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(Please note: The reporter was not present at the hearing. Due to the quality of the audio file, portions were unable to be heard. The transcript may also include misinterpreted words.)

oOo

THE COURT: On the record in Cause No. 1722-PN05226. Natasha Kaminsky is the petitioner in this matter. She's present with counsel Elad Gross. Also present is respondent Nicholas -- is it Apperson? Nicholas Apperson. Mr. Apperson is here with counsel Marie Pudlowski.

Would you both please raise your right hands and be sworn?

(Petitioner and Respondent were sworn in by the clerk.)

THE COURT: All right. Thank you.

The Court's also going to make a note that respondent was served it looks like on November 19 and copy of service is in -- 2000 -- November 19, 2017. A copy of service is in the court file.

Mr. Gross, would you like to proceed?

MR. GROSS: Yes, Your Honor.

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**NATASHA KAMINSKY,**  
**having been previously sworn by the deputy clerk, testified:**  
**DIRECT EXAMINATION**

Q (By Mr. Gross) Tasha, could you please introduce yourself to us?

A. My name is Tasha Kaminsky.

THE COURT: Again, ma'am, just speak up a little bit, okay?

THE WITNESS: Okay.

THE COURT: I know. I know you're nervous, okay.

Q (By Mr. Gross) This is your first time testifying in court?

A. Yes.

Q. Okay. We'll help you out.

Do you -- you're here for -- requesting the Court to give you an order of protection; is that right?

A. Yes.

Q. Can you tell us why?

A. Because I fear for my safety.

Q. Okay. Why is that?

A. Because I recently spoke up about abuse I experienced in a relationship with Nick Apperson, and because of the way Nick Apperson has treated previous

1 women who have spoken up about their abuse, I fear for  
2 my safety.

3 Q. Were you -- you know Nick Apperson, right?

4 A. Yes.

5 Q. How did you meet him?

6 A. I met Nick Apperson through OkCupid, which  
7 is a dating site.

8 Q. And how long ago was that?

9 A. That was in 2012.

10 Q. Were you in a relationship with Nick?

11 A. Yes.

12 Q. How long did that last?

13 A. I was in a relationship with him until  
14 August 2016.

15 Q. And during that relationship, did you  
16 experience any abuse from Nick Apperson?

17 A. Yes.

18 Q. Okay. What kind of abuse?

19 A. I experienced emotional abuse, and I was  
20 coerced into sexual acts.

21 Q. Okay. And you eventually left that  
22 relationship?

23 A. Yes.

24 Q. Okay. And when you left that relationship,  
25 were there any problems communicating that to

1 Mr. Apperson?

2 A. Yes.

3 Q. Okay. What kind of problems did you have?

4 A. I told Mr. Apperson repeatedly that I did  
5 not want to be contacted, and they continued to  
6 contact me.

7 Q. Now, upon ending the relationship or during  
8 the relationship, were there any threats that you felt  
9 were made against you by Mr. Apperson?

10 A. I don't feel that they made any threats in  
11 the relationship, but when I ended the relationship,  
12 they told me that they worried I would be raped.

13 Q. And that was when you were trying to leave  
14 the relationship?

15 A. Yes.

16 Q. Okay. After you told Mr. Apperson to stop  
17 contacting you, did he contact you?

18 A. Yes.

19 Q. How did he contact you?

20 A. First they contacted me through text  
21 messages, and they sent me --

22 MS. PUDLOWSKI: Objection, Your Honor. I  
23 think relevance as to time frame. I understood that  
24 there's a little bit of background that needs to go  
25 into the relationship, but we need to really pin this

1 down to something that's immediate. What are we  
2 talking about here, 2013, 2014, 2015?

3 THE COURT: If we could use dates, that  
4 would be helpful.

5 Q (By Mr. Gross) When did you end the  
6 relationship, what year?

7 A. August 2015.

8 Q. Okay. And after that relationship, it  
9 sounds like he continued to contact you?

10 A. Yes.

11 Q. And was that immediately after the  
12 relationship?

13 A. Yes.

14 Q. Okay. And was it at that time that you told  
15 him not to contact you anymore?

16 A. Yes.

17 Q. Okay. And did he listen?

18 A. No.

19 Q. Okay. How long did he continue contacting  
20 you for?

21 A. He kept contacting me for half a year until  
22 I said I would call the police.

23 Q. Okay. And how was he contacting you? Was  
24 it just through text and phone?

25 A. No. Through e-mail.

1 Q. Okay. So at some point I guess in the  
2 e-mail you said, stop contacting me or I'm calling the  
3 police?

4 A. Yes.

5 Q. And what made you say that?

6 A. He sent me an e-mail that made me scared.

7 Q. Why?

8 A. Because it was --

9 THE COURT: And, again, if you could just --  
10 and, I'm sorry, Counselor.

11 MR. GROSS: Yeah.

12 THE COURT: If we could tell me when that  
13 e-mail was sent. Just give me a date.

14 THE WITNESS: That e-mail was in March of  
15 2014.

16 Q (By Mr. Gross) Okay. And what was in the  
17 e-mail that made you scared?

18 A. It made me scared because so much time had  
19 gone by, and they were still talking about how they  
20 were -- they were mentally sound and really it was my  
21 fault.

22 Q. Okay. Was there any indication in that  
23 e-mail that you thought Nick was not mentally sound?

24 A. Yes.

25 Q. What was in there?

1           A.    That they continuously said they would  
2 always be thinking about me and always loving me. And  
3 that they heard that I didn't want to be contacted but  
4 they were going to contact me anyways.

5           Q.    And in that email did he mention about  
6 getting some kind of psychological treatment or  
7 anything like that?

8           A.    Yes.

9           Q.    In that e-mail to you?

10          A.    Yes.

11          Q.    After the relationship had ended?

12          A.    Yes.

13          Q.    So after -- after you sent that e-mail  
14 saying stop contacting me or I'm calling the cops, did  
15 Mr. Apperson stop contacting you by e-mail?

16          A.    Yes.

17          Q.    Did you end up not having any more contact  
18 with him whatsoever at that point?

19          A.    No.

20          Q.    Okay. In what ways did you have contact  
21 with Mr. Apperson after that?

22          A.    After that e-mail I moved -- I had actually  
23 already moved to a new home, and about -- I'm not a  
24 hundred percent sure how many months after I moved  
25 into a new home Nick Apperson bought a house a block

1 from my house.

2 Q. Had he moved in?

3 A. Yes.

4 MS. PUDLOWSKI: Objection, Your Honor. I'd  
5 ask for time again. I'm not sure how this is relevant  
6 to an immediate situation of stalking.

7 MR. GROSS: That's fine.

8 Q (By Mr. Gross) So when -- when did that move  
9 occur?

10 A. I moved in December -- or I moved in  
11 November of 2014.

12 Q. Okay. And then when did Mr. Apperson move  
13 into that same block?

14 MS. PUDLOWSKI: Once again, Your Honor. I  
15 would object to the remoteness in time to these  
16 events.

17 MR. GROSS: Your Honor --

18 THE COURT: I'm going to allow it because  
19 I'd rather do the background this way than calling  
20 five potential witnesses to talk about it. So I'm  
21 going to allow it.

22 Q (By Mr. Gross) So when -- about when after  
23 that did Mr. Apperson move in? About what time?

24 A. Sometime in the spring of 2015 I was made  
25 aware.

1 Q. Okay. And how did you respond to that?  
2 A. I was terrified and tried to break my lease.  
3 Q. Okay. Did you break your lease?  
4 A. I couldn't break my lease, so I had to live  
5 in that house.  
6 Q. Okay. Did you eventually move after your  
7 lease expired?  
8 A. As soon as it expired I moved out.  
9 Q. Okay. And after you moved out from that  
10 neighborhood, did you see or did you have any other  
11 contact with Mr. Apperson?  
12 A. Yes.  
13 Q. Okay. What kind of contact did you have?  
14 A. So the first time I saw him I went to an  
15 event, saw that they were at the event, and left.  
16 Q. Okay. And what -- when was this event?  
17 A. This was in 2016. In the summer of 2016.  
18 Q. Okay. And what event was this?  
19 A. It was a Food Spark event. Just a social  
20 action event.  
21 Q. Okay. So you went to this event; is that  
22 right?  
23 A. Yes.  
24 Q. Did you go with anybody else?  
25 A. Yes.

1 Q. Okay. And who did you go with?  
2 A. I went with Rachel Sacks.  
3 Q. Okay. And Rachel Sacks is here, too, today?  
4 A. Yes.  
5 Q. Okay. And when you went to that event with  
6 Rachel, you walked in. Is that -- were you there  
7 before Mr. Apperson, or did you see Mr. Apperson  
8 there?  
9 A. I saw Mr. Apperson there.  
10 Q. Okay. And what did you do when you saw  
11 Mr. Apperson?  
12 A. I had a panic attack and left.  
13 Q. Okay. At that point -- so you were -- you  
14 just left the whole event?  
15 A. Yes.  
16 Q. So you didn't have any more contact with  
17 Mr. Apperson then?  
18 A. No.  
19 Q. Do you know if Mr. Apperson had any contact  
20 with Rachel when she was there?  
21 A. Yes.  
22 Q. Okay. How do you know that?  
23 A. She warned me.  
24 Q. What did she warn you about?  
25 MS. PUDLOWSKI: Objection. Hearsay. We can

1 hear from Ms. Rachel if she's here.

2 MR. GROSS: Your Honor, it goes to the  
3 mental state of the person who's saying that she was  
4 in terror for her life because of what this person was  
5 doing to her.

6 THE COURT: I'll allow it.

7 Q (By Mr. Gross) So what did she warn you  
8 about?

9 A. She warned me that Nick asked her to share  
10 my schedule with him.

11 Q. Okay. So from your understanding Nick  
12 approached Rachel asking for your schedule?

13 A. Yes.

14 Q. And Rachel informed you of that?

15 A. Yes.

16 Q. And this was in 2016?

17 A. Yes.

18 Q. Okay. After that incident did you have any  
19 other contact with Mr. Apperson?

20 A. Yes.

21 Q. Where?

22 A. On -- in December of 2016 I was on a date.

23 Q. Okay.

24 A. I sat down with my date at MoKaBe's, and  
25 Mr. Apperson took the seat directly behind my date and

1 watched me on the entire date until I got too upset  
2 and had to leave the date.

3 Q. Okay. He was watching you while you were on  
4 a date?

5 A. Yes.

6 Q. And he was sitting --

7 THE COURT: What was the date on that again,  
8 I'm sorry?

9 THE WITNESS: It was I want to say  
10 December 17. I had gone to see Tishaura Jones speak  
11 at a bar, and then I walked to MoKaBe's.

12 THE COURT: 2016, correct?

13 THE WITNESS: Yes.

14 THE COURT: Okay. Thank you.

15 Q (By Mr. Gross) And so you eventually left?

16 A. Yes.

17 Q. Okay. And how were you feeling at that  
18 time?

19 A. Afraid.

20 Q. Why?

21 A. Because why would they sit directly across  
22 from me when I'm on a date.

23 Q. Okay.

24 A. There are other places to sit.

25 Q. Was that the last contact you had with

1 Mr. Apperson?

2 A. No.

3 Q. Okay. Where else did you -- when else did  
4 you next see Mr. Apperson?

5 A. In February of 2017.

6 Q. Okay. And what happened in February of  
7 2017?

8 A. I was on another date. I was on a double  
9 date.

10 Q. Okay. And just to be clear, on the first  
11 date we talked about in 2016, were you at the location  
12 before Mr. Apperson got there?

