mr. De Niro ask you to accompany him to the emergency room?

22 A. Yes. He asked that I meet him there -- to rush over and
23 meet him there.

24 Q. Did you do that?

25 A. Yes.

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1 Q. Did he ask you to fill out the forms for him?

2 A. I don't think I needed to at that time. He was already in
3 their system. Or I don't recall that time filling them out.

4 Q. Did any of his family members show up to the emergency room
5 that time?

6 A. His wife eventually showed up.

7 Q. Did you stay with Mr. De Niro while he was there?

8 A. Yes. He requested that I stay.

9 Q. You were talking about doing things for Mr. De Niro's
10 family and kids. When you began working at Canal in 2008, was
11 Mr. De Niro married?

12 A. Yes.

13 Q. And who was his wife at the time?

14 A. At the time it was Grace Hightower De Niro.

15 Q. At that time, did they have any children?

16 A. Yes.

17 Q. How old are the kids?

18 A. Elliot was -- oh God, 8 -- 9, maybe.

19 Q. Was it just one child?

20 A. Grace and he had, at that time, had Elliot, just one child.

21 Q. Did they later have another child?

22 A. Yes.

23 MR. SCHOENSTEIN: Excuse me, your Honor. Can we not
24 use the names of the minor children? Can we just refer to them
25 by ages?

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1 THE COURT: That's fine.

2 MR. HANNAFAN: That's fine, your Honor. I think it's
3 been out in the public, but we will do that.

4 Q. Just generally, what types of things did Mr. De Niro ask
5 you to do with respect to his children? His children with
6 Ms. Hightower.

7 A. He would ask me to pick up things for them, book tickets
8 for them on the weekends to plays. He had asked me at one time
9 to pick up a baseball mitt for Elliot because he wanted to play
10 catch.

11 Q. I'm sorry?

12 THE COURT: Again, let's try to avoid --

13 A. Sorry.

14 THE COURT: -- not use names.

15 A. I'm sorry.

16 Q. I'm sorry?

17 A. He asked me to -- sorry, my last question -- my last
18 answer? Sorry.

19 Q. You said you --

20 THE COURT: You picked up a baseball mitt for his son?

21 A. A baseball mitt for his son.

22 Q. Silly question. Who asked you to do that?

23 A. Bob.

24 Q. Why?

25 A. He wanted to play catch with his son.

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1 Q. Do you remember what day of the week that was?

2 A. It was a Saturday.

3 Q. What did you do when he asked you to pick up a baseball
4 mitt for his son?

5 A. I stopped running around the bridal path in Central Park
6 and raced to Modell's to pick up a baseball mitt.

7 Q. You said raced to Modell's. Why did you say raced to
8 Modell's?

9 A. Because he wanted it right away.

10 Q. Were you able to pick out a baseball mitt?

11 A. I was.

12 Q. Were you able to take it to Mr. De Niro?

13 A. Yes, I did.

14 Q. How many of Mr. De Niro's children were adults when you
15 began working at Canal?

16 A. Two of them.

17 Q. Did he ever ask you to take care of anything for his adult
18 children?

19 A. Yes, there were a couple of things.

20 Q. Again, you don't need to get into details but, generally,
21 what types of things did he ask you to do for his adult
22 children?

23 A. Coordinating travel or when they were having events such as
24 Christmas or birthdays, it would be coordinating them coming,
25 buying gifts for them for their birthday, for Christmas. At

NB35rob1

Robinson - Direct

1 one point he asked me to help assist his daughter who had a
2 medical emergency with --

3 Q. We don't need to get into that detail so let's talk about,
4 you said birthdays and gifts. Would Mr. De Niro tell you what
5 to go buy for his kids?

6 A. At times I would purchase options for him so that he could
7 look through the options, but Bob and I started to -- he wanted
8 to go shopping with me so we would go around from store to
9 store picking out items.

10 Q. Did you have any role in the kids' birthday parties being
11 thrown?

12 A. Some of them, yes.

13 Q. Just generally, what sort of things would you do to help
14 Mr. De Niro with his kids' birthday parties?

15 A. I would set up the table, I would put together decorations,
16 I would do photo cards for their birthdays. For one of the
17 twin's birthdays he asked me to plan the whole entire party so
18 I did a Halloween-themed haunted house in the loft of the
19 Tribeca Grill; decoration, invites, everything.

20 Q. Thank you.

21 Did Mr. De Niro ever ask you to assist him when he
22 would go on vacations with his family?

23 A. Yes.

24 Q. What sort of things did he ask you to do for him with
25 respect to going on vacation with his family?

NB35rob1

Robinson - Direct

1 A. I researched hotels and activities that they could do with
2 the kids. I booked the private planes, the travel, the hotels,
3 sort of coordinated the whole trip.

4 Q. When Mr. De Niro was on vacation with his family, would
5 Canal's office be open?

6 A. At times it would be open, at times it would be closed.

7 Q. When the Canal office was closed because Mr. De Niro was on
8 vacation with his family, would the Canal employees have to
9 take a vacation day over that period of time?

10 A. No.

11 Q. In the first couple years, I guess the first three years
12 when you were an executive assistant for Mr. De Niro, did you
13 handle his schedule?

14 A. Yes.

15 Q. Tom Harvey testified yesterday that he was surprised other
16 assistants were handling his calendar in April of 2019 when you
17 resigned. Were you still in charge of Mr. De Niro's schedule
18 as of April 2019?

19 A. No.

20 Q. Why not?

21 A. Because I --

22 MR. SCHOENSTEIN: Objection.

23 THE COURT: Sustained.

24 MR. HANNAFAN: What is the objection?

25 THE COURT: She can testify to what she did, she can't

NB35rob1

Robinson - Direct

1 testify to the questions like "why not."

2 BY MR. HANNAFAN:

3 Q. Did you have any involvement with Mr. De Niro's schedule in
4 April of 2019?

5 A. Other than when he was in production and doing carve-out
6 dates with production and the attorneys, no, I didn't have much
7 involvement at all.

8 Q. Was anyone else at Canal in charge of his schedule in April
9 of 2019?

10 A. Yes.

11 Q. Who?

12 A. Gillian Spear and Sabrina Weeks-Brittan.

13 Q. Had you been involved in the hiring of the two of them?

14 A. Yes.

15 Q. Had you been involved in training them as to what to do for
16 Mr. De Niro as an executive assistant?

17 A. Yes.

18 MR. SCHOENSTEIN: Objection. Leading.

19 THE COURT: You can stop the leading.

20 Q. Did Mr. De Niro have a busy schedule?

21 A. Yes; very, very busy.

22 Q. How far out would he have things on his calendar?

23 A. Years, months, days, hours.

24 Q. Again, general categories, what sorts of things would be on
25 his schedule that would go out months or even years?

NB35rob1

Robinson - Direct

1 A. Film festivals that he wanted to eventually attend and
2 participate in. Months, there would be meetings or partner
3 meetings with Nobu or -- I mean, the Tribeca Film Festival came
4 once a year so that would be on his schedule, the dates of
5 that.

6 Q. How frequently would Mr. De Niro have a meeting scheduled
7 during the week?

8 A. I'm sorry. Can you repeat that?

9 Q. Yes. How frequently would Mr. De Niro have a meeting
10 scheduled on a given day during the week?

11 MR. SCHOENSTEIN: Objection.

12 THE COURT: Basis?

13 MR. SCHOENSTEIN: Timing.

14 THE COURT: Time frame.

15 Q. The last three years you worked there at Canal, how often
16 would Mr. De Niro have a meeting scheduled on a weekday?

17 A. When he was in New York, most days that he was in New York.

18 Q. Was Mr. De Niro good about sticking to his schedule?

19 MR. SCHOENSTEIN: Objection.

20 MR. HANNAFAN: What's the objection? What is the
21 objection?

22 THE COURT: What is the objection?

23 MR. SCHOENSTEIN: Vague. Good about?

24 THE COURT: Sustained.

25 BY MR. HANNAFAN:

NB35rob1

Robinson - Direct

1 Q. During the last three years you were at Canal, was
2 Mr. De Niro -- did Mr. De Niro schedule change -- let me ask it
3 again, that's a poor way.

4 In the last three years when you were there at Canal,
5 would Mr. De Niro's schedule frequently change?

6 A. Yes.

7 Q. Why?

8 MR. SCHOENSTEIN: Objection.

9 THE COURT: Sustained.

10 Q. Why would it change?

11 MR. SCHOENSTEIN: Objection.

12 THE COURT: Sustained.

13 Q. Were there any -- would Mr. De Niro's -- why would
14 Mr. De Niro's schedule change?

15 MR. SCHOENSTEIN: Objection.

16 THE COURT: Sustained. It is the same question.

17 Q. What effect did Mr. De Niro's change in schedule have on
18 your work?

19 A. I'm sorry. Can you repeat that question?

20 Q. Yes. What effect did Mr. De Niro's scheduling change have
21 on your work?

22 A. I would really only be able to plan a couple hours in
23 advance of the work that I was doing. I was constantly pulled
24 in different directions just because of his changing schedule,
25 so.

NB35rob1

Robinson - Direct

1 Q. The last few years you were at Canal, would you ever talk
2 to Mr. De Niro about his schedule?

3 A. At times, yes.

4 Q. Why?

5 MR. SCHOENSTEIN: Objection.

6 Q. Why would you talk to him about your schedule?

7 THE COURT: Overruled.

8 Q. Excuse me. Why would you have to talk to him about his
9 schedule?

10 A. About his schedule? Things that were coming up with
11 production or items that I was involved in that needed his
12 attention and that he needed to set a meeting. Things like
13 that.

14 Q. During the last two years you were there at Canal, did
15 Mr. De Niro ever forget what was on his schedule?

16 A. Yes.

17 Q. How frequently would that happen?

18 A. Quite often.

19 Q. Was Mr. De Niro forgetful about things other than his
20 schedule?

21 MR. SCHOENSTEIN: Objection.

22 THE COURT: Overruled.

23 A. Yes.

24 Q. What sort of things would he forget?

25 A. He would forget kids' birthdays, what year his anniversary

NB35rob1

Robinson - Direct

1 was. He would forget where he had to be or where he was going
2 at times. Those are some of the things.

3 Q. Were there ever any instances, in the last three years you
4 were there, that Mr. De Niro would forget something that the
5 two of you had discussed just the day before?

6 A. Yes.

7 Q. Can you think of a specific example?

8 A. When I traveled I would be in constant contact with him
9 about what dates I was being away and he approved them. We
10 would stay in contact about when I was departing and I would be
11 heading to the airport having spoken to him the day before
12 reminding him of this and he would e-mail me and say, where are
13 you going? Did you talk to me about this?

14 Q. What did you say?

15 A. Yes, I spoke to you earlier today, yesterday, a week ago;
16 yes.

17 Q. OK. Let's go back to some of your duties. Were you ever
18 responsible for arranging Mr. De Niro's travel schedule?

19 A. Yes, in the earlier years.

20 Q. During that time were you responsible for scheduling his
21 flights?

22 A. Yes.

23 Q. Can you describe what that involved?

24 A. In terms of private plane travel, getting him options for
25 what type of planes and the cost of the private plane. Bob

NB35rob1

Robinson - Direct

1 rarely flew commercial so mostly it was private plane travel,
2 but if he did fly commercial; flight times, airline.

3 Q. Were you responsible for setting up his travel on private
4 jets?

5 MR. SCHOENSTEIN: Objection. Time frame.

6 THE COURT: Limit it to the last three years.

7 MR. HANNAFAN: Sure.

8 Q. During the last three years, were you responsible for
9 arranging his travel on private jets?

10 A. No.

11 Q. Who at Canal was responsible for that?

12 A. Sabrina Weeks-Brittan and Gillian Spear. Prior to that --
13 prior to Sabrina being there Morgan Billington and Katherine
14 Wernet. I'm trying to think of the three years.

15 Q. Were you aware of what things they had to do in order to
16 arrange his travel on a private plane those last three years?

17 A. I knew the overall process of it but specifics, no, other
18 than I would know the cost and the type of plane so that I
19 could make sure that we paid it.

20 Q. What was that process for arranging travel on a private
21 plane?

22 A. It would be you would book the private plane, you would
23 create a travel itinerary. You would book the time that the
24 family wanted to take off. You would make sure that catering
25 was on the plane. You would then track the trip as they took

NB35rob1

Robinson - Direct

1 off, as they landed, making sure that they landed in the right
2 place and not a different airport. You made sure the driver
3 was there.

4 It is a whole sort of set of checks to make sure that
5 the travel goes smoothly.

6 Q. You mentioned catering on a private plane. We saw an
7 e-mail yesterday where Ms. Chen was writing about her concern
8 that catering hadn't been arranged on a flight from Antigua.

9 Do you remember that?

10 A. Yes.

11 Q. Did you ask the private plane not to have catering on that
12 flight?

13 A. No.

14 Q. You said that Ms. Chen would occasionally travel on
15 commercial flights?

16 A. Yes.

17 Q. Did he have a preferred airline?

18 A. American Airlines. It has a true first class section.

19 Q. While you worked at Canal, did Mr. De Niro ever take a
20 Delta flight?

21 A. Yes. I talked him into taking one Delta flight in their
22 business class, that's the highest that they have.

23 Q. Did he talk to you about that flight?

24 A. He did. He ddi.

25 Q. What did he say to you about that one Delta flight?

NB35rob1

Robinson - Direct

1 A. He said that the flat bed where you put your legs was not
2 large enough for him and he didn't find them comfortable.

3 Q. There had been some talk of Delta SkyMiles in this case.
4 Did Mr. De Niro ever use Delta SkyMiles -- let me ask you this.
5 Let me back up.

6 For that one flight on Delta, did he pay for it using
7 Delta SkyMiles?

8 A. I don't recall.

9 Q. Mr. De Niro testified the other day about wanting to have
10 Delta SkyMiles for his children. While you worked at Canal,
11 were you aware of his children ever using SkyMiles for a Delta
12 flight?

13 A. I can't think of a time that they did. Things were
14 constantly changed and the use of miles, you had 48 Hours or 72
15 hours where you couldn't change it after, 72 or 48 hours --
16 sorry -- so it just made sense more to purchase their tickets.

17 Q. Let's talk a little bit about your work travel. The last
18 three years you were at Canal, did you ever have to travel for
19 work?

20 A. Yes.

21 Q. By the way, do you have your water there, Ms. Robinson?

22 A. I do.

23 Q. During the last three years you were at Canal, how often
24 did you have to travel for work?

25 A. Probably three or four scouting trips.

NB35rob1

Robinson - Direct

1 Q. When you say a scouting trip, what do you mean?

2 A. I would go to the location where they were filming and I
3 would scout the hotels, meet with production, possible -- as I
4 had testified earlier, possible local crew, PA, drivers, hair
5 and makeup if he wasn't bringing the ones that he normally
6 used.

7 Q. When you say who, again, I mean it is obvious, but who are
8 you referring to?

9 A. Bob.

10 Q. Would Mr. De Niro ask you to go scout the hotels?

11 A. Yes.

12 Q. Why would he ask you to go scout the hotels?

13 A. I wanted to make sure that he would be comfortable where he
14 was during the shoot.

15 Q. Other than doing any business travel with respect to
16 Mr. De Niro's films, did you have to do any other business
17 travel the last three years you worked for Canal?

18 A. Yes.

19 Q. Why did you have to do that business travel?

20 A. Bob had me vet vacation rentals, like weekend rentals for
21 him in Montauk for the summer. I had also traveled down to
22 Miami for his ex-girlfriend to help clear out her home for sale
23 in Miami.

24 Q. Who asked you to go down to Miami to help clear out his
25 ex-girlfriend's home?

NB35rob1

Robinson - Direct

1 A. Bob.

2 Q. Did you ever accompany Mr. De Niro when he had to travel
3 outside of New York?

4 A. I'm sorry. Did I ever accompany?

5 Q. Yes. Did you ever travel with him when he had to travel
6 outside of New York?

7 A. Yes.

8 Q. How many times did that happen?

9 A. I would say a handful of times.

10 Q. What would you do when you would accompany him on these
11 trips?

12 MR. SCHOENSTEIN: Objection.

13 MR. HANNAFAN: I can rephrase, your Honor.

14 Q. What did Mr. De Niro ask you to do when you would accompany
15 him on these trips?

16 A. Facilitate logistics, things like that. I had only
17 traveled specifically with him to -- on a plane twice, but if
18 you are discussing sort of if I was on location with him or
19 something like that then is that -- can you clarify a little
20 bit?

21 Q. Sure. Sure. So, did you ever go on location with him when
22 he was filming?

23 A. Yes.

24 Q. How many times did you do that?

25 A. Maybe like four or five times.

NB35rob1

Robinson - Direct

1 Q. What would he ask you to do while you were there?

2 A. I would help him with his needs there. In the trip when I
3 went to Panama, Bob had me stay for about seven days and he had
4 me wake him up, prod him awake in the mornings, make sure that
5 coffee was on the second floor of his suite. I would go to set
6 with him.

7 One of the last ones I was in London with him in
8 November of 2018 and when he was filming the Warburtons bagel
9 commercial so I went to set with him, but during that trip we
10 also did antique shopping, Christmas shopping for his kids,
11 shopping for the 117A apartment -- sorry, the townhouse
12 apartment, so there were a bunch of errands I was running in
13 London for him.

14 Q. You said he was filming a Warburtons commercial?

15 A. Yes, bagels.

16 Q. A what?

17 A. Warburtons is a UK bagel company, they're known for bagels.

18 Q. OK.

19 A. Sorry.

20 Q. The last few years you were there at Canal, did Mr. De Niro
21 ever ask you to handle anything for him and not to talk about
22 it with the other employees at Canal?

23 A. Yes.

24 Q. What were those things? Let me ask you this. How many
25 things did he ask you to handle for him without telling anyone

NB35rob1

Robinson - Direct

1 else at Canal that you were working on?

2 A. There was a portion of my job that had a lot of work that
3 was very private and personal that wasn't to be discussed with
4 other employees such as the work with his ex-girlfriend Toukie
5 Smith and her health issues there. In addition, originally the
6 introduction of Tiffany Chen in his life, I wasn't allowed to
7 discuss it with people in the office.

8 Q. Anything else that he asked you to help him with that he
9 did not want you discussing with other Canal employees in the
10 last three years of your employment?

11 A. Specifics on his -- the divorce work.

12 Q. What did he ask you to do to help him with his divorce?

13 A. He asked me to pull any evidence or backup that he spent
14 time with his kids, so times that he was with them. He had me
15 pull text messages from Grace, any e-mails from her, anything
16 that they might need for the divorce. In addition, speaking to
17 his doctors about some of his medical stuff there.

18 Q. You said he asked you to pull texts and e-mail messages
19 from Grace Hightower?

20 A. Yes; and anything that showed that he was with the kids --

21 Q. OK.

22 A. -- on any given day.

23 Q. Were you able to pull the texts and messages that he was
24 talking about?

25 A. Yes. I bought --

NB35rob1

Robinson - Direct

1 Q. Sorry. How did you do that?

2 A. Bob -- I made a backup copy of Bob's phone, I believe it
3 was January 25th, on his computer, Bob was present, and I
4 transferred that backup to a new iPhone so that I wouldn't take
5 his iPhone away from him for the weekend. And he gave me his
6 computer and so I was able, from that, to pull the e-mails,
7 pull the text messages.

8 Q. You said -- well, I will ask this. Did Mr. De Niro ask you
9 to do that for him?

10 A. Yes.

11 Q. Was he present when you did that?

12 A. Yes.

13 Q. I think Ms. Chen testified yesterday that you had been
14 looking at her and Mr. De Niro's e-mails and texts.

15 A. That is not correct.

16 Q. Let me ask you this. When you were looking at the e-mails
17 and texts that he asked you to pull, how many days did you do
18 that?

19 A. I believe for, like, it was a total of five days at the end
20 of January, including through a whole entire weekend.

21 Q. Did you look at any e-mails or texts between Mr. De Niro
22 and Ms. Chen?

23 A. There were the two that popped up in my key word search
24 such as "kids," "pickup," "drop off," their names, specifically
25 with driver's names, things like that. So there were key words

1 that popped up two texts.

2 Q. Other than those couple of days when you were looking at
3 his phone at his request for his divorce proceedings, did you
4 ever look at Mr. De Niro's phone at any other time?

5 A. No. Not like that, no.

6 THE COURT: Counsel, I am informed that the jurors'
7 breakfast has arrived so now may be a convenient time for us to
8 take about a 10-minute break.

9 MR. HANNAFAN: Absolutely, your Honor. Thank you.

10 (Continued on next page)

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1 (Jury not present)

2 THE COURT: I think we can limit this to a 10-minute
3 break so be back here in five minutes.

4 MR. HANNAFAN: Yes, your Honor.

5 MR. SCHOENSTEIN: Thank you.

6 (Recess)

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NB36ROB2

Robinson - Direct

1 THE COURT: Let's put the witness back on the stand
2 and bring in our jury.

3 MR. HANNAFAN: Yes, your Honor.

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1 (Jury present)

2 THE COURT: Counsel, you may proceed.

3 MR. HANNAFAN: Thank you, your Honor.

4 BY MR. HANNAFAN:

5 Q. Ms. Robinson, we talked a little bit about your business
6 travel earlier. I'd like to talk to you a little bit about
7 your personal travel.

8 The last few years you were working at Canal, did you
9 ever go on any personal trips?

10 A. Yes.

11 Q. Were there any limitations as to when you could take those
12 trips?

13 A. Yes. I would schedule things around Bob's schedule, and
14 with his approval.

15 Q. Would you ask Mr. De Niro's approval before scheduling a
16 trip?

17 A. Yes, we'd have a general conversation about the trip and
18 things would be confirmed as we got closer and closer to that.

19 Q. And had he asked you to do that for him?

20 A. Yes.

21 Q. Did you ever have to change your travel plans because of a
22 change in his schedule?

23 A. Yes, often.

24 Q. When you say "often," over the last three years at Canal,
25 how many times did you have to do that?

NB36ROB2

Robinson - Direct

1 A. There would be some modification, change, or coming back
2 early, change in the date that I was leaving I think on almost
3 every single trip I took.

4 Q. Can you think of a specific example when that happened?

5 A. In February 2019, I came back eight days early for him.

6 Q. Where were you?

7 A. I was in London.

8 Q. Did Mr. De Niro ask you to come back early?

9 MR. SCHOENSTEIN: Objection, leading.

10 THE COURT: Sustained.

11 BY MR. HANNAFAN:

12 Q. Why did you come back early?

13 A. Bob asked me to come back early.

14 Q. When you would go on these trips, how often would you work
15 while you were away?

16 A. We had an agreement that when whenever I was away I'd work
17 the same hours, I would do the same work. It was just -- it
18 gave me flexibility.

19 Q. What type of work would you do for Canal while you were on
20 these personal trips?

21 A. I would do the same work as if I was working from home or
22 in the office. I would do my production work. I would work on
23 sort of these projects and things like that.

24 Q. Let me say this: Did Mr. De Niro ask you to be on call, as
25 you've described, while you were on --

NB36ROB2

Robinson - Direct

1 A. Yes.

2 Q. Excuse me -- while you were on these personal trips?

3 A. Yes.

4 MR. SCHOENSTEIN: Objection, leading.

5 THE COURT: Sustained.

6 BY MR. HANNAFAN:

7 Q. As part of the work you would do while you were on these
8 personal trips, would Mr. De Niro ever call you?

9 A. Yes.

10 Q. How frequently?

11 A. We would be in touch the same way that if I were in
12 New York City. We were constantly connected, whether it was
13 calls, e-mails, text messages.

14 Q. Okay. If you're still working while you're on these trips,
15 why did you go on these trips?

16 A. Because when I was six hours ahead or five hours ahead, I
17 would have a couple hours in the morning to myself. I could go
18 for a run without being called. I could wake up without him
19 calling me in the morning and that's how I wake up. I could
20 take a shower without a phone call in the middle of it.

21 It gave me a little bit of personal time. This job
22 was really overwhelming at times, just stress-wise and constant
23 work that -- it just gave me that sliver of moment in my
24 personal life. I could grab a quick lunch with a friend
25 because it would be 3 o'clock in the morning or 4 o'clock in

NB36ROB2

Robinson - Direct

1 the morning New York time and he wouldn't be up yet.

2 Q. We had seen some exhibits of texts or e-mails you sent to
3 Mr. De Niro when you were getting on a flight or you had
4 arrived on a trip.

5 Why did you do that?

6 MR. SCHOENSTEIN: Objection.

7 THE COURT: Overruled.

8 A. He requested that I did that so he knew when I would be
9 unavailable and when I have to turn my phone off for the plane,
10 and when I'd be connected to Wi-Fi so we could e-mail instead.
11 We were in constant contact, so if I wasn't going to be
12 available, I'd have to let him know.

13 BY MR. HANNAFAN:

14 Q. Okay. Did Mr. De Niro ever tell you don't keep contacting
15 me about this?

16 A. No.

17 Q. Let's talk about Canal's office policies. The period of
18 2016 to 2019.

19 A. Okay.

20 Q. Now, we've heard some testimony about policies or lack of
21 policies. Were there written policies with respect to spending
22 at Canal during that time?

23 A. No. There were not.

24 Q. Were there unwritten policies regarding generally what
25 Canal employees could spend money on?

NB36ROB2

Robinson - Direct

- 1 A. No, there were not.
- 2 Q. Was there a policy at Canal regarding how much employees
3 could spend on meals during a day?
- 4 A. Written policies?
- 5 Q. Not written, unwritten policy?
- 6 A. Oh, I'm sorry. I thought you meant written policies.
- 7 Q. I thought you said there were no written policies?
- 8 A. There were no written policies.
- 9 Q. So was there an unwritten policy regarding how much
10 employees could spend on meals?
- 11 A. Yes.
- 12 Q. What was that?
- 13 A. For meals, employees could spend, if they were working, \$10
14 for breakfast, 20 to \$30 for lunch, \$40 for dinner, if they
15 were working or if they were on call.
- 16 Q. Okay. Was there an unwritten policy regarding when Canal
17 employees could spend money on Ubers or taxis?
- 18 A. Yes.
- 19 Q. What was that policy?
- 20 A. If you were on call, you could use an Uber or taxi so you
21 remained available for Bob. In addition you could use Uber or
22 taxi if you needed to run an errand or do anything work
23 related. So you could either be reimbursed or you could charge
24 it on one of the two Canal Amex cards.
- 25 Q. Okay. And was there an unwritten policy when it came to

NB36ROB2

Robinson - Direct

1 what employees could charge if they were on a work trip?

2 A. Yes.

3 Q. What was that?

4 A. Again, taxis to -- taxis or Ubers to and from the airport,
5 meals as if you were in the office. Lodging, hotel.

6 Q. Was there an unwritten policy regarding the reimbursement
7 of unused vacation days for employees at Canal?

8 A. Yes.

9 Q. What was that?

10 A. You were paid for the vacation days that you didn't use.

11 Q. Okay. Now, as Mr. De Niro's lead assistant during those
12 last three years, did you and he have discussions about how
13 much you could spend on meals in a particular day?

14 A. Yes.

15 Q. Was the amount you could spend on a particular day
16 different from what the other employees could spend?

17 A. Yes.

18 Q. What did the two of you agree upon?

19 A. When I became director of production in 2011, I was given
20 an allotment for having higher amount of -- amount that I could
21 spend in terms of meals. So I could spend up to around \$100 a
22 day for meals if I was working, coffee, snacks things like
23 that.

24 Q. Had you and Mr. De Niro reached an agreement regarding how
25 much you as his lead assistant could spend on taxis or Ubers?

NB36ROB2

Robinson - Direct

1 A. Yes.

2 Q. Okay. Was that different from the policy for the other
3 Canal employees?

4 A. Yes, I was on call. I remained on call from 2008 until the
5 day that I resigned. So, I mean, yes. I could also take taxis
6 or Ubers to the airport, to and from the airport. I could use
7 them for work-related purposes. If I had to remain on call for
8 him and I had to go somewhere, he would pay for the
9 transportation so that I remained available for him.

10 Q. Okay.

11 A. Taxi or Uber.

12 Q. As his lead assistant did you and Mr. De Niro have an
13 agreement regarding getting paid for unused vacation days that
14 was different from the other employees at Canal?

15 A. Yes.

16 Q. What was that?

17 A. We would -- what was --

18 Q. What was the agreement that the two of you had?

19 A. The agreement is if I didn't use my vacation days, that I
20 would be paid for them. And there were a couple of employees
21 that had that additional benefit.

22 Q. I'd like to sort of walk through the logistics of how
23 employee expenses were charged at Canal.

24 How were -- let's just call them business expenses by
25 Canal employees paid for?

NB36ROB2

Robinson - Direct

1 A. They were paid for on a Canal Amex that was under my name.

2 Q. Okay.

3 A. Or they were reimbursed through Canal petty cash.

4 Q. Were you the only person who was allowed to use the
5 American Express card in your name?

6 A. No.

7 Q. Who else at Canal had access to that American Express card?

8 A. All office employees could charge on it and use it.

9 Q. Did you have to give them access?

10 A. No. Well, yes, yes. But I provided them with a copy of
11 the front and back of the card. And also at times, I would
12 physically give it to them so they could use it, if need.

13 Q. Okay. In the period of 2016 to 2019, how many other Canal
14 employees would use your American Express card for business
15 expenses?

16 A. Like seven, I think, over those years.

17 Q. Okay. And can you just tell the jury the general
18 categories of business expenses that got charged to your
19 American Express card?

20 A. Office supplies, employee meals, employee transportation,
21 taxis, Ubers, supplies, hotel lodging for Bob that had do with
22 his business, not personal travel. Things like that.

23 Q. I may have missed it, did you mention employee charges for
24 meals on your card?

25 A. Yes.

NB36ROB2

Robinson - Direct

1 Q. Did they also charge for Ubers or taxis using your card?

2 A. Yes.

3 Q. Now, you had mentioned that you had a different agreement
4 with Mr. De Niro regarding what you could be reimbursed for as
5 opposed to other Canal employees.

6 A. Yes.

7 Q. Did you have -- do you recall specific discussions you had
8 with Mr. De Niro regarding those agreements?

9 A. Yes.

10 Q. Did those agreements occur over a period of time at your
11 career at Canal?

12 A. Yeah, we had many discussions between 2008 through 2000 --
13 the beginning of 2019.

14 Q. Okay. Let's talk about one in 2008.

15 Did you and Mr. De Niro reach an agreement in 2008
16 with respect to what expenses you could charge?

17 A. Yes. We discussed that.

18 Q. And what did the two of you discuss with respect to the
19 expenses you could charge?

20 A. We discussed the ability and Bob's approval on our taking
21 taxis while I was on call for him.

22 Q. Do you remember the particulars of that discussion?

23 A. I do.

24 Q. Do you remember approximately when it happened?

25 A. It happened at the end of 2008. Like -- it was dark, so

NB36ROB2

Robinson - Direct

1 like October, November.

2 Q. What prompted that discussion?

3 A. I had gotten into a taxi leaving his home. And he had
4 given me a call to discuss something that his wife had said to
5 him about me taking too many -- possibly taking too many taxis
6 and he just wanted to discuss it with me.

7 Q. Did the two of you discuss that?

8 A. Yes.

9 Q. What did the two of you discuss?

10 A. I was pretty exhausted, and just frustrated. I had been on
11 call for him as his only executive assistant for about
12 five months. So I worked seven days a week for him.

13 And the policy was that you could take taxi while you
14 were on call. I discussed this with Bob that I wouldn't be
15 able to do this job if I didn't have the ability to be
16 reimbursed for taxis while I was on call. It was a lot of
17 work. And Bob understood it. He said that was okay, that he's
18 allowing me to do that, and that that was the agreement going
19 forward.

20 Q. The time of that conversation in 2008, where did you live?

21 A. I lived with my mother on the Upper East Side.

22 Q. And which part of Manhattan is the Canal office located in?

23 A. In Tribeca.

24 Q. How long would it take you to get from your apartment on
25 the Upper East Side down to Tribeca using public

NB36ROB2

Robinson - Direct

1 transportation?

