

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ALBANY

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CAROLINE CARTWRIGHT, MATTHEW NELSON,  
JOSEPH R. RHONE, JR., and ALEXANDER  
PEASE,

Petitioners-Objectors,

-against-

INDEX NO.:  
906349-24

ROBERT F. KENNEDY, JR., NICOLE SHANAHAN,  
DONNA L. HARRIS, DAWN M. D'ARCANGELO,  
ROSS W. ELAKMAN, ALAN S. GOMPERS,  
LISA B. JACQUES, KEVIN J. MADONNA,  
VICTORIA E. MADONNA, PHILIP J. MARESCO,  
JENSUH Y. McCORMACK, JAVIER EDUARDO  
MERIZALDE, JENNIFER MEYERSON, KENNETH  
A. NOGA, MARY C. O'DONNELL, GINA M.  
KRAUSE, VALENTIN PARKS JR., NANCY V.  
PIERRO, TERESA E. POLSKY, VARIN D. SAWH,  
LAWRENCE P. SCHNAPF, CELESTE L. SHEAR,  
JEHANZEB SYED, EILEEN S. TEPPER, BRUCE T.  
THORNE, LITA L. THORNE, JOSHUA VOGEL,  
KRISTIN ANN MARIE WHITE, KELLY A. ZANETO  
AND SUSAN PETERS,

Respondents-Candidates,

-and-

HENRY T. BERGER, PETER S. KOSINSKI, EMMA  
BAGNUOLA and ANTHONY J. CASALE,  
Commissioners constituting the New York  
State Board of Elections,

Respondents.

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\*HEARING EXCERPT\*

Albany County Courthouse  
16 Eagle Street  
Albany, NY 12207  
August 6 and 7, 2024

HELD BEFORE: HON. CHRISTINA L. RYBA  
Supreme Court Justice

APPEARANCES: HARRIS BEACH PLLC  
333 Earle Ovington Boulevard  
Uniondale, New York 11553  
BY: KEITH CORBETT, ESQ.  
Attorneys for Petitioners-Objectors

KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, 63rd Floor  
New York, NY 10118  
BY: JOHN QUINN, ESQ.  
KATE HARRIS, ESQ.  
JOSEPH POSIMATO, ESQ.  
Attorneys for Petitioners-Objectors

LAW OFFICE OF HOWARD COLTON, PLLC  
53 East Merrick Road, Suite 237  
Freeport, NY 11520  
BY: HOWARD COLTON, ESQ.  
Attorney for Petitioners-Objectors

WOODS OVIATT GILMAN LLP  
1900 Bausch & Lomb Place  
Rochester, NY 14604  
BY: WILLIAM F. SAVINO, ESQ.  
F. MICHAEL OSTRANDER, ESQ.  
Attorneys for Respondents-Candidates

1                   **ROBERT F. KENNEDY, JR.**, having been duly sworn,  
2 was examined and testified as follows:

3                   THE CLERK: Robert F. Kennedy, Jr., duly sworn.

4                   MR. SAVINO: Your Honor...

5                   THE COURT: Yes?

6                   MS. SAVINO: Mr. Kennedy has a disorder called  
7 spasmodic dysphonia and it is a neurological problem. So  
8 we're all going to have to be sensitive to the fact that  
9 his vocal cords suffer from this challenge and we're just  
10 all going to try to make sure that he stays close to the  
11 microphone so we get a good record.

12                  THE COURT: Yes. I'm sure Colleen will make  
13 sure of that.

14                  MR. CORBETT: And, Your Honor, to the respect we  
15 can, I want to publically state that part of the reason  
16 I'm being closer to him is so that he and I can at least  
17 hear each other and the court reporter can hear so we can  
18 actually get a valid transcript for these proceedings.

19                  THE COURT: Mr. Savino, do you want to move over  
20 to the jury box?

21                  MR. SAVINO: I would love it. Thank you, Judge.

22                  MR. CORBETT: Don't get too close, Bill.

23                  THE WITNESS: My voice is not that bad.

24                  MR. CORBETT: Your attorney brought it up,  
25 Mr. Kennedy.

1 MS. SAVINO: I'm playing it safe.

2 DIRECT EXAMINATION

3 BY MR. CORBETT:

4 Q. Mr. Kennedy, good afternoon. How are you today?

5 A. Good afternoon.

6 Q. I just wanted to state by opening we appreciate you  
7 being here in person. As you know from some of the technical  
8 difficulties and you are a central piece to this case, you  
9 being here in person is very helpful I think to the Court and  
10 all of us, so I just want to say thank you for attending so we  
11 can get this done in the appropriate manner. Thank you.

12 A. Thank you, Counsel, I appreciate it.

13 Q. Mr. Kennedy, are you currently a candidate for the  
14 public office of President of the United States?

15 A. Yes, I am.

16 Q. And are you a candidate for that public office in the  
17 State of New York?

18 A. Yes.

19 Q. And to be a candidate in the State of New York did  
20 you run on a party line or an independent body line?

21 A. I ran as an independent.

22 Q. Okay. And, Mr. Kennedy, the reason I'm asking is  
23 there used to be a party in New York named the Independent  
24 Party. That's not the party you're running for?

25 A. No, sir.

1 Q. Okay. Are you running for a body named the We the  
2 People?

3 A. Yes.

4 Q. So you're not a democratic candidate for President of  
5 the United States?

6 A. Not anymore.

7 Q. You're not a Republican candidate for President of  
8 the United States?

9 A. No.

10 Q. And at some point you filed Independent Nominating  
11 Petitions for you to be placed on the ballot on behalf of the  
12 independent body We the People, correct?

13 A. Yes.

14 MR. CORBETT: Your Honor, I'm just going to show  
15 to the witness what's already been premarked, and it was a  
16 Joint Exhibit of all the parties, the cover sheet and the  
17 first page of that petition.

18 THE COURT: Okay, please proceed.

19 BY MR. CORBETT:

20 Q. Mr. Kennedy, if you could please just look at this  
21 document for me and tell me when you're ready. Do you  
22 recognize that document, Mr. Kennedy?

23 A. I know what it is. I don't know if I've seen it  
24 before. I don't see my signature on it.

25 Q. Okay. How about this, let's look at the first page.

1 The top of that page do you see the words cover sheet?

2 A. Yes.

3 Q. Okay. And then you see in the preamble what that's  
4 the cover sheet for? Do you see that?

5 A. Yes.

6 Q. And what does that state?

7 A. It's Independent Nominating Petition Independent Body  
8 We the People.

9 Q. Excellent. And does it state who it's submitting it  
10 for?

11 A. It's on behalf of the electors. And some names I  
12 don't recognize, but I know at least some of these are my  
13 electors.

14 Q. Okay. And at the bottom there do you see someone  
15 referred to as a contact person?

16 A. I see a signature of agent.

17 Q. Okay. And do you see who that is?

18 A. Susan Peters.

19 Q. Thank you. Do you know Susan Peters?

20 A. Yes, I do.

21 Q. How do you know Susan Peters?

22 A. She works for my campaign.

23 Q. And what is her position with your campaign?

24 A. She is part of a ballot access. The field team for  
25 ballot access.

1 Q. Is that the field team -- was that the field team for  
2 New York or the field team for other states as well?

3 A. She does many states.

4 Q. Okay. Is it fair to say she is kind of the chief  
5 officer for all ballot access across the country?

6 A. I think that would be Nick Brana.

7 Q. Okay. And does she work for Nick Brana?

8 A. Yes, I believe so.

9 Q. And what was Nick Brana's title?

10 A. I think he's the national director for ballot access.

11 Q. Ballot access. And you are attempting to get on the  
12 ballot in all 50 states?

13 A. Yes.

14 Q. And you have a fully funded ballot access to do so?

15 A. Yeah.

16 Q. Mr. Kennedy, if you could, if you could just turn to  
17 the second page, if you don't mind. And, yes, take your time.  
18 Are you ready, Mr. Kennedy?

19 A. Yes.

20 Q. If you look, it's closer to the top but below the  
21 paragraph, there's a name of a candidate. Do you see that?

22 MR. CORBETT: Could I approach just to --

23 THE COURT: Yes.

24 A. Yes.

25 Q. If you don't mind, Mr. Kennedy?

1           A.    Sure.

2           Q.    I know it's kind of small, these petitions.  But  
3 specifically I'm referring you to right here the name of the  
4 candidate.  These are the electors.  Just right here, if you  
5 don't mind.

6           A.    Robert F. Kennedy, Jr.

7           Q.    You see that petition states your name?

8           A.    Yes.

9           Q.    And is your name spelled correctly?

10          A.    Yes.

11          Q.    Excellent.  And also next to that to the right it  
12 states a public office, correct?

13          A.    President of the United States.

14          Q.    And that's the public office on that document,  
15 correct?

16          A.    Yes.

17          Q.    And then next to that it states a residence; is that  
18 correct?

19          A.    Yes.

20          Q.    And what residence is put there?

21          A.    84 Croton Lake Road, Katonah, New York 10536.

22          Q.    And below there you see a bunch of signatures,  
23 correct?

24          A.    Yes.

25          Q.    And is it your understanding that those signatures



1 were placed on various pieces of paper just like that in order  
2 for you to be nominated for the --

3 A. Yes.

4 Q. -- just let me finish, Mr. Kennedy -- for the public  
5 office of President of the United States on the We the People  
6 independent body line?

7 A. Yes.

8 Q. Excellent. And when those individuals signed that  
9 petition, you would agree that they were signing on behalf of  
10 Robert F. Kennedy for public office of President of the United  
11 States, residing at 84 Croton Lake Road, Katonah, New York?

12 MR. SAVINO: Objection.

13 THE COURT: What is the basis?

14 MR. SAVINO: That's actually a compound  
15 question. He's saying that they're relying in some way on  
16 each of those components. And I think it needs to be  
17 broken out.

18 THE COURT: Do you want to respond to the  
19 objection?

20 MR. CORBETT: Your Honor, the document speaks  
21 for itself. Right above -- if you need me to, I can point  
22 to -- where it says in witness hereof I hereto set my  
23 hand, how --

24 THE COURT: I'm going to overrule the objection  
25 and allow him to answer if he can.

1 MR. CORBETT: Thank you, Your Honor.

2 THE WITNESS: Can I ask you to clarify?

3 MR. CORBETT: Hold on, I'll tell you what we'll  
4 do, Mr. Kennedy. Can you please read back that last  
5 question?

6 (The Court Reporter read back the requested  
7 material.)

8 By MR. CORBETT:

9 Q. That's your understanding, correct?

10 A. I think they were signing up to support me. I don't  
11 think -- I can only speculate.

12 Q. What is your belief? Whatever you believe is all I'm  
13 asking.

14 A. Yeah, I wouldn't -- I think most of these people  
15 probably did not care what my address is. Was it 83 Croton  
16 Lake or 84 or whatever.

17 Q. But you would agree when those people signed you  
18 listed that address as 84 Croton Lake Road?

19 A. My address is 84 Croton Lake Road.

20 Q. And more importantly. That's what's listed on that  
21 petition?

22 A. Yes, sir.

23 Q. Thank you. Are you currently married?

24 A. Yes.

25 Q. And who are you married to?

1 A. Cheryl Hines.

2 Q. And when did you and Ms. Hines get married?

3 A. 2014, August 2nd.

4 Q. Where does Cheryl Hines reside?

5 A. In 2975 Mandeville Canyon. California.

6 Q. In Brentwood, correct?

7 A. Yes.

8 Q. And you got married I thought you said in 2014? Was  
9 that correct?

10 A. Yes.

11 Q. Do you remember there came a time when you wanted to  
12 run for the office of President where you had to file documents  
13 with the Federal Election Commission?

14 A. I would believe that. I don't remember the incident  
15 that you're talking about.

16 MR. CORBETT: Your Honor, I'm going to hand to  
17 counsel -- we've already stipulated to the authenticity of  
18 it. A copy if you don't mind if I approach?

19 THE COURT: Yes.

20 MR. CORBETT: Thank you.

21 BY MR. CORBETT:

22 Q. Mr. Kennedy, if you could just take a look at this  
23 document. Let's let Ms. Neal see it first. Can you please  
24 take a look at this?

25 A. Yes.

1 Q. It's Petitioner's 10 for ID. Mr. Kennedy, what is  
2 that document?

3 A. It's FEC form 2 Statement of Candidacy.

4 Q. The Statement of Candidacy, correct?

5 A. Yes.

6 Q. And that's your Statement of Candidacy for the public  
7 office of President of the United States, correct?

8 A. Yes.

9 Q. And that was filed on your behalf with the Federal  
10 Election Commission to run for that public office; is that  
11 correct?

12 A. Yes.

13 Q. Can you please read for me the address? It's the  
14 second line from the top underneath your name.

15 A. I want to put out my signature is not on this form.

16 Q. Mr. Kennedy, this is going to go a lot smoother, I'm  
17 just going to ask questions, we can't have statements. And I'm  
18 just asking that you please comply and just answer.

19 A. It's Kennedy, Robert F. Jr.

20 Q. And the address?

21 A. 2975 Mandeville Canyon.

22 MR. CORBETT: Your Honor, I would ask that this  
23 be placed into evidence. He's acknowledged that it's his  
24 Statement of Candidacy for the public office at issue in  
25 this proceeding and at this point we would move that that

1 be admitted into evidence.

2 THE COURT: Any objection?

3 MR. SAVINO: No objection.

4 THE COURT: Received.

5 (Petitioner's Exhibit 10 was marked for  
6 identification.)

7 THE WITNESS: Your Honor, would it be okay if I  
8 had a pen and paper up here?

9 MR. CORBETT: No.

10 THE COURT: I don't think that's -- well, I'll  
11 ask if there is an objection to having --

12 MR. CORBETT: There is an objection to having  
13 pen and paper. I can give you a water.

14 THE WITNESS: I'll take it.

15 MR. CORBETT: I figured you would.

16 THE WITNESS: Even better.

17 THE COURT: Since there's an objection I'm not  
18 going to allow pen and paper.

19 THE WITNESS: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 BY MR. CORBETT:

22 Q. Mr. Kennedy, I noticed you -- on that Statement of  
23 Candidacy you just looked at you didn't see your signature?  
24 Correct, that's what you --

25 A. Yes, sir.

1 Q. Isn't it true you electronically signed that  
2 document?

3 A. I don't know.

4 Q. As you sit here today you don't recall if you  
5 electronically signed the one document that acknowledges you  
6 want to run for President of the United States?

7 A. I probably signed close to 500 documents. I don't  
8 remember that one.

9 Q. But you don't remember if your electronic signature  
10 was on that document? Mr. Kennedy, if we could once again --

11 MR. CORBETT: Your Honor, it's still what we  
12 admitted into evidence, a Statement of Candidacy, and I  
13 want you to look at that bottom there.

14 THE COURT: Did I receive this, Colleen?

15 THE COURT REPORTER: Yes.

16 MR. CORBETT: Do you have it, Your Honor? I can  
17 get you a copy.

18 THE COURT: I just wanted to make sure that I  
19 received it into evidence.

20 BY MR. CORBETT:

21 Q. If you look, there's a certification of your  
22 electronic signature. Do you see that at the bottom?

23 A. Yes, it says electronically filed.

24 Q. So as you sit here now and you have that document,  
25 it's your testimony that you electronically signed that

1 Statement of Candidacy?

2 A. Yes, it is.

3 Q. Thank you, Mr. Kennedy, if I could just take that  
4 back. Mr. Kennedy, just out of curiosity do you have any motor  
5 vehicles registered in the State of New York currently as we  
6 sit here today?

7 A. Yes, I do.

8 Q. And how many vehicles do you have registered in the  
9 State of New York?

10 A. I have one.

11 Q. And what is that vehicle?

12 A. It's a Jeep.

13 Q. What color is that Jeep?

14 A. It's black.

15 MR. CORBETT: Your Honor, if I may approach?

16 THE COURT: Yes, thank you.

17 BY MR. CORBETT:

18 Q. I'm going to show you this document, Mr. Kennedy.  
19 When you get familiar with it, just let me know. Are you  
20 familiar with that -- have you had a chance to review the  
21 document, Mr. Kennedy? Mr. Kennedy? Are you still -- if  
22 you're still reviewing it, that's okay, take your time. Are  
23 you still reviewing it?

24 A. Yes.

25 Q. Okay. Do you recognize this document?

1 A. No.

2 Q. Okay. Can you read what it says at the top of the  
3 document, the name of the document?

4 A. It's abstract from the registration record from the  
5 Department of Motor Vehicles.

6 Q. That's great. And if you look at the vehicle it  
7 describes on the left, do you see that plate number KWF 7764,  
8 do you see that?

9 A. Yes.

10 Q. And does this appear to be the registration for that  
11 Jeep that is black that you just verbally testified to?

12 A. I don't know. I thought that that number began with  
13 ACE. I don't know.

14 Q. Okay. Do you actually have a black 2015 Jeep that is  
15 registered in the State of New York?

16 A. I don't know if that's the year, but I have a black  
17 Jeep.

18 Q. You have a black Jeep, okay. And this, just for the  
19 Court, is a certified record from New York State Department of  
20 Motor Vehicles that when registration was ran for your name,  
21 it's the only vehicle that popped up. And I think your  
22 previous testimony was you have one vehicle registered in the  
23 State of New York and it's a black Jeep, correct?

24 A. Yes.

25 Q. Okay. Can you please read me the address associated



1 with this black Jeep registered under your name in the State of  
2 New York?

3 A. It's 217 West 18th Street 1851.

4 Q. And that's in New York, New York?

5 A. Yes, sir.

6 Q. Which we both know is Manhattan, right?

7 A. Right.

8 Q. What's located at 217 West 18th Street in Manhattan?

9 A. My accountant.

10 Q. Your accountant?

11 A. Yes.

12 Q. And who is your accountant, sir?

13 A. It's Park Agency.

14 Q. I apologize. I didn't hear that one.

15 A. Park Agency.

16 Q. And who specifically at Park Agency do you work with  
17 to prepare your accountings?

18 A. Dimetro Fedorowski.

19 Q. And for how long has Dimetro Fedorowski been working  
20 with you to prepare your financial accountings?

21 A. Probably -- I don't know. I think maybe 30, maybe 40  
22 years.

23 Q. So you've had a long-standing relationship with this  
24 specific accountant?

25 A. Yes, sir.

1 Q. Does he also handle the financial accounts for other  
2 members of your family?

3 A. Yes.

4 Q. Mr. Kennedy, are you the beneficiary of any trust?

5 A. I'm not sure.

6 Q. That's fair. You're an attorney admitted in the  
7 State of New York, correct?

8 A. Yes.

9 Q. You still have --

10 A. Can I just clarify my answer? I know that I had a  
11 trust a very small trust until recently, but I think it was  
12 liquidated.

13 Q. Is that a trust that was associated with your family  
14 and other family members or just associated with yourself?

15 A. No, it's a family trust.

16 Q. It's a family trust that -- do you remember the name  
17 of that trust?

18 A. I think it had -- I think it is called the 29 Trust.

19 Q. Understood. And it's your understanding that's a  
20 trust that you are beneficiary of with other members of your  
21 family?

22 A. Yes.

23 Q. Are there any other types of trusts that you are a  
24 beneficiary of?

25 A. There may be another trust called the 52 Trust.

1 Q. Okay. And is that a trust that is also associated  
2 with you and other members of your family?

3 A. Yes.

4 Q. And that trust is still in existence?

5 A. I don't know.

6 Q. These two trusts that you just testified to, does  
7 your accountant prepare any financial filings related to those  
8 two trusts?

9 A. Yes.

10 Q. Does he act as an agent? And, again, I know you're  
11 an attorney in the State of New York so I think you understand  
12 the term, but if you don't I can always clarify it. But does  
13 he act as an agent for that trust?

14 A. I think so.

15 Q. Is he the trustee for either of them?

16 A. I'm not sure if he is the trustee. One of my  
17 brothers may be the official trustee, I don't know.

18 Q. Understood. And Mr. Kennedy, just last on this thin  
19 line of questioning. Is it fair to say that all of your  
20 siblings are beneficiaries of the two trusts you're referring  
21 to?

22 A. Yes.

23 Q. Understood. So, Mr. Kennedy, are there any other  
24 trusts that you may be a beneficiary?

25 A. I don't think so. I could be mistaken, but I don't

1 think so.

2 Q. How about anything to deal with the real property  
3 that you may or may not own?

4 A. You mean is the real property owned by like an LLC or  
5 something or a trust.

6 Q. I mean is there a trust that was set up for you,  
7 maybe your wife or others to purchase real property?

8 A. There may have been in California.

9 Q. Mr. Kennedy, I think you said you got married in  
10 2014, correct?

11 A. Yes.

12 Q. Okay. And you previously had testified that you sold  
13 your home in Bedford, New York, do you remember that?

14 A. Yes.

15 Q. It was in your affidavits before the Court.

16 A. Yes.

17 Q. Do you remember when you sold your home in Bedford,  
18 New York?

19 A. I sold the home I think in 2012.

20 Q. In 2012?

21 A. I think so.

22 Q. You think so. Just hold for one second, Mr. Kennedy  
23 while we get these documents for you. I want to make sure you  
24 have everything in front of you.

25 MR. CORBETT: Your Honor, a copy for you, if I

1           may approach?

2                   THE COURT:   Yes.

3                   MR. CORBETT:   Thank you.

4           Q.    This was Petitioner's Exhibit 6 for ID.  Mr. Kennedy,  
5 if you could look at this document and please leave this one  
6 right here because we're still going to get that in.  What does  
7 that document appear to be, Mr. Kennedy?

8                   Mr. Kennedy, maybe if you flip to the second page it  
9 may be more helpful, but take your time.

10           A.   This looks like the deed to that house.

11           Q.   And would that be the deed for when you sold that  
12 property?

13           A.   Yes, that's what it is.

14           Q.   And if you don't mind, just for the record to be  
15 clear, can you just give me the address that deed is for?

16           A.   326 South Bedford Road.

17           Q.   Mr. Kennedy, I apologize, I did not hear that one.  
18 If you could --

19           A.   326 South Bedford Road.

20           Q.   Excellent.  And what was the year of that transfer?  
21 The deed is dated.

22           A.   It's November 2012.

23           Q.   If I could have the document back, please.  If you  
24 could, I just want to get you to the right page, Mr. Kennedy.

25                   MR. SAVINO:   Which exhibit did you hand him?

1 MR. CORBETT: It's the same exhibit he had. I'm  
2 focusing him on the second page, that's all I did.

3 MS. SAVINO: Got it. Pardon me for addressing  
4 counsel.

5 THE COURT: That's fine.

6 BY MR. CORBETT:

7 Q. Who was that property sold to? Do you see who  
8 purchased the property from you?

9 A. It looks like --

10 Q. Can you read the name?

11 MR. SAVINO: For the record, I think you're on  
12 the third page not the second page.

13 MR. CORBETT: He's been flipping the pages. I  
14 can --

15 A. I don't see where it's listed.

16 Q. Third page.

17 A. Okay.

18 Q. If we could just confirm that's what you're still  
19 looking at because you've been flipping those pages. I can  
20 help you if you'd like?

21 A. Why don't you show me what you're --

22 Q. Absolutely, Mr. Kennedy, that's not a problem. We  
23 are on the third page and we're looking at who the property was  
24 sold to by yourself.

25 A. It looks like 326 South Bedford Road, LLC.

1 Q. Okay. Do you have any interest in 326 Bedford Road,  
2 LLC?

3 A. Not that I know of.

4 Q. Does your family have any interest in 326 Bedford  
5 Road, LLC?

6 A. Not that I know of.

7 Q. Okay. So when you sold that property or sold it to  
8 an entity that is not affiliated with you or your family in any  
9 way?

10 A. I can't say that. I don't know that.

11 Q. As you sit here today you don't know?

12 A. I don't know.

13 MR. CORBETT: Your Honor, we've acknowledged and  
14 I think that we've had testimony that this is the deed for  
15 a transfer of property in the State of New York in Bedford  
16 in 2012. It was a transfer of Mr. Kennedy. We would ask  
17 that this be moved into evidence.

18 MR. SAVINO: No objection.

19 THE COURT: Received.

20 MR. CORBETT: Thank you.

21 (Petitioner's Exhibit 6 was received in  
22 evidence.)

23 BY MR. CORBETT:

24 Q. Mr. Kennedy, I'm going to bring you back to what we  
25 previously ID'd as Petitioner's 101. It was that driver's

1 abstract, if you remember, with the registration. If you could  
2 take a look at that.

3 A. Yes.

4 Q. In 2012 before you sold the Bedford address, okay,  
5 did you have any motor vehicles registered at the Bedford  
6 address? Not about the document, just a question right now.

7 A. I had vehicles that were registered in New York. I  
8 don't know if they were registered to the family office or to  
9 my address.

10 Q. Understood. And about how many vehicles did you have  
11 registered in the State of New York just prior to selling the  
12 Bedford home in 2012?

13 A. I may have had two.

14 Q. Okay. And those were probably mostly family  
15 vehicles?

16 A. Yeah, they were like minivans.

17 Q. Minivans?

18 A. Probably.

19 Q. Mr. Kennedy, you have multiple children?

20 A. Yes.

21 Q. How many children do you have?

22 A. Seven.

23 Q. And if you could, the ages of the children, from  
24 oldest to youngest. I know it's a tough one.

25 A. I make them wear name tags. My eldest is 40. And



1 then Kick is I think 35. And I think Connor was born in '93,  
2 so that would be 29. And then Finn is 26. Kera -- or -- did I  
3 say Kera?

4 Q. You just said her name, but you didn't give us the  
5 age I don't think.

6 A. She's 27, Connor is 26. All of these are estimates,  
7 by the way.

8 Q. And we won't tell them, I promise.

9 A. Well, they already know. And then Aiden is I  
10 think 22.

11 Q. Thank you, Mr. Kennedy, it's a lovely family.

12 A. And Kat is 20.

13 Q. Understood. In 2012 when you sold the Bedford home,  
14 right after that sale did you own any other property within the  
15 State of New York? Own.

16 A. There was a short period of time that I owned the  
17 property next door, but I don't think it was then.

18 Q. So is it your testimony that after you sold the  
19 Bedford property --

20 A. I didn't own it.

21 Q. -- you didn't own anymore property in New York?

22 A. No, I rented.

23 Q. Were any of those vehicles --

24 A. Oh, I may have owned a property at -- the property I  
25 lived in for a while at Rock Gate Farm Road I may have owned

1 that.

2 Q. But you're not certain?

3 A. I don't know whether I rented it or whether I owned  
4 it.

5 Q. And Mr. Kennedy, forgive me, but wasn't the Rock Gate  
6 property owned by you prior to 2012 and sold before the Bedford  
7 home?

8 A. Yes, it was. Thank you.

9 Q. That's okay, Mr. Kennedy, I appreciate it. Those  
10 cars that were registered in Bedford before the sale, were any  
11 of them registered to your accountant's office?

12 A. I don't know.

13 Q. Do you know when you started this registration at  
14 your accountant's office?

15 A. No.

16 MR. CORBETT: Your Honor, at this time we'd ask  
17 that we move into evidence a driving abstract that the  
18 candidate has testified to that recognizes the vehicle and  
19 that is an accountant's address.

20 MR. SAVINO: No objection.

21 THE COURT: Received.

22 MR. CORBETT: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 (Petitioner's Exhibit 101 was received in  
25 evidence.)

1 BY MR. CORBETT:

2 Q. When did you move to California?

3 A. I moved to California in 2014.

4 Q. And was the purpose of your move because you had now  
5 become married to Ms. Hines?

6 A. Yes, and one of us had to move.

7 Q. Understood. And when you first moved to California  
8 where did you move to? What was the address?

9 A. The first address was on Bellagio and I don't  
10 remember the number.

11 Q. Was that in Malibu?

12 A. No.

13 Q. It wasn't?

14 A. It was in Bel Air.

15 Q. And was that a rental property or an owned property?

16 A. That was a property she owned.

17 Q. She owned. Not in your name?

18 A. No.

19 Q. Did there come a time when both you and your now wife  
20 Ms. Hines purchased a property?

21 A. Yes.

22 Q. And what was the first home in California you  
23 purchased together?

24 A. It was on Fernhill Drive in Malibu.

25 Q. Was it 2077 Fernhill Drive?

1 A. That sounds right.

2 Q. Okay. We were talking about trusts earlier. When  
3 you and Ms. Hines bought that property did you buy it through a  
4 trust?

5 A. I don't know.

6 Q. Are you familiar with a trust known as the 2077  
7 Fernhill Trust?

8 A. No.

9 Q. 7055? No, you're not familiar with that?

10 A. No.

11 MR. CORBETT: I am going to give Mr. Savino a  
12 copy. Your Honor, if I may?

13 THE COURT: Yes.

14 MR. CORBETT: Thank you.

15 BY MR. CORBETT:

16 Q. This is Petitioner's Exhibit 28 as ID'd.  
17 Mr. Kennedy, I'm going to hand you that and if you could flip  
18 to the second page of that document.

19 A. Yes.

20 Q. Mr. Kennedy, what does that document appear to be?

21 A. It's a grant deed.

22 Q. Yes. For which property? Or for what property,  
23 excuse me.

24 A. For the Fernhill property. 7055 Fernhill. And this  
25 was a trust that was set up by Cheryl's office.

1 Q. Are you a beneficiary of that trust?

2 A. I hope so.

3 Q. So when I asked you earlier about -- and I understand  
4 there were many trusts you may have been a beneficiary of --

5 A. Yeah.

6 Q. You had two trusts with your family and I asked you  
7 something about real property.

8 A. Yeah.

9 Q. It's your testimony now that you are the beneficiary  
10 of the 7 --

11 A. I don't know if this --

12 Q. Let me finish.

13 A. Okay.

14 Q. Your testimony now is that you were the beneficiary  
15 of a 7055 trust when you bought that property in California?

16 A. Yes.

17 Q. Okay. And can you just for the record give us the  
18 address?

19 MR. CORBETT: Again, Mr. Savino, I'm taking him  
20 to page 3, I'm not trying to...

21 MS. SAVINO: Yes.

22 Q. The address of that property.

23 A. 7055 Fernhill. Fernhill Drive.

24 Q. Excellent. And the date of that sale and purchase?

25 A. August 19th, 2014.

1 Q. August 19, 2014. At the time that you and Ms. Hines  
2 purchased this property did you own any property in the State  
3 of New York?

4 A. No, I did not.

5 Q. When you moved into that property did you move  
6 personal belongings into the property?

7 A. Yes.

8 Q. I've been told and I'm going to ask you are you a  
9 book collector? Have many books on history?

10 A. Yes.

11 Q. Okay. And you probably have hundreds of books?

12 A. Yes.

13 Q. I know from public statements you've made that you're  
14 an environmentalist?

15 A. Yes.

16 Q. And there have come times where you have raised  
17 various types of animals, I may deem them exotic, but more not  
18 your normal domesticated animals, fair?

19 A. Yes.

20 Q. Falcons?

21 A. Yes.

22 Q. Ravens?

23 A. Yes.

24 Q. I believe you even had a pet emu?

25 A. Yes.

1 Q. When you lived in New York did you have pets?

2 A. Yes.

3 Q. And in 2012, before you sold your Bedford home, did  
4 you have pets?

5 A. Yes.

6 Q. And what pets were living with you just prior to  
7 selling that home?

8 A. Well, I had I think at that time three dogs.

9 Q. Three dogs?

10 A. I had an emu.

11 Q. You had the emu.

12 A. I had a bunch of turtles.

13 Q. Turtles.

14 A. I had probably about 20 hawks and falcons.

15 Q. Did you say 20?

16 A. Probably about 20 at that time.

17 Q. And you genuinely care about these animals?

18 A. Yes.

19 Q. You've spent a life dedicating yourself to habitats  
20 and basically animal safety and having these animals living in  
21 a safe environment, right?

22 A. Yes.

23 Q. When you moved to that address in Malibu with  
24 Ms. Hines did the emu move from New York to Malibu?

25 A. Yes.

1 Q. Did the dogs move with you from New York, Bedford, to  
2 Malibu?

3 A. Yes.

4 Q. The books that you have collected throughout a  
5 lifetime, of history and things that interest you, did they  
6 move with you from New York to the Malibu address?

7 A. Yes, most of them.

8 Q. And I believe you probably, and rightfully so, have  
9 many types of mementoes and pictures and frames with a long and  
10 storied history of your family and your career, correct?

11 A. Yes.

12 Q. And I assume you had those in your home in Bedford  
13 when you lived there with your family?

14 A. Yes.

15 Q. And I assume, correct me if I'm wrong, that all of  
16 those mementoes and frames moved with you to Malibu?

17 A. Most of them.

18 Q. Most of them did. Bedford was your family home?

19 A. Bedford had been. My hawks stayed here.

20 Q. Bedford, before you sold it, was your family home?

21 A. Yeah.

22 Q. Where you raised your children?

23 A. Yes.

24 Q. When you moved to California, Malibu -- and I think  
25 by the ages of your kids a few of them would have been earlier



1 than college age, is that fair?

2 A. Yes.

3 Q. Did your children move with you to California?

4 A. Some of them did.

5 Q. Okay. And I believe at that time -- I know we're  
6 both off on these ages -- at least two of them probably would  
7 have been younger than college age?

8 A. Yeah. Aiden moved to California.

9 Q. Any other children move with you to California?

10 A. No.

11 Q. And right now, just for a point in time, we're  
12 talking about that first Malibu house.

13 A. Yes.

14 Q. Which you testified is the first property -- well, is  
15 that the first property -- strike that. No other children  
16 moved with you to that Malibu house?

17 A. Well, my kids came and visited the Malibu house, but  
18 Aiden was the only one who lived there.

19 Q. Did Aiden enroll in school?

20 A. Yeah.

21 Q. What school did Aiden enroll in?

22 A. He went to Viewpoint School.

23 Q. And that's a local school?

24 A. He went to Malibu High but then he went to Viewpoint.

25 Q. Understood. But that was a local high school in

1 Malibu?

2 A. Yes.

3 Q. Where you lived with your wife?

4 A. Yes.

5 Q. Your children that were still of age to be living  
6 with you, fair?

7 A. Yes.

8 Q. All of your mementoes?

9 MR. SAVINO: Objection.

10 Q. Some of your mementoes?

11 THE COURT: Sustained.

12 Q. I thought you had said many of them, but that's fine.  
13 Your books?

14 A. Yeah.

15 Q. The three dogs went with you?

16 A. The dogs came, the hawks stayed.

17 Q. Okay. The emu came?

18 A. The emu came.

19 Q. I assume you took the turtles?

20 A. Yes.

21 Q. Okay. Do you know a gentleman by the name of  
22 Mr. Wilbur Menendez?

23 A. Yes.

24 Q. And who is Wilbur Menendez?

25 A. He is a Colombian friend of mine who has worked for

1 me -- he and his family have worked for me for 40 years.

2 Q. And what type of work -- we'll just focus on  
3 Mr. Menendez now, not his family. What type of work has  
4 Mr. Menendez done for you for over 40 years?

5 A. He does like handyman work. He, you know, works in  
6 the -- he works around the house. He does some driving.

7 Q. Was he a handyman on your property in Bedford prior  
8 to you selling it in 2012?

9 A. Yes.

10 Q. You mentioned his family. Who are the other members  
11 of his family?

12 A. Who have lived with us?

13 Q. That lived with you, Mr. Kennedy, yes.

14 A. Angela Marisabelle.

15 Q. Mr. Kennedy, I'm sorry, I missed that.

16 A. Marisabelle.

17 Q. And what is the relation of Marisabelle to Wilbur?

18 A. Marisabelle and -- he's the uncle -- yeah, the uncle  
19 of them. Their uncle.

20 Q. And who are the other members of his family that  
21 lived with you in Bedford? We're talking Bedford.

22 A. Yeah, Johnny and Olga who was his sister-in-law and  
23 Luce. Luce is his wife.

24 Q. Who is Johnny? You didn't tell us Johnny.

25 A. Johnny is their son and he was raised in my house.

1 Q. He was raised in your home in Bedford?

2 A. Yes.

3 Q. When you moved from Bedford to Malibu, the deed that  
4 was in front of you, did the Menendez family that you just  
5 described moved with you?

6 A. Some of them moved at various times. Some of them  
7 stayed in Bedford.

8 Q. Okay. Does Mr. Menendez live with you today?

9 A. Yes. He lives at the Cape right now.

10 Q. But he's still your handyman?

11 A. Yes.

12 Q. He still performs various functions for you similar  
13 as he's done for the past 40 years?

14 A. Yes.

15 Q. So the functions he was performing for you in New  
16 York he then proceeded to perform for you in California when  
17 you moved?

18 A. Yes.

19 Q. And his wife moved with him?

20 A. Yes.

21 Q. Does his wife perform any services for you?

22 A. She cooks.

23 Q. So the handyman, Mr. Menendez, and his wife, your  
24 cook, moved from New York to Malibu when you purchased the  
25 Malibu property?

1 A. Yes.

2 Q. Are you a member of any law firm in the State of  
3 California currently?

4 A. I'm of counsel to a law firm.

5 Q. And what law firm are you of counsel to?

6 A. I'm of counsel to Street -- Howard & Street.

7 Q. Howard & Street?

8 A. Yes.

9 Q. We heard argument, when we first started this trial  
10 on Monday, from a Mr. Scott Street who represented to be the  
11 attorney for your wife, Cheryl Hines. Is he associated with  
12 Howard & Street?

13 A. Yes.

14 Q. Is he the Street in Howard & Street?

15 A. Yes.

16 MR. CORBETT: Your Honor, we're going to give a  
17 copy to Mr. Savino, if you don't mind, Your Honor?

18 THE COURT: That's fine.

19 MR. CORBETT: A copy for you as well.

20 THE COURT: Thank you.

21 BY MR. CORBETT:

22 Q. This has been Petitioner's Exhibit identified as 69.  
23 I'm just going to ask you to look at this first page.

24 A. Sure.

25 Q. When you've reviewed it, you just tell me,

1 Mr. Kennedy?

2 A. Okay.

3 Q. That appears to be a copy of the front page of the  
4 website for Howard & Street; is that correct?

5 A. Yes.

6 Q. And if you look down at the bottom of the page  
7 there's three pictures?

8 A. Yes.

9 Q. Is that your photo in the middle?

10 A. Yes.

11 Q. Demonstrating to the public your association with  
12 that law firm in California?

13 A. Yes. As I said, I'm of counsel. I don't practice  
14 law for them.

15 Q. But you're of counsel to that law firm?

16 A. Yes. I've never been to the office and I have -- I  
17 do other work for them.

18 Q. I understand. But you are an of counsel to that law  
19 firm in California?

20 A. Yes, and law firms in Florida and --

21 Q. Mr. Kennedy, I understand. You've answered the  
22 question. We're just going to move to the next one, please.  
23 If you could, could you just identify, directly next to your  
24 picture, to the left, whose picture is directly next to yours?