13 A. Yes.

14 Q. And then Mr. Apperson sat behind you?

15 A. Sat in front of me.

16 Q. Sat in front of you behind your date?

17 A. Behind my date, yes.

18 Q. Okay. And this one in February 2017, were  
19 you already present on the double date?

20 A. Yes.

21 Q. Before Mr. Apperson was there?

22 A. Yes.

23 Q. And what happened when Mr. Apperson walked  
24 in?

25 A. He took the table next to the table I was

1 at.

2 Q. And he sat there for the duration that you  
3 were there?

4 A. Yes.

5 Q. Okay. What did you do in that situation?

6 A. I alerted the people I was with what was  
7 happening, and they said don't let it ruin your night.

8 Q. Okay. Did you stay?

9 A. I did.

10 Q. And how did you feel?

11 A. Frightened.

12 Q. How come?

13 A. Because not only were they seeing me on a  
14 date, they were seeing people I care about.

15 Q. Was that the last contact you had with  
16 Mr. Apperson?

17 A. No.

18 Q. Okay. When did you next see Mr. Apperson?

19 A. On another date.

20 Q. When was that?

21 A. That was on Cinco de Mayo on Cherokee.

22 Q. Again, that was in 2017?

23 THE COURT: May 5th.

24 MR. GROSS: May 5th. Yes, Your Honor. Just

25 to be clear.

1 Q (By Mr. Gross) So May 5th, 2017?

2 A. It may have been May 6th. It was the  
3 Saturday when they had the parade.

4 Q. So around that time?

5 A. Yes.

6 Q. Okay. And were you at another restaurant?  
7 Where were you at?

8 A. I was on the street in front of Whiskey  
9 Ring.

10 Q. Okay. And how did you see Mr. Apperson?

11 A. I saw them on the street as well, and I went  
12 with my date into Whiskey Ring and tried to hide.

13 Q. Okay. Did Mr. Apperson follow you in that  
14 situation?

15 A. No.

16 Q. Okay. But you got -- you removed yourself  
17 from that situation?

18 A. Yes.

19 Q. Okay. Did Mr. Apperson contact you after  
20 that event, or did you have any other contacts with  
21 Mr. Apperson?

22 A. After that I went into -- in September of  
23 this year, I went to my favorite cafe, Gelateria, to  
24 work with a friend on planning a holiday experience  
25 for the upcoming holidays, and Mr. Apperson was there.

1 Q. Okay. So Mr. Apperson has been in locations  
2 that you've been going to?

3 A. Yes.

4 Q. And oftentimes he's coming there after  
5 you're already there?

6 A. Yes.

7 Q. And sitting next to you?

8 A. Yes.

9 Q. And that's through 2017?

10 A. Yes.

11 Q. What -- you mentioned that you did  
12 something -- well, let me just be clear. After that  
13 was there any other contacts with Mr. Apperson?

14 A. No.

15 Q. Okay. And you said that what led you to  
16 file for this order of protection was something that  
17 you went public with; is that right?

18 A. Yes.

19 Q. Okay. Just to be clear, what was that?

20 A. I said that the person who owns Radix House  
21 is a serial abuser and rapist.

22 Q. Okay. And when did you say that?

23 A. I said that in November.

24 Q. Of this year?

25 A. Yes.

1 Q. Okay. So 2017?

2 A. Yes.

3 THE COURT: How did -- what was the  
4 communication there? Was that a social media post?

5 THE WITNESS: Yes. It was a social media  
6 post.

7 Q (By Mr. Gross) Was that on Facebook?

8 A. It was on Facebook.

9 Q. Was it a public posting?

10 A. It was a public posting.

11 Q. And did people respond to it?

12 A. People did respond to it.

13 Q. Were they supportive?

14 A. Yes.

15 Q. Do -- sorry, you mentioned Radix House.

16 Could you just explain what that is.

17 A. I don't fully understand what it is. My  
18 under -- what I know of it is it's a collective where  
19 people live and do social justice work together.

20 Q. Where is it located?

21 A. It's located at Halliday and Louisiana a  
22 block from where I used to live.

23 Q. Is that the place that Nick moved into when  
24 you were living nearby?

25 A. Yes.

1 Q. Okay. And as far as you know, that's Nick's  
2 residence, place that he owns?

3 A. As far as I know, yes.

4 Q. And you say it's a social justice  
5 collective. Are people living there?

6 A. Yes.

7 Q. Other women?

8 A. Yes.

9 Q. Okay. So after this posting that you put  
10 out on Facebook and you got support for what you were  
11 writing, can you tell us why you decided to make that  
12 posting?

13 A. I decided to make that posting because I had  
14 been made aware of the fact that other woman have been  
15 abused and raped, and I also understood that there  
16 were vulnerable women living in that house.

17 MS. PUDLOWSKI: Objection, Your Honor. I  
18 think that goes to hearsay, what you've heard from  
19 other people about that. It's not alleged in the --

20 THE COURT: Sustained.

21 MS. PUDLOWSKI: It's not relevant.

22 Q (By Mr. Gross) So you made this posting  
23 yourself based on things you heard from other folks in  
24 general?

25 A. And my own experience.

1 Q. And your own expense. Today as we're  
2 here -- well, let me ask you this. After you made  
3 that posting, are you aware of any communication that  
4 Mr. Apperson has had regarding your, what you posted  
5 or anything like that?

6 A. Yes.

7 Q. What is that?

8 A. They brought me up to a mutual friend  
9 without my friend bringing me up first. They said  
10 that the worst thing -- one of the worst things they  
11 ever done was to me.

12 Q. So they discussed the things they done to  
13 you?

14 A. Not sure.

15 Q. And that was what -- when was that? When  
16 did that communication occur?

17 A. That happened shortly after I posted on  
18 Facebook.

19 Q. So that would be in November of 2017?

20 A. Yes.

21 Q. And shortly after that is when you filed for  
22 an order of protection; is that right?

23 A. Yes.

24 Q. Okay. Today as we are standing here, I know  
25 you've been out of the courtroom for most of it, but

1 are you standing here in fear of Mr. Apperson?

2 A. Yes.

3 Q. Why?

4 A. I'm afraid of them because they have made  
5 clear to me that they have connections that can ruin  
6 people's lives or cause them harm.

7 Q. Cause them harm --

8 THE COURT: Let me just make it clear. You  
9 said "them." You mean Mr. Apperson?

10 THE WITNESS: Yes. I was told that  
11 Mr. Apperson prefers they/them pronouns, and I want to  
12 be respectful as much as I can.

13 Q (By Mr. Gross) So that's as opposed to  
14 he/him, right?

15 A. Yes.

16 Q. Okay.

17 A. Mr. Apperson. Nick, sorry.

18 Q. Sure. So you said -- you said that there  
19 were -- you were under the understanding from words  
20 that Mr. Apperson has used that he had the ability to  
21 cause harm -- or they had the ability to cause harm or  
22 something else to you?

23 A. Yes.

24 Q. What do you mean by harm? Like what is  
25 that?



1 something he did with you to somebody you know. Who  
2 is it you're referring to?

3 A. I'm referring to Claire Caplan.

4 Q. Claire. And is Claire here today?

5 A. Yes.

6 Q. Now, you signed this petition for an ex  
7 parte order on November 16 of 2017, correct?

8 A. Yes.

9 Q. All right. And you make multiple claims  
10 within this petition, correct?

11 A. Yes.

12 Q. All right. And you're not here to dispute  
13 that you did date the respondent back in 2013,  
14 correct?

15 A. Yes.

16 Q. You guys dated for about 11 months, correct?

17 A. Yes.

18 Q. And you agree that your breakup wasn't --  
19 you agree that after the breakup, the respondent did  
20 reach out to you wanting to remain friends, correct?

21 A. Yes.

22 Q. Okay. Now, you claim that in 2014 he  
23 contacted you against your wishes, correct?

24 A. Yes.

25 Q. All right. You don't mention anywhere

1 within your petition any specific date that he  
2 contacted you, correct?

3 A. I believe that there is -- no. I believe  
4 there is a sheet in the petition that includes all the  
5 dates (inaudible).

6 Q. And that sheet in the petition, is there  
7 anywhere in that petition that mentions any dates in  
8 2014 that he contacted you?

9 A. I don't know.

10 Q. Okay. Do you know offhand how many times he  
11 contacted you in 2014?

12 A. Three times -- or in 2014?

13 Q. In 2014.

14 A. One time.

15 Q. One time in 2014, okay. And do you know the  
16 exact date in 2014?

17 A. No.

18 Q. Okay. And do you know how is it that he  
19 contacted you in 2014?

20 A. Via e-mail.

21 Q. Via e-mail, okay. And you're not claiming  
22 that the e-mail that he gave you was threatening,  
23 correct?

24 A. There were no threats in the e-mail,  
25 correct.

1 Q. Okay. It was simply an e-mail regarding how  
2 he missed you and he hoped that you guys can be  
3 friends, correct?

4 A. It was an e-mail that -- that was part of  
5 the e-mail, but it opened with, I know you don't want  
6 me to contact you; I'm going to contact you anyways.

7 Q. And then you told him you didn't want him to  
8 contact you anymore, correct?

9 A. Yes.

10 Q. And then he stopped contacting you, correct?

11 A. Stopped contacting me via e-mail.

12 Q. In 2014?

13 A. Yes.

14 Q. All right. And you had no further contact  
15 with him in 2014, correct?

16 A. Yes.

17 Q. Okay. That brings us to 2015.

18 A. Yes.

19 Q. All right. And you claim that in 2015 the  
20 respondent moved a block away from you, correct?

21 A. Yes.

22 Q. You agree that in 2015 at that time you  
23 rented an apartment, correct?

24 A. Yes.

25 Q. Okay. And that's a different apartment from

1 where you were living in 2013 when you dated the  
2 respondent, correct?

3 A. Yes.

4 Q. Okay. And you agree that you never gave the  
5 respondent your address, correct?

6 A. Yes.

7 Q. And you agree that the respondent actually  
8 purchased a home in 2015, correct?

9 A. Yes.

10 Q. Okay. So he didn't find an apartment to  
11 rent, correct? He actually purchased a home, correct?

12 A. Yes.

13 Q. Okay. And you state in your petition that  
14 those two addresses are a block away from each other,  
15 correct?

16 A. Yes.

17 Q. All right. And what is your address that  
18 you lived at back in 2015?

19 A. 3305 Magnolia.

20 Q. Okay. And what is the address that the  
21 petitioner -- or the respondent lived at --

22 A. I don't know the name of it.

23 Q. -- back in 2015?

24 A. I know it's at -- I don't know the number.

25 I know it's at Halliday and Louisiana.

1 Q. Okay. Does 3406 Halliday sound correct?

2 A. I don't know.

3 Q. Okay. Would you agree that the home listed  
4 in the petition is the home that he also lived at in  
5 2015?

6 A. Yes.

7 MS. PUDLOWSKI: Okay. I would ask the judge  
8 take judicial notice of the home that's listed on here  
9 as well as her address and note that this is not a  
10 block apart. These are actually about six blocks  
11 apart.

12 MR. GROSS: Objection to that.

13 THE COURT: Well, I can take judicial notice  
14 of it. Do you have some kind of MapQuest? Do you  
15 have any --

16 MS. PUDLOWSKI: Yes, Your Honor.

17 THE COURT: Is there any way to determine  
18 how far it is?

19 Q (By Ms. Pudlowski) Can you give me your  
20 address again back in 2015?

21 A. It is at Virginia and Magnolia.

22 Q. Was there any point in time that you lived  
23 on a Hartford Street?

24 A. (Inaudible).

25 Q. In 2015.

1                   MR. GROSS:  Objection, Your Honor, as to  
2 revealing the current address or anything.  That goes  
3 to other addresses (inaudible).