2 MR. SCHOENSTEIN: Objection, foundation.

3 THE COURT: Sustained.

4 BY MR. HANNAFAN:

5 Q. Would you travel from your apartment in the Upper East Side
6 down to the Canal office for work?

7 A. Yes.

8 Q. How long would it take you to make that trip?

9 A. When I --

10 THE COURT: You're saying by public transportation?

11 MR. HANNAFAN: I'm sorry, your Honor -- yes, excuse
12 me, yes.

13 BY MR. HANNAFAN:

14 Q. How long would it take you -- let me back up.

15 When you would make that trip, would you use public
16 transportation?

17 A. Yes.

18 Q. Specifically, what public transportation here in New York
19 City would you use?

20 A. The subway.

21 Q. How long would it take you to make that trip?

22 A. If I was lucky, a little over an hour.

23 Q. Okay. At that time back in 2008, would you get cell phone
24 reception in the subway?

25 A. No.

NB36ROB2

Robinson - Direct

1 Q. Would Mr. De Niro ever attempt to contact you while you're
2 on the subway?

3 A. Yes.

4 Q. What would happen -- let me ask this.

5 What would he say if he couldn't get you on the
6 phone --

7 THE COURT: Where in the Upper East Side do you live?

8 THE WITNESS: Where do I?

9 THE COURT: Where on the Upper East Side with your
10 mother did you live?

11 THE WITNESS: I still live there now.

12 THE COURT: Not your address but just the general
13 vicinity.

14 THE WITNESS: In the 90s.

15 THE COURT: Okay.

16 BY MR. HANNAFAN:

17 Q. Did Mr. De Niro ever talk with you about his trying to
18 contact you while you're on the subway?

19 A. Yes.

20 Q. What did he say?

21 A. He was frustrated that he couldn't reach me in the morning,
22 especially when he needed to make decisions on meetings and
23 what was going on that day. An hour was a long time if he had
24 to wait to sort of get the ball rolling on things.

25 Q. So as part of your agreement in 2008 with Mr. De Niro, did

NB36ROB2

Robinson - Direct

1 you begin -- excuse me, after your agreement with Mr. De Niro
2 in 2008, did you begin taking taxis to and from Canal to work?

3 A. Yes.

4 Q. Was that part of your agreement with Mr. De Niro?

5 A. Yes, it was.

6 Q. Did you and Mr. De Niro agree that you could use a taxi
7 when you were running errands for him in 2008?

8 A. Yes.

9 Q. As part of that agreement -- let me ask you, did you and
10 Mr. De Niro agree that you could use taxis while you're on call
11 other than just going to and from the office?

12 A. Yes. We spoke about all the different possibilities that I
13 would need to use a taxi.

14 Q. And did he agree to pay -- excuse me, did he agree that
15 Canal would reimburse you -- sorry.

16 Did he agree that Canal would reimburse you for those
17 taxis even if it was no work errand?

18 A. Yes, he did.

19 THE COURT: Try to avoid the leading going forward.

20 MR. HANNAFAN: I'm sorry, your Honor?

21 THE COURT: Try to avoid the leading going forward.

22 MR. HANNAFAN: Yes, your Honor.

23 BY MR. HANNAFAN:

24 Q. How long did you work for Canal after that agreement with
25 Mr. De Niro in 2008?

1 A. 11 years.

2 Q. At any point in time, did Mr. De Niro tell you you could no
3 longer get reimbursed for your taxis?

4 A. No, he did not.

5 Q. All right. Let's move onto another discussion you had with
6 Mr. De Niro about with your expenses.

7 Do you recall the next time you had a discussion with
8 Mr. De Niro regarding a change in your expenses?

9 A. Yes.

10 Q. Approximately when was that?

11 A. It was 2011 when I became director of production.

12 Q. You said the discussion about the taxis was a one-time
13 conversation?

14 A. I'm sorry?

15 Q. Your discussion about the taxis was a one-time
16 conversation?

17 A. Yes.

18 Q. The discussion in 2011, was it a one-time conversation?

19 A. No. We had discussed several times over the end of 2010 to
20 2011.

21 Q. And what was the topic of your discussions?

22 A. We were discussing my wanting to move off of his desk and
23 work -- and focus on production. So promotion to director of
24 production, which also included discussions on what my expenses
25 would be for that title and with that job.

NB36ROB2

Robinson - Direct

1 Q. When you say "expenses," what particular -- did you discuss
2 any particular expenses?

3 A. Yes, we did.

4 Q. What did the two of you discuss in terms of your expenses?

5 A. Other than the meal expenses and having a higher amount of
6 money that I could be reimbursed or charge, \$100 for meals,
7 snacks, coffee, we had discussed business meals. So if I had
8 to meet with somebody for business that I could expense that.
9 We had discussed -- trying to think way back when.

10 We discussed -- he -- with the promotion he wanted for
11 me to remain on call for him. So we discussed the
12 transportation again, what I could be reimbursed for, what I
13 could charge, taxis. Ubers didn't exist in -- at that point.

14 Q. Following those discussions, did you ever ask -- let me
15 back up.

16 Regarding those discussions in 2011, did you request a
17 raise from Mr. De Niro?

18 A. In 2011? Possibly.

19 Q. Did you request any other form of compensation from him in
20 2011?

21 Let me ask this again.

22 Did you ask for a bonus?

23 A. Yes. I believe I did.

24 Q. Did he agree to give you the bonus?

25 A. I don't believe that he agreed to give it to me.

1 Q. Okay.

2 MR. HANNAFAN: Could we please have Plaintiff's
3 Exhibit 195? I believe this is already in evidence.

4 You can zoom in at the top.

5 BY MR. HANNAFAN:

6 Q. Ms. Robinson, what is the date on this e-mail?

7 A. October 15, 2011.

8 Q. Is this an e-mail from you to Mr. De Niro?

9 A. Yes.

10 Q. Look at the top of it. You said: Bob, I wanted to let you
11 know that I was sad and disappointed with our conversation the
12 other day regarding bonus.

13 Does that refresh your recollection as to whether you
14 had a discussion with Mr. De Niro about a bonus in 2011?

15 A. Yes, yes.

16 Q. What did the two of you talk about regarding a bonus at
17 that time?

18 A. That I wanted a bonus.

19 Q. Did you ask for a specific amount?

20 A. I can't recall what I asked for back then.

21 Q. All right. Going down to the third paragraph there, you
22 said: I don't want you to think that all I do is ask for money.
23 You're incredibly generous with allowing me to travel on miles
24 and sometimes paying, to allow me to be in Spain or LA when
25 you're away and all the other things.

NB36ROB2

Robinson - Direct

1 When you said he was generous, incredibly generous
2 with allowing you to travel on miles, what did that refer to?

3 A. SkyMiles.

4 Q. Had you been traveling on -- had you been using SkyMiles to
5 travel as far back as 2011?

6 A. Yes.

7 Q. When did you first travel using SkyMiles?

8 A. 2009.

9 Q. Were those Canal SkyMiles that you used?

10 A. Yes, they were.

11 Q. And you said: Allow me to be in Spain or LA when you are
12 away.

13 What were you referring to?

14 A. Because I was the only executive assistant to Bob in
15 those days for a couple of years, when he was either filming or
16 they were on a long family vacation, he allowed me to spend
17 time in either Spain or Los Angeles. I didn't have any down
18 time or personal time unless he had down time. So this was
19 sort of a little bit of flexibility since I didn't get days
20 off, I didn't get vacation.

21 Q. Okay. You also said at the end of the sentence about him
22 being incredibly generous, you said, and all the other things.
23 What were you referring to?

24 A. I was referring to all the expenses that he gave me,
25 allowing to have meals that they would pay for, taxis, business

1 meals. But also there were other perks working for Bob. If
2 you went to any of his restaurants, you never paid, they always
3 picked it up. At the Tribeca Film Festival, you get free
4 tickets to screenings and things like that. So there were
5 other perks as well.

6 MR. HANNAFAN: If we could go back out and go down to
7 where it says, "I'm incredibly grateful." Bottom paragraph
8 there, Mr. Kelly, that we can see on the screen.

9 Can you go to the paragraph -- unzoom and go -- just
10 enlarge the bottom half, starting with the line, "I do love my
11 job."

12 BY MR. HANNAFAN:

13 Q. You said: I do love my job, though sometimes it is
14 incredibly stressful. I've stayed for these four years for
15 various reasons, but I wouldn't stay if I didn't love my job, I
16 didn't enjoy it most of the time and I didn't love working for
17 you.

18 Did you love your job at that time? Is that a true
19 statement?

20 A. Yes, it is.

21 Q. You said you love working for Mr. De Niro?

22 A. I did. It was -- I did.

23 MR. HANNAFAN: If you could back out, please.

24 All right. Go back up to that first paragraph --
25 excuse me, the third paragraph, the one that we looked at

1 before.

2 BY MR. HANNAFAN:

3 Q. After thank you for being generous, you said: I am
4 incredibly grateful. However, I do give you almost all my time
5 and my life is based around my job. Sometimes this is not so
6 easy, especially when it comes to planning anything.

7 What were you talking about?

8 A. This job was 24/7, 365 days a year. My life was this job
9 at this point. I was the only executive assistant to him. I
10 mean, any personal time I had, it was very little, and, again,
11 it was almost all of my time -- you know, working.

12 Q. All right. Let's move on to another topic.

13 Was there a time when you moved out -- excuse me, when
14 you moved away from New York?

15 A. Yes.

16 Q. Where did you move to?

17 A. I moved to being based in Los Angeles, California.

18 Q. Before you moved to LA, did you have a discussion with
19 Mr. De Niro about moving to LA?

20 A. Yes, I did.

21 Q. Approximately when was that conversation?

22 A. Summer 2013, I think July.

23 Q. Let me ask you this: Why did you want to move outside of
24 New York City?

25 A. I had a -- I discussed with Bob that the job that he and I

1 had talked about, working in film production, was not something
2 I was able to focus on. I kept on being pulled in all these
3 directions. Bob had hired another executive assistant to
4 replace me. But I wasn't focusing on the production work. And
5 I was hoping that if I could move and be based in Los Angeles
6 that that would allow me to have the focus for the job that he
7 and I discussed.

8 Q. Did you and Mr. De Niro have a conversation about you
9 moving to LA?

10 A. Yes, we had a couple.

11 Q. Did he agree that you could continue to work for Canal,
12 even if you moved to LA?

13 A. Yes, he did.

14 Q. Did the two of you have a discussion regarding your
15 expenses when you moved?

16 A. Yes.

17 Q. What was it the two of you discussed?

18 A. We discussed what my ex -- sorry. We discussed what my
19 specific expenses would be because they would be different in
20 LA than they would be in New York. In LA, I would have a car,
21 so I wouldn't need taxis, Ubers, things like that, unless I was
22 coming back to New York for work for him.

23 I would have -- though I would have a rental where I
24 would have a room or a place in there for an office. So we
25 sort of discussed all these different sort of expenses. How I

NB36ROB2

Robinson - Direct

1 would handle meals while I was in Los Angeles. I would -- he
2 agreed to the same meal allotment that he agreed to in 2011.

3 I was allowed to continue taking taxis or Ubers to the
4 airport and back when I was traveling back to New York for him.
5 If I was running errands for Canal in Los Angeles, I could
6 expense gas for those. And we had talked about in lieu of
7 taxis to and from the office in New York, that in lieu of that,
8 he would pay for a portion of my rent because I would have an
9 office in that rental.

10 Q. Regarding that piece of it, at that time, in 2013 -- how
11 much were you spending on taxis that was being paid by Canal
12 per month?

13 A. Around \$2,000 a month.

14 Q. Did you and Mr. De Niro discuss having Canal pay that
15 amount towards your rent when you moved to LA?

16 A. Yes, and he agreed to that.

17 Q. When you moved to LA, were you paid that \$2,000 a month
18 towards your rent?

19 A. Yes, he did.

20 Q. Well, let me ask you this: Who actually paid you the
21 money?

22 A. Oh, who. Berdon, LLP, his accounting firm. They would
23 wire me the money on the first of the month.

24 Q. While you were in LA, did you get to do more production
25 work?

NB36ROB2

Robinson - Direct

1 A. I did a lot more traveling back to New York.

2 I did the same amount of production work, but I was --
3 toward the end of my time at LA I was communicating to New York
4 City almost every week.

5 Q. Why were you commuting back to New York City almost every
6 week?

7 A. Bob would want me back in New York for one reason or
8 another. Things would come up and I would take a red eye into
9 New York on Tuesday and a red eye back out on Thursday. It
10 became really exhausting. It just didn't seem to be working
11 for him.

12 Q. How were your flights paid for when you were flying back
13 and forth from LA to New York?

14 A. Either by SkyMiles or he would pay for the actual flight.

15 MR. HANNAFAN: I'd like to pull up Plaintiff's
16 Exhibit 368.

17 I believe this has been admitted already, your Honor.

18 BY MR. HANNAFAN:

19 Q. Do you recognize this e-mail, Ms. Robinson?

20 A. Yes.

21 Q. What's the date on it?

22 A. July 9, 2013.

23 Q. Is this an e-mail from you to Mr. De Niro?

24 A. Yes, it is.

25 Q. You said: Hi, Bob. I know we still have to talk about the

1 details, but I'm slowly moving forward with the move to LA and
2 it being my base as we discussed. You said don't worry, no
3 heart attacks, please. Joking.

4 What was the joke?

5 A. It was sort of an inside joke that it's just letting him
6 know this isn't a serious conversation. He didn't have to
7 worry about anything.

8 Q. You said: From there and here, I will always be reachable.
9 I can be in New York City in less than six hours. I'm sure
10 I'll be in New York City a lot.

11 A. Yeah.

12 Q. Did your prediction come true?

13 A. Yes. More so. I was in New York more than I thought that
14 I would be.

15 Q. Under the heading "Expenses," you said: I can talk to
16 Mark, but the expenses I had in New York are not the same
17 expenses I would have in LA.

18 Who is the Mark you are referring to?

19 A. Mark is Mark Bosswick at Berdon, LLP.

20 Q. Did he work with Mr. Tasch from Berdon, LLP?

21 A. Yes, he did.

22 Q. When you say, you talk about the expenses are not the same,
23 I would have in LA, you went on to say: An example is I don't
24 need transportation since I have a car, but I would have a room
25 in my apartment as my office.

1 What were you referring to there?

2 A. My transportation expense of taxis to and from the office,
3 that I would have a car so I wouldn't need that expense or have
4 it expensed. But I would have a place in my rental as an
5 office. So that was the discussion that we had.

6 MR. HANNAFAN: If we could please pull up Plaintiff's
7 Exhibit 154.

8 I believe this has been admitted, your Honor.

9 THE COURT: Okay.

10 BY MR. HANNAFAN:

11 Q. This is an e-mail from you to Mr. De Niro on July 15, 2013.

12 A. Yes.

13 Q. And at the bottom it says: Thank you for agreeing to
14 change the expenses. I truly appreciate this. You are beyond
15 generous, exclamation point.

16 What expenses did he agree to change?

17 A. He agreed to change the taxi expense and provide \$2,000 for
18 rent. He also agreed to pay for the Internet in the apartment.

19 Q. What did Mr. De Niro respond to that e-mail?

20 A. "I know. That's my problem. Ha, ha."

21 Q. You responded -- I'll let you pronounce it. What did you
22 respond?

23 A. "Ha, ha, ha."

24 Q. Why is it spelled ja, ja, ja?

25 A. I had been spending time in Spain, and that's the way that

NB36ROB2

Robinson - Direct

1 you would pronounce ha, ha, ha.

2 Q. An outside joke between you and Mr. De Niro?

3 A. Yeah. I just would write it -- I would write it that way.

4 Q. When you say "you are beyond generous," was Mr. De Niro a
5 generous boss?

6 A. He was, he was incredibly generous, especially with all the
7 expenses that he would allow me to charge or be reimbursed for.

8 Q. Were there any other ways he was generous with his
9 employees?

10 A. Yes.

11 Q. How was he generous with his employees?

12 A. Gifts, holiday gifts, birthday gifts.

13 Q. Did he ever give you any birthday gifts?

14 A. Yes.

15 Q. Did he give you any generous birthday gifts?

16 A. He gave me a lot of generous birthday gifts. For my 30th
17 birthday he gave me a Rolex watch. For a lot of my birthdays
18 or holiday, he would give me hotel stays. So like ten days or
19 if it was a big birthday, 20 days to staying at a specific
20 hotel or different hotels. He was really generous when it came
21 to that stuff.

22 Q. Going back to the \$2,000 on rent, did you contact Berdon
23 regarding getting paid for that?

24 A. For the rent, for the rent.

25 Q. Yes.

1 A. Yes, I did.

2 MR. HANNAFAN: Can we please have Plaintiff's
3 Exhibit 153, show it to -- I believe there's no objection,
4 correct?

5 MR. SCHOENSTEIN: I don't think so. But, by the way,
6 154, we have it as not being in evidence. So I didn't know if
7 you wanted to move that?

8 MR. HANNAFAN: Oh, I apologize. Your Honor, I would
9 move to admit Plaintiff's Exhibit 154.

10 MR. SCHOENSTEIN: There's no objection.

11 THE COURT: It's received.

12 (Plaintiff's Exhibit 154 received in evidence)

13 MR. HANNAFAN: My apologies.

14 THE COURT: Is there any objection to 154?

15 MR. SCHOENSTEIN: No, your Honor.

16 THE COURT: 153 is received.

17 (Plaintiff's Exhibit 153 received in evidence)

18 MR. HANNAFAN: Thank you, your Honor.

19 BY MR. HANNAFAN:

20 Q. Ms. Robinson, taking a look at that e-mail --

21 Is it now available for the jury? Thank you.

22 It's an e-mail July 15, 2013, to Mr. Bosswick at
23 Berdon. You said: Hi, Mark. Thanks again for helping with
24 this. I truly appreciate it. I'm trying to sign a lease now,
25 so if you could please have my Xmas bonus deposited tomorrow or

NB36ROB2

Robinson - Direct

1 Wednesday. As soon as I know what my first month will be, I'll
2 let you know, and we can work out the 2K each month.

3 What were you referring to?

4 A. The rent for my Los Angeles rental.

5 MR. HANNAFAN: You can take that down, please.

6 BY MR. HANNAFAN:

7 Q. How long did you live in LA?

8 A. A year.

9 Q. Over what time period?

10 A. Summer, end of the summer 2013 to the end of the summer
11 2014.

12 Q. Did you continue to get the \$2,000 a month once you moved
13 back to New York?

14 A. No. I let Michael Tasch know that they shouldn't pay me
15 the \$2,000 because I no longer had the rental in Los Angeles.
16 And I also let Bob know as well.

17 Q. I'm sorry?

18 A. I also let Bob know that I was not going to be receiving
19 the 2,000.

20 Q. Let's fast forward a little bit to 2015. As of 2015, how
21 long had it been since you had received a raise?

22 A. Sorry, can you repeat that?

23 Q. Yes. As of 2015, how long had it been since you had
24 received a raise?

25 A. Three -- I want to say three years.

NB36ROB2

Robinson - Direct

1 Q. Did you and Mr. De Niro discuss in 2015 you getting a raise
2 in your salary?

3 A. Yes.

4 Q. Did you ask for it?

5 A. Yes, I did.

6 Q. Why did you ask for a raise?

7 A. Because I had moved back from Los Angeles, and I had lost
8 the \$2,000 in what was compensation and expense to me. And I
9 wanted to see if he would give it to me as a salary in my
10 salary.

11 Q. So it's clear, did you ask Mr. De Niro for a \$24,000 raise?

12 A. Yes, I did.

13 Q. Did he agree to do that?

14 A. No, he did not.

15 Q. Did you discuss -- did you and Mr. De Niro discuss any
16 other form of compensation?

17 A. Yes, we did.

18 Q. What?

19 A. We had been discussing instead of my going back to being
20 based in Los Angeles because it didn't work for him, that he
21 would allow flexibility, was the agreement. So that when he
22 was away, he was on set, he was with his family on traveling, I
23 could go to a different location, whether it was London or
24 Spain, and he would give me that flexibility.

25 Q. Okay.

NB36ROB2

Robinson - Direct

1 A. Sorry. Was that the question? Or?

2 Q. Yes. It's all right.

3 A. Okay.

4 Q. As part of those discussions, did you and Mr. De Niro
5 discuss SkyMiles?

6 A. Yes, we did.

7 Q. What did the two of you discuss?

8 A. Bob preferred to pay for expenses than salary. So we
9 discussed that because he was giving me this flexibility, he
10 would give me the SkyMiles going forward on the Canal card so
11 that I could use them for flexibility. So he would be giving
12 me the SkyMiles for -- from the Canal Amex so I could use them
13 for that. And that would be going forward in lieu of \$24,000 a
14 year.

15 Q. When you said he agreed to give you the SkyMiles from the
16 Canal Amex, can you explain to the jury how that worked?

17 A. With an Amex card, as you spend, you generate American
18 Express reward points. Those reward points can be transferred
19 and converted to Delta SkyMiles. Delta SkyMiles.

20 Q. Did Mr. De Niro place any limitation on the number of
21 SkyMiles you could have?

22 A. No. Well, no limitations. It was that going forward all
23 the SkyMiles that were generated from Canal corporate cards
24 would go to me. That was in lieu of the 24,000.

25 Q. Did it cost Canal anything for you to receive those

NB36ROB2

Robinson - Direct

1 SkyMiles?

2 MR. SCHOENSTEIN: Objection.

3 THE COURT: Sustained.

4 A. No.

5 THE COURT: Answer is stricken.

6 BY MR. HANNAFAN:

7 Q. Back in 2015, did you have your own Delta SkyMiles account?

8 A. In 2015?

9 Q. Yes?

10 A. Yes.

11 Q. How long had you had one of those accounts?

12 A. I want to say early 2000s.

13 Q. How would you transfer the Canal Amex points to SkyMiles in
14 your account?

15 A. I would call up -- I was authorized by Bob with membership
16 rewards, so I would call up membership rewards at Amex and have
17 them transfer the points into my personal Delta account.

18 Q. Do you know how many miles you could transfer at any one
19 time?

20 A. 999,000.

21 (Continued on next page)

22

23

24

25

NB35rob3

Robinson - Direct

1 BY MR. HANNAFAN:

2 Q. Going back to 2015, were you able to make those transfers
3 of the AmEx points to your SkyMiles yourself?

4 A. Yes. I had been since 2011.

5 Q. How frequently would you make those transfers?

6 A. A couple times a year. Just whenever I remembered I would
7 transfer the full balance of whatever was in the American
8 Express reward point account. I tended to be reminded of it
9 when I was traveling or about to travel, so at times it would
10 sort of correspond with that but there were other times of the
11 year that I would just call them up for one reason or another
12 and transfer the points.

13 Q. When you were going on a personal trip using SkyMiles,
14 would you discuss it with Mr. De Niro?

15 A. I'm sorry. Can you repeat that?

16 Q. Yes. When you were going on a personal trip using
17 SkyMiles, would you discuss it with Mr. De Niro?

18 A. Not specifically the SkyMiles. I didn't need to.

19 Q. Would you discuss where you were going and how long you
20 would be gone with Mr. De Niro?

21 A. Yes. He would need to approve the trip and the days that I
22 was away. I would have to work around his schedule so there
23 would be a lot of shifting trips.

24 Q. Did any of the other Canal employees have that same
25 agreement with Mr. De Niro regarding the use of SkyMiles?

NB35rob3

Robinson - Direct

1 MR. SCHOENSTEIN: Objection; foundation.

2 THE COURT: Sustained.

3 Q. Are you aware of whether any other Canal employees had a
4 similar agreement with Mr. De Niro regarding SkyMiles?

5 A. Not regarding SkyMiles, no.

6 Q. Are you aware that they did not have the same agreement?

7 MR. SCHOENSTEIN: Objection; foundation.

8 THE COURT: Sustained.

9 A. They --

10 THE COURT: It's sustained. It is exploring the
11 limits of your knowledge.

12 Next question.

13 Q. After 2015, did Mr. De Niro ever revoke his agreement with
14 you about the use of the AmEx points for Delta SkyMiles?

15 A. No. He never revoked it.

16 Q. Let's move forward to 2017. Did you have a discussion with
17 Mr. De Niro in 2017 about a raise?

18 A. Yes.

19 Q. Do you recall approximately when that was?

20 A. July of 2017.

21 Q. Do you recall where that was?

22 A. Yes.

23 Q. Where did you have that discussion?

24 A. At my apartment.

25 Q. What did the two of you discuss?

NB35rob3

Robinson - Direct

1 A. I sat down with Bob and I had let him know that it was time
2 for me to move on and I wanted to give him -- I would give him
3 two years to transition out of Canal, I wanted to focus on my
4 own career and moving on from Canal. We discussed at that time
5 allowing me to do a little bit of work on that while I
6 transitioned, but also making my home my official office so we
7 had discussed the specific expenses that I could have. It was
8 saving him money in taxis or Ubers to and from the office so he
9 would save that. I had been, at the time, working at a desk
10 inside his office so I was constantly displaced. If I had
11 remained working downtown he would have had to spend money for
12 an office there. It just made practical sense. And, I
13 traveled so much with the flexibility agreement. We talked
14 about him paying for the Internet -- after he approved of my
15 working from home he approved paying or being reimbursed for
16 the Internet in my home and we talked about just the overall
17 categories of expenses that I could. I was very explicit when
18 we had these conversations touching base on all the expenses,
19 why it was beneficial and, you know, what the change would be.
20 So, transportation would remain the same but I wasn't taking
21 taxis anymore to and from the office because I would be working
22 from home but I still would have an agreement that we made in
23 2011 with spending up to \$100 a day if I was working, breakfast
24 lunch, dinner, snacks, coffees.

25 Q. As part of that discussion about you working from home, did

NB35rob3

Robinson - Direct

1 you have discussion regarding a change in your compensation?

2 A. Yes.

3 Q. What was the change in your compensation?

4 A. In lieu of bonuses he gave me a raise.

5 Q. Do you recall how much he agreed to give you?

6 A. In the end I believe my salary went from, I think, from 150
7 to maybe, like 190, and that was in lieu of bonuses that I had
8 already, so.

9 Q. After you had -- that sounds like a very long conversation
10 with Mr. De Niro.

11 A. Yes, we did.

12 Q. Did you do anything to document it?

13 A. I sent him an e-mail.

14 MR. HANNAFAN: May we please have Plaintiff's Exhibit
15 149? I believe this has been admitted.

16 THE COURT: Any objection?

17 MR. HANNAFAN: 149.

18 THE COURT: Any objection to 149?

19 MR. SCHOENSTEIN: No.

20 THE COURT: Received.

21 (Plaintiff's Exhibit 149 received in evidence)

22 BY MR. HANNAFAN:

23 Q. All right, Ms. Robinson. Take a look at this. Do you
24 recognize this e-mail?

25 A. Yes.

NB35rob3

Robinson - Direct

1 Q. It is dated July 18, 2017.

2 A. Yes.

3 Q. It is from you to Mr. De Niro? Is it from you to
4 Mr. De Niro?

5 A. Yes. It is.

6 Q. And you start off by saying: I spoke to Mark this
7 afternoon, he said he would speak with you. I am hoping he
8 will by tomorrow morning.

9 Is this the same Mark you talked about before, Mark
10 Bosswick?

11 A. Yes, Mark Bosswick.

12 Q. At Berdon? Did he work at Berdon?

13 A. Yes, he did.

14 Q. You said: I appreciate you listening to me whether you
15 were expecting the conversation or were just lured with the
16 promise of a salmon sandwich (joke). Thank you.

17 What were you referring to in terms of him listening
18 to you?

19 A. Wanting to move on with my career and wanting to transition
20 out of Canal and giving him time so that he had the time of
21 transition but I also had time to transition into working on my
22 own projects, doing my own thing, furthering my career.

23 MR. HANNAFAN: If you would go down two paragraphs
24 please, Mr. Kelly?

25 Q. You said: When it comes down to it, I have to look at the

1 reality for me and how I can accomplish a balance. The past
2 two years have been difficult. The raise and expenses can help
3 me.

4 When you are referring to the raise and expenses,
5 exactly what were you referring to?

6 A. I was referring to the discussion of working from home, the
7 meals, the taxis, Ubers, the Internet with the house, the raise
8 that he gave me.

9 Q. And you said: I stress, this is for the next two years.

10 Did you and Mr. De Niro have an agreement that you
11 would stay on at Canal for next two years?

12 MR. SCHOENSTEIN: Objection.

13 THE COURT: Sustained.

14 Q. What were you referring to when you said: I stress this is
15 for the next two years.

16 A. That this was that I was departing in two years and moving
17 on so this agreement would be, you know, for two years.

18 Q. And you say in the next paragraph sentence down: You know
19 how much I love my job and adore you.

20 Were you being honest when you wrote that?

21 A. Yes.

22 Q. Why did you love your job at that time?

23 A. There were parts of the job that -- obviously, I think in
24 every job that people dislike and find stressful and stuff, but
25 I did love my job and I did love working in the production

1 and -- yeah, at that time I did.

2 Q. And when you say: And adore you; in what way did you adore
3 Mr. De Niro?

4 A. We had a really good conversation about my wanting to move
5 on and him being supportive of my working on my own projects
6 and understanding that it was time for me to transition out, to
7 start, you know, hit the ground running on my own career at
8 this point.

9 Q. The last paragraph you say: In any case, have a good
10 night, and the next time you want to stop by for a salmon
11 sandwich or do work uptown, I can bore you with my thoughts on
12 the future and hackers, or gone are the days of capitalism.

13 What is with the salmon sandwich references?

14 A. There is a place on the upper east side that is near Bob's
15 daughter's school that's also near my house and I had
16 introduced him to these little sandwiches that they have,
17 salmon and cream cheese, and I used to have to get them for him
18 almost every single morning when he dropped his daughter off at
19 school. So, the salmon sandwich.

20 MR. HANNAFAN: If we could please have Plaintiff's
21 Exhibit 164? I believe there is no objection to this.

22 MR. SCHOENSTEIN: No objection.

23 THE COURT: Received.

24 (Plaintiff's Exhibit 164 received in evidence)

25 BY MR. HANNAFAN:

NB35rob3

Robinson - Direct

1 Q. Ms. Robinson, please take a look at this e-mail. This is
2 an e-mail from Mark Bosswick, Thursday, July 20, so a few days
3 after the last e-mail and it copies Michael Tasch, you, and
4 Francesca Commisso; is that right?

5 A. Yes.

6 Q. It states: Please adjust Chase's compensation to \$175,000
7 per year, effective immediately, and another increase to
8 \$200,000 effective January 1, 2018. This is in lieu of
9 birthday and holiday bonuses and gifts.

10 So as part of your agreement with Mr. De Niro you
11 would not receive any more holiday bonuses or gifts with this
12 raise?

13 A. Bob didn't hold to the gifts, he still gave generous gifts
14 at the holidays, but I did not receive birthday or holiday
15 bonuses after this.

16 Q. Did you get another Rolex?

17 A. No. Only one.

18 Q. And then the next line it says: In addition, we will be
19 reimbursing her for some out-of-pocket business expenses. I
20 have discussed this with Bob.

21 Are those the additional expenses that you have
22 described earlier?

23 A. Yes. And there were some other things that I was able to
24 be reimbursed for such as if I missed a doctor's appointment
25 and they charged me, or I bought tickets to something and I had

NB35rob3

Robinson - Direct

1 to change it because of Bob's schedule, he would reimburse me
2 for those.

3 Q. After that conversation with Mr. De Niro, did you begin
4 working out of your home full-time?

5 A. Yes.

6 Q. Did you have to do anything to convert your home into an
7 office?

8 A. No. I already had the setup as I work weekends and I had
9 that and worked holidays so I had the setup already; just a
10 printer, desk.

11 Q. Had you worked at home for any significant periods of time
12 before July 2017?

13 A. Yes.

14 Q. Approximately when?

15 A. The summer of 2017.

16 Q. Why were you working from home at that time?

17 A. Bob asked that I put together these photo albums for each
18 of his kids for their large birthdays so it was probably about
19 eight or 10 albums that I put together, sorted of through
20 thousands and thousands of photos, edited the photos, had the
21 layouts done of them and then inserted them into these really
22 wonderful Asprey photo albums.

23 Q. And how long did it take you to do that project?

24 MR. SCHOENSTEIN: Objection. Relevance.

25 THE COURT: Sustained.

NB35rob3

Robinson - Direct

1 Q. While you were working from home on that project, did you
2 charge any meals to Canal?

3 A. Yes.

4 Q. What sort of meals did you charge Canal while you were
5 working on that project?

6 A. The same meals that I would have charged them if I was
7 working in Los Angeles or in London, in Spain, or in the
8 office.

9 Q. Let's talk about mozzarella. Did you have a particular
10 restaurant that you liked to order from while you were working
11 from home?

12 A. Paola's.

13 Q. Where is Paola's in location to your apartment?

14 A. It's a block and a half away.

15 Q. What type of restaurant is it?

16 A. Italian.

17 Q. After July 2017, when you were working from home, how often
18 would you order food from Paola's?

19 A. Probably about once a week. I often worked late so I would
20 order maybe once, twice a week, at most. That's when I was in
21 New York City, of course.