25 A. That's Scott Street.

1 Q. And that's the same Scott Street that appeared as  
2 counsel to Ms. Cheryl Hines on Monday of this trial?

3 A. Yes.

4 MR. CORBETT: Your Honor, he's testified this is  
5 the website of a firm he's of counsel to, we would ask  
6 that it be admitted into evidence.

7 MR. SAVINO: Your Honor, I spoke with  
8 Mr. Corbett earlier. We've agreed to the authenticity of  
9 a large number of exhibits. We do not agree that proof of  
10 activities in California are dispositive of residence in  
11 New York.

12 We have put these cases in with our trial  
13 memorandum that people can have multiple residence. And  
14 for that reason we don't think it's probative of anything  
15 and therefore -- that's material -- and if it's not  
16 probative of anything that's material, it's irrelevant.

17 We think going to this great length to say you  
18 live in California when we have case law that says you can  
19 live in two places and pick a residence makes this exhibit  
20 and others irrelevant.

21 MR. CORBETT: Your Honor, I believe this  
22 argument was already heard and decided by the Court in a  
23 motion in limine where I believe Your Honor's rule was we  
24 could introduce evidence of his connection to the State of  
25 California.

1           He has admitted he would be of counsel, he  
2           resides in California, and he's admitted that this is a  
3           law firm in California he's associated with. He's already  
4           testified that that is the website of the firm he's  
5           associated with this.

6           THE COURT: All right, this goes to the weight,  
7           not the admissibility and so it's relevant. I will  
8           determine how relevant it is. But it will be received  
9           into evidence.

10          MR. CORBETT: Thank you, Your Honor.

11          MR. SAVINO: Very good, Your Honor. And we hope  
12          you give it very little wait.

13          THE COURT: Understood. Please proceed.

14                 (Petitioner's Exhibit 69 was received in  
15          evidence.)

16          BY MR. CORBETT:

17                 Q. If you remember earlier today you testified of the We  
18          the People independent body line?

19                 A. Yes.

20                 Q. Do you remember at some time with your wife,  
21          Ms. Hines, attempting to create that entity in the State of  
22          California, We the People?

23                 A. Yes, I do.

24          MR. CORBETT: Your Honor, if I may?

25          THE COURT: Yes, thank you.



1           Q. I'm going to hand that to you, Mr. Kennedy. Take a  
2 minute to look at it. If you could flip -- it's really the  
3 second page, okay?

4           A. Second page, yes.

5           Q. And then it looks like -- if you could look at that.  
6 I'll direct you to the second page and the fourth page, okay?  
7 After looking at the second and fourth page can you --

8           A. The second page is in the resolution.

9           Q. The resolution of what?

10          A. Designate national party affiliation.

11          Q. For what party?

12          A. The American Independent Party.

13          Q. Okay. And if you could now flip to the fourth page.  
14 Do you see that?

15          A. Yes.

16          Q. Why don't you, if you can, just read the title of the  
17 document at the top?

18          A. Resolution to appoint Robert F. Kennedy, Jr. to serve  
19 as the American Independent Party candidate for President of  
20 the United States and Nicole Shanahan to serve as Vice  
21 Presidential candidate for the 2024 national election in  
22 California.

23          Q. That was a resolution I believe you said for you to  
24 serve as a candidate for President of the United States for the  
25 Independent Party; is that right?

1 A. Yes.

2 Q. Can you do me a favor, Mr. Kennedy? I would like you  
3 to turn now to the sixth page.

4 A. Yes.

5 Q. Are you there?

6 A. Yes.

7 Q. What is the date at the top of this document?

8 A. January 12th, 2024.

9 Q. 2024?

10 A. Yes.

11 Q. I just didn't hear, I apologize.

12 A. January 12th, 2024.

13 Q. Excellent. And what is this document?

14 A. It appears to be a letter to the Secretary of State  
15 to serve formal notice of the California Secretary of State  
16 that the political body to be known as We the People Party of  
17 California has been organized by caucus held on this day,  
18 January 12th, 2024.

19 Q. Thank you, Mr. Kennedy. So the We the People Party  
20 caucused and created themselves on that date on January 12th,  
21 2024, right?

22 A. It appears like that.

23 Q. If you look down there's a state chairman. It should  
24 be chairperson. A chairman. And if you look right below that  
25 that's a state vice chairman. Do you see that?

1 A. Yes.

2 Q. Is your name listed there?

3 A. No.

4 Q. Your name is not listed as state vice chairman?

5 A. No.

6 Q. Okay. Who is Robert F. Kennedy III? Go ahead.

7 A. That's my son.

8 Q. Thank you. And how old is your son again?

9 A. He's now 40.

10 Q. Okay. And is he still currently serving as the vice  
11 chairman of the We the People independent body?

12 A. To my knowledge.

13 Q. And who is the state chairman as listed on this  
14 document?

15 A. Cheryl Hines.

16 Q. And the secretary?

17 A. Maxwell Lowe (phonetic).

18 Q. Okay. And is this document an accurate depiction of  
19 the creation of the We the People independent body in the State  
20 of California?

21 A. I mean it could be. You would know as much as I  
22 would because I -- this was not something that I was involved  
23 in. I've never seen this document before.

24 Q. But you would agree it recognize nominating you in  
25 the document?

1           A.    Yes, but there's 50 states and I have a big campaign  
2 and I wasn't involved with, you know, every document from every  
3 state. Literally when I said I've signed almost 500 documents,  
4 that wasn't hyperbole, I have to sign documents sometimes 10 or  
5 15 from each state.

6           Q.    Right. And in January 12th, 2024, when this was done  
7 where were you living?

8           A.    My residence was New York.

9           Q.    And on January 4th, 2024?

10          A.    Yes.

11          Q.    Were you in the State of New York or were you in the  
12 State of California?

13          A.    I have no idea where I was that day.

14          Q.    You have a heavy travel schedule, I understand.

15                   MR. CORBETT: Your Honor, this is a document  
16 that the candidate has testified was a nomination for him  
17 for the office that he's seeking in this litigation, the  
18 resolution's adopted, we'd ask that they be admitted into  
19 evidence.

20                   MR. SAVINO: Here's the problem, Your Honor.  
21 It's not as one exhibit, but we've got -- at the last  
22 page, and I invite your attention to it, this is email  
23 communications back and forth I think from counsel to  
24 California because I see the request was made by Hecker  
25 Fink.

1           So the last page is July 19th. Then you go in,  
2           the next two pages going to the front are January 12th of  
3           '24. And then the next two pages you can see it was  
4           received California Secretary of State April 29. And  
5           then, finally, when you get to the front that's a cover  
6           letter from California to my opposing counsel.

7           So it's a composite document where we have some  
8           things that are clearly relevant and some things that are  
9           communications with counsel and it needs to be assessed  
10          for what it is because part of it is evidence and part of  
11          it is the --

12          THE COURT: You're objecting to the fact that  
13          they're all stapled together as one document but it looks  
14          like there's several documents?

15          MR. SAVINO: Exactly.

16          THE COURT: Okay. What is your response?

17          MR. CORBETT: Your Honor, I will let Hecker Fink  
18          who prepared these documents speak, but if he needs us to  
19          separately introduce them, we're going to have the same  
20          result. We would ask for them to go in together so they  
21          could be collected as a group.

22          MS. SAVINO: Here's what I propose --

23          THE COURT: It's confusing. So I think if you  
24          just want to separate them by the dates they may come in.  
25          What is your thought?

1 MR. SAVINO: The transmission letter of Hecker  
2 Fink should not be in there. The email communication --

3 THE COURT: Let's go one at a time. So are you  
4 referencing the cover letter, the July 4th letter?

5 MR. SAVINO: Yes. That should not be --

6 THE COURT: What is the basis for that?

7 MR. CORBETT: May I speak to counsel for a  
8 second, Your Honor?

9 THE COURT: Yes.

10 (There was a brief pause in the proceedings.)

11 MR. SAVINO: Your Honor, we've agreed to detach  
12 permanently the front page, which is the transmittal  
13 letter; detach permanently the back page, which is the  
14 email exchange.

15 And even though there are three different dates,  
16 that assuages my concerns enough that we don't need to  
17 remark it -- excuse me, we don't need to separate, we're  
18 just going to put the exhibit stamp on the new front page,  
19 the original second page.

20 THE COURT: Okay, thank you. What is the number  
21 of this exhibit?

22 MR. CORBETT: Yes, Your Honor. It is 16A. And  
23 we have consulted with counsel. We have those pages now  
24 that are being submitted.

25 THE COURT: Received.

1 MR. CORBETT: Thank you.

2 THE COURT: You're welcome.

3 (Petitioner's Exhibit 16A was received in  
4 evidence.)

5 BY MR. CORBETT:

6 Q. The first home you moved to in California from New  
7 York was in Malibu. We established that, correct?

8 A. Yes, sir.

9 Q. And the first home you purchased in Malibu, what was  
10 that address again?

11 A. It was Fernhill Drive.

12 Q. After residing at Fernhill Drive did you purchase  
13 another home in California?

14 A. Yes.

15 Q. And what was the address of the next home you  
16 purchased in California?

17 A. I think it was 2175 Mandeville Canyon.

18 Q. And before you bought that -- you bought the next  
19 property you just testified to, correct?

20 A. Yes.

21 Q. You sold the property in Malibu, 7055 Fernhill Drive?

22 A. Yes.

23 MR. CORBETT: Your Honor, if I may?

24 THE COURT: Yes.

25 MR. CORBETT: Thank you, Your Honor.

1 THE COURT: You're welcome.

2 BY MR. CORBETT:

3 Q. There you go, Mr. Kennedy, if you could. The second  
4 page, please. This is Petitioner's ID 29. You've had a chance  
5 to review that document, Mr. Kennedy. What is that document?

6 A. This is the grant deed for the Fernhill property.

7 Q. That is your sale of the Fernhill property?

8 A. Yes.

9 Q. And who did you sell that property to?

10 A. It looks like it went to the Dean Avedon trustee for  
11 the HCW trust.

12 Q. Is that a trust that you are a beneficiary of?

13 A. The HCW trust?

14 Q. Yes.

15 A. That doesn't make any sense to me.

16 Q. So you're not a beneficiary of that trust?

17 A. Well, I don't know. I mean it may be something in --  
18 Cheryl's office handled the sales and it looks like they did it  
19 instead of us being the outright owners, for some reason her  
20 attorneys decided to put it in a trust, but it looks to me like  
21 Avedon was the owner of that trust in March 15th, 2013, which  
22 is before we bought it, so I don't -- I can't really -- I'm  
23 really unsure what's happening here.

24 Q. Do you still own that property?

25 A. This one, no, we do not.



1 Q. You sold that property?

2 A. We sold it.

3 Q. And this is a deed evidencing that you sold this  
4 property?

5 A. It appears to be.

6 MR. CORBETT: Your Honor, we would ask that this  
7 be introduced into evidence.

8 MR. SAVINO: Your Honor, with each of these  
9 deeds in California, if I could just have a continuing  
10 acknowledgment by Your Honor that you're going to consider  
11 the weight, then I don't need to object to each.

12 THE COURT: Yes.

13 MR. CORBETT: Thank you.

14 THE COURT: You're welcome. Received.

15 MR. CORBETT: Mr. Savino, to make it easier what  
16 we could do in bulk is just put all the deeds and the  
17 sales in and then we could testify to that. It will make  
18 it a cleaner record if you want to, or do you want me to  
19 do it individually? I'm just trying to save time for your  
20 client.

21 MR. SAVINO: Are you proposing -- I'm addressing  
22 opposing counsel. Are you saying you're going to steal  
23 this stack of four, five, six deeds and say what are  
24 these? Is that what you're going to do?

25 MR. CORBETT: We're just going to get the deeds

1 and the mortgages, he's going to testify to what each of  
2 them relate to, which properties, and we'll put them all  
3 in.

4 MR. SAVINO: I actually prefer that because then  
5 I can just do one time that Your Honor is going to  
6 consider the weight. That's fine.

7 MR. CORBETT: Is that okay, Your Honor, to kind  
8 of speed this along?

9 THE COURT: Yes, please proceed.

10 MR. CORBETT: Thank you. If you give us one  
11 second, Your Honor, we will put all the copies together  
12 so I can give it to yourself.

13 THE COURT: Thank you.

14 THE WITNESS: Is this a good time to take a  
15 bathroom break?

16 THE COURT: Yes. The witness has asked for a  
17 bathroom break, so we are going to take a recess and we  
18 will reconvene in 10 minutes. We're in adjournment.

19 MR. CORBETT: Yes, ma'am.

20 (There was a short suspension of the  
21 proceedings.)

22 MR. CORBETT: Your Honor, if I may?

23 THE COURT: Yes.

24 MR. CORBETT: Your Honor, we understand, you  
25 know, it's a lot of documents and we appreciate the

1 Court's patience and everyone's patience.

2 I have just consulted with counsel and  
3 Mr. Kennedy. Beyond just the deeds and mortgages there  
4 are other documents that have come from state agencies  
5 that have been certified that we could probably agree to,  
6 lay a foundation and really start to speed this up, which  
7 I think is in the interest of everyone, because the  
8 Appellate Division waits for no one as we all know.

9 Your Honor, I believe though Mr. Savino and  
10 Mr. Ostrander explained to me that they got a different  
11 document from one entity than we have, so --

12 MR. SAVINO: From the Board of Elections. It  
13 mismatched.

14 THE COURT: Which Board of Elections?

15 MR. CORBETT: New York State Board of Elections.

16 MR. OSTRANDER: Westchester County.

17 MR. QUINN: Westchester County.

18 MR. CORBETT: Westchester County, New York Board  
19 of Elections. This is the first time we're hearing that.  
20 In the interest of time, if we could maybe have 10  
21 minutes, we're going to look at both documents, see if we  
22 can agree to something. When all those things go in we  
23 can start moving. I know Mr. Kennedy is busy and needs to  
24 get moving.

25 THE COURT: Well, with the exception of the one

1 document from the New York State Board of Elections in  
2 Westchester do you agree to everything else?

3 MR. CORBETT: I believe we do.

4 THE COURT: So then why don't we move forward  
5 with everything else and then circle back to that one  
6 document?

7 MR. CORBETT: I'm fine however the Court wants  
8 to proceed.

9 MR. SAVINO: But we said we would stipulate in  
10 the mortgages and deeds. Once they're put in front of  
11 Mr. Kennedy and identified, those can come in en masse, so  
12 that will save time.

13 As to the driving history, the Department of  
14 Motor Vehicle history, Mr. Ostrander is going to check  
15 that over, we hope that goes in. The Board of Elections  
16 stuff, that takes the reconciliation.

17 THE COURT: Okay, well we'll just do everything  
18 right now with the exception of the Board of Elections.

19 MR. CORBETT: I agree with that, Your Honor. Is  
20 Mr. Ostrander okay with the DMV record going in? It's a  
21 certified record.

22 MR. OSTRANDER: I haven't actually seen -- I  
23 know you had a multi-page one that you were showing me.

24 MR. CORBETT: Yes, here it is.

25 THE COURT: Why don't you take a look at that.

1 MR. CORBETT: And then we can probably move  
2 quickly, Your Honor, thank you.

3 MR. SAVINO: And Your Honor is also busy, it's  
4 not just Mr. Kennedy.

5 THE COURT: No, I understand what he meant.  
6 Understood, thank you.

7 MR. CORBETT: And, Your Honor, it's just to  
8 speed it up with a lot of documents.

9 THE COURT: Agreed, thank you. I think that  
10 makes sense.

11 MS. SAVINO: And as you can also -- are we on  
12 the record right now, Colleen?

13 THE COURT: We are on the record. So go ahead,  
14 unless you would like to be off the record?

15 MS. SAVINO: I would like to be off the record.

16 THE COURT: Okay.

17 (A discussion was held off the record.)

18 THE COURT: The witness can come back to the  
19 stand?

20 MR. CORBETT: Yes, he can, Your Honor. Your  
21 Honor, what we're going to do is I'm going to hand out the  
22 four packets that make up -- comprised of the deeds and  
23 mortgages that we spoke to and then I'll take the  
24 candidate through it until we put them in. And we'll give  
25 you a copy.

1 MR. SAVINO: Can I be over there so I can see  
2 what --

3 MR. CORBETT: We're going to give you a full  
4 set.

5 MS. SAVINO: Oh, full set, fine.

6 MR. CORBETT: And, Your Honor, these are -- just  
7 to read it out for the Court, for the transcript --  
8 Petitioner's Exhibit 3 ID, Petitioner's Exhibit 5, 4, 2  
9 and Petitioner's Exhibit ID 30. Thank you, Your Honor.

10 THE COURT: You're welcome.

11 BY MR. CORBETT:

12 Q. Mr. Kennedy, you previously testified that in 2012  
13 you sold your family home in Bedford, New York, correct?

14 A. Yes.

15 Q. And you've testified today that in 2014 you and  
16 Ms. Hines purchased a home in Malibu?

17 A. Yes.

18 Q. And that was the address at 7055 Fernhill Drive?

19 A. Yes, sir.

20 Q. And then you had testified that you sold the home in  
21 Malibu. Do you remember when you sold the home in Malibu?

22 A. I don't remember the year.

23 Q. Okay. But there came a time where you sold the home  
24 at 7055 Fernhill Drive and you purchased a home at 2185  
25 Mandalay Bay Road, correct?

1 A. Mandeville Canyon.

2 Q. Mandeville Canyon, sorry.

3 A. It was approximately three to five years later.

4 Q. Okay. So you went from Bedford to Malibu, correct?

5 A. Bedford to Bellagio. That was her place. Then we  
6 want to Malibu. And then we went to Mandeville Canyon.

7 Q. Understood. And then there came a time where you  
8 sold that house at 2185 in Mandeville Canyon, correct?

9 A. Yes.

10 Q. And then you purchased another house, correct?

11 A. Exactly.

12 Q. And the address of that house that you purchased,  
13 what was it?

14 A. It's 2975 Mandeville Canyon.

15 Q. And you currently still live at 2975 Mandeville  
16 Canyon?

17 A. Yes.

18 Q. And that is where Ms. Hines currently maintains her  
19 residence?

20 A. That is correct.

21 Q. The 2185 address -- so just prior to 2975 -- I know  
22 they're close together, but you understand what I'm saying to  
23 you. Did you have a mortgage for that property?

24 A. I think -- okay. Was the first one 2175 and then  
25 2985?

1 Q. No, no, it was 2185.

2 A. Okay.

3 Q. It took us a few minutes too, Mr. Kennedy, to get  
4 through this. 2185 and then now you live at 2975.

5 A. So what's your question?

6 Q. So when you purchased 2185 did you and Ms. Hines take  
7 out a mortgage for the property?

8 A. Yes.

9 Q. And when you sold that property you purchased your  
10 current residence at 2975, correct?

11 A. Yes.

12 Q. And did you take out a mortgage for that property?

13 A. Yes, we did.

14 Q. In the manner of trying to speed things along,  
15 obviously with a lot of documents and with consulting with your  
16 counsel, I'm going to show you what has been previously marked,  
17 okay, and it's the deeds and the mortgages for those properties  
18 we just went through, okay?

19 A. Okay. Fair enough.

20 Q. I'm going to ask you to take a look at them and then  
21 I'm going to ask to confirm they those are actually what we  
22 said they are and we will be able to hopefully move them into  
23 evidence and move this forward.

24 MR. CORBETT: Okay, Mr. Savino?

25 MR. SAVINO: Yes.



1           Q.    Take your time, Mr. Kennedy, I know it's a lot of  
2 documents.

3           A.    Can I just ask you, Counselor, are these all the  
4 mortgages for all those properties?

5           Q.    Yes.

6           A.    Okay.

7           Q.    So, Mr. Kennedy, you've had a chance to review these  
8 documents.  And as you sit here today you can testify that  
9 these are the deeds for the sales and purchases of the homes in  
10 California and the mortgages associated with them?

11          A.    Yes.

12          Q.    And just for clarity, that's the Malibu address when  
13 you left Bedford, the one you purchased?

14          A.    Yes.

15          Q.    And then the two in Mandeville Canyon?

16          A.    Yes.

17          Q.    And you currently reside in the one at 2975  
18 Mandeville Canyon with Mrs. Hines?

19          A.    Yes.

20                   MR. CORBETT:  Thank you.  Your Honor, we would  
21 ask that these be all admitted into evidence.

22                   MR. SAVINO:  Just a couple seconds.  This is all  
23 good.

24                   THE COURT:  Received.

25                   MR. CORBETT:  Thank you.

1 (Petitioner's Exhibits 2, 3, 4, 5, 30 were  
2 received in evidence.)

3 MR. CORBETT: Now, when we started this in -- we  
4 had originally had you testify to Petitioner's Exhibit  
5 that was ID'd as 28. That was the purchase deed that we  
6 gave to you that purchased Malibu in 2014. Can I please  
7 ask that that also be admitted into evidence?

8 THE COURT: Any objection?

9 MR. SAVINO: No.

10 THE COURT: Received.

11 MR. CORBETT: Thank you very much.

12 THE COURT: You're welcome.

13 (Petitioner's Exhibit 28 was received in  
14 evidence.)

15 BY MR. CORBETT:

16 Q. When you moved from Malibu to 21 --

17 MR. SAVINO: Just one second. And, Your  
18 Honor -- I know I'm being repetitive -- we had the  
19 continuing request that Your Honor consider the weight of  
20 the California transaction because of the multiple  
21 evidence rule.

22 THE COURT: Yes. Please proceed, Mr. Corbett.

23 MR. CORBETT: Thank you.

24 BY MR. CORBETT:

25 Q. When you moved from your Malibu address to that first

1 address, 2185 in Mandeville Canyon, did you move your  
2 possessions from the Malibu address to the 2185 address?

3 A. From Malibu to Mandeville?

4 Q. Yes.

5 A. Most of them.

6 Q. Did you move your books that you testified to earlier  
7 that you keep?

8 A. A lot of them.

9 Q. Did you have any pets when you moved to the 2185  
10 address?

11 A. Yes.

12 Q. And did those pets move with you to the 2185 address?

13 A. Yes, they did.

14 Q. The mementos and the memorabilia and the frames of  
15 your family and your history, did that move with you to the  
16 2185 address?

17 A. Yes.

18 Q. And I think you'd testify, but those are mementos and  
19 things you find very special, correct?

20 A. Yes.

21 Q. You have an infinity and a connection to them because  
22 of the legacy and history of your family?

23 A. Yes.

24 Q. When you moved to the 2975 address -- where you  
25 currently reside, right?

1 (The witness nodded his head.)

2 Q. You just need to verbally --

3 A. Yes. Sorry.

4 Q. Thank you. When you moved there did you also move  
5 the books with you to the 2975 address?

6 A. I moved a very small percentage of the books.

7 Q. Did you leave books at 2185?

8 A. I put books in storage.

9 Q. Storage in California?

10 A. Yes.

11 Q. And then you moved some of them to 2975?

12 A. I moved some of them.

13 Q. Those mementos and those pictures of your family's  
14 long and distinguished history went with you to 2975?

15 A. I put almost all of them in storage.

16 Q. In California?

17 A. Yes.

18 Q. Any pets you had when you left 2185 and now moved to  
19 2975, did they move with you?

20 A. Yes.

21 Q. Did any children live with you at 2185?

22 A. Well, that was the pandemic, so we had the joy of  
23 having all seven of our kids home at the same time. That's why  
24 we bought the bigger house.

25 Q. I understand. So at the 2185 address during the

1 height of the pandemic all the children returned home and they  
2 returned home lucky to live with you and Cheryl at 2185,  
3 correct?

4 A. Yes.

5 Q. And when you purchased 2975, when you first purchased  
6 it, did any of your children live with you? It's 2017, if that  
7 gives you a time frame from the evidence that's been put in.

8 A. Oh, you're talking about the first?

9 Q. The first one, 2185?

10 A. Not until the pandemic.

11 Q. And then all the children came home?

12 A. And then they came home.

13 Q. And then in 2021 you went to -- so 2185 large family  
14 all came home to dad, fair?

15 A. In 2020.

16 Q. During the pandemic with your wife Cheryl?

17 A. Right.

18 Q. And that's Cheryl Hines, right?

19 A. Yes.

20 Q. And then after the pandemic, or during, you moved to  
21 2975 and that was in 2021 I believe, right?

22 A. Yes.

23 Q. So the pandemic is still occurring but we're kind of  
24 coming out of it, correct?

25 A. Exactly.

1 Q. Didn't all those children that came home with dad go  
2 with you to 2975 since we're still kind of in the pandemic?

3 A. I can't remember. You know, when they ended the  
4 lockdown the kids started migrating out. And I can't remember  
5 how many of them came.

6 Q. Fair to say some of your children moved with you in  
7 into 2975?

8 A. Yes.

9 Q. There we go, okay. Let's stay focused for a little  
10 bit on the 2975 address. And that's the address you currently  
11 live in, correct?

12 A. Yes.

13 Q. At 2975 who is responsible for the utility payments;  
14 gas, water?

15 A. We have a joint account and we kind of split the  
16 administrators of that account. My accountant handles some of it  
17 and Cheryl's accountant handles other parts.

18 Q. So for the ease of moving things along and having a  
19 proper record, I'm going to show you a document that I would  
20 like you to review, and I think it's going to be very clear  
21 what it actually is when you do based on my last question.

22 A. Yes.

23 MR. CORBETT: Your Honor, if I could approach,  
24 please, to give you this?

25 THE COURT: Yes, you can.

1 MR. CORBETT: Thank you.

2 THE COURT: You're welcome.

3 MR. CORBETT: Mr. Savino.

4 MR. SAVINO: Is it marked?

5 MR. CORBETT: Just for you, Mr. Savino, it is  
6 right now Petitioner's Exhibit ID 104.

7 BY MR. CORBETT:

8 Q. I will hand that to you for a second. Have you had a  
9 chance to review those documents?

10 A. Yes.

11 Q. Are those documents utility payments for 2975?

12 A. Yes.

13 Q. And those are utility payments that you and your  
14 wife, Ms. Hines, are responsible for making at that property?

15 A. Yes.

16 MR. CORBETT: Your Honor, I would ask at this  
17 time that the testimony of Kennedy establishes that these  
18 are utility bills that he and his wife are responsible for  
19 at 2975 Mandeville Canyon be admitted into evidence.

20 THE COURT: Any objection?

21 MR. SAVINO: Two seconds, Your Honor, please.

22 No objection, Your Honor.

23 THE COURT: Received.

24 MR. CORBETT: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 (Petitioner's Exhibit 104 was received in  
2 evidence.)

3 BY MR. CORBETT:

4 Q. Mr. Kennedy, just like the utilities, do you and  
5 Ms. Hines also share responsibility for the payment of the  
6 taxes for the current address at 2975?

7 A. Yes, we do.

8 MR. CORBETT: Your Honor, if I could approach?

9 THE COURT: Yes.

10 MR. CORBETT: Thank you.

11 BY MR. CORBETT:

12 Q. Mr. Kennedy, if you could please look at this. I  
13 think you'll see what it is based on my last question. Tell me  
14 when you're ready, sir.

15 A. Yes.

16 Q. Mr. Kennedy, what are those documents?

17 A. It is the tax bills.

18 Q. For 2975 Mandeville Canyon where you reside?

19 A. Yes, they are.

20 Q. Thank you.

21 MR. SAVINO: Objection.

22 THE COURT: What is the objection?

23 MR. SAVINO: He just ran in residence in the  
24 middle of that sentence very fast and it calls for a legal  
25 conclusion where Mr. Kennedy --



1 MR. CORBETT: There was a question asked and an  
2 answer given on the record.

3 THE COURT: I'm going to overrule the objection.  
4 Ask your next question.

5 MR. CORBETT: We would ask that these be  
6 admitted into received as the tax bills as testified to by  
7 Mr. Kennedy.

8 THE COURT: Mr. Savino?

9 MR. SAVINO: No objection, Your Honor.

10 THE COURT: Received.

11 (Petitioner's Exhibit 22 was received in  
12 evidence.)

13 BY MR. CORBETT:

14 Q. Just take a look at this.

15 MR. CORBETT: Your Honor, if I may?

16 THE COURT: Thank you.

17 Q. Mr. Kennedy, as you know we just went over 2975,  
18 current address, correct?

19 A. Yes.

20 Q. Let's focus on 2185. I just handed you a stack of  
21 documents. When you've had a chance to review it just let me  
22 know.

23 A. Can you point out to me the address this is for?

24 Q. Mr. Kennedy, I don't blame you for not seeing it. I  
25 can barely see it, but it's right here.

1           A.    Okay, yeah, this is 2185.

2           Q.    And Mr. Kennedy, these are the tax bills that you and  
3 Ms. Hines were responsible for paying at 2185?

4           A.    Yes, sir.

5                   MR. CORBETT:  I would offer these into evidence,  
6 Your Honor.

7                   THE COURT:  Any objection?

8                   MR. SAVINO:  No.

9                   THE COURT:  Received.

10                           (Petitioner's Exhibit 24 was received in  
11 evidence.)

12 BY MR. CORBETT:

13           Q.    Mr. Kennedy, and we always previously testified that  
14 you're responsible for payment for those bills, correct?  Those  
15 tax bills.

16           A.    Yes, sir.

17                   MR. SAVINO:  Your Honor, again, the same thing  
18 we did as to real property transfers, I'm assuming Your  
19 Honor is going to take the same consideration as to weight  
20 for the tax bills and utility bills?

21                   THE COURT:  That's correct.

22                   MR. SAVINO:  Thank you.

23                   THE COURT:  You're welcome.

24 BY MR. CORBETT:

25           Q.    Mr. Kennedy, if you could see that, please.

1 MR. CORBETT: Your Honor, if I could?

2 THE COURT: Yes.

3 MR. CORBETT: Thank you.

4 THE COURT: You're welcome.

5 MR. CORBETT: Mr. Savino.

6 BY MR. CORBETT:

7 Q. Mr. Kennedy, I just handed you a document. Are those  
8 tax payments made by you and your wife, Ms. Hines, for property  
9 taxes at 2185 Mandeville Canyon?

10 MR. SAVINO: Your Honor, this includes -- I'm  
11 not sure, I think it may include some banking information  
12 and I don't want any of the banking information to the  
13 public.

14 MR. CORBETT: If there's anything you want to  
15 redact...

16 THE COURT: Was there an objection, Mr. Savino?

17 MR. SAVINO: I was afraid that there was some  
18 confidential information. I've been persuaded there  
19 isn't.

20 THE COURT: So no objection?

21 MR. SAVINO: No objection.

22 THE COURT: Received.

23 (Petitioner's Exhibit 25 was received in  
24 evidence.)

25 THE WITNESS: I do not see an address anywhere

1 on this. If you show me the address, I'm ready to go.

2 BY MR. CORBETT:

3 Q. But if you look, the bills that we previously gave to  
4 you that you looked at match up exactly with the payments.

5 A. Fair enough.

6 Q. And they have the account number. So you see that  
7 accounts number at the bottom.

8 A. Okay.

9 Q. So your testimony is that these are the payments for  
10 those tax bills?

11 A. Is it 2185?

12 Q. 2185 right now.

13 A. Yes.

14 Q. Thank you, Mr. Kennedy. I'm going to hand this back  
15 to you, Mr. Kennedy.

16 A. Yes.

17 Q. Those are the payments for the tax bills at 2185.  
18 What method of payment did you use for the payment of those  
19 taxes?

20 A. A check.

21 Q. And was that check drawn on a personal account or a  
22 joint account with your wife?

23 A. Well, it was a joint account held by Cheryl's  
24 accountant.

25 Q. Okay. At the top of that check does it list one

1 account holder or two?

2 A. Two.

3 Q. And those two are who?

4 A. Myself and my wife.

5 Q. So you and your wife's joint account, because your  
6 name is on the check, are what paid the property tax bills for  
7 2185?

8 A. Yes.

9 Q. Is there an address associated with that account?

10 A. Oh, it's the address of her accountants in downtown  
11 LA.

12 Q. Thank you. So the address on this account that  
13 references you and Ms. Hines as the account holder is  
14 Ms. Hines' accountant's address?

15 A. Yes. My accountant is in New York.

16 Q. Understood. Mr. Kennedy, now to get us to 2975, your  
17 current address, okay?

18 A. Yes.

19 Q. I'm going to hand you...

20 MR. CORBETT: Bill. Your Honor, if I may?

21 THE COURT: Yes.

22 Q. I see you laughing, Mr. Kennedy, but do you recognize  
23 the document?

24 A. Not really, but I'm trying.

25 THE COURT: Mr. Kennedy, the microphone is

1 behind you, so --

2 THE WITNESS: I'm sorry about that, Your Honor.

3 THE COURT: That's okay.

4 A. I'm going to have to take your word for what this  
5 means because there's very little information on it.

6 Q. Are you able to read it? I know it's small. If we  
7 need the magnifying glass we can get it.

8 MR. SAVINO: The most useful thing I see here --  
9 I'm just trying to move things along is there's a  
10 reference to account number 4491010002. Does that  
11 correspond to anything more legible? 4491010002.

12 MR. CORBETT: And the documents already in  
13 evidence will demonstrate that those are the numbers for  
14 the tax bills that Mr. Kennedy has already said he's  
15 responsible for paying. And now there's this document and  
16 that document shows payment on those account numbers,  
17 correct, Mr. Kennedy?

18 A. I will take your word for it.

19 Q. I just need you to look at the document. It shows an  
20 amount, it shows an account number.

21 MR. SAVINO: Objection.

22 THE COURT: Hold on a second.

23 MR. SAVINO: It's not matching anything and  
24 we've got --

25 THE COURT: Wait a second, please. All right,

1 the question is do you -- can you repeat the question,  
2 Colleen? Why don't you let us know what the last question  
3 is.

4 THE COURT: All right. So, Mr. Savino, what was  
5 your objection to this document?

6 MS. SAVINO: First of all, it is not -- there's  
7 no foundation laid for it. It's not properly identified.  
8 With the redaction essentially the only identifying  
9 information we have is the number I spread on the record  
10 and I can't find that number on the other real estate  
11 documents.

12 THE COURT: All right, let's have the response,  
13 Mr. Corbett, to the objection.

14 MR. CORBETT: Your Honor, hearing Mr. Savino, I  
15 believe if we can explain to him where those connections  
16 are on that document we probably wouldn't have an  
17 objection. Is that correct, Bill?

18 MR. SAVINO: Yes.

19 MR. CORBETT: May I show him where it is?

20 THE COURT: Sure, show him where it is.

21 MR. SAVINO: Your Honor, I'm satisfied. No  
22 objection.

23 THE COURT: Okay, thank you. So are you moving  
24 this document?

25 MR. CORBETT: I am moving this document into

1 evidence, Your Honor.

2 THE COURT: Received.

3 MR. CORBETT: Thank you, Your Honor.

4 (Petitioner's Exhibit 23 was received in  
5 evidence.)

6 THE COURT: What's the number, Colleen?

7 BY MR. CORBETT:

8 Q. Mr. Kennedy, did there come a time where you  
9 purchased property in Hyannis Port?

10 A. Yes.

11 Q. And do you remember what year you purchased that  
12 property in Hyannis Port?

13 A. I lived in that property since 2008 under a lease  
14 arrangement and then I believe that the lease arrangement gave  
15 me a purchase option which I exercised I think in 2020 or 2021.

16 Q. Okay.

17 A. I think.

18 Q. Mr. Kennedy, I'm going to hand you a document that I  
19 believe may refresh your recollection as to dates, but please  
20 look at that.

21 MR. CORBETT: Your Honor?

22 THE COURT: Yes. Thank you.

23 MR. CORBETT: You're welcome. Mr. Savino.

24 BY MR. CORBETT:

25 Q. Do you see that document?



1 A. Yes.

2 Q. And isn't that a quilt claim deed for your purchase  
3 of the home in Hyannis Port in Massachusetts?

4 A. Yes.

5 Q. And the date of that deed, isn't it 2022?

6 A. Okay.

7 Q. So you purchased that property in 2022?

8 A. Yes.

9 Q. In Hyannis Port, Massachusetts?

10 A. Yes.

11 Q. If you could for me, sir, what was the date of the  
12 purchase in 2022?

13 A. It looks like February 9th.

14 Q. February 9th of 2022?

15 A. Yes.

16 Q. Thank you. And if you look at -- it says grant to,  
17 do you see that in the middle of the page?

18 A. Yes.

19 Q. And the property was granted to you, correct?

20 A. Yes.

21 Q. And what address is listed for you when this property  
22 was granted to you on February 9th, 2022?

23 A. 2975 Mandeville Canyon.

24 MR. CORBETT: Your Honor, I would ask that this  
25 be moved into evidence as a deed for his property as

1 testified to at Hyannis Port, Massachusetts.

2 THE COURT: Any objection?

3 MS. SAVINO: The objection is relevance. This  
4 deals with Massachusetts.

5 MR. CORBETT: Your Honor, it lists the address  
6 in California 2975. While we understand the allegations  
7 of Mr. Savino, it appears that Mr. Kennedy owns two  
8 properties currently one in California and one in  
9 Massachusetts. Nothing in the State of New York. If  
10 Mr. Savino would say to the weight of the evidence and we  
11 have a disagreement on that I'm asking for it to be  
12 submitted.

13 MR. SAVINO: It was signed by the trust. It was  
14 not signed by Mr. Kennedy. So some person who is not  
15 before Your Honor put down that address for some reason we  
16 don't know why and it's about a Massachusetts property I  
17 don't think this should be received.

18 THE COURT: Well, I'm going to overrule the  
19 objection and receive it as the deed that was  
20 authenticated by this witness.

21 MR. CORBETT: Thank you, Your Honor.

22 (Petitioner's Exhibit 31 was received in  
23 evidence.)

24 BY MR. CORBETT:

25 Q. I'm going to hand you another document, Mr. Kennedy.

1 If you could please take a look at that.

2 MR. CORBETT: Your Honor, if I may approach?

3 THE COURT: Yes.

4 MR. CORBETT: Mr. Savino.

5 MR. SAVINO: Thank you.

6 BY MR. CORBETT:

7 Q. Mr. Kennedy, have you had a chance to look at that  
8 document?

9 A. Yes.

10 Q. And that document is a limited power of attorney that  
11 you signed for the purchase of the Hyannis Port property in  
12 Massachusetts on February 9th, 2022, correct?

13 A. Yes.

14 Q. And if you go to page 2. Are you there?

15 A. Yes.

16 Q. Is that your signature there for this document?

17 A. Yes.

18 Q. And what was signed on January 29th, 2022, correct?

19 A. Yes.

20 Q. Okay. If you go back to the first page, please. The  
21 first line. What address is listed for you, Mr. Kennedy?

22 A. 2975 Mandeville.

23 MR. CORBETT: Your Honor, being that the deed  
24 has already been put in, this is a limited power of  
25 attorney to execute on the deed. We'd ask that it be

1 admitted into evidence.

2 THE COURT: Any objection?

3 MR. SAVINO: Same concern regarding the weight.

4 THE COURT: Received.

5 MR. CORBETT: Thank you, Your Honor.

6 (Petitioner's Exhibit 8 was received in  
7 evidence.)