4                   THE COURT:  Sustained.

5                   Q    (By Ms. Pudlowski)  How did you find out  
6 about the respondent's address in 2015?

7                   A.   Somebody showed me a posting that they were  
8 looking for roommates.

9                   Q.   Okay.  In any event, you agree that  
10 eventually you moved from that home in 2015, correct?

11                  A.   Yes.

12                  Q.   Okay.  And you agree that respondent did not  
13 move from his home, correct?

14                  A.   Yes.

15                  Q.   Okay.  It's the address that's listed in the  
16 petition, correct?

17                  A.   I don't understand the question.

18                  Q.   Nevermind.  I'll just withdraw that.

19                         Now, you agree that you are not claiming  
20 that the respondent ever came to your apartment in  
21 2015, correct?

22                  A.   They never came to my apartment, no.  They  
23 drove outside it.

24                  Q.   And you -- okay.  So you agree that you do  
25 not claim anywhere in this petition that he came to

1 your apartment. Do you agree that you didn't claim  
2 anywhere in this petition he was outside your  
3 apartment in 2015?

4 A. I agree.

5 Q. Okay. So the first time we're hearing about  
6 it is now, today. You agree that you didn't put  
7 anywhere in your petition that you ever saw him near  
8 the apartment, correct?

9 A. I agree.

10 Q. Okay. And you didn't -- and you agree that  
11 you do not claim any -- other than moving or  
12 purchasing a home near you, you agree that nothing  
13 else in the petition claims any concerning contact  
14 with the respondent in 2015, correct?

15 A. Yes.

16 Q. You don't claim anywhere in that petition  
17 that in 2015 he reached out by e-mail to you, correct?

18 A. Correct.

19 Q. You don't claim anywhere in that petition  
20 that he made threatening remarks to you, correct?

21 A. Correct.

22 Q. You don't claim anywhere in that petition  
23 that he made threatening remarks about you to your  
24 friends, correct?

25 A. Correct.

1 Q. All right. That brings us to 2016. You  
2 claim in 2016 that he tried to get your schedule from  
3 a friend, correct?

4 A. Yes.

5 Q. And this is your friend Rachel?

6 A. Yes.

7 Q. Okay. Do you know what schedule he was  
8 referring to, this alleged --

9 A. He wanted to know my social schedule.

10 Q. Your social schedule, okay. You agree that  
11 he never threatened your friend for the schedule,  
12 correct?

13 A. I don't know.

14 Q. Okay. And this is your friend Rachel,  
15 correct?

16 A. Yes.

17 Q. Is she here today to testify?

18 A. Yes.

19 Q. Okay. You agree that you didn't list her  
20 name in the petition, correct?

21 A. Yes.

22 Q. Okay. And you agree you weren't present for  
23 this conversation, this alleged conversation between  
24 her and the respondent, correct?

25 A. Correct.

1 Q. All right. And you don't know personally  
2 what that -- what the context of that conversation  
3 was, correct?

4 A. No, I don't.

5 Q. All right. And you agree that in 2016 the  
6 respondent never -- other than this -- the scheduling  
7 thing with the food shack, if that's what it's called,  
8 he didn't make contact with you at any other time in  
9 2016, correct?

10 A. He showed up when I was on a date in 2016.

11 Q. At the end of December of 2016?

12 A. Yes.

13 Q. Other than that, no contact with him in  
14 2016?

15 A. Correct.

16 Q. Nothing by e-mail, correct?

17 A. Nothing.

18 Q. No threats, correct?

19 A. No threats.

20 Q. So then that brings us to the end of 2016.  
21 You agree that in 2016 and 2017, you both lived in  
22 what I would call -- you both lived in the city,  
23 correct?

24 A. Yes.

25 Q. You both lived in a similar area, correct?

1 A. Yes.

2 Q. Okay. You guys were somewhat close to the  
3 same places, correct?

4 MR. GROSS: Objection, Your Honor, in terms  
5 of finding the location of where this person lived.

6 MS. PUDLOWSKI: I'm not trying to find her  
7 location. I'm just trying to establish that these  
8 people lived in the same neighborhood or near the same  
9 neighborhood so they're going to go to the same  
10 restaurants.

11 THE COURT: I think it's been established so  
12 I'm going to allow it.

13 MS. PUDLOWSKI: Okay.

14 Q (By Ms. Pudlowski) Now, you claim that the  
15 end of December 2016 the respondent was present at a  
16 restaurant when you were on a date, correct?

17 A. Yes.

18 Q. You don't have the exact date that occurred.  
19 You think it was around December 17th of 2016,  
20 correct?

21 A. I think so, yes.

22 Q. Okay. And you didn't put the exact date in  
23 the petition, correct?

24 A. Right.

25 Q. You didn't put the restaurant in the

1 petition, correct?

2 A. Correct.

3 Q. You didn't put who the date was in the  
4 petition, who you were on a date with in the petition,  
5 correct?

6 A. No.

7 Q. Who were you on a date with that day?

8 MR. GROSS: Objection. Relevance.

9 MS. PUDLOWSKI: I'm asking if he's here  
10 today to testify.

11 MR. GROSS: That we can stipulate that he's  
12 not here to testify, Your Honor.

13 MS. PUDLOWSKI: Okay.

14 THE COURT: Okay. Let's move along, please.

15 Q (By Ms. Pudlowski) All right. And all of  
16 the dates that you reference in your petition, you  
17 never give the restaurant name, correct?

18 A. Correct.

19 Q. Okay. And when you talk about in May, Cinco  
20 de Mayo, May of 2017, you admit that the respondent --  
21 this was a Cinco de Mayo party on the street, correct?

22 A. Correct.

23 Q. Lots of people go to this party, correct?

24 A. Absolutely, yes.

25 Q. Okay. And you saw the respondent that day,

1 correct?

2 A. Yes.

3 Q. You don't know if the respondent saw you,  
4 correct?

5 A. I can't be sure, no.

6 Q. Okay. And then you left, correct?

7 A. Correct.

8 Q. And he didn't follow you, correct?

9 A. Correct.

10 Q. Now, you mentioned in September of 2017 you  
11 saw him at a location where you guys were talking  
12 about a holiday party, correct?

13 A. I was talking about holiday services.

14 Q. Holiday services. And he was already at  
15 that location?

16 A. Yes.

17 Q. Okay. And then you arrived at that  
18 location?

19 A. Yes.

20 Q. Okay. And there's no -- your testimony  
21 today is there was no other contact with the  
22 respondent then, correct?

23 A. Yes.

24 Q. You agree that in your petition it states  
25 that in October of 2017 he was at a restaurant in your

1 neighborhood while you were there, correct?

2 A. That must have been for the September date.

3 (Inaudible).

4 Q. Okay. And so was that at a restaurant then,  
5 the September date?

6 A. That was at the Gelateria.

7 Q. So September 2017 respondent is at the  
8 location and then you arrive, correct?

9 A. Correct.

10 Q. Okay. Between May and September, did you  
11 have any other contact with the respondent?

12 A. No.

13 Q. Okay. He never contacted you through  
14 e-mail, correct?

15 A. Correct.

16 Q. Never contacted you through Facebook,  
17 correct?

18 A. Correct.

19 Q. Never contacted you through any social media  
20 or your phone, correct?

21 A. Correct.

22 Q. Okay. And at no point in time did he ever  
23 make threats to you --

24 A. Correct.

25 Q. -- during that time?

1                   During all of these restaurant encounters,  
2 the respondent never actually spoke with you on those  
3 days, correct?

4           A.   No. They did not speak to me.

5           Q.   Respondent never came up to you and made any  
6 threats to you, correct?

7           A.   They did come up to me. They never spoke to  
8 me or made threats.

9           Q.   Okay.

10           THE COURT: Can you explain that a little  
11 further? What do you mean they came up to you?

12           THE WITNESS: They sat right beside where I  
13 was sitting.

14           Q (By Ms. Pudlowski) Now this brings us to  
15 November. I don't think there was any -- in your  
16 petition you are aware that it states that at some  
17 point he used threatening language to your friend,  
18 correct?

19           A.   Yes.

20           Q.   And you also referred to it as agitated  
21 language, correct?

22           A.   Yes.

23           Q.   And aggressive language, correct?

24           A.   Yes.

25           Q.   Do you agree that there's nowhere in the

1 petition it actually describes what this language  
2 entailed, correct?

3 A. Yes.

4 Q. Do you know specifically what it is, what is  
5 threatening language?

6 A. They brought up my name to my friend without  
7 me being brought up first. They said that they had  
8 done some of the worst things they ever done to anyone  
9 to me, and they seemed upset while they were saying  
10 it.

11 Q. So they were talking about some past  
12 incident, correct?

13 A. Yes.

14 Q. Nothing in regard to future, correct?

15 A. To the best of my knowledge, no.

16 Q. Okay. So you were aware of no future  
17 threats that this person was making, correct?

18 A. Correct.

19 Q. Okay. And you were not present during this  
20 conversation, correct?

21 A. Correct.

22 Q. Okay. And you agree that he never -- the  
23 respondent never reached out to you to make these  
24 statements, correct?

25 A. Correct.

1 Q. Okay. And you agree that he never made  
2 these threatening statements to your friends prior to  
3 this November 2017 date, correct?

4 A. Correct.

5 Q. Okay. And you're friends with Claire  
6 Caplan, correct?

7 A. Yes.

8 Q. Right. And you had Claire reach out to the  
9 respondent about November 14 of 2017, correct?

10 A. I don't think so, no.

11 THE COURT: Are you just confused on the  
12 dates or --

13 THE WITNESS: I'm confused by the question,  
14 I'm sorry.

15 THE COURT: By the question. You want to  
16 repeat the question, please?

17 MS. PUDLOWSKI: Go ahead. I'll ask --

18 Q (By Ms. Pudlowski) Are you aware that Claire  
19 Caplan went to the respondent's home on your behalf in  
20 November of 2017?

21 A. On my behalf. I know they went to the home.  
22 Not on my behalf.

23 Q. Okay. Do you know what that conversation --  
24 do you know anything about what took place? Did  
25 Claire ever tell you what took place at the home in

1 November of 2017 between her and the respondent?

2 A. Just that they had brought me up.

3 Q. That they had brought you up, okay. Did you  
4 ever provide Claire with a list of the demands?

5 A. I did.

6 Q. Okay. And do you have a list of demands for  
7 the respondent?

8 A. Yes.

9 Q. Okay. And is it a list of six demands?

10 A. Yes.

11 Q. Okay. And did you ask Claire to provide  
12 those demands to the respondent?

13 A. No. Claire asked me to make a list of  
14 demands.

15 Q. Okay.

16 A. And I did.

17 Q. Do you know whether she provided those to  
18 the respondent?

19 A. I believe she did, yes.

20 Q. Okay. And were those demands for the  
21 respondent?

22 A. Yes.

23 Q. Okay. And do those demands include  
24 recognizing and acknowledging publicly that he  
25 emotionally and sexually abused you?

1 A. Yes.

2 Q. Okay. Recognizing and acknowledging  
3 publicly that he coerced intimacy during your  
4 relationship?

5 A. Yes.

6 Q. Okay. Not to fight the order of protection  
7 against you?

8 A. Yes.

9 Q. Not to punish the community for holding him  
10 accountable?

11 A. Yes.

12 Q. Recognizing there's a pattern of  
13 anti-Semitism in his behaviors and actions and  
14 educating himself about that?

