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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	23-CR-146(DG)
Plaintiff ,	:	
-against-	:	United States Courthouse Brooklyn, New York
RACHEL CHERWITZ and NICOLE DAEDONE,	:	
Defendant.	:	May 28, 2025 9:30 a.m.
- - - - -	X	

TRANSCRIPT OF CRIMINAL CAUSE FOR FURTHER JURY TRIAL
BEFORE THE HONORABLE DIANE GUJARATI and a JURY
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:	JOSEPH NOCELLA, JR. Interim United States Attorney BY: KAITLIN T. FARRELL KAYLA C. BENSING NINA C. GUPTA SEAN M. FERN Assistant United States Attorneys 271 Cadman Plaza East Brooklyn, New York 11201
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For Defendant Cherwitz:	BALLARD SPAHR LLP 1675 Broadway, 19th Floor New York, New York 10019 BY: CELIA COHEN, ESQ. MICHAEL P. ROBOTTI, ESQ. KELLY LIN, ESQ. SCHUYLER LA BARGE, ESQ. KELLY LENAHAAN-PFAHLERT, ESQ.
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(Appearances continued on the next page.)

Court Reporter:	Stacy A. Mace Official Court Reporter
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1 Appearances: (Cont'd)

2

3 For Defendant Daedone: BONJEAN LAW GROUP, PLLC
4 303 Van Brunt Street, 1st Floor
5 Brooklyn, NY 11231
6 BY: JENNIFER A. BONJEAN, ESQ.
7 KELSEY KILLION, ESQ.

8

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10

11 Also Present:

12 Liam McNett, Paralegal, US Attorney's Office
13 Marlane Bosler, Paralegal, US Attorney's Office

14

15 Galila Assefa, Paralegal, Bonjean Law Group

16 Richard Hobbs, Trial Direct, Ballard Spahr

17

18

19

20 Proceedings reported by machine shorthand, transcript produced
21 by computer-aided transcription.

22

23 Court Reporter: Stacy A. Mace, RMR, CRR, RPR
24 Official Court Reporter
25 United States Courthouse, Room N377A
225 Cadman Plaza East
Brooklyn, New York 11201
smacerpr@gmail.com

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Proceedings

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1 (In open court.)

2 (The Hon. Diane Gujarati, presiding.)

3 (Defendants present.)

4 (The following occurs outside the presence of the jury.)

5 THE COURTROOM DEPUTY: Court is now in session. The
6 Honorable Diane Gujarati, presiding.

7 *United States of America against Rachel Cherwitz and*
8 *Nicole Daedone.*

9 Is the Government ready?

10 MS. BENSING: Yes. Good morning, Your Honor.

11 Kayla Bensing, Kaitlin Farrell, Nina Gupta and Sean
12 Fern, joined by Paralegal Specialist Marlane Bosler and Liam
13 McNett, and FBI Special Agent Tricia Quintero.

14 Good morning.

15 THE COURT: Good morning, everyone.

16 MS. COHEN: Good morning, Your Honor.

17 Celia Cohen, Michael Robotti, Kelly Lin, Schuyler
18 Lebarge, Richard Hobbs, Kelly Lenahan-Pfahlert all on behalf
19 of Rachel Cherwitz.

20 THE COURT: Good morning to all of you.

21 MS. BONJEAN: Good morning, Your Honor. Jennifer
22 Bonjean, Kelsey Killion, and Ashley Cohen on behalf of Nicole
23 Daedone.

24 THE COURT: The jury -- one of the jurors was a bit
25 late, but they're all here now.

1 We do have one jury note which we can deal with at
2 another time, but I will ask Mr. D'Agostino to show it to you,
3 and I've marked it Court Exhibit 11.

4 (Court Exhibit 11 received in evidence.)

5 THE COURT: It's a note from Juror No. 7.

6 Essentially her job wants to know when she's coming
7 back. We can talk about that later, and I will take your
8 proposal on any response that you think is appropriate.

9 MS. BENSING: Your Honor, could we put one really
10 quick thing on the record.

11 THE COURT: Yes, go ahead.

12 MS. BENSING: I think, as we have noted for the
13 Court earlier this week with respect to an agent report with
14 respect to Margaret Pixley that the defendants were
15 considering, any action that they wanted to take in terms
16 of -- any actions that they the defendants wanted to take in
17 terms of reaching a stipulation or recalling the witness.

18 I just wanted to note for the record that it's the
19 Government's understanding that the defendants do not wish to
20 take either of those actions at this time.

21 Obviously, they reserve their right to call
22 witnesses in any kind of defense case absent the Government
23 and any kind of rebuttal case, but I wanted to close the loop
24 on that, Your Honor.

25 THE COURT: Okay. I can hear from the defendants if

1 they want to be heard. I think earlier it was they were going
2 to come back to me if they wanted the Court to consider any
3 request for relief.

4 MS. COHEN: Yes, Your Honor. That's -- that's
5 correct. We agree with everything Ms. Bensing said. Just I
6 know the Court had asked the Government make sure there is no
7 additional Brady, Giglio that's been found. So we just want
8 to confirm that that --

9 THE COURT: I'm not sure if it was ask so much as an
10 instruction but we're talking about the same events actually.

11 MS. COHEN: Yes, we are. So we just want to confirm
12 there was nothing else; and other than that, we agree.

13 THE COURT: Ms. Bonjean?

14 MS. BONJEAN: I take no position on that.

15 THE COURT: Sorry, you take no position on whether
16 you want to do anything with respect --

17 MS. BONJEAN: Yes. I -- I -- on behalf of
18 Ms. Daedone, it's not my position to bring Ms. Pixley back but
19 I defer to my colleague.

20 Is that what you were asking?

21 MS. COHEN: Yes.

22 MS. BONJEAN: Okay.

23 MS. COHEN: Yes. I did think that we were -- it
24 more pertains -- the issue in the case, it pertains more to
25 Ms. Cherwitz. So I think in response to what she was saying.

Proceedings

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1 THE COURT: Nobody is asking me to consider any
2 request for relief, correct?

3 MS. COHEN: No, Your Honor.

4 THE COURT: Ms. Bonjean?

5 MS. BONJEAN: No, Your Honor.

6 THE COURT: Okay. Then we can bring the jury out
7 then and you can bring the witness back.

8 (Jury enters.)

9 THE COURT: Good morning, everyone, you may be
10 seated. And Mr. Robotti, you may continue your
11 cross-examination.

12 MR. ROBOTTI: Thank you, Judge.

13 THE COURTROOM DEPUTY: The Court reminds you you are
14 still under oath.

15 THE COURT: You may proceed.

16 (Continuing on the next page.)

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Kandell - Cross - Robotti

3580

1 **ROBERT KANDELL**, having been previously duly sworn/affirmed,
2 testified as follows:

3 CONTINUED CROSS-EXAMINATION

4 BY MR. ROBOTTI:

5 Q Good morning, Mr. Kandell. So let's talk a little bit
6 about Rachel Cherwitz. So in early 2007 you met Ms. Cherwitz;
7 is that correct?

8 A Yes.

9 Q And she showed up on the door step at the warehouse in
10 San Francisco?

11 A Yes.

12 Q And she was a shaved-headed dynamo as you described her;
13 right?

14 A Yes.

15 Q And you just let Rachel and her two friends come in and
16 stay; right?

17 A Yes.

18 Q Even though they had no money at the time?

19 A Yes, they did work trade.

20 Q And there were several reasons she was invited to stay at
21 the warehouse; correct?

22 A Yes.

23 Q So Rachel was young, perhaps 27 or so?

24 A Yes.

25 Q She had shown up from Texas and needed a place to stay?

Kandell - Cross - Robotti

3581

1 A Yes.

2 Q She was energetic, a hard worker and strong-willed;
3 correct?

4 A Yes.

5 Q And you were immediately drawn to her?

6 A Yes.

7 Q And you formed a bond very quickly; correct?

8 A Yes.

9 Q And your understanding is that Rachel turned to OneTaste
10 in part because she had her own trauma; correct?

11 MS. BENSING: Objection.

12 THE COURT: Basis?

13 MS. BENSING: Calls for hearsay.

14 THE COURT: Overruled.

15 A She described being --

16 THE COURT: Sustain as to any hearsay.

17 BY MR. ROBOTTI:

18 Q Just a yes or no question. Your understanding is that
19 Rachel turned to OneTaste in part because she had her own
20 trauma?

21 A Yes.

22 Q Based on your observations, Nicole Daedone also formed a
23 bond with her very quickly; correct?

24 A Yes.

25 Q And she quickly took Rachel under her wing; right?

Kandell - Cross - Robotti

3582

1 A Yes.

2 Q It's fair to say that Ms. Cherwitz quickly rose up the
3 ranks in the company; right?

4 A Yes.

5 Q You did not think that Rachel was business minded; right?

6 A I did not think she was business minded.

7 Q But she was motivated and dedicated?

8 A Yes.

9 Q And in a way that many others in the company were not at
10 the time; correct?

11 A Yes.

12 Q Rachel had an ability to manage people?

13 A Yes.

14 Q And that was something that OneTaste needed at the time;
15 correct?

16 A Yes.

17 Q Now, you testified that Rachel also became your research
18 partner; is that right?

19 A Yes.

20 Q And that was someone with whom you explored an OM
21 practice; correct?

22 A Yes.

23 Q And more broadly who you explore an emotional and sexual
24 relationship with?

25 A Yes.

Kandell - Cross - Robotti

3583

1 Q And you testified on direct that Nicole encouraged your
2 relationship with Rachel; is that right?

3 A She did.

4 Q And Rachel also asked you to be her research partner;
5 correct?

6 A She did.

7 Q And your understanding was that Nicole wanted you to be
8 research partners because you and Rachel would balance each
9 other; right?

10 A Yes.

11 Q Rachel was young and a bit wild at the time?

12 A Yes.

13 Q And you were more mature and stable at the time?

14 A Yes.

15 Q Given your seniority in the company, your research
16 partner was seen as a coveted position?

17 A Yes.

18 Q And this was seen as a good opportunity for Rachel
19 especially since she was so new; right?

20 A Yes.

21 Q Now, is it fair to say that you and Rachel developed a
22 relationship that was on and off again over the next seven
23 years?

24 A Yes.

25 Q And your relationship was -- was not monogamous; correct?

Kandell - Cross - Robotti

3584

1 A That's right.

2 Q You had many other OM partners?

3 A Yes.

4 Q And many other sexual partners, as well?

5 A Yes.

6 Q I'd like to show you what's been marked for
7 identification as Defense Exhibit 4-AU.

8 (Published to witness only.)

9 Q Do you see that on your screen there?

10 A Yes.

11 Q Do you recognize that as a photograph of you and Rachel
12 Cherwitz?

13 THE COURT: Wait a moment. I can look at the hard
14 copy for now but if we get to a point where I don't have a
15 hard copy, we might have to pause to get me another copy.

16 MR. ROBOTTI: Sure, Your Honor.

17 Q Looking at Defense Exhibit 4-AU is this a photograph of
18 you and Rachel Cherwitz?

19 A Yes.

20 Q And is this from about the 2009 time period?

21 A It looks right.

22 MR. ROBOTTI: Your Honor, the defense moves to admit
23 Defense Exhibit 4-AU into evidence.

24 MS. BENSING: No objection.

25 THE COURT: Defendants' Exhibit 4-AU is admitted.

Kandell - Cross - Robotti

3585

1 (Defendants' Exhibit 4-AU received in evidence.)

2 MR. ROBOTTI: If we can just publish it to the jury.

3 (Exhibit published.)

4 BY MR. ROBOTTI:

5 Q Again, just for the jury, this is a photograph of you and
6 Ms. Cherwitz from around the 2009 time period; correct?

7 A Yes.

8 Q Now, as we talked about, you were encouraged to be in a
9 relationship with her; right?

10 A Yes.

11 Q But you also developed a genuine relationship with her;
12 correct?

13 A Yes.

14 Q And you both worked hard at your relationship?

15 A Yes.

16 Q Is it fair to say that the relationship between the two
17 of you had ups and downs?

18 A Yes.

19 Q But you viewed that relationship as beneficial overall;
20 correct?

21 A Yes.

22 Q And while were you at OneTaste, it helped Rachel -- in
23 your view, it helped Rachel on her journey to self
24 improvement; correct?

25 A Yes.

Kandell - Cross - Robotti

3586

1 Q And you viewed it as helping improve yourself, too;
2 correct?

3 A Yes.

4 Q And even toward the end of your time at OneTaste in 2014,
5 you spoke very fondly of Ms. Cherwitz; correct?

6 A Yes.

7 Q At that time you believed she could be sharp and pointed;
8 right?

9 A Yes.

10 Q But she had a flip side of pure love and dedication;
11 correct?

12 A Yes.

13 Q She could be a smart and caring teacher?

14 A Yes.

15 Q You had some amazing times together in New York
16 especially?

17 A Yes.

18 Q And you believed that Rachel was the best practice
19 partner you had; correct?

20 A Yes.

21 Q And in your view she taught you to get out of your linear
22 break; is that right?

23 A Yes.

24 Q And she taught you how to engage with a dynamic,
25 powerful, unilinear woman; is that right?

Kandell - Cross - Robotti

3587

1 A Yes.

2 Q And you believed that this relationship had changed you
3 more than anything else in your life?

4 A No.

5 Q At the time is that how you would describe it?

6 A I would describe my relationship with Nicole as the one
7 that changed my life the most at that point and Rachel being
8 second.

9 Q Is it fair to say that you and Rachel had an incredible
10 journey together?

11 A Yes.

12 Q By 2014, your romantic relationship was over; correct?

13 A Yes.

14 Q But you still had a good relationship with Rachel at the
15 time?

16 A Yes.

17 Q So, by 2012, after being at the company for a number of
18 years, Rachel's job responsibilities grew?

19 A Yes.

20 Q She ended up becoming one of the company's lead sales
21 people; is that right?

22 A Yes.

23 Q And that was through tenacity and hard work; correct?

24 MS. BENSING: Objection.

25 THE COURT: Basis?

Kandell - Cross - Robotti

3588

1 MS. BENSING: Personal knowledge.

2 THE COURT: Sustained.

3 BY MR. ROBOTTI:

4 Q Based on your observations of Rachel in her job over the
5 years, was her promotion based on her tenacity and hard work?

6 A Yes.

7 Q And because she showed a commitment to the company and to
8 improving people's lives?

9 A Yes.

10 Q All right. So, by 2012, fair to say the struggle start
11 up was still struggling?

12 A Yes.

13 Q The company had grown but was not yet profitable; right?

14 A Yes.

15 Q And at the time the company was living day-by-day to make
16 sure all the vendors were paid?

17 A Yes.

18 Q And it was still the case that the company was looking at
19 cash shortfalls each month; right?

20 A Yes.

21 Q And you had still not been paid back your original
22 investment from 2004; is that right?

23 A 2003.

24 Q 2003. You had still not be paid back; correct?

25 A Yes.

Kandell - Cross - Robotti

3589

1 Q And personally you were making a salary of around \$36,000
2 in 2012 and 2013?

3 A Yes.

4 Q And that grew to about \$78,000 in 2014?

5 A Yes.

6 Q And based on your role as chief financial officer, you
7 were familiar with the salaries of Ms. Daedone and
8 Ms. Cherwitz; correct?

9 A Yes.

10 Q And at the time Nicole made about \$78,000 in 2012?

11 A Yes.

12 Q And that grew to \$150,000 in 2014?

13 A Yes.

14 Q And Rachel was making about \$50,000 in 2014?

15 A Yes.

16 Q And before that, in the years before that, she was making
17 more in the 20,000 to \$35,000 range?

18 A Yes.

19 Q So, fair to say that none of you are receiving enormous
20 salaries during this time period?

21 MS. BENSING: Objection.

22 THE COURT: Sustained.

23 BY MR. ROBOTTI:

24 Q Is it fair to say that your differing salaries reflected
25 your differing positions in the company?

Kandell - Cross - Robotti

3590

1 A Yes.

2 Q Now, in 2012, you were aware that Nicole was struggling
3 with her personal cash flow?

4 MS. BENSING: Objection.

5 THE COURT: Basis?

6 MS. BENSING: Personal knowledge.

7 THE COURT: Sustained.

8 BY MR. ROBOTTI:

9 Q Did you have an understanding at that time of whether
10 Ms. Daedone was struggling with her personal cash flow?

11 MS. BENSING: Objection. Calls for hearsay.

12 THE COURT: Overruled.

13 You may answer that question that was just posed.

14 A Yes.

15 Q And was that based on your personal interactions and
16 observations of Ms. Daedone?

17 A Yes.

18 Q And it was your understanding at the time that she was
19 struggling with her personal cash flow; correct?

20 A Yes.

21 Q And in response did you give her guidance trying to help
22 her out with her personal finances?

23 A Yes.

24 Q So with the company still struggling to find its footing,
25 it's fair to say that in 2012 it profited?

Kandell - Cross - Robotti

3591

1 A Yes.

2 Q And it's true that during your time at OneTaste, there
3 was a heavy focus on marketing?

4 A Yes.

5 Q And spreading the word about the mission of the company?

6 A Yes.

7 Q The people at OneTaste were basically shouting from the
8 rooftops about the benefits of orgasmic meditation; correct?

9 MS. BENSING: Objection.

10 THE COURT: Sustained.

11 BY MR. ROBOTTI:

12 Q It's fair to say that the company was heavily marketing
13 the benefits of orgasmic meditation?

14 A Yes.

15 Q The company did have some marketing success; correct?

16 A Yes.

17 Q And it regularly opened its doors to media attention;
18 correct?

19 A Yes.

20 Q But standing alone that media attention and that interest
21 was not enough to make the company profitable; right?

22 A Yes.

23 Q You mentioned in 2012 the company shifted its strategy
24 and started focusing on sales, right?

25 A Yes.

Kandell - Cross - Robotti

3592

1 Q And it implemented a sales team?

2 A Yes.

3 Q And the company was selling enrollment in its courses,
4 right?

5 A Yes.

6 Q And the basic idea was that at OneTaste events a
7 salesperson would talk to potential customers; correct?

8 A Yes.

9 Q And try to sign them up for classes; right?

10 A Yes.

11 Q And salespersons could also generate leads through
12 outreach through their sales network?

13 A Yes.

14 Q And the salespeople would talk to potential customers
15 about the classes; right?

16 A Yes.

17 Q And they would explain the benefits; right?

18 A Yes.

19 Q And they would talk about their personal experiences;
20 right?

21 A Yes.

22 Q And help the potential customers try to figure out
23 payment; correct?

24 A Yes.

25 Q So this is a typical sales job?

Kandell - Cross - Robotti

3593

1 MS. BENSING: Objection.

2 THE COURT: Sustained.

3 BY MR. ROBOTTI:

4 Q So you were involved in starting up the sales team;
5 right?

6 A Not directly.

7 Q Were you familiar with the company's efforts to set up
8 the sales team?

9 A Yes.

10 Q Is it fair to say that the company looked to other
11 businesses to see how they ran their sales teams?

12 A Yes.

13 Q And you used other businesses as a model for your sales
14 team; correct?

15 MS. BENSING: Objection.

16 THE COURT: Basis?

17 MS. BENSING: Lack of personal knowledge. He
18 testified he wasn't involved in the process.

19 THE COURT: Overruled.

20 Q So you looked to other companies as a model for your
21 sales team?

22 A Yes.

23 Q And while you were there, OneTaste had several outside
24 consultants come to train the sales team; correct?

25 A Yes.

Kandell - Cross - Robotti

3594

1 Q And is it fair to say that it was hard to sell a new
2 fringe product?

3 MS. BENSING: Objection.

4 THE COURT: Sustained.

5 BY MR. ROBOTTI:

6 Q Well, based on your experience as chief operations
7 officer running the business was it hard to sell the OM
8 practice?

9 MS. BENSING: Objection.

10 THE COURT: Basis?

11 MS. BENSING: Relevance.

12 THE COURT: Sustained.

13 BY MR. ROBOTTI:

14 Q Is it fair to say that the company taught its sales team
15 proven sales techniques?

16 MS. BENSING: Objection.

17 THE COURT: Sustained.

18 BY MR. ROBOTTI:

19 Q Did the company also put in place daily sales goals; is
20 that right?

21 A Yes.

22 Q And those started at about \$5,000; correct?

23 A Yes.

24 Q And the goal was that between all salespersons on a given
25 day, they would hit \$5,000?

Kandell - Cross - Robotti

3595

1 A Yes.

2 Q And that sales goal grew over time; right?

3 A Yes.

4 Q So, once the sales team was in place it started to turn
5 the company around; is that correct?

6 A Yes.

7 Q The company was making money from its courses all of a
8 sudden; correct?

9 A We're talking 2012?

10 Q 2012.

11 A Yes.

12 Q And over the next two years the company became
13 profitable?

14 A Yes.

15 Q So, even when the company started making money, a lot of
16 money went to pay expenditures; is that right?

17 A Yes.

18 Q Money was reinvested back into the company; correct?

19 A Yes.

20 Q So that was to pay for the cost of running courses?

21 A Yes.

22 Q Renting facilities?

23 A Yes.

24 Q Media production?

25 A Yes.

Kandell - Cross - Robotti

3596

1 Q Salaries for staff?

2 A Yes.

3 Q Travel, marketing?

4 A Yes.

5 Q Outside speakers?

6 A Yes.

7 Q And the company had to pay back debt; right?

8 A Yes.

9 Q So a lot of this money was put back into the company;
10 correct?

11 A Yes.

12 Q All right. So let's talk about the sales practices.

13 So sales jobs can be stressful; correct?

14 MS. BENSING: Objection.

15 THE COURT: Sustained.

16 Q Sales jobs at OneTaste could be stressful?

17 MS. BENSING: Objection.

18 THE COURT: Sustained.

19 Q Based on your experience with the sales team and your
20 observations as the chief operating officer, is it your view
21 that the sales job at OneTaste could be stressful?

22 A Yes.

23 Q Is it your view that the sales goals created pressure?

24 A Yes.

25 Q And part of that pressure led, in your view, to

Kandell - Cross - Robotti

3597

1 salespeople being too assertive at times?

2 MS. BENSING: Objection.

3 THE COURT: Basis?

4 MS. BENSING: Foundation, establishing personal
5 knowledge; which salespeople at what time period.

6 THE COURT: Sustained.

7 BY MR. ROBOTTI:

8 Q Now, based on your experience as chief operating officer
9 and director of the overall business, you were familiar with
10 the sales team; correct?

11 A Yes.

12 Q And you were familiar with that sales team during the
13 2012 to 2014 time period; right?

14 A Yes.

15 Q And you had the opportunity during coaching programs and
16 various other events to observe the sales team; correct?

17 A Yes.

18 Q And based on your experiences, is it your view that at
19 certain times the salespeople could be too assertive?

20 MS. BENSING: Objection as to which salespeople.

21 THE COURT: Overruled.

22 A Yes.

23 Q And sometimes that meant asking people to take on debt to
24 sign up for courses; correct?

25 A Yes.

Kandell - Cross - Robotti

3598

1 Q Now these were potential customers who had expressed
2 interest in courses; correct?

3 MS. BENSING: Objection.

4 THE COURT: Sustained.

5 BY MR. ROBOTTI:

6 Q The people at the coaching courses who showed up were
7 potential customers who had expressed interest in the program;
8 right?

9 A Yes.

10 Q And the people who showed up to the OneTaste programs,
11 they were adults; correct?

12 A Yes.

13 Q And the potential students had their own outside jobs;
14 correct?

15 MS. BENSING: Objection.

16 THE COURT: Sustained.

17 BY MR. ROBOTTI:

18 Q Now, to be clear, you do not view debt necessarily as
19 being a bad thing; correct?

20 MS. BENSING: Objection.

21 THE COURT: Basis?

22 MS. BENSING: Relevance.

23 THE COURT: Sustained.

24 BY MR. ROBOTTI:

25 Q Now, based on your experience at OneTaste, to your

Kandell - Cross - Robotti

3599

1 knowledge the sales team never targeted people with trauma;
2 correct?

3 MS. BENSING: Objection.

4 THE COURT: Sustained.

5 BY MR. ROBOTTI:

6 Q You were familiar with the sales practices at OneTaste
7 based on your position and experience; correct?

8 A Yes.

9 Q And you had an understanding of the company's sales
10 practices from 2012 to 2014; correct?

11 A Yes.

12 Q And you had the opportunity to observe those sales
13 practices based on your own experience; correct?

14 A Yes.

15 Q And based on your own observations and your own
16 experience, the company never targeted people with trauma;
17 correct?

18 MS. BENSING: Objection.

19 THE COURT: Basis?

20 MS. BENSING: Relevance, lack of personal knowledge
21 as to which people, when.

22 THE COURT: Overruled.

23 A Yes, we never targeted anyone with trauma.

24 Q It's fair to say that OneTaste never sought out, based on
25 your experience, people with trauma; correct?

Kandell - Cross - Robotti

3600

1 MS. BENSING: Objection.

2 THE COURT: Sustained.

3 BY MR. ROBOTTI:

4 Q Based on your experience, again your own observations and
5 your own interactions, you knew that the salespersons talked
6 to potential customers about her sexual wants and needs;
7 correct?

8 A Yes.

9 Q I'd like to show you what's been marked as Defense
10 Exhibit 11-FS.

11 (Exhibit published to the witness, counsel and the Court.)

12 Q Now, do you recognize this as the sales and business
13 development manual from 2013?

14 A Yes, I do.

15 Q And you recognize that based on your role with OneTaste;
16 correct?

17 A Yes.

18 Q And you are familiar with this as part of overseeing the
19 business at OneTaste; correct?

20 A Yes.

21 THE COURT: Sorry, you're going to have to give that
22 to me.

23 (Counsel approaches.)

24 BY MS. BENSING:

25 Q And this was from the 2013 time period; correct?

Kandell - Cross - Robotti

3601

1 A Yes.

2 Q And this was used to train the sales team?

3 A Yes.

4 Q And is this a fair and accurate depiction of the 2013
5 manual?

6 A Yes.

7 MR. ROBOTTI: Your Honor, the defense moves to admit
8 Defense Exhibit 11-FS.

9 THE COURT: Any objection?

10 MS. BENSING: Can I have just one minute?

11 THE COURT: Yes.

12 MS. BENSING: I just want to look at it. It's a
13 longer --

14 THE COURT: Sure.

15 MS. BENSING: Your Honor, the Government objects on
16 relevance grounds to the entirety of this document coming in.

17 THE COURT: Give me one moment now.

18 Sustained, on this foundation.

19 BY MR. ROBOTTI:

20 Q All right, well, Mr. Kandell, you were familiar with this
21 document at the time you were at OneTaste; correct?

22 A Yes.

23 Q And you reviewed this document; correct?

24 A Yes.

25 Q It's your understanding that this was used to train the

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1 sales team; correct?

2 A Yes.

3 Q This document was used to inform the sales practices and
4 tactics at OneTaste; correct?

5 A Yes.

6 Q And this is a document that the sales team relied upon in
7 reaching out to potential customers; correct?

8 A Yes.

9 MR. ROBOTTI: Your Honor, again, we renew our offer
10 of Defense Exhibit 11-FS.

11 MS. BENSING: Same relevance objection to the
12 entirety of this coming in.

13 THE COURT: Sustained on this foundation, to the
14 extent you're seeking to offer the entirety.

15 BY MR. ROBOTTI:

16 Q Could we turn to page 12 of this document? Actually, can
17 we look at page 11?

18 Now, on page 11, Mr. Kandell, does that reference
19 the sales process?

20 A Yes.

21 Q Okay. And looking from page 11 to page 17, does that
22 give an overview of the sales process?

23 A Yes.

24 Q All right. And this was the manual that was used to
25 train the salespeople at OneTaste on the sales process?

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1 A Right.

2 MR. ROBOTTI: Your Honor, we would move to admit
3 just pages 11 through 17.

4 THE COURT: Any objection?

5 MS. BENSING: No objection.

6 THE COURT: So, Defense Exhibit 11-FS, pages 11
7 through 17, are admitted.

8 (Defense Exhibit 11-FS, pages 11 through 17,
9 received in evidence.)

10 MR. ROBOTTI: All right. And if we could publish to
11 the jury.

12 (Exhibit published.)

13 BY MR. ROBOTTI:

14 Q Do see at the top there it says "Sales Process" on page
15 11?

16 A Yes.

17 MR. ROBOTTI: And if we can turn to page 12, if we
18 can highlight "exploratory session."

19 Q And could you just read that paragraph, Mr. Kandell?

20 A "The exploratory session formally opens the relationship.
21 The session should only be 45 minutes long. An exploratory
22 session is not coaching. In this session you dive deeper into
23 getting what the client's desires are, what's blocking them
24 from having what they want and then making them an offer that
25 they can say yes to."

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1 Q Okay.

2 MR. ROBOTTI: And if we can highlight the portion
3 that says "Safeporting" at the bottom.

4 Q Can you read the first two sentences under "Safeporting"?

5 A "You are preparing them for how the rest of the session
6 will go. This allows them to know where the call is moving as
7 it progresses."

8 MR. ROBOTTI: And the next paragraph -- we can leave
9 the highlight.

10 Q Can you read that paragraph beginning "Okay"?

11 A "Okay. Here is how the session is going to go. First,
12 we're going to talk about what you want, goals and desires.
13 Does that make sense? They should say yes. If not, ask them
14 what part they don't understand."

15 MR. ROBOTTI: And then can you skip down to the last
16 portion beginning "And then."

17 A "And then we're going to talk about what's blocking you
18 from having the things you said you want. Does this make
19 sense. Yes."

20 MR. ROBOTTI: Can we turn to the next page?

21 Q And this first paragraph beginning "Finally."

22 A "Finally, I will go he over the OneTaste method of
23 coaching, what it is and how we do it. Then we will go over
24 any questions you might have. After that, I will make you an
25 offer. For example, I might recommend so many sessions over X

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1 period of time for this amount of money. You are free to say
2 yes or no. No is always an acceptable answer. My only
3 request is that you make a very clear decision at the end of
4 our time together. Does this make sense?"

5 MR. ROBOTTI: Now, under the next section "Stroking"
6 can we highlight the paragraph, "What do you want?"

7 Q Could you read that, Mr. Kandell?

8 A "Here, the client is tapping into their desires. They
9 might find it hard to identify what they are in the beginning.
10 There might be some silence as they unearth their answers.
11 This is fine. Once they get going, the answers will gain
12 momentum.

13 MR. ROBOTTI: And can we turn to page fourteen,
14 please?

15 Q And that top paragraph, "What do you feel is blocking
16 you?"

17 A "Have the client list all the ways they feel blocked from
18 living the life they want. The sensation in this part of the
19 question might be heavier but stay with the client. If they
20 cry or get emotional, allow them to feel the emotion. Again,
21 refrain from coaching or making additional comments that will
22 take them out of the experience. It's important to let the
23 client experience and feel what is blocking them so they're
24 more motivated to move out of that state."

25 MR. ROBOTTI: And, lastly, can we turn to the next

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1 page, which is page 15. And can we highlight the top
2 paragraph?

3 Q Beginning "The second phase."

4 A "The second phase of coaching is education. This is
5 where we teach you how to live a turned-on life. You will
6 learn to live in the world in a different way; operating from
7 your desire, instead of fear or obligation. Education may
8 include OM practice, communication exercises and written
9 exercises such as a desire contract.

10 "A desire contract is a living, breathing agreement
11 with your desire where you get in touch with what you -- where
12 you get in touch with what you are here to do, discover how
13 you will achieve it and what your boundaries are, how to ask
14 for what you want and define how someone can be with you. The
15 desire contract will act as a compass you can use at any time
16 to ask, is this moving me closer to or further away from what
17 I desire."

18 Q Thank you, Mr. Kandell. We can put this document aside.

19 Now, to your knowledge the sales team would track
20 information about leads in Salesforce; is that right.

21 A Yes.

22 Q And Salesforce is a tool used by many companies; correct?

23 A Yes.

24 Q And that was information that was tracked so that they
25 could keep their connection with potential customers; correct?

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1 A Yes.

2 Q Now, you testified on direct that Rachel was very good at
3 her job as the lead salesperson; correct?

4 A Yes.

5 Q But it was your understanding that Rachel found this job
6 stressful; correct?

7 A At times.

8 Q And, to your knowledge, sales goals in particular were
9 stressing her out?

10 A At times.

11 Q Is it fair to say that based on your observations, Rachel
12 pushed her team hard yelled at them?

13 A Yes, at times.

14

15 (Continued on the following page.)

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1 BY MR. ROBOTTI: (Continuing.)

2 Q And she pushed herself equally hard, correct?

3 MS. BENSING: Objection.

4 THE COURT: Basis?

5 MS. BENSING: Lack of personal knowledge.

6 THE COURT: You're asking based on his observations,
7 correct?

8 MR. ROBOTTI: Correct, Your Honor.

9 THE COURT: Overruled.

10 A Yes, at times.

11 Q And based on your observations, she was often the last
12 one working and trying to meet the sales goals, correct?

13 A Yes.

14 Q Now, it's fair to say that sometimes she took the stress
15 out on her team, correct?

16 A Yes.

17 Q And at times she would be a tough and demanding boss,
18 correct?

19 A Yes.

20 Q At times, she could call people names or yell at them,
21 correct?

22 A Yes.

23 Q But your understanding was that she was doing that to try
24 to motive them, correct?

25 MS. BENSING: Objection.

1 THE COURT: Sustained.

2 Q There were times where Ms. Cherwitz successfully motivated
3 the sales team, correct?

4 A Yes.

5 Q And that helped the sales team earn money for the company
6 and for themselves, correct?

7 A Yes.

8 Q And if anyone on the sales team did not want to work for
9 Rachel, they could find another job, correct?

10 MS. BENSING: Objection.

11 THE COURT: Sustained.

12 Q There was always the opportunity to leave the sales team,
13 correct?

14 MS. BENSING: Objection.

15 THE COURT: Sustained.

16 Q There were OneTaste employees, based on your own
17 observations, that did leave the sales team for a variety of
18 reasons, correct?

19 MS. BENSING: Objection.

20 THE COURT: Sustained.

21 Q Now, Mr. Kandell, you oversaw the business, correct?

22 A Yes.

23 Q You oversaw the payroll, correct?

24 A Yes.

25 Q You oversaw hiring and terminations, correct?

1 A Yes.

2 Q Based on your observations, there were people who left
3 the sales team, correct?

4 MS. BENSING: Objection.

5 THE COURT: Overruled.

6 A Yes.

7 Q And fair to say that during your time there, based on
8 your own observations, there were dozens, if not hundreds of
9 people who left the sales team?

10 MS. BENSING: Objection.

11 THE COURT: Sustained.

12 Q Based on your own observations, there were many people
13 who left the sales team, correct?

14 MS. BENSING: Objection.

15 THE COURT: Sustained.

16 Q All right. Let's look at Defense Exhibit 1BS.

17 Now, do you recognize this as the employee handbook
18 from October of 2013?

19 A Yes.

20 Q And are you familiar with that based on your work at
21 OneTaste?

22 A Yes.

23 Q And were you familiar with this at the time you were at
24 the company?

25 A Yes.

1 Q And this was given to employees when they joined the
2 company, correct?

3 A Yes.

4 Q And is this a fair and accurate depiction of the employee
5 handbook from October 2013?

6 A Yes.

7 Q And there were prior versions of this handbook, correct?

8 A I don't think so. It's possible.

9 Q And did this -- to your knowledge, were there later
10 versions of this, as well?

11 A I don't have any information on that.

12 MR. ROBOTTI: Your Honor, based on this foundation,
13 the defense moves to admit Defense Exhibit 1BS.

14 MS. BENSING: No objection.

15 THE COURT: Defense Exhibit 1BS is admitted.

16 (Defense Exhibit 1BS, was received in evidence.)

17 Q I'd like to just look at a couple of pages of this
18 handbook.

19 MR. ROBOTTI: So can we first turn to Page Roman
20 numeral number two. So it's Page 2 of the document.

21 Q And under forward, you can just read the first sentence
22 under forward.

23 A OneTaste is unique organization dedicated to teaching
24 about female orgasm and to spreading the practice of orgasmic
25 meditation.

1 Q All right. And if we can turn to Page 4. And at the
2 bottom there, under at-will employment, this paragraph carries
3 on to the next page. So if we could read that first
4 paragraph.

5 A Employment with OneTaste is at-will. This mean employees
6 are free to resign at any time with or without cause and
7 OneTaste may terminate the employment and relationship at any
8 time with or without cause or advance notice. As an at-will
9 employee, there is no guarantee that you'll be employed at
10 OneTaste for any specified period of time. The company has
11 the right to manage its workforce and direct its employees.
12 This includes the right to hire, transfer, promote, demote,
13 reclassify, lay off, terminate, or change any term or
14 condition of employment at any time with or without a reason
15 and with or without notice, unless otherwise required by law.

16 Q All right.

17 MR. ROBOTTI: And if we can turn next to Page 9.

18 And if we can blow up, attire and grooming.

19 Q And if you could just read the first three sentences of
20 that first paragraph.

21 A It is important for our employees to project a
22 professional image while at work by maintaining appropriate
23 attire and proper hygiene. OneTaste maintains a business
24 casual dress code. Employees are expected to be neat, clean,
25 and well-groomed while on the job.

1 Q All right. And if we can have you read the first two
2 sentences of the next paragraph.

3 A OneTaste is confident that employees will use their best
4 judgment regarding attire and appearance. However, management
5 reserves the right to object to any aspect of your dress and
6 hygiene.

7 Q All right.

8 MR. ROBOTTI: And then we can step out of that.

9 And can we blow up the first paragraph under
10 electric communication and internet use. If we could just
11 have you read that paragraph.

12 A OneTaste operates in a number of locations around the
13 world and technology is a primary way the employees stay
14 connected. Management uses texting, the GroupMe app and
15 e-mail to communicate and interact with employees. Employees
16 are expected to respond to communication from management in a
17 timely manner. Regular text responses -- regular text
18 response time tests will be completed by manager. Staying
19 connected via technology mediums allows for the team to stay
20 connected in orgasm. This is essential to the success of
21 OneTaste and OneTaste employees and affiliates.

22 MR. ROBOTTI: And can we go to Page 17, lastly. And
23 under time off, can we first look at that first paragraph
24 there.

25 Q And could you just read the first sentence.

1 A To schedule vacation time, employees should request the
2 time off from their supervisor with as much advance notice as
3 possible.

4 MR. ROBOTTI: And then if we can blow up, checking
5 voicemail and e-mail.

6 Q And if you could just read that paragraph.

7 A We strongly believe employees should devote their
8 vacation time to rest and relaxation. Doing so allows
9 employees to recharge their batteries and generally make for a
10 more productive workforce. Accordingly, employees who are on
11 vacation are not expected to check their voicemail or e-mail
12 when away from the workplace.

13 Q All right. Thank you. And we can put that document
14 aside.

15 Now, as lead salesperson, Rachel was not in charge
16 of company finances, correct?

17 A Yes.

18 Q And based on your interactions with Rachel, she did not
19 have a good handle on the financial issues facing the company?

20 A Yes.

21 Q And Rachel was not in charge of making payments to Reese
22 Jones, correct?

23 A Yes.

24 Q Now, the Government showed you an e-mail yesterday where
25 Rachel said she would use her witchy magic to calm down Reese

1 Jones.

2 Do you remember that?

3 A Yes.

4 Q And your understanding was that witchy magic did not mean
5 sexual services in that e-mail, correct?

6 A Yes.

7 Q And you also understand that Rachel was not an actual
8 witch, correct?

9 A Yes.

10 Q All right. So let's go back to the coaching program for
11 a couple of minutes.

12 So you mentioned the coaching program had outside
13 speakers; is that right?

14 A Yes.

15 Q And those were people not associated with OneTaste,
16 correct?

17 A Yes.

18 Q And OneTaste paid them to participate in the program,
19 right?

20 A Yes.

21 Q Now, during OneTaste coaching programs and events, the
22 company often played communication games; is that right?

23 A Yes.

24 Q And you're familiar with those based on your involvement
25 in the program, right?

1 A Yes.

2 Q And one common game during your time there was the hot
3 seat, correct?

4 A Yes.

5 Q And the hot seat is where one person gets the full room's
6 attention, correct?

7 A Yes.

8 Q And people in the room can ask the person any question
9 they want, right?

10 A Yes.

11 Q And the person running the game pulls the person off that
12 hot seat when they perceive there's a peak, correct?

13 A Yes.

14 Q Another exercise that was done during the coaching
15 program was the, let out the beast exercise, correct?

16 A Yes.

17 Q And that was first done in CP5; is that right?

18 A Yes.

19 Q And you spoke about letting out the beast yesterday on
20 direct, correct?

21 A Yes.

22 Q So the idea of this exercise was to put on loud music and
23 be coached to let your anger out, right?

24 A Yes.

25 Q And it was a controlled environment for about 20 minutes,

1 correct?

