

CONFIDENTIAL

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Docket No: X05-CV-00-0180933-S Vol. 4

SUPERIOR COURT

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STANLEY SHENKER & : COMPLEX  
ASSOCIATES, INC., : LITIGATION  
: DOCKET

Plaintiff, :

AT STAMFORD

vs. :

WORLD WRESTLING FEDERATION :  
ENTERTAINMENT, INC., :  
Defendant. :

-----X

One Canterbury Green  
Stamford, Connecticut  
March 18, 2003  
9:30 a.m.

CONTINUED EXAMINATION BEFORE TRIAL of  
STANLEY SHENKER, the Plaintiff in the  
above-titled action, held at the above time and  
place, before a Notary Public of the State of New  
York.

Eileen Mulvenna,  
CSR/RMR

Page 750

1 Stanley Shenker 750  
 2 Goodwin. Goodwin & Shipman handled criminal  
 3 actions, also.  
 4 **Q. And who have you consulted with at**  
 5 **Shipman on criminal law matters?**  
 6 MR. NOLIN: Object to the form. I  
 7 believe -- Mr. Shenker, I don't believe you  
 8 have to answer if you're going to give the  
 9 substance of the communication. You can  
 10 ask who he's communicated with at Shipman,  
 11 but I don't believe the issue of what he's  
 12 consulted on is appropriate.  
 13 MR. McDEVITT: I haven't asked for a  
 14 communication.  
 15 MR. NOLIN: Yes, you have. He's  
 16 asked --  
 17 A. I --  
 18 MR. NOLIN: Mr. Shenker, wait a  
 19 second.  
 20 MR. McDEVITT: If you want to strike  
 21 it, strike it.  
 22 MR. NOLIN: I want the witness to  
 23 try to answer the question, but you're  
 24 asking in a way that implicitly asks him to  
 25 reveal the nature of the communication, the

Page 751

1 Stanley Shenker 751  
 2 nature of what he was talking about.  
 3 So you can tell Mr. McDevitt who  
 4 you've consulted with at Shipman, but when  
 5 he puts in about a particular topic, I  
 6 believe he's asking you to reveal the  
 7 nature of the communications. I don't  
 8 believe you have to answer that.  
 9 MR. McDEVITT: Is that an  
 10 instruction not to answer?  
 11 MR. NOLIN: I'm advising the witness  
 12 to try to answer the question without  
 13 revealing privileged communication.  
 14 **Q. Did you consult with a criminal**  
 15 **lawyer at Shipman & Goodwin, Mr. Shenker?**  
 16 MR. NOLIN: I think, Mr. Shenker,  
 17 you can answer the question by saying who  
 18 you've consulted with at Shipman.  
 19 MR. McDEVITT: You either instruct  
 20 him not to answer --  
 21 MR. NOLIN: I instruct him not to  
 22 answer.  
 23 MR. McDEVITT: -- or let him answer  
 24 the question.  
 25 MR. NOLIN: I'll instruct him not to

Page 752

1 Stanley Shenker 752  
 2 answer. I'm trying to get the substance of  
 3 the testimony here.  
 4 MR. McDEVITT: Well, the record will  
 5 speak for itself on that.  
 6 **Q. Mr. Shenker, did there come a point**  
 7 **in time where you thought you needed the advice**  
 8 **of criminal counsel in this case?**  
 9 A. There came a point in time where I  
 10 wanted to correct a lot of information that was  
 11 not truthful and in order to do that, at the end  
 12 of that day of testimony -- at the end of the day  
 13 of testimony, I was being wheeled out in a  
 14 wheelchair and I said --  
 15 MR. NOLIN: Don't reveal what --  
 16 MR. McDEVITT: Please don't  
 17 interrupt your witness in the middle of an  
 18 answer. You told me the same thing.  
 19 MR. NOLIN: Mr. Shenker, don't --  
 20 I'm just going to caution you you don't  
 21 have to reveal what you said to counsel.  
 22 MR. McDEVITT: If you're going to  
 23 tell me not to interrupt the witness in the  
 24 middle of an answer, you should do the same  
 25 thing.