15 A. Yes.

16 Q. And these demands were -- scratch that.  
17 Now, in your petition you claim that in 2013  
18 the respondent said you would be sexually assaulted if  
19 you broke up, correct?

20 A. Yes.

21 Q. Okay. You agree though he didn't carry out  
22 that threat, correct?

23 A. Yes.

24 Q. All right. He didn't sexually assault you  
25 after the breakup in 2013, correct?

1 A. I agree, yes.

2 Q. All right. Didn't sexually assault you in  
3 2014, correct?

4 A. Correct.

5 Q. Didn't sexually assault you in 2015,  
6 correct?

7 A. Correct.

8 Q. Didn't sexually assault you in 2016,  
9 correct?

10 A. Correct.

11 Q. Or in 2017, correct?

12 A. Correct.

13 Q. Okay. Now, you filed this order of  
14 protection on November 16 of 2017, correct?

15 A. Correct.

16 Q. Nowhere do you check that he ever sexually  
17 assaulted you, correct?

18 A. Correct.

19 Q. All right. And nowhere in here do you claim  
20 that he actually sexually assaulted you at any point  
21 in time, correct?

22 A. Correct.

23 Q. And the reason as you have stated today -- I  
24 just want to be clear -- that you sought this order of  
25 protection is because you went public about a sexual

1 assault, correct?

2 A. I went public about abuse I had experienced,  
3 yes, and abuse I had heard other people experienced.

4 Q. And you going public is what caused you  
5 fear, correct?

6 A. Yes.

7 Q. After the respondent was made aware of your  
8 public announcement, he never contacted you, correct?

9 A. Correct.

10 Q. Never made any threats to you, correct?

11 A. Correct.

12 Q. Never made any threats about you to your  
13 friends?

14 A. Not that I'm aware of.

15 MS. PUDLOWSKI: No further questions, Your  
16 Honor.

17 MR. GROSS: Your Honor, redirect?

18 THE COURT: Yes.

19 **REDIRECT EXAMINATION**

20 Q (By Mr. Gross) Tasha, I know this attorney  
21 just mentioned a whole bunch of times that you were  
22 not sexually assaulted, thank God, but before that you  
23 were?

24 A. I was coerced into sex.

25 Q. By Mr. Apperson?

1           A.    Yes.

2           Q.    You said that one of the reasons that you  
3 filed for this order of protection was because you  
4 went public with that information?

5           A.    Yes.

6           Q.    And because you knew other folks had  
7 experienced similar --

8                   MS. PUDLOWSKI:  Objection, Your Honor, as to  
9 what other folks have done and heard.  Hearsay about  
10 what somebody may have told her.

11                   MR. GROSS:  Goes to mental state, Your  
12 Honor, especially what threat this person poses to her  
13 based on her knowledge of previous --

14                   THE COURT:  Again, I think the testimony's  
15 already been given, so I'm going to allow it.

16           Q    (By Mr. Gross) Was there anything else that  
17 was causing you fear other than you recently going  
18 public with this information?

19           A.    I found out that the last person who went  
20 public had to leave the state because they were so  
21 fearful and so harassed.

22                   MS. PUDLOWSKI:  Objection as to hearsay.

23                   MR. GROSS:  This is knowledge she had, Your  
24 Honor.

25                   THE COURT:  Sustained.  Sustained.

1 Q (By Mr. Gross) Okay. There was lot of talk  
2 about this petition that was filed and what was in it,  
3 what wasn't in it. Who filed that petition?

4 A. You did.

5 Q. I sure did. And when I filed it, do you  
6 remember -- do you remember why I filed it? What was  
7 the reason I did file it?

8 A. You filed it because I was frightened  
9 because I had heard from Claire that my name was being  
10 brought up unprompted.

11 Q. Okay. And so you asked me to then file it  
12 at that time, correct?

13 A. Yes.

14 Q. And that was filed that evening that you  
15 requested it, correct?

16 A. Yes.

17 Q. And that was -- that was late at night after  
18 you felt that you were being physically threatened; is  
19 that correct? Or at least threatened based on what  
20 was being mentioned at the time.

21 A. Yes.

22 Q. And why did you find that so threatening  
23 that you were being brought up by Mr. Apperson in  
24 conversation again?

25 A. Because we hadn't been in contact and they

1 were blocked from my Facebook, and nobody had brought  
2 me up previously.

3 Q. Now, you were asked earlier about that  
4 e-mail that you had received, not including -- the  
5 last e-mail that you said that you were going to call  
6 the police if he continued contacting you. Do you  
7 remember that?

8 A. Yes.

9 Q. In that e-mail -- I believe you were just  
10 asked that e-mail wasn't threatening, and your  
11 response to that was there were no threats in that  
12 e-mail. Did you find that e-mail to be threatening?

13 A. Yes.

14 Q. Why?

15 A. Because so much time had gone on and they  
16 were still talking about the relationship and details  
17 of it and the feelings that most of all had clearly  
18 said they knew I didn't want them to contact me and  
19 they were going to do it anyways.

20 Q. And you had communicated before that that  
21 you did not want this person to be contacting you?

22 A. Yes.

23 Q. But they did; is that right?

24 A. Yes.

25 Q. And in these e-mails there was mention also

1 here about wanting to remain friends on the part of  
2 Mr. Apperson towards you. Do you actually know what  
3 he wanted?

4 A. No.

5 Q. Could have wanted anything, right?

6 A. Yes.

7 Q. And about these lack of threats that were  
8 being explicitly made, did you still feel threatened?

9 A. Yes.

10 Q. Why?

11 A. Because we're both adults, and when someone  
12 says, don't talk to me, you don't talk to them.

13 Q. And there's also some conversation about  
14 these demands that were made, too. I just want to  
15 clarify. You said that Claire asked you to make these  
16 demands?

17 A. Yes.

18 Q. Do you know why Claire did that?

19 A. Claire did that because I didn't want to  
20 involve police, and I didn't want to involve an entire  
21 court situation. I just wanted to be left alone.

22 Q. And that was actually all done after you had  
23 the ex parte order of protection, correct?

24 A. Yes.

25 Q. So to avoid all of this right here?

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A. Yes.

Q. And all of those demands were made. There was something about anti-Semitism. I don't think we have this on the record, but are you Jewish?

A. I am.

Q. And what did you mean by anti-Semitism in his conduct?

A. In their conduct towards me, there were multiple instances when Nick would say things that were hurtful about my religious identity. Things like Israelis are genocidal, knowing I have Israeli family. Things like --

THE COURT: Is this during the relationship?

THE WITNESS: During the relationship, yes.

Q (By Mr. Gross) Okay.

A. And then I was made aware after I started speaking up that they had done this to other Jewish women.

Q. And as far as you know, with these demands to be left alone, did he agree to leave you alone?

A. Obviously not.

MR. GROSS: I've got no further questions, Your Honor.

THE COURT: Any recross?

MS. PUDLOWSKI: Just briefly, Your Honor.

1 **RECROSS-EXAMINATION**

2 Q (By Ms. Pudlowski) Can you tell me what you  
3 mean by he coerced you into sex during your  
4 relationship?

5 A. During the relationship if there were times  
6 when I didn't want to have sex, they would say our  
7 relationship would have to end if I didn't have sex  
8 then. And they would also tell me that because I  
9 didn't want to have sex I must be asexual.

10 THE COURT: And, again, just so the record's  
11 clear, when you say "they," you mean Mr. Apperson?

12 THE WITNESS: Yes. I don't want -- I just  
13 want to be respectful of their gender identity.

14 THE COURT: I understand.

15 Q (By Ms. Pudlowski) Lastly, I just want to be  
16 clear. You felt threatened by the e-mail back in 2014  
17 because so much time had went on before he contacted  
18 you again?

19 A. Because of the time and the content.

20 Q. Tasha, is it true that on November 11th of  
21 2013 you actually contacted Mr. Apperson through a  
22 social media site asking him to join your Knotch  
23 network?

24 A. I don't know. I don't know.

25 Q. K-N-O-T-C-H.

1           A.    I think it might have been (inaudible) on my  
2 phone.

3           Q.    Okay.  So you don't recall intentionally  
4 doing that though?

5           A.    Oh God no.

6           Q.    Okay.  Would you agree that that e-mail that  
7 was sent in 2014 of something to the effect that I  
8 don't want to make the mistake of telling you how I  
9 feel.

10          A.    Yes.

11          Q.    Okay.

12                MS. PUDLOWSKI:  No further questions, Your  
13 Honor.

14                THE COURT:  Mr. Gross?

15                MR. GROSS:  Your Honor, at this point based  
16 on how much conversation we've had about this e-mail,  
17 I wasn't intending to do that per our conversation  
18 earlier, we can enter that e-mail in its entirety  
19 based on the rule of completeness at this time.  I  
20 think everything's being taken out of context, so we  
21 would be happy to enter that as an exhibit at this  
22 time.

23                THE COURT:  Any objection?

24                MS. PUDLOWSKI:  If I can see what he's  
25 admitting first.

1 MR. GROSS: That's fine. It's previously  
2 marked as Petitioner's Exhibit 5. And we can set the  
3 foundation for this and make sure this is the e-mail  
4 that we're talking about, too, Your Honor. Unless  
5 there's a stipulation.

6 MS. PUDLOWSKI: No objection.

7 THE COURT: Any objection? Okay.

8 MR. GROSS: So we move to enter Petitioner's  
9 Exhibit 5 into evidence.

10 THE COURT: Exhibit 5 will be entered.

11 MR. GROSS: (Inaudible).

12 THE COURT: If you don't need it.

13 MR. GROSS: (Inaudible).

14 So I have nothing further. No further  
15 questions, Your Honor, for this witness.

16 THE COURT: Well, why don't we do this,  
17 Mr. Gross. I'll give you an opportunity to call other  
18 witnesses if needed, but what I would like to do is  
19 give the respondent opportunity --

20 MR. GROSS: Sure.

21 THE COURT: -- to conduct any direct that  
22 she may have, and then we'll make a decision.

23 MR. GROSS: That's fine.

24 THE COURT: Based -- I mean, I think -- I  
25 think I've given you enough room to get a lot of the

1 background in --

2 MR. GROSS: Yes, Your Honor.

3 THE COURT: -- through the testimony of your  
4 client.

5 So if you have -- do you have direct for  
6 your client?

7 MS. PUDLOWSKI: Yes, Your Honor. If we're  
8 going to go to our side, I'm asking -- I wanted to do  
9 a motion for a directed verdict at the close of  
10 petitioner's argument. Based off what we have here, I  
11 don't think they have enough to form a stalking  
12 harassment. I'm not sure how you want to proceed, if  
13 you want to let them put theirs on, or I can --

14 THE COURT: I disagree with you.

15 MS. PUDLOWSKI: Okay.

16 THE COURT: I think there may be enough  
17 there. So if you want to -- if you have any direct  
18 examination for your client.

19 MS. PUDLOWSKI: That's fine. We can do that  
20 now.

21 THE COURT: Okay.

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**NICHOLAS APPERSON,**  
**having been previously sworn by the deputy clerk, testified:**  
**DIRECT EXAMINATION**

Q (By Ms. Pudlowski) Can you please state your name for the Court?

A. Sure. My legal name is Nicholas Apperson.

MR. GROSS: Your Honor, before we continue, is it okay if Tasha leaves the room so she doesn't have to be here? Unless there's more from her at this time.

THE COURT: I mean, you sure you don't want her to hear the testimony?

MR. GROSS: We're not going to recall. There's not going to be much of anything else. I think she'd be more comfortable, unless I'm mistaken about that. Do you want to stay?

MS. KAMINSKY: Only if I need to.