8 BY MR. CORBETT:

9 Q. Mr. Kennedy, I'm going to hand you a document. While  
10 I get ready to give copies to the Court take a look at that  
11 while I hand out the copies.

12 MR. CORBETT: Your Honor, if I may?

13 THE COURT: Yes.

14 MR. CORBETT: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 MR. CORBETT: Mr. Savino.

17 MR. SAVINO: Thank you.

18 MR. CORBETT: You're welcome.

19 BY MR. CORBETT:

20 Q. Mr. Kennedy, have you had a chance to review that  
21 document?

22 A. Yes.

23 Q. It appears to be an application for electrical permit  
24 work; is that correct?

25 A. Yes.

1 Q. And the site address of that was 7055 Fernhill Drive,  
2 your prior address, correct?

3 A. Yes.

4 Q. In Malibu?

5 A. Yes.

6 Q. And you signed the application for that electrical  
7 work?

8 A. Yes.

9 MR. CORBETT: We'd ask that this be admitted  
10 into evidence based on his testimony it was an electrical  
11 permit application for his property in California.

12 MR. SAVINO: No objection.

13 THE COURT: Received.

14 MR. CORBETT: Thank you, Your Honor.

15 MR. SAVINO: I'm concerned about weight.

16 THE COURT: Understood.

17 (Petitioner's Exhibit 19 was received in  
18 evidence.)

19 BY MR. CORBETT:

20 Q. Mr. Kennedy, if you please look at this document  
21 while I give copies.

22 MR. CORBETT: Your Honor, if I may? Thank you.

23 THE COURT: You're welcome.

24 MR. CORBETT: Mr. Savino.

25 MR. SAVINO: Thank you.

1 BY MR. CORBETT:

2 Q. Mr. Kennedy, do you know a Barry Greenfield?

3 A. That is Cheryl's business manager.

4 Q. Is it a fact that Mr. Greenfield is a trustee of the  
5 7055 Fernhill Trust?

6 A. He could be.

7 Q. Okay. But it's a business manager for Ms. Hines?

8 A. Yes.

9 Q. And it's that trust, 7055 Fernhill Trust, that bought  
10 the Malibu property?

11 A. Yes.

12 Q. And it's also that trust that bought the first  
13 property in Mandeville Canyon, 2185?

14 A. Yes.

15 Q. And it's that trust that bought the property that you  
16 currently live in at 2975?

17 A. I believe so.

18 Q. Okay. If you could please now look at what I've  
19 given you?

20 A. Yes.

21 Q. That appears to be a building permit application for  
22 7055 Fernhill Drive. Do you see it?

23 A. Yes.

24 Q. And it appears your name is crossed out, do you see  
25 that?

1 A. Yes.

2 Q. And that's your name crossed out in the application?

3 A. Yes.

4 Q. And it appears the name of Barry Greenfield replaced  
5 your name on the application?

6 A. Yep.

7 Q. This was a building permit application for 7055  
8 Fernhill Drive, correct?

9 A. Yes.

10 MR. CORBETT: Your Honor, based upon the  
11 testimony I would ask that this be introduced as an  
12 exhibit for a building permit application for one of  
13 Mr. Kennedy's residence in California.

14 MR. SAVINO: No objection, Your Honor. Could  
15 you read back what he said, please.

16 THE COURT: Colleen, can you read back what the  
17 last statement was by Mr. Corbett.

18 (The Court Reporter read back the requested  
19 material.)

20 MR. SAVINO: No objection to the exhibit.

21 MR. CORBETT: Thank you, Your Honor.

22 THE COURT: Received.

23 (Petitioner's Exhibit 20 was received in  
24 evidence.)

25 THE COURT: You can proceed.

1 MR. CORBETT: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 BY MR. CORBETT:

4 Q. Mr. Kennedy, if you could please look at that  
5 document.

6 MR. CORBETT: Your Honor, if you may?

7 THE COURT: Yes.

8 MR. CORBETT: Thank you, Your Honor.

9 Q. Mr. Kennedy?

10 A. Yes?

11 Q. The document I just handed you, is that a plumbing  
12 permit application?

13 A. Yes.

14 Q. For 7055 Fernhill Drive?

15 A. Yes.

16 Q. Signed by Wilbur Menendez?

17 A. As the owner.

18 Q. And Wilbur Menendez, does he own 7055 Fernhill Drive  
19 at this time?

20 A. No.

21 Q. Did he ever own 7055 Fernhill Drive?

22 A. No.

23 Q. You own 7055 Fernhill Drive?

24 A. Yeah. The owner of record was the trust.

25 Q. And you are a beneficiary of that trust?



1           A.    I'm a beneficiary.

2           Q.    Thank you.  And Wilbur Menendez, as you testified to  
3 earlier, is someone who works for you, is a maintenance person  
4 or property manager for your properties, correct?

5           A.    Yes.

6           Q.    Thank you, Mr. Kennedy.

7                       MR. CORBETT:  Your Honor, we would ask, just as  
8 the prior application, that this be submitted into  
9 evidence.

10                      THE COURT:  Mr. Savino?

11                      MR. SAVINO:  No objection with the consideration  
12 of weight.

13                      THE COURT:  Received.

14                               (Petitioner's Exhibit 21 was received in  
15 evidence.)

16 BY MR. CORBETT:

17           Q.    Mr. Kennedy, would you please look at that while I  
18 hand out copies.

19                      MR. CORBETT:  Your Honor, may I?

20                      THE COURT:  Yes.

21                      MR. CORBETT:  Mr. Savino.

22 BY MR. CORBETT:

23           Q.    Mr. Kennedy, you now have had an opportunity to  
24 review the document I just handed you, correct?

25           A.    Yes.

1 Q. And that appears to be an electrical permit  
2 application for 2975 Mandeville Canyon Road, correct?

3 A. Yes.

4 Q. That is your current residence, correct?

5 A. Yes.

6 Q. Whose name is listed at the property address?

7 A. Barry Greenfield.

8 Q. And Barry Greenfield, again, is the business manager  
9 for Ms. Hines?

10 A. Yes.

11 Q. And Barry Greenfield is the trustee of the 7055  
12 Fernhill Trust?

13 A. Apparently.

14 MR. CORBETT: Your Honor, I would ask that this  
15 be admitted into evidence as application for the current  
16 address of 2975 Mandeville Canyon Road.

17 MR. SAVINO: No objection with my usual  
18 qualification.

19 THE COURT: Yes.

20 MR. CORBETT: And if I could, Your Honor, I  
21 apologize --

22 THE COURT: Yes.

23 MR. CORBETT: Well, let's admit it.

24 THE COURT: Well, I'll receive it into evidence.

25 MR. CORBETT: Please. Sorry, Your Honor.

1 THE COURT: It's received.

2 (Petitioner's Exhibit 26 was received in  
3 evidence.)

4 MR. CORBETT: Good, Your Honor?

5 THE COURT: Yes.

6 BY MR. CORBETT:

7 Q. If I could, the date of issuance of this application  
8 it's in the upper right-hand corner. Mr. Kennedy, can you just  
9 give us that date?

10 A. It would be August 14th, '23.

11 Q. August 14th of 2023?

12 A. Yes.

13 MR. SAVINO: That's when it's printed. It says  
14 printed.

15 THE COURT: So is there an objection,  
16 Mr. Savino?

17 MR. SAVINO: No objection.

18 THE COURT: All right. Please proceed,  
19 Mr. Corbett.

20 MR. CORBETT: Thank you, Your Honor. It's  
21 already in.

22 BY MR. CORBETT:

23 Q. Once again look at this, Mr. Kennedy.

24 MR. CORBETT: Your Honor, if I may? Thank you.

25 THE COURT: You're welcome.

1 MR. CORBETT: Mr. Savino.

2 BY MR. CORBETT:

3 Q. What I just handed you, Mr. Kennedy, appears to be  
4 another application for HVAC work at 2975 Mandeville Canyon  
5 Road, correct?

6 A. Yes.

7 Q. And, again, lists the trustee that you're a  
8 beneficiary of on the owner's application?

9 A. Yes.

10 Q. And that's Mr. Barry Greenfield?

11 A. Yes.

12 Q. Who is Ms. Cheryl Hines's business manager?

13 A. Yes.

14 Q. And if you could, the issue date as well, upper right  
15 corner?

16 A. It's August 14th, '23.

17 Q. Mr. Kennedy, when do you claim to have started to  
18 reside at 84 Croton Lake Road, Katonah, New York?

19 A. In May of '23.

20 Q. In May of '23?

21 A. Yes, I think.

22 Q. Okay. You think it was May of '23?

23 A. It could have been April. It could have been June.  
24 I'm not sure when.

25 Q. It could have been August?

1 A. Could have been.

2 Q. Well, we'll come back to that, Mr. Kennedy.

3 Mr. Kennedy, I'm going to ask you about two different  
4 properties just to kind of change gears a little bit so we can  
5 understand.

6 Are you familiar with a property at 228 Chestnut  
7 Ridge Road in New York?

8 A. Um --

9 Q. Did your sister Kerry live at 220 --

10 A. Yes, my sister Kerry lived there.

11 Q. So it's your testimony here today that your sister  
12 Kerry lived at 228 Chestnut Ridge Road?

13 A. Yes.

14 Q. Does she currently live at that address?

15 A. No.

16 Q. She sold that address some years ago, correct?

17 A. I think so.

18 Q. Did you ever live at that address with your sister?

19 A. Yeah, I think for a short time.

20 Q. Okay. And that short time, was that before you sold  
21 the Bedford address in 2012 or after?

22 A. It was before I'm pretty sure. It may have been  
23 after. I'm not sure.

24 Q. We can clean this up, that's okay. Just one second,  
25 Mr. Kennedy, if I may. Mr. Kennedy, are you familiar with a

1 property at 284 Guard Hill Road?

2 A. Yes.

3 Q. How are you familiar with the property at 284 Guard  
4 Hill Road?

5 A. I lived there.

6 Q. When did you live there?

7 A. That would have been -- I lived in two addresses in  
8 Guard Hill. I would have lived at one in 1983.

9 Q. Mr. Kennedy, just -- I only care right now with this  
10 question on 284 Guard Hill.

11 A. Yeah, I lived at 450 Guard Hill and I lived at 283 or  
12 284.

13 Q. Right. And you lived at --

14 A. I can't remember which one I lived -- one of them I  
15 lived in 1994 and the other one I lived approximately in 2012  
16 to 2014.

17 Q. And the 284 Guard Hill Road is a property you rented,  
18 correct?

19 A. I rented it, yes.

20 Q. And you rented it after selling your home in Bedford  
21 that we previously spoke about?

22 A. Yes.

23 Q. So prior to moving with Ms. Hines to California in  
24 that time frame of 2012 and 2013, you rented property at 284  
25 Guard Hill Road?

1           A.    Yes.

2                   MR. CORBETT:  Your Honor, if we could just have  
3           a quick break?

4                   THE COURT:  Yes, we'll take a 10-minute recess.

5                   MR. CORBETT:  That would be great, Your Honor,  
6           thank you.

7                   THE COURT:  You're welcome.

8                           (There was a short suspension of the  
9           proceedings.)

10                   MR. QUINN:  Good afternoon, Your Honor.

11           Mr. Corbett is just on his way back to the room.  In the  
12           meantime, I can report during.

13                   The break we consulted among counsel and  
14           stipulated to admit both parties' exhibits from the Board  
15           of Elections, so that's Petitioner's Exhibit 88 and  
16           Respondent's Exhibit 7A, I believe.

17                   MR. OSTRANDER:  7A.

18                   THE COURT:  That was stipulated?

19                   MR. QUINN:  Yes, Your Honor.

20                   THE COURT:  Both of those will be received.  
21           We'll have them marked.

22                           (Petitioner's Exhibit 88 was received in  
23           evidence.)

24                           (Respondent's Exhibit 7A was received in  
25           evidence.)

1 MR. CORBETT: Your Honor, I understand that the  
2 voting record issue was resolved and those have been  
3 admitted into evidence.

4 THE COURT: That's correct.

5 MR. QUINN: So thank you to the Court. At this  
6 time, Your Honor -- my adversary already has a copy of the  
7 next one, Your Honor, may I approach?

8 THE COURT: Yes.

9 BY MR. CORBETT:

10 Q. Mr. Kennedy, I'm going to hand you this document  
11 which we've discussed with your counsel and I'm going to start  
12 you on page 4. Please take your time.

13 A. Uh-huh.

14 MR. CORBETT: And just for the Court's  
15 edification, this is a certified copy from the State  
16 Department of Motor Vehicles. That's the full driving  
17 abstract for Respondent-Candidate Kennedy.

18 Q. Have you had a chance to review that document,  
19 Mr. Kennedy? I know it's long, take your time.

20 A. You mean this first page of this document?

21 Q. The whole document, if you may. Mr. Kennedy, have  
22 you had a moment to look at that document?

23 A. Yes.

24 Q. And if you look at that page where we started you,  
25 that's the records of the New York State Department of Motor



1 Vehicles, correct?

2 A. Yes.

3 Q. And that's their records as it relates to you. Your  
4 name is on those records, correct?

5 A. Yes.

6 Q. So that's a driving abstract for the State of New  
7 York on your records, correct?

8 A. Yes.

9 MR. CORBETT: Your Honor, we've already spoken  
10 with counsel, but we admit into evidence the certified  
11 copies of the DMV abstract and Mr. Kennedy's driving  
12 history here in the State of New York.

13 MS. SAVINO: No objection.

14 THE COURT: Received.

15 MR. CORBETT: I can take that back, Mr. Kennedy.

16 THE COURT: What number is that, Colleen?

17 MR. CORBETT: It's going to be 100, Judge.

18 (Petitioner's Exhibit 100 was received in  
19 evidence.)

20 MR. CORBETT: Your Honor, just a piece of  
21 housekeeping. We had already went over what was marked as  
22 Petitioner's 27. Bill, just so you know, it was the last  
23 application at 2975.

24 MR. SAVINO: HVAC.

25 MR. CORBETT: Yes. In our haste to move this

1 along we didn't offer it into evidence, so I'm just going  
2 to now offer it into evidence since the proper foundation  
3 was laid earlier.

4 MR. SAVINO: With the consideration of weight  
5 noted, no objection.

6 THE COURT: Received.

7 (Petitioner's Exhibit 27 was received in  
8 evidence.)

9 MR. CORBETT: Thank you, Your Honor.

10 BY MR. CORBETT:

11 Q. Mr. Kennedy --

12 A. Yes.

13 Q. -- do you remember that during the course of this  
14 case there came a time where you submitted an affirmation in  
15 support of a motion made on your behalf?

16 A. An affirmation?

17 Q. An affirmation.

18 A. About what?

19 Q. Okay. You're an attorney admitted in the State of  
20 New York?

21 A. Yes.

22 Q. And you understand that as an attorney you can affirm  
23 things without the need for a notary to notarize your  
24 signature?

25 A. Yes.

1 Q. So to help you I'm going to hand you this, if you  
2 could.

3 MR. CORBETT: Your Honor, if I may?

4 THE COURT: Yes, please.

5 MR. CORBETT: Thank you, Your Honor. And  
6 Mr. Savino.

7 BY MR. CORBETT:

8 Q. And I know it's a little lengthy so, please, when  
9 you've had time to really look at it, Mr. Kennedy, you let me  
10 know and we'll just have some questions, okay? Mr. Kennedy,  
11 did you have a chance?

12 A. Yes.

13 Q. And Mr. Kennedy, as we said earlier, that's an  
14 official document of the New York State Department of Motor  
15 Vehicles, correct?

16 A. This?

17 Q. Yes. I'm sorry, Mr. Kennedy, strike that. I  
18 apologize. We already did that, Mr. Kennedy. I'm getting  
19 ahead of myself. I'm so interested in trying to get you out of  
20 here I'm get a little out of whack, so I apologize?

21 A. That's okay.

22 Q. I know you're busy. So, Mr. Kennedy, I just handed  
23 you a document. It's an affirmation, correct?

24 A. Yes.

25 Q. An affirmation that you signed, correct?

1 A. Yes.

2 Q. And obviously you know that affirmations are taken as  
3 akin -- as affidavits but attorneys don't need notarized  
4 signatures?

5 A. Yes.

6 Q. If I may, I'm going to point you to a certain section  
7 just like we've done doing all day. Just give me one second.  
8 I want to just point you to paragraph 16 of the affirmation.  
9 Tell me when you're there. Are you there, Mr. Kennedy?

10 A. Yes.

11 Q. Can you read paragraph 16? It's a short one.

12 A. I maintain a New York driver's license and my  
13 residence is registered as 84 Croton Lake Road.

14 Q. Okay. And the date of that affirmation? It may be  
15 on the last page.

16 A. 7/2/24.

17 Q. July 2nd, 2024?

18 A. Yes.

19 Q. And as an attorney admitted in New York you know when  
20 documents are filed on the electronic court filing system  
21 there's a little tag that gets printed off across the top with  
22 the date? Correct? You know that?

23 A. Yes.

24 Q. Okay. And if you just look at the first page of that  
25 document, do you see the tag?

1 A. Yeah, it's July 2nd, 2024.

2 Q. July 2nd, 2024. And it was your testimony that you  
3 maintain a driver's license 84 Croton Lake Road in Katonah?

4 A. Yes.

5 Q. Thank you, Mr. Kennedy, I appreciate that.

6 MR. CORBETT: Could we please give to Mr. --  
7 I'll get it for you. 100.

8 Q. I'm going to take you to page 10. A long driving  
9 history, Mr. Kennedy.

10 THE COURT: Of what exhibit?

11 MR. CORBETT: This is page 10 of Exhibit 100.  
12 This is the official records, New York State Board of  
13 Elections, as testified to by Respondent-Candidate  
14 Kennedy.

15 BY MR. CORBETT:

16 Q. Mr. Kennedy?

17 A. Yes.

18 Q. Could you please focus your attention at the top of  
19 that page. Are you there? Yes?

20 A. Yes.

21 Q. And on that page if you look at the posted -- the  
22 first posted address on that page.

23 A. The top one is 84 Croton Lake Road.

24 Q. Okay. And what's the date of that?

25 A. 7/3/2024.

1 Q. Okay. And that's when you changed your registration  
2 at 84 Croton Lake Road, correct?

3 A. That's what this says.

4 Q. Okay. You previously testified in an affirmation,  
5 sworn under penalties of perjury, to this court that on 7/2 you  
6 maintained a driver's registration in this state at 84 Croton  
7 Lake Road. And now that document certified from the DMV of the  
8 State of New York says you did not register at that address  
9 until July 3rd.

10 MR. SAVINO: Objection, Your Honor.

11 THE COURT: What is the basis of the objection?

12 MR. SAVINO: This is a misstatement what the  
13 affirmation says. It says that the driver's license was  
14 registered at 84 Croton Lake Road, Katonah, New York.

15 MR. CORBETT: We agree.

16 THE COURT: Wait, what paragraph?

17 MR. SAVINO: Paragraph 16.

18 MR. CORBETT: 16.

19 THE COURT: So you agree that --

20 MR. CORBETT: We agree it says he maintained a  
21 license at 84 Croton Lake Road and that was sworn to on  
22 July 2nd under penalty of perjury, and then on July 3rd is  
23 actually when he changed his license to 84 Croton Lake  
24 Road in the State of New York.

25 THE COURT: Is that a question for the --

1 MR. CORBETT: I was responding to the argument.  
2 I apologize, Your Honor.

3 THE COURT: Okay.

4 MR. CORBETT: He registered from the address 84  
5 Croton Lake Road a day after he swore to this Court he was  
6 already registered there. I was just continuing the  
7 arguments.

8 MR. SAVINO: Your Honor, the way this is  
9 posted --

10 THE COURT: Is there an objection, Mr. Savino?

11 MR. SAVINO: Withdrawn.

12 THE COURT: Go ahead.

13 MR. CORBETT: Thank you, Your Honor.

14 BY MR. CORBETT:

15 Q. You were here when Ms. Moss testified, correct?

16 A. Yes.

17 Q. And you heard Ms. Moss testify that the first time  
18 she received a rental payment, her words, from you was a day  
19 after a New York Post article, do you remember that?

20 A. Yes.

21 Q. And we understand, you know, a day after a Post  
22 article as an attorney, all right, made a mistake, no big deal,  
23 correct?

24 A. Do you want me to explain what happened?

25 Q. No. No.

1           A.    Because I can explain what happened exactly.

2           Q.    No, no, no, we can understand that you swore an  
3 affidavit on 7/2. The affirmation on 7/2. You just had it in  
4 front of you.

5           A.    Yes.

6           Q.    You stated to this Court, under penalty of perjury, I  
7 maintain a driver's license at 84 Croton Lake Road. Then you  
8 just read from an official transcript of the DMV that says you  
9 did not do it until one day later. You're familiar with the  
10 term perjury, yes or no, that's my question.

11          A.    Of course I am. And --

12          Q.    You answered the question. You said of course you  
13 are. The fact of the matter is you did not register from the  
14 address you claimed to reside at for purposes of running for  
15 this office until one day after you swore an oath to this  
16 Court.

17          A.    That I didn't switch my driver's license. That's  
18 what you're saying.

19          Q.    You did not register --

20          A.    I was a resident there from May.

21          Q.    Right. You registered your driver's license at 84  
22 Croton Lake Road on July 3rd, 2024, correct?

23          A.    Well, that's what it says. My understanding at the  
24 time was that that transfer happened a month earlier. Because  
25 my assistant did that. This is the first that I'm hearing that



1 it was not done at that time. Because I was informed at that  
2 time and of course I had the old license so I couldn't tell the  
3 exact day.

4 Q. Right. But you've already testified and we've  
5 already acknowledged in evidence those are official transcripts  
6 from the New York State Department of Motor Vehicle, agreed?

7 A. I didn't have access to this.

8 Q. I'm not asking you prior. Today. We've had all  
9 testified -- we've had testimony and it's been admitted into  
10 evidence. Those are official records of the New York State  
11 Department of Motor Vehicles, correct?

12 A. Yes.

13 Q. And those records indicate you did not register from  
14 84 Croton Lake Road until one day after you swore the  
15 affirmation in this Court, correct?

16 MR. SAVINO: Objection.

17 A. I didn't change my license.

18 THE COURT: Hold on a second. What is your  
19 objection?

20 MR. SAVINO: It calls for a legal conclusion.  
21 Here's a form from the state. The only thing it says  
22 regarding the address is the word posted. Posted. And  
23 this is calling for a legal conclusion by Mr. Kennedy --

24 THE COURT: I'm going to sustain the evidence.  
25 The document is in evidence, it speaks for itself.

1 MR. CORBETT: It speaks for itself, Your Honor.  
2 If I could please have that back, sir. Thank you  
3 Mr. Kennedy.

4 BY MR. CORBETT:

5 Q. Mr. Kennedy, if you can look at this while I hand  
6 this around, please.

7 MR. CORBETT: Your Honor, if I may?

8 THE COURT: Yes.

9 MR. CORBETT: Mr. Savino.

10 BY MR. CORBETT:

11 Q. Mr. Kennedy, you've had a chance to review that  
12 document?

13 A. No.

14 Q. Take your time.

15 A. Is this the same document I was shown before?

16 Q. It is not the same document you were shown before.

17 While you're looking is it okay if I ask you a few questions?  
18 Can you do that?

19 A. Sure.

20 Q. Is it not a fact that you submitted two documents in  
21 support of a motion in this case? One was an affirmation that  
22 wasn't notarized and the other one was an affidavit that was  
23 notarized. Isn't that what you actually executed in this case?

24 A. Yes.

25 Q. You did, okay. And if you look at the affidavit in

1 front of you, if you could please turn to the very last page.  
2 Do you see it, last page? Is that your signature on this  
3 affidavit?

4 A. Yes.

5 Q. And was this signature notarized --

6 A. Yes, it was.

7 Q. -- under penalties of perjury? That's a notary,  
8 correct?

9 A. Yes, it was.

10 Q. Okay. And your signature was to form this document  
11 and the County of Los Angeles, correct?

12 A. Yes.

13 Q. And the date this document was submitted was what  
14 date?

15 A. The 4th day of July.

16 Q. There you go. So isn't it a fact that on July 2nd  
17 you submitted an affirmation under penalty of perjury that said  
18 you're registered at 84 Croton Lake Road for your driver's  
19 license?

20 A. Yeah, but I had changed my driver's license.

21 Q. And that on 7/4 you swore an affidavit for a notary  
22 stating the exact same fact?

23 A. That's what I believed at the time.

24 Q. Okay. Again, as an attorney we understand our  
25 signatures mean something, correct?

1 A. Of course.

2 Q. They mean something to the Court, correct?

3 A. Yeah, of course.

4 Q. And the Court takes seriously the statements  
5 contained in an attorney's document, correct?

6 A. That's what I believed at that time.

7 Q. And as officers of the Court we have an obligation to  
8 be honest and candid with the Court?

9 A. Of course.

10 Q. So on 7/4, the day after you registered your car at  
11 84 Croton Lake Road, you didn't find the need to advise the  
12 Court that there was a mistake?

13 A. This is the first time that I'm hearing that there's  
14 a mistake.

15 Q. Mr. Kennedy, you are an attorney, you are  
16 well-respected. Relying on your assistant and claiming you  
17 didn't know is not going to work when you have a document that  
18 attempts to look like perjury that you signed.

19 MR. SAVINO: Objection, Your Honor, badgering.

20 And everybody is assuming this magical word --

21 THE COURT: Sustained.

22 Q. Mr. Kennedy, let me ask you a question: Did you ever  
23 correct any statements in the affirmation with 7/2 that you  
24 provided to the Court at a future date?

25 A. I've never re-read my affirmation since then. I will

1 certainly correct this. I was wrong by 24 hours.

2 Q. And, again -- I'll take that back, Mr. Kennedy, thank  
3 you. And, again, we understand -- you as an attorney  
4 understand the weight that an affirmation from yourself is  
5 given?

6 MR. SAVINO: Asked and answered.

7 THE COURT: Sustained.

8 MR. CORBETT: Thank you, Your Honor.

9 BY MR. CORBETT:

10 Q. If we could, we would like the witness to have 88.  
11 We are now going to refer Respondent-Candidate Kennedy to the  
12 official records of the New York State Board of Elections, and  
13 this is number 88.

14 MR. CORBETT: You will find, Your Honor, that  
15 there were two versions. As you know, there was  
16 Respondent's 7A. Both of those have this same document in  
17 them at different parts. So there's a consistency of what  
18 we're looking at. Just note for the Court as we had those  
19 agreements earlier, please.

20 THE COURT: Thank you.

21 BY MR. CORBETT:

22 Q. Page 15 for everyone's edification. Mr. Kennedy, I'm  
23 going to refer you -- and everyone I'm referring to --

24 MR. SAVINO: Counting 15 is going to take a  
25 while. What's at the top of the page?

1 THE COURT: Are you in 88 or 7A?

2 MR. CORBETT: We are in 88.

3 THE COURT: Thank you.

4 MR. CORBETT: Page 15.

5 MR. SAVINO: Does it just say 15?

6 MR. CORBETT: It does not, you're going to have  
7 to count them. But while we're doing that can I just  
8 refer him to where we are and I'll wait for you?

9 THE COURT: Yes, please.

10 MR. CORBETT: I'm going to refer you right to  
11 that second indication there. And if you need a  
12 magnifying glass, I know it's tough to read that, let us  
13 know. Mr. Savino, you tell me when you're ready.

14 MR. SAVINO: Not yet. Now I'm ready.

15 A. What am I...

16 Q. Okay. That is a document you previously testified to  
17 that was admitted into evidence. That is the official records  
18 of the New York State Board of Elections. Is that the document  
19 I've handed you again?

20 A. Yes.

21 Q. If you look at the second from the top -- it's hard  
22 because of the limited language. Would you like me to point  
23 you to it?

24 A. Sure.

25 Q. Thank you, Mr. Kennedy.

1 MR. CORBETT: Counsel, going right here, the  
2 second grouping.

3 MR. SAVINO: Got it.

4 THE COURT: Your Honor, the second grouping  
5 right here.

6 BY MR. CORBETT:

7 Q. The second grouping right there. Do you see where my  
8 finger is?

9 A. Yes.

10 Q. Okay. That is the official records from the New York  
11 State Board of Elections as to when you changed your  
12 registration for address purposes on your license. Do you see  
13 that?

14 A. Yes.

15 Q. And what is the date that the New York State Board of  
16 Elections has as your change of registration for your driver's  
17 license at 84 Croton Lake Road?

18 A. 7/3/24.

19 Q. July 3rd, 2024?

20 A. Yes.

21 Q. Thank you. And I just want to understand something,  
22 Mr. Kennedy. It's your testimony here today that this is the  
23 first time you're learning that your registration didn't change  
24 to a day after you submitted an affirmation to the Court?

25 A. An affirmation that I had changed my registration? I

1 had lived in New York for 50 years --

2 Q. That's not the question, Mr. Kennedy.

3 A. I switch address, I don't know --

4 Q. Mr. Kennedy?

5 A. Yes.

6 Q. If I could. You had an affirmation on 7/2 that  
7 informed the Court you're registered from 84 Croton Lake Road.  
8 You've already testified to that.

9 A. Yes.

10 Q. You now have been given two documents from two state  
11 agencies in certified form, the Department of Motor Vehicles  
12 and the Board of Elections, that show you registered on July  
13 3rd, 2024.

14 The question is is it your testimony here today that  
15 you did not know the registration was not changed until July  
16 3rd?

17 MR. SAVINO: Asked and answered.

18 A. We're talking about a 24-hour difference?

19 THE COURT: I'm going to overrule it.

20 A. We're talking about a 24-hour difference?

21 Q. No, we're talking about an attorney who swore  
22 something under penalties of perjury about their connection to  
23 a residence that was not true.

24 MR. SAVINO: Badgering.

25 Q. So that is not true and I'm asking you did you ever



1 correct that inaccuracy with the Court?

2 A. I don't know to this --

3 THE COURT: Before you answer --

4 MR. SAVINO: I really wish he would lower his  
5 voice.

6 THE COURT: All right. So I think this question  
7 was asked and answered, so I'm going to sustain that. And  
8 I am going to ask that you lower your tone.

9 MR. CORBETT: You got it. Thank you, Your  
10 Honor.

11 THE WITNESS: Can I answer that question?

12 MR. CORBETT: You've already answered it,  
13 Mr. Kennedy.

14 THE WITNESS: I haven't answered it.

15 THE COURT: You answered it before. Your  
16 attorney just said asked and answered, that's his  
17 objection.

18 BY MR. CORBETT:

19 Q. Mr. Kennedy, earlier today you talked about your  
20 sister's residence. Kerry's residence. Do you remember that?

21 A. Yes.

22 Q. And the address where your sister lived, no one lives  
23 there, was? Do you remember the address?

24 A. 220 Chestnut Ridge Road.

25 Q. Mr. Kennedy, 228 Chestnut Ridge Road, correct?

1 That's what the record had said earlier, correct?

2 A. Yes.

3 Q. And you had indicated that you had resided at your  
4 sister's residence for a short time?

5 A. Yes.

6 Q. And that short time you resided there, was that after  
7 you sold the Bedford residence in 2012?

8 A. I don't recall.

9 Q. You don't recall, I understand. And did there come a  
10 time where you registered to vote from your sister's residence?

11 A. It's possible.

12 Q. It's possible. And isn't it a fact that the last  
13 time you voted in the State of New York was in 2020?

14 A. 2020?

15 Q. Yes.

16 A. Possibly.

17 Q. Possibly. Well, we have the official record. And  
18 you're saying it's possible that you're registered to vote from  
19 your sister Kerry's house, right?

20 A. Is it possible that I'm still registered from --

21 Q. That's not the question. I asked have you ever been  
22 registered to vote at your sister Kerry's house?

23 A. I might have been.

24 Q. You might have been, okay. I'm going to refer you  
25 now to what's already been admitted. We've been through this

1 document a few times, but not these pages. This is  
2 Petitioner's 88. This is our certified records from the New  
3 York State Board of Elections. I'm going to refer you -- this  
4 is the second page of the document, okay? And I'm only  
5 referring you to the top four lines, the dates there. Just  
6 tell me when you've had a chance to look at that.

7 A. Yes.

8 Q. That indicates the last time you voted, correct?

9 A. Yes.

10 Q. And what was the year of the last time that you  
11 voted?

12 A. It was November 3rd, 2020.

13 Q. Excellent. And below that is the last time you voted  
14 before that. What's the date of that?

15 A. 2018.

16 Q. And the last time before that?

17 A. 2016.

18 Q. Was that a general or a primary election?

19 A. Those were generals.

20 Q. And the next time -- the last time you voted before  
21 that?

22 A. Was in the primary.

23 Q. And that was what year?

24 A. Same year, 2016.

25 Q. If I could please have the document back,

1 Mr. Kennedy?

2 A. Yes.

3 Q. Thank you, sir. We are looking, guys, at a buff  
4 card, the image, so you have it, at the top left corner is  
5 00628504. It is, to make it easier, five documents from the  
6 back. Five pages from the very back. Tough to read, I know.  
7 Mr. Kennedy, if you could please look at that.

8 A. Yes.

9 Q. One second, Mr. Kennedy. Mr. Kennedy, do you see  
10 what we've referred you to, that page?

11 A. Yes.

12 Q. And that is your registration to vote in the State of  
13 New York, correct?

14 A. Yeah.

15 Q. And if you look at the date that you registered down  
16 in the right corner. Do you see the date? Do you see the  
17 date, Mr. Kennedy?

18 A. Yes. It says 9/30/14.

19 Q. 9/30/2014. And do you see the residence from which  
20 you registered to vote?

21 A. Yeah, Chestnut Ridge Road.

22 Q. 228 Chestnut Ridge Road.

23 A. Yeah.

24 Q. That is your sister Kerry's residence, correct?

25 A. Yeah.

1 Q. Or was her residence, fair?

2 A. Yeah, and it was my residence for a time too.

3 Q. Your residence for a time too. And this now  
4 clarifies that that time was after 2012 when you sold your home  
5 in Bedford, correct?

6 A. It was after -- it would have been after I sold my  
7 home in Bedford.

8 Q. If I could, same document, I'll count from the back  
9 again. Six pages from the back. Are you there, Mr. Kennedy?

10 A. Got it.

11 Q. Okay, let's look at the date, bottom right corner.  
12 Do you see that date?

13 A. November 6, 2018.

14 Q. Okay. This is when now you changed your residence,  
15 for voting purposes, from Kerry Kennedy's address at 228  
16 Chestnut Ridge Road, correct?

17 A. Yeah.

18 Q. And where did you change it to? Can you read that?  
19 Does it say 2 Twin Lakes?

20 A. 2 Twin Lakes Road.

21 Q. And 2 Twin Lakes Drive is what you have previously  
22 misstated as the residence for Mr. Michaelis and Ms. Steiner,  
23 correct?

24 MR. SAVINO: Objection.

25 A. No, that's not correct.

1 THE COURT: Before you answer, Mr. Kennedy,  
2 there's an objection. What's the basis of your objection?

3 MR. SAVINO: Right in the question he's saying  
4 that there was a misstatement by my client and I don't  
5 think that's appropriate.

6 MR. CORBETT: I'll withdraw the question, Your  
7 Honor.

8 THE COURT: Thank you.

9 MR. CORBETT: You're welcome.

10 BY MR. CORBETT:

11 Q. Mr. Kennedy, you were familiar with 228 Chestnut  
12 Ridge Road, correct?

13 A. Yes.

14 Q. You lived there for a time?

15 A. Yes.

16 Q. And you lived there for a time after you sold your  
17 property in New York that was in Bedford?

18 A. Yes.

19 Q. The last property you owned in the State of New York  
20 was that Bedford property, correct?

21 A. Yes.

22 Q. And then in between leaving New York --

23 A. Yes, that's the last property I owned.

24 Q. That's correct, that was the question. Thank you,  
25 Mr. Kennedy, for the clarification. And in between moving to

1 California you then, for a time, lived with your sister at the  
2 address at 228 Chestnut Ridge Road?

3 A. Yes.

4 Q. And you registered to vote from there in 2014?

5 A. Yes.

6 Q. And you changed your registration, to not vote there  
7 anymore 2018, correct?

8 A. Yes.

9 MR. CORBETT: Your Honor, this is the deed of  
10 sale for 228 Chestnut Ridge Road a property that  
11 Mr. Kennedy has testified to that he lived in for a spell,  
12 was registered to vote from for a spell. We're going to  
13 have him look at it and then we're going to ask that it be  
14 offered into evidence. And I will give a copy to my  
15 counsel and to you as well.

16 BY MR. CORBETT:

17 Q. Mr. Kennedy, is that not a deed from when your sister  
18 sold the property at 228 Chestnut Ridge Road?

19 A. Yes.

20 Q. And what is the date of that deed? Is it the 17th of  
21 November 2015?

22 A. That looks right.

23 Q. Mr. Kennedy, you were registered to vote and you  
24 actually voted in a primary election in 2016 and a general  
25 election in 2016 from a house that your sister no longer owned.

1 How do you explain that?

2 A. I don't think it's illegal to vote -- I vote in the  
3 same town and I lived in the same town at the same voting place  
4 for 40 years. I moved 13 different times in that town. I did  
5 not change my registration every time. I voted in the same  
6 voting location every time. Oh, and I don't think that's  
7 illegal. I wasn't voting more than one place, I was voting  
8 where I was supposed to be voting in the town where I lived.

9 Q. You're an attorney in the State of New York --

10 MR. SAVINO: Asked and answered.

11 Q. -- correct?

12 THE COURT: Okay, is there an objection?

13 MR. SAVINO: Yes, that he's asked him if he's an  
14 attorney I think 90 times.

15 THE COURT: I'm going to sustain that.

16 MR. CORBETT: Fine.

17 Q. You were registered to vote in 2016 from 228 Chestnut  
18 Ridge Road, correct?

19 A. Correct.

20 Q. And it's your testimony here today that just because  
21 you lived in the area you could still vote in that area?  
22 That's your testimony, right?

23 A. Well, I don't know exactly what the law was, but I  
24 didn't think I was breaking the law at that time.

25 Q. As an attorney in the State of New York are you



1 familiar with the term voter fraud?

2 A. Of course I'm --

3 Q. Yes or no?

4 MR. SAVINO: Objection.

5 Q. Yes or no?

6 THE COURT: Overruled.

7 Q. Are you familiar with the term voter fraud? Yes or  
8 no?

9 A. I'm familiar with the term. I don't know what the --  
10 that what I did was voter fraud. I don't believe that what I  
11 did was voter fraud, but I could be wrong.

12 Q. Do you know the current occupants of 228 Chestnut  
13 Ridge Road?

14 A. No.

15 Q. And yet when you showed up to vote in 2016 you voted  
16 from that residence. That's what those records reflect,  
17 correct?