22 Q. Do you know if Mr. De Niro ever ate at Paola's?

23 A. Yes.

24 MR. SCHOENSTEIN: Objection.

25 MR. HANNAFAN: What is the objection?

1 MR. SCHOENSTEIN: Foundation.

2 THE COURT: Overruled as to do you know whether, and
3 then you can establish the foundation, how do you know.

4 BY MR. HANNAFAN:

5 Q. How do you know if Mr. De Niro ever ate at Paola's?

6 A. Because I booked reservations, I have met him at Paola's
7 while he was eating, I have also paid for his Paola's.

8 Q. How often would Mr. De Niro eat or order from Paola's
9 during the last three years you were working at Canal?

10 MR. SCHOENSTEIN: Objection.

11 THE COURT: Sustained.

12 Q. Did Mr. De Niro eat at Paola's the last few years you
13 worked at Canal?

14 A. Yes.

15 Q. How do you know that?

16 A. Because either I would book the reservation or I would stop
17 by and give him something while he was at Paola's or meet him
18 there or pay for his Paola's, so.

19 MR. HANNAFAN: Two exhibits in a row, can we please
20 have Plaintiff's Exhibit 347 and then 348? Neither are
21 admitted but I understand there is no objection.

22 MR. SCHOENSTEIN: No objection.

23 THE COURT: Received.

24 (Plaintiff's Exhibits 347 and 348 received in
25 evidence)

NB35rob3

Robinson - Direct

1 BY MR. HANNAFAN:

2 Q. With respect to Exhibit 348, do you recognize this,
3 Ms. Robinson?

4 A. Yes.

5 Q. Is this an e-mail from you to Mr. De Niro dated December 2,
6 2016?

7 A. Yes.

8 Q. What is the subject line?

9 A. Paola's.

10 Q. You said you made a reservation for him at 12:45, they know
11 which table you like, they have gluten-free options.

12 Why did you mention the gluten-free options?

13 A. One of his children is gluten free.

14 Q. You said if you need to make any changes or order anything
15 in advance, the girls can call.

16 When you used the term "the girls" who are you
17 referring to?

18 A. The two female executive assistants in the office.

19 Q. For the people working at Canal, would they commonly refer
20 to those female assistants as "the girls"?

21 MR. SCHOENSTEIN: Objection.

22 THE COURT: Sustained.

23 Q. Did you refer to those female assistants as "the girls"?

24 A. Yes. I followed Bob's lead, he called them "the girls".

25 MR. SCHOENSTEIN: Move to strike as to "Bob's lead."

NB35rob3

Robinson - Direct

1 THE COURT: Motion granted.

2 BY MR. HANNAFAN:

3 Q. Did Mr. De Niro refer to those female executive assistants
4 as "the girls"?

5 MR. SCHOENSTEIN: Objection.

6 A. Yes.

7 MR. HANNAFAN: Defendant's statement.

8 THE COURT: Overruled. You can inquire on your
9 examination, Mr. Schoenstein.

10 MR. SCHOENSTEIN: Thanks, your Honor.

11 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
12 347? I apologize, 348. Excuse me.

13 BY MR. HANNAFAN:

14 Q. Do you recognize this document, Ms. Robinson?

15 A. Yes.

16 MR. HANNAFAN: Your Honor, I believe there is no
17 objection to move.

18 MR. SCHOENSTEIN: No objection.

19 THE COURT: Received.

20 MR. HANNAFAN: Thank you, your Honor.

21 (Plaintiff's Exhibit 348 received in evidence)

22 BY MR. HANNAFAN:

23 Q. This is an e-mail from you to Mr. De Niro on December 6,
24 2016?

25 A. Yes.

NB35rob3

Robinson - Direct

1 MR. SCHOENSTEIN: December 10, for the record.

2 MR. HANNAFAN: Excuse me. Excuse me.

3 Q. December 10, 2016 you state: Paola's reservation for
4 1:30 p.m. and Elliot is set.

5 Did you make that reservation for him?

6 A. Yes.

7 Q. Can we please have Exhibit 249? This has been admitted
8 already, your Honor.

9 I think we had seen this before, Ms. Robinson. Who is
10 this text chain between?

11 A. That's between me and Bob.

12 Q. And the third text down it says: My credit card is on file
13 at Paola's. And it says: Use phone number.

14 Whose phone number did you provide?

15 A. My phone number.

16 Q. It says: Under Robinson.

17 Why did you send those texts to Mr. De Niro?

18 A. I was -- Bob wanted to order takeout and I didn't -- I was
19 taking off on a flight and I wasn't able to, but I let him know
20 that he could order it and my card was on file there for him.

21 MR. HANNAFAN: If we could please have Plaintiff's
22 Exhibit 246? Again, I believe there is no objection.

23 MR. SCHOENSTEIN: No objection.

24 THE COURT: Received.

25 (Plaintiff's Exhibit 246 received in evidence)

NB35rob3

Robinson - Direct

1 BY MR. HANNAFAN:

2 Q. Ms. Robinson, this is an e-mail, it says: Chase at Canal
3 Productions. I assume that's you?

4 A. Yes.

5 Q. Dated March 13, 2019.

6 Who is Lulu White?

7 A. Lulu White was hired to be my assistant at Canal
8 Productions.

9 Q. And you said: Can you pick up the his receipt from last
10 night? I'll explain. Just remind me.

11 When you say "the his receipt," what were you
12 referring to?

13 A. I was referring to Bob's dinner receipt that I paid for.

14 Q. Why did you want Lulu to pick up the receipt?

15 A. They had printed out the receipt in case I wanted it and
16 just since Lulu was on her way to my house, I said pick it up
17 on the way.

18 Q. Ms. Chen was talking yesterday about how you would collect
19 receipts for purchases. Was that a habit of yours?

20 A. Yes, it was.

21 Q. Why was that a habit of yours?

22 A. I felt that it was the appropriate thing to do, is to keep
23 receipts, they're business records, in case Bob was audited or
24 you needed to review receipts, I kept them.

25 MR. HANNAFAN: Your Honor, I didn't know if you

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Robinson - Direct

1 planned to take a break before lunch. If so, I could pause or
2 I can just keep going if you would like.

3 THE COURT: Why don't we go for maybe another 10
4 minutes and then we can take a short break and then that will
5 space it out evenly.

6 MR. HANNAFAN: Yes, your Honor.

7 Q. Continuing our discussion on food, besides buying meals at
8 Paola's, did you ever buy any other food on Canal's American
9 Express card for the last three years you worked there?

10 A. Yes.

11 Q. What businesses would you buy food from on your American
12 Express card?

13 A. Yura, which is where the salmon sandwiches came from; Dean
14 & DeLuca, Whole Foods, Clementine. There were several
15 different places.

16 Q. Who were you buying that food for?

17 MR. SCHOENSTEIN: Objection.

18 THE COURT: Basis.

19 MR. SCHOENSTEIN: Too broad. What particular
20 purchase?

21 THE COURT: Yeah.

22 Q. When you purchased foods from Whole Foods, who were you
23 buying that food for?

24 A. It would be either for myself or for other Canal employees
25 such as Lulu White, who worked out of my apartment as our meal,

NB35rob3

Robinson - Direct

1 whether it was dinner or lunch or something. I purchased items
2 for Bob, these raw bars. I purchased food for his townhouse
3 for the first couple of months. I purchased supplies at Whole
4 Foods for the townhouse as well. Yeah. Whenever something
5 came up or -- that would be one of the places that I purchased
6 from.

7 Q. You just said you purchased food for the townhouse for the
8 first couple of months.

9 A. Yes.

10 Q. Why were you the one purchasing food for the townhouse the
11 first couple of months?

12 MR. SCHOENSTEIN: Objection.

13 THE COURT: Sustained.

14 Q. Did Mr. De Niro ask you to purchase food for the townhouse
15 for the first couple of months?

16 MR. SCHOENSTEIN: Objection. Leading.

17 THE COURT: Overruled.

18 A. Yes. He did not have a housekeeper at the time, it was
19 just --

20 THE COURT: No, no, no. Just please answer the
21 question. The answer, I take it, is "yes."

22 THE WITNESS: Oh. Yes.

23 MR. HANNAFAN: My question was why did he ask her to
24 do that.

25 THE COURT: No, I think the question was did he ask

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Robinson - Direct

1 you.

2 Did Mr. De Niro ask you?

3 THE WITNESS: Yes.

4 BY MR. HANNAFAN:

5 Q. The first couple of months Mr. De Niro was at the
6 townhouse, how often would he ask you to buy food for him and
7 bring it to the townhouse?

8 A. A couple of times. I would keep it stocked with coconut
9 water, rice milk, nuts, things that he would eat; fruits,
10 vegetables. Myself and Lulu White were working out of the
11 townhouse during this time so there were snacks that were
12 purchased for the 117A project -- sorry -- the townhouse
13 project in addition, so I kept it stocked with those items.
14 Fiji water was another thing. There was also laundry supplies,
15 detergent, fabric softener. Things like that. Bob did not
16 have a housekeeper at this point.

17 Q. You mentioned laundry detergent. Did Mr. De Niro ever ask
18 you to wash anything for him when he was moving into the
19 townhouse?

20 MR. SCHOENSTEIN: Objection.

21 THE COURT: Sustained.

22 MR. HANNAFAN: What is the objection?

23 THE COURT: I'm sustaining both on leading and on 401,
24 403 grounds.

25 BY MR. HANNAFAN:

NB35rob3

Robinson - Direct

1 Q. You had talked about purchasing food at Yura on your
2 American Express card. Who were you purchasing food for from
3 Yura?

4 MR. SCHOENSTEIN: Objection. Time frame.

5 THE COURT: Sustained as to time frame.

6 Q. During the last few years of your employment at Canal, who
7 would you purchase food for from Yura on your American Express
8 card?

9 A. For Bob. For his driver Claude I would buy a blueberry
10 muffin. I would buy Bob the sandwich stuff, I would get him
11 espressos. It could be one of the places where I purchased my
12 working lunch. Same thing for Lulu White or anybody working
13 out of my apartment.

14 Q. You had also mentioned Dean & DeLuca. During 2016 to 2019,
15 who did you purchase food for from Dean & DeLuca?

16 A. It could be as a working meal for myself or whoever I was
17 working with or the driver that I was with. It could be for
18 Bob or it could be gift baskets for the holidays, items for
19 gift baskets.

20 Q. During the last few years you were at Canal from 2016 to
21 2019, did you ever buy any of your own groceries on the Canal
22 American Express card?

23 A. No.

24 Q. Do you know if any other Canal employees would use your
25 American Express card to buy food at Dean & DeLuca?

NB35rob3

Robinson - Direct

1 A. Yes.

2 MR. SCHOENSTEIN: Objection.

3 THE COURT: It's just asking whether she knows, so
4 overruled.

5 A. Yes.

6 Q. Do you know if any other Canal employees --

7 THE COURT: We don't know what the answer is to that
8 so, you know, she knows whether it happened or not. In order
9 to establish that it did happen you are going to have to
10 establish a foundation that is not hearsay.

11 BY MR. HANNAFAN:

12 Q. Would you see the American Express monthly statements for
13 your card?

14 A. Yes.

15 Q. Based upon that, did you know whether other Canal employees
16 were buying food from Whole Foods using your card?

17 A. Yes.

18 Q. Looking at the statement, would you see that other
19 employees at Canal were buying food from Dean & DeLuca using
20 your card?

21 MR. SCHOENSTEIN: Objection.

22 THE COURT: Sustained.

23 Q. Would you review these monthly statements on your AmEx
24 card?

25 A. Yes; Michael Kaplan -- yes.

1 Q. During the last few years you were working there?

2 A. Yes.

3 Q. And would you see all the charges for Whole Foods or Dean &
4 DeLuca that were placed on your card?

5 A. Yes.

6 Q. Were all of those charges during that time purchases you
7 made?

8 MR. SCHOENSTEIN: Objection.

9 THE COURT: Basis.

10 MR. SCHOENSTEIN: I would like a side bar.

11 THE COURT: OK. Actually, why don't we take our
12 mid-morning break at this point, we don't need a side bar.

13 Enjoy your break, don't discuss the case amongst
14 yourselves, don't do any research.

15 (Continued on next page)

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1 (Jury not present)

2 THE COURT: Ma'am, you may step down.

3 (witness steps down)

4 THE COURT: Mr. Schoenstein?

5 MR. SCHOENSTEIN: Your Honor, they spent a lot of time
6 contesting that the AmEx bills are business records. Now they
7 have a whole line of testimony based on her review of the AmEx
8 bills. If they're not business records that testimony is
9 hearsay. If they want to concede the AmEx bills are business
10 records -- which should have been the concession from day
11 one -- I will yield the objection, but they can't have it both
12 ways.

13 THE COURT: I think that's actually fairly
14 straightforward. I mean, actually you were having her testify
15 with respect to what is hearsay so what's the plaintiff's
16 position?

17 MR. HANNAFAN: I will move on.

18 THE COURT: I'm going to strike any testimony about
19 the contents of the AmEx bills.

20 MR. HANNAFAN: That's fine.

21 THE COURT: Anything else from plaintiff?

22 MR. HANNAFAN: No, your Honor.

23 THE COURT: Anything else from defendant?

24 MR. SCHOENSTEIN: No, your Honor.

25 THE COURT: At some point -- I mean, I will hear from

1 Mr. Schoenstein with respect to the AmEx bills being, needing
2 to bring in somebody to authenticate AmEx bills but, my God,
3 this will be one of the first cases in federal court where
4 parties have not agreed that an AmEx bill is a business record.

5 See you in a bit.

6 (Recess)

7 THE COURT: Let's call the witness back to the witness
8 stand and bring in the jury.

9 Where is the witness?

10 (Witness resumes the stand)

11 (Continued on next page)

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NB35rob3

Robinson - Direct

1 (Jury present)

2 THE COURT: Counsel, you may continue.

3 MR. HANNAFAN: Thank you, your Honor.

4 BY MR. HANNAFAN:

5 Q. Ms. Robinson, in addition to having the Canal business
6 American Express card, did you have an American Express card?

7 A. Yes.

8 Q. Did those look similar?

9 A. They were exactly the same.

10 Q. Did you ever charge anything for personal expense on a
11 Canal credit card by accident?

12 MR. SCHOENSTEIN: Objection. Leading.

13 THE COURT: Sustained.

14 Q. Did you ever make any payments to Canal for charges on your
15 personal credit card?

16 A. On the Canal AmEx or? Sorry. Can you repeat that?

17 Q. Did you ever make any payments -- let me strike that.

18 Did you ever make any payments to Canal for something
19 you charged on the Canal credit card?

20 A. Yes.

21 Q. Why did you do that?

22 A. A handful of times I had seen items that were accidentally
23 charged to the Canal AmEx. I either reversed them, or if I
24 couldn't, I paid Canal a check.

25 MR. HANNAFAN: Can we please have Plaintiff's Exhibit

1 377?

2 Again, your Honor I think there is no objection to
3 this.

4 MR. SCHOENSTEIN: I can't see it yet -- no objection.

5 THE COURT: 377 is received.

6 (Plaintiff's Exhibit 377 received in evidence)

7 BY MR. HANNAFAN:

8 Q. Do you recognize what this is, Ms. Robinson?

9 A. Yes.

10 Q. If you look at the top there, what is up there at the top?

11 A. I paid to the order of -- sorry. My name?

12 Q. What is up there on the top?

13 A. On the top is a check that I sent Canal Productions for
14 \$519.33.

15 MR. HANNAFAN: Then if we can look at the bottom half
16 of that document.

17 Q. Paige, Upper West Side, New York, in the amount of \$519.33.
18 Below do you recognize the handwriting below?

19 A. Yes. That's my handwriting.

20 Q. You wrote: Hi, Michael. Enclosed is the charge on the
21 AmEx (Canal) and my reimbursement. Bob and I have AmEx cards
22 that look exactly alike! Sorry for the delay. Best, Chase.

23 A. Yes.

24 Q. Ms. Robinson, Sabrina Weeks-Brittan testified about a time
25 where she asked if you could expense an Uber for a trip she had

NB35rob3

Robinson - Direct

1 to make from D.C. after a delayed flight.

2 Do you remember that?

3 A. Yes, I do.

4 Q. Do you remember approximately when that trip was for her?

5 A. I think it was November 2018 or December 2018.

6 Q. And do you recall her testifying that you only allowed her
7 to get paid for half of her Uber charge?

8 A. Yes, I do.

9 Q. Was that correct?

10 A. That is not correct.

11 Q. Did you reimburse her for the full of her charge?

12 MR. SCHOENSTEIN: Objection. Leading.

13 THE COURT: Sustained.

14 MR. HANNAFAN: I'm sorry?

15 THE COURT: It is sustained. You can ask in what
16 respect is it not correct.

17 MR. HANNAFAN: I apologize, your Honor.

18 BY MR. HANNAFAN:

19 Q. In what respect was it inaccurate?

20 A. Canal reimbursed her the full amount of her Uber from D.C.,
21 what she requested.

22 MR. HANNAFAN: If we could please have, just for the
23 witness, Plaintiff's Exhibit 109? I don't know if there is an
24 objection to this.

25 MR. SCHOENSTEIN: I don't see it yet. Hold on, it

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Robinson - Direct

1 wasn't on your list. No objection.

2 THE COURT: Received.

3 (Plaintiff's Exhibit 109 received in evidence)

4 BY MR. HANNAFAN:

5 Q. Do you recognize these texts?

6 A. Yes.

7 Q. Are these the texts Ms. Weeks-Brittan was testifying about
8 the other day about asking or describing having to pay for an
9 Uber for her trip?

10 A. Yes, I see that.

11 Q. And from the bottom left she said: It would be an extra
12 \$350.

13 A. Yes.

14 Q. And after she sent you that text you wrote back and said:
15 I'll call you back in a bit, dealing with the leak.

16 Is that right?

17 A. Yes.

18 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
19 103 and just show it to the witness?

20 Any objection?

21 MR. SCHOENSTEIN: It is in evidence.

22 THE COURT: Go ahead.

23 BY MR. HANNAFAN:

24 Q. Looking at the top half of that, Ms. Robinson, is this an
25 e-mail from you to Michael Kaplan?

1 A. Yes; on March 28th, 2019.

2 Q. And then below there is a forwarded e-mail, dated March 28,
3 2019, from Sabrina Weeks-Brittan to you?

4 A. Yes.

5 Q. And it says: Please see attached! Thanks!

6 Do you recall what she was talking about?

7 A. Yes. The executive assistants were reimbursed every month
8 for their petty cash expenses and there was an Excel sheet that
9 they provided with their expenses and, in addition, their
10 receipts.

11 MR. HANNAFAN: We can go to the next page please,
12 Mr. Kelly?

13 Q. I think it is page 5, line 125, and it shows a charge of
14 \$365.78 and it says: Chase approved on November 25, 2018?

15 MR. SCHOENSTEIN: Objection; foundation, hearsay.

16 THE COURT: It is just reading from the document that
17 is in evidence, so there is no question, I don't think yet.

18 Q. What is that entry for, Ms. Robinson?

19 MR. SCHOENSTEIN: Objection; foundation, hearsay.

20 THE COURT: Sustained. Why don't you ask some
21 foundational questions.

22 BY MR. HANNAFAN:

23 Q. Do you recognize what this document is?

24 A. Yes.

25 Q. What is this document?

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Robinson - Direct

1 A. Sabrina Weeks-Brittan's PC sheet with her expenses that are
2 reimbursed.

3 Q. Was that sheet submitted to you?

4 A. Yes. She sent it to me and I provided her with the petty
5 cash.

6 Q. Did you approve the payment for \$365.78 to
7 Ms. Weeks-Brittan?

8 A. Yes, ultimately. I had let her know that Bob had approved
9 it but, yes.

10 MR. HANNAFAN: Moving on. Thank you, Mr. Kelly.

11 Q. I would like to talk about SkyMiles for a minute and talk
12 about SkyMiles in 2018. You testified previously that you were
13 able to transfer AmEx points to your SkyMiles account; right?

14 A. Yes.

15 Q. Did you ever have a problem being able to do that?

16 A. Yes, I did.

17 Q. When did you have that problem?

18 A. The last -- give me a time frame, or is it --

19 Q. Do you recall when you had a problem with being able to
20 transfer Canal's American Express points into your Delta
21 SkyMiles?

22 A. Yes; in the beginning of 2018.

23 Q. What was the problem?

24 A. Somehow, the authorization for me to be able to transfer
25 the miles from American Express to Delta had been revoked.

1 Every couple of years they would revoke them just to have them
2 approved again so that was the issue as I was unable to because
3 I was no longer an approved person to transfer.

4 MR. SCHOENSTEIN: Objection; move to strike to the
5 extent the testimony goes to what AmEx did, on foundation
6 grounds.

7 THE COURT: Overruled.

8 Q. What, if anything, did you do to try to fix that problem?

9 A. I spoke to Michael Tasch at Berdon, and to Bob.

10 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
11 41? I believe it has been admitted.

12 MR. SCHOENSTEIN: Yes. No objection.

13 THE COURT: It is received if it is not already in.

14 (Plaintiff's Exhibit 41 received in evidence)

15 BY MR. HANNAFAN:

16 Q. If you can look at the bottom e-mail and look at this
17 quickly? This is dated March 5, 2018, e-mail from you to
18 Mr. Tasch. You said you tried him in the office. You called
19 AmEx and they said you were still not authorized to transfer
20 reward points. You were going to fix this.

21 You said: I can't waste my time anymore more with
22 this, I have too much work to do for Bob. This has been
23 several months of going back and forth with you on this issue.
24 Could you please make sure this is done in the next two hours?

25 When you say that "this has been several months of

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Robinson - Direct

1 going back and forth with you on this issue," what were you
2 referring to?

3 A. Being able to transfer the American Express reward points
4 to the Delta SkyMiles -- to my Delta SkyMiles account.

5 MR. HANNAFAN: If you could zoom out to the top half
6 of the document, please?

7 Q. Did you forward your e-mail to Mr. Tasch to Mr. De Niro?

8 A. Yes.

9 Q. You wrote: I cannot take this anymore. Why do I need to
10 follow up and beg them to get this done after several months.
11 This is insane.

12 What was Mr. De Niro's response?

13 A. Michael -- Michael Tasch -- why isn't this done?

14 Q. Had you discussed this problem with Mr. De Niro before you
15 sent that e-mail?

16 A. Yes, I did.

17 Q. At some point after sending this e-mail, was the problem
18 resolved?

19 A. Yes. It was resolved I think like a week or two later.

20 Q. So after that point after it resolved, were you able to
21 get -- were you able to convert AmEx points to your Delta
22 SkyMiles?

23 A. Yes.

24 Q. How long had there been a problem before it got fixed?

25 A. About two and a half months or about two months.

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Robinson - Direct

1 Q. Let's talk about some trips. Canal's lawyer, Mr. Harvey,
2 yesterday accused you of taking an unauthorized trip to
3 Los Angeles in March of 2018.

4 Do you recall that testimony?

5 A. I do recall that.

6 Q. Has that accusation been made against you before Mr. Harvey
7 testified?

8 A. I'm sorry?

9 Q. Has that accusation been made against you before Mr. Harvey
10 testified yesterday?

11 MR. SCHOENSTEIN: Objection.

12 THE COURT: Sustained.

13 A. Yes.

14 THE COURT: Answer is stricken.

15 Q. Were you present when Mr. De Niro testified that he had
16 sent you to Los Angeles to scout hotels for Toukie Smith?

17 A. Yes.

18 MR. SCHOENSTEIN: Objection.

19 THE COURT: Sustained. Answer stricken.

20 Q. In March of 2018, did you make the trip to Los Angeles?

21 A. Yes, I did.

22 Q. Why did you make the trip to Los Angeles?

23 A. I was asked by Bob to go and scout hotels for his
24 ex-girlfriend's possible stay in Los Angeles for this
25 medical -- a medical thing that she was doing for a couple of

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Robinson - Direct

1 weeks.

2 Q. Who specifically asked you to go there?

3 A. Bob did.

4 Q. Do you recall when he asked you to go?

5 A. There were several conversations about this L.A. trip.

6 Originally it had been mentioned in I think January when we
7 were on the set of "The Irishman" a meeting with his -- sorry
8 I'm not trying to say names -- his ex-girlfriend's social
9 worker/therapist about this trip, and Bob asked me to go or
10 possibly go.

11 Q. Without getting into details about Ms. Smith's condition,
12 was Mr. De Niro trying to help her?

13 A. Yes. He was.

14 Q. And how was he trying to help her? Again, without getting
15 into details.

16 MR. SCHOENSTEIN: Objection.

17 MR. HANNAFAN: You are objecting to Mr. De Niro trying
18 to help her?

19 MR. SCHOENSTEIN: I will withdraw.

20 THE WITNESS: I'm sorry. Can you repeat that
21 question?

22 Q. Yes. How was Mr. De Niro trying to help Ms. Smith?

23 A. He was trying to convince her to go to Los Angeles for
24 treatment. He wanted to make sure that she knew that she would
25 be comfortable and taken care of. She had a disability so

1 there were --

2 Q. You don't need to get into the details, just -- all right.

3 Did Mr. De Niro ask you to scout hotels for her?

4 A. Yes.

5 MR. SCHOENSTEIN: Objection. Leading.

6 THE COURT: Overruled.

7 Q. Sorry?

8 A. Yes. He did.

9 Q. Did you go on that trip to L.A. in March 2018?

10 A. I did.

11 Q. Other than looking at hotels for Ms. Smith, had Mr. De Niro
12 asked you to do anything else with respect to Canal's business
13 when you went out there?

14 A. I was going to pick up his prescriptions from UCLA at the
15 time. I was out there. And other than that, that was it.

16 (Continued on next page)

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NB36ROB4

Robinson - Direct

1 BY MR. HANNAFAN:

2 Q. Were you planning -- when you went out there, were you
3 planning to do any other work for Canal beyond those two things
4 Mr. De Niro asked you to do?

5 A. Yeah, I agreed to receive these *Taxi Driver* books, and get
6 them to Amelia Brain, who was helping facilitate having them
7 signed by the cast, the people that were in Los Angeles.

8 Q. Okay. Now, while you're out there -- let me back up.

9 Do you know a woman named Amelia Brain?

10 A. Yes.

11 Q. How do you know Ms. Brain?

12 A. She worked at Canal Productions as the office assistant
13 for, I think, at least six years.

14 Q. Approximately when did she leave Canal?

15 A. I think it was like late 2015.

16 Q. As of March of 2018, was she doing any work for Canal?

17 A. Yes.

18 Q. What was she doing for Canal?

19 A. She would work here and there if we needed any additional
20 help on projects or little things that she could come into
21 New York. She was somebody that Bob trusted to do things. So
22 if the office needed a little extra help, she would come in for
23 a couple of days.

24 Q. Clearly, Mr. De Niro knew her?

25 A. Yes.

NB36ROB4

Robinson - Direct

1 Q. While you're in Los Angeles, did you see Ms. Brain?

2 A. I did.

3 Q. Why did you see her?

4 A. I saw her -- I had dinner with her one night, and I was
5 going to get the *Taxi Driver* books to her when they landed.

6 Q. When you say she saw her one night, what did you do that
7 night with her?

8 A. I had dinner with her and two friends.

9 Q. Who paid for that dinner?

10 A. Canal Productions.

11 Q. Prior to meeting Ms. Brain for dinner, did you discuss
12 taking her out to dinner with Mr. De Niro?

13 A. Yes, I did.

14 Q. What did he tell you?

15 A. He said that was fine. This weekend overlapped with her
16 30th birthday, and I wasn't quite sure I was actually going to
17 see her. But I did talk to him that if I did see her maybe I
18 would take her out for dinner, and that we should work out a
19 really nice gift for her 30th birthday day. She was also
20 helping us with the *Taxi Driver* books.

21 Q. Did anyone else attend that dinner with you?

22 A. Other than Amelia -- sorry?

23 Q. Did anyone else attend the dinner with you and Ms. Brain?

24 A. I think -- I believe there were two friends of hers.

25 Q. Before you went out to LA in March, did you specifically

NB36ROB4

Robinson - Direct

1 ask Mr. De Niro if you could pick up dinner for anyone other
2 than Ms. Brain?

3 A. No, I don't think I did.

4 Q. Let's talk about vacation days.

5 So, do you understand, Mr. Harvey yesterday accused
6 you of being paid for unused vacation days?

7 MR. SCHOENSTEIN: Objection.

8 THE COURT: Sustained.

9 MR. HANNAFAN: There's no accusation, it's just
10 testimony, you know that.

11 BY MR. HANNAFAN:

12 Q. Ms. Robinson, when you worked at Canal, would you get paid
13 for vacation days you didn't use in a given year?

14 A. Yes, I did.

15 Q. Who would you discuss getting paid for your unused
16 vacation days with?

17 A. I would discuss them with Bob every year.

18 Q. Typically when would you have those discussions?

19 A. At the end of the year in the conversation of office
20 bonuses, Christmas wrap-up end of the year conversation.

21 Q. Was that policy in place when you began working at Canal?

22 A. Yes, I was paid my vacation -- vacation pay back since
23 2008.

24 Q. Okay.

25 A. Until I left in 2019.

NB36ROB4

Robinson - Direct

1 Q. Did you initiate that vacation -- excuse me, did you
2 initiate that policy?

3 A. No, I did not.

4 Q. How would you calculate the number of unused vacation days
5 you had discussed with Mr. De Niro?

6 A. I kept a personal calendar of where I was. And I would
7 look over and review where I was, when the office was closed,
8 it would -- when the office was closed, the federal holidays
9 were. So I would go through the trips that I was on, the days
10 that I worked, the extra holidays that I worked, the days that
11 the office were closed that I worked. So I went through all of
12 this stuff.

13 Q. Okay. And you said that you would discuss the number of
14 unused vacation days you had each year with Mr. De Niro at the
15 end of the year?

16 A. Yes.

17 Q. Would you do anything to memorialize those discussions?

18 A. I would send an e-mail to him.

19 MR. HANNAFAN: I think we've got Plaintiff's
20 Exhibit 36A through F, I think these all have been admitted?

21 THE COURT: Yep.

22 MR. HANNAFAN: Or there is no objection?

23 THE COURT: I think they're all in.

24 MR. HANNAFAN: Yes.

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Robinson - Direct

1 BY MR. HANNAFAN:

2 Q. I'm not going spend much time on these, Ms. Robinson, but
3 if you could just --

4 MR. HANNAFAN: Mr. Kelly, can you go to the last page
5 and work through them? I'm sorry. Okay. Thank you.

6 BY MR. HANNAFAN:

7 Q. Are these records, 36F -- 36A through F e-mails that you
8 sent at the end of 2014 through 2018, memorializing your
9 discussions with Mr. De Niro about your unused vacation days?

10 A. Yes.

11 Q. All right. How would you get paid for your unused
12 vacation days?

13 A. Berdon, LLP would deposit it with the last two weeks of pay
14 for the year when the office was closed, and a bonus, if I had
15 received one.

16 Q. And for the years 2014 through 2018, did Berdon always pay
17 you for the unused vacation days you memorialized in those
18 e-mails?

19 A. Yes, they did.

20 Q. When you had those discussions with Mr. De Niro, did he
21 ever challenge you on the number of unused vacation days you
22 requested?

23 A. No, he did not.

24 Q. Would Mr. De Niro have known during each of those years how
25 much time you spent away from the office?

1 MR. SCHOENSTEIN: Objection.

2 THE COURT: Sustained.

3 BY MR. HANNAFAN:

4 Q. All right. You mentioned your time sheets. Let's talk
5 about your time sheets.

6 Were you paid by the hour during the last few years
7 you worked at Canal?

8 A. No.

9 Q. You were a salaried employee?

10 A. Yes.

11 Q. Okay. You -- did Canal require that you keep track of your
12 hours?

13 A. No, they did not.

14 Q. Did you keep records of the time you worked anyway?

15 A. I did.

16 Q. Why would you do that?

17 A. I had started them, from what I recall, at a time where I
18 was very frustrated at the hours that I was working. And I had
19 wanted to sort of track the hours that I was working so that I
20 could say, Bob, I have been working 50 hours, 70 hours, 80
21 hours, you know, the last, like, four weeks.

22 But I also like to sort of keep records of what I'm
23 working on, when I had appointments, things like that. I guess
24 I like records and I like excel sheets, so...

25 Q. Did you create those records in the hopes of negotiating a

1 better salary with Mr. De Niro?

2 A. I don't think it was my first thought. But it is something
3 that I would refer to when I looked at the hours that I worked
4 so that I could cite the number of hours that I was working.
5 Sometimes I was working 70, 80, 90 hours, and I'd want to be
6 able to cite something like that.

7 MR. HANNAFAN: Mr. Kelly, can we please have Plaintiff
8 Exhibit 43 and ultimately through 46? I believe these --
9 there's no objection to these.

