

00153

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 GARY CONDIT,

4 Plaintiff,

5 vs.

CIVIL ACTION FILE
NO. 02 CIV 9910

6 DOMINICK DUNNE,

7 Defendant.

8
9 ***CONFIDENTIAL***

10 VIDEOTAPED DEPOSITION OF

11 DOMINICK DUNNE

12 VOLUME II

13 September 30, 2004

14 1:02 p.m.

15

16 1221 Avenue of the Americas
17 New York, New York 10020
18 Alexander J. Gallo, CCR B-1336, CRR

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16 Also Present:
17 Gary Condit
18 Cadee Condit
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00156

1 Videotaped Deposition of Dominick Dunne
2 Volume II
3 September 30, 2004
4 THE VIDEOGRAPHER: This is the
5 video operator speaking. We are beginning
6 Volume II, the videotape number three, in the
7 deposition of Dominick Dunne. Today's date
8 is September 30, 2004. The time on the
9 record is 1:02 p.m.
10 MR. WOOD: Before we start the
11 continuation of the testimony, I want to go
12 ahead and make part of the record what has
13 been marked for purpose of identification as
14 Dunne-5 and Dunne-6. And counsel for Mr.
15 Dunne and I have agreed and stipulated that
16 these exhibits are true and correct copies of
17 the two insurance policies providing coverage
18 with respect to this case; is that right?
19 MR. LiCALSI: Yes. I mean, I am
20 not representing that the insurance company
21 has conceded coverage, but these are the
22 policies that we have put in claims on.
23 (Whereupon, Exhibits-Dunne-5&6 are
24 marked for identification.)
25 MR. WOOD: Good afternoon, Mr.

00157

1 Dunne. Just to remind you that you are still
2 under oath from yesterday.
3 FURTHER EXAMINATION
4 BY-MR. WOOD:
5 Q. With respect to your insurance
6 policies, is your insurance company presently
7 providing you with the defense in the case
8 under those policies?
9 A. You know, I don't know.
10 Q. You don't know whether you are
11 paying for the lawyers or the insurance
12 company?
13 A. I actually don't know. I am
14 paying, I think. I don't know. I have a
15 business manager that takes care of that. I

16 don't know.

17 Q. That is something you could find
18 out?

19 A. Oh, yes.

20 MR. WOOD: Do you have Dunne-3
21 from yesterday?

22 MR. Li CALSI: Give us a second and
23 we will get our copy.

24 MR. WOOD: I have got an extra
25 copy. It's just --

00158

1 MR. Li CALSI: Would you?

2 MR. WOOD: It's one that I --

3 MS. VENTULETT: It's the one we --

4 MR. WOOD: -- gave you. Actually,
5 this one is marked. It is the one you gave
6 us, the same thing.

7 MR. Li CALSI: Correct.

8 MR. WOOD: Do you want to go
9 ahead and proceed?

10 MR. Li CALSI: Sure. Why don't we
11 start.

12 Q. (By Mr. Wood) Mr. Dunne, if you
13 want to take a moment and review Dunne
14 Exhibit 3, my first question is simply
15 whether that document is a true and correct
16 copy of your Dominick Dunne's Diary published
17 in the March 2002 issue of Vanity Fair?

18 A. Yes, it is.

19 Q. And if you would like to take a
20 moment and review the article, I am going to
21 be asking you some questions about that
22 portion that starts with the second paragraph
23 on page 1, 142 of the issue but page 1 of
24 the exhibit, down through the end of first
25 column on the next page.

00159

1 A. (Witness reviews document.)

2 Q. Have you had a chance to review
3 those portions of the article?

4 A. Yes.

5 Q. You write in here -- and I am on
6 the first page -- but then Gary Condit --
7 let me go back.

8 You talk about receiving a phone
9 call from a stranger in Hamburg who had heard
10 from the man who procured women. That is
11 the horse whisperer story; right?

12 A. That is correct.

13 Q. And you said: I wrote about it
14 elliptically in this magazine because I wasn't
15 at liberty to tell everything I knew.

16 What did you mean when you said
17 that you were not at liberty to tell
18 everything that you knew?

19 A. From -- there were things that
20 Jerry Gruner asked me not to write about.
21 Jerry Gruner was the investigator for the
22 Levys' legal team.

23 Q. Is there anything else you were
24 referring to in that statement other than
25 what Mr. Gruner had asked you not to write

00160

1 about?

2 A. I don't think so.

3 Q. What was it Mr. Gruner did not
4 want you to write about?

5 A. I think -- he put restrictions on
6 me. But they didn't want me to write about
7 anything, if you want to know the truth; but
8 I said I had to because I had gone to
9 England, spent all that money. I just can't
10 remember specifically what it was he didn't
11 want me to write about.

12 Q. Then you go on to say: But then
13 Gary Condit announced he was going to run for
14 office again and finance his own campaign,
15 and I have to tell you that made me crazy.

16 A. Yeah.

17 Q. Why did it make you crazy that
18 Gary Condit was going to run for reelection?

19 A. It made me crazy, Mr. Wood,
20 because Chandra Levy was still missing.
21 Chandra Levy had been forgotten, practically,
22 since 9/11. Mr. Condit had been involved
23 romantically with Chandra Levy right up until
24 before her disappearance. And in his
25 announcement there was no word about Chandra

00161

1 Levy. There had never been any sort of
2 feeling from him about her. And I just
3 wanted to bring up Chandra Levy again.

4 Q. You weren't trying to get Gary
5 Condit, were you?

6 A. I was trying to get Chandra Levy's
7 name back out into the media.

8 Q. Not Gary Condit's, but Chandra --
9 your concern was that people --

10 A. My concern always has been Chandra
11 Levy in this case.

12 Q. Not -- your concern has been
13 Chandra Levy, not focused on a concern
14 somehow that you had to punish or exact some
15 measure of punishment against Gary Condit;
16 right?

17 A. My concern always has been Chandra
18 Levy.

19 Q. Well, you didn't go out and tell
20 the story, then, in order to somehow harm
21 Gary Condit; you went out and decided to tell
22 the story in order to get people again
23 talking about Chandra Levy; is that right?

24 A. That is correct.

25 Q. And then you go on to state:

00162

1 Where, I wanted to know, would he get the
2 money? Did he think we had all forgotten
3 about Chandra Levy?

4 I mean, do you think, sir -- you
5 understand that the Washington, D.C. Police
6 Department in charge of the investigation into
7 the disappearance, and now we know tragically
8 the murder of Chandra Levy, has publicly
9 stated on a number of occasions that Gary
10 Condit is not and has not been a suspect
11 with respect to the Chandra Levy case.

12 You know that to be true; don't
13 you, sir?

14 A. I know it -- wait a minute. I
15 certainly have heard that. But on the other
16 hand, on the other hand, they got a search
17 warrant to search his apartment. They did
18 DNA tests on his sofa. They found five
19 different sperm samples. They may not have
20 called him a suspect, but I think that could
21 be because of the position that he held in
22 the House of Representatives and specifically
23 on the Intelligence Committee. But I believe
24 he was a suspect without being called one.

25 Q. So you don't believe the

00163

1 Washington, D.C. police when they said Gary
2 Condit is not a suspect, you don't believe
3 that because you believe he was a suspect; is
4 that your testimony?

5 A. Yes.

6 Q. And wouldn't you think with your
7 experience in covering murder investigations
8 and murder trials -- and you have extensive
9 experience; do you not?

10 A. I do.

11 Q. Wouldn't you agree that when law
12 enforcement investigates an individual the mere
13 fact they are investigated does not make that
14 individual a suspect; does it? Many people
15 are investigated as part of a full and
16 thorough investigation; true?

17 A. True.

18 Q. So when we start with the mere
19 fact that Mr. Condit was investigated to some
20 extent, that fact alone does not make him a
21 suspect; does it, sir?

22 A. It makes him suspicious.

23 Q. Yes, but in terms of the police
24 who are in charge of the criminal
25 investigation, the mere fact that he is

00164

1 investigated does not make him a police
2 suspect; does it?

3 MR. LICALSI: I am going to object
4 to the term suspect because I think that is
5 an ambiguous term.

6 But go ahead and answer it.

7 THE WITNESS: Well, they certainly
8 said he wasn't a suspect, yes.

9 Q. (By Mr. Wood) But my question is,
10 in terms of the police who are in charge of
11 the criminal investigation, the mere fact that
12 Mr. Condit is investigated, that fact alone
13 does not make him a police suspect; does it?

14 MR. LICALSI: Same objection.

15 Q. (By Mr. Wood) What is your answer,
16 sir?

17 And I'm right; am I not? Just
18 like you told me, people investigated does
19 not mean that just because you are
20 investigated you are a police suspect; right?

21 MR. LICALSI: I am going to object
22 because that calls for speculation as to the

23 police's thinking in this case.
24 Q. (By Mr. Wood) Would you answer my
25 question, please, sir?

00165

1 A. Yeah, I mean, I always felt that
2 the police did a rotten job, that the
3 Washington police did a rotten job. I mean,
4 they waited 65 days before, or something like
5 that, before looking at Mr. Condit's
6 apartment.

7 I always felt also -- I don't know
8 this for a fact -- I always felt also that
9 because of his high position in politics and
10 in the Democratic Party and in the House
11 Intelligence Committee that they cut him a
12 little slack and didn't call him a suspect.

13 Q. That's just pure speculation on
14 your part; isn't it, sir?

15 A. That is.

16 Q. Is that what you write about at
17 times in your articles, just pure speculation
18 about individuals?

19 A. No.

20 MR. Li CALSI: Objection.

21 Argumentative.

22 Q. (By Mr. Wood) You wouldn't put
23 that in an article, would you sir, because
24 that is pure and simple speculation on your
25 part; right?

00166

1 MR. Li CALSI: Objection.

2 Ambiguous.

3 THE WITNESS: I would put it in
4 my article that he had had a romantic
5 relationship with a missing woman and had
6 shown no concern about it from the beginning.

7 Q. (By Mr. Wood) In your opinion, he
8 had shown no concern about it from the
9 beginning?

10 A. No, more than in my opinion. In
11 the -- in pretty much the national opinion.

12 Q. And what do you base that
13 statement on?

14 A. On every television show he was
15 never treated as anything but -- although he
16 is not called a suspect, he was treated on
17 all the television shows, at least all the
18 television shows I was on, and all the news
19 reports as a suspicious character.

20 Q. Who contributed to a reward fund
21 for Chandra Levy; right?

22 A. Yeah.

23 Q. You forgot that part?

24 A. No, I didn't forget that. But, I
25 mean, I never -- it's --

00167

1 Q. What did you want him to do?

2 MR. Li CALSI: By the way, I am
3 going to object to that because I think it
4 is misleading. My understanding is that Mr.
5 Condit did not personally contribute to any
6 reward fund. I think that is misleading.

7 Q. (By Mr. Wood) What did you want

8 Mr. Condit to do?

9 A. I wanted Mr. Condit to show some
10 concern.

11 Q. How?

12 A. How?

13 Q. Yes, sir. How?

14 A. He had an affair with her for a
15 year. I mean, a little thought for her,
16 caring for her. It was just a big
17 performances that was going on, waving to the
18 cameras. I thought his behavior was
19 disgraceful.

20 Q. Because he waved to the cameras?

21 A. Just his general attitude during
22 that time.

23 Q. Because he smiled?

24 A. Among other things.

25 Q. Well, I mean, I hear you saying

00168

1 this. And it sounds like you didn't feel
2 Gary Condit acted right; is that what you are
3 saying?

4 A. I didn't feel he felt right about
5 her, yes.

6 Q. Did that make you angry?

7 A. Yes.

8 Q. And as it continued and -- started
9 in June, right, or was it May? When did you
10 begin to really observe what you thought was
11 inappropriate conduct on his part?

12 A. Well, almost immediately.

13 Q. So May, June, July?

14 A. Yeah.

15 Q. August? It is going on
16 constantly, isn't it, and you are seeing it
17 on TV; right?

18 A. Yeah.

19 Q. And it makes you angry; doesn't
20 it, sir?

21 A. Yeah. I am a victim's advocate.

22 Q. Yes, sir.

23 MR. LiCALSI: Let him finish his
24 answer.

25 MR. WOOD: Well, I sometimes --

00169

1 listen, sometimes I am not sure. I think he
2 is through and he is not. Nobody is trying
3 to jump in on him.

4 MR. LiCALSI: I'm not accusing
5 you. I'm just correcting you.

6 MR. WOOD: I want him to talk and
7 talk and talk. I'm not -- I don't want to
8 stop any answer. I want to hear it all.

9 THE WITNESS: I am a victim's
10 advocate. I cared greatly about Chandra Levy.
11 She was my interest in this case.

12 And quite honestly, I never felt
13 he showed the proper concern. And I don't
14 call a check fulfilling that function.

15 Q. (By Mr. Wood) I am sorry. I
16 don't call it what?

17 A. I don't call a check --

18 Q. A check, I see.

19 A. -- fulfilling that function.
20 Q. But as the months went on and you
21 continued to observe this behavior that you
22 have said was not proper, he didn't show
23 proper concern, I would take it that you
24 became more angry and more disgusted with
25 Gary Condit --

00170

1 A. Well, I kept --

2 Q. -- with time?

3 A. I kept hearing -- I beg your
4 pardon. I didn't mean to interrupt you.

5 Q. My question is I would take it
6 that with the passage of time you became more
7 disgusted with Gary Condit and more angry at
8 his, what you believed to be, inappropriate
9 behavior; true?

10 A. Well, as the months went on, I
11 learned more and more and more about the
12 personal life of Gary Condit, and it was
13 pretty seedy. And I -- and I listened to
14 Anne Marie Smith. I listened to Vince
15 Flamini. I listened to -- I watched the
16 episode of the watch box, which I found
17 particularly suspicious.

18 I mean, to drive to another state
19 to get rid of a watch box, to not just drop
20 it into the wastebasket, but to burrow it
21 down in. Everything about him was suspicious
22 to me.

23 Q. And with the passage of time, did
24 you, observing him and listening to these
25 people that you've identified, am I correct

00171

1 that as the summer wore on that you became
2 more disgusted, with the passage of time?

3 A. Well, I don't know. I was
4 disgusted from the -- I don't know if I -- I
5 don't know that it increased; but I was
6 disgusted, yes.

7 Q. You didn't find yourself
8 increasingly angry at this man from your
9 viewpoint as a victim's advocate?

10 A. Until, until he announced he was
11 going to run again. And it just seemed like
12 the height ofchutzpah to me that somebody
13 who had this hanging over his head, a missing
14 woman, that he could announce to run for
15 office and not mention this trouble that he
16 was in.

17 Q. What is it that you are upset with
18 him about, that he decided to run for
19 reelection or that he announced he was
20 running for reelection and you don't believe,
21 in doing so, made any mention of Chandra
22 Levy?

23 A. Both.

24 Q. Now, do you know -- as you sit
25 here today, Mr. Dunne, do you make as part

00172

1 of your defense of this case the accusation
2 that Gary Condit was criminally involved in
3 the kidnapping or murder of Chandra Levy?

4 A. I have never believed he was
5 criminally involved.
6 Q. So you believe that --
7 A. I believe -- I beg your pardon.
8 MR. LiCALSI: No, no, no. Please.
9 THE WITNESS: I believed from the
10 beginning and I still believe to this day
11 that Gary Condit knows more about this story
12 than he has ever let on.

13 Q. (By Mr. Wood) Well, what part of
14 the story, how she disappeared or just the
15 friendship with Chandra Levy that he does not
16 discuss with the media? What are you
17 referring to when you say he knows more than
18 what he has let on?

19 MR. LiCALSI: Do you need the
20 question read back, because I do?

21 THE WITNESS: No, go ahead.

22 MR. LiCALSI: I would like to hear
23 that question again.

24 MR. WOOD: Let me withdraw and
25 rephrase it.

00173

1 MR. LiCALSI: Okay.

2 Q. (By Mr. Wood) You say you believe
3 to this day that Gary Condit knows more about
4 this story than he has ever let on. What
5 aspect of this story do you believe that he
6 knows more about that he has not let on?

7 A. He lied about the affair. He lied
8 to the police. He lied to the family, and
9 especially to the family.

10 Q. Anything else?

11 A. Repeat it again.

12 Q. I asked you what aspect of this
13 story do you believe that Gary Condit knows
14 more about than he has let on to the public.

15 A. Well, I think that is all I can
16 think of at the moment.

17 Q. You are not suggesting that Gary
18 Condit knows anything about the circumstances
19 surrounding the disappearance, the
20 responsibility for the disappearance, or
21 kidnapping or murder of Chandra Levy?

22 A. No.

23 Q. You are not making that suggestion;
24 are you?

25 A. I am not making that suggestion.

00174

1 I am --

2 Q. You're --

3 A. I am saying I would like to know
4 the last time that they were together. I
5 would like to know -- I am aware of her
6 calls to her aunt Linda Zamsky, her
7 excitement that something was going to happen.
8 What was that? Was she pregnant?

9 Q. Well, have you talked to her aunt?

10 MR. LiCALSI: Please let him --

11 MR. WOOD: I thought he was

12 through.

13 MR. LiCALSI: Were you finished?

14 THE WITNESS: Yeah, I am finished.

15 MR. WOOD: You got to cut me
16 little slack here. I think I know sometimes
17 when he's through; sometimes I don't. But I
18 think I got it.

19 Q. (By Mr. Wood) Have you ever talked
20 with Linda Zamsky?

21 A. I have not talked to Linda Zamsky.

22 Q. Well, if you want to know about
23 what was going on with that call, why
24 wouldn't you pick up the phone and contact
25 Linda Zamsky?

00175

1 A. Well, I talked to Mrs. Levy.

2 Q. No, sir. Why wouldn't you call

3 Mrs. Zamsky, she's the one you said had the
4 phone calls from Chandra, if you want to know
5 so -- more about it?

6 A. I did not talk to her.

7 Q. The point is, I mean, there is --
8 when you say to me very clearly, and, I will
9 go back and -- when you say to me that you
10 are not in defense of this case suggesting
11 that Gary Condit was criminally involved in
12 the disappearance, kidnapping or murder of
13 Chandra Levy --

14 MR. LiCALSI: Okay. I am going
15 to object to --

16 MR. WOOD: I am not through with
17 my question.

18 MR. LiCALSI: I am sorry. I'm
19 sorry. I'm sorry.

20 MR. WOOD: Now you made me forget
21 it.

22 MR. LiCALSI: I didn't mean to.

23 MR. WOOD: You know, and it was a
24 good one, too, because that's -- it was so
25 good, and you knew it, that that is why you

00176

1 interrupted me and objected to it.