18 A. I voted where I always vote. The same voting place.  
19 I signed my name, I signed my signature, I voted.

20 Q. So, Mr. Kennedy, you don't have to be held to the  
21 same standards as every other citizen in the State of New York,  
22 is that what you're saying?

23 A. Like I said, I've moved 13 times in that town. I  
24 haven't reregistered my driver's license and everything else  
25 every time I moved.

1 Q. Mr. Kennedy?

2 A. There are times I've only lived in a place for six  
3 months.

4 Q. Mr. Kennedy, with all we've said, and all due  
5 respect, you are here today testifying in open court that you  
6 never changed your voter registration when you moved; is that  
7 correct?

8 A. No.

9 MR. SAVINO: Objection, Your Honor. He did not  
10 say he's never changed his registration.

11 THE COURT: Sustained.

12 Q. Is your testimony here today that as long as you live  
13 in the general area where you've always lived, it has no value  
14 to where the Board of Elections has you registered to vote?

15 A. No. My testimony here is that I never defrauded  
16 anybody.

17 MR. CORBETT: Okay. Your Honor, we've been  
18 through the deed many times, we'll move to have that  
19 admitted into evidence.

20 THE COURT: Any objection?

21 MR. SAVINO: Which Exhibit number is that?

22 MR. CORBETT: It's 32. We've been through this.

23 MR. SAVINO: No objection.

24 THE COURT: Received.

25 MR. CORBETT: Thank you.

1 THE COURT: You're welcome.

2 (Petitioner's Exhibit 32 was received in  
3 evidence.)

4 MR. CORBETT: Your Honor, we have probably about  
5 another hour, maybe hour and twenty to an hour and a half,  
6 depending on how we go. It took a lot of time to get  
7 through those documents, I appreciate your patience.  
8 We'll defer to the Court. I mean we can keep going  
9 tonight or break. Whatever the Court would like us to do.

10 THE COURT: Mr. Savino, what is your position?

11 MR. SAVINO: I think it's unwise for us to go to  
12 6 p.m.

13 THE COURT: That wasn't even part of this.

14 MS. SAVINO: Okay.

15 THE COURT: We would be going until 5:00. So  
16 another half hour or we can break for the day now.

17 MR. SAVINO: Can I ask my client?

18 THE COURT: Would you like to continue or do you  
19 want to --

20 THE WITNESS: That's fine.

21 THE COURT: We can go until 5:00. Probably  
22 4:45.

23 THE WITNESS: That's fine with me.

24 THE COURT: We'll do 15 more minutes.

25 MR. CORBETT: Thank you, Your Honor. And then

1 obviously we'll continue in the morning with Mr. Kennedy.

2 THE COURT: Absolutely, yes.

3 MR. CORBETT: And just one second, if I may,  
4 Your Honor, just to check something?

5 THE COURT: Yes.

6 MR. CORBETT: I'm going to hand a document to  
7 the candidate.

8 BY MR. CORBETT:

9 Q. The first page is a generic page. It's the second  
10 page where the document starts, Mr. Kennedy.

11 MR. CORBETT: Your Honor, may I approach?

12 THE COURT: Yes, please.

13 MR. CORBETT: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 MR. CORBETT: And Mr. Savino.

16 BY MR. CORBETT:

17 Q. Mr. Kennedy, take your time. I know it starts on  
18 page 2 and it takes you through four more pages. So please  
19 just take the time to look at that document for me because we  
20 do have a few questions on it.

21 A. Okay.

22 Q. What is the document that you are currently looking  
23 at?

24 A. It's a letter -- it's two letters. One a letter  
25 to -- it's an article that announces my departure after 33

1 years from Riverkeeper. And it's a letter from the board to me  
2 thanking me for my service in a detailed letter. And then  
3 there's a letter from me to the chairman of the board saying  
4 that I'm -- you know, essentially reciting some of my memories  
5 or achievements, that kind of thing.

6 Q. Two separate letters concerning Riverkeeper?

7 A. Yes.

8 Q. What is Riverkeeper?

9 A. Riverkeeper is a -- it was a coalition of commercial  
10 and recreational fishermen that launched their patrol boat,  
11 began patrolling the Hudson, and I represented them for 33  
12 years litigating against polluters on the Hudson.

13 MR. CORBETT: Mr. Kennedy, forgive me, some of  
14 that I missed in the middle. Were you able to get all of  
15 that?

16 (The Court Reporter read back the requested  
17 material.)

18 Q. What do you mean by patrolling the Hudson?

19 A. We would track down polluters, we would take samples,  
20 collect evidence against polluters and then we would file  
21 lawsuits against them. We filed I think over 500 lawsuits  
22 against Hudson River polluters.

23 Q. You say track down. Under what authority were you  
24 tracking down polluters?

25 A. There are two principle statutes that we operated

1 under. One was 1888 Rivers and Harbor's Act. It was also  
2 called the Refuse Act. And it allowed individuals to document  
3 pollution and then collect bounties.

4 And there was a -- the Clean Water Act was another  
5 statute that we operated under. And like many of the  
6 environmental statutes that were passed after Earth Day 1978  
7 there were 21 statutes passed. And taking the citizens  
8 supervisions that allowed individuals who are affected by  
9 pollution when the government agencies fail to enforce the law,  
10 to step into the shoes of the United States attorney and  
11 prosecute that polluter for penalties of over \$30,000 a day for  
12 adjunctive relief and then to collect attorneys fees.

13 Q. Are you done, Mr. Kennedy? I'm sorry, I don't want  
14 to interrupt you. It seems and it appears that you are  
15 somewhat of an expert in the Clean Water Act; is that a fair  
16 statement?

17 A. Yes.

18 Q. You have a very deep understanding of that statute  
19 and the laws?

20 A. Yes.

21 Q. Is it fair to say you don't have the same depth and  
22 understanding of the New York State Election Law?

23 MR. SAVINO: Objection, relevance, Your Honor.

24 THE COURT: Overruled.

25 A. Yes, it is fair to say that.

1 Q. And is it fair to say that you don't have that  
2 expertise and depth of understanding of the way motor vehicles  
3 are registered in the State of New York?

4 A. Well, I don't know -- you know, what I know is that  
5 we filed my papers -- our papers --

6 Q. Mr. Kennedy --

7 A. -- and we were told the papers were in.

8 Q. Mr. Kennedy --

9 THE COURT: I think that was a yes or no  
10 question.

11 Q. It was a yes or no question and I just need you to  
12 answer it. And if you want, we can have it read back if you'd  
13 like. Is it okay if we read it back?

14 A. Sure.

15 MR. CORBETT: Can you read back just my last  
16 question, please?

17 A. Yes.

18 (The Court Reporter read back the requested  
19 material.)

20 MR. SAVINO: Your Honor, I do not believe that  
21 question mandates an instruction from Your Honor that it  
22 only be a yes or no answer. I think he's allowed to  
23 explain his answer.

24 THE COURT: Well, it's a yes or no question on  
25 cross or on redirect you can ascertain more.

1 MR. SAVINO: Okay.

2 THE COURT: Thank you.

3 BY MR. CORBETT:

4 Q. Just to go back to Riverkeeper if we could. That's  
5 an organization that is near and dear to you, correct?

6 A. Yeah, it is.

7 Q. You spent a lot of time and a lot of energy of your  
8 life working with the Riverkeeper organization?

9 A. Yes.

10 Q. Do you know who the current chairperson is of  
11 Riverkeeper?

12 A. The current chairperson, I think it may still be Joe  
13 Boren.

14 Q. Mr. Kennedy...

15 A. It may still be Joe Boren.

16 Q. Can you just -- I didn't get the last name.

17 A. Joe Boren, B-O-R-E-N.

18 Q. Thank you. And Riverkeeper has a board, correct?

19 A. Yes, it does.

20 Q. And how many members are there currently on the  
21 Riverkeeper board, if you know?

22 A. I have no idea.

23 Q. Were you ever a member of the Riverkeeper board?

24 A. Yes, of the Hudson Riverkeeper and many other. We  
25 have 370 Riverkeepers.



1 Q. Did you help start Riverkeeper?

2 A. Yes.

3 Q. And are there other Riverkeeper organizations under  
4 that umbrella? I didn't understand --

5 A. Yes.

6 Q. But what is the main entity that forms Riverkeeper?

7 A. Well, the Hudson Riverkeeper was the first keeper and  
8 then when other groups started applying we put up a -- we  
9 created a licensing organization that would license new groups,  
10 and that's called the Waterkeeper Alliance, and I was the  
11 founder of that.

12 Q. Mr. Kennedy, I'm going to focus you back now to this  
13 letter. And it's going to be actually the first letter. Well,  
14 it's actually the top of the second letter the way it was  
15 printed, if you don't mind.

16 MR. CORBETT: For Your Honor's edification and  
17 for counsel, on the third page we're in the bottom, okay?

18 Q. And I'm going to ask you to first look at the date.  
19 It's just above the introduction. And, again, it's the second  
20 correspondence you referred to, but it's kind of the bottom of  
21 the page. Do you see that date?

22 A. Yes, March 10, 2017.

23 Q. Thank you, Mr. Kennedy. And, Mr. Kennedy, there's a  
24 statement there from you. Is that your statement?

25 A. Yes.

1 Q. Can you read that statement for the Court?

2 A. As you know, I live in the -- I now live in the West  
3 Coast and the weekly commute has been hard on my family, to say  
4 nothing of my carbon footprint.

5 Q. And the purpose of this correspondence was to do  
6 what, Mr. Kennedy?

7 A. I was stepping down as the senior prosecuting  
8 attorney and I think president of Riverkeeper.

9 Q. You were the president of Riverkeeper at the time,  
10 correct?

11 A. I think I was -- Hudson Riverkeeper I was either  
12 president or vice president, but it was a high level office.

13 Q. And you resigned from that entity in 2017?

14 A. Yes, I did.

15 Q. Because of the commute that you had to do to get to  
16 your home on the West Coast?

17 A. Yes.

18 Q. And someone who is so devoted to the organization, a  
19 part of the organization, that must have been a hard thing to  
20 do.

21 A. It was.

22 Q. And that letter seems to be genuine and heartfelt.  
23 Is it?

24 A. Yes.

25 Q. And that's an exact statement of what you wrote in

1 that correspondence in your resignation letter?

2 A. Yes.

3 MR. CORBETT: Your Honor, at this time I would  
4 ask that we move into evidence PX 7, which is -- oh  
5 sorry -- yes, Petitioner's 7.

6 MR. SAVINO: No objection.

7 THE COURT: Received.

8 (Petitioner's Exhibit 7 was received in  
9 evidence.)

10 THE COURT: I think this is a good place for us  
11 to stop the testimony for today.

12 MR. CORBETT: That's great, Your Honor. We can  
13 start again tomorrow with Mr. Kennedy, obviously.

14 THE COURT: Yes.

15 MR. CORBETT: Could we just -- and I don't want  
16 to belabor the point. There was an earlier note pad  
17 incident that Mr. Kennedy gave me his word, I have  
18 nothing -- we accept that, Mr. Kennedy and Savino.

19 I was advised that after that there were some  
20 typed out pages and writings going on and maybe even  
21 passed back and forth.

22 THE COURT: During the testimony?

23 MR. CORBETT: Yes, in between when we had a  
24 break. I'm not getting into what was, was not occurring  
25 at this point, I reserve the right to, but if we could

1 please direct the candidate, because he's still sworn  
2 under oath, not to be discussing his testimony in any way  
3 or preparing his testimony in any way because he will be  
4 continue tomorrow morning.

5 THE COURT: Yes. So, Mr. Kennedy, you're under  
6 oath and you're in the middle of testimony so you cannot  
7 discuss this case with your attorneys until after your  
8 testimony is completed.

9 THE WITNESS: I haven't discussed it with  
10 anybody, Your Honor, and I appreciate and obviously I  
11 won't do that.

12 THE COURT: Thank you.

13 MR. CORBETT: Thank you, Mr. Kennedy.

14 THE COURT: Is there anything from either side?

15 MR. CORBETT: That's it for today, Your Honor.  
16 Thank you for your time.

17 THE COURT: We will begin tomorrow morning at  
18 9:30 promptly.

19 MR. CORBETT: Thank you, Your Honor.

20 (The proceedings in the above-entitled matter  
21 were adjourned for the day.)

22 \*\*\*\*\*

23 (The proceedings in the above-entitled matter  
24 continued on August 7, 2009 as follows):

25

1                   **ROBERT F. KENNEDY, JR.**, having been previously  
2           duly sworn, was examined and testified as follows:

3                   MR. CORBETT: May I proceed, Your Honor?

4                   THE COURT: Yes, please.

5 CONTINUED DIRECT EXAMINATION

6 BY MR. CORBETT:

7           Q. Good morning, Mr. Kennedy, how are you today?

8           A. Good morning, Mr. Corbett.

9           Q. Nice to see you again.

10          A. Likewise.

11          Q. Mr. Kennedy, I'm going to hand you something we  
12 premarked as PX 90, and it's your affirmation that was  
13 submitted to the Court on September 2nd. If you could just  
14 take a look at that for a second, please.

15                   THE WITNESS: I'm sorry, Your Honor, can I  
16 retrieve my glasses?

17                   THE COURT: Let's have one of your attorneys get  
18 them.

19                   MR. OSTRANDER: May I approach?

20                   THE COURT: Yes, please.

21                   THE WITNESS: Thank you.

22 BY MR. CORBETT:

23          Q. Mr. Kennedy, do you recognize the document I just  
24 gave you?

25          A. Yes, I do.

1 Q. And that is the affirmation -- your affirmation that  
2 we ID'd yesterday into evidence, correct?

3 A. Yes.

4 Q. And we've asked you questions on portions of that  
5 affirmation already, correct?

6 A. Yes.

7 Q. Mr. Kennedy, I'm going to ask you to please turn to  
8 paragraph 21 of that affirmation.

9 A. Yes.

10 Q. Do you see paragraph 21?

11 A. Yes, I do.

12 Q. Can you read paragraph 21 to me, please?

13 A. I retain no licenses in the State of California or  
14 Massachusetts or any other state.

15 Q. Isn't it a fact that you have a falconry license in  
16 the State of California?

17 A. I've never practiced falconry in the state. I may  
18 have -- I may have -- I don't recall if I transferred my  
19 license when I moved there 10 years ago, but I never used the  
20 license.

21 Q. So you're saying you may have transferred your New  
22 York State falconry license to California?

23 A. Well, I would retain it in New York State, so... but  
24 I think I -- my understanding is that I transferred it at that  
25 time and then I transferred it back to New York State. And the

1 California license, I don't know whether that would continue to  
2 exist or not.

3 Q. We have a lot there, Mr. Kennedy, so let's just  
4 unpack that if we can. The affirmation as you just read states  
5 you have no license in California, correct?

6 A. Yes.

7 Q. And you had just said that you had a falconry license  
8 in New York originally; is that correct?

9 A. Yes.

10 Q. And then you transferred it to California; is that  
11 correct?

12 A. I got licensed -- my memory is, and I'm just  
13 remembering this now, that when I first moved to California I  
14 intended to bring my hawks to -- some of my hawks to California  
15 and I didn't do it. I ended up not doing it. I ended up  
16 leaving them in New York State so I never used that license.

17 Q. Fair to say that you're not certain if you ever  
18 transferred your license from New York to California?

19 A. Yes.

20 Q. Fair to say that if you did you would have done so  
21 when you and your family moved from New York to California?

22 A. Yes.

23 MR. CORBETT: This is for you, Mr. Kennedy.

24 Judge, may I approach?

25 THE COURT: Yes.

1 MR. CORBETT: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 MR. CORBETT: Mr. Savino.

4 MR. SAVINO: Your Honor, may I be heard  
5 momentarily?

6 THE COURT: Yes.

7 MR. SAVINO: Your Honor, this was not on the  
8 exhibit list, but we do not object because I know from  
9 opposing counsel they only got it yesterday and I can't  
10 very well object when they only got it from California  
11 yesterday.

12 THE COURT: All right, thank you.

13 MR. CORBETT: Your Honor, it was just so ordered  
14 subpoena and documents that will be coming in, so  
15 obviously we disclosed it immediately. And we appreciate  
16 that comment from Mr. Savino.

17 MR. SAVINO: And I appreciated getting this at  
18 something like 8 p.m. last night. That's how law should  
19 be practiced.

20 THE COURT: Thank you. Please proceed,  
21 Mr. Corbett.

22 MR. CORBETT: Thank you, Your Honor.

23 BY MR. CORBETT:

24 Q. Do you see the document I just handed to you,  
25 Mr. Kennedy?



1 A. Yes.

2 Q. What is the document I just handed to you?

3 A. It's a California falconry license.

4 Q. Okay. And whose name is on this license.

5 A. Robert F. Kennedy, Jr.

6 Q. And what address is on this license?

7 A. 7055 Fernhill Drive.

8 Q. And that's in Malibu, California?

9 A. Yes.

10 Q. And that's the first home you and Ms. Hines purchased  
11 together when you moved from New York?

12 A. Yes.

13 Q. If you look at the bottom there's a signature. See  
14 applicant's signature?

15 A. Yes.

16 Q. Is that your signature on this document?

17 A. No, it is not.

18 Q. I'm sorry, Mr. Kennedy. Applicant's signature.

19 A. That's not my handwriting.

20 Q. You're saying someone else signed this application on  
21 your behalf?

22 A. Apparently.

23 Q. And did you give someone the authority to sign this  
24 application on your behalf?

25 A. I don't recall.

1 Q. I'm sorry?

2 A. I do not recall.

3 Q. Is it a common custom of yours to allow other people  
4 to sign documents on your behalf?

5 A. Occasionally.

6 Q. Occasionally. So it explains, I assume, you would  
7 say that explains why your signature looks different on various  
8 different documents in this case?

9 A. I don't know, I would have to see the signatures.

10 Q. Okay, but, again, you have occasionally authorized  
11 others to sign legal documents on your behalf?

12 A. Occasionally.

13 Q. If we could turn to the second page, please. Can you  
14 look now on the second page. I want you to see the effective  
15 date. It's almost near the bottom of the page. It says  
16 license authorization. Do you see that effective date?

17 A. This would be on page 2, Mr. Corbett?

18 Q. Yes.

19 A. It isn't marked page 1 of 5 or page 2 of 5?

20 Q. It's marked page 1 of 5. Do you see that effective  
21 date?

22 A. Can you just point it out to me?

23 Q. Oh, absolutely, Mr. Kennedy.

24 A. Okay. It's June 10, 2015.

25 Q. And to the right of that is an expiration date. What

1 is that expiration date?

2 A. 12/31/2019.

3 Q. Thank you. And if you look at the top, that's  
4 actually your New York falconry license, correct? Just the top  
5 of the page you are on, Mr. Kennedy.

6 A. Yeah.

7 Q. And obviously when you applied for your falconry  
8 license in California you had to give them your license  
9 information from New York and that's what you see there,  
10 correct?

11 A. Yeah. I want to point out that my affirmation is  
12 true --

13 Q. Mr. Kennedy --

14 A. -- because this hasn't expired.

15 Q. Mr. Kennedy, there's no question on the floor right  
16 now. You've answered the question.

17 MR. CORBETT: I would ask that the extra  
18 colloquy be struck.

19 THE COURT: Yes, that's approved. So the extra  
20 colloquy beyond the answer to the question is stricken.

21 MR. CORBETT: Thank you, Your Honor.

22 BY MR. CORBETT:

23 Q. Mr. Kennedy, I'm now going to ask you to turn to the  
24 very last page. Mr. Kennedy, if you look at the bottom of the  
25 page it has a year, an item number, and a description. Do you

1 see that?

2 A. The very last page?

3 Q. Yes, the very last page, Mr. Kennedy. And we're at  
4 the very bottom of the page. Do you see it says year, item  
5 number, description?

6 A. Yeah.

7 Q. And the first one, what's that year?

8 A. 2015.

9 Q. And next to that there's a description. What's that  
10 description?

11 A. Falconry license.

12 Q. There's an issue date, do you see that?

13 A. Yes.

14 Q. What date is that?

15 A. October 8th, 2015.

16 Q. And you see the status? What's the status say?

17 A. The status?

18 Q. Yes.

19 A. Okay, it says active.

20 Q. Active. And if you look at the top, this is relating  
21 to your California falconry license, correct?

22 MR. SAVINO: Objection.

23 THE COURT: What's the basis of the objection?

24 MR. SAVINO: I'm looking at the letters N-Y,  
25 which stand for New York. I don't see California. The

1 physical address is California, the identification is New  
2 York.

3 MR. CORBETT: This is his California license,  
4 Bill.

5 MR. SAVINO: Why does it say New York?

6 MR. CORBETT: Because --

7 THE COURT: Is this an objection or is this a  
8 question?

9 MR. SAVINO: It's an objection.

10 THE COURT: What's the basis of your objection?

11 MR. SAVINO: That the inquiring attorney is  
12 stating this is California and the indication on the  
13 papers that we got --

14 THE COURT: The witness can answer the question.

15 MR. SAVINO: Yes.

16 THE COURT: Overruled. Please repeat the  
17 question. Or Colleen, why don't you read it back to us,  
18 please.

19 (The Court Reporter read back the requested  
20 material.)

21 A. No, this is my New York license.

22 Q. How do you know that's your New York license?

23 A. It says it right here.

24 Q. And is that referring to the license below or the  
25 information they got from the State of New York?

1           A.    It's unclear. This is unclear. This does say that  
2 my California license expired in 2019.

3           Q.    Okay.

4           A.    So I don't have a California license.

5           Q.    Okay, so let's move on to the next one right below  
6 it?

7           A.    Yeah.

8           Q.    Let's go back. Do you see the same spot on the  
9 document?

10          A.    Yeah.

11          Q.    Go to the second row.

12          A.    Yeah.

13          Q.    And what's the year on the second row?

14          A.    It's October 8th, 2015.

15          Q.    Okay, and let's go -- I just wanted the year. What's  
16 the year? First column.

17          A.    2015.

18          Q.    And let's go now to the description?

19          A.    Yeah.

20          Q.    What's the description?

21          A.    The description is -- I think that may be my federal  
22 license.

23          Q.    What's the description state? Just read it for us.

24          A.    Falconry license application fee. SP number  
25 FAL-10769. I think that's my federal license.

1 Q. And let's go over. What's the status of that?

2 A. It says active.

3 Q. Okay. And you notice how the second one had an  
4 application in the description, right? You just said it.

5 A. But there's no date on this page.

6 Q. All I'm asking you, Mr. Kennedy, as you sit here  
7 today, is those two licenses, they were submitted for you to  
8 get your falconry license in the State of California, correct?

9 A. Yes.

10 Q. Okay. And now if you go to the second to last page,  
11 please, Mr. Kennedy.

12 A. Yes.

13 Q. Is that not the receipt you paid to obtain your  
14 falconry license in the State of California?

15 A. It appears to be.

16 Q. And if you look at the numbers on the top on that  
17 falconry license, on the receipt, don't you see that they match  
18 the same numbers on the prior sheet you testified to showing  
19 this is not your federal license, this is in fact your falconry  
20 license in the State of California, correct?

21 A. Yes, it might be. As I said, it's expired in 2019.

22 Q. The New York license expires in 2019.

23 A. No.

24 Q. Yes. Mr. Kennedy --

25 THE COURT: Is that a question?

1 Q. Mr. Kennedy, this is an application to the State of  
2 California for a falconry license. You already testified to  
3 that, correct? Correct?

4 A. Yeah. This is an application, yeah.

5 Q. And as you previously stated earlier, and I think it  
6 makes sense it's confirmed, the New York application had to be  
7 given to the State of California for you to obtain a California  
8 license, and that's what we saw the documents of, correct?  
9 Mr. Kennedy, correct?

10 A. I'm studying it.

11 Q. Okay, well you've already had testimony on this.  
12 You've already testified, Mr. Kennedy, the New York license  
13 expires in 2019.

14 A. I don't know that.

15 Q. Mr. Kennedy, it's on the document that you already  
16 testified to.

17 A. Oh, okay.

18 Q. So what I'm asking you now is on the California  
19 license on the last page, not to belabor the point, the  
20 falconry license, it says active, correct? It's the last line  
21 on the page as you come across in the columns. Active.

22 A. Yeah, it does.

23 MR. CORBETT: Your Honor, we would ask at this  
24 time that this be admitted into evidence. It has been  
25 confirmed to be the application of Robert F. Kennedy for



1 his falconry license in the State of California.

2 MR. SAVINO: Your Honor, we object on the issue  
3 of relevance. First of all, because this deals with a  
4 possible allegation of residence in California. And  
5 second of all on the next to last page of the exhibit,  
6 Your Honor, if you look at the top it says this falconry  
7 license is valid from October 8th of 2015 to June 30 of  
8 2016. So this has been expired for eight years.

9 So I don't know why a license expired for eight  
10 years would have any relevance. And I know from my  
11 opposing counsel that I received everything produced by  
12 the California wildlife division and this is the only  
13 thing and it's been over and done with for the better part  
14 of a decade.

15 MR. CORBETT: If I may, Your Honor?

16 THE COURT: Yes.

17 MR. CORBETT: I think Mr. Savino is misreading  
18 the document. The New York license clearly expired in  
19 2019. The license in California is clearly still active.  
20 That being said, I think the document speaks for itself  
21 and goes to the weight and I believe it should be admitted  
22 based upon prior rulings in this action.

23 MR. SAVINO: Let me just read what it says.

24 THE COURT: I don't need you to read what it  
25 says because the document does speak for itself. You're

1 not going to read the entire document. It will be  
2 received and I will determine what weight I give to it.  
3 Thank you.

4 MR. CORBETT: Thank you, Your Honor, very much.  
5 (Petitioner's Exhibit 117 was received in  
6 evidence.)

7 Q. Mr. Kennedy, I'm going to hand you back your  
8 affirmation. I'm going to ask you, Mr. Kennedy, again, I would  
9 like you to turn to paragraph 17 of the affirmation. Tell me  
10 when you're there, Mr. Kennedy.

11 A. I'm here.

12 Q. And this is the affirmation you submitted in this  
13 case to this Court, correct?

14 A. Yes, sir.

15 Q. In motion practice before this Court, correct?

16 A. Yes.

17 Q. And you submitted that as an attorney under the  
18 penalty of perjury, correct?

19 A. Yes.

20 Q. I would like you, sir, if you could, to read  
21 paragraph 17?

22 A. My automobile is registered at 84 Croton Lake Road  
23 Katonah, New York.

24 Q. Automobile is registered at 84 Croton Lake Road  
25 Katonah, New York. That was your statement in the affirmation,

1 correct?

2 A. Yes.

3 Q. We're going to need PX 100, please. Mr. Kennedy,  
4 please look at this document that has already been admitted  
5 into evidence as PX 100. Do you see that document?

6 A. Yes.

7 Q. Yesterday it was your testimony that the only  
8 automobile registered in the State of New York under your name  
9 was at your accountant's office in New York City; is that  
10 correct? That was your testimony yesterday?

11 A. Yes.

12 Q. Okay. And that registration went into effect prior  
13 to the date you signed that affirmation correct?

14 A. Yes.

15 Q. But in your affirmation before this Court, under  
16 penalty of perjury, you stated that your registration for a  
17 car, automobile, was connect at 84 Croton Lake Road, correct?

18 A. Yes.

19 Q. So you made a misstatement to this Court?

20 A. No.

21 Q. Oh, so please explain how in your affirmation you can  
22 state you had an automobile registered at 84 Croton Lake Road  
23 when you testified in open court that the only automobile  
24 registered in New York is registered in New York City?

25 A. That's my home address. So I registered it to my

1 home address. And my attorney -- I mean my accountants, I  
2 didn't know this, put the accountant's address, office address  
3 on it, but my home address -- I don't live here at this office,  
4 I live at Croton Lake Road.

5 Q. Mr. Kennedy?

6 A. Yes?

7 Q. Those DMV records are your DMV records, correct?

8 A. Yes.

9 Q. They're not your accountant's DMV records, correct?

10 A. Correct.

11 Q. And you have an obligation to be truthful with the  
12 State of New York when you're applying for different licenses,  
13 correct?

14 A. Yes.

15 Q. Okay. Regardless of where you think you live, the  
16 certified documents, State of New York, do they state that your  
17 car is registered at your accountant's office?

18 A. Okay.

19 Q. Do they, yes or no?

20 A. Yes.

21 Q. And that is not what is stated in your affirmation,  
22 correct?

23 A. Correct.

24 Q. Mr. Kennedy -- one second, Mr. Kennedy, let me get  
25 you to the right page. It's paragraph 46 of the affirmation.

1 Mr. Kennedy, do you see paragraph 46 of the affirmation?

2 A. Yes.

3 Q. What address does that maintain that you resided at?

4 A. It says in order to maintain my Bedford residency I  
5 moved into 2 Twin Lakes Road and this became my permanent  
6 principal residence. That's a mistake, it should read 1 Twin  
7 Lakes Road.

8 Q. So, Mr. Kennedy, my question to you is when you made  
9 the mistake and said 2 Twin Lakes Road, you're referring to the  
10 Michaelis and Steiner residence, correct?

11 A. Yes.

12 Q. And you now know that their residence is actually  
13 addressed as 1 Twin Lakes Road?

14 A. Yeah, I think knew that at the time. It's a  
15 misprint. And I will correct that with the Court.

16 Q. But you just made a mistake as to where you were  
17 residing?

18 A. It's a misprint and I will correct it with the Court.

19 Q. Well, Mr. Kennedy, you say it's a misprint, but you  
20 used that address on official documents in the State of New  
21 York as well. You've used that address many times over the  
22 years incorrectly and that in and of itself is true, correct?

23 A. Probably.

24 Q. And, Mr. Kennedy, you believe the address is 1 Twin  
25 Lakes Road?

1 A. Yes.

2 Q. Would it surprise you to know it's 1 Twin Lakes  
3 Drive?

4 A. It could be.

5 Q. Okay. Just another mistake at your prior residence,  
6 correct?

7 A. Possibly.

8 MR. CORBETT: Just one second, Your Honor, if I  
9 may?

10 THE COURT: Yes.

11 MR. CORBETT: Your Honor, we're going to show  
12 Mr. Kennedy what's previously been admitted as  
13 Petitioner's 88. This is his registration to vote at Twin  
14 Lakes we'll call it for now, if I can just hand it to him.  
15 It's 88. And for everyone's edification, it's I believe  
16 six pages from the back.

17 Q. Mr. Kennedy, it is small print, we may need the  
18 magnifying glass. Mr. Kennedy, that is in fact a certified  
19 document, Board of Elections, State of New York, correct?

20 A. Yes.

21 Q. And that is in fact your registration to vote in  
22 2018, correct?

23 A. Yes.

24 Q. And what address did you list on your registration to  
25 vote in the State of New York?

1           A.    2 Twin Lakes Road.

2           Q.    So I think, your testimony here today, is it wasn't  
3 just a mistake in your affirmation, that same mistake of an  
4 incorrect address carried over an official document that you  
5 submitted to New York State Board of Elections, correct?

6           A.    Correct.

7           Q.    Thank you, Mr. Kennedy. Do you retain any licenses,  
8 besides your driver's license, we're not talking registering to  
9 vote, any other licenses in the State of New York? You have a  
10 legal license, correct?

11          A.    Yes.

12          Q.    And you're duly admitted to practice in the bar so  
13 that's a license, correct?

14          A.    Yes.

15          Q.    You have a fishing license in the State of New York?

16          A.    Yes.

17          Q.    When did you obtain that fishing license?

18          A.    I obtained it in -- I think -- you know, I can't be  
19 exactly sure, but I would probably obtain it in 1983. It has  
20 to be renewed every year.

21          Q.    Mr. Kennedy, I am not asking when you first started  
22 to fish or when you actually fish, I'm asking when you actually  
23 applied for a fishing license in the State of New York?

24          A.    Probably like in 1983. I renew it every year.

25          Q.    I am going to hand you what we've ID'd, 119,

1 Petitioner's 119 if you could, please.

2 MR. CORBETT: Your Honor.

3 THE COURT: Yes.

4 MR. CORBETT: Thank you.

5 Q. Do you see the document I've just handed you?

6 A. Yes.

7 Q. And that's your valid fishing license from the New  
8 York State Department of Environmental Protection, correct?

9 A. Yes.

10 Q. And what is the expiration date on that fishing  
11 license?

12 A. The expiration date?

13 Q. Yes. Do you see it?

14 A. I see the issuance date. Oh, 5/19/2025 is the  
15 expiration date.

16 Q. Do you see an issued date?

17 A. Yes.

18 Q. And what is the issued date?

19 A. 7/9/2024.

20 Q. And that is in fact your fishing license in the State  
21 of New York?

22 A. Yes.

23 MR. CORBETT: Your Honor, we would offer this  
24 into evidence.

25 THE COURT: Any objection?



1 MR. SAVINO: No objection.

2 THE COURT: Received.

3 MR. CORBETT: Thank you, Your Honor.

4 (Petitioner's Exhibit 119 was received in  
5 evidence.)

6 BY MR. CORBETT:

7 Q. Mr. Kennedy, this will be Petitioner's ID 120. I'm  
8 going to hand it to you.

9 MR. CORBETT: Your Honor, may I?

10 THE COURT: Yes.

11 Q. That is your marine fishing registry in the State of  
12 New York, correct?

13 A. Yes.

14 Q. And what is the issued date of that license?

15 A. It's July 9th, 2024.

16 Q. And when does that expire?

17 A. It expires May 19th, 2025.

18 Q. It's your testimony before this Court in open  
19 documents that you started to reside at 84 Croton Lake Road  
20 when?

21 A. Sometime around May of 2023.

22 Q. But as yesterday it was May, June, somewhere in that  
23 vicinity.

24 A. That's what I said.

25 Q. You don't know exactly?

1           A.    No.  It was whenever I moved out of the Michaelis  
2 house.

3           Q.    And the issue date on this license is 7/9/24,  
4 correct?

5           A.    Yes.

6                   MR. CORBETT:  Your Honor, I would ask that this  
7 be moved into evidence as a license of Mr. Kennedy.

8                   MR. SAVINO:  No objection.

9                   THE COURT:  Received.

10                   (Petitioner's Exhibit 120 was received in  
11 evidence.)

12           Q.    Mr. Kennedy, I'm going to hand you back your  
13 affirmation.  I'll tell you what paragraph to turn to, if you  
14 don't mind.  It's paragraph 25.

15                   Mr. Kennedy, do you remember testifying yesterday  
16 that when you moved to California from New York your  
17 possessions, your books, some of your mementos and your family  
18 moved with you to Malibu, correct?

19           A.    Yes.

20           Q.    And all of those movements also happened when you  
21 went to your next address in Brentwood, 2185?

22           A.    Yes.

23           Q.    And it happened again when you went to your next  
24 address in Brentwood, 2975?

25           A.    Yeah, a lot of them.

1 Q. Understood. And your pets went with you?

2 A. Yes.

3 Q. The emu went with you?

4 A. Yes.

5 Q. Dogs went with you?

6 A. Yes.

7 Q. Can you please read for me paragraph -- I believe  
8 it's 25. If you give me a second -- yes, paragraph 25, please.

9 A. I have never expressed an intention to be a resident  
10 of any state other than New York.

11 Q. So, Mr. Kennedy, it's your testimony that moving all  
12 your personal belongings, your family, your pets, to not one,  
13 not two, but three residence in the State of California does  
14 not express your intention to be a resident in the State of  
15 California?

16 A. It expressed my intention to live in California for a  
17 while, just like when -- I have a home in Massachusetts as  
18 well, but my intention is to return to New York, and that's the  
19 only requirement for residency.

20 Q. That's a legal conclusion, Mr. Kennedy, and I think  
21 we've already established yesterday you're not an expert on  
22 various areas of law, correct? We established that yesterday.

23 A. I'm talking about my statement here and the truth of  
24 this statement.

25 Q. Mr. Kennedy, Mr. Kennedy, that's not the question,

1 please.

2 A. I know that.

3 Q. We've established yesterday that you are an expert in  
4 the Clean Water Act. We've established in other areas of law  
5 you may not have an in-depth understanding.

6 A. I understand this section of the law very well.

7 Q. You understand the Election Law very well?

8 A. I understand the residency law very well, yes.

9 Q. I'm not asking about residency. You testified  
10 yesterday you don't have an in-depth or expertise in the  
11 Election Law; is that correct? Correct?

12 A. Yes.

13 Q. Mr. Kennedy, again, moving your family, your pets,  
14 your belongings three times in California you believe -- just  
15 your testimony here today -- does not express your intention to  
16 reside in California?

17 A. I moved my pets --

18 Q. Is that your belief, yes or no? That's all I want to  
19 know.

20 A. I move my pets --

21 THE COURT: Mr. Kennedy, can you answer the  
22 question yes or no?

23 Q. Yes or no.

24 A. What is the question?

25 MR. CORBETT: We can read it back if you don't

1 mind, Ms. Neal, or if you need me to I can do it again.

2 A. Not for the purpose of --

3 Q. It's a yes or no question, sir.

4 A. I can't answer it yes or no.

5 Q. Mr. --

6 A. It's my intention to live --

7 THE COURT: Since he can't answer it yes or no,  
8 do you have a different question you would like to ask?

9 MR. CORBETT: Yes.

10 Q. Mr. Kennedy, I'm only asking as you sit here today  
11 what you believe --

12 A. What I believe --

13 Q. I'm just prefacing the question. It is your belief  
14 that moving to three different homes in California, pets,  
15 personal possessions and family all with you in California,  
16 does not express your intention to reside in California? That  
17 is your testimony and your belief today, correct?

18 A. I can't answer that yes or no.

19 Q. Do you misunderstand the question?

20 MR. SAVINO: Your Honor, I don't think counsel  
21 should be laughing at my witness.

22 MR. CORBETT: Who was laughing?

23 MR. SAVINO: You were laughing. You stood there  
24 and laughed. I saw you laugh.

25 THE COURT: Okay, I'm going to direct

1 Mr. Corbett to please ask your next question. Thank you.

2 THE WITNESS: I'm happy to answer that question  
3 and not with a yes or no answer.

4 THE COURT: If he cannot answer yes or no and  
5 you don't want a different answer, then ask your next  
6 question, please.

7 MR. CORBETT: I will.

8 BY MR. CORBETT:

9 Q. Mr. Kennedy, do any pets of yours reside at 84 Croton  
10 Lake Road?

11 A. No.

12 Q. Do any family members of yours reside at 84 Croton  
13 Lake Road?

14 A. No.

15 Q. Those books and family mementos that I know have a  
16 special meaning to you, are any of them at 84 Croton Lake Road?

17 A. Yes.

18 Q. What items are at 84 Croton Lake Road?

19 A. I have a number of books there.

20 Q. How many?

21 A. Probably 20. I have photographs there, I have some  
22 clothes there.

23 Q. And those are the things we saw in the photos when  
24 Ms. Moss was testifying, correct?

25 A. Yes, I think so.

1           Q.    Okay, but you were here when Ms. Moss testified,  
2 correct?

3           A.    Yeah, I don't know if those are all the things that I  
4 have there, but certainly some of them.

5           Q.    Understood. And when you moved to California and you  
6 owned property in California, that did not in any way express  
7 an intention for you to live in California?