10 THE COURT: Any objection, Mr. Schoenstein?

11 MR. SCHOENSTEIN: No, your Honor.

12 THE COURT: 43 through 46 are received.

13 (Plaintiff's Exhibits 43 through 46 received in
14 evidence)

15 BY MR. HANNAFAN:

16 Q. Okay. We'll look at the first page here of Exhibit 43.
17 What's the date, Ms. Robinson?

18 A. August 1, 2016.

19 Q. All right. Is this a time sheet that you created for that
20 day -- excuse me, for that week?

21 A. For that week, yes.

22 Q. If we could go to the next Exhibit 44, please. Is the
23 first page the time sheets that you created for the year 2016?

24 A. Yes.

25 Q. If we could have the next one, 45.

NB36ROB4

Robinson - Direct

1 Again, are these the time records for 2018? Is that
2 what these are, Ms. Robinson?

3 A. Yes.

4 Q. The first page?

5 If you could look at -- I want to look at one
6 specifically. If we could look at the second to last page on
7 Exhibit 45?

8 All right. At the end of 2018, did you go on any
9 trips?

10 A. Yes. I went to Hawaii.

11 Q. How long were you there?

12 A. I was there -- it looks like six or seven days.

13 Q. And this is only one page in the time records, but do you
14 recall approximately how long you were in Hawaii?

15 A. I believe seven nights.

16 Q. Was the Canal office open during that time?

17 A. No, it was closed.

18 Q. Were you required to take vacation days for the days when
19 Canal's offices were closed?

20 A. No one took vacation days when the Canal office was closed.

21 Q. Did you spend working -- did you spend time working during
22 that week even though the office was closed?

23 A. Yes, I did.

24 Q. And do these records, these time sheets reflect some of the
25 work that you did?

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Robinson - Direct

1 A. Yes, they do.

2 Q. Ms. Robinson, if we look at December 28, 2018, a Friday, it
3 lists that you worked seven hours, 30 minutes; is that correct?

4 A. Yes.

5 Q. Why were you working seven and a half hours on December 28
6 while you're in Hawaii?

7 A. Because there were items that Bob requested that I get from
8 various peoples who are working on these divorce items for him.
9 I had to call various people including Tom Harvey, Bob's
10 general counsel.

11 Q. All right. You can take that exhibit down.

12 Let's move to a completely different topic, talk about
13 the work environment at Canal.

14 When it came to the job duties that Mr. De Niro
15 assigned to the Canal employees, did he treat the male
16 employees and the female employees the same?

17 MR. SCHOENSTEIN: Objection.

18 THE COURT: Sustained.

19 BY MR. HANNAFAN:

20 Q. Did the male employees at Canal work on different tasks
21 than the female employees?

22 MR. SCHOENSTEIN: Objection.

23 THE COURT: Sustained.

24 BY MR. HANNAFAN:

25 Q. As a female employee working for Mr. De Niro, did you have

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Robinson - Direct

1 the same type of travel that Mr. Harvey did?

2 MR. SCHOENSTEIN: Objection.

3 THE COURT: Sustained as to form.

4 BY MR. HANNAFAN:

5 Q. Do you know who Dan Harvey is?

6 A. Sorry?

7 Q. Do you know who Dan Harvey is?

8 A. Yes.

9 Q. Who is he?

10 A. Dan Harvey is an employee at Canal Productions. He trains
11 Bob at times, but also he travels to location with Bob. He
12 handles things there on set for him, grabbing him coffee,
13 newspapers, reading lines with him. He runs some errands,
14 things like that.

15 Q. You said you too would travel for work for Mr. De Niro; is
16 that right?

17 A. Yes.

18 Q. Okay. Did you have the same opportunities for travel as
19 Mr. Harvey?

20 MR. SCHOENSTEIN: Objection.

21 THE COURT: Sustained.

22 BY MR. HANNAFAN:

23 Q. You talked about Mr. De Niro yelling at you. Did you
24 observe Mr. De Niro yelling at female employees more than male
25 employees?

1 MR. SCHOENSTEIN: Objection.

2 THE COURT: Sustained.

3 BY MR. HANNAFAN:

4 Q. While working for Mr. De Niro, did you believe he treated
5 you with the same level of respect as his male employees?

6 MR. SCHOENSTEIN: Objection.

7 THE COURT: Sustained.

8 BY MR. HANNAFAN:

9 Q. While you're working at Canal, did you ever hear
10 Mr. De Niro make any -- use any derogatory terms against women?

11 MR. SCHOENSTEIN: Objection. Time period?

12 THE COURT: As long as it's limited in the last couple
13 of years. Last two years.

14 MR. HANNAFAN: Your Honor, may we approach? I believe
15 there's something that the Court had ruled on regarding that.

16 THE COURT: Yes.

17 (Continued on next page)

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1 (At the sidebar)

2 THE COURT: Do you want to make a proffer?

3 MR. HANNAFAN: Yes --

4 THE COURT: What's the evidence that you --

5 MR. HANNAFAN: I believe she would say that she heard
6 these derogatory terms over a number of years as well as during
7 the three-year period. And I believe -- I can't remember
8 exactly what briefing it was before the Court, that we were
9 allowed to get in evidence as to some of those times before the
10 statute of limitations. It goes to, not exactly a continuing
11 practice, but a pattern that had been going on, persisted
12 practice and that evidence regarding that type of behavior,
13 even prior to the statute of limitations could be admissible.

14 THE COURT: Let me actually understand a little more
15 the facts you want to elicit.

16 Are there specific events that she's able to testify
17 to and that you're going to elicit within the last couple
18 of years, approximate to the time period at issue in this case,
19 which is really sort of February, March of 2019, around that
20 time.

21 MR. HANNAFAN: Well, we have a gender discrimination
22 claim. I don't think we're limited to just February, March.
23 Those are times that had gone on within the prior three years
24 before she left.

25 THE COURT: Just tell me what your proffer is in terms

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Robinson - Direct

1 of the last, you know, when -- what kind of comments and when?

2 MR. HANNAFAN: I believe she said that he referred to
3 Jane Rosenthal as the "C" word. I can't remember exactly how
4 many years ago that was that she -- that he referred to
5 Ms. Robinson as the "B" word repeatedly during the course of
6 Canal and certainly during a number of times during the last
7 three years.

8 THE COURT: Anymore specificity that you're able to
9 provide?

10 MR. HANNAFAN: I cannot, your Honor. She'll be able
11 to provide more specificity. But that's what I expect her to
12 testify to.

13 MR. SCHOENSTEIN: As your Honor is familiar, petty
14 slights and trivial inconveniences are not actionable in any
15 event. But certainly unspecified, unattributed, petty slights
16 and trivial inconveniences that happen sometime over an 11-year
17 period, no one knows when, no one knows where, they're not
18 relevant to the disputes in this case. And they are highly
19 prejudicial to let her sit up there and say sometime in the
20 last 11 years, he called another woman the "C" word.

21 I mean, that's not relevant to the case. It's not
22 specified in time. It has nothing to do with this. If she
23 wants to say specific times in the last two years, he called
24 her something, I would conceive the admissibility of that. But
25 otherwise I don't get it.

1 MR. HANNAFAN: I think -- as my co-counsel -- I think
2 under New York City law. A single comment can be enough.

3 MR. SCHOENSTEIN: In the statute of limitations.

4 THE COURT: Right. In the statute of limitations.
5 And depending on what the comment is.

6 MR. HANNAFAN: In terms of no one would be able to say
7 when it happened or who said it, she would be able to give some
8 specifics about when it happened and it was Mr. De Niro who
9 said it.

10 THE COURT: What you'll be able to do is in the
11 two-year time period before she left, before she resigned, you
12 can ask whether she remembers any specific incidents in which
13 he used a derogatory term with respect to a female employee in
14 her presence.

15 MR. HANNAFAN: Including herself, your Honor?

16 THE COURT: Including with respect to herself.

17 (Continued on next page)

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1 BY MR. HANNAFAN:

2 Q. Ms. Robinson, during the last two years you were at Canal,
3 did you observe Mr. De Niro treat the male employees
4 differently from the female employees?

5 MR. SCHOENSTEIN: Objection.

6 THE COURT: Sustained.

7 BY MR. HANNAFAN:

8 Q. During the last two years that you were at Canal, did you
9 hear Mr. De Niro use derogatory terms against women?

10 A. Yes.

11 Q. Can you -- specifically, what derogatory terms did you hear
12 him use in the last two years?

13 A. Bitch.

14 Q. Anything else?

15 A. Cunt.

16 Q. I apologize for the language, who did you observe him call
17 a cunt?

18 MR. SCHOENSTEIN: Objection.

19 THE COURT: In your presence, you can testify to that.
20 Overruled.

21 MR. SCHOENSTEIN: Within the last two years.

22 THE COURT: In the last two years.

23 MR. HANNAFAN: Yes.

24 A. He called his -- Jane Rosenthal, his business partner a
25 cunt.

NB36ROB4

Robinson - Direct

1 THE COURT: That was in the past two years?

2 THE WITNESS: From when?

3 THE COURT: Before you departed.

4 THE WITNESS: Oh, no.

5 MR. SCHOENSTEIN: Move to strike.

6 THE COURT: That testimony is stricken. The jury is
7 instructed to disregard it.

8 MR. HANNAFAN: I'm sorry, your Honor, that was the
9 question I asked her.

10 THE COURT: I know but the testimony regarding the "C"
11 word, all of the testimony regarding the "C" word is stricken.

12 MR. HANNAFAN: Yes, your Honor.

13 BY MR. HANNAFAN:

14 Q. During the last two years before you left Canal, did you
15 personally observe Mr. De Niro call you or any other female
16 employees at Canal a bitch?

17 A. Yes.

18 Q. Approximately how many times did you personally observe
19 that during those last two years?

20 A. Two or three times, the last two years.

21 Q. And did Mr. De Niro personally call you a bitch during the
22 last two years?

23 A. He did.

24 Q. Do you recall -- let me ask you this: How many times did
25 that happen during that period?

NB36ROB4

Robinson - Direct

1 A. How many times in the last two years?

2 Q. Yes.

3 A. Two or three times.

4 Q. Okay. Do you recall any specific instances when he did
5 that?

6 A. I do.

7 Q. Can you describe that for the jury?

8 A. I had run into Bob's townhouse when there was a possible
9 fire, and dealt with the situation where I ended up in the
10 emergency room because my name was listed as the emergency
11 contact for ADT. Bob had requested that. I ended up in the
12 emergency room, and a couple days later, I tried to discuss
13 with him taking my name off of the ADT.

14 I didn't live there, I didn't feel that this is a
15 liability and responsibility that I wanted, you know,
16 especially after -- ending up in the emergency room. And Bob
17 was really angry at me for the suggestion of taking my name
18 off. He started berating me in the conversation.

19 He said that I was complaining and that he didn't want
20 to hear it. And I was just trying to facilitate having
21 somebody else's name and number on the ADT system. He hung up,
22 he called back, he berated me more and he just said that I was
23 acting like a little bitch. And I hung up.

24 Q. Do you recall any other times he called you that in the
25 last two years of your employment?

NB36ROB4

Robinson - Direct

1 A. 20 -- Christmas -- like, Christmas 2017ish, is that
2 two years?

3 Q. Yes.

4 A. Bob had been drinking pretty heavily, and he was frustrated
5 that --

6 MR. SCHOENSTEIN: Objection, move to strike.

7 THE COURT: Stricken.

8 BY MR. HANNAFAN:

9 Q. You don't need to get into that, Ms. Robinson, just
10 describe what you recall him saying.

11 A. He was screaming about not being able to find some of the
12 presents that the office had sent to them for Christmas. And
13 he was cursing left and right, and then I tried to -- was
14 trying to sort of sort out what are you looking for, what
15 specific presents. Everything was wrapped and written down.

16 And he just said that I was being a bitch and that
17 I -- because I had been complaining about him berating and
18 just, you know, please don't curse at me. And he said I was
19 being a bitch and hung up. And then he called back several
20 times to just completely continue to berate me about something
21 that I wasn't there, so I didn't see what he was seeing.

22 And it was just -- it was very difficult to sort of
23 have him call me back. I was only trying to sort of help the
24 whole situation.

25 Q. How did it make you feel when he called you a bitch?

NB36ROB4

Robinson - Direct

1 A. It was very -- it's just -- it's very demeaning. You know,
2 it's incredibly hurtful being called that name, especially when
3 you're just trying to do your job. It's -- it's not like that
4 was the first time or the second time. It's just incredibly
5 difficult to hear that from your boss when you're trying to be
6 professional and you're trying to do the right thing. And you
7 just feel like you're constantly being demeaned or put down.

8 Q. Ms. Robinson, while you worked at Canal, did you ever use
9 that term?

10 A. Have I?

11 Q. Yes.

12 A. Yes.

13 Q. Did you ever use that term while you're working at Canal?

14 A. No. Well, not to another Canal employee.

15 Q. That wasn't my question. The question was, did you ever
16 use that term while you were working at Canal?

17 A. Yes.

18 Q. Did you ever call another Canal employee the "B" word?

19 A. No.

20 Q. Did Mr. De Niro ever ask you to do anything that made you
21 physically uncomfortable?

22 A. Yes.

23 Q. What was that?

24 MR. SCHOENSTEIN: Objection. I'm one question late, I
25 think.

NB36ROB4

Robinson - Direct

1 MR. HANNAFAN: You are.

2 THE COURT: I think I better see the parties at
3 sidebar.

4 MR. HANNAFAN: I'm sorry, what?

5 THE COURT: Maybe I should see the parties at sidebar.

6 (Continued on next page)

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1 (At the sidebar)

2 THE COURT: What do you expect the testimony to be?

3 MR. HANNAFAN: That Mr. De Niro asked her to scratch
4 his back repeatedly within the last three years. Mr. De Niro
5 has already testified to that --

6 THE COURT: I think if there's -- if you want to lead
7 the witness, I think that's not an objectionable area.

8 MR. SCHOENSTEIN: I was okay with that. It was
9 opening the door to uncomfortable because I don't think
10 uncomfortability is actionable. But I get it --

11 THE COURT: I agree with that, bullying is not
12 actionable. That's kind of black letter law. You can ask the
13 leading question or not.

14 MR. HANNAFAN: I was trying to get there without
15 making it anymore uncomfortable.

16 (Continued on next page)

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(In open court)
(Continued on next page)

1 (In open court)

2 MR. HANNAFAN: Start again, your Honor, or may I just
3 start again with that question?

4 THE COURT: Yeah, maybe with the leading question.
5 I'll permit it.

6 MR. HANNAFAN: Yes.

7 BY MR. HANNAFAN:

8 Q. Had Mr. De Niro done something -- excuse me, had
9 Mr. De Niro asked you to do something which made you physically
10 uncomfortable?

11 MR. SCHOENSTEIN: Objection.

12 THE COURT: That's an objectionable question.

13 Did Mr. De Niro ever ask you to scratch his back in
14 the past two years?

15 THE WITNESS: Yes.

16 BY MR. HANNAFAN:

17 Q. I'm sorry, so the jury could hear, did Mr. De Niro ever ask
18 you to scratch his back in the past three years before you --
19 before you left Canal?

20 A. Yes, he did.

21 Q. How many times did he do that?

22 A. Probably two -- two, maybe, two, three. I left in 2017 --
23 yeah.

24 Q. Did you ever protest doing that?

25 A. I don't know if I protested in the last two years. This

NB36ROB4

Robinson - Direct

1 had been something that he had asked me to do --

2 MR. SCHOENSTEIN: Objection.

3 THE COURT: Sustained.

4 Would you please just answer the question. The
5 question is, did you protest?

6 THE WITNESS: I don't believe in the last two years
7 when he asked me I protested.

8 BY MR. HANNAFAN:

9 Q. Did you ever say anything to him during the last
10 couple years when he asked you to do that?

11 A. Yes.

12 Q. What was that?

13 A. I had mentioned that there was a back scratcher he could
14 use instead.

15 Q. Did Mr. De Niro respond to you when you said that?

16 A. He said he preferred the way that I scratched his back.

17 Q. Do you recall specifically what he said?

18 A. "I like the way that you do it."

19 Q. How did it make you feel when your boss told you that he
20 likes the way you scratch his back?

21 A. It's creepy. It's just disgusting.

22 Q. Are you all right, Ms. Robinson?

23 A. I'm sorry?

24 Q. Are you all right?

25 A. Yeah.

NB36ROB4

Robinson - Direct

1 Q. All right. Let's move on to a completely different topic.

2 I'm sorry. Ms. Robinson, do you need a minute or not,
3 are you fine?

4 A. No, I'm fine.

5 Q. Okay. Do you know of the name Tiffany Chen?

6 A. Yes.

7 Q. When did you first meet Tiffany Chen?

8 A. September 8, 2018.

9 Q. Had Mr. De Niro told you about Tiffany Chen before you met
10 her?

11 A. Yes.

12 Q. What had he told you?

13 A. About two days before I met her, he told me that -- he told
14 me about her, that he had been dating this younger woman since
15 2016. He told me that she would be staying with him in the
16 townhouse here and there, and they were seeing each other.

17 He alluded to their age difference being, like, at
18 least 30 years and sort of boasting about that. He had said
19 that I met her. And I asked, you know, who she was, and he
20 told me that it was Tiffany from -- Tiffany Chen from *The*
21 *Intern*, who was his tai chi instructor.

22 Q. Had you met Ms. Chen back when he was filming *The Intern*?

23 A. I met her very briefly when she came to the office one day.

24 Q. You said that Ms. Chen and Mr. De Niro were going to be
25 moving into the townhouse. When had Mr. De Niro purchased that

1 townhouse?

2 MR. SCHOENSTEIN: Objection.

3 A. At that -- he rented it.

4 THE COURT: Basis.

5 MR. SCHOENSTEIN: Foundation.

6 THE COURT: Why don't you establish a foundation?

7 BY MR. HANNAFAN:

8 Q. You ever talk to Mr. De Niro about buying a townhouse in
9 2018?

10 A. No, but I did talk to him about renting a house in 2000 --
11 a townhouse in 2018.

12 Q. All right. Do you know when Mr. De Niro began renting the
13 townhouse in 2018?

14 A. I believe it was August 2018 was when the lease was signed.

15 Q. So you met -- and you met Ms. Chen about a month later?

16 A. Yes.

17 Q. And how did he introduce her to you?

18 A. He had me come over to the -- the empty townhouse at about
19 7:00 in the morning on a Saturday. And he asked me to --
20 texted me or called me when he wanted me to open the door for
21 her. And I originally just sort of met her as she walked in.

22 Bob joined as us probably about, like, five, ten
23 minutes later. And he introduced Tiffany, but I had already
24 met her because I opened the door.

25 Q. Was Mr. De Niro still married at the time?

NB36ROB4

Robinson - Direct

1 A. I'm sorry?

2 Q. Was Mr. De Niro still married at the time?

3 A. Yes.

4 MR. SCHOENSTEIN: Objection.

5 THE COURT: Sustained. 404(b).

6 BY MR. HANNAFAN:

7 Q. Did he explain to you why he wanted you to meet her at the
8 townhouse?

9 A. He didn't want anyone to see the two of them coming in
10 together.

11 Q. Ms. Chen testified yesterday that the first time she met
12 you that you were very angry, complaining about not having your
13 coffee that day. Do you recall that?

14 A. No.

15 Q. Do you recall that first meeting with Ms. Chen?

16 A. Yes.

17 Q. Do you recall what you and she and Mr. De Niro discussed?

18 A. Yeah, it was a good meeting. I showed her the different
19 manila folders I had with sort of design layouts for each of
20 the rooms and sort of fabrics that Bob had picked, possible
21 furniture, kind of organized it all. And if she had any sort
22 of thoughts or anything like that. It was pleasant.

23 Bob ended up, I think, leaving probably ten minutes
24 into the conversation -- our conversation of the meeting. And
25 Tiffany gave me her contact information and that was sort of

1 it.

2 Q. Before that meeting, had you been working on the townhouse?

3 A. Yes.

4 Q. Why were you working on the townhouse?

5 MR. SCHOENSTEIN: Objection.

6 THE COURT: Overruled.

7 BY MR. HANNAFAN:

8 A. Bob had asked that I help him set up his home that he would
9 be moving into and help him design, do the interior design,
10 figure out layouts, things with the townhouse.

11 Q. Did you volunteer to work on the townhouse?

12 A. I did not. I actually objected to the work, citing that
13 focus -- we had talked about focusing production and my
14 transitioning out of Canal. At the time, Bob said to me,
15 "Chase, this is a good skill for you to have. It's a good
16 skill." And I was very frustrated at the comment.

17 Q. What skill was Mr. De Niro referring to?

18 A. Setting up a home and doing interior design.

19 Q. After you met Tiffany Chen, did Mr. De Niro give you any
20 instructions about working with her on the townhouse?

21 A. Yes.

22 Q. What instructions did he give you?

23 A. He had this conversation with me where he said she's not
24 Grace. She'll need your help. And then he asked me to sort of
25 help facilitate things that she needed, purchase items for her,

1 sort of work and get the items that she needed. Whatever she
2 asked.

3 Q. What did you understand Mr. De Niro to mean when he said,
4 "She's not Grace"?

5 MR. SCHOENSTEIN: Objection.

6 THE COURT: Overruled.

7 A. Grace normally handled putting the house together, managing
8 the staff, figuring out what Bob's needs were at home. To me,
9 it felt that what he was asking was that she doesn't understand
10 or know my needs and my likes and stuff like that. She's not
11 necessarily going to be capable of doing some of these things.
12 So you know what my needs are, you know what my likes are, you
13 know how I like things. So just help her with all of this.

14 THE COURT: Members of the jury, this is coming in
15 just for the witness' state of mind.

16 MR. HANNAFAN: Yes, your Honor.

17 BY MR. HANNAFAN:

18 Q. Did Mr. De Niro tell you he wanted you to work for Ms. Chen
19 in setting up the townhouse?

20 MR. SCHOENSTEIN: Objection.

21 THE COURT: Sustained as to leading.

22 BY MR. HANNAFAN:

23 Q. What did Mr. De Niro tell you about your work at Canal and
24 the townhouse?

25 A. That he wanted me to prioritize that over anything else, in

1 addition to the work I had been doing with his ex-girlfriend,
2 and to help facilitate anything that -- that Tiffany needed
3 when it came to the designing of the house, items that she
4 needed purchased, you know. I'd be working for her on
5 decisions that she was -- that were being made by her for, you
6 know, their home.

7 Q. Okay. And when did you start doing those things for
8 Ms. Chen at the townhouse?

9 A. Probably about a week and a half, two weeks after us
10 meeting.

11 Q. Mid-September 2018?

12 A. Yeah.

13 MR. HANNAFAN: How long would your Honor like me to go
14 until the lunch break?

15 THE COURT: 1 o'clock.

16 BY MR. HANNAFAN:

17 Q. Let's go to November of 2018.

18 Were you happy with your job as of November 2018?

19 A. No.

20 Q. Why were you not happy with your job at that time?

21 A. This wasn't the job that Bob and I discussed in 2017. I
22 wasn't transitioning out. I was now becoming involved in his
23 personal home, his personal life with his girlfriend. I felt
24 all the jobs that I was being given were things where I had to
25 take care of people and take care of the home, take care of his

1 ex-girlfriend. This isn't what we had discussed in 2017.

2 Q. Did you talk with Mr. De Niro about that?

3 A. I did.

4 Q. What did the two of you talk about?

5 A. I resigned in November, on November 9, 2018. And I cited
6 that this wasn't the job that he and I had discussed, that I
7 really wanted to work for a company where I could grow and I
8 could have a career. And that as long as I would remain at
9 Canal, that he would see me as his assistant, and that that's
10 how he would treat me and that's how others would treat me as
11 well.

12 I was pretty frustrated with the personal work that I
13 was being given instead of having the production work that we
14 talked about. It was very frustrating.

15 Q. What did Mr. De Niro say when you told him that?

16 A. He was angry about it. But he said that -- we met at his
17 house, his townhouse. He said that we would discuss it later
18 on. And I said that -- I gave him a date of December 21st as
19 my last day. There's no point on paying me the last two weeks
20 when the office was closed. I wanted to leave by giving him, I
21 think it was, two and a half months' notice.

22 Q. Did you have any further discussions with Mr. De Niro about
23 your leaving Canal in the late 2018?

24 A. Yes. I reached out to him probably about a dozen times
25 whether it was text, phone call, e-mail, to sort of discuss my

NB36ROB4

Robinson - Direct

1 departure.

2 Q. Did you eventually meet in person and discuss your
3 departure?

4 A. Yes.

5 Q. Approximately when was that?

6 A. I think that was the first week of December.

7 Q. Was it just the two of you there?

8 A. No.

9 Q. Who else was present?

10 A. I had Robin Chambers, another Canal employee present as
11 well.

12 Q. Why did you ask Ms. Chambers to be there?

13 A. Because Bob was not responding to my e-mails and to my text
14 messages about needing to transition for the two months' notice
15 that I had given him. And he was increasingly angry about
16 meeting. I had tried to set up a meeting with him a couple
17 times, and he got very angry and started berating me about how
18 this wasn't the time.

19 I had even gone as far as Robin Chambers -- she came
20 in to specifically meet with Bob and I at a Le Pain on the
21 Upper East Side. And we were up there waiting for him, and he
22 called and said, "This isn't the time," and started screaming
23 at me, that he didn't want to meet me and didn't have time for
24 this. Hung up, and called Robin to apologize that she came all
25 the way into the city for a meeting that wasn't going to

1 happen.

2 So this meeting in December, she was present, it was
3 at one of Bob's properties, his gym apartment. And -- yeah.

4 MR. SCHOENSTEIN: Objection. Move to strike about the
5 part what Mr. De Niro said to Robin.

6 MR. HANNAFAN: No objection, your Honor.

7 THE WITNESS: I was present.

8 THE COURT: That will be stricken.

9 MR. HANNAFAN: Okay.

10 BY MR. HANNAFAN:

11 Q. Did you ever have a meeting with Mr. De Niro and Ms. Chen?

12 A. Yes.

13 Q. Can you tell us what was discussed at that meeting?

14 A. I -- we discussed my transition and wanting to leave. I
15 felt that Bob was ignoring the time that I had given him, and I
16 didn't want to leave in bad standing with him.

17 Bob got incredibly angry that I wanted to leave. I --
18 he accused me of not giving him time. He said that I would
19 have to stay at least till July and August, September, October,
20 the following Christmas. Handle the following Christmas and by
21 that time, it was like two years of notice that I would need to
22 give him. I didn't -- I was very frustrated in this
23 conversation.

24 Bob was incredibly angry. At one point I just sort of
25 broke down into tears and I had to go into another room to

NB36ROB4

Robinson - Direct

1 compose myself, the way that he was screaming and yelling and
2 cursing at me about wanting to leave him. At one point, he
3 said that if I left him without giving him what he thought was
4 two-year notice, that he would give me a bad recommendation.

5 That's what had brought me to tears and I went into
6 the other room. I came back out and Bob was silent. Robin was
7 standing there, and she said, like, he doesn't want you to go.
8 What can he get you to stay?

9 Q. All right. Let's break that down just a little bit.

10 When he said if you left him, he wouldn't give you a
11 recommendation, what was your reaction to that?

12 A. I was horrified, I was shocked. I was angry. I had worked
13 at this job for 11 years. I had worked incredibly hard. I --
14 Bob was aware that I wanted to transition out of Canal. I
15 didn't want to work for him forever. I didn't want to be a
16 personal assistant. I.

17 Was -- I was so angry. I was so frustrated that all
18 this work and everything that I would do, that he would
19 threaten me with a bad recommendation just because I wanted to
20 leave.

21 Q. Had you ever talked to Mr. De Niro about giving you a
22 recommendation in one of the prior discussions you had with him
23 about leaving Canal?

24 A. We talked about the importance of his recommendation. Bob
25 really boasted about how his name -- oh, sorry. Did I --

1 Q. What did Mr. De Niro say to you about that?

2 A. He really boasted about his name on the -- on someone's
3 resume is payment enough. And he had told me that in 2010 in
4 the first conversation about the title director of production,
5 "Chase, titles don't matter. It's what I say about you that
6 does." He repeated it again when I wanted the title of VP of
7 production and finance.

8 Titles don't matter, as I say. It's what I say about
9 you that does. That leaves my career in his hands. He can
10 either further my career if I leave on good standing, or he can
11 destroy it if I don't. And it's something that I feared very
12 much.

13 Q. Okay. Again, I want to break it down a little bit.

14 When you had that -- am I correct that you said you
15 had the first conversation with Mr. De Niro about leaving
16 sometime in November 2018?

17 A. I gave him my resignation on November 9, 2018.

18 Q. November 9th of 2018.

19 At that time, did the two of you discuss a timetable
20 for you to transition out of working for Canal?

21 THE COURT: In November of 2018 or --

22 MR. HANNAFAN: Yes.

23 BY MR. HANNAFAN:

24 Q. In November 2018, when you told him you wanted to resign,
25 did the two of you talk about it?

1 A. No. He did not want to discuss it at the moment as he
2 normally does. He puts it off and says we'll talk later, we'll
3 talk later, we'll talk later. I can't deal with this now,
4 let's talk later.

5 Q. Did you offer to stay on at Canal for a period of time?

6 A. In November?

7 Q. Yes.

8 A. I gave him an end date of December 21st.

9 MR. HANNAFAN: Can we please have Plaintiff's
10 Exhibit 187? I believe there's no objection.

11 MR. SCHOENSTEIN: No objection.

12 MR. HANNAFAN: Move to admit.

13 THE COURT: Any objection?

14 MR. SCHOENSTEIN: No.

15 THE COURT: Received.

16 (Plaintiff's Exhibit 187 received in evidence)

17 BY MR. HANNAFAN:

18 Q. Do you recognize this text, Ms. Robinson?

19 A. Yes.

20 Q. And the top text, you say: Hi, Bob. I'm texting you
21 because my last day is 12/21, which we discussed, which is in
22 four weeks. This is what I wanted to meet with you and Robin
23 about. Robin is aware and we've been discussing. I know both
24 of you and I hate discussing the elephant in the room, but as
25 hard as this is going to be on both of us, I want to make this

NB36ROB4

Robinson - Direct

1 as easy on you as possible. I will do anything in my power to
2 help you in this transition. I'm around when you would like to
3 discuss.

4 That was sent November 24, 2018?

5 A. Yes.

6 Q. After your initial conversation with Mr. De Niro in
7 November 8 of 2018, had you had any further discussions about
8 your resigning before sending this text?

9 A. No, he refused to meet with me.

10 Q. If you could zoom back out, please.

11 And did you send him a -- let me ask you this: Did
12 you try to call Mr. De Niro after you sent that first text?

13 A. Yes.

14 MR. HANNAFAN: You can zoom in on the two middle
15 there. Thank you, Mr. Kelly.

16 BY MR. HANNAFAN:

17 Q. When you said just tried to, what were you referring to?

18 A. Calling him.

19 Q. You said: Robin called me. Bob, you have always been my
20 priority, the last 11 years I've never let you down and I have
21 no intentions to start now. I have gone above and beyond for
22 you and always will. I will do everything in my power to help
23 you in whatever way I can. I think we need to talk. That's
24 why I have sent these texts. I don't want you to worry.

25 What didn't you want him to worry about?

NB36ROB4

Robinson - Direct

1 A. I didn't want him to worry that -- about my leaving, that I
2 would make it a smooth transition. I would figure things out
3 with him. We were coming very close to the time that I wanted
4 to leave, December 21st, and I was really concerned that it
5 wouldn't be enough time for him and for us to sit down and
6 talk.

7 Q. Okay. What did you want to talk to him about?

8 A. I wanted to talk to him about transitioning, you know, the
9 duties that I had, what he -- what his needs would be, what
10 would he need from me during this time. I really wanted things
11 to run smoothly.

12 Q. Okay. All right. And then looking a little further down,
13 it appears Mr. De Niro texted you and said: Call me. Just
14 tried you.

15 Was that on the following day? Look at the text.

16 A. Mm-hmm.

17 Q. So, again, you went and -- when was that meeting with
18 Mr. De Niro and Ms. Chambers?

19 A. I was -- it was the first week of December or so.

20 Q. And you said earlier that you were very upset, you stormed
21 out of the room. After you stormed out of the room, did you
22 have any further discussions with Mr. De Niro?

23 A. Yes, with me and Robin.

24 Q. What did you discuss with Mr. De Niro?

25 A. When I came out of the room, Robin asked -- told me Bob

NB36ROB4

Robinson - Direct

1 does not want you to leave. What can he do to get you to stay?
2 And I said, at this point, I'm -- I want to leave. And I sort
3 of sat down again with Bob and we started to discuss the issues
4 of my feeling disrespected, constantly feeling that I was doing
5 the personal taking care of people work. That I wasn't
6 focusing on production and this is not what I had signed on for
7 now.

