

1 DENVER, COLORADO, MONDAY, MARCH 12, 2018, 9:16 A.M.

2 THE VIDEOGRAPHER: We are on the record at 9:16.
3 Today is March 12th, 2018. This is the video testimony of
4 Robert Abrams, taken in the matter of Justin Moskowitz vs.
5 Joseph Dahlman (ph), et al., Case No. 17-CV-30522 in District
6 Court for the City and County of Denver, Colorado. Today we're
7 located at 110 16th Street, Suite 1400, in Denver. I am the
8 videographer, Timothy L. Rickmire (ph). The court reporter is
9 Devine Facinger (ph).

10 Will all attorneys please introduce themselves [sic],
11 beginning with the plaintiffs.

12 MR. WERGE: Thomas Werge on behalf of Plaintiff,
13 Justin Moskowitz.

14 MR. ABRAMS: Attorney Robert Abrams, License 37950,
15 appearing pro se.

16 MR. SULLENBERGER: Neil Sullenberger, Attorney
17 Registration 48698, for the firm.

18 THE VIDEOGRAPHER: Will the court reporter please
19 swear in the deponent.

20 THE REPORTER: Sir, I'm going to ask you to raise
21 your right hand.

22 ROBERT ABRAMS, PLAINTIFF'S WITNESS, SWORN

23 DIRECT EXAMINATION

24 BY MR. WERGE:

25 Q. Good morning, Mr. Abrams.

1 As you know, my name is Tom Werge. I'm counsel for
2 Plaintiff Justin Moskowitz in this lawsuit. And do you
3 understand why you've been asked to give your deposition today?

4 A. No.

5 Q. Are you aware that your firm, Abrams & Associates, is a
6 defendant in a lawsuit that's going to trial next month?

7 A. Yes.

8 Q. And are you aware that you are a witness regarding the
9 actions of Abrams & Associates?

10 A. Yes.

11 Q. Have you had your deposition taken before?

12 A. I think so.

13 Q. When have you had your deposition taken before?

14 A. I don't recall.

15 Q. How many times?

16 A. I -- I don't recall.

17 Q. You have -- you're sitting here today under oath. Do you
18 have no idea whether you've been deposed before?

19 A. I've answered --

20 MR. SULLENBERGER: Object to form.

21 THE WITNESS: I've answered that question. Object to
22 form. Move on.

23 BY MR. WERGE:

24 Q. Mr. Abrams, have you been deposed before?

25 MR. SULLENBERGER: Object to form.

1 THE WITNESS: Object to form. Move to certify the
2 question.

3 If you feel that I haven't answered, then you can
4 move for a sanction.

5 MR. WERGE: We're going to go ahead and stop the
6 deposition at this point and dial the special master.

7 THE VIDEOGRAPHER: We are going off the record --

8 MR. WERGE: No. We're staying on the record, please.

9 THE VIDEOGRAPHER: Okay.

10 THE WITNESS: Would you be prepared to read back my
11 answer to the special master regarding counsel's questions as
12 to whether or not I answered that question?

13 (Beginning of telephone conversation.)

14 FEMALE 1: Good morning. Ridley, McGreevy & Winocur.

15 MR. WERGE: Good morning. Could we speak with David
16 Tenner, please?

17 FEMALE 1: Let me check and see if -- if he's in.

18 May I ask who's calling?

19 MR. WERGE: Thank you. Yes. These are the parties
20 from the Moskowitz v. Dahlman matter, and we are in the middle
21 of a deposition this morning.

22 FEMALE 1: Okay. Hold on just a moment.

23 MR. WERGE: Thank you.

24 FEMALE 1: He is not in the office at the moment.

25 Can I get a number and have him call you back?

1 MR. WERGE: Yes, that would be great. If you could
2 please --

3 (Discussion held off the record.)

4 FEMALE 1: Okay. I'll send him an email right now.

5 MR. WERGE: Appreciate it.

6 FEMALE 1: Uh-huh. You're welcome.

7 MR. WERGE: Bye-bye.

8 (End of telephone conversation.)

9 BY MR. WERGE:

10 Q. Mr. Abrams --

11 MR. SULLENBERGER: Are we going to stay on the record
12 here?

13 MR. WERGE: Yeah. We're still on the record.

14 MR. SULLENBERGER: Okay.

15 MR. WERGE: Yeah.

16 BY MR. WERGE:

17 Q. Mr. Abrams, I want to ask you one more time. Have you had
18 your deposition taken before?

19 MR. SULLENBERGER: Object to form.

20 THE WITNESS: Asked and answered. Move on.

21 BY MR. WERGE:

22 Q. You need to answer the question.

23 A. The question was answered.

24 THE WITNESS: Excuse me.

25 Have her read it back.

1 MR. SULLENBERGER: Yeah.

2 BY MR. WERGE:

3 Q. Mr. Abrams, this is not your deposition.

4 A. Please don't harass me.

5 Q. No, I'm not harassing you.

6 A. We're going to move for sanctions --

7 Q. I'm asking you --

8 A. against you.

9 Q. --- to -- to answer the questions.

10 A. If you're not going to allow her --

11 MR. SULLENBERGER: He just answered the question.

12 MR. WERGE: He did not answer the question.

13 MR. SULLENBERGER: He just said he did not recall.

14 That's an answer to the question.

15 BY MR. WERGE:

16 Q. So it -- it's your testimony under oath today, Mr. Abrams,
17 that you do not recall whether or not you've ever been deposed
18 before?