2 MR. LiCALSI: No, I will tell you
3 why I was objecting. Because when you
4 say --

5 MR. WOOD: I don't need to know
6 why you were objecting. I don't have a
7 question yet.

8 MR. LiCALSI: No, it might help
9 when you rephrase the question.

10 When you say --

11 MR. WOOD: No, no, no. Don't
12 coach your witness. Now, you know that's
13 not --

14 MR. LiCALSI: I am not coaching my
15 witness.

16 MR. WOOD: There is not a question
17 on the table.

18 MR. LiCALSI: If you'll hear --

19 MR. WOOD: There's not --

20 MR. LiCALSI: -- what I'm going to
21 say --

22 MR. WOOD: Say what you are going
23 to say after I ask a question. There is not
24 a question pending yet.

25 MR. LiCALSI: But don't ask him in

00177

1 defense of this case.

2 MR. WOOD: He doesn't know his
3 defense?

4 MR. LiCALSI: You are asking for a
5 legal conclusion. This is not a lawyer you
6 are talking to.

7 MR. WOOD: I am not asking him
8 about a legal -- I am talking about as a lay
9 person.

10 MR. LiCALSI: When you talk about
11 in defense of --

12 MR. WOOD: I'm not going to argue
13 with you. I'm going to ask my questions.
14 If you have an objection, make it.

15 MR. LiCALSI: Okay.

16 MR. WOOD: All right?

17 Q. (By Mr. Wood) You do not, sir, as
18 you've told me, you do not accuse Gary Condit
19 of criminal involvement in the disappearance
20 and murder of Chandra Levy; do you?

21 A. I do not accuse him of criminal
22 involvement. I accuse him of suspicious
23 behavior.

24 Q. But not suspicious behavior that
25 you have any evidence relates to how she

00178

1 disappeared or who killed her; right?

2 A. Wait a minute. I found it
3 incredibly suspicious behavior when from Luray,
4 Virginia, he called Anne Marie Smith and said
5 -- I can't remember the exact quote -- I
6 have to disappear for a few days, something
7 like that, there might be a little trouble. I
8 find that very suspicious. I find that
9 something that should be explained.

10 Q. Do you not think, sir, that the
11 Washington, D.C. police have investigated each
12 and every one of these so-called facts that
13 you find to be suspicious?

14 MR. LiCALSI: Objection. Asks for
15 speculation.

16 Q. (By Mr. Wood) I mean, if you know
17 about them --

18 A. They know about them.

19 Q. -- the Washington, D.C. police
20 knows about them; right?

21 A. That's right.

22 Q. And you, sir, would expect that
23 they have looked into them and fully
24 investigated them; wouldn't you?

25 A. But that does not eliminate me

00179

1 from having an opinion.

2 Q. Doesn't eliminate you from having
3 an opinion, sir. But the question is will
4 you not concede that those are issues that
5 you would have expected that law enforcement
6 would have investigated?

7 MR. LiCALSI: He is asking for
8 your opinion.

9 THE WITNESS: Yes, as for my
10 opinion. For my opinion, the law enforcement

11 of Washington had not done a good job on
12 this.

13 Q. (By Mr. Wood) Have you made any
14 effort to obtain any information from the
15 Washington Police Department about the criminal
16 investigation into the disappearance and murder
17 of Chandra Levy?

18 A. I have not personally.

19 Q. Do you know anyone that has on
20 your behalf?

21 A. Yes.

22 Q. Tell me about that.

23 A. Hard, not much cooperation.

24 Q. I am sorry. Tell me -- what do
25 you mean not much cooperation?

00180

1 A. Didn't learn much from them.

2 Q. Who sought to get information on
3 your behalf from the Washington, D.C. police?

4 THE WITNESS: Could I ask a --

5 MR. WOOD: No, there is a question
6 on the table. I would like to get an answer
7 if we could.

8 MR. LICALSI: Let me just ask
9 something.

10 Does this have to do with a
11 privileged area?

12 THE WITNESS: Yes.

13 MR. LICALSI: Okay. I need to
14 confer with him.

15 THE VIDEOGRAPHER: Should we go
16 off the record?

17 MR. LICALSI: Yes.

18 MR. WOOD: No. Let's stay on the
19 video record.

20 MR. LICALSI: No. He is going to
21 confer with me.

22 MR. WOOD: Well, I'm not -- we
23 are not going to go off the record; and
24 unless we both agree, we don't go off the
25 record.

00181

1 (Whereupon, the witness and his
2 counsel confer.)

3 MR. LICALSI: Okay. Go ahead and
4 answer.

5 THE WITNESS: It was through my
6 lawyers.

7 Q. (By Mr. Wood) Do you know when
8 this contact was undertaken?

9 MR. LICALSI: Anything you know
10 from discussions with your lawyers, I am
11 going to direct you not to answer.

12 So I am directing him not to
13 answer.

14 Q. (By Mr. Wood) When you said you
15 didn't get much cooperation, did you receive
16 any information about the investigation?

17 MR. LICALSI: Yes or no. Just
18 answer that yes or no.

19 THE WITNESS: Did I get any
20 information, yes.

21 Q. (By Mr. Wood) What did you learn?

22 What information did you get?
23 MR. LiCALSI: If --
24 THE WITNESS: It had to do
25 with --

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1 MR. LiCALSI: I am going to direct
2 him not to answer anything that is from
3 discussions with his lawyers.

4 MR. WOOD: No, please. I am
5 entitled to know what factual information he
6 has obtained about the case, even if you got
7 it and gave it to him. Not attorney-client
8 privileged information. That is a fact that
9 I am entitled to know about.

10 MR. LiCALSI: I am not going to
11 allow him to answer it. You are going to
12 have to make a motion. Okay?

13 MR. WOOD: All right, sir.

14 Q. (By Mr. Wood) Did you get any --
15 was a subpoena issued to the Washington, D.C.
16 police?

17 A. No.

18 Q. Was it a member of Mr. LiCalsi's
19 firm that contacted the police or was it
20 someone with Ms. Handman's firm?

21 MR. LiCALSI: You can answer that.

22 THE WITNESS: Mr. LiCalsi's firm.

23 Q. (By Mr. Wood) Do you know whether
24 a subpoena was issued to the Washington, D.C.
25 Police Department?

00183

1 MR. LiCALSI: I will state to you
2 no subpoena has been issued to the
3 Washington, D.C. police.

4 MR. WOOD: You thought you were
5 going to pick up the phone and call them and
6 get some information from them?

7 Well, let's see if he subpoenaed
8 the information.

9 Q. (By Mr. Wood) Have you ever, sir
10 -- do you have any information as to the
11 questions that were posed to Mr. Condit by
12 law enforcement in any of the interviews
13 conducted with him?

14 A. You mean with the police and him?

15 Q. Yes.

16 A. None.

17 Q. So since you don't know the
18 questions, you certainly don't know the
19 answers that he gave; do you?

20 A. I don't.

21 Q. I mean, you make the statement
22 that you don't believe that the investigation
23 was well handled by the police.

24 A. Well, that is not alone with me.
25 It has been the --

00184

1 Q. Geraldo Rivera?

2 MR. LiCALSI: Let him finish.

3 Yes, that was an interruption.

4 MR. WOOD: It was. I apologize.

5 I was just kind of --

6 MR. LiCALSI: I know.

7 MR. WOOD: -- figured it would be
8 somebody like that.

9 Q. (By Mr. Wood) Go ahead.

10 A. There was a lot of people, and he
11 was one certainly.

12 Q. And who were a lot of people that
13 you -- beside you that didn't think the D.C.
14 police have done a good investigation of this
15 case?

16 A. Well, they didn't.

17 Q. How do you know that?

18 A. They didn't. I mean, so much time
19 was wasted.

20 Q. How do you know that?

21 A. So much time was wasted before
22 they checked him out, before they -- before
23 they searched his apartment. He was the last
24 one to have known. She thought she was on
25 her way to meet him in the Klinge Mansion,

00185
1 allegedly.

2 Q. Allegedly.

3 A. Allegedly.

4 Q. What fact do you have to say that
5 Chandra Levy was going to meet Gary Condit at
6 the Klinge Mansion?

7 A. Well --

8 Q. What fact?

9 A. I don't have a fact.

10 Q. What source?

11 A. It was a -- it was a pretty well
12 generated theory at the time in the media.

13 Q. You understand the difference
14 between speculation and fact; do you not,
15 sir?

16 A. Yeah.

17 Q. What you are saying in terms of
18 Gary Condit, that Chandra Levy was going to
19 meet Gary Condit at the Klinge Mansion is
20 speculation; isn't it, sir?

21 A. Yes.

22 Q. Not fact?

23 A. That is correct.

24 Q. And when you say that Gary Condit
25 lied to the Washington, D.C. police --

00186
1 A. He didn't --

2 Q. Excuse me.

3 A. He didn't tell them --

4 MR. LICALSI: Wait, wait. Let him
5 finish the question and listen to the
6 question.

7 Q. (By Mr. Wood) When you say that
8 Gary Condit lied to the Washington, D.C.
9 police, that is speculation; is it not, sir?

10 A. It is my understanding that it was
11 not until the third time he was interviewed
12 by the police -- and this has all been in
13 the papers -- that he confessed that he had
14 had an affair with Chandra Levy.

15 Q. What question was asked of him in
16 the third interview?

17 A. This I don't know.

18 Q. What questions were asked of him
19 in the first interview?

20 A. I don't know.

21 Q. Did he lie in the first interview
22 about anything?

23 A. Withheld the fact that he had an
24 affair. Withheld the fact that his wife just
25 happened to be there in Washington at the

00187

1 time of her disappearance, a rare event for
2 Mrs. Condit to be there. To me, that is a
3 lie of omission not to have mentioned that to
4 the police.

5 Q. So you don't think he told the
6 police that his wife had come in on Saturday
7 and stayed until Thursday working with the
8 First Lady's dinner or lunch?

9 A. He didn't tell them.

10 Q. How do you know that?

11 A. I can't remember how I know it,
12 but it --

13 Q. But you know it to be fact?

14 MR. LiCALSI: Wait, wait. He's
15 testified that he read it in the media. You
16 asked him other than that did he have a
17 fact.

18 MR. WOOD: I hope I get a chance
19 to swear you in at some point and
20 cross-examine you, because -- I appreciate you
21 want to answer for him, but that is not what
22 he just said.

23 MR. LiCALSI: I don't want you to
24 mislead this witness or --

25 MR. WOOD: I am not going to

00188

1 mislead the witness.

2 MR. LiCALSI: -- or misstate his
3 testimony.

4 MR. WOOD: I'm not going to
5 misstate his testimony.

6 MR. LiCALSI: Thank you.

7 MR. WOOD: But if you think that
8 is what is happening, make your objection.
9 Judge Leisure can rule on it. That doesn't
10 give you the right to testify. Okay?

11 Now, let's go back.

12 Q. (By Mr. Wood) Who told -- do you
13 know that Gary Condit concealed from the
14 police the fact that his wife was in
15 Washington, D.C. on the day that Chandra Levy
16 disappeared and, in fact, had been there for
17 a few days before she disappeared; do you
18 know that as a fact, sir, as you sit here
19 and testify under oath?

20 A. Do I know as a fact she was
21 there?

22 Q. That he concealed that from the
23 police?

24 A. I know it from having read it in
25 the paper. Did the police tell me that? No.

00189

1 Q. What paper?

2 A. I don't remember.

3 Q. The National Enquirer?
4 A. No. I don't remember.
5 Q. It could have been in a tabloid
6 where you read it; true?

7 A. But it could not have been as
8 well.

9 Q. Well, sir, do you not know?

10 A. I can't --
11 MR. Li CALSI: Do you remember,
12 sitting here now?

13 THE WITNESS: I just can't
14 remember.

15 Q. (By Mr. Wood) So you don't know
16 whether that statement that you read in the
17 newspaper is true or false; do you?

18 A. I don't know, but I think it's
19 true.

20 Q. You assume it's true?

21 A. I assume it's true.

22 Q. But you don't know factually
23 whether it is in fact true or false; do you?

24 A. No. That's true.

25 Q. Which is pretty much the case with

00190

1 all of the items that you talk about with
2 respect to Gary Condit --

3 MR. Li CALSI: Objecti on.

4 Q. (By Mr. Wood) -- and his
5 relationship or friendship with Chandra Levy?

6 MR. Li CALSI: Objecti on,
7 overbroad --

8 Q. (By Mr. Wood) You don't know one
9 fact about it.

10 MR. Li CALSI: -- and ambi guous.

11 Q. (By Mr. Wood) You don't know one
12 fact about it; do you, sir? You only know
13 what you've heard through gossip or rumor or
14 what's been published in some tabloid or
15 what's been talked about on some TV talking
16 head show; isn't that about what you know
17 about this case?

18 MR. Li CALSI: I object to the term
19 factually and the use of the word fact. I
20 think it is ambi guous and misleadi ng.

21 THE WITNESS: I know from Vince
22 Flami ni, who was very close to him at one
23 point; and I believe Vince Flami ni.

24 Q. (By Mr. Wood) Do you know how much
25 money Vince Flami ni has been paid by the

00191

1 tabloids for different stories on source --

2 A. I don't know.

3 MR. Li CALSI: No foundati on.

4 MR. WOOD: Excuse me.

5 THE WITNESS: I don't know the
6 answer to that. Certainly wasn't paid --

7 Q. (By Mr. Wood) Well, when your
8 investigator on your behalf --

9 MR. Li CALSI: Now you are
10 interrupti ng.

11 THE WITNESS: He certainly wasn't
12 paid anything by me.

13 MR. WOOD: I'm sorry. I thought

14 you said no foundation, and he answered I
15 don't know the answer to that.

16 MR. LiCALSI: He was continuing,
17 and you did interrupt him. I am sorry, but
18 sometimes you do that, Mr. Wood.

19 MR. WOOD: Well, if that is the
20 worst I have done, I am going to be in
21 pretty good shape when Judge Leisure reads
22 this deposition transcript and watches this
23 video.

24 Q. (By Mr. Wood) I want to go back.
25 Do you know how much money Vince Flaminini has

00192

1 been paid by the tabloids to give information
2 or to be a source for statements or stories
3 about Gary Condit?

4 MR. LiCALSI: Again, no foundation.

5 THE WITNESS: I do not know. I
6 do know that he was never paid by the TV
7 shows that he went on. And he was always
8 free to talk to me. There was never any
9 money involved. I never pay money.

10 Q. (By Mr. Wood) Talked to one of
11 your investigators last week, didn't he?

12 MR. LiCALSI: If you know.

13 THE WITNESS: Actually, I don't
14 know.

15 Q. (By Mr. Wood) Do you know how many
16 varying accounts Mr. Flaminini has given of
17 allegedly the same events?

18 MR. LiCALSI: Again, no foundation.

19 Q. (By Mr. Wood) Have you ever tried
20 to study that in your search for the victim's
21 rights?

22 MR. LiCALSI: Again, no foundation.

23 Q. (By Mr. Wood) Do you expect that
24 you will ask Mr. Flaminini to testify for you
25 in this case?

00193

1 MR. LiCALSI: Objecti on. Aski ng
2 hi m to speculate.

3 Q. (By Mr. Wood) Do you want hi m to,
4 to support your stories about what he says?

5 MR. LiCALSI: Again, same
6 objecti on.

7 Q. (By Mr. Wood) Do you want hi m to?

8 A. Yes.

9 Q. So do I.

10 MR. LiCALSI: That is
11 argumentative. Ask questions.

12 Q. (By Mr. Wood) So you have got
13 Vince Flaminini --

14 MR. LiCALSI: Wait one second. If
15 you want to take a break --

16 THE WITNESS: I am okay.

17 MR. LiCALSI: -- you can say at
18 any time.

19 THE WITNESS: No. I am okay.

20 MR. LiCALSI: Okay. Good.

21 Q. (By Mr. Wood) Do you believe --
22 strike that.

23 Is it your position, Mr. Dunne,
24 that Gary Condit has knowledge about how

25 Chandra Levy was abducted and murdered?
00194
1 MR. Li CALSI: Objection to the
2 use, your position.
3 THE WITNESS: Ask me that once
4 more, please.
5 Q. (By Mr. Wood) Do you take the
6 position, Mr. Dunne, that Gary Condit has
7 knowledge about how Chandra Levy was abducted
8 and murdered?
9 MR. Li CALSI: Same objection.
10 THE WITNESS: No, I don't think he
11 knows how she was murdered. I do not --
12 I've never believed that. But there's a lot
13 of things that happened in those last days
14 before she left that I think is very
15 important that we don't know about.
16 Q. (By Mr. Wood) Do you think the
17 police have investigated those last days --
18 MR. Li CALSI: Objection,
19 speculation.
20 Q. (By Mr. Wood) -- so that the
21 investigators working the case know what
22 happened?
23 MR. Li CALSI: Speculation and
24 argumentative.
25 THE WITNESS: Well, I never have

00195
1 been able to find out, so.
2 Q. (By Mr. Wood) Well, why do you
3 think you are entitled to know that if
4 you --
5 MR. Li CALSI: Objection.
6 MR. WOOD: Excuse me.
7 MR. Li CALSI: I'm sorry. I'm
8 sorry. I thought you were finished.
9 Q. (By Mr. Wood) Why do you think, I
10 mean, you have told me very clearly you would
11 fully expect that the law enforcement officers
12 sworn to uphold their duty have conducted an
13 investigation into the last several days, if
14 not weeks, if not months of Chandra Levy's
15 life, you would expect that from your
16 knowledge of criminal investigations; wouldn't
17 you, sir?
18 A. Yes.
19 MR. Li CALSI: Objection. That
20 misstates his testimony.
21 Q. (By Mr. Wood) Why is it, sir --
22 why is it that you feel like you are
23 entitled to know about that information as
24 long as the police, you believe, know it, the
25 people charged with solving the murder?

00196
1 MR. Li CALSI: Argumentative.
2 THE WITNESS: I don't see what the
3 question is there.
4 Q. (By Mr. Wood) Why do you think you
5 are entitled to know that information?
6 MR. Li CALSI: I am sorry. What
7 information are you speaking on now? He was
8 confused by the prior question.
9 MR. WOOD: He said that -- he

10 just finished saying there's a lot of things
11 that happened those last days before she left
12 that I think is very important that we don't
13 know about.