8 And that I felt that I was really overworked, and I
9 didn't have any personal time. And that I wanted parody. I
10 wanted to be paid the same as Bob -- as Dan Harvey, one of the
11 Canal male employees. I was advocating for myself. I felt
12 that I should be.

13 Q. What did Mr. De Niro say when you told him all this?

14 A. He said that we would, that we could work this out, is what
15 he said. And he said we could discuss the job and we could
16 discuss -- he always tried to make things better for that
17 moment. And I left the meeting saying that I would think about
18 possibly staying, and I would circle back to him.

19 Q. Okay. Going back to Ms. Chambers for a minute.

20 Had you ever talked to Mr. De Niro about how long she
21 had worked for him?

22 A. Yes, at some point I did.

23 Q. Do you recall what he told you about how long she had
24 worked for him?

25 A. I think originally since like 1993.

NB36ROB4

Robinson - Direct

1 Q. Okay. Did you ever speak with Mr. De Niro about why
2 Ms. Chambers was no longer working at Canal?

3 MR. SCHOENSTEIN: Objection.

4 THE COURT: Sustained for the moment. Maybe we'll
5 discuss that after the jury breaks. Do you want to go on to a
6 different line? Or do you have a couple more questions that
7 you can --

8 MR. HANNAFAN: Sure.

9 BY MR. HANNAFAN:

10 Q. After that conversation with Mr. De Niro and Robin, did you
11 have any further discussions with Mr. De Niro about you staying
12 on at Canal?

13 A. Yes.

14 Q. When did that -- or when was the next discussion you had
15 with him about that?

16 A. I met him on January 3, 2019.

17 Q. Where was that meeting?

18 A. The meeting was at the Pierre Hotel, I believe. It was
19 Perrine Restaurant in New York.

20 Q. What did the two of you discuss at that time?

21 A. We discussed my staying. I had asked for parody with Dan
22 Harvey when it came to pay.

23 Q. Specifically, what did you ask for?

24 A. I asked for the same amount of money that Dan Harvey was
25 making.

NB36ROB4

Robinson - Direct

1 Q. How much was Dan Harvey making?

2 MR. SCHOENSTEIN: Objection, foundation.

3 BY MR. HANNAFAN:

4 Q. Do you know how much Dan Harvey was making?

5 A. Yes.

6 THE COURT: How did you know that?

7 BY MR. HANNAFAN:

8 Q. How did you know that?

9 A. Because I've had to bill back for his salary, I've seen
10 Canal sheets with salary and pay.

11 THE COURT: All right. Well, there's a whole bunch of
12 hearsay in that.

13 Why don't we take our lunch break. Members of the
14 jury, it is lunch now. Please be back a couple minutes before
15 two. I have to talk to the lawyers about some legal questions.
16 And don't talk about the case with anybody else. Don't do any
17 research.

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1 (Jury not present)

2 THE COURT: Okay. The witness can step down, and
3 maybe I need to do the colloquy about the expected testimony
4 outside the presence of -- well, of the witness. So either
5 you'll -- she'll step out or -- is that okay?

6 MR. HANNAFAN: Yes.

7 THE COURT: All right. I think there are two things.
8 First of all, there was the question about whether the witness
9 had a discussion with Mr. De Niro about why Robin Chambers was
10 not at Canal anymore.

11 Why don't I hear a proffer as to the expected
12 testimony and then I'll hear from the defense with respect to
13 that.

14 MR. HANNAFAN: Yes, your Honor, I think, you know,
15 this has come up and this was in the e-mail that is at the
16 heart of this case for saying she doesn't want to have happen
17 to her what she understood happened to Ms. Chambers being let
18 go because Grace was jealous. And I thought we had a previous
19 discussion about how she could at least testify as to what her
20 understanding was as to what had happened.

21 THE COURT: Right. Right. And I -- my expectation
22 was that when you offered that document, you would ask her when
23 you said this, what were you referring to? Well, I was
24 referring to my understanding that the following happened.

25 Then I would give the jury a limiting instruction that

1 that's just for her, you know, her understanding but not for
2 the truth of the matter. And then you can ask her a --
3 questions about whether she had an understanding as to whether
4 Mr. De Niro had that, if there's a -- well, actually, I was
5 expecting you to ask Mr. De Niro if he under -- had an
6 understanding as to what that document referred to, reference
7 referred to. I don't know if you had asked him that question.
8 You can certainly ask this witness what she was referring to in
9 that document.

10 MR. HANNAFAN: Okay. Yes, your Honor. I think.

11 (Continued on next page)

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NB35rob5

Robinson - Direct

1 MR. HANNAFAN: OK. Yes, your Honor. I think
2 Mr. Macurdy did ask him about that.

3 THE COURT: Maybe he did.

4 MR. HANNAFAN: But it was an exciting day.

5 THE COURT: All right.

6 MR. HANNAFAN: I will save it until then, your Honor.

7 THE COURT: All right. And then, with respect to what
8 Mr. Harvey was being paid, she can't answer that question from,
9 well, I have seen documents and they show the following. If
10 you can establish from her role at Canal that she had some
11 responsibility with respect to the pay or some foundation with
12 respect to the pay that's other than hearsay, other than I saw
13 a document, I think it's fine. I think there is a good
14 objection, at least as I understood Mr. Schoenstein's
15 objection, to be with her testifying about, well, I saw a
16 document that said the following.

17 Am I right about that, Mr. Schoenstein?

18 MR. SCHOENSTEIN: You got it, your Honor.

19 THE COURT: So, you know, establish the foundation and
20 then go over it. How much longer do you expect on direct with
21 her?

22 MR. HANNAFAN: Maybe another hour. I would like to
23 move it but, you know.

24 THE COURT: I understand we are getting to sort of the
25 heart of the case and I am not asking that question to put

1 pressure on you, I am just asking it for timing purposes.

2 And then, Mr. Schoenstein, you will go straight into
3 your cross if we need to. Depending when it is we will take
4 the mid-afternoon break.

5 MR. SCHOENSTEIN: I will go straight in, I won't
6 finish today, obvious.

7 THE COURT: I understand.

8 MR. HANNAFAN: Your Honor, with respect to the
9 questions about disparate treatment, I thought it was
10 appropriate to be asking her about what she observed in terms
11 of disparate treatment between the male employees and the
12 female employees at Canal, asking her what she specifically
13 observed. I believe that that is relevant.

14 THE COURT: Let me hear from Mr. Schoenstein.

15 MR. SCHOENSTEIN: One second?

16 So, first of all, as just phrased, that's totally
17 vague as to time frame and what disparate treatment means, and
18 I can't tell without knowing what the answer is going to be if
19 it has any possible relevance to the claims that have survived
20 in this case. There is no claim in this case that men and
21 women were just treated differently. There are claims that
22 things were done to her that were discriminatory. There is a
23 claim that she was paid differently than somebody, although
24 it's turning out she doesn't even know what he was paid but
25 there is a claim about pay disparity. There is no

1 men-and-women-were-treated-differently claim. I don't think
2 such a claim would survive as a matter of law.

3 THE COURT: Well, let me look at that during the
4 break. I will tell you the reason -- my understanding of the
5 objection, the reason I sustained it, was the first point about
6 the breadth of the question and, you know, had you asked more
7 specific questions that were designed to elicit treatment of a
8 particular individual, then I might have permitted the question
9 but, as phrased, the question was so broad that I think that it
10 was particularly not even relevant or a proper question. But I
11 will look, at the break, over the joint pretrial order and my
12 prior summary judgment decision and your complaint to see what
13 remains in the case.

14 MR. HANNAFAN: Yes, your Honor. I will focus in on
15 that as well, your Honor.

16 THE COURT: All right.

17 MR. SCHOENSTEIN: Two quickies, your Honor?

18 THE COURT: Yes.

19 MR. SCHOENSTEIN: One, I just want to make sure, since
20 we are heading into the weekend, I would like the witness to be
21 instructed, because she will be in the middle of
22 cross-examination, that she cannot discuss her testimony with
23 counsel over the weekend.

24 THE COURT: That's pretty straight forward.

25 MR. SCHOENSTEIN: And secondly, I just want to flag,

1 because I know we are going to talk about limiting instructions
2 and the jury instructions at some point, we are going to need a
3 limiting instruction about the lack of a recommendation letter.
4 There is no claim in this case about the lack of a
5 recommendation letter and it is getting featured an awful lot,
6 so we are going to need the jury to understand that they can't
7 premise any relief in that regard.

8 THE COURT: You can work on some language with respect
9 to that with plaintiff. I observed some of that recommendation
10 letter and sort of bullying type-stuff. He screamed at me.
11 That's not a violation of law, so.

12 OK. Have a good lunch break.

13 (luncheon recess)
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1 A F T E R N O O N S E S S I O N

2 2:00 p.m.

3 THE COURT: Let's put the witness back on the stand
4 and bring in the jury.

5 (Witness resumes the stand)

6 (Jury present)

7 THE COURT: Mr. Hannafan, you may continue.

8 MR. HANNAFAN: Thank you, your Honor.

9 BY MR. HANNAFAN:

10 Q. All right, Ms. Robinson. I think we ended with talking
11 about your discussions with Mr. De Niro and Ms. Chambers about
12 whether you were going to stay on. Did you have further
13 discussions with Mr. De Niro about whether you would stay on
14 after that meeting?

15 A. Yes, I did.

16 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
17 150? There is no objection to this.

18 THE COURT: Any objection to 150?

19 MR. SCHOENSTEIN: No, your Honor.

20 THE COURT: Received.

21 (Plaintiff's Exhibit 150 received in evidence)

22 MR. HANNAFAN: Let's zoom in on the top of the first
23 e-mail, the one from Ms. Robinson.

24 BY MR. HANNAFAN:

25 Q. Do you recognize this e-mail?

1 A. Yes.

2 Q. Is this an e-mail from you to Mr. De Niro on December 18,
3 2018?

4 A. Yes.

5 Q. And subject line is: Apartment items. Do you see that?

6 A. Yes.

7 Q. And you start off by saying: Hi, I used a little bit of
8 code on the subject line for obvious reasons.

9 Why did you do that?

10 A. Bob's personal e-mail that he used was not private, other
11 employees had access to his e-mail. Also, Bob would give his
12 computer to other people, his assistants, things like that, so
13 I didn't consider his e-mail a private form of communication.

14 Q. You said: I was happy we finally got to sit down for a
15 heart-to-heart. While we both hate of thought of them, I think
16 at the end of the day they're actually nice. I think we both
17 appreciate them. I know I do.

18 When you are referring to sitting down for a
19 heart-to-heart, what were you referring to?

20 A. I was referring to sitting down with him and Robin Chambers
21 in the beginning of December.

22 Q. And you say: The compensation portion of what we discussed
23 is in your hands. I would feel better and it would mean a lot
24 more to me.

25 Why did you say that?

NB35rob5

Robinson - Direct

1 A. I felt that I wanted him to initiate the compensation
2 portion. I just would feel better about it because he was
3 asking me to stay.

4 Q. You say: My life in this job changed enormously over the
5 past 11 years. I would like you to consider that, and also
6 what the next two years will be if we stay on track with the
7 other items we discussed.

8 When you are referring to the next two years, what
9 were you referring to?

10 A. I was referring to transitioning out of Canal.

11 Q. And when you said: If we stay on track with the other
12 items we discussed; what were the other items you discussed?

13 A. The transition. The transition of the two years.

14 Q. You said: This is a change in base salary, all other items
15 do not need to be adjusted. My base salary is \$200,000.

16 Is that accurate?

17 A. Yes.

18 Q. And then continuing on you say: I have worked for you for
19 11 years and I don't begrudge anyone their salary, but I want
20 parity. To give you an example, I make less than your trainer
21 who is at \$250,000, base salary, and expenses that exceed \$70K
22 a year. I want you to feel that I deserve that kind of
23 compensation too.

24 Were you referring to Mr. Harvey -- Dan Harvey?

25 A. Yes, I was.

NB35rob5

Robinson - Direct

1 MR. SCHOENSTEIN: Objection. Leading.

2 THE COURT: Overruled.

3 Q. Then you say: You pay your chairman CEO 750K and your
4 accountants 400K for your personal expenses. When you compare
5 me to that I'm a bargain. Ha.

6 MR. HANNAFAN: Continue on in the e-mail, please?

7 Q. You said: Please don't go to Berdon for advice on this.

8 It continues: If you want fair advice and
9 consideration of both of us, please call Robin. While she is
10 not aware of the numbers, she is very aware of my job, the
11 stress and successes, the struggles and the issues. She truly
12 knows what I do for you. She has the full overview. She has
13 worked for you longer than anyone and always has your best
14 interest at heart, which I respect.

15 Next paragraph: This will help secure my future which
16 has been something I've really needed to think about recently.
17 I may not be in debt or going through a divorce, I am youngish
18 and I have all of those things to look forward to.

19 What were you referring to in terms of securing your
20 future?

21 A. I'm sorry? Repeat that?

22 Q. Yes. What were you referring to when you said "this will
23 help secure my future"?

24 A. That it would help with transitioning out of two years and
25 having salary for, you know, starting my own company, working on

NB35rob5

Robinson - Direct

1 my own projects. It is something that I wanted to do and this
2 would help facilitate that.

3 Q. You said: Please delete this so Kap doesn't inadvertently
4 see this on your e-mail.

5 Is that what you were referring to earlier when you
6 said that other Canal employees could read the emails?

7 A. Yes. Michael Kaplan is Kap.

8 Q. Yes. I am sure the jury has heard Kap many times this
9 trial.

10 MR. HANNAFAN: Would you please go to the top of the
11 document?

12 Q. Your first e-mail, I believe was -- sorry, was it December
13 18, this is now 10 days later, Friday, December 18. Did you
14 send another e-mail to Mr. De Niro?

15 A. I did. Yes.

16 Q. And you stated: Could we please finalize this? Not having
17 this resolved has been stressful for me. I would really
18 appreciate it. Thank you so much.

19 After you sent that e-mail, did you meet with
20 Mr. De Niro to discuss your compensation?

21 A. I did.

22 Q. Do you recall when it was you met with him?

23 A. January 3, 2019.

24 Q. Do you recall where you met with him?

25 A. Perrine Restaurant. I think it is at the Pierre Hotel.

NB35rob5

Robinson - Direct

1 Q. What did the two of you discuss regarding your compensation
2 in that meeting?

3 A. In terms of? Sorry.

4 Q. Sorry. What did the two of you discuss regarding your
5 compensation during that meeting?

6 A. That I wanted parity to Bob's male employee Dan Harvey
7 and -- yeah. Should I --

8 Q. What did Mr. De Niro say?

9 A. He said, Chase, you don't have kids. Daniel has a family
10 to support.

11 Q. What was your reaction when he said you don't have kids and
12 Mr. Harvey has a family to support?

13 A. I was -- I -- it just made me so sad. It just, it
14 frustrated me, angered me, it just -- I couldn't believe my --
15 Bob, who I had worked with for 10 years that -- I just couldn't
16 believe that I was just so angry and hurt by it. I really was.
17 To point out that I don't have kids and I need a family to
18 support and that's what my pay comes down to, I was really hurt
19 about that comment. I just -- I had given this job my life. I
20 didn't have kids because I worked and I was -- I was so angry
21 at him.

22 Q. Did the two of you reach an agreement by the end of that
23 meeting?

24 A. Yes.

25 Q. What was your agreement?

NB35rob5

Robinson - Direct

1 A. \$300,000.

2 Q. How did the two of you reach the agreement of \$300,000?

3 A. After Bob made the comment about not having kids I was
4 frustrated and made my -- I said that there was no bearing --
5 that should have no bearing. I rejected his argument on that
6 and he fell silent. He looked down for, like, seconds and just
7 looked up and said what do you want? And I just said \$300,000.

8 Q. What did he say?

9 A. He said is that all? And I said well, we should discuss
10 the expenses because I'm not -- I'm not changing my expenses.
11 And we went through my expenses, what they were, and then we
12 discussed what my job would be going forward, that --

13 Q. Sorry. Were you finished?

14 A. I would not be involved in his personal life, I wouldn't be
15 handling anything that had to do with the townhouse, I wanted
16 to focus on the transition. I wanted to focus on continuing in
17 the film production work that I did and I wanted to transition
18 out in two years. He had said to me it's really important, I
19 need you to help me finish the townhouse. And I said no. We
20 agreed on three items that I would be involved in in the
21 townhouse; two of them were furniture pieces that had not come
22 in yet and one of them was a carpenter making doors for him for
23 the living room and that wouldn't be done for another two
24 months or so. Those were the only things that I would be
25 involved in. I did not want to be involved in anything else.

1 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
2 151, if there is no objection?

3 THE COURT: Any objection?

4 MR. SCHOENSTEIN: No.

5 THE COURT: Received.

6 (Plaintiff's Exhibit 151 received in evidence)

7 BY MR. HANNAFAN:

8 Q. Ms. Robinson, is this an e-mail you sent to Mr. De Niro on
9 January 3, 2019?

10 A. Yes.

11 Q. You said: Hi. It's been so busy I haven't had a chance to
12 send you an e-mail to say thank you for the meeting. So, thank
13 you. We discussed a lot. Could you give me until tomorrow
14 morning to think it through? Thanks again, Chase.

15 When was your meeting with Mr. De Niro in relation to
16 when you sent this email?

17 A. This was the afternoon. We met at, I think, around 7:30,
18 8:00 in the morning.

19 Q. After you sent this e-mail, did you accept Mr. De Niro's
20 offer?

21 A. The following day I did.

22 Q. Would you agree with me that being paid \$300,000 to be
23 Mr. De Niro's lead assistant was a significant salary?

24 A. It was.

25 Q. Ms. Robinson, during your time at Canal, the last three

1 years that you were there, did you have the opportunity to
2 observe Mr. De Niro interact with the female employees at
3 Canal?

4 A. I did.

5 Q. And did you have the opportunity to observe him interact
6 with the male employees at Canal?

7 A. I did. Yes.

8 Q. And did you observe Mr. De Niro treat the female employees
9 differently than the male employees?

10 MR. SCHOENSTEIN: Objection.

11 THE COURT: Sustained as to form.

12 Q. Between 2016 and 2019, did you observe Mr. De Niro treat
13 the female assistants different from the male employees?

14 MR. SCHOENSTEIN: Objection.

15 THE COURT: Same ruling; sustained as to form.

16 Q. During 2016 to 2019, did you observe Mr. De Niro yell at
17 any other female assistants?

18 MR. SCHOENSTEIN: Objection. Relevance.

19 THE COURT: Overruled. Actually, I'm sorry. I'm
20 sorry. That's sustained. Yelling is not --

21 Q. Did you observe Mr. De Niro treat any of the female
22 assistants less well than his male employees?

23 MR. SCHOENSTEIN: Objection.

24 THE COURT: Sustained as to the form of the question.

25 Q. During 2016 to 2019, did you observe Mr. De Niro treat any

NB35rob5

Robinson - Direct

1 of the female assistants less well than the male employees?

2 MR. SCHOENSTEIN: Objection.

3 THE COURT: Sustained as to the form.

4 MR. HANNAFAN: One moment, please, your Honor?

5 Q. During 2016 to 2019, did you observe Mr. De Niro give
6 different work assignments between the male and female
7 employees?

8 A. Yes.

9 Q. Can you describe what the difference was between the work
10 assignments he gave to the female employees versus the male
11 employees?

12 A. Female employees were expected to be on-call for Bob 24/7.
13 There is a portion of on-call he didn't require male employees
14 to be on-call for him. He let -- Dan Harvey, Michael Kaplan,
15 their jobs had nothing to do with sort of the personal aspects
16 of Bob's kids. They didn't have to do the scheduling. Michael
17 Kaplan handled things such as Bob's father's artwork, storage,
18 maintenance with buildings. It wasn't about the needs of Bob's
19 kids or family, travel. Men weren't on-call 24/7. They picked
20 out -- men didn't pick out birthday gifts and do Christmas
21 lists and pick out flowers and do all of these things. They
22 didn't do interior design or taking care of items in the home.
23 Male employees could not be available and Bob wouldn't mind.
24 Women employees, Bob would mind if he couldn't reach them.

25 MR. SCHOENSTEIN: Move to strike the last two, your

1 Honor.

2 THE COURT: Basis.

3 MR. SCHOENSTEIN: As to what Bob wouldn't mind.

4 THE COURT: That's sustained. And those two sentences
5 are stricken.

6 BY MR. HANNAFAN:

7 Q. Ms. Robinson, you said that there are three things that
8 Mr. De Niro said you had had to do to finish up -- that you
9 would have to do at the townhouse after you reached that
10 agreement with him in early January of 2019?

11 A. I'm sorry. Can you repeat that question?

12 Q. Yes. That was a terrible question.

13 You said to us earlier that Mr. De Niro told you, you
14 would only have to do three more things with respect to work
15 being on the townhouse after you had that meeting on January 3
16 of 2019; is that right?

17 A. Yes.

18 Q. Did Mr. De Niro or Ms. Chen ask you to do more than those
19 three things after that meeting?

20 A. Yes.

21 Q. Before we get to those let me ask you this. Did the fire
22 alarm at the townhouse ever go off in January of 2019?

23 A. Yes.

24 Q. Was there a security system that had been set up at the
25 townhouse?

NB35rob5

Robinson - Direct

- 1 A. Yes, there was; an ADT system.
- 2 Q. Who arranged to have that installed?
- 3 A. I believe it was already installed when they moved in.
- 4 Q. Did anything have to be done to have it set up to contact
- 5 Mr. De Niro -- did anything have to be done to set up the
- 6 contact with the new owners once Mr. De Niro rented the new
- 7 townhouse?
- 8 A. Yes, a new account needed to be set up with account
- 9 holders, contract with them, so forth.
- 10 Q. Who was responsible for doing that?
- 11 A. Bob asked that I handle that; and I handled it with John
- 12 Hackett, another attorney.
- 13 Q. And approximately when did you take care of that?
- 14 A. I want to say September 2018, if not like August?
- 15 Q. Had you met Ms. Chen at the time?
- 16 A. It was pretty close to the time that I met with her, I
- 17 believe.
- 18 Q. Well, in January 2019 did you receive -- let me ask you
- 19 this. Whose contact information did you provide ADT if the
- 20 alarm went off?
- 21 A. Bob requested that I list my contact information in my cell
- 22 phone as the number one person that they would call for the
- 23 system.
- 24 Q. Did you get a notice from ADT that the fire alarm had gone
- 25 off at the townhouse?

NB35rob5

Robinson - Direct

1 A. Yes. I was at Whole Foods standing in line when I got a
2 call from ADT that the smoke alarm went off in the kitchen.

3 Q. What did you do?

4 A. I tried to get ahold of Tiffany Chen and was unable to
5 reach her for the first couple of minutes. I wasn't really
6 quite sure what to do.

7 Q. Were you able to reach Ms. Chen at that time?

8 A. It was a couple of minutes later when I got a second call
9 from ADT that another of the floors, the smoke alarm went off
10 on the second floor and she asked -- sorry.

11 Q. Go ahead.

12 A. She asked that I go down to the townhouse to check it out.
13 She did not believe that she had left the oven on or anything
14 on the stove, she didn't know why it had gone off.

15 Q. What did you do?

16 A. I dropped everything that I had, jumped into a taxi, and
17 rushed to the townhouse.

18 Q. Did you go inside?

19 A. I did.

20 Q. What did you see when you went inside?

21 A. Panic. There was so much smoke. It was really hard to
22 breathe in there. I went and I got the two dogs. I took them
23 to the second floor and put them out on the terrace on the
24 second floor. I ran into the kitchen, I couldn't breathe, I
25 went back downstairs to get some air, ran back into the

NB35rob5

Robinson - Direct

1 kitchen, I turned the stove off. There was chicken that had
2 been burning on the stove. At this point all three smoke
3 alarms were going off and the fire alarm was going off. The
4 fire department had been called. I took the chicken off the
5 stove and I tried to race around opening all the windows. It
6 wasn't easy because all of the windows had kid locks on them so
7 they would only open a small sliver. And I ran back outside,
8 got more air, went back in, and was on the phone with ADT
9 trying to figure out how to turn off the alarms, they were all
10 going off, and trying to open all the windows to turn off the
11 alarms, I had to close all the windows and press these codes.
12 And so for -- I don't even know how long it was, racing up and
13 down four stories in a townhouse trying to turn off the alarm,
14 open all the windows. It was -- it was a lot. It was -- it
15 was just completely chaos. I had never been in a situation
16 like that before.

17 Q. Did the fire department show up?

18 A. They did.

19 Q. After the fire department showed up, what did you do?

20 A. Tiffany had come back right as the fire department was
21 coming up. She asked that I go and talk to them instead of
22 her, so I did, and after things were set at the house, I went
23 back home to deal with what I thought might be smoke damage in
24 the townhouse. This was a rental and I had to get ahold of
25 Michael Tasch at Berdon.

NB35rob5

Robinson - Direct

1 Q. Why did you need to get ahold of Michael Tasch at Berdon?

2 A. It could be an insurance issue. Bob has had a fire in two
3 properties already so I had a little bit of experience with you
4 should probably get ahold of the insurance and let them know in
5 case there is an issue. I was trying to get ahold of Bob, who
6 was in Peru. I felt that there was so much smoke that the
7 downstairs -- the people who had the first floor was a doctor's
8 office and I thought that the doctor's office might have smoke
9 damage as well or something might happen there, so I wanted to
10 get permission to call the landlord to see if there was
11 anything that we could go and check just to make sure
12 everything was OK there. In speaking to Michael Tasch, we
13 decided on getting a company that could bring in what they
14 called air scrubbers to basically rid the space of smoke
15 damage. I --

16 Q. Ms. Robinson, I understand you were concerned about the
17 apartment?

18 A. Yes.

19 Q. How were you?

20 A. I was sort of running on adrenaline with all of this stuff.
21 It wasn't until a couple of hours that I got everything set
22 that I went outside to go and get something from the pharmacy
23 and I kind of realized what I had just been through.

24 Sorry, was that your --

25 Q. Did you go to the emergency room?

1 A. I did. I ended up going to the emergency room. Trying to
2 breathe outside, it felt like it was cutting glass in my lungs
3 and kept on coughing up sort of something. I spoke to both
4 Robin Chambers and my father and they had advised that I go to
5 the emergency room, and I did.

6 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
7 61? I don't think there is objection?

8 MR. SCHOENSTEIN: Your Honor, move to strike the part
9 of the answer as to what Robin Chambers and her father said.

10 MR. HANNAFAN: No objection.

11 THE COURT: OK. It is stricken.

12 MR. HANNAFAN: No objection.

13 There is no objection to this?

14 MR. SCHOENSTEIN: There is no objection.

15 THE COURT: 161 is received.

16 (Plaintiff's Exhibit 161 received in evidence)

17 BY MR. HANNAFAN:

18 Q. Do you recognize what this is, Ms. Robinson?

19 A. Yes. It is a text message.

20 Q. What are these?

21 A. Texts with Tiffany Chen.

22 Q. The first text says: Just got a call from ADT. They said
23 the smoke alarm went off. Tried to call the house. Are you
24 home?

25 A. Yes.

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Robinson - Direct

1 Q. Did you send those texts right after you got the notice
2 from ADT?

3 A. Yes. The first one, yes.

4 Q. And Ms. Chen response: The puppies are out but they'll go
5 straight into the playpen if you just say "go inside" when you
6 are next to it.

7 A. I had tried -- sorry.

8 Q. When she says "the puppies," those are the two dogs you put
9 outside when you first got to the apartment?

10 A. Yes.

11 Q. Excuse me, the townhouse.

12 And then are these the series of texts from Ms. Chen
13 to you after she told you about the puppies?

14 A. Yes, they are.

15 Q. And then, continuing down she says: Just off the drive.
16 If you want to leave, please don't wait on me. Sorry to have
17 messed up enough of your day. Thank you so much. You really
18 are such an angel. Should be there shortly.

19 At 3:02 p.m.: Hey just spoke to Bob. He said to just
20 figure out what to do with you cause his reception is so bad.

21 Is that referencing when you said he was in Peru?

22 A. Yes.

23 Q. Just tell me what you want you know to do and we'll do it.
24 The smell has gotten considerably better. I'm keep airing out
25 this way. Thanks so much again.

1 Did Ms. Chen go with you to the emergency room?

2 A. No.

3 Q. After the fire in the townhouse, did you continue to work
4 for Ms. Chen in handling things at the townhouse?

5 A. She continued to ask me to do things for her at the
6 townhouse, as did Bob.

7 Q. Were you trying to take care of what she wanted you to do?

8 A. I did.

9 Q. Did she ever complain to you about what you were doing?

10 A. Not until the end of March.

11 Q. And going to the end of March, what was she complaining to
12 you about?

13 A. She had sent an e-mail about these paintings that needed to
14 be taken down so they can do remediation for an issue with
15 possible mold, and these paintings were RDN, Sr.'s -- Bob's
16 father's artwork -- and they needed to be removed from the
17 walls before the work was done.

18 Q. Going to the end of March 2019, what was your emotional
19 state?

20 MR. SCHOENSTEIN: Objection.

21 THE COURT: Overruled.

22 A. I was exhausted. I was having trouble sleeping. I wasn't
23 eating very much. I had just a lot of stress with this job. I
24 think I maybe had one meal, if not zero meals a day. I didn't
25 get through the night sleeping each night. I was really sort

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1 of starting to have, like, a mental breakdown, a physical
2 breakdown. I just -- I was -- yeah.

3 Q. What was causing that?

4 MR. SCHOENSTEIN: Objection.

5 THE COURT: Sustained.

6 Q. What was causing you to have those problems with your
7 health and your sleep?

8 MR. SCHOENSTEIN: Objection.

9 THE COURT: Sustained.

10 Q. What had happened to you that was causing you the problems
11 with your health and your sleep?

12 MR. SCHOENSTEIN: Objection.

13 THE COURT: Sustained.

14 Q. Were you interacting with Ms. Chen on a regular basis at
15 that time?

16 A. Yes.

17 Q. In March of 2019, did you feel that Ms. Chen was harassing
18 you?

19 MR. SCHOENSTEIN: Objection. Leading.

20 THE COURT: Sustained.

21 MR. SCHOENSTEIN: Among other problems.

22 THE COURT: Sustained.

23 Q. Did Canal have any policies on discrimination in the
24 workplace?

25 A. Yes, starting in late 2018.

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Robinson - Direct

1 Q. Were you aware of them?

2 A. I was.

3 Q. Had you read them?

4 A. Yes, I have.

5 Q. As of February of 2019, had you ever filed a formal legal
6 claim that you had been discriminated against?

7 A. No.

8 Q. With respect to your problems sleeping, what were you
9 thinking about that was causing you problems to sleep?

10 A. I felt that I was being --

11 MR. SCHOENSTEIN: Objection.

12 THE COURT: No. Overruled.

13 A. I felt that I was being targeted by Tiffany. I felt that I
14 was being given impossible tasks by her. I felt that I was
15 constantly having demeaning jobs. I felt that there was this
16 gut feeling that I had that everything I said was being turned
17 around in some way. And I kept on working and working and all
18 the work was just -- it was creating this complete chaos for me
19 and I couldn't -- I just couldn't sleep. I would wake up
20 thinking about what I had to do with the townhouse, what I had
21 to do for Tiffany for the day. I just -- it was incredibly
22 overwhelming. I just -- yeah.

23 Q. Ms. Robinson, you said you felt Ms. Chen was targeting you.
24 Why did you feel that way?

25 A. Some of the -- I started getting these text messages from

1 her pretty early on that were sort of overly complimentary and
2 it sort of put me -- I had a little -- sort of like a little
3 bit of like a -- I wouldn't say like a red flag; a yellow flag
4 and then an orange flag that I had dealt with sort of being
5 targeted before -- years before by Bob's wife Grace and it
6 just --

7 MR. SCHOENSTEIN: Objection.

8 THE COURT: Sustained. Counsel, you know better.

9 MR. HANNAFAN: I'm sorry?

10 THE COURT: You know better.

11 BY MR. HANNAFAN:

12 Q. Ms. Robinson, did you ever reach out to Tom Harvey
13 regarding issues you were having with Ms. Chen?

14 A. Yes.

15 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
16 14?

17 MR. SCHOENSTEIN: No objection.

18 THE COURT: Received.

19 (Plaintiff's Exhibit 14 received in evidence)

20 MR. HANNAFAN: I believe it is already admitted, your
21 Honor.

22 BY MR. HANNAFAN:

23 Q. You texted Mr. Harvey on March 5, 2019: I'm not really
24 sure what to do at this point. I left a message for you. Can
25 you, me, and Tasch get on the phone first thing?