2 A Yes.

3 Q Participants could scream and yell; is that right?

4 A Yes.

5 Q And they could punch the air or foam?

6 A Yes.

7 Q And the goal was to get in touch with their anger and
8 help students get in touch with their anger, correct?

9 A Yes.

10 Q And during this exercise, OneTaste used safe words,
11 right?

12 A Yes.

13 Q And that's the green, yellow, red system that we've
14 talked about, correct?

15 A Yes.

16 Q And to your knowledge, while you were present during
17 these exercises, nobody used red, correct?

18 MS. BENSING: Objection.

19 THE COURT: Basis?

20 MS. BENSING: As to which person, during which
21 timeframe, at which course.

22 THE COURT: Overruled.

23 Q You could answer.

24 A I don't remember any time anyone used -- said red during
25 those exercises.

1 Q And the practice of OneTaste was that if someone said
2 red, they would be pulled out and coached, correct?

3 A Yes.

4 Q And if a student wasn't full green at the start, OneTaste
5 practice was to set that person up with a coach, correct?

6 A Yes. Everyone had a coach.

7 Q Now, you testified about OM demonstrations on direct,
8 correct?

9 A Yes.

10 Q And you participated in hundreds of live demos during
11 your time at OneTaste?

12 A Yes.

13 Q And there would be live OM demonstrations at certain
14 courses and events, correct?

15 A Yes.

16 Q And OM demos were seen as a symbol of status or
17 progression in the company, correct?

18 A Yes.

19 Q They weren't meant for anyone in the beginning of their
20 practice, right?

21 A Yes.

22 Q And as a person became more advanced in her practice, she
23 might be asked to demonstrate in front of the class, correct?

24 A Yes.

25 Q And this is kind of the equivalent of seeking a brown or

1 a black belt in karate, right?

2 MS. BENSING: Objection.

3 THE COURT: Sustained.

4 Q Would you use karate as an analogy to describe this?

5 MS. BENSING: Objection.

6 THE COURT: Basis?

7 MS. BENSING: Relevance.

8 THE COURT: Overruled.

9 A I have used karate to explain this, yes.

10 Q And in your view, you would view this demonstration as
11 the equivalent of seeking a brown or a black belt in karate,
12 correct?

13 A Yes.

14 Q And you had to demonstrate a specific level of skill to
15 progress, correct?

16 A Yes.

17 Q And it was seen as an honor within the organization to be
18 asked to do this, right?

19 A Yes.

20 Q And it was something staff members within the company
21 often sought out and requested to do, correct?

22 A Yes.

23 MS. BENSING: Objection.

24 THE COURT: Basis?

25 MS. BENSING: Relevance.

1 THE COURT: Sustained.

2 Q Now, during OM demonstrations, the strokee is taught to
3 project her orgasm into the room?

4 A Yes.

5 Q And OneTaste taught that during an OM, other people can
6 feel energy in the room, correct?

7 A Yes.

8 Q And again, the practice is about the human connection,
9 right?

10 A Yes.

11 Q Now, as someone who has done hundreds of OM
12 demonstrations, you believe that to be true, correct?

13 MS. BENSING: Objection.

14 THE COURT: Sustained.

15 Q Have you felt the energy projected in a room during OM
16 demonstrations?

17 MS. BENSING: Objection.

18 THE COURT: Sustained.

19 Q During OM demonstrations, have you observed coaches push
20 the strokee in the live demo to project that energy?

21 A Yes.

22 Q And your understanding that was to help the strokee
23 connect with the people in the room, correct?

24 MS. BENSING: Objection.

25 THE COURT: Sustained.

1 Q Now, when you viewed OM demonstrations, they can be
2 emotional, correct?

3 A Yes.

4 Q And you've seen different people react differently to
5 demonstrations, correct?

6 A Yes.

7 Q You've seen people happy afterwards, correct?

8 A Yes.

9 Q Or appear relieved or exhausted, correct?

10 A Yes.

11 Q And you've seen people cry, correct?

12 A Yes.

13 Q You've seen that whole range of emotions after OM
14 demonstrations, correct?

15 A I have.

16 Q All right. I'd like to turn back to 1080 for a moment.

17 And you oversaw 1080 during your time at OneTaste,
18 correct?

19 A Yes.

20 Q And you also lived there, correct?

21 A Yes. On and off.

22 Q Now, for OneTaste employees who lived at 1080, they were
23 free to come and go as they pleased, correct?

24 MS. BENSING: Objection.

25 THE COURT: Sustained.

1 Q You were familiar during your time -- well, let me
2 withdraw that.

3 While you lived at 1080 you observed other employees
4 who lived there, correct?

5 A Yes.

6 Q The employees that you observed while you lived at 1080,
7 they were free to come and go as they pleased, correct?

8 MS. BENSING: Objection.

9 THE COURT: Sustained.

10 Q When you lived at 1080, you were free to go come and go
11 as you pleased, correct?

12 MS. BENSING: Objection.

13 THE COURT: Sustained.

14 Q Were there any restrictions on your travel there?

15 A As long as it didn't interrupt my job, I could be -- I
16 had free time. Rarely, but I had some free time, yes.

17 Q So you could travel, correct?

18 A Not with my schedule. But yes, theoretically, I could
19 travel.

20 Q And you were not instructed to cut off contact with your
21 family, correct?

22 MS. BENSING: Objection.

23 THE COURT: Sustained.

24 Q You were able to use the internet, sign on to social
25 media, correct?

1 MS. BENSING: Objection.

2 THE COURT: Sustained.

3 MR. ROBOTTI: Your Honor, to intent and knowledge.

4 MS. BENSING: The objection is to relevance, Your
5 Honor.

6 THE COURT: Sustained.

7 MR. ROBOTTI: Your Honor, may we a sidebar, briefly?

8 THE COURT: We can take this up at the next break.
9 You can move onto the next area.

10 Q Now, you testified about the culture of OneTaste
11 yesterday, correct?

12 A Yes.

13 Q And so is it fair to say that there was peer pressure in
14 the company to work harder?

15 A Yes.

16 Q And there was peer pressure to stay up late to make sure
17 sales were made?

18 A Yes.

19 Q And to work long hours to close sales, correct?

20 A Yes.

21 Q There was some peer pressure to integrate the OM practice
22 into your life?

23 A Yes.

24 Q And as you testified on direct yesterday, OneTaste could
25 feel like high school at times, correct?

1 MS. BENSING: Objection. Misstates the testimony.

2 THE COURT: Sustained.

3 Q Now, you referenced -- well, let me ask it this way: At
4 times, OneTaste could feel like high school, correct?

5 MS. BENSING: Objection.

6 THE COURT: Sustained.

7 Q In your view, were there cliques at OneTaste?

8 MS. BENSING: Objection.

9 THE COURT: Sustained.

10 Q You testified yesterday that at OneTaste you could fear
11 losing social status, that was kind of like a high school
12 clique situation gone bad, you could lose, you know, being
13 closer to the cool kids.

14 Was that your testimony yesterday?

15 A Yes.

16 Q So there were cliques at OneTaste?

17 A Yes.

18 Q And fair to say you were the equivalent of a popular kid?

19 MS. BENSING: Objection.

20 THE COURT: Sustained.

21 Q Now, to be with the inner circle at OneTaste, you had to
22 be a hard worker in the company, correct?

23 A Or -- yes. And offer something of value to the company.

24 Q And you had to believe in the OM practice, correct?

25 A Yes. And to offer something valuable to the company.

1 Q And fair to say sometimes you could climb your way into
2 the in-crowd, correct?

3 A Yes.

4 Q And other times, you'd be on the outs, correct?

5 A Yes.

6 Q And you felt that during your time there, right?

7 A Yes.

8 Q And if you didn't like being on the outs, you could leave
9 the company, right?

10 MS. BENSING: Objection.

11 THE COURT: Sustained.

12 Q All right. I'd like to talk about a few people who were
13 associated with OneTaste.

14 MR. ROBOTTI: Can we pull up Government Exhibit 236.

15 Q And do you recognize this as Chris Hubbard?

16 A Yes.

17 Q And you lived in the warehouse with him from 2006 to
18 2009, correct?

19 A I think it was 2006 to 2008.

20 Q Now, your understanding was that towards the end of his
21 time there, he became disenfranchised with OneTaste?

22 A Yes.

23 Q And by 2009, as you previously, OneTaste wanted to put in
24 place more business structures; is that correct?

25 A Yes.

1 Q And that's because the company was growing, getting more
2 attention, correct?

3 A Yes.

4 Q In your view, Mr. Hubbard did not agree with the
5 direction the company was going?

6 MS. BENSING: Objection.

7 THE COURT: Sustained.

8 Q Now, Mr. Hubbard was a BDSM expert, correct?

9 MS. BENSING: Objection.

10 THE COURT: Sustained.

11 Q Did you participate in scenes with Mr. Hubbard and Reese
12 Jones?

13 A Yes.

14 Q And you helped him run those scenes, correct?

15 A Yes.

16 Q And based on your experience with him running those
17 scenes, he was familiar with BDSM, correct?

18 A Yes.

19 Q And the scenes that participated -- the scenes that were
20 run with Reese Jones, those were all consenting adults,
21 correct?

22 MS. BENSING: Objection.

23 THE COURT: Sustained.

24 Q The green, yellow, red scale was used during those
25 scenes, correct?

1 A Yes.

2 Q And you went over the scenes ahead of time with
3 participants to make sure that they understood what they were
4 getting into, correct?

5 A Yes.

6 Q You observed Mr. Hubbard at those scenes, correct?

7 A Yes.

8 Q And he seemed to be enjoying himself, correct?

9 MS. BENSING: Objection.

10 THE COURT: Sustained.

11 Q Now, after he moved out of the warehouse, Mr. Hubbard
12 sublet an apartment from OneTaste, correct?

13 A Yes.

14 Q And that was at 1079 Folsom?

15 A 1072 Folsom.

16 Q And when his lease ended, he refused to leave, correct?

17 MS. BENSING: Objection.

18 THE COURT: Sustained.

19 Q You interacted with Mr. Hubbard at the time his lease
20 ended, correct?

21 A I don't know if we had a lease, to be honest. We had an
22 agreement, and when asked to leave, he refused to leave.

23 MS. BENSING: Objection.

24 THE COURT: Sustained.

25 Q Did things end on negative terms with Mr. Hubbard?

1 A Yes.

2 Q All right.

3 MR. ROBOTTI: I'd like to next turn to Government
4 Exhibit 208 which is in evidence.

5 Q Do you recognize this as Christina Berkeley?

6 A Yes.

7 Q And you testified on direct that she handled Reese Jones
8 for a time?

9 A Yes.

10 Q All right. So I'd like to talk about your knowledge and
11 understanding of that relationship with him.

12 Now, you lived in the warehouse with her starting
13 around 2007, correct?

14 A 2006.

15 Q And you OMed with her, correct?

16 A Yes.

17 Q You observed her interacting with Nicole, correct?

18 A Yes.

19 Q And she seemed like she wanted to get close to Nicole,
20 correct?

21 A Yes.

22 Q And it was your understanding that she was enthusiastic
23 about handling Reese Jones, correct?

24 MS. BENSING: Objection.

25 THE COURT: Sustained.

1 Q So I want to speak about your knowledge and understanding
2 of this relationship.

3 Was it your understanding at the time that she was
4 enthusiastic about handling Reese Jones?

5 MS. BENSING: Objection.

6 THE COURT: Sustained.

7 Q Did you have a chance to observe her interacting with
8 Reese Jones?

9 A Yes.

10 Q Did she seem enthusiastic about that relationship?

11 MS. BENSING: Objection.

12 THE COURT: Sustained.

13 Q Now, was it your understanding that it was an opportunity
14 for her to handle Reese Jones?

15 A Yes.

16 Q And as part of that opportunity, she had the chance to
17 live in a nice house with Mr. Jones, correct?

18 MS. BENSING: Objection.

19 THE COURT: Overruled.

20 A Yes.

21 Q And it was your understanding that she was free to leave
22 OneTaste during that time, correct?

23 MS. BENSING: Objection.

24 THE COURT: Sustained.

25 Q Have you had the chance to interact with Ms. Berkeley

1 since leaving OneTaste?

2 A Yes.

3 Q And how often have you had communication with her?

4 A We taught a workshop together afterwards. We
5 communicated frequently for the first year or two after, and
6 then more sporadically in the last seven, eight years.

7 Q All right. I'd like to show you what's in evidence as
8 Government Exhibit 408.

9 Do you recognize this person as Michelle Wright?

10 A Yes.

11 Q And Michelle showed up to OneTaste around 2010?

12 A Yes.

13 Q And you were aware that she was in a relationship with
14 Maddie Carl for a period?

15 A Yes.

16 Q And you testified that Michelle and Maddie handled Reese
17 Jones for a time period, correct?

18 A Yes.

19 Q And it was your understanding that this was an
20 opportunity for them, correct?

21 A Yes.

22 Q Again, they got the opportunity to live in that house,
23 correct?

24 A Yes.

25 Q And they got to share a room together there, correct?

1 MS. BENSING: Objection.

2 THE COURT: Basis?

3 MS. BENSING: Lack of personal knowledge.

4 THE COURT: Sustained.

5 Q Was it your understanding at the time that they got to
6 share a room together?

7 MS. BENSING: Same objection.

8 THE COURT: Sustained.

9 Q It was your understanding at the time they were free to
10 leave OneTaste if they did not want to handle Mr. Jones?

11 MS. BENSING: Objection.

12 THE COURT: Sustained.

13 Q Now, at some point, Ms. Wright, did stop handling Reese
14 Jones and was reassigned to Las Vegas, correct?

15 A I think she was in Las Vegas first and then went to be
16 are Reese and then I believe she went to Los Angeles.

17 Q And the Las Vegas position was a promotion within
18 OneTaste, correct?

19 A Yes.

20 Q Now, you maintained contact with her since you left
21 OneTaste, right?

22 A Yes.

23 Q And she worked for you for a while after she left,
24 correct?

25 A She did.

1 Q And you also had a romantic relationship with her after
2 you left, correct?

3 MS. BENSING: Objection. Relevance.

4 THE COURT: Sustained.

5 Q Now, I'd like to show you Government Exhibit 297, which
6 is in evidence.

7 Now, do you recognize this as Dana Gill?

8 A Yes.

9 Q And she lived at 1080 while you were there, correct?

10 A Yes.

11 Q And based on your personal interactions with her, were
12 you aware that she had another job?

13 A Yes.

14 Q All right. I'd like to show you what's been marked as
15 Defense Exhibit 2AP.

16 MR. ROBOTTI: This is just for the witness.

17 Q All right. And do you recognize this as an e-mail
18 between you and Dana Gill on July 8th, 2012?

19 A Yes.

20 Q And in this e-mail, you're discussing --

21 THE COURT: I'm going to need that, as well.

22 MS. BENSING: And Your Honor, I would object to
23 questions regarding the discussion of this e-mail, as it's
24 hearsay.

25 THE COURT: Let me just take a look at it.

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1 MR. ROBOTTI: I'm just laying the foundation, Your
2 Honor.

3 THE COURT: I'm going to sustain the objection.

4 Q Now, this is an e-mail between you and Dana Gill on July
5 2012, correct?

6 A Yes.

7 Q And is this a fair and accurate depiction of the e-mail
8 between you two?

9 A Yes.

10 MR. ROBOTTI: Your Honor, we're going to move this
11 into evidence for the effect on Mr. Kandell.

12 MS. BENSING: Objection. Hearsay. Relevance.

13 THE COURT: Sustained.

14 Q All right. Do you recall -- just putting that e-mail
15 aside for a second.

16 Do you recall in July of 2012, Ms. Gill telling you
17 she could not --

18 MS. BENSING: Objection to the obvious hearsay
19 nature of the question.

20 THE COURT: Sustained.

21 Q Do you recall a conversation with Ms. Gill in July of
22 2012, about a mandatory meeting?

23 MS. BENSING: Objection.

24 THE COURT: Sustained.

25 Q Do you recall there that were mandatory meetings at 1080?

1 A Yes.

2 Q Do you recall whether or not there were times that
3 Ms. Gill did not attend mandatory meetings?

4 A I do remember.

5 Q Okay. And do you recall that there was a time that
6 Ms. Gill did not attend a mandatory meeting because she had
7 another job?

8 A Yes.

9 Q And that was something that she told you, correct?

10 MS. BENSING: Objection.

11 THE COURT: Sustained.

12 Q Now, do you recall on July 2012 there was a time when
13 Ms. Gill could not attend a OneTaste event?

14 A Yes.

15 MS. BENSING: Objection as to the relevance.

16 THE COURT: Overruled as to that question.

17 You can go to the next question.

18 Q All right. And was it your understanding that Ms. Gill
19 could not attend that event because she was attending a family
20 obligation?

21 A Yes.

22 Q You have no knowledge of Ms. Gill working with Reese
23 Jones, correct?

24 A I didn't know about that.

25 Q So you have no knowledge of that, correct?

1 A No knowledge or no memory.

2 Q Have you had contact with Ms. Gill since she left

3 OneTaste?

4 A Yes.

5 Q And how often?

6 A Very rare. Two, three times over the last 10 years.

7 Q Now, I'd like to show you what's in evidence as

8 Government Exhibit 382.

9 And do you recognize this as Becky Weiner?

10 A Yes.

11 Q And also known as Becky Uma?

12 A Yes.

13 Q And you met her around 2011, 2012, correct?

14 A Yes.

15 Q And she took classes in CP6; is that right?

16 A Yes.

17 Q And then joined the sales team, correct?

18 A Yes.

19 Q And to your knowledge, did Ms. Uma carefully review her

20 coaching program agreement before signing?

21 MS. BENSING: Objection.

22 THE COURT: Sustained.

23 Q Do you have a recollection of the conversation with

24 Ms. Uma about her coaching agreement?

25 MS. BENSING: Objection. Calls for hearsay.

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1 THE COURT: Overruled as to his question.

2 A I don't have a memory of that.

3 Q Would it refresh your recollection if I showed you a
4 document?

5 A Yes.

6 MR. ROBOTTI: Can we show Defense Exhibit 21AA.

7 THE COURT: I'll need that too.

8

9 (Continued on the following page.)

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1 (Continuing.)

2 MR. ROBOTTI: Sorry, Your Honor. Do you have a
3 copy?

4 THE COURT: I don't. We are going to get the
5 technology fixed at the break, but I appreciate the copy.

6 CROSS-EXAMINATION (Continues)

7 BY MR. ROBOTTI:

8 Q All right. Now, do you recall at the time having a
9 conversation with Ms. Uma about her contract?

10 A Yes.

11 Q Okay. And at the time, was it your understanding that
12 she carefully went through that contract?

13 MS. BENSING: Objection.

14 THE COURT: Sustained.

15 Q Do you recall giving Ms. Uma a discount for the cost of
16 her course?

17 A Yes.

18 Q Now, she joined the sales team at OneTaste, correct?

19 A Yes.

20 Q And at a certain point you had to have a conversation
21 with her about her sales skills, correct?

22 A Yes.

23 Q And you had to put her on probation, correct?

24 A Yes.

25 Q Now, you testified on direct examination that Rachel

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1 directed Becky Uma to have sexual relations with Ruwan, is
2 that correct?

3 A Yes.

4 Q Now, you were not present for that event, correct?

5 A I don't remember if I was present or not. I have a
6 memory of it, but I'm not a hundred percent sure.

7 Q Okay. So, it's possible you heard about that after the
8 fact?

9 A Yes.

10 Q And you did not observe Becky Uma and Ruwan, in fact,
11 have sexual relations?

12 A No.

13 Q Do you recall that in December 2013 that Becky Uma
14 directed two people to have sex?

15 MS. BENSING: Objection.

16 THE COURT: Sustained.

17 BY MR. ROBOTTI:

18 Q Do you have a recollection of an event in December 2013
19 regarding Becky Uma, Jess and Casey?

20 A No.

21 Q Would an e-mail refresh your recollection?

22 A Yes.

23 MR. ROBOTTI: I'm going to pull up Defense
24 Exhibit 21-F.

25 THE COURT: And I'll take that as well. Thank you.

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1 BY MR. ROBOTTI:

2 Q All right. Now having reviewed that document, does it
3 refresh your recollection about that event?

4 A Yes.

5 Q Now, was there an event in December 2013 where Becky
6 Uma --

7 MS. BENSING: Objection.

8 THE COURT: Sustained.

9 Q To your knowledge, did Becky Uma live at the Morellino
10 residence?

11 A Yes.

12 Q And that was three nice apartments up in Harlem, correct?

13 A Yes.

14 Q And that residence was for people who were very dedicated
15 to the OM practice, correct?

16 A Yes.

17 Q That was not for beginners, correct?

18 A Yes.

19 Q And you had an Oming relationship with Ms. Uma, correct?

20 A Yes.

21 Q And also a romantic and sexual relationship with her for
22 a time, correct?

23 A Yes.

24 Q And have you had contact with Ms. Uma since leaving
25 OneTaste?

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1 A Once right after OneTaste, after we -- after I left
2 OneTaste.

3 Q All right. I'd like to show you Government Exhibit 228,
4 which is in evidence.

5 (Exhibit published.)

6 BY MR. ROBOTTI:

7 Q Do you recognize this as Brooke Scheffer?

8 A Yes.

9 Q Is she also known as Anthia Gillick?

10 A Yes.

11 Q So, she started participating in OneTaste around 2011 or
12 2012, correct?

13 A Yes.

14 Q And you two had an Oming practice, correct?

15 A Yes.

16 Q And a brief sexual relationship, correct?

17 A Yes.

18 Q And based on your observations of her, she was very
19 enthusiastic about the Oming practice?

20 MS. BENSING: Objection.

21 THE COURT: Sustained.

22 Q Is it fair to say that she purchased the New York
23 affiliate of OneTaste?

24 A That was after my tenure. She was preparing at the end
25 of my tenure to purchase.

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1 Q And at that time she was heavily involved in OneTaste,
2 correct?

3 A Yes.

4 Q And you understand or based on your interaction with her
5 there was an accident while she was at OneTaste, correct?

6 MS. BENSING: Objection.

7 THE COURT: Overruled.

8 A An accident with her father?

9 Q Correct.

10 A Yes.

11 Q And he was killed in a helicopter accident, correct?

12 A Yes.

13 Q And you and other people at OneTaste were incredibly
14 concerned about that, correct?

15 MS. BENSING: Objection.

16 THE COURT: Sustained.

17 Q Do you have an understanding that Ms. Scheffer was good
18 friends with a woman named Clouds at OneTaste?

19 MS. BENSING: Objection.

20 THE COURT: Sustained.

21 Q Now, Ms. Scheffer returned to OneTaste after her father's
22 funeral, is that correct?

23 A Yes.

24 Q And to your knowledge, she was welcomed to stay home if
25 she wanted to, correct?

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1 MS. BENSING: Objection.

2 THE COURT: Sustained.

3 Q I'd like to turn to Government Exhibit 629 in evidence.

4 (Exhibit published.)

5 Q Sorry, Government Exhibit 254 in evidence.

6 (Exhibit published.)

7 BY MR. ROBOTTI:

8 Q And you recognize this as Ken Blackman?

9 A Yes.

10 Q And he was senior management at OneTaste, correct?

11 A Yes.

12 Q And he was heavily involved in coming up with the
13 Coaching Program, correct?

14 A Yes.

15 Q And shifting the company's focus to sales, right?

16 A Yes.

17 Q He left OneTaste in 2014?

18 A Yes.

19 Q And you worked with him for several years at OneTaste,
20 this is about 2006, 2007, correct?

21 A Yes.

22 Q And he continues to be one of your best friends?

23 A Yes.

24 Q So you're still in regular contact with him, correct?

25 A Yes.

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1 Q I'd like to show you Government Exhibit 260 in evidence.
2 (Exhibit published.)

3 Q This is Lianna Lifson?

4 A Yes.

5 Q And she ran OneTaste in Boulder, correct?

6 A Yes.

7 Q And that location struggled?

8 A Yes.

9 Q And ultimately, it was closed, correct?

10 A Yes.

11 Q And then Ms. Lifson asked to get another job within
12 OneTaste, correct?

13 A Yes.

14 Q And she was relocated to New York -- to New York to run a
15 yoga studio, correct?

16 A Yes.

17 Q And she later asked to be taken off of that job?

18 A Yes.

19 Q And she was reassigned to be a coach, correct?

20 A Yes.

21 Q And then she was later terminated, correct?

22 A I think that happened after my tenure ended.

23 Q Do you recall directing Ms. Lifson and Jenny Slusher to
24 have oral sex with a man named Toby?

25 A No.

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1 Q And do you recall Ms. Lifson telling you she did not want
2 to do that with this man?

3 A No.

4 Q To your knowledge, Ms. Lifson had enthusiastically
5 participated in OMs, correct?

6 A Yes.

7 Q As well as other sexual activity at OneTaste?

8 MS. BENSING: Objection.

9 THE COURT: Sustained.

10 BY MR. ROBOTTI:

11 Q Have you had contact with Ms. Lifson since leaving
12 OneTaste?

13 A Yes.

14 Q And how often?

15 A We were friends from around when I left, she showed up I
16 think August of 2014, until mid 2015. And we had a business
17 venture together, and her partner was a partner of mine in a
18 business together as well.

19 Q All right. I'm going to show you Government Exhibit 207.

20 (Exhibit published.)

21 Q Do you recognize this as Chris Kosley?

22 A Yes.

23 Q And he started participating in OneTaste in around 2006?

24 A Yes.

25 Q And ultimately, he was given a role doing media

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1 production for OneTaste, correct?

2 A Yes.

3 Q And there were problems with him while he was at
4 OneTaste, correct?

5 A Yes.

6 Q Specifically, problems with money and drugs?

7 MS. BENSING: Objection.

8 THE COURT: Basis?

9 MS. BENSING: Personal knowledge on the foundation.

10 THE COURT: Sustained.

11 BY MR. ROBOTTI:

12 Q You oversaw, you oversaw the business, correct?

13 A Yes.

14 Q Including Mr. Kosley's employment?

15 A Yes.

16 Q And as his boss, you became familiar with the issues he
17 was facing, correct?

18 A Yes.

19 Q And those took a toll on his work at OneTaste, correct?

20 A Yes.

21 Q And those issues pertained to money and drugs, correct?

22 A Yes.

23 Q And you had to fire him a few times, correct?

24 A Yes.

25 Q He was permitted to come back though, right?

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1 A Yes.

2 Q Because he had media production skills that the company
3 needed, correct?

4 A Yes.

5 Q And also, because he was generally loved by the
6 community, correct?

7 MS. BENSING: Objection.

8 THE COURT: Sustained.

9 BY MR. ROBOTTI:

10 Q Did it factor in your decision to bring him back that he
11 was generally seen as loved by the community?

12 MS. BENSING: Objection.

13 THE COURT: Sustained.

14 Q You testified about an event at Stinson Beach, is that
15 right?

16 A Yes.

17 Q And that was something that Mr. Kosley filmed, correct?

18 A Yes.

19 Q You were present at that event, correct?

20 A Yes.

21 Q There was a New York Times reporter present there, as
22 well?

23 A Yes.

24 Q So, this was not some kind of secret ceremony, correct?

25 A It was not public, but it was no secret.

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1 Q Well, there was press there, correct?

2 A There was press, yes.

3 Q And Nicole did an hour-long OM demo there, is that right?

4 A Yes.

5 Q And there was a reading, correct?

6 A Yes.

7 Q There was also music and a ceremony, correct?

8 A Yes.

9 Q And so this was not a typical OM, correct?

10 A Yes.

11 Q Now, you testified on direct examination about your
12 relationship with Allyson Wyeth [sic] and Justine Dawson, is
13 that correct?

14 A Allyson Wyenn.

15 Q Wyenn, excuse me.

16 Is that correct?

17 A Yes.

18 Q And you testified that Nicole directed you to end both of
19 those relationships, correct?

20 A Allyson was more of a suggestion, and Justine was more a
21 direction.

22 Q Okay. And in response, you did end both those
23 relationships, correct?

24 A Yes.

25 Q And in retrospect, you think the relationship with

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1 Allyson was not healthy, correct?

2 A Yes.

3 MS. BENSING: Objection.

4 THE COURT: Sustained.

5 Q Now, you believe or you testified that if you did not end
6 these relationships, you would have lost status within the
7 company, correct?

8 A Yes.

9 Q And you believed you would no longer have been in
10 Nicole's inner circle, correct?

11 A Yes.

12 Q But you recognize that you could have said no, correct?

13 MS. BENSING: Objection.

14 THE COURT: Sustained.

15 MS. BONJEAN: Your Honor, can we have a sidebar?

16 MR. ROBOTTI: Yes, Your Honor, I'd request a sidebar
17 as well.

18 THE COURT: Okay. Well, we are going to take our
19 break. We can take our break now, our morning break. Why
20 don't we do that.

21 I'm going to ask the witness to step down.

22 (Witness steps down and exits the courtroom.)

23 THE COURT: Okay. And we'll come back at 10 minutes
24 after 11:00.

25 Don't talk about the case, keep an open mind. I

1 will see you in about a little more than 15 minutes.

2 (Jury exits.)

3 THE COURT: Okay. Everyone may be seated.

4 Mr. Robotti, go ahead.

5 MR. ROBOTTI: Judge, the issue here from my
6 perspective, and I believe from Ms. Bonjean as well, is
7 Mr. Kandell is an alleged co-conspirator. So his intent and
8 knowledge at the time is highly relevant.

9 THE COURT: But you just asked him whether now he
10 thinks he could have done something differently.

11 What's the relevance of that?

12 MR. ROBOTTI: Your Honor, so I just want to talk
13 about the objections that have gone on for the last hour or
14 so.

15 So, I --

16 THE COURT: Well, the one was just made and you
17 asked for a sidebar at that point, too.

18 MR. ROBOTTI: Right.

19 THE COURT: So, we can go back. Let's deal with the
20 one that's most recent in time.

21 Go ahead, Mr. Robotti.

22 MR. ROBOTTI: So, with the question that I was just
23 asking, the Government specifically yesterday elicited
24 testimony about the fact that Nicole directed Mr. Kandell to
25 break up with Justine Dawson and Allyson Wyenn. And I am in

1 response eliciting testimony that, ultimately, that this was
2 his choice to do so, that he had the ability to leave OneTaste
3 and keep those relationships versus staying there and
4 following the directions.

5 So, that is the testimony that I'm trying to get at
6 in direct response to what the Government elicited yesterday.

7 But I do think --

8 THE COURT: But you said you recognize that he could
9 have said no. That's -- you're asking him at this point in
10 2025 does he realize he could have said no a certain number of
11 years ago. Right?

12 MR. ROBOTTI: I mean, Your Honor, throughout this
13 trial every witness who has gotten on that stand has testified
14 about their understanding of their time at OneTaste in
15 retrospect. And so --

16 MS. BENSING: Your Honor --

17 MR. ROBOTTI: So, I'm happy to ask him -- so for
18 this one I'm happy to go back and ask him at that time did you
19 have that understanding.

20 But I do think, more broadly, throughout his entire
21 testimony here we have been trying to establish his intent and
22 knowledge at the time with respect to this conspiracy. It is
23 highly relevant because the Government has alleged him to be a
24 co-conspirator, the key co-conspirator in this case. Whether
25 he intended to commit forced labor, whether he had knowledge

1 that forced labor was going on.

2 I just went through and attempted to ask him with
3 respect to every single one of these alleged victims that were
4 supposedly involved with Reese Jones what his understanding of
5 that relationship was at the time. If his understanding at
6 the time was that these people were not being forced to do
7 anything and, in fact, wanted to be doing this, that is key to
8 the defense case here.

9 So, I really feel over the last hour critical
10 evidence has been shut out of this case.

11 THE COURT: You haven't laid proper foundations for
12 some of what you're trying to do, if that's what you're trying
13 to do.

14 But let me hear from the Government.

15 MS. BENSING: Yes, Your Honor.

16 With respect to the last question and the objection
17 that is currently before the Court, I think the question
18 plainly called for speculation, among other issues. So that
19 was one of the bases for the Government's objection.

20 And I think it also goes back to the motion that we
21 filed after Chris Hubbard testified. There are some people in
22 this case who are being called as victim witnesses, and
23 Mr. Kandell is obviously not one of them. Whether or not he
24 feels in 2025 or whether he felt at the time that he could
25 have left is, from the Government's perspective, entirely

1 irrelevant to the issues that are on trial.

2 And with respect to his intent to commit forced
3 labor, obviously, the jury has to have facts before it and
4 then the law from the Court. And so his -- I think the series
5 of questions lacked foundation, lacked personal knowledge,
6 called for speculation.

7 THE COURT: Yes. There were some real problems with
8 the questions. It may not be that the entire subject matter
9 is problematic, but the way the questions were, they just --
10 the foundation was not there largely.

11 MR. ROBOTTI: Judge --

12 THE COURT: But let me ask the Government, and I'll
13 come back to the defense on this, but the jury, of course, is
14 not going to be asked to determine whether Mr. Kandell is
15 guilty of forced labor conspiracy.

16 But the Government, of course, has identified him as
17 a unindicted co-conspirator, correct?

18 MS. BENSING: Well, for the Court.

19 THE COURT: Correct, correct.

20 MS. BENSING: For the Court's determination.

21 THE COURT: Not for the jury, yes.

22 MS. BENSING: As to pretrial ruling.

23 THE COURT: Correct.

24 MS. BENSING: But I'm actually not even sure, I need
25 to go back and double check our list, but the co-conspirator

1 statements that we've sought to elicit, I'm not positive there
2 was even one by Mr. Kandell, but in any event, we do obviously
3 believe he was a co-conspirator.

4 MS. BONJEAN: Your Honor --

5 THE COURT: Go ahead, Ms. Bonjean.

6 MS. BONJEAN: May I voice my objection here?

7 THE COURT: Yes.

8 MS. BONJEAN: First of all, he -- he is the person
9 they identified as having an agreement in 2006. There is no
10 one else that is even in -- in that timeframe. He is
11 absolutely an alleged co-conspirator, and they -- the
12 Government's theory is going to be that he and Ms. Daedone
13 in -- in those early years, before Ms. Cherwitz was there and
14 before most of these people were here, entered into an
15 agreement to carry out forced labor.

16 The fact that we cannot get into what his state of
17 mind was at that time or really any other time is, frankly,
18 absolutely intrusion and obstruction of our Sixth Amendment
19 right to defend this case.

20 I would also point out that the complainants have
21 routinely throughout this entire trial, over defense
22 objection, refused to identify conduct specific to
23 Ms. Daedone, words specific to Ms. Daedone, and the same for
24 Ms. Cherwitz; routinely going back to OneTaste, the upper
25 management of OneTaste. They have a group of people that they

1 routinely refer to.

2 There's been all of this testimony about how the
3 culture of the environment is -- is what caused them to do X,
4 Y and Z. So, to now limit us so narrowly when he was the COO
5 or the CFO, he was the co-founder, of course, he has knowledge
6 about these things. Of course --

7 THE COURT: You have to lay the proper foundation,
8 though. There's been a lot of very sort of conclusory
9 questions --

10 MR. ROBOTTI: Judge --

11 THE COURT: -- and -- go ahead.

12 MR. ROBOTTI: May I just respond, Judge?

13 THE COURT: Yes. Go ahead.

14 MR. ROBOTTI: I asked him with respect to each of
15 these -- I did the same thing the Government does. They put
16 up these photographs and I asked him: Did you testify
17 yesterday that you had a relationship with Reese Jones?

18 And then I asked him about his understanding of that
19 relationship at the time.

20 If the Government is going to sit here today and say
21 that they are not going to allege that Mr. Kandell is a
22 co-conspirator with whom the defendants have an agreement,
23 that's something entirely different than we've heard
24 throughout this case.

25 But if he is a co-conspirator and they are going to

1 be arguing that he is part of this agreement, we are entitled
2 to figure out what his intent was and to elicit testimony
3 about what his intent was at the time.

4 These were very straightforward questions about what
5 his understanding was. And I simply do not see how those are
6 objectionable.

7 MS. BENSING: Your Honor, if I can respond.

8 THE COURT: Go ahead.

9 MS. BENSING: Because I do want to be clear. We do
10 believe he's a co-conspirator. We do intend to argue that he
11 conspired with the defendants. So, I want to make that very
12 clear.

13 And --

14 THE COURT: That was clear.

15 MS. BENSING: Thank you.

16 And so, I just don't think that the questions that
17 are being asked pertain to that. I think that's where the
18 disagreement here is, and I think the questions are improper.
19 They're calling for things that he wouldn't know about.
20 They're calling for speculation.

21 And for all of the reasons that the Government has
22 objected to the individual questions that were asked, we
23 maintain that those objections are appropriate, even despite
24 the fact that the Government does intend to allege, in light
25 of his testimony yesterday, that he is plainly a

1 co-conspirator.

2 MR. ROBOTTI: Your Honor, if he doesn't know or if
3 his understanding is that they were -- you know, there was no
4 relationship with Reese Jones or that it was a relationship
5 that they were enthusiastically a part of, that goes directly
6 to his intent and knowledge as to whether or not these
7 people --

8 THE COURT: But you're asking something like
9 enthusiastic. That's a very general term.

10 You need to ask different questions. Or you can
11 continue to do what you've been doing, but the rulings, the
12 rulings stand.

13 Is there anything else we need to take up at this
14 time?

15 MS. BENSING: Not from the Government's perspective
16 at this time.

17 MS. BONJEAN: I think we need to go back and look at
18 the live feed, frankly, so we can make -- you know, there were
19 so many sustained objections that really went to the core of
20 the defense, and I don't think they're all just based on
21 foundation. I know that --

22 THE COURT: Well, there's relevance. There's
23 foundation. There's the way the question was asked.

24 There was many different reasons for the sustained
25 objections, but you can go back and look at whatever you want

1 to look at.

2 MS. BONJEAN: The relevance objections were not
3 appropriate and they were sustained. And, you know --

4 THE COURT: I am not going to debate you. So, the
5 rulings are what they are. If you'd like to --

6 MS. BONJEAN: I understand that.

7 THE COURT: -- to -- to --

8 MS. BONJEAN: One other point I'd like to make.

9 THE COURT: Yes, go ahead.

10 MS. BONJEAN: I understand the Court's prior ruling
11 on this --

12 THE COURT: Yes.

13 MS. BONJEAN: -- but the Court did make a
14 distinction, and this isn't like the situation --

15 THE COURT: What prior ruling are you talking about,
16 first of all?

17 MS. BONJEAN: The prior ruling about, the Court's
18 prior ruling about asking witnesses about whether or not
19 certain things didn't happen, right.

20 THE COURT: Sorry, you've got to be more specific.

21 MS. BONJEAN: I'm forgetting the case. I'm blanking
22 on it right this second.

23 THE COURT: Are you talking about the reasonable
24 person standard that was argued and decided -- addressed on
25 December 10th of 2024, or are you talking about something

1 else?

2 MS. BONJEAN: Yes, I am talking about that.

3 THE COURT: Okay. And at that time we talked about
4 whether people were similarly situated.

5 MS. BONJEAN: Right.

6 THE COURT: Whether we were going to have a mini
7 trial within a trial. I said there was a lot of evidentiary
8 problems with the theory being suggested. I said the
9 defendants' relevance argument was not persuasive, that they
10 hadn't presented caselaw to support the position as to
11 relevance. I said that even if relevant, there was a real
12 danger that the probative value of any such evidence would be
13 substantially outweighed by a danger of unfair prejudice,
14 confusing the issues and misleading the jury.