Page 753

1 Stanley Shenker 753  
 2 MR. NOLIN: I have the obligation to  
 3 protect the privilege.  
 4 MR. McDEVITT: You waived that part  
 5 of the privilege anyway. You talked about  
 6 what he did in briefs and everything else  
 7 so --  
 8 MR. NOLIN: Mr. McDevitt --  
 9 MR. McDEVITT: -- you can't open the  
 10 door --  
 11 MR. NOLIN: -- it hasn't been  
 12 determined by the court yet. You made a  
 13 letter statement that there's been a  
 14 waiver. There's nothing in front of the  
 15 court. I have an obligation to try to  
 16 protect the privilege.  
 17 MR. COLPERT: I think you made it  
 18 abundantly clear to Mr. Shenker that he's  
 19 not to waive the privilege, and I think he  
 20 should answer the question at this time.  
 21 MR. McDEVITT: That's what I'd like  
 22 to do.  
 23 MR. COLPERT: Peter, you've  
 24 instructed him three or four, even five  
 25 times. At this point, I think it's clear

1 Stanley Shenker 754  
 2 to the witness and he understands --  
 3 MR. NOLIN: Mr. Colpert, we don't  
 4 need a fourth and fifth lawyer in this  
 5 process. Mr. McDevitt is handling this  
 6 deposition for today. I don't believe we  
 7 need another lawyer in the process.  
 8 I'm advising my client -- I was told  
 9 not to advise my client, and all I'm doing  
 10 is stating for the record why I'm going it.  
 11 **Q. Finish your answer, Mr. Shenker.**  
 12 A. I came out of that day of deposition  
 13 and I said to myself this is not right. And  
 14 Peter said, Stop. I'm going to give you a couple  
 15 of names you should call and talk to. And I  
 16 called up another legal firm. I had a phone  
 17 conference call with them. I drove up to  
 18 Hartford and met with them.  
 19 **Q. That day?**  
 20 A. No, I think it was the next day.  
 21 The conference call was that day and then my wife  
 22 drove me. I couldn't drive. My wife drove me  
 23 up.  
 24 **Q. Let me make sure I understand. You**  
 25 **come out of the third day of your deposition --**

1 **Stanley Shenker 756**  
 2 MR. NOLIN: Object. That's getting  
 3 into privileged communications.  
 4 Mr. Shenker, you don't have to say what you  
 5 and I discussed.  
 6 MR. McDEVITT: If you want to  
 7 instruct him, instruct him.  
 8 MR. NOLIN: I just instructed him.  
 9 MR. McDEVITT: All right.  
 10 **Q. And, Mr. Shenker, am I correct that**  
 11 **the only thing that happened on the third day of**  
 12 **your testimony -- it didn't happen on day one.**  
 13 **It didn't happen on day two -- is that you were**  
 14 **confronted with one of the actual invoices at the**  
 15 **end of the deposition and you knew you'd been**  
 16 **caught dead to right lying; is that what**  
 17 **happened?**  
 18 MR. NOLIN: Object to the form.  
 19 A. Not really. Because when I went  
 20 into the depositions, I didn't know what I was  
 21 doing either and I was not sure of what it was.  
 22 **Q. Do you remember when you were shown**  
 23 **the actual invoice by Ms. Barrette at the end of**  
 24 **the deposition, Exhibit 68? Do you remember**  
 25 **that?**

1 Stanley Shenker 755  
 2 A. Yes.  
 3 **Q. -- you say something to**  
 4 **Mr. Nolin -- what did you say to him?**  
 5 MR. NOLIN: Object to the form. He  
 6 hasn't testified to that and I'm  
 7 instructing him not to answer.  
 8 MR. McDEVITT: Yes, he did.  
 9 A. I don't really think I said  
 10 anything. I think I broke down.  
 11 **Q. You broke down crying -- crying?**  
 12 A. Yes.  
 13 **Q. You didn't make any verbal**  
 14 **statements to him? He says, Stop, you need**  
 15 **another lawyer? That's your testimony?**  
 16 A. Basically, that was what happened.  
 17 **Q. And you didn't tell him why you were**  
 18 **crying?**  
 19 A. No.  
 20 **Q. You didn't tell him --**  
 21 A. He stopped -- he said, Stop. He  
 22 didn't want me to say anything. I just want you  
 23 to stop.  
 24 **Q. Did he tell you why you needed**  
 25 **another lawyer?**

1 Stanley Shenker 757  
 2 A. I remember being shown those  
 3 invoices. I remember being asked a lot of  
 4 questions, how I felt, what medicines I was on,  
 5 what I was doing.  
 6 **Q. My question, sir, is do you remember**  
 7 **being shown the actual invoice that Mr. Bell had**  
 8 **sent you at the end of the deposition on day**  
 9 **three?**  
 10 A. I believe I was shown actually two  
 11 different ones.  
 12 **Q. And do you remember -- strike that.**  
 13 **Am I correct, sir, that at the time**  
 14 **you were shown that at the deposition, you at**  
 15 **that point in time thought all those had been**  
 16 **removed, taken away by Mr. Bell and destroyed,**  
 17 **didn't you?**  
 18 A. No, that's not what I thought at  
 19 that time. I mean reality was, I believe those  
 20 were all gone; but when you asked me what I was  
 21 thinking about at that time, no.  
 22 **Q. When you got that invoice sat in**  
 23 **front of you, did you realize that you guys had**  
 24 **been caught?**  
 25 MR. NOLIN: Object to the form.

