

1 A Yes.

2 Q And isn't it true that at your deposition you were
3 stating that Mr. Framowitz stepped out from between parked
4 cars in front of your vehicle?

5 A Yes.

6 Q And when you gave those answers you knew them to
7 be false, didn't you?

8 A No.

9 Q Thought that that was true?

10 A Yes.

11 Q Okay. Going to page 77, line 14.

12 "QUESTION: You say the pedestrians came out
13 from between two parked cars. Did you observe that
14 happen?

15 "ANSWER: Yes.

16 Q Were you asked that question and give that answer
17 under oath?

18 A Yes.

19 Q So did you see Mr. Framowitz walkout from between
20 parked cars?

21 A No.

22 Q Did anyone put pressure on you to tell -- to say
23 that Mr. Framowitz walked out from between parked cars?

24 A No.

25 MR. SUBIN: Page 77, line 19.

1 "QUESTION: Did you see the pedestrians while
2 he was still in between the 2 parked cars or did you
3 seal him for the first time after he had passed that?

4 "ANSWER: Passed that.

5 Q Sir, were you asked that question and did you give
6 that answer under oath?

7 A Yes.

8 Q And you really never saw Mr. Framowitz, did you?

9 A No.

10 MR. SUBIN: Judge, can I have a side bar with
11 you now?

12 THE COURT: Sure.

13 (Discussion held off the record.)

14 THE COURT: All right. Are you ready to
15 continue?

16 MR. SUBIN: Yes. Going to page 79, line 11.

17 THE COURT: Let's give Ms. Rossi a chance to
18 get there. Page 75, line 11.

19 "QUESTION: Do you know how he got to the
20 location he was when you first saw the pedestrian? Do
21 you know whether he came from your left, your right or
22 whether he came from your right to your left?

23 THE COURT: Skip a few lines to his answer.

24 "ANSWER: He came from my right.

25 "QUESTION: Did you see that happen?

1 "ANSWER: Yes."

2 Q Sir, were you asked those questions, and did you
3 give those answers under oath?

4 A Yes.

5 Q And you never saw Mr. Framowitz come from your
6 right, did you?

7 A No.

8 MR. SUBIN: Page 79, line 24.

9 "QUESTION: From the first point --

10 THE COURT: From the point.

11 MR. SUBIN: Sorry.

12 "QUESTION: From the point that you first saw
13 the pedestrian up until the impact, did you keep that
14 pedestrian under your constant observation?

15 "ANSWER: Yes."

16 Q Sir, when you answered that question that you kept
17 Mr. Framowitz under constant observation until the impact.
18 You knew that was false when you answered it, didn't you?

19 A Yes.

20 Q Going down.

21 MR. SUBIN: Page 80, line 19.

22 "QUESTION: Did he move at any points when
23 you saw him?

24 "ANSWER: When I was approaching 53rd he was
25 coming out.

1 Q Again, you knew that was false when you said it
2 under oath, didn't you?

3 A Yes.

4 Q Going down page 81, line 6.

5 "QUESTION: You saw him coming out or you saw
6 him when he was already out?

7 "ANSWER: I saw him coming out.

8 Q And again we know that's a lie, right?

9 A Yes.

10 MR. SUBIN: Page 81, line 13.

11 "QUESTION: When you say coming out, where
12 was he coming out from?

13 "ANSWER: He was coming out from the right
14 side ~~and~~ R. CR.

15 Q And again, that's a lie that you said?

16 A Yes.

17 Q Now, let's go back to the memo book. Sir, is this
18 your memo book I'm holding?

19 A Yes.

20 Q I'm not trying to trick you. It's the same one
21 you gave me.

22 MR. SUBIN: May I approach?

23 THE COURT: Sure. I think you are going to
24 show him a page to look at something, right?

25 MR. SUBIN: I'm going to show you a page that