8           A.    Yeah, of course I was living in California.

9           Q.    And you expressed your intention to live there by  
10 purchasing a home there, correct?

11          A.    I purchased a home there, I didn't -- I never  
12 expressed a purpose to change my official residency or my  
13 intention to return ultimately to New York, which is the only  
14 question.

15          Q.    I'll ask the questions, you'll give the answers,  
16 Mr. Kennedy.

17          A.    I'm giving the answer.

18          Q.    All I'm stating to you is you are stating today that  
19 by purchasing those homes that did not express your intention  
20 to be a resident of California? That's your testimony?

21          A.    Do you want a yes or no answer or do you want the  
22 truth?

23          Q.    Yes or no, because it's a very simple question.

24          A.    I can't answer that yes or no. I can answer the  
25 truth if you want it.

1 Q. You can't answer a simple yes or no question?

2 A. Not to that because it's a complicated --

3 THE COURT: Mr. Corbett, just ask your next  
4 question. Let's move on.

5 Q. Mr. Kennedy, there came a time where you were no  
6 longer teaching at Pace; is that correct?

7 A. Yes.

8 Q. And do you remember when that was?

9 A. I think it was 2019, 2018, maybe 2017.

10 Q. Mr. Kennedy, it appears sometimes your dates and  
11 years are off. I think you would admit that's been accurate  
12 throughout this trial?

13 A. Yes.

14 Q. Would it surprise you to know that you left Pace in  
15 2017?

16 A. What did you say?

17 Q. Would it surprise you to know that you left Pace in  
18 2017?

19 A. No, it would not.

20 Q. And that would match up with when you resigned from  
21 Riverkeeper, correct?

22 A. Yes.

23 Q. And the NRDC -- you're also affiliated with the NRDC,  
24 correct?

25 A. Yes.



1 Q. And you have since resigned your position with them  
2 as well?

3 A. Yes.

4 Q. And that happened in 2017 as well, correct?

5 A. I don't know.

6 Q. So as you sit here today you don't remember when you  
7 resigned from the NRDC?

8 A. No.

9 Q. Okay. Just to refresh your recollection, I'm going  
10 to hand you a document, Mr. Kennedy.

11 MR. CORBETT: This would be PX 51, Your Honor,  
12 if I may?

13 MR. SAVINO: What number?

14 MR. CORBETT: 51.

15 BY MR. CORBETT:

16 Q. Mr. Kennedy, if you go to the second page --

17 A. Yes.

18 Q. -- this references that you served from 1984 to 2017  
19 as a board member of Riverkeeper, correct?

20 A. Which paragraph?

21 Q. I'm sorry, I'm in the third paragraph from the  
22 bottom.

23 A. Yes.

24 Q. And that's consistent with the resignation letter  
25 that we went over in your testimony yesterday before this

1 Court, correct?

2 A. Yes.

3 Q. And then if you go to the next paragraph, it says  
4 that you had left Pace University in 2017 as well, correct?

5 A. Yes.

6 Q. And is today your testimony that's when you left Pace  
7 University?

8 A. It's when I stopped actively teaching at Pace.

9 Q. Okay.

10 A. I didn't actually move out of Pace until in the  
11 middle of the pandemic.

12 Q. Okay, but you stopped commuting to Pace from  
13 California in 2017?

14 A. Yes.

15 Q. And that would match up with right around when you  
16 bought your first house in Brentwood, correct?

17 A. Yes.

18 Q. If you go down a little further on this, do you see  
19 where it references that you cohosted the Ring of Fire?

20 A. Yes.

21 Q. Do you still cohost the Ring of Fire?

22 A. No.

23 Q. When did you stop cohosting the Ring of Fire?

24 A. I think it was during the pandemic.

25 Q. I'm sorry?

1           A. I think it was during the pandemic, but I don't  
2 recall.

3           Q. And --

4           A. By the way, just to clarify --

5           Q. Mr. Kennedy, you've answered the question. You have.

6           A. But I want to --

7                   THE COURT: Mr. Kennedy, there's no question  
8 right now, so you have to wait for the next question.

9                   THE WITNESS: I made a mistake in the last  
10 answer.

11                  MR. CORBETT: Mr. Kenney, Mr. Kennedy --

12                  THE COURT: Your attorney can help you on  
13 redirect.

14 BY MR. CORBETT:

15           Q. Mr. Kennedy, just to go back where we started so we  
16 can get off this line of questioning, that third paragraph from  
17 the bottom again.

18           A. Yes.

19           Q. It says that you were with the NRDC from 1986 to  
20 2017.

21           A. Yes.

22           Q. Your testimony here today that you left the NRDC in  
23 2017?

24           A. Yes.

25           Q. So the facts in this article are accurate as to when

1 you left those entities?

2 A. Yes.

3 MR. CORBETT: Your Honor, just based upon his  
4 testimony, we would introduce this as an exhibit for the  
5 sole purpose of establishing the timeline of when  
6 Mr. Kennedy actually resigned from these positions.

7 MR. OSTRANDER: Objection, Your Honor.  
8 Mr. Kennedy testified to when he left those positions,  
9 this is just a hearsay recitation --

10 THE COURT: I'm going to sustain that. He's  
11 already testified.

12 MR. CORBETT: Understood, Your Honor, thank you  
13 very much.

14 THE COURT: You're welcome.

15 MR. CORBETT: Just one second, Your Honor, if I  
16 could?

17 THE COURT: Okay.

18 BY MR. CORBETT:

19 Q. Mr. Kennedy, we had a lot of testimony yesterday  
20 about the timeline of you alleging New York residences. And  
21 the timeline I'm referring to for these questions is from 2012  
22 when you sold your home in Bedford. Do you understand what I'm  
23 referring to from yesterday's testimony?

24 A. Yes.

25 Q. And it was your testimony yesterday that once you

1 sold that home in Bedford, 2012, you no longer owned any real  
2 property in the State of New York, correct?

3 A. Correct.

4 Q. And I believe it was your testimony yesterday that  
5 upon selling that home you then leased property at 284 Guard  
6 Hill Road; is that correct?

7 A. Among other places, yes.

8 Q. And again, Mr. Kennedy, we're just trying to get your  
9 timeline down. I'm going to refer to what's already been  
10 marked as Petitioner's 100. I'm going to hand this to you.  
11 I'm just looking where it is -- it's so hard to see. If you go  
12 to the sixth entry of the various residences you see there, I  
13 want you to go down to the sixth one. Are you there,  
14 Mr. Kennedy?

15 A. Yes.

16 Q. That is when you registered your license at a certain  
17 address. You changed your registration, correct?

18 A. Yes.

19 Q. And it appears you changed it from your Bedford  
20 address that you sold in 2012, correct?

21 A. Yes.

22 Q. And where did you register then? Referring to number  
23 six.

24 A. Let me...

25 Q. Yes. Do you need me to point you down to number six?

1 Mr. Kennedy, do you need assistance?

2 A. Are you asking for the sixth?

3 MR. CORBETT: I'm sorry. If I could, Your  
4 Honor?

5 THE COURT: Yes.

6 MR. CORBETT: Mr. Savino?

7 MR. SAVINO: Yes.

8 A. 284 Guard Hill Road.

9 Q. And what year was that done in?

10 A. That was in 2012.

11 Q. So prior to that you were registered at the Bedford  
12 address, right? Right below it.

13 A. Yes.

14 Q. And then your next driver's license was registered to  
15 284 Guard Hill Road?

16 A. Yes.

17 Q. So after leaving the Bedford residence when you sold  
18 it you leased property, from yesterday's testimony, at 284  
19 Guard Hill Road?

20 A. Yes.

21 Q. If I could please have that back, Mr. Kennedy, if you  
22 don't mind. Let's focus on your sister's residence at 228  
23 Chestnut Ridge Road, okay? Is that okay, Mr. Kennedy?

24 A. Yes.

25 Q. And it was your testimony yesterday 228 Chestnut

1 Ridge Road was at a time owned by your sister Kerry, correct?

2 A. Yes.

3 Q. Between living at 284 Guard Hill Road, okay, and the  
4 Michaelis's, okay?

5 A. Yes.

6 Q. Between that period of time you lived with your  
7 sister for a spell, correct?

8 A. Yes.

9 Q. And that would have been at 228 Chestnut Ridge Road?

10 A. Yes.

11 Q. So just to confirm your addresses in this period of  
12 time, Bedford in 2012 is sold, correct?

13 A. Yes.

14 Q. You lease space at 284 Guard Hill Road, correct?

15 A. Yes.

16 Q. You live with your sister consistently for a period  
17 of time?

18 A. I don't recall how long it was.

19 Q. Was it just someplace when you needed a place to stay  
20 you would be able to stay with your family?

21 A. No, I was staying there for a while until I got  
22 another house.

23 Q. Okay. So there was a while where you crashed at your  
24 sister's house so you could find another place to go?

25 A. And I moved a lot of my stuff from the Bedford

1 house --

2 Q. Into Kerry's house?

3 A. Into Kerry's house.

4 Q. Makes complete sense, I get it. And then it was  
5 testimony you were at the Michaelis house, correct, after that?  
6 Or did you live somewhere else between living with Kerry?

7 A. I think I lived on Rock Gate Farm Road as well. I'm  
8 not sure exactly what the time is. As I said, I had --

9 Q. Mr. Kennedy, Rock Gate Road appears in all your  
10 records to be much prior to these dates, so I just want to hone  
11 you in. I know we have some issues with dates when we're  
12 testifying. I just want to hone you in on the date of 2012  
13 until when you believe you started to reside with David  
14 Michaelis, okay?

15 A. I don't know when it was.

16 Q. So you don't know when you were living with your  
17 sister, but your testimony you did live with her sometime in  
18 that period between 2012 and moving to the Michaelis's?

19 A. Yes.

20 Q. Thank you. When you lived with your sister did you  
21 have your own separate apartment?

22 A. Yeah, I had a room there.

23 Q. You had a room?

24 A. Yeah.

25 Q. Was that just a spare --



1 A. No, I had an apartment.

2 Q. At the property?

3 A. Yes.

4 Q. Until she sold that property in 2015, correct?

5 A. Well, I don't know when I moved out. My recollection  
6 was I was not there that long.

7 Q. You were with her a few months?

8 A. I can't really recall. It wasn't that long though.

9 Q. So just for timing, you were maybe staying with Kerry  
10 this period of time for maybe six months or so?

11 A. Yes.

12 Q. One second, Mr. Kennedy.

13 MR. CORBETT: One second, Your Honor?

14 THE COURT: Yes.

15 Q. So, Mr. Kennedy, yesterday we had testimony on  
16 Petitioner's 88. I don't need to give it to you. And that was  
17 the certified Board of Elections records.

18 A. Yes.

19 Q. You were registered to vote at your sister's home, as  
20 you know and testified yesterday, for many years. All the way  
21 up until I believe 2018?

22 A. Yes.

23 Q. But you only stayed with her for less than six  
24 months between --

25 A. That's correct.

1           Q.    Just let me finish the question.  That's okay,  
2 Mr. Kennedy.  But you only stayed with her for six months or  
3 less between 2012 and moving to the Michaelis household,  
4 correct?

5           A.    Yes.

6           Q.    Thank you, Mr. Kennedy.

7                   MR. CORBETT:  Your Honor, if we could just  
8 take -- if the Court's amenable, if I could just have a  
9 few minutes?  We have a video we want to put forward and  
10 I'm going to need just some assistance from people smarter  
11 than me to get that set up.

12                   THE COURT:  Okay.  So I will give you a few  
13 minutes.  How many minutes?

14                   MR. CORBETT:  Five minutes or less, Your Honor,  
15 whatever -- I don't want to delay.

16                   THE COURT:  You can set it up.

17                   MR. CORBETT:  Great.  Thank you.

18                   THE WITNESS:  Your Honor?

19                   THE COURT:  Yes?

20                   THE WITNESS:  Could I take a bathroom break  
21 while they're doing that?

22                   THE COURT:  Any objection to a bathroom break?

23                   MR. CORBETT:  There's no objection.

24                   MR. SAVINO:  No, Your Honor.

25                   THE COURT:  Okay, we'll take a five-minute

1 recess.

2 MR. CORBETT: Thank you.

3 (There was a short suspension of the  
4 proceedings.)

5 THE COURT: Mr. Corbett.

6 MR. CORBETT: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 BY MR. CORBETT:

9 Q. Mr. Kennedy, I believe in the testimony throughout  
10 the past few days, forgive me, that when you went to stay with  
11 the Michaelis's, it was prior to 2019, correct?

12 A. When I went to...

13 Q. Stay with the Michaelis's and Ms. Steiner in their  
14 house. It was prior to 2019? I believe that was your  
15 testimony, I'm just confirming.

16 MR. SAVINO: Objection, Your Honor, it's vague,  
17 because I can't tell if it's the start of staying or the  
18 extent of staying.

19 THE COURT: All right, thank you. Why don't you  
20 rephrase the question.

21 MR. CORBETT: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 BY MR. CORBETT:

24 Q. When you first started to live with David Michaelis  
25 in his home, that was prior to the year 2019?

1 A. Yeah, I think it was 2014.

2 Q. Thank you, Mr. Kennedy. Mr. Kennedy, I'm just going  
3 to show you what was previously marked I believe as  
4 Petitioner's 100. It's the driver's abstract. And I'm going  
5 to point you to -- let's get the pages again. I apologize. I  
6 believe it's the tenth page, Mr. Kennedy.

7 MR. CORBETT: And if I can, Mr. Savino, so we  
8 don't --

9 MR. SAVINO: Yes. No objection.

10 Q. I'm going to ask you to go again to number six.

11 A. Okay.

12 Q. And as you testified earlier, that's when you changed  
13 your --

14 MR. OSTRANDER: I'm sorry, what page are we on?

15 MR. CORBETT: I just went through it and said it  
16 was -- I think it's page 10.

17 MR. QUINN: Page 10.

18 MR. CORBETT: I was trying to save everyone... I  
19 though you heard me. I may have started the question, can  
20 we see if that's there?

21 (The Court Reporter read back the requested  
22 material.)

23 MR. CORBETT: I'll do the question again.

24 BY MR. CORBETT:

25 Q. As you testified earlier, that's when you changed

1 your registration with New York State to the Guard Hill Road  
2 address, correct?

3 A. Yes.

4 Q. And the year of that was?

5 A. 1996.

6 Q. No, no, Mr. Kennedy. If you could, Mr. Kennedy,  
7 just... I understand.

8 MR. CORBETT: Mr. Savino, I think he's referring  
9 to the wrong thing. I'm just going to correct the witness  
10 to put him where we're referring to.

11 Q. Mr. Kennedy, that's Bedford in '96, do you see that?

12 A. Yes.

13 Q. So it was Bedford in '96 where you registered to  
14 vote. I'm sorry, where you registered your motor vehicles with  
15 the New York State Department of Motor Vehicles, correct?

16 A. Uh-huh.

17 Q. And that's the Bedford house you sold in 2012,  
18 correct?

19 A. Yes.

20 Q. And the next place you registered with the New York  
21 State Department of Motor Vehicles is what?

22 A. Is 284 Guard Hill Road.

23 Q. 284 Guard Hill Road, correct.

24 A. Yes.

25 Q. And the year when Guard Hill Road occurred?

1 A. That is 2012.

2 Q. Thank you. And the next time you registered your  
3 vehicle, it's above it, is where?

4 A. Twin Lakes Road.

5 Q. And what was the year you registered a vehicle at  
6 Twin Lakes Road?

7 A. 2019.

8 MR. SAVINO: Objection, Your Honor. It doesn't  
9 say Twin Lakes Road, it says Twin Lakes Drive.

10 MR. CORBETT: Twin Lakes Drive then.

11 THE COURT: Thank you for that correction.

12 MR. QUINN: Thank you, Mr. Savino.

13 THE WITNESS: I use them interchangeably.

14 MR. CORBETT: I've noticed.

15 BY MR. CORBETT:

16 Q. If you could, please, Twin Lakes Drive, the year you  
17 changed your registration?

18 A. That was 2019.

19 Q. Thank you. And as you previously testified, you  
20 moved in with David Michaelis in 2014?

21 A. Yes.

22 Q. But you didn't change your driver's license from a  
23 leased property that you prior had until 2019?

24 A. That's correct.

25 Q. Throughout the trial we've discussed your affinity

1 with falcons and birds of that nature, do you remember that?

2 A. Yes.

3 Q. And you have experience with raising or taming what  
4 some may deem exotic animals; is that fair?

5 A. Yes.

6 Q. And it would be fair that maybe some believe an emu,  
7 not yourself, is an exotic animal, correct?

8 A. Yes.

9 Q. And you were able to tame the emu so it could be a  
10 pet of yours?

11 A. Yes.

12 Q. Okay. Over the course I believe of what we've read  
13 and seen and had you testify, you've been able to be involved  
14 in falconry, correct?

15 A. Yes.

16 Q. And you've been able to in some ways as much as you  
17 can maybe domesticate falcons or get them to work with you; is  
18 that fair?

19 A. Train them, yes.

20 Q. Train them.

21 A. Yes.

22 Q. So you have experience in trainings falcons?

23 A. Yes.

24 Q. Do you have experience in training ravens?

25 A. Yes.

1 Q. Okay. Did there ever come a time when you were  
2 living in New York -- any time in your life when you lived in  
3 New York -- where you trained ravens?

4 A. Yes.

5 Q. Okay. And when you trained those ravens -- do you  
6 remember when you trained the ravens? Yes or no? Just yes or  
7 no? Do you remember when in New York you trained ravens?

8 A. I couldn't tell you the exact date.

9 Q. How many times did you train ravens in New York?  
10 Roughly, Mr. Kennedy.

11 A. Ravens and crows, intermittently.

12 Q. Intermittently throughout your time -- all your years  
13 in New York?

14 A. Yeah.

15 Q. What does it take to train ravens?

16 A. It depends what you're going to train them to do.

17 Q. Okay. What did you usually train ravens to do when  
18 you would train ravens?

19 A. I would train them to come when I called. I trained  
20 them --

21 Q. Mr. Kennedy, I'm sorry, it's me, I missed --

22 A. I trained them to come when I called them and also to  
23 talk and also to do certain tricks. Mainly take like a poker  
24 chip and put it in somebody's pocket.

25 Q. You would train ravens to talk?



1           A.    Yes.

2           Q.    Explain what you mean by that, please.

3           A.    They can talk like a parrot.

4           Q.    Ravens, this is a question, can talk like parrots?

5           A.    Yes. All corvids can, which is that family, like --

6           Q.    All what can?

7           A.    Corvids. That's a family that includes magpies,

8           crows, ravens and some other birds.

9           Q.    Learn something new every day, Mr. Kennedy, that's  
10          amazing. Mr. Kennedy, how long would it take you to teach a  
11          raven to talk?

12          A.    It takes about a year.

13          Q.    Okay. And that's consistently a year daily, every  
14          few days? I would think it takes a lot of work to make a raven  
15          talk, correct?

16          A.    Yeah.

17          Q.    Have you ever trained ravens to eat out of your hand?

18          A.    Yes.

19          Q.    And how long would it take to train a raven to eat  
20          out of your hand?

21          A.    If you get them when they're young they do it right  
22          away.

23          Q.    Right away. And if they're larger ravens, they're  
24          older ravens?

25          A.    That would be hard to do.

1 Q. And have you been able to do that in the course of  
2 your life?

3 A. I have.

4 Q. And when we're referring to these larger ravens,  
5 we're talking about wild ravens maybe on your property or  
6 around your neighborhood, correct?

7 A. Yes.

8 Q. These are not birds you went to the store and  
9 purchased?

10 A. Right.

11 Q. Okay. And I would assume it takes constant contact  
12 with mature ravens to train them to eat out of your hand?

13 A. Yes.

14 Q. Probably takes weeks or months of constant  
15 interaction with the ravens, correct?

16 A. Yes, it would.

17 Q. Understood.

18 MR. CORBETT: You know what, Your Honor, for ID  
19 purposes, if I could, we're going to watch this, but I  
20 just want to have this with the Court. This would be  
21 ID'd, Your Honor, as Petitioner's 9V. I will give a copy  
22 to the Court, if you don't mind if I approach?

23 THE COURT: That's fine.

24 MR. CORBETT: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 MR. CORBETT: And, Mr. Savino, I know this has  
2 been shared, but I want you to have a copy as well.

3 MR. SAVINO: Thank you.

4 MR. CORBETT: Your Honor, if we could, we're  
5 going to play the video in full and then I do have  
6 questions for Mr. Kennedy, obviously confirming the  
7 accuracy, then ultimately, maybe, put it into evidence.

8 THE COURT: Any objection?

9 MR. SAVINO: No objection to showing it.

10 THE COURT: Okay, let's proceed.

11 MR. CORBETT: Thank you.

12 BY MR. CORBETT:

13 Q. Now, Mr. Kennedy, can you see the TV screen clearly?

14 A. Yes.

15 Q. Okay. And I just want to make sure when we start it  
16 I'm going to have him stop to make sure you can hear it and see  
17 it, okay?

18 A. Yes.

19 MR. CORBETT: Okay, start it. Stop.

20 Q. You can hear that clearly?

21 A. Yes.

22 Q. And you can see it clearly?

23 A. Yes.

24 Q. Okay, I just want you to pay attention to the video  
25 and then I will have questions, okay, Mr. Kennedy?

1           A.    Sure.

2                       MR. CORBETT:   Please play the video.

3                       (Petitioner's Exhibit 9V commenced playing in  
4           open court.)

5   BY MR. CORBETT:

6           Q.    Mr. Kennedy, you saw that whole video?

7           A.    Yes.

8           Q.    And that is a video that you yourself filmed of  
9           yourself?

10          A.    Yes.

11          Q.    And that's an accurate depiction of the video that  
12          you filmed of yourself with the ravens?

13          A.    Yes.

14          Q.    And that was posted on social media?

15          A.    Yes.

16          Q.    And do you remember which social media platform it  
17          was posted on?

18          A.    I don't know.

19          Q.    Okay.  But that is a fair and accurate depiction of  
20          exactly the video that you made of yourself?

21          A.    Yes.

22          Q.    And those statements are accurately exactly what you  
23          said in that video?

24          A.    Yes.

25                       MR. CORBETT:   Your Honor, we would ask that his

1 own statements of admissions as acknowledged are clear and  
2 consistent with what he did be admitted into evidence.

3 THE COURT: Any objection?

4 MR. SAVINO: Your Honor, this is bolstering. We  
5 already had evidence that there's a --

6 THE COURT: Is there any objection to this video  
7 coming in?

8 MR. SAVINO: Yes.

9 THE COURT: What's the basis?

10 MR. SAVINO: That it's bolster.

11 THE COURT: Overruled. It's coming in.

12 Received.

13 MR. CORBETT: Thank you, Your Honor.

14 (Petitioner's Exhibit 9V was received in  
15 evidence.)

16 BY MR. CORBETT:

17 Q. Mr. Kennedy, that video appeared to be at a  
18 residence; is that correct?

19 A. Yes.

20 Q. Was that your residence where that video was taken?

21 A. Yes.

22 MR. SAVINO: Objection, calls for a legal  
23 conclusion.

24 THE COURT: Overruled.

25 Q. What residence of yours was that video taken at?

1 A. That's at Mandeville Canyon.

2 Q. Is that the 2975 address?

3 A. Yes.

4 Q. Where you currently live with your wife?

5 A. Yes, my wife and several other people.

6 Q. And ravens?

7 A. Who also feed the ravens.

8 Q. Other people in your house feed the ravens as well?

9 A. Yes.

10 Q. Would that be Mr. Menendez?

11 A. No.

12 Q. Family members?

13 A. Yes.

14 Q. Okay. So your family seems to have grown an  
15 attachment to those ravens?

16 A. My niece -- Cheryl's niece lives with us and she  
17 feeds the ravens.

18 Q. How old is Cheryl's niece?

19 A. She's -- I never asked her her age because my mother  
20 taught me not to do that.

21 Q. Fair. But she's an adult?

22 A. Yes.

23 Q. Thank you, Mr. Kennedy.

24 A. I would say like thirty-ish. I think she'll be happy  
25 with that description.

1 Q. We had a deal yesterday I will not tell your kids,  
2 now her, what you think their ages are, fair? Is that fair?

3 A. Yes.

4 Q. So in that video you stated that you feed them every  
5 day; is that accurate?

6 A. Yes.

7 Q. So every day you feed those ravens --

8 A. Somebody does.

9 Q. Just let me finish the question, Mr. Kennedy.

10 A. Yes.

11 Q. So every day at 2975 Mandeville Canyon, where you  
12 currently live with your wife and family, you feed those  
13 ravens?

14 A. Somebody does.

15 Q. How often do you feed the ravens?

16 A. Whenever I'm home.

17 Q. And did you feed the ravens at any time this week?

18 A. No.

19 Q. Okay. Did you feed the ravens at any time last week?

20 A. Yes.

21 Q. Fair to say that you at least feed the ravens once a  
22 week when you're home?

23 A. Whenever I'm home I feed them every day.

24 Q. But fair to say that -- and I know you're very busy  
25 with speeches and campaigning. But when you return home to

1 California, when you're there you feed the ravens?

2 A. Yes.

3 Q. And when you return home to California -- is it fair  
4 to say you get home at least once a week?

5 A. No.

6 Q. Okay. Once every two weeks?

7 A. During the campaign it might be just once a month.

8 Q. Okay. And fair to say that during the campaign as  
9 you're running around when you intend to return home you return  
10 home to 2975?

11 A. Yes, unless I'm in New York.

12 Q. Where your family is?

13 A. Unless I'm in New York, yes.

14 Q. I understand. All right, that's fair, Mr. Kennedy.  
15 Unless you're in the State of New York --

16 A. Yes, well --

17 Q. Let me just finish the question, I'm sorry. Unless  
18 you're actually in the State of New York, if you're in any  
19 other state, when you return home you return home to 2975  
20 Mandeville Canyon, correct?

21 A. Unless I'm in Massachusetts or New York.

22 Q. Fair. Unless you're in Massachusetts or New York,  
23 when you're on the campaign trail all over the country, when  
24 you're actively giving speeches or fighting for causes I know  
25 you find near and dear to your heart, when you return to a



1 place you return home to 2975 where your family resides,  
2 correct?

3 A. Yes.

4 Q. And when you do and you're there you will be the one  
5 who feeds the ravens?

6 A. Yes.

7 Q. And I believe in the video -- I may have misheard  
8 it -- I thought you said you meditate or they come when you  
9 meditate in the morning?

10 A. Yes.

11 Q. How often do you meditate?

12 A. Every day.

13 Q. And when you're in California I assume in addition to  
14 feeding the ravens you also meditate?

15 A. Yes.

16 Q. I thought I heard you say at the end you're working  
17 on getting them to eat out of your hand?

18 A. Yes.

19 Q. And as you testified to earlier, it takes time,  
20 dedication and many, many could be weeks or months, to get a  
21 wild raven to eat out of your hand?

22 A. Yes.

23 Q. But you've had the time to work towards that goal at  
24 2975 Mandeville Canyon Road, correct?

25 A. Myself and others.

1 Q. Okay. But your goal is to get them to eat out of  
2 your hand?

3 A. Yes.

4 Q. And I would assume that goal is better achieved if  
5 it's actually you attempting to get them to eat food out of  
6 your hand, right?

7 A. Not really.

8 Q. When you do return home to California you do work on  
9 that goal, long-term goal, getting the ravens to eat out of  
10 your hand?

11 A. Yes.

12 MR. CORBETT: I believe we have some photos  
13 we're going to put up on the screen.

14 Q. Mr. Kennedy, that video that was on social media,  
15 that was shot recently, correct?

16 A. Yes.

17 Q. In the past few months?

18 A. Yes.

19 Q. Even as recent as a month ago I believe?

20 A. Maybe.

21 Q. Mr. Kennedy, in a minute, just so I can explain it to  
22 your counsel, we're going to show you some photos that have  
23 already been marked, but we found it easier to display them so  
24 everyone can see them and you can testify clearly, so if you  
25 can just give us a second.

1 (There was a brief pause in the proceedings.)

2 MR. CORBETT: Your Honor, if I may continue?

3 THE COURT: Yes, please.

4 BY MR. CORBETT:

5 Q. Mr. Kennedy, it's your allegation that your address  
6 is 84 Croton Lake Road, Katonah, New York, correct?

7 A. Yes.

8 Q. Did you sleep there last night?

9 A. No.

10 Q. Did you sleep there the night before? Did you sleep  
11 there the night before?

12 A. No.

13 Q. Did you sleep there three nights ago?

14 A. I only slept there once.

15 Q. You only slept there once?

16 A. Yes.

17 Q. When was the one time that you slept at your alleged  
18 residence 84 Croton Lake Road, Katonah, New York?

19 A. About, I don't know, a month ago, three weeks ago.

20 MR. CORBETT: Can we please show the first. Off  
21 the record.

22 (A discussion was held off the record.)

23 MR. CORBETT: Sorry, Your Honor, I didn't mean  
24 to go off.

25 BY MR. CORBETT:

1 Q. Mr. Kennedy, can you clearly see that photo on the  
2 screen?

3 A. No.

4 Q. You can't?

5 A. Oh, I can see the big photo, yes. I can't see the  
6 one that's on the nightstand.

7 MR. CORBETT: If it's okay with Mr. Savino and  
8 obviously okay with the Court, can I just have Mr. Kenney  
9 stand so he can have a clear view? I think something is  
10 blocking him.

11 THE COURT: He said he can see what's on the  
12 screen. I think he's referring to the pictures that are  
13 on the nightstand in the photo.

14 MR. CORBETT: Oh, fine. I'm sorry, I  
15 misunderstood, I thought it was blocking his view.

16 Q. You can see --

17 A. I can see the photo.

18 MR. SAVINO: What exhibit number is this  
19 Respondent's?

20 MR. CORBETT: Respondent's 2.

21 Q. Mr. Kennedy, it's your testimony here today that that  
22 is where you would sleep in your residence of 84 Croton Lake  
23 Road when you actually return there?

24 A. Well, that's where I slept.

25 Q. That's where you slept the one night you were there?

1 A. Yeah.

2 Q. Okay. I see furniture. Looks like a dress and maybe  
3 an end table, do you see that?

4 A. Yes.

5 Q. Are those your items?

6 A. No.

7 Q. You didn't purchase those items?

8 A. No.

9 Q. Those are Ms. Moss's items?

10 A. Yes.

11 Q. That she regularly has had in her guest room for  
12 many, many years?

13 A. Yeah, her or Tim.

14 Q. Right. But that's their items that have been in that  
15 guest room for many years?

16 A. Yeah, probably.

17 Q. Understood, Mr. Kennedy. That lamp, that's not your  
18 lamp?

19 A. No.

20 Q. Again, that's the decorations of Mrs. Moss's guest  
21 room?

22 A. Yes.

23 Q. I know you can't see the photos, but do you know what  
24 those photos are of?

25 A. No, I would have to see them.

1 Q. Okay. But as you sit here today you don't know what  
2 photos -- two photos you placed in the spare bedroom of  
3 Mrs. Moss's house?

4 A. I think one of them -- I think one of them is a photo  
5 of me and Mick Jagger and the other may be a -- I mean that one  
6 I can't see it clearly, all I can see is a speck.

7 Q. Understood. But you didn't place those two photos on  
8 that end stand. Did you physically put them there?

9 A. I don't know. I don't know.

10 Q. So the one time you were there, the one time you  
11 spent the night at that residence, did you decorate that room?

12 A. No, but I might have moved something around. Barbara  
13 decorated it.

14 Q. Well, you didn't initially decorate it, but you may  
15 have just moved some items around, correct?

16 A. Yes.

17 Q. And just, again, that's not your comforter, pillows,  
18 bed frame, that's all Mrs. Moss's guest room, correct?

19 A. Yes.

20 Q. Okay. And these, it looks like paintings on the  
21 wall, again, all Mrs. Moss's?

22 A. Or Tim's.

23 Q. Or Tim's, her husband, correct?

24 A. Yes.

25 MR. CORBETT: Great. Let's see the other photo,

1           please.

2           Q.   We're now going to direct you to a new photo.  This  
3           has already been put in by respondents, and I believe it's  
4           Respondent's 5.  Do you see that?

5           A.   Yes.

6           Q.   All right.  It appears to be a closet, right?

7           A.   Yes.

8           Q.   Appears to be some clothes in there?

9           A.   Yes.

10          Q.   Did you put those clothes in there?

11          A.   Did I hang them up?

12          Q.   Yes.

13          A.   I don't think so.

14          Q.   Did Mr. Menendez, your maintenance, houseworker,  
15          long-time friend and family worker, has he been to 84 Croton  
16          Lake Drive?

17          A.   I don't think so.

18          Q.   Has his wife been -- I believe you testified his wife  
19          is your cook; is that correct?

20          A.   Yes.

21          Q.   Has his wife been to that address?

22          A.   No, definitely not.

23          Q.   Definitely not, okay.  Has Ms. Hines been to the  
24          address?

25          A.   Has what?

1 Q. Has Ms. Hines been to that address?

2 A. Yes.

3 Q. Has she been there recently?

4 A. No. I mean not in the last --

5 Q. Go ahead, what were you going to say?

6 A. Not since I started running.

7 Q. So she was there even before you declared it as your  
8 residence?

9 A. Yes.

10 MR. CORBETT: Understood. You can take the  
11 photos down. You know what, if we could -- I apologize.  
12 Ian, the second photo on the pile, can you put it back up  
13 for a second? I apologize. That's on me.

14 BY MR. CORBETT:

15 Q. Mr. Kennedy, you've testified quite a few times and  
16 you stated in sworn statements to this Court that when  
17 Ms. Hines is done with acting you intend to return to New York;  
18 is that correct?

19 A. Yes.

20 Q. You testified before this Court, as you've sworn in  
21 affidavits, that it's your intent to return with your family,  
22 your pets, maybe ravens, to that spare bedroom in Mrs. Moss's  
23 house when you and Ms. Hines leave the State of California?

24 A. I'm going to return to Bedford. And if that is  
25 convenient at the time, I would live there. It depends how



1 many people come. I've lived with Tim before. It isn't a move  
2 the same way I did 13 other times in Bedford.

3 Q. Understood, Mr. Kennedy. So it's your testimony here  
4 today that you, your family, the pets, and all those wonderful  
5 things that establish some of the great things you've done in  
6 your life, may return actually to that spare bedroom in  
7 Ms. Moss's house?

8 A. It's possible. If not, I'll find a house nearby.

9 MR. CORBETT: I believe the question was  
10 answered. Thank you, Mr. Kennedy. At this time we have  
11 no further questions of Mr. Kennedy, we just reserve our  
12 right to recross after direct.

13 THE COURT: All right, thank you. Mr. Savino,  
14 are you prepared to start?

15 MR. SAVINO: Yes, I am, Your Honor.

16 THE COURT: Thank you. Please proceed.

17 CROSS-EXAMINATION

18 BY MR. SAVINO:

19 Q. Mr. Kennedy, would you describe what you mean by your  
20 intention to return to Bedford?

21 A. I've always intended to return to Bedford. And I  
22 moved reluctantly to California in 2014 because Cheryl -- one  
23 of us had to move. And it was hard for me to leave New York  
24 because I built my life here. It was -- it's the center of all  
25 my orientation politically, environmentally, all the work that

1 I've done for 40 years, I'm a New Yorker. I've lived in New  
2 York since I was 10 years old and my whole orientation is  
3 toward New York.

4 So my intention, which I agreed with Cheryl, that  
5 when she -- when she -- when her acting career is over or her  
6 television career we would move back to New York, that we would  
7 live in Bedford and maybe she would act on Broadway or do  
8 something like that.

9 But my intention has always been to return to New  
10 York and that's why I retain -- I didn't want to be a  
11 Californian, I wanted to retain my New York citizenship.

12 Q. And, Mr. Kennedy, describe this agreement that you  
13 reached with Ms. Hines.

14 A. What we agreed -- it was a hardship for me to move to  
15 California, which I did. I did gratefully out of love, but it  
16 was something that at that time my children didn't want to do  
17 and that I didn't want to do. And all of us love Bedford and  
18 they had grown up there and nobody wanted to move.

19 So she was very -- she at one point offered to come  
20 to New York but that would have meant ending her career which I  
21 didn't want her to do. And I said that I would figure out a  
22 way to make a living in California until we can move back. And  
23 that was our agreement. And I've discussed that agreement with  
24 her since and that's our agreement today.

25 Q. Is Cheryl Hines a co-star of a TV series?

1           A.    Yeah, she's the -- she's been on many TV series, but  
2 her longest, her most identifiable series is Curb Your  
3 Enthusiasm.

4           Q.    With Larry David?

5           A.    Yeah, with Larry David.

6           Q.    And when did she start being filmed for Curb Your  
7 Enthusiasm?

8           A.    I think they've been shooting it for twenty-one  
9 years.

10          Q.    And they're still shooting it?

11          A.    What?

12          Q.    And they are still shooting Curb Your Enthusiasm?

13          A.    No, this was their last season.

14          Q.    This is the last season.  Is there some other  
15 connection between Cheryl Hines, Larry David and you?

16          A.    Yeah, Larry introduced us.  And I was very close  
17 friends with Larry.  I lived with him during the summertimes.  
18 We vacationed together for many years.  And he introduced me to  
19 Cheryl when he -- I knew Larry long before he started shooting  
20 Curb.  Before he created Curb.

21                   He brought Cheryl on a ski trip which was a  
22 fundraiser for my organization Waterkeeper Alliance.  And  
23 that's the first time I met her.  And at that time both of us  
24 were married.  Six years later she came to another event.  This  
25 was up in Banff in British Columbia.  And both of us at that

1 time were in the midst of a divorce and that's when we started  
2 dating.

3 Q. What's a good estimate on when you were together in  
4 British Columbia?

5 A. I think that was maybe 2010 or 2011.

6 Q. Got it. Now, we talked a lot about birds during  
7 Mr. Corbett's examination of you. Let me ask you do you have  
8 any falcons in the State of New York?

9 A. Yes.

10 Q. Where are they?

11 A. They're in Goshen.

12 Q. For those don't know, where is Goshen?

13 A. Goshen is on the west side of the Hudson in Orange  
14 County.

15 Q. Got it. Now, what I'm going to do, Mr. Kennedy, is  
16 try to omit things that were covered satisfactorily by  
17 Mr. Corbett so we can go as quickly as possible.

18 Now, how many times have you made a move within the  
19 Town of Bedford?

20 A. At least 13 times since 1984.

21 Q. In what county are you currently registered to vote?

22 A. In Westchester County.

23 Q. How long have you been registered to vote in  
24 Westchester County?

25 A. I think I registered when I first moved there in like

1 '84 or '85. I don't know exactly, but it would have been  
2 somewhere around that time.