THE COURT: Well, I think -- you know, I don't want to give legal advice, but I think it's important that -- I think it's important that you hear the testimony. It may be difficult, but because there's that -- may be the only way you can respond to some things.

MS. KAMINSKY: Okay. I understand.

THE COURT: You certainly legally have a

1 response -- you have an obligation or certainly  
2 opportunity to respond to him, okay?

3 MR. GROSS: Thank you, Your Honor.

4 THE COURT: Um-hum.

5 MR. GROSS: Sorry.

6 Q (By Ms. Pudlowski) Mr. Apperson, can you  
7 tell me, where did you live while you dated Tasha?

8 A. I lived in Dogtown at 1548 Fairmount.

9 Q. Okay. And where did she live at that time?

10 A. I don't recall exactly, but it was pretty  
11 far west of there. Somewhere I think in -- I think it  
12 was in Brentwood. I don't recall for sure. Not  
13 nearby there.

14 Q. Okay. How would you characterize your  
15 breakup with her in 2013?

16 A. I guess, you know, I was under the  
17 impression that we had some irreconcilable things  
18 regarding a romantic relationship. And, you know, we  
19 both had a mutual respect intellectually for one  
20 another, and that it made a lot more sense as I had  
21 been saying for a lot of months for us to be friends  
22 rather than romantic partners.

23 Q. Did you ever threaten to sexually assault  
24 her if you guys broke up?

25 A. Absolutely not.

1 Q. Tell me what contact, if any, do you recall  
2 having with her during 2014?

3 A. I just recall sending the -- sending her an  
4 e-mail with, you know, really the intention of being  
5 her friend, you know, and then getting -- getting back  
6 her -- what indicated to me that, you know, for one  
7 reason or another she -- she seemed to be very much  
8 not wanting to be in touch with me and then me wanting  
9 to reassure that, okay, I totally respect that. You  
10 know, at that time I had -- you know, I had no reason  
11 to really question her feelings on the matter, so I  
12 let it go.

13 Q. And so after that e-mail exchange that the  
14 judge has, Exhibit 5, did you have any other contact  
15 with her in 2014?

16 A. Oh goodness, no.

17 Q. Okay. Can you tell me about what contact at  
18 all you recall having with her in 2015?

19 A. None.

20 Q. So tell me about your living situation in  
21 2015.

22 A. So as I was getting more and more involved  
23 in social justice, particularly I wanted to help  
24 support that work, and so I wanted to purchase a home  
25 where I could, you know, provide, you know, temporary

1 shelter and space for people to be safe, so I  
2 purchased a home that had multiple bedrooms in it.

3 And I was looking primarily, actually, in a  
4 very different neighborhoods, but my mom actually  
5 found that particular home. And after another offer  
6 on another home in the Central West End fell through,  
7 I took a look at it and it fit. It fit my parameters,  
8 and my real estate agent lived in that neighborhood  
9 and said this was a great neighborhood to be in. So,  
10 you know, I purchased a home.

11 Q. And where is that home? What's that  
12 address?

13 A. It's 3406 Halliday.

14 Q. Do you still own that home to this day?

15 A. That's correct.

16 Q. Okay. And back in 2015 when you purchased  
17 that home, did you have any idea where the petitioner  
18 lived?

19 A. No, absolutely not. Had I known that, I  
20 absolutely would have passed on even -- I mean, that  
21 was the perfect home. Everybody said it. But I would  
22 have passed on it out of respect.

23 Q. Tell me about what contact do you recall  
24 having with the petitioner in 2016 at all?

25 A. I mean, I had no contact with her. I do

1 remember her showing up to Food Spark, which is an  
2 event put on by a friend, De Nichols, that I had  
3 RSVP'd for online and attend every month. It's a  
4 wonderful event.

5 I remember, you know, her showing up and  
6 immediately walking out. I was there with my  
7 girlfriend at the time. I felt, you know, really bad  
8 because it's a great event and from what I remembered  
9 of Tasha and her interest towards equity and that sort  
10 of thing, I felt bad that she was not able to attend  
11 it. And I gathered based on the interaction it was  
12 due to me.

13 Q. Okay. Tell me, do you recall her friend  
14 Rachel being present at this Food Spark event?

15 A. Yes.

16 Q. Tell me, did you have any conversations with  
17 Rachel at that time?

18 A. I did.

19 Q. Tell me, what do you remember about the  
20 conversation between you and Rachel at the Food Spark  
21 event?

22 A. Well, I can't recall every exact word that  
23 was said. I remember my intention going into the  
24 conversation (inaudible).

25 So I remember I wanted to tell Rachel that,

1 you know, if there was any way that we could find for  
2 Tasha to not have to avoid events like Food Spark, you  
3 know, I would -- I would do what I could to be  
4 supportive of that. Because I just I didn't think --  
5 you know, it's a great event, you know, and that's  
6 more or less the extent of the conversation. Yeah.

7 Q. Do you recall specifically asking for  
8 Tasha's schedule?

9 A. I have no -- I mean, honestly, I have no  
10 desire to be in the same space with Tasha, you know.  
11 You know, in the same broader space, it wouldn't have  
12 perturbed me except to the extent it would bother her.  
13 And so, no, I did not want to sit down with her,  
14 anything else like that, unless she really wanted to.

15 Q. Tell me, do you recall having any other  
16 contact with her in 2016?

17 A. Well, I mean, I trust her recollection that  
18 we ran into each other in MoKaBe's. I don't remember  
19 the date on it. At that time I visited MoKaBe's  
20 multiple times a day on average. It was not something  
21 targeted. I spent a lot of time there. I think I saw  
22 her there twice. Though I'm confused a bit if she  
23 knew I was always at MoKaBe's why she would continued  
24 to come there.

25 Q. Tell me, what is MoKaBe's?

1           A.    MoKaBe's is a coffee shop that I have  
2 particular ties to as a person who's, you know, been  
3 involved in a lot of social justice causes. They have  
4 a reputation for standing with that sort of thing and  
5 not --

6           Q.    And that's a coffee shop within your  
7 neighborhood?

8           A.    Oh, yeah. Absolutely. I would walk over  
9 there.

10          Q.    Tell me about what contact, if any, do you  
11 recall having with the petitioner during 2017?

12          A.    I do remember this Cinco de Mayo contact. I  
13 had been invited to something called -- I believe it  
14 was called People's Parade by my friend Erin McMullen  
15 a few days prior. Initially I was skeptical because  
16 Cinco de Mayo's considered to be cultural  
17 appropriation, but my friend Erin is someone I  
18 trusted. And she assured me it was, in fact, a very  
19 good event. So I came with her and her dog, and we  
20 spent some time at that event together.

21          Q.    Do you recall any other time in 2017 coming  
22 into contact with Tasha?

23          A.    I don't really. It's not to say that it  
24 didn't happen. I just don't -- I would need to have a  
25 more specific date to remember. If I saw her in

1 MoKaBe's it's a possibility. I remember that. I  
2 remember the Cinco de Mayo. I don't remember the  
3 Gelateria. Not saying it didn't happen. I just don't  
4 remember that.

5 Q. That brings us to 2017, November. Can you  
6 tell me about what happened on Tuesday, November 14th?

7 A. Sure. So I had heard that there was an  
8 accusation against me, and given that I am on very  
9 good terms with almost every person that I have dated,  
10 I made the statement that if there were somebody who I  
11 had actually dated that had made an accusation against  
12 me, it almost certainly would have been Tasha because,  
13 again, I communicate with almost all of my other ex's  
14 (inaudible).

15 Q. Did somebody contact you on November 14th of  
16 2017?

17 A. That's right, yes.

18 Q. Who contacted you on November 14th of 2017?

19 A. Claire Caplan.

20 Q. Okay. And how did she contact you?

21 A. Via Facebook.

22 Q. Okay. And through that Facebook did she ask  
23 to meet with you?

24 A. Yes.

25 Q. Okay. And did she come to your home on

1 November 14th --

2 A. Yes.

3 Q. -- of 2017?

4 Okay. And tell me, what was the nature of  
5 your contact with Claire on November 14, 2017, at your  
6 home?

7 A. She came to my home. We talked about some  
8 of the -- there's been a distortion campaign from a  
9 person who I had previously filed protective order on,  
10 and there had been a distortion campaign about that.  
11 We talked about that, and that was the extent of it.

12 Q. Did she make you aware that there was a  
13 public accusation against you?

14 A. She did not.

15 Q. Okay. Did there come another date where  
16 you -- in November that Claire came in contact with  
17 you?

18 A. Yes. She --

19 Q. What date was that?

20 A. That was November 16th at -- very late at  
21 night.

22 Q. Okay.

23 A. She came to my house along with several  
24 other people, yes.

25 Q. Okay. And did you invite her to your home

1 that night?

2 A. I did not.

3 Q. Okay. And on that night did she make you  
4 aware of some public accusation that had been made  
5 against you?

6 A. She did.

7 Q. Okay. Tell me, how did you feel in that  
8 moment?

9 A. I mean, I felt very hurt by it. I'm a  
10 person that takes -- that takes respect very seriously  
11 when it comes to people that I am -- I mean, with  
12 everybody, but especially with people that I am --  
13 have been romantically involved with. I think that  
14 people are often -- set a very low bar, and hearing  
15 that somebody feels that I had, you know, been abusive  
16 to them was -- is very hard thing to hear.

17 Q. Did you feel attacked in that moment?

18 A. I did that night when there was some --  
19 there were people yelling at me. There was people  
20 saying that I needed to break up with my current  
21 partner. Yeah, there was a lot. A lot going on that  
22 night.

23 Q. And did they provide you with a list of  
24 demands or tell you there was a list of demands?

25 A. They did say there was going to be a list of

1 demands, but -- and that I would get access to the  
2 list of demands and this public statement from Tasha.  
3 I have received the list of demands. I have not seen  
4 the public statement.

5 Q. And what did you say to Claire in response  
6 to all of this?

7 A. Well, given that I didn't know the nature of  
8 it -- and I do sincerely believe we are quick to write  
9 off criticisms of ourself -- I told her I was, you  
10 know, looking forward to seeing it and, you know, to  
11 doing what I could to -- to make Tasha feel safe and  
12 to, you know, make right whatever, you know, the  
13 situation was.

14 Q. Did you make any threats about Tasha at that  
15 time?

16 A. Absolutely not.

17 Q. Okay.

18 A. My focus was really on ensuring her safety.  
19 I'd heard that I moved in a block away from her, which  
20 is something I found out that night, and I understood  
21 how that could be alarming to a person, you know,  
22 potentially and not knowing the context, not knowing  
23 the reason why I moved my house there, so -- or, you  
24 know, moved there. So I wanted to provide as much as  
25 possible reassurance to her that, no, I'm not

1 following you. I have other things to do.

2 Q. So did you bring up Tasha's name unprompted  
3 those evenings?

4 A. On the 14th, yes. On the 16th, no.

5 Q. Have you appeared at restaurants where Tasha  
6 is purposely to harass or stalk her?

7 A. No. It's -- no. Not even slightly. Not a  
8 chance.

9 Q. Have you, when you are at restaurants with  
10 her, purposely sat directly behind her?

11 A. No. I try my best to avoid her and  
12 actually, you know, in situations like that, my  
13 preference would be to leave and be respectful of her.

14 Q. Have you made any threats directly to her?

15 A. No.

16 Q. Have you made any threats about her to her  
17 friends?

18 A. Absolutely not.

19 THE COURT: I think the testimony -- I just  
20 want to be clear on it myself. I think the testimony  
21 from petitioner was that you sat directly across from  
22 her, not behind her. Did you sit across from her? Do  
23 you recall where you sat?

