

THIS TRANSCRIPT MUST BE FILED AT LEVEL 3

IN THE MISSOURI COURT OF APPEALS
EASTERN DISTRICT

MOUNA APPERSON, a/k/a)
NICHOLAS APPERSON,)
Appellant,)
vs.)
NATASHA KAMINSKY,)
ADRIANE NORMAN, and)
RODNEY BROWN,)
Respondent.)

Cause No. ED112529

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
TWENTY-FIRST JUDICIAL CIRCUIT, DIVISION 9
Honorable David Lee Vincent, III, Judge

MOUNA APPERSON, a/k/a)
NICHOLAS APPERSON,)
Plaintiff,)
vs.)
NATASHA KAMINSKY,)
ADRIANE NORMAN, and)
RODNEY BROWN,)
Defendants.)

Cause No. 19SL-CC00805

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TRIAL TRANSCRIPT ON APPEAL
JANUARY 17, 2024 TO JANUARY 19, 2024
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N O T I C E

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APPEARANCES

FOR THE PLAINTIFF:

John Keith Gelfand
Margulis Gelfand, LLC
7700 Bonhomme Ave.
Suite 750
St. Louis, Missouri 63105

John Kershman
Maximilian Mueller
Ahearn Kershman, LLC
230 South Bemiston Avenue
Suite 1005
Clayton, Missouri 63105

FOR THE DEFENDANT:
(Natasha Kaminsky)

Teneil Lee Kellerman
Grove Eisen Karlen Eilerts
120 South Central
Suite 150
Clayton, Missouri 63105

FOR THE DEFENDANT:
(Adriane Norman)

Bridgette Nicole Fu
Jon Rolla Sanner
Brinker & Doyen
34 North Meramec
Fifth Floor
Clayton, Missouri 63105

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TRIAL TRANSCRIPT ON APPEAL
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WEDNESDAY, JANUARY 17, 2024

(Voir Dire omitted at the request of counsel.)

THURSDAY, JANUARY 18, 2024

(At 10:00 a.m., proceedings resumed in open court,
in the hearing and presence of the Jury as follows:)

THE COURT: Before we give the further
instructions to the Jury, Mr. Gelfand, on behalf the
plaintiff, is the plaintiff ready to proceed?

MR. GELFAND: Yes, we are, Your Honor. Good
morning.

THE COURT: Good morning.

And on behalf of the defense, Ms. Kellerman,
Ms. Fu, and Mr. Sanner, is the defense ready to
proceed?

MS. KELLERMAN: Yes, Your Honor.

MS. FU: Yes, Your Honor.

MR. SANNER: Yes, Your Honor.

THE COURT: Please rise at this time to be
sworn in by the Clerk of the Court.

(Jury Sworn and Instructions Read.)

THE COURT: By the way, good morning. I have
just been very busy in the back. I do apologize trying

1 to get out to here, but we had some other pending
2 motions and some WebEx things, so I hope everybody had
3 a pleasant evening.

4 Let me give you your further instructions.
5 This is Instruction Number 1. This instruction and the
6 other instructions that I will read to you near the end
7 of trial are in writing.

8 All of the written instructions will be handed
9 to you for guidance in your deliberation when you
10 retire to the jury room. They will direct you
11 concerning the legal rights and duties of the parties
12 and how the law applies to the facts that you will be
13 called upon to decide.

14 The trial may begin with opening statements by
15 lawyers as to the evidence that they expect to present
16 during the trial. What is said in opening statements
17 is not to be considered as proof of a fact; however, if
18 a lawyer admits some fact on behalf of a client, the
19 other party is relieved of the responsibility of
20 proving that fact.

21 After the opening statements, the plaintiff
22 will introduce evidence. The defendant may then
23 introduce evidence. There may be rebuttal evidence
24 after that.

25 The evidence may include the testimony of

1 witnesses who may appear personally in court, the
2 testimony of witnesses who may not appear personally,
3 but whose testimony may be read or shown to you,
4 exhibits, such as pictures, documents, and other
5 objects.

6 The testimony of witnesses shown to you by
7 video may contain pauses or glitches due to editing or
8 to conform to rules of the Court.

9 There may be some questions asked or evidence
10 offered by the parties to which objections may be made.
11 If I overrule an objection, you may consider that
12 evidence when you deliberate on the case.

13 If I sustain an objection, then that matter
14 and any matter I order to be stricken is excluded as
15 evidence and must not be considered by you in your
16 deliberations.

17 while the trial is in progress, I may be
18 called upon to determine questions of law and to decide
19 whether certain matters may be considered by you under
20 the law. No ruling or remark that I make at any time
21 during the trial will be intended or should be
22 considered by you to indicate my opinion as to the
23 facts.

24 There may be times when the lawyers come up to
25 talk to me out of your hearing. This will be done in

1 order to permit me to decide questions of law.

2 These conversations will be out of your
3 hearing to prevent issues of law which I must decide
4 from becoming mixed with issues of fact which you must
5 decide.

6 We will not be trying to keep secrets from
7 you. Justice requires that you keep an open mind about
8 the case until the parties have had the opportunity to
9 present their cases to you.

10 You must not make up your mind about the case
11 until all evidence and closing arguments of the parties
12 have been presented to you.

13 You must not comment on or discuss with
14 anyone, not even among yourselves, what you hear or
15 learn in trial until the case is concluded and then
16 only when all of you are present in the jury room for
17 deliberation of the case under the final instructions I
18 give to you.

19 During the trial, you should not remain in the
20 presence of anyone who is discussing the case when the
21 Court is not in session; otherwise, some outside
22 influence or comment might influence a juror to make up
23 his or her mind prematurely and be the cause of
24 possible injustice. For this reason, the lawyers and
25 their clients are not permitted to talk with you until

1 the trial is completed.

2 Your deliberations and verdicts must be based
3 only on the evidence and information presented to you
4 in the proceedings in this courtroom.

5 Rules of evidence and procedure have developed
6 over many years to make sure that all parties and all
7 cases are treated fairly and in the same way to make
8 sure that all jurors make a decision in this case based
9 only on the evidence allowed under those rules and what
10 you hear or see in this courtroom.

11 It would be unfair to the parties to have any
12 juror influenced by information that has not been
13 allowed into evidence in accordance with those rules of
14 evidence and procedure, or to have a juror influenced
15 through the opinion of someone who has not been sworn
16 as a juror in this case and heard evidence properly
17 presented here.

18 Therefore, I instruct you that you must not
19 conduct your own research or investigation into any
20 issues in this case, you must not visit the scene of
21 any of the incidents described in this case, you must
22 not conduct any independent research or obtain any
23 information of any type by talking to any person
24 referring to textbooks, dictionaries, magazines, blogs,
25 the internet, or any other means about any issues in

1 this case or any witnesses, parties, lawyers, medical,
2 or scientific terms, or evidence that is in any way
3 involved in this trial.

4 You are not allowed to use any electronic
5 communication devices or the internet to search for,
6 receive, send or post any information about the
7 parties, the lawyers, the judge, the witnesses, or any
8 evidence or locations mentioned.

9 Do not discuss or attempt to research what the
10 law or facts may be in this case.

11 This band applies to all electronic devices
12 such as smart phones, laptops, or I-Pads, all forms of
13 electronic communications such as e-mail, text
14 messages, or blogging, internet, research tools, and
15 social media like Google, Facebook or Twitter. This
16 band applies throughout the course of this trial until
17 you are excused as a juror.

18 If any of you break these rules, this will be
19 a serious breach of your oath as a juror and it could
20 result in a miscarriage of justice and we may have to
21 start the trial all over.

22 After all of the evidence has been presented,
23 you will receive my final instructions, and they will
24 guide your deliberations on the issues of fact you are
25 to decide in arriving at your verdict.

1 After you have received my final instructions,
2 the lawyers may make closing arguments. In closing
3 arguments, the lawyers have the opportunity to direct
4 your attention to the significance of the evidence and
5 to suggest the conclusions that may be drawn from the
6 evidence.

7 You will then retire to the jury room for your
8 deliberations. It will be your duty to select a
9 foreperson to decide the facts and to arrive at a
10 verdict.

11 When you enter into your deliberations, you
12 will be considering the testimony of witnesses, as well
13 as other evidence.

14 In considering the weight and value of the
15 testimony of any witness, you may take into
16 consideration the appearance, attitude, and behavior of
17 the witness, the interest of the witness in the outcome
18 of the case, the relation of the witness to any of the
19 parties, the inclination of the witness to speak
20 truthfully or untruthfully, and the probability or
21 improbability of the witness' statements.

22 You may give any evidence or the testimony of
23 any witness such weight and value as you believe that
24 evidence or testimony is entitled to receive.

25 Each of you may take notes in this case, but

1 you're not required to do so. I will give you
2 notebooks. Any notes you take must be in those
3 notebooks only. You may not take any notes out of the
4 courtroom before the case is submitted to you for your
5 deliberations.

6 No one will read your notes while you're out
7 of the courtroom. If you choose to take notes, do not
8 allow your note taking to interfere with your ability
9 to observe the evidence and witnesses as they are
10 presented.

11 Do not discuss or share your notes with anyone
12 until you begin your deliberations. During the
13 deliberations, if you choose to do so, you may use your
14 notes and discuss them with other jurors. Note taking
15 during trial is not evidence. You should not assume
16 that your notes or those of other jurors are more
17 accurate than your own recollection or the recollection
18 of other jurors.

19 After you reach your verdict, your notes will
20 be selected collected and destroyed. No one will be
21 allowed to read them.

22 Mr. Gelfand, you may proceed with your opening
23 statement.

24 MR. GELFAND: Thank you, Your Honor. May I
25 proceed?

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THE COURT: You may proceed.

MR. GELFAND: Thank you.

PLAINTIFF'S OPENING STATEMENT

MR. GELFAND: Good morning, Members of the Jury. Words matter. This is a case about how devastating words can be when they are both stated publicly and false.

In this case, the words that matter that you will see over the course of this trial, that you will hear over the course of this trial, are false allegations that Mouna Apperson committed various crimes made only in the court of public opinion and never in the court of law.

Specifically, you will see evidence over the course of this trial that Mouna Apperson was described publicly as a rapist, serial rapist, serial abuser, someone who has repeatedly been charged with tax evasion, someone who threatened to kill both of the defendants, Ms. Kaminsky and Ms. Norman, and someone subject to an order of protection that Ms. Kaminsky knew she had lost eleven months before she said that.

Now Members of the Jury, the statements, not all of them, but many of them that bring us all here together today were made in a writing: Nick Apperson, the owner of Radix House, is a serial abuser and

1 rapist; they used to brag to me about having their
2 wealth in Bitcoin, and that makes sense because they
3 keep getting charged with tax evasion; he knows he's
4 not allowed to come within 500 feet of me; Nick has
5 threatened to kill me and her. And they continue.

6 Now, Members of the Jury, many of those
7 statements, some of the ones I just showed you, that
8 you'll see many more of during the course of this trial
9 were posted publicly to the world on the social media
10 application Facebook over the course of 400 days,
11 repeatedly, repeatedly, repeatedly.

12 Now Mouna Apperson is the same person as Nick
13 Apperson. Apperson was previously involved in a
14 long-term committed relationship with each of the two
15 defendants at different times.

16 First with Ms. Kaminsky in 2012 and 2013, and
17 then with Ms. Norman in 2016 and 2017. You will learn
18 over the course of this trial that Apperson and
19 Kaminsky met on a dating app OkCupid, and Apperson and
20 Norman subsequently met on that same dating app.

21 Late March of 2017, Apperson breaks up with
22 Ms. Norman, and she's devastated. You will see on
23 March 29, 2019 -- I'm sorry. 2017, she says in a
24 written text message to Apperson, quote, I'm upset that
25 you don't want to be with me long-term.

1 A couple of days later, April 1st, she texts
2 Apperson, Can you come over and give me a hug.
3 Apperson holds the line and says no, the relationship
4 is over, we're done.

5 Now realize, this was late March, early April
6 of 2017. What you'll learn over the course of this
7 trial is that up until this time, neither Ms. Kaminsky
8 nor Ms. Norman had even so much as suggested in any
9 sort of public domain that Apperson had ever sexually
10 assaulted them, raped them, was a serial rapist, a tax
11 evader, anything along those lines.

12 But over the course of the next half year or
13 so, what you'll see in evidence in this case is that
14 both would decide to work together in a calculated
15 deliberate effort to ruin Apperson's life and
16 reputation by making false criminal allegations again
17 in the court of public opinion on social media and the
18 like.

19 And it worked. You'll see over the course of
20 this trial that they made a story to recast themselves
21 as rape survivors and Apperson as the predator. But
22 only in the court of public opinion, never in a court
23 of law, and only sometimes.

24 April 25th, 2017, approximately three and a
25 half weeks, plus or minus, after Ms. Norman expresses

1 that she wished she and Apperson would be together in a
2 relationship forever and she's disappointed that they
3 broke up, Ms. Norman tells Apperson, you pressured me
4 to have sex with you at least twice a day and put me
5 through hell if I refused you, a/k/a, you raped me.

6 Now, Members of the Jury, you're going to see
7 over the course of this trial that that was a
8 bold-faced lie. You'll see text messages from
9 Ms. Norman and Mr. Apperson, and vice versa at the time
10 that they dated. You'll see -- and I want to be
11 crystal clear, we're not trying to embarrass anyone.
12 That's not the goal of any of this, but the evidence is
13 important. You'll see that over the course of their
14 relationship, Ms. Norman sent sexually suggestive text
15 messages repeatedly throughout the relationship to
16 Apperson, sent various nude photos of herself, and that
17 she was devastated when they broke up.

18 I want to be crystal clear. We're not asking
19 you to judge Ms. Norman for anything. They are
20 consenting adults here in a relationship, but what you
21 will see is that these are not the acts of a rape
22 victim or her rapist. They're not the words of a rape
23 victim to her rapist.

24 Fast-forward to November 14, 2017.
25 Ms. Kaminsky enters the picture in a very public way.

1 Ms. Kaminsky, you will learn, had dated Apperson 2012,
2 2013.

3 November 14, 2017, Ms. Kaminsky posts on
4 Facebook that Apperson is quote, a serial abuser and a
5 rapist of women, end quote.

6 Two days later, November 16, 2017, you'll see
7 in evidence that Ms. Kaminsky goes to court and seeks
8 something called an order of protection in St. Louis
9 City. She files an under oath petition two days after
10 posting on Facebook, on social media, that Apperson is
11 a serial abuser and a rapist of women.

12 You'll see that petition. When under oath in
13 that petition, Kaminsky does not in any way, shape or
14 form suggest that Apperson is a rapist. In fact, there
15 is a box to check if you claim that the person you're
16 seeking the order against had sexually assaulted you.
17 That box is not checked.

18 She makes no allegation at all that Apperson
19 is a serial rapist, tax evader, someone who threatened
20 to kill her. All statements you'll learn over the
21 course of this trial would be helpful in that context
22 if it was true.

23 All statements she would make on social media
24 and to other third parties who are not people
25 associated with this case, all statements she made

1 using the Facebook application.

2 Now, Members of the Jury, approximately five
3 hours after the order of protection, a petition is
4 filed November 16, 2017. You'll learn that
5 approximately eight people show up at Apperson's house,
6 some of whom are roommates, some of whom live there,
7 some of whom don't.

8 They show up unannounced at 11 p.m. You'll
9 learn that many of them under the influence of illegal
10 narcotics. Many are armed with knives and guns.

11 You'll learn that they basically made threats
12 that they'll harm police officers if the police are
13 called, and Members of the jury, you'll learn that this
14 was all an attempt to try to record some statements,
15 take them out of context, to use them in a case like
16 this.

17 November 30, 2017, two weeks later. There's
18 the November 16th order of protection petition was
19 filed. Events at Apperson's house. Two weeks later,
20 you'll learn that Ms. Kaminsky and Mr. Apperson show up
21 in court.

22 They show up in court on this petition that
23 Ms. Kaminsky had filed. You'll learn that in court,
24 Ms. Kaminsky does not make the accusations that she
25 would go on to make on social media when speaking to

1 the judge under oath.

2 She doesn't say that Apperson is a rapist, a
3 sexual predator, or a sex offender, anything along
4 those lines. A tax evader, someone who threatened to
5 kill her or someone else.

6 You'll learn that the judge denies her an
7 order of protection. She learns that Apperson learns
8 that the same day, November 30, 2017, the same night,
9 after court.

10 You'll see the Facebook post that she writes.
11 She ups the ante. She claims Apperson on Facebook is a
12 serial abuser and rapist. Not even allegations she
13 made to the Court under oath that very same day.

14 The next day she ups the ante even more. She
15 tells somebody that Apperson keeps getting charged with
16 tax evasion.

17 Now, Members of the Jury, let me be clear
18 about something. What you'll learn in evidence in this
19 case and what the evidence will show is that Apperson
20 has never been convicted of a single crime, let alone
21 tax evasion in his entire life. These were false
22 statements.

23 2019, Ms. Kaminsky, about a year and a half
24 later, ups the ante even more. Says Nick, i.e.,
25 Apperson, quote, has threatened to kill me and her, end

1 quote. You'll learn the her is Ms. Norman.

2 Now, Members of the Jury, these statements as
3 you'll learn over the course of this trial were
4 purposeful, they were calculated, and they were
5 coordinated. And you don't have to take my word for
6 that. Words matter.

7 So what we're going to show you in evidence is
8 Ms. Norman's words herself. Tasha, you'll learn --
9 Natasha Kaminsky has been working on my behalf as many
10 other women.

11 Now, Members of the Jury, February 2019,
12 approximately a year plus, almost two years -- a year
13 and a half after this nightmare starts for Apperson,
14 you'll see that Ms. Kaminsky was bragging to a friend
15 about all of the harm she caused to Apperson, kicking
16 Apperson out of -- through the statements, out of a
17 co-working space called T-Rex. Some people may be
18 familiar with that. You'll learn about what T-Rex was,
19 basically a incubator or a start-up space.

20 Ms. Kaminsky directly e-mails, and you will
21 see the e-mail in evidence, to essentially the head of
22 T-Rex or the management of T-Rex, saying Apperson is a
23 rapist.

24 You'll hear from Apperson about what this
25 smear campaign, for lack of a better term, did to his

1 life, the harm that it caused him. And you'll see that
2 in February of 2019, after this lawsuit was filed, but
3 before Ms. Kaminsky was served, before she knew about
4 it, she was bragging to her friends about all of the
5 harm she caused to Apperson and that nothing is going
6 to stop her. Nothing is going to stop her.

7 Members of the Jury that's why we're here.

8 Over the course of this trial, you're going to
9 hear, at least as far as we're concerned, from the
10 three witnesses that matter. You're going to hear from
11 Apperson, you're going to hear from Ms. Kaminsky, and
12 you're going to hear from Ms. Norman.

13 Now, Members of the Jury, we have as the
14 plaintiff in this case the burden of proof. We have to
15 prove to you that it's more likely than not that what
16 we claim happened here happened here.

17 And as I stand here right now giving my
18 opening statement, I'm not asking you to definitively
19 decide anything because we have not met our burden yet.
20 We have not called a single witness. We have not put
21 on a single bit of evidence, but we will over the
22 course of this trial, and then and only then after --
23 once you actually have the evidence, once you have had
24 the opportunity firsthand to judge the testimony
25 yourself from that witness stand, then and only then

1 will we ask you to return to that jury room and to
2 finally hold Ms. Kaminsky and Ms. Norman
3 accountable for their actions, for their words.

4 Members of the Jury, there's no one that
5 appreciates how attentive you have been this morning
6 and yesterday than Mr. Apperson. I ask that you, of
7 course, give the same attention to the two defense
8 attorneys, and I thank you for your time. Thank you.

9 THE COURT: Thank you, counsel. Ms.
10 Kellerman, do you wish to make an opening statement?

11 MS. KELLERMAN: I do, Your Honor.

12 THE COURT: You may proceed.

13 DEFENDANT'S OPENING STATEMENT

14 MS. KELLERMAN: Good morning. This is why
15 we're here. This is what we talked about with open
16 minds. You have heard what you think their version is.
17 Now let me tell you ours.

18 I think what you're going to hear is that
19 between 2012 and 2013 Natasha Kaminsky and Mr. Apperson
20 were in a relationship. I anticipate you will hear
21 that was Natasha's first sexual relationship. She's
22 going to describe to you in this public setting what
23 those sexual experiences were like for her.

24 She's going to describe to you what
25 Mr. Apperson's behavior was like throughout that

1 relationship and how it made her feel.

2 Now, she ends the relationship in August of
3 2013. After that, Mr. Apperson texts her. She doesn't
4 respond. What does he do? E-mails her again. When
5 ignoring the first e-mail didn't work, she said, give
6 me space, I'll let you know when I am ready to talk to
7 you.

8 What did he do? Three months later, e-mails
9 her again. After she didn't respond, two months after
10 that, e-mails her again. So she responds, please stop,
11 please listen to me and stop contacting me, or I might
12 have to take legal action.

13 What does he do? E-mails her again.

14 You will hear that after that -- her first
15 sexual relationship ended, she discussed that
16 relationship and what the events were like, how it made
17 her feel, the behavior with her friends and counselors,
18 and she realized what was happening to her was not
19 okay, or what had happened to her was not okay.

20 A year after, so early spring of 2015,
21 plaintiff buys a house within a couple of blocks of
22 her. You'll hear that when she would be at a cafe, a
23 local cafe, plaintiff would walk in, Mr. Apperson would
24 walk in. Where did he choose to sit? Right behind the
25 person she was with so she had to watch him.

1 Another time, where did he choose to sit,
2 right next to her.

3 You'll hear that in 2016, she goes to a public
4 event, sees Mr. Apperson, freezes, turns around and
5 leaves.

6 I believe you'll hear from Mr. Apperson
7 himself, he realizes when she saw him how uncomfortable
8 she was. So what does he do? He approaches the friend
9 that she was with to talk about it.

10 And that house I mentioned earlier that he
11 bought within a couple of blocks of her, he owned it,
12 but he wasn't the only one that lived there. He had
13 invited several people to live there with him, and I
14 believe he named his own house Radix house, which was
15 supposed to be a place for activists and people -- I
16 think people who had experienced abuse. Many people
17 lived there while he owned it. People moved in, people
18 moved out.

19 You're going to hear that in 2017 when Adriane
20 was brave enough to speak about her experience to
21 others that the roommates knew about it.

22 You're going to hear that Natasha and Adriane
23 didn't know each other when Adriane was making these
24 allegations. You're going to hear that they were
25 connected after someone who knew both of them and their

1 experiences put them in contact with each other.

2 And I anticipate you're going to hear how
3 Natasha felt when she realized that there were more
4 after her and that because she wasn't public, there
5 were more, and why she decided to go to public.

6 Natasha did what people her age do. Their
7 public space is Facebook.

8 You're going to hear that those roommates had
9 meetings. One of those meetings, and I believe there
10 were two meetings in November, but one of those
11 meetings, there were roommates and a person who didn't
12 live there, Claire Caplan who attended. You're not
13 going to hear any evidence that Natasha Kaminsky was
14 there. You're not going to hear any evidence that
15 Adriane Norman was there. You're not going to hear any
16 evidence that they asked for the meeting, that they
17 told people how to conduct this meeting.

18 The only evidence you're going to hear that
19 Natasha had anything to do with this meeting is that
20 she gave permission for her name to be used. You're
21 going to hear that Claire Caplan brings up Tasha's
22 allegations. Remember, they already knew about
23 Adriane.

24 They're right, words matter. They just want
25 you to hear one set of words though.

1 Here's what I think you're going to hear. I
2 think you're going to hear Mr. Apperson say things
3 during that meeting before knowing any of the details
4 of Tasha's allegations. They had no reason to doubt
5 anything she says. She would be his number one guess
6 if someone was saying something, and that she wasn't
7 the type to make that up.

8 You're going to hear Mr. Apperson say, there
9 were times her words were saying one thing, but her
10 body something else.

11 You're going to hear Mr. Apperson say, if she
12 felt like I pressured her, I can imagine that's true.
13 If she said she was giving me signs that she didn't
14 want to do that, and I missed them, I could imagine
15 that's true.

16 Adriane's situation was different than someone
17 feeling like they were forced into a situation or
18 saying no, stop, and I didn't hear them or remember,
19 those things are possible.

20 You're going to hear Mr. Apperson say himself,
21 I feel like something had gone horribly wrong with
22 Tasha, and at that time, he didn't know about verbal
23 consent.

24 You're going to hear Mr. Apperson say that
25 after Tasha's relationship, he started doing a lot of

1 reading about consent.

2 You're going to hear Mr. Apperson say he
3 agreed that he manipulated Natasha, by saying things
4 like he was going to cheat on her if she didn't do
5 certain things.

6 You're going to hear Mr. Apperson say, he
7 wasn't even saying he didn't do abusive things to
8 Adriane. You're going to hear Mr. Apperson say that he
9 can accept that he abused Tasha, and did abusive things
10 to other people.

11 You're going to hear Mr. Apperson say he can
12 be both a victim and an abuser.

13 You're going to hear Mr. Apperson say there
14 were two instances where if that person felt like it
15 was sexual assault, he would support it.

16 You're going to hear Mr. Apperson say that he
17 had told Adriane about what he had thought he had done
18 to Natasha.

19 You're going to hear Mr. Apperson say that he
20 didn't want to use the word rape until someone else
21 like Natasha said it and the one other person he wasn't
22 sure about.

23 You're going to hear Mr. Apperson say there
24 was no person after Natasha that he thought he raped,
25 and you're going to hear Mr. Apperson say that by the

1 standards that he followed at the time of the meeting,
2 every person he had been with before had been sexually
3 assaulted. Those were Mr. Apperson's words.

4 Now, you have heard in his attorney's
5 openings, people were on narcotics, weed. You're going
6 to hear guns and knives.

7 what they didn't mention is, at that order of
8 protection hearing that you heard so much about
9 earlier, Mr. Apperson testified. He didn't say
10 anything about being threatened at that meeting. He
11 talked about the meeting. Didn't say a word about
12 people had a gun out, I was scared for my life.

13 You're going to hear that that meeting was
14 recorded by one of the roommates, and that once Natasha
15 in 2018, a year after that meeting, once she was able
16 to get a copy of that recording, she went to the
17 police.

18 You're going to hear that the police talked to
19 Mr. Apperson. Mr. Apperson didn't think the police
20 needed to know about the threats or the guns then,
21 because Mr. Apperson didn't have that recording then.

22 words do matter. The truth matters. And as
23 the jury, you're going to hear -- you already have
24 heard two very different versions of what happened, and
25 so I appreciate you, you know, being attentive and

1 listening, and I know a lot are taking notes.

2 Ms. Norman's attorney will now get a chance to
3 address you, and thank you for your time.

4 THE COURT: Thank you, counsel.

5 Mr. Sanner or Ms. Fu? Mr. Sanner, do you want
6 to introduce your client to the jury, please.

7 MR. SANNER: I do, Your Honor. Thank you.

8 Ladies and Gentlemen, I have the privilege of
9 representing Adriane Norman.

10 Please stand, Adriane.

11 She's up here from Orlando. She had some
12 flight problems, but she's here today and she's ready
13 to tell her story.

14 DEFENDANT'S OPENING STATEMENT

15 MR. SANNER: And I'll be the third attorney to
16 tell you words matter. It's very important in this
17 case. It's something I will go back to in my voir dire
18 jury selection questions, keeping an open mind, because
19 there are two different stories to this case, and I
20 think that you need to hear all of the evidence, not
21 just a part of it.

22 We are going to give you the complete picture,
23 and more important than anything is the fact that the
24 words that we're going to rely are those of Nick
25 Apperson, because in his words, whether it's in a text

1 message or otherwise, his statements that he makes in
2 writing are really what drives this case in terms of
3 the truth, the element of truth in a defamation case,
4 because if there is truth, there is no defamation.

5 And I am confident, Ladies and Gentlemen, that
6 after you hear all of the evidence, not just a part of
7 it, you're going to agree that the statements made by
8 the defendants were, in fact, truthful.

9 So we're in a situation where one party, my
10 client, says she was raped. Mr. Apperson on the other
11 hand says no, there was no rape.

12 So we've got two stories arising from the same
13 set of facts, so where do we go? How do we resolve
14 this dilemma that there are two different stories?
15 What do we use as a tie breaker? Well, I would submit,
16 Ladies and Gentlemen, what we do, is we go to look at
17 the words of Nick Apperson, first in trying to assess
18 what the facts were, and was it rape or was it not.

19 Let me turn on C, please. What we're pulling
20 up, Ladies and Gentlemen, is an excerpt of a text
21 message that existed between Adriane and Nick Apperson,
22 and that text message is dated June 8, 2016.

23 And I'm not going to read this word for word.
24 I don't even know if you can read it from where you
25 are, but what this text message is, Ladies and

1 Gentlemen, it's a conversation between my client and
2 Mr. Apperson about something that my client had
3 experienced with another man.

4 And what Adriane is telling Mr. Apperson is
5 the fact that she had somebody, a man over to her
6 house, and she felt very embarrassed about this whole
7 thing, that he disrespected Adriane by putting himself
8 inside Adriane without a condom, even though I had
9 asked him to wear one.

10 And she goes on in this statement explaining
11 what the circumstances were, but the bottom line,
12 Ladies and Gentlemen, is that she was terribly upset
13 about the fact that this person had taken advantage of
14 her, entered her, without a condom after she had asked
15 this man to wear a condom. He didn't, and he ended up
16 ejaculating inside of her, and that caused her a great
17 deal of trauma, and Ladies and Gentlemen,
18 significantly, when you go through that text message,
19 you will hear Nick Apperson responding, he's a rapist.

20 He made that statement, not once, not twice,
21 but three times, that given these set of facts, the
22 fact that this man had not worn a condom when he had
23 been asked to wear a condom and he ejaculated inside of
24 Adriane.

25 Given those set of facts, Ladies and

1 Gentlemen, Nick Apperson comes to the conclusion that
2 this guy is a rapist.

3 So you might ask, well, what's that got to do
4 with Nick Apperson and Adriane and all of the issues in
5 this case. This is how it is significant, Ladies and
6 Gentlemen. We fast forward seven weeks, or we go seven
7 weeks out, back to, I believe it was July 30, 2016.

8 It's another text message between Adriane and
9 Mr. Apperson and in this text message Adriane was
10 talking about the fact that Mr. Apperson had ejaculated
11 inside of her when she had asked him not to, wasn't
12 wearing any condom, there was no other birth control,
13 but he states in this -- and I don't know exactly what
14 where it is, but he states, I have apologized three
15 times, and this is when she was so upset about the fact
16 that she had asked him not to ejaculate but he did it
17 anyway, and you'll hear her testify on the stand that
18 this was very hurtful to her and that she just didn't
19 give him permission, and yet he did it anyway.

20 So why is this significant, because he, just,
21 seven weeks earlier, had defined rape by taking a set
22 of facts and drawing his conclusion that that person,
23 Chris I think was his name, had committed rape, and
24 yet, seven weeks later, he's doing the same thing.

25 He is entering her when she has told him not

1 to ejaculate. She's going to him and saying, I don't
2 want you to ejaculate. He does it anyway, and then
3 what does he do? He apologizes.

4 You can't put the toothpaste back in the tube.
5 He did it. He apologized for it, and that certainly
6 suggests, Ladies and Gentlemen, he knew what he had
7 done. He apologized for it. What he had done was rape
8 by his own definition.

9 You will hear other evidence, Ladies and
10 Gentlemen, concerning this relationship between Adriane
11 and Mr. Apperson, and you will hear other evidence from
12 Claire Caplan. I think Ms. Kellerman touched upon her.
13 She's the one that was at the Radix house for this
14 meeting where Mr. Apperson says basically he was
15 accosted at gunpoint.

16 You're going to hear from Claire. She gave a
17 deposition in this case several weeks ago, and she
18 relayed during that deposition that she received a call
19 from Mr. Apperson, and Mr. Apperson told Claire that
20 Adriane was very upset, she was even angry, and
21 Apperson said she was accusing him of assault,
22 essentially.

23 And it goes on and Apperson said, that he
24 didn't understand why she had done that, and throughout
25 the conversation, Apperson told me that he had

1 ejaculated into Adriane without her consent.

2 Here we are again, that he is having
3 intercourse with her, without her consent, and
4 ejaculating in her, and this comes from a third party,
5 Claire Caplan.

6 There was a rape, Ladies and Gentlemen, and it
7 is borne out by the admissions from Mr. Apperson in
8 this case.

9 There was one other incident that occurred
10 that I think is significant. The two of them were down
11 in Florida. Adriane is from Florida. Mr. Apperson was
12 down there visiting, staying with her parents down
13 there, and one evening they went for a drive, and they
14 found a parking lot that was -- it was in a wooded
15 area, and they got out of the car, and they were
16 walking towards the woods, and my client wasn't exactly
17 sure what was going on, but when she realized that he
18 was starting to press against her, she knew what was
19 happening, and she said stop. Just stop.

20 He proceeded to pin her up against a tree and
21 entered her from behind. If that's not rape, Ladies
22 and Gentlemen, I don't know what is, but yes, words do
23 matter. "Stop" matters. That, Ladies and Gentlemen,
24 was rape by anyone's definition.

25 Thank you.

1 THE COURT: Thank you, counsel.

2 Mr. Gelfand, please call your first witness.

3 MR. GELFAND: Thank you, Your Honor.

4 PLAINTIFF'S EVIDENCE

5 MR. GELFAND: We call Mouna Apperson.

6 THE COURT: Please step forward. Face the
7 clerk, raise your right hand to please be sworn in.

8 (Witness sworn.)

9 THE COURT: Counsel, you may proceed when
10 you're ready.

11 MR. GELFAND: Thank you, Your Honor.

12 MOUNA APPERSON,
13 being produced and sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. GELFAND:

16 Q. Good morning. would you please introduce
17 yourself to the jury.

18 A. I'm Mouna Apperson.

19 Q. Mouna, have you previously gone by any other
20 names?

21 A. Yes. Nick and Nicholas Apperson. My legal
22 name is Nicholas.

23 Q. when did Nick become Mouna?

24 A. That was a few years ago.

25 Q. why did Nick become Mouna?

1 A. I am gender nonbinary. It was a gift from a
2 friend of mine. That name means a lot to me.

3 Q. Personally and professionally, even to this
4 day, do people know you as both Nick and Mouna?

5 A. Yes.

6 Q. Mr. Apperson, can I ask you to speak up a
7 little bit into the microphone.

8 A. Sure, yes.

9 Q. So we can hear you. You can move the
10 microphone actually a little closer to you.

11 A. Okay.

12 Q. Mr. Apperson, are you a rapist?

13 A. No.

14 Q. Are you a serial rapist?

15 A. No.

16 Q. Have you ever raped anybody?

17 A. No.

18 Q. Have you ever been charged with a sex crime?

19 A. No.

20 Q. Are you a tax evader?

21 A. No.

22 Q. Have you ever been charged with tax evasion?

23 A. No.

24 Q. Have you ever threatened to kill Ms. Kaminsky?

25 A. No.

1 Q. Have you ever threatened to kill Ms. Norman?

2 A. No.

3 Q. Just to get it out there, have you ever
4 threatened to kill anybody?

5 A. No.

6 Q. To be clear, have you ever been convicted of
7 any crime whatsoever, other than perhaps a traffic
8 ticket?

9 A. No.

10 Q. In October of 2018, was there an order
11 prohibiting you from being within 500 feet of
12 Ms. Kaminsky?

13 A. No.

14 Q. We're going to talk about this in a little
15 more detail over the course of this morning, but in
16 November of 2017, did you go to court when Ms. Kaminsky
17 asked a judge to issue an order of protection
18 prohibited you from being within 500 feet of her?

19 A. Yes.

20 Q. Were you present when the judge issued its
21 ruling?

22 A. Yes.

23 Q. How did the Court rule?

24 A. The Court ruled in my favor.

25 Q. Was that eleven months before October 2018?

1 A. Yes.

2 Q. And Mr. Apperson, I want to switch gears for a
3 second and give the jury a little bit more context of
4 who you are. What city and state do you currently
5 reside in?

6 A. I live in St. Louis, Missouri.

7 Q. Where were you born and raised?

8 A. Same place.

9 Q. Have you spent your entire life in St. Louis,
10 Missouri?

11 A. Yes.

12 Q. How old are you, Mr. Apperson?

13 A. I just turned 40.

14 Q. How far in school did you go?

15 A. I got a bachelors degree in college.

16 Q. Where did you attend college?

17 A. Locally, here at Wash U.

18 Q. You testified that you got a bachelors degree
19 from Washington University. What was that degree in in
20 particular?

21 A. It was in chemistry, with an emphasis in
22 biochemistry.

23 Q. When did you graduate?

24 A. 2006.

25 Q. After college, did you receive any other

1 formal education, any graduate school or anything along
2 those lines?

3 A. No, I did not.

4 Q. After graduating college, just generally, what
5 kind of work have you done?

6 A. Software development, some machine learning,
7 and sort of just general tech entrepreneurship work.

8 Q. You used the phrase entrepreneurship. Have
9 you ever been involved in something commonly called a
10 start-up?

11 A. Yes, I have.

12 Q. Approximately how many start-ups have you been
13 involved in?

14 A. I've worked on four and been mentored and
15 vested in a couple as well.

16 Q. Now, Mr. Apperson, after graduating college,
17 you said you graduated in approximately 2006?

18 A. Yes.

19 Q. After 2006, did you have a series of jobs in
20 the tech sphere and entrepreneur sphere?

21 A. Yes, I did.

22 Q. I want to direct your attention to 2012 and
23 2013. What were you doing for work at that time?

24 A. I worked for a company called LockerDome.

25 Q. And just for the benefit of the jury, what is

1 LockerDome?

2 A. It's a -- in broad terms, it's a technology
3 start-up. It's not really a start-up anymore, it has
4 grown.

5 Q. Was it a start-up at the time?

6 A. Yes. Yes, there were -- when I joined, it was
7 very early. There was I think like three or four of us
8 at that time on the team.

9 Q. Has it grown significantly since then?

10 A. Yes. There's, I think, 40 full-time employees
11 there now, yes.

12 Q. Are you still associated with LockerDome?

13 A. I took a break, but I did come back, yes.

14 Q. Is that your current employer?

15 A. Yes.

16 Q. I want to rewind the clock back to 2012 and
17 2013, that time period. What were you doing for
18 LockerDome at that time as opposed to now?

19 A. In 2012, 2013, I was writing software for
20 them. I don't remember what my official title was
21 then. At some point, I became the chief technology
22 officer, but I think that might have been a little bit
23 later.

24 Q. Was that a full-time job?

25 A. Yes, it was. Well, more than full-time.

1 Q. Where were you living at the time in 2012,
2 2013?

3 A. In the St. Louis area. I'm trying to
4 remember. I think I was living in Dogtown, but I'm not
5 positive.

6 Q. Somewhere in the city?

7 A. Yes.

8 Q. Now, Mr. Apperson, do you know Natasha
9 Kaminsky?

10 A. Yes.

11 Q. How long have you known Ms. Kaminsky?

12 A. We met in 2012.

13 Q. And just to be clear, the person you're
14 referring to as Natasha Kaminsky is the Ms. Kaminsky
15 sitting here in court today?

16 A. Yes, that's right.

17 Q. Tell the Jury, if you would, how it was that
18 you and Ms. Kaminsky first met back in 2012?

19 A. We met on the dating app OkCupid.

20 Q. For us not familiar, what is it?

21 A. It's a website. I think they have an app as
22 well where you go on there and find people to meet and
23 physically date some of them.

24 Q. Did one of you contact the other person
25 through the OkCupid app and essentially set up a time

1 to meet had person?

2 A. Yes. I believe we may have exchanged texts
3 after that.

4 Q. I'm sorry. You say you might have exchanged
5 texts?

6 A. We might have given phone numbers and
7 exchanged text messages after that.

8 Q. Was there a time that you and Ms. Kaminsky
9 ended up in a relationship with one another, ended up
10 dating each other?

11 A. Yes.

12 Q. Approximately, when did that begin?

13 A. I think we made it official as a relationship,
14 I want to say, about a month or two after we first met.

15 Q. And was that sometime around the fall or so of
16 2012?

17 A. Yes. Yes.

18 Q. When did you and Ms. Kaminsky stop that
19 relationship, when did you stop dating?

20 A. The end of August in 2013.

21 Q. Just to be clear from a chronology standpoint,
22 you and Ms. Kaminsky are dating fall of 2012 to the end
23 of August of 2013, approximately?

24 A. Yes, that's right.

25 Q. How did you and Ms. Kaminsky breakup with each

1 other?

2 A. I went over to her place with the intention of
3 kind of having a conversation, moving into more of a
4 friendship, and then we discussed it, and mutually
5 decided to end our relationship.

6 Q. You testified that you went over to her place.
7 During the entirety of your relationship, did you and
8 Kaminsky have separate residences?

9 A. Yes.

10 Q. And just generally speaking in terms of city
11 and state, where did Ms. Kaminsky reside when you dated
12 her?

13 A. In the general area -- I don't remember. I
14 think it might have been Brentwood area. I don't
15 remember for sure, but it was in this area.

16 Q. To be clear, throughout the entirety of your
17 relationship, you and Ms. Kaminsky had separate
18 residences; correct?

19 A. Yes.

20 Q. You testified that you were employed at
21 LockerDome at the time?

22 A. Yes, I was.

23 Q. Back when it was a start-up, so to speak?

24 A. Yes.

25 Q. Was Ms. Kaminsky employed?

1 A. Yes.

2 Q. And if you recall, what did Ms. Kaminsky do
3 for a living at that time?

4 A. I believe she worked with a religious
5 organization and also, was a camp counselor, as well.

6 Q. Now, this case involves statements that we'll
7 get to in a few minutes by Ms. Kaminsky stating that
8 you are a rapist and a serial rapist. At any time
9 during your relationship, did you rape Ms. Kaminsky?

10 A. No.

11 Q. Now, to be clear, at any time ever did you
12 rape Ms. Kaminsky?

13 A. No.

14 Q. To be clear, at any time ever, did you and
15 Ms. Kaminsky have sexual intercourse without her
16 consent?

17 A. No.

18 Q. Were you and Ms. Kaminsky sexually active with
19 each other during your relationship?

20 A. Yes.

21 Q. How many times, if at all, did you and
22 Ms. Kaminsky have sexual intercourse with each other,
23 that you can recall?

24 A. One time.

25 Q. Approximately when was that in connection with

1 the nine or so months, approximately that you dated?

2 A. It was towards the end of our relationship, I
3 want to say June, July of 2013.

4 Q. Now, I want to bring us back as much as you
5 can recall, just this one time. Where did that occur?

6 A. It was at a hotel.

7 Q. Where was the hotel?

8 A. It was in Ladue. I don't remember the name of
9 the hotel.

10 Q. Who booked that hotel room?

11 A. She did.

12 Q. Help us understand. You both live in greater
13 St. Louis. Why are you staying at a hotel in Ladue?

14 A. She had communicated to me that she wanted to
15 go to a special place, celebrate her birthday, and have
16 sex.

17 Q. And to be clear, had you previously had sexual
18 intercourse with other partners, one or more?

19 A. Yes, I had.

20 Q. And what if anything was your understanding as
21 to whether Ms. Kaminsky had during that point in your
22 relationship?

23 A. I didn't really know for sure. She had talked
24 about a past bad experience she had, and I didn't know
25 otherwise.

1 Q. Now, when you went to the hotel, did
2 Ms. Kaminsky book the hotel room?

3 A. Yes.

4 Q. Did you go up to the hotel room?

5 A. Yes.

6 Q. At some point that night, did you and
7 Ms. Kaminsky have sexual intercourse in that hotel
8 room?

9 A. Yes, we did.

10 Q. At any point, did Ms. Kaminsky indicate that
11 she didn't want to, or no, or I don't give you my
12 consent, anything along those lines?

13 A. Not at all.

14 Q. After you two had sexual intercourse that
15 night, what happened?

16 A. We went to bed.

17 Q. Where?

18 A. In the same bed in that hotel room.

19 Q. What if anything did you do in the morning?

20 A. We had a delicious brunch at the hotel.

21 Q. Did you go your separate ways to work or
22 wherever you went?

23 A. I don't remember what happened after that.

24 Q. At any point after you and Kaminsky had sexual
25 intercourse in this hotel that night, the next morning,

1 did Ms. Kaminsky say anything to you about, you know, I
2 said no, I didn't want to do this, but you did it
3 anyway? Anything along those lines?

4 A. No.

5 Q. Now, to be clear, was there ever a time where
6 you and Ms. Kaminsky had sex over the course of your
7 relationship or at any other point, ever, where she
8 said no or indicated she didn't consent in any way and
9 you had sex with her anyway?

10 A. No.

11 Q. When you dated Ms. Kaminsky, did she ever
12 claim to you or as far as you know to anyone else that
13 you had raped her?

14 A. No.

15 Q. You testified that you broke up in 2013; is
16 that correct?

17 A. Yes.

18 Q. In 2014, the following year, did Ms. Kaminsky
19 ever claim to you or for that matter, as far as you
20 know, to anyone else that you had raped her?

21 A. No.

22 Q. 2015, did Ms. Kaminsky ever claim to you or
23 anyone else that you had raped her?

24 A. No.

25 Q. 2016, did Ms. Kaminsky ever claim to you or

1 anyone else that you had raped her?

2 A. No.

3 Q. Is it accurate to say that the first time
4 Ms. Kaminsky made these allegations so to speak was in
5 late 2017?

6 A. That I had heard of, yes.

7 Q. Is it fair to say that the first place she
8 made these allegations that you're aware of was on the
9 social media application Facebook?

10 A. Yes.

11 Q. Are you familiar with Facebook?

12 A. Yes.

13 Q. Are you a Facebook user or have you been in
14 the past?

15 A. I'm not now, but I have in the past.

16 Q. For those of us less familiar with Facebook,
17 is it fair to say that Facebook operates in a way where
18 people have user names and they log onto Facebook?

19 A. Yes.

20 Q. Are you familiar with what it means to post
21 something on Facebook?

22 A. Yes.

23 Q. Explain to the jury, if you would, what that
24 means.

25 A. You write out something or you have a photo or

1 a memory or whatever you want to put up online, and
2 then you click post or whatever the button is and then
3 a bunch of people can see it.

4 Q. And are you familiar with the concept of
5 tagging people on Facebook?

6 A. Yes.

7 Q. What is tagging someone on Facebook?

8 A. Well, it has their name to say with, and then
9 whoever you tag, and it helps to span the reach of a
10 post to get to more people.

11 Q. So is it accurate to say that when you tag
12 somebody on Facebook, sometimes it appears on Facebook
13 using the words, you are with that person?

14 A. Yes.

15 Q. To be clear, is it fair to say that if I tag
16 someone on Facebook, I don't have to be physically
17 with them?

18 A. Yes.

19 Q. When you tag someone on Facebook, does it
20 increase the reach of that post, in other words, the
21 universe of who can read it?

22 A. Yes.

23 Q. Now, do you know Adriane Norman?

24 A. Yes.

25 Q. Let's switch gears to Ms. Norman for a second.

1 How long have you known Ms. Norman?

2 A. We met in 2016.

3 Q. Okay. And Ms. Norman was just introduced by
4 her attorney to the Court. Is that the same Adriane
5 Norman that you met back then?

6 A. Yes.

7 Q. When did you and Ms. Norman first meet?

8 A. I believe it was April of 2016.

9 Q. How did you and Ms. Norman first meet?

10 A. Also on OkCupid.

11 Q. That was the same dating app?

12 A. Yes.

13 Q. Was there a time that you and Ms. Norman,
14 after meeting on OkCupid, met in person?

15 A. Yes.

16 Q. And approximately how soon after you met on
17 OkCupid that you met in person?

18 A. It wasn't long, but I don't remember other
19 than that.

20 Q. Was there a time that you entered into a
21 relationship with Ms. Norman?

22 A. Yes.

23 Q. And approximately, when did that relationship
24 begin? When did you start dating Ms. Norman?

25 A. It was pretty quick. I want to say in some

1 form, we had a relationship by the second time we had
2 met. I don't know when we kind of formalized the
3 relationship, or that sort of thing.

4 Q. Okay. Without getting too nit-picky on dates,
5 is it fair to say somewhere in the summer of 2016?

6 A. Yes, it might have been late spring, but yes,
7 it was pretty quick.

8 Q. Was there a time when you and Ms. Norman
9 stopped that relationship, stopped dating one another?

10 A. Yes.

11 Q. How did you and Ms. Norman break up?

12 A. The final time we broke up, I had been telling
13 her that I didn't think we were right for each other,
14 and I kind of thought we had come to understand that
15 mutually, and then she got kind of upset, and I had to
16 make that clear that I meant it, that I didn't want --
17 I didn't want to be with her.

18 Q. At any time during your relationship with
19 Ms. Norman, did you rape Ms. Norman?

20 A. No, I did not.

21 Q. At any time ever did you rape Ms. Norman?

22 A. No.

23 Q. To be clear, any time ever, did you and
24 Ms. Norman have sexual intercourse without her consent?

25 A. No.

1 Q. Was there a time when you and Ms. Norman had
2 sexual intercourse during your relationship in an
3 outside wooded area?

4 A. Yes.

5 Q. Let's, for lack of a better way of putting it,
6 jump to that for a second. Where was that?

7 A. We were down in Florida. I was visiting her.
8 She was staying with her parents. I was staying with
9 her parents. And then we were driving back one night.
10 I don't remember from where, and we pulled off the
11 road, and that's where it happened.

12 Q. I don't mean to embarrass you or Ms. Norman or
13 anyone else for that matter, but did you have sexual
14 intercourse in an outside wooded area near a parking
15 lot in Florida?

16 A. Yes.

17 Q. And was this during the course of your
18 relationship?

19 A. Yes.

20 Q. Approximately when in the context of your
21 relationship?

22 A. I believe that was in the fall of -- let's
23 see. That would be fall of 2016, I believe. It's when
24 I was visiting her. I think that's when it was.

25 Q. Was that in the first half of your

1 relationship?

2 A. Let's see. It was -- I want to say it was
3 towards the middle. I don't remember exactly. I don't
4 remember the exact dates. I'm sorry.

5 Q. At any time during that incident, did
6 Ms. Norman tell you stop?

7 A. No.

8 Q. At any time during that incident, did you
9 physically do anything along the lines of holding
10 Ms. Norman up against a tree against her will and have
11 sexual intercourse with her?