3 Q. Approximately four decades ago?

4 A. Yeah.

5 Q. Now, you testified you purchased certain houses in  
6 California, correct?

7 A. Yes.

8 Q. Okay. Now, have you ever voted in California?

9 A. No, I have not.

10 Q. Have you ever registered to vote in California?

11 A. No.

12 MR. SAVINO: Your Honor, this is premarked as  
13 Exhibit 7B.

14 Q. Mr. Kennedy, would you take a look at Exhibit 7B and  
15 tell us what that is?

16 A. This is an election registration.

17 Q. Is that your registration card? An image of your  
18 registration card?

19 A. Yes.

20 Q. And is that a fair and accurate copy of your  
21 registration card?

22 A. Yes.

23 MR. SAVINO: We move the admission of Exhibit  
24 7B.

25 MS. HARRIS: No objection.

1 THE COURT: Received.

2 (Respondent's Exhibit 7B was received in  
3 evidence.)

4 MR. SAVINO: Thanks, Ms. Harris.

5 BY MR. SAVINO:

6 Q. Mr. Kennedy, when you first registered to vote were  
7 you approximately 18 years old?

8 A. Was I what?

9 Q. Approximately 18 years old?

10 A. Was I approximately 18 years old?

11 Q. Yes, when you first registered to vote.

12 A. Yes.

13 Q. Did you have a party affiliation at that time?

14 A. Yes.

15 Q. And what was it?

16 A. Democratic.

17 Q. And how long did you stay with a Democratic  
18 affiliation?

19 A. Until... was it... eight months ago.

20 Q. We'll come back to that. So you hadn't voted in  
21 California. Have you ever voted in Massachusetts?

22 A. I might have voted once or twice there when I was in  
23 high school or college. I went to high school in Massachusetts  
24 for two years and four years in college and I may have -- I  
25 might have voted there then, but not for 50 years.

1 Q. So that was before your permanent move to the State  
2 of New York?

3 A. No, because I moved to New York when I was 10.

4 Q. Right. So it was during the years when you were  
5 living outside of New York for education?

6 A. I went to school in Massachusetts for six years. And  
7 by the way, that was when my uncle was running for the Senate  
8 and I was working on his campaign, so I think I wanted to add  
9 my vote.

10 Q. And that was your Uncle John F. Kennedy?

11 A. No, that was my Uncle Edward M. Kennedy.

12 Q. Edward M. Kennedy?

13 A. Yes.

14 MR. SAVINO: May I approach the witness, Your  
15 Honor?

16 THE COURT: Yes.

17 BY MR. SAVINO:

18 Q. Mr. Kennedy, I'm handing you what's been admitted  
19 into evidence as Exhibit 7A. And within that exhibit do you  
20 see along the bottom of each page three letters that read RFK  
21 and then sequential numbering? Lower right-hand corner of each  
22 page. Do you see that?

23 A. Yes.

24 Q. I'm going to invite your attention to different pages  
25 by using that stamp. And I'm going to call that a Bates stamp,

1       okay?   Okay?

2           A.    You're going to call it what?

3           Q.    I'm going to refer to it as a Bates stamp and I'm  
4 going to invite your attention to --

5           A.    Oh yeah.   Bates stamp, yeah.

6           Q.    So let's flip to RFK 3.   And we talked about this  
7 before.   Is that your signature on that page?

8           A.    Yes.

9           Q.    Does that signature look like the signature on the  
10 California falconry application?

11          A.    No.

12          Q.    Is this what your signature typically looks like?

13          A.    Yes.

14          Q.    Now, is there a description of a residence for you on  
15 RFK double zero 3?

16          A.    Is there a description of what?

17          Q.    Residence.

18          A.    Yeah, 1 Twin Lakes Road.

19          Q.    Does it say 1 Twin Lakes Road?   What does it say?

20          A.    It says 1 Twin Lakes Drive, sorry.

21          Q.    So you slip on that occasionally?

22          A.    Yes.

23          Q.    Why did you submit this form at that time in 2020?

24                   MR. CORBETT:   Objection to the form of that  
25 question, Your Honor.



1 THE COURT: What's the specific objection?

2 MR. CORBETT: He said why did he submit that  
3 specific form?

4 MR. SAVINO: Yes.

5 THE COURT: I'm going to overrule it. He can  
6 answer it.

7 MR. CORBETT: Thank you, Your Honor.

8 A. I was renewing my voting registration in Bedford.

9 Q. And did you have any desire to re-register your  
10 voting in Bedford?

11 A. No.

12 Q. You didn't have a desire to register in Bedford?

13 A. I did.

14 Q. You did have a desire?

15 A. I was re-registering in Bedford at that time in 2020.

16 Q. Let's go to some other addresses. Let's turn to the  
17 next page, RFK 4.

18 A. The date is -- the date of RFK 3 looks like  
19 2/17/2020.

20 Q. Thank you.

21 A. And so RFK 4 --

22 Q. Yes. What's that captioned? Would you tell us for  
23 the record what it's captioned?

24 A. This is the New York State absentee ballot. And the  
25 other one was also an absentee ballot.

1 Q. So you voted from time to time absentee in Bedford,  
2 correct?

3 A. Yes.

4 Q. And why did you go to the lengths of obtaining an  
5 absentee ballot?

6 A. Because I did not want to change my voter  
7 registration to California because I'm a New Yorker.

8 Q. Okay. Let's take a look -- for this second absentee  
9 ballot application what do you show as your residence?

10 A. Yes.

11 Q. What do you show as your residence on RFK 004? What  
12 address?

13 A. 1 Twin Lakes Drive.

14 Q. Thank you. Let's go to page 19. Are you on page 19?

15 A. Yes.

16 Q. Okay. Do you see an address listed for you as of  
17 that voter registration form? Do you see an address listed for  
18 you? A residence listed for you?

19 A. The date of this is...

20 Q. Hard to read?

21 A. This is 9/25/14.

22 Q. Thank you.

23 A. It's September 25th, '14. It's a New York State  
24 voter registration form. And the address is 284 Guard Hill  
25 Road.

1 Q. Which was your sister Kerry's house?

2 A. No.

3 Q. No, excuse me --

4 A. That was my house.

5 Q. That was yours, excuse me.

6 A. My rental.

7 Q. Right. Now, do you see the reference -- it says in  
8 one box the address where you live 228 Chestnut Ridge Road and  
9 then below that the address where you receive mail. What was  
10 78 North Broadway?

11 A. Oh, that was my office at Pace Law School.

12 Q. Got it. Thank you. Let's go to page 16. Now, can  
13 you find the date on this form, sir?

14 A. On which?

15 Q. Page 16.

16 A. I can't hear you.

17 Q. Oh, I'm sorry. Page 16.

18 THE COURT: Is your microphone on?

19 MR. SAVINO: Yes, but I'm tipping my head.

20 A. Page 16?

21 Q. Yes.

22 A. Okay, this is the affidavit for the absentee ballot.

23 Q. Do you see the date underneath your signature?

24 A. It's November 6, 2018.

25 Q. Which residence did you list on page 16 of Exhibit

1 7A?

2 A. 1 Twin Lakes Road.

3 Q. And just to complete the record, why did you submit  
4 this form?

5 A. I submitted this form because I did not want to  
6 change my voting registration to California because I'm a New  
7 Yorker.

8 Q. So that I can save everybody time --

9 A. Excuse me?

10 Q. So that I can save everybody time, as we go through  
11 these different applications you submitted, is it fair to say  
12 that was your intention each time you submitted something on  
13 voter registration?

14 A. Yes.

15 Q. So I don't need to repeat it, okay?

16 A. Yes.

17 Q. Thank you. Let's go to page 12. What is this form  
18 within Exhibit 7A?

19 A. This is a Department of Motor Vehicles registration  
20 from January 14th, 2019. I think it's a renewal registration  
21 for a minivan.

22 Q. And which address does that reflect for your  
23 residence?

24 A. 284 Guard Hill Road, Bedford, New York.

25 Q. I think you need to look up higher.

1 A. Excuse me?

2 Q. Look up higher on the same form. Where it says  
3 residence.

4 A. Residence address 1 Twin Lakes Drive, Bedford, New  
5 York.

6 Q. Do you see your mailing address?

7 A. My mailing address is 1 Twin Lakes Drive, Bedford,  
8 New York.

9 Q. So you weren't using Pace University as your mailing  
10 address at that time in 2019?

11 A. No. It was after I left Pace.

12 Q. Thank you. Let's go to page 10.

13 A. Yes.

14 Q. And what is the address designated as your residence  
15 on this date, voter registration form?

16 A. This is a New York voter registration form from June  
17 26, 2023. And my address is listed as 84 Croton Lake Road.

18 Q. And was that your residence at that time?

19 A. Yes.

20 Q. And that's dated what? That form is dated what?

21 A. It's June 26, 2023.

22 Q. Thank you. Let's go, please, to page 6. What is  
23 page 6 dated?

24 A. This is a New York State voter registration form from  
25 February 23rd, '24.

1 Q. And what residence did you designate on page 6 of  
2 Exhibit 7A?

3 A. 84 Croton Lake Road.

4 Q. Thank you. And to finish with this exhibit, please  
5 turn to page 7.

6 A. Yes.

7 Q. What is this form?

8 A. This is a New York State ballot application -- New  
9 York State absentee ballot application from April 10th, 2024.

10 Q. And what did you designate as your residence at that  
11 time?

12 A. 84 Croton Lake Road.

13 Q. And were you being honest when you designated your  
14 residence as 84 Croton Lake Road?

15 A. Yes.

16 Q. Thank you. Let's talk about your being a lawyer.  
17 Are you currently admitted to the bar of the State of New York?

18 A. Yes.

19 Q. Have you ever been admitted on a permanent basis, not  
20 pro hac vice, to the bar of any other state?

21 A. No.

22 Q. Do you intend to become a member of the State of  
23 California bar?

24 A. No.

25 Q. Mr. Kennedy, do you have in front of you Exhibit 8?

1 (The witness nodded his head.)

2 Q. Could you tell us what that is, sir?

3 A. It appears to be -- it's very faint, but I think it's  
4 my -- it's my bar membership.

5 Q. Do you see the business name Kennedy & Madonna?

6 A. Yes.

7 Q. What is Kennedy & Madonna?

8 A. That's my law firm.

9 Q. And do you receive compensation from Kennedy &  
10 Madonna?

11 A. Do I what?

12 Q. Do you receive compensation from them?

13 A. Yes.

14 Q. And is there another attorney in Kennedy & Madonna  
15 with you?

16 A. Yes. Kevin Madonna.

17 MR. SAVINO: Your Honor, we move the admission  
18 of Exhibit 8.

19 MS. HARRIS: No objection.

20 THE COURT: Received.

21 (Respondent's Exhibit 8 was received in  
22 evidence.)

23 MR. CORBETT: Your Honor, this is an exhibit  
24 that was never disclosed to us. However, at this time we  
25 don't have objection to its admittance, we just -- it was

1 not something we knew was coming in.

2 MR. SAVINO: He's correct and I appreciate that  
3 he doesn't object.

4 THE COURT: All right. Please proceed.

5 (Respondent's Exhibit 21 was received in  
6 evidence.)

7 BY MR. SAVINO:

8 Q. Mr. Kennedy, I'm handing you what's been marked for  
9 identification as Exhibit 21. Can you identify that for us,  
10 please?

11 A. This is a partnership agreement between myself and  
12 Kevin Madonna. It supersedes a previous partnership agreement  
13 from December 21st, 2000. This one is dated the 4th of March,  
14 2002.

15 Q. And there's a signed version, is there not,  
16 Mr. Kennedy?

17 A. Yes, there is.

18 Q. And is that the partnership agreement by which  
19 Mr. Madonna and you divide the profits of your partnership?

20 A. Yes.

21 Q. And is it fair to say that the partnership throws off  
22 in some years some significant sums?

23 A. Yes.

24 MR. SAVINO: Your Honor, if it becomes relevant  
25 as to how much is paid in a particular year, I would like



1 to convey that by testimony where it's in private because  
2 they are large numbers.

3 THE COURT: Wouldn't that be subject to taxes?

4 MR. SAVINO: Pardon me?

5 THE COURT: Wouldn't that be public because of  
6 taxes?

7 MR. SAVINO: Your taxes are not public.

8 THE COURT: Is there objection?

9 MR. CORBETT: Are you asking for the courtroom  
10 to be cleared because you're going to ask him questions on  
11 that?

12 MR. SAVINO: No, but you're close. I'm saying  
13 I'm not going to, but if there is a decision by you or  
14 something that forces me to ask, then we would clear it.

15 MR. CORBETT: Your Honor, we did have  
16 significant discovery served on Mr. Kennedy that he did  
17 not respond to, that he has not given us. Income taxes  
18 were requested, we never received them. But I don't  
19 foresee us needing to address this unless we cross that  
20 bridge, and I don't even know we ever will.

21 MR. SAVINO: Good.

22 THE COURT: Well, then I'll reserve.

23 MR. CORBETT: Thank you, Your Honor.

24 MR. SAVINO: That's easy then. We move the  
25 admission of Exhibit 21.

1 THE COURT: Any objection?

2 MS. HARRIS: No objection.

3 THE COURT: Received.

4 (Respondent's Exhibit 21 was received in  
5 evidence.)

6 BY MR. SAVINO:

7 Q. How many different residences have you had over the  
8 decades in Bedford, New York?

9 THE COURT: Wait, can you repeat the question?

10 Q. How many different residences have you had over the  
11 decades in Bedford, New York?

12 A. I've had at least three --

13 THE COURT: Before you answer...

14 MR. CORBETT: Objection. It was asked and  
15 answered earlier in the testimony and I believe he  
16 said 13.

17 THE COURT: I'm going to overrule the objection,  
18 but I do think you need to give a time period. It's a  
19 very open-ended question.

20 MR. SAVINO: Thank you, Judge, that's fair.

21 BY MR. SAVINO:

22 Q. When did you first have a residence in Bedford, New  
23 York?

24 A. In 1984.

25 Q. And you've had residences in Bedford continuously to

1 the present, correct?

2 A. Yes.

3 Q. Now, Mr. Kennedy, I am handing you what's been  
4 admitted as evidence as Exhibits 6A through G. Could you tell  
5 us what that is, please, sir?

6 A. This is a declaration of candidacy and nominating  
7 petitions as a candidate for President of the United States.

8 Q. Which one is that? 6 what?

9 A. And this is July 2nd, 2004, and it's from the state  
10 of New Mexico.

11 Q. 6 what? What is the sticker on it? 6 what? What is  
12 the sticker on it?

13 A. Oh, it's 6B.

14 Q. Can you tell us what the six items are generically,  
15 without going through each individually?

16 A. The six items -- these are confirmations that I've  
17 qualified in letters sent to me from various states that I've  
18 qualified in that particular state or ballot access in  
19 November, one from New Mexico, one from Illinois, one from  
20 Florida, one from Maryland, and another from Illinois.

21 Q. And what address were those various exhibits, 6A  
22 through G, directed?

23 A. 84 Croton Lake Road, New York. Katonah, New York.

24 Q. Thank you, sir. So you received certain mail at 84  
25 Croton Lake Road, correct?

1 A. Yes.

2 Q. Do you receive other mail elsewhere? Do you receive  
3 other mail at other addresses?

4 A. Do I? Yes, I do.

5 Q. Do you receive some mail at your accountant's?

6 A. At my accountant. I have two accountants. I receive  
7 some mail at Foxborough, Massachusetts; some mail in my home in  
8 Hyannis Port; some at my accountant in New York; some at  
9 Mandeville Canyon in California.

10 Q. So you have mail going to five different locations?

11 A. At least.

12 Q. And your accountants in Foxborough, is that Verdolino  
13 & Lowey?

14 A. Yes.

15 Q. And who is your accountant in New York City?

16 A. That's Park Agency.

17 MR. SAVINO: This will be 12, Your Honor, thank  
18 you.

19 THE COURT: You're welcome.

20 Q. Mr. Kennedy, would you put in front of yourself  
21 Exhibit 12.

22 A. Yes.

23 Q. Do you see on page 1 of Exhibit 12 it's addressed to  
24 you?

25 A. Yes.

1 Q. Do you see it's addressed to you care of Verdolino &  
2 Lowey?

3 A. Yes.

4 Q. And that was the accounting firm you identified in  
5 Foxborough?

6 A. Yes.

7 Q. Would you turn to page 4 of this exhibit. The fourth  
8 page. Do you see the FS20 New York State Insurance  
9 Identification Card?

10 A. Yes.

11 Q. Do you see the reference to the 2015 Jeep?

12 A. Yes.

13 Q. Is this Exhibit 12 the insurance policy for your Jeep  
14 effective in 2024?

15 A. This is -- okay. Yes, it is.

16 Q. Is that from Chubb insurance?

17 A. Yes.

18 MR. SAVINO: We move the admission of Exhibit  
19 12, Your Honor.

20 MR. CORBETT: No objection, Your Honor.

21 THE COURT: Received.

22 (Respondent's Exhibit 12 was received in  
23 evidence.)

24 MR. SAVINO: Your Honor, I will go as long as  
25 you want me to, I'm just asking for an indication as to

1 when Your Honor will break for lunch, if at all.

2 THE COURT: Probably 12:30.

3 MR. SAVINO: That's fine.

4 Q. Mr. Kennedy, do you pay New York State income tax?

5 A. Yes.

6 Q. Do you pay income tax in other states?

7 A. I pay in California as well.

8 Q. Why do you pay in California as well?

9 A. I pay wherever I receive income.

10 Q. And that's law?

11 A. Yes.

12 Q. Would you rather pay tax in New York or in  
13 California?

14 A. Either way it's bad news.

15 Q. Is the rate higher in the State of California?

16 A. I think the rate is higher --

17 MR. CORBETT: Objection, Your Honor.

18 THE COURT: Before you answer -- before you  
19 answer, what's the objection?

20 MR. CORBETT: I object on --

21 THE COURT: Please stand.

22 MR. CORBETT: Oh, I'm sorry, Your Honor. I  
23 apologize. Objection on grounds of relevance. What rate  
24 is higher, New York or California, I don't know how that  
25 even goes to anything that's at issue in this litigation.

1 THE COURT: Mr. Savino, can you respond to the  
2 objection?

3 MR. SAVINO: Withdrawn.

4 THE COURT: Thank you.

5 MR. CORBETT: Thank you, Your Honor.

6 BY MR. SAVINO:

7 Q. Do you currently have a landlord?

8 A. Yes.

9 Q. And who is that?

10 A. It's Tim Haydock and Barbara Moss.

11 Q. Were you here for Barbara Moss's testimony?

12 A. Yes.

13 Q. Was it accurate?

14 A. Yes.

15 Q. You pay rent to Ms. Moss, correct?

16 A. Yes.

17 Q. When did you first discuss with Ms. Moss paying for  
18 rent for the rooms we saw in the photos that were projected on  
19 the screen?

20 A. In May of 2023.

21 Q. Did you talk with her about anything else at that  
22 time?

23 A. Yeah, I talked about moving into her house.

24 Q. Anything else? Did you discuss a lease?

25 A. We discussed the lease and -- yes.

1           Q.    What was the content of the discussion regarding rent  
2    in spring of 2023?

3           A.    I said that I wanted to pay rent.  She didn't really  
4    want me to pay rent, but I knew that they were having some  
5    difficulty and I wanted to pay something.

6           Q.    When did you learn that there was a foreclosure  
7    action against the premises?

8           A.    I don't recall.  I knew they were in litigation in  
9    Massachusetts and my understanding is that foreclosure is  
10   related somehow to that litigation.

11          Q.    Now, did you --

12          A.    I didn't learn that at the time.  I didn't know it, I  
13   think I read it in the -- yeah, I read it in the paper.  In the  
14   New York Post.

15          Q.    Now, Mr. Kennedy, what was the agreed rent between  
16   Ms. Moss and you?

17          A.    The original in May I told her that I would pay her  
18   \$300 a month, and I ended up paying her -- I thought she was  
19   being paid from that date because that's what I asked my  
20   assistant to start sending her checks.  I later learned that  
21   had not happened.  And when I -- after the New York Post story  
22   broke I asked my assistant at that point to send her \$500 a  
23   month because of the foreclosure.

24          Q.    And is that why -- withdrawn.  Were you here for the  
25   testimony regarding the wire transfers?



1           A.    Yes.

2           Q.    And the first wire transfer was larger.  The first  
3 wire transfer was larger than the other two wire transfers.

4           A.    Yes.

5           Q.    And why was the first wire transfer so large?

6           A.    Because I originally had asked to start paying rent  
7 in May of 2023 and I only discovered, after I talked to Barbara  
8 at that point, that she had never received a check.  I asked my  
9 assistant to pay a catch-up check of all the money that I had  
10 intended to pay her.  I raised the money, you know, from our  
11 original agreement because I understood at that point that she  
12 and Tim were having a hard time.

13          Q.    And you're close friends with him?

14          A.    I have in fact lived with him with my wife in Bedford  
15 in a rental before with my then wife, my kids, his children and  
16 his wife, and we all lived together for over I think two years  
17 at 284 -- or 450 Guard Hill Road.

18                But also I've known Tim since I was a kid, since I  
19 was probably 15, and I've lived with him on and off many, many,  
20 many times, including when we went to college.

21          Q.    Was 450 Guard Hill in Bedford?

22          A.    Yes.

23          Q.    Which wife of yours lived with Tim Haydock?

24          A.    Mary Richardson.

25          Q.    Your second wife?

1           A.    Yes.  And we lived in a house smaller than the house  
2 they're living in now.

3           Q.    Now, you testified that you spent one night at 84  
4 Croton Lake Road?

5           A.    Yes.

6           Q.    Why so few?

7           A.    Because I only made this arrangement in May after I  
8 was running for President.  And I've spent very, very little  
9 time either in California or anywhere, any one place.  I'm  
10 usually in a hotel every night.  I have a security detail that  
11 needs to stay with me and the security detail is not going to  
12 be comfortable in that 84 -- they don't like it.

13                   And there's no convenient place for them to stay  
14 that's anywhere nearby.  And I'm not in Westchester very much,  
15 I'm in New York.  And the security detail makes the  
16 arrangements for where I stay, which is usually a hotel where  
17 they can have rooms next to me.

18           Q.    Since you announced your run for President, on  
19 average for those intervening 15 months how many days per month  
20 are you typically on the road campaigning to become our  
21 President?

22           A.    About 27 days a month.

23           Q.    So you're available to stay at Croton Lake Road or in  
24 Los Angeles two-, three-, four days a month?

25           A.    Exactly.

1 Q. Let's talk about that campaign. When did you  
2 announce?

3 A. We've already established I'm bad at dates, but I  
4 think it was March of 2023.

5 Q. And when you announced, for what party did you  
6 announce?

7 A. Democrat.

8 Q. And did you initially campaign for the Democratic  
9 nomination?

10 A. Yes.

11 Q. Did there come a time when you changed that approach?

12 A. Yes.

13 Q. Why did you change that approach?

14 A. I changed reluctantly in October, I announced my  
15 independent, because it became clear that the Party was making  
16 rules that would make it impossible for anybody to win except  
17 for President Biden.

18 Q. Could you give us an example of a rule that stood in  
19 your way to have a level playing field on the Democratic  
20 nomination?

21 A. Yeah, there was about 60 different rules that were  
22 adopted by the Party. One of them, just as an example, I was  
23 campaigning very hard in New Hampshire and the DNC changed the  
24 rule to say that anybody who stepped into the -- who stepped  
25 foot into the State of New Hampshire -- any candidate who

1 stepped foot into the State of New Hampshire could not win any  
2 vote, delegates from that state.

3 So there were a number of rules like that that were  
4 designed to make sure that there was not an authentic election.  
5 And then a couple of the, you know, major states where I could  
6 have done well were just cancelled all together. The primaries  
7 were.

8 Q. So rules like that prompted your decision to do what?

9 A. To move to Independent.

10 Q. And where did you actually announce that move?

11 A. In Philadelphia.

12 Q. Why did you pick Philadelphia?

13 A. It was where the Declaration of Independence was  
14 signed.

15 Q. And when you began running as an Independent was  
16 there any affiliation with any organization?

17 A. Well, we made affiliations in various states with  
18 existing parties. There's a lot of minor parties besides the  
19 Democrat and Republican. There's a Natural Law Party in  
20 Florida and Illinois. And there's parties like that around.  
21 The American Independence Party in California.

22 And in order to avoid some of the very I would say  
23 draconian signature rules, the difficult, insurmountable almost  
24 signature rules, we made affiliations with those parties and  
25 then we started our own party which was called We The People

1 Party which I believe is in six states. And those are states  
2 where you have to get less signatures if you have your own  
3 party than if you have no party.

4 Q. Ah. Now, did there come a time when a Vice President  
5 nominee was selected for the We The People Party?

6 A. Yes.

7 Q. When was that selection?

8 A. You know, I would have to check the date.

9 Q. Let's hold on that. We'll come back to that this  
10 afternoon. Who is the vice Presidential nominee for We The  
11 People?

12 A. Nicole Shanahan.

13 Q. Where does she reside?

14 A. She resides in California.

15 Q. I'm handing you what's been marked -- excuse me. I'm  
16 handing you what's been received into evidence as Exhibit 1?

17 MR. SAVINO: May I approach the witness, Your  
18 Honor?

19 THE COURT: Yes, you may.

20 BY MR. SAVINO:

21 Q. Can you see the three photos on the dresser, on the  
22 wall in that photo, Exhibit 1?

23 A. Yes.

24 Q. Who is the young lady in the middle photo?

25 A. That's my wife, Cheryl.

1 Q. Okay. Did you provide that photo to Ms. Moss to be  
2 set up in that room?

3 A. Yes.

4 Q. Do you recognize any of the other two photos on that  
5 dresser?

6 A. There's a picture of me with a Harris Hawk. And then  
7 I don't know what the other picture is, it's too small.

8 Q. And is a Harris Hawk an example of one of the birds  
9 that you have trained?

10 A. Yes.

11 Q. Ms. Moss did not have a photo of Cheryl Hines herself  
12 before you provided the photo, right?

13 A. Probably not hanging in her house.

14 Q. Right.

15 MR. CORBETT: Bill, what number was that again?

16 MR. SAVINO: 1.

17 MR. CORBETT: Thank you.

18 BY MR. SAVINO:

19 Q. And were you residing at 84 Croton Lake Road when you  
20 announced your Independent run for President in Philadelphia?

21 A. Yes.

22 Q. Now --

23 A. And at that time I had never heard the name Nicole  
24 Shanahan.

25 Q. Thank you. How did you come to meet Ms. Shanahan?

1           A. I met Ms. Shanahan because originally she made a  
2 donation, a generous donation to my campaign, and then -- oh,  
3 let me take that back. She made a -- she paid for -- at least  
4 partially, for an advertisement for the Super Bowl for my  
5 campaign. And then I invited her to dinner and I had dinner  
6 with her. So that would have been in December or January of  
7 2024 I think.

8           Q. Mr. Kennedy, I've been to four Super Bowls where the  
9 Buffalo Bills lost. Super Bowl is in February.

10          A. Oh, right, sorry.

11          Q. So you met Ms. Shanahan in February of '24.

12          A. Yeah.

13          Q. We can know that from the fact it was related to the  
14 Super Bowl ad, correct?

15          A. Yes.

16          Q. So sometime in February or after of 2024 you selected  
17 Ms. Shanahan as your running mate?

18          A. Yes.

19          Q. Were you here for the testimony of David Michaelis?

20          A. Yes.

21          Q. Were you here for the testimony of Nancy Steiner?

22          A. Yes.

23          Q. Do you have disagreements with certain of their  
24 testimony?

25          A. Yes.

1 Q. Let's get your version. How did you come to leave  
2 1 Twin Lakes Drive?

3 A. When I moved to California I didn't want to move my  
4 official residence to California, for the reasons I stated.  
5 And so I asked them if I could make their home my official  
6 residence and they invited me to stay there when I was in town.

7 At that point I was commuting to New York every -- I  
8 was commuting to New York every Sunday and I was staying over  
9 till Tuesday because I was teaching at Pace. And then I had  
10 legal business in New York that I was -- at my law firm, which  
11 is here in New York, that I would do during those -- you know,  
12 the half week or the three days that I spent here.

13 Q. And was there a time when there was a break between  
14 you and David Michaelis and his wife?

15 A. Yes.

16 Q. Would you describe the break?

17 A. Would I describe it?

18 Q. Yes, please.

19 A. I think -- I mean the break came and -- I had a good  
20 relationship with them until -- I think until I declared my  
21 candidacy.

22 Q. That was spring of 2023?

23 A. I think it was May -- it was either April or May,  
24 whenever I declared my candidacy. April or May of 2023. And  
25 pretty quickly after that Nancy wrote me a text saying she



1 didn't want me to use her address anymore as my residence.

2 And that's when I asked Tim Haydock -- as I said, I  
3 lived in Bedford before with my whole family and his whole  
4 family -- whether I could move my residence to his home.

5 Q. Now let's go back to the testimony Monday. Do you  
6 recall that Nancy Steiner and Mr. David Michaelis stated they  
7 wanted you out because of your positions on various policies?

8 A. Just that they didn't --

9 MS. HARRIS: Objection. That's not -- I believe  
10 that misstates their testimony.

11 THE COURT: I'm going to ask you to respond to  
12 the objection.

13 MR. SAVINO: I'm going to withdraw it and back  
14 up.

15 THE COURT: Thank you. Sustained.

16 BY MR. SAVINO:

17 Q. What did you hear from David Michaelis and Nancy  
18 Steiner as to why they wanted you out last year?

19 A. My understanding is they didn't want me to run  
20 against President Biden.

21 Q. No, no, what did they testify?

22 A. What did they testify?

23 Q. What was their testimony Monday?

24 A. Oh, I think Nancy talked about my position on COVID  
25 countermeasures and she said something about pro-life, which I

1 don't know whether she was saying that I was pro-life or  
2 pro-choice. I don't understand what her difference is. And  
3 then she also said that there was a statement I made about Anne  
4 Frank, which is a statement that I never made but was widely  
5 reported.

6 Q. We'll come back to some of those. So, is it your  
7 understanding -- it was your positions on those policy matters  
8 that prompted -- that they testified -- that they testified  
9 prompted your ouster from 1 Twin Lakes Drive?

10 A. That seems to be --

11 MS. HARRIS: Objection, Your Honor --

12 THE COURT: Before you respond...

13 MS. HARRIS: Misstating their testimony. They  
14 never said they kicked him out in 2023, they said he never  
15 stayed at their house again (inaudible)...

16 THE WITNESS: Can you speak up, please?

17 THE COURT: Let's have Colleen -- did you get  
18 it, Colleen?

19 THE COURT REPORTER: No, I was going to --

20 THE COURT: Can you restate your objection and  
21 the reason for it.

22 MS. HARRIS: Yes. We are objecting to this  
23 question because it misstates their testimony and implies  
24 they had a conversation when they kicked him out of their  
25 house in 2023, but that is not what they testified to

1 earlier this week in these proceedings.

2 THE COURT: What did they testify to?

3 MS. HARRIS: They said that he never stayed at  
4 their house after 2017.

5 THE COURT: Would you like to respond to that?

6 MR. SAVINO: What I would like to do is leave  
7 that question, go back and lay more foundation and then  
8 ask it again.

9 THE COURT: Okay, but I want to -- I need to --

10 MR. SAVINO: I'll withdraw it, and if I reask  
11 it, I'll reask it then.

12 THE COURT: All right.

13 BY MR. SAVINO:

14 Q. Mr. Kennedy?

15 A. Yes.

16 Q. Did you attempt to stay at 1 Twin Lakes Drive at any  
17 time after calendar year 2017?

18 A. I don't recall any time after 2017 that I stayed  
19 there.

20 Q. Ah. But you do recall the text from Mrs. Nancy  
21 Steiner stating that she didn't want you using that house as  
22 your residence?

23 A. Yes.

24 Q. Do you have your phone here?

25 A. Yes. It's on the desk there.

1 Q. Let me ask you during the lunch break will you try to  
2 pull that text up, if possible?

3 MR. QUINN: If I may, Your Honor, we had an  
4 exhibit list deadline. They knew what this case was  
5 about. There's no justification for witness texts that  
6 weren't on our witness list a week ago being late  
7 disclosed from phones in the middle of trial.

8 MR. SAVINO: That was before we heard the  
9 testimony of Mr. Michaelis and Ms. Steiner which surprised  
10 Mr. Kennedy. Our witness list was based on the  
11 expectation that the Michaelis/Steiner testimony would be  
12 consistent with things like the text and what we heard.  
13 And that was surprise by the other side, not surprise by  
14 us. I'm responding to surprise.

15 THE COURT: But why didn't you cross-examine the  
16 witness?

17 MR. SAVINO: I did cross-examine both  
18 Mr. Michaelis and Steiner.

19 THE COURT: But why didn't you ask Ms. Steiner  
20 about those texts? Because she would be the more  
21 appropriate person to lay the foundation for sending it.  
22 How do we know that what's in his phone is really the text  
23 that she sent? How do we authenticate it through him?

24 MR. SAVINO: It's a good point. Look, I'm  
25 very --

1 THE COURT: I'm going to sustain the objection  
2 because it can't come in as hearsay.

3 MR. SAVINO: Okay.

4 BY MR. SAVINO:

5 Q. Now, did you refer to David Michaelis and Nancy  
6 Steiner as your landlords at some point with the media?

7 A. Yes.

8 Q. Do you believe that was an accurate description?

9 A. It was an accurate description. It was a description  
10 I wouldn't normally use, but because primarily they were my  
11 friends, I got the impression at that point they no longer  
12 considered themselves my friends.

13 Q. Were you close at one juncture?

14 A. Very close.

15 Q. Did you pay any rent to Mr. Michaelis or Ms. Steiner?

16 A. No.

17 Q. Did they ask you to pay any rent?

18 A. No, never.

19 Q. Did you convene any meetings at the Michaelis-Steiner  
20 residence?

21 A. I had a regular -- while I was living there I had a  
22 regular AA meeting at their home every week.

23 Q. And how many people would attend the AA meeting?

24 A. From six to eight usually.

25 Q. And you're a member yourself?

1 A. Yes.

2 Q. Now, did Mr. Michaelis and Ms. Steiner know that you  
3 were using their residence as an official residence in things  
4 like Exhibit 88, your voter registration history?

5 MR. QUINN: Objection, Your Honor, calls for  
6 speculation. Literally asking what's in someone else's  
7 mind.

8 MR. SAVINO: Let me change it up --

9 THE COURT: If he knows.

10 MR. SAVINO: Exactly.

11 BY MR. SAVINO:

12 Q. If you can state from personal knowledge did they  
13 know you were listing --

14 A. They absolutely knew that.

15 Q. How do you know they knew?

16 A. Because I conversed with them about it all the time.

17 Q. Okay. Did you ask their permission?

18 A. Of course. And they were forwarding my mail from the  
19 DMV and the Board of Elections and they knew exactly why that  
20 was coming to their house.

21 Q. Did you have a car in the State of New York in 2014,  
22 '15, '16, '17?

23 A. Yes, I did. And even after that.

24 Q. What kind of car?

25 A. It was a minivan.

1 Q. Where did you keep the car in the State of New York  
2 when you weren't driving it?

3 A. I kept it at Michaelis's.

4 Q. What space did they have there to allow you to park  
5 their car?

6 A. They had a pretty large parking lot.

7 Q. Would you have used their 1 Twin Lakes Drive as your  
8 residence without their permission?

9 A. Never.

10 Q. Were other possessions of you and your family left or  
11 stored at 1 Twin Lakes Drive?

12 A. Many possessions.

13 Q. Are there possessions there now?

14 A. Yes.

15 Q. What's there now?

16 A. There are two seats to not that minivan but another  
17 minivan that I bought two years ago.

18 Q. So two years ago you bought a minivan, you pulled out  
19 two seats from the minivan, and those seats are at 1 Twin Lakes  
20 Drive?

21 A. Yes. I mean as far as I know, that's where I left  
22 them and they agreed to store them for me there.

23 Q. In what building did you leave them?

24 A. They have two structures where I stored -- where me  
25 and my family stored material. One was the basement which had,

1 you know, a lot of my children's school work and other  
2 materials. And then they had a -- I think my son had some  
3 paint ball -- my son Finn had paint ball equipment and maybe  
4 other sporting equipment. And they also had a garage where I  
5 and my family had some stuff stored.

6 Q. So after you had your residence at 1 Twin Lakes  
7 Drive, is it your testimony that you changed your residence to  
8 84 Croton Lake Road?

9 A. Yes.

10 Q. What's the distance between those two locations? How  
11 far apart are they?

12 A. As the raven flies it would be about maybe two miles.

13 Q. And they're both in the Town of Bedford?

14 A. Actually, it would be more than that. About maybe  
15 three or four miles.

16 Q. Three or four miles, but still within the Town of  
17 Bedford?

18 A. Both of them are in the Town of Bedford.

19 MR. SAVINO: Your Honor, this is a good place  
20 for me to stop and then we can come back after lunch  
21 break.

22 THE COURT: All right. And how many more hours  
23 do you think you have of questions after that?

24 MR. SAVINO: I think I can get done in about an  
25 hour and 15, hour and a half cap.



1 THE COURT: All right. And then are there other  
2 witnesses being called today?

3 MR. SAVINO: Yes. Depending on the length of  
4 the redirect by Mr. Corbett, we hope to call Paul Rossi  
5 this afternoon. If not, he will have to stay a night and  
6 then tomorrow, unless my opposing counsel agrees to take  
7 people out of order so Mr. Rossi can get back to the  
8 Maryland border. But right now I'm hoping to finish with  
9 Mr. Kennedy, Mr. Corbett finishes Mr. Kennedy, and we get  
10 on Mr. Rossi. Mr. Corbett?

11 MR. CORBETT: Yes. Your Honor, just briefly  
12 before we touch on scheduling.

13 Earlier there was a question asked by Mr. Savino  
14 to Mr. Kennedy about what he observed or believed the  
15 testimony of Ms. Steiner and Mr. Michaelis, he said he  
16 didn't know, they said we'll come back after lunch.

17 I would just ask once again you direct the  
18 candidate he should not be discussing his testimony with  
19 counsel, he should not be looking at documents to refresh  
20 his recollection. He's here as a fact witness, he's a  
21 critical witness. He should not be, you know, getting  
22 information, he should be sitting here based upon what he  
23 knows or believes to think he knows today. So I just  
24 need a -- I mean just like I'm believing --

25 MR. SAVINO: Agreed. Agreed.

1 MR. CORBETT: Just a record, he's not going to  
2 be looking or speaking to counsel to get information he's  
3 going to testify to.

4 MR. SAVINO: Agreed, because the ruling by your  
5 Honor that the text isn't coming in, so my one request is  
6 vitiated. He shouldn't be looking at anything. And if  
7 Your Honor wants to so state, you can reinforce what  
8 counsel said.

9 THE COURT: I'm going to reiterate that you're  
10 not to do any research or reviewing between lunch and  
11 talking to your attorney about the case.