14 Q. (By Mr. Wood) Do you think you are
15 entitled to know that information, you,
16 Dominick Dunne?

17 MR. LiCALSI: Again, argumentative.
18 THE WITNESS: I sure would like to
19 know.

20 Q. (By Mr. Wood) Well, I mean, sure,
21 curiosity. But, I mean, the fact that you
22 don't know it, how is that somehow his fault,
23 Gary Condit's fault as --

24 MR. LiCALSI: Objection. This is
25 totally argumentative.

00197

1 MR. WOOD: Excuse me.

2 Q. (By Mr. Wood) -- as long as he's
3 told the police what he does know?

4 MR. LiCALSI: Objection, assumes a
5 fact not in evidence, that he has told the
6 police what he knows.

7 MR. WOOD: Are we at trial?
8 Assumes a fact not in evidence?

9 MR. LiCALSI: Okay. I am sorry.
10 The proper form objection is no foundation
11 for that.

12 MR. WOOD: No foundation, my
13 friend, is not a form objection. A form
14 objection is one that can be cured at the
15 time of the deposition without intervention
16 from the court. A foundation objection would
17 require a ruling from the court. So maybe I
18 am just -- I understand what you are doing,
19 Paul.

20 MR. LiCALSI: You can make
21 whatever comments you want.

22 MR. WOOD: It is just not
23 appropriate, but you did it all day
24 yesterday, and you are going to do it all --

25 MR. LiCALSI: Well, I understand

00198

1 what you are doing, too.

2 MR. WOOD: What I'm doing is
3 taking a witness on cross-examination --

4 MR. LiCALSI: Okay. That's good.

5 MR. WOOD: -- in a slander case
6 against your client. That's what I'm doing.
7 Okay? Just trying to get the truth out and
8 not obstruct.

9 (Discussion ensued off the record.)

10 Q. (By Mr. Wood) Back to Dunne
11 Exhibit 3. I am sorry. Before I ask it, I
12 want to make sure it is clear. I am not
13 sure in the last series of questions and
14 objections and statements.

15 Do you have any factual information
16 that Gary Condit has information about how
17 Chandra Levy was abducted and murdered?

18 MR. LiCALSI: Again, objection to
19 the word factual.

20 Q. (By Mr. Wood) You may answer my

21 question, please.
22 MR. LiCALSI: And it is asked and
23 answered, too.
24 Q. (By Mr. Wood) Would you answer my
25 question, Mr. Dunne?

00199

1 A. I do not.
2 Q. Dunne Exhibit 3, you had lunch
3 with Laura Ingraham, and you told her the
4 horse whisperer story; right?
5 A. (Witness nodded head affirmatively.)
6 She -- yes, right.
7 Q. And then you write in your --
8 A. She had heard about it.
9 Q. She had heard about it?
10 A. I don't know how, but she had.
11 Q. There is a quote: Why don't you
12 come on the show tonight, she asked. I
13 accepted on the spot because I felt like
14 creating some trouble for Condit.
15 Is that true?
16 A. Well, yeah, it's -- what I meant
17 was, by that is, the trouble, is to bring up
18 Chandra Levy's name again, this forgotten,
19 missing person who had gone off the radar
20 screen.
21 Q. That is not what you wrote here;
22 is it?
23 MR. LiCALSI: Objection.
24 THE WITNESS: That is what I meant
25 here.

00200

1 MR. LiCALSI: He --
2 Q. (By Mr. Wood) So when you said you
3 felt like creating some trouble for Condit,
4 what you are telling me now that you meant
5 in making that statement is that you accepted
6 on the spot to bring up Chandra Levy's name
7 again, the forgotten, missing person who had
8 gone off the screen; is that your testimony
9 under oath, sir?
10 A. Yeah.
11 Q. You didn't do it to cause trouble
12 for Gary Condit; did you?
13 MR. LiCALSI: Objection. He is
14 asking you -- that has been asked and
15 answered, and you got your answer.
16 MR. WOOD: No, it hasn't been,
17 please. I want an answer to that question.
18 THE WITNESS: Well, he is running
19 for office again and without mentioning this
20 major factor of his life. And whether
21 whatever or whatever or whatever, it is a
22 major factor of his life. It will be the
23 first line in his obituary that he had an
24 involvement with a girl for a year, a sexual
25 involvement that gave her hope, something,

00201

1 something, and she vanished. And now she is
2 -- he is running for office and doesn't even
3 mention her name. And, yeah.
4 Q. (By Mr. Wood) Yes, you did do it
5 to create trouble for Gary Condit; is that

6 your testimony?

7 A. Trouble by bringing --
8 MR. Li CALSI: He answered the
9 question.

10 THE WITNESS: -- forth this -- to
11 remind people that this woman is still
12 missing.

13 Q. (By Mr. Wood) How does that make
14 trouble for Condit?

15 A. Because he had an involvement with
16 her that he has never come clean about.

17 Q. To whom? Hasn't come clean to
18 whom?

19 A. To her mother.

20 Q. Who else?

21 A. To the police.

22 Q. So are you telling me that Gary
23 Condit has withheld information about the
24 disappearance and murder of Chandra Levy --

25 A. No, wait a minute.

00202

1 Q. Excuse me, let me finish. You
2 just said he hadn't come clean with the
3 police.

4 Are you saying that Gary Condit
5 has information about the abduction and murder
6 of Chandra Levy that he has not disclosed to
7 the police or any information about Chandra
8 Levy at all that he has not disclosed to the
9 police?

10 A. When he denied that he had had an
11 affair with her, I think that fits into that
12 category.

13 Q. And you are stating under oath
14 that you know as a matter of fact that Gary
15 Condit denied to the police that he had an
16 affair with Chandra Levy; is that your
17 testimony, sir?

18 MR. Li CALSI: Objection to as a
19 matter of fact.

20 MR. WOOD: Yes, sir.

21 Q. (By Mr. Wood) Is that your
22 testimony?

23 A. He had lied to the police.

24 Q. And you have -- you are prepared
25 to state that as a matter of fact, that Gary

00203

1 Condit denied to the police that he had an
2 affair with Chandra Levy?

3 A. He did for several visits. The
4 police chief said later if he had cooperated
5 with us earlier we might have made more
6 progress. I don't think you can forget that.

7 Q. And you are sure about that
8 statement being made by the police chief?

9 A. Well, I am not sure word for word;
10 but I can -- I think that is the essence of
11 the statement.

12 Q. Where did you see that statement
13 made?

14 A. One of these papers here.

15 Q. What papers here?

16 A. Well, I mean on this desk, but on

17 -- it's in one of the -- I mean, I just
18 read it again yesterday. It is in some one
19 of the papers in the office here.

20 Q. So you have that document.

21 If not produced, we would be
22 entitled to get it, I guess.

23 MR. LiCALSI: I think you may have
24 produced it to me, as a matter of fact, Mr.
25 Wood.

00204

1 MR. WOOD: Do you know which
2 document it is, then?

3 MR. LiCALSI: Pardon me?

4 MR. WOOD: Do you know what
5 document he's referring to?

6 MR. LiCALSI: There were several
7 interviews with Chief Ramsey and with --

8 THE WITNESS: Chief Ramsey is the
9 one who said it.

10 MR. LiCALSI: -- Deputy Chief
11 Gainer where the police commented on the fact
12 that Mr. Condit, that it took a long time
13 for them to get facts from him, that was --

14 MR. WOOD: Is this testimony?

15 MR. LiCALSI: Well, no, no. You
16 asked me a question. Do you not want me to
17 answer? I will stop.

18 MR. WOOD: I asked you do you
19 know which document it is. I didn't ask you
20 to sit here and give me the Paul LiCalsi
21 rendition of what you think the document
22 said. For God sakes, if you got the
23 document, why don't you get it? Because I
24 don't feel comfortable that you are correctly
25 representing that document.

00205

1 MR. LiCALSI: Okay. Okay.
2 Continue.

3 MR. WOOD: Thank you.

4 MR. LiCALSI: If you want to break
5 now, let's break.

6 THE WITNESS: Okay.

7 MR. WOOD: Let me finish this line
8 of questions about trouble. I have two or
9 three more questions.

10 MR. LiCALSI: You okay with a
11 couple more questions?

12 THE WITNESS: Yes.

13 MR. LiCALSI: Okay.

14 Q. (By Mr. Wood) What trouble were
15 you going to create for Mr. Condit?

16 MR. LiCALSI: Asked and answered.

17 THE WITNESS: The trouble -- I
18 think I've said that about ten times. I
19 mean, to remind people, something that he
20 seemed to have forgotten, that he was
21 involved with a missing woman right up until
22 the point of missing.

23 Q. (By Mr. Wood) But not trouble for
24 Condit by telling a story that linked him to
25 her abduction and murder; is that right?

00206

1 MR. LiCALSI: Objection. I think

2 that is a confusing question. I don't
3 understand the question.

4 Q. (By Mr. Wood) Would you answer my
5 question, Mr. Dunne?

6 MR. LiCALSI: If I can't
7 understand the question, I don't want my
8 client to answer the question. Please
9 restate the question.

10 MR. WOOD: So when you get a
11 question that you are worried about what he
12 might say you just claim not to understand it
13 and, therefore, you don't let him answer it?
14 I've never heard that being a valid
15 instruction to a witness not to answer a
16 question.

17 MR. LiCALSI: You can cutely
18 respond to my objection. My objection is
19 that it is a confusing question. I don't
20 understand the question.

21 MR. WOOD: That is a form
22 objection. Am I going to get an answer or
23 not?

24 MR. LiCALSI: Restate the question,
25 please.

00207

1 THE WITNESS: It seemed to me --

2 MR. LiCALSI: No, no, no.

3 Q. (By Mr. Wood) Mr. Dunne, I don't
4 want to ask you something that is confusing.
5 I just would like a simple answer to a
6 simple question. Did you think that by
7 telling the horse whisperer story that you
8 were going to create trouble for Gary Condit?

9 A. No. That was not why I told the
10 horse whisperer story. I regretted telling
11 parts of that story which I had never told
12 before. This was not a news show. It was
13 like a chat/gossip show. And what I
14 regretted saying, I was -- regretted that it
15 would interfere with the investigation. I
16 wasn't thinking of him.

17 Q. How is it going to interfere with
18 the investigation?

19 A. By giving that information.

20 Q. To make it public?

21 A. Yeah.

22 Q. Who was investigating that
23 information?

24 A. Well, I know for a fact that Jerry
25 Gruner.

00208

1 Q. Well, Mr. Gruner was an
2 investigator for Billy Martin's law firm, the
3 law firm that represented the Levys; right?

4 MR. LiCALSI: Objection. That
5 isn't his testimony.

6 MR. WOOD: Well, that is Mr.
7 Gruner's statement.

8 Q. (By Mr. Wood) You didn't -- you
9 knew that Mr. Gruner was an investigator for
10 Billy Martin's law firm; didn't you?

11 A. Yes, of course, I did.

12 Q. So, I'm right. He was, in

13 fact --
14 MR. LiCALSI: Wait. Can you ask
15 him --
16 MR. WOOD: Let's just take a
17 break.
18 MR. LiCALSI: No, no, no.
19 MR. WOOD: No.
20 MR. LiCALSI: No, no, no. My
21 objection is that it is ambiguous.
22 MR. WOOD: I didn't have a chance
23 to say anything.
24 MR. LiCALSI: That is ambiguous
25 with respect to time.

00209

1 MR. WOOD: That is, sir, so
2 inappropriate, when I am sitting there going,
3 I am four sentences into -- four words into
4 a question and you start interrupting again.
5 I am going to stop this deposition
6 and call the judge or I am going to stop it
7 if this continues and I am going to adjourn
8 it so that I can move at the appropriate
9 time for sanctions for your conduct if you
10 keep this up.
11 MR. LiCALSI: Okay.
12 MR. WOOD: I've just about had
13 enough.
14 MR. LiCALSI: You'll call the
15 judge if you think it is appropriate.
16 MR. WOOD: I will deal with you
17 in the fashion I deem appropriate, whether it
18 is calling the judge or whether at the
19 appropriate time putting this deposition in
20 front of the court to let the court know
21 about the obstructionism and the inappropriate
22 comments and coaching of a witness, trying to
23 interfere with my right to a thorough and
24 sifting cross-examination under the Federal
25 Rules of Civil Procedure. I am about to reach

00210

1 my limit with you.
2 MR. LiCALSI: I am sorry if you
3 have.
4 MR. WOOD: Go off the record now.
5 THE VIDEOGRAPHER: Going off the
6 record at 1:56 p.m.
7 (Whereupon, a recess was taken at
8 this time.)
9 THE VIDEOGRAPHER: Returning to the
10 record at 2:12 from 1:56.
11 Q. (By Mr. Wood) Let me make sure
12 that we agree on this. I thought you had
13 told me this, and I think I am right. Mr.
14 Jerry Gruner was a private investigator that
15 you understood worked for the Levy family by
16 being an employee or working for Billy
17 Martin's law firm; right?
18 A. He was described to me by Mrs.
19 Levy as being with the FBI assigned to the
20 team investigating. I didn't realize until
21 Laura Handman found out that he was not in
22 the FBI and didn't -- I assumed always that
23 he was.

24 MR. Li CALSI: Excuse me. Are you
25 referring to Laura Handman, your prior lawyer
00211

1 in this case?

2 THE WITNESS: Yes. I think it
3 was she who --

4 Q. (By Mr. Wood) So you had dealings
5 with Jerry Gruner over what period of time?

6 A. Well, I had talked to him once on
7 the telephone after I talked about -- after
8 Mrs. Levy had called me, had seen me be on
9 Larry King and say that he might have gone
10 off -- that she, I beg your pardon, might
11 have gone off the back of a motorcycle. I
12 did not meet him face to face until after I
13 had heard from the horse whisperer and this
14 amazing, startling story that this man told
15 me.

16 And I tried to get through to the
17 FBI. This is after 9/11, very difficult to
18 get through. And then I remembered that Mrs.
19 Levy had told me that Jerry Gruner -- I
20 mean, I went through Senator Dodd. I went
21 through Tim Russert. I went through Vanity
22 -- I mean, Conde Nast lawyers to try to get
23 through to the FBI. It was very, very hard.
24 And then I remembered I had the personal
25 number of Jerry Gruner, and I called him.

00212

1 And I told him -- and he said to
2 me that story is just off the radar. And I
3 said, well, would you just listen to it, to
4 what I have heard. And then he took it very
5 seriously. And that is when I went to
6 Washington. He asked me to come to
7 Washington to meet him and the legal team.

8 Q. So you went to Washington and met
9 with Mr. Gruner and the legal team?

10 A. Yeah. I met -- Billy Martin
11 happened to be in another city that day, and
12 so I only talked to him by phone. And there
13 was the head of the law firm there, whose
14 name I keep forgetting, who was there.

15 Q. So present at this meeting in
16 Washington, D.C., you, Jerry Gruner, and I
17 believe the individual you are referring to
18 is Michael Dyer, the lawyer?

19 A. Dyer, did you say?

20 Q. Yes. Is that who you were talking
21 about?

22 A. Yes, that's who it is.

23 Q. Was anyone else present at that
24 meeting in Washington, D.C. other than you,
25 Mr. Dyer and Mr. Gruner?

00213

1 A. I don't think so.

2 Q. When did that meeting take place?

3 A. Well, it was within days after I
4 heard from the horse whisperer, after I had
5 written the letter to Graydon Carter telling
6 the experience. I actually can't -- I mean,
7 I could find the date, but I don't remember
8 it off the top of my head.

9 Q. Would you --
10 A. Oh, I tell you, yes, I do know.
11 I do know. It was -- because when I got
12 there, he asked me to meet him at a certain
13 place at the Union Station. He asked me to
14 come, not to fly, but to come by the train.
15 And he told me where his car would be and I
16 was to meet him there. And then I got
17 there, and it was the day -- this will give
18 you the day, it was the day of the anthrax
19 scare in Senator Daschle's office, and all
20 the public buildings had been closed. There
21 were 24 people involved in that.

22 Q. Twenty-four people involved in
23 what?

24 A. In the anthrax in Daschle's office.

25 Q. I want to stay if we can on the
00214 1 people involved in the meeting with Gruner.

2 A. But that is how I identified the
3 day for you.

4 Q. I understand. I appreciate that.
5 Did Mr. Gruner show you his FBI
6 credentials?

7 A. No, nor did I ask.

8 Q. Did you refer to him as Agent
9 Gruner?

10 A. No.

11 Q. Did he have a government FBI
12 E-mail address?

13 A. No.

14 Q. Did you not think that was a
15 little odd?

16 MR. LiCALSI: Were you finished
17 with your answer?

18 THE WITNESS: I had his cell phone
19 number.

20 I didn't think it was odd. I
21 just accepted it.

22 Q. (By Mr. Wood) Accepted that Ms.
23 Levy had --

24 A. Yeah.

25 Q. -- accurately represented that Mr.
00215 1 Gruner had been assigned by the FBI --

2 A. Yes.

3 Q. -- to work with her law firm?

4 A. Yes.

5 Q. Have you ever in your --

6 A. I don't mean work for her law
7 firm. Work in conjunction with her law firm.

8 Q. Did Mr. Gruner represent that he
9 in fact worked for Billy Martin's law firm?

10 A. I don't know worked for, worked
11 with. I am not sure. I am not sure. He
12 seemed to be kind of in charge there.

13 Q. In charge of?

14 A. Well, in the meeting we had there
15 that day, I mean, he was sort of the one
16 running the meeting.

17 Q. Well, tell me what went on in that
18 meeting. How long did it last?

19 A. I got there about -- I took the

20 train at 8:00, The Cella (phonetic). I got
21 there, what, 11. I left at six. He drove
22 me through Rock Creek Park. We went to the
23 Klinge Mansion. We -- he told me his wife
24 was in the CIA.

25 Q. Did you ask him how long he had

00216

1 been in the FBI?

2 A. I didn't. I didn't. But, you
3 see, I believed him totally because --

4 Q. What do you mean you believed him
5 totally?

6 A. Well, it was a strange thing. He
7 said -- he had a very nice car. And he
8 said, well, he said, and I had commented on
9 his car. It was a Jaguar. And he said,
10 well, after two years, the company sells the
11 cars and they -- and I just assumed he was
12 talking about the FBI. They sell their cars
13 every two years and the people buy them.