1 Stanley Shenker 982  
 2 MR. NOLIN: Object to the form.  
 3 A. -- if I kept a copy at that time.  
 4 Q. Go to page 28565, the part that  
 5 mentions Jim Bell. Do you see where --  
 6 A. What page?  
 7 Q. Page 28565.  
 8 A. Okay.  
 9 Q. Do you see the entry under 1-I,  
 10 J. Bell Consulting? It says, "Outstanding  
 11 amounts as at 1999" and it gives a U.S. dollar  
 12 figure. Do you see that?  
 13 A. Yes.  
 14 Q. You have written by it "settled";  
 15 correct?  
 16 A. Yes.  
 17 Q. What did you mean by the notation  
 18 "settled" written on that document?  
 19 A. I would have said that that was paid  
 20 to him. It would have meant that it was paid.  
 21 Q. What was that account payable for?  
 22 A. I've just been looking at it. I  
 23 don't know.  
 24 Q. Did you know at the time you marked  
 25 it "settled" what it was for?

1 Stanley Shenker 983  
 2 A. I don't remember.  
 3 Q. But that would have been a payable  
 4 amount due from Stanfull to James Bell?  
 5 A. It would have been a payment I made  
 6 from Stanfull to James Bell. It didn't mean it  
 7 was due from Stanfull to James Bell.  
 8 Q. So there would have been a \$42,400  
 9 payment somewhere from Stanfull to James Bell?  
 10 A. Yes.  
 11 Q. Have you turned over any evidence of  
 12 that payment to us, Mr. Shenker?  
 13 A. I turned over all the evidence I had  
 14 of any payments to James Bell.  
 15 Q. From Stanfull?  
 16 A. You're indicating -- you're getting  
 17 everything that I have.  
 18 Q. My question to you, sir, you turned  
 19 over all the evidence of payments you've made to  
 20 Mr. Bell from Stanfull to us?  
 21 A. I believe I have.  
 22 Q. We've gotten -- go back if you will  
 23 to January 4th production, January 24th  
 24 production, Exhibit 71, Mr. Shenker --  
 25 A. Got it.

1 Stanley Shenker 984  
 2 Q. -- would you care to look through  
 3 that and find page -- find invoices -- would you  
 4 look at document number 28562 in that packet?  
 5 It's towards the end. 28562 --  
 6 A. Yes.  
 7 Q. -- am I correct that's an invoice  
 8 from Bell Consulting dated 10/8/98; correct?  
 9 A. Yes.  
 10 Q. Sent to Stanfull?  
 11 A. Right.  
 12 Q. For \$20,000; correct?  
 13 A. Right.  
 14 Q. And am I correct that that's for his  
 15 split on the Playmates transaction?  
 16 A. I believe so.  
 17 Q. That's not the \$42,400, is it?  
 18 A. No.  
 19 Q. Would you look at the next page --  
 20 A. Yes.  
 21 Q. -- 28563?  
 22 Do you see that invoice?  
 23 A. Yes.  
 24 Q. That's an invoice from  
 25 Bell Consulting to Stanfull also; correct?

1 Stanley Shenker 985  
 2 A. That's correct.  
 3 Q. And that invoice is for \$280,616;  
 4 correct?  
 5 A. That's correct.  
 6 Q. That's not for \$42,400, is it?  
 7 A. No, it isn't.  
 8 Q. Do you see any other indication in  
 9 the documents that you produced of any other  
 10 payment to Stanfull or any other payments to  
 11 Jim Bell from Stanfull other than the \$280,616  
 12 payment and the \$20,000 payment?  
 13 A. Yes. On the third page here, it's  
 14 redacted showing of J. Bell Consultants, a  
 15 balance.  
 16 Q. You're talking about the 42,400?  
 17 A. That's what you asked me; correct?  
 18 Q. Where's the check for it?  
 19 A. The check for it?  
 20 Q. Where's the proof of payment that  
 21 you paid that amount to Mr. Bell?  
 22 A. I show that as a payment. It was a  
 23 thing coming out of the book -- I don't even show  
 24 it as deducted in the savings account, so I don't  
 25 know.