12 A. No.

13 Q. Now, when you and Ms. Norman met -- you
14 mentioned Florida. I just want to get a better
15 understanding, get our bearings for a second.

16 When you and Ms. Norman first started dating,
17 did you both live in St. Louis?

18 A. Yes.

19 Q. And in 2016, 2017, what were you doing for
20 work at the time? This is probably 2016 when you first
21 met?

22 A. I was working at that same company,
23 LockerDome.

24 Q. And what if anything was Ms. Norman doing
25 during that time with respect to school or work?

1 A. She was getting a degree in pharmacy from the
2 St. Louis College of Pharmacy.

3 Q. Did you have your own place at that time?

4 A. Yes.

5 Q. Did Ms. Norman have a separate residence at
6 that time?

7 A. Yes, she did.

8 Q. Also in greater St. Louis?

9 A. Yes, I think Central West End.

10 Q. To cut to the chase, you're working full-time
11 and Ms. Norman is a full-time student. Is that
12 accurate?

13 A. Correct.

14 Q. You start dating. At some point she goes to
15 Florida; is that right?

16 A. Yes, that's right.

17 Q. To your understanding, why does she go to
18 Florida in the middle of your relationship?

19 A. I think she was just visiting her parents. I
20 actually don't remember.

21 Q. At any point during that time -- well, first
22 of all when she is in Florida, even for a short period
23 of time, are you all still dating even though it is
24 quote, unquote, long distance?

25 A. Yes.

1 Q. Do you actually physically go down to Florida?

2 A. Yes.

3 Q. This incident in the woods, this was during
4 that point in time when you go down to Florida;
5 correct?

6 A. Yes.

7 Q. Now, over the course of your relationship with
8 Ms. Norman, did you and Ms. Norman pose for a number of
9 couples photographs?

10 A. Yes.

11 Q. I'm going to show you, if I can, what I have
12 previously marked -- we have disclosed all of our
13 potential exhibits, Your Honor, to the defendant, as
14 Exhibits 43 through 50.

15 MR. GELFAND: Your Honor, may I approach the
16 witness?

17 THE COURT: Yes.

18 Any objection to 43 to 50?

19 MS. KELLERMAN: One moment, Your Honor.

20 THE COURT: You can go ahead and show the
21 witness your exhibits.

22 MR. GELFAND: Thank you, Your Honor.

23 THE COURT: Let me do this. I'm going to give
24 the jury a 15-minute break.

25 MR. GELFAND: Absolutely.

1 THE COURT: I don't want them to go too long
2 and then we will resume after about 11:20.

3 (Jury admonished at 11:10 a.m.)

4 THE COURT: Bailiff, Court will be in recess
5 until 11:20.

6 (The jury was recessed, a recess was had, and the
7 following proceedings were held outside the presence
8 and hearing of the jury:)

9 THE COURT: Let's go on the record briefly.
10 This is regarding -- we're outside the hearing and
11 presence the Jury regarding the Apperson case, and I
12 think counsel -- being outside the hearing and
13 presence, we already had a conference in chambers about
14 some exhibits, and I think, Ms. Kellerman, can you put
15 on the record, as well as Mr. Sanner, what you're
16 objecting to.

17 MR. SANNER: Your Honor, we're objecting to
18 exhibits 51 through -- I'm sorry. 49 through 52 of the
19 photographs that show the parties in various stages of
20 attire. I think that two of them show my client in a
21 completely nude state, subject to the redactions that
22 were done to it.

23 I think it is prejudicial to my client. These
24 were photographs that were taken with the thought that
25 they would never be published anywhere, and here they

1 are showing up in court. So we're objecting on those
2 bases.

3 THE COURT: Ms. Kellerman? I don't know if
4 you have any --

5 MS. KELLERMAN: It's not in relation to my
6 client. I would agree with their contention that it's
7 just not relevant or needed, harassing. However, it is
8 not my client.

9 THE COURT: And Mr. Gelfand?

10 MR. GELFAND: Yes, Your Honor.

11 THE COURT: And you can put a brief
12 description of these photos on the record.

13 MR. GELFAND: Yes. Your Honor, these are
14 photographs of Ms. Norman and Mr. Apperson that we
15 believe the evidence will establish were taken when
16 they were dating, which is directly relevant from a
17 timeframe standpoint of this case.

18 The last two photographs, we intentionally
19 redacted so that -- as best as possible, so we could
20 eliminate any unnecessary embarrassment, but so the
21 jury can understand what they were without having to
22 see Ms. Norman's private parts.

23 THE COURT: I will note the objections. Noted
24 and overruled as to these exhibits.

25 Anything further at this time? Is everybody

1 ready for the jury?

2 MS. KELLERMAN: I need to go get them -- oh, I
3 think they're going to stay out for this.

4 THE COURT: Okay. Bailiff. Thank you.

5 (At 11:40 a.m., proceedings resumed in open court
6 in the hearing and presence of the Jury as follows:)

7 THE COURT: I think we do have a foundation
8 for exhibits; is that correct?

9 MR. GELFAND: We do, Your Honor.

10 MS. KELLERMAN: Yes.

11 MR. SANNER: Yes.

12 THE COURT: What is that stipulation? Let me
13 just note that there is a stipulation as to foundation
14 for exhibits and authenticity unless there is an
15 objection.

16 MS. KELLERMAN: Thank you, Your Honor.

17 MR. GELFAND: Sure.

18 MR. SANNER: Yes, Your Honor.

19 MS. KELLERMAN: As to this witness and the
20 exhibits.

21 THE COURT: Right. I'll note the objection to
22 these exhibits, and overrule them at this time.

23 You may proceed, counsel.

24 Mr. Apperson, I'll remind you that you're
25 still under oath.

1 MR. GELFAND: Thank you, Your Honor.

2 Q. (By Mr. Gelfand) Mr. Apperson, before the
3 break, we were talking about the relationship that you
4 had with Ms. Norman and just to keep our bearings, that
5 was in 2016 through late March of 2017; correct?

6 A. Yes.

7 Q. I'm going to show you what I have previously
8 marked and what have been admitted, or I would move
9 into evidence Exhibits 43 through 50, Your Honor.

10 THE COURT: Those are received, subject to
11 objection.

12 MR. GELFAND: Thank you, Your Honor.

13 Q. (By Mr. Gelfand) Mr. Apperson, if you would
14 look at Exhibits 43 through 50 and tell us if these are
15 photos taken during the course of your relationship
16 with Ms. Norman of both you and Ms. Norman?

17 A. Yes, they are.

18 Q. Just to be clear, have you had a chance to
19 review these exhibits prior to testifying today?

20 A. Yes.

21 MR. GELFAND: Your Honor, may we freely
22 publish the exhibits to the jury?

23 THE COURT: You may proceed.

24 Q. (By Mr. Gelfand) If we could start with
25 Exhibit 43, please. Do you see Exhibit 43 in front of

1 you?

2 A. Yes.

3 Q. Could you describe to the jury what we're
4 looking at in Exhibit 43?

5 A. Yes. That's myself and Ms. Norman posing for
6 a selfie.

7 Q. And do you recall where that photo was taken?

8 A. Not positive. I think that was taken at -- I
9 think it was taken at her place. I'm not positive
10 though.

11 Q. Was that definitively taken during the course
12 of your relationship with Ms. Norman?

13 A. Yes.

14 Q. If we would move to Exhibit 44, please. Could
15 you please tell us what it is we're looking at?

16 A. That is also a selfie of Ms. Norman and I.
17 This one was taken at night at Forest Park. In the
18 back, you can see, I think that's the art museum.

19 Q. Thank you. If we go to 45 please, can you
20 please tell us what we're looking at?

21 A. Yes. That is also a photo of myself and Ms.
22 Norman. That one was taken at my mom's house.

23 Q. And is your mom's house in greater St. Louis?

24 A. Yes.

25 Q. If we could look at 46, please. Could you

1 please tell us what we're looking at?

2 A. That is also a photo of Ms. Norman and I, and
3 I can't tell exactly where that was taken, but that was
4 also during our relationship, yes.

5 Q. And if we look at 47, could you please tell us
6 what we're looking at?

7 A. That is a selfie taken -- that's Ms. Norman
8 and I. That was taken in Forest Park.

9 Q. Please turn to 48. Please describe what we're
10 looking at.

11 A. Yes, that was a photo of Ms. Norman and I. We
12 were out on a date on one of those boat things in
13 Forest Park.

14 Q. And if we look to 49, please. Could you
15 please tell us what we're looking at.

16 A. That is Ms. Norman and I in bed. Also a
17 selfie.

18 Q. And if we look at 50, please. Can you please
19 tell us what we're looking at.

20 A. That is also Ms. Norman and I, a selfie taken
21 in bed.

22 Q. Okay. Thank you. Mouna, each of these photos
23 that the jury just had an opportunity to look at, were
24 each of these taken at different points throughout the
25 relationship that you had with Ms. Norman?

1 A. Yes.

2 Q. Now, over the course of your relationship with
3 Ms. Norman, did you two communicate by text message?

4 A. Yes.

5 Q. Now, prior to testifying today, have you
6 pulled text messages between you and Ms. Norman at
7 various dates and times?

8 A. Yes.

9 MR. GELFAND: At this time, Your Honor, we
10 would move into evidence by stipulation as to
11 authenticity, 25 through 38.

12 THE COURT: These are text messages?

13 MR. GELFAND: Yes, they are between Ms. Norman
14 and Mr. Apperson.

15 THE COURT: Any objection?

16 MS. KELLERMAN: No objection.

17 MS. FU: No objection.

18 THE COURT: Thank you. 25 through 38,
19 received.

20 Q. (By Mr. Gelfand) I'm going to ask you some
21 general questions and then go through some of these.
22 If you could please take a look at those, Mr. Apperson,
23 and tell us if those are text messages, not all of
24 them, but some of the text messages between you and
25 Ms. Norman at various dates and times during the course

1 of your relationship?

2 A. Yes. Yes, they are.

3 Q. And in particular, these text messages between
4 June of 2016 and late March of 2017, or March of 2017?

5 A. On just like -- are we looking at Exhibit 25
6 right now?

7 Q. No, if you look at the totality of them,
8 chronological order.

9 A. I think the last one is April 2017.

10 Q. Okay. April of 2017, but over the course of
11 that relationship with Ms. Norman; correct?

12 A. Yes. Yes.

13 Q. Okay. Over the course of your relationship
14 with Ms. Norman, is it fair to say that the two of you
15 were sexually active with one another?

16 A. Yes.

17 Q. And were there times, and I'm not trying to
18 embarrass anyone at all, but were there times over the
19 course of the entire relationship where Ms. Norman sent
20 you text messages of a sexual nature?

21 A. Yes.

22 Q. I want to direct your attention just to a
23 couple of those, just to get our bearings for a second.
24 If we start in June of 2016, that was fairly early on
25 in your relationship; is that correct?

1 A. Yes.

2 Q. If we go to Exhibit 25, please. Even just for
3 the benefit of organization for a second in each of
4 these exhibits of text messages, are there blue boxes
5 and red boxes?

6 A. Yes.

7 Q. And can you tell the jury, please, what the
8 blue boxes indicate and what the red boxes indicate?

9 A. The blue boxes are text messages that I sent
10 and the red boxes are text messages that Ms. Norman
11 sent.

12 Q. So red is Ms. Norman, and blue is you?

13 A. That's right.

14 Q. Okay. And if we look at Exhibit 25, could you
15 please read what's highlighted on the screen from
16 June 27, 2016, in particular on that date. I want
17 you -- at the bottom.

18 A. I want you in me and around me, exclamation
19 point. I want to give you lots of pleasure, two
20 exclamation points.

21 Q. If we go to October of 2016, Exhibit 27,
22 please. Would you please read beginning with morning
23 love. The 13th of 2016.

24 A. Yes. Morning love. Can you -- I'm having
25 trouble reading all the way over there.

1 MR. GELFAND: Can we zoom it in.

2 A. Morning love. Can you send me your face. I
3 miss it. Awe, you look like you need kisses.

4 Q. (By Mr. Gelfand) That's on October 13, 2016?

5 A. Yes.

6 Q. Exhibit 28, in December of 2016, can you
7 please read what Ms. Norman texted you, beginning with
8 "I wish you were here." December 8, 2016.

9 A. I wish you were here. I need some lovin'. My
10 pussy misses you.

11 Q. If we could go to Exhibit 31, please, January
12 of 2017. Could you please read, beginning with "I
13 wish." January 27, 2017, the end of the month, could
14 you please read what Ms. Norman texted you.

15 A. I wish we had time to make lovins this
16 morning, exclamation point.

17 Q. And if we could go to Exhibit 34,
18 February 2017, could you please read what it says, if
19 you have enough energy.

20 A. If you have enough energy, I would like to
21 cuddle with you for a little bit when you come home,
22 two exclamation points.

23 Q. And that was February 16, 2017; correct?

24 A. Yes.

25 Q. Is it fair to say that is a sampling

1 throughout the course of your relationship, that there
2 are other text messages of this nature?

3 A. Yes.

4 Q. And is it fair to say that in some instances
5 you responded in kind?

6 A. Yes.

7 Q. When you and Ms. Norman dated, so again,
8 during your relationship, were there times when she
9 sent you sexually explicit photographs of herself?

10 A. Yes.

11 MR. GELFAND: Your Honor, at this time, I move
12 to admit with redactions, Exhibits 51 and 52, please.

13 THE COURT: I'll note the objections on the
14 record. Overruled. 51 and 52 received. You may
15 proceed.

16 Q. (By Mr. Gelfand) Thank you. Could you please
17 look at Exhibits 51 and 52. Do you recognize those
18 documents?

19 A. Yes, I do.

20 Q. And if we look at 51 -- first of all, before
21 we get there, are both of these exhibits photographs
22 that Ms. Norman took of herself and sent to you in some
23 sort of an electronic format?

24 A. Yes, they are.

25 Q. During your relationship?

1 A. Yes.

2 Q. If we could please look at 51. Just to be
3 clear, we have redacted this photo, but the one you
4 received was unredacted; correct?

5 A. The one that I received from Ms. Norman, yes.

6 Q. And if we look at Exhibit 52, please. Again,
7 the one that you received from Ms. Norman was
8 unredacted; correct?

9 A. Correct.

10 Q. Okay. We can take that down, please. Now,
11 over the course of your relationship with Ms. Norman,
12 did she send you text messages of a positive nature
13 about the nature of your relationship?

14 A. Yes.

15 Q. If we could show, publish Exhibit 28, which is
16 already in evidence, I believe?

17 THE COURT: Yes, it is.

18 MR. GELFAND: Thank you. November 2016. If
19 you could please read the "I'm still going to be sad"
20 text message.

21 A. I'm still going to be sad if we decide there
22 is a definite and fast approaching end to our
23 relationship, but I would feel some comfort knowing we
24 made the choice together and that we did it out of love
25 for each other and ourselves.

1 Q. (By Mr. Gelfand) And was That sent November
2 17, 2016 at approximately three or so p.m.?

3 A. That's right.

4 Q. What was going on in November of 2016 around
5 the time that you received this text message from
6 Ms. Norman?

7 A. I had made the decision that I didn't want to
8 be in a relationship with her, and I am trying to
9 gently let her down.

10 Q. And in response, was this text message where
11 she says, I'm still going to be sad if we decide that
12 there is going to be a definite and fast approaching
13 end to our relationship, but I will feel some comfort
14 knowing that we made the choice together and that we
15 did it out of love for each other and ourselves. That
16 was in response to that, that was in the context of
17 that situation?

18 A. That's right.

19 Q. Did you still stay together after that?

20 A. Yes.

21 Q. In March of 2017, specifically, if we go to
22 Exhibit 37, please. March of 14, 2017, was that
23 approximately two weeks before you and Ms. Norman broke
24 up?

25 A. That's right.

1 Q. Okay. Can I ask you to bring the microphone a
2 little bit closer to you.

3 A. Yes, I'm sorry.

4 Q. Could you please read what Ms. Norman texted
5 you at approximately 9:00 p.m. on March 14, 2017.

6 A. At the top? Where do you want me to start?

7 Q. Babe, I know?

8 A. Oh. Babe, I know I'm going to focus on
9 friendships, but I feel you have ruined me for dating
10 other people. The bar is a lot higher and people can't
11 reach it, even the women's.

12 Q. Thank you. Now, a couple of weeks later, you
13 and Ms. Norman break up; correct?

14 A. Yes.

15 Q. Whom breaks up with whom?

16 A. I ended things.

17 Q. After you broke up with Ms. Norman, did she
18 send you any text messages about that subject matter?

19 A. About which subject matter?

20 Q. Breaking up.

21 A. Oh, yes.

22 Q. Okay. I can show you Exhibit 38, which I also
23 believe is in evidence. If we can zoom in just a
24 little bit. On March 29, 2017, can you please read
25 what Ms. Norman texted you at approximately 11:00 a.m.

1 A. I'm upset that you don't want to be with me
2 long-term.

3 Q. And then does she say on March 29th, a couple
4 hours later, that she deleted her Facebook account?

5 A. Yes.

6 Q. Now, on April 1st, in this same exhibit, does
7 she text you a couple of days later after saying, I'm
8 upset that you don't want to be with me long-term and
9 ask you to come over and give her a hug?

10 A. Yes. I remember that.

11 Q. Let's look at April 1st, please. Could you
12 please read what she texted you on April 1st, a couple
13 of days after that March 29th text.

14 A. I know it's not good, but all I want right now
15 is a hug from you. Can you come over and give me a
16 hug. And I replied this makes me uncomfortable. I
17 love you, but I don't think this would be a good idea.
18 Mary, Jenny, Rodney, Mena and lots of others would be
19 options. You are loved by many.

20 Q. Who does Mary refer to?

21 A. Mary was one of my housemates.

22 Q. What is Mary's full name?

23 A. Mary Bifulco.

24 Q. Who is Rodney?

25 A. Rodney, also one of my housemate who lives

1 with me.

2 Q. Rodney's last name?

3 A. Brown.

4 Q. Now, we can take that down. So March 29th,
5 Ms. Norman sends you the text message, I'm upset that
6 you don't want to be with me long-term. April 1st, she
7 says she loves you and wants a hug, and you say no?

8 A. Correct.

9 Q. Over the next several weeks, in April of 2017,
10 to keep our dates grounded, accurate, does the tenor
11 of Ms. Norman's text messages to you change?

12 A. Yes.

13 MR. GELFAND: Your Honor, at this time I would
14 move into evidence Exhibit 41, same authenticity
15 stipulation.

16 MS. FU: No objection.

17 THE COURT: So noted. 41 is received.

18 MR. GELFAND: Thank you. Could we please
19 publish 41. Starting at the top of Exhibit 41,
20 April 24, 2017 was approximately three and a half weeks
21 or so, I'm approximating, after you and Ms. Norman
22 broke up; correct?

23 A. Yes.

24 Q. And approximately three weeks, three and a
25 half weeks after that March text message we talked

1 about; correct?

2 A. Yes.

3 Q. Is there a series of text messages from Ms.
4 Norman to you in a row with no response from you?

5 A. Yes.

6 Q. Beginning at the top, could you please read
7 what Ms. Norman texted you?

8 A. I hate you. Never contact me again. If I
9 could in some way beat the shit out of you, I would
10 love to do it. seriously. It would be very cathartic
11 for me. I hope you suffer. At least rot in hell. I
12 hate the message you sent me. It was pure bullshit
13 where you acknowledge absolutely none of the shit you
14 did. All you ever fucking do is gaslight and
15 invalidate me. Like honestly, I wish you would die.
16 If you could just die now, I think I would feel a
17 little peace of mind. Thanks for nothing, and I hope
18 you get what's coming to you. If you were to come here
19 and hand me a gun, it would be extremely hard for me
20 not to go ahead and shoot you in the head. The only
21 reason I would not is because I would go to jail. But
22 I believe you deserve to die.

23 Q. Thank you. And if we keep going, does it
24 continue?

25 A. Yes.

1 Q. Now, at the bottom of that page, of that
2 exhibit, does Ms. Norman text you using the word rape?

3 A. Yes.

4 Q. Could you please read to the jury what she
5 sends to you on April 25, 2017 in a continuation of
6 this discussion exchange without response from you. In
7 ways, you abused me over a year. Can you please read
8 what she says.

9 A. Pressured me to have sex with you at least
10 twice a day and put me through hell if I refused you.
11 a/k/a you raped me.

12 Q. Now, we can take that off the screen. Was
13 April 25, 2017 approximately three and a half weeks or
14 so after you broke up with her the first time that
15 Ms. Norman claimed that you had ever raped her?

16 A. Yes.

17 Q. What was your reaction?

18 A. Like you would expect. It was three and a
19 half weeks after, four weeks after she said she wanted
20 to marry me, and I tried to be really kind. It was
21 ridiculous.

22 Q. When you received that text message -- strike
23 that. Let me ask you this a different way. When she
24 texted you on April 25, 2017 stating that you, quote,
25 raped her by pressuring her to have sex twice a day

1 over the course of your entire relationship with her;
2 is that true?

3 A. No.

4 Q. I want to switch gears for a second. November
5 of 2017 -- so that's April 2017. November of 2017,
6 what are you doing for work?

7 A. I had left my job, and I was working on a
8 start-up, a new one.

9 Q. What was that start-up, just generally?

10 A. I was trying to build online spaces that would
11 help people to be kinder, to be safer, and to
12 facilitate more positive interactions.

13 Q. Did you have office space set up for that?

14 A. Yes.

15 Q. Where was that office space?

16 A. It was downtown at T-Rex. It's a co-working
17 space for start-ups, especially tech start-ups.

18 Q. There's a bunch of different co-working spaces
19 in the country these days. What if anything is unique
20 about T-Rex in the St. Louis community?

21 A. Well, there's only a few that really have a
22 lot of what I would say are successful start-ups,
23 people who are what I would say professional
24 entrepreneurs working there, and that space was one of
25 those that had a lot of really smart, you know, tech

1 people working there.

2 Q. Where were you living in November of 2017?

3 A. I was living in -- 3406 Holiday in Tower Grove
4 south in the city.

5 Q. Sounds like a weird question, but did your
6 house have a name?

7 A. It did.

8 Q. What was it called?

9 A. It was called Radix house.

10 Q. I have never lived in a house with a name.
11 How does a house get a name?

12 A. When I had bought the house, it was set up to
13 a be place for people who were passionate about human
14 rights and other types of activism to organize and be
15 able to support each other, and one of the first things
16 we did as a group was brainstorm names, so that it
17 would be easier to talk about it, rather than just
18 having an address, and that was the name that my
19 housemates and I came up with.

20 Q. Just to be clear, Radix house refers to a
21 residential building, no different than if you looked
22 at any other house on a residential neighborhood;
23 right?

24 A. That's right.

25 Q. Who owned Radix house?

1 A. I did.

2 Q. And did you also have roommates at various
3 times?

4 A. Yes.

5 Q. And in November of 2017, did you become aware
6 of a Facebook post about you by Ms. Kaminsky?

7 A. Yes.

8 MR. GELFAND: Your Honor, at this time I move
9 Exhibit 74 under the same stipulation into evidence.

10 MS. KELLERMAN: No objection.

11 THE COURT: 74 is received. You may proceed.

12 MR. GELFAND: Thank you. Please publish 74.

13 Q. (By Mr. Gelfand) November 14, 2017 at
14 11/27 a.m., could you please read what Ms. Kaminsky
15 writes on Facebook.

16 A. Also while I'm speaking up, Radix house is
17 owned and run by a serial abuser and rapist of women.
18 I cannot live another day without saying something
19 about it. Women in the movement, protect yourself
20 accordingly.

21 Q. How did you become aware of that Facebook
22 post?

23 A. Ms. Kaminsky had reached out to people I was
24 living with.

25 Q. And did it become very clear that a number of

1 people had read that?

2 A. Yes.

3 Q. Now, November 14, 2017, Ms. Kaminsky writes
4 that the owner of Radix house is run by a serial abuser
5 and rapist of women. Was it widely known in your
6 community and in your social circles and business
7 circles that you were the owner of Radix house?

8 A. Yes.

9 Q. Did you publicize that yourself?

10 A. That I was the owner of Radix house?

11 Q. Yes. And what Radix house was?

12 A. Yes.

13 Q. Now, when you first became aware of this
14 Facebook post on Ms. Kaminsky's profile, on her status,
15 what was your reaction to it?

16 A. I was stunned. It's just a bold-faced lie.

17 Q. Had you spoken with Ms. Kaminsky in many
18 years?

19 A. No. It had been since the beginning of 2014.

20 Q. If I understood your testimony this morning,
21 you and Ms. Kaminsky broke up approximately four and a
22 half years or four years, whatever it was, before this
23 November 17th post; correct?

24 A. Correct.

25 Q. At any time had she reached out to you saying

1 you raped me?

2 A. No.

3 Q. Was the first time you saw Ms. Kaminsky make
4 an allegation that you were a rapist of women when this
5 Facebook post was brought to your attention by other
6 people?

7 A. Yes.

8 Q. So that's November 14, 2017. In late November
9 of 2017, within about a week or so of that Facebook
10 post -- we can take that down. Were you served with
11 legal papers that Ms. Kaminsky filed something seeking
12 an order of protection against you?

13 A. Yes.

14 Q. And in particular, were you served with a
15 petition for an order of protection filed by
16 Ms. Kaminsky?

17 A. Yes, I was.

18 Q. On November 30, 2017, 16 days after that post,
19 did you personally appear in St. Louis City circuit
20 court, the city version of this building in the county,
21 for a hearing on Ms. Kaminsky's request for an order of
22 protection?

23 A. Yes.

24 MR. GELFAND: Your Honor, at this time I would
25 move for Exhibit 13 into evidence.

1 THE COURT: Same stipulation?

2 MR. GELFAND: Actually, it's a certified
3 public record.

4 MS. KELLERMAN: No objection.

5 MS. FU: No objection.

6 THE COURT: 13 is received. You may proceed.

7 Q. (By Mr. Gelfand) I'm going to jump around for
8 a second before we get to 13. The date that the
9 petition was filed, was that November 16th of 2017?

10 A. Yes.

11 Q. So that's two days after the Facebook post
12 that we just looked at together; correct?

13 A. Yes.

14 Q. Two weeks after that, November 30, 2017, you
15 show up in court for this order of protection hearing;
16 correct?

17 A. Yes.

18 Q. And you have a lawyer and Ms. Kaminsky has a
19 lawyer and there is a hearing; correct?

20 A. Correct.

21 Q. Were you present when Ms. Kaminsky testified?

22 A. Yes.

23 Q. Were you present when Claire Caplan testified
24 on Ms. Kaminsky's behalf?

25 A. Yes.

1 Q. As a witness to be called?

2 A. Yes.

3 Q. And did you testify?

4 A. I did.

5 Q. When you testified, did you expressly tell the
6 Court that you opposed to the order of protection
7 because you were concerned about the impact that it
8 would have on your reputation, in addition to the fact
9 that what she claimed wasn't true?

10 A. Yes.

11 Q. Were you present when the Court ruled?

12 A. Yes.

13 Q. Were you provided a copy of the Court's
14 judgment?

15 A. Yes.

16 Q. I want to direct your attention, if we can
17 publish Exhibit 13, starting with the petition on
18 Page 8 of Exhibit 13 for the record. Was this the
19 petition for an order of protection served on you by
20 Ms. Kaminsky, by their process server, on November 16,
21 2017?

22 A. Yes.

23 Q. And on the top, do we see that there's at
24 least a fax date stamped indicating it was at 6:36
25 p.m.?

1 A. Yes.

2 Q. If we go down -- go to the last page, please.
3 There we go. Can you zoom in, please. Was this
4 document signed by Ms. Kaminsky?

5 A. Yes.

6 Q. On what date?

7 A. November 16, 2017.

8 Q. To be clear, was November 16, 2017, two days
9 after that Facebook post, the initial one?

10 A. Yes.

11 Q. Above Ms. Kaminsky's signature, do you see
12 where it says, I swear or affirm under penalty of
13 perjury that these facts are true according to my best
14 knowledge and belief?

15 A. Yes.

16 Q. And I understand that a copy of this petition
17 will be severed on the respondent, i.e., you?

18 A. Yes.

19 Q. Go to Page 9 please. Do you see there's a
20 section that says complete for stalking or sexual
21 assault petition only?

22 A. Yes.

23 Q. And she writes, petitioner and respondent had
24 a romantic relationship that terminated in 2013.

25 Respondent has stalked petitioner through 2017. Did I

1 read that correctly?

2 A. Yes.

3 Q. First of all, let's get a couple of things
4 straight. Was that true? Did you stalk Ms. Kaminsky?

5 A. No.

6 Q. Is there anything in response to question nine
7 indicating that you had ever sexually assaulted
8 Ms. Kaminsky?

9 A. No.

10 Q. If we could go to question number 11, please.
11 Do you see there's a series of checkboxes, and it says,
12 Respondent has knowingly and intentionally, and then
13 Ms. Kaminsky checks at least five of them?

14 Let me repeat the question. Do you see
15 there's a series of checkboxes where it has respondent
16 has knowingly and intentionally, and there are boxes
17 that Ms. Kaminsky can check?

18 A. Yes.

19 Q. And she checks five of them; correct?

20 A. Yes.

21 Q. First of all, is any of that true?

22 A. No.

23 Q. More importantly, the box that says sexually
24 assaulted me, is that checked?

25 A. No, it is not.

1 Q. Question 15, do you see where Ms. Kaminsky
2 asks that the Court prohibit you, enter an order that
3 you not come within 500 feet of her?

4 A. Yes.

5 Q. And then that 500 feet is filled in?

6 A. Yes, I see that.

7 Q. Now, if we go to the first page of this
8 document. Let's back up for a second. Have you had a
9 chance to review the entire order of petition that was
10 served on you on that day?

11 A. Yes, I have.

12 Q. Is there anything in that order of petition
13 claiming that you had ever sexually assaulted her let
14 alone anyone else?

15 A. No.

16 Q. Is there anything claiming that you committed
17 tax evasion?

18 A. No.

19 Q. Is there anything indicating you had ever
20 threatened to kill her or Ms. Norman?

21 A. No.

22 Q. Is there anything claiming that you raped her
23 or Ms. Norman, or anyone else for that matter?

24 A. No.

25 Q. Were you served a copy of the Court's judgment

1 on November 30th when you showed up in court?

2 A. Yes.

3 Q. And if we go to the court's judgment, do you
4 see where it says case called, court hears testimony,
5 and determines the evidence presented is insufficient
6 to support a full order of protection. The petition
7 for a full order of protection is denied. Any ex parte
8 order of protection previously issued is hereby
9 dismissed, costs waived, and signed by the judge at the
10 bottom; correct?

11 A. Yes, correct.

12 Q. That's November 30, 2017; correct?

13 A. Correct.

14 MR. GELFAND: Your Honor, at this time, I
15 would move Exhibit 1 into evidence under the same
16 stipulation.

17 THE COURT: Any objection to one?

18 MS. KELLERMAN: No objection.

19 MS. FU: No, Your Honor.

20 THE COURT: One is received. You may proceed.

21 MR. GELFAND: Please publish -- before we get
22 there, for a second. That same day, that was
23 November 30, 2017, correct?

24 A. Yes.

25 Q. And to be clear, were you physically present

1 during the entirety of Ms. Kaminsky's testimony?

2 A. Yes, I was.

3 Q. And like I asked you about the written
4 petition for an order of protection, did Ms. Kaminsky
5 at any point when she testified under oath to the judge
6 say that she had been sexually assaulted by you, raped
7 by you, threatened to be killed by you, that you
8 committed tax evasion, any of those things that are the
9 subject of this case?

10 A. No, she did not.

11 Q. Later that evening, that night, November 30,
12 2017, does Ms. Kaminsky post on Facebook?

13 A. Yes.

14 Q. If we look at Exhibit 1, please. Could you
15 please go to the November 30, 2017 post. There's a
16 post on November 30, 2017 at 10:49 p.m.?

17 A. Yes.

18 Q. Just to be clear, it was the same day, several
19 hours after you left court, when she left court, when
20 the judge denied the order of protection; correct?

21 A. Yes.

22 Q. Can you please read what she posted publicly
23 on Facebook?

24 A. Nick Apperson, the owner of Radix house, is a
25 serial abuser and rapist.

1 Q. Just above the post, it indicates that she
2 tagged Justine Collum, Rodney Brown, Nikki B, Rachel
3 Sacks, Sarah Kalifa, and Koach Baruch Frazier; is that
4 correct?

5 A. Yes.

6 Q. You described what tagging is earlier. Does
7 that have the effect of basically tagging their social
8 peers on Facebook, also?

9 A. Yes.

10 Q. This is similar but not identical to the
11 November 14th post on Facebook. This time Ms. Kaminsky
12 names you by name; correct?

13 A. Correct.

14 Q. And connects the dots. Nick Apperson, the
15 owner of Radix house, and then again says, is a serial
16 abuser and rapist; is that correct?

17 A. Yes.

18 Q. At any time in court that day, did she ever
19 tell the judge when under oath that you were a serial
20 abuser or a rapist?

21 A. No.

22 Q. This post, was it brought to your attention by
23 the people who had read it?

24 A. Yes.

25 MR. GELFAND: At this time, I'll move

1 Exhibit 3 and 9 into evidence.

2 THE COURT: Any objections?

3 MS. KELLERMAN: No, Your Honor.

4 MS. FU: No, Your Honor.

5 THE COURT: 3 and 9 are received. You may
6 proceed.

7 Q. (By Mr. Gelfand) So that's November 30, 2017;
8 is that correct?

9 A. Correct.

10 Q. I'm going to jump around a little bit
11 chronologically and then move back. On December 6th,
12 if we look at Exhibit 3, so approximately one week
13 after that, does Ms. Kaminsky post again on Facebook?

14 A. Yes.

15 Q. About you?

16 A. Yes.

17 Q. If we look at Exhibit 3, on December 6, 2017,
18 at approximately 1:36 p.m., could you please read what
19 Ms. Kaminsky publicly post on her Facebook profile.

20 A. Maybe you didn't know then, but you know now.
21 Nick Apperson is a serial abuser and rapist of women.

22 Q. Was this post in particular directed at people
23 that were involved with the Radix house or business
24 with you?

25 A. Correct.

1 Q. Was this post brought to your attention by the
2 people who had read it?

3 A. Yes. Now, that's December 6th. So those are
4 two public Facebook posts. On December 1st, so
5 basically in between the November 30th hearing and in
6 fact, the next day and this post, if we can go to
7 Exhibit 9, please.

8 Were you made aware of a conversation between
9 Ms. Kaminsky and someone whose Facebook profile is
10 Blithe de Carona?

11 A. Yes.

12 Q. Let's back up before we get into the substance
13 of this. Is it fair to say though on social media and
14 Facebook, sometimes people use pseudonyms, not really
15 their names?

16 A. Correct.

17 Q. That's nothing sinister or there's nothing
18 unique about that? It's pretty common; correct?

19 A. That's right.

20 Q. Are you familiar with who Blithe de Carona is?

21 A. Yes.

22 Q. Who is Blithe de Carona? Tell the jury.

23 A. She was introduced to me through a friend who
24 was living with me up until November 16, 2017.

25 Q. And what is Blithe de Carona's name?

1 A. Legal name Brittany Newton, and goes by Bee in
2 person, or at least last I spoke with her.

3 Q. This was somebody who was known in your
4 personal and professional circles; is that correct?

5 A. That's correct.

6 Q. Now, if we go to December 1, 2017. This is
7 the day after the court rules in the order of
8 protection hearing. Could you please read, if we start
9 -- it's a little confusing. It goes from the bottom
10 up; correct?

11 A. That's right.

12 Q. If we could please go down to the bottom. I'm
13 sorry. If we start with December 1, 2017, can you
14 please read what Ms. Kaminsky sends, tells Blithe de
15 Carona in that? Furthermore --

16 A. Okay. Furthermore, their greatest asset is
17 back home. If they had wealth, it is through illegal
18 means. Which is to say they are hiding wealth from the
19 government and that makes sense because they keep
20 getting charged with tax evasion. Should I keep going?

21 Q. No, that's fine. Now, if you look at that,
22 does Blithe de Carona respond to that statement?

23 A. Yes.

24 MS. KELLERMAN: Your Honor, at this point, I
25 would like to object to hearsay.

1 MS. FU: Join.

2 MR. GELFAND: Not for the truth of the matter
3 established. It was to establish that it was her.

4 THE COURT: I'll grant latitude. Overruled.

5 MR. GELFAND: Thank you.

6 Q. (By Mr. Gelfand) If you can please read the
7 response.

8 THE COURT: I'll note the objection. It's
9 ongoing.

10 A. Yes. Bee, Blithe de Carona in this said none
11 of this surprises me. He is ridiculous, and I'm so
12 ready to blow all his shit up.

13 Q. If we go down to the statement of tax evasion.
14 Let's back up for a second. It says, so the pronoun
15 "they" is used. I just want to get this straight for
16 one second. Do you -- in 2017, did you use the pronoun
17 they/them instead of he/him?

18 A. That's correct.

19 Q. So is it fair to say people referred to you as
20 "they" even though they meant to refer to one person;
21 correct?

22 A. That's correct.

23 Q. And it says, if they have wealth, if you have
24 wealth, it's through illegal means, which is to say
25 you're hiding wealth from the government; is that true?

1 A. No.

2 Q. That makes sense because they keep getting
3 changed with tax evasion. Have you ever been charged
4 with tax evasion?

5 A. No, I have not.

6 Q. Now, over the next several years, did
7 Ms. Kaminsky continue posting statements about you on
8 Facebook?

9 A. Yes, she did.

10 Q. I want to switch gears to Ms. Norman for a
11 second. Do you know -- have you previously named Mary
12 Bifulco; is that correct?

13 A. Yes.

14 Q. If I refresh our memories for a second, Mary
15 Bifulco is somebody who was referenced in one of
16 Ms. Kaminsky's Facebook posts that we just looked at;
17 is that correct?

18 A. Yes.

19 Q. Without asking you what specifically was said,
20 was there ever a time that Ms. Bifulco indicated that
21 Ms. Norman had made statements about you being a rapist
22 to her?

23 A. Yes.

24 Q. April wright. who is April wright?

25 A. April wright is a friend of mine.

1 Q. Before we get to April Wright, is Mary Bifulco
2 someone who in 2017 and that time period that's
3 relevant to this case, who was living in St. Louis?

4 A. That's right.

5 Q. Was Mary Bifulco involved in your personal and
6 professional community?

7 A. That's right, and lived with me as well.

8 Q. And who is April Wright?

9 A. She's a friend. We overlap somewhat on social
10 causes, some professionally, and were for a time very
11 close.

12 Q. Was there a time Ms. Wright indicated to you
13 that Ms. Norman had told her that you were a quote,
14 rapist?

15 MS. FU: Objection, Your Honor. Calls for
16 hearsay.

17 MR. GELFAND: Your Honor, this is not for the
18 truth of the matter asserted.

19 THE COURT: Ladies and Gentlemen of the Jury,
20 you're hearing a lot of information come through, and I
21 imagine this witness is not going to -- is she going to
22 testify?

23 MS. FU: The witness, no.

24 THE COURT: This other person outside of the
25 courtroom. And what counsel is indicating that he is

1 not offering this for the truth of the matter asserted,
2 and I can give you an example of that.

3 When a fireman comes up the street and he or
4 her is walking, minding their own business, and
5 somebody runs up to the fireman and says, hey, there's
6 a fire up the street. It's not offered for the truth
7 of the matter asserted, but just for the fact that
8 there is a fire up the street. It just shows the
9 reaction of the listener, which would be the fireman.

10 In this case, they're using it to show that
11 other people are receiving this information for that
12 purpose that is out there, but it's not to be used for
13 the truth of the matter asserted.

14 In the example of the fireman, it's not to be
15 used to show that there was an actual fire up the
16 street. You know, if we didn't allow those statements
17 to the firemen, what evidence you would have, somebody
18 walked up to the fireman and said something and he just
19 took off running, and it wouldn't make any sense.

20 Or to allow it, you know, the fire up the
21 street, that would explain everything that's going on,
22 and the firemen would tell you whether or not there was
23 actually a fire up the street.

24 So I hope that doesn't confuse you, okay? But
25 any statements by these people to the, I guess, media,

1 the post, is not offered for what exactly what was
2 said, but to show that there was some reaction to the
3 statements made by a party opponent.

4 Is that correct? A long way around it?

5 MR. GELFAND: That is correct, Your Honor.

6 THE COURT: Okay. So the objections are
7 overruled, and this evidence, type of evidence is
8 received for that limited purpose, and I'll note the
9 objections on the record. They're ongoing. You don't
10 have to renew them at all.

11 MS. KELLERMAN: Thank you.

12 MS. FU: Thank you.

13 THE COURT: You may proceed, counsel.

14 MR. GELFAND: Thank you, Your Honor. So you
15 can answer that question. I'm not sure -- I don't
16 remember exactly how I phrased it, so let me just
17 phrase it this way. Was there a time that April
18 Wright, who you just identified for the jury, indicated
19 to you that Ms. Norman had made statements to her about
20 you being a quote, rapist?

21 A. Yes.

22 Q. And was there a time that -- well, who is
23 Stephanie Aria, A-R-I-A?

24 A. She was somebody that I knew through certain
25 social causes.

1 Q. Was this also someone who was involved in your
2 life personally and professionally?

3 A. Yes. We weren't close, but we knew each
4 other.

5 Q. Was there a time that Stephanie Aria --
6 A-R-I-A for court reporter's benefit, indicate to you
7 that Ms. Norman had personally made statements to her
8 about you being a quote, rapist?

9 A. Yes.

10 Q. Now, are you familiar with the concept of a
11 hashtag?

12 A. Yes.

13 Q. What is a hashtag?

14 A. It's a way of organizing posts around a common
15 phrase or theme online on social media.

16 Q. Over the course of these statements being
17 posted about you on social media, was there a time
18 where there was a hashtag used by people, including
19 Ms. Kaminsky, that was the hashtag occupy at Radix?

20 A. Yes.

21 Q. And Radix was the name of the house, so to
22 speak?

23 A. Yes. That was the name of the house that I
24 owned, yes.

25 MR. GELFAND: Your Honor, at this time, I'm

1 moving to admit Exhibit 5, please.

2 THE COURT: Per stipulation, any objection?

3 MS. KELLERMAN: No objection.

4 MS. FU: No objection, Your Honor.

5 THE COURT: Five is received. You may
6 proceed.

7 MR. GELFAND: Thank you.

8 And if we can please publish five.

9 Q. (By Mr. Gelfand) Much of this is redacted, but
10 if we can just get our bearings on the top, please.
11 I'm sorry. I think you already had it. Where it says
12 Adriane Norman, is that familiar to you as Ms. Norman's
13 Facebook account back in 2017?

14 A. Yes.

15 Q. And could you please read the entirety of that
16 public post, that statement by Ms. Norman?

17 A. Yes. Tasha has been working patiently for
18 months, quietly asking for support and has been very
19 polite and careful in everything she has done. If
20 there's a better way to do it, I truly don't know how
21 that would happen. It's a simple ask, and she is not
22 hurting anyone. It would be really nice to listen to
23 her and talk with her. She has been working on my
24 behalf, as well as many other women.

25 Q. Thank you. And just to be clear, was

1 Ms. Kaminsky frequently known as Tasha?

2 A. That's right.

3 Q. Now, was there a time that Ms. Kaminsky posted
4 on Facebook about you that you stalked her?

5 A. Yes.

6 MR. GELFAND: Your Honor, I move to admit
7 Plaintiff's Exhibit 12 into evidence.

8 THE COURT: Per stipulation, any objection?

9 MS. KELLERMAN: No objection.

10 MS. FU: No objection, Your Honor.

11 THE COURT: 12 is received.

12 MR. GELFAND: Thank you.

13 Can we please publish 12.

14 Q. (By Mr. Gelfand) In February -- so we have
15 been talking a lot about 2017, and is it fair to say
16 that in 2017 and 2018 and we'll get into this
17 throughout this trial later, there are a number of
18 posts about you, along the same lines of being a
19 rapist, a serial rapist, a serial abuser, so on and so
20 forth?

21 A. Yes.

22 Q. And that those posts are posts that were made
23 in 2017, 2018 and 2019?

24 A. That's correct.

25 Q. Now, if we look at Exhibit 12, could you

1 please read to the jury what Ms. Kaminsky post
2 publically on Facebook on February 25, 2019 at
3 1:51 p.m.

4 A. Well, I guess today is the day I say something
5 about it, or is the one above that?

6 Q. I was actively being stalked.

7 A. Okay. I was actively being stalked by
8 Apperson through 2017, and I decided to speak up about
9 being stalked and the pattern of abuse in late 2017,
10 which is why I filed for a restraining order. The tape
11 existed then.

12 Q. Okay. Let's talk about stalking for a second.
13 Was there ever a time that you were stalking -- you can
14 take that down -- Ms. Kaminsky?

15 A. No.

16 Q. Was there a time after you broke up with
17 Ms. Kaminsky where you and Ms. Kaminsky ended up in the
18 same coffee shop, or bar, or whatever it was?

19 A. Yes.

20 Q. And where was that?

21 A. I remember, it happened one time at the
22 Gelataria on Grand, and I think MoKaBe's at one point.
23 I think those are the only two.

24 Q. And both of those places, those are
25 restaurants, coffee shops, bars, whatever they are?

1 A. Correct.

2 Q. Are they both near where you lived?

3 A. Correct.

4 Q. When you went to those places, did you go
5 there knowing that Ms. Kaminsky was there?

6 A. No.

7 Q. When you saw Ms. Kaminsky at those places, did
8 you go up to her?

9 A. No.

10 Q. Did you communicate with her?

11 A. No.

12 Q. Did you stare at her or do anything along
13 those lines?

14 A. No, I did not.

15 Q. And is that true for both of those instances?

16 A. Correct.

17 Q. Were you with other people?

18 A. At the Gelataria, I had met somebody there
19 already. I don't remember who, and MoKaBe's, I don't
20 remember. I went there almost every day at that time.
21 I don't remember.

22 Q. All the way back in 2013 and 2014, was there a
23 time that Ms. Kaminsky had asked you after you had
24 broke up to basically stop contacting her, stop
25 e-mailing her?

1 A. That's correct.

2 Q. Were there a couple of instances every few
3 months after that where you sent a single e-mail to
4 Ms. Kaminsky?

5 A. After she asked that I don't contact her, I
6 replied saying basically, yes, I understand and I won't
7 contact you, and then after that, there was no contact.

8 Q. Did you stalk Ms. Kaminsky?

9 A. No.

10 Q. Was this, in fact, the subject matter of the
11 order of protection proceedings in November of 2017?

12 A. Yes.

13 Q. In 2019, did you become at some point aware
14 that Ms. Kaminsky told somebody else that you
15 threatened to kill her and Ms. Norman?

16 A. Yes.

17 Q. Did you ever threaten to kill Ms. Kaminsky or
18 Ms. Norman for that matter?

19 A. No, I did not.

20 Q. Did you ever threaten to kill anybody?

21 A. No.

22 Q. Did you ever tell either of them, meaning
23 Ms. Kaminsky or Ms. Norman, anything crazy about, you
24 know, knowing hit men, or connections on the dark web,
25 or anything that would lead anyone to reasonably

1 believe that you were threatening to kill them?

2 A. No.

3 Q. Do you have any idea what she was talking
4 about when she said that?

5 A. No. I just don't have a memory of that. I
6 just don't know.

7 Q. Now, we've talked about the order of
8 protection hearing back in November of 2017 and some
9 subsequent Facebook posts in 2017, 2018 and 2019; is
10 that correct?

11 A. Yes.

12 Q. Have you also been made aware of an instance
13 in which Kaminsky told somebody else that you were not
14 allowed within 500 feet of her in October of 2018?

15 A. Yes.

16 MR. GELFAND: Your Honor, at this time, I
17 would move, pursuant to the same stipulation,
18 Exhibit 10, into evidence.

19 MS. KELLERMAN: No objection.

20 MS. FU: No objection.

21 THE COURT: Ten is received. Thank you.

22 MR. GELFAND: If we could please publish
23 Exhibit 10.

24 Q. (By Mr. Gelfand) Can you tell what
25 Ms. Kaminsky tells Gabriela Szteinberg on October 3,

1 2018?

2 A. He knows he's not allowed to come within
3 500 feet of me.

4 Q. To be clear so we get our bearings, was that
5 approximately eleven months after the Court denied her
6 the order prohibiting you to come within 500 feet of
7 her?

8 A. That's correct.

9 Q. Just to make it clear, on October 3, 2018, was
10 there any order in place or anything along those lines
11 that prohibited you from coming within 500 feet of
12 Ms. Kaminsky?

13 A. No.

14 Q. I want to draw your attention back to
15 November 16, 2017. Were you home that day?

16 A. I was.

17 THE COURT: Is this about the meeting?

18 MR. GELFAND: It is, Your Honor.

19 THE COURT: Why don't we just give the jury
20 lunch, because you're about to go into an area that's
21 going to take some time. Is that agreeable?

22 MR. GELFAND: Sure. That's fine with me.

23 THE COURT: Ladies and Gentlemen we're going
24 to take a break for lunch.

25 (Jury admonished at 12:38.)

1 THE COURT: Bailiff, Court will be in recess
2 until 1:40.

3 (Proceedings stood in lunch recess. At 1:55 p.m.,
4 proceedings resumed in open court in the hearing and
5 presence of the Jury, as follows:)

6 THE COURT: Mr. Apperson, I'll remind you that
7 you're still under oath.

8 And counsel, you may continue your
9 examination.

10 MR. GELFAND: Thank you, Your Honor.

11 THE COURT: You're welcome.

12 Q. (By Mr. Gelfand) Mr. Apperson, when we broke
13 for the lunch break, you were talking about
14 November 16, 2017; correct?

15 A. Yes.

16 Q. You testified earlier, November 14, 2017, was
17 the first Facebook post that referenced you as the
18 owner of Radix house; correct?

19 A. Yes.

20 Q. November 16th was the date that the order of
21 protection petition was filed; correct?

22 A. Correct.

23 Q. And November 30th was the date of the hearing
24 that we talked about; correct?

25 A. That's right.

1 Q. I want to direct your attention to the night
2 of November 16, 2017. Were you home that night?

3 A. Yes.

4 Q. Specifically, were you home at your house that
5 you also described as being nicknamed Radix house?

6 A. That's right.

7 Q. At approximately 11:00 p.m., was there a time
8 that you were confronted by eight people?

9 A. That's right.

10 Q. Who was present, in addition to you?

11 A. So Claire Caplan, Nikki B, Steven, and let's
12 see. And then there was Dhoruba who also goes
13 sometimes by Jeffrey Hill, Bee, Ayi, Genesis, and then
14 the last person, Sky.