14 Q. You thought the FBI had at some
15 point in time had a Jaguar?

16 A. That is not impossible.

17 Q. Do you feel that Mr. Gruner should
18 have told you that in fact he was working
19 for the Levy family and was not an FBI
20 agent?

21 MR. Li CALSI: Objecti on. Form.

22 THE WITNESS: I don't know. I
23 don't know. I just assumed he was. It just
24 never occurred to me that he wasn't.

25 Q. (By Mr. Wood) So you dealt with

00217

1 this man, I asked you at one point in time,
2 over what period of time, weeks, months?

3 A. No. It was -- I mean, counting
4 the -- there was the first time, which is
5 just the telephone call, and there was no
6 follow-up to that. That was about the
7 motorcycle, going off on the motorcycle. And
8 then I am not sure how long after that the
9 call came from the horse whisperer.

10 I talked to Jerry several times.

11 He sent me the questions to ask the guy.
12 Then he asked me to go to Washington. I
13 went to Washington. And then they asked me
14 if I would go to -- he told me stuff about
15 the -- he told me -- he asked me if I would
16 come to Washington, and I came the next day
17 after he asked me.

18 And after I got there, he told me
19 a sexual thing about the Sheikh of Dubai,
20 which would mean that the procurer would
21 probably be with the sheikh. He told me
22 that on the following Saturday in England, in
23 Newmarket, England, that there would be the
24 last race of the horse racing season. And
25 the fifth of the sixth races, the fifth race

00218

1 was called the Dubai Stakes. And the sheikh
2 who, indeed, has one of the great horse
3 stables of the world, racing stables of the
4 world, I mean, was going to be there and

5 that he had a liking for 11-year-old girls;
6 hence, the procurer would be there. And so
7 I said -- I said, how do you know all that?
8 I mean, it was like overnight. And he said
9 we have people everywhere.

10 Q. Anything else that he told you?

11 A. I am sure there was, but anything
12 -- and we have people everywhere, I just
13 assumed agents everywhere, that he would know
14 this. And it was right.

15 Q. You didn't ask that, you just
16 assumed? I still want to find out --

17 MR. LiCALSI: I think you were
18 talking over each other.

19 Q. (By Mr. Wood) I still don't quite
20 understand what the answer to my question is.
21 Over what period of time did you deal with
22 Jerry Gruner?

23 A. Well, okay.

24 Q. You told me when you first called
25 him after you were on Larry King in August,
00219

1 and then you told me about the meeting you
2 had that you all had some calls, there was
3 an E-mail where he suggested questions. And
4 now you've had this meeting, and that would
5 have been the day of the anthrax incident,
6 you say, in Daschle's office.

7 A. Whatever that was.

8 Q. And so what I want to move forward
9 in is tell me when was the last time you had
10 any dealings with FBI agent Jerry Gruner?

11 A. Okay.

12 Q. Or who you thought was FBI agent
13 Jerry Gruner.

14 A. Yeah. I didn't see him again
15 after -- I talked to him after England. I
16 gave him the name of the horse whisperer.
17 He got in touch with the horse whisperer.
18 And that was the end of my -- I talked to
19 him maybe three times after that.

20 Q. After what?

21 A. After I came back from England. I
22 never saw him again. They -- once he talked
23 to the horse whisperer, he distanced himself
24 from me. I could never -- the last time I
25 talked to him was after the body was found,
00220

1 and I called him then.

2 Q. Before the body was found, I take
3 it that you had -- you gave him the name of
4 Monty Roberts; right? Correct?

5 A. I'm sorry. I beg your pardon. I
6 did. I gave him the name of Monty Roberts.

7 Q. And then you say he got in touch
8 with Monty Roberts. How do you know that?

9 A. Because he told me that Monty
10 Roberts had gotten very annoyed with me in
11 England because I had called him so many
12 times.

13 Q. Now, did you have that conversation
14 with Mr. Gruner about his discussions with
15 Monty Roberts prior to the time you went on

16 The Laura Ingraham Show, prior to December
17 20, 2001?

18 A. I get confused on the dates. I
19 think so, but I am not --

20 Q. Well, when did you get -- do you
21 know when you went to England? It would
22 have been a week after the Daschle incident;
23 but do you know when you went?

24 Let's strike that. I'll come back
25 to that. I think you have given some

00221

1 documents that will pin that down.

2 How long was it after you got back
3 from your trip to England that you had the
4 last conversation with Mr. Gruner before
5 Chandra's body was found? Was it within a
6 few days?

7 A. Oh, within a few days.

8 Q. So within a few days of your
9 return from England, you gave Mr. Gruner
10 Monty Roberts' name?

11 A. Yeah.

12 Q. Apparently from a follow-up
13 conversation with Gruner, you knew that Gruner
14 had contacted Monty Roberts --

15 A. Yeah.

16 Q. -- and that Monty Roberts was not
17 happy with you --

18 A. Yeah.

19 Q. -- but at least in part because of
20 the number of times you tried to reach him
21 in England?

22 A. That's right.

23 Q. Correct?

24 All of that you knew about within
25 days of returning from England; true?

00222

1 A. That's right.

2 Q. And then after that conversation
3 with Mr. Gruner, who you believed was an FBI
4 agent, you then felt that he no longer --
5 you no longer spoke with him, he distanced
6 himself from you; right?

7 A. Well, he had nothing else to get
8 from me. I mean, I had given him my wad,
9 and he had nothing else to get from me.

10 Q. Did you not want to know, sir,
11 what he found out about it --

12 A. Of course, I did.

13 Q. Did you call him?

14 A. Yes.

15 Q. Did he return your calls?

16 A. Yeah, but he wasn't willing to
17 talk to me about it.

18 Q. What did he tell you -- why did
19 he tell you he wouldn't talk to you about
20 it?

21 A. I said to him, you know, this is
22 my story, I brought this to you. He said,
23 we are very grateful, but I have no
24 obligation to you. And he didn't.

25 Q. Well, sir, he is the one that

00223

1 suggested that you go over to England?

2 A. That's right.

3 Q. Did he offer to -- did he say the
4 United States government will pay for this
5 trip?

6 A. No, no.

7 Q. Did he expect you to pay for it?

8 A. I was glad to pay for it.

9 Q. Didn't you think it was odd that
10 an FBI agent was asking you to take certain
11 actions involving some expense to travel to
12 England and just expect that you would pay
13 for it out of your pocket?

14 A. Well, I didn't pay for it. I
15 work for a magazine that was thrilled to pay
16 for it.

17 Q. But don't you think that it was
18 odd that an FBI agent would put you into, in
19 effect, being --

20 A. I didn't think it was odd.

21 Q. He wanted you, in effect, to do
22 some investigation for the FBI, as you
23 perceived it; right?

24 A. Yes.

25 Q. So when you went to England, you

00224

1 were under the clear perception that you,
2 Dominick Dunne, were working, in part,
3 investigating, in part, for the FBI at the
4 FBI's request; right?

5 A. That's yes.

6 Q. At the expense of Vanity Fair;
7 right?

8 A. Yes.

9 Q. And then you came back --

10 A. Wait a minute. But they put me
11 in touch with a member of MI 6.

12 Q. Who is that individual?

13 A. Simon Stokes.

14 Is that right?

15 It's a name like that, Simon

16 Stokes.

17 Q. And who put you in touch with
18 Simon Stokes?

19 A. Jerry Gruner. Jerry Gruner made
20 the call in the office in the Watergate that
21 day, and he and Simon Stokes knew each other,
22 they had worked together on many cases
23 together. I heard this from both sides, from
24 both Gruner and him.

25 Q. Did he show you his MI 6

00225

1 credentials, Mr. Stokes?

2 A. No.

3 Q. Did you call MI 6 in order to reach
4 him?

5 A. No. He called me. He knew where
6 I was going to be. Jerry Gruner had told
7 him what hotel I was going to be at and to
8 call me.

9 (Whereupon, Exhibit-Dunne-7 was
10 marked for identification.)

11 Q. (By Mr. Wood) I pulled that out so

12 I don't have an extra copy.

13 THE WITNESS: Are these
14 consecutive?

15 MR. Li CALSI: Yeah.

16 MR. WOOD: They were produced as
17 Dominick Dunne exhibit numbers, page numbers
18 0094 and 0095.

19 (Discussion ensued off the record.)

20 MR. Li CALSI: Don't worry about
21 redacting.

22 THE WITNESS: What does that mean?

23 MR. Li CALSI: That means there is
24 material on the page --

25 THE WITNESS: That they took
00226

1 off --

2 MR. Li CALSI: -- that had nothing
3 to do with the requests.

4 THE WITNESS: Jerry meets him,
5 Jerry -- that's right. He was away. Billy
6 Martin -- it was Billy Martin who called me
7 and thanked me. That was -- my God, I left
8 the next day. Holy Christ. Flew to London.
9 Guy from MI 6. To Newmarket. That's a
10 personal thing there.

11 5:00, the horse whisperer called me
12 at Claridge's. That is when I had the fight
13 with him.

14 MR. Li CALSI: There is no question
15 pending.

16 Now he has had a chance to look
17 at it.

18 Q. (By Mr. Wood) You now are able --
19 well, Dunne Exhibit 7 is, in fact, a true
20 and correct copies of portions of your
21 calendar; true?

22 A. Yes. It is my calendar.

23 Q. Right. You now know that you went
24 to Washington, D. C. on October 17th, according
25 to your calendar; right?

00227

1 A. Yeah.

2 Q. You now know that you left the
3 next day on October 18th to London; correct?

4 A. Yeah.

5 Q. And that you returned from London
6 on October the 23rd; true?

7 A. That's right.

8 Q. That is where it says -- does that
9 say fly to New York?

10 A. Yes.

11 Q. And what is the entry below that?

12 A. That is a woman I know called
13 Katherine Bryan. I think I went there to
14 dinner.

15 Q. Is that in any way related to --

16 A. No.

17 Q. -- the Chandra Levy case?

18 A. No. None.

19 Q. Now, do you believe, looking at
20 that calendar, knowing now that you returned
21 on October the 23rd, would it be accurate,
22 then, to say that Mr. Gruner, who you

23 believed at the time was an FBI agent, began
24 to distance himself from you around the 1st
25 of November?

00228

1 A. Or if not before. Yeah.

2 Q. Certainly by November 1, if not
3 before; true?

4 A. Yes. I think so. Yes.

5 Q. And did you ever -- until the
6 conversation you said when you called him
7 after Chandra Levy's body was found in May of
8 2002, did you ever have any contact with Mr.
9 Gruner, any discussions with Mr. Gruner, any
10 telephone conversations with Mr. Gruner, any
11 meetings with Mr. Gruner before December 20,
12 2001?

13 A. I don't think I ever saw him
14 again. I talked to him at the time that the
15 body was found. And he was -- his attitude
16 toward me changed, and I never understood
17 that. But he said, don't think because she
18 was found there that she was killed there.

19 Q. Did he say anything else to you in
20 that conversation after her body was found?

21 A. No. That is all I can remember.

22 Q. And you still thought he was an
23 FBI agent?

24 A. Yeah.

25 Q. Where were you calling? What

00229

1 city?

2 MR. Li CALSI: Just --

3 Q. (By Mr. Wood) When you would call
4 Mr. Gruner.

5 MR. Li CALSI: What city was he
6 calling from or what city was he calling to?

7 Q. (By Mr. Wood) Calling to.

8 A. I was calling from New York, and I
9 called him on his -- I always called him on
10 his cell phone.

11 Q. Do you have that number?

12 A. Yeah. I don't have it memorized,
13 but I easily have it.

14 Q. Actually, I think you gave us that
15 number --

16 A. Right.

17 Q. -- in your interrogatory answers.

18 It's okay. You gave me a number because
19 that's the number where I called him and got
20 him.

21 What you knew was that by November
22 1, if not prior thereto, that after you gave
23 Mr. Gruner the name Monty Roberts and Mr.
24 Gruner had a conversation with Monty Roberts,
25 from that point forward Mr. Gruner distanced

00230

1 himself from you; true?

2 A. Yes, he did.

3 Q. And in fact, had no further
4 communications with you?

5 A. That is correct.

6 Q. Until you called him after the
7 body was found?

8 A. That is correct.

9 Q. Did you think at any time in the
10 month of November or the first couple of
11 weeks in December, this six-plus-week time
12 period when he had begun and did distance
13 himself from you, that it might relate to
14 information he discovered about Monty Roberts?

15 MR. LiCALSI: Objection. I think
16 if you read your question, it is not clearly
17 really a sentence.

18 THE WITNESS: I think --

19 MR. LiCALSI: No, no, no.

20 Q. (By Mr. Wood) Let me ask you this.
21 Why do you believe he distanced himself from
22 you? Let's do it that way.

23 A. I never understood it, quite
24 honestly. I mean, we had -- I had gotten
25 along great with him, and we had -- you

00231

1 know, I liked the guy. He was a terrific
2 guy, and had some laughs with him even. And
3 so -- but he said to me after -- he said,
4 boy, Monty Roberts doesn't like you. He
5 said, you called him 20 times -- I didn't
6 call him 20 times. I called him eight
7 times. And anyway, that is all.

8 Q. Did he ever -- strike that.

9 In November, at any time, did you
10 call Jerry Gruner to find out what you
11 believed at that time would have been the
12 status of the FBI investigation into the
13 story that had been told to you by Monty
14 Roberts?

15 A. I didn't call him again until the
16 body was found.

17 Q. So it is fair to -- it is
18 accurate to say that by November 1, if not a
19 few days earlier, through and including
20 December the 20th of 2001, you, Dominick
21 Dunne, made no effort to ascertain the status
22 of what you believed was an FBI investigation
23 into the Monty Roberts' horse whisperer story;
24 true?

25 A. (Witness nodded head affirmatively).

00232

1 Q. Am I right?

2 A. Yeah.

3 Q. Why not?

4 A. Well, I just felt frozen out by
5 them.

6 Q. Why would -- I mean, when you all
7 had a few laughs, did he ever tell you any
8 FBI stories, things he did in the FBI?

9 A. He told me a lot of stories. I
10 didn't --

11 Q. Did he tell you any FBI stories
12 about what he did for the FBI?

13 A. I don't recall.

14 Q. Do you remember him ever talking
15 with you in any way that related to him
16 saying that he was an FBI agent?

17 A. No, I don't want to give the
18 impression that he passed himself off as one.

19 I simply was told he was one by Mrs. Levy.
20 Q. Could Mrs. Levy have told you that
21 Jerry Gruner was a former FBI agent who was
22 now an investigator working for --
23 A. Well, she didn't tell me that.
24 Q. Excuse me. You are clear as a
25 bell that she without any doubt whatsoever

00233

1 told you that this man was an FBI agent who
2 was investigating for the FBI the
3 disappearance of her daughter; is that right?
4 A. She said to me, I can almost
5 repeat the conversation. And she said, would
6 you see our investigator -- oh, I don't mean
7 our investigator, the investigator working with
8 our law firm. I said, sure. And she
9 said --

10 Well, if you are not going to
11 listen.

12 MR. LiCALSI: No, no, no.
13 MR. WOOD: I am sorry. I am
14 listening.

15 MR. LiCALSI: Complete your answer.
16 MR. WOOD: She is whispering, but
17 I have got two ears, and I multitask well.

18 MR. LiCALSI: Well, I will wait to
19 get two ears.

20 MR. WOOD: Okay. Then hang on a
21 second and I will give you two ears. Yell
22 at her. She's the one started whispering at
23 me.

24 MR. LiCALSI: I'm yelling at you.
25 Q. (By Mr. Wood) Two ears are back

00234

1 with you.

2 A. Now, I forgot where I was.

3 Q. And I did, too. Let me go back
4 and look at this. That is why we have this
5 wonderful real time reporting.

6 You were giving me what Mrs. Levy
7 said. You said I can almost repeat the
8 conversation.

9 A. She said, would you talk to our
10 investigator -- oh, I don't mean he is our
11 investigator. He is the investigator working
12 for Billy Martin and our group. And I said
13 -- she said his name is Jerry Gruner. And I
14 said sure.

15 And she said, the last words, he's
16 FBI.

17 I simply accepted that as the
18 mother of the missing person. She did not
19 say former.

20 Q. And as I understand it, you
21 learned after this lawsuit was filed that Mr.
22 Gruner was not an FBI agent, right?

23 A. Yes, I did.

24 Q. There was no FBI investigation of
25 the horse whisperer's story, to your

00235

1 knowledge?

2 A. I don't know.

3 Q. Well, let's go back. I mean, to

4 your knowledge now, as you sit here today,
5 the only investigation that you are aware of
6 to any extent that occurred with respect to
7 the story told you by Monty Roberts was
8 conducted by Mr. Gruner, to some extent?

9 MR. LiCALSI: Objection to form.

10 Go ahead and answer.

11 THE WITNESS: Yeah.

12 Q. (By Mr. Wood) Right?

13 A. Yes.

14 I have got to go.

15 MR. LiCALSI: Excuse me.

16 MR. WOOD: That's okay.

17 THE WITNESS: Sorry. I can't help

18 this.

19 THE VIDEOGRAPHER: Going off the
20 record at 2:43.

21 (Whereupon, a recess was taking at
22 this time.)

23 THE VIDEOGRAPHER: Returning to the
24 record at 2:48 from 2:43.

25 Q. (By Mr. Wood) Mr. Dunne, sitting

00236

1 here today, if I ask you whether you have
2 any knowledge of whether there has ever been
3 an FBI investigation of the information
4 provided to you by Monty Roberts, the horse
5 whisperer, your answer would be what?

6 A. I would have to say I don't know.

7 Q. You are not aware of any now that
8 you have learned Mr. Gruner --

9 A. Right.

10 Q. -- was not working for the FBI; is
11 that right? Correct?

12 A. Yes, that's right.

13 Q. Did he tell you what his wife did
14 for the CIA?

15 A. He didn't.

16 Q. When you first spoke with him
17 about the motorcycle theory, tell me your
18 best recollection.

19 MR. LiCALSI: I think you
20 misspoke.

21 MR. WOOD: I don't think I did.

22 Q. (By Mr. Wood) When you first spoke
23 with him, him being Mr. Gruner.

24 MR. LiCALSI: Oh, I am sorry. I
25 am sorry.

00237

1 Q. (By Mr. Wood) When you first spoke
2 with Mr. Gruner about the motorcycle theory,
3 that was your first phone call; right?