24 THE WITNESS: I remember one time at  
25 MoKaBe's that I sat down, I saw where she was, and

1 then I moved downstairs. I don't remember any other  
2 time where that was the case.

3 THE COURT: Okay. I just wanted to clarify  
4 that for my own sake.

5 MS. PUDLOWSKI: No further questions, Your  
6 Honor.

7 MR. GROSS: Cross-examine, Your Honor?

8 THE COURT: You have cross?

9 MR. GROSS: Yes.

10 THE COURT: Sure.

11 **CROSS-EXAMINATION**

12 Q (By Mr. Gross) Mr. Apperson, I just want to  
13 be respectful to you. How do you prefer that I  
14 address you?

15 A. They/them is preferred. I appreciate that.  
16 Thank you.

17 Q. Is mister okay?

18 A. I prefer mixer but, again, you know, we  
19 have more important matters today.

20 Q. Just want to be clear, so mixer.

21 So Mx. Apperson, you said that you were  
22 involved in some distortion campaign?

23 A. Yeah. I had the unfortunate pleasure of  
24 having an ex that has made death threats on me also a  
25 distortion campaign as well.

1 Q. Okay. So this is somebody else you were in  
2 a relationship with?

3 A. That's correct.

4 Q. Making death threats against you?

5 A. That's correct.

6 Q. When was that?

7 A. The death threats began in -- it would have  
8 been towards the end of April.

9 Q. Of 2017?

10 A. That's correct.

11 Q. So when you said you were on good terms with  
12 everyone you dated that -- not -- almost. I mean,  
13 close but --

14 A. Close.

15 Q. But couple people, including one who's  
16 standing here?

17 A. That's correct.

18 Q. Okay. So this distortion campaign from this  
19 previous ex, I mean, have they made any allegations  
20 against you?

21 A. They've made a whole range of allegations.  
22 (Inaudible).

23 Q. Okay. What kind of allegations?

24 MS. PUDLOWSKI: Objection. Relevance.

25 MR. GROSS: Your Honor --

1 THE COURT: I just think the fact that there  
2 are death threats. I don't know that we need to get  
3 details of that, Mr. Gross.

4 MR. GROSS: Well, these are the allegations  
5 that she has made against him in their relationship.

6 THE COURT: You're talking about --

7 MR. GROSS: Not the ones that she has  
8 made -- not the threats that she has made.

9 Q (By Mr. Gross) Those death threats, my  
10 understanding, if I'm incorrect, you're alleging were  
11 made by this partner towards you. But she has made  
12 allegations from you towards her. Is that correct?  
13 Is that my understanding?

14 A. Yes. She has sent me death threats.

15 Q. But what allegations does she -- what has  
16 she said that you did to her?

17 A. In the --

18 MS. PUDLOWSKI: My objection is relevance as  
19 to how that has to deal with Tasha's fear of what's  
20 going on.

21 MR. GROSS: Your Honor, as previously  
22 testified to, Ms. Kaminsky was aware of this  
23 relationship. As previously testified to,  
24 Ms. Kaminsky, in part, the reason why she went public  
25 was because of this very issue here, and it is this MO

1 from Mr. Apperson, getting past character evidence,  
2 but this MO that continues to be a pattern that  
3 continues to cause her to feel threatened. So I  
4 wouldn't know what those allegations were (inaudible).

5 THE COURT: I don't know that's a pattern.  
6 It's a very close call. I'm going to allow it, some  
7 of it. If you feel like you need to object through  
8 it, please feel free to do that.

9 Q (By Mr. Gross) So what allegations did this  
10 other partner make against you?

11 A. They were primarily centered around  
12 emotional abuse. And there was a number of others  
13 that over time have emerged as well, but initially  
14 they were -- they were of -- I think her words were  
15 this was not -- that she has no doubt these were not  
16 intentional and that I, you know, have caused her to  
17 feel bad about herself and things of that nature.  
18 Over time they've grown to that I did all kinds of  
19 things. Just make up one, and she's probably accused  
20 me of it.

21 Q. Physical abuse?

22 A. Absolutely.

23 Q. Sexual abuse during the relationship?

24 A. She's made those accusations, that's  
25 correct.

1 Q. Where's this person live now?  
2 A. I do not know where she is.  
3 Q. Out of state, right?  
4 A. I would assume so.  
5 Q. You took out of an order of protection  
6 against her?  
7 A. Correct.  
8 Q. Now she doesn't live here anymore; is that  
9 right? As far as you know.  
10 A. She was planning on moving, yes.  
11 Q. You said that you wanted people to be safe  
12 at, I guess, the social justice home. Is that the  
13 same thing as the Radix House?  
14 A. Correct.  
15 Q. You wanted people to be safe there?  
16 A. Correct.  
17 Q. Okay. And you talked about your involvement  
18 in social justice in general; is that correct?  
19 A. Yes.  
20 Q. And does that -- my understanding, that part  
21 of that social justice dynamic also involved some  
22 community mediation as well, correct?  
23 A. That's correct.  
24 Q. Okay. And part of one example of that  
25 community mediation would be Claire's communication

1 with you about this list of demands that she got from  
2 Ms. Kaminsky?

3 A. It would be actually inconsistent with the  
4 MO of that community, the way that that was handled.

5 Q. Okay. But these demands came to you?

6 A. They came to me after legal activity.

7 Q. So they did?

8 A. That's been stated, yes.

9 Q. Okay. And one of those demands was to leave  
10 Ms. Kaminsky alone?

11 A. No. It was actually two things together.  
12 One of them was to not fight an order of protection  
13 that has very real ramifications on my reputation and  
14 with that was to leave her alone. I never objected to  
15 leaving her alone. I've already been leaving her  
16 alone.

17 Q. Did you communicate that you were willing to  
18 leave her alone to Claire when she talked to you?

19 A. When we talked on the 16th, absolutely.

20 Q. Did you communicate that you would accept  
21 that demand as part of this social work, the mediation  
22 that was -- that had occurred?

23 A. I did not receive the demand until later.

24 Q. So you did or did not?

25 A. I have not had the opportunity to

1 acknowledge that, but as I said, I acknowledge on the  
2 16th that I have no intention of bothering Tasha.

3 (Inaudible).

4 Q. You said that you take respect very  
5 seriously?

6 A. That's correct.

7 Q. That you're very concerned with ensuring  
8 Ms. Kaminsky's safety?

9 A. That's correct.

10 Q. As much as possible?

11 A. I mean, to the extent that it doesn't  
12 infringe upon my rights, yes.

13 Q. And so a demand to leave her alone, you  
14 weren't going to respond to that on its own?

15 A. That's again not what I said. What I said  
16 was I have no desire to bother her. I have concerns  
17 about protective order because of the reputation  
18 consequences.

19 Q. Are you receiving -- you are receiving some  
20 psychological treatment; is that correct?

21 MS. PUDLOWSKI: Objection. Relevance, Your  
22 Honor.

23 THE COURT: Sustained.

24 Q (By Mr. Gross) You -- your behaviors, do you  
25 have any emotional instability at the current time?

1 MS. PUDLOWSKI: Objection, Your Honor.  
2 Relevance.

3 THE COURT: Sustained.

4 MR. GROSS: Your Honor, I'd like to make an  
5 offer of proof at this time.

6 THE COURT: Go ahead.

7 Offer of Proof

8 MR. GROSS: The -- both in the e-mail that  
9 you received in the exhibit, as well as a Facebook  
10 post past that, including contemporaneously now,  
11 Mx. Apperson has discussed either seeing a therapist  
12 or fearing that he would be going crazy. Discussing  
13 Ms. Kaminsky's statement that he might have mental  
14 problems and additionally making posts very recently  
15 about suicidality, other violent acts perhaps being  
16 taken by him against himself and certainly these  
17 allegations, others making towards him, that he has  
18 behaved violently towards them as well.

19 So I'm making an offer of proof of all of  
20 that evidence one from there as well, but would like  
21 to offer this Facebook posting as well from  
22 Mr. Apperson after laying a foundation for that to  
23 show there is ongoing mental instability that is  
24 publicly and commonly known about that also poses a  
25 threat to others, including to those that he has

1 previously been with and he is currently stalking her  
2 as well.

3 MS. PUDLOWSKI: Which is not relevant given  
4 he never even asked the petitioner about if she's  
5 aware of these, if she knows any of this. And it  
6 still doesn't go to the crux of the matter here, Your  
7 Honor, of whether --

8 THE COURT: The objection's sustained, and  
9 I'll accept your offer of proof.

10 MR. GROSS: Thank you, Your Honor. With  
11 that, I -- I have no other questions.

12 MS. PUDLOWSKI: No further questions, Your  
13 Honor.

14 THE COURT: Mr. Gross, at this time -- and  
15 I'll give you my opinion.

16 MR. GROSS: Um-hum.

17 THE COURT: We're past the time --

18 MR. GROSS: Sure.

19 THE COURT: -- that I wanted to allot for  
20 this case. If you think there's a relevant witness,  
21 we can address that now. I think -- again, I think we  
22 gave Ms. Kaminsky plenty of time to lay the background  
23 for the case, and I think I was very fair with that.  
24 If you feel there's a need for another witness, then  
25 I'm open to that, but you have to tell me what the

1 relevance is.

2 MR. GROSS: Yeah. Your Honor, at this time  
3 I would like to call -- well, I'd like to discuss with  
4 counsel. It sounds like -- I don't think you would  
5 disagree -- but that we can stipulate regarding the  
6 2016 meeting at Food Spark that occurred and there was  
7 a request for a schedule from Mr. Apperson to Rachel  
8 Sacks. I have Rachel here.

9 THE COURT: That was with Rachel, correct?

10 MR. GROSS: Rachel's here, but that's pretty  
11 much all that that testimony would be about.

12 THE COURT: Right. That there was a  
13 schedule and --

14 MR. GROSS: Right. That there was a request  
15 for Ms. Kaminsky's schedule.

16 MS. PUDLOWSKI: You're saying you want me to  
17 stipulate not that -- I mean, his testimony was a  
18 little bit different.

19 MR. GROSS: That Mr. Apperson -- sure.

20 MS. PUDLOWSKI: You're saying you want me to  
21 stipulate that she would come in and say --

22 THE COURT: She's going to testify that  
23 she --

24 MS. PUDLOWSKI: There was --

25 MR. GROSS: That be fine. Just stipulate

1 what the testimony would be.

2 MS. PUDLOWSKI: We have no problem  
3 stipulating to that, that she's going to claim there  
4 was a schedule request.

5 THE COURT: I think in testimony that's been  
6 agreed upon by both parties.

7 MR. GROSS: Your Honor, may I have a minute  
8 just to consider anybody else who would be relevant  
9 testimony?

10 THE COURT: Sure. Sure.

11 MR. GROSS: Thank you.

12 THE COURT: In fact, we're going to take a  
13 short recess. Let's go off the record.

14 (Off the record).

15 THE COURT: Okay. We're back on the record  
16 in Cause No. 1722-PN05226.

17 It's my understanding, Mr. Gross, that you  
18 would like to call a witness?

19 MR. GROSS: Yes, Your Honor. Petitioner  
20 calls Claire Caplan as a witness.

21 THE COURT: Is it Caplan?

22 THE WITNESS: C-A-P-L-A-N.

23 THE COURT: Thank you.

24 Ms. Caplan, would you raise your right hand  
25 and be sworn, please?

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**CLAIRE CAPLAN,**

**having been duly sworn by the deputy clerk, testified:**

THE COURT: Mr. Gross, go ahead.