15 Q. Back up for a second. How many of these eight
16 people lived in Radix house with you? In other words,
17 how many of them were your roommates?

18 A. Of the other eight, four.

19 Q. So four non-roommates show up at approximately
20 11:00 p.m., not at the exact same time; correct?

21 A. Yes.

22 Q. And four people already living in the house
23 are already there; correct?

24 A. Yes.

25 Q. Did you have any idea before these people

1 showed up that -- let me rephrase that. Was there some
2 sort of a planned meeting that you had been made aware
3 of?

4 A. I knew we were -- I was supposed to be there
5 at a certain time. I didn't know much else.

6 Q. When -- was there a time where there were
7 several hours of discussions, so to speak?

8 A. Yes.

9 Q. Over the course of that evening, was anybody
10 to the best of your knowledge, under the influence of
11 any sort of narcotics?

12 A. Yes.

13 Q. Were you?

14 A. No.

15 Q. Of the eight people there, you don't have to
16 name names, but approximately how many of them were
17 under the influence?

18 MS. KELLERMAN: Objection. Calls for
19 speculation.

20 MS. FU: Join.

21 THE COURT: This is based on perception?

22 MR. GELFAND: Yes, Your Honor.

23 THE COURT: Objection overruled.

24 Q. (By Mr. Gelfand) You may answer.

25 A. I believe all except for one, and there's one

1 I don't know.

2 Q. Okay. Based on what you observed,
3 Mr. Apperson, did any one of these eight people who
4 confronted you have any weapons?

5 A. Yes.

6 Q. Did anyone that you observed have any knives?

7 A. Yes.

8 Q. How many knives?

9 A. I remember one for sure. I don't know if
10 there were more knives or not.

11 Q. When you say a knife, just to be clear, are we
12 talking about a steak knife or are we talking
13 silverware? what are we talking about?

14 A. She was talking about it's a knife that you
15 use to kind of -- you know, to mess a person up. It
16 wasn't a knife for food.

17 Q. It was a weapon?

18 A. Correct.

19 Q. Did anyone, based on what you observed, have
20 any guns?

21 A. Yes.

22 Q. How many guns did you observe?

23 A. Two.

24 Q. To be clear, the two guns that you observed,
25 were they possessed by different people or one person

1 have two guns?

2 A. Two different people.

3 Q. Who had guns?

4 A. Dhoruba and Nikki B.

5 Q. And is Dhoruba a nickname or a pseudonym for
6 someone?

7 A. Yes.

8 Q. What is that person's name?

9 A. His legal name is Jeffrey Hill.

10 Q. And what is Nikki B's name?

11 A. I believe it's Crystal Battreal is her legal
12 name.

13 Q. What kind of guns, meaning handguns, rifles?
14 what did you observe?

15 A. I'm not much of a gun person, but I know they
16 were handguns.

17 Q. At any point over the course of that -- I'm
18 going to say evening, from 11:00 p.m. on -- in other
19 words that night and after midnight, the following
20 morning, at any point did anyone brandish any of these
21 weapons at you in a way that you believed was
22 threatening?

23 A. Yes.

24 Q. Tell the jury what you observed?

25 A. I'll try to explain with words, not my hands.

1 Cocking the gun, makes a clicking sound, and it was
2 kind of lifting it up, shaking it, at various points in
3 time to make it clear that -- you know, just that they
4 had them and they weren't afraid to use them.

5 Q. Did you feel threatened?

6 A. Absolutely.

7 Q. why did you feel threatened?

8 A. well, people were very aggressive and they
9 told me -- they just told me I needed to say certain
10 things or you know, kind of implications if I didn't,
11 if I didn't do what they wanted -- and you know, then
12 they would kind of shake the gun or things like that.

13 Q. Are you a gun person?

14 A. No.

15 Q. At that time, were you armed with any sort of
16 weapons?

17 A. No.

18 Q. Did you own a gun or a knife, and I don't mean
19 silverware?

20 A. No.

21 Q. Based on what you observed, how would you
22 describe kind of the level of intensity of how the
23 other people confronted you were communicating with
24 you?

25 A. It was very and intense. My instincts were

1 try to try my best to diffuse the situation as much as
2 possible so that I didn't get hurt and I could get out
3 of there safely.

4 Q. Mr. Apperson, did you end up leaving that
5 night?

6 A. Yes.

7 Q. Approximately -- I don't need an exact time,
8 but approximately how far after 11:00 p.m. when these
9 people showed up armed, unannounced at your house?

10 A. It was around two hours.

11 Q. Did you leave your house that night?

12 A. Yes.

13 Q. Did you return home later that night?

14 A. No.

15 Q. Approximately when did you return home?

16 A. Well, it took seven months.

17 Q. Were you afraid to come back?

18 A. Yes.

19 Q. Is it fair to say that you singularly owned
20 that house, meaning none of the other roommates that
21 stayed there that night owned that house?

22 A. Yes.

23 Q. I want to switch gears for a minute. You
24 testified about the statements -- I'm going to ask you
25 in more detail respectively, but about the statements

1 on Facebook and some of the oral statements that were
2 relayed to you by people about you, statements about
3 you being a rapist, serial rapist, serial abuser, tax
4 evader, someone who threatened to kill two people, and
5 someone who couldn't come within 500 feet of
6 Ms. Kaminsky in October of 2018.

7 Is it fair to say that from the time this
8 started, November 14, 2017, until the time that you
9 filed this lawsuit in 2019, these public statements
10 about you continued?

11 A. Yes.

12 Q. Tell the jury how your life was impacted by
13 these statements.

14 A. It ruined my life, professionally, the causes
15 and things that I wanted to be involved with, and
16 socially where I could go and be safe. It's
17 everything.

18 Q. Let me break that down for a minute. You
19 testified before the lunch break about T-Rex, this
20 start-up incubator. Was there a time -- back up for a
21 second. When this --

22 when these statements began in November of
23 2017, were you working on the start-up that you
24 explained briefly to this jury?

25 A. Yes. I was real excited about it.

1 Q. Did you have office space?

2 A. Yes, at T-Rex.

3 Q. And that was at T-Rex?

4 A. Yes.

5 Q. Was there a time that you became aware that
6 Ms. Kaminsky had personally told management at T-Rex
7 that you were a quote, rapist, end quote?

8 A. Yes.

9 Q. Tell the jury what happened as a result of
10 that, with respect to your office space at T-Rex?

11 A. I was kicked out. I had to move out.

12 Q. What did that do to the start-up company?

13 A. Well, it was -- you know, it wasn't just -- of
14 course, when you are asked to leave an office space,
15 there's going to be questions and there was already,
16 you know, these lies that had already made their way
17 into that community --

18 (Fire alarm sounded.)

19 THE COURT: Ladies and Gentlemen of the Jury,
20 I'll give you this admonishment.

21 (Jury admonished at 2:10 p.m. A recess was had.
22 At 2:55 p.m., proceedings resumed in open court in the
23 hearing and presence of the Jury, as follows:)

24 THE COURT: Sorry about the inconvenience.

25 Next time we're going to do one of two things. We're

1 going to stay in place and count up to five minutes and
2 hopefully it will pass, or we're going to take our
3 time, go back in the jury room and grab our coats and
4 then evacuate. So sorry about all of that.

5 And I can tell you we were standing by
6 security when they found the cause of the issue and it
7 was on the third floor of the parking garage of this
8 building, and so some sprinklers malfunctioned. They
9 stopped us and said hold on, and that's when it was
10 canceled shortly thereafter. So sorry for the
11 inconvenience, and let's just keep our fingers crossed.

12 I think when you were out there, perhaps you
13 weren't in the jury room, but I don't think anybody
14 came up to you or asked you about this case. So
15 everybody is shaking their head no, so that's great.

16 Mr. Apperson, I'll remind you that you're
17 still under oath. Counsel, you may continue your
18 examination.

19 MR. GELFAND: Thank you, Your Honor.

20 Q. (By Mr. Gelfand) Mr. Apperson, before the fire
21 alarm, you were testifying about the business and
22 T-Rex. Just to back up for about 30 seconds of that,
23 was there a time when you and your business were kicked
24 out of T-Rex after Ms. Kaminsky told management at
25 T-Rex that you were a quote, rapist?

1 A. Yes.

2 Q. What did that do to your business?

3 A. It destroyed it. Those lies had permeated
4 through -- St. Louis has a wonderful start-up tech
5 team, but it's not huge, and so those rumors and those
6 lies, it was hard to do business. Anybody -- it wasn't
7 just like I could just go to another co-working space.

8 Q. Help us understand that for a second. You
9 know, with some businesses and some kinds of
10 businesses, you could have just run off down the block
11 or in Clayton or in Chesterfield or across the river.
12 Why couldn't you do that here?

13 A. The start-up scene isn't huge, so there would
14 be the same people who would have heard those lies.
15 They would be in that same ecosystem.

16 Q. And to be clear, Mr. Apperson, over the course
17 of this time period where these statements were being
18 made online and verbally to other people, were you
19 regularly confronted by people, essentially parroting
20 back what they read online?

21 A. Yes.

22 Q. Let's talk about on a day-to-day basis.
23 Outside of the business and T-Rex, how if at all did
24 this affect you on a day-to-day basis? We'll start on
25 a personal level.

1 A. Anytime I would go out anywhere in public, I
2 had to be ready for people that I barely knew or didn't
3 know at all. It could be anything from just getting
4 very odd dirty looks to people coming up and
5 aggressively yelling at me.

6 Like, for example, one person several times
7 when I was out, she came up and just started yelling at
8 me in the middle of a bar that I'm Bill Cosby, Jr.
9 It's just, how do you handle that? It's just, I'm out
10 in public and I'm trying to just mind my own business,
11 not harming anybody, just having a good time, and then
12 someone who is basically a stranger is yelling at me
13 and everybody sees that.

14 And you know, a couple of those times, and
15 again, I wasn't doing anything -- you know, I had to
16 just leave. I was even asked to leave one time, not
17 based on anything I had done, but just because this
18 person believed these lies and was yelling at me.

19 Q. Even to this day, Mr. Apperson, have you been
20 able to repair your reputation?

21 A. No.

22 Q. Mr. Apperson, prior to these events, prior to
23 these statements being shared in a public domain, on
24 social media, and verbally, by Ms. Kaminsky and
25 Ms. Norman respectively, did any part of your

1 professional and personal endeavors involve any sort of
2 public speaking?

3 A. Some, yes.

4 Q. Did any of those opportunities disappear as a
5 direct result of what happened here?

6 A. Yes.

7 Q. Tell the jury about that, please.

8 A. I had spoken about domestic violence on one
9 occasion, and then another speaking arrangement with
10 the Missouri Office of Prosecution Services, which is,
11 you know, the state level, and I was going to be
12 speaking about domestic violence. It had been
13 scheduled for this conference. I was booked and then
14 the person who had arranged this -- and she was very
15 nice about it. You know, she said, hey, you know --

16 MS. KELLERMAN: Objection. Hearsay.

17 MS. FU: Join.

18 THE COURT: Overruled. You can answer.

19 A. She told me, I can't have any controversies at
20 this conference, and with these accusations that you're
21 a criminal rapist, I can't have you speaking at this
22 conference, and so I understood. I understood what she
23 said, and it was that.

24 Q. Mouna, you testified earlier about this Blithe
25 de Carona person whose name was escaping me. What's

1 that person's name?

2 A. She goes by Bee.

3 Q. Bee. How was, if at all, your relationship
4 with Bee affected personally or professionally after
5 December 1, 2017?

6 A. So she had been living with me. We had a good
7 relationship, and around mid November, things took a
8 turn, and she believed the lies, and our relationship
9 was ruined and she became very hostile.

10 Q. Mouna, are there places that you used to go
11 within the community, public places, bars, coffee
12 shops, those kinds of places that you can't go to
13 anymore as a result of the statements that are the
14 subject of this case?

15 A. Yes.

16 Q. Where?

17 A. Nearly all of the ones that I went to often,
18 but in particular, I used to go to MoKaBe's, which was
19 at that time the closest coffee shop to where I lived,
20 and I was told that as a result of these lies that I
21 was no longer welcome there. I used today go to Tower
22 Grove Pride, but I couldn't -- I was too scared to go
23 this last year, because the year prior, while my
24 partner and I were walking around, somebody came up
25 saying that you're a dangerous person, you're a serial

1 rapist, and we were trying to walk away, mind our
2 business, and my partner got assaulted in just that
3 encounter, just us trying to walk away. So we didn't
4 go this last year. We just didn't want to deal with
5 that.

6 MR. GELFAND: If I could have one minute, Your
7 Honor, please?

8 THE COURT: That's fine.

9 Mr. Gelfand: Your Honor, at this point, I
10 have no further questions for this witness.

11 THE COURT: Thank you, counsel. Ms.
12 Kellerman, do you have any cross examination?

13 MS. KELLERMAN: I do Your Honor. If I could
14 just have a second.

15 THE COURT: You may proceed.

16 MS. KELLERMAN: Thank you, Judge.

17 THE COURT: You may proceed.

18 CROSS EXAMINATION

19 BY MS. KELLERMAN:

20 Q. Now, you testified earlier that you had sex
21 with Natasha Kaminsky one time; is that correct?

22 A. I testified that I had sexual intercourse with
23 her one time.

24 Q. Now, isn't it true that you have told others
25 that you had sex with Natasha Kaminsky more than one

1 time?

2 A. I have said to others that I have had other
3 kinds of sex perhaps.

4 Q. So isn't it true that you told John Todd Dean
5 that you had sex with Tasha twice?

6 A. Yes.

7 Q. Okay. And isn't it true that during this
8 meeting that we're talking about, you told your
9 roommates you had sex several times when her words were
10 saying something and her body saying something else?

11 A. I don't -- I don't believe I said that, no.

12 Q. All right. I'm going to hand you -- so is it
13 your testimony that you did not make that statement to
14 your roommates at that meeting?

15 A. Please repeat it. I got a little confused
16 when you said it.

17 Q. Sure. Isn't it true at that meeting you told
18 your roommates that you had sex several times and you
19 were referring to Natasha Kaminsky that you had sex
20 several times when her words were saying something and
21 her body was saying something else?

22 A. Are you referring to the interrogation with
23 guns?

24 Q. I'm talking about your meeting with your
25 roommates. I understand that you said that there were

1 guns there. Isn't it true that you made that
2 statement?

3 A. It was probably something like that.

4 Q. Now, Tasha broke up with you in August of
5 2013; correct?

6 A. AS I said earlier, it was more of a mutual
7 thing.

8 Q. I'm going to hand you what's been marked as
9 Defendant's Exhibit D. Do you recognize what's shown
10 in Exhibit D?

11 THE COURT: Any objection to D, counsel?

12 MR. GELFAND: No objection, Your Honor.

13 THE COURT: D is received, if you want it,
14 counsel.

15 A. Yes, I recognize these.

16 Q. (By Ms. Kellerman) We would ask for it to be
17 admitted.

18 THE COURT: It is admitted.

19 MS. KELLERMAN: Thank you.

20 Q. (By Ms. Kellerman) These are documents that
21 you produced during discovery in this case; is that
22 correct?

23 A. I don't recall if I produced them or you all
24 did, but they're correct.

25 Q. If you look at the bottom, does it say

1 plaintiff's response?

2 A. Yes.

3 Q. Now, following that breakup, it's your
4 testimony to this jury that this was a mutual decision;
5 correct?

6 A. Correct.

7 MS. KELLERMAN: Your Honor, may I publish?

8 THE COURT: Yes, you may.

9 MS. KELLERMAN: Thank you.

10 Q. (By Ms. Kellerman) All right. Now, on
11 August 24, 2013, isn't it true that this e-mail was
12 sent to Tasha after your breakup? Is that correct?

13 A. This would have been -- yes, right after.

14 Q. All right. And you are e-mailing her that
15 what you said was manipulative; is that correct?

16 A. Yes, that's correct.

17 Q. And you told her, who am I to make predictions
18 on your love life and tell you I'm the best out there;
19 is that correct?

20 A. Correct.

21 Q. But it's still your testimony this was a
22 mutual breakup?

23 A. As I testified to earlier, I brought the issue
24 and we discussed it, and we agreed.

25 Q. Okay. If we go down to that last paragraph, I

1 don't know where you're at, but I do still wish for us
2 to see each other?

3 A. Uh-huh.

4 Q. So you were writing to her after the breakup
5 you still wanted to see her?

6 A. I still wanted to be friends, yes.

7 Q. Oh, as friends?

8 A. Correct.

9 Q. Did Tasha respond to that August 24th e-mail?

10 A. Not in these records, no.

11 Q. Okay. And in fact, if you go to Page 2, isn't
12 it true that when she didn't respond, five days later
13 you e-mailed her again?

14 A. That's correct.

15 Q. And in that e-mail, you indicated, I guess
16 that you don't want to talk with me or see me; correct?

17 A. Correct.

18 Q. Okay. And in response to that e-mail, Tasha
19 did respond, which included, I'll let you know when I'm
20 ready to talk. Same page, Page 2, at the top.

21 A. Yes, that's correct.

22 Q. If we go to Page 3, which is in December -- so
23 December, October, November, four months -- well,
24 actually three and a half months, you reached out to
25 her again; is that correct?

1 A. After her e-mail, correct.

2 Q. Are you referring to that e-mail right above
3 it?

4 A. Correct.

5 Q. Okay. And that is an e-mail from a
6 noreply@knotchit?

7 A. Yes. It's an invitation from a number she
8 obviously invited me to connect with her on.

9 Q. I mean, you're a tech guy. Isn't it true that
10 there's things such as if you're a part of this app, it
11 can gain access to your contacts, and it's like an
12 auto? It's not Tasha sending you an e-mail; isn't that
13 correct?

14 A. Well, I don't know the inner workings of that
15 app, but I do know generally, it's not legal for an app
16 to send out to somebody else's contacts without their
17 permission.

18 Q. Right. So if you happened to be in somebody's
19 phone and you're installing an app, and it says access
20 to your contacts, if you say yes, that can generate an
21 e-mail like this?

22 A. That's certainly that's possible, yes.

23 Q. So in December, you again e-mailed her,
24 telling her I want to check in. If you still don't
25 want to see me, that's cool. Is that correct?

1 A. That's correct.

2 Q. And she didn't respond to you; correct?

3 A. That's correct.

4 Q. All right. Then yet again in February of
5 2014, so another couple of months go by, she hasn't
6 responded to you, she has told you once that she didn't
7 want to talk to you, did you then e-mail her again?

8 A. Well, just with respect, she didn't say she
9 didn't want to talk to me, she said she needed some
10 time, and I thought it had been some time.

11 Q. And on February 21st, so in your estimation,
12 enough time has gone by, even though she didn't tell
13 you she wanted to talk to you, you said, I have tried
14 to be respectful of your stated wish not to hear from
15 me, but I waited out and decided this was still the
16 best thing for me to do. Did you write that to Tasha?

17 A. Yes.

18 Q. You knew she didn't want to talk to you, but
19 you thought it was in your best interest to do that?

20 A. I didn't know if she wanted to talk to me or
21 not. I wrote it that way, because it felt like a
22 diplomatic way to write it.

23 Q. And then in response, Tasha again said, I
24 would really appreciate it if you would listen to me
25 and don't contact me again. If you do, it might

1 necessitate taking legal action; correct?

2 A. Correct.

3 Q. And again, you e-mailed her; correct?

4 A. Correct.

5 Q. And said, I'm sorry I made you feel threatened
6 enough that you need to talk about legal action. You
7 used those words; correct?

8 A. Correct.

9 Q. You understood she didn't want to hear from
10 you. You didn't care, you wanted to e-mail her. You
11 understood that she was threatening legal action and
12 yet, you still needed to get that last word in;
13 correct?

14 A. No. I absolutely did care, and that's what I
15 was trying to be respectful of.

16 Q. That takes us up to February of 2014. Let's
17 talk about in the spring of 2015. Then you buy a house
18 that's within a couple of blocks of Tasha; correct?

19 A. Correct.

20 Q. And you understood how someone finding out
21 that you moved a block away could be alarming?

22 A. Correct.

23 Q. And in fact, you told the judge that during
24 that order of protection we heard?

25 A. That's correct.

1 Q. In 2016 -- and there was testimony about these
2 events at MoKaBe's where you heard Tasha testify that
3 you appeared at MoKaBe's twice and either sat directly
4 across from her or directly next to her. You heard her
5 testify to that; correct?

6 A. I heard her testimony on that, yes.

7 Q. And it's just not true?

8 A. That's correct.

9 Q. You did run into her in an event in 2016,
10 which is known as Food Sparks; correct?

11 A. Yes.

12 Q. You knew that she left that event when she saw
13 you; is that correct?

14 A. That's correct.

15 Q. And after she left, you then approached the
16 friend that she had been with and asked for her
17 schedule, so you could try to avoid running into her;
18 correct?

19 A. That's not correct.

20 Q. Now, you testified at the order of protection
21 hearing, I believe, that you did approach her friend;
22 correct?

23 A. That's true.

24 Q. All right. And I think the way you worded it
25 then was that you just wanted to see if there was a way

1 that you could make it so that she could attend events?

2 A. That's close.

3 Q. How would you do that without communicating
4 with Tasha or knowing what her schedule is?

5 A. I don't know.

6 Q. But you didn't ask for her schedule?

7 A. That's correct.

8 Q. All right. Now, you first became aware that
9 Tasha -- Natasha Kaminsky was making allegations
10 against you in November of 2017; correct?

11 A. Correct.

12 Q. All right. Now, isn't true that as early as
13 January of 2015 you had told John Todd Dean that you
14 perceived Tasha as not really wanting sex and that you
15 could imagine she wanted you to respond to her
16 differently?

17 A. Can you repeat that?

18 Q. Uh-huh. You perceived Tasha as not really
19 wanting sex and that you could imagine she wanted you
20 to respond to her differently?

21 A. I recall talking about Tasha, but I don't
22 recall that I said that.

23 Q. Okay. You recall giving testimony in this
24 case before; correct?

25 A. Yes.

1 THE COURT: Counsel, I'll grant leave to read
2 it either as a party opponent admission or for
3 impeachment.

4 MS. KELLERMAN: Thank you.

5 Q. (By Ms. Kellerman) Isn't it true that -- it
6 will make things go quicker.

7 THE COURT: Is that okay with you?

8 MR. GELFAND: Yes, it is, Your Honor.

9 Q. (By Ms. Kellerman) All right. So you had a
10 deposition taken where you testified on November 2,
11 2022; correct?

12 A. That sounds about right, yes.

13 Q. And you were asked about this statement where
14 you said -- you were saying the statement about
15 perceived or perceived her not really wanting sex, but
16 imagined. You were asked, what did you mean by that,
17 and you gave an answer about what you meant; is that
18 correct?

19 A. Yes, I think when you put it up on the -- you
20 can put it in front of me, I think I understood what I
21 was probably meaning.

22 Q. So you made the statement to Mr. Deen?

23 A. Well, I don't remember exactly what the exact
24 statement was, but I remember the types of things that
25 we talked about and I know what was on my mind.

1 Q. So in January 2015, over two and a half years
2 before she ever makes a public allegation about you,
3 you're talking to other people about your concern about
4 your sexual encounters with Natasha Kaminsky?

5 A. I think I was processing things. I don't know
6 if they were concerns in that sense.

7 Q. Isn't it true that on May 9th, 2017, you told
8 Kristina Warden that you were talking about Tasha with
9 a rape situation, but you have changed since then. She
10 wanted, but didn't want sex.

11 A. I was talking with Kristina Warden -- I
12 believe that was shortly after Ms. Norman had accused
13 me of rape and I was processing those things with my
14 therapist.

15 Q. Right. But Tasha hadn't publicly accused you;
16 correct?

17 A. That's correct.

18 Q. But when you're processing Adriane's
19 allegations, you were talking about Tasha, but you have
20 changed since Tasha; is that correct?

21 A. I don't -- I don't think that's what the
22 conversation said.

23 Q. Now, this meeting that we heard about earlier
24 on November 16th, you listed eight people, and I missed
25 one of the names. I thought I heard Claire Caplan and

1 Claire doesn't live there; correct?
2 A. That's correct.
3 Q. Nikki B?
4 A. Correct.
5 Q. Did Nikki live there?
6 A. No.
7 Q. Did she arrive with Claire?
8 A. I don't believe so.
9 Q. Was she -- Steven, did Steven live there?
10 A. No.
11 Q. Dhoruba, did Dhoruba live there?
12 A. Yes.
13 Q. And then Bee is this Blithe de Carona?
14 A. Correct.
15 Q. And she lived there; right?
16 A. Correct.
17 Q. Genesis, I don't know if that's a man or a
18 woman. Did Genesis live there?
19 A. Yes.
20 Q. Who was the next person you said?
21 A. Ayi.
22 Q. Ayi?
23 A. Yes.
24 Q. Did Ayi live there?
25 A. She did.

1 Q. And Sky. Did Sky live there?

2 A. No.

3 Q. Was Nikki B there with one of the roommates?

4 Were these partners or friends of the roommates?

5 A. They were -- they were there on behalf of
6 Ms. Kaminsky in my understanding.

7 Q. Okay. So it's your testimony that these
8 people were sent by Natasha Kaminsky?

9 A. Yes. Claire Caplan specifically said she's
10 there for Ms. Kaminsky, yes.

11 Q. Nikki B?

12 A. Well, it became pretty obvious quickly that
13 these people were -- had been hearing the lies from
14 Tasha and were there to confront me.

15 Q. My question was, was Nikki B there, was she
16 there with Dhoruba like as a guest of one of the people
17 who lived there?

18 A. I don't -- I don't remember.

19 Q. Okay. Because your roommates have permission
20 to bring guests to your house; correct?

21 A. Sure, yes.

22 Q. If they have significant others, their
23 significant other could be there?

24 A. I mean, my significant other was not there.
25 It wasn't typical to bring your significant other.

1 Q. And I don't mean at the meeting. I just mean
2 at the house.

3 A. Right. Yes, in general, sure.

4 Q. Okay. Nikki B, Steven or Sky, were any of
5 those three people associated with Dhoruba, Bee,
6 Genesis or Ayi?

7 A. Yes.

8 Q. Okay. Now, at this meeting, isn't it true
9 that you said after your breakup with Tasha, you
10 started doing reading because you were concerned about
11 the understanding of consent?

12 A. Again, I don't -- the meeting was -- it was
13 very violent interrogation. I don't remember
14 everything that was precisely said.

15 Q. Okay. Do you recall at your deposition being
16 asked if you made that statement that I just said?

17 A. I don't, but I do trust if that's what it
18 says, that's what I said.

19 Q. Do you recall that you said at that meeting
20 that in addition to Tasha, there's one other person
21 that you had written it out for yourself, there's one
22 other person that you had concerns about with consent?

23 A. And meaning, what I said in that state, yes,
24 it's very possible.

25 Q. And at that meeting, you said that if Tasha is

1 saying she felt pressured, you could imagine that's
2 true?

3 A. Sure. I was trying to get out of there alive.

4 Q. We'll get there. I just want my question
5 answered, did you make the statement, okay. So did you
6 make that statement, that if Tasha is saying she felt
7 pressured, you could imagine that it is true?

8 A. Yes.

9 Q. Did you say at that meeting that your
10 understanding of consent changed after your
11 relationship with Natasha Kaminsky?

12 A. Yes.

13 Q. Did you say that you could totally see that
14 you pressured her into that situation and you accept
15 that and you're sorry for it?

16 A. Yes.

17 Q. Did you say that there were two times that if
18 this person said it was sexual assault, you would
19 support that?

20 A. Something like that, perhaps, yes.

21 Q. At the meeting, did you say that you could be
22 both an abuser and a victim of abuse, and that's what
23 was happening?

24 A. Yes.

25 Q. So as I understand it, everything we just

1 talked about was a lie; right? You didn't mean any of
2 those words?

3 A. That's not what I said.

4 Q. So was anything that I just said true?

5 A. I don't remember all of the statements that we
6 just went through, but most of it was stated for the
7 purpose of trying to deescalate and calm a situation.

8 Q. And again, I'll move to strike as
9 non-responsive.

10 THE COURT: Sustained. The witness is
11 instructed to be responsive to the questions.

12 You may proceed, counsel.

13 Q. (By Ms. Kellerman) And since you don't
14 remember the statements, we can go back one by one.
15 Let's talk about that. You said you started doing
16 research after Tasha, because you were concerned about
17 your understanding of consent. Was that true?

18 A. Only a very small piece of that. Research
19 about consent has always been ongoing. I wasn't
20 concerned about anything regarding Tasha.

21 Q. Okay. When you said that in addition to
22 Tasha, there is one other person that you had written
23 it out for yourself? There is one other person you had
24 concerns about with consent. Is that true?

25 A. No.

1 Q. When you said that if Tasha was saying she
2 felt pressured, you could imagine that's true? Was
3 that statement true?

4 A. That if she felt pressured?

5 Q. Was your statement true?

6 A. I didn't really know it was true. I didn't
7 have any reason to think that I had pressured her.

8 Q. When you said Tasha was giving you signs she
9 didn't want to and you missed it that Tasha was giving
10 you signs, you can imagine that was true, were you
11 telling the truth when you made that statement?

12 A. No.

13 Q. When you said your understanding of consent
14 changed after Tasha, was that the truth?

15 A. As I answered earlier, to the extent of my
16 understanding of consent continues to evolve and change
17 and grow, that's true, but the rest, in terms of it
18 being a distinct moment around Ms. Kaminsky, no.

19 Q. When you said that you could see that you
20 pressured her into that situation and you accept that
21 and you're sorry for that, was that true?

22 A. I would be sorry for anything I would do that
23 would make somebody feel harmed, but in terms of the
24 first part of that statement, no, that's not true.

25 Q. And you said there were two times that if this

1 person said it was sexual assault, you would support
2 that. Is that true?

3 A. I have never -- I have never sexually
4 assaulted anyone, so no.

5 Q. When you said that you could be both an abuser
6 and a victim and that's what was happening, was that
7 true?

8 A. No.

9 Q. Now, you want this jury to think that you were
10 scared for your life, you were saying whatever you had
11 to to get out of there; right?

12 A. Sure.

13 Q. Okay. But that's not true, because you held
14 the line on some things; right? Anytime somebody would
15 bring Adriane up, you never admitted anything about
16 Adriane about her allegations about rape; correct?

17 A. I tried to at times inject bits of truth into
18 the conversation, but mostly it was just overshadowed.

19 Q. You felt safe enough that you would -- you
20 continued denying things that Adriane had said?

21 A. They told me to kill myself. I didn't feel
22 safe.

23 Q. Right. But you're telling the jury the only
24 reason you said these things is because you were scared
25 for your life; right?

1 A. I said I was trying to deescalate the
2 situation, and yes, I was also scared for my life.

3 Q. So you were lying to your roommates because
4 you were scared?

5 A. That's roughly right.

6 Q. But you weren't scared enough to lie about
7 Adriane's allegations, just Tasha's?

8 A. I don't think we talked much about Ms. Norman
9 and to the extent that there were times I tried to
10 inject some truth into the conversation, I did, but it
11 didn't matter what I said. They had answers they
12 wanted to hear, and that's what they told me. And
13 about I think ten minutes into the conversation, I was
14 told this is how you're going to answer. I think it
15 was Claire Caplan who said, this is the way -- there's
16 going to be no more debate about these things, and at
17 certain times when I did try to speak up, it was shot
18 down.

19 Q. When you left your house that night, did you
20 call the police or tell anybody you had been threatened
21 with a gun?

22 A. I just discussed it with my partner, I did not
23 call the police.

24 Q. And just a couple of weeks later when you were
25 testifying in front of that judge at the order of the

1 protection hearing, did you tell the judge anything
2 about that gun?

3 A. I did not.

4 Q. You just said there were people yelling at you
5 and telling you that you should break up with your
6 current partner; isn't that true?

7 A. Are you saying, did I testify to that at the
8 order of protection hearing?

9 Q. Yes.

10 A. I don't remember what I said.

11 Q. Isn't it true that you didn't find out or
12 listen to a recording of that meeting until at the
13 very -- well, when did you first listen to the
14 recording?

15 A. It had been at least I think a year after the
16 violent interrogation that I heard a recording of it.

17 Q. And isn't it true that you didn't say anything
18 about the gun to the judge in November of 2017, because
19 you hadn't heard the tape yet?

20 A. That's not the reason.

21 Q. You talked to the police about Natasha in
22 October of 2018; correct?

23 A. That's correct.

24 Q. You didn't tell the police that you had been
25 threatened or ambushed by anybody with weapons around

1 the situation, did you?

2 A. I don't -- Ms. Kaminsky wasn't in the room. I
3 don't know why I would have talked to the police
4 about --

5 Q. You talked to the police about the fact that
6 your roommates had confronted you, but it was because
7 they believed the allegations?

8 A. I'm confused. When are you talking about?

9 Q. Sure. Just let me -- for purposes of
10 refreshing your recollection, I'm going to -- if you
11 just want to go to I believe where the tab is on the
12 side.

13 A. Oh, I see. Yes.

14 Q. So you did have a discussion with the police
15 about this meeting; right?

16 A. We didn't talk much about the violent
17 interrogation at my house. It was about Ms. Kaminsky's
18 allegations of sexual assault.

19 Q. Again, my question was, you talked to the
20 police about this meeting; right? You talked to the
21 police about being confronted about the sexual assault
22 allegations; correct?

23 A. It was a very peripheral part of the
24 conversation.

25 Q. Okay. So because it was peripheral, you

1 didn't think that the police should know that you were,
2 I guess, being held at gunpoint or threatened?

3 A. How I wanted to -- sorry. I was not trying to
4 escalate the situation with people who were armed, knew
5 my friends and family, so I didn't wish to make an
6 issue with people that I didn't need to.

7 Q. You hadn't heard the recording before you had
8 talked to the police, had you?

9 A. That is also true.

10 Q. Now, on your direct testimony, we went
11 through -- your attorney went through some statements
12 that Natasha Kaminsky had made -- and when we saw, for
13 example, I believe it was -- I don't know what numbers
14 they were, but when we see a post, somebody posted,
15 that's on somebody's page; correct? It's like a
16 Facebook page?

17 A. I think posts can be posted just in general or
18 they can be posted on a specific page.

19 Q. Okay. But then if we're looking at a private
20 message between two users, that's when we see one after
21 the other, so-and-so?

22 A. Yes, yes.

23 Q. And so when we talked about the statement that
24 -- the tax statement with Blithe de Carona?

25 A. Yes.

1 Q. That was a private message between Natasha
2 Kaminsky and Blithe de Carona; correct?

3 A. Yes.

4 Q. So that wasn't a public post; correct?

5 A. Correct.

6 Q. And in fact, you weren't even aware that she
7 had ever said anything about tax evasion, until you
8 received discovery in this case; correct?

9 A. I had heard that I had been accused of various
10 crimes, including sexual assault, and being a serial
11 sex offender, and tax evasion. I didn't hear that
12 specifically, no.

13 Q. That's important. So when you say tax
14 evasion, who did you hear about the tax evasion from?

15 A. I heard so many -- I have heard so many
16 things, it's hard for me to remember who exactly I
17 heard what from the first time.

18 Q. And you filed your petition, the first
19 petition in this case, in February of 2019; correct?
20 Does that sound right?

21 A. Sure, yes.

22 Q. And in your first petition to this court, you
23 didn't say a word about being accused of tax evasion;
24 correct?

25 A. Yes, that's right.

1 Q. Because you didn't have discovery yet;
2 correct?

3 A. I don't know that that's the reason, but --

4 Q. So in February of 2019, you didn't -- and it's
5 a -- you filed a 22 page petition containing a lot of
6 the statements on Facebook, and no where in there is a
7 mention that someone accused you of being charged with
8 tax evasion; correct?

9 A. That's correct.

10 Q. And then in October of 2019, you filed your
11 first amended petition, which changed some wording, but
12 again, no where in there is it mentioned that she told
13 anyone that you were charged with tax evasion; correct?

14 A. Yes.

15 Q. So only after you get access to my client's
16 Facebook archive, you add, oh, she lied about tax
17 evasion too; correct?

18 A. That sounds plausible.

19 Q. And can you tell this jury what damage you
20 suffered because of the statement that you keep getting
21 charged with tax evasion?

22 A. I think when you look at the context of the
23 statements, it's that I'm making money through illegal
24 means. It's about painting a holistic picture that I
25 go through life as a criminal, that I have no respect

1 for the law, that I have no respect for people, that I
2 have no respect for honesty. And it's hard to separate
3 out any specific claim, other than to say there are
4 specific claims that are criminal, and they're just not
5 true, and it can be proven that they're not true.

6 Q. All right. You did have Case.Net entries,
7 related to a tax issue; correct?

8 A. A tax lien, yes.

9 Q. And again, you can't tell this jury what
10 specific harm you suffered as a result of that
11 statement, versus any other statement?

12 Did anybody -- were you kicked out of any
13 space because she said you were a tax evader?

14 A. It's a collective set of statements.

15 Q. Right. You filed the petition, and there are
16 separate allegations. The statement, keeps getting
17 charged with tax evasion. There is no specific harm
18 that you suffered as a result of that statement versus
19 any of the other statements?

20 A. I guess, yes, I do think of them as working
21 together. Yes.

22 Q. Let's talk about that message, threatened to
23 kill, I think it was worded me and her. It didn't
24 specifically name names to a Benjamin Singer. Do you
25 know a Benjamin Singer?

1 A. I'm terrible with names. I don't know if I
2 know of a Benjamin Singer.

3 Q. That was a private message from Natasha
4 Kaminsky to Benjamin Singer?

5 A. Yes.

6 Q. Did Benjamin Singer ever contact you and say,
7 hey, somebody told me you threatened to kill someone?

8 A. He did not.

9 Q. So again, those statements didn't show up in
10 your first two petitions; correct?

11 A. I had heard that I had been accused of
12 threatening to kill people and they were included in --
13 I don't remember exactly how the first petition was
14 written, but there was sort of -- there was a series of
15 statements, and there was an understanding that there
16 were others as well.

17 Q. Can you name any specific harm, based on the
18 statement that you threatened to kill me and her as
19 opposed to what you view as your damages as a whole?

20 A. Well, I think that when somebody says this
21 person abused me, versus they saying this person abused
22 me and threatened to kill me and her, those mean very
23 different things, and by making the specific claim that
24 I have threatened to kill her, that makes it a much
25 stronger and specific and damning lie.

1 Q. Again, the person that it was said to didn't
2 contact you; correct?

3 A. That's correct.

4 Q. It wasn't a public post; correct?

5 A. That's correct.

6 Q. And did you have to leave T-Rex because she
7 sent a private message to Benjamin Singer?

8 A. No.

9 Q. Let's talk about the 500 feet. Do you know
10 Gabriela Szteinberg?

11 A. I don't think so.

12 Q. Because that was a private message from
13 Natasha Kaminsky to Gabriela; correct?

14 A. Correct.

15 Q. And again, you did not include that in your
16 first two petitions in this case?

17 A. Correct.

18 Q. And in that statement, did she tell Gabriela
19 that there was a court order?

20 A. No.

21 Q. Did she tell -- she didn't tell Gabriela that
22 a judge told you to stay 500 feet away, did she?

23 A. Not specifically.

24 Q. Now, let's talk about this gun, or the guns
25 that you were so scared of. Did you ever text with

1 Brittany Newton?

2 A. Yes.

3 Q. And I'm going to show you what's been marked
4 as Defendant's Exhibit A.

5 THE COURT: Any objection to A?

6 MR. GELFAND: I'm just seeing it for the first
7 time, Your Honor. Give me one minute, please.

8 No objection, Your Honor.

9 THE COURT: A is received.

10 MS. KELLERMAN: Thank you. Your Honor, may I
11 publish?

12 THE COURT: You may proceed.

13 MS. KELLERMAN: May I publish?

14 THE COURT: You may proceed.

15 MS. KELLERMAN: Oh, sorry.

16 Q. (By Ms. Kellerman) Is Exhibit A a text message
17 that you sent to Brittany Newton?

18 A. Yes.

19 Q. And in fact, in that text message, you said, I
20 heard a rumor that you all had me removed at gunpoint.
21 If you hear that rumor, just forward them to me, and
22 I'll happily let them know that it is untrue. Did you
23 send that message?

24 A. Yes.

25 Q. So you want this jury to believe you made the

1 statements because there was a gun, but you weren't
2 removed from the house because there was a gun. Is
3 that the difference?

4 A. No. The difference is, at that time, these
5 folks were in my house, and I had contacted a mediator,
6 and I was trying to work things out without escalating
7 the situation. And it's hard. When there's people in
8 your house, some of them, they know a lot about your
9 personal life, they know your friends, they know your
10 family, and you try to work things out, and I was
11 trying at that time with Bee. I had contacted a
12 mediator. I was trying to get them to sit down and
13 talk with me. I'm just really not a violent person.
14 I'm not a person who likes to involve police. I really
15 try as much as possible to try to work things out in
16 the most calm way as possible, so yes, I sent that text
17 message hoping that it would bring her and the others
18 to the table, which it did.

19 Q. So was it a lie?

20 A. Well, had they removed me at gunpoint, are you
21 asking?

22 Q. Sure.

23 A. Well, you know, they said several times to me,
24 remove yourself or be removed. Those were their exact
25 words and they were repeated at that violent encounter

1 on November 16th. They also said, if the police come,
2 we're going to shoot, you know, that word out, and so
3 yes, they removed me at gunpoint.

4 Q. Isn't it true that that statement about the
5 police was made outside of -- you didn't hear that
6 statement until you heard the recording?

7 A. That's true, but it did validate what I was
8 feeling while I was in the room, which is that it was
9 not safe.

10 Q. But again, you did not hear them say that at
11 the time, when you made all of these statements?

12 A. I did not hear those words. I felt that
13 sentiment.

14 Q. Let's talk again about this gun. One of the
15 people who had a gun was Dhoruba; right?

16 A. Yes.

17 Q. And Dhoruba is somebody that you voluntarily
18 let live in your home?

19 A. That's correct.

20 Q. And Dhoruba was known for always having a gun
21 with him?

22 A. That's correct.

23 Q. So the fact that Dhoruba had a gun during this
24 meeting wasn't out of the ordinary?

25 A. No, having a gun in and of itself was not out

1 of the ordinary for Dhoruba.

2 Q. Isn't it true that you yourself will use the
3 word rape in different ways, depending upon who you're
4 talking to and what other facts are being discussed
5 around you?

6 A. There's certainly some fluctuation on that,
7 but one thing that is very consistent about it is, it
8 always mean that there is not consent. That is a
9 critical piece of the definition.

10 Q. And you would agree that rape does not require
11 threatening with a weapon or physically restraining
12 someone?

13 A. Yes.

14 Q. After Tasha made her allegations, and after
15 you had testified at this order of protection hearing,
16 isn't it true that you told -- specifically on
17 January 22, 2018, you told Michelle Roberts that the
18 judge and the order of the protection hearing thought
19 you were a dangerous abuser?

20 A. I don't remember what I said to Michelle
21 Roberts.

22 Q. And you were there when the judge issued the
23 ruling?

24 A. Yes.

25 Q. And when the judge issued the ruling, it

1 wasn't just a denied or granted; right? The judge made
2 statements?

3 A. That's correct.

4 Q. And was your statement that the judge made
5 thought you were a dangerous abuser based on the fact
6 that the judge told you it was a close call?

7 A. No, it was -- it was based on -- it was based
8 on the fact that as a -- I just have to say it, as a
9 male bodied person, going into the justice system,
10 there is a presumption of guilt by people. People have
11 stereotypes, and I could feel that the judge was giving
12 every benefit of every doubt to Ms. Kaminsky, and
13 wanted to have enough evidence to give her her order of
14 protection, and there just wasn't.

15 Q. The judge was a man, wasn't he?

16 A. That's correct.

17 Q. Isn't it true that on that same day, you told
18 Michelle Roberts that if you were ten percent of the
19 person they said, you would have killed them by now,
20 that you have access to resources?

21 A. No. I said if I were ten percent as dangerous
22 of a person as Ms. Kaminsky is saying, and that I have
23 all of connections and all of that, if I were ten
24 percent of what she said, with all that she is saying
25 online and all of the lies she is spreading about me,

1 then I would have been the sort of person who would
2 have had her killed, if I were in fact that dangerous.

3 Q. You said, you know a lot of people who would
4 have gotten a gun and shot them by now?

5 A. That's true.

6 Q. You were on Twitter; right?

7 A. Yes.

8 Q. Was your user name NickApperson@Nick373?

9 A. Yes.

10 Q. I want to hand you what's been marked as
11 Defendant's Exhibit B. Do you recognize what's shown
12 in Defendant's Exhibit B?

13 A. Yes.

14 Q. And are these Twitter statements that you
15 yourself made?

16 A. Yes.

17 THE COURT: Any objection, counsel?

18 MR. GELFAND: No objection, Your Honor.

19 THE COURT: B is received.

20 MS. KELLERMAN: Thank you, Your Honor.

21 Your Honor, may I publish?

22 THE COURT: Yes, you may. If they're
23 received, you don't have to ask for permission.

24 MS. KELLERMAN: Thank you.

25 THE COURT: Okay.

1 Q. (By Ms. Kellerman) So in November of 2015, on
2 Twitter, which is a public forum; correct?

3 A. Yes.

4 Q. You stated as a feminist, if I were accused of
5 rape, the very first thing I would do is listen and
6 believe every word of it. It goes on to fuck you James
7 Deen, but did you listen and believe every word of it
8 when you were accused of rape?

9 A. I listened to every word, and I just tried to
10 make sense of it, but it just didn't fit the facts. It
11 is so important to me that -- I mean, I guess it's one
12 of those things you write something like that, and you
13 never think -- you never think that it could happen
14 that you would get accused of rape, and so I tried, I
15 tried.

16 Q. So November 15th, this is after you're already
17 talking to your counselor about concerns you had about
18 consent; correct?

19 A. I was talking with my -- I was talking about
20 with Todd Deen are you saying -- yes, I was talking
21 with him about some things where I felt that I had not
22 been supportive enough of Ms. Kaminsky sharing some of
23 her past traumas.

24 Q. So when you were talking about how you -- let
25 me make sure I got it right. When you were talking to

1 Mr. Deen, about her words were saying one thing and her
2 body saying -- I'm sorry. That was the roommate. That
3 you had sex twice and -- let me get it.

4 In January of '15, when you were telling
5 Mr. Deen that you perceived Tasha as not really wanting
6 sex and you could imagine she wanted you to respond
7 differently, that's before you made this tweet; right?
8 January of 2015 is before November of 2015.

9 A. Correct.

10 Q. Who is James Deen?

11 A. After the deposition, I looked it up, and I
12 think he is a porn star.

13 Q. Do you know James Deen?

14 A. I do not.

15 Q. Do you know his alleged victim?

16 A. I do not.

17 Q. Did you know whether or not it was true what
18 his victim was saying?

19 A. No.

20 Q. You go on to say -- I don't know which one was
21 first. James Deen says he is a feminist, yet he is
22 plenty quick to blame the people he has assaulted.
23 what an asshole. Did you write that?

24 A. Yes.

25 Q. Isn't that what you're doing here?

1 A. No.

2 Q. You don't have a problem calling people out on
3 rape publicly, do you?

4 A. No.

5 Q. In fact, you believe that if a person had been
6 raped or abused, they have the right to speak publicly
7 about it?

8 A. Absolutely.

9 Q. Now, after Tasha has made her allegations, no
10 one at LockerDome, or I think it is Society now?

11 A. That's correct.

12 Q. No one asked you to leave your job?

13 A. That's correct.

14 Q. And no one -- you kind of glossed over it in
15 general on your direct, but I just wanted to make sure.
16 If your deposition, you talked about specific
17 organizations, if you will. No one at Hands Up United
18 told you could not be a part of that group; is that
19 correct?

20 A. Indirectly, I was told that.

21 Q. Do you recall in your deposition when I asked
22 you, did Hands Up United tell you that you couldn't be
23 a part of that group anymore, and you said not
24 explicitly; correct?

25 A. That sounds right.

1 Q. And no one at Lindy Hop told you that you had
2 to stop attending events?

3 A. There were two organizational groups that
4 began with Lindy Hop. One was Lindy Hop St. Louis, and
5 the other was Lindy Hoppers Against Rape Culture, both
6 of which I was a founder. I was told with Lindy
7 Hoppers Against Rape Culture, I was told by the other
8 admins that I needed to step away as a result of those
9 accusations.

10 Q. And that's a Facebook group?

11 A. Yes, correct.

12 Q. But the Lindy Hop events in person, no one
13 told you you couldn't attend Lindy Hop St. Louis?

14 A. Not explicitly, no.

15 Q. No one asked you to no longer invest or be a
16 part of Juristat?

17 A. That's correct.

18 Q. No one told you that you could no longer be a
19 part of Prosper Start-Up Capital?

20 A. That's correct.

21 Q. No one told you you could no longer be a part
22 of Better Billions?

23 A. That's correct.

24 Q. And no one asked you to not be a part of OBS?

25 A. That's correct.

1 Q. Those were the groups that you had testified
2 about that you were involved in; is that correct?

3 A. Those were some of the groups.

4 Q. And in fact, you couldn't remember whether or
5 not the MoKaBe's, your MoKaBe's ban was before or after
6 Tasha made her allegations?

7 A. I didn't remember the exact timing, that's
8 correct.

9 Q. When you testified that you were asked to
10 leave the T-Rex working space, did you attempt to get
11 space anywhere else?

12 A. I did not.

13 Q. And there are other spaces in St. Louis, co-
14 working spaces?

15 A. That's correct.

16 Q. And in fact, there's another well known area
17 at the Cortex that has start-ups?

18 A. Correct.

19 Q. Did you attempt to get space there?

20 A. No, I did not.

21 Q. And in fact, you do still attend events such
22 as Venture Cafe -- Venture Start-Up Cafe, something of
23 that nature?

24 A. That event doesn't exist anymore, but I have
25 been to it, yes.

1 Q. Since these allegations?

2 A. That's correct.

3 Q. Now, you stated that people will approach you
4 and say things to you. Which statement do you think
5 are you basing that on? Is it because she sends a
6 private message that you got charged with tax evasion?