15 I then, of course, said that should the defendants
16 choose to present testimony from other people that were
17 affiliated with OneTaste, it would have to be on issues that
18 are relevant to issues the jury will have to decide and that
19 does not run afoul of Rule 403.

20 I don't know whether that's what you're talking
21 about or some other ruling.

22 MS. BONJEAN: No, that's -- that's -- that's hitting
23 on it.

24 THE COURT: Okay.

25 MS. BONJEAN: That's the ruling I'm referencing.

1 THE COURT: Okay.

2 MS. BONJEAN: But the Government, through their jury
3 instructions and through their entire theory of the case, has
4 opened the door to the culture of OneTaste. That is their
5 theory. They -- they speak very limited -- they've elicited
6 very limited testimony about specific conduct or words of the
7 defendants. They routinely come back to the culture of
8 OneTaste.

9 And we have a witness up here who is a co-founder of
10 OneTaste, who is intimately familiar with the culture of
11 OneTaste.

12 THE COURT: From the perspective of a founder, not
13 from the perspective of -- of someone who is similarly
14 situated to the people who have testified, at least some of
15 them.

16 MS. BONJEAN: Well, I mean are we doing this
17 similarly -- I mean I took the Court's ruling at face value.
18 That's not what I'm -- that's not what I'm talking about at
19 this point. The Court ruled on that issue.

20 What I'm saying is when -- when he's asked questions
21 about his understanding and what is going down at OneTaste as
22 the COO and as the head of the -- or a co-founder of the
23 company as a so-called leader of the company, so many of those
24 questions were -- were objected to on relevance grounds. And
25 I, frankly, am at a loss for how his perspective would be

1 irrelevant when the Government --

2 THE COURT: Well, you have to lay a proper
3 foundation, though. I mean he wasn't everywhere at every
4 time, just for example. Right?

5 If you're laying a foundation, I think you did get
6 to this with the -- his observing what was happening in some
7 of the programs. That's very different than asking sort of
8 very amorphously and generally.

9 MS. BONJEAN: His knowledge, you know, is, I think,
10 relevant.

11 So, in any event --

12 THE COURT: There's issues of relevance and issues
13 of foundation.

14 MR. ROBOTTI: Your Honor --

15 MS. BENSING: And, Your Honor, if I can just briefly
16 respond?

17 THE COURT: Was Ms. Bonjean done, though?

18 MS. BONJEAN: Yes. That's fine, Your Honor.

19 THE COURT: Go ahead, Ms. Bensing.

20 MS. BENSING: Well, just to close the loop on this.

21 There have now been hours of testimony on
22 cross-examination with respect to OneTaste culture. They've
23 put in policy documents --

24 THE COURT: Right.

25 MS. BENSING: -- et cetera, et cetera.

1 The questions that the Government was objecting to,
2 some of them were questions that seem to be trying to get into
3 the victim's minds, which are just completely inappropriate,
4 calls for speculation, lack of foundation, all of the reasons
5 that the Government said.

6 THE COURT: I understood the objections and I made
7 my rulings.

8 MR. ROBOTTI: Your Honor.

9 THE COURT: Yes. Go ahead.

10 MR. ROBOTTI: Just for the record, we join
11 Ms. Bonjean's Sixth Amendment objection that the Court's
12 rulings prohibiting us from getting into Mr. Kandell's state
13 of mind are denying the defense the right to present -- the
14 defendants the right to present a defense.

15 THE COURT: Does the Government have any response?

16 MS. BENSING: I just don't think that the questions
17 went to that, Your Honor.

18 THE COURT: Yes. The problem is with the questions.

19 In any event, I am going to give you guys about five
20 minutes, maybe, to take a break, if you need to, but we'll
21 start up in a few minutes.

22 (Recess taken.)

23 (In open court - jury not present.)

24 THE COURTROOM DEPUTY: All rise.

25 (Judge DIANE GUJARATI entered the courtroom.)

Kandel - cross - Robotti

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1 THE COURT: You can bring the witness back and we'll
2 get the jury as well.

3 (Witness entered and resumed the stand.)

4 (Jury enters.)

5 THE COURT: Everyone may be seated.

6 Mr. Robotti, you may continue your examination.

7 MR. ROBOTTI: Thank you, Judge.

8 CROSS-EXAMINATION (Continues)

9 BY MR. ROBOTTI:

10 Q So, Mr. Kandel, before the break, we were talking about
11 Justine Dawson, correct?

12 A Yes.

13 Q And you recall that yesterday you testified that Nicole
14 directed you to end the relationship with Justine Dawson,
15 correct?

16 A Yes.

17 Q Now, at the time that happened, your understanding was
18 that you could have said no, correct?

19 A Yes.

20 Q You understood at that time that you could have walked
21 away from OneTaste, correct?

22 A Yes.

23 Q You understood that you could have chosen the
24 relationship over OneTaste, correct?

25 A Yes.

Kandel - cross - Robotti

3663

1 Q And at the end of the day, you understood that you were
2 responsible for that decision, correct?

3 A Yes.

4 Q Now, before the break, we talked about Christina Berkley,
5 Michelle Wright and Maddie Carl and Alisha Price, correct?

6 MS. BENSING: Objection. I don't think that --

7 MR. ROBOTTI: Apologies.

8 THE COURT: Sustained.

9 Q So we talked about Christina Berkley and Michelle Wright
10 before the break, correct?

11 A Yes.

12 Q And you testified yesterday as well about Alisha Price
13 and Maddie Carl, correct?

14 A Yes.

15 Q And you testified that among other people, they were
16 handlers for Reese Jones, correct?

17 A Yes.

18 Q And in your role as C00 of the company, you were aware of
19 these assignments, correct?

20 A Yes.

21 Q And you testified yesterday that you were also aware of
22 the responsibilities of these assignments, correct?

23 A Yes.

24 Q And you were aware of the parameters of this role,
25 correct?

Kandel - cross - Robotti

3664

1 A Yes.

2 Q And as COO of the company, your understanding at the time
3 was that they were free to leave this assignment, correct?

4 MS. BENSING: Objection.

5 THE COURT: Basis?

6 MS. BENSING: Relevance and lack of personal
7 knowledge.

8 THE COURT: Overruled.

9 A Yes, they were free to leave at any time.

10 Q All right. So, I want to go back to 2014.

11 That's when you left the company, correct?

12 A Yes.

13 Q So in total, you were at the company for about ten years,
14 right?

15 A Yes.

16 Q And before we get to why you left the company, let's talk
17 for a minute about why you stayed for a decade. Okay?

18 So you believed deeply in the company, correct?

19 A Yes.

20 Q You believed in the practice of OM, correct?

21 A Yes.

22 Q And although you were working hard, you found this to be
23 a fulfilling job, correct?

24 A Yes.

25 Q And aside from your belief in the company, you also were

Kandel, - cross - Robotti

3665

1 having a great time at OneTaste, correct?

2 A Yes.

3 Q You were working with fun and interesting people,
4 correct?

5 A Yes.

6 Q You met your best friends there, correct?

7 A Yes.

8 Q And you got to work day in and day out with them, right?

9 A Yes.

10 Q And you were also working on bettering yourself, correct?

11 A Yes.

12 Q You also had OMing practice with numerous persons at
13 OneTaste, correct?

14 A Yes.

15 Q Sexual relationships with numerous people, correct?

16 A Yes.

17 Q And you've described the experience as just total growth,
18 the best time, the worst times, everything in between,
19 correct?

20 A Yes.

21 Q And that you've said that it really formed you as a man,
22 correct?

23 A Yes.

24 Q So, fair to say, you felt you had a full life at
25 OneTaste?

Kandel - cross - Robotti

3666

1 A Yes.

2 Q And at a certain point, you thought you were going to
3 spend the rest of your life doing that job, correct?

4 A Yes.

5 Q And fair to say that walking away for you was incredibly
6 hard?

7 A Yes.

8 Q And to leave meant walking away from the life you had
9 built, correct?

10 A Yes.

11 Q And your relationships and the startup you nurtured and
12 your teaching practice, correct?

13 A Yes.

14 Q So, when the direction of the company changed to focus on
15 sales in 2012, you didn't quite agree with the direction of
16 the company, correct?

17 A In 2012, I did agree with the direction of the company.

18 Q But over time you felt you didn't agree with where it was
19 going, correct?

20 A Specifically, I agreed that it was right for the company,
21 it just wasn't right for me.

22 Q Okay. So this wasn't an overt disagreement you had with
23 Nicole or anything like that?

24 A No.

25 Q All right. And you didn't say I have a better idea of

Kandel - cross - Robotti

3667

1 where this should go or anything like that?

2 A I did not.

3 Q And you recognized that the company as a for-profit
4 company needed to make money, correct?

5 A Yes.

6 Q And the sales team was, in fact, a good business idea for
7 how to make money, correct?

8 A Yes.

9 Q But as a personal choice, you didn't want to focus on
10 sales?

11 A Yes.

12 Q So, in the summer of 2013, you were also relocated, is
13 that right?

14 A Yes.

15 Q And you were living in LA at the time, trying to help
16 open OneTaste in LA, correct?

17 A Yes.

18 Q And at the time, OneTaste was expanding into different
19 cities, correct?

20 A Yes.

21 Q And so the management of the company often had to be
22 moved from one city to another, correct?

23 A Yes.

24 Q And you were going back and forth between San Francisco
25 and LA for a few years, correct?

Kandel - cross - Robotti

3668

1 A Yes.

2 Q And from 2011 to 2013, you moved back and forth three or
3 four times, is that right?

4 A Yes.

5 Q But this time, in the summer of 2013 when you were
6 relocated back to San Francisco, you reacted differently,
7 right?

8 A Yes.

9 Q You felt you had a mental shift when you arrived back in
10 San Francisco, correct?

11 A Yes.

12 Q And you thought: I don't want to spend the rest of my
13 life doing this?

14 A Yes.

15 Q So you spent the next year or so thinking about this,
16 right?

17 A Yes.

18 Q And during that time, you started setting up the company
19 for your exit, correct?

20 A Yes.

21 Q Fair to say that many of the systems and operations
22 weren't documented processes at that point?

23 A Yes.

24 Q And as a young company, you kind of just ran things the
25 best way you knew how, correct?

Kandel, - cross - Robotti

3669

1 A Yes.

2 Q And you were pretty integral to all of these systems,
3 right?

4 A Yes.

5 Q So it wasn't going to be easy for a new person to just
6 come in and take over, correct?

7 A Yes.

8 Q And you had a lot of responsibilities?

9 A Yes.

10 Q A lot to hand off, right?

11 A Yes.

12 Q And so you started to show people what to do, correct?

13 A Yes.

14 Q And to really try to focus on professionalizing the
15 organization on your way out, correct?

16 A Yes.

17 Q And as you testified yesterday, you also waited a year to
18 leave the company so they had the funds to buy you out,
19 correct?

20 A Yes.

21 Q So, in July of 2014, you decided to tell Nicole you were
22 leaving, correct?

23 A Specifically, I told Nicole that I wasn't going to stay
24 my entire life, that I would stay another year or two past
25 July 2014, but eventually, I would go off and do my own thing.

Kandel, - cross - Robotti

3670

1 Q Okay. And you did that over lunch in the East Village --

2 A Yes.

3 Q -- in New York City, correct?

4 A Yes.

5 Q And Nicole Daedone was incredibly gracious, correct?

6 A Yes.

7 Q And not long after that, you ended up resigning your
8 position, correct?

9 A Yes.

10 Q And by the time you left, the company had become
11 profitable, right?

12 A Yes.

13 Q And you did negotiate a favorable severance package,
14 right?

15 A Yes.

16 Q Among other things, you got a \$372,000 promissory note
17 that matured a few months later, correct?

18 A Yes.

19 Q And a payout of \$1.35 million over five years, correct?

20 A Yes.

21 Q And so, you would say you left the company on pretty good
22 financial terms?

23 A Yes.

24 Q And at the time you left OneTaste, you looked back on
25 your experience there as positive, correct?

Kandel - cross - Bonjean

3671

1 A Yes.

2 Q And you sent a departure e-mail to the company on
3 July 31st, 2014, correct?

4 A Yes.

5 Q And at the time of your departure, you believed OneTaste
6 had been the best job ever, correct?

7 A Yes.

8 Q And that you felt complete with your contribution to the
9 mission, correct?

10 A Yes.

11 Q And you believed the process of separation with the
12 company had been built with the same love and care that you
13 had felt while you built the company, correct?

14 A Yes.

15 MR. ROBOTTI: No further questions, Judge.

16 THE COURT: Ms. Bonjean, any cross-examination?

17 MS. BONJEAN: Just very few. Very brief.

18 THE COURT: Go ahead.

19 CROSS-EXAMINATION

20 BY MS. BONJEAN:

21 Q Good morning, Mr. Kandell.

22 A Good morning.

23 Q My name is Jennifer, and I represent Ms. Daedone.

24 A Yes.

25 Q You testified on direct about a darshan. Do I have that

Kandel - cross - Bonjean

3672

1 correct?

2 A Darshan.

3 Q Darshan, my apologies.

4 And can you elaborate a little more about what a
5 darshan is?

6 A My understanding of a darshan, I believe it's a Buddhist
7 term, and it's a group teaching where a teacher sits, often
8 with a Socratic method of teaching, of the students asking
9 questions and the teacher and the participants sharing
10 knowledge.

11 Q Okay. And did Ms. Daedone routinely hold darshans back
12 in the warehouse days?

13 A We did for a period of time, yes. It was the warehouse
14 times.

15 Q And we looked at a transcript, a portion of a transcript
16 for darshan.

17 Do you remember that?

18 A Yes.

19 Q And do the darshans kind of have a theme usually?

20 A Nicole was a voracious researcher, so she would find
21 things and hear things and often bring the ideas to the
22 darshan to share and to explore.

23 Q And did you find yourself that darshans were helpful to
24 personal growth?

25 A Yes.

Kandel - cross - Bonjean

3673

1 Q And did Darshans continue later on into the history of
2 OneTaste or the progression of OneTaste, or was it more in the
3 old days?

4 A I don't have -- I think they ended 2009, 2010.

5 Q Now, you testified on direct examination about
6 manipulation being used at OneTaste.

7 Do you remember that?

8 A Yes.

9 Q And you also testified that manipulation has a negative
10 connotation.

11 Do you remember what you meant by that?

12 A Yes.

13 Q Can you explain?

14 A Manipulation -- my opinion, manipulation has a negative
15 connotation that one person does covertly to another.

16 My personal opinion is that we're manipulating each
17 other constantly, consciously or unconsciously. We're asking
18 for things, we're pouting, we're yelling, we're being human
19 beings with each other.

20 And so, my belief is that there's a conscious
21 manipulation and unconscious manipulation. And so I have it
22 as value-neutral connected to what's the intention behind it.

23 Q And I think you also testified that in connection with
24 your work at OneTaste, that manipulation was used towards a
25 higher goal?

Kandel - cross - Bonjean

3674

1 A Yes.

2 Q And that sometimes people were pushed past their
3 abilities, but the intention was to push them to a higher
4 goal.

5 Was that right?

6 A Yes.

7 Q You also testified on direct examination about -- I think
8 the Government asked you about, you know, what techniques were
9 used. And you testified that there were, I believe, threats
10 of like losing your position within the -- in the company.

11 Is that right?

12 A Yes.

13 Q Okay. And when you say "threats," you mean like a fear
14 of losing social status, right?

15 A Social status, possible income, position, coaching,
16 teaching, doing the OM, you know, the -- the perception of
17 loss or the possible loss.

18 Q Okay. And you certainly never prevented anyone from
19 leaving OneTaste, right?

20 A I never prevented anyone.

21 Q And did you ever see anyone in the upper management at
22 OneTaste prevent somebody from leaving OneTaste?

23 A We would certainly talk to someone to consider, to hear,
24 but there was never a prevention of someone leaving.

25 Q Okay. You also used the word "love-bombing."

Kandel - cross - Bonjean

3675

1 Can we agree that that wasn't a term that was used
2 back then? Or maybe it was, I don't know.

3 A No, it was -- it was present back then. It wasn't the
4 popular term it is now, let's say that.

5 Q Okay. And you testified, I think, that love-bombing is,
6 basically, placing, you know, a significant amount of
7 attention on someone so they feel a particular way, right?

8 A Yes.

9 Q Did OneTaste get involved in projects that benefited
10 people outside the community of OneTaste?

11 A Yes.

12 Q What were those projects?

13 MS. BENSING: Objection.

14 THE COURT: Basis?

15 MS. BENSING: Outside the scope and relevance,
16 consistent with the Government's pretrial briefing on this.

17 THE COURT: Overruled as to this question.

18 BY MS. BONJEAN:

19 Q Can you just provide us the names of the projects, if you
20 recall them?

21 MS. BENSING: Objection.

22 THE COURT: Sustained.

23 MS. BONJEAN: Okay.

24 Q But you would agree that OneTaste tried to help the
25 community on the outside of OneTaste?

Kandel - cross - Bonjean

3676

1 A Yes.

2 Q And was there a program called Fill Up America?

3 MS. BENSING: Objection.

4 THE COURT: Sustained.

5 Q You and Nicole talked about the issues of having a joint
6 community and company, right?

7 A Yes.

8 Q And that seems like it was a conversation that went on
9 for, frankly, like years, right?

10 A Yes.

11 Q And am I correct that in 2013, there was an actual
12 affirmative announcement of splitting community and company?

13 A Yes.

14 Q Like a formal announcement that was made to the entire
15 community?

16 A Yes.

17 Q I think you said in 2014, when you were departing
18 OneTaste, OneTaste was -- had revenue somewhere north of
19 \$4 million.

20 Does that sound right?

21 A Yes.

22 Q And do you know if or how much the revenue increased
23 following your departure in 2015, 2016, 2017?

24 A Just what I read in the Inc. 5000. I think it was
25 11.1 million.

Kandel - cross - Bonjean

3677

1 Q Okay. So it continued to increase, right?

2 A Yes.

3 Q And when you left OneTaste, you had really devoted almost
4 whatever period of time to that company, right?

5 A Yes.

6 Q You put in not just money, but sweat, blood, tears, all
7 of it, right?

8 A Yes.

9 Q And you also, you know, made a significant risk by
10 putting in that initial money that you did, right?

11 A Yes.

12 Q The Government asked you about an individual who is
13 reflected in Government Exhibit 228.

14 THE COURT: Do you want it up?

15 MS. BONJEAN: Yes, please.

16 (Exhibit published.)

17 Q This is --

18 THE COURT: Sorry, it looks like we're having some
19 difficulties with the tech still, but I think everyone gets
20 the idea.

21 MS. BONJEAN: Okay. I think it's okay on the
22 others.

23 THE COURT: It's all the same on the others.

24 Q This is a woman who was -- her name is Anthia Gillick or,
25 at least, one of her names is Anthia Gillick, is that right?

Kandel - cross - Bonjean

3678

1 MS. BENSING: Objection.

2 Q What do you know her as?

3 THE COURT: Sustained.

4 You can answer that question.

5 A I knew her as Brooke, and I also knew her as Anthia,
6 which was her stage name.

7 Q Okay. So she was an actress?

8 A Yes.

9 Q And I think you said you maintained a friendship
10 relationship with her even after you both had departed
11 OneTaste, right?

12 A Yes.

13 Q Okay. And did you have any role in her efforts to sell a
14 book or a TV series about OneTaste?

15 MS. BENSING: Objection.

16 THE COURT: Basis?

17 MS. BENSING: Relevance.

18 THE COURT: Sustained.

19 Q Do you have any knowledge about her efforts to sell like
20 a tell-all book or TV series about OneTaste?

21 MS. BENSING: Objection.

22 THE COURT: Sustained.

23 MS. BONJEAN: Okay. Give me one second, please.

24 THE COURT: Sure.

25 (Pause.)

Kandel - redirect - Bensing

3679

1 MS. BONJEAN: I have nothing further for
2 Mr. Kandell.

3 Thank you.

4 THE COURT: Ms. Bensing, any redirect?

5 MS. BENSING: Yes, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. BENSING:

8 Q Mr. Kandell, you were asked on cross-examination about
9 sales goals set by OneTaste, correct?

10 A Yes.

11 Q And you testified that they started at 5,000?

12 A Yes.

13 Q And they grew from there?

14 A Yes.

15 Q And it's your view that they put people on overwhelm, is
16 that correct?

17 MR. ROBOTTI: Objection to leading.

18 THE COURT: Overruled.

19 A At times, people put people on overwhelm.

20 Q And your view is that when you are overwhelmed, you lose
21 touch with your core, correct?

22 A That can happen, yeah.

23 Q And that's something that you believed happened at
24 OneTaste, correct?

25 A Yes, occasionally.

Kandel - redirec - Bensing

3680

1 Q You testified on cross-examination that information
2 people shared with salespeople was tracked and used to make
3 future sales, correct?

4 A Yes.

5 Q And, in fact, you're aware that OneTaste salespeople were
6 trained to take people to their pain.

7 Do you recall that?

8 A I'm not familiar with that specific term, or I don't
9 remember that specific term.

10 Q Is there something that might refresh your recollection?

11 A E-mail, text message.

12 MS. BENSING: Your Honor, I'd like to approach the
13 witness, and I can give a copy to the Court as well, with
14 what's been already marked -- and which the defense has -- as
15 Government Exhibit 3163.

16 THE COURT: Go ahead. Thank you.

17 MR. ROBOTTI: Your Honor, does the Government have a
18 paper copy for the defense?

19 MS. BENSING: I have one extra, which I am happy to
20 give to the defense team.

21 THE COURT: Sorry. Is this the first time you're
22 receiving it, though?

23 MS. BENSING: No. It's an old marked Government
24 exhibit.

25 THE COURT: If you need a minute with it,

Kandel - redirect - Bensing

3681

1 Mr. Robotti, let me know.

2 MR. ROBOTTI: Yes. Thank you, Judge.

3 THE COURT: Or Ms. Bonjean.

4 MS. BONJEAN: Yes, I need a second.

5 THE COURT: Go ahead.

6 (Pause.)

7 MS. BENSING: We can pull it up on the computer as
8 well.

9 THE COURT: Just for the --

10 MS. BENSING: Yes, just for the -- it's not in
11 evidence.

12 And I'm going to ask the witness to look at page 2
13 to see whether that refreshes his recollection.

14 THE COURT: Okay. But give everyone a moment.

15 MS. BENSING: Of course.

16 THE COURT: But you can put it on though, before the
17 question.

18 (Pause.)

19 MR. ROBOTTI: Your Honor, we object. This postdates
20 his time --

21 THE COURT: But she's not offering this. She's not
22 offering this.

23 MR. ROBOTTI: Okay. We object just because it
24 postdates.

25 THE COURT: And let's wait for the question then.

Kandel - redirect - Bensing

3682

1 Okay. Go ahead.

2 BY MS. BENSING:

3 Q Mr. Kandell, my question is whether or not this refreshes
4 your recollection that OneTaste salespeople were taught to
5 take clients to their pain?

6 A I have no memory of this or that specific statement.

7 Q Your -- you were asked on cross-examination regarding
8 your observations and views of Rachel Cherwitz's sales
9 techniques, is that correct?

10 A Yes.

11 Q And it's your view that Rachel Cherwitz had carte blanche
12 with respect to sales, is that correct?

13 MR. ROBOTTI: Objection to the form, Your Honor.

14 MS. BONJEAN: Join.

15 THE COURT: Sustained.

16 BY MS. BENSING:

17 Q Well, Mr. Kandell, have you described that Rachel
18 Cherwitz has carte blanche with respect to sales previously?

19 A I don't believe I described it as carte blanche.

20 I think a lot of leeway. But to me, carte blanche
21 means total freedom, and that wasn't the case in my
22 experience.

23 Q And so, you don't recall indicating that she had carte
24 blanche with respect to sales, is that correct?

25 A I don't remember.

Kandel - redirect - Bensing

3683

1 MS. BONJEAN: Objection; foundation.

2 THE COURT: She asked if he recalled. And I didn't
3 hear the answer.

4 MS. BENSING: Yes, if he recalled writing that
5 previously.

6 A I don't remember that.

7 THE COURT: Overruled. Objection overruled.

8 MS. BENSING: And I am going to ask the witness
9 to -- if we can pull up for the witness, which is Tab 50 of
10 the Court's binder, Government Exhibit 1852.

11 BY MS. BENSING:

12 Q Just take a look at the first page, please, Mr. Kandell.

13 MS. BENSING: And then I'm going to ask that we turn
14 to page 4 -- sorry, page 5.

15 A I remember this document now. Yes, I did say "carte
16 blanche."

17 Q That Rachel Cherwitz had carte blanche to do as she
18 pleased because she provided sales?

19 A Yes.

20 Q And that she was impossible --

21 MS. BONJEAN: Objection. Objection.

22 THE COURT: Yes, sustained as to the form of the
23 question.

24 Q Is it your view that she was impossible to control?

25 A At times.

Kandel - redirect - Bensing

3684

1 Q Except for Nicole Daedone, who could control her?

2 A Yes.

3 Q Mr. Kandell, you were asked questions yesterday about
4 OneTaste's Ethics Committee.

5 Do you recall that?

6 A Yes.

7 Q And you were asked on cross-examination whether people
8 sent in ethics requests to the committee?

9 A Yes.

10 Q You didn't sit on the Ethics Committee, right?

11 A No.

12 Q But you sent in requests for exceptions, right?

13 A Once or twice.

14 Q Once or twice?

15 Well, does that include on September 19th of 2009?

16 A It sounds right.

17 Q And does that include on March 2nd, 2010?

18 A Sounds right.

19 Q And on August 27th, 2012?

20 A Yes.

21 Q And on March 27th, 2013?

22 A I guess so.

23 Q Is there something that would refresh your recollection?

24 A All the e-mails.

25 MS. BENSING: Your Honor, I'd like to hand up to the

Kandel - redirect - Bensing

3685

1 witness what's been marked as Government Exhibit 2684, 2685,
2 2686, 2687, 2688 and 2689.

3 I've given copies to the defense, and I have copies
4 for the Court.

5 THE COURT: Thank you.

6 THE WITNESS: Thank you.

7 BY MS. BENSING:

8 Q And I believe I had just asked you about March 27th,
9 2013, is that correct?

10 A (No response.)

11 Q And so I'd ask you to look at Government Exhibit 2685.

12 A Yes.

13 Q And so, you sent a request for an exemption from the
14 Ethics Committee on that date, correct?

15 A Yes.

16 Q And on September 4th, 2013?

17 A Yes.

18 Q And on February 3rd, 2014?

19 A The one on September 4th, 2013, was not sent in by me.
20 It was sent in by another person.

21 Q With respect to you?

22 A With respect to me.

23 Q And then you were asked for your views, is that correct?

24 A Yes.

25 Q And that was approved, correct?

Kandel - redirect - Bensing

3686

1 A Yeah -- yes.

2 Q And another request was sent in with respect to you on
3 February 3rd, 2014, correct?

4 A Yes.

5 Q And that request was approved, correct?

6 A Yes. That wasn't sent by me, though.

7 Q Okay, but it was with respect to you?

8 A Yes.

9 Q And all of the other prior requests that I asked you
10 about, those were approved, too, right?

11 A Yes.

12 Q Fair to say that you were never denied approval from the
13 Ethics Committee as far as you can recall, correct?

14 A That is correct.

15 Q You testified on cross-examination that OneTaste was a
16 true startup company, correct?

17 A Yes.

18 Q And you were asked whether it was typical of startup
19 culture that people were working hard at the company, right?

20 A Yes.

21 Q And you said it was?

22 A Yes.

23 Q And it's typical for startups, Mr. Kandel, to offer
24 equity to employees, right?

25 A Stock options.

Kandel - redirect - Bensing

3687

1 Q And OneTaste didn't do that to its employees, right?

2 A That is correct.

3 Q Instead, you manipulated people, correct?

4 A Yes.

5 MR. ROBOTTI: Objection.

6 Q You had --

7 THE COURT: Sorry.

8 MR. ROBOTTI: Objection to leading.

9 MS. BONJEAN: Foundation.

10 MR. ROBOTTI: Foundation.

11 THE COURT: Overruled.

12 BY MS. BENSING:

13 Q You were asked a lot of questions on cross-examination
14 today regarding your departure from OneTaste, correct?

15 A Yes.

16 Q And when you left, you got \$1.3 million, correct?

17 A Yes.

18 Q Fair to say that made your departure from OneTaste
19 easier, Mr. Kandel?

20 A Yes.

21 Q And you're aware that when other employees of OneTaste
22 left, they were wrecked, correct?

23 MS. BONJEAN: Objection; form.

24 THE COURT: Sustained.

25 MS. BONJEAN: Vague.

Kandel - redirect - Bensing

3688

1 THE COURT: Sustained.

2 Q Fair to say that when other OneTaste employees left, they
3 were financially depleted, correct?

4 A Yes.

5 Q And psychologically depleted?

6 MR. ROBOTTI: Objection.

7 MS. BONJEAN: Objection.

8 MR. ROBOTTI: Timeframe; form.

9 THE COURT: Sustained. Sustained.

10 BY MS. BENSING:

11 Q You knew that when OneTaste -- when certain OneTaste
12 employees left the company, that they had rough exits around
13 money, correct?

14 MS. BONJEAN: Objection.

15 MR. ROBOTTI: Objection.

16 MS. BONJEAN: Vague.

17 MR. ROBOTTI: Timeframe; form.

18 THE COURT: I mean, sustained as to foundation.

19 Q Mr. Kandell, you were asked on cross-examination about
20 Christina Berkley.

21 Do you recall that?

22 A Yes.

23 Q And you were aware that her exit from OneTaste -- her
24 exit from OneTaste was what you've called pretty nasty,
25 correct?

Kandel - redirect - Bensing

3689

1 MS. BONJEAN: Objection.

2 MR. ROBOTTI: Objection to form.

3 MS. BONJEAN: Form.

4 THE COURT: Overruled.

5 A Yes.

6 Q And you're aware that since her departure in 2009, she
7 has still been recovering --

8 MS. BONJEAN: Objection.

9 MR. ROBOTTI: Objection.

10 THE COURT: Sustained. Sustained.

11 BY MS. BENSING:

12 Q You were asked on cross-examination about Lianna Lifson.
13 Do you recall that?

14 A Yes.

15 Q And you were asked whether you recalled directing her to
16 engage in any kind of sex acts.

17 Do you recall that?

18 A Yes.

19 Q And you testified during direct examination yesterday
20 that you observed OneTaste leaders direct employees to engage
21 in sex acts.

22 Do you remember that?

23 MS. BONJEAN: Objection, misstates.

24 Q Did you testify --

25 MS. BENSING: I can restate.

Kandel - redirec - Bensing

3690

1 MR. ROBOTTI: Objection; misstates.

2 THE COURT: Okay. Sustained.

3 Next question.

4 Q Did you testify yesterday that you observed OneTaste
5 leaders direct employees to engage in sex acts?

6 MS. BONJEAN: Object to the foundation.

7 MR. ROBOTTI: Join.

8 THE COURT: Overruled.

9 A Yes.

10 Q And you can't recall all of the instances in which that
11 happened, correct?

12 A Yes.

13 Q Correct that you cannot recall?

14 A Correct, I cannot recall.

15 Q You testified on cross-examination yesterday that you
16 denied committing a crime.

17 Do you remember that?

18 A Yes.

19 Q You're not a lawyer, Mr. Kandell, right?

20 A That is correct.

21 Q You're not a judge?

22 A Yes.

23 MR. ROBOTTI: Objection.

24 Q You never --

25 THE COURT: Basis?

Kandel - redirect - Bensing

3691

1 MS. BONJEAN: Relevance.

2 MR. ROBOTTI: Relevance.

3 THE COURT: Overruled.

4 BY MS. BENSING:

5 Q Fair to say, you've never studied federal criminal law?

6 A Yes.

7 Q You have not, correct?

8 A I have not.

9 Q You're a life coach, correct?

10 A Mostly business consultant at this point.

11 Q And you're here testifying before this jury because the
12 Government compelled your testimony, correct?

13 A Yes.

14 Q You were asked some questions on cross-examination
15 yesterday about CrossFit and how you used CrossFit to get into
16 shape.

17 Do you recall that?

18 A I do.

19 Q When were you at CrossFit, you went, at most, a few times
20 a week, right?

21 A Three to four times a week, yes.

22 Q When you were at CrossFit, you didn't move into a
23 CrossFit communal living space with assigned bedmates,
24 correct?

25 A No.

Kandel - redirect - Bensing

3692

1 Q Nobody assigned you a research partner at CrossFit?

2 MS. BONJEAN: Objection to the relevance.

3 THE COURT: Overruled.

4 A No.

5 Q Nobody expected you at CrossFit to comply with sales
6 goals from morning to night?

7 A That is correct.

8 Q Nobody assigned you to serve as somebody's handler at
9 CrossFit, right?

10 A That is correct.

11 Q You didn't have to take care of the sexual needs of
12 CrossFit's investor, right?

13 MR. ROBOTTI: Objection.

14 MS. BONJEAN: Objection.

15 THE COURT: Overruled.

16 A That is correct.

17 Q Nobody pulled you over at CrossFit and said: I'd like
18 you to end your relationship or I'm going to end it for you,
19 correct?

20 A That is correct.

21 Q You were never directed by anybody at CrossFit to engage
22 in sexual acts because there was negative energy between you
23 and another person, correct?

24 A That is correct.

25 Q When you were at CrossFit, were you assigned to sexually

Kandel - redirect - Bensing

3693

1 service investors or any patrons of CrossFit?

2 A I was not.

3 MR. ROBOTTI: Objection to leading.

4 THE COURT: Overruled.

5 A I was not.

6 Q When you were at CrossFit, were you told to go in debt to
7 pay for it?

8 A I was not.

9 Q When you were at CrossFit, were you encouraged to
10 prostitute yourself to pay for it?

11 MS. BONJEAN: Objection.

12 MR. ROBOTTI: Objection.

13 THE COURT: Sustained.

14 BY MS. BENSING:

15 Q You were asked on cross-examination about your knowledge
16 that some people on the internet called OneTaste a cult.

17 Do you remember that?

18 A Yes.

19 Q And then you were asked about your own subjective
20 definition of the term "cult," right?

21 A Yes.

22 Q Fair to say that you have no idea what the people on the
23 internet meant when they were referencing the word "cult,"
24 correct?

25 A I cannot state what their -- their viewpoints were, no.

Kandel, - recross - Robotti

3694

1 Q But OneTaste responded to that, right?

2 A Yes.

3 Q It engaged the services of Reputation.com?

4 A Yes.

5 Q And it, in fact, spent thousands of dollars for that
6 service, correct?

7 A Yes.

8 MS. BENSING: I have no further questions.

9 THE COURT: Any recross-examination, Mr. Robotti?

10 MR. ROBOTTI: Yes. Briefly, Judge.

11 RECROSS-EXAMINATION

12 BY MR. ROBOTTI:

13 Q So, Mr. Kandel, you were asked about the Ethics
14 Committee, correct?

15 A Yes.

16 Q And about a number of requests that you submitted to the
17 Ethics Committee, correct?

18 A Yes.

19 Q And you were asked whether any of those requests were
20 ever denied, correct?

21 A Yes.

22 Q Do you remember a request to the Ethics Committee for
23 Karynne Boese?

24 A Yes.

25 Q And that request was, in fact, denied, correct?

Kandel, - recross - Robotti

3695

1 A I don't remember that.

2 Q Would a document help refresh your recollection?

3 A Yes.

4 MR. ROBOTTI: I'm going to show what's been marked
5 as Defense Exhibit 4-BE.

6 THE COURT: Do you have a copy for me, Mr. Robotti?

7 MR. ROBOTTI: Yes, Judge.

8 THE COURT: Thank you.

9 Thank you.

10 BY MR. ROBOTTI:

11 Q Now, looking at Defense Exhibit 4-BE, does that refresh
12 your recollection that an ethics request for a relationship
13 between you and Karynne Boese was denied?

14 A She applied and her application was denied, yes.

15 Q All right. You were asked whether Ms. Cherwitz had carte
16 blanche as a member of the sales team, correct?

17 A Yes.

18 Q And as a COO and director of the overall business, you
19 were her boss, correct?

20 A No.

21 Q You were the one who was in charge of overseeing the
22 business, correct?

23 A The operations of the business.

24 Q Correct.

25 And Ms. Daedone was also her boss, correct?

Kandel - recross - Robotti

3696

1 A Yes, I would call Nicole her boss.

2 Q Okay. So there were people that Ms. Cherwitz reported
3 to, correct?

4 A Yes.

5 Q You were asked about Ms. Berkley's departure from the
6 company, is that right?

7 A Yes.

8 Q And Ms. Berkley actually left OneTaste and started a
9 competing business, is that correct?

10 A She did.

11 Q She started a company called Go, correct?

12 A Yes.

13 MS. BENSING: Objection.

14 THE COURT: Basis?

15 MS. BENSING: Outside the scope.

16 MR. ROBOTTI: On redirect --

17 THE COURT: Sustained.

18 BY MR. ROBOTTI:

19 Q On redirect examination, you talked about her departure
20 from OneTaste, correct?

21 A Yes.

22 Q And there was significant friction after her departure as
23 a result of her starting a competing business, correct?

24 MS. BENSING: Objection.

25 THE COURT: Sustained.

Kandel, - recross - Robotti

3697

1 BY MR. ROBOTTI:

2 Q You received a grant of immunity from the Government,
3 correct?

4 A Yes.

5 Q And that's a significant benefit to you, correct?

6 A Yes.

7 Q You testified a little bit about this CrossFit analogy on
8 redirect examination, correct?

9 A Yes.

10 Q The purpose of going to CrossFit was to help your
11 personal growth, correct?

12 A Yes.

13 Q Just like it was when you went to OneTaste, correct?

14 A Yes.

15 Q And at CrossFit, everyone was free to leave, correct?

16 A Yes.

17 Q Just like at OneTaste, correct?

18 A Yes.

19 MR. ROBOTTI: No further questions.

20 THE COURT: Ms. Bonjean, do you have any
21 recross-examination?

22 MS. BONJEAN: I do.

23 THE COURT: Go ahead.

24 (Continued on the following page.)

25 *///*

Kandel - recross - Bonjean

3698

1 RE CROSS-EXAMINATION

2 BY MS. BONJEAN:

3 Q Mr. Kandell, you received a grant of immunity from the
4 Government, right?

5 A Yes.

6 Q Okay. It wasn't from the defense, correct?

7 MS. BENSING: Objection.

8 Q And --

9 THE COURT: Sustained.

10 Q -- your obligation is to come in here and tell the truth,
11 right?

12 A Yes.

13 Q The Government told you that, correct?

14 A Yes.

15 Q And you testified that -- on direct examination on
16 questioning by the Government about the Reputation.com
17 services.

18 Do you remember that testimony?

19 A I do.

20 Q Okay. And you also gave your definition of what a cult
21 is on direct examination, right?

22 A I did.

23 Q And that was, again, on questioning from the Government,
24 correct?

25 A Yes.

Kandel - recross - Bonjean

3699

1 Q And did you hire Reputation.com's services because you
2 believed the world out there shared your definition of cult?

3 MS. BENSING: Objection.

4 THE COURT: Basis?

5 MS. BENSING: Well, I guess I'll wait 'til the end
6 of the question.

7 THE COURT: I think she asked the question. It's
8 ended.

9 MS. BONJEAN: Yes.

10 MS. BENSING: Okay. Withdrawn.

11 THE COURT: Go ahead. You may answer.

12 A I did not believe that the general public shared my
13 viewpoints on the word "cult."

14 Q Right.

15 What was your belief about how the general world
16 viewed the word or perceived the word "cult"?

17 A They hear cult, they think Davidian Branch, you know.
18 ATF destruction. I think they think of the worst versions of
19 it, Charles Manson, et cetera, et cetera.

20 And so, the general view on the word "cult" is
21 highly negative.

22 Q And is that why you hired Reputation.com?

23 A Yes.

24 Q You also were asked a series of questions on redirect
25 around CrossFit.

Kandel - recross - Bonjean

3700

1 Do you remember that?

2 A Yes.

3 Q You joined CrossFit to get in shape, right?

4 A Yes.

5 Q They didn't offer you a commune to live in, right?

6 A They did not.

7 Q And if they had, you would understand what went along
8 with living in a commune, right?

9 MS. BENSING: Objection.

10 THE COURT: Sustained.

11 BY MS. BONJEAN:

12 Q When you went to CrossFit, your purpose was to engage in
13 some intense physical activity, correct?

14 A Yes.

15 Q And that's what was marketed to you, right?

16 A Yes.

17 Q But when you decided to start OneTaste with Ms. Daedone,
18 the purpose was to promote the practice of orgasmic meditation
19 in part, right?