4 A. That's right.

5 Q. Tell me your best recollection of
6 that discussion.

7 A. Well, I just went through the
8 story again, you know, that she hadn't had
9 anything -- left her wallet, left her ID
10 behind, left -- an unusual thing for a woman
11 to do, and that motorcycles played a part in
12 Mr. Condit's life, and motorcycle -- he had
13 friends with motorcycles. And I said -- it
14 turned out not to be very original because

15 LeBoutillier had said it months before. I
16 had totally forgotten that. And I -- it was
17 just said. It was a theory. And I said on
18 Larry King, it's a theory, I don't know this,
19 that she could have gone off on the back of
20 a motorcycle.

21 And so he called or I called him
22 -- I can't remember how it came about -- and
23 we discussed it and he said uh-huh
24 (affirmative), uh-huh (affirmative), uh-huh
25 (affirmative), like that. That's all.

00238

1 But the point was that when I
2 needed to get through, I had a number to
3 call, I mean, after 9/11.

4 Q. You are talking about Mr. Gruner's
5 number?

6 A. Yeah. Because I called -- first I
7 called Senator Dodd, who is a friend of mine,
8 to see if he could help me get through. I
9 called, not Tim Russert but Tim's wife with
10 whom I work at Vanity Fair, and I know Tim.
11 And she said, oh, yeah, Tim has got somebody
12 there. And then I called a third person,
13 and I can't remember who that was.

14 And then I remember that I had --
15 oh, I know. At the time that you called the
16 FBI after 9/11, you got put on answering
17 machines to leave messages. There were
18 thousands and thousands of messages, and I
19 wanted to talk to a person, not leave a
20 message. So I called Jerry Gruner.

21 And he had picked up on the thing
22 before 9/11 of what he called strap hangers,
23 that is, people who fly in on planes and
24 enter our country without actually going
25 through customs.

00239

1 MR. Li CALSI: Wait for a question,
2 please.

3 Q. (By Mr. Wood) The fact of the
4 matter is that all of your efforts to
5 directly contact the Federal Bureau of
6 Investigation were unsuccessful, for whatever
7 reason?

8 MR. Li CALSI: You mean other than
9 his call to Mr. Gruner?

10 MR. WOOD: Hold on.

11 Q. (By Mr. Wood) All of your -- you
12 didn't immediately call Mr. Gruner, even
13 though you had the number; did you?

14 A. No. That was my last.

15 Q. You called the lawyer for Vanity
16 Fair and you wanted to know if they had any
17 contacts, and that lawyer gave you the two
18 FBI numbers, you called them.

19 A. Which were message machines.

20 Q. But they were FBI message machines,
21 clearly, weren't they, you've reached the
22 Federal Bureau of Investigation?

23 A. Yeah.

24 Q. And did you leave a message? Even
25 though I know you were not happy about it

00240

1 because of the way you describe your response
2 to message machines with Mr. Carter, but did
3 you leave a message?
4 A. I didn't.
5 Q. And then you tried to get directly
6 in contact with the FBI through Tim Russert's
7 wife, Maureen Orth?
8 A. That's right.
9 Q. And that was unsuccessful; right?
10 A. Yeah.
11 Q. And then you tried Chris Dodd's
12 offices, you spoke with him?
13 A. He was great.
14 Q. But then the next day his aides
15 blew you off, didn't they?
16 A. Well, they made me answerable:
17 How do you know that? I said well, I don't
18 know. I just think somebody ought to hear
19 this.
20 Q. They didn't want to be involved in
21 the story; did they?
22 A. They?
23 Q. Chris Dodd's office.
24 A. Chris Dodd's aide.
25 Q. Didn't want to get involved with

00241

1 it; did he?
2 MR. LICALSI: Objection. He's
3 told you what he's told you.
4 THE WITNESS: I don't know that.
5 Q. (By Mr. Wood) It was obvious from
6 the conversation that he did not want to get
7 involved with it; isn't that true, sir?
8 MR. LICALSI: That is
9 argumentative.
10 THE WITNESS: I am not sure of
11 that.
12 Q. (By Mr. Wood) Do you remember his
13 name?
14 A. No.
15 Q. Did you tell him the story, what
16 Monty Roberts had told you?
17 A. Yes.
18 Q. And then he said what?
19 A. And then he started asking me
20 questions about it which I couldn't answer
21 because I didn't know the answers to. And I
22 thought -- I said -- he said, well, how are
23 you sure that this -- and I said, well, I am
24 not sure, but I think it bears investigation.
25 Q. Right. He said how do you --

00242

1 A. And then I got pissed off at him.
2 I mean, I kind of ended the conversation, not
3 him, because I thought I had two more sources
4 to go to.
5 Q. You told him the story, and then
6 he said at the end of hearing it, how do you
7 know that that story is true?
8 A. Yes.
9 Q. And you said I don't know, but I
10 think that it is worth checking out. Is

11 that true?

12 A. That's right.

13 Q. And I want to make sure that I
14 have got everything that you, Dominick Dunne,
15 did to check it out between when you spoke
16 with Mr. Gruner for the first time in
17 December 20, 2001. If you could, tell me
18 what you did to check it out other than what
19 we've already have been through in terms of
20 your contacts during that time period with
21 Mr. Gruner?

22 MR. LiCALSI: Do you understand
23 the question?

24 THE WITNESS: What, to check out?
25 Q. (By Mr. Wood) The truth of the

00243

1 story. I want to know everything you did,
2 you, Dominick Dunne, did, if anything -- I am
3 not suggesting you did anything. You have
4 told me about what you did with respect to
5 Mr. Gruner and your trip over to England. I
6 am trying to find out now, other than your
7 contacts with Mr. Gruner and the trip that
8 you took --

9 A. Oh, yeah, I did other things.

10 Q. -- I want to know what else you
11 did between the time you spoke with Senator
12 Dodd's aide and the time you went on The
13 Laura Ingraham Show.

14 A. I called, when I was in England --
15 there is a writer called Nicholas Evans who
16 wrote the book called The Horse Whisperer,
17 from which the movie with Robert Redford was
18 made. And Nicholas Evans happens to be a
19 friend of my son's, and my son was in a
20 movie of one of his books. And he lives in
21 England. And so when I was there, I was
22 interested in checking out the horse
23 whisperer, yes.

24 And I thought Nicholas would be
25 able to help me. And his agent would not

00244

1 put me through. I said, would you take my
2 number and ask Nicholas to call me, tell him
3 I am Griffin Dunne's father, would you -- and
4 he wouldn't do it. He -- I've never
5 understood that.

6 Q. Did he know you were calling --
7 MR. LiCALSI: Wait, wait, he was
8 just -- he hadn't finished.

9 THE WITNESS: Go ahead.

10 Q. (By Mr. Wood) Were you through?

11 A. Yeah, I was through with that
12 moment.

13 Q. I thought so.

14 A. Go ahead. Ask.

15 Q. Did you tell him you were trying
16 to check out Monty Roberts?

17 A. Yes, I did.

18 Q. Did you use Monty Roberts' name?

19 A. I must have. I mean, I can't
20 remember that; but I must have.

21 Q. You believe you did; right?

22 A. But I must have. And I think
23 that's why he turned so -- I found out later
24 that there was a lawsuit going on between
25 Monty -- I didn't know that and he didn't

00245

1 tell me that, but I found out that later --
2 between Nicholas Evans and Monty Roberts.
3 Nicholas Evans disputed that Monty
4 Roberts was the source of the, not romantic
5 story, but of the story of Robert Redford and
6 the wounded horse.

7 Q. Right. Nicholas Evans disputed
8 that Monty Roberts was the horse whisperer as
9 depicted in that story?

10 A. That is correct.

11 Q. Right. And, in fact, as you sit
12 here today, sir, you now know through an
13 abundance of information that you have
14 received that Monty Roberts is accurately
15 described as an individual who not only is a
16 liar but is a fraud; true?

17 MR. LICALSI: Objecti on.

18 THE WITNESS: Well, I don't know
19 that he is a fraud, but he is a liar. I
20 mean, he is indeed -- and let me just
21 finish, okay?

22 When I checked him out before I
23 went to England, just to find out what this
24 guy, a woman I know in the horse world said
25 you have never, ever seen a horse broken in

00246

1 as beautifully as Monty Roberts. He does a
2 show of this. And I mean, everything I
3 heard about him was okay.

4 Now, the liar part, which is
5 certainly true, the liar part came after
6 Chandra Levy's death when I said that I had
7 been hoodwinked by a horse whisperer. I
8 think I used the name horse whisperer, I
9 think. And whatever secret source went
10 online, not as Monty Roberts, which is what I
11 had done originally, but as horse whisperer
12 and found Monty Roberts.

13 And then he -- I didn't know
14 secret source at that point. And then he
15 called me, it was in August, at my house in
16 Connecticut and left a message saying he had
17 talked to the horse whisperer and would you
18 like to answer to what the horse whisperer
19 has said about you.

20 Q. (By Mr. Wood) Are you talking
21 about your confidential source now?

22 A. Yes.

23 Q. Okay. Go ahead and keep telling
24 me what happened there.

25
00247

1 please.

2 THE WITNESS: That is the end of
3 that.

4 Q. (By Mr. Wood) Well, he said, well,
5 would you like to know what the horse
6 whisperer said about you. And did you say

7 yeah?

8 A. I said -- oh, I am sorry. I am
9 sorry.

10 I said -- no, he said would you
11 like to answer some questions about what the
12 horse whisperer said about you. I said yes,
13 but if you listen to me first to tell you
14 how the horse whisperer came into my life.

15 Q. And then what was said after that?

16 A. And then I told him the whole
17 story, and he believed me completely. And
18 that is when I heard about the horse
19 whisperer's aunt who is a lady called Joyce
20 Rennebaum, the sister of either his mother or
21 his father, I'm not sure of that, and who
22 told me what a liar he was.

23 Q. Now, you said he went online,
24 computer, Internet; right?

25 A. Yes.

00248

1 Q. You were able to go online in
2 October or November of 2001; were you not,
3 sir?

4 A. Yes.

5 MR. LiCALSI: Wait, wait, wait.

6 Q. (By Mr. Wood) I didn't ask you did
7 you. I'm saying you had online Internet
8 access in the fall of 2001; didn't you, Mr.
9 Dunne?

10 MR. LiCALSI: Let me -- are you
11 asking him if he had Internet access or if
12 he knew how to use Internet access at that
13 time?

14 Q. (By Mr. Wood) You had online
15 Internet access in the fall of 2001; didn't
16 you, Mr. Dunne?

17 A. I had it and didn't know how to
18 use it at that time.

19 Q. But your secretary did?

20 A. No, it wasn't my secretary. It
21 was --

22 Q. Your assistant did?

23 A. It was my sister-in-law, Joan
24 Di di on.

25
00249

1 get information if you asked her; true?

2 A. She is the one who got me the
3 names of his books and the names of his
4 videos.

5 Q. You could have asked her in
6 October or November of 2001 to go online and
7 research the horse whisperer or Monty Roberts
8 if you had wanted to, and she knew how to do
9 it; right?

10 A. Well, she did.

11 Q. She went and did a search on the
12 horse whisperer and Monty Roberts?

13 A. No, on the -- no. On Monty
14 Roberts. She didn't go under the horse
15 whisperer. There were two different websites
16 on him.

17 Q. And this was done when?

18 A. It was done on the day after Monty
19 Roberts called me from Germany.

20 Q. So this would have been in early
21 October of 2001?

22 A. I think so.

23 Q. Did she print out the results of
24 her Internet search on Monty Roberts?

25 MR. LiCALSI: If you know.

00250

1 THE WITNESS: I don't know if she
2 printed them out.

3 Q. (By Mr. Wood) And I apologize if I
4 didn't catch this.

5 A. I am very close to her. I mean,
6 we talk every day.

7 Q. What is her name?

8 A. Joan Didion.

9 Q. Where does she reside?

10 A. Here in New York. She is a
11 famous writer.

12 Q. Do you have her address and
13 telephone number.

14 A. Of course.

15 Q. And she is your --

16 A. Sister-in-law.

17 Q. Thank you. Okay.

18 And do you recall what information
19 she came up with about Monty Roberts?

20 A. Yes. I just told you. The names
21 of his books, the names of his videos, all
22 of which I went out and bought.

23 Q. You had all of his books and all
24 of his videos, and you still have those?

25 A. I think so. I must have.

00251

1 Q. Other than your request to your
2 sister-in-law to do an online search of the
3 name Monty Roberts, what other steps did you
4 take to try to check out Monty Roberts before
5 December 20, 2001? Did you do anything else?

6 A. Well, that was pretty good
7 information to me.

8 Q. Thank you. But I mean, did you
9 do anything else?

10 A. No. I wrote the letter to
11 Graydon.

12 Q. That was the end of your efforts.
13 You did this online search prior to writing
14 the letter to Graydon Carter on October 7,
15 2001; right?

16 A. Yes.

17 Q. And subsequent to that time period,
18 before December the 20th 2001, you did
19 nothing else to investigate Monty Roberts;
20 true?

21 A. I honestly can't remember if I
22 did. I must have -- I just can't remember.

23 Q. Do you remember doing anything in
24 November of 2001 to investigate Monty Roberts?

25 A. I just don't remember. I am

00252

1 sorry.

2 MR. LiCALSI: Other than what he

3 has already testified to?

4 Q. (By Mr. Wood) Did you do anything
5 in the month of November of 2001 to
6 investigate Monty Roberts?

7 A. I honestly don't know. I don't
8 recall.

9 Q. Well, if you had, would it be
10 entered in some form in your diary?

11 A. Not necessarily.

12 Q. Did you ever talk with a friend of
13 yours -- strike that.

14 As you sit here today, sir, I want
15 to make sure this is clear, November or at
16 any time in December of 2001, prior to your
17 appearance on The Laura Ingraham Show, did
18 you take any steps, you, Dominick Dunne, to
19 in any way investigate the credibility or the
20 reputation of Monty Roberts?

21 A. Well, I think by going to Nicholas
22 Evans, I would call that. I didn't get
23 through to Nicholas Evans, but --

24 Q. I don't want to cut you off, but
25 that was in October when you were in England;

00253

1 right?

2 A. Yeah.

3 Q. I am asking you now in November of
4 2001 or at any time in December of 2001 up
5 to your appearance on The Laura Ingraham
6 Show, did you, Dominick Dunne, take any
7 action to in any way investigate the
8 reliability or credibility or reputation of
9 Monty Roberts?

10 A. I just don't recall.

11 Q. As you sit here today, you don't
12 recall doing anything; do you?

13 A. I don't.

14 Q. Is that right?

15 A. Yes.

16 Q. Who paid for your trip down to
17 Washington to meet with Jerry Gruner?

18 A. Vanity Fair.

19 Q. Were you under any pressure to
20 write about the horse whisperer from Vanity
21 Fair because of the amount of money that had
22 been invested in your trips?

23 A. No, I wasn't under any pressure;
24 but I felt obliged to, you know, as they had
25 spent that money on me, to -- and Jerry

00254

1 Gruner cautioned me. He said be very
2 careful, be very careful what you write.

3 MR. WOOD: One second. How we
4 doing on time?

5 THE VIDEOGRAPHER: Ten minutes
6 more.

7 Q. (By Mr. Wood) I am sorry. Gruner
8 cautioned you. Did you ever -- are your
9 columns in Vanity Fair --

10 A. Diaries they call it.

11 Q. Excuse me. The Dominick Dunne
12 Diaries, are they -- I take it you submit
13 your diary column; right?

14 A. Yes.
15 Q. Who do you submit it to?

16 A. To my --
17 MR. LiCALSI: I am going to
18 caution you, any inquiry into the editorial
19 process is protected by the New York shield
20 law, the California shield law, both states'
21 constitutions and the First Amendment.

22 MR. WOOD: All right. Your
23 caution is duly noted. And I have -- I
24 would be surprised if one cannot discuss any
25 aspect of an editorial process by virtue of

00255

1 any state law or constitutional law. That is
2 -- I hear you. That is your position.

3 MR. LiCALSI: I am not stopping
4 you from asking.

5 MR. WOOD: I hope you are not.

6 MR. LiCALSI: I am just saying if
7 you get into specifics --

8 THE WITNESS: But I can explain
9 it.

10 MR. WOOD: Why don't you just let
11 him testify how he does -- I want to figure
12 out how he does Vanity Fair columns.

13 MR. LiCALSI: Fine.

14 Q. (By Mr. Wood) Who do you submit
15 them to? Didn't need to --

16 A. I mean, it is the same as in
17 every magazine. A writer submits to an
18 editor. Okay? The editor shows it to the
19 top editor, i.e., Graydon, go, go with this,
20 we like this.

21 Then it goes through a fact
22 checking. It is taken to the -- there is a
23 man, somebody Walsh, Robert Walsh.

24 Q. Who is he?

00256

25 A. He is -- Robert Walsh is the sort

1 of liaison between the fact checkers and the
2 lawyers. He is the one who goes to the
3 lawyers, Jerry Barrons is one of the lawyers,
4 I can't think of the name of the other one,
5 and they read it. They say, how do you know
6 this, how do you know this, is that the
7 thing. And they give you all this stuff.
8 Then it comes back to you through your fact
9 checker. And then you make changes. I
10 mean, whatever they ask you make changes.

11 Q. So somewhere you believe there
12 would be copies of your original diary
13 articles, and I am interested in the ones
14 that discuss my client or the Chandra Levy
15 case, as submitted by you and then obviously
16 the final draft as published?