7 A. Are you asking specifically about tax evasion?

8 Q. Yes.

9 A. No, it's more, you're a dangerous person,
10 you're a criminal, or you do things like that.

11 Q. You mentioned an example of Tower Grove Pride.
12 You went this year, didn't you?

13 A. I did not.

14 Q. You didn't? You didn't see Justine Collum
15 there?

16 A. That wasn't this year, that was the previous
17 year.

18 Q. Okay. So after -- was that the year that your
19 partner got assaulted?

20 A. That's correct.

21 Q. Did anybody -- this partner being assaulted,
22 did anybody say Natasha Kaminsky's name?

23 A. Well, if we want to get into specifics,
24 Justine Collum was the first to approach, and you
25 mentioned her name. She's a friend of Ms. Kaminsky's,

1 and she told us we needed to not be there and we walked
2 a little bit further, and then when we were walking
3 back by, we -- people came up to my partner and I and
4 said, you know, we've heard you're dangerous, we've
5 heard you're a rapist, and you need to go and so we
6 started walking away, and that's when my partner was
7 attacked because we didn't walk away fast enough.

8 Q. Was it Justine Collum that attacked her?

9 A. No.

10 Q. Was it someone with Justine Collum?

11 A. It was right after she had brought these
12 issues up and approached us, and it was people and I
13 think the booth next to that, so how -- you know given
14 the time proximity and all of that, I assumed that
15 those were related.

16 Q. But again, if this jury believes that these
17 statements were substantially true, it's okay to be
18 public about it?

19 A. Yes.

20 MR. GELFAND: Objection to the form of the
21 that question, Your Honor.

22 THE COURT: Overruled.

23 MS. KELLERMAN: I don't have any further
24 questions.

25 THE COURT: Mr. Sanner? Ms. Fu?

1 MS. FU: Yes, Your Honor.

2 CROSS EXAMINATION

3 BY MS. FU:

4 Q. Mr. Apperson, I just have a few questions for
5 you. I want to make sure -- I want to see if you agree
6 with me on a few principles first, okay?

7 If sex occurs between two people, they can
8 have different perceptions of whether or not it was
9 consensual; is that right?

10 A. Different perceptions, certainly in some cases
11 there could be room for that.

12 Q. And rape can occur during a sexual encounter,
13 even if one person does not physically hold the other
14 person down?

15 A. Absolutely.

16 Q. Rape can occur without scratches or bruises?

17 A. Yes.

18 Q. Rape can occur in a relationship between two
19 people?

20 A. Yes.

21 Q. Being in a relationship with somebody does not
22 mean that they were never raped?

23 A. That's absolutely right.

24 Q. And just because somebody has been raped in a
25 relationship does not mean that they cannot have

1 consensual sex in the future with that same person?

2 A. That's true.

3 Q. Rape occurs when any part of the sexual
4 experience is not consented to. Do you agree with
5 that?

6 A. I do.

7 Q. Like, for example, if sex is occurring between
8 a man and a woman, and if the woman does not want the
9 man to ejaculate in them, that can be considered rape;
10 right?

11 A. Yes. Ejaculating inside a woman without their
12 consent is a form of rape, yes.

13 Q. And I think we saw in Exhibit B that when a
14 woman accuses somebody of rape, you think the first
15 thing other people should do is listen and believe that
16 woman; right?

17 A. I think when any person, regardless of their
18 gender, makes that statement, then yes, people should
19 by default believe, yes. I would absolutely agree.

20 Q. By default, did you believe Adriane when she
21 told you that you raped her?

22 A. Well, there was a context there. She had just
23 told me that she was heart broken that I didn't want to
24 marry her, she was upset. Her behaviors were
25 escalating, and she had told me throughout the

1 relationship repeatedly that I was wonderful about
2 consent and that our sex was good, and so it was -- it
3 wasn't -- I mean, again, I try to give people grace,
4 but there was no room with the facts.

5 Q. I asked you a simple question. Did you
6 believe Adriane when she told you that you raped her?

7 A. No.

8 Q. You dated Adriane off and on again between May
9 of 2016 until April of 2017?

10 A. Yes.

11 Q. You guys were on sometimes and then you would
12 breakup and you would get back together; is that right?

13 A. Yes.

14 Q. It happened a few times that you guys broke up
15 and then got back together?

16 A. Yes.

17 Q. You had good times with her and you had bad
18 times with her; right?

19 A. Your words. Sounds roughly right.

20 Q. Is that right, you guys had good and bad
21 times?

22 A. Yes.

23 Q. And during your relationship with Adriane, you
24 knew that she had been in passive abusive
25 relationships?

1 A. She had told me that, yes.

2 Q. And she told you that she had been previously
3 raped; right?

4 A. Yes.

5 Q. In fact, when you learned that another man had
6 ejaculated in Adriane without her explicit consent, you
7 called that rape, didn't you?

8 A. That's correct.

9 MS. FU: May I approach, Your Honor?

10 THE COURT: Yes, you may.

11 Q. (By Ms. Fu) I just handed you Exhibit C. Did
12 you recognize that?

13 A. Yes, I do.

14 THE COURT: Any objection to C?

15 MR. GELFAND: No objection, Your Honor.

16 THE COURT: C is received.

17 Q. (By Ms. Fu) Tell me, what is Exhibit C?

18 A. This is a series of texts between Ms. Norman
19 and I.

20 Q. I want to go towards the bottom part of the
21 first page. Do you see the message that Adriane sent
22 you on June 8th where she tells you that another man
23 had ejaculated in her without asking her? Do you see
24 that?

25 A. Yes.

1 Q. What did you tell her had just happened?

2 A. We actually had several conversations around
3 this, and there was more context, but the key piece of
4 what she had communicated to me -- oh you want me to
5 read what's highlighted? I'm sorry.

6 Q. It's okay. What did you tell her?

7 A. I told her that he had raped her.

8 Q. And then you guys continued to talk about this
9 over text; right?

10 A. Yes.

11 Q. I want you to turn to the top part of the
12 second page. You didn't blame Adriane when that
13 happened, did you?

14 A. No. Of course not.

15 Q. You told her and you can read it. It's on the
16 top part of the second page. What did you tell her had
17 happened?

18 A. Well, after she had told me that she had --
19 that somebody had ejaculated in her without her
20 consent, I told her that, you know, he had raped her,
21 and she was -- she had just blamed herself, and so I
22 was trying to tell her, no, this isn't your fault.
23 When somebody violates your consent, then that's not
24 your fault. So I said you didn't let this happen, he
25 did this.

1 Q. And you thought he deserved to be in jail,
2 didn't you?

3 A. Absolutely, yes, for rape.

4 Q. You told her repeatedly during that message
5 that this man was a rapist, didn't you?

6 A. I don't -- I think I said it at least maybe
7 three times, yes.

8 Q. You told Adriane that this person was a rapist
9 that knows medicine; right?

10 A. That sounds right, yes.

11 Q. You can read it. You have the message right
12 in front of you.

13 A. Okay.

14 Q. It was after she told you that that person was
15 a doctor?

16 A. Okay, yes. He knows medicine.

17 Q. You told her, if there is ever a time to get
18 angry, it's now; right?

19 A. Yes.

20 Q. She told you that she couldn't take it to
21 court because she was worried about how it would be
22 perceived and she told you, I'm not a good enough
23 victim; right?

24 A. Yes, she said that.

25 Q. And you told her that you weren't suggesting

1 that she take it to court; right?

2 A. Correct.

3 Q. She was asking you what you're suggesting, and
4 you told her, I don't want you to blame yourself;
5 right?

6 A. That's right.

7 Q. You told her he raped you of whether or not
8 the injustice system agrees; right?

9 A. That's correct.

10 Q. The injustice system that you mentioned in
11 that message is this justice system that we're sitting
12 here with 12 jurors; is that right?

13 A. Yes.

14 Q. When you talked earlier about other
15 individuals believing that you were concerned that
16 other people thought that you didn't follow the law,
17 were you talking about the injustice system then?

18 A. I'm sorry. I'm confused.

19 Q. Earlier, when you were concerned about your
20 reputation, you said that you didn't want people to
21 think that you didn't follow the law. Were you
22 referencing the injustice system?

23 A. The injustice system in this regard is
24 referring to the fact that often crimes like rape don't
25 get justice. I think that this system that we're in

1 right now is not perfect. I don't believe it's a
2 perfect system, but I also think sometimes it's the
3 best we have.

4 Q. So it's an injustice system when it happens to
5 Adriane by somebody else; right?

6 A. That's not what I said.

7 Q. You believed Adriane when she told you about
8 what had happened, didn't you?

9 A. Of course. I was her partner.

10 Q. Were you guys on or off during that time?

11 A. When she went over to Chris' or had Chris
12 over, we had just -- I think we were on a break.

13 Q. Do you think it's important for a person to be
14 able to come forward after they have been raped; right?

15 A. I think it's very important, and I think it's
16 very important to get the support that they need.

17 Q. It's important for a woman to be able to come
18 forward without ridicule, isn't it?

19 A. Yes. I -- absolutely. I mean, any survivor
20 of any form of domestic violence or sexual assault,
21 absolutely, for support, yes.

22 Q. You thought Adriane had been raped because
23 another man ejaculated in her without her consent;
24 right?

25 A. Because that's what she told me.

1 Q. Well, you used the word rape first during that
2 conversation; right?

3 A. I know in this text exchange, that's how it
4 reads. I remember we talked on the phone as well. So
5 I don't remember for certain if she brought it -- she
6 used that word or I did, but what I know, she said that
7 he had ejaculated in her without consent and that to me
8 is a form of rape.

9 Q. Are you saying that you guys were on the phone
10 while you were also texting?

11 A. I know we had a phone call around that time,
12 because I remember where I was when I got these texts,
13 and I was with another friend and I remember, I left
14 and talked to Adriane on the phone, but I don't
15 remember when, whether it was before or after, but it
16 was right around those texts that we talked.

17 Q. I want you to look at the bottom part in the
18 first page of Exhibit C where Adriane is telling you
19 about what this man had done to her?

20 A. The bottom part, on which page?

21 Q. The first page.

22 A. Okay.

23 Q. What time does Adriane send you the message
24 of, I don't feel that I can explain it, what time is
25 that?

1 A. That is 2:58 p.m.

2 Q. And she sends you the next message that says,
3 I didn't think he was someone who would do that. What
4 time is that message?

5 A. 2:59.

6 Q. I'm sorry?

7 A. 2:59.

8 Q. And then she says again in the next message,
9 she said, I thought that at my age, I wouldn't allow
10 the stuff to happen to me. What time is that?

11 A. Three o'clock.

12 Q. And then you sent her a message that said, he
13 raped you. What time is that?

14 A. 3:06.

15 Q. Are you saying that you guys had a phone
16 conversation between three o'clock and 3:06?

17 A. Like I said, I don't remember when we talked
18 on the phone. We may have talked after that text
19 exchange. It may have been a short conversation in
20 between there. I really don't remember, but I know we
21 did have a phone conversation about this.

22 Q. You told her she was raped? Those are your
23 words; right?

24 A. Again, yes, that fits my definition of rape,
25 which is if somebody ejaculates in someone without

1 consent, then that's rape.

2 Q. why does it fit your definition of rape when
3 somebody else does it to Adriane, but it doesn't when
4 you do the exact same thing to her?

5 A. well, had I ejaculated in her without her
6 consent, then it would be rape, but I didn't do that.

7 Q. Okay. I'm going to hand you Exhibit E. Do
8 you recognize Exhibit E?

9 A. Yes, I remember this very clearly.

10 THE COURT: Any objection, counsel?

11 MR. GELFAND: No, no objection.

12 THE COURT: E is received.

13 MS. FU: Thank you, Your Honor.

14 Q. (By Ms. Fu) What is Exhibit E?

15 A. It's a conversation that we had over texts.

16 MS. FU: Permission to publish this, Your
17 Honor.

18 THE COURT: You may proceed. As soon as it is
19 in, they can go ahead and publish it.

20 MS. FU: Thank you.

21 Q. (By Ms. Fu) What did Adriane say to you at
22 758?

23 A. I would like an apology for cumming in me
24 without asking me, dismissing my concern after -- when
25 I was worried because I was fertile.

1 Q. What did you say to her?

2 A. I'm happy to give another one. I don't want
3 to have this conversation over text though.

4 Q. So you apologized for ejaculating in Adriane
5 without her consent; right?

6 A. Absolutely, yes.

7 Q. So again, it's rape when one man ejaculates in
8 her without consent, but it is not rape when you do the
9 exact same thing?

10 A. That's not what I said. The context of this
11 conversation is very important.

12 Q. You apologized three times for ejaculating in
13 her without her consent; right?

14 A. I did apologize. We had this conversation.
15 This was a -- there was a lot going on for her at this
16 time, and it was easier to just say I'm sorry, than it
17 was to say anything else.

18 Q. Did you ejaculate in her without her consent?

19 A. No.

20 Q. But you apologized for doing it?

21 A. That's correct.

22 Q. Adriane told you during your relationship with
23 her that she wanted you to ask permission to enter her;
24 right?

25 A. That's correct.

1 Q. That she tried to gain control over her body;
2 right?

3 A. That's correct.

4 Q. And instead, you laughed at her; right?

5 A. She said that. I did not laugh at her about
6 that.

7 Q. So after you apologized to Adriane for
8 ejaculating in her without her consent, you didn't
9 suggest that she go to the injustice system, did you?

10 A. No, because I think I made it clear, I did not
11 ejaculate in her without her consent. I remember that
12 sexual encounter very well. I remember exactly what
13 happened.

14 Q. And you apologized; right?

15 A. She was very upset. There was another issue
16 going on around that, and I felt that the best thing
17 for the relationship and for harmony was to just say
18 I'm sorry, and sometimes, you know, we say sorry
19 because if a person is going through enough and it's
20 just not a fight worth having.

21 Q. You told Claire Caplan that you had ejaculated
22 in Adriane without her consent, didn't you?

23 A. I did not say that to Claire Caplan.

24 MR. GELFAND: May we briefly approach?

25 THE COURT: I'm sorry?

1 MR. GELFAND: May we briefly approach?

2 THE COURT: Come on up, please.

3 (Proceedings were held at sidebar, outside the
4 hearing of the jury as follows:)

5 THE COURT: Let's give the jury about a
6 ten-minute break.

7 MR. GELFAND: Sure.

8 (Jury admonished at 3:55 p.m.)

9 THE COURT: Bailiff, Court will be in recess
10 until about 4:06.

11 (The jury was recessed, and the following
12 proceedings were held outside the presence and hearing
13 of the jury:)

14 THE COURT: We're outside the hearing and
15 presence of the jury. We can be off of the record
16 right now.

17 (An off-the-record discussion was had.)

18 THE COURT: We're outside the hearing and
19 presence of the jury, and counsel, I think the jury,
20 we're during a break and with counsel present and the
21 parties present, and your concern about her examination
22 is exactly what, now that we're on the record?

23 MR. GELFAND: It's this, Your Honor. In an
24 off-the-record pretrial conference, the defense raised
25 the issue and we had no objection to it, asking that

1 nobody inject the fact that Ms. Norman communicated
2 about and perhaps had an abortion during the time
3 period that was relevant in this case.

4 we have appropriately, obviously, advised our
5 client to answer everything truthfully, but not to
6 volunteer that fact, given the potential prejudice
7 nature of it to avoid any issues, but right now,
8 they're directly asking and I believe -- I don't want
9 to speak for Mr. Apperson, but I believe when
10 Mr. Apperson broadly said there's other issues going on
11 and things like that, that's what Mr. Apperson is
12 dancing around, so to speak, and so I wanted to raise
13 this with the Court, because I don't think -- on the
14 one hand, I don't think it benefits anyone to inject
15 that issue into the trial, but on the other hand, you
16 know, I don't think that they can appropriately close
17 the door to that and then question him about that the
18 way they are.

19 THE COURT: Ms. Fu?

20 MS. FU: We're not getting into abortion.
21 Plenty of times people engage in sex, they don't get
22 pregnant. Pregnancy ends in multiple different ways.
23 My examination of him about this issue is whether or
24 not he did the exact same thing that somebody else did,
25 and I don't intend to mention abortion. The portion

1 that's redacted out of that exhibit mentions her trip
2 to Florida for the abortion, and that's it.

3 THE COURT: I think if you understand
4 Mr. Apperson's testimony, he's apologizing just to kind
5 of the deescalate the conversation, not necessarily
6 because of what he is saying, his ejaculation issue or
7 anything like that, but he knows that she may be going
8 through, in following counsel, this abortion issue, and
9 if that is disturbing her enough, he just wants to
10 apologize and get it over with, but his explanation
11 would be that he's not apologizing for that, that
12 episode, he's apologizing for the mere fact that she
13 may be going under a abortion at the time.

14 And I think that's what your testimony is
15 about, Mr. Apperson.

16 MR. GELFAND: I don't want to put words in his
17 mouth.

18 MR. APPERSON: Roughly. As I mentioned
19 earlier, you try to be at peace with someone when
20 they're going through that.

21 THE COURT: That's fine.

22 MS. FU.

23 MS. FU: The text message -- I'm sorry, Your
24 Honor. I didn't mean to cut you off.

25 THE COURT: No, I was giving you an

1 opportunity. He's not necessarily making an objection
2 or a motion right now to strike anything or to prohibit
3 anything. He's just providing a possible clear warning
4 that if you do continue to ask this question, or this
5 line of questioning, the response that you may get is
6 not something that you want.

7 MS. FU: We can move on with it, all right.

8 THE COURT: Okay. That's fine. Well, that's
9 up to you.

10 MS. FU: Okay.

11 THE COURT: You've got about five minutes. If
12 you need more time, let me know.

13 MS. KELLERMAN: Just to be clear, are you
14 saying that they can redirect on that, to say that's
15 why he was apologizing.

16 THE COURT: I wouldn't do it if I were them.
17 Like the other trial I told them, don't use the
18 insurance word, and they did it anyway.

19 MS. KELLERMAN: Just to be clear.

20 THE COURT: We're going to be trying that one
21 again. No, there is no door opening. She said she is
22 going to move on.

23 MS. KELLERMAN: All right.

24 (Proceedings stood in temporary recess.)

25 (At 4:15 p.m., proceedings resumed in open court in

1 the hearing and presence of the Jury as follows:)

2 THE COURT: We do not go beyond five unless
3 it's okay with the jury. I don't know if I said
4 somewhere in there, six o'clock, or maybe I was looking
5 at a different case number and said six or something
6 like that, I don't know, but no, we do not go beyond
7 five. If the jury is deliberating, we can't touch the
8 jury at all, they might go past five o'clock. But for
9 normal cases like today, five o'clock, unless the jury
10 wants to go beyond five. No, okay.

11 Mr. Apperson, I'll remind you that you're
12 still under oath.

13 Counsel, Ms. Fu, you may continue your
14 examination.

15 MS. FU: Thank you, Your Honor.

16 Q. (By Ms. Fu) Mr. Apperson, during your
17 relationship with Adriane, she sent you nude
18 photographs of herself; right?

19 A. Yes.

20 Q. You sent nude photographs of yourself to her?

21 A. Yes.

22 Q. I'm going to hand you Plaintiff's Exhibit 24,
23 Page 3.

24 THE COURT: Exhibit 24?

25 MS. FU: Yes, Your Honor.

1 THE COURT: Any objection?

2 MR. GELFAND: No. I believe it's in evidence.

3 MS. FU: Number 24 is not in evidence.

4 MR. GELFAND: No objection, Your Honor.

5 THE COURT: And Ms. Kellerman?

6 MS. KELLERMAN: No objection.

7 THE COURT: 24 is in. Received. You may
8 proceed.

9 MS. FU: Thank you, Your Honor.

10 Q. (By Ms. Fu) About halfway through the page I
11 just handed you -- actually first, tell me, do you
12 recognize what I just handed to you?

13 A. Yes, I do.

14 Q. Can you tell me what that is?

15 A. This is a series of text exchanges between
16 myself and Ms. Norman.

17 Q. And in this text exchange about halfway
18 through, Adriane asked you to delete my photos if you
19 haven't already?

20 A. Yes.

21 Q. Right?

22 A. That's correct.

23 Q. And you told her, I deleted all of the ones
24 with nudity; right?

25 A. Correct.

1 Q. You said, did you want me to delete the other
2 ones too? We have some nice photos of us having a
3 great time together.

4 A. Correct, yes.

5 Q. What did she say back to you?

6 A. She says, yes, please delete all of them.

7 Q. You didn't delete all of them, did you?

8 A. Are you talking about the non-nude photos?

9 Q. No, I'm talking about the nude photos, the
10 ones that the jury saw earlier that were redacted?

11 A. I believe that I did delete all of them. If
12 there were any that were left, it was through pure
13 accident.

14 Q. How did we get photographs earlier, then, if
15 you deleted them?

16 A. I believe I deleted all of the photos that at
17 that time. She sent me additional nude photos after
18 that, so that's the ones that I'm familiar with.

19 Q. Okay. So you're saying Exhibit 51 and 52, the
20 redacted nude photographs of my client, those are the
21 ones that she sent you after she told you to delete all
22 of the nude photos?

23 A. Yes. Those would have been after that. This
24 was in May of 2016, so one of those, I know, is from
25 Florida, which would have been in the spring of 2016.

1 The other -- I can look at the specific ones and
2 probably estimate the exact times, but yes, I remember
3 deleting all of the nude photos at that time. And so
4 if there were any others, I can assure you it was a
5 mistake, but I do believe there were.

6 Q. But you kept the ones that she sent you -- the
7 images, the photos that the jury saw earlier, 51 and
8 52, those were sent to you after you told her you
9 deleted them, okay?

10 A. Okay.

11 Q. You kept those, didn't you?

12 A. The ones after that?

13 Q. Yes.

14 A. Yes.

15 Q. You kept those after Adriane sent you a
16 message on April 25, 2017, saying that you had raped
17 her; right?

18 A. I mean, I didn't explicitly do something to
19 save them. They were backed up in Google drive, so it
20 was just automatic.

21 Q. I'm asking you, did you save the photographs
22 that Adriane had sent you, the nude photographs she
23 sent you after she told you that you had raped her?

24 A. I suppose it would be more accurately, I
25 didn't actively delete them.

1 Q. Can you please answer the question. Did you
2 keep them?

3 A. I still have them in Google photos, yes.

4 Q. You still have nude photographs of my client
5 as we sit here today?

6 A. I do not delete photos unless there is a
7 reason to delete photos.

8 Q. You don't think her telling you that you had
9 raped her is a reason to delete photographs of her?

10 A. I didn't go back through my photos. I don't
11 go back through my photos unless there is a reason to.

12 MR. GELFAND: Objection.

13 THE COURT: Overruled.

14 Q. (By Ms. Fu) How many people have called you a
15 rapist? How many people have made rape allegations
16 against you?

17 A. Just those two over there.

18 Q. Okay. So these two women, that sticks out in
19 your mind; right?

20 A. Yes. It sticks out in my mind.

21 Q. It's not something that happens every day;
22 right?

23 A. Definitely not.

24 Q. And you didn't think after -- after Adriane
25 told you that you had raped her that the decent thing

1 to do would be to delete nude photographs of her?

2 A. I didn't go back through my photos. I just
3 didn't go back through them. I didn't do anything. I
4 didn't not do anything. I just didn't go back through
5 them to delete them. They're backed up automatically
6 in the cloud, like everything.

7 Q. Will you delete them now?

8 A. I have no reason to keep them.

9 Q. Did you have a reason to keep them in 2017
10 after she told you that you had raped her?

11 A. Again, it's just that what happens by default.
12 It's like e-mails. I don't go back and delete all of
13 the e-mails that just exist unless I take the effort to
14 go back and delete them.

15 Q. Do you think that makes my client feel
16 comfortable that you continue to have nude photographs
17 of her after she told you that you raped her?

18 MR. GELFAND: Objection as to the form.

19 THE COURT: I'm sorry?

20 MR. GELFAND: Objection as to the form.

21 THE COURT: Overruled.

22 A. If I'm speculating, I imagine that she
23 probably doesn't like the fact that I would still have
24 nude photos of her.

25 Q. (By Ms. Fu) And you kept those photos, so you

1 could show everyone, look, I didn't rape her, I have
2 proof?

3 A. That's not correct.

4 Q. Adriane hasn't contact you since April of
5 2017; right?

6 A. That's correct.

7 Q. You were never in a room with Adriane when she
8 called you a rapist; right?

9 A. That's correct.

10 Q. During this case, during your deposition, you
11 told us, the defendants, that you thought Adriane had
12 abused you; right?

13 A. I may have said that, yes.

14 Q. But you sent nude photographs of yourself to
15 her; right?

16 A. During the relationship, yes.

17 Q. The nude photographs you sent to Adriane of
18 yourself, don't negate any of the feelings that you
19 have; right?

20 A. No. I sent nude photos to her.

21 Q. If a rape victim sends nude photographs of
22 themselves to somebody, that doesn't mean that they
23 weren't raped; right?

24 A. That's correct.

25 Q. You never heard Adriane tell these other

1 people you talked about earlier that you had raped her;
2 right?

3 A. I was not directly in the presence, that's
4 correct.

5 MS. FU: Those are all of the questions I
6 have. Thank you.

7 THE COURT: Mr. Gelfand.

8 MR. GELFAND: Yes, Your Honor.

9 THE COURT: You may proceed.

10 MR. GELFAND: Thank you, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. GELFAND:

13 Q. Mr. Apperson, I want to start where we just
14 left off and go where it is fresh in our minds.

15 You were asked about the photos that were
16 received into evidence that were redacted; correct?

17 A. Yes.

18 Q. Okay. You were asked -- you were shown a text
19 message just a few minutes ago, asking you to delete
20 photos in May of 2016; is that correct?

21 A. That's correct.

22 Q. Okay. When did you begin your relationship
23 with Ms. Norman?

24 A. It was about a month before that.

25 Q. So is it fair to say, this was the way

1 beginning of your relationship with Ms. Norman?

2 A. That's correct.

3 Q. So we walked through approximately April or
4 May of 2016 all the way through the end of March of
5 2017, when you and Ms. Norman separated as a couple;
6 correct?

7 A. Yes.

8 Q. And if I understand your testimony correctly,
9 is it your testimony that the photos that are in
10 evidence, Exhibits 51 and 52, if I have my numbers
11 correctly, the redacted photos, were those sent to you
12 after this May 2016 text message?

13 A. Yes.

14 Q. Okay. You said one of them was taken in
15 Florida; is that correct?

16 A. That's correct.

17 Q. You can tell that from the background, the
18 environment in the photo; is that correct?

19 A. Yes.

20 Q. What is the significance of Florida to you as
21 to the date?

22 A. It was roughly half, maybe a little bit more
23 than halfway through the relationship, so it was after
24 this text message.

25 Q. Okay. To be clear, did you do anything active

1 to keep these photos? You mentioned Google drive;
2 correct?

3 A. Yes, it's in Google photos. It just
4 automatically saves all of my photos and text messages,
5 and that's why I have these sort of things saved, it's
6 automatically saved to the Cloud. I just didn't do
7 anything else.

8 Q. This civil litigation initially began in 2019;
9 correct?

10 A. That sounds right.

11 Q. Early 2019?

12 A. Yes.

13 Q. Did you also understand that because there was
14 civil litigation pending from that date forward that
15 you shouldn't destroy any potential evidence?

16 A. That thought did cross my mind.

17 Q. Okay. Was there a time -- you were asked
18 about pictures, essentially nude photos of you, as
19 opposed to Ms. Norman, in connection with this
20 relationship; correct?

21 A. Yes.

22 Q. Was there a time that you became aware that
23 Ms. Norman had circulated a video of you with your nude
24 body depicted in it at some point during your
25 relationship?

1 A. Yes.

2 Q. And circulated it to other people that you
3 knew; correct, or that she knew?

4 A. People that she knew, yes.

5 Q. Did you give her your consent?

6 A. I did not give her my consent.

7 Q. Now, I want to be crystal clear about a couple
8 of things. Mr. Mueller is going to grab Exhibit 41.
9 You were shown Defendant's Exhibit E; is that correct?

10 A. Yes.

11 Q. And could you please tell me the date of
12 Defendant's Exhibit E at the top of the text messages.

13 A. Just give me one second to get it. Okay. The
14 date, July 30, 2016.

15 Q. So this was just a couple of months into your
16 relationship; correct?

17 A. That's right.

18 Q. I want to ask you in crystal clear terms. At
19 any time over the course of your relationship with
20 Ms. Norman, or ever for that matter, did you ejaculate
21 into her body without her consent?

22 A. No.

23 Q. Now, I want to direct your attention to
24 Plaintiff's Exhibit 41, which has already been received
25 into evidence. Can you see Exhibit 41?

1 A. Yes.

2 Q. You read this earlier. Could you please read
3 how it is that Ms. Norman claimed to you -- I'm sorry.
4 April 25, 2017, after you split up with Ms. Norman, how
5 it was that you quote, raped her?

6 A. You're going to have to move to the side. She
7 said pressured me to have sex with you at least twice a
8 day and put me through hell if I refused you. a/k/a,
9 you raped me.

10 Q. First of all, is there anything in here saying
11 that you ejaculated in me without my consent, a/k/a you
12 raped me?

13 A. No.

14 Q. Second of all, is that true? Did you pressure
15 her twice a day to have sex with you, a/k/a, you raped
16 her?

17 A. No, definitely not.

18 Q. Now, at the beginning of your cross
19 examination, you were asked some questions by
20 Ms. Kellerman. Do you recall that?

21 A. Yes.

22 Q. I'm going to cover a couple of different
23 topics here. You were shown Exhibit D?

24 A. Yes.

25 Q. Defendant's Exhibit D, and we're not going to

1 go through this whole thing to refresh our memory.
2 Defendant's Exhibit D is a series of e-mails, beginning
3 in 2013; is that correct?

4 A. Yes.

5 Q. And you've had an opportunity to read these
6 e-mails; correct?

7 A. Yes.

8 Q. Okay. And you were asked some questions about
9 these e-mails, were you not?

10 A. Yes.

11 Q. You were initially asked essentially who broke
12 up with whom and you described it as mutual; correct?

13 A. Yes.

14 Q. And in fact, you wrote, the decision we came
15 to was in no way a reflection of how much I care about
16 you. I will always love you deeply; correct?

17 A. Yes.

18 Q. And you were asked a number of other
19 questions, including whether you e-mailed her
20 essentially every couple of months, just a couple of
21 times; correct?

22 A. Yes.

23 Q. And I want to go over what was skipped over
24 for a second. December 11, 2013, is that in between
25 the series of e-mails?

1 A. Yes, that's during that time. Yes.

2 Q. Regardless of whether Ms. Kaminsky
3 intentionally prompted or triggered an automatic e-mail
4 to be sent or not, can you please read the e-mail that
5 you received, November 11, 2013, at 3:14 p.m. What's
6 the subject?

7 A. Tasha Kaminsky invited you to join Knotch.

8 Q. This is basically a generated boilerplate
9 e-mail; correct?

10 A. Yes.

11 Q. Natasha Kaminsky would love for you to join
12 her on Knotch; correct?

13 A. Yes.

14 Q. What if any reaction did you have to the fact
15 that you got that e-mail that played into why you sent
16 her another e-mail or two?

17 A. Well, I thought that that was her gentle way
18 of reaching out.

19 Q. And just to be clear, it turns out if we take
20 it as face value, you were wrong?

21 A. Definitely was wrong.

22 Q. Were you trying to make Ms. Kaminsky feel
23 uncomfortable by sending her the handful of e-mails
24 that you sent?

25 A. No, not at all.

1 Q. You were asked about the house that you
2 bought, Radix house; correct?

3 A. Yes.

4 Q. Let's talk about that for a second. When did
5 you buy that house?

6 A. I believe it was 2015.

7 Q. When you bought that house, did you have any
8 idea that Ms. Kaminsky happened to live relatively
9 nearby?

10 A. No, I did not.

11 Q. Did you buy that house because you wanted to
12 be near Ms. Kaminsky who you had broken up with several
13 years earlier?

14 A. No.

15 Q. After you bought the house, did you walk over
16 to Ms. Kaminsky's house and knock on the door?

17 A. No.

18 Q. Did you look at many houses?

19 A. I had looked at a number of houses, and was
20 getting a little disappointed actually. My mom sent
21 over that one.

22 Q. To be clear though, is it fair to say, you
23 buying that house had literally nothing to do with
24 Ms. Kaminsky?

25 A. That's correct.

1 Q. During the entire time that you lived in that
2 house, did you ever go over to Ms. Kaminsky's house?

3 A. I didn't know where she lived. I didn't know
4 she lived nearby me at all, so no.

5 Q. Did she ever come over to your house?

6 A. No.

7 Q. You were asked about this whole issue of
8 asking for whether you asked her friend for a schedule;
9 correct?

10 A. Yes.

11 Q. And to be clear, as you were asked by
12 Ms. Kellerman earlier this afternoon, that was the
13 subject or one of the subjects of the order of
14 protection hearing on November 30, 2017; correct?

15 A. Yes.

16 Q. And to be clear, your testimony, if I
17 understand you correctly is that that didn't happen.
18 You didn't go up to a friend and say, can I have
19 Ms. Kaminsky's schedule; correct?

20 A. That's correct.

21 Q. Is it fair to say, a friend probably wouldn't
22 have a friend's entire schedule?

23 A. Yes.

24 Q. Now, to be clear, this came up at the hearing,
25 she testified about her version of events and you

1 testified about yours; correct?

2 A. Correct.

3 Q. And the judge ruled; correct?

4 A. Correct.

5 Q. January of 2015, you were asked about whether
6 you were talking to other people about concerns that
7 you had about the sexual relationship that you had with
8 Ms. Kaminsky. Do you remember being asked a series of
9 those questions?

10 A. Yes.

11 Q. And in particular, you were asked about a
12 conversation you had two weeks after Ms. Norman had
13 first accused you of quote, unquote, rape, and when I
14 say quote, unquote, I just mean her words?

15 A. That's correct.

16 Q. Okay. And to be clear, that was approximately
17 two weeks after Plaintiff's Exhibit 41 was sent to you,
18 April 25, 2017; correct?

19 A. Yes.

20 Q. Were you talking about Ms. Kaminsky or were
21 you talking about Ms. Norman?

22 A. Ms. Norman was always on my mind at that time.

23 Q. Now, November of 2017, you were asked by
24 Ms. Kellerman about a whole series of questions about
25 this 11:00 p.m. -- she calls it a meeting at your

1 house; correct?

2 A. Yes.

3 Q. Did it feel like a meeting?

4 A. No.

5 Q. She asked who was present. You identified a
6 handful of these people, Bee, Genesis, and Ayi, as your
7 roommates; correct?

8 A. Yes, and during Dhoruba.

9 Q. And Dhoruba?

10 A. Yes.

11 Q. And Dhoruba was one of the individuals who was
12 armed; correct?

13 A. Yes.

14 Q. Let's be clear about something for a second.
15 You testified that this is an individual, a gentleman
16 who regularly has a gun or carries a gun; correct?

17 A. Yes.

18 Q. Who you readily invited to live in your house;
19 is that correct?

20 A. That's correct.

21 Q. Was there anything unusual about how Dhoruba
22 acted that night, as opposed to an every day, with
23 respect to the gun, as opposed to what you observed on
24 an everyday basis as his roommate?

25 A. Yes, it was very different.

1 Q. Tell the jury what.

2 A. Well, it was a difference between you're
3 having a gun, almost like a fashion accessory, or a
4 political statement, versus, I have a gun and it's a
5 weapon, and it felt like it was very much a weapon, and
6 in fact, he tried to get money from me. He demanded
7 that he have my house. It was not -- it was not the
8 same. It was more of a robbery.

9 Q. Did you feel threatened?

10 A. Yes.

11 Q. Now, you testified that it became clear that
12 these eight people had all heard what you described to
13 Ms. Kellerman, as the lies that Ms. Kaminsky had said
14 about you; correct?

15 A. Yes.

16 Q. And is it fair to say that became clear based
17 on what they said to you that night?

18 A. That's correct.

19 Q. Now, you were asked some questions about what
20 was said that night, and you said I was trying to get
21 out of there alive?

22 A. Yes.

23 Q. Bring us back to that moment. What do you
24 mean? What's your mindset at the time?

25 A. So, you know, I have -- I have a fair amount

1 of experience in social justice movements, and there's
2 ways to try to deescalate a situation, and I was
3 bringing that in, but I was also a bit overwhelmed and
4 scared, so my mind was kind of moving between sort of
5 what my training was and what I knew about how to try
6 to deescalate a situation, and then just being afraid,
7 and so it's sort of a mixed moment to moment what I was
8 feeling at a given time, but there was an
9 overarching -- my goal, my overall feeling was, I just
10 didn't want anybody to get hurt. I just didn't want it
11 to get escalated.

12 You know, at that time, too, I just -- even
13 when people are doing things to me that are not kind, I
14 just don't default to wanting it to get worse. And so
15 I didn't want them to escalate it, and I didn't want --
16 I just wanted for everybody to just calm down.

17 Q. Mr. Apperson, at what Ms. Kellerman calls the
18 quote, meeting, did any of the eight people that
19 confronted you tell you that you should kill yourself?

20 A. Yes.

21 Q. Early on in that meeting, quote, unquote, were
22 you told not to argue with what they were saying,
23 basically to be agreeable?

24 A. Yes, there was a couple of different instances
25 of that, yes.

1 Q. Now, I want to switch gears for a second and
2 talk about some of the Facebook posts. You were asked
3 questions about the message from Ms. Kaminsky to
4 Brittany Newton; correct?

5 A. Yes.

6 Q. Brittany Newton equals Blithe De Carona; is
7 that correct?

8 A. Yes.

9 Q. To be correct, you became aware of that
10 message from Ms. Newton; correct?

11 A. It was from that group of people, yes.

12 Q. Including Ms. Newton?

13 A. Including her, yes.

14 Q. And in particular, that was the message about
15 tax evasion, quote, unquote; correct?

16 A. I think --

17 Q. I don't mean on November 16th. That didn't
18 happen yet. I'm talking about later.

19 A. Yes.

20 Q. Just to be crystal clear, because I think some
21 things got a little bit jumbled and confusing, did you
22 become aware from Ms. Newton that Ms. Kaminsky told her
23 that you had been repeatedly, my words, paraphrasing,
24 charged with tax evasion?

25 A. Yes.

1 Q. And that was just a lie; correct?

2 A. Correct.

3 Q. You had never been charged with tax evasion;
4 correct?

5 A. That's correct.

6 Q. You were asked about a tax lien on Case.Net.
7 Can you tell the jury about that?

8 A. Yes. I had a -- I had messed up some stuff
9 with my taxes. I don't know how else to say it. And I
10 came up with the paperwork, and it got resolved. I
11 paid what I owed and no one filed charges. I wasn't
12 trying to evade the federal government or anything like
13 that.

14 Q. To be clear, was there ever an IRS
15 investigation of a federal tax evasion issue?

16 A. No.

17 Q. Was there ever a tax charge by the State of
18 Missouri or the IRS?

19 A. No.

20 Q. Now, how if at all, did that affect your
21 relationship with Brittany Newton?

22 A. Brittany Newton, in the span of, you know,
23 from I guess it would have been early November to just
24 -- I guess December, it went from where we were getting
25 along really well, we were close, we were kind of

1 starting to think of each other as a family, we were
2 living together, to, you know -- I just got this sense
3 that she would take satisfaction in seeing my dead body
4 on the ground.

5 Q. Now, to be clear, based on what you observed,
6 was it your impression that what she was told by you
7 being repeatedly charged with a crime of tax evasion by
8 Ms. Kaminsky that impacted at least her view of you,
9 your reputation?

10 A. Well, I think what it was tied to, saying that
11 I was making money through illegal means. Just the
12 overall sense that I have no respect for the law, for
13 honesty, for people or anything.

14 Q. You were asked about the 500-foot statement in
15 October of 2018; correct?

16 A. Yes.

17 Q. Okay. And to be clear, you were asked whether
18 the Facebook message indicated that it was from a court
19 order that a judge said it, and you accurately
20 responded that it did not; correct?

21 A. Correct.

22 Q. You have read that Facebook exchange; correct?

23 A. Correct.

24 Q. And that exchange says that you were not
25 allowed to be within 500 feet of Ms. Kaminsky in

1 October of 2018; correct?

2 A. Correct.

3 Q. Eleven months after she tried to get that
4 resolved and the courts said no; correct?

5 A. Correct.

6 Q. That's just plainly untrue?

7 A. That's right.

8 Q. Now, to be clear, you testified that you don't
9 directly know Gabriela Szteinberg; correct?

10 A. That's correct.

11 Q. The Gabriela Szteinberg you know to be a real
12 person; correct?

13 A. That's correct.

14 Q. Is a member of this community, meaning this
15 community; is that correct?

16 A. That's correct.

17 Q. And some third party is being told that you
18 can't be within 500 feet of her; correct?

19 A. Correct.

20 Q. You were shown Exhibit A by the defense.

21 Let's clear up a couple of things. Do you recall this
22 document that they showed you?

23 A. Yes.

24 Q. That's Defendant's Exhibit A on the screen in
25 front of you?

1 A. Yes.

2 Q. The context in which this was sent was during
3 the time when you had left the house that you owned and
4 lived in; correct?

5 A. That's correct.

6 Q. This was in that seven-month period when you
7 felt you couldn't return home; correct?

8 A. That's right.

9 Q. Were other people living there?

10 A. Yes.

11 Q. And were you involved in an out-of-court
12 process, bluntly speaking, to try to get your house
13 back?

14 A. At some point I filed what's called an
15 ejectment action, which is that, yes.

16 Q. Were you involved in what you described on
17 cross examination as mediation or a mediator?

18 A. I tried. I offered the people living in my
19 house, I said if there is any mediator you're willing
20 to meet with. I even located a mediator, had her reach
21 out to them, and they refused any mediation.

22 Q. Let's be clear for a second. The context in
23 which you sent this, you're trying to keep the peace
24 and resolve out of court getting your house back;
25 right?

1 A. Yes, I really didn't want to go to court or
2 involve police.

3 Q. Now to be clear, does anything about Exhibit A
4 somehow jog your memory in saying, you know what,
5 November 16, 11:00 p.m., those people didn't have guns
6 or knives?

7 A. No.

8 Q. Did you leave on your own volition that night?

9 A. No. They said remove yourself or be removed.
10 That was said at least three times, and it was said by
11 more than one person.

12 Q. And this was the same quote, meeting, end
13 quote, when they told you that you should immediately
14 kill yourself?

15 A. That's right.

16 Q. Now, you were asked about Twitter; correct?

17 A. Yes.

18 Q. And you were shown a copy of a tweet. I'm not
19 sure you call it a tweet or a text, or whatever you
20 call it, but do you see that on the screen?

21 A. Yes.

22 Q. Can you tell us the date of this?

23 A. 2015, November.

24 Q. So this is November 30, 2015; correct?

25 A. Yes.

1 Q. And you know how I like dates, but this is
2 exactly two years before the order of protection
3 hearing; is that correct?

4 A. Yes, it is.

5 Q. You write -- so James Deen says he is a
6 feminist, yet he is plenty quick to blame the people he
7 has assaulted, what an asshole; correct?

8 A. Yes.

9 Q. And then you write, as a feminist, if I were
10 accused of rape, the very thing I would do is listen
11 and believe every word of it -- excuse my language, but
12 fuck you at James Deen; correct?

13 A. Yes.

14 Q. Let's be clear about a few things for one
15 second. What was the context that you sent this, if
16 you can recall?

17 A. I had heard from somebody that this guy had
18 been accused by multiple people of rape, and I was very
19 involved in those causes, cared deeply about them and
20 at that time, I felt the need, I guess, to open my
21 mouth online.

22 Q. Let's be clear about something for a second.
23 You posted some general thoughts on twitter about that;
24 correct?

25 A. Yes.

1 Q. You expressed during half of cross
2 examination, maybe a lit bit less, some general beliefs
3 or sentiments you have about the rape and the justice
4 system, the injustice system, all of that; correct?

5 A. Yes.

6 Q. I want to cut to the chase about why we're
7 here. At any point, did you sexually assault Ms.
8 Adriane Norman?

9 A. No.

10 Q. At any point, did you sexually assault Ms.
11 Natasha Kaminsky?

12 A. No.

13 Q. At any point, did you rape either of those
14 individuals?

15 A. No, I did not.

16 Q. At any point, did you ejaculate into either of
17 them without their consent?

18 A. No.

19 Q. At any point, did you force them against a
20 tree or any other context to have sexual intercourse
21 after they said stop, or no, or any sentiments along
22 those lines?

23 A. No.

24 Q. Mr. Apperson, did they both falsely accuse you
25 of rape?

1 A. Yes.

2 Q. Now, you were asked about this assault
3 involving your -- I guess your partner or whatever word
4 you want to use for it, at an event. Was that at a
5 Pride event last year?

6 A. Yes. Not this last one, but the one before
7 that at Tower Grove Pride.

8 Q. And in particular, you were asked on cross
9 examination about someone named Justine Collum; is that
10 correct?

11 A. Yes.

12 Q. And is Justine Collum the individual at that
13 event preceding an assault that came up to you and
14 basically confronted you, parroting back what
15 Ms. Kaminsky had posted online and what Ms. Norman had
16 said verbally?

17 A. That's correct.

18 Q. I want to show you what's already been
19 admitted as Exhibit 1. This is the November 30, 2017
20 post at 10:49 p.m., the night of the OP hearing.
21 Ms. Kaminsky, after losing that hearing, writes, Nick
22 Apperson, the owner of Radix house, is a serial abuser
23 and rapist. Do you see that?

24 A. Yes.

25 Q. Okay. Who is the first person she tags on

1 that public post?

2 A. Justine Collum.

3 Q. Is that the same person who physically
4 confronted you -- not assaulted you, but confronted you
5 at the Pride event at which your partner was assaulted
6 just last year?

7 A. Yes. He came up, I want to say, about three
8 feet or so away from me. He didn't touch me or
9 anything like that, just to be clear.

10 MR. GELFAND: If I could have one minute,
11 please, Your Honor.

12 THE COURT: That's fine.

13 MR. GELFAND: Thank you. I have no further
14 questions.

15 THE COURT: Ms. Kellerman?

16 MS. KELLERMAN: Thank you, Your Honor. I have
17 to be brief so we can get out of here.

18 RE CROSS EXAMINATION

19 BY MS. KELLERMAN:

20 Q. Mr. Apperson, you're a tech guy; correct?

21 A. Right.

22 Q. You can start up apps? That's what you do,
23 create apps?

24 A. Right.

25 Q. And so this Knotch reach-out or boilerplate

1 e-mail that you got, you know how apps work, and you
2 know when you get a boilerplate e-mail like that, it's
3 not somebody proactively sending you something?

4 A. Well, I don't -- I don't know that. In fact,
5 every app that I have ever designed that had that
6 feature was explicit. I would like you to explicitly
7 pick the people to send it to, or you would explicitly
8 say, yes, send it to all of my contacts, which would be
9 people who you provided on a list and you would have a
10 chance to review it. So that's how I understand it to
11 work. I don't have a direct knowledge of Knotch
12 though.

13 Q. You understand that there are some apps when
14 you install, it will be like, do you want to give this
15 app access to your photos, or do you want to give this
16 app access to your contacts; correct?

17 A. Yes.

18 Q. Okay. And the purpose of that is to let the
19 app or the developer or whoever runs those things gets
20 all of that personal information; correct?

21 A. I don't know that I am an expert enough to
22 answer that. Potentially.

23 Q. Now, you testified on redirect that you didn't
24 intentionally buy that house so close to Ms. Kaminsky,
25 but you understood, at least in November of 2017, you

1 testified that you understood how that could be
2 perceived as alarming?

3 A. Sure. If she believed that I had bought a
4 house to intentionally be near her, of course.

5 Q. And you talked about the meeting, about the
6 gun, and you said essentially it was a robbery because
7 they asked you for money; right?

8 A. Well, and they took my house.

9 Q. Well Tasha didn't take your house. She wasn't
10 there; right?

11 A. That's correct.

12 Q. So the people who you voluntarily invited to
13 live in your home, they asked you to leave; correct?

14 A. There was other people there as well that
15 asked me to leave.

16 Q. The people that you voluntarily invited into
17 your home, they didn't make the statement that you
18 should leave until after you told them that there was
19 at least two people that you believed you sexually
20 assaulted? That your understanding of consent, all of
21 those things that we talked about earlier, when they
22 asked you to leave, it was after you made those
23 statements; correct?

24 A. Correct.

25 Q. And in fact, when they asked you for money,

1 you didn't give it to them, did you?

2 A. Correct.

3 Q. So you didn't feel frightened enough for your
4 life to have to give them your money?

5 A. I didn't have money to give them. I had to
6 just leave.

7 Q. At the time of that meeting, did you know that
8 it was being recorded?

9 A. I did not.

10 Q. But now that you know it's recorded, you need
11 to explain why you said all of that stuff; right?

12 A. I don't understand your question.

13 Q. Well, when you testified at the order of
14 protection hearing, did you know that that meeting had
15 been recorded?

16 A. I did not.

17 Q. When you talked to the police in February of
18 20 -- I'm sorry, the police in October of 2018, did you
19 know that it had been recorded?

20 A. No, I did not.

21 Q. And so when you were telling people about this
22 meeting, and not mentioning guns, that was when you
23 didn't know it had been recorded?

24 A. That correlation is true.

25 Q. These statements about tax evasion and the

1 500 feet, threatened to kill, again, when you filed --
2 - when you started this litigation in February of 2019,
3 you did not plead those as false statements that
4 Ms. Kaminsky had made; correct?

5 A. Okay. Yes.

6 Q. Yes or no?

7 A. Yes.

8 Q. And that's because you were not aware of those
9 statements at that time?

10 A. Well, I think as I said earlier, I knew that
11 there was a lot of statements and we tried to capture
12 some of them, but there were so many lies and so many
13 statements that we only put a certain amount on there,
14 and I think left it open to amend for more later.

15 Q. Because you didn't have access to her
16 personal, private messages before you filed your
17 lawsuit?

18 A. Well, I think the particular ones that we
19 filed, some of them we knew, some of them we knew
20 about, or I had heard from people, but yes, I'm not
21 sure I'm understanding what you're saying, if it was
22 only because of that -- no, there were multiple
23 factors.