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Robinson - Direct

1 Continuing down, please?

2 A. Yes.

3 Q. You said: The insanity has got to stop. It is so
4 uncomfortable and just downright harassment.

5 What were you referring to?

6 A. Tiffany Chen and the work that she was having me do at the
7 house, sort of her targeting me, demeaning me. I -- yeah.

8 Q. And what was Mr. Harvey's response?

9 A. Stay out of it.

10 Q. And then you continued. After he said "stay out of it" you
11 said: He keeps call me about it. She e-mails me about it.
12 Me, I keep saying speak to Tasch, speak to Tom, I want to stay
13 out of it. This isn't my job.

14 When you said "this isn't my job," what were you
15 referring to?

16 A. The townhouse, the situation there, what she was asking me
17 to do.

18 Q. Mr. Harvey responded: Turn your phone off.

19 Do you believe that you could solve these issues by
20 turning your phone off?

21 A. No, that would exacerbate them. Or it would exacerbate
22 them.

23 Q. Do you believe Mr. Harvey was taking your complaint
24 seriously?

25 MR. SCHOENSTEIN: Objection.

1 THE COURT: Sustained as to form.

2 Q. Around the time that you sent this text to Mr. Harvey, did
3 you ever start taking any steps to memorialize your
4 conversations?

5 A. Yes, I did.

6 Q. What did you do?

7 A. I began recording some of the phone calls that I was
8 having.

9 Q. Prior to March of 2019, had you ever recorded any
10 conversations with anyone at Canal?

11 A. No. Never.

12 Q. Why did you start making those tape recordings?

13 A. I felt that I needed them. I felt there was a situation
14 that was starting to unfold that I didn't think that if I were
15 ever put in the situation that I am in, that I would be
16 believed, or that people like Tom Harvey and Michael Tasch and
17 Tiffany Chen would -- they would just lie. And I really felt
18 that I needed to make sure that they would be held to their
19 words.

20 Q. Did you tell people that you were recording their phone
21 calls?

22 A. No, I did not.

23 Q. Why not?

24 A. Because I didn't think that if I told them I was recording,
25 they wouldn't be honest about what we were talking about or any

1 of it.

2 Q. Do you regret recording the conversations with your
3 colleagues at Canal?

4 A. I do. I do and I don't.

5 Q. Why do you?

6 A. I was really close with Robin Chambers and she was a friend
7 of mine. I had worked with her for eleven and a half years, we
8 built a huge trust between us, and recording sort of just made
9 me feel incredibly guilty, like I was violating that friendship
10 and that trust. I didn't feel like I really had a choice.

11 Q. You also said you don't regret in some ways. Why do you
12 not have regrets?

13 A. Because I believed that some of the items that are in these
14 recordings will hold them to the truth of what happened and
15 it's back-up.

16 Q. Have you listened to all of the recordings you made?

17 A. No. I lived those phone calls.

18 Q. Pardon?

19 A. I lived those phone calls.

20 Q. Do you like the way you sound on those recordings?

21 A. No.

22 Q. Why not?

23 MR. SCHOENSTEIN: Objection.

24 THE COURT: Sustained.

25 Q. Did you reach out to Mr. Harvey to reach out to Mr. De Niro

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Robinson - Direct

1 to share your concerns with him about Ms. Chen's treatment?

2 A. Yes.

3 MR. HANNAFAN: Would you please put up Plaintiff's
4 Exhibit 57? I believe this is already in, your Honor.

5 THE COURT: I think so.

6 MR. HANNAFAN: Yes. Just the middle e-mail, please.

7 Q. We have seen this before, Ms. Robinson, so I will go
8 through it quickly. You said: It's been pretty obvious for a
9 while that there is an issue with me working for you. And I've
10 tried really hard (without bothering you) to get out of the
11 middle and out of your home and get back to my job.

12 What did you mean by that when you said "get out of
13 the middle"?

14 A. I meant his relationship with Tiffany Chen.

15 Q. When you said you "wanted to get out of your home," what
16 were you referring to?

17 A. The townhouse work that I was doing in the middle of the
18 two of them.

19 Q. And when you said "get back to my job," what did you mean?

20 A. I wanted to get back to what he and I discussed
21 transitioning in film production.

22 Q. And you said: Next when you can, let's talk. It's not a
23 heart attack conversation.

24 Is that the same reference to heart attack
25 conversation you described earlier?

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1 A. Yeah. It's not a conversation that he should run away
2 from. We can smooth things out, we can talk.

3 Q. Did Mr. De Niro respond to that e-mail on March 27, 2019?

4 A. No, he did not.

5 Q. After not getting response to that e-mail, did you send him
6 another e-mail regarding the issues you were having with
7 Ms. Chen?

8 A. Yes.

9 MR. HANNAFAN: Can we please have Plaintiff's Exhibit
10 13?

11 And this has been admitted, your Honor.

12 THE COURT: OK. Go ahead.

13 Q. This is about five days later, April 2, 2019, this is an
14 e-mail from you to Mr. De Niro?

15 A. Yes.

16 Q. So looking at the second paragraph you said: I know that
17 you didn't respond to my e-mail, but since that e-mail on 3/27
18 I have had some time to think about everything. I didn't want
19 to bother you while you were away with the kids.

20 You continue, you said: I'm worried that my presence
21 in the house, amongst other things, is not working for Tiffany,
22 and therefore you, and I have felt this way since
23 September/November. It's been very difficult.

24 Then you said: Part of me worrying is thinking about
25 what happened to Robin and Grace. I don't want it to get to

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1 that point. I want to be able to finish what we agreed upon
2 and fulfill my commitment to you and the job.

3 Ms. Robinson, you said "part of me worrying is
4 thinking about what happened to Robin and Grace." What were
5 you referring to?

6 A. Robin was -- Robin Chambers was Bob's lead assistant and
7 was let go by Bob because his wife Grace was jealous of --

8 MR. SCHOENSTEIN: Objection.

9 THE COURT: I'll give a limiting instruction.

10 MR. HANNAFAN: Thank you, your Honor.

11 MR. SCHOENSTEIN: Thank you, your Honor.

12 THE COURT: Members of the jury, why don't we let the
13 witness finish the witness and then I will give the limiting
14 instruction.

15 BY MR. HANNAFAN:

16 Q. Can you please finish?

17 THE COURT: It is being received for a limited
18 purpose.

19 MR. HANNAFAN: Yes.

20 A. -- was jealous of her relationship with Bob. Part of --
21 they had gotten divorced, and part of the agreement on getting
22 remarried, was that Bob fire Robin Chambers from her position.

23 MR. SCHOENSTEIN: Your Honor?

24 THE COURT: Members of the jury, let me instruct you
25 that this witness has no personal knowledge to what she just

1 testified to and you are not to assume that it is true. There
2 is no evidence whether it is true or not. This just goes to
3 her belief as to once something happened that informs what it
4 is that she said but it's not coming in for the truth that what
5 she said is true or not. That's not an issue in this case.
6 And if it were an issue in the case, the people who have
7 knowledge would be the ones who would testify about it and be
8 subject to cross-examination. So, it is only for that limited
9 purpose.

10 MR. HANNAFAN: Thank you, your Honor.

11 BY MR. HANNAFAN:

12 Q. We continue with saying: You came up with this idea and I
13 hope we can discuss it if you think it has merits. It reminds
14 me of how we dealt with the friction between Grace and me years
15 before, it is out of sight, out of mind.

16 What did you mean by "out of sight, out of mind"?

17 A. If I wasn't in the office or wasn't in the townhouse and I
18 sort of was removed from it, I could do my job and I wouldn't
19 be right in front of Tiffany, I wouldn't be in the middle of
20 their relationship, there would be space so that I could do my
21 job and Bob could have his personal life.

22 So this is something we had done in the past. It
23 worked well and I had -- yeah. I had suggested it.

24 Q. Just to finish this up, you say at the bottom: You know
25 how much I love this job. Even when I was away from New York I

1 was always there if you needed me.

2 At that time, everything going on, were you being
3 honest when you said "you know how much I love this job"?

4 A. In the overall picture, yes. I loved my job. I was
5 transitioning out, I was working in production, but the
6 townhouse and the e-mail, those are things that I did not
7 appreciate, they were demeaning, and that part I did not love
8 and I did not love being or like -- I very much disliked being
9 in the middle of his relationship.

10 Q. Did you believe Ms. Chen was jealous of your relationship
11 with Mr. De Niro when you sent this e-mail?

12 MR. SCHOENSTEIN: Objection.

13 THE COURT: Sustained.

14 MR. HANNAFAN: Can we please have -- excuse me.

15 Q. Did Mr. De Niro respond to this e-mail? Let me ask it
16 another way. Did Mr. De Niro e-mail back in response to this
17 e-mail?

18 A. I'm not sure.

19 Q. Can we please have Plaintiff's Exhibit 326?

20 MR. SCHOENSTEIN: No objection.

21 THE COURT: Received.

22 (Plaintiff's Exhibit 326 received in evidence)

23 BY MR. HANNAFAN:

24 Q. You recognize this exhibit, Ms. Robinson?

25 A. I do.

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Robinson - Direct

1 Q. Did you see this e-mail while you were working at Canal?

2 A. Yes, I did.

3 Q. This is addressed to Lulu White, Gillian Spear, and Sabrina
4 Weeks-Brittan and Mr. De Niro. How did you see this e-mail
5 while you were at Canal?

6 A. I was one of the authorized users for the Canal e-mails, as
7 was Michael Kaplan.

8 Q. How long had you had that authorization?

9 A. 2013 maybe?

10 Q. Why did you look at this e-mail?

11 MR. SCHOENSTEIN: Objection.

12 THE COURT: Basis.

13 MR. SCHOENSTEIN: Withdrawn, your Honor.

14 A. I had spoken to Lulu White prior to looking at this e-mail.
15 I felt that there was something that was going on, I had this
16 intuition that something was going on, and I logged in to
17 Lulu's e-mail and I saw this.

18 Q. What was your reaction when you saw this?

19 A. I was shocked. I was so hurt. I was upset. I mean, this
20 was being done behind my back and I just couldn't believe it.

21 Q. Did you look at any other e-mails to Lulu White that day?

22 A. I think at the time I think there was a chain, like three
23 or two e-mails.

24 Q. Let's move on. If we could have Plaintiff's Exhibit 69,
25 please? This has also been admitted, your Honor?

1 MR. SCHOENSTEIN: No objection.

2 Q. This e-mail is written April 6 of 2019 at 6:17 p.m. How
3 many hours had it been since you saw the e-mail to Lulu White
4 before you sent this e-mail?

5 A. Five or six?

6 Q. And this has been discussed in prior testimony. After all
7 the years with Canal, why did you decide to send this e-mail
8 resigning?

9 A. I hit my breaking point. I couldn't do it anymore. I was
10 physically and emotionally exhausted. There was no job left
11 for me here. I just couldn't -- I didn't see what a Monday
12 would bring. I couldn't continue. I just -- I was done.

13 Q. If we could zoom out, please?

14 After you sent that e-mail to Mr. De Niro, did he
15 contact you?

16 A. Yes.

17 Q. How did he contact you?

18 A. He left me a voicemail and then he emailed me.

19 Q. Did you see him call you?

20 A. Yes.

21 Q. Did you see the phone ringing when he called you?

22 A. I believe I heard it as I was walking toward it.

23 Q. And what did he say in his voicemail?

24 MR. SCHOENSTEIN: Objection.

25 MR. HANNAFAN: Statement of party opponent.

1 THE COURT: Overruled.

2 Q. What did he say in his voicemail?

3 A. I believe he said that he wanted to talk and that he needed
4 the access schedule and that I should call him back.

5 Q. Did you call him back?

6 A. No, I did not.

7 Q. Why not?

8 A. Because I had resigned. I had resigned, I was no longer
9 working for him. I just -- just -- I was so upset, I was so
10 angry, I was so tired. I was flat out exhausted.

11 Q. This e-mail from Mr. De Niro at the top of the page, April
12 6, 8:48, did you ever hear from Mr. De Niro after -- well, did
13 Mr. De Niro directly contact you again after that e-mail?

14 A. No.

15 Q. Did you ask to meet with Mr. De Niro?

16 A. I did.

17 Q. Did he ever agree to sit down and talk with you?

18 A. No. He didn't respond.

19 Q. Did that upset you?

20 A. It did.

21 MR. SCHOENSTEIN: Objection.

22 THE COURT: Basis?

23 MR. SCHOENSTEIN: Irrelevance.

24 THE COURT: Sustained.

25 MR. HANNAFAN: Can we please have Defendant's Exhibit

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1 19? I don't recall if this is in but there is no objection,
2 correct?

3 MR. SCHOENSTEIN: I think we admitted it.

4 MR. HANNAFAN: Yes, it is in.

5 BY MR. HANNAFAN:

6 Q. This is an e-mail from you to Mr. Harvey regarding the
7 transition on April 10. You said: I have been thinking it is
8 best we enter a severance agreement that includes financial
9 compensation, confidentiality provisions, and provisions for
10 recommendations and other mutually agreeable terms?

11 MR. SCHOENSTEIN: I misspoke when I said it was
12 admitted. It hadn't been previously admitted but we have no
13 objection.

14 THE COURT: Received.

15 MR. HANNAFAN: OK. Thank you, your Honor.

16 (Plaintiff's Exhibit 19 received in evidence)

17 BY MR. HANNAFAN:

18 Q. The line about the term "provisions for recommendations,"
19 what were you referring to?

20 A. I'm sorry. Can you repeat the question?

21 Q. Yes. On the far right after confidentiality provisions it
22 says "and provisions for recommendations." What were you
23 referring to?

24 A. I was requesting recommendation letters.

25 MR. HANNAFAN: Can we please have Plaintiff's Exhibit

1 70? I believe this is also in.

2 MR. SCHOENSTEIN: This one is, yes.

3 THE COURT: Go ahead.

4 MR. HANNAFAN: Can we go down to the bottom of that?

5 No, the next page, please, Mr. Kelly.

6 Q. Is this an e-mail that you sent to Tom Harvey and

7 Mr. De Niro?

8 A. Yes.

9 Q. There were a number of requests that you made?

10 A. Yes.

11 Q. Were you proposing reaching an agreement with Mr. De Niro?

12 MR. SCHOENSTEIN: Objection. Leading.

13 THE COURT: Sustained.

14 Q. Why did you send this e-mail?

15 A. I had been sent a severance waiver agreement to sign and
16 this was my response to the severance waiver agreement.

17 Q. And it listed two things here on this page; Delta SkyMiles
18 account and the recommendation letters.

19 A. Yes.

20 Q. Why did you request four recommendation letters for
21 business schools from Mr. De Niro?

22 A. I hadn't fully figured out which business school or what
23 business school program that I would want to attend, but I knew
24 that I would probably be applying to several of them so I
25 wanted business school recommendations -- or just not one

1 standard recommendation, they're tailored to each program, each
2 school that you apply to and what you are applying for.

3 Q. You requested a recommendation letter for employment. Why
4 did you request that?

5 A. I did. That was something that when I left Vanity Fair I
6 requested from my boss, Michael Roberts, who gave me one. And
7 it is just something that when you leave a job you want to have
8 in case you need to apply for other jobs or you need a
9 recommendation. It's, again, a standard thing that employers
10 do.

11 MR. SCHOENSTEIN: Objection. Move to strike,
12 "standard thing employers do."

13 THE COURT: Motion is granted. That sentence is
14 stricken.

15 BY MR. HANNAFAN:

16 Q. Did Mr. De Niro ever provide you with any recommendation
17 letter?

18 A. No, he did not.

19 (Continued on next page)

20

21

22

23

24

25

1 BY MR. HANNAFAN:

2 Q. Did you ever reach any sort of severance agreement with
3 him?

4 A. No, we did not.

5 Q. Something else you requested here is retain all miles in my
6 Delta SkyMiles account.

7 Let's talk about those for a minute.

8 So you talked about the process by which you would
9 transfer the American Express points to SkyMiles. After you
10 resigned, did you transfer any American Express points to your
11 SkyMiles account?

12 A. No, I did not.

13 Q. Did you transfer any SkyMiles -- excuse me, any access
14 points to your SkyMiles account after you had complained to
15 Mr. De Niro back on March 27, 2019?

16 A. I did not, no.

17 Q. Had you made a number of large transfers of SkyMiles in
18 January -- excuse me, in early 2019?

19 A. I made a couple.

20 Q. I'm sorry. It's been a long day.

21 Did you make a number of transfers of SkyMiles to your
22 account in the first couple of months of 2019?

23 MR. SCHOENSTEIN: Objection. Leading.

24 THE COURT: Overruled. He's directing the witness to
25 a subject.

1 A. Yes, I did.

2 Q. When you made those transfers, were you planning to stay at
3 Canal for two more years?

4 MR. SCHOENSTEIN: Objection. Still leading.

5 THE COURT: That's sustained.

6 BY MR. HANNAFAN:

7 Q. Did you make those transfers after you had reached the
8 agreement with Mr. De Niro that you would stay for two
9 more years?

10 A. Yes, I did.

11 Q. Before you resigned in 2019, did you have a discussion with
12 Mr. De Niro about any trips you were planning to take that
13 year?

14 A. I did.

15 Q. What did the two of you discuss about those trips?

16 A. There were several trips that I was taking. One of them
17 during my time at Canal, I went to London in February, which
18 Bob had approved. I had spoken to him about going in April
19 when I had to return early in February, which, again, he had
20 approved. And then we had talked in sort of January and
21 February about sort of the summer schedule and how things would
22 shake out.

23 Bob was going to be filming the Comeback Trail, so he
24 would be gone for these long sections of time, and he was
25 planning on going on a summer trip. We had talked about -- I

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1 wanted to go and visit my cousins and my family in Scotland in
2 the Isle of Lewis. And I had spoken to him about a wedding in
3 Los Angeles that I wanted to attend.

4 We also discussed when he was gone for Comeback Trail
5 in the summer, I would most likely be in London during that
6 time. We had a talk about all these different trips that were
7 possibly coming up, and Bob had agreed and approved the time we
8 would work out the specific days as we came closer to the time
9 so I could work around his schedule.

10 Q. Do you recall approximately when that conversation was
11 about the various trips?

12 A. There was the beginning -- it was sort of like summer,
13 between January and February, a trip such as the February trip
14 that I took. I had spoken to him I think the beginning of
15 January, so I could start planning it. I had taken that trip.
16 And then once I had come back early for that trip, after he
17 requested I speak to him about April and letting me tack on the
18 time that I came back early for that trip. So they were all
19 around the January, February time.

20 Q. And these transfers of SkyMiles that you made in the first
21 several months of 2018, were those before or after you and
22 Mr. De Niro had discussed you going on those trips?

23 A. Most of them were before. They were January, I think,
24 February, or around the time.

25 Q. Did Mr. De Niro ever tell you that you could only take as

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1 many as 2 million SkyMiles at a time?

2 A. No. Never.

3 Q. Did he ever place -- in the last three years that you were
4 there, did he ever place any limitation on the number of
5 SkyMiles you could transfer to your account?

6 A. No, he did not.

7 Q. Was there some type of electronic record that was created
8 when you would transfer the Canal Amex miles to your miles?

9 A. I'm sorry. I couldn't hear.

10 Q. Was there some type of electronic record that was created
11 when you transferred the Canal Amex points to your SkyMiles?

12 A. Yes.

13 Q. Could anyone else at Canal see those transfers?

14 A. Yes.

15 Q. Who?

16 A. Michael Kaplan, who reviewed the Canal American Express,
17 myself, and specifically at Canal.

18 Q. You talked about Mr. Tasch helping you out with the
19 SkyMiles before. Did he have access to be able to see those
20 transfers?

21 A. Yes. Anybody at Berdon LLP who reviewed the
22 American Express bills would see those records.

23 Q. Okay.

24 A. And --

25 Q. I'm sorry. Were you finished?

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1 A. Yeah. It would be the record of my SkyMiles number, and
2 also the decrease of American member -- membership reward
3 points that were in the account.

4 Q. Had anyone from Canal or Berdon questioned you about those
5 transfers before you resigned?

6 A. No.

7 Q. Had anyone questioned you about those transfers before you
8 sent an e-mail to Mr. De Niro on March 27, 2019?

9 A. Sorry. What was the day?

10 Q. Had anyone questioned you about those transfers before your
11 e-mail to Mr. De Niro on March 27, 2019?

12 A. No.

13 Q. All right. After you had resigned from Canal, were you
14 asked to return the SkyMiles?

15 A. Yes.

16 Q. Did you return them?

17 A. No, I did not.

18 Q. Why did you not return them?

19 A. Because this was the agreement that Bob and I had. It's
20 the agreement that we made. And I did not need to return these
21 SkyMiles.

22 Q. Okay. One of the recordings that we talked about earlier,
23 did you have a conversation with Robin Chambers after you
24 resigned regarding the accusation that you had taken the
25 SkyMiles?

1 A. Yes, I did.

2 MR. HANNAFAN: Your Honor, this is actually
3 Defendant's Exhibit 318. I discussed it with defense counsel.
4 I don't believe there's any objection to having it admitted and
5 then playing it.

6 MR. SCHOENSTEIN: That's correct, your Honor.

7 THE COURT: Okay.

8 (Defendant's Exhibit 318 received in evidence)

9 (Audio played)

10 BY MR. HANNAFAN:

11 Q. All right. Ms. Robinson, I want to ask you about a couple
12 of statements you made during that call.

13 First of all, you were the only person who knew that
14 was being recorded, correct?

15 A. Yes.

16 Q. You said at the beginning, not -- Bob would not sign it.
17 What were you referring to him not signing?

18 A. The recommendation letter that I had e-mailed him for
19 business school.

20 Q. There was talk about it being 5 million miles. You're
21 denying it was that many?

22 A. Yes.

23 Q. Why were you denying it was 5 million miles?

24 A. Because it was not. I didn't transfer 5 million miles in
25 2019.

1 Q. Do you know approximately how many miles you did transfer
2 in 2019?

3 A. A little over 4-point something.

4 Q. Okay. Ms. Chambers made an analogy about how leaving the
5 job and having the miles is kind of like keeping a computer
6 when you leave employment.

7 A. Mm-hmm.

8 Q. And you disagreed with that. Why do you disagree with
9 that?

10 A. Because Bob and I had an agreement on these miles. We had
11 an agreement. Bob approved of this. And he -- it wasn't a
12 computer. I wasn't supposed to give it back. He had given me
13 these miles.

14 Q. And you said: He goes back on all the deals he makes.

15 Who were you referring to when you said "he"?

16 A. Bob.

17 MR. HANNAFAN: Your Honor, I'm about done. If I could
18 have a very brief break to check my notes and make sure I got
19 everything done?

20 THE COURT: You can do that, or why don't you go
21 through your notes now and see if you've got anything else?

22 MR. HANNAFAN: Your Honor, if I may, I would
23 appreciate getting a chance to talk with the other members of
24 my trial team. But if your Honor would like me to finish, I
25 will finish.

1 THE COURT: I think it's cleaner that way. If you
2 need to confer with your colleagues for a minute.

3 MR. HANNAFAN: I have a lot of colleagues. I will
4 just continue, your Honor.

5 BY MR. HANNAFAN:

6 Q. Ms. Robinson, what was your emotional state like in the
7 weeks before you resigned from Canal?

8 MR. SCHOENSTEIN: Objection.

9 THE COURT: Overruled.

10 MR. HANNAFAN: It's relevance.

11 A. I was having an emotional and mental breakdown. I wasn't
12 eating. I wasn't sleeping. I couldn't run. I was
13 overwhelmed. I was so stressed. I couldn't sleep. I couldn't
14 think. I just didn't know what to do. Everything -- I was
15 just so stressed. I was -- everything was so overwhelming. It
16 was just -- I don't feel like I had ever hit that rock bottom.
17 I don't think I felt, at that time, just sort of the level of
18 panic, and just cried.

19 Q. Do you believe your job at Canal would have ended as it did
20 if you had not complained about Ms. Chen's treatment to
21 Mr. De Niro?

22 MR. SCHOENSTEIN: Objection.

23 THE COURT: Sustained.

24 BY MR. HANNAFAN:

25 Q. How do you feel about the way your employment at Canal

1 ended?

2 MR. SCHOENSTEIN: Objection.

3 THE COURT: Sustained.

4 BY MR. HANNAFAN:

5 Q. Do you ever relive the experiences you had at Canal at the
6 end of your tenure there?

7 MR. SCHOENSTEIN: Objection.

8 THE COURT: Overruled.

9 A. I do.

10 Q. Can you describe that for the jury, please?

11 A. I -- for the last four years, I wake myself -- I wake up in
12 the middle of the night thinking about it. I ruminate on
13 thinking about how my job ended, how my life became this. I
14 think about that, that maybe things could have been different.
15 I think about -- I just think about all of it. I mean, it
16 makes me want to cry. It stresses me out so much. I'm so
17 tired. I am humiliated. I am embarrassed. I am -- I'm
18 exhausted from it. I think about it all the time.

19 Q. Immediately after you resigned from Canal, did you have any
20 problems sleeping?

21 A. Yes.

22 Q. Are you still having problems sleeping as of today?

23 A. Yes.

24 Q. Can you describe that for the jury, please?

25 A. I haven't had one good night of sleep in -- I don't even

1 know how many years. I sleep maybe three hours before I wake
2 myself up. And then I can't get back to sleep, and then I
3 sleep until 10:00 or 11:00, and then I'm just exhausted all
4 day. And then I nap in the afternoon, and the cycle starts all
5 over again.

6 Q. Did your experience of leaving Canal affect your eating
7 habits?

8 A. Yes.

9 Q. Can you tell the jury, please?

10 A. I've had so much stress and anxiety that when I have all
11 this anxiety and this panic and this stress, I just don't eat.
12 I don't eat breakfast. I sometimes don't even remember to eat
13 or feel hungry until the evening. And by that time, I just
14 want to go to bed. I'm so tired. I lost a lot of weight. I'm
15 just -- I just am not hungry.

16 Q. When did you start losing weight as compared to when you
17 resigned on April 6?

18 A. When Bob filed his lawsuit.

19 Q. Did your experience in leaving Canal had any impact on your
20 social life?

21 A. Yes.

22 Q. How so?

23 A. I don't have a social life. Maybe go out with my brother
24 to dinner like once a month to try to get out. But I don't
25 really go out with friends anymore. I don't really want to go

1 out. I don't -- I've been so humiliated and embarrassed, and I
2 feel so judged. I feel just so damaged in a way. I just -- I
3 have so much anxiety and panic, that, like, to go out, I got to
4 take anti-anxiety medication to just go and try to have dinner
5 with my brother or do things. I think the one thing I try to
6 do each day, just try to get myself out, is just take a walk,
7 to walk around the park.

8 Q. I'm sorry. Are you finished?

9 You said you're taking anti-anxiety pills. Have
10 you -- did you start seeing a doctor to deal with what was
11 going on with you after you left Canal?

12 A. Yes.

13 Q. Who is that doctor?

14 A. Dr. Rein.

15 Q. What type of doctor is Dr. Rein?

16 A. She's a psychopharmacologist and therapist.

17 Q. How long have you been seeing her?

18 A. I've been seeing her since February 2020.

19 Q. Has she prescribed you any medications?

20 A. Yes.

21 Q. What kind of medications has she prescribed you?

22 A. The high dose of Lexapro, Ativan, and gabapentin.

23 Q. What is Lexapro prescribed for?

24 MR. SCHOENSTEIN: Objection.

25 THE COURT: Basis.

1 MR. SCHOENSTEIN: She can answer what she's taking it
2 for, not what it's generally prescribed for.

3 THE COURT: Do you want to reformulate the question?

4 BY MR. HANNAFAN:

5 Q. Why has Dr. Rein prescribed Lexapro for you?

6 MR. SCHOENSTEIN: Objection.

7 THE COURT: Sustained. I think the proper question
8 is: What are you taking it for? What do you understand you're
9 taking it for, not what the doctor said to her.

10 Q. Ms. Robinson, what are you taking Lexapro for?

11 A. Depression and anxiety.

12 Q. What are you taking Ativan for?

13 A. Anxiety and insomnia.

14 Q. What are you taking gabapentin for?

15 A. Anxiety.

16 Q. You had talked earlier today about applying to schools at
17 some point. Have you applied to any schools since you resigned
18 from Canal?

19 A. I did.

20 Q. Where did you apply?

21 A. I applied to the London School of Economics for a program
22 that they had.

23 Q. Were you accepted?

24 A. No, I was not.

25 Q. How was your leaving Canal -- excuse me. How has the way

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1 in which you left Canal impacted your professional reputation?

2 MR. SCHOENSTEIN: Objection.

3 THE COURT: Sustained.

4 BY MR. HANNAFAN:

5 Q. Ms. Robinson, are you presently employed?

6 A. No, I am not.

7 Q. Have you tried to get a job since you left Canal?

8 A. Yes, I have.

9 Q. Broadly speaking, what have you done to try to get a job?

10 A. I have applied -- I've applied to jobs consistently.

11 Q. How many jobs have you applied to in the four and a
12 half years since you left?

13 A. 638.

14 Q. Sorry. 638?

15 A. Yes.

16 Q. Have you had any interviews as a result of those
17 applications?

18 A. No.

19 Q. Have your experiences with Canal impacted your finances?

20 A. Yes.

21 MR. SCHOENSTEIN: Objection.

22 THE COURT: Sustained.

23 BY MR. HANNAFAN:

24 Q. Since you resigned from Canal, have you traveled outside of
25 New York City?

1 A. No.

2 Q. Why not?

3 A. I haven't left home. I live with my mother. I just --
4 anxiety. I just don't want to. I want to stay at home. I
5 feel safe at home. I feel safe where I am.

6 Q. Are you someone who likes publicity, Ms. Robinson?

7 A. No, not at all.

8 Q. Do you enjoy being in the public eye?

9 A. No.

10 Q. Have you been -- since you left Canal in April 2019, have
11 you been afraid to leave your home?

12 MR. SCHOENSTEIN: Objection.

13 THE COURT: Sustained.

14 Q. As you sit here today, as you think back on the last four
15 and a half years since you first complained about Ms. Chen's
16 treatment, what have you lost?

17 MR. SCHOENSTEIN: Objection.

18 THE COURT: Basis.

19 MR. SCHOENSTEIN: Vague. Form.

20 MR. HANNAFAN: Your Honor, I believe --

21 THE COURT: It's so general. And also, I mean, people
22 over four years, people can lose a lot. People can lose a lot.
23 The question is just so vague. It's not tied to the alleged
24 tort here.

25

1 BY MR. HANNAFAN:

2 Q. If you could describe it succinctly, how has your life
3 changed since you left Canal in April 2019?

4 A. I lost my life. I lost my career. I've lost my
5 independence. I lost everything.

6 MR. HANNAFAN: I have no other questions, your Honor.

7 THE COURT: Okay. Members of the jury, we'll take our
8 midafternoon break. 15 minutes. And don't talk to one another
9 or anybody else. Don't do any research. See you in a bit.

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1 (Jury not present)

2 THE COURT: Ms. Robinson, you may step down.

3 Right now, you can have any conversations you want
4 with your counsel about your testimony. After
5 cross-examination, you're not to have any conversations with
6 counsel, with your counsel, about your testimony until
7 cross-examination is concluded.

8 Anything else from plaintiff before we take our
9 midafternoon break?

10 You may step down.

11 Counsel may be seated.

12 MR. HANNAFAN: Your Honor, I just wanted to say, you
13 had made a comment that I know better. Your Honor, I did not
14 hear what she was saying. I was looking at a note. I was
15 trying to do something else. I know I have not appeared before
16 your Honor before, but that is not how I practice, and my
17 deepest apologies to the Court for what happened. I did not
18 even hear what she said.

19 THE COURT: I appreciate that very much. Thank you,
20 and I accept that completely. And you and your team have
21 behaved very professionally.

22 MR. HANNAFAN: Thank you, your Honor.

23 THE COURT: Mr. Schoenstein, anything?

24 MR. SCHOENSTEIN: The only thing I want to raise, your
25 Honor, is we've noticed today that a lot of these e-mails that

1 have been in evidence are still not fully redacted of things
2 like e-mail addresses and the like, and I just want to make
3 sure that all the parties work collaboratively to do that
4 before any materials are filed in the public record. There's
5 still a lot of stuff. It still needs a good scrubbing, your
6 Honor.

7 THE COURT: So two things. First of all, maybe you
8 can all work on that over the weekend before exhibits go into
9 the jury room. I noticed that there was the name of one of the
10 kids mentioned in one of the e-mails. I don't know if that's
11 what you're referring to. Hopefully, there can be some
12 cooperation with respect to the parties on both sides, the
13 privacy issues on both sides.