17 A. We were trying to find those.

18 MR. LiCALSI: No. Answer the
19 questions posed.

20 THE WITNESS: I am sorry.

21 Q. (By Mr. Wood) You believe Vanity
22 Fair would have them; don't you?

23 A. No, not necessarily.

24 Q. Do you keep your original drafts?

25 A. For a while.
00257 1 Q. Did you keep any of your drafts --
2 A. I don't know.
3 Q. Do you recall --
4 A. We are trying to locate those now.
5 I have got somebody going through all my --
6 I have my secretary and somebody who works
7 for me up in the country going through all
8 my things to see on the hard drive if there
9 are first drafts.
10 Q. Now, who is your -- your secretary
11 and someone else who works for you. Who is
12 that individual?
13 A. It is a person -- well, a lot of
14 people work for me. But there's --
15 Q. I am talking about the two, sir,
16 your secretary -- I want the names of the
17 people who are going through your computer
18 hard drive right now?
19 A. Laura Nappi, NA-P-P-I, who is my
20 secretary here in New York. In the country
21 there is a man, he is a specialist in
22 computers. And I have a lot of trouble with
23 computers because I am not technical at all
24 and don't know how to do a lot of things.
25 And he is a guy called Charlie Delinks. I
00258 1 can get you a number. I don't know it
2 offhand. And he comes to my house about
3 once a week.
4 Q. What is he doing right now?
5 A. What he is doing right now, we are
6 trying to find if there are first drafts of
7 -- I am having him do all first drafts
8 rather than have him look for specific ones
9 and then we will pick out the ones that we
10 want.
11 Q. Is he actually, to your
12 understanding, going through your computer
13 files looking --
14 A. Yeah. I don't know.
15 Q. -- for the articles or is he
16 actually doing some sort of physical
17 examination on the hard disk itself?
18 A. I don't know.
19 Q. The computer that he is looking
20 at, is that your only computer that you use
21 to write your articles?
22 A. No. I use one in the city and
23 one in the town. I carry it back and forth
24 on a floppy.
25 Q. So you have got your New York
00259 1 secretary looking at your New York computer,
2 and you have got this gentleman --
3 A. That's right.
4 Q. -- looking at your Connecticut
5 computer?
6 A. That's correct.
7 Q. Both computers are the ones that
8 you have used for the last several years?
9 A. Forever, yes.

10 Q. I mean, so clearly the information
11 on those computer hard drives would go back
12 at least until January of 2001; is that true?

13 A. I am not sure. I got to be
14 quite honest with you. I think we changed
15 the one in the country within the year.

16 Q. Did you save all of your work from
17 the one that you believe you replaced in the
18 country and put it on the hard drive of the
19 one you replaced it with?

20 A. Yeah. I think this guy did that.
21 I mean, I wouldn't know how to do that.

22 Q. But you wouldn't have thrown out
23 your computer and thrown out the files; you
24 would have those backed up and put on your
25 new computer; right?

00260

1 A. Yeah.

2 I got to go to the bathroom.

3 Q. And the New York computer you
4 clearly have used the same one since at least
5 January of 2001; true?

6 A. Oh, yeah. Because it is old now,
7 and I am going to get rid of it.

8 MR. WOOD: Well, don't get rid of
9 it right away, please, not until we have a
10 chance to find out what is there.

11 THE VIDEOGRAPHER: So we are going
12 off the record at 3:13. This is the end of
13 tape number three.

14 (Whereupon, a recess was taken at
15 this time.)

16 THE VIDEOGRAPHER: Beginning tape
17 number four and returning to the record at
18 3:20 from 3:13.

19 Q. (By Mr. Wood) If it turns out that
20 you are able to recover your original drafts
21 as sent to Vanity Fair, obviously, that would
22 allow us to look at what you sent and how it
23 was at least changed for whatever reason. I
24 am not asking about the reason for the change
25 in terms of what was finally published;

00261

1 right?

2 A. Yes, I have no problem.

3 MR. LiCALSI: Just to be clear, we
4 have objected to the production of that
5 material on a couple of grounds. One is any
6 of that material that --

7 MR. WOOD: This is taking up time
8 of the deposition.

9 MR. LiCALSI: Well, you told my
10 client something. He doesn't know about
11 whether documents are going to be produced.
12 I have to respond to what you said.

13 MR. WOOD: There is nothing here
14 to object to. I mean, you tossed me out at
15 5:30 yesterday, and this is taking up time.
16 I came up here to take testimony. I know
17 what you've objected to.

18 MR. LiCALSI: Continue. Continue.

19 MR. WOOD: I am not trying to be
20 mean with you. You know, you put the clock

21 on me and then just start talking about what
22 you objected to. I don't see why that has
23 -- it has no purpose here.

24 Q. (By Mr. Wood) Mr. Dunne, do you,
25 not speculation, okay? Do you have any

00262

1 information, factual information, about how
2 Chandra Levy was abducted?

3 MR. Li CALSI: Objection to factual
4 information again.

5 Q. (By Mr. Wood) You understand when
6 I say factual, I am talking about the
7 difference between factual information --

8 A. And theory.

9 Q. -- and speculation?

10 A. And theory. And theory.

11 Q. Yes. Do you have any factual --

12 A. I have the theory that -- do I

13 have a factual information on that? No. I
14 find it a very logical explanation, however.

15 Q. Which -- what explanation is that?

16 A. That she went off on the back of
17 a motorcycle.

18 Q. As opposed to driving off in a
19 vehicle?

20 Why is one more logical than the
21 other in your theory?

22 A. Because I think she would have
23 gone off of her own accord on the back of a
24 bicycle if she had known the bike rider.
25 Motorcycle.

00263

1 Q. You don't think she might have
2 been abducted by some criminal while she was
3 walking in Rock Creek Park?

4 A. I have no idea.

5 Q. I mean, the simple fact of the
6 matter is, you used the word theory, and I
7 understand, the riding off on the back of a
8 motorcycle is, as you've described it, your
9 theory; right?

10 A. (Witness nodded head affirmatively.)

11 Q. True?

12 A. (Witness nodded head affirmatively.)

13 Q. You have --

14 A. I beg your pardon. True.

15 Q. It is basically your speculation
16 about one possible explanation for what might
17 have happened to her; true?

18 A. Yes. I wasn't alone in that
19 theory, by the way. It was a very popular
20 theory.

21 Q. Well, who besides yourself and Mr.
22 LeBoutillier espoused the motorcycle theory?

23 A. Well, I mean, I can't think of any
24 names offhand; but, I mean, it was a pretty
25 generally talked about theory at the time.

00264

1 Q. Maybe in large part or at least in
2 part because you were discussing it on
3 national television and people talked about it
4 because you were talking about it; true?

5 MR. Li CALSI: Objection,

6 argumentative.

7 Q. (By Mr. Wood) Isn't that true?

8 A. I don't know that.

9 Q. You would expect that. I mean,
10 your phone was ringing off the hook after you
11 made the Laura Ingraham appearance on December
12 20th; wasn't it?

13 MR. LiCALSI: Answer if you can.

14 Q. (By Mr. Wood) So much so that you
15 left town. Isn't that the truth, sir?

16 A. It was Christmas. I went up to
17 my kids.

18 Q. Yeah. But the New York post, page
19 6, ran a story on it, the Laura Ingraham
20 interview; you know that, don't you?

21 A. Yeah, sure.

22 Q. And then the phone started ringing.
23 You may have said up to 40 phone calls from
24 friends --

25 A. Oh, please.

00265

1 Q. -- friends and reporters?

2 A. Oh, please.

3 MR. LiCALSI: Objection. Where do
4 you get 40 phone calls from.

5 THE WITNESS: Where are you
6 getting 40 phone calls, I never had 40 phone
7 calls.

8 Q. (By Mr. Wood) After the New York
9 Post --

10 MR. LiCALSI: Could you, for the
11 record, identify what you are doing?

12 MR. WOOD: I will.

13 MR. LiCALSI: Are you reading from
14 an article?

15 MR. WOOD: I am trying to ask a
16 question if you would please not interrupt
17 me. I can read from an article, I can read
18 from my notes. Let me ask him.

19 MR. LiCALSI: Yeah, but you can
20 indicate for the record what you are doing.

21 MR. WOOD: I have no obligation to
22 indicate on the record what I am doing.

23 MR. LiCALSI: I think you do.

24 MR. WOOD: I am not going to
25 fight with you. You're wasting time

00266

1 intentionally.

2 I do not. I am looking for some
3 information with which to form a question,
4 please, sir. I have a right to do that.
5 And please don't interrupt me again on that.

6 Q. (By Mr. Wood) I want to know, sir,
7 after you got back from the interview -- did
8 you do the interview from your apartment in
9 New York?

10 A. Which interview?

11 Q. With Laura Ingraham. Where were
12 you when you did the interview?

13 A. Oh, I was -- yes, I was in my
14 apartment and she was in a studio.

15 Q. You were in New York or were you
16 in Connecticut?

17 A. No. I was in New York.
 18 Q. And then you saw where an article
 19 was published in the New York Post about that
 20 interview; true?
 21 A. Yes.
 22 Q. Right?
 23 A. Correct.
 24 Q. And then the phone started to
 25 ring; right?

00267

1 A. Yeah.
 2 Q. And you knew you had to start
 3 keeping your trap shut and you took off for
 4 Rhinebeck where you knew no one could reach
 5 you; is that true?
 6 A. That is what I wrote.
 7 Q. Was it the truth?
 8 A. Yeah.
 9 Q. Let me go back to the motorcycle
 10 theory. You didn't have any names of anybody
 11 else other than yourself and Mr. LeBoutillier
 12 that you were aware of that was out
 13 discussing that theory, no one else?
 14 A. Well, there were a lot of people
 15 on TV I heard.
 16 Q. Names?
 17 A. I can't tell you that.
 18 Q. Can you give me any other names of
 19 any individuals --
 20 A. No.
 21 Q. -- that you're aware of that were
 22 in the media --
 23 A. No. I could ask around, but I
 24 can't now.
 25 Q. -- asserting the theory that

00268

1 Chandra Levy had ridden off on the back of a
 2 motorcycle?
 3 A. No.
 4 Q. Is that your theory now about what
 5 happened to her?
 6 A. I don't know that I really have a
 7 theory now after this lawsuit. I just don't
 8 know that I have a theory now what happened
 9 to her.
 10 Q. Well, it wasn't the horse whisperer
 11 story; was it?
 12 A. It sure wasn't.
 13 Q. I mean, you now acknowledge that
 14 you got hoodwinked?
 15 A. I did.
 16 Q. That story was bogus; true?
 17 A. Brilliantly bogus, but bogus.
 18 Q. Brilliantly false?
 19 A. It was.
 20 Q. True?
 21 A. It was the greatest story teller I
 22 ever talked to.
 23 Q. But whether brilliantly or not?
 24 MR. Li CALSI: He was talking.
 25 THE WITNESS: Even you would

00269

1 believe him.

2 Q. (By Mr. Wood) Well, don't count on
3 that one; but nonetheless, I have a pretty
4 good track record of knowing when I am
5 dealing with an FBI agent and when I'm not.

6 MR. LiCALSI: Now that's uncalled
7 for. Don't -- ask questions.

8 MR. WOOD: If I offended you, I
9 apologize. I thought it was kind of --

10 MR. LiCALSI: No, it was a
11 sarcastic remark directed at my client.

12 MR. WOOD: I represented Richard
13 Jewell. We had a few go-rounds with --

14 MR. LiCALSI: I know you are very
15 famous. We know you are very famous.

16 THE WITNESS: We know.

17 MR. WOOD: I didn't say I was
18 famous. I made a comment about FBI and what
19 I thought was when his -- in response to
20 what he said even I would have believed it.

21 MR. LiCALSI: Please ask your
22 question.

23 MR. WOOD: Well, I am sorry you
24 were offended. I didn't mean to offend you
25 by that. You looked over and said I would

00270

1 have believed it. I wouldn't have believed a
2 moment of it, but just so that's clear. I
3 don't want by my acquiescence have you think
4 I would have believed this kind of stuff.

5 THE WITNESS: Yeah, but you didn't
6 hear him tell it.

7 MR. WOOD: I don't need to hear
8 it to know when I'm being --

9 MR. LiCALSI: Wait until there is
10 a question, please.

11 Q. (By Mr. Wood) So today what I want
12 to know is do you have a theory about how
13 she was abducted or by whom she was abducted?

14 A. I certainly don't know by whom she
15 was abducted.

16 Q. Do have you a theory as to how?

17 A. I still think it is possible that
18 she went off on the back of a motorcycle.

19 Q. Do you concede it is equally
20 possible that she was walking or running in
21 the park and some unknown person abducted her
22 and ultimately murdered her?

23 A. Well, I have read all the stories
24 of the man whom you are probably referring
25 to.

00271

1 Q. I am not referring to any man,
2 sir.

3 MR. LiCALSI: Let him finish the
4 answer.

5 Q. (By Mr. Wood) I just want to tell
6 you I am not referring to any man.

7 A. Well, I can say what I -- there
8 was a suspect man who had attacked other
9 women in the park. I do not believe it was
10 he. I can't remember his name.

11 Q. Why do you believe it is not that
12 individual?

13 A. Because they could never -- they
14 could never pin it on him. I can't
15 remember, but I just didn't believe it was
16 he.

17 Q. Well, they never pinned anything on
18 Mr. Condit, did they?

19 MR. Li CALSI: Argumentative.

20 Q. (By Mr. Wood) Did they?

21 MR. Li CALSI: Argumentative.

22 THE WITNESS: I never pinned it on
23 Mr. Condit either.

24 Q. (By Mr. Wood) You are telling me,
25 sir, that you would never have attempted to

00272

1 suggest or convey that Gary Condit had
2 something to do with the abduction of Chandra
3 Levy? Is that your testimony?

4 MR. Li CALSI: Do you want to hear
5 the question again?

6 THE WITNESS: No.

7 Q. (By Mr. Wood) Is that your
8 testimony?

9 A. I really don't know the answer to
10 that.

11 Q. You don't know whether you would
12 have ever attempted to suggest or convey that
13 Gary Condit had something to do with the
14 abduction of Chandra Levy? Is that what you
15 are telling me?

16 A. I don't know.

17 Q. Were you attempting to suggest or
18 convey that Gary Condit had something to do
19 with the abduction of Chandra Levy when you
20 related the Monty Roberts' horse whisperer
21 story that included a statement that Mr.
22 Condit created the atmosphere or environment
23 that led to her abduction?

24 A. I think in the circumstance someone
25 could have acted on what he said without him

00273

1 being aware of it if it was, indeed, true
2 that he complained that he couldn't get rid
3 of this woman with whom he had a relationship
4 with.

5 Q. But you don't have any information
6 that there has ever been a statement made by
7 Mr. Condit that he had complained that he
8 couldn't get rid of a woman with whom he had
9 a relationship with; the only information you
10 have about that was from the now brilliantly
11 false horse whisperer story; true?

12 A. That's right.

13 Q. So in terms of -- and I guess
14 that is what you thought you were conveying
15 with the Thomas Becket syndrome approach;
16 right?

17 A. Yes.

18 Q. But the problem is that you don't
19 have any information from any reliable source,
20 or now any source whatsoever, that Gary
21 Condit has ever made any statement to anyone
22 at any time that he had a problem with
23 Chandra Levy or any other woman that he

24 needed to deal with or to try to get rid of
25 her? You don't have any such information; do
00274 you?

1
2 MR. LiCALSI: Objection to the
3 form.

4 THE WITNESS: I have information
5 that he said to Anne Marie Smith words to --
6 these aren't exact words -- I may have to
7 disappear for a few days, I may be in
8 trouble. That is not the exact words, but
9 that has -- I don't think those can be
10 ignored.

11 Q. (By Mr. Wood) Well, do you think
12 that conveyed to Anne Marie Smith that she
13 might want to take things in her hands and
14 go kill someone?

15 MR. LiCALSI: Objection.

16 THE WITNESS: No, I don't think
17 that at all.

18 Q. (By Mr. Wood) No, of course not.
19 Even if you assume the statement to be true
20 that Mr. Condit made such a statement to Anne
21 Marie Smith, that he might have to be gone
22 for a few days or he might have some trouble
23 or be in trouble, however you describe it,
24 that doesn't have anything to do with the
25 Thomas Becket syndrome theory; does it?

00275
1 A. No.

2 Q. What I am asking about is whether
3 you have any information that would in any
4 way establish that at any time Gary Condit
5 made any statement to anyone that he was
6 having a problem with Chandra Levy or a young
7 woman that he was in a relationship with,
8 that she was in some fashion a person that
9 he wanted to get away from or get rid of,
10 anything like that?

11 MR. LiCALSI: Other than he has
12 already testified.

13 MR. WOOD: He hasn't testified
14 anything other than, excuse me, other than
15 what he said was contained in the story told
16 by Monty Roberts. And I want to know --

17 MR. LiCALSI: That is what I
18 am --

19 THE WITNESS: See, I believed
20 Monty Roberts. I believed him totally and
21 completely.

22 Q. (By Mr. Wood) I am not asking you
23 about whether you believed him. I am asking
24 you, sir, other than the statements that were
25 attributed to Mr. Condit in the Monty Roberts

00276
1 story, do you have any other information that
2 Gary Condit in fact ever made any such or
3 similar statements to anybody?

4 A. I don't.

5 Q. So with the exception of the
6 statements attributed to Mr. Condit by Monty
7 Roberts, you don't have any information that
8 Mr. Condit in any way said something to any

9 friend or acquaintance that would have ever
10 conveyed that he had a problem with Chandra
11 Levy or someone, some young girl, that could
12 have led that person to somehow take action
13 to get rid of her under kind of the Thomas
14 Becket syndrome? You don't have any such
15 information; do you, sir?

16 A. No, but I have information that
17 Chandra told her aunt on, I believe, the
18 night before her disappearance or two nights,
19 whatever it was, that she had some ecstatic
20 news. She had already said that she was --
21 told Aunt Linda that she was involved with,
22 in love with the congressman, former
23 congressman.

24 Q. Sir, I am asking you about
25 statements made by Gary Condit?

00277

1 MR. Li CALSI: He answered your
2 question.

3 THE WITNESS: I don't have any
4 statements by Gary Condit.

5 MR. WOOD: May I finish?

6 MR. Li CALSI: I thought you had.

7 MR. WOOD: No, you didn't.

8 MR. Li CALSI: No, I did.

9 MR. WOOD: Well, I had not. I
10 am sorry. You unintentionally interrupted me.

11 Q. (By Mr. Wood) Sir, I want to know
12 whether you have any information about any
13 statement attributed to Gary Condit where Gary
14 Condit in any way conveyed to a friend or an
15 acquaintance or anyone anything along the
16 lines of Chandra Levy is driving me crazy, I
17 got a problem with this young woman, she is
18 a clinger, anything like that, other than the
19 statements attributed to him in the Monty
20 Roberts story?

21 MR. Li CALSI: Asked and answered.

22 Q. (By Mr. Wood) Do have you any
23 other such information, sir?

24 A. I don't, other than the fact that
25 she had a history of being a clinger in past

00278

1 relationships.