24 Q. Okay. So you included a lot, like 23 pages,
25 you included a lot of statements in the first two

1 petitions; right?

2 A. Yes.

3 Q. You included things that you said, like upon
4 information and belief, like maybe like you didn't have
5 the piece of paper; correct?

6 A. I don't mean to be -- I didn't write the
7 petition and that sounds right, but I don't recall
8 exactly what was in it.

9 Q. You had put things in there that you had heard
10 about as opposed to things you had seen?

11 A. I don't actually remember for sure.

12 Q. But again, before you got access to her
13 private messages, you didn't plead or talk about she
14 said I was charged with tax evasion and that hurt;
15 correct?

16 A. That was not specifically in the petition.

17 Q. The situation at Pride that you were
18 testifying about, would that -- we haven't had Pride
19 this year; correct? 2024; right?

20 A. Right.

21 Q. So was it 2023?

22 A. No, it was 2022. 2023, the most recent Pride
23 that we actually had, that's the one that we didn't go
24 to.

25 Q. Okay. So it was in 2022 that you testified

1 that Justine Collum came up and was saying things to
2 you that were false?

3 A. She said something to the effect that you
4 can't be here, you've done these things, yes, and then
5 shortly thereafter, people nearby approached my partner
6 and I as I think I testified to.

7 Q. Did you sue her?

8 A. No.

9 Q. Did you call the police?

10 A. No.

11 MS. KELLERMAN: Nothing further.

12 THE COURT: Ms. Fu?

13 MS. FU: Very quick, Your Honor.

14 THE COURT: Okay.

15 RECROSS EXAMINATION

16 BY MS. FU:

17 Q. Mr. Apperson, on redirect with you, you talked
18 to us about the video that Adriane had sent of you. Do
19 you recall that?

20 A. Yes.

21 Q. Nude photos and nude videos, about 10 to
22 15 seconds long?

23 A. Yes.

24 Q. You're brushing your teeth in that video;
25 right?

1 A. Well, I'm nude, dancing, and I'm brushing my
2 teeth, correct.

3 Q. And it's the back side of you; right?

4 A. Yes.

5 Q. And in this case, that was produced by you in
6 discovery, not by Adriane; right?

7 A. Yes, I think so. Yes.

8 Q. So she didn't have a copy of it, you had a
9 copy of it; right?

10 A. Yes.

11 Q. And again, it shows your back side; right?

12 A. It shows my naked body, yes.

13 Q. I want to talk to you about -- do you still
14 have Exhibit F in front of you?

15 A. Give me a second.

16 THE COURT: We don't have that one in
17 evidence.

18 MS. FU: Oh, I'm sorry, Your Honor.

19 THE COURT: We may go over a couple of
20 minutes. Is that okay with everybody? Okay. Thank
21 you.

22 MS. FU: One moment, Your Honor.

23 Q. (By Ms. Fu) Do you have Exhibit 41 in front
24 of you?

25 A. This is getting to be a pretty big stack here.

1 MR. GELFAND: May I just hand this to Ms. Fu.
2 There you go.

3 A. I'm looking for it.

4 MS. FU: Guess what I found, Exhibit F. I'm
5 now going to hand you Exhibit F, okay?

6 A. Okay.

7 Q. Here you are.

8 THE COURT: Mr. Gelfand, is it okay?

9 MR. GELFAND: It is, Your Honor. Just for the
10 record, it's duplicative of Exhibit 41, but I have no
11 objection to it.

12 THE COURT: F is received.

13 You may proceed.

14 Q. (By Ms. Fu) Mr. Apperson, we talked about the
15 message that Adriane sent you on April 25, 2017. Do
16 you recall that?

17 A. Yes.

18 Q. And I believe your attorney asked you on
19 redirect whether or not Adriane had mentioned how you
20 had ejaculated in her without her consent during -- in
21 this message, do you recall that?

22 A. I do.

23 Q. And you had testified that she did not mention
24 that to you in the ten ways that she told you that you
25 had abused her over the year; right?

1 A. Yes.

2 Q. All right. Well, I want to go over those ten
3 ways. So the first way she told you that you had
4 abused her is that you pressured her to have sex at
5 least twice a day. Do you see that?

6 A. Yes.

7 Q. On the second one, she told you that you tried
8 to make her take care of all of your needs. Do you see
9 that?

10 A. Yes.

11 Q. And on the third one, she told you that you
12 demanded all of her time and complained that she did
13 not give you enough time. Do you see that?

14 A. Yes.

15 Q. And on the fourth reason she told you you
16 abused her, is because she told you that you had
17 criticized her constantly and tried to correct her. Do
18 you see that?

19 A. Yes.

20 Q. On the fifth one, she told you that you
21 ignored her attempts to gain control over her body by
22 requesting that you ask to enter her. Do you see that?

23 A. Yes.

24 Q. She said that you laughed at her; right?

25 A. That's what she says, yes.

1 Q. Can you read to me the first sentence of
2 Number 6?

3 A. Came in me without asking.

4 Q. All right. So she did tell you that you had
5 ejaculated in her without asking?

6 A. That's correct. My bad.

7 Q. And on the seventh one, she told you that you
8 started to see other women while you guys were dating;
9 right?

10 A. That's what she said.

11 Q. All right. On the eighth one, she told you
12 that you told her, she couldn't trust her counselor;
13 right?

14 A. That's what she says, yes.

15 Q. On the ninth one, she told you that her
16 family -- she said that you told her that her family
17 and friends didn't treat her right; correct?

18 A. Yes.

19 Q. And on the tenth reason she told you that you
20 had abused her over a year, she told you that you had
21 told her that you wanted to help her, but in reality,
22 she said all you wanted to do was control her; right?

23 A. That's what she said, yes.

24 Q. So in that message that she sent you on
25 April 25, 2017, she didn't just tell you that you had

1 raped her; right?

2 A. That's correct.

3 Q. She gave you ten different reasons that you
4 had abused her during the time that you guys were
5 together?

6 A. Yes, she gave me her ten reasons that she
7 believed that, yes.

8 MS. FU: All right. I don't have anything
9 else. Thank you.

10 THE COURT: Mr. Gelfand?

11 MR. GELFAND: I have no other questions.

12 THE COURT: Ms. Kellerman?

13 MS. KELLERMAN: No, Judge.

14 THE COURT: Ladies and Gentlemen, that
15 concludes the evidence today. Thank you for your
16 patience. You can may step down Mr. Apperson.

17 (Jury admonished at 5:05 p.m.)

18 THE COURT: Bailiff, Court will be in recess
19 until tomorrow morning at 9:30.

20 (The hour of adjournment having arrived, the Jury,
21 being duly admonished by the Court, by agreement, is
22 allowed to separate for the evening, under the usual
23 instructions of the Court, until 9:30 a.m. on January
24 19, 2024.)

25 FRIDAY, JANUARY 19, 2024

1 (At 9:50 a.m., proceedings resumed in open court
2 in the hearing and presence of the jury, as follows:)

3 THE COURT: Good morning, Ladies and Gentlemen
4 of the Jury. And I can tell you this. The attorneys
5 are doing their best to streamline everything, and I
6 know that at least three of you have a concern about
7 going past five o'clock, but you may understand that if
8 you're in deliberations, we can't do anything until the
9 jury returns the verdict.

10 So we're going to try our best to get this
11 submitted to you shortly, I think, the best way they
12 can, but at the same time, they are trying their best
13 to present all of their evidence to you. So I hope --
14 I'm sure you appreciate and understand that, okay.

15 We're still in the plaintiff's case, and
16 counsel, please call your next witness.

17 MR. GELFAND: Thank you, Your Honor. The
18 plaintiff calls Natasha Kaminsky.

19 THE COURT: Ms. Kaminsky, please step forward
20 and raise your right hand and be sworn in by the Clerk
21 of the Court.

22 (Witness sworn.)

23 THE COURT: Counsel, you may proceed when
24 you're ready.

25 MR. GELFAND: Thank you, Your Honor.

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NATASHA KAMINSKY,
being produced and sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GELFAND:

Q. Good morning. Could you please state your full name for the benefit of the court reporter.

A. Natasha Kaminsky.

Q. Ms. Kaminsky, you and I have obviously been in the courtroom for this trial, but we have never actually met before; correct?

A. Correct.

Q. You and I have never spoken before; correct?

A. Correct.

Q. In what city and state do you currently reside?

A. St. Louis, Missouri.

Q. Are you originally from St. Louis?

A. No, sir.

Q. Where are you originally from?

A. Sarasota, Florida.

Q. Are you currently employed?

A. Yes.

Q. What do you do for a living?

A. I work for a pro democracy think tank.

Q. How long have you done that?

1 A. I just started in January.

2 Q. What is your position?

3 A. I'm the senior director of development.

4 Q. And have you been generally in kind of a think
5 tank political world for quite some time?

6 A. No.

7 Q. What did you previously do for work?

8 A. I am a professional fundraiser typically for
9 charitable purposes.

10 Q. Do you know Mouna Apperson?

11 A. Yes.

12 Q. And to be clear, you and Mr. Apperson dated;
13 correct?

14 A. Correct.

15 Q. When you and Mr. Apperson dated, Mouna went by
16 Nick Apperson; correct?

17 A. Yes, sir.

18 Q. You started dating Mr. Apperson in 2012; is
19 that correct?

20 A. Yes, sir.

21 Q. You two met on OkCupid?

22 A. Yes, sir.

23 Q. And that was a dating website; correct?

24 A. Yes, sir.

25 Q. And you ended up in a relationship with

1 Mr. Apperson; correct?

2 A. Yes, sir.

3 Q. You and Mr. Apperson broke up in 2013; is that
4 accurate?

5 A. Yes, sir.

6 Q. During the time that you dated Mr. Apperson,
7 he was employed; is that correct?

8 A. Yes, sir.

9 Q. Do you recall what he did for a living at that
10 time?

11 A. He worked at LockerDome.

12 Q. Were you employed at that time?

13 A. Yes, sir.

14 Q. What were you doing when you dated
15 Mr. Apperson for work?

16 A. I was a youth director at a synagog.

17 Q. And that was a full-time job?

18 A. Yes, sir.

19 Q. When you and Mr. Apperson dated, you two did
20 not actually live together; is that correct?

21 A. No, sir.

22 Q. You had your own place; correct?

23 A. Yes, sir.

24 Q. And Mr. Apperson had his own place; correct?

25 A. Yes, sir.

1 Q. In 2017, and subsequently, you used Facebook;
2 correct?

3 A. Yes, sir.

4 Q. And to be clear, you used Facebook before
5 2017; correct?

6 A. Yes, sir.

7 Q. Your Facebook user name at times relevant to
8 this case was Tasha Kaminsky; is that correct?

9 A. Yes, sir.

10 Q. Your full name is Natasha Kaminsky. Do you
11 also go by Tasha?

12 A. Yes, sir.

13 Q. At times, you also used a Facebook user name
14 as Tasha Melissa; is that correct?

15 A. Yes, sir.

16 Q. Is Melissa a middle name?

17 A. Yes, sir.

18 Q. So to be clear, if there is a Facebook post
19 that says Tasha Kaminsky or Tasha Melissa, would you
20 agree with me that those are your Facebook posts?

21 A. I would have to see them.

22 Q. Now, in 2017, you regularly posted written
23 statements on Facebook; is that correct?

24 A. Yes, sir.

25 Q. Now, when you post on Facebook in a public

1 capacity, you're publishing that statement to other
2 people; correct?

3 A. Yes, sir.

4 Q. And are you familiar with the concept of
5 tagging somebody on Facebook?

6 A. Yes, sir.

7 Q. When you tag somebody on Facebook, you're
8 increasing the amount of people who will see the
9 message; is that correct?

10 A. Yes, sir.

11 Q. And that's the idea behind tagging people;
12 correct? Associating different individuals with what
13 you're posting?

14 A. Not necessarily.

15 Q. That's one of the ideas; correct?

16 A. Yes, sir.

17 Q. Now, to be clear, I want to show you some
18 Facebook posts --

19 MR. GELFAND: Your Honor, at this time, by
20 stipulation and some of these are already in evidence,
21 but just out of an abundance of caution, I'm going to
22 be inclusive. I would move Exhibits 1, 2, 3, 6, 7, 12,
23 53, 64 and 74 into evidence.

24 THE COURT: Okay, 53. What else?

25 MR. GELFAND: 64 and 74.

1 THE COURT: I have 1 and 3 already in
2 evidence. Two is without objection?

3 MS. KELLERMAN: Without objection.

4 MS. FU: Without objection, Your Honor.

5 THE COURT: All of these exhibits without
6 objections?

7 MS. KELLERMAN: If he could say the numbers,
8 it would be appreciated.

9 THE COURT: One is in evidence. Two is in
10 evidence. Three, received without objection. Six is
11 received. Seven is received, and I believe you said
12 12?

13 MR. GELFAND: I did say 12, Your Honor.

14 THE COURT: Right. That's already in
15 evidence, and 53, received without objection. 64 is
16 received, and 74 is received. Any further?

17 MR. GELFAND: Subsequently, yes, but at this
18 point for this category, no.

19 THE COURT: We got everything. I think seven
20 is received as well. You may proceed.

21 MR. GELFAND: Thank you, Your Honor.

22 Q. (By Ms. Gelfand) If I can start,
23 Ms. Kaminsky, by showing you Exhibit 1, please. Can
24 you see Exhibit 1 on the screen in front of you?

25 A. Yes, sir.

1 Q. Exhibit 1 is a Facebook post dated
2 November 30, 2017; is that correct?

3 A. Yes, sir.

4 Q. You posted this publicly on Facebook on
5 November 30, 2017 at 1049 p.m.; is that correct?

6 A. Yes, sir.

7 Q. You stated Nick Apperson, the opener of Radix
8 house, is a serial abuser and rapist; correct?

9 A. Yes, sir.

10 Q. And you tagged six people, including Justine
11 Collum, Nikki B, Rodney Brown, and the other people on
12 this exhibit; correct?

13 A. Yes, sir.

14 Q. And you posted this to be clear on
15 November 30th for the world to see; correct?

16 A. Yes, sir.

17 Q. I want to show you Exhibit 74, please. So in
18 the post we just looked at, you included Nick
19 Apperson's name; correct?

20 A. Yes, sir.

21 Q. And you included that Nick Apperson was the
22 owner of Radix house; correct?

23 A. Yes, sir.

24 Q. Now, if we look at Exhibit 74, on November 14,
25 2017, at approximately 11:27 a.m., you posted what's

1 identified as Exhibit 74; correct?

2 A. Yes, sir.

3 Q. You publicly posted Radix house is owned and
4 run by a serial abuser and rapist of women; correct?

5 A. Yes, sir.

6 Q. And to be clear, starting with these two posts
7 I just showed you, those were about two weeks or so
8 apart; correct? 16 days say part, November 14th to
9 November 30th?

10 A. Yes, sir.

11 Q. And you readily admit that you personally
12 published those two messages on Facebook; correct?

13 A. Yes, sir.

14 Q. And when you posted these on Facebook, would
15 you agree with me that within Mr. Apperson's community,
16 it was widely known that Radix house was owned by
17 Mr. Apperson?

18 A. I don't know.

19 Q. Okay. But to be clear, within two weeks, the
20 first time you don't mention Mr. Apperson's name, but
21 you reference Radix house, and the second time you make
22 it very clear that Nick Apperson is the owner of Radix
23 house; correct?

24 A. Yes, sir.

25 Q. Now, this post, November 14, 2017, to begin

1 with, people responded to your post; correct?

2 A. I don't recall.

3 Q. You testified in an order of protection
4 hearing on November 30th; correct?

5 A. Yes, sir.

6 Q. And in that hearing, you took an oath to tell
7 the truth before testifying; correct?

8 A. Yes, sir.

9 Q. You testified about this public posting;
10 correct?

11 A. Yes, sir.

12 Q. And you were asked, did people respond to it,
13 and you said, people did respond to it. Were they
14 supportive? Answer, yes. That's what you said;
15 correct? Do you want to see the transcript?

16 A. Yes. I don't want to see the transcript. I
17 believe you.

18 Q. That's what you said?

19 A. Yes.

20 Q. So to be clear, what we just saw, November 14,
21 2017, you said people were supportive of you, people
22 responded to it. There's no question that people in
23 the community have read your post; correct?

24 A. Yes, sir.

25 Q. Okay. Now, to be clear, that post was the

1 first time that you stated that Mr. Apperson was a
2 quote, rapist, end quote; correct?

3 A. On Facebook, yes.

4 Q. Now, that post, November 14, 2017, if we get
5 our dates in order, that was more than four years after
6 you and Mr. Apperson ended your relationship; correct?

7 A. Yes, sir.

8 Q. Two days later, you applied for an order of
9 protection hearing; is that correct?

10 A. Yes, sir.

11 Q. I'm sorry, for an order of protection;
12 correct?

13 A. Yes, sir.

14 Q. And you filled out an application for that
15 order of protection; correct?

16 A. My lawyer filled it out.

17 Q. Let's look at Exhibit 13, please, which is
18 already in evidence, Your Honor?

19 THE COURT: That's correct.

20 MR. GELFAND: May I publish it please. I'm
21 going to direct your attention to the petition. This
22 is the petition you submitted seeking an order of
23 protection against the respondent Nicholas Apperson,
24 also known as Nick Apperson?

25 A. I'm sorry. That gentleman is blocking my

1 view.

2 Q. I apologize. Can you see that?

3 A. Yes, sir.

4 Q. And you submitted this on November 16, 2017;
5 is that correct?

6 A. My lawyer submitted it.

7 Q. And I'm going to direct your attention to the
8 last page of this. Do you see where it says
9 petitioner's signature?

10 A. Yes, sir.

11 Q. Whose signature is that?

12 A. Mine.

13 Q. And is it dated November 16, 2017?

14 A. Yes, sir.

15 Q. Is that the date that you signed it?

16 A. I don't recall.

17 Q. Did you sign it at least close to that date?

18 A. Yes, sir.

19 Q. Okay. Above your signature, it says I swear
20 or affirm under penalty of perjury that these facts are
21 true according to my best knowledge and belief. Is
22 that correct?

23 A. Yes, sir.

24 Q. You understood that what you were submitting
25 was subject to the penalties of perjury; is that

1 correct?

2 A. Yes, sir.

3 Q. Would you agree with me, and I can show you
4 specific parts of this if it is helpful that at no
5 place in this petition did you claim that Mr. Apperson
6 raped you?

7 A. I don't know.

8 Q. Why don't you take a look at it. Your Honor,
9 if I may approach the witness?

10 THE COURT: That's fine.

11 Q. (By Mr. Gelfand) Take your time and take a
12 look at it.

13 A. Yes, sir.

14 Q. So you would agree that no where in this
15 entire under oath petition that you submitted or your
16 lawyer submitted on your behalf on November 16, 2017
17 did you state that Mr. Apperson had ever raped you;
18 correct?

19 A. Yes, sir.

20 Q. You would agree with me that there was an
21 option for you to say that Mr. Apperson, respondent,
22 had sexually assaulted you; correct?

23 A. Yes, sir.

24 Q. And that box was not checked; correct?

25 A. Yes, sir.

1 Q. You would agree with me that there's a portion
2 of this that you could add details if you claim that
3 you were sexually assaulted; correct? Question nine?
4 Do you need me to zoom in?

5 A. Yes, sir.

6 Q. And you would agree with me that in that box
7 if you claimed to have been sexually assaulted, you
8 didn't say anything; correct?

9 A. Yes, sir.

10 Q. Now, anywhere in this petition, you would
11 agree with me that in addition to never saying
12 Mr. Apperson was a rapist, you never said that he was a
13 serial rapist; correct?

14 A. Correct, sir.

15 Q. You never said he was charged with tax
16 evasion?

17 A. Yes, sir.

18 Q. Never said that he was someone who had
19 threatened to kill you or Ms. Norman; correct?

20 A. I did check -- I did check committing or
21 threatening to commit domestic violence, sexual
22 assault, molesting, or disturbing the peace of
23 petitioner or wherever the petitioner may be found.

24 Q. Okay. Let's talk about that. What section
25 are you referring to?

1 A. Page 3 of 4.

2 Q. Let's be clear for a second. What question
3 are you referring to?

4 A. 15.

5 Q. Okay. 15 is the requests; correct?

6 A. Yes.

7 Q. What 15 is, you're requesting that the Court
8 issue an ex parte order of protection, restraining
9 respondent from doing all of these things that you just
10 read to the jury; correct?

11 A. Yes, sir.

12 Q. No where in this entire petition did you ever
13 say Nick Apperson threatened to kill me; correct?

14 A. No, sir.

15 Q. No where in this entire petition did you ever
16 say Nick Apperson threatened to kill Ms. Norman;
17 correct?

18 A. No, sir.

19 Q. Now, November 30, 2017, you went to court on
20 this order of protection; correct?

21 A. Yes, sir.

22 Q. That was in a courthouse in the City of
23 St. Louis, Missouri; correct?

24 A. Yes, sir.

25 Q. You were in a courtroom similar to this

1 courtroom; correct?

2 A. Yes, sir.

3 Q. And the judge presided over the proceedings,
4 is that correct?

5 A. Yes, sir.

6 Q. You were present with an attorney; correct?

7 A. Yes, sir.

8 Q. Mr. Apperson was present with an attorney;
9 correct?

10 A. Yes, sir.

11 Q. And people testified just as you are right
12 now; correct?

13 A. Yes, sir.

14 Q. And you testified; correct?

15 A. Yes, sir.

16 Q. Mr. Apperson testified; correct?

17 A. Yes, sir.

18 Q. And your friend Claire Caplan testified;
19 correct?

20 A. Yes, sir.

21 Q. And that was the totality of the testimony;
22 correct? Meaning the people who testified?

23 A. Yes, sir.

24 Q. Now, you told us a few minutes ago that you
25 and Mr. Apperson broke up in 2013. Was that correct?

1 A. Yes, sir.

2 Q. You told the Court I was in a relationship
3 with him, meaning Nick, until August of 2016; is that
4 correct?

5 A. Yes, sir, I misspoke, and later corrected
6 myself in that hearing.

7 Q. To be clear though, you would agree that it's
8 just a matter of fact you and Mr. Apperson broke up in
9 2013; correct?

10 A. Yes, sir.

11 Q. Now, when you testified, all of the things
12 that I asked you about your petition, you also didn't
13 mention in your testimony under oath on November 30,
14 2017; correct?

15 A. I don't recall.

16 Q. Do you want to see your entire transcript or
17 do you want to take my word for it?

18 A. I'll take your word for it.

19 Q. The truth is, you didn't tell the Court under
20 oath that Mr. Apperson had ever sexually assaulted you;
21 is that correct?

22 A. I used the terms sexual coercion and sexual
23 abuse.

24 Q. And in fact, what you said, you were asked
25 whether you went public about a sexual assault and you

1 said, quote, I went public about abuse I had
2 experienced, yes and abuse, yes, I had heard other
3 people experienced; correct?

4 A. Yes, sir.

5 Q. You never once told the Court that Apperson
6 was a rapist; correct?

7 A. Yes, sir.

8 Q. Serial rapist; correct?

9 A. Yes, sir.

10 Q. A person who has been charged with tax
11 evasion; correct?

12 A. Yes, sir.

13 Q. Or someone who threatened to kill you or
14 Ms. Norman; correct?

15 A. Yes, sir.

16 Q. You were present when Mr. Apperson testified;
17 correct?

18 A. Yes, sir.

19 Q. You were present when Mr. Apperson obviously
20 told the Court that what you were claiming wasn't true;
21 correct?

22 A. That's correct.

23 Q. And when Mr. Apperson told the Court that he
24 was concerned about the order of protection because of
25 the impact that it could have on his reputation;

1 correct?

2 A. Yes, sir.

3 Q. And you were in court when that very day, the
4 Judge presiding over that case denied your order of
5 protection request; correct?

6 A. Yes, sir.

7 Q. So just to be clear, you knew on November 30,
8 2017, that your being that Mr. Apperson be prohibited
9 from being within 500 feet of you was denied?

10 A. Yes, sir.

11 Q. And to be clear, I understand you didn't like
12 it, but you knew that Mr. Apperson could be within
13 500 feet of you?

14 A. Yes, sir.

15 Q. On October 8, 2018, eleven months later, you
16 engaged in a written communication with Gabriela
17 Szteinberg; correct?

18 A. Yes, sir.

19 Q. I'm showing you what's been admitted, Your
20 Honor, as Exhibit 10.

21 THE COURT: Uh-huh, that's fine. Ten is
22 received.

23 MR. GELFAND: Thank you.

24 Q. (By Mr. Gelfand) Do you see Exhibit 10?

25 A. Yes, sir.

1 Q. This was October 3, 2018; correct?

2 A. Yes, sir.

3 Q. And tell the jury if you would who Gabriela
4 Szteinberg is.

5 A. A friend I know from synagog.

6 Q. She's a member of the St. Louis community;
7 correct?

8 A. No longer.

9 Q. She was at the time in 2018; correct?

10 A. Yes, sir.

11 Q. So when you were engaging in this dialog, you
12 readily admit that Ms. Szteinberg is a person in our
13 community; correct?

14 A. Yes, sir.

15 Q. And Mr. Apperson is in the community; correct?
16 St. Louis?

17 A. Yes, sir.

18 Q. And on October 3, 2018, you told Gabriela
19 Szteinberg, he knows he's not allowed to come within
20 500 feet of me; correct?

21 A. Yes, sir.

22 Q. That was at 9:50 a.m.; is that correct?

23 A. Yes, sir.

24 Q. This was eleven months after the order of
25 protection hearing; correct?

1 A. Yes, sir.

2 Q. That wasn't true; was it?

3 A. I don't know.

4 Q. Your testimony to this jury is, you don't know
5 whether it was true that Nick Apperson knows he's not
6 allowed to come within 500 feet of me after eleven
7 months earlier, you lost your order of protection
8 hearing?

9 A. Yes, sir.

10 Q. Now, just to be clear so there is no
11 ambiguity, that "he" in your message refers to Nick
12 Apperson; correct?

13 A. Yes, sir.

14 Q. There's no ambiguity as to who you're talking
15 about; correct?

16 A. Yes, sir.

17 Q. And your testimony under oath as you sit here
18 today is you don't know whether that was a true
19 statement; is that correct?

20 A. Yes, sir.

21 Q. Now, you actually went further in this
22 message, to be clear, if you look at Exhibit 10, the
23 timing goes from bottom to top; correct?

24 A. I don't know.

25 Q. If you look with me right now, 9:50 goes to

1 9:51?

2 A. Yes, sir.

3 Q. So the conversation, if we want to understand
4 what was actually said, just objectively we would read
5 from the bottom to the top; correct?

6 A. Understood.

7 Q. Okay. You emphasized he literally just had an
8 event at T-Rex last night; correct?

9 A. Yes, sir.

10 Q. And to be clear, Gabriela Szteinberg -- and I
11 can show you the unredacted version if you would like,
12 but responded to your message; correct?

13 A. Yes, sir.

14 Q. So there is no dispute that we have that
15 Gabriela Szteinberg read what you said about Nick
16 Apperson on October 3, 2018; correct?

17 A. Yes, sir.

18 Q. Now, so that's October 3rd. Just to be clear,
19 if I show you Exhibit 13 briefly again. On the first
20 page of 13, please. The first page of Exhibit 13 is a
21 copy of a judgment in connection with the order of
22 protection that you referenced; correct, that you
23 filed?

24 A. Yes, sir.

25 Q. And it's dated by the clerk's stamp on

1 November 30, 2017; correct?

2 A. Yes, sir.

3 Q. And it's also dated just above the judge's
4 signature, November 30, 2017. The same date; correct?

5 A. Yes, sir.

6 Q. You received a copy of that judgment in court
7 that day; correct?

8 A. I don't recall.

9 Q. You knew what the judgment was though;
10 correct?

11 A. Yes, sir.

12 Q. You knew that as this reflects, the Court
13 ruled against you and said there's basically no orders
14 in place; correct?

15 A. Yes, sir.

16 Q. Any ex parte order of protection, if any was
17 issued, previously issued, is hereby dismissed, costs
18 waived; correct?

19 A. Yes, sir.

20 Q. That was eleven months before you told
21 Gabriela Szteinberg what you told Gabriela Szteinberg
22 about Nick not being allowed within 500 feet of you;
23 correct?

24 A. Yes, sir.

25 Q. Now, that's November 30th. That very night

1 you post on Facebook; correct?

2 If we can go to Exhibit one. We just looked
3 at that, but for timing purposes, that very night, a
4 couple hours after you leave court -- you leave court
5 in the afternoon; correct?

6 A. Yes, sir.

7 Q. A couple of hours, plus or minus, after you
8 leave court, you go on to Facebook and publicly post to
9 the world, Nick Apperson, the owner of Radix house is a
10 serial abuser and rapist; correct?

11 A. Yes.

12 Q. That's December 1st of 2017; correct?

13 A. No, sir.

14 Q. I'm sorry. November 30, 2017; correct?

15 A. Yes, sir.

16 Q. And that's the post where you tag six people
17 including Justine Collum; correct?

18 A. Yes, sir.

19 Q. December 1, 2017, a day later, you had what
20 you called a list of demands for Mr. Apperson; correct?
21 I'm asking you.

22 A. Sure, yes, sir. I don't know the dates
23 specifically.

24 Q. You had a list of demands for Mr. Apperson;
25 correct?

1 A. Yes.

2 Q. And one of those demands was agree with the
3 order of protection that you had already lost?

4 A. Yes, sir.

5 Q. You told your friend Marissa Scott that day,
6 quote, I am scorching earth until Nick meets my
7 demands, end quote. Did you say that?

8 A. I don't recall.

9 MR. GELFAND: Your Honor, at this time I move
10 to Exhibit 54 into evidence.

11 THE COURT: Any objection to Exhibit 54?

12 MS. KELLERMAN: No objection.

13 MS. FU: No objection, Your Honor.

14 THE COURT: 54 received. You may proceed.
15 Thank you.

16 MR. GELFAND: Thank you.

17 Q. (By Mr. Gelfand) I'll tell you what page
18 number. Go to Page 4, please. Please read to the jury
19 what you tell your friend on December 1, 2017, at
20 1:25 p.m.

21 A. I can't read from this far away. I am okay.
22 I don't know the status of Nick. I will have a very
23 nice security system by the end of the day, and I'm
24 scorching earth until Nick meets -- meet my demand.

25 Q. Putting aside the S issue, you made it very

1 clear, I am scorching earth until Nick, meaning
2 Mr. Apperson meets your demands; correct?

3 A. Yes, sir.

4 Q. Now the next day, you engage in a Facebook
5 conversation with somebody whose user name is Blithe de
6 Carona; correct?

7 A. I don't know.

8 Q. I'm going to show you Exhibit 9, please, which
9 has already been received. Who is Blithe de Carona in
10 that?

11 A. Brittany Newton.

12 Q. Who is Brittany Newton for the benefit of the
13 jury?

14 A. Nick's former roommate.

15 Q. Brittany Newton was a member of this
16 community; correct?

17 A. Yes, sir.

18 Q. Brittany Newton was involved personally and
19 professionally with Mr. Apperson; correct?

20 A. I don't know.

21 Q. Do you know that Brittany Newton literally
22 lived in Radix house; correct?

23 A. Yes.

24 Q. And on December 1, 2017, you tell Brittany
25 Newton -- let's back up for a second. When you refer

1 to "they" have wealth, are you referring to the pronoun
2 as Mr. Apperson?

3 A. Yes, sir. But I can't read that small of a
4 handwriting.

5 Q. We'll zoom in. Can you read it now?

6 A. Yes, sir.

7 Q. Looking at this message, just beginning with
8 the 2:31, if they have wealth, who did "they" refer to?

9 A. Mouna, sir.

10 Q. To be clear, you say if they, meaning
11 Mr. Apperson, has wealth, it is through illegal means,
12 which is to say they are hiding, he is hiding wealth
13 from the government; correct?

14 A. Yes, sir.

15 Q. And then the very next thing you say is what?

16 A. And that makes sense, because they keep
17 getting charged with tax evasion.

18 Q. This was to Blithe de Carona, the user name
19 for Brittany Newton; correct?

20 A. Yes, sir.

21 Q. You told Ms. Newton if Mr. Apperson has
22 wealth, it's through illegal means; correct?

23 A. Yes, sir.

24 Q. Which is to say that he's hiding wealth from
25 the government; correct?

1 A. Yes, sir.

2 Q. And that makes sense, because he keeps getting
3 charged with tax evasion; correct?

4 A. Yes, sir.

5 Q. And Ms. Newton responds to your statement
6 saying none of this -- and I can tell you, none of this
7 surprises me. He is ridiculous, and I'm so ready to
8 blow all of his shit up. Do you see that?

9 A. Yes, sir.

10 Q. And that was all in response to your comment
11 about tax evasion; correct, among other comments,
12 wealth, etc.?

13 A. I don't know.

14 Q. It was literally in response to that
15 conversation, is what I'm asking you?

16 A. I don't know if literally all of that's going
17 into why she said that.

18 Q. I am simply saying, that was a response in the
19 same conversation you were having using this method of
20 communication with Ms. Newton?

21 A. Yes, sir.

22 Q. Now to be clear, you understand that Apperson
23 has never been charged with tax evasion; correct?

24 A. I now understand that, yes, sir.

25 Q. You understand and you agree with me that that

1 comment that you made to Ms. Newton is not a true
2 statement; correct?

3 A. Yes, sir.

4 Q. We readily agree with each other right here,
5 right now, that it is objectively false that
6 Mr. Apperson, quote, keeps getting charged with tax
7 evasion, end quote?

8 A. Yes, sir.

9 Q. Five days later, December 6, 2017, if we could
10 go to Exhibit 3, please. If we go up a sentence to get
11 our bearings. December 6, 2017, literally one week
12 after your OP hearing; correct?

13 A. Yes, sir.

14 Q. Five days after this tax evasion false
15 statement that you just admitted to; correct?

16 A. Yes, sir.

17 Q. You then go on to Facebook and publicly post,
18 maybe you didn't know then, but you know now, Nick
19 Apperson is a serial abuser and rapist of women; is
20 that correct?

21 A. Yes, sir.

22 Q. And you post that to the world; correct?

23 A. I don't know.

24 Q. You post it on Facebook; correct?

25 A. Yes, sir.

1 Q. And this is within a week of telling your
2 friends that until Nick meets your list of demands,
3 scorch earth; right?

4 A. Yes, sir.

5 Q. Now, throughout 2018, you continue to publicly
6 make statements on Facebook about Mr. Apperson;
7 correct?

8 A. Yes, sir.

9 Q. You continue to publicly post on Facebook that
10 Mr. Apperson is a rapist; correct?

11 A. Yes, sir.

12 Q. A serial rapist; correct?

13 A. Yes, sir.

14 Q. A serial abuser; correct?

15 A. Yes, sir.

16 Q. At one point, you tell someone that Apperson
17 is a serial sex offender; correct?

18 A. I do not recall.

19 Q. You're not denying it, you're just saying you
20 don't remember?

21 A. Yes, sir.

22 Q. And you repeatedly make post after post after
23 post on social media; correct?

24 A. Yes, sir.

25 Q. And let's be clear for a second. When you're

1 posting this on social media, you're posting this as an
2 update to your status message most of the time;
3 correct?

4 A. Yes, sir.

5 Q. For those of us that may not be as familiar
6 with Facebook, when you update your status message,
7 just knowing what you know about Facebook, that prompts
8 that update to appear on other people's Facebook feeds;
9 correct?

10 A. Yes, sir.

11 Q. In other words, the whole idea there is to
12 publish whatever it is you're saying to people in the
13 community; correct?

14 A. Yes, sir.

15 Q. And let's be clear for a second. Your goal
16 was to loudly state to everyone who you could transmit
17 these Facebook posts to, these messages to, everything
18 that you just admitted to saying about Mr. Apperson;
19 correct?

20 A. Yes, sir.

21 Q. You wanted to get this message out to as many
22 people as you possibly could; correct? You once used
23 the phrase, it would go viral; correct?

24 A. In the St. Louis community, yes, sir.

25 Q. What does going viral mean?

1 A. Viral means that it's a widely read post.

2 Q. And that was your goal with posts about
3 Mr. Apperson; correct?

4 A. Yes, sir.

5 Q. You wanted them to go viral; correct?

6 A. Yes, sir.

7 Q. And just to be clear, going viral basically
8 means, it doesn't just hit the eyes of a handful of
9 people, but it's posted and reposted, and all of a
10 sudden, things that go viral, a million people may be
11 seeing it or whoever it may be; correct?

12 A. Correct.

13 Q. I'm not saying that happened. I'm saying that
14 was your goal; right?

15 A. Yes, sir.

16 Q. If we look at Exhibit 2, please. If we can
17 publish that, please. Can you see Exhibit 2 on the
18 screen in front of you?

19 A. No, sir.

20 Q. Can you now see it?

21 A. Yes, sir.

22 Q. If we go to the top, please. This is
23 October 5th of 2018?

24 A. Yes, sir.

25 Q. And let's be clear. I want to jump around for

1 a second on this to give the jury a chance to see this.
2 But you say in this post, Mouna/Nick Apperson is a
3 quote, serial rapist, end quote, and abuser; correct?

4 A. Yes, sir.

5 Q. You see that right here, those are your words
6 in a public published forum; correct?

7 A. Yes, sir.

8 Q. A serial rapist?

9 A. Yes, sir.

10 Q. October 5, 2018; correct?

11 A. Yes, sir.

12 Q. This time, you take it even further and
13 publish Mr. Apperson's start-up?

14 A. Yes, sir.

15 Q. You tell the world that this person you're
16 claiming is a serial rapist has started a new venture
17 called Pro Social Technology; correct?

18 A. Yes, sir.

19 Q. You even include a link to the website;
20 correct?

21 A. Yes, sir.

22 Q. You emphasize that it is apparently going to
23 be some sort of a mental health app; correct?

24 A. Yes, sir.

25 Q. You associate Mr. Apperson's business with

1 T-Rex; correct?

2 A. Yes, sir.

3 Q. And an event at T-Rex where up and coming
4 entrepreneurs could pitch their ideas and get
5 advice/mentorship from them; correct?

6 A. Yes, sir.

7 Q. Did you make it clear that Mr. Apperson had
8 collected ideas, contact info, and essentially a
9 network; correct?

10 A. Yes, sir.

11 Q. You knew that Mr. Apperson had a start-up
12 business at that time, you told the world that; is that
13 correct?

14 A. Yes, sir.

15 Q. You knew that Mr. Apperson's office space and
16 network, business network was at T-Rex; correct?

17 A. Yes, sir.

18 Q. You knew the nature of this, broadly, that
19 this was a start-up, that it was an app for mental
20 health?

21 A. Yes, sir.

22 Q. You wanted to tell the world that the person
23 Mr. Apperson behind this business venture at this
24 office space, this incubator space, is a quote, serial
25 rapist, end quote; correct?

1 A. Yes, sir.

2 Q. Now, October of 2018, that's when you post
3 this; correct, October 5, 2018? I'll show you.

4 A. Yes, sir.

5 Q. During this same time period, you're trying to
6 get the Riverfront Times to write an article about
7 Mr. Apperson; correct?

8 A. Yes, sir.

9 Q. Obviously, there wasn't one; correct?

10 A. Yes, sir.

11 Q. The Riverfront Times wouldn't run the article
12 you wanted them to run; correct?

13 A. No, sir.

14 Q. November 2018, you e-mail T-Rex?

15 A. Yes, sir.

16 Q. November 12, 2018, to be specific; correct?

17 A. I don't recall the date.

18 MR. GELFAND: Your Honor, at this time, I
19 move Plaintiff's Exhibit 71 into evidence.

20 THE COURT: Any objection to 71?

21 MS. KELLERMAN: No objection.

22 MS. FU: No objection, Your Honor.

23 THE COURT: Thank you. 71 is received. You
24 may proceed.

25 MR. GELFAND: Thank you.

1 Q. (By Mr. Gelfand) We can publish 71, please.
2 Now, if we can go down to the next page, can you tell
3 the jury if you recognize the e-mail dated November 12,
4 2018, just for identification purposes and time-stamped
5 at 11:37 a.m.?

6 A. Yes, sir.

7 Q. You wrote that e-mail to Patricia Hagen;
8 correct?

9 A. Yes, sir.

10 Q. You personally drafted and sent that e-mail to
11 Patricia Hagen; correct?

12 A. Yes.

13 Q. The subject matter is safety and
14 accountability at T-Rex, Nick Apperson; is that
15 correct?

16 A. Yes, sir.

17 Q. Could you please read the first two sentences
18 or paragraphs of that?

19 A. Can you zoom in, please?

20 Q. Sure.

21 A. Dear Dr. Hagen, my name is Tasha Kaminsky.
22 I'm reaching out to you regarding a very serious matter
23 involving someone who has been involved with T-Rex,
24 Nick Mouna Apperson. I was raped and abused by Nick
25 Apperson who is renting office space at your

1 organization.

2 Q. And you reference earlier, some actions by the
3 same Justine Collum person; correct? I'm sorry, later,
4 the next paragraph?

5 A. Yes, sir.

6 Q. Now, to be clear your purpose in sending this
7 e-mail and telling Ms. Hagan that you were raped and
8 abused by Nick Apperson was that T-Rex would do
9 something about it; correct?

10 A. Yes, sir.

11 Q. You wanted T-Rex to take action, so to speak,
12 against Mr. Apperson based on what you wrote in your
13 e-mail; correct?

14 A. Yes, sir.

15 Q. You wanted T-Rex to kick Mr. Apperson and his
16 business out of the incubator business space?

17 A. No, not necessarily, sir.

18 Q. You wanted to interfere with the business;
19 right?

20 A. Not necessary, sir.

21 Q. What did you think would happen when you say,
22 I was raped and abused by Nick Apperson who is renting
23 space, office space at your organization?

24 A. I don't know, sir.

25 Q. That's your testimony?

1 A. Yes, sir.

2 Q. Let's be clear. You learned very quickly --
3 well, first of all, if we go to the next -- if we
4 scroll up. Go down a little, I'm sorry, to the
5 signature line. I'm sorry, the signature block above.
6 Perfect. Patricia Hagen is the president and founding
7 executive director of the technology entrepreneur
8 center for T-Rex Innovation Center; correct?

9 A. Yes, sir.

10 Q. And that's why you targeted this communication
11 with her; correct?

12 A. Yes, sir.

13 Q. Patricia Hagen acknowledges your e-mail;
14 correct?

15 A. Yes, sir.

16 Q. Tells you she is currently in conversation
17 with various stakeholders about its content; correct?

18 A. Yes, sir.

19 Q. No dispute that Patricia Hagen receives your
20 e-mail, reads your e-mail, and is considering what to
21 do about your e-mail; correct?

22 A. Yes, sir.

23 Q. And then you learned that within a short
24 period of time, it worked. Mr. Apperson was kicked out
25 of T-Rex; correct?

1 A. No, I did not learn that.

2 Q. Are you claiming you never learned that
3 Mr. Apperson was kicked out of T-Rex?

4 A. Eventually, but not in the short amount of
5 time.

6 Q. You learned eventually that Mr. Apperson was
7 kicked out of T-Rex, meaning the business was kicked
8 out of T-Rex?

9 A. That's correct.

10 Q. You were proud of that?

11 A. No, sir.

12 Q. That's your testimony, you weren't proud that
13 your efforts led to Nick Apperson getting kicked out of
14 T-Rex?

15 A. Proud is not the word I would use.

16 Q. Let me rephrase it this way. Were you happy
17 with the result?

18 A. I don't know.

19 Q. What word would you use?

20 A. Ambivalent.

21 Q. Now, that's late 2018; correct?

22 A. Yes, sir.

23 Q. 2019, you continued to make statements about
24 Mr. Apperson to other people; correct?

25 A. Yes, sir.

1 Q. Just to be clear for a second, you readily
2 acknowledge that this campaign of making statements
3 about Mr. Apperson, the statements that are the subject
4 matter of this litigation, spanned from 2017 to at
5 least 2019; correct?

6 A. Yes, sir.

7 Q. No dispute about that; correct?

8 A. No, sir.

9 Q. No dispute that you made the statements;
10 correct?

11 A. No, sir.

12 Q. No dispute that you made those statements with
13 the purpose of communicating what you were
14 communicating to other people in the community;
15 correct?

16 A. Yes, sir.

17 Q. And no dispute that those people responded to
18 your statements? In other words, you got feedback that
19 they heard you; correct?

20 A. Yes, sir.

21 Q. Just to be clear, Ms. Kaminsky, the statements
22 were not limited to Facebook, were they?

23 A. No, sir.

24 Q. You verbally told people in the community the
25 same things you posted on Facebook; correct?

1 A. Yes, sir.

2 Q. You verbally told people that Mr. Apperson was
3 a rapist; correct?

4 A. Yes, sir.

5 Q. You verbally told people that Mr. Apperson was
6 a serial rapist; correct?

7 A. Yes, sir.

8 Q. You verbally told people that Mr. Apperson was
9 a serial abuser; correct?

10 A. Yes, sir.

11 Q. Now, 2019, February 2019, if we look at
12 Exhibit 12, please. I believe 12 is already in
13 evidence, Your Honor.

14 THE COURT: Don't worry, I'll let you know if
15 it's not.

16 MR. GELFAND: Thank you.

17 Q. (By Mr. Gelfand) All right. February 25,
18 2019, you publicly post on Facebook about Mr. Apperson
19 again; correct?

20 A. Yes, sir.

21 Q. This time, you're replying to your own
22 comment; correct?

23 A. Yes, sir.

24 Q. Just to get our bearings for just a minute,
25 what's that mean in Facebook speak?

1 A. There's a post, there's a conversation within
2 the post. I was participating in the conversation
3 within the post.

4 Q. So in other words, at risk of over
5 simplification, somebody posts something on Facebook;
6 correct?

7 A. Yes, sir.

8 Q. And then there is comments, so people from the
9 community can comment on that post, all in a public
10 capacity; correct?

11 A. Yes, sir.

12 Q. And if you reply to your own comment, you too,
13 are engaging in this public conversation on Facebook;
14 correct?

15 A. Yes, sir.

16 Q. So when you reply to a comment, it's a public
17 statement on Facebook; correct?

18 A. Yes.

19 Q. That you're publishing using the Facebook
20 mechanism to the world; correct?

21 A. Yes, sir.

22 Q. This time, you say -- we can zoom in, please.
23 Let me know if I'm reading this correctly. I was
24 actively being stalked by Apperson through 2017, and I
25 decided to speak up about being stalked and the pattern

1 of abuse in late 2017, which is why I filed for a
2 restraining order. The tape existed then; correct?

3 A. Yes, sir.

4 Q. You posted that to the world; correct?

5 A. Yes, sir.

6 Q. And then to be clear, this notion that you
7 were actively being stalked even though this was posted
8 in February of 2019, this was the same allegation that
9 you made in your petition for an order of protection,
10 all the way back in November of 2017; correct?

11 A. Yes, sir.

12 Q. You published this post approximately
13 16 months after the Court denied your order of
14 protection; correct?

15 A. Yes, sir.

16 Q. People commented on this post; correct?

17 A. Yes, sir.

18 Q. Would you agree, this means that people read
19 your post; correct?

20 A. Yes, sir.

21 Q. February 26, 2019, one day later, you're in a
22 conversation on Facebook with Benjamin Singer; correct?

23 A. Yes, sir.

24 Q. Tell the jury if you would who Benjamin
25 Singer?

1 A. I go to synagog with Benjamin Singer.

2 Q. Benjamin Singer is a member of the St. Louis
3 community at that time; correct?

4 A. Yes, sir.

5 Q. What did Benjamin Singer do for a living?

6 A. I don't know.

7 Q. Benjamin Singer and you are commuting on
8 Facebook, February 26, 2019; correct?

9 A. I'll take your word for it.

10 Q. You don't need to take my word. Let's look
11 at, if we can -- I believe it's in evidence as
12 Exhibit 11.

13 THE COURT: Any objection to 11?

14 MS. KELLERMAN: No, Your Honor. Let me just
15 make sure.

16 THE COURT: Okay.

17 MS. KELLERMAN: No objection, Your Honor.

18 THE COURT: 11 is received. Thank you.

19 MS. FU?

20 MS. FU: No objection, Your Honor.

21 THE COURT: You may proceed.

22 Q. (By Mr. Gelfand) If I can direct your
23 attention to Exhibit 11. You say two things to
24 Benjamin Singer; correct?

25 A. Yes, sir.

1 Q. February 26, 2019. Order doesn't really
2 matter, but let's start at the bottom. One of the rape
3 victims actually was run out of town. You say that;
4 correct?

5 A. Yes, sir.

6 Q. And then you say, Nick has threatened to kill
7 me and her; correct?

8 A. Yes, sir.

9 Q. Benjamin Singer responds to you; correct?

10 A. Yes, sir.

11 Q. There's a redacted portion, but you readily
12 acknowledge that Benjamin Singer acknowledges the
13 statement and responds to you; correct?

14 A. Yes, sir.

15 Q. So there is no dispute that this was read by
16 Benjamin Singer; correct?

17 A. Yes, sir.

18 Q. There was no dispute that you were the one
19 that said February 26, 2019, that Nick Apperson has
20 threatened to kill me and her; correct?

21 A. Yes, sir.

22 Q. Tell the jury, if you would, who the me and
23 her are?

24 A. Me and Adriane.

25 Q. To be clear, when you say Adriane, you're

1 referring to Ms. Norman?

2 A. Yes, sir.

3 Q. When you say one of the rape victims was
4 actually run out of town, you were referencing
5 Ms. Norman; correct?

6 A. Yes, sir.

7 Q. Now, you agree that that's not true, that
8 Ms. Norman was never run out town; correct?

9 A. No.

10 Q. You disagree with that?

11 A. Yes.

12 Q. Is it your testimony that Ms. Norman has ever
13 told you, the reason I left St. Louis was because of
14 Nick Apperson?

15 A. Something to that effect, yes.

16 Q. When?

17 A. Early 2018.

18 Q. Now, the truth is, Mr. Apperson has never
19 threatened to kill you; correct?

20 A. I'm not sure how to answer that question so
21 that the reality of the question comes across, or the
22 reality of the answer comes across.

23 Q. I'm not sure I understand your answer.

24 A. I'm not sure I understand your question.

25 Q. Mr. Apperson did not ever threaten to kill

1 you; correct?