14 Second, I did raise yesterday the fact that I got a
15 media inquiry with respect to exhibits. And I wanted to let
16 you know what I've heard with respect to our practices. Our
17 practices are that whatever is displayed in open court is
18 available to the public to take notes on and the like. But we
19 don't, as a matter of practice, file exhibits on the public
20 docket.

21 The exhibits, under our procedures, are required to be
22 kept by the parties. That continues even after the proceedings
23 are concluded. And so if there are requests for exhibits, our
24 practice is that those requests go to the parties to respond to
25 them. I'm saying that both to the parties here and also with

1 respect to whoever the requester was. I haven't had a motion
2 directed to that, but I wanted to close the loop with respect
3 to what our practice is.

4 MR. SCHOENSTEIN: Thank you, your Honor. We note
5 there's a confidentiality order and protective order in this
6 case that shields many of the documents. Certainly, counsel
7 can't be handing out confidential documents to anybody. And if
8 anyone in the public forum was to get ahold of one, they should
9 return it because it's subject to court order.

10 THE COURT: You've made your statement for the record.
11 I'm neither endorsing it nor not endorsing it. But you've made
12 your statement.

13 See you back here in a couple minutes.

14 MR. SCHOENSTEIN: Thank you, your Honor.

15 (Recess)

16 THE COURT: Let's put the witness on the stand, and
17 let's bring in the jury.

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1 (Jury present)

2 THE COURT: Cross-examination, Mr. Schoenstein.

3 MR. SCHOENSTEIN: Thank you, your Honor.

4 CROSS-EXAMINATION

5 BY MR. SCHOENSTEIN:

6 Q. Ms. Robinson, you understand that I represent the
7 defendants in this action, and I'm going to have to examine you
8 for a while. Right?

9 A. Yes, I do.

10 Q. So let's start. Let's start with the New York City subway
11 system.

12 I heard you testify this morning that it took an hour
13 on the subway, more than an hour if you were lucky, to get from
14 the Upper East Side to Canal's offices in Tribeca. Right?
15 That's what you said?

16 A. Yes.

17 Q. So my question is, what train were you taking?

18 A. I would take the 4, 4 or 5 from 96 Street.

19 Q. The 4 and 5 don't stop at 96.

20 A. They don't. I would take the shuttle across. It was the
21 easier way to do it because there's just no way to get across
22 town on the Upper East Side.

23 Q. If you know if you get on at 86 Street, you can get on an
24 express train, and you can be down here at Brooklyn Bridge in
25 four stops, and it takes about 15 minutes; you know that,

1 right?

2 MR. HANNAFAN: Objection. Foundation.

3 THE COURT: Overruled.

4 A. I've never gotten off on the Brooklyn stop, so I wouldn't
5 be able to answer that.

6 Q. So you never tried the ten-minute walk from the
7 Brooklyn Bridge over to Tribeca's offices -- over to Canal's
8 offices in Tribeca?

9 A. I can't recall what the stop was. I knew it was the
10 building I used to get off on. The exit was God's Love We
11 Delivered where I interned in high school.

12 Q. And you didn't need to be underground for more than
13 15 minutes to travel from your home to the offices; did you?

14 A. That's not correct.

15 Q. Did you ever consider taking a bus?

16 A. In New York City, down to Tribeca from the Upper East Side?

17 Q. Sure. Right down 5th Avenue. You can stay above ground,
18 right, and you'd be able to text and get phone calls the whole
19 way; wouldn't you?

20 A. I mean, I guess you could. It would just take you a lot
21 longer than the subway.

22 Q. My question is, did you ever try it?

23 A. I've never tried taking the subway from the Upper East
24 Side down to Tribeca.

25 Q. Did you ever try the bus?

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Robinson - Cross

1 A. Sorry. The bus is what I meant to say.

2 Q. You wanted to take cars and taxis because that made you
3 feel important?

4 A. That's not correct.

5 Q. Let me ask you about Dan Harvey.

6 Do I understand correctly that you claim in this case
7 you should have been paid as much as Dan Harvey?

8 A. Yes. I believe I should have been paid the same as a male
9 employee, Dan Harvey.

10 Q. Do you know the movie, the Mission?

11 A. I know it's one of Bob's films, but I have not seen it.

12 Q. Do you remember it was made in 1986?

13 A. I don't know when it was made.

14 Q. Did you know that was the first movie that Dan Harvey
15 worked on with Mr. De Niro?

16 A. No. I don't know what movie -- first movie was.

17 Q. Did you know Mr. Harvey had been working with Mr. De Niro
18 since 1986?

19 A. In some capacity, yes, I had spoken to Dan about that, but
20 not full-time.

21 Q. What had you been doing in 1986?

22 A. I was four years old and in preschool.

23 Q. So you thought you should be paid as much as somebody who
24 had been working with Mr. De Niro since you were in preschool;
25 that's what you thought?

1 A. I don't think that the way that you're phrasing this is
2 correct.

3 Q. Wait a minute. Is it correct that --

4 MR. HANNAFAN: May the witness finish her answer,
5 please?

6 THE COURT: Let's try the question again.

7 Q. You thought you should be paid as much as somebody who had
8 been working with Mr. De Niro since you were in preschool; is
9 that right?

10 A. I don't think the working with Bob and your assumption is
11 correct. Dan, until 1993, worked part-time for Bob. He didn't
12 work full-time. I had this conversation with Dan and with
13 Robin. Dan wasn't --

14 Q. So what were --

15 A. -- a full-time employee.

16 Q. -- you doing in 1993?

17 MR. HANNAFAN: I'm sorry. May she please finish her
18 answer, your Honor?

19 THE COURT: I think the answer is done.

20 Q. What were you doing in 1993 when Mr. Harvey started working
21 full-time with Mr. De Niro?

22 A. Recovering from a brain tumor.

23 Q. How old were you?

24 A. I was 10 or 11.

25 Q. I'm sorry about the medical issues, but do you think you

1 should have been paid as much as somebody who had been working
2 full-time with Mr. De Niro since you were 10 or 11?

3 A. I don't know how to answer that? It's not necessarily
4 the -- you're not defining the job or what he was doing, if he
5 was working full-time. Just know that he had an association
6 with Bob in some capacity since 1986 or '93. It's --

7 Q. Well, let's talk about the job.

8 You understand that physical training is an important
9 part of an actor's job. Right?

10 A. It can be.

11 Q. And for an actor, finding someone that you work with well
12 in that regard is unique?

13 A. I'm sorry. Can you repeat that question?

14 Q. For an actor to find somebody they feel comfortable
15 physically training with is unique?

16 A. I wouldn't be able to answer that. I'm not an actor, and I
17 don't have a trainer.

18 Q. Okay. But you've been in the film business, you say for
19 11 years, and your expertise in that regard, do you think it's
20 important for an actor to have a personal trainer that they
21 feel comfortable with?

22 A. I, again -- I mean, actors will want to have crew that
23 they're comfortable with, but I'm not an actor, and I don't
24 have a trainer. So, you know.

25 (Continued on next page)

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Robinson - Cross

1 BY MR. SCHOENSTEIN:

2 Q. Did you ever train Mr. De Niro in any regard, physically?

3 A. Physically? No.

4 Q. Did you know that Dan Harvey also helps Bob run lines for
5 his movie roles.

6 A. Yes.

7 Q. Did you ever run lines with Mr. De Niro?

8 A. I have a couple of times.

9 Q. But not as extensively as Mr. Harvey?

10 A. Probably not.

11 Q. Dan Harvey traveled with Bob and worked out with him on
12 location when he went to film movies, correct?

13 A. Could you give me a time period?

14 Q. During the entire time period you were employed at Canal,
15 Dan Harvey would travel on location to movies with Mr. De Niro
16 so he could train him; right?

17 A. On most films he would while he was employed at Canal.

18 Q. And that took him all over the world?

19 A. Bob filmed primarily in the U.S. with maybe one or two
20 abroad, but I would agree with that, I guess.

21 Q. And when he did that, Mr. Harvey was away from his wife and
22 children for extended periods of time; correct?

23 A. He would commute back on the weekends but during the week,
24 yes, I guess.

25 Q. And you were not sure of the full extent of Dan Harvey's

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Robinson - Cross

1 duties or general responsibilities? Do you agree with that
2 statement?

3 A. I would agree with some of that statement.

4 Q. You don't agree with all of that statement?

5 A. Well, of course there were things that I'm sure Bob asked
6 that I wasn't present for, so.

7 Q. Nonetheless, you insist you should have been paid as much
8 as Dan Harvey. Do I understand you correctly?

9 A. I felt that I should be paid the same as a male similarly
10 situated at Canal Productions.

11 Q. Let's talk about similarly situated. You testified this
12 morning that you were extensively involved in perk packages,
13 correct?

14 A. That was one of the things that I did.

15 Q. And perk packages are amounts of money that Canal would
16 receive when Bob was involved in a movie, right?

17 A. I -- Canal wouldn't necessarily receive them, they would be
18 money that the production put aside.

19 Q. And in some of those packages Canal was reimbursed for the
20 services of Dan Harvey, correct?

21 A. Yes.

22 Q. So Canal was able to recoup a portion of Dan Harvey's
23 salary?

24 A. At times, yes.

25 Q. Was Canal ever able to recoup a portion of your salary?

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Robinson - Cross

1 A. I didn't work specifically on the film.

2 Q. So the answer to my question is no?

3 A. I can't recall a time other than having a production paying
4 for my expenses, my lodging, transportation. Things like that.

5 Q. I think I heard you say you felt it improper to pay Dan
6 Harvey more because he had a family and children; correct?

7 A. That's something that Bob had said to me and I -- I'm
8 sorry. Can you repeat your question?

9 Q. You were offended by a statement that Dan Harvey's
10 compensation was, in part, based on the fact that he had a
11 family and children?

12 A. Did you say offended?

13 Q. You were offended.

14 A. OK.

15 Q. Is that right?

16 A. I was deeply upset by that, that Bob would say something
17 like that to me, that my pay would come down to whether I was a
18 single woman, whether I had kids, whether I was married, that
19 Dan Harvey had kids and a family to support. Like, that's
20 sexist.

21 Q. Shouldn't an employer take into account the employee's
22 needs in determining compensation? Isn't that a fair thing to
23 do?

24 A. I'm not an employer so I wouldn't want to necessarily
25 answer.

NB35rob7

Robinson - Cross

1 Q. Well, you have set forth in some documents that you have
2 expertise in human resources. Haven't you represented that in
3 some of your resumes?

4 A. I didn't say expertise, necessarily. I don't recall saying
5 expertise.

6 Q. We will see that later. Isn't it fair for an employer to
7 consider seniority in determining compensation who has been at
8 the company longer?

9 A. I guess so. Yes.

10 Q. And you would agree with me that you and Mr. Harvey did not
11 do exactly the same job. You would at least give me that,
12 right?

13 A. We didn't do exactly the same job but we did have jobs that
14 overlapped.

15 Q. Now, you were paid much more than Mr. Kaplan, correct?

16 A. Yes.

17 Q. He was paid, what, \$80,000 a year?

18 A. I believe -- was it \$80,000? I believe so.

19 Q. So has he been discriminated against because you were paid
20 more than him?

21 A. He had a very different job than I did.

22 Q. Well, he worked in New York like you did, right? He didn't
23 travel around the work like Mr. Harvey?

24 A. I didn't always work in New York City.

25 Q. So you contend that Mr. Kaplan's pay was lower than yours

1 because he had a different job than you did, but you should
2 have been paid the same as Mr. Harvey who, you just agreed, had
3 a different job than you did?

4 A. I don't -- I can't think of, like -- I don't know the
5 crossover of my job with Michael, the crossover -- my job with
6 Michael Kaplan's.

7 Q. Or with Dan Harvey's, right?

8 A. That's incorrect. There were several things that Dan
9 Harvey and I worked on. We worked on production stuff. He
10 handled some of the gym rooms and the gym equipment. I worked
11 with him on that. We both sort of handled some of Bob's
12 medical stuff. Dan Harvey handled some of his physical stuff
13 such as his physical and any doctor's appointments with that.

14 Q. So Dan Harvey --

15 A. There were a bunch of others.

16 THE COURT: Counsel, let the witness finish.

17 MR. SCHOENSTEIN: Sorry.

18 A. There were a couple other things Dan and I crossed over on.

19 Dan Harvey, on set, grabbed newspaper, coffee, he ran
20 errands for Bob, he traveled with Bob. I, at times, traveled
21 with Bob. Yes, not to the extent that Harvey did, but I did.

22 Q. So Dan Harvey, at times, attended to Mr. De Niro's medical
23 needs. Did I just hear you say that?

24 A. He went to an appointment when Bob hurt his back or
25 something that would be physical that he would need to address

1 during a training session.

2 Q. And Dan Harvey ran errands like fetching newspapers and
3 coffee for Mr. De Niro, right?

4 A. At times when he was on location, yes.

5 Q. So it wasn't only women who did that stuff, was it?

6 A. I didn't say fetching coffee and newspapers were something
7 that only women did. There is also a difference of, you know,
8 working on medical, being present for medical appointments,
9 filling out forms, handling prescriptions, taking care --

10 THE COURT: Ms. Robinson, try to answer counsel's
11 question and then you will have an opportunity on redirect
12 examination.

13 Q. Sitting here right now, looking at this jury, it is still
14 your contention that you deserved to be paid as much as Dan
15 Harvey?

16 A. Yes, I did.

17 Q. Your salary in 2018 was \$200,000 a year; correct?

18 A. Yes. The beginning of 2018 it became \$200,000.

19 Q. And at the beginning of 2019 it became \$300,000?

20 A. Sorry. At the end? The beginning. The beginning of 2019.

21 Q. Yes.

22 A. Yes.

23 Q. And you had your lunches and dinners paid for?

24 A. I had working meals; breakfast, lunch, dinner, coffee,
25 snacks paid for when I was working.

NB35rob7

Robinson - Cross

1 Q. And your work-related travel was paid for?

2 A. Yes, it was.

3 Q. And you were able to use Delta SkyMiles generated by the
4 company, correct?

5 A. I'm sorry?

6 Q. You were able to use Delta SkyMiles generated by the
7 company?

8 A. Yes, or Bob would pay for my flights.

9 Q. You were the only employee who got the SkyMiles, right?

10 A. Can you give me a time period?

11 Q. In the last three years.

12 A. Yes.

13 Q. So Dan Harvey wasn't getting SkyMiles in addition to his
14 salary like you were, was he?

15 A. No. He had his American Airlines flights paid for
16 directly.

17 Q. His vacation flights?

18 A. His flights to and from Los Angeles when he left New York.

19 Q. Right, but did he have miles -- SkyMiles -- that he would
20 move from Canal's account into his own account to use as he
21 wanted like you did? Did Dan Harvey have that?

22 A. No. That's an agreement that Bob and I had.

23 Q. Which was different than what Mr. Harvey had, right?

24 A. Yes.

25 Q. Now, your compensation included full medical insurance

1 provided by Canal; correct?

2 A. I'm sorry. Can you say that again or can you stand back a
3 little bit from the microphone? It is kind of --

4 Q. I am very loud. I'm sorry.

5 You had medical insurance; right?

6 A. Yes, a Canal-sponsored medical insurance.

7 Q. Your gym membership paid for?

8 A. I don't -- I think maybe I once used that. I don't have a
9 gym membership or Class Pass.

10 THE COURT: Did they offer you a gym membership?

11 A. Offer? Yes.

12 Q. You got lavish gifts on your birthdays and the holidays?

13 A. I got generous gifts from Bob on the holidays.

14 Q. And you know most employees don't get birthday and
15 Christmas presents from their employer. You know that, right?

16 A. Canal Productions, they did.

17 Q. I'm talking about outside of Canal.

18 A. I received a birthday and Christmas gift from my former
19 boss Michael Roberts of Vanity Fair, so those are the two jobs
20 that I would be able to --

21 Q. Did you ever add up the total value of your compensation at
22 Canal, all of the money, all of the insurance, all of the
23 gifts, all of the SkyMiles? Did you ever figure out the total
24 value of that?

25 A. I have never attempted to do that.

NB35rob7

Robinson - Cross

1 Q. Have you ever attempted to do that with Mr. Harvey's
2 compensation?

3 A. No.

4 Q. By the way, one of the e-mails we looked at where you
5 talked about what Dan Harvey was getting paid, you also pointed
6 out that Bob's chairman and CEO was being paid \$750,000; right?

7 A. Yes.

8 Q. Who was that?

9 A. That's Jane Rosenthal, Bob's partner in Tribeca.

10 Q. Is she female?

11 A. Yes, she is.

12 Q. And she is the highest paid person in Bob's orbit, as far
13 as you know, other than Bob himself?

14 A. I don't -- I mean, I don't know other people's pay at
15 Tribeca, so.

16 Q. Do you know any other person in Bob De Niro's orbit who is
17 higher paid than Jane Rosenthal?

18 A. In terms of orbit, can you give me a -- because I could say
19 Nobu Matsuhisa, the chef, he probably makes more but I don't
20 know.

21 Q. I will limit it to people who work at any company
22 affiliated with Mr. De Niro, such as Canal or Tribeca. Does
23 that help you?

24 A. No, because I don't know the pay of people at Riverside and
25 the rest of the people at Tribeca, so.

NB35rob7

Robinson - Cross

1 Q. But my question for you is of the people whose pay you do
2 know at those companies that are affiliated with Mr. De Niro,
3 is there anyone you can identify who was paid more than the
4 very female Jane Rosenthal?

5 A. No.

6 Q. In March of 2019 you started recording phone calls,
7 correct?

8 A. In early March.

9 Q. And that was about a month or so before you were relieved
10 of your duties relating to the townhouse?

11 A. Yes. I suppose it was a month.

12 Q. It was around the time the mold issue came up?

13 A. It was -- I don't know if that was late February or
14 mid-March.

15 Q. We looked at earlier you had a text from Tom Harvey that
16 said: Turn your phone off.

17 Do you remember that text?

18 A. Yes.

19 Q. That's when you did it?

20 A. That was around March -- I'm trying to orient myself; March
21 6th.

22 Q. That's around the time you started recording?

23 A. Yes.

24 Q. So instead of taking Tom's advice to turn your phone off,
25 you put your phone on record?

NB35rob7

Robinson - Cross

- 1 A. Was that a question?
- 2 Q. Yes, it was.
- 3 A. That's not correct. I wouldn't turn my phone off, it would
4 only exacerbate the situation if Bob was unable to reach me.
- 5 Q. How did you go about recording all of these phone calls?
6 Tell us physically how you did it.
- 7 A. I would have my phone on speaker and I used like a
8 voicemail voice memo, it is on Apple computer, you just hit
9 record on the voice memo app.
- 10 Q. Was that an Apple computer that had been paid for by Canal?
- 11 A. No.
- 12 Q. You did not tell the other participants you were recording
13 them; correct?
- 14 A. No, I did not.
- 15 Q. You were a Canal employee at the time up until your
16 resignation, correct?
- 17 A. Yes.
- 18 Q. The calls you recorded included calls with Michael Tasch
19 the company accountant, right?
- 20 A. Yes.
- 21 Q. You did not tell him or get his permission?
- 22 A. No, I did not.
- 23 Q. You recorded calls with Tom Harvey, the company's general
24 counsel, correct?
- 25 A. Yes. That's correct.

NB35rob7

Robinson - Cross

1 Q. You did not tell him or get his permission?

2 A. No, I did not.

3 Q. Did you recognize that recording phone calls with the
4 company's general counsel was a risk to maintaining the
5 company's attorney-client privilege?

6 MR. HANNAFAN: Objection. Foundation.

7 THE COURT: Overruled.

8 A. I'm sorry. Can you repeat your question?

9 Q. Did you recognize that recording calls with the company's
10 lawyer was a risk to preserving the company's attorney-client
11 privilege?

12 A. No, I didn't think -- I didn't think about that, but.

13 Q. Prior to recording phone calls, did you do any research
14 into the legality of it?

15 A. No.

16 Q. Now, you said you recorded calls because you were worried
17 people like Tasch and Harvey and Ms. Chen would lie, right?

18 A. Yes.

19 Q. You also recorded calls with David Kaplan and Robin
20 Chambers, correct?

21 A. No, I think you mean Michael Kaplan.

22 Q. I do mean Michael Kaplan. Thank you. I do know a David
23 Kaplan, he will be very upset.

24 You were recording calls with Michael Kaplan and Robin
25 Chambers; correct?

NB35rob7

Robinson - Cross

1 A. I did, yes.

2 Q. They were fellow Canal employees?

3 A. Yes, they were.

4 Q. You did not tell them or get their permission to record
5 them?

6 A. No, I did not.

7 Q. And they were both pretty good friends of yours at the
8 time, right?

9 A. Robin Chambers and I were very close.

10 Q. And, in fact, the person who shows up the most in all of
11 these recordings is Robin Chambers, right?

12 A. Yes.

13 Q. So you were not just recording people who might lie, you
14 were recording your friends?

15 A. Somebody who was my work friend but there were other people
16 other than her. I don't know if she was the one that came up
17 the most, but.

18 Q. You don't know if most of those phone calls have Robin
19 Chambers on them?

20 A. I mean, I don't know, like, if she was the one that was the
21 most. There are stretches of recordings, so.

22 Q. You recorded calls with Bob De Niro, right?

23 A. I believe there was one.

24 Q. And he was your boss at the time?

25 A. He was.

NB35rob7

Robinson - Cross

1 Q. And you did not tell him or get his permission?

2 A. No, I did not.

3 Q. You also kept recordings of voice messages he left for you?

4 A. Yes, I did.

5 Q. Do you think it was acceptable to secretly record calls
6 with your boss?

7 A. I believe I was put in a situation where I felt that I had
8 to. It's not a situation that I would have wanted to be in.

9 Q. If you had found out your assistant Lulu White was secretly
10 recording your phone calls with you, you would have fired her
11 instantaneously, correct?

12 MR. HANNAFAN: Objection.

13 THE COURT: Overruled.

14 A. I don't think that would be correct. It's a hypothetical
15 situation. I -- I wouldn't be able to answer a hypothetical
16 that didn't happen.

17 Q. Well, if Ms. White had been secretly recording her calls
18 with Mr. De Niro, would you have had her fired?

19 A. Again, it's a hypothetical question. I don't know why
20 would she be recording? Is there an issue? Is there a reason
21 why she is recording? I just don't know.

22 Q. That's your answer?

23 A. I mean, it's hypothetical. How can I answer that? It is
24 not something that actually happened.

25 Q. You didn't keep all of the calls you recorded, did you?

NB35rob7

Robinson - Cross

1 A. I did.

2 Q. You didn't dispose of the ones that were not helpful to
3 your claims in this case?

4 A. No, I didn't dispose of any recordings.

5 Q. And you know you produced -- well, do you know how many
6 recordings you made?

7 A. No, I don't know how many. Is it recordings or files or?
8 I don't know.

9 Q. That's a good point. Do you know how many hours of
10 recordings you made?

11 A. No, I do not.

12 Q. Would you agree that it's over 40 hours of audio
13 recordings?

14 A. It might be around there.

15 Q. I didn't hear a single audio recording of Mr. De Niro or
16 Ms. Chen in this time period saying anything. Did you hear any
17 of that in your direct examination?

18 A. No. Not that I recall.

19 Q. In some of those recordings you were discussing Canal
20 business, correct?

21 A. Yes.

22 Q. Confidential business?

23 A. Yes.

24 Q. In some of those recordings you were discussing
25 Mr. De Niro's personal life, including his family and children;

NB35rob7

Robinson - Cross

1 correct?

2 A. I believe so.

3 Q. And you didn't tell anybody at Canal, while you were
4 employed there, that you had these recordings, right?

5 A. I don't think I did, no.

6 Q. And during the time shortly after you left Canal when you
7 were supposedly cooperating, you didn't tell Canal about the
8 recordings, right?

9 A. I'm sorry. Can you repeat that?

10 Q. During the months after your departure, let's say from
11 April to July or August of 2019, you didn't tell anybody about
12 the recordings?

13 A. No one at Canal.

14 Q. Right. And you didn't produce them until discovery in this
15 lawsuit?

16 A. I don't know when -- I don't know when they were produced.

17 Q. If it hadn't been for a lawsuit, you planned never to tell
18 anybody about those recordings, correct?

19 A. I don't know.

20 Q. Now, you know Mr. De Niro values privacy?

21 A. That he does?

22 Q. Yes.

23 A. Yeah, I believe he does.

24 Q. And you know that if Mr. De Niro had known -- well, let me
25 rephrase that.

NB35rob7

Robinson - Cross

1 It is your belief, is it not, that if Mr. De Niro had
2 known you were secretly recording phone calls with him, he
3 might have fired you?

4 A. I don't know what Bob would have done, so.

5 Q. By the way, in any of those 40 hours of phone calls, have
6 you heard on tape you saying you were the victim of gender
7 discrimination or retaliation?

8 A. I haven't listened to all of those recordings since the
9 call happened four years ago, so.

10 Q. So you are not aware of any part of the recordings where it
11 refers to gender discrimination or retaliation?

12 MR. HANNAFAN: Objection. Relevance.

13 THE COURT: Overruled.

14 A. There are discussions of us talking about gender
15 discrimination such as the recording with Michael Tasch
16 regarding Tiffany's behavior toward me and her jealousy, and I
17 believe that there are other recordings as well that sort of
18 discuss that with Robin.

19 Q. The term "gender discrimination"?

20 A. Oh. The term?

21 Q. Yes.

22 A. Not that I'm aware of. But, again, I haven't listened to
23 these recordings in -- I was present for the calls but I
24 haven't listened to all the recordings.

25 Q. You are suing Mr. De Niro and Canal for millions of dollars

NB35rob7

Robinson - Cross

- 1 and you haven't bothered to listen to these recordings?
- 2 A. I mean, I lived these calls.
- 3 Q. So that's a "no" to my question?
- 4 A. I'm sure I have listened to some of them but not all of
- 5 them.
- 6 Q. Let me ask a few background questions.
- 7 A. Sure.
- 8 Q. You graduated college in 2005, correct?
- 9 A. Yes; end of 2004, but I walked in 2005.
- 10 Q. With a bachelor of arts?
- 11 A. Yes.
- 12 Q. And you have no other degrees, certifications, licenses?
- 13 A. No.
- 14 Q. You started at Canal in 2008?
- 15 A. Yes, I did.
- 16 Q. You were a personal assistant to Bob?
- 17 A. I was an executive assistant to Bob.
- 18 Q. And you agree with everybody else, that Canal is Bob's
- 19 company?
- 20 A. Yes.
- 21 Q. And Canal's services relate to Bob's business and personal
- 22 life?
- 23 A. Businesses and personal, yeah, some of them.
- 24 Q. It's Bob's business and personal?
- 25 A. Oh. It's Bob business and personal life, yes.

NB35rob7

Robinson - Cross

1 Q. Your job responsibilities, at the outset, included Bob's
2 schedule, messages, birthday, and Christmas presents; right?

3 A. They were some of them.

4 Q. And through 2012 you worked in Canal's office and were the
5 only executive assistant there?

6 A. Sorry. Can you repeat the dates? 20-and?

7 Q. Through 2012 you were the only executive assistant at
8 Canal?

9 A. Other than the three months that I sort of connected with
10 Jesse Spellman in the beginning of my employment, yes, until
11 another executive assistant was hired, I think it was at the
12 end of 2011.

13 Q. The executive assistant previous to you had transitioned
14 you into the role, right?

15 A. She had helped with the other executive assistant that I
16 would be partnering with, Jesse Spellman, so Laurent Hearst.

17 Q. You were given two new titles during the course of your
18 employment?

19 A. Yes.

20 Q. In 2011 it changed to director of production?

21 A. Yes.

22 Q. Prior to that there was nobody called director of
23 production at Canal?

24 A. Not that I'm aware of.

25 Q. You created the title for yourself?

NB35rob7

Robinson - Cross

1 A. I discussed the promotion and job with Bob and he approved
2 of it.

3 Q. Then your title was changed again in 2017 to vice
4 president, production and finance?

5 A. Yes.

6 Q. And that job did not exist prior to you taking the title?

7 A. Not that I'm aware of.

8 Q. You were a vice president?

9 A. Of production and finance.

10 Q. Well, but you were a vice president of Canal in that role?

11 A. Vice president of production and finance, yes.

12 Q. Were there any other vice presidents?

13 A. No. It was a very small company.

14 Q. Who was the president?

15 A. Bob.

16 Q. You reported directly to Bob?

17 A. I did.

18 Q. So there was nobody at Canal other than Bob who had more
19 authority than you, at least from 2017 until your departure?

20 A. I had more authority?

21 Q. Who was higher up in the chain.

22 A. Oh. Bob was the president, he was the head of it, he made
23 the decisions.

24 Q. Let me reask my question because I'm not sure we are on the
25 same page. During the last three years of your employment,

NB35rob7

Robinson - Cross

1 there was no one in the chain of the command in between you and
2 Mr. De Niro?

3 A. In the chain between Bob and I?

4 Q. Right.

5 A. No.

6 Q. So in terms of the chain of command you had reached the
7 highest possible level one could have at Canal; is that fair to
8 say?

9 A. I guess with the title, yes.

10 Q. And you reported directly to Bob?

11 A. Yes. That's the last three years? Is that the time frame?

12 Q. Yes.

13 A. Yes.

14 Q. That's what I'm focusing on.

15 Other Canal employees reported to you, right?

16 A. At times they did.

17 Q. We have heard names of Sabrina, Morgan, Gillian, Lulu;
18 those all reported to you?

19 A. At times they did, yes.

20 Q. And towards the end your e-mail signature block said
21 "Office of Chase Robinson," correct?

22 A. Yes, it did.

23 Q. Was there an Office of Chase Robinson?

24 A. Yes, I guess in a way there was. Lulu White was hired to
25 be my assistant, so. I guess that was at the bottom of her

NB35rob7

Robinson - Cross

1 e-mail.

2 Q. When you started using the term "Office of Chase Robinson"
3 did anything else change? Was that related to a move of an
4 office or anything else?

5 A. No, it was just a signature that I guess Lulu White had on
6 the bottom of her e-mail.

7 Q. Your job involved a lot of record keeping?

8 A. I don't know if I would say that my job was record keeping
9 or keeping records. There were aspects of my job where I kept
10 records.

11 Q. For example, you kept receipts for all sorts of purchases,
12 right?

13 A. I did. Bob did not want to keep them or require I keep
14 them, but I did.

15 Q. And you did that for tax reasons?

16 A. I don't know, I just felt that it was the appropriate thing
17 that you do. I'm not somebody who likes to throw out receipts,
18 I like to keep things organized.

19 Q. You like to be organized?

20 A. Yeah, so I like to keep the receipts just to have them in
21 case things came up or, you know. But I wasn't required to.

22 Q. Record keeping, organization, those kind of things were
23 important to you in your role at Canal?

24 A. Organization, in general, is important to me. As for
25 record keeping, it's a very general sort of statement but --

NB35rob7

Robinson - Cross

1 Q. Let me ask you this. Did you keep records of your business
2 dealings on behalf of Canal and Bob?

3 A. In terms of business dealings? Can you be more specific
4 about -- like are you talking about e-mails or?

5 Q. I'm just talking generally about your day-to-day business
6 activities on behalf of the company and Mr. De Niro. Was it
7 important to you to maintain complete and accurate records
8 about that kind of thing?

9 MR. HANNAFAN: Objection, your Honor.

10 THE COURT: Overruled.

11 A. I don't know complete and accurate. I filed my e-mails in
12 folders, I scanned in paperwork that need to be scanned in. I
13 put receipts in banker boxes to sort out later when I had time.

14 Q. We saw those time sheets earlier that you kept. Remember
15 those?

16 A. Yes.

17 Q. Now, those were emailed from yourself to yourself, right?

18 A. Yes.

19 Q. And they were never given to Bob?

20 A. No. I wasn't required to give in time sheets.

21 Q. And they were never given to Berdon?

22 A. No. I wasn't required to give in time sheets.

23 Q. I'm not saying you were required. Let me ask. You weren't
24 required to keep time sheets, right?

25 A. No, I was not.

NB35rob7

Robinson - Cross

1 Q. And so the time sheets you created, you're the only person
2 who wrote or saw them at any time; is that fair it say?