20 A Yes.

21 Q It was a sexual wellness company, right?

22 A Yes.

23 Q It was also designed to encourage sexual exploration,
24 correct?

25 A Yes.

Kandel - recross - Bonjean

3701

1 Q It was designed to push your boundaries around sexuality,
2 correct?

3 A Yes.

4 Q It was designed to create an incubator at The Warehouse
5 where people have different experiences around sexuality,
6 correct?

7 A Yes.

8 Q You didn't conceal that from anybody, right?

9 A We did not.

10 Q In fact, you marketed it as such, right?

11 A Some things more overtly than others, but yes.

12 Q And when people came, they clearly saw what was involved
13 in living in The Warehouse, right?

14 A People heard about The Warehouse, were intrigued, and
15 then pursued living in The Warehouse.

16 Q It was actually something that people wanted to
17 participate in, correct?

18 MS. BENSING: Objection.

19 THE COURT: Sustained.

20 Q And when you showed up at The Warehouse, it was pretty
21 clear that you were living in a communal living space, right?

22 A Yes.

23 Q There were no doors around -- around the beds, right?

24 A That is correct.

25 Q And also, when people wanted to join 1080 Folsom, the

Kandel, - further direc. - Bensing

3702

1 residence there, they were -- had to apply, right?

2 A Yes.

3 Q So, there was an understanding about whether somebody
4 really wanted to live in that type of environment, correct?

5 A Yes.

6 Q And that was true for all the OM residences as far as you
7 know, right?

8 A I don't have information about the OM residences outside
9 my scope.

10 Q But within your scope, there was no hiding what communal
11 living meant in an OM residence, correct?

12 A Yes.

13 Q Okay.

14 MS. BONJEAN: I have nothing further.

15 MS. BENSING: Your Honor, I just have one follow-up
16 question with respect to Defense Exhibit 4-BE.

17 MS. BONJEAN: That's outside the scope.

18 MS. BENSING: No. Mr. Robotti --

19 THE COURT: No, it's not outside the scope, and I
20 will allow it.

21 Go ahead.

22 FURTHER DIRECT EXAMINATION

23 BY MS. BENSING:

24 Q Mr. Kandell, you were asked about Defense Exhibit 4-BE.

25 Do you recall that?

Kandel - further cross - Robotti

3703

1 A Yes.

2 Q And about whether or not the Ethics Committee denied
3 something with respect to somebody named Karynne Boese?

4 A Yes.

5 Q And, in fact, when you followed up with the Ethics
6 Committee, that request was approved, correct?

7 A Yes.

8 MS. BENSING: Nothing further.

9 THE COURT: If there's anything on specifically
10 4-BE, I would allow you to be heard, but otherwise, we'll move
11 on.

12 MR. ROBOTTI: Can't resist.

13 THE COURT: Go ahead, Mr. Robotti.

14 I didn't hear what you just said, but you're
15 walking, so I assume you have something else.

16 Go ahead.

17 FURTHER CROSS-EXAMINATION

18 BY MR. ROBOTTI:

19 Q Mr. Kandell, the ethics request between you and Karynne
20 Boese was initially denied by the Ethics Committee, correct?

21 A Yes.

22 Q After a time period went by, it was resubmitted, correct?

23 A Yes.

24 Q The Ethics Committee considered it, correct?

25 A Yes.

1 Q And they approved it, correct?

2 A Yes.

3 Q That was the process at OneTaste, correct?

4 A Yes.

5 THE COURT: Ms. Bonjean?

6 MS. BONJEAN: Nothing further.

7 THE COURT: Okay. The witness may step down.

8 (Witness steps down and exits the courtroom.)

9 THE COURT: And the Government may call its next
10 witness.

11 MS. GUPTA: The Government calls Ken Blackman.

12 THE COURT: Ms. Gupta, is there anything you want to
13 leave up here for the witness now?

14 MS. GUPTA: No, thank you.

15 THE COURT: Okay.

16 (Witness enters and takes the stand.)

17 THE COURTROOM DEPUTY: Sir, please step up. Remain
18 standing. Raise your right hand.

19 Do you solemnly swear or affirm that the answers and
20 testimony you are about to give this Court shall be the truth,
21 the whole truth, and nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 (Witness sworn/affirmed.)

24 THE COURTROOM DEPUTY: Please be seated.

25 State your full name for the record, spell your last

1 name slowly, and please use the microphone.

2 Thank you.

3 THE WITNESS: My name is Kenneth Saul Blackman. The
4 last name is spelled B-L-A-C-K-M-A-N.

5 THE COURT: You may proceed, Ms. Gupta.

6 MS. GUPTA: Thank you, Your Honor.

7

8 (Continued on the following page.)

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Blackman - direct - Gupta

3706

1 **KENNETH SAUL BLACKMAN,**

2 called as a witness by the Government, having been first
3 duly sworn/affirmed by the Courtroom Deputy, was examined
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. GUPTA:

7 Q Mr. Blackman, do you know someone named Nicole Daedone?

8 A I do.

9 Q Do you know someone named Rachel Cherwitz?

10 A Yes.

11 Q How do you know Nicole Daedone and Rachel Cherwitz?

12 A Nicole, I met at an organization that we were students
13 at, and also through working at OneTaste. And Rachel, I met
14 working at OneTaste.

15 Q What was Nicole Daedone's role at OneTaste?

16 A She was the leader, the COO, the visionary.

17 Q And what was Rachel Cherwitz's role at OneTaste?

18 A It changed over time. She was a teacher, and then later
19 she was head of sales.

20 Q Do you see Nicole Daedone in the courtroom today?

21 A Yes.

22 Q I'll ask you to just identify her.

23 A She's that woman right there, standing up.

24 MS. GUPTA: And, Your Honor, we would ask that the
25 record reflect that the witness has identified the defendant,

Blackman - direct - Gupta

3707

1 Nicole Daedone.

2 THE COURT: Yes.

3 BY MS. GUPTA:

4 Q Do you see Rachel Cherwitz in the courtroom today?

5 A Yes, I do.

6 Q And I'll ask you to identify her as well.

7 A She's the woman standing now.

8 MS. GUPTA: And, Your Honor, again, we would ask
9 that the record reflect that the witness has identified the
10 defendant, Rachel Cherwitz.

11 THE COURT: Yes.

12 MS. GUPTA: Thank you.

13 Q Mr. Blackman, when did you first become involved in
14 OneTaste?

15 A Around 2008.

16 Q And what was the nature of your involvement?

17 A In the beginning, I was just a friend. And later, I
18 became an instructor there, the lead instructor for orgasmic
19 meditation.

20 Q And did there come a time when you left OneTaste?

21 A Yes.

22 Q When was that approximately?

23 A In late January of 2014.

24 Q Now, you testified that you met Nicole Daedone initially
25 at another organization.

Blackmar - direct - Gupta

3708

1 When approximately was that?

2 A 2000, 2001, around then.

3 Q And what was that organization called?

4 A That was called The Welcomed Consensus.

5 Q Was there a leadership team at OneTaste?

6 A Yes.

7 Q And were you on it?

8 A Yes.

9 Q Was Nicole Daedone on it?

10 A Yes.

11 Q Was Rachel Cherwitz on it?

12 A Yes.

13 Q To your knowledge, did Nicole Daedone ever direct anyone
14 who worked at OneTaste to engage in sexual acts with
15 particular individuals?

16 MS. BONJEAN: Objection.

17 A Yes.

18 THE COURT: Sorry. Sorry. There was an objection.
19 Right, Ms. Bonjean?

20 MS. BONJEAN: Objection; foundation.

21 THE COURT: That's sustained.

22 BY MS. GUPTA:

23 Q While you were at OneTaste, did you have an opportunity
24 to observe Nicole Daedone?

25 A Yes.

Blackmar - direct - Gupta

3709

1 Q Did you have the opportunity to observe Rachel Cherwitz?

2 A Yes.

3 Q And all three of you were members of the leadership team
4 as you testified, correct?

5 A That is correct, yes.

6 Q In your capacity as a member of the leadership team and
7 in your observations of Nicole Daedone, did you ever observe
8 her direct anyone who worked at OneTaste to engage in sexual
9 acts with particular individuals?

10 MS. BONJEAN: Still same objection.

11 THE COURT: Overruled.

12 A Can you repeat the question?

13 Q Yes.

14 Based on your personal observations of Nicole
15 Daedone and your own knowledge, did Nicole Daedone ever direct
16 individuals who worked at OneTaste to engage in sexual acts?

17 A Yes.

18 Q Who did she direct people who worked at OneTaste to
19 engage in sexual acts with?

20 A That I know of --

21 MR. ROBOTTI: Objection; time period.

22 MS. BONJEAN: Objection.

23 THE COURT: Sustained. Sustained.

24 Q You were at OneTaste between 2008 and 2014, correct?

25 A That's right.

Blackmar - direct - Gupta

3710

1 Q During that time period, who did you observe her direct
2 people to engage in sexual acts with?

3 A Three that I know of are --

4 MS. BONJEAN: I mean, object to the "know of,"
5 personal knowledge.

6 THE COURT: Overruled.

7 BY MS. GUPTA:

8 Q You can respond.

9 A Alisha Price, Michelle Wright and Madelyn Carl.

10 Q And who did Nicole Daedone direct those individuals to
11 engage in sexual acts with?

12 MR. ROBOTTI: Objection to foundation.

13 THE COURT: Overruled.

14 A Reese Jones.

15 Q Who is Reese Jones?

16 A Reese Jones was Nicole's boyfriend and an investor at
17 OneTaste.

18 Q And how did you know Reese Jones?

19 A I met him as Nicole's boyfriend, as an occasional student
20 of the classes. And for a time, I also stayed at his house.

21 Q When approximately did you stay at his house?

22 A 2010.

23 Q Where was his house located?

24 A In San Francisco. It was at the top of Russian Hill.

25 MS. GUPTA: I'd like to show what's been marked

Blackman - direct - Gupta

3711

1 as -- sorry, what's been admitted as Government Exhibit 56.

2 (Exhibit published.)

3 BY MS. GUPTA:

4 Q Do you recognize this?

5 A Yes, I do.

6 Q What is that?

7 A That's Reese Jones's house.

8 Q Is that the house that you stayed in?

9 A Yes.

10 MS. GUPTA: Could we pull up Government Exhibit 60,
11 which is also in evidence?

12 (Exhibit published.)

13 Q Is this part of Reese Jones's house as well?

14 A Yes, that's the top level.

15 MS. GUPTA: You can take that down. Thank you.

16 Q Who else lived there at the time that you lived at Reese
17 Jones's house?

18 A Nicole lived there -- Nicole lived there. And for a
19 time, I lived there. And for a time, Yia lived there.

20 Q Yia who?

21 A Yia Vang.

22 MS. GUPTA: I'd like to pull up Government
23 Exhibit 205, which is in evidence.

24 (Exhibit published.)

25 Q And, Mr. Blackman, who is this?

Blackman - direct - Gupta

3712

1 A This is Alisha Price.

2 Q This is one of the individuals you mentioned who was
3 directed to engage in sexual acts with Reese Jones?

4 A That's correct.

5 MS. GUPTA: I'd like to go to Government
6 Exhibit 408.

7 THE COURT: Do you want these to be displayed if
8 they're in evidence?

9 MS. GUPTA: Oh, yes, please. They are in evidence.
10 Thank you.

11 (Exhibit published.)

12 BY MS. GUPTA:

13 Q Mr. Blackman, who is this?

14 A This is Michelle Wright.

15 Q And this is one of the individuals you testified who
16 engaged in sexual acts with Reese Jones?

17 A Yes.

18 MS. GUPTA: I'd like to go to Government
19 Exhibit 261, also in evidence.

20 (Exhibit published.)

21 Q Who is this?

22 A This is Madelyn Carl, Maddie.

23 Q And is this also one of the individuals you just
24 testified who engaged in sexual acts with Reese Jones?

25 A Yes, that's correct.

Blackman - direct - Gupta

3713

1 Q To your knowledge, did Michelle and Maddie have any kind
2 of relationship with each other?

3 A Yes, they -- for a time, they were a couple, yes.

4 MS. GUPTA: You can take that down. Thank you.

5 Q Mr. Blackman, while you were at OneTaste between 2008 and
6 2014, did you exchange text messages with other people who
7 worked there?

8 A Yes, quite a bit.

9 Q Did that include Nicole Daedone?

10 A Yes.

11 Q Did that include Rachel Cherwitz?

12 A Yes.

13 Q And did that include Yia Vang?

14 A Yes.

15 MS. GUPTA: I'd like to show the witness for
16 identification only Government Exhibit 4501.

17 THE COURT: I don't think I have a 4501. I have
18 additional letters.

19 MS. GUPTA: Oh, yes, Your Honor. This is thousands
20 of pages, so we didn't print it. It's for identification only
21 and we don't plan to admit it.

22 MS. BONJEAN: What's it called?

23 MS. GUPTA: 4501.

24 THE COURT: In fact, I do have it, I'm told. Thank
25 you.

Blackman - direct - Gupta

3714

1 (Pause.)

2 BY MS. GUPTA:

3 Q Mr. Blackman, do you recognize this document?

4 A I do.

5 Q What is it?

6 A This is an output of phone calls -- I mean, sorry, text
7 messages that I -- that were on my phone prior to 2011.

8 Q And did you at some point provide this to the Government?

9 A Yes, I did.

10 Q How did you obtain these text messages in the format that
11 you see in front of you?

12 A Yes. I was getting a new phone, and at that time there
13 was an app you could use that would actually go to the local
14 database on the phone or on the computer and just actually
15 grab all the records from -- from the phone.

16 And so, I just created a backup, so that I could go
17 to a new phone.

18 Q And with respect to the format you see in front of you,
19 is this how you provided it to the Government?

20 A Yeah, it was just a raw database of -- of texts.

21 Q Did you alter these messages in any way before providing
22 them to the Government?

23 A Um, yes. I had deleted some messages from another
24 company that I worked at before -- before OneTaste. So, there
25 was a company called VideoEgg, one word, and I wasn't in

Blackmar - direct - Gupta

3715

1 contact with any of those people anymore. I just deleted them
2 from the messages.

3 Q And to be clear, did you alter the content of these
4 messages in any way?

5 A No, I did not.

6 Q Okay.

7 MS. GUPTA: And if we could just scroll up at the
8 top.

9 Q What is the date of the first message?

10 A The date of the first message is September 5th, 2008.

11 MS. GUPTA: And if we could scroll to the very last
12 page?

13 Q When did these messages end?

14 A They end January 30th, 2012.

15 Q And does this document list the individuals with whom you
16 were texting?

17 A Yes, it does.

18 Q Does it include the date?

19 A Yes.

20 Q Does it include the time?

21 A Yes.

22 Q And does it include the content of the messages?

23 A Yes, it does.

24 Q Have you reviewed certain excerpts from this larger
25 document?

Blackmar - direct - Gupta

3716

1 A Yes.

2 MS. GUPTA: I'd like to show the witness only
3 Government Exhibit 4501-FD.

4 And I have a hard copy binder for the witness, Your
5 Honor.

6 THE COURT: Go ahead. You can bring it up.

7 (Pause.)

8 BY MS. GUPTA:

9 Q Do you recognize this?

10 A Yes, I do.

11 Q What is it?

12 A These are a text exchange between myself and Nicole
13 Daedone from the larger document that we just looked at.

14 Q And are these messages only with Nicole Daedone?

15 A Yes.

16 Q On what date?

17 A These are on 2011, February 19th, 2011.

18

19 (Continued on the following page.)

20

21

22

23

24

25

Blackman - direct - Gupta

3717

1 BY MS. GUPTA: (Continuing.)

2 Q And is this a portion or subset of what we just looked at
3 in Government Exhibit 4501?

4 A Yes, it is.

5 Q Was it generated the same way given that it's a subset of
6 that document?

7 A Yes.

8 Q And the exhibit you see in front of you 4501-FD is this
9 an easier-to-read version than the version that you provided?

10 A Yes.

11 Q Is it the same in terms of its substance?

12 A Yes, it is.

13 Q Did you review this exhibit prior to come to court today?

14 A I did.

15 Q Now, did you and Nicole Daedone ever discuss Daedone's
16 assigning of women to engage in sexual acts with Reese Jones?

17 A Can you repeat that?

18 Q Did you and Nicole Daedone ever discuss her assigning
19 women to engage in sexual acts with Reese Jones?

20 A Yes.

21 Q Did you discuss that via text message?

22 A Yes.

23 Q Is this a fair and accurate depiction of text messages
24 you exchanged with Nicole Daedone on February 19, 2011?

25 A Yes, it is.

Blackman - direct - Gupta

3718

1 MS. GUPTA: Your Honor, we move to admit Government
2 Exhibit 4501-FD.

3 MR. ROBOTTI: Your Honor, we object on authenticity
4 and completeness grounds due to the unspecified deleted
5 messages.

6 THE COURT: Ms. Bonjean?

7 MS. BONJEAN: Yes, all of the above and doctrine of
8 completeness.

9 THE COURT: Overruled. Let me just ask, though,
10 this document is four pages or two pages?

11 MS. GUPTA: I'm just double checking myself, Your
12 Honor. I believe it's two pages.

13 THE COURT: I have some extra pages. I want to make
14 sure that everyone is on the same page. It's just a two-page
15 document. Is that what everyone has?

16 MR. ROBOTTI: We're trying to pull it up, Your
17 Honor.

18 THE COURT: Okay, that's fine.

19 MS. BONJEAN: I have two pages.

20 MS. GUPTA: Your Honor, just to clarify, I believe
21 you have the demonstrative version and the raw version which
22 perfect --

23 THE COURT: You're offering the first?

24 MS. GUPTA: I'm offering the demonstrative version.

25 THE COURT: The objection is overruled. Government

Blackman - direct - Gupta

3719

1 Exhibit 4501-FD, which is two pages, is admitted.

2 (Government Exhibit 4501-FD received in evidence.)

3 (Exhibit published.)

4 BY MS. GUPTA:

5 Q Mr. Blackman, looking at this text message exchange, who
6 is speaking on the left?

7 A On the left is Nicole Daedone.

8 Q And who is speaking on the right?

9 A Myself.

10 Q I'm going to ask you to read your own messages and I'll
11 read Nicole Daedone's.

12 A Okay.

13 While I was reading (sic) that, Yia --

14 THE COURT: I am going to -- are you reading off the
15 screen or off the hard copy?

16 THE WITNESS: I can use either one.

17 THE COURT: Just make sure you're reading
18 accurately, please. Go ahead.

19 A While I was writing that, Yia was giving Robin an
20 extremely warm, sensual kiss. Now she's flirting with Kenan.
21 And now she's kissing him. Now they're closing the door.

22 Q Oh, my. It takes a lot of love to torturer a man.

23 A She's fucking consummate as it. It's just a procession
24 of men passing through that room. You'd think she was running
25 a drivethrough sex shop in there.

Blackman - direct - Gupta

3720

1 Q Hilarious?

2 A Thanks a lot, Nic.

3 Q I'll trade you problems, Yia for Reese, any day.

4 A You're on.

5 Q Okay. You want to make sure Reese gets stroked every
6 day, gets fed and takes a walk every now and then so he
7 doesn't die and I'll make fun of Yia the way she likes.

8 So, Mr. Blackman, this first message on the top
9 right, Thanks a lot, Nic, who is Nic?

10 A That would be Nicole, the person I'm texting with.

11 Q Is that a nickname for her?

12 A Yes.

13 Q And when Nicole Daedone says, Okay, you want to make sure
14 Reese gets stroked every day, what do you understand stroked
15 to mean in this?

16 A Daily getting a handjob.

17 MS. BONJEAN: Objection. He's not answering the
18 question.

19 MR. ROBOTTI: And foundation.

20 THE COURT: Hold on.

21 Sustained as to the form of question.

22 BY MS. GUPTA:

23 Q When Nicole Daedone said, Okay, you want to make sure
24 Reese gets stroked every day, what did you understand her to
25 mean?

Blackman - direct - Gupta

3721

1 MR. ROBOTTI: Objection, foundation.

2 MS. BONJEAN: Speculation.

3 THE COURT: Overruled.

4 A Getting stroked means a handjob. So daily he would
5 get --

6 MS. BONJEAN: Objection.

7 THE COURT: Sustained as to the last part.

8 MS. BONJEAN: Move to strike.

9 MS. GUPTA: Could we pull up Government Exhibit --

10 THE COURT: Hold on, give me a minute.

11 I'll strike the last sentence that he started.

12 Go ahead you can ask the next question.

13 BY MS. GUPTA:

14 Q Based on your discussions with Nicole Daedone around
15 this, time how frequently was Reese getting stroked?

16 A Daily.

17 Q By Alisha, Michelle and Maddie as you testified earlier?

18 A One or the other.

19 MS. GUPTA: I'd like to show the witness only
20 Government Exhibit 4501-HD.

21 (Exhibit published to the witness, counsel and the Court.)

22 Q Do you recognize this document?

23 A Yes.

24 Q What is it?

25 A It's a text exchange between Yia Vang and myself.

Blackman - direct - Gupta

3722

1 Q On what date?

2 A February 28, 2011.

3 Q And is this a portion of what you provided to the
4 Government in the larger PDF document we saw Government
5 Exhibit 4501?

6 A Yes, it is.

7 Q And, again, is this Government Exhibit an easier-to-read
8 version than the version you provided?

9 A Yes.

10 Q Is it substantively the same?

11 A Yes, it is.

12 Q Did you review this prior to coming to court?

13 A I did.

14 Q You testified earlier that Yia Vang also lived at Reese's
15 house while you lived there?

16 A Yes.

17 Q Were there times when you and Yia would discuss your
18 living arrangement?

19 A Yes.

20 Q Did you have those discussion over text messages?

21 A Yes, we did.

22 Q Is this a fair and accurate depiction of text messages
23 you exchanged with Yia Vang on February 28, 2011?

24 A Yes.

25 MS. GUPTA: Your Honor, we move to admit Government

Blackman - direct - Gupta

3723

1 Exhibit 4501-HD.

2 MR. ROBOTTI: The same objections as before,
3 completeness then the.

4 MS. BONJEAN: And also hearsay, Your Honor.

5 MR. ROBOTTI: And hearsay.

6 THE COURT: I did not hear the last part of what you
7 said Ms. Bonjean.

8 MS. BONJEAN: Hearsay, in light of the people in the
9 conversation.

10 THE COURT: Okay. The objection is overruled.
11 Government Exhibit 4501-HD is admitted and, again, this one is
12 just one page.

13 MS. GUPTA: Correct.

14 (Government Exhibit 4501-HD received in evidence.)

15 MS. GUPTA: Could we publish to the jury?

16 (Exhibit published.)

17 BY MS. GUPTA:

18 Q Mr. Blackman, I'll read Yia Vang's portions and I'll ask
19 you to read your own.

20 Are you going to be at the house all day?

21 A No, but flexible. What do you need?

22 Q Maddie and Michelle are coming up to cook at 3. Checking
23 to see if I need to be there. I'll let you know.

24 What house is Yia Vang referring to?

25 A Reese Jones' house.

Blackman - direct - Gupta

3724

1 Q And to your knowledge why were Maddie and Michelle coming
2 to cook at Reese Jones' house?

3 MS. BONJEAN: Objection.

4 THE COURT: Sustained.

5 Q Do you know why Maddie and Michelle were coming to cook
6 at Reese Jones' house?

7 A Yes.

8 Q Why?

9 A To cook for him.

10 Q Was that part of their role?

11 A Yes.

12 MS. GUPTA: Can we show the witness only Government
13 Exhibit 4501-KD.

14 (Exhibit published to the witness, counsel and the Court.)

15 Q Mr. Blackman, do you recognize this?

16 A I do.

17 Q What is it?

18 A It's a text message exchange between Nicole Daedone and
19 myself.

20 Q On what date?

21 A This is on October 31, 2011.

22 Q And is this another portion or subset of what you
23 provided to the Government in Government Exhibit 4501, the
24 longer PDF document we reviewed?

25 A Yes, it is.

Blackman - direct - Gupta

3725

1 Q And was it generated the same way given it's a subset of
2 that document?

3 A Yes.

4 Q And is this Government exhibit you see in front of you an
5 easier-to-read version than the version you provided?

6 A It is.

7 Q But is it substantively the same?

8 A Yes.

9 Q Now, you testified earlier that you lived at Reese Jones'
10 house with Nicole.

11 Were there times when she wasn't present at the
12 residence?

13 A Yes.

14 Q Were there times that you provided updates to her
15 regarding Reese and his house while she was absent?

16 A Yes.

17 Q Were some of those updates via?

18 A They were.

19 Q Did you review this exhibit prior to coming to court
20 today?

21 A Yes, I have.

22 Q Is this a fair and accurate depiction of text messages
23 you exchanged with Nicole Daedone on February 21, 2011?

24 A Yes.

25 MS. GUPTA: Your Honor, we move to admit Government

Blackman - direct - Gupta

3726

1 Exhibit 4501-KD.

2 MR. ROBOTTI: Objection on authenticity,
3 completeness, hearsay.

4 MS. BONJEAN: Join.

5 THE COURT: Overruled. Government Exhibit 4501-KD
6 is admitted.

7 (Government Exhibit 4501-KD Exhibit received in
8 evidence.)

9 MS. GUPTA: Can we please publish to the jury?

10 THE COURT: And, again, this is one page.

11 (Exhibit published.)

12 BY MS. GUPTA:

13 Q I'll read Nicole Daedone's messages and I'll ask you to
14 read your own.

15 Just sent. How is the house?

16 A Writing. Longer response coming, one second. Felt fired
17 up and ignited over the weekend. Big influx of energy.

18 Partly from L.A., I'm sure, and partly from shaking off the
19 next layer of doubt. Moving the next notch into my true role

20 of who I am and decided to own it and live from there. Alisha
21 looks and feels the best I've seen her in months, happy, sane.

22 We had an intimate conversation about all of her feelings in
23 both directions. She expresses joy unabashedly and sorrow

24 without a traits of victimhood, just fully feeling it and

25 letting it go. Michelle has been doing great overall. Nice

Blackman - direct - Gupta

3727

1 to have her in the house. A bit shaky today after, A, being
2 brought into the next stage of play with Reese and, B,
3 something about her relationship with Maddie who I take it is
4 getting cracked open. Lish and I have an eye on her.
5 Michelle. Looking forward to the return of the L.A. crew and
6 thinking of you. Valjean suffered more than anything from his
7 own inner incongruity.

8 Q Oh, Ken, sounds amazing.

9 So when Nicole Daedone said "how is the house," what
10 house is she referring to?

11 A Reese Jones' house.

12 Q And are Michelle Maddie and Alisha who you described in
13 here the three individuals we just reviewed in Government
14 Exhibit 4?

15 A Yes.

16 Q Now, you said regarding Alisha, "she expresses joy
17 unabashedly and sorrow without a trace of victimhood."

18 What did you mean by "without a trace of
19 victimhood"?

20 MS. BONJEAN: Objection. Calls for hearsay.

21 THE COURT: Overruled.

22 A She had just been let go of --

23 MS. BONJEAN: Objection, calls for hearsay.

24 THE COURT: Overruled.

25 A She had just been let go from her -- the role that she

Blackman - direct - Gupta

3728

1 had with Reese Jones and she was expressing her feelings about
2 that.

3 Q Then you go on to discuss Michelle and you said, "A bit
4 shaky today after, A, being brought into the next stage of
5 play with Reese and, B, something about her relationship with
6 Maddie."

7 What did you mean by that?

8 MS. BONJEAN: Object to the extent it calls for a
9 hearsay response.

10 THE COURT: Overruled.

11 A Being brought into the next stage of play with Reese,
12 referring to stroking him. Giving him a handjob and her --
13 and being -- something about her relationship with Maddie.
14 Maddie is upset because --

15 MS. BONJEAN: I'm going to object to the extent it
16 calls for hearsay.

17 THE COURT: Overruled.

18 A -- because of Michelle's new role with Reese.

19 Q And you said "Maddie, who I take it is getting cracked
20 open," what did you mean by that?

21 A Cracked open means that she is having some strong
22 feelings and is being vulnerable and allowing those feelings
23 to come.

24 Q And why did you have this second message here about
25 Valjean suffering?

Blackman - direct - Gupta

3729

1 A I don't remember.

2 Q In addition to having women assigned to him, did Reese
3 Jones receive any benefits to your knowledge?

4 MS. BONJEAN: Objection.

5 MR. ROBOTTI: Objection, foundation.

6 THE COURT: Sustained, sustained.

7 MS. GUPTA: I would like to show the witness only
8 Government Exhibit 4501-BD.

9 THE COURT: Say the letters again.

10 MS. GUPTA: BD, and this is one page as well.

11 (Exhibit published to the witness, counsel and the Court.)

12 BY MS. GUPTA:

13 Q Do you recognize this Mr. Blackman?

14 A Yes, I do.

15 Q What is it?

16 A A text message exchanges between Rachel Cherwitz and
17 myself.

18 Q On what date?

19 A This would be on September 14, 2009.

20 Q And is this a portion of what you provided to the
21 Government in Government Exhibit 4501?

22 A Yes, it is.

23 Q And is this Government exhibit an easier-to-read version
24 than what you provided?

25 A Yes.

Blackman - direct - Gupta

3730

1 Q Is it substantively the same?

2 A Yes, it is.

3 Q And did you review this prior to coming to court?

4 A Yes.

5 Q Are you familiar with scenes?

6 A Yes, I am.

7 Q What are they?

8 A A scene is a theatrical production for one particular
9 person where they're the center of attention and the scene is
10 designed to give them a particular experience.

11 Q Are they sexual in nature?

12 A They can be.

13 Q Did people at OneTaste design scenes for Reese Jones
14 while you were there?

15 A Yes.

16 Q While you were at OneTaste did you discuss scenes with
17 Rachel Cherwitz?

18 A Yes, I did.

19 Q Were any of those discussions via text message?

20 A Yes.

21 Q Is this a fair and accurate depiction of text messages
22 you exchanged with Rachel Cherwitz on September 14, 2009?

23 A Yes, it is.

24 MS. GUPTA: We move to admit Government Exhibit
25 4501-BD.

Blackman - direct - Gupta

3731

1 MR. ROBOTTI: Objection, irrelevant, cumulative.

2 MS. BONJEAN: Join.

3 THE COURT: Overruled. Government Exhibit 4501-BD,
4 which is one page, is admitted.

5 (Government Exhibit 4501-BD received in evidence.)

6 MS. GUPTA: Thank you. If you can publish for the
7 jury.

8 (Exhibit published.)

9 BY MS. GUPTA:

10 Q I'll read Rachel Cherwitz's messages and I'll ask you to
11 read your own.

12 Do you have the day off on Thursday?

13 A No, but I'm taking today and tomorrow off this week.
14 What's happening Thursday?

15 Q Reese's birthday. We're doing a scene. Our part is in
16 the morning. Wanted you to do the Oming part?

17 A Let's talk about it tonight.

18 Q Emoji.

19 Do you recall what scene this was?

20 A I don't.

21 Q Was this a scene being conducted for Reese Jones'
22 birthday?

23 A Yes.

24 Q And what part were you being asked to do here?

25 A There's going to be some Oming taking place and they want

Blackman - direct - Gupta

3732

1 me to be the stroker in that.

2 Q Did you participate in the scene?

3 A I can't remember.

4 Q Did anyone else other than Reese Jones receive scenes, to
5 your knowledge?

6 A Yes, it was a regular thing.

7 Q Who else would receive them?

8 A I can't remember.

9 MS. GUPTA: We can take that down, thank you.

10 BY MS. GUPTA:

11 Q During your time at OneTaste between 2008 and 2014 did
12 the company grow?

13 A Yes, it.

14 Q And how, if at all, did you see OneTaste grow from the
15 classes that you taught?

16 A We went from, you know, ten, fifteen, sixteen to 200, you
17 know, 150, 200 people in a course.

18 Q I'd like to show you for identification only Government
19 Exhibit 4501-AD.

20 (Exhibit published to the witness, counsel and the Court.)

21 Q Do you recognize this document?

22 A Yes, I do.

23 Q What is it?

24 A This is a text exchange between Rachel and myself.

25 Q On what date?

Blackman - direct - Gupta

3733

1 A This would be on July 13, 2009.

2 Q And is this a portion of what you provided to the
3 Government in Government Exhibit 4501?

4 A Yes, it is.

5 Q Was it generated the same way?

6 A Yes.

7 Q And is this Government Exhibit an easier-to-read version
8 than the version you provided?

9 A It.

10 Q But is it substantively the same?

11 A Yes, it is.

12 Q Did you review this prior to coming to court?

13 A Yes.

14 Q What was your role at OneTaste at this point in July
15 2009?

16 A I was teaching classes. I was teaching more advanced
17 classes than what they had -- than what had been taught there
18 up to that point.

19 Q What was Rachel Cherwitz's role at OneTaste at this
20 point?

21 A She was starting to do sales.

22 Q While you were at OneTaste, did you have discussions with
23 Rachel Cherwitz about selling and filling courses?

24 A Yes.

25 Q Were some of those discussions via text message?

Blackman - direct - Gupta

3734

1 A They were.

2 Q Is this a fair and accurate depiction of text messages
3 you exchanged with Rachel Cherwitz on July 13, 2009?

4 A It is.

5 MS. GUPTA: Your Honor, we move to admit Government
6 Exhibit 4501-AD.

7 MR. ROBOTTI: Objection, I recall.

8 MS. BONJEAN: Join.

9 THE COURT: Overruled. Government Exhibit 4501-AD
10 is admitted and it's four pages.

11 (Government Exhibit 4501-AD received in evidence.)

12 MS. GUPTA: Yes, thank you.

13 (Exhibit published.)

14 BY MS. GUPTA:

15 Q Mr. Blackman, I'll ask you to read your portions and I'll
16 read Rachel Cherwitz's portions.

17 A Okay.

18 Hey, you might hear from Natasha. Beth said she
19 wanted to sign up for a practice too. Oh, well, next time and
20 Rose left me a message still interested and debating and
21 running her withholds.

22 Q We can put two more people in it. Anthony Mays want to
23 take it. I say we do it.

24 A It's really tempting, but I would rather not. One, the
25 course would suffer. Two, I'm already thinking about the next

Blackman - direct - Gupta

3735

1 time we run it. I'll be really glad I've got those people in
2 it.

3 Q How would the course suffer? I'm not clear.

4 A I don't want any more in it than I've got.

5 Q So it's a personal thing?

6 A I'm not sure what that means. Fourteen is a good size
7 for this course. We decided this some time ago.

8 Q I don't understand why you won't allow more people in the
9 course. It feels weird that I can't get a straight answer.

10 A Reread the e-mail thread where we talked about it and
11 decided. It's a closed issue.

12 Q No, Ken, it's not and the fact that you won't engage here
13 is childish. We can handle a lot of people in an Oming
14 course, so what exactly is the issue and why are you being so
15 strict and weird?

16 A Who is being childish? Who's being weird?

17 Q Ken, give me an answer. There are people wanting to
18 deepen their Oming practice and you're saying no and won't
19 give a straight answer. Seriously you're going to have to
20 learn how to engage here and not throw back an answer when you
21 don't like something. I'll continue enrolling and not consult
22 you.

23 A I'll ask them to leave. This isn't the last class ever
24 and stop corrupting the beautiful concept of engagement. I'm
25 engaged. I'm just not doing something you want.

Blackman - direct - Gupta

3736

1 Q You're really unbelievable. This isn't the Ken Blackman
2 show. You're going to need to learn how to work with a team
3 of people and communicate or next time can enroll yourself.
4 You're treating people poorly here and it feels awful. Okay,
5 Ken, and by the way your approach is disgusting. This isn't
6 the Ken Blackman show?

7 A Reread the e-mail thread and recall the conversations on
8 the topic and how big the course should be.

9 Q Okay, Ken.

10 A My approach is disgusting?

11 Q I don't want to have this conversation over text message.
12 It feels awful. We can talk when you get home and we can sit
13 face-to-face like two friends.

14 A Okay.

15 Q So what are you and Rachel Cherwitz discussing here?

16 A So I'm teaching a new course. It's probably the first or
17 second time I'm teaching it. We've talked about how many
18 people to put in it and there are some extra people that want
19 to be in. From my point of view, the course is full. Rachel
20 is pushing, in an increasingly hostile way, towards signing up
21 more people.

22 Q And what is your understanding of why Rachel Cherwitz
23 wanted more people in the class?

24 MR. ROBOTTI: Objection.

25 THE COURT: Was there an objection?

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1 MR. ROBOTTI: Objection, relevance.

2 MS. BONJEAN: And also --

3 THE COURT: As framed, sustained.

4 BY MS. GUPTA:

5 Q Did you have any understanding of why Rachel Cherwitz
6 wanted more people in the classes that you just testified to?

7 A Yes.

8 Q What was your understanding?

9 A That she was head of sales and the more sales, the
10 better.

11 Q And why did you want fewer people in the class?

12 A Because it was a very intimate course and at that size I
13 knew that I could have good quality attention on every single
14 student. All the students were different and needed attention
15 and that was the size at that time that I knew that I could do
16 a good job.

17 Q Was it unusual to have this kind of exchange with Rachel
18 Cherwitz?

19 MR. ROBOTTI: Objection, vague.

20 THE COURT: Sustained.

21 Q Did you and Rachel Cherwitz frequently have these types
22 of exchanges about filling courses?

23 MR. ROBOTTI: Objection, relevance.

24 THE COURT: Overruled.

25 A Yes. This was probably one of the first, but this was

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1 ongoing throughout the rest of my time at OneTaste.

2 Q And would this kind of disagreement be escalated to
3 Nicole Daedone?

4 A Yes.

5 Q Why?

6 MR. ROBOTTI: Objection.

7 THE COURT: Sustained.

8 BY MS. GUPTA:

9 Q Do you know why it would be escalated to Nicole Daedone?

10 MR. ROBOTTI: Objection.

11 THE COURT: Sustained.

12 BY MS. GUPTA:

13 Q When you had disagreements with Rachel Cherwitz, did
14 Nicole Daedone ever tell you how to handle them?

15 A Can you repeat the question?

16 Q When you had disagreements with Rachel Cherwitz like this
17 one, for example, did you ever have conversations with Nicole
18 Daedone where she told you how to handle those disagreements?

19 A Yes.

20 Q What did she say?

21 A Well, there was one conversation in particular where she
22 told all of staff to stop arguing with Rachel, that Rachel was
23 doing what Nicole wanted her to do and all the people who were
24 pushing back on Rachel, objecting to Rachel, disagreeing with
25 Rachel, we should all just do whatever Rachel wants.

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1 Q Mr. Blackman, to your knowledge --

2 MS. GUPTA: And we can take this down. Thank you.

3 Q To your knowledge did OneTaste have any policies
4 regarding orgasmic meditation classes and who could be paired
5 for OM?

6 A Yes.

7 Q At a high level what's your recollection of those
8 policies?

9 A That the students were -- we were not going to provide
10 any, like, pairing up. We were teaching them a practice and
11 we would teach them skills to know how to ask for an OM, how
12 to say yes or no to that, but we wouldn't pair them up. They
13 had to actually do the work to find someone they wanted to
14 have an OM with, ask them if they wanted to have an OM, get a
15 yes or no and do all of that themselves.

16 Q Based on your observations, did Nicole Daedone follow
17 these policies?

18 MS. BONJEAN: Objection, foundation.

19 THE COURT: Sustained.

20 BY MS. GUPTA:

21 Q Did you have an opportunity to observe Nicole Daedone and
22 Rachel Cherwitz organize OM classes?

23 A Yes.

24 Q Based on your observations, did Nicole Daedone follow the
25 policies that you just described?

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1 MS. BONJEAN: Objection, foundation, vague.