2 A. No.

3 Q. Mr. Apperson did not ever threaten to kill
4 Ms. Norman, as far as you're aware; correct?

5 A. No.

6 Q. Let me be clear for a second. When you say
7 no, you're saying I'm wrong?

8 A. Yes.

9 Q. Just to be clear, your testimony to this jury
10 is that Mr. Apperson has threatened to kill you and
11 Ms. Norman?

12 A. Yes.

13 Q. When?

14 A. Mr. Apperson on multiple occasions made it
15 very clear that they knew how to have people killed,
16 that they had access to people who would do such a
17 thing, and that they weren't afraid to do it.

18 Q. When?

19 A. While I was in a relationship with him.

20 Q. So let's be clear. You're claiming that what
21 you're calling a threat to kill was in 2012 or 2013;
22 correct?

23 A. Yes, sir.

24 Q. And you're claiming that Mr. Apperson, if I
25 understand you correctly, said that he knew people who

1 could have people killed?

2 A. Yes, sir.

3 Q. When in the relationship?

4 A. Pardon?

5 Q. When in the relationship?

6 A. About in the middle of it.

7 Q. So in late 2012 or early 2013?

8 A. Like March 2013.

9 Q. You decided not to say this when under oath in
10 your order of protection petition?

11 A. I was extremely anxious during my order of
12 protection hearing. I had never been in court before.
13 There are many things that I did not say that in
14 retrospect I wish I had said.

15 Q. Let's be clear for a second. You would agree
16 with me that when trying to convince a judge to let
17 this person within 500 feet of me, he threatened to
18 kill me four years earlier would be a pretty compelling
19 statement; right?

20 A. Yes, sir.

21 Q. Not anywhere in your petition, which you filed
22 two weeks before you went to court; correct?

23 A. Yes, sir.

24 Q. And not anywhere in your under oath testimony
25 in court; correct?

1 A. Yes, sir.

2 Q. Because at that time, in November of 2017, you
3 hadn't yet made this statement to Mr. Singer, had you?

4 A. No, sir.

5 Q. But your testimony to this jury is that that
6 had already happened. It just escaped your mind that
7 day, he threatened to kill me and another person?

8 A. I have PTSD. One of the side effects of PTSD
9 is that traumatic experiences often become difficult to
10 recall, especially when you're under stress. I believe
11 that is what occurred during my order of protection
12 hearing.

13 Q. You communicated via Facebook with Claire
14 Caplan; correct?

15 A. Yes, sir.

16 Q. Tell the jury -- we have heard this name a
17 couple of times throughout this trial, but who Claire
18 Caplan is, please?

19 A. Claire Caplan is a member of the Jewish
20 community in St. Louis, or used to be.

21 Q. At time relevant to this case, Claire Caplan
22 was also a member of this community; correct?

23 A. Yes, sir.

24 Q. February of 2019, the same time period you're
25 telling Mr. Singer -- in the same month and year,

1 you're telling Mr. Singer that Mr. Apperson has
2 threatened to kill you and Ms. Norman. Just to be
3 clear, that's the first time you ever told that to
4 anyone; right?

5 A. No, sir.

6 Q. You posted it on Facebook?

7 A. No, sir.

8 Q. Did you tell T-Rex?

9 A. No, sir.

10 Q. February 2019, you and Ms. Caplan discussed
11 posting a flyer, meaning a physical poster?

12 A. Yes, sir.

13 Q. Around town with a picture of Mr. Apperson on
14 it; correct?

15 A. Yes, sir.

16 Q. And what you all were discussing was literally
17 posting a poster with Mr. Apperson's face, scattered
18 throughout the community that Mr. Apperson lives and
19 works in; correct?

20 A. Yes, sir.

21 Q. You talked about what would be on that poster?

22 A. Yes, sir.

23 Q. The words? Yes?

24 A. Yes.

25 Q. The words, quote, beware, serial rapist and

1 abuser, end quote; correct?

2 A. Yes, sir.

3 Q. Just to be clear, February 2019, you have
4 already posted using social media to the world
5 everything that you have admitted to about
6 Mr. Apperson; correct?

7 A. Yes, sir.

8 Q. You've already told other people in our
9 contexts verbally, words to the same effect; correct?

10 A. Yes, sir.

11 Q. In fact, the exact same statements that are
12 the subject of this case; correct?

13 A. Yes, sir.

14 Q. And you know the statements that are the
15 subject of this case; correct?

16 A. Yes, sir.

17 Q. Now, to be clear, February 2019, this is not
18 an online plan of posting your message, this is
19 literally posting physical posters with a person's face
20 and the words beware, serial rapist around town;
21 correct?

22 A. Yes, sir.

23 Q. And the truth is, you and Claire discussed
24 doing this, but never went forward with it; correct?

25 A. Yes, sir.

1 Q. And you actually discussed with Claire Caplan
2 that the reason you two didn't do this is because you
3 were concerned about being held liable in a case just
4 like this?

5 A. Yes, sir.

6 Q. So you had this idea, we want to post this
7 about Mr. Apperson, say this to the world, but if we do
8 that, we could get sued; correct?

9 A. Yes, sir.

10 Q. And to be clear, the conversation you were
11 having with Claire Caplan was before you were sued?

12 A. Yes, sir.

13 Q. Before this lawsuit was filed, before any
14 lawsuit was filed; correct?

15 A. Yes, sir.

16 Q. And the single reason, the only reason you
17 didn't do that to go forward with this plan of posting
18 this message around town with Nick Apperson's face was
19 because you didn't want to be sued? You didn't want to
20 deal with the civil consequences of doing that; is that
21 correct?

22 A. No, sir.

23 Q. That's what you told Ms. Caplan; correct?

24 A. I don't know. I would have to see the
25 conversation.

1 Q. We can --

2 Your Honor, just for reference purposes of
3 refreshing her recollection, I want to show the witness
4 for identification purposes Plaintiff's Exhibit 56,
5 Page 8.

6 THE COURT: You may proceed.

7 Q. (By Mr. Gelfand) At the bottom of that, just
8 take a look at that and tell me when you have had a
9 chance to read it. Have you had a chance to read that?

10 A. I am unclear as to who is sending which
11 messages.

12 Q. (By Mr. Gelfand) Meaning one side of the page
13 has you, one side has Claire Caplan?

14 A. Yes.

15 Q. These are messages to each other; correct?

16 A. Yes, sir.

17 Q. Let me ask you this way. One of you
18 determined that the reason you weren't going to do this
19 is because you didn't want to be sued civilly; correct?

20 A. The reason we have to be careful is because I
21 don't want to be held liable if we misquote the
22 recording.

23 Q. Can I have that back, please.

24 A. You can have this too, or not.

25 Q. I'm sorry. Oh, you can just leave that up

1 there. Thank you.

2 Now to be clear, several days after that, and
3 I think you have already acknowledged this in a more
4 broad sense, you made it very clear to Ms. Caplan that
5 you hoped one of your Facebook posts about Mr. Apperson
6 would go viral; correct?

7 A. Yes, sir.

8 Q. That's in February of 2019; correct?

9 A. Yes, sir.

10 Q. So even in February of 2019, you're sitting
11 there saying, I want this engine, this train to plow
12 fast ahead; correct? I want these messages out there
13 as widely and as publicly disseminated as I can
14 possibly get them; correct?

15 A. Yes, sir.

16 Q. And this is over 400 days after this public
17 messaging campaign started; correct?

18 A. I don't know.

19 Q. Over a year; correct?

20 A. Yes, sir.

21 Q. That same day, you told Rodney Brown, quote,
22 I'm not going to let it go. Think of all of the posts
23 I made, how people jumped on. People have banned Nick
24 from their spaces, end quote. You wrote that; correct?

25 A. I'll take your word for it.

1 Q. Do you want to see it?

2 A. No.

3 Q. And Rodney Brown was somebody who was
4 personally and professionally involved with
5 Mr. Apperson; correct?

6 A. I don't know.

7 Q. You know Rodney Brown; correct?

8 A. I know him peripherally.

9 Q. You were talking to Rodney Brown; correct?

10 A. Yes, sir.

11 Q. And you were saying in February of 2019, I'm
12 not going to let it go. Think of all the posts I made.
13 The posts were referring to your public Facebook posts
14 about Mr. Apperson; correct?

15 A. Yes, sir.

16 Q. How people jumped on, meaning the public-
17 posting messaging campaign worked; correct? It gained
18 traction?

19 A. Yes.

20 Q. Within the community; correct?

21 A. To an extent, yes, sir.

22 Q. People have banned Nick from their spaces;
23 correct?

24 A. Yes.

25 Q. What were you referring to when you say banned

1 from their spaces?

2 A. My understanding, Mr. Apperson had been asked
3 to no longer come to certain spaces.

4 Q. When you say spaces, you're referring to
5 establishments within the community; correct?

6 A. Yes, sir.

7 Q. As a result of your messaging campaign;
8 correct?

9 A. I don't know.

10 Q. That's what you told Mr. Brown; correct?

11 A. I don't know if the reason Mr. Apperson was
12 banned was because of those posts or not.

13 Q. Now, if we look at Exhibit 6, please.

14 THE COURT: Any objection -- oh, six is
15 received. Sorry about that, counsel.

16 MR. GELFAND: Thank you.

17 Q. (By Mr. Gelfand) We're going to zoom in. So
18 this is your post from November 30th. I can show you
19 if you want to compare, or you can take my word for it.
20 Nick Apperson, the owner of Radix house, is a serial
21 abuser and rapist.

22 A. Yes, sir.

23 Q. Adriane Norman publically comments on your
24 post; correct?

25 A. I don't know.

1 Q. Zoom in. She says, thank you, Tasha, with
2 some hearts; correct?

3 A. Yes, sir.

4 Q. To be clear, you recognize that user on
5 Facebook with the name, for example, as Ms. Norman?

6 A. Yes, sir.

7 Q. If we look at Exhibit 5, please, which has
8 already been received?

9 THE COURT: Uh-huh.

10 Q. (By Mr. Gelfand) Ms. Norman, just to be clear,
11 that's the same Adriane Norman in the picture, user
12 name that you have identified that you're familiar with
13 as the Adriane Norman who is the other defendant in
14 this case; is that right?

15 A. Yes, sir.

16 Q. Ms. Norman writes, Tasha has been working
17 patiently for months, quietly asking for support, and
18 has been very polite and careful in everything she has
19 done. Did I read that correctly?

20 A. Yes, sir.

21 Q. Tasha refers to Ms. Kaminsky; correct?

22 A. Yes, sir.

23 Q. She continues, if there's a better way to do
24 this, I truly don't know how that would happen. It's a
25 simple ask, and she is not hurting anyone. Did I read

1 that correctly?

2 A. Yes, sir.

3 Q. It would be really nice to listen to her and
4 talk with her. Did I read that correctly?

5 A. Yes, sir.

6 Q. She has been working on my behalf as well as
7 many other women. Did I read that correctly?

8 A. Yes, sir.

9 Q. Is it your testimony, Ms. Kaminsky, that
10 Ms. Norman lied when she said you have been working on
11 her behalf as well as many other women?

12 A. No, sir.

13 Q. That was true; correct?

14 A. Among many other women, yes, sir.

15 Q. Now, March 3, 2019, if we look at Exhibit 59.
16 I'm not sure if that has been admitted, Your Honor?

17 THE COURT: 59. Any objection?

18 MS. FU: No objection.

19 MS. KELLERMAN: No objection.

20 THE COURT: 59 is received.

21 Q. (By Mr. Gelfand) If we could publish
22 Exhibit 59 for the jury, March 3, 2019.

23 THE COURT: Still 59?

24 MR. GELFAND: Yes. I apologize for my
25 confusion.

1 Q. (By Mr. Gelfand) You and Ms. Norman are
2 texting; correct?

3 A. Yes, sir.

4 Q. And these are text messages in March of 2019
5 between the two of you; correct?

6 A. Yes, sir.

7 Q. You're referring to the lawsuit. You say it's
8 riddled with lies; correct?

9 A. Yes, sir.

10 Q. So you're aware of the lawsuit by at least
11 early of March of 2019; is that correct?

12 A. Yes, sir.

13 Q. This lawsuit?

14 A. It was a different lawsuit. The lawsuit has
15 since changed twice.

16 Q. A different petition. It's the lawsuit that
17 brings us here together; correct?

18 A. Yes, sir.

19 Q. Ms. Norman writes to you, and thank you for
20 fighting this for all of us.

21 A. Yes, sir.

22 Q. We can take that down. Now, you readily
23 acknowledged this morning that on Facebook, verbally,
24 and in a bunch of different capacities, you told the
25 world that Mr. Apperson is both a rapist and a serial

1 rapist; correct?

2 A. Yes, sir.

3 Q. Now, I want to ask you point blank. Are you
4 claiming, as you sit here today, that Mr. Apperson has
5 ever had sexual intercourse with you without your
6 consent?

7 A. Yes, sir.

8 Q. When are you claiming that happened?

9 A. Multiple times.

10 Q. Multiple times?

11 A. Yes, sir.

12 Q. Let's talk about that. Was it all during your
13 relationship that you're claiming?

14 A. Yes, sir.

15 Q. For all 2012, 2013; yes?

16 A. Yes, sir.

17 Q. Tell us what it is you're claiming happened.

18 A. On multiple occasions Mr. Apperson had sex
19 with me without my consent, had sex with me after I
20 asked him to please stop having sex with me, coerced me
21 into having sex, and got me very inebriated and had sex
22 with me while I asked to stop.

23 Q. Ms. Kaminsky, what you just said to this jury,
24 you understand you haven't said before when under oath
25 in this case in other contexts; correct?

1 A. Yes, sir.

2 Q. You gave a deposition in this case; correct?

3 A. Yes, sir.

4 Q. You took an oath to tell the truth in that
5 deposition; correct?

6 A. Yes, sir.

7 Q. And you didn't say what you just told that
8 jury; correct?

9 A. No, I did.

10 Q. You're claiming that that's what you said in
11 your deposition?

12 A. Something to that effect, yes.

13 Q. Are you claiming you said that under oath in
14 November of 2017 during your order of protection
15 hearing?

16 A. No, sir.

17 Q. Are you claiming you wrote that under oath
18 November 16th in your order of protection petition?

19 A. No, sir.

20 Q. In fact, December 20, 2017 --

21 Your Honor, at this time, I move Exhibit 53
22 into evidence.

23 THE COURT: Any objection to Exhibit 53?

24 MS. KELLERMAN: No objection.

25 MS. FU: No objection, Your Honor.

1 THE COURT: 53 is received. Thank you.

2 Q. (By Mr. Gelfand) You published on Facebook all
3 the way back in December of 2017; correct?

4 A. Yes, sir.

5 Q. Can you please read first of all Tasha Melissa
6 that's you; correct?

7 A. Yes, sir.

8 Q. Can you please read, tell me if I read this
9 correctly. It's a little blurry. I will clarify: I
10 classify what happened to me to be sexual coercion.
11 Some people consider that rape. Some don't. Nick told
12 a tableful of people that they raped me, and they used
13 the word rape. I didn't.

14 A. Yes, sir.

15 Q. November 20th, if we look at the date. Can we
16 zoom out. That's 2017. You post that; correct?

17 A. Yes, sir.

18 Q. November 20, 2017, you're saying I'll clarify:
19 I don't classify what happened to me as rape. I
20 classify what happened to me as sexual coercion;
21 correct?

22 A. Yes, sir.

23 Q. But what you're telling the jury here today is
24 that you claim there were times when you said no and
25 Mr. Apperson had sex with you anyway?

1 A. Yes, sir.

2 Q. You're telling the jury that there were times
3 that you claim that you were too inebriated to give
4 your consent?

5 A. Yes, sir.

6 Q. And you had sex with Mr. Apperson anyway?

7 A. Yes, sir.

8 Q. And just to be clear, you wouldn't classify
9 that as rape?

10 A. I now classify that as rape, sir.

11 Q. But you didn't in December of 2017, that's
12 your testimony under oath?

13 A. Yes, sir.

14 Q. Now, in fact, December 8, 2023, you signed an
15 under oath affidavit in this very case, did you not?

16 A. Yes, sir.

17 Q. That was two months ago, a month ago?

18 A. Yes, sir.

19 Q. Not even two months ago. One month ago;
20 correct?

21 A. Yes, sir.

22 Q. When you signed that affidavit under the
23 penalties of perjury; correct?

24 A. Yes, sir.

25 Q. You addressed this topic, meaning your sexual

1 relationship with Mr. Apperson, in that under oath
2 affidavit; correct?

3 A. Yes, sir.

4 Q. You didn't say anywhere in your under oath
5 affidavit one month ago that you signed that there was
6 ever any sex without consent?

7 A. I did not write the affidavit.

8 Q. Who did?

9 A. My lawyer.

10 Q. Did you read it?

11 A. Yes, sir.

12 Q. Did you read it before you signed it under the
13 penalties of perjury?

14 A. Yes, sir.

15 Q. Are you claiming that your affidavit was
16 false?

17 A. No, sir.

18 Q. In fact, you said in your under oath
19 affidavit, one month ago, December 8, 2023, your words,
20 not mine, sex was quote, motivated by fear rather than
21 tenderness, end quote?

22 A. Yes, sir.

23 Q. You didn't say anything about being too
24 inebriated to consent to sex; is that correct?

25 A. No, sir.

1 Q. You didn't say anything about saying no and
2 having sexual intercourse continue anyway; correct?

3 A. Not in the affidavit, no, sir.

4 Q. Not in the under oath affidavit; correct?

5 A. No, sir.

6 Q. In fact, what you did say, sex was motivated
7 by fear, rather than tenderness. Were those your
8 words?

9 A. No, sir.

10 Q. Now, Ms. Kaminsky, November 16, 2017, you
11 agree, and I can show you the timestamp, that you
12 submit the petition for the order of protection at
13 approximately 6:00 p.m. or at least that's when the
14 faxed timestamp is?

15 A. Yes.

16 Q. You saw that in the courtroom?

17 A. Yes, sir.

18 Q. That's Exhibit 13; correct?

19 A. Yes, sir.

20 Q. You were not present at Apperson's house
21 approximately four and a half hours later at 11:00 p.m.
22 on November 16, 2017; correct?

23 A. No, sir.

24 Q. The day before, November 15, 2017, Ms. Caplan
25 told you about the plan to have a large group

1 intervention. Her words, not mine?

2 A. I'll take your word for it.

3 Q. Do you want to see your text? Do you want to
4 see my text, or take my word for it?

5 A. I'll take your word for it.

6 Q. You knew the day before this happened that
7 there was a plan to basically confront Mr. Apperson
8 without letting Mr. Apperson in on the plan; correct?

9 A. I don't recall.

10 Q. And is it your testimony that you had nothing
11 to do with planning what would happen that night?

12 A. Yes, sir.

13 Q. And that's your testimony that you're telling
14 this jury from that witness stand under oath today?

15 A. Yes, sir.

16 Q. Now, in fact, March 2019, you were discussing
17 this very incident with your friend, Mr. and
18 Ms. Sullivan; correct?

19 A. Pardon?

20 Q. Let me show you Exhibit 62.

21 THE COURT: Any objection to 62?

22 MS. KELLERMAN: No objection.

23 MS. FU: No objection, Your Honor.

24 THE COURT: 62 is received.

25 MR. GELFAND: Thank you.

1 Q. (By Mr. Gelfand) Look at Page 3 of 62. I'm
2 sorry, Page 4. These are your words and text messages;
3 correct?

4 A. No.

5 Q. You're denying that these are your text
6 messages? You're denying what you said, one person
7 went and didn't even make it upstairs. I'm scared in
8 my righteous anger I made a mistake. I was clear I
9 didn't want anyone to so much as raise their voice.

10 A. I don't know if that is Claire or if that is
11 me.

12 Q. Did that reflect your sentiment of what
13 happened?

14 A. I need to see it again.

15 Q. We can see it again. I'm scared in my
16 righteous anger I made a mistake. Is that you talking?

17 A. I genuinely do not know.

18 Q. We can take it down. Now, the very next day,
19 November 17, 2017, you found out about this recording
20 from this confrontation at 11:00 p.m. at Mr. Apperson's
21 house the night before; correct?

22 A. I was told there was a recording that might
23 exist.

24 Q. And to be clear, at some time in 2018, you
25 received a copy of that recording; correct?

1 A. I received snip-its of the recording.

2 Q. Okay. Let's talk about that. January 25,
3 2019, you text your friend Vladimir Lapunsky. Am I
4 pronouncing that correctly?

5 A. I have no idea.

6 Q. Who is Vladimir Lapunsky?

7 A. I have no idea.

8 Q. I'm going to have you look at Exhibit 63 and
9 tell me if that's your text.

10 THE COURT: Any objection to 63?

11 MS. KELLERMAN: Yes, Your Honor, I would
12 object. It includes unredacted hearsay.

13 MS. FU: Join, Your Honor.

14 THE COURT: 63 is not really -- not received,
15 subject to further foundation, counsel. You may
16 proceed.

17 MR. GELFAND: Thank you.

18 Q. (By Mr. Gelfand) Can you take a look at
19 Exhibit 63 and tell me if you recognize that.

20 THE COURT: While she's looking at that, does
21 anybody need a break on the jury? Everybody is okay?
22 Okay. Thank you.

23 Q. (By Mr. Gelfand) Take your time, ma'am, but
24 please tell me when you've had chance to look at it.

25 A. Okay. I have read the messages.

1 Q. Are these text messages between you and
2 Vladimir Lapunsky, Facebook messages?

3 A. Yes.

4 Q. To be clear, you were discussing this tape,
5 this recording?

6 A. Yes, sir.

7 Q. And who is Vladimir Lapunsky?

8 A. I do not know, sir.

9 Q. To help us understand, why are you discussing
10 any of this with Vladimir Lapunsky if you don't know
11 who that is?

12 A. They were aware of the tape and the fact that
13 the full recording was being withheld from my lawyer
14 and I, and they didn't like that that was happening to
15 me.

16 Q. When you say the full recording was being
17 withheld, you're not saying by Mr. Apperson; right?

18 A. No, sir.

19 Q. You tell Mr. Lapunsky in January --

20 A. I think they're a woman.

21 Q. Okay. I apologize. You tell Ms. Lapunsky,
22 quote, I didn't know there was a tape or have it.

23 A. Yes.

24 Q. And you were referring to November 30, 2017
25 when you showed up at the order of protection hearing;

1 correct?

2 A. Yes, sir.

3 Q. But you knew there was a tape November 17, 13
4 days before the order of protection hearing; correct?

5 A. Someone told me there was a tape. I had no
6 reason to believe it. I thought it was a rumor. I had
7 hoped it was true. It was never produced or given to
8 me.

9 Q. And the someone was Claire Caplan and you
10 didn't believe Claire; correct?

11 A. The someone who said that a tape, a recording
12 existed was Claire. I do not believe Claire had access
13 to that recording.

14 Q. You described the recording in November of
15 2018 with Ms. Lapunsky as quote, an edited recording,
16 and quote, and it isn't the full recording; correct?

17 A. Yes, sir.

18 Q. And let's talk about 2019. You became -- you
19 first became aware of this lawsuit in early March of
20 2019; is that correct?

21 A. Yes, sir.

22 Q. March 3, 2019, you tried to warn Ms. Norman to
23 avoid being served with this lawsuit if possible; is
24 that correct?

25 A. I don't recall.

1 Q. Do you recall telling that to Rodney Brown?

2 A. I don't recall.

3 MR. GELFAND: Your Honor, just for purposes of
4 refreshing the witness's recollection, I'm showing her
5 Page 1 of 57, not for admission purposes.

6 THE COURT: You may proceed. That's
7 Exhibit 57?

8 MR. GELFAND: Yes, Page 1.

9 THE COURT: You may proceed.

10 Q. (By Mr. Gelfand) Have you had n opportunity
11 to review that?

12 A. Yes, sir.

13 Q. Is it fair to say that you at least told
14 Rodney Brown that you told Ms. Norman to try to avoid
15 being served if she can?

16 A. I simply said that I tried to warn Adriane
17 that it was coming.

18 Q. At 2:05 p.m., did you say avoid being served
19 if you can?

20 A. To Rodney, yes.

21 Q. The next day you engaged in some
22 communications involving an organization you were
23 involved with called Ashreinu; correct?

24 A. Yes, sir.

25 Q. Just broadly speaking, what was or what is

1 Ashreinu?

2 A. Ashreinu is an independent peer group.

3 Q. You were in charge of that organization in
4 March of 2019; correct?

5 A. Among others, yes.

6 Q. You became aware of this lawsuit and that
7 prompted some discussions about this organization;
8 correct?

9 A. I don't recall.

10 MR. GELFAND: Your Honor, at this time, I move
11 into evidence Exhibit 60.

12 THE COURT: Any objection to 60?

13 MS. KELLERMAN: No objection.

14 MS. FU: No objection, Your Honor.

15 THE COURT: Thank you. 60 is received.

16 MR. GELFAND: If we could publish 60.

17 Q. (By Mr. Gelfand) March 4, 2019, you reference
18 this lawsuit; is that correct?

19 A. Yes, sir.

20 Q. These are your words; correct?

21 A. Yes, sir.

22 Q. You say, with your permission, I want to make
23 you the legal president of Ashreinu; correct?

24 A. Yes, sir.

25 Q. And if you go to the next page. You reference

1 that you haven't lived in St. Louis for over a year; is
2 that correct?

3 A. Yes, sir.

4 Q. You say, on the terrible chance that he wins
5 and I am totally destroyed, we need to make sure
6 Ashreinu has your name and not mine; correct?

7 A. Yes, sir.

8 Q. You want to not be listed on public documents;
9 correct?

10 A. Yes, sir.

11 Q. Go to the next page. You say, I will still
12 work and do all of the things that I do. It's about
13 making it harder to find me; correct?

14 A. Yes, sir.

15 Q. I want to make it look like you all maybe even
16 kicked me out or I resigned. I'll still work and show
17 up and lead, but I don't need my name attached to it;
18 correct?

19 A. Yes, sir.

20 Q. You take that down. So you're served with a
21 lawsuit alleging that you made false statements;
22 correct?

23 A. Yes, sir.

24 Q. And your first reaction to that lawsuit is to
25 enter into this arrangement whereby you want to make it

1 look like one set of facts is true, but you're still
2 going to stay in charge. Correct?

3 A. No, sir.

4 Q. But isn't that what you just literally said in
5 contemporaneous messaging?

6 A. That's not the intent behind the messaging,
7 sir.

8 Q. Is that what you said?

9 A. I said what was typed up, yes, sir.

10 Q. The next day, March 5, 2019, you told Rodney
11 Brown, quote, delete your Facebook, end quote; correct?

12 A. Yes, sir.

13 Q. So you're just served with this lawsuit, and
14 you're advising Rodney Brown, delete your Facebook?

15 A. Yes, sir.

16 Q. Now, Ms. Kaminsky, we've covered a lot of
17 territory. I understand that we have not surprisingly
18 disagree on a couple of things, but I want to establish
19 a couple of things that I think we agree on, and you
20 tell me if I'm wrong.

21 You agree that you publicly made the
22 statements that we allege you made in this lawsuit on
23 Facebook and to other people who are not parties to
24 this lawsuit; correct?

25 A. I made certain statements publicly, and

1 certain statements privately.

2 Q. You agree that you publicly stated that
3 Mr. Apperson is a rapist; correct?

4 A. Yes, sir.

5 Q. You agree that you publicly stated that
6 Mr. Apperson is a serial rapist; correct?

7 A. Yes, sir.

8 Q. You agree that you publicly stated that
9 Mr. Apperson is a serial abuser; correct?

10 A. Yes, sir.

11 Q. You agree that you publicly stated that
12 Mr. Apperson stalked you through 2017; correct?

13 A. Yes, sir.

14 Q. You made all of those in a public forum and
15 received feedback from people who heard them; correct?

16 A. Yes, sir.

17 Q. And read them; correct?

18 A. Yes, sir.

19 Q. You agree that you made those same statements,
20 as you have already acknowledged today, orally, as
21 well? In other words, we don't have paper to show you
22 because they're oral statements, but you readily admit
23 to this jury that you made those statements; correct?

24 A. Yes, sir.

25 Q. And that you made those statements to people

1 who acknowledged hearing them and responded to you;
2 correct?

3 A. Yes, sir.

4 Q. Those were all people within the community;
5 correct?

6 A. Some of them are, yes.

7 Q. Let me phrase it this way. You acknowledge
8 that you made all of those statements to people in the
9 community; correct?

10 A. I made them to people outside of this
11 community, as well, sir.

12 Q. I understand that. I perhaps phrased it
13 poorly, but you acknowledge that every one of the
14 statements were made to people in the public and
15 greater St. Louis; correct?

16 A. I have no idea if the greater public all saw
17 it.

18 Q. The people that you a made them to were in the
19 St. Louis personal and professional community; correct?

20 A. Yes, sir.

21 Q. You also fully acknowledge that you told
22 people that -- one individual, for example, that
23 Mr. Apperson was a twice charged tax evader; correct?

24 A. I told one person that in a private message,
25 yes, sir.

1 Q. Yes. And in particular, that was a person you
2 knew had a relationship with Mr. Apperson?

3 A. Yes, sir.

4 Q. And you readily acknowledged that you told
5 another person that Mr. Apperson was not allowed to be
6 within 500 feet of you; correct?

7 A. I told one person in a private message, yes,
8 sir.

9 Q. Another member of this community; correct?

10 A. Yes, sir.

11 Q. Now, you would agree with me, would you not,
12 that publicly stating somebody is a serial rapist
13 damages that person's reputation?

14 A. Yes, sir.

15 Q. Publicly stating somebody is a rapist damages
16 that person's reputation?

17 A. Yes, sir.

18 Q. Publicly stating that somebody has stalked you
19 damages that person's reputation?

20 A. Yes, sir.

21 Q. You understand that when you're effectively
22 accusing someone in the court of public opinion of
23 crimes, that's necessarily going to impact and harm
24 their reputation; correct?

25 A. Yes, sir.

1 Q. You understand that telling somebody that
2 someone has been twice charged with the crime of tax
3 evasion harms that person's reputation?

4 A. Yes, sir.

5 Q. That telling somebody that someone is not
6 allowed within 500 feet of you harms that person's
7 reputation; correct?

8 A. Yes, sir.

9 Q. So in all reality, the disagreement that we
10 have is about whether what you publicly stated on
11 Facebook or otherwise stated to third people, like
12 Ms. Szteinberg, or Mr. Singer, was true or was false;
13 correct?

14 A. I don't understand the question.

15 Q. We agree that you made all of the statements?

16 A. Yes, sir.

17 Q. We agree that they were heard by other people?

18 A. Yes, sir.

19 Q. You just agreed that, obviously, these kinds
20 of things harm people's reputations in addition to what
21 Mr. Apperson testified to?

22 A. Yes, sir.

23 Q. You agree that these statements were
24 acknowledged by these other people who heard them and
25 read them, that they responded to you?

1 A. Yes, sir.

2 Q. So the real disagreement, the only
3 disagreement that we have is whether what you publicly
4 said about Mr. Apperson was true; correct?

5 A. Yes, sir.

6 Q. In that regard that we have boiled that down,
7 you readily admit, as you already have, I believe,
8 today, that what you said about Mr. Apperson having
9 been charged with tax evasion was just false?

10 A. I was incorrect, sir.

11 Q. It was a false statement; correct?

12 A. I was incorrect, sir.

13 Q. Are you disagreeing with me that it was a
14 false statement?

15 A. It was a false statement, sir.

16 Q. And you readily admit that saying Mr. Apperson
17 was not allowed within 500 feet of you in October of
18 2018 was a false statement; correct?

19 A. No, sir.

20 Q. So you're still maintaining that, that's true?

21 A. Yes, sir.

22 Q. That Mr. -- you're saying that it's true, that
23 on October 2018, eleven months after the court's ruling
24 in Exhibit 13, Mr. Apperson was not allowed within
25 500 feet of you?

1 A. Yes, sir.

2 MR. GELFAND: Your Honor, may I have one
3 minute, please.

4 THE COURT: That's fine.

5 MR. GELFAND: Your Honor, I have no other
6 questions for this witness.

7 THE COURT: Ms. Kellerman, you may proceed.

8 MS. KELLERMAN: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MS. KELLERMAN:

11 Q. Tasha, we're going to go over a lot of what
12 you just testified about, but just to kind of give this
13 jury a little bit more background of what your
14 relationship was like with Mr. Apperson.

15 When you -- was Mr. Apperson your first sexual
16 partner?

17 A. Yes, ma'am.

18 Q. And how would you characterize your
19 relationship with Mr. Apperson?

20 A. Complicated.

21 Q. And would you agree with the statement that
22 there were at times the relationship was good and at
23 times the relationship was not good?

24 A. Yes, ma'am.

25 Q. Did you endure any actions on behalf -- from

1 Mr. Apperson that you viewed as abusive?

2 A. Yes, ma'am.

3 Q. And did that include aggressive comments about
4 your religious beliefs?

5 A. Yes, sir -- or yes, ma'am.

6 Q. And did that include that he told you that if
7 you left him, he would die?

8 A. Yes, ma'am.

9 Q. Did that include instigating arguments and
10 becoming aggressive and forcing you to apologize?

11 A. Yes, ma'am.

12 Q. And did that include that when you broke up
13 with him, he told you no one else would as patient and
14 that if you left, you would be raped?

15 A. Yes, ma'am.

16 Q. Now, during your relationship, was it -- so
17 your relationship started like in August of 2012, if
18 I'm remembering correctly?

19 A. Yes, ma'am.

20 Q. Okay. So was it the spring of 2013 before
21 there was any attempt at penetrative sex?

22 A. Yes, ma'am.

23 Q. Prior to the penetrative sex, was there
24 sexual contact or what somebody would refer to as
25 sexual contact, but not penetrative sex?

1 A. We kissed.

2 Q. Any touching?

3 A. No, ma'am.

4 Q. In spring of 2013, can you tell the jury about
5 the first attempt at penetrative -- and I know it's
6 hard, and I'm sorry, but you were brought into this
7 courtroom by Mr. Apperson, so we need to tell the jury
8 what happened, because they have to decide whether or
9 not what you said was substantially true.

10 Can you explain to the jury your first
11 penetrative sexual experience with Mr. Apperson.

12 A. I was at Mr. Apperson's apartment. He began
13 to initiate sex. Mr. Apperson told me to take off my
14 clothing. I asked to keep my bra on. Mr. Apperson
15 insisted I take off all my clothing. We began to have
16 sex. I had an allergic reaction to the condom. I was
17 in so much pain that I asked that he please stop,
18 something was wrong. We did stop. I went into the
19 bathroom. I didn't have access to my clothing anymore.
20 I washed myself off in the tub. Mr. Apperson said that
21 we should continue to have sex. Mr. Apperson said he
22 was very good at sex, and that it would be an okay
23 experience if we resumed. We resumed having sex. I
24 continued to have an allergic reaction to the condom.
25 It was extremely painful. I asked to stop.

1 Mr. Apperson said we need to switch positions. So we
2 continued to switch positions until Mr. Apperson was
3 done.

4 Q. So when you voiced during that encounter you
5 wanted to stop, did Mr. Apperson say okay, let's stop?

6 A. No.

7 Q. In fact he insisted, let's keep trying?

8 A. Yes.

9 Q. Can you tell the jury about the next encounter
10 that you had with him that involved penetrative sex?

11 A. I was at Mr. Apperson's house in
12 Mr. Apperson's bedroom. Mr. Apperson started saying
13 some alarming things to me about how he had secret
14 knowledge that made him a target of violence and that
15 he worried for my safety, that I might be hurt because
16 of this knowledge that he had.

17 And that if something were to happen, it was
18 altogether possible it would just look like an
19 accident. And I became afraid. Not necessarily
20 because I believed Mr. Apperson -- because I cared for
21 Mr. Apperson, and I knew that was not a normal thing to
22 say. And I worried what I had gotten myself into. And
23 Mr. Apperson initiated sex, and I didn't know what to
24 do, so we had sex. And afterwards, he talked about how
25 he wanted to have children with me. And being as I'm

1 religious and I was very young at the time, I said I
2 can't have children out of wedlock.

3 Q. During that encounter that you just described,
4 did you tell him that you were in pain and that you
5 want today stop?

6 A. I really don't recall. I just remember that I
7 was really upset and afraid.

8 Q. Do you recall Mr. Apperson accusing you of
9 being asexual because of how you were reacting to him?

10 A. Yes, ma'am.

11 Q. And I believe you testified previously, I'm
12 going to try to help you as much as I can here to make
13 this less painful, but there was another event or
14 occurrence of penetrating sex at your apartment, and
15 these are all in the spring of 2013; correct?

16 A. Yes.

17 Q. There is an occurrence of penetrative sex at
18 your apartment. Can you describe that experience to
19 the jury?

20 A. Mr. Apperson expressed that he was unhappy
21 with our sex life, that we didn't have enough sex. He
22 said he wanted to have more sex, and if we didn't have
23 more sex, he would cheat on me. He tried to initiate
24 sex with me. I said I was not in the mood to have sex,
25 especially after he just said he would cheat on me.

1 Mr. Apperson was in my bedroom at the time and he was
2 in front of the door. And I felt in that moment that I
3 needed to have sex with him or I wasn't going be to
4 allowed to leave the room.

5 Q. Do you remember crying while you were having
6 sex with him?

7 A. Yes.

8 Q. And when you were crying while he was
9 penetrating you, did he stop?

10 A. No. I was spaced out on the bed, and he took
11 me from -- he had sex from behind me. He did not stop.

12 Q. Let's talk about the last occasion that
13 there's been testimony about. Again, in the spring of
14 2013, was there a time that you went to a hotel with
15 Mr. Apperson?

16 A. Yes, ma'am.

17 Q. And how did you come about that hotel room?

18 A. I had volunteered at a bingo night at a
19 retirement home and that was gifted to me for my
20 volunteer work for a staycation.

21 Q. Can you describe to the jury what your
22 experience was like in that hotel room with
23 Mr. Apperson?

24 A. We went to the hotel. We didn't eat before.
25 Mr. Apperson brought a bottle of birthday cake flavored

1 vodka and said that I should drink and it would
2 probably make sex easier for me.

3 So I drank the vodka. And then we started to
4 have sex, and I felt sick, like I was going to throw
5 up. So I asked to stop and he got really upset, and we
6 kept going, and I really don't remember a lot. I don't
7 know how much I drank, but once I could get out of the
8 bed, I locked myself in the bathroom.

9 Q. Tasha, did you go to the police and report
10 these encounters back in 2013?

11 A. No, ma'am.

12 Q. Why not?

13 A. I didn't understand what was going on. It was
14 my first adult relationship, and furthermore, it would
15 just be my word against his, but also, I was under the
16 impression that we were in love and that maybe this is
17 just what relationships are. It didn't even occur to
18 me that a crime had been committed.

19 Q. Now, you described for the plaintiff's
20 attorney some of the reasons why you were afraid. You
21 were afraid of the plaintiff; correct?

22 A. Yes, ma'am.

23 Q. That was based on the fact that he had
24 mentioned that he knew how to have people killed?

25 A. Yes, ma'am.

1 Q. And you knew Mr. Apperson, he's a tech guy;
2 right?

3 A. Yes, ma'am.

4 Q. He mentioned that he had access to the dark
5 web?

6 A. Yes, ma'am.

7 Q. And you mentioned that he had the wealth
8 necessary to hurt people if he wanted?

9 A. Yes, ma'am.

10 Q. And he mentioned again, this description that
11 you talked about how you were both targets and it could
12 look like an accident?

13 A. Yes, ma'am.

14 Q. When you finally ended this relationship, did
15 you ask Mr. Apperson not to contact you?

16 A. Yes, ma'am.

17 Q. And you were in the courtroom when
18 Mr. Apperson testified; correct?

19 A. No, I wasn't.

20 Q. Oh, that's right. Well, for part of it?

21 A. For part of it.

22 Q. So I don't remember which parts these were,
23 but where you in here when I was asking Mr. Apperson
24 questions?

25 A. I think so, yes.

1 Q. Do you recall -- to try to speed things up, do
2 you recall the e-mails that I discussed with him?

3 A. Yes, ma'am.

4 Q. Okay. And so when Mr. Apperson reached out to
5 you immediately following your breakup, you initially
6 just didn't respond to him; correct?

7 A. Yes, ma'am.

8 Q. And when he again reached out, you said,
9 listen to me, give me space, and I'll let you know when
10 I'm ready to talk?

11 A. Yes, ma'am.

12 Q. Now, the jury, that exhibit shows a knotch,
13 like a boilerplate e-mail. Do you even remember what
14 knotch was?

15 A. I don't know what it was. I was still youth
16 director, and I-Phones were relatively like new. And I
17 think just one of the kids I worked with signed up this
18 thing, and it was like a malware thing, where like I
19 pressed the link and it was just like --

20 Q. Okay. I guess my point is, that November
21 knotch.com e-mail, is that something that you
22 purposefully sent to Mr. Apperson?

23 A. No, ma'am.

24 Q. In December, did Mr. Apperson then continue to
25 contact you?

1 A. Yes, ma'am.

2 Q. You didn't respond in December?

3 A. No, ma'am.

4 Q. And in February, Mr. Apperson sends you a
5 pretty long e-mail; correct?

6 A. Yes, ma'am.

7 Q. And in that e-mail, he acknowledges that he
8 knows you don't want him to contact you, but he felt
9 like he needed to anyway?

10 A. Yes, ma'am.

11 Q. Was that concerning to you?

12 A. Yes.

13 Q. And so in response to that February e-mail,
14 that's the first time you mentioned stop, or there will
15 be legal consequences?

16 A. Yes, ma'am.

17 Q. And did he just let it go, or did he again
18 respond to you?

19 A. He again responded.

20 Q. Now, you found out that Mr. Apperson bought a
21 house within a block or so of you in the spring of
22 2015; is that correct?

23 A. Yes, ma'am.

24 Q. How did that make you feel to find out that
25 the person that you had asked not to contact you and

1 had disregarded those wishes had moved within a block
2 or so of you?

3 A. Scared.

4 Q. There was an event called Food Spark. Do you
5 recall that event?

6 A. Yes, ma'am.

7 Q. That was in the summer of 2016?

8 A. Yes.

9 Q. Tell the jury what happened when you attended
10 this event?

11 A. My friend Rachel and I went to a Food Spark
12 event. It was my understanding that it would be an
13 event about food equity and justice in the St. Louis
14 region. I just wanted to go with my friend to an event
15 that was meaningful. When we arrived, I saw
16 Mr. Apperson there with Ms. Norman, and I had a panic
17 attack, and once my friend realized I was having a
18 panic attack, we left. But my friend went back. She
19 didn't want to miss the event, and I didn't want to
20 ruin her day. She told me that Mr. Apperson approached
21 her and wanted to talk to her about me. She told me
22 that Mr. Apperson had essentially asked for my schedule
23 under the pretense of just so that we don't run into
24 each other again. My friend refused to comply and she
25 warned me.

1 Q. Now, just to borrow Mr. Gelfand's words, just
2 to be clear for a second, you just named Adriane Norman
3 being with Mr. Apperson at that event. Did you know
4 Adriane Norman?

5 A. No, ma'am.

6 Q. Okay. So when you say you saw Adriane Norman
7 there, did you know who it was at the time?

8 A. No, ma'am.

9 Q. It was concerning to you that Mr. Apperson was
10 talking to your friend and asking for your schedule so
11 he wouldn't run into you?

12 A. Yes, ma'am.

13 Q. Now, I believe there's been previous testimony
14 about you went on a date with someone else at MokaBe's,
15 and I think it was December of 2016; is that correct?

16 A. Yes, ma'am.

17 Q. Okay. And that while you were there with
18 another person, Mr. Apperson came in, and sat directly
19 behind your date and looked at you?

20 A. Yes, ma'am.

21 Q. How did that make you feel?

22 A. Afraid, so we left.

23 Q. Then again in February of 2017, you were in a
24 public place, and Mr. Apperson came in and sat at the
25 table right next to you?

1 A. Yes, ma'am.

2 Q. How did that make you feel?

3 A. Afraid.

4 Q. I believe there was also a time that you left
5 your building that you lived in at the time to attend
6 an event, and you as leave, as you walk out your door,
7 you saw Mr. Apperson on the street?

8 A. Yes, ma'am.

9 Q. Did you approach him?

10 A. No. I just slammed the door and called a
11 friend.

12 Q. So just the fact of seeing him, you would have
13 a reaction?

14 A. Yes.

15 Q. Or a fear and getting away?

16 A. Yes.

17 Q. Prior to November of 2017, had you talked to
18 anybody about your relationship with Mr. Apperson?

19 A. Yes, ma'am.

20 Q. And this is before any public comments. After
21 talking to others, what if any conclusions did you draw
22 about your relationship with Mr. Apperson and your
23 experiences with Mr. Apperson?

24 MR. GELFAND: Your Honor, I'm sorry. I would
25 object to the extent that the answer calls for hearsay.

1 THE COURT: Overruled.

2 A. Up until 2017, I spoke with therapists and
3 some friends, and I came to understand -- and some
4 partners, and I came to understand that the
5 relationship I had with Mr. Apperson was not a normal
6 or a healthy relationship.

7 THE COURT: Goes towards state of mind.
8 Proceed.

9 A. I grew up very religious, and I was never
10 comfortable talking about sex, so I never got into the
11 details of what sex was like with anyone, including my
12 therapist or my partners who I did have sex with. We
13 just didn't talk about it, but I came to understand
14 that at the very least, the relationship I had been in
15 was an emotionally abusive one.

16 Q. (By Ms. Kellerman) Based on your own
17 experience with Mr. Apperson, did Mr. Apperson rape
18 you?

19 A. Yes.

20 Q. And I know we talked about this post sexual
21 assault versus rape. Is sexual assault in your mind
22 rape?

23 A. It can be, yes.

24 Q. Is sexual coercion rape?

25 A. Yes.

1 Q. We talked about this order of protection and
2 these boxes that you have mentioned that your lawyer
3 prepared where you didn't check sexual assault. I
4 don't know if you still have that there, but the box
5 for coercion was checked; correct?

6 A. Yes, ma'am.

7 Q. And in fact, during that hearing, they
8 mentioned you didn't use the word rape then. You did
9 in fact testify that you experienced emotional abuse
10 and you were coerced into sexual acts; correct?

11 A. Yes, ma'am.

12 Q. You told the judge that?

13 A. Yes, ma'am.

14 Q. You used the word serial rapist?

15 A. Yes, ma'am.

16 Q. What do you mean by serial?

17 A. Someone who has raped more than one person.

18 Q. And so you had your own personal experiences.
19 That's one person; correct?

20 A. Yes, ma'am.

21 Q. What other information did you have that you
22 were basing the term serial rapist on?

23 A. I was told about Ms. Norman's experience, and
24 I realized it wasn't just me, that there was someone
25 else.

1 Q. And I know it was painful, but you listened to
2 the recording of the meeting that's been testified to;
3 right? And you heard Mr. Apperson say that there was
4 more than one person, that they were certain that they
5 had sexually assaulted?

6 A. Yes.

7 Q. Now, this message with Blithe de Carona or
8 Brittany Newton about the tax evasion. At the time
9 that you wrote, Keeps getting charged with tax evasion,
10 did you know that to be a false statement?

11 A. No.

12 Q. Isn't it true that you based that statement on
13 a Case.Net entry about a tax issue?

14 A. Yes, ma'am.

15 Q. At the time -- are you a lawyer?

16 A. No, ma'am.

17 Q. At the time, did you understand that there was
18 any difference between what's called a tax lien and a
19 tax evasion?

20 A. No, ma'am.

21 Q. And in fact, her response to you was, it
22 wasn't surprising; correct?

23 A. Yes, ma'am.

24 Q. Which would indicate that that specific
25 statement didn't change her opinion about Mr. Apperson?

1 MR. GELFAND: Objection. Calls for
2 speculation and the state of mind of a third party.

3 THE COURT: Overruled. Perception.

4 Q. (By Mr. Kellerman) When you read her response,
5 did that indicate to you that you saying anything about
6 tax evasion didn't surprise her, didn't affect
7 Mr. Apperson's reputation in her mind?

8 A. Yes, ma'am.

9 Q. The statement about 500 feet to Gabriela
10 Szteinberg, again, that was in a private message;
11 correct?

12 A. Yes, ma'am.

13 Q. And to your knowledge, did Gabriela Szteinberg
14 know Nick Apperson?

15 A. No, ma'am.

16 Q. To your knowledge, did Gabriela Szteinberg
17 repeat that comment to any other person?

18 A. No, ma'am.

19 Q. Did you make that statement because when the
20 judge said it was a close call, you knew that it was a
21 bad -- you guys shouldn't be around each other?

22 A. Yes, and in that order of protection hearing,
23 at the close, when I was denied my order of protection,
24 the judge was very clear that it had been a very close
25 call and he empathized with me. I took that to mean we

1 ought -- Mr. Apperson and I should not come near one
2 another again.

3 Q. Did you ever tell anyone that a judge entered
4 an order -- outside of the ex parte -- there was
5 actually an order in place for a couple of weeks;
6 correct?

7 A. Yes, ma'am.

8 Q. Did you ever tell anyone after November 30,
9 2017, that a judge ruled in your favor and ordered
10 Mr. Apperson to stay 500 feet away from you?

11 A. No, ma'am.

12 Q. You wrote the message about threaten to kill
13 you and her to Benjamin Singer. To your knowledge,
14 does Benjamin Singer know Mr. Apperson?

15 A. No, ma'am.

16 Q. To your knowledge, was that statement ever
17 repeated by Mr. Singer to any other person?

18 A. No, ma'am.

19 Q. And that statement was based on these -- what
20 you took to be threatening statements from Mr. Apperson
21 during your relationship?

22 A. Yes, ma'am.

23 Q. Now, you did at some point go to the police
24 about Mr. Apperson; correct?

25 A. Yes, ma'am.

1 Q. And that was in 2018 when you finally got the
2 recording?

3 A. I only received clips of the recording, but
4 yes.

5 Your Honor, I'm sorry. May we briefly
6 approach?

7 THE COURT: Come on up, please. Why don't we
8 just take a lunch break right now. Can you do about
9 45 minutes, or do you need longer than that? 45 is
10 okay? Why don't we go ahead and break for lunch, if
11 that's okay, counsel.

12 MR. GELFAND: Sure.

13 MS. KELLERMAN: Uh-huh.

14 (Jury admonished at 12:07 p.m.)

15 THE COURT: Bailiff, Court will be in recess.
16 Now I have to figure out how much is 45 and 53. Let's
17 make it 12:55.