MR. GROSS: Yes, Your Honor.

**DIRECT EXAMINATION**

Q (By Mr. Gross) Claire, there was some talk -- I know you were outside of the room (inaudible).

A. Yes.

Q. There was some talk about this list of demands that was provided to Nick recently. Are you aware of that list of demands?

A. Yes.

Q. Okay. Did you ask Ms. Kaminsky to make the list of demands?

A. I did not ask her to make it. I said that it was an option if that's how she wanted to proceed with this process.

Q. Okay. And she ended up giving you the list of demands?

A. Yes. There was a -- there was one list at the beginning, and then she sent me a different one.

Q. Okay.

A. So there'd been two.

Q. And did you ever get a response to that list

1 of demands?

2 A. From?

3 Q. From Mr. -- Mx. Apperson.

4 A. No.

5 Q. Okay. Do you know Mx. Apperson?

6 A. Yes.

7 Q. Okay. How do you know Mx. Apperson?

8 A. We were in a group together, and I did not  
9 know them. And a woman in the group came to me  
10 expressing concerns for their safety.

11 MS. PUDLOWSKI: Objection, Your Honor.  
12 Hearsay. Not relevant to this.

13 THE COURT: Sustained.

14 Q (By Mr. Gross) I'll just try to break it  
15 down a bit. So how long have you known Mx. Apperson  
16 for?

17 A. I want to say since 2014.

18 Q. Okay. Have you had the opportunity to  
19 observe Mx. Apperson's behavior from 2014 to now?

20 A. Yes.

21 MS. PUDLOWSKI: Objection. Your Honor, the  
22 relevance of her observations of him behavior over a  
23 period of time. We're talking about an immediate  
24 threat. He needs to talk about what she knows or  
25 doesn't know about what happened.

1 THE COURT: Sustained.

2 Q (By Mr. Gross) Okay. Do you -- are you --  
3 have you had the opportunity to observe Mx. Apperson  
4 at any time during the past year?

5 A. Yes.

6 Q. Have you -- do you have any concerns about  
7 Mx. Apperson's behavior in the last year?

8 MS. PUDLOWSKI: Objection. Your Honor, what  
9 is the relevance of her --

10 THE COURT: Mr. Gross, I appreciate your  
11 attempt to get this in, but I have to sustain the  
12 objection. It would maybe be relevant in another  
13 proceeding, but I don't believe it's relevant here.

14 MR. GROSS: Can I make an offer of proof on  
15 this one, too, Your Honor?

16 THE COURT: Sure.

17 Offer of Proof

18 MR. GROSS: So -- well, first. Your Honor,  
19 I discussed that in the last offer of proof Facebook  
20 posting. I just want to provide it for the record.  
21 (Inaudible) evidence. It's been previously marked as  
22 Petitioner's Exhibit 2 --

23 THE COURT: Okay.

24 MR. GROSS: -- for identification purposes.  
25 May I approach?

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THE COURT: Sure.

MR. GROSS: And so for the offer of proof here, can I just provide it through questions and answer with the witness?

THE COURT: You still have to lay the foundation for the exhibit, correct?

MR. GROSS: That posting, too. Yeah. I'll do that with her as well.

THE COURT: Okay.

MR. GROSS: So...

THE COURT: And just to -- respondent's objection is noted and sustain.

MS. PUDLOWSKI: Thank you, Your Honor.

Q (By Mr. Gross) So, Claire, I just handed you what's been marked as Petitioner's Exhibit 2. Do you -- you have that in front of you?

A. Yes.

Q. Okay. Do you recognize what that is?

A. Yes, I do.

Q. What is it?

A. It's a Facebook post.

Q. Okay. Who made that Facebook post?

A. Nick Apperson.

Q. Okay. And how do you know that?

A. Well, I recognize the post (inaudible).

1 Q. Okay. So his name is in this post.

2 A. (Inaudible).

3 Q. Okay. And in this post -- this is made on  
4 Facebook, correct?

5 A. Yes.

6 Q. Do you know when it was made around?

7 A. Months ago.

8 Q. Okay. So this year in 2017?

9 A. I believe so. Yes. Yes (inaudible).

10 Q. Okay. And what you have in front of you,  
11 you've seen that posting before?

12 A. Yes.

13 Q. Okay. And is that a fair copy of or  
14 printout of that Facebook post that Mx. Apperson made  
15 sometime this year?

16 A. Yes.

17 Q. Okay. I want to talk to you a bit about the  
18 behavior that you've observed from Mx. Apperson. You  
19 said that you did have opportunity to observe his  
20 behavior since 2014?

21 MS. PUDLOWSKI: Your Honor, I just want to  
22 be clear. Are we back on the record on things that  
23 are relevant, or are we still trying to make an offer  
24 of proof right now?

25 MR. GROSS: Your Honor, my understanding --

1 THE COURT: I'm okay -- I'm okay with that  
2 question, but are you making your offer of proof right  
3 now?

4 MS. PUDLOWSKI: I just need to know if I  
5 need to object again.

6 THE COURT: Right.

7 MR. GROSS: I believe we're still on the  
8 offer of proof.

9 MS. PUDLOWSKI: Okay.

10 THE COURT: Okay. Go ahead. Continue. I  
11 just want to --

12 MR. GROSS: (Inaudible) be happy with that.

13 THE COURT: We're clear on the record this  
14 is for the offer of proof.

15 MR. GROSS: Yes, still for the offer of  
16 proof.

17 Q (By Mr. Gross) So you have had opportunity  
18 to observe Mx. Apperson's behavior since 2014?

19 A. Yes.

20 Q. Okay. Have you ever known Mr. --  
21 Mx. Apperson to be violent, discuss violent behavior  
22 by them to others?

23 A. Yes.

24 Q. Okay. What -- what is that?

25 A. They told me that they were willing and able

1 to have their ex-girlfriend's ex-boyfriend hurt or  
2 potentially killed.

3 THE COURT: And, again -- and I just want to  
4 make sure we're clear on the pronoun usage and just  
5 for the record. So when you say "they," are you  
6 speaking of Mr. Apperson?

7 THE WITNESS: (Inaudible).

8 THE COURT: Okay. And I appreciate  
9 everyone's wish to be designated a certain way, but I  
10 just want to make clear for the record. I mean no  
11 disrespect to you, okay? All right. Thank you.

12 MS. PUDLOWSKI: Your Honor, can we get a  
13 time frame on when she's talking about?

14 Q (By Mr. Gross) So when did that occur?

15 A. The first time I was told this was in May.  
16 The second time that I was told this was a few weeks  
17 ago during a meeting we had between the two of us.

18 They said more or less that they -- that  
19 they were incapable of abusing their ex-partner  
20 because they were willing to have that partner's  
21 abusive ex-boyfriend hurt or killed.

22 Q. And you said May. You gave some dates.  
23 That was all in 2017?

24 A. Yes. The first time was in May. The last  
25 time was this month, not long ago.

1 Q. Okay. Any other violent behavior or violent  
2 comments that you've heard from Mr. Apperson?

3 A. Besides physical intimidation during a  
4 meeting that we had together, you know, just the kind  
5 of typical things that I see, like using their  
6 physical body to intimidate people, slamming their  
7 hands down, raising their voice. Stuff like that.

8 Q. Are you aware of any violence committed by  
9 Mx. Apperson towards others?

10 A. Sexual violence.

11 Q. Okay. What kind of violence?

12 THE COURT: Is this --

13 MS. PUDLOWSKI: Are we still on the offer of  
14 proof? This is really getting far afield. It's  
15 hearsay.

16 THE COURT: Yeah. I think we're far afield.  
17 Actually, I don't believe it to be relevant to these  
18 proceedings.

19 MR. GROSS: Okay.

20 THE COURT: My objection's sustained.

21 MR. GROSS: Um-hum.

22 THE COURT: And I need you to wrap up the  
23 offer of proof.

24 MR. GROSS: Yeah. Just a few more  
25 questions, Your Honor. But it's along the same thing.

1 I'm just trying to get this in as an offer of proof,  
2 then we're going to be done.

3 Q (By Mr. Gross) So you said sexual violence  
4 towards others, other woman?

5 A. (Inaudible).

6 Q. Okay. And was this sexual violence that  
7 occurred recently?

8 A. Not that -- not that I'm aware of.

9 Q. Okay.

10 A. And recently no.

11 Q. What time frame are we talking about?

12 A. Before we had our first conversation about  
13 the situation in May. So I guess (inaudible).

14 THE COURT: Okay. I have a clear  
15 understanding of what you're getting at, Mr. Gross. I  
16 think we'll conclude the offer of proof there and  
17 we'll move on.

18 MR. GROSS: That's all the questions I have  
19 for this witness, Your Honor.

20 THE COURT: All right. I appreciate that.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: Thank you. I'm sorry, ma'am, do  
23 you want to come back? I don't know that there's any  
24 need, but Ms. Pudlowski may have a couple questions  
25 for you.

1 **CROSS-EXAMINATION**

2 Q (By Ms. Pudlowski) You agree that on  
3 November 14th of 2017, you did go to Nick Apperson's  
4 address, correct?

5 A. I don't know that it was the 14th.

6 Q. Okay. Do you recall sometime around  
7 November 14th --

8 A. Yes.

9 Q. -- going to Nick Apperson's address?

10 A. Yes.

11 Q. Okay. Do you recall also going there  
12 sometime a few days after that, correct?

13 A. Yes.

14 Q. Okay. And when you were on that home, you  
15 agree that you made him aware of a public statement  
16 against him by Tasha, correct?

17 A. Yes.

18 Q. Okay.

19 A. The second -- on the second trip, not the  
20 first one.

21 Q. Okay.

22 A. Because I did not have explicit consent to  
23 do so the first time I was there.

24 Q. All right. So on the second time you went  
25 to his home unannounced to him, correct?

1 A. The second time.

2 Q. Okay.

3 A. Because the other people in the house asked  
4 me to come.

5 Q. And so he did not know you were coming to  
6 his home that day, correct?

7 A. Correct.

8 Q. He did not invite you to his home that day,  
9 correct?

10 A. Correct.

11 Q. Okay. And when you arrived at the home that  
12 day, there were others present, correct?

13 A. Yes.

14 Q. And you made Nick Apperson aware that Tasha  
15 had made a public statement against him, correct?

16 A. Yes.

17 Q. And you also made him aware that she had a  
18 list of demands for him, correct?

19 A. I don't know if the demands were written  
20 yet.

21 Q. Okay. Did you make -- do you think you made  
22 him aware that she had demands even if you didn't  
23 provide him a copy of that?

24 A. I think I said I would ask her to or said  
25 that if that's what she wanted to do, that she could

1 do that and they would probably -- there would  
2 probably be some.

3 Q. And do you agree that the parties present  
4 then began questioning and somewhat attacking Nick  
5 Apperson among what happened?

6 A. I would not say attacking. I would say  
7 questioning.

8 Q. Okay. And would you agree there were  
9 probably maybe around seven to eight people in the  
10 room at that time?

11 A. I can tell (inaudible) including Nick.

12 Q. Let's go ahead and include him. We'll go  
13 there.

14 A. Seven.

15 Q. Okay. And it is at this point that you  
16 would agree that you felt he became intimidated by  
17 slamming his hands and raising his voice, correct?

18 A. Yes.

19 Q. Okay. And you would agree then that he did  
20 leave the home then at that time, correct?

21 A. Yes.

22 Q. Okay. And during that conversation, he  
23 never directly made a threat on Tasha's life, correct?

24 A. Never made a threat on Tasha's life.

25 Q. Never made a threat that he was going to go

1 contact her at that point in time, correct?