2 THE COURT: Overruled.

3 A I know of cases where those rules weren't followed.

4 Q And based on your observations did Rachel Cherwitz follow
5 the policies that you just described?

6 A The same answer.

7 MS. GUPTA: I'd like to show for identification only
8 Government Exhibit 4501-ED.

9 (Exhibit published to the witness, counsel and the Court.)

10 BY MS. GUPTA:

11 Q Do you recognize this?

12 A I do.

13 Q What is it?

14 A This is a text exchange between Yia Vang and myself.

15 Q On what date?

16 A This would be on October 6, 2010.

17 Q And what was Yia Vang's role at this time at OneTaste?

18 A Various things. She was a teacher and handled various
19 things.

20 Q Did you and Yia Vang teach OM courses together?

21 A Yes, we did.

22 Q Did you discuss those courses?

23 A Yes.

24 Q Were some of those discussions via text message?

25 A Yes.

Blackman - direct - Gupta

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1 Q And is this document a portion of what you provided to
2 the Government in Government Exhibit 4501?

3 A Yes.

4 Q And is this an easier-to-read version than the version
5 you provided?

6 A It is.

7 Q But is it substantively the same?

8 A Yes, it is.

9 Q And did you review this prior to coming to court?

10 A Yes.

11 Q Is this a fair and accurate depiction of text messages
12 you exchanged with Yia Vang on October 6, 2010?

13 A It is.

14 MS. GUPTA: Your Honor, we move to admit Government
15 Exhibit 4501-ED.

16 MR. ROBOTTI: Objection to hearsay and cumulative.

17 MS. BONJEAN: Same.

18 THE COURT: Overruled. Government Exhibit 4501-ED
19 is admitted.

20 (Government Exhibit 4501-ED received in evidence.)

21 MS. GUPTA: Thank you. If we can please publish.

22 (Exhibit published.)

23 Q So, Mr. Blackman, I'll read Yia Vang's messages and I'll
24 ask you to read your own.

25 Hey, I don't think Maddie is here to have OM with

Blackman - direct - Gupta

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1 Mark. Is there a backup?

2 A Hmm, where is she?

3 Q Out of town. Kim or Aubrey?

4 A We should ask Maddie to contact him. Aubrey would be
5 good. We could have him ask her.

6 Q Well, I can't get ahold of her now.

7 So, Mr. Blackman, who is Maddie here?

8 A This would be Madeline Carl.

9 Q Who is Mark?

10 A Mark was a student. He was buying courses and I was
11 coaching him.

12

13 (Continued on the following page.)

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1 (Continuing.)

2 MS. GUPTA: Can we go to Government Exhibit 267.

3 This is in evidence.

4 BY MS. GUPTA: (Continuing.)

5 Q Do you recognize this person?

6 A Yes.

7 Q Who is it?

8 A This is Mark, the Mark that the text exchange referred to.

9 Q Did he frequently attend OneTaste courses?

10 A He did.

11 Q Did he pay for those courses?

12 A Yes.

13 MS. GUPTA: Could we go back to Government

14 Exhibit 4501ED, please.

15 Q So what is your understanding, if any, of why Yia is
16 trying to find someone to OM with Mark?

17 MS. BONJEAN: Objection. Speculative. Foundation.

18 MR. ROBOTTI: Joined.

19 THE COURT: Overruled.

20 A Mark is someone who's spending money on courses, on
21 personal coaching, he's a money maker.

22 Q And when Yia asked, Is there a back up, what did you
23 understand her to mean?

24 A That she wants to find someone else for him to OM with.

25 Q Was this in line with OneTaste policies, Mr. Blackman?

1 A Not official policy, no.

2 Q Why not?

3 A In general, we -- our policy was not to find partners for
4 people.

5 Q And is that what you and Yia Vang are trying to do here?

6 A Yes.

7 MS. GUPTA: We can take that down. Thank you.

8 Q As a member of the leadership team, did you have a
9 general understanding of OneTaste's financial situation?

10 A A general understanding, yes.

11 Q And what was your understanding of how OneTaste was
12 funded?

13 MS. BONJEAN: Objection. Foundation. Vagueness.

14 THE COURT: Sustained.

15 MS. BONJEAN: And time period.

16 THE COURT: Sustained.

17 Q While you were at OneTaste between 2008 and 2014, did you
18 have any understanding of how OneTaste was funded in its
19 earlier years?

20 MS. BONJEAN: Same objection.

21 THE COURT: Overruled.

22 A Yes.

23 Q At a high level, what was your understanding of how it
24 was funded?

25 A That a lot of money was coming from Reese Jones, among

1 other people.

2 Q Were there ever discussions regarding paying Reese Jones
3 back?

4 A Yes.

5 Q And how, if at all, was Reese Jones' contributions
6 reflected in OneTaste's business?

7 MS. BONJEAN: Objection. Vagueness.

8 THE COURT: Sustained.

9 Q Well, was the money that Reese Jones provided to OneTaste
10 at all reflected in OneTaste business?

11 A Yes.

12 Q Based on your personal experience?

13 A Yes.

14 MS. BONJEAN: Same objection.

15 THE COURT: Sorry. What was the basis, Ms. Bonjean?

16 MS. BONJEAN: It's vague.

17 THE COURT: Sustained.

18 MS. GUPTA: I'd like to show the witness for
19 identification only 4501DD.

20 Q Do you recognize this?

21 A I do.

22 MS. BONJEAN: Can you -- one second, please.

23 MS. GUPTA: Oh, sure. It's DD.

24 MS. BONJEAN: DD?

25 MS. GUPTA: Yes.

1 MS. BONJEAN: Thank you.

2 Q Do you recognize this?

3 A I do.

4 Q What is it?

5 A This is a text exchange between myself and Rachel
6 Cherwitz.

7 Q On what date?

8 A This would be on May -- sorry, June 22nd, 2010.

9 Q And is this a portion of what you provided to the
10 Government in Government Exhibit 4501?

11 A It is.

12 Q Is this an easier-to-read version than the version you
13 provided?

14 A Yes, it is.

15 Q But is it substantively the same?

16 A Yes.

17 Q And did you review this prior to coming to court today?

18 A Yes.

19 Q Now, you testified that Reese Jones provided financial
20 contributions to OneTaste.

21 Did you discuss the topic of paying Reese Jones with
22 Rachel Cherwitz?

23 A Yes.

24 Q Was that topic discussed via text message?

25 A Yes, it was.

BLACKMAN - DIRECT - MS. GUPTA

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1 Q And is this a fair and accurate depiction of text
2 messages you received from Rachel Cherwitz on June 22nd, 2010?

3 A Yes.

4 MS. GUPTA: Your Honor, we move to admit Government
5 Exhibit 4501DD.

6 MR. ROBOTTI: We object as to cumulative.

7 MS. BONJEAN: Join.

8 THE COURT: Objection overruled. Government
9 Exhibit 4501-DD is admitted.

10 (Government Exhibit 4501-DD, was received in
11 evidence.)

12 Q And Mr. Blackman for this --

13 MS. GUPTA: Oh, I'm sorry. Could we please publish.
14 Thank you.

15 (Exhibit published.)

16 Q And Mr. Blackman, for this one, I'll just read Rachel
17 Cherwitz's text messages and then ask you some questions.

18 A Okay.

19 Q Hi guys. Great news. We a new money game. We need to
20 pay Reese \$27,000 by July 1st, so let's go get them. As of
21 today, please text me all the money transactions coming in.
22 Thanks. Go team, go.

23 What did you understand Rachel Cherwitz to mean by,
24 we have a new money game?

25 A So we've come to some sort of agreement about how to pay

BLACKMAN - DIRECT - MS. GUPTA

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1 Reese back and we now have an amount and a deadline that we --
2 that we've agreed to to start pay him back.

3 Q Okay. And I'm just going to read the next message.

4 Okay guys. We're going to run our first 10-day
5 coaching intensive August 27th to through September 5th.
6 People five at \$5,000 equals \$25,000. So let's aim and direct
7 our energy in that direction. Let me know if you have any
8 questions. Go team, go. X0.

9 What was the coaching intensive, Mr. Blackman?

10 A That was a course that we had designed.

11 MS. GUPTA: We can take that down. Thank you.

12 Could we show the witness for identification, only,
13 Government Exhibit 4501JD.

14 THE COURT: And after this exhibit, we're going to
15 do our lunch break.

16 MS. GUPTA: Sure. Thank you.

17 Q Do you recognize this?

18 A I do.

19 Q What is it?

20 A This is a text exchange between Nicole and myself.

21 Q On what date?

22 A April 25th, 2011.

23 Q Is this a portion of what you provided to the Government
24 in Government Exhibit 4501?

25 A Yes, it is.

1 Q And is this an easier-to-read version than the version
2 you provided?

3 A Yes.

4 Q But is it substantively the same?

5 A Yes.

6 Q Did you review this exhibit prior to coming to Court
7 today?

8 A Yes.

9 Q As part of your role on leadership team, Mr. Blackman,
10 did you and Nicole Daedone discuss investments in OneTaste?

11 A Yes.

12 Q Were some of these discussions via text message?

13 A Yes, they were.

14 Q And is this a fair and accurate depiction of text
15 messages you exchanged with Nicole Daedone on April 25th,
16 2011?

17 A Yes.

18 MS. GUPTA: Your Honor, we move to admit Government
19 Exhibit 4501JD.

20 MR. ROBOTTI: Same objection. It's cumulative.

21 MS. BONJEAN: Same objection.

22 THE COURT: Objection overruled. Government
23 Exhibit 4501-JD is admitted.

24 (Government Exhibit 4501-JD, was received in
25 evidence.)

BLACKMAN - DIRECT - MS. GUPTA

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1 MS. GUPTA: Thank you. If we can please publish.

2 (Exhibit published.)

3 Q Mr. Blackman, I'll read Nicole Daedone's messages and
4 I'll ask you to read your own.

5 I had Justine ask Benjamin to borrow 20K for
6 OneTaste.

7 A Okay. Good to know. I'll let you know what, if
8 anything, comes up his sessions. He's out of town for a week.

9 Q And invited him to invest 300K with no paperwork, but
10 we'll get percentage.

11 I think there's one more message from you.

12 A Okay.

13 Q Mr. Blackman, who is Justine?

14 A That would be Justine Dawson.

15 Q And what was her role in OneTaste at the time?

16 A She was on the leadership team.

17 Q And who is Benjamin?

18 A Benjamin Buhl. He was a student and someone that I was
19 coaching.

20 Q When Nicole Daedone stated, And invited him to invest
21 300K with no paperwork, but will get percentage, what did you
22 understand her to mean by that?

23 MS. BONJEAN: Objection. Foundation. Speculation.

24 THE COURT: Overruled.

25 A That there wasn't going to be a contract or anything, it

BLACKMAN - DIRECT - MS. GUPTA

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1 would just be a verbal agreement, no paperwork, under the
2 table.

3 MS. BONJEAN: Objection to the characterization.
4 Agreements can be verbal.

5 THE COURT: Overruled.

6 MS. GUPTA: And Your Honor, I was just about to move
7 to another exhibit. So if you wanted to take a lunch break.

8 THE COURT: Yes. I think we do. I'll ask the
9 witness to step down for the lunch break.

10 (The witness steps down.)

11 THE COURT: Okay. And we'll come back at five
12 minutes to 2:00. Enjoy your lunch. Don't talk about the
13 case. Keep an open mind.

14 (Jury exits the courtroom.)

15 THE COURT: I just wanted to go back to the jury
16 note from this morning. And if anyone has any thoughts, my
17 initial thought would be just to tell the jurors that during
18 jury selection before Judge Marutollo, he told that you the
19 trial was likely to last for approximately six weeks, and that
20 remains an accurate estimate. But I will not tell them that
21 if that is not correct.

22 So let me hear from the Government and from the
23 defendants, and you can let me know if you have a different
24 proposal.

25 MS. BENSING: Well, I think that would be safe. I

BLACKMAN - DIRECT - MS. GUPTA

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1 think the question is how long the defense case might be at
2 this point. If the Court wants to perhaps give them a shorter
3 estimate. But I think --

4 THE COURT: No. I don't think I want to give them a
5 shorter estimate.

6 MS. BENSING: Understood. So I think the question
7 is how long the defense case would be. I think the Government
8 hopes to rest on Friday or perhaps on Monday, depending on the
9 pace of cross-examinations. But we are at the end of our
10 case, and so I think the question then is a defense case.
11 They did narrow their defense witness list, still around 20
12 people on the defense witness list. So if that is the case,
13 then if they really anticipate calling 20 people, I think we
14 could be here longer. I just don't know.

15 MS. COHEN: Your Honor, we anticipate it will finish
16 within the six weeks. It could be earlier. I agree with you
17 we should not say that. We do have 20. We've narrowed it
18 down. Obviously, there were witnesses this week, and so we're
19 still assessing, and we will continue to narrow it down. But
20 we just wanted to give the full extent of people that we may
21 call.

22 THE COURT: Okay. Ms. Bonjean, are you generally in
23 agreement with what you've heard?

24 MS. BONJEAN: I'm generally in agreement. I think
25 it's appropriate to say we're on track or something of that

1 nature.

2 THE COURT: Okay. I'll say what I suggested I would
3 say. I think that's the safest at this point, and it sounds
4 accurate. So as that's what we'll tell them. I'll tell them
5 at the end of the day.

6 All right. I'll see everyone at five to 2:00.

7 (A recess was taken.)

8

9 (Continued on the following page.)

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AFTERNOON SESSION

(In open court; jury not present.)

THE COURTROOM DEPUTY: All ruse.

(Judge DIANE GUJARATI entered the courtroom.)

THE COURTROOM DEPUTY: You may be seated.

THE COURT: If we could bring back the witness and the jury.

MS. BONJEAN: Your Honor, I know it's not exactly how you want to do things.

There were things that came up during direct.

THE COURT: That's fine.

MS. BONJEAN: I have some material to give you.

THE COURT: That's fine thank you.

And the Government has them as well, or no?

MS. BONJEAN: I'm going to give them, too.

THE COURT: Okay. Thank you.

You can just come back up here, sir.

(Witness entered and resumed the stand.)

(Jury enters.)

THE COURT: You all may be seat.

And, Ms. Gupta, you may resume your examination.

MS. GUPTA: Thank you.

(Continued on the following page.)

///

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1 **KENNETH SAUL BLACKMAN,**

2 previously called as a witness by the Government, having
3 been previously duly sworn/affirmed by the Courtroom
4 Deputy, was examined and testified further as follows:

5 DIRECT EXAMINATION (Continues)

6 BY MS. GUPTA:

7 Q Mr. Blackman, I'd like to show you for identification
8 only, Government Exhibit 4501-GD.

9 Do you recognize this?

10 A Yes.

11 Q What is it?

12 A This is a text exchange between Nicole and myself.

13 Q On what date?

14 A On February 27th, 2011.

15 Q And is this a portion of what you provided to the
16 Government in Government Exhibit 4501?

17 A Yes, it is.

18 Q And is this Government exhibit an easier-to-read version
19 than the version you provided?

20 A Yes.

21 Q But is it substantively the same?

22 A Yes, it is.

23 Q And did you review this exhibit prior to coming to court
24 today?

25 A I have.

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1 Q While you were at OneTaste as part of your role on the
2 leadership team, did you and Nicole Daedone ever discuss her
3 goals for OneTaste?

4 A Yes.

5 Q Did you ever discuss those goals via text message?

6 A Yes.

7 Q And is this a fair and accurate depiction of text
8 messages you exchanged with Nicole Daedone on February 27th,
9 2011?

10 A Yes, it is.

11 MS. GUPTA: Your Honor, we move to admit Government
12 Exhibit 4501-GD.

13 THE COURT: Any objection?

14 MS. BONJEAN: One second, Your Honor.

15 THE COURT: Sure.

16 (Pause.)

17 MS. BONJEAN: Your Honor, we have objection to the
18 extent that this actually is -- this is rank hearsay. It's
19 one comment of Ms. Daedone, which is not the purpose of them
20 bringing this in. If you look at it, it's just
21 Mr. Blackman's, it's just Mr. Blackman's statements.

22 THE COURT: That's okay. I don't think that's
23 correct, but I will sustain and allow you to lay a foundation.

24 MS. GUPTA: Thank you, Your Honor.

25 Q Mr. Blackman, you were just testifying that as part of

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1 your role on the leadership team, you and Nicole Daedone
2 discussed her goals for OneTaste.

3 Is that right?

4 A Yes.

5 Q Did she ever tell you what her goals for OneTaste were?

6 A Yes.

7 Q What did she say?

8 A We had conversations about wanting to grow the business,
9 wanting to grow it to 10,000 people, wanting to bring back the
10 concept of a mystery school.

11 Q And what is a mystery school?

12 A A mystery school is like underground -- it's like a
13 secret -- it's like a secretive school club, kind of like they
14 had in Roman times. There was like mystery -- mystery groups,
15 mystery schools that would teach stuff that wasn't talked
16 about publicly.

17 MS. GUPTA: And, Your Honor, we would now renew our
18 motion to admit Government Exhibit 4501-GD.

19 THE COURT: I want to make sure that Ms. Bonjean is
20 looking at the same thing.

21 This is a document where it's more than just one
22 statement, correct?

23 MS. GUPTA: Correct.

24 MS. BONJEAN: Maybe I'm not, but I see --

25 THE COURT: Maybe you could just make sure that

Blackman - direct - Gupta

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1 Ms. Bonjean has the right document.

2 MS. GUPTA: Yes.

3 (Pause.)

4 MS. BONJEAN: Okay. So, my objection remains that
5 apart from one line, these are statements of Mr. Blackman,
6 which constitute hearsay.

7 Now, the Government just said they're not coming in
8 for the truth, so I don't know if that's how they're offering
9 them, but I would maintain that they are hearsay. They're
10 irrelevant on top of it. And, again, they're just statements
11 of him.

12 MS. GUPTA: Your Honor --

13 MR. ROBOTTI: We join.

14 MS. GUPTA: -- to clarify, we're not offering Ken
15 Blackman's statements for his truth.

16 THE COURT: Okay.

17 MS. GUPTA: These are --

18 THE COURT: Go ahead.

19 MS. GUPTA: Sorry.

20 THE COURT: No, go ahead. All right. Overruled.
21 Government Exhibit 4501-GD is admitted.

22 (Government's Exhibit 4501-GD was received in
23 evidence.)

24 MS. GUPTA: Thank you.

25 Can we please publish to the jury?

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1 (Exhibit published.)

2 MS. GUPTA: Sorry. I just want to check before I
3 begin.

4 Do the jurors have it on their screen?

5 Okay, great.

6 BY MS. GUPTA:

7 Q So, Mr. Blackman, I'll ask you to read your statements
8 and I'll read Nicole Daedone's.

9 A The primary purpose of OneTaste as an entity is to
10 provide a steady supply of students to the mystery school. If
11 we had a ready supply of mystery school students, then
12 OneTaste would simply be a mystery school. That's what it
13 started out as, and the reasons that didn't succeed are the
14 same as the underlying motivations that OT evolved into
15 something different and became a separate entity from the
16 mystery school.

17 Does that sound right?

18 What if we designed OT as a prep school for
19 potential mystery school students?

20 That's, basically, what our poster suggests. The
21 personal evolution of one's practice is from orange to OT to
22 mystery school.

23 Q And to create passive income?

24 A Right.

25 Q So, Mr. Blackman, when you refer to mystery school here,

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1 what are you referring to?

2 A Well, prior to my time at OneTaste, apparently that
3 there --

4 MS. BONJEAN: I'm going to object to relevance and
5 "apparently."

6 THE COURT: Sustained.

7 BY MS. GUPTA:

8 Q So, Mr. Blackman, based only on this text exchange, what
9 are -- what are you referencing as mystery school?

10 A A secretive school where we teach stuff -- secretive
11 things, like esoteric things.

12 Q Esoteric things like what?

13 A I would have a hard time answering that.

14 Q And you said that OT evolved into something different and
15 became a separate entity from the mystery school.

16 What did you mean by that?

17 A Well, like a mystery school is -- is secretive, so you
18 can't advertise it. You can't grow. You can't have lots
19 of -- it's hard it's hard to get people in.

20 So, OneTaste and OM, in particular, became a product
21 that we could use to sell to bring people into the community,
22 into the courses, and then those people would be potential
23 customers of the mystery school or members of the mystery
24 school.

25 Q And then Nicole Daedone stated: And to create passive

Blackman - direct - Gupta

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1 income.

2 What did you understand that to mean?

3 A That OneTaste was a money-making -- it was a business.
4 It was a business. It was a money-making business and she
5 wanted passive income.

6 MS. GUPTA: We can take that down. Thank you.

7 BY MS. GUPTA:

8 Q Mr. Blackman, while you were at OneTaste, did there come
9 a time when Nicole Daedone used your personal credit card?

10 A Yes.

11 Q How much money did she spend on your personal credit
12 card?

13 A Approximately \$10,000.

14 Q What did she purchase?

15 A Just living expenses. We would go out to eat or just --
16 living expenses.

17 Q And were these her own personal expenses?

18 A Sometimes, yes.

19 Q Are you familiar with someone named Beverly Daedone?

20 A Yes.

21 Q Who is she?

22 A She is Nicole Daedone's mother.

23 Q Did you ever see her working at OneTaste?

24 A No.

25 Q While you were at OneTaste, did you move to Las Vegas at

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1 any point?

2 A I did, in 2012.

3 Q And what was your job in Las Vegas?

4 A We wanted to start a new OM community there. I -- my
5 purpose there was to teach courses and to support the two
6 women who were -- who were also there to build the OM
7 community.

8 Q And who were those women?

9 A Michelle Wright and Rosa something, I don't remember her
10 last name.

11 Q And what was Michelle Wright's role in Las Vegas at that
12 time?

13 A To enroll -- to get people interested, to invite them to
14 our free evening events where we would play communication
15 games, and to sell them into courses and to generate a -- an
16 OM community.

17 Q Were you and Michelle trying to recruit clients in
18 Las Vegas?

19 A Yes.

20 Q Were there any clients, in particular, that you and
21 Michelle Wright tried to recruit?

22 A We were very interested in Tony Hsieh. Tony Hsieh is
23 the -- the head of or was the head of a company called Zappos
24 that was based in Las Vegas. And that was one of the reasons
25 we were there, because we thought because he was doing very,

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1 very innovative things in his business that he might be
2 interested in OneTaste.

3 Q And who, if anyone, at OneTaste told you and Michelle
4 Wright to reach out to Tony Hsieh?

5 A Nicole.

6 Q You testified that you left OneTaste in approximately
7 January of 2014.

8 What do you do now for a living?

9 A I coach couples on relationships.

10 Q Do you teach OM?

11 A No, I don't.

12 Q Are you married?

13 A Yes, I am.

14 Q Who are you married to?

15 A Ana del Castillo.

16 Q Was she involved in OneTaste at any point?

17 A She was at one point, yes.

18 Q Did you meet at OneTaste?

19 A No, we met years later.

20 Q Did you overlap at all while you were at OneTaste?

21 A No, we did not.

22 MS. GUPTA: Your Honor, may I have a moment?

23 THE COURT: Yes.

24 (Pause.)

25 MS. GUPTA: No further questions.

Blackmar - cross - Bonjean

3764

1 THE COURT: Any cross-examination? Is it going to
2 be Ms. Bonjean first?

3 MS. BONJEAN: Yes.

4 THE COURT: Okay.

5 CROSS-EXAMINATION

6 BY MS. BONJEAN:

7 Q Good afternoon, Mr. Blackman.

8 A Good morning -- good afternoon.

9 Q Yes, it is the afternoon.

10 My name is Jennifer Bonjean, and I represent
11 Ms. Daedone.

12 You grew up in Berkley, California, right?

13 A Yes.

14 Q And you graduated from college?

15 A Yes.

16 Q Are you unsure of that?

17 A Junior college.

18 Q You graduated from a junior college?

19 A That's correct.

20 Q And did you eventually go to a four-year college?

21 A I did not.

22 Q Well, how did you become a software engineer?

23 A I had skills that Apple needed at the time. I had worked
24 on specific pieces of hardware and software that -- that they
25 needed at the time.

Blackmar - cross - Bonjean

3765

1 Q I see. So, this was more on-the-job training type of
2 situation?

3 A Yes.

4 Q Okay. And you were a nerdy guy, right?

5 A Sure.

6 Q You had a hard time relating to women back in these times
7 when you were coming up in your early twenties, right?

8 A Yes, I did.

9 Q And as a result, you joined The Welcome Center, right?

10 A The Welcomed Consensus, that's right.

11 Q The Welcomed Consensus, is that right?

12 A Yes, that's correct.

13 Q And you were looking for ways to connect with women,
14 right?

15 A Yes.

16 Q Because you were unsuccessful at doing so in the, like,
17 normative world, right?

18 MS. GUPTA: Objection.

19 THE COURT: Sorry, what?

20 MS. GUPTA: Sorry. Objection to the form.

21 THE COURT: Sustained.

22 BY MS. BONJEAN:

23 Q Well, Welcomed Consensus is a community, right?

24 A Yes.

25 Q It's a sexual -- a sexual -- sexually-focused community,

Blackmar - cross - Bonjean

3766

1 right?

2 A Yes. And an educational facility, yes.

3 Q Right. And they practice something called deliberate
4 orgasm?

5 A Yes, that's correct.

6 Q Something called "doing"?

7 A Yes.

8 Q Okay. And you became a part of that community, at least
9 in part, because you were having a hard time connecting with
10 women outside of that community?

11 A Yes, I would agree with that.

12 Q Okay. And you became pretty entrenched in that
13 community, right?

14 A Yes.

15 Q You became a teacher there, right?

16 A Yes.

17 Q This enabled you to relate to women better, right?

18 A The training did, yes.

19 Q Uh-hum. And it enabled you to have sex with more
20 intimacy, right?

21 A Yes.

22 Q And who was the leader The Welcomed Consensus?

23 A A man who went by RJ Testerman.

24 Q That was your friend, right?

25 A Questionable.

Blackmar - cross - Bonjean

3767

1 Q Okay. And he was someone that you looked up to, right?

2 MS. GUPTA: Objection, outside the scope.

3 THE COURT: Overruled.

4 A Early on I did look up to him.

5 Q Right. And he was a very violent guy, right?

6 A He was pretty violent, yes.

7 Q And isn't it true that you eventually left Welcomed
8 Consensus?

9 A Yes.

10 Q And that was after Ms. Daedone and Mr. Kandell left,
11 right?

12 A Yes, years after.

13 Q Years after, right?

14 A Yeah.

15 Q How long were you there?

16 A Seven, eight years.

17 Q At Welcomed Consensus?

18 A Yes.

19 Q Were you one of the original, like, founding people,
20 community members?

21 A Of the Welcomed Consensus, no, not at all.

22 Q Okay. And at some point you connected with Ms. Daedone
23 by reaching out to her on Facebook, right?

24 A That's correct.

25 Q And you started hanging out at OneTaste events, is that

Blackmar, - cross - Bonjean

3768

1 correct?

2 A Yes.

3 Q And then you eventually started working for OneTaste,
4 right?

5 A That's correct.

6 Q And you said Ms. Daedone was a visionary at OneTaste,
7 right?

8 A Yes.

9 Q And you, yourself, considered yourself a master stroker,
10 right?

11 A I would never have used that term, but that term was used
12 for the role that I had.

13 Q Okay. You would call yourself the person that would be
14 the most accomplished at stroking, right?

15 A Yes.

16 Q And then you were hired as an instructor at OneTaste.
17 You said the lead instructor, correct?

18 A The lead instructor of orgasmic meditation, yes.

19 Q All right. And you were -- you were someone who stood up
20 to Ms. Daedone, correct?

21 A More than other people, yeah.

22 Q You challenged her, right?

23 A Sure, from time to time.

24 Q You were someone who didn't hesitate to disagree with her
25 when she said something that you didn't agree with, right?

Blackmar - cross - Bonjean

3769

1 A I would say that's correct.

2 Q Okay. And she listened --

3 A Sometimes.

4 Q Right. And she listened to you?

5 A Sometimes, yes.

6 Q Sometimes, right?

7 A (No response.)

8 Q Now, you said she used your personal credit card and
9 spent \$10,000 on it, is that right?

10 A Yes.

11 Q Did you give it to her?

12 A Yeah, I did.

13 Q Okay. And so, it's not like she stole it from you,
14 right?

15 A No.

16 Q Okay. And were you living together when that happened?

17 A Yes.

18 Q Now, you mentioned in your testimony that you knew that
19 Ms. Daedone had directed Alisha Price, Michelle and Maddie to
20 engage in sexual activities with Reese, is that right?

21 A Yes.

22 Q You weren't present when Ms. Daedone asked Michelle
23 Wright to be Reese's handler, were you?

24 A No.

25 Q So you have no idea what Ms. Daedone said to Ms. Wright,

Blackmar - cross - Bonjean

3770

1 right?

2 A That's correct.

3 Q And you don't know what Ms. Wright said to Ms. Daedone
4 during that conversation, correct?

5 A That's correct.

6 Q Okay. You were not present when Ms. Daedone asked Maddie
7 to be Mr. Jones' handler, right?

8 A That's correct.

9 Q So you don't know what Ms. Daedone said to Maddie in that
10 conversation, correct?

11 A That's correct.

12 Q And you don't know what Maddie said to Ms. Daedone in
13 that conversation, right?

14 A That's correct.

15 Q And that's, of course, true for Alisha Price as well,
16 right?

17 A Yes.

18 Q So, you don't know how Ms. Daedone asked these women to
19 take up this role, right?

20 A That's correct.

21 Q And you don't know how they responded, right?

22 A True.

23 MS. BONJEAN: My apologies.

24 THE COURT: That's all right.

25 BY MS. BONJEAN:

Blackmar - cross - Bonjean

3771

1 Q During direct examination you were asked to look at some
2 text exchanges, right? Do you remember that?

3 A Yes.

4 Q And these were text exchanges that you provided to the
5 Government, correct?

6 A Yes.

7 MS. BONJEAN: I'd like to pull up, if we can, what's
8 already admitted into evidence Government's Exhibit 4501-F as
9 in Frank, D as in dog. 4501. I think we have it.

10 (Exhibit published.)

11 BY MS. BONJEAN:

12 Q Now, this is a text exchange -- well, strike that.

13 Before we get there, how -- how many thousands of
14 pages of your text exchanges with Ms. Daedone and other
15 members of the upper management were you able to download?

16 A I don't -- I don't know the number. I know the dates.

17 Q It was thousands, though, thousands of pages, right?

18 A I imagine.

19 Q Okay. Well, you did it, right?

20 A I didn't count the pages.

21 Q Okay. But was it -- it was a big stack of them, correct?

22 A Oh, it was online. It was just one long file, so....

23 Q Okay.

24 A So, it was a long file.

25 Q It was a long file, right?

Blackmar - cross - Bonjean

3772

1 A Yes.

2 Q And how many years did it cover?

3 A 2008 or '9 through 2012.

4 Q So we're talking about your text exchanges between 2008
5 or '9 to 2012 in their entirety with Ms. Daedone,
6 Ms. Cherwitz, and other members of the upper -- upper
7 management staff of OneTaste, right?

8 A Yes.

9 Q And then other people who were either students or coaches
10 or employees of OneTaste, right?

11 A Yes.

12 Q And this was a company that promoted staying in contact
13 through text messaging, right?

14 A Yes.

15 Q So lots of text messages, fair?

16 A Yes.

17 Q So, in 4501-FD, we have about ten messages here.

18 And in the first part of these messages you're
19 complaining about Yia, right?

20 A I wasn't complaining. I was lamenting.

21 Q You were upset that she was exploring sexuality at
22 OneTaste?

23 A I was -- I was feeling the jealousy that she intended
24 that I feel.

25 Q She what?

Blackmar, - cross - Bonjean

3773

1 A I was feeling this -- the jealousy that she intended that
2 I feel.

3 Q You're very good at figuring out what other people's
4 intentions are --

5 MS. GUPTA: Objection.

6 Q -- is that one of your skills also?

7 THE COURT: Sustained.

8 Q So it 's your belief that she wanted you to feel jealous?

9 A Yes.

10 Q Maybe she just didn't want to be with you, don't you
11 think that's a possibility?

12 MS. GUPTA: Objection.

13 THE COURT: Overruled.

14 A No.

15 Q Really? I mean you know what aversion practice is,
16 right?

17 A Yes.

18 Q What is it?

19 MS. GUPTA: Objection, outside the scope.

20 THE COURT: Overruled.

21 A When you're told to be with someone that you don't want
22 to be with.

23 Q Right. So you are a direct beneficiary of aversion
24 practice, right?

25 A I don't know what you mean by that.

Blackmar, - cross - Bonjean

3774

1 Q Well, you benefited from people trying out aversion
2 practice, correct?

3 MS. GUPTA: Objection.

4 THE COURT: Sustained.

5 BY MS. BONJEAN:

6 Q So, you're absolutely confident that Yia was not with Rob
7 because she wanted to be, but just to make you jealous, is
8 that your testimony?

9 A I didn't say she didn't want to be with him.

10 Q Okay. And on the second page you --

11 MS. BONJEAN: Yes, there we go.

12 (Exhibit published.)

13 Q -- you pointed out that Nicole Daedone said to you: I'll
14 trade you Reese for Yia, right, as kind of a joke?

15 A Yes.

16 Q Okay. And you didn't make any response to that, right?

17 A I -- I went along with the joke.

18 Q Okay. You didn't say: That's not funny, Nicole, it's
19 not even close to the same situation; right?

20 A I'm not sure what you mean.

21 Q You didn't -- you didn't -- you didn't -- you didn't
22 object to her statement, right?

23 A No.

24 Q You didn't say: It's wrong to be having people servicing
25 Reese Jones, right, in this text message?

Blackmar, - cross - Bonjean

3775

1 A No.

2 Q You didn't give any indication during this text message
3 about what you testified to here today regarding Alisha or
4 Maddie or Michelle, right?

5 A That's correct.

6 Q You also were asked to look at text messages at
7 Government Exhibit 4501-KD as in dog, which is in evidence.

8 (Exhibit published.)

9 A Yes.

10 Q And you were living in Reese Jones's house, is that
11 right?

12 A Yes.

13 Q Were you friends with Reese Jones?

14 A No.

15 Q Okay. Were you servicing him also?

16 A No.

17 Q Okay. But Nicole asked you about how the house was,
18 right?

19 A Yes.

20 Q And you gave her sort of a rundown of what was going on,
21 right?

22 A That's correct.

23 Q And you said: Felt fired up and ignited over the
24 weekend, big influx of energy; right?

25 A Yes.

Blackmar - cross - Bonjean

3776

1 Q You didn't say: This is craziness over here, we have to
2 stop; you didn't say anything like that, right?

3 A No.

4 Q You didn't express any concerns about it being, you know,
5 a problem that Reese Jones was receiving sexual activity from
6 other individuals, right, you didn't say anything around that,
7 correct?

8 A That's correct.

9 Q And same thing with 4501-B as in boy, D as in dog.

10 (Exhibit published.)

11 Q Rachel Cherwitz asked you about whether you have the day
12 off on Thursday, and you said: No, but I'm taking tomorrow
13 and Friday off this week. What's happening Thursday?

14 Do you see that?

15 A Yes.

16 Q First of all, you had a day off on Thursday, right -- I
17 mean could have had a day off on Thursday, right?

18 A I -- I don't know why I wasn't taking Thursday off.

19 Q All right. But you were taking two days off.

20 You were taking off whatever tomorrow was, which I'm
21 assuming is Wednesday, and Friday, right?

22 A Yes.

23 Q Okay. You just told Ms. Cherwitz that you were taking
24 those days off, right?

25 A Yes.

Blackmar - cross - Bonjean

3777

1 Q Okay. You could take days off, correct?

2 A Sure.

3 Q And --

4 A Well, with having made arrangements for it, yes.

5 Q Right. Well, that's like any job; isn't it?

6 A Yes.

7 Q Reese's birthday, we're doing a scene. Our part is in
8 the morning. Wanted you to do the Oming part.

9 Do you see that?

10 A Yes.

11 Q Okay. And you said: Let's talk about it tonight;
12 correct.

13 A Yes.

14 Q You didn't say anything like: I'm not doing a scene with
15 Reese; right?

16 A I would have said that in person. I didn't want to say
17 it here.

18 Q Okay. Why?

19 A I -- why didn't I want to say it on text?

20 Q Yes. Why didn't you just say: I'm not down to do a
21 scene with Reese?

22 A Because I knew there would be pressure and I didn't want
23 to have that conversation over the -- over text. I wanted to
24 have it in person.

25 Q Okay. And did you do the scene with Reese?

Blackmar - cross - Bonjean

3778

1 A I can't remember if I did or not.

2 Q All right. But you were someone who would stand up to
3 Nicole Daedone, you certainly could stand up to Rachel
4 Cherwitz, right?

5 A Sure.

6 Q In fact, we heard a whole little spat between the two of
7 you in some of these text messages, right?

8 A Yes.

9 Q Now, you testified on direct examination about sort of --
10 you testified on direct examination about some of your issues
11 about having too many people in the course that you thought
12 was, I guess, of a complex nature.

13 Do I have that right?

14 A Yes.

15 Q And that was kind of the source of your fight with
16 Rachel?

17 A Yes.

18 Q And you were concerned around sort of the ethics around
19 that?

20 A I was concerned that the students wouldn't be handled
21 well if the course was too big.

22 Q So you were concerned about the students not being
23 handled well, do I have that right?

24 A Yes.

25 Q Okay. And isn't it true that in January of 2009 you were

Blackmar, - cross - Bonjean

3779

1 of the view that the whole building are just potential skills
2 for doing OM?

3 A I -- I don't know what you mean by that.

4 Q Do you recall taking the position with your fellow people
5 in the leadership that forget about gender balance, just pull
6 people out and make them OM if we need to balance the gender
7 in classes?

8 A I don't recall that.

9 Q Okay. Would anything refresh your recollection?

10 A Sure.

11 Q Okay. I'm going to have you look at Defendant's
12 Exhibit 24-B as in boy, D as in dog.

13 (Pause.)

14 A Yes.

15 Q Did you have a chance to read that?

16 A I did.

17 Q Does it refresh your recollection about whether or not
18 you considered, basically, students and other community
19 members just to be skills?

20 A I wouldn't say just, but yes.

21 Q So you were perfectly okay with just pulling people out
22 and having expectations that they OM just to --

23 A I wasn't perfectly okay with it. This was the kind of
24 thing that I knew would happen if the courses starting growing
25 too big.

Blackmar - cross - Bonjean

3780

1 But yeah, I -- this is what needed to be done in
2 order for the course to go forward.

3 Q All right. But this was your suggestion?

4 A Yes.

5 Q Okay.

6 A Yeah, I was making the course work.

7 Q Right. It was your suggestion in order to make the
8 course work, to make it a procedure, basically, to just make
9 people come in regardless of where they are to balance the
10 gender, right?

11 A That's right. That's where we had gotten to by that
12 time.

13 Q But that was your idea?

14 A It was -- yes.

15 Q Okay. And that was actually something that there was a
16 lot of pushback on, correct?

17 A I -- I don't remember.

18 Q You had a couple of your own ethics violations, right?

19 A Yes.

20 Q Including you were put on ethics probation when you
21 fondled a student's breast who didn't give consent?

22 MS. GUPTA: Objection, outside the scope.

23 THE COURT: Overruled.

24 A When we talked -- yes, I -- yes, I was. And when we
25 talked through it later, it turned out that she had given

Blackmar, - cross - Bonjean

3781

1 consent.

2 Q She did what?

3 A She had given consent.

4 Q She had given consent?

5 A Yes.

6 Q Isn't it true that she didn't verbally give consent, even
7 though that's part of the practice when you're safe wording?

8 A That's right, but once -- once we talked through it,
9 she -- we -- the ethics violation was dropped.

10 Q So, you understand what safe wording is, right?

11 A Yes.

12 Q And what is it?

13 A It's telling someone what you're gonna do before you do
14 it.

15 Q Okay. And that's one of the rules of OMing, right?

16 A Yes.

17 Q And that's something you didn't do, correct?

18 A No, I did do it. That was the point.

19 Q Okay. So --

20 A I said I -- I said: I'm going to touch your breasts.

21 Q Okay.

22 A And then I did. And then afterwards someone pointed out
23 to you: Hey, he just felt you up. And she's like: Oh, yeah.
24 There's -- there's ethics about this.