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: We're in adjournment.

14 MR. CORBETT: Thank you, Your Honor.

15 MR. SAVINO: Until what time, Judge?

16 THE COURT: Until 1:40.

17 MR. SAVINO: 1:40. Thank you, Judge.

18 (A lunch recess was taken at 12:30 p.m.)

19 THE COURT: Mr. Kennedy, you're still under oath  
20 testifying, please retake the stand.

21 MR. SAVINO: Your Honor, we're going to start  
22 with Mr. Ostrander running part of this video in which  
23 Mr. Kennedy speaks and appears.

24 We've talked to opposing counsel and there's an  
25 agreement that we don't have to play the entire video

1 front to back, which would take 10 minutes of our time,  
2 and we're only going to put on the part that respondent  
3 believes is relevant.

4 THE COURT: Can you lay a foundation for what  
5 this video is and when it was taken?

6 MR. SAVINO: Yes.

7 BY MR. SAVINO:

8 Q. Mr. Kennedy, do you see the freeze frame there of the  
9 start of the video with an image of a book labeled *Judge Frank*  
10 *M. Johnson, Jr.: A Biography by Robert F. Kennedy, Jr.,*  
11 *Introduction by John Doar.* Did you write that book?

12 A. Yes.

13 Q. Did you get interviewed on the TV about the book?

14 A. Yeah, I wrote that book in 1973.

15 Q. And do you remember being on the TV when you were a  
16 little younger than today?

17 A. Yes.

18 Q. And do you remember that being the freeze frame that  
19 starts the video?

20 A. I do not.

21 Q. Okay.

22 MR. SAVINO: Can we watch part and then he can  
23 authenticate it better?

24 THE COURT: Is there any objection to that?

25 MS. HARRIS: No objection, Your Honor.

1 THE COURT: How long is this video?

2 MR. SAVINO: If we watch the whole thing, which  
3 I don't want to do, is 10 minutes. What I propose is we  
4 watch a few seconds so he can complete the authentication  
5 and then we jump to the part that matters.

6 THE COURT: What's the relevance of this video  
7 to this trial?

8 MR. SAVINO: Mr. Kennedy talks in his twenties  
9 about how much he loves New York and he considers himself  
10 a New Yorker for life.

11 THE COURT: How is that relevant to 2024?

12 MR. SAVINO: I'm glad you asked that, Your  
13 Honor. There is a continuing pattern of return to New  
14 York, staying in New York, and it's not something invented  
15 for this litigation, it's something a half century old.

16 THE COURT: Any objection to this video?

17 MS. HARRIS: We don't agree that it is relevant,  
18 but we are okay with them proceeding with their case and  
19 playing an excerpt of the video.

20 THE COURT: All right. Since there's no  
21 objection, please proceed.

22 (The video commenced playing.)

23 BY MR. SAVINO:

24 Q. Mr. Kennedy, you saw the start of the video?

25 A. Yes.

1 Q. Do you now remember this clip?

2 A. Yes.

3 Q. Do you remember being in the clip?

4 A. Yes.

5 MR. SAVINO: Now, Your Honor, we move the  
6 admission of this clip and then we'll play the excerpt by  
7 running it received in evidence before the excerpt is  
8 transcribed by Ms. Neal.

9 MR. CORBETT: How long are we playing this  
10 again? I'm sorry.

11 MR. SAVINO: Like a minute. It's less than a  
12 minute.

13 THE COURT: Is there any objection?

14 MS. HARRIS: No objection.

15 THE COURT: Received. Since the video is  
16 received into evidence do we want the court reporter to  
17 type into the record what's being said on the video?

18 MR. SAVINO: That's for the benefit of any  
19 appeal, Your Honor.

20 THE COURT: I think that this has been received  
21 into evidence, this video is now part of the proof.

22 MR. SAVINO: Right.

23 THE COURT: So I think the video is the best  
24 evidence, I don't think Colleen typing a video is  
25 appropriate.

1 MR. SAVINO: That makes sense.

2 MR. CORBETT: We completely agree, Your Honor,  
3 for the sanctity of time and this being drawn out, we  
4 agree with that sentiment and wholly welcome that she not  
5 have to type it or take this down.

6 MR. SAVINO: Done.

7 THE COURT: Do you have the video for me to  
8 receive and mark into evidence?

9 MR. SAVINO: Yes, Your Honor, let me hand that  
10 up to you.

11 THE COURT: Okay, let's do that before we finish  
12 showing it.

13 MR. CORBETT: Mr. Savino, do you have something  
14 for us?

15 MR. OSTRANDER: The copy did not work, but we  
16 did email you the link and I have discussed it with your  
17 co-counsel.

18 MR. CORBETT: All right, just on the record,  
19 they intended to give us a copy, we don't know if it  
20 doesn't work yet when we click the link and we'll let the  
21 Court know if there's anything further.

22 MR. SAVINO: And we talked to John while you  
23 weren't here and he was good with that.

24 MR. CORBETT: You have our position.

25 THE COURT: Okay, I'm not clear about your

1 position. Are you objecting to this video being received  
2 into evidence?

3 MR. CORBETT: As much as we think this is a  
4 delay and a complete waste of time and has no relevancy to  
5 this case, we have committed to Mr. Kennedy's counsel that  
6 we will not object to it. So we do not object to it at  
7 this time, Your Honor.

8 THE COURT: It's received. What number is it,  
9 Colleen?

10 THE COURT REPORTER: I believe it was 19, Judge.

11 MR. SAVINO: 19.

12 THE COURT: All right, received. You can play  
13 the video.

14 (Respondent's Exhibit 19 was received in  
15 evidence.)

16 (The video commenced playing.)

17 BY MR. SAVINO:

18 Q. Thank you. Mr. Kennedy, just to close the circle,  
19 was that a fair and accurate depiction of part of what you  
20 stated during that television interview?

21 A. It was a -- yeah, I couldn't hear much of -- the  
22 whole thing, but, yes, it was a fair and accurate  
23 representation of my conversation.

24 Q. Could you hear when your younger self insisted you  
25 were a New Yorker?

1           A.    Yeah, they -- the host was trying to talk me into  
2 being from Massachusetts or Virginia and I repeatedly said, no,  
3 I'm a New Yorker. My father, when he ran here in 1968, was  
4 accused of being a carpetbagger. So he was also accused of not  
5 being a New Yorker and it was a huge issue during that campaign  
6 and it was something I was sensitive to. I moved here when I  
7 was 10 and I always considered myself a New Yorker.

8           Q.    Do you consider yourself a New Yorker now?

9           A.    Yes.

10          Q.    Why do you consider yourself a New Yorker?

11          A.    I have every kind of affiliation with this state. My  
12 political gravities were in New York. I've been involved in  
13 politics here for most of my adult life. I'm deeply involved  
14 in politics. There was a time I knew almost every Democratic  
15 office holder in the state. I campaigned all over the state.  
16 I considered running. I came very close to running on two  
17 occasions; my father's U.S. Senate seat in 2001 and then for  
18 the Attorney General in 2006.

19                   My polling numbers were the top of any person in the  
20 state. Other political figure in the state during those  
21 elections. In 2009 when Hillary Clinton resigned Governor  
22 Patterson offered me her Senate seat. It was his  
23 responsibility to appoint her, and I came very close to  
24 accepting it, I had family issues at that time that prevented  
25 that.



1           But in the back of my head, at some point I may run  
2 for political office or my kids may run for political office  
3 and I want to keep my affiliations with New York State. That's  
4 one reason. I have many other reasons as well.

5           Q. Let's come back to those. Okay, now you referred in  
6 the bird video to your house in Los Angeles as being your home.  
7 Would you agree you said that in the bird video?

8           A. Yeah, I consider my home to be in Los Angeles when in  
9 California. If somebody asks -- if I say, when I'm in  
10 Massachusetts, let's go home, I mean to my house in  
11 Massachusetts.

12          Q. How about New York?

13          A. I say let's go home, it's to my home at Twin Lakes  
14 Road. Now that would be 84 Croton Lake Road. Twin Lakes  
15 Drive, excuse me.

16          Q. Was your move to California in 2014 intended to be a  
17 permanent relocation?

18          A. No, it was not. I never intended it to be permanent.  
19 I always intended to return to New York.

20          Q. Is it an accident that you have retained a New York  
21 residence?

22          A. No, it was a deliberate and difficult choice for me  
23 to retain my New York residency. And I went out of my way to  
24 do it. And that did not start after we picked Nicole Shanahan,  
25 it was ongoing since 2014.

1 I made every effort to make sure that I was a New  
2 Yorker and at my official residence, my voting residence, my  
3 driver's license, my law license, my law offices, and my  
4 hunting and fishing license, my falconry licenses, that they're  
5 all from New York.

6 And, in fact, I was told by counsel that if I ran in  
7 California -- if I put California down, that the DNC would sue  
8 me in California because I didn't do any of those things in  
9 California. So I was going to get sued whether I put New York  
10 on top of that ballot or whether I put California. And they  
11 would have had a better case in California.

12 Q. Do you have any reason to believe that the Democratic  
13 National Committee has paid the legal fees for the one, two,  
14 three, four, five, six --

15 MR. CORBETT: Objection, Your Honor.

16 THE COURT: Grounds?

17 MR. CORBETT: What is the relevance to anything  
18 about who is paying for any fees or anything in this case?  
19 This case has to do with his actual residency.

20 THE COURT: Sustained.

21 MR. CORBETT: Thank you.

22 BY MR. SAVINO:

23 Q. Now, since 2014 why didn't you rent an entire house  
24 or buy a house?

25 A. Why didn't I?

1 Q. Why didn't you?

2 A. Where?

3 Q. If you wanted a house in Bedford, why not rent one or  
4 buy one in the last 10 years?

5 A. Well, home ownership is not just more expensive, it's  
6 very time consuming. And particularly in New York, you know,  
7 where -- I was going to leave my car in New York and it snows a  
8 lot here and the pipes break, the driveway needs to be plowed  
9 and, you know, all these other burdens that are associated with  
10 home ownership.

11 And so for me it was much better to live with a  
12 friend, which I had done, by the way, many times in the past.  
13 Some of the houses that I owned or rented, even when I had my  
14 whole family with me, were homes that I rented with a friend.

15 Q. Were there advantages to residing with a friend?

16 A. Absolutely. I'd come home to a house that was lit,  
17 where there was food in the refrigerator, where I didn't have  
18 to worry about the pipes breaking, I didn't have to worry about  
19 the driveway being plowed. You know, all the other advantages  
20 of living with somebody else and having the responsibilities of  
21 home ownership be on them.

22 Q. Now, I'm going to hand you -- we're going to change  
23 subjects. It turns out -- let me show you the texts that are  
24 already in evidence from petitioner's case. This is text 46 --  
25 excuse me. Exhibits received in evidence 46A and 46B.

1 MR. CORBETT: Your Honor --

2 THE COURT: Hold on.

3 MR. CORBETT: -- they're already in evidence.

4 Are you showing him what's already been marked in? Those  
5 are actually the evidence?

6 MR. SAVINO: Right.

7 MR. CORBETT: I didn't know if you took the  
8 copies. That was it, Your Honor, I didn't know how this  
9 was working. Thank you.

10 MR. SAVINO: I've done this before, Keith.

11 MR. CORBETT: I believe you, Bill, but --

12 THE COURT: All right, let's stop the  
13 conversation between the attorneys. Thank you.

14 BY MR. SAVINO:

15 Q. I'm handing you what's been received in evidence as  
16 Exhibits 46A --

17 A. Yes.

18 Q. -- and 46B. Mr. Kennedy, trying to match texts in  
19 the two that coincide -- matching the text that coincide, would  
20 you agree -- and there's a looking glass right there --  
21 magnifying glass -- would you agree that there are earlier  
22 emails in 46A that are not in 46B; there are later emails in  
23 46B that are not in 46A?

24 MS. HARRIS: Objection. These are not emails,  
25 they are texts.

1 MR. SAVINO: I'm sorry, texts.

2 THE COURT: Sustained.

3 MR. SAVINO: I'll reask.

4 THE COURT: Thank you.

5 BY MR. SAVINO:

6 Q. Mr. Kennedy, would you please confirm that there are  
7 earlier texts in 46A that do not appear in 46B and that there  
8 are later texts in 46B that are not in 46A even though there  
9 are overlaps between the texts in 46A and 46B?

10 A. Yes.

11 Q. Okay. Now, do you remember testifying earlier  
12 today -- oh, withdrawn. Are those texts between you and Nancy  
13 Steiner?

14 A. Yes.

15 Q. Do you remember testifying earlier today that you  
16 received a text from Nancy Steiner that you interpreted as  
17 meaning you were no longer welcome at 1 Twin Lakes Drive?

18 A. Yes.

19 Q. Do you see that text from Mrs. Steiner in 46A and/or  
20 -B?

21 A. I'm not sure this is the one that I was referring to,  
22 but this certainly says --

23 Q. Which exhibit are you reading from?

24 A. I'm looking at 46A.

25 Q. Tell us when you found the one you want.

1           A.    The one that I was referring to is not here.  There  
2           are two here that fit that description where she says just  
3           please tell your people to keep our house out of your story and  
4           to stop calling me your landlord.  That's a clear message that  
5           she's no longer my landlord.

6                    Is that the one you're seeing?  Because this isn't  
7           the one that you and I looked at the other day.

8                    MS. HARRIS:  Objection, Your Honor.

9                    THE COURT:  What is the basis?

10                   MS. HARRIS:  He's referring to text messages  
11           that are not in evidence, that are not in possession of  
12           this Court.

13                   THE COURT:  Yes, so please just refer to this  
14           exhibit, which is what your attorney has asked you to do.  
15           Can you ask your next question, Mr. Savino?

16                   MR. SAVINO:  Yes, let me move on from the text.

17                   THE COURT:  Sustained.  I'm sustaining the  
18           objection.

19           BY MR. SAVINO:

20           Q.    Now, I want to put several things in a sequence.  I  
21           just want you to put these in this, that, the other thing,  
22           okay?  Here's what I want you to put in sequence:  I want you  
23           to put in sequence picking Nicole Shanahan as your vice  
24           Presidential running mate.  I want you to pick deciding to run  
25           on an Independent line not compete for the Democratic

1 nomination. And beginning your residency at 84 Croton Lake  
2 Road.

3 What order did those three things happen?

4 A. I changed my address -- I asked that my address be  
5 changed as soon as I got this email, which was -- or this  
6 text -- which was at the end of May in 2023 I think. And  
7 that's when I contacted Barbara and Tim and asked them two if I  
8 could move into their house.

9 Q. Barbara Moss and Tim Haydock?

10 A. Yes.

11 Q. And so that's the first of three things that  
12 happened. We have two more that I need you to put in sequence;  
13 the decision to run independently for President as --

14 A. That's in October. That's six months after this.

15 Q. So that's number two. And then when was Ms. Shanahan  
16 picked as your campaign mate?

17 A. That I don't know, but it was after February because  
18 that's when the Super Bowl was.

19 Q. February of what year?

20 A. 2024.

21 Q. Thank you. Now, when New York was designated as your  
22 residence on petitions to put you on New York's Presidential  
23 ballot, did you have any concerns about the 12th Amendment of  
24 the United States Constitution?

25 A. Yes, I did. When I did what?

1 Q. Did you have any concerns about the 12th Amendment?

2 A. When?

3 Q. When you had yourself nominated on the nominating  
4 petitions to run for President using a New York residence.

5 Were you worried about the 12th Amendment?

6 A. Well, I was worried that -- I consulted an attorney.

7 Q. And who was that attorney?

8 A. That was Paul Rossi.

9 Q. Let's come back to Mr. Rossi. Now --

10 MR. CORBETT: Mr. Savino, are you done  
11 questioning him on those documents?

12 MR. SAVINO: Yes, I can take those back.

13 MR. CORBETT: Your Honor, just for the Court to  
14 take notice of, all those texts took place in 2024.  
15 That's exactly the dates on them. I just want the Court  
16 to take notice what the evidence states. They kept saying  
17 2023. Those are 2024 text messages. Just for the record,  
18 and not to have to dig it out later.

19 MR. SAVINO: It does not say 2024 on here, but  
20 you may be right.

21 MR. CORBETT: Okay. Thank you, Your Honor.  
22 Sorry to interrupt.

23 THE COURT: You're welcome.

24 MR. SAVINO: Your Honor, I'm exceedingly candid.  
25 Here's why I think he might be right, because the New York



1 Post article took place in '24 not '23.

2 THE COURT: Okay, thank you.

3 MR. SAVINO: I maintain my credibility at all  
4 times.

5 BY MR. SAVINO:

6 Q. Now, let's talk about the 12th Amendment. You had  
7 legal advice you said?

8 A. Yes.

9 Q. Okay. And that was Mr. Rossi. Does Mr. Rossi have a  
10 title with your campaign?

11 A. Mr. Rossi is the attorney for the campaign.

12 Q. Does it have something to do with ballot access?

13 A. Yeah, he's the attorney for ballot access.

14 Q. When was Mr. Rossi engaged to handle ballot access?

15 A. Well, it would have been after October.

16 Q. Of what year?

17 A. It would be October of 2023.

18 Q. What did Mr. Rossi communicate to you about New York  
19 residency rules?

20 A. Well, this would have been on -- he said that if I --  
21 I presented him the facts about my residency in California and  
22 New York and he said that if I -- that New York was the  
23 appropriate place for me to put on the ballot as my residency  
24 and that if I chose another state that I was sure to get sued  
25 and my strongest case was New York because that's where I

1 intended to return to. And he said that was the principal  
2 indicia that determined residency; where did I intend to return  
3 to.

4 Q. And you told him you intended to return to New York?

5 A. Yes.

6 Q. Did you tell him when that return would take place?

7 A. No.

8 Q. Did you tell him any plan on when that return would  
9 take place?

10 A. I said that I was going to return after Cheryl  
11 retired.

12 Q. Are you aware that the petitioners have alleged that  
13 you selected a New York residency to avoid constitutional  
14 issues?

15 MR. QUINN: Objection, Your Honor. We've never  
16 made that intention.

17 THE COURT: What is your response to the  
18 objection?

19 MR. SAVINO: I'll withdraw and rephrase.

20 THE COURT: I'll sustain it. Why don't you ask  
21 a different question.

22 MR. SAVINO: Withdraw and rephrase.

23 THE COURT: Thank you.

24 BY MR. SAVINO:

25 Q. Have your opponents, Mr. Kennedy, alleged that you

1 have used the New York residency in your nominating petitions  
2 so that it would not be the same state as the residency of  
3 Nicole Shanahan?

4 MR. CORBETT: Objection, Your Honor.

5 THE COURT: Basis?

6 MR. CORBETT: We are not his -- nor anyone here  
7 is his opponents. He's running for elected office,  
8 opponents are other candidates. We simply represent  
9 Petitioner-Objectors who are exercising their civic right  
10 to object to someone who doesn't have a proper petition in  
11 this case.

12 So when he's referring to anything as an  
13 opponent, who are you referring to? Are you referring to  
14 this litigation?

15 THE COURT: Why don't you rephrase the question  
16 again, Mr. Savino. Why don't you rephrase it and ask --

17 MR. SAVINO: I'm glad to.

18 THE COURT: Thank you.

19 MR. SAVINO: I'm glad to.

20 BY MR. SAVINO:

21 Q. We're talking about the petitioners. We don't have  
22 opponents today. So we're talking about the petitioners. Are  
23 you aware that the petitioners in their papers by opposing  
24 counsel have said that your selection of New York residency was  
25 driven by a need to avoid having the same state of residency as

1 your running mate Nicole Shanahan?

2 MR. QUINN: Objection, Your Honor, makes --

3 MR. SAVINO: Okay, this is nuts.

4 THE COURT: Well, he's objecting --

5 MR. SAVINO: They're taking turns objecting.

6 THE COURT: Well, you two are -- I thought in  
7 the beginning it was understood that both sides could use  
8 whatever attorney they both wanted to use during this  
9 proceeding.

10 MR. SAVINO: Agreed, Your Honor.

11 THE COURT: Has that changed?

12 MR. SAVINO: Agreed.

13 THE COURT: Okay, now I'm going to hear his  
14 objection. What is your objection?

15 MR. QUINN: Thank you, Your Honor. Counsel is  
16 making a representation to the witness that says are you  
17 aware that and it makes a representation of what our  
18 argument is. Our argument is not, nor has it ever been  
19 that Mr. Kennedy asserted New York residence for the  
20 purpose of avoiding a constitutional --

21 THE COURT: Is the petition part of the -- has  
22 anybody moved the petition into evidence?

23 MR. QUINN: I don't believe that we have, Your  
24 Honor.

25 MR. CORBETT: No, Your Honor.

1 MR. SAVINO: No, Your Honor.

2 THE COURT: Okay, so then instead of summarizing  
3 what you believe -- either side believes the petition  
4 says, maybe that's the best evidence.

5 If you would like to use a question about the  
6 petition, maybe you could reference what section you're  
7 referencing in the petition.

8 MR. SAVINO: I don't think we have a clean copy,  
9 but we'll check.

10 THE COURT: Thank you.

11 MR. CORBETT: We'll take a look as well.

12 THE COURT: Thank you.

13 MR. SAVINO: In thee meantime, I'll ask other  
14 questions so as not to lose time.

15 THE COURT: Well, I think everybody is now  
16 looking for the petition so --

17 MR. SAVINO: I'll stop.

18 THE COURT: -- why don't we just look for the  
19 petition.

20 MR. CORBETT: Thank you, Your Honor.

21 MR. SAVINO: Your Honor, we have a clean copy  
22 with holes.

23 THE COURT: Okay, why don't you show the other  
24 side and then see if we can use that.

25 MR. SAVINO: We're going to use the Trial

1 Memorandum of Law because that's more current.

2 THE COURT: Okay. So the Trial Memorandum of  
3 Law is not the petition.

4 MR. SAVINO: No, but this is more current.

5 THE COURT: Is there any objection to using the  
6 Memorandum of Law? Whose Trial Memorandum of Law is it?

7 MR. SAVINO: Petitioners.

8 THE COURT: Okay, well that maybe summarizes the  
9 claims, but I think the Petition is the best evidence of  
10 what is claimed in this matter. I have a copy of the  
11 Petition.

12 MR. SAVINO: I would rather use the Trial Memo.

13 THE COURT: Okay, so then why don't you show the  
14 other side before you use it and see what section you plan  
15 to use.

16 MR. CORBETT: Your Honor, one, the Petition I  
17 think, as we all know, is the best evidence if they want  
18 to try to get this out to lay a foundation. This document  
19 has writings on it, highlights on it, notes on it. I mean  
20 you can't put this into evidence.

21 MR. SAVINO: There's one writing on the front.

22 MR. CORBETT: Highlights.

23 MR. SAVINO: No, no, no, withdrawn. I didn't  
24 see that. We'll go with the Petition.

25 THE COURT: Thank you.

1 MR. SAVINO: I didn't realize there was  
2 highlighting.

3 THE COURT: Okay, so let's use the Petition.

4 MR. CORBETT: Do you have the Petition?

5 MR. SAVINO: Yes.

6 THE COURT: Do we need to have it marked? Are  
7 we just using it for questioning or is it going to be  
8 admitted into evidence?

9 (Respondent's Exhibit 22 was marked for  
10 identification.)

11 THE COURT: You can proceed.

12 MR. SAVINO: We move the admission of Exhibit  
13 22, Your Honor.

14 THE COURT: Is there any objection?

15 MR. QUINN: To our Unverified Petition? No,  
16 Your Honor.

17 THE COURT: Received.

18 (Petitioner's Exhibit 22 was received in  
19 evidence.)

20 BY MR. SAVINO:

21 Q. Within Exhibit 22 I'm inviting your attention to  
22 paragraph 34. Would you read that to yourself, please.

23 A. Yes.

24 Q. Do you see the reference to the electoral votes in  
25 California?

1           A.    Yes.

2           Q.    And did you discuss with Mr. Rossi the 12th Amendment  
3 that appears in that part of the Petition?

4           A.    Did I?

5           Q.    Yes, with Mr. Rossi. Did you discuss with Mr. Rossi  
6 the 12th Amendment that is referenced in that section of the  
7 Petition, Exhibit 22? Respondent's Exhibit 22.

8           A.    No, because at the time I talked to Mr. Rossi it was  
9 long before we considered Nicole Shanahan for -- you know, as  
10 my VP candidate. My position to run in New York was long  
11 before we made that decision. Before I even considered her.

12          Q.    In October of 2023 where did you own homes?

13          A.    I owned a home in Massachusetts, I owned a home in  
14 California and I was renting this place at 84 Twin Lakes. I  
15 mean 84 Croton Lake Road.

16          Q.    If there had been a problem with the 12th Amendment  
17 as described in the section that you read, did you have options  
18 in fall of '23?

19          A.    At the time that -- yeah, at the time I learned about  
20 this 12th Amendment issue I could have named Massachusetts as a  
21 resident. I had effectively owned that house since 2008 and I  
22 had a lease agreement with a friend who had purchased it for me  
23 with an option to buy, with the intention that I was going to  
24 buy it and it was my home. I had done hundreds of thousands of  
25 dollars of work on and I was living there and I raised my kids



1 in that house.

2 Q. In Massachusetts?

3 A. Yes.

4 Q. Now, was your selection of 84 Croton Lake Road in any  
5 way driven by your selection of a Vice President?

6 A. No, it was not.

7 Q. Did the Electoral College have any impact on your  
8 decision to have a residence at 84 Croton Lake Road?

9 A. Absolutely not.

10 Q. Let me ask this another way: Is winning California's  
11 electoral votes critical to the Kennedy-Shanahan campaign?

12 A. No.

13 Q. Let me ask this: Has any Presidential candidate in  
14 the last 50 years won the Presidency without carrying  
15 California?

16 A. Yes.

17 Q. Can you name one or two?

18 A. I think President Trump without California.

19 Q. Anybody else?

20 A. I would have to check.

21 Q. Do you know if either of the Bushes became President  
22 without carrying California?

23 A. Yes, both of them did not win California.

24 MR. SAVINO: May I approach the witness, Your  
25 Honor?

1 THE COURT: Yes.

2 MR. SAVINO: Would you give me back Exhibit 22.

3 Thank you.

4 BY MR. SAVINO:

5 Q. Mr. Kennedy, I'm again handing you Exhibit 22 and  
6 inviting your attention to page 18 and further inviting your  
7 attention to the caption of section B of the Petition. Could  
8 you read the caption of the Petition into the record.

9 A. You mean this subheading?

10 Q. Yes.

11 A. The designating/nominating petition is fraudulent.

12 Q. Is your use of a New York residency for your  
13 nominating petitions fraudulent?

14 A. No, it is not.

15 THE COURT: Is there an objection?

16 MR. CORBETT: There's going to be an objection  
17 on it for a legal conclusion that he's asking of this  
18 witness.

19 THE COURT: What is your response to that  
20 whether or not you're asking for legal conclusion.

21 MR. SAVINO: Let me rephrase it.

22 THE COURT: All right, so I'm going to sustain  
23 that, strike the answer, and you can rephrase the answer.

24 BY MR. SAVINO:

25 Q. Mr. Kennedy, without doing a legal conclusion but

1 doing your understanding because you're the person being  
2 nominated, is it your understanding that your use of a New York  
3 residency in your nominating petitions is fraudulent?

4 MR. CORBETT: Your Honor, I'm still going to  
5 object. This is looking for a conclusion, whether or not  
6 they use that word or not. He's asking him for his  
7 understanding, which is his conclusion, as to whether  
8 there's a legal effect to this, so I'm just going to note  
9 the objection.

10 THE COURT: I'm going to sustain it. He's not  
11 been deemed an expert in Election Law, this witness.

12 MR. SAVINO: Right. Let me ask it another way.

13 BY MR. SAVINO:

14 Q. Did you use New York as your residency in your  
15 nominating petitions in good faith?

16 A. Yeah, and I used it on advice of counsel. On advice  
17 of counsel I believed it not to be -- I believed that to be my  
18 only option at that time.

19 Q. Did you use New York residency in your nominating  
20 petitions with any intent to confuse the voters of the State of  
21 New York?

22 A. No, absolutely not.

23 Q. Did you use New York residency in your nominating  
24 petitions with any intention to mislead the voters of the State  
25 of New York?

1           A.    No, I did not.

2           Q.    Now, you said New York is the place to which you  
3 intend to return. I want to drill down on that. For the  
4 intent to return, is there a particular part of New York to  
5 which you intend to return?

6           A.    To Bedford, New York.

7           Q.    Why the affinity with Bedford?

8           A.    I had -- first of all, I raised my kids there. I  
9 lived there for most of my adult life or the last -- for almost  
10 40 years. But I was drawn there for a number of reasons. One  
11 is the landscapes are very appealing to me. I spent -- there's  
12 a writer called Wallace Stegner, who is one of my favorite  
13 writers, and he says that we all have a yearning in our hearts  
14 for the landscapes of our youth. So that people in western  
15 states have a yearning, a permanent ingrained yearning, for big  
16 skies or monumental landscapes.

17                   I was raised my first 13 years in northern Virginia  
18 on agricultural landscapes of broken field and forest rolling  
19 hills, intermittent streams and abundant water and certain  
20 wildlife that I developed an attraction to. Those landscapes  
21 today are gone, they're all paved over.

22                   But I found when I moved to New York, I was 14 years  
23 old after my dad was killed, I spent two years in boarding  
24 school at Millbrook, New York, which was a school that had a  
25 zoo, and each student had three hours a day to do special

1 projects. And I trained hawks at that time. Really started  
2 aggressively training and hunting with hawks.

3 And so I spent three hours a day, seven days a week  
4 for two years in the autumn, winter and early spring wandering  
5 those landscapes and they -- and that imprinted on me. And the  
6 landscapes of Bedford are identical to those landscapes.

7 And then Bedford has this added advantage which is  
8 it's 22 miles from Midtown Manhattan. So you can get into the  
9 city to do work, to eat dinner, to have entertainment and still  
10 live in this really extraordinary countryside.

11 There are five blue ribbon trout streams in Bedford.  
12 I don't think there is any city in the country that close to  
13 the city center has five trout streams.

14 Bedford is 16 miles from Long Island Sound where I  
15 started the Long Island Soundkeeper. I had a lobster license  
16 that allows me to scuba dive at night there and I trap lobster  
17 there. I fish for stripers and blue fish and scup and tautog  
18 there.

19 It's also almost exactly 16 miles from the Hudson  
20 where I keep my boat in the marina at /OS /TPHOPBG. I taught  
21 my kids to water ski on the Hudson. I go camping there, I go  
22 fishing there, I go skiing and have other recreational -- it's  
23 116 miles exactly from Windham and about 112 miles from Hunter  
24 Mountain and I take my kids -- I love to ski in the Catskills  
25 and I skied up there every weekend.

1           It's right across the river from Schunemunk Mountain,  
2           which is the best ridge line to trap hawks on probably in the  
3           country. And I keep my birds. I have friends who I grew up  
4           with since I was 14 flying birds and I keep my birds in Goshen  
5           across the river. And that's where I usually do hunting,  
6           either in Bedford or in Goshen.

7           For me it has all these extraordinary attributes. I  
8           can go on a lot longer, but it's a place that I feel like I  
9           have literally everything that I've ever wanted. It feels kind  
10          of like Heaven to me.

11          Q. Is it your permanent home?

12          A. Yes.

13          Q. Is it your principal home?

14          A. Yes.

15          Q. Mr. Kennedy --

16          A. Oh, and I'd say my home at 84 Croton Lake Road -- my  
17          permanent home is Bedford. My home at Croton Lake Road is as  
18          permanent as any of the other 13 houses that I lived in in  
19          Bedford. In other words, I'll stay there until I can't and  
20          then I'll go someplace else in Bedford.

21          Q. And you've done that 13 times?

22          A. I've done that 13 times, at least.

23          Q. Now, I've got to do this because I want to make the  
24          record clear. Is the Wallace Stegner quote from *Angle of*  
25          *Repose*?

1 MR. CORBETT: Objection, Your Honor, come on.

2 THE COURT: I'm going to sustain that.

3 MR. CORBETT: Thank you.

4 MR. SAVINO: I just wanted to make the record  
5 clear.

6 BY MR. SAVINO:

7 Q. You have done various activities regarding protecting  
8 our water, including the waters in our reservoirs, correct?

9 A. Yes.

10 Q. Are there any reservoirs near Bedford?

11 A. Yes. I live on the Muscoot Reservoir right now and  
12 that's one of the reservoirs that I spent a lot of time  
13 litigating against. I spent 10 years suing Governor Pataki,  
14 Rudy Giuliani, and my own sister's father-in-law, Mario Cuomo,  
15 to protect those reservoirs.

16 I ended up engineering the New York City watershed  
17 agreement where the city agreed to spend \$3 billion protecting  
18 the upstate reservoir. And Governor Pataki, Mayor Giuliani,  
19 and myself all were signatories to those agreements along with  
20 the supervisors and mayors of I think 32 upstate towns,  
21 Commissioner of DEC, Commissioner of DOH.

22 I had a Reservoir Keeper that we started on the  
23 river. A whole project. I had the Hudson Riverkeeper, of  
24 course, was on the Hudson, which was my first client and was my  
25 client forever in my advocacy.

1           And the third Riverkeeper was the Long Island Sound  
2 Keeper which was started by commercial fishermen on Long Island  
3 Sound. I litigated against virtually every city and town on  
4 Long Island Sound for sewage treatment plants.

5           I closed the Pelham Bay dump. I closed the Croton  
6 Landfill which was in Westchester County. A lot of the  
7 litigation I did was there. I just feel very, very attached to  
8 the County.

9           Q. Just briefly, could you explain what the watershed  
10 agreement was that you referred to in your testimony?

11          A. New York City gets its water from three different  
12 sources: Two reservoir systems in the Catskills, the Delaware  
13 and the Catskill --

14           MR. CORBETT: Your Honor, I'm sorry, I mean for  
15 the sanctity of time and what we're trying to move, there  
16 is no relevance whatsoever to the Croton watershed and  
17 this case. I mean asking this question -- and there's no  
18 relevance whatsoever that's being testified to right now  
19 by Mr. Kennedy. There's no relevance to the questions  
20 being asked by Mr. Savino, we're going to raise an  
21 objection.

22           MR. SAVINO: First of all, Your Honor, in  
23 defense of me, I put an adverb on the front of that. I  
24 said briefly, so I --

25           THE COURT: Well, I think you've received enough



1 background.

2 MR. SAVINO: But he talked about the watershed  
3 agreement and I was concerned that what does it mean to be  
4 a watershed.

5 THE COURT: I understand that, but what year are  
6 we in right now?

7 MR. SAVINO: What?

8 THE COURT: What years is he testifying about?

9 MR. SAVINO: Let me pin down.

10 BY MR. SAVINO:

11 Q. Mr. Kennedy, I want to put some years on some of  
12 those things.

13 A. That's my achilles heel.

14 Q. What?

15 A. That's my achilles heel. Without looking at --

16 Q. Do it by decade.

17 THE COURT: We don't need to go through the  
18 testimony again. Why don't you just close the loop.

19 MR. SAVINO: I will.

20 THE COURT: Thank you.

21 THE WITNESS: It was when Governor Pataki was  
22 governor and Mayor Giuliani. So around the --

23 MR. CORBETT: What's the question, Your Honor?

24 THE COURT: I think he wants to close the loop  
25 of when all of this work was done and it sounds like it

1           was under the Pataki administration, which was what year?

2           Why don't you ask him what year it was.

3 BY MR. SAVINO:

4           Q.    It started in Pataki, right?

5           A.    Yes.

6           Q.    And was that in the 1980s?

7           A.    Oh, no, like around 2001.

8           Q.    And it was around then until when?

9           A.    That agreement, that was 10 years of, you know,  
10 litigation and work culminating in the early 2000s.

11          Q.    Thank you.

12                    THE COURT:   Okay, you can move on to your next  
13 line of questioning.

14                    MR. SAVINO:   Yes.  I'm trying to delete, Your  
15 Honor.

16 BY MR. SAVINO:

17          Q.    I hate to hit a nerve here, but how did your living  
18 arrangements change after your father was assassinated?

19                    THE COURT:   Before you answer, I think there's  
20 an objection.  Mr. Corbett?

21                    MR. CORBETT:  There is an objection.  Your  
22 Honor, while we have all due respect to Mr. Kennedy's  
23 family, there is no relevance whatever to what occurred  
24 unfortunately with his father many, many years ago to the  
25 issues and litigation in this case.  There's no relevance.

1 THE COURT: Yes, in the interest of justice and  
2 the time, Mr. Savino.

3 MR. SAVINO: May I make an offer of proof?

4 THE COURT: An offer of proof as to this issue?

5 MR. SAVINO: Yes.

6 THE COURT: Okay, go ahead.

7 MR. SAVINO: What I would show is after  
8 Mr. Robert F. Kennedy, Sr. was assassinated a gentlemen  
9 named LeMoyne Billings allowed Mr. Robert F. Kennedy, Jr.  
10 to live in his house. And then that house was gifted to  
11 Mr. Robert F. Kennedy, Jr. upon the death of LeMoyne  
12 Billings, such that Robert F. Kennedy, Jr. has been an  
13 owner of real estate in the State of New York for roughly  
14 almost a half century.

15 THE COURT: Just ask him how long he's been an  
16 owner of property in New York.

17 MR. SAVINO: I'll do it that way.

18 THE COURT: Thank you.

19 BY MR. SAVINO:

20 Q. When did you first own real estate by purchase or  
21 gift in the State of New York?

22 A. Since 1983.

23 Q. Thank you.

24 A. Oh, sorry, 1981.

25 Q. Okay, 1981. Briefly, where is the Millbrook School

1 located?

2 A. It is in Dutchess County in Millbrook, New York.  
3 Just north of Westchester in Putnam.

4 Q. You mentioned certain outdoor activities you did  
5 while you were in boarding school. Did those activities  
6 continue after your graduation?

7 A. Yes. And I served as President of the New York State  
8 Falconer's Association. I wrote the Falconry Law, at least one  
9 of them, that governs the sport in the State of New York. I  
10 wrote the exam that people take to become falconers in the  
11 State of New York.

12 I wrote the manual at the DEC, the Department of  
13 Environmental Conservation distributes to people who want to  
14 apprentice as falconers in New York.

15 And I have many, many other activities that are  
16 grounded in New York. I served on many boards here and have  
17 been involved in -- I mean this is the center of my life is New  
18 York and I don't have any of those connections in California.

19 MR. SAVINO: Ms. Neal, this is premarked as  
20 Exhibit 17. Your Honor.

21 THE COURT: Thank you.

22 BY MR. SAVINO:

23 Q. Mr. Kennedy, can you identify Exhibit 17 for us,  
24 please?

25 A. This is a falconry license.

1 Q. From which state?

2 A. New York.

3 Q. And on the first page does it have an expiration  
4 date?

5 A. Expiration is 12/31/2024.

6 Q. So it's effective now?

7 A. Yes.

8 MR. SAVINO: We move the admission of 17.

9 A. This was renewed in 2020.

10 THE COURT: Thank you. It's received into  
11 evidence.

12 (Respondent's Exhibit 17 was received in  
13 evidence.)