18 You may step down, Ms. Kaminsky.

19 (The jury was recessed, and the following
20 proceedings were held outside the hearing and presence
21 of the jury.)

22 THE COURT: May the record reflect that we're
23 outside the hearing and presence of the jury. You can
24 stand at sidebar if you want or you can go back out in
25 front.

1 what's your concern, counsel?

2 MR. GELFAND: My concern is that counsel -- I
3 don't know if counsel is intending to go there, but I
4 would object to the extent that counsel is intending to
5 elicit an alleged statement by a police officer that
6 prosecution would be time barred by the statute of
7 limitations.

8 THE COURT: If it would have an effect on the
9 listener, it's okay, if he just made a comment without
10 anybody relying on it, then yes, I would agree that it
11 is offered for a different purpose.

12 MR. GELFAND: But it's not only hearsay
13 nature. It's a legal statement.

14 THE COURT: It doesn't matter. If somebody
15 says if the fire alarm is pulled and somebody says you
16 can't leave as a matter of law and they don't leave
17 because of what a person says, it's not offered for the
18 truth of the matter asserted. The legal conclusion is
19 offered to show the effect on the listener, of
20 listening to somebody they think is giving valuable
21 advice. I don't know what it's offered for. It looks
22 like Ms. Kellerman is not going in that direction
23 anyway. I don't know.

24 MS. KELLERMAN: I think that it can be offered
25 as far as explaining subsequent acts of future posts.

1 THE COURT: The effect on the listener.

2 MS. KELLERMAN: Yes.

3 THE COURT: If you want me to instruct the
4 jury about that, I will?

5 MR. GELFAND: Okay, thank you.

6 THE COURT: And let's go off the record.

7 (At 12:15 p.m. a recess was taken. At 1:50 p.m.,
8 proceedings resumed in the hearing and presence of the
9 jury, as follows:)

10 THE COURT: Ms. Kaminsky, I'll remind you that
11 you're under oath, okay? You're still under oath.

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: Counsel, you may continue your
14 examination.

15 MS. KELLERMAN: Thank you.

16 Q. (By Ms. Kellerman) I believe when we broke
17 off, you did, in fact, go to the police in October of
18 2018; correct?

19 A. Yes, ma'am.

20 Q. And why did you go in 2018 when you didn't go
21 in 2013?

22 A. In 2018, I had proof that it was not just my
23 word against Mr. Apperson's word.

24 Q. And that proof that you're talking about is
25 this recording?

1 A. Yes, ma'am.

2 Q. Now, after you go to the police in 2018, you
3 did continue making posts online about Mr. Apperson;
4 correct?

5 A. Yes, ma'am.

6 Q. Why did you continue making public posts after
7 you went to the police?

8 A. When I went to the police, I was told that the
9 reason they were not going to move forward with
10 prosecuting was because of the statute of limitations
11 had run out.

12 THE COURT: I'll note the objection, counsel.
13 You may proceed.

14 MR. GELFAND: Can I ask for a limiting
15 instruction, Your Honor.

16 THE COURT: Pardon me?

17 MR. GELFAND: Can I ask for a limiting
18 instruction?

19 THE COURT: We'll discuss it later.
20 You may proceed.

21 MS. KELLERMAN: Thank you.

22 Q. (By Ms. Kellerman) That's why you continued
23 posting after October of 2018. Can you tell this jury
24 why you initially posted -- why you publically posted
25 in 2017, as opposed to anytime before that?

1 A. Before 2017, I did not know that anyone else
2 had gone through what I had gone through. When I found
3 out that there was someone else, I still didn't say
4 anything, and I felt immense guilt, because I wondered
5 if I had said something, could it have saved the next
6 girl. And eventually, that feeling started to haunt
7 me. And I felt especially since I knew that the person
8 who had come forward around May had not really been
9 heard or believed that I had a moral obligation to try
10 and save as many people as possible and alert the
11 people in my community that they were in contact with
12 somebody who had done this to at least two people. I
13 just didn't want it to happen again.

14 Q. I don't want to -- are you?

15 A. Yes.

16 Q. I'm sorry. I didn't want to cut you off.
17 Now, you were questioned about this post where you
18 named like a website link and named his business
19 venture of the Pro Social, I think it was called. Why
20 did you -- why were you concerned about that? Why did
21 you feel it was appropriate to post about his business
22 venture?

23 A. The business venture, as I understand, was
24 meant to target people experiencing mental health
25 issues. People with mental health issues are extremely

1 vulnerable, especially to violence, especially to
2 manipulation.

3 I thought if I did not say something and make
4 it clear, someone might go to Mr. Apperson for help and
5 find themselves in the same position I found myself in.

6 Q. You were questioned about this flyer and the
7 fact that you made -- you typed that you were concerned
8 about liable and you misquoting the recording; is that
9 correct?

10 A. Yes, ma'am.

11 Q. All right. And that's because you were basing
12 that flyer on Mr. Apperson's own statements?

13 A. Yes, ma'am.

14 Q. Mr. Apperson's statement that he sexually
15 assaulted you and at least one other person?

16 A. Yes, ma'am.

17 Q. Mr. Apperson's statement that he did abusive
18 things to people?

19 A. Yes, ma'am.

20 Q. You were questioned about whether or not
21 people jumped on your post. Did that, in fact, include
22 other people conveying their experiences with
23 Mr. Apperson?

24 A. Yes, ma'am. I was contacted by nearly 30
25 people who all had their own individual stories about

1 encounters they had had with Apperson, which ranged
2 from bad sexual encounters to sexual harassment, to
3 anti-semitism to verbal abuse.

4 Q. You were asked about the affidavits that you
5 wrote in connection with some other pleadings in this
6 case. I know that you didn't type it. Did you review
7 it?

8 A. Yes, ma'am.

9 Q. And were all of the statements in that
10 affidavit true?

11 A. Yes, ma'am.

12 Q. Was there any statement in that affidavit that
13 says this is an exhaustive list of anything that I
14 experienced with Mr. Apperson?

15 A. No, ma'am.

16 Q. And in fact, it specified that you were
17 describing some of the sexual encounters with
18 Mr. Apperson?

19 A. Yes, ma'am.

20 Q. They asked you about these messages about
21 Ashreinu. Why didn't you want your name on Ashreinu?

22 A. When you create a nonprofit organization, you
23 must list your home address. I did not want
24 Mr. Apperson to have access to my home address.

25 Furthermore, I was concerned that if

1 Mr. Apperson realized that I did have a Jewish
2 community full of people that I care about, he might
3 try to do something to harm that community.

4 Q. Now, Mr. Apperson's attorney asked you, and I
5 just want to clarify to make sure I heard the question.
6 I believe he was questioning you, could the statement
7 "so-and-so is a rapist" harm someone's reputation?

8 A. Yes, it could.

9 Q. And is that -- did I hear that question right?
10 He was asking, could this harm someone's
11 recommendation?

12 A. I don't recall how he phrased the question.

13 Q. Do you have any knowledge yourself as to
14 whether or not your statements actually did harm
15 Mr. Apperson's reputation?

16 A. No, ma'am.

17 MS. KELLERMAN: I don't have any further
18 questions.

19 THE COURT: Ms. Fu? Mr. Sanner? You may
20 proceed.

21 MR. SANNER: Thank you, Your Honor.

22 CROSS EXAMINATION

23 BY MR. SANNER:

24 Q. Good afternoon, sir.

25 A. Ms. Kaminsky, I just have a few questions for

1 you. I am going to tell you that the plaintiff in this
2 case, Mr. Apperson, had some allegations against my
3 client Adriane Norman about the fact that you were
4 working for her as an agent at the time these
5 statements were made.

6 Now I want to list THE statements that you
7 have admitted to having stated. Number one, that
8 Mr. Apperson was a rapist. Number two, he was a serial
9 rapist, and Number three, he was a serial abuser, and
10 fourth and finally, that he keeps getting charged with
11 tax evasion. Those were all the statement that you
12 made; correct?

13 A. Yes, sir.

14 Q. You were not working as Adriane's agent at the
15 time that those statements were made, were you?

16 A. No, sir.

17 Q. Did Adriane in any way cause you to make these
18 statements?

19 A. No, sir.

20 Q. Did she tell you to make this statement here,
21 this statement by Facebook? Did she control your
22 actions in making these statements in any degree?

23 A. No, sir.

24 Q. And I assume that there were no discussions
25 with Adriane whatsoever about the making of those

1 statements?

2 A. No, sir.

3 MR. SANNER: That's all I have. Thank you.

4 THE COURT: Mr. Gelfand -- Gelfand. I'm
5 sorry. I just want to make sure I get the correct
6 pronunciation.

7 MR. GELFAND: That's okay. I appreciate it.
8 May I proceed, Your Honor?

9 THE COURT: Yes, you may.

10 REDIRECT EXAMINATION

11 BY MR. GELFAND:

12 Q. Ms. Kaminsky, I'm trying to reconcile a couple
13 of things. You told this jury before the lunch break
14 that you are convinced and were convinced when you said
15 it on a Facebook message that Mr. Apperson can have you
16 killed; is that correct?

17 A. Yes, sir.

18 Q. That you're convinced that Mr. Apperson has
19 connections to the dark web, I think your lawyer called
20 it, as a tech person; correct?

21 A. That is what Mr. Apperson had told me, yes,
22 sir.

23 Q. And you're claiming that on various times
24 you've had your words, not mine, but PTSD type
25 reactions when you happened to be in the same place as

1 Mr. Apperson? For example, him walking in front of
2 your house; correct?

3 A. Yes, sir.

4 Q. So on the one hand you're basically saying, I
5 am terrified, I'm petrified of this person; correct?

6 A. Yes, sir.

7 Q. And then you decide to go spend years of your
8 life in this public crusade against Apperson; correct?

9 A. I don't understand the question.

10 Q. Well, you're considering flyering the
11 community, the neighborhood, with pictures of
12 Mr. Apperson's face and the statement serial rapist;
13 right?

14 A. Yes, sir.

15 Q. And you're considering doing that even though
16 you're petrified of this person; correct?

17 A. Yes, sir.

18 Q. Using your words, you're scorching earth on
19 social media until Mr. Apperson meets your demands?

20 A. Yes, sir.

21 Q. You're spending more than a year of your life
22 publicly making statements, one after the other after
23 the other, about Mr. Apperson, but you're terrified of
24 this person?

25 A. Yes, sir.

1 Q. You're personally e-mailing the head of T-Rex
2 the e-mail that the jury has in evidence about
3 Mr. Apperson?

4 A. Yes, sir.

5 Q. You're basically declaring war in the Court of
6 public opinion against Mr. Apperson?

7 A. I don't understand the question.

8 Q. Now, the truth is, the entire time that you
9 and Mr. Apperson lived a block apart from each other,
10 he never came to your house; correct?

11 A. Mr. Apperson never knocked on my door, no.

12 Q. You never came to his house; correct?

13 A. I'm sorry, which house are you referring to?

14 Q. The house that you claim was within a couple
15 of blocks of you?

16 A. Oh, yes, he drove by several times.

17 Q. Drove by?

18 A. Yes, sir.

19 Q. Did he knock on your door? Did he make
20 contact with you?

21 A. No, sir. He stopped his car in front of my
22 house and looked at me.

23 Q. That's the first time we're hearing that. Is
24 that in your order of protection petition?

25 A. I have no idea. No, sir, I don't think so.

1 Q. Did you say that when you were under oath in
2 your order of protection hearing in November of 2017?

3 A. I don't recall.

4 Q. The truth is, Mr. Apperson is not at that
5 time, when you all are coincidentally living close to
6 each other, texting you; correct?

7 A. No, sir.

8 Q. Not e-mailing you; correct?

9 A. Correct, sir.

10 Q. Not messaging you on social media; correct?

11 A. Correct, sir.

12 Q. Not knocking on your door; correct?

13 A. Correct, sir.

14 Q. You testified about this date that you had at
15 MoKaBe's -- I'm mispronouncing that, I'm sure?

16 A. MoKaBe's?

17 Q. MoKaBe's. You testified about that; correct?

18 A. Yes, sir.

19 Q. And you told the jury that Mr. Apperson, if
20 I've got it right, sat right next to you and stared at
21 you. Is that what you claim?

22 A. He sat behind my date at the table -- I
23 apologize for using my hands. I was sitting at a table
24 looking at my date. He sat directly behind my date, so
25 when I looked at my date over his shoulder I would see

1 Mr. Apperson.

2 Q. That's a table right next to you?

3 A. Yes, sir.

4 Q. That's your testimony?

5 A. Yes, sir.

6 Q. Last month you signed this affidavit that your
7 lawyer just asked you about again; correct?

8 A. Yes, sir.

9 Q. And even then, a month ago, you said plaintiff
10 showed up at a restaurant where I was on a date and sat
11 down a few tables away and stared at me?

12 A. That did happen on another occasion, yes, sir.

13 Q. You said, in fact, nothing in your affidavit
14 about what you just told the jury a few minutes ago;
15 correct?

16 A. That was not included in the affidavit, sir.

17 Q. You testified about your use of the word
18 serial rapist?

19 A. Yes, sir.

20 Q. You would agree with me that when you use the
21 word serial rapist in a public setting, you're invoking
22 the notion that someone is a serial rapist, someone who
23 has been charged, convicted of rape, numerous times;
24 correct?

25 A. No, sir.

1 Q. You're saying that's not what a reasonable
2 person reading that would understand it to mean?

3 A. No, sir.

4 Q. Okay. Now, in fact, Ms. Kaminsky, you
5 testified about this tax evasion thing. You told the
6 jury you got confused about a tax lien you that saw on
7 Facebook -- I'm sorry, on Case.Net on tax evasion;
8 correct?

9 A. Yes, sir.

10 Q. And you're under oath today. You understand
11 that; right?

12 A. That's correct.

13 Q. And that's what you're telling the jury,
14 that's what you're asking this jury to believe?

15 A. Yes, sir.

16 Q. That you saw there was a tax lien, a civil
17 issue on Case.Net, and you thought that means that
18 Mr. Apperson had been repeatedly charged with tax
19 evasion? That's your testimony?

20 A. Yes, sir.

21 Q. And you understand that the statement about
22 being repeatedly charged with tax evasion was after you
23 stated illegal source of funds, hiding money from the
24 government, things that evoke criminal tax
25 implications. Correct?

1 A. Yes, sir.

2 Q. You're sticking to the fact that you honestly
3 believed it was a tax lien?

4 A. I don't understand the question, sir.

5 Q. This whole thing of 30 people coming out,
6 contacting you, that's the first we're hearing about
7 that, isn't it?

8 A. No, I mentioned it in my deposition.

9 Q. You mentioned it in the OP hearing?

10 A. People came to me and told me things.

11 Q. You're claiming there is this universe of
12 people who came to you with stories about Apperson?
13 That's your testimony?

14 A. Yes, sir.

15 Q. Now, you understand, as you sit here today,
16 the significance of the statements that you have made
17 about Mr. Apperson; correct?

18 A. Yes, sir.

19 Q. And when your lawyer was asking you questions,
20 you described in detail what she walked you through of
21 what you would describe as a bunch of different
22 situations where you claim that you were raped by
23 Mr. Apperson; correct?

24 A. Yes, sir.

25 Q. You claim that one was basically -- forgive

1 the phrase, but essentially, an intoxication or a date
2 rape type situation; correct?

3 A. It was more than that, sir.

4 Q. But is that what you're claiming?

5 A. Yes, sir.

6 Q. You're claiming that Mr. Apperson gave you all
7 of this alcohol and you couldn't consent? Call it what
8 it is, is that what you're saying?

9 A. It was that and more, sir.

10 Q. And when you say and more, you're saying there
11 were aspects of what you would describe as a forcible
12 rape; correct?

13 A. I don't understand the question, sir.

14 Q. You're claiming you said no, and it happened
15 anyway?

16 A. Yes, sir.

17 Q. Now, you realize that even though you
18 addressed that very topic in your under oath affidavit
19 from a month ago -- I could show it to you if you would
20 like, or you can take my word on it. You didn't say a
21 single thing about either of those two things in here.
22 That's right; correct?

23 A. I'll take your word for it then.

24 Q. Do you want to see it?

25 A. No, sir.

1 Q. And in fact, in December of 2017, you
2 posted -- I can show you it again. We all looked at it
3 earlier -- on Facebook, some people would describe
4 what happened to me as rape. Do you remember that
5 post, the comments?

6 A. That is not the essence of what I said, but I
7 remember the post, sir.

8 Q. You said you would describe it as coercion;
9 correct?

10 A. Yes, sir.

11 Q. Yes?

12 A. Yes, sir.

13 Q. And in fact, you testified that you went to
14 the police in 2018; correct?

15 A. Yes, sir.

16 Q. And you testified that you claimed they made
17 some statement about the statute of limitations?

18 A. Yes, sir.

19 Q. And you understand, as somebody in our state,
20 that there is no statute of limitations for forcible
21 rape in the State of Missouri. You know that; right?

22 A. Rape in the second degree is what they called
23 it.

24 Q. That wasn't my question.

25 A. I don't understand.

1 Q. You understand that there is no statute of
2 limitations for forcible rape in the State of Missouri?

3 A. I don't understand.

4 Q. Well, can we agree that you couldn't have
5 possibly told the police the same thing that you told
6 this jury today, because there would be no statute of
7 limitations for what you told this jury today?

8 A. I don't understand the question.

9 Q. Well, let me ask it differently. You didn't
10 tell the police what you told this jury today, did you?

11 A. I don't recall specifically what I told the
12 police.

13 Q. Now, Ms. Kaminsky, you testified a few minutes
14 ago that you have no knowledge about whether the
15 statements you made about Mr. Apperson harmed his
16 reputation in the community; correct?

17 A. No, I do not have any knowledge that would
18 confirm that, no.

19 Q. But that's not really true, is it? Lots of
20 people came to you and echoed as a parroted knowledge
21 that you made those statements; correct?

22 MS. KELLERMAN: Objection. Calls for hearsay.

23 THE COURT: Counsel?

24 MR. GELFAND: Your Honor, this is following up
25 on exactly what she said.

1 THE COURT: Overruled.

2 MS. KELLERMAN: For the truth of the matter.

3 THE COURT: For the scope of cross
4 examination. You may proceed.

5 Q. (By Ms. Kellerman) Can you answer the
6 question?

7 A. Can you repeat the question?

8 Q. Yes. Lots of people came up to you when you
9 made these statements and essentially parroted back, so
10 they heard what you said; correct?

11 A. Yes.

12 Q. And they expressed support for you in some
13 instances; correct?

14 A. Yes, sir.

15 Q. And you would agree with me that that reflects
16 an impact on someone's reputation; correct? Someone
17 who is a serial rapist, you're saying that is not going
18 to affect their reputation in the community?

19 A. Is that a question?

20 Q. Yes. Are you saying that telling someone
21 so-and-so is a serial rapist, that is not going to have
22 an impact?

23 A. It will.

24 Q. It will, necessarily; correct?

25 A. It could.

1 Q. And it did; correct?

2 A. I don't know.

3 Q. Well, in fact, you bragged to a number of
4 people, including Rodney Brown, about all of the harm
5 that you caused Mr. Apperson, didn't you?

6 A. I did not brag about it.

7 Q. You flaunted the fact that this was never
8 going to end, you're going to keep going, and nothing
9 is going to stop you; correct?

10 A. I don't understand the question.

11 Q. You said that; correct, to Mr. Brown?

12 A. I said that I would not stop speaking out
13 about what happened to me, yes, sir.

14 Q. You wouldn't stop posting on social media;
15 correct?

16 A. I would not stop speaking out about what I
17 said, sir.

18 Q. You wouldn't stop posting those things on
19 social media; correct?

20 A. Yes, sir.

21 Q. You wouldn't stop telling people in the
22 community these statements about Mr. Apperson that are
23 the subject of this case; correct?

24 A. I would not stop telling people what
25 Mr. Apperson did to me, sir.

1 Q. And in fact, you shared with Mr. Brown that
2 you were aware that Mr. Apperson had been kicked out of
3 T-Rex; correct?

4 A. I don't recall, sir.

5 Q. You knew that though; right?

6 A. Correct.

7 Q. You knew that the company had gone down the
8 drain by that point; is that correct?

9 A. No, sir.

10 Q. You never knew that? That's news to you?

11 A. Yes, sir.

12 Q. It's your testimony under oath that you never
13 knew the impact that you had on Mr. Apperson's company?

14 A. No, sir.

15 Q. You're denying that it's true?

16 A. I have no idea if it's true.

17 Q. You testified that there were -- I'm sorry.
18 You told Mr. Brown that there were places Mr. Apperson
19 couldn't go in the community; correct?

20 A. Yes, sir.

21 Q. You're aware, living in this community,
22 travelling in many of these same circles, that you
23 participated in the start-up of a public campaign,
24 making statements about Mr. Apperson; correct?

25 A. Yes, sir.

1 Q. And that the campaign worked? It impacted
2 someone's life; correct?

3 A. If it saved one person, then it worked.

4 Q. And at the end of the day, it remains the
5 case, does it not, that the only fact that we actually
6 disagree on with respect to the allegations against you
7 in this lawsuit is whether what you said is true?

8 A. There's also a recording.

9 Q. Whether what you said is true, that's the
10 fact?

11 A. The fact is what I said is true, and there is
12 a recording of Mr. Apperson saying that he raped
13 people.

14 Q. You and I can agree to disagree on what was
15 said in the nature of it, but my question wasn't that.

16 A. What is your question?

17 Q. My question is, you agree you made all of
18 these statements, you agree that they were heard, you
19 agree that they were published, you agree they were
20 made to third parties, you agree they were made with
21 respect to the statements that we talked about earlier,
22 some in public, meaning some in a public post, some
23 verbally. You agree on all of those things; correct?

24 A. Yes, sir.

25 Q. What we disagree on, what you and Mr. Apperson

1 disagree on is whether what you said about Mr. Apperson
2 is true; correct?

3 A. That's what we disagree on.

4 MR. GELFAND: No further questions, Your
5 Honor.

6 THE COURT: Ms. Kellerman?

7 MS. KELLERMAN: Thank you, Your Honor.
8 Briefly, Your Honor.

9 RECROSS EXAMINATION

10 BY MS. KELLERMAN:

11 Q. So is it fair to say that your Facebook
12 activity in the time of 2017, 2018 and 2019 was pretty
13 prolific?

14 A. Yes, ma'am.

15 Q. Including things that had nothing to do with
16 Mr. Apperson?

17 A. Yes, ma'am.

18 Q. In fact, your Facebook archive, I think is
19 tens of thousands of pages long. Do you understand
20 that?

21 A. Yes, ma'am.

22 Q. And so do you recall dates or exactly what you
23 said to which person on what date?

24 A. No, ma'am.

25 Q. When we talked about -- what Mr. Gelfand just

1 said is that you never told the police that you told
2 him to stop? Did you hear him say that to you?

3 A. Honestly, I'm very anxious right now and I
4 don't remember.

5 Q. And I think your answer was, I don't recall
6 exactly what I said to them. Would it help to refresh
7 your recollection if you were able to read an account
8 of that?

9 A. Yes, ma'am.

10 Q. And I'll direct your attention to the
11 highlighted portion of your interaction. And you don't
12 have to read it out loud.

13 Does that refresh your recollection of what
14 you told the police that day?

15 A. Yes, ma'am.

16 Q. And in fact, back in 2018, you did tell the
17 police that you told him to stop, but he would continue
18 and say, let's just keep going?

19 A. Yes, ma'am.

20 Q. And in fact, they want to talk about the
21 statute of limitations for forcible rape, you were told
22 that your description was what they considered rape
23 second degree?

24 A. Yes, ma'am.

25 Q. Is the word rape in there?

1 A. Yes, ma'am.

2 Q. You did, in fact, testify at your order of
3 protection hearing about these encounters at MokaBe's
4 with Mr. Apperson sitting directly behind your date?

5 A. Yes, ma'am.

6 Q. You did, in fact, tell Mr. Apperson's
7 attorneys at your deposition that multiple people had
8 come forward to you about their experiences?

9 A. Yes, ma'am.

10 Q. And I think you actually did use the words, a
11 list nearing 30, during your deposition?

12 A. Yes, ma'am.

13 MS. KELLERMAN: I don't have anything further.

14 THE COURT: Mr. Sanner?

15 MR. SANNER: No questions, Your Honor.

16 THE COURT: Any further questions, counsel?

17 MR. GELFAND: No further questions, Your
18 Honor.

19 THE COURT: Thank you. Ms. Kaminsky, you may
20 step down.

21 (Witness excused.)

22 THE COURT: Mr. Gelfand, your next witness,
23 please.

24 MR. GELFAND: Your Honor, plaintiff calls
25 Adriane Norman, please.

1 THE COURT: Please step forward.

2 (Witness sworn.)

3 THE CLERK: Go ahead and have a seat in the
4 witness stand, and you'll need to keep your voice up.

5 THE COURT: Counsel, you may proceed when
6 you're ready.

7 MR. GELFAND: Thank you, Your Honor.

8 ADRIANE NORMAN,
9 being produced and sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. GELFAND:

12 Q. Good afternoon, Ms. Norman. You and I have
13 obviously been in the courtroom for the last two days
14 together, but we have never met; correct?

15 A. Correct.

16 Q. We have never spoken before; is that right?

17 A. That's right.

18 Q. If it's more comfortable for you, you can move
19 the microphone back. Where do you currently reside on
20 today's date?

21 A. Orlando, Florida.

22 Q. How long have you lived in Orlando, Florida?

23 A. It's been a while.

24 Q. Are you currently employed?

25 A. Yes.

1 Q. What do you do for a living?
2 A. I'm a pharmacist.
3 Q. And how long have you been a pharmacist, just
4 approximately?
5 A. Five years.
6 Q. What is your educational background?
7 A. I went to pharmacy school.
8 Q. Where did you attend pharmacy school?
9 A. St. Louis College of Pharmacy.
10 Q. Obviously, that's here in Missouri; correct?
11 A. That's right.
12 Q. You know Mouna Apperson; is that right?
13 A. That's right.
14 Q. To be clear, you dated Mouna Apperson;
15 correct?
16 A. Yes.
17 Q. And when you dated Mouna Apperson, he went by
18 Nick; correct?
19 A. Yes.
20 Q. And you and Mr. Apperson started dating in
21 2016; is that correct?
22 A. Yes.
23 Q. And you all met on OkCupid; is that correct?
24 A. Yes, that's correct?
25 Q. And you ended up in a relationship after

1 connecting on that dating application; correct?

2 A. Yes.

3 Q. You started dating in 2016; is that correct?

4 A. Yes.

5 Q. Do you recall specifically when in 2016?

6 A. Roughly April.

7 Q. And you and Mr. Apperson broke up in late
8 March of 2017; is that correct?

9 A. I believe so.

10 Q. So I'm not holding you to specific dates, but
11 you all dated just under one year; is that correct?

12 A. That sounds right.

13 Q. During the time that you started dating
14 Mr. Apperson, were you both living in St. Louis at the
15 time?

16 A. Yes.

17 Q. You were attending full-time school, pharmacy
18 school as a student; correct?

19 A. Yes.

20 Q. And tell the jury, if you would, what
21 Mr. Apperson was doing for employment?

22 A. He was working at LockerDome.

23 Q. And your understanding, that was a technology
24 company here in St. Louis; correct?

25 A. Yes.

1 Q. He was excited about his employment; correct?

2 A. Sure.

3 Q. He shared that with you; correct?

4 A. Sure.

5 Q. And he was excited about a new start-up;
6 correct?

7 A. No, I don't remember a start-up. I remember
8 LockerDome.

9 Q. You two did not live together at that time;
10 correct?

11 A. No, we didn't work together. Is that what you
12 asked?

13 Q. Lived together.

14 A. No, we didn't live together in the beginning.

15 Q. That's what I'm asking.

16 A. No.

17 Q. When you first met and you first ended up in a
18 relationship, you had your own place here in St. Louis;
19 correct?

20 A. Yes.

21 Q. And Mr. Apperson had his own place here in
22 St. Louis; correct?

23 A. Yes.

24 Q. At some time during your relationship, you
25 were in Florida; is that correct?

1 A. Yes.

2 Q. And approximately how long were you in
3 Florida?

4 A. I can't remember exactly how long. I was
5 there for some -- for a rotation, so maybe like six or
6 eight weeks or so.

7 Q. When you say for a rotation, is that a
8 pharmacy school rotation?

9 A. Yes.

10 Q. In other words, essentially working in a
11 pharmacy under someone and learning how to do it?

12 A. That's correct.

13 Q. And during that time, you and Mr. Apperson
14 maintained essentially a long-distance relationship;
15 correct?

16 A. Yes.

17 Q. And during that time, Mr. Apperson came to
18 visit you in Florida; correct?

19 A. That's correct.

20 Q. And you were -- at the time that you were in
21 Florida just for six to eight weeks where were you
22 staying or where were you living?

23 A. With my parents.

24 Q. Now, I want to show you just briefly some
25 exhibits, essentially a couple of photos for a lack of

1 a better way of putting it, and I'll ask you to take a
2 quick look at them. They're in evidence, 43 through
3 52.

4 MS. FU: Same objection that we had before to
5 those exhibits 49 through 52.

6 THE COURT: I'll note the ongoing objection to
7 49, 50, and 51, 52. You may proceed.

8 Q. (By Ms. Kellerman) Was this photo taken when
9 you and Mr. Apperson were dating?

10 A. Yes.

11 Q. Do you know where that photo was taken?

12 A. That is at my parents' house.

13 Q. In Florida?

14 A. That's correct.

15 Q. And was that during your residency or your
16 rotation time?

17 A. Yes.

18 Q. If we go to the next photo, please. Was that
19 in Forest Park in St. Louis?

20 A. I don't remember.

21 Q. If we go to 45, do you know where that photo
22 was taken?

23 A. Yes, that's Nick's parents house.

24 Q. In St. Louis?

25 A. Correct.

1 Q. If we go to 46, please. Where was that photo
2 taken?

3 A. I don't remember.

4 Q. 47, please. Do you recall where this photo
5 was taken?

6 A. No.

7 Q. 48, do you recall where this photo was taken?

8 A. That looks like St. Louis.

9 Q. Was that in like somewhere at Forest Park?

10 A. Yes.

11 Q. If we look at 49, can you tell us where that
12 photo was taken?

13 A. Yes. That was my apartment.

14 Q. In St. Louis?

15 A. Yes.

16 Q. Okay. You can take those down. Now, each of
17 the photos that we just looked at were all taken during
18 your relationship with Mr. Apperson; is that correct?

19 A. Yes.

20 Q. And is it fair to say that they were taken at
21 various different times throughout the totality of that
22 relationship?

23 A. Yes.

24 Q. In other words, between approximately April or
25 May of 2016 and late March of 2017 when you all broke

1 up; correct?

2 A. Yes.

3 Q. Ms. Norman, were you happy in those photos?

4 A. Yes. I was smiling, so you know, you
5 typically smile for photos.

6 Q. Did anyone force you to take those photos?

7 A. No.

8 Q. Now, at the time that you and Mr. Apperson
9 dated, you were happy; correct?

10 A. There were good times and there were bad
11 times.

12 Q. During your relationship, you and Mr. Apperson
13 texted each other regularly; correct?

14 A. That's correct.

15 Q. And we don't need to go through these unless
16 you want me to show you them, but did you frequently
17 send text messages of a sexually suggestive nature to
18 Mr. Apperson?

19 A. Yes. We did send sexual text messages to each
20 other.

21 Q. To be clear, that was throughout the totality
22 of your relationship with him; correct?

23 A. Correct.

24 Q. In other words, it continued through January,
25 February, and March of 2017, until you broke up;

1 correct?

2 A. Correct.

3 Q. November of 2016, was there a time that you
4 and Mr. Apperson discussed splitting up as a couple?

5 A. There were many times where we discussed
6 splitting up and then we got back together, so you're
7 asking me and I'm assuming that you have some things
8 that you want to show.

9 Q. I can show you. If we look at Exhibit 28,
10 please.

11 MR. GELFAND: It's already in evidence, Your
12 Honor.

13 Q. (By Mr. Gelfand) Do you see the red? Those
14 are text messages from you to Mr. Apperson; correct?

15 A. Yes.

16 Q. And the blue are text messages from
17 Mr. Apperson to you; correct?

18 A. Yes.

19 Q. On November 17, 2016, did you write him, I'm
20 still going to be sad if we decide there is a definite
21 and fast approaching end to our relationship, but I
22 will feel some comfort knowing we made the choice
23 together and that we did it out of love for each other
24 and ourselves?

25 A. Yes.

1 Q. Is that true?

2 A. Yes. I mean, you know, I believed that I
3 loved him.

4 Q. And you told him that? You conveyed that to
5 him; correct?

6 A. I did tell him that I loved him.

7 Q. And in November of 2016, you didn't want what
8 you described as a definitive -- I'm sorry. A definite
9 and fast approaching end to your relationship; correct?

10 A. Correct. I wanted to stay with him.

11 Q. But you said to him that you feel some comfort
12 knowing that it's a choice that you made together out
13 of love for each other and ourselves; correct?

14 A. That's the conversation that we had.

15 Q. Now, you did end up staying together for quite
16 some time thereafter; correct?

17 A. Yes, we did.

18 Q. March 14, 2017, I can show you Exhibit 37,
19 please, also in evidence. March 14, 2017, you all were
20 still dating; correct?

21 A. Possibly -- yes, I guess.

22 Q. Do you see at approximately 9:00 p.m.,
23 March 14, 2017, you write, Babe, I know I'm going to
24 focus on friendships, but I feel you have ruined me for
25 dating other people. The bar is a lot higher and

1 people can't reach it, even the women's.

2 A. I have a lot more than I can say about that,
3 but I think I'll just say yes for now.

4 Q. No one is trying to trick you, so let's just
5 get a couple of things straight for a second.

6 A. I'll just tell you yes.

7 Q. You wrote that; correct?

8 A. I wrote it.

9 Q. And you were communicating essentially that
10 Mr. Apperson set a high bar as far as significant
11 others; correct?

12 A. Yes.

13 Q. Now, I don't need to show you the photos, but
14 were there times that you sent selfie, for lack of a
15 better word, nude photographs of yourself to
16 Mr. Apperson?

17 A. Yes. And I believe you already showed it to
18 the Court against my will.

19 Q. During your relationship, those photos were
20 taken; is that right?

21 A. Yes, that's right.

22 Q. And those photos were photos that you sent to
23 Mr. Apperson; correct?

24 A. That's right.

25 Q. And there were others as well throughout the

1 course of your relationship with Mr. Apperson; correct?

2 A. That's right.

3 Q. And at one time, you actually took a video of
4 Mr. Apperson; correct?

5 A. Yes.

6 Q. And the video depicted Mr. Apperson's naked
7 body brushing his teeth and dancing; correct?

8 A. Yes. There was a short video taken from afar
9 that just shows the back side and he was doing a little
10 toothbrush dance.

11 Q. You sent that to other people; correct?

12 A. I sent that to Mr. Apperson himself right
13 away. He saw it, and if you go look at his deposition,
14 he confirms that.

15 Q. Just answer my question.

16 A. Yes.

17 Q. You sent that to other people?

18 A. Yes, I sent that to two people.

19 Q. He didn't consent to you sending that to two
20 people; correct?

21 A. He did.

22 Q. That's your testimony?

23 A. Yes, that is.

24 Q. Okay. Now that video that was taken, that was
25 also during the course of your relationship with

1 Mr. Apperson; correct?

2 A. It was.

3 Q. Late March of 2017, you and Mr. Apperson end
4 your relationship; is that correct?

5 A. Yes, I believe so.

6 Q. And that was Mr. Apperson's choice at the
7 time; correct?

8 A. I'm the one who left, so it was a definitely
9 deteriorating relationship, but I'm the one who
10 actually left.

11 Q. You were you upset that the relationship
12 ended; correct?

13 A. I had a lot of strong feelings, so yes, at
14 that point, I was upset.

15 Q. Let's look at Exhibit 38, please. Do you see
16 on March 29, 2017, the text from you to Mr. Apperson?

17 A. Yes, I see that.

18 Q. And you write to Mr. Apperson, I'm upset that
19 you don't want to be with me long-term. Is that
20 correct?

21 A. Yes.

22 Q. That was directly in connection with the time
23 frame in which you and Mr. Apperson split up; correct?

24 A. Yes.

25 Q. You wanted to be with Mr. Apperson long-term;

1 correct?

2 A. Yes, I did.

3 Q. You were hurt?

4 A. Yes.

5 Q. On April 1st, a couple of days later, you
6 asked Mr. Apperson to come over and give you a hug;

7 correct?

8 A. Yes.

9 Q. And he declined; correct?

10 A. Uh-huh.

11 Q. And I'm sorry, just for the court reporter,
12 you have to say yes or no, please.

13 A. Yes.

14 Q. And he declined and basically suggested some
15 other people that might be able to give you some
16 comfort and solace?

17 A. Yes.

18 Q. Now, several weeks later, would you agree with
19 me that the tone and tenor of your text messages to
20 Mr. Apperson changed?

21 A. Yes.

22 Q. Would you look at Exhibit 41. A couple of
23 weeks after you break up with Mr. Apperson, you send
24 Mr. Apperson a whole bunch of text messages on
25 April 24th and 25th of 2017; correct?

1 A. Yes.

2 Q. They're all from you? He doesn't respond to
3 any of these at that point; correct?

4 A. Yes.

5 Q. And if we start at the top of the page, we can
6 zoom in, please. You tell Mr. Apperson I hate you,
7 never contact me again; correct?

8 A. Yes.

9 Q. He doesn't respond; correct?

10 A. Uh-huh.

11 Q. If I could in some way beat the shit out of
12 you, I would love to do it. Seriously, it would be
13 very cathartic for me. I hope you suffer. Correct?

14 A. Yes.

15 Q. At least rot in hell?

16 A. Yes.

17 Q. I hate that the message you sent me was pure
18 bullshit where you acknowledge absolutely none of the
19 shit you did. All you ever fucking do is gaslight and
20 invalidate me. Did I read that correctly?

21 A. Yes.

22 Q. Honestly, I wish you would die. If you could
23 just die now, I think I would feel a little peace of
24 mind. Thanks for nothing, and I hope you get what's
25 coming to you. Did I read all of that correctly?

1 A. Yes.

2 Q. And then you tell him, if you were to come
3 here and hand me a gun, it would be extremely hard for
4 me to not go ahead and shoot you in the head. The only
5 reason I would not is because I would go to jail, but I
6 believe you deserve to die. Correct?

7 A. Yes.

8 Q. And then later on that day, April 25, 2017, at
9 approximately 5:00 p.m., you send the text message
10 beginning ten ways you abused me over a year; correct?

11 A. Yes.

12 Q. And number one says, you pressured me to have
13 sex with you at least twice a day and put me through
14 hell if I refused you a/k/a you raped me?

15 A. Yes.

16 Q. And now to be clear, April 25, 2017, was the
17 first time that you claimed Mr. Apperson raped you;
18 correct?

19 A. I don't remember the exact dates, but I did
20 have some conversations with people, so that might have
21 been -- if that's what you had, that might have been
22 the first time that I had said that to Mr. Apperson,
23 but I don't remember the exact dates. I know I did
24 have conversations with people.

25 Q. And the first time that you said that to

1 Mr. Apperson was approximately three and a half weeks
2 after you broke up with Mr. Apperson; correct?

3 A. Yes.

4 Q. And you said that in number one that the way
5 in which -- I'm paraphrasing, but the way in which
6 Mr. Apperson raped you, you pressured me to have sex
7 with you at least twice a day and put me through hell
8 if I refused you; right?

9 A. That's right.

10 Q. Now, this was approximately three and a half
11 weeks after you sent that text message we just read
12 where you told Mr. Apperson you were upset because you
13 wanted to be with him long-term; correct?

14 A. Yes.

15 Q. Now, to be clear, you personally told a number
16 of people in the community that Mr. Apperson was a
17 rapist; correct?

18 A. I spoke with a number of people and I told
19 them my experience with him.

20 Q. To be clear, do you know Mary Bifulco?

21 A. Yes.

22 Q. Who is Mary Bifulco?

23 A. Mary Bifulco is somebody who lived in Radix
24 house when I did with Nick.

25 Q. And describe Radix house if you would to the

1 jury?

2 A. Yes. Radix house is a big house that Nick had
3 created to be a house for the activist community in
4 St. Louis.

5 Q. Is it fair to say that you knew Mary Bifulco
6 was somebody who was close to Mr. Apperson both
7 personally and professionally?

8 A. Yes, she lived at the house.

9 Q. And you told Mary Bifulco that Mr. Apperson
10 was a rapist; correct?

11 A. I let her know what he did to me.

12 Q. So is that a yes?

13 A. Yes.

14 Q. You know Rodney Brown; correct?

15 A. I do.

16 Q. And who is Rodney Brown?

17 A. Rodney Brown is also someone who lived in
18 Radix house when I did.

19 Q. And you knew that Rodney Brown was somebody
20 close to Mr. Apperson, both personally and
21 professionally; correct?

22 A. Professionally?

23 Q. You tell me.

24 A. I don't know that they had a professional
25 relationship. He lived in the house.

1 Q. Okay. So at least you knew there was a
2 personal relationship; correct?

3 A. Yes.

4 Q. And you told Rodney Brown that Mr. Apperson
5 was a rapist; correct?

6 A. I actually had a conversation with Rodney, and
7 I did eventually tell him that, yes.

8 Q. And I'm not trying to trick you. I'll do my
9 best to ask clear questions. If I don't, tell me. I'm
10 not trying to trick you. Isaiah Qualls. Who is Isaiah
11 Qualls? Is that someone you know?

12 A. Yes.

13 Q. Who is Isaiah Qualls?

14 A. He was Rodney's boyfriend.

15 Q. You told Isaiah Qualls that Mr Apperson was a
16 rapist; correct?

17 A. I don't remember if I spoke with Isaiah
18 directly.

19 Q. Do you recall answering under oath
20 interrogatories in this case?

21 A. Yes.

22 Q. Do you recall answering basically written
23 questions?

24 MR. GELFAND: If I could show the witness for
25 identification purposes only Exhibit 4, Page 7.

1 THE COURT: Sure. I'm not sure if they'll
2 have an objection to an answer to interrogatories.

3 MR. GELFAND: I'm just asking if it refreshes
4 her recollection.

5 THE COURT: That's fine. What exhibit is it?

6 MR. GELFAND: I've marked it for
7 identification as Exhibit 4. I'm not moving it into
8 evidence.

9 THE COURT: Exhibit 4, that's fine.

10 Q. (By Mr. Gelfand) Does that refresh your
11 recollection as to whether you said that to Mr. Qualls?

12 A. Yes.

13 Q. Did you in fact say that to Mr. Qualls?

14 A. Most likely, yes.

15 Q. Did you say that same thing to Lara Caldie?

16 A. Yes, I warned the people in the house.

17 Q. Did you say that same thing to Jenny Simeone?

18 A. Yes, she also lived in the house.

19 Q. Did you say that same thing to April Wright?

20 A. Yes.

21 Q. To Justine Collum?

22 A. Yes.

23 Q. To Julie Setele?

24 A. Yes.

25 Q. To be clear, you verbally told all of these

1 people that a Mr. Apperson was a rapist; correct?

2 A. I verbally told them my experience with him
3 and that did include rape.

4 Q. And we'll get to that in a second, but I just
5 want to be crystal clear that you admit that you made a
6 statement to each of these individuals?

7 A. Yes.

8 Q. That Mr. Apperson was a rapist; correct?

9 A. Yes.

10 Q. You knew that each of these people -- first of
11 all, each of these people was in fact a member of the
12 St. Louis community; correct?

13 A. Yes.

14 Q. And each of these people had a relationship,
15 personally and/or professionally with Mr. Apperson?

16 A. Yes.

17 Q. And you knew that that when you made the
18 statement to them; correct?

19 A. Yes.

20 Q. Okay. Now, I can show you, I can publish
21 Exhibit 5, that's already in evidence. During this
22 time period, back in 2017, 2018, you used Facebook;
23 correct?

24 A. Yes.

25 Q. And if we can zoom in please. Is the Adriane

1 Norman user name with the picture next to it your
2 Facebook account?

3 A. Yes.

4 Q. Did you post what appears in Exhibit 5 on the
5 screen in front of us?

6 A. Yes.

7 Q. You wrote, Tasha has been working patiently
8 for months. And we go on to the end. She has been
9 working on by my behalf as well as many other women;
10 correct?

11 A. Yes.

12 Q. And when you wrote that on Facebook, you
13 weren't lying; correct?

14 A. No.

15 Q. You knew at the time that Ms. Kaminsky was
16 publishing to the world on Facebook that Mr. Apperson
17 was a rapist, a serial rapist, a stalker and an abuser?

18 A. Yes.

19 Q. And as you wrote on Facebook, she did this
20 both on her own behalf and on your behalf; correct?

21 A. She did it for all of the women.

22 Q. She did this as you wrote on your Facebook on
23 your behalf; correct?

24 A. And I also wrote, and many others.

25 Q. I'm not disputing with you the second part.

1 I'm asking you if the first part that you wrote is
2 true?

3 A. Yes.

4 Q. Now, on November 30, 2017, you knew that
5 Ms. Kaminsky posted a list of demands after losing her
6 order of protection hearing; correct?

7 A. I'm not remembering at this moment.

8 Q. If we could go to Exhibit 6, please. Let's
9 start with your comment. You write on December 8th, it
10 appears a little blurry, at 4:00 a.m., thank you Tasha;
11 correct?

12 A. Yes.

13 Q. And this was in response to Nick Apperson, the
14 owner of Radix house, is a serial abuser and rapist?

15 A. Yes.

16 Q. You're familiar with that post; correct?

17 A. I remember.

18 Q. Ms. Kaminsky's post; correct?

19 A. Yes.

20 Q. And that's the post where Ms. Kaminsky
21 references a whole list of demands; correct?

22 A. Yes.

23 Q. Now, March 3, 2019, you tested Ms. Kaminsky,
24 thank you for fighting this for all of us; correct?

25 A. Yes.

1 Q. And you saw that text when you were in the
2 courtroom this morning on the screen; correct?

3 A. I was facing this way, so --

4 Q. Okay. Do you want to look at it?

5 A. No, that's fine.

6 Q. You remember sending that text though;
7 correct?

8 A. Yes.

9 Q. Now, at that time, 2017 through 2019, when
10 this lawsuit was filed, is it fair to say that you and
11 Ms. Kaminsky were both stating publicly in different
12 capacities that Mr. Apperson is a rapist?

13 A. I never said anything publicly about him.

14 Q. Let me be more precise. You said it to all of
15 the people that I asked you about; right?

16 A. That's right.

17 Q. And the truth is, when you did that, you knew
18 that would impact his reputation; correct?

19 A. There's a possibility. I don't know how it
20 affected his reputation, but there is a possibility.

21 Q. You would agree with me that calling someone a
22 rapist to someone in their personal or professional
23 sphere is going to affect their reputation; correct?

24 A. It absolutely could.

25 Q. And you understand that it did in this case;

1 correct?

2 A. I don't see -- I don't think you have
3 presented any of evidence of that.

4 Q. You succeeded in that regard, didn't you?

5 A. No.

6 Q. Has Mr. Apperson ever threatened to kill you?

7 A. Mr. Apperson told me that he could have
8 someone killed and it would not get back to him.

9 Q. When do you claim he made that statement to
10 you?

11 A. I don't remember the exact date.

12 Q. During your relationship?

13 A. Yes.

14 Q. When in the relationship?

15 A. I don't remember exactly. Middle. Middle of
16 our relationship.

17 Q. So just to be clear, your testimony is that
18 you're texting this person that you want to spend the
19 rest of your life with him, so on and so forth in
20 maintaining this relationship, while you're claiming
21 that he said he could have someone killed and no one
22 would know?

23 A. Yes.

24 Q. Did you interpret that as a threat in your
25 life?

1 A. I wasn't sure.

2 Q. But you wanted to spend the rest of your life
3 with him anyway?

4 A. We did talk about marriage at some point.

5 Q. So is that a yes?

6 A. At some point, yes.

7 Q. You moved to Florida at some point
8 permanently; correct?

9 A. Yes, I did.

10 Q. When did you move to Florida permanently?

11 A. October of 2017.

12 Q. When you moved to Florida in October of 2017,
13 you didn't move because Mr. Apperson ran you out town;
14 correct?

15 A. No, he didn't run me out of town.

16 Q. You never told that to Ms. Kaminsky; correct?

17 A. I don't recall. I don't think I said that to
18 her.

19 Q. So when she told that to Mr. Singer, that's
20 not because of something you said; correct?

21 A. I don't believe so.

22 Q. Now, let me cut to the chase for a second.

23 Ms. Norman, are you claiming as you sit here today that
24 Mr. Apperson raped you?

25 A. Yes.

1 Q. And are you claiming that he had sexual
2 intercourse with you without your consent?

3 A. Yes.

4 Q. When are you claiming this occurred?

5 A. Multiple times during our relationship.

6 Q. So let's get a couple of things straight for
7 one second. Are you claiming that this occurred
8 entirely during your relationship?

9 A. Yes.

10 Q. Is it fair to say that outside of the time
11 period you and Mr. Apperson dated, meaning the
12 beginning of the relationship to the end of the
13 relationship, until March of 2017, there was no other
14 sexual activity between the two of you?

15 A. Yes.

16 Q. You claim that this happened multiple times.
17 How many times?

18 A. I couldn't tell you how many because there was
19 quite a few.

20 Q. Well, help me understand this. Are you
21 claiming that you said no to Mr. Apperson, and he had
22 sexual intercourse with you anyway?

23 A. There was one time that I said stop.

24 Q. Let's talk about that. Where did that occur?

25 A. That occurred in Florida.

1 Q. And when you say in Florida, are you claiming
2 that occurred during this rotation time period?

3 A. Yes, I believe so.

4 Q. When in your relationship was this rotation
5 time period?

6 A. I believe that would have been the summer of
7 2016.

8 Q. So pretty early in the relationship that you
9 had with Mr. Apperson; correct?

10 A. Yes.

11 Q. Where are you claiming this occurred?

12 A. It happened in a wooded area.

13 Q. Let's back up for a second. Your lawyer in
14 opening statement referenced an incident outdoors in a
15 wooded area near a parking lot. Is that what you're
16 referring to?