25 So then I was put on probation. And then once it

Blackmar, - cross - Bonjean

3782

1 was talked through: Oh, actually he did safe word her. Then
2 the -- the ethics violation was dropped.

3 Q So somebody put it in her head that you had done that; is
4 that right?

5 MS. GUPTA: Objection, misstates the testimony.

6 THE COURT: Sustained.

7 BY MS. BONJEAN:

8 Q Who were you talking to when you said the "you," that was
9 your testimony, he touched you without consent, who said that?

10 A I don't -- I don't remember who it was.

11 Q Okay. You also had an ethics violation when you were
12 doing an OM demonstration with Maddie.

13 Do you remember that?

14 A Yes.

15 Q Okay. Tell the ladies and gentlemen of the jury what you
16 did there.

17 A Yeah --

18 MS. GUPTA: Objection, outside the scope.

19 THE COURT: Sustained.

20 Q Well, do you remember doing -- we've talked about Maddie
21 Carl here, right?

22 A Yes.

23 Q Okay. And isn't it true that you bit her thigh without
24 her consent during an OM demonstration?

25 MS. GUPTA: Objection, outside the scope.

Blackmar - cross - Bonjean

3783

1 THE COURT: Overruled.

2 A Yes, that's correct.

3 Q Okay. And those are the real reasons why you are so
4 angry about what's going -- strike that.

5 These are situations where you felt unfairly
6 treated, right?

7 A No.

8 Q You felt -- you thought you deserved an ethics violation
9 for biting Maddie's thigh without her consent?

10 A I thought it was appropriate.

11 Q But that violated the rules of OMing, right?

12 A Yeah, it did.

13 Q Now, you were also a big proponent of male OM, right?

14 A Yes.

15 Q And OneTaste had discontinued male OMing as a course,
16 right?

17 A That's right.

18 Q And you didn't like that, did you?

19 A I -- I was asked by multiple students why it had stopped.
20 So, I had conversations with community members to find out why
21 it had stopped. And I thought there is a way we can teach
22 this that will be -- that will be ethical and clean and won't
23 mess with the OM practice.

24 So I spent actually a couple years thinking through
25 how to teach it in a way that would be clean.

Blackmar, - cross - Bonjean

3784

1 Q And you were met with resistance from Ms. Daedone, right?

2 A I don't remember.

3 Q Okay. You were met with resistance, though, about
4 reintroducing male OM, correct?

5 A I think everyone wanted it to be clean. Everyone wanted
6 it to be clean.

7 I didn't hear any objections about bringing the
8 practice back unless it could be in a way that -- like didn't
9 cause, like, tit-for-tat. And that people understood that
10 male OM was very different from just a regular OM.

11

12 (Continued on the following page.)

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Blackman - Cross - Bonjean

3785

1 BY MS. BONJEAN: (Continuing.)

2 Q Okay --

3 A There were lots of guys there who were like, oh, why
4 can't I get stroked and I was the one who would explain to
5 them this is a clitoral stroking practice.

6 Q Kind of a different practice; right?

7 A Yeah.

8 Q Okay. It's not that -- there was some of that teaching
9 going on in the mastery course; right?

10 A Yes.

11 Q Okay. So there was an opportunity if somebody wanted to
12 actually seek that out, they could have; correct?

13 A Well, the mastery course was much later. The mastery
14 course was long after that.

15 Q But you wanted to make it more on par with the clitoral
16 stroking?

17 A Correct. I was being requested and I thought it could be
18 taught in a clean way and so I figured out how to do that.

19 Q These were men requesting it?

20 A Men and women. Women would come to me and say I really
21 want to stroke my partner and I would talk to them about the
22 fact that we were putting a course together where they could
23 learn how to do that.

24 Q Okay. And, so, you talked about the fact that Mr. Jones
25 had handlers that stroked him -- or a handjob, I forget the

Blackman - Cross - Bonjean

3786

1 word you used; right?

2 A Yes.

3 Q But you routinely, yourself, asked members of the
4 community to stroke you; isn't that right?

5 A No. That's not correct.

6 Q You sure about that?

7 A Yes.

8 Q Okay. Government Exhibit 4501, which is the -- we looked
9 at --

10 MS. BONJEAN: Your Honor, it's the 2,000-page
11 document and I'm going to -- I've pulled out the ones that I
12 would like to reference.

13 THE COURT: Thank you.

14 BY MS. BONJEAN:

15 Q Specifically I'm going to ask you, Mr. Blackman, isn't it
16 true that you asked Justine Dawson to stroke you on November
17 27th --

18 A I can't -- this is too small for me to read.

19 Q If you can't remember, I will refresh your recollection.

20 A Okay.

21 Q Okay. Do you remember asking Justine Dawson to stroke
22 you on September -- November 27, 2009?

23 A I don't recall that, but I don't doubt that it happened.

24 Q Okay, would you like to see your text messages or your --
25 text messages?

Blackman - Cross - Bonjean

3787

1 A Sure.

2 Q Defendant's Exhibit 24-AL.

3 A Again, this is too small for me to read.

4 THE COURT: Can you just give him a paper copy?

5 (Counsel approaches.)

6 A I can see it now.

7 Q Does that refresh your recollection whether you asked
8 Justine Dawson to stroke you on November 27, 2009?

9 A Yes.

10 Q She agreed; right?

11 A Yes.

12 MS. GUPTA: Your Honor, just objection to the
13 characterization of the document.

14 MS. BONJEAN: He said yes.

15 THE COURT: Overruled.

16 BY MS. BONJEAN:

17 Q And then jumping around, May 17, 2010 did you text
18 Ms. Vang and say would you stroke me?

19 A I don't recall it.

20 Q You don't doubt it though, right?

21 A If you have a text, I can see it.

22 Q Sure.

23 THE COURT: Let me know what you're handing up.

24 MS. BONJEAN: Defendant's Exhibit 24-M, as in Mary.

25 A Yes.

Blackman - Cross - Bonjean

3788

1 Q Correct, you did?

2 A Yes.

3 Q July 3, 2010, you asked Rachel Cherwitz to stroke you or
4 male OM, right? I can show you.

5 A Yeah, I would like to see it.

6 (Counsel approaches.)

7 MS. BONJEAN: This is Defendant's Exhibit 24-AN.

8 A Yes, I see it.

9 Q There were times when you asked Maya Gilbert to stroke
10 you, do you remember that?

11 A I don't, but I'd like to see the text.

12 Q What about Kelly Notaras?

13 A Again, I don't remember.

14 Q I'm sorry?

15 A Again, I don't remember.

16 Q I'm going to have you look at Defendant's Exhibit 24-AR.

17 (Counsel approaches.)

18 Q Does that refresh your recollection you asked Kelly
19 Notaras to stroke you?

20 A I again don't remember it, but I see it in the text.

21 Q You said you don't remember asking Maya Gilbert?

22 A Correct.

23 Q I'm going to show you what's marked as Defendant's
24 Exhibit 24-AQ?

25 (Counsel approaches.)

Blackman - Cross - Bonjean

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1 Q Did you ask her to stroke you?

2 A Yes.

3 Q She didn't want to stroke you, right, or said she
4 couldn't, made up something?

5 MS. GUPTA: Objection to the characterization.

6 THE COURT: Sustained.

7 BY MS. BONJEAN:

8 Q How about Aubrey Fuller, did you ask her to stroke you?

9 A I don't recall.

10 Q Would something refresh your recollection?

11 A Huh?

12 Q Want something to refresh your recollection.

13 A Yes.

14 MS. BONJEAN: Defendant's Exhibit 24-AS.

15 (Counsel approaches.)

16 A Yes.

17 Q Do you remember texting Ms. Daedone in March of 2006
18 advocating lifting the ban on male OMs?

19 A I don't remember the conversation but --

20 Q Okay and that was the same day you asked Kelly Notaras to
21 stroke you again. Do you remember that?

22 A Okay.

23 Q Do you remember or would you like to --

24 A I'd like to see it.

25 Q Defendant's Exhibit 24-AT.

Blackman - Cross - Bonjean

3790

1 (Counsel approaches.)

2 Q Does this refresh your recollection about whether or not
3 in March of 2011 you asked Kelly Notaras whether she would be
4 willing to stroke you? You can look at the screen if it
5 helps.

6 A I'm a slow reader.

7 Q It's only about six words.

8 A I'm looking at the next text that's also --

9 Q My question right now, and I'll give you an opportunity
10 to look if necessary, did you ask Kelly Notaras if she would
11 be willing to stroke you?

12 A Yes.

13 Q And also that same day I would like you to look at the
14 text from Ms. Daedone.

15 A Yes, I'm looking at it.

16 Q Take a second to look at that one.

17 A (Reviewing.)

18 Yes.

19 Q Do you remember advocating to bring back male OM?

20 A Yes.

21 Q And one of your pitches is that you didn't think the guys
22 in the res were so creepy and you needed the ban?

23 A That's correct.

24 Q You didn't see yourself as creepy; right?

25 A No.

Blackman - Cross - Bonjean

3791

1 MS. GUPTA: Objection.

2 THE COURT: Overruled.

3 MS. BONJEAN: I'm going to give him the stack so I
4 don't have to keep going back and forth.

5 THE COURT: Is it the same stack you gave me?

6 MS. BONJEAN: Yes.

7 THE COURT: Go ahead.

8 (Counsel approaches.)

9 BY MS. BONJEAN:

10 Q Mr. Blackman, do you remember asking Kelly Notaras again
11 on May 26, 2011 to stroke you?

12 A Yes.

13 Q Okay. And if you need to refer to this to refresh your
14 recollection, let me know. What about Aubrey Fuller, again in
15 June of 2011? I'll have you look at Defendant's Exhibit 24-AV
16 to refresh your recollection as necessary.

17 A Yes.

18 Q Okay. What about in October of 2011, Rachael Hemsli?

19 A Yes.

20 Q In October of 2010 you asked Rachel Cherwitz to be a
21 stroker for a male OM demo you wanted to do; is that right?

22 A Yes, for a course.

23 Q Okay. Was that in April of 11 you asked Justine Dawson
24 to stroke you again?

25 A Yes.

Blackman - Cross - Bonjean

3792

1 Q You asked her again in October of 2011?

2 A Yes.

3 Q Rachel Cherwitz again in April of 2011?

4 A Yes.

5 Q Justine Dawson again in November of 2011; right?

6 A Yes.

7 Q You can put those aside.

8 You are currently still in the business of teaching
9 clitoris-based activities or sex; right?

10 A Rarely does it come up in my coaching, but if it's
11 something I think a couple can use then I will teach it.

12 Q And is that something you do with your wife?

13 A Yes.

14 MS. GUPTA: Objection.

15 THE COURT: Sustained. What's the something?

16 Q Clitoral based teaching.

17 A I stroke my wife's clitoris.

18 Q I should hope so.

19 Did you also start a program called the New
20 Masculine program after your departure from OneTaste?

21 A Yes.

22 Q And what type of a program was that?

23 A It was for men to help them become more confident in
24 life, to feel better about themselves.

25 Q And you also offered -- you also offer coaching packages

Blackman - Cross - Bonjean

3793

1 to the tune of 72 grand; right?

2 A There was a time when, yes, I was charging that much.

3 Q What did you get for 72 grand?

4 A A year of coaching.

5 Q It wasn't, like, unlimited coaching sessions as much you
6 wanted, was it?

7 MS. GUPTA: Objection.

8 THE COURT: Sustained. Ask the next question.

9 Q This wasn't unlimited coaching sessions; correct?

10 A I was on call, yes. We had weekly schedules, but I was
11 also available by text. If they needed support in between, I
12 was available.

13 Q For an emergency?

14 A For -- yeah, if a couple was getting into trouble or got
15 into an argument, I didn't want them to wait until next
16 Tuesday to get my support around it.

17 Q You're not a psychiatrist; right?

18 A No.

19 Q You're not a marriage therapist; right?

20 A No.

21 Q You're not a relationship therapist, right?

22 A Not licensed, no. I'm not a therapist.

23 Q Your expertise is in clitoral stroking and male OMing;
24 right?

25 A And relationships.

Blackman - Redirect - Gupta

3794

1 Q All right.

2 MS. BONJEAN: One second.

3 (Pause in proceedings.)

4 MS. BONJEAN: I have nothing further, Your Honor.

5 THE COURT: Mr. Robotti any cross-examination?

6 MR. ROBOTTI: No questions.

7 THE COURT: Any redirect examination, Ms. Gupta?

8 MS. GUPTA: Short, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. GUPTA:

11 Q Mr. Blackman, you testified regarding an incident where
12 you bit Maddie Carl's thigh during an OM demonstration. Do
13 you recall that?

14 A Yes.

15 Q OneTaste continued to employ you after that, right?

16 A That's correct.

17 Q And throughout all of the various requests for male OMing
18 that you just went through, OneTaste continued to employ you
19 throughout that time; correct?

20 A That's right.

21 Q In fact, OneTaste continued to employ you for several
22 more years after both the incident with Maddie Carl and the
23 request for male OMing; correct?

24 A That's right.

25 MS. GUPTA: No further questions.

Blackman - Recross - Bonjean

3795

1 MS. BONJEAN: I just have --

2 THE COURT: You have questions?

3 MS. BONJEAN: Yes.

4 THE COURT: Okay, Ms. Bonjean.

5 RECROSS-EXAMINATION

6 BY MS. BONJEAN:

7 Q Mr. Blackman, there was nothing wrong with asking for
8 male OMing, right?

9 A Well, when it was banned then, no, you wouldn't ask for
10 it. But once we -- once we had taught it, then it was okay to
11 ask, yes.

12 Q So I guess I'm confused. You were asking people to have
13 a male OM with you; right?

14 A Yes.

15 Q And they can say yes or no; right?

16 A Yes.

17 Q And you respected that; right?

18 A Yes.

19 Q You didn't force people to masturbate you; right?

20 A That's correct.

21 Q But you were an advocate of it; correct?

22 A Yes, on behalf of the men and women who wanted to bring
23 the practice back.

24 Q All the people who wanted it in the program; right?

25 A Yes.

Blackman - Recross - Bonjean

3796

1 Q And OneTaste did actually respond to both of your ethics
2 violations; correct?

3 A Yes.

4 Q Okay.

5 MS. BONJEAN: I have nothing further.

6 MS. GUPTA: Nothing further.

7 THE COURT: Okay. The witness may step down.

8 (Witness excused.)

9 MS. GUPTA: Your Honor, may we briefly approach and
10 discuss a scheduling issue?

11 THE COURT: Yes, you may.

12 (Continued on the following page.)

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Sidebar

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1 (Sidebar conference held.)

2 THE COURT: We have everybody at sidebar including
3 the two individual defendants. Go ahead.

4 MS. GUPTA: It's just the next witness is on her
5 way. She's pregnant and moving a little slowly. Can we go
6 ahead and take our break now and we'll have her on the stand
7 after the mid-afternoon break?

8 THE COURT: Can she be here in the next twenty
9 minutes?

10 MS. BENSING: She's not immediately here.

11 MS. GUPTA: We timed it poorly not realizing how
12 long it would take her.

13 THE COURT: We can take a break now unless anybody
14 has an objection.

15 MR. ROBOTTI: No.

16 MS. BONJEAN: Nope.

17 THE COURT: We can do that now.

18 (Sidebar ends.)

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1 (Continuing.)

2 THE COURT: We're going to take our afternoon break
3 a little bit early. We'll come back at 3:20. Don't talk
4 about the case and keep an open mind. See you in about 15
5 minutes.

6 (Jury exits.)

7 THE COURT: Everyone can be seated. I wanted to
8 raise one or two issues to make use of this time productively.

9 Going to the jury instructions that we had talked
10 about some issues the other day, I just wanted to make sure I
11 understood something the Government said the other day and how
12 that might affect the charge. I think I understood -- I
13 believe it was Ms. Bensing to be saying that she did not think
14 there was a need to have the language about abuse and
15 threatened abuse of law and legal process in the instruction;
16 is that correct?

17 MS. BENSING: As of right now, yes.

18 THE COURT: Okay.

19 MS. BENSING: But theoretically something could
20 change by the time the jury is charged.

21 THE COURT: What I want to make sure I understand
22 everybody's position on is that you don't believe that it
23 needs to be referenced both when I state what the indictment
24 language is and when I cite what the statutory language is or
25 just when I'm explaining the elements and I think it's really

1 element two of A, which I guess also is referenced later on as
2 well.

3 But is that what the parties want, what the
4 Government wants? And I can ask the defendants what they
5 want.

6 MS. BENSING: Well, I think what I --

7 THE COURT: I just want to know what you're
8 envisioning by that.

9 MS. BENSING: What I was envisioning was the portion
10 where the Court explains the applicable law and not the
11 statutory language, but I can --

12 THE COURT: That's what I thought you -- but I
13 wanted to make sure I wasn't misunderstanding that.

14 Was that everybody's understanding too that they --
15 in explaining the second element essentially is where it comes
16 up of the substantive A, which again they'll be told there's
17 no substantive charge here; that I won't instruct on that if
18 everything stays the same on the abuse and threatened abuse of
19 law and legal process.

20 MS. COHEN: That was my understanding.

21 MS. BONJEAN: Yes, I think that was my understanding
22 too.

23 THE COURT: Great and then -- I wondered if the
24 parties thought there was a need for an investigative
25 techniques instruction. That typically comes up if there's

1 searches or wiretaps or some specific technique that's
2 specific to testimony. And I'm making a distinction between
3 not needing to use any specific technique as opposed to
4 techniques used that were legal. And I'm not sure that that's
5 something that the parties feel is necessary here, the one
6 about investigative techniques themselves.

7 MS. BENSING: If you give me a minute, Your Honor.

8 MS. BONJEAN: Did we include that?

9 THE COURT: I am just asking. Now that we have the
10 benefit of three and a half weeks of testimony, I'm trying to
11 focus in on the issues that really need to be instructive.
12 You don't have to answer me now. I can give you a break, but
13 I want to raise these issues as something to think about.

14 MS. BENSING: If the Court is amenable to it, I
15 would just like to read it and talk to the team and get back
16 to you.

17 THE COURT: That is fine.

18 And then there was I think only one transcript has
19 gone in as an aid to the jury. I don't know if you want a
20 separate transcript instruction. I don't think it was used
21 when the -- I can't remember if it was audio or video came in.
22 I'm happy to give one or not give one.

23 MS. BONJEAN: I think with the videos, there were
24 subtitles so I don't know --

25 THE COURT: That is not what I would be talking

Proceedings

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1 about in transcripts. I think there was only one transcript.

2 MR. ROBOTTI: I think that one transcript we may use
3 in closing. I don't think we have a position on a transcript
4 instruction, but we can consider it.

5 THE COURT: You can let me know what you think on
6 that one.

7 Then the only other one I wanted to ask about is if
8 anyone thinks there's a need for "and other acts" instruction.
9 I will listen to the parties and let me know what they think
10 it refers to. We're at this stage and we're not done with the
11 trial yet.

12 You don't have to give me your answers now, but if
13 you want to talk to each other about that and let me know.

14 MS. BENSING: I think the Court -- this is something
15 I raised on Friday, so I think the Court has the Government's
16 position.

17 MS. BONJEAN: Yes. This witness just basically
18 testified that Ms. Daedone took his credit card and spent
19 \$10,000 which, again, I think -- I don't know where, A, I
20 don't know what was --

21 THE COURT: He said he gave it to her; right?

22 MS. BONJEAN: He gave it to her. I mean they
23 elicited it, not to show she's such a great lady. They
24 elicited it to suggest that she did something wrong. So I
25 think it is another bad act that potentially requires an other

1 acts instruction, but I don't know if the Court wants to rule
2 on that now. I think there's other --

3 THE COURT: You can let me know what you think would
4 be under the umbrella of other acts and what instruction you
5 would be proposing, but --

6 MR. ROBOTTI: Judge I would flag the issue of
7 prostitution that came up both yesterday and today that's
8 something they may want to consider as well.

9 THE COURT: I will, of course, be very clear in the
10 instructions that there's one crime being charged here, right,
11 and they will know what it is and they will also know that it
12 is not the substantive crime. So you'll see that language,
13 but I'm also going to make very clear that the conspiracy
14 charge -- sorry, the conspiracy that the instructions they're
15 talking about was the conspiracy charge which was one of the
16 defendant's main themes and some of their comments on the
17 request to charge. So I think that will be very clear. So
18 you can think about whether you think there's a reason to flag
19 for the jury anything else specific. You'll think about that
20 and you'll let me know and I'll let you know if I think it's
21 appropriate, but I want to make sure that you know that it
22 will be clear to the jury; two defendants, one crime they're
23 considering.

24 Okay, I'm going to let you take a few minutes.

25 (Recess taken.)

1 (Continuing.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Ms. Cohen, we can ask for them to make
4 it warmer in here. I can tell you're freezing. I can tell.
5 You had the blanket or something there. I don't think anyone
6 else can tell, but I can see it.

7 MS. COHEN: I was trying to cover, but thank you.

8 THE COURT: No, no. It's fine. You do what you need
9 to do. But we can ask to make it a little warmer.

10 We can bring in the witness. No, I'm sorry. This
11 is a new witness.

12 Let's bring in the jury and then you'll call the
13 witness.

14 (Jury enters the courtroom.)

15 THE COURT: Everyone may be seated. And the
16 Government can call its next witness.

17 MS. FARRELL: Thank you, Your Honor the Government
18 calls Anthia Gillick to the stand.

19 THE COURT: You can just come right up here.

20 (The witness takes the stand.)

21 THE COURTROOM DEPUTY: Please step up, remain
22 standing, raise your right hand.

23 Do you solemnly swear or affirm that the answers and
24 the testimony you're about to give this Court shall be the
25 truth, the whole truth, and nothing but the truth, so help you

PROCEEDINGS

1 God?

2 THE WITNESS: I do.

3 THE COURTROOM DEPUTY: Please be seated.

4 State your full name for the record and spell your
5 last name slowly. And use microphone. Thank you.

6 THE WITNESS: My name is Anthia Gillick, last name
7 is G-I-L-L-I-C-K.

8 THE COURT: You may proceed, Ms. Farrell.

9 MS. FARRELL: Thank you, Your Honor.

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11 (Continued on the following page.)

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GILLICK - DIRECT - MS. FARRELL

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1 ANTHIA GILLICK, called as a witness, having been first duly
2 sworn/affirmed, was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MS. FARRELL:

5 Q Good afternoon, Ms. Gillick.

6 Besides your name, Anthia Gillick, have you ever
7 gone by other names?

8 A Yes. I also went by Brooke Sheffer, and that was the
9 name that I had when I was in OneTaste. Last name is spelled
10 S-H-E-F-F-E-R.

11 Q Thank you. Do you know an individual named Nicole
12 Daedone?

13 A Yes.

14 Q Who is Nicole Daedone to you?

15 A She -- it was the owner and CEO of OneTaste at my time
16 when I was there.

17 Q And do you see her here today?

18 A Yes.

19 Q And can you identify her by an article of clothing she's
20 wearing?

21 A Yeah. She's wearing the tan wrap.

22 Q Has Nicole Daedone ever harmed you in any way?

23 MS. BONJEAN: Objection.

24 THE COURT: Overruled.

25 Q You can answer.

1 A Psychologically, there was -- I felt a lot of damage from
2 my time at OneTaste.

3 Q Do you know an individual named Rachel Cherwitz?

4 A Yes.

5 Q And who is Rachel Cherwitz to you?

6 A She was the head of sales at OneTaste when I was there.

7 Q And do you see her here in the courtroom today?

8 A Yes. She's wearing the off-white blazer.

9 Q Has Rachel Cherwitz ever harmed you?

10 MS. COHEN: Objection.

11 THE COURT: Overruled.

12 A Same.

13 Q And at a high level, how has Ms. Cherwitz harmed you?

14 A Same thing.

15 Q What do you mean, same thing?

16 A That they were both in charge of OneTaste while I was
17 there and it caused me a lot of psychological and a bit of
18 physical harm.

19 MS. FARRELL: And Your Honor, I would just ask the
20 Court to confirm the identifications on the record.

21 THE COURT: Yes.

22 MS. FARRELL: Thank you.

23 Q So you mentioned OneTaste.

24 Were you involved with OneTaste?

25 A Yes.

1 Q And in what capacities?

2 A I was a student for about a year and then became a owner
3 of OneTaste New York, LLC, which was a franchise branch of
4 OneTaste at the time, for a year and a half.

5 Q And approximately what were the -- was the span of years
6 that you were involved in OneTaste?

7 A About two and a half years.

8 Q From when to when?

9 A From, like, spring 2013 to summer 2015.

10 Q Did you ever live in OneTaste housing?

11 A Yes.

12 Q And approximately how old were you during that span of
13 time you just testified about?

14 A I was 25 in 2013, and 27 in 2015.

15 Q What type of business was OneTaste?

16 A It was, you know, billed as a wellness and, like, health
17 company that taught an array of practices and coaching things.
18 There were high level, but I often liken it to, like, Tony
19 Robbins kind of a transformational coaching company.

20 Q Was there a particular practice that the company revolved
21 around?

22 A Yes.

23 Q What was that?

24 A The main practice was called orgasmic meditation or OM,
25 for short.

1 Q And if you could just briefly explain what OMing was.

2 A It is a 15-minute partnered pussy stroking practice was
3 the way that they described it, but almost only of the female
4 genitalia.

5 Q And besides OMing, were there other actual services that
6 OneTaste offered during your time there?

7 A There were other practices in classes that ranged from,
8 you know, other sex acts and demonstrations to stuff, like,
9 BDSM or, like, you know, kind of, like, ritual piercing and
10 stuff, like. They were like -- magic school is what they
11 called it. But yeah.

12 Q So putting aside OMing.

13 These other sexual services you testified about, who
14 were those offered to?

15 A For pay, they were inside classes. So students who were
16 paying large amounts for, like, one-week retreats to six-month
17 or 10-month classes.

18 Q During the time you were involved at OneTaste, did you
19 provide any labor for the company?

20 A Yes.

21 Q And what labor did you provide?

22 A I was -- I did everything from organizing volunteers to
23 moving supplies in and out, to we called lead gening, but
24 recruiting new sales leads, at tons of different events.
25 Training other people, like, coaching and un-coaching other

1 people.

2 Q Did you provide any services for the company?

3 A Yeah. I mean, those were all services and labor.

4 Q What about sexual services?

5 A The -- I mean, mostly I was asked specifically for, you
6 know, like OMs with other people that were paying clients, and
7 then there was an occasional time where I would be asked to do
8 a thing with a paid client that went into more sexual realms.

9 Q We'll get to that later.

10 Did you make payments to OneTaste?

11 A Yes.

12 Q Approximately how much?

13 A I would say they generally averaged about a thousand a
14 month for classes and then, like, around 1200 a month for rent
15 and food, like, they called it a meal plan.

16 Q And you testified that you also were a part owner of
17 OneTaste?

18 A Yes.

19 Q Did that involve a payment, as well?

20 A So I was considered a part owner for, like I said, it was
21 a little over about a year and a half. But I was not actually
22 on paper an owner until the last six months of that, and
23 during that time, I can't remember what the term is, but I
24 got, like, withheld ownership payment of 3,000 a month.

25 Q So let me break this down.

GILLICK - DIRECT - MS. FARRELL

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1 So right now I'm asking you about payments that you
2 made to OneTaste.

3 A Right.

4 Q So I think you described paying for courses; is that
5 correct?

6 A Yeah.

7 Q Paying for room and board?

8 A Yes.

9 Q And did you make any payments to anyone in connection
10 with your becoming an own owner of OneTaste?

11 A Oh, yes. I bought in for about 120,000 for the part
12 ownership of the franchise.

13 Q And then we'll get into the details later. So I'm really
14 just asking a yes-or-no question now.

15 But did you experience any financial harm in
16 connection with your time at OneTaste?

17 MS. BONJEAN: Objection. Vague.

18 THE COURT: Overruled.

19 A I -- the money that I did get, I mean -- so I ended up --
20 by the time I left, I think I'd spent somewhere between, like,
21 I don't know maybe, like 67 and \$75,000 on classes. I
22 remember seeing 67 is a number pretty closer to when I was
23 leaving. But I think I paid some additional money after that.
24 And then I did get -- the money that I did get paid for the
25 six months got removed -- I was bought out when I left. But

GILLICK - DIRECT - MS. FARRELL

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1 that money got removed from being bought out. So the classes
2 were -- that was for a service that was out of pocket, but
3 the, you know, I came out at a loss from the money that was
4 removed from my purchase into the franchise.

5 Q Okay. And again, we will get to the details later.

6 But at a high level, did you experience any
7 psychological harm during your time at OneTaste?

8 MS. BONJEAN: Objection.

9 THE COURT: Overruled.

10 A Yeah. That was -- I definitely did. Lots of details,
11 obviously.

12 Q We'll get to that in a moment.

13 But how would you describe the level of
14 psychological harm that you experienced?

15 MS. BONJEAN: Objection vague.

16 MS. COHEN: Objection.

17 THE COURT: Sustained.

18 Q How, if at all, did the psychological harm you just
19 testified about impact your willingness to provide labor or
20 services to OneTaste while you were there?

21 MS. BONJEAN: Again objection.

22 MS. COHEN: Objection.

23 THE COURT: Overruled.

24 A Like, you're asking about the psychological state that I
25 was in when I was there?

1 Q Yes.

2 A It was everything. OneTaste became my world. It became
3 my entire belief system. It was my, like, my moral campus. I
4 would have done anything.

5 Q And did that include providing labor and services?

6 A Yes.

7 Q So let's take a step back and start at the beginning.
8 And also, I'll just ask to you slow down a little for our
9 court reporter.

10 A Sorry, I talk fast.

11 Q So first, where did you grow up?

12 A In rural Colorado.

13 Q And how far did you go to school?

14 A I got a bachelor's degree.

15 Q And what did you do after completing undergraduate?

16 A I moved to San Francisco to start a business in aerial
17 silks or circus arts.

18 Q And what are aerial silks?

19 A If you've ever seen Pink, the sheets that hang from the
20 ceilings was my main apparatus, and so that was aerial silks,
21 and I taught that.

22 Q Sorry, what do you do on the sheets?

23 A Circus tricks, performances.

24 Q When did you first learn about OneTaste?

25 A Pretty soon after -- so I was living in various

1 neighborhoods in San Francisco, and then I moved down to the
2 South of Market District, and pretty soon after I moved, I was
3 walking down the street and there was a guy clipping his
4 toenails on a bench who came running after me and he was in
5 CP6, I believe. He was a student at OneTaste and he asked me
6 to coffee.

7 Q And what happened after that?

8 A We went to coffee and he didn't mention anything. He
9 just basically said he was living in a commune in San
10 Francisco which are very common. So I was not very
11 interested. And then we kept running into each other. And
12 eventually, he kept asking me to his event that was run called
13 Turn On, and the name kind of freaked me out, so I kept saying
14 no. And then eventually, he invited me to a lecture that
15 Nicole Daedone was doing on just -- it was informational on
16 orgasmic meditation.

17 Q And did you attend that?

18 A Yeah. And I agreed to attend that after going to another
19 coffee with him where I grilled him for 45 minutes.

20 Q And what was that man's name?

21 A James Barford.

22 Q At the time that you were going to these coffees with
23 James Barford, how were you supporting yourself?

24 A I was working at a restaurant, I was hosting at a
25 restaurant, I was teaching aerial silks at other company that

1 wasn't mine, and I was working at Trampoline Park. But my,
2 like, some of my main income, like, what was paying my rent
3 was from my parents. They were helping me out.

4 Q And did you have family wealth at the time?

5 A Yes.

6 Q So you mentioned that you attended a OneTaste event in
7 which Nicole Daedone spoke?

8 A Mm-hmm.

9 Q Tell us about that event.

10 A Yes. It was a lecture kind of at a pop-up venue. It was
11 very, like, chic and hip and kind of, I don't know, felt like
12 buzzy. And I went and it was probably, I don't know, an hour,
13 hour and a half kind of thing and Nicole basically told her,
14 like, story of how she'd gotten into his practice, and then
15 you know, described the practice and gave kind of, like, a
16 pitch for signing up for classes and everyone was encouraged
17 to at least sign up for How to OM before they left.

18 Q And when you say, she, being Nicole Daedone described a
19 practice, what practice are you talking about?

20 A Orgasmic meditation.

21 Q And what was your reaction to Nicole Daedone's talk that
22 night? That day?

23 A I was pretty amazed by her.

24 Q And what was it about her that made you amazed?

25 A Yeah, I'd never met anyone who, like, knew themselves so

1 well and was so, like, aware of their flaws and willing to
2 just, like, own them and just, like -- it was like she had
3 mapped her entire psyche, basically, and was able to just talk
4 about it. And it just seemed very powerful and I really
5 wanted to -- like, I was struggling with my aerial silks
6 business, it was not going very well, and I really wanted to
7 become a powerful businessman and I sort of thought if it
8 woman could sell orgasm, I could sell circus, she could teach
9 me to sell circus. But I was not interested in the practice
10 at all.

11 Q So after attending that first event, what did you do?

12 A I kind of ran out the door. They were trying to persuade
13 me to take a How to OM class and I wanted no part of it.

14 Q When you say, they were trying to pursued, you who were
15 you talking about?

16 A There was, like, a sales team in the back. I think
17 Marcus Ratnathicam might have been there. I don't remember.
18 Rachel might have -- Rachel was definitely there as, like,
19 head of sales. I don't remember it well so it might have been
20 Margo or Allie.

21 Q What you say, Rachel, who are you referring to?

22 A Rachel Cherwitz.

23 Q So did you sign up for an additional class that night?

24 A I did not.

25 Q And then but did you come to sign up for something else?

1 A Yeah.

2 Q So describe what happened?

3 A So a couple of days later, I was still kind of thinking
4 about and thinking about if I could just -- like, I had been
5 texting James whose number I had at that point, and I kept
6 thinking, like, if I could just ask Nicole, like, how she did
7 what she does, that that would be, like, enough for me. And
8 the other thing that had been on the offer that night was a
9 \$300, like, 15-person coaching circle where you were allowed
10 to sit in front of Nicole and ask her anything, basically. So
11 I texted James back a few days later and asked if I could sign
12 up for that.

13 Q So did you attend a coaching circle with Nicole Daedone?

14 A Yes.

15 Q What happened at that coaching circle?

16 A A number of the people I think were probably already
17 enrolled in classes. She seemed to have a lot of rapport with
18 them. So she went around and, like, talked to them, kind of
19 coached them through various relationship things, and it
20 seemed like a lot of them got a lot of attention and, like,
21 her expertise.

22 Q And what happened when it came time for her to speak to
23 you?

24 A So when it came time for her to speak to me, I asked
25 basically, like, how do I get my business going, how do I do

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1 what you do, and she didn't answer. She asked me how my sex
2 life was, and I, like, didn't have much of a response. It
3 was -- that was -- I was very surprised by that. I must have
4 stumbled out something about the fact that it wasn't great.
5 And then she also asked me how my relationship with women was.
6 And that was a very sore point for me. I just -- I don't
7 know, I missed girl code growing up.

8 So she basically -- she -- between those two things,
9 she told me that I should come in to the OneTaste community,
10 and she basically said that I should sleep with or fuck a
11 bunch of the women -- sorry, the men who were with women
12 inside the OneTaste community and piss the women off, and that
13 that was, like, going to -- I would learn girl code from that,
14 that they would teach me.

15 Q So after that coaching session, did you become further
16 involved in OneTaste?

17 A So again, as it was with almost every class at OneTaste,
18 you weren't supposed to leave without signing up for
19 something. And so I was, like, pushed -- I still didn't want
20 to sign up for How to OM, but I was pushed to sign up for --
21 the next morning they were called exploratories. So they
22 were, like, one hour free coaching circles with Rachel
23 Cherwitz.

24 Q Okay. Did you sign up for that?

25 A Yeah. So I signed up for one of those. And during that

1 hour, that next morning, you know, I kind of, like, had his
2 free coaching session with Rachel and just kind of, like,
3 divulged everything that was going on in my life. I probably
4 felt good about getting, you know, a free coaching and wanted
5 everything out of it. And she basically sort of, like,
6 offered me her friendship inside that, which I was pretty
7 desperate for, and also, like, she rightly identified that I'm
8 like a Harry Potter fan and wanted something, like, magic and
9 special in my life and she called the coaching program
10 Hogwarts, and said that they were witches who liked to trip
11 acid sober, and the whole thing sounded amazing appealing, and
12 I signed up for the coaching program. It was CP Number 7, and
13 I put a deposit.

14 THE COURT: I'm sorry, could I ask both of you to
15 give a little pause between the question and the answers. I
16 think it's difficult. I'm seeing the court reporter who is
17 excellent looking at me to maybe slow things down a little
18 bit.

19 THE WITNESS: Apologies.

20 THE COURT: Okay. Go ahead.

21 Q You said in that answer that you were desperate for --

22 A For female friendship.

23 Q And did you tell that to Rachel Cherwitz during this?

24 A I -- no. But I think between, you know, Nicole's
25 assessment of me the night before and, like, it was probably

1 written all over me.

2 Q So you talked about a man named James who introduced you
3 to OneTaste. Did there come a time around his time period
4 with your had a physical relationship with James?

5 A Yes.

6 Q How, if at all, did Nicole Daedone's discussions with you
7 that first day affect your decision to get physical with
8 James?

9 MS. BONJEAN: Objection.

10 THE COURT: Sustained.

11 A Sorry, do I answer that?

12 THE COURT: When I say sustained, it means you don't
13 answer.

14 THE WITNESS: Thank you. I appreciate it.

15 Q I'll ask another question.

16 What made you decide to have a physical relationship
17 with James?

18 A I was attracted to him from the beginning. We sort of
19 flirted on and off, but I -- we had never gone further until
20 after that coaching circle. And --

21 Q Was he -- sorry.

22 Was he in a relationship with someone else at the
23 time?

24 A Yeah. So that -- I found out after that coaching
25 circle -- like, after that coaching circle, he kind of took me

1 on a date, and we -- things got, like -- we kissed afterwards
2 and that's that he was what he confessed to me that he was
3 married to someone.

4 MS. COHEN: Objection. Hearsay.

5 THE COURT: Sustained.

6 THE WITNESS: Oh, sorry.

7 Q Did you understand James to be married at some point?

8 A Yes.

9 Q Did you decide to engage a physical relationship,
10 nonetheless?

11 A Yes.

12 Q Why?

13 A I recalled in my head what Nicole had said about sleeping
14 with men who were taken by women and in the community and the
15 women teaching me.

16 Q And did James -- was James a member of OneTaste?

17 A Yes.

18 Q Did he come to your apartment at the time that you all
19 had a relationship?

20 A Yes.

21 Q And what was your apartment like?

22 A It was a -- it's called live-work loft. It was, like, a
23 pretty fancy new-build, like, modern lofted space that had,
24 like, kind of a bedroom on one side and a setup over on the
25 other, and my silks were hanging from the 18-foot ceilings.

1 It was probably like 3,000 square feet.

2 Q How did you afford an apartment like that in San
3 Francisco?

4 A My parents were covering the rent.

5 Q Did you later come to understand anything about whether
6 your personal wealth had been reported back to OneTaste
7 leaders?

8 MS. BONJEAN: Objection. Foundation. Hearsay.

9 THE COURT: Sustained.

10 Q So you mentioned that you signed up for the coaching
11 program request?

12 A Yes.

13 Q And which coaching program was that?

14 A CP7.

15 Q And what were you hoping to get out of it?

16 A And during that exploratory session, when Rachel offered
17 me that, I told her I did not want to be a life coach, like,
18 that was -- I already had a business that I wanted to do. And
19 she mentioned that, like, I could basically coach myself and
20 that it could be, like, an education on spirituality and
21 knowing myself, and I felt like if I took CP, I would get
22 closer to that goal of becoming the, like, powerful
23 businesswoman that I'd seen in Nicole who knew herself inside
24 and out.

25 Q What did the CP cost, approximately?

1 A It was \$10,000 at the time.

2 Q I'm sorry what?

3 A It was \$10,000 at the time.

4 Q Could you afford that?

5 A Yes.

6 Q Where did the coaching program take place?

7 A In San Francisco.

8 Q And who were the instructors?

9 A Nicole came to like, she taught at every one of the
10 weekends which was the main draw from me. I just wanted to
11 hear her talk. But then it was also taught by Rachel Cherwitz
12 and Rob Kandell, it was Ken Blackman. It was a series of
13 teachers who all taught together for each weekend and Nicole
14 made her, like, I don't know, couple-of-hour appearance each
15 weekend.