3 A. Yes, until -- until this. They were my personal records.

4 Q. And they never became part of the official books and
5 records of Canal?

6 A. No, it was never required to.

7 Q. So, remember that recording that your counsel played for
8 you, that discussion with Robin Chambers?

9 A. Yes.

10 Q. That was one of the recordings that you made over that
11 several-month period in 2019?

12 A. Yes, it was one of the ones.

13 Q. By the way, I didn't ask you this. The recordings run from
14 March 7 to like June 9th, correct?

15 A. I can't off the top of my head recall what the specific
16 dates are.

17 Q. Can you, off the top of your head, recall that you kept
18 recording phone calls even after you had resigned?

19 A. That I do know, yes.

20 Q. So even after you were done interacting with Ms. Chen, even
21 after you were done doing Canal business, you kept recording
22 phone calls?

23 A. Yes. There were certain calls that were recorded.

24 Q. The one we played before you were discussing the SkyMiles
25 issue with Ms. Chambers?

NB35rob7

Robinson - Cross

1 A. Yes.

2 Q. And you said in that phone call that the SkyMiles was part
3 of your deal with Bob from day one?

4 A. There as a portion of SkyMiles agreements that I had with
5 him regarding SkyMiles so they were used from 2009 on so I had
6 different agreements.

7 Q. I asked you if you used the words "that was the deal from
8 day one." Isn't that what you said in this recording?

9 A. Yes.

10 Q. And this morning in court you said that was the deal you
11 made with Mr. De Niro in 2015.

12 A. That was regarding a very specific arrangement that Bob and
13 I had regarding compensation so the miles were compensation at
14 that point. It was different from years prior to. I had been
15 using the miles since 2009 that Bob authorized and gave
16 permission for that. Things changed in 2015, which is why I
17 testified to that.

18 Q. So it was incorrect to tell Ms. Chambers that that had been
19 the deal from day one. That was an incorrect statement?

20 A. Well, that wouldn't be an incorrect statement, it is an
21 overall statement that I was able to utilize and use the miles,
22 with authorization, since 2009.

23 Q. Did you notice in that phone call that Ms. Chambers had
24 trouble following your explanation?

25 A. I think there is --

NB35rob7

Robinson - Cross

1 MR. HANNAFAN: Objection, your Honor. The recording
2 speaks for itself.

3 THE COURT: Overruled.

4 A. I mean, I think that the idea of American Express reward
5 points and Delta SkyMiles and everything can be a little bit
6 confusing. I was very upset and worried in that call and so I
7 tend to talk a little bit faster than I normally do.

8 Q. You heard her be confused, didn't you, about how using
9 miles for particular flights is the same thing as sweeping all
10 of the miles into your account; isn't that what she was
11 confused about?

12 A. I'm sorry. Can you repeat that?

13 Q. Her confusion expressed to you in that phone call we
14 listened to a couple hours ago was that while she understood
15 you might have an agreement to use SkyMiles for particular
16 flights, that wouldn't necessarily mean you could sweep all of
17 the miles into your account and keep them.

18 A. I don't recall that specific portion of it but --

19 Q. Do you recall if you answered Ms. Chambers' inquiry in that
20 regard before you suddenly terminated the phone call?

21 MR. HANNAFAN: I just object to the characterization,
22 your Honor.

23 THE COURT: Overruled.

24 A. I can't recall specifically the word and that I know that
25 the call existed. I listened to it an hour ago but I would

NB35rob7

Robinson - Cross

1 need a transcript to sort of see the specifics of what I said
2 after.

3 Q. All right. We are going to talk about the B-word. You
4 know what I mean by that, right?

5 A. Yes. I'm assuming.

6 Q. Yes?

7 A. I do.

8 Q. Bitch. I will say it one time on the record and then I
9 will stop. You said in your testimony this morning you never
10 called anybody that at Canal, correct?

11 A. That's correct; no Canal employee.

12 Q. But you did use that word in the Canal offices?

13 A. I can't recall a time. Every once in a while people curse.
14 Nothing in anger at somebody calling them that.

15 Q. I didn't ask if it was in anger. I didn't ask about
16 cursing. I asked you if you ever used the B-word in the
17 offices of Canal.

18 A. Oh. I don't recall using that word.

19 Q. Do you recall using it in written correspondence on behalf
20 of Canal?

21 A. On behalf of Canal?

22 Q. Well, in connection with Canal business. Do you recall
23 using that word, or some version of that word, in written
24 correspondence in the course of your job, at Canal?

25 A. I mean, there is a possibility.

1 Q. It's a pretty commonly used word?

2 A. I mean, it is a common curse word that people use, but.

3 Q. Standing alone you wouldn't be particularly offended by it?

4 A. It depends if it's, how it is used in an e-mail or how it's
5 spoken to somebody. If it's spoken to somebody.

6 Q. And you used that word multiple times to describe Ms. Chen,
7 correct?

8 A. I have used that on occasion to describe Tiffany.

9 MR. SCHOENSTEIN: Let's hear some of the things you
10 said.

11 I would like to pull up and offer in evidence
12 Defendant's Exhibit 284. We have a few segments we are going
13 to play, your Honor, and then I have a few questions about
14 them?

15 MR. HANNAFAN: I object to the relevance of her using
16 that term with respect to Ms. Chen in this case.

17 THE COURT: Overruled.

18 MR. SCHOENSTEIN: In addition, your Honor, these are
19 calls from March 28, 2019, so they're relevant to the
20 substantive issues in the case as well.

21 THE COURT: Overruled.

22 MR. SCHOENSTEIN: Can I have the first clip,
23 Ms. Cardona, which is 7:50 to 8:33?

24 MR. HANNAFAN: Your Honor, we had raised an objection
25 with respect to this.

1 THE COURT: Go ahead.

2 MR. SCHOENSTEIN: May we proceed, your Honor?

3 THE COURT: Yes.

4 MR. SCHOENSTEIN: Thank you.

5 To orient you, this is from March 28, 2019.

6 (Audiofile played)

7 MR. HANNAFAN: Your Honor, if I may object to the
8 statement as to what date it was? They have not established
9 what date this was on.

10 THE COURT: That's a well-taken objection. You will
11 have to establish the date some other way.

12 MR. SCHOENSTEIN: OK. Well, let's play it and listen,
13 maybe the witness can help us. Let's hear 7:50 to 8:33,
14 please.

15 (Audiofile played)

16 BY MR. SCHOENSTEIN:

17 Q. Do you recognize your voice?

18 A. I do.

19 Q. And from the discussion you are having, can you pinpoint
20 the date or approximate date?

21 A. I don't want to guess, but if -- I don't want to guess but
22 I'm -- I believe that I'm talking about the e-mail that Tiffany
23 Chen had sent me on 3/27 that we have discussed in this case.

24 Q. And you say in that clip we just played that you have been
25 pulling away for a couple months.

NB35rob7

Robinson - Cross

1 A. I have been trying to get out of the middle of their
2 relationship. It's trying to remove myself from being in the
3 middle.

4 Q. You were pulling back from Mr. De Niro and Canal in
5 general. Isn't that fair to say?

6 A. No, that's more about being in the middle of them and their
7 home life, their personal life. I didn't want to be in the
8 middle of it.

9 MR. SCHOENSTEIN: Let's hear the next clip, please at
10 15:06 to 18:20.

11 MR. HANNAFAN: Which exhibit?

12 MR. SCHOENSTEIN: Still the same Exhibit, DX 84.

13 MR. HANNAFAN: Same objection, your Honor.

14 THE COURT: OK. Overruled.

15 MR. SCHOENSTEIN: 15:06 to 18:20.

16 (Audiofile played)

17 BY MR. SCHOENSTEIN:

18 Q. You recognize Robin Chambers on the phone with you?

19 A. I do.

20 Q. And that was another employee of Canal?

21 A. She was.

22 Q. So you were telling another employee of Canal that Ms. Chen
23 was a sociopathic bitch who should grow a pair of balls. Did I
24 hear that correctly?

25 A. No.

NB35rob7

Robinson - Cross

1 MR. SCHOENSTEIN: Let's hear 18:50 to 19:03, please.

2 MR. HANNAFAN: Your Honor, before we play the next
3 clip, may I approach, please?

4 THE COURT: OK.

5 (Continued next page)

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1 (At side bar)

2 MR. HANNAFAN: Two things, your Honor.

3 Number one, I know we are getting close to being done
4 and we had discussed your Honor giving an instruction to the
5 jury about there not being anything illegal about making the
6 calls or anything untoward about recording the calls. Because
7 they've heard a number of calls today I would like to request
8 the Court give that instruction before the jury leaves. I
9 think we had discussed it, I believe the Court was going to try
10 to come up with some of its own language.

11 THE COURT: I think I said at the beginning of the
12 proceedings today, and there was no objection to it, that I
13 would do it as part of my final instructions.

14 What's the next point?

15 MR. MACURDY: It just changed because defense counsel
16 has crossed her on: *Did you look into the legality of it?* so
17 he has directly raised it in the jury's mind, was it legal or
18 not.

19 THE COURT: What's the next issue?

20 MR. HANNAFAN: The other one is we have raised a
21 number of objections with respect to having these calls played
22 and I didn't know if we could be heard on that before they were
23 actually played.

24 THE COURT: What is your objection to this particular
25 call? It directly undermines some of her testimony.

1 MR. MACURDY: Well, your Honor, at the very least we
2 would ask more context be played for certain of the clips and
3 we haven't had an opportunity is to address that.

4 THE COURT: You can do that under the rule of
5 completeness at the end of your part of the examination. And
6 during the break -- you know, we are almost at 5:00 -- if there
7 are any other recordings, you can let them know if there is
8 additional parts.

9 MR. MACURDY: We let them know in the e-mail to your
10 Honor.

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1 (In open court)

2 THE COURT: My recollection on that last point is that
3 my ruling, with respect to your objection, is the same as the
4 ruling that I issued when they objected to you doing the same
5 thing.

6 Go ahead.

7 BY MR. SCHOENSTEIN:

8 Q. From the context of these calls you can tell that it's
9 before you had resigned from Canal; right?

10 A. Yes.

11 MR. SCHOENSTEIN: Let's hear 18:50 to 19:03.

12 (Audiofile played)

13 MR. SCHOENSTEIN: Can we hear 36:48 to 47:20?

14 (Audiofile played).

15 BY MR. SCHOENSTEIN:

16 Q. So on the date you recorded this e-mail you were very angry
17 about Tiffany's text, correct?

18 A. Is this all from the same one recording?

19 Q. Yes, it is?

20 MR. HANNAFAN: Again, I don't think -- sorry, the same
21 recording.

22 MR. SCHOENSTEIN: Recording.

23 A. The same recording, just sections of it?

24 Q. Correct.

25 A. OK.

NB35rob7

Robinson - Cross

1 Q. So on that date you were very angry about your interactions
2 with Ms. Chen?

3 A. I was very upset with the e-mail that she sent me on 3/27,
4 so.

5 Q. And you were secretly recording a phone call with another
6 Canal employee?

7 A. Yes.

8 Q. And you were shredding six bags worth of Canal AmEx
9 receipts?

10 A. I wouldn't -- I mean yes, technically, but I was also
11 scanning the receipts into my work computer before shredding
12 the original receipts so they were preserved on my Canal work
13 computer.

14 Q. So you are telling me all six bags were preserved?

15 A. Yes.

16 Q. You had a scanner in your apartment?

17 A. I did.

18 Q. So you spent a lot of time in your work scanning documents
19 and then shredding them? That was a big part of your work?

20 A. It wasn't a big part, I did it when I had time. I had,
21 for, like the 10 years at Canal I had all these banker boxes of
22 just receipts and I didn't want to shred them and get rid of
23 them so I decided to just scan them in so there were records.

24 Q. So on the day you were very angry and recording a secret
25 phone call, you were carefully scanning to preserve, as

1 records, corporate documents?

2 A. No. I scanned them over years. So, at times when I had
3 the receipts I would scan them into the computer and then I
4 would get rid of the original and I was doing it during that
5 time in, what is it, March or April 2019?

6 Q. Let me ask you about AmEx records. Did the company use
7 AmEx?

8 A. Yes, it did.

9 Q. And did the company receive business statements from AmEx?

10 A. Berdon LLP received the statements.

11 Q. On behalf of Canal?

12 A. Yes.

13 Q. And received them every month?

14 A. I would assume so, yes.

15 Q. And those statements were received and maintained in the
16 ordinary course of Canal's business?

17 MR. HANNAFAN: Objection. Foundation.

18 THE COURT: Overruled.

19 A. I just could assume so but I'm not at Berdon LLP accounting
20 firm.

21 Q. You and Berdon relied on those AmEx records in the course
22 of your business at Canal; isn't that fair to say?

23 A. Which records are you discussing?

24 Q. The monthly invoices from AmEx, those were corporate
25 records that you relied upon?

NB35rob7

Robinson - Cross

- 1 A. You mean the bills, the AmEx bills?
- 2 Q. Correct.
- 3 A. Statements, yes.
- 4 Q. You agree with that?
- 5 A. They existed. What do you mean relied upon?
- 6 Q. You relied on the information in those invoices to track
- 7 the company expenditures?
- 8 A. Berdon LLP did.
- 9 Q. And Canal was OK with Berdon relying on that?
- 10 A. I wasn't the president of Canal Productions so Bob had set
- 11 up however the system worked there.
- 12 Q. Did you, from time to time, reach out to Berdon to look at
- 13 an AmEx receipt?
- 14 A. I did.
- 15 Q. And when you did that, would you relay on the information
- 16 Berdon gave you if it was in the form of an AmEx invoice?
- 17 A. Michael Kaplan and I would review the receipts. I mean,
- 18 AmEx sometimes is not always correct, but yeah.
- 19 Q. But for the most part you can rely on a bill from AmEx.
- 20 They are AmEx?
- 21 A. I would hope that you can rely on the statement, but.
- 22 Q. Let's take a few more minutes before we break for the day.
- 23 You were, at the end of your employment at Canal Productions,
- 24 vice president of production and finance; correct?
- 25 A. Yes. That was the title that I held.

NB35rob7

Robinson - Cross

1 Q. And you have agreed with us that Canal does not directly
2 produce any film or television?

3 A. Not to my knowledge. Maybe in the early days, but not to
4 my knowledge.

5 Q. During the last three years of your employment, was there
6 anyone at Canal, other than Mr. De Niro, more involved in film
7 production than you were?

8 A. At Canal?

9 Q. Yes.

10 A. No. I don't think that -- I agree with you that I was.

11 Q. And you agree that Canal does not provide or receive
12 financing?

13 A. I don't -- I mean it receives Bob's acting fees but
14 financing for film? It doesn't produce film so I don't know if
15 it receives stuff for Tribeca. I wouldn't be able to answer
16 that, I mean would probably be easier --

17 Q. To your knowledge, you are not aware of any financing that
18 Canal provides or receives?

19 A. No.

20 Q. And you would agree that there was no one at Canal, other
21 than Mr. De Niro, who was more involved in financial matters
22 than you were?

23 A. At Canal?

24 Q. Yes.

25 A. At Canal, no. They relied upon an outside firm to handle

NB35rob7

Robinson - Cross

1 the financial stuff.

2 Q. You never had a written employment contract?

3 A. No. I did not.

4 Q. And you never had a written job description?

5 A. No, I did not.

6 Q. You never had a written set of job responsibilities?

7 A. Would that include like e-mails about my job or is it just
8 a -- are you asking for formal?

9 Q. A formal written set of responsibilities.

10 A. No.

11 Q. You understood that you were an at-will employee that could
12 be terminated at any time?

13 A. Yes.

14 Q. And you understood you could quit at any time?

15 A. Technically, yes.

16 Q. And you told us this morning that from the day you got to
17 Canal it was early morning to late at night, seven days a week,
18 right?

19 A. About three months in, yes, it was early mornings, late at
20 night, and then we were always -- Bob and I were always
21 communicating.

22 Q. By the end of 2008 it was very challenging hours, correct?

23 A. I would agree with that, yeah. There were a lot of hours.

24 Q. And you were free to quit in 2008?

25 A. Yes; technically, that would be correct.

NB35rob7

Robinson - Cross

1 Q. Why do you say technically? You were free to quit in 2008
2 and go get another job, right?

3 A. I mean if I wanted to, yes.

4 Q. And you were free to quit in 2011 when you got a title
5 change?

6 A. I got a title change after I had resigned and Bob had asked
7 that I stay, so I --

8 Q. My question, Ms. Robinson, is if you were free to quit in
9 2011 when you got a title change.

10 A. Yes, I could.

11 Q. And you were free to quit every time you got a raise?

12 A. I mean, yes.

13 Q. And you were free to quit in 2018 when you got another
14 raise?

15 A. In 2018?

16 Q. Yes.

17 A. Yes, in the beginning, January. Yes, I could have.

18 Q. And you were free to quit in the beginning of 2019 when you
19 got a raise to \$300,000 a year?

20 A. I could. The other option would be leaving in bad standing
21 with Bob and getting a bad recommendation, so.

22 Q. My question is if you were free to quit when you accepted a
23 raise to \$300,000 a year.

24 A. Yes, I could.

25 MR. SCHOENSTEIN: Your Honor, it is 4:51 and I am at a

1 breaking point.

2 THE COURT: Can you do a couple more minutes?

3 MR. SCHOENSTEIN: I knew you were going to make me do
4 it, your Honor. All right.

5 Q. You agree that the core responsibility of everyone at Canal
6 was to do what Bob asked?

7 A. Yeah, within reason. I mean --

8 Q. The core material duties at Canal Productions were to do
9 what Bob asked of you and that meant everybody?

10 A. Yeah. I mean, everybody did whatever Bob asked.

11 Q. And that was regardless of what title or job anyone held at
12 Canal, the core responsibility was to do what Bob asked?

13 A. Yes, I would agree with that.

14 Q. And duties at Canal would include matters relating to Bob's
15 family?

16 A. Yes.

17 Q. And his home?

18 A. Not until the townhouse. Riverside, Bob's personal staff,
19 that company would handle the homes.

20 Q. Bob's family is very important to him, you would agree with
21 me?

22 A. I would assume so.

23 Q. And you understood that matters relating to Bob's family
24 were important?

25 A. I would assume. I would assume that they were.

NB35rob7

Robinson - Cross

1 Q. And sensitive?

2 MR. HANNAFAN: Objection, your Honor.

3 THE COURT: Basis?

4 MR. HANNAFAN: Relevance.

5 THE COURT: Overruled.

6 A. Sorry. Could you repeat that question?

7 Q. Matters relating to Bob's family were sensitive because it
8 is his family?

9 A. Yeah, as are everybody's family and personal.

10 Q. To work in his home was a privilege that not necessarily
11 everyone at Canal got?

12 A. I don't know if I would describe it as a privilege.

13 Q. You would agree that Bob relied on you to do what he asked?

14 A. Yes.

15 Q. And the job required working at night and early in the
16 morning, especially if Bob was in a different time zone?

17 A. I'm sorry. You trailed off on the mic.

18 Q. The job required working at night or early in the morning
19 from time to time?

20 A. Yes; it did often.

21 Q. In the capacity of your employment you were privy to many
22 of the details of Bob's personal life?

23 A. Yes, I was.

24 Q. And even from 2015 on, you performed more personal work for
25 Bob than managing the Canal office?

1 A. I did.

2 Q. And that did not change when you created the title: Vice
3 President, Production and Finance?

4 A. It was supposed to change but in the end it didn't really
5 change, I continued to do a lot of the personal stuff, even
6 though he and I had discussed something completely different.
7 He broke his promise.

8 MR. SCHOENSTEIN: Move to strike "broke his promise."

9 THE COURT: Overruled.

10 Q. Even with that title, your job in the end did not actually
11 change. Do you agree with that statement?

12 A. From 2017 on?

13 Q. Yes.

14 A. I mean, there was the townhouse that came up but, no, in
15 the end there were a lot of personal items that he had me do
16 even after the conversation we had.

17 Q. Over the years, from 2016 to 2019, you looked for other
18 employment opportunities in New York, Los Angeles, and the
19 United Kingdom, correct, in that three-year period?

20 A. Other employment? I think I did networking, as everybody
21 does, but I didn't -- I don't think I applied for actual -- I
22 didn't apply for actual jobs.

23 Q. Do you recall being deposed in this matter?

24 A. Uh-huh.

25 Q. You were sworn to tell the truth?

1 THE COURT: You have to say yes or no.

2 A. Sorry. Yes.

3 MR. SCHOENSTEIN: From day one, page 145, line 21 to
4 146:7.

5 THE COURT: Any objection?

6 MR. HANNAFAN: No objection, your Honor.

7 THE COURT: OK. Go ahead.

8 MR. SCHOENSTEIN: Actually, I'm going to go to line 11
9 on page 146.

10 THE COURT: Go ahead.

11 BY MR. SCHOENSTEIN:

12 Q. So, during that sworn deposition did you receive the
13 following questions and give the following answers:

14 "Q Between October 2016 and the date you resigned from Canal
15 April 6, 2019, did you look for other employment opportunities?

16 "Objection to form.

17 "A I am just going to clarify. You said November of 2019?

18 "Q October of 2016 to April 2019.

19 "A Yes, I believe I did.

20 "Q Geographically, where were you looking during that time
21 period?

22 "A I believe New York, Los Angeles, and the UK."

23 Do you recall that testimony?

24 A. I do.

25 Q. And that was accurate?

1 A. I -- yes. I think that what I was trying to say is
2 networking because there were no actual jobs that I applied
3 for, I just had met with people.

4 Q. You were thinking about leaving for many years?

5 A. I mean, people network all the time and think -- but I
6 wasn't thinking about -- sorry. What time period are we
7 talking about? For many years?

8 Q. For many years, during the course of your employment,
9 during the 11 years of your employment you, at many times,
10 considered leaving?

11 A. I mean, yes. Of course. Everybody thinks about that.

12 THE COURT: Mr. Schoenstein, whenever you get to a
13 convenient breaking point.

14 MR. SCHOENSTEIN: I'm there.

15 THE COURT: All right. Members of the jury, I have
16 observed you paying close attention during the course of the
17 week. You have worked hard during the course of the week.
18 Have a good weekend. Don't do anything whatsoever related to
19 this case. Don't talk to anybody about this case including
20 family or close friends. Don't look at anything on the
21 Internet or in the news or anywhere that might relate to this
22 case, issues in the case, with people in this case.

23 Come back just before 9:00 on Monday. I am pleased to
24 say that we are very much on time. Have a good weekend.

25 (Continued on next page)

1 (Jury not present)

2 THE COURT: Ms. Robinson, you may step down.

3 (witness steps down)

4 THE COURT: Counsel may be seated.

5 Ms. Robinson, I will instruct you that while you are
6 on cross-examination, you are not to have any conversations
7 with your counsel about your testimony.

8 THE WITNESS: OK.

9 THE COURT: One thing I would like from both parties
10 is any additional requests for instructions. You each have
11 made requests at various points in time. I was not going to ad
12 lib an instruction with respect to the recordings at the end of
13 the day today. That sort of came upon me a little bit by
14 surprise, that request. And you have each made different
15 requests over time; there is the request about the recordings,
16 there is the request at least about the recommendation letters,
17 there may be other things where there is a request for
18 supplemental recordings. You have got my draft charge. If
19 there is any other charges or instructions that you want me to
20 give, including the ones that I have just mentioned, I would
21 like them over the weekend. I would like to set a deadline.
22 What I have in mind, but I will hear from counsel, is 5:00
23 tomorrow, Saturday.

24 Does that work for plaintiff?

25 MR. HANNAFAN: Yes, your Honor.

1 THE COURT: What about for defendant?

2 MR. SCHOENSTEIN: We will make it work.

3 THE COURT: Now, with respect to exhibits and with
4 respect to the recordings, my recollection is that there was a
5 circumstance where plaintiff had wanted to play a recording or
6 show a portion of the document that the defendant objected that
7 there were other pieces that they wanted the jury to see at
8 that time and then defendant relented on that objection. Under
9 the rule of completeness, the rule is not a hundred percent
10 clear as I understand it in terms of whether, at the time the
11 document is offered, the remainder is played or whether it is
12 just something that can be done and should be done on the next
13 examination from the other party. You are free to bring to me
14 any authority that you want with respect to that issue, but I
15 do think it is the better practice that if there are pieces
16 that the other side thinks are necessary for completeness
17 purposes, that the person first plays the tape, plays the
18 entirety of it, the entirety that the parties asked to be
19 played and to direct the jurors' attention to that portion that
20 they want the jury to focus on. If you have contrary authority
21 that you want me to look at with respect to that, I'm happy to,
22 but I take plaintiff's point with respect to that just in terms
23 of efficiency, it seems like that may be the better practice.

24 Is there anything else from plaintiff?

25 MR. MACURDY: Briefly, your Honor. We have a member

1 of our team with religious obligations through 5:00 p.m. on
2 Saturday. Can we have until Sunday morning?

3 THE COURT: Yes, that's fine. There is a reason why I
4 asked 5:00 on Saturday. I was not thinking about religious
5 obligations but I was thinking that it was a genuine question.
6 So how about Sunday at 10:00 a.m.?

7 MR. MACURDY: Can do.

8 THE COURT: OK.

9 MR. MACURDY: Your Honor, if we can inquire, a rough
10 estimate from defense counsel on the length of the cross? For
11 planning purposes.

12 THE COURT: That's a reasonable request.

13 How long do you expect?

14 MR. SCHOENSTEIN: Well, I will go at least until lunch
15 on Monday and I will also finish on Monday. Those are the two
16 things I can say with certainty.

17 THE COURT: And then who does plaintiff have up next?

18 MR. MACURDY: Our expert, your Honor, Dr. Goldstein.

19 THE COURT: How long do you expect Dr. Goldstein's
20 testimony to be?

21 MR. MACURDY: An hour or so.

22 THE COURT: Hour or so. Then, after that, just
23 thinking about making sure we have enough witnesses lined up.

24 MR. MACURDY: It would be potentially Ms. Robinson's
25 mother who would be brief as well.

1 THE COURT: Does that conclude it for plaintiff's case
2 or?

3 MR. MACURDY: At this time we would anticipate yes,
4 your Honor, that would be it.

5 THE COURT: So I think you should probably have those
6 witnesses lined up. If that is what happens and then we finish
7 on Monday with time to go, which sounds like it is unlikely but
8 if that happens, what I would do is let the jury go, entertain
9 any motions, and then we would start with whatever the defense
10 case is on Tuesday.

11 Does the defense have a sense yet as to who they will
12 have?

13 MR. SCHOENSTEIN: At current, your Honor, our case
14 will be short. We might have our rebuttal expert, then I think
15 we are down to two other witnesses that we would consider
16 calling but neither of them would be very extensive.

17 THE COURT: And who are those people?

18 MR. SCHOENSTEIN: Mr. Dan Harvey, if we think that is
19 necessary, and if we have to bring back Mr. Tasch, although I
20 have to say, especially after the testimony today, I hope we
21 are not going to belabor this AmEx record point anymore.

22 THE COURT: OK. Anything else from plaintiff?

23 MR. MACURDY: I will just say one thing to clarify on
24 the AmEx records. DX --

25 THE COURT: I think actually, if we are going to talk

1 about that, we should probably excuse the plaintiff.

2 (Plaintiff not present)

3 THE COURT: Is there an issue with respect to
4 reliability of the AmEx records?

5 MR. MACURDY: Here is the thing, your Honor. If you
6 take a look at them, they're not monthly statements. All our
7 discussions have been about those monthly statements that are
8 generated. This is if you look at it, we don't know if it is a
9 PDF or Excel somebody went in and did a two-year long inquiry
10 that generated a list of charges and then photocopied it or did
11 something to it. So it is certainly different than just a
12 monthly bill that Canal got and that's -- there is -- 93 is on,
13 it looks like a fulsome list of AmEx charges. There is even
14 more filtering on 95 just down to Uber charges filtered for a
15 certain time period. So, it's something different, and
16 frankly, you can't even tell what it is, what it was
17 originally, and it has been photocopied on top of that.

18 THE COURT: So the original objection was, there was
19 an objection based on the fact that the exhibits were derived
20 from and were summaries of documents, AmEx records, that were
21 hearsay. That was the way in which it was framed to me and it
22 is true that AmEx records or any other kind of records, if you
23 don't establish the business record criteria, you know, do
24 constitute hearsay, they are out-of-court statements about the
25 events that are recorded in the AmEx statements.

1 I hear what you are saying about 95 and 96. I think I
2 ruled with respect to that. I think you had the opportunity to
3 cross-examine with respect to that. The record is what the
4 record will be, but with respect to the question of whether
5 the, to the extent that 95 and 96 were derived from the AmEx
6 records of Canal, whether those AmEx records that were in the
7 possession of Canal are the business records of Canal, you have
8 made an objection. You said, listen, they didn't ask all of
9 the right questions, and there was testimony of the plaintiff
10 that went to that issue. It frankly may be enough to satisfy
11 it. You know, if it is not, you know, with respect to whether
12 the AmEx records that were in the possession of Canal are
13 business records, then, you know, I will permit defendant to
14 call a witness if that's generally disputed issue.

15 MR. MACURDY: Your Honor, I believe the testimony from
16 Ms. Robinson today was about monthly statements that she got.
17 Those are generated by AmEx and sent to Berdon and Canal.
18 Again, this is something that is different, it is a two-year
19 time period that somebody generated.

20 THE COURT: But you were able to -- you were able to
21 inquire into, all right, you know, you got AmEx records, you
22 got them from Berdon. That's been the testimony. How did you
23 put these together? How did you put together this spreadsheet?
24 What was your selectivity on it? How did you decide what to
25 put in? You didn't put in everything, did you? You

1 manipulated it.

2 You could have asked all of those questions. You
3 didn't.

4 MR. MACURDY: Well, I think it is their burden to
5 establish the 803.6 requirements for business record.

6 THE COURT: There are two pieces of evidence, right?
7 One is 95 and 96 and then you have made -- what is it 93 and
8 95? 93 and 95. The objection that you made was, well, these
9 are derived from AmEx records that are hearsay. And I have
10 taken that objection seriously and said, all right, you know,
11 defendants, establish that the AmEx records are not hearsay.
12 So I'm going to leave that to you to see whether there still is
13 an issue. If there is an issue, then we will have defendants
14 call the witnesses for what I anticipate to be very short
15 testimony.

16 MR. MACURDY: Very well, your Honor.

17 I have one other quick thing that will hopefully
18 streamline things more. For our experts, we did have a motion
19 *in limine* about certain testimony from their expert. I
20 think -- I guess it would be helpful to have a ruling on that
21 to know the extent of our expert's testimony. Also, I guess to
22 the extent defense would like to let us know that they don't
23 want to call their expert, then we wouldn't have our expert
24 talk about their expert's report at all as well.

25 THE COURT: I am just not prepared to -- I understand

1 the request but I'm not prepared to give you a ruling and I do
2 think, to some extent, it will depend upon what your expert
3 says. And, let me think about the state of the record.

4 MR. MACURDY: Very good, your Honor.

5 THE COURT: Anything else from plaintiff?

6 MR. HANNAFAN: No, your Honor.

7 THE COURT: From defendant?

8 MR. McKNIGHT: Your Honor, I was going to say I would
9 ask Mr. Fishman for a time count at the end of the day so
10 everybody knows where we are, right now, on Friday.

11 THE COURT: That's a very good idea. I will encourage
12 Mr. Fishman to do that.

13 MR. McKNIGHT: Thank you, your Honor.

14 THE COURT: I have not looked at those numbers.

15 Mr. Schoenstein?

16 MR. SCHOENSTEIN: Just one thing, your Honor.

17 I know at some point early next week we will have a
18 charging conference. I don't think we have seen a -- I know
19 both sides submitted verdict forms pretrial and we haven't -- I
20 don't know if the Court has a draft or would like us to
21 resubmit or how you would like us to deal with that.

22 THE COURT: Do either of you have anything that you
23 would want to change in what you submitted to me based upon
24 what has happened? You don't need to answer that on the spot.
25 What you do need to do is, by 10:00 on Sunday, either to let me

1 know that you stand by the verdict form that you previously
2 submitted, or that you want the following changes to be made.

3 MR. HANNAFAN: Yes, your Honor.

4 MR. SCHOENSTEIN: Thank you, your Honor.

5 THE COURT: Anything else from defendant?

6 MR. SCHOENSTEIN: No thanks.

7 THE COURT: OK. The lawyers have all worked hard this
8 week and I am sure it is not going to be a completely restful
9 weekend, there may be some people who are forced to have their
10 cell phones with them at just about all hours.

11 Have a good weekend, everybody.

12 (Adjourned to November 6, 2023, at 9:00 a.m.)

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Direct By Mr. Hannafan1024
Cross By Mr. Schoenstein1228

PLAINTIFF EXHIBITS

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891030
1541089
1531089
1491097
1641100
347 and 3481104
3481106
2461107
3771118
1091120
411123
43 through 461134
1871163
1501175
1511182
1611190
141195
3261203
191207

DEFENDANT EXHIBITS

Exhibit No.	Received
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3181215
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