17 A. Yes.

18 Q. What is it that you're claiming happened?

19 A. So it was nighttime. Nick was driving a
20 rental car, and he pulled off into a parking lot and he
21 didn't tell me what we were doing, but I trusted him.
22 He took me out to the wooded area, and then he started
23 kissing me. He moved behind me, and that's when I
24 realized what he wanted to do, so I told him to stop.
25 At that point, he paused, he kissed me and then he

1 continued.

2 Q. And you're claiming that you said stop before
3 any -- I'm trying to understand this. Before any
4 sexual intercourse had begun?

5 A. Yes.

6 Q. And you're claiming that Mr. Apperson had
7 sexual intercourse with you anyway; correct?

8 A. Yes.

9 Q. And now to be clear, to this day, you have
10 never told that to the police; is that correct?

11 A. That's correct.

12 Q. When you texted Mr. Apperson on April 25,
13 2017, and said before a/k/a you raped me, and said you
14 pressured me to have sex with you at least twice a day
15 and put me through hell if I refused you, you didn't
16 say you had sex with me without my consent, a/k/a you
17 raped me; correct?

18 A. That can be implied.

19 Q. That's not what you said; correct?

20 A. Okay.

21 Q. Is that correct?

22 A. You have the written thing there, so I guess I
23 said he pressured me.

24 Q. You say you pressured me to have sex with you
25 at least twice a day and put me through hell if I

1 refused you, a/k/a you raped me?

2 A. Yes.

3 Q. And in fact, in all of your text messages, you
4 don't reference this alleged incident in the words as
5 you saying stop, but doing it anyway; correct?

6 A. Yes.

7 Q. When Mr. Apperson broke up with you, you said
8 to Mr. Apperson, I'm upset you don't want to be with me
9 long-term as we talked about; correct?

10 A. Yes.

11 Q. Just so I understand your testimony here
12 today, to be clear, the first time that you ever said
13 that this incident in the woods happened was after a
14 lawsuit was filed against you in this case; correct?

15 A. That's the first time that I discussed that
16 particular incident with others.

17 Q. After this lawsuit in which you're alleged to
18 have falsely stated that Mr. Apperson is a rapist?
19 That's the first time this came up; correct?

20 A. That's the first time I discussed this, this
21 particular incident.

22 Q. Now, Ms. Norman, you have had an opportunity
23 to be in this courtroom for some of this trial;
24 correct?

25 A. Yes.

1 Q. And you would agree, would you not, that
2 publicly, meaning stating to a third party that
3 somebody is a rapist, at the very least, can impact
4 their reputation?

5 A. It could.

6 Q. And you would no doubt agree that the same is
7 true when you state that somebody is a serial rapist,
8 somebody has been charged with tax evasion, somebody
9 has threaten to kill you, or somebody who stalked you;
10 correct?

11 A. It could, and also, I didn't make public
12 statements like that.

13 Q. That wasn't my question. That can damage
14 someone's reputation; correct?

15 A. It could.

16 Q. And you're not really disputing the fact that
17 in a court of public opinion when someone is labeled
18 rapist, that does impact what people think of them?

19 A. It should.

20 Q. And I understand that, but that's not what I
21 asked you. You're saying if it's true, it shouldn't;
22 correct?

23 A. I believe so, yes.

24 Q. But you agree that it does?

25 THE COURT: Counsel, are you asking for a

1 legal conclusion?

2 MR. GELFAND: No.

3 THE COURT: That's what you're asking for.

4 MR. GELFAND: I'll rephrase it.

5 THE COURT: Thank you. You may proceed.

6 Q. (By Mr. Gelfand) You understand that the
7 people that you made these statements to, responded to
8 it; correct?

9 A. Yes.

10 Q. It was clear to you that they heard these
11 statements; correct?

12 A. Yes.

13 Q. It was clear to you that they at least, as you
14 perceived it, understood what it was that you were
15 communicating to them?

16 A. Yes.

17 Q. And is it fair to say that the only real
18 disagreement that we have as well is whether what you
19 publicly said, meaning said to other people about
20 Mr. Apperson, is true?

21 MS. FU: Objection, vague.

22 THE COURT: Do you want to rephrase, counsel?

23 MR. GELFAND: I'll rephrase the question.

24 THE COURT: Okay.

25 Q. (By Mr. Gelfand) Let's back up for a second.

1 You obviously agree I have asked you several times
2 today that you made the statement to other people that
3 Mr. Apperson is a rapist; correct?

4 A. Yes, I shared my experience and that would
5 include the word rape.

6 Q. They heard you?

7 A. They did.

8 Q. You know that, because they responded to you
9 and you observed that; correct?

10 A. Yes.

11 Q. These were people who are not parties to this
12 lawsuit; correct, meaning not Mr. Apperson?

13 A. Right.

14 Q. And beyond Ms. Kaminsky; correct?

15 A. Yes.

16 Q. And in your position as you testified today is
17 that you said it because it was true?

18 A. Absolutely.

19 MR. GELFAND: Your Honor, if I could have one
20 minute, please?

21 THE COURT: That's fine.

22 MR. GELFAND: Your Honor, at this time, I have
23 no further questions for this witness.

24 THE COURT: Ms. Sanner? Ms. Fu?

25 MS. FU: Yes, Your Honor.

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THE COURT: You may proceed.

CROSS EXAMINATION

BY MS. FU:

Q. Ready to keep going, Adriane?

A. Okay.

Q. Adriane, can you tell the jury why you weren't here during jury selection, please?

A. Because I was not here during the jury selection because I was supposed to arrive on Monday night and my flight was canceled.

Q. Did you get here as soon as you could?

A. I did.

Q. During the trial, Adriane -- I know that during one portion, you were not here and that's when part of the time Mr. Apperson was testifying. Do you remember that?

A. I do.

Q. Can you please explain to us, why did you leave?

A. I left because I understood that there were going to be nude photos of me shown, and I didn't want to experience that.

Q. And those were nude photos that you had sent Mr. Apperson during your relationship; right?

A. Yes.

1 Q. And that you had told him at least at one
2 point during your relationship that you wanted those
3 nude photos deleted?

4 A. Yes.

5 Q. Now, you were back in the courtroom when I was
6 questioning Mr. Apperson; correct?

7 A. Yes.

8 Q. How did you feel when you found out that he
9 still had those photos of you?

10 A. It's horrible.

11 Q. And you found out that he still had those
12 photos of you after you confronted him about raping
13 you; is that right?

14 A. Yes.

15 Q. Adriane, I'm going to back up a little bit. I
16 want to clear up some things first. Okay?

17 A. Okay.

18 Q. You have told us that you met Mr. Apperson on
19 okCupid; right?

20 A. Yes.

21 Q. And you and Mr. Apperson were in an on and off
22 again relationship; right?

23 A. Yes.

24 Q. For a little bit under a year; is that right?

25 A. Yes.

1 Q. Would you agree that there were good times and
2 bad times?

3 A. Yes.

4 Q. During that relationship, did you ever meet
5 Natasha?

6 A. I never saw her.

7 Q. Did you ever talk to her during the
8 relationship?

9 A. No.

10 Q. Did she ever contact you during your
11 relationship?

12 A. No.

13 Q. Did Nick ever talk to you about Natasha?

14 A. He did.

15 Q. Tell us what Nick told you about his
16 relationship with Natasha?

17 A. He told me -- he seemed really conflicted at
18 the time, so I didn't know how to feel about it, but he
19 told me that he felt he had raped her, but he said --
20 but she really wanted it and he was doing what she
21 wanted.

22 Q. How did that make you feel when you heard from
23 the person you were dating that he had raped somebody
24 else, from his own words?

25 A. I felt really confused, because he was saying

1 it both ways. So he was saying, I felt it, but she
2 really wanted it, and I just didn't understand, and it
3 was worrisome.

4 Q. Did he ever tell you about how his
5 relationship with Natasha ended?

6 A. No.

7 Q. Adriane, tell me, what did you think about
8 Nick when you first met him?

9 A. I thought he was a great guy.

10 Q. Your and Nick's relationship at some point
11 turned sexual, didn't it?

12 A. Yes.

13 Q. Were there times where you had sex with Nick
14 when -- or with Mr. Apperson when it was consensual?

15 A. Yes.

16 Q. Are there times you had sex with him when it
17 was not consensual?

18 A. Yes.

19 Q. Explain to us, what do you mean when you use
20 the word consent, when you're talking about sex?

21 A. Consent would mean that both parties are
22 willing and eager and want to.

23 Q. Were you always wanting to have sex with
24 Mr. Apperson when you did?

25 A. No.

1 Q. During one of the off times that you had in
2 your relationship with Mr. Apperson, were you dating
3 other people?

4 A. Yes.

5 Q. I think we have all seen the text message
6 exchange that you had with Mr. Apperson referencing an
7 incident with Chris. Do you recall that?

8 A. Yes.

9 Q. Do you recall what had happened with Chris?

10 A. Yes.

11 Q. And tell us what happened with Chris?

12 A. Chris --

13 Q. Just tell us what happened on the last time
14 that you hung out with your Chris, or your last date
15 with Chris?

16 A. With Chris, I had invited him over to my
17 place, and I had let him know, you know -- you know, I
18 really would like him to wear a condom, and then he
19 didn't -- he didn't do that, and so we had sex and he
20 ejaculated in me, and that's it.

21 Q. Is it embarrassing for you to talk about these
22 things?

23 A. Yes.

24 Q. Adriane, did you tell Mr. Apperson about what
25 had happened with Chris?

1 A. I did.

2 Q. Was that over a text message?

3 A. Yes.

4 Q. And when you told Mr. Apperson about what
5 Chris had done, what words did Mr. Apperson use to
6 describe Chris' behavior?

7 A. He said, he raped you.

8 Q. Did you use the word rape first, or did Nick
9 use the word -- or did Mr. Apperson use the word rape
10 first?

11 A. Mr. Apperson did.

12 Q. Did you and Mr. Apperson ever talk about the
13 incident with Chris in person?

14 A. We did.

15 Q. What did Mr. Apperson tell you about the
16 incident with Chris, when you and him were in person?

17 A. He told me that he could have him killed.

18 Q. How did that make you feel when you heard
19 that?

20 A. Terrified.

21 Q. Did Mr. Apperson encourage you to go to the
22 authorities about what had happened with Chris?

23 A. No.

24 Q. Did he tell you that you should report it to
25 somebody?

1 A. No, he did not.

2 Q. Adriane, did Mr. Apperson -- sorry to have to
3 ask you this in front of so many people. Did Mr.
4 Apperson ejaculate in you without your consent?

5 A. Yes.

6 Q. Did you explicitly tell Mr. Apperson that he
7 could not ejaculate in you?

8 A. There was an understanding that he could not
9 do that at certain times.

10 Q. And I know that this is embarrassing, and
11 you're brought in here because of him. Can you explain
12 to the jury what the understanding was between you and
13 Mr. Apperson of when he could and he could not?

14 A. So he could if I was on my period.

15 Q. And Adriane, when we were looking at those
16 text messages, was there a text message where he had
17 apologized to you for ejaculating in you? Was that a
18 time when you were on your period or not on your
19 period?

20 A. I was not.

21 Q. And so Nick -- or Mr. Apperson did the exact
22 same behavior that he described as rape in the context
23 of Chris; is that right?

24 A. Yes.

25 Q. How did that make you feel?

1 A. Disgusting.

2 Q. Adriane, did you ever feel pressured to have
3 sex with Mr. Apperson?

4 A. Yes.

5 Q. why did you feel pressured?

6 A. Because he demanded it.

7 Q. Did you have any friends in St. Louis you
8 could talk about this with?

9 A. No.

10 Q. why not?

11 A. I was new to the city.

12 Q. Did Mr. Apperson make you feel like you could
13 go to your friends and family to talk about this?

14 A. No.

15 Q. what kind of comments would Mr. Apperson say
16 to you that made you feel like you couldn't go to your
17 friends or family?

18 A. He would tell me, you know, your dad abandoned
19 you and tell me my friends were not good.

20 Q. Did you ever confront Nick and tell him you
21 felt pressured to have sex with him?

22 A. I did.

23 Q. what would he do in response when you told him
24 you felt pressured?

25 A. He would dismiss me.

1 Q. He would laugh at you, wouldn't he?

2 A. He did laugh at me one time.

3 Q. Now, Adriane, I know we have talked about what
4 happened in Florida. I don't want you to have to
5 relive that, but I'm going to have to ask you some
6 questions about it, okay?

7 A. Okay.

8 Q. And I guess I should just put it out there.
9 You never spoke to the police or you have never spoken
10 to the police about what happened to you, have you?

11 A. No.

12 Q. After Nick had -- after Mr. Apperson had
13 pressed you against the tree in Florida, did you guys
14 get back into his car?

15 A. We did.

16 Q. Did you say anything to him?

17 A. No.

18 Q. Why not?

19 A. Because I was upset.

20 Q. Did Mr. Apperson say anything to you?

21 A. He did.

22 Q. What did he say to you?

23 A. He said -- he said, I feel like I crossed a
24 boundary there and that I don't like to put people in
25 that position.

1 Q. When you heard him say that to you, how did
2 that make you feel?

3 A. It made me really confused because I didn't
4 understand why he did that, and then I thought -- I
5 questioned myself, like I did say, I did say -- I did
6 say stop.

7 Q. When you said stop, did you mean it?

8 A. I meant it.

9 Q. Did you want him to have sex with you?

10 A. No.

11 Q. Did you feel like you could talk to -- you
12 were down at Florida at this time; right?

13 A. I was.

14 Q. Did you feel like you could talk to your
15 friends or your family at that time?

16 A. No.

17 Q. Were you embarrassed?

18 A. Yes.

19 Q. Was that the last time you ever had sex with
20 Mr. Apperson?

21 A. No.

22 Q. Did you want to keep having sex with him after
23 that?

24 A. There were times when, yes, I did.

25 Q. Did you ever tell Mr. Apperson that you felt

1 like he was manipulative?

2 A. I did.

3 Q. And how did he respond? Let me ask you it
4 this way. Did you feel like your concerns about his
5 manipulative behavior were impacting him, that he was
6 listening to you?

7 A. No.

8 Q. Adriane, this relationship eventually ended;
9 right?

10 A. Yes.

11 Q. And we've seen that text message that was sent
12 on April 25, 2017. It had ten ways you abused me over
13 the year. Do you remember that?

14 A. Yes.

15 Q. Why did you send that to him?

16 A. I wanted him to know, he's not the boss
17 anymore.

18 Q. You finally stood up for yourself?

19 A. I did.

20 Q. There were some other messages that we saw
21 where you talked about wishing he was dead. Are you
22 proud of those messages?

23 A. No.

24 Q. Are you proud of the last one you sent him?

25 A. Absolutely.

1 Q. Do you still stand by the statement that you
2 sent him in that last message?

3 A. Yes.

4 Q. You've told other people about your instances,
5 about what Mr. Apperson had done to you; right?

6 A. Yes.

7 Q. Why did you tell other people?

8 A. I felt I had a duty to let people know.

9 Q. Have you spoken to Mr. Apperson since then?

10 A. No.

11 Q. Before we started this trial, have you been in
12 the same room with him?

13 A. No.

14 Q. Have you reached out to him in any way?

15 A. No.

16 Q. How does it feel to be in a room with him
17 after all of these years?

18 A. Horrible.

19 Q. Adriane, you were here when the evidence was
20 shown about Tasha's statements. Do you remember that?

21 A. Yes.

22 Q. And you saw the Facebook posts that you made
23 saying that Natasha was working on your behalf, as well
24 as many others. Do you remember that?

25 A. Yes.

1 Q. Did you tell Tasha what to do?

2 A. No.

3 Q. Did you direct her to make a certain post on
4 any day?

5 A. No.

6 Q. Did you direct her to speak on your behalf?

7 A. No.

8 Q. Were you happy with the work that she was
9 doing or the things she was doing?

10 A. Yes.

11 Q. Did you control anything that she did?

12 A. No.

13 Q. The meeting at Mr. Apperson's house in
14 November of 2017, were you present for that meeting?

15 A. No.

16 Q. Did you tell anybody to have that meeting?

17 A. No.

18 Q. Did you have any control over that meeting?

19 A. No.

20 Q. You had actually moved out of St. Louis in
21 October; right?

22 A. Yes.

23 Q. Were you even in the St. Louis area when that
24 meeting happened?

25 A. No.

1 Q. The last thing I'm going to ask you about,
2 Adriane, there was some testimony about a video of
3 Nick, or of Mr. Apperson that was sent. Do you
4 remember that?

5 A. Yes.

6 Q. When was that video taken?

7 A. During our relationship.

8 Q. And was Mr. Apperson next to you when you had
9 sent the video to a couple of other people?

10 A. Yes.

11 Q. And is Mr. Apperson's front side depicted in
12 the video?

13 A. No.

14 Q. Is it just his back side?

15 A. Yes.

16 Q. After your relationship, did you keep a copy
17 of that video?

18 A. No.

19 Q. Why not?

20 A. I didn't want anything.

21 MS. FU: That's all I have. Thank you.

22 THE COURT: Ms. Kellerman?

23 MS. KELLERMAN: No questions, Your Honor.

24 THE COURT: Mr. Gelfand?

25 MR. GELFAND: Brief redirect, Your Honor. May

1 I proceed?

2 THE COURT: You may proceed.

3 Mr. Gelfand: Thank you.

4 REDIRECT EXAMINATION

5 BY MR. GELFAND:

6 Q. I want to start just where your attorney left
7 off. The video that you took of Mr. Apperson, you just
8 testified to this jury that he knew you sent it to two
9 other people because he was next to you. Is that what
10 I heard?

11 A. Yes.

12 Q. Now, to be clear, you gave a deposition in
13 this case on November 4, 2022; correct?

14 A. Yes.

15 Q. In that deposition, you took an oath to tell
16 the truth, just like you did today; correct?

17 A. Yes.

18 Q. You were asked, have you ever sent at least
19 one nude video of him to someone, and you said, yes,
20 there was only one, and that's the video you were
21 talking about; correct?

22 A. Yes.

23 Q. So it's the same subject matter that you
24 testified about just now; right?

25 A. Yes.

1 Q. You said, I sent it to Mouna, as well as my
2 cousin Erika, E-L-I-K-A, and one of my friends named
3 Diana; correct?

4 A. Yes.

5 Q. And is that true?

6 A. That's true.

7 Q. You were asked, did you obtain consent from
8 Mouna before sending that video to these people, and
9 you said, I did not ask Mouna before I sent it;
10 correct?

11 A. Yes.

12 Q. And that's the truth; correct?

13 A. Yes.

14 Q. Why did you not obtain consent? You said, I
15 didn't think to. I didn't think to ask. Correct?

16 A. Yes.

17 Q. Then you were asked, was Mouna aware that you
18 were sharing that video prior to you doing so, and you
19 said, I told him right after, so -- but no, not before?

20 A. Yes.

21 Q. That's what you testified; correct?

22 A. Uh-huh.

23 Q. So was that the truth or was the truth what
24 you just told the jury?

25 A. So --

1 Q. Was he next to you, or did you tell him
2 afterwards that you sent it?

3 A. He was next to me, and I sent it, and I sent
4 it to him at the same time, and I told him.

5 Q. The truth is, you took a video of
6 Mr. Apperson's naked body and you sent it to your
7 cousin and a friend; correct?

8 A. Yes.

9 Q. Without his consent; correct?

10 A. He was -- he was aware, but I didn't ask
11 for -- I didn't ask him.

12 Q. Without his consent; correct?

13 A. I guess you could say, if you want.

14 Q. Now, you testified that Mr. Apperson made
15 statements to you during your relationship, you claim,
16 about Ms. Kaminsky; correct?

17 A. Yes.

18 Q. You testified just a few minutes ago that you
19 claimed Mr. Apperson told you, I think I raped Ms.
20 Kaminsky or something along those lines? Did I hear
21 that correctly?

22 A. Yes.

23 Q. You agree with me you never said that at all
24 in your deposition; correct?

25 A. I wasn't asked about that.

1 Q. You were asked about statements by
2 Mr. Apperson; correct? Let's back up. You agree you
3 never said that in your deposition; right?

4 THE COURT: Wait a minute. Sidebar, please.

5 (Proceedings were held at sidebar, outside the
6 hearing of the jury, as follows:)

7 THE COURT: Foundation for impeachment
8 requires a question asked and a different response
9 during a deposition. You can -- during a deposition,
10 you can ask her about the sun, the moon, and the stars,
11 but when you say here today, you never said anything,
12 it's a lack of foundation. So you need to probably
13 establish foundation for impeachment, okay?

14 MR. GELFAND: Okay. I'll switch gears.

15 (Proceedings returned to open court, as follows:)

16 MR. GELFAND: May I proceed?

17 THE COURT: Yes, you may. Make sure the court
18 reporter is ready.

19 Q. (By Mr. Gelfand) Now, in all of your text
20 messages with Mr. Apperson, you never referenced this
21 conversation; correct?

22 A. The conversation about the video?

23 Q. About --

24 A. Oh, about the --

25 Q. Ms. Kaminsky.

1 A. No, that was a verbal conversation.

2 Q. Okay. Now, you testified that you have not
3 had any communications with Mr. Apperson since you two
4 split up in 2017, obviously other than the text
5 messages that we have; correct?

6 A. Right.

7 Q. And to be clear, Mr. Apperson has not reached
8 out to you; correct?

9 A. Right.

10 Q. Mr. Apperson has not texted you; correct?

11 A. Right.

12 Q. Mr. Apperson has not e-mailed you; correct?

13 A. Right.

14 Q. Mr. Apperson has not called you; correct?

15 A. Right.

16 Q. Mr. Apperson has not showed up at your house
17 or anything along those lanes; correct?

18 A. Right.

19 Q. Mr. Apperson has not contacted you via social
20 media; right?

21 A. Right.

22 Q. In other words, you haven't reached out to him
23 and he hasn't reached out to you; right?

24 A. Correct.

25 Q. Now, I wanted to finally ask you, Ms. Norman,

1 you testified about -- I believe your lawyer phrased it
2 as times that you wanted to engage in some sort of
3 sexual activity with Mr. Apperson; correct?

4 A. Yes.

5 Q. And the truth is, over the course of your
6 entire relationship with Mr. Apperson, just under that
7 one year, you regularly texted Mr. Apperson texts to
8 that effect; correct?

9 A. Yes, we did have sexual texts.

10 Q. And to be clear, when you texted him, and I'm
11 not it trying to embarrass you, but in June of 2016, I
12 want you in me and around me, and I want to give you
13 lots of pleasure, he didn't manipulate you to send that
14 text; correct?

15 A. No.

16 Q. And in August of 2016, when you texted come
17 over and mount me, he didn't force you to send that
18 text; correct?

19 A. No.

20 Q. December 2016, I wish you were here, I need
21 some lovins, he didn't tell you to send that text;
22 correct?

23 A. No.

24 Q. I'm not trying to embarrass you. January of
25 2017, you texted him, quote, I want to suck your dick

1 in the park, end quote; correct?

2 A. Yes.

3 Q. He didn't force you to send that text;
4 correct?

5 A. No.

6 Q. And it goes on to February and even March of
7 2017; correct?

8 A. Yes.

9 MR. GELFAND: Your Honor, if I could have one
10 minute, please.

11 THE COURT: That's fine.

12 MR. GELFAND: Thank you. I have no further
13 questions of this witness.

14 THE COURT: Okay. Ms. Fu?

15 MS. FU: Just briefly.

16 RECROSS EXAMINATION

17 BY MS. FU:

18 Q. Adriane, when you heard Mr. Apperson's
19 attorney ask you about those text messages, that was
20 during the relationship you had with Mr. Apperson;
21 right?

22 A. Yes.

23 Q. During the relationship, did you feel
24 manipulated by Mr. Apperson?

25 A. Yes.

1 Q. Were you confused about your feelings towards
2 him?

3 A. Yes.

4 Q. Were you raped by him?

5 A. Yes.

6 Q. Did those messages that you sent him mean that
7 you weren't raped?

8 A. No.

9 Q. Do you still stand by those ten reasons that
10 Mr. Apperson abused you that you put in that message?

11 A. Yes.

12 MS. FU: Nothing else, Your Honor.

13 THE COURT: Counsel?

14 MS. KELLERMAN: No, Your Honor.

15 THE COURT: Mr Gelfand?

16 MR. GELFAND: No further questions, Your
17 Honor.

18 THE COURT: Okay. Thank you, ma'am. You may
19 step down.

20 (Witness excused.)

21 THE COURT: Mr. Gelfand, you may proceed.
22 Your next witness.

23 MR. GELFAND: Your Honor, at this time we have
24 no further witnesses and the plaintiff rests.

25 (Plaintiff Rests.)

1 THE COURT: Okay. Ladies and Gentlemen of the
2 Jury, we're going to take about a 10 to 15-minute
3 break. Let's take just a 10-minute break.

4 (At 2:41 p.m., the jury was admonished.)

5 THE COURT: Bailiff, Court will be in recess
6 until about 2:55. Give them a little more time.

7 (The jury was recessed. At 3:25 p.m., the
8 following proceedings were held, outside the presence
9 and hearing of the Jury:)

10 THE COURT: May the record reflect that we're
11 outside the hearing and presence of the jury, and with
12 counsel present, the Court has been presented with I
13 think two motions at this time. This is at the time
14 that the plaintiff rested his case.

15 (Defendant's Motions for Directed Verdict.)

16 THE COURT: I have a motion from defendant,
17 Adriane Norman, for a motion for a directed verdict at
18 the close of plaintiff's evidence, and an untitled
19 motion from the defendant, Natasha Kaminsky, motioning
20 for a directed verdict at the close of plaintiff's
21 case.

22 Counsel on behalf of Ms. Kaminsky, you may
23 argue your motion at this time if you wish to do so. I
24 think you also provided the Court with two cases.

25 One is Bauer versus Ribaud 975 SW2d 180,

1 1987, and that would be an Eastern District appellate
2 opinion, and also, the Fireworks Restoration Company
3 versus Hosto. That would be 371 SW3d 83, 2012.
4 Actually, that case is from the St. Louis County
5 Circuit Court Judge Wallace. You may proceed with
6 arguing your motion.

7 MS. KELLERMAN: Judge, we had exhaustive
8 argument off of the record, but I would just reiterate
9 for the Court's benefit that the case law that
10 defendant Kaminsky has provided to the Court supports
11 the fact that the plaintiff in their case in chief
12 produced no evidence supporting damage to the plaintiff
13 outside of the plaintiff's own testimony, and they
14 presented no third party witness as to any damage to
15 Mr. Apperson's reputation, and let alone, which
16 statement would cause any such damage.

17 THE COURT: You don't think the statement by
18 defendant Kaminsky that said it would likely cause harm
19 would be sufficient?

20 MS. KELLERMAN: I think she said it could
21 cause harm. I don't think that there's any -- I don't
22 think that Ms. Kaminsky provided any testimony under
23 oath that she had first-hand knowledge that any
24 decision that any person made was based on any specific
25 statement, whether it was one of their statements or

1 some other behavior of Mr. Apperson.

2 THE COURT: would you object if I allowed them
3 to supplement their case?

4 MS. KELLERMAN: I would, Your Honor. This
5 case has been pending since 2019. They have had four
6 -- over four years to present this case to the jury.
7 They made a choice to call only the parties.

8 THE COURT: Okay. And you stand on your
9 motion?

10 MS. KELLERMAN: I stand on the motion. I
11 don't believe that there is evidence sufficient to
12 support damages in this case.

13 THE COURT: And counsel, on behalf of
14 defendant Norman?

15 MS. FU: Your Honor, we have also submitted a
16 motion for a directed verdict, based on two different
17 principles. The agency issue, I think the testimony
18 was very clear that there was no control that Adriane
19 had over Kaminsky. If the Court would like further
20 argument on that, I can certainly provide it. I don't
21 think it is necessary at this point.

22 when it comes to the damages here, based on
23 the Fireworks Restoration case and the Bauer case, I
24 believe those stand for the proposition, the plaintiff
25 must prove actual damages, based off of statements that

1 Ms. Norman has made, and I don't think that there has
2 been evidence whatsoever that any of the perception
3 that plaintiff had of his reputation was caused by any
4 statements from Ms. Norman.

5 So I stand on my motion. I believe the case
6 law supports our position that you must prove actual
7 damages in a defamation case.

8 THE COURT: And do you object to me reopening
9 the case to allow them to do that?

10 MS. FU: We do, Your Honor. Not only has this
11 case been pending since 2019, Ms. Norman has flown in
12 from across the country. We have had plenty of time
13 for them to develop their case and for the plaintiff to
14 decide what witnesses and what evidence they want to
15 use to come forward.

16 At this point, we would object strenuously to
17 allowing them to reopen their case.

18 THE COURT: Mr. Gelfand?

19 MR. GELFAND: Yes, Your Honor. First of all,
20 as the Court is aware, but just for the purposes of
21 having a comprehensive record, in the context of a
22 directed motion verdict, if this is what the Court is
23 considering here, this Court is supposed to consider
24 all evidence in like most favorable to the non-moving
25 party in this case, and that's the plaintiff,

1 Mr. Apperson, and obviously, not to make any
2 credibility determinations, which is left to the jury.

3 THE COURT: Right.

4 MR. GELFAND: We have presented sufficient
5 non-speculative fact testimony and documentary evidence
6 to submit this case to the jury.

7 The Court has in evidence and this is not to
8 meant to be exhaustive, but I thought I would like to
9 say a couple of things for the benefit of the Court.

10 THE COURT: That's fine.

11 MR. GELFAND: That Mr. Apperson was kicked out
12 of his house, also known as Radix house in this record,
13 for approximately seven months as a direct result of
14 Ms. Kaminsky's Facebook posts from November 14, 2017,
15 two days before that incident happened on November 16,
16 2017.

17 THE COURT: Right. That would be his
18 perception. Would you agree with that?

19 MR. GELFAND: I would not agree with that,
20 Your Honor. I think that in the most literal sense,
21 there is fact testimony that he was kicked out of his
22 house. That is undisputed. It's not I felt like these
23 people were motivated by X, Y and Z. They told him
24 that, and he testified to that, and that was admitted
25 into evidence.

1 THE COURT: Okay.

2 MR. GELFAND: Number two, there was evidence
3 of an assault initiated by Justine Collum, if I'm
4 pronouncing that correctly. I believe it's C-O-L-L-U-M
5 for the benefit of the court reporter, and I believe it
6 was St. Louis Pride two years ago, or whatever the
7 Pride festival is, two years ago.

8 THE COURT: Right.

9 MR. GELFAND: And it was a direct result. It
10 literally established -- it's not perception. People
11 literally said to Mr. Apperson essentially along the
12 lines, and I'm paraphrasing because the testimony is in
13 the record, you're a rapist, you shouldn't be here.

14 And the significance of Justine Collum is that
15 she's the same person that was tagged by Kaminsky in a
16 Facebook post that is at the heart of the claims of
17 this case, and we have undisputed evidence of that in
18 documents and in particular Facebook records.

19 THE COURT: You didn't want to bring those
20 people in?

21 MR. GELFAND: It's not about whether we want
22 to bring those people in, Your Honor. It's that I
23 don't think that to make a submissible case we have to
24 bring those people in.

25 THE COURT: Well, it was your motion or your

1 position that you wanted to bring somebody in for
2 damages. Those are the experts.

3 So you evidently thought damages were
4 important. Do you recall that? Wasn't it your
5 position to bring in those experts for damages?

6 MR. GELFAND: Your Honor, we did want to
7 supplement -- we did want to call two witnesses, Adam
8 Zimmerman and Danielle Whelton; however, the Court over
9 our objection excluded those witnesses.

10 THE COURT: Right.

11 MR. GELFAND: But as a practical matter, when
12 those were excluded, you know, we still believed that
13 we put on and we still do believe that we put on a
14 submissible case.

15 THE COURT: Right. But at least you knew that
16 damages were important.

17 MR. MUELLER: So those folks were for purposes
18 of financial damages.

19 THE COURT: Financial damages?

20 MR. MUELLER: Yes.

21 MR. GELFAND: Yes. I think there is a
22 distinction in defamation of law between financial
23 damages and reputation damages.

24 THE COURT: Okay.

25 MR. GELFAND: But as a practical matter, yes,

1 we wanted to bring those people in. I do believe they
2 would have supplemented. The Court excluded those
3 witness, and we accepted the Court's ruling and
4 proceeded.

5 THE COURT: Well, I think you understand that
6 the ruling is that you can't really -- I'm not going to
7 say it's at the last second, but at least a month right
8 before Christmas, endorse some experts, and I don't
9 think either side wanted a continuance in this case.
10 Say for example, if I was to allow those experts, that
11 would be error not to give them the time to have their
12 own experts. Wouldn't you agree with that?

13 MR. GELFAND: Your Honor --

14 THE COURT: It's a side issue.

15 MR. GELFAND: Respectfully, we don't agree
16 with the Court's ruling, but we respect the Court's
17 ruling.

18 THE COURT: Okay. That's fine.

19 MR. GELFAND: And you know, I do believe that
20 it was sufficient time for them to take depositions, and I
21 note for the record, when they noticed up or wanted to
22 take Claire Caplan's video deposition in lieu of live
23 testimony, we made ourselves available on a Sunday for
24 that deposition to make that happen.

25 That was a fact witness; right?

1 MR. GELFAND: Yes.

2 MS. FU: Yes.

3 MR. GELFAND: They noticed that up after the
4 Court excluded the two experts. All I'm saying, we
5 made efforts to accommodate that.

6 THE COURT: And just a quick comment, you
7 wouldn't have enough time to get your own experts or
8 analyze these experts?

9 MR. SANNER: No, Your Honor. That ship has
10 sailed. We have been here for trial. That's well
11 behind us.

12 THE COURT: Mr. Gelfand?

13 MR. GELFAND: Your Honor, in addition to the
14 assault, I think what's critical of the assault is not
15 only Mr. Apperson's testimony, but connecting it to the
16 documents that a reasonable jury could conclude, tied
17 Justine Collum directly in as someone who was tagged on
18 Ms. Kaminsky's Facebook post that the Court has
19 received into evidence.

20 In addition to that, there is evidence and
21 testimony in the record involving the not only shared
22 office space, but incubator T-Rex.

23 THE COURT: Okay.

24 MR. GELFAND: In particular, the Court has not
25 only has testimony from Mr. Apperson that he and his

1 business were literally kicked out of T-Rex as a direct
2 result of Ms. Kaminsky's statement that he is a rapist,
3 but --

4 THE COURT: You don't see the conclusory
5 nature of that?

6 MR. GELFAND: I don't when you combine it,
7 Your Honor, and I think this is critical with the T-Rex
8 e-mail correspondence, which is in evidence, and first
9 of all, it's not only to T-Rex by Ms. Kaminsky making
10 the statement and/or a response from T-Rex
11 acknowledging that they're considering it, and
12 number two, the fact that Ms. Kaminsky -- I'm sorry.
13 That Mr. Apperson was subsequently -- when you take all
14 three of those combined, you have an admission by
15 Ms. Kaminsky that she sent that to T-Rex for that
16 purpose, you've got documentary evidence in the record
17 that T-Rex received it and was considering it, and then
18 you have Mr. Apperson's fact nonspeculative evidence
19 that at that point, factually and chronologically after
20 that, he was kicked out of T-Rex, his business was
21 kicked out of T-Rex.

22 Direct actual damage, not just from the
23 plaintiff, Mr. Apperson, but from Kaminsky and the
24 document that's been received into evidence.

25 You also have Ms. Kaminsky's statements that

1 she testified about under oath to Rodney Brown about
2 the actual harm that she caused. Not speculative. I
3 appreciate that the Court -- quite honestly, I think it
4 is an unrelated to the issue to the point that I'm
5 trying to make right now, the Court may have some
6 issues with perhaps some of the questions, it deemed
7 conclusory that I asked --

8 THE COURT: Well, this is what a conclusory
9 question is. A person is not there. A person has no
10 firsthand knowledge of what's going on. A person
11 understands all of the facts, and you're almost
12 treating them like an expert, but they're not an
13 expert. They're a fact person.

14 If you asked me yesterday about -- or the day
15 before, I don't know when the alarm was pulled or when
16 it went off, you can say, well, what did you think it
17 was. Well, yes, somebody pulled the alarm, and maybe
18 there's some fire. That's just a perceptive
19 conclusion. That jumps over, unless I was down there
20 on the third floor of the garage in the parking lot and
21 I can see the sprinklers going off and the alarm is
22 sounding real fast, I can say at the time I was there,
23 I saw the sprinklers go off and I heard the bell, I was
24 right under it, and the alarm was flashing on and off
25 like that, and so I know that there is a connection

1 there.

2 But here, you don't have her in the house.
3 You don't have her at the business. You don't know --
4 she doesn't know what is going on specifically. It's
5 not to say it wasn't or it was. It's just that there's
6 no foundation for her to say anything about that. If
7 you allow it, it doesn't mean anything.

8 MR. GELFAND: Your Honor, if I can respond to
9 that, I respectfully disagree with that with respect to
10 Ms. Kaminsky, and the reason why is, is because she
11 testified undisputedly in the context of foundation
12 that she travelled in kind of the same -- I'm
13 paraphrasing, in kind of the same concentric circles as
14 Mr. Apperson, that they're all in the same community.
15 There's a lot of friends in common and things like
16 that.

17 THE COURT: Right.

18 MR. GELFAND: And that as a practical matter,
19 the difference between what I believe the Court's
20 analogy with the fire alarm we all experienced in the
21 middle of trial was and what happened here is that
22 Ms. Kaminsky represented not only from the witness
23 stand, but to Mr. Rodney Brown in contemporaneous dated
24 correspondence that she testified about that she knew
25 firsthand that there was actual harm.

1 She even went so far as explaining to
2 Mr. Brown that she knew firsthand that Apperson had
3 been prohibited or asked to not come in, or frequent as
4 a customer, certain retail or restaurant establishments
5 in the St. Louis community.

6 And Mr. Apperson testified to that, and not
7 only Ms. Kaminsky, but the written representation from
8 Mr. Brown that were time stamped corroborated that.

9 So the point is, that's what differentiates
10 these cases where it is pure speculative perception
11 where the plaintiff just says I think this is why, and
12 this is directly -- and I think bluntly there is fact
13 testimony, not only by Mr. Apperson, but including
14 Mr. Apperson that is not speculative.

15 If it was purely speculative, it would have
16 been appropriately objectionable, and it wasn't
17 objected to. It was accepted into evidence without
18 objection.

19 And as a practical matter, and I think this is
20 critical here, Mr. Apperson also testified that his
21 reputation was ruined, and explained why --

22 THE COURT: That's probably insufficient under
23 the law, but go ahead and finish anyway.

24 MR. GELFAND: Yes. If I can just make a
25 record on this.

1 THE COURT: No, that's fine. That's why I
2 said go ahead and finish.

3 MR. GELFAND: I don't believe it is
4 insufficient under the law because Mr. Apperson
5 explained tangible uncontested facts as opposed to
6 perception, and I think there is a distinction there
7 with a difference. I think that's what these cases are
8 that both defendants are relying on in their motion for
9 a directed verdict are hitting on, which is purely
10 speculative perception is insufficient, but that's not
11 what we have here.

12 I also think, and I think this is critical,
13 that Ms. Kaminsky directly acted and this was
14 undisputed testimony by Ms. Kaminsky and Ms. Norman,
15 that Ms. Norman shared what she claimed was her
16 experience with Mr. Apperson, that Mr. Apperson was a
17 quote rapist among other things and that Ms. Kaminsky
18 then acted based on that. That alone is sufficient to
19 survive a directed verdict.

20 And I think that as a practical matter
21 especially in the like most favorable to the plaintiff
22 and without any credibility determination, and that was
23 not meant to be exhaustive, Your Honor, I believe we
24 have an abundance of documentary evidence that supports
25 this, and I believe that we have nonspeculative and

1 candidly non-contested factual evidence about the
2 reputational harm that Mr. Apperson experienced.

3 So we would ask that the Court deny the
4 directed verdict. I think when -- if the Court submits
5 this to a jury and the jury comes back with a verdict,
6 I think that with the benefit of the full transcripts
7 and the full documents, I do believe that the Court
8 would obviously have another opportunity to revisit
9 this issue, but I think that there is more than enough
10 to bring it to the jury, and I ask the Court to bring
11 it to the jury.

12 THE COURT: Okay.

13 MR. GELFAND: On the agency issue, Your Honor,
14 again, applying --

15 THE COURT: What control do you have on
16 agency? What control do you have on agency?

17 MR. GELFAND: If I could address the agency
18 issue just broadly.

19 THE COURT: Sure. I'll give it to you insofar
20 as the statement made by Ms. Norman that says she's
21 working for me as well as other women. You know, and
22 the other comment that you have there, where do you
23 have the control issue?

24 Where can Ms. Norman control Ms. Kaminsky or
25 told her to do this or told her to do that?

1 MR. GELFAND: Your Honor, I believe that
2 especially in the context of the directed verdict, like
3 most favorable to the plaintiff, that the statement
4 itself that Ms. Norman not only admits she makes that
5 Ms. Kaminsky is working on her behalf, working on her
6 behalf, and that Ms. Kaminsky also says is true.

7 So there is no dispute that they both -- I
8 showed both of them the statements and asked them point
9 blank, whether it was true, and they could have said
10 no.

11 THE COURT: I'll give that to you.

12 MR. GELFAND: So the Court has among other
13 things, essentially three pieces of evidence.

14 THE COURT: No, you're missing something
15 though. I said I'll give that to you.

16 MR. GELFAND: No, I understand that.

17 THE COURT: But when you prove agency, you
18 have to show control; right?

19 MR. GELFAND: Your Honor, I believe that a
20 reasonable jury could conclude that as a practical
21 matter not only the statement itself working on my
22 behalf, which implies control --

23 THE COURT: Right.

24 MR. GELFAND: -- and the two admitted
25 statements by the two defendants that that statement

1 was true, that a reasonable jury could conclude that.

2 what the defense is basically, without saying
3 it this way, asking the Court to do -- and I want this
4 to be very clear for the record -- is to rely on the
5 testimony of the two defendants saying that there was
6 no control, which requires a credibility determination
7 that if this Court were to make at this stage is not
8 appropriate for a directed verdict.

9 so a jury could conclude in the like most
10 favorable -- a reasonable jury could conclude in the
11 like most favorable to the plaintiff that the
12 statement, coupled with under oath testimony by both
13 defendants, admissions in this case, not only that the
14 statements were made, but that the statement was
15 objectively true is enough for the jury to find the two
16 elements of agency.

17 THE COURT: So if a person walks in here and
18 does something, and I say, oh, by the way, he is
19 working for me -- I'm a principal and he's an agent,
20 automatically?

21 MR. GELFAND: Not automatically, but that's
22 not the standard on a directed verdict. It's that a
23 reasonable jury could conclude that.

24 THE COURT: Anything further?

25 MR. GELFAND: Your Honor, the only other thing

1 we would raise is more of a legal argument, and that is
2 that we do not read when the Court reads -- I don't
3 know how you pronounce it, Nazeri.

4 THE COURT: Nazeri. I know what you're
5 referring to.

6 MR. GELFAND: Nazeri, a Supreme Court case
7 relative to defamation.

8 THE COURT: Right.

9 MR. GELFAND: And the handful of appellate
10 cases in Missouri that were provided already by and
11 argued by the defendants in this case.

12 THE COURT: Right.

13 MR. GELFAND: We do not read those cases as
14 standing for the premise that I believe they're asking
15 this Court to read the cases for, which is if you --
16 regardless of the documentary evidence, regardless of
17 the actual totality of the record and what's
18 corroborated and undisputed, if the evidence on actual
19 damages on a reputation comes through the plaintiff,
20 that is per se not enough. I believe that's one step
21 way too far. That is not what the Courts in Nazeri
22 have ever said.

23 THE COURT: Can I read this? Can I read this
24 to you?

25 MR. GELFAND: Yes, You may.

1 THE COURT: This is regarding the Fireworks
2 Restoration Company, and the keynote says, Proof of
3 actual harm to plaintiff's reputation is an absolute
4 prerequisite in a defamation case.

5 Under keynote seven, it says, the evidence
6 proffered to establish actual damages in a defamation
7 case may not be too speculative and must be founded
8 upon more than -- they said "more than" plaintiff's
9 embarrassment or perception of his or her own
10 reputation.

11 MR. GELFAND: And we believe that the evidence
12 in the record, especially in the like most favorable to
13 Mr. Apperson, Your Honor, unambiguously surpasses that.
14 The evidence is not that Mr. Apperson first of all
15 testified to it, but even if you just look at the
16 testimony from Mr. Apperson is well more than
17 embarrassment or perception of their own reputation.
18 It's statements made about the reputation. It's an
19 assault in a public domain. It's being physically
20 excluded from a workplace, a house, a retail and
21 restaurant establishment. It's corroborated by
22 Ms. Kaminsky's own statement that that was the case.
23 It's Justine Collum being tagged and linked to the
24 assault, and it's the destruction of a business, among
25 other things.

1 There's a lot more there than quote, the
2 plaintiff's embarrassment or perception of their own
3 reputation.

4 THE COURT: Basically, the plaintiff's
5 testimony; right?

6 MR. GELFAND: It's not just the plaintiff's
7 testimony, Your Honor.

8 THE COURT: Okay.

9 MR. GELFAND: That's where I would politely
10 push back.

11 THE COURT: No, I understand.

12 MR. GELFAND: It's not. In the literal sense,
13 it's just not. There's documents. There's T-Rex
14 e-mails. There's Ms. Kaminsky's testimony. And then
15 with respect to the plaintiff's testimony, I don't
16 think -- I think what the Court is saying here -- not I
17 think, but what the Court is saying here --

18 THE COURT: Right.

19 MR. GELFAND: -- literally, is that it must be
20 founded upon more than the plaintiff's embarrassment or
21 perception of their own reputation.

22 In this case, Your Honor, if all we presented,
23 if all the Court had in the like most favorable to the
24 plaintiff was Mr. Apperson testifying, I was
25 embarrassed and believed that it harmed my reputation,

1 then that would be insufficient as a matter of law
2 under the Fireworks case.

3 THE COURT: But they want you to show -- they
4 want you to show the actual damages. Are people
5 actually relying on the defamation, statements --

6 MR. GELFAND: I think we have it.

7 THE COURT: -- and saying because of that,
8 this is why we're doing this to the plaintiff. Is that
9 the actual damages that you're referring to?

10 MS. FU: Yes, Your Honor.

11 MR. GELFAND: Your Honor, I think the
12 distinction is, that can be proven among other things.
13 And it's proven by direct evidence here too, but it can
14 also be proven by circumstantial evidence.

15 In other words, I think that can be proven --
16 you know, we spent a lot of time on the timeline, so to
17 speak, in this case.

18 November 14th, Ms. Kaminsky makes a public
19 post. November 16th, everything that happens as a
20 result of that public post leads to Mr. Apperson being
21 kicked out of his own house for seven months.

22 There's tags to Justine Collum that directly
23 lead to an actual incident, an assault. There's no
24 better evidence, hard evidence of that link, and I
25 think that a jury can use that circumstantial and I

1 think direct evidence to especially in the like most
2 favorable to the plaintiff to decide that we have
3 proven actual damages to plaintiff's reputation.

4 THE COURT: How about the 30 some odd other
5 people that were talking? How about if there's a
6 possibility if somebody else also is out there saying
7 something to these people to convince them? We don't
8 know that; right?

9 MR. GELFAND: I don't believe that --

10 THE COURT: We don't know that, do we? We
11 don't know if there is another person out there talking
12 to these folks and saying this is what you have to do
13 because this happened or that happened, other than the
14 defendants in this case?

15 MR. GELFAND: First of all, Your Honor, I
16 think if there were 30 other people, the defense would
17 have called those 30 other people. I don't believe
18 there are any other people.

19 Second of all, again, I think that would be
20 again, not like most favorable to the plaintiff, and it
21 would require a credibility determination to credit
22 that testimony by one of those defendants who offered
23 that testimony.

24 THE COURT: Okay.

25 MR. GELFAND: And so as a practical matter, I

1 believe as a matter of law that we have submitted a
2 submissible case, and we want the opportunity to argue
3 that to the jury.

4 THE COURT: Okay. Anything further, counsel?
5 This matter being submitted.

6 MS. FU: Yes, Your Honor.

7 MS. KELLERMAN: Yes, Your Honor.

8 THE COURT: Defendant's motion, defendant
9 Adriane's motion for a directed verdict at the close of
10 the plaintiff's evidence is granted and sustained for
11 insufficient evidence regarding agency as well as
12 damages.

13 As to defendant Natasha Kaminsky's motion for
14 a directed verdict at the close of plaintiff's case,
15 that will be also granted and sustained for failure to
16 prove actual damages in this case.

17 This cause for the claims will be dismissed
18 for that particular reason.

19 Counsel, give me a memorandum to that effect.

20 Bailiff, can you retrieve the jury for me
21 please, sir. Thank you.

22 MS. KELLERMAN: Judge, just to be clear, our
23 office filed a memorandum of taxable court costs this
24 afternoon, as well.

25 MS. FU: I believe ours is --

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MR. SANNER: Yes, I think so.

MS. FU: It either has been filed or it's being filed.

THE COURT: That will be subject to further hearing.

Let's go off the record. The jury is about to come in.

(At 3:54, proceedings resumed in open court, in the hearing and presence of the jury, as follows:)

THE COURT: Ladies and Gentlemen of the Jury, this matter is concluded by way of motion after the close of all of the evidence presented by the plaintiff. These motions are by the defendants and those motions were granted and sustained.

You're hereby discharged at this time. Let's go off the record.

(Jury discharged.)

* * * * *

1 REPORTER'S CERTIFICATE

2
3 I, Sondra D. DeVries, a Certified Court
4 Reporter, hereby certify that I was the official court
5 reporter for Division 9 of the Circuit Court of the
6 County of St. Louis, State of Missouri; that on January
7 17, 2024 to January 19, 2024, I was present and
8 reported all the proceedings had in the case of MOUNA
9 APPERSON, a/k/a NICHOLAS APPERSON, Plaintiff, versus
10 NATASHA KAMINSKY, ADRIANE NORMAN, and RODNEY BROWN,
11 Defendants, Cause No. 19SL-CC00805; and I further
12 certify that the foregoing pages contain a true and
13 accurate reproduction of the proceedings had on that
14 date.

15
16
17
18 /s/Sondra D. DeVries, CCR #576
19 Official Court Reporter
20 Twenty-First Judicial Circuit
21 (314) 615-2691
22
23
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