2 Q. Tell me about that history of
3 being a clinger in past relationships.

4 A. In two relationships with, I think
5 they were people in Modesto. One was a
6 detective with whom she had an affair with,
7 and he couldn't -- he had a hard time
8 dumping her. And there was another one. I
9 can't remember who the other guy was, local
10 folks, before Washington.

11 Q. Well, even assuming that she was a
12 clinger and it is true what you just said
13 about her, if you assume that to be true, I
14 want to know about Gary Condit. You don't
15 have any information Gary Condit ever
16 described her as a clinger or someone he was
17 having a problem with --

18 A. I have not.

19 Q. -- or somebody he wanted to get

20 rid of, none, zero; right?

21 A. No, right.

22 MR. LiCALSI: I am going to object
23 in that he has already told you what
24 information. I think the repeated use of the
25 word information is misleading. You have

00279

1 asked him that, and he has answered it.

2 MR. WOOD: I have the witness on
3 cross-examination. I don't think the use of
4 the word information is misleading.

5 Q. (By Mr. Wood) Now, the bottom line
6 is you agreed with me in my last, you have
7 no information whatsoever; am I right?

8 A. That is correct.

9 Q. And, in fact, you do not know
10 anything about how Chandra Levy was actually
11 murdered other than her body was found in
12 Rock Creek Park; right?

13 A. That is correct. Correct.

14 Q. Tell me, in your role as a
15 victim's rights advocate, what you have done
16 in the last year to further the investigation
17 into the murder of Chandra Levy.

18 A. Well, since this lawsuit started, I
19 didn't do anymore at all on it.

20 Q. Before this lawsuit started, when
21 was the last time you had done anything as a
22 victim's advocate, as you describe yourself,
23 anything to further the investigation into the
24 murder of Chandra Levy?

25 A. I can't remember. I don't know.

00280

1 Q. Do you remember doing anything in
2 the year 2002?

3 MR. LiCALSI: Other than his
4 testimony so far?

5 MR. WOOD: I don't think he has
6 testified to -- tell me what I have left
7 out. What did he testify to in 2002 that he
8 did to investigate?

9 MR. LiCALSI: You want me to tell
10 you?

11 MR. WOOD: No, because I want to
12 get it accurate. I am just kidding, by the
13 way. Kind of.

14 Q. (By Mr. Wood) I want you to tell
15 me, sir, what you -- let's draw a sharp
16 line.

17 A. I can't remember this.

18 Q. What did you do --

19 MR. LiCALSI: Are you okay.

20 Q. (By Mr. Wood) -- after December
21 20th, 2001, when you went on The Laura
22 Ingraham Show, what did you do at any time
23 since that date to try to further the law
24 enforcement investigation or the media
25 awareness of Chandra Levy's investigation to

00281

1 try to help get the case solved? I just
2 want to get a general idea of what you've
3 done. Have you done anything, sir?

4 A. I really can't remember.

5 Q. Have you done anything, sir?

6 A. I can't remember if I have. I
7 just don't remember that.

8 Q. Well, when did you lose passion
9 for finding out who killed her?

10 MR. Li CALSI: Objection. No
11 foundation.

12 Q. (By Mr. Wood) When did you lose
13 the passion for trying to advance the cause
14 of finding out what happened to Chandra Levy,
15 Mr. Dunne?

16 A. Well, I investigated the guy that
17 they had under suspicion. I never thought he
18 was the right one.

19 Q. Anything else?

20 A. I can't remember his name, that
21 guy.

22 Q. Anything else?

23 MR. Li CALSI: He is still
24 answering your question.

25 MR. WOOD: I understand.

00282

1 THE WITNESS: Well, I mean, that
2 is all I can think of.

3 Q. (By Mr. Wood) You believe that is
4 all you did?

5 A. I think so.

6 Q. When did you investigate this
7 gentleman who is in jail and charged with two
8 other assaults on females in Rock Creek Park?

9 A. Yeah.

10 Q. When did you conduct that
11 investigation?

12 A. Well, it wasn't conducting an
13 investigation. I made a lot of calls about
14 the guy to find out about him, if he was a
15 logical person. I talked to Lisa DePaulo,
16 who was really an authority on the case. I
17 talked to my secret source, who was --

18 Q. Champ Clark?

19 MR. Li CALSI: Objection. We are
20 not -- you know, you think -- you are having
21 a lot of fun; but, yeah, it's objectionable.

22 MR. WOOD: I tell you something.
23 I am not here to have fun.

24 MR. Li CALSI: Well, you seem to
25 be. Why are you grinning and chuckling?

00283

1 MR. WOOD: Well, because, I mean,
2 Champ Clark is the source, and y'all have
3 admitted it, and it's just -- I'll put a
4 subpoena on Champ Clark and let him tell me.
5 I will let People Magazine know that Champ
6 Clark, who is writing about the Condit case,
7 has been serving as a secret confidential
8 source to Dominick Dunne; and we will find
9 out what People Magazine thinks about that
10 kind of conflict of interest.

11 MR. Li CALSI: Yeah, we will.

12 MR. WOOD: We will deal with Mr.
13 Clark, as we are dealing with others at the
14 moment.

15 MR. Li CALSI: I'm sure you will.

16 MR. WOOD: You better believe I
17 will, sport.

18 THE VIDEOGRAPHER: Going off the
19 record at 3:44.

20 (Whereupon, a recess was taken at
21 this time.)

22 THE VIDEOGRAPHER: Returning to the
23 record at 3:53 from 3:44.

24 Q. (By Mr. Wood) Mr. Dunne, the
25 person that you say that you did some

00284

1 investigation on or made some calls about, I
2 think were your words actually, Ingmar
3 Guandique, is that the individual?

4 A. Who?

5 Q. The man that was in jail that was
6 under suspicion in the Chandra Levy case?

7 A. Yes, that is the name, I think.

8 Q. That is the name?

9 A. Yeah.

10 Q. Now, you did do some other
11 investigation, though, after December 20, 2001.

12 You did some investigation to try to find out
13 if Gary Condit had set you up with the horse
14 whisperer story; didn't you?

15 A. I did?

16 MR. LICALSI: Is that --

17 THE WITNESS: No.

18 MR. LICALSI: Do you know that?

19 THE WITNESS: I don't know that.

20 I thought somebody might have set me up, but
21 it never occurred to me it was Gary Condit.

22 Q. (By Mr. Wood) How about Bob
23 Foxworthy, do you know who that is?

24 A. Is that a CIA guy?

25 Q. I am asking you, sir, do you know

00285

1 who Bob Foxworthy is?

2 A. I don't. I have heard the name,
3 though.

4 Q. Did you ever correspond with anyone
5 about the idea that Gary Condit may have had
6 some connection to Monty Roberts and perhaps
7 had set you up with the story?

8 A. No, but I asked -- it is
9 interesting, though. I asked Monty Roberts
10 if he knew Gary Condit. And he said -- he
11 said -- this is on the first phone call.

12 And because, you know, they are from the same
13 part of the world. I don't know if it is

14 in the same district, but it is the same
15 part of the world. And he said, his words

16 were, I think I wrote this down, we all knew
17 what he was about before he went to

18 Washington. And he was talking about his, in
19 a very disapproving voice, about his, shall

20 we say, free lifestyle.

21 Q. Is that what he described to you,
22 free lifestyle?

23 A. No, no. I just said that when I
24 am talking about his sexual life.

25 Q. This is coming from Monty Roberts?

00286

1 A. This is coming from Monty Roberts.

2 Q. He did not tell you that he

3 personally knew Gary Condit; did he?

4 A. He said he didn't.

5 Q. You told the horse whisperer story

6 to Graydon Carter.

7 A. Of course.

8 Q. Right?

9 A. Yes.

10 Q. You told it to --

11 A. Henry Gruenwald.

12 Q. Yeah, the Gruenwalds; right?

13 A. Uh-huh (affirmative.)

14 Q. You told it to --

15 A. That was before -- that was the

16 day -- I told it to the Gruenwalds within an

17 hour after it happened. They had dinner with

18 me.

19 Q. You gave them the whole story?

20 A. Well, a version.

21 Q. With all the significant parts in

22 it; right?

23 A. (Witness nodded head affirmatively.)

24 MR. LiCALSI: Objection. I don't

25 know what significant parts means.

00287

1 MR. WOOD: I think he does.

2 Q. (By Mr. Wood) You gave them the

3 highlights; didn't you?

4 A. Yeah.

5 Q. You obviously gave the highlights

6 to Laura Ingraham at lunch; right?

7 A. Uh-huh (affirmative.)

8 Q. Is that true?

9 A. Yes.

10 Q. And you also gave the highlights

11 and details in the Laura Ingraham interview;

12 right?

13 A. Yeah.

14 Q. You made reference to the horse

15 whisperer in some Vanity Fair columns as well

16 as on Larry King; right?

17 A. Uh-huh (affirmative.)

18 Q. Is that true?

19 A. Uh-huh (affirmative.)

20 Q. Is your answer yes?

21 MR. LiCALSI: You have to answer

22 audibly.

23 THE WITNESS: I keep doing that.

24 Excuse me. Yes.

25 Q. (By Mr. Wood) The answer is yes?

00288

1 A. Yes.

2 MR. LiCALSI: Are you all right?

3 THE WITNESS: Yes, I am fine.

4 Q. (By Mr. Wood) And apparently you

5 had some folks fairly spellbound at one of

6 these cocktail parties, do you recall that,

7 with Gore Vidal present?

8 A. Yes. It wasn't a cocktail party,

9 but --

10 Q. I'm sorry. What was it?

11 A. A dinner.

12 Q. And tell me where was that dinner?

13 A. In Trader Vic's. I beg your

14 pardon. In Los Angeles. But I --

15 Q. And you told -- excuse me. You
16 told the story --

17 MR. LiCALSI: No. He was adding
18 to his answer.

19 THE WITNESS: I told them a
20 minuscule version of the story.

21 Q. (By Mr. Wood) Well, tell me
22 exactly what you told them?

23 A. I didn't tell anything about -- I

24 told -- the main thing was about the horse

25 whisperer, that this guy out of the blue had

00289

1 called me, told me this story. I had gone
2 to Washington. I had met with this guy I
3 thought was from the FBI. I didn't say I
4 thought. I said was from the FBI. They had
5 taken it sufficiently seriously enough that
6 they gave me questions to ask the horse
7 whisperer. They had asked me to go to
8 Washington. I went to Washington. I met
9 these people. They asked me if I could go
10 to England. I went to England. I went to a
11 race. That is what I told.

12 Q. You didn't mention Gary Condit?

13 A. I didn't mention Gary Condit.

14 Q. By name or otherwise?

15 A. Well, his name certainly came in.
16 I mean, he was part of the story.

17 Q. Tell me what part of the story he
18 played?

19 MR. LiCALSI: Are you asking as he
20 told it to --

21 MR. WOOD: Yeah.

22 MR. LiCALSI: -- the people at the
23 dinner party?

24 MR. WOOD: That's what we're
25 talking about. He said --

00290

1 MR. LiCALSI: Well, I am just
2 asking for a clarification.

3 MR. WOOD: You didn't mention Gary
4 Condit; he said I didn't mention Gary Condit.

5 THE WITNESS: Well, I didn't
6 mention the part about the embassies, I don't
7 believe.

8 Q. (By Mr. Wood) Well, did you talk
9 about how she had been taken away on the
10 airplane?

11 A. Yeah, I probably did.

12 Q. Did you talk about the fact that
13 Gary Condit had made statements about having
14 some problems with the young lady?

15 A. No, I don't --

16 Q. You left Gary Condit out totally?

17 A. I don't think he figured heavily
18 into that.

19 Q. Did he figure into the story that
20 you told at that time at all, sir? I want
21 to know what you said to that group about
22 Gary Condit in terms of his role in the

23 horse whisperer story?

24 A. I told the story on to Anjelica
25 Huston that night who was there.

00291

1 MR. LiCALSI: He is asking what
2 you told the group.

3 THE WITNESS: When I stood up and
4 -- I don't recall doing it. I mean, I was
5 totally surprised to be asked to stand up.
6 I was sort of embarrassed. I was in a
7 different city. And it was a quicky story.
8 It was a quicky version of that story.

9 Q. (By Mr. Wood) Where else did you
10 tell that story, the horse whisperer story?

11 A. I don't know. I mean, other than
12 what you talked about, I don't know.

13 Q. Did you tell others?

14 MR. LiCALSI: What time frame?

15 MR. WOOD: At any time.

16 MR. LiCALSI: You mean through
17 today?

18 MR. WOOD: At any time.

19 THE WITNESS: I never talk about
20 it anymore.

21 Q. (By Mr. Wood) Why not?

22 A. Because you are in the picture.

23 Q. I guess I've accomplished

24 something.

25 A. You know, I don't know if I told

00292

1 it anymore than that.

2 Q. Do you remember Gore Vidal writing
3 a --

4 A. Gore Vidal and I, whom I have
5 known --

6 MR. LiCALSI: He hasn't asked a
7 question.

8 Q. (By Mr. Wood) Do you remember Gore
9 Vidal writing a letter to the editor of
10 Vanity Fair to which you responded?

11 A. That had nothing to do with Gary
12 Condit, though. That had to do with an
13 Irish Catholic slur he made. I have known
14 him for 50 years.

15 Q. Do you all get along?

16 A. What?

17 Q. Do you all get along?

18 A. Yeah, we always did until we had
19 the fight that night, but we made up since
20 then.

21 Q. The fight that night. Was that at
22 Trader Vic's?

23 A. Yeah, it was about -- he made an
24 Irish Catholic slur, and I am an Irish
25 Catholic.

00293

1 Q. Did you tell the story in New York
2 at the dinner party hosted by Casey Ribicoff?

3 A. Casey Ribicoff. Yes, again, a
4 short version of it without -- I don't think
5 with details.

6 Q. Any mention of Gary Condit?

7 A. I don't know. It could have been.

8 It would have to be mentioned, yes. I mean,
9 he was the one involved with her. But it
10 was mostly about the horse whisperer.

11 Q. Well, I want to know did you or
12 did you not make reference to Gary Condit in
13 the horse whisperer story as you told it in
14 New York at the Ribicoff function?

15 A. I am sure I mentioned his name,
16 yes. I am sure I did.

17 Q. Do you recall what you said about
18 him when you mentioned his name?

19 A. I don't. I don't. It was ten
20 people for dinner. I didn't get up. I
21 didn't -- it wasn't like a speech. It was
22 dinner conversation.

23 Q. Have you ever sought to speak with
24 any the people at either the Trader Vic's
25 party or the Ribicoff party to see what they

00294

1 recalled about your version of the horse
2 whisperer story?

3 A. Yeah, I have, in fact.

4 Q. Who have you spoken with in that
5 regard?

6 A. Casey Ribicoff. With Wendy Stark.
7 I haven't talked with Gore. I mean, nobody
8 seems to kind of --

9 MR. LiCALSI: He just asked you
10 who had you spoke to.

11 Q. (By Mr. Wood) You understand my
12 question? Anybody that you have spoken with
13 that was either at the Trader Vic's party in
14 LA or the New York function by Ms.
15 Ribicoff --

16 A. Yeah.

17 Q. -- to ask them about what they
18 recalled about what you said about the horse
19 whisperer story.

20 A. I have.

21 Q. Anybody other --

22 A. But nobody has had any specific
23 mention of it.

24 MR. LiCALSI: Listen to the
25 question. He is asking you can you name such

00295

1 persons other than you have already named
2 that you've spoken with since the party.

3 THE WITNESS: Wendy. I can't
4 really.

5 Q. (By Mr. Wood) Do you recall what
6 they told you?

7 MR. LiCALSI: Objection. He has
8 identified a few people. The way you've
9 asked it is a compound question.

10 Q. (By Mr. Wood) Well, do you recall
11 what any one of those individuals told you?

12 A. Yes.

13 Q. All right. Well, tell me the name
14 of the person and what they said to you?

15 A. Okay. But it is all like a
16 generality. I mean, you got to understand
17 something, Mr. Wood. These are people who go
18 out to dinner every night or six nights a

19 week. You hear the latest news. You know,
20 these are high circles. You hear hot news
21 that is going on. And, you know, they
22 talked about Alfred Taubman for six months.
23 They've talked about Lord Black now for six
24 months. It's the hot -- whatever is the hot
25 thing.

00296

1 And then, you know, you hear so
2 much. I mean, I just asked Casey Ribicoff
3 the other day, I said what did I say that
4 night? And she said, I don't know, I don't
5 remember. You talked about the horse
6 whisperer and the -- I don't remember the
7 specifics.

8 Q. Isn't that sort --

9 A. It is not like an organized
10 speech. It's like you start talking at
11 dinner like I am talking across to you right
12 now. It is not like I am, you know, the
13 authority on the matter. I told a version
14 of the horse whisperer, which was an
15 extraordinary experience.

16 MR. LiCALSI: He has asked you
17 what you remember the people you've talked to
18 said.

19 THE WITNESS: Well, they don't
20 seem to remember any specifics.

21 Q. (By Mr. Wood) The fact is you
22 don't remember any specifics?

23 A. That's right.

24 Q. You don't know what you said about
25 it. You just say today that you gave some

00297

1 shortened version at both functions; right?

2 A. Yeah.

3 MR. LiCALSI: And he also answered
4 your question of what people told him whom he
5 inquired afterward.

6 MR. WOOD: Was that an objection?

7 MR. LiCALSI: I think you were --

8 MR. WOOD: Just another gratuitous
9 comment.

10 MR. LiCALSI: Well, you can call
11 it what you like.

12 MR. WOOD: Well, I don't see any
13 objection there.

14 Q. (By Mr. Wood) Mr. Dunne --

15 A. Sir.

16 Q. -- are you sure that at either of
17 those functions you did not make any
18 statements about Mr. Condit going to Middle
19 Eastern embassies and making any statements
20 about Chandra Levy or a young woman that he
21 was trying -- that he was having problems
22 with; did you leave that part out, are you
23 certain?

24 A. I don't remember doing it.

25 Q. You don't remember saying it?

00298

1 A. Saying it, yeah.

2 Q. Did you leave out of the story at
3 both parties any reference to Gary Condit

4 creating the environment that led to her
5 abduction?

6 A. I just don't remember.

7 Q. You don't know whether you said it
8 or --

9 A. I don't.

10 Q. -- or you didn't say it?

11 A. That's right.

12 Q. And the fact is you don't know
13 whether you made any reference to him with
14 respect to being at Middle Eastern embassies
15 or not; do you?