19 A. Asked and answered. And --

20 THE WITNESS: So please read my answer back.

21 BY MR. WERGE:

22 Q. You need to answer my questions, Mr. Abrams.

23 THE WITNESS: Please read the answer back.

24 MR. WERGE: No, do not read the answer back. Mr.

25 Abrams --

1 MR. SULLENBERGER: Like -- we'd like the answer to be
2 read back.

3 MR. WERGE: Let's move on.

4 BY MR. WERGE:

5 Q. How many times have you been named in a lawsuit in your
6 individual capacity?

7 A. I can't recall.

8 Q. Have you ever been named in a lawsuit in your individual
9 capacity?

10 A. I think so.

11 Q. Okay. And when do you think that you were added as a
12 defendant to a lawsuit in your individual capacity?

13 A. It may have been -- if I get it right, it may have been in
14 the BB matter.

15 Q. So it's your testimony today you've been
16 added -- you -- you were a defendant in a lawsuit in one
17 matter, and that was the BB matter; is that correct?

18 MR. SULLENBERGER: Object to form.

19 A. I think -- I think they added me as an individual
20 defendant, and they lost the case that went to jury trial. I
21 think that's my recollection. I don't remember it very well.
22 The man -- BB attacked me in a stairwell and -- at my garage.
23 And I think he named me individually in that suit, and then he
24 lost that suit. That's my recollection.

25 BY MR. WERGE:

1 Q. Let me ask the question again, Mr. Abrams.

2 Is this BB matter that you're referring to the only time
3 you remember being added as a defendant in a lawsuit?

4 MR. SULLENBERGER: Object to form.

5 A. I -- to my recollection, yes. That's my answer.

6 BY MR. WERGE:

7 Q. And you said the other party was named BB?

8 A. Yes.

9 Q. Okay. Could you -- what is the -- what was the other
10 party's full name?

11 A. Sean Beezum (ph). We call him "BB."

12 I represented him in a matter where him and his wife were
13 both arrested for DUI. He was thrown in a drunk tank for being
14 belligerent, and he sued the City. And then I put a
15 restraining order on him for nine months for attacking me in a
16 stairwell; and then he sued -- I can't remember if he sued me
17 individually, but I think he did. And then he lost that suit
18 outright at jury verdict.

19 So we're going to move to strike that as irrelevant --
20 object to form -- and that it's going to lead to non-
21 discoverable evidence. Under the rules of evidence --

22 Q. Mr. Abrams, you are not allowed to --

23 A. Excuse me. You can't interrupt me.

24 Q. I am allowed --

25 A. You can't --

1 Q. -- to interrupt you. This is my deposition today, sir.

2 MR. SULLENBERGER: He's -- he's -- he's giving his
3 answer.

4 MR. WERGE: And you need --

5 THE WITNESS: You can't -- it's my answer. This is
6 my answer. He --

7 BY MR. WERGE:

8 Q. It is not -- you are not allowed to put objections on the
9 record. You are a witness today; and, Mr. Abrams, you are
10 represented by counsel. Your counsel is allowed to put
11 objections on the record. You are not today.

12 A. I am a lawyer.

13 Q. Do you understand that?

14 A. I -- I am a lawyer. I don't need a lecture from you, who
15 doesn't understand the Rules of Evidence. Under the Rules of
16 Evidence, the only thing that can come in under the Rules of
17 Evidence is truthfulness and untruthfulness. So to the extent
18 that you're trying to disparage me, because you have me on
19 videotape, and embarrass me for things that you can't bring in,
20 I'm going to raise, move to strike, find it objectionable, and
21 then move for sanctions for harassment under Rule 30(d). You
22 can look it up if you don't know it.

23 Q. Mr. Abrams, I feel quite confident that if any sanctions
24 are entered in this matter, it's going to be against you --

25 MR. SULLENBERGER: Object to form.

1 BY MR. WERGE:

2 Q. -- for continuing to obstruct and not answer any of my
3 questions.

4 A. Objection. Objection.

5 MR. SULLENBERGER: Object to form.

6 BY MR. WERGE:

7 Q. You cannot object.

8 A. Object to form.

9 I just did.

10 Q. You cannot.

11 A. I just did. I'm a lawyer. I'm -- I'm a licensed,
12 unblemished member of the bar, unblemished. If you laugh at me
13 one more time, we're going to walk out of here.

14 MR. SULLENBERGER: We're going to move for 30(d)(3)
15 sanctions.

16 THE WITNESS: We're going to move for harassment
17 sanctions against you right now. Okay. You're laughing at us
18 with the videotape that you published at -- on -- on -- on the
19 internet about you and your rock band, and you're going to be
20 laughing at me? And you've moved for sanctions and had them
21 denied every single time in this matter, and the jury should
22 see that too. Every single one has led to no sanction.

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