2 A. Correct.

3 Q. Okay. Never made a threat that he was going  
4 to harm her at that point in time, correct?

5 A. Correct.

6 Q. And prior to those November dates, Mr. Nick  
7 Apperson has never contacted you to make threats in  
8 regard to your friend Tasha, correct?

9 A. No.

10 MS. PUDLOWSKI: No further questions, Your  
11 Honor.

12 MR. GROSS: Nothing further, Your Honor.

13 THE COURT: All right. Thank you.

14 Ms. Caplan, I appreciate you coming in, and  
15 I appreciate your testimony today. I do have one  
16 question for you just for the record.

17 Was this group when you went to meet  
18 Mr. Apperson, was this part of the community -- it  
19 sounds like you have your own community mediation?

20 THE WITNESS: Yes. The -- basically -- can  
21 I just explain why I was -- why I went back there?

22 THE COURT: Well, I just want to know if  
23 this was part -- if this was something you did  
24 independently or this was part of maybe a group  
25 thought process that you were trying to mediate as

1       opposed to ending up, for instance, right here today.

2               THE WITNESS:  Yes.

3               THE COURT:  Okay.  All right.

4               THE WITNESS:  That's why we did that.  The  
5 people who lived in Nick's house were really  
6 concerned.

7               THE COURT:  Okay.

8               THE WITNESS:  And there's --

9               THE COURT:  All right.  All right.  I  
10 appreciate it.  Thank you.  And I think we're  
11 finished.

12              MR. GROSS:  That's it.

13              THE WITNESS:  Thank you very much.

14              THE COURT:  Thanks.

15              Nothing further from either party?  Okay.

16              MS. PUDLOWSKI:  Other than just brief  
17 argument, Your Honor, if we may.

18              THE COURT:  Now, when you say brief, I'm  
19 holding you to that.

20              MS. PUDLOWSKI:  We've been really  
21 long-winded.

22              THE COURT:  Well, who would like -- would  
23 you like to make an argument?

24              MR. GROSS:  I can, Your Honor.

25              I think the evidence really speaks for

1       itself, but the evidence has established that  
2       Mx. Apperson is an abuser, and he abuses women. And  
3       certainly we've heard a whole bunch of this from  
4       Ms. Kaminsky who's here today and apparently other  
5       folks have distortion campaigns or whatever we're  
6       talking about here.

7                 But what it comes down to is they had a  
8       relationship. The relationship obviously did not end  
9       very well, and we can see that from the e-mail that  
10      Mx. Apperson sent to Ms. Kaminsky.

11                He refused to stop contacting her. He  
12      continued to send messages. She asked him to stop,  
13      and they didn't until there was a threat that legal  
14      action would get involved. And that's why we're here  
15      today, because it's escalated at this point where we  
16      have to ask for legal action in order to have her  
17      protected.

18                Certainly, there's this whole time issue,  
19      and I understand that. She probably should have  
20      looked for an order of protection much earlier. But  
21      oftentimes in these situations, as we're seeing today,  
22      folks hold these things in for a long time because  
23      they think maybe it's their fault or they did  
24      something wrong or somebody that they're with is  
25      telling them they're crazy and they're wrong and it's

1 their fault. And it takes a while before you get up  
2 the courage to come here and say, no, you need to  
3 stop. That's why she's here, and that's why she  
4 reached out to me in the first place.

5 But we saw this pattern of e-mails, this  
6 pattern of communication, it didn't stop. Once that  
7 ended, sure, maybe happenstance put them in the same  
8 situation location wise, but on dates where she's  
9 looking for other people, after getting this e-mail  
10 professing undying love or something or another in  
11 here and talking about some -- seeing a therapist and  
12 other psychological issues after a relationship has  
13 ended, that seems to me at least to be wrong. And  
14 sitting next to somebody and being there when somebody  
15 else is trying to move on with their life and not  
16 doing it themselves is a problem. And still there  
17 wasn't a request for an order of protection, and still  
18 it didn't happen.

19 I know we talked a bit about what came in.  
20 We talked -- at least distortion campaign part is in  
21 evidence here, but there was -- there were other  
22 incidents that were occurring that Ms. Kaminsky were  
23 aware of that were eating at her as you can see when  
24 she was talking here. And then she decides to say,  
25 you know what, if you are even considering being a

1 part of this person's life, don't do it. Don't go to  
2 this social justice thing. Don't go to this community  
3 because that person is dangerous and you need to know  
4 about it.

5 And a few days after that all of a sudden,  
6 Mx. Apperson is talking to Ms. Kaminsky's friends  
7 about her and bringing up past acts. And shortly  
8 after, she asked this court for an order of  
9 protection.

10 It seems very reasonable to me. Obviously,  
11 she's in fear standing here today. She has been for a  
12 long time. There were questions about addresses and  
13 where she's living, and I don't think that it is  
14 with -- outside the bounds at all to request this  
15 person leave her alone and stay away from her, and  
16 that's what we're asking here today.

17 So we thank you for your time.

18 THE COURT: Thank you. Thank you.

19 Ms. Pudlowski?

20 MS. PUDLOWSKI: Your Honor, your words just  
21 before this hearing, this is an extreme remedy, and it  
22 has serious ramifications for my client.

23 My client told you under oath that he  
24 doesn't have a problem staying away from her, but he  
25 does have a problem with an order being put in place

1 against him, which has these sorts of ramifications.

2 We -- you have to look at, does this meet  
3 the elements of the statute? The statute doesn't say  
4 if a person has subjective fear of another person, you  
5 get an order of protection. I think we have that  
6 here. I'm not disputing that she has a subjective  
7 fear of him.

8 What you have to ask yourself, is it a  
9 reasonable fear and is it a fear because of the  
10 respondent's purposeful actions, or is it a fear  
11 because of her own decisions on how she has publicly  
12 gone forward with her claims against him.

13 Okay. You have to look at -- I think all of  
14 this relates back to 2013. They're claiming all of  
15 this abuse and these sex things, but when I  
16 specifically asked her, what do you mean that he  
17 coerced you into sex? Her words were, well, it's  
18 because he said if I didn't want to have sex with him,  
19 I would be asexual, or if I didn't have sex with him,  
20 I would break up with him.

21 That's not the same as the legal definition  
22 of sexual assault in what's going on. Not saying that  
23 that's the most ideal, but we're not even say that  
24 happen. That's her claim that's causing fear. That's  
25 not reasonable.

1                   Then we come to the next date in 2014, this  
2 e-mail. Again, she is in fear because there were  
3 months that went by he didn't contact her, and he  
4 contacted her out of the blue. You read the e-mail.  
5 This is the typical boyfriend/girlfriend situation.  
6 He still has feelings for her.

7                   It's not unusual for an ex to reach out  
8 after months wanting contact, missing somebody, seeing  
9 if there's anything there, trying to relive the  
10 friendship. That's what this was. This was not a  
11 threat.

12                  So then you actually bring us to the most  
13 recent stuff, okay. That's kind of her basis for the  
14 fear, which I don't think is reasonable. Then you  
15 bring us what's actually happened recently.

16                  May of 2016. It is a Cinco De Mayo block  
17 party. There are tons of people. They live in the  
18 same community. He is there.

19                  THE COURT: 2017.

20                  MS. PUDLOWSKI: What?

21                  THE COURT: 2017.

22                  MS. PUDLOWSKI: Yes. 2017. I misspoke. I  
23 apologize.

24                  He is there, and by her own admission she  
25 doesn't even know if he sees her there. She leaves

1 because she is in fear, and he doesn't follow her.  
2 That doesn't rise to an incident under harassment or  
3 stalking or anywhere in the statute.

4 Brings us to September of 2017. He is at a  
5 restaurant with his friends. She arrives to talk  
6 about these holiday services, okay. Again, she says  
7 there's no threat. She's not saying he's following  
8 her. She arrives at a place where he is already at.  
9 Again, this is not an incident that qualifies under  
10 harassment or stalking under the statute.

11 So then the next thing we have is  
12 November of 2017 where there are these alleged  
13 conversations between him and her friends, which  
14 everybody gives a slightly different version of, but  
15 for the most part they're the same.

16 He is at his home. Her friends come to him  
17 and tell him that she is publicly announced to the  
18 world in social media to his friends that he has  
19 sexually abused her.

20 What she doesn't put in that post that her  
21 version of sexual abuse is she said if she doesn't  
22 want to have sex, they're asexual, okay. This is what  
23 he's hearing, and then he is provided a list of  
24 demands.

25 I think it's typical that if he's kind of

1 raising his voice or he's upset, that makes sense.  
2 But nobody's claiming that during that time he ever  
3 made a threat to Tasha, ever said he was going to come  
4 after her.

5           There's nothing here to meet the statute to  
6 give them an order of protection in place, and for  
7 that reason I ask that you deny it.

8           THE COURT: Okay. Thank you both. I'm  
9 going to go ahead and rule on it. I don't think it  
10 does any good to keep extending it out. I think the  
11 evidence that I've heard at least gives me a clear  
12 indication of what I need to do. I'm bound by the  
13 law. I'm bound by the statute.

14           Ms. Kaminsky, I admire your courage for  
15 coming in here today and giving your testimony. It  
16 was obvious to me that was not an easy thing for you  
17 to do. It's also obvious that you are under some --  
18 certainly some emotional, substantial emotional  
19 distress because of the actions of Mr. Apperson.  
20 There's no question that we've met that part of the  
21 statute, okay.

22           The other part is the hard part, and  
23 that's -- you know, I'd have to find harassment under  
24 the adult abuse act, which you're both aware of. That  
25 requires certain things. Some of the examples might

1 be lingering or following or, you know, in a car or --

2 A couple of the problems I have with this  
3 case is that actually Mr. Apperson was at a place  
4 before Ms. Kaminsky arrived and at least the  
5 May 5th Cinco de Mayo part of it. So I almost have to  
6 eliminate that contact out of my decision making.

7 That leaves me with only a couple contacts  
8 of 2017. The stuff that occurred prior in the  
9 relationship under the statute I really can't get  
10 into. Although I'm sympathetic to what happened. I  
11 certainly am.

12 You know, it almost appears to me that this  
13 would have been a case where you could have called law  
14 enforcement or something like that at some point prior  
15 if you felt that you were being abused. But at least  
16 for what I've seen here today, the evidence that's  
17 been presented to me, based on the fact that I have to  
18 adhere to the statute -- and I'll be honest with you,  
19 Ms. Pudlowski, it's not -- I think it's a little  
20 closer than you think it is. I think under harassment  
21 we probably got close. We're just not there, to be  
22 honest.

23 But taking in all the evidence -- and  
24 certainly you've made your offers of proof -- but I  
25 have to find that there's insufficient evidence to

1 support a full order of protection in this matter, and  
2 the full order of protection is denied. So --

3 MR. GROSS: Yes, Your Honor.

4 THE COURT: All right. Thank you.

5 MR. GROSS: Thank you.

6 THE COURT: Ms. Kaminsky, your attorney will  
7 explain to you, you have a right to appeal this case,  
8 and you certainly have that option. I'm sure  
9 Mr. Gross will go over that with you, and I do wish  
10 you the best of luck sincerely, okay. Thank you.

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REPORTER'S CERTIFICATE

I, Elizabeth M. Gravitz, Certified Court Reporter,  
certify that I am an Official Court Reporter for the Circuit  
Court of the City of St. Louis; that on November 30, 2017, a  
hearing was audio-recorded and later transcribed by me, in  
Natasha Kaminsky vs. Nicholas Apperson, Case No.  
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/s/ Elizabeth M. Gravitz  
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