16 Q And how long was the coaching program?

17 A Ten months.

18 Q And how frequently each month?

19 A Once a week -- like one weekend a month.

20 Q What topics did the coaching program cover?

21 A A lot of it was, you know, OM training and How to OM
22 train other people and how to life coach other people. But a
23 lot of it was also, like, you know, exercises and things that
24 we could do with our clients, but, like, that were to draw
25 things out of us, like, our power or we had, like, a -- like,

1 a staged psycho-drama kind of thing where the voices in your
2 head were acted out by other people and they talked to each
3 other. Yeah. So it was a variety of exercises.

4 Q To your knowledge, were any of the teachers at the
5 coaching program licensed therapists?

6 A No.

7 Q Or doctors?

8 A No.

9 Q Members of clergy?

10 A No.

11 Q Okay. Are you familiar with the term, letting your beast
12 out?

13 A Yes.

14 Q Did that come up in the coaching program?

15 A Yeah.

16 Q What is it?

17 A That was one of the exercises that we did. It was known
18 as beast exercise. Letting your beast out was basically,
19 like, that we all have, like, caged feral creatures inside us,
20 basically, that that was, like, part of how you gain your
21 power, is by being in touch with that beast. And so one of
22 the exercises that they did was to -- like, the music -- they
23 put music on and kind of, like, amped it up and got all the
24 way to, like, very loud metal and, like, we were paired off
25 and, like, almost wrestling with each other to, like, piss

1 each other off to get our beast out.

2 Q You mentioned OM training was part of the coaching
3 program?

4 A Yes.

5 Q Was that just traditional OMing or did it include male
6 OMing, as well?

7 A We did do a male OM, I believe one weekend at CP7, yeah.

8 Q Did -- what, if any, sort of interaction with the
9 community outside of the coaching program was there as part of
10 the coaching program?

11 MS. BONJEAN: Objection to the form.

12 THE COURT: Sustained.

13 Q Was there any -- was there any interaction with the
14 outside community?

15 A Yeah. So pretty soon after -- because Rachel threw in
16 the How to OM class for free when I signed up for CP7, so I
17 did get OM trained. I had to get OM trained before I started
18 CP7.

19 So pretty soon after I was OM trained, which was
20 still a couple of months before CP, I requested joining what
21 was known as morning practice. It was open only to basically,
22 like, very senior community members or residents of 1080. And
23 after that, I had pretty much -- there was two OMs for morning
24 practice, sometimes -- but usually, it was just those two OMs,
25 and I would go to that almost every day. And then I also

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1 right around when CP started, my live-work loft flooded and I
2 moved into the 1080 housing. So I was also living in 1080 at
3 the time. So there were community members in morning
4 practices and OMs, as well as 1080.

5 Q Okay. We'll get to that in a moment.

6 Are you familiar with an area of San Francisco
7 called the Tenderloin?

8 A Yes.

9 Q What is that?

10 A It's generally considered, like, the roughest
11 neighborhood in San Francisco, and it's relatively close to --
12 it's, like, across Market Street from South of Market from the
13 district where 1080 was and my live-work loft.

14 Q Did you do any activities at the tenderloin as part of
15 the coaching program?

16 A Yes.

17 Q What did you do?

18 A There was an activity that I understand was kind of part
19 of Byron Katie's -- just another transformational coach. But
20 it was an activity that they ran where -- that OneTaste ran in
21 the coaching program where we had to, like, beg from someone
22 and then give to someone, and then I think, like, do an act of
23 service and then, like, receive help. It was, like, four
24 exercises of, like, giving and taking. And we did that both
25 in the tenderloin and in the Marina District within a day of

1 the coaching program.

2 Q As part of the coaching program, are you familiar with
3 something called a trauma resolution weekend?

4 A Yeah. I can't remember if it was called that at the time
5 that I was there. But that was a term used.

6 Q And what was that trauma resolution weekend?

7 A So the way that -- it was run during my CP was we
8 basically, like, wrote out, like, we -- they, like, put on
9 some, like, music and we wrote out in as much detail as we
10 could possibly remember, a time that we had a sexual trauma,
11 and I'd been raped at 21. And so, like, I wrote out my whole
12 rape story and then read it to a partner during that weekend,
13 aloud.

14 Q Was -- did anyone at OneTaste bring that sexual assault
15 up in the future?

16 A I mean, I -- my partner at, like, during that course was
17 Po-Hong Yu which was -- she was an owner of OneTaste later
18 with me in New York. And I mean we talked about it plenty.
19 Things like that kind of became common knowledge in -- like,
20 that was something I talked about, as well, in other times
21 after that.

22 Q While participating in the coaching program, were you
23 encouraged to purchase additional courses?

24 A Yeah. When -- especially if they, like -- like,
25 complemented, like, were -- there was these community

1 leadership courses that, you know, anyone who was, like,
2 looking to start coaching businesses or they started rolling
3 out these affiliate cities was willing to purchase and
4 encouraged to purchase those, and there was also, like, winter
5 retreats. So I purchased one of those. And then they came
6 out with a new program called Mastery. So during my coaching
7 program, there were new programs rolling out.

8 Q And were you taking these simultaneously with your
9 ongoing coaching program?

10 A Yes.

11 Q Okay. You mentioned that at one point you moved into
12 1080?

13 A Yes.

14 Q What happened?

15 A So, yeah, like I said, there was a flood in my building
16 at my live-work loft, so where my -- both where I was living
17 and working. And so I didn't have anywhere to live, and I
18 basically was looking to find a new place to live, and one of
19 the options that came up was both James Barford and Claudia
20 Denevarex who had become my friend from 1080 encouraged me to
21 move in.

22 MS. FARRELL: If we could please show the witness
23 what I believe is in evidence as Government Exhibit 34,
24 please.

25 Q Can you see that?

1 A Yes.

2 Q Do you recognize this?

3 A Yeah. That's 1080.

4 Q And if you could describe the layout for us.

5 A Yeah. So the downstairs had, like, a big common area
6 with, like, a dining room and a common kitchen, and the
7 OneTaste office was off to the side. So that was where all
8 business was run. And then upstairs was two floors of
9 residences, the like, middle floor, the second floor was where
10 I lived, and that was where students and, like, newer
11 practitioners lived, as well as, sometimes when people would
12 pay for, like, the emersion kind of thing, so if they wanted
13 to come in and experience what it was, like, to live in 1080,
14 they would stay in that floor for a week. And then the upper
15 floor was senior staff and more long-term practitioners, and
16 it was, like, a nude floor. Like, it was clothing optional.

17 Q Did you share a bed?

18 A Yes.

19 Q With who?

20 A Clouds. Claudia.

21 Q Did others share beds?

22 A Yeah. Everyone shared beds. Most of them were, like,
23 queen-sized and people frequently were moved around or
24 shuffled in these rooms, especially when the emersion clients
25 came in.

1 Q Did you pay rent?

2 A Yes.

3 Q How much?

4 A So that was the first time I was paying that, like, kind
5 of 1200 with I think it was like a thousand or 900 for rent
6 and the like two to 300 for food.

7 Q Are you familiar with a company called Caravan Retreats?

8 A Yes.

9 Q What is that company?

10 A They were, like, the LLC. Like, OneTaste was a DBA of
11 Caravan Retreats.

12 Q While you were living at 1080, were you an employee of
13 OneTaste?

14 A No. I was what was known as like a beastie. I was,
15 like, an employee in training. And that was -- I was starting
16 to go out to events and like, like I said, do the lead gening,
17 but I wasn't an official employee.

18 Q And was that term beastie used commonly?

19 A Yeah. It was like a -- there was, like, a small group
20 of, like, teachers and staff in training that were known as
21 that.

22 Q What sort of things would the beasties do?

23 MS. BONJEAN: Objection. Vague.

24 THE COURT: Overruled.

25 A Sorry, can you ask again.

1 Q What sort of tasks would the beasties do?

2 A So like I said, it was the lead gening events, so we
3 would go out to those kind of things and meet people and
4 sometimes had, like, we had these business cards that
5 described orgasmic meditation, and we would hand those out or
6 leave them around place and talk to people and try to get,
7 like, names and phone numbers, e-mails, and people to follow
8 up with the next day to see if they wanted to take How to OM.

9 And then we would also help out with some of the
10 immersion clients and, like, their experiences when they came
11 in for the week. And then we also were, like, the shortlist,
12 like, the top short list of volunteers for any classes we
13 weren't taking, to work back of house, like, to work
14 production of the event.

15 Q So approximately when did you move into 1080?

16 A I think it was about September of 2013.

17 Q And you mentioned immersion clients?

18 A Yeah.

19 Q What was an immersion client?

20 A Yeah. So immersion clients were people who wanted to,
21 like I said, either experience living in 1080, but they didn't
22 maybe live in San Francisco, or they wanted sort of -- like,
23 sometimes Nicole would do these, like, diagnosis kind of
24 things where it was like prescriptions almost, of what people
25 needed in courses. So, like, sometimes people in CP7 would --

1 like, she would say they were tired and wired, so it was like
2 basically they needed -- they would call it to be put at
3 effect. So they needed to have rest functionally. So
4 sometimes it was usually women. But -- they were considered
5 tired more. But they would be, like, offered to come in to
6 1080 and, like, have massages and meals brought to them, and
7 like, pussy sucking partners once a day kind of thing. Like,
8 they were supposed to be relaxed and pampered for the week, so
9 it could be anything from, like, sexual fantasies for certain
10 people to just, like, pampering.

11 Q And would the immersion clients, if you know, would the
12 immersion clients pay for that experience?

13 A Yeah. I think the emersions ran around like five or
14 6,000 for the week.

15 Q Are you familiar with an individual named Perry?

16 A Yes.

17 Q How about an individual named Cole?

18 A Yes.

19 Q And how about an individual named Rob Shaw?

20 A Yes.

21 Q Are you familiar with the terms scenes, as used at
22 OneTaste?

23 A Yes.

24 Q And what is a scene?

25 A It's a BDSM term. But it's basically, like, staging a

1 particular experience that's, like -- it's, like, usually
2 pretty laid out. So it'll be either for, like, a set amount
3 of time or, like, in BDSM there's, like, Saint Andrew's
4 crosses or flogging or like, it would be set tools, you know,
5 or it could be to -- OneTaste used it often, to, like,
6 achieve, not like a particular goal, but like a state, kind of
7 thing like, I said to be put in effect or to be, I don't know,
8 like turned on, but not climaxed. There were like particular
9 things from each scene.

10 Q So you testified earlier that when you first attended the
11 Nicole Daedone talk, you weren't particularly interested in
12 orgasmic meditation.

13 By the time that you're a beastie at 1080, are you
14 participating in orgasmic meditation?

15 A Yeah. Generally, like, four plus times a day.

16 Q And what about some of these other sexual things that
17 you've described?

18 A Yeah.

19 MS. COHEN: Objection. Vague.

20 MS. BONJEAN: I join.

21 THE COURT: Overruled.

22 A I -- yeah, I was -- when I became a beastie, I was -- it
23 wasn't until I became a beastie that I was then asked to
24 participate and help with the scenes and emersions.

25 Q So we talked about someone named Perry, Cole, and Rob

1 Shaw.

2 A Mm-hmm.

3 Q While you were a beastie, did you participate in any
4 scenes involving any of those people?

5 A Yes. All three.

6 Q So let's start with Cole.

7 Who is that?

8 A So Cole was Perry's boyfriend at the time.

9 Q And who was Perry?

10 A Perry was a student in I believe it was CP8, the CP after
11 me.

12 Q And did there come a time when you participated in a
13 scene involving Cole?

14 A Yes.

15 Q Tell us what happened.

16 A Yeah. So I was asked by, like, Allie Wall was
17 coordinating it for Rachel Cherwitz. Rachel was on the, like,
18 text thread that was running this, to participate in an
19 experience for Cole. It was basically, it was supposed to be
20 his day, because Perry had signed up for CP8 and Cole was not.
21 He had been offered to, like, sign for CP and had not signed
22 up. So it was his day that was planned to help him, like,
23 make the decision and sign up for CP. And I was asked to
24 participate in a section of that day that was, like, a
25 ritualized shower in the upstairs shower of 1080.

1 Q And who -- did you do the ritualized shower with anyone
2 else?

3 A Yeah. It was me and Margo and Leah Mendleson, I believe,
4 and Allie Wall. I can't remember if she came in the shower or
5 just, like, dropped us off. But she was part of that.

6 Q So what happened in the shower scene?

7 A We had, like, hung sheets from these, like, clothing
8 lines, kind of going across the shower room because it had
9 like three opened -- there was, like, three showerheads in the
10 stalls, and the sheets kind of created a pathway to the shower
11 and there was, like, music on and we were -- we, like, brought
12 Cole into the shower room and bathed him, everything, just you
13 know, like head to toe. And it was, like, this foot soaking
14 ritual that was -- that Nicole talked about a lot of. It was
15 supposed to like mimic the Temple of Ephesus, where the
16 whores, like, fucked the war out of warriors when they came
17 back into ancient Greece.

18 Q Were you clothed?

19 A No.

20 Q What about the other women involved?

21 A No.

22 Q And then what about Cole?

23 A No. None of us were clothed.

24 Q And so when you and the others were done bathing him in
25 the shower, what happened after that?

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1 A He was picked up, you know, by other people and Perry was
2 brought with -- she was, like, in a robe and they were, like,
3 escorted back to her room.

4 Q And to your knowledge, did Cole sign up for the coaching
5 program after that experience?

6 A No.

7 Q And who, if anyone, sort of directed that whole
8 experience?

9 MS. BONJEAN: Objection. Objection to the word
10 directed.

11 THE COURT: Overruled.

12 Q You can answer.

13 A Sorry. Thank you. I'll get this by the end of the day.
14 Rachel Cherwitz was the, like, senior staff, like, on that
15 thread. Like, when the senior staff was put on a thread, they
16 were, like, in charge of the experience and in charge of
17 monitoring it.

18 MS. COHEN: Objection, Your Honor. Foundation.

19 THE COURT: Sustained.

20 Q Let's -- you mentioned someone else named Rob Shaw?

21 A Yes.

22 Q Did you participate a scene for him?

23 A Yes.

24

25 (Continued on the following page.)

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1 DIRECT EXAMINATION (Continues)

2 BY MS. FARRELL:

3 Q Tell us about that, please.

4 A So, it was very similar, the same kind of shower setup.

5 And he was in CP8 at the time, so that was -- that was a
6 number of months later.

7 Q You mentioned text messages.

8 Were you on text messages in order to execute this
9 scene?

10 A Yes.

11 Q I'd like you to take a look, and I'll bring up a paper
12 copy in a moment.

13 MS. FARRELL: For the witness only, I'd like to pull
14 up a series of exhibits. It's Government Exhibit 2646 through
15 2653.

16 And may I approach the witness, Your Honor?

17 THE COURT: Yes.

18 Q If you could just take a moment to look at them.

19 Do you recognize these documents?

20 A Yes.

21 Q Okay. Taking a step back, did you -- did you provide
22 copies of text message threads that you were on to the
23 Government at any point?

24 A Yes. They weren't actually text messages. It was -- it
25 was from an outside app, but messaging threads.

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1 Q I got it, not technically a text, some messaging app?

2 A Yes.

3 Q Got it.

4 And on that messaging app, did you and others in
5 OneTaste send messages about executing a scene?

6 A Yes.

7 Q And is -- the messages that you're looking at in front of
8 you, are those messages in which you and other folks at
9 OneTaste were texting about executing a scene in the moment?

10 A Yes.

11 Q And can you -- can you see what the date is of those
12 messages?

13 A Yeah. It says March 10th, 2014.

14 Q And if you can look, just look through each page, please.

15 Who is on these -- well, first of all, 2646 through
16 2653, are these sequential pages all of the same text?

17 A Yes. Sorry, I don't know about 2653, but -- yeah.

18 Q And is Rachel Cherwitz on these?

19 A Yes.

20 Q How is she identified on the thread?

21 A She's identified as Mamma Rach0.

22 Q And are you on this thread?

23 A Yes.

24 Q How are you identified?

25 A Brooke Sheffer.

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1 Q And are another of -- other individuals affiliated with
2 OneTaste also on this thread?

3 A Yes.

4 Q And are those people who were all involved in executing a
5 scene on March 10th, 2014 with you?

6 A Yes.

7 Q And this entire document, all of the pages, 2646 through
8 2652, are these all messages about executing a shower scene
9 with these folks?

10 A Yes.

11 Q Is this a true and accurate copy of the messages that
12 were exchanged about executing that shower scene?

13 A Yes.

14 MS. FARRELL: Your Honor, I move to admit Government
15 Exhibits 2646 through 2652.

16 THE COURT: Not 53?

17 MS. FARRELL: Oh, I'm sorry, 53, apologies.

18 THE COURT: You originally said 53, I just want to
19 make sure.

20 MS. FARRELL: Yes, you're correct, Your Honor. I
21 apologize. 2646 through and inclusive of 2653.

22 THE COURT: Any objection?

23 MS. COHEN: Yes, Your Honor. Object on hearsay,
24 relevance. I think that's it.

25 MS. BONJEAN: Yes, I would join that objection, and

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1 completeness.

2 MS. COHEN: Yes.

3 THE COURT: Response, Ms. Farrell.

4 MS. FARRELL: Certainly.

5 So, with respect to the hearsay, the witness has
6 testified that Rachel Cherwitz is on it, and the rest is for
7 context.

8 And then the relevance I think has already been
9 established.

10 And then with respect to the completeness, the
11 surrounding messages have been provided to the defense to the
12 extent they want to include other pages in their cross.

13 MS. BONJEAN: I'd also point out it's cumulative to
14 the testimony, Your Honor.

15 THE COURT: Overruled.

16 Government Exhibits 2646 to 265 -- let me just
17 actually state them all out. I think that's better.

18 2646, 2647, 2648, 2649, 2650, 2651, 2652 and 2653
19 are admitted.

20 (Government's Exhibits 2646, 2647, 2648, 2649, 2650,
21 2651, 2652 and 2653 were received in evidence.)

22 MS. FARRELL: If we could start by publishing to the
23 jury 2646.

24 (Exhibit published.)

25 MS. FARRELL: And if we go about two-thirds down the

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1 page where it says:

2 Mamma Rach0: Vinay, we are working on it. Text
3 Jamie offline.

4 Do you see that?

5 A Uh-hum.

6 MS. FARRELL: If you could zoom in on that, please,
7 and below that.

8 Q So, first of all, who is Mamma Rach0?

9 A Rachel Cherwitz.

10 Q And does she say: Brooke and Leah, go set up the third
11 floor shower?

12 A Yes.

13 Q And then what do you respond?

14 A Doing it.

15 Q And she says: Let me know when complete?

16 A Correct.

17 MS. FARRELL: Then if we could go to the 2647,
18 please.

19 (Exhibit published.)

20 Q And do we see at the top there that: Let me know when
21 complete of this, can you see that?

22 A Oh, yes. Sorry.

23 Q So this is another -- a screenshot of the message
24 continuing, is that correct?

25 A Yes.

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3841

1 Q Okay. And then does Mamma Rach0 or Rachel Cherwitz
2 write: I need the siren picture on my bed to be rolled up and
3 tied with a ribbon and placed on Rob's bed during shower
4 scene.

5 Do you see that?

6 A Yes.

7 Q And so, whose shower scene do you understand this text
8 message thread to be about?

9 A The shower scene that I was involved in.

10 Q And does it involve someone named Rob?

11 A Yes.

12 Q And who is that?

13 A Rob Shaw was a student of CP8.

14 Q Why, if you know, why were you all doing a shower scene
15 for Rob?

16 A To my memory --

17 MS. BONJEAN: Objection, foundation.

18 MS. COHEN: Objection.

19 THE COURT: Sorry, there was an objection.

20 Basis?

21 MS. COHEN: Foundation.

22 MS. BONJEAN: Foundation.

23 THE COURT: Sustained.

24 BY MS. FARRELL:

25 Q Did you discuss ahead of time with Rachel Cherwitz why

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1 you all were doing a shower scene for Rob Shaw?

2 A Yeah. It was assigned during CP7.

3 Q What does that mean?

4 A During CP7 Rob would have asked a question -- I don't
5 know remember what the question was at that time, but a
6 question to Nicole and she like said that he should have this
7 immersion experience and we should do this, do it for him.

8 Q And then at the bottom Mamma Rach0 writes: Everyone
9 needs to chill the fuck out now.

10 Do you see that?

11 A Yes.

12 Q Do you recall what was going on at the time?

13 A Yeah. Basically, like the -- there was a truck pickup.
14 I mean you can see this further up. So, Jamie Rosenberg, who
15 was CP7 student with me, was supposed to pick up Patrick and
16 Vinay, and she needed an address.

17 And like these texts came in incredibly fast and
18 there would be information kind of like -- like it wasn't --
19 so many people would be texting at the same time that things
20 would not be in order. And so Jamie had asked for the address
21 of where to pick up Patrick and Vinay a couple of times and
22 hadn't gotten it, and Rachel was telling us to, like, calm
23 down and stop texting so fast. And at least we'll get the
24 information in a more ordered fashion.

25 MS. FARRELL: And so if we can look at 2649.

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3843

1 (Exhibit published.)

2 BY MS. FARRELL:

3 Q If you see the second text down from Mamma Rach0 --

4 A Yes.

5 Q -- says: Guys, bring the two tumescence down now.

6 What does that mean?

7 A Again, it was basically that the nerves and the intensity
8 and the -- in the group were going up and the -- the texts
9 were coming in so fast that the information was getting
10 scrambled.

11 And that was one of the ways they used the word
12 tumescence at OneTaste.

13 Q What is tumescence?

14 A Technically it's unutilized, like sexual potential. Like
15 it's arousal that isn't completed.

16 But it's -- it was used as a term for a lot of
17 different things. It was, basically, like nerves, lack of
18 movement. They would say like career tumescence or purpose
19 tumescence. Basically, there were tons of different ways you
20 could be tumesced and not be progressing through -- through
21 like something in your life.

22 Q And then further down Mamma Rach0 writes: Brooke, Margot
23 Leah, Ali, start setting up in the shower.

24 A Yes.

25 Q Patrick, you will walk him to the bathroom where he will

Gillick - direct - Farrell

3844

1 be undressed. Everyone please confirm.

2 What is Rachel Cherwitz discussing here?

3 A So, that was, basically, how the shower scene, which was
4 the same like ritual foot washing, was to begin.

5 MS. FARRELL: If we could go next to 2650.

6 (Exhibit published.)

7 BY MS. FARRELL:

8 Q At the top Patrick writes: K. Blindfolded after intake
9 is done.

10 What is that in reference to?

11 A So that would have been for -- for these kind of things,
12 and for a lot of courses as well, there were like desire
13 contracts or intake kind of forms, basically, where someone
14 would like say what they wanted out of an experience.

15 And so, Rob Shaw would have done like some kind of
16 intake form with Patrick, basically, stating like what he
17 wanted, how he would know he'd gotten it. Like it was sort of
18 like a way to break down a coaching experience like from
19 the -- from the date that he was gonna have, and then Patrick
20 says that he should blindfolded after that.

21 Q And then further down you write: Shower done. And Leah
22 Petrusich -- did I say that right?

23 A I was wrong. It looks like it was Leah Petrusich, not
24 Leah Mendelson, involved in this. I had the wrong Leah.

25 Q And you write: Shower done; and she writes: Confirmed?

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3845

1 A Correct.

2 Q And so what did that mean?

3 A That we had completed the shower scene with Rob and we
4 had bathed him.

5 Q Well, did you -- did you set up the shower before the
6 scene?

7 A Oh, yes.

8 MS. FARRELL: And then if we go to 2651.

9 BY MS. FARRELL:

10 Q If you look at the bottom of the page, does Rachel
11 Cherwitz write: Patrick, you and Amanda will walk him in and
12 up to the shower. The music should be on.

13 A Yes.

14 MS. FARRELL: And then if we could go to 2652.

15 (Exhibit published.)

16 A Yes.

17 Q And the third text down does Rachel Cherwitz write: Ali,
18 follow my instruction and do not change what I am doing.
19 Patrick is walking him into the shower. Patrick, please
20 confirm.

21 Do you see that?

22 A Yes, yes.

23 MS. FARRELL: All right. We can put that aside.

24 Q So, were you paid to participate in these scenes for
25 people?

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3846

1 A No.

2 Q Why did you do it?

3 A As a -- so, sort of as a Beasty, but in general I was
4 pretty much always looking for accolades and for like more
5 like attention and time with -- with Rachel and Nicole and
6 other senior staff members.

7 And there -- a little bit before this time I'd also
8 had an experience of like what it was to not have that
9 attention. And I was very scared of not -- not getting that
10 attention to like what it felt on the other side of it.

11 Q What had happened?

12 A I was asked to be like a women-in-waiting. There was a
13 course called The Men's -- The Men's Course. And Rachel did a
14 demo, a demonstration of Oming for that course. And the -- it
15 was an all men's course. So, basically, like she would have
16 been the only woman walking into the room. And so there were
17 a number of like other women who went as sort of a cohort with
18 her for that experience. And I'd been asked to -- to be one
19 of those women.

20 And the -- like the morning of the event we did what
21 was known as like a check-in circle where Rachel would give a
22 prompt and we would go around the circle answering it. And
23 one of the questions was like: This is something that's like
24 turning me on or like a hot -- maybe I can't remember what the
25 exact question was, but my answer was that I wanted to have

Gillick - direct - Farrell

3847

1 sex with Andreas Panosyan. And I didn't know at the time, but
2 apparently Rachel and him were together and -- and like the
3 whole room went silent. And I'd like knew I'd done something
4 wrong, I just didn't know what it was.

5 And it took me probably three or four months to
6 figure out what that was. I kept asking her like what I had
7 done wrong and what was going on. And I kept getting the
8 response from her that I knew. And I -- I couldn't figure it
9 out.

10 And it wasn't until the New Year's winter retreat
11 when I saw them kind of flirting in the corner and I asked
12 them sitting next to me if they were together. And,
13 apparently, they were.

14 Q And so after you had expressed this interest in being
15 with Andreas, specifically how did Rachel's attitude towards
16 you change?

17 A It got incredibly cold. I like functioned in the sense
18 she wouldn't make eye contact with me. I was just ignored --

19 Q Did -- sorry?

20 A -- for months. Sorry, yeah.

21 Q Did other people ignore you as well, or just Rachel ?

22 A Just Rachel.

23 Q And so why did that experience make you eager to please
24 her?

25 A I mean it felt terrible, especially after everything I'd

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1 been through with other women and -- and that Rachel had
2 promised to be my friend. I was just completely beating
3 myself up trying to figure out the whole thing and asking
4 everyone what had gone on. And there was kind of like a
5 general sentiment of --

6 MS. COHEN: Objection.

7 THE COURT: Sustained.

8 BY MS. FARRELL:

9 Q And at that point how invested were you in OneTaste?

10 A Monetarily?

11 Q Yes.

12 A I was taking CP7, that was it.

13 Q We talked -- just to go back to the scenes briefly.

14 Did you witness other scenes put on for OneTaste
15 clients?

16 A I knew -- I knew they were going on inside 1080. I
17 didn't see them with my own eyes.

18 Q Does that relate to the -- sorry, I'm forgetting the word
19 you used, but the --

20 A Like the being put-at effect.

21 Q Sorry, what?

22 A The being put-at effect at retreats.

23 Q You mentioned something called women being tired and
24 wired?

25 A Yes.

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3849

1 Q What was --

2 A Sorry. That was also called being put-at effect where
3 someone was like at a retreat.

4 Yeah, I saw those being assigned during the Coaching
5 Program, but I wasn't involved in the execution of them.

6 Q And so during your time as a Beasty, did you become
7 familiar with the various OneTaste senior staff members?

8 A Yes.

9 Q All right. I'd like to show you a series of pictures.

10 MS. FARRELL: If we could start with Government
11 Exhibit 306, which is in evidence.

12 (Exhibit published.)

13 BY MS. FARRELL:

14 Q Do you recognize this person?

15 A Yes.

16 Q Who is it?

17 A Nicole Daedone.

18 MS. FARRELL: And let's take a look at Government
19 Exhibit 309.

20 (Exhibit published.)

21 Q Do you recognize this person?

22 A Yes, that's Rachel Cherwitz.

23 Q Government Exhibit 211.

24 (Exhibit published.)

25 Q Do you recognize this person?

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3850

1 A Yes, that's Justine Dawson.

2 Q What was her role as OneTaste?

3 A She was another teacher who taught CP7, and she was kind
4 of like in charge of Nicole's like spiritual teachings and
5 writings.

6 Q Did you interact with her much?

7 A Some.

8 Q I'd like to show you Government Exhibit 201, please,
9 which is in evidence.

10 (Exhibit published.)

11 Q Do you recognize this person?

12 A Yeah, that's Joanna Van Vleck.

13 Q And who is she?

14 A She was sometimes called the president of OneTaste. She
15 was -- she was, basically, like the business-minded side of
16 the company.

17 Q What was the difference between her role and Nicole's
18 role?

19 A Nicole was kind of like the, like, philosopher, like she
20 was basically -- she would go -- come up with the teachings
21 and that type of stuff and she was the face of it all.

22 Whereas, Joanna was kind of more like on the
23 strategy of like new business, like the franchise models or
24 the affiliates, that type of stuff.

25 MS. FARRELL: If we could show the witness

Gillick - direct - Farrell

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1 Government Exhibit 290.

2 (Exhibit published.)

3 BY MS. FARRELL:

4 Q Do you recognize this person?

5 A Yeah.

6 Q Who is that?

7 A That's Yia Vang.

8 Q And what was her role at OneTaste during your time there?

9 A She was primarily Nicole's handler was the term for it.
10 She was kind of always with Nicole, help taking care of any of
11 her needs. Yeah. That was most of it.

12 MS. FARRELL: If we could show the witness
13 Government Exhibit 242.

14 (Exhibit published.)

15 Q Do you recognize this person?

16 A Yes, that's Eli Block.

17 Q And what was his role at OneTaste during your time there?

18 A When I first came in, he was helping with sales a lot.
19 And then after Robert Kandell left, he moved up to being in
20 charge of all the men's programs and being the primary male
21 teacher.

22 MS. FARRELL: If we could show the witness
23 Government Exhibit 302.

24 (Exhibit published.)

25 Q Do you recognize this person?

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3852

1 A Yeah, that's Maya.

2 Q And what was her role in OneTaste at the time you were
3 there?

4 A She was -- she was kind of like -- she was sort of under
5 Rachel Cherwitz, basically, as like head of sales in New York.
6 And then she moved over to part owner of LA before I left.

7 MS. FARRELL: If we could show you Government
8 Exhibit 281.

9 (Exhibit published.)

10 BY MS. FARRELL:

11 Q Do you recognize this person?

12 A Yeah, that's Rachael Hemi.

13 Q What was her role at OneTaste at the time you were there?

14 A She was another teacher, and then she -- I can't remember
15 if she -- I don't think she became an actual owner, but she
16 become like the senior staff member in charge of OneTaste
17 San Francisco.

18 Q If we could show you Government Exhibit 217.

19 (Exhibit published.)

20 Q Do you recognize this person?

21 A Yeah, that's Marcus Ratnathicam.

22 Q And what was his role at the time that you were in
23 OneTaste?

24 A Mostly sales, and then he became an owner of OneTaste LA.

25 Q I'd like to show you Government Exhibit 221.

Gillick - direct - Farrell

3853

1 (Exhibit published.)

2 BY MS. FARRELL:

3 Q Do you recognize this person?

4 A Yeah, that's Robert Kandell.

5 Q And what was his role while you were at OneTaste?

6 A He was the co-founder of OneTaste with Nicole, and then
7 he was the like senior-most male teacher when I started.

8 Q And did you say he left during your time there?

9 A Yes.

10 Q Did you stay in touch with him after he left?

11 A I did.

12 Q I'd like to show you Government Exhibit 292.

13 (Exhibit published.)

14 Q Do you recognize this person?

15 A Yeah, that's Aubrey Fuller.

16 Q And what was her role at OneTaste while you were there?

17 A Poet. I'm not really sure. She was like high junior
18 staff member, I guess, and friends with all the senior staff
19 members in a way that no one else was.

20 MS. FARRELL: And if we could show the witness
21 Government Exhibit 290, which is also in evidence.

22 (Exhibit published.)

23 MS. FARRELL: I'm sorry, 284.

24 (Exhibit published.)

25 THE WITNESS: Yeah, that's Reese Jones.

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3854

1 Q And how did you know Reese Jones during your time at
2 OneTaste?

3 A He came and sat in a lot of the -- like the back of our
4 CP7 courses, and Nicole would kind of announce -- made
5 announcements like her dear friend and said that he had helped
6 finance some of OneTaste's early days.

7 And then I went out to dinner with him one time.

8 Q Tell us about that.

9 A I went to -- it was like -- I think it was like an
10 Izakaya restaurant in San Francisco with a number of other
11 Beastly women. We -- we just were told to go like be his
12 entertainment for the evening, and -- and we just went to
13 dinner with him.

14 Q Who told you that?

15 A Rachel did.

16 Q Rachel Cherwitz?

17 A Yes.

18 Q So, I'd like to turn your attention to January 2014.

19 A Sure.

20 Q Did something happen in your personal life at that time?

21 A Oh, sorry.

22 Yes, my dad died in January 27th in a helicopter
23 accident. He was a pilot and crashed his helicopter.

24 Q At the time of your father's death, were you attending
25 OneTaste's courses?

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3855

1 A Yeah, I was -- I think I was attending one almost every
2 weekend in the month of January.

3 Q And were you also enrolled until the Coaching Program?

4 A Yes.

5

6 (Continued on the following page.)

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Gillick - direct - Farrell

3856

1 BY MS. FARRELL:

2 Q And at that time were you still acting as one of the
3 Beasties performing tasks for OneTaste?

4 A Yes.

5 Q Had you gone home for Christmas the month before?

6 A No.

7 Q Why not?

8 A I had been home for Thanksgiving. So I had only been
9 home like a month before and I -- you know, having been
10 recently out of college, I assumed I would go home for
11 Christmas and I think, like, basically told Rachel that I was
12 going to go home for Christmas and she gave me -- she would do
13 these things where she would go (indicating) and it was
14 basically that's a very bad idea and you need to rethink that.
15 And, so, she said "hmm" to me and I was like a deer in the
16 headlights and she told me that none of the other Beasties
17 were going home and I should consider staying and helping out
18 with the Christmas food bank volunteer event that we were
19 throwing.

20 Q And when you say "Rachel" you mean Rachel Cherwitz?

21 A Rachel Cherwitz, yes.

22 Q Did you go home that Christmas?

23 A No.

24 Q When your father died, how if at all did you feel about
25 having not gone home for Christmas?

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3857

1 A Horrible.

2 MS. BONJEAN: Objection.

3 MS. COHEN: Objection.

4 MS. FARRELL: Basis?

5 THE COURT: Sustained.

6 BY MS. FARRELL:

7 Q Were you able to go home for your father's funeral?

8 A Yes.

9 Q Did anyone accompany you when you went home?

10 A Yes, my roommate Clouds.

11 Q And how did you first learn that Clouds would be joining
12 you for your dad's funeral?

13 A Rachel told me she was going to sent Clouds as my
14 handler.

15 Q What did you understand the term handler to mean?

16 A The way the EO was with Nicole as -- a handler was
17 someone who would like attend to someone's every needs ideally
18 before they even knew they had them.

19 Q And describe what Clouds did while they were home with
20 you for your father's funeral?

21 A She was with me most hours of the day. She was my,
22 like -- she was my stoker, so she would do orgasmic
23 meditation with me probably twice a day most days. She was
24 intensely involved in everything with my family. My family
25 still talks about it how involved she was. She turned my

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3858

1 dad's body.

2 MS. BONJEAN: Objection, hearsay and relevance.

3 Q What involvement did Clouds have with your father's
4 funeral?

5 A The funeral itself?

6 Q Or the preparations.

7 A I was there for, like, two weeks. I mean, she was
8 just -- she was basically by my side at all times.

9 Q You mentioned something with your father's body?

10 A She was a masseuse and we did, like, a -- it's a
11 Jewish -- like a signature -- we sat Shiva with him and so
12 there was 36 hours -- sorry, 72 hours that you, like, read --
13 you put the body on ice and it's like an open casket in the
14 house and you spend every hour with the body and so he had to,
15 like, be dressed and anointed and prepared in order to sit in
16 the open casket and she was the one who turned him.

17 Q And without getting into what they said, at the time what
18 was your family's reaction to having this handler with you at
19 the funeral?

20 A I definitely got a lot of looks and it was very weird
21 and, as I said, they still tell me it was weird, talk about
22 it.

23 MS. COHEN: Objection, hearsay.

24 THE COURT: I sustained it. Go ahead to the next
25 question, Ms. Farrell.

Gillick - direct - Farrell

3859

1 BY MS. FARRELL:

2 Q And where were you staying when you were at the funeral?

3 A At my mom's house.

4 Q And where is that?

5 A In a town called Basalt in Colorado.

6 Q And is it a nice house?

7 A Yes, it is.

8 MS. BONJEAN: Objection to the relevance about how
9 nice is the house.

10 THE COURT: Yes, sustained.

11 BY MS. FARRELL:

12 Q Does your family have money, Ms. Gillick?

13 MS. BONJEAN: Objection.

14 THE COURT: Sustained.

15 Q Was Clouds present in a place that showed the sort of
16 upbringing that you had during the funeral?

17 MS. BONJEAN: I'm going to object --

18 THE COURT: Sustained.

19 MS. FARRELL: May we have a sidebar, Your Honor?

20 THE COURT: Okay.

21 (Sidebar held outside of the hearing of the jury.)

22 (Continued on next page.)

23

24

25

Sidebar

3860

1 (The following sidebar took place outside the
2 hearing of the jury.)

3 THE COURT: We're at sidebar and everybody is here
4 including the two individual defendants.

5 MS. FARRELL: I apologize for the brief sidebar. We
6 want to make a relevance proffer. So, Ms. Gillick is going to
7 testify that it's her understanding based on a series of
8 things that her family's considerable wealth was reported back
9 to the leader of OneTaste and that that informed a lot of what
10 she's about to testify to and that's the basis for --

11 THE COURT: When you say the leaders of OneTaste,
12 who specifically and what will the testimony be?

13 MS. FARRELL: Ms. Cherwitz and Ms. Daedone. With
14 respect to the apartment she lived in in San Francisco and
15 separately at her family's home in the Aspen area.

16 THE COURT: Who will she say she reported it back
17 to --

18 MS. FARRELL: In this case Clouds and later that she
19 learned they had an understanding of their wealth.

20 MS. BONJEAN: There's a foundation and hearsay --

21 MS. BENSING: There's also relevance.

22 THE COURT: It's not the relevance issue. It's the
23 foundation.

24 MS. BENSING: Just to establish the foundation for
25 some of the text message evidence that we intend to proffer --

Sidebar

3861

1 put on through the FBI summary agent. There's discussions
2 with defendant Daedone with respect to Ms. Sheffer's wealth.

3 THE COURT: Discussions between?

4 MS. BENSING: Daedone and I can't remember if it was
5 Van Vleck or somebody else who's either a coconspirator or
6 otherwise involved in OneTaste, but there's discussions
7 regarding her wealth and how they're trying to get her to buy
8 OneTaste NYC, putting pressure on her and so we want to lay a
9 foundation for the future text messages --

10 THE COURT: So you're offering, subject to
11 connection, certain testimony?

12 MS. BENSING: Yes. Well, it's these text messages
13 and it will establish the foundation that she, in fact, had
14 money and that they were aware of it.

15 THE COURT: You have to lay a proper foundation for
16 any questions on this topic. The topic of her wealth or her
17 family's wealth or the fact that somebody was interested in
18 her because of her wealth is not a topic that is off limits,
19 but there has to be a proper foundation.