16 A. No, I don't.

17 MR. LiCALSI: Asked and answered.

18 Q. (By Mr. Wood) You may have; you
19 may not have?

20 A. That's correct.

21 Q. You didn't specifically leave it
22 out or intentionally leave it out; did you?

23 MR. LiCALSI: Objection. He's

24 already answered the question.

25 MR. WOOD: What was his answer?

00299

1 Did he intentionally leave it out?

2 MR. LiCALSI: He said he didn't
3 remember if he said it. How can he --

4 MR. WOOD: I didn't ask --

5 MR. LiCALSI: No, no, no, no. He
6 told you he didn't remember what he said.

7 How can he answer if he intentionally left
8 something out that he can't remember whether
9 he said or not.

10 MR. WOOD: Are you through?

11 MR. LiCALSI: Yeah.

12 Q. (By Mr. Wood) Sir, was there
13 anything in your mind's eye that would lead
14 you to believe at that time that you might
15 have intentionally omitted any references about
16 Gary Condit and the Middle Eastern embassy or
17 creating the environment that led to Chandra
18 Levy's disappearance?

19 MR. LiCALSI: Objection. It is
20 unintelligible.

21 THE WITNESS: I simply don't
22 remember if I said it or not.

23 Q. (By Mr. Wood) I understand. But
24 looking back in your mind's eye, do you
25 recall having any concerns that might have

00300

1 led you not to say anything about Mr. Condit
2 and Middle Eastern embassies or creating the
3 environment that led to Chandra Levy's
4 disappearance when relating the horse whisperer
5 story after December 20, 2001?

6 MR. LiCALSI: Objection, calls for
7 speculation.

8 THE WITNESS: I mean, the only
9 time I recall doing it was on -- where now,
10 on the radio show, on the Laura Ingraham
11 radio show I certainly said that.

12 Q. (By Mr. Wood) And again, what you
13 are telling me is you don't know whether you
14 said it anywhere else or not?

15 A. I don't.
16 Q. I think I was -- I thought I was
17 right. And maybe I have taken this out of
18 context, but there was some challenge to my
19 saying that you had upwards of 40 phone calls
20 after --
21 A. No, that is absolutely absurd.
22 Q. Maybe I am taking it incorrectly.
23 In your March 2002 -- have we
24 marked this as an exhibit? It is number
25 three. Dunne-3?

00301

1 MR. LiCALSI: Yeah, can you tell
2 him where you are referring?
3 Q. (By Mr. Wood) It started: I had
4 the good fortune of spending Christmas at the
5 country home of my son Griffin in Rhinebeck,
6 New York. In reading down, you then go
7 along and say: Between --
8 A. Oh, it does say 40.
9 Q. Between my apartment in New York
10 and house in Connecticut, I had 40 messages
11 on the answer machines, many from reporters,
12 who were also friends, but I didn't return
13 any of them. What had happened was this.
14 And then you go on to relate that you had
15 been on The Laura Ingraham Show, and you told
16 the story; right?
17 A. Yes.
18 Q. So I was correct --
19 A. Yes.
20 Q. -- that you had upwards of 40
21 phone calls after you made this appearance on
22 The Laura Ingraham Show, some of whom were
23 from reporters, some of whom were from
24 friends, some of whom were from reporters who
25 were friends about the appearance; right?

00302

1 A. That is correct.
2 Q. Okay. My faith in myself is
3 restored.
4 A. I am sorry. I am sorry. I
5 wasn't --
6 Q. It really wasn't horribly damaged.
7 MR. LiCALSI: I am sure it would
8 take a lot to damage that.
9 MR. WOOD: That is true. We have
10 found something we can agree on.
11 MR. LiCALSI: I knew there was
12 hope.
13 THE VIDEOGRAPHER: Going off the
14 record at 4:11 p.m.
15 (Whereupon, a recess was taken at
16 this time.)
17 (Whereupon, Exhibit-Dunne-8 was
18 marked for identification.)
19 THE VIDEOGRAPHER: Returning to the
20 record at 4:18 from 4:11.
21 Q. (By Mr. Wood) I want to hand you
22 what has been marked for purposes of
23 identification as Dunne-8 and ask you, sir,
24 is that a true and correct copy of your
25 reply to Gore Vidal's letter to the editor in

00303

1 Vanity Fair?

2 A. (Witness reviews document.)

3 Q. Is that a true and correct copy --

4 you are the diarist. It says diarist's

5 reply. That is Dominick Dunne's reply?

6 A. That is me.

7 Q. And this is referring to the

8 Beverly Hills dinner party at Trader Vic's;

9 right?

10 A. Right.

11 Q. And you make the statement at the

12 end of your letter: I thought you were in a

13 mean and miserable mood because your defense

14 of Timothy McVeigh, whom you referred to as a

15 patriot, had been such a colossal flop that

16 it embarrassed the room before nearly clearing

17 it, while I at least held the attention of

18 the table by talking about Gary Condit and

19 Chandra Levy. It's as simple as that.

20 Have I read that correctly?

21 A. Uh-huh (affirmative.)

22 Q. Your words?

23 A. Uh-huh (affirmative.)

24 Q. Are those words true?

25 A. Those are true.

00304

1 Q. So you did talk about Gary Condit
2 at that dinner party; didn't you?

3 A. I've already told you that.

4 Q. You talked about Gary Condit and
5 Chandra Levy; true?

6 A. Yes.

7 Q. Have you or anyone acting on your
8 behalf taken any steps to have any criminal

9 prosecution of Marti Shelton for what you
10 referred to as her efforts to extort money

11 from you about by making up E-mails

12 referencing Gary Condit?

13 MR. LiCALSI: I'm going to object.
14 He'll be able to answer, but I'm going to

15 object that this has no relevance to any
16 issue in this case.

17 THE WITNESS: But, yes, I will
18 tell you, I never wrote those E-mails in

19 which the initials GC --
20 MR. LiCALSI: The question is have

21 you taken any steps to have her prosecuted.
22 MR. WOOD: Here is what I want to

23 know. Let me withdraw it.
24 THE WITNESS: She is in jail.

25 Q. (By Mr. Wood) I understand.

00305

1 That's my only thing. You had nothing to do
2 with that; did you?

3 A. No.

4 Q. Or you didn't ask anybody to see
5 about having her put in jail?

6 A. No.

7 Q. That is a different subject. I am
8 asking you, and here is what I understand.
9 You know that she contacted Mark Goidell,

10 sent E-mails. You say that she didn't --

11 they are not authentic, that she made them
12 up. Okay? Am I right so far?

13 A. Yes.

14 Q. And that she did so in an effort
15 to try to extort money from you?

16 A. Yeah.

17 Q. And my question is whether you
18 have taken any steps to have her criminally
19 prosecuted for her efforts at what you
20 describe to extort money from you, the crime
21 of extortion?

22 A. Now, I am not actually sure --

23 MR. LiCALSI: What do you recall?

24 Did you report, have someone report the
25 crime?

00306

1 THE WITNESS: Oh, yes. Yes,

2 indeed. I tell you --

3 MR. LiCALSI: Let him --

4 MR. WOOD: No, no, no. Wait a
5 minute. You just tell him something, and I
6 want to follow up on it.

7 MR. LiCALSI: I didn't tell him.
8 I said did you have someone report the crime
9 for you.

10 MR. WOOD: Thank you.

11 Q. (By Mr. Wood) And your answer was
12 yes. Who reported the crime for you?

13 A. It was a -- it was when I was in
14 France at the Cannes Film Festival, and it
15 came out in the New York Post with a writer
16 called Keith Kelly that I had sent these
17 E-mails --

18 Q. Can I stop you?

19 MR. LiCALSI: Hold on a second.

20 Let him finish his answer.

21 MR. WOOD: Because of your

22 self-imposed rule here that I've got to --

23 Q. (By Mr. Wood) I want an answer to
24 the question who reported the crime for you,
25 that would be a name --

00307

1 A. Okay.

2 Q. -- not an explanation that takes
3 up a lot of time.

4 A. Okay. Okay, okay. I'm sorry.

5 Q. Who reported the crime?

6 A. A lawyer in France with whom I had
7 done another case with called Michael
8 Griffith. And Michael Griffith, from France,
9 contacted Virginia where she was from and got
10 a 62-page wrap sheet from her and 11 aliases
11 from her.

12 Q. Do you know who reported the crime
13 to authorities?

14 A. Michael Griffith.

15 Q. Who did he report it to?

16 A. He reported it to a lawyer first,
17 I believe, in Virginia called, oh, God,
18 Zwellman.

19 Is that right? Do you know -- I
20 think his name is --

21 I can easily get that for you.

22 I've never met him.

23 Q. Do you know what authorities, law
24 enforcement authorities, it was reported to?

25 A. Actually, I don't. But I know she
00308 1 was arrested, I know that.

2 Q. In connection with what she tried
3 to do to extort money from you?

4 A. Well, she was wanted already in
5 Pennsylvania for some other thing. I don't
6 know if she was arrested for me or not.

7 Q. But you intended for someone to
8 report her efforts to extort money from you
9 to the law enforcement authorities?

10 A. Yeah.

11 Q. And you understand that that was
12 accomplished; right?

13 A. Yeah, it was accomplished.

14 Q. How long ago?

15 A. Because she -- how long ago?

16 MR. LiCALSI: How long ago.

17 THE WITNESS: Did all this happen?

18 MR. LiCALSI: No. How long ago

19 was it accomplished that someone reported the
20 crime that you were --

21 THE WITNESS: It was after I came
22 back from France. It was -- this is just a
23 guess.

24 MR. LiCALSI: Don't guess.

25 Q. (By Mr. Wood) Was it before or
00309 1 after Mr. LiCalsi began to represent you?

2 A. It was -- it was before.

3 MR. LiCALSI: I don't know.

4 THE WITNESS: I mean, I haven't

5 taken an active part in that.

6 MR. LiCALSI: Let him ask you a

7 question.

8 Q. (By Mr. Wood) Do you know when

9 that was done, your best time?

10 A. It was -- well, I was still with

11 Laura Handman at the time that these things
12 started.

13 Q. I am not asking you that.

14 A. I am trying to think out loud, if
15 you would just allow me to, please.

16 Q. Okay.

17 A. When the arrest was made, I mean,

18 I think that's only been like a week, a
19 week, two weeks, something like that.

20 She went to the Washington Post

21 also.

22 Q. Do you know when you had her

23 reported to authorities for trying to extort
24 money from you, sir?

25 A. I would think a couple of weeks
00310 1 back.

2 Q. From today?

3 A. A month maybe. I don't know for
4 sure.

5 Q. You believe sometime within the

6 last month?

7 A. I think so.
8 Q. I want you to do one last thing
9 for me before the time expires. I want you
10 to take a look at the amended complaint. I
11 don't know which exhibit number it is. Look
12 at page 26, if you would.

13 MR. LiCALSI: Where on page 26
14 would you like him to read?

15 MR. WOOD: Down under Condit get a
16 Dunne-ing, second paragraph, quote, He's one
17 of the great bleeps, end quote, Dunne told
18 the Track.

19 Did you read that with me?

20 THE WITNESS: Who is the Track?
21 Q. (By Mr. Wood) Inside Track column
22 of the Boston Herald.

23 Do you know what you said that was
24 bleeped out, he's one of the great --

25 A. I am sorry.

00311

1 MR. LiCALSI: It assumes he said
2 that. As you pointed out the other day,
3 people are often misquoted.

4 Q. (By Mr. Wood) Do you remember
5 making the quote, he's one of the great --

6 A. No, I don't.

7 Q. And then --

8 A. Who am I talking about here, Gary?

9 MR. LiCALSI: It just says the
10 Track.

11 Q. (By Mr. Wood) Talking about --

12 MR. LiCALSI: Don't -- just listen
13 to his questions and answer his questions.

14 THE WITNESS: Okay. All right.

15 Q. (By Mr. Wood) You don't recall
16 making any statement to that effect about
17 Gary Condit?

18 A. I don't.

19 Q. And then go back, please --

20 A. Which newspaper is that?

21 Q. Boston Herald.

22 Do you --

23 MR. LiCALSI: We are at 4:30, so
24 maybe one more question.

25 MR. WOOD: Well, if I ask one

00312

1 more question, then I don't get to follow up
2 or anything.

3 THE WITNESS: Go ahead.

4 MR. LiCALSI: No, no, no, no.

5 MR. WOOD: I appreciate your
6 willingness, Mr. Dunne, but your lawyer, I
7 don't think, is going to be as willing.

8 Are you taking the position again,
9 because it is 4:30 and we started at 1:00,
10 that we are done for today?

11 MR. LiCALSI: You had the
12 equivalent of a seven-hour day with this
13 witness. That is what the court ordered, and
14 that is what we are doing.

15 MR. WOOD: Well, I don't read the
16 court's order that way. I read the court's
17 order to say that I am entitled to seven

18 hours of deposition and that what the intent
19 of the agreement was with Laura Handman and
20 myself was that that seven-hour-deposition
21 right would be divided into two days at the
22 request of Ms. Handman that I agreed to. That
23 is what the deal was, and that is what was
24 in the consent order.

25 And what you turned that into is

00313

1 you've turned it into a situation where I
2 have now how many hours on the record?

3 THE VIDEOGRAPHER: Five hours and
4 23 minutes.

5 MR. WOOD: I have five hours and
6 23 minutes on the record in this deposition.
7 I am entitled to seven hours. And it was
8 never the intent that I was going to come up
9 here and go in two-and-a-half-hour,
10 three-and-a-half-hour segments and not get a
11 seven-hour deposition so that I would have to
12 come back a third time. But that is what
13 you have done.

14 You have created a situation where
15 now in order to finish this deposition I am
16 going to be put to the trouble and expense
17 of having to come up here for a third day to
18 finish it. And that was not the deal made
19 by Laura Handman and me. And I don't think
20 that any reasonable construction of the
21 court's order would support the idea that it
22 was intended to be anything other than that,
23 Paul.

24 But as I said yesterday, I can't
25 make you do the right thing. I am entitled

00314

1 to more time, so the deposition is not
2 completed. The deposition is adjourned to be
3 completed at another time by agreement,
4 notice, or court order.

5 That's your position?

6 MR. LICALSI: That is my position.

7 MR. WOOD: Okay.

8 THE VIDEOGRAPHER: This ends the
9 deposition for the day at 4:31 p.m. on
10 September 30, 2004. This is the end of tape
11 number four.

12 (Whereupon, the deposition is
13 adjourned.)

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00315

1 STATE OF GEORGIA:
2 COUNTY OF FULTON:

3 I hereby certify that the foregoing
4 transcript was reported, as stated in the
5 caption, and the questions and answers
6 thereto were reduced to typewriting under my
7 direction; that the foregoing pages represent
8 a true, complete, and correct transcript of
9 the evidence given upon said hearing, and I
10 further certify that I am not of kin or
11 counsel to the parties in the case; am not
12 in the employ of counsel for any of said
13 parties; nor am I in any way interested in
14 the result of said case.

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00316

1 Disclosure Pursuant to Article
2 8(B) of the Rules and Regulations of the
3 Board of Court Reporting of the Judicial
4 Council of Georgia, I make the following
5 disclosure:

6 I am a Georgia Certified Court
7 Reporter, here as a representative of
8 Alexander Gallo & Associates, Inc., to report
9 the foregoing matter. Alexander Gallo &
10 Associates, Inc., is not taking this
11 deposition under any contract that is
12 prohibited by O.C.G.A. 5-14-37 (a) and (b).

13 Alexander Gallo & Associates,
14 Inc., will be charging its usual and
15 customary rates for this transcript.

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Alexander J. Gallo, CCR B-1336, CRR

00317

CAPTION

2 The Deposition of Dominick Dunne,
3 taken in the matter, on the date, and at the
4 time and place set out on the title page
5 hereof.

6 It was requested that the deposition
7 be taken by the reporter and that same be
8 reduced to typewritten form.

9 It was agreed by and between counsel
10 and the parties that the Deponent will read
11 and sign the transcript of said deposition.

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00318

1 CERTIFICATE
2 STATE OF :
3 COUNTY/CITY OF :
4 Before me, this day, personally
5 appeared, Domi nick Dunne, who, being duly
6 sworn, states that the foregoing transcript
7 of his/her Deposition, taken in the matter,
8 on the date, and at the time and place set
9 out on the title page hereof, constitutes a
10 true and accurate transcript of said
11 deposi ti on.

12
13 Domi ni ck Dunne

14 .
15 SUBSCRIBED and SWORN to before me this
16 day of , 2004 in the
17 juri sdi cti on aforesai d.

18
19 My Commi ssi on Expi res Notary Publ ic

20 .
21 No changes made to the Errata Sheet;
22 therefore, I am returning only this signed,
23 notari zed certi fi cate.
24 I am returning this signed, notari zed
25 certi fi cate and Errata Sheet wi th changes noted.

00319

1 DEPOSITION ERRATA SHEET

2 .
3 RE: Alexander Gallo & Associates
4 File No. 4052
5 Case Capti on: Gary Condi t vs.
6 Domi ni ck Dunne

7
8 Deponent: Domi ni ck Dunne
9 Deposi ti on Date: September 30, 2004

10 .
11 To the Reporter:
12 I have read the entire transcript of my
13 Deposition taken in the captioned matter or
14 the same has been read to me. I request
15 that the following changes be entered upon
16 the record for the reasons indicated. I
17 have signed my name to the Errata Sheet and
18 the appropriate Certi fi cate and authori ze you
19 to attach both to the original transcript.

20 .
21 Page No. Li ne No. Change to:

22
23 Reason for change:
24 Page No. Li ne No. Change to:

25
00320

1 Reason for change:
2 Page No. Li ne No. Change to:
3

4 Reason for change:
5 Page No. Li ne No. Change to:
6

7 Reason for change:
8 Page No. Li ne No. Change to:
9

10 Reason for change:
11 Depositi on of Domi ni ck Dunne
12 .

13 Page No. Li ne No. Change to:
14

15 Reason for change:
16 Page No. Li ne No. Change to:
17

18 Reason for change:
19 Page No. Li ne No. Change to:
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21 Reason for change:
22 Page No. Li ne No. Change to:
23

24 Reason for change:
25 Page No. Li ne No. Change to:

00321

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2 Reason for change:
3 Page No. Li ne No. Change to:
4

5 Reason for change:
6 .
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8 SI GNATURE: _____ DATE: _____
9 Domi ni ck Dunne.

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