14 BY MR. SAVINO:

15 Q. Just briefly, is that a copy of your current New York  
16 falconry license?

17 A. Yes, it is.

18 Q. What does that allow you to do?

19 A. This license is for Master Falconer, which is the  
20 highest level, and it allows me to hunt using -- to hunt game  
21 in the State of New York using trained birds. And it allows me  
22 to take the full range of birds, including -- use as hunting  
23 birds the full range of birds, Peregrine falcons and eagles, et  
24 cetera.

25 Q. Did you graduate from the University of Virginia Law

1 School?

2 A. Yes, I did.

3 Q. What was your first job after graduating from the  
4 University of Virginia Law School?

5 A. I was Manhattan District Attorney and New York County  
6 District Attorney.

7 Q. And where were you living when you were the Assistant  
8 District Attorney in Manhattan?

9 A. At 5 East 88th Street.

10 Q. Who owned that?

11 A. That was owned at that time by LeMoyne Billings. I  
12 inherited that home.

13 Q. And when did you say -- withdrawn. Was it your  
14 testimony that in either 1983 or 1984 you began living in  
15 Bedford?

16 A. I moved to Bedford in '84.

17 MR. SAVINO: Now, Your Honor, I'm going to make  
18 another offer of proof to save time. I could walk through  
19 the 13 consecutive Bedford moves one by one, but if  
20 there's not going to be contestation that there were 13  
21 separate Bedford moves, I think we would all appreciate  
22 not having to do those. But I am offering to do that if  
23 there is going to be some disputation there were 13  
24 separate moves within Bedford.

25 THE COURT: Mr. Corbett?

1 MR. CORBETT: I don't believe there's necessity  
2 to go through each of the 13. We'll all accept that his  
3 testimony here today was he moved 13 times.

4 MR. SAVINO: Excellent.

5 THE COURT: All right. Moving on. Thank you.

6 MR. SAVINO: Thank you. I am trying to cut  
7 through pages.

8 THE COURT: Thank you.

9 BY MR. SAVINO:

10 Q. Which of your children is the oldest?

11 A. Bobby.

12 Q. Sometimes called B3?

13 A. Yes.

14 Q. Okay. Where were you living when B3 was born?

15 A. In 205 South Bedford Road.

16 Q. Who is your youngest child?

17 A. My youngest is Aiden.

18 Q. Where were you living when Aiden was born?

19 A. At 326 South Bedford Road in Bedford.

20 Q. You have seven children, right?

21 A. Yeah, including Kat, which is Cheryl's daughter. I  
22 have six of my own.

23 Q. Okay. Except for Kat, those other six, were you  
24 living in New York when each was born?

25 A. Yeah, I was living in Bedford for all of their

1 births.

2 Q. After the DA -- Manhattan DA -- what legal area did  
3 you work in?

4 A. I went to work for Riverkeeper.

5 Q. Is that Environmental Law?

6 A. Yes.

7 Q. What was your first environmental case?

8 A. *NAACP v. City of Ossining*.

9 Q. And why was the NAACP pursuing an environmental case?

10 A. It's common -- in that case the town was trying to  
11 put a waster transfer facility in the only black neighborhood  
12 in the town. It was the oldest continually occupied black  
13 neighborhood in the Hudson Valley. It's been there since  
14 before the Civil War.

15 Q. What happened with the case?

16 A. I won.

17 Q. Now, speaking of New York-based environmental  
18 entities. Going quickly, what New York-based environmental  
19 entities have you either founded or headed?

20 A. Founded or what?

21 Q. Founded or headed. Either founded or being the head  
22 thereof.

23 A. The head, okay.

24 Q. Yes.

25 A. I cofounded Hudson Riverkeeper. I cofounded



1 Waterkeeper Alliance, which is the biggest water protection  
2 group in the world, and it's based in New York. I cofounded a  
3 New York City Watershed Waterkeeper. I was on the board of the  
4 Catskill Waterkeeper. I was a cofounder of Long Island Sound  
5 Keeper.

6 Q. If that's all you can remember now, we can leave  
7 that. Anything that comes to your mind immediately?

8 A. Okay.

9 Q. Now, you spoke earlier of having teaching duties at  
10 Pace. Was that within the law school?

11 A. At Pace Law School?

12 Q. Yes. Was that Pace Law School?

13 A. Yes.

14 Q. What did you teach?

15 A. I ran an environmental litigation clinic.

16 Q. Did that environmental litigation clinic have any  
17 special authority from --

18 A. Yes.

19 Q. What was the special authority?

20 A. We had a -- I had approval from the Court of Appeals  
21 here in New York State for my students to practice law under my  
22 supervision. So they could do virtually anything that a lawyer  
23 could do.

24 Q. Did your students and you, while at Pace, undertake  
25 any high-profile litigation?

1           A.    Many, many cases.

2           Q.    Give us one.  The foremost.

3           A.    Well, you know, one of the key ones was the New York  
4 City Watershed Agreement.  So that was a \$3 billion settlement.

5           Q.    How much?

6           A.    \$3 billion.

7           Q.    With a B?

8           A.    Yes.  And then we -- as I mentioned before, we closed  
9 the Croton Landfill, which was one of the biggest landfills in  
10 New York State.  We closed the Pelham Landfill, which was one  
11 of the biggest landfills in New York State.

12                    We shut down the Remington Gun Club on Lordship Point  
13 which was discharging thousands of tons of lead into Long  
14 Island Sound every year.

15                    I sued every sewer treatment plant in New York City.  
16 That's 14 plants.  And we won all those cases.  Like I said, we  
17 sued every -- we sued Greenwich, Norwalk, East Haven, West  
18 Haven, New Haven.  All of the major cities on the coast of Long  
19 Island Sound and we won those cases.  That's how we funded the  
20 Long Island Sound Keeper.

21                    We closed Indian Point Power Plant.  We forced  
22 General Electric to clean PCBs out of the Hudson.  Many, many  
23 other cases.

24           Q.    How long did it take you to close Indian Point Power  
25 Plant?

1 MR. CORBETT: Your Honor --

2 THE COURT: Yes, Mr. Corbett?

3 MR. CORBETT: -- we have been very patient. For  
4 the past five questions and answers there is not one ounce  
5 of relevancy to the issues in this case.

6 Your Honor, I have to bring this up because as  
7 Your Honor knows when respondents appeal or any appeal we  
8 all know the Appellate Division need it next week.

9 THE COURT: Yes.

10 MR. CORBETT: And typically in election cases  
11 you can delay, delay, delay and run out the clock and  
12 people do not get the relief or petitioners don't get the  
13 relief or respondents they may be entitled to.

14 There has not been one of the past four  
15 questions have no relevancy in any way to this case. We  
16 have not objected to them. But if we're going to keep on  
17 this line of questioning and continue to delay a trial  
18 that could come to a very quick conclusion, I'm going to  
19 have to start raising objections and unfortunately the  
20 court rule.

21 So I object to that last question on the grounds  
22 of relevancy.

23 THE COURT: Mr. Savino?

24 MR. SAVINO: I vigorously disagree. First of  
25 all, we know we're going to --

1           THE COURT: How is the case law relevant to the  
2           residency issue which is before the Court? How is the  
3           case law that's been happening at Pace years ago relevant  
4           to today?

5           MR. SAVINO: This person has spent decades  
6           protecting the environment of the State of New York. This  
7           shows the continuing tie to New York. Having lawsuits  
8           that last 34 years, 30 years, shows the dedication to and  
9           intent to return to, continuing contacts to New York  
10          State. I think it is relevant.

11          THE COURT: I disagree. It's not relevant. I'm  
12          going to sustain the objection and ask that you move on.

13          MR. SAVINO: I will.

14 BY MR. SAVINO:

15          Q. Did you have any position in any of the different  
16          gubernatorial terms in the State of New York?

17          A. Did I...

18          Q. Have a position with any governor in the State of New  
19          York?

20          A. I served as -- I think I was chairman of -- I was on  
21          a number of commissions over the years. Many commissions.  
22          Gubernatorial commissions. I think I chaired the New York  
23          State Fracking Commission under Governor Cuomo, which banned  
24          fracking in New York State.

25          Q. And is that fracking ban still in place?

1 A. Yes.

2 Q. I'm going to ask you some questions about your  
3 activities since your marriage to Cheryl Hines. Did you  
4 continue to be involved with Riverkeeper and Waterkeeper after  
5 your 2014 marriage to Cheryl Hines?

6 A. Yes.

7 Q. I'm handing you what's been --

8 MR. SAVINO: May I approach the witness, Your  
9 Honor?

10 THE COURT: Yes.

11 Q. May I hand --

12 A. Yes.

13 MR. CORBETT: Could I see a copy of that?

14 MR. SAVINO: Yes.

15 MR. CORBETT: I appreciate seeing it before the  
16 witness does so we know what we have here.

17 BY MR. SAVINO:

18 Q. You have in front of you what's been premarked as  
19 Exhibit 18A, Mr. Kennedy?

20 A. Yes.

21 Q. Was that photo taken after your marriage to Cheryl  
22 Hines?

23 A. Yes.

24 Q. Do you know what event that photo was taken at?

25 A. It was at the climate march in New York City. I

1 think it was 2016. I'm not sure exactly what the date is.

2 Q. What T-shirts do Ms. Hines and you have on?

3 A. Those are Waterkeeper T-shirts.

4 Q. Is this indication of your continuing efforts with  
5 Waterkeeper after the marriage?

6 A. Yes.

7 MR. CORBETT: Objection, Your Honor.

8 THE COURT: What is the basis of your objection?

9 MR. CORBETT: Wearing a T-shirt is going to  
10 establish that he had a continued relationship with an  
11 organization? Anyone can wear a T-shirt. I don't see the  
12 relevance.

13 MR. SAVINO: It's at the Waterkeeper event.  
14 It's a Waterkeeper event, he's at the Waterkeeper event,  
15 and the next photo --

16 THE COURT: I'm going to overrule it. I'll just  
17 determine what weight I give this.

18 MR. SAVINO: Fine, thank you, Your Honor.

19 MR. CORBETT: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 (A discussion was held off the record.)

22 THE COURT: I don't think it's moved into  
23 evidence yet. I don't know what it is.

24 MR. SAVINO: No, 18A I moved in. She's just  
25 marking that now.

1 THE COURT: Oh, that's received.

2 (Respondent's Exhibit 18A was received in  
3 evidence.)

4 BY MR. SAVINO:

5 Q. Mr. Kennedy, are you depicted in Exhibit 18B?

6 A. Excuse me?

7 Q. Are you individually depicted in Exhibit 18B?

8 A. Yes.

9 Q. Are you depicted behind the podium?

10 A. Yes.

11 Q. What podium is it?

12 A. This is a podium in New York City for where I hosted  
13 a conference of I think 300 Waterkeepers from 46 countries.  
14 And it was in 2019. Near the headquarters of Waterkeeper  
15 Alliance.

16 Q. In New York City?

17 A. Yes.

18 MR. SAVINO: We move the admission of Exhibit  
19 18B.

20 MR. CORBETT: Maybe I misheard it. Do we know  
21 the date of this photo?

22 THE WITNESS: 2019. March 22nd, 2019. It was  
23 Earth Day.

24 THE COURT: Any objection?

25 MR. CORBETT: No objection, Your Honor.

1 THE COURT: Received.

2 (Respondent's Exhibit 18B was received in  
3 evidence.)

4 BY MS. SAVINO:

5 Q. Mr. Kennedy, did you give a presentation at the  
6 Waterkeeper meeting in March of 2019 from that Waterkeeper  
7 podium?

8 A. Yeah. Although I had resigned from Hudson  
9 Riverkeeper and Pace, I continued to be involved in Waterkeeper  
10 until the pandemic. And their headquarters are here in New  
11 York.

12 Q. To close the circle, I'm holding up 18A. Was this  
13 Waterkeeper event in New York City?

14 A. Yes.

15 Q. As an Independent con -- excuse me, withdrawn. As  
16 and Independent candidate for the office of President of the  
17 United States, were you required to disclose your residence?

18 A. Yes, I was.

19 Q. Were you required to disclose your residence in each  
20 of the 50 states?

21 A. Yes, I was.

22 Q. Did certain of though states require that you  
23 disclose the residence where you are registered to vote?

24 A. Yes.

25 Q. Did any of the states require you to attest to



1 residency under oath?

2 A. Yes.

3 MR. SAVINO: I'm approaching the witness.

4 THE COURT: Okay.

5 Q. Mr. Kennedy, I'm handing you what's been previously  
6 marked for identification as Exhibit 19. Can you please  
7 identify that for us?

8 A. This is a Statement of Domicile issued by Clark  
9 County, the Clerk of Courts, in Nevada.

10 Q. And did you sign that?

11 A. Yes, I did.

12 Q. And was such an affidavit required to be -- for you  
13 to be considered to be put on the ballot in Nevada?

14 A. I assumed so. In most states -- in every state I  
15 know of we had to name the state where I lived in and many of  
16 them required me specifically to name my domicile as a state  
17 where I voted. And if I had any inconsistency across the 50  
18 states I would have been sued and probably would have lost  
19 everything.

20 MR. SAVINO: Move the admission of Exhibit 19,  
21 Your Honor.

22 MR. QUINN: No objection.

23 THE COURT: Received.

24 (Respondent's Exhibit 19 was received in  
25 evidence.)

1 THE COURT: Hold on a second.

2 MR. SAVINO: Oh, oh --

3 THE COURT: Hold on a second.

4 (A discussion was held off the record between  
5 the Court and the court clerk.)

6 THE COURT: The video was also named 19?

7 MR. SAVINO: We're going to make this 19A at the  
8 suggestion of Mr. Ostrander. Does that work?

9 THE COURT: That's fine. Received as 19A.

10 (Respondent's 19A received in evidence.)

11 MR. SAVINO: Sorry for the duplication.

12 THE COURT: That's okay.

13 MR. SAVINO: I have no further questions on  
14 that. Thank you.

15 BY MR. SAVINO:

16 Q. Did you recall on the direct examination by  
17 Mr. Corbett being directed to your statement in your  
18 resignation to Riverkeepers that you, quote, now live on the  
19 West Coast? Do you remember that?

20 A. Yes.

21 Q. By that statement, I now live on the West Coast, did  
22 you intend that reference to living on the West Coast to be a  
23 statement of residency?

24 A. No.

25 Q. Have you from time to referred to California real

1 estate as your home?

2 A. Yes, and the Massachusetts real estate as well. And  
3 the New York real estate.

4 Q. Do you equate home with legal residency for purposes  
5 of the New York Election Law?

6 A. No.

7 MR. SAVINO: May I approach the witness?

8 THE COURT: Yes.

9 BY MR. SAVINO:

10 Q. I'm handing you Petitioner's Exhibit 8, which has  
11 been received into evidence. Do you recall testifying about  
12 this Limited Power of Attorney? Do you recall testifying about  
13 that earlier today?

14 A. I actually don't.

15 Q. Okay. Do you see the reference in there to your  
16 being, quote, of 2975 Mandeville Canyon Road? Do you see that?

17 A. Oh, yeah.

18 Q. By signing an instrument that says your of -- O-F,  
19 of -- 2975 Mandeville Road, did you intend that as a statement  
20 of your legal residency?

21 A. No, of course not.

22 MR. SAVINO: I'm going to approach the witness.

23 THE COURT: Okay.

24 BY MR. SAVINO:

25 Q. Mr. Kennedy, I'm now handing you Respondent's Exhibit

1 10, Statement of Candidacy. Again, the same line of  
2 questioning. That refers to you as of 2975 Mandeville Canyon,  
3 correct?

4 A. Yes.

5 Q. By electronically signing that instrument, if in fact  
6 you did, did you intend, by the use of the word of 2975  
7 Mandeville Road, to make a statement of legal residency?

8 A. No.

9 MR. SAVINO: May I approach?

10 THE COURT: Yes.

11 MR. SAVINO: Your Honor, if I'm being too  
12 formal, just tell me, Bill, don't ask anymore.

13 THE COURT: No, I appreciate it, thank you.

14 BY MR. SAVINO:

15 Q. I'm handing you, Mr. Kennedy, what have been marked  
16 as Exhibits 119 -- excuse me, I'm handing you, Mr. Kennedy,  
17 what have been received as Exhibits 119 and 120 respectively.  
18 Could you tell us what those two exhibits are?

19 A. These are fishing licenses for New York State.  
20 There's a marine fishing and a resident senior fishing license  
21 for the reservoir.

22 Q. What is the validity period of those two exhibits?  
23 The validity period.

24 A. The what?

25 Q. The period for --

1 A. Oh.

2 Q. Right.

3 A. You mean when do they expire?

4 Q. I want to start when did they first become valid?

5 A. June -- or May 20th, 2024.

6 Q. Thank you.

7 MR. SAVINO: May I approach the witness?

8 THE COURT: Yes, you may.

9 BY MR. SAVINO:

10 Q. Let me take that from you and let me hand you what's  
11 been received into evidence as Exhibit 117. Within that  
12 exhibit please turn, sir, to the next to last page. The next  
13 to last page.

14 A. Yes.

15 Q. Are you on a page that looks like a receipt that  
16 looks like this?

17 A. Yes.

18 Q. Does this falconry license from the State of  
19 California give an opening date for validity and a closing date  
20 for validity?

21 A. No, it only has an opening date.

22 Q. Go look at the top.

23 A. Oh. Oh, yeah, it's closed.

24 Q. Right. When did it close for validity?

25 A. It closes on -- this is my California falconry

1 license, which this morning I testified maybe is still active,  
2 but actually this has an expiration date. It expired on June  
3 30th, 2016.

4 Q. So it expired roughly eight years ago?

5 A. Yeah, it was active for one year. So I got it in  
6 2015 and expired in 2016.

7 Q. Did you renew this?

8 A. What?

9 Q. Did you renew this license --

10 A. No, I never renewed it.

11 Q. -- which is Exhibit 117?

12 A. No, I never renewed it.

13 MR. SAVINO: May I approach the witness, Your  
14 Honor?

15 THE COURT: Yes, you may.

16 BY MR. SAVINO:

17 Q. I'm handing you what's received in evidence --

18 MR. SAVINO: May I approach the witness?

19 THE COURT: Yes you may.

20 Q. -- as Exhibit 88. Now, you testified earlier that  
21 you had trouble with sometimes calling 1 Twin Lake Drive 1 Twin  
22 Lake Road.

23 A. Yes.

24 Q. Now, I want you to go in Exhibit 88, five pages from  
25 the end, a page dated November 6, 2018.

1 A. Yes. This is that one which has Chestnut Ridge Road.

2 Q. Right. Okay, would you go three lines from the top  
3 below last name, below first name, to address.

4 A. Yes. It's 228 Chestnut Ridge Road.

5 Q. No, no, no, up at the top. The address where you  
6 live. The address where you live, the second box near the top.  
7 Address, paren, not P.O. box, close that. Is that your  
8 handwriting in that box?

9 A. Can you point this box to me?

10 MR. SAVINO: May I approach and point?

11 THE COURT: Yes, you may.

12 Q. You're not on the same page as me. You're on a  
13 different page. Now you're on the same page as me. Right  
14 there.

15 A. Okay. It says 2 Twin Lakes Road.

16 Q. What's the word after Road?

17 A. Drive.

18 Q. So you have 2 instead of 1 Twin Lakes Road and Drive.

19 A. I threw everything in there, yes.

20 Q. So you interchange Road and Drive?

21 A. Yes.

22 Q. Thank you. We talked --

23 THE COURT: Mr. Savino, before we go further,  
24 how many more questions? I'm trying to figure out when we  
25 can take a break.

1 MR. SAVINO: I think I'm probably like in the  
2 six-, seven-, eight-minute range.

3 THE COURT: Okay. Colleen?

4 THE COURT REPORTER: I'm good, Judge.

5 THE COURT: All right, we can continue. Does  
6 anybody else need a break? Counsel?

7 MR. CORBETT: If it's six or seven minutes, we  
8 can make this work, Your Honor.

9 THE COURT: All right, we'll continue.

10 MR. CORBETT: Please do.

11 THE COURT: All right. We'll take a break at  
12 3:30. It's about 6 minutes before 3:30.

13 MR. CORBETT: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 BY MR. SAVINO:

16 Q. Mr. Kennedy, you were here yesterday with the  
17 testimony regarding the change -- the alleged change in your  
18 DMV records for the address on your driver's license that  
19 apparently -- that allegedly occurred on July 3, of 2024. Do  
20 you remember that line of questioning?

21 A. Yes.

22 Q. Was it the duty of someone on your staff to attend to  
23 the change in your address for purposes of your driver's  
24 license?

25 A. Yes.



1 Q. Who was that person?

2 A. Sue Paradise.

3 Q. And was it July 3 you told her to change the driver's  
4 license?

5 A. I told her to change the driver's license in May of  
6 2023.

7 Q. Did she do it in May of 2023?

8 A. No, but she believed she had.

9 MR. CORBETT: Objection, Your Honor, that's  
10 hearsay.

11 THE COURT: I'm going to sustain the objection,  
12 unless there's -- is there any exception to the hearsay?

13 MR. SAVINO: Right, no, but --

14 THE COURT: I will strike that portion from the  
15 record. And now you can ask a different question.

16 BY MR. SAVINO:

17 Q. But you told her to make the change?

18 A. Yes, I told her to make the change in May of 2023.

19 Q. Now, is it fair to say, Mr. Kennedy, that certain of  
20 your friends have given testimony that may help the  
21 petitioners?

22 A. Certain of my friends testified on behalf of the  
23 plaintiffs in this case.

24 Q. Did that surprise you?

25 A. It didn't surprise me at this point in my life.

1 Q. Why not?

2 A. Because many of the positions that I've taken, you  
3 know, running against my own Party have alienated me from many  
4 important and life-long relationships.

5 Q. Do you believe -- withdrawn. You heard Ms. Steiner  
6 refer to you as reprehensible, correct?

7 A. Yes.

8 MR. CORBETT: Objection. Go ahead.

9 MS. HARRIS: That misstates her testimony. She  
10 said that his views are reprehensible.

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

12 MR. SAVINO: I stand corrected. I withdraw the  
13 question.

14 THE COURT: Thank you.

15 MR. SAVINO: I missed it, okay?

16 BY MR. SAVINO:

17 Q. Mr. Kennedy, you heard Ms. Steiner state that certain  
18 of your political possessions are reprehensible, did you hear  
19 that?

20 THE COURT: Before you answer, I believe there  
21 might be an objection?

22 MS. HARRIS: Objection to political possessions.

23 MR. SAVINO: Okay. I have to tell you, I don't  
24 care what -- positions. I'll take (inaudible) off.

25 THE COURT REPORTER: I'm sorry, "I'll take..."

1           what?

2                       THE COURT: Political. He's taking that out of  
3           the question.

4 BY MR. SAVINO:

5           Q. Did you hear Ms. Steiner say that certain of your  
6           positions are reprehensible?

7           A. Yes.

8           Q. Let's talk about some of that but not all of it  
9           because of the lateness of the hour. Do you believe yourself  
10          to be, in your views, still a Democrat?

11          A. Yes.

12          Q. Why?

13          A. If you went down a checklist and checked everything  
14          that my father believed in, that my uncle believed in, I would  
15          check every box. You know, all the major issues that I grew up  
16          with on civil rights, the environment, anti-war, anti-corporate  
17          control of our democracy, pro-labor, pro-choice, all of those  
18          are all issues that I have enormous passion about and are, you  
19          know, the issues that I have said -- I have always associated  
20          with the Democratic Party.

21          Q. Have you continued to advocate for the environmental  
22          protection of the resources, natural resources, in New York?

23          A. Yes.

24          Q. Have you intentionally maintained a continuous  
25          physical address in New York? Have you intentionally

1 maintained a continuous physical address in New York?

2 A. Yes.

3 Q. Have you expressed an intention to be a resident of  
4 any state other than New York?

5 A. No, never.

6 MR. SAVINO: Your Honor, it's 3:30 and I'm done  
7 with what is in effect my direct of Mr. Kennedy.

8 THE COURT: Thank you. Will there be any  
9 cross-examination?

10 MR. CORBETT: There will be short recross, Your  
11 Honor.

12 THE COURT: All right, so we'll take a short  
13 recess and reconvene at 3:45.

14 MR. CORBETT: Thank you very much, Your Honor.

15 THE COURT: I want to direct the witness that  
16 he's not to talk to the attorneys during the break. Thank  
17 you.

18 (There was a short suspension of the  
19 proceedings.)

20 THE COURT: Mr. Corbett, please begin your  
21 cross-examination.

22 MR. CORBETT: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 CROSS-EXAMINATION

25 BY MR. CORBETT:

1 Q. Mr. Kennedy, I think it was quite clear from your  
2 testimony that you have an affinity for the Town of Bedford; is  
3 that correct?

4 A. Yes.

5 Q. You love the Town of Bedford?

6 A. Yes.

7 Q. It's a place you always hoped to return to, correct?

8 A. Yes.

9 Q. And I believe on direct from your attorney you had  
10 said you have not permanently relocated, correct?

11 A. You mean in California?

12 Q. Correct, yes.

13 A. Yes.

14 Q. So you going to California was not a permanent  
15 relocation?

16 A. No.

17 Q. Because it is your intent one day to return to  
18 Bedford?

19 A. Yes.

20 Q. Would you classify it then as a temporary relocation?

21 A. In California?

22 Q. In California.

23 MR. SAVINO: Calls for a legal conclusion.

24 THE COURT: I'm going to overrule the objection.

25 Q. There's a question. Do you understand the question

1 or would you like me to repeat it?

2 A. Yes, I think that would be accurate.

3 Q. And I mean you don't really have a lot of physical  
4 attachment to 84 Croton Lake Road, correct?

5 A. Correct.

6 Q. You stayed there once?

7 A. Yes.

8 Q. And you don't really have any continuous contact with  
9 84 Croton Lake Road, correct?

10 A. Continuous...

11 Q. Continuous contact. Continually at the property.

12 A. Physical contact?

13 Q. Well, any continuity with the property. Whatever you  
14 would define as continuity.

15 MR. SAVINO: Objection.

16 THE COURT: I'm going to overrule the objection.

17 A. No.

18 Q. You don't have any continuity with the property?

19 A. My continuity is it's my official residence.

20 Q. Understood.

21 A. Do I have a physical presence there? No.

22 Q. Understood, Mr. Kennedy, thank you. It appears from  
23 your testimony that you live in California, correct? Live.

24 A. Yes.

25 Q. And it's not your current intention to abandon

1 California, correct? But it's probably your future intention?

2 A. Yes.

3 Q. And I think it would be fair to say that you have a  
4 fixed presence at the California address as well. Currently.  
5 Just currently, not future.

6 MR. SAVINO: Calls for a legal conclusion.

7 THE COURT: Can you please stand, Mr. Savino --

8 MR. SAVINO: I'm sorry.

9 THE COURT: -- and tell me why you think that  
10 calls for a legal conclusion?

11 MR. SAVINO: Well, the notion of fixed and  
12 presence actually is language that appears in some of the  
13 case law. And we're here trying to pin down whether  
14 something fits in --

15 MR. CORBETT: Whoa, whoa, whoa, we have -- I'm  
16 sorry, Your Honor, I don't mean to interrupt.

17 THE COURT: Do you want to respond to his  
18 objection?

19 MR. CORBETT: Please, if I could, before he says  
20 any more?

21 THE COURT: Yes. Please stop for a second.

22 MR. CORBETT: Thank you, Your Honor. We have a  
23 witness, a critical witness to this case, which we  
24 appreciate being here, as I've said to him, that is  
25 testifying. There was not one iota of my question that

1 leads to a legal conclusion.

2 If we're going to state what the law says, which  
3 could influence his testimony --

4 THE COURT: I'm going to overrule the objection,  
5 allow him to answer, and I don't want you to state any  
6 more of your conclusions into the record about your belief  
7 about the law.

8 MR. SAVINO: Okay.

9 MR. CORBETT: Thank you, Your Honor.

10 MR. SAVINO: Did he answer the last question?

11 He may have already. I'm sorry.

12 (The Court Reporter read back the requested  
13 material.)

14 BY MR. CORBETT:

15 Q. I'm not referring to the future, Mr. Kennedy, just  
16 currently you appear to have a fixed presence in California?

17 A. By fixed you mean the legal word fixed or the --

18 Q. No, no, no, no.

19 A. Maybe if you used a different word I'd have a better  
20 time with it.

21 Q. Mr. Kennedy, if you could, I'm going to ask the  
22 questions, I just need answers. Do you understand what the  
23 word fixed means?

24 A. It's a legal term here, so --

25 Q. Mr. Kennedy, Mr. Kennedy, please, with all due



1 respect, we have an attorney stating legal conclusions, a lot  
2 of things going on in this case, we've had a very respectful  
3 relationship and I appreciate that.

4 But I am just asking you as you sit here today, a man  
5 whose been educated at the highest institutions, a man whose  
6 had a very successful and well-thought-out career, do you  
7 understand what the word fixed means? Yes or no?

8 A. I understand the dictionary definition.

9 Q. Thank you. Then just under that dictionary  
10 definition do you believe you have a fixed presence in  
11 California?

12 A. To the extent that I am there a lot of my time, yes.

13 Q. That's fair, Mr. Kennedy, thank you. Mr. Kennedy,  
14 we're going to go back to it one more time. I'm going to show  
15 you what's been marked as Petitioner's 90. It is the  
16 affirmation from July 2nd that you submitted in this action.  
17 If you could just take a look at that, please.

18 Mr. Kennedy, I believe I heard your testimony just  
19 earlier to Mr. Savino that you moved 13 times in the Town of  
20 Bedford; is that correct?

21 A. Yes.

22 Q. Mr. Kennedy, that is a sworn document, correct?

23 A. Yes.

24 Q. Can you please go to paragraph 46.

25 A. Yes.

1 Q. And in paragraph 46 I believe it determines one of  
2 those moves; is that correct?

3 A. Yes.

4 Q. Paragraph 46 references -- this is your  
5 affirmation -- that you moved from your Bedford residency to  
6 2 Twin Lakes Road, correct?

7 A. Yes.

8 Q. And that's one of the 13 that you were testifying to  
9 today?

10 A. Yes.

11 Q. Okay. Could we please go to paragraph 29. Tell me  
12 when you're there, Mr. Kennedy.

13 A. Yes.

14 Q. In this sworn document before the Court how many  
15 addresses did you say you've lived in Bedford?

16 A. Eight.

17 Q. Thank you, Mr. Kennedy. I've heard testimony from  
18 you today about mail received at 84 Croton Lake Road from other  
19 states. Essentially, Board of Elections. Do you remember that  
20 testimony?

21 A. That I gave?

22 Q. That you gave that mail was sent to 84 Croton Lake  
23 Road from other states --

24 A. Yes.

25 Q. -- concerning you being on their ballots for the

1 office of the President of the United States. Do you remember  
2 that?

3 A. Yes.

4 Q. And I believe you testified that you used the address  
5 84 Croton Lake Road in petitions in every state that you are  
6 seeking to be on the ballot?

7 A. I'm pretty sure it was every state. Any state that  
8 requires it I used that address. And I believe all of them  
9 require it. But I don't have direct knowledge of that.

10 Q. Right. And it would make sense that those states  
11 would send you mail at that address?

12 A. Yes.

13 Q. Because you gave them official documents saying that  
14 that was your address, correct?

15 A. Yes.

16 Q. You were here when Ms. Moss testified?

17 A. Ms. Moss, yes.

18 Q. And you were here when she had some questions on  
19 redirect by Mr. Savino about the foreclosure action?

20 A. Yes.

21 Q. And you even testified today that you became aware of  
22 the foreclosure action from the New York Post I believe?

23 A. Yes.

24 Q. Are you a defendant in that foreclosure action?

25 A. I guess I could be a John Doe defendant.

1 Q. Okay. But as you sit here now does anything indicate  
2 to you that you are a defendant in that action?

3 A. I haven't been served.

4 Q. Okay. Has anyone contacted you about that  
5 foreclosure action?

6 A. No.

7 Q. Has anyone came to you and said there was liability  
8 on your behalf because of that foreclosure action?

9 A. No.

10 Q. Has that foreclosure action in any way affected your  
11 personal, professional or social well-being?

12 A. No.

13 Q. You had testified that you had lived together  
14 previously I believe with Mr. Haydock, is that correct, prior  
15 to what you're claiming here in court?

16 A. Yes.

17 Q. And I thought I heard you say that even his wife and  
18 your family lived together at one point?

19 A. His partner at the time and my wife and kids and his  
20 kids as well.

21 Q. Excellent. And that was prior to 2012 though,  
22 correct? Prior to the sale of the Bedford home?

23 A. Yeah, that was in -- yes.

24 Q. Thank you.

25 A. Yes.

1           Q.   As a candidate for the public office of President of  
2 the United States do you know that California has the most  
3 electoral votes of all the other states?

4           A.   Yes.

5           Q.   You do.  And I believe I heard your testimony here  
6 today that you don't need to be on the ballot of California to  
7 win an election, was that true?

8                   MR. SAVINO:  Objection, Your Honor, that wasn't  
9 his testimony.

10                   THE COURT:  So do you want to have the testimony  
11 read back or --

12                   MR. CORBETT:  I'll rephrase the question.

13                   THE COURT:  We'll rephrase it.  Sustained.

14 BY MR. CORBETT:

15           Q.   I believe you had some testimony earlier that  
16 indicated the electoral votes in California would not affect  
17 your ability to be the President of the United States?

18                   MR. SAVINO:  Your Honor, objection.  That wasn't  
19 his testimony.

20                   THE COURT:  Well --

21                   MR. CORBETT:  Let's read --

22                   THE COURT:  -- I'm going to overrule it and see  
23 if he wants to answer the question.

24           Q.   Can you answer that question?

25           A.   I believe I testified they weren't necessary to me

1 winning.

2 Q. Okay. But you are aware they have the most electoral  
3 votes of any state?

4 A. Yes. I would like to win.

5 Q. Thank you, Mr. Kennedy. I believe you had  
6 testified -- and I don't want to put words in your mouth --  
7 that you don't want to purchase property because of the burdens  
8 that come with home ownership; is that fair?

9 A. Yes.

10 Q. Cleaning snow in New York when it snows?

11 A. Yes.

12 Q. Having to, you know, do the yard work. All those  
13 maintenance and costs associated with a property under home  
14 ownership, right?

15 A. Yes.

16 Q. And you didn't want to incur those burdens because  
17 you weren't going to be physically in New York most of the  
18 time, you were in California?

19 A. I was never a Californian. I was in California.

20 Q. No, no, maybe you misheard me. I did not refer to  
21 you as a Californian. Did you mishear me?

22 A. Yes, I did.

23 Q. Okay. What I said was the reason you did not want to  
24 have the burdens of home ownership in New York is because you  
25 were in California most the time?

1           A.   Well or traveling or I was in Massachusetts, but I  
2 wasn't going to be at that home --

3           Q.   That's fair.

4           A.   -- all the time.

5           Q.   But you do have the burdens of home ownership  
6 currently in the State of California?

7           A.   And Massachusetts.

8           Q.   That's correct.  But not in the State of New York?

9           A.   No.

10          Q.   No, you do not have the burden --

11          A.   I don't have those kind of burdens in New York.

12          Q.   Thank you, Mr. Kennedy.  Very briefly, there was a  
13 point made about your security and your security detail that  
14 comes with you as you move, and I think we've all seen it.  Do  
15 you remember that point?

16          A.   Yes.

17          Q.   You started to receive protection by the United  
18 States Secret Service just recently; is that correct?

19          A.   Yes.

20          Q.   Prior to that did you have any type of private  
21 security?

22          A.   I did.

23          Q.   And prior to that did you have occasion to fly on any  
24 private planes with that security?

25          A.   I can't recall that we -- I normally am on public

1 transportation.

2 Q. But you may have, during the term of your candidacy  
3 for President, flown on private planes to get to different  
4 locations; is that fair? May have.

5 A. I may have, but I don't recall any time that we used  
6 private aircraft.

7 Q. I'm only referring, just to be clear, for the time  
8 that you've been a candidate.

9 A. That's what I mean. And that's the only time I've  
10 had security.

11 Q. Understood, Mr. Kennedy, thank you. My last  
12 question, Mr. Kennedy... we got there. Goshen, New York --

13 A. Goshen.

14 Q. Goshen, thank you -- is not on the eastern side of  
15 the Hudson River, you agree?

16 A. Yes.

17 Q. Western side of the Hudson River?

18 A. Yes.

19 Q. Not in the Town of Bedford?

20 A. No.

21 Q. A good hour to maybe hour and ten by my estimate,  
22 west of the Town of Bedford; is that fair?

23 A. Yes.

24 MR. CORBETT: All we would ask, Your Honor,  
25 is -- we've been over and about this affirmation for many



1 days. It's already marked, we never put it in. I would  
2 at this time like to introduce this or have it received by  
3 the Court as an exhibit. It would be Petitioner's 90.

4 THE COURT: Mr. Savino, any objection?

5 MR. SAVINO: No objection. No objection.

6 THE COURT: Received.

7 (Petitioner's Exhibit 90 was received in  
8 evidence.)

9 MR. CORBETT: I have no further questions at  
10 this time for Mr. Kennedy.

11 THE COURT: Redirect?

12 REDIRECT EXAMINATION

13 BY MR. SAVINO:

14 Q. Mr. Kennedy, did you live at the same location in  
15 Bedford more than one time?

16 A. Yes.

17 Q. And was one of those locations at which you lived  
18 more than one time Guard Hill Road?

19 A. No, I -- well, I lived at two different addresses on  
20 Guard Hill Road. I never lived in the same house twice.

21 Q. But was there another residence that you actually  
22 lived in or left and returned?

23 A. Yes.

24 Q. What was that?

25 A. It was 205 South Bedford Road. And then it was

1 assigned a new number, 326 South Bedford Road.

2 Q. And you still went back?

3 A. I went back to it.

4 MR. SAVINO: No further questions, Your Honor.

5 MR. CORBETT: Your Honor, at this time the  
6 Petitioners-Objectors rest their portion of this case.

7 THE COURT: All right, thank you.

8 MR. CORBETT: Thank you.

9 THE COURT: Mr. Savino, will you be calling  
10 any -- Mr. Kennedy, thank you for your testimony, you can  
11 be seated.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 (The witness was excused.)  
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16  
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C E R T I F I C A T E

I, **COLLEEN B. NEAL**, Senior Court Reporter in and for the Third Judicial District, State of New York, **DO HEREBY CERTIFY** that the foregoing is a true and correct transcript of my stenographic notes in the above-entitled matter.



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Colleen B. Neal, Senior Court Reporter  
Albany County Courthouse  
Albany, New York 12207