20 MS. BONJEAN: And, Your Honor, it sounds like
21 they're going to get it in through Ms. Daedone. This
22 speculation that Clouds was the person is still hearsay. I
23 don't understand how --

24 THE COURT: Correct. That's why I'm saying there
25 has to be a foundation, but the topic of this witness's or her

Sidebar

3862

1 family's wealth at the time is relevant.

2 MS. BENSING: Yes. So, just to be clear, is
3 Ms. Farrell permitted to ask with this relevance proffer
4 whether or not Ms. Gillick's family had money? That was the
5 question.

6 THE COURT: That is a different question that than
7 what was being asked. This comes down to the questions, not
8 the topics. She is permitted to ask about the wealth at the
9 time. I think one of the questions that was asked was does
10 your family have money or wealth and I don't know that there's
11 any relevance whether they do now so the question has to be
12 proper.

13 MS. BONJEAN: If the house was nice, she would have
14 noticed that the house was nice and that type of --

15 THE COURT: Any more questions on this?

16 MS. BENSING: No, Your Honor.

17 THE COURT: Ms. Farrell looks confused.

18 MS. FARRELL: We'll muddle through.

19 THE COURT: There was no question pending as to
20 which there's an objection at this point.

21 MS. FARRELL: I think that's right. I'll just ask a
22 new question.

23 (Sidebar concludes.)

24

25

Gillick - direct - Farrell

3863

1 (Continuing.)

2 THE COURT: Ms. Farrell, you can ask your next
3 question.

4 MS. FARRELL: Thank you, Your Honor.

5 BY MS. FARRELL:

6 Q You testified about going home for your father's death
7 how did that experience affect you?

8 A I mean, it was incredibly traumatizing. I was grieving
9 for months, if not years, after that. I had kind of like a
10 weird experience where I couldn't taste or, like, experience
11 any kind of pleasure. Like, sex was nothing -- a lot of
12 things felt like ash afterwards for a long time afterwards and
13 my memory -- I was very much in and out of consciousness for a
14 few months.

15 Q After the funeral did you return back to 1080?

16 A Yes.

17 Q After you returned did there come a time when 1080
18 closed?

19 A Yes.

20 Q And what happened?

21 A 1080 closed and everyone moved out and I was told to help
22 find housing for the senior staff that were going to be
23 staying in San Francisco as well as the Beasties along with
24 Chris Pegasus, the two of us were supposed to find housing.

25 Q When you say Rachel Cherwitz asked you to find housing,

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3864

1 what do you mean exactly?

2 A We were supposed to search Craigslist and rental sites
3 and ideally we were looking for a ten bedroom and we found two
4 five-bedroom houses and we were supposed to go to the viewings
5 and vet them.

6 Q Did there come a time when you were asked to sign a lease
7 on behalf of OneTaste?

8 A Yes.

9 MS. BONJEAN: Objection to the leading.

10 THE COURT: Overruled.

11 Q You can answer. You said yes?

12 A Yes.

13 Q Who asked you?

14 A Rachel Cherwitz did and I signed a lease for the Beasties
15 house which was one of the two five-bedrooms that we found.

16 Q And did you have any discussions with Rachel Cherwitz
17 about why you were in a position to sign a lease like that?

18 A Yes. There was both me and my -- he was my ex-boyfriend
19 at the time, Diego Vargas -- at the time we were both able to
20 afford and, you know, put down both the deposits and sustain
21 the rent. Obviously people would pay into the pool, but we
22 would be the bottom line on the Beastly issues.

23 Q And did you have discussions with Rachel Cherwitz about
24 that financial situation in particular?

25 A Yes.

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1 Q Besides you and Diego Vargas, were others at OneTaste, to
2 your knowledge, asked to sign leases?

3 A Yes.

4 Q Who?

5 A In, like in New York, Ravi Agrawal was frequently asked.
6 There were other people that were in other cities asked to
7 sign leases. Oh, and I think Chris might have -- you know,
8 people signed for the lease ses for the OMs --

9 MS. COHEN: Objection, Your Honor, to the
10 speculation.

11 MS. BONJEAN: Join.

12 THE COURT: Sustained.

13 BY MS. FARRELL:

14 Q After you signed the lease were you in charge of that
15 house?

16 A Yeah, there was, like, you were known as house mom or
17 house dad and so I was, like, the house mom on the Beasty
18 house.

19 Q And who, if anyone -- sorry. Withdrawn.

20 Did you take direction from anyone in that role?

21 MS. COHEN: Objection, vague.

22 MS. BONJEAN: Join.

23 THE COURT: Overruled.

24 A Yes, the Beasty house is -- just like the Beasty group,
25 was under Rachel's supervision.

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1 Q And by "Rachel" you mean Rachel Cherwitz?

2 A Yes.

3 Q Was that something called an OM house?

4 A Yes.

5 Q And were there other OM houses?

6 A Yes.

7 Q And how, if at all, was the OM house that you rented
8 related to the other OM houses?

9 A We were sort of, like, because it was the Beasty house
10 specifically, it was kind of more like a senior house -- like
11 it was -- you had to be like invited to live there and it was,
12 like, more closely connected with OneTaste staff.

13 Q Did there come a time when you began living in New York
14 City?

15 A Yes.

16 Q Why did you move to New York?

17 A I -- I got into the aerial silk training program that was
18 happening here in New York for the summer. It was a
19 three-month program.

20 Q And was that summer of 2014?

21 A Yes.

22 Q When you moved to New York City, were there OM houses in
23 New York?

24 A Yes.

25 Q Where?

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1 A The one that I lived in -- I don't know if there were
2 others, but the one I lived in was the Brooklyn OM house.

3 Q And so did you move to the Brooklyn OM house?

4 A Yes.

5 Q How long did you live there?

6 A I think it was about six weeks.

7 Q And approximately when did you live in the Brooklyn OM
8 house?

9 A It was, like, June or July -- through July.

10 Q Is that while you were attending the aerial silk school
11 you described?

12 A Yes.

13 Q If you can remember who else was in the Brooklyn OM house
14 at the time?

15 A Ravi Agrawal and Ayries Blanck, Patricia Black, Ruwan --
16 Rafael Martinez and Courtenay Lapovsky was in and out a lot,
17 but I don't think she actually lived there.

18 Q You mentioned someone named Ayries Blanck and someone
19 named Ravi Agrawal?

20 A Yes.

21 Q What, if anything, was their relationship at that time?

22 MS. BONJEAN: Objection, speculation, foundation.

23 MS. COHEN: Join.

24 THE COURT: Sustained.

25 BY MS. FARRELL:

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1 Q What was Ayries Blanck and Ravi Agrawal's relationship at
2 the time?

3 MS. BONJEAN: Objection.

4 MS. COHEN: Objection.

5 THE COURT: It's the same question. Sustained.

6 BY MS. FARRELL:

7 Q Would you believe that two people can be in any number of
8 types of relationships?

9 MS. BONJEAN: Objection.

10 MS. COHEN: Objection.

11 THE COURT: Overruled.

12 A Yes.

13 Q So, of all the people that you just listed, were any of
14 them in romantic relationships?

15 A Yes, Ayries and Ravi.

16 Q What was the relationship?

17 A They were ceremonially married is what it was called.

18 Q What does that mean?

19 A Rachel Cherwitz had run a marriage ceremony. It wasn't,
20 like, a legal marriage but they were -- they were calling
21 themselves married.

22 Q What was your level of involvement with OneTaste at the
23 time you were living at the Brooklyn OM house?

24 A I was pretty far out. I was kind of thinking I was done
25 with OneTaste and was focusing on my aerial silk, business and

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1 I graduated from CP7 and I don't believe I was taking any
2 other classes, but I was still volunteering for them for
3 back-of-house.

4 Q While you were living at the Brooklyn OM house?

5 A Yes.

6 Q Did there come a time when you got more involved with
7 OneTaste after that summer?

8 A In the middle of the summer, Johanna called me and asked
9 me if I could -- I was on the subway, if I could get out and
10 sign an NDA and I -- I went to a print shop or Kinko's and
11 printed an NDA and called her back and she called me and asked
12 if I wanted to buy into OneTaste New York.

13 Q Did you correspond with Johanna Van Vleck and Rachel
14 Cherwitz over e-mail about this request for you to consider
15 buying OneTaste New York?

16 A There was a lot of correspondence for a long time so I'm
17 sure that was one of them.

18 MS. FARRELL: I'd like to show the witness
19 Government Exhibit 1544 for identification.

20 (Exhibit published to the witness, counsel and the Court.)

21 MS. FARRELL: May I approach the witness?

22 THE COURT: Yes.

23 (Counsel approaches.)

24 BY MS. FARRELL:

25 Q Do you recognize this document?

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1 A Yes.

2 Q What is it?

3 A It's a chain of e-mails with Johanna about the purchase
4 and Rachel Cherwitz is included in some of the later ones, as
5 well as an accountant.

6 Q And just, if you look at this document, is the first in
7 time chronologically at the top and the last in time
8 chronologically at the bottom? Do you see that?

9 A Yes.

10 Q And that's -- that's different sometimes than we see
11 other e-mails. I want to be sure you understand. Do you see
12 that?

13 A Yes.

14 Q Okay. And, so, what is the first date on this document?

15 A June 24, 2014.

16 Q And what is the last date on this document?

17 A July 14, 2014.

18 Q Does this contain discussions that you had with Johanna
19 Van Vleck and Rachel Cherwitz about your potential purchase of
20 OneTaste New York City?

21 A Yes. This is, like, basic information about the purchase
22 details.

23 MS. FARRELL: Your Honor, I move to admit Government
24 Exhibit 1544 into evidence.

25 MS. COHEN: Your Honor, objection as to hearsay, not

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1 in furtherance and relevance.

2 MS. BONJEAN: Your Honor, hearsay objection and
3 potentially double hearsay issues.

4 THE COURT: Ms. Farrell?

5 MS. FARRELL: So we are offering this for
6 Ms. Cherwitz's statements as well as Ms. Van Vleck's and
7 Ms. Sheffer's are for context.

8 MS. COHEN: There's also, Your Honor, at the bottom
9 another individual in there.

10 THE COURT: Do you want to respond on that
11 Ms. Farrell?

12 MS. FARRELL: We're not offering that portion for
13 the truth.

14 THE COURT: Give me a moment.

15 Government Exhibit 1544 is admitted.

16 (Government Exhibit 1544 received in evidence.)

17 (Exhibit published.)

18

19 (Continued on the following page.)

20

21

22

23

24

25

1 (Continuing.)

2 MS. FARRELL: If we could publish this to the jury,
3 please.

4 Q Just starting at the top which is the first
5 chronologically, what is the subject matter of this message
6 from Ms. Van Vleck?

7 A OneTaste NYC.

8 Q And I'm just going to read her e-mail to you.

9 Hi lady. I've attached some basic information about
10 around OneTaste NYC. It is a profitable business. We are
11 asking for 1.7MM for OT NYC. We are willing to finance
12 1 million of the purchase price over a period of eight to 10
13 years. Essentially, we are backing you all doing well. It's
14 our topic priority it ensure you are all successful. As it
15 stands, if you were to buy in, you, Mya, and Ayries would need
16 to come up with 700K to purchase NYC up front. The other
17 1 million paid off over time to OT as you all make money. NYC
18 is a profitable business already. In the last years, revenue
19 was just under 450K. See attached summary. I have many more
20 documents for the city and you have many more questions. This
21 is to get started with. See you Thursday. Let me know if you
22 have any questions. Joanna.

23 What is she referring to when she refers to you,
24 Maya and Ayries?

25 A The three of us were the three initial owners asked to

1 buy in to OneTaste New York.

2 Q And when you first got this call from Ms. Van Vleck
3 asking to you buy into OneTaste New York City, was that a
4 surprise to you?

5 A Yeah. I was -- I was -- not only had I not discussed it
6 anyone prior to that, it was also the reason for signing the
7 NDA was it was not a known business move at the moment that
8 they were going to be selling -- it was, like, a temporary
9 idea, because they basically hadn't announced to the community
10 that they were going to be splitting off cities from -- from
11 corporate, from the larger company.

12 Q Okay. And when you say, NDA, what are you talking about?

13 A Like it was like a non-disclosure agreement about the
14 business move. So that basically I was supposed to not tell
15 anyone until they announced to the larger community.

16 Q And did Ms. Van Vleck or Ms. Cherwitz ever tell you why
17 they were asking you to -- if you were interested in this?

18 A Because I could afford it.

19 MS. FARRELL: And then just scrolling down to the
20 bottom of the second page.

21 Q Does Ms. Cherwitz jump in at some point in this e-mail?

22 A Yes.

23 Q And so looking at the one on Page 3, the third, down.

24 A Sorry, Page 3?

25 Q It's July 4th, 2014 at 5:56 p.m.

1 A Yes.

2 Q Does Rachel -- well, looking above one.

3 Did you write to her, I don't think any of us know
4 where to start?

5 A Yes.

6 Q And does she reply, Okay. I hear that. Based on the
7 numbers below what would feel good?

8 A Yes.

9 Q And then can you read what you write in response?

10 A I wrote, See this is where I hit my head on this level.
11 Like, I'm not holy shit if we could make 30K a month that
12 would be amazing, and I know that's just going to cover costs.

13 Q What are you talking about there?

14 A Let me read it for a second.

15 It looks like we were trying to figure out a number
16 that we would estimate that we could pay per month.

17 Q All right. So you can put that aside.

18 Did there come a time when you had exclusivity for
19 considering this offer?

20 MS. BONJEAN: I'm going object to the leading nature
21 of that question.

22 THE COURT: I can't hear you. I'm sorry.

23 MS. BONJEAN: Objection. Leading.

24 THE COURT: Overruled.

25 A I didn't -- I didn't at any time know that there was --

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1 there wasn't any competition that I knew of for considering
2 this. But I didn't sign anything that said it was, like, an
3 exclusive time to consider.

4 MS. FARRELL: Well, let's take a look at what's
5 marked, just for the witness, please, what's marked a
6 Government Exhibit 4230. We can just see this on the screen
7 for the witness.

8 Q Do you see this document?

9 A Yes.

10 Q Do you recognize it?

11 A Oh, yeah. Yes, I do. Sorry.

12 Q And so does this --

13 A Ten years.

14 Q Does this refresh your recollection?

15 A Yes, it does.

16 Q So what happened --

17 THE COURT: Let me just remind you, you need to get
18 the question out, maybe take a pause, and then answer. I
19 think you're stepping on each other's words.

20 MS. FARRELL: Apologies.

21 THE COURT: That's okay. Ms. Farrell, go ahead and
22 ask the question again.

23 Q Well, if you could take a look at the document.

24 Do you recognize this?

25 A Yes.

1 Q What is it?

2 A It's a letter agreement of exclusivity.

3 Q And what is it dated?

4 A June 27th, 2014.

5 Q And if you go to the second page, who are the parties to
6 this agreement?

7 A Po, Ayries, Maya, and myself and Robert.

8 Q Robert who?

9 A Robert Kandell.

10 Q And who is Po?

11 A So after the beginning of this e-mail chain, Po was also
12 asked to come on as the fourth owner, the fourth initial owner
13 of OneTaste New York.

14 Q And so towards the end of June 2014, did the four of you
15 enter into an agreement with OneTaste to consider this
16 purchase?

17 A Yes.

18 Q And is Government Exhibit 4230 a true and accurate copy
19 of this letter agreement for exclusivity that you signed?

20 A Yes.

21 MS. FARRELL: Your Honor, I move to admit Government
22 Exhibit 4230 into evidence.

23 THE COURT: Any objection?

24 MS. COHEN: No objection, Your Honor.

25 MS. BONJEAN: No objection.

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1 THE COURT: Government Exhibit 4230 is admitted.

2 (Government Exhibit 4230, was received in evidence.)

3 MS. FARRELL: Thank you. And if we could publish
4 that for the jury, please.

5 (Exhibit published.)

6 MS. FARRELL: If we could show the second page.

7 Q Is that your signature toward the bottom there?

8 A Yes.

9 Q And on the left, is that Robert Kandell's signature?

10 A Yes.

11 Q Was he signing on behalf of OneTaste?

12 A Yes.

13 Q Around the time that you're having these -- this
14 correspondence about buying the New York City branch of
15 OneTaste, what was your emotional state?

16 A So this was still only a few months after my dad had
17 died, and I was still reeling from that a lot.

18 Q And did you share the fact that you were still struggling
19 with your father's death with anyone at OneTaste?

20 A Yes.

21 Q Who?

22 A The whole New York team, including, Rachel Cherwitz.

23 Q Did you end up buying OneTaste New York City?

24 A Yes. Not until, like, the next January, but yes.

25 Q And did you buy it alone or with others?

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1 A No. So the owners shifted by the time we actually signed
2 the purchase, and it was -- I bought it with -- the only two
3 other monetary contributors were Ravi and Po.

4 Q And Ravi who?

5 A Sorry. And Maya, and then she switched. She switched
6 right before the purchase. Ravi Agarwal.

7 Q Did there come a time in August of 2014 where you made a
8 financial transfer in order to initiate the sale?

9 A Yes. It was a small amount on that document.

10 MS. FARRELL: And if we could take a look, please,
11 at Government Exhibit 4318, which is tab 31 in your binder,
12 Your Honor.

13 THE COURT: Thank you.

14 Q Do you recognize this document?

15 A Yeah. So this was the large amount. So there was a --

16 THE COURT: Sorry, if you could slow down a bit.

17 A The prior document that we were just looking at, had like
18 a tiny deposit and then this was the rest of the amount that I
19 put in to OneTaste New York. But we hadn't actually signed
20 the documents yet at this point.

21 Q So on August 28th, 2014, how much money did you transfer
22 for the purchase of the OneTaste New York City branch?

23 A \$202,000.

24 Q And is Government Exhibit 4318 true and accurate copy of
25 the wire transfer instructions you sent for that?

1 A Yes.

2 MS. FARRELL: Your Honor, I move to admit Government
3 Exhibit 4318 into evidence.

4 THE COURT: Any objection?

5 MS. COHEN: No objection, Your Honor.

6 MS. BONJEAN: No objection.

7 THE COURT: All right. Government Exhibit 4318 is
8 admitted.

9 (Government Exhibit 4318, was received in evidence.)

10 Q And did you later wire additional funds for the purchase?

11 A I don't believe so. But I don't remember.

12 Q Okay. And so just taking a step back, why were you --
13 why did you buy into OneTaste New York City?

14 A I mean, the other things that Rachel and Joanna told me
15 when I bought in was, you know, that, like, they felt like
16 this was a game big enough for me. And one of the biggest
17 reasons that I personally bought in is when I was living at
18 1080, I was dating a woman Billy Stubblebine, and she was a
19 staff member, like, a relatively senior staff member, and I
20 had, like, a very close perspective on what it was to be
21 senior staff, and it seemed incredibly intense, and like,
22 scary, and abusive, and just your whole life and time, and I
23 didn't want any part of being staff, even though I really
24 wanted to teach the practice. Like, I really believed in the
25 practice and wanted to teach.

1 Q So let me stop you.

2 So in your view, was being an owner different than
3 being staff?

4 A Yes.

5 Q And in what way?

6 A The reason -- so the reason that I bought in as an
7 owner --

8 MS. COHEN: Objection. Foundation.

9 THE COURT: Overruled.

10 A The reason that I bought in as an owner is because I was
11 really hoping and I really believed and wanted to be treated
12 differently and have more of a life and an individuality, and
13 I thought that as an owner, I would have a different
14 experience than I would as staff.

15 Q And so what formed the basis of your belief at this time
16 that being staff was a really difficult job that you didn't
17 want to do?

18 A As all the insights that I got from dating Billy and
19 really seeing what it was.

20 MS. COHEN: Objection. Hearsay.

21 THE COURT: Overruled.

22 Q And specifically, what about being a member of staff did
23 you understand to be particularly difficult?

24 And I want to be clear, I'm not asking for anyone's
25 statements, but just what you observed.

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1 A Just -- I think one of the biggest things was the hours.
2 They were just up at crazy hours. It was clearly everyone was
3 working from --

4 MS. COHEN: Objection as to everyone.

5 MS. BONJEAN: And foundation.

6 THE COURT: Overruled.

7 Q You can keep going.

8 A Was working from like 6:00 a.m. to midnight, you know.
9 It seemed like it was all day, every day. I never saw anyone
10 take any days off. And it didn't seem that they had, like --
11 I would -- I didn't observe people visiting family or friends
12 or doing anything other than working for --

13 MS. BONJEAN: Objection. Foundation.

14 THE COURT: Overruled.

15 Q And so why did you think that your being an owner would
16 be different?

17 A I don't know. Pure hope. It seemed -- Rachel and Nicole
18 and Joanna, the people before, also, there was a -- like, it
19 was sold and billed as kind of like glamorous and we were
20 going to be on Inc. Magazine and the Times and, like, it
21 sounded like a more normal life than staff was having and I
22 really hoped it would be that way.

23 Q And did it turn out to be different?

24 A No.

25 Q Okay. Can you describe OneTaste New York City's

1 relationship to OneTaste Inc. following this transaction?

2 A Yeah. So it was basically, like, the four biggest
3 cities, so New York, San Francisco, L.A., and London, all
4 split off in these franchise branches. So as the owners of
5 New York, we were, like, to run the City and have it turn a
6 profit and a portion of our profits went to OneTaste
7 corporate, and OneTaste corporate still taught, like, the big
8 classes, like, the coaching programs and magic school and kind
9 of any of the larger retreats, and persons were taught by
10 OneTaste corporate, and the senior staff still. But what kind
11 of became the new junior staff, the owners of the cities, were
12 responsible for teaching How to OM courses, the -- there was
13 like the OM practice club, running Turn Ons, and some of the
14 other courses, like, the men's course.

15 Q Did you continue to have a loss while you served as
16 co-owner of OneTaste New York City?

17 A On paper, no. In practice, yes.

18 Q Who, in practice, continued to be your boss?

19 A Rachel Cherwitz.

20 Q Anyone else who was your superior?

21 A I mean, there was a hierarchy inside what was known as
22 the exec time, the owners of OneTaste. It was Maya,
23 initially, and then when her -- at one point her and Aubrey
24 swapped cities and then Aubrey became, like, my more senior
25 exec team member.

1 Q And what was your relationship with Nicole Daedone when
2 you became an owner of OneTaste New York City?

3 A So when my father passed, I was, like -- she gave me her
4 phone number and it was, like, a huge honor. So I had her
5 phone number at that point, and would, like, text her on a
6 fairly regular basis -- not like super frequently, because I
7 was terrified to text her. But, like, I would text her
8 probably, I don't know, every week or so, every two weeks
9 maybe. But, like, any kind of advice or things I was having a
10 particularly hard time and I started basically having an
11 ongoing I guess you could call it -- an ongoing coaching
12 relationship with her with specific questions that I couldn't
13 figure out on my own.

14 Q Did you earn a salary once you became a OneTaste owner?

15 A So that was the -- not until the actual papers were
16 signed in January. Then I started getting that, like, 3K a
17 month, that was like, the owner pre-withheld. I can't
18 remember what it's called. It's a business term.

19 Q And did there later come a time when you sold your
20 interest in OneTaste New York City to someone else?

21 A Yes. When I left at the beginning of July 2015, Ravi
22 Agarwal bought me out of my monetary portion of my shares,
23 basically, of OneTaste LLC.

24 Q And did you make any money own that sale?

25 A No. I lost money.

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1 Q At any point, did you become a member of the sales team?

2 A Yeah. I -- as an owner, I was kind of considered a
3 member of the sales team, but then I started getting, like,
4 more and more like formal training and like --

5 THE COURT: Sorry, if you could slow down a bit and
6 repeat that last sentence.

7 THE WITNESS: Apologies. I need to go to the
8 bathroom, so I'm trying to talk faster. But we're almost
9 done, so I think I'll make it.

10 A So I was partially sales as just an owner and then
11 there -- like, around the time when Ayries left, I was getting
12 more and more formally trained as sales, and Rachel Cherwitz
13 was telling me to do -- like, to not do back of house anymore.

14 Q Okay. I'd like to show you what's marked as Government
15 Exhibit 4315. And that's tab 30 in your binder, Your Honor.

16 THE COURT: Thank you.

17 Q You mentioned you started getting \$3,000 a month payment
18 in January of 2015; is that correct?

19 A Yes.

20 Q So did you get a W-2 for the year 2015 from OneTaste?

21 A Yes.

22 Q And is Government Exhibit 4315 a W-2 of yours?

23 A Yes.

24 Q And is it true and accurate copy of your 2015 W-2 from
25 OneTaste New York City, LLC?

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1 A Yes.

2 MS. FARRELL: Your Honor, I move to admit Government
3 Exhibit 4315.

4 THE COURT: Any objection?

5 MS. COHEN: No objection, Your Honor.

6 MS. BONJEAN: No objection.

7 THE COURT: Government Exhibit 3315 is admitted.

8 (Government Exhibit 4315, was received in evidence.)

9 MS. FARRELL: If we could publish that for the jury,
10 please.

11 (Exhibit published.)

12 Q How much did you make as W-2 wages in 2015, according to
13 this document?

14 A 6,000.

15 Q And did you also sell your interest in New York City in
16 2015?

17 A Yes.

18 Q Okay. As someone who was part owner of New York City for
19 a period, are you familiar with how the New York City staff
20 was paid?

21 A Not much. I was very infrequently involved in any of the
22 financial accounting.

23 Q Okay. Where did you live while serving as co-owner of
24 OneTaste New York City?

25 A At the -- it was known as the bunker which was up on 43rd

1 I believe between 8th and 9th, and then 365 which was -- that
2 was the address, it was 365, I think 21st street. Might have
3 been First Ave. I can't remember. Any ways. Right around
4 there.

5 Q So starting with the bunker, when did you move there
6 approximately?

7 A Within probably about a week of when I got offered to buy
8 into OneTaste New York. So in July 2015.

9 Q And why did you move there?

10 A Rachel invited me and was basically moving in all of the
11 owners to the bunker.

12 Q So when you moved to the bunker, who else did you live
13 with?

14 A Ayries was brought over, Po resolutely refused, but she
15 was encouraged to move in.

16 MS. COHEN: Objection to the comment.

17 MS. BONJEAN: Objection.

18 THE COURT: Sustained.

19 Q So just to back up, who, without commentary, who else
20 lived with you at the bunker?

21 A Ayries, Ravi, Alexis Ware was there, Maya, Rachel would
22 always stay with us when she was in town, Ryan, and Koser.

23 Q And who's Koser?

24 A Chris Kosley?

25 Q And who's Ryan?

1 A I'm blanking on his last name at the moment. But he was
2 a back of house staff member.

3 Q So who of those people were co-owners with you?

4 A Ayries, and Maya, and then eventually Ravi and Hamza also
5 lived there, as well.

6 Q Were all of the people living with you there employees of
7 OneTaste or owners of OneTaste?

8 A Yes.

9 Q Did OneTaste people still live at the Moralino at the
10 time?

11 A No.

12 Q Did you pay rent to live at the bunker?

13 A Yes.

14 Q Approximately how much?

15 A I believe it was still around that 1200.

16 Q And can you just briefly describe the layout of the
17 bunker?

18 A Yeah. It was, like, up a couple steps to like a common
19 area there was, like, two bedrooms on sort of that first floor
20 and then, like, a no-windows, like, very small kitchenette and
21 a little couch. And then there was a restroom upstairs, and
22 downstairs was three more bedrooms and an additional restroom.
23 And that was underground.

24 Q Were there shared beds?

25 A Yes.

1 Q And how were the bed assignments handled?

2 A As they were at 1080.

3 Q Which is what?

4 A There was two to beds, like, a queen-sized bed and they
5 were frequently swapped around.

6 Q While you were living there, did you have any privacy?

7 A No. I never had any privacy at OneTaste, like, the whole
8 time I was there for the two and a half years.

9 Q And how, if at all, did the lack of privacy affect you?

10 A I mean, it was intensely pressing on my mind. I am
11 definitely someone who needs some, like, solo alone time, and
12 I was never alone. You know, and I would get like 100 texts
13 an hour. It was like very insistent.

14 Q What, if anything, was Rachel Cherwitz's role in the
15 bunker?

16 A So I mean, when I first moved in, she was, like, the most
17 senior staff member. She wasn't -- the bunker didn't really
18 have a house mom. It maybe would have been Maya, but it
19 wasn't really set up like other OM houses.

20 And then she kind of continued to be the, like, boss
21 senior staff member of New York as things progressed with the
22 purchase of the franchise.

23 Q While you were living at the bunker with Ayries and it
24 sounds like Rachel was there occasionally, did you have
25 occasion to observe Rachel Cherwitz and Ayries interact?

GILLICK - DIRECT - MS. FARRELL

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1 A Yes.

2 Q Can you describe -- without saying what anybody said, but
3 in a general sense, what did you observe?

4 A Ayries was being trained as the next head of sales.

5 MS. BONJEAN: Objection. Foundation.

6 THE COURT: Sustained.

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8 (Continued on the following page.)

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Gillick - direct - Farrell

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1 DIRECT EXAMINATION (Continues)

2 BY MS. FARRELL:

3 Q Do you have an understanding of Ayries' role at the time
4 that you moved into The Bunker and the first few months you
5 were living there?

6 MS. BONJEAN: Objection vagueness.

7 THE COURT: Overruled. Overruled.

8 A She was --

9 Q The question was just do you have an understanding of
10 Ayries's role --

11 A Oh, yes.

12 Q -- during the time you moved into The Bunker and the
13 first few months you were living there?

14 A Yes.

15 Q Okay. What was that role?

16 A Training for head of sales under Rachel.

17 Q And in that living -- during that time did you observe
18 the interaction between Rachel Cherwitz and Ayries Blanck
19 while living in The Bunker?

20 A Yes.

21 Q And describe what you observed.

22 MS. COHEN: Objection as to --

23 THE COURT: Sustained.

24 Q How did Rachel Cherwitz and Ayries Blanck interact during
25 that period of the first few months you lived in The Bunker?

Gillick - direct - Farrell

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1 MS. BONJEAN: Objection.

2 THE COURT: Sustained.

3 MS. BONJEAN: Vague.

4 THE COURT: Sustained.

5 BY MS. FARRELL:

6 Q With respect to Ayries being trained as the upcoming head
7 of sales, what did you observe with respect to their
8 interactions?

9 MS. COHEN: The same objection.

10 THE COURT: Overruled.

11 A Rachel and Ayries were in very tight communication.

12 Ayries was my bedmate, so I, you know, often saw or she told
13 me -- sorry -- I often saw her texting Rachel. I think they
14 had like an ongoing text thread. And when Rachel was in town,
15 they would have a lot of meetings and Ayries was kind of her
16 shadow when she was in town.

17 Q And -- and how did -- during that specific period you
18 just testified about and in that context, how did Rachel
19 Cherwitz treat Ayries Blanck?

20 MS. BONJEAN: Objection, vague.

21 THE COURT: Overruled.

22 A There -- she -- she often had a very intense tone with
23 Ayries. It was sort of like it was almost like dog training,
24 like she would make this noise --

25 MS. COHEN: Objection.

Gillick - direct - Farrell

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1 THE COURT: Overruled.

2 A It would -- it was a noise that would just like ch-h-h-h.
3 And it was like everything that Ayries did was scrutinized and
4 guided by Rachel.

5 Q And when you say it was like dog training and she would
6 say ch-h-h-h, who is the "she" you're saying?

7 A Rachel Cherwitz.

8 Q And during this time when you observed Ayries, how would
9 you describe her -- her health?

10 A She was --

11 MS. COHEN: Objection, Your Honor.

12 THE COURT: Sustained. And actually, it's 5:30, so
13 I think we're going to stop.

14 And the witness can step down for today.

15 (Witness steps down and exits the courtroom.)

16 THE COURT: Okay. We are going to stop for today.
17 Before I remind you of what I remind you of every
18 day, I just wanted to mention something about schedule.

19 During the jury selection, Judge Marutollo let you
20 know that the trial was likely to last for approximately six
21 weeks. And I just want to let you know that that remains an
22 accurate estimate. So, I thought I would let you know that
23 today.

24 And I will also remind you of what I tell you every
25 day because it's important: Over this evening break, don't

1 discuss the case with anyone, even among yourselves. If
2 anyone approaches you to try to discuss the trial with you,
3 please let me know immediately through Mr. D'Agostino.

4 Don't read, listen to, or watch any news or other
5 media reports of the trial. Don't conduct any research, any
6 independent research about this case, the matters in the case,
7 or the individuals involved in the case.

8 Don't talk to the parties, witnesses, attorneys,
9 about anything.

10 Keep an open mind and have a wonderful evening.

11 The same schedule for tomorrow, 9:15, and then we'll
12 start at 9:30. I appreciate everyone's attentiveness, and
13 have a good evening, everyone.

14 (Jury exits.)

15 THE COURT: Okay. Everyone may be seated.

16 Was there a scheduling issue for this Friday that
17 anyone wanted to pursue?

18 I think there was something mentioned several weeks
19 back, but I don't know if that's still an issue.

20 MS. BENSING: Yes, Your Honor. I have a doctor's
21 appointment that I have to go to on Friday.

22 THE COURT: What's your timing roughly?

23 MS. BENSING: At 1:15. So, I'd have to leave here
24 at around 12:45. I think it should be quick, but it's hard to
25 predict.

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1 THE COURT: Okay. And what is the request?

2 MS. BENSING: Well, I think it depends on where we
3 are. If it's a Government witness who's not my witness, I'm
4 happy to just be gone. If we are onto a defense case, it
5 would be my preference to be present, Your Honor.

6 THE COURT: Okay. Does anyone else want to be heard
7 on this?

8 MS. COHEN: Well, Your Honor, I had an issue on a
9 CJA case with a bail hearing, so I tried to coordinate it for
10 lunch on Friday. It was Judge Amon on at 12:00. I got it
11 pushed to 12:30.

12 So, I was hoping that we would do -- I can also, if
13 it's not my witness, run up, you know, if it's 15 minutes.
14 And I would imagine it would be no longer than thirty minutes.
15 So, I should -- I shouldn't have any other problem, but I did
16 try to time it with her appointment.

17 THE COURT: Okay. I'll do my best to accommodate
18 everybody.

19 One thing possibly to think about is depending on
20 where the case is to have a charge conference on Friday
21 afternoon and let the jury go earlier. I'm not sure that that
22 makes a lot of sense if the Government is about to finish its
23 case, but I'm not sure that we will know that until at some
24 point tomorrow.

25 MS. BENSING: Yeah, I think that's right.

1 We have this witness. We anticipate then putting on
2 some of the financial evidence. We anticipate then we may
3 call another short witness, we may not. We're trying to trim
4 as much as possible. And then we anticipate putting on this
5 FBI summary agent.

6 And so, I think we are hoping to get some kind of
7 ruling with respect to the exhibits that we would put on
8 through him, and that may dictate his length. That will
9 dictate his length, obviously, because --

10 THE COURT: Is this the chart that was missing the
11 objection?

12 MS. BENSING: Correct, Your Honor.

13 THE COURT: Okay.

14 MS. BENSING: So we're almost at that point.

15 THE COURT: Does it have objections on the chart
16 yet?

17 MS. COHEN: We're working on it.

18 MS. BONJEAN: We're getting through it.

19 THE COURT: Okay.

20 MS. BENSING: So, we may be seeking to put him on,
21 depending on how much longer this witness goes with direct and
22 cross-examination and how long the financial witness goes,
23 maybe, maybe tomorrow afternoon, but otherwise I think he
24 would be on on Friday. And so, it would be great to finish
25 with him before the weekend because the Government anticipates

1 resting after that unless we --

2 THE COURT: I am not letting the Government rest
3 until everybody goes through those exhibits.

4 So, I said it a couple of times.

5 MS. BENSING: Yes.

6 THE COURT: I will not let you rest in front of the
7 jury until the parties agree as to what evidence has come in.

8 MS. BENSING: Yes. So we can see where we are
9 tomorrow and then, perhaps, it would be prudent to take the
10 weekend to like sort all of this out. We could rest on Monday
11 morning. We may still be going on Monday morning, I just
12 don't know --

13 THE COURT: Right.

14 MS. BENSING: -- quite how long things will take.

15 THE COURT: Ms. Bonjean has a question for me. You
16 seem confused by what I was asking.

17 MS. BONJEAN: I am confused.

18 I know there are two agents or there's a summary FBI
19 agent, as well as the financial person. And then we have the
20 remainder.

21 THE COURT: I think the Government said there might
22 be one other witness as well.

23 MS. BONJEAN: Yeah.

24 THE COURT: No, they mentioned that yesterday.

25 Right?

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1 MS. BENSING: Yes.

2 THE COURT: In the victim witness category, or no?

3 MS. BONJEAN: Is this the same one?

4 MS. BENSING: Yes. Jennifer knows. I'll clear it
5 up with Ms. Bonjean.

6 THE COURT: Okay.

7 MS. BONJEAN: I just want to make sure --

8 THE COURT: Okay.

9 I want to make sure you understand what I'm saying
10 about the exhibits. I just want, I want -- I am going to have
11 the Government do this because this is your case-in-chief at
12 this point. I need a list that makes some sense.

13 I feel like these numbers are coming out, it's like
14 we're playing a bad bingo game. I mean there are just
15 letters, numbers, you know, sometimes five different letters
16 and numbers for one exhibit.

17 I'm keeping track. My team is keeping track, but I
18 need the parties because the exhibit lists that were given to
19 me were never complete. And I need one list in -- in number,
20 letter, whatever order is an actual order, of the exhibits
21 that went in.

22 Some of the exhibits early on, at least, were coming
23 in and the Government hadn't redacted them in hard copy yet, I
24 think. They had only redacted in -- online. There are going
25 to need to be redacted copies.

1 So we need to have copies, an exhibit list of
2 everything that went in, and copies, copies of everything. I
3 think that is in everybody's interest to be on the same page
4 as what -- about what went in. So whatever you need to do to
5 coordinate with each other, because then that will have to
6 come to the Court and I'll have to do what I do on my end to
7 make sure that it's consistent with what I think came in.

8 Does everybody get that?

9 MS. BENSING: Yes, Your Honor.

10 MS. COHEN: Yes.

11 MS. BENSING: And, Your Honor --

12 THE COURT: I just think in a case where the numbers
13 are all over the map and the lists are not complete, we have
14 to do something to make sure that this is all orderly.

15 MS. BENSING: And because we are seeking to put in a
16 large number of documents through the summary agent,
17 obviously, we can come up with a list in advance and then
18 we'll have to just take a minute to revisit it after his
19 testimony.

20 THE COURT: Yes, of course. Of course. That's
21 fine. I just think you should start sooner rather than later.

22 MS. BENSING: Yes. And we have been tracking it, of
23 course, Your Honor.

24 THE COURT: Right.

25 MS. BENSING: So we'll coordinate with the defense.

1 THE COURT: Okay. I think that's fine.

2 And if there is any more that the parties want to
3 tell me about their requests on jury instructions along the
4 lines of what I was asking about, you can let me know that
5 sooner rather than later. If not, I'll be getting you a draft
6 and we can take it from there. But I think if there is
7 specific language that you want on some of these instructions
8 or if you don't want certain instructions that I mentioned
9 earlier, you can let me know that.

10 MS. BENSING: So, can we let the Court know tomorrow
11 morning? Maybe we can get here slightly early and we can let
12 the Court know.

13 THE COURT: That's fine.

14 MS. BENSING: Just one other thing to flag, Your
15 Honor. Ms. Farrell had to run out.

16 THE COURT: I heard.

17 MS. BENSING: But she has been discussing with the
18 defense attorneys a slight narrowing of the Government's
19 financial exhibits. And so, we are going to provide updated
20 copies of those to the defense attorneys and to the Court
21 tonight. It's nothing new, it's just narrowed.

22 So I just wanted to put that on the record that
23 we're going to be getting that, because I do expect that
24 witness to testify tomorrow.

25 THE COURT: Okay. And the issue of the summary

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1 chart, has that been resolved?

2 MS. BONJEAN: I think we have worked it out. This
3 morning we had a good conversation. I think we're at a
4 meeting of the minds.

5 THE COURT: Okay, good.

6 All right, everybody, have a good night. I'll see
7 you tomorrow morning.

8 MS. BENSING: Thanks, Judge. You, too.

9 (Proceedings adjourned to May 29, 2025 at 9:30